

# 2015 by the Numbers



Court Watch NOLA (CWN) is a nonprofit whose mission is to promote greater efficiency, transparency, and procedural fairness in Louisiana criminal courts through citizen involvement and courtroom observation. Below are some of the observations of our volunteers.

## Criminal Evidence Remains in Courthouse Basement

Evidence from an estimated 3,000 criminal cases was submerged when flood waters deluged evidence rooms in the basements of the Orleans Criminal District Court (CDC) and the New Orleans Police Department (NOPD) during Hurricane Katrina in 2005. Today, critical evidence in criminal court cases remains in the basement, where CWN observed:

The evidence rooms are not climate-controlled. CWN is concerned that certain items, such as rape kits, will slowly deteriorate in such an environment.

The evidence is protected by only 2 security cameras. Given the high stakes involved in inventorying illegal contraband, all evidence rooms should be equipped with sufficient security and cameras.

CWN recommends a working group, including but not limited to members of the Clerk of Court's Office and the City of New Orleans, be convened to discuss alternative above-ground, properly secured, and climate-controlled options for criminal evidence preservation and storage.

## No Confidential Spaces for Attorney-(Incarcerated) Client Meetings

There are no confidential spaces available for incarcerated defendants to speak to their attorneys in any of the 12 CDC courtrooms. Confidential attorney-client communication with an incarcerated defendant is next to impossible, considering

Defense attorneys are unable to discuss issues with their incarcerated clients by phone because the Orleans Parish Sheriff's Office records all phone calls in its facilities, and

In some cases, attorneys are unable to visit clients who have been transported to a jail facility outside of Orleans Parish,

CWN recommends that every courtroom be equipped with a soundproof booth that will allow attorneys a confidential space to converse with incarcerated clients.

## Orleans Parish Sheriff's Office (OPSO)

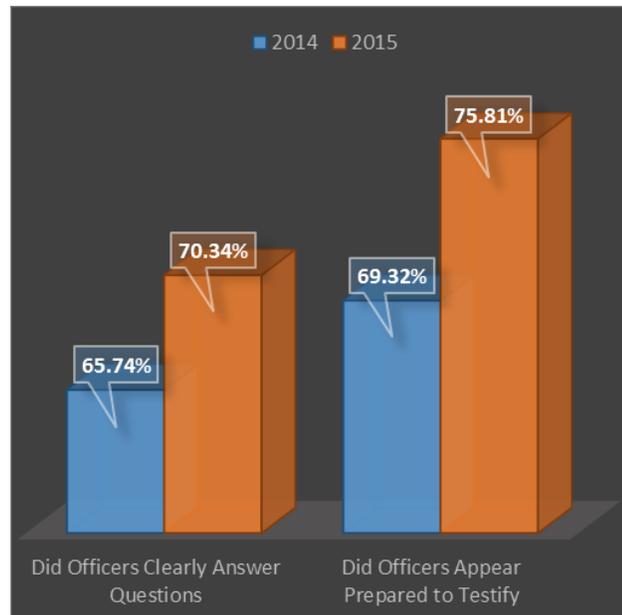
CWN volunteers observed:

**60%** Deputies always stay alert and pay attention

**62%** Deputies always maintain control of courtroom

In September, OPSO moved into the new jail facility and transferred 180 inmates to East Carroll and Franklin Parishes, 60 to 260 miles away. **132** case continuances were observed because defendants were not produced. In December, that number dropped to **52**.

## Testifying Law Enforcement



In October, NOPD had 1,134 police officers on its force, 466 short of the Mayor's goal of a 1,600 force. Ensuring law enforcement officers are available to patrol the streets and perform other duties is integral to public safety.

**827** Law enforcement officers were observed waiting for judges to start court at the start of each courtroom observation, as compared to

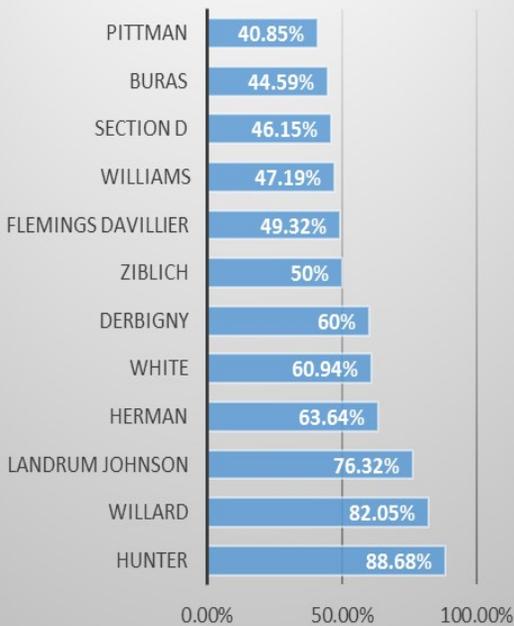
Only **217** proceedings observed were continued resulting from a law enforcement witness being unavailable.



# CDC Judges

In order for defendants to understand what is happening in their case, and in order for victims and community members to believe their concerns are being fairly addressed by courts, judges must be transparent and notify the public and defendant of decisions affecting their case.

Transparency Index: Frequency of Sidebars with No Reason Explained on Record



Sidebars are discussions between the judge and one or more attorneys off the record and outside earshot of the jurors and all members of the public.

Considering the real concerns of wrongful conviction and the right to appeal to a higher court, it is essential that the written record of a criminal case is complete and includes all exchanges that occur in a criminal proceeding.

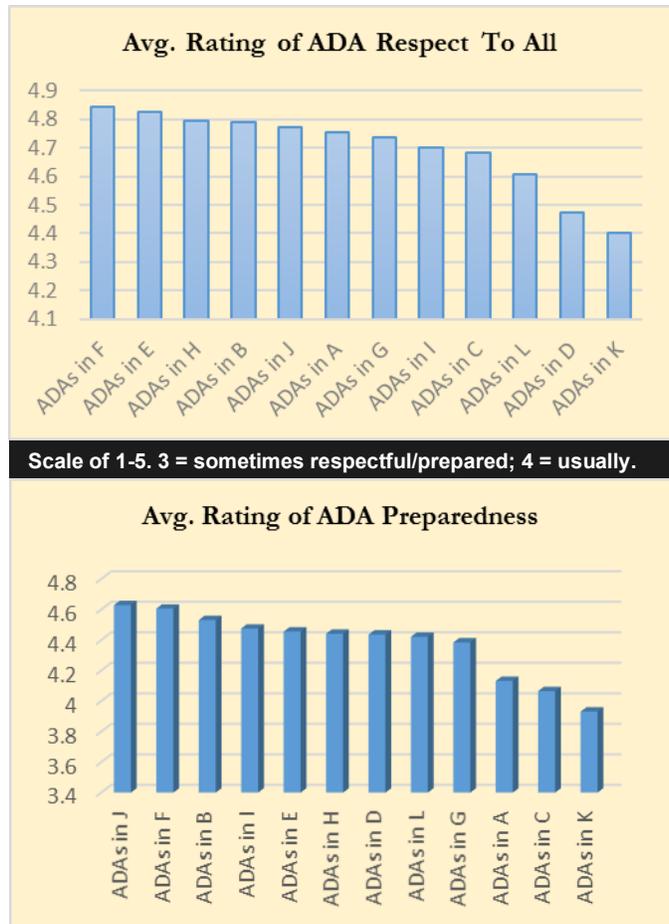
CWN recommends:

Judges should minimize the use of sidebars on a regular basis to occasions where confidential information must be shared outside of public earshot.

Judges or attorneys should explain on the record a reason for or resulting decision from each sidebar.

# Orleans Parish District Attorney (OPDA)

While Assistant District Attorneys (ADAs) in all courtrooms appear to be performing well in protocols of respect and overall preparedness, CWN recommends that the OPDA give more attention and/or supervision to ADAs in courtroom Section K.



# Defense & Orleans Public Defenders (OPD)

Avg. monthly rating of preparedness on 1-5 scale



-June: announcement of austerity plan (**4.30 rating**)

-July: hiring freeze (**4.15 rating**)

-November: hearing before Judge Hunter (**4.03 rating**)

-December: announcement that OPD would stop taking cases (**3.94**)

CWN is concerned that an inadequately resourced public defender's office will lead to a more inefficient system, where attorneys fail to appear timely or at all on their cases. Wrongful conviction has been documented as one of the results of an inadequate public defense system.

**Court Watch NOLA would like to thank all of its 2015 donors for their support, including but not limited to the following sponsors (above the \$5,000 level): Baptist Community Ministries, Lynn Goldman, Mary Freeman Wisdom Foundation, George H. Wilson Fund, RosaMary Foundation.**