



# METROPOLITAN CRIME COMMISSION, INC.

## Orleans Parish Criminal Justice System Accountability Report

### JUNE 2011

Since the beginning of 2007, the Metropolitan Crime Commission (MCC) has monitored arrests, 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. Orleans Parish District Attorney Leon Cannizzaro assumed leadership of the DA's Office in November of 2008, and Ronal Serpas became Superintendent of the NOPD in May of 2010. This report examines arrest to conviction rates for 2009, DA Cannizzaro's first year of office, and reviews changes in NOPD arrest patterns in the latter half of 2010 under the leadership of Superintendent Serpas.

#### Summary of Arrest Findings

- Large decreases in arrests for traffic and municipal offenses and out of parish warrants contributed to a dramatic 21% decrease in arrests in the second half of 2010.
- There were more than 6,500 arrests for out of parish attachments in the second half of 2010 for which a majority of suspects were released from jail within one day.

#### Summary of Conviction Rate Findings

- There was a 42% felony arrest to conviction rate for 2009 arrests; the highest recorded over the past decade.
- Felony conviction rates have ample opportunity for improvement as evidenced by the national arrest to conviction rate of 56%.

### Arrests in Orleans Parish

**Arrests decreased substantially throughout 2010 (see Exhibit 1).** In total, there were 59,974 arrests in 2009 which reduced 25% to 45,557 arrests in 2010. The smallest number of arrests was the second half of 2010 when 20,119 individuals were arrested.

There were fewer arrests for every category of offense from the first half of 2010 to the second half of 2010. The biggest reductions were in arrests for minor offenses with a 27% reduction in municipal arrests, a 25% reduction in "Other State Arrests", and a 20% reduction in traffic arrests. There were smaller declines in felony arrests which reduced 6% and state misdemeanor arrests which reduced 10%.

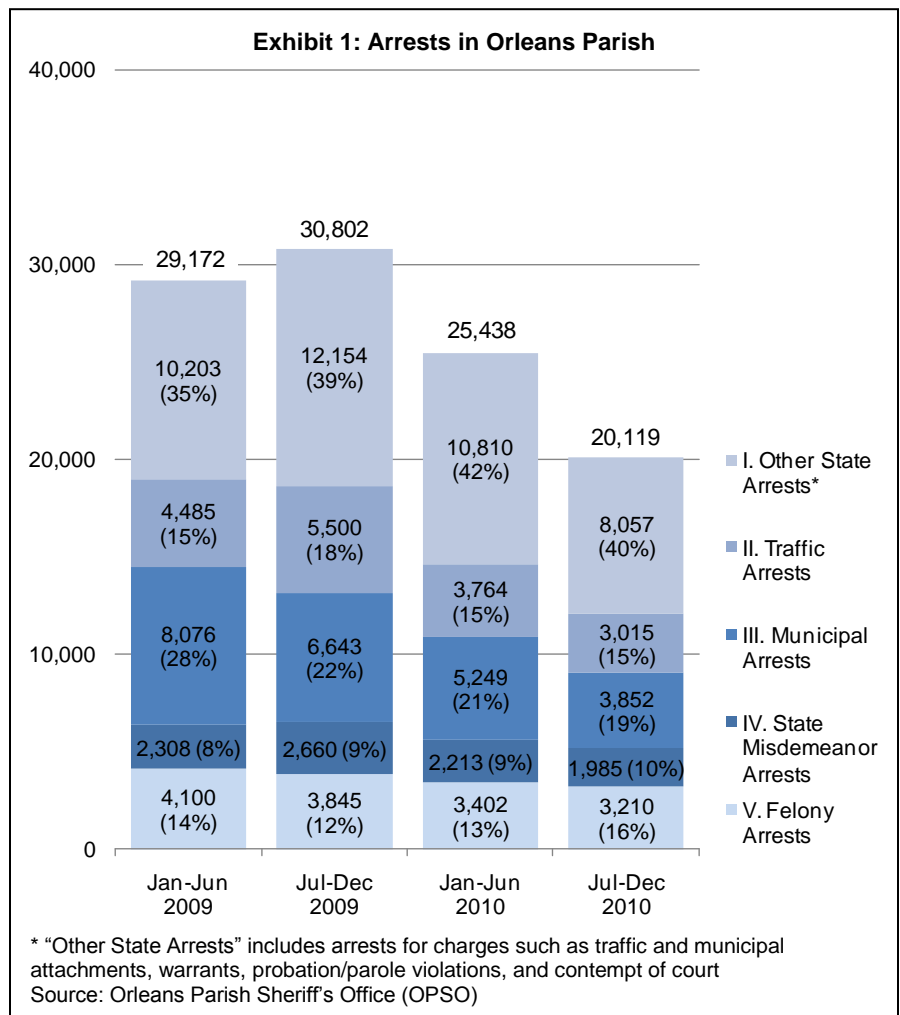
"Other State Arrests" has consistently been the largest category of arrest offense and comprised 42% of arrests in the first half of 2010 compared to 40% of arrests in the second half of 2010 (see **I. Other State Arrests**). The most common offense for "Other State Arrests" is an out of parish warrant, usually for minor offenses such as traffic or municipal violations resulting in day or less in jail. In the second half of 2010, 6,528 (or 81%) of "Other State Arrests" were for out of parish warrants. There was a gradual reduction in the rate of "Other State Arrests" for out of parish warrants over the past two years. In the first half of 2010, 85% of "Other State Arrests" were for out of parish warrants, which is a reduction from all of 2009 when 92% of "Other State Arrests" were for out of parish warrants.

The percent of arrests for municipal offenses has steadily decreased over the previous two years (see **III. Municipal Arrests**). In the first half of 2009, 28% of arrests were for municipal offenses, which reduced to 22% in the second half of 2009, then 21% in the first half of 2010, and 19% in the second half of 2010.

Traffic and state misdemeanor arrests have accounted for similar portions of overall arrest totals throughout 2009 and 2010 (see **II. Traffic Arrests and IV. Misdemeanor Arrests**). Traffic arrests accounted for 15% to 18% of all arrests and state misdemeanor charges accounted for 8% to 10% of arrests throughout 2009 to 2010.

The percent of arrests for felony charges had a small increase from 13% in the first half of 2010 to 16% in the second half of 2010 (see **V. Felony Arrests**).

In the second half of 2010, 57% of all arrested suspects were released from custody within one day. More severe charges resulted in longer time in jail. Suspects charged with felony offenses had a 21% rate of release within one day compared to 60% rate of release within one day for suspects charged with misdemeanor, municipal, traffic, and other charges.

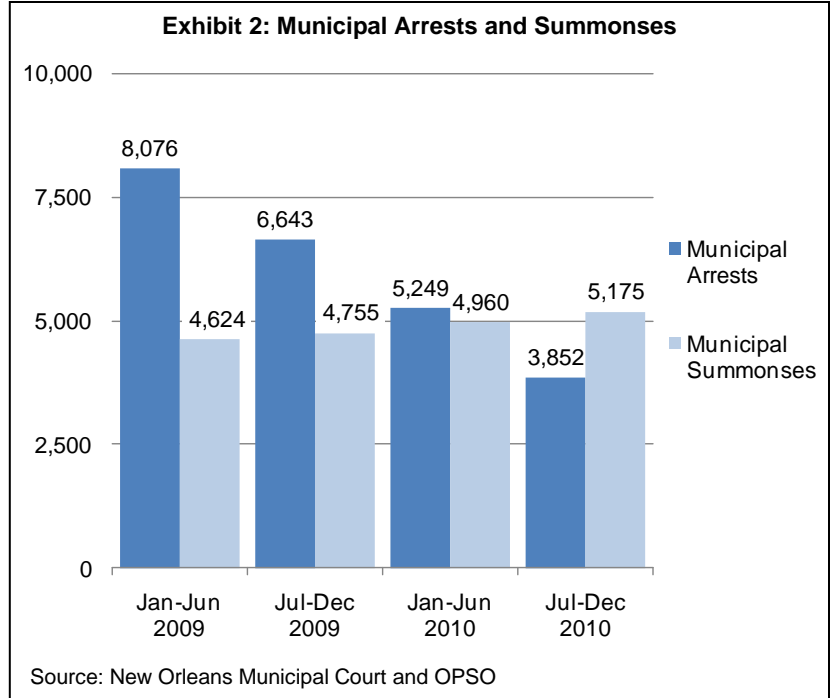


## Municipal Arrests and Summonses

A municipal summons compels an accused suspect to appear in court and is used in lieu of arrest for less severe municipal crimes. Police are justified in arresting municipal offenders when the severity of offense rises to the level, they are accused of domestic violence, they pose risk to themselves or others, they are unlikely to appear in court, they do not have identification, or they have an outstanding warrant for previous failures to appear in municipal court.

**As the number of arrests for municipal offenses declined, there has been a steady rise in the issuance of municipal summonses.** Exhibit 2 shows the number of municipal arrests and municipal summonses issued over the previous two years. There was a steady decline in municipal arrests from a high of 8,076 in the first half of 2009 to 3,852 in the second half of 2010, an overall reduction of 52%. During that same time, the issuance of summonses increased from 4,624 in the first half of 2009 to 5,175 in the second half of 2010, a 12% increase. **The second half of 2010 is the first period under study in which there were more municipal summonses than municipal arrests.**

In the second half of 2010, the most common municipal arrest charges included approximately 1,100 arrests for property violations, over 900 arrests for municipal attachments, and approximately 500 arrests for alcohol violations.



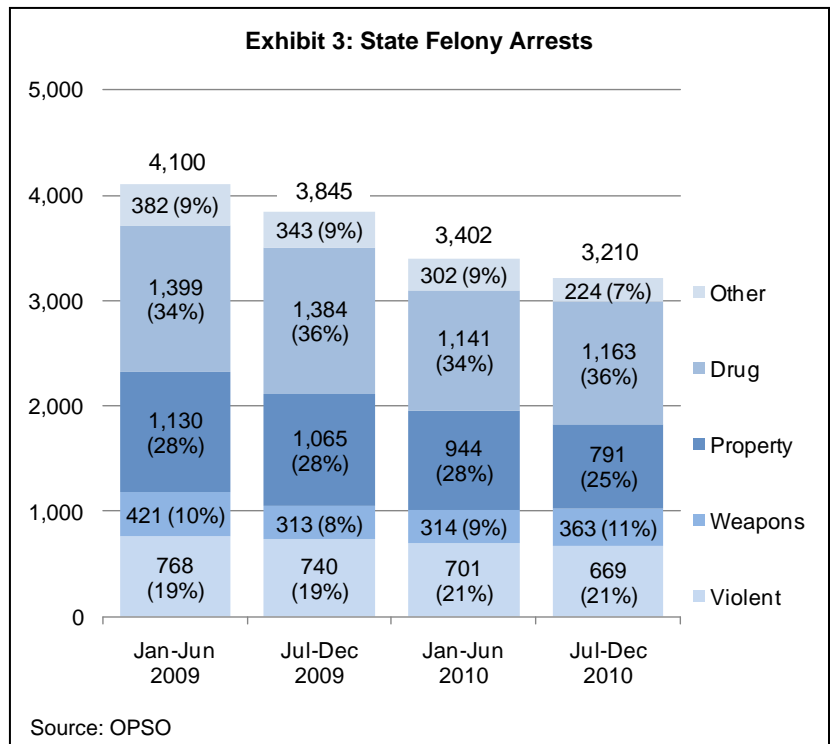
## State Felony Arrests

The MCC focuses upon felony arrests because they are the most serious charges entering the New Orleans criminal justice system. Felonies comprise the most severe 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 increased sentencing should an offender have any future felony convictions.

Exhibit 3 shows the number of felony arrests broken down by most serious arrest charges against defendants.

**There has been a gradual decline in felony arrests since the beginning of 2009.** The highest number of felony arrests over the previous two years was 4,100 in the first half of 2009, but felony arrest totals trended downward to 3,210 in the second half of 2010, which represents a 22% reduction in felony arrests.

**The categories of felony charges has been consistent over the past two years.** Consistently, violent felonies comprised 19% to 21% of arrests, weapons felonies comprised 8% to 11% of arrests, property crimes comprised 25% to 28% of arrests, and drug offenses comprised 34% to 36% of arrests.



## Outcomes of 2009 Felony Arrests

For each new state arrest, police submit documentation that is reviewed by the DA's Office to determine whether or not to accept the case and prosecute a defendant. Cases with insufficient evidence are refused and there are no further criminal proceedings against a suspect. The DA's Office accepts a criminal case for prosecution when there appears to be enough evidence to prove a defendant's guilt and obtain a conviction. In some instances, the DA's Office may allow a defendant to enter a diversion program or refer 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 4** presents the outcomes of all felony arrests from 2009, DA Leon Cannizzaro's first full year in office. The Superintendent of Police was Warren Riley throughout 2009. There are 287 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 2009 arrests are examined at this time to allow sufficient time to elapse for cases to close. Eighteen percent (18%) of cases took more than a year to close from the time of arrest and 11% of cases remained open as of April 2011 when data collection was concluded.

As Figure 4 demonstrates, 42% of individuals arrested for felony crimes were ultimately convicted of a felony. A combined total of 22% were not convicted of any charges including 14% whose cases were refused prosecution, 6% whose cases were dismissed, and 2% found not guilty in trial.

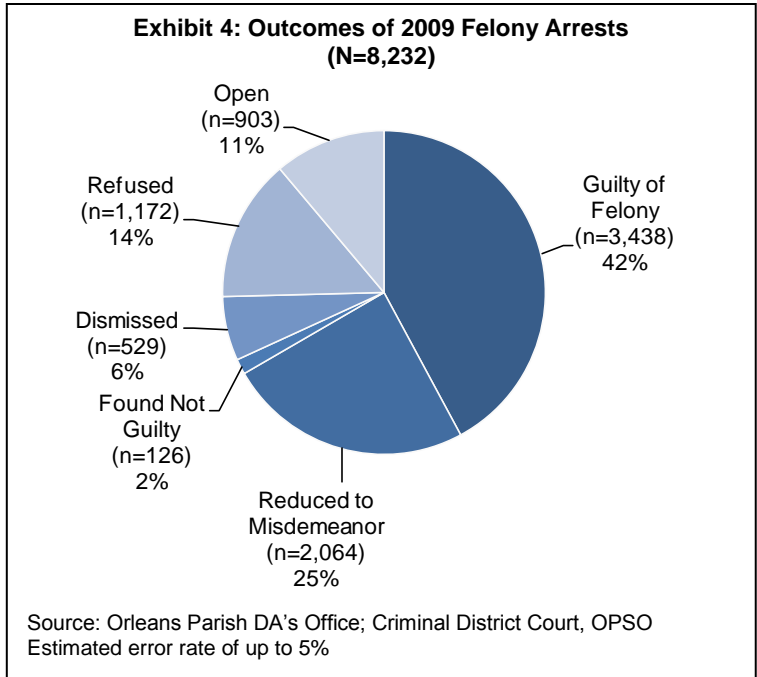
A quarter (25%) of NOPD felony arrests resulted in the DA's Office choosing to prosecute for misdemeanor offenses. Of the 2,064 felony arrests prosecuted as misdemeanors, 687 (or 33%) were accepted by the DA's Office as felonies but defendants either pled or were found guilty of misdemeanor violations. For 1,377 (or 67%) of these cases, police originally charged defendants with felonies but the cases were accepted for prosecution as misdemeanor offenses.

**Exhibit 5** shows arrest to conviction rates for different types of charges.<sup>1</sup> Felony drug arrests had the highest total conviction rate with 53% of drug arrests resulting in a felony conviction. Most other offenses had total conviction rates similar to one another with violent arrests having a 37% conviction rate, weapons offenses having a 40% conviction rate, and property crimes having a 39% conviction rate. The lowest felony conviction rate of 19% was for other offenses. Individuals charged with other offenses commonly included arrests for crime against nature that were frequently reduced to misdemeanor charges of prostitution.

**Conviction Rates Comparison**

The 42% conviction rate for 2009 felony arrests is the highest recorded since the MCC began examining arrest outcomes in 1999 (see **Exhibit 6**). Previously, the highest felony arrest to conviction rate of 35% was recorded in a 1999-2000 study period. Other conviction rates documented by the MCC include a 24% conviction rate in 2007 and a 26% conviction rate in a 2003-2004 study period.

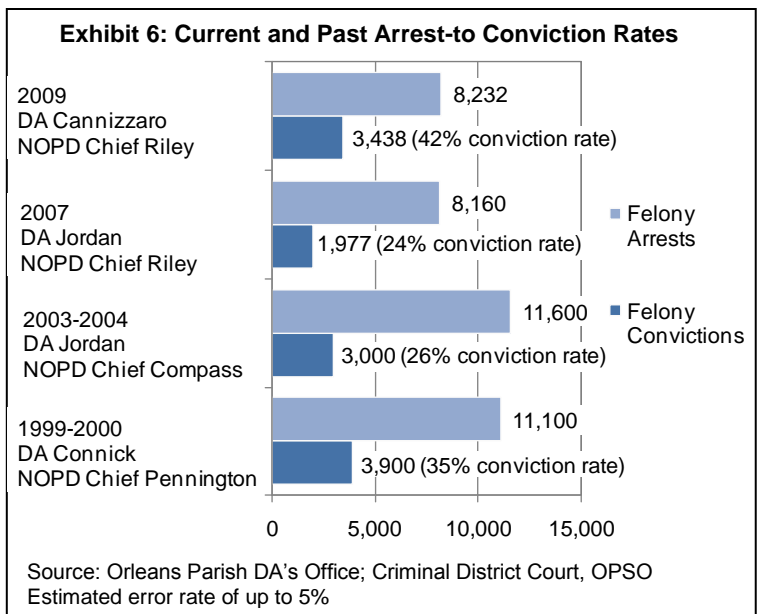
While the 2009 42% arrest to conviction rate marks a significant improvement from previous studies, it lags behind national standards. A nationwide study by the Bureau of Justice Statistics found a 56% felony arrest to conviction rate.<sup>2</sup> One significant difference between Orleans Parish conviction 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 25% in Orleans Parish. Overall national statistics indicate that 68% of felony arrests result in conviction for either a misdemeanor or felony charge, which is similar to the combined 67% rate of misdemeanor or felony conviction in Orleans Parish.



**Exhibit 5: 2009 Outcomes by Most Serious Arrest Charge**

	<b>Violent</b> (1,614 arrests)	<b>Weapons</b> (752 arrests)	<b>Property</b> (2,218 arrests)	<b>Drug</b> (2,895 arrests)	<b>Other</b> (753 arrests)
Accepted for Prosecution as Felony	60%	59%	56%	74%	26%
Same Type of Felony Conviction (e.g., arrested and convicted of violent felony)	32%	23%	37%	53%	17%
Conviction for Other Felony	5%	17%	2%	1%	2%
<b>Total Convictions</b>	<b>37%</b>	<b>40%</b>	<b>39%</b>	<b>53%</b>	<b>19%</b>

Note: Some totals may not add up exactly due to rounding  
Source: Orleans Parish DA's Office; Criminal District Court, OPSO  
Estimated error rate of up to 5%



## CONCLUSIONS

Examining 2010 arrest trends and 2009 arrest to conviction rates reveals the NOPD greatly reduced arrests for minor offenses and felony arrests increasingly resulted in felony convictions.

**The MCC commends the NOPD's increased use of summonses and reductions in arrests for petty misdemeanor offenses.** Arrests consistently declined in 2010 with the largest decreases in arrests for municipal, traffic, and "Other State Offenses". Most suspects arrested for these offenses are accused of minor crimes and are quickly released from jail.

Municipal arrests decreased 52% from the first half of 2009 to the second half of 2010 as the NOPD issued more summonses compelling suspects to appear in municipal court. The increased use of summons is a more effective and efficient use of police resources that reduces time officers spend transporting minor offenders to jail who are frequently released shortly thereafter.

Reductions in "Other State Arrests" also signify a large decrease in arrests for minor offenses. Commonly, these arrests are for minor out of parish warrants such as failure to pay traffic or municipal fines. In total, there were 6,528 arrests for out of parish warrants in the second half of 2010, which is a significant reduction from the 9,181 arrests for out of parish warrants in the first half of 2010.<sup>3</sup> In the spring of 2010 the Louisiana State Legislature passed House Bill 107 granting police discretion not to arrest many suspects with outstanding warrants for misdemeanor offenses. The MCC respectfully encourages the NOPD to apply this legislation and continue to curtail arrests for minor out of parish warrants.

Arrest patterns and increased use of summons are indicative of a shifting policing strategy. A 60% majority of suspects arrested for non-felony offenses are released from jail within one day. A quarter of an officer's shift or more is consumed for each minor arrest, which makes officers unavailable for violent felony calls for service. Reductions in arrests for minor offenses demonstrate improved utilization of police resources.

**The MCC commends the NOPD and DA's Office for significantly increasing the rate of felony arrests resulting in felony convictions.** Forty-two percent (42%) of felony arrests from 2009 resulted in a felony conviction. This is a significant improvement from the 24% conviction rate documented in 2007, and the highest conviction rate since the MCC began tracking arrest to conviction rates in 1999. Compared to previous MCC studies, more cases are being accepted for prosecution and fewer accepted cases are later dismissed.

Conviction rates for different categories of felony offenses demonstrate success at achieving convictions for a broad spectrum of criminal violations. The felony conviction rates for violent, weapons, and property offenses ranged from 37% to 40%, and the conviction rate for drug offenses was 53%. Similarity in conviction rates indicates system-wide improvements at responding to multiple types of felony crime.

The higher conviction rate results from better quality cases presented for prosecution. An expanded arrest to conviction rate

indicates that the NOPD is directing more resources to violent and repeat felony offenders, which facilitates prosecutors in converting more arrests into convictions. Should this trend continue, more pronounced benefits may be realized with higher arrest to conviction rates resulting in improved community safety.

Although conviction rates are vastly improved, they still fall below the national felony arrest to felony conviction rate of 56%. One cause of the disparity between Orleans Parish and national outcomes is high rate of felony arrests resulting in misdemeanor prosecutions. Nationwide, 11% of felony arrests were ultimately prosecuted as misdemeanors compared to 25% of Orleans Parish felony arrests prosecuted as misdemeanors. Two-thirds of felony arrests resulting in misdemeanor prosecutions were the result of police charging an individual with a felony that was later downgraded to a misdemeanor when the DA's Office accepted the case for prosecution. Examples of felonies reduced to misdemeanors include aggravated battery being prosecuted as simple battery and felony theft being prosecuted as misdemeanor theft. The MCC respectfully encourages the criminal justice system to determine the underlying causes for the high rate of felony arrests resulting in misdemeanor prosecutions and identify opportunities to increase the rate of felony arrests that conclude in felony prosecutions.

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**The MCC believes felony arrest to conviction rates are a better indicator of the effectiveness of police and prosecutors than historically embraced benchmarks of the numbers of arrests or standalone numbers of convictions.**

The trend of fewer arrests began in the first half of 2010 and accelerated in the administration of NOPD Superintendent Serpas. Legislative reforms and ongoing trends in arrest reductions make it appear likely that arrests for minor offenses will continue to decrease.

2009 was the first full calendar year of Leon Cannizzaro's tenure as District Attorney and the criminal justice system achieved the highest conviction rate recorded since the MCC began tracking arrest to conviction statistics in 1999. Reductions in minor arrests should allow the criminal justice system to expand upon the felony conviction rate as the system has greater opportunity to focus its resources on investigating, arresting, and convicting felony offenders.

A high rate of felony arrests resulting in felony convictions demonstrates a productive collaborative effort between the NOPD and DA's Office. Although not every felony arrest can or should result in a felony conviction, felony arrests present the greatest opportunity for the criminal justice system to bring sanctions against violent and repeat felony offenders that most threaten community safety. Current indicators of criminal justice system performance show encouraging signs that reforms have begun to take root, but continued improvements require ongoing commitment by the public, political leadership and all criminal justice officials.

## Acknowledgements

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<sup>1</sup> For additional information see "Orleans Parish Criminal Justice System Accountability Report June 2011 – Supplemental Exhibits"

([www.metroplotancrimecommission.org/html/research.html](http://www.metroplotancrimecommission.org/html/research.html))

<sup>2</sup> "Felony Defendants in Large Urban Counties, 2006", Table 11, Page 11, Bureau of Justice Statistics, May 2010

(<http://bjs.ojp.usdoj.gov/content/pub/pdf/dluc06.pdf>)

<sup>3</sup> "Orleans Parish Criminal Justice System Accountability Report – Fall 2010", Page 1, Metropolitan Crime Commission