



COURT WATCH NOLA 2013 REPORT - EXECUTIVE SUMMARY

Court Watch NOLA continued its efforts to make New Orleans' criminal justice system more efficient, transparent, and accountable throughout 2013. In fact, 2013 was Court Watch NOLA's busiest year ever, as over 100 volunteers from all walks of life made 2,647 separate observations of violent felony cases in Orleans Parish Criminal District Court, including the organization's 15,000th observation since its founding in 2007. Highlights from Court Watch NOLA's 2013 Report ("Report"), based on the data collected by these volunteers, include:

1. Criminal District Court Became Substantially More Efficient in 2013

Unnecessary court delays pose a danger to public safety, taxpayer dollars, and basic fairness. The longer criminal cases take, the more likely evidence and witnesses are to be lost. And for innocent defendants, justice delayed is justice denied, an unfair and expensive proposition when the City must pay to incarcerate many of the defendants awaiting trial. Fortunately, the Court's overall continuance rate dropped from 63% in 2011 and 2012 – when almost two-thirds of the scheduled hearings Court Watch NOLA volunteers tried to observe were continued to another day – to 60% in the first half of 2013 and 57% in the second half of the year. Nevertheless, some Judges' late start times remained a concern in 2013.

2. The Top Observed Reasons for Continuances in 2013 Parallel Those from 2012

The most-often observed reasons for continuances in 2013 include that a trial was in progress (such that no other hearings could be held), failure to produce a defendant who is in custody, the defense attorney being unavailable and/or absent, and unscheduled, non-holiday courtroom closures. Additional frequently observed reasons included: the unavailability of state (often NOPD) witnesses; the failure of defendants who have been released or are out on bond to appear for their court dates; and the failure by the state to timely provide the defense with discovery (such as police reports). These reasons largely parallel (albeit in a slightly different order) those listed in previous reports.

3. The Length of Delays Also Decreased in 2013

Not only the rate but also the length of delays decreased from 2012 to 2013, with the number of days between settings (across all sections of Court) dropping from an average of 33 in the second half of 2012 to a median of 26 in the second half of 2013. This is important because

short delays of a day or a week do not have the same negative impact on time to disposition as delays of a month or six weeks, for instance.

4. Several Factors Contributed to 2013's Efficiency Gains

While myriad elements affect the rate and length of courthouse delays, three of the key factors contributing to 2013's efficiency gains were: 1) smaller dockets allowed the Court to focus on complex, violent felony cases; 2) the State and defense continued to agree to more plea deals and go to trial less often than in some recent years; and 3) anecdotal observations suggest that the Court was more focused on reducing delays and increasing efficiencies in 2013, possibly in part due to the additional scrutiny the Court was under following Court Watch NOLA's description of the "Culture of Continuances" plaguing the system in 2012.

5. Defense Delays Were Disproportionately Caused by Private Defense Attorneys

As in 2012, the defense requested more continuances in 2013 than the State or Court. Court Watch NOLA therefore examined which defense attorneys were doing so, and discovered that defense continuances and defense attorney "no shows" are disproportionately caused by private criminal defense attorneys, as opposed to public defenders. While public defenders represent roughly 80-85% of all defendants in Criminal District Court, about two-thirds of observed defense continuances in 2013 were requested by the private bar.

7. Court Watch NOLA Volunteers Continue to Rate and Observe Our Judges, Prosecutors, Defense Attorneys, and Law Enforcement Officers

Court Watch NOLA volunteers continue to provide subjective ratings and narrative observations regarding our public servants at Tulane and Broad. This Report includes more of these "snapshot" observations than ever before, because while they are not the opinions or position of Court Watch NOLA, they can sometimes tell the story of what occurred in a courtroom better than an objective data point can.

8. There is Still Room for Improvement

While Criminal District Court became significantly more efficient and slightly more transparent in 2013, plenty of room for improvement remains, and elected officials must always be held accountable to and by the public for their performance. This Report therefore includes ten specific recommendations – based on the data and observations listed in this Report and national judicial best practices – that, if acted upon by the Court, could lead to systemic improvements to New Orleans' criminal court system.