



# METROPOLITAN CRIME COMMISSION, INC.

## Orleans Parish Criminal Justice System Accountability Report

JANUARY 2015

In 2007, the Metropolitan Crime Commission (MCC) began monitoring all arrests, felony cases accepted for prosecution, and closed felony cases to evaluate the performance of the New Orleans Police Department (NOPD) and the Orleans Parish District Attorney's (DA's) Office. Arrest statistics demonstrate how the NOPD applies its resources to address criminal activity. Trends in the outcomes of felony arrests show how effectively the DA's Office and NOPD coordinate to prosecute the most serious offenders in Orleans Parish.

Orleans Parish District Attorney Leon Cannizzaro was sworn into office in November of 2008. The NOPD was lead by Superintendent Ronal Serpas from May of 2010 until August of 2014 when Superintendent Michael Harrison was appointed. This report examines trends in arrests, charging decisions for felony arrests, and closed felony cases from the second half of 2012 to the first half of 2014 to measure recent changes in criminal justice system performance. For additional information, see supplemental exhibits at [www.metrocrime.org](http://www.metrocrime.org).

### Arrests in Orleans Parish

**Arrests fell in each six month period since July of 2012 (see Exhibit 1).** Total arrests declined by 15% from 16,414 in the second half of 2012 to 13,921 in the first half of 2014. The NOPD reported a 30% increase in major reported violent crime and a 14% increase in major reported property crime in the first half of 2014.<sup>1</sup>

**"Other State Arrests" consistently accounted for 11% to 13% of arrests across the study period (see I. Other State Arrests).** Other state arrests are mostly for probation and parole violations or a judge's order to hold a defendant in jail. These arrests are pursuant to a court order and not a discretionary decision of a police officer.

**State warrant and out of parish attachment arrests were most common and made up 29% to 31% of all arrests (see II. Out of Parish Warrant Arrests).** State warrants and attachments may include serious felony crimes but are most often for minor offenses such as unpaid traffic tickets. For example, of the 4,166 state warrant and out of parish attachment arrests in the first half of 2014, 1,804 or 43% were people arrested for a minor offense in Jefferson Parish and released from custody within two days.

**Traffic arrests went from making up 15% of arrests in the second half of 2012 to 12% in the first half of 2014 (see III. Traffic Arrests).**

**Municipal and state misdemeanor arrests decreased with total numbers of arrests and accounted for 24% to 27% of all arrests (see IV. Municipal and State Misdemeanor Arrests).** At the same time, municipal summonses also decreased from 7,095 in the second half of 2012 to 6,378 in the first half of 2014.<sup>2</sup>

**Felony arrests made up a slightly increased portion of total arrests (see V. Felony Arrests).** From July 2012 through June 2013, felony arrests made up 18% of all arrests and increased to 20% of all arrests thereafter.

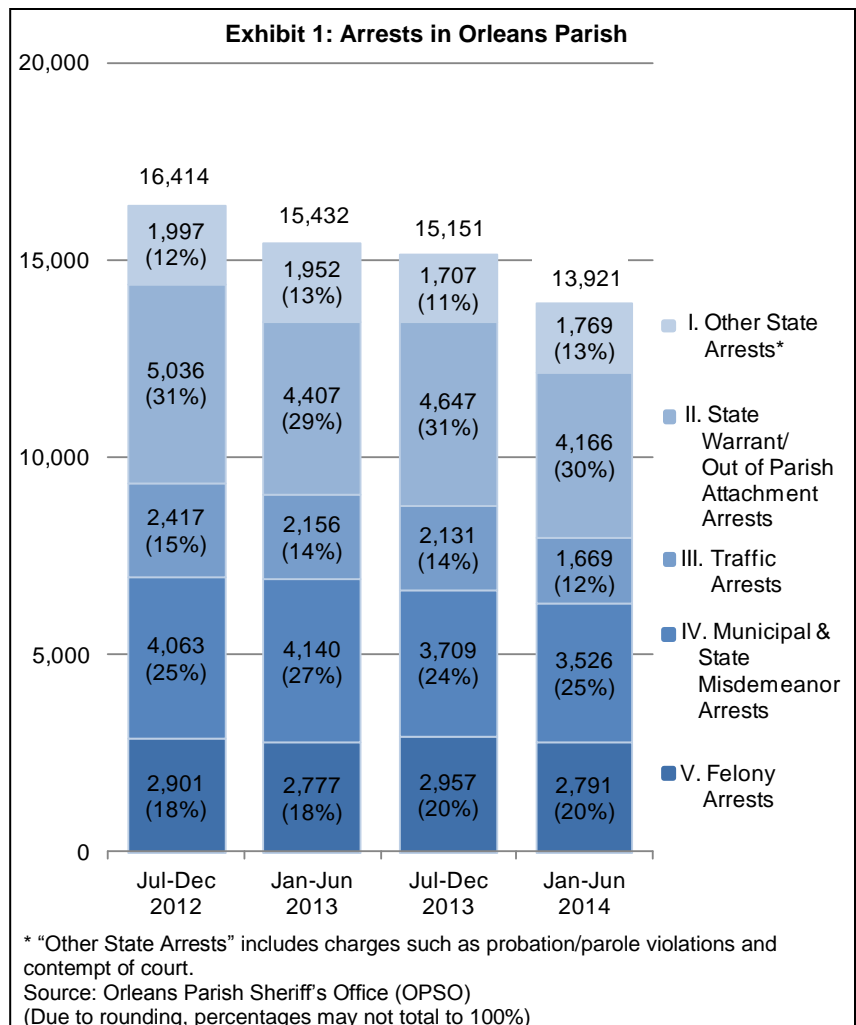
**Summary of Findings:** The two-year study period had improvements as well as opportunities to increase efficiency:

#### Positive Findings:

- As total arrests decreased, police maintained focus on arrests for more serious felony crimes, particularly crimes of violence.
- There were increases in the rates of felony arrests accepted for prosecution and felony convictions.

**Areas to Improve Efficiency:** The following inefficiencies increase criminal justice system costs to taxpayers and increase the need for jail space.

- It took eight days longer to reach prosecutorial decisions for suspects arrested for felonies.
- Police arrest too many people for minor out of parish warrants who are rapidly released from custody.
- Between 8% and 10% of people arrested for felonies were over charged by the NOPD and instead their cases were accepted as misdemeanor charges.



## Felony Arrests

MCC analysis emphasizes felonies because they are the most significant crimes addressed through the local criminal justice system. Felonies include murder, rape, robbery, illegal use and possession of firearms, burglary, theft, and narcotics possession and distribution. Offenders can only be sentenced to more than one year in prison if they are convicted of a felony. Felony convictions can also provide a basis for longer incarceration sentencing if an offender has any future felony convictions.

**Exhibit 2** presents the numbers of felony arrests by the most serious charges against suspects from the second half of 2012 through the first half of 2014.

**Felony arrests had a small 6% fluctuation across the study period** from low of 2,777 in the first half of 2013 to a high of 2,957 in the second half of 2013.

There was an increase in violent felony arrests and a decrease in drug felony arrests in the first half of 2014 compared to the second half of 2012 and all of 2013. **Violent felony arrests were at their highest levels in the first half of 2014 as they accounted for 26% of all felony arrests.** At the same time, felony arrests for drugs were at their lowest level and made up 29% of all felony arrests in the first half of 2014. Arrests for property, weapons, and other felony offenses were largely consistent throughout the study period.

## Charging Decisions

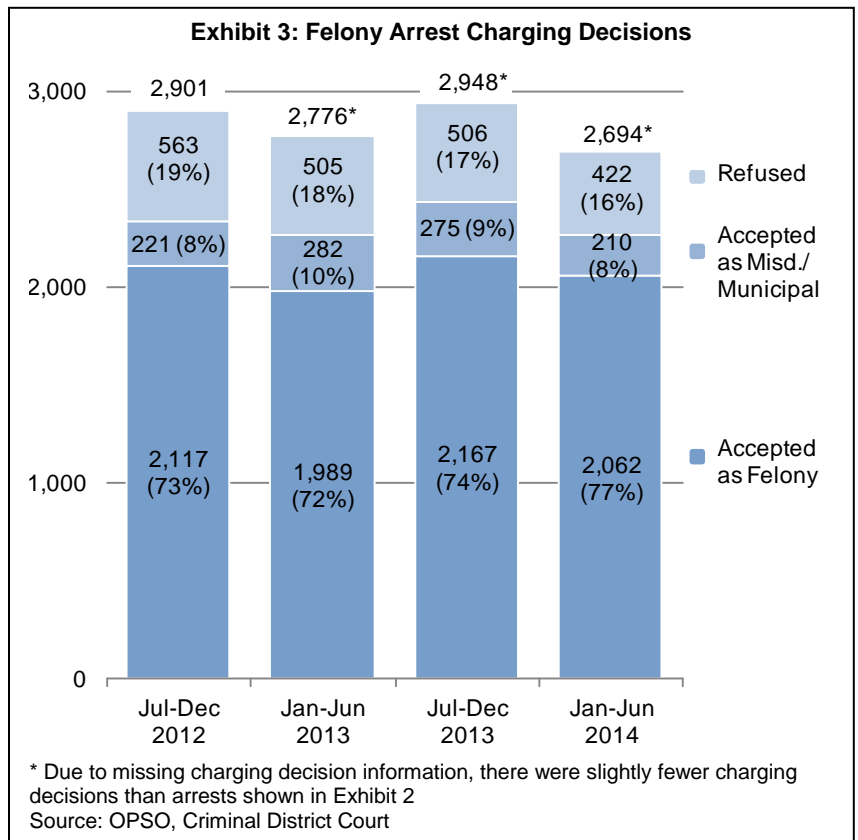
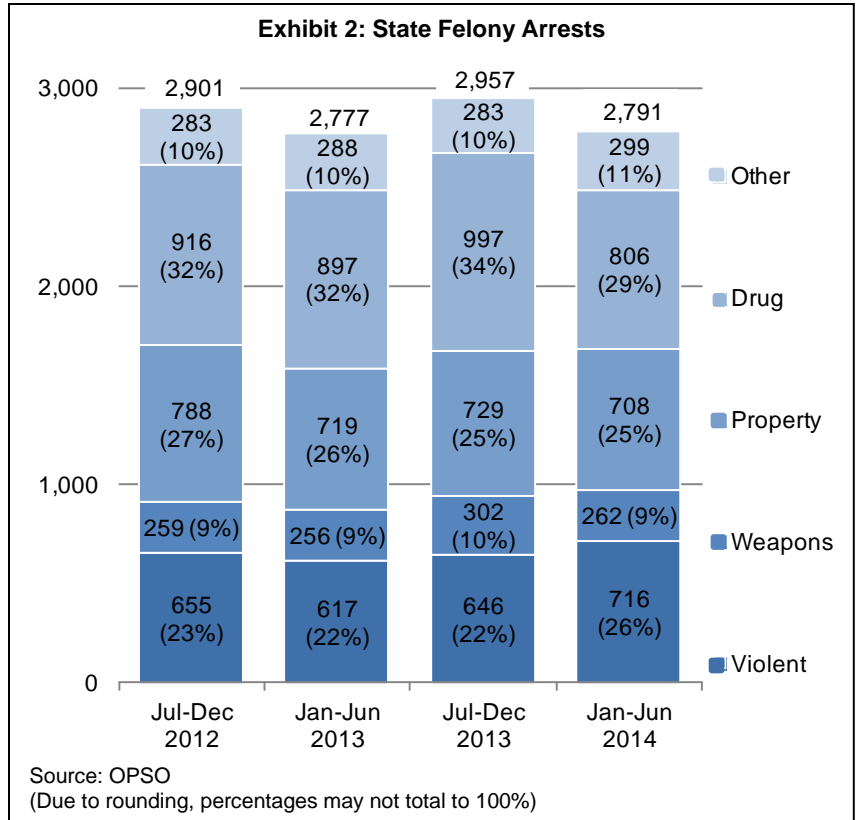
For each new state arrest, police compile evidence against an arrested subject and submit it to the DA's Office. The DA's Office reviews reports submitted by police to determine if there is sufficient evidence to prove guilt and obtain a conviction. The DA's Office may refer a case back to the police asking to supplement the initial investigation in an effort to build a stronger case. Some charges are upgraded from misdemeanors to felonies or lowered from felonies to misdemeanors when they are accepted for prosecution. When the DA's Office deems it does not have enough evidence for a conviction, a case is refused or declined for prosecution. In some instances, the DA's Office may refer a case to another entity, usually Municipal Court.

**Exhibit 3** shows the charging decisions of felony arrests over the two-year study period from the second half of 2012 through the first half of 2014.

**There was an incremental increase in felony arrests accepted for prosecution as felony cases during the first half of 2014.** Seventy-seven percent (77%) of felony arrests from the first half of 2014 were accepted for prosecution as felonies. Comparatively, 72% to 74% of felony arrests were accepted as felony cases from the second half of 2012 through 2013.

Felony arrests refused for prosecution decreased across the study period. Nineteen percent (19%) of felony arrests from the second half of 2012 were refused prosecution which steadily declined to 16% of felony arrests from the first half of 2014 being declined for prosecution.

The rate of felony arrest charges being reduced to misdemeanor or municipal charges fluctuated slightly between 8% and 10%.



**Exhibit 4** presents the median number of days that it took for the DA's Office to make charging decisions for felony arrests. The median number of days falls in the middle of the range of times it took to reach charging decisions. Half of charging decisions took less time than the median and half of charging decisions took more time than the median. In order to include the most complete information available, charging decision times are calculated from when a suspect first appeared in magistrate court until a charging decision was filed with the Clerk of Criminal District Court.

**The median charging decision time increased by eight days over the two year study period.**

It took a median of 44 days for a felony arrest to reach a charging decision in the second half of 2012 which increased to a median of 52 days in the first half of 2014.

**Exhibit 5** shows the percent of felony suspects held in custody until the DA's Office made a charging decision. Between 42% and 45% of people arrested for felonies were held in custody until it was determined whether charges would be prosecuted against them.

The City of New Orleans usually pays when suspects are kept in jail waiting for charging decisions. Suspects waiting longer for charging decisions cost the city more and increases the need for jail space. Records from July 2013 through June 2014 in the last year of the study show that 2,276 felony suspects held in jail until their charging decisions spent approximately 98,000 days in custody before a determination was made on whether they would be prosecuted.

**Closed Felony Cases**

The prosecution of a felony case ends through a guilty plea, a trial verdict (of guilty or not guilty), or dismissal. A dismissal occurs when the DA's Office drops previously accepted charges against a defendant. Some cases are dismissed when a defendant successfully completes the DA's Diversion program, which allows defendants to avoid being prosecuted in exchange for their participation in counseling, training, and educational programs.

**Exhibit 6** shows the outcomes of cases that closed as felonies from the second half of 2012 through the first half of 2014. Cases referenced in Exhibit 6 closed within the time periods shown and are not based upon felony arrests shown in Exhibits 1 through 5.

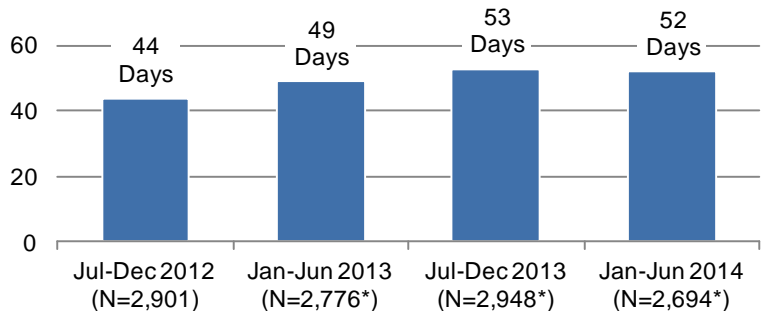
There was a 14% reduction in the total number of closed felony cases from 2,153 in the second half of 2012 to 1,858 in the first half of 2014.

**The first half of 2014 had the lowest number of closed cases but the highest conviction rate over the two year study period.**

In the second half of 2012, 77% of felony cases concluded with a guilty verdict or guilty plea, which increased to 85% of defendants being found or pleading guilty in the first half of 2014.

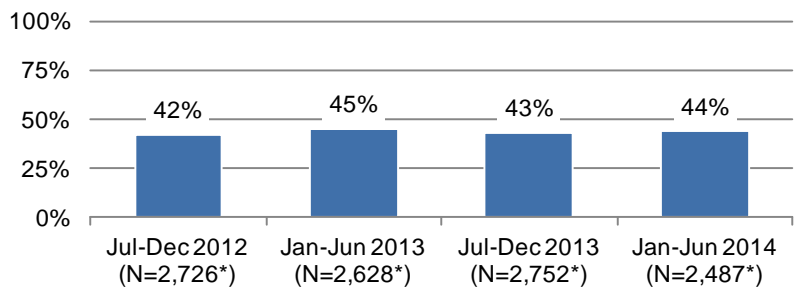
**The case dismissal rate fell significantly** from 13% of closed felony cases in the second half of

**Exhibit 4: Median Felony Arrest Charging Decision Times**



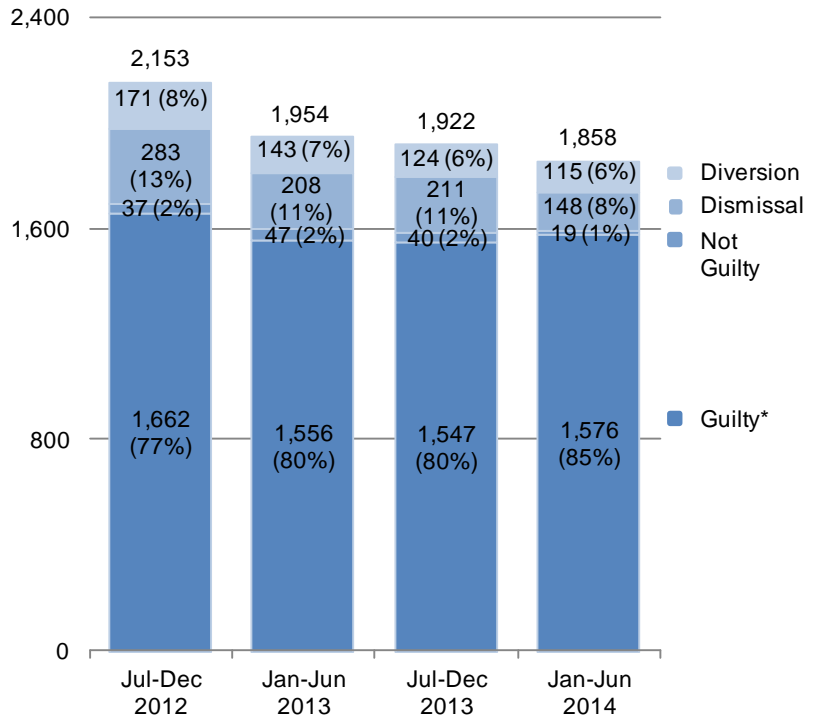
\* Due to missing charging decision information, there were slightly fewer charging decisions than arrests shown in Exhibit 2  
Source: OPSO, Criminal District Court

**Exhibit 5: Percent of Felony Suspects in Custody at the Time of Charging Decisions**



\* Due to missing arrest and release data, there was only custody information for 94% of charging decisions  
Source: OPSO, Criminal District Court

**Exhibit 6: Closed Felony Cases**



Source: OPSO, Criminal District Court  
\* Includes guilty as charged/guilty of a lesser charge pleas and judge or jury trial verdicts  
(Due to rounding, percentages may not total to 100%)

2012 to 8% of closed felony cases in the first half of 2014. The combination of more defendants pleading or being found guilty and a reduction in dismissals are strong indicators that the DA's Office has improved their felony case screening process.

There were incremental decreases in the rates of cases closing through the diversion program and defendants being found not guilty in a judge or jury trial.

## CONCLUSIONS AND RECOMMENDATIONS

A steep reduction in police manpower has depleted the NOPD to a 37-year staffing low with fewer than 1,000 officers actively working.<sup>3</sup> The smaller police force generated fewer total arrests and issued fewer municipal summonses. The NOPD acknowledged a 30% increase in reported major violent crimes and a 14% increase in reported major property crimes during the first six months of 2014.<sup>1</sup> Improvements in police and prosecutor performance demonstrate they are effectively applying limited resources to these most serious felony offenses.

Fewer people were arrested for traffic offenses, municipal charges, warrants, and attachments. At the same time, there was little change in the overall numbers of felony arrests and arrests for violent felony offenses increased. **Improved police and prosecutor collaboration was demonstrated through increases in felony arrests accepted for prosecution and rate of felony convictions.** These improvements show a successful focus upon felony offenses. However, there are several opportunities for improved efficiency with respect to the use of criminal justice system resources.

**The NOPD should utilize discretion granted to them by state law to reduce arrests for minor out of parish warrants and attachments.** The first six months of 2014 saw 1,804 individuals, about 10 each day, who were arrested for a Jefferson Parish warrant and released within two days. Each of these arrests takes an officer off the streets for at least an hour. The city of New Orleans pays to house these inmates until Jefferson Parish orders their releases. Arrests for minor out of parish attachments and warrants continue to unnecessarily consume finite police manpower and waste taxpayer funds detaining suspects that other jurisdictions refuse to accept into custody.

**Police and prosecutors should work together to reduce the time it takes to reach a decision about whether or not felony offenders will be prosecuted.** The time for the DA's Office to reach a charging decision grew by eight days over the last two years. This study cannot determine if this increased delay is because police took longer to submit a case to the DA's Office or if the DA's Office took longer to review cases and reach a charging decision. Delays in charging decisions make the entire criminal justice process take longer and can leave victims, witnesses, and

innocent people accused of crimes unnecessarily waiting for a conclusion. Between, 42% to 45% of felony suspects stay in jail until the DA's Office reaches a charging decision. Longer charging decision times increase how long suspects are held in custody, meaning the cost to the city of New Orleans goes up and the need for jail space increases.

**Police and prosecutors should work to minimize how often people are arrested for felonies and later prosecuted for misdemeanor and municipal charges.** Between 8% and 10% of all felony arrests were reduced to misdemeanor charges when they were accepted for prosecution. People charged with felonies have higher bail bond amounts and are more likely to stay in custody, which substantially increases the cost of their pretrial detention. Their cases must be reviewed by state prosecutors in the DA's Office to reach charging decisions. Conversely, people arrested for municipal crimes are usually released from jail sooner and have their cases resolved more efficiently by prosecutors working in Municipal Court. A careful review of felony arrests that are reduced to misdemeanors and transferred to Municipal Court could identify the types of cases which police over charge for felony crimes. Prosecutors should counsel officers to charge suspects with appropriate misdemeanor offenses when warranted by the facts. Properly charging suspects will allow police to use more summonses in lieu of arrest which reduces police manpower and criminal justice system resources dedicated to addressing low level offenses.

\* \* \*

The NOPD and DA's Office continue to effectively secure convictions against the vast majority of those arrested for felony offenses, but there are significant opportunities for improved efficiency. Curtailing arrests for minor offenders from other parishes, reducing the time it takes to determine if someone will be prosecuted, and accurately charging suspects at the time of arrest can improve the utilization of criminal justice system resources. Reductions in these areas will free police to respond to felony calls for service in a more timely manner and will decrease the time that people spend in jail.

## Sponsors

The Metropolitan Crime Commission expresses its appreciation to the following sponsors who make this research possible: **Baptist Community Ministries, the late Jerome Goldman, and the Business Council of New Orleans.**

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<sup>1</sup> Source: New Orleans Police Department; <http://www.nola.gov/nopd/crime-data/crime-stats/>

<sup>2</sup> Source: New Orleans Municipal Court. See "Orleans Parish Criminal Justice Accountability Report January 2015 – Supplemental Exhibits and Statistics" Supplemental Exhibit 19, Metropolitan Crime Commission, January 2015; <http://metrocrime.org/mcc-programs/research-program/>

<sup>3</sup> "NOPD monitor critical of training" *The New Orleans Advocate*; December 23, 2014