

# EFFECTIVE CRIMINAL CASE MANAGEMENT

## What Does – and Does Not – Explain Success in Criminal Case Management

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# What Do These People Have in Common:

- Jethro (Moses' father-in-law)
- Goethe
- William Gladstone
- Warren E. Burger

# All are Concerned with the Problem of Court Delay

- Jethro (Moses' father-in-law): saying Israel needed more judges because people could not find a judge to hear their case without long delay
- Goethe: "It was not unusual for a case to remain on the docket for more than 100 years"
- William Gladstone: "Justice delayed is justice denied"
- Warren E. Burger: "Inefficiency and delay will drain even a just judgment of its value"

# Effective Criminal Case Management Project (ECCM)

Funded by Arnold Ventures

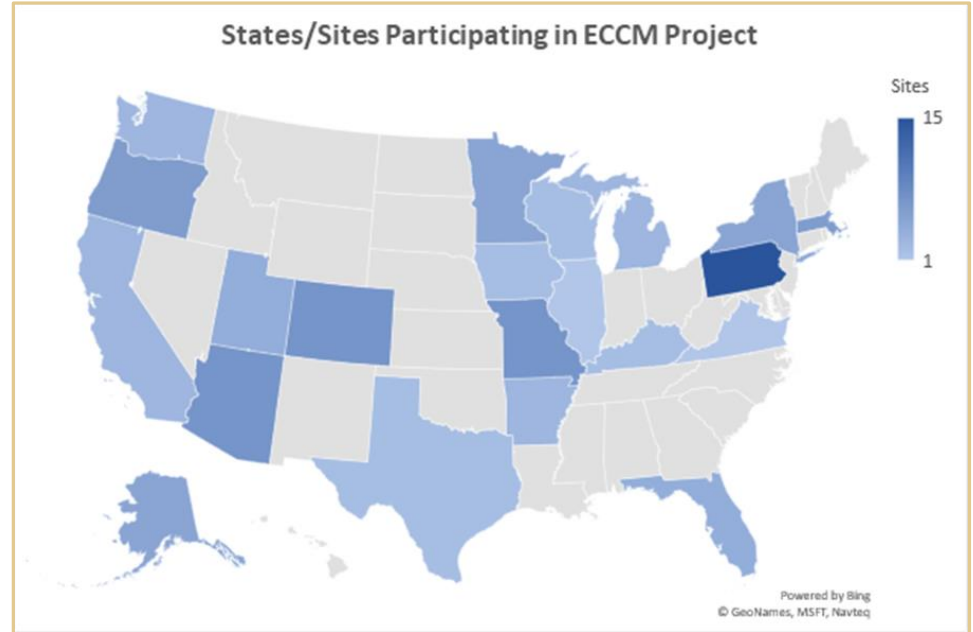
Diagnosing and improving criminal case processing

- 90+ state trial courts in 21 states
- Multiple types of court structure (e.g., one and two tier)
- 350,000 felony cases and 1,000,000 misdemeanor cases
- Recent 12-month period of dispositions
- Standard unit of observation: defendant (case)
- Standard definition of case processing time: filing to sentencing
- Standard set of data elements and definitions

Structured framework for comparative cross-court analyses

# ECCM Participating Sites

- Alaska - 5 Counties
- Arkansas - 3 Counties
- Arizona - 5 Counties
- California - 3 Counties
- Colorado - 7 Counties
- Florida - 2 Counties
- Iowa - 2 Counties
- Illinois - 1 County
- Kentucky - 2 Counties
- Massachusetts - 6 Counties
- Michigan - 3 Counties
- Minnesota - 5 Counties
- Missouri - 6 Counties (+ St. Louis)
- New York - 5 Counties
- Oregon - 6 Counties
- Pennsylvania - 15 Counties
- Texas - 2 Counties
- Utah - 4 Counties
- Virginia - 1 County
- Washington - 3 Counties
- Wisconsin - 2 Counties



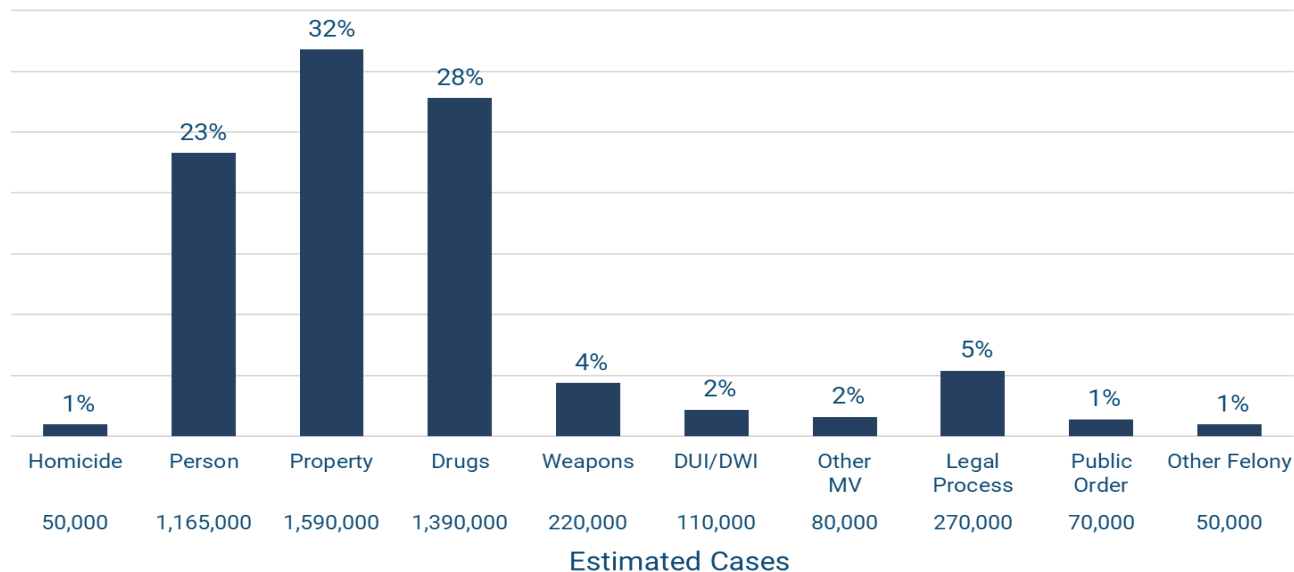
# Today's Focus:

- How many felony and misdemeanor cases are disposed each year
- What do felony cases look like
- How long do felony cases take to be resolved
- What does and does not explain differences in timeliness
  - Differences in case composition and manner of disposition?
  - Differences in court structure and organizational factors?
  - Differences in case and case processing characteristics?

# Roughly 18,000,000 Cases Resolved Nationwide



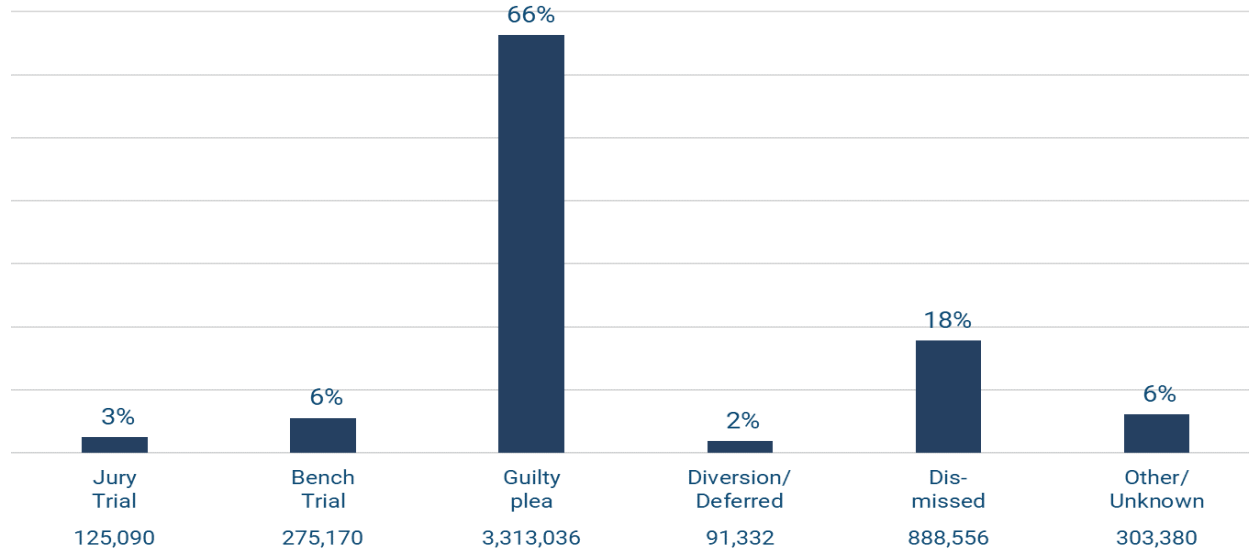
# Felony Composition for Estimated 5,000,000 Cases





# Felony Manner of Disposition

(based on 5,000,000 Estimated Cases)



# Felony Time to Disposition

Percent of Cases Disposed Within:		Number of Days to Disposition:	
180 days	365 days	Mean	Median
63%	86%	213	135

# Model Time Standards

**Time to Disposition:** Date of filing of criminal complaint with court to date of disposition

**Performance Measure:** Percentage of cases disposed or otherwise resolved within established time frames

## Felony

75% within 90 days

90% within 180 days

98% within 365 days

## Misdemeanor

75% within 60 days

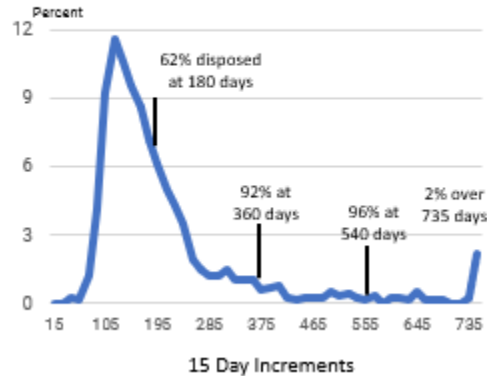
90% within 90 days

98% within 180 days

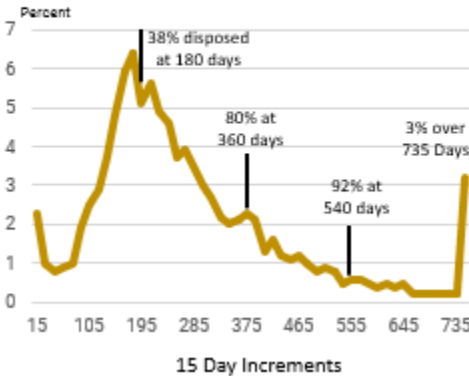
\* Approved in 2011 by: COSCA, CCJ, ABA, NACM

# Identifying Faster, Medium, & Slower Felony Courts

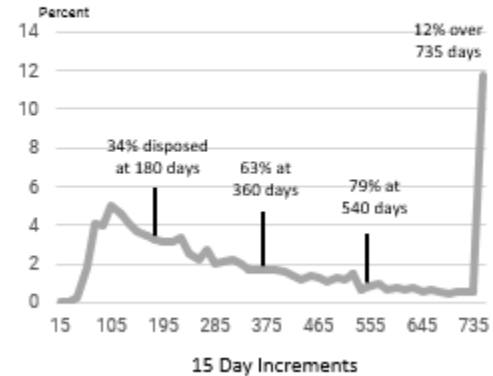
Faster Court



Medium Court

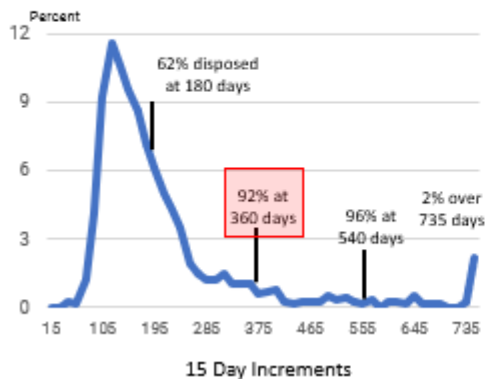


Slower Court



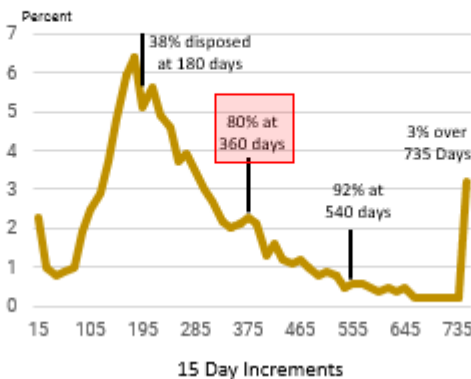
# Identifying Faster, Medium, & Slower Felony Courts

## Faster Court



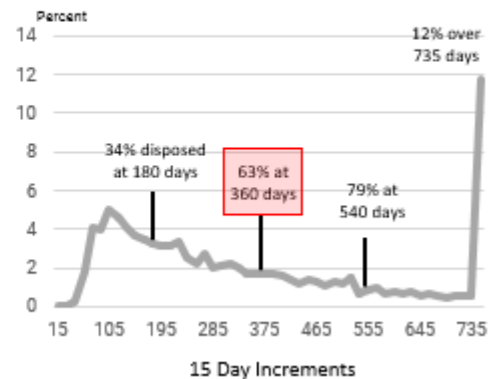
More than 90% resolved at 365 days

## Medium Court



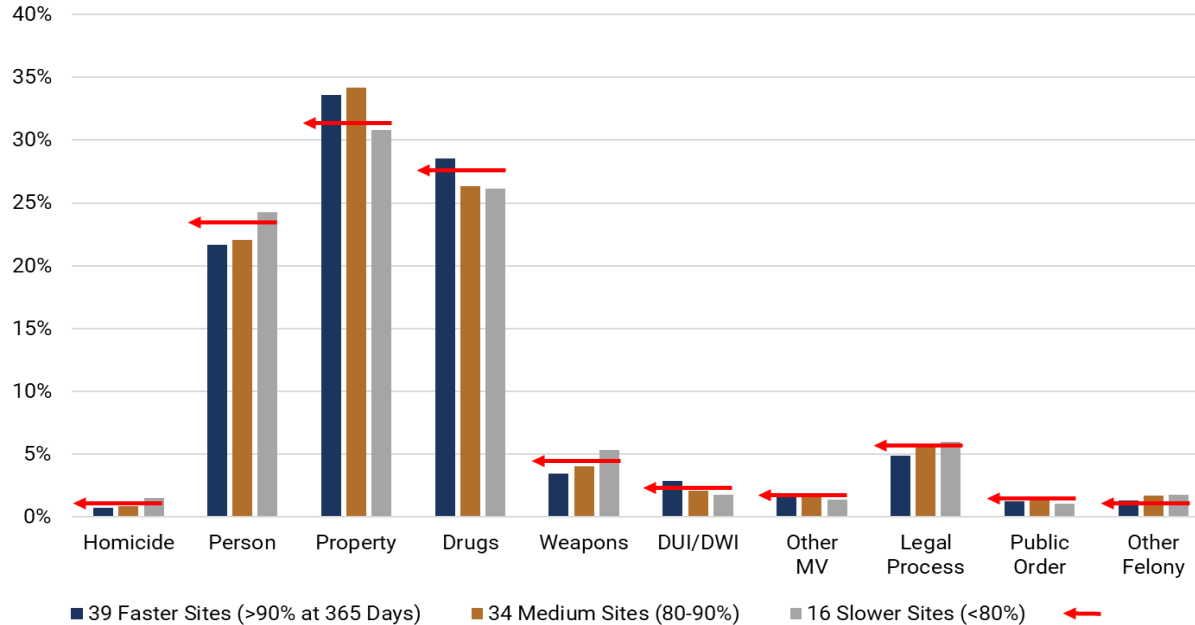
80% to 90% resolved at 365 days

## Slower Court

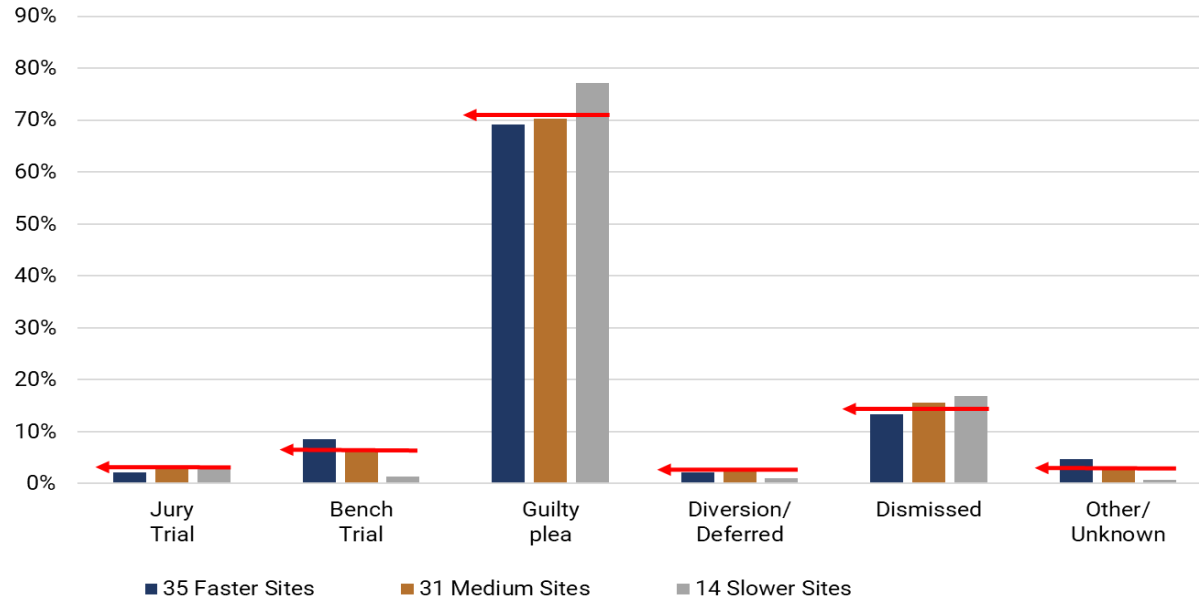


Less than 80% resolved at 365 days

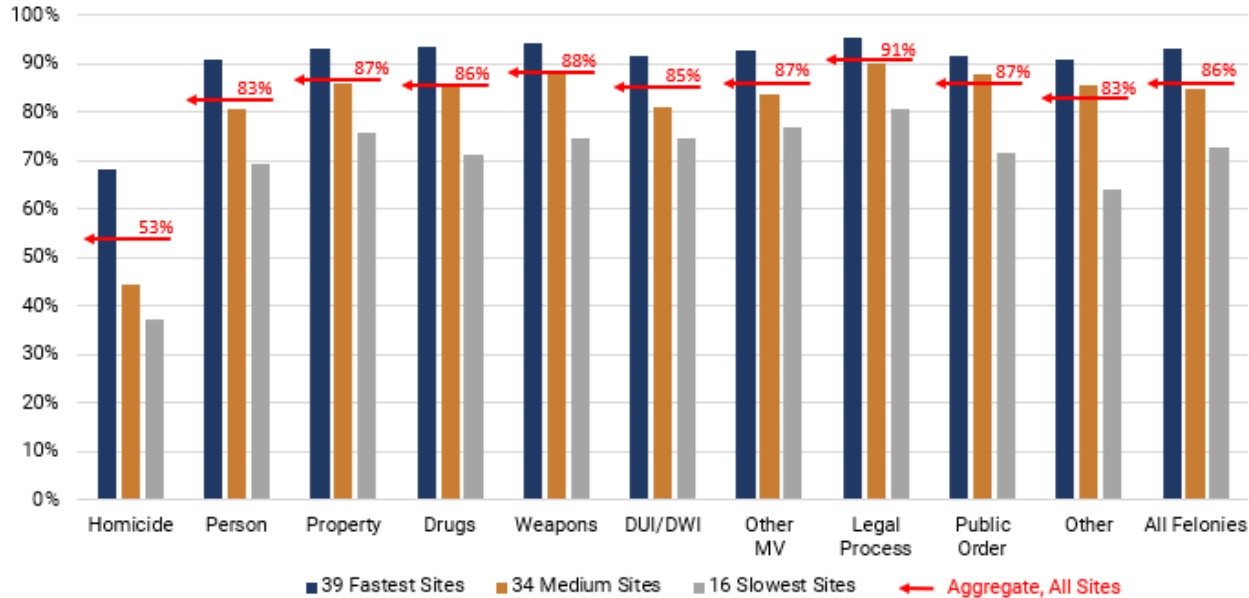
# Felony Composition by "Speed" Groups



# Felony Manner of Disposition

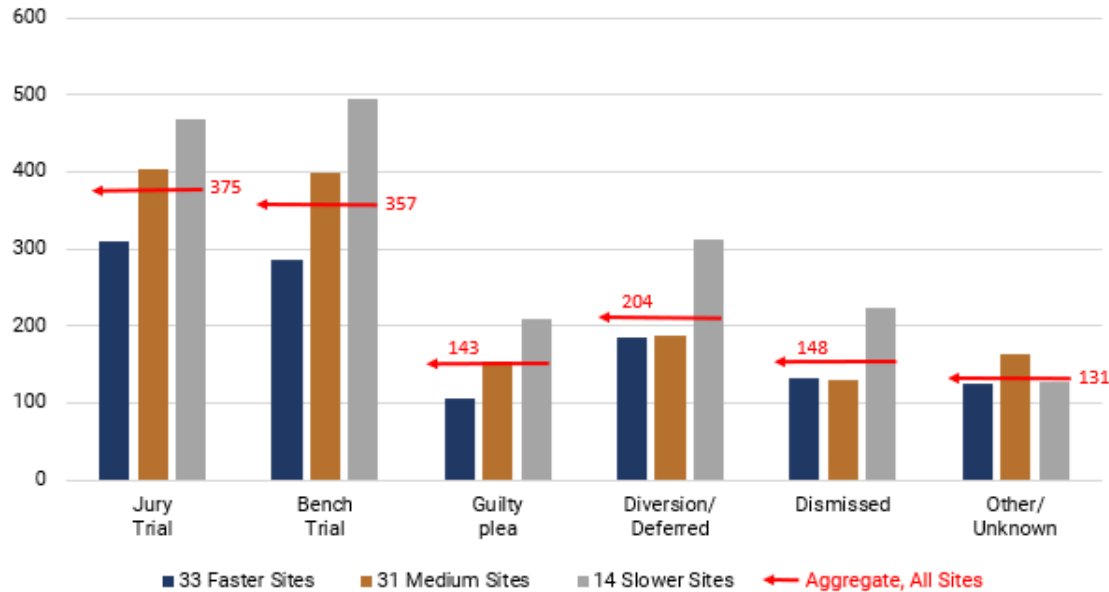


# Speed of Felony Case Processing by Case Type (%<365 days)





# Median Days to Resolve Felonies, by Manner of Disposition



# Court Structure and Organizational Factors Considered

## Structure and Population

State & court

Court Structure

- Single tier
- Two-tier with direct felony filing in upper court
- Two-tier with few felonies resolved in lower court
- Two-tier with more felonies resolved in lower court
- Two-tier where all cases resolved in upper court

Total Felony/Misdemeanor Dispositions 2016 Population

## Judges

#of Judges

Filings/dispositions per judge

Judge term lengths

Method of Judicial Selection

## Court Administration

Employs Court Administrator?

Court Administrator years in office

Method of Clerk selection (appt'd, elected, ct empl)

Clerk years in office

## Case Assignment

Felony specialization?

Calendar type (Individual, Master, Hybrid)

Problem Solving Courts? (MH, DUI, DV, etc.)

## Leadership Section

Method of PJ selection (appt'd, ct selection/peer vote, nom comm)

Presiding Judge term

Method of Chief Criminal Division selection (appt'd, cs/pv)

Chief Criminal Division term

## Information Sharing

Frequency of:

- Individual Case Reports (month, quarter, annual, on req., never)
- Bench Case Reports (month, quarter, annual, on req., never)
- Court Leaders Discuss CM with Ct. admin/clerks (reg, occasional, never)
- Court Leaders Discuss CM judges, PD, DA (reg, occasional, never)

Has Court Coordinating Council?

# Case and Case Processing Characteristics

## Building a Model to Explain Case Processing Time

- Court
- Case type
- Attorney type
- Manner of disposition
- Number of charges
- Number of continuances
- Number of hearings
- Charge reduction
- Failure to appear

# Start with a typical case

**This basic felony case is resolved in about 200 days**

- Case type: property crime
- Attorney type: public defender
- Manner of disposition: plea
- Number charges: 1
- Number continuances: 1
- Number hearings: 3
- Charge reduction: no
- Failure to appear: no

# Start with a typical case

Basic case involving **homicide** resolved in about **320 days**

- Case type: **homicide crime + 120 days**
- Attorney type: public defender
- Manner of disposition: plea
- Number charges: 1
- Number continuances: 1
- Number hearings: 3
- Charge reduction: no
- Failure to appear: no

# Start with a typical case

Basic case with **private counsel** resolved in about **230 days**

- Case type: property crime
- Attorney type: privately retained counsel + 30 days
- Manner of disposition: plea
- Number charges: 1
- Number continuances: 1
- Number hearings: 3
- Charge reduction: no
- Failure to appear: no

# Start with a typical case

Basic case taken to **trial** resolved in about **245 days**

- Case type: property crime
- Attorney type: public defender
- Manner of disposition: **trial + 45 days (if dismissed + 90 days)**
- Number charges: 1
- Number continuances: 1
- Number hearings: 3
- Charge reduction: no
- Failure to appear: no

# Start with a typical case

## Basic felony case resolved in about **200 days**

- Case type: property crime
- Attorney type: public defender
- Manner of disposition: plea
- Number charges: **adding additional charge has no impact**
- Number continuances: 1
- Number hearings: 3
- Charge reduction: no
- Failure to appear: no



# Start with a typical case

## Basic case with 5 continuances resolved in about 360 days

- Case type: property crime
- Attorney type: public defender
- Manner of disposition: plea
- Number charges: 1
- Number continuances: impact is + 30 to 45 days per continuance
- Number hearings: 3
- Charge reduction: no
- Failure to appear: no

# Start with a typical case

**Basic case with 8 hearings resolved in about 400 days**

- Case type: property crime
- Attorney type: public defender
- Manner of disposition: plea
- Number charges: 1
- Number continuances: 1
- Number hearings: impact is + 30 to 45 days per hearing
- Charge reduction: no
- Failure to appear: no

# Start with a typical case

Basic case with **charge reduction** resolved in about **240 days**

- Case type: property crime
- Attorney type: public defender
- Manner of disposition: plea
- Number charges: 1
- Number continuances: 1
- Number hearings: 3
- Charge reduction: **yes + 40 days**
- Failure to appear: no

# Start with a typical case

## Basic case with **FTA** resolved in about **320 days**

- Case type: property crime
- Attorney type: public defender
- Manner of disposition: plea
- Number charges: 1
- Number continuances: 1
- Number hearings: 3
- Charge reduction: no
- Failure to appear: yes + 120 days

# Current Interpretation of What We've Learned

- Courts have much in common in the work they have to do, despite talk of differences
- Conventional wisdom challenged
- *How much* impact characteristics have on case processing time is under court control
- *Why* some courts are able to resolve cases in tighter timeframes relates to case management practices
- Courts interested in improving timeliness must assemble the information needed for a thorough appraisal of current practice
- Performance measure targets should be set and evaluated with reference to comparative data

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