



# METROPOLITAN CRIME COMMISSION, INC.

## Orleans Parish Criminal Justice System Accountability Report

MAY 2012

The Metropolitan Crime Commission (MCC) regularly monitors Orleans Parish arrests, felony cases accepted for prosecution, and closed felony cases to examine performance of the New Orleans Police Department (NOPD) and the Orleans Parish District Attorney's (DA's) Office. The DA's Office is led by Leon Cannizzaro who assumed leadership in November of 2008, and Ronal Serpas became Superintendent of the NOPD in May of 2010. This report examines arrests from 2008 to 2011 and felony arrest outcomes from 2010 in order to analyze transitions in criminal justice system performance over the past several years.

### Summary of Findings

- Total numbers of arrests decreased sharply by 45% from 2009 to 2011.
- Felony arrests were consistent in 2010 and 2011 as violent felonies accounted for an increased portion of arrest totals.
- Felony arrest to conviction rates for 2010 increased to 45%, their highest level since the MCC began measuring in 1999.
- Orleans Parish continues to lag behind the nationwide 56% felony arrest to felony conviction rate.

### Arrests in Orleans Parish

**Exhibit 1** presents the total number of arrests in Orleans Parish from 2008 through 2011 broken down by the most serious arrest charge. 2011 saw an extension of the substantial reduction in Orleans Parish arrests that began in 2010. In 2009, arrests peaked at 59,974 and reduced to 45,557 in 2010 and then 33,117 in 2011. Overall, total numbers of arrests reduced by 45% in 2011 compared to 2009.

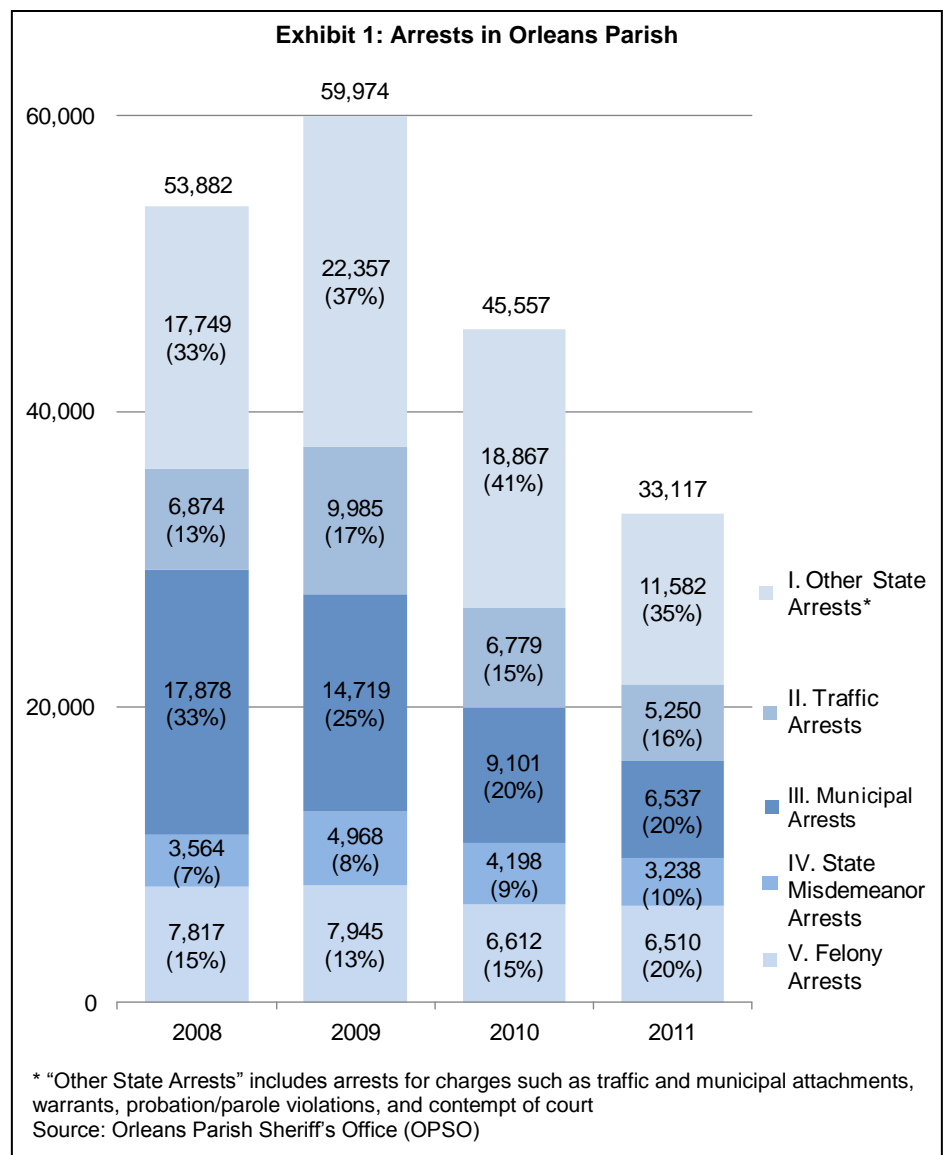
"Other State Arrests" have consistently been the most frequent type of arrest and accounted for 33% to 41% of all Orleans Parish arrests from 2008 through 2011 (**see I. Other State Arrests**). Most often, "Other State Arrests" are for out of parish warrants, commonly for minor offenses such as traffic or misdemeanor violations. Arrests for out of parish warrants reduced by 11,534 or 56% from 20,514 in 2009 to 15,709 in 2010 and then 8,980 in 2011. Substantial reductions in arrests for out of parish warrants likely result from state legislation passed in 2010 that provides officers greater discretion to not arrest individuals with out of parish warrants. Probation and parole violations and contempt of court charges are also included in "Other State Arrests."

Arrests in which a traffic violation was the most serious charge had a sizeable 47% decrease from 9,985 in 2009 to 5,250 in 2011 (**see II. Traffic Arrests**).

Arrests for municipal offenses reduced each year since 2008 and had the largest rate of decline (**see III. Municipal Arrests**). Overall, municipal arrests reduced by 63% from 17,878 in 2008 to 6,537 in 2011. As arrests for municipal offenses went down, there was a 69% increase in municipal summonses from 8,890 in 2008 to 14,989 in 2011.<sup>1</sup>

State misdemeanor arrests reduced significantly from their highest level in 2009 (**see IV. State Misdemeanor Arrests**). In 2009, there were 4,968 state misdemeanor arrests which reduced 35% to 3,238 in 2011.

Felony arrests had the lowest level of decline and made up an increased portion of arrests in 2011 (**see V. Felony Arrests**). The 6,510 felony arrests in 2011 is an 18% reduction from the 7,945 felony arrests in 2009. Although felony arrests declined, they made up a larger portion of the overall arrest total and accounted for 20% of all arrests in 2011. Previously, from 2008 through 2010, felonies comprised no more than 15% of arrests.

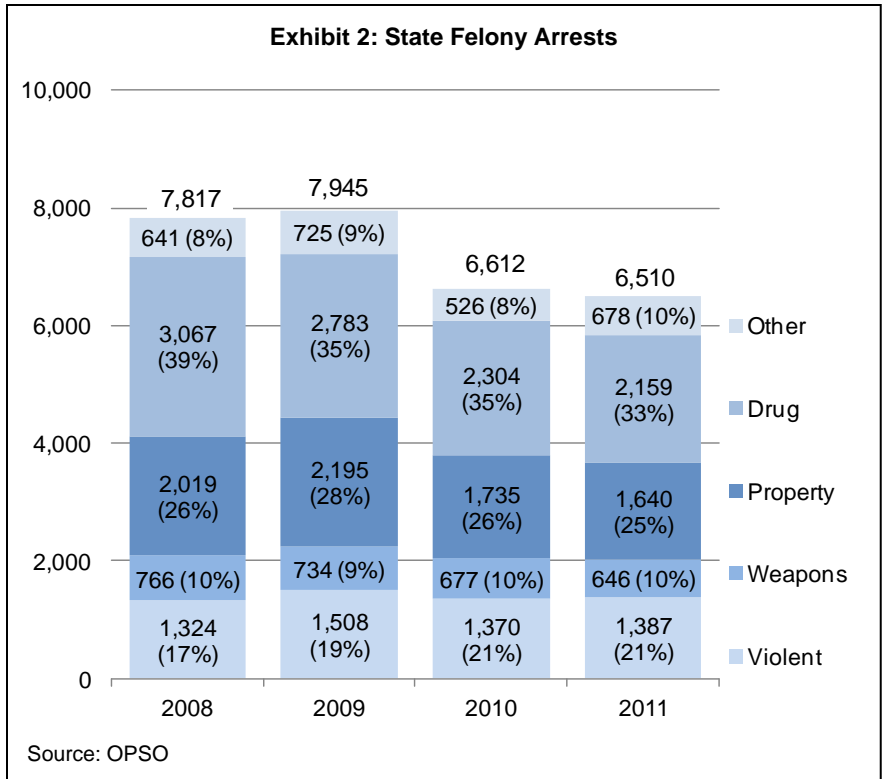


## State Felony Arrests

The MCC focuses upon felony arrests because they are the most serious charges entering the New Orleans criminal justice system. Felonies include offenses such as murder, felons with guns, residence 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.

After felony arrest reduced from previous years in 2010, they remained consistent in 2011. The 6,612 felony arrests in 2010 was a 17% reduction from the 7,945 felony arrests in 2009. In 2011, there were 6,510 felony arrests, a nominal 2% decrease from 2010.

Violent felony arrests in 2010 and 2011 accounted for a larger portion of the overall felony arrest total compared to previous years. Violent crimes accounted for 17% of felony arrests in 2008 and 19% of felony arrests in 2009, which increased to 21% of felony arrests in both 2010 and 2011.



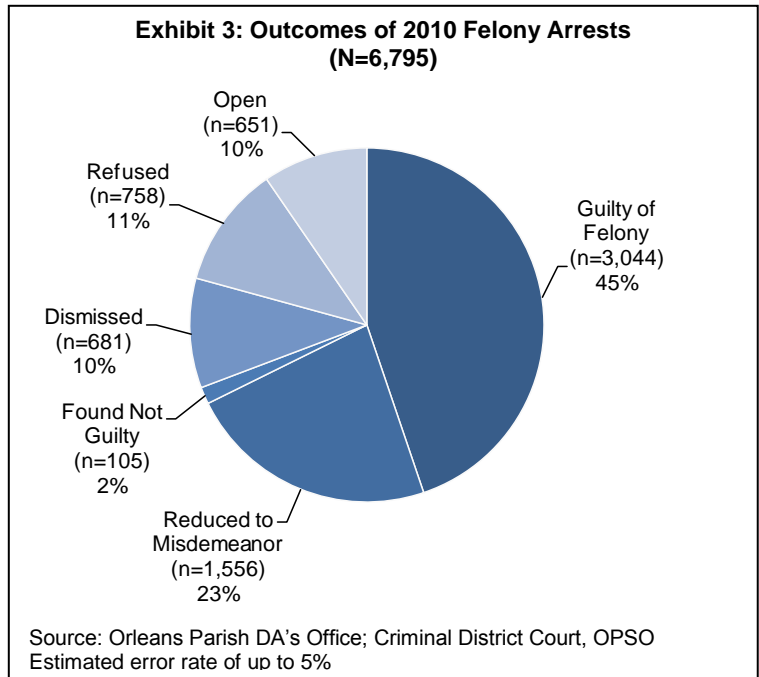
## Outcomes of 2010 Felony Arrests

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 guilt and obtain a conviction. Sometimes, charges are upgraded from misdemeanors to felonies or lowered from felonies to misdemeanors. When the DA's Office deems it does not have sufficient evidence to obtain a conviction, a case is refused and prosecution ceases. In some instances, the DA's Office refers a case to another entity such as the federal court system.

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 the charges against a defendant. In some instances, dismissed cases are later reinstated as new cases.

**Exhibit 3** presents the outcomes of all felony arrests from 2010, DA Leon Cannizzaro's second full year in office. The Superintendent of Police was Warren Riley through April of 2010, and Ronal Serpas overtook leadership of the department in May of 2010. There are 183 more felony cases than recorded felony arrests because some defendants originally charged with misdemeanor offenses later had their charges upgraded to felony crimes. For example, a simple battery may have been upgraded to aggravated battery. Outcomes from 2010 arrests are examined to allow sufficient time to elapse for cases to close. Twenty percent (20%) of 2010 felony arrests resulted in cases that took more than a year to close, including 10% of cases that remained open as of March 25, 2012 when data collection concluded.

Forty-five percent (45%) of individuals arrested for felony crimes were convicted of a felony. In total, 23% were not convicted of any charges including 11% whose cases were refused prosecution, 10% whose cases were dismissed, and 2% found not guilty in trial.



Suspects arrested for felonies had charges reduced to misdemeanor violations for 23% of all felony arrests in 2010. Half (50%) of these defendants' charges were reduced to misdemeanors when the DA's Office accepted a felony arrest as a misdemeanor case for prosecution and the other half (50%) were either plea bargains or defendants found guilty of misdemeanors by a judge or jury.

**Exhibit 4** shows how 2010 felony conviction rates varied by the most serious types of felony arrest charges. Felony arrest to conviction rates show how often a suspect accused of a felony violation by police was successfully convicted of a felony by the DA's Office. Fifty-six percent (56%) of subjects arrested for felony drug charges were convicted of a felony which was the highest felony conviction rate for any type of charge. The lowest felony conviction rate was 28% for defendants arrested for other felony crimes such as crime against nature or cruelty to a juvenile. Violent felony arrests had a 39% felony conviction rate which was similar to the property crime conviction rate of 41%. Subjects arrested for felony weapons violation had a 44% felony conviction rate.

Subjects arrested for a felony in Orleans Parish were less likely than defendants nationwide to be convicted of felony crimes. A Bureau of Justice Statistics nationwide study found a 56% felony arrest to conviction rate.<sup>2</sup> One significant difference between Orleans Parish conviction rates and nationwide statistics is the rate of misdemeanor prosecutions resulting from felony arrests. Nationwide, 11% of felony arrests transition to misdemeanor prosecutions compared to 23% in Orleans Parish.

**Changes in Conviction Rate**

The 45% rate at which subjects arrested in 2010 for felonies were convicted of felonies is an increase from the 42% felony conviction rate in 2009 and the highest felony conviction rate recorded by the MCC. **Exhibit 5** shows conviction rates measured by the MCC across five studies beginning in 1999. Prior to 2010, the highest felony arrest to conviction rate was 42% for 2009 felony arrests. The next highest felony conviction rate was 35% recorded in a 1999-2000 study period. The lowest felony conviction rates were 24% in 2007 and 26% in 2003-2004 when approximately one in four subjects arrested for a felony crime were ultimately convicted of a felony violation.

**Felony Arrest to Incarceration**

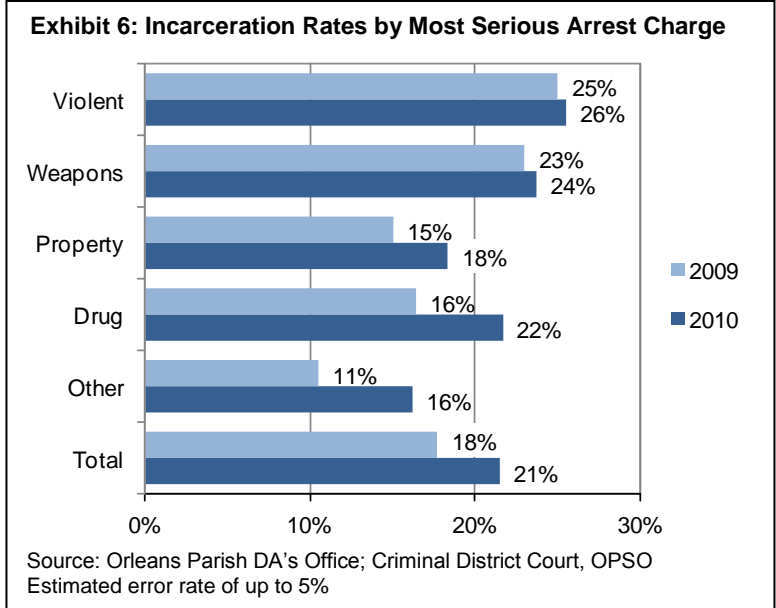
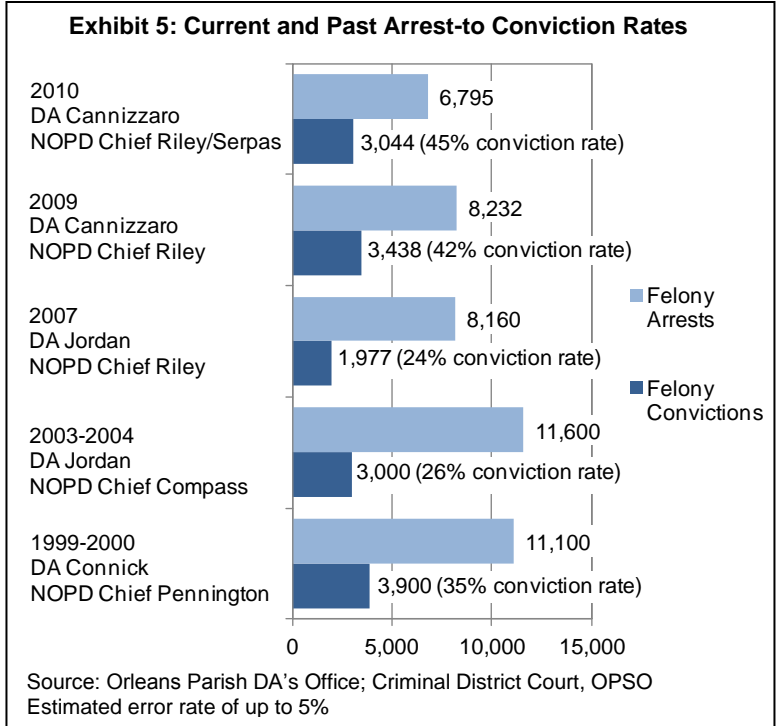
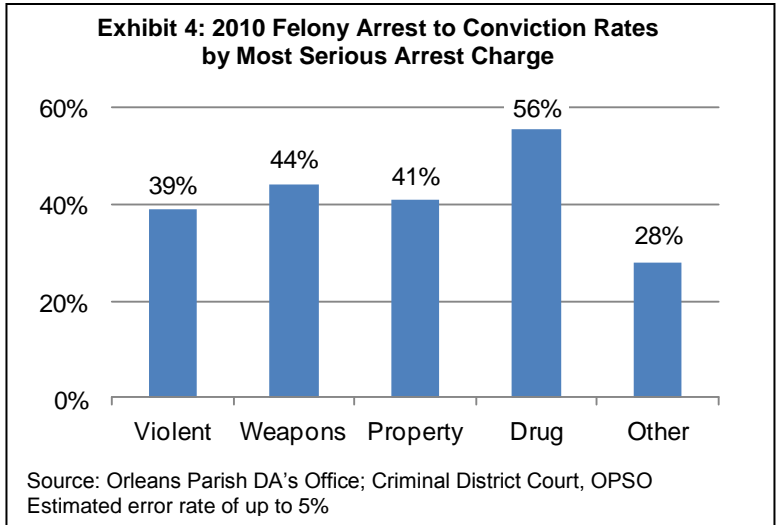
**Exhibit 6** shows the percentages of subjects arrested for felony crimes in Orleans Parish who were convicted of a felony crime and sentenced to incarceration for 2009 and 2010, the years with the highest felony arrest to conviction rates. Incarceration rates are shown overall and by most serious arrest charges.

Overall, 21% of subjects arrested for a felony crime in 2010 in were convicted of a felony and sentenced to incarceration. The 2010 incarceration rate is an increase from the 18% incarceration rate found in 2009. Incarceration rates increased for every category of offense in 2010 compared to 2009.

Nationwide, approximately 39% of subjects arrested for a felony were convicted of a felony and sentenced to incarceration.<sup>2</sup>

Violent and weapons arrests were most likely to result in an arrested subject being convicted of a felony and sentenced to incarceration. In 2010, 26% of subjects arrested for a violent felony and 24% of subjects arrested for a weapons felony were ultimately convicted and sentenced to incarceration. Arrests for felony drug violations had a 22% incarceration rate in 2010.

2010 felony arrest to incarceration rates were lowest among subjects arrested for other felony violations who had a 16% incarceration rate and property felony arrests which had an 18% incarceration rate.



## CONCLUSIONS

In 2010 and 2011, the New Orleans criminal justice system experienced large decreases in petty offense arrests coupled with higher felony arrest to conviction rates. This policy shift within the Orleans Parish criminal justice system has facilitated an improved utilization of resources that can be expanded further to increase arrest, prosecution, and incarceration of violent and repeat offenders who most threaten public safety.

**Significant reductions in arrests for minor violations show that the NOPD better emphasized quality over the quantity of arrests in 2011.** The NOPD reduced total arrests by 45% from 2009 to 2011 with the largest decreases in arrests for minor offenses including arrests for out of parish misdemeanor warrants and municipal, state misdemeanor and traffic violations.

There were over 11,500 fewer individuals arrested for out of parish warrants in 2011 compared to 2009. Commonly, out of parish warrants are for minor violations such as nonpayment of a traffic or municipal fine and these offenders are quickly released from jail. In the spring of 2010, the Louisiana State Legislature passed House Bill 107 granting officers greater discretion to not arrest many individuals with out of parish warrants for misdemeanor offenses. The NOPD has applied this legislation to greatly reduce the strain that offenders wanted for minor violations in other parishes placed upon the resources of the Orleans Parish criminal justice system.

A large 63% reduction in arrests for municipal violations and a reciprocal 69% increase in the use of municipal summonses demonstrate a transition in the enforcement of municipal laws. Police are more likely to issue summonses to subjects suspected of municipal violations who would have previously been arrested. The use of summonses maintains enforcement of municipal law while more efficiently applying criminal justice system resources.

**Conviction rates continued to climb for individuals arrested for felony offenses in 2010.** In 2007, a low 24% of suspects arrested for felonies were convicted of a felony. The felony arrest to felony conviction rate sharply increased to 42% in 2009. In 2010, the conviction rate had a more gradual increase to a 45% which indicates criminal justice system refinements that improved the conviction of suspects accused of felony violations.

The DA's Office accepted felony or misdemeanor charges against 89% of subjects arrested for a felony offense in 2010. The high acceptance rate indicates that the DA's Office determined there was substantial evidence to prove a suspect's guilt for the overwhelming majority of NOPD felony arrests. A high acceptance and conviction rates are indicative of successful collaboration between police and prosecutors in which a defendant who is accused of a felony offense and arrested should anticipate being prosecuted by the DA's Office.

Although the 2010 felony conviction rate is the highest recorded by the MCC, the Orleans Parish felony arrest to felony conviction rate lagged behind national statistics. Nationwide, 56% of subjects arrested for felonies were convicted of felonies and 39% sentenced to incarceration. The 45% Orleans Parish felony conviction rate and 21% incarceration rate from 2010 are well below what is seen in criminal justice systems nationwide.

Unforeseeable circumstances sometimes require prosecutors to reduce felony arrest charges to misdemeanors, but the rate of felony to misdemeanor reductions in Orleans Parish is significantly higher than what is found in national statistics. In Orleans Parish, 23% of felony arrests resulted in misdemeanor prosecutions compared to 11% of nationwide felony arrests that resulted in misdemeanor prosecutions. In Orleans Parish, half of the reductions from felonies to misdemeanors occurred when the DA's Office screened a case and accepted a felony arrest as a misdemeanor case. The other half were reduced after the DA's Office accepted a felony case for prosecution and a defendant either pled guilty or was found guilty of a misdemeanor. Felony cases accepted for prosecution that are later reduced to misdemeanor charges have the impact of slowing down and creating an additional burden upon the criminal justice system. More effective screening policies can reduce the frequency and impact of accepted felony cases that must later be plea bargained to misdemeanor offenses.

**The MCC respectfully encourages the criminal justice system to further concentrate on violent offenders.** Felony arrest statistics show that there were similar numbers of violent felony arrests in 2010 and 2011 and that violent felonies accounted for a larger portion of arrest totals. In 2009 and 2010, subjects arrested for violent felonies had the greatest likelihood of ultimately being sentenced to incarceration compared to arrested subjects charged with other types of offenses. However, only 39% of subjects arrested for a violent felony in 2010 were convicted of a felony, which demonstrates significant potential to further increase the prosecution of individuals arrested for violent felony offenses.

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Increased use of summonses and discretion not to arrest minor offenders, high acceptance rates for felony cases, and an increased felony arrest to conviction rate all demonstrate improved utilization of criminal justice system resources. Reductions in arrests for minor violations increase availability of police manpower and reduce costs of jailing offenders who pose little threat to public safety. Using discretion that Louisiana law confers on police to issue a summons in lieu of arrest for petty misdemeanor offenders may help improve community relations which will likely generate more citizen cooperation with investigations that make the NOPD a more effective crime fighting force. Higher felony conviction rates make arrests more impactful and meaningful while slowing the revolving door of a criminal justice system that produced felony convictions for only 24% of subjects arrested for felony offenses in 2007.

Felony crime, particularly violent felony crime, creates the greatest sense of fear in the community, and the majority of subjects accused of felony crimes continued to elude felony conviction. The incremental gains in conviction rates from 2009 to 2010 may indicate an important trend that results in a criminal justice system in which a majority of individuals arrested for a felony are convicted of a felony and those perpetrating the most severe criminal offenses are likely to be incarcerated and removed from the community.

## Acknowledgements

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<sup>1</sup> Source: New Orleans Municipal Court

<sup>2</sup> "Felony Defendants in Large Urban Counties, 2006", Table 11, Page 11 and Table 12, Page 12, Bureau of Justice Statistics, May 2010 (<http://bjs.ojp.usdoj.gov/content/pub/pdf/fdluc06.pdf>)