



METROPOLITAN CRIME COMMISSION, INC.

Orleans Parish Criminal Justice System Accountability Report

NOVEMBER 2013

The Metropolitan Crime Commission (MCC) has examined the performance of the New Orleans Police Department (NOPD) and the Orleans Parish District Attorney's (DA's) Office since 2007 by monitoring arrests, felony cases accepted for prosecution, and closed felony cases. Arrest statistics provide information on how the NOPD applies its resources to address criminal activity. Moving forward through the criminal justice process and analyzing trends in accepted felony cases and felony convictions indicates how effectively the DA's Office and NOPD coordinate their resources to prosecute the most serious offenders in Orleans Parish.

Orleans Parish District Attorney Leon Cannizzaro was sworn into office in November of 2008, and Ronal Serpas was appointed Superintendent of the NOPD in May of 2010. This report reviews trends in arrests, felony cases accepted for prosecution, closed felony cases, and pending felony cases in Orleans Parish Criminal District Court from January of 2012 through June of 2013 in order to examine recent changes in criminal justice system performance and outcomes.

Arrests in Orleans Parish

Arrests steadily declined from the first half of 2012 through the first half of 2013 to reach their lowest levels since the MCC began tracking in 2007 (see Exhibit 1). Arrests had an overall decline of 15% from 18,258 in the first half of 2012 to 15,432 in the first half of 2013. All categories of arrest had reductions from the first half of 2012 to the first half of 2013.

The largest decline was in "Other State Arrests" which had a 19% decrease from 7,884 in the first half of 2012 to 6,359 in the first half of 2013 (see I. Other State Arrests). "Other State Arrests" are most often for warrants or attachments issued by other jurisdictions, often for unpaid traffic tickets or other minor offenses. Arrests identified as having an out of parish warrant or attachment as the most serious charge totaled 4,878 in the first half of 2013, which is a 15% reduction from the 5,764 such arrests in the first half of 2012. Jefferson Parish warrants and attachments accounted for 3,467 arrests or 22% of all arrests in the first half of 2013. 2,085 or 60% of those arrested for Jefferson Parish warrants and attachments in the first half of 2013 were released from custody within one day, and 2,564 or 75% resulted in release from custody within three days.

Arrests for traffic offenses decreased by 15% from 2,526 in the first half of 2012 to 2,156 in the first half of 2013 (see II. Traffic Arrests).

Analysis combines municipal and state misdemeanors because the majority of these cases are prosecuted in New Orleans Municipal Court. Municipal and state misdemeanor arrests had the smallest decline and decreased 11% from 4,661 in the first half of 2012 to 4,140 in the first half of 2013 (see III. Municipal and State Misdemeanor Arrests). At the same time, summonses for municipal offenses decreased 12% from 7,813 in the first half of 2012 to 6,855 in the first half of 2013.¹ Decreases in municipal and state misdemeanor arrests paired with fewer summonses contrasts from what was found in 2011 and the first half of 2012 when reductions in municipal and state misdemeanor arrests were the result of police issuing greater numbers of summonses in lieu of arresting low level offenders. Simultaneous reductions in municipal and state misdemeanor arrests and municipal summonses in the first half of 2013 indicate lower overall activity that likely results from a smaller police force.

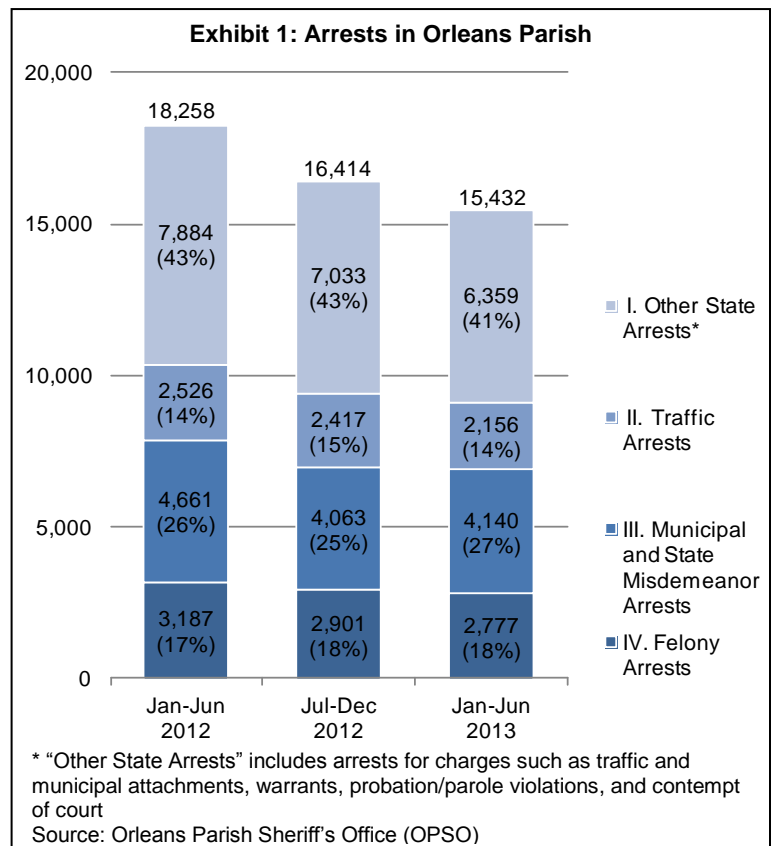
The types of arrests remained consistent from the first half of 2012 to the first half of 2013. For example, felony arrests consistently accounted for 17% to 18% of all arrests (see IV. Felony Arrests). The consistent ratio of different types of arrest charges indicates that there was not a shift in overall arrest strategies corresponding with decreases in arrests.

Summary of Findings

Overall reductions in arrests and felony cases processed by the New Orleans criminal justice system likely resulted from police manpower declining to a 35-year low of 1,207 officers in October of 2013:

- Total arrests diminished 15% from the first half of 2012 to the first half of 2013, falling to their lowest levels since 2007.
- New felony cases accepted for prosecution also reduced to their lowest levels since 2007 and decreased 15% from the first half of 2012 to the first half of 2013
- The first half of 2013 had fewer closed felony cases than any other time since the second half of 2008.
- Pending felony cases in Orleans Parish Criminal District Court reduced 16% from the first half of 2012 to the first half of 2013.

The city of New Orleans plans an aggressive campaign to hire 150 new NOPD officers in 2014, which, if successful, will likely generate more arrests as those officers are deployed and increase the workload of the entire criminal justice system.



Felony Arrests in Orleans Parish

MCC analysis focuses upon felony arrests because they are the most serious crimes addressed through the local criminal justice system. Felonies include murder, rape, robbery, illegal use and possession of firearms, burglary, theft, and possession/distribution of narcotics. Sentences to incarceration for greater than one year are only possible through felony convictions. Felony convictions can also provide a basis for enhanced incarceration sentencing should an offender have any future felony convictions. **Exhibit 2** presents the numbers of felony arrests divided into the various categories of arrest charges against defendants from the first half of 2012 through the first half of 2013.

Felony arrests decreased 13% from 3,187 in the first half of 2012 to 2,777 in the first half of 2013, which is the fewest number of felony arrests since 2007.

The largest decline was drug felony arrests which went down 24% from 1,183 in the first half of 2012 to 897 in the first half of 2013. Smaller reductions were found in felony arrests for violent, weapons, and property offenses.

“Other” felony crimes include charges such as bail jumping and failure to register as a sex offender. Arrests for “other” felony crimes had a small 4% increase from 278 in the first half of 2012 to 288 in the first half of 2013.

There was not a significant shift in the enforcement for different types of offenses from the first half of 2012 through the first half of 2013. Violent felonies consistently accounted for 22% to 23% of all felony arrests, while weapons and other arrests each accounted for 9% to 10% of felony arrests. There was a small decrease in the rate of drug felony arrests which accounted for 37% of felony arrests in the first half of 2012 and decreased to 32% of all arrests in the first half of 2013. While actual numbers of property crimes declined, the proportion of felony arrests for property offenses had a modest increase from 23% of all arrests in the first half of 2012 to 26% in the first half of 2013.

Felony Cases Accepted for Prosecution in Orleans Parish

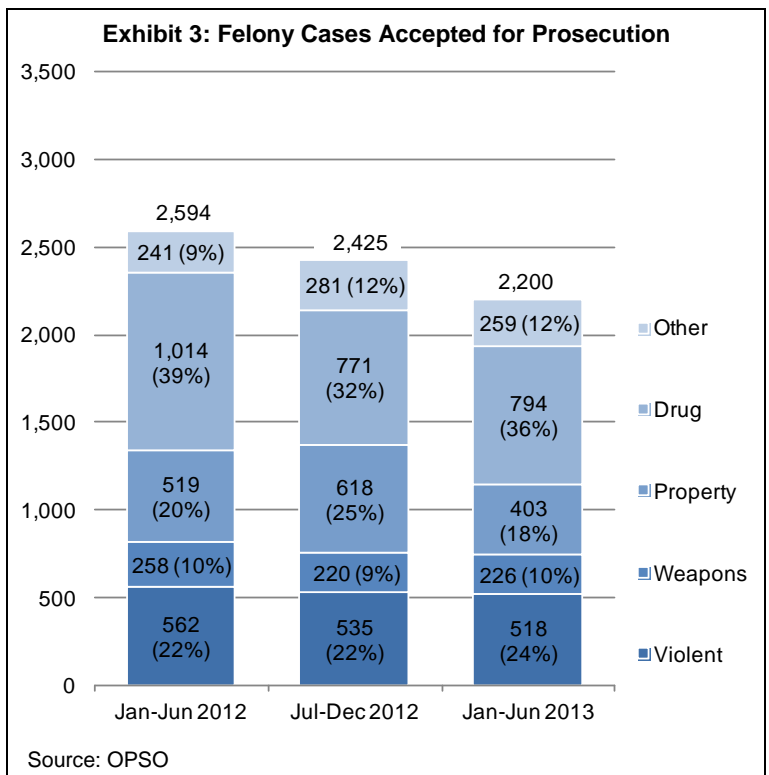
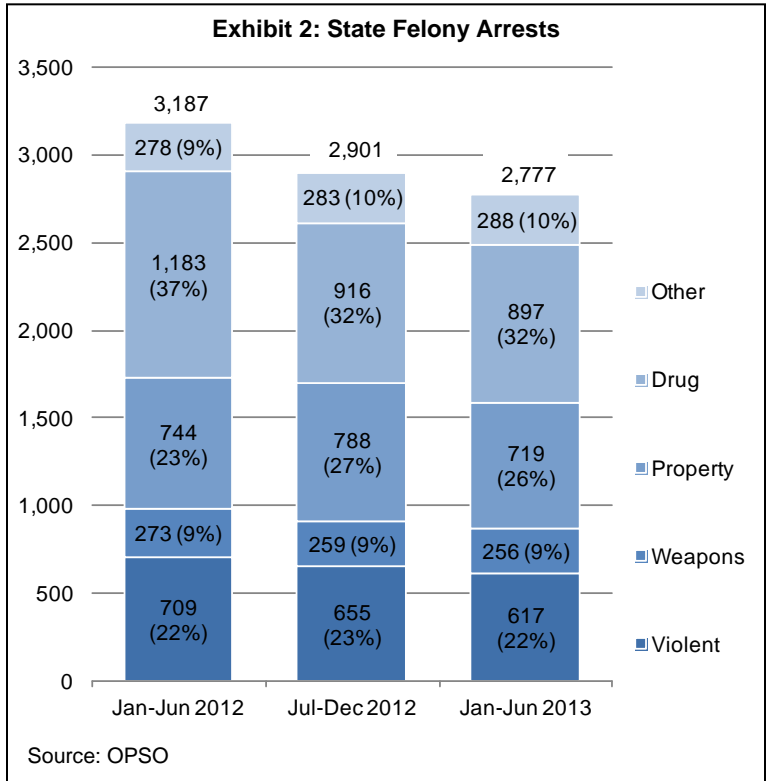
For each new state arrest, police compile evidence against an arrested subject and prepare a report that is submitted to the DA’s Office. The DA’s Office reviews the police report and evidence to determine if there is sufficient evidence to prove guilt beyond a reasonable doubt and then accepts charges for prosecution if the case 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. In some instances, the DA’s Office refers a case elsewhere, such as to municipal court or the federal court system.

There were fewer newly accepted felony cases in the first half of 2013 compared to any other time since 2007.

Felony cases accepted for prosecution had a 15% reduction from 2,594 in the first half of 2012 to 2,200 in the first half of 2013. This reduction in accepted felony cases likely results from decreases in felony arrests.

The largest reduction was in newly accepted drug felony cases which reduced 22% from 1,014 in the first half of 2012 to 794 in the first half of 2013. Property felonies had the greatest fluctuation with an increase of 19% from 519 in the first half of 2012 to 618 in the second half of 2012 and then a 35% decrease to 403 in the first half of 2013. Smaller changes were seen in newly accepted violent, weapons, and “other” felony cases.

Violent, weapons, and “other” felony cases accounted for similar portions of accepted felony cases from the first half of 2012 through the first half of 2013. Violent felonies accounted for 22% to 24% of accepted felony cases, weapons felonies accounted for 9% to 10%, and “other” felonies accounted for 9% to 12%.



Closed Felony Cases in Orleans Parish

The prosecution of an accepted 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. In some instances, dismissed cases are later reinstated as new cases. **Exhibit 4** shows outcomes of closed felony cases from the first half of 2012 through the first half of 2013.

Numbers of closed felony cases steadily declined from the first half of 2012 through the first half of 2013. After 2,669 felony criminal cases closed in the first half of 2012, there was a 27% decline to 1,936 closed felony cases in the first half of 2013. The 1,936 closed cases in the first half of 2013 is the fewest since the second half of 2008 when there were 1,802 closed felony cases.² Decreases in closed cases likely result from the smaller influx of felony arrests leading fewer accepted felony cases.

The manner in which cases reached conclusion had few changes from the first half of 2012 through the first half of 2013. Not guilty verdicts accounted for 2% of closed cases, and defendants with charges dismissed accounted for 11% to 13% of closed cases. Guilty of lesser charges outcomes accounted for 27% to 30% of closed cases, and 51% to 52% of cases were resolved by pleas of guilty as charged or trial verdicts of guilty as charged. The general consistency in how felony cases were brought to conclusion demonstrates that there was not a significant change in the practices and procedures of the DA's Office for resolving felony charges.

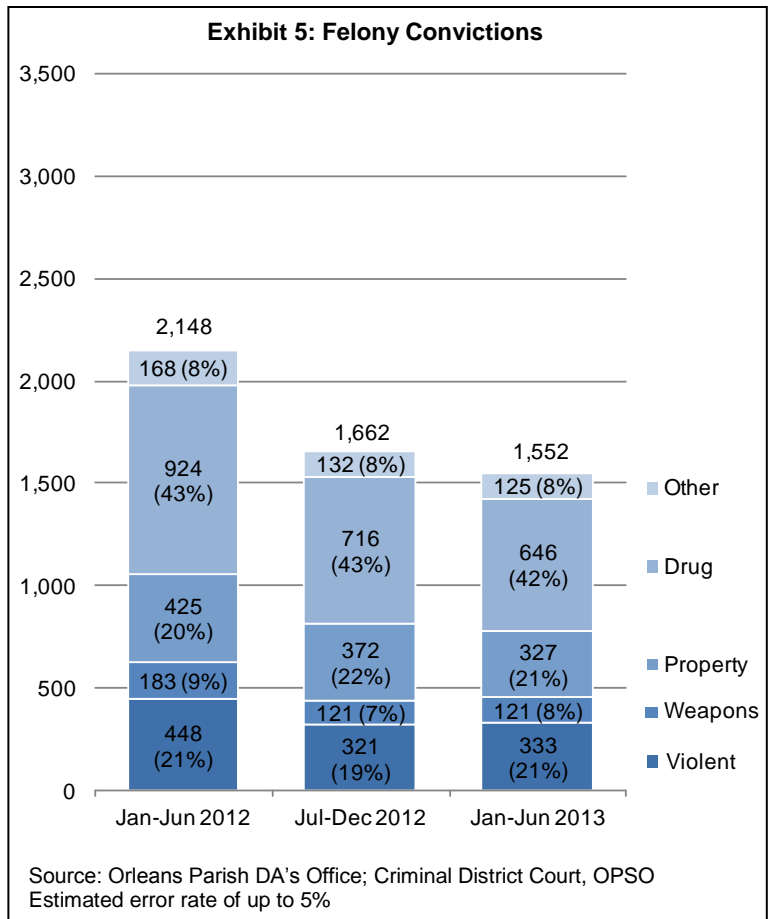
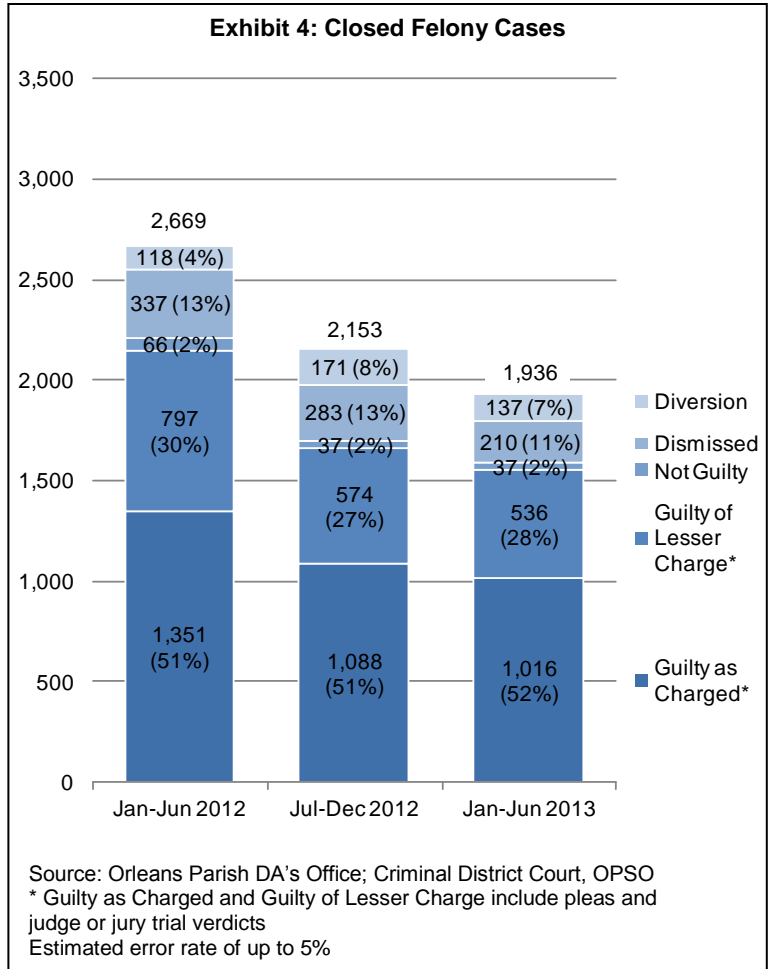
Diversion program cases accounted for an increased portion of closed cases. Cases closed by diversion are dismissed upon a defendant's successful completion of the DA's diversion program. The diversion program allows defendants to avoid prosecution in exchange for their participation in counseling, training, or educational programs. The first half of 2012 saw 4% of felony cases close through the diversion program which increased 8% of closed felony cases in the second half of 2012 and had a small shift to 7% of cases closing through the diversion program in the first half of 2013.

Felony Convictions in Orleans Parish

Exhibit 5 presents the numbers of felony cases that concluded with a felony conviction from either a guilty plea or trial verdict. Consistent with the trend of fewer arrests and closed cases, **numbers of felony convictions fell by 596 or 28% from 2,148 felony convictions in the first half of 2012 to 1,552 felony convictions in the first half of 2013.** There were fewer convictions for every type of crime.

There were minimal changes in the ratios of different types of felony conviction charges from the first half of 2012 through the first half of 2013. Consistently, violent felonies accounted for 19% to 21% of convictions, weapons felonies accounted for 7% to 9% of convictions, property felonies accounted for 20% to 22% of convictions, and "other" felonies accounted for 8% of convictions. Drug felonies were most common and accounted for 42% to 43% of felony convictions.

As felony convictions decreased, there was little change in the rate of felony convictions resulting in sentences to incarceration. In the first and second halves of 2012, 55% of felony convictions resulted in sentences to incarceration which had a small increase to 57% of felony convictions resulting in sentences to incarceration in the first half of 2013. (see supplemental exhibits at www.metrocrime.org)



Pending Felony Cases

In order to show how reductions in accepted and closed felony cases are impacting the felony caseload of the criminal justice system, **Exhibit 6** presents the average numbers of open felony cases in Orleans Parish Criminal District Court from the first half of 2012 through the first half of 2013.

The numbers of open pending felony cases went down 16% from 3,149 in the first half of 2012 to 2,647 in the first half of 2013. The reduction in pending cases shows that declines in the numbers of closed felony cases has not created a backlog within Orleans Parish Criminal District Court.

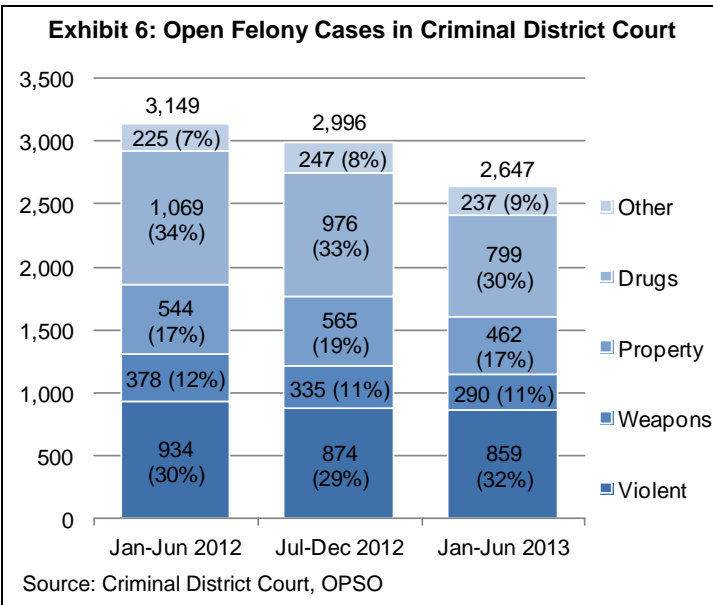
The composition of pending caseloads had few changes from the first half of 2012 through the first half of 2013. There were narrow 1% to 2% fluctuations in the ratios of other, property, and weapons pending cases. Felony drug cases had a small decline from 34% of pending cases in the first half of 2012 to 30% of pending cases in the first half of 2013. Felony violent cases increased slightly from 30% of open cases in the first half of 2012 to 32% of open cases in the first half of 2013. The first half of 2013 was the first time since 2007 that violent felony cases were the most common type of pending case in Criminal District Court.

CONCLUSIONS

The impact of a smaller police force has reverberated throughout the criminal justice system. The number of sworn NOPD officers is at a 35-year low. Under the current city administration, the number of police officers reduced 22% from 1,539 officers in May of 2010 to 1,207 officers reported by Chief Serpas at a October 2013 New Orleans City Council meeting. During a September 2013 City Council presentation, Chief Serpas stated the department had 668 total officers assigned to district patrol work with the remainder of the police force dedicated to other units such as special operations, investigations, and management services.

Decreases in arrests resulted in fewer felony cases accepted for prosecution, fewer closed felony cases, and fewer pending felony cases within Orleans Parish Criminal District Court. The focus of the criminal justice system as demonstrated through ratios of charges for arrests, accepted cases, closed cases, and pending cases did not change significantly as the numbers of arrests decreased. The manner in which cases were closed was also generally consistent from the first half of 2012 through the first half of 2013.

Legislative reforms on the city and state levels in years past produced significant reductions in arrests for minor out of parish warrants and attachments, but the first six months of 2013 continued to see very high numbers of these arrests. Arrests for Jefferson Parish warrants and attachments alone accounted for 2,085 arrests or more than 11 arrests per day of individuals arrested for a minor warrant or attachment and released from custody within one day. **A smaller police force with increasingly finite resources magnifies the negative impact**



these arrests have upon the police department's ability to respond to crime and provide for community safety. The MCC respectfully encourages the NOPD and city leaders to work with other jurisdictions to reduce excessive use of resources on minor out of parish warrant or attachment arrests that result in near-immediate releases from custody.

Greater police and prosecutor collaboration forged over the past several years has realized efficiency and effectiveness improvements in targeting felony offenders, particularly violent, weapons, and habitual offenders. In 2007, 61% of felony arrests were accepted for prosecution,³ which improved to 85% of 2011 felony arrests accepted for prosecution.⁴ As a result of higher acceptance rates, there is a more direct relationship between arrests made by police and the volume of cases being prosecuted.

The relationship between police manpower and demands upon other components of the criminal justice system should factor heavily in planning for other criminal justice agencies such as Orleans Parish Prison, the Orleans Public Defenders Office, the DA's Office, and the judiciary of Orleans Parish Criminal District Court. The city has funded for the first time during the present administration an aggressive recruitment campaign with the goal of hiring 150 new officers in 2014. Significant expansion of police manpower will profoundly impact the remainder of the criminal justice system. Disproportionately reducing or underfunding other facets of the criminal justice system while building up the police department would be counterproductive and could negate the intended benefit of bolstering the NOPD.

Acknowledgements

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¹ Source: New Orleans Municipal Court

²"Orleans Parish Criminal Justice System Accountability Report Fall 2009," Page 2, The Metropolitan Crime Commission

³"Orleans Parish Criminal Justice System Accountability Report Spring 2009," Page 3, The Metropolitan Crime Commission

⁴"Orleans Parish Criminal Justice System Accountability Report May 2013," Page 2, The Metropolitan Crime Commission