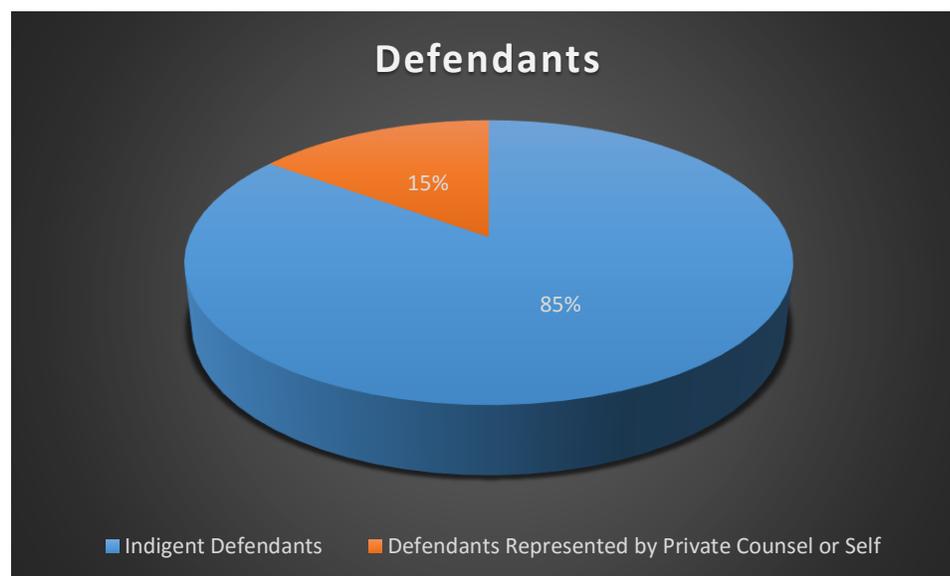


Court Watch NOLA 2014 Data & Statistics

Court Watch NOLA would like to thank the following offices for taking the lead in providing us with the below statistics and thus increasing the transparency of the Orleans Criminal Justice System: The Orleans Parish District Attorney (OPDA), the Vera Institute of Justice (Vera), The Mayor’s Office of Criminal Justice Coordination, the Innocence Project of New Orleans (IPNO), the New Orleans Police Department (NOPD), and the Orleans Public Defenders (OPD).

1: An Individual is Arrested¹ and Becomes a Defendant

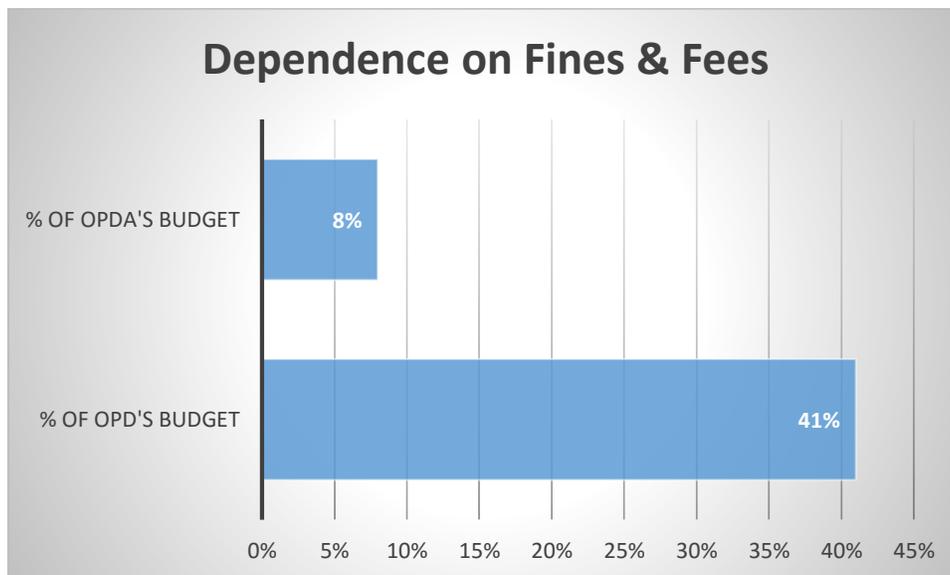
In 2014, nearly 85% of defendants were considered indigent and unable to hire a private lawyer and thus were represented by the Orleans Public Defenders.²



¹ When a defendant is arrested without a warrant, a magistrate must determine, within 48 hours of the arrest, whether officers had enough evidence to prove that, more likely than not, the defendant committed the crimes charged. This constitutional requirement includes weekends and holidays. Exceptions may be made for extraordinary circumstances. La. C. Cr. Proc. Art. 230.2(A); *County of Riverside, et al. v. McLaughlin, et al.*, 500 U.S. 44, 56 (1991); *State v. Charles*, 7 So.3d 1175 (La. 2009).

² OPD 2014 Annual Report, “Gideon is Rising,” p. 3.

Orleans Public Defenders are appointed soon after arrest. OPD represented defendants charged with 21,377 crimes in Criminal, Juvenile, Municipal, and Traffic Courts.³



Fines and fees made up 41% of OPD’s budget, or \$2,647,468.⁴ Fines and fees made up 8% of the Orleans Parish District Attorney’s budget, or \$1,244,566.⁵

2: When a Defendant is Arrested for at Least One Felony Offense, the Magistrate or Commissioner Decides Whether to Release the Defendant Without Bail/Bond, Issue a Bail/Bond, or Deny Bail/Bond

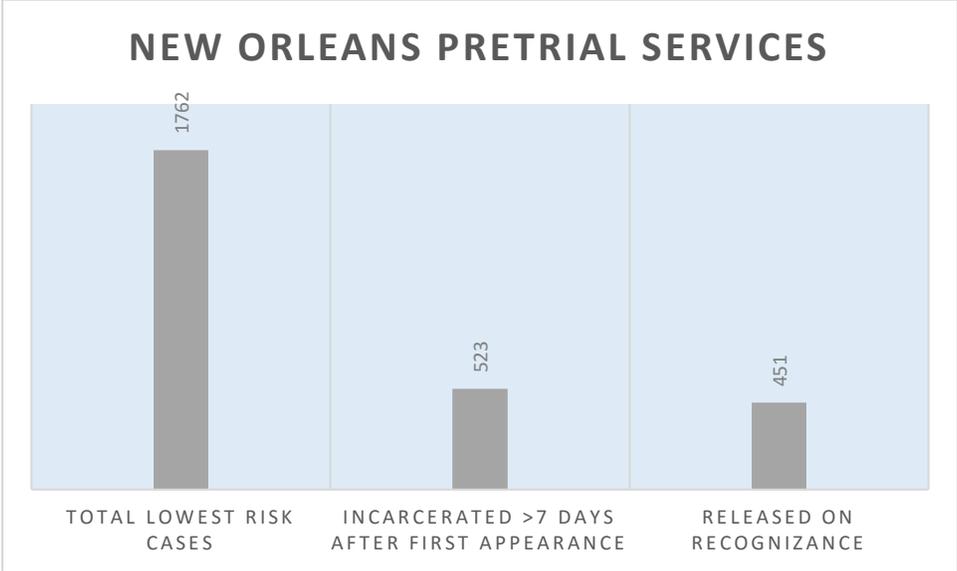
New Orleans Pretrial Services (“NOPTS”) assesses whether a felony defendant is a significant risk to public safety or a significant risk of not returning for scheduled court dates. Amongst other actions, NOPTS screens defendants, conducts interviews, and investigates the defendant’s criminal history, employment status, and family obligations before the defendant’s first appearance. NOPTS then prepares a pretrial report which determines the defendant’s risk level of threatening public safety or of failing to return for a scheduled court date. NOPTS sorts

³ OPD 2014 Annual Report, “Gideon is Rising,” p. 9. OPD represents clients charged with all misdemeanors, including misdemeanors prosecuted in Municipal and Traffic Courts by the City Attorney’s Office, as well as state misdemeanors prosecuted by the OPDA.

⁴ OPD 2014 Annual Report, “Gideon is Rising,” p. 29.

⁵ These data and statistics were provided by the OPDA.

defendants' risk levels into 4 categories ranging from lowest to highest risk level.



Out of 5,943 first appearances in 2014, NOPTS assessed 5,303 cases of defendants charged with felonies, 1,762 of which fell into the lowest risk category of threatening public safety or of failing to return for a scheduled court date. Within the lowest risk category, an average of nearly 44 defendants per month were incarcerated for at least 8 days following their first appearance, and an average of nearly 38 defendants per month were released on their own recognizance or without bond.⁶

⁶ These numbers were calculated based on data and statistics provided jointly by the Vera Institute of Justice –New Orleans Office NOPTS and the Mayor’s Office of Criminal Justice Coordination.



2/3 of defendants were imprisoned pre-trial because they did not pay their bond.⁷ In cases where Orleans Public Defenders requested that bonds be reduced or eliminated, OPD was successful 53% of the time.⁸

In 2014, there were 477 cases in which defendants did not return for scheduled court dates and are currently at large.⁹

3: The OPDA Typically Takes 28 Days¹⁰ to Decide Whether to Accept the Charges for which the Defendant was Initially Arrested

⁷ OPD 2014 Annual Report, “Gideon is Rising,” p. 3. This percentage reflects detention rates directly after the time bail and bond is set by the magistrate or commissioner. This percentage does not relate to detention at later times in the criminal proceedings, such as at trial or directly before trial.

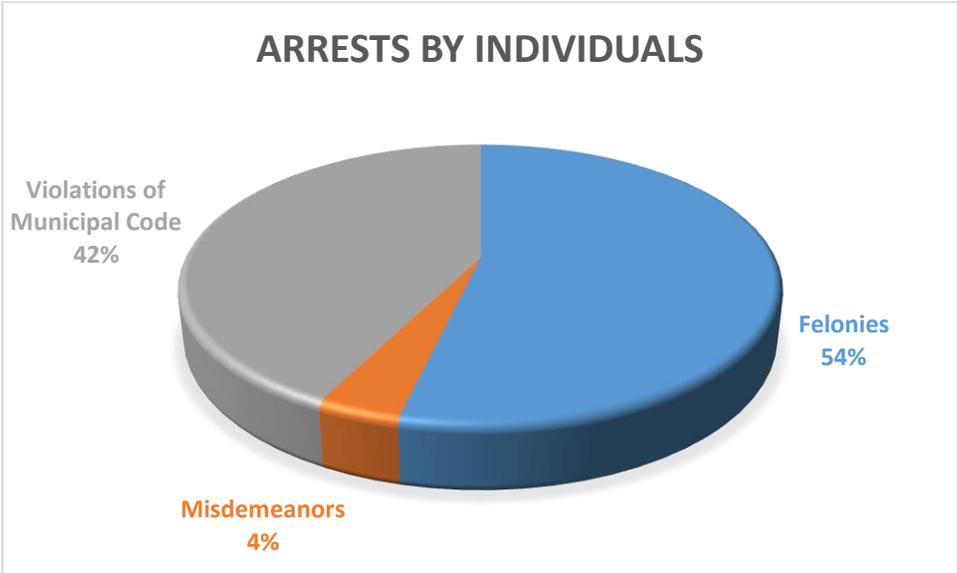
⁸ OPD 2014 Annual Report, “Gideon is Rising,” p. 18.

⁹ These data and statistics were provided by the OPDA.

¹⁰ This is a shorter period of time than Louisiana law requires, which allows prosecutors the following time periods to decide whether to prosecute defendants that are incarcerated pre-trial: up to 45 days for a misdemeanor, 60 days for a felony, and 120 days for a felony for which the sentence could be death or life imprisonment. For defendants who are released either on their own recognizance with supervision or by posting bond, prosecutors are allowed up to 90 days for a misdemeanor and 150 days for a felony to decide whether to prosecute. La. C. Cr. Proc. Art. 701(B).

According to the Orleans Parish District Attorney’s Office, out of 9,226 individuals arrested in 2014:¹¹

4,951 arrestees were charged with felonies,
356 arrestees were charged with state misdemeanors, and
3,919 arrestees were charged with violations of the Municipal Code.¹²

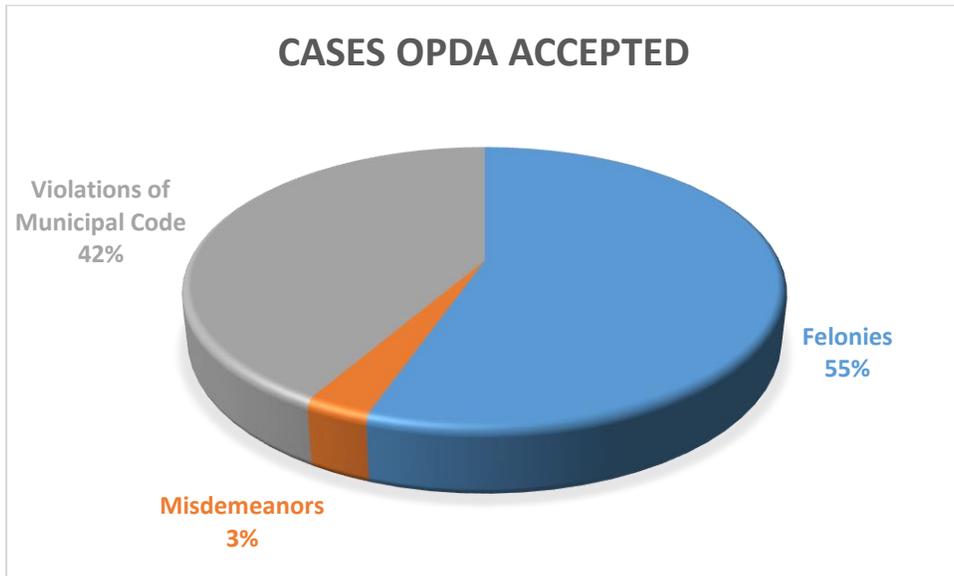


The OPDA accepted the charges and decided to prosecute
4,259 felony cases,
232 misdemeanor cases, and
3,203 Municipal Code violation cases.¹³

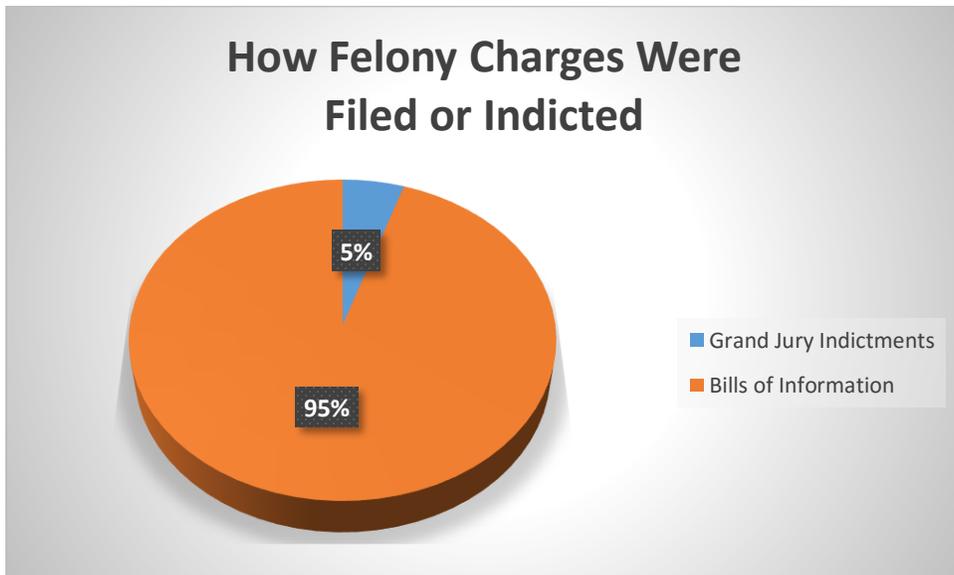
¹¹ This number does not include cases prosecuted in traffic court or prosecuted by the New Orleans City Attorney’s Office.

¹² These data and statistics were provided by the OPDA.

¹³ These data and statistics were provided by the OPDA.



For some felony cases, the OPDA presents a case to a grand jury, and the grand jury decides whether to indict the defendant on the charges for which the defendant was initially arrested. However, in the majority of felony cases, the OPDA files a bill of information, which is a formal charging document filed with the Orleans Parish District Court.

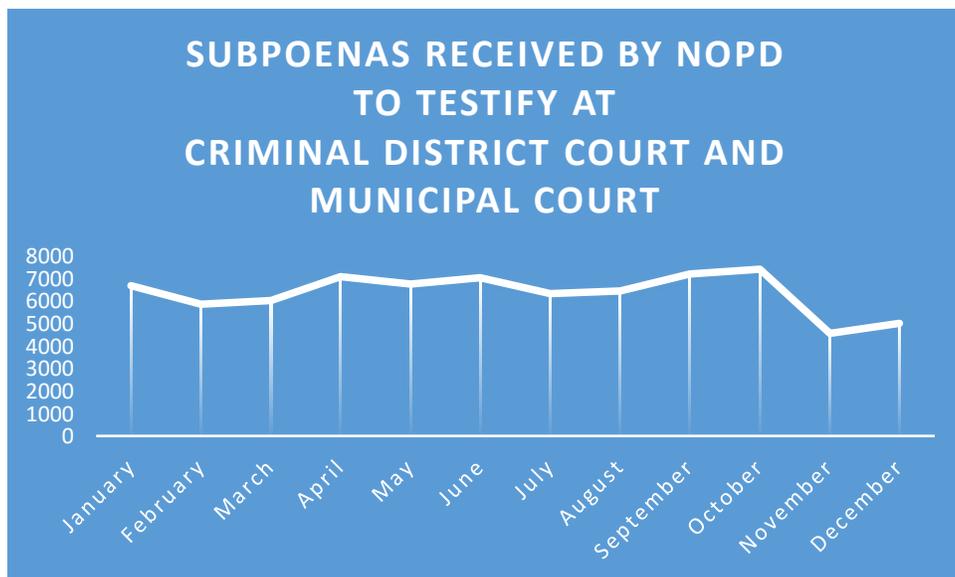


Grand juries indicted and decided to prosecute 217 cases out of a total of 4,259 felony cases.¹⁴

¹⁴ These data and statistics were provided by the OPDA.

4: A Felony Case is Assigned to a District Court Section Based on the Date that the Alleged Crime was Committed, and the Defendant is Typically Arraigned Within 14 Days¹⁵ of the OPDA’s Decision to Prosecute

A defendant has the right to request a preliminary hearing in open court to determine whether there is enough evidence to prove that, more likely than not, the defendant committed the crimes charged.¹⁶



New Orleans Police Department (“NOPD”) employees involved in the arrest of the defendant are often subpoenaed by the OPDA to testify at preliminary hearings, trials, or other hearings. NOPD employees received a subpoena to testify as a witness a total of 76,482 times in 2014, at an average of 6,374 times a month.¹⁷

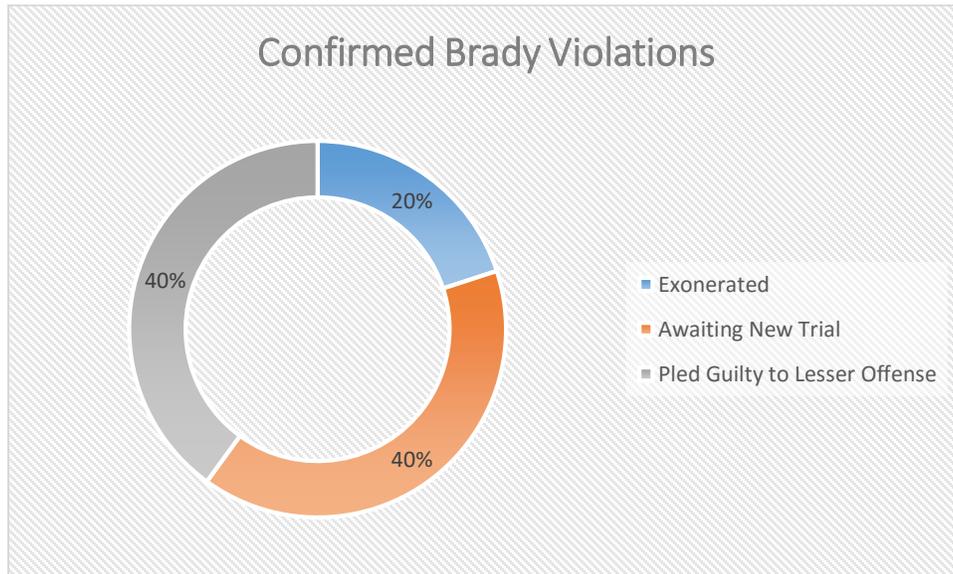
¹⁵ This is a shorter period of time than Louisiana law requires, which allows the Clerk of Court up to 30 days to schedule arraignments. La. C. Cr. Proc. Art. 701(C).

¹⁶ La. C. Cr. Proc. Art. 292.

¹⁷ These data and statistics were provided by the NOPD.

5: In Felony Cases, the Next Court Date is Often a Motions Hearing

Before trial, the prosecution must turn over any "Brady evidence," evidence that is favorable to a defendant and material to the defendant's guilt or punishment.¹⁸



As a result of previous Orleans Parish District Attorneys failing to turn over exculpatory evidence before trial,

1 individual was exonerated in 2014 and released from prison,¹⁹
2 individuals had their convictions reversed and are awaiting re-trial, and
2 individuals had their convictions reversed and pled guilty to a lesser offense.²⁰

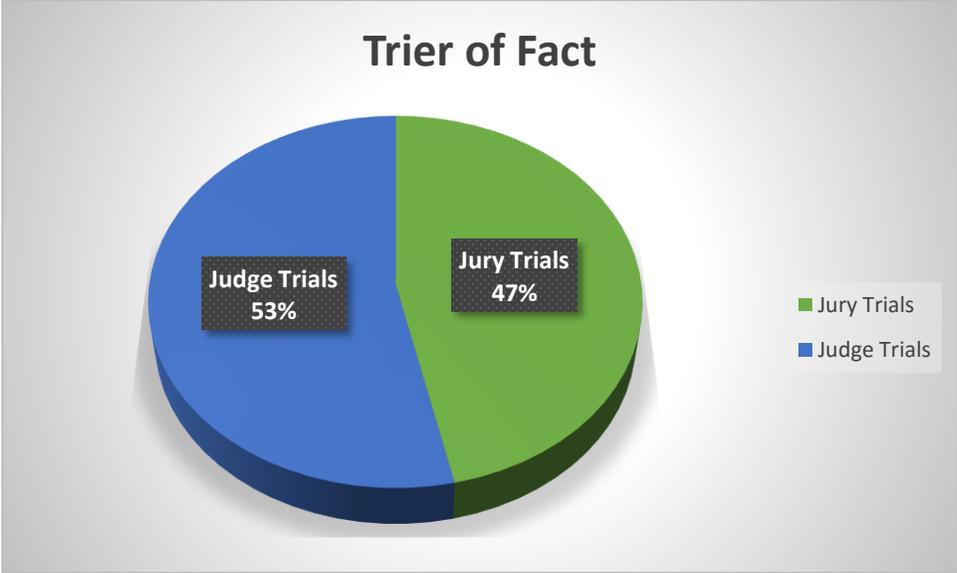
6: The Defendant Goes to Trial if the Defendant Has Not Yet Taken a Plea to a Lesser Sentence or on a Lesser Charge

¹⁸ *Brady v. Maryland*, 373 U.S. 83, 87 (1963).

¹⁹ The National Registry of Exonerations (accessed Oct. 22, 2015):
<http://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4430>.

²⁰ All cases listed here were originally prosecuted under former District Attorney Harry Connick, Sr. These data and statistics were provided by the Innocence Project New Orleans.

There were a total of 187 trials in 2014, 87 of which were tried by a jury, and 100 of which were tried by a judge, also known as a bench trial.²¹ While it is unknown the proportion of judge trials that were misdemeanor cases, misdemeanor cases cannot be tried by a jury in Louisiana.



Some cases involve victims or witnesses who do not wish to or are fearful of cooperating with the prosecution.

	Cases Involving Non-Cooperative Victims or Witnesses ²²
Felony Cases	10
Misdemeanor Cases	3
Municipal Code Violation Cases	216
Total	229

7: The Jury or Judge Decides Whether, Beyond a Reasonable Doubt, the Defendant Committed the Crimes Charged

The final disposition of a case can occur in several ways: the OPDA may choose to terminate prosecution and rescind the charges against the

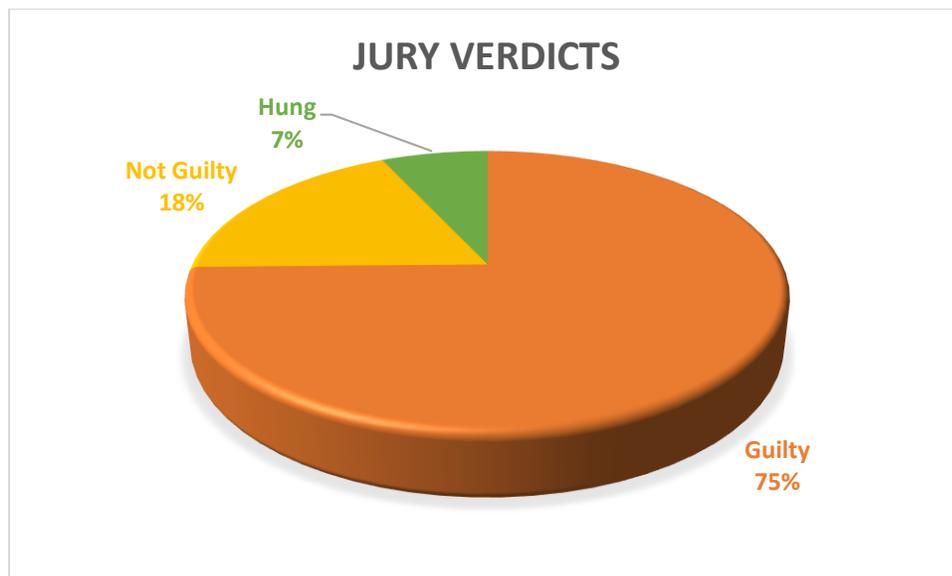
²¹ These data and statistics were provided by the OPDA.

²² These data and statistics were provided by the OPDA.

defendant. This is called *nolle prosequi*. A defendant may choose to plead guilty to the crimes charged. Alternatively, the case is tried by either a jury or a judge, and the defendant is found guilty or not guilty of the crimes charged.²³

	Cases Closed by <i>Nolle Prosequi</i>	Cases Closed by Guilty Plea
Felony Cases	183	3,353
Misdemeanor Cases	48	192
Municipal Code Violation Cases	474	1,739
Total Cases	705	5,284

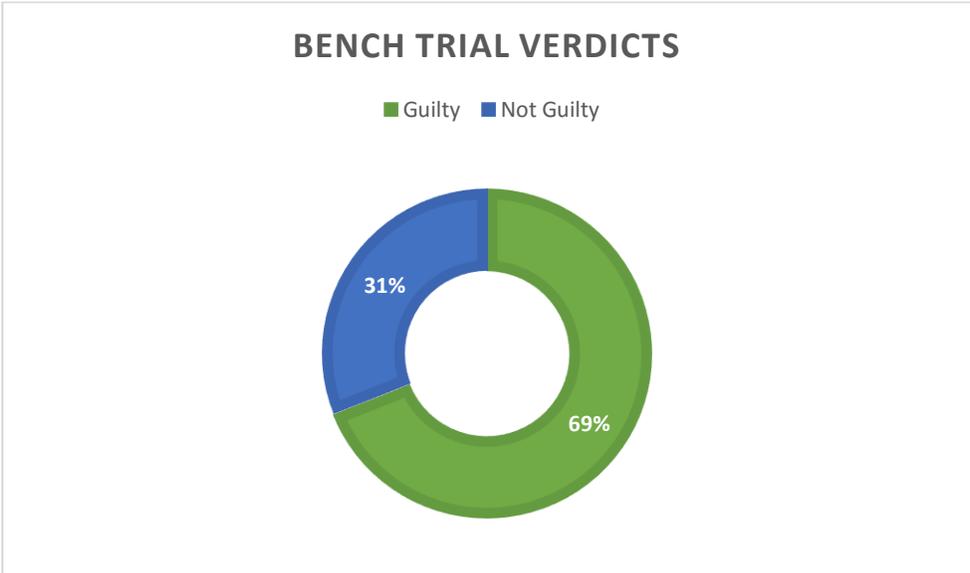
In cases involving at least 1 felony offense, juries returned guilty verdicts in 65 cases, not guilty verdicts in 16 cases, and juries could not agree or were hung juries in 6 cases.²⁴



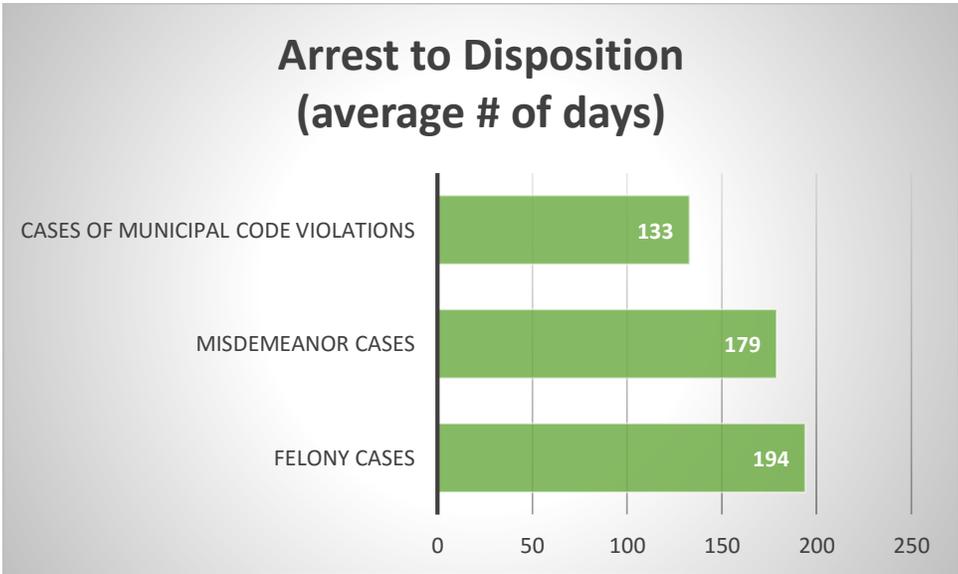
²³ A felony case can be disposed of in alternative ways, such as through alternative courts, etc.

²⁴ These data and statistics were provided by the OPDA.

Judges found defendants guilty in 69 cases and not guilty in 31 cases.²⁵



From arrest to final disposition, felony cases took an average of 194 days, or nearly 6 ½ months; misdemeanor cases took an average of 179 days, or about 6 months, and Municipal Code violation cases took an average of 133 days, or nearly 4 ½ months.²⁶



²⁵ These data and statistics were provided by the OPDA. It is unknown how many of the bench trial cases were felony or misdemeanor trials.

²⁶ These data and statistics were provided by the OPDA.

8: The Defendant is Sentenced if Determined to be Guilty

If a defendant has previously been convicted of a felony, the prosecution can choose to prosecute the defendant as a habitual offender, which sets a mandatory minimum sentence and does not allow defendants probation or early release for good behavior. This is known as filing “multiple bills” of information. The OPDA prosecuted 328 habitual offender (multiple bill) cases in 2014.²⁷

Some defendants charged with non-violent crimes are invited to participate in an intensive rehabilitative program instead of incarceration. Orleans Public Defenders, in conjunction with Women With A Vision, spearheaded a rehabilitative program called CrossRoads Diversion Program for individuals charged with misdemeanor prostitution.

Number of individuals accepted into OPDA Diversion Program ²⁸	345
Participants in CrossRoads Diversion Program for sex workers	68
Graduates of CrossRoads Diversion Program	36
Graduates of CrossRoads Diversion Program rearrested for sex work ²⁹	0

²⁷ These data and statistics were provided by the OPDA.

²⁸ These data and statistics were provided by the OPDA.

²⁹ OPD 2014 Annual Report, “Gideon is Rising,” p. 20.