



METROPOLITAN CRIME COMMISSION

St. Tammany Parish 2014 Judicial Accountability Report

November 2016

Introduction

This is the first in a series of annual reports examining the efficiency of felony case processing in St. Tammany Parish. The goals of this work are to promote accountability in judicial performance as well as transparency, efficiency, and consistency in criminal case processing.

Judicial efficiency is measured by comparing judge’s felony case processing statistics to one another. The judges of the 22nd Judicial District Court (JDC) adopted a random case allotment process to equally distribute cases. Therefore, comparing judges to one another offers a uniform and reliable gauge of the efficiency of each judge's felony case management practices. Although there are 12 judges in the 22nd JDC, this report focuses on the eight members of the judiciary overseeing St. Tammany felony cases.

The Metropolitan Crime Commission (MCC) does not promote efficiency or speed at the expense of fairness and justice. Performance metrics analyzed by the MCC were established by the National Center for State Courts and American Bar Association and are nationally recognized as reliable measures of judicial performance. The MCC’s methodology was validated in a National Center for State Courts audit commissioned by the judiciary of Orleans Parish Criminal District Court.ⁱ

Methodology

This inaugural St. Tammany Judicial Accountability Report looks at how the judges of the 22nd JDC performed in 2014. There are three primary measures that go into judicial efficiency ratings:

1. Felony Caseload: The average number of felony cases open monthly in each division of court.
2. Percent of Felony Cases Open Over One Year: The rate of a judge’s caseload remaining open more than one year.
3. Median Case Processing Time: The median time it takes to close felony cases in each division of court.

The MCC analyzed data from case records provided by the 22nd JDC District Attorney’s (DA’s) Office and Clerk of Court for felony cases initiated in 2013 and 2014 and does not factor any older cases dating to 2012 or earlier. This report benchmarks judicial performance immediately before the 22nd JDC elected a new District Attorney sworn into office in 2015. Focusing on 2014 enables analysis to include backlogged cases from 2013 that remained open for greater than one year.

Overall Judicial Efficiency Rankings

The judiciary of the 22nd JDC has achieved high measures of efficiency in felony case processing, docket size, and the ages of pending cases. The court resolved felony cases in a median of 82 days, and approximately 10% of the court’s pending cases remained open greater than one year.

Exhibit 1 shows the rankings of each member of the judiciary responsible for managing a felony caseload in St. Tammany Parish’s 22nd JDC.

Judge Childress ranks first for having the first or second place rankings in each area of judicial efficiency. Judge Garcia also ranks highly for having the most efficient felony case processing time and the smallest felony caseload.

Judges Swartz, Penzato, Coady, and Buras had performance measures generally in line with the overall court average.

Judge Hand and Judge Knight were the lowest ranked members of the judiciary, primarily for having the largest dockets and the longest case processing times.

Exhibit 1: 2014 Judicial Accountability Rankings

Judge	Ranking
Honorable Raymond S. Childress	1
Honorable Peter J. Garcia	2
Honorable Richard A Swartz, Jr.	3
Honorable Allison H. Penzato	4
Honorable Martin E. Coady	5
Honorable William J. Burris	6
Honorable William J. Knight, Chief Judge	7
Honorable August J. Hand	8

NOTE: The Honorable Scott C. Gardner and the Honorable Reginald T. Badeaux, III served in Washington Parish in 2014 and are not included in analysis

Background

St. Tammany and Washington Parishes comprise the 22nd JDC, which has 12 elected judges. There are 10 judges that process felony cases and two family court judges. The 10 felony case judges also oversee civil cases in both Washington and St. Tammany parishes. Eight judges at a time preside over felony cases in St. Tammany Parish while the other two district court judges handle Washington Parish felony cases. Every two years, the two judges processing felony cases in Washington Parish rotate back into St. Tammany Parish. This report focuses on the eight judges that adjudicate felony cases in St. Tammany Parish. Judge Scott Gardner and Judge Reginald Badeaux, III are not included in this report, because they were processing Washington Parish cases in 2014.

The 22nd JDC’s felony case allotment process implemented by the judiciary randomly assigns calendar dates to each member of the judiciary. Criminal cases for offenses committed on the dates assigned to a judge are allotted to that judge’s division of court. Exception to this allotment process are crimes that took place for greater than one week and St. Tammany and Washington Parish death penalty cases, which are randomly allotted to any of the 10 felony judges. If a defendant has other pending cases, all cases involving that defendant are transferred to the division allotted the most serious charge. Over time, this court-sanctioned allotment process is designed to randomly and fairly distribute similar numbers and types of felony cases to each member of the judiciary.

Beyond their regular case management responsibilities, six of the eight judges processing St. Tammany felony cases voluntarily operate specialty courts. Specialty courts assist defendants in overcoming challenges that contribute to their criminal activity. St. Tammany Parish has the following specialty courts:

- Re-Entry Court – Judge Knight
- Drug Court – Judge Hand and Judge Penzato
- Sobriety (DWI) Court – Judge Swartz
- Family Preservation Court – Judge Burris
- Behavioral Health Court – Judge Garcia

In addition, Judge Coady operates a program in which he counsels St. Tammany Parish inmates approaching completion of their incarceration sentences about community resources available to them and how to successfully complete parole.

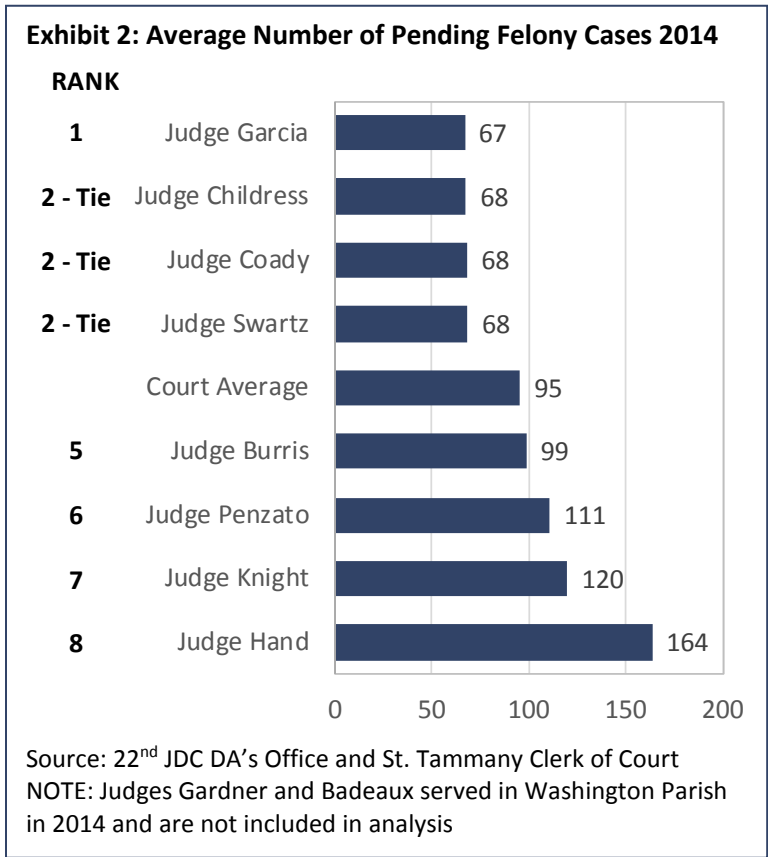
Felony Caseloads

A felony caseload inventory or docket is made up of the open felony cases in a judge’s division of court. Cases are assigned to judges according to a random allotment procedure designed by the court to fairly and equally distribute the workload.

A smaller caseload indicates efficient docket management practices applied by a judge. Conversely, larger caseloads well above the court average indicate less efficiency and greater numbers of unresolved felony cases. **Exhibit 2** shows each judge’s average monthly felony caseload in 2014.

Judges Garcia, Childress, Coady, and Swartz all had felony caseloads well below the court average. These were the four most efficient judges in regard to maintaining the most manageable inventories of pending felony cases.

Judge Burris had an average of 99 pending cases, which was consistent with the court’s overall average caseload. Caseloads for Judge Penzato and Judge Knight were somewhat larger than the court average. Judge Hand had the largest active felony caseload with an average of 164 pending cases.



Percent of Felony Cases Open Over One Year

American Bar Association standards call for all felony cases to close within one year of a defendant’s arrest. In order to focus on the time a case is under a judge’s management, the MCC measures from the date a case is accepted for prosecution to calculate when a case has remained open more than one year. A higher rate of cases remaining open more than one year indicates inefficient judicial management that enables more cases to become backlogged.

Older felony cases commonly involve crimes of violence or career criminals (i.e., habitual offenders). Potential exposure to lengthy penitentiary sentences often requires cases to remain pending until they are fully prepared to go to trial, and it is normal for these cases to take longer to conclude.

Exhibit 3 presents the average monthly percent of each judge’s caseload open more than one year in 2014.ⁱⁱ

Judge Childress led the court with an exceptionally low 5.6% rate of cases remaining open more than one year. Judge Swartz’s 6.5% rate of cases remaining open more than one year was also well below the court average.

Judges Penzato, Garcia, and Hand had rates of backlogged cases equal to or better than the court average.

Judges Knight and Coady had slightly above average rates of cases remaining open more than one year.

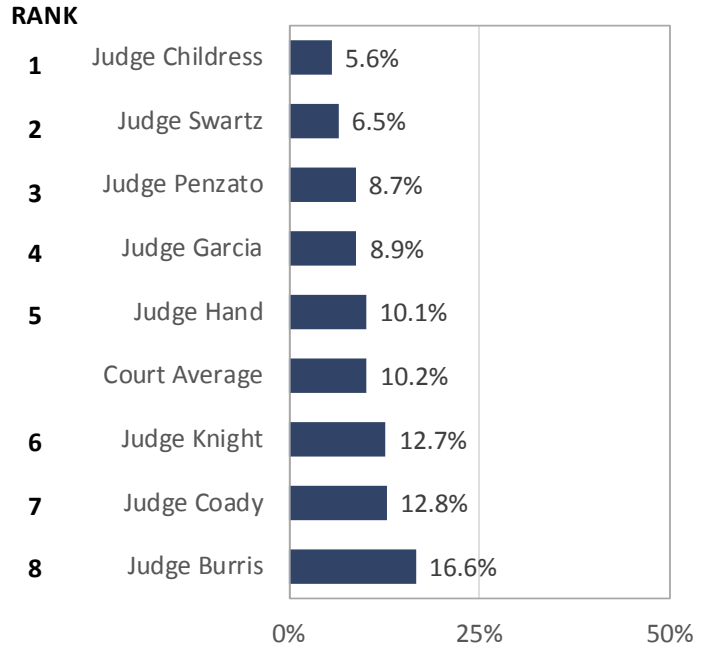
Judge Burris’s 16.6% rate of pending cases remaining open more than one year was the highest rate and substantially above the overall court average.

Case Processing Time

Case processing time is measured as the median number of days from when a case was accepted for prosecution to when the case reached a final disposition of guilty, not guilty, or dismissal. The median is the middle point of all cases that closed with half of cases closing in less time than the median and half closing in more time than the median. Time that defendants failed to appear for court and time that defendants were determined to be mentally incompetent

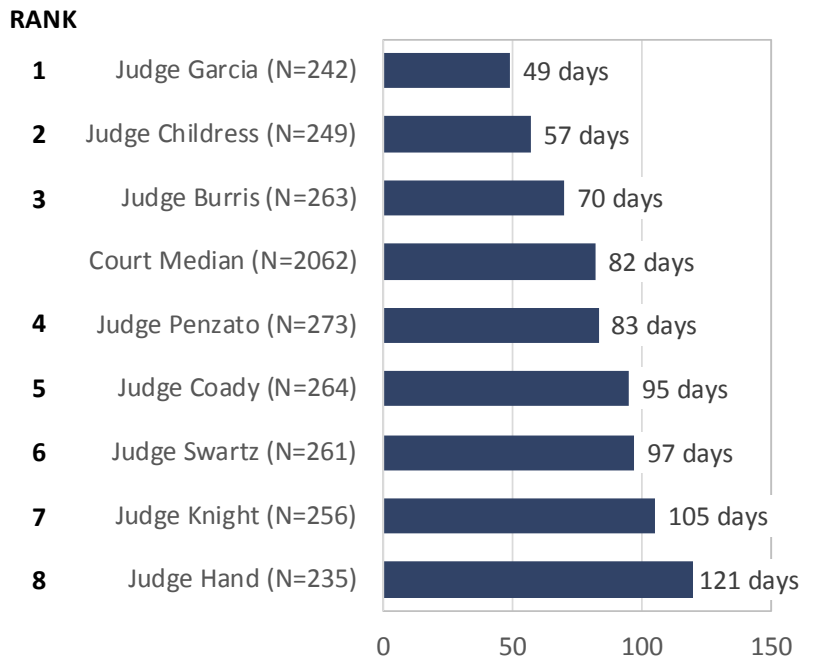
are subtracted from median case processing times. Sixteen percent (16%) of felony cases that closed in 2014 had defendants that failed to appear or were found to be mentally incompetent at some point during the case’s prosecution.

Exhibit 3: Percent of Felony Cases Open Over 1 Year



Source: 22nd JDC DA’s Office and St. Tammany Clerk of Court
 NOTE: Judges Gardner and Badeaux served in Washington Parish in 2014 and are not included in analysis

Exhibit 4: Median Case Processing Times



Source: 22nd JDC DA’s Office and St. Tammany Clerk of Court
 NOTE: Judges Gardner and Badeaux served in Washington Parish in 2014 and are not included in analysis.

The rate of defendants that failed to appear or were declared mentally incompetent was generally consistent across all divisions of court.ⁱⁱⁱ

Exhibit 4 (on the previous page) shows the median felony case processing times for each judge for cases that closed in 2014. These case processing times do not include cases in which the DA’s Office put a prosecution on hold so that a defendant could participate in the diversion program.

As a whole, the 22nd JDC judiciary processed cases very efficiently. The court’s overall median case processing time of 82 days means that felony cases typically took less than three months to resolve once they were accepted for prosecution by the DA’s Office.

Three judges had case processing times that were well below the median. Judge Garcia’s 49-day case processing time was the most efficient in the court, and Judge Childress’s 57-day case processing time was very similar. Judge Burris had a felony case processing time of 70 days, which is two weeks shorter than the court median.

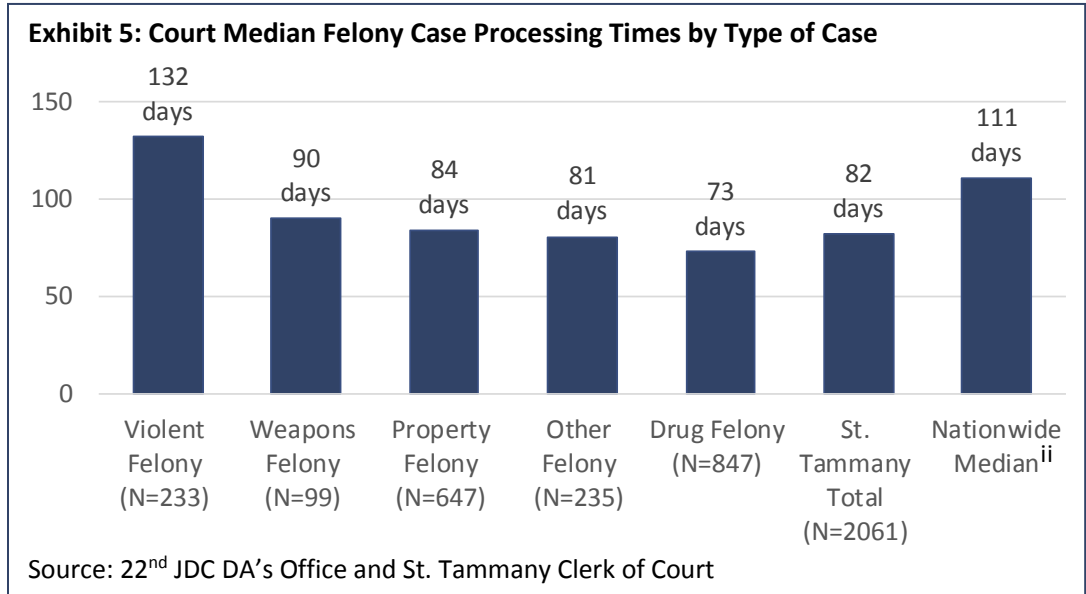
Judge Penzato’s 83-day case processing time was close to the overall median and should be considered normal for the court. Judges Coady and Swartz had case processing times within two weeks of the court’s overall median, while Judge Knight was behind the court median by 23 days.

Judge Hand’s case processing time of 121 days was more than a month longer than the court average and more than twice as long as the two most efficient members of the judiciary.

Each division of court closed a similar number of cases. The court as a whole averaged 256 closed felony cases per division in 2014, and the number of closed cases had a narrow range from a low of 235 to a high of 273.

Exhibit 5 documents the court median case processing times for each type of case.^{iv}

Violent felonies had the longest case processing time of 130 days. Defendants prosecuted for violent felony crimes commonly face lengthy penitentiary sentences, and it is normal for these cases to take the longest time to conclude. Weapons felonies can also carry lengthy incarceration sentences and had the second longest median case processing time of 96 days.



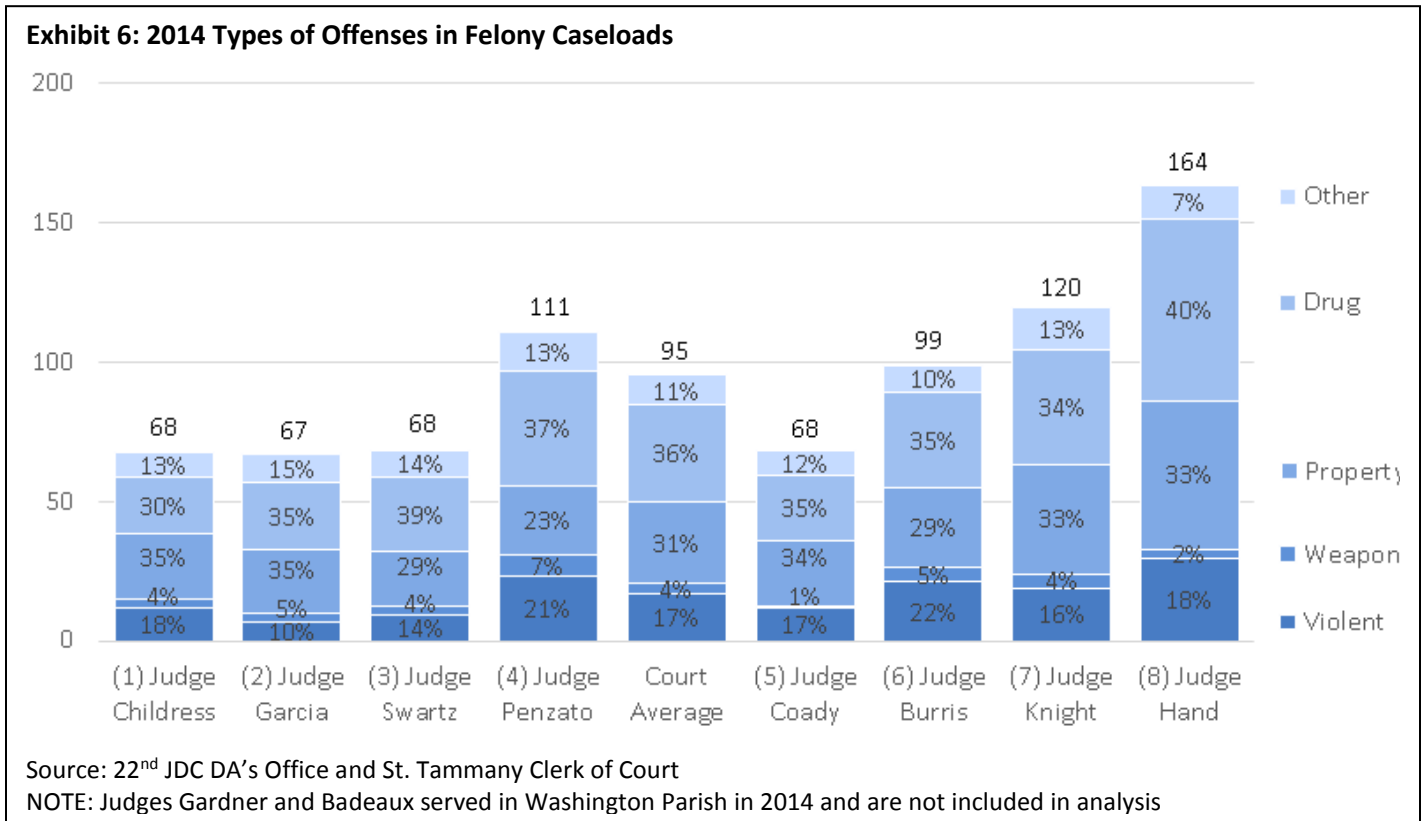
Drug felonies had the shortest case processing time of 73 days. Property and other felonies had similar median case processing times of 83 days and 81 days, respectively. Other felony cases include offenses such as failure to register as a sex offender and third offense DWI.

Felony cases in St. Tammany Parish appear to be processed with similar or better efficiency than what is found in nationwide statistics. The Bureau of Justice Statistics’ most recent nationwide analysis of felony case processing in large jurisdictions found a median felony case processing time of 111 days from the time of arrest to disposition.^v The nationwide arrest to disposition timeframe includes time before a case is under the purview of the judiciary when the DA’s Office receives evidence from police and then makes a decision on whether or not to prosecute. The MCC’s focus on the time that a case is under a judge’s supervision does not enable an exact comparison to nationwide statistics. However, the St. Tammany 82-day processing time is 29 days shorter than the 111-day nationwide processing time, which suggests that 22nd JDC judges have achieved high efficiency measures compared to other courts nationally.

Types of Offenses in Felony Caseloads

The types of cases pending before a judge often impact several judicial efficiency measures. As discussed above, violent and weapons felonies had longer case processing times (see Exhibit 5), and a higher rate of these more time-consuming cases could result in a larger caseload and more cases remaining open for over one year. Conversely, caseloads with high rates of more quickly resolved drug cases could have shorter case processing times, fewer cases remaining open for more than one year, and an overall smaller caseload.

In order to examine the potential impact that rates of more serious cases has upon overall judicial efficiency rankings, **Exhibit 6** shows each judges’ 2014 average monthly caseload broken down by types of cases. Judges are presented in the order of their overall 2014 judicial efficiency rankings (which are shown in parentheses).



The proportion of different types of cases was largely consistent across judges’ caseloads. In particular, violent felony cases, which take the longest to conclude, made up 17% of the court’s overall caseload, and most judges maintained a ratio of violent felonies that was close to the court average.

The three most efficient judges had the lowest caseloads, but the breakdown of different types of cases in their caseloads was generally consistent with the overall court average. The case management practices in these three divisions of court were balanced with respect to maintaining small and current caseloads while ensuring that all types of felony cases were processed with appropriate efficiency.

The two lowest ranked judges had the largest inventories of pending cases and the most lengthy case processing times in the court. Yet, they did not have a higher rate of more time consuming violent and weapons felony cases. The normal rates of violent and weapons cases in these divisions of court indicates that case management practices are allowing the dockets in these divisions to become larger, have higher rates of pending cases remaining open for more than one year, and have higher median case processing times than their peers across the court.

Conclusions and Recommendations

The MCC commends the judiciary of the 22nd JDC for collectively achieving high case processing efficiency and maintaining small and current felony caseloads. The court has a median case processing time from case acceptance to disposition of 82 days, less than three months. Further evidence of effective case processing is seen in the moderate 10.2% rate of active pending cases that were open for greater than one year. The St. Tammany 22nd JDC applies sound and efficient case management practices that help cases progress through the criminal justice system at a pace that is consistent with or better than courts nationwide.

As a whole, the judiciary efficiently processes felony cases, allows relatively few felony cases to remain pending for greater than a year, and maintains moderate pending case dockets. However, some divisions of court allow caseloads to grow to more than twice the size of more efficient judges and enable cases to remain open more than twice as long as they would in other divisions of court, which suggests there are some disparities in case management practices across divisions of court.

Inefficient case management has a broad and negative impact that can be burdensome and costly. Victims and defendants may be compelled to wait more than twice as long for a case to be resolved based solely upon the division of court that was randomly allotted their case. Police, prosecutors, public defenders, and defense attorneys may be compelled to repeatedly prepare for court appearances in divisions of court that do not efficiently resolve felony cases. The Sheriff's Office must house defendants held in custody for longer periods of time at great expense due to inefficient felony case processing.

The MCC respectfully encourages the entire judiciary to work together to establish unified case management practices that will ensure equivalent efficiency in all felony case processing. Although the court as a whole is functioning effectively and efficiently, greater efficiency attained by the majority of the court exemplifies the opportunity for improvement in some divisions. Case processing efficiency can be improved through routine monitoring of pending case inventories, establishing firm continuance policies, and creating a courtroom culture that emphasizes case processing efficiency while upholding individual rights and due process.

Sponsors

The Metropolitan Crime Commission expresses its deep appreciation for the Northshore Business Council who commissioned this series of reports about the 22nd JDC and the entire St. Tammany criminal justice system. Support from the Northshore Business Council was integral in garnering the support of criminal justice agencies whose assistance, participation, and cooperation made this work possible.

Acknowledgements

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ⁱ "Judicial Efficiency, Accountability and Case Allotment in the Criminal District Court of Orleans Parish, Louisiana," National Center for State Courts, January 27, 2011 (accessible at the MCC website: www.metrocrime.org)

ⁱⁱ For a breakdown of the percentage of cases open more than one year by type of case, see Supplemental Exhibit I at www.metrocrime.org

ⁱⁱⁱ For a breakdown of the percentage of cases that closed in 2014 that had defendants fail to appear or be declared mentally incompetent by section of court, see Supplemental Exhibit II at www.metrocrime.org

^{iv} For case processing times by type of offense for each judge, see Supplemental Exhibit III at www.metrocrime.org

^v "Felony Defendants in Large Urban Counties, 2009 – Statistical Tables," Bureau of Justice Statistics, December 2013; page 23, <http://www.bjs.gov/content/pub/pdf/fdluc09.pdf>