



Judicial Council of California

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INVITATION TO COMMENT

SPR23-02

Title

Trial Courts: Exceptional Criminal Case Reporting

Action Requested

Review and submit comments by May 12, 2023

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Stds. Jud. Admin., standard 2.2

Proposed Effective Date

January 1, 2024

Proposed by

Court Executives Advisory Committee
Rebecca Fleming, Chair
Judicial Branch Statistical Information System Subcommittee
Jake Chatters, Chair

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Executive Summary and Origin

The Court Executives Advisory Committee proposes that the Judicial Council amend standard 2.2 of the California Standards of Judicial Administration to repeal subdivision (m). Standard 2.2(m) recommends that trial courts report exceptional criminal case aging in the Judicial Branch Statistical Information System (JBSIS). Currently, most courts do not follow this recommendation, because JBSIS does not allow for such reports. Because the resources required to ensure courts could follow the standard would be substantial, and potential gains of doing so appear to be limited, the committee proposes that the subdivision should be repealed.

The Proposal

Standard 2.2(m) of the California Standards of Judicial Administration advises trial courts to report exceptional criminal case aging in JBSIS. At present, the judicial branch reporting process does not follow this recommendation, and the components necessary to do so do not currently exist. No clear definition of an “exceptional criminal case” is given in the standard or elsewhere in the California Rules of the Court. Additionally, JBSIS criminal reports are not structured to receive exceptional criminal case aging data. To ensure that subdivision (m) could be followed would require Judicial Council and trial court resources. The benefits of expending these resources, though, appear to be minimal. Subdivision (m) does not include a reason for why

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exceptional criminal cases should be tracked separately from nonexceptional criminal cases or how exceptional criminal case aging statistics would be used for assessment or performance evaluation. For these reasons, the Court Executives Advisory Committee recommends amending standard 2.2 to repeal subdivision (m).

Standard 2.2: Case disposition time goals

Standard 2.2 of the California Standards of Judicial Administration provides guidance on trial court case disposition time goals. Subdivisions of this section establish time standards for unlimited civil, limited civil, small claims, unlawful detainer, felony, and misdemeanor cases. For example, subdivisions (f), (j), and (k) recommend that courts establish case management practices to dispose of all civil cases within two years, all felony cases within one year, and all misdemeanor cases within 120 days, respectively. Other subdivisions of standard 2.2 advise courts to track the aging of different case types. This tracking can then be used to evaluate adherence to the established time standards.

Subdivision (m) of standard 2.2 recommends that courts track the age of exceptional criminal cases, stating:

An exceptional criminal case is not exempt from the time goal in (j), but case progress should be separately reported under the Judicial Branch Statistical Information System (JBSIS) regulations.
(Cal. Stds. Jud. Admin., std. 2.2(m).)

This subdivision references the time goal in subdivision (j), which recommends that all felony cases be disposed of within one year of arraignment. Subdivision (m) affirms that exceptional criminal cases should also be disposed of within one year of arraignment. It asserts, though, that the age of exceptional and nonexceptional criminal cases should be tracked separately.

Subdivision (m) also recommends that the age of exceptional criminal cases be tracked in JBSIS. This subdivision is the only subdivision of standard 2.2 that explicitly recommends courts to track a type of case aging in JBSIS. Other subdivisions do not mention JBSIS reporting. Despite this advisement, exceptional criminal case aging has not been reportable in any version of JBSIS—and is not reportable in its current version, JBSIS 3.0. Although the subdivision was adopted in 2004, no case type has been designated in JBSIS to specifically record exceptional criminal cases. Additionally, no data rows have been created to track exceptional criminal case aging within existing case types.

The committee notes that subdivision 2.2 (g) (which the committee is not recommending any changes to) has similar provisions relating to exceptional civil case aging. That subdivision, however, includes a clear definition of what cases are considered in that category, as well as establishing a purpose for tracking their aging—to ensure they are disposed of under the different timeline recommended for them. More importantly, the JBSIS system includes a way to report the exceptional civil cases, although it does not do so for the exceptional criminal cases.

Alternatives Considered

As an alternative to proposing the repeal of the subdivision (m), the Court Executives Advisory Committee considered the necessary steps for ensuring that subdivision (m) is fulfilled. The Judicial Council would need to adopt a rule or standard defining an exceptional criminal case. Judicial Council staff would need to update the JBSIS data infrastructure and JBSIS manual to allow for reporting and aging such cases. Trial courts would need to review criminal cases and apply exceptional criminal case designations within their case management systems, databases, and/or statistical tools. The completion of these steps would require advisory committee time and effort to develop recommendations for a new rule or standard, Judicial Council staff time to update JBSIS, trial courts staff time to update their business and reporting procedures, and, for some trial courts, case management system vendor updates. The committee found that, because subdivision (m) provides no stated purpose, it is unclear how the expenditure of these resources would benefit the judicial branch, and so concluded that subdivision should be repealed.

Fiscal and Operational Impacts

Because the judicial branch is not currently following the recommendations in standard 2.2(m) of the California Standards of Judicial Administration, repealing that subdivision would have no fiscal or operational impacts.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

Cal. Stds. Jud. Admin., std. 2.2, at page 5

Standard 2.2. Trial court case disposition time goals

~~(a)-(l)~~ * * *

(m) Exceptional criminal cases

~~An exceptional criminal case is not exempt from the time goal in (j), but case progress should be separately reported under the Judicial Branch Statistical Information System (JBSIS) regulations.~~

~~(n)(m)~~ * * *

~~(o)(n)~~ * * *