



METROPOLITAN CRIME COMMISSION, INC.

Orleans Parish Criminal Justice System Accountability Report

SECOND QUARTER 2007

Comparing performance of the New Orleans criminal justice system in the first and second quarters of 2007 shows that the New Orleans Police Department (NOPD) and Orleans Parish District Attorney's (DA's) Office have made several advances in their response to crime that are coupled with the need for further improvements. This report follows-up an analysis of criminal justice system performance in the first quarter of 2007 that found the NOPD applied the same arrest practices that were in place before Hurricane Katrina and the DA's Office accepted fewer felony cases compared to before the storm. With an emphasis on felony crimes, especially violent felony crimes, this report outlines changes seen from the first to the second quarters of 2007:

Second Quarter 2007 Improvements:

- Arrests for violent felony offenses increased 27%
- There was a 30% increase in the number of felony cases accepted for prosecution
- Felony convictions increased 15%
- The percent of cases closed by dismissal fell to 39% in the second quarter from 45% in the first quarter

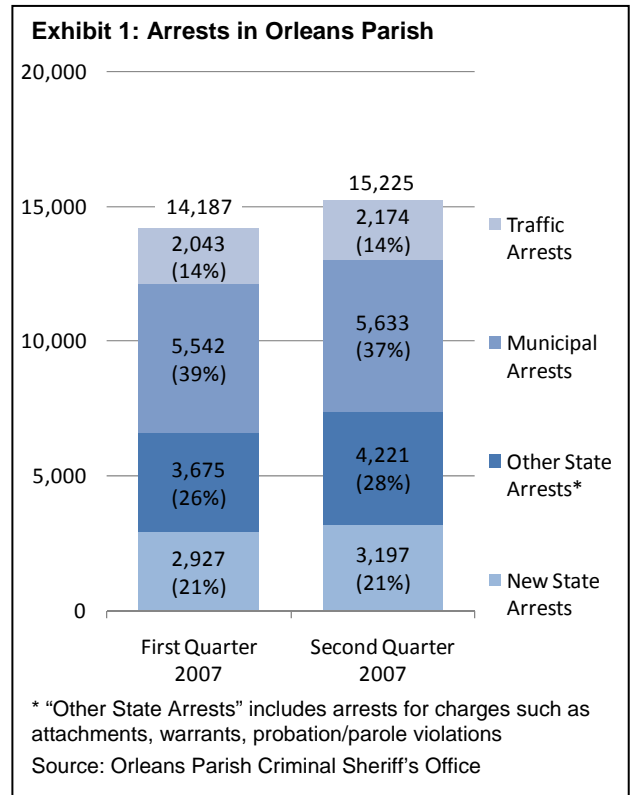
Other Second Quarter Performance:

- Traffic and municipal violations continue to account for over half of all arrests in the second quarter
- Accepted cases for **violent** felony offenses fell 12%
- Convictions for **violent** felony crimes decreased 17%
- The second quarter dismissal rate of 39% far surpasses the 18% pre-Katrina dismissal rate

Arrests in Orleans Parish

NOPD crime statistics show reported violent crime rose 17% in New Orleans from the first to the second quarter.¹ As reported violent crime increased, the number of arrests also increased, but more arrests have not effectively reduced the crime rate in New Orleans. Exhibit 1 presents the number and types of arrests in the first and second quarters and shows there was no apparent change in the general arrest practices.

- Local traffic, municipal, and state arrests increased 7% to 15,225 arrests in the second quarter of 2007 from 14,187 in the first quarter.
- The percent of arrests for traffic, municipal, and state offenses are very similar in the first and second quarters. For example:
 - Traffic and municipal arrests comprise over half of all arrests; 51% in the second quarter and 53% in first quarter.
 - Twenty-one percent (21%) of arrests are for new state offenses in both quarters. New state arrests are when someone is first arrested for violating state law.
- A large portion of the 15,392 total traffic and municipal arrests in the first and second quarters of 2007 could have been handled by issuing a citation or a summons.
 - Approximately 6,000 arrests were for charges requiring the NOPD to make an arrest, including arrests for 3,598 municipal warrants, 1,309 for domestic violence, 630 for driving while intoxicated, and 166 for traffic court warrants.²
 - The remaining municipal and traffic arrests, totaling over 9,000, could potentially have been addressed with a summons or a citation. Using a conservative estimate that it takes an hour to make an arrest shows that the NOPD spent a minimum of 9,000 man hours on discretionary arrests.

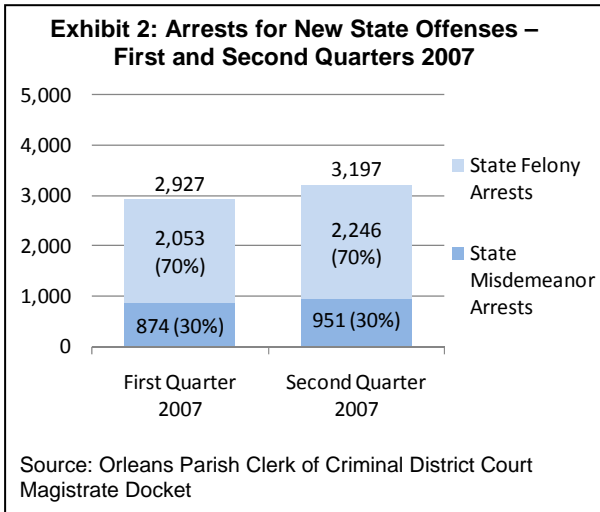


¹ New Orleans Police Department Uniform Crime Report Statistics show 753 violent crimes in the first quarter of 2007 and 881 in the second quarter of 2007, Source: <https://secure.cityofno.com/portal.aspx?portal=50&tabid=88>

² Source: Orleans Parish Criminal Sheriff's Office, Orleans Parish Municipal Court, New Orleans Traffic Court

Arrests for New State Offenses

New state offenses include a broad range of violations from minor misdemeanor charges, such as drug possession or theft, to the most serious crimes addressed by the criminal justice system, such as murder, rape, or armed robbery. When an arrest is made for a new state offense, it represents the beginning of criminal proceedings for the most serious crimes addressed by the local criminal justice system. As shown in Exhibit 2, new state felony and misdemeanor arrests increased in the second quarter of 2007.

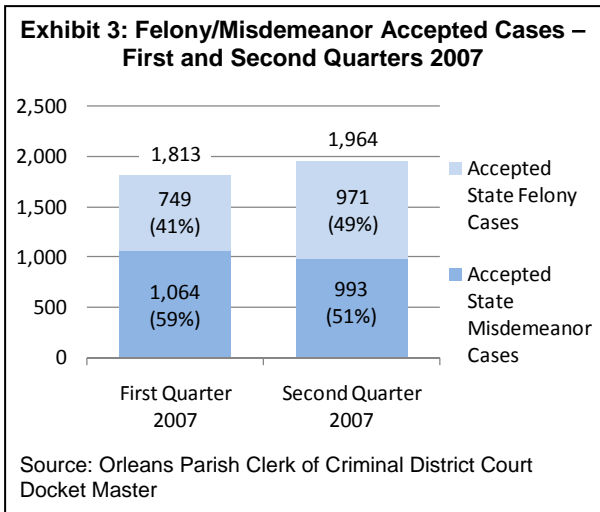


- The 3,197 new state arrests in the second quarter compared to the 2,927 new state arrests in the first quarter represents a 9% increase. This 9% increase in new state arrests is consistent with the 7% overall increase in arrests.
- One positive arrest trend is seen with violent felony offenses. **New state arrests for violent felony offenses increased 27% to 312 in the second quarter from 246 in the first quarter.**
- Felony offenses made up 70% of arrests for new state offenses in both the first and second quarters of 2007.
- Arrests for state felony charges represent the local criminal justice system's best opportunity to initiate ramifications for the most serious criminal activity. State felony arrests account for 15% of all arrests in the first and second quarters of 2007.

State Cases Accepted for Prosecution

Once an arrest is made, the police compile a report and the evidence against a defendant, which are then submitted to the DA's Office. The DA's Office examines the evidence and makes a decision on whether or not to accept charges against a defendant. If charges are accepted, the DA's Office moves forward with prosecuting a defendant.

Exhibit 3 presents the total number of accepted cases in the first and second quarters of 2007 divided into felony and misdemeanor cases.



- The DA's Office accepted 1,964 cases in the second quarter, 8% more than the 1,813 cases accepted in the first quarter. This increase in accepted cases is in line with the increase in second quarter arrests.
- Accepted felony cases show a substantial increase from the first quarter to the second:
 - The DA's Office accepted 30% more felony charges in the second quarter. There were 971 accepted felony cases in the second quarter, up from 749 in the first quarter.
 - Felonies also made up a larger percentage of accepted cases, to 49% in the second quarter from 41% in the first quarter.
- **While there were more felony cases accepted overall, accepted cases for violent felony offenses decreased 12% in the second quarter.** There were 121 violent felony cases accepted in the second quarter, down from 137 violent felony cases accepted in the first quarter.

Closed Felony Cases

After a case is accepted, the DA's Office prosecutes it until it closes through a not guilty verdict, a dismissal, or a conviction. A conviction is either a guilty plea or a guilty verdict from a judge trial or a jury trial. A dismissal occurs when the DA's Office ends the prosecution of a criminal case and dismisses all charges against a defendant.

This portion of the report focuses upon felony cases that concluded in the first and second quarters of 2007. Felonies comprise the most severe criminal offenses addressed through the local criminal justice system. A felony conviction is more likely to result in a sentence of incarceration, and an individual may receive a harsher sentence if his or her criminal history includes a prior felony conviction. Realistically, successful felony prosecutions are the only way to remove violent and repeat offenders from the community.

Exhibit 4 presents the number of felony cases closed in the first and second quarters of 2007 and shows several improvements in the second quarter compared to the first quarter of 2007.

- There is a 5% increase in the number of felony cases that closed during the second quarter to 691 from 655 in the first quarter.
- Felony convictions show a 15% increase to 386 during the second quarter from 336 in the first quarter.
- Dismissals make up 39% of cases that closed in the second quarter, which is an improvement from 45% in the first quarter.

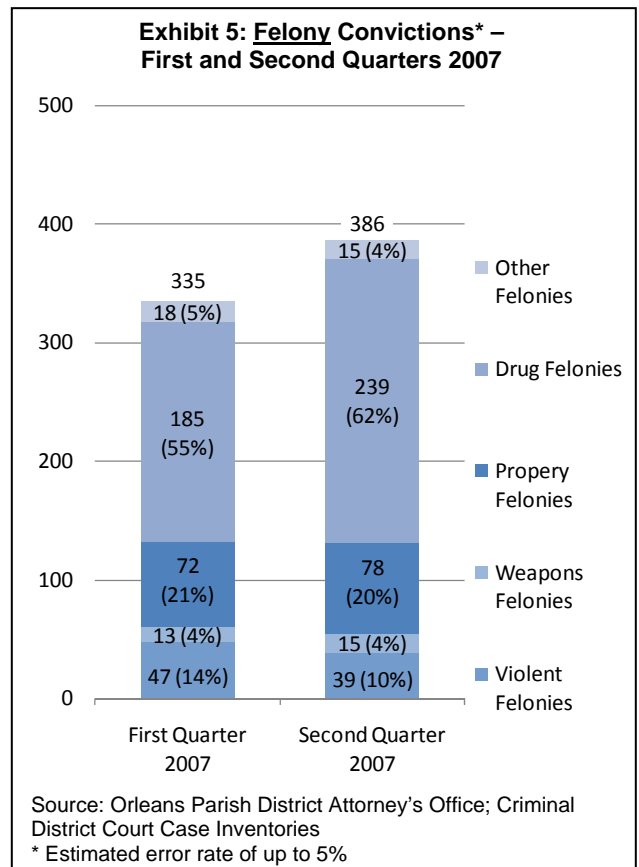
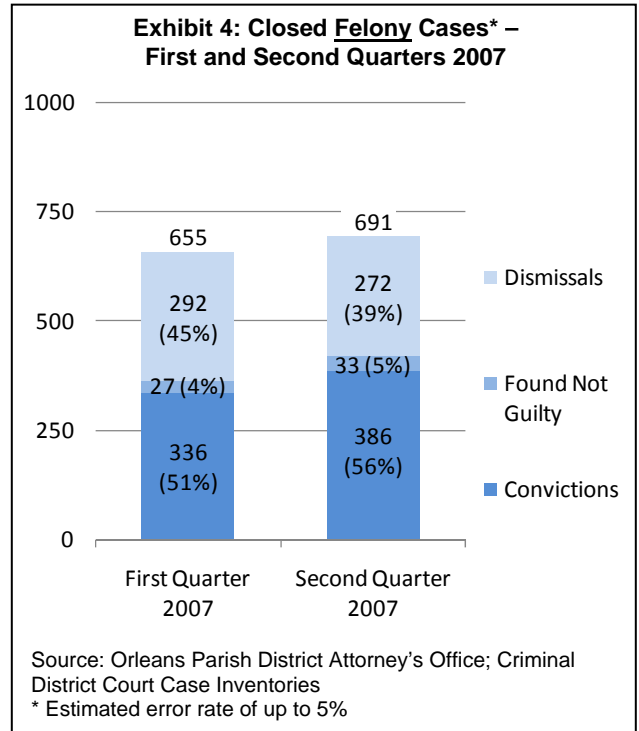
Cases that are ultimately dismissed create delays in the courts and may squander criminal justice system resources. In total, **42% of cases that closed in the first and second quarters of 2007 were dismissed** (564 out of 1346 closed cases). This dismissal rate is substantially higher than the 18% of cases that closed through dismissal prior to Hurricane Katrina.³ In addition, 51% of violent felony cases that closed through the first 6 months of 2007 were dismissed. Comparatively, 40% of all other closed felony cases were dismissed.

It should be noted that 44% of dismissed cases predate Hurricane Katrina. Reasons for case dismissals cannot be determined by this research but may include problems with police work, work of the DA's Office, citizen cooperation, or problems with physical evidence.

Exhibit 5 shows the most serious charges in cases that closed in the first and second quarters. Classifying convictions by their most serious offenses reveals a reduction in convictions for violent felonies and that a majority of felony convictions are for drug offenses.

- **The number of violent felony convictions fell 17% to 39 in the second quarter from 47 in the first quarter.**
- The total number of felony drug convictions increased 29% to 239 in the second quarter from 185 in the first quarter. **Drug felonies make up over half of all felony convictions in the second quarter (62%) and first quarter (55%) of 2007.**
- The numbers of weapons, property, and other felony convictions were largely consistent in both quarters.

Violent felony convictions in the first and second quarters combined include 12 homicide convictions, 11 rape convictions, and 34 robbery convictions. During the same January through June 2007 timeframe there were 14 homicide, 8 rape, and 36 robbery cases dismissed by the DA's Office. While those dismissed cases may be reopened in the future, the rate of dismissals appears high when compared to the number of convictions for these most serious violent felony cases.



³ Source: Data compiled for "Performance of the New Orleans Criminal Justice System 2003-2004" Metropolitan Crime Commission, August 2005

Conclusions

In the first six months of 2007, the NOPD experienced a very high volume of activity including more than 210,000 calls for service⁴ and over 29,000 arrests. While the MCC commends the 27% increase in arrests for violent felony crimes, the 558 total violent felony arrests in the first and second quarters account for under 2% of all arrests. Over 15,000 of the arrests were for traffic and municipal offenses, which reflects a general continuation of the arrest practices in place before Hurricane Katrina⁵. Many people arrested for traffic and municipal offenses could likely have been issued citations or summonses. Although we do not advocate that the NOPD disregard their obligation to enforce traffic and municipal laws, **the MCC respectfully recommends that the NOPD focus upon violent and repeat offenders rather than perpetuating their high-volume arrest practices.** A conservative estimate is that it takes an average of one hour for an officer to make an arrest. **Even after taking into consideration the NOPD's zero tolerance policy with respect to DWI, domestic violence, and traffic and municipal attachments, a minimum of 9,000 man hours were spent in the first six months of 2007 on traffic and municipal arrests that could have been addressed through a summons or citation.** The presence of National Guard troops and Louisiana State Police are temporary additions to an NOPD manpower shortage. Therefore, the NOPD needs to prepare now to address crime without the assistance of outside agencies. Reducing the number of arrests for petty offenses that are unlikely to result in incarceration appears to be one potential way for the NOPD to increase the availability of officers. Fewer arrests for minor offenses can also slow the revolving door of Orleans Parish Prison, relieve pressure on an overburdened criminal justice system struggling with recovery, allow better use of city funds spent on questionable arrests, and may help improve NOPD-community relations.

On June 15, 2007, NOPD Chief Warren Riley called upon the New Orleans City Council to change local laws to allow officers to issue warnings in lieu of arresting individuals for nonpayment of traffic tickets or municipal fines. **The MCC supports Chief Riley's request and respectfully urges the New Orleans City Council to pass legislation granting NOPD Officers more discretion in arresting individuals for outstanding traffic and municipal court fines.**

While there were more arrests for violent felony crimes in the second quarter, there were also fewer violent felony cases accepted for prosecution and fewer violent felony convictions. In addition, over half (51%) of the violent felony cases that closed in the first half of 2007 were dismissed and defendants in these cases were released back into the community. **The DA's Office must identify the reasons for extraordinarily high dismissal rates and work with their partners in the criminal justice system to curtail the high case dismissal rate. In addition, the MCC respectfully encourages the NOPD and the DA's Office to continue working with one another to focus limited criminal justice system resources on felony offenders, especially violent and repeat offenders.** A more effective response to violent crime is critical to establishing greater community trust in the criminal justice system and to building a positive sense of safety among New Orleans residents. The NOPD announced in the third quarter a new community policing initiative which has the potential to improve the effectiveness of the department. The DA's Office has created a new violent offenders unit and has requested a review of their operations by the National District Attorney's Association. These changes being proposed and implemented by the DA's Office and NOPD should strengthen the effectiveness and efficiency of their respective agencies.

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. We appreciate NOPD and DA's Office for taking the time to read an advance copy of the report and reviewing the findings with us. We also thank Carrollton Technology Partners and Karen Gundlach. 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 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, Court Watch NOLA, 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.

⁴ Source: New Orleans Police Department

⁵ "Orleans Parish Criminal Justice System Accountability Report First Quarter 2007" Metropolitan Crime Commission

⁶ Source: New Orleans Police Department Uniform Crime Reporting Data, <https://secure.cityofno.com/portal.aspx?portal=50&tabid=88>