

ORLEANS PARISH
CHANGES IN FELONY PROSECUTIONS
JANUARY 1, 2019 – SEPTEMBER 10, 2021

Metropolitan Crime Commission
October 2021



Executive Summary



Background and Purpose

This report provides case processing information for 2019 and 2020, the last two years of the prior Orleans Parish District Attorney's administration, and January 11, 2021 – September 10, 2021, the first eight months of D.A. Williams' tenure.

Criminal justice agencies nationwide are working to overcome the immense challenge of maintaining operations amidst a pandemic that shuttered most court operations for more than a year and continues to restrict the ability to safely gather publicly to resolve criminal cases.

The New Orleans criminal justice system had the added challenge of transitioning to a new District Attorney. The prior D.A.'s tenure concluded on January 10, 2021, after serving since November of 2008. On January 11, 2021, D.A. Jason Williams was sworn into office.

Criminal justice system statistics from these times show how the system operated, 1) prior to the pandemic, 2) during the pandemic under the prior administration, and 3) under new D.A. Williams.

Study Goals:

- 1) Inform the public on the performance of the criminal justice system
- 2) Hold criminal justice agencies publicly accountable for their performance
- 3) To foster improvements in criminal justice system performance

Findings

Under D.A. Williams, there has been a drastic decline in accountability for violent felony offenders.

Violent felony crime increased precipitously in New Orleans over the last 18 months.¹ The New Orleans Police Department's response to the surging violent crime rate has been to prioritize investigations and arrests of violent felony offenders.

The NOPD secured the cooperation of victims and witnesses to make 1,411 violent felony arrests from January 11, 2021 to September 10, 2021. Conversely, the Orleans Parish District Attorney's Office either refused or dismissed a total of 937 violent felony cases during that time.

The prior administration accepted 67% of violent felony arrests for prosecution in 2019 and 75% in 2020. Under D.A. Williams, the acceptance rate for violent felonies fell to 54%.

Dismissed violent felony cases (i.e., cases thrown out of court without suspects being held accountable) surged from 16%-17% of cases under the prior administration to 54% under D.A. Williams. All categories of violent felony crimes saw dramatic increases in dismissals under D.A. Williams including murder, attempted murder, and robbery.

The rates of violent felonies resolved through felony conviction fell to 21% under D.A. Williams. The dramatic downturn in successful violent felony prosecutions is not due to deficiencies with the investigative abilities of the NOPD as evidenced by the 57% felony conviction rate in 2019 and a 52% conviction rate in 2020 under the prior administration.

¹See MCC report "[Three-year Violent Crime Mapping by NOPD Police District January-June](#)" for more information about violent crime in New Orleans

Recommendation #1



Recommendation 1. Prioritize the prosecution of violent felony offenders.

Police and prosecutors should have the shared objective of improving public safety by holding serious offenders accountable for their crimes. The New Orleans Police Department (NOPD) response to an upsurge in violent crime in 2020 and 2021 has been to focus limited resources on arresting violent offenders. The NOPD arrested 1,411 violent felony offenders in the first eight months of D.A. Williams' tenure, suggesting that NOPD is laser-focused on violent crime. However, the D.A.'s Office refused or dismissed 937 violent felony cases during the same time period.

In nearly all violent felony cases, the cooperation of victims and witnesses is necessary to establish the probable cause required for police to make an arrest. From 2020 to 2021, the violent felony refusal rate increased from 25% to 46% and the violent felony case dismissal rate increased from 17% to 54%. It is unlikely that these significant increases in violent felony refusals and dismissals are explained by dramatic shifts in victim and witness attitudes towards cooperating with prosecutors under D.A. Williams' administration or newfound deficiencies in the investigative abilities of the NOPD. The major increases in refusals and dismissals are far more likely the result of a philosophical shift by the D.A.'s Office.

Violent felony offenders pose the greatest threat to the safety of all citizens. Yet, the policies of the Williams administration have not supported imposing consequences for crimes of violence, which undermines the efforts of the NOPD and adversely affects the safety of all citizens.

The prosecutorial progressivism platform of the Williams administration and protecting public safety need not be mutually exclusive concepts. The rights of victims and citizens are no less significant than the rights of suspects or offenders.

We respectfully encourage the Williams administration to continue re-examining and modifying their prosecutorial philosophy with respect to violent and repeat felony offenders to better support the efforts of the NOPD to hold violent offenders accountable and to better provide public safety for all citizens.



Recommendation #2

Recommendation 2. Secure a city-funded, robust diversion program designed to handle nonviolent offenders, rather than dismissing or refusing these otherwise viable cases for expediency or philosophical reasons.

Research has consistently shown that, in the absence of intervention, prior criminal activity is the single best predictor of future criminal activity (see [Bonta & Andrews, 2017](#)). The entire criminal history of an offender must be considered by prosecutors to adequately assess the danger he or she may pose to the public.

Drug and property felony convictions typically result in probation sentences, during which offenders receive supervision and are afforded access to programs designed to reduce the risk of reoffending. Refusing and dismissing charges against nonviolent felony offenders may limit their access to the potential benefits that rehabilitative programming and supervision may offer.

Historically, diversion programs are limited to nonviolent cases in which there is proof beyond a reasonable doubt to secure a defendant's conviction. The D.A.'s diversion program could be expanded to include repeat, nonviolent offenders, which would potentially reduce recidivism by offenders who would otherwise receive no supervision or access to program services if charges are refused or dismissed. Broader use of well-structured and service-rich diversion would provide better outcomes for both offenders and law-abiding citizens who fall victim to recidivism.

The MCC respectfully recommends that the D.A.'s Office obtain adequate funding to properly scale a comprehensive diversion program for viable nonviolent felony cases that are being refused for expediency or philosophical reasons. Failing to offer assistance to this growing pool of felony offenders to reduce their potential of recidivism does a disservice to both the offenders, their families, and to the general public that are at risk of being victimized.



Part I

Felony Arrests and Case Screening

January 1, 2019 – September 10, 2021

Felony Case Screening¹

Summary of Findings



Felony Arrests: Although total felony arrests declined during the pandemic, police arrests for violent felony charges increased to pre-pandemic levels from 1/11/2021-9/10/2021

Felony Case Screening: The rate of felony arrests accepted for prosecution (i.e., acceptance rate) fell sharply from more than 70% in 2019 and 2020 under the prior D.A. to 50% from 1/11/21-9/10/21 in the first eight months of D.A. Williams' tenure

- ◎ **Violent Felony Case Screening:** Police secured the cooperation of victims and witnesses to establish probable cause prior to making a violent felony arrest, yet the acceptance rate for violent crimes experienced a sharp decline
 - The acceptance rate for violent felonies went from 71% in 2019 and 75% in 2020 to 54% from 1/11/21-9/10/21 under D.A. Williams
 - Prosecutions involving 374 violent felony arrests were refused during D.A. Williams' first eight months in office
 - Only 46% of felony assault/battery charges were accepted for prosecution from 1/11/21-9/10/21 under D.A. Williams
 - The robbery acceptance rate fell from 71% in 2019 and 79% in 2020 to 54% from 1/11/21-9/10/21 under D.A. Williams
- ◎ **Drug and Weapons Felony Case Screening:** Drug and weapons felonies are less reliant on the cooperation of civilian victims and witnesses because police typically initiate these arrests, but these crimes had significant declines in prosecution rates
 - Acceptance rates for weapons felonies went down from 84% and 86% in 2019 and 2020, respectively to 63% from 1/11/21-9/10/21 under D.A. Williams
 - Only 20% of felony drug possession arrests and 43% of drug distribution arrests were accepted for prosecution from 1/11/21-9/10/21 under D.A. Williams
- ◎ **Property Felony Case Screening:** D.A. Williams also reduced the acceptance rate for property felony crimes from 59% in 2020 to 43% in the first eight months of his tenure

¹See MCC report "[Three-year Violent Crime Mapping by NOPD Police District January-June](#)" for more information about violent crime in New Orleans

Orleans Parish Felony Arrests

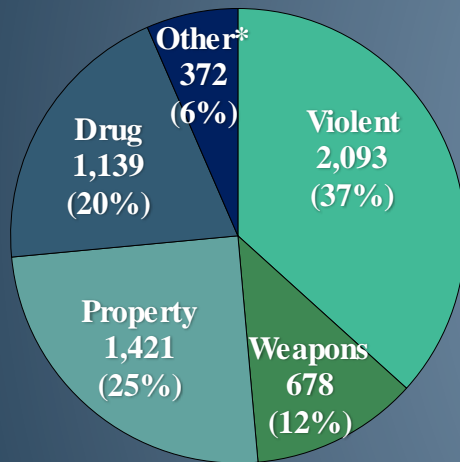
January 1, 2019 – September 10, 2021



KEY TAKEAWAY

The NOPD increased focus on arresting violent felony offenders. In 2019, violent crimes comprised 37% all felony arrests. During 2020, violent felonies grew to account for 45% of felony arrests. Crimes of violence increased to 50% of felony arrests from 1/11/21-9/10/21.

Exhibit 1. 2019 Felony Arrests

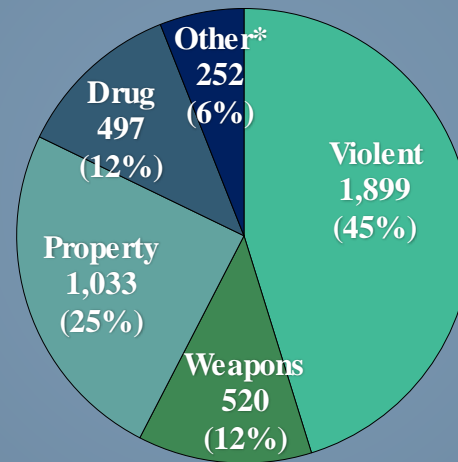


2019: 5,703 Felony Arrests

The NOPD averaged 475 felony arrests per month in 2019, including an average of 174 violent felony arrests per month.

At the time, violent felonies accounted for only 37% of all felony arrests

Exhibit 2. 2020 Felony Arrests

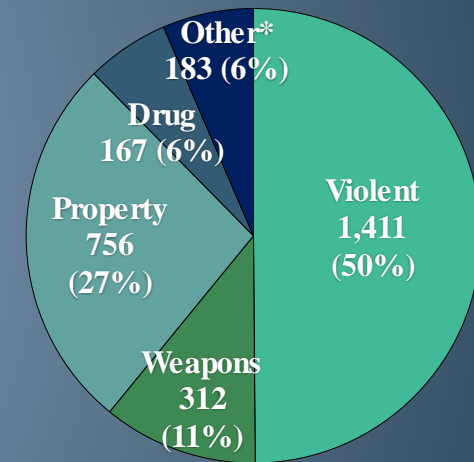


2020: 4,201 Felony Arrests

The COVID-19 pandemic resulted in a nationwide lockdown in March of 2020.

The rate of violent felony arrests increased to 45% as the average number of felony arrests fell to 350 per month.

Exhibit 3. 1/11/21 – 9/10/21 Felony Arrests



1/11/2021-9/10/2021: 2,829 Felony Arrests

Although the average number of felony arrests remained consistent with 2020 at 354 per month, violent felony arrests returned to pre-pandemic levels and increased to an average 176 per month.

*Other felony crimes include failure to register as a sex offender, obstruction of justice, obscenity, etc.

NOTE: Data is based on dates of screening decisions rather than the date of arrest, so some statistics are based on arrests from prior years

Orleans Criminal Justice System Felony Case Screening

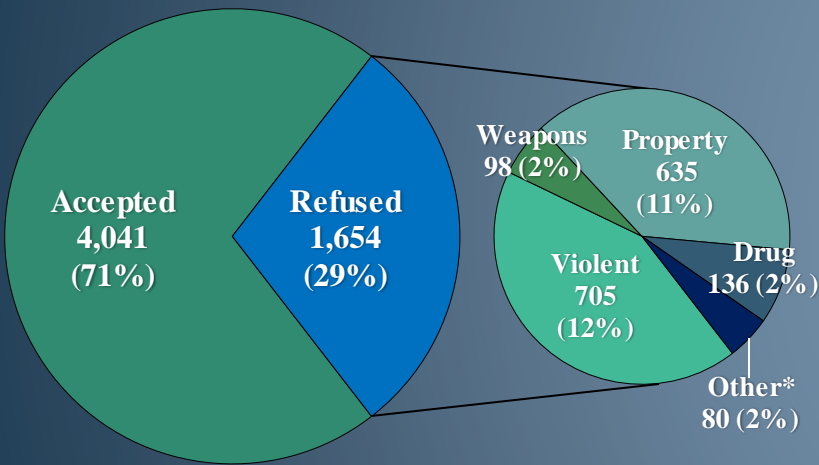
January 1, 2019 – September 10, 2021



KEY TAKEAWAY

The rapid increase in felony case refusals from 2019-2020 to 2021 suggest that the declining case acceptance rate is due to new policies put in place by the new D.A.’s administration rather than a change in the quality of NOPD investigations or victim and witness cooperation.

Exhibit 4. 2019 Screening Decisions

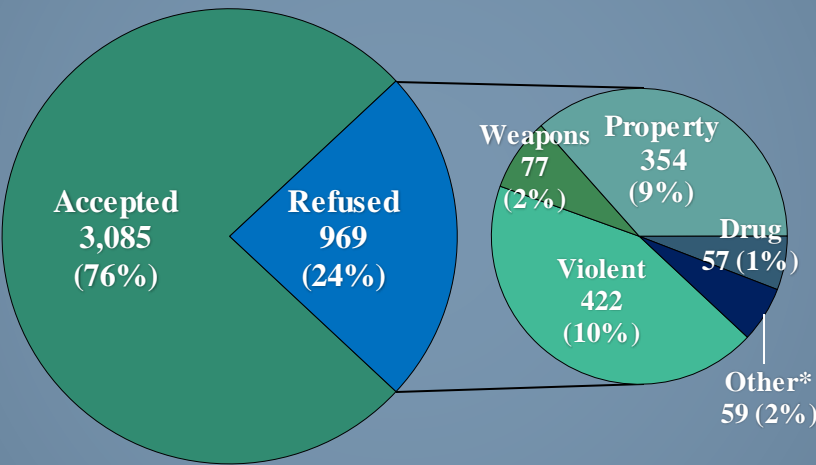


2019: 5,695 Cases Screened

D.A. Leon Cannizzaro

A 71% majority of 2019 screening decisions for felony arrests resulted in cases accepted for prosecution.

Exhibit 5. 2020 Screening Decisions

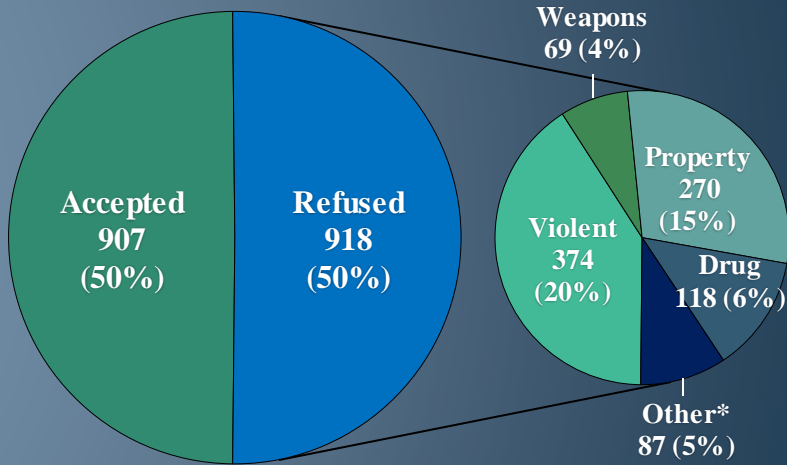


2020: 4,054 Cases Screened

D.A. Leon Cannizzaro

The rate of acceptance increased to 76%, which equals three out of four felony arrests resulting in cases accepted for prosecution.

Exhibit 6. 1/11/21-9/10/21 Screening Decisions



1/11/2021-9/10/2021: 1,825 Cases Screened

D.A. Jason Williams

Half of felony cases were accepted, and half were refused. Refused violent felonies made up 20% of all screening decisions.

*Other felony crimes include failure to register as a sex offender, obstruction of justice, obscenity, etc.

Screening Decision – After arrests, police reports are referred to the D.A.’s Office who makes the screening decision to accept charges and proceed with a prosecution or refuse to prosecute

NOTE: Data is based on dates of screening decisions rather than the date of arrest, so some statistics are based on arrests from prior years

Orleans Criminal Justice System Violent Felony Case Screening

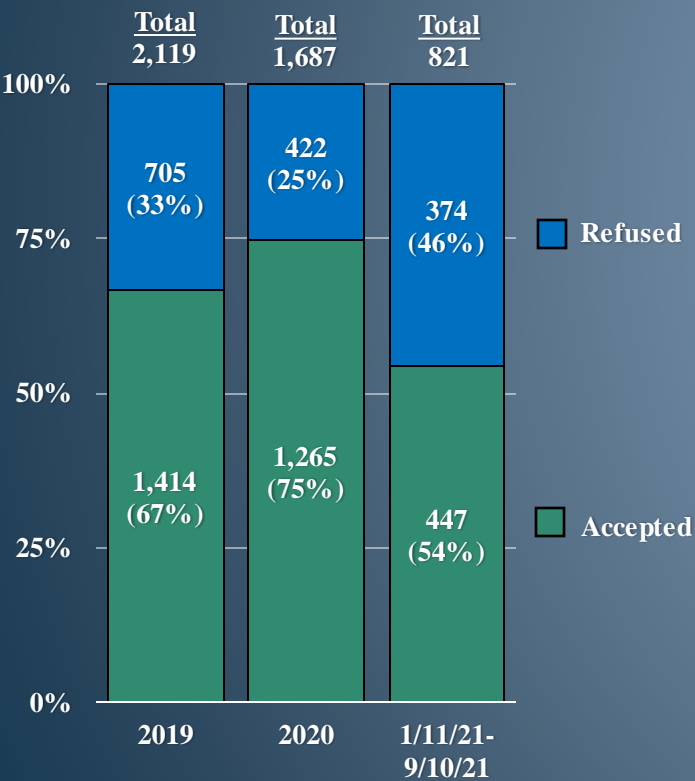
January 1, 2019 – September 10, 2021



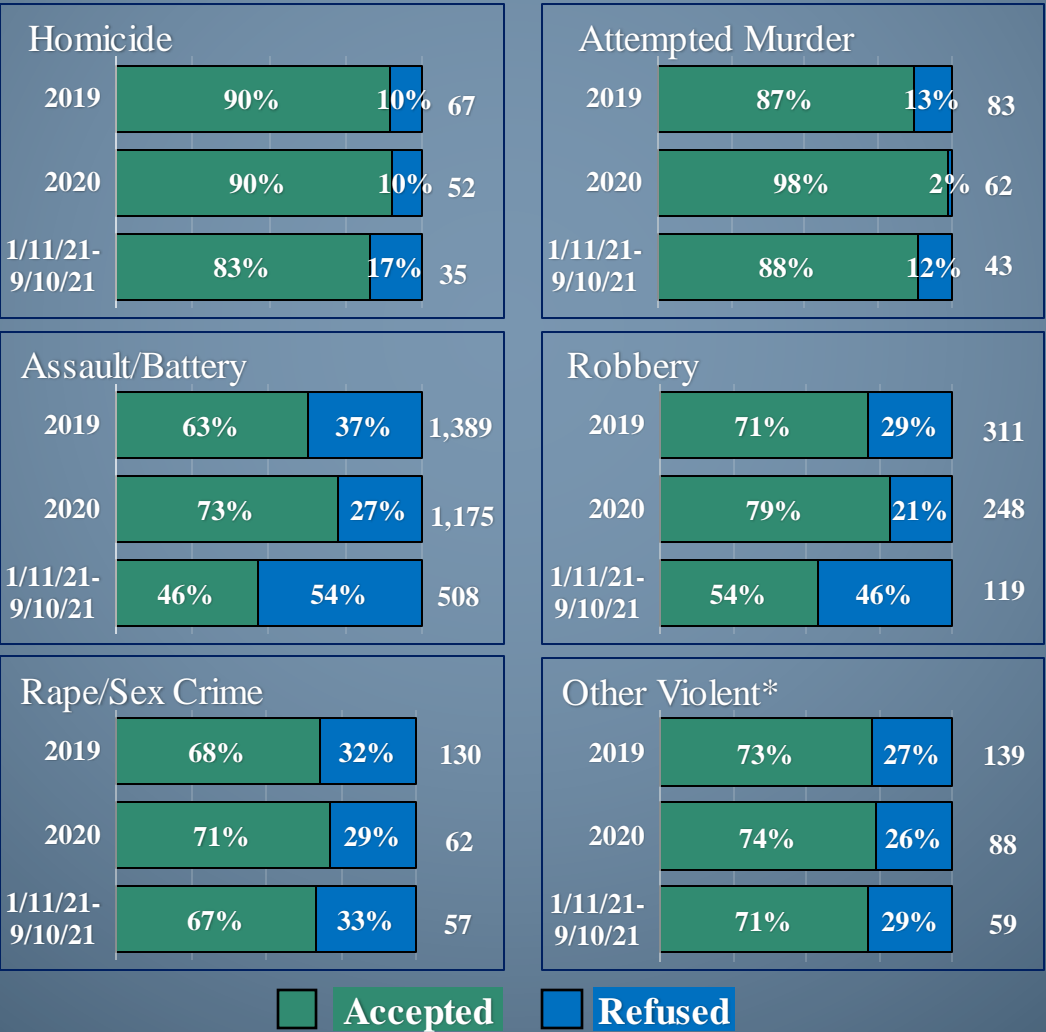
KEY TAKEAWAY

Violent felony arrests were less likely to be accepted for prosecution under D.A. Williams compared with the prior administration, although the NOPD secured the cooperation of victims and witnesses to establish probable cause for arrests. The reduced violent felony acceptance rate was largely due to far lower acceptance rates for felony assault/battery and robbery cases.

Exhibit 7. Violent Felony Screening Decisions



*Other violent crimes include aggravated burglary, kidnapping, aggravated criminal damage, home invasion, etc.



D.A. Williams had a 54% violent felony acceptance rate versus a 75% acceptance rate in 2020 and a 67% acceptance rate in 2019

- A total of 374 violent felony arrests were refused prosecution under D.A. Williams from 1/11/21-9/10/21
- Robberies and assault/battery cases showed the highest increase in refusals compared with prior years
- 46% of robberies screened under D.A. Williams were refused versus 21% in 2020 and 29% in 2019
- Just over half, 51% of felony assault/battery cases were refused under D.A. Williams
- 62% (169 of 272) refused felony assault/battery cases under D.A. Williams involved domestic violence

Refusal rates for attempted murder, rape/sex crimes, and “other” violent felonies did not show high rates of change from 2019-9/10/21

NOTE: Data is based on dates of screening decisions rather than the date of arrest, so some statistics are based on arrests from prior years

Orleans Criminal Justice System Weapons and Drug Felony Case Screening

January 1, 2019 – September 10, 2021



KEY TAKEAWAY

Acceptance rates for weapons and drug offenses, both of which primarily rely upon police rather than civilian victim/witness testimony (and therefore are resistant to victim/witness cooperation issues), experienced sharp declines in prosecution during the first eight months of D.A. Williams’ administration.

Exhibit 8. Weapons Felony Screening Decisions

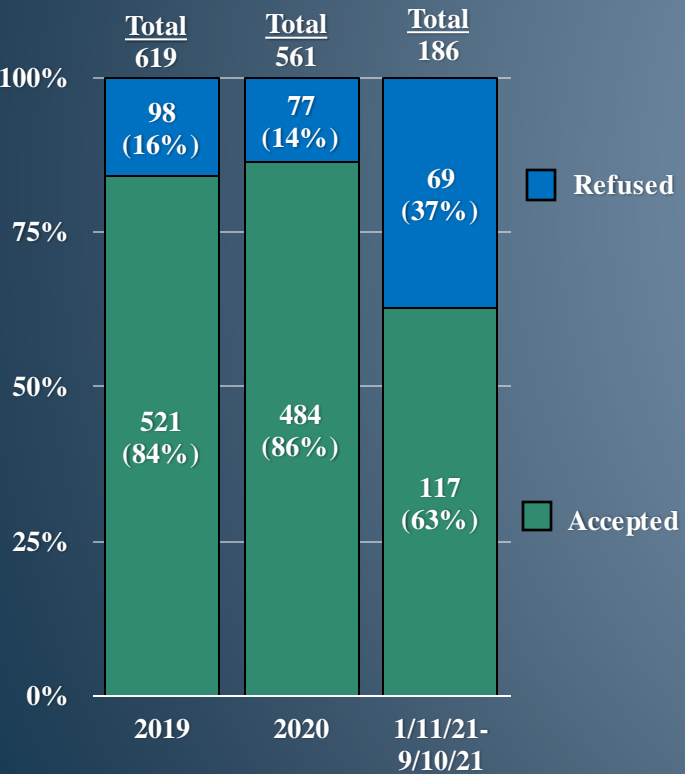
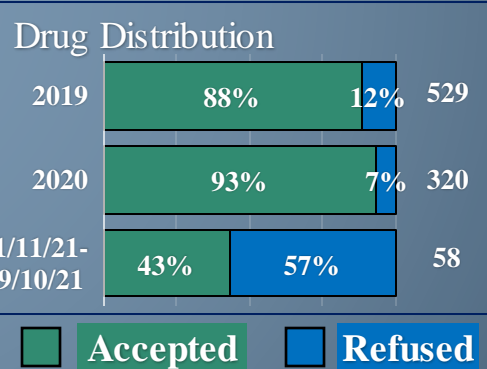
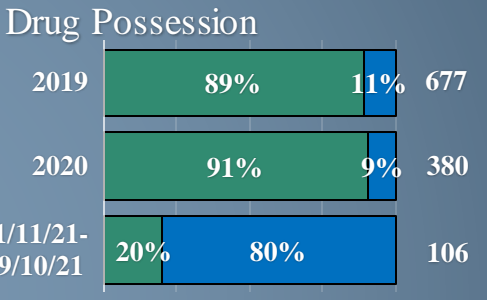
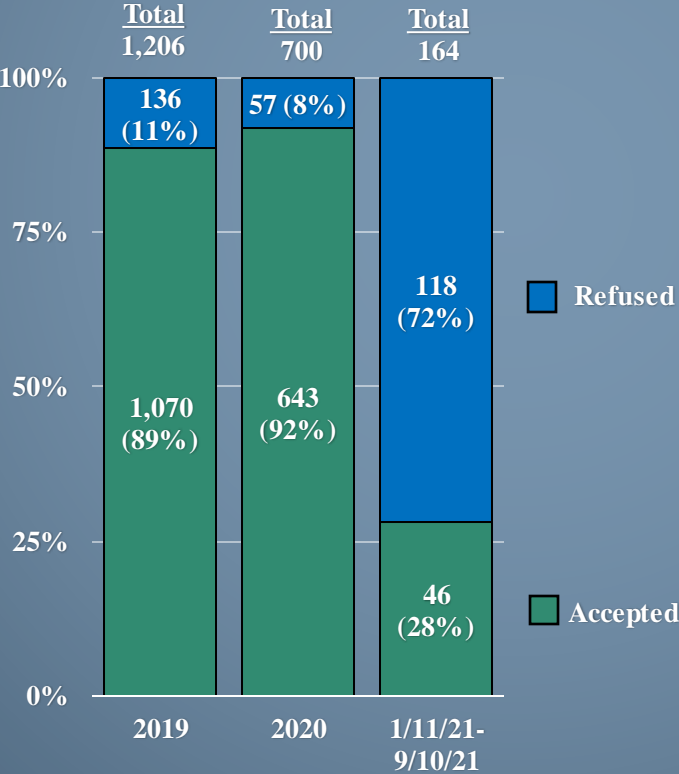


Exhibit 9. Drug Felony Screening Decisions



Sharply fewer weapons felonies were accepted for prosecution from 1/11/21-9/10/21

© D.A. Williams accepted charges in 63% of weapons felony arrests compared to the prior D.A.’s 86% acceptance rate in 2020 and 84% in 2019

Prosecution of drug felonies plummeted from 89%-92% majorities accepted for prosecution in 2019 and 2020 to 28% accepted from 1/11/21-9/10/21

© Under D.A. Williams, 20% of felony drug possession and 43% of drug distribution cases were accepted for prosecution

NOTE: Data is based on dates of screening decisions rather than the date of arrest, so some statistics are based on arrests from prior years

Orleans Criminal Justice System Property Felony Case Screening

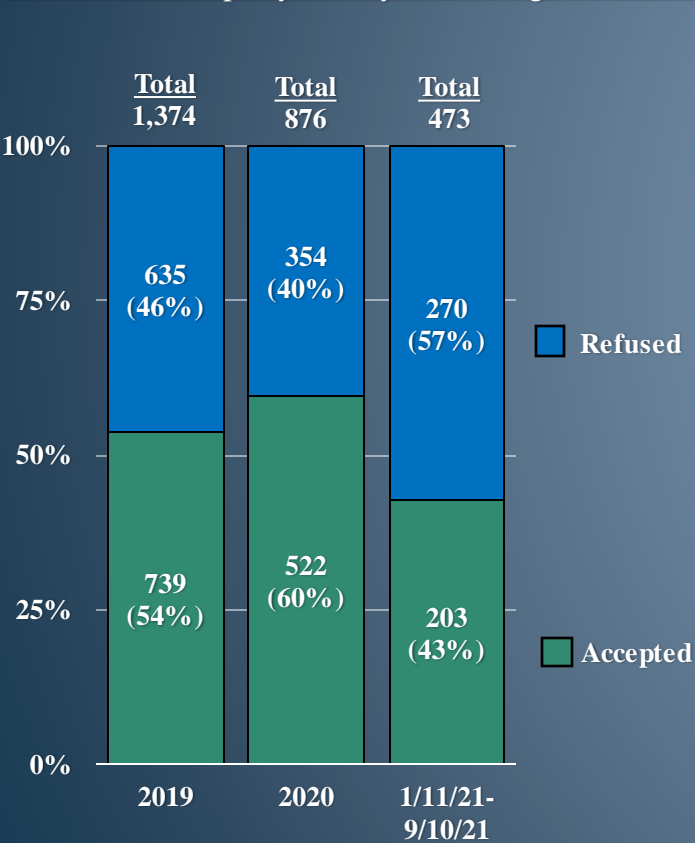
January 1, 2019 – September 10, 2021



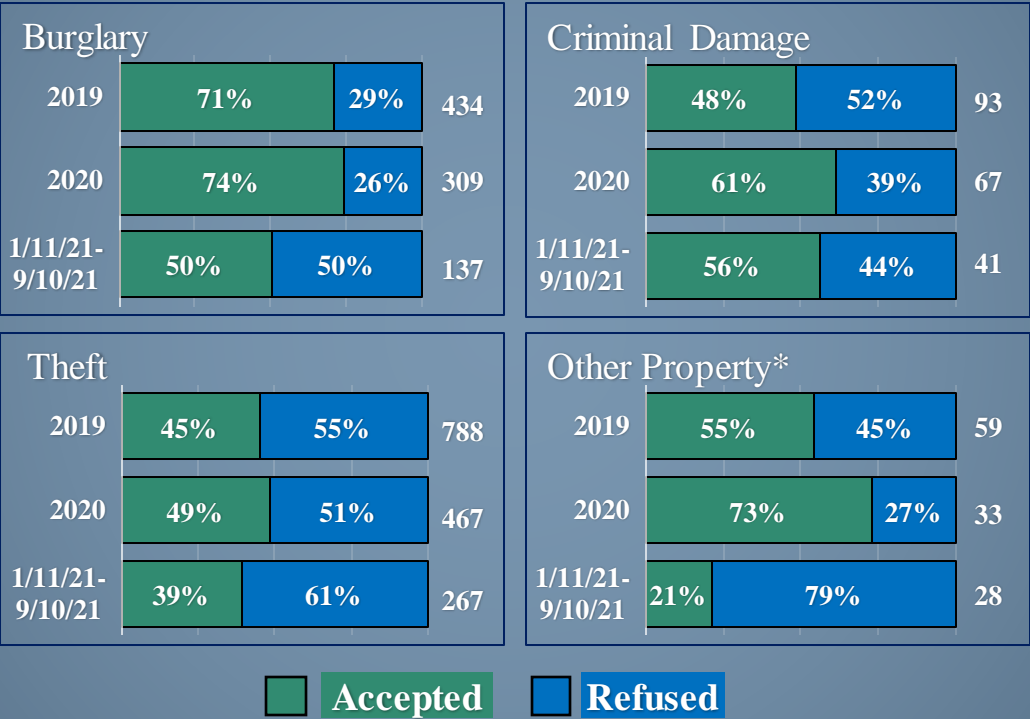
KEY TAKEAWAY

Fewer than half of property felony arrests were accepted for prosecution during D.A. Williams’ first eight months in office. The shift is primarily due to larger refusal rates for burglaries and thefts.

Exhibit 10. Property Felony Screening Decisions



*Other property crimes include monetary instrument abuse, unauthorized entry, offenses against intellectual property, etc.



The property felony case acceptance rate fell from 54% in 2019 and 60% in 2020 to 43% under D.A. Williams

Burglary arrests had a 50% acceptance rate from 1/11/21-9/10/21 versus a 71% acceptance rate in 2019 and a 74% acceptance rate in 2020

The 56% acceptance rate for felony criminal damage arrests from 1/11/21-9/10/21 is slightly lower than the 61% acceptance rate in 2020, but slightly higher than the 48% acceptance rate in 2019

Acceptance rates for felony theft cases went from just under half in 2019 and 2020 to 39% from 1/11/21-9/10/21

The variety of charges and small numbers of “other” property crimes prevent analyses from demonstrating changes in screening decisions over time



Section II

Felony Case Dispositions

January 1, 2019 – September 10, 2021

Felony Case Dispositions

Summary of Findings



Total Felony Dispositions: The felony conviction rate sharply declined in 2021, from achieving felony convictions in a majority of cases closed under the prior administration to a majority of cases being dismissed without defendants being convicted of any crime under D.A. Williams

- ⦿ Almost one in five (19%) of all cases that closed under D.A. Williams were dismissed violent felonies
- ⦿ The rate of felony cases closing through a felony conviction plummeted from 64% in 2019 and 54% in 2020 under the prior administration to only 17% under D.A. Williams
- ⦿ The dismissal rate increased 179% from 23% in 2020 to 66% under D.A. Williams

Violent Felony Dispositions: Police secured the cooperation of victims and witnesses to establish probable cause to make an arrest in violent felony cases, but more than half of these cases were thrown out under the Williams administration

- ⦿ From 1/11/21-9/10/21 under D.A. Williams, 563 violent felony cases were dismissed or thrown out of court without defendants being convicted of any offense
- ⦿ The violent felony dismissal rate for D.A. Williams was 54% compared to 16% and 17% dismissal rates in 2019 and 2020 under the prior D.A.
- ⦿ Only 21% of violent felony cases closed under D.A. Williams resulted in felony conviction compared to 54%-57% felony conviction rates in 2019-2020

Drug and Weapons Felony Dispositions: Drug and weapons felonies are most often proven by police testimony without the need for civilian witnesses or victims, yet these cases based primarily on evidence generated within the criminal justice system experienced extreme declines in convictions

- ⦿ The dismissal rates for weapons felonies went from 14% and 18% in 2019 and 2020, respectively to 52% under D.A. Williams
- ⦿ D.A. Williams had dismissal rates of 94% for felony drug possession cases and 75% for drug distribution cases
- ⦿ More than half of felony drug cases ended with a felony conviction under the prior D.A. compared to a 6% felony conviction rate under D.A. Williams

Property Felony Dispositions: As with all other categories of crime, the conviction rate for property felony crimes had a steep decline under D.A. Williams

- ⦿ D.A. Williams had a 65% dismissal rate for property felony cases compared to a 25% dismissal rate in 2020 and 17% in 2019
- ⦿ Only 17% of property felony cases closed under D.A. Williams had felony convictions

NOTE: Not Guilty verdicts, including Found Not Guilty by Reason of Insanity, made up 1% or less of dispositions and have been removed from analyses

Orleans Criminal Justice System Composite Felony Case Dispositions

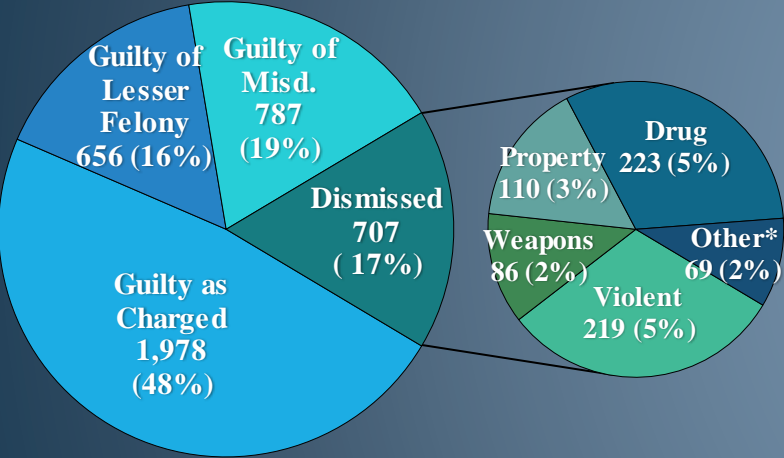
January 1, 2019 – September 10, 2021



KEY TAKEAWAY

In the first eight months of the new DA’s administration, a two-thirds majority of felony cases closed by dismissal and only 17% resulted in a felony conviction, which represents a 179% increase in the dismissal rate compared to 2020.

Exhibit 11. 2019 Felony Dispositions

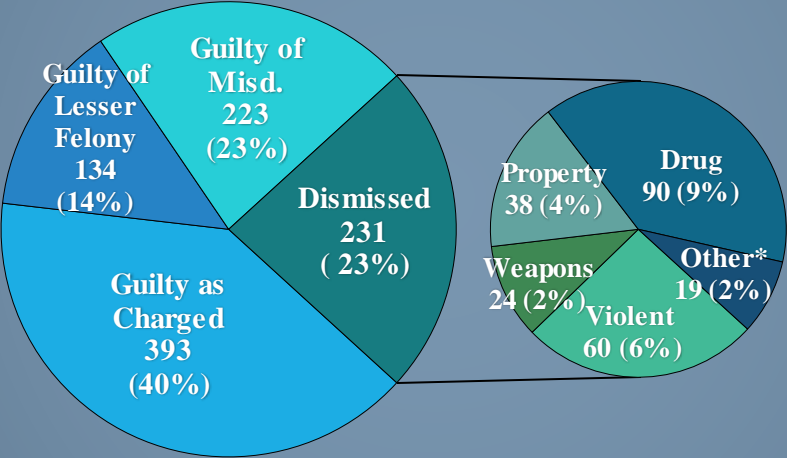


2019: 4,128 Cases Closed

D.A. Leon Cannizzaro

64% of felony cases that closed resulted in felony convictions (48% as charged, 16% guilty of a lesser felony)

Exhibit 12. 2020 Felony Dispositions

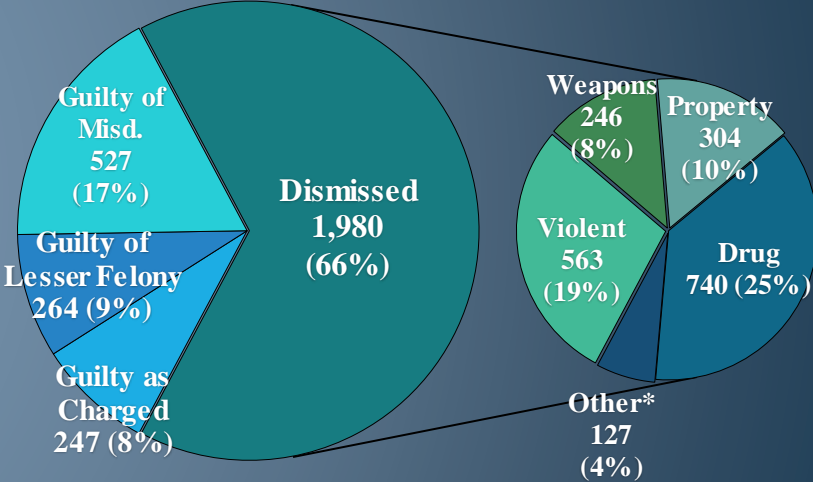


2020: 981 Cases Closed

D.A. Leon Cannizzaro

Only 981 cases reached a disposition because the court closed due to pandemic, which created a significant backlog of pending cases

Exhibit 13. 1/11/2021-9/10/2021 Felony Dispositions



1/11/2021-9/10/2021: 3,018 Cases Closed

D.A. Jason Williams

The 1,980 dismissals accounted for two-thirds (66%) of dispositions, and the felony conviction rate fell to 17% versus 54% in 2020

*Other felony crimes include failure to register as a sex offender, obstruction of justice, obscenity, etc.

Disposition - Once accepted, a case remains open until it closes through a guilty plea, a verdict of guilty or not guilty by a judge or jury, being quashed by a judge, or a dismissal by the District Attorney’s Office

NOTE: Not Guilty verdicts, including Found Not Guilty by Reason of Insanity, made up 1% or less of dispositions and have been removed from analyses. Two homicide cases in 2021 closed with dispositions of Found Not Guilty by Reason of Insanity

Orleans Criminal Justice System Violent Felony Dispositions

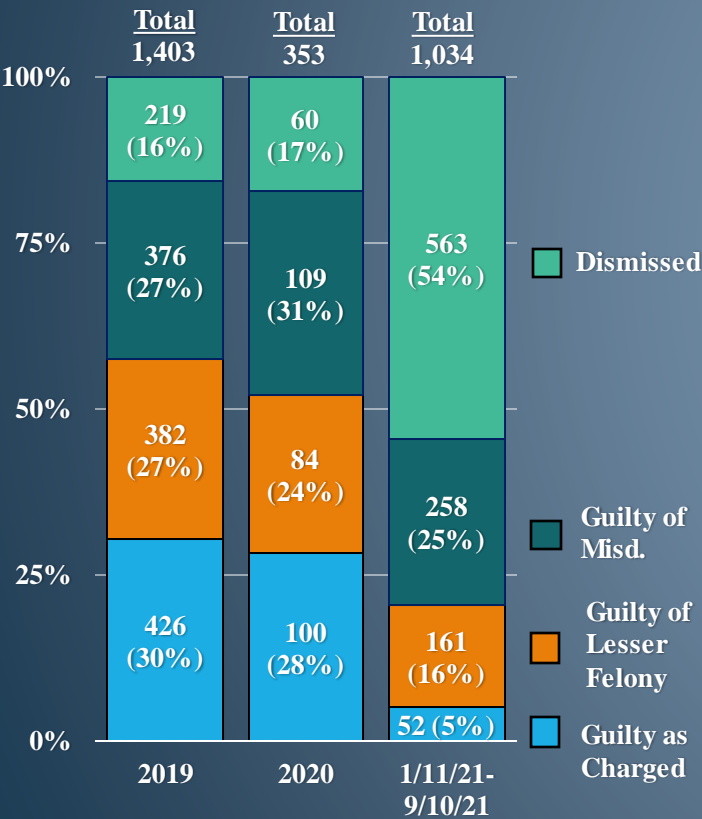
January 1, 2019 – September 10, 2021



KEY TAKEAWAY

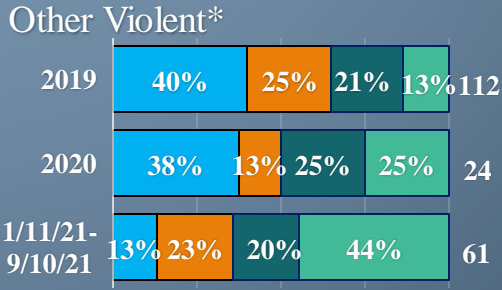
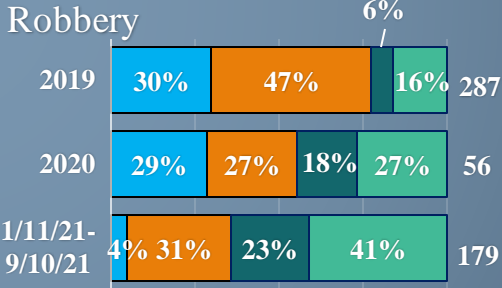
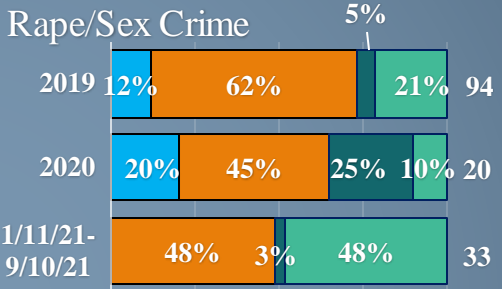
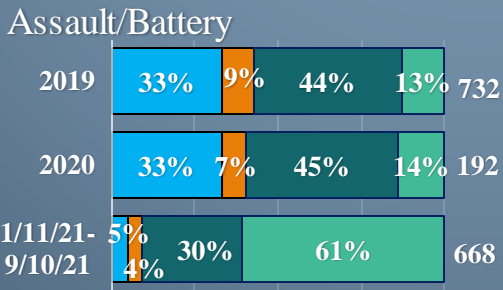
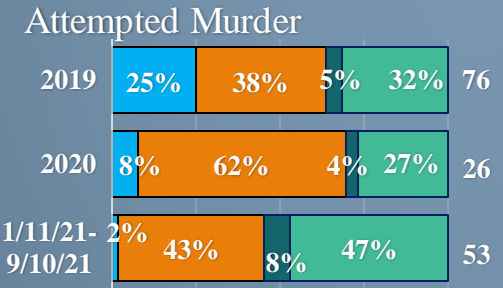
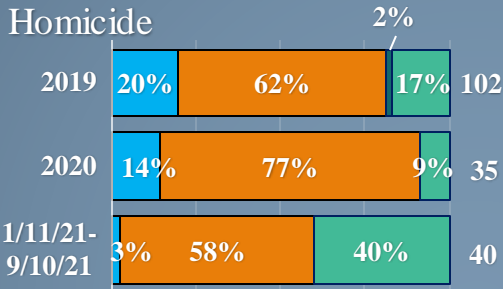
More than half (54%) of violent felony cases closed due to dismissal in the first eight months of D.A. Williams’ administration with defendants receiving no conviction for any charge. At least 40% of cases in every major category of violent crime were resolved through dismissal.

Exhibit 14. Violent Felony Dispositions



*Other violent crimes include aggravated burglary, kidnapping, aggravated criminal damage, home invasion, etc.

NOTE: Percentages may not sum to 100% due to rounding



A total of 563 violent felony cases were dismissed from 1/11/21-9/10/21

The violent felony dismissal rate under D.A. Williams was 54% compared to rates of 17% in 2020 and 16% in 2019

The violent felony guilty as charged rate fell to 5% under D.A. Williams compared to a 30% guilty as charged rate in 2019 and a 28% guilty as charged rate in 2020

Felony assault/battery cases had a 61% dismissal rate from 1/11/21-9/10/21

72% (291 of 405) dismissed felony assault/battery cases included domestic violence charges

The dismissal rate increased to 41% for robberies from 1/11/21-9/10/21 after a 27% dismissal rate in 2020 and a 16% dismissal rate in 2019



NOTE: Not Guilty verdicts, including Found Not Guilty by Reason of Insanity, made up 1% or less of dispositions and have been removed from analyses

Orleans Criminal Justice System Weapons and Drug Felony Case Dispositions

January 1, 2019 – September 10, 2021



KEY TAKEAWAY

Drug and weapons felony arrests are typically initiated by police and are therefore less reliant on the testimony of civilian victims or witnesses. A 52% majority of weapons charges were resolved through dismissal during D.A. Williams’ first eight months in office. An overwhelming 88% majority of felony drug cases are not prosecuted under the Williams administration. Under the prior administration, a third (33%) or fewer of this same class of cases were resolved through dismissal.

Exhibit 15. Weapons Felony Dispositions

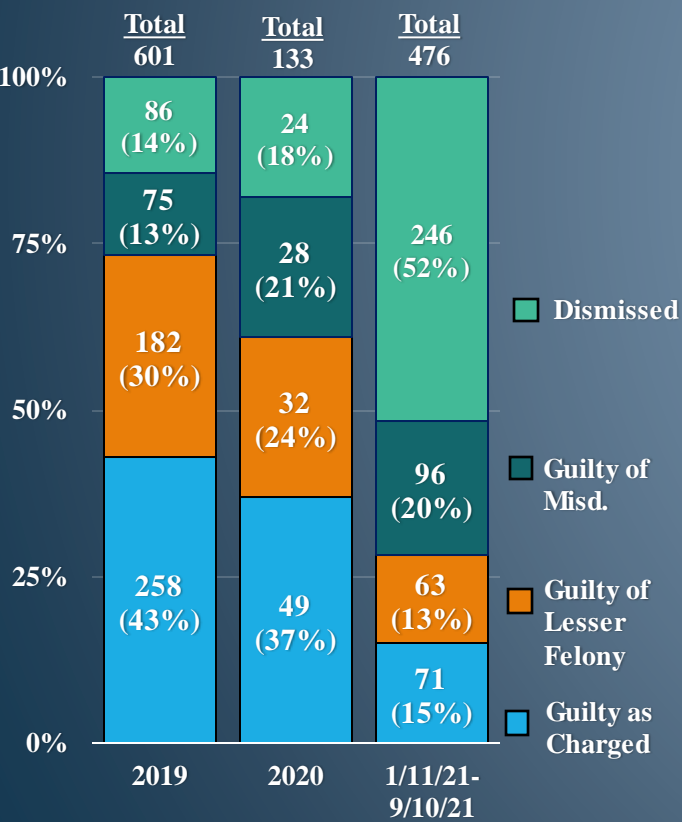
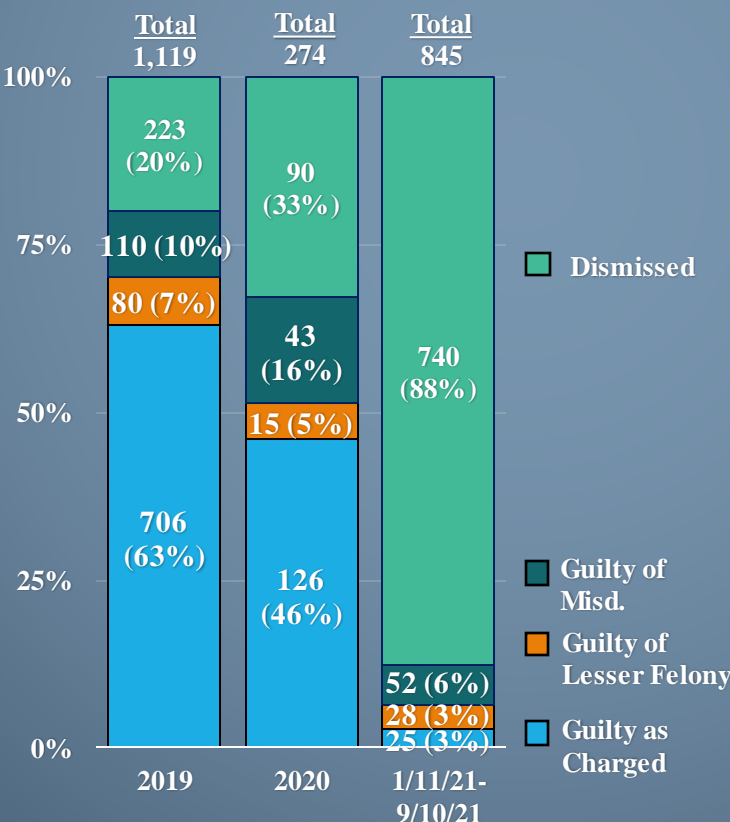
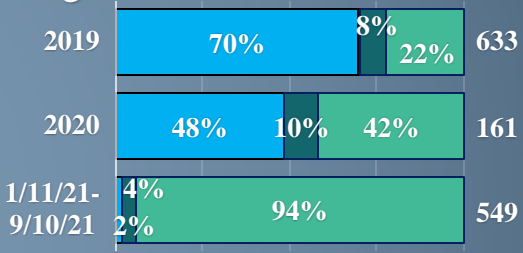


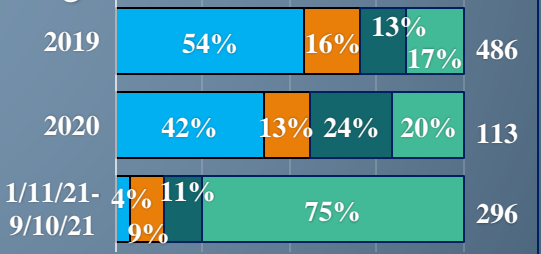
Exhibit 16. Drug Felony Dispositions



Drug Possession



Drug Distribution



Under the prior D.A., less than 20% of felony weapons cases were dismissed in 2019 (14%) and 2020 (18%)

Under D.A. Williams, 52% of felony weapons cases were dismissed

Nearly all felony drug cases (88%) that closed under the Williams administration were dismissed

94% of felony drug possession cases that closed between 1/11/2021-9/10/2021 were dismissed

75% of drug distribution cases that closed between 1/11/2021-9/10/2021 were dismissed

NOTE: Percentages may not sum to 100% due to rounding

NOTE: Not Guilty verdicts, including Found Not Guilty by Reason of Insanity, made up 1% or less of dispositions and have been removed from analyses

Orleans Criminal Justice System Property Felony Dispositions

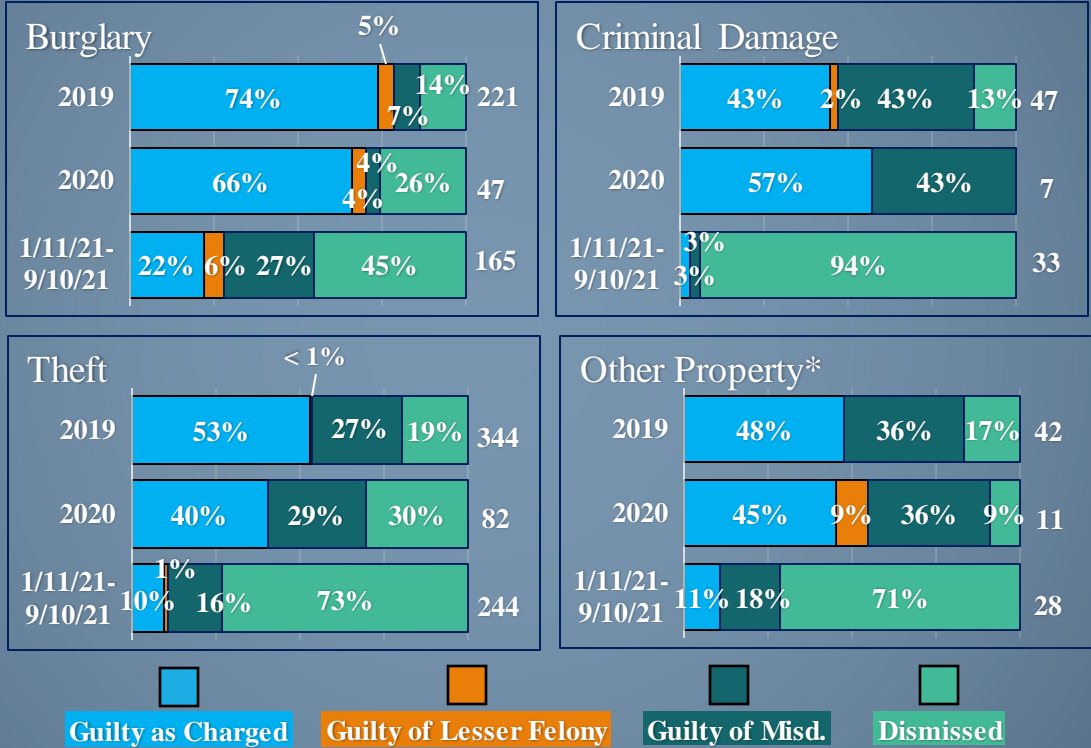
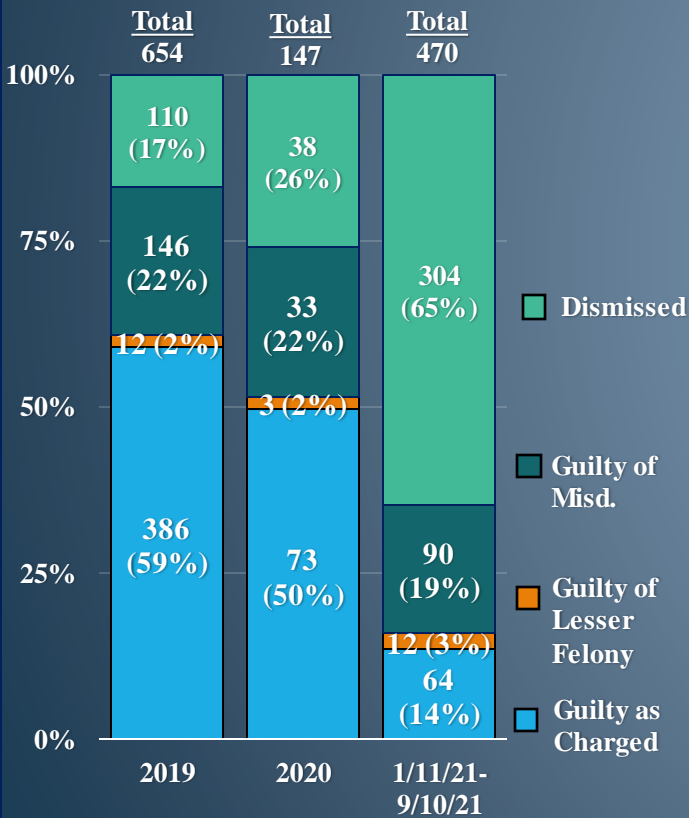
January 1, 2019 – September 10, 2021



KEY TAKEAWAY

Almost two-thirds (65%) of the property felony cases that closed under D.A. Williams were dismissed. Most of these dismissals were for felony criminal damage (94% dismissal rate), felony theft (73% dismissal rate) and “other” property felonies, such as unauthorized entry (71% dismissal rate).

Exhibit 17. Property Felony Dispositions



From 1/11/2021-9/10/2021, only 17% of closed property felony cases received a felony conviction, compared to felony conviction rates of 61% in 2019 and 52% in 2020

From 1/11/2021-9/10/2021, the burglary dismissal rate rose to 45% compared to 26% in 2020 and 14 % in 2019

Dismissal rates for felony theft and “other” property felonies (e.g., unauthorized entry, fraud, etc.), rose to 73% and 71% respectively under D.A. Williams

○ In 2019 and 2020, nearly half of felony theft cases and “other” property felony cases resulted in felony convictions

Felony criminal damage cases were dismissed at a rate of 94% between 1/11/2021-9/10/2021, compared with a 13% dismissal rate in 2019 and zero dismissals in 2020

*Other property crimes include monetary instrument abuse, unauthorized entry, offenses against intellectual property, etc.
NOTE: Percentages may not sum to 100% due to rounding