



METROPOLITAN CRIME COMMISSION

St. Tammany Parish 2017 Judicial Accountability Report

January 2019

Introduction

This is the second in a series of reports examining St. Tammany Parish judicial felony case processing efficiency. 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 judges' felony case processing statistics to one another. The judges of the 22nd Judicial District Court (JDC) adopted a random case allotment process designed to fairly distribute similar numbers and types of felony cases to each judge. Therefore, comparing judges to one another offers a uniform and reliable gauge of each judge's felony case management practices.

St. Tammany and Washington Parishes comprise the 22nd JDC. Eight judges at a time preside over felony cases in St. Tammany Parish while two other judges handle Washington Parish felony cases. Every two years, the two judges presiding over felony cases in Washington Parish rotate back into St. Tammany Parish. Judges going to Washington parish adopt one of the two caseloads there, and Judges coming into St. Tammany Parish receive a caseload from a judge that is heading to Washington Parish. This report focuses on the eight judges that adjudicate felony cases in St. Tammany Parish. In 2017, Judge Martin E. Coady received the St. Tammany caseload of Judge Allison H. Penzato who transitioned to Washington Parish and was later elected to the Fourth Circuit Court of Appeals. Judge William J. Knight moved to Washington Parish in 2017, and Judge Richard A. Swartz, Jr. received his St. Tammany caseload. Judge William J. Burris retired at the end of 2017.

All eight judges in St. Tammany voluntarily operate specialty courts that assist defendants in overcoming challenges that contribute to their criminal activity.¹

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 (NCSC) and American Bar Association and are nationally recognized as reliable measures of judicial performance. The MCC's methodology has been validated in a NCSC audit commissioned by the judiciary of Orleans Parish Criminal District Court.²

Methodology

This St. Tammany Parish Judicial Accountability Report ranks judicial efficiency in 2017 and reviews overall court performance in 2017 compared to 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 a year.
3. Median Case Processing Time: The median time it takes to close felony cases in each division of court.

For 2017 judicial efficiency measures, 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 2016 and 2017 and does not factor any older cases. The comparison to 2014 outcomes applies the same approach of examining only cases initiated in 2013 and 2014 to show how case processing has changed.

Summary

Felony case processing slowed from 2014 to 2017 as the criminal justice system focused on violent and weapons felonies. From 2014 to 2017, average numbers of pending cases went up by 26 cases and median times to bring cases to conclusion went up 30 days. At the same time, violent and weapons felony cases increased from making up 21% of pending cases in 2014 to 30% of 2017 pending cases.

Differing levels of efficiency result in it taking longer to bring cases to conclusion, higher rates of backlogged cases, and larger number of pending cases before less efficient members of the judiciary.

Overall Judicial Efficiency Rankings

Exhibit 1 shows the 2014 and 2017 judicial efficiency rankings of each judge managing felony caseloads in St. Tammany Parish.

Judge Garcia had the highest judicial efficiency ranking in 2017 after ranking second in 2014. Judges Coady, Gardner, and Swartz rounded out the top four and were above the court average in most areas.

Judge Badeaux and Childress ranked fifth and sixth, respectively, due to being below the court average for most efficiency measures.

Judges Burris and Hand were the lowest ranked members of the judiciary in 2017 after being among the lowest ranked members in 2014. They were in the bottom three for each judicial efficiency measure.

Exhibit 1: St. Tammany Judicial Accountability Rankings

Judge	2014	2017
Honorable Peter J. Garcia	2	1
Honorable Martin E. Coady	5	2
Honorable Scott Gardner*	W.P.	3
Honorable Richard A. Swartz, Jr.	3	4
Honorable Raymond S. Childress	1	5
Honorable Reginald T. Badeaux, III*	W.P.	6
Honorable William J. Burris	6	Tie - 7
Honorable August J. Hand	8	Tie - 7
Honorable William J. Knight*	7	W.P.
Honorable Allison H. Penzato*	4	W.P.

*Judges listed as "W.P." were serving in Washington Parish in 2014 or 2017 and do not have results included in analysis

Felony Caseloads

A felony caseload inventory or docket is made up of the open felony cases in a judge’s division of court. A smaller caseload indicates efficient docket management practices applied by a judge. Conversely, larger caseloads well above the court average indicate less efficiency. **Exhibit 2** shows each judge’s average monthly felony caseload in 2017.

Judges Coady, Gardner, and Garcia had the most efficient average felony caseloads of fewer than 100 cases that were well below the court average. Judge Swartz had an average of 112 pending cases, which was also below the court average.

Judge Badeaux and Judge Burris had above average caseloads of 134 and 139 cases, respectively.

The judges with the largest caseloads and lowest efficiency measures in this area were Judge Childress and Judge Hand.

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.

Exhibit 3 shows the average monthly percent of each judge’s caseload open more than one year in 2017.

Judges Garcia, Childress, and Swartz stand out for exceptionally low rates of backlogged cases. Each of these judges had fewer than 3% of their caseloads open for greater than one year.

Judge Gardner’s 4.0% rate of pending cases open more than one year was consistent with the court’s overall 4.1% average.

The percentages of open cases that were more than one year old were fairly consistent across the remaining divisions of court. Judges Coady, Badeaux, Hand, and Burris had between 4.8% and 5.6% of their pending cases remaining open more than one year.

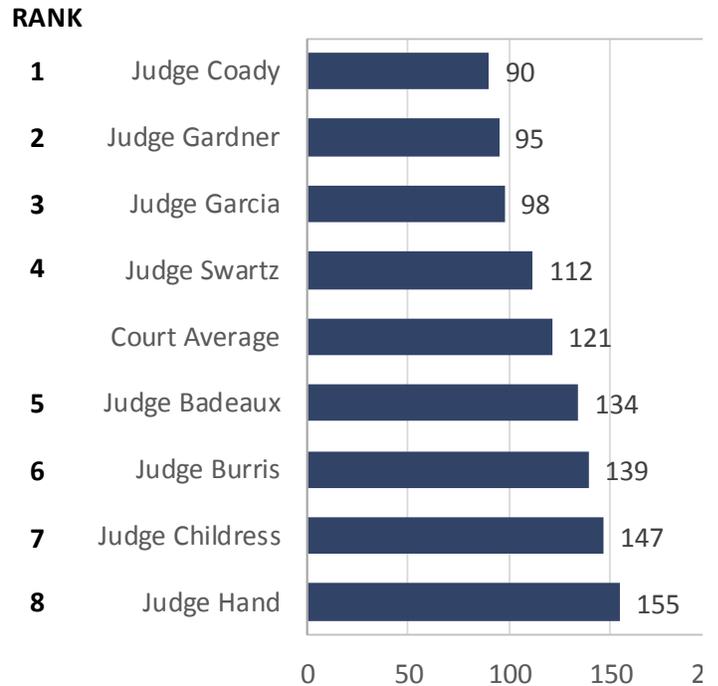
Case Processing Time

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.

Exhibit 4 shows the median felony case processing times for each judge for cases that closed in 2017. The numbers of cases closing before each judge are shown in parentheses.

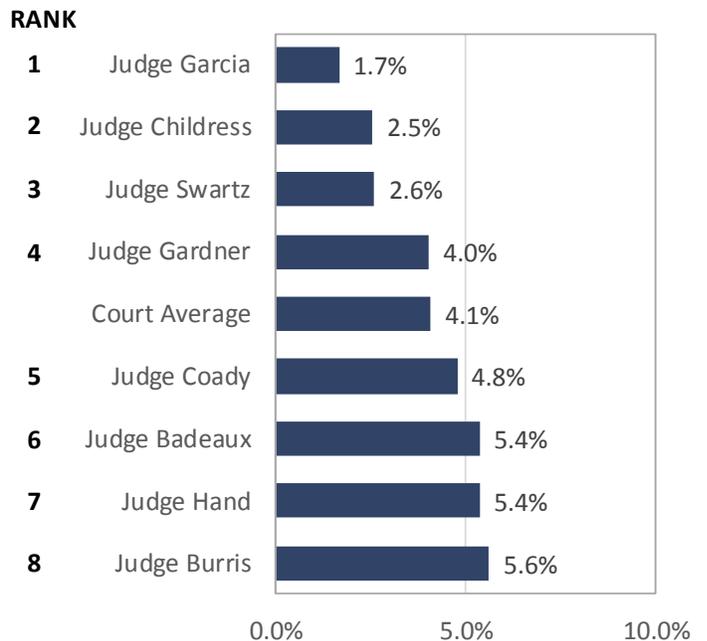
Median case processing times had a 41-day range from a low of 98 days to a high of 139 days. The court’s overall median of 112 days equals 16 weeks for felony cases to close in St. Tammany Parish during 2017.

Exhibit 2: 2017 Average Number of Pending Felony Cases



Source: 22nd JDC DA’s Office and St. Tammany Clerk of Court
 NOTE: Judges Penzato and Knight served in Washington Parish in 2017 and are not included in analysis.

Exhibit 3: Percent of Felony Cases Open Over 1 Year 2017



Source: 22nd JDC DA’s Office and St. Tammany Clerk of Court
 NOTE: Judges Penzato and Knight served in Washington Parish in 2017 and are not included in analysis.

Judges Coady and Garcia had the most efficient case processing times, and Judges Gardner and Swartz were slightly better than the court average.

Cases took approximately two weeks above the court's average to close in divisions of court presided over by Judges Badeaux and Childress.

Judge Hand's case processing time of 131 days was almost three weeks longer than the court average.

Judge Burris had the least efficient case processing time of 139 days, 27 days above the court's average.

2014-2017 Judicial Efficiency Changes

Exhibit 5 compares the average pending caseload in 2014 to 2017 and shows the types of charges in open felony cases.

Pending caseloads grew by 27% or 26 cases from an average of 95 cases in 2014 to an average of 121 pending cases in 2017.

There was a notable increase in the rates of violent and weapons felony cases, which made up 21% of pending caseloads in 2014 compared to 30% of pending caseloads in 2017. Violent and weapons offenses commonly take longer than other charges to close, because the severity of penalty often causes these cases to remain open until they are scheduled for trial.

"Other" felonies also showed increases from 2014 to 2017. "Other" felonies include a range of charges such as possession of child pornography, felony driving while intoxicated, and failure to register as a sex offender.

There were similar numbers of drug and property crimes in 2014 and 2017, but they made up smaller portions of open caseloads due to increases in other types of cases.

Exhibit 6 shows median felony case processing times of cases that closed in 2014 and 2017 broken down by the most serious offense. Processing times increased for every type of charge.

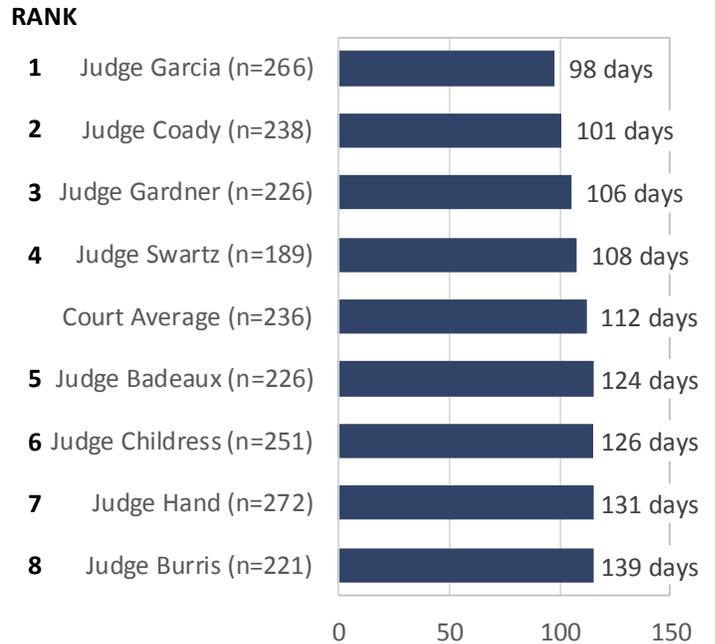
In total, there was a 30-day increase in felony case processing from a median of 82 days in 2014 to 112 days in 2017. Higher rates of violent and weapons felonies contribute to the increase in case processing times.

The biggest increases in case processing times were seen with "Other" offenses which increased by 44 days and drug felonies which increased by 37 days. In 2014, "Other" and drug felonies had the lowest case processing times but increased to take as long as most other charges in 2017.

Processing violent, weapons, and property felonies had lesser increases and took 18 to 21 days longer to close in 2017 compared to 2014.

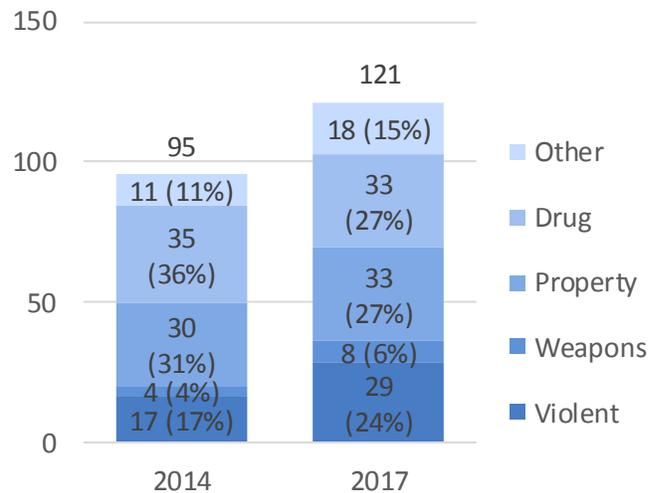
The court improved the rates of pending cases remaining open greater than one year. In 2014, an average of 10.2% of open felony cases had been open greater than one year, which significantly improved to 4.1% of 2017 open felony cases more than one year old. The improvement in this area shows that judges prioritized older cases although inventories increased and it took longer to bring cases to conclusion.

Exhibit 4: Median Case Processing Times 2017



Source: 22nd JDC DA's Office and St. Tammany Clerk of Court
 NOTE: Judges Penzato and Knight served in Washington Parish in 2017 and are not included in analysis. 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

Exhibit 5: 2014 and 2017 Average Number of Pending Felony Cases per Division



Source: 22nd JDC DA's Office and St. Tammany Clerk of Court

Exhibit 6: 2014 and 2017 Court Median Felony Case Processing Times by Type of Case

Type of Case	2014	2017	Difference
Violent	132 days	150 days	+18 days
Weapons	90 days	109 days	+19 days
Property	84 days	105 days	+21 days
Drug	73 days	110 days	+37 days
Other	81 days	125 days	+44 days
Total	82 days	112 days	+30 days

Source: 22nd JDC DA's Office and St. Tammany Clerk of Court

Conclusions and Recommendations

Felony case processing is slowing as police and prosecutors focus on more serious felony offenders. Violent and weapons charges made up 20% of felony arrests in 2014 and grew to account for 24% of 2017 felony arrests.³ At the same time, violent and weapons felony cases increased from making up 21% of 2014 pending felony caseloads to making up 30% of 2017 pending felony caseloads.

Violent and weapons felony convictions generate the harshest sentences imposed by the criminal justice system and often take longer to conclude than other types of cases. Defendants are reluctant to plead guilty to sentences of years in the penitentiary, resulting in additional time for prosecutors and defense counsel to reach plea agreements or bring cases to trial.

The rise in more serious violent and weapons felonies contributed to lesser efficiency shown through increases in the time it takes to bring cases to conclusion and the average number of pending cases. Cases took a median of 16 weeks to conclude in 2017, which is a four-week increase from the approximate 12-week median case processing time in 2014. As cases took longer to conclude, pending caseloads grew by an average of 27% from 95 per division in 2014 to 121 in 2017.

St. Tammany felony cases processed in 2017 were somewhat less efficient than is seen nationwide. The Bureau of Justice Statistics' most recent nationwide analysis of felony case processing found a median felony case processing time of 111 days from the time of arrest to disposition.⁴ 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 to prosecute. The MCC measures judicial efficiency from the time of allotment to disposition to focus on when a case is under a judge's supervision. The St. Tammany 2017 112-day median case processing time marginally exceeds nationwide statistics by one day but does not include the time from arrest to allotment included in the nationwide benchmark.

The MCC respectfully recommends that the St. Tammany court of the 22nd JDC consider increasing the number of days that cases can be scheduled for trial. Presently, the court devotes one week per month for criminal trials, which limits opportunities for trial and contributes to delays in case processing. Days for civil cases in which there are no scheduled trials could be used for criminal cases and increase the number of available days to resolve felonies. Assigning more criminal trial days per month would likely result in decreased inventories of pending criminal cases and improve court efficiency.

Fluctuations in judicial efficiency measured across divisions of court indicate varying levels of judicial performance. Compared to the two least efficient divisions of court, the two most efficient divisions of court averaged over 50 fewer pending cases and had less than half the rates of pending cases that remained open greater than one year. The allotment process adopted by the judiciary is designed to fairly and equitably distribute cases throughout the court, which should result in equal caseloads from each division in the court. The differences in measures of case processing efficiency are a reflection of the case management practices employed by each judge.

Inefficient case management has broad and negative impacts that can be burdensome and costly. Victims and defendants may be forced to wait excessively for a case to be resolved based solely upon the division of court that was randomly allotted their cases. 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 taxpayer expense due to inefficient felony case processing.

The MCC continues to respectfully encourage the entire judiciary to work together to establish unified case management practices that will ensure consistent efficiency in all felony case processing and address the recent court-wide decrease in efficiency. Greater efficiency attained in some divisions of court and higher efficiency documented in prior years' analyses demonstrate the opportunity for improvement. Case processing efficiency can be improved through routine monitoring of pending case inventories, establishing rational continuance policies, and creating a courtroom culture that emphasizes case processing efficiency while upholding individual rights and due process.

Acknowledgements

The Metropolitan Crime Commission expresses its deep appreciation to Scott Delacroix and Bruce Wainer and the entire Northshore Business Council whose sponsorship and support made this research possible.

The MCC gratefully acknowledges the cooperation and assistance of the District Attorney's Office for the 22nd Judicial District, the St. Tammany Parish Sheriff's Office, the Slidell Police Department, the Covington Police Department, and the St. Tammany Clerk of Court's Office. This report was written and compiled by MCC President Rafael Goyeneche and Research Director John Humphries. We also thank MCC board member Roger Peck, Senior Research Analyst Jacques Detiege, Research Associate Steve Mumford, and Research Assistants Olivia Kacsits and Ellen Upton.

¹ For additional information on specialty courts and individual judge performance, see Supplemental Exhibit I at www.metrocrime.org

² 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)

³ "St. Tammany Criminal Justice Accountability Project - 2016-2017 Arrests and Felony Case Outcomes (November 2016)" Metropolitan Crime Commission, 11/14/2018, www.metrocrime.org

⁴ "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>