

**Court Watch NOLA
SEMI-ANNUAL REPORT:
JANUARY-JUNE 2009**



CONTINUANCES DROP AS TRIALS, PLEAS RAMP UP

The number of continuances at Criminal District Court during January through June 2009 was down significantly from July through December 2008, as more cases reached final disposition through guilty pleas and trials

- Court Watch NOLA observations increase, 991 during January-June 2009 up from 928 during July through December 2008
- 43% of Court Watch NOLA case settings continued during the first half of 2009, compared with 61% during 2H08; percent of final dispositions increases to 17% of all case settings during 1H09, up from 11% during 2H08
- Percent of trial settings resulting in final disposition—plea or trial—increases to 46% from 30%
- Average number of days between settings is 29, consistent with previous report

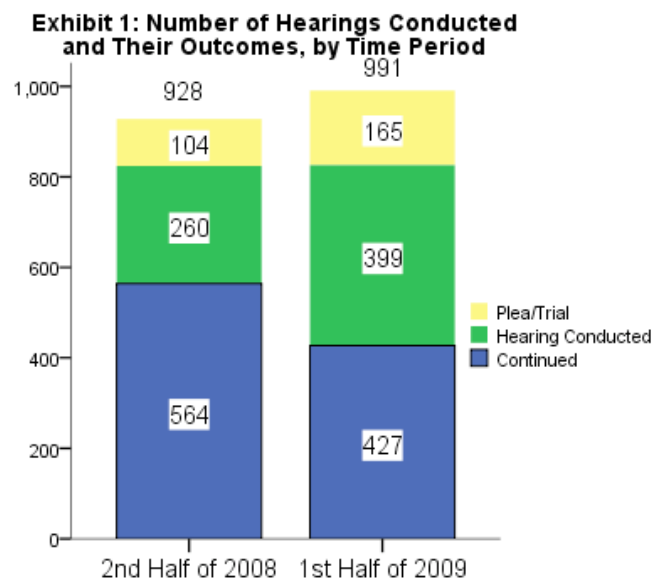
Background

During January through June 2009, Court Watch NOLA volunteers observed and recorded data on a total of 991 court settings for an inventory of roughly 500 serious felony cases, representing more than half of pending second-class felony cases at Criminal District Court. The court watchers' reports were checked for accuracy against the official docket master for each court setting, and data was obtained for several measures of court efficiency: final disposition rate, continuance rate, number of days between settings, and performance of the courtroom participants. Statistics for this report were obtained only for case settings actually observed by Court Watch NOLA volunteers; settings for cases on the Court Watch NOLA inventory which volunteers did not attend were not included in report tabulations.

CONTINUANCE RATE DOWN AS FINAL DISPOSITIONS INCREASE

Since its inception in June 2007, Court Watch NOLA has increased its presence during every period it has reported on Criminal District Court activity. Originally tracking 37 cases with a volunteer base of 15, the group is now monitoring an average of 500 serious felony cases, and has attracted more than 110 volunteers. As **Exhibit 1** illustrates, Court Watch NOLA volunteers observed 991 case settings during January through June 2009, increasing from 928 during July through December 2008.

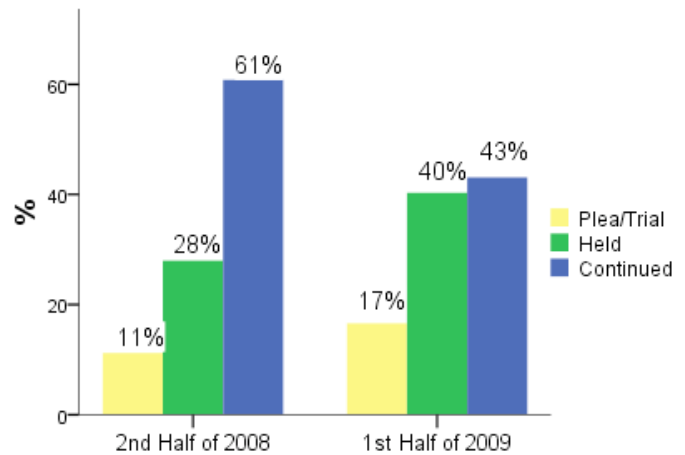
Continuances Show Big Dip A signal measure of judicial efficiency is the rate at which cases reach final disposition—i.e., conclusion by verdict, plea, or dismissal. Optimally, pending cases are concluded at the same rate new cases are added to a court's docket. Several factors will influence a court's



disposition rate, including the continuance rate—the percent of cases set for an event that are rescheduled with no other activity other than the selection of a new date.

Exhibit 2 reflects a significant improvement in the continuance rate during the first half of 2009 from the last half of 2008. During January through June 2009, 43% of Court Watch NOLA settings were continued, compared with 61% during July through December 2008. Exhibit 2 also shows the effect of the improved continuance rate on final disposition rate, as 17% of all cases scheduled for any proceeding during January through June 2009 were concluded, up from 11% during 2H08.

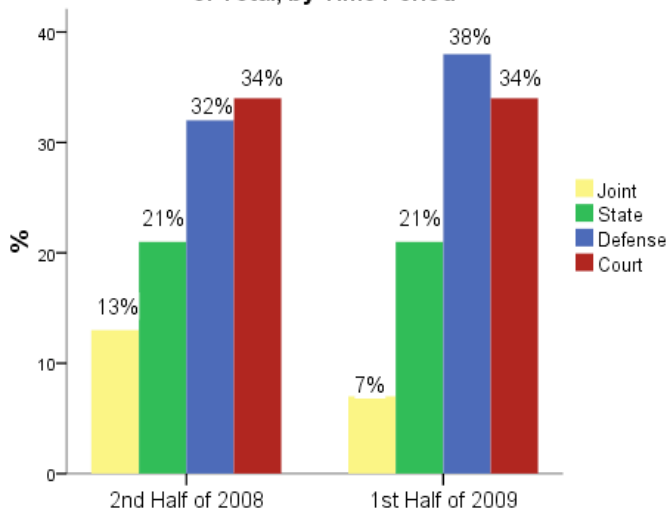
Exhibit 2: Outcome of Hearings as a Percentage, by Time Period



Defense Continuances Up, Joint Down

Exhibit 3 shows that of all continued court settings during the first half of 2009, defense attorneys requested 38%, up from 34% during 2H08. Joint continuances—agreed to by both state and defense—decreased to 7% from 12%, while state and court continuances remained constant at 34% and 21% respectively.

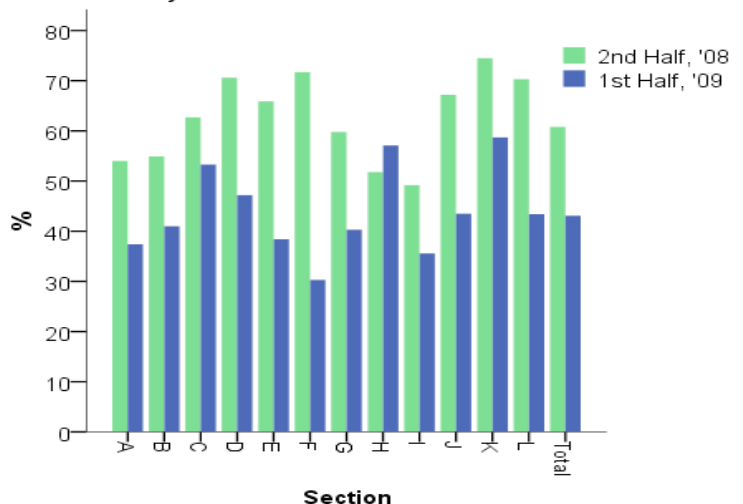
Exhibit 3: Who Requested Continuance as a % of Total, by Time Period



Continuances Vary by Section

Exhibit 4 shows the variance in continuance rate among the 12 sections of Criminal District Court—the fewest in Sections F and I, the most in Sections K and H—and also shows the continuance rate decreased in nearly every section of court.

Exhibit 4: Percentage of Hearings Continued, by Court Section and Time Period

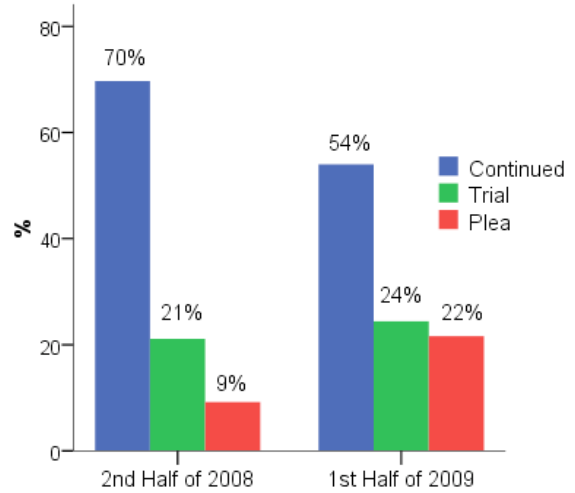


FEWER TRIAL CONTINUANCES LEAD TO MORE FINAL DISPOSITIONS

The final disposition rate for trial settings is a particularly critical statistic, since it is for trial that victims, defendants, witnesses, and attorneys are ordered to appear in anticipation that the case will be concluded. Continuances of a case’s trial setting wastes resources for all parties involved, from uncompensated time witnesses spend waiting to testify in proceedings that do not occur, to squandered police manpower—possibly compromising public safety—as subpoenaed officers sit idly in court only to have the trial continued.

No single factor is more discouraging to the criminal justice process than multiple continuances of trial settings. **Exhibit 5** shows material improvement in the final disposition rate for cases set for trial during January through June 2009, with 46% closing by plea or trial, compared with the second half of 2008, when only 30% of trials reached final disposition.

Exhibit 5: Disposition of Scheduled Trials, by Time Period



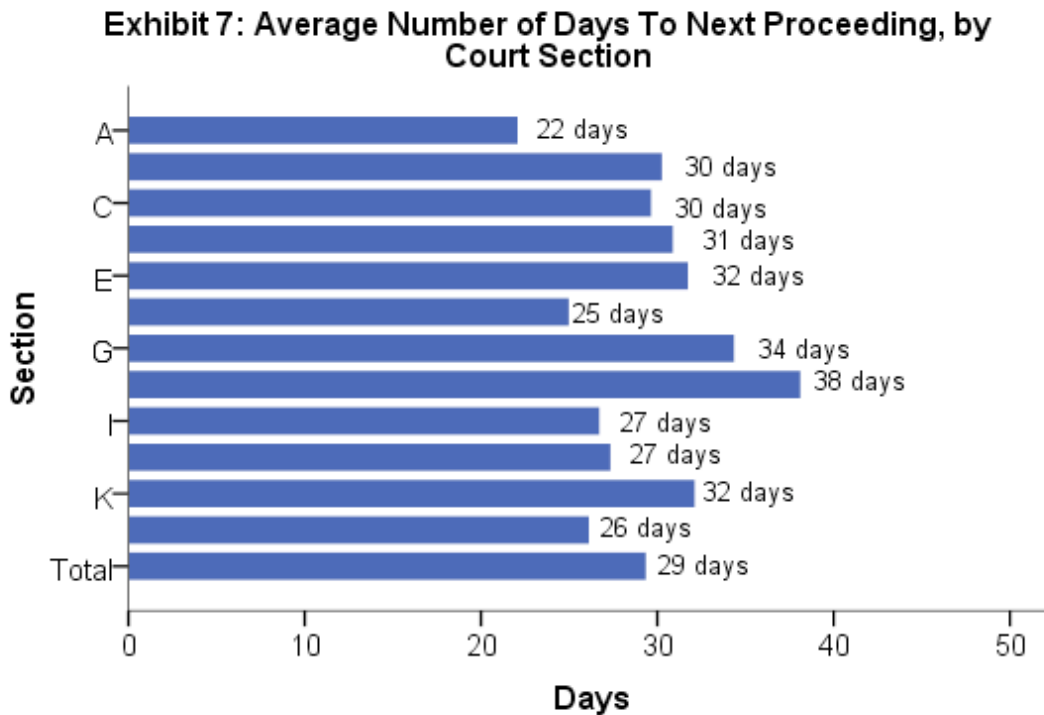
Average Time Between Settings Stays the Same

The only measure of judicial efficiency which did not improve from 2H08 to 1H09 was average number of days between case settings. As **Exhibit 6** illustrates, the number is unchanged at 29 days.

Exhibit 6: Average Number of Days to Next Proceeding, by Type of Next Proceeding



Exhibit 7 shows the average number of days between settings broken down by section of court. Section A had the shortest average time between settings at 22 days, while Section H had the longest at 38 days.



COURT WATCHER RATINGS

Court watchers were asked to report their impressions of several performance measures for the main participants in the criminal justice system. The results are as follows:

Judges

Court Watch NOLA volunteers rated the 12 Criminal District Court judges on their professionalism toward the attorneys, defendants, and witnesses with whom they interact; whether they explained their reasons for rulings; and their ability to maintain flow of the proceedings in their courtrooms. **Table 1** shows a decrease in court watchers' impressions of whether the judges were maintaining flow, with the other metrics remaining roughly similar.

TABLE 1: Judiciary		
	2 nd Half 2008	1 st Half 2009
Professional	95	92
Explains Reasons		
For Decisions	92	92
Maintains Flow	93	87

Prosecution

Table 2 rates the prosecuting attorneys on familiarity with their cases, preparation for court proceedings, and professionalism. Prosecutors continue to receive good reviews from court watchers in all three categories.

TABLE 2: Prosecution		
	2 nd Half 2008	1 st Half 2009
Knowledgeable	96	98
Prepared	91	94
Professional	99	98

Defense

Court watchers rated both the public defenders and the private defense bar on the same measures as the state attorneys. As in previous reports, **Table 3** illustrates court watchers rated defense attorneys slightly lower than prosecutors, with the numbers remaining similar report to report.

TABLE 3: Defense		
	2 nd Half 2008	1 st Half 2009
Knowledgeable	91	94
Prepared	87	87
Professional	96	94

OPCSO Sheriff's Deputies

Maintaining order in the courtroom and transporting and handling inmate defendants is the province of the criminal sheriff. As **Table 4** shows, Court Watchers routinely give high marks to OPCSO deputies.

TABLE 4: OPCSO Deputies		
	2 nd Half 2008	1 st Half 2009
Maintain Order	91	93
Professional	96	95

NOPD witnesses

Court watchers evaluated New Orleans police officers who came to court to testify about their cases on their professional behavior in court, including factors such as whether they responded to subpoenas to appear and how well they remembered the details of their police reports. Table 5 shows that Court Watchers continue to give NOPD Witnesses high marks for professionalism.

TABLE 5: NOPD Witnesses		
	2 nd Half 2008	1 st Half 2009
Professional	92	92

CONCLUSIONS AND RECOMMENDATIONS

Court Watch NOLA is unique among court-watching groups nation-wide, as it is the only organization of its kind dedicated not to victims' rights or defendants' rights, but to judicial efficiency. This non-partisan approach allows court watchers an unparalleled access to the practices of the building and continued good relations with all the parties involved, and has earned Court Watch NOLA a place of respect as an established component of the criminal justice system in Orleans Parish. The consistent daily presence of volunteers in the courtroom reinforces the notion that transparency and accountability lead to an efficient criminal court system, a cornerstone in the foundation for a safer city. The fact that court watchers are accepted and well-received makes the following recommendations both informed and current to the practices in place in the criminal courthouse:

- Congratulate the judiciary on their improvement in discouraging the abuse of continuances, and urge them to persist in efforts to lower the continuance rate further.
- Encourage the judiciary, the prosecution, and the defense to set cases within shorter time frames. The stagnation in the average number of days between case settings—the only measure of efficiency which did not improve between the last half of 2008 and the first half of 2009—is disappointing. The average number of days between settings is 29, meaning that in some sections, a case will not go to court for more than a month. Victims, defendants, witnesses, and taxpayers should be confident their cases will be monitored monthly at the least.
- Maintain Court Watch NOLA volunteers as a community presence in the courtrooms, promoting judicial efficiency through transparency and accountability, and demystifying the criminal justice system. Court watchers' insights provide the community with first-hand information on what is improving, and what still needs work, within the criminal courthouse of Orleans Parish.

What is Court Watch NOLA?

Court Watch NOLA was created by The New Orleans Crime Coalition, a coalition of civic leaders and community groups dedicated to reducing violent crime in the Greater New Orleans area and fostering systemic improvements in the New Orleans Criminal Justice system. Coalition member organizations particularly instrumental in the establishment of Court Watch NOLA are the Business Council of Greater New Orleans, Citizens for One Greater New Orleans, and Common Good.

The core objective of Court Watch NOLA is to promote efficiency within the Criminal Court system through monitoring cases involving violent crimes and other cases which are significant in indicating the efficiency of the system, and to bring accountability and transparency to proceedings within Orleans Parish Criminal District Court. Court Watch NOLA has a full-time Executive Director who identifies cases to follow, schedules the court sessions to be attended, and recruits and trains volunteers to staff the program.

Court watchers undergo a training session where the process of adjudication and the role of each of the participants is discussed. A second training session is specific to courthouse procedures. Court watchers fill out a data sheet for each case they are assigned. Those data sheets are then reviewed and the information is disseminated to the public.

The inventory for Court Watch NOLA is currently created using four criteria:

- **Crimes of Violence Against the Person** Court Watch NOLA endeavors to track all of the following types of cases in Criminal District Court: first and second degree murder, manslaughter, vehicular homicide, sex crimes, kidnapping, armed robbery, aggravated burglary, home invasion, and attempts to commit those crimes;

- **Special Circumstances Crimes** Crimes against juvenile, elderly, or infirm victims; felons in possession of firearms; contractor fraud; and crimes involving large quantities of narcotics;
- **Media Attention** High-profile media cases;
- **Community Request** Court Watch NOLA is committed to responding to as many community requests for Court Watchers as manageable.

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Acknowledgements

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