



# CALCASIEU PARISH CRIMINAL JUSTICE ACCOUNTABILITY PROJECT

## JUDICIAL ACCOUNTABILITY REPORT

Felony Case Processing in  
Louisiana's 14<sup>th</sup> Judicial District  
OCTOBER 2021

**TABLE OF CONTENTS**

Introduction.....	3
Exhibit 1: 2015-2017 Judicial Efficiency Rankings.....	3
Summary of Findings.....	3
Background .....	4
Methodology .....	5
Acknowledgements .....	5
Felony Case Inventories .....	6
Exhibit 2: 2016-2017 Average Felony Case Inventory for the 14th Judicial District by Offense Category.....	6
Exhibit 3: 2016-2017 Average Caseloads by Judge .....	6
Exhibit 4: 2016-2017 14th Judicial District Percent of Felony Cases Open More than 1 Year by Most Serious Charge .....	7
Exhibit 5: 2016-2017 Percent of Felony Cases Pending More than 1 Year by Judge.....	7
Case Processing Time.....	8
Exhibit 6: 2015-2017 Median Felony Case Processing Times for the 14th Judicial District by Most Serious Charge .....	8
Exhibit 7: 2015-2017 Median Felony Case Processing Times by Whether Defendants were in Custody or Released on Bond.....	8
Exhibit 8: 2015-2017 Median Felony Case Processing Times by Judge .....	9
Overall Judicial Efficiency Rankings .....	10
Exhibit 9: 2015-2017 Judicial Efficiency Rankings.....	10
Conclusions and Recommendations.....	11
Appendix I: Calcasieu Parish Felony Arrests Compared to Average Felony Case Inventory of Pending Cases.....	15
Appendix II: Statistics for Division B – The Honorable Clayton Davis .....	16
Appendix III: Statistics for Division C – The Honorable Guy E. Bradberry .....	17
Appendix IV: Statistics for Division D – The Honorable Robert L. Wyatt .....	18
Appendix V: Statistics for Division E – The Honorable David Ritchie.....	19
Appendix VI: Statistics for Division F – The Honorable Sharon Wilson .....	20
Appendix VII: Statistics for Division G – The Honorable G. Michael Canaday .....	21
Appendix VIII: Statistics for Division H – The Honorable Ronald F. Ware .....	22

## Introduction

This is the first in a series of reports examining the efficiency of felony case processing in Louisiana's 14th Judicial District Court (JDC) where all Calcasieu Parish felonies are prosecuted. The goals of this work are to promote accountability in judicial performance as well as transparency, efficiency, and consistency in criminal case processing.

For the purpose of this report, judicial efficiency is measured by comparing judges' felony case processing statistics to one another. Although there are nine judges in the 14th JDC, this report focuses only upon the seven members of the judiciary that oversee Calcasieu criminal felony caseloads. The Calcasieu Parish judges of the 14th 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.

The Metropolitan Crime Commission (MCC) does not advocate greater efficiency or speed at the expense of fairness and justice. The performance metrics applied and analyzed herein by the MCC are reliable and nationally recognized measures of judicial performance established by the National Center for State Courts and American Bar Association.<sup>1 2</sup>

There are three primary measures that go into judicial efficiency ratings:

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

The random case allotment system adopted by the court is designed to generate caseloads that are similar in size, complexity, and age for each judge, and cases should take similar time to process before each member of the judiciary. Therefore, any variability in caseload statistics among judges indicates greater or lesser efficiency in judicial case management practices.

## Summary of Findings

**Exhibit 1** shows the overall composite judicial efficiency ranking in each of the three assessment areas for each judge with a felony caseload in Calcasieu Parish. These overall rankings combine caseload size, percentage of open cases that have been open for more than one year, and median time that it took for cases to close before each judge.

The judges divide into three levels of efficiency. Judges Canaday and Davis are top ranked because they have the top two efficiency rankings in each of the three performance areas outlined above.

### Exhibit 1: 2015-2017 Judicial Efficiency Rankings

Judge	Rank
Honorable G. Michael Canaday	1st
Honorable Clayton Davis	2nd
Honorable Guy Bradberry	3rd - Tie
Honorable Sharon Darville Wilson	3rd - Tie
Honorable David A. Ritchie	4th
Honorable Robert L. Wyatt	5th
Honorable Ronald F. Ware	6th

Source: Calcasieu Parish Sheriff's Office, 14<sup>th</sup> Judicial District DA's Office, Calcasieu Parish Clerk of Court

Judges Bradberry, Ritchie, and Wilson fall within a "middle" tier of performance and represent what is normal or average felony case processing efficiency in Calcasieu Parish.

Judges Wyatt and Ware are the least efficient judges across all three performance areas and have the largest and oldest caseloads, and felony cases in their divisions of court take the longest to close.

<sup>1</sup> "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](http://www.metrocrime.org))

<sup>2</sup> Speedy Trial and Timely Resolution of Criminal Cases, The American Bar Association, April 2006, [http://www.americanbar.org/content/dam/aba/publications/criminal\\_justice\\_standards/speedy\\_trial.pdf](http://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/speedy_trial.pdf)

## **Background**

The Metropolitan Crime Commission (MCC) is a non-profit organization whose mission is deterring public corruption and improving the administration of justice in order to improve the quality of life for the citizens of Louisiana. The MCC was contracted by the Marshall Heritage Foundation to examine the performance of the Calcasieu Parish criminal justice system.

The judiciary of Louisiana's 14th Judicial District has nine divisions with seven judges that preside over felony criminal cases, as well as two judges with family and juvenile court caseloads who do not preside over adult felony cases and are therefore not included in MCC analyses. Cases are assigned to judges according to a random allotment procedure designed by the court to fairly and equally distribute the workload. When a defendant with an open pending case is arrested for a new offense other than a homicide, the new case is assigned to the division of court that already has an open case for that defendant.<sup>3</sup>

Each of the judges with a felony criminal caseload also has a separate caseload of civil cases. The MCC's focus is on criminal justice system performance, and analyses do not include civil cases or the efficiency with which judges manage their civil case dockets.

The court has several specialty courts in which defendants are monitored closely by the judiciary to help them overcome behavioral challenges that contributed to criminal behaviors. Specifically, there is a Drug Court, a DWI Court, a Veteran's Treatment Court, and a Mental Health Court. These specialty courts are operated by judges in addition to their felony criminal and civil caseloads.

Two judges retired in 2020, and their replacements were elected in November 2020. Judge Derrick Kee was elected to replace Judge Sharon Wilson in Division F, and Judge Kendrick Guidry was elected to replace Judge Ronald Ware in Division H.

The court of Louisiana's 14th Judicial District is supported by an independently elected Clerk of Court. The Clerk of Court is the official custodian of court records and fulfills several other crucial governmental functions such as maintaining civil records (e.g., mortgages, divorces, successions) and managing elections.

The District Attorney's Office for Louisiana's 14th Judicial District (DA's Office) prosecutes felony cases in Calcasieu Parish before the judiciary. In addition to prosecuting cases, the DA's Office runs a Pre-Trial Diversion Program which allows first-time, non-violent offenders to participate in community service, substance abuse treatment, life skills courses, anger management classes, and other services in lieu of being prosecuted. Participants are eligible to have their charges dismissed or refused once they have successfully completed the program. Cases in which a defendant participates in the Pre-Trial Diversion Program are excluded from calculations of judges' efficiency statistics because participation in the program removes a felony case from the control of a judge.

The Calcasieu Parish criminal justice system is composed of seven different policing agencies, which include the Calcasieu Parish Sheriff's Office (CPSO), DeQuincy Police Department, Iowa Police Department, Lake Charles Police Department, Sulphur Police Department, Vinton Police Department, and Westlake Police Department. The subject matter of this analysis is felony arrests by each of the seven police agencies that have been accepted for prosecution and allotted to a division of court for adjudication.

The MCC received data from the CPSO, the Calcasieu Parish Clerk of Court, and the DA's Office for arrests from 2015 through 2017 that was then compiled and analyzed to generate the findings presented herein. Felony case outcomes are based on case statuses as of April 15, 2019, when the MCC received data from the Clerk of Court.

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<sup>3</sup> Court rules for 14<sup>th</sup> Judicial District Court, Parish of Calcasieu

The judiciary for the 14<sup>th</sup> Judicial District was provided with advance drafts of this report for their commentary and feedback prior to the public release of the MCC's research findings.

The finalization and public release of this report was delayed by the COVID-19 pandemic, as well as by Hurricanes Laura and Delta, which struck Lake Charles on August 27, 2020 and October 9, 2020, respectively. These two hurricanes caused extensive and widespread destruction that will require years of recovery.

## **Methodology**

Data analysis included examination of case records provided by the 14th JDC District Attorney's (DA's) Office and records for arrests and cases initiated in 2015, 2016, and 2017 were provided by the Calcasieu Parish Clerk of Court. The Clerk's data does not include older cases (i.e., 2014 or earlier). The MCC coded and combined data from the DA's Office and Clerk of Court then conducted supplemental reviews of case records to confirm the accuracy of the data provided.

The DA's Office provided a list of participants in the Pre-Trial Diversion Program that were excluded from analysis of judges' case processing efficiency because these cases are managed outside of a judge's control.

The metrics examined in this report document how each judge managed his or her felony case docket beginning in 2015. The average monthly caseloads and percent of cases open longer than one year are based on 2016 and 2017 dockets of open cases from cases accepted from 2015 through 2017. Cases from 2015 were not included in statistics for caseload size or rates of cases open more than one year in order to allow caseloads to build for at least one year *prior* to the calculation of case statistics in 2016 and 2017. The 2016 and 2017 median case processing times include felony cases that began from 2015 through 2017 and concluded in April 2019 when the Clerk of Court ran the data and provided it to the MCC. Some cases from prior to 2015 remained pending in the court when the study began but are not included in the statistics presented herein because there was not a reliable way to identify and analyze these older cases. The data examined in this report provides a reliable and consistent way of assessing how the entire court performed, as well as a comparison of case processing efficiency for each judge.

The MCC's methodology applies nationally-recognized performance metrics which focus on open felony cases, the percent of pending cases open more than one year, and median case processing times. The MCC's methodology was validated in a National Center for State Courts audit that was commissioned by the judiciary of Orleans Parish Criminal District Court.<sup>4</sup>

## **Acknowledgements**

The MCC expresses its utmost gratitude and appreciation to Calcasieu Parish Sheriff Tony Mancuso, District Attorney for the 14<sup>th</sup> Judicial District John DeRosier, Calcasieu Parish Clerk of Court Lynn Jones, and the Judiciary of the 14<sup>th</sup> Judicial District for providing access to the information necessary to complete this research, as well as the consultation and feedback necessary to better understand the operations of the Calcasieu Parish criminal justice system. The MCC additionally thanks the Marshall Heritage Foundation for their support of this research, their commitment to accountability, transparency, and improving the performance of the criminal justice system, and their ongoing efforts to promote community safety in Calcasieu Parish.

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<sup>4</sup> "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](http://www.metrocrime.org))

## Felony Case Inventories

A felony caseload inventory or docket is made up of all open felony cases in a judge's division of court.

**Exhibit 2** shows the average pending felony caseload in Calcasieu Parish broken down by the most serious charge. The court's average is 381 pending felony cases per month in each division. Felony drug charges are most common and make up 37% of open cases. Felony property crimes are second most common offense category making up 26% of pending cases.

The breakdown of pending cases is consistent with felony arrests in Calcasieu Parish. For example, 36% of 2015-2017 felony arrests were for drug crimes and 28% were for property crimes. (See **Appendix I** for a comparison of felony arrests and felony caseloads)

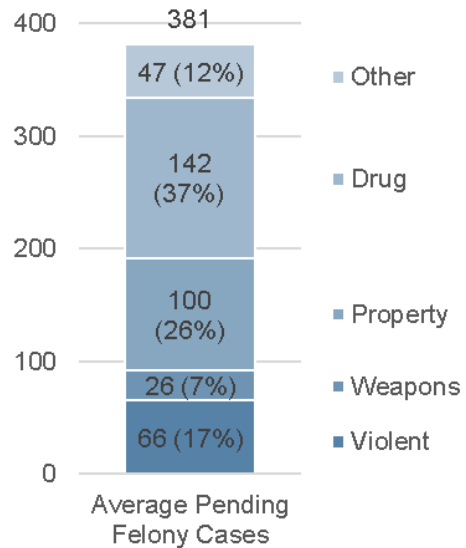
The allotment process approved by the 14<sup>th</sup> Judicial District Court randomly, equally, and fairly distributes cases to judges, therefore a smaller caseload is a reliable indicator of more efficient docket management practices applied by a judge. Conversely, larger caseload inventories that are well above the court's average indicate less efficiency. **Exhibit 3** shows each judge's average monthly felony caseload from 2016-2017.

Judges Canaday and Davis have the smallest caseloads that are well below the average for the court. Judge Bradberry's average of 323 pending felony cases is also well below the court's average caseload of 381.

Judges Wilson and Ritchie maintain caseloads in line with the overall average for the court.

The largest, least efficient caseloads are in Judges Wyatt's and Ware's divisions of court. Judge Wyatt's average caseload of 456 cases is 20% larger than the court as a whole, and Judge Ware maintains a caseload that is 38% above the court average.

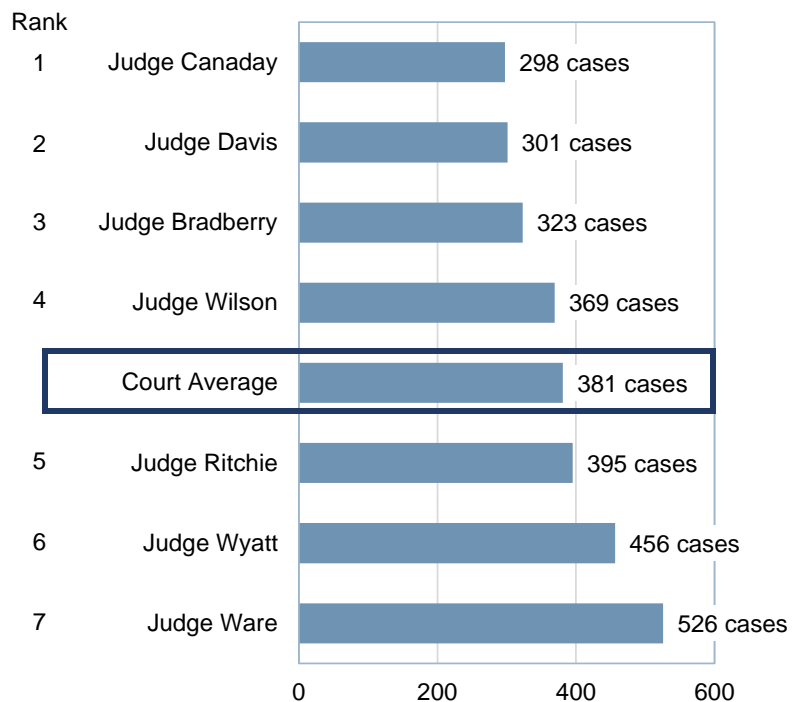
**Exhibit 2: 2016-2017 Average Felony Case Inventory for the 14th Judicial District by Offense Category**



Source: Calcasieu Parish Sheriff's Office, 14th Judicial District DA's Office, Calcasieu Parish Clerk of Court

NOTE: "Other" felonies include Failure to register as a sex offender, Obstruction of Justice. Third offense DWI. etc.

**Exhibit 3: 2016-2017 Average Caseloads by Judge**



Source: Calcasieu Parish Sheriff's Office, 14th Judicial District DA's Office, Calcasieu Parish Clerk of Court

## Percent of Felony Cases Open More than One Year

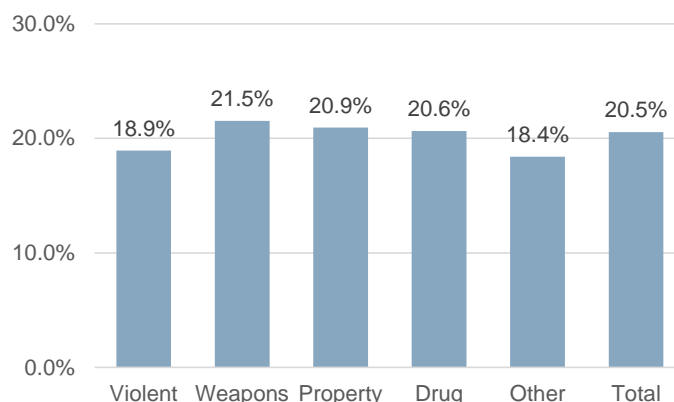
The American Bar Association's (ABA's) Standards Relating to Trial Courts calls for 98% of felony cases to be resolved within 180 days of arrest and for 100% of felony cases to be resolved within one year of arrest.<sup>5</sup> In order to focus upon the time that a case is under a judge's management, the MCC measures from the date a case is accepted for prosecution to calculate whether a case has remained open more than one year. A higher rate of cases remaining open more than one year indicates less efficient judicial management that enables more cases to become backlogged.

**Exhibit 4** shows the rate of 2016-2017 cases that had been open more than one year based on the most serious felony charge. There is low variability across the different types of cases that open more than one year, ranging from a high of 21.5% of weapons felony cases to a low of 18.4% of "Other" types of felony cases that remained open more than a year.

On average, 20.5% of felony cases had been open greater than one year. This is a high rate of cases remaining open more than one year, indicating more than one in five pending felony cases is out of compliance with ABA case processing standards.

**Exhibit 5** presents each individual judge's rate of pending cases that had been open for greater than one year. Judges Wyatt and Ware had the highest rates of cases open more than one year and the lowest efficiency rankings in this area. All other judges had rates of backlogged cases pending more than one year that were consistent with or somewhat below the court average.

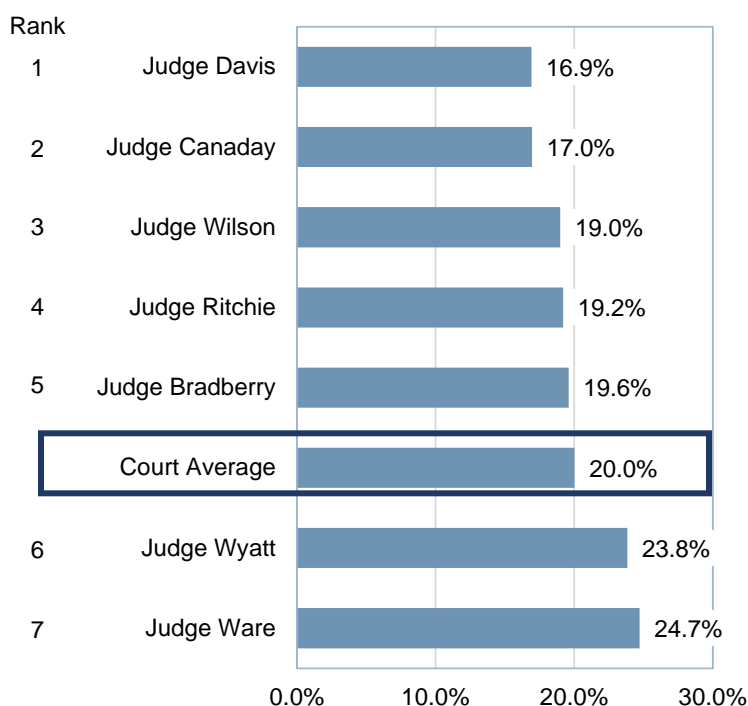
**Exhibit 4: 2016-2017 14th Judicial District Percent of Felony Cases Open More than 1 Year by Most Serious Charge**



Source: Calcasieu Parish Sheriff's Office, 14th Judicial District DA's Office, Calcasieu Parish Clerk of Court

NOTE: "Other" felonies include Failure to register as a sex offender, Obstruction of Justice, Third offense DWI, etc.

**Exhibit 5: 2016-2017 Percent of Felony Cases Pending More than 1 Year by Judge**



Source: Calcasieu Parish Sheriff's Office, 14th Judicial District DA's Office, Calcasieu Parish Clerk of Court

<sup>5</sup> Speedy Trial and Timely Resolution of Criminal Cases, The American Bar Association, April 2006, [http://www.americanbar.org/content/dam/aba/publications/criminal\\_justice\\_standards/speedy\\_trial.pdf](http://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/speedy_trial.pdf)

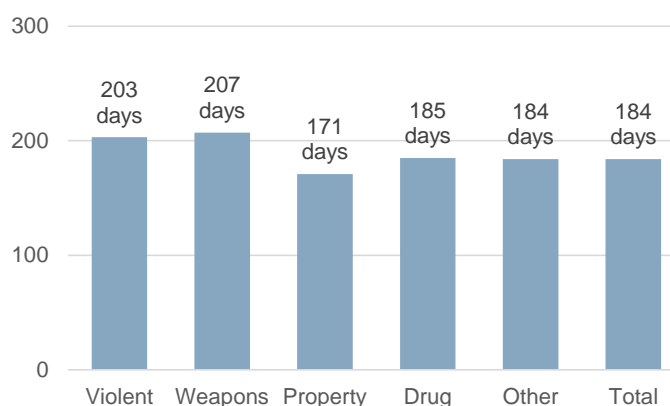


## Case Processing Time

Case processing time is measured as the time between when a case was accepted for prosecution to when the case reached a final disposition (i.e., a guilty plea, a guilty or not guilty verdict, or dismissal). Case processing time is presented as the median amount of time that felony cases remained open. The median is the middle point of all cases that closed, with half of cases closing before the median and half closing after the median. Cases in which the defendant participated in the DA's Pre-Trial Diversion Program are not included in median case processing times because these cases are managed outside of a judge's control.

**Exhibit 6** shows the overall median felony case processing times by the most serious felony charge. In total, cases took just over 6 months (median of 184 days) to close. There was low variability in case processing times based on the most serious charge. The shortest 171-day median case processing time for property felony cases compared to the 207-day median case processing time for weapons felony cases represents only a 36-day range.

**Exhibit 6: 2015-2017 Median Felony Case Processing Times for the 14th Judicial District by Most Serious Charge**



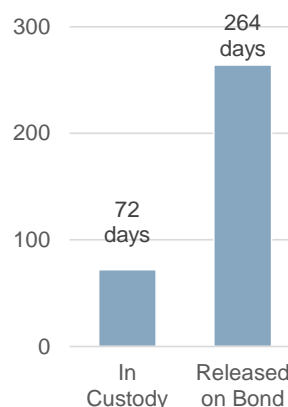
Source: Calcasieu Parish Sheriff's Office, DA's Office for the 14th Judicial District, Calcasieu Parish Clerk of Court  
NOTE: "Other" felonies include Failure to register as a sex offender, Obstruction of Justice, Third offense DWI, etc.

Violent and weapons felony cases took the longest to process, which is consistent with what is seen in courts nationwide.<sup>6</sup> Violent and weapons cases can take longer to resolve because they carry a greater likelihood of incarceration. Consequently, felony weapons and crimes of violence prosecutions as a general rule must progress to being fully prepared to go to trial before they are resolved.

**Exhibit 7** shows the median case processing times based on whether a defendant remained in custody until his or her case was resolved or if the defendant is released on bond. Defendants who remain in custody while their cases are processed are usually held in the Calcasieu Parish Sheriff's Office's jail at local taxpayers' expense. Records provided to the MCC indicate that a 68% majority of defendants were released from custody before their charges were resolved.

It took approximately two and half months (median of 72 days) to process the cases of defendants who remained in custody. In comparison, it took almost nine months (median of 264 days), to resolve the cases of defendants released from custody. The difference in case processing times shows that defendants held in custody had their cases resolved 72% faster than those released on bond. The vast

**Exhibit 7: 2015-2017 Median Felony Case Processing Times by Whether Defendants were in Custody or Released on Bond**



Source: Calcasieu Parish Sheriff's Office, DA's Office for the 14th Judicial District, Calcasieu Parish Clerk of Court

<sup>6</sup> Felony Defendants In Large Urban Counties, 2009 - Statistical Tables, Table 20, Bureau of Justice Statistics, December 20, 2013, <https://www.bjs.gov/content/pub/pdf/fdluc09.pdf>



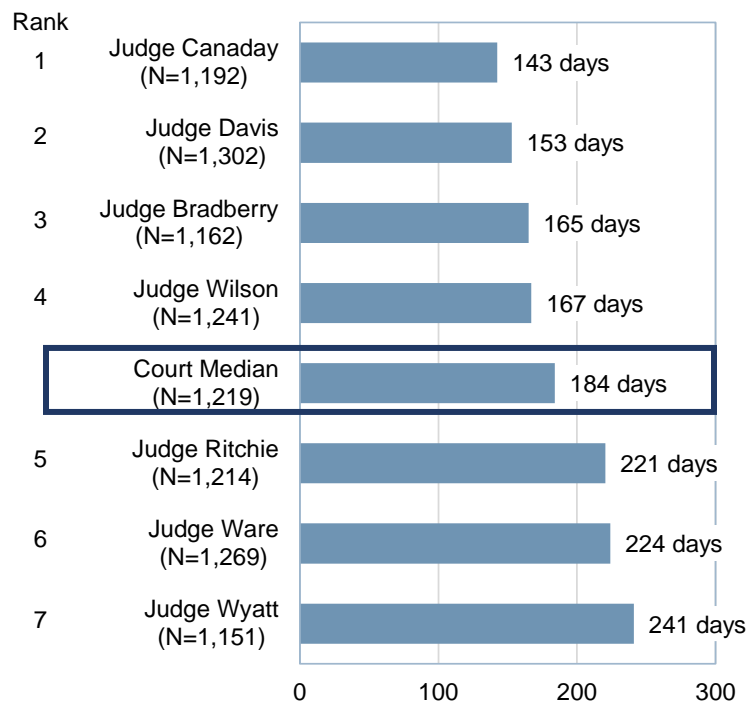
difference in case processing time based on whether defendants were in custody indicates that the criminal justice system prioritizes cases when a defendant remains in jail.

The median processing times for cases to close before individual judges are presented in **Exhibit 8**, and the number of cases closed by each judge is shown in parentheses.

Judges Canaday and Davis had the most efficient case processing times, and Judges Bradberry and Wilson also maintained case processing times that were below the court median of 184 days.

Judges Ritchie, Ware, and Wyatt had the least efficient and longest case processing times. Judges Ritchie and Ware's case processing times were approximately 40 days longer than the court median, and Judge Wyatt's case processing time was 57 days (approximately two months) above the court's overall median.

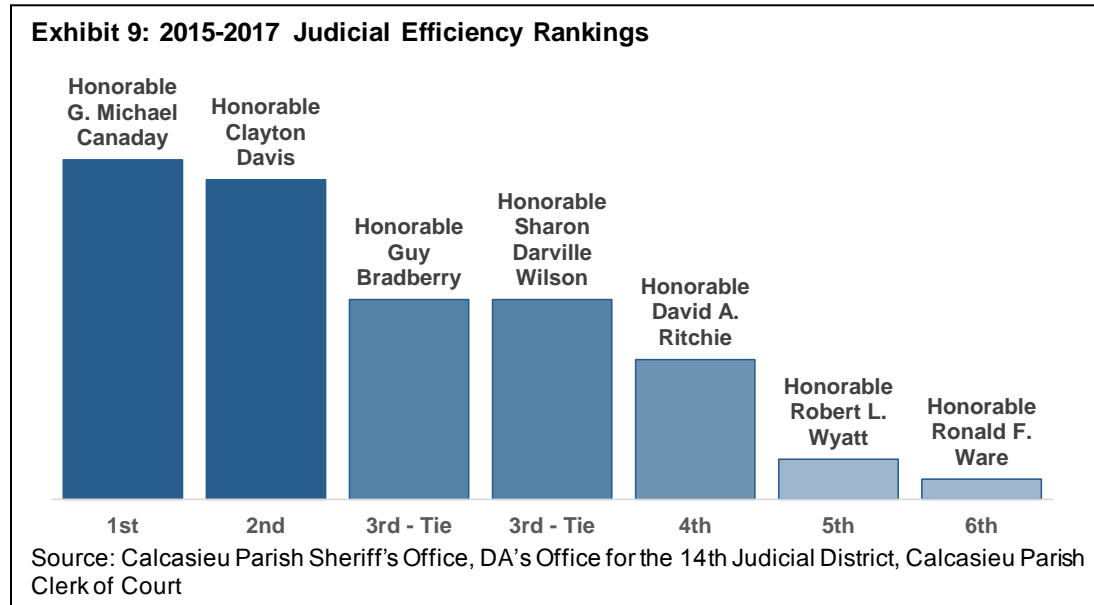
**Exhibit 8: 2015-2017 Median Felony Case Processing Times by Judge**



Source: Calcasieu Parish Sheriff's Office, DA's Office for the 14th Judicial District, Calcasieu Parish Clerk of Court

## Overall Judicial Efficiency Rankings

Each judge's judicial efficiency ranking based upon felony cases from 2015 through 2017 are shown in **Exhibit 9** below. These rankings are derived from the combination of (a) judges' rankings on the size of their pending felony case inventories (**see Exhibit 3**), (b) their percentages of pending cases that open more than one year (**see Exhibit 5**), and (c) their median case processing times (**see Exhibit 8**). The bar heights represent how each judge ranked overall compared to the remainder of the judiciary. The colors show each judges' performance level of highly efficient (dark blue), average, or low efficiency (light blue).



Judges Canada and Davis rank as the **most efficient** judges in Calcasieu Parish's 14<sup>th</sup> Judicial District Court. They ranked first or second in each of the three nationally recognized areas of judicial efficiency. Their inventories of pending cases were more than 20% smaller than the court average, and their rates of backlogged cases that had been pending for more than one year were 15% below the average for the court. Judge Canada took 42 fewer days below the court median to bring cases to conclusion, and Judge Davis' case processing time was 31 days below the court median.

Judges Bradberry, Wilson, and Ritchie have efficiency measures that represent **normal or average felony case processing** in Calcasieu Parish.

The felony case processing of Judges Wyatt and Ware were the **least efficient** in the court. Their caseloads were larger, had higher rates of cases remaining open past one year, and had case processing times that went weeks beyond the court average.

## Conclusions and Recommendations

The release of this report comes as Calcasieu Parish continues to recover from two highly destructive hurricanes in August and October of 2020. Additionally, restrictions and public health safety guidelines in response to a surging pandemic of the COVID-19 coronavirus prohibit people from meeting in close proximity and confined areas, which impede the court's operations to conduct hearings and convene juries. The combined impact of hurricanes and the pandemic has created substantial barriers to accessing buildings and persons necessary to adjudicate felony cases. The timeline for recovering from these ongoing circumstances remains unknowable.

With great appreciation for the struggles of the judiciary and entire criminal justice system, the MCC respectfully offers the following conclusions and recommendations to improve felony case processing for the entire Calcasieu Parish Court of Louisiana's 14<sup>th</sup> Judicial District.

There are disparities in performance across all of the nationally recognized measures of judicial efficiency examined in this report, indicating a need for more consistent and uniform case management practices throughout the court.<sup>7</sup> The two least efficient judges have 50% more open cases than the most efficient judges. Almost a quarter of the cases in the two least efficient judges' divisions of court were backlogged and remained open greater than one year, while the remainder of the court fell below the 20% average. Median case processing times were almost 100 days longer in the least efficient division of court compared to the most efficient division of court. Further, a court-wide average of 20% of pending cases having been open more than one year shows the entire court lags behind the standard established by the American Bar Association for all felony cases to close within one year.<sup>8</sup> Taken together, these findings indicate that the random assignment of cases results in an inconsistent pace of justice for felony defendants in Calcasieu Parish's 14th Judicial District Court.

The uneven pace of case processing across different divisions of court and case processing practices that lag behind national standards throughout the court demonstrate a need for improvement. The challenges of storm and pandemic recovery and new incoming criminal justice system leadership offer an opportunity to establish new procedures and processes for more efficient court operations in the future.

Changes in criminal justice system leadership will affect system operations, as new administrations form new relationships with criminal justice agencies and establish new or revamped priorities and policies. Specifically, a newly elected District Attorney took office in January 2021, and judges in two of the seven divisions of court were replaced in the most recent election cycle. These changes provide an ideal opportunity for implementing the recommendations outlined below.

**Recommendation 1: The MCC respectfully recommends that the court establish a policy working group to collaborate with other criminal justice agencies to implement case management practices that will improve court efficiency, reduce excessive delays in felony case processing, and curtail case processing disparities across divisions of court.**

Improvements in docket efficiency cannot be achieved by the judiciary alone. It requires communication and collaboration between all criminal justice system practitioners and agencies to achieve a more efficient and effective system.

By law, the DA's Office sets the docket of cases, but judges establish the court culture and policies that positively impact the pace of felony case processing. The judiciary should establish clear and specific guidelines prioritizing regarding how felony cases will be resolved and should collaborate with all criminal justice entities to devise a well thought out and integrated system that will improve the fair and efficient administration of justice in the 14<sup>th</sup> Judicial District Court.

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<sup>7</sup> "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](http://www.metrocrime.org))

<sup>8</sup> Speedy Trial and Timely Resolution of Criminal Cases, The American Bar Association, April 2006, [http://www.americanbar.org/content/dam/aba/publications/criminal\\_justice\\_standards/speedy\\_trial.pdf](http://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/speedy_trial.pdf)

The MCC respectfully suggests that the court begin discussions with police, prosecutors, the criminal defense bar, and Clerk of Court with particular emphasis on efficiently and fairly expediting felony cases. New guidelines for efficient case processing must consider the availability, limitations, and practices across all criminal justice agencies. For example, one potential starting point could be identifying the 10 oldest cases within each division of court, and then working with prosecutors and the defense bar to prioritize adjudication of these cases. Viable and sustainable case processing reforms can only be accomplished by working directly with other agencies and considering their limitations and perspectives.

The court exemplifies its ability to more efficiently process felony cases through the expedited processing of felony cases for defendants held pretrial in the custody of the Calcasieu Parish Sheriff's Office's jail. Defendants held in custody pretrial had median felony case processing times of 72 days compared to a median of 264 days that it took to process cases for defendants who were released from custody. The judiciary, sheriff, DA, and defense bar are commended for their ability to expedite felony case processing of defendants held in pretrial custody. Pretrial inmates who remain in jail pending the resolution of their charges are housed at taxpayer expense, so resolving their cases more efficiently reduces costs to Calcasieu Parish taxpayers while delivering expedited justice to defendants deprived of their liberty.

The presumption of innocence for all defendants further underscores the importance to efficiently resolve charges against pretrial jail inmates to conclusion without compromising due process, justice, or fairness. Measures the court can implement to reduce felony case processing time should begin with identifying the practices that enable charges against jail inmates to be resolved more efficiently, and then working with the entire criminal justice system to apply these case processing strategies broadly to all felony cases.

**Recommendation 2: Establish clear continuance policies that limit unnecessary case delays.**

Adopting well-defined policies regarding how and when continuances should be granted can greatly reduce case processing times and help establish a court culture of case processing efficiency. The judiciary should limit circumstances in which prosecutors and defense attorneys are granted continuances that postpone the processing of criminal cases to situations where a continuance is necessary to ensure the fair and equitable administration of justice. The court adhering to a practice in which continuances are seen as an exceptional, rather than a routine, outcome for case events will reinforce a culture that values and promotes efficiency.

**Recommendation 3: Shorten intervals between criminal docket cycles.** The judiciary should work to eliminate procedural barriers that limit opportunities to resolve felony cases. The court calendar for the 14<sup>th</sup> Judicial District Court rotates every seventh week as designated for criminal cases. The current seven-week criminal docket cycle contributes to delays, inefficiency, and increased costs associated with incarceration for detained inmates and recidivism by released pretrial suspects who are not provided with rehabilitative services.

A review of records from the Louisiana Supreme Court reveals that Calcasieu Parish had an average of 20 criminal jury trial per year from 2015 through 2017 compared to more than 8,000 closed felony cases examined in this study.<sup>9</sup> A very small percentage of cases concluded by trial, meaning that the majority of cases were resolved through defendants' guilty pleas or dismissals by the DA's Office. The high rate of felony cases being resolved outside of trials indicates that efficiencies can be achieved, costs lowered, and docket size reduced by shortening intervals between criminal docket cycles.

**Recommendation 4: Institute a meaningful pretrial services program to supervise and support suspects released on bond.** An MCC companion report on the Calcasieu Parish criminal justice system examining the performance of police and prosecutors found that 13% of felony defendants are rearrested

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<sup>9</sup> Source: "Supreme Court of Louisiana 2015 Annual Report of the Judicial Council of the Supreme Court;" "Supreme Court of Louisiana 2016 Annual Report of the Judicial Council of the Supreme Court;" "Supreme Court of Louisiana 2017 Annual Report of the Judicial Council of the Supreme Court;" Louisiana Supreme Court, <https://www.lasc.org/AnnualReports>

for a new felony charge while they have actively pending felony cases.<sup>10</sup> Many of these are defendants who may not have been arrested again if their cases had been resolved or if they had better pretrial supervision while they were awaiting resolution of their cases. The high rate of rearrest among offenders released on bond is a significant contributor to the backlog of criminal cases and lengthy time that it takes to bring cases to conclusion.

When a defendant released on bond is rearrested, the processing of the original case is delayed because the outcomes of both cases must be considered to determine the sentence a defendant will receive if he or she is found guilty or pleads guilty. A new arrest while free on bail can result in months of additional delay until each open case against the same defendant can reach a point in which all of the evidence is compiled and pre-trial motions are conducted. In most instances, new cases against a defendant with pending charges are transferred to the division of court where a defendant already has a pending charge. The result is that divisions of court with longer case processing times will continue to have cases added to their dockets as defendants with open cases are rearrested and have their new cases assigned to the original division of court which further delays final adjudication.

Pretrial supervision can be provided in numerous ways, including a robust pretrial services program administered by the court, electronic monitoring, and a deposit bail system.

Effective pretrial services programs identify the needs of suspects and align them with supportive services that will reduce the potential for reoffending and provide supervision, structure, and access to services to ensure suspects abide by the conditions of their release from custody. Enrollment into pretrial services should have a standardized needs assessment process at intake for evaluating each defendant and collecting information that will assess potential threats they pose to themselves or others. Many suspects pose little threat to the community and do not have significant needs that would result in their inclusion in a pretrial services program. For suspects who do have significant needs or potentially pose a greater risk to public safety, pretrial services can offer a continuum of care to match them with programming aimed at reducing recidivism. For example, pretrial service programs may align suspects who have substance abuse, behavioral, and mental health problems with appropriate resources and monitor their participation. Drug testing and local treatment programs should also be a component of pretrial services for those demonstrating substance abuse problems.

The MCC recommends electronic monitoring as a central component of pretrial services and supervision in order to verify that suspects who pose a risk to community safety are adhering to court-imposed conditions of release. Washington D.C. found that electronic monitoring reduced rearrests by 24%, resulting in a cost savings of \$3,800 per participant.<sup>11</sup> An electronic monitoring program would need to be planned and implemented in conjunction with the Calcasieu Parish Sheriff's Office and local police agencies, but such monitoring provides the court with better opportunities to cost effectively and safely manage suspects released pretrial. Electronic monitoring offers an alternative to either detaining or simply releasing suspects, which can reduce detention costs by facilitating pretrial releases and lowering the rate of recidivism for suspects free on bond.

A court deposit bond system allows defendants to deposit a percentage of their set bond amount with the court to secure their release from custody. When their cases are resolved, all or a portion of those funds are paid back to the suspects. For example, suspects could pay the same 10% premium commanded by commercial bail to the court and then have 90% of that money refunded at the conclusion of their cases if they attend every court event and follow the conditions of their releases. The deposit bond system has the advantage of financially incentivizing suspects to show up for court and adhere to court imposed conditions of release. Monies paid to a bondsman are non-refundable, which can place an increased

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<sup>10</sup> Calcasieu Parish Criminal Justice Accountability Project 2015-2017 Arrests and Felony Case Outcomes, The Metropolitan Crime Commission, February 2021, [insterturl.org](http://insterturl.org)

<sup>11</sup> Roman, J. L., Ph.D., Liberman, A. M., Ph.D., Taxy, S., & Downey, P. M. (2012, September). *The Costs and Benefits of Electronic Monitoring for Washinton, D.C.* (District of Columbia Crime Policy Institute). <https://www.urban.org/sites/default/files/alfresco/publication-pdfs/412678-The-Costs-and-Benefits-of-Electronic-Monitoring-for-Washington-D-C-.PDF>

financial burden on the accused. St. John the Baptist and St. Charles Parishes are the only Louisiana parishes with the legal authority to implement such a program. Calcasieu Parish would require legislation to amend Code of Criminal Procedure 326 to be included.<sup>12</sup>

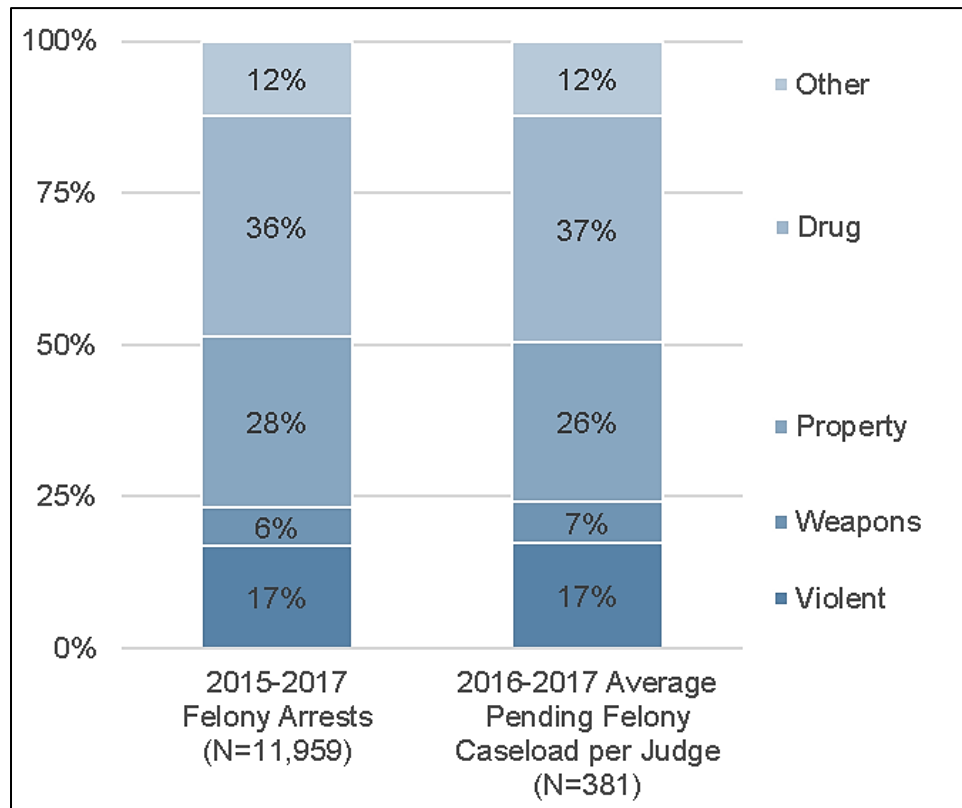
**Recommendation 5: Implement a unified case management system that enables all judges to maintain records of their pending cases and scheduled court events.** A unified case management system can help judges better track their pending cases to facilitate addressing backlogs and case scheduling. Such a unified system can ensure defense counsel, prosecutors, and police witnesses are not scheduled for conflicting court hearings, thereby preventing unnecessary continuances and case delays.

**In conclusion,** Louisiana law requires a judge to balance the rights to due process and fundamental fairness afforded to the accused with public safety considerations when setting bail. This balance can be better achieved through the implementation of the recommendations respectfully suggested herein. The MCC does not advocate case processing efficiency at the expense of fairness and justice. The court must balance the rights of defendants with the resources of the community and the harm that befalls victims and witnesses who must endure unnecessary delays in felony case processing. Higher costs associated with case processing delays include defendants who are held in custody at taxpayer expense and recidivism by defendants released on bail, as well as time wasted by criminal justice agencies that must prepare for case events repeatedly when cases are continued into the future. Fairness is called into question when private citizens, law enforcement, and the defendants must endure months of delay to resolve criminal matters due to inefficiencies within the criminal justice system.

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<sup>12</sup> See Louisiana Code of Criminal Procedure 326: <http://www.legis.la.gov/Legis/Law.aspx?d=112446>

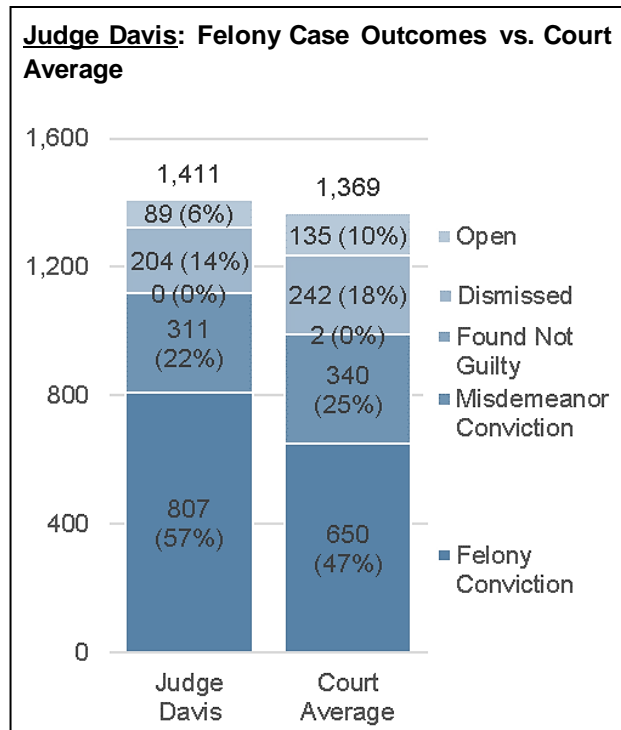
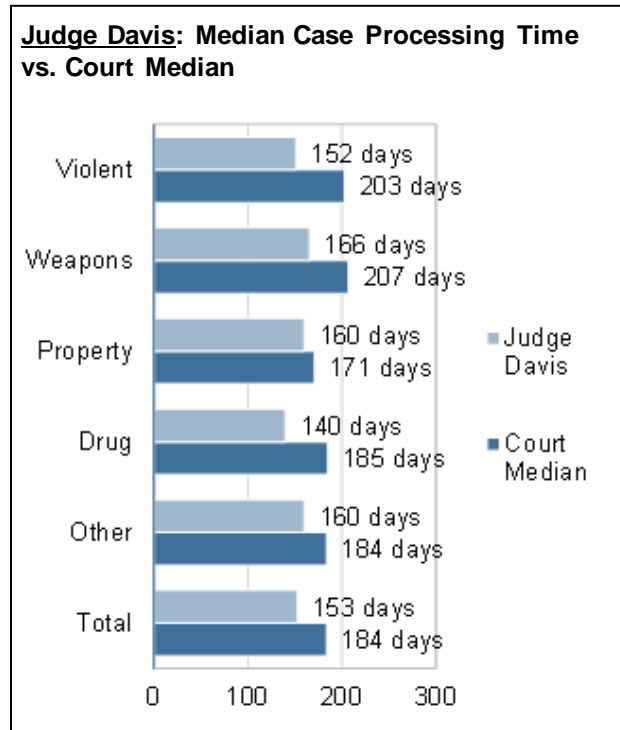
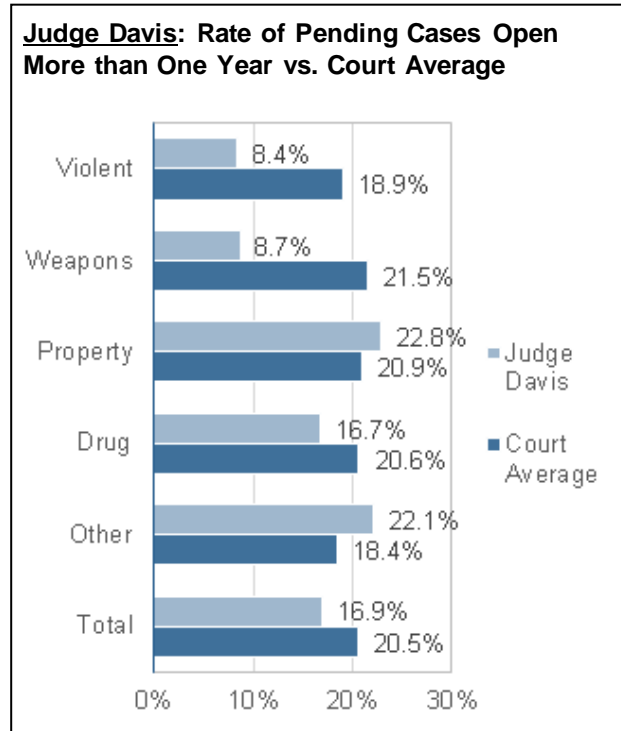
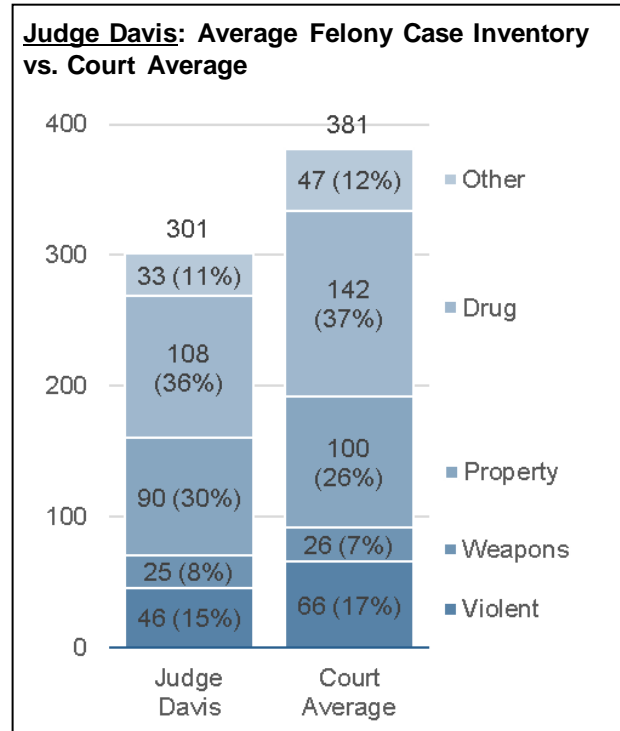
## Appendix I: Comparison of Calcasieu Parish Felony Arrests to Average Felony Case Inventory of Pending Cases



NOTE: "Other" felonies include Failure to register as a sex offender, Obstruction of Justice, Third offense driving while intoxicated, etc.

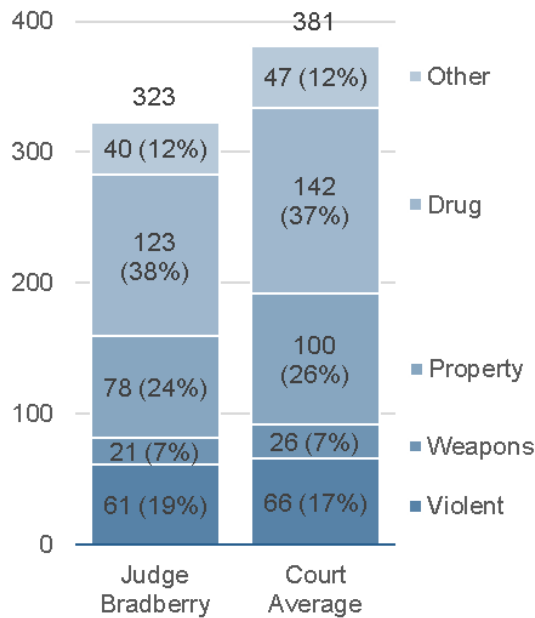


## Appendix II: Statistics for Division B – The Honorable Clayton Davis

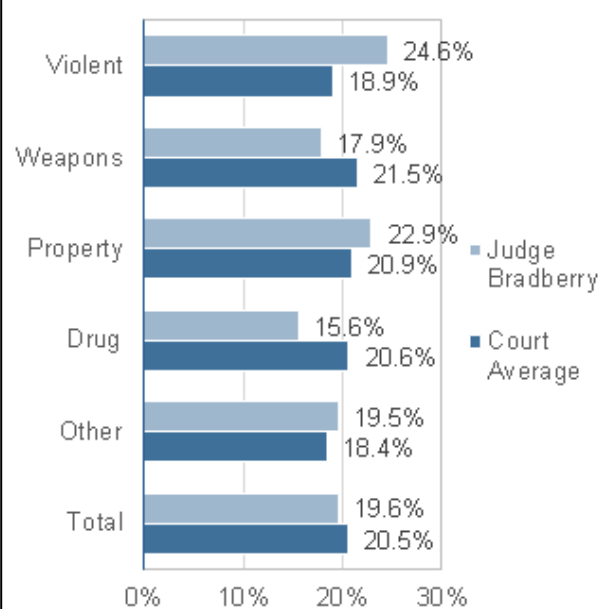


# Appendix III: Statistics for Division C – The Honorable Guy E. Bradberry

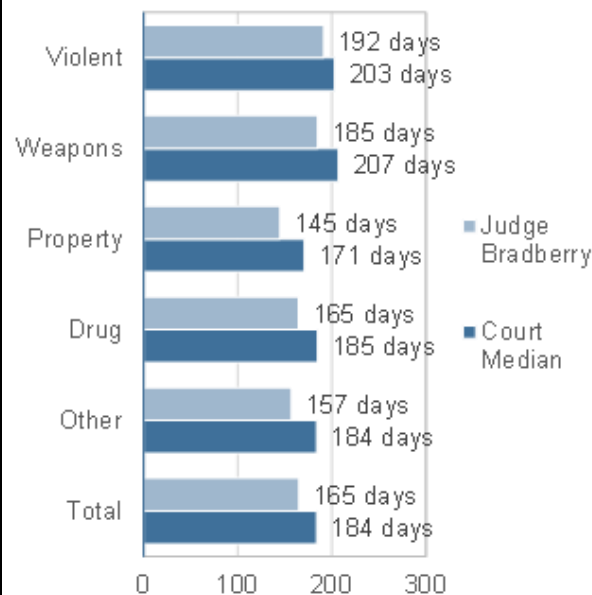
**Judge Bradberry: Average Felony Case Inventory vs. Court Average**



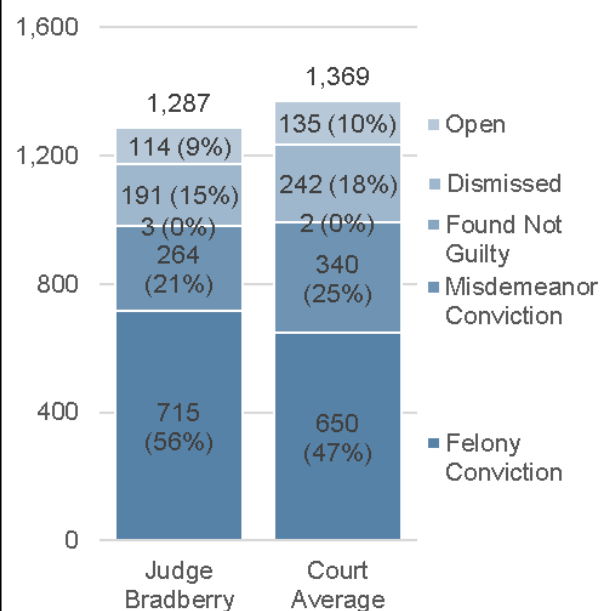
**Judge Bradberry: Rate of Pending Cases Open More than One Year vs. Court Average**



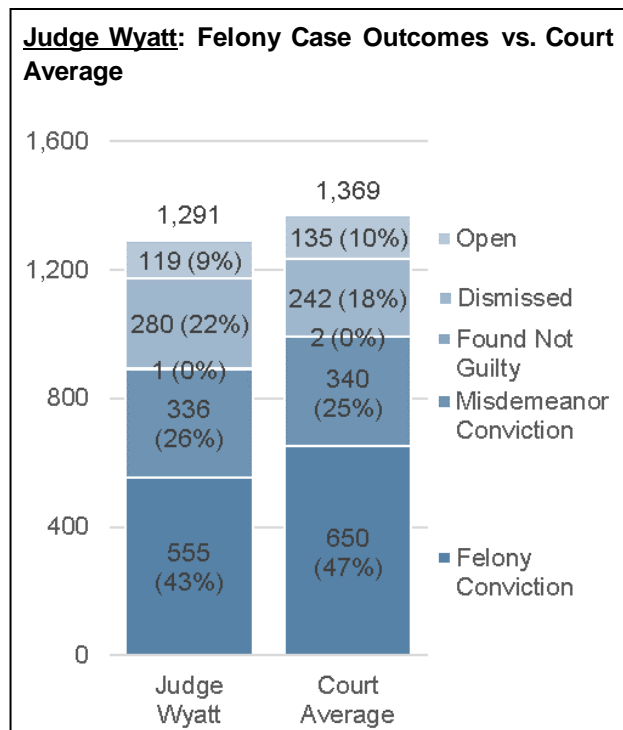
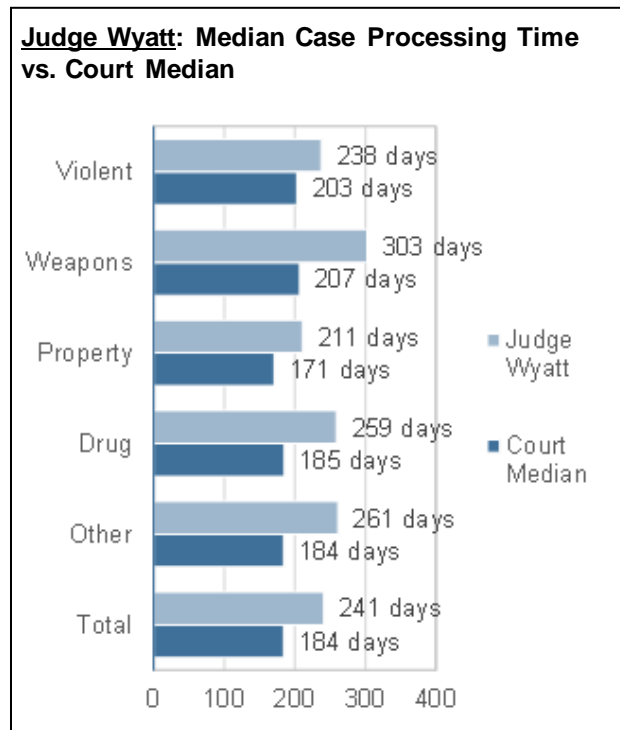
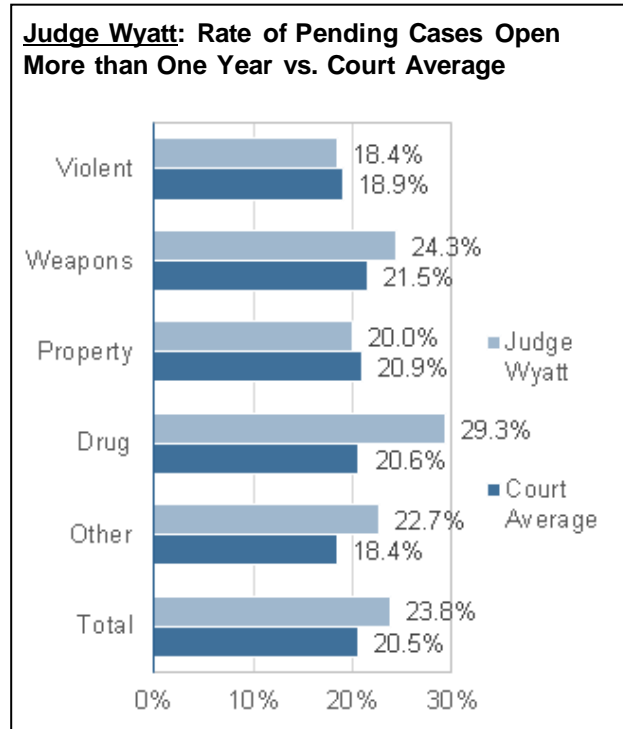
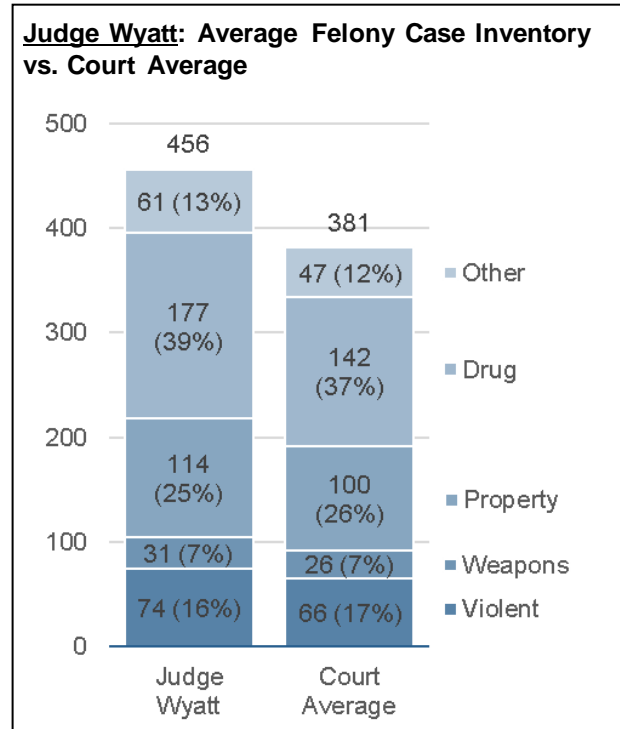
**Judge Bradberry: Median Case Processing Time vs. Court Median**



**Judge Bradberry: Felony Case Outcomes vs. Court Average**

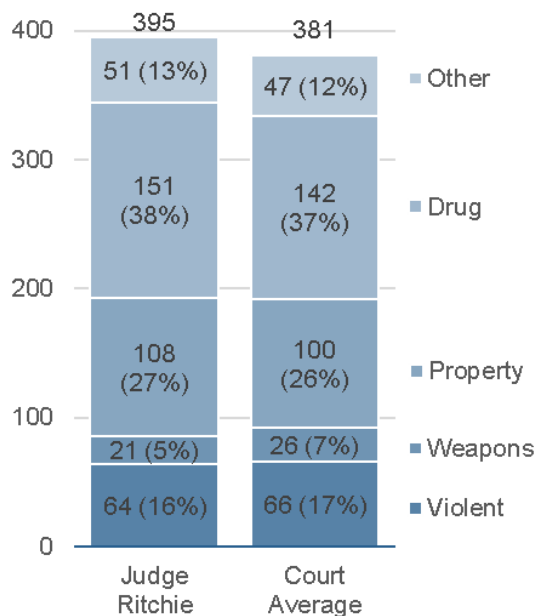


# Appendix IV: Statistics for Division D – The Honorable Robert L. Wyatt

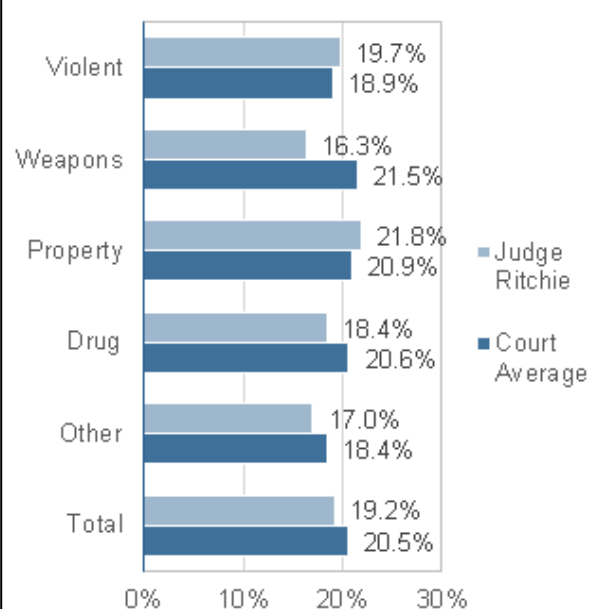


# Appendix V: Statistics for Division E – The Honorable David Ritchie

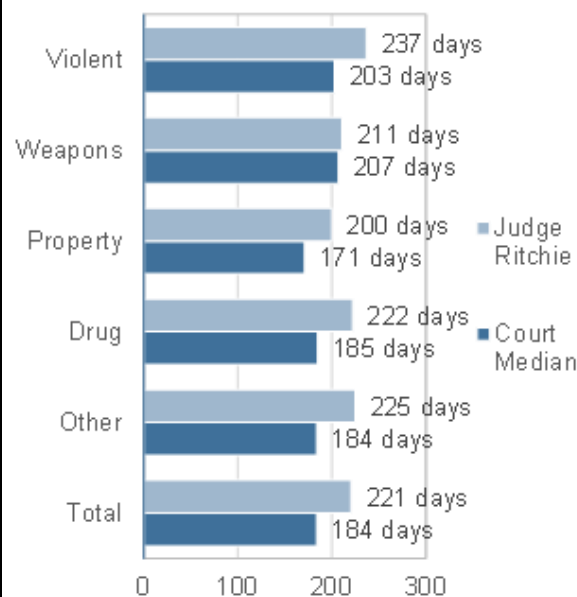
**Judge Ritchie: Average Felony Case Inventory vs. Court Average**



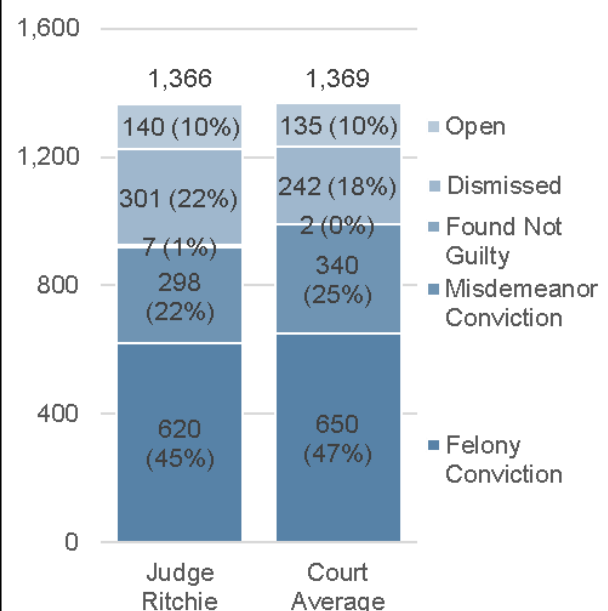
**Judge Ritchie: Rate of Pending Cases Open More than One Year vs. Court Average**



**Judge Ritchie: Median Case Processing Time vs. Court Median**

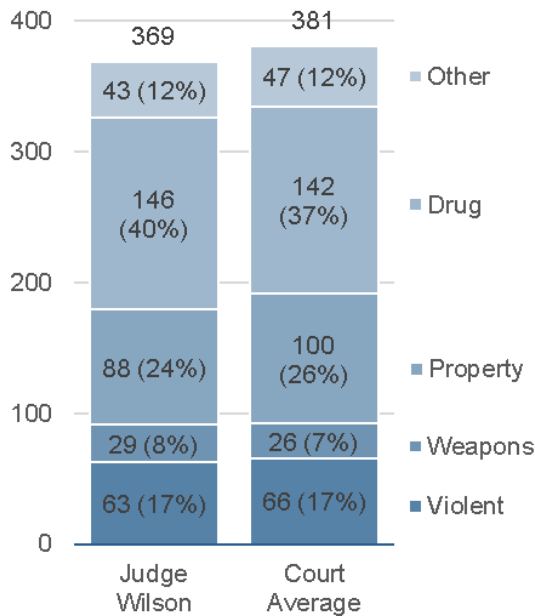


**Judge Ritchie: Felony Case Outcomes vs. Court Average**

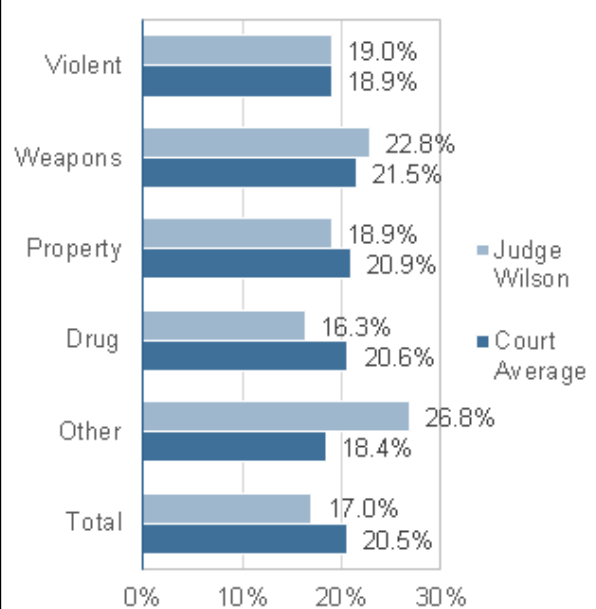


# Appendix VI: Statistics for Division F – The Honorable Sharon Wilson

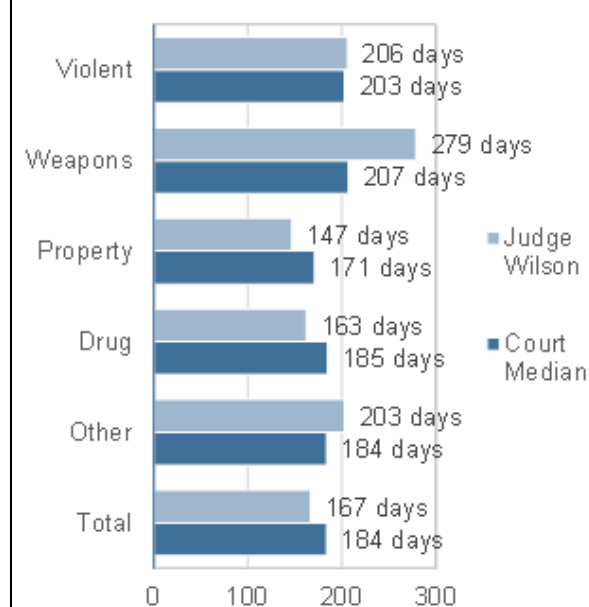
**Judge Wilson: Average Felony Case Inventory vs. Court Average**



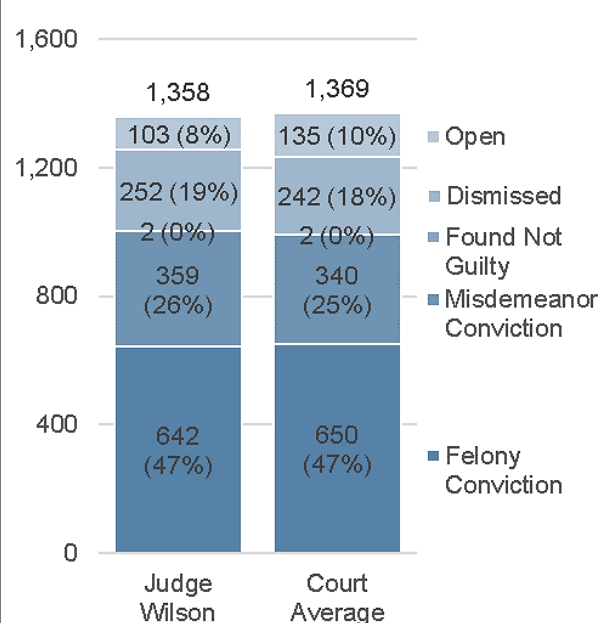
**Judge Wilson: Rate of Pending Cases Open More than One Year vs. Court Average**



**Judge Wilson: Median Case Processing Time vs. Court Median**

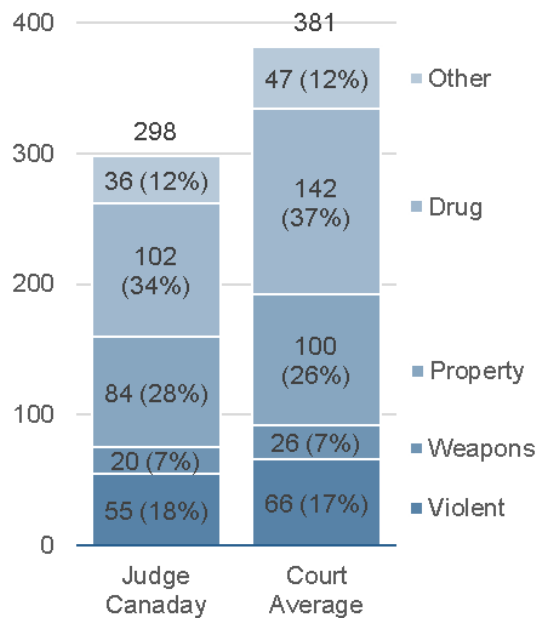


**Judge Wilson: Felony Case Outcomes vs. Court Average**

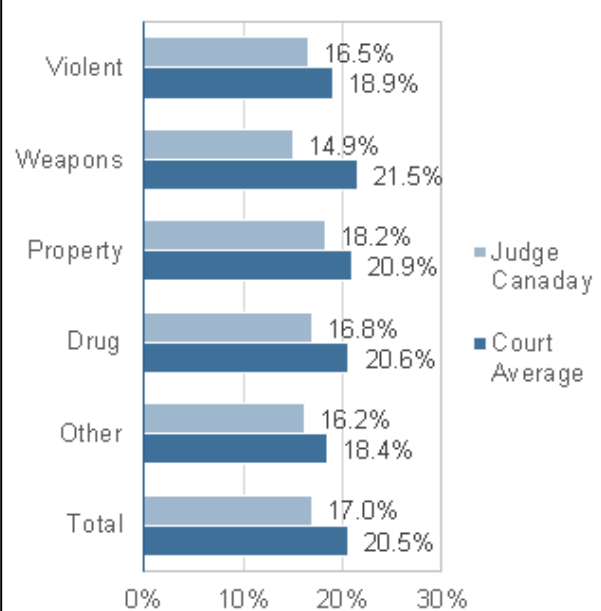


# Appendix VII: Statistics for Division G – The Honorable G. Michael Canaday

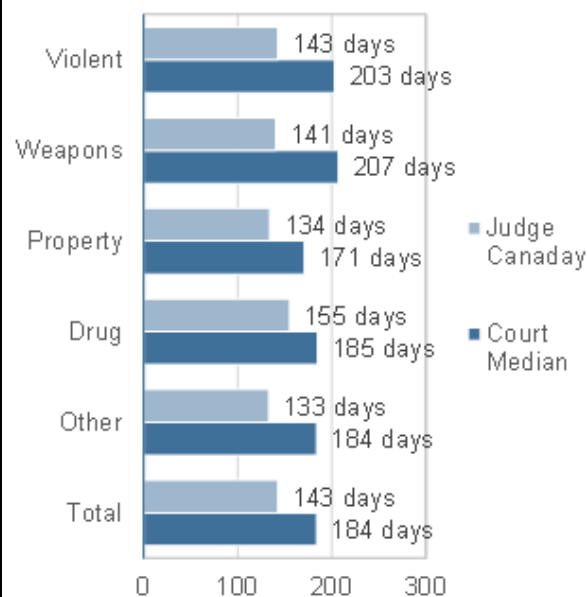
**Judge Canaday: Average Felony Case Inventory vs. Court Average**



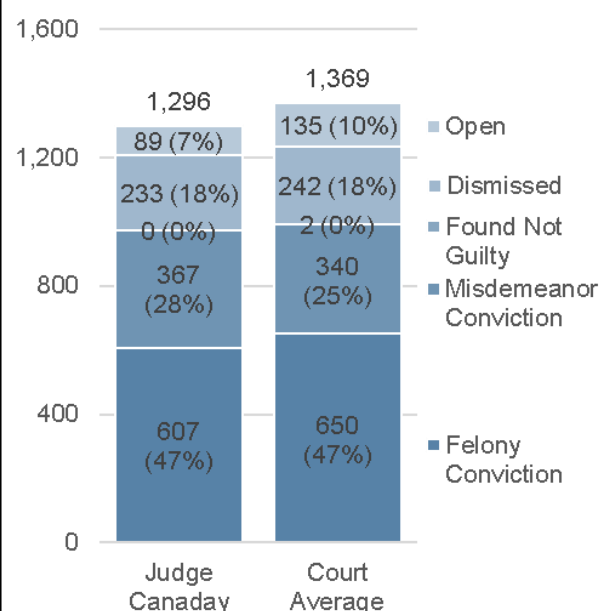
**Judge Canaday: Rate of Pending Cases Open More than One Year vs. Court Average**



**Judge Canaday: Median Case Processing Time vs. Court Median**

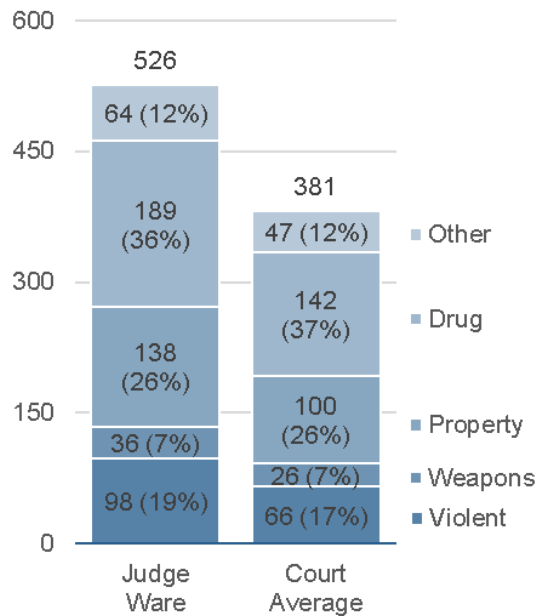


**Judge Canaday: Felony Case Outcomes vs. Court Average**

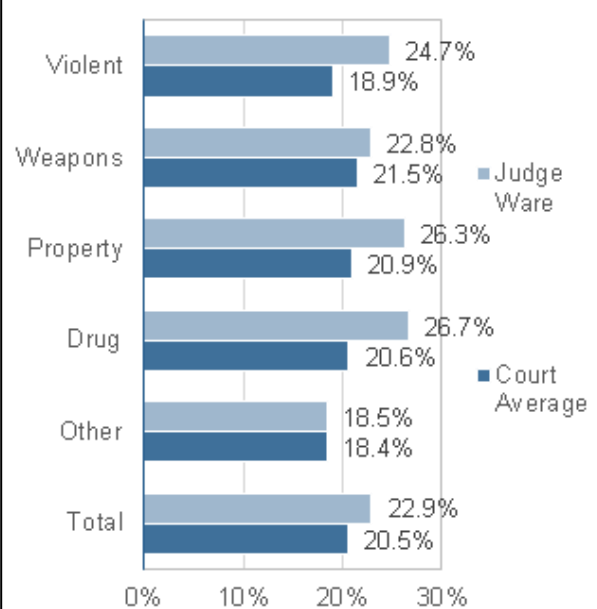


# Appendix VIII: Statistics for Division H – The Honorable Ronald F. Ware

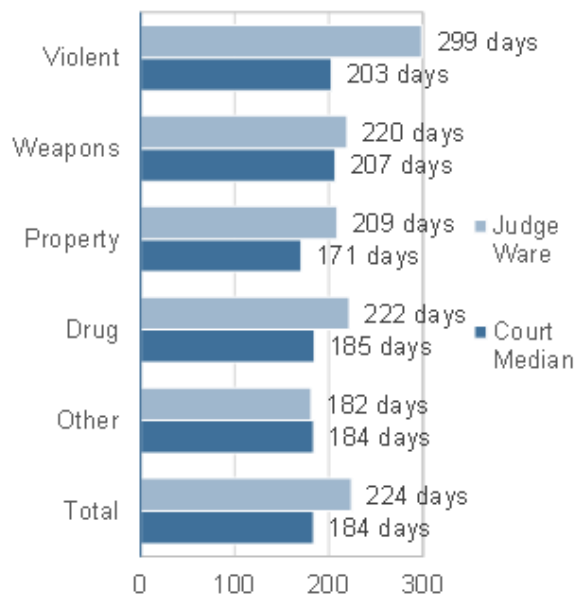
**Judge Ware: Average Felony Case Inventory vs. Court Average**



**Judge Ware: Rate of Pending Cases Open More than One Year vs. Court Average**



**Judge Ware: Median Case Processing Time vs. Court Median**



**Judge Ware: Felony Case Outcomes vs. Court Average**

