



METROPOLITAN CRIME COMMISSION, INC.

Orleans Parish Criminal Justice System Accountability Report

DECEMBER 2012

Since the beginning of 2007, 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 by monitoring arrests, felony cases accepted for prosecution, and closed felony cases. Analyzing arrests provides information on how the NOPD is applying 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 assumed leadership of the DA's Office in November of 2008, and Ronal Serpas was appointed Superintendent of the NOPD in May of 2010. This report reviews all categories of arrests, felony cases accepted for prosecution, and closed felony case trends from

Arrests in Orleans Parish

After steadily declining in 2011, the total number of arrests increased in the first half of 2012 (see Exhibit 1). There were 20,119 arrests in the second half of 2010, which declined by 16% to 16,981 in the first half of 2011. The second half of 2011 had a small 5% reduction to 16,136 arrests. The 18,258 arrests in the first half of 2012 is a 13% increase from the second half of 2011.

"Other State Arrests" increased by 39% from 5,681 in the second half of 2011 to 7,884 in the first half of 2012 (see I. Other State Arrests). Suspects with out of parish warrants for minor offenses such as traffic or misdemeanor violations are the most common type of arrest falling into the "Other State Arrests" category. The rise in out of parish warrant arrests accounts for the majority of the overall increase in arrests during the first half of 2012. In the first half of 2012, there were 5,764 arrests in which the most serious offense was an out of parish warrant, which is an increase of 1,234 or 27% from the 4,530 out of parish warrant arrests in the second half of 2011. Of the 5,764 individuals arrested for out of parish warrants in the first half of 2012, 2,863 or 50% were released from custody in one day or less and 3,568 or 62% were released within three days. Arrests resulting in extradition or more than 30 days in jail accounted for 1,560 or 27% of out of parish warrant arrests.

Traffic arrests had a small 3% increase from 2,457 in the second half of 2011 to 2,526 in the first half of 2012 (see II. Traffic Arrests).

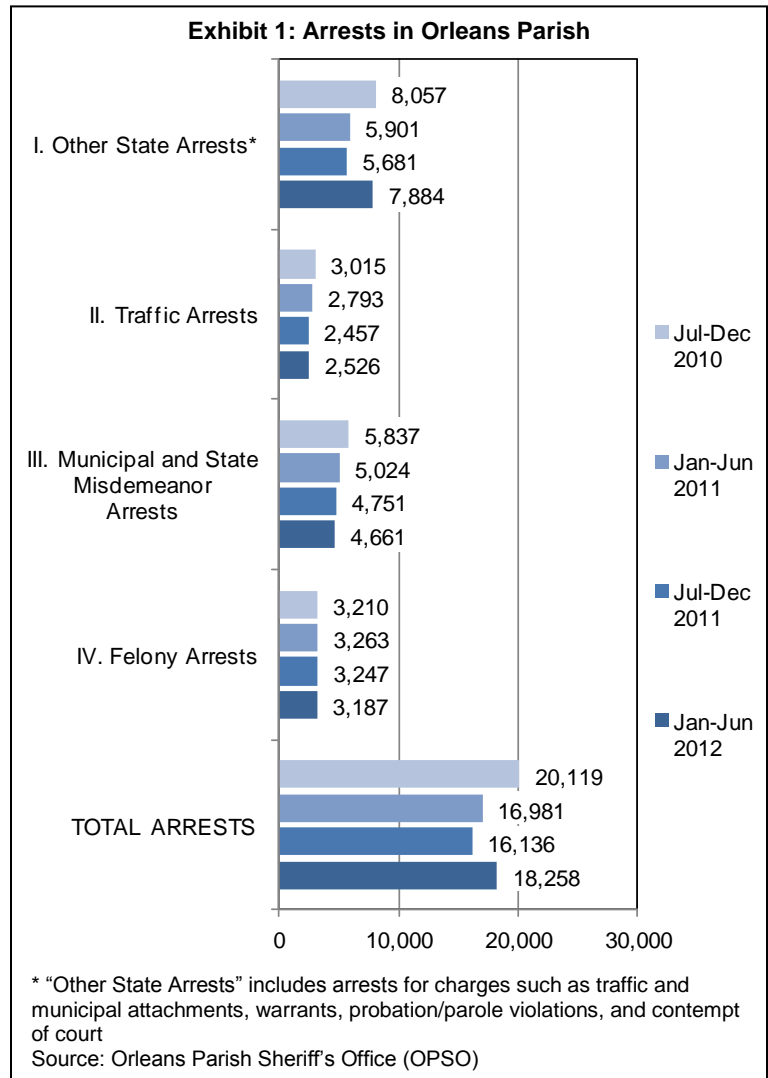
Arrests for municipal and state misdemeanor arrests are combined because many of the laws under which these arrests are made mirror one another. In December of 2010, the New Orleans City Council instituted municipal offenses identical to many non-violent state misdemeanor laws which gave police discretion to issue summonses rather than arrest individuals suspected of these offenses. Municipal and state misdemeanor arrests decreased slightly by 2% from 4,751 in the second half of 2011 to 4,661 in the first half of 2012 (see III. Municipal and State Misdemeanor Arrests). While there were similar numbers of these arrests, municipal summonses issued by police increased 6% from 7,674 in the second half of 2011 to 8,146 in the first half of 2012.¹

Felony arrests had a nominal 2% decrease from 3,247 in the second half of 2011 to 3,187 in the first half of 2012. (see IV. Felony Arrests).

July of 2010 through June of 2012 in order to examine transitions in the numbers of cases processed by the criminal justice system and case outcomes.

Summary of Findings

- Total arrests increased 13% in the first half of 2012 as the NOPD arrested more individuals for out of parish warrants while arrests for felony crimes had a small 2% decrease.
- The numbers of newly accepted felony cases entering the court system reduced from the second half of 2010 through the first half of 2012.
- Accepted felony cases that were later dismissed without a conviction or trial verdict fell to their lowest level of the two-year study period during the first half of 2012.
- Felony convictions and sentences to incarceration during the first half 2012 were at their highest since the MCC began tracking in 2007.



State Felony Arrests

The MCC focuses upon felony arrests because they are the most significant charges entering the New Orleans criminal justice system. Felonies include offenses such as murder, robbery, felons with guns, burglary, and drug distribution. Only felony convictions can result in a sentence of greater than one year incarceration in the Department of Corrections, with violent felony convictions having one of the highest incarceration rates. Felony convictions also provide a basis for enhanced incarceration sentencing should an offender have any future felony convictions. **Exhibit 2** shows the number of felony arrests broken down by the most serious arrest charges against defendants.

Felony arrests were stable over the two-year study period. There was a small 2% transition in total numbers of felony arrests from a high of 3,263 in the first half of 2011 to a low of 3,187 in the first half of 2012.

Arrests for specific types of felony offenses have shown small to moderate changes over the study period. Violent felony arrests had a 6% range from a low of 669 in the second half of 2010 to a high of 709 in the first half of 2012. Weapons felonies reduced by 25% from 363 at their highest point in the second half of 2010 to 273 in the first half of 2012. The 744 property felony arrests in the first half of 2012 is 13% lower than their peak of 860 property felony arrests in the second half of 2011. Drug felony arrests ranged 18% from 1,003 in the second half of 2011 to 1,183 in the first half of 2012.

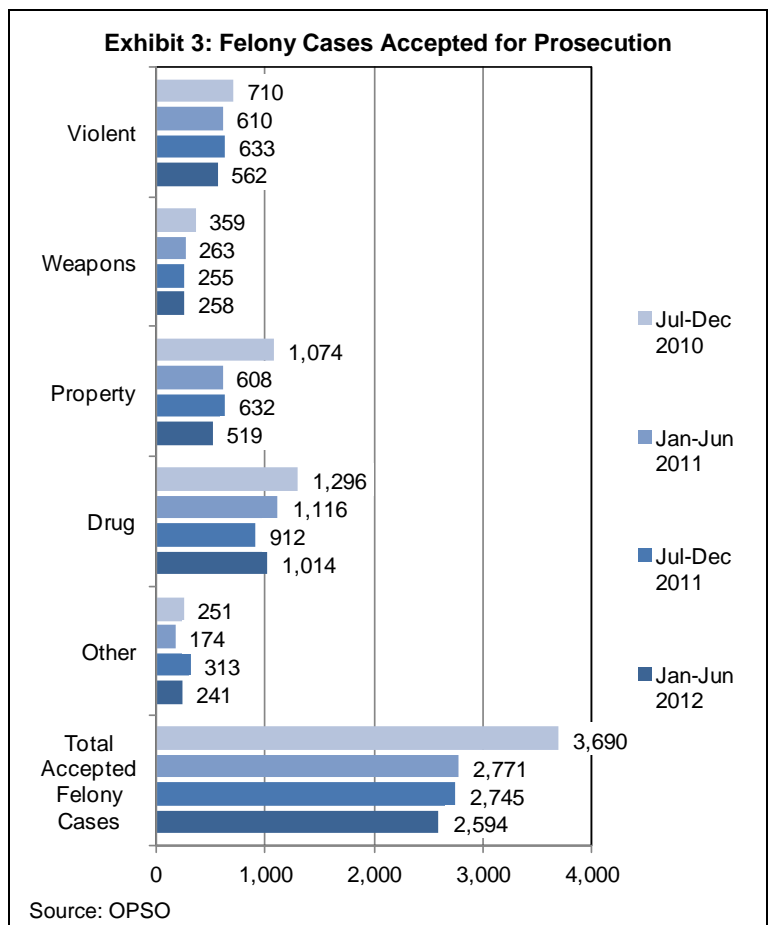
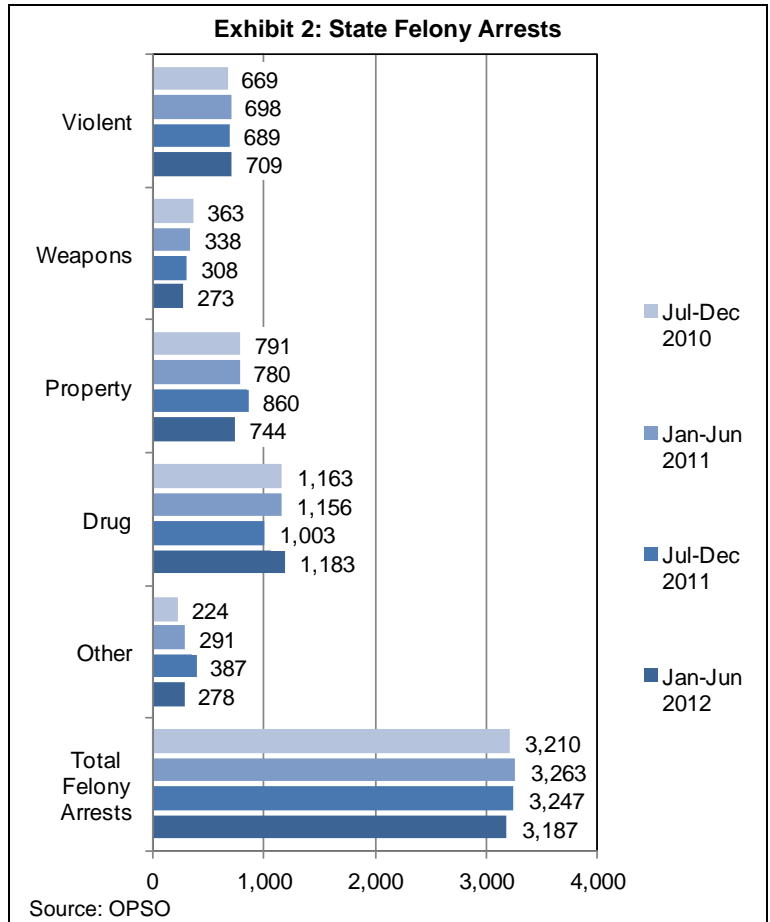
Felony Cases Accepted for Prosecution

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 and then accepts charges for prosecution if the evidence appears strong enough to prove a defendant's guilt and 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.

Felony cases accepted for prosecution had a large decrease in the first half of 2011 and reduced more gradually into the first half of 2012 (see Exhibit 3). Total numbers of accepted felony cases fell 28% from 3,690 in the second half of 2010 to 2,771 in the first half of 2011. The number of felony cases in the second half of 2010 was exceptionally high because the DA's Office accepted more cases than usual from arrests before the six month study period. For example, 28% of accepted cases in the second half of 2010 were based upon arrests before the beginning of the study period in July of 2010 compared to 13% of accepted cases in the first half of 2011 from arrests prior to January of 2011.

The second half of 2011 had 2,745 newly accepted felony cases, which is a nominal 1% reduction from the number of accepted cases in first half of the year. In the first half of 2012, accepted felony cases fell by 151 or 6% to 2,594.

The reduction in accepted felony cases from the second half of 2011 to the first half of 2012 results from 11% fewer violent felony cases, 18% fewer property felony cases, 23% fewer "other" felony cases (e.g., cruelty to a juvenile, bail jumping). Weapons felony cases were consistent in the first half of 2012 while drug felony cases had an 11% increase.



Closed Felony Cases

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 the outcomes of closed cases from the second half of 2010 through the first half of 2012.

After decreasing in 2011, closed felony cases had a marked increase in the first six months of 2012. From the second half of 2010 to the first half of 2011, closed felony cases fell by 37% from 3,337 closed cases in the second half of 2010 to 2,112 in the first half of 2011. Then, the number of closed felony cases had a small 4% increase to 2,193 in the second half of 2011. The first half of 2012 had a substantial 20% increase to 2,635 closed felony cases compared to the second half of 2011.

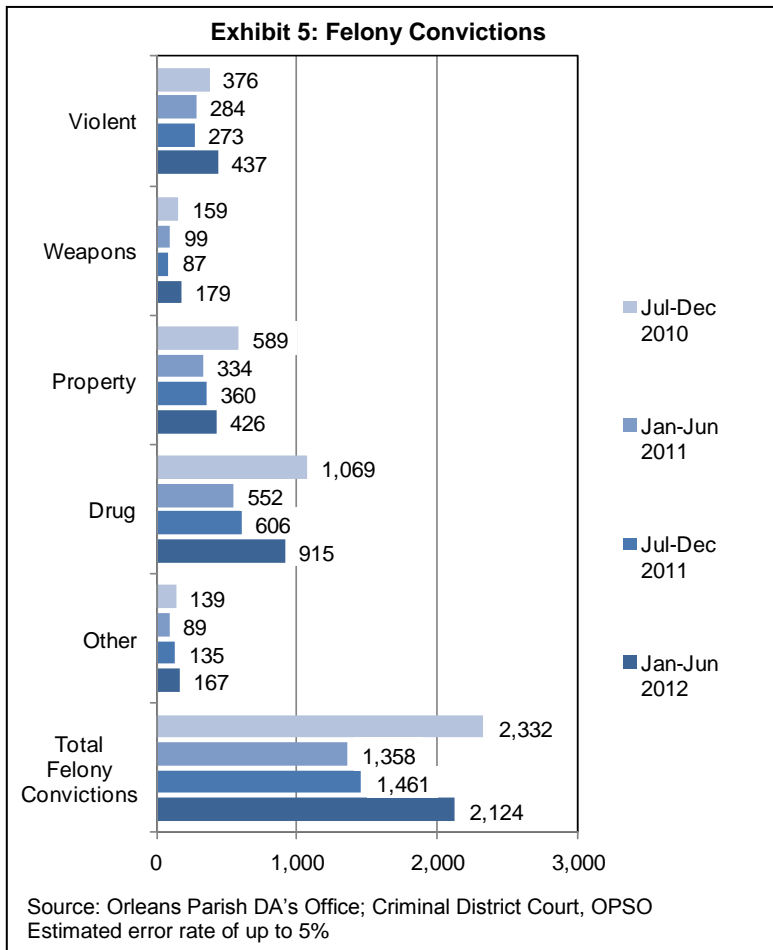
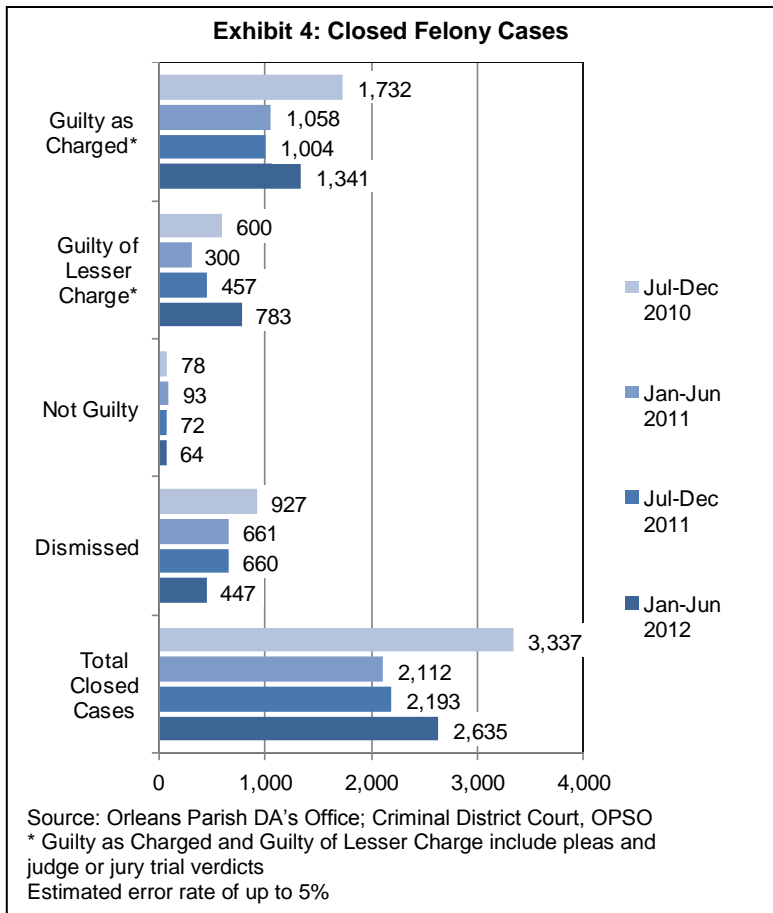
There was a large reduction in dismissed cases from the second half of 2010 to the first half of 2012. In the second half of 2010, there were 927 dismissed felony cases which was the highest number over the two-year study period. In the first half of 2011, dismissed cases fell by 29% to 661 dismissals and remained unchanged in the second half of 2011 when there were 660 dismissed cases. The 447 felony cases dismissed in the first half of 2012 is the smallest number of dismissals over the study period and a 32% reduction from the second half of 2011.

Felony Convictions

Felony convictions went down in 2011 and rose sharply in the first half of 2012 (see Exhibit 5). The second half of 2010 had 2,332 felony convictions which was the highest number of convictions in the two-year study period. Thereafter felony convictions fell 42% to 1,358 in the first half of 2011 which was the lowest number of felony convictions across the study period. The second half of 2011 had a moderate 8% increase to 1,461 felony convictions. Then, felony convictions rose 45% to 2,124 in the first half of 2012.

Violent and weapons felony convictions were higher in the first half of 2012 than in any other six month interval during the two-year study period. Violent felonies went up 60% from 273 in the second half of 2011 to 437 in the first half of 2012. Weapons felonies doubled to 179 weapons felony convictions in the first half of 2012 compared to 87 in the second half of 2011. The first half of 2012 had more moderate increases in other types of felony convictions including a 51% increase in drug felony convictions, an 18% increase in property felony convictions, and a 24% increase in convictions for other felony offenses.

There was a 68% increase in sentences to incarceration in the first half of 2012 (see supplemental exhibits on the MCC website). Due to higher numbers of felony convictions, particularly for weapons and violent offenses, the number of individuals convicted of felony crimes and sentenced to incarceration increased from approximately 680 in the second half of 2011 to approximately 1,150 in the first half of 2012. Overall, 55% of individuals convicted of felonies in the first half of 2012 were sentenced to incarceration compared to 47% of felony convictions resulting in sentences of incarceration in the second half of 2011. The 1,150 convicted felons sentenced to incarceration in the first half of 2012 is the highest number since the MCC began tracking in 2007.



CONCLUSIONS

The first half of 2012 had a 13% increase in arrests as a result of more “other state arrests” which are most often arrests for out of parish warrants. In the spring of 2010, The Louisiana State Legislature passed House Bill 107 granting officers greater discretion to not arrest individuals with out of parish warrants for misdemeanor offenses. Under this legislation police curtailed the counterproductive practice of arresting individuals with warrants for minor out of parish offenses and there was a large decline in “other state arrests” throughout 2011. The trend of fewer arrests for minor out of parish infractions reversed in the first half of 2012 and police began arresting more offenders for out of parish warrants. As a result, 5,764 individuals were arrested for out of parish warrants in the first six months of 2012, which accounted for almost a third (32%) of all arrests in Orleans Parish. Half of these individuals were released from custody within one day and 62% released within three days when the parish issuing the warrant declined to extradite the arrested subjects.

Arrests for minor offenses with little resulting jail time squander the limited NOPD manpower and may impede the department’s ability to respond to more serious criminal activity. Every arrest takes an officer off of the streets for a minimum of one hour and requires officers’ additional time to write arrest reports. The short time spent in jail for crimes these suspects committed outside of Orleans Parish demonstrates that law enforcement agencies issuing the warrants determined these arrested subjects posed little threat to community safety. Time spent by officers processing these suspects reduces police visibility in the community and available manpower to respond to calls for service.

The NOPD has experienced a sharp 18% reduction in manpower from 1,539 officers in May of 2010 when Chief Serpas was appointed Superintendent to 1,266 officers in November of 2012.² A shrinking police force undergoing a manpower crisis further underscores the importance of maximizing the most efficient use of NOPD manpower.

The MCC does not advocate that the NOPD cease arresting all suspects with out of parish warrants. Over a quarter (27%) of out of parish warrant arrests were of suspects deemed a public safety concern and resulted in extradition or detention for greater than 30 days while 50% were released within one day when it was determined they were not a safety threat. **Applying resources to identify and arrest out of parish warrant suspects who most threaten community safety and are likely to remain in custody can increase available police manpower, more efficiently apply criminal justice system resources, and enhance the NOPD’s ability to address criminal activity.**

The NOPD has demonstrated a focus upon arresting fewer low-level offenders through municipal and state misdemeanor arrest practices. Police increased the use of municipal summonses by 6% from the second half of 2011 to the first half of 2012. At the same time, arrests for municipal and state misdemeanor offenses were largely unchanged. The increase in summonses and unchanging numbers of arrests shows that

police broadened enforcement of lesser criminal violations without increasing arrests.

Police and prosecutors substantially increased felony convictions, particularly convictions for violent and weapons offenses. After felony convictions went down in 2011, there was a 45% overall increase in felony convictions in the first half of 2012, including a 60% increase in violent felony convictions and a doubling of weapons felony convictions. Increases in felony convictions with an emphasis on violent and weapons felonies resulted in a 68% increase in the number of defendants sentenced to incarceration. Higher numbers of felony convictions and incarcerations for violent and weapons offenses demonstrate that police and prosecutors effectively targeted offenders who most significantly threaten public safety.

As felony convictions increased, there was a significant decline in dismissed cases. A case is dismissed when the DA’s Office accepts a case for prosecution and later determines that there is inadequate proof to secure a guilty plea or a guilty verdict. As with all criminal cases, dismissals are allotted to a section of court and consume the resources of police, prosecutors, defense attorneys, and the court. The reduction in dismissals began in the 2011, when dismissals reduced by 29% from the second half of 2010 to the first half of 2011. Then, dismissed cases reduced another 32% in the first half of 2012 to their lowest level across the two-year study period. Decreases in dismissals indicates that police are doing a better job building viable cases and the DA’s Office is properly screening and accepting cases that are likely to result in convictions.

Another trend over the two-year study period is a reduction in new felony cases accepted for prosecution. Accepted cases reduced by 28% from the second half of 2010 to the first half of 2011. After accepted cases were stable across 2011, they had a smaller 13% reduction in the first half of 2012. Reductions in accepted felony cases as a time when felony arrests remained consistent may indicate refinements in screening procedures to bring cases with the greatest likelihood for conviction into the court system for prosecution.

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With the exception of greater numbers of arrests for minor out of parish violations, the first half of 2012 saw substantial improvements in the efficient utilization of criminal justice system resources. **The first quarter of 2012 had the largest number of violent and weapons felony convictions and the fewest dismissals recorded over the two-year study period. More convictions and incarcerations for serious offenses and decreases in cases closing through dismissal show that police and prosecutors have improved their coordination to remove increasing numbers of dangerous offenders from the community.**

The higher numbers of felony convictions coupled with fewer new felony cases entering the court system may reduce the backlog of felony cases in the court system and improve the efficiency of felony case processing and utilization of criminal justice system resources.

Acknowledgements

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¹ Source: New Orleans Municipal Court

² Source: “City of New Orleans 2013 Proposed Budget – NOPD” PowerPoint presentation, slide 7; <http://www.nola.gov/GOVERNMENT/NOPD/NOPD-2013-BUDGET-PRESENTATION-FINAL/>