

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

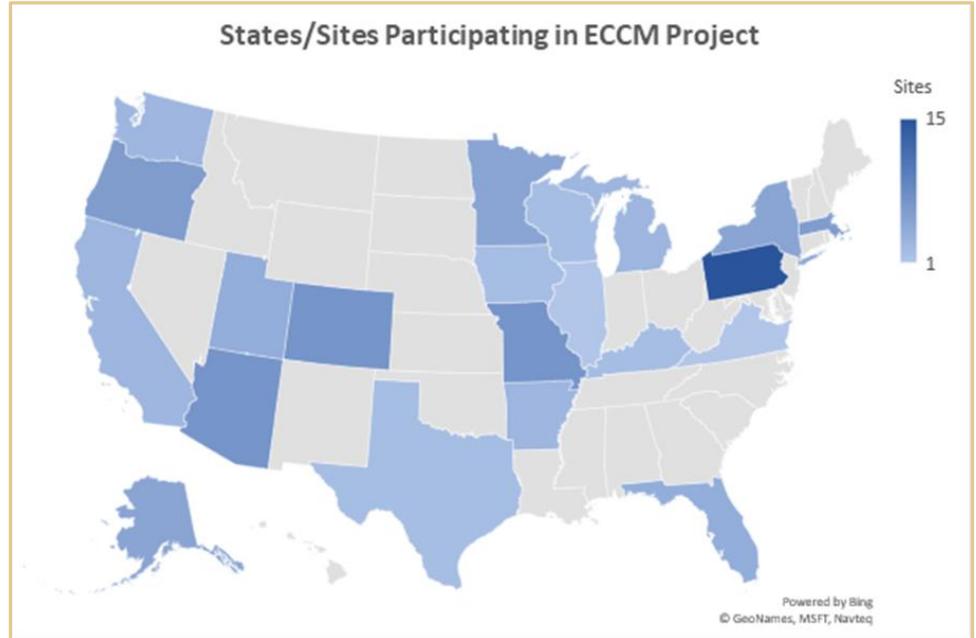
Diagnosing and improving criminal case processing

- 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



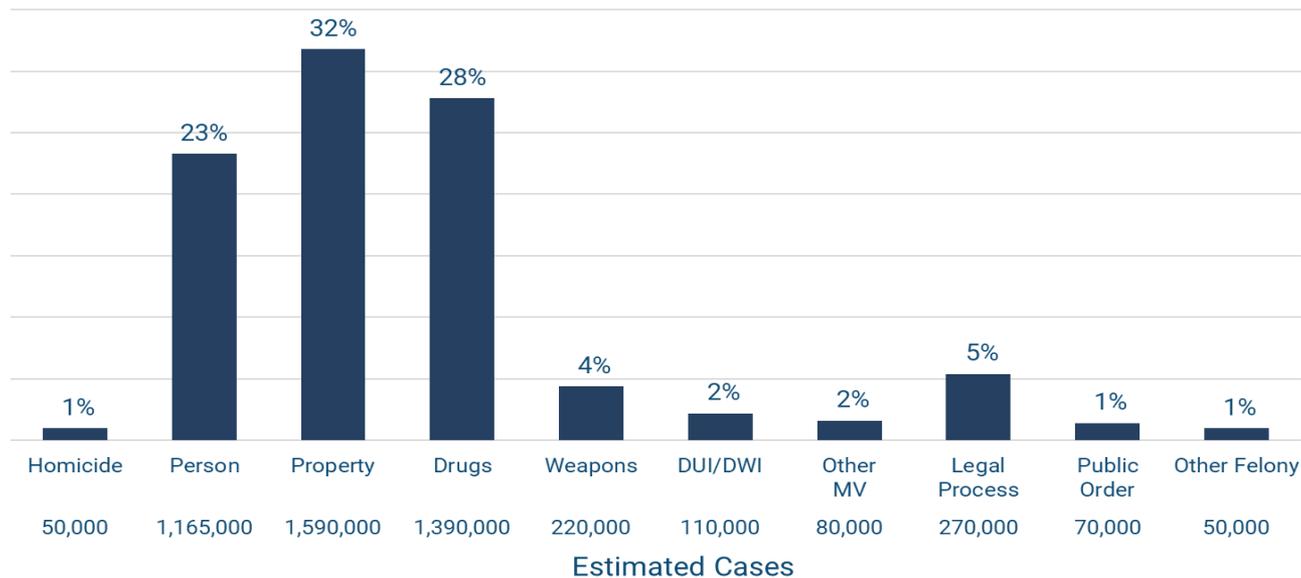
Today's Focus:

- 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

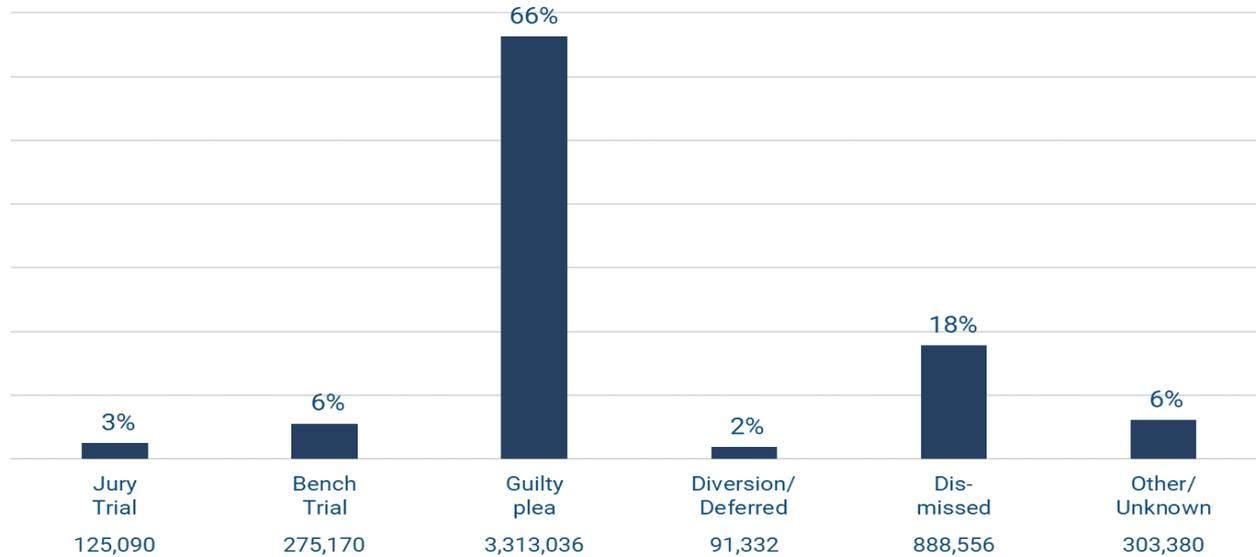


Felony Composition for Estimated 5,000,000 Cases



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

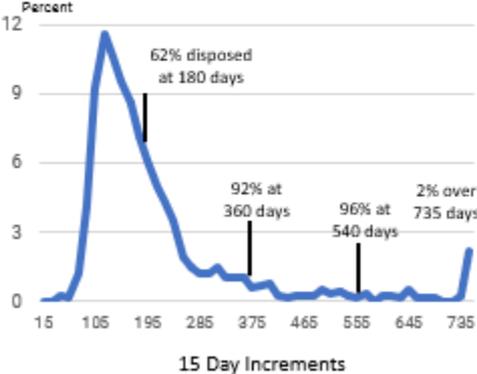
90% within 90 days

98% within 180 days

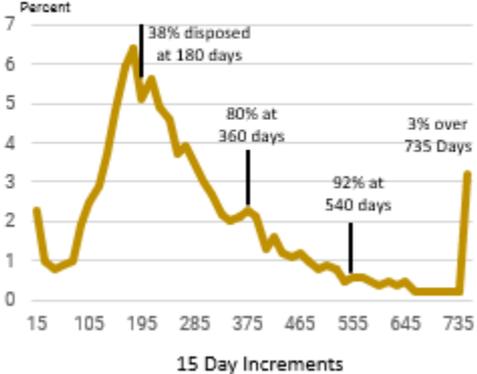
* Approved in 2011 by: COSCA, CCJ, ABA, NACM

Identifying Faster, Medium, & Slower Felony Courts

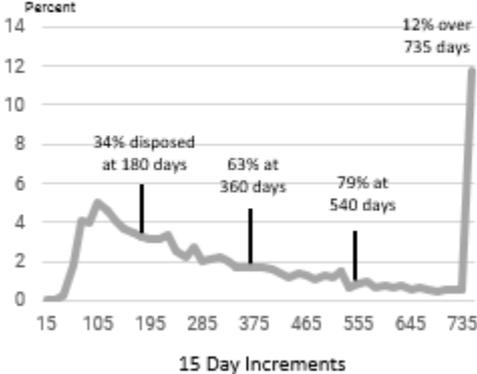
Faster Court



Medium Court

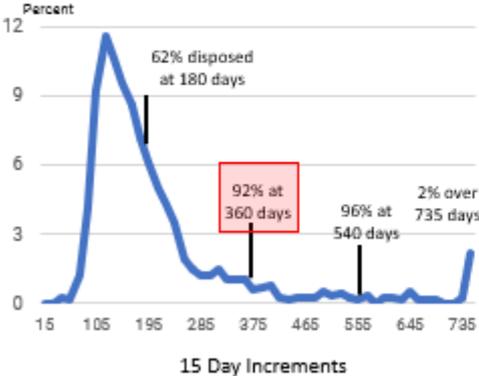


Slower Court



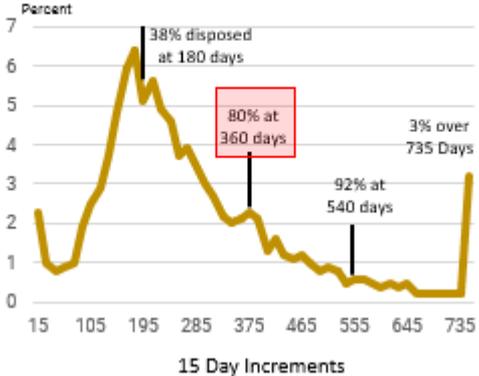
Identifying Faster, Medium, & Slower Felony Courts

Faster Court



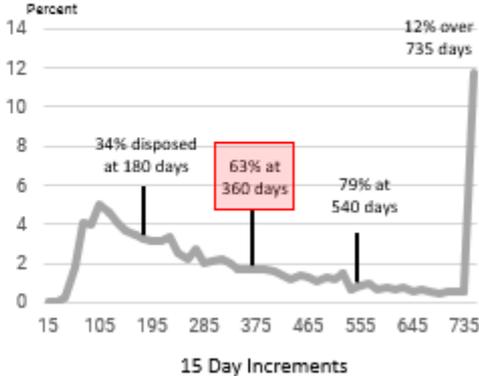
More than 90% resolved at 365 days

Medium Court



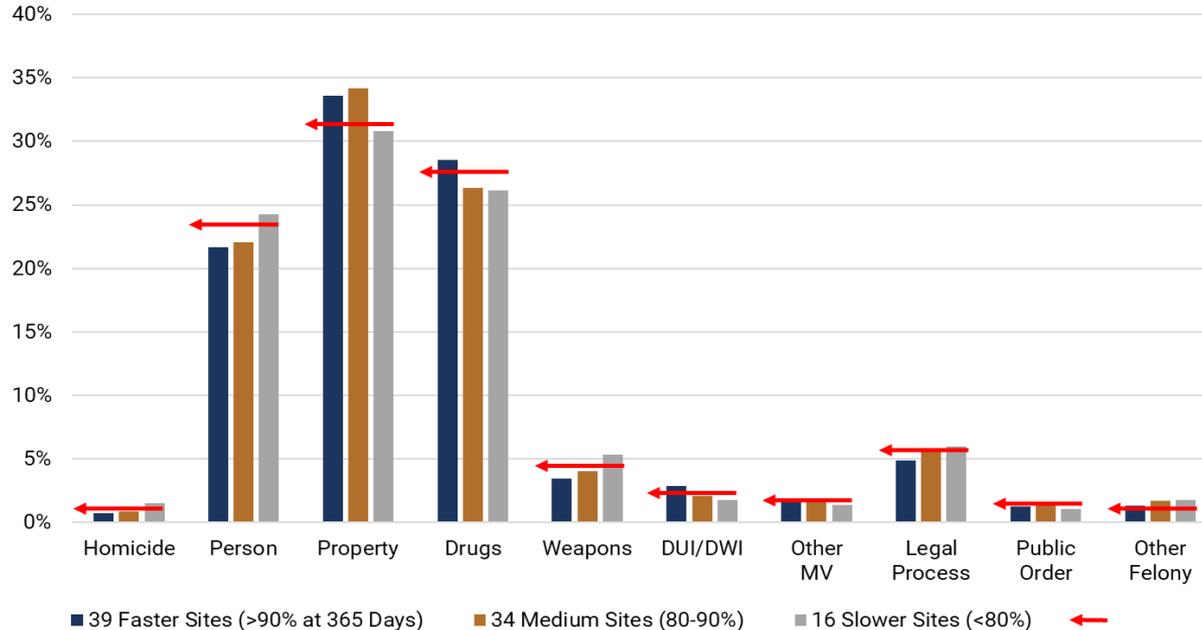
80% to 90% resolved at 365 days

Slower Court

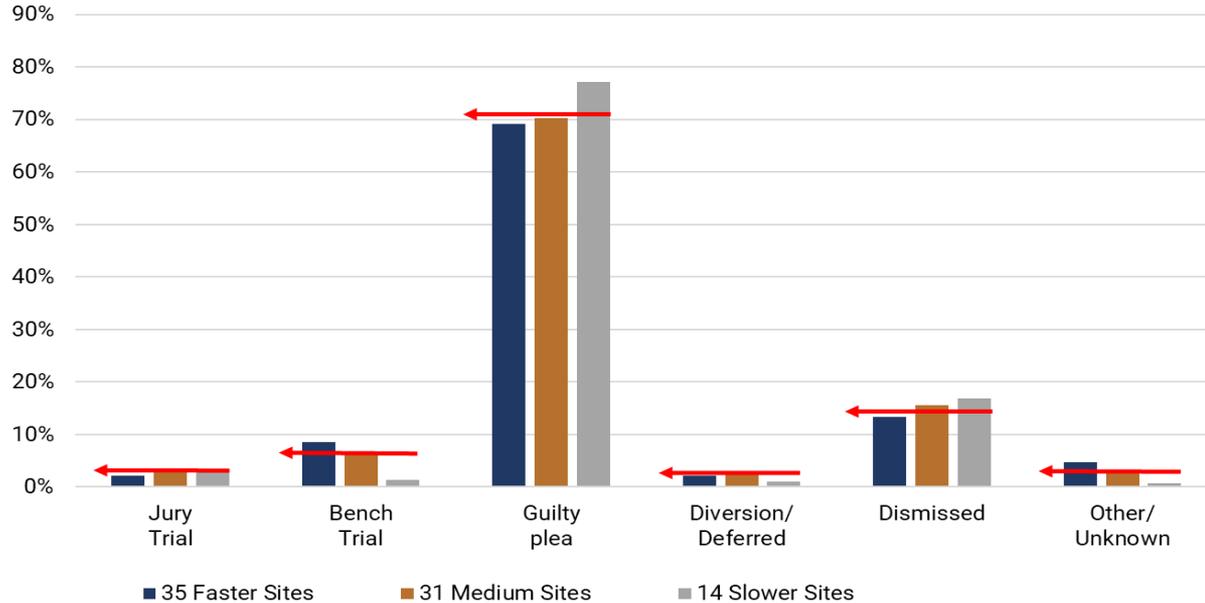


Less than 80% resolved at 365 days

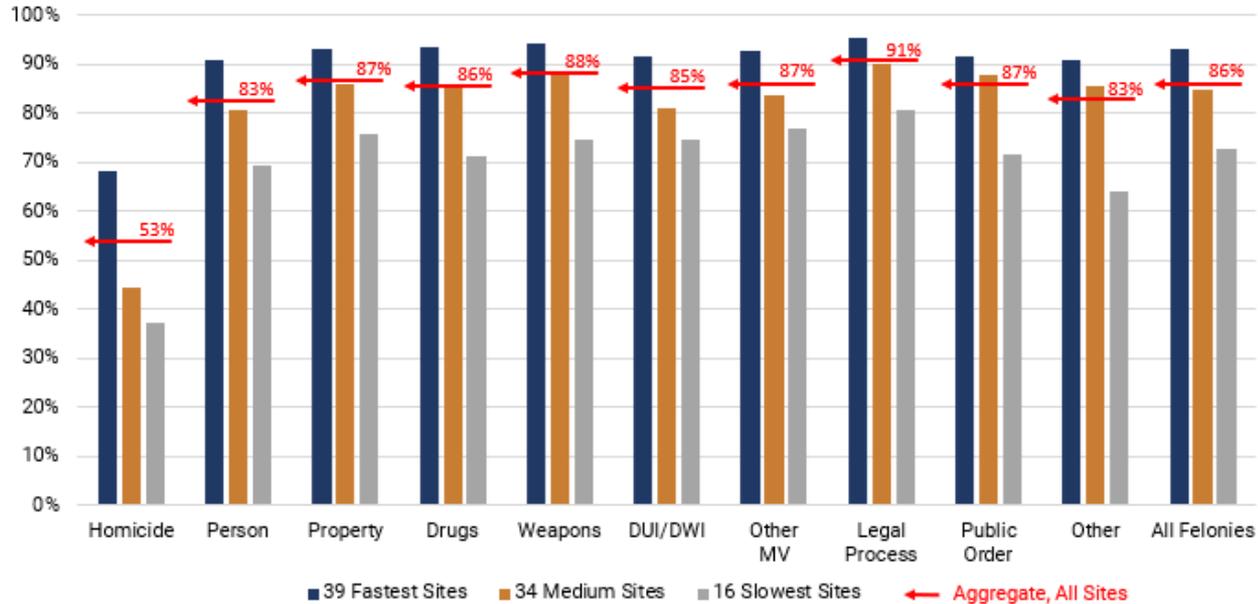
Felony Composition by "Speed" Groups



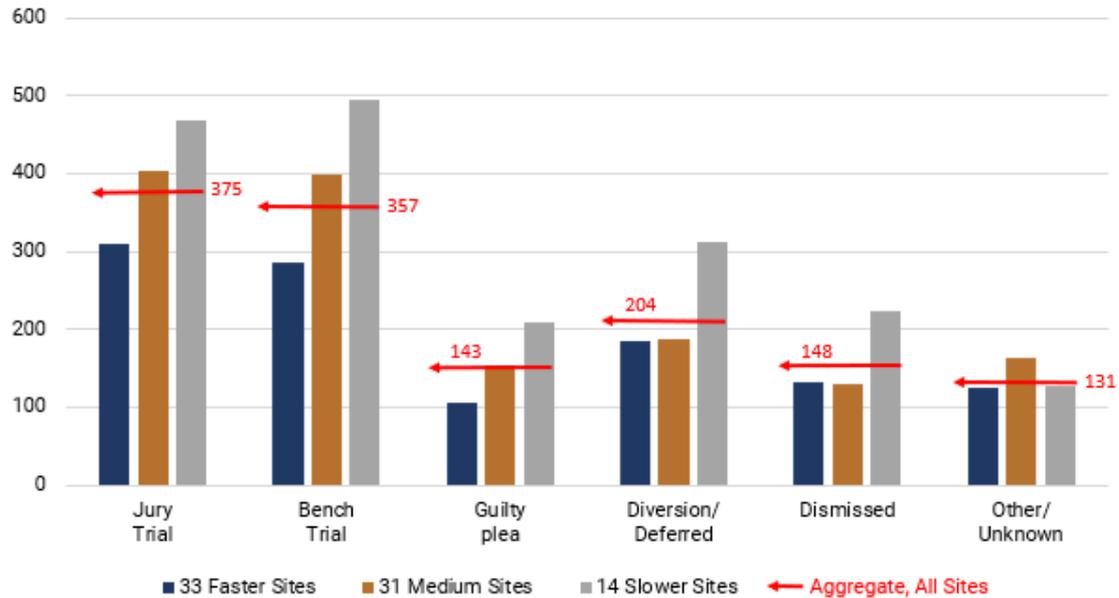
Felony Manner of Disposition



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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SafetyAndJusticeChallenge.org