

COURT WATCH

NOLA

2021
ANNUAL
REPORT

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COURTS OF CRIMINAL JUSTICE

OF JUSTICE INST





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2021 ANNUAL REPORT SUMMARY

CRIME TRENDS

As of the publication of this report, the lack of available crime statistics makes it difficult to analyze current crime trends both in New Orleans and nationwide. The New Orleans Police Department (NOPD) has not yet reported 2021 crime statistics to the Federal Bureau of Investigation (FBI). It's worth noting that NOPD is not alone in not reporting 2021 statistics. The FBI transitioned to a new data collection system for 2021, and it failed to meet its minimum 60% percentage of reports in order to issue a report, meaning 40% of police departments nationwide also didn't report 2021 crime statistics to the FBI. NOPD Superintendent Chief Shaun Ferguson reported that New Orleans saw a 7% overall decrease in crime in 2021, but a 7% increase in violent crime. The murder rate in New Orleans also increased by 8% in 2021. with available data.

COURT WATCHER OBSERVATIONS

2021 was a record year for Court Watcher Participation at Court Watch NOLA. In 2021, CWN had 168 active volunteers. Together, those volunteers submitted 1,169 court room observations.

DUE PROCESS

The right to a speedy trial is a federal protection brought to the states by the Fourteenth Amendment. Without this protection, a defendant could stay in jail indefinitely without the government being required to prove their accusation. Among the rights of the accused is the right to a speedy trial. Louisiana defines the right to a speedy trial in Article 701 of the Louisiana Code of Criminal Procedure. Under Article 701, the District Attorney (DA) must institute prosecution by filing a bill of information within a certain number of days after arrest, known as the "701 period." States set their own 701 deadlines, and Louisiana's 701 period is longer than many states. The DA's failure to institute prosecution within the 701 period is a violation of the right to due process. If the court finds that the DA failed to file the bill of information on time, the defendant no longer needs to pay bail to be released, though the charges do not go away and the case may still move forward to trial.

ACCESS TO INTERPRETERS

In 2021, court watchers observed 296 defendants that needed an interpreter; 38 of these defendants (12%) did not receive one. This number includes large disparities between judges. When an interpreter was not available, the most common result reported was that the defendant's proceedings would be delayed. Delays in proceedings related to the need for an interpreter when one is not available (most often when the court was not notified of the need in advance) are costly for the parties directly involved and taxpayers through unnecessarily expending public resources.

BAIL AND BOND

Court watchers observed Magistrate & Municipal courts assign a total of \$43,947,008 in bail, with a mean bail amount of \$13,602 and a median of \$1,000. Most commonly, defendants are assigned bail between \$1,001 and \$10,000 (roughly 34%). There were significant racial discrepancies. Black defendants owed 89% of the total bond assigned but represented only 83% of defendants. In contrast, the 14% of defendants who were white owed only 9% of the total bail set. The mean bond set was \$14,493 for black defendants and \$8,572 for white defendants. The pattern is consistent in Magistrate Court: black defendants are assigned higher median bail amounts than white defendants (97% of defendants are either black or white).

SURVIVORS' RIGHTS

The District Attorney's office and judges are responsible for adequately communicating with crime survivors, placing their needs and concerns at the forefront of the process, providing recovery information, and ultimately giving survivors the dignity they deserve. In recent years, several criminal legal system actors have openly asserted their desire to enact a survivor-centered approach to reduce trauma and empower survivors to participate in the process.

TREATMENT OF THE PUBLIC AT LARGE

In 2021, judges received overwhelmingly positive feedback from court watchers. Judges only received negative ratings (1 or 2 on a scale of 5) in 2.3% of observations, while receiving positive ratings (4 or 5) in 90.9% of observations.

A NOTE FROM

Executive Director Darrin Browder

In the fifteenth year of the existence of Court Watch NOLA's young life, we have another new Executive Director. With the pandemic ebbing and flowing with new versions of itself, we are ping-ponging back and forth between outbreaks that still affect us and our daily lives.

CourtWatch NOLA's work has evolved alongside the pandemic restrictions on the court and our lives. Our job of recruiting and training community members throughout greater New Orleans remains paramount during this time of continual transition. We are committed to reforming the criminal court system through civic observation, reporting, and providing opportunities for a diverse population to learn about the criminal legal system that is funded by their tax dollars.

We believe in our mandate to be transparent, ethical, and guided by the constitution. Always underpinning our daily practices is the singular goal of achieving true liberty and justice for every New Orleanian.

INTRODUCTION

A new chapter for Court Watch **NOLA 2022**

DARRIN BROWDER

Executive Director

ANDREW LEWIS

Deputy Director

JESSE MANLEY

Director of Court Watching Programs

TIERRE HAZLEWOOD

Director of Operations

WILLIAM FAULKNER

Director of Analytics and Evaluation

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ANNUAL REPORT

Since 2007, Court Watch NOLA (CWN) has provided in-depth reports on the state of the Orleans Parish criminal legal system. On December 31, 2021, the team at CWN said farewell to Simone Levine, our Executive Director and fearless leader for the past six years. During her tenure, CWN engaged with hundreds of community volunteers, nearly every elected court leader in New Orleans, and thousands of concerned community members. We are grateful for her leadership and continued dedication to keeping the courts accountable in New Orleans.

We are proud to announce that as of March 1st, 2022, Darrin Browder, our former Chapter Development Specialist, has taken over as Court Watch NOLA's Executive Director. The community of New Orleans could not have a better advocate to fight for transparency and transformative justice in our criminal courts. Darrin is a servant leader, an expert in criminal legal proceedings, and a trusted voice. A graduate of Southern University New Orleans and of the Southern University Law Center, Darrin has long used his expertise to advocate for equality among all New Orleanians. As an organizer, he fought for the rights of New Orleans restaurant workers. Darrin has dedicated himself to finding actionable paths to transformative justice. Before he came to Court Watch NOLA, Darrin served as a law clerk at the Supreme Court of Louisiana and for both Orleans Parish Criminal District and Magistrate Courts. He is an expert in court procedure and has first-hand knowledge of how our courts interact not only with attorneys and law enforcement but with the public.



Mission and Vision

Court Watch NOLA fights for transparency, accountability, and transformative justice in the criminal legal system in New Orleans and beyond. We do this work because we want to build a community that feels safe, vibrant, and equal. Ensuring liberation and justice for all in our criminal legal system is a key step in that pathway. We envision a community that is whole, represented and centered in the processes of transformation.

THE GOALS OF COURT WATCH NOLA ARE:

1. To empower community members through legal education and collective action to demand transparency and accountability from public officials
2. To report aggregate trends in the criminal courts and relevant agencies
3. To ensure our volunteers and court watchers represent all New Orleans communities
4. To lead as an objective agent for instituting best practices in criminal legal systems

The Scope of Our Annual Report

You might notice that this year's report looks different from our annual reports in the past. This is why: the primary goal of every report we produce is to help regular folks on the outside of the system understand what's happening on the inside of our courts.

Listening to feedback from our report readers, we are working on making our reports accessible and interesting to more diverse audiences by (a) reducing the length and scope of our Annual Report and (b) producing more frequent in-depth reports covering specific topics throughout the year. If you are looking for a specific topic that is no longer in the Annual Report, or if you have any other feedback on how we can improve our reports, please let us know at info@courtwatchnola.org. And make sure to be on the lookout for special reports soon.

How can I become a Court Watcher?

If you or someone you know is interested in becoming a Court Watcher, please contact us at volunteers@courtwatchnola.org or visit our website at www.courtwatchnola.org.

Our organization can only do what we do because of dedicated, trained volunteers that spend their valuable time helping keep our criminal legal system actors accountable.

Which courts do we monitor?

Court Watch NOLA monitors three criminal courts in Orleans Parish: **Municipal Court, Magistrate Court, and Criminal District Court.**¹ It can be confusing to figure out which court does what, so here is a brief description of the scope and purpose of each court.

COURT NAME	I GO HERE IF I AM CHARGED WITH	WHICH PROCEEDINGS TAKE PLACE UNDER THIS COURT?	NOTES
MUNICIPAL COURT	Traffic violations Most misdemeanors	first appearances, trials, sentencing	Handles more cases than any other court in New Orleans per year. ² Attachments/warrants are regularly issued for citizens who miss their court appearances in this court.
MAGISTRATE COURT	State misdemeanors All Felonies	first appearances, hearings before charges are accepted	When a person is arrested on a felony charge, their first appearance will happen in Magistrate Court. The case will stay here until the charges are accepted or refused by the District Attorney's office. All state-level standalone misdemeanors are handled start to finish (including trial) in magistrate court. Only Defendants with both misdemeanor and felony charges have their misdemeanors handled post arraignment in CDC (see below).
CRIMINAL DISTRICT COURT (CDC)	State misdemeanors All Felonies	Arraignments, trials, sentencing	After a charge is accepted by the DA's office, it is moved to one of 12 sections of Criminal District Court. Here, judges will conduct arraignments, pre-trial hearings, trials, and sentencing. Some state misdemeanors are also seen here.

FIGURE 1: SUMMARY OF THE COURTS



Methodology

OBJECTIVITY & TRANSPARENCY

Objectivity does not mean we do not have an agenda. Our agenda is promoting transparency, accountability, and providing guidance on best practices in legal systems. We believe there is no such thing as being “unbiased” in the face of money, agendas, and personal relationships. Instead, we aim to systematically detail how we reached our conclusions. We acknowledge that our analysis and recommendations are made with the intent to transform the criminal legal system with policies that benefit everyone.

PARTICIPATION & CRITIQUE

By sharing our methodology, we hope to encourage thoughtful, constructive critique. Our methods are undergoing significant updates and we can use your help! Please email any methodology-related questions and feedback to wfaulkner@courtwatchnola.org

The primary sources of evidence for this report are: volunteer court observations, data obtained through public records requests, secondary research, data, and analyses available freely online. The following subsections describe how evidence was obtained, cleaned, and analyzed.³

VOLUNTEER COURT OBSERVATIONS

CWN's core function is court observation, with a focus on non-trial appearances in Magistrate Court, Criminal District Court (CDC), and Municipal Court. During each observation, the court watcher fills out a “data sheet” to record what they see, hear, and think during the court session. CWN staff overhauls the data sheet at the end of each calendar year and makes smaller adjustments as needed (a) in response to feedback from court watchers and (b) as new issues appear (e.g., reproductive rights in 2022 following the decision in Dobbs v. Jackson Women's Health Organization).

Court watchers participate in a hybrid training consisting of two parts: a live, online classroom training to learn the path of a case through the criminal legal system and an in-person training at the courthouse to learn the layout and rules of the building.⁴

Court watchers are assigned to courtroom observations weekly. CWN staff get daily emails from clerks with the dockets for each court session that are then sent to court watchers with their observation assignments.

After their observations, court watchers upload their observation data into our statistical database hosted on SurveyMonkey. The procedure for cleaning and analysis of 2021 observation data involved two main steps:

■ **Cleaning:** Data is imported directly into [R] Statistical Software⁵ via API. [R] then imports auxiliary tables and performs a series of cleaning and reshaping steps.⁶

■ **Analysis:** The vast majority of analyses are performed using Pivot Tables in Google Sheets.

2021 was a record year for volunteer participation at Court Watch NOLA.

In 2021 alone, CWN had 168 active volunteers. Together, those volunteers submitted 1,169 court observations.





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As the custodian of most criminal legal system data in Orleans Parish, OPSO needs to develop a more streamlined system for submitting and responding to Public Records Requests.

It's important to put our court watcher observations in context. **We do not see every case in every section in every hearing on every day.** We cannot claim anything about what happened when we were not in court. The observation data that we are reporting comes from the observations that we did see, which are substantial, but not a complete record of everything that happened. If you would like to see more court watch observation data covering more sections, you can sign up to volunteer at volunteers@courtwatchnola.org

PUBLIC RECORDS REQUESTS

The Louisiana Public Records Act, La. R.S. 44:1-41⁷, and Article XII, Section 3 of the Louisiana Constitution guarantees free and timely public access to documents and data in possession of the state and its political subdivisions.⁸ The responsibility to store and maintain data (custodianship) about the New Orleans court system lies primarily with the offices of the Clerk of Court, one for each of the three CWN monitors, and the Orleans Parish Sheriff's Office (OPSO). The organization of the actual digital databases storing this data is more complicated, and will be elaborated in detail in future CWN reports.

For this report, CWN sent a Public Records Request to OPSO on April 7, 2022. The request was partially fulfilled on May 31 and completed on July 26, seventy-nine business days after the original request, and too late to incorporate in this report. It is noteworthy that the original request was submitted to former Sheriff Marlin Gusman's staff. When current Sheriff Susan Hutson took office, her staff immediately notified us that it intended to grant the request, but it would take time due to the change of administration.

RECOMMENDATION

As the custodian of most criminal legal system data in Orleans Parish, OPSO needs to develop a more streamlined system for submitting and responding to Public Records Requests. The Public Records Act obligates the custodian to (a) post online the contact information of the appropriate person to whom requests should be submitted, and (b) to respond to all requests within three business days. CWN recommends OPSO develop a web page/online form to handle public records requests (obvious and accessible from the OPSO homepage), as well as assign or hire staff to efficiently respond to requests, lowering the legal liability incurred by lengthy response times.

2021 IN REVIEW

2021 was tumultuous, and we don't want to exhaust you, so here are three major trends: **crime, budgets, legislation.**

2021 Crime Trends

As of the publication of this report, the lack of available crime statistics makes it difficult to analyze current crime trends both in New Orleans and nationwide. The New Orleans Police Department (NOPD) has not yet reported 2021 crime statistics to the Federal Bureau of Investigation (FBI).⁹ It's worth noting that NOPD is not alone in not reporting 2021 statistics. The FBI transitioned to a new data collection system for 2021, and it failed to meet its minimum 60% percentage of reports in order to issue a report, meaning 40% of police departments nationwide also didn't report 2021 crime statistics to the FBI.¹⁰¹¹

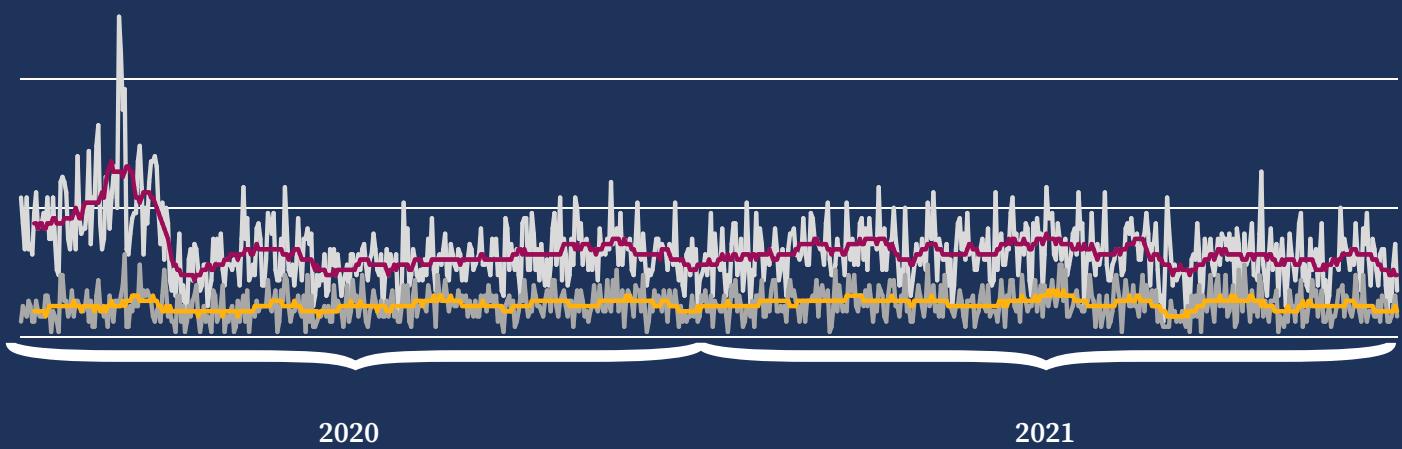
NOPD Superintendent Chief Shaun Ferguson reported that New Orleans saw a 7% overall decrease in crime in 2021¹², but a 7% increase in violent crime. The murder rate in New Orleans also increased by 8% in 2021. Crime Analyst Jeff Asher reported that the murder rate rose 7% in 2021 in 99 cities with available data.¹³

FIGURE 2:

2020-2021 Arrest Data

Source: OPSO Data

■ Non-Violent ■ Violent ■ Non-Violent (15-day moving average) ■ Violent (15-day moving average)



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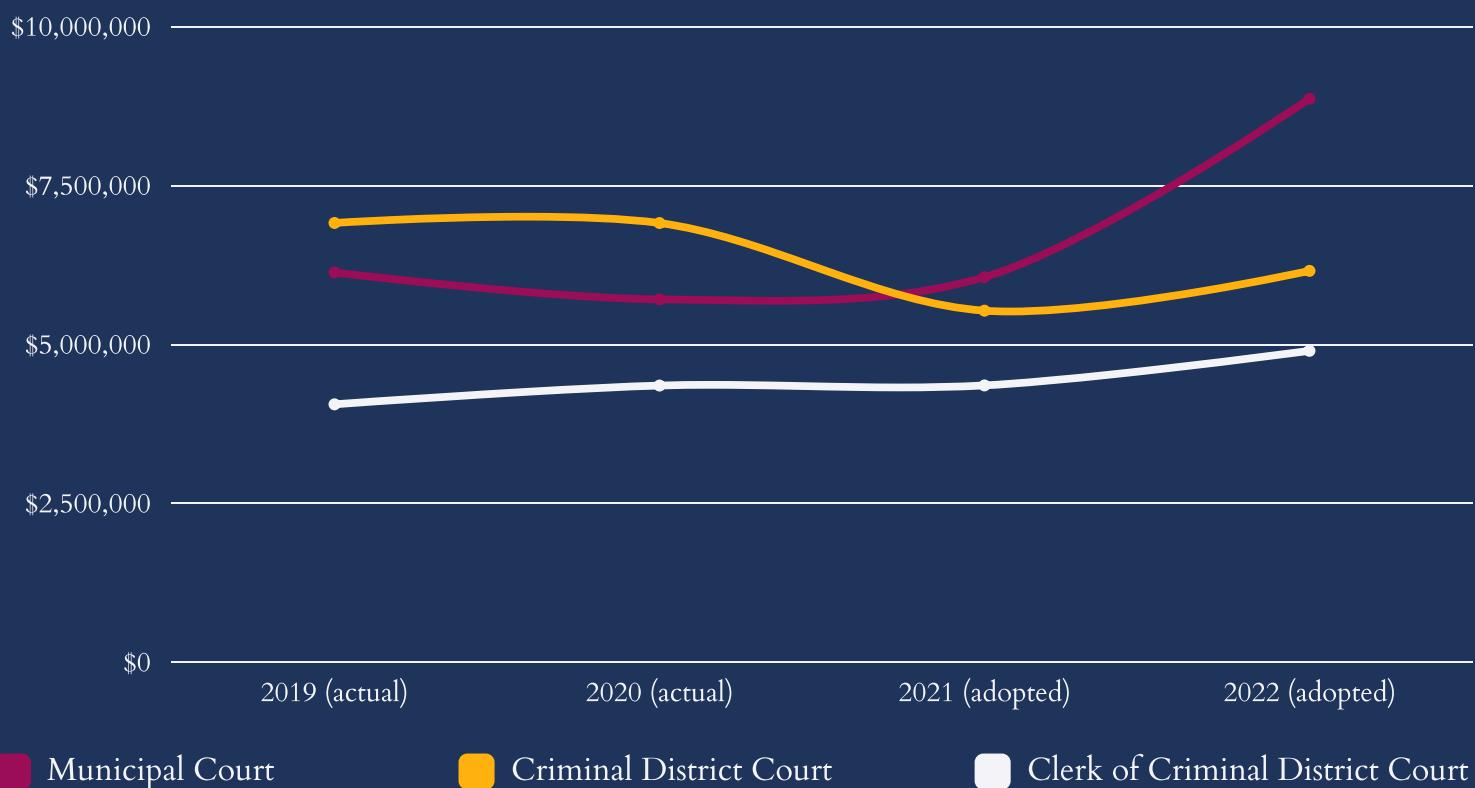
**In 2021, New
Orleanians worried
about the COVID-19
Pandemic, the rise in
crime, and the safety
of the city during and
post-Ida. We're here
to help make sense
of the year's biggest
trends.**

Funding the Court: BUDGET TRENDS IN 2021

To better give the community a sense of how our city spends its funds, Court Watch NOLA compiled a short section of our 2021 Annual Report to reflect how the DA's Office and the Criminal Courts are funded by the city. In Figure X below, you'll see an overview of the court's spending on the criminal courts since 2019.

FIGURE 3:

Municipal Court, Criminal District Court, Magistrate Court & Clerk of Criminal District Court Budgets



FUNDING:

The District Attorney and the Criminal Courts

Court Budget Trends

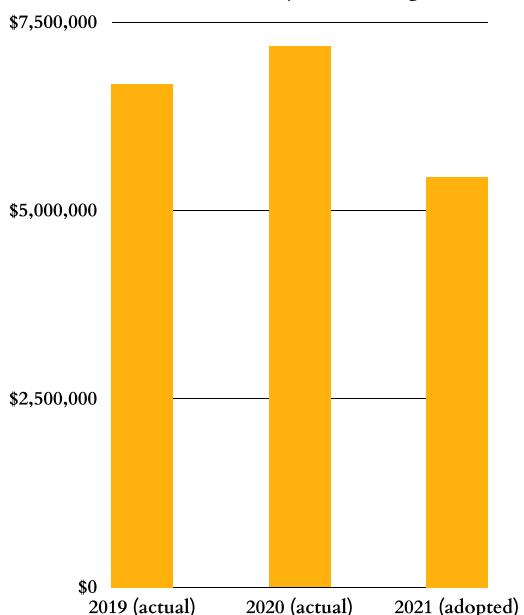
On November 10, 2021, representatives from each court proposed 2022 budgets to the New Orleans City Council.¹⁴ One budget item to note is the Municipal and Traffic Court's Online Case Resolution (OCR) project. According to the proposal, "Citizens seeking to resolve traffic dispute cases before Municipal and Traffic Courts will soon be able to do it online. Online Case Resolution (OCR) is a new digital platform to enable defendants, attorneys and judges to resolve cases on the internet."¹⁵ In many jurisdictions, this system is called an "Online Dispute Resolution." The 46.4% increase in the Municipal Court's budget was explained as being largely due to the costs of building this system as well as an additional eight full-time employees being hired by the court (see figure 3 on page 12).

District Attorney Budget Trends

In 2021, District Attorney Jason Williams' budget was \$5.4 million, a decrease of over 25% (\$1.4 million) from FY20's budget of \$7.1 million (see figure 4).¹⁶ For 2022, Williams requested \$9.3 million, which is 2.3 million higher than the \$7 million allocated by Mayor Cantrell. Williams claims he needs the budget increase to hire more prosecutors and investigators, pay out settlements for wrongful convictions, and for other expenses. Included in this request is \$300,000 for specialized human trafficking and domestic violence unit which would include hiring investigators, prosecutors, counselors, and housing for survivors.¹⁷

Parity law requires the Orleans Public Defenders office to receive 85% of the city allocated funding given to the DA's office. However, Williams is arguing that due to his office having different responsibilities than the public defenders, the two budgets should not be compared as "apples to apples."¹⁸

FIGURE 4:
■ District Attorney's Office Budget



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Important bills passed during the 2021 legislative session.

NEW LEGISLATION

EXPANDING PAROLE ELIGIBILITY

Gov. Edwards signed HB145/Act 122 on June 10th, 2021 and it became effective on August 1st. Act 122 expands the parole eligibility factors to include around 3,000 incarcerated persons serving long sentences under the habitual offender statute. The bill's sponsor, Rep. Marcus Bryant, said that the bill clarifies some inconsistencies in sentencing guidelines based on the date of the conviction. HB145 received support from the Louisiana District Attorney's Association and passed with 92 yes votes, 1 no vote, and 12 abstentions.^{19 20 21}

JURY SERVICE RESTORATION

HB84/Act 121, authored by Rep. C. Denise Marcelle, was also signed on June 10th, 2021 and became effective August 1st. Act 121 restores the right to serve on a jury if a person with a conviction has been on probation or parole for five years. Previously, after a conviction a person would be ineligible for jury service forever. HB84 passed with 55 yes votes, 42 no votes, and 7 abstentions.²²

EXPANSION OF BOYKIN PROCEDURE

Gov. Edwards signed HB106/Act 271 on June 15th, 2021, and it likewise took effect August 1st. Act 271, authored by Rep. Barbara Carpenter, expands the requirements for notifying defendants of the rights they surrender when entering a guilty plea, including making defense counsel and the judge legally responsible for informing defendants. Act 271 passed with 69 yes votes, 25 no votes, and 11 abstentions.²³



ESSENTIAL PROTECTIONS, OUR RIGHTS, AND THE COURTS DUE PROCESS

Section Overview

One of the essential protections in the United States Constitution is the right of all citizens to the “due process of law,” which limits the government’s ability to deny a citizen their life, freedom, or property. The Bill of Rights brought due process protections to the federal court system, while the Fourteenth Amendment extended these rights into states’ laws and court systems. There are five procedural due process rights now ingrained in the Orleans Parish court system: **The Right to Remain Silent, The Right to a Speedy Trial, Innocent Until Proven Guilty, The Right to an Interpreter, The Right to Reasonable Bail.** The Orleans Parish court system is falling short in several areas on its duty to uphold these procedural due process rights.

One of the essential protections in the United States Constitution is the right of all citizens to the “due process of law,” which places requirements on the government when it intends to deny a citizen their life, freedom, or property. For example, the government must give the person notice of a legal proceeding, the chance to speak on their own behalf, and decisions must be made by a neutral party (i.e., the courts).²⁴ The many familiar due process rights enjoyed by citizens today, three of which will be discussed below, all stem from the Fifth, Sixth, and Fourteenth Amendments (specific clauses underlined):

Fifth Amendment to the US Constitution:

“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury...nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

Sixth Amendment to the US Constitution

“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.”

Fourteenth Amendment to the US Constitution

“...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

The Bill of Rights brought due process protections to the federal court system. After the Civil War, however, Congress passed the Fourteenth Amendment to ensure states’ laws and court systems applied the Bill of Rights equally to all citizens. Over the years, case law has further engrained them into the fabric of the criminal legal system.

Right to a Speedy Trial-

The right to a speedy trial is a federal protection brought to the states by the Fourteenth Amendment. Without this protection, a defendant could stay in jail indefinitely without the government being required to prove their accusation.

Barker v. Wingo 407 U.S. 514 (1972)²⁵ began in 1958 when an elderly couple was beaten to death by intruders in Kentucky. After arrest, Barker was out on bail and objected to some of the prosecution's continuances. Barker was finally convicted in 1963. The Supreme Court unanimously ruled that Barker waived his right to a speedy trial, but established three factors the courts should consider in speedy trial decisions: (1) the reason for the delay, (2) the source of the delay, and (3) did the delay prejudice the defendant.²⁶

Louisiana defines the right to a speedy trial in Article 701 of the Louisiana Code of Criminal Procedure. Under Article 701, the District Attorney (DA) must institute prosecution by filing a bill of information within a certain number of days after arrest, known as the "701 period." States set their own 701 deadlines, and Louisiana's 701 period is longer than many states.²⁷²⁸

Maximum Number of Days for the State to Initiate Prosecution in Louisiana (a.k.a. the "701 Period")*

State Misdemeanor ➤ 30 days**

Felony..... ➤ 60 days

Capital Offense..... ➤ 120 days

*If the defendant has multiple charges, the most serious is used to define the 701 Period

** In January of 2022, the Louisiana Legislature changed the time for the District Attorney to file charges for misdemeanors from 45 days (when in custody) to 30 days. <https://legis.la.gov/Legis/Law.aspx?d=112708>

The DA's failure to institute prosecution within the 701 period is a violation of the right to due process. If the court finds that the DA failed to file the bill of information on time, the defendant no longer needs to pay bail to be released, though the charges do not go away and the case may still move forward to trial.

What are fundamental, inalienable rights?

A simple definition is a right defined by fundamental or constitutional law. This means a fundamental right is a significant component of liberty, and encroachments on fundamental rights are rigorously tested by courts to weigh governmental justifications. In other words, no one should be deprived of a fundamental right. The right to a speedy trial is one most people consider an inalienable right, meaning a right that all Americans are born with, and that cannot be taken or given away.



A photograph showing the back of a person wearing a white t-shirt and a dark blue baseball cap. The person is holding a large white protest sign with red text. The sign reads "Liberty", followed by a question mark, "Justice", "for", and "ALL".

Liberty

?

Justice

for

ALL

THE RIGHT TO AN INTERPRETER

Protecting the right to language access in the Louisiana Criminal Court System

As with the other rights discussed in this section, the right to an interpreter is based on later interpretations of the Due Process Clause enshrined in the Fifth, Sixth, and Fourteenth Amendments, and spread to state and municipal-level courts by the Fourteenth Amendment. When court proceedings are carried out in English and the accused does not thoroughly speak and understand English, few if any of their other rights can be upheld. The defendant cannot talk with their attorney (when the attorney does not speak their language), speak in their own defense, nor can they understand the court or the prosecution (even while exercising their right to remain silent).

When interpreters are unavailable, the result for limited English proficiency (LEP) defendants is usually a “continuance,” or rescheduling of the proceedings. The court is forced to decide between violating the right to an interpreter and risking violating the right to a speedy trial. Delays in the process will also often incur additional costs to the public from court personnel salaries and housing the defendant in jail.

Despite the Fourteenth Amendment’s adoption in 1868²⁹, the right to an interpreter was not officially recognized in Louisiana law (and therefore in state and municipal courts) until 2008. In that year, the Louisiana Code of Criminal Procedure for the first time included Article 25.1:

“A. If a non-English-speaking person who is a principal party in interest or a witness in a proceeding before the court has requested an interpreter, a judge shall appoint, after consultation with the non-English speaking person or his attorney, a competent interpreter to interpret or to translate the proceedings to him and to interpret or translate his testimony.”³⁰

From 2009-2013, a coalition of advocates inspired the Louisiana Supreme Court to support the 2008 legislation by adopting official guidelines for the use of interpreters in Louisiana state courts (until then, Louisiana was one of ten states without these guidelines).³¹ These efforts produced:

- A system for training and certification of court interpreters,
- An online listing of certified interpreters,
- A “bench card” for judges, like a cheat sheet or a reference guide to use during proceedings.³²

As per the bench card, the basic steps of the interpreter process are:

1. Evaluating the need for an interpreter (i.e., identifying LEP defendants)
2. Assignment of a state-qualified interpreter (the Louisiana Supreme Court Office of Language Access handles interpreter certification)
3. Allowing the interpreter to meet with the LEP party/parties and review relevant proceedings
4. Swearing in of the interpreter and statement of name, qualifications, and role in the proceedings
5. Ensuring the pace allows all parties, including LEP parties, to fully understand the proceedings



2021 ANALYSIS

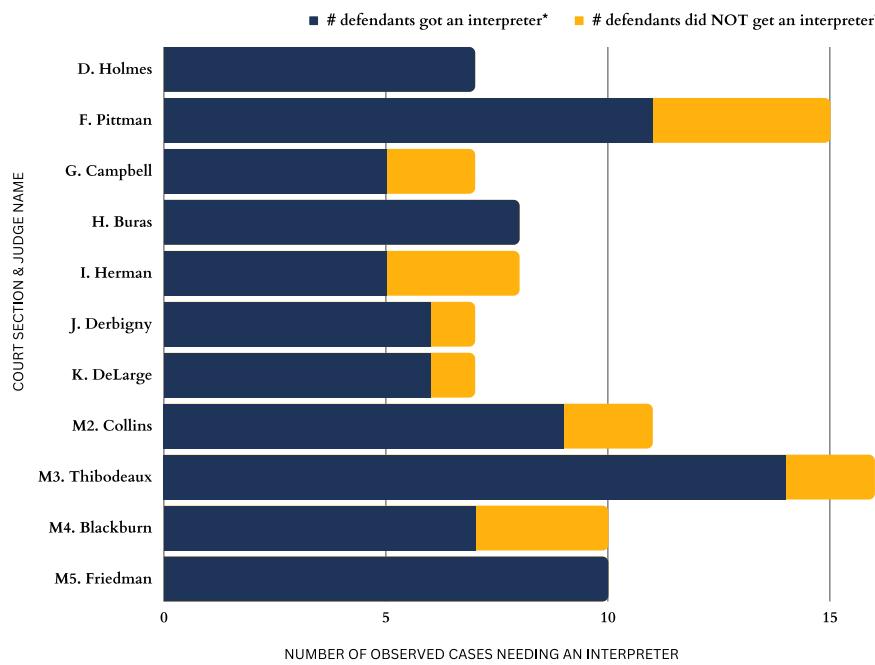


FIGURE 5: Defendants That Needed An Interpreter and Did or Did Not Get One. Note : Any judges or commissioners not present in this table means either that CWN had less than 5 observations for that judge, or that court watchers did not report any defendants in their sections that needed an interpreter.

Overview

In 2021, court watchers observed 296 defendants that needed an interpreter; 38 of these defendants (12%) did not receive one. This number demonstrates large disparities between judges. During court watcher observations, Judges Buras, Holmes, and Commissioner Friedman were able to provide interpreters for all defendants that needed one (see Figure 5 above).

When an interpreter was not available, the most common result reported was that the defendant's proceedings would be delayed. One court watcher commented that:

"The judge said they couldn't continue without an interpreter, so they rescheduled him."

In some cases, however, proceedings continued using an ad-hoc interpreter, such as the defendant's lawyer. Disturbingly, in one case, another defendant served as the interpreter. The court watcher commented that:

"An interpreter was needed for [defendant], but none was present or appointed. Instead, another defendant stepped up and acted as an interpreter. This other defendant was sworn in and interpreted for [the defendant]. The interpreter was a white, American man who claimed that he was a scribe for a doctor in a Spanish-speaking country for a few years."

RECOMMENDATIONS & COMMENDATIONS

RECOMMENDATIONS FROM THE LOUISIANA SUPREME COURT

In December of 2021, representatives from the Louisiana Supreme Court and Orleans Parish Criminal District Court met to discuss Court Watch's analysis of interpreter data from 2021.³³ In response, they filed a letter (see Appendix 3: Letter from Louisiana Supreme Court to New Orleans Criminal District Court Re: Interpreter Access) to Department of Justice (DOJ) officials stating that by June 30, 2022 they would "endeavor to complete:"

- A mandatory live training for CDC judges and staff on language access
- Coordination between CDC and OPSO to identify defendants housed in Orleans Justice Center (OJC) that need an interpreter for their court proceedings
- Notification of attorneys of their obligation to notify the court in advance when they know an interpreter may be needed.

Comments from court observations demonstrate the need for these additional efforts. Most seriously, all stakeholders in the court room--especially judges, magistrates, and commissioners--must recognize that a clear understanding of proceedings for all parties is essential to maintaining fair treatment under the law. Furthermore, delays in proceedings related to the need for an interpreter when one is not available (most often when the court was not notified of the need in advance) are costly for the parties directly involved and taxpayers through unnecessarily expending public resources.

COMMENDATION — PADILLA

One court interpreter in particular, Lester Padilla, who interprets for Spanish-speaking defendants, received several accolades from observers for professionalism, punctuality, and quality of interpretation.

"Lester Padilla was our court interpreter - he is usually in the Magistrate sessions I normally observe. Very punctual and seems to be very helpful for the defendants."

"I am bilingual and I can attest that his interpretations were clear and did reiterate the legal terminology necessary. His name was Lester Padilla."

COMMENDATION — COMMISSIONER FREIDMAN

Not only did Commissioner Friedman provide interpreters to all who needed them, but he also received compliments from observers for ensuring that defendants with interpreters could understand the proceedings.

"Magistrate Commissioner Friedman markedly slowed his pace to ensure that the translator was able to communicate everything being said to the defendant."

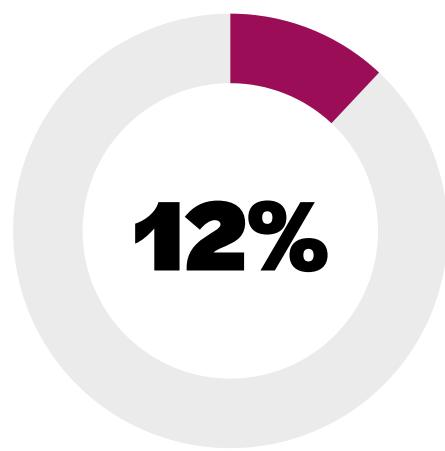
COMMENDATION — JUDGE FLEMINGS-DAVILLIER AND DEPUTY JUDICIAL ADMINISTRATOR, SHANNON SIMMS

In August of 2021, the Criminal District Court's liaison for Court Intervention Services (CIS), Judge Flemings-Devillier, and Deputy Judicial Administrator Shannon Simms updated the Court's Language Access Plan in response to the Louisiana Supreme Court's recommendations (see Appendix 3) working together with the City of New Orleans. This plan represents a significant step towards ensuring language accessibility in the courts and we commend their efforts.

RECOMMENDATIONS FROM COURT WATCH NOLA

The Louisiana Supreme Court and CDC should follow through with the measures outlined in their letter. In particular, we reiterate the importance of establishing a system that ensures all three courts (Municipal, Magistrate, and CDC) are notified in advance of the needs for an interpreter for LEP defendants, as was noted four years ago in CWN's 2017 Annual Report.

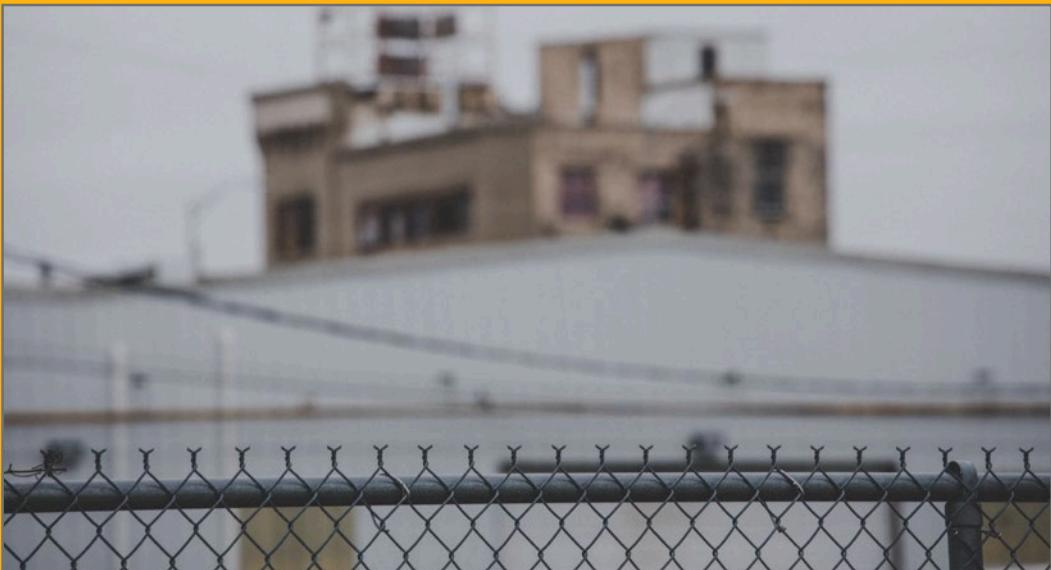
CDC should monitor the resources expended by continuances caused by the lack of an interpreter to evaluate the effectiveness of the substantive changes in reducing unnecessary public expenditures.



**FIGURE 6:
DEFENDANTS THAT NEEDED AN INTERPRETER
AND DID NOT GET ONE.**



When court proceedings are carried out in English and the accused does not thoroughly speak and understand English, few if any of their other rights can be upheld.



THE BIG PICTURE

A year in observations and analysis on **BAIL & BOND**

All defendants make a First Appearance (FA) before a Magistrate Judge or Commissioner for felony charges or Municipal Judge for misdemeanors. As the defendants are innocent until proven guilty, the job of the court is to determine:

1. If the evidence warrants probable cause to hold the accused until trial
2. If the defendant poses a danger to others or a flight risk if released

When the court establishes probable cause but does not find the defendant a risk to others, it may set a bail amount and/or non-financial obligation for the defendant in order to be released.

Money bail is intended as a collateral mechanism. When the defendant pays the bail or forms an agreement with a bail bondsman, they have financial motivation to return to court for further proceedings. Research highlights the following perverse effects created by the type of money bail system currently implemented in New Orleans courts.

In the next year, CWN plans to expand on the following analyses in two specific ways:. First, comparing bail set vs. bail paid in order to provide insight into who pays bond on what schedule, including which defendants are most likely to be detained only because of their inability to pay. Second, breaking down bail amounts by the specific charge and comparing across ethnicities in order to shed more light on the disparities found through Court Watch observations.

The Injustice of Criminalizing Poverty: When bail is set without consideration of the defendant's ability to pay, the costs fall disproportionately on the poor. Jails intended to temporarily house presumptively innocent people may become "debtors' prisons," where inmates remain simply because they cannot pay bail.³⁴

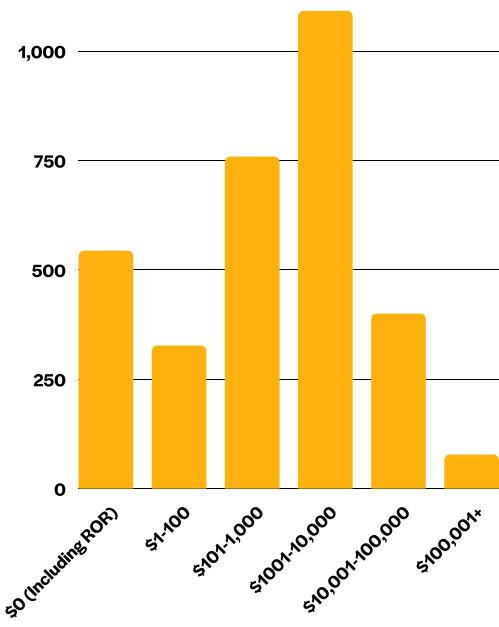
Social Spillover: Defendants with the least financial means are also those most likely to suffer serious consequences from additional time spent detained, such as losing employment.

Taxpayer Burden: Jailing the inmates that are not deemed a danger or flight risk but cannot afford their bail inflates the jail budget, costing taxpayers far more than the income the system receives through bail/bond and associated fines and fees (see next point).

Perverse Incentives: In Orleans Parish, when a defendant chooses to hire a commercial bail bondsman (paying a percentage up-front instead of the full amount), several criminal legal system stakeholders including OPSO, the courts, the DA's office, and the Clerk of Court receive a percentage. As demonstrated in Caliste vs. Cantrell (2019), the judges' "dual role – the sole source of essential court funds and an appropriator of them – creates a direct, personal, and substantial interest in the outcome of decisions...push[ing] beyond what due process allows."³⁵

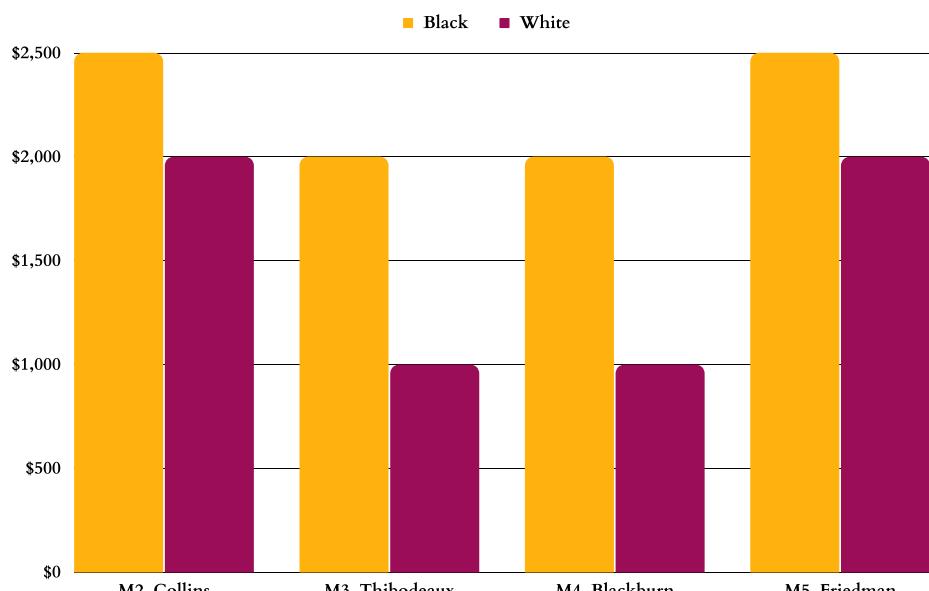
Bondsman are financially motivated not only to apply questionable tactics to ensure defendants return to court, but also to maximize bail amounts and associated fines and fees (e.g., through creating situations where defendants might accrue additional charges).³⁶

FIGURE 7: 2021 Bond Amounts



Note: ROR (see chart above) stands for "released on own recognizance" which means a defendant doesn't need to pay any form of cash bail and must simply promise to appear at all future court proceedings. This \$0 bail amount affects the mean and median amounts and should be considered when making any analysis of bail/bond trends.

**FIGURE 8:
2021 Median Bail Set for Black and White Defendants (Magistrate Court)**

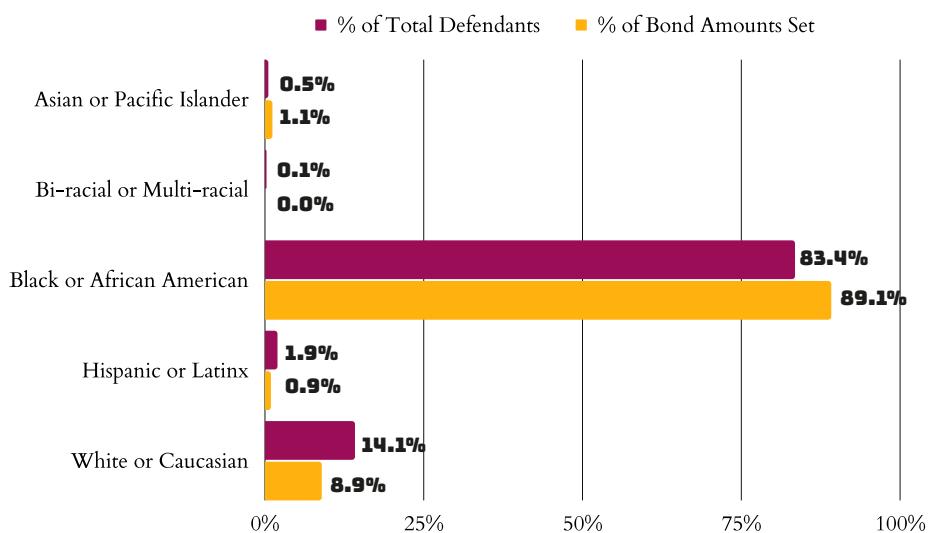


2021 Analysis

Court watchers observed Magistrate & Municipal courts assign a total of \$43,947,008 in bail, with a mean bail amount of \$13,602 and a median of \$1,000 (see figure 10 on page 24). Most commonly, defendants are assigned bail between \$1,001 and \$10,000 (roughly 34%; see Figure 7). It is important to note that these bail amounts include a large number of non-violent crime arrests and a smaller number of violent crime arrests. The difference between the higher mean bail amount and the lower median bail amount indicates that most arrests were for less serious crimes, while the smaller number of more serious crimes received significantly higher bail amounts (see figure 10 on page 24).

Figure 9 below compares the percentage of all bonds set versus the percentage of defendants belonging to each ethnicity, revealing significant discrepancies. Black defendants owed 89% of the total bond assigned but represented only 83% of defendants. In contrast, the 14% of defendants who were white owed only 9% of the total bail set. Figure 10 (page 24) emphasizes the presence of racial disparities, showing that the mean bond set was \$14,493 for Black defendants and \$8,572 for white defendants.³⁷ Finally, figure 8 above illustrates the consistency of the pattern across commissioners in Magistrate Court: black defendants are assigned higher median bail amounts than white defendants (97% of defendants are either Black or white).

**FIGURE 9:
% of Total Defendants VS % of Bond Amounts Set (by Race/Ethnicity)**



BY THE NUMBERS

2021 Analysis continued...

NUMBER OF DEFENDANTS

Black New Orleanians were overrepresented in our analysis, making up almost 75% of defendants receiving a bond in cases that court watchers observed in 2021. According to the 2020 Census, 59.1% of New Orleanians are Black or African American.

TOTAL BOND SET

Black New Orleanians were overrepresented in our analysis, making up 89% of the total bond set in cases that court watchers observed in 2021. Out of the more than \$43 million dollars in bond set, Black New Orleanians received more than \$38 million.

MEAN BOND AMOUNT

The mean (middle) bond amounts below emphasize the presence of racial disparities, showing that the mean bond set was \$14,493 for Black defendants and \$8,572 for white defendants.

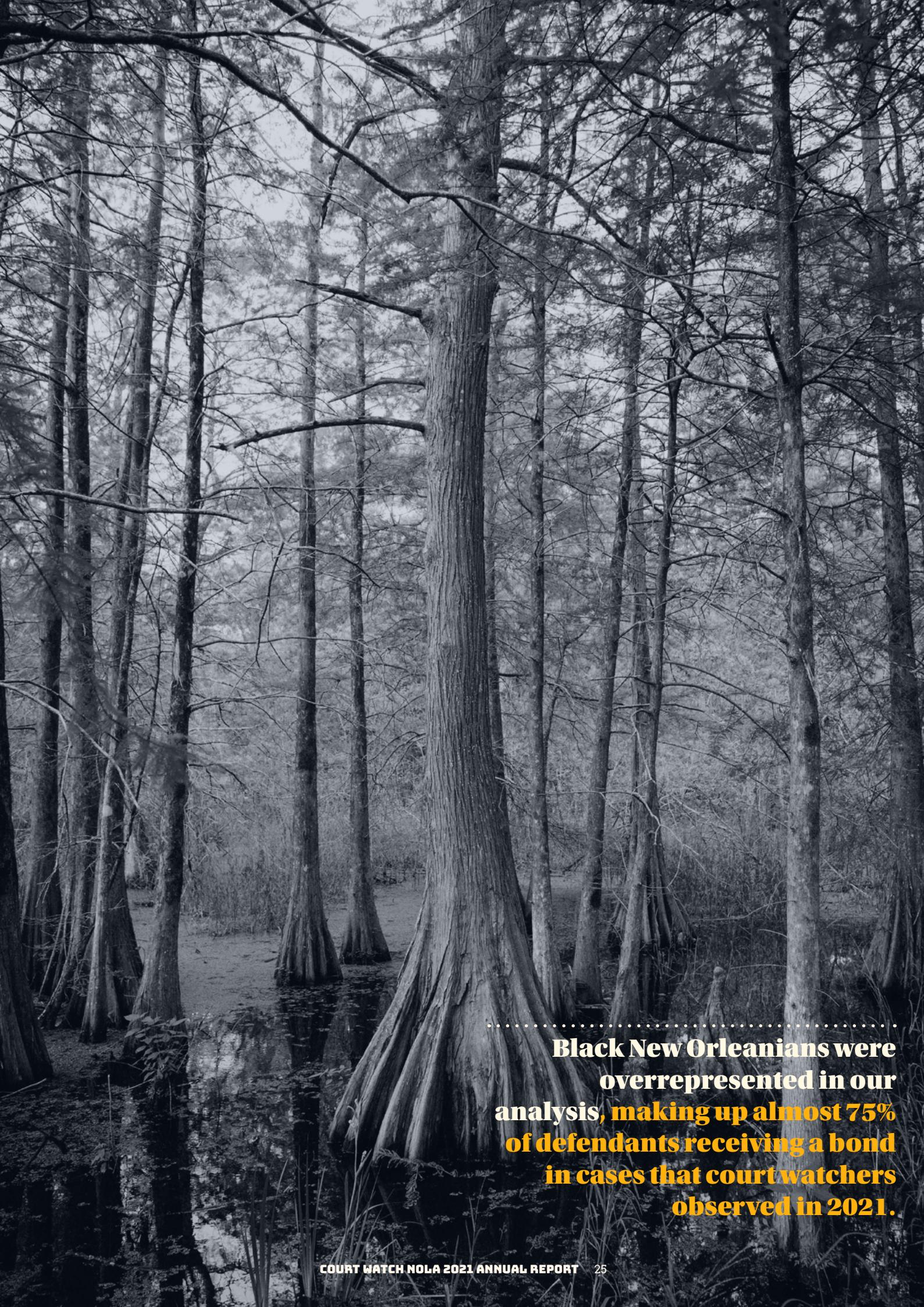
MEDIAN BOND AMOUNT

Median (average) bond amounts further illustrates the consistency of the pattern across commissioners in Magistrate Court: Black or African American defendants are assigned higher median bail amounts than white or caucasian defendants (97% of defendants are either Black or white).

FIGURE 10: TABLE OF 2021 OBSERVED BAIL/BOND TRENDS IN MAGISTRATE COURT

DEFENDANT ETHNICITY	NUMBER OF DEFENDANTS	TOTAL BOND SET	MEAN BOND AMOUNT	MEDIAN BOND AMOUNT
ASIAN OR PACIFIC ISLANDER	16	\$470,200	\$29,388	\$2,000
BI-RACIAL OR MULTIRACIAL	3	\$3,000	\$1,000	\$1,000
BLACK OR AFRICAN AMERICAN	2,365	\$38,378,198	\$14,493	\$1,100
HISPANIC OR LATIN(E/X)	61	\$378,460	\$6,204	\$1,400
WHITE OR CAUCASIAN	444	\$3,823,050	\$8,572	\$1,000
GRAND TOTAL	3,159	\$43,052,908	\$13,564	\$1,000





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Black New Orleanians were overrepresented in our analysis, making up almost 75% of defendants receiving a bond in cases that courtwatchers observed in 2021.

OVERVIEW

ANALYZING THE STATE OF RIGHTS FOR WITNESSES & SURVIVORS

Section Summary

Crime survivors suffer repeated harm and trauma when the system does not protect their security and dignity. It is the responsibility of the authorities to ensure fairness and respect for crime survivors by upholding already-established rights and holding those who do not enforce them accountable.

- Survivors Rights in the Louisiana Constitution
- 2021 Analysis & Updates
- Commendations
- Recommendations

An analysis of 2021 figures demonstrates that while the state and federal funds awarded are helpful to crime survivors, they are not adequate compensation nor access. Eligibility rules for awards and protections for crime survivors during court proceedings are critically lacking.



Survivor's Rights & Reparations

The Louisiana Constitution of 1974 established the rights of crime survivors in a manner designed to protect and promote fairness, dignity, and respect for crime survivors under the law. These rights include among others:

- The right to reasonable notice of proceedings regarding defendants: such as arrests, major court proceedings (pretrial release or bond, successful court appeals), and changes in custody status (parole board, pardon, or release hearings).
- The right to be present and heard: during all critical stages of pre-conviction and post-conviction proceedings.
- To confer with the district attorney's office: regarding the disposition of the case (dismissal, plea, or trial) and the available sentencing alternatives to prison such as probation, community service, and payment of restitution.
- The right to seek restitution: and if the defendant is found guilty, to be paid restitution as determined by the court.
- The right to a reasonably prompt conclusion in the case: e.g., courts shall consider the impact on the victim when ruling on a defense motion for continuance.³⁸³⁹

The Louisiana Commission on Law Enforcement Administration of Criminal Justice for Crime Victim Reparations Board (CVRB) is responsible for processing applications and paying reparations to crime survivors. The awards should cover costs such as medical expenses, funeral costs, lost earnings, mental health treatment, medical transport, catastrophic property damage, and relocation.

2021 Analysis

The District Attorney's office and judges are responsible for adequately communicating with crime survivors, placing their needs and concerns at the forefront of the process, providing recovery information, and ultimately giving survivors the dignity they deserve.⁴⁰ In recent years, several criminal legal system actors have openly asserted their desire to enact a survivor-centered approach to reduce trauma and empower survivors to participate in the process.⁴¹

Adequacy of funding for upholding crime victim rights provides another gauge of the degree to which the criminal legal system is adopting a victim-centered approach. The DA's Office is asking for additional funding for his office (see figure 4, page 13) to hire more attorneys, yet only small amount of the increased funding is intended for crime survivor resources.⁴² Regarding reparations, CVRB awarded crime survivors a total of \$3,246,050 for 2,279 claims in 2021. Survivors in Orleans Parish received \$811,942 for 458 claims (25% of awards for 20% of claims in the state).⁴³ The number of claims is low considering that Orleans Parish saw 218 homicides alone in 2021.⁴⁴

While the CVRB awards are helpful to survivors, they are not adequate compensation. Compare the average cost for a funeral in Louisiana in 2022 (\$7,290)⁴⁵ with the cap on awards (\$10,000) set by the Louisiana Crime Victims Reparations Act.⁴⁶ A survivor awarded the maximum amount can easily need to spend beyond their award amount. Even more concerning, the average award amount for survivors in Orleans Parish in 2021 was only \$1,773.⁴⁷

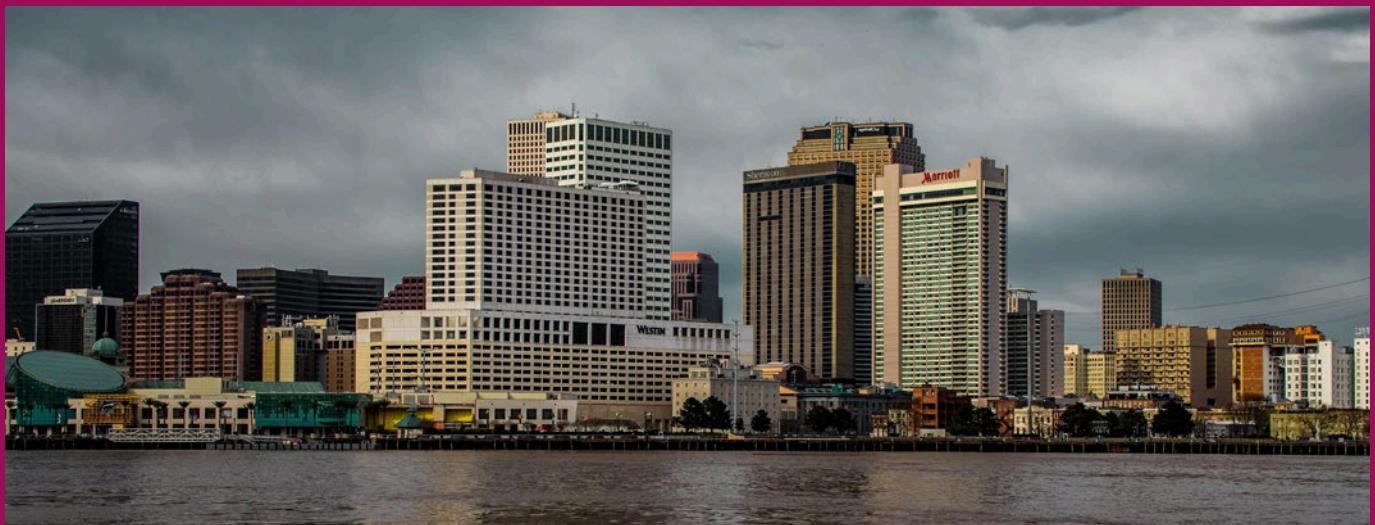
Additionally, the eligibility criteria for awards should be structured to best support the survivor and reduce secondary victimization. Secondary victimization occurs when the survivor experiences additional trauma from those trying to help or by harmful policies and procedures created by the justice system and other bureaucracies.⁴⁸ For example, the Louisiana Commission of Law Enforcement and Administration of Criminal Justice requires the survivor to submit an application within one year of the crime.⁴⁹ In California, however, applications may be submitted up to seven years after the crime has occurred.⁵⁰ By allowing victims more time to submit an application, the system is giving them the time and dignity to gather all of the information necessary to submit their application for support.⁵¹

.....

Secondary victimization occurs when a survivor experiences additional trauma from those trying to help or by harmful policies and procedures created by the justice system and other bureaucracies.

Commendation:

On June 16th, 2022, HB 648 was signed into law as a result of tireless efforts of Louisiana Survivors for Reform (Promise of Justice Initiative), Rep. Stephanie Hilferty (R - District 94) and many others. This new law will provide reporting alternatives to filing a police report, increased access to life-saving financial support, and an increased amount of funds a survivor can receive. It also adds relocation services as a reimbursable cost. Court Watch NOLA commends everyone involved in the passage of this legislation, and are choosing to include it in our 2021 report even though it was signed into law in 2022.



COURT WATCH NOLA

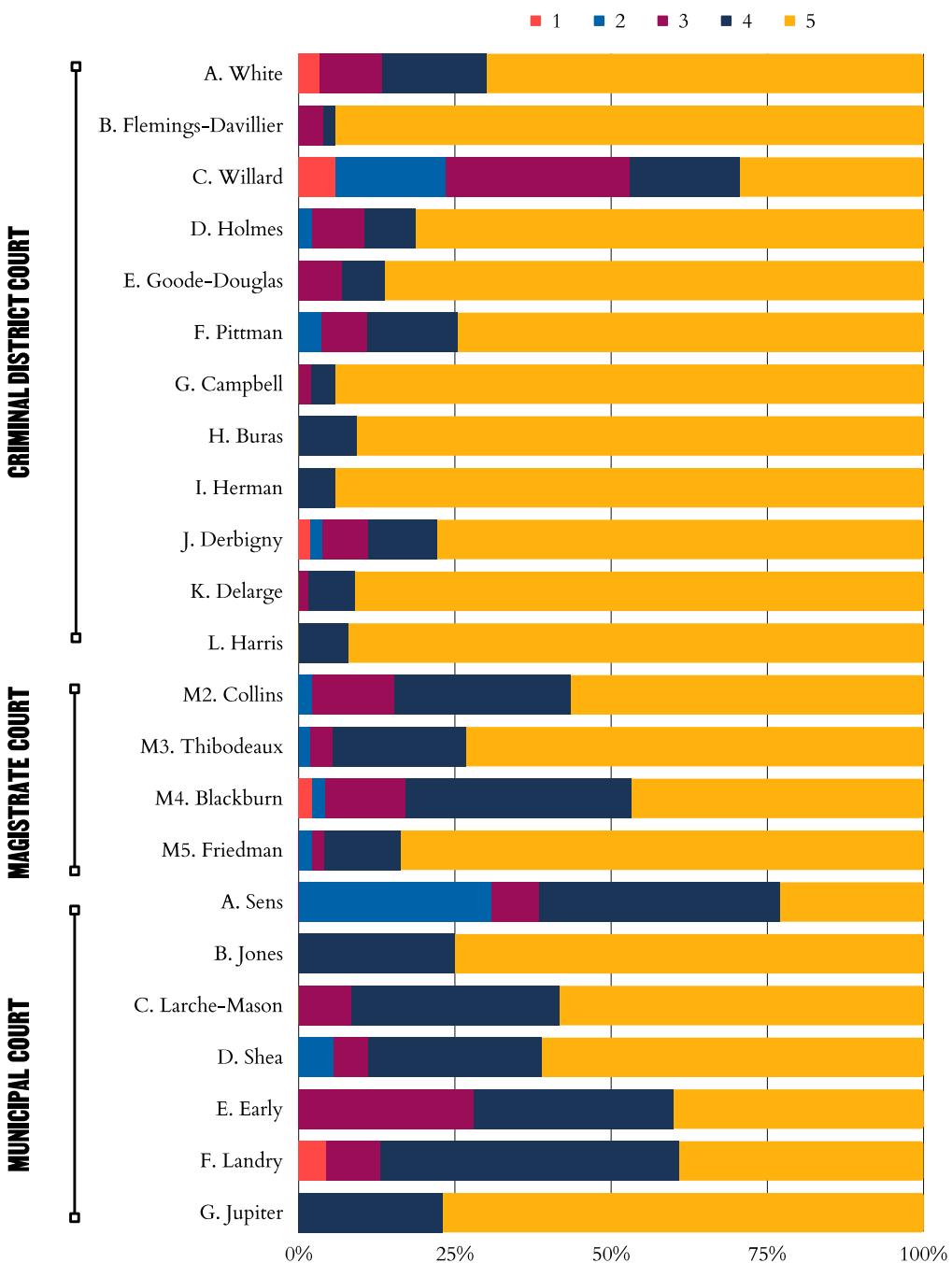
Treatment of the PUBLIC AT LARGE

The courts belong to the people. The system is funded by tax dollars collected from community members. It is staffed with key positions directly elected by community members. It is charged with ensuring the safety of community members in a fair and equitable manner. When carrying out this mission, it is important for courts to be accessible and respectful to community members, including defendants, crime survivors, and court watchers.

- 2021 Demeanor Analysis & Updates
- Commendations

Court watchers rate the professionalism and demeanor of the court actors they observe during each observation on a scale of 1-5, with 5 being the most professional and respectful.

FIGURE 11:
2021 Court Watcher Ratings of Judge & Commissioner Demeanor



2021 Analysis

In 2021, judges received mostly positive feedback from court watchers. Judges only received negative ratings (1 or 2 on a scale of 5) in 2.3% of observations, while receiving positive ratings (4 or 5) in 90.9% of observations (see figure 11 above). Court watchers are also provided a space to write comments that further explain their ratings. The following pages include selected comments that we feel provide context to 2021 demeanor ratings for the judges and commissioners.

Criminal District Court

JUDGE CAMPBELL (4.9/5)

"Judge Campbell addressed defendants directly, checked to see if they could hear, checked to see if they understood what was happening, and in one case where bail was reduced and ankle bracelet assigned, asked the defendant to repeat his understanding of the restrictions to make sure all were on the same page. Rarely have I seen defendants treated respectfully as a primary player in court....**Well done, Judge Campbell.**"

JUDGE HERMAN (4.9/5)

It's always a pleasure to observe Judge Herman's court! She is **patient, unhurried, and caring** for all actors in her court."

JUDGE DELARGE (4.9/5)

"I was very impressed with Judge DeLarge's courtroom and demeanor. He was **polite**, thoroughly explained everything happening in his courtroom, and was **fair** to all court actors. Most notably, he was also **very practiced** at de-escalation. When one defendant continued to berate the court, [Judge] DeLarge stayed calm and continued to try and talk him down."

JUDGE HARRIS (4.9/5)

"Judge Harris ran an **efficient and courteous courtroom**. She really listened to defendants and helped them work out problems that could have easily been dismissed. Two examples: one inmate was not receiving his medication and [Judge] Harris got him in a breakout room with his lawyer to address the matter. Another defendant was missing work to pay fines and fees and so {Judge Harris} is rearranging the court's schedule to accommodate him first this week."

JUDGE WILLARD

The only judge from Criminal District Court that **received zero positive comments** from court watchers was Judge Willard in Section C. Multiple court watchers noted Judge Willard's poor treatment of defendants and lawyers in his courtroom:

"[J]udge [Willard] did not wear a mask, was late, was extremely rude and berated a female attorney for a long period of time telling her to 'stop running her mouth' and that in [his] eyes, her client was being treated 'some lawyer who didn't know jack.' He also aggressively chastised her for not appearing in person and implied she wasn't doing her job by attending remotely despite the ongoing pandemic and him not wearing a mask."

The lack of any positive comments is also likely due in part to **Judge Willard's consistent pattern of not admitting court watchers into the online hearings**. Judge Willard had fewer observations than any other section of CDC (22, whereas the average for other CDC judges was 56). **Of all the reports from court watchers that reported they were not admitted into an online session, 71% were from Judge Willard's courtroom.** The number of sessions to which court watchers reported not being admitted into Section C is more than double the rest of the CDC sections combined.

2021 Court Watcher Feedback and Commentary on the Judges of Orleans Parish Criminal District Court



2021 Court Watcher Feedback and Commentary on the Judges and Commissioners of Orleans Parish Magistrate and Municipal Courts



COMMISSIONER COLLINS (4.4/5)

"Commissioner Collins was commended by a court watcher who observed that "the magistrate was feeling under the weather with covid-19 symptoms, but still pushed through and showed compassion and grace to the defendants! Hopefully, she feels better soon."

COMMISSIONER THIBODEAUX (4.7/5)

One court watcher wrote that Commissioner Thibodeaux "[T]reated everyone with respect and was particularly helpful with the parents of one of the defendants, explaining court procedure."

COMMISSIONER BLACKBURN (4.2/5)

Commissioner Blackburn received a positive comment for when he "expressed his concern for the defendant who did not have a place to live and assisted [the] defendant in understanding court's geographic location in relation to [the] public defender's office and explained how defendant could get help with housing through [the Orleans Public Defenders office]."

COMMISSIONER FRIEDMAN (4.8/5)

Commissioner Friedman was described by one court watcher as "incredibly patient and seems to be compassionate. He definitely takes way more time going through other cases compared to other magistrate judges and was thoughtful in his analysis of [probable cause]."

NOTES

All Magistrate commissioners received at least one low rating, alongside comments from court watchers who felt that they were "rude" to a defendant. It is noteworthy, however, that the commissioners still received significantly more positive comments than negative comments from court watchers.

Municipal Court

JUDGE JUPITER (4.8/5)

Judge Jupiter was praised for his consistency in appointing defense counsel for defendants:

"He [took] the time to explain each defendant's rights and [ensured] that they spoke with the public defender if they did not have a private attorney."

JUDGE LARCHE-MASON (4.3/5)

"Very refreshing to see a municipal judge with full name displayed on zoom, who addressed defendants directly, who asked defendants if they understood the actions occurring in court, and who asked defendants if they had any questions. This is the first time I have observed this type of professional behavior while observing municipal court since last October 2020. Well done, Judge Charlene Larche-Mason!"

CONCLUSION

Court Watch NOLA team is grateful for the time you spent with our 2021 Annual Report. Please keep an eye out for future in-depth subject-specific reports on important issues in our community. If there is something you believe we should be monitoring that we are not, please email us at info@courtwatchnola.org.

It is our hope that this report will inspire you to think critically about our criminal legal system. We hope that you will share what you have learned in conversations with your families, friends, and neighbors, and that together we can hold our criminal legal system accountable for justice, fairness, transparency, and safety in our community.

ACKNOWLEDGMENTS

Court Watch NOLA thanks its 2021 volunteers and interns, who were so generous with their time, and without whom this report would not have been possible.

Court Watch NOLA thanks our Board of Directors, the Orleans Public Defenders and Alexis Chernow, the Orleans Parish Sheriff's Office, the Criminal District Court Clerk of Court, the Orleans Parish District Attorney's Office the Municipal Court Judicial Administrator, Judge Flemings-Davillier, Commissioner Friedman, and countless brave whistleblowers who chose to remain anonymous, for providing data, help, insight, research (legal and otherwise) or advice for this report.

Court Watch NOLA would also like to extend special thanks to contributing authors Madeline Hicks, Yael Acker-Krzywicki, and Kenly Flanigan.



Our path forward: a note from Executive Director Darrin Browder.

In the past, Court Watch NOLA has worked hard to produce comprehensive reports, often spending months authoring reports that could be difficult for the community to understand.

Our mission hasn't changed: we still want to bring comprehensive reports to the community; we will continue to share knowledge with community so that our neighbors and friends can decide for themselves the future of this great city. But we also know that this content can be difficult to absorb -- just ask me, I had to go to law school to truly "get it."

So we're asking for your help: please send questions and critiques about this report to media@courtwatchnola.org. We truly appreciate your feedback.

Thanks for sticking with us and stay tuned! This won't be our last report this year.

Yours in the fight,

Darrin Browder

Our Funders

COURT WATCH NOLA ALSO THANKS ITS 2021 DONORS, INCLUDING THE FOLLOWING:

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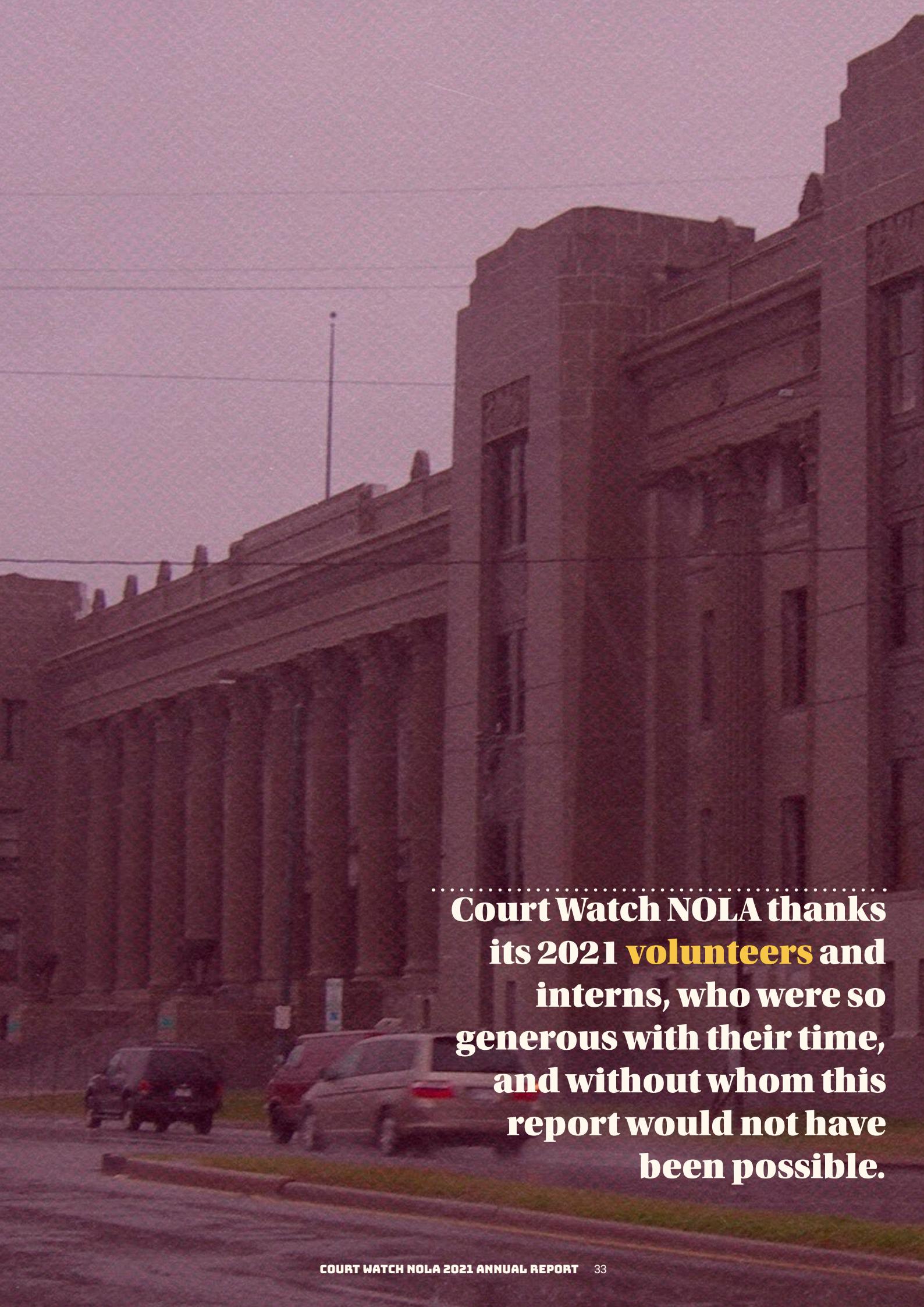
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**Court Watch NOLA thanks
its 2021 volunteers and
interns, who were so
generous with their time,
and without whom this
report would not have
been possible.**

APPENDIX 2

ENDNOTES

- 1 IMPORTANTLY, CWN MONITORS NEITHER CIVIL DISTRICT COURT (NON-CRIMINAL CASES), NOR ANY COURTS AT THE STATE OR FEDERAL LEVELS
(YET).
- 2 ABRAMS, E. (2016, JANUARY 20). FOR MANY IN NEW ORLEANS, MUNICIPAL COURT IS THE GATEWAY TO THE CRIMINAL JUSTICE SYSTEM - 2. WWNO.
<HTTPS://WWW.WWNO.ORG/PODCAST/UNPRISONED-STORIES-FROM-THE-SYSTEM/2016-01-20/FOR-MANY-IN-NEW-ORLEANS-MUNICIPAL-COURT-IS-THE-GATEWAY-TO-THE-CRIMINAL-JUSTICE-SYSTEM-2>
- 3 THIS SECTION IS A SHORTENED SUMMARY VERSION OF THE MORE DETAILED VERSION FOUND IN APPENDIX 1: DETAILED METHODOLOGY BEGINNING
ON P.[MADELINE, INSERT FINAL PAGE NUMBER HERE].
- 4 IN 2021, ALL TRAININGS WERE CONDUCTED ON ZOOM DUE TO COVID-19 PRECAUTIONS.
- 5 R CORE TEAM. (2019). R: THE R PROJECT FOR STATISTICAL COMPUTING. R-PROJECT.ORG. <HTTPS://WWW.R-PROJECT.ORG>
- 6 TO REQUEST ACCESS TO THE [R] CODE AND AUXILIARY TABLES, PLEASE EMAIL WFAULKNER@COURTWATCHNOLA.ORG.
- 7 RS 44:1. (N.D.). WWW.LEGIS.LA.GOV. RETRIEVED AUGUST 21, 2022, FROM <HTTPS://WWW.LEGIS.LA.GOV/LEGIS/LAW.ASPX?D=99632>
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- 13 <HTTPS://TWITTER.COM/CRIMEALYTICS/STATUS/1476567617280348162?S=20&T=9THJM-DY2IJNUSRKD8CFW>
- 14 2022 PROPOSED BUDGET HEARINGS - DAY 3 - NEW ORLEANS CITY COUNCIL HTTPS://CITYOFNO.GRANICUS.COM/MEDIAPLAYER.PHP?VIEW_ID=42&CLIP_ID=3968&META_ID=556925#
- 15 ONLINE CASE RESOLUTION (OCR) PILOT INITIATIVE TO BE OFFERED AT MUNICIPAL AND TRAFFIC COURT <HTTPS://WWW.NEWORLEANSBAR.ORG/?PG=NEWS&BLACTION=SHOWENTRY&BLOGENTRY=77191>
- 16 2021 ADOPTED ANNUAL OPERATING BUDGET. (N.D.). <HTTPS://WWW.NOLA.GOV/GETATTACHMENT/MAYOR/BUDGET/CITY-OF-NEW-ORLEANS-2021-ADOPTED-BUDGET-BOOK.PDF>
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56 TO REQUEST ACCESS TO THE [R] CODE AND AUXILIARY TABLES, PLEASE EMAIL WFAULKNER@COURTWATCHNOLA.ORG.
57 <HTTPS://WWW.LEGIS.LA.GOV/LEGIS/LAW.ASPX?D=99632>
58 <HTTP://WWW2.TULANE.EDU/~TELC/HTML/PRR.HTM>
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APPENDIX 2

Detailed Methodology

OBJECTIVITY & TRANSPARENCY

Objectivity does not mean we do not have an agenda. Our agenda is promoting transparency, accountability, and providing guidance on best practices in legal systems. We believe there is no such thing as being “unbiased” in the face of money, agendas, and personal relationships. Instead, we aim to systematically detail how we reached our conclusions. We acknowledge that our analysis and recommendations are made with the intent to transform the criminal legal system with policies that benefit everyone.

PARTICIPATION & CRITIQUE

By sharing our methodology, we hope to encourage thoughtful, constructive critique. Our methods are undergoing significant updates and we can use your help! Please email any methodology-related questions and feedback to wfaulkner@courtwatchnola.org.

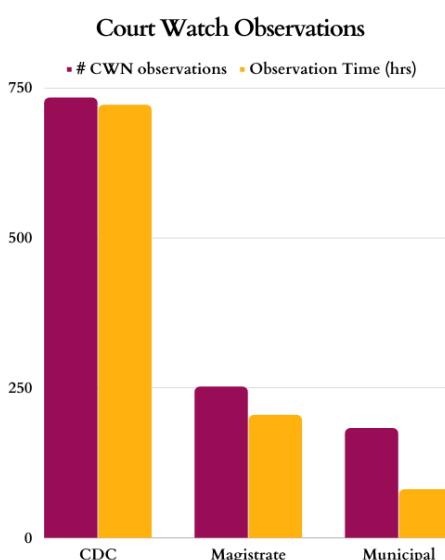
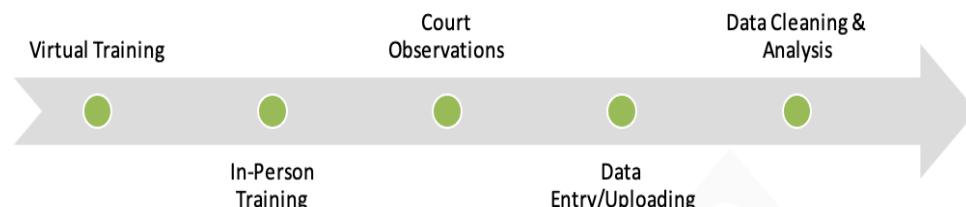
The primary sources of evidence for the 2021 Court Watch annual report fall into categories:
Volunteer court observations

- Data available publicly online
- Public data obtained through public records requests
- Secondary research and analysis available freely online
- Qualitative information gathered through conversations with criminal legal system stakeholders

The following subsections describe how evidence was obtained, cleaned, and analyzed.

VOLUNTEER COURT OBSERVATIONS

CWN's core function is court observation, with a focus on non-trial appearances in Magistrate Court, Criminal District Court (CDC), and Municipal Court. Below is the basic process for the collecting observation data:



During each observation, the court watcher fills out a “data sheet” to record what they see, hear, and think during the court session. During most previous years, there have been four data sheets with questions tailored to the three courts (Magistrate, CDC, and Municipal Court) that CWN monitors.⁵² During 2021, a total of eleven different data sheets were used to tailor questions not only to the three courts, but also the format of the court session (in-person, virtual, hybrid) and the type of volunteer (community vs. student).

DATA SHEETS

CWN staff overhauls the data sheet at the end of each calendar year and makes smaller adjustments as needed (a) in response to feedback from court watchers and (b) as new issues appear (e.g., change court Covid protocols). Court watchers participate in a hybrid training consisting of two parts: a live, online classroom training to learn the path of a case through the criminal legal system and an in-person training at the courthouse to learn the layout and rules of the building.

Court watchers are assigned to courtroom observations weekly. CWN staff gets daily emails from clerks with the dockets that are then sent to court watchers with their observation assignments. In-person court watchers pick up their dockets directly from the clerk's office in CDC. After their observations, court watchers upload their observation data into our statistical database hosted on SurveyMonkey.

DATA SHEET NAME	OBSERVER TYPE	COURT
CDC PHASE 1 [HYBRID VIRTUAL/IN-PERSON]	Community Volunteer	CDC
CDC PHASE 1 STUDENT PART B	Student Volunteer	CDC
CDC PHASE 1 STUDENT PART A	Student Volunteer	CDC
CDC PHASE 2 [HYBRID]	Community Volunteer	CDC
CDC PHASE 2 STUDENT PART 1	Student Volunteer	CDC
CDC PHASE 2 STUDENT PART 2	Student Volunteer	CDC
MAGISTRATE PHASE 1 [VIRTUAL]	Community Volunteer	MAGISTRATE
MAGISTRATE PHASE 2 [HYBRID]	Community Volunteer	MAGISTRATE
MUNI FA PHASE 1 [VIRTUAL]	Community Volunteer	MUNICIPAL

DATA CLEANING & ANALYSIS

The procedure for cleaning and analysis of 2021 observation data involved two main steps in two software:

- Cleaning: Once uploaded, observation data remains stored in the CWN SurveyMonkey account. The data is imported directly into [R] Statistical Software⁵³ from the SurveyMonkey API⁵⁴ using the "SurveyMonkey" package. The [R] code then imports auxiliary tables and performs a series of cleaning and reshaping steps to produce tables ready for analysis.⁵⁵
- Analysis: The vast majority of analyses are performed using Pivot Tables in Google Sheets. Occasionally [R] is used to execute more advanced statistical techniques like regressions.

It's important to put our court watcher observation data in context. We do not see every case in every section in every hearing on every day. We cannot claim anything about what happened when we were not in court. The observation data that we are reporting comes from the observations that we did see, which are substantial, but not a complete record of everything that happened. If you would like to see more court watch observation data covering more sections, you can sign up to volunteer at volunteers@courtwatchnola.org.

PUBLIC RECORDS REQUESTS

The Louisiana Public Records Act, La. R.S. 44:1-41,⁵⁷ and Article XII, Section 3 of the Louisiana Constitution guarantees free and timely public access to documents and data in possession of the state and its political subdivisions.⁵⁸ In Orleans Parish, the primary custodian of most criminal legal system data is the Orleans Parish Sheriff's Office (OPSO).⁵⁹ The Louisiana Public Records Act stipulates that after the passage of three business days, the custodian shall either turn over the records to the requestor or provide notification and reasoning as to why the records are not being provided.⁶⁰

CWN submits Public Records Requests (PRRs) to the custodians of public information, in particular OPSO. For this report, CWN sent a request to OPSO, the primary custodian of Orleans Parish criminal legal system data, on April 7, 2022. The request was partially fulfilled on May 31 and completed on July 26, seventy-nine business days after the original request and too late to incorporate in this report. It is noteworthy that the original request was submitted to former Sheriff Marlin Gusman's staff. When current Sheriff Susan Hutson took office, her staff immediately notified us that it intended to grant the request, but that it would take time due to the change of administration.

APPENDIX 3

Letter from the Louisiana Supreme Court to New Orleans Criminal District Court re: Interpreter Access



Supreme Court

STATE OF LOUISIANA
Office Of The Judicial Administrator
400 Royal Street, Suite 1190
New Orleans
70130-8101

CHIEF JUSTICE

JOHN L. WEIMER

JUDICIAL ADMINISTRATOR

SANDRA A. VUJNOVICH

TELEPHONE: (504) 310-2540

April 1, 2022

Via United States Mail and
Via Email: Michael.Mule@usdoj.gov
Mr. Michael Mule, Attorney
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Via United States Mail and
Via Email: Renee.Williams3@usdoj.gov
Ms. Renee Williams, Attorney
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Via United States Mail and
Via Email: David.H.Sinkman@usdoj.gov
Mr. David Sinkman, Assistant U.S. Attorney
United States Attorney's Office, Eastern District of Louisiana
650 Poydras St., Ste. 1600
New Orleans, LA 70130

Mr. Mule, Ms. Williams, and Mr. Sinkman,

Please allow this letter to serve as the Louisiana Judiciary's response to the findings of Court Watch New Orleans relative to court interpreters and limited English proficient litigants in Orleans Parish Criminal District Court ("Criminal Court"). After a meeting examining the Court Watch findings, Criminal Court and the Supreme Court endeavor to complete the following steps on or before June 30, 2022:

- (1) The Office of Language Access will conduct a live training for Criminal Court judges and staff on language access, court interpreters, and limited English proficient individuals. The mandatory training will be conducted on multiple dates and times to ensure maximum attendance.
- (2) Criminal Court will work with the Orleans Parish Sheriff's Office to identify LEP defendants housed in the Orleans Parish Justice Center (formerly Orleans Parish Prison) prior to the preliminary hearing. This will include but not be limited to formerly requesting the assistance of the Orleans Parish Sheriff and Sheriff-Elect.

- (3) Criminal Court will notify attorneys via its website of the obligation of attorneys to notify the court if they know that an interpreter is needed. The notification will include the court's interpreter request form. In addition, Criminal Court will post a translated language assistance services notification on its front page similar to the notification on the websites of other district courts.

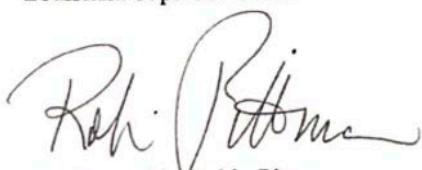
While Criminal Court does not admit or deny the Court Watch findings based on observations from Court Watch volunteers. However, Criminal Court acknowledges the need to improve language assistance services in its court through the implementation of best practices as outlined in the Louisiana Access Plan in Louisiana Courts and as suggested by the Office of Language Access.

If you need further information or have any questions relative to Criminal Court, please feel free to contact the Supreme Court's Language Access Coordinator, Brian Wiggins, at any time.

Sincerely,



Sandra A. Vujnovich
Judicial Administrator
Louisiana Supreme Court



The Honorable Robin Pittman
Chief Judge, Orleans Parish Criminal District Court

cc: The Honorable Piper Griffin, Associate Justice (Via Email Only)
Darrin Browder, Executive Director, Court Watch NOLA (Via Email and U.S. Mail)



APPENDIX 4

Louisiana Crime Victim Reparations Institutions & Funding

LOUISIANA COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF CRIMINAL JUSTICE: CRIME VICTIM REPARATIONS (LCLE-CVR)

- Annual Report FY21: <http://lcle.te-dev.com/wp-content/uploads/2021/10/CVR-Annual-Report-FY-2019.pdf>
- Funding comes from fines & fees levied on criminal court cases, federal grants, and unclaimed gaming prizes (not state appropriated funds)

DEPARTMENT OF JUSTICE OFFICE FOR VICTIMS OF CRIME (OVC)

- The federal OVC has two funds that grant money to support victims of crime in Louisiana.

Fund Name:	Victim Compensation Formula	Victim Assistance Formula
Mechanism	Channels money to victims through LCLE-CVR, essentially enlarging its budget and ability to make awards.	Typically awarded by the State to local community-based organizations that provide direct services to crime victims
Total Fund Size (2021)	\$1,863,000	\$14,643,360
Link	https://ovc.ojp.gov/funding/awards/15povc-21-gg-00430-comp	https://ovc.ojp.gov/funding/awards/15povc-21-gg-00628-assi



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