



METROPOLITAN CRIME COMMISSION, INC.

Orleans Parish Criminal Justice System Accountability Report

MAY 2015: 2012-2014 Arrests and Felony Case Outcomes

Introduction

Since 2007, the Metropolitan Crime Commission (MCC) has promoted performance accountability of the New Orleans Police Department (NOPD) and Orleans Parish District Attorney's (DA's) Office by monitoring arrest trends and the outcomes of all felony arrests. The goals of this accountability project are to inform the public and community leaders of criminal justice system performance, improve the utilization of system resources, and enhance successful collaboration between police and prosecutors on the most significant criminal cases facing the community.

Orleans Parish District Attorney Leon Cannizzaro has been in office since November 2008, and there were two NOPD Superintendents during the time frame covered in this report. Superintendent Ronal Serpas was appointed in May of 2010 and retired in August of 2014. Superintendent Michael Harrison was appointed thereafter.

This report examines trends in arrests, issuances of summonses, and felony case outcomes from 2012 through 2014 in order to assess the performance of the criminal justice system over the past three years. For additional information, see supplemental exhibits at www.metrocrime.org.

Arrests

As shown in **Exhibit 1, arrests declined 25% over the past three years** as they went down from 34,672 in 2012 to 26,039 in 2014. There were fewer arrests for every category. Even though the number of arrests has declined significantly, the distribution of arrests by percentage for each category remained consistent from 2012 to 2014.

The largest category of arrests was state warrants and out of parish attachments (see **II. State Warrant/Out of Parish Attachment Arrests**). Out of parish warrants and attachments are often for petty offenses such as unpaid traffic citations. These arrests commonly result in very little time in jail because jurisdictions issuing the warrants or attachments do not accept these suspects into custody. Of the 7,329 people arrested for warrants in 2014, 3,592 or 50% were released within one day and 4,674 or 64% were released within three days.

Traffic arrests had the highest rate of decline and went down 35% from 4,943 in 2012 to 3,214 in 2014 (see **III. Traffic Arrests**). Arrests for driving while intoxicated had a small (5%) decline from 1,333 arrests in 2012 to 1,271 in 2014. The largest reduction in traffic arrests was for driving without a license or driving with a suspended license which fell 49% from 2,964 in 2012 to 1,506 in 2014. A reduction in traffic enforcement may account for the decline in arrests for violations of driving without a lawful license.

The police force shrinking to its lowest level in 40 yearsⁱ, at the very least, partially responsible for the decline in arrests over the last three years. The police force reduced by 9% from 1,260 in 2012^j to 1,156 in January 2015ⁱⁱ, compared to a 25% reduction in arrests during the same time frame.

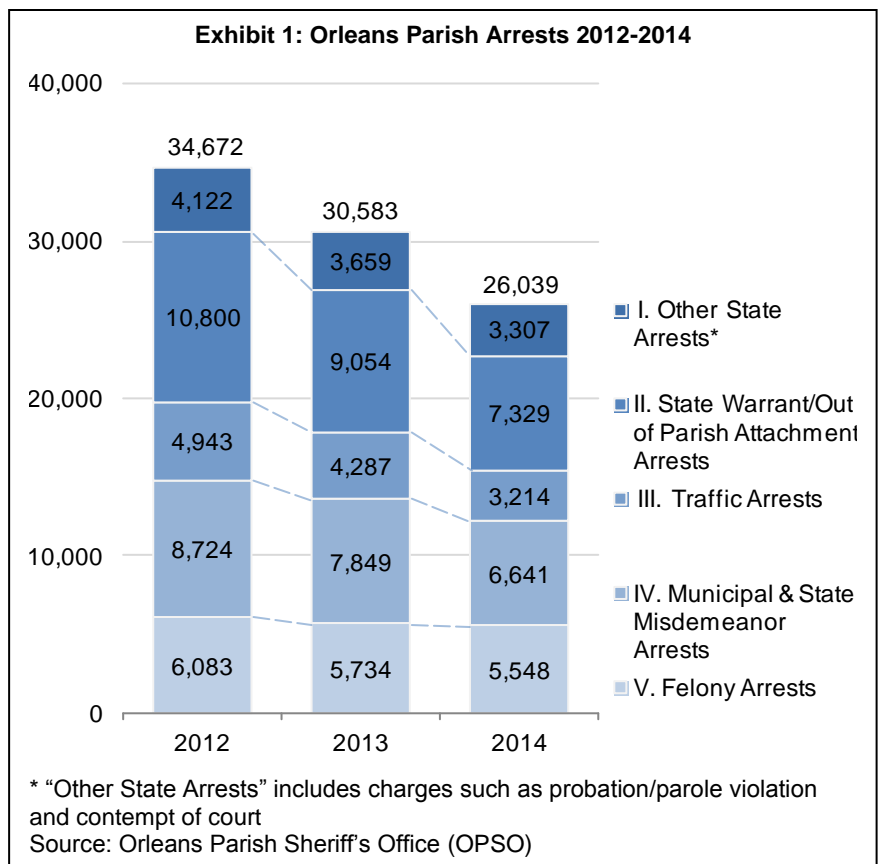
While arrests went down, there was a large increase in the numbers of crimes reported by the NOPD over the past three years.

Uniform crime reporting (UCR) statistics provided by the NOPD to the Federal Bureau of Investigation show a 27% increase in reported violent crimes from 2,958 in 2012 to 3,770 in 2014 and a 20% increase in reported

Executive Summary

Many indicators of the New Orleans criminal justice system's performance were largely unchanged. The most common types of arrests continue to be for state warrants and out of parish attachments, which are often for very low level offenses. The 2013 felony arrest to felony conviction rate of 43% is a small reduction from the 45% rate for 2012 arrests. However, there were several notable trends in arrests and in felony case outcomes from 2012 to 2014:

- The total numbers of arrests by the NOPD decreased 25% and there was a 21% reduction in municipal summonses issued by police.
- Incidents of crime reported by the NOPD increased 27% for violent crimes and 20% for property crimes.ⁱ
- Arrests for violent felony crimes increased 13% despite declines in total arrests and arrests for other felony offenses.
- There was a 77% rate of felony arrests accepted as felony prosecutions in 2014 compared to a 73% rate in 2012 and 2013.
- Outcomes of felony arrests in 2013 show a high (23%) rate of being reduced to misdemeanor charges compared to a nationwide rate of 12% of felonies being reduced to misdemeanors.ⁱⁱ



property crimes from 13,689 in 2012 to 16,382 in 2014.ⁱⁱⁱ **The significant increase in reported crime from 2012 to 2014 creates a great challenge for an understaffed police force.**

The NOPD has made available online logs of all calls for service received in the past several years. A review of these calls for service data shows an overall 11% decline in calls from 503,964 in 2012 to 447,074 in 2014. At the same time, calls for violent crimes increased 12% from 11,822 in 2012 to 13,192 in 2014 and property crime calls increased 14% from 33,296 in 2012 to 37,796 in 2014.^{iv}

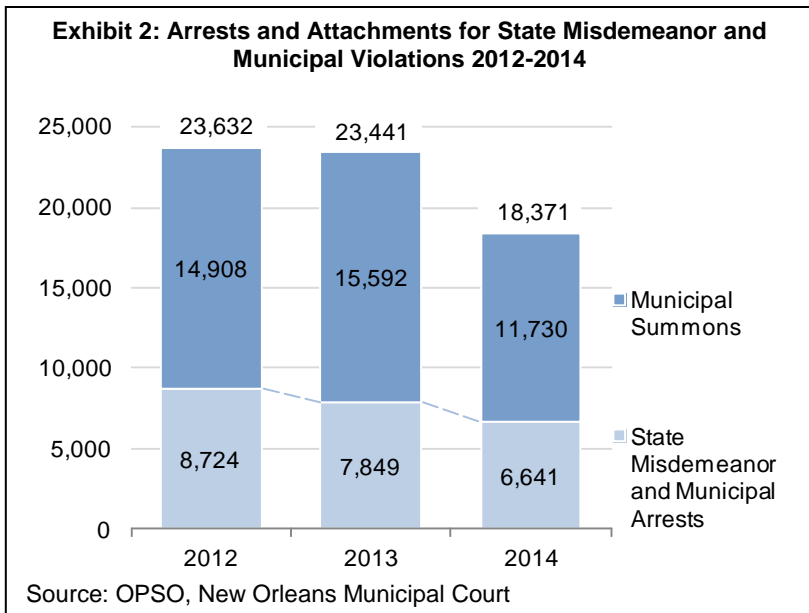
Enforcement of State Misdemeanor and Municipal Violations

State misdemeanor and municipal violations are combined in analysis because most of these charges have a maximum penalty of six months imprisonment and many of these laws mirror one another. In December of 2010, the City of New Orleans crafted municipal ordinances that paralleled many common state misdemeanor violations. Creating municipal ordinances that paralleled state misdemeanors gave police a better opportunity to issue summonses rather than arresting many low level offenders. In early 2011, the DA’s Office transitioned prosecution of most state misdemeanors from the state-level Orleans Parish Criminal District Court (CDC) to city Municipal Court.

Exhibit 2 shows the numbers of municipal summonses and arrests from 2012 through 2014.

There was a 22% reduction in municipal violation enforcements from 2012 to 2014. This includes a 24% reduction in state misdemeanor and municipal arrests from 8,724 in 2012 to 6,641 in 2014 as well as a 21% reduction in municipal summonses from 14,908 in 2012 to 11,730 in 2014.

Police continue to increasingly favor issuing summonses over arresting people for state misdemeanor and municipal violations. Summonses account for 63% to 67% of municipal violation enforcements across the past three years. **Issuing summonses is a more efficient use of limited police and criminal justice system resources to enforce low level offenses.** In 2014, half (50%) of all state misdemeanor and municipal arrests resulted in releases from custody within one day, and three-fourths (76%) resulted in releases within three days. **The short duration in jail following most municipal and state misdemeanor arrests suggests that police should consider increasing the use of summonses in lieu of arrests for minor non-violent offenders without extensive criminal records.**

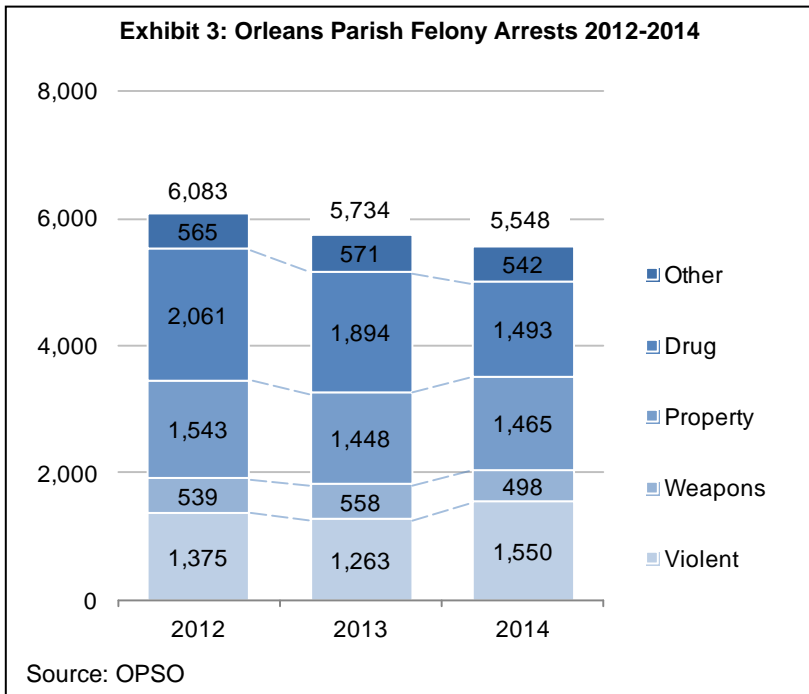


Felony Arrests

MCC analysis focuses on felony arrests because they are the most significant crimes addressed through the local criminal justice system. Felonies include murder, rape, robbery, illegal use and possession of firearms, burglary, theft, and narcotics possession and distribution. Felony offenders can receive lengthy prison sentences if convicted. Habitual offender laws provide that felony convictions can be a basis for longer incarceration sentencing if an offender has a history of prior felony convictions.

Felony arrests had the lowest rate of decline compared to all other arrest categories. Felony arrests decreased 9% from 6,083 in 2012 to 5,548 in 2014 (see Exhibit 3). In comparison, there was an overall 25% reduction in total arrests (see Exhibit 1 on previous page).

In 2014, violent felony arrests increased while arrests for drug felony charges decreased significantly. The 1,550 violent felony arrests in 2014 is a 13% increase from the 1,375 violent felony arrests in 2012 and the highest number than in any year since 2007 (see Supplemental Exhibit 16). Arrests for drug felonies fell to 1,493 in 2014 which was their lowest level since 2007 and the first time that felony drug charges were outnumbered by another type of felony arrest.



An uptick in reported violent crimes and violent felony arrests likely indicates police are applying limited manpower resources to crimes of violence which may be a contributing factor to declines in arrests for all other categories of felony offenses.

Felony Arrest Charging Decisions

For each new state arrest, police compile evidence against a suspect and submit it to the DA's Office. The DA's Office reviews reports submitted by police to determine if there is sufficient evidence to prove guilt and obtain a conviction. The DA's Office may refer a case back to the police asking to supplement the initial investigation in an effort to build a stronger case. Some felony arrest charges are lowered from felonies to misdemeanors when they are accepted for prosecution. The DA's Office refuses a case when it determines there is not enough evidence to obtain a conviction. In some instances, the DA's Office may refer a case to another entity, usually Municipal Court.

Exhibit 4 presents the charging decisions for all felony arrests from 2012 through 2014.

Charging decisions were very similar for 2012 and 2013 arrests. In both years, 73% of felony arrests resulted in cases being accepted for prosecution. **The rate of felony arrests accepted for prosecution increased to 77% in 2014.**

Refused prosecutions decreased from 18% in 2013 to 14% in 2014. **Fewer refusals combined with more cases accepted for prosecution is a sign that police and prosecutors are continuing to improve their collective efforts to convert felony arrests into viable felony prosecutions.**

Across 2012 through 2014, 8% to 10% of felony arrest charges were reduced to misdemeanors when they were accepted for prosecution. This is a consistent rate of downgrading felony arrests to misdemeanors upon being accepted for prosecution, which shows police maintained similar arrest charging practices across the past three years. Felony charges carry higher bond amounts and are more likely to result in suspects being held in custody for longer periods of time, which increases jail costs housing felony suspects. It may have been possible to issue a summons rather than arrest many people whose felony arrest charges were later prosecuted as misdemeanor or municipal offenses. Similarly, more criminal justice system resources are applied to the prosecution of an accepted felony case compared to municipal or misdemeanor cases.

2013 Felony Arrest Outcomes

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. MCC analysis includes reinstated cases in felony case outcomes. Diversion program cases are the result of defendants successfully completing the diversion program and having their cases dismissed. Defendants who do not have significant criminal histories may be given the opportunity to participate in the diversion program, which enables them to receive training and counseling supervised by the DA's office in exchange for not being prosecuted. **Exhibit 5** presents the outcomes of all felony arrests from 2013. The MCC tracked the status of every 2013 felony arrest until March 20, 2015.

Felony arrests in 2013 had a 43% felony arrest to felony conviction rate. At least 22% of felony arrests did not result in conviction for any charges because charges were not accepted for prosecution (18%), dismissed (4%), or resulted in a not guilty verdict. Successful completion of the diversion program resolved 4% of felony arrests. Another 8% of felony arrest charges were still being prosecuted in CDC when data collection concluded.

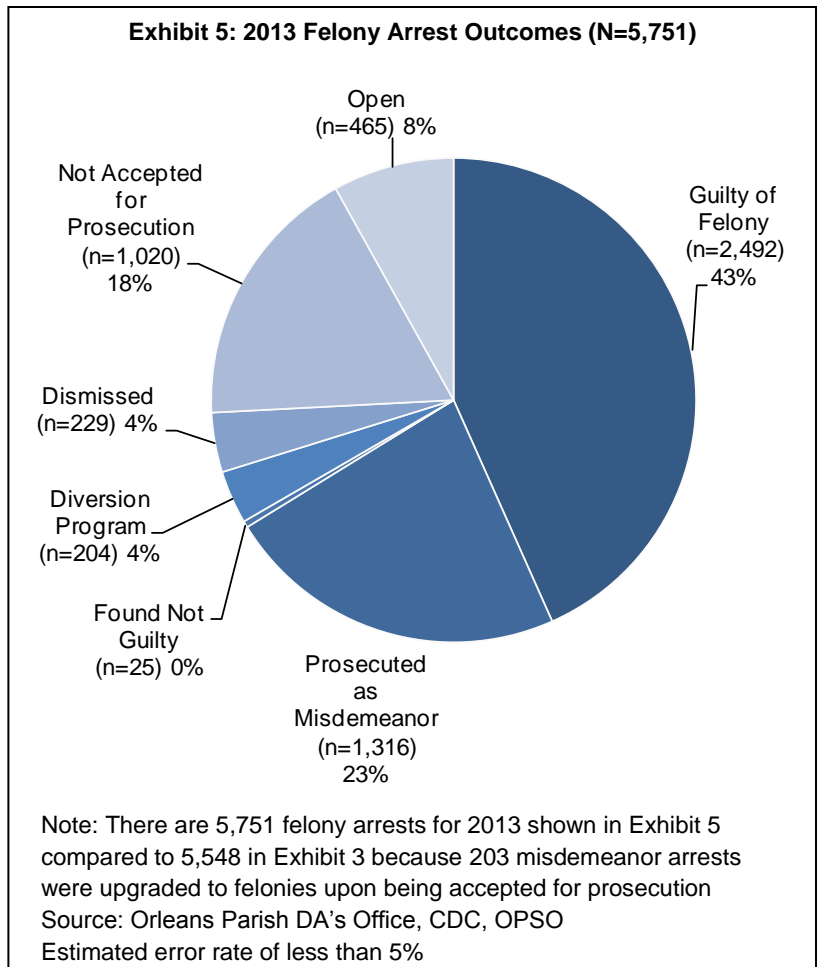
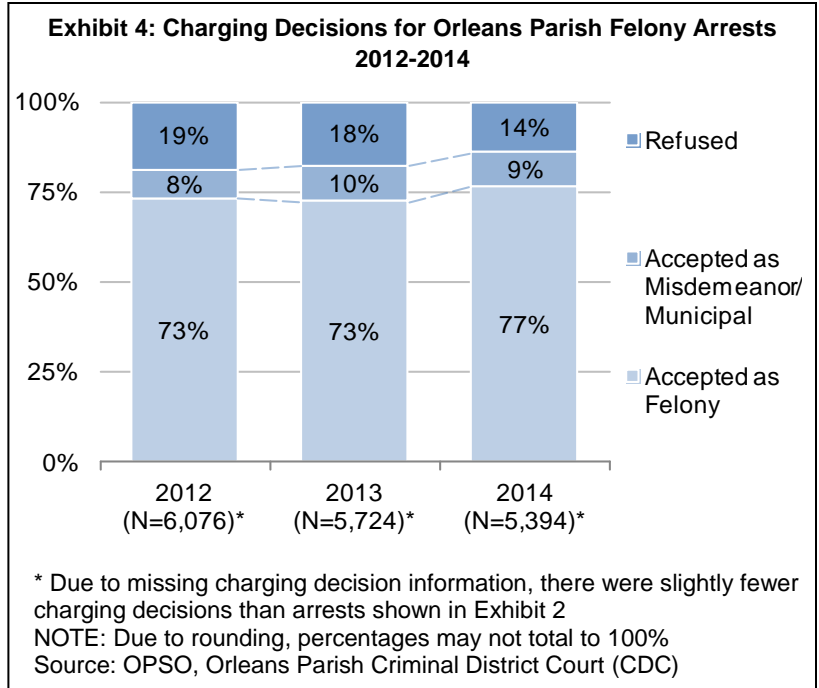


Exhibit 6 shows outcomes of felony arrests from 2012 compared to 2013. While outcomes were very similar, bookings by the NOPD that were prosecuted as misdemeanors by the DA's Office increased from 20% of 2012 felony arrests to 23% of felony arrests in 2013.

Comparing Exhibit 4 to Exhibit 5 shows that **more than half of felony charge downgrades occur after a case has been accepted for felony prosecution**. Ten percent (10%) of felony arrests were accepted as misdemeanor or municipal cases, but a total of 23% of 2013 felony arrests were ultimately resolved as misdemeanor cases. Felony charges were accepted for prosecution and later reduced to misdemeanors in 13% of 2013 felony arrests.

The New Orleans criminal justice system's felony arrest outcomes deviate from what is seen throughout the country primarily in its high rate of felonies reduced to misdemeanor charges. Nationwide, 54% of felony arrests result in felony convictions and 12% are reduced to misdemeanors for a combined total 66% conviction rate.^v The 23% rate at which 2013 felony arrests in New Orleans were reduced to misdemeanor prosecutions is almost twice the national rate (of 12%). **Greater police, jail, DA's Office and court resources are applied to felonies compared to misdemeanors, and these limited resources are squandered when a misdemeanor offender is arrested for a felony offense.**

Conclusions

As police manpower continued to fall, there were significant reductions in arrests coupled with an increase in reported crime. At the same time, police increased arrests for violent felony offenses, and police and prosecutors maintained an effective felony arrest to felony conviction rate. **The MCC commends the NOPD's focus on violent crime during a manpower crisis and the manner in which police and prosecutors have not allowed reduced NOPD staffing to negatively impact the outcome of felony prosecutions.** The MCC respectfully offers the following recommendations intended to reduce the burden that less serious crimes place upon the criminal justice system at a time when a dwindling police force works to overcome dramatic increases in reported crime.

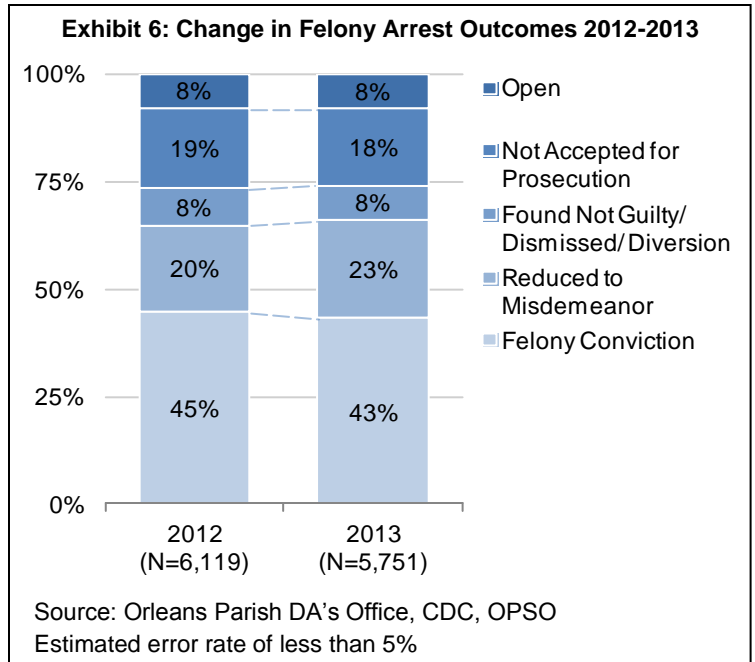
Recommendations

1. The NOPD should encourage and train officers to further curtail the unacceptably high numbers of arrests for out-of-parish attachments for minor offenses. Past legislative reforms granted police wider discretion not to arrest people with warrants for low level offenses. The NOPD has made substantial progress since 2009 when there were 18,996 arrests for state warrants and out of parish attachments, but these remain the most common type of arrest. Warrants and attachments for low level offenses typically result in little jail time and consume NOPD resources at a time when there is an acute manpower shortage. The MCC continues to encourage the NOPD to decrease arrests for out-of-parish warrants and attachments for low-level offenses.

2. The City of New Orleans and the parish court system should proactively take measures to reduce the prevalence of active warrants, particularly for low-level offenses. New Orleans municipal, traffic, and state courts can apply Louisiana Code of

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Criminal Procedure Article 211.1, Section D, to seize income tax refunds in order to satisfy unpaid court costs, fines, or fees. Seized income tax refunds can resolve warrants for unpaid monies owed to the courts, which can reduce the number of court ordered attachments for unpaid fines and fees to lessen arrests based upon uncollected court monetary obligations. Such an initiative can also increase revenue used to maintain criminal justice operations.

Courts are encouraged to examine and improve notification systems to ensure people are properly notified when warrants and attachments are issued for their arrests. The high rate of warrants and attachments was exemplified in a February 2015 news story which stated that New Orleans Municipal Court issues between 85 and 90 attachments each day.^{vi} Increasing awareness of warrants and attachments could enable and encourage individuals to resolve pending court matters rather than relying upon police to arrest low-level offenders.

3. Improved police and prosecutor communication is key to reducing the high rate of felony arrests that are prosecuted as misdemeanors, which divert limited resources from more serious offenses. New Orleans' misdemeanor offenders are overcharged with felonies at almost twice the national rate. Resources expended on overcharged offenders could be greatly reduced by identifying the types of felony cases likely to conclude as misdemeanors before someone is arrested or a case is accepted for prosecution. For example, ensuring police are aware of the recently increased statutory threshold of \$750 for property offenses could curtail overcharging for felony theft, criminal damage, and possession of stolen property. Improving the accuracy of arrest charges and charges accepted for prosecution would increase the efficiency of the criminal justice system and reduce unnecessary expenditure of system resources.

ⁱ Source: New Orleans Police Department, additional information available in Supplemental Exhibit 13

ⁱⁱ Source: "NOPD launches new academy class, but attrition still outstripping personnel gains" NOLA.com/The Times-Picayune; January 12, 2015

ⁱⁱⁱ Source: New Orleans Police Department; additional information available in Supplemental Exhibit 14

^{iv} Source: New Orleans Police Department; additional information available in Supplemental Exhibit 15

^v Source: "Felony Defendants in Large Urban Counties, 2009 – Statistical Tables," Department of Justice, December 20, 2013

^{vi} Source: "I-Team: Thousands fail to appear at Municipal Court" WDSU; February 9, 2015