



METROPOLITAN CRIME COMMISSION, INC.

Orleans Parish Criminal Justice System Accountability Report

FALL 2009

The first half of 2009 saw numerous improvements in the arrest and prosecution of felony offenders in Orleans Parish. Since the beginning of 2007, the Metropolitan Crime Commission (MCC) has been tracking arrests, cases accepted for prosecution, and closed felony cases to monitor the performance of the New Orleans Police Department (NOPD) and the Orleans Parish District Attorney's (DA's) Office. While overall results are generally positive, there remains ample opportunity to more effectively utilize criminal justice system resources to improve public safety:

Criminal Justice System Performance Indicators

- There was a significant increase in the number and severity of felony convictions in the first half of 2009.
- The NOPD and DA's Office are being more effective in coordinating their resources to translate arrests for serious offenses into viable prosecutions.
- Thousands of people that pose little public safety risk continue to be arrested for minor warrants.

Arrests in Orleans Parish

After arrests decreased in 2008, the first six months of 2009 saw arrests rise to their highest level since the first half of 2007:

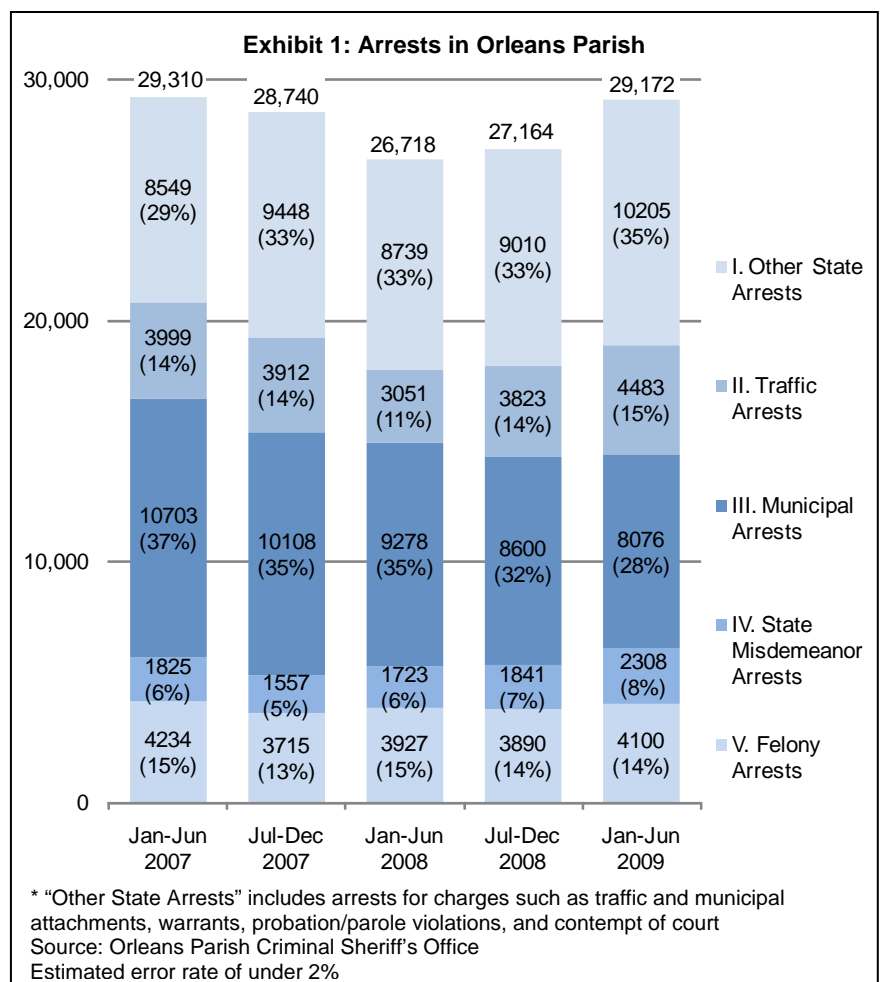
There were 29,172 arrests in the first half of 2009, which is an increase of more than 2,000 arrests from the second half of 2008 (see [Exhibit 1](#)). The biggest increases were seen in Other State Arrests and Traffic Arrests.

The largest category of arrests was Other State Arrests which accounted for 10,205 arrests in the first half of 2009 (see [I. Other State Arrests](#)). Most Other State Arrests are for out of parish warrants. Approximately 6,500 (or 64%) of the Other State Arrests resulted in defendants being released from Orleans Parish Prison without having to post any bond. The parish issuing the warrants determined that these defendants did not pose a risk to public safety that would justify the time or expense of extradition. Eighty percent (80%) of these arrestees were released from jail in one day or less. Over 4,000 of those were arrested for Jefferson Parish warrants.

The 4,483 Traffic Arrests in the first half of 2009 represent an increase of 660 arrests (or 17%) from the second half of 2008 (see [II. Traffic Arrests](#)). Over 3,400 (or 76% of) Traffic Arrests were for license violations such as driving with a suspended or invalid license. Traffic court records also show that 625 individuals were arrested for driving while intoxicated in the first six months of 2009.

The 8,076 Municipal Arrests in the first half of 2009 was the fewest of any time period under study (see [III. Municipal Arrests](#)). However, the reduction in Municipal Arrests could be attributable to changes in how domestic violence cases are prosecuted and may not indicate a transition in the NOPD's arrest strategy. In the second half of 2008, there were approximately 1,000 municipal arrests for domestic violence and fewer than 50 state arrests for domestic violence. In the first half of 2009, the number of municipal domestic violence arrests fell to under 600 and state domestic violence arrests increased to approximately 500.

State Misdemeanor Arrests and Felony Arrests also increased in the first half of 2009 to the highest level since 2007 (see [IV. State Misdemeanor Arrests](#) and [V. Felony Arrests](#)). Although the number of state arrests has increased, they do not account for larger percentages of total arrests. Felony Arrests made up 14% of arrests in the first half of 2009, which is consistent with arrest trends since the beginning of 2007.

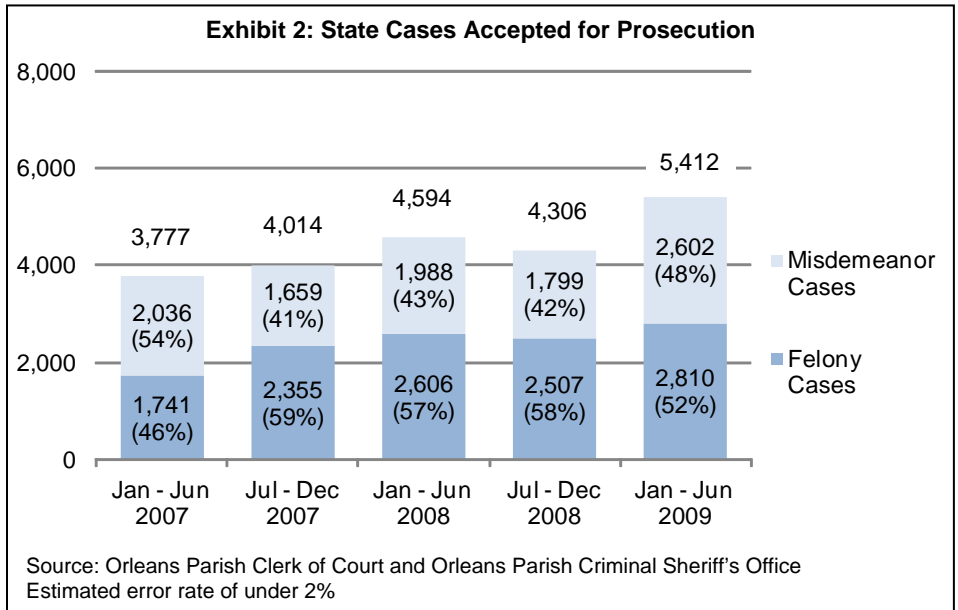


State Cases Accepted for Prosecution

For each new state arrest, police document evidence against a defendant and prepare a report that is submitted to the DA's Office. The DA's Office reviews the evidence and police report and then accepts charges for prosecution if the evidence appears strong enough to obtain a conviction. When the DA's Office deems it does not have sufficient evidence to obtain a conviction, the case is refused and the prosecution ceases.

The 5,412 cases accepted for prosecution is the highest level since the beginning of 2007 (see Exhibit 2). Overall, there were 26% more accepted cases than in the second half of 2008, and 18% more than any other period since the beginning of 2007.

The DA's Office accepted a broader array of charges in the first half of 2009. The biggest increase was with violent cases which made up 16% of new cases in the first half of 2009, compared to 9% of new cases throughout 2007 and 2008. Although the number of drug cases did not decrease, new drug offenses comprised 55% of new cases in the first half of 2009, compared to 66% throughout 2007 and 2008.



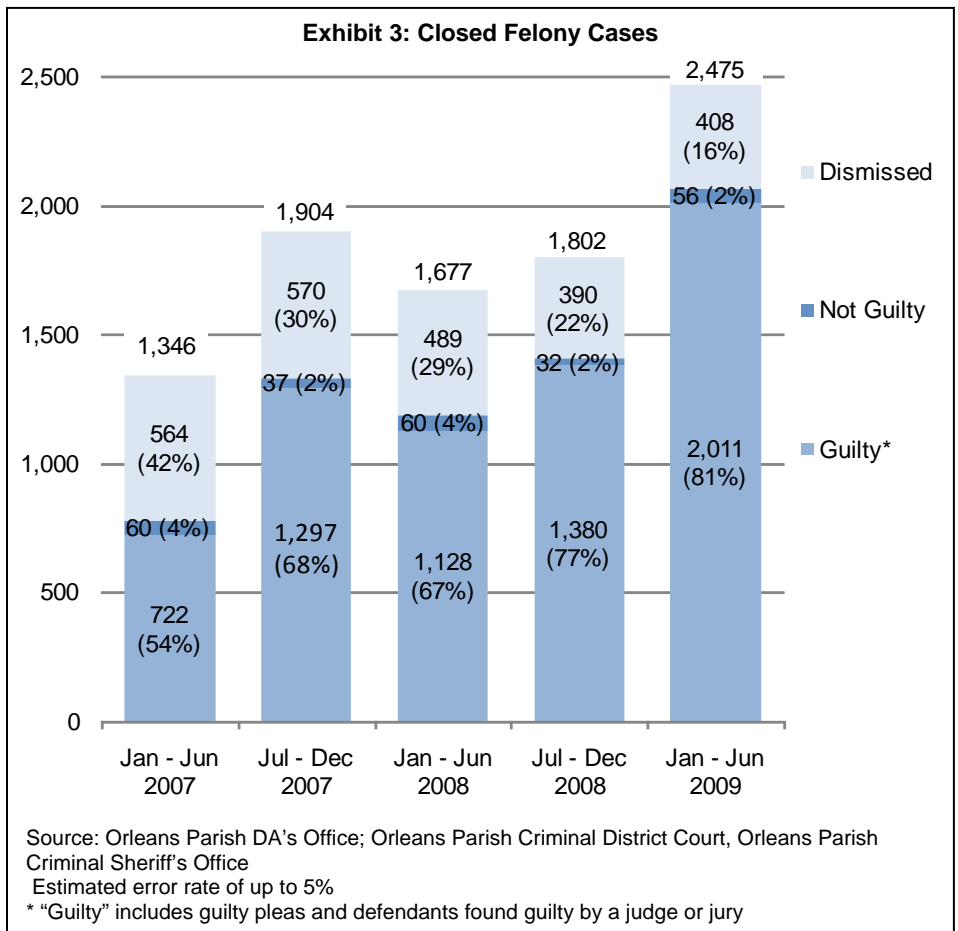
Closed Felony Cases

The prosecution of an accepted case ends when it closes through a guilty plea, a trial verdict (of guilty or not guilty), or dismissal. A dismissal occurs when the DA's Office drops charges against a defendant.

The MCC focuses upon felonies because they represent the most serious category of crime arrested and investigated by the NOPD. Felony convictions also create the opportunity for enhanced sentencing if an offender has any future convictions.

There were significantly more closed felony cases in the first half of 2009 compared to any other period since the beginning of 2007 (see Exhibit 3). A total of 2,475 felony cases closed in Criminal District Court in the first half of 2009, which is a 673 case (or 37%) increase from the second half of 2008.

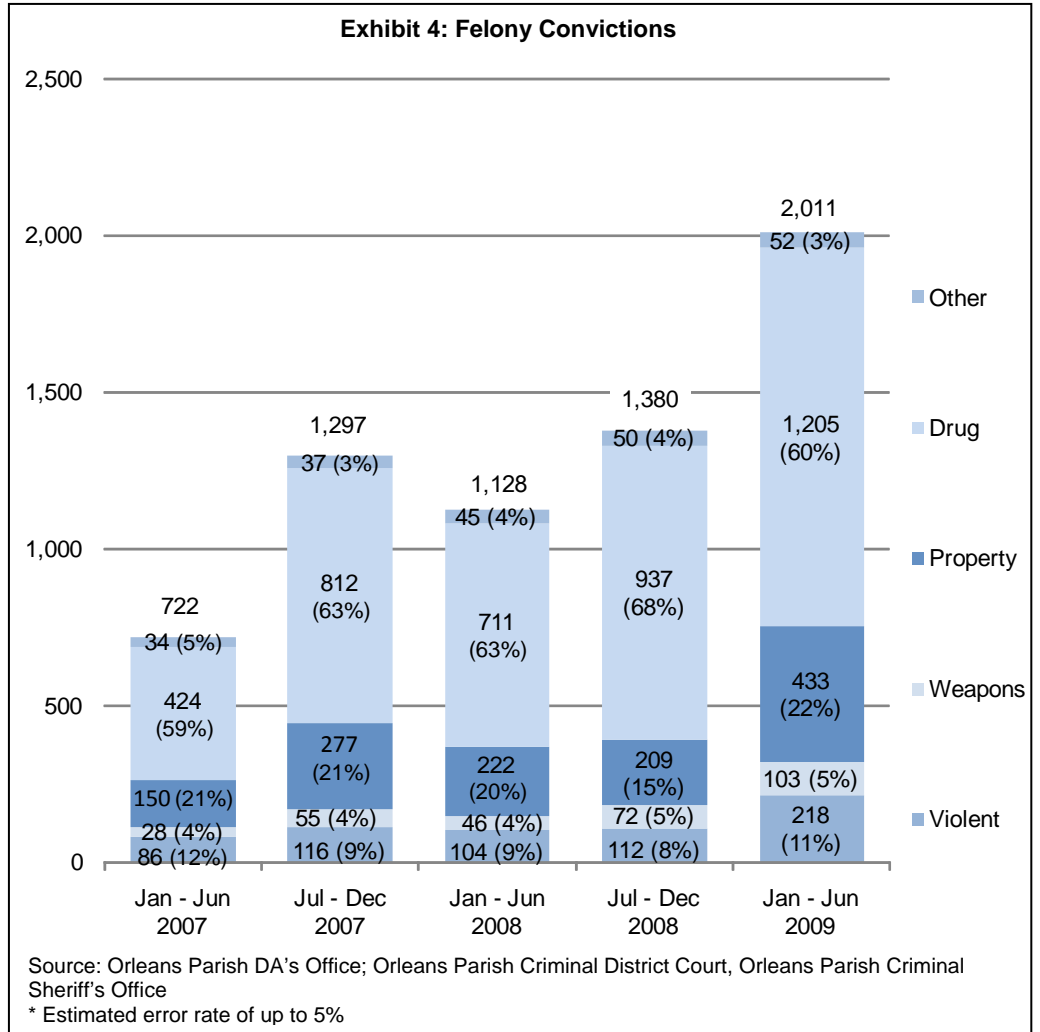
The dismissal rate fell to 16% in the first half of 2009. The dismissal rate has steadily declined from a high of 42% in the first half of 2007. As the dismissal rate decreased, guilty pleas increased. In the first half of 2007, 46% of closed felony cases resulted from defendants pleading guilty, which rose to 78% in the first half of 2009. The lower dismissal rate and higher conviction rate are indicative of better police and prosecutor communication and coordination.



Felony Convictions

In the first half of 2009, felony convictions rose to their highest level since the beginning of 2007 (see Exhibit 4). The 2,011 felony convictions in the first half of 2009 is an increase of 631 (or 46%) over the second half of 2008.

The increased number of felony convictions in the first half of 2009 results from success in prosecuting a variety of different charges. Previous increases in convictions were primarily the result of more drug convictions. For example, the second half of 2008 had 252 more felony convictions than the previous six months, and drug offenses accounted for 226 or 90% of the increase. In the first half of 2009, drug cases accounted for 268 or 42% of the increase in felony convictions. **The greater number of felony convictions in the first half of 2009 is primarily due to more violent, property, and weapons offense convictions.**



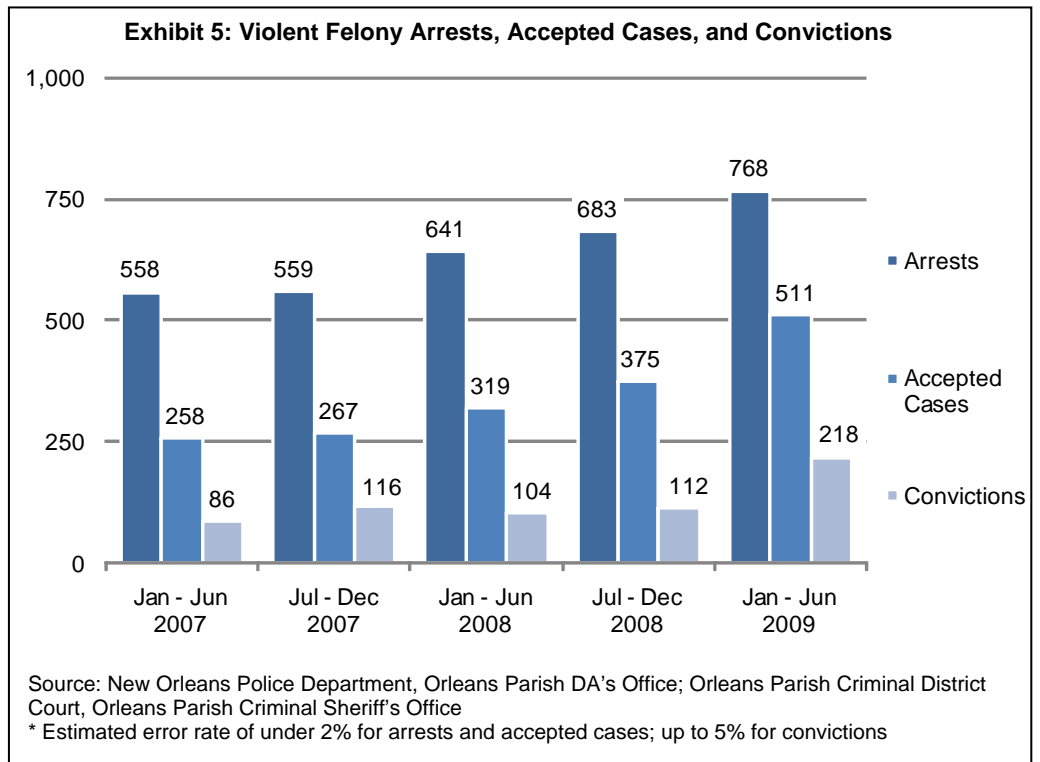
Violent Felony Crimes

The NOPD and DA's Office are steadily increasing arrests and convictions for violent felony crime in New Orleans (see Exhibit 5).

Arrests for violent felony crimes were stagnant in 2007, but they have steadily increased since the beginning of 2008. The 768 arrests for felony violent crimes in the first half of 2009 is the highest number recorded since the beginning of 2007.

As violent felony arrests rose, the DA's Office began accepting more violent felony cases in 2008, and the number of new cases consistently increased through the first half of 2009.

Although more violent felony cases were accepted in 2008, violent felony convictions did not significantly increase until the first half of 2009. **The 218 violent felony convictions in the first half of 2009 is already greater than the 216 convictions in all of 2008.**



CONCLUSIONS

The first half of 2009 saw numerous improvements in the performance of the New Orleans criminal justice system, but arrests for petty offenses continue to drain limited system resources and alienate significant portions of the community.

The MCC congratulates the New Orleans Police Department (NOPD) and District Attorney's (DA's) Office for better coordinating their efforts to achieve the significant improvements documented in the first half of 2009. In the first half of 2009, more state cases were accepted for prosecution and there were more felony convictions than in any study period since the beginning of 2007. The police are more successful in proactively targeting and arresting defendants for serious crimes and the DA's Office is responsively increasing prosecutions. In the long-term this newfound success should result in improved community safety.

In addition to increasing the number of convictions, the DA's Office has greatly reduced the dismissal rate. Dismissal rates fell from a high of 42% in the first half of 2007 to 16% in the first half of 2009. Dismissals are cases that the DA's Office originally determined to have enough evidence to achieve a conviction that were later found to be nonviable. Dismissals can squander the resources of every facet of the criminal justice system that participates in the processing of criminal cases. Victims, witnesses, and defendants are also negatively impacted by the time they spend participating in accepted criminal cases that are later dismissed. The lower dismissal rate is likely the result of better police work and changes in the DA's screening process for new criminal cases. Better cases are being accepted into the criminal justice system, which results in more convictions and improved utilization of community and criminal justice system resources.

The MCC respectfully encourages city leadership, state legislators, and the NOPD to obtain relief from legal guidelines compelling police to arrest individuals with outstanding petty offense warrants. Presently, state law requires police to arrest all individuals with outstanding warrants. In the first half of 2009, over 6,500 individuals were arrested for a warrant and released when the jurisdiction issuing the warrant refused to take custody of the defendant. These individuals were determined not to be a threat to community safety and released without being required to post any bond. Many of these warrants are for nonpayment of traffic fines and other very minor offenses. These warrant arrests accounted for 22% or more than one in five arrests in Orleans Parish in the first half of 2009. More than 4,000 of these arrests were for warrants from Jefferson Parish.

These arrests consume an inordinate amount of resources without contributing to public safety. An hour and a half is a conservative estimate for the time it takes for a police officer to place someone under arrest, transport a defendant to Orleans Parish Prison, complete necessary paperwork, and return to service. The average salary of a Police Officer is \$42,977¹, which translates to \$209,500 in police salary expenses spent in the first six months of 2009 arresting individuals that were quickly released without having to post bond. The per diem rate that the city pays to the Criminal Sheriff is \$22.39, which calculates to \$145,535 spent housing

these prisoners for the first night in jail after which most were released. In total, the city conservatively spent \$355,035 in the first half of 2009 arresting and jailing individuals with outstanding warrants for minor offenses. This conservative cost estimate assumes that only one officer was involved in each arrest and does not factor the additional economic losses of paying for police supervisors, time that arrested subjects miss from work, and other related expenses.

The MCC respectfully encourages the NOPD to pursue revisions to state law, cooperative agreements with regional law enforcement agencies, and any other measures that may reduce arrests of individuals with misdemeanor warrants who do not threaten public safety. Individuals rapidly released after being arrested for minor offenses feed the "revolving door" syndrome that has long plagued the criminal justice system.

The MCC does not advocate ignoring enforcement of traffic, municipal, and misdemeanor laws. Rather, these laws can be enforced through issuing summonses in lieu of arrest. Increased use of summonses is an effective police manpower multiplier as police would be able to more quickly respond to calls for service and apply more resources to felony investigations.

The MCC commends the NOPD and DA's Office for successfully increasing arrests and prosecutions for violent felony offenses. Beginning in 2008, the NOPD steadily increased arrests for violent felony crimes and the DA's Office responded by accepting more violent felony crimes for prosecution. In the first half of 2009, the higher number of arrests and accepted cases began to translate into significantly more violent felony convictions. However, the 218 violent felony convictions in the first six months of 2009 is vastly lower than the 1,403 violent felony crimes² reported by the NOPD during the same time.

Since the inception of this Criminal Justice System Accountability program, the MCC has repeatedly called for the NOPD and DA's Office to better collaborate to increase the conviction rate for violent felony offenses, and the first half of 2009 is the first time that there has been significant progress in convicting violent offenders.

The criminal justice process begins with arrests, and the arrest strategy of the NOPD appears counterproductive to achieving optimal results. Only 14% of arrests were for new felony offenses, which has been an impediment to criminal justice system performance. The performance of a criminal justice system is best gauged by a high arrest-to-conviction ratio for significant criminal offenses and not the raw numbers of arrests or convictions. A high volume of arrests for petty offenses coupled with few convictions for serious offenses does little to make the community safer. This longstanding arrest strategy erodes public confidence in the criminal justice system and alienates a substantial portion of the community. Improvements by the NOPD and DA's Office demonstrate that problems with transitioning arrests to convictions are being addressed through expanded cooperation, and prove that the criminal justice system has the ability to continue broadening the arrest and conviction of violent predators that pose the greatest risk to community safety.

Acknowledgements

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¹ Salary calculation based upon salaries of 1,047 Police Officer I's, II's, III's, and IV's as of June 29, 2009

² NOPD report of UCR crime offenses January-June 2009; www.cityofno.com/pg-50-141-2009-yearly-crime-statistics.aspx

This report and supplemental tables of information are available on the MCC website: www.metropolitancrimecommission.org