

AN EVALUATION  
OF  
DIVISION "S" (DRUG COURT)  
OF  
THE TWENTY-FOURTH JUDICIAL DISTRICT COURT  
JEFFERSON PARISH, LOUISIANA



BY

JOHN V. BAIAMONTE, JR. PHD.  
DIRECTOR  
JEFFERSON PARISH CRIMININAL JUSTICE COORDINATING COUNCIL  
1221 ELMWOOD PARK BOULEVARD, SUITE 607  
HARAHAN, LOUISIANA 70123  
504-736-6844

AN EVALUATION  
OF  
DIVISION "S" (DRUG COURT)  
OF  
THE TWENTY-FOURTH JUDICIAL DISTRICT COURT  
JEFFERSON PARISH, LOUISIANA

BY

JOHN V. BAIAMONTE, JR. PHD.  
DIRECTOR  
JEFFERSON PARISH CRIMININAL JUSTICE COORDINATING COUNCIL  
1221 ELMWOOD PARK BOULEVARD, SUITE 607  
HARAHAN, LOUISIANA 70123  
504-736-6844

## ACKNOWLEDGEMENTS

This evaluation represents the dedicated efforts of many public employees in the Jefferson Parish criminal justice system. The staff of the Criminal Justice Coordinating Council was especially helpful to the author--Linda Fontenot, Charlotte Lewis, and Paytoniea Jagot. A special tribute must be paid to Ron Schulingkamp, whose expertise in computer programming and graphics were especially invaluable to the quality of this project.

The employees at the "Drug Court" and the Jefferson Parish Clerk of Court were also very supportive. Their suggestions, advice, encouragement, and sympathy were appreciated as were their invitations to join in their holiday festivities in late 1992. Barbara Downey, supervisor of the minute clerks, was my mentor, advisor, trouble shooter, and helpful critic. Her knowledge of the felony criminal records was a resource of unlimited assistance to the author.

The Jefferson Parish District Attorney's Office offered virtually unlimited assistance and advice. There were several times, however, when I probably stretched the limits of my treasured friendship with Judy Sullivan, who answered many questions, searched for needed records, and suffered the wrath of a public official for one of my blunders.

Employees at the Jefferson Parish Correctional Center never questioned or complained, even when they should have, about my many requests for research assistance. Deputy Chad Gauthreaux and Captain Glen Jambon proved to be valuable assistants.

Dr. Mark Dugopolski, Professor of Mathematics at Southeastern Louisiana University, did his best to help me with the statistical analysis part of this evaluation. What was done properly is to Mark's credit, and what resulted in error is mine.

Finally, I must thank profusely Pat, my wife, who again put up with my many hours in the study at the lap top computer. Her interest, support, and patience is always appreciated.

JVB  
May 4, 1993

## TABLE OF CONTENTS

ACKNOWLEDGEMENTS	1
I.    INTRODUCTION	6
II.   REVIEW OF LITERATURE	18
III.  METHODOLOGY	29
IV.   ANALYSIS OF DIVISION "S"	35
V.   CONCLUSIONS	78
APPENDICES	92
BIBLIOGRAPHY	104

# LIST OF TABLES

TABLE ONE	Jefferson Parish Population	7
TABLE TWO	Regression Analysis of ADP Pretrial Drug Inmates and Releases of Pretrial Drug Inmates	39
TABLE THREE	Mean Arrest-to-Disposition Time By Classes, "Drug Court"	64
TABLE FOUR	Mean Time, Arrest-to-Dispositon By Number of Continuances, "Drug Court"	66
TABLE FIVE	Drug Case Continuances	67
TABLE SIX	Arrest-to-Disposition By Number of Defendants, "Drug Court"	68
TABLE SEVEN	Arrest-to-Disposition By Number of Charges, "Drug Court"	69
TABLE EIGHT	Drug Cases By Disposition Type	71
TABLE NINE	Sentencing	72
TABLE TEN	Adjusted Mean Sentences	73

# LIST OF GRAPHS

Graph No. 1:	U.S. and Jefferson Parish Crime Rates, 1970-1991	8
Graph No. 2:	Jefferson Parish Adult Drug Arrest, 1980-1992	10
Graph No. 3:	Twenty-Fourth District Court Criminal Case Filings, 1970-1991	11
Graph No. 4:	Twenty-Fourth District Court Criminal Case Filings as a Percent of All Filings, 1970-1991	12
Graph No. 5:	Narcotic Bills of Information Filings, 1980-1991	13
Graph No. 6:	Narcotic Bills of Information as a Percent of all Bills, 1980-1992	14
Graph No. 7:	Average Daily Population, Jefferson Parish Correctional Center	36
Graph No. 8:	Average Daily Population of Pretrial Inmates with Drug Charges	37
Graph No. 9:	Average Length of Stay of Pretrial Inmates with Drug Charges	38
Graph No. 10:	Correlation Scattergram, ADP of Pre-trial Drug Inmates and Pretrial Drug Releases	41
Graph No. 11:	Adjusted Average Daily Population of Pretrial Inmates with Drug Charges	42
Graph No. 12:	Distribution of Drug Cases	44
Graph No. 13:	Distribution of Class II Drug Offenses	45
Graph No. 14:	Distribution of Class III Drug Offenses	46
Graph No. 15:	Distribution of Class IV Drug Offenses	47
Graph No. 16:	Caseload Distribution By Classes	48
Graph No. 17:	Mean Time From Arraignment-to-Disposition, Class II, Pre- vs. Post-	49
Graph No. 18:	Mean Time From Arraignment-to-Disposition, Class III, Pre- vs. Post-	51
Graph No. 19:	Mean Time From Arraignment-to-Disposition, Class IV, Pre- vs. Post-	52
Graph No. 20:	Compliance with ABA Standards, Arrest-to-Disposition, Pre- vs. Post-	53
Graph No. 21:	Mean Time From Arrest-to-Disposition, Pre- vs. Post-	55
Graph No. 22:	Mean Time From Arrest-to-Bill Filing, Pre- vs. Post-	56
Graph No. 23:	Mean Time From Bill Filing-to-Allotment, Pre- vs. Post-	57
Graph No. 24:	Mean Time From Allotment-to-Arraignment, Pre- vs. Post-	58
Graph No. 25:	Mean Time From Arraignment-to-Disposition, Pre- vs. Post-	59
Graph No. 26:	Mean Time From Arrest-to-Disposition, Class II, Pre- vs. Post-	61
Graph No. 27:	Mean Time From Arrest-to-Disposition, Class III, Pre- vs. Post-	62

Graph No. 28:	Mean Time From Arrest-to-Dispositon, Class IV, Pre- vs. Post-	63
Graph No. 29:	Mean Time, Comparative Arraignment-to- Disposition	81
Graph No. 30:	Mean Time, Comparative Bill Filing-to- Sentencing	82
Graph No. 31:	Median Time, Comparative Bill Filing- to-Sentencing	83
Graph No. 32:	Median Time, Comparative Bill Filing- to-Disposition	84
Graph No. 33:	Median Time, Comparative Bill Filing- to-Sentencing	85
Graph No. 34:	Median Time, Comparative Arrest-to- Disposition	86
Graph No. 35:	Percent of Cases Resolved Within 90 Days of Filing	87

## I. INTRODUCTION

More than a decade before it's creation in 1825, Jefferson Parish's (County) bayous and bays, which lead into the Gulf of Mexico, were a haven for the infamous pirate Jean Lafitte, who, with his brother Pierre and others, flooded New Orleans with smuggled goods. Although denounced by Governor William C. C. Claiborne as a bandit in March, 1813, General Andrew Jackson welcomed Lafitte and his men into his army at the Battle of New Orleans in January, 1815. For his exploits, Lafitte was praised by Jackson and honored by Jeffersonians with a town in his name, and the federal government currently includes parts of the pirate's former hideouts in Jean Lafitte National Park.

Today, Jefferson Parish, once the fastest growing area in Louisiana, is still plagued by smugglers even more deadlier than Lafitte--the drug trafficker. Jefferson was initially a rural community until the post World War II era. In 1940 the parish had a population of 50,427, and by 1950 it had grown to just over 100,000 (Table One). Throughout the 1950s, 1960s and 1970s the area continued to grow rapidly as a suburb community next to the City of New Orleans. However, during the 1980s the population growth slowed due to the economic recession in the oil industry. Presently, Jefferson has a population of 448,000, making it the second largest parish to New Orleans.

The rapid growth of the last three decades was facilitated by the development of three interstate highways in the metropolitan New Orleans area, an international airport with direct or connecting flights into Mexico, Central America, and South America, and one of the world's largest seaports in New Orleans. These economic achievements of the post World War II era plus the old bayous and bays, once controlled by Lafitte and his followers, made Jefferson a target area for major drug traffickers and related criminals.

During the last two decades crime in Jefferson Parish has generally followed the national crime rate trend (Graph One) (Appendix One). Throughout the 1970s serious crime as reported to the Federal Bureau of Investigation rose at an annual rate of 10 percent. Following the general national trend, the parish's crime rate declined between 1980 and 1984. Since 1985 the parish's crime rate has risen by an annual rate of 4 percent. In 1991 the crime rate was 9,285 per 100,000 residents, which is 43 percent higher than the state rate and 60 percent higher than the national rate (Appendix One).



**Table One**  
**Jefferson Parish Population**

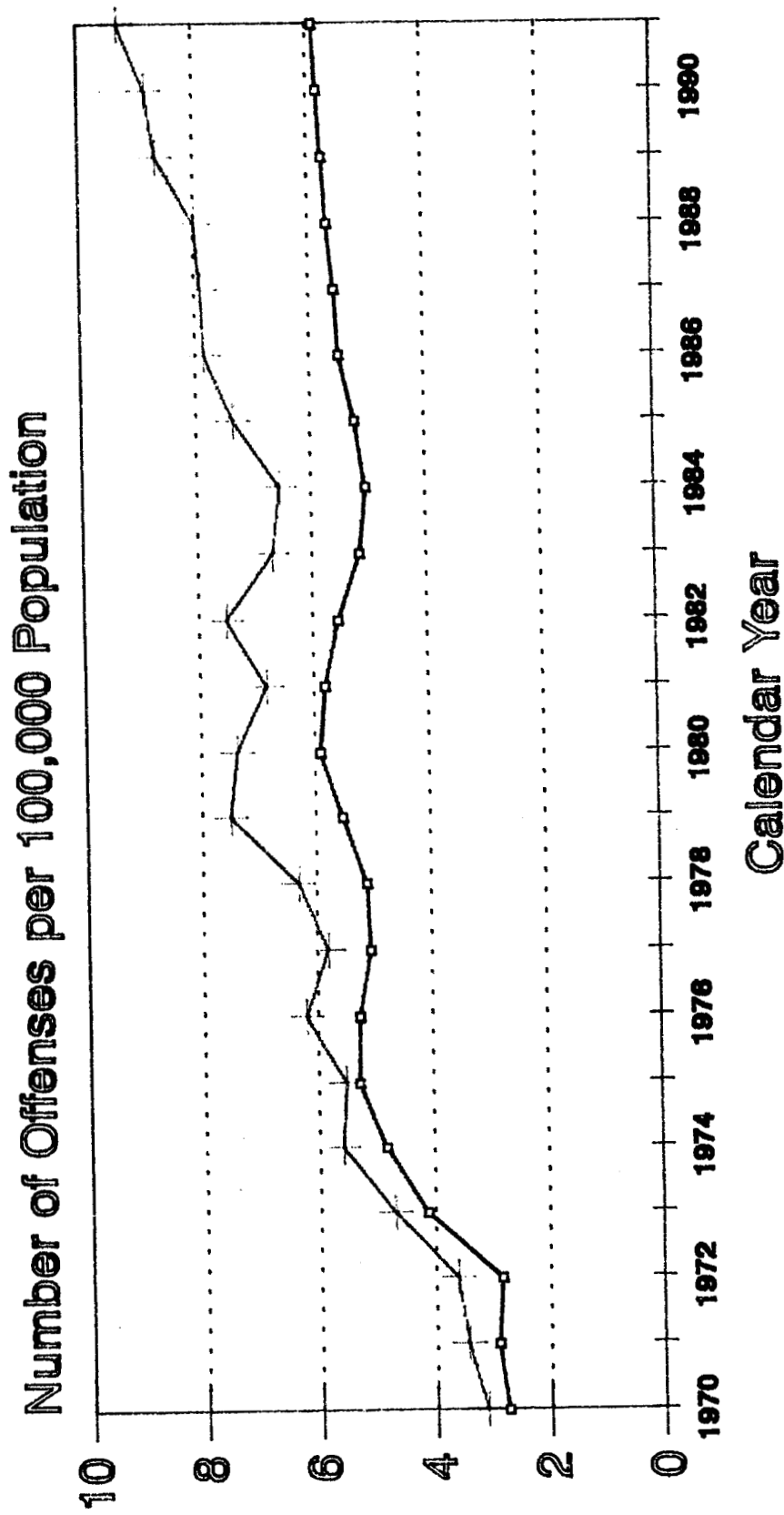
**1940 - 1990**

<b>Year</b>	<b>Population</b>
1940	50,427
1950	103,873
1960	208,769
1970	338,229
1980	454,592
1990	448,306

Source: U.S. Bureau of the Census

# Graph Number One

U.S. & Jefferson Parish Crime Rates, 1970-1991



Source: Federal Bureau of Investigation, Uniform Crime Reports, 1970-1991

Adult drug arrests (Graph Two) (Appendix Two) in Jefferson Parish for the last twelve years have followed a pattern of rising, falling, and then rising again. Between 1980 and 1982 adult drug arrests rose by an annual rate of 7.2 percent. Then from 1983 to 1987 drug arrests decreased significantly. However, since 1988 with the arrival of "crack" cocaine, drug arrests have been increasing annually by 9.9 percent.

The criminal case filings (Graph Three) (Appendix Three) in the Twenty-Fourth District Court of Jefferson Parish have followed a pattern similar to the parish's crime rate. During the 1970s the number of criminal case filings rose by an annual rate of 8.4 percent. Then starting in 1982 the filings, following the crime rate of the parish, began a decline which lasted until 1986. Since then the annual growth rate of criminal filings in district court has been 9.9 percent, which basically parallels the rise in drug arrests.

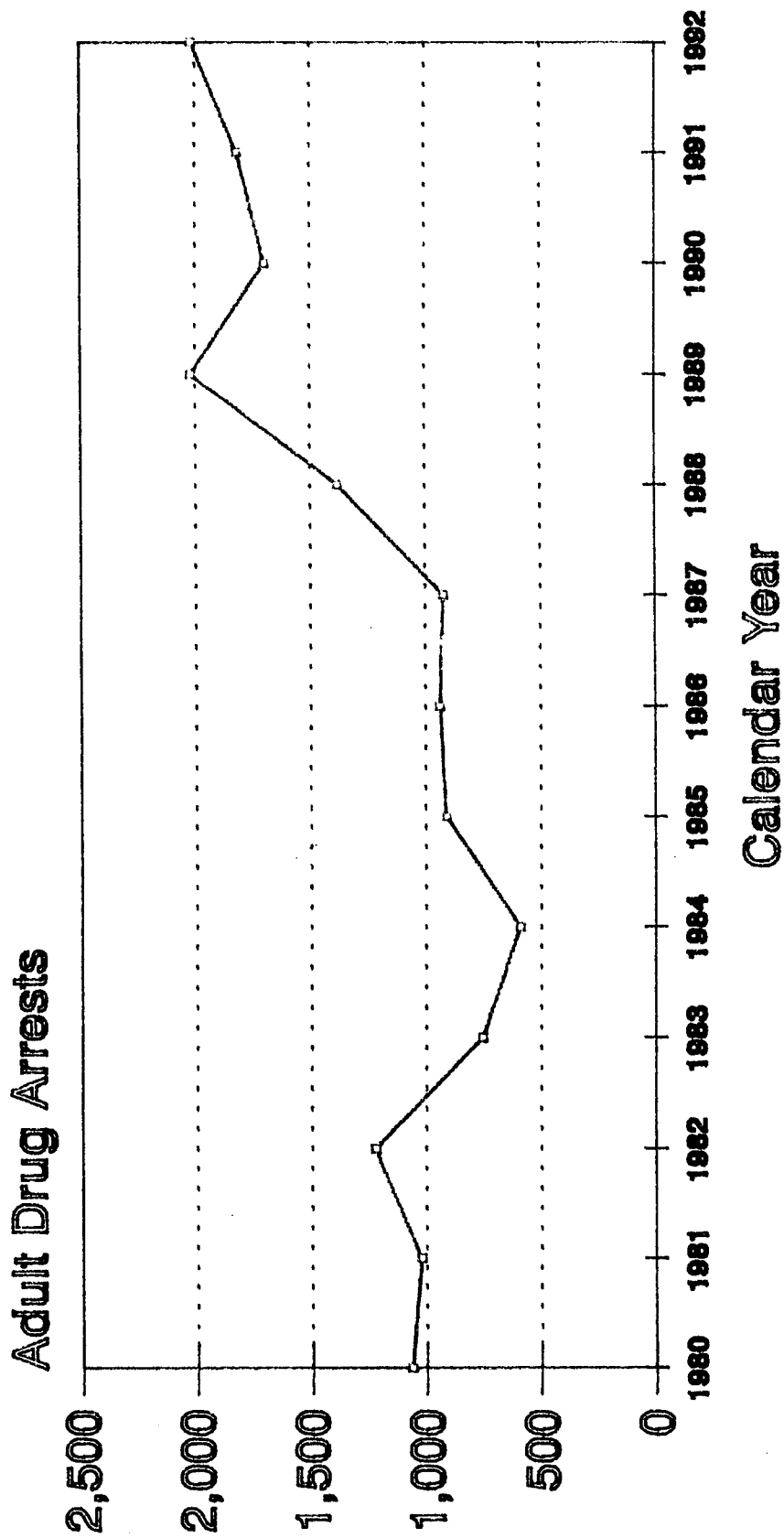
Criminal filings as a proportion of all filings (Graph Four) (Appendix Three) have also grown in a similar fashion. Since 1986 the criminal filings as a percent of all filings, criminal and civil, have risen from 18.5 percent to 27.5 percent, an increase of 48.6 percent.

The impact of the drug problem in Jefferson Parish is best reflected in the filings of bills of information by the district attorney in the district court. As Graph Five (Appendix Four) reflects, the number of felony narcotic bills of information has risen dramatically, especially in the last five years, as have the drug arrests. In 1986, 608 narcotic bills were filed, while 2,254 were filed in 1992--an increase 270.7 percent (Appendix Four). The narcotic bills as a proportion of all felony bills filed by the district attorney have also risen significantly in the last five years (Graph Six). In 1986 the narcotic bills were 15.2 percent of all felony bills, while in 1992 they were 27.5 percent--an increase of 80.9 percent.

As a result of this dramatic increase in crime in the parish and drug cases in the district court, the Twenty Fourth District Court applied for a federal grant for \$87,914 from the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice to create a "Drug Court". On May 1, 1991, the "Drug Court", known officially as Division "S", began with a judge and secretary paid for under the grant. The district attorney assigned a veteran prosecutor to this division and contributed nearly \$48,000 to the court so that it would have adequate funds to operate. In the early spring of 1993, the Indigent Defender Board (public defender) plans to place another experienced attorney in the new division

# Graph Number Two

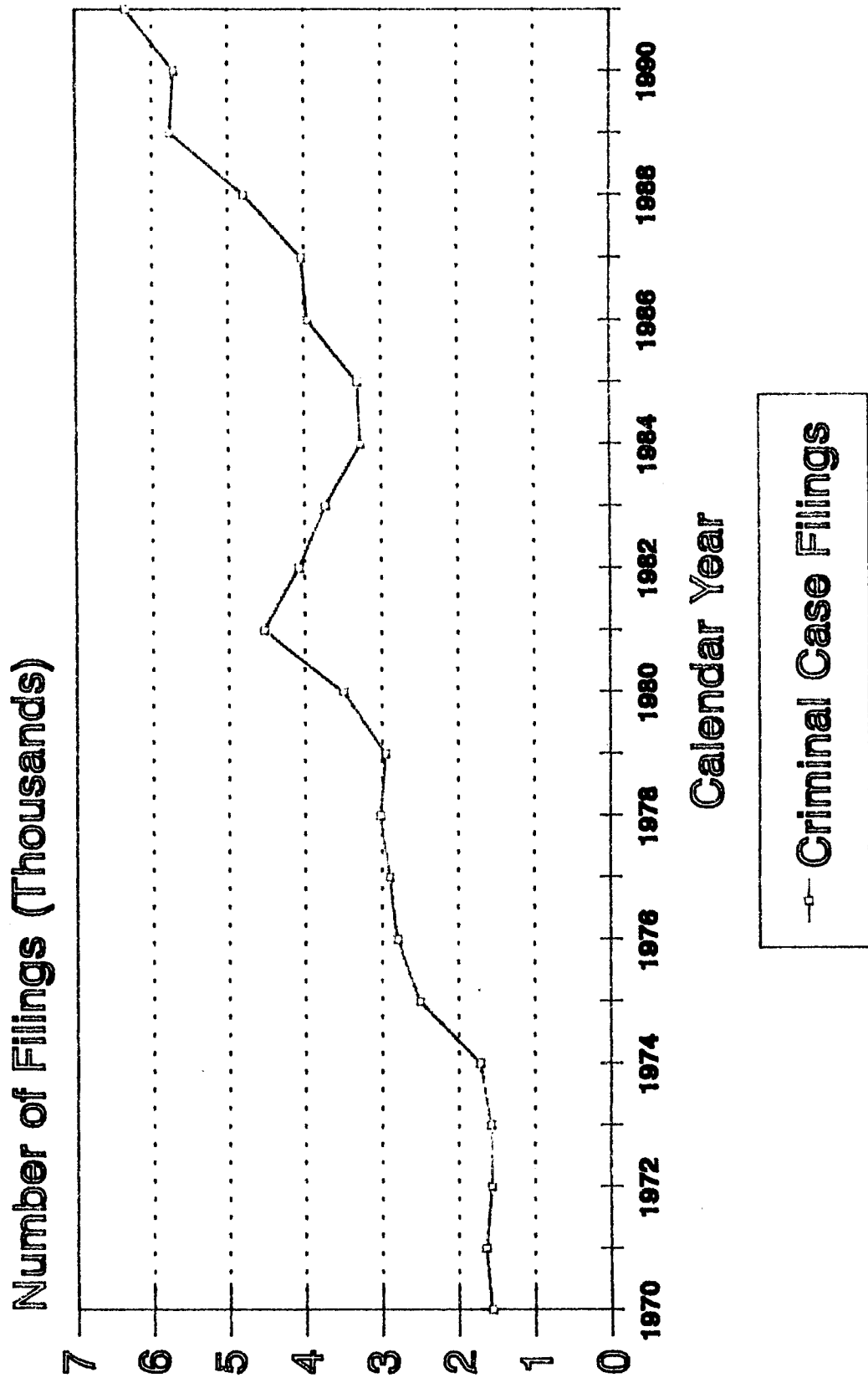
Jefferson Parish Adult Drug Arrests, 1980-1992



Source: Federal Bureau of Investigation, Uniform Crime Reports, 1980-1991

# Graph Number Three

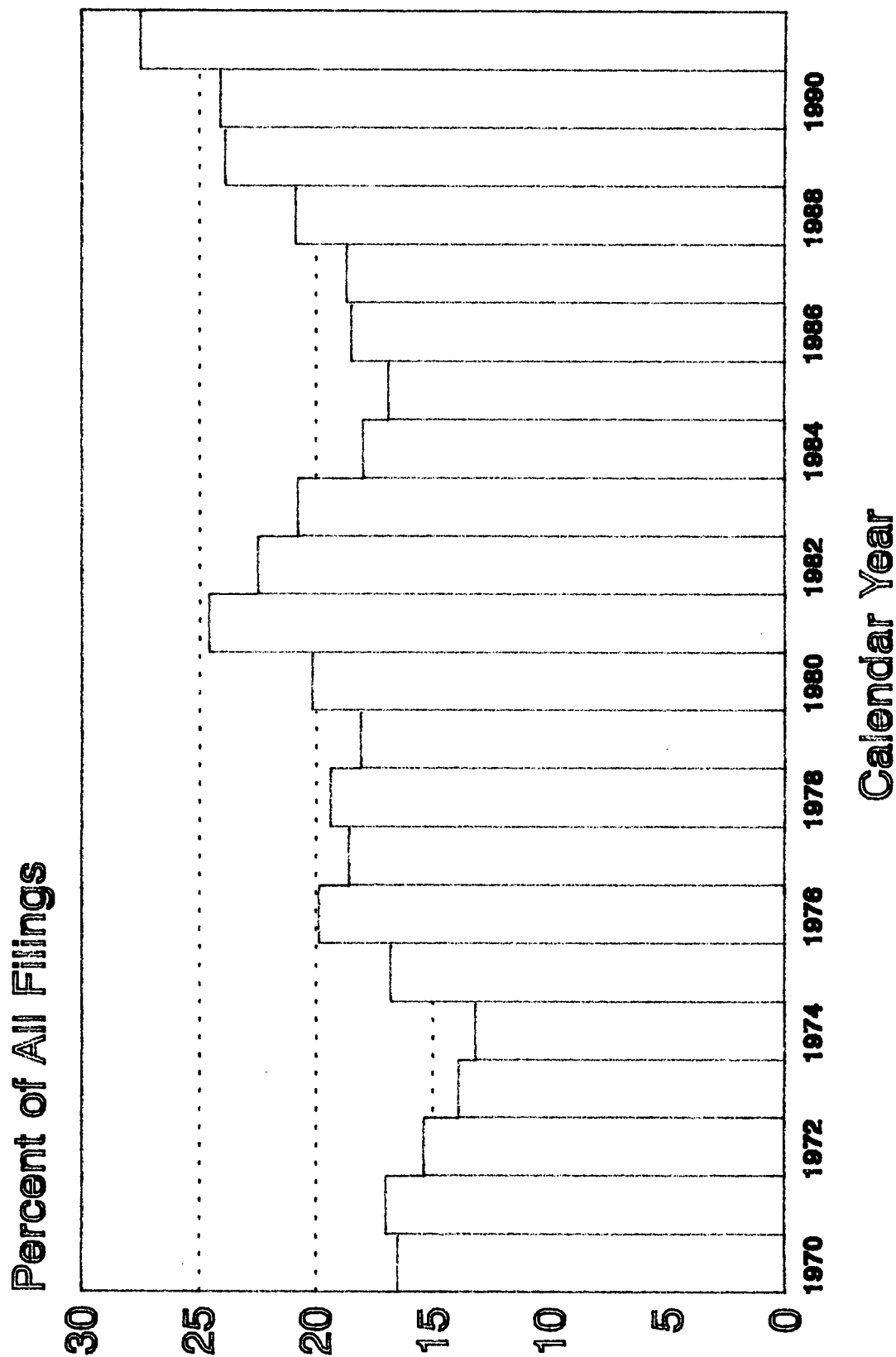
Twenty-Fourth District Criminal Case Filings, 1970-1991



Source: Supreme Court of Louisiana, *Annual Report of the Judicial Council, 1970-1991*

## Graph Number Four

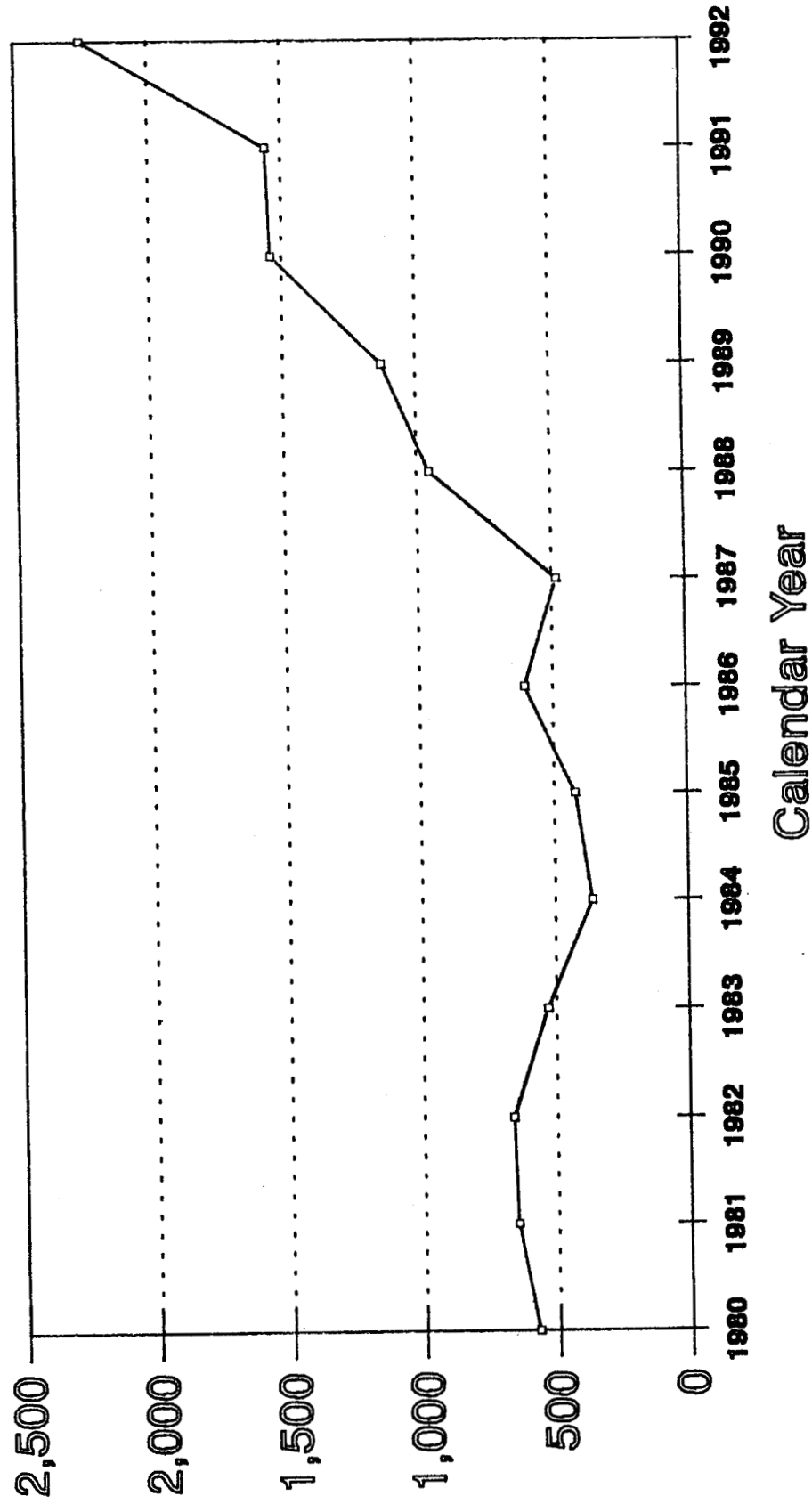
Twenty-Fourth District Criminal Case Filings as a Percent of All Filings, 1970-1991



Source: Supreme Court of Louisiana, *Annual Report of the Judicial Council, 1970-1991*

# Graph Number Five

Jefferson Parish Narcotic Bills of Information Filings, 1980-1992

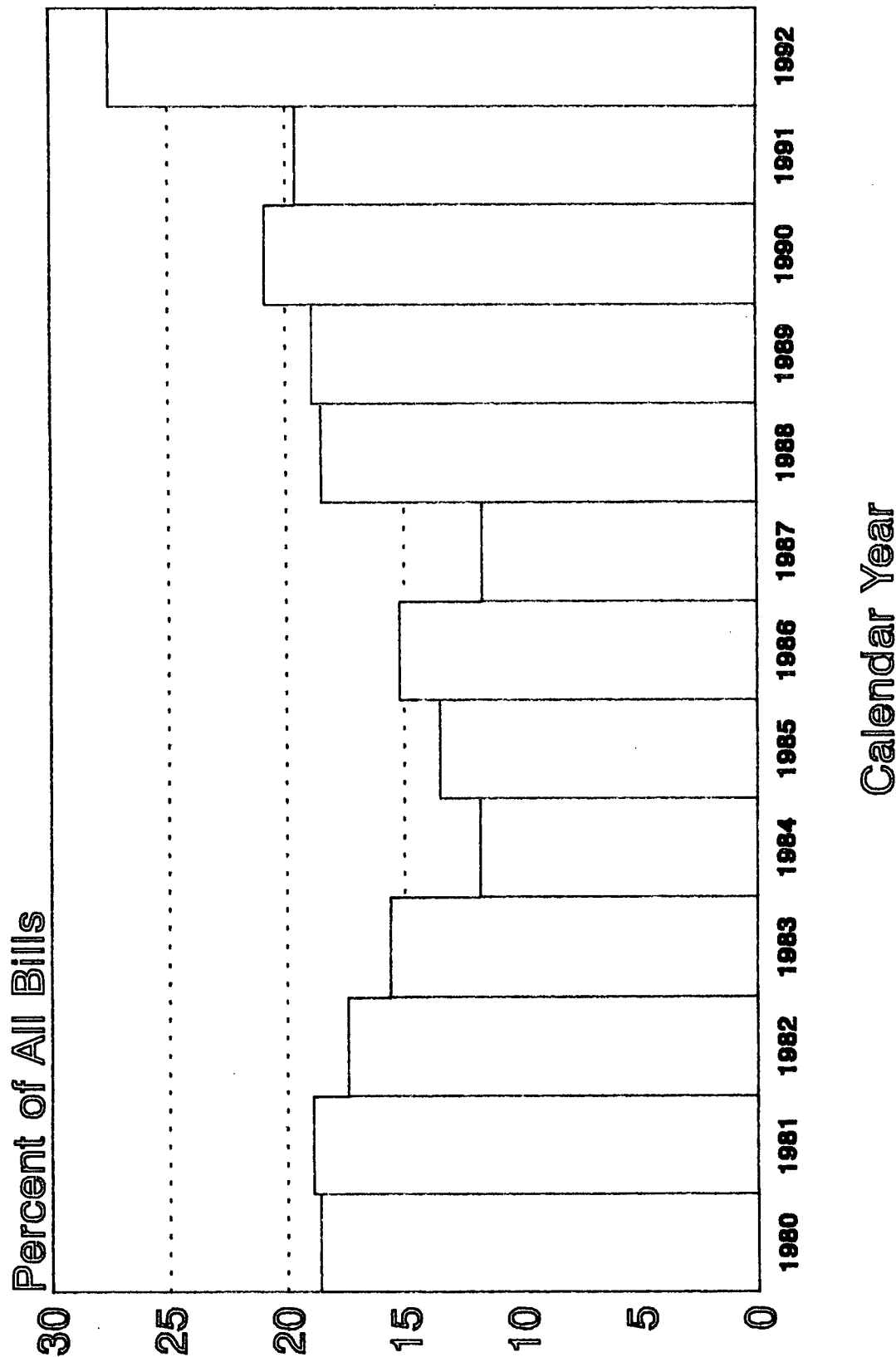


—□— Narcotic Bills Filed

Source: Jefferson Parish District Attorney, Annual Statistics Information Report, 1980-1992

# Graph Number Six

Jefferson Parish Narcotic Bills of Information As a Percent of All Bills, 1980-1992



Source: Jefferson Parish District Attorney, *Annual Statistics Information Report, 1980-1992*



through another federal grant. The Clerk of Court staffed Division "S" with the necessary clerks, and the Sheriff's office assigned a bailiff. Parish government also provided newly renovated quarters for the court on the first floor of the courthouse annex.

The Twenty-Fourth District Court has sixteen divisions, including the "Drug Court". It is a trial court of general criminal and civil jurisdiction. In criminal matters, the court hears primarily felony cases with the exception of certain state misdemeanors which are by policy of the district attorney filed in district court. All other misdemeanors are filed in the lower courts of either First or Second Parish Courts, and juvenile cases are handled by the Juvenile Court of Jefferson Parish.

Just prior to the approval of the grant, the Louisiana State Supreme Court (Appendix Five) appointed a pro tempore judge to hear drug cases in the Twenty-Fourth District Court. A judge sitting in First Parish Court was appointed for six months until a retired judge from the Twenty-Fourth Court was eligible to sit pro tempore. The district court then adopted en banc court rules to permit the transfer of drug cases to Division "S" (Appendix Six). A Coordinating Committee, which was the Executive Committee of the Twenty-Fourth District Court, was to set policies and procedures for the "Drug Court". It was to meet monthly to resolve specific needs and problems of Division "S".

According to the rules, Division "S" was empowered to hear basically all drug cases filed in district court. After the drug cases were randomly allotted to the other divisions of court, the district attorney could, through a transfer order, re-allot the case to Division "S".

Through the federal grant Division "S" was to purchase a personal computer to manage cases, track caseloads and produce reports for administrative review. According to the application, it appeared that the information system was solely for internal management purposes.

The significance of the creation of Division "S" is that it created a specialized court that could handle the drug cases as expeditiously as possible. By not having a civil docket, Division "S", unlike the other divisions of the Twenty-Fourth, could devote all of its resources to expediting the processing of drug cases. Without a civil docket, the "Drug Court" could continue a case, when necessary, for one or two weeks rather than for several weeks as is necessary for the other divisions which have both civil and criminal dockets.

The general goal of the grant project is the implementation of court delay reduction procedures in dealing with controlled dangerous substances cases through a specialized "Drug Court". The measurable objectives of Division "S" are as follows: To reduce the proportion of pretrial inmates of the average daily population who have drug charges as the most serious offense<sup>1</sup>; to reduce the final disposition time for drug cases processed through the "Drug Court" from point of arrest and arraignment.

The remainder of this report will consist of a review of the relevant literature. This will include a summary of other evaluation efforts on specialized "drug courts" from published studies in professional journals and unpublished materials. The section on methodology will review the research strategy or approach to the gathering of the information for the evaluation of Division "S" of the Twenty-Fourth District Court. The findings section will discuss the analytical techniques and how well the objectives of the "Drug Court" have been met. The final part will be the conclusions of the evaluation. It will include a comparison of the findings to previous evaluations of "drug courts", recommendations for enhancing, continuing or replacing the specialized court and implications for future study.

#### FOOTNOTES

<sup>1</sup>This objective has been placed in this study by the evaluator. The specific and quantitative objectives of the grant application made no direct references as to the court's potential impact on the parish jail's population, although it was implied in the grant narrative. It is being measured because the evaluation literature on "drug courts" has concluded that a specialized court may impact the jail population. Therefore, this objective will be measured, although the Twenty-Fourth District Court never claimed that Division "S" would have a positive impact on the jail population.

## II. REVIEW OF RELEVANT LITERATURE

According to the National Center for State Courts<sup>1</sup>, a trend in the United States is that courts are working to reduce case delay, which is generally caused by the increase filings of drug cases, the national recession, and a reduction in federal diversity jurisdiction. As early as April, 1989, judicial leaders from the nine most populous states concluded that "an immediate increase in capacity is essential to move cases expeditiously and to do so in a way that guarantees constitutional protections, commands respect for the law and retains the confidences of the public in its institutions." The report of these judicial leaders noted that "[e]xperiments are underway to determine the efficacy of 'drug courts' and special management techniques such as differentiated case management to deal with drug cases. These experiments . . . are valuable and should be continued. Evaluative results should be widely circulated".<sup>2</sup>

In an American Bar Association study, Barbara Smith and her colleagues<sup>3</sup> concluded in their review of the literature that there were three basic approaches to the growing volume of drug cases in the United States: the application of case management principles; the establishment of "drug courts"; and the emphasizing of drug treatment over punishment. The National Center for State Courts<sup>4</sup> also concluded that the trend in the United States for handling the growing volume of drug cases lies with case management techniques and the creation of specialized courts. Only the approaches of case management techniques and the "drug court" will be examined in this evaluation because these avenues were the ones to be utilized by the Twenty-Fourth District Court.

Generally, differentiated case management (DCM) of drug cases involves the early screening and evaluation of cases in order to select an appropriate path to the final disposition. The technique recognizes that all drug cases are not alike and that courts should develop different processing steps as necessary. DCM treats a large, complex drug case differently than a routine drug arrest. The process is used to expedite caseload and to meet policy and treatment goals of the court. According to Samuel D. Conti<sup>5</sup>, DCM has been used successfully with drug cases by Middlesex County (New Brunswick) New Jersey and Recorder's Court in Detroit, Michigan. The Bureau of Justice Statistics of the U.S. Department of Justice<sup>6</sup> also concluded that jurisdictions participating in differentiated case management and expedited drug case management (EDCM) programs have had significant reductions

in processing time for cases and have increased court efficiency by disposing of a greater number of cases in a shorter period of time.

John A. Goerdt and John A. Martin<sup>7</sup> advocated a more comprehensive approach to the use of DCM and drug cases. Rather than direct DCM only to drug cases, Goerdt and Martin urged courts to design a comprehensive caseflow management program for all case types. They outlined how the courts should implement mechanisms for working closely with non-judicial agencies in order to move cases along the judicial process. Courts should take the lead in developing procedures for early case processing, intervention, and control. According to Goerdt and Martin, the judiciary should encourage the change that is needed to dispose of drug cases and non-drug cases sooner in the judicial process. Finally, they encouraged courts to be more proactive in promoting comprehensive planning efforts that anticipate changes such as the increased drug caseload or other events that may adversely affect the courts.

Barry Mahoney, Larry Sipes and others<sup>8</sup> have reached similar conclusions. Basically, these authors argued that successful case delay reduction programs for drug and nondrug cases were committed to controlling caseflow, setting time standards for a typical case, providing a plan for affected personnel, and monitoring the process. Faster felony processing was also related to rapid case screening and filing of charges by the district attorney and early assignment of counsel to indigents.

The ABA study<sup>9</sup> also concluded that "faster processing of drug cases is possible using sound management strategies without segregating drug cases" into specialized courts as was done in Philadelphia. On the other hand, Barbara Smith and her colleagues also maintained that "segregating drug cases and incorporating management techniques helps speed their disposition." Cook County and Milwaukee projects suggested that "drug courts" and sound management techniques decreased the disposition time even more. Officials in both courts also admitted that drug cases were not given as much attention before the special courts were created. Before the establishment of the "drug courts", the courts gave a higher priority to violent felonies, and drug cases were left at the bottom of the calendar.

An examination of specific courts and their handling of drug cases was especially illuminating. The National Center for State Courts<sup>10</sup> reported that Pierce County (Washington) Superior Court used case management techniques to reduce the time required to resolve a drug case. Although the Center's report did not have specific

evaluation results, a local paper<sup>11</sup> reported that compared to a year before the initiation of case management techniques, the percentage of drug cases resolved within 90 days of filing rose from 11 percent to 88 percent.

The Philadelphia Court of Common Pleas was one of several courts that found that drug cases can be expedited without a "drug court".<sup>12</sup> Using the expedited drug case management program (EDCM), Philadelphia's strategy was to expedite the processing of the vast majority of felony cases rather than direct exclusive attention to drug cases. The program included the establishing of an active judicial supervision of cases, developing delay-reduction techniques, and institutionalizing predictable court dates. As a result the court significantly decreased processing time. The median number of days from the date of indictment to sentencing was 294 days prior to the program, and after the program it fell to 158 days for drug cases.<sup>13</sup> The National Institute of Justice's (NIJ) evaluation<sup>14</sup> in 1991 also found that non-narcotics case processing accelerated under EDCM: 162.91 days (mean) before the program to 105.68 after the program for all cases, and 172 days (mean) before the program to 100.3 days for jail cases only. Specifically, for drug cases NIJ found that Philadelphia's EDCM program reduced the average number of days from arraignment to disposition for drug cases by 26 percent, from 158 to 113 days. In 1992 NIJ also reported that EDCM reduced the average time from indictment to sentencing by one-fourth, from 208 days in 1988 and 209 in 1989 to 155 in program year 1990. The Institute also concluded that the most significant impact of the program was that the average number of days in detention for all cases was reduced from 166.5 days before the program to 82.8 days after the program. In the 1992 evaluation, NIJ determined that the average number of days a defendant was detained from indictment to sentencing declined 36 percent, which gave the jail a potential net gain of up to 230,000 days of bed availability over 18 months or 420 beds a day.

Before examining the "drug courts", it should be noted that an article in Judicature<sup>15</sup> claimed that the establishing of "drug courts" to cope with the rise of drug cases in urban areas was not a common pattern. Nevertheless, the National Center for State Courts<sup>16</sup> recently reported that there were at least five such courts in the United States: New York City; Jersey City, New Jersey; Dade County, Florida; Milwaukee County, Wisconsin, and Cook County, Illinois<sup>17</sup>.

Unfortunately, there has not been a formal evaluation of the New York City Court, although one is in progress. Nevertheless, the New York Times reported in 1988 that the court had cut the backlog of drug cases.<sup>18</sup>

An evaluation of Milwaukee's Circuit Court by the district attorney found that the time from filing to disposition fell from 307 days before the "drug court" began to 64 days after the "drug court" opened (The study excluded time out on warrants). However, the ABA study found that the median days to disposition fell from 253 days to 117 days. The results are different because the ABA used the sentencing date rather than the disposition date and did not exclude time out for warrants. The number of drug cases disposed within 90 days of filing jumped from 9 percent before the establishing of the "drug court" to 28 percent after. Also, the percentage of drug cases that remained on the docket more than 180 days fell from 60 percent to just 16 percent. The ABA study also found that the speed of justice was not achieved in return for lighter sentences. The frequencies of prison, probation, and jail (usually a combination of jail and probation) sentences remained constant in the "drug court" when compared to the previous period. In addition, there was no significant change in the length of any types of sentences.<sup>19</sup>

The Chicago "drug court", which was comprised of five judges who handled cases at night, had similar results.<sup>20</sup> Prior to the "drug court", only 18 percent of narcotics cases were disposed within 90 days, but after the court opened, 60 percent were disposed within 90 days. In addition, the median time to disposition fell from 245 days before the creation of the court to only 69 days after. However, the sentencing practices for the drug cases changed under the "drug court". Prison terms for drug offenders dropped by 20 percent while probation increased by 20 percent. Furthermore, the terms of probation declined from an average of 900 days prior to the "drug court" to 510 days after. The ABA study concluded that "it seems that in Cook County the speedier dispositions achieved in the night courts were gained in exchange for more lenient sentencing practices."<sup>21</sup>

The NIJ also reported remarkable evaluation findings for the "drug court" in Middlesex County, New Jersey. The most recent research revealed that the impact of EDCM was that the average days from case initiation to disposition dropped from 238 in 1988 (241 in 1989) to 81 in 1990--a decrease of 193 percent.<sup>22</sup>

The final "drug court" reviewed was the Orleans Parish Criminal District Court. Particular attention was given to this project because the "drug court" for the Twenty-Fourth District Court was generally modeled after the Orleans Parish court.

The generic problems facing the Orleans Parish Criminal District Court and other jurisdictions (Providence, Rhode Island and Santa Clara County, California) creating a "drug court" were jail overcrowding and a lack of alternatives to incarceration, which were also issues affecting Jefferson Parish. This "drug court", which no longer operates because of a lack of funding since federal monies ceased, adopted three techniques to cope with the rising volume of drug cases: all drug cases were to be assigned to the two new sections; an automated information system was to support the caseflow management, and drug cases were categorized into three tracks to assist the caseflow management process. These techniques were supported by two existing advisory committees for coordination.<sup>23</sup>

The basic operations of the Orleans Parish "drug court" included the use of two retired judges. All cases were first assigned to one of the ten standing sections of criminal court and then reassigned to the "drug court". Ultimately, not all judges were willing to transfer their drug cases to the "drug court" as planned. Several of the judges reviewed their cases and exercised discretion as to whether the case should be transferred. In regards to the prosecution and defense of the drug cases, the district attorney's Drug Task Force eventually handled all cases assigned to the "drug court", and the Office of Indigent Defense assigned experienced attorneys to the specialized court.<sup>24</sup>

The evaluation study by the National Center for State Courts concluded that the implementation of the automated information system proved more difficult than expected. The result was that "the system was primarily a record keeping mechanism rather than a management support system." The reason was that the automated case information system was never fully integrated into the management of all the agencies involved in the "drug court".<sup>25</sup>

A review of the case classification system by the National Center determined that the three tracks were as follows: cases disposable at arraignment; those disposable at motion hearings, and those which would probably go to trial. Controlled by the district attorney, the system ultimately did not have the intended effect. The screening division of the district attorney used the classification scheme to label cases which were entered into the system. However, the National Center concluded "no one could identify how the information was used." The assistant district attorneys were unaware of the three tracks or found it irrelevant to their work.<sup>26</sup>



The evaluation methods by the National Center for the Orleans Parish "drug court" included two samples: one was drawn from dispositions in 1987 before the ad hoc sections were created, and one was drawn from filings from March-May, 1989, which was after the ad hoc sections started. The evaluation then analyzed the court disposition process: arrest-to-disposition; arrest-to-arraignment, and arraignment-to-disposition. The researchers compared the case processing time between pre- and post-program and between ad hoc and standing sections of the Criminal District Court. They attempted to determine what effect case characteristics (e.g. motions filed, motion hearings, continuances, and bench warrants) had on case processing time and when dispositions actually occurred. In addition, they tried to determine whether the caseload was effectively reduced by the "drug court".<sup>27</sup>

The National Center found that the "drug court" did not reduce the time between arrest and disposition. The median case processing time increased by 22 days from pre- (96 days) to post-program (118 days) while the time to dispose of non-drug cases remained constant. Since certain judges retained some or all of their drug cases, a comparison was made between the "drug court" and those sections of the Criminal District Court. Again, the "drug court" took substantially longer to dispose of cases. The "drug court" had a median time of 167 days from arrest-to-disposition while those divisions of Criminal Court retaining their drug cases took only 83 days. The National Center also found that the drug cases were speedily transferred from the Criminal District Court to the "drug court". The median time from the transfer date to the date received in the "drug court" was three days. The Center concluded that the transfers were processed without delay from the standing divisions to the specialized court.<sup>28</sup>

According to the National Center, one possible explanation for this unexpected result was that the drug cases transferred to the "drug court" were more complex and difficult than those retained in the Criminal District Court. An analysis of the numbers of motions filed, motions heard, continuances, and bench warrants revealed that drug cases became more complex over the two year period from the pre- to post-program. While motions filed remained constant, the percent of cases with one or more continuances increased substantially as did the percentage of cases with one or more motion hearings. Comparing the "drug court" to the Criminal District Court, the National Center found evidence that the drug cases transferred to the ad hoc sections were far more complex than were the drug cases retained by the Criminal District Court. The "drug court" cases had more motions file, more motion

hearings held, more continuances granted, and more bench warrants issued.<sup>29</sup>

The National Center also explored another factor which may have affected disposition time. According to the City of New Orleans' crime statistics, there was a dramatic increase in drug arrests in 1989, the year examined for the "drug court" evaluation, because of task forces in the police department and the district attorney. The Center noted that part of the explanation for the lengthy time for final disposition of the "drug court" may have been a result of an overwhelmingly increased caseload. According to evaluation results, the "drug court" was able to dispose of only 68 percent of its cases within one year (1989).<sup>30</sup>

It may be that the Criminal District Court transferred the more complex drug cases to the two ad hoc sections. However, the case characteristics used by the National Center may not have been the best indicators of case complexity. Perhaps more salient factors could have been explored. For example, more direct indicators would have been the number of defendants per case, number of charges or counts per defendant, and severity of the charges expressed in level of penalties by state law. Other factors affecting disposition time were the work habits of the individual retired judges and the assistant district attorneys, who either totally ignored or were unaware of the three-track case classification system which directly affected disposition times.

Another finding by the National Center was that a significantly larger number of cases were not disposed until the trial date. Early pleas did not materialize, and there was no evidence as to why this occurred. Anecdotal evidence revealed that Louisiana's tough sentencing laws encouraged offenders to take their chance before a jury or at least discourage a premature acceptance of a plea until all options and motions were pursued. Limitations by the district attorney's discovery policy may have also affected the ultimate timing of the dispositions.<sup>31</sup>

The final determination of the National Center on the evaluation results of the Orleans Parish "drug court" was that "the evidence is insufficient to determine whether the slower case processing time was a product of an efficient process overwhelmed by volume, or something in drug cases which is inherently slower."<sup>32</sup>

In conclusion, the research literature generally found that jurisdictions, except for New Orleans, using case delay reduction techniques and/or "drug courts" have experienced significant reductions in case disposition

time. Only one area (Philadelphia) measured the effects of a case management program upon a jail population and found that such techniques can have a significant positive effect upon the average number of days in pretrial detention. Finally, the studies have reached mixed conclusions about the effects of such programs upon sentencing practices.

#### FOOTNOTES

- <sup>1</sup>National Center for State Courts, "Report on Trends in the State Courts" (Williamsburg, VA: National Center for State Courts, 1992), 3. Hereafter, the National Center will be cited as NCSC.
- <sup>2</sup>"The Judiciary Response to the Drug Crisis: A Report of an Executive Symposium Involving Judicial Leaders of the Nation's Nine Most Populous States" (No place of publication or publisher, 1989), n.p.
- <sup>3</sup>Barbara Smith, Robert C. Davis, and Sharon R. Goretsky, "Strategies for Courts to Cope with the Caseload Pressures of Drug Cases," "Executive Summary" (No place of publication: American Bar Association, 1991), 1.
- <sup>4</sup>NCSC, "Report on Trends in State Courts," 3, 5.
- <sup>5</sup>Samuel D. Conti, ed., "Drug Issues Affecting State Judicial Systems--Briefing Papers" (Washington, D.C.: NCSC AND Bureau of Justice Assistance of the U.S. Department of Justice, 1991), 4-8 to 4-14.
- <sup>6</sup>Bureau of Justice Assistance, "BJA Pilot Differentiated Case Management (DCM) and Expedited Drug Case Management (EDCM) Program: Overview and Program Summaries" (Washington, D.C.: Bureau of Justice Assistance, 1990).
- <sup>7</sup>John A. Goerdt and John A. Martin, "The Impact of Drug Cases on Case Processing Time in Urban Trial Courts," State Court Journal 13(4) (1989), 8.
- <sup>8</sup>Barry Mahoney and Larry Sipes, "Zeroing in on Court Delay: The Powerful Tools of Time Standards and Management Information," Court Management Journal, (1985), 8-13; Barry Mahoney, "Attacking Problems of Delay in Urban Trial Courts," State Court Journal, 11(13) (1987), 4-10; Barry Mahoney et al., Changing Times in Trial Courts (Williamsburg, VA.: NCSC, 1988).
- <sup>9</sup>Smith et al., "Strategies for Courts to Cope with the Caseload Pressures of Drug Courts," 12.
- <sup>10</sup>NCSC, "Report on Trends in State Courts," 5.
- <sup>11</sup>Stuart Eskenzai, "Court Resolving More Drug Cases Quicker," Tacoma News Tribune, June 17, 1989.
- <sup>12</sup>NCSC, "Report on Trends in State Courts," 5.
- <sup>13</sup>Smith et al., "Strategies for Courts to Cope with the Caseload Pressures of Drug Courts," 9-11.

- <sup>14</sup>National Institute of Justice (NIJ), Searching For Answers: Annual Evaluation Report on Drugs and Crime (Washington, D.C.: NIJ, 1991), 36-37; Searching For Answers: Annual Evaluation Report on Drugs and Crime: 1991 (Washington, D.C.: NIJ, 1992), 66; Joan E. Jacoby, Edward C. Ratlege, and Heike P. Gramchow, "Expedited Drug Case Management Programs: Issues for Program Development" (Washington D.C.: NIJ, October, 1992), 3.
- <sup>15</sup>"The Drugging of the Courts: How Sick is the Patient and What is the Treatment?" Judicature, 73(6) (April-May, 1990), 324-321.
- <sup>16</sup>NCSC, "Report on Trends in the State Courts," 5.
- <sup>17</sup>The City of New Orleans had a "drug court," but it no longer operates due to budgetary problems.
- <sup>18</sup>Peter Kerr, "Drug Court Cuts New York Backlog," New York Times, February 6, 1988; National Criminal Justice Reference Service, "Literature Search," (No place of publication, publisher, or date), n.p.
- <sup>19</sup>Smith et al., "Strategies for Courts to Cope with the Caseload Pressures of Drug Cases," 7-8.
- <sup>20</sup>Thomas R. Fitzgerald, "Evening Narcotics Court," CBA (Chicago Bar Association) Record (May, 1990), 21-24.
- <sup>21</sup>Smith et al., "Strategies for Courts to Cope with the Caseload Pressures of Drug Cases," 3-4.
- <sup>22</sup>Jacoby et al., "Expedited Drug Case Management Programs," 6.
- <sup>23</sup>NCSC, "Alternative Approaches to the Comprehensive Adjudication of Drug Arrests" (Williamsburg, VA.: NCSC, 1989), 68-69, 76.
- <sup>24</sup>Ibid., 77-78.
- <sup>25</sup>Ibid., 81.
- <sup>26</sup>Ibid., 82.
- <sup>27</sup>Ibid., 83.
- <sup>28</sup>Ibid., 83-85. The National Center's evaluation was very unclear as to why there was a median of 118 days for the post-program and 167 days for comparison to the "ad hoc" sections in the arrest-to-disposition process. It would appear that these figures should have been the same.

<sup>29</sup>Ibid., 86-89.

<sup>30</sup>Ibid., 92.

<sup>31</sup>Ibid., 92-93.

<sup>32</sup>Ibid., 94.

### III. METHODOLOGY

#### *Jail Data Research*

The first data gathered on the impact of the "Drug Court" upon the parish's criminal justice system was from the jail population. Although the grant creating the court did not specify that it would reduce the jail population, it was implied that there might be some impact, and the review of the literature suggested that this was possible. Therefore, data on the average daily population of the jail and the average daily population of pre-trial inmates whose most serious charge was a drug offense was collected by the author and a Jefferson Parish Sheriff's Office deputy assigned to the jail's population control programs of early release and home incarceration.

After the initial design of the data collection form (Appendix Seven), it was pretested for one day. When no problems surfaced, the jail data collection effort began in the middle of September, 1992, and lasted to about the middle of December, 1992.

The source of the jail data was the "Daily Jail Sheet", which is printed by the Jefferson Parish Correctional Center. Data was collected for one year prior to the start date of the "Drug Court", i.e. August 1, 1990 to July 31, 1991. In addition, the same type of figures was collected for the first "full year" of the "Drug Court", i.e. August 1, 1991, to July 31, 1992. Although the court was to start on May 1, 1991, it actually took almost three months before the court began full operations. Therefore, one could not expect the court to have any impact on the jail population for the months of May through July, 1991, when it was not operational.

The size of the "before" and "after" populations was 365 days respectively. Although the "Daily Jail Sheet" provided a total headcount for each day, there were no tabulations of inmates by their charges, which were listed on the sheet. Since the number of pretrial inmates with a drug offense as the most serious charge had to be counted manually, a very time-consuming effort for two years, a sample was taken of each population. Wednesday was chosen as the day for the sample after placing the days of Monday through Friday in a box and choosing one day randomly. Consequently, the first Wednesday chosen for the "before" sample was August 8, 1990, and the last Wednesday was July 31, 1991. The first Wednesday selected for the "after"

sample was August 7, 1991, and the last Wednesday was July 29, 1992. As a result, the sample sizes were both 52. The data gathered for each Wednesday was the date, the total count of inmates for that day, and the total of pretrial inmates whose most serious charge was a drug offense.

After the data was collected and analyzed, it was determined that there was a statistically significant reduction in the "after" sample of the average daily population of the pretrial inmates whose most serious charge was a drug offense. Although it appeared that the "Drug Court" may have expedited the processing of cases and thereby reduced the pretrial inmate population with drug charges, there was another plausible explanation. In April, 1991, the sheriff of Jefferson Parish assumed extraordinary powers under an interpretation of the federal consent decree regulating the population limits of the Correctional Center. As a result, he began releasing under his authority pretrial and sentenced inmates from jail. Therefore, it became imperative to determine whether these releases were the actual cause of the reduction in the pretrial population of the "after" sample. Consequently, another survey instrument (Appendix Eight) was developed to capture from the jail release records the total number of all releases and the number of releases with drug charges for the time period of August 7, 1991, to July 29, 1992. Through regression analysis, which will be discussed fully in the findings section, it was determined whether there was a statistical relationship between these releases and the reduction in the pretrial population of the "after" sample. The gathering of this data was also done by the same aforementioned deputy assigned to jail population programs.

Another possible cause for the reduction, the decline in the number of drug arrests, was also examined. However, the gathering of this information required research in published reports and did not necessitate a data collection effort. The results of this research will also be discussed in the findings section.

#### *Court Data Research*

The second area of evaluation was the impact of the "Drug Court" upon the disposition time for drug cases. The research strategy was to gather data from the criminal court files in the Jefferson Parish Clerk of Court's Office on drug cases "before" and "after" the creation of the specialized court. The intent was to compare the disposition time of cases in the "Drug Court" against the



time it took before the court began, against the goals and objectives set out in the federal grant application, and against the standards of the American Bar Association.

The research form (Appendix Nine) collected such general case information as the name of the defendant, the clerk number, the division of court to which the case was assigned, the number of defendants in the case, the charges by citation, the offense class, whether the defendant was incarcerated during the disposition process, and the number of continuances in the case. The time series data included dates on the following events: arrest, filing of bill of information, allotment, transfer from a regular division of district court to the "Drug Court", arraignment, disposition, and sentencing. The data collected also included the type of disposition, type of sentence, and sentence length.

The pretesting of the form, which was conducted by court employees, resulted in only two additions to the form: additional space for the number of charges up to six and the inclusion of the transfer date which would be critical in determining the process time for the movement of the cases through the court system.

As stated previously, the sources of the data were the criminal case files in the Jefferson Parish Clerk of Court Office. Since in the last three years (1989-1991) there have been between 1,100 and 1,500 drug bills of information filed for prosecution in the clerk's office, it was decided to sample only a certain portion of those filings because it would not have been possible to research all filings in the time allotted for this evaluation.

For the "before" sample the period chosen was August through October of 1989. This year was chosen because it was far enough removed from the Twenty-Fourth District Court's decision process to develop a specialized court for drug cases. Since the court applied for the federal grant at the end of 1991, this year was eliminated. The "after" sample period was the first three full months of the court's operation--August through October, 1992. It must be fully recognized that this was the "Drug Court"'s developmental stage, and all conclusions and findings must be judged from that perspective.

The starting point for the data collection effort was to use the "allotment sheets" for those periods. This document is an official record of the random assignment of a case to one the divisions of the Twenty-Fourth District Court after filing. This record contains the defendant's name, the clerk of court number, the offenses, class of offense, division of court to which the case was allotted

(assigned), the bill of information filing date, and the allotment date.

The author and other members of the Criminal Justice Coordinating Council staff, using the allotment sheets, began filling out the forms for all drug cases filed during the aforementioned periods. When a bill of information had more than one defendant, a form was completed on all defendants. As a result, the "before" sample had 158 defendants. Only 154 defendants were used because 4 defendants had their cases expunged. However, the "after" period sample had 507 defendants. The fact that the two time periods only two years apart had such vastly different sample sizes concerned the author. This could not be explained by an increase in the number of drug arrests because this data (See Graph Two and Appendix Two) revealed that arrests declined between 1989 and 1991. On the other hand, the number of filings of bills of information on drug charges for this period increased by 38 percent (See Graph Five and Appendix Four). But this factor did not totally explain the 196 percent difference between the two samples. One plausible explanation was that the district attorney's staff, in anticipation of the full operation of the "Drug Court", screened the cases and accepted charges but held up filing of the bills of information until the opening of the "Drug Court". The District Attorney's Office did not absolutely confirm this scenario but admitted that this was possible.<sup>1</sup>

In order to correct for this disparity in the sample sizes, the author, after consultation with his project supervisor and NCSC staff, decided to "sample the sample". To select a sample of approximately 158 defendants from a sample population of 507, every third defendant was selected ( $K = N/n = 507/158 = 3$ ). The first selection was determined by the use of a random number generator on a conventional statistical calculator which produced the number 2. The first defendant chosen was defendant number 2 followed by defendants numbered 5, 8, 11, and so on.<sup>2</sup> The result was that the sample size for the "after" period was now 169. However, only 165 defendants were used because 4 cases had been transferred to Division "S" several months after arraignment. Their inclusion in the sample would have disrupted the computations of the arrest-to-disposition process because of nonsequential dates.

Once the two sample sizes were completed, the author, after being trained by the supervisor of the minute clerks on the location of specific documents in a case file, researched the court records from about the middle of October through approximately the middle of December, 1992. Only two major obstacles presented themselves during the research. First, there was the problem of lost

files and missing information. Fortunately, the aforementioned supervisor and district attorney's office were able to locate all lost files and virtually all missing information in both samples. Second, there was a quirk in the court documents for the arrest date of a defendant. Unless a defendant was able to post bond, there was no official document that had the arrest date for the defendant. The bond documents had the correct arrest date, but for those who were incarcerated, it was necessary to use the jail's computer system to find the arrest date to match the drug charge and the defendant. Fortunately, all correct arrest dates not found in the criminal record were located on the jail's computer system.

### *Data Quality*

All researchers involved in the evaluation project were trained by the author on the correct use of the data forms before collection began. During the process, the author supervised their activities and monitored the results.

The author himself was also trained by the Clerk of Court's minute clerk supervisor. For one morning she explained the criminal record file system, the location and meaning of the specific documents in each case folder, and the various nuances and hidden problems in the files such as the inability to find arrest dates unless the arrestee had posted bond. In addition, she served as the author's primary "trouble shooter" in locating missing files and interpreting complicated case files.

Data entry was conducted by only one staff member of the Criminal Justice Coordinating Council. She was also instructed by the author on the proper method of entering data and the meaning of specific notes on the forms. After all forms were entered, the author randomly selected ten percent of the forms and retrieved them from the computer system to determine their accuracy, which was 100 percent. Nevertheless, after the initial computer programs were written to provide case disposition times, some date errors were noted. A return trip to the case files revealed that the author had written down the wrong date on some forms.

Finally, in order to check that the samples came from similar populations in regards to two critical issues--the number of defendants and charges per case, which might affect disposition time, a statistical test of proportionality was conducted. The result was that the samples were not significantly different in regards to number of defendants per case<sup>3</sup> and number of charges per case<sup>4</sup>.

#### FOOTNOTES

1. Interview with Robert Pitre, December 8, 1992.
2. All forms for the defendants were placed in the same sequential numbering system as they appeared on the allotment sheets before the systematic sampling process began.
3.  $z = .42, p < .05.$
4.  $z = .58, p < .05.$

#### IV. ANALYSIS OF DIVISION "S"

##### *Jail Impact*

Although the Twenty-Fourth District Court never claimed that it would affect the parish's jail population in a positive manner, this special division of court may have been able to reduce a portion of the average daily population (ADP) of the Jefferson Parish Correctional Center. The ADP for the entire jail population actually increased from 683 in the pre-period to 699 in the post-period (Graph Number Seven)<sup>1</sup>. This was undoubtedly caused not by the Division "S" taking longer to process a drug case but by the fact that the U.S. Middle District Court of Louisiana permitted the Parish of Jefferson to increase its jail population from 689 to 700 on August 30, 1991, by double-bunking.<sup>2</sup>

On the other hand, the ADP of the pretrial inmates with drug charges as their most serious offense did drop from 102.23 days in the pre-period to 91.04 days in the post-period (Graph Number Eight)--a difference of approximately 11 inmates which was statistically significant.<sup>3</sup> This reduction may be explained by the fact that the average length of stay (ALS) from arrest to disposition<sup>4</sup> for pretrial inmates with a drug offense was 133.74 days in the pre-period but 103.91 in the post-period (Graph Number Nine)--a difference of nearly a month but which was probably not statistically significant<sup>5</sup>.

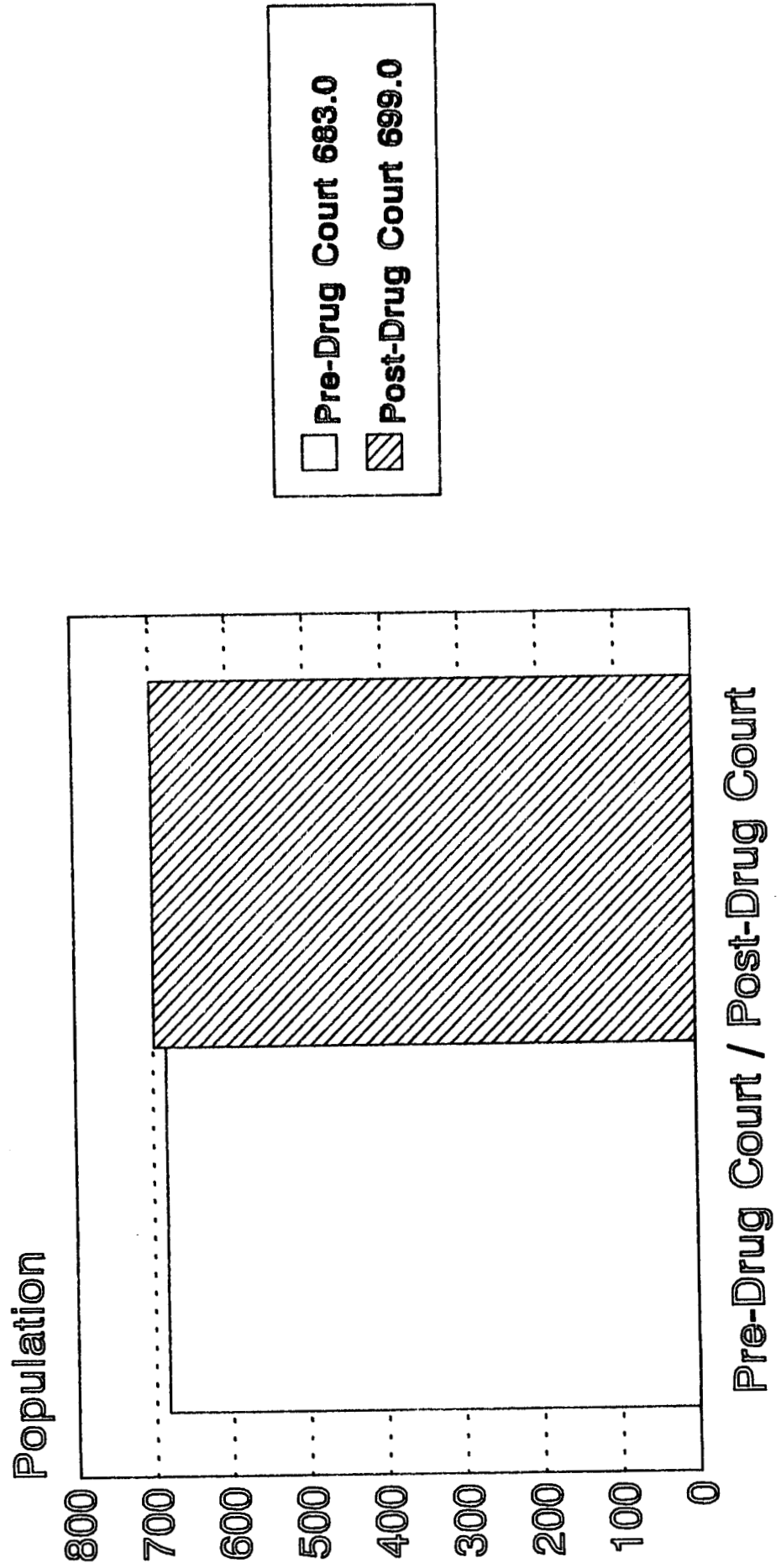
Since the ALS decrease was not statistically significant, the question remained as to whether some other phenomenon affected the jail's pretrial drug population. One possible other cause could have been a decrease in the number of drug arrests during the pre- and post- periods. However, a re-examination of the adult drug arrests for the period 1990-1992 (Graph Two and Appendix Two) revealed that drug arrests were actually increasing. Therefore, this factor must be discounted.

Another dynamic that was examined was that beginning in April, 1991, the sheriff of Jefferson Parish started to release early, nonviolent offenders under assumed extraordinary powers of the federal consent decree in order to not surpass the set capacity of 700 inmates. It was possible that these releases, which included drug offenders, could have contributed to the decline in the pretrial drug population at the jail. Although a regression analysis of this data, as displayed in Table Two, revealed an inverse relationship between the decline

# Graph Number Seven

## Average Daily Population

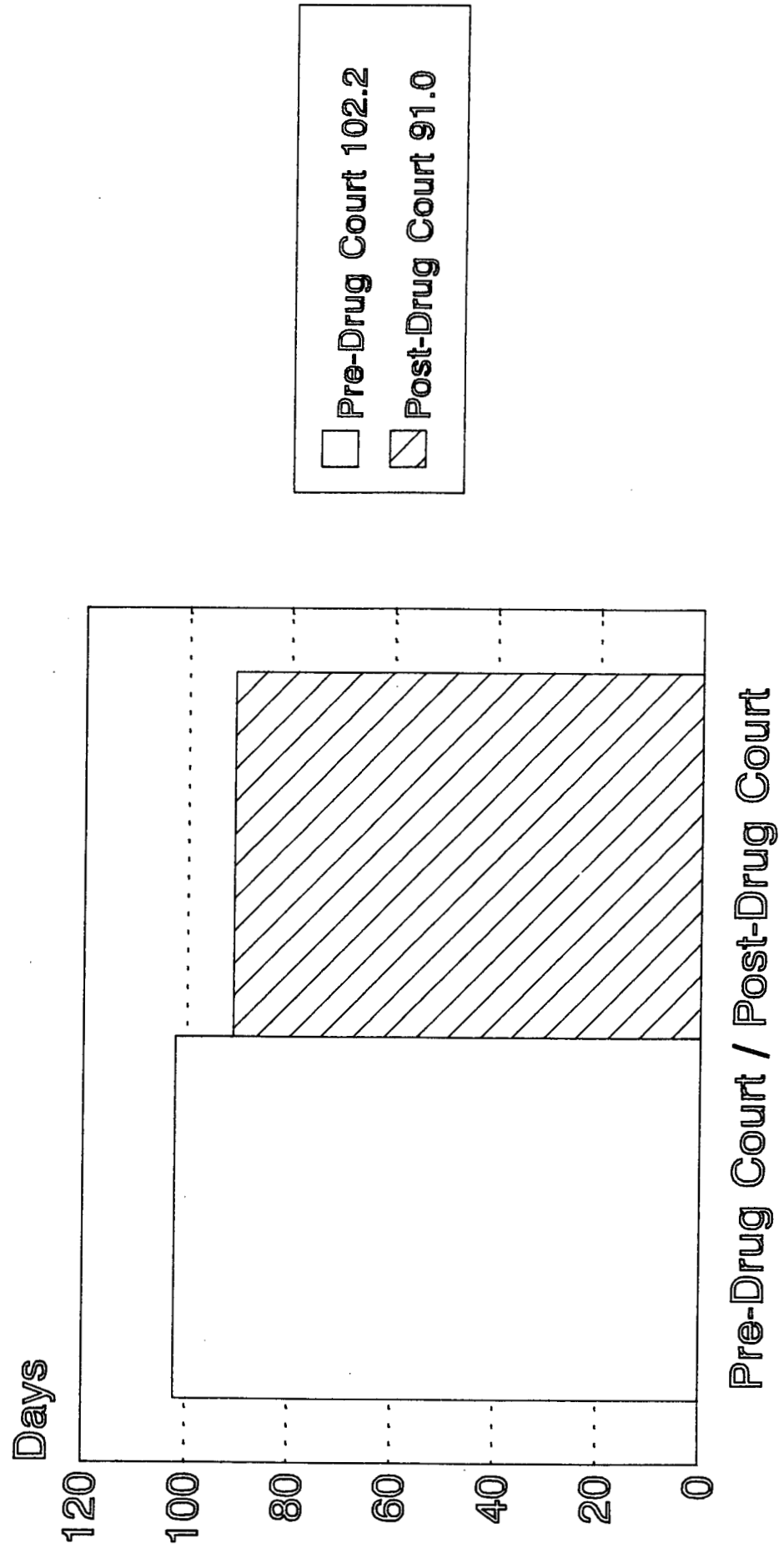
### Jefferson Parish Correctional Center



Source: Jefferson Parish Correctional Center, Jail Management Information System

# Graph Number Eight

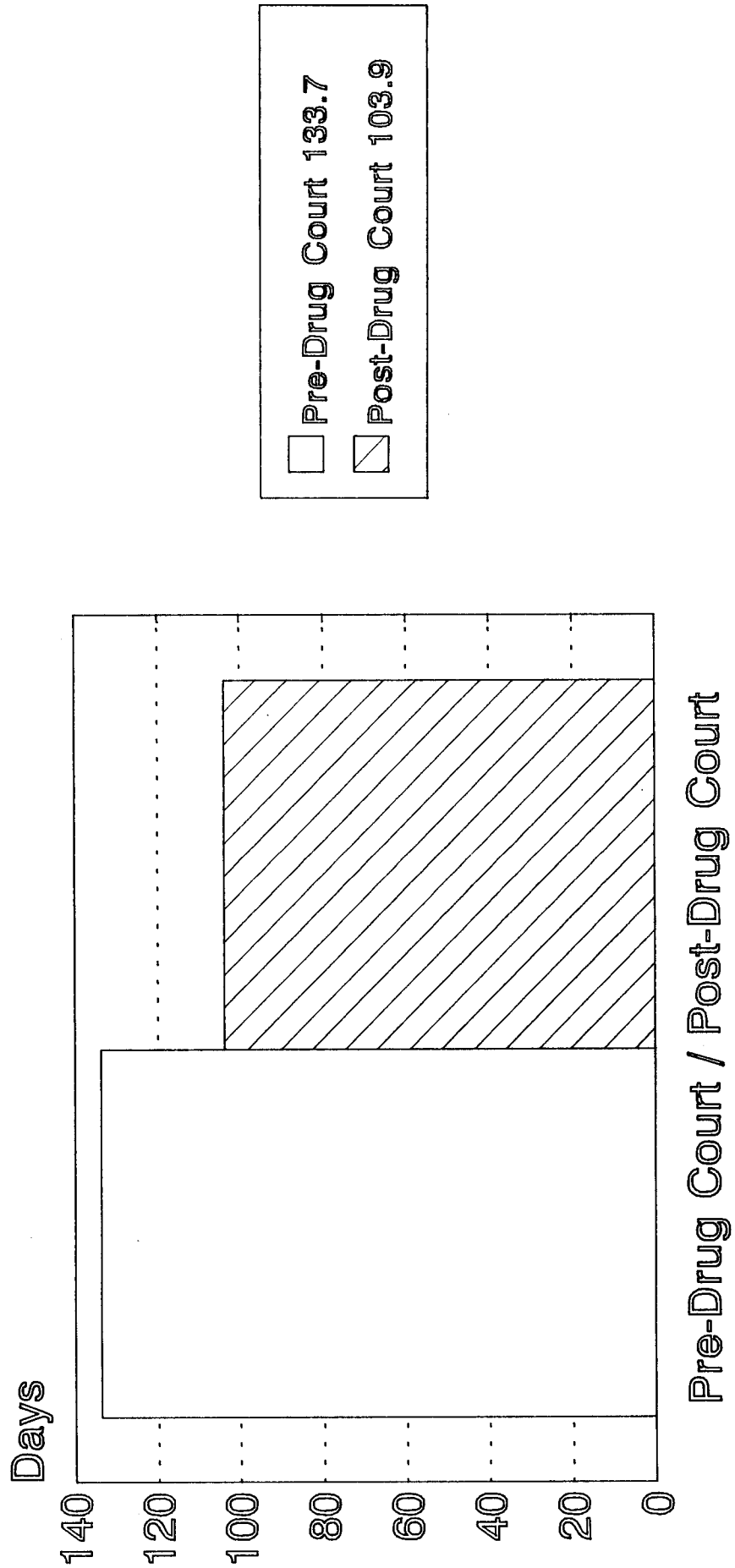
## Average Daily Population (ADP) of Pretrial Inmates with Drug Charges



Source: Jefferson Parish Correctional Center, Jail Management Information System

# Graph Number Nine

## Average Length of Stay for Pretrial Inmates with Drug Charges



Source: Jefferson Parish Correctional Center, Jail Management Information System;  
Jefferson Parish Clerk of Court's Office, Criminal Records Section



Table Two

Regression Analysis of ADP Pretrial Drug Inmates and  
Releases of Pretrial Drug Inmates

Date	No. of Pretrial Drug Inmates	No. of Releases of Pretrial Drug Inmates
August 7, 1991	102	0
August 14	113	0
August 21	114	2
August 28	104	6
Sept. 4	106	0
Sept. 11	112	0
Sept. 18	109	0
Sept. 25	115	0
Oct. 2	120	0
Oct. 9	118	2
Oct. 16	107	2
Oct. 23	104	2
Oct. 30	106	0
Nov. 6	97	0
Nov. 13	95	0
Nov. 20	91	0
Nov. 27	100	2
Dec. 4	103	3
Dec. 11	91	0
Dec. 18	96	0
Dec. 25	92	0
Jan. 1, 1992	96	0
Jan. 8	100	1
Jan. 15	98	0
Jan. 22	106	0
Jan. 29	92	0
Feb. 5	104	0
Feb. 12	91	0
Feb. 19	96	5
Feb. 26	94	0
March 4	87	0
March 11	89	3
March 18	84	2
March 25	78	3
April 1	85	6
April 8	75	2
April 15	71	6
April 22	69	0
April 29	60	4
May 6	71	4
May 13	58	2
May 20	49	2
May 27	54	2
June 3	60	1
June 10	71	0
June 17	82	3
June 24	83	5
July 1	87	3
July 8	89	0
July 15	82	3
July 22	86	4
July 29	92	3

---

$r = -0.315$ ,  $p < .05$

Source: Jefferson Parish Correctional Center, Jail Management Information System

of the number of pretrial inmates with drug charges and the very slight rise in the number of early releases of pretrial drug offenders from the jail, it was a very weak statistical relationship. Furthermore, a scattergram (Graph Ten) revealed no real discernible inverse relationship between the ADP of pretrial inmates and the early releases of offenders with drug charges. In order to test whether these releases were actually the major factor in the decline of the ADP of pretrial inmates and not the actions of the "Drug Court", these releases were added to each day's count of the pretrial drug offenders in the jail for the post-period (Graph Number Eleven). Comparative analysis of the two means revealed that the reduction in the post-period was still statistically significant.<sup>6</sup>

Therefore, since the number of drug arrests continued to rise during the pre- and post- periods and the early releases of pretrial drug offenders from the jail did not seem to have a strong statistical relationship with the decline in the ADP of incarcerated pretrial drug offenders, it appeared that Division "S" may have contributed to but was not the sole factor in the reduction of the ADP of pretrial drug inmates by 11 inmates.

Through the reduction of the ALS of drug offenders awaiting trial in the jail by nearly 29 days, the "Drug Court" may have partially contributed to the creation of 4,015 jail "bed days" (11 inmates per day x 365 days). Since the overall ADP of the jail did not decrease, it was also apparent that these "bed days" were filled by other types of offenders in the Correctional Center. However, this data must be interpreted with extreme caution. These figures are based solely on defendants who were incarcerated at the time of disposition and who had spent all, which was the majority of the pre- and post- periods, or most (> 50 percent) of their pretrial status in jail. Those who were in jail but later made bail were not included in these calculations. Those defendants who spent the majority of their pretrial status in jail may or may not have been offset by those defendants who were released. Methodologically, it was impossible to prorate an average length of stay between these types of inmates.

### *Court System Impact*

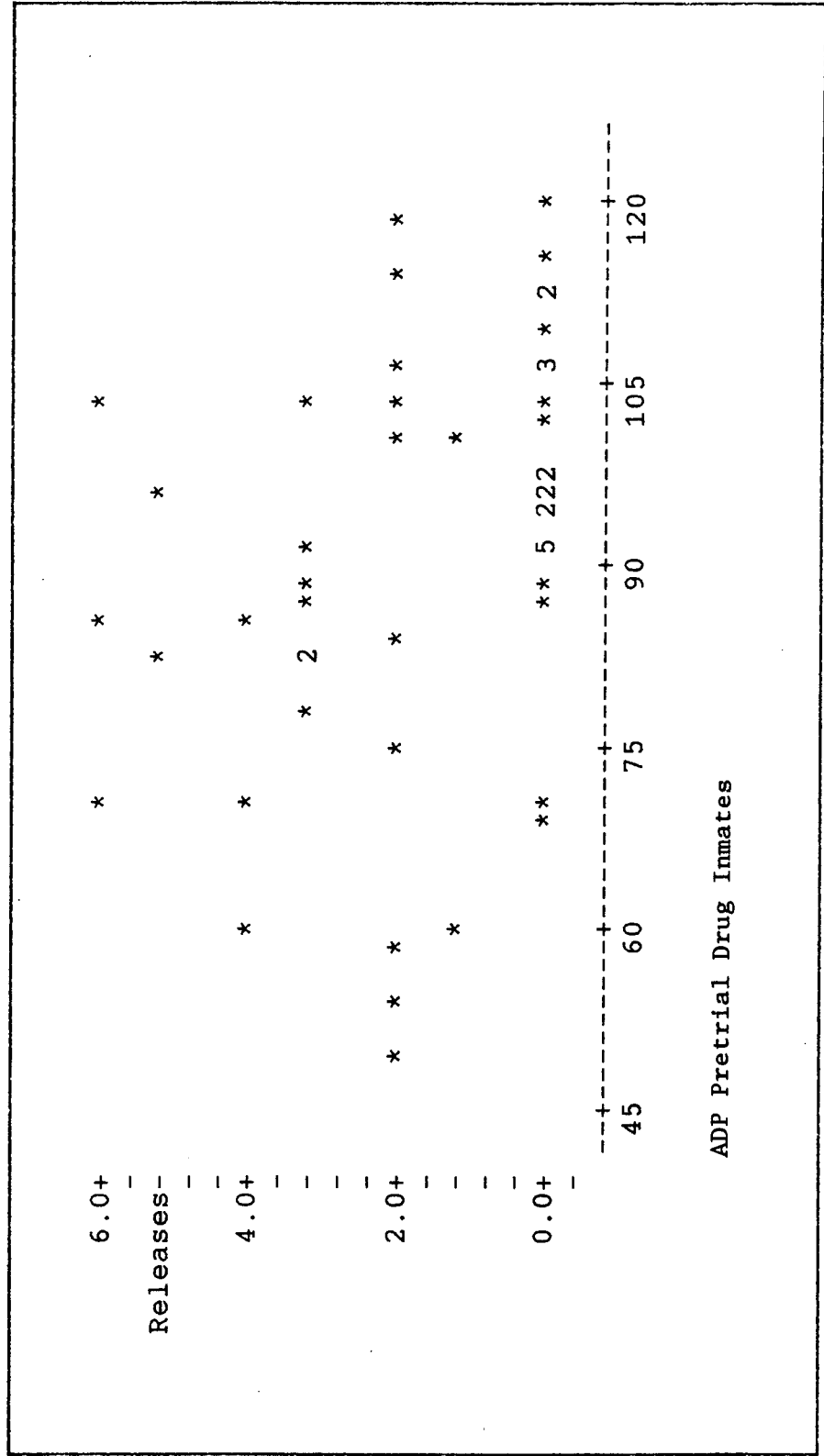
#### Distribution of Drug Cases

Although the grant application and rules of Division "S" (Appendix Six) stated that the special criminal section would hear all Class I, Class II, Class III and

# Graph Number Ten

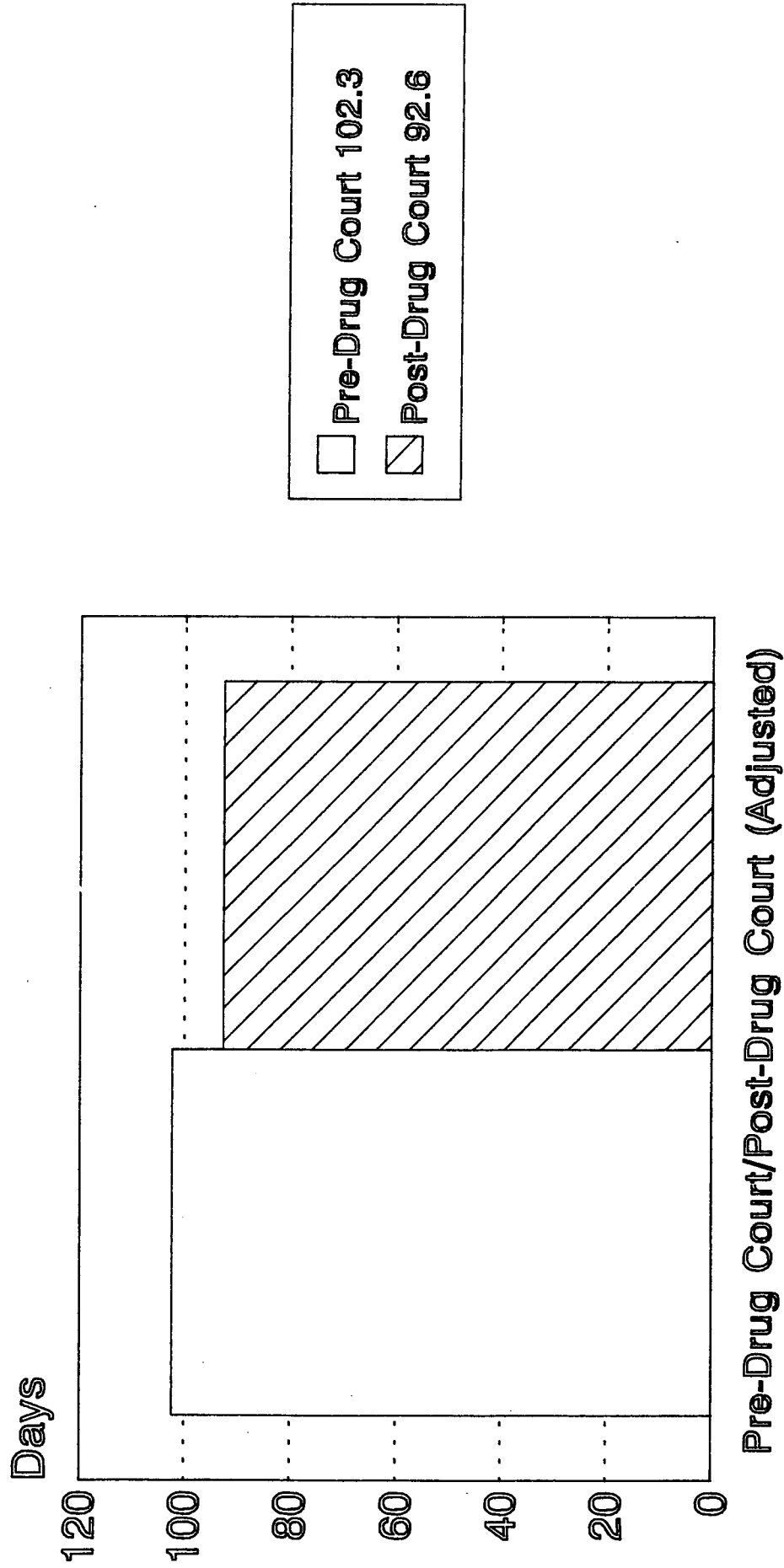
## Correlation Scattergram

ADP of Pretrial Drug Inmates and Pretrial Drug Releases



# Graph Number Eleven

## Adjusted Average Daily Population (ADP) of Pretrial Inmates with Drug Charges



Source: Jefferson Parish Correctional Center, Jail Management Information System

Class IV drug offenses, in actuality nearly 29 percent (Graph Number Twelve) of the drug cases remained with the other divisions of the Twenty-Fourth District Court. One particular division alone, which appeared to retain most if not all of its drug cases for the period under study, contributed 20 percent of the district court's retainage total.

An examination (Graphs Number Thirteen-Fifteen) of the distribution of drug cases by class of offense between Division "S" and the other divisions of the Twenty-Fourth District Court revealed that Division "S" received 90.54 percent of Class II offenses, 67.16 percent of Class III's, but only 20.84 percent of Class IV's. The apparent tendency for the other divisions of district court was to retain more of the lesser offenses such as Class IV's.

The end result was that Division "S"'s caseload had a greater proportion (57.26 percent) of Class II's than did the other divisions (14.58 percent) (Graph Number Sixteen). Additionally, Division "S"'s caseload had a lesser proportion (4.27 percent) of Class IV's while the other divisions of district court had a greater share (39.58 percent) of Class IV's. Due to this disproportionality in the caseload distribution by classes, it was not possible to compare the post-period of the "Drug Court" against the other divisions of district court retaining drug cases.

#### Grant Goals

According to the federal grant application<sup>7</sup> which funded the "Drug Court", Division "S" was to reduce the processing time of drug cases from arraignment-to-disposition according to the class of the offense as used by the Twenty-Fourth District Court--Class I offenses were punishable by death<sup>8</sup>; Class II offenses were punishable by hard labor; Class III's were punishable with or without hard labor; Class IV's were the misdemeanor drug offenses.

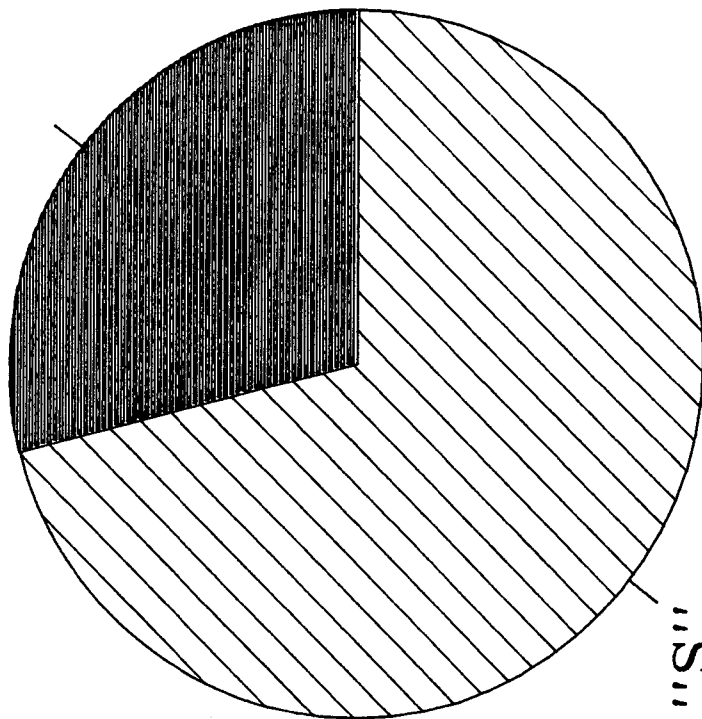
For Class II offenses, which were the most serious drug charges, Division "S" was to dispose of the drug cases within 180 days after arraignment. As noted in Graph Number Seventeen, the "Drug Court"'s adjusted<sup>9</sup> mean time from arraignment-to-disposition was 102.78 days. Therefore, it was readily apparent that Division "S" was actually able to surpass the stated goal of 180 days by approximately 73 days. According to the Twenty-Fourth District Court's grants coordinator<sup>10</sup>, the goal was obtained by taking a sample of Class II drug cases, computing the mean time between arraignment and disposition, and reducing that figure by 20 percent. If the goal was 180 days for Class II offenses, this would imply that the actual mean time in the sample was 7.5

# Graph Number Twelve

Distribution of Drug Cases  
Between District Court Divisions and Division "S"

---

Other Divisions  
29.09

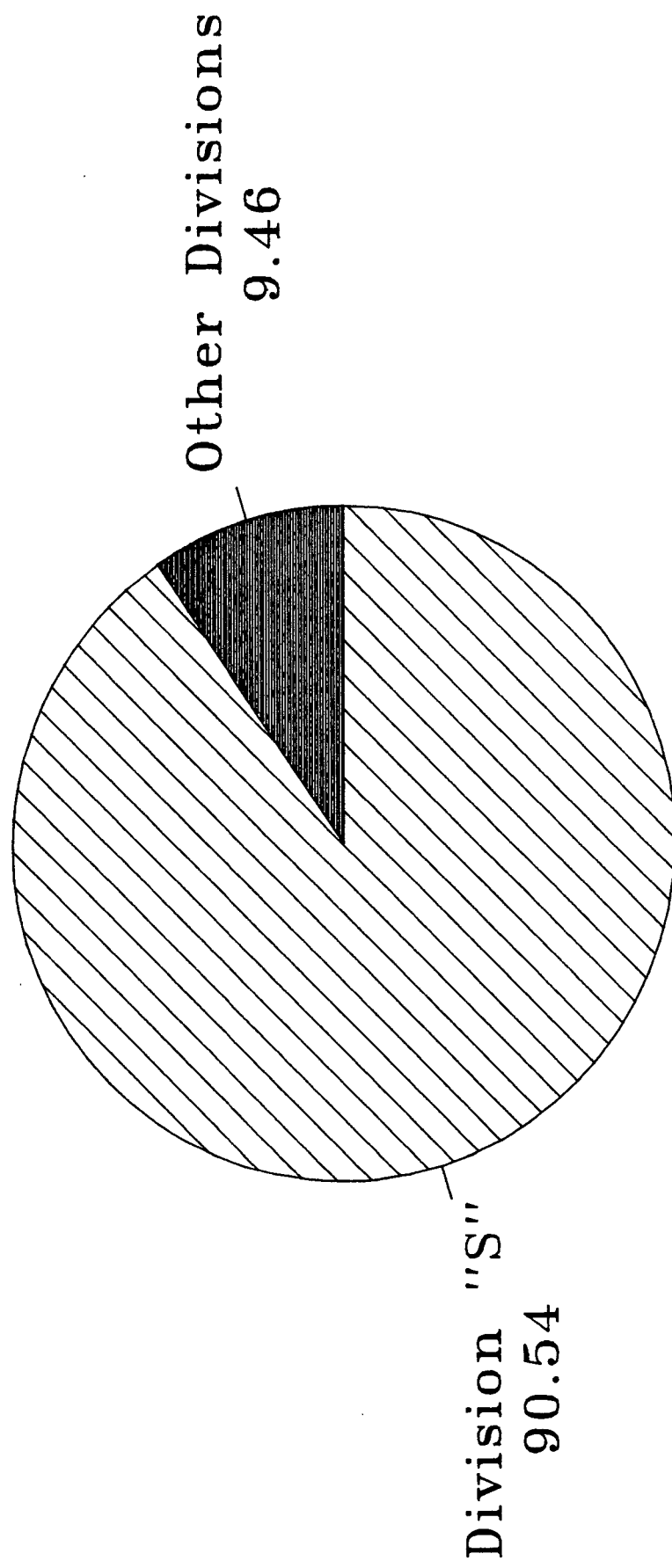


Division "S"  
70.91

# Graph Number Thirteen

## Distribution of Class II Drug Offenses

---



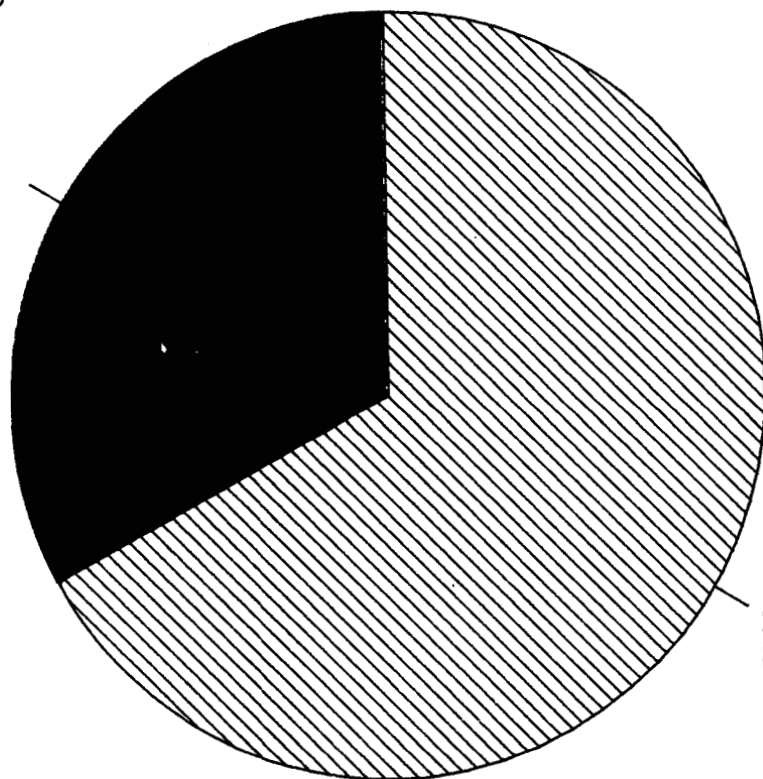
Source: Jefferson Parish Clerk of Court, Criminal Records Section

# Graph Number Fourteen

## Distribution of Class III Drug Offenses

---

Other Divisions  
32.83



Division "S"  
67.16

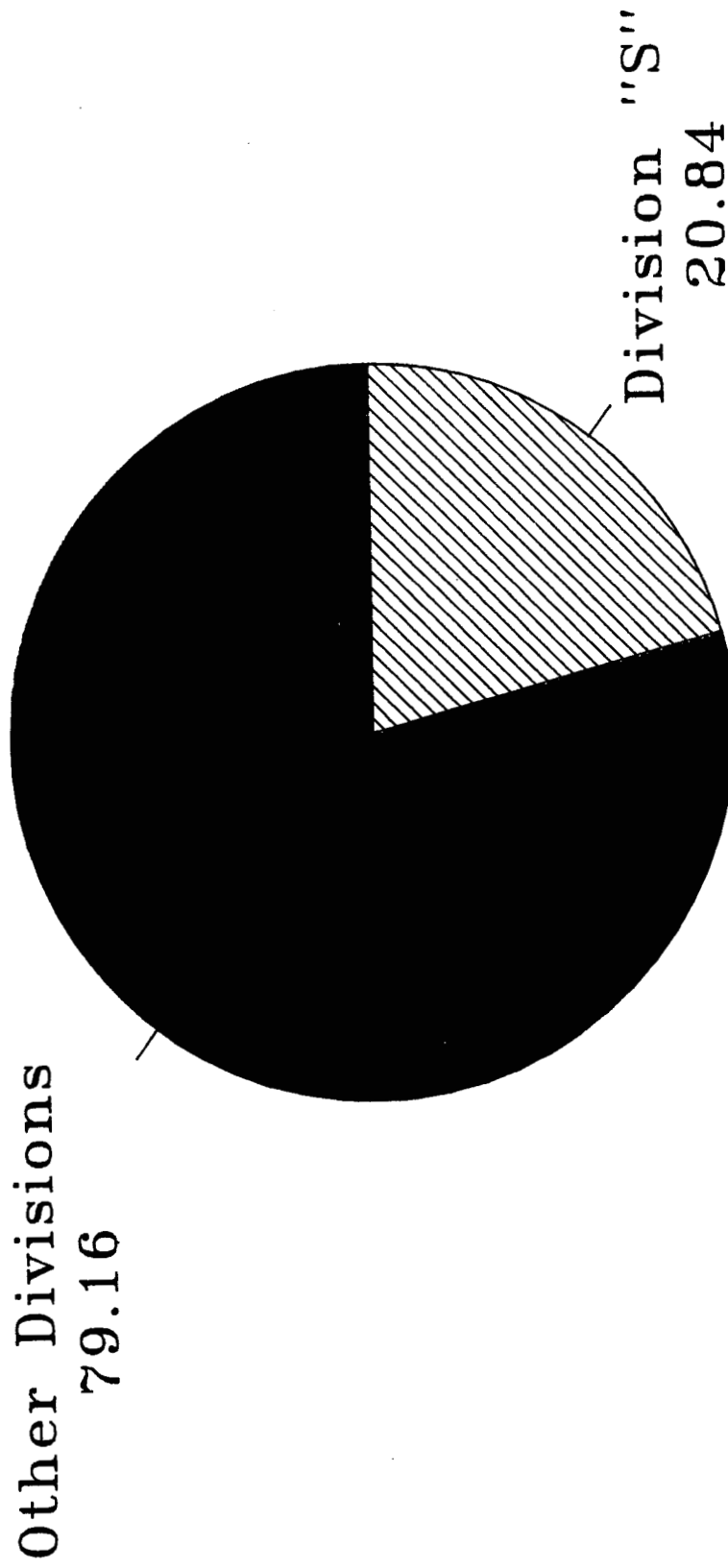
Source: Jefferson Parish Clerk of Court, Criminal Records Section



# Graph Number Fifteen

## Distribution of Class IV Drug Offenses

---

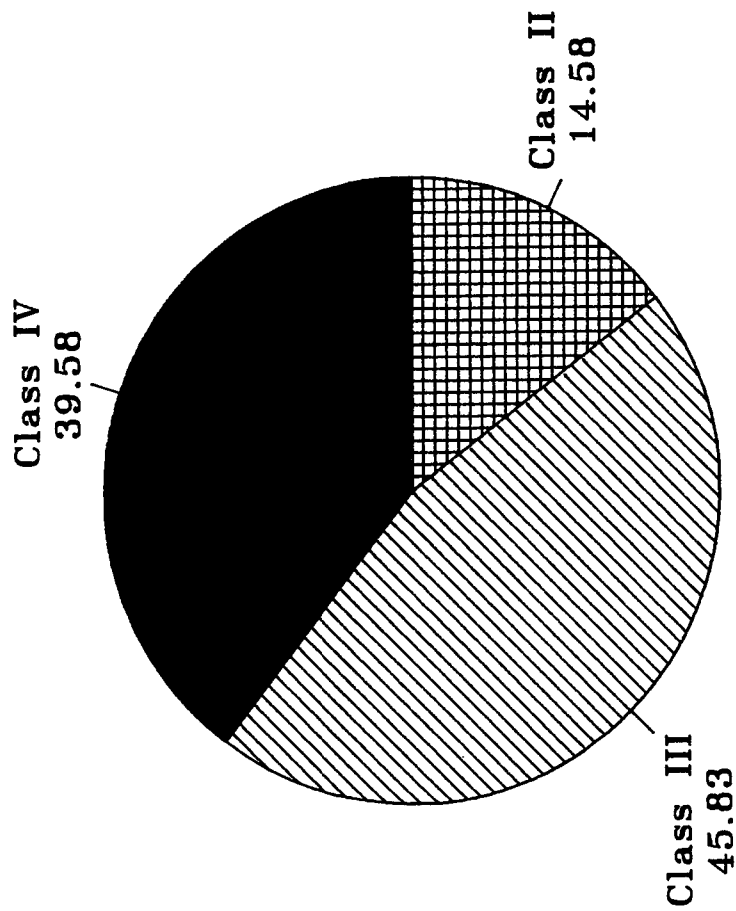


Source: Jefferson Parish Clerk of Court, Criminal Records Section

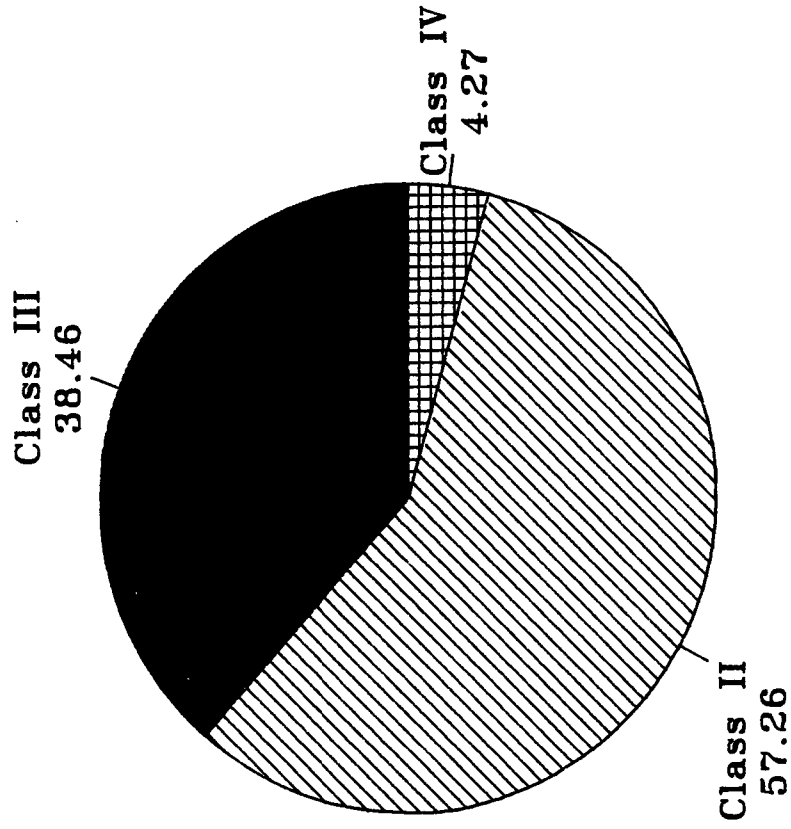
# Graph Number Sixteen

## Caseload Distribution By Classes

---



Other Divisions



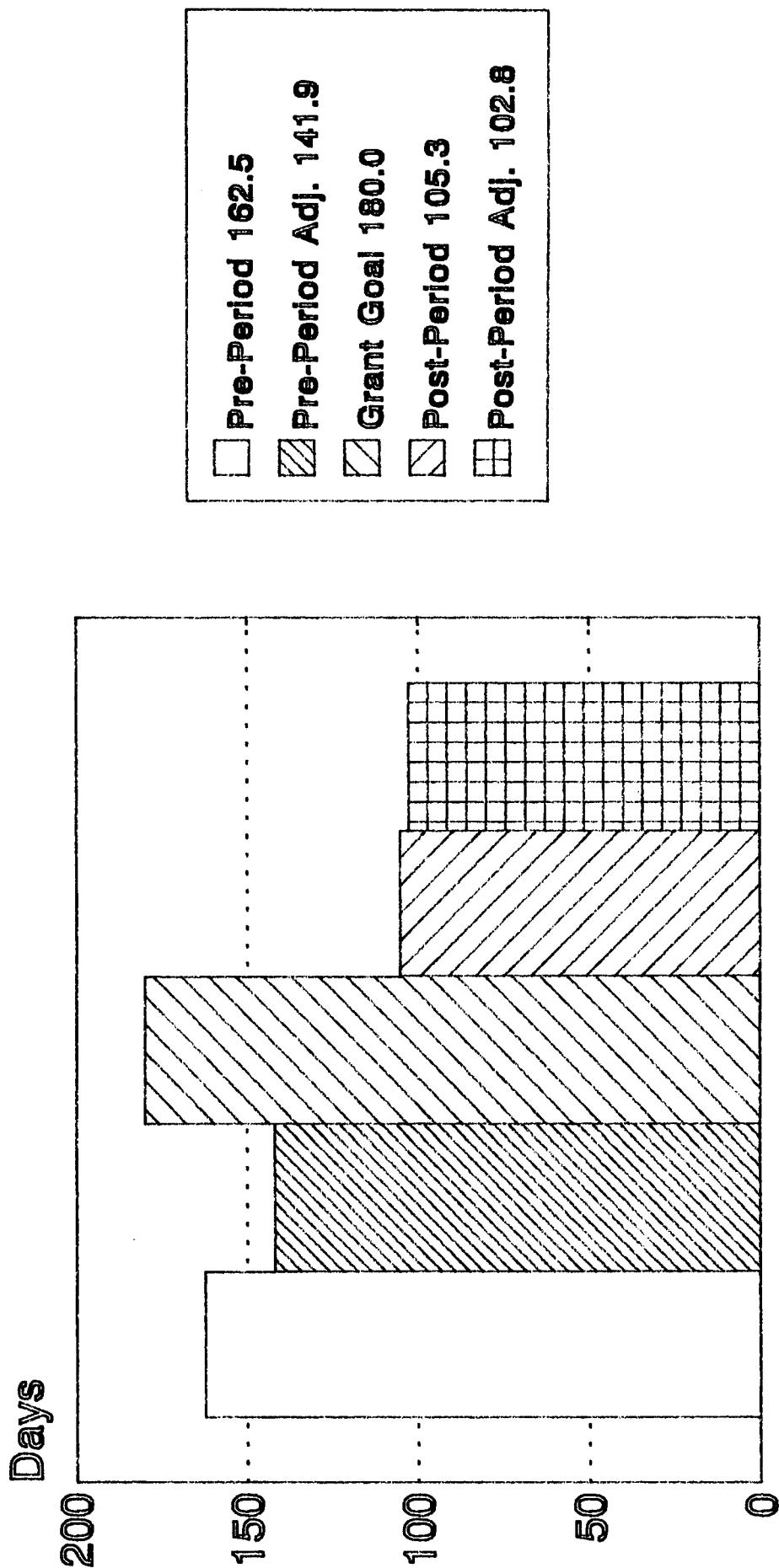
Division "S"

Source: Jefferson Parish Clerk of Court, Criminal Records Section

# Graph Number Seventeen

## Mean Time From Arraignment-to-Disposition

### Class II



Source: Jefferson Parish Clerk of Court, Criminal Records Section

months. However, data from the pre-period (Graph Seventeen) revealed that the unadjusted mean time before the creation of the "Drug Court" was 162.54 days (5.4 months). It is not the intent of this evaluation to resolve this apparent difference, which could be explained by the coordinator's sample size, the time frame measured, and methodology. Nevertheless, it is safe to say that Division "S" was able to achieve its grant goal, which probably should have been lower than stated in the application.

Although it appeared (Graph Number Seventeen) that the "Drug Court" reduced the adjusted mean time for Class II's arraignment-to-disposition from 141.91 days (pre-) to 102.78 days (post-) by nearly 39 days, this was not, however, statistically significant.<sup>11</sup> Therefore, it can not be concluded that Division "S"'s mean time from arraignment-to-disposition for Class II's was less than what was occurring in the district court for drug cases before the special criminal section was created.

In regards to Class III's, the grant goal was 150 days between arraignment and disposition. With an adjusted mean time of 93.17 days (Graph Number Eighteen) for the post-period, Division "S" was again able to surpass its stated goal by nearly 57 days.<sup>12</sup> After comparing the pre- (126.07 days) and post- (93.17 days) periods, it was determined that there was a difference of nearly 33 days, which was statistically significant.<sup>13</sup> Therefore, it can be concluded that the "Drug Court"'s mean time from arraignment-to-disposition for Class III's was less than what was occurring in the district court for drug cases before the special criminal section was created.

Finally, the grant goal for Class IV's was 90 days from arraignment-to-disposition. With an adjusted mean time of 82.50 days (Graph Number Nineteen) for the post-period, Division "S" was again able to surpass its stated goal by 7.5 days.<sup>14</sup> However, a comparison of the pre- adjusted mean time (62.42 days) and the post- period (82.50 days) revealed not a decrease but an increase of approximately 20 days between arraignment and disposition, which was not statistically significant.<sup>15</sup> Therefore, it can not be concluded that the Division "S"'s mean time from arraignment-to-disposition for Class IV's was more than what had previously occurred in the district court.

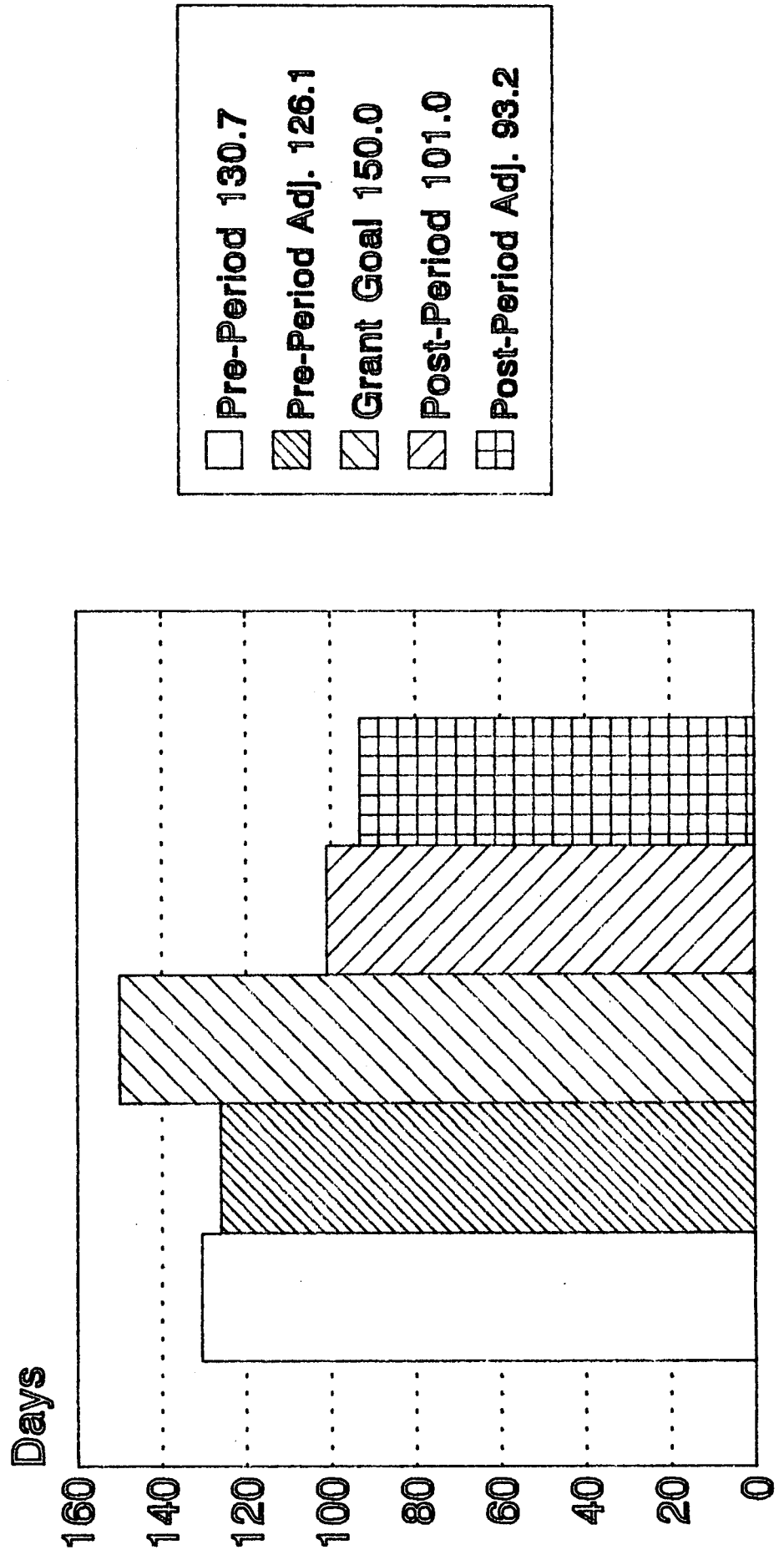
#### American Bar Association Standards

According to the American Bar Association Standards, 100 percent of all felony cases should be adjudicated or otherwise concluded within one year of arrest.<sup>16</sup> Based upon Graph Number Twenty, it was readily apparent that the "Drug Court" was not in compliance with the ABA standard

# Graph Number Eighteen

## Mean Time From Arraignment-to-Disposition

### Class III

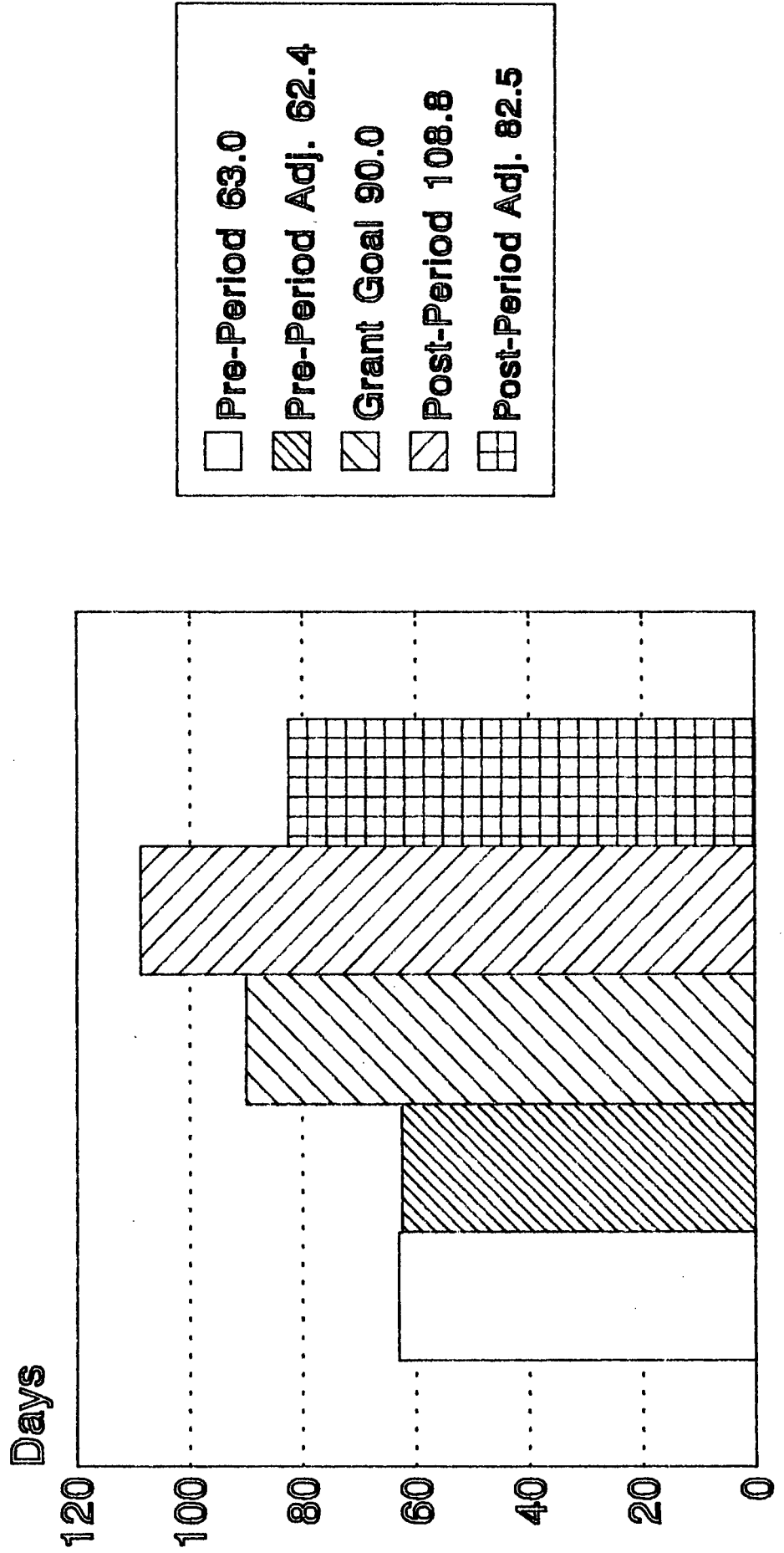


Source: Jefferson Parish Clerk of Court, Criminal Records Section

# Graph Number Nineteen

## Mean Time From Arraignment-to-Disposition

### Class IV

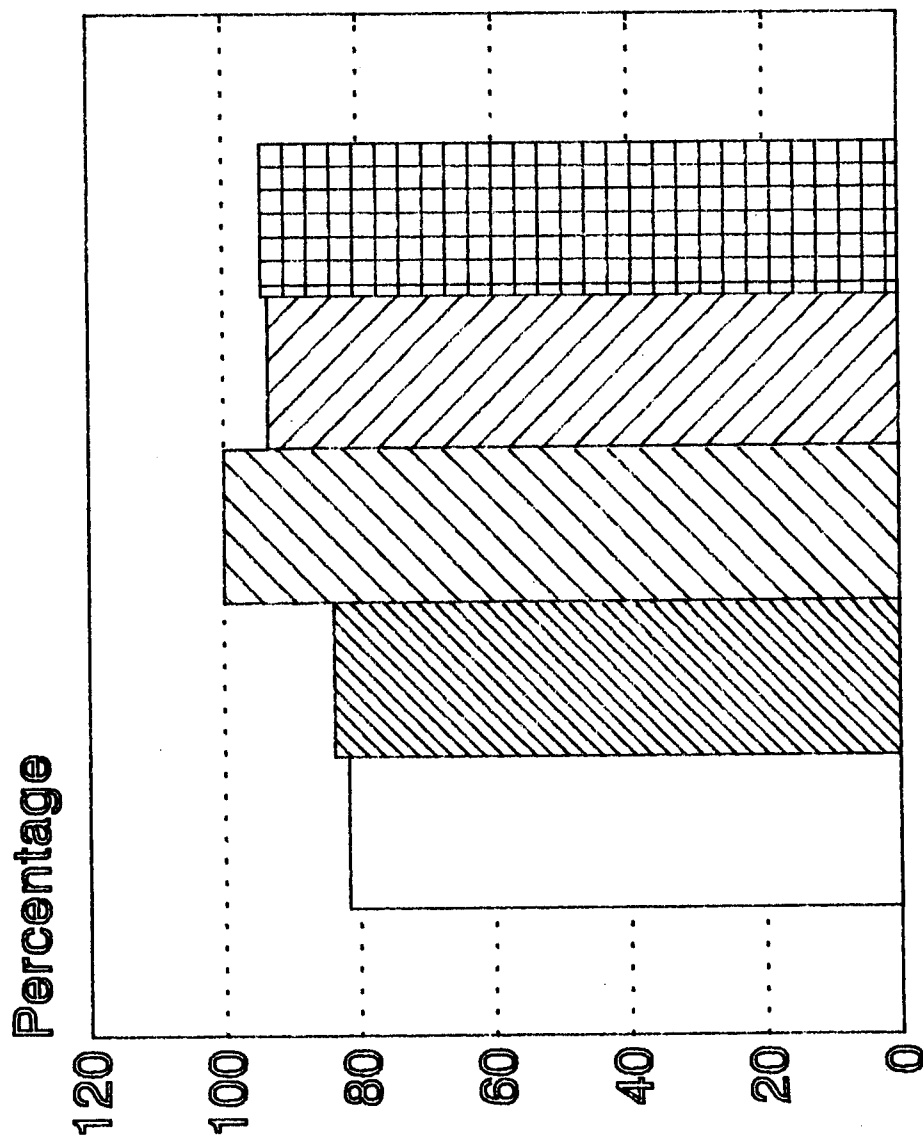


Source: Jefferson Parish Clerk of Court, Criminal Records Section

# Graph Number Twenty

## Compliance with ABA Standards

### Arrest-Disposition



Source: Jefferson Parish Clerk of Court, Criminal Records Section

with 94.28 percent (adjusted) of all cases disposed of within a year of arrest. However, comparing Division "S" with the pre-period (83.67 percent), one found that the "Drug Court" made a substantial increase in coming into compliance. The 10.61 percent increase was statistically significant.<sup>17</sup>

#### Pre-Period versus Post-Period

##### Arrest-to-Disposition (Overall)

Another standard to hold the "Drug Court" accountable to was a comparison to comparable data before the creation of the special division. Computing the time from arrest-to-disposition for the pre- and post- periods, one found that the mean decreased from 226.82 days (pre-) to 192.01 days (post-) (Graph Number Twenty-One), a decrease of approximately 35 days, which was statistically significant.<sup>18</sup>

Although there was overall progress made in disposing of cases from point of arrest, such was not the case when each component part of the judicial process was analyzed. The arrest-to-bill filing sequence fell from 59.93 days (pre-) to 44.78 days (post-) (Graph Number Twenty-Two), a decrease of 15 days, which was statistically significant.<sup>19</sup> The bill filing-to-allotment process reduced from 12.68 days (pre-) to 4.19 days (post-) (Graph Number Twenty- Three), a decrease of approximately 8.5 days, which was also statistically significant.<sup>20</sup>

However, the sequence of allotment-to-arraignment increased from 38.51 days (pre-) to 47.94 days (post-) (Graph Number Twenty-Four), an increase of 9.43 days, which was again statistically significant.<sup>21</sup> According to the grant application, the "Drug Court" did not hold itself responsible for a case until arraignment. By the "Drug Court" apparently focusing on drug cases only after arraignment, this time frame has increased by approximately 9 days. In the pre-period the divisions of the Twenty-Fourth District Court had to contend with both a civil and criminal docket, which might explain it taking 38.51 days to arraign a defendant once a case was allotted. Since Division "S" has no civil docket, it should be able to arraign within a matter of days for jail cases and no more than perhaps two weeks for non-jail defendants rather than over a month. Perhaps the old scheduling habits of the civil-criminal docketing was retained in Division "S" during the developmental phase.

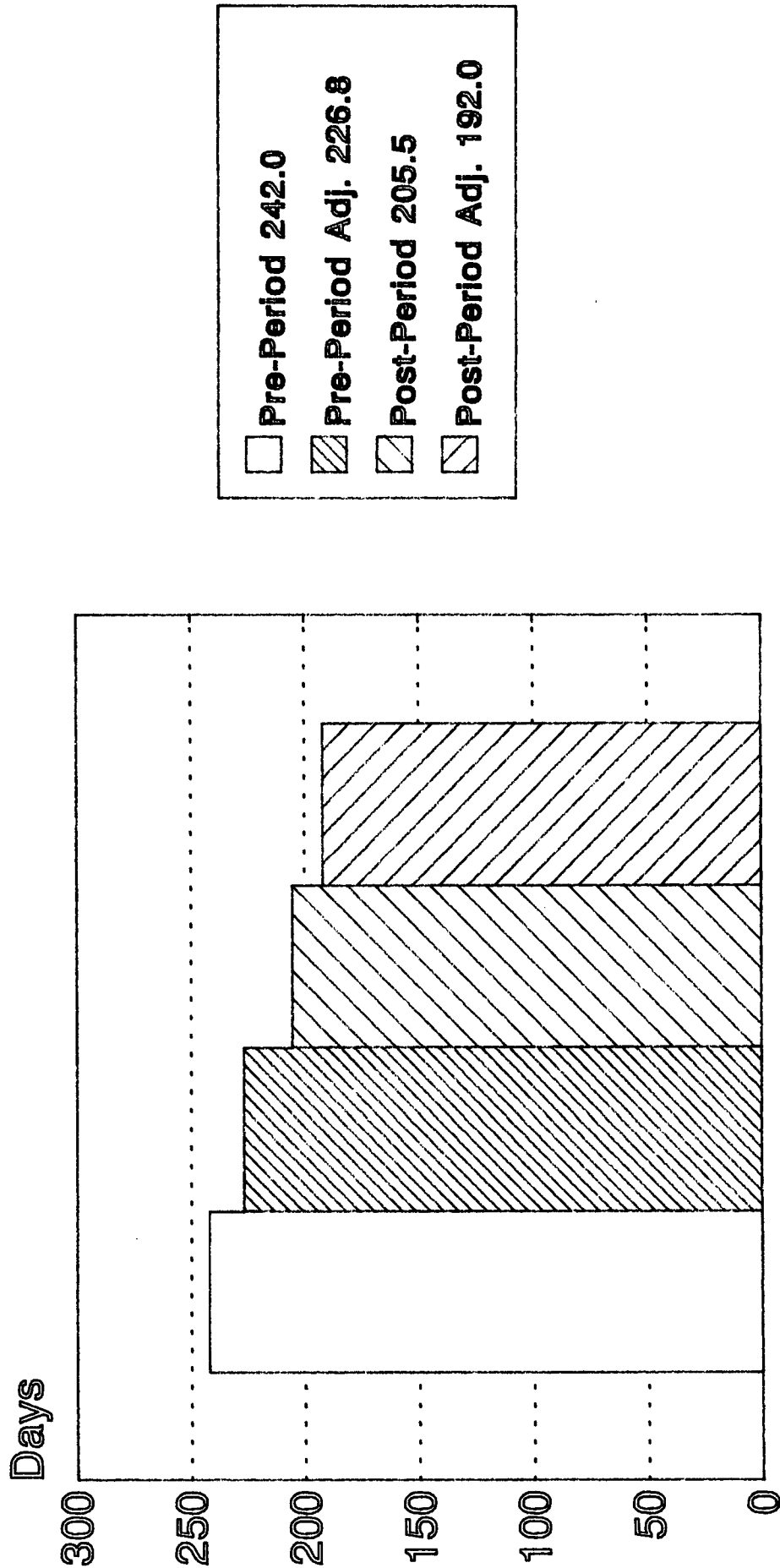
Finally, the arraignment-to-disposition process appeared to decrease from 113.13 (pre-) to 98.21 (post-) (Graph Number Twenty-Five), a decrease of 14.92 days, but this was not statistically significant either.<sup>22</sup>



# Graph Number Twenty-One

## Mean Time From Arrest to Disposition

### Pre- vs. Post-

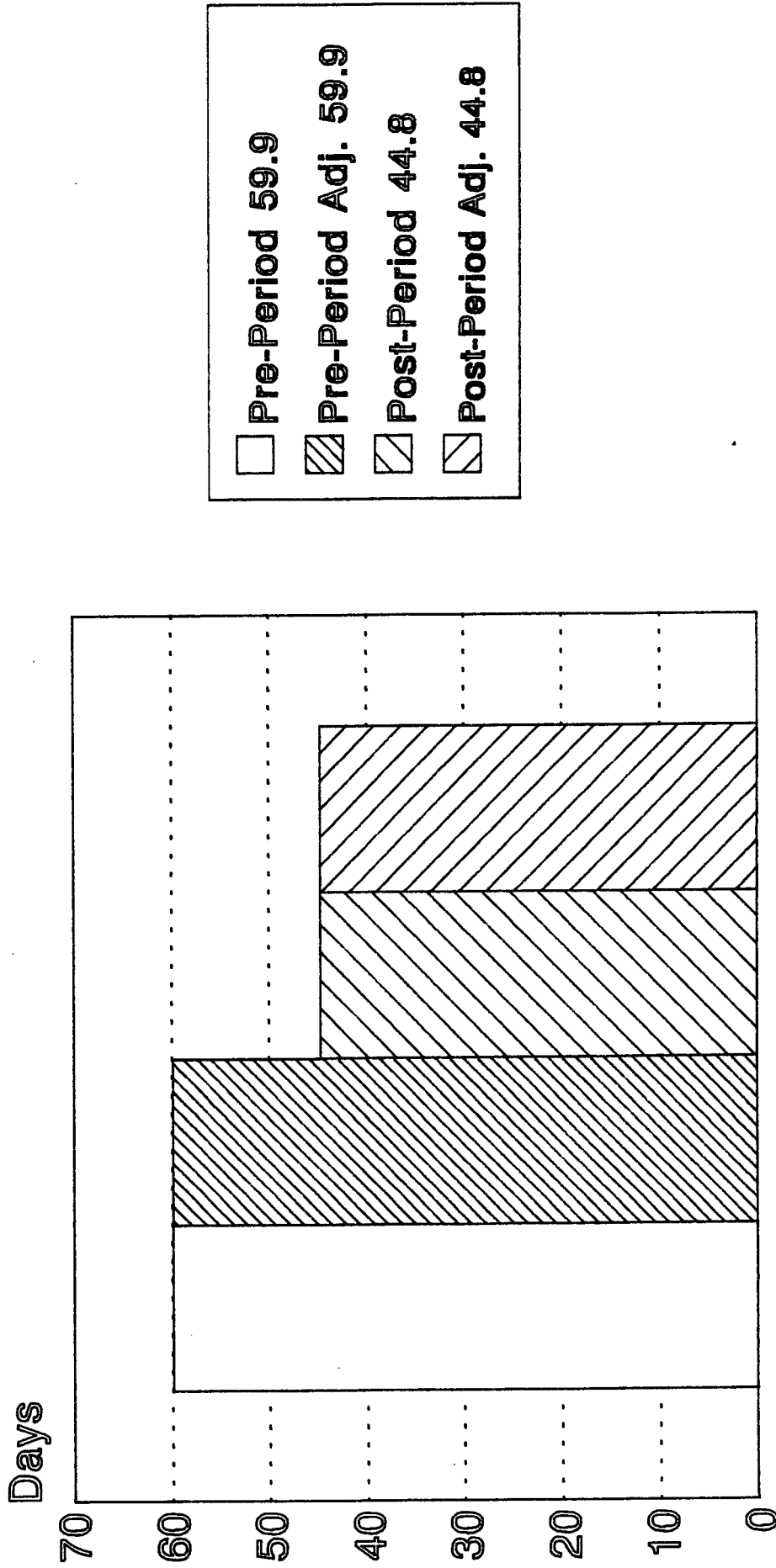


Source: Jefferson Parish Clerk of Court, Criminal Records Section

# Graph Number Twenty-Two

## Mean Time From Arrest to Bill Filing

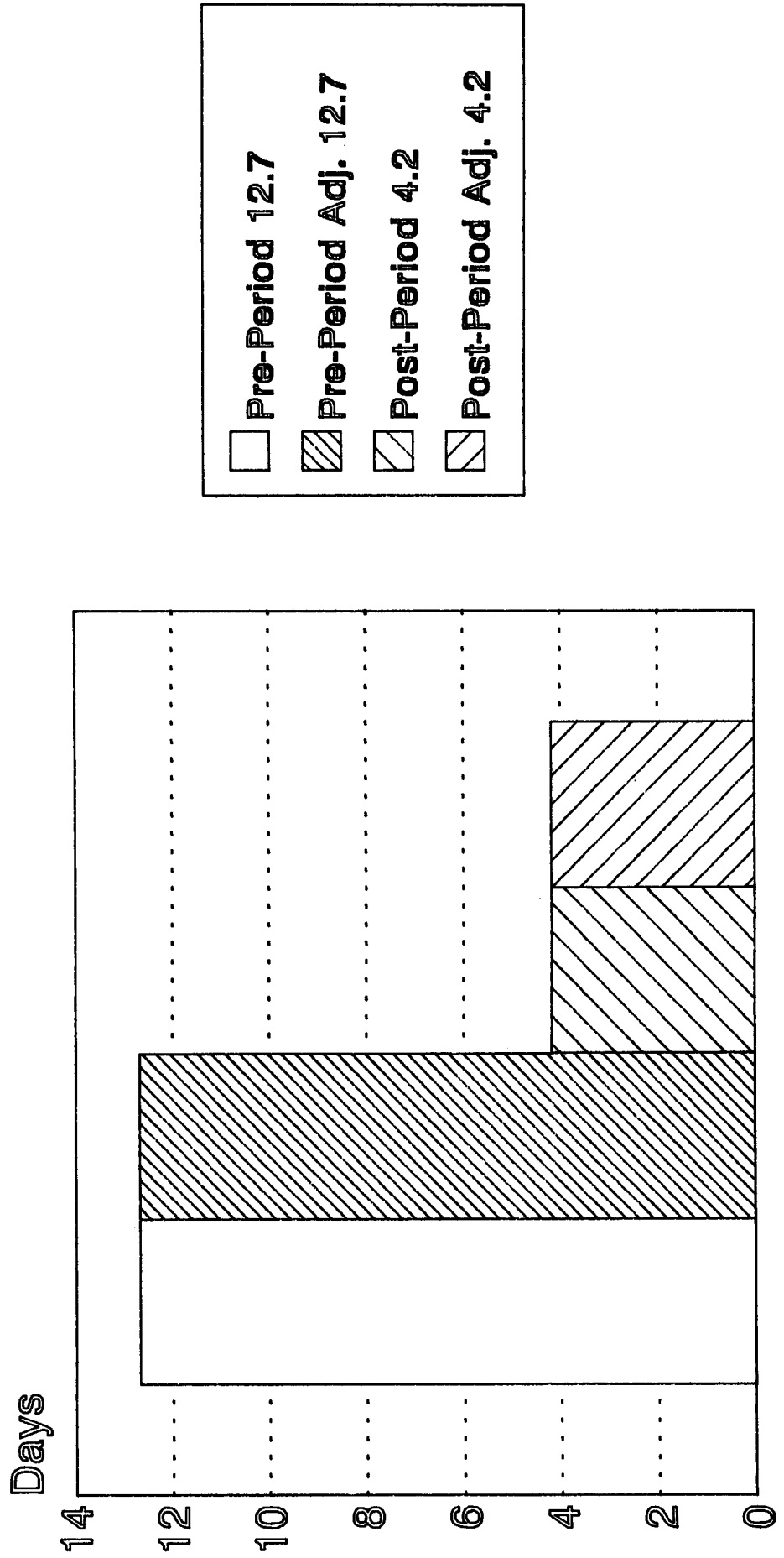
### Pre- vs. Post-



# Graph Number Twenty-Three

## Mean Time From Bill Filing to Allotment

### Pre- vs. Post-

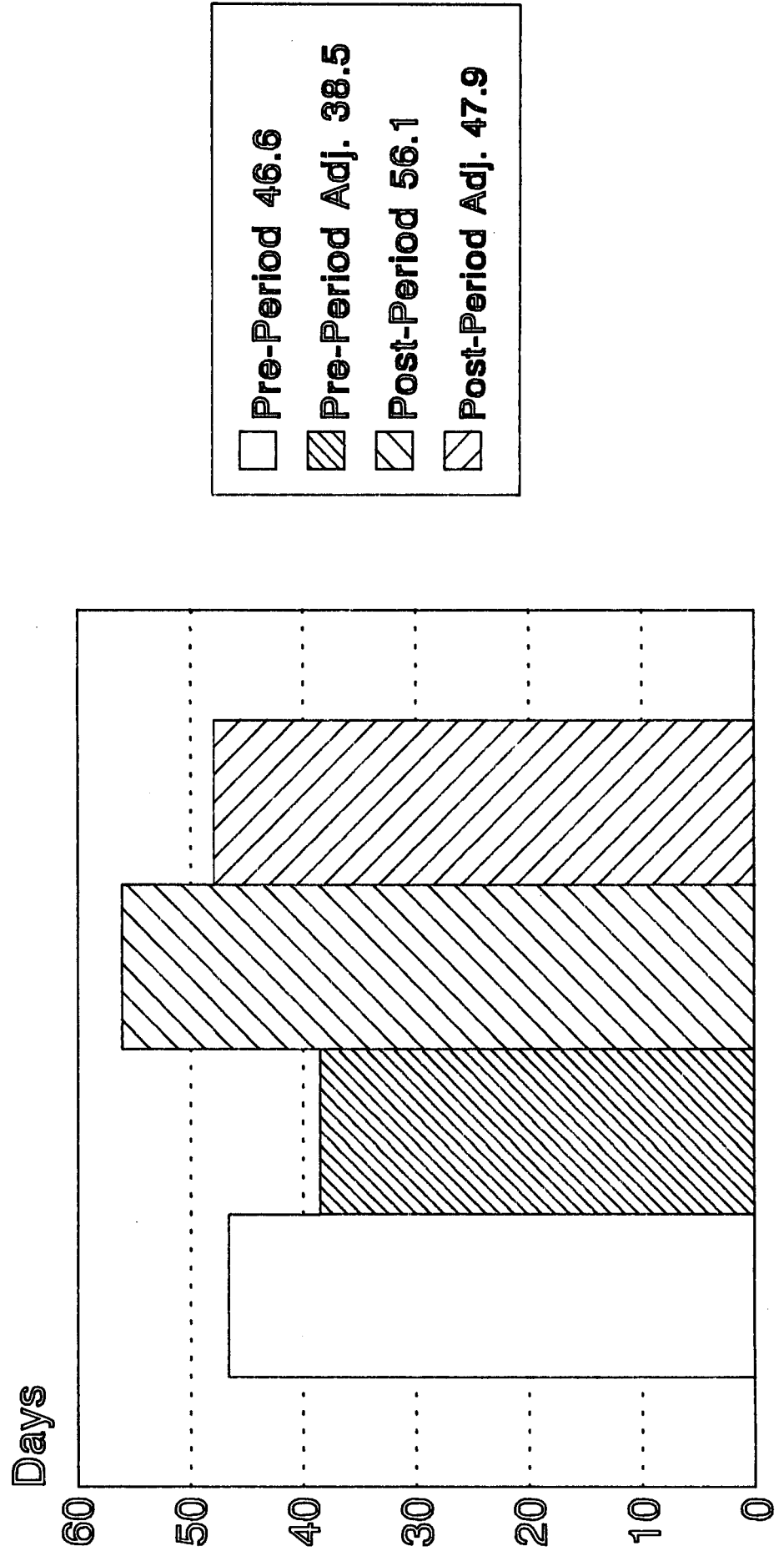


Source: Jefferson Parish Clerk of Court, Criminal Records Section

# Graph Number Twenty-Four

## Mean Time From Allotment to Arraignment

### Pre- vs. Post-

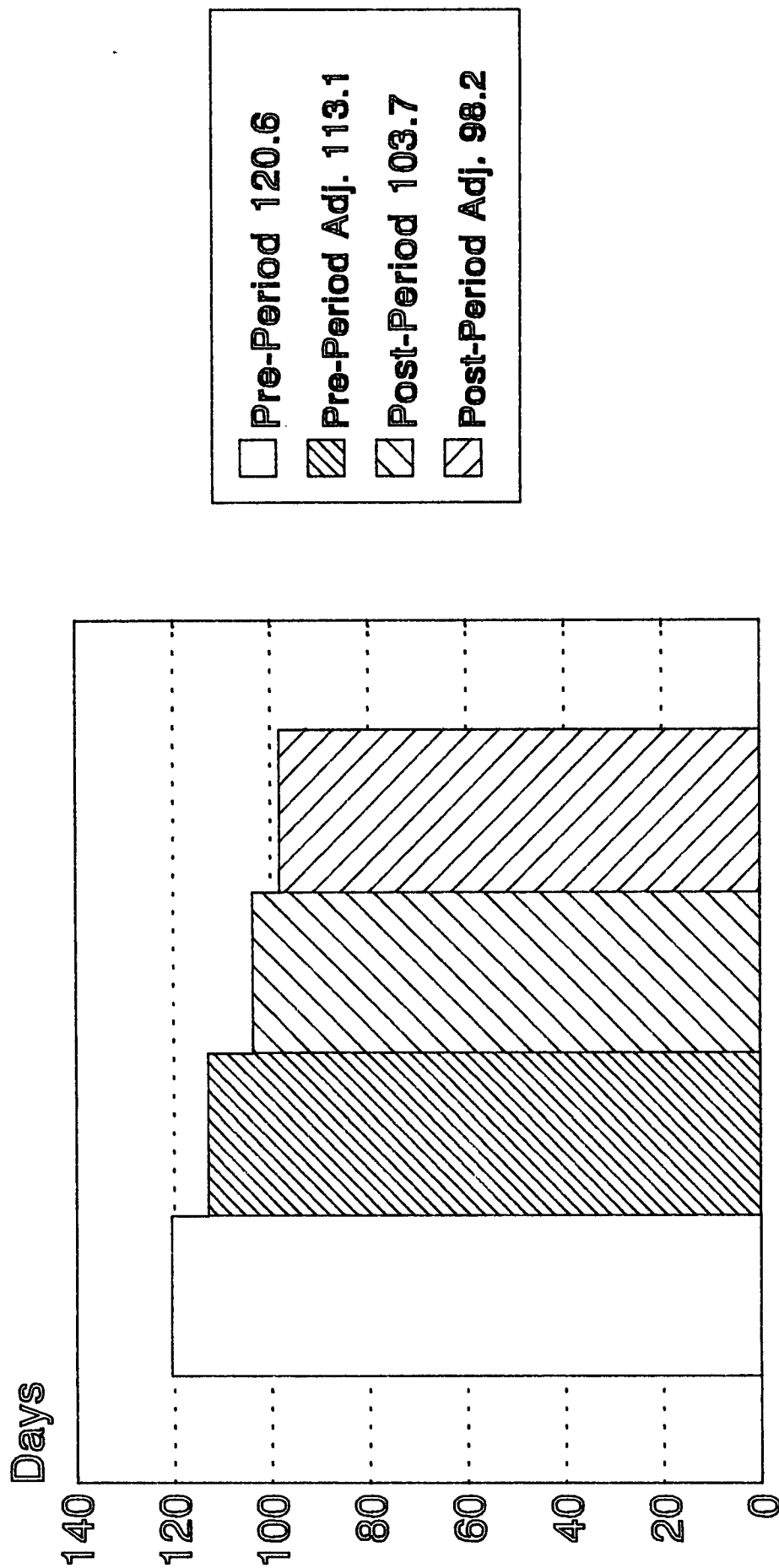


Source: Jefferson Parish Clerk of Court, Criminal Records Section

# Graph Number Twenty-Five

Mean Time From Arraignment to Disposition

Pre- vs. Post-



Source: Jefferson Parish Clerk of Court, Criminal Records Section

Apparently, no real progress was made by the "Drug Court" in reducing the time after a case has been arraigned.

It was interesting to note that the time frame for which Division "S" held itself responsible had no statistically significant decrease. Furthermore, all progress in reducing time towards disposition was achieved outside the areas which the "Drug Court" controls, i.e. arrest-to-bill filing and bill filing-to-allotment. Although the "Drug Court" does not hold itself responsible for a case until arraignment, it can exercise its influence, if not authority, over the allotment-to-arraignment, which had a statistically significant increase of approximately 9 days. Additionally, it has direct influence and control over the arraignment-to-disposition process. These issues will be discussed fully in the concluding section.

#### *Arrest-to-Disposition (By Classes)*

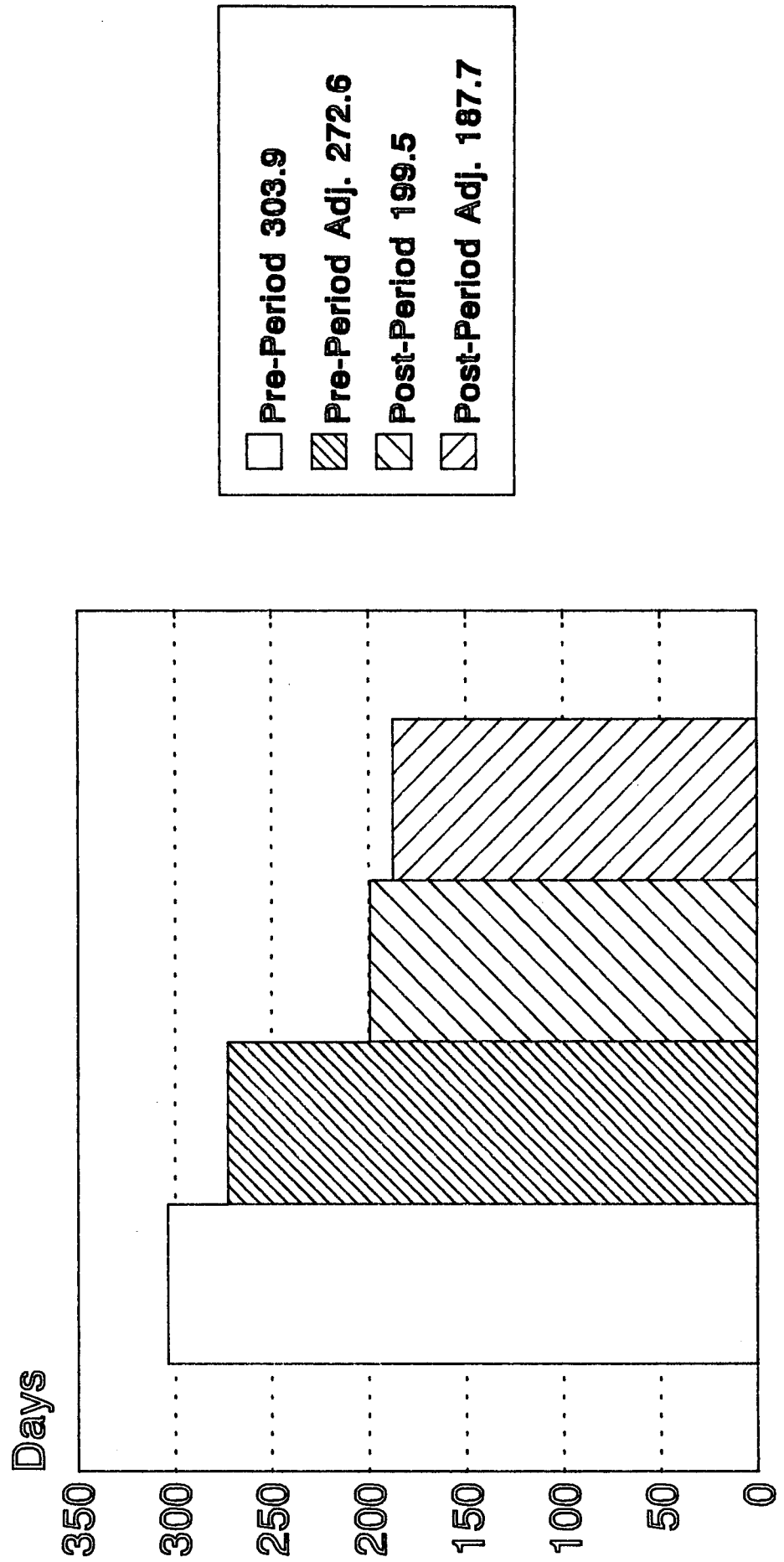
On the other hand, if one examined the arrest-to-disposition process according to classes of drug offenses, there was notable progress made by the "Drug Court" in the time it took to dispose of a Class II drug case. According to Graph Number Twenty-Six, Class II's took 272.63 days from arrest-to-disposition in the pre-period but only 187.72 days in the post-period, a difference of 84.91 days, which was statistically significant and very practically significant.<sup>23</sup> On the other hand, while it appeared that for the Class III's the arrest-to-disposition period was reduced from 230.49 days (pre-) to 200.68 days (post-), a difference of 29.81 days (Graph Number Twenty-Seven), it was not statistically significant.<sup>24</sup> Again, it appeared that for Class IV's the arrest-to-disposition sequence was reduced from 178.82 days (pre-) to 167.50 days (post-), a difference of only 11.32 days (Graph Number Twenty-Eight), but this reduction was also not statistically significant.<sup>25</sup>

One final issue must be addressed in regards to disposition time according to classes of drug offenses. Although the cases were supposedly placed on a track after arraignment according to class, this would imply that each of the three classes would move through the judicial process at different rates. Table Three appeared to reveal that each class moved at different rates. However, statistically (analysis of variance), the three means were not really different from each other.<sup>26</sup> Apparently, what happened was that the system did not really pay attention to the time standards of the grant although there has been in some instances (Class II) substantial reduction in the arrest-to-disposition time. This issue will be addressed fully in the concluding section of this evaluation.

# Graph Number Twenty-Six

## Mean Time From Arrest to Disposition

### Class II

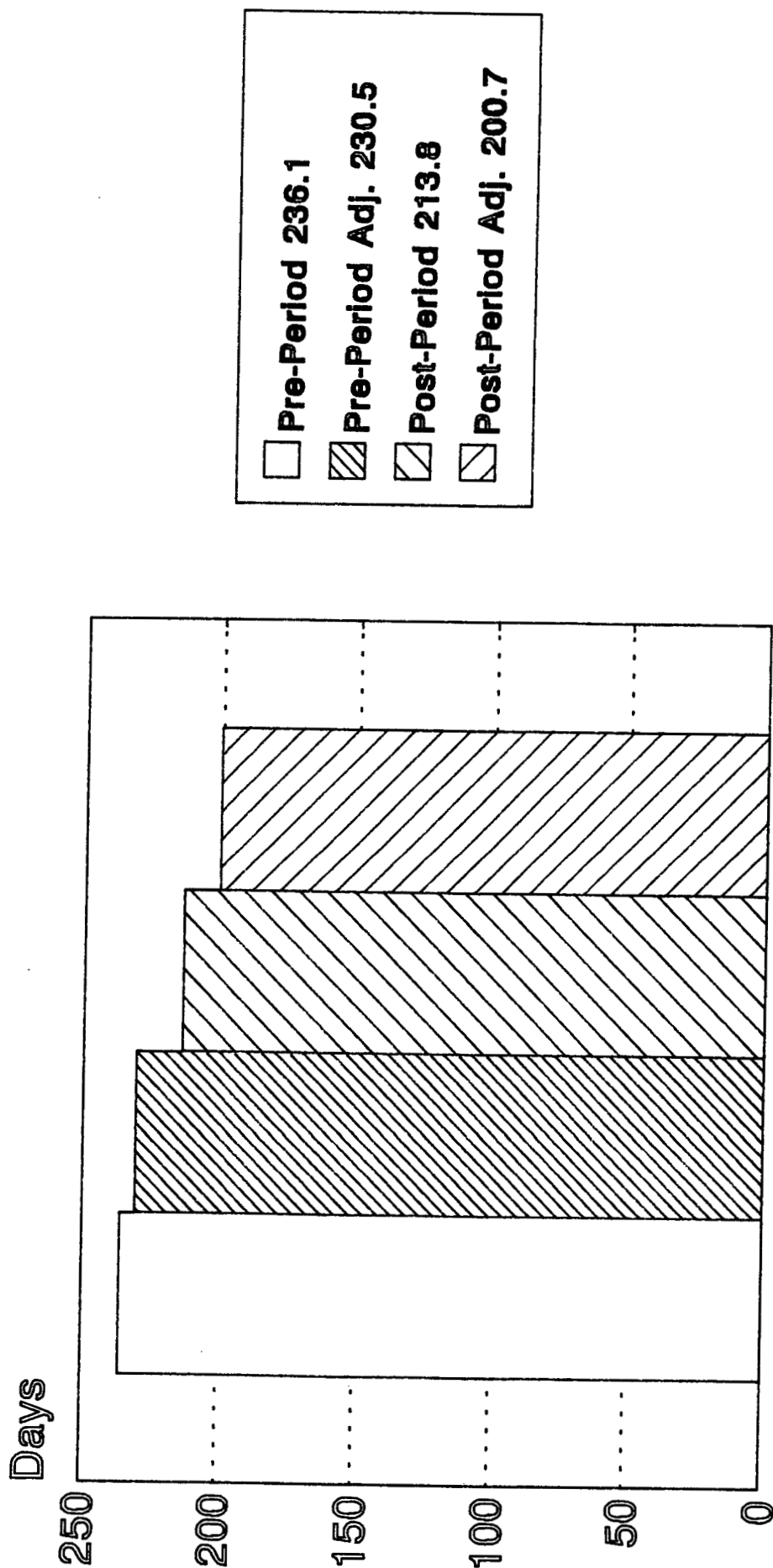


Source: Jefferson Parish Clerk of Court, Criminal Records Section

# Graph Number Twenty-Seven

## Mean Time From Arrest to Disposition

### Class III



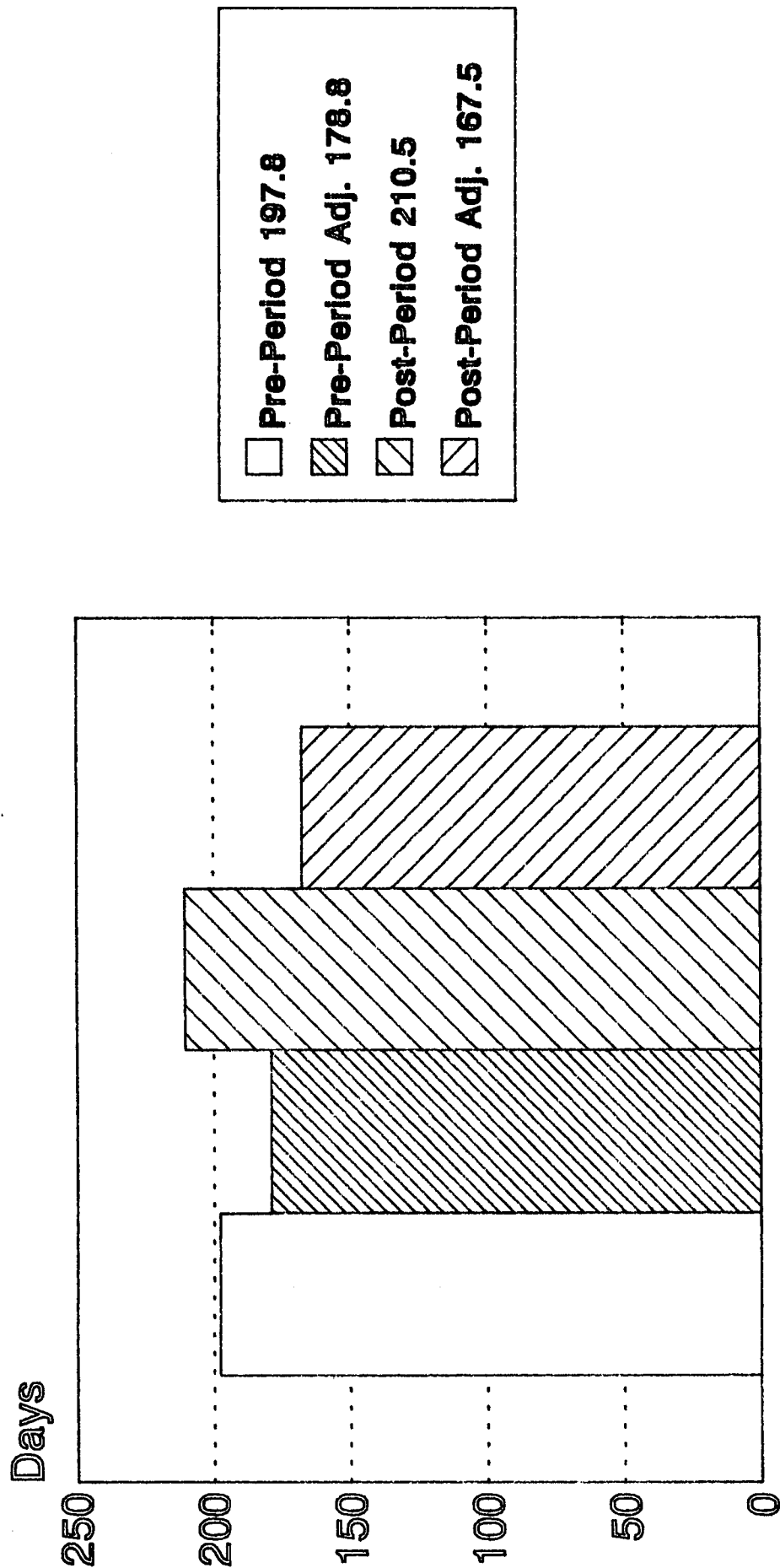
Source: Jefferson Parish Clerk of Court, Criminal Records Section



# Graph Number Twenty-Eight

## Mean Time From Arrest to Disposition

### Class IV



Source: Jefferson Parish Clerk of Court, Criminal Records Section

**Table Three**  
**Mean Arrest-to-Disposition Time By Classes**  
**"Drug Court"**

<b>Class</b>	<b>Adjusted Mean</b>
II	192.12
III	200.68
IV	167.50
All	194.52

Source: Jefferson Parish Clerk of Court,  
Criminal Records Section

#### *Arrest-to-Disposition (By No. of Continuances)*

Statistical analysis of arrest-to-disposition based on the number of continuances in a case for Division "S" revealed that the mean times are not equal but significantly different from each other.<sup>27</sup> As the number of continuances increased, so did the mean time to dispose of the case. Therefore, it was readily discernible from Table Four that the granting of three or more<sup>28</sup> continuances in a drug case caused a 43 percent increase in the total disposition time for the "Drug Court." Furthermore, Table Five illustrated that the percentage of drug cases with three or more continuances dropped from 27.77 percent in the pre-period to 16.50 percent in the post-period, an 11.27 percent decrease which was statistically significant.<sup>29</sup> Undoubtedly, the two judges who have sat in Division "S" have recognized the importance of limiting the number of continuances and the role such delays play in controlling disposition time. Further proof, perhaps, of this fact was that the percent of cases with no continuances increased from 38.49 percent in the pre-period to 43.68 in the post-period, an increase of 5.7 percent, which was not statistically significant<sup>30</sup>. Although it can not be argued that the proportion of drug cases in Division "S" with zero continuances increased, at least it can be said that the proportion was probably equal to what was happening in the district court.

#### *Arrest-to-Disposition (By Number of Defendants)*

Another question that arose in analyzing the disposition time for drug cases was: Does the number of defendants complicate a case and add more time? Analysis of Table Six revealed that the differences among the three sample means were not statistically significant.<sup>31</sup> Therefore, it can not be concluded that the number of defendants affected disposition time.

#### *Arrest-to-Disposition (By Number of Charges)*

Conventional wisdom would probably argue that the number of charges per case affects the disposition time because this factor makes the case more complex. However, statistical analysis<sup>32</sup> of Table Seven revealed that there was no significant difference in the mean disposition time according to the number of charges. Therefore, it can not be concluded that the number of charges affected the disposition time in the "Drug Court".

#### *Analysis of Allotment-to-Transfer Process*

This sequence, which was not part of the regular processing of drug cases in the Twenty-Fourth District

**Table Four**  
**Mean Time**  
**Arrest-to-Disposition By**  
**No. of Continuances**  
**"Drug Court"**

No. of Conts.	Adjusted Mean Time (Days)
0	169.40
1	190.15
2	188.21
3+	268.24

Source: Jefferson Parish Clerk of Court,  
Criminal Records Section

**Table Five**  
**Drug Case Continuances**

No. of Conts.	Pre- No. of Cases	%	Post- No. of Cases	%
0	55	38.19	45	43.68
1	28	19.44	27	26.21
2	21	14.58	14	13.59
3+	40	27.77	17	16.50
TOTAL	144	99.98	103	99.98

Source: Jefferson Parish Clerk of Court,  
Criminal Records Section

**Table Six**  
**Mean Time**  
**Arrest-to-Disposition By No. of Defendants**  
**"Drug Court"**

No. of Defendants	Adjusted Mean Time (Days)
1	192.6
2	210.9
3+	147.0

Source: Jefferson Parish Clerk of Court,  
Criminal Records Section

**Table Seven**  
**Mean Time**  
**Arrest-to-Disposition By No. of Charges**  
**"Drug Court"**

No. of Charges	Adjusted Mean Time (Days)
1	185.08
2	195.70
3+	181.25

Source: Jefferson Parish Clerk of Court,  
Criminal Records Section

Court, added more time to disposing of cases in Division "S". According to data from the sample, the mean time from allotment to transferring a drug case from one of the divisions of district court to the "Drug Court" was 9.24 days, and the median was 6 days. Since the New Orleans drug court accomplished this step in three days (median), this is probably one area for improvement for Division "S", and it will be discussed in the concluding section of this evaluation.

#### *Analysis of Drug Cases by Disposition Type*

Although Table Eight indicated that there was a 6.3 percent increase in the dismissal rate between the pre- and post- periods, it was not statistically significant.<sup>33</sup> In addition, the rate of guilty pleas appeared to decrease from 79.6 percent in the pre-period to 72.4 percent in the post-period, a 7.2 percent decrease which was also not statistically significant.<sup>34</sup>

#### *Analysis of Sentencing Process*

An important question to ask at this point is: Was the sentencing process altered in any way in order to achieve a quicker disposition time as noted earlier? The answer is undoubtedly no. Statistical analysis<sup>35</sup> of Table Nine revealed that the incarceration rate for both periods was basically about the same--about one out of every three drug defendants received a sentence involving some sort of incarceration. Conversely, the same was true for the non-incarceration rate.<sup>36</sup>

Specifically, the rate of use of the jail<sup>37</sup> and prison<sup>38</sup> revealed no statistically significant change between the pre- and post- periods. On the other hand, there was a statistically significant decrease in the use of "probation only" at 26.5 percent in the pre-period and 6.5 percent in the post-period.<sup>39</sup> Furthermore, there was a statistically significant<sup>40</sup> increase in the use of probation plus a fine--from 37.6 percent in the pre-period to 55.8 percent in the post-period. There was apparently a definite sentencing philosophy for the two judges serving the "Drug Court" during the period under evaluation. Since both the local jail and the state prison system were overcrowded, the judges attempted to make the sentence of probation as onerous as possible by attaching a fine to a sentence of probation. The result was that during the period of November, 1991, to October, 1992, \$109,657 in probation fines were collected by the "Drug Court."

In regards to sentence lengths (Table Ten), there was no statistically significant change in the mean sentence



**Table Eight**

**Drug Cases By Disposition Types**

Type of Disposition:	Pre-		Post-	
	No.	%	No.	%
Dismissal	30	20.4	28	26.7
Pled Guilty	117	79.6	76	72.4
Trial	<u>0</u>	<u>0</u>	<u>1</u>	<u>.9</u>
TOTAL	147	100	105	100

Source: Jefferson Parish Clerk of Court,  
Criminal Records Section

**Table Nine**  
**Sentencing**

<b>Type</b>	<b>Pre-</b>	<b>%</b>	<b>Post</b>	<b>%</b>
Jail only	15	12.8	5	6.5
Prison only	20	17.1	16	20.8
Probation only	31	26.5	5	6.5
Jail/Probation	2	1.7	4	5.2
Prison/Probation	2	1.7	3	3.9
Probation/Fine	44	37.6	43	55.8
Fine only	3	2.6	0	0
Jail/Fine	0	0	1	1.3
Prison/Fine	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL</b>	<b>117</b>	<b>100%</b>	<b>77</b>	<b>100%</b>

Source: Jefferson Parish Clerk of Court,  
Criminal Records Section

**Table Ten**  
**Adjusted Mean Sentences (Days)**

	<b>Pre-</b>	<b>Post-</b>
Jail only	290	401
Prison only	1,314	1,597
Probation only	736	657

Source: Jefferson Parish Clerk of Court,  
Criminal Records Section

length for probation<sup>41</sup> and jail<sup>42</sup>. However, there was a statistically significant increase<sup>43</sup> of 21.5 percent in the mean prison sentence between the pre-period (1,314 days) and the post-period (1,597 days). Although there was no increase in the use of prison as a sentence type, when it was used by the "Drug Court", the average sentence length was substantially longer.

#### FOOTNOTES

1. This data is based upon the actual daily counts for the pre- and post- periods.
2. Maria Guerrera Holland et al. v. Thomas Donelon, et al., No. 71-1442.
3.  $z = -4.04$ ,  $p < .05$ .
4. Throughout the remainder of this evaluation, disposition will mean dismissal by the district attorney or court, a plea of guilty, and sentencing. The judges of the Twenty-Fourth District Court and Division "S" nearly always sentenced offenders immediately after a plea of guilty. In only 7.8 percent of all sentences was sentencing actually delayed after a plea of guilty for a presentencing report.
5.  $z = -1.37$ ,  $p < .05$ . A t test had the same statistic score and was not above the critical value with  $df = 10$ . At least one of the samples had  $n = 31$ , but the other sample was  $n = 11$ . There is no exact test for testing the equality of two means when at least one of the samples is small ( $n < 30$ ).
6.  $z = -3.53$ ,  $p < .05$ .
7. Grant No. 91-B7-B.10-0314, Jefferson Parish Criminal Justice Coordinating Council, Harahan, Louisiana.
8. This general classification does not apply to drug offenses because Louisiana has no death penalty for drug offenses.
9. An adjusted mean time will be used throughout this evaluation. The adjustment entailed the deduction of time out of the court process for outstanding warrants or attachments. The actual mean time will also be given in all graphs.
10. Interview with Gerson Martin, January 12, 1993.
11.  $z = -1.61$ ,  $p < .05$ .
12. The same type of discrepancy between the grant goal and the pre-period sample mean as noted in Class II existed for Class III also. Again, this evaluation did not attempt to resolve this obvious difference.
13.  $z = -1.75$ ,  $p < .05$ .

14. The same type of discrepancy between the grant goal and the pre-period sample mean as noted in Class II and III existed for Class IV also.
15.  $z = .56$ ,  $p < .05$ . Note: The post-period sample size was only 4, which could have affected the  $z$  test score. A  $t$  test = .398,  $p < .05$ ,  $df = 40$ .
16. Maureen Solomon and Douglas K. Somerlot, Caseflow Management in the Trial Court: Now and For the Future (Chicago: American Bar Association, 1987), 84.
17.  $z = -2.56$ ,  $p < .05$ .
18.  $z = -1.95$ ,  $p < .05$ .
19.  $z = -1.74$ ,  $p < .05$ .
20.  $z = -23.68$ ,  $p < .05$ .
21.  $z = 2.14$ ,  $p < .05$ .
22.  $z = 1.18$ ,  $p < .05$ .
23.  $z = -2.23$ ,  $p < .05$ .
24.  $z = -1.04$ ,  $p < .05$ .
25.  $z = -.31$ ,  $p < .05$ . Note: The post-period sample size was only 4, which could have affected the  $z$  test score.
26. Analysis of variance,  $F$  test = .21,  $p < .05$ ,  $df = 2, 102$ . Since Class IV had only 4 in its sub-sample, a comparison of means test was done on Class II and III only. The conclusion was that the two means are probably equal and not different.
27.  $F = 4.26$ ,  $df = 3$  and 99,  $p < .05$ .
28. In the sample, the highest number of continuances was 7 for a case.
29.  $z = -2.07$ ,  $p < .05$ .
30.  $z = .90$ ,  $p < .05$ .
31.  $F = 1.39$ ,  $df = 2, 100$ ;  $p < .05$ .
32.  $F = .06$ ,  $df = 2, 145$ ;  $p < .05$ .
33.  $z = -1.16$ ,  $p < .05$ .

- 34.  $z = 1.33, p < .05.$
- 35.  $z = .62, p < .05.$
- 36.  $z = .62, p < .05.$
- 37.  $z = 1.42, p < .05.$
- 38.  $z = -.74, p < .05.$
- 39.  $z = 3.52, p < .05.$
- 40.  $z = 2.50, p < .05.$
- 41.  $z = .68, p < .05.$
- 42.  $t = 1.10, df = 18, p < .05.$
- 43.  $t = -1.66, df = 34, p < .05.$

## V. CONCLUSIONS

### *Summary of Findings*

Although the Twenty-Fourth District Court never claimed that Division "S" would affect the parish's jail population in a positive manner, it was possible, though not conclusive statistically or in a cause and effect relationship, that the special division contributed to the reduction in the average daily population of pretrial inmates with drug charges. Other causes such as declining drug arrests and the early releases of pretrial inmates with drug charges were both discounted. Additional research in this area should be pursued. The sample size of pretrial inmates with drug charges should be large enough to result in a more conclusive statistical analysis.

Division "S" was eligible to receive all drug cases filed in the Twenty-Fourth District Court, but due to the discretion exercised by the judiciary, the "Drug Court" received only 71 percent of drug cases filed. The "Drug Court" handled the vast majority of Class II and Class III offenses, which were the more serious drug charges. The end result was that Division "S" had a greater proportion (57.26 percent) of Class II's and a lesser proportion of Class IV's (4.27 percent).

The stated goals of the "Drug Court" were to reduce the time from arraignment-to-disposition by class of the drug offense. Division "S" was actually able to surpass the stated goal of 180 days for Class II by approximately 73 days; for Class III's it was nearly 57 days under the stated goal of 150 days; and for Class IV's the court was able to surpass its stated goal of 90 days by nearly 7.5 days.

Examining the arraignment-to-disposition process with pre- and post- periods data, one reached different conclusions. Although it appeared that the "Drug Court" reduced the adjusted mean time for Class II's between the pre- (141.91 days) and post- (107.25 days) periods by nearly 35 days, this was not statistically significant. On the other hand, comparing the pre- (126.07 days) and post- (93.7 days) periods for Class III's, it was determined that the difference of nearly 33 days was statistically significant. Finally, a comparison of the pre- adjusted mean time (62.42 days) and the post-adjusted mean time (82.50 days) for Class IV revealed an increase of approximately 20 days, but this was not statistically significant.



It was also readily apparent that the "Drug Court" was not in compliance with the ABA standard (100 percent) with 94.28 percent (adjusted) of all cases disposed of within a year of arrest. However, Division "S" made a substantial increase (10.61 percent) over the pre-period of 83.67 percent, which was statistically significant.

Using the criteria of arrest-to-disposition time sequence, one found that the mean time decreased from 226.82 days (pre-) to 194.52 days (post-), which was statistically significant. However, when each component part of the process was analyzed, there was a different perspective. While the arrest-to-filing of the bill of information and the filing-to-allotment decreased and were statistically significant, the allotment-to-arraignment sequence increased, which was statistically significant. Furthermore, the arraignment-to-disposition time frame also decreased, but it was not statistically significant.

Examining the arrest-to-disposition process according to classes of drug offenses, one found that only Class II had a statistically significant reduction from 272.63 days in the pre-period to only 192.12 days in the post-period. Classes III and IV had reductions, but they were not statistically significant. Finally, although the cases were supposedly placed on a track after arraignment according to class, statistical analysis of the means of the three classes of drug offenses revealed that the means were not really different from each other. The conclusion was that the track system was not fully operable.

According to sample data, it appeared that as the number of continuances increased so did the mean time for disposition. Furthermore, statistical analysis of the arrest-to-disposition sequence according to the number of continuances revealed that the granting of three or more continuances in a drug case caused a 43 percent increase in the total disposition time. Additionally, there was a statistically significant decrease of 11.27 percent in the granting of three or more continuances by the "Drug Court." However, the number of defendants and charges in a case did not affect the disposition time. Additionally, the allotment-to-transfer process added 9 days to the total disposition time.

While the disposition rate did not change in Division "S", basically neither did the sentencing process. The incarceration rate and non-incarceration rates remained at basically one-third and two-thirds respectively. The rate of use of the jail and prison revealed no statistically significant change, but there was a statistically significant decrease in both the use of just probation and an increase in the use of probation plus a fine. In

regards to sentence lengths, there was no statistically significant change in the mean sentence length for probation and jail, but there was a statistically significant increase in the mean prison sentence for the "Drug Court."

#### *Comparative Analysis of Findings to Other Jurisdictions*

Although not employing a "drug court" but rather an EDCM for all felony cases, the Philadelphia Court of Common Pleas results were examined and compared to Division "S". Comparing the mean time from arraignment-to-disposition (Graph Number Twenty-Nine), one found that the Philadelphia Court fell 26 percent from 158 days to 113. On the other hand, the Twenty-Fourth District Court dropped from 113.13 (adjusted) to 98.21 (adjusted) days. Even though the "Drug Court"'s decrease was not statistically significant, it nevertheless compared quite favorably with the Philadelphia Court--100.75 v. 113. In regards to mean time for bill filing-to-sentencing, the "Drug Court" again compared favorably with the Philadelphia Court (Graph Number Thirty)--152.95 to 155 respectively. On the other hand Division "S" fared quite well again when it was compared to Philadelphia's median time (Graph Number Thirty-One) for the bill filing-to-sentencing process--137 to 158 respectively.

When Division "S" was compared to the drug courts in Milwaukee Circuit Court and Middlesex County, New Jersey (Graph Number Thirty-Two) for the median time in the bill filing-to-disposition sequence, it fell behind 127.5 days to 64 days and 81 days respectively. On the other hand, Division "S"'s median time (137 days) from bill filing-to-sentencing was 45.8 percent lower than the Milwaukee Court (253 days) (Graph Number Thirty-Three).

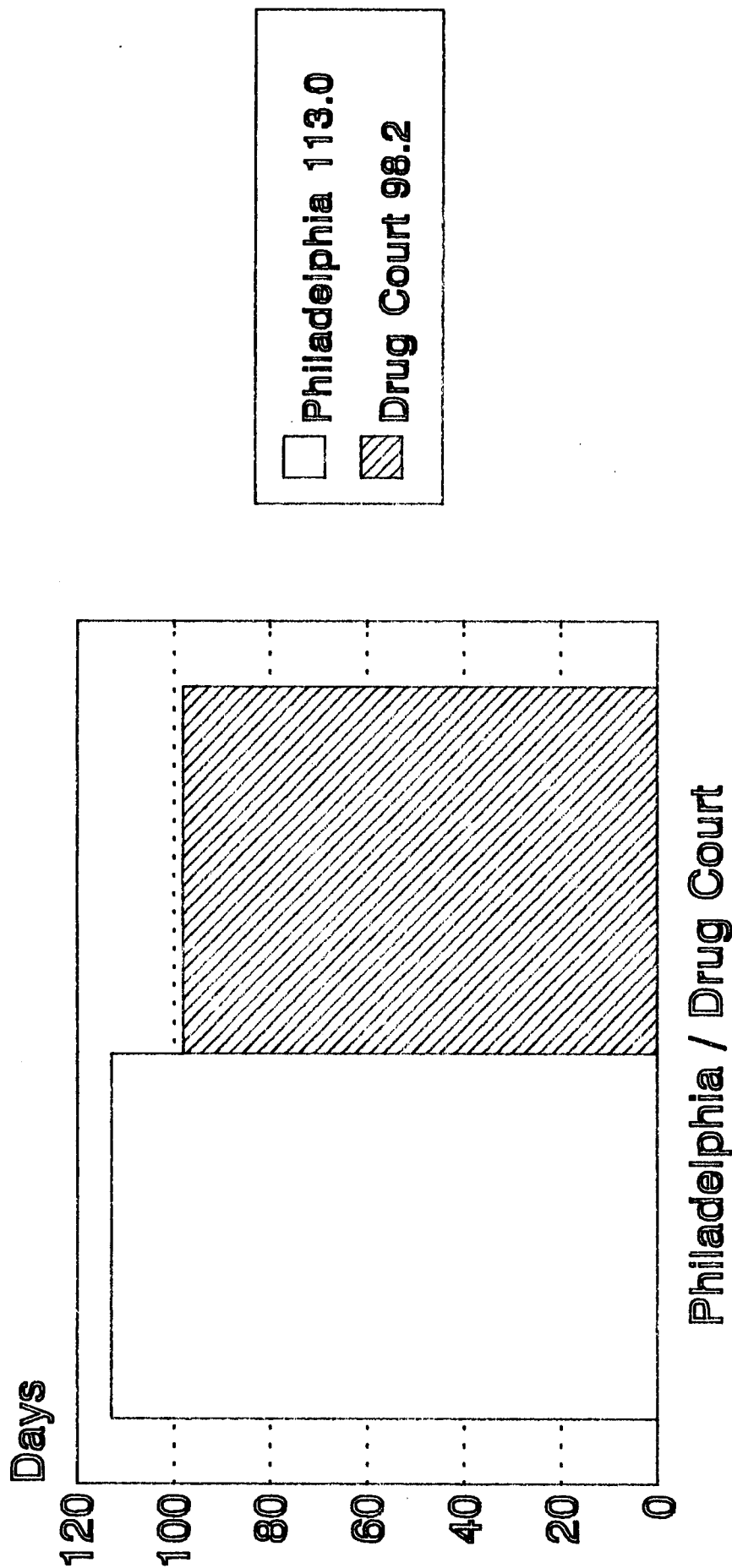
Again, when Division "S" was compared to the former "Drug Court" in New Orleans, it was 42.4 percent higher for the median time from arrest-to-disposition (Graph Number Thirty-Four). New Orleans' median time was 118 days, which had risen from 96 days in the pre-program, and Division "S"'s was 168 days.

Another area examined on a comparative basis was the "Drug Court"'s percentage of cases resolved within 90 days of filing. As noted in Graph Number Thirty-Five, Division "S" compared very favorably with the Milwaukee Court, but the Pierce County (Washington) Court disposed of 88 percent of its drug cases within 90 days of filing, while Division "S" only had 25.6 percent.

Finally, in the area of the sentencing process, Jefferson's "Drug Court" had some slight difference in findings. For example, while the frequency of the use of

# Graph Number Twenty-Nine

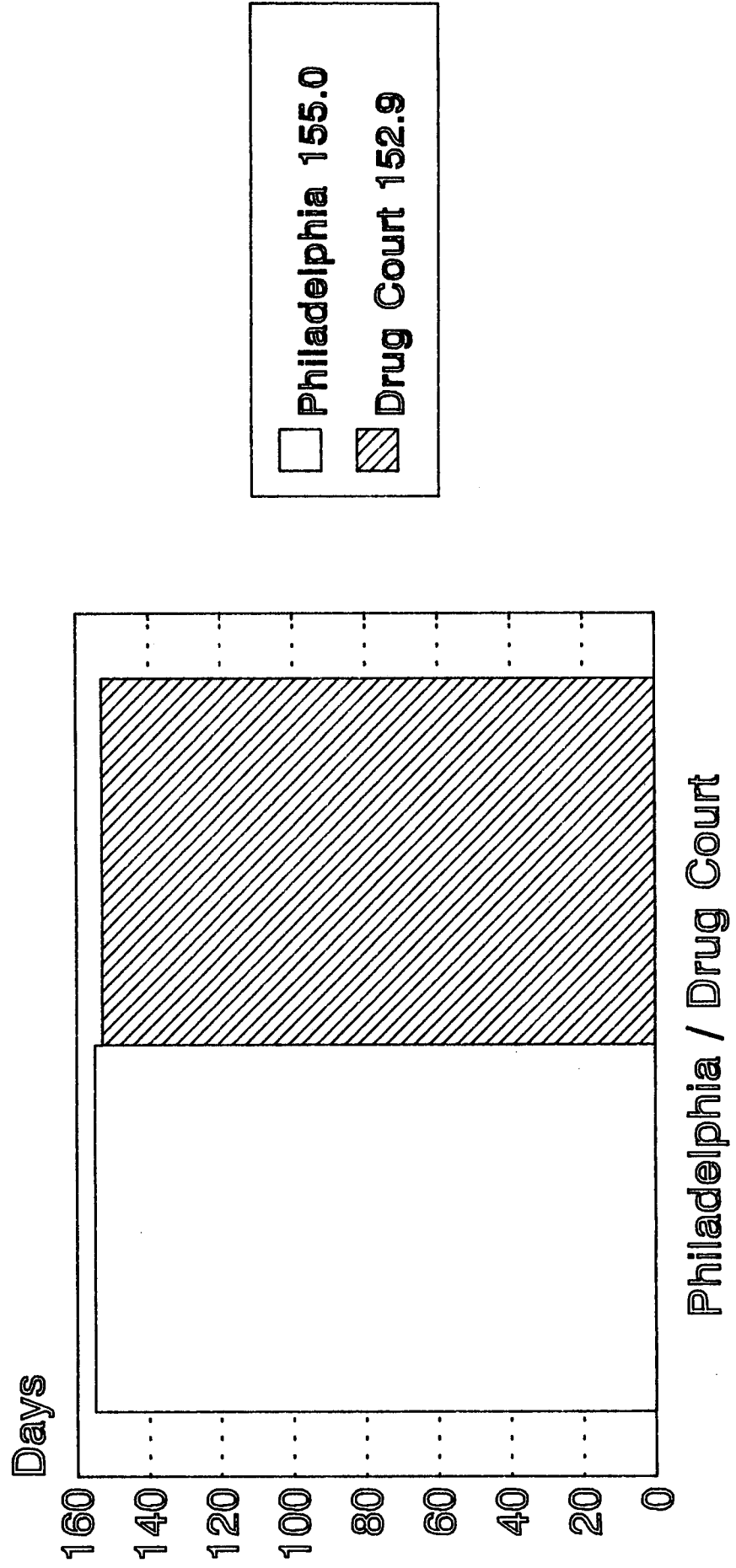
Mean Time  
Comparative Arraignment-to-Disposition



Source: NJ, Searching For Answers (1991), 36-37;  
Jefferson Parish Clerk of Court, Criminal Records Section

# Graph Number Thirty

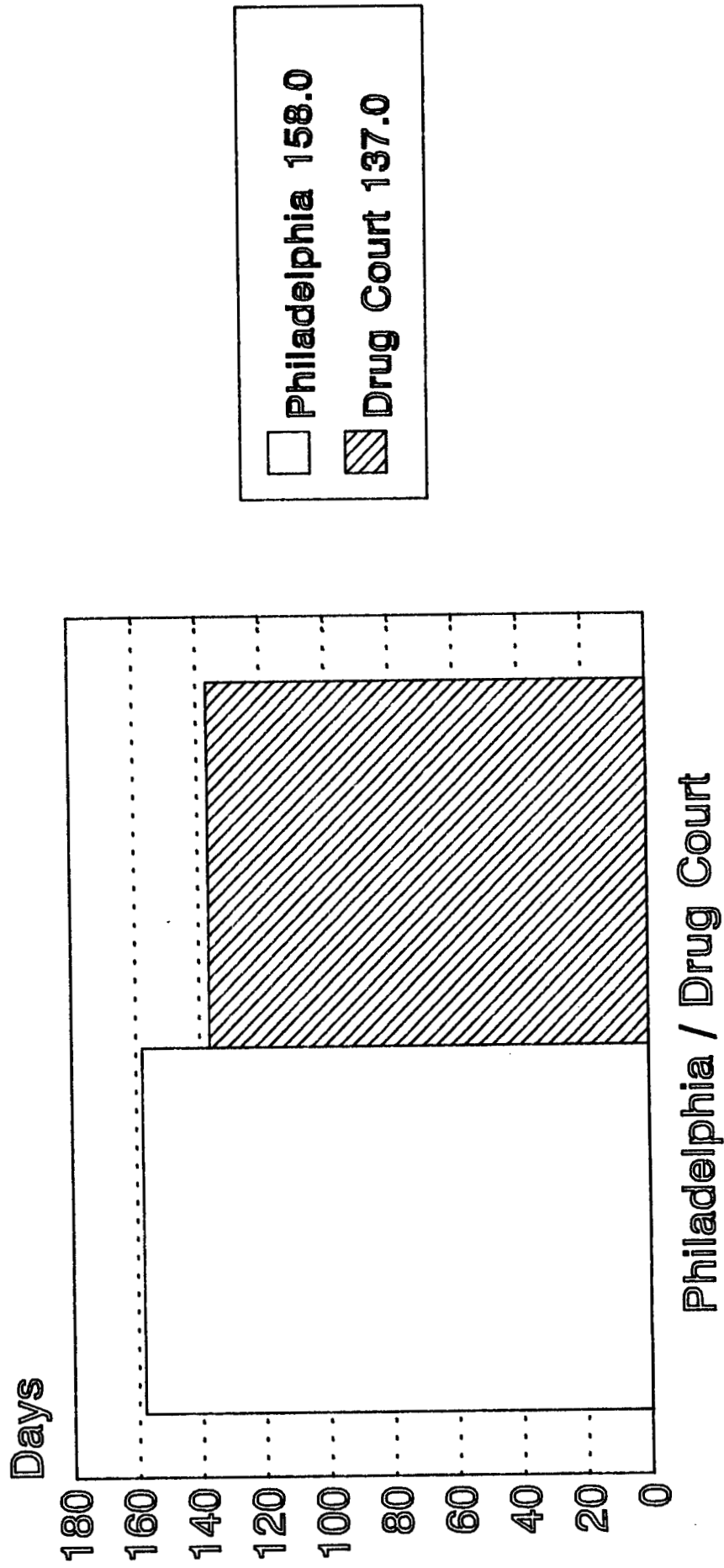
Mean Time  
Comparative Bill Filing-to-Sentencing



Source: NJ, Searching For Answers (1992), 66;  
Jefferson Parish Clerk of Court, Criminal Records Section

# Graph Number Thirty-One

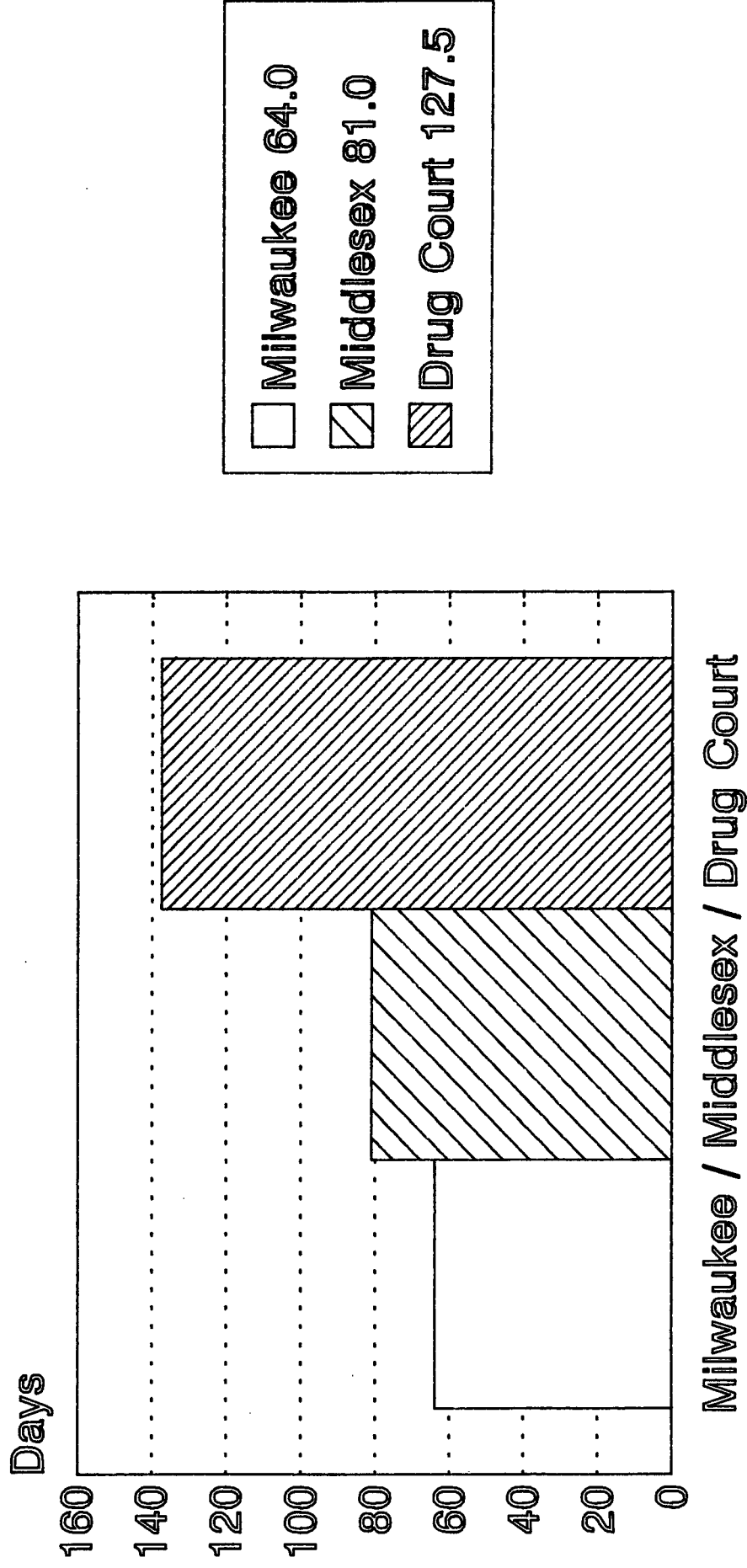
## Median Time Comparative Bill Filing-to-Sentencing



Source: Smith, et al., "Strategies for Courts," 9-11; Jefferson Parish Clerk of Court, Criminal Records Section

# Graph Number Thirty-Two

## Median Time Comparative Bill Filing-to-Disposition

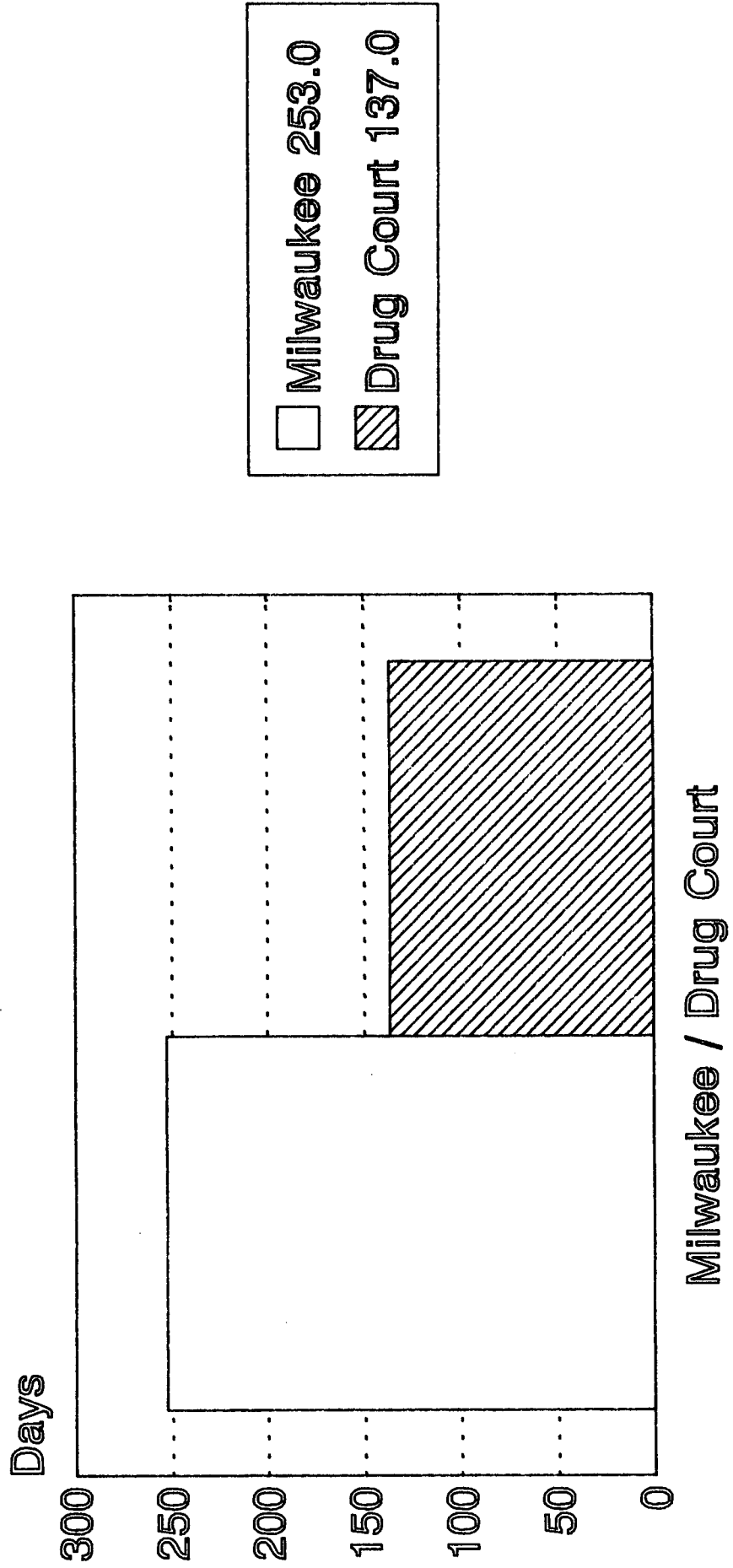


Source: Smith, et al., "Strategies for Courts," 7-8; Jacoby et al., "EDCM Programs," 6; Jefferson Parish Clerk of Court, Criminal Records Section

# Graph Number Thirty-Three

Median Time

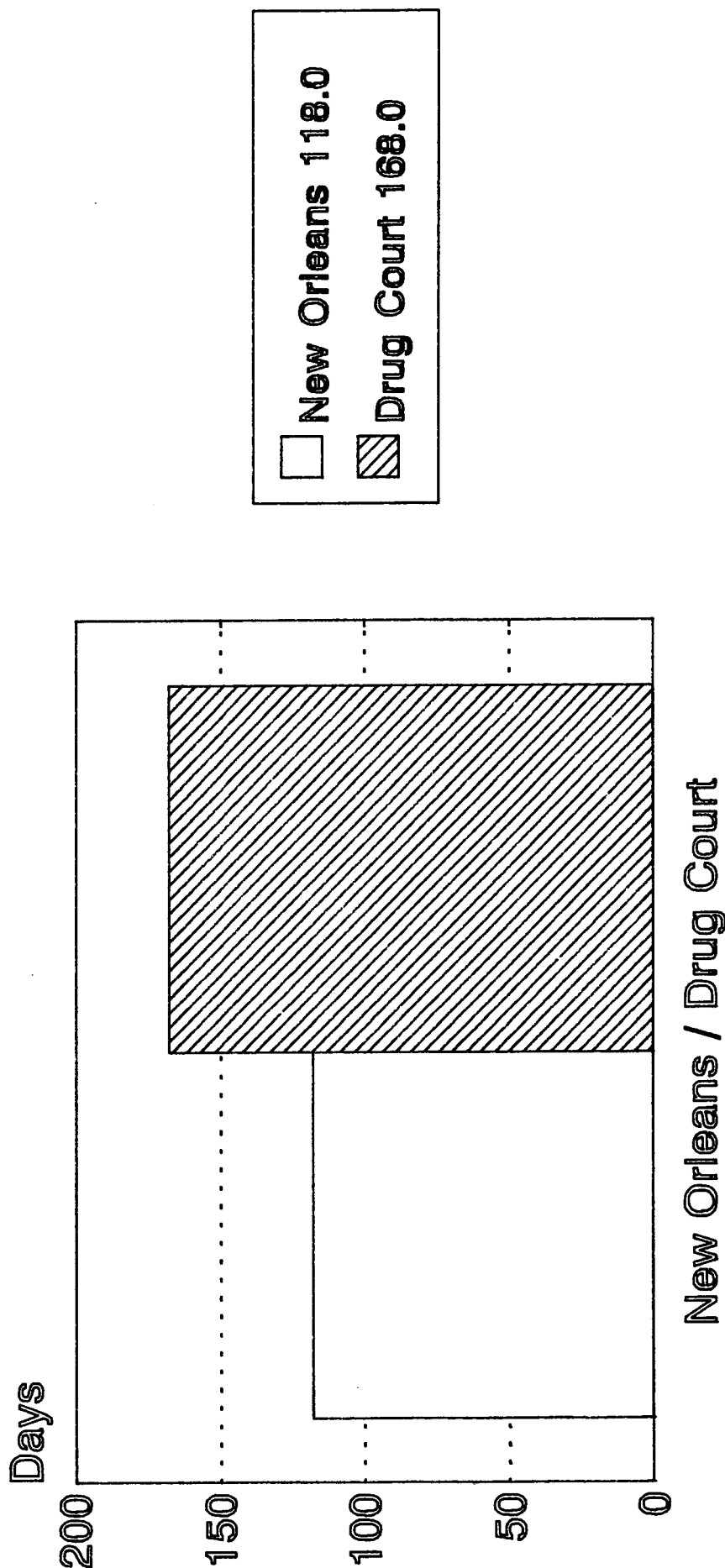
Comparative Bill Filing-to-Sentencing



Source: Smith, et al., "Strategies for Courts," 7-8; Jefferson Parish Clerk of Court, Criminal Records Section

# Graph Number Thirty-Four

Median Time  
Comparative Arrest-to-Disposition

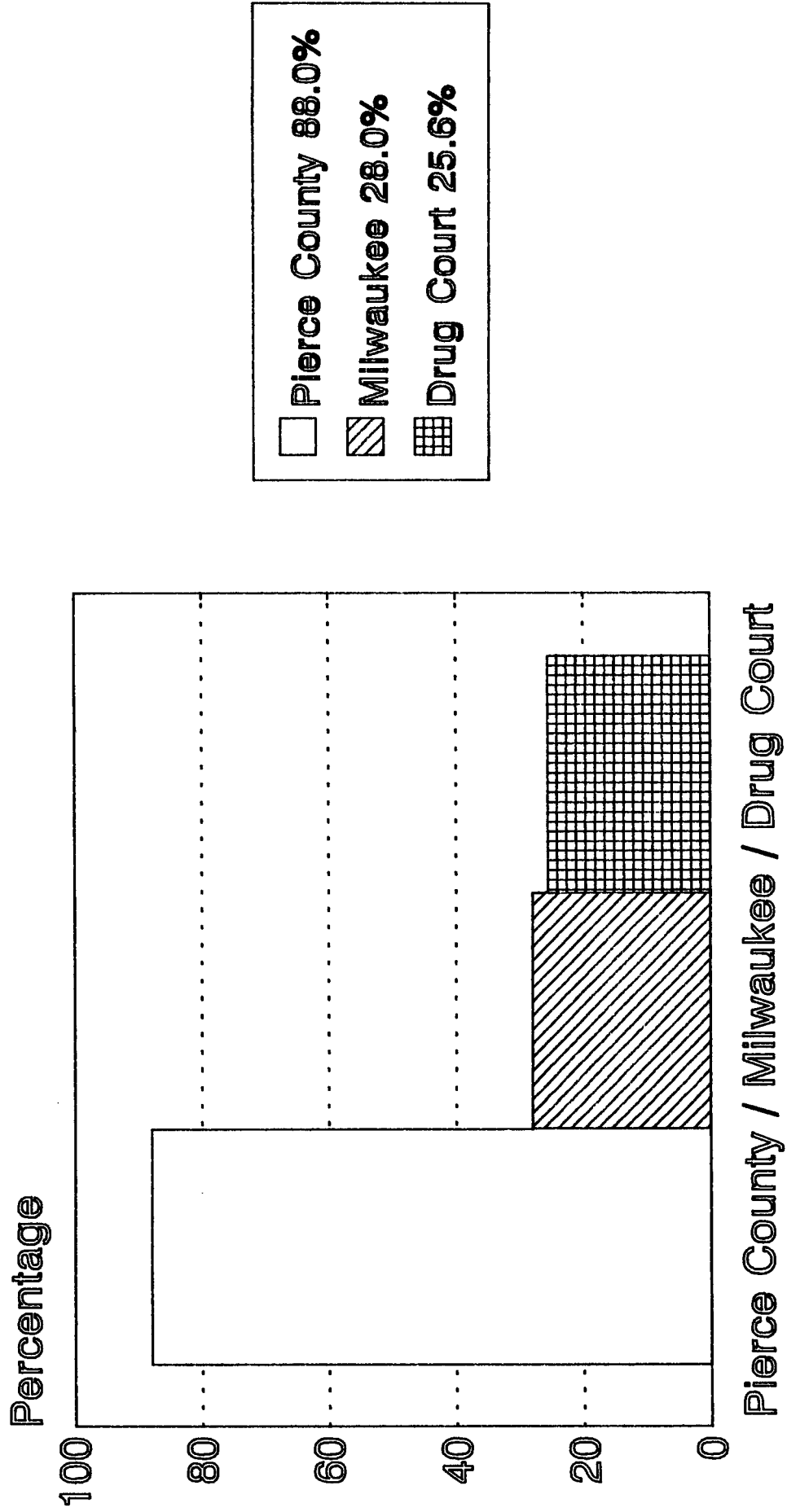


Source: NCSC, "Alternative Approaches," 83-85  
Jefferson Parish Clerk of Court, Criminal Records Section



# Graph Number Thirty-Five

Percent of Cases Resolved Within 90 Days of Filing



Source: Tacoma News Tribune, June 7, 1989; Smith et al., "Strategies For Courts," 7-8; Jefferson Parish Clerk of Court, Criminal Records Section

prison, probation, and jail remained constant for the Milwaukee Circuit drug court, Division "S" had no statistically significant change in the rate of use of jail or prison sentences but did have a statistically significant decrease in the use of just probation and an increase in the use of probation plus a fine. In regards to sentence lengths meted out by the "Drug Court", Division "S" again differed slightly from other jurisdictions. While there was no significant change in the length of any types of sentences in Milwaukee Circuit, Division "S" had a statistically significant increase in the length of prison sentences. Additionally, Chicago's drug court experienced a drop in the use of prison sentences with an equal increase in the use of probation. While Division "S"'s mean probation sentence remained constant, Chicago's decreased.

### *Recommendations*

Division "S" of the Twenty-Fourth Judicial District Court had some major accomplishments: it possibly contributed to the reduction in the average daily population of pretrial inmates with drug charges, surpassed all federal grant goals, decreased the mean time from arrest-to-disposition while increasing the mean length of a prison term, and significantly decreased the granting of three or more continuances in a drug case. However, it also had some shortcomings: it was not in compliance with the ABA disposition standard; the allotment-to-arraignment process increased significantly; the arraignment-to-disposition sequence did not decrease significantly; the track system did not differentiate between classes of drug offenses; and the allotment-to-arraignment process added unnecessary disposition time.

Like all public programs there is always room for improvement, and the following recommendations are offered as suggestions to enhancing the capabilities of Division "S":

#### Recommendation One

The "Drug Court" and related agencies should utilize a fundamental set of case management principles as recommended by the National Institute of Justice<sup>1</sup>: early screening<sup>2</sup> and classification of cases based on processing complexity, expected disposition point and route, and likely sanctions; assigning cases to a "track" that anticipates likely court events such as pretrial conferences, motions, trials, etc.; establishing applicable timeframes by track for major court events and times to disposition that represent goals and not "speedy

trial" maximum times as proscribed by state law; and continuous monitoring of cases with track reassignment if necessary in order to ensure that cases are disposed within the timeframe assigned.

#### Recommendation Two

The current classification and tracking system, which is apparently not functioning to its fullest potential, should be revised perhaps in favor of the one, or a variation of it, used by the Philadelphia Court of Common Pleas or the New Orleans "Drug Court".<sup>3</sup> The District Attorney's Office and the "Drug Court" should jointly approach this recommendation. The criteria in Philadelphia for defining the tracks were as follows: Track A had dispositions with 1 day for diversions and early pleas; Track B was for all defendants in custody whereby cases were scheduled for trial within 7 weeks after arraignment and continuances cannot exceed 30 days; Track C was for multiple pending cases involving the same defendant; Track D was for cases not selected for other tracks; and Track E was for complex cases. A revamped classification and tracking system would probably assist in reducing both the allotment-to-arraignment process which increased significantly and the arraignment-to-disposition process which had no significant decrease.

#### Recommendation Three

Since Class IV drug offenses, misdemeanors, comprised only about 4 percent of Division "S"'s caseload, it may be highly advisable for the Twenty-Fourth District Court to consider not transferring such cases to the "Drug Court". The removal of such cases from the court's docket would allow it to devote more time to the more serious cases.

#### Recommendation Four

Both the "Drug Court" and district attorney's office need to transfer a drug case from the originally allotted division to Division "S" in less than 9 days. Since this evaluation took a sample of cases filed from the first three months of full operation of the "Drug Court", it was very possible that the mean time of 9 days reflected the developmental stage whereby all parties in the process were still "learning the ropes" of operating a specialized court. Perhaps Division "S" is now able to transfer a case in a more timely manner. An evaluation of this process for the months of August-October, 1992, may reveal a substantial improvement over the period of evaluation (August-October, 1991).

### Recommendation Five

If Division "S" contributed to the decline in the average daily population of pretrial inmates with drug charges by 11 inmates<sup>4</sup>, this has serious implications for the continuing debate in the Twenty-Fourth Judicial District over the merits of designating several divisions as strictly criminal as a means to help control jail overcrowding. Although the data was not absolutely conclusive, it appeared that Division "S" was probably a major factor in the reduction of the average daily population. If the aforementioned recommendations, especially differentiated case management techniques, are incorporated into the "Drug Court" and several strictly criminal divisions, it is highly possible that such a strategy would have a significant impact upon the jail population.

### *Implications for Future Study*

One issue not addressed by this evaluation was what impact did Division "S" have on the moving of the rest of the docket of the Twenty-fourth District Court without the vast majority of drug cases. This would have entailed taking at least two more samples both pre- and post- on the whole court to determine whether the creation of the "Drug Court" caused a reduction in the time to move all criminal cases. The decision of the evaluator was to concentrate on more direct effects of Division "S" because of the limited time for research and evaluation.

Also, due to the nature of the timeframe of this evaluation, it was necessary to sample cases filed for the period of August-October, 1991, in order to have at least a one year follow up of such cases. Consequently, this evaluation is limited to the findings of that period which was the developmental stage of Division "S", and all conclusions must be qualified with this condition. Therefore, it is virtually mandatory and necessary to have a followup evaluation for the period August-October, 1992, which is comparable to this evaluation period. Perhaps the period November, 1992-January, 1993, should be evaluated because then there would be the perspective of the "Drug Court" having at least one full year of experience. Hopefully, this will be conducted by another candidate for the Court Executive Development Program for the Institute for Court Management of the National Center for State Courts.

### Footnotes

1. Jacoby et al., "Expedited Drug Case Management Programs," 2.
2. The District Attorney's Office already conducts early screening of all felony cases.
3. Jacoby et al., "Expedited Drug Case Management Programs," 2-3. The Philadelphia tracking system was for all felony cases, not just drug cases.
4. Perhaps additional research is needed in this area with a larger sample of drug cases involving pretrial inmates.

**APPENDICES**

# **Appendix One**

## **Number of Offenses Per 100,000 Residents**

**1970 - 1991**

<b>Year</b>	<b>U.S.</b>	<b>LA</b>	<b>Metro N.O.</b>	<b>N.O.</b>	<b>Jefferson</b>
1970	2,741	2,405	4,310	5,944	3,117
1971	2,907	2,516	3,682	5,984	3,443
1972	2,830	2,471	3,502	6,409	3,613
1973	4,116	3,402	4,778	6,014	4,694
1974	4,821	3,816	5,382	6,716	5,591
1975	5,282	4,123	5,453	6,920	5,516
1976	5,266	4,361	6,191	6,592	6,211
1977	5,055	4,498	6,003	7,024	5,805
1978	5,109	4,792	6,861	8,117	6,323
1979	5,522	5,359	7,967	9,245	7,490
1980	5,900	5,454	7,890	9,605	7,362
1981	5,799	5,268	7,603	9,122	6,830
1982	5,553	5,311	7,558	8,541	7,512
1983	5,159	5,027	6,522	7,553	6,691
1984	5,031	5,111	6,697	8,155	6,548
1985	5,207	5,564	7,198	8,681	7,342
1986	5,480	6,078	8,049	10,088	7,834
1987	5,550	5,873	7,620	9,281	7,883
1988	5,664	5,761	7,721	9,750	7,987
1989	5,741	6,243	8,687	11,263	8,641
1990	5,820	6,487	9,302	12,436	8,819
1991	5,898	6,425	8,840	10,830	9,285

Source: Federal Bureau of Investigation,  
Uniform Crime Reports, 1970 - 1991.

**Appendix Two**  
**Jefferson Parish**  
**Adult Drug Arrests**

**1980 - 1992**

<b>Year</b>	<b>Number</b>	<b>As % of All Arrests</b>
1980	1,064	5.9
1981	1,022	5.9
1982	1,222	6.5
1983	755	4.3
1984	591	3.8
1985	910	5.3
1986	938	5.2
1987	922	5.1
1988	1,381	6.3
1989	2,020	7.9
1990	1,699	6.3
1991	1,817	6.5
1992	2,051	6.5

Source: Federal Bureau of Investigation,  
Uniform Crime Reports, 1980 - 1992.



**Appendix Three**  
**Jefferson Parish**  
**Number of Criminal Case Filings**  
**Twenty-Fourth Judicial District Court**  
**1970 - 1991**

Year	Number	As % of All Filings
1970	1,560	16.5
1971	1,642	17.0
1972	1,565	15.4
1973	1,576	13.9
1974	1,718	13.2
1975	2,502	16.8
1976	2,793	19.9
1977	2,896	18.6
1978	3,022	19.4
1979	2,953	18.1
1980	3,497	20.2
1981	4,547	24.6
1982	4,078	22.5
1983	3,734	20.8
1984	3,269	18.0
1985	3,309	16.9
1986	3,955	18.5
1987	4,038	18.7
1988	4,795	20.9
1989	5,758	23.9
1990	5,708	24.1
1991	6,340	27.5

Source: Supreme Court of Louisiana, Annual Report of the Judicial Council, 1970 - 1991

**Appendix Four**  
**Jefferson Parish**  
**Bills of Information Filings**  
**1980 - 1992**

<b>Year</b>	<b>All Felonies</b>	<b>Felony Narcotics</b>	<b>As a % of All Bills</b>
1980	3,091	576	18.6
1981	3,428	651	18.9
1982	3,830	665	17.4
1983	3,416	533	15.6
1984	3,051	361	11.8
1985	3,107	421	13.5
1986	4,005	608	15.2
1987	4,151	484	11.7
1988	5,159	954	18.5
1989	5,967	1,128	18.9
1990	7,388	1,543	20.9
1991	7,919	1,560	19.6
1992	8,211	2,254	27.5

Source: Jefferson Parish District Attorney  
Annual Statistics Information Report,  
1980 - 1992.

---

O R D E R

---

Acting under the authority of Article V, Section 5(A), Constitution of 1974, and considering the request of Chief Judge M. Joseph Tiemann, Twenty-Fourth Judicial District Court, Parish of Jefferson, to assign a judge pro tempore to assist with the docket of said court, and further considering the need to extend our prior order assigning Judge George W. Giacobbe as judge pro tempore of the Twenty-Fourth Judicial District Court,

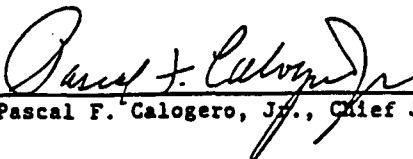
## IT IS ORDERED THAT:

Our order of February 7, 1991 which assigns Judge George W. Giacobbe as judge pro tempore of the Twenty-Fourth Judicial District Court, Parish of Jefferson, effective February 18, 1991 through May 18, 1991, subject to the completion of any unfinished business, be and it is hereby extended so to assign Judge George W. Giacobbe as judge pro tempore of the Twenty-Fourth Judicial District Court, Parish of Jefferson, effective May 19, 1991 through November 1, 1991.

This order shall not deprive Judge George W. Giacobbe of his office as judge of the First Parish Court of Jefferson or of any other court to which he may have been assigned by previous order of this Court, nor shall it deprive the judges of the Twenty-Fourth Judicial District Court, Parish of Jefferson, of their offices as judges of any other courts to which they may have been assigned by previous order of this Court.

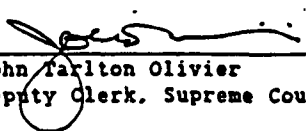
Given under our hands and seal this 30th day of April, A.D., 1991,  
New Orleans, Louisiana.

FOR THE COURT:

  
Pascal F. Calogero, Jr., Chief Justice

A TRUE COPY:

Clerk's Office, New Orleans, Louisiana  
May 1, 1991

  
John Farlton Olivier  
Deputy Clerk, Supreme Court of Louisiana

SPECIAL CRIMINAL SECTION RULES:

The Special Criminal Section of the Twenty Fourth Judicial District Court will adhere to the Criminal Court Rules of the Twenty-Fourth Judicial District Court in all respects, and the following Criminal Section Rules.

S.C.S. RULE 1 - COMPOSITION OF COURT

The Special Criminal Section shall be composed of one (1) section and may be referred to as Division "S".

S.C.S. RULE 2 - JURISDICTION OF SPECIAL CRIMINAL SECTION

Effective May 1, 1991, the Special Criminal Section shall hear all Class I, Class II, Class III and Class V Controlled Dangerous Substances cases, including all Jail Cases presently filed but that have a trial date subsequent to June 30, 1991 and all other Jail and non-Jail cases filed subsequent to the effective date hereof, and all matters related to or incidental to those cases.

S.C.S. RULE 3 - ALLOTMENT OF CRIMINAL CASES TO SPECIAL CRIMINAL SECTION

Allotment of criminal cases involving Controlled Dangerous Substances (C.D.S. cases) will be in accordance with RULE VI of the CRIMINAL COURT RULES of the TWENTY FOURTH JUDICIAL DISTRICT COURT. Any case which has been allotted prior to the effective date of this rule shall be transferred in accordance with S.C.S. Rule 4.

S.C.S. RULE 4 - TRANSFER OF C.D.S. CASES TO THE SPECIAL CRIMINAL SECTION

Immediately upon allotment of all Class I, Class II, Class III and Class V Controlled Dangerous Substances cases filed subsequent to the effective date hereof, shall be transferred to the Special Criminal Section through a transfer order.

All C.D.S. Jail cases filed prior to the effective date hereof which have no trial date set, or which have a trial date subsequent to June 30, 1991, shall be transferred to the Special Criminal Section by transfer order.

OK  
mcs

24th District Court  
"Drug Court Evaluation"  
Jail Impact Form

[illegible]

Appendix Eight

Extra Ordinary Powers Releases  
Jefferson Parish Correction Center

Date	Total Released	Drug Releases
4/10/91		
4/17		
4/24		
5/1		
5/8		
5/15		
5/22		
5/29		
6/5		
6/12		
6/19		
6/26		
7/3		
7/10		
7/17		
7/24		
7/31		
8/7		
8/14		
8/21		
8/28		
9/4		
9/11		
9/18		
9/25		

10/2

10/9

10/16

10/23

10/30

11/6

11/13

11/20

11/27

12/4

12/11

12/18

12/25

1/1/92

1/8

1/15

1/22

1/29

2/5

2/12

2/19

2/26

3/4

3/11

3/18

3/25

4/1

4/8

4/15

4/22

4/29

5/6

5/13

5/20

5/27

6/3

6/10

6/17

6/24

7/1

7/8

7/15

7/22

7/29





## BIBLIOGRAPHY

- Bureau of Justice Assistance (U.S. Department of Justice). "BJA Pilot Differentiated Case Management (DCM) and Expedited Drug Case Management (EDCM) Program: Overview and Program Summaries." Washington, D.C.: Bureau of Justice Assistance, 1990.
- Conti, Samuel D., ed. "Drug Issues Affecting State Judicial Systems--Briefing Papers." Washington D.C.: National Center for State Courts and Bureau of Justice Assistance, 1991.
- Eskenazi, Stuart. "Court Resolving More Drug Cases Quicker." Tacoma News Tribune, June 17, 1989.
- Fitzgerald, Thomas R. "Evening Narcotics Court." CBA (Chicago Bar Association) Record, May, 1990, pp. 21-24.
- Goerdt, John A. and John A. Martin. "The Impact of Drug Cases on Case Processing in Urban Trial Courts." State Court Journal 13(4): 4-12 (1989).
- Jacoby, Joan E., Edward C. Ratlege, and Heike P. Gramchow. "Expedited Drug Case Management Programs: Issues for Program Development." Washington D.C.: National Institute of Justice, October, 1992).
- Kerr, Peter. "Drug Court Cuts New York Backlog." New York Times, February 6, 1988.
- Mahoney, Barry. "Attacking Problems of Delay in Urban Trial Courts." State Court Journal 11(13): 4-10 (1987).
- \_\_\_\_\_. et al. Changing Times in Trial Courts. Williamsburg, VA: National Center for State Courts, 1988.
- \_\_\_\_\_. and Larry Sipes. "Zeroing in on Court Delay: The Powerful Tools of Time Standards and Management Information." Court Management Journal: 8-13 (1985).
- Martin, Gerson interview, January 12, 1993.
- National Center for State Courts. "Alternative Approaches to the Comprehensive Adjudication of Drug Arrests." Williamsburg, VA: National Center for State Courts, 1989.
- \_\_\_\_\_. "Report on Trends in the State Courts." Williamsburg, VA: National Center for State Courts, 1992.

National Institute of Justice. Searching For Answers:  
Annual Evaluation Report on Drugs and Crime.  
Washington, D.C.: National Institute of Justice,  
1991.

\_\_\_\_\_. Searching For Answers: Annual Evaluation Report  
on Drugs and Crime: 1991. Washington, D.C.:  
National Institute of Justice, 1992.

National Criminal Justice Reference Service. "Literature  
Search." No place of publication, no publisher, no  
date.

No Author. "The Judiciary Response to the Drug Crisis:  
A Report of an Executive Symposium Involving Judicial  
Leaders of the Nation's Nine Most Populous States."  
No place of publication or publisher, 1989.

No Author. "The Drugging of the Courts: How Sick is the  
Patient and What is the Treatment?" Judicature 73  
(6): 314-321 (April-May, 1990).

Pitre, Robert interview, December 8, 1992.

Smith, Barbara E., Robert C. Davis, and Sharon R.  
Goretsky. "Strategies For Courts to Cope with the  
Caseload Pressures of Drug Cases," "Executive  
Summary." No place of publication: American Bar  
Association, Criminal Justice Section, 1991.

Solomon, Maureen and Douglas K. Somerlot, Caseflow  
Management in the Trial Court: Now and For the  
Future. Chicago: American Bar Association, 1987.