



METROPOLITAN CRIME COMMISSION, INC.

Orleans Parish Criminal Justice System Accountability Report

THIRD AND FOURTH QUARTER 2007

This analysis of 2007 New Orleans criminal justice system performance shows steady increases in efficiency and increased prosecutions for state felony crimes as the year progressed. This is the third in an ongoing series of reports examining basic measures of the performance of the New Orleans Police Department (NOPD) and District Attorney's (DA's) Office. By tracking 2007 arrests, cases accepted for prosecution, and closed felony cases, the Metropolitan Crime Commission documents several positive trends in criminal justice system performance and identifies areas to target for further improvements:

2007 Criminal Justice System Positive Trends

- There was a 63% rise in felony cases accepted for prosecution from the first to the fourth quarter.
- Seventy percent (70%) of all new state arrests were for felony offenses.
- The number of felony convictions increased 83% from the first to the third quarter.
- The percent of cases closed by dismissal fell from 45% in the first quarter to 35% in the third quarter.

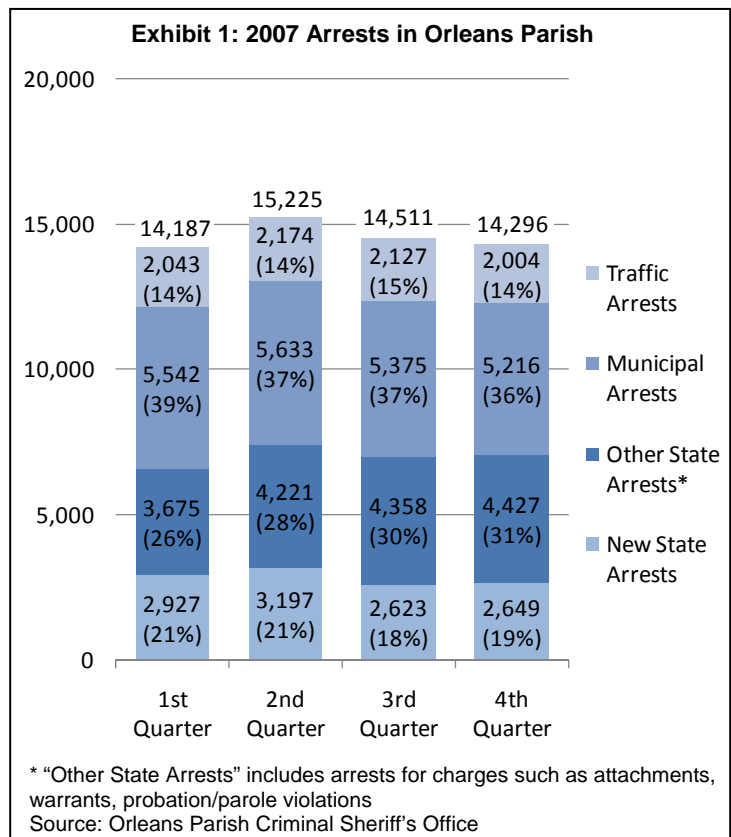
Other 2007 Criminal Justice System Performance Indicators

- There were 58,219 state, municipal, and traffic arrests in 2007, one for every five New Orleans residents.
- Two percent (2%) of arrests were for state violent offenses.
- Most arrests (57%) were for state misdemeanor, traffic, and municipal offenses that are unlikely to result in incarceration.
- There were 3,452 violent offenses reported by the NOPD and 1,288 state arrests for violent offenses in 2007. During the first three quarters, there were 135 violent felony convictions.
- Thirty-nine percent (39%) of closed felony cases were dismissed by the DA's Office in the first three quarters of 2007.

2007 Arrests in Orleans Parish

Examining arrest statistics for each quarter of 2007 shows that, although the number of arrests narrowly fluctuated, the same general arrest practices were applied throughout the year:

- Arrests peaked at 15,225 in the second quarter and fell 5% to 14,511 in the third quarter. The fourth quarter's 14,296 arrests were not significantly different from third quarter arrests.
- **Traffic and municipal arrests account for half of all arrests in each quarter of 2007.** In total, traffic arrests make up 14% of all arrests and municipal arrests make up 37% of all arrests.
- New state arrests represent the beginning of criminal proceedings for newly committed state offenses. Although they represent 20% of all arrests throughout the year, there was a reduction in arrests for new state offenses in the third and fourth quarters.
- "Other State Arrests" which are primarily for arrest warrants (including out of parish traffic attachments) make up 29% of all arrests in 2007.



In total, there were 58,219 traffic, municipal, and state arrests in 2007, including 21,766 arrests for municipal violations and 8,348 arrests for traffic violations. In

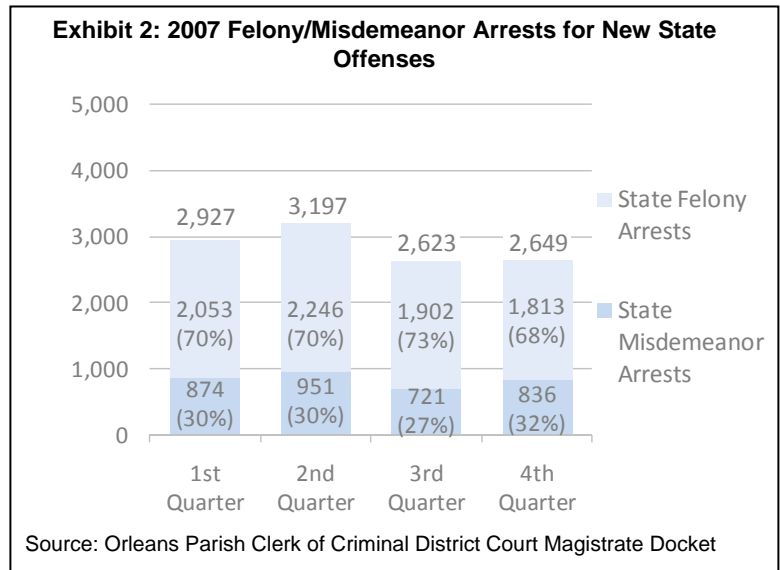
December 2007, the Louisiana Attorney General released opinion number 07-0281, which describes the circumstances in which the police are compelled to make an arrest and when they may alternatively issue a summons or citation. Based upon this opinion, there were 7,388 mandatory traffic and municipal arrests in New Orleans in 2007, including 5,667 arrests for municipal attachments, 576 for traffic attachments, and 1,145 for driving while intoxicated.¹ In addition, there were 2,659 arrests for domestic violence offenses. Excluding these required arrests, **in 2007 there were approximately 20,067 traffic and municipal arrests in circumstances for which the NOPD had the legal discretion to issue a summons or a citation in lieu of arrest.**

¹ Source: Orleans Parish Criminal Sheriff's Office, Orleans Parish Municipal Court

2007 Arrests for New State Offenses

New state offenses comprise many different types of crimes ranging from misdemeanor charges, such as drug possession or petty theft, to violent felony crimes such as murder, rape, or armed robbery. Arrests for new state offenses are usually the most serious crimes handled by the local criminal justice system, and felony arrests, especially violent felony arrests, present the criminal justice system with its greatest opportunity to remove predatory criminals from the community through incarceration.

- The number of new state arrests spiked to 3,197 in the second quarter, and declined by 18% to 2,623 in the third quarter. There was very little change in the numbers and types of state arrests from the third to the fourth quarter.
- Felonies accounted for 70% (8,014 out of the 11,396) of all new state arrests in 2007. This is consistent with pre-Katrina arrest patterns in which 68% of state arrests were for felonies.²
- **State felonies accounted for only 14% (8,014 out of 58,219) of all state, traffic, and municipal arrests in 2007.**
- **Violent crimes accounted for 11% (1,288 out of 11,396) of new state arrests in 2007 and 2% (1,288 out of 58,219) of all 2007 arrests.** Comparatively, drug offenses comprised 55% (6,278 out of 11,396) of new state arrests and 11% (6,278 out of 58,219) of all 2007 arrests. (not shown in exhibit).

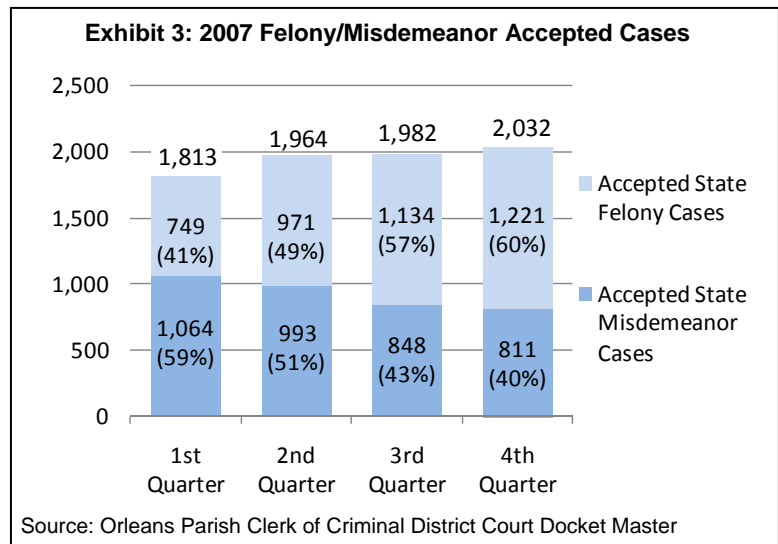


2007 State Cases Accepted for Prosecution

For each new state arrest, police document evidence against a defendant and submit that evidence with a written report to the DA's Office. After reviewing the evidence and police report, the DA's Office decides whether or not to accept charges against a defendant. Charges are accepted for prosecution when the DA's Office determines there is enough evidence to convict a defendant of a criminal offense. When a case is accepted, it is the beginning of a prosecution. Defendants with refused cases have no further criminal proceedings against them for these charges.

Exhibit 3 presents the total number of accepted cases in each quarter of 2007 divided into felony and misdemeanor cases.

- The number of cases accepted for prosecution steadily increased in each quarter. The first quarter saw 1,813 cases accepted for prosecution, which grew to 2,032 accepted cases in the fourth quarter – a 12% increase.
- **The number of felony cases accepted for prosecution rose 63% from 749 in the first quarter to 1,221 in the fourth quarter.**
- In total, **9% (675 out of 7,791) of total accepted cases in 2007 were for violent crimes** and 64% (5,020 out of 7,791) were for drug crimes (not shown in exhibit).



The DA's Office was increasingly more likely to accept felony criminal cases as the year progressed. **Higher numbers of accepted cases and increased severity of accepted charges are indicative of significant improvements in criminal justice system efficiency** and may be the result of improved coordination between the NOPD and DA's Office.

²"Performance of the New Orleans Criminal Justice System 2003-2004" Metropolitan Crime Commission, August 2005 (Page 9)

Closed Felony Cases: January – September 2007

The prosecution of an accepted case ends when it closes through a guilty plea, a trial verdict (of guilty or not guilty), or dismissal by the DA's Office. A dismissal occurs when the DA's Office drops charges against a defendant.

Trends in closed cases (presented in Exhibit 4) show that the DA's Office had greater success at bringing cases to conclusion in the third quarter of 2007.³

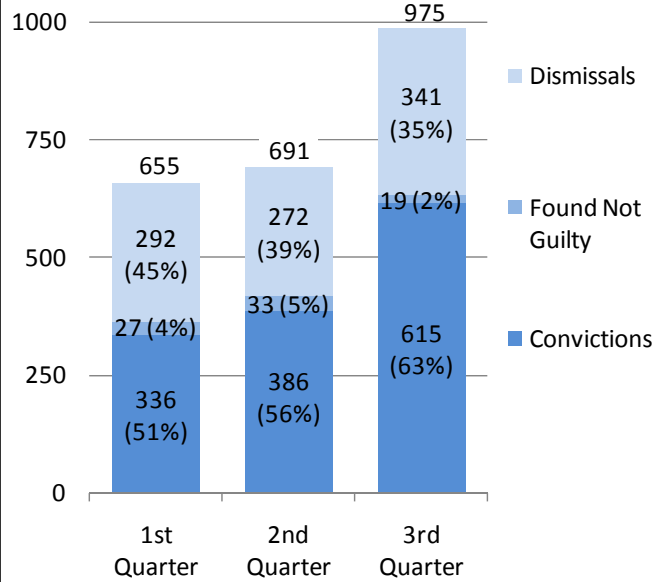
- **The total number of felony cases closed increased 49% in the third quarter** to 975 from 655 in the first quarter.
- **The number of convictions rose 83% to 615 in the third quarter** from 336 in the first quarter.
- The percent of felony cases closed through dismissal steadily declined across quarters from 45% in the first quarter to 39% in the second quarter to 35% in the third quarter.
- **Dismissals comprise 39% (905 out of 2,321) of all cases that closed through the first three quarters of 2007**, which greatly exceeds the 18% dismissal rate found by the MCC prior to Hurricane Katrina.⁴ Cases predating Hurricane Katrina make up 35% (315 out of 905) of dismissals.

Closed case statistics for the third quarter show that the DA's Office was able to close more cases and achieve a higher rate of conviction, compared to the first and second quarters of 2007.

As the number of convictions increased, there were also shifts in the types of felony convictions. Exhibit 5 shows the types of cases in which the DA's Office achieved felony convictions.

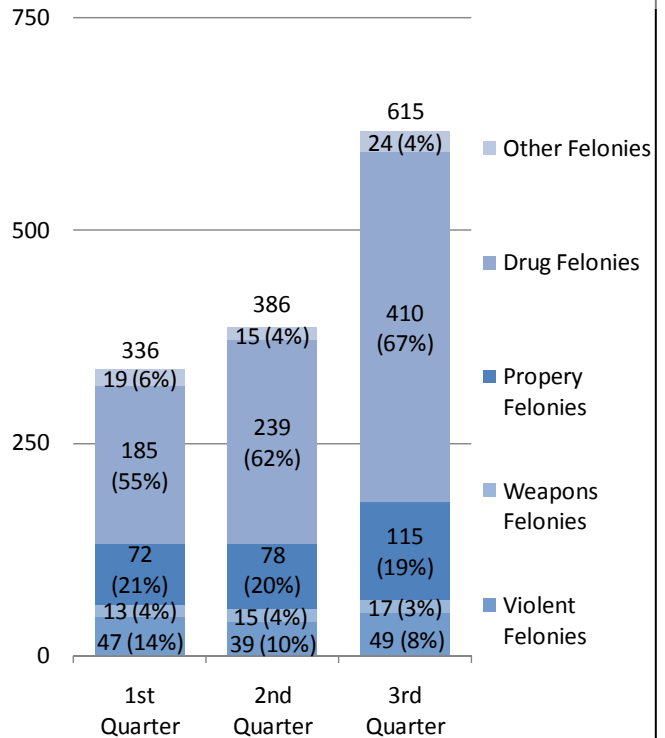
- The largest increase in felony prosecutions is for drug offenses, which increased 122% to 410 in the third quarter from 185 in the first quarter.
- Drug convictions made up 62% (834 out of 1,337) of all felony convictions in the first three quarters of 2007, including 53% for drug possession. In comparison, 34% of all felony convictions nationwide are for drug crimes, including 15% for drug possession.⁵
- **There has been little change in the number of felony violent and felony weapons convictions from the first to the third quarters**, which resulted in a decrease in the percent of closed cases for violent and weapons felonies. Overall, violent felony convictions totaled 135 or 10% of all convictions and weapons felonies convictions totaled 45 or 3% of all convictions. These categories of crime are most significant, because they are more likely to result in sentences of incarceration.
- The percent of convictions for property felonies and other felonies has been consistent across the first three quarters of 2007.

EXHIBIT 4: Closed Felony Cases – First, Second, and Third Quarters 2007*



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

EXHIBIT 5: Felony Convictions – First, Second, and Third Quarters 2007*



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

³ Note: Due to a lack of available closed case data, only the first three quarters of 2007 are examined

⁴ Source: Data compiled for "Performance of the New Orleans Criminal Justice System 2003-2004" Metropolitan Crime Commission, August 2005

⁵ "Felony Sentences in State Courts, 2004" Bureau of Justice Statistics, July 2007 (page 2)

CONCLUSIONS

The MCC commends the NOPD and DA's Office for their increased efficiency reflected in performance statistics documented in this report. The most significant change in criminal justice system performance during 2007 is the increase in the number and severity of state criminal charges accepted for prosecution. State cases accepted for prosecution increased 12% overall from the first to the fourth quarter, and there was a 63% increase in the number of accepted felony cases. Another considerable improvement is the increase in the number of cases closed in the third quarter of 2007. Convictions increased 83% from the first to the third quarter and the dismissal rate declined in each quarter. The third and fourth quarter increases in accepted felony cases and felony convictions indicates improved coordination between police and prosecutors.

These improvements in criminal justice system performance are contrasted by a high-volume municipal and traffic offense arrest strategy, a high dismissal rate, and relatively few violent and weapons felony convictions.

The 58,219 arrests in 2007 translates into one arrest for every five residents of New Orleans.⁶ Approximately 20,000 of these arrests were discretionary arrests for traffic and municipal offenses. Arguably, a portion of these discretionary were necessary, but many were for petty nonviolent misdemeanor or traffic offenses. Measures taken to eliminate a percentage of the discretionary arrests would result in significant savings in police and criminal justice system resources. The New Orleans Municipal Court issued an order on January 31, 2008, directing the Orleans Parish Criminal Sheriff to release from custody all municipal offenders arrested for non-violent offenses and who are not "career criminals". A similar order by Orleans Parish Criminal District Court was in place throughout 2007. The wisdom of arresting individuals who do not pose a safety risk to the community and will not be detained in the parish prison system is questioned not only by the MCC, but also the Brown Group International⁷ and the VERA Institute⁸. These arrests are taking place at a time when violent crime remains unacceptably high, and there is an acute shortage of police as evidenced by the NOPD's fourth quarter mandatory overtime policy and the continued presence of outside law enforcement agencies in New Orleans to bolster police resources. The MCC respectfully calls upon the NOPD to reevaluate its arrest policy and transition to a community policing model that will better target violent offenders who pose a direct threat to public safety.

Acknowledgements

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The judiciary of New Orleans Traffic and Municipal Courts can also assist in developing strategies to reduce the number of warrants and attachments generating large numbers of arrests. For example, amnesty programs which waive late payment fines and fees for individuals who come forward to resolve their traffic and municipal cases could reduce the pool of outstanding warrants and attachments. Policies can also be implemented that allow officers to issue "Last Chance" citations to individuals with outstanding municipal and traffic attachments and later arrest those who do not respond to these citations. Purging arrest attachments for traffic and municipal cases that have passed their prescription time limits and can no longer be legally prosecuted could also reduce municipal and traffic arrests.

Another misuse of criminal justice resources is seen in the 39% dismissal rate for cases that closed in the first three quarters of 2007, which is more than twice the 18% dismissal rate found by the MCC in 2003-2004. When the DA's Office determines there is sufficient evidence to pursue a conviction and accepts a criminal case, the case enters the court which consumes the finite resources of the criminal justice system, including the police, the DA's Office, the Clerk of Court's office, defense attorneys, the judiciary, and citizens. Time and preparation invested by the criminal justice system is squandered when an accepted case is later dismissed. The MCC respectfully recommends that the DA's Office examine screening procedures to ensure cases that are likely to result in dismissal are not accepted for prosecution.

As convictions increased, there was little change in the number of violent and weapons felony convictions. Crimes involving weapons and violence have the greatest impact on the public's sense of safety and pose the greatest threat to the city's recovery. The NOPD reported 3,452 violent crimes in 2007⁹. The 1,288 state arrests for violent crimes account for 2% of all arrests, and the 135 felony convictions for crimes of violence comprise 10% of all convictions in the first three quarters. **The MCC encourages the entire criminal justice system to better focus its resources on violent crime in order to more effectively arrest and convict violent predators.**

While the MCC does not advocate that any criminal justice agency shirk their responsibility to enforce the law, the results of this report show ample opportunity to better utilize finite criminal justice resources to address the most significant crime problems in New Orleans.

⁶Based upon an Orleans Parish December 2007 population estimate of 295,448 by GCR & Associates, http://www.gcrconsulting.com/downloads/gcr_population_december2007.pdf

⁷"A Strategic Plan of Action for the New Orleans Police Department" Brown Group International, July 2007 (pages 132-133)

⁸"Proposal for New Orleans' Criminal Justice System" Vera Institute of Justice, June 2007 (page 35)

⁹Source: New Orleans Police Department Uniform Crime Report Statistics