



# METROPOLITAN CRIME COMMISSION, INC.

## Orleans Parish Criminal Justice System Accountability Report

### First Quarter 2007

In this first quarterly report on the 2007 performance of the New Orleans criminal justice system, the Metropolitan Crime Commission (MCC) finds a high number of arrests resulting in fewer felony prosecutions compared to before Hurricane Katrina. The main goal of this and future quarterly reports is to inform the public and community leaders of the performance of the New Orleans criminal justice system throughout 2007. Key first quarter findings include:

- The New Orleans Police Department (NOPD) arrested almost 5,000 people each month during the first quarter of 2007, a 12% per capita increase<sup>1</sup>. Many arrests were for minor offenses such as traffic and municipal violations.
- A 58% majority of individuals arrested for state offenses were ultimately prosecuted by the DA's Office.
- The DA's Office is accepting a smaller percentage of felony cases – felonies made up 54% of accepted criminal cases in 2003-2004, which has shrunk to 41% in the first quarter of 2007.
- Only half (48%) of felony arrests result in suspects being prosecuted for felony offenses.

Future MCC quarterly reports will look into cases closed in Criminal District Court (CDC) and inventories of pending criminal cases. A review of closed case statistics and case inventory information presented in subsequent reports will provide even greater insight into the performance of New Orleans criminal justice system in 2007.

### Arrests in Orleans Parish

While there is a per capita increase in the arrest rate, municipal and traffic offenses dominated New Orleans arrests in the first quarters of 2005 and 2007.

Approximately 14,800 suspects were arrested in Orleans Parish in the first quarter of 2007, nearly 5,000 per month. When compared to the approximately 7,800 arrests per month in the first quarter of 2005, there is a 12% per capita increase in arrests in 2007<sup>1</sup>.

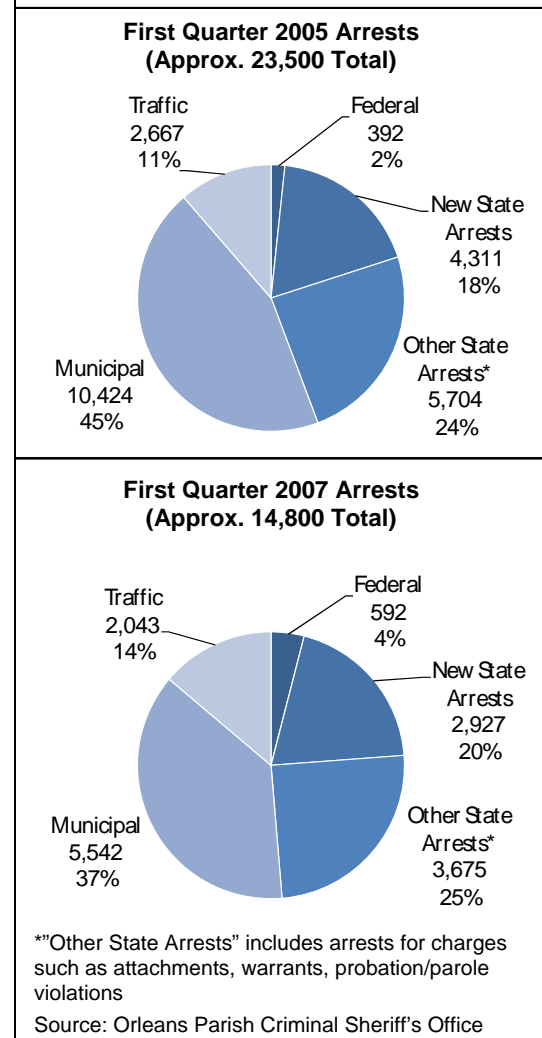
Traffic and municipal arrests are unlikely to result in someone being sentenced to much if any jail time, yet they account for over half of all arrests in New Orleans. In the first quarter of 2007, 37% of arrests were for municipal offenses and 14% were for traffic offenses<sup>2</sup>, which means slightly more than half (51%) of all arrests were for these most minor offenses handled by the criminal justice system. Comparatively, the first quarter of 2005 saw a similar 55% of arrests for municipal (44%) or traffic (11%) offenses. State and federal offenses also make up similar portions of arrests in both 2005 and 2007.

The similar percentages of traffic, municipal, state, and federal arrests in 2005 and 2007 shows that the NOPD continues to apply the same arrest strategy that was in place before Hurricane Katrina.

<sup>1</sup> Based upon New Orleans population estimates of 455,000 in 2005 per the U.S. Census bureau and 255,000 in 2007 per Greg Rigamer; *Times-Picayune*; May 3, 2007

<sup>2</sup> Traffic Court records show 291 first quarter 2007 DWI arrests, which accounts for approximately 14% of the 2,043 traffic arrests

Exhibit 1: Arrests in Orleans Parish



## Arrests for New State Offenses

In total, there were 6,602 state arrests in the first quarter of 2007 (as shown in Exhibit 1). Of these arrests, 2,927 were for new state criminal violations – including 874 misdemeanor arrests and 2,053 felony arrests. These new offenses range from relatively minor charges, such as misdemeanor drug possession or theft, to the most serious crimes of rape or murder. The remaining 3,675 state arrests were for violations related to previous state offenses such as outstanding attachments for not appearing in court, arrest warrants, and probation/parole violations.

As shown in Exhibit 2, felony offenses made up approximately 70% of arrests for new state offenses in both the first quarter of 2007 and from October 2003-September 2004<sup>3</sup>.

The first quarter of 2007 saw 2,053 arrests for new state felony offenses. These 2,053 offenses are the local criminal justice system’s best chance to remove serious offenders from the community, but make up only 14% of the total number of arrests during the first quarter.

## State Cases Accepted for Prosecution

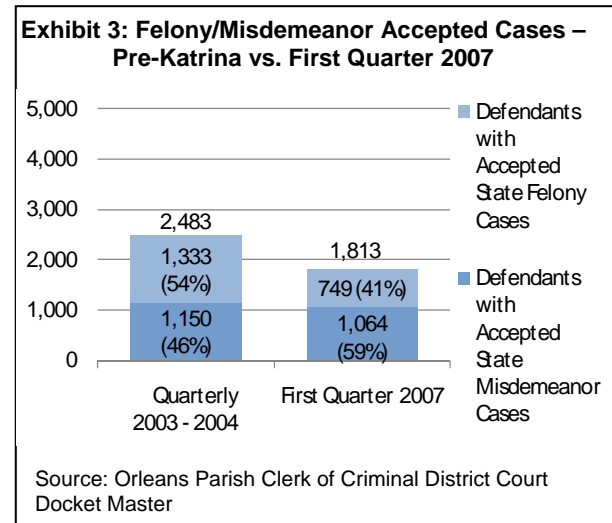
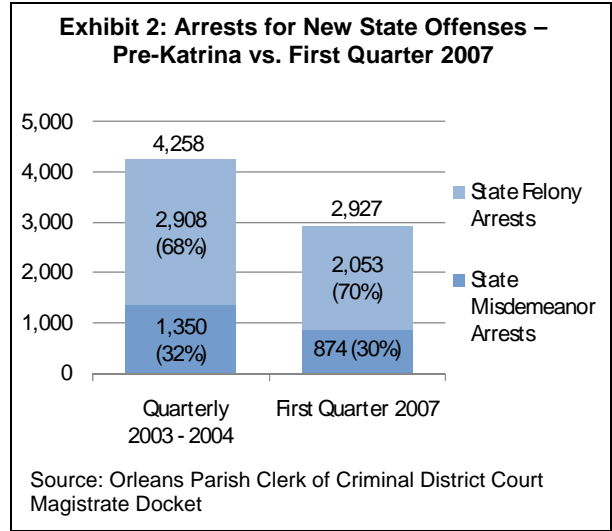
After an arrest, the NOPD prepares a report and submits the case to the DA’s Office. The DA’s Office then decides whether or not to accept or refuse charges against an arrested subject. In the first quarter of 2007, the DA’s Office accepted or refused cases involving 3,066 suspects – slightly more than the 2,927 new arrests made during the same time frame. The higher number of accepted/refused cases compared to arrests shows that the NOPD and DA’s Office are starting to resolve the post-Katrina backlog of case decisions.

In both 2003-2004<sup>3</sup> and the first quarter of 2007, the MCC found charges were accepted for 58% of arrests. The 58% acceptance rate translates to 1,813 defendants charged in the first quarter of 2007. Exhibit 3 provides a breakdown of the number of suspects with felony and misdemeanor cases accepted for prosecution. It shows that the percent of felony cases accepted has declined from an already low 54% in 2003-2004<sup>3</sup> to 41% in 2007.

It is not possible to determine all of the reasons for the decline in the percent of felony cases accepted. What is important is to acknowledge that this is an unacceptable outcome. The NOPD and DA’s Office must devote their combined efforts to reverse this trend.

In order for the New Orleans criminal justice system to effectively respond to crime, there must be improved communication and coordination between police and prosecutors to insure that serious felony arrests result in convictions, especially with crimes of violence. A felony conviction is more likely to result in jail time and can be used to enhance the penalty if someone commits future felony offenses.

Exhibit 4 presents a breakdown of the types of felony cases accepted and refused for prosecution in the first quarter of 2007 along with felony case acceptance rates in 2007 and 2003-2004.



<sup>3</sup> “Performance of the New Orleans Criminal Justice System 2003-2004” Metropolitan Crime Commission, August 2005

NOTE: The quarterly statistics for 2003-2004 are calculated by taking the quarterly average of statistics found by the MCC in its study of the New Orleans criminal justice system’s performance from October 1, 2003 through September 30, 2004.

**Exhibit 4: Accepted and Refused Felony Cases – First Quarter 2007**

	Violent Felonies	Weapons Felonies	Property Felonies	Drug Felonies	Other Felonies	TOTAL
No. of Defendants in Accepted Cases	137	62	216	267	67	749
No. of Defendants in Refused Cases	135	82	315	204	73	809
Acceptance Rate	<b>50%</b>	43%	41%	57%	48%	48%
2003-2004 Acceptance Rate	<b>37%</b>	40%	39%	63%	73%	52%

Source: Orleans Parish Clerk of Criminal District Court

As Exhibit 4 shows, half of all felony arrests are declined for prosecution. The overall first quarter 2007 acceptance rate for felony offenses is 48%, which is consistent with the 52% acceptance rate of 2003-2004. Acceptance rates for weapons, property, and drug felonies are largely unchanged since 2003-2004. With violent felonies, the 50% acceptance rate in 2007 is a significant improvement from the 37% acceptance rate found in 2003-2004.

Nationally, 57% of people arrested for felonies are ultimately **convicted** of a felony offense<sup>4</sup>. With 48% of felony arrests **accepted** for felony prosecution in first quarter of 2007, the New Orleans criminal justice system will fall far short of the 57% nationwide felony conviction rate – because some felony accepted cases will ultimately be dismissed, found not guilty, or downgraded to misdemeanor charges.

**Conclusions**

Criminal justice system performance in the first quarter of 2007 compared to 2003-2004 shows that arrests per capita have increased by 12%<sup>1</sup> and the NOPD continues to use a high number of arrests for minor offenses to address New Orleans' crime problem. The NOPD is essentially utilizing the same arrest strategy that was in place before Hurricane Katrina, which may explain part of the reason New Orleans continues to struggle to reduce crime.<sup>5</sup> It takes an officer the same amount of time to take someone to Orleans Parish Prison for a traffic or municipal offense as it does for a state offense. Time spent processing minor arrests presents a drain on department resources at a time when the NOPD is experiencing a manpower crisis. Large numbers of traffic and municipal arrests decrease the time that officers have to spend responding to more serious criminal incidents and reduce NOPD visibility in the community. Municipal and traffic arrests can also alienate the NOPD from a portion of the community that the criminal justice system desperately needs in order to be successful. **The MCC respectfully recommends that the NOPD examine reducing the number of municipal and traffic arrests.** This may be accomplished by issuing warnings and summonses to individuals who have not paid traffic fines or who have minor municipal violations. People arrested for traffic and municipal offenses are extremely unlikely to be sentenced to incarceration, and alternatives to arrest will reduce the burden that these offenses place upon NOPD and Orleans Parish Prison resources.

The MCC commends the NOPD and DA's Office for improving the acceptance rate for violent felony offenses and the DA's Office for recently establishing a Violent Offender Unit that specializes in prosecuting repeat and violent offenders. However, there is a compelling need for the NOPD and DA's Office to build upon their new cooperative endeavors and improve their coordination to increase the acceptance rate for all serious felony offenses. Felonies make up 70% of state arrests but only 41% of cases accepted for prosecution. Currently only half (48%) of subjects arrested for felony offenses are ultimately prosecuted. Felony crimes have the greatest impact on community safety and are the most significant cases handled by the local criminal justice system. **The MCC respectfully recommends that the DA's Office implement the recommendation of the recently formed crime coalition of New Orleans to adopt a Community Prosecutor Unit and assign Assistant District Attorneys (ADA's) to each of the eight NOPD districts.** Having ADA's in the districts will increase interaction between the NOPD and DA's Office and give these agencies more opportunities to work together to solve New Orleans' biggest crime problems.

Future quarterly reports issued by the MCC will provide greater detail and insight into the performance of the New Orleans criminal justice system. The MCC will examine cases that close in Criminal District Court and provide indicators on the performance of each member of the judiciary as well as the NOPD and DA's Office. This report shows how the NOPD and DA's Office are initiating and moving forward with criminal cases; future reports will show how well the criminal justice system brings cases to conclusion.

<sup>4</sup> "Felony Defendants in Large Urban Counties, 2002" Bureau of Justice Statistics; February 2006

<sup>5</sup> "Killing Rate Surges Since Katrina"; *Times-Picayune*; May 22, 2007

## Acknowledgements

The Metropolitan Crime Commission expresses its utmost gratitude to the Baptist Community Ministries Foundation and Jerry Goldman and all of our contributors for providing the support necessary for us to conduct this research. The Metropolitan Crime Commission also appreciates the contributions of the Orleans Parish Criminal Sheriff's Office and Criminal Sheriff Marlin Gusman, the Orleans Parish District Attorney's Office and District Attorney Eddie Jordan, the Orleans Parish Clerk of Criminal Court's Office and Clerk of Court Arthur Morrell, and the New Orleans Police Department and Superintendent Warren Riley who all granted us access to the information necessary to generate these findings. These agencies and individuals have shown the commitment and concern necessary to apply accountability and transparency for the betterment of our criminal justice system and the ongoing recovery of our city.

The Metropolitan Crime Commission is part of a recently established community coalition focused upon bringing accountability and improvements to the New Orleans criminal justice system. The MCC thanks the following organizations for allowing us to join with them in the ongoing pursuit of excellence in our criminal justice system: Bridge House, Business Council of Greater New Orleans, Citizens for 1 Greater New Orleans, Common Good, Crimestoppers, Jefferson Business Council, New Orleans Chamber of Commerce, New Orleans Metropolitan Convention and Visitors Bureau, New Orleans Police and Justice Foundation, New Orleans Regional Black Chamber of Commerce, the Urban League, and Young Leadership Council.



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