

## Analyzing Judges' DWI Case Records for Bernalillo County Metro Court

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### Overview

The NM Motor Vehicle Division captures DWI data from case records that Bernalillo County Metro Court sends to it regarding its cases, and the DWI Resource Center has analyzed that data for January 1991 through July 2004 to measure outcomes of judicial DWI actions. Two different kinds of performance were measured: Conviction rates (the proportion of DWI cases a judge handled that resulted in conviction), and Recidivism rates (the proportion of DWI cases a judge handled where the offender was subsequently re-arrested for DWI anywhere in New Mexico).

Because presumably some DWI cases by rights should be dismissed because of innocence, arrest problems, evidence weaknesses, death before trial, missing witnesses at trial, etc., a 100% conviction rate should not be expected of any judge. Likewise, some chronic offenders are likely to repeat their crimes eventually no matter what, so a 0% conviction rate should not be expected for any judge. For these reasons, judges are compared to each other in this analysis, rather than comparing them to some absolute standard. Since cases are fairly randomly signed to judges, differences from one judge to another in conviction rate or recidivism are likely due to differences in the judges' performance rather than to differences in the people before them, when large numbers of cases are considered. The analysis only considers the Metro Court judges in 1991-2003 who had large numbers of cases in recent years. There are sixteen such judges. Some of the judges in the analysis no longer serve in Metro Court.

### Conviction rate rankings

Conviction rates were measured as the numbers of convictions for a judge, divided by the number of cases. Rates were measured for cases adjudicated in 1991-2003, 1999-2003, and 2001-2003. Judges with no cases from 1999-2003 were removed from the analysis. The 16 judges remaining were ranked for conviction rate, highest to lowest, for each of those three periods. Judges with no cases for 2001-2003 were not ranked for that period. The ranks were converted to percentile scores, and each judge's percentile scores were averaged to create an overall score (this overall score in effect weighs performance for recent years more than earlier years for those judges who had recent cases; this emphasizes recent performance, which is appropriate since our aim is especially to assess how judges are doing most recently). Judges were ranked 1 to 16 for this overall score, as their conviction rank; a low rank means a high conviction rate, and vice versa. The outcomes for judges' conviction rates rankings by this method:

**Table 1: Judges' Rank for Conviction Rates**

Judge	Conviction Rank
Gentry, Frank	1
Ashanti, Keesha	2
Niemczyk, Cecelia	3
Baca, Marie	4
Clinton, Sandra	5
Gomez, Theresa	6
Barnhart, Charles	7
Jaramillo, Cristina	8
Walton, Sharon	9
Nakamura, Judith	10
Kavanaugh, Michael	11
Griego, Wayne	12
Brown, Barbara	13
Barela Shepherd, Denise	14
Grant, Victoria	15
Fitzwater, Kevin	16

**Table 2: Judge Rated Above Average for Conviction Rate (the highest five)**

Judge
Gentry, Frank
Ashanti, Keesha
Niemczyk, Cecelia
Baca, Marie
Clinton, Sandra

**Table 3: Judge Rated Below Average for Conviction Rate (the lowest five)**

Judge
Fitzwater, Kevin
Grant, Victoria
Barela Shepherd, Denise
Brown, Barbara
Griego, Wayne

## Recidivism Rankings

An incident of recidivism is defined as a repeat subsequent DWI arrest for a person who came before a judge. Recidivism is measured as the percentage of a judges' cases where the person was rearrested after conviction within a specified time period after the conviction date. For this ranking, each judges' cases in 1991-2002 were analyzed to look for repeat arrests, after the conviction date, for the accused persons (cases in 2003 and 2004 were excluded from analysis since not enough time has passed post-adjudication to permit measuring recidivism over the periods desired). In looking for repeat arrests, all DWI arrests in New Mexico through June 2004 were included, except tribal arrests not reported to the State. Recidivism values were tallied by judge for each case year, measuring percent repeating within 12 months, within 24 months, within 36 months, within 48 months, and within 60 months.

To compile overall recidivism scores for judges, we calculated percentage of recidivism in twelve months for each judge and each year in which he/she had cases, ranking the judge's score among all judges' 12-month recidivism for that year. Those ranks were converted to percentiles for each year, and an overall rank for 12-month recidivism was then calculated by averaging the percentile rank for all the years that the judge had cases. The same process was performed for 24-month recidivism, 36-month, 48-month, and 60-months. The net result was average percentile rank for each judge for each period. In addition, an overall average of all the percentile ranks, for all years and recidivism periods, was calculated, giving a total recidivism score.

To rank judges by recidivism performance, they were ranked for total recidivism score, giving a number from one to 14, with one being lowest recidivism, and 14 highest. Two judges had no cases prior to 2003, and so are excluded from the analysis. Table 4 shows ranks for recidivism, with lower ranks indicating less recidivism:

**Table 4: Judges' Rank for Recidivism**

Judge	Recidivism Rank
Nakamura, Judith	1
Grant, Victoria	2
Ashanti, Keesha	3
Brown, Barbara	4
Baca, Marie	5
Kavanaugh, Michael	6
Gentry, Frank	7
Walton, Sharon	8
Barnhart, Charles	9
Gomez, Theresa	10
Fitzwater, Kevin	11
Niemczyk, Cecelia	12
Barela Shepherd, Denise	13
Clinton, Sandra	14

**Table 5: Judges Rated Above Average for Recidivism Rate (the highest five)**

Judge
Nakamura, Judith
Grant, Victoria
Ashanti, Keesha
Brown, Barbara
Baca, Marie

**Table 6: Judges Rated Below Average for Recidivism Rate (the lowest five)**

Judge
Clinton, Sandra
Barela Shepherd, Denise
Niemczyk, Cecelia
Fitzwater, Kevin
Gomez, Theresa

## Overall Rankings

Overall ranking scores were obtained by averaging the conviction ranking and the recidivism ranking given above, expressed as percentiles, then ranking the judges by that combined score, with a rank of 1 as most favorable, 16 as least. For the two judges with no recidivism scores because they have only recent cases, their overall rating is based on their conviction ranking only. Results are shown in Table 7:

**Table 7: Overall Judge Rankings for Performance on DWI Cases**

Judge	Overall Rank	Overall Rating
Ashanti, Keesha	1	<b>Above avg.</b>
Gentry, Frank	2	<b>Above avg.</b>
Baca, Marie	3	<b>Above avg.</b>
Nakamura, Judith	4	<b>Above avg.</b>
Jaramillo, Cristina	5	<b>Above avg.</b>
Niemczyk, Cecelia	6	Avg.
Barnhart, Charles	7	Avg.
Grant, Victoria	7	Avg.
Gomez, Theresa	9	Avg.
Brown, Barbara	10	Avg.
Kavanaugh, Michael	11	Avg.
Walton, Sharon	12	Below avg.
Clinton, Sandra	13	Below avg.
Griego, Wayne	14	Below avg.
Fitzwater, Kevin	15	Below avg.
Barela Shepherd, Denise	16	Below avg.

**Table 8: Judges Rated Above Average for Overall Performance on DWI Cases (the highest five)**

Judge
Ashanti, Keesha
Gentry, Frank
Baca, Marie
Nakamura, Judith
Jaramillo, Cristina

**Table 9: Judges Rated Below Average for Overall Performance on DWI Cases (the lowest five)**

Judge
Barela Shepherd, Denise
Fitzwater, Kevin
Griego, Wayne
Clinton, Sandra
Walton, Sharon