



METROPOLITAN CRIME COMMISSION, INC.

Orleans Parish Criminal Justice System Accountability Report

SPRING 2009

In this fifth report tracking the performance of the New Orleans criminal justice system since the beginning of 2007, the Metropolitan Crime Commission (MCC) continues to examine arrest patterns and is now able to provide information about the outcome of all felony arrests in 2007. Felony arrests need to be monitored for at least a year to determine the final outcomes for most cases. By monitoring the outcomes of all felony arrests from 2007, the MCC documents how well the Orleans Parish District Attorney's (DA's) Office and New Orleans Police Department (NOPD) coordinated their efforts to translate arrests into convictions. Patterns in arrests demonstrate changes in how the NOPD uses arrests to address crime problems.

Positive Criminal Justice System Performance Indicators

- There has been a 20% decline in the number of municipal arrests since the beginning of 2007 paired with a 34% increase in municipal citations.
- The total number of arrests reduced 7% from 2007 to 2008.

Other Criminal Justice System Performance Indicators

- Only 3% or 1,977 of the 58,050 Orleans Parish arrests in 2007 have resulted in felony convictions, and less than 1% of arrests resulted in a violent felony conviction.
- A change in state law has not had the intended effect of enabling police to reduce arrests by issuing summonses for misdemeanor warrants.

Arrests in Orleans Parish

There was a slight decrease in arrests during 2008, but the ratio of arrests for misdemeanor to felony offenses has not changed significantly since the beginning of 2007:

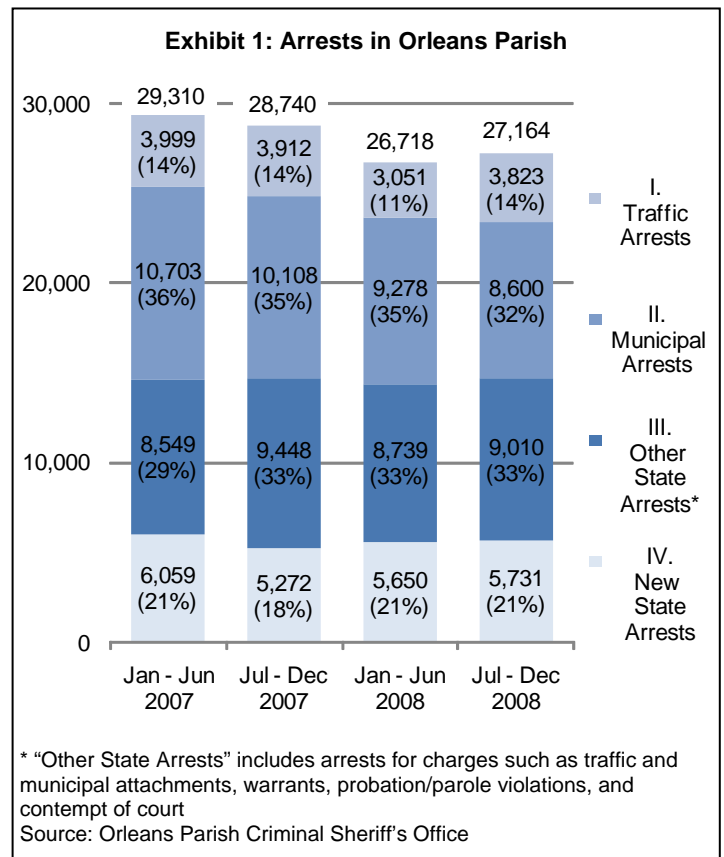
There were 7% fewer arrests in 2008 than in 2007 (see [Exhibit 1](#)). Arrests totaled 58,050 in 2007, compared to 53,882 arrests in 2008. When arrest totals are compared to the July 2008 Orleans Parish population of 311,853 reported by the United States Census, there was approximately one arrest for every six Orleans Parish residents in 2008. In 2007, there was approximately one arrest for every five residents.¹

Traffic arrests increased to 3,823 in the second half of 2008 from 3,051 traffic arrests in the first half of 2008 (see [I. Traffic Arrests](#)). This increase was largely due to an increase of 643 arrests for license violations such as not having a valid driver's license or driving with a suspended license.

The severity of arrest charges has shown little change from the beginning of 2007 through the end of 2008. Arrests for municipal and traffic offenses account for 46% of all arrests in 2008, compared to 49% of all arrests in 2007. The largest change is seen with municipal arrests which made up 36% of all arrests in 2007 compared to 33% in 2008 (see [II. Municipal Arrests](#)).

Arrests for "Other State" offenses accounted for a third (33%) of all arrests in 2008. A majority (28,393 or 79%) of the 35,746 "other state" arrests in 2007 and 2008 were for out of parish attachments or warrants (see [III. Other State Arrests](#)). Attachment or warrant charges range from unpaid traffic citations to state felony offenses. Attachment arrests for misdemeanor charges result in very little jail time and often squander resources of the NOPD and Criminal Sheriff's Office. It is common for the jurisdiction issuing a misdemeanor attachment to order a defendant's release rather than have the defendant extradited for a minor offense. The MCC questions the practicality of using NOPD resources to arrest individuals that are not deemed a threat to public safety by the jurisdictions issuing attachments.

Arrests for new state offenses were consistent throughout 2007 and 2008 (see [IV. New State Arrests](#)). In 2007, there were 11,331 arrests for new state offenses, and there were 11,381 in 2008. Approximately 70% of state arrests are for felony offenses. State offenses, the most serious crimes handled by the local criminal justice system, account for 20% of arrests during the previous two years, and state felony arrests comprise 14% of all arrests.



¹ "Orleans Parish Criminal Justice System Accountability Report Third and Fourth Quarter 2008" Metropolitan Crime Commission, 2/19/08 (page 4)

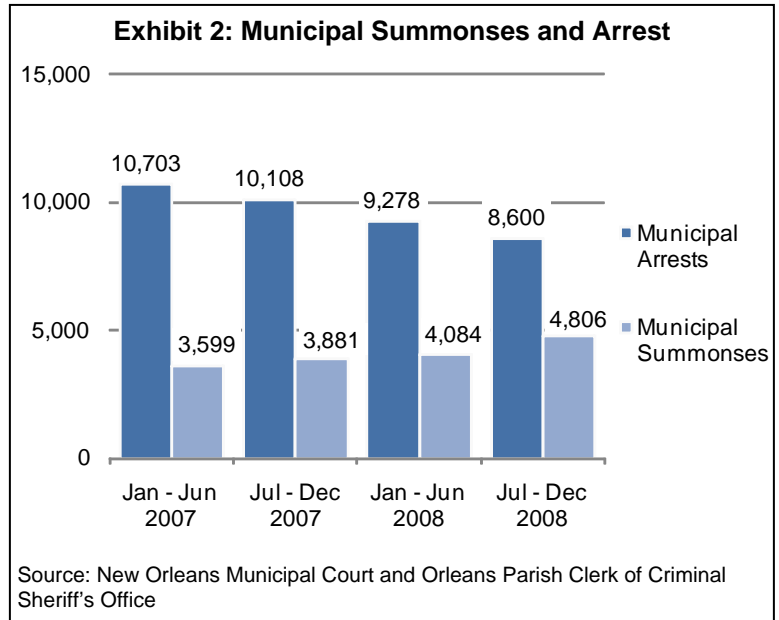
Orleans Parish Municipal Arrests and Summonses

In April of 2008, the New Orleans City Council, with the input and support of the NOPD, passed legislation providing guidelines for which an individual may be arrested for a municipal offense. Municipal arrests are for violations of New Orleans city code and encompass a wide variety of charges ranging from public nuisance violations to misdemeanor crimes of violence. Circumstances outlined in the ordinance that justify a municipal arrest include not having valid identification, a person indicating that he or she will not respond to a summons, the police having reason to believe a person will behave violently, and when an individual is identified as a habitual offender. In all other situations, officers are encouraged to issue a summons to appear in Municipal Court.

The New Orleans Police Department has steadily increased the use of summonses and reduced the number of arrests for municipal offenses (see Exhibit 2).

Overall, municipal arrests decreased by 2,103 (or 20%) from 10,703 in the first half of 2007 to 8,600 in the second half of 2008. As arrests decreased, summonses to appear in Municipal Court rose 1,207 (or 34%) from 3,599 in the first half of 2007 to 4,806 in the second half of 2008. These changes in the use of municipal summonses and arrests appear to indicate a transition in the NOPD's strategy for enforcing the municipal code.

Over 5,300 of the 38,689 municipal arrests in 2007 and 2008 were for violent crimes such as domestic violence and municipal battery. There were also over 7,300 arrests for municipal attachments for which, until recently, the police did not have discretion to issue a summons. Excluding violent and attachment municipal arrests, over 26,000 (or 67%) of the municipal arrests in 2007 and 2008 fell into the category of misdemeanor non-violent offenses wherein the police had discretion to issue a summons but instead chose to arrest.



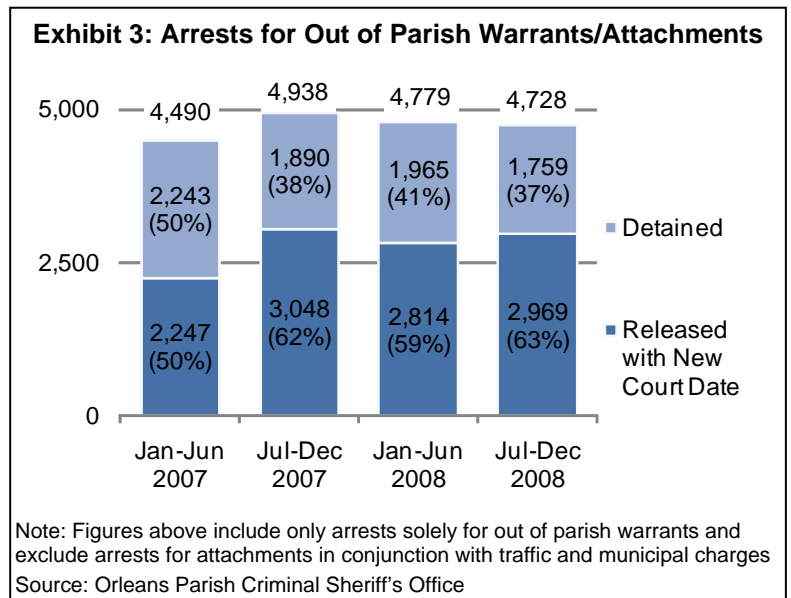
Warrant Arrests

The Louisiana Legislature passed Senate Bill 71 in June of 2008 that allows officers to issue a summons rather than arrest individuals with warrants and attachments for misdemeanor and traffic offenses. The intention of this legislation was to reduce the strain that minor arrests place upon criminal justice resources. The legislation may require an amendment to achieve its intended purpose of providing police with discretion to issue a summons for non-violent misdemeanor offenders.

Arrest statistics from July through December of 2008 do not show that changes in state law had the effect of reducing arrests for out of parish warrants by the NOPD (see Exhibit 3). Although this arrest-relief legislation took effect in the summer of 2008, the number of arrests for warrants and attachments in New Orleans did not decrease.

A portion of warrant arrests are for fugitives wanted for major offenses such as violent felony crimes. However, there would be a measureable reduction in warrant arrests if Senate Bill 71 successfully granted the NOPD discretion to reduce arrests for misdemeanor warrants.

When someone is arrested for an outstanding warrant, the jurisdiction issuing the warrant may order the defendant's release with a new court date if the person is not believed to be a threat to public safety. An arrested individual is usually detained for extradition if the jurisdiction feels the individual is a safety threat.



The jurisdictions issuing arrest warrants refused to transport prisoners back to their local jail facilities for a 59% majority of individuals arrested solely for an out of parish attachment. These individuals were given a new court date and 94% were released from the Orleans Parish Criminal Sheriff's custody in a day or less. In total, 10,454 people in 2007 and 2008 spent a day or less in jail after being issued a new court date by the jurisdiction where the misdemeanor attachment was issued.

2007 Felony Arrest Outcomes

The MCC has identified all state arrests in 2007 and followed the disposition of each arrest as it transitions through the criminal justice system. The following is a breakdown of outcomes of all 2007 felony arrests as of January 2009. This report focuses upon felony arrests and convictions, with emphasis on crimes of violence, because these are the most serious crimes handled by the local criminal justice system.

Only felony convictions can result in a sentence of incarceration in the Department of Corrections, with violent felony convictions having one of the highest incarceration rates. Felony convictions also offer the opportunity for enhanced sentencing if an offender has any future convictions. In contrast, most state misdemeanor, municipal, and traffic convictions result in sentences of probation. It is also common for felony property and drug offenders to receive sentences of probation.

As of January 2009, only 24% of individuals arrested for a felony crime in 2007 had been convicted of a felony offense (see Exhibit 4).

Approximately half (48%) of all felony arrests did not result in a conviction for any offense. This includes 39% of cases that were refused prosecution, 8% of cases that were initially accepted and later dismissed, and 1% of cases in which a defendant was found not guilty by a judge or jury.

Eighteen percent (18%) of felony arrests were prosecuted as misdemeanors, which includes plea bargains and felony arrests that were charged as misdemeanors when they were accepted for prosecution.

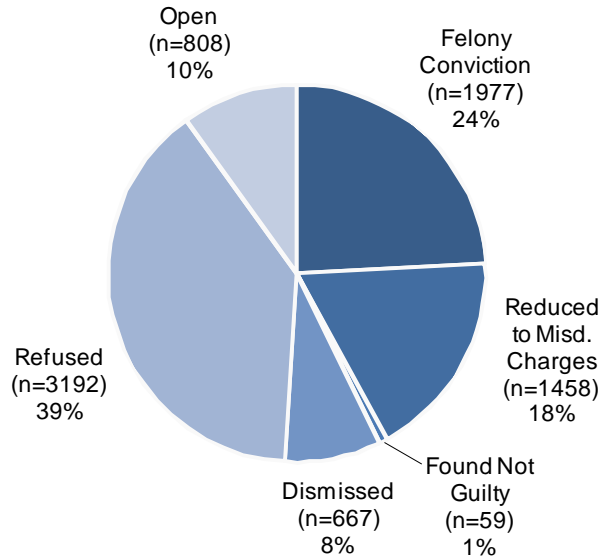
Ten percent (10%) of felony arrests resulted in accepted felony cases that were not resolved by January of 2009. The final conviction rate will not be known until these cases close.

Prosecutors and police share responsibility for the lack of success at converting 2007 felony arrests into felony convictions, which is similar to the conviction rate before Hurricane Katrina (see Exhibit 5). The 2007 conviction rate of 24% for felony arrests is consistent with the 26% conviction rate found in 2003-2004, shortly before Hurricane Katrina.² Conviction rates from 2003-2004 and 2007 are substantially lower than the 35% conviction rate found in 1999-2000.² The conviction rate for 2007 will rise when the 10% of cases that remain open are closed but not to the level of 1999-2000.

Three percent (3%) of all arrests from 2007 have resulted in felony convictions (see Exhibit 6). There were 1,977 felony convictions that resulted from 58,050 total arrests in 2007. Violent felony convictions make up 160 of the 1,977 convictions, which comprises a fraction of a percent of the 58,050 arrests in 2007 and less than 10% of felony convictions. Arrests that do not result in convictions feed the “revolving door” syndrome which undermines public confidence in the criminal justice system and wastes the limited resources of law enforcement.

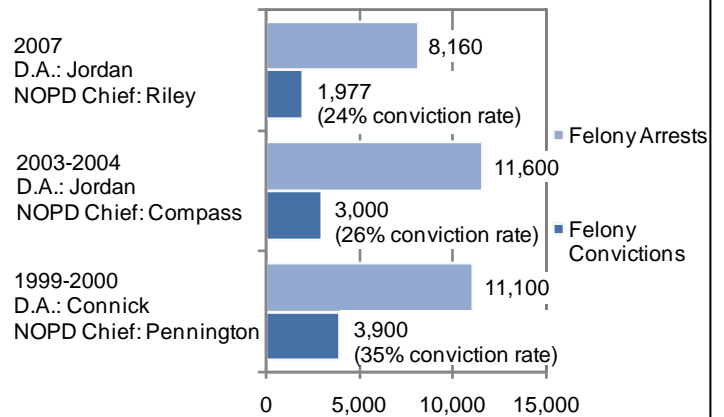
² “Performance of the New Orleans Criminal Justice System 2003-2004” Metropolitan Crime Commission, Aug 2005 (page 9)

EXHIBIT 4: Outcomes of 2007 Felony Arrest (N=8,160 Total Arrests)



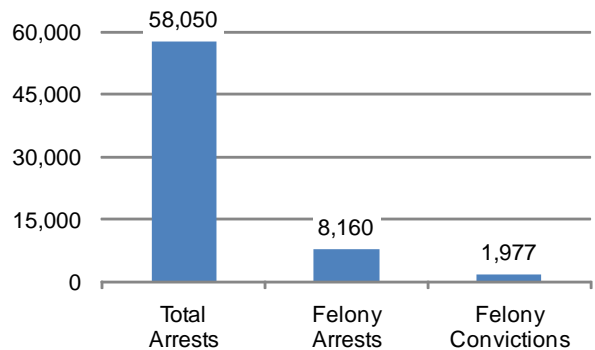
Source: Orleans Parish DA's Office; Orleans Parish Criminal District Court, Orleans Parish Criminal Sheriff's Office
* Estimated error rate of up to 3%

EXHIBIT 5: Current and Past Arrest-to-Conviction Rates



Source: Orleans Parish DA's Office; Orleans Parish Criminal District Court, Orleans Parish Criminal Sheriff's Office; past MCC research
* Estimated error rate of up to 5%

EXHIBIT 6: 2007 Arrests and Convictions



Source: Orleans Parish DA's Office; Orleans Parish Criminal District Court, Orleans Parish Criminal Sheriff's Office; NOPD
* Estimated error rate of up to 3%

CONCLUSIONS

The New Orleans criminal justice system has made progress in its recovery from Hurricane Katrina, and there are signs that it is making improvements beyond reestablishing its pre-Katrina operations. However, there remains a great need to improve upon the arrest outcomes for committing a violent felony in New Orleans.

The MCC commends the NOPD for increasing the use of municipal summonses in lieu of arresting many municipal offenders. There were more than 2,000 fewer municipal arrests from July through December of 2008 compared to January through June of 2007. This substantial reduction in municipal arrests shows that the NOPD recognizes that a significant number of non-violent municipal offenders pose no real threat to public safety and do not stay in jail if arrested. It also allows the police to use their most precious resource, manpower, more efficiently to better serve the public safety needs of this community.

Crime statistics reported by the NOPD show that violent crime reduced 17% from 3,452 reported incidents in 2007 to 2,869 in 2008. This includes a reduction from 210 homicides in 2007 to 179 homicides in 2008. Reported property crimes also declined 5% from 15,583 in 2007 to 14,880 in 2008.

While the crime reduction is highly commendable, criminal justice system resources do not appear to be adequately focused upon the most significant crime problems. Only 3% of 2007 arrests resulted in felony convictions and less than 1% of arrests achieved a violent felony conviction. The low felony arrest-to-conviction rate shows that the majority of criminal justice system resources are spent arresting and prosecuting minor non-violent offenses.

The MCC respectfully recommends that the NOPD find additional ways to maximize the use of manpower in order to focus department resources on felony and violent crimes. One strategy is to continue increasing the use of summonses and reducing the number of arrests for non-violent municipal and misdemeanor offenses.

Over 10,000 individuals were arrested in 2007 and 2008 for an outstanding warrant and then released within a day because the jurisdiction issuing the warrant did not feel it was necessary to keep these individuals in jail. In 2007 and 2008, over 7,300 individuals were arrested for New Orleans municipal attachments. The Louisiana Legislature changed state law to enable police to arrest fewer individuals with outstanding misdemeanor warrants, but this legislation has not reduced warrant arrests in New Orleans. The MCC respectfully encourages the NOPD to identify alternatives to arrest for misdemeanor warrants. Further revisions to state law and cooperative agreements with regional law enforcement agencies should be pursued in an effort to curtail arrests for misdemeanor warrants.

New Orleans has more officers per capita than other large cities. A study of 49 large jurisdictions by the Bureau of Justice Statistics shows that New Orleans has 746 officers per 100,000 residents, which does not include state police or the National Guard.³ The next highest rate is in Washington D.C. which has 643 officers per 100,000 residents. Other examples of officers

per 100,000 residents include 376 in Atlanta, Georgia, 346 in Boston, Massachusetts, and 295 in Memphis, Tennessee.

It appears logical to conclude that a more strategic use of New Orleans' police manpower could improve community safety. Issuing more summonses in lieu of arresting minor non-violent offenders will free officers to devote more time to violent felony crime. The high arrest rate for minor offenses seems a futile strategy that wastes police resources by arresting thousands of individuals who will spend very little time in jail. It is not the quantity of arrests, but rather the quality of arrests and accompanying investigations that determine the effectiveness of an arrest strategy.

Meaningful public safety improvements will only be realized when police and prosecutors better coordinate to increase the arrest-to-conviction success rate for felony crimes. Only a quarter (24%) of 2007 felony arrests resulted in a felony conviction. It was more likely that a felony arrest would be refused for prosecution than successfully ending in a felony conviction. As long as most individuals arrested for felony crimes are not convicted of felony offenses, the "revolving door" syndrome will continue to recycle criminals back into the community without consequences for their actions.

The MCC has documented a long-standing problem with translating arrests into convictions. Measurements taken across three different police and prosecution administrations show that the conviction rate has decreased from a low of 35% in 1999-2000 to an even lower 24% in 2007 (see Exhibit 5).

The conviction rate for newly elected Orleans Parish District Attorney Leon Cannizzaro will not be known for at least another year, but there are initiatives underway that have the potential to improve the performance of the criminal justice system. Changes embraced by District Attorney Cannizzaro include expanding witness protection, increasing diversion to reduce the burden that less serious offenses place upon criminal justice system resources, and placing prosecutors on the scenes of homicides.

The enhanced coordination and cooperation between police and prosecutors seen with homicide cases should be broadened to permeate all state criminal investigations and prosecutions. The MCC respectfully recommends that the NOPD and DA's Office expand the collaboration of police and prosecutors to include investigations of all felony violent crimes and cases involving habitual offenders. From there, cooperative police and prosecutor investigations could be further expanded to include all state offenses.

Ultimately, the root causes of crime fall outside the scope of the criminal justice system. A lack of education, limited career opportunities, and poor guidance from fractured family structures are a few circumstances commonly cited as contributing to criminal behavior and are beyond the reach of police and prosecutors. In spite of these limitations, a well-functioning criminal justice system that identifies and convicts perpetrators of the most serious criminal activities is the best opportunity to remove dangerous criminals from our community and may, eventually, serve as a more meaningful deterrent to committing criminal offenses.

Acknowledgements

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³ Data compiled for "Criminal Justice Expenditure and Employment Extracts Program" Bureau of Justice Statistics, Aug 2008