

RESOLUTION

NO. R-08-90

CITY HALL: February 21, 2008

**BY: COUNCILMEMBERS CLARKSON, CARTER, FIELKOW, MIDURA,
HEAD, HEDGE-MORRELL AND WILLARD-LEWIS**

WHEREAS, manpower within the New Orleans Police Department is a precious resource;

WHEREAS, in order to perform a custodial arrest of a suspect pursuant to an attachment for a misdemeanor, an officer is taken off the streets for at least two hours;

WHEREAS, on June 21, 2007, the Council of the City of New Orleans endorsed a set of initiatives made by the Vera Institute of Justice entitled, "Proposals for New Orleans' Criminal Justice system";

WHEREAS, the Vera Institute recommended expanding the use of summonses and reducing reliance upon custodial arrests for minor criminal offenses;

WHEREAS, the Louisiana Attorney General authored an opinion on December 18, 2007, in which he stated that a law enforcement officer must make a custodial arrest of an individual with an outstanding warrant or attachment for minor traffic offenses and non-violent misdemeanors;

WHEREAS, Chief Riley and the New Orleans Police Department recommend that the NOPD be given the discretion to issue a second summons rather than make a custodial arrest of an individual with an outstanding warrant or attachment for minor traffic offenses or non-violent municipal offense;

WHEREAS, it is in the best interest of the city of New Orleans and her citizens

for the police department to focus its law enforcement efforts on the apprehension of violent criminals; and

WHEREAS, reducing the number of custodial arrests for misdemeanors, excluding offenses of violence, illegal weapons, and driving under the influence, will decrease the financial burden on the city associated with incarceration and permit the police department to direct its manpower toward the apprehension of violent criminals;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that it requests that the judges of the Traffic and Municipal Courts issue an *en banc* standing order giving law enforcement officers within the city of New Orleans discretion to issue a summons rather than make a custodial arrest in response to an attachment for a minor traffic or non-violent municipal offense.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Louisiana State Legislature adopt legislation giving law enforcement officers discretion to issue a summons rather than make a custodial arrest in response to an attachment for a misdemeanor offense, excluding offenses of violence, illegal weapons, and driving under the influence.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS:

NAYS:

ABSENT:

AND THE RESOLUTION WAS ADOPTED.