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Although Chatham Co. District Attorney's case backlog drops, thousands more cases left to resolve

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Assistant Chatham County District Attorney Jeff Felser starts his day sifting through records in Tracker, the statewide prosecutorial case management system. This database informs Felser how many cases remain open in Chatham County at any given moment on a daily, weekly, and monthly basis, and the rate at which they're being dismissed, pleaded, or bound over to Superior Court for trial.

The Chatham County DA's office received \$250,000 in American Rescue Plan Act funds (ARPA) from the county; aside from funding salaries for the temporary ADA positions, the money is also earmarked for pension, benefits and insurance, which means there is only enough funding for two — instead of the four ADAs the office requested funding for last year. DA Shalena Cook Jones told the Savannah Morning News she has renewed her request to the county for \$280,000 to fund four more entry-level ADAs at \$70,000-salary per attorney; their benefits are provided through the county. Under her tenure, the office has added 27 staffers, including 15 ADAs.

Felser was the only ADA hired from the funds; the positions are short term with Felser's term expecting to end in December. An additional ADA would assist Felser with clearing the perpetual backlog, in which more than a thousand new cases on average are added each month.

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The office hired Felser in November to chip away at the caseload backlog, which had ballooned to more than 28,500 by the time he started. Some of those cases pre-date DA Jones's tenure, which began in January 2021; others precede the beginning of the pandemic shut down in March 2020.

Felser, a the ARPA attorney, has an ambitious goal: to reduce the backlog by 20% by the end of this year. On May 2, the caseload was down by 4,295 cases, according to Cook — more than halfway to Felser's goal with more than eight months left in the year.

A Savannah native, Felser previously worked in the DA's office from 2012 to 2013 as an assistant district attorney in state court. He was also served as Alderman-at-Large, Post 2 for two terms on the Savannah City Council from 2004 to 2011.

Prior to rejoining the DA's Office, Felser served as a senior paralegal at Luks, Santaniello, Petrillo and Cohen law firm in Miami, Florida. Before that, Felser was a trial attorney at various law firms, including his own, and has a background in insurance law.

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As a former State court prosecutor, Felser sympathizes with prosecutors who have to power through caseloads and ensure they're closing cases effectively and quickly. "I know what it's like to focus on a tree and not the forest," he said. "My job as the ARPA attorney is to contrate on how we can diminish the forest and not necessarily one tree. So, it helps give them a different perspective."

'Constantly new numbers'

To elucidate how the DA's office is tackling the backlog, Felser granted the Savannah Morning News a behind-the-scenes peek into a day in his life at the county courthouse and what challenges the DA's office faces.

"Before even looking in the system, DA Jones was very clear in identifying the problems of the backlog, specifically the courthouse being closed for an extended period of time," Felser said in April.

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Felser, a one-time candidate for Savannah mayor, prints out five reports from Tracker that, together, give him a snapshot of the county's cases flowing through the court system. Through these reports, Felser looks for a change in case volume throughout the day. On this particular Wednesday in early April, there were 28 pending misdemeanor drug cases in Recorders Court; there were 373 misdemeanor drug cases in state court, about 100 of which were bench warrants. During Felser's interview, Recorder's Court saw those pending cases tick up to 30.

The numbers shift as frequently as Tybee's sands.

“It's really important for the public to understand that Tracker and the numbers and the case log is fluid throughout the entire day, is fluid throughout the courthouse, (and) is fluid throughout the municipalities,” Felser said, adding “there's constantly new numbers and new information being put in the system. So, it's kind of like the stock market, it goes up and it goes down, the numbers fluctuate all throughout the day.”

Types of cases cleared

Felser said many of the cases the county works to resolve are considered “victimless crimes” or “quality of life” crimes — nonviolent misdemeanor offenses such as shoplifting, burglary, or simple possession. In recent weeks, he’s noticed an uptick in shoplifting cases, calling it an “economic crime to some degree when people are shoplifting food.”

Chief Assistant District Attorney Michael Edwards emphasized that while these crimes are not ones anyone wants in their community, the offense may not pose an immediate danger to public safety.

“The reality of the situation is, we are trying to try as many cases as we can get into a courtroom with limited courtrooms, limited resources, staggering caseloads,” Edwards said.” Part of what this whole process is about identifying those cases that have clogged up the system so severely during the course of the pandemic, that are not as high on the public safety concern.”

Still, Felser said he checks to see if there was a victim in the case before recommending action.

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“So, if it's a traffic allegation, I look to see if there's an accident and if there's a victim.” From there, he checks Tracker for any notes about whether the victim wants to proceed with the case and when they were last contacted.

Cases like these, Felser said, can be adjudicated in myriad ways, from plea deals to diversion programs. “They run the gamut, basically, of resolutions.”

Court Volume

The courts that see the most volume are State and Superior courts, Felser explained. “I would be remiss if I put a number on it.”

At the time of this report, about 58% of the cases in Chatham County were in State Court; 35% were in Superior Court. Seven percent of the cases were in Recorder's Court, and less than one percent were in Juvenile Court.

Court Primer

Recorder's Court

Judges in this court hear misdemeanor crimes and traffic offenses.

State Court

Judges hear misdemeanors cases, issue search and arrest warrants, hold preliminary hearings for criminal cases, and try limited cases involving civil matters.

Superior Court

Judges preside in circuits comprised of one or more counties; they preside over all felony cases, as well as divorces.

Juvenile Court

Juvenile Court handles cases involving children under 17 who are believed to be delinquent, abused, neglected, or without a parent or guardian. The court also hears cases of children considered to be in need of services, guidance, or counseling and traffic violations committed by those under the age of 17.

“The main focus right now is when cases are bound up from Recorder’s Court, how long does it take to get into the state (and superior) court system and how fast can we metrically move them along?”

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Another thing Felser noticed were duplicated cases, which he attributed to human error. Felser did not specify how many duplications there were in the tracking system. “I would say it’s a sufficient number to warrant me looking out for that,” he said, later adding there were “a lot more than 20” duplications.

Strenuous caseloads

In examining Tracker, Felser said state court prosecutors juggle north of 2,000 cases, some of which involve bench warrants — meaning prosecutors are waiting for the defendant to show up to court.

“It’s important for me to recognize the caseload that each ADA has and the pressures that they may be under, so that when I meet with them or meet with the leadership to bring that to their attention, in order to reduce cases we have to know where somebody is coming from. I have to know what they have on their plate, so to speak.”

A key part of that process is the caseload-by-ADA report, which breaks down what cases each ADA has been assigned, the aging of the cases, and if there are any red flags such as an unindicted case or unexcused case.

“But, the important part of that is to go in and see the dates of the cases (and see if) there’s specific facts and circumstances as to why it’s still an intake,” Felser said. “Maybe we’re waiting for another agency to give us a report. It could be a case could be waiting for a tox screen or something of that nature.”

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