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## **BROKEN SYSTEM MEANS FEW CONSEQUENCES FOR NEW ORLEANS DRUNK DRIVERS**

The New Orleans Office of Inspector General (OIG) today issued a [report](#) titled "DWI Case Processing: Arrest, Prosecution, and Adjudication of Misdemeanor DWI Offenses" that found serious flaws in every step in the process, from arrest through prosecution, sentencing, probation, and closing of drunk driving cases in Orleans Parish. These systemic inadequacies made it possible for some of the most dangerous repeat DWI offenders to remain on the road.

Records reviewed by OIG evaluators included a random sample of 80 DWI paper case files from Traffic Court from the first half of 2012, electronic case management records on all DWI cases filed at Traffic Court from 2007 to 2012, and all correspondence from 2010 through 2012 between the Law Department and District Attorney's Office concerning potential felony DWI cases.

Evaluators found that NOPD, the Orleans Parish Sheriff's Office (OPSO), and Traffic Court did not have adequate controls over the transfer of DWI records between agencies, which made it impossible to verify all DWI arrests were prosecuted. The report recommended that NOPD, OPSO, and Traffic Court use a third party to verify transfer of DWI records and ensure accurate docketing, and that city attorneys receive immediate notification of DWI arrests from NOPD.

The OIG discovered 14,635 open DWI cases filed in Traffic Court from 1989 through 2009, demonstrating that Traffic Court did not effectively track and close cases. The report recommended that Traffic Court develop a monitoring system to ensure cases are adjudicated and closed, and that offenders complete court-ordered instructions and pay all possible fines and fees.

The evaluation team found that city attorneys did not screen cases according to national professional standards, undermining effective DWI case prosecution. The report recommended that city attorney prosecutors receive copies of DWI cases directly from NOPD and follow prosecutorial standards to make charging decisions, filing bills of information to initiate prosecution.

Evaluators also found that city attorneys proposed sentences associated with second offense DWI in less than two percent of DWI cases, downgraded 84 percent of cases with high blood alcohol content (BAC) readings so that lower penalties applied, and reduced DWI charges to

reckless operation in 20 percent of cases. The report recommended that the Law Department develop a written policy to guide prosecutorial discretion and document reasons for and results of plea bargains in its DWI case files.

The report found the rate at which the District Attorney's Office rejected felony DWI cases increased from 8 percent to 37 percent between 2010 and 2012; the most dangerous repeat offenders escaped felony prosecution. Evaluators recommended that the Law Department train legal assistants to provide the information the District Attorney's Office needs to prosecute felony DWI cases.

Evaluators found that the Court did not consistently require defendants to complete probation, despite the fact probation was the default consequence ordered by Traffic Court judges in 80 percent of DWI cases. In addition, the Court's probation officers did not have the tools or training necessary to supervise clients effectively.

"DWI case processing at Traffic Court represents a wholesale failure to protect citizens against dangerous drunk drivers," stated Inspector General Ed Quatrevaux. "Part-time prosecutors favored quick convictions on lesser charges, and case management at Traffic Court lacked sufficient controls to protect against mismanagement and abuse."

The report noted a new electronic case management system implemented at Traffic Court in December 2014 and the City's intended move to an electronic ticket system for NOPD should help improve DWI case management and ease implementation of many of the report's recommendations.

The OIG also released a [video](#) with remarks by IG Quatrevaux, and a one-page "[OIG In Brief](#)" publication which summarizes the reasons for the report, its findings, and recommendations.

Other reports issued by the Office of Inspector General are available on the website [www.nolaoig.org](http://www.nolaoig.org).

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