



JUDICIAL COUNCIL
OF CALIFORNIA

WORKLOAD ASSESSMENT
ADVISORY COMMITTEE

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COURT EXECUTIVES ADVISORY COMMITTEE
JUDICIAL BRANCH STATISTICAL INFORMATION SYSTEM
SUBCOMMITTEE

MATERIALS FOR JANUARY 27, 2021

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COURT EXECUTIVES ADVISORY COMMITTEE JUDICIAL BRANCH STATISTICAL INFORMATION SYSTEM SUBCOMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

Date: January 27, 2021
Time: 11:00 AM – 12:00 PM
Public Call-in Number: 1-877-820-7831; passcode 279-7635 (Listen Only)

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to tcpjac_ceac@jud.ca.gov.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the November 9, 2020, Judicial Branch Statistical Information System Subcommittee, Court Executives Advisory Committee meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to tcpjac_ceac@jud.ca.gov or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, California 94102, attention: Ms. Emily Chirk. Only written comments received by 11:00 a.m., January 26, 2021, will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-3)

Item 1

Clarification of Branch Wide Narrative Report Tier (No Action Required)

Discussion on reporting for the Branch Wide Narrative Report.

Presenter: Mr. Jake Chatter, Chair, JBSIS Subcommittee

Item 2

Revised Project Timeline (Action Required)

Proposed revisions to the project timeline that would incorporate refining JBSIS data definitions.

Presenter: Mr. Jake Chatter, Chair, JBSIS Subcommittee

Item 3

Felony and Misdemeanor/Infraction Reports (Action Required)

Presentation of the draft 7C Felony and 11A Misdemeanor/Infraction Reports for state reporting, local reporting, and branch interests.

Presenter: Ms. Emily Chirk, Senior Analyst, Office of Court Research, Business Management Services

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Criminal Petitions

Briefing on the potential impact of Senate Bill 384 on the counting of criminal petitions in JBSIS and the overall definition of criminal petitions.

Presenter: Ms. Emily Chirk, Senior Analyst, Office of Court Research, Business Management Services

V. ADJOURNMENT

Adjourn



JUDICIAL COUNCIL OF CALIFORNIA

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COURT EXECUTIVES ADVISORY COMMITTEE JUDICIAL BRANCH STATISTICAL INFORMATION SYSTEM SUBCOMMITTEE **MINUTES OF OPEN MEETING**

November 9, 2020

10:00 AM

Via Conference Call

Advisory Body Members Present: Mr. Jake Chatters, Chair; Mr. Chad Finke; Ms. Rebecca Fleming; Mr. Kevin Harrigan; Mr. Michael D. Planet; Ms. Kim Turner

Advisory Body Members Absent: Ms. Sherri R. Carter; Mr. Michael M. Roddy

Others Present: Ms. Leah Rose-Goodwin; Ms. Emily Chirk; Mr. David Kukesh, Mr. Bryan Borys; Ms. Savet Hong

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:03 AM, and took roll call.

Approval of Minutes

The advisory body reviewed the minutes of the September 21, 2020, Judicial Branch Statistics Information System Subcommittee meeting. A correction to the spelling of Mr. Chad Finke's name was noted. The minutes were approved as amended.

DISCUSSION AND ACTION ITEMS

Item 1

Mental Health and Probate Reports

Action: *The staff presented six draft reports for Mental Health and Probate. The subcommittee members discussed the collection of certain subsequent petition data elements on the Mental Health report and determined that refining of the data definitions are needed prior to moving the data elements onto the state report and should remain on the local management report until the definitions are clarified. Additionally, the subcommittee adopted the Model Time Standards for the Probate report from the National Center of State Courts as it more closely aligned with statutory requirements. The subcommittee also discussed methods of ensuring consistency in data by removing differences between case type columns and seeking information from other advisory bodies on time standards for conservatorships and guardianships.*

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:05 AM.

Approved by the advisory body on enter date.

JBSIS Revision Project Timeline

Rev. January 2021

July 2020-March 2021

- Staff will develop draft reports for review by subcommittee members

April 2021-August 2021

- The Subcommittee and Staff will present the draft reports to applicable Judicial Council Advisory Bodies and to courts
- The Subcommittee will refine and clarify JBSIS definitions
- As each report is reviewed and approved, staff will work to update related chapters of the JBSIS Manual

September 2021-October 2021

- The Subcommittee will submit all finalized reports to the Court Executives Advisory Committee at the October 2021 meeting and recommend that the reports be submitted to the Judicial Council for approval.

November 2021-December 2021

- Staff will prepare reports, presentations, and the JBSIS manual for the Judicial Council meeting

January 2022

- The finalized reports and updated JBSIS Manual will be submitted to the Judicial Council for approval at the January 2022 meeting
- If approved, updated reports and data definitions will be effective July 1, 2023

January 2022-July 2023

- Staff will provide support to courts on transitioning to new data definitions
- Technical documents should be provided to courts and vendors no later than Fall 2022
- Courts will need to be re-certified for State Reporting data elements

7C Felony Current Reporting

Felony 7c - Data Matrix		
CASELOAD/CASEFLOW (unit of count = defendant)		
50	Inventory	
100	Beginning pending	Portal and JBSIS
200	Filings (total rows 300–700)	Portal and JBSIS
300	Complaint (+)	JBSIS
400	Indictment (+)	JBSIS
600	Transfer-in (+)	JBSIS
700	Petition (+)	JBSIS
800	Reopened (+)	Portal and JBSIS
900	Restored to court's control (+)	Portal and JBSIS
950	Existing case entered in CMS (+)	JBSIS
1000	Removed from court's control (–)	Portal and JBSIS
▼1100	Total dispositions (–)	Portal and JBSIS
1200	End pending (=)	Portal and JBSIS
Disposed Cases, in Ascending Stage and Outcome Hierarchy		
1300	Dispositions (total rows 1310, 1400, 2000, 2500, 3000–3100)	Portal and JBSIS
1310	Before preliminary hearing (total rows 1315–1332, 1350–1355)	Portal and JBSIS
▼1311	Dismissal/Transfer	Portal and JBSIS
▼1312	Transfer	Portal and JBSIS
1315	Change of venue	JBSIS
1320	Intracounty transfer	JBSIS
1325	Consolidated	JBSIS
1330	Reduced to/processed as misdemeanor	JBSIS
1332	Dismissals (total rows 1335–1345)	Portal and JBSIS
1335	Dismissal after diversion	JBSIS
1340	Dismissal after drug court	JBSIS
1345	Other dismissal	JBSIS
▼1349	Conviction	Portal and JBSIS
1350	Bail forfeiture	JBSIS
1355	Sentenced—Plea of guilty/nolo contendere	Portal and JBSIS
1400	After preliminary hearing (total rows 1450 and 1925)	Portal and JBSIS
▼1450	Dismissal/Transfer	Portal and JBSIS
▼1475	Transfer	Portal and JBSIS
1500	Change of venue	JBSIS
1600	Intracounty transfer	JBSIS
1700	Consolidated	JBSIS
1750	Reduced to/processed as misdemeanor	JBSIS
1775	Dismissals (total rows 1800–1900)	Portal and JBSIS
1800	Dismissal after diversion	JBSIS
1850	Dismissal after drug court	JBSIS
1900	Other dismissal	JBSIS
▼1925	Conviction	Portal and JBSIS
1930	Bail forfeiture	JBSIS
1950	Sentenced—Plea of guilty/nolo contendere	Portal and JBSIS
2000	After court trial (total rows 2100–2400)	Portal and JBSIS
▼2050	Dismissal/Acquittal	Portal and JBSIS
2100	Dismissal	JBSIS
2200	Acquittal	JBSIS
▼2250	Conviction	Portal and JBSIS
2300	Sentenced—Plea of guilty/nolo contendere	JBSIS
2400	Sentenced/court finding of guilt	JBSIS
2500	After jury trial (total rows 2550 and 2750)	Portal and JBSIS
▼2550	Dismissal/Acquittal	Portal and JBSIS
2600	Dismissal	JBSIS
2700	Acquittal	JBSIS
▼2750	Conviction	Portal and JBSIS

7C Felony Current Reporting

2800	Sentenced—Plea of guilty/nolo contendere	JBSIS
2900	Sentenced—Jury verdict of guilty	JBSIS
3000	Before hearing	Portal and JBSIS
3100	After hearing	Portal and JBSIS
3125	Case Aging	
3150	Age of disposed preinformation cases from complaint arraignment to final or interim	
3155	0–30 days	Portal and JBSIS
3160	31–45 days	Portal and JBSIS
3165	46–90 days	Portal and JBSIS
3170	GE 91 days	Portal and JBSIS
3200	Age of disposed cases from date of arraignment on the complaint	
3300	0–30 days	Portal and JBSIS
3400	31–60 days	Portal and JBSIS
3500	61–120 days	Portal and JBSIS
3600	121–180 days	Portal and JBSIS
3700	181–365 days	Portal and JBSIS
3800	GE 366 days	Portal and JBSIS
3900	Age of disposed cases from date of arraignment on the information or indictment	
4000	0–30 days	Portal and JBSIS
4100	31–60 days	Portal and JBSIS
4200	61–120 days	Portal and JBSIS
4300	121–180 days	Portal and JBSIS
4400	181–365 days	Portal and JBSIS
4500	GE 366 days	Portal and JBSIS
4550	Age of cases pending arraignment on the information	
4555	0–30 days	Portal and JBSIS
4560	31–45 days	Portal and JBSIS
4565	46–90 days	Portal and JBSIS
4570	GE 91 days	Portal and JBSIS
4600	Age of pending cases from date of arraignment on the information	
4700	0–30 days	Portal and JBSIS
4800	31–60 days	Portal and JBSIS
4900	61–120 days	Portal and JBSIS
5000	121–180 days	Portal and JBSIS
5100	181–365 days	Portal and JBSIS
5200	GE 366 days	Portal and JBSIS
WORKLOAD (unit of count = action)		
5300	Predisposition hearings (total rows 5400–6300)	Portal and JBSIS
5400	Arraignment	JBSIS
5500	Penal Code section 995 motion	JBSIS
5600	Marsden motion	JBSIS
5650	Diversion hearing	JBSIS
5700	Penal Code section 1538.5 motion	JBSIS
5800	Drug court status hearing	JBSIS
6100	Motion for a new trial	JBSIS
6150	Bail review hearing	JBSIS
6200	Sentencing hearing	JBSIS
6300	Other predisposition hearing	JBSIS
6400	Trial	
▼6490	Mistrial	JBSIS
6500	Mistrial—Hung jury	JBSIS
6600	Other mistrial	JBSIS
▼6690	Retrial	Portal and JBSIS
6700	Retrial—Hung jury	JBSIS
6800	Other retrial	JBSIS
6900	Penalty phase trial	JBSIS
7000	Sanity trial	JBSIS
7100	Postdisposition hearing (total rows 7200–7500)	Portal and JBSIS

7C Felony Current Reporting

7200	Probation supervision hearing	Portal and JBSIS
7300	Resentencing/modification hearing	JBSIS
7400	Drug court status hearing	JBSIS
7500	Other postdisposition hearing	JBSIS
7550	Events	
7560	Pretrial conference	JBSIS
7570	Settlement conference	Portal and JBSIS
7580	Pen. Code, § 1203.03 referral	JBSIS
7590	Welf. & Inst. Code § 707.2 referral	JBSIS
7595	Continuances (total rows 7600–7700)	JBSIS
7600	Court's motion	JBSIS
7700	Party's motion	JBSIS
7750	Probation supervision transfer-in	JBSIS
7800	Probation supervision transfer-out	JBSIS
7850	Information filed	JBSIS
CASE CHARACTERISTICS (unit of count = defendant/action)		
7890	Pending cases	
7900	Pro per defendant	JBSIS
8000	Domestic violence filing	JBSIS
8100	Second-strike filing	JBSIS
8200	Third-strike filing	JBSIS
8400	Juvenile offender	JBSIS
8700	Capital case	JBSIS
8800	Interpreter required	JBSIS
8900	Disposed case	
9000	Pro per defendant	JBSIS
9100	Domestic violence filing	JBSIS
9200	Second-strike filing	JBSIS
9300	Third-strike filing	JBSIS
9400	Misdemeanor sentence	JBSIS
9500	Juvenile offender	JBSIS
9600	Capital case	JBSIS
9700	Interpreter required	JBSIS

7C Felony Draft JBSIS Report

Felony 07c - Data Matrix		10	20	30	40	50	60	70	80	90	100	110	120
		Homicide	Forcible Rape	Kidnap	Assault	Robbery	Sexual Offense	Property Offense	Drug Offense	Other Felony	Miscellaneous Criminal Petition	Reduced to Misdemeanor	Habeas Corpus
CASELOAD/CASEFLOW (unit of count = defendant)													
50	Inventory												
100	Beginning pending												
200	Filings (total rows 300-700)												
300	Complaint (+)												
400	Indictment (+)												
600	Transfer-in (+)												
700	Petition (+)												
800	Reopened (+)												
900	Restored to court's control (+)												
1000	Removed from court's control (-)												
▼1100	Total dispositions (-)												
1200	End pending (=)												
Disposed Cases in Ascending Stage													
1310	Before preliminary hearing												
1400	After preliminary hearing												
2000	After court trial												
2500	After jury trial												
3000	Before hearing												
3100	After hearing												
3125	Case Aging												
3150	Age of disposed preinformation cases from complaint arraignment to final or interim disposition												
3155	0-30 days												
3160	31-45 days												
3165	46-90 days												
3170	GE 91 days (definition sunsets 6/30/2021)												
3175	91-365 days (definition eff. 7/1/2021)												
3180	GE 366 days (definition eff. 7/1/2021)												

7C Felony Draft JBSIS Report

Felony 07c - Data Matrix		10	20	30	40	50	60	70	80	90	100	110	120
		Homicide	Forcible Rape	Kidnap	Assault	Robbery	Sexual Offense	Property Offense	Drug Offense	Other Felony	Miscellaneous Criminal Petition	Reduced to Misdemeanor	Habeas Corpus
3200	Age of disposed cases from date of arraignment on the complaint												
3300	0-30 days												
3400	31-60 days												
3500	61-120 days												
3600	121-180 days												
3700	181-365 days												
3800	GE 366 days												
3900	Age of disposed cases from date of arraignment on the information or indictment												
4000	0-30 days												
4100	31-60 days												
4200	61-120 days												
4300	121-180 days												
4400	181-365 days												
4500	GE 366 days												
4550	Age of cases pending arraignment on the information												
4555	0-30 days												
4560	31-45 days												
4565	46-90 days												
4570	GE 91 days (definition sunsets 6/30/2021)												
4575	91-365 days (definition eff. 7/1/2021)												
4580	GE 366 days (definition eff. 7/1/2021)												
4600	Age of pending cases from date of arraignment on the information												
4700	0-30 days												
4800	31-60 days												
4900	61-120 days												
5000	121-180 days												
5100	181-365 days												
5200	GE 366 days												

7C Felony Draft JBSIS Report

Felony 07c – Data Matrix	10	20	30	40	50	60	70	80	90	100	110	120
	Homicide	Forcible Rape	Kidnap	Assault	Robbery	Sexual Offense	Property Offense	Drug Offense	Other Felony	Miscellaneous Criminal Petition	Reduced to Misdemeanor	Habeas Corpus
Age of disposed cases from filing of accustory pleading												
	0-90 days											
	91-180 days											
	181-365 days											
	GE 365 days											
Age of disposed cases from filing of accustory pleading												
	0-90 days											
	91-180 days											
	181-365 days											
	GE 365 days											

Key:		Unshaded cell = data expected
		Shaded cell = data not expected.

7C Felony Draft Local Management Report

Felony 07c - Data Matrix		10	20	30	40	50	60	70	80	90	100	110	120
		Homicide	Forcible Rape	Kidnap	Assault	Robbery	Sexual Offense	Property Offense	Drug Offense	Other Felony	Miscellaneous Criminal Petition	Reduced to Misdemeanor	Habeas Corpus
Disposed Cases, in Ascending Stage and Outcome Hierarchy													
▼1311	Dismissal/Transfer before preliminary hearing												
▼1312	Transfer before preliminary hearing												
1315	Change of venue before preliminary hearing												
1320	Intracounty transfer before preliminary hearing												
1325	Consolidated before preliminary hearing												
1330	Reduced to/processed as misdemeanor before preliminary hearing												
1332	Dismissals before preliminary hearing (total rows 1335–1345)												
1335	Dismissal after diversion before preliminary hearing												
1340	Dismissal after drug court before preliminary hearing												
1345	Other dismissal before preliminary hearing												
▼1349	Conviction												
1350	Bail forfeiture before preliminary hearing												
1355	Sentenced—Plea of guilty/nolo contendere before preliminary hearing												
▼1450	Dismissal/Transfer after preliminary hearing												
▼1475	Transfer after preliminary hearing												
1500	Change of venue after preliminary hearing												
1600	Intracounty transfer after preliminary hearing												
1700	Consolidated after preliminary hearing												
1750	Reduced to/processed as misdemeanor after preliminary hearing												
1775	Dismissals after preliminary hearing (total rows 1800–1900)												
1800	Dismissal after diversion after preliminary hearing												
1850	Dismissal after drug court after preliminary hearing												
1900	Other dismissal after preliminary hearing												
▼1925	Conviction after preliminary hearing												
1930	Bail forfeiture after preliminary hearing												
1950	Sentenced—Plea of guilty/nolo contendere after preliminary hearing												

7C Felony Draft Local Management Report

Felony 07c - Data Matrix		10	20	30	40	50	60	70	80	90	100	110	120
		Homicide	Forcible Rape	Kidnap	Assault	Robbery	Sexual Offense	Property Offense	Drug Offense	Other Felony	Miscellaneous Criminal Petition	Reduced to Misdemeanor	Habeas Corpus
▼2050	Dismissal/Acquittal after court trial												
2100	Dismissal after court trial												
2200	Acquittal after court trial												
▼2250	Conviction after court trial												
2300	Sentenced—Plea of guilty/nolo contendere after court trial												
2400	Sentenced/court finding of guilt after court trial												
▼2550	Dismissal/Acquittal after jury trial												
2600	Dismissal after jury trial												
2700	Acquittal after jury trial												
▼2750	Conviction												
2800	Sentenced—Plea of guilty/nolo contendere after jury trial												
2900	Sentenced—Jury verdict of guilty after jury trial												
WORKLOAD (unit of count = action)													
5300	Predisposition hearings (total rows 5400–6300)												
5400	Arraignment												
5500	Penal Code section 995 motion												
5600	Marsden motion												
5650	Diversion hearing												
5700	Penal Code section 1538.5 motion												
5800	Drug court status hearing												
6100	Motion for a new trial												
6150	Bail review hearing												
6200	Sentencing hearing												
6300	Other predisposition hearing												

7C Felony Draft Local Management Report

Felony 07c - Data Matrix		10	20	30	40	50	60	70	80	90	100	110	120
		Homicide	Forcible Rape	Kidnap	Assault	Robbery	Sexual Offense	Property Offense	Drug Offense	Other Felony	Miscellaneous Criminal Petition	Reduced to Misdemeanor	Habeas Corpus
6400	Trial												
▼6490	Mistrial												
6500	Mistrial—Hung jury												
6600	Other mistrial												
▼6690	Retrial												
6700	Retrial—Hung jury												
6800	Other retrial												
6900	Penalty phase trial												
7000	Sanity trial												
7100	Postdisposition hearing (total rows 7200–7500)												
7200	Probation supervision hearing												
7300	Resentencing/modification hearing												
7400	Drug court status hearing												
7500	Other postdisposition hearing												
7550	Events												
7560	Pretrial conference												
7570	Settlement conference												
7580	Pen. Code, § 1203.03 referral												
7590	Welf. & Inst. Code § 707.2 referral												
7595	Continuances (total rows 7600–7700)												
7600	Court's motion												
7700	Party's motion												
7750	Probation supervision transfer-in												
7800	Probation supervision transfer-out												
7850	Information filed												

Key:	 Unshaded cell = data expected
	 Shaded cell = data not expected.
	Text Data element is a total row and definition is connected to sub-data elements

7C Felony Draft Branch Narrative Report

Felony 07c – Data Matrix	10	20	30	40	50	60	70	80	90	100	110	120
<p>JBSIS Data Reporting Standards effective July 1, 2018.</p> <p>Refer to JBSIS Implementation Manual Version 3.0 in the Reference section of the JBSIS Web site (http://jbsis.courtinfo.ca.gov/) for detailed data definitions and reporting specifications.</p> <p>NOTE: JBSIS Manual 3.0 will be posted on JBSIS Website at a later date.</p>	Homicide	Forcible Rape	Kidnap	Assault	Robbery	Sexual Offense	Property Offense	Drug Offense	Other Felony	Miscellaneous Criminal Petition	Reduced to Misdemeanor	Habeas Corpus
CASE CHARACTERISTICS (unit of count = defendant/action)												
7890	Pending cases											
7900	Pro per defendant											
8000	Domestic violence filing											
8100	Second-strike filing											
8200	Third-strike filing											
8400	Juvenile offender											
8700	Capital case											
8800	Interpreter required											
8900	Disposed case											
9000	Pro per defendant											
9100	Domestic violence filing											
9200	Second-strike filing											
9300	Third-strike filing											
9400	Misdemeanor sentence											
9500	Juvenile offender											
9600	Capital case											
9700	Interpreter required											

Key:	<div style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; background-color: white;"></div>	Unshaded cell = data expected
	<div style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; background-color: #cccccc;"></div>	Shaded cell = data not expected

11A Misdemeanors/Infractions Current Reporting

11a Misdemeanors/Infractions - Data Matrix		
CASELOAD/CASEFLOW (unit of count = defendant)		
50	Inventory	
100	Beginning pending	Portal and JBSIS
200	+ Filing	Portal and JBSIS
300	+ Reopened	Portal and JBSIS
400	+ Restored to court's control	JBSIS
500	+ Felony reduced to misdemeanor	Portal and JBSIS
550	+ Existing case entered in CMS	JBSIS
600	- Removed from court's control	Portal and JBSIS
▼700	- Total dispositions	Portal and JBSIS
800	End pending (=)	Portal and JBSIS
Disposed Cases, in Ascending Stage and Outcome Hierarchy		
900	Dispositions (total rows 950, 1500, 2100, 2500, 3000, 3500 and 3600)	Portal and JBSIS
950	Before hearing (total rows 975 and 1350)	Portal and JBSIS
▼975	Dismissal/Transfer (total rows 980 and 1275)	Portal and JBSIS
▼980	Transfer (total rows 1000 - 1100)	Portal and JBSIS
1000	Change of venue	JBSIS
1050	Jurisdictional transfer	JBSIS
1100	Consolidated	JBSIS
1275	Dismissals (total row 1300)	Portal and JBSIS
1300	Dismissal - Other	Portal and JBSIS
▼1350	Conviction (total row 1400)	Portal and JBSIS
1400	Bail forfeiture	Portal and JBSIS
1500	After hearing (total rows 1520 and 1890)	Portal and JBSIS
▼1520	Dismissal/Transfer (total rows 1530 and 1590)	Portal and JBSIS
▼1530	Transfer (total rows 1550 - 1570)	Portal and JBSIS
1550	Change of venue	JBSIS
1560	Jurisdictional transfer	JBSIS
1570	Consolidated	JBSIS
1590	Dismissals (total rows 1600 - 1800)	Portal and JBSIS
1600	Dismissal after diversion	JBSIS
1700	Dismissal after drug court	JBSIS
1800	Other dismissal	JBSIS
▼1890	Conviction (total rows 1900 - 2000)	Portal and JBSIS
1900	Bail forfeiture	Portal and JBSIS
2000	Sentenced—Plea of guilty/nolo contendere	Portal and JBSIS
2100	After trial by declaration (total rows 2190 and 2400)	Portal and JBSIS
▼2190	Dismissal/Acquittal (total rows 2200 - 2300)	JBSIS
2200	Dismissal	JBSIS
2300	Acquittal	JBSIS
2400	Court finding of guilt	JBSIS
2500	After court trial (total rows 2590 and 2790)	Portal and JBSIS
▼2590	Dismissal/Acquittal (total rows 2600 - 2700)	Portal and JBSIS
2600	Dismissal	JBSIS
2700	Acquittal	JBSIS
▼2790	Conviction (total rows 2800 - 2900)	Portal and JBSIS
2800	Sentenced on plea/nolo	JBSIS
2900	Sentenced/court finding of guilt	JBSIS
3000	After jury trial (total rows 3090 and 3290)	Portal and JBSIS
▼3090	Dismissal/Acquittal (total rows 3100 - 3200)	Portal and JBSIS
3100	Dismissal	JBSIS
3200	Acquittal	JBSIS
▼3290	Conviction (total rows 3300 - 3400)	Portal and JBSIS
3300	Sentenced—Plea of guilty/nolo contendere	JBSIS
3400	Sentenced—Jury verdict of guilt	JBSIS
3500	Before hearing	Portal and JBSIS

11A Misdemeanors/Infractions Current Reporting

3600	After hearing	Portal and JBSIS
3690	Case Aging	
3700	Age of disposed cases	
3800	0–30 days	Portal and JBSIS
3900	31–90 days	Portal and JBSIS
4000	91–120 days	Portal and JBSIS
4100	GE 121 days	Portal and JBSIS
4200	Age of pending cases	
4300	0–30 days	JBSIS
4400	31–90 days	JBSIS
4500	91–120 days	JBSIS
4600	GE 121 days	JBSIS
WORKLOAD (unit of count = action)		
4700	Predisposition hearings (total rows 4800 - 5500)	Portal and JBSIS
4800	Arrestment	JBSIS
5100	Diversion hearing	JBSIS
5150	Pen. Code, § 1538.5 motion	JBSIS
5200	Drug court status hearing	JBSIS
5300	Bail review hearing	JBSIS
5400	Sentencing hearing	JBSIS
5500	Other predisposition hearing	JBSIS
5600	Trial	
▼5690	Mistrial (total rows 5700 - 5800)	JBSIS
5700	Mistrial on hung jury	JBSIS
5800	Other mistrial	JBSIS
▼5890	Retrial (total rows 5900 - 6000)	JBSIS
5900	Retrial	JBSIS
6000	Trial de novo	JBSIS
6100	Postdisposition hearings (total rows 6200 - 6700)	Portal and JBSIS
6200	Violation of probation hearing	JBSIS
6300	Probation supervision hearing	JBSIS
6400	Resentencing/modification hearing	JBSIS
6500	Failure to comply hearing	JBSIS
6600	Drug court status hearing	JBSIS
6700	Other postdisposition hearing	JBSIS
6750	Events	
6760	Pretrial conference	JBSIS
6770	Settlement conference	Portal and JBSIS
6790	Continuances	JBSIS
6800	Court's motion	JBSIS
6900	Party's motion	JBSIS
CASE CHARACTERISTICS (unit of count = defendant/action)		
7000	Pending cases	
7100	Proof of correction submitted	JBSIS
7200	Traffic violation school (TVS) referral	JBSIS
7300	Pro per defendant	JBSIS
7400	Represented by counsel	JBSIS
7500	Domestic violence filing	JBSIS
7600	Juvenile offender	JBSIS
7700	DUI with priors	JBSIS
7800	Interpreter required	JBSIS
7900	Disposed cases	
8000	Proof of correction submitted	JBSIS
8100	Traffic violation school (TVS) referral	JBSIS
8200	Pro per defendant	JBSIS
8300	Represented by counsel	JBSIS
8400	Domestic violence filing	JBSIS
8500	Juvenile offender	JBSIS

11A Misdemeanors/Infractions Current Reporting

8600	DUI with priors	JBSIS
8700	Interpreter required	JBSIS

11A Misdemeanors/Infractions Draft JBSIS Report

Misdemeanors/Infractions 11a - Data Matrix		210	220	230	240	250	260	270	280	290	300	310
		Assault and Battery	Property Offenses	Drug Offenses	Sexual Offenses	Other Nontraffic Misdemeanor/Ordinances	DUI	Other Traffic Misdemeanors	Driving While License Suspended	Traffic Infractions/Ordinances	Nontraffic Infractions/Ordinances	Parking Violation Appeals
CASELOAD/CASEFLOW (unit of count = defendant)												
50	Inventory											
100	Beginning pending											
200	+ Filing											
300	+ Reopened											
400	+ Restored to court's control											
500	+ Felony reduced to misdemeanor											
600	- Removed from court's control											
▼700	- Total dispositions											
800	End pending (=)											
Disposed Cases in Ascending Stage												
950	Before hearing											
1500	After hearing											
2100	After trial by declaration											
2500	After court trial											
3000	After jury trial											
3500	Before hearing <i>without appearance</i>											
3600	After hearing <i>with appearance</i>											
3690	Case Aging											
3700	Age of disposed cases											
3800	0-30 days											
3900	31-90 days											
4000	91-120 days											
4100	GE 121 days											
4200	Age of pending cases											
4300	0-30 days											
4400	31-90 days											
4500	91-120 days											
4600	GE 121 days											

11A Misdemeanors/Infractions Draft JBSIS Report

Misdemeanors/Infractions 11a - Data Matrix	210	220	230	240	250	260	270	280	290	300	310
	Assault and Battery	Property Offenses	Drug Offenses	Sexual Offenses	Other Nontraffic Misdemeanor/Ordinances	DUI	Other Traffic Misdemeanors	Driving While License Suspended	Traffic Infractions/Ordinances	Nontraffic Infractions/Ordinances	Parking Violation Appeals
Age of disposed misdemeanor cases											
0-60 days											
61-90 days											
91-180 days											
GE 181 days											
Age of pending misdemeanor cases											
0-60 days											
61-90 days											
91-180 days											
GE 181 days											
Age of disposed infraction cases											
0-30 days											
31-60 days											
61-90 days											
GE 91 days											
Age of pending infraction cases											
0-30 days											
31-60 days											
61-90 days											
GE 91 days											

Key:		Unshaded cell = data expected
		Shaded cell = data not expected

11A Misdemeanors/Infractions Draft Local Management Report

Misdemeanors/Infractions 11a - Data Matrix		210	220	230	240	250	260	270	280	290	300	310
		Assault and Battery	Property Offenses	Drug Offenses	Sexual Offenses	Other Nontraffic Misdemeanor/Ordinances	DUI	Other Traffic Misdemeanors	Driving While License Suspended	Traffic Infractions/Ordinances	Nontraffic Infractions/Ordinances	Parking Violation Appeals
CASELOAD/CASEFLOW (unit of count = defendant)												
Disposed Cases, in Ascending Stage and Outcome Hierarchy												
▼975	Dismissal/Transfer Before hearing (total rows 980 and 1275)											
▼980	Transfer Before hearing (total rows 1000 - 1100)											
1000	Change of venue Before hearing											
1050	Jurisdictional transfer Before hearing											
1100	Consolidated Before hearing											
1275	Dismissals Before hearing (total row 1300)											
1300	Dismissal - Other Before hearing											
▼1350	Conviction Before hearing (total row 1400)											
1400	Bail forfeiture Before hearing											
▼1520	Dismissal/Transfer After Hearing (total rows 1530 and 1590)											
▼1530	Transfer After Hearing (total rows 1550 - 1570)											
1550	Change of venue After Hearing											
1560	Jurisdictional transfer After Hearing											
1570	Consolidated After Hearing											
1590	Dismissals After Hearing (total rows 1600 - 1800)											
1600	Dismissal after diversion After Hearing											
1700	Dismissal after drug court After Hearing											
1800	Other dismissal After Hearing											
▼1890	Conviction After Hearing (total rows 1900 - 2000)											
1900	Bail forfeiture After Hearing											
2000	Sentenced—Plea of guilty/nolo contendere After Hearing											
▼2190	Dismissal/Acquittal After trial by declaration (total rows 2200 - 2300)											
2200	Dismissal After trial by declaration											
2300	Acquittal After trial by declaration											
2400	Court finding of guilt After trial by declaration											

11A Misdemeanors/Infractions Draft Local Management Report

Misdemeanors/Infractions 11a - Data Matrix		210	220	230	240	250	260	270	280	290	300	310
		Assault and Battery	Property Offenses	Drug Offenses	Sexual Offenses	Other Nontraffic Misdemeanor/Ordinances	DUI	Other Traffic Misdemeanors	Driving While License Suspended	Traffic Infractions/Ordinances	Nontraffic Infractions/Ordinances	Parking Violation Appeals
▼2590	Dismissal/Acquittal After Court Trial (total rows 2600 - 2700)											
2600	Dismissal After Court Trial											
2700	Acquittal After Court Trial											
▼2790	Conviction (total rows 2800 - 2900)											
2800	Sentenced on plea/nolo After Court Trial											
2900	Sentenced/court finding of guilt After Court Trial											
▼3090	Dismissal/Acquittal After Jury Trial (total rows 3100 - 3200)											
3100	Dismissal After Jury Trial											
3200	Acquittal After Jury Trial											
▼3290	Conviction (total rows 3300 - 3400)											
3300	Sentenced—Plea of guilty/nolo contendere After Jury Trial											
3400	Sentenced—Jury verdict of guilt After Jury Trial											
WORKLOAD (unit of count = action)												
4700	Predisposition hearings (total rows 4800 - 5500)											
4800	Arraignment											
5100	Diversion hearing											
5150	Pen. Code, § 1538.5 motion											
5200	Drug court status hearing											
5300	Bail review hearing											
5400	Sentencing hearing											
5500	Other predisposition hearing											
5600	Trial											
▼5690	Mistrial (total rows 5700 - 5800)											
5700	Mistrial on hung jury											
5800	Other mistrial											
▼5890	Retrial (total rows 5900 - 6000)											
5900	Retrial											
6000	Trial de novo											

11A Misdemeanors/Infractions Draft Local Management Report

Misdemeanors/Infractions 11a - Data Matrix		210	220	230	240	250	260	270	280	290	300	310
		Assault and Battery	Property Offenses	Drug Offenses	Sexual Offenses	Other Nontraffic Misdemeanor/Ordinances	DUI	Other Traffic Misdemeanors	Driving While License Suspended	Traffic Infractions/Ordinances	Nontraffic Infractions/Ordinances	Parking Violation Appeals
6100	Postdisposition hearings (total rows 6200 - 6700)											
6200	Violation of probation hearing											
6300	Probation supervision hearing											
6400	Resentencing/modification hearing											
6500	Failure to comply hearing											
6600	Drug court status hearing											
6700	Other postdisposition hearing											
6750	Events											
6760	Pretrial conference											
6770	Settlement conference											
6790	Continuances											
6800	Court's motion											
6900	Party's motion											

Key:		Unshaded cell = data expected
		Shaded cell = data not expected
	Text	Data element is a total row and definition is connected to sub-data elements

11A Misdemeanors/Infractions Draft Branch Narrative Report

Misdemeanors/Infractions 11a - Data Matrix	210	220	230	240	250	260	270	280	290	300	310
	Assault and Battery	Property Offenses	Drug Offenses	Sexual Offenses	Other Nontraffic Misdemeanor/Ordinances	DUI	Other Traffic Misdemeanors	Driving While License Suspended	Traffic Infractions/Ordinances	Nontraffic Infractions/Ordinances	Parking Violation Appeals
CASE CHARACTERISTICS (unit of count = defendant/action)											
7000	Pending cases										
7100	Proof of correction submitted										
7200	Traffic violation school (TVS) referral										
7300	Pro per defendant										
7400	Represented by counsel										
7500	Domestic violence filing										
7600	Juvenile offender										
7700	DUI with priors										
7800	Interpreter required										
7900	Disposed cases										
8000	Proof of correction submitted										
8100	Traffic violation school (TVS) referral										
8200	Pro per defendant										
8300	Represented by counsel										
8400	Domestic violence filing										
8500	Juvenile offender										
8600	DUI with priors										
8700	Interpreter required										

Key:		Unshaded cell = data expected
		Shaded cell = data not expected

Attachment A

Select Pages from “Model Time Standards for Trials Courts” from the National Center for State Courts (NCSC)

TABLE OF MODEL TIME STANDARDS

Case Category	Case Type	COSCA Standard	ABA Standard	Model Standard
CRIMINAL	Felony	100% within 180 days	90% within 120 days 98% within 180 days 100% within 365 days	75% within 90 days 90% within 180 days 98% within 365 days
	Misdemeanor	100% within 90 days	90% within 30 days 100% within 90 days	75% within 60 days 90% within 90 days 98% within 180 days
	Traffic and Local Ordinance			75% within 30 days 90% within 60 days 98% within 90 days
	<i>Habeas corpus</i> and similar Post-conviction proceedings (following a criminal conviction)			98% within 180 days
CIVIL	General Civil	100% of non-jury within 12 months 100% jury trials within 18 months	90% within 12 months 98% within 18 months 100% within 24 months	75% within 180 days 90% within 365 days 98% within 540 days
	Summary Matters			75% within 60 days 90% within 90 days 98% within 180 days
FAMILY	Dissolution/ Divorce/ Allocation of Parental Responsibility	100% uncontested within 3 months 100% contested within 6 months	90% within 3 months 98% within 6 months 100% within 12 months	75% within 120 days 90% within 180 days 98% within 365 days
	Post Judgment Motions			98% within 180 days
	Protection Orders			90% within 10 days 98% within 30 days
JUVENILE	Delinquency & Status Offense		90% within 3 months 98% within 6 months 100% within 12 months	For youth in detention: 75% within 30 days 90% within 45 days 98% within 90 days For youth not in detention: 75% within 60 days 90% with 90 days 98% within 150 days
	Neglect and Abuse		90% within 3 months 98% within 6 months 100% within 12 months	Adjudicatory Hearing 98% within 90 days of removal Permanency Hearing 75% within 270 days of removal 98% within 360 days of removal
	Termination of Parental Rights		90% within 3 months 98% within 6 months 100% within 12 months	90% within 120 days after the filing of a termination petition 98% within 180 days after the filing of a termination petition
PROBATE	Administration of Estates			75% within 360 days 90% within 540 days 98% within 720 days
	Guardianship/ Conservator of Incapacitated Adults			98% within 90 days
	Civil Commitment			98% within 15 days

be disposed. The 98 percent tier is key to establishing a backlog measure and setting the expectation of the maximum time within which a case should be decided or resolved. The other two tiers are intended as points of measurement for effective management of pending cases. The intent is to encourage the fair disposition of cases at the earliest possible time. Standards for completing critical decision points in the process are suggested in the commentary for each case disposition time standard to assist the judicial branch of states and individual courts in assessing and managing caseload.

A 98 percent level is used rather than 100 percent in recognition that there will be a very small number of cases that will require more time to resolve, e.g., capital murder cases and highly complex, multi-party civil cases that require a trial. Even these cases, however, should be monitored closely to ensure that they proceed to disposition without unnecessary delay.

FELONY CASES

Model Standard

75% within 90 days
90% within 180 days
98% within 365 days

Definition. Felony cases are those criminal cases involving “an offense punishable by incarceration for a year or more.”³ In the preparation of these time standards, consideration was given to whether capital murder cases should be designated as a separate case category with different time standards. Because some capital cases are disposed by plea, however, it was concluded that those requiring a trial can be better accommodated simply as a “top tier” of one-two percent of all felony cases that require more time to reach disposition. The standards run from the filing of the initial complaint through disposition (e.g., dismissal or sentencing). Thus, in jurisdictions with a limited and general jurisdiction court, the standard would run from the filing of the complaint in the lower trial court except in those few cases filed directly in the general jurisdiction court.

Earlier National Time Standards. In 1983, COSCA provided a 180-day time standard for felony cases, while the 1992 ABA Time Standards provided that 90 percent of felony cases should be disposed within 120 days after arrest, 98 percent within 180 days, and 100 percent within 365 days.

³ See Court Statistics Project, *State Court Guide to Statistical Reporting*, 18 (Williamsburg, VA: NCSC, 2009).

State Judicial Branch Time Standards.⁴ At least 39 states and the District of Columbia have overall felony time standards, and two states have separate time standards for capital cases. There is considerable variation from state to state, however. For example:

- Ten states have adopted the COSCA time standard of 180 days, with six specifying that all cases are to be disposed within that time, and with five having the 180-day time standard run from filing of or arraignment on an indictment or information rather than arrest or initial appearance.
- As suggested in the ABA time standard, ten other states have adopted one year, 12 months, 365 days or 360 days as the longest time, although four do not have a 100 percent time standard and contemplate that from one to ten percent of all felonies may take longer to be disposed.
- Maximum times to disposition in other states range from 120 days to 22 months.
- The most common approach (14 states) is to provide simply that cases must be decided within a given time period. There are 13 states where the maximum specified duration is for fewer than 100 percent of all cases, assuming that there may always be some cases that might understandably take longer. The next most common approach (five states) is to provide times within which 90 percent, 98 percent and 100 percent of all cases must be disposed. In all, there are at least 17 different configurations for felony time standards.
- In at least 11 states, time standards do not run from arrest or initial appearance, but rather from the filing of an indictment or information, general-jurisdiction arraignment on that charging document, or some other event other than arrest or initial appearance.
- At least ten states have time standards for one or more intermediate case-processing stages.

Overall Felony Case Time Standards. It is critically important to note, however, that the time standard for felony cases is not a “speedy trial rule” requiring dismissal of the case if the standard is not met. These standards are intended as measures of the overall time to disposition in a jurisdiction, not as a rule governing individual cases or creating rights for individual criminal defendants. Moreover, speedy trial rules generally run from the date of arrest (or sometimes the date of arraignment on the indictment) to the start of trial. These standards are based on the period between the date on which the case is first filed with a court to the entry of the dispositional order (e.g., a dismissal, sentence).

The adoption here of a 365-day maximum rather than one of 180 days is based on the real experience of urban courts. After the adoption in 1983 of the COSCA time standard for felony cases, large-scale studies of felony case processing times in large urban trial courts were undertaken by NCSC.⁵ In those studies, no court met the COSCA 180-day time standard for all cases disposed in 1987, and even the fastest courts in the study had eight percent of their cases taking longer. In the slowest court, 81 percent took longer than 180 days.⁶ In a subsequent study of felony case disposition times in nine state criminal trial courts, even the fastest court saw 14 percent of its 1994 disposed cases taking

⁴ See NCSC, Knowledge and Information Services, Database, “Case Processing Time Standards [CPTS],” www.ncsconline.org/cpts/cptsType.asp, as downloaded from the Internet on September 8, 2010.

⁵ See J. Goerd, C. Lomvardias, G. Gallas and B. Mahoney, *Examining Court Delay: The Pace of Litigation in 26 Urban Trial Courts* (Williamsburg, VA: National Center for State Courts, 1989); and J. Goerd, C. Lomvardias and G. Gallas, *Reexamining the Pace of Litigation in 39 Urban Trial Courts* (Williamsburg, VA: National Center for State Courts, 1991).

⁶ See *Reexamining the Pace of Litigation*, *supra*, note 5, Table 2.2. For all the courts in the study, ten percent of the felony cases took 384 days or more from arrest to disposition. When cases with failures to appear were removed, ten percent of all cases remaining still took 289 days or more.

longer than 180 days, and disposition times exceeded 180 days in 48 percent of the cases for all courts combined.⁷

For all the courts in these NCSC studies, even a 365-day time standard was difficult to achieve. For all courts for which 1987 felony dispositions were studied, 11.7 percent took longer than a year;⁸ and in the study of 1994 felony dispositions, about 11 percent took longer than a year.⁹ Yet in each study, there were courts that were able to dispose of at least 95 percent of their cases within a year – eight of 39 of the courts in the study of 1987 dispositions, and two of nine courts in the study of 1994 dispositions. Contemporary court data indicate that courts in several states are able to dispose of the overwhelming number of felony cases in a year or less. For example: Missouri is able to dispose of 85 percent of its felony cases and New Jersey is able to dispose of 90 percent of its felony cases within 301 days; Colorado concludes 90 percent of its felony cases within 325 days; Minnesota disposes of more than 92 percent of its felony cases and Utah disposes of 93 percent of its felony cases within a year.

Empirical evidence from urban trial courts thus demonstrates two things. First, a time standard of 365 days, while still difficult to attain for almost all courts, is far more realistic than a time standard of 180 days. Second, a standard of 98 percent of all felonies is more realistic than one of 100 percent. This is especially true for capital

murder and unusually complex felony cases that go to jury trial; while some may be disposed by plea within a year after case initiation, others can predictably be expected to take longer.

Intermediate Time Standards. In many jurisdictions, achievement of the goals set by these time standards involves more than one level of court (e.g., a limited jurisdiction court that hears the early stages of criminal proceedings and a general jurisdiction court that obtains jurisdiction only after an indictment or information is filed) as well as justice system partners such as the prosecutor's office, the public defender and private defense counsel, law enforcement agencies, jails, pretrial services, and probation. All must work in concert in establishing internal processes and measures to facilitate fair and timely disposition of felony cases while carrying out their particular responsibilities. This includes holding meaningful interim court events in a timely manner. However, any analysis of the performance of an individual court must be measured against the events which that court controls.

For felony cases the key interim court events include:

In 100 % of cases, the initial appearance should be held within the time set by state law.

In 98% of cases, the arraignment on the indictment or information should be held within 60 days.

In 98% of cases, trials should be initiated or a plea accepted within 330 days.

⁷ B. Ostrom and R. Hanson, *Efficiency, Timeliness, and Quality: A New Perspective from Nine State Criminal Trial Courts* (Williamsburg, VA: National Center for State Courts, 1999), Figure 2.1.

⁸ *Reexamining the Pace of Litigation*, *supra*, note 5, Table 2.2.

⁹ *Efficiency, Timeliness, and Quality*, *supra*, note 7, Figure 2.1.

In most if not all state court systems, there must be a prompt initial court appearance for preliminary arraignment, determination of eligibility for pretrial release, and determination of eligibility for defense representation at public expense. The elapsed time within which such a first court event must occur is typically within 24-72 hours after arrest. The time standards offered here acknowledge the need for such a prompt initial court event. The suggested interim standards urge that it be held in all cases within the time requirements of state law.

Although only a handful of states have intermediate time standards for felonies,¹⁰ virtually all of them give particular attention to the elapsed time from arrest to general-jurisdiction arraignment on a felony indictment or information. Many states require prompt filing of an indictment or information for felony defendants not released from pretrial detention pending adjudication, but they may not provide such strict expectations for the large majority of defendants who have been released on bail or recognizance. Emphasizing a need for timely commencement of general-jurisdiction felony proceedings, the time standards here provide an indicator for the time within which arraignment on an indictment or information should be held for virtually all felony cases.

The provision of this interim time standard also has the effect of prompting early involvement of a public defender or appointed counsel, early discovery exchange, and early commencement of plea discussions between prosecution and defense.

Since the time standards here run from filing of the initial complaint to imposition of a sentence, trial commencement is considered an interim court event rather than the end-point of caseflow management. Consequently, the third interim time standard here has to do with the elapsed time after the initial complaint was filed within which there should be an actual trial start. Having firm and credible trial dates is a fundamental feature of successful caseflow management,¹¹ and large-scale research of factors affecting the pace of felony litigation has shown that courts with a higher percentage of firm trial dates consistently have shorter times to felony disposition.¹²

¹⁰ See CPTS database, *supra*, note 4.

¹¹ See D. Steelman, J. Goerdts and J. McMillan, *Caseflow Management: The Heart of Court Management in the New Millennium* (Williamsburg, VA: National Center for State Courts, 2004 edition), pp. 6-11.

¹² *Reexamining the Pace of Litigation*, *supra*, note 5, Figure 2.7.

MISDEMEANOR CASES

Model Standard

75% within 60 days
90% within 90 days
98% within 180 days

Definition. Misdemeanors involve “an offense punishable by incarceration for less than one year and/or fines.”¹³ The time standard for misdemeanors recognizes that many moving traffic infractions and other comparable violations of public order have either been formally decriminalized or are treated without the procedural requirements for criminal cases. As a result of these matters now being handled administratively, they are not included in these time standards.

Earlier National Time Standards. In 1983, COSCA provided a 90-day time standard for misdemeanors and the 1992 ABA Time Standards provided that 90 percent of all misdemeanors should be disposed within 30 days after arrest and 100 percent within 90 days.

State Judicial Branch Time Standards. Court systems in at least 32 states and the District of Columbia have misdemeanor time standards.¹⁴ Some states distinguish DUI, traffic, or motor-vehicle cases from other misdemeanors. Others make distinctions according

to differentiated case management (DCM) “track assignments.”¹⁵ As with felony cases, there is considerable variation in standards from one state to another. For example:

- Only seven agree with the COSCA and ABA standards that all or most (99 percent in one state) can or should be disposed within 90 days or less after case initiation.¹⁶
- In the remaining 25 states and the District of Columbia, the maximum time standards range from 120 to 360 days.
- Only 12 states have a single flat time standard (which may or may not be 100 percent) for misdemeanors, with no percentile gradations.
- While 20 court systems provide a maximum time within which all misdemeanors must be disposed, 13 set the maximum time standard at a level assuming that some cases may unavoidably take longer to be disposed.
- In ten states, the maximum time standard for disposition of all or most misdemeanors is identical to that for felonies.

Overall Misdemeanor Case Time Standards. The time standards offered here for misdemeanors reflect agreement with the drafters of the COSCA and ABA time standards that most misdemeanors can and should be disposed within a short time after case initiation. In fact, the great majority of all misdemeanors (90 percent) can and should be concluded within three months as those earlier standards suggest.

¹³ Guide to Statistical Reporting, *supra*, note 3, at 19.

¹⁴ See CPTS database, *supra*, note 4.

¹⁵ For more on DCM, see *Caseload Management*, *supra*, note 11, pp. 4-6.

¹⁶ In one state, the time standard is that all misdemeanor cases should be disposed within 60 days.

Yet almost all states now treat high-volume speeding cases and other moving traffic violations, along with other comparable ordinance violations, as non-criminal or quasi-criminal matters for which there is little or no likelihood of jail sanctions, and for which many of the procedural safeguards of criminal procedure are absent or can be waived. These cases, though voluminous, were normally quickly resolved.¹⁷ With such matters removed from the category of criminal misdemeanors, the actual experience in most states that have adopted misdemeanor time standards is that a number of these cases cannot be justly disposed within 90 days, and indeed that some must take longer than six months to be disposed. For example, Colorado's County Courts dispose of 75 percent of filed misdemeanors within 128 days and 90 percent within 231 days. Missouri concludes 84% of its misdemeanors within 180 days and 91 percent within 240 days. For this reason, the standard presented here sets a maximum time of 180 days for misdemeanors and recognizes that as many as two percent may understandably take longer than that to be concluded.

Intermediate Time Standards. The intermediate standards provided here follow the rationale presented above for felony cases, except that no interim standard associated with bind over and felony arraignment is required. As with felonies, there is a need to assure that a court arraigns the defendant on initial charges, reviews the need for pretrial detention, and sees that an early determination is made on eligibility for defense representation at public expense.

In 100 % of cases, the initial appearance should be held within the time set by state law.

In 98% of cases, trials should be initiated or a plea accepted within 150 days.

Once there has been an initial court hearing, it is important for compliance with time standards that the court exercise control over case progress to disposition by providing an early and firm trial date. The interim time standard here for time from case initiation to misdemeanor trial start provides a measurement tool for the court to exercise such control.

¹⁷ See the Model Time Standard on Traffic and Local Ordinance Cases, p. 12 *infra*.

TRAFFIC AND LOCAL ORDINANCE CASES

Model Standard

75% within 30 days
90% within 60 days
98% within 90 days

Definition. This category of cases includes a violation of statutes and local ordinances governing traffic and parking, as well as violations of other local ordinances. In some jurisdictions these matters are called infractions; in others they are considered non-criminal violations. They include such matters as speeding, failure to yield, illegal parking, violations of noise ordinances, and illegal vending among others.¹⁸ In those states in which these matters are non-criminal violations, the standards applicable to Summary Civil Matters may be used. Driving under the influence and other serious traffic-related offenses punishable by incarceration are intended to be covered under the standard for misdemeanor cases.

Earlier National Time Standards. The COSCA time standards and the ABA time standards do not include provisions specifically relating to traffic and local ordinance cases.

Time Standards in State Court System. At least 10 state court systems and the District of Columbia courts have developed time standards for traffic and/or local ordinance cases.

- The time period specified ranges from 30 days (1 state) to 270 days (1 state). Four set 60 days as the maximum time; three 90 days; and one each 120, 150, or 180 days.
- Four sets of standards establish tiers of cases.
- Seven set the maximum standard for less than all the cases ranging from 80 percent in one jurisdiction to 98 or 99 percent in four others.
- Two jurisdictions limit their time standards to contested traffic cases.
- One state distinguishes between jury and non-jury matters.

Overall Traffic and Ordinance Violation Case Time

Standards. Traffic and ordinance violation cases constitute a significant part of the caseload of many municipal and other limited jurisdiction trial courts, and are the cases that involve the greatest proportion of the general public. Thus, both from the perspective of effective case management and from the perspective of providing effective and efficient judicial services, it is essential that these high volume matters are heard or resolved in as timely a manner as possible. In order not to take up court time and law enforcement officer time unnecessarily with uncontested cases, persons cited who do not wish to challenge the citation should be able to acknowledge guilt or responsibility and pay a standard financial penalty at the clerk's office, through a kiosk, or via the Internet, without having to appear in court. An appearance before a judge or hearing officer should only be required if a person cited submits a notice that he or she wishes to contest the citation or fails to respond. The time standards include both those cases resolved without a court appearance and those in which formal court involvement is required, but contemplates

¹⁸ Guide to Statistical Reporting, *supra*, note 3, at 29-31.

that the overwhelming majority of traffic and ordinance violation citations will be resolved without a formal court appearance.

Intermediate Time Standards. The intermediate time standard suggests that the appearance date for all traffic and ordinance violation citations should occur within 30 days. For those matters which may require a trial that cannot be accommodated on a general docket because of length or that require a continuance because the respondent wishes to retain counsel, the trial date should be set to permit disposition within the recommended overall time standard.

In 100% of cases, the initial court appearance should occur within 30 days of citation, notice of contest, or failure to respond to the citation.

Habeas corpus* and similar POST-CONVICTION PROCEEDINGS

Model Standard

98% within 180 days

* Following a criminal conviction

Definition. This case type involves petitions for collateral review of a criminal conviction, whether under statutory post-conviction review provisions or through proceedings on common law *habeas corpus* or *coram nobis* petitions. It does not include direct appeals or proceedings on motions for new trial, to reconsider or in arrest of judgment, nor to violation of probation proceedings.

Prior National Time Standards. The COSCA time standards and the ABA time standards do not include provisions for such proceedings. ABA standards relating to post-conviction review call for there to be a “prompt response” by the prosecution and court assignment of “suitable calendar priority” if there is reason for expedition, but they do not provide any specific time standard within which such proceedings should be concluded.¹⁹

State Judicial Branch Time Standards. One state has established time standards for post-conviction review proceedings -- 100 percent be disposed within 3 months after the filing of a petition.²⁰

¹⁹ See American Bar Association, Standards for Criminal Justice (2nd Edition, 1980, with 1986 supplement), Chapter 22, Standards 22-4.1 – 22-4.7, www.abanet.org/crimjust/standards/postconviction_loc.html. Proposed revisions to the post-conviction remedies standards are being considered by the Standards Committee in 2010.

²⁰ See CPTS database, *supra*, note 4.

Overall Time Standards. Many petitions for post-conviction relief may be decided by a court without need for an evidentiary hearing. The time standard offered here recognizes that, while allowing time for prosecution and petitioner to prepare for hearing if one is required.

Intermediate Time Standards. Given the nature of a petition for collateral review, it is important that the prosecution respond with reasonable expedition. Statutes in some states indicate a time within which a prosecutor must file a response to a post-conviction petition.

In 98% of cases, responses with affidavits should be filed by the prosecution within 120 days.

GENERAL CIVIL CASES

Model Standard

75 percent within 180 days

90 percent within 365 days

98 percent within 540 days

Definition. Civil cases are a broad category of cases in which “a plaintiff requests the enforcement or protection of a right or the redress or prevention of a wrong.”²¹ They include automobile torts and other personal injuries, contract disputes, product liability issues, malpractice matters, infringements of intellectual property, and requests for injunctions among other types of cases. As with capital felony cases, consideration was given to whether complex civil cases should be designated as a separate civil case category with different time standards. Because some complex civil cases are settled relatively quickly, however, no specific category for complex civil cases is required. Those complex cases that proceed to trial or settle late in the process can be accommodated simply as a “top tier” of two percent of all general civil cases that require more time to reach disposition.

In these standards, foreclosure cases are included in the category of general civil cases. This is because the new procedures required by the mortgage crisis commencing in 2007 have substantially increased the time needed to dispose of these cases.

²¹ Guide to Statistical Reporting, *supra*, note 3, at 6.

Attachment B

California Rule of Court
Standards of Judicial Administration
Standard 2.2 Trial Court Case Disposition Time Goals



2021 California Rules of Court

Standard 2.2. Trial court case disposition time goals

(a) Trial Court Delay Reduction Act

The recommended goals for case disposition time in the trial courts in this standard are adopted under Government Code sections 68603 and 68620.

(Subd (a) amended effective January 1, 2007; adopted effective July 1, 1987; relettered effective January 1, 1989; previously amended effective January 1, 2004.)

(b) Statement of purpose

The recommended time goals are intended to guide the trial courts in applying the policies and principles of standard 2.1. They are administrative, justice-oriented guidelines to be used in the management of the courts. They are intended to improve the administration of justice by encouraging prompt disposition of all matters coming before the courts. The goals apply to all cases filed and are not meant to create deadlines for individual cases. Through its case management practices, a court may achieve or exceed the goals stated in this standard for the overall disposition of cases. The goals should be applied in a fair, practical, and flexible manner. They are not to be used as the basis for sanctions against any court or judge.

(Subd (b) amended effective January 1, 2007; adopted effective July 1, 1987, as (1); relettered effective January 1, 1989; previously amended effective January 1, 2004.)

(c) Definition

The definition of "general civil case" in rule 1.6 applies to this section. It includes both unlimited and limited civil cases.

(Subd (c) amended effective January 1, 2007; adopted effective January 1, 2004.)

(d) Civil cases-processing time goals

The goal of each trial court should be to process general civil cases so that all cases are disposed of within two years of filing.

(Subd (d) amended and relettered effective January 1, 2004; adopted effective July 1, 1987, as (2); previously amended effective July 1, 1988; amended and relettered as subd (c) effective January 1, 1989.)

(e) Civil cases-rate of disposition

Each trial court should dispose of at least as many civil cases as are filed each year and, if necessary to meet the case-processing goal in (d), dispose of more cases than are filed. As the court disposes of inactive cases, it should identify active cases that may require judicial attention.

(Subd (e) amended effective January 1, 2007; adopted effective July 1, 1987, as (3); previously amended effective July 1, 1988; previously amended and relettered as subd (d) effective January 1, 1989, and as subd (e) effective January 1, 2004.)

(f) General civil cases-case disposition time goals

The goal of each trial court should be to manage general civil cases, except those exempt under (g), so that they meet the following case disposition time goals:

(1) *Unlimited civil cases:*

The goal of each trial court should be to manage unlimited civil cases from filing so that:

- (A) 75 percent are disposed of within 12 months;
- (B) 85 percent are disposed of within 18 months; and
- (C) 100 percent are disposed of within 24 months.

(2) *Limited civil cases:*

The goal of each trial court should be to manage limited civil cases from filing so that:

- (A) 90 percent are disposed of within 12 months;
- (B) 98 percent are disposed of within 18 months; and
- (C) 100 percent are disposed of within 24 months.

(3) *Individualized case management*

The goals in (1) and (2) are guidelines for the court's disposition of all unlimited and limited civil cases filed in that court. In managing individual civil cases, the court must consider each case on its merits. To enable the fair and efficient resolution of civil cases, each case should be set for trial as soon as appropriate for that individual case consistent with rule 3.729.

(Subd (f) amended effective January 1, 2007; adopted as subd (g) effective July 1, 1987; relettered as subd (h) effective January 1, 1989; amended effective July 1, 1991; previously amended and relettered as subd (f) effective January 1, 2004.)

(g) Exceptional civil cases

A general civil case that meets the criteria in rules 3.715 and 3.400 and that involves exceptional circumstances or will require continuing review is exempt from the time goals in (d) and (f). Every exceptional case should be monitored to ensure its timely disposition consistent with the exceptional circumstances, with the goal of disposing of the case within three years.

(Subd (g) amended effective January 1, 2007; adopted effective January 1, 2004.)

(h) Small claims cases

The goals for small claims cases are:

- (1) 90 percent disposed of within 75 days after filing; and
- (2) 100 percent disposed of within 95 days after filing.

(Subd (h) adopted effective January 1, 2004.)

(i) Unlawful detainer cases

The goals for unlawful detainer cases are:

- (1) 90 percent disposed of within 30 days after filing; and
- (2) 100 percent disposed of within 45 days after filing.

(Subd (i) adopted effective January 1, 2004.)

(j) Felony cases-processing time goals

Except for capital cases, all felony cases disposed of should have a total elapsed processing time of no more than one year from the defendant's first arraignment to disposition.

(Subd (j) amended effective January 1, 2007; adopted effective January 1, 2004.)

(k) Misdemeanor cases

The goals for misdemeanor cases are:

- (1) 90 percent disposed of within 30 days after the defendant's first arraignment on the complaint;
- (2) 98 percent disposed of within 90 days after the defendant's first arraignment on the complaint; and
- (3) 100 percent disposed of within 120 days after the defendant's first arraignment on the complaint.

(Subd (k) adopted effective January 1, 2004.)

(l) Felony preliminary examinations

The goal for felony cases at the time of the preliminary examination (excluding murder cases in which the prosecution seeks the death penalty) should be disposition by dismissal, by interim disposition by certified plea of guilty, or by finding of probable cause, so that:

- (1) 90 percent of cases are disposed of within 30 days after the defendant's first arraignment on the complaint;
- (2) 98 percent of cases are disposed of within 45 days after the defendant's first arraignment on the complaint; and
- (3) 100 percent of cases are disposed of within 90 days after the defendant's first arraignment on the complaint.

(Subd (l) adopted effective January 1, 2004.)

(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.

(Subd (m) amended effective January 1, 2007; adopted effective January 1, 2004.)

(n) Cases removed from court's control excluded from computation of time

If a case is removed from the court's control, the period of time until the case is restored to court control should be excluded from the case disposition time goals. The matters that remove a case from the court's control for the purposes of this section include:

- (1) Civil cases:
 - (A) The filing of a notice of conditional settlement under rule 3.1385;
 - (B) An automatic stay resulting from the filing of an action in a federal bankruptcy court;

- (C) The removal of the case to federal court;
- (D) An order of a federal court or higher state court staying the case;
- (E) An order staying the case based on proceedings in a court of equal standing in another jurisdiction;
- (F) The pendency of contractual arbitration under Code of Civil Procedure section 1281.4;
- (G) The pendency of attorney fee arbitration under Business and Professions Code section 6201;
- (H) A stay by the reporting court for active military duty or incarceration; and
- (I) For 180 days, the exemption for uninsured motorist cases under rule 3.712(b).

(2) Felony or misdemeanor cases:

- (A) Issuance of warrant;
- (B) Imposition of a civil assessment under Penal Code section 1214.1;
- (C) Pendency of completion of diversion under Penal Code section 1000 et seq.;
- (D) Evaluation of mental competence under Penal Code section 1368;
- (E) Evaluation as a narcotics addict under Welfare and Institutions Code sections 3050 and 3051;
- (F) 90-day diagnostic and treatment program under Penal Code section 1203.3;
- (G) 90-day evaluation period for a juvenile under Welfare and Institutions Code section 707.2;
- (H) Stay by a higher court or by a federal court for proceedings in another jurisdiction;
- (I) Stay by the reporting court for active military duty or incarceration; and
- (J) Time granted by the court to secure counsel if the defendant is not represented at the first appearance.

(Subd (n) amended effective January 1, 2007; adopted effective January 1, 2004.)

(o) Problems

A court that finds its ability to comply with these goals impeded by a rule of court or statute should notify the Judicial Council.

(Subd (o) amended effective January 1, 2007; adopted effective January 1, 2004.)

Standard 2.2 amended and renumbered effective January 1, 2007; adopted as sec. 2.1 effective July 1, 1987; previously amended effective January 1, 1988, July 1, 1988, January 1, 1989, January 1, 1990, July 1, 1991, and January 1, 2004.

2

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Attachment C

California Government Code § 68603 and 68604



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Section: 68603.

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GOVERNMENT CODE - GOV

TITLE 8. THE ORGANIZATION AND GOVERNMENT OF COURTS [68070 - 77655] (Title 8 added by Stats. 1953, Ch. 206.)

CHAPTER 2. The Judicial Council [68500 - 68641] (Chapter 2 added by Stats. 1953, Ch. 206.)

ARTICLE 5. The Trial Court Delay Reduction Act [68600 - 68620] (Article 5 repealed and added by Stats. 1990, Ch. 1232, Sec. 3.)

68603. (a) The Judicial Council shall adopt standards of timely disposition for the processing and disposition of civil and criminal actions. The standards shall be guidelines by which the progress of litigation in the superior court of every county may be measured. In establishing these standards, the Judicial Council shall be guided by the principles that litigation, from commencement to resolution, should require only that time reasonably necessary for pleadings, discovery, preparation, and court events, and that any additional elapsed time is delay and should be eliminated.

(b) The Judicial Council may adopt the standards of timely disposition adopted by the National Conference of State Trial Judges and the American Bar Association or may adopt different standards, but in the latter event shall specify reasons for approval of any standard which permits greater elapsed time for the resolution of litigation than that provided in the standards of the National Conference of State Trial Judges.

(c) The Judicial Council shall adopt rules effective July 1, 1991, to be used by all delay reduction courts, establishing a case differentiation classification system based on the relative complexity of cases. The rules shall provide longer periods for the timely disposition of more complex cases. The rules may provide a presumption that all cases, when filed, shall be classified in the least complex category.

(Repealed and added by Stats. 1990, Ch. 1232, Sec. 3.)

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68604. The Judicial Council shall collect and maintain statistics, and shall publish them at least on a yearly basis, regarding the compliance of the superior court of each county and of each branch court with the standards of timely disposition adopted pursuant to Section 68603. In collecting and publishing these statistics, the Judicial Council shall measure the time required for the resolution of civil cases from the filing of the first document invoking court jurisdiction, and for the resolution of criminal cases from the date of arrest, including a separate measurement in felony cases from the first appearance in superior court. The Judicial Council shall report its findings and recommendations to the Legislature in a biennial Report on the State of California's Civil and Criminal Justice Systems.

The Judicial Council shall conduct a two-year study on the stipulated continuance authorized by subdivision (c) of Section 68616.

(Amended by Stats. 2001, Ch. 745, Sec. 112. Effective October 12, 2001.)

Attachment D

“Timely Justice in Criminal Cases: What the Data Tells Us” from NCSC’s Effective Criminal Case Management Project



Timely Justice in Criminal Cases: *What the Data Tells Us*

Brian J. Ostrom, Ph.D.
Lydia E. Hamblin, Ph.D.
Richard Y. Schauffler
Nial Raen

National Center for State Courts

The Effective Criminal Case Management Project

The results of the extensive data collection, analysis, and policy recommendations that flow from that analysis are published in several reports. These reports, along with tools for court management, an interactive data dashboard, and a cost of delay calculator, are accessible at the ECCM web site: www.ncsc.org/eccm.

Project Overview

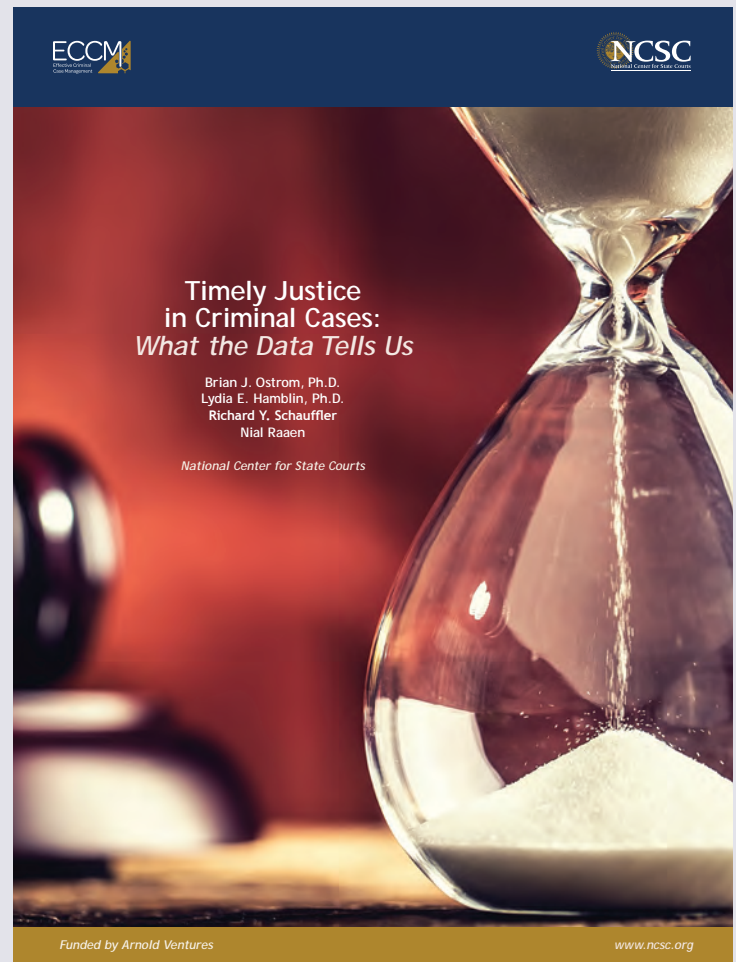
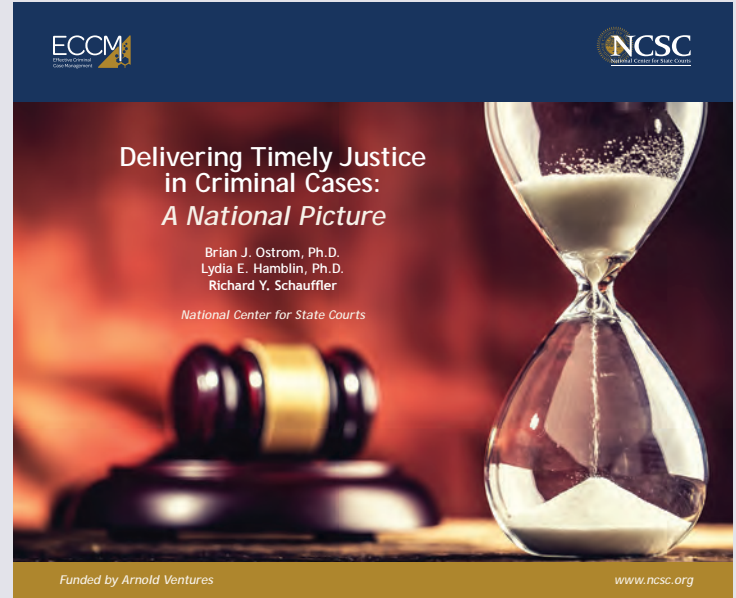
- **Delivering Timely Justice in Criminal Cases: *A National Picture*** provides a visual summary of the study and its findings.
- **Effective Criminal Case Management (ECCM): *Project Overview*** describes the purpose, design, and products of the project.

Results

- **Success in Criminal Caseflow Management: *Lessons from the Field*** describes the elements of effective case flow management based on close interaction with seven courts that share success in managing problems of delay.
- **Timely Justice in Criminal Cases: *What the Data Tells Us*** (this document) documents the data collection and provides a detailed analysis of the factors most directly shaping criminal case-processing time.
- **Criminal Case Management Basics: *Data Elements, Performance Measures, and Data Presentation Strategies*** supplies a step-by-step guide to collecting, analyzing, and presenting data on key indicators for effective management of criminal cases.
- **ECCM Site Summaries** display visual summaries of the criminal caseload data provided by each site in a set of infographics on felony and misdemeanor case processing useful for cross-court comparison.

Data-Driven Tools

- **ECCM Interactive Database** provides access to ECCM data for felony and misdemeanor cases and allows users to interact with the data.
- **ECCM Cost of Delay Calculator** invites users to compute a simple estimate revealing how quickly and significantly the costs of delay across the court and its criminal justice partners accumulate.
- **ECCM Caseflow Management Maturity Model** is a self-assessment instrument for determining the level of implementation of case flow management principles and practices by a court.



Acknowledgments

Assembling and analyzing the largest set of criminal case data ever collected was a three-year marathon. To bring this project to the finish line required the cooperation and collaboration of many people working in the state courts, as well as big team of NCSC researchers.

First and foremost, we offer our thanks to the many state court administrators, court managers and staff, and judges who worked together with us to provide detailed, case-level data and to share their insights on effective case flow management.

The project benefited greatly from the pioneers in this field, including NCSC’s David Steelman, William Hewitt, John Greacen, Barry Mahoney, Tom Church, and John Goerd. Earlier research on felony cases funded by the National Institute of Justice with Roger Hanson allowed us to grapple with the issues of timely justice in a smaller set of nine courts. Our prior work with Fred Miller of the California Judicial Council on criminal case flow management in that state was also especially beneficial. Many court managers and judges with whom we have had the pleasure of working with over the years also provided inspiration and insight; in particular we would like to thank Bob Wessels down in Texas and Judge Kevin Burke up in Minnesota for their contributions.

We express special thanks to the support of the criminal justice staff at Arnold Ventures who provided encouragement and funding to think big as we developed this project. Their commitment to achieving fairness and improving justice in our criminal justice system helped shape the design of our work. We extend a special acknowledgment to Kristin Bechtel.

The multi-year process of working closely with court staff in 91 jurisdictions meant many NCSC staff were actively involved in project conception, design, and data collection, cleaning, and analysis. While some are no longer at the NCSC, we want to thank the many people who were along for the ECCM ride and absolutely critical for its success. These include Ms. Erika Bailey, Dr. Scott Graves, Dr. Matthew Kleiman, Mr. Tracey Johnson, Mr. Neil LaFountain, Ms. Cynthia Lee, J.D., Mr. Nial Raaen, Ms. Shannon Roth, Dr. Allison Trochesset, and Ms. Brittney Via. Dr. Miranda Galvin provided thoughtful help and guidance on the analytical methods used in the report. This publication benefited greatly from the design and layout of Mr. Neal Kauder and VisualResearch. We are uncommonly grateful to the many helping hands.

Executive Summary

The Effective Criminal Case Management (ECCM) project was designed to discover effective practices in the state courts for resolving felony and misdemeanor cases. After collecting a standardized set of case-level data from 1.2 million felony and misdemeanor cases from over 136 courts in 21 states, ECCM project staff analyzed the data to determine the factors most directly shaping criminal case-processing time. ECCM staff examined variables related to court structure (e.g., single-tiered vs. two-tiered), court organization (e.g., type of calendar), and case characteristics (e.g., seriousness of offense, number of continuances) to determine their influence on the timeliness of case processing. Results indicate that court structure and organizational features have minimal effect on timeliness. However, court case flow management practices, in particular limiting the number of hearings and continuances per disposition and effectively managing the duration between scheduled court events, are the key to timely case outcomes.

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Introduction

Criminal cases are the most publicly visible matters that courts handle. Because of constitutional and statutory speedy trial rules, time standards and case flow management techniques were first created for criminal cases. Despite decades of attention, delay in criminal case processing remains an ongoing problem for state courts. Few other problems command as much attention from judges, attorneys, and the public; nevertheless, understanding of the factors that drive delay remains incomplete. Until now, insufficient comparative information has been available to fully examine patterns and variables to uncover the determinants of timely criminal case processing.

ECCM was designed to address this perennial problem by taking a detailed, empirical look at what currently shapes the variation in felony and misdemeanor case-processing time in today's state courts. The first step was to compile the largest case-level data set ever assembled on the details of criminal case flow. The data indicate several compelling findings that should help judges and court administrators understand what does and does not matter in improving criminal case timeliness in the 2020s.

Caseflow Management:

Case flow Management is the set of actions a court takes to control the legal process by scheduling, arranging, and conducting key procedural events. The manner in which a court carries out its choices defines the nature of the legal process for the parties and their attorneys.

Timeliness and Due Process

ECCM analyzed criminal cases in terms of time to disposition, a widely understood and measurable outcome. Many judges and practicing attorneys express concern about the emphasis on compliance with time goals at the possible expense of due process. Compliance with time guidelines or goals should certainly not be the primary objective. Time guidelines are often misconstrued as “requirements,” when in fact they provide a marker to assess whether cases are moving faster or slower, allowing the court to determine where potential problems might lie. Good case management is about ensuring that parties have adequate preparation time while working to eliminate unnecessary delay between events and ensuring that events are productive. Less wasted courtroom time and greater predictability should have collateral benefits for prosecution and defense in a well-managed system.

Timeliness in the context of effective case flow management signals a much broader responsibility of the courts: to ensure that each person's constitutional right of due process is honored in the process of seeking justice in individual cases. From this perspective, timeliness is a vital indicator of the health of a court and should provide comfort to those who fear that an emphasis on timely disposition of criminal cases is at the expense of “doing justice.” Prior to getting into results, we examine the current approach to assessing timeliness in criminal cases.

Coming to Terms with Timeliness

What is the right balance between expedition and quality justice? Since their first formal articulation, time standards have served as an attempt to address this question. After having adopted speedy trial rules for criminal cases in 1968, the American Bar Association adopted time standards for other case types as well in 1976, amending them in 1984 and again in 1992. The Conference of State Court Administrators promulgated national time standards for cases in state courts in 1983. Together, the National Center for State Courts (NCSC), the American Bar Association, and the National Association for Court Management, with endorsement from the Conference of Chief Justices and the Conference of State Court Administrators, put forth a new set of *Model Time Standards for State Trial Courts* in 2011.¹

For criminal cases, the time standards are clearly ambitious. As shown below, the *Model Time Standards* provide for an initial time period within which 75 percent of the filed cases should be resolved, a second time period within which 90 percent of the filed cases should be resolved, and a third time period within which 98 percent of filed cases should be resolved. The 98 percent benchmark is meant to be the maximum time that should be taken to decide and finalize all but the most highly complex cases.

Model Time Standards	
Felony Dispositions	Misdemeanor Dispositions
75% within 90 days	75% within 60 days
90% within 180 days	90% within 90 days
98% within 365 days	98% within 180 days

The time standards are designed as goals toward which courts should strive and therefore provide a measure for assessing the effectiveness of local courts in the area of expedition and timeliness.

1 *Model Time Standards for State Trial Courts*. Available at: https://www.ncsc.org/_data/assets/pdf_file/0032/18977/model-time-standards-for-state-trial-courts.pdf

Time Standard Design: Aspiration and Reality

The results of the ECCM project show that no court can consistently meet the aspirational timeframes defined by the *Model Time Standards*. The good news is that ECCM has gathered the data to allow time standards to be redefined based on the actual performance of the state courts. All previous efforts to establish timeframes lacked valid information on actual case-processing time to inform the setting of realistic time standards, leading to unrealistic goals. Management studies indicate that standards that can never be achieved do not serve a purpose and can eventually become an excuse for not seeking to meet any standards at all. The result is that failure to meet the goals becomes excusable, acceptable, and in fact expected.²

Court leaders and attorneys who do not believe in the achievability of timeliness will simply stop trying, both individually and collectively. The difference between high standards and unrealistic standards is that the high standards are in fact achievable. High standards that cannot be attained undermine the desired results.³

The ECCM Approach to Assessing Timeliness

This project does not propose a revised set of criminal case time standards. Rather, it investigates the question of why some courts are more timely than others and in the process provides empirical evidence useful in ongoing discussions about the design of achievable, high performance time standards. The ECCM approach draws on the structure of the *Model Time Standards*, while using actual time to disposition to sort participating courts into groups based on measured case-processing time. For felony cases, we use a modified version of the 365-day *Model Time Standard* and distinguish three case-processing time groups:

Felony Time Groups

Category	Description	Definition
Time Group 1	More Timely	Court resolves more than 90% of felony cases within 365 days
Time Group 2	Midrange	Court resolves between 80% and 90% of felony cases within 365 days
Time Group 3	Less Timely	Court resolves less than 80% of felony cases within 365 days

The *More Timely* category relaxes the *Model Time Standard* goal of 98% within 365 days to include courts meeting a solid performance level of 90%, a challenging though attainable goal for a high-performing court. The *Midrange* category is the set of courts that are within close range of the overall average of all participating courts in terms of felony case-processing time (83% within 365 days). The *Less Timely* category contains the set of courts where fewer than 80% of felony cases are resolved within 365 days; these courts may benefit most from the results of this study.

For misdemeanor cases, we use four case-processing time categories, due to wider variation among courts in time to disposition and the extent to which most courts fail to achieve the *Model Time Standards* goals. For misdemeanor cases, we use a modified version of the 180-day *Model Time Standard*:

Misdemeanor Time Groups

Category	Description	Definition
Time Group 1	More Timely	Court resolves more than 90% of misdemeanor cases within 180 days
Time Group 2	Timely	Court resolves between 80% and 90% of misdemeanor cases within 180 days
Time Group 3	Midrange	Court resolves between 70% and 80% of misdemeanor cases within 180 days
Time Group 4	Less Timely	Court resolves less than 70% of felony cases within 180 days

Few courts meet even the relaxed goal of 90% of misdemeanor cases within 180 days and no court approaches the *Model Time Standard* goal of 98%. As above, the *Midrange* category contains the courts that are within a few percentage points of the overall average for all courts providing misdemeanor data (77% within 180 days).

² “Are High Expectations Hurting Your Team?” at <https://hbr.org/2019/01/are-your-high-expectations-hurting-your-team>

³ Lunenburg, Fred C. 2011. *Goal-Setting Theory of Motivation*. 15 International Journal of Management, Business, and Administration. 1. “The key point is that a goal must be difficult as well as specific for it to raise performance. However, there is a limit to this effect. Although organization members will work hard to reach challenging goals, they will only do so when the goals are within their capability.” (p. 3).

Major Project Findings

Millions of criminal cases resolved each year, many outside national time standards

- Over 18 million criminal cases—5 million felony and 13 million misdemeanor—are resolved each year in US state courts. Putting these numbers in context implies 40 felony cases and 100 misdemeanor cases are resolved each minute of every day around the country.
- The average time to disposition is 256 days for a felony case and 193 days for a misdemeanor.
- No court in the study meets the current national time standards. Current national time standards indicate that 98% of felony cases should be resolved within 365 days. On average, ECCM courts resolve 83% of felony cases within 365 days. The Model Time Standards call for 98% of misdemeanor cases to be resolved within 180 days. ECCM courts resolved only 77% of misdemeanors within 180 days.

All Courts Do the Same Work, But Some are More Timely than Others

- Across all courts, there are no significant differences in the composition of felony caseloads or manner in which cases are resolved. Likewise, there is consistency in the composition of misdemeanor cases and their manner of disposition, though to a lesser degree than felony cases.
- Despite broad similarity across all courts in the mix of case types and the way cases are resolved, some courts consistently resolve the same caseload with tighter timeframes than other courts.
- The courts can readily be sorted into groups based on differences in their timeliness.

What Accounts for Differences in Timeliness?

- The primary drivers of case-processing time are the number of continuances per case and the number of hearings per case.
- *More Timely* courts better maintain control over scheduling and reduce both the number of continuances as well as the time a continuance or an additional hearing is allowed to add to the schedule.

What Does Not Explain Differences in Timeliness?

- There is no evidence of any connection between the timeliness of criminal case processing and any particular type of court organization, including size of court, method of judicial selection, type of calendar filings per judge, length of presiding judge term, or the availability of case management reports.
- Differences in court structure play a small but surprising role in overall average timeliness, with single-tiered courts being least timely and two-tiered courts with direct felonizing in the upper court and all misdemeanors resolved in the lower court being most timely. However, the independent effect of court structure disappears when factors related to case management are considered.
- Regarding the mix of case types, courts handle the same types of cases in the same proportion.
- For manner of disposition, timely courts have the same proportion of trials and pleas. Notably, timely courts dismiss fewer cases than the slowest courts.
- The *More Timely* courts are faster across all case types and all manners of disposition.

Timeliness Is Determined by the Court's Policies and Practices

- Any court that practices effective case flow management can achieve timely outcomes.
- What works in successful courts can be generalized to other courts.

Analysis Plan

More than 5 million felony cases and 13 million misdemeanor cases were resolved in state trial courts in 2016.⁴ Significant court resources are directed at processing this large and rising volume of criminal cases; however, many courts still experience considerable congestion and delay. National initiatives designed to support more efficient case resolution must also appreciate that state courts operate within a wide range of different structures, organizational practices, and judge and staff workload levels. Despite the variation, ECCM finds that all courts can benefit from using a common set of case management practices to resolve criminal cases in an efficient and timely way.

The purpose of this report is to develop a greater understanding of what criminal caseloads look like across state courts and how they are being resolved. This involves taking a close look at the similarities and differences in felony and misdemeanor case-processing times among the 91 courts participating in ECCM, as well as determining which of the jurisdictions approach a desired pace of litigation using the *Model Time Standards* as a guide.

We also examine the extent to which differences in the pace of litigation are shaped by court structure and resources, caseload characteristics, and court case management practices, if at all. The point of this exercise is to disentangle and clarify the drivers of timeliness that are within the court's control.

A well-rounded data approach was used to include three levels of analysis: court and community factors, local organization and practice, and case-level characteristics.

This study provides the most in-depth look ever undertaken at a wide variety of structural, organizational, and case-specific factors and their relationship to effective criminal case flow management. The three levels of analysis were examined descriptively, in the aggregate and between groups of courts that vary in terms of the pace of litigation. A predictive model was also developed and tested to identify which factors were reliable predictors of timeliness in felony and misdemeanor criminal cases. The three levels of analysis are described in more detail below.

Factors Examined in the Analysis



Court & Community Factors	Local Organization & Practice	Case Characteristics
Court Structure	Court Administration	Time to Disposition
Method of Judicial Selection	Judicial Staffing	Case Identifiers
Term of Judicial Assignment	Case Flow Policies	Key Procedural Event Dates
Population of Jurisdiction	Case Assignment	Seriousness of Charge
Total Felony Caseload	Leadership Selection	Manner of Disposition
Total Misdemeanor Caseload	Information Sharing	Defendant Legal Status
Caseload per Judge	Prosecution and Defense	Number of Court Hearings

Nationally, the average time to disposition is 256 days for felony cases and 193 days for misdemeanor cases, with considerable variation among courts.

ECCM Findings



~18,000,000
Cases Resolved Per Year



~5,000,000
Felonies
~2,400 Per Hour



~13,000,000
Misdemeanors
~6,000 Per Hour

⁴ Total estimate based on data compiled by NCSC as part of the Effective Criminal Case Management Project.

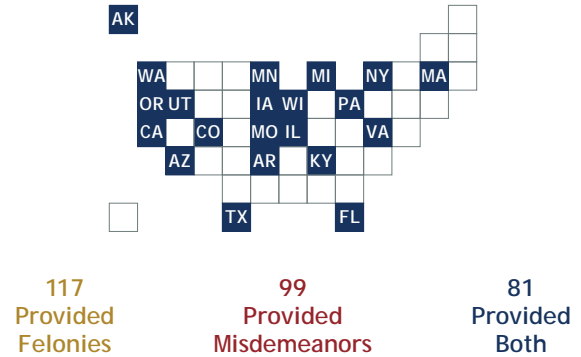
Findings: Court and Community Factors

Summary information about the court and broader context of each site was collected. This information included state, court level, population of the jurisdiction, number of judges, total felony and misdemeanor cases disposed by court, and court structure.

Participating Courts

Ninety-one courts from 21 states provided case-level data for the study. States were geographically diverse and included mostly larger courts for greatest comparability. Nearly all jurisdictions were within the 300 most populous counties in the nation.⁵ Population size per site ranged from approximately 33,000 to 4,500,000 and totaled over 66 million, representing 21% of the national population at the time of data collection.

21 States Contributed ECCM Data
136 Courts, 91 Jurisdictions



Court Structure

A common way to describe state court structure is to distinguish between single-tiered courts (also called unified courts) that resolve all types of cases in a single court level and two-tiered courts that divide the work of the court between general jurisdiction and limited jurisdiction court levels. However, it is necessary to make additional distinctions to understand important differences in how criminal cases are handled that can impact timeliness. ECCM identified four alternative court structures that help clarify the wide variety of paths felony and misdemeanor cases can take within the 21 participating states.

Overview of ECCM Courts

	Alaska	Arkansas	Arizona	California	Colorado	Florida	Iowa	Illinois	Kentucky	Massachusetts	Michigan	Minnesota	Missouri	New York	Oregon	Pennsylvania	Texas	Utah	Virginia	Washington	Wisconsin
ECCM Structure	2	2	4	1	2	4	1	1	2	2	2	1	1	2	4	3	2	4	2	4	1
Number of Localities	5	3	5	3	7	2	2	1	3	6	3	5	7	5	6	15	2	4	1	3	2
Number of Courts	10	6	7	3	14	4	2	1	6	6	3	5	7	10	6	30	2	8	1	3	2
General Jurisdiction	●	●	●	●	●	●	●	●	●		●	●	●	●	●	●		●	●	●	●
Limited Jurisdiction	●	●	●		●	●			●	●				●		●	●	●			
Felony Case Data	●	●	●	●	●	●	●	●	●		●	●	●	●	●	●		●	●	●	●
Misdemeanor Case Data	●	●	●	●	●	●	●	●	●	●		●	●	●	●	●	●	●			●

5 Eight (9%) jurisdictions had lower ranks, but all counties were within the top 1,500 by population size in 2015.

ECCM State Court Structures

Legend: Felony Cases Misdemeanor Cases Lower Court Upper Court

Comparing state court structures is complicated due to unique features of process among states and even levels of court within the same state. To simplify the complexities of state court structure and process, consider only the entry and exit points for felonies and misdemeanors. In other words, which court level(s) has jurisdiction to handle felonies or misdemeanors, and which court level(s) typically dispose those cases? These simple diagrams show potential entry and exit points for criminal cases, underscoring the numerous permutations and emphasizing the variability of the state courts.

ECCM Structure	Number of Jurisdictions	Court Type	Court Description	States	Court Structure
1	20	Single-Tier Courts	Single-tiered court or Two-tiered court with exclusive felony and misdemeanor jurisdiction in the upper court.	California Indiana Illinois Minnesota	
				Missouri Wisconsin	
2	35	Traditional Two-Tier Courts	Traditional two-tiered court with felony bindover and some/minimal felonies resolved in lower court. Misdemeanor handled and resolved in lower court.	Arkansas Massachusetts Michigan Texas Virginia	
				Alaska Colorado Kentucky New York	
3	15	Modified Two-Tier Courts	Two-tiered court with felony bindover and misdemeanor cases resolved in both upper and lower court.	Pennsylvania	
4	21	Two-Tier Courts – Variable Direct Filing	Two-tiered court with exclusive felony jurisdiction in upper court and misdemeanor jurisdiction in lower court or direct felon filing in upper court and misdemeanor jurisdiction in lower court or exclusive felony jurisdiction in upper court and misdemeanors handled and resolved in both upper and lower court.	Florida Oregon	
				Arizona Washington	
				Utah	
Total	91	Note: count by jurisdiction (e.g., county, city), not by court since some two-tiered systems had 2-3 courts per jurisdiction.			

Only a small number of felonies are resolved in these lower courts.

- A small difference exists in the overall average for case-processing time across court structures, with the lowest time in two-tiered courts in which the general jurisdiction court handles felonies and the lower jurisdiction court handles misdemeanors (ECCM Structure 4) and, surprisingly, with the highest time in single-tiered courts (ECCM Structure 1).
- While the two-tiered structures referred to above create the opportunity for more timely case processing through more efficient processes, it is active case flow management that makes the biggest difference.
- For that reason, the most timely courts are found among all state court structures. While these courts do not share a common structure, they share a common attribute: effective case flow management guided by court leadership.

Findings: Local Organization and Practice

Considerable attention has been paid over the years to the wide variety of organizational factors potentially shaping judicial administration and management of criminal case flow. Meeting the overall time goals for criminal cases is challenging because effective outcomes require the involvement of multiple justice system partners, including the public defender's office, the prosecutor's office, and pretrial services. All agencies must work together to achieve fair and timely resolution of criminal cases while meeting their institutional responsibilities. Consequently, a survey was sent to each participating site, focused on organizational characteristics and local practices of each court.

Case Assignment and Type of Calendar

The courts were evenly split in whether they have a separate division for handling felony cases or if all judges handle felony cases as part of a general jurisdiction docket. There is some speculation in the literature that a specialized docket may achieve greater efficiencies in case processing as judges are able to focus solely on one type of case. However, no correlation was found between case assignment practice and felony case processing time.

An individual calendar system is one in which each case is randomly assigned a judge (or shortly thereafter) to an individual judge who will be responsible for assigned cases through the entire life of the case. This places responsibility for case management directly with the assigned judge. Master calendars involve the assignment of judges to preside over particular court events, rather than managing cases throughout their life cycle. In a master calendar system judges may be assigned to specific event dockets (arraignment, pre-trials, trials) or rotated through all event types. There are also hybrid calendars that employ variations on these two types.

While judges and administrators can be very adamant in their calendar preferences, there was no indication from the data that the type of judicial calendars is relevant to timeliness in felony case processing. A majority of the responding courts reported individual calendar systems, with a slightly smaller number having hybrid systems, and only a handful reporting that they use a true master calendar.

Judicial Selection and Terms

The various methods for selecting chief or presiding judges include appointment, peer vote, or a nominating commission with terms in the ECCM study courts ranging from one to five years. For courts in the study with a separate felony division, the chief judges are chosen by appointment or peer vote and serve terms from one to five years, or indefinite. As one of the key questions is how courts sustain an effective case flow culture, it follows that stability in leadership might be a factor. This would suggest that longer leadership terms for presiding and criminal division chief judges might be a characteristic of successful courts. However, there was no discernable correlation between length of term for chief or presiding judges and the overall pace of litigation. In addition, the method of selection, which included seniority, election by peers, or selection by a higher court, did not appear to have an impact.

Administrative and Clerical Support Characteristics

Court administration and clerks' office staff provide important case management support functions, including updating case management systems, scheduling and calendaring, and records management. The manner in which court support services are structured and the services provided differ between states and levels of courts. The clerk function, which typically focuses on management of court case records, is provided in many states by an elected executive branch official. In others, this function is appointed and may be combined with court administration. This latter arrangement is more typical in lower jurisdiction courts. Courts with both elected and appointed clerk positions were in the study group.

The extent and scope of responsibility of court administrative personnel vary as well. One of the key functions in case management is the scheduling and calendaring of cases. In some of the participating courts presiding judges take a very active role in case assignment and scheduling, while others have delegated the day-to-day responsibility to administrative or clerk's office personnel. All courts in the study group, with the exception of Fairfax, Virginia, employ court administrators. The study did not find any correlation related to various administrative characteristics, including the type of selection (elected versus appointed), position responsible for scheduling and calendaring, or the length of service of the clerk or administrator.

Caseflow Policy and Procedure

To make the progress of criminal cases flowing to resolution more predictable and reliable, judges must adhere to a clearly articulated continuance policy. Past research suggests that effective courts create the expectation that events will occur as scheduled, knowing that participants will not appear or be prepared at a scheduled hearing if the certainty of their case being called is in doubt. This means that the court should provide advance notice in the event of judicial absence and monitor lawyer schedules when setting hearing dates to avoid the need for continuances due to appearance conflicts. Most participating courts report that hearings are set following judge and/or staff consultation with counsel.

Of course, even the most effective calendar practices cannot and, in fairness, should not eliminate all continuances. Yet continuances can be kept to a minimum by firm adherence to enforcement standards, under which continuances are granted only when good cause is shown and requests for continuances and extensions are in writing and are recorded in the court's case management information system. The survey results show considerable variation within and among courts with respect to continuance policy. Regardless, analysis found no correlation between reported practices and actual case processing time.

Information Sharing and Stakeholder Coordination

Management information reports are essential to day-to-day case flow management because they provide the information by which judges and court managers can measure their actual performance against expectations and identify problems that need attention. If used effectively, they allow courts to actually manage case flow.

The survey results show wide variety in the provision of individual judge reports and bench-wide case reports. While many courts say they provide such reports at least monthly, many others provide case management information only on request or not at all. The literature suggests that relationships with criminal justice partners are essential to successful implementation of case flow management principles and practices and is therefore considered a key requirement to success. Survey results show regular discussions of case management issues are not the norm, with meetings among court staff and justice partners said to be occasional in most courts. However, the majority of courts have established a "criminal justice council" to facilitate and encourage communication and collaboration. There was no correlation found between reported information sharing practices and felony case processing time.

Findings: Case-Level Data and Time Groups

Case-level information was collected on all felony and misdemeanor cases disposed within a one-year time frame. Caseload volumes varied across the participating sites, measured as total number of dispositions per site. Total number of dispositions for the study was 311,807 felonies and 888,813 misdemeanors.

Courts that agreed to participate received a standard data request that focused on case characteristics, key case events, defendant status (e.g., custody, representation), and case outcomes (*Criminal Caseflow Management Basics*). NCSC applied standard selection criteria to all cases, excluding non-criminal charges (e.g., civil infractions, ordinance violations) and restricting each sample to one year of dispositions. Through iterative communication with each site, NCSC ensured the requested data elements were properly interpreted for the data extracted from the site's case management system (See *Technical Note* for summary of data reporting).

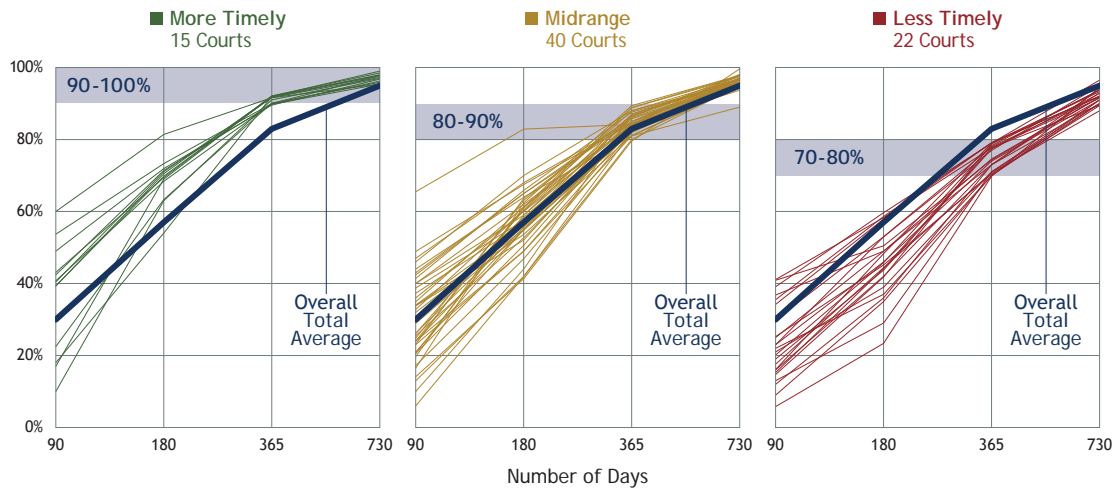
Key Elements of Successful Caseflow Management:

Count cases correctly. Determining how cases are counted is such a fundamental issue that it may be taken for granted in some courts. However, the way a court defines a "case" can dramatically change the "caseload" count. Factors that affect how courts count criminal cases include: the number of defendants, the number of counts (or charges), and the timing of incidents (for example, a string of related robberies) before the defendant is arrested. ECCM used the nationally recommended definition of a criminal case: all charges against a single defendant arising from a single incident.

Some courts were able to extract and report case-level data using the ECCM definition, with all charges of a single incident aggregated into a single case and separated for multiple defendants. Many courts reported charge-level information which repeated the same characteristics for each charge in a case. NCSC applied standard aggregating rules to aggregate the data into a single case per defendant based on the most serious charge alleged and disposition.

There is no correlation between timeliness of criminal case processing and the size or organizational characteristics of the court, including size of court, method of judicial selection, type of calendar, filings per judge, length of presiding judge term, or the availability of case management reports.

Time Standards: Percentage of Felony Cases Resolved at 90, 180, 365 and 730 Days



Time Groups

To examine how timeliness related to other key factors of case processing and local practice, case-processing Time Groups were formed. Groupings drew on the *Model Time Standards for State Trial Courts* to assess case-processing time using a standard metric.

Grouping were designed around actual court performance. For felonies, Time Groups were made based on the percentage of cases that were disposed within 365 days (benchmarked at 90% or better, 80-90%, and less than 80%). For misdemeanors, the same logic was applied to cases that were disposed at 180 days (benchmarked at 90% or better, 80-90%, 70-80%, and less than 70%).

Model Time Standards

Felony Dispositions	Misdemeanor Dispositions
75% within 90 days	75% within 60 days
90% within 180 days	90% within 90 days
98% within 365 days	98% within 180 days

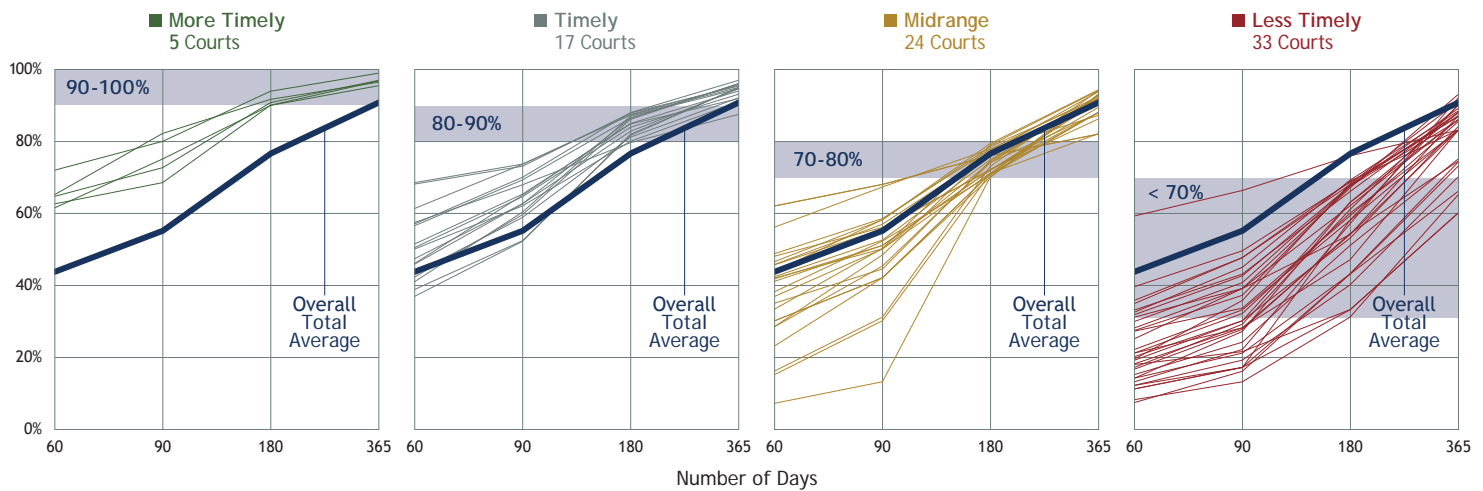
Felony Time Groups

Court Time Group	% Felonies Disposed	N Courts
More Timely	≥ 90% at 365 days	15
Midrange	80-90% at 365 days	40
Less Timely	< 80% at 365 days	22
TOTAL		77

Courts were grouped based on performance against time standards using their total time from filing to disposition to measure all case time (i.e., two-tiered systems included all case time from filing in the limited jurisdiction to disposition in the general jurisdiction court). Sites were excluded if they were unable to represent the full life of a case. This included any instance where a court was unable to provide one leg of a case (time missing in limited or general jurisdiction) or where one level of court provided data (e.g., general jurisdiction) but the other level of court was not a study participant (e.g., a limited jurisdiction court that holds preliminary hearings/enters pleas).

The graphic at the top of this page illustrates the formation of each of the Time Groups, indicating the share of felony cases resolved at 90, 180, 365, and 730 days for all participating courts. The courts in each Time Group are shown to cluster at the 365 day mark. Faster courts tended to also have a higher proportion of felonies resolved at 180 days than the other two groups. However, by 735 days, all three Time Groups had above 90% of felony cases resolved.

Time Standards: Percentage of Misdemeanor Cases Resolved at 60, 90, 180, and 365 Days



Four Time Groups were developed for misdemeanor cases because of the wider variation in case-processing time when compared to the *Model Time Standards*. Few courts were in the *More Timely* category, with about three-quarters of the participating courts resolving less than 80% of misdemeanor cases within 180 days.

Misdemeanor Time Groups		
Court Time Group	% Misdemeanors Disposed	N Courts
More Timely	≥ 90% at 180 days	5
Timely	80-90% at 180 days	17
Midrange	70-80% at 180 days	24
Less Timely	< 70% at 180 days	33
TOTAL		79

No court in the study met the current national time standards. On average, ECCM courts resolved 83% of felony cases within 365 days and 77% of misdemeanors within 180 days.

ECCM Findings

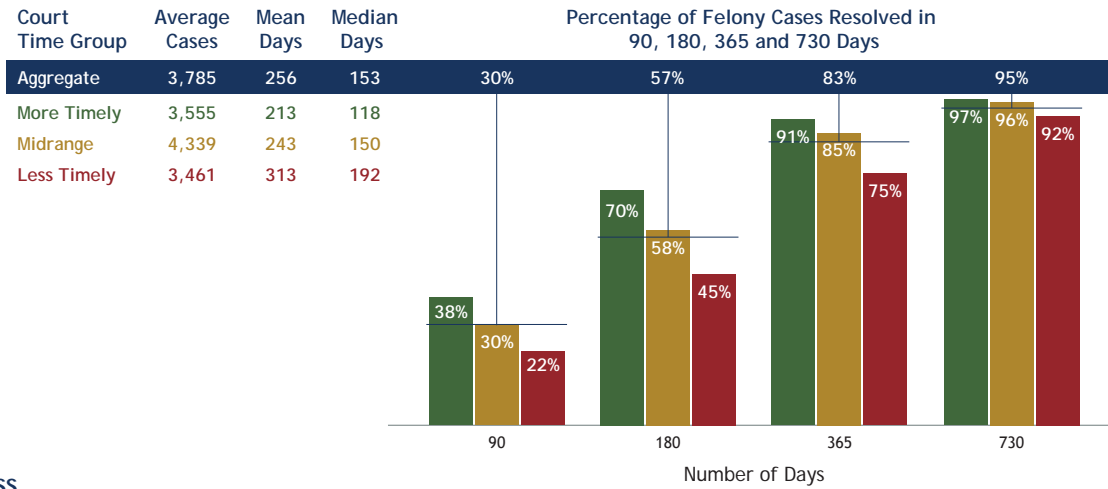
Timeliness

Timeliness was defined as the total number of days between the filing date and disposition date for a case. In multi-tier systems where felonies are originally filed in the lower court and bound over to the upper court, the total time across court levels was calculated to find the total case time. In cases where multiple charges were filed and disposed on different days, the earliest charge filing date and the latest charge disposition date were used to represent the total court processing time for that case.

Key Elements of Successful Caseflow Management:

Exercise early and continuous control. The court should set the tone for criminal case processing by insisting that cases move expeditiously from arrest and initial arraignment or bail hearing through plea or trial to sentencing and resolution of any post-sentence matters in the trial court. To ensure that dates are always assigned to events in every case, the court should consider a case-scheduling order early in every case. If both prosecution and defense lawyers have early access to the evidence in a case, the court can schedule case events at short intervals and insist that counsel meet deadlines for case preparation.

Total Time to Disposition for Felony Cases



Felony Timeliness

Overall, felony cases took an average of 256 days from filing to disposition. The median, or time point at which 50% of cases were disposed, was 153 days. At one year, an average of 83% of felonies were disposed across all sites. The court with the lowest proportion of felonies resolved within a year was 75%; the highest proportion was 91%. Above is a breakdown of the same statistics by Time Group.

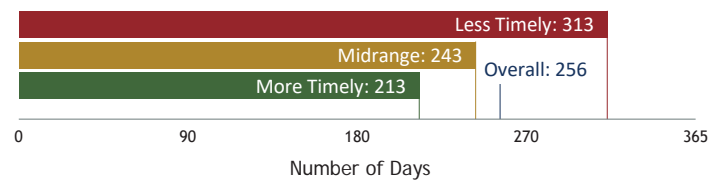
The graphics make clear that *More Timely* courts identify cases that are ready for early resolution and move to dispose these cases in the first six months. This conserves time and resources for the remaining cases that require greater attention from the court and allows more than 90% of felony cases to be resolved within 365 days. In contrast, *Less Timely* courts fail to monitor case progress while creating opportunities for negotiation and settlement, resulting in drift and delay.

One way to see more clearly how courts vary in practice is to examine the distribution of case-processing times and to compare typical profiles for courts in the different Time Groups.

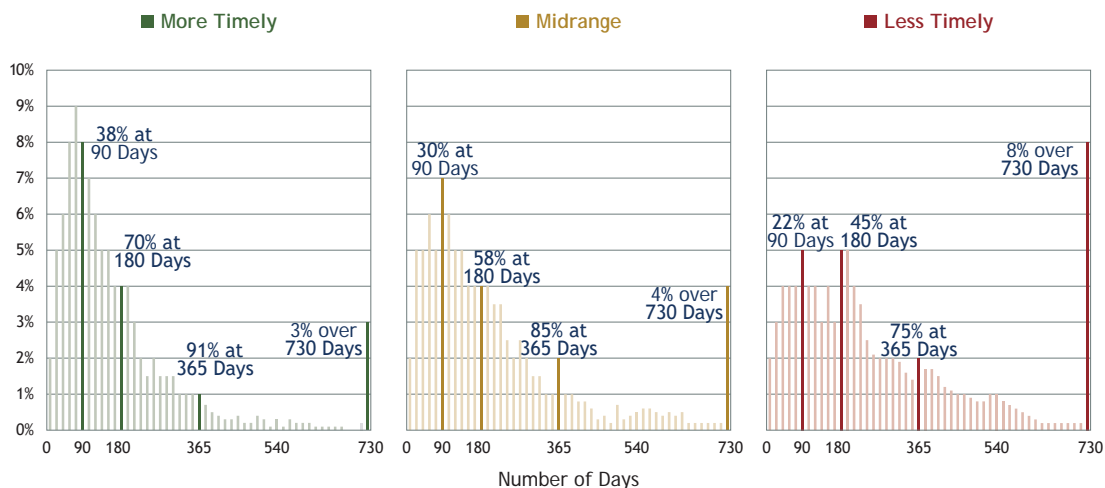
Time Group and overall averages were plotted along a timeline for visual comparison as well.

Most notable is the peak in the distribution of the *More Timely* court prior to the six month mark, a less pronounced peak occurring later in the timeline for the *Midrange* court, and the essential flat distribution for the *Less Timely* court.

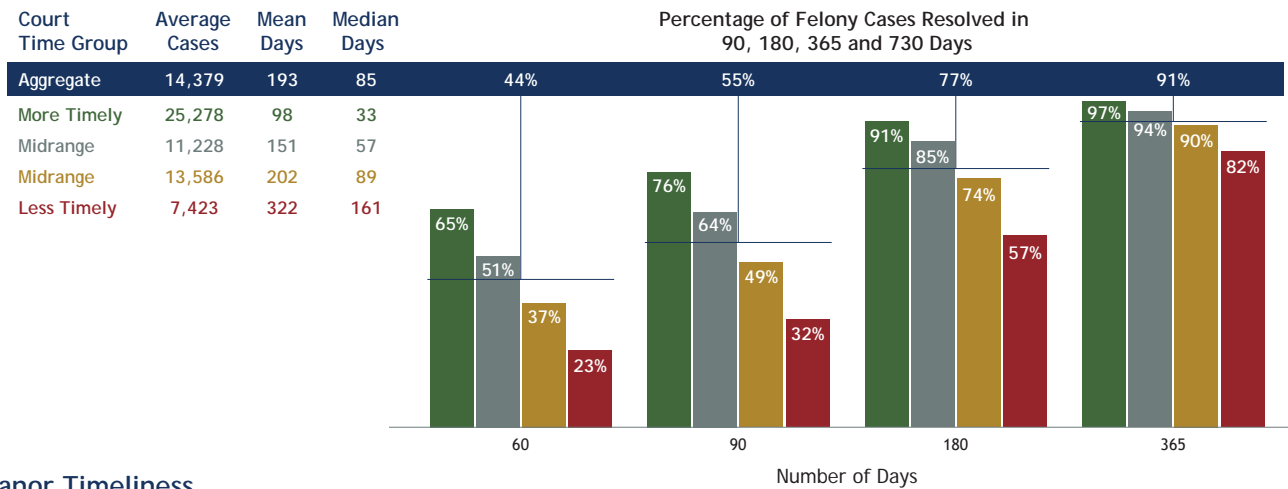
Felony Case Average Time to Disposition by Time Group



Percentage of Felony Cases Resolved Within 2 Years



Total Time to Disposition for Misdemeanor Cases



Misdemeanor Timeliness

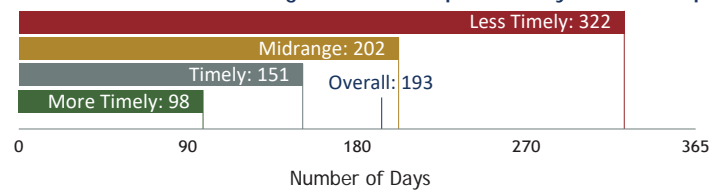
Overall, misdemeanor cases took an average of 193 days from filing to disposition. The median was 85 days. At six months (180 days), an average of 77% of misdemeanors were disposed across all sites. The lowest proportion of misdemeanors resolved within six months was 57%; the highest proportion was 91%. Below is a breakdown of the same statistics by Time Group.

Typical profiles were developed for courts in the different Time Groups showing the distribution of misdemeanor case-processing times.

In comparing the distributions, the most obvious difference is the early resolution of a sizeable proportion of misdemeanor cases in the *More Timely* courts. Fair and early resolution can occur when there is an effective system for identifying cases and defendants that will benefit from this process. An expedited procedure is more common for less complex cases that generally do not involve victims and have fairly predictable sentence outcomes. The process of case differentiation allows judges, prosecution, and defense to devote more time to more serious matters while being aware of overall case processing time goals. In the *Less Timely* courts, there is minimal evidence of early and continuing attention to managing case progress.

Time Group and overall averages were plotted along a timeline for visual comparison as well.

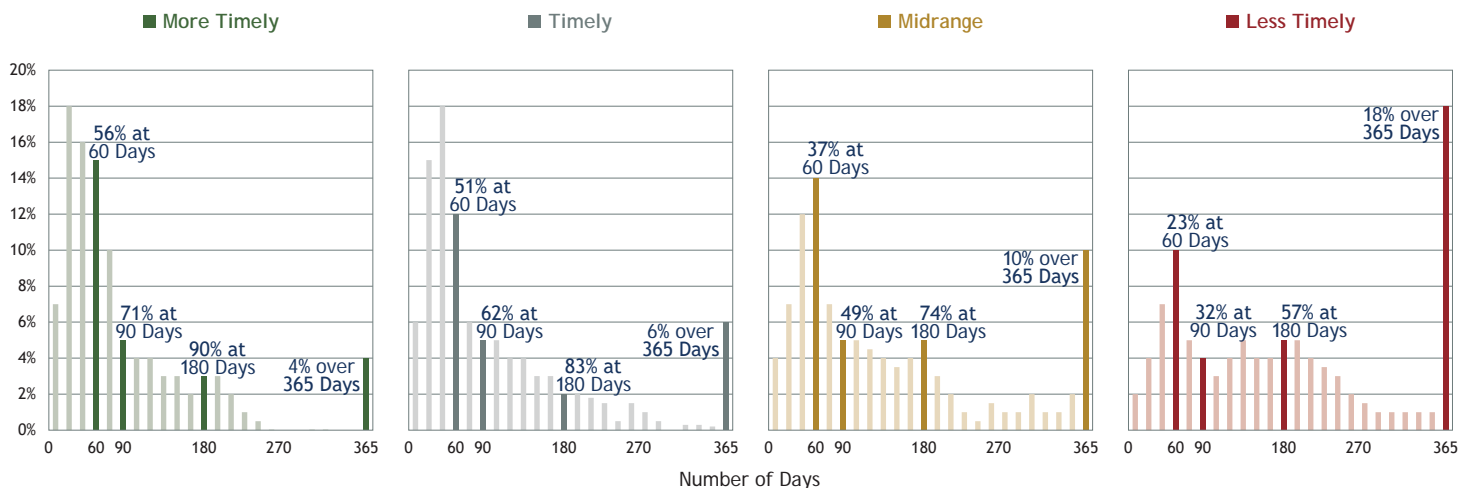
Misdemeanor Case Average Time to Disposition by Time Group



Key Elements of Successful Caseload Management:

Use time standards. The ability to link time standards to the number and type of criminal cases that must be processed is the key to meeting time to disposition goals. The time standards provide the necessary reference point and objective that all parties – law enforcement, prosecution, defense, and the court – are seeking to meet or exceed.

Percentage of Misdemeanor Cases Resolved Within 2 Years



Findings: Case Processing Characteristics

One important question is the extent to which court performance may be affected by the characteristics of case led in a particular court. Court leaders have argued that the ability of their courts to meet time guidelines is related to the uniqueness of their jurisdiction, citing, for example, a greater proportion of complex cases or higher rates of jury trials. Data collected during the study allow for comparison of a variety of case characteristics among Time Groups, including case mix, number of hearings, number of continuances, charge reduction, and manner of disposition, to determine if these claims hold true.

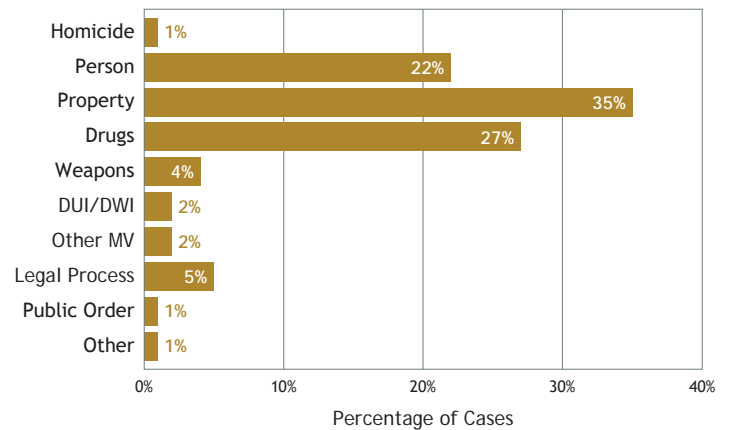
Case Types

Standard case types were developed for felonies and misdemeanors to allow for comparison across courts. Data received ranged from detailed statute descriptions to pre-coded data already maintained by a court's case management system. All case type categories were standardized across courts, with input from each site to ensure accurate recoding when necessary. Once all data were uniformly coded, some of the case type categories were collapsed based on small proportions of cases.

In multi-charge cases, the most serious charge a ling and most serious charge at disposition were captured as elements of interest. Charge seriousness was determined by charge degree and case type. For instance, felony charges always outranked misdemeanor charges, and two charges of the same degree were prioritized by case type. A hierarchy of case types was formed to determine most serious charge.

Felony Case Composition

~5,000,000 Cases



Key Elements of Successful Caseflow Management:

Establish case types. Choose categories that permit clear understanding of the types of criminal cases entering the court. ECCM used the following standardized case type categories, listed in descending order of seriousness:

Homicide: Cases involving murder, negligent manslaughter, vehicular homicide, and others as defined by state and local statute.

Domestic Violence: A person offense committed against another person with whom the defendant had a domestic relationship.

Person: A person-related offense that is not homicide or domestic violence (e.g., rape, assault, robbery, kidnapping, sex offenses, incest, menacing, child abuse).

Property: A property-related offense (e.g., burglary, larceny, theft, tampering, auto theft, arson, forgery, fraud, bribery, trespass, cruelty to animals).

Drugs: Drug-related offenses involving manufacture, distribution, sale, use, or possession of a controlled substance.

Weapons: Offenses involving violation of regulations/statutes regarding carrying, using, or possessing a weapon, or offenses in which a weapon was used in commission of a criminal act.

DUI/DWI: Cases involving driving or operating machinery while under the influence of alcohol or other controlled substances.

Other Motor Vehicle: Vehicle-related offenses that were non-DUI (e.g., reckless driving, other non-DUI charges, driving on a suspended license, habitual traffic violation).

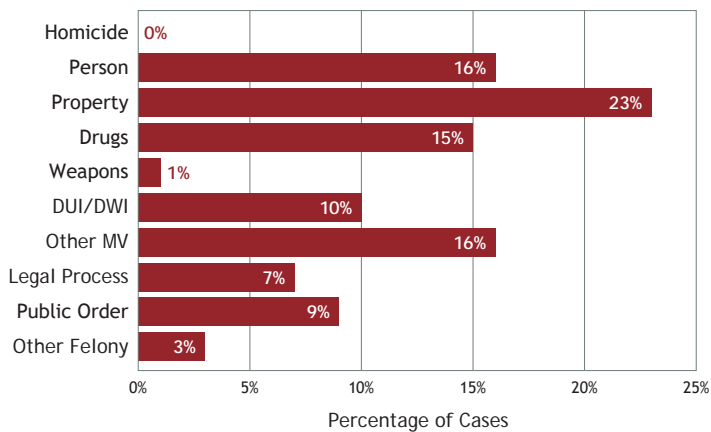
Violations of the Legal Process: Offenses involving obstruction of justice or disruption of the legal process (e.g., perjury, impersonation, obstruction of public justice, bail violation, protection order violation, escape, fugitive from justice).

Public Order: Offenses which generally threaten public welfare (e.g., violations of liquor laws, disorderly conduct, vagrancy, prostitution, criminal mischief, gambling, public peace and order, curfew, fare evasion, wildlife or natural resources offenses).

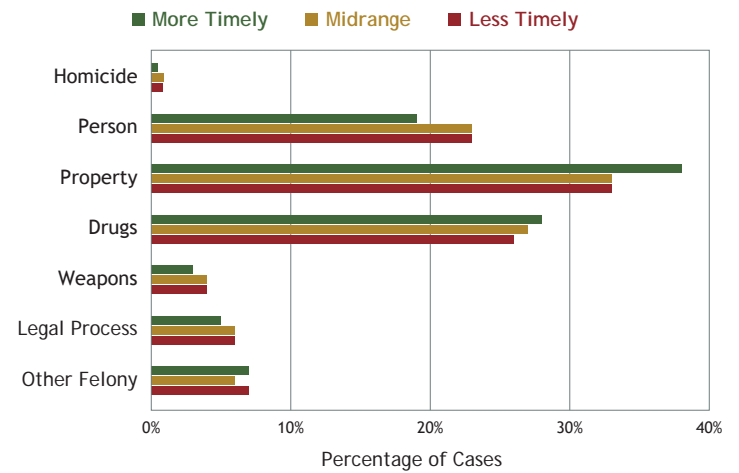
Other: The other category included felony or misdemeanor charges that did not fit into one of the categories defined above (e.g., abuse of public office, habitual criminal).

Misdemeanor Case Composition

~13,000,000 Cases



Felony Case Composition by Court Time Group



Felony Case Types

For greater focus on the relationship between case type and timeliness, smaller case type categories were collapsed. The final set of felony case type categories were:

1. Homicide
2. Person (Person, Domestic Violence)
3. Property
4. Drug
5. Weapons
6. Violations of Legal Process
7. Other (DUI/DWI, Other Motor Vehicle, Public Order, Other)

Overall, the greatest portion of felony cases were property-related, followed by drug and person-related cases.

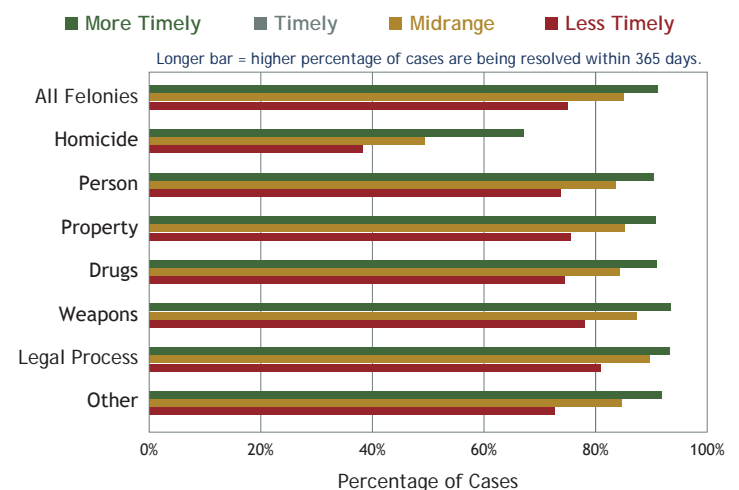
It has long been recognized that individual cases vary in the time they take and that there is often an observable difference in complexity among categories of cases. For instance, homicide matters typically involve greater preparation time by both sides and may involve substantial testimonial and forensic evidence. Less serious cases, such as public order and motor vehicle offenses, are typically less complex. One of the potential factors that could cause certain courts to be faster is a mix of cases that leans towards less complex cases. The following graphic illustrates the case mix by general case categories across the three Time Groups. As it turns out, felony case composition is quite similar across the Time Groups, and there are no statistically significant differences in the composition of caseloads:

To further investigate the difference in timeliness between Time Groups, their performance on the 365-day time standard was tested across the case types as well. The *More Timely* group consistently outperformed the other groups across all case types, followed by the *Midrange* group and lastly the *Less Timely* group.

While all the courts have similar felony caseloads with similar case type proportions, some courts consistently resolve the full range of felony cases more expeditiously. This finding refutes the conventional wisdom that *More Timely* courts have easier caseloads.

ECCM Findings

Percentage of Felony Cases Disposed Within 365 Days



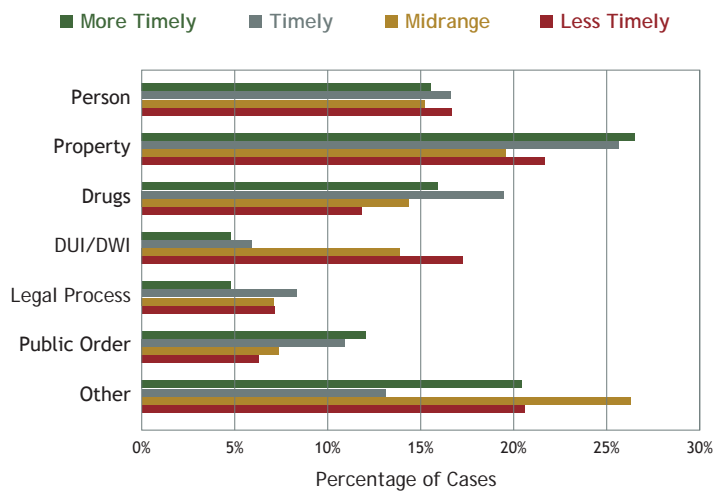
Misdemeanor Case Types

The final set of misdemeanor case type categories were:

1. Person (Misdemeanor Homicide, Domestic Violence, Person)
2. Property
3. Drug
4. DUI/DWI
5. Violations of Legal Process
6. Public Order
7. Other (Weapons, Other Motor Vehicle, Other)

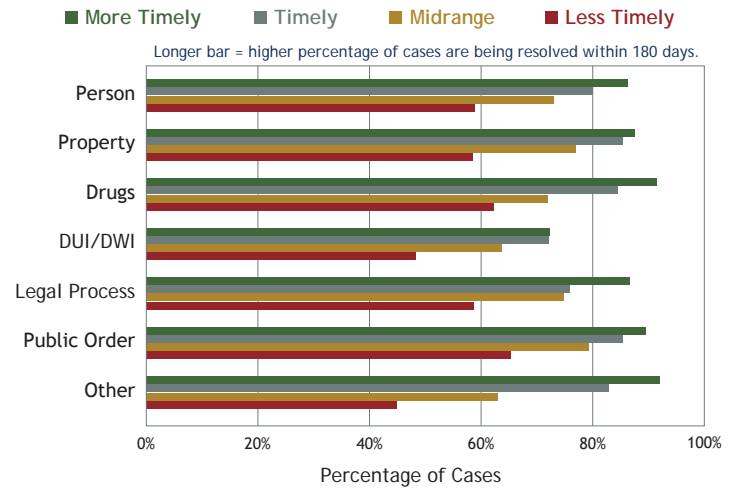
Misdemeanor case type distributions were not as clean and consistent as felony across sites. Property cases were still the most common for almost all groups, except for the *Midrange* group, which had a higher percent of cases in the *Other* category. The two slower Time Groups (*Midrange*, *Less Timely*) also reported more DUI/DWI misdemeanor cases than the faster Time Groups.

Misdemeanor Case Composition by Court Time Group



Time Group performance was tested against the misdemeanor 180-day time standard to investigate any differences within and between groups by case composition. Again, the fastest group (*More Timely*) consistently outperformed the other Time Groups across case types, though tied with the second group (*Timely*) on DUI/DWI cases. *More Timely* courts were above the overall average for each case type category. Similar to the felony Time Group findings, the misdemeanor Time Groups displayed a stepped pattern in timeliness across each case type, the *More Timely* courts are faster for all types of misdemeanor cases and the *Less Timely* courts are slower for all case types.

Percentage of Misdemeanor Cases Disposed Within 180 Days



There is consistency in the composition of misdemeanor cases among courts, though to a lesser degree than felony cases, and the *More Timely* group proved to be faster across all case types. **ECCM Findings**

Intermediate Case Events

While courts must allow adequate time to accomplish necessary tasks, events should also be scheduled sufficiently soon to maintain awareness that the court wants reasonable case progress. Attention to the timing between key intermediate events helps ensure that attorneys retain a sense of urgency about case preparation and case progress.

Key Elements of Successful Caseload Management:

Track time between events. To focus on case progress and ensure that no case is overlooked, courts should monitor the progress of criminal cases through key intermediate stages from filing to disposition. Many judges and court managers do this on a day-to-day basis when they track, for example, the date of the last court event, whether the current scheduled event has been continued from a previous date, and the date of the next court event. To support this effort, the *Model Time Standards* include intermediate court events for *time to first appearance* and, for felony cases in a two-tiered structure, *time to bindover* (or arraignment in the upper court). Time goals for intermediate stages give the court criteria for monitoring case progress and allow for the early identification of cases that may need further management attention to reach fair outcomes in a timely manner.

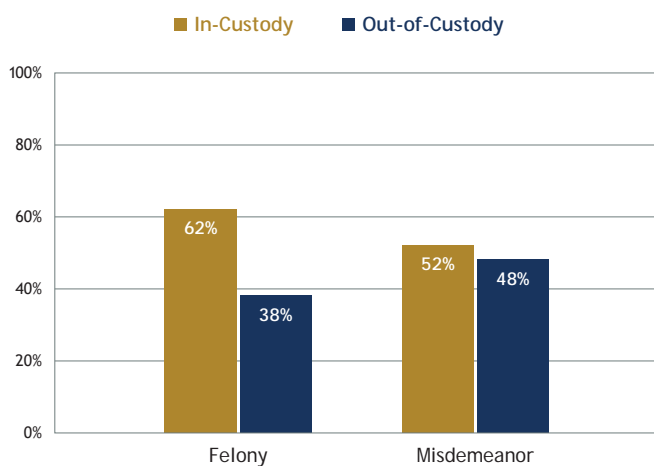
First Appearance

First appearance before a judge or judicial officer is an important early milestone in all criminal cases. Fair and expeditious handling of criminal cases begins with timely first appearance where the defendant is arraigned on the charges, indigency and eligibility for pretrial release is determined, counsel is assigned, and early discovery is exchanged. First appearance may also be the first opportunity to discuss plea options. Prompt first appearance encourages earlier case intervention by justice partners, including prosecution, defense, pretrial services, and other community services or programming.

Custody Status

Defendants in custody after arrest should appear in timely fashion for judicial review and determination of eligibility for release. Intermediate time standards suggest a benchmark of 24-72 hours from time of arrest to first appearance, unless otherwise specified by state and local statute. Earlier appearance reduces the number of days a defendant may be held pretrial if they are eligible for release and protects the public by ensuring judicial oversight for defendants who may pose a risk to public safety.

Custody Status at Initial Appearance



Very few courts⁶ were able to provide sufficient data on pretrial detention/release (Pretrial Release Decision Date; Pretrial Custody Status; Number of Days Held in Pretrial Detention). This data is often maintained by another justice partner such as the Department of Corrections or Pretrial Services.

However, some⁷ were able to indicate whether the case was initiated by arrest or summons (e.g., citation, ticket, warrant), which was used as a proxy for custody status at case initiation. Because the individual may have been taken into custody at a later point in the pretrial process (e.g., felony summons would include an arrest warrant) this serves as an imperfect proxy for the earliest point in the case. Taken into consideration for timing to first appearance, it serves to distinguish those cases with a defendant currently in custody and examine the length of their wait to first appearance. Sixty-two percent of felony and 52% of misdemeanor cases were initiated with a defendant in custody.

Felony Custody Status

There was insufficient data to further analyze felony first appearance by custody status at initiation. Instead, the table below presents time to first appearance for all felonies regardless of custody status. Half of felony cases had first appearance within 48 hours. Judging by the mean and median, it is likely that many cases were in fact summons or warrant cases upon filing.

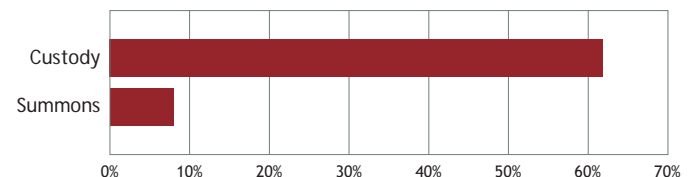
Felony Case Time to Initial Appearance

≤ 48 Hours	50%
Average Days	43.2
Median Days	11.6

Misdemeanor Custody Status

Initial appearance for misdemeanors was separated by custody and summons case initiation. Overall, defendants in custody were much more likely to have first appearance within 48 hours compared to those initiated by a summons.

Misdemeanor Case Time To Initial Appearance: % Within 48 Hours



⁶ Only four courts provided information on pretrial custody status.

⁷ Between 26-50% of courts in the sample were able to provide complete data on whether the case was initiated as a summons/citation versus an arrest.

Bindover

Time to bindover is another key case event that marks the point at which a criminal case within a two-tiered court system is transferred to the general jurisdiction where it is resolved. Limited jurisdiction courts typically handle preliminary case events such as first appearance, arraignment, pretrial release, and determination of indigency. In some court systems they may also have jurisdiction to dismiss a case or accept a plea without bindover to the general jurisdiction court.

Intermediate time standards suggest 98% of cases should be arraigned or indicted on the information within 60 days. This includes the initial hearing by the general jurisdiction court following bindover in two-tiered systems. About two-thirds of courts met this standard (66%), with the average just above the standard and the median at about 6 weeks.

Felony Case Time to Bindover

≤ 60 Days	66%
Average Days	43.2
Median Days	11.6

Number of Case Events

Criminal case processing involves a range of case events, including standard procedural events such as first appearance, arraignment, and bail review, but may also involve a varying number of additional court appearances for preliminary hearings, pretrial conferences, trial readiness, and trial. Each event is intended to be productive to case progression and promote due process for the defendant. Given wide variety in the names courts use for similar court events, ECCM adopted the generic term of “hearing” for all court events scheduled and held, with the exception of trials.

Event Categories:

Hearings scheduled: Court hearings set for a future date. Hearings are before a judge or judicial officer.

Hearings held: Court hearings that were called and attended by all required parties.

Continuances: A court hearing that was continued to another date due to lack of time to fully resolve a case issue in one hearing, or a court hearing that was postponed due to lack of preparation or appearance.

Trial dates scheduled:

A jury or bench trial date that is set in the future, regardless of whether the trial was held or not.

Key Elements of Successful Caseload Management:

Make each court event meaningful. A basic tenet of criminal caseload management is that court scheduling of case events should ensure that no case is unreasonably interrupted in its procedural process and that defendant rights are preserved. For management of case progress to be effective, the court should promote preparation for court events by the lawyers. Cases settle or reach a timely disposition when lawyers are prepared.

Preparation is enhanced by creating the expectation that court events are meaningful. That is, the court should communicate to all participants the purpose, deadlines, and possible outcomes of all proceedings so all events can occur as scheduled and contribute substantially to the resolution of the case. This requires careful exercise of judicial control.

Set firm trial dates. A court’s ability to hold trials on the first date they are scheduled to be heard (trial date certainty) is closely associated with timely case disposition. Credible trial dates require firm and consistently applied policy to limit the number of trial date continuances. If continuance practices are too lenient, attorneys are less likely to be properly prepared on the trial date, which increases the likelihood of a breakdown in the trial calendar.

Felony Case Events

Case events for felonies were counted based on the level of court in which they were disposed. If a felony was disposed in the general jurisdiction of a two-tiered system, all events for the total case were counted in the general jurisdiction row. Single-tiered systems are counted on the general jurisdiction row as well. Cases ending in general jurisdiction court have greater event counts overall, which is logical given that many felonies in two-tiered systems are bound over for disposition unless the state allows for dismissals or pleas to be entered in the limited jurisdiction court.

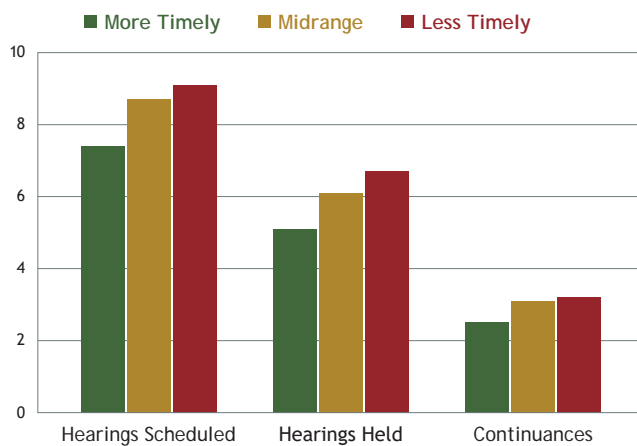
Average Number of Felony Case Events

Level of Court Disposition	Hearings Scheduled	Hearings Held	Continuances	Number of Trial Dates Set Per Trial Held
Limited Jurisdiction	3.9	3.4	0.9	1.2
General Jurisdiction*	8.6	5.9	3.0	3.4

* For two-tiered systems, includes total number of events from any level of court.

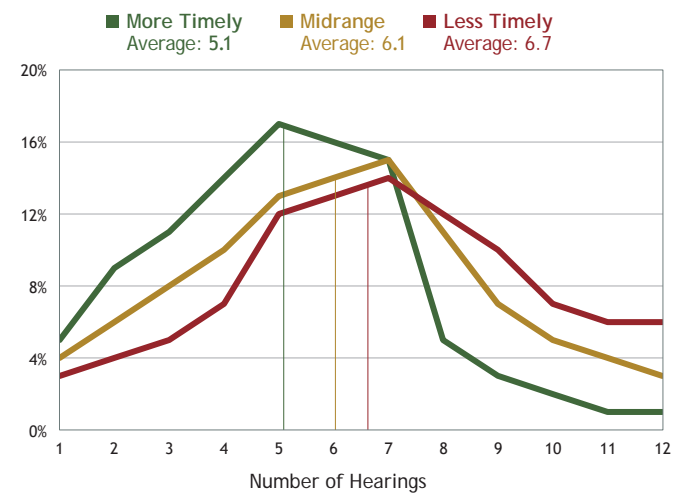
The *More Timely* felony group had fewer hearings scheduled and held compared to the other Time Groups, while continuances were more of an issue in the *Less Timely* group by an average of 0.7 additional continuances per felony case. While that may seem like a small average, time and cost accumulates over large caseloads when hearings are pushed out or extended. (*ECCM Cost of Delay Calculator*)

Average Number of Felony Case Events by Court Time Group

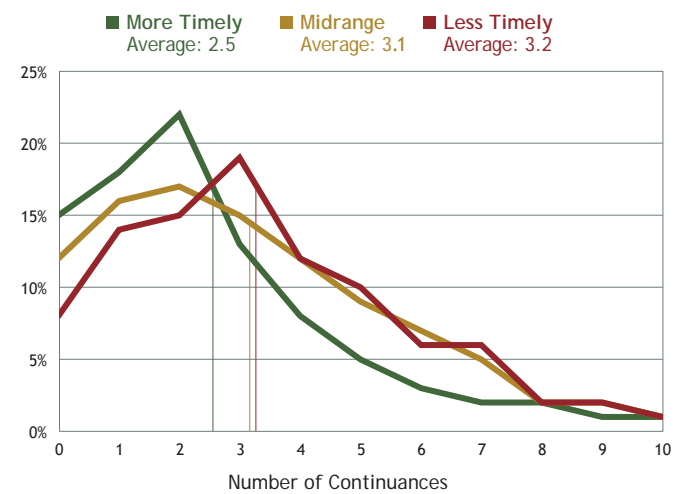


The number of hearings held and continuances per disposition were examined between Time Groups by focusing on the distribution of the event counts for select courts in each group. There was a steep peak and decline in the *More Timely* group for both hearings held and continuances compared to the other groups, providing evidence that faster courts tend to process felonies with fewer events and tighter control over continuances, despite having similar caseloads.

Felony Hearings Held per Disposition by Court Time Group



Felony Continuances per Disposition by Court Time Group



Faster courts benefit from more effective felony case flow management to control the number of hearings held per disposition and the average number of continuances per disposition.

ECCM Findings

Misdemeanor Case Events

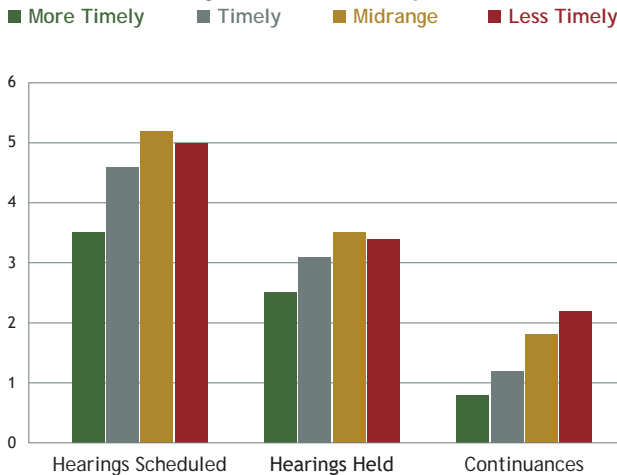
As most misdemeanors are resolved in the limited jurisdiction court, with a small subset being bound over in certain court structures, all misdemeanor events were counted together without dividing by jurisdiction.

Average Number of Misdemeanor Case Events

Hearings Scheduled	Hearings Held	Continuances	Number of Trial Dates Set Per Trial Held
4.8	3.1	1.8	2.2

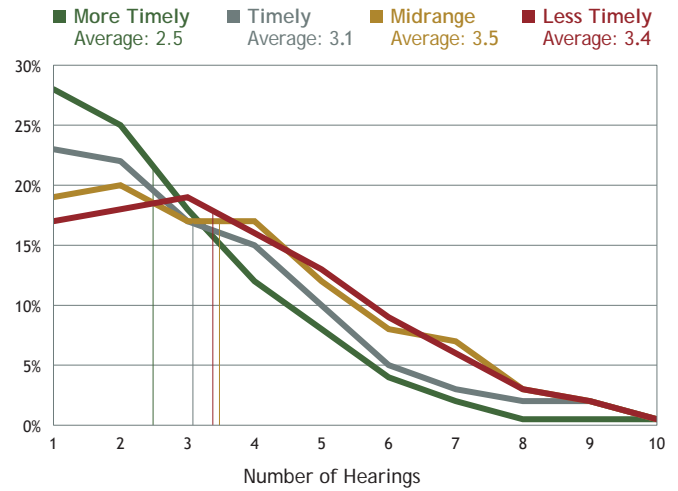
Misdemeanor Time Group findings for event counts were pronounced, with the *More Timely* group having the least number of events across the board.

Average Number of Misdemeanor Case Events by Court Time Group

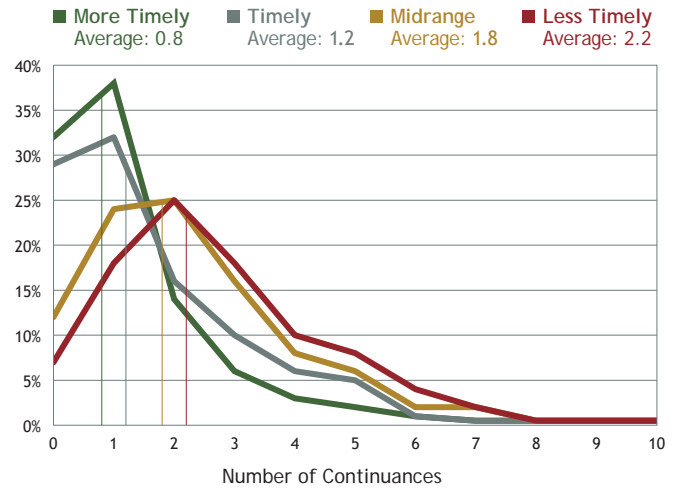


Distributions of event counts by representative courts in each misdemeanor Time Group followed a similar pattern seen in the felony distributions. Faster groups peaked at fewer events and dropped off more drastically compared to less efficient groups.

Misdemeanor Hearings Held per Disposition by Court Time Group



Misdemeanor Continuances per Disposition by Court Time Group



Faster courts benefit from more effective misdemeanor case flow management to control the number of hearings held per disposition and the average number of continuances per disposition.

ECCM Findings

Key Elements of Successful Caseload Management:

Hold the right number of court events. Time to disposition does not directly reflect when the system's resources are being used well or being wasted. To assess this issue, courts should examine the number of court hearings scheduled per disposition and determine if there is evidence of redundant and unnecessary work. Scheduling more hearings than necessary slows down the process, consumes court resources, and causes judges and attorneys to prepare for the unneeded event.

Reduce continued events. Another key to using court resources effectively is reducing the excessive use of continuances. While hearings can be continued for good cause, continuance practices that are too lenient fail to encourage attorneys to be prepared. Courts should establish a clear, short set of legitimate reasons for requesting a continuance, and all judges should adhere to this policy consistently. Courts should monitor the number of continuances granted over the life of a case. Additional benefit can be derived from tracking whether the court, prosecution, or defense requested continuances.

Charge Modifications

Sentencing outcomes (e.g., length and type of sentence, conditions imposed) are guided by the type and severity of the conviction charge(s) and may be attenuated by charge reduction or amplified by a charge increase. In addition, charge reductions may impact case-processing time, though the direction of change varies. For example, time may increase if ongoing plea negotiations lengthen the process, or time may decrease if initial case evaluation by defense counsel prompts the prosecution to accept an early plea to a reduced charge.

Key Elements of Successful Caseload Management:

Monitor charge modifications and dismissals. Clarity on criminal case processing is enhanced by understanding the nature and frequency of charge modifications. Reductions in the seriousness of a case can occur for numerous reasons (e.g., insufficient evidence, plea deals, prosecutorial discretion) and are important to track due to their potential impact on case outcomes. Charges may also be increased in severity, typically due to adding more serious charges to a case or enhancement of an established charge through further discovery (e.g., lab test results, surveillance footage, use of lethal weapon). The court gains insight into prosecutorial charging practices by monitoring the frequency of dismissal of individual charges or all charges in a case.

Charge modification was defined as a change in severity of the most serious charge in a case from filing to disposition. It was measured by attending on the most serious charge at filing and disposition separately and observing whether the charge at disposition was more or less severe (by degree/class, case type) than the most serious charge at filing. Dismissal rates are also reported with this element.

Felony Charge Modifications

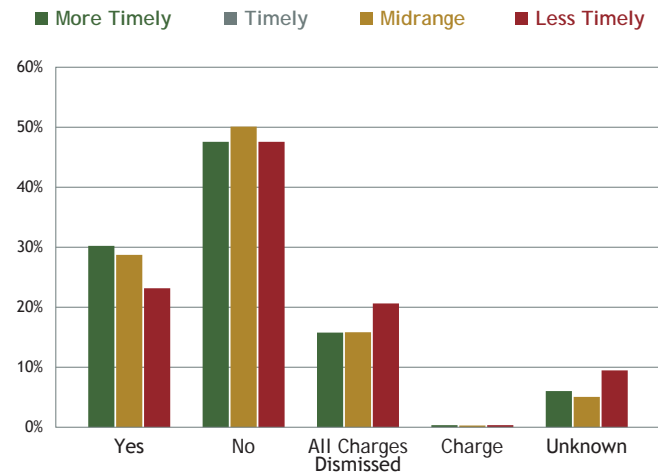
Charge reduction was consistent across felony Time Groups, with slightly fewer reductions in the *Less Timely* group, though the difference was not statistically significant.

Overall, about 27% of all felony cases were resolved with a charge reduction, with no significant difference among courts in the percentage of cases receiving a charge reduction.

ECCM Findings



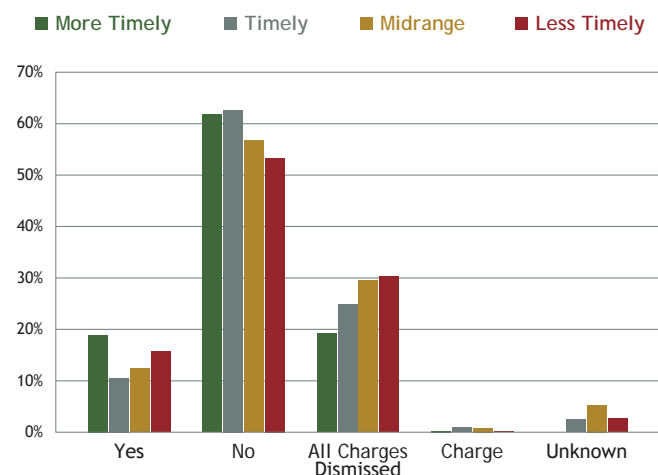
Felony Charge Reduction by Court Time Group



Misdemeanor Charge Modifications

Overall, about 14% of all misdemeanor cases had at least one charge reduction, and only 0.5% resolved with a charge increase. Among misdemeanor Time Groups there were small differences in some charge reduction categories,⁸ but overall the groups were similar.

Misdemeanor Charge Reduction by Court Time Group



Misdemeanor cases are less likely to be resolved with a charge reduction (14%), as compared to felony cases (27%).

ECCM Findings



⁸ No statistical differences were found between misdemeanor Time Groups on charge reduction (Yes). The *Less Timely* Time Group had significantly fewer cases without a charge reduction (No) than the *More Timely* Time Group, and significantly fewer cases with a charge increase than both the *More Timely* and *Midrange* Time Groups, though only by less than one percent.

Manner of Disposition

The manner of disposition is another factor impacting case-processing time, and it is expected that there will be considerable variation among cases based on the way they are resolved, such as plea, dismissal or trial.

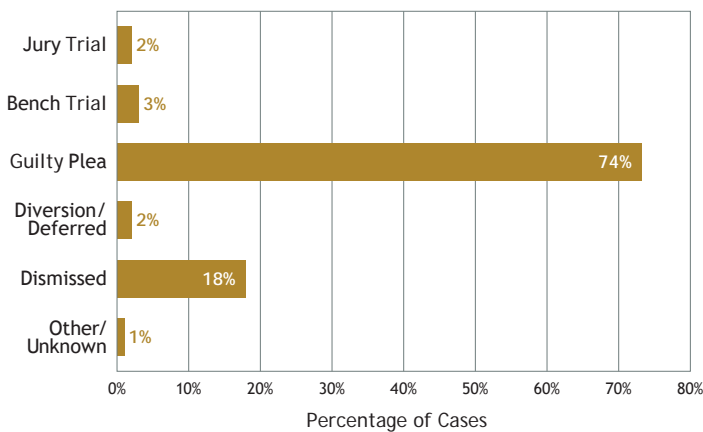
Key Elements of Successful Caseflow Management:

Count dispositions correctly. The way that a court defines how and when a case is disposed is an important issue when monitoring compliance with disposition time standards. For criminal cases, disposition date is captured at the charge level. The date the last charge is disposed is the disposition date for the case.

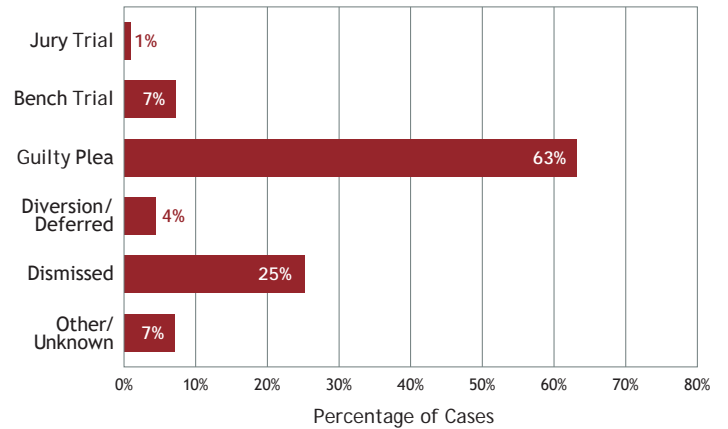
Standard categories for manner of disposition were developed to uniformly compare across courts. In cases that were diverted, the diversion date was used as the date of disposition for the relevant charge, even if there was a later disposition date on the charge. In one example, a defendant entered a diversion program and the case was subsequently dismissed upon successful completion of the program. In this instance, the manner of disposition was recorded as Diversion, and the date of disposition was the entry date into the diversion program. A hierarchy was used to determine which category would be applied to those cases with multiple manners of disposition:

1. Jury trial (including incomplete trials)
2. Bench/non-jury trial (including incomplete trials)
3. Guilty plea
4. Diversion (including entry to drug court or other problem-solving court)
5. Dismissal/nolle prosequi
6. Other (including bindover/transfer)

Felony Manner of Disposition



Misdemeanor Manner of Disposition



Overall, the greatest proportion of both felony and misdemeanor cases were resolved by guilty plea (73% of felonies, 63% of misdemeanors), followed by dismissal of all charges (16% of felonies, 25% of misdemeanors).

ECCM Findings

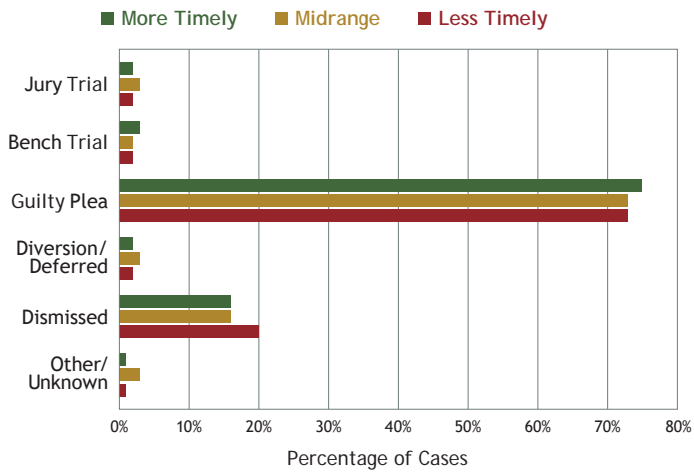


Felony Manner of Disposition

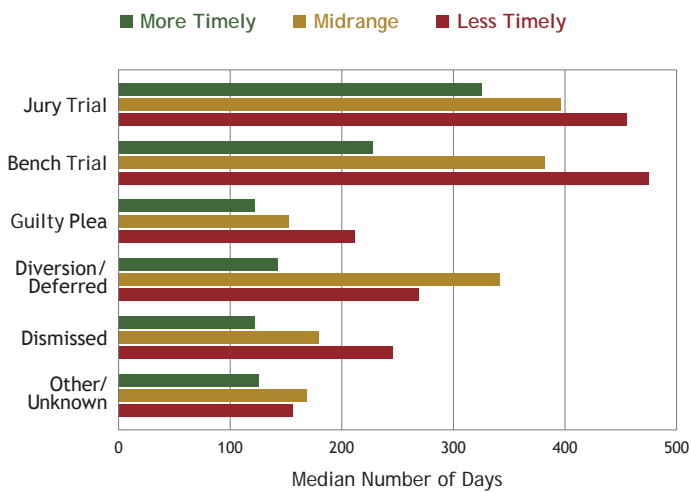
Manner of disposition was examined among Time Groups to determine whether there were any differences in methods used to resolve cases. One perspective is that more expeditious courts simply have a higher plea rate, and a higher proportion of guilty pleas compared with trials might contribute to more timely resolution. However, no significant differences were found between felony Time Groups on any of the manner of disposition categories.

For best comparability, the median was used to compare timeliness of case processing by manner of disposition across Time Groups. Median was chosen rather than mean (average) due to the mean's susceptibility to extreme values. For instance, if a small number of cases languish for many years, they inflate the mean value to a higher number that is not representative of most cases. The median, however, is more robust to a small number of extreme values and instead reflects the time in which half of the total sample was disposed. The *More Timely* group reliably outperformed the other groups across all manner of disposition categories.

Felony Manner of Disposition by Court Time Group



Felony Manner of Disposition by Median Days



The proportion of felony cases resolved by trial, plea, and dismissal was similar across all courts, with *More Timely* courts being faster for all manners of disposition.

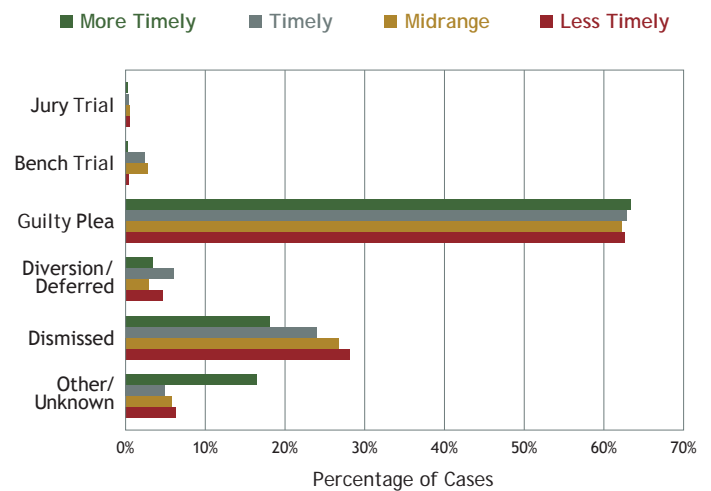
ECCM Findings



Misdemeanor Manner of Disposition

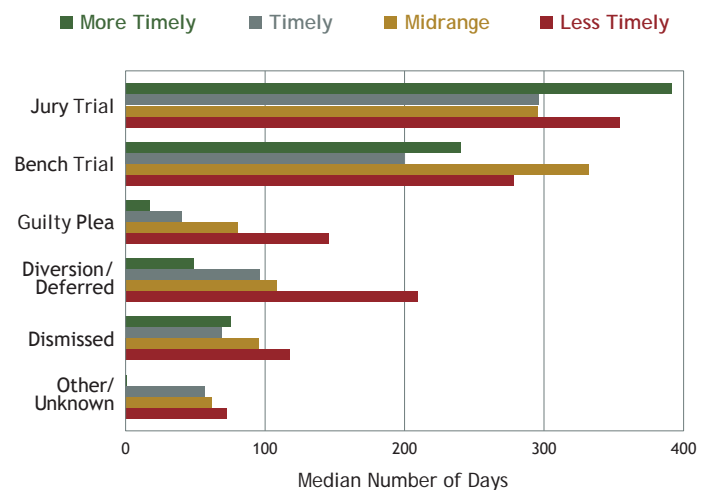
Manner of disposition categories were also similar between Time Groups for misdemeanor cases. Though some percentage values have wider ranges (e.g., dismissed 28% vs. 18%), there was no statistical evidence of a substantive difference between groups across all manner categories.

Misdemeanor Manner of Disposition by Court Time Group



There was no difference between Time Groups in timeliness across manner of disposition categories except for Guilty Plea – the *More Timely* misdemeanor group was significantly faster than the other groups in handling pleas.

Misdemeanor Manner of Disposition by Median Days



The proportion of misdemeanor cases resolved by trial, plea, and dismissal was similar across all courts.

ECCM Findings



Jury Trial Outcomes

Jury trial rates are low for criminal cases nationwide, with about 2% of felony cases and less than 1% of misdemeanor cases going to trial. For cases resolved at trial or just prior to the start of trial, the figure below shows trial outcomes. About two-thirds of felony trials and three-quarters of misdemeanor trials end in conviction. The data also show that for felony jury trials over 30% end in acquittal or dismissal, and for misdemeanor cases just over 20% are resolved this way. Cases classified as dismissals are cases where the jury has been selected and the case is then resolved through dismissal prior to the start of trial.

Jury Trial	Jury Trial Outcome			
	Conviction	Acquittal	Dismissal	Other
Felony	68%	27%	4%	1%
Misdemeanor	77%	19%	3%	1%

Summary of Case Processing Characteristics

All Courts Do the Same Work. Some Are More Timely than Others.

- Across all courts, there are no significant differences in the composition of felony caseloads or the manner in which cases are resolved. Likewise, there is consistency in the composition of misdemeanor cases and their manner of disposition, although to a lesser degree than felony cases.
- Despite broad similarity across all courts in the mix of case types and the way cases are resolved, some courts consistently resolve the same caseload with tighter timeframes than other courts.

Predictors of Timeliness

The previous sections of this report laid out a snapshot of criminal cases across state courts, examining each element of interest (e.g., case type) individually. For greater understanding of what really drives timeliness in criminal cases, one powerful tool is a predictive model. Rather than examining trends of individual factors, a predictive model considers all relevant factors simultaneously and estimates their ability to explain variation in case-processing time. While descriptives provide a landscape of what is, a predictive model estimates what matters.

How cases are processed is affected both by their characteristics as well as by where those cases are processed.^{9,10} To understand how place affects case duration, a multi-level regression model was adopted. Multi-level regression allows for the consideration of both case-level (e.g., offense type) and court-level factors (court and community characteristics, local organization and practice) that affect the total duration of criminal case processing.¹¹ This approach recognizes that timeliness is shaped both by the organizational dynamics of the particular court the case is heard in and the characteristics of the case itself.

Model Design

All levels of factors were considered and estimated for predictive power. The dependent variable (what is being predicted) was total days from filing to disposition. Independent variables (the predictors) were estimated together in an iterative series of model configurations to determine which factors significantly predicted time to disposition and to what degree they could explain timeliness.¹²

Models were developed for felony and misdemeanor cases separately using a bottom-up approach.¹³ First, the amount of variation in case-processing time that was attributable to each court was estimated. Next, case-level characteristics such as the number of hearings and manner of disposition were added to the estimated models. In the third stage of model building, a variety of court characteristics, including the Time Group to which the court belonged, the structure of the court, relative workload, and population size, were examined.¹⁴

Importantly, the same factors reviewed in the descriptive sections of this report are also discussed in the following sections but in the context of predictive power. Therefore, some factors that were/were not important to timeliness in the previous sections may/may not be important as predictive factors.

9 Ostrom, Brian and Roger Hanson. 1999. *Efficiency, Timeliness and Quality: A New Perspective from Nine State Criminal Trial Courts*. National Center for State Courts.
 10 This means that cases processed in one court will look more similar to each other than to cases processed in different courts. This is referred to as “clustered” or “nested” observations. Clustered observations create a violation of the traditional ordinary least squares regression assumption requiring observations to be independent of one another. Specifically, there are likely between-court differences that would not be included in the model (“unobserved heterogeneity”). Adopting a multilevel model is one way to account for this heterogeneity.
 11 Based on initial analyses, we excluded cases in the 99th percentile of total duration (“trimming”). This reduced the impact that cases with very long durations had on our estimates.
 12 Only courts that met certain criteria for data completeness were included in the models. Felony model included 10 states, 50 courts; misdemeanor model included 10 states, 47 courts.
 13 Luke, Douglas A. 2020. *Multilevel Modeling. Quantitative Applications in the Social Sciences*. 2e. Thousand Oaks: Sage.
 14 Original model was a random-intercept model selected through consideration of model fit statistics, the amount of explained variation, and the added substantive value of the model; Rabe-Hesketh, Sophia, and Anders Skrondal. 2012. *Multilevel and Longitudinal Modeling Using Stata*. 3e. College Station, TX: Stata Press.

Court-level Results

Overall, court and community factors were not drivers of timeliness in case processing. Caseload per judge, court structure, and local population did not predict any variation in days to disposition. More than one-half of participating courts completed the organizational survey which captured local and organizational practice.¹⁵ Drawing on this representative sample, there was no significant predictive power between local and organizational factors (e.g., judicial staffing) and time to disposition.

More positively, these results mean that any court can succeed in terms of effective case flow management. Success is not linked to any particular organizational design or structure.

There is no evidence of any connection between the timeliness of criminal case processing and any particular type of court organization, including size of court, method of judicial selection, type of calendar, number of filings per judge, length of presiding judge term, or availability of case management reports.

Results from the case level analysis show there is no independent effect of court structure related to the timeliness of case processing. While two-tiered courts in which the general jurisdiction court handles felonies and the lower jurisdiction court handles misdemeanors create the opportunity for more timely case processing through more efficient processes, it is active case flow management that makes the biggest difference.

ECCM Findings



Case-level Characteristics

This analysis confirms some well-known facts (homicide cases take longer, trials take longer) and debunks others (cases with multiple charges do not take longer) for both felony and misdemeanor cases. In addition, characteristics of the case, including case type and manner of disposition, have a largely similar impact across courts. While they are an important source of variation in case processing time, these case characteristics do not explain why some courts are faster than others.

The most important predictors of case-processing time were hearings held and continuances.

While additional continuances or hearings per disposition increase time in all courts, they do so differently, with faster groups adding fewer days to case time with each hearing and continuance and slower groups accumulating substantial time for each hearing and continuance added to a case.

Felony Court-level Characteristics

To interpret the predictive model, a referent or typical case is used to compare the magnitude of days added or saved due to different factors in the model. For the felony model, the *typical* case was established as a person-related case resolved by guilty plea with no charge reductions, involving three hearings and no continuances. Varying these attributes, such as by changing the manner of disposition to trial or adding continuances, shows the effect of each change on case-processing time.

Overall, the final model predicted this typical felony case would dispose in 135 days. Of course, key characteristics (e.g., case type, number of continuances) are distinguishing factors that contribute to longer or shorter times to disposition for felonies. The model provides coefficients, or estimates in days, of how each factor contributes to case-processing time, predicting more or fewer days for total time to disposition.

Compared to person-related cases, homicide cases were predicted to add almost four months (110 days) to case duration. Other case types were predicted to add much less time, up to about two weeks, except for legal process cases (e.g., violation of protection order) which were predicted to be about two weeks shorter, all else held equal. Cases resolved via trial take the longest to conclude, adding 108 days, followed by pleas, dismissals (reducing time by 23 days), and those resolved through other manners, such as diversion. The number of charges was not a significant predictor of timeliness (i.e., cases with more charges were resolved in the same timeframes as cases with fewer charges).

¹⁵ Forty-eight courts responded regarding felony cases only.

Conventional wisdom holds that as the number of charges increases, time to process the case should also increase, due to greater case complexity. This was not supported by the felony model in this study, likely due to case consolidation practices in which multiple charges against an individual are handled together. The underlying driver is case type, based on the most serious charge, rather than number of charges. Charge reduction was predictive of a small amount of time saved on case duration, potentially linked to plea agreements or new discovery that would mitigate the charge.

Predicted Days by Significant Case Characteristics, Felony Cases

Felony Case Characteristics	Predicted Change in Days to Disposition
Case Type	
Person	<i>Reference Group</i>
Homicide	110
Property	1
Drugs	10
Weapons	14
Legal Process	-14
Other Felony	18
Manner of Disposition	
Guilty Plea	<i>Reference Group</i>
Trial	108
Dismissal	-23
Other	-36
Charges	
Each Charge	0
Charge Reduction	-4
Case Events	
Each Continuance	21
Each Hearing Held	14

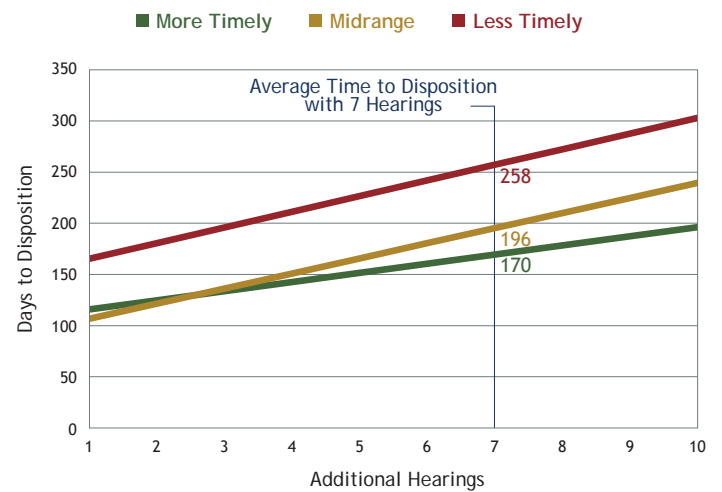
Predicted Days per Additional Hearing and Continuance, Felony Cases

Additional Days Predicted for...	All Felonies	Court Time Group		
		More Timely	Mid-range	Less Timely
Each Continuance	21	12	19	35
Each Hearing	14	9	15	18

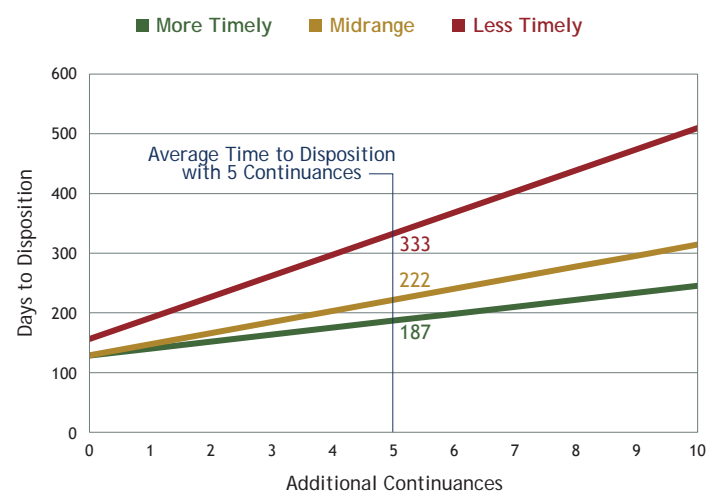
Number of hearings and number of continuances were the most influential factors in case duration: each continuance increased case duration by three weeks, while each hearing increased duration by two weeks. However, these effects varied significantly by court and were directly influenced by Time Group membership. Faster courts accrued a smaller average number of days for each continuance and hearing, while slower courts had steeper increases in time due to each.

For example, if the *typical case* (about 135 days to resolve with zero continuances) is adjusted to one with 5 continuances, it will not only take longer to resolve, the length of time will vary significantly by group. In the *More Timely* group, this case will now take about 190 days, about 225 days in the *Midrange* group, and about 335 days in the *Less Timely* group. This information helps clarify the source of impediments in case processing and shows that delay often occurs in smaller increments rather than in large blocks of time. While the average number of days added by each additional hearing or continuance may be relatively small, they can accumulate significantly over time. As shown in the two graphs below, these differences compound as the number of hearings and continuances increase.

Felony Case Processing Time per Additional Hearing by Court Time Group



Felony Case Processing Time per Additional Continuance by Court Time Group



Misdemeanor Court-level Characteristics

The misdemeanor model also used a referent or *typical* case to interpret the direction and magnitude of predicted days per factor. The typical case set as the referent was again a person-related case resolved as a guilty plea with no charge reductions, involving two hearings and zero continuances. This typical misdemeanor case was predicted to dispose in about 80 days.

Interestingly, all misdemeanor case types typically take longer on average than person-related cases to be resolved, with property and DUI cases taking about a month longer. Like felony cases, misdemeanor case-processing time was significantly affected by the manner of disposition. However, dismissals emerged as the manner with the longest disposition, followed by trials, pleas, then other manners such as diversion. One possible explanation is that misdemeanor cases are more prone to fall between the cracks and be left without a scheduled next hearing date. After some period of time, the case reemerges and is set for (administrative) dismissal. There is some support for this view, as many of the misdemeanor cases that take the longest time to be resolved end in dismissal.

Predicted Days by Significant Case Characteristics, Misdemeanor Cases

Misdemeanor Case Characteristics	Predicted Change in Days to Disposition
Case Type	
Person	<i>Reference Group</i>
Property	30
Drugs	17
DUI	27
Legal Process	18
Public Order	13
Other Misdemeanor	67
Manner of Disposition	
Guilty Plea	<i>Reference Group</i>
Trial	11
Dismissal	91
Other	-40
Charges	
Each Charge	0
Charge Reduction	-9
Case Events	
Each Continuance	21
Each Hearing Held	17

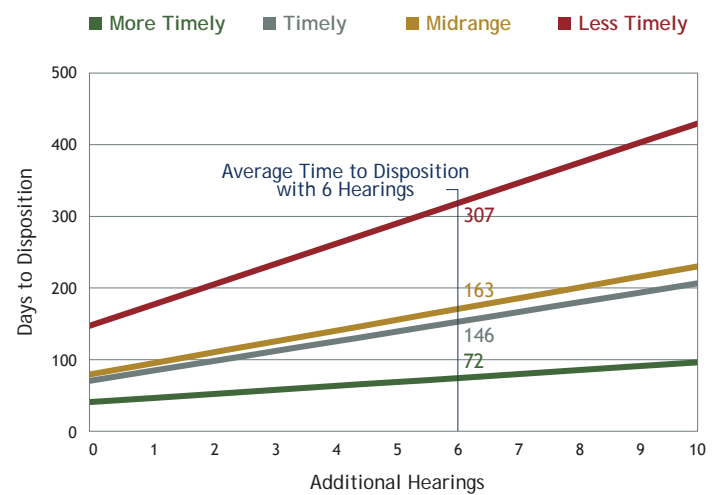
Predicted Days per Additional Hearing and Continuance, Misdemeanor Cases

Additional Days Predicted for...	All Felonies	Court Time Group			
		More Timely	Timely	Mid-range	Less Timely
Each Continuance	21	0	19	37	29
Each Hearing	17	6	15	17	31

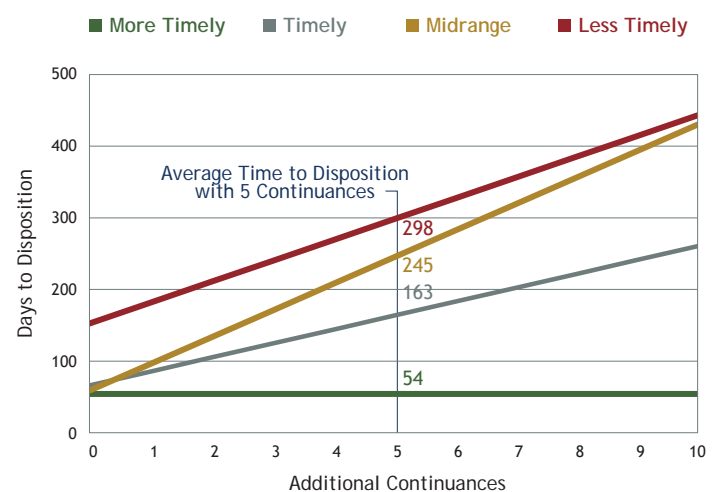
The average misdemeanor case-processing time across the ECCM courts shows that there is a wider range in misdemeanor case-processing times overall among courts than was seen for felonies. That is, court work processes and culture related to misdemeanor case processing practices show more variation than in felonies. Courts appear to have less consistent case management practices for misdemeanor cases.

Differences in case characteristics among the mix of cases heard in the different Time Groups accounts for some of the variation in time. This fits with the earlier observation that the level of consistency in the composition of misdemeanor cases and their manner of disposition is less than is seen for felony cases. There is some difference among the Time Groups in terms of timeliness because some groups have a slightly higher proportion of cases, such as DUI, that take longer than average to resolve. However, the most important factors that shape differences in timeliness among the Time Groups are the number of hearings and the number of continuances.

Misdemeanor Case Processing Time per Additional Hearing by Court Time Group



Misdemeanor Case Processing Time per Additional Continuance by Court Time Group



As with felony cases, the number of hearings per disposition and the number of continuances per disposition have a major impact on misdemeanor case-processing time: each continuance increased case duration by three weeks, while each hearing increased duration by over two weeks. Again, the time varies widely among Time Groups. The exception is the *More Timely* group, where the number of continuances is not significantly related to case duration but each additional hearing is associated with a 6-day increase in duration. The anomalous finding related to continuances is likely due to the small number of courts in this group and the fact that few continuances are granted. However, for the remaining Time Groups, each continuance increases case duration by 19 to 37 days and each hearing adds 15 to 31 days. The cumulative effect of continuances and hearings by Time Group are illustrated in the graphs below. Again, as hearings and continuances are added to a case, the accumulation is higher in the slower Time Groups.

For example, if the typical misdemeanor case is changed to one resolved in six hearings, the estimated time to disposition rises to about 75 days in the *More Timely* group, 150 days in the *Timely* group, 165 days in the *Midrange* group, and 310 days in the *Less Timely* group. The graphic makes clear that incremental change in the number of hearings (and number of continuances) can have substantial impact on case processing time.

Summary of Predictive Model

What Accounts for Differences in Timeliness?

- The primary drivers of case-processing time are the number of continuances per case and the number of hearings per case.
- *More Timely* courts better maintain control over scheduling and reduce both the number of continuances and the time a continuance or an additional hearing is allowed to add to the schedule.

Technical Note: Case-Level Data Reporting

Of the 34 requested case-level data elements, some were more available than others across courts. This figure shows the degree to which each element was reported to NCSC by percent of known values or valid entries for each reported case. Data elements at the top of the list reported 76-100% complete data across all cases. At the bottom of the list, data elements reported up to 25% valid responses, or were missing altogether.

Grouped this way, themes appear among the elements that fall within a similar range. The most well-reported elements identified the case (case number, jurisdiction), the severity of charges (degree and case type at filing/disposition), and the start and end of the case (filing/disposition date, result of disposition).

%	ECCM Data Element
76-100% Known Values	Case Number
	Charge Reduction
	Degree of Most Serious Charge at Disposition
	Degree of Most Deviouss Charge at Filing
	Disposition Date
	Filing Date
	Jurisdiction
	Number of Days in Inactive Status
	Result of Disposition
	Charge Reduction
	Type of Most Serious Charge at Disposition
	Type of Most Serious Charge at Filing
	51-75%
Manner of Disposition	
Number of Court Hearings Scheduled	
Number of Pretrial Conferences Held	
Number of Trial Dates Scheduled	
Sentencing Date	
26-50%	Total Number of Felony Charges at Filing
	Total Number of Misdemeanor Charges at Filing
	Arrest / Citation Date
	First Appearance Date
	Number of Failures to Appear
0-25%	Summons / Citation Indicator
	Type of Counsel at Disposition
	Bond / Bail Amount
	Court Appointment of Counsel Date
	Exchange of Discovery Date
	Final Pretrial Conference Date
	Multiple Defendants Involved
	Number of Days Held in Pretrial Detention Prior to Disposition
	Preliminary Hearing Date or Grand Jury Date
	Pretrial Custody Status
Pretrial Release Decision Date	

The least available data elements (or those with the most missing/invalid values) were around pretrial custody (custody status, decision for pretrial release, bond/bail amount, days in pretrial detention), interim event dates (court appointment of counsel, preliminary hearing, pretrial release hearing, exchange of discovery, final pretrial conference), and whether multiple defendants were involved.

Common reasons were identified for missing data values or inability to extract a data element:

Data entry: Element is not recorded in the CMS or is recorded inconsistently.

Data format: Element is recorded in a format difficult to extract at case level (e.g., text fields).

Data ownership: Element is created and maintained by an agency outside of the court (e.g., Department of Corrections).

Data flattening corrected some of the missing value issues, as only the most serious charges and its characteristics were used to represent the total case.

Conclusions and Recommendations

Timeliness is fundamental to American justice. The U.S. Constitution contains the explicit individual right to a speedy trial. The extent to which this provision of the Sixth Amendment is meaningful in practice is found in the capacity of courts to resolve cases expeditiously. If they cannot, then the right is frustrated.

Courts Need Good Data to Reduce Delay.

To understand the extent to which courts have the ability to handle criminal cases in a timely manner, courts need information about why some cases are resolved more quickly than others and why some courts are more expeditious than others. Without that knowledge, efforts to improve court timeliness are left to intuition and opinion.

The Number of Continuances per Disposition and Hearings per Disposition Drive Case-processing Time.

The fact that a parsimonious set of factors account for a considerable amount of variation in how long it takes cases to be resolved resonates well with basic principles of modern case flow management: provide early and continuing attention to case progress, set realistic schedules, and control continuances. Judges, attorneys, and court staff interested in improving their court's performance should find hope in the results that a considerable portion of the variation in case-processing time is under court control.

Continuances Waste Court Resources and Lead to Delay.

Judge, attorney, and court staff productivity is lowered through unnecessary work caused by continuances. If a case is ready for trial and then continued, much of the work spent on preparation (e.g., reviewing files, assembling evidence, bringing in jurors and witnesses) by the judge, court staff, prosecutor and defense counsel will have to be redone at a future time. Delay has a direct effect on time and resources for all criminal justice actors.

Therefore, to the extent that continuances are liberally granted and backlogs grow, the resource pool is drained unnecessarily and the productivity of the court, prosecution, and defense decline. Time used to prepare cases for the second and third time before a scheduled court hearing is actually conducted means other case activities that could or should be performed must either be abbreviated or dropped.¹⁶

Caseflow Management Can Be Improved by Controlling Short Delays.

ECCM results show that delay occurs in small increments that can be improved without major changes. Reducing the overall average number of continuances per disposition by one will significantly improve timeliness. If this change is coupled with an average reduction of about one week in the time until the next court appearance is held, a slower court can considerably improve time to disposition.

Meaningful Events Encourage Preparation.

Purposeful scheduling encourages the prosecutor and the defense counsel to be fully prepared for each court hearing, making court events meaningful in their contribution to case resolution. If that goal is met, experienced attorneys should be able to quickly and accurately evaluate each case to determine the level of attention and the number of events required to reach appropriate resolution. Given that the vast majority of criminal cases are resolved by plea or by other non-trial means, criminal case management should focus on ways to provide meaningful plea discussions between prosecution and defense counsel at an early stage in the proceedings. If both sides are prepared, prosecutors should be ready to make realistic plea offers, and defense counsel, in turn, should be able to effectively negotiate, balancing the best interests and constitutional rights of their clients. Such practice by defense counsel works to resolve cases using only the number of hearings required to achieve the best outcome for their client.

Trial Date Certainty Requires Setting Clear Expectations.

Judges should set trial dates in consultation with counsel to carefully consider necessary preparation time and their future schedule to avoid conflicts; bar members need to be convinced not to agree to a trial date they are not prepared to meet; the court should commit to having a judge available to try a the case on the scheduled date; and requests for trial continuances should rarely be granted.

National Time Standards Should Be Reevaluated Based on These Data.

Courts aiming for success with case flow management know what they are trying to accomplish because they have goals reflected in case-processing time standards they have adopted. Time standards or guidelines should neither be so stringent as to be unattainable nor set at a relaxed level that simply reflects what can easily be accomplished. Rather, the standards should be based on what is reasonable for the public to expect for the prompt and fair resolution of most cases. Given that no court meets the timeframes set forth in the *Model Time Standards*, it is time to revisit the issue. Data from the ECCM courts provide a solid foundation for the determination of realistic criminal case time standards.

¹⁶ Of course, continuances also affect jurors, victims, and witnesses. Court appearances are costly in terms of time and other expenses related to employment, travel, and special arrangements. Delay and a lack of predictability in the process erodes public trust in the criminal justice system and hampers willingness to participate.

Appendix: Detailed Local Organization & Practice

IN = Indefinite
NA = Not Applicable
PJ = At Pleasure of Presiding Judge

State	Alaska					Arizona				California		Colorado						Florida		Illinois	Iowa		Kentucky		
	Anchorage	Fairbanks	Juneau	Kenai	Palmer	Maricopa	Pinal	Yavapai	Yuma	Orange	Santa Barbara	Adams	Arapahoe	Boulder	Douglas	El Paso	Jefferson	Larimer	Alachua	West Palm Beach	Lake	Cedar Rapids	Polk	Fayette	
Case Assignment and Calendar																									
Method of Handling Felony Cases																									
Separate Felony Division	•					•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
All Judges Handle Felony Cases		•	•	•	•												•							•	
Type of Calendaring System																									
Individual Calendar	•		•	•		•	•	•	•			•	•	•	•	•	•	•	•	•					
Master Calendar						•																•			
Hybrid		•			•					•	•										•		•	•	
Leadership Selection Methods																									
Method of Selection for Chief or Presiding Judge																									
Appointed	•	•	•	•	•	•	•	•	•			•	•	•	•	•	•	•				•	•		
Court Selection or Peer Vote										•	•									•	•			•	
Nominating Commission																			•						
Duration of Term	1	1	1	1	1	3	3	3	3	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	
Method of Selection for Chief of Criminal Division																									
Appointed	•					•	•	•		•	•		•					•	•	•				•	
Court Selection or Peer Vote																								•	
Duration of Term in Years	1					3-5	4	PJ		2	2		PJ			2			2	2				2	
No Chief/Presiding Judge		•	•	•	•				•			•		•	•		•					•	•		
Court Administration																									
Method of Selection for Court Clerk																									
Appointed	•	•	•	•	•					•	•	•	•	•	•	•	•	•				•	•		
Elected						•	•	•	•										•	•	•			•	
Court Employee																				•	•				
Duration of Term in Years	IN	IN	IN	IN	IN	4	4	4	4	IN		IN	IN	IN	IN	IN	IN	IN	4	4	4	IN	IN	6	
Years of Current Clerk	6	14	12	14	<1	19	3	5	3	2	4	2	<1	26	15	7		19	16	13	<1	6	1	5	
Court Administrator																									
Has Court Administrator	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
Years of Current Court Administrator						5	3	4	1	2	4	4	12	15	12		13	7	2	10		24	2	15	
Caseflow Policies and Procedures																									
Dates for Hearing Typically Set By:																									
Judge Based on Calendar						•			•	•	•			•					•	•					
Judge/Staff in Consultation	•	•	•	•	•		•	•		•	•		•	•	•	•	•	•	•	•	•	•	•	•	
Court Administrator/Coordinator																						•	•	•	
Practice for Granting Continuances																									
Freely Granted	•	•	•	•	•			•	•	•	•	•							•	•					
Counsel Agreement							•		•	•	•	•		•	•	•	•	•					•	•	
Cause Required						•				•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	

Appendix: Detailed Local Organization & Practice

IN = Indefinite
 NA = Not Applicable
 PJ = At Pleasure of Presiding Judge

State	Minnesota	Oregon	Pennsylvania										Utah	Virginia	Washington		Wisconsin							
	Anoka	Ramsey	Multnomah	Allegheny	Berks	Chester	Dauphin	Delaware	Erie	Lancaster	Lehigh	Luzerne	Montgomery	Northampton	Philadelphia	Westmoreland	York	Salt Lake City	Fairfax	King	Pierce	Spokane	Dane	Milwaukee

Case Assignment and Calendar

Method of Handling Felony Cases

Separate Felony Division		●						●	●		●	●					●		●	●	●	●	●	●
All Judges Handle Felony Cases	●		●	●	●	●	●			●			●	●	●	●		●	●					

Type of Calendaring System

Individual Calendar				●	●	●		●			●	●	●	●		●								
Master Calendar			●															●				●		
Hybrid	●	●					●		●	●					●		●		●	●			●	●

Leadership Selection Methods

Method of Selection for Chief or Presiding Judge

Appointed			●											●										●
Court Selection or Peer Vote		●		●	●	●	●	●	●	●	●	●	●	●		●	●	●	●	●	●	●	●	●
Nominating Commission	●																							
Duration of Term	2-4	2	2	5	5	5	5	5	5	5	5	5	5	3	5	5	2	2	2	2	2	2	IN	2

Method of Selection for Chief of Criminal Division

Appointed			●	●				●	●		●	●	●	●		●			●	●	●	●	●	●
Court Selection or Peer Vote		●									●									●				
Duration of Term in Years		2	2	5				PJ	PJ		5		1.5	PJ	3		3			1	1	1	PJ	2
No Chief/Presiding Judge	●				●	●	●			●					●		●	●						

Court Administration

Method of Selection for Court Clerk

Appointed	●	●		●				●			●	●	●	●		●			●	●			●	●
Elected					●	●	●		●	●	●	●	●		●	●						●	●	●
Court Employee			●											●				●						
Duration of Term in Years			IN	IN	4	4	4	IN	4	4	4	4	IN	4	4	4	IN	8	IN		4	4	4	4
Years of Current Clerk	4	4	2	2	28	4	9	10	2	2	24	NA	9	>20	NA	4	13	9	26	17	15	3	10	19

Court Administrator

Has Court Administrator	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		●	●	●	●	●	●
Years of Current Court Administrator	4	3	2	1	11	8	4	20	IN	23	1	5	17	3	4	3	4	7		18	1	2	2	3

Caseflow Policies and Procedures

Dates for Hearing Typically Set By:

Judge Based on Calendar				●	●		●	●	●	●					●		●					●	●	
Judge/Staff in Consultation			●							●	●		●	●				●	●		●			
Court Administrator/Coordinator	●	●				●						●				●								

Practice for Granting Continuances

Freely Granted			●	●	●	●					●		●	●		●			●	●	●			●
Counsel Agreement	●			●	●	●			●	●		●	●	●		●				●	●			●
Cause Required		●	●	●	●		●	●	●	●	●	●	●	●		●		●		●	●	●	●	●

Appendix: Detailed Local Organization & Practice

	Minnesota		Oregon	Pennsylvania																Utah	Virginia	Washington		Wisconsin	
	Anoka	Ramsey		Multnomah	Allegheny	Berks	Chester	Dauphin	Delaware	Erie	Lancaster	Lehigh	Luzerne	Montgomery	Northampton	Philadelphia	Westmoreland	York	Salt Lake City			Fairfax	King		Pierce
Information Sharing																									
Individual Case Reports Provided																									
At Least Monthly		●		●	●			●			●				●			●			●			●	●
Quarterly/Annually	●								●																
On Request						●	●				●	●				●	●								
Not Produced			●							●				●					●						
Bench-Wide Case Report Provided																									
At Least Monthly				●				●			●		●	●	●			●			●			●	●
Quarterly/Annually	●	●	●		●														●		●				
On Request						●			●		●											●		●	●
Not Produced							●			●															
Stakeholder Coordination																									
Frequency that Court Leaders Discuss Issues of Caseflow Management with Court Administrator and Court Clerks																									
Regularly								●										●		●	●			●	●
Occasionally	●	●	●	●			●			●	●	●	●	●	●	●	●		●					●	●
Almost Never					●	●			●		●											●			
Frequency that Court Leaders Discuss Issues of Caseflow Management with Judges, Prosecutors, and Defense Counsel																									
Regularly			●	●				●										●		●	●			●	●
Occasionally	●	●		●		●			●	●	●	●	●	●	●	●	●		●				●		●
Almost Never					●																				
Has Criminal Justice Council			●	●	●	●	●	●			●	●	●	●	●	●	●			●	●	●	●	●	●
Indigent Defense																									
Indigent Defense Structure																									
Public Defender	●	●	●	●	●	●	●	●	●	●	●		●	●	●	●	●	●	●	●	●	●	●	●	●
Other												●												●	●
Defense Case Assignment Method																									
Horizontal											●														
Vertical		●	●	●		●			●	●	●		●	●	●	●	●		●		●	●	●	●	●
Vertical After Preliminary Hearing	●				●		●	●									●	●							
Prosecution																									
Prosecution Screening Process																									
Separate Unit				●				●	●				●			●	●								
Attorneys Rotate								●							●										
Attorney Assigned	●	●	●	●		●	●			●	●		●	●	●	●	●		●	●	●	●	●	●	●
No Screening											●														
Prosecutorial Plea Authority																									
Attorney Assigned		●		●		●		●		●	●		●	●	●	●	●			●	●			●	●
Supervising Attorney	●	●	●	●		●		●		●	●		●	●	●	●	●		●	●	●	●	●	●	●
Prosecutor Case Assignment Method																									
Horizontal				●				●														●		●	●
Vertical	●			●	●		●		●	●	●		●	●	●	●	●		●		●	●			●
Vertical After Preliminary Hearing		●	●				●			●					●	●						●			●

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Attachment E

“Criminal Case Management Basics” from NCSC’s
Effective Criminal Case Management Project

Criminal Case Management Basics: Data Elements, Performance Measures, and Data Presentation Strategies

August 2020

Brian J. Ostrom, Ph.D.

National Center for State Courts

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Criminal Caseflow Management Basics

This report is designed to allow courts to adopt the *Effective Criminal Case Management* (ECCM) methodology for improving caseflow management of criminal cases by:

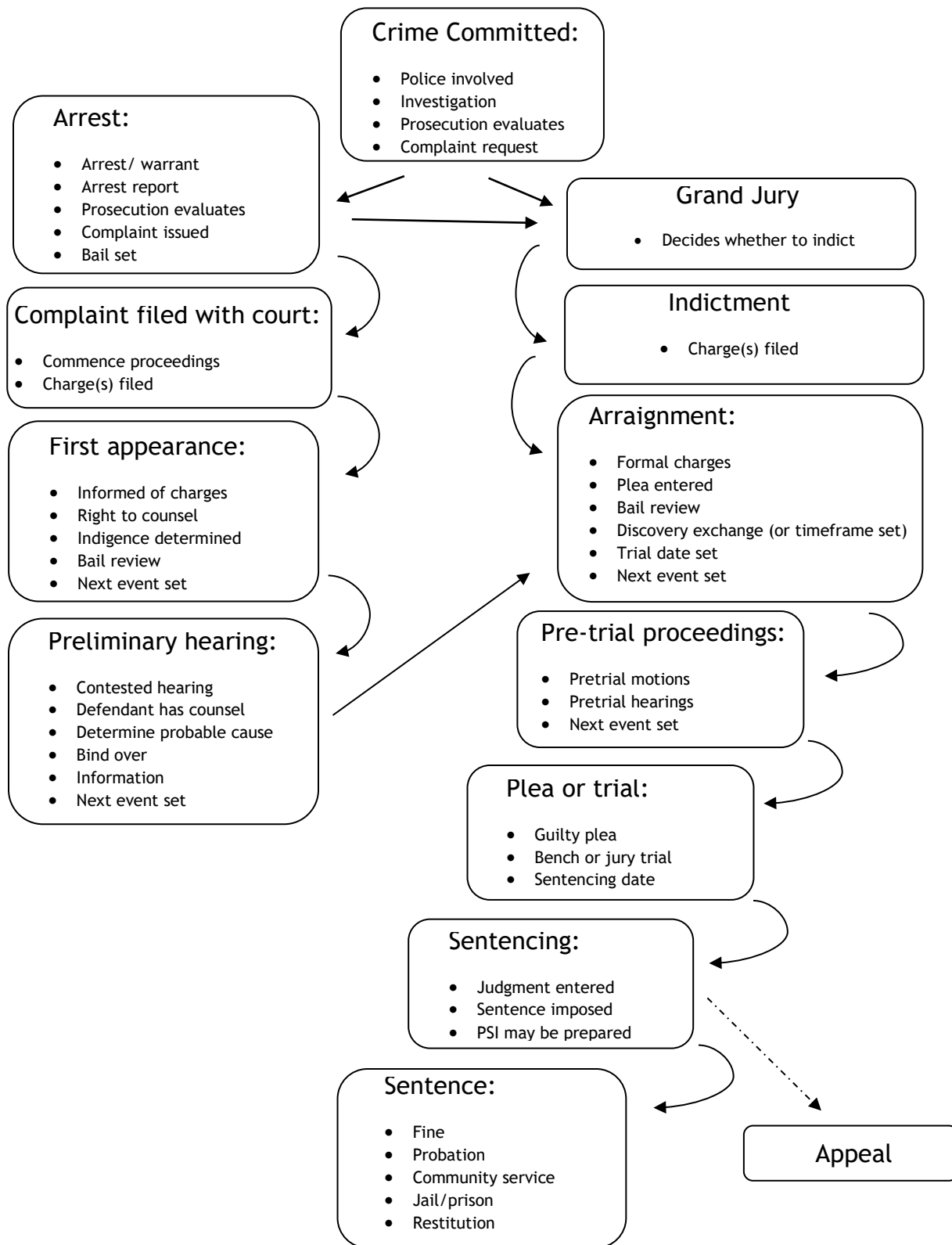
1. Documenting the major case processing events that may occur in the life of a criminal case
2. Identifying the relevant data elements that capture key events in the criminal caseflow management process
3. Specifying a meaningful and feasible set of measures and indicators to be generated from the identified data elements to help manage the flow of criminal cases
4. Analyzing and presenting performance results in an interpretable and compelling way

By following the same process, courts can actively manage criminal cases to achieve their caseflow management goals. This report discusses criminal cases, and the approach can be adapted for both felony and misdemeanor cases.

1. Criminal Case Process Flow Chart

For your jurisdiction, begin by comparing the major criminal case processing events and the primary activities that are supposed to happen at each event. The main steps in the criminal case process identified by the ECCM project are summarized below in Figure 1. Most criminal cases in most states are handled in a similar manner, no matter what labels are given to these events in each state's legal process or what events in the life of these cases are handled by the limited and/or general jurisdiction courts in your jurisdiction. The goal is a clear understanding of the specific events and activities that may occur in the life of a criminal case in your court.

Figure 1: Criminal Case Process Flow Chart



2. Identifying Relevant Data Elements

Felony caseflow management requires court managers to assemble an in-depth and empirically based understanding of how cases move through the system. Contemplating the design and content of a case management plan requires attention to the data foundation. Thus, a key step is identifying the necessary data elements as well as evaluating the quality of the data being compiled.

Reference to case type definitions, counting rules, and reporting categories draws on the framework detailed in the NCSCs *State Court Guide to Statistical Reporting*.¹ Details on “Unit of Count” for criminal cases can be found here that describe model approach for how individual cases are counted. Even though your court may be tracking some elements, recommended case status categories have been evolving over time. NCSC suggests that courts now report aggregate data by case type for both active and inactive pending cases (at the beginning and end of the reporting period); newly filed, reopened and reactivated cases; original entry of judgment and reopened dispositions; and cases that are placed on inactive status. These reporting categories were chosen because they allow for a better understanding of both court workload and caseflow management. The information relevant to criminal cases is available here: *State Court Guide to Statistical Reporting*. See also the *National Open Data Standards*², a project of the NCSC that developed business and technical court data standards to support the creation, sharing, and integration of court data by ensuring a clear understanding of what court data represent and how court data can be shared in a user-friendly format.

Table 1 lists the data elements required to adapt the caseflow management analysis in the ECCM project to the management of an individual court. The data elements fall into six general categories: case identifiers, seriousness of charge, key procedural event dates, number of hearings, type of disposition, and defendant legal status. As a starting point for analysis, ECCM recommends compiling a data set of all felony and misdemeanor criminal cases disposed during a recent 12-month period for which complete data are available. The depth of analysis increases as the time period covered expands to allow examination of trends in case processing practices.

The scope of criminal case management information and reports depends on the extent to which the data are readily available in an accurate and timely fashion. This is the data that will serve as building blocks for the performance measures and presentation methods described below.

The *Appendix* contains additional tools to assist in compiling the relevant data. These include the *ECCM Data Inventory Checklist* and the *ECCM Data Specifications* that provide detailed definitions of the data elements used in the project.

¹ Court Statistics Project, *State Court Guide to Statistical Reporting*, Version 2.2, (Williamsburg, VA: National Center for State Courts, 2019), pp. 3-5, 14-21.

² <https://www.ncsc.org/services-and-experts/areas-of-expertise/court-statistics/national-open-court-data-standards-nods>

Table 1: ECCM Data Elements

- A. Case Identifiers
 - 1. Jurisdiction, if data set includes multiple jurisdictions (e.g., county name, district number, circuit number)
 - 2. Case number
 - 3. Summons/citation case indicator
- B. Classification of Cases by Seriousness of Charge
 - 4. Degree of most serious charge at filing (see the Dataset Specifications below for hierarchy)
 - 5. Type of most serious charge at disposition
 - 6. Degree of most serious charge at disposition (see the Dataset Specifications below for hierarchy)
 - 7. Type of most serious charge at disposition
 - 8. Charge reduction
 - 9. Total number of felony charges at filing
 - 10. Total number of misdemeanor charges at filing
- C. Key Procedural Events and Dates
 - 11. Date of Arrest (or summons/citation, if cite and release)
 - 12. Date of filing
 - 13. Date of first appearance
 - 14. Date of court appointment of counsel, if applicable
 - 15. Date of pretrial release decision
 - 16. Date of exchange of discovery
 - 17. Date of preliminary hearing or grand jury
 - 18. Date of arraignment
 - 19. Date of final pretrial conference
 - 20. Date(s) case placed on inactive status (e.g., for failure to appear/issue of bench warrant)
 - 21. Date(s) case reactivated
 - 22. Date of disposition
 - 23. Date of sentencing
- D. Number of Court Hearings
 - 24. Number of court hearings scheduled
 - 25. Number of court hearings held
 - 26. Number of continuances
 - 27. Number of pretrial conferences held
 - 28. Number of trial dates scheduled
 - 29. Number of failures to appear
- E. Classification of Cases by Manner of Disposition
 - 30. Manner of disposition (e.g., jury trial, bench trial, guilty plea, diverted, etc.)
 - 31. Outcome of disposition (e.g., conviction, acquittal, diverted to problem-solving court, etc.)
- F. Defendant Legal Status
 - 32. Type of counsel at disposition (e.g., private, public defender, appointed, self-represented)
 - 33. Pretrial custody status (e.g., release on bail/bond, held without bail/bond)
 - 34. Date(s) taken into custody
 - 35. Date(s) released from custody
 - 36. Cash bail granted
 - 37. Cash bail amount
 - 38. Surety bond granted
 - 39. Surety bond amount
 - 40. Multiple defendants involved (y/n)

3. Specifying Criminal Caseflow Performance Measures and Indicators

This stage begins by identifying the specific caseflow management performance indicators to be used by the court. The set of measures specific to criminal caseflow management are drawn from both *CourTools*³ and the measures used in the ECCM project and make use of the data elements identified in the table above.

In addition to identifying the measures, it is also important to establish a benchmark or desired target level of performance against which current performance can be assessed. For any particular measure, a benchmark tends to be an above-average level of performance derived from statewide reference data, case study research, and/or promulgated by a national court organization. Essentially, benchmarking provides a snapshot of actual court performance in relation to established expectations.

Case processing timeframes are an essential part of any high-performance court. Effective case management is essential if the time standards for disposition of criminal cases are to be met. Setting and enforcing intermediate time standards are part of effective case management strategy. The overall and intermediate time standards specifically directed at criminal cases are shown in Table 2 below and available here: [Model Time Standards for State Trial Courts](#).

Table 2: Model Time Standards for Criminal Cases

Model Time Standards by Case Type		
	Felony	Misdemeanor
Time to Disposition		
	75% within 90 days	75% within 60 days
	90% within 180 days	90% within 90 days
	98% within 365 days	98% within 180 days
Interim Court Events		
Initial appearance	100% within time set by state law	100% within time set by state law
Arrest on the indictment or information	98% within 60 days	
Trial or Plea	98% within 330 days	98% within 150 days

Table 3 provides a list of criminal caseflow performance indicators within the four performance areas of Efficiency, Effectiveness, Productivity, and Procedural Justice developed in the *High Performance Court Framework* (NCSC, 2011)⁴ along with identifying possible benchmarks. The benchmarks draw on the *Model Time Standards for State Trial Courts* (NCSC, 2011).⁵

³ <http://www.courttools.org/>

⁴ Ostrom, et al., *The High Performance Court Framework*. Future Trends in State Courts (2011).

⁵ Van Duizend, Richard, et al., *Model Time Standards for State Trial Courts*, (Williamsburg, VA: National Center for State Courts, 2011), pp. 1-9.

Table 3: Criminal Caseflow Management Performance Measures and Indicators

Measure	Source	Definition	Benchmark
Efficiency: Gauges the variability and stability in key processes			
Clearance Rate	CourTools Measure 2	The number of outgoing cases as a percentage of the number of incoming cases	100% clearance rate each year
Time to Disposition	CourTools Measure 3	The percentage of cases disposed or otherwise resolved within established time frames	See Table 1 above
Age of Active Pending Caseload	CourTools Measure 4	The age of the cases pending before the court, measured as the number of days from filing until the time of measurement	<u>Felony</u> ≤25% beyond 90 days ≤10% beyond 180 days ≤2% beyond 365 days <u>Misdemeanor</u> ≤25% beyond 60 days ≤10% beyond 90 days ≤2% beyond 180 days
<i>Time between major case processing events</i>			
→ Date of arrest to date of filing of criminal complaint	Model Time Standards	The percentage of cases meeting the time standard	<u>Felony</u> 100% of cases meet time set by statute <u>Misdemeanor</u> 100% of cases meet time set by statute
→ Date of arrest to date of first appearance	Model Time Standards	The percentage of cases meeting the time standard	100% of cases meet time set by statute
→ Date of arrest to date of preliminary hearing	Model Time Standards	The percentage of cases meeting the time standard	
→ Date of filing of criminal complaint to date of arraignment	Model Time Standards	The percentage of cases meeting the time standard	<u>Felony</u> 98% within 60 days
→ Date of filing to initiation of trial or acceptance of plea	Model Time Standards	The percentage of cases meeting the time standard	<u>Felony</u> 98% within 330 days <u>Misdemeanor</u> 98% within 150 days
→ Number of appearances per disposition	ECCM	The total number of appearances per disposition, including all appearances scheduled, whether held or continued	Benchmark set by court

Measure	Source	Definition	Benchmark
Effectiveness: Gauges the match between stated goals and their achievement			
Trial Date Certainty	CourTools Measure 5	Number of times cases disposed by trial are scheduled for trial	Benchmark set by court
Hearing Date Certainty	ECCM	Number of times a particular hearing is continued	Benchmark set by court
<i>Time to comply with constitutional/statutory rights</i>			
→ Date of arrest to date of pre-trial release decision	ECCM	Monitors the length of time from arrest to key legal events	Benchmark set by court
→ Date of first appearance to date of court appointment of counsel			
→ Date of appt. of counsel to exchange of discovery			
Productivity: Gauges whether processes make best use of judge and staff time			
Cost of delay	ECCM	The cost to the criminal justice system of failed/rescheduled events	Benchmark set by court
Case weights for judicial officers and for staff by major case type ⁶	NCSC	The average amount of time judges or staff spend to handle a case, from case initiation through all post-judgment activity	Benchmark set by court
<i>Meaningful court event</i>			
→ Hearing Outcomes	ECCM	The percentage of hearings resulting in completion of intended action, next hearing set, a continuance, or a disposition	Benchmark set by court
→ Time between the original date of an event and the date to which it was continued, by event type	ECCM	Average number of days between an originally scheduled event and its continued event	Benchmark set by court
→ Party requesting continuance	ECCM	Originator of request (prosecution, defense, court)	Benchmark set by court
→ Reason for continuance	ECCM	Number of requests by reason requested	Benchmark set by court per policy
Procedural Satisfaction: Gauges if court is providing fair and accessible service			
Access and Fairness Survey	CourTools Measure 1	Ratings of court users on the court’s accessibility and its treatment of customers in terms of fairness, equality, and respect	Benchmark set by court

⁶ Case weights must be professionally developed according to a rigorous workload assessment methodology. See <https://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Workload-assessment.aspx>.

Although courts may differ in their specific strategies for criminal caseload management, the following approaches are generally considered to be variations on certain basic methods or techniques that successful courts have in common⁷ (NCSC, 2004):

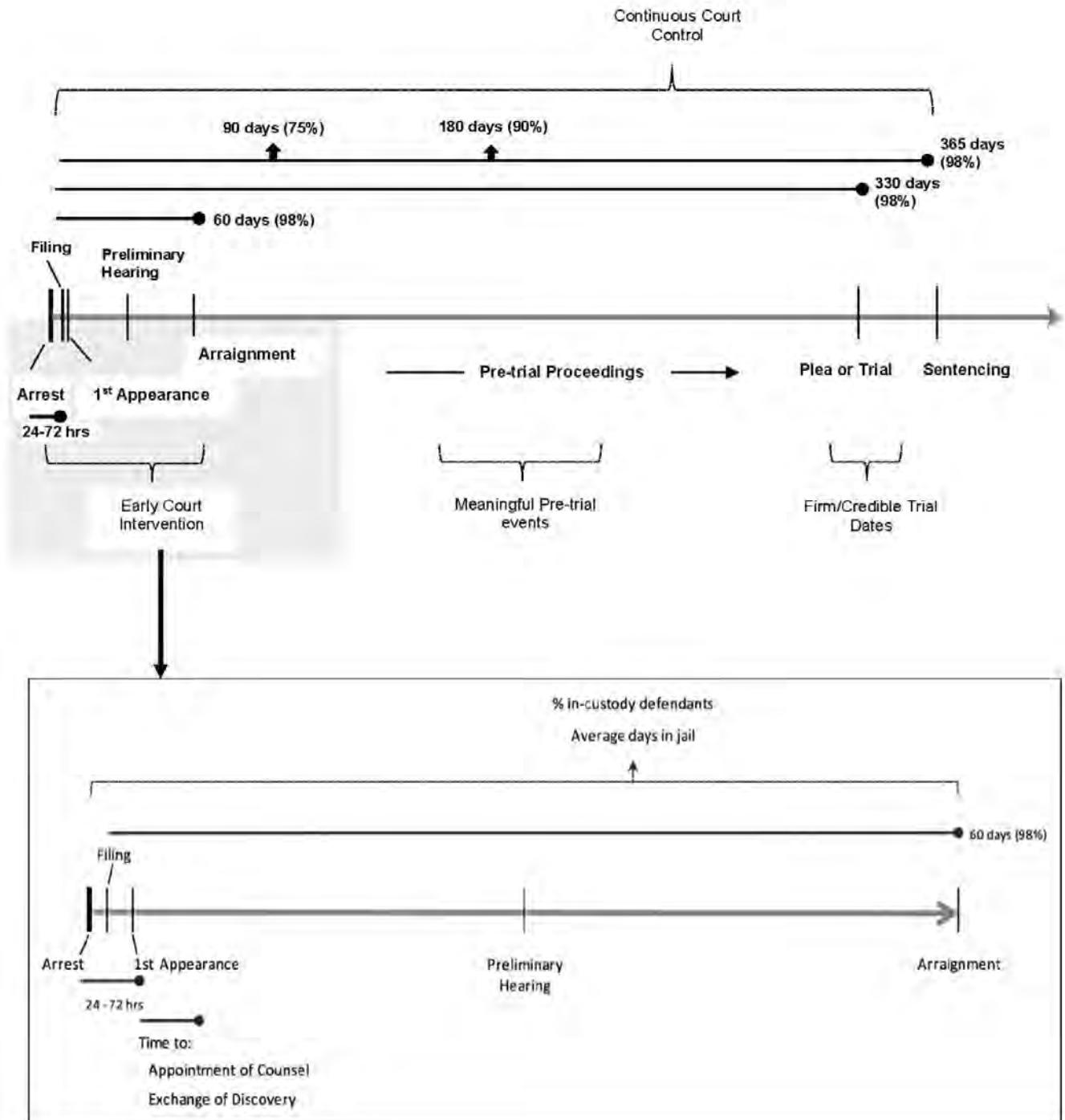
- *Early court intervention:* The start of each case triggers the effort to resolve the case as early in the process as reasonable and to reduce the time and costs for the parties and the court without sacrificing rights or interests.
- *Continuous court control:* For each case, realistic pretrial schedules are established so that progress to each scheduled event is appropriate and can be monitored to minimize unnecessary delay.
- *Controlling continuances:* While courts must allow adequate time to accomplish necessary tasks, events should also be scheduled sufficiently soon to maintain awareness that the court wants reasonable case progress and will not allow continuances simply because participants are not prepared.
- *Meaningful pretrial court events:* The court communicates to all participants in the legal process the purpose, deadlines, and possible outcomes of all proceedings to ensure all events occur as scheduled and contribute substantially to the resolution of the case.
- *Firm and credible trial dates:* Trials regularly commence on the first date scheduled after the court determines no other case resolution options are possible.

It is possible to visualize the relationship between caseload management principles, key criminal case processing events, and relevant performance indicators by incorporating them all in a single diagram. Figure 2 illustrates these relationships. For example, a central part of continuous court control is ensuring that criminal cases move through all intermediate court events in a timely fashion and are ultimately resolved within establish timelines. This idea is shown at the top of the diagram by linking the *Model Time Standards* to the main events in the life of a criminal case.

Likewise, the bottom part of the diagram shows an expanded view of the initial steps and actions in a criminal case from arrest through arraignment. Timely case processing means numerous events need to happen in a controlled fashion during the early stages of a criminal case. Early court intervention involves tasks such as recording the initial filing, scheduling events, conducting hearings, determining indigence, and exchange of discovery. Keeping cases on track requires that the commencement of a case triggers an ongoing monitoring and review process.

⁷ Steelman, David. 2004. *Caseload Management: The Heart of Court Management*. National Center for State Courts. Williamsburg, VA.

Figure 2: Criminal Case Timeline



4. Effective Caseflow Management Reports

Court managers need regular caseflow management reports that are useful to judges and themselves. Reports are of greatest utility when they are regularly generated to monitor court performance. The tables provide a concise example of how a relatively small number of data elements can be combined to show annual trends in key performance indicators. The data is accompanied by short Observations designed to interpret the data and provide a starting point for discussion by the court management team to identify areas of success, challenges, and solutions. This section illustrates strategies for developing caseflow management reports. Three general purposes guide the form and content of these displays.

First, the following tables and graphs use illustrative data to show examples of how the performance data can be analyzed and presented. Caseflow management performance indicators can produce a great deal of data, much of it new and possibly unfamiliar to judges and court managers. To avoid information overload, the tables and graphs assist a court executive team in deciding what data is most important and how the data can best be used to examine specific performance issues and questions. These are the types of reports a court may wish to use. Of course, given variability among courts in the familiarity and experience with caseflow management practices, the actual information compiled will be tailored to the needs and capabilities of each court.

Second, brief bulleted observations illustrate what the numbers mean to demonstrate how the tables and graphs lend themselves to a better understanding of court operations and suggested courses of action. Some bullets are direct observations on the data, typically used to explain and discuss what is contained in a particular chart. Others focus on the managerial utility of the data.

Third, the aim is to show how data provide a baseline to compare how well the court is currently achieving key values related to effective caseflow management. The data are presented at two levels:

- *Data on the status of individual cases.* Most relevant for identifying and monitoring cases that are in danger of exceeding the court's established time frame.
- *Data on court-wide caseload and performance.* Several important court-wide performance indicators should be monitored on a regular and ongoing basis. Steelman (2004) suggests the highest priority information includes:
 - *Case filings and dispositions:* the number of cases filed and disposed by case type category, including statistics on the 5 to 10-year trend.
 - *Clearance Rate:* the total number of cases disposed divided by the total number of cases filed during a given period, indicating the degree to which a court is keeping up.
 - *Active Pending Caseload:* the number and age of cases that have been filed but not yet disposed. The total at the start of the period is *Begin-Pending*; the close is *End-Pending*.
 - *Time to Disposition:* the age of disposed cases in relation to case processing time goals.
 - *Continuances:* reports showing the number of continuances granted by judges.

This type of performance information can help evaluate progress on past efforts, document trends, and formulate new objectives and strategies. The reports below are illustrative and designed to show how data might be presented.

A. Aggregate court-wide reports for regular and ongoing monitoring

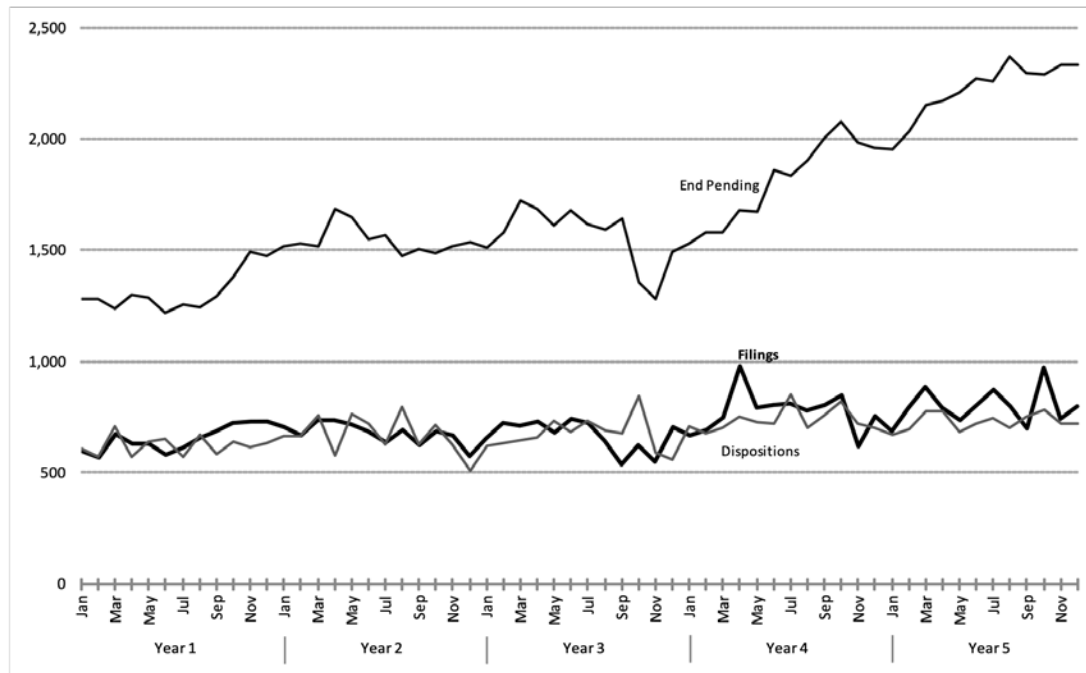
Example 1: Court-wide report showing annual trends in key performance indicators

	Year 1	Year 2	Year 3	Year 4	Year 5	% change
Begin Pending (Jan. 1)	1,116	1,472	1,535	1,492	1,963	76%
Filed	7,825	8,129	8,027	9,312	9,589	23%
Disposed	7,469	7,965	7,894	8,305	8,768	17%
End Pending (Dec. 31)	1,472	1,535	1,492	1,963	2,334	59%
# Pending over 1 year	143	135	127	233	301	110%
% Pending over 1 year	10%	9%	9%	12%	13%	
Clearance Rate	95%	98%	98%	89%	91%	

Observations:

- Over the five years, criminal filings increased 23%, while dispositions rose by 17%.
- Because dispositions failed to keep pace with filings, Begin-Pending caseload grew by 76%.
- Clearance rate declined from 98% in year 3 to 91% in Year 5.
- Number of cases pending over 1 year more than doubled between Years 1 and 5.
- The table indicates how well the court is keeping up as caseloads change over time.

Example 2: Monthly trend in filings, dispositions, and year end-pending cases.



Observations:

- The court was keeping up with the caseload fairly well during Years 1 to 3.
- Dispositions failed to keep pace with filings at the beginning of Year 4.
- The subsequent rise in pending caseload raises concern of a growing backlog.
- The graph shows when a court sustains success in keeping up and when success is threatened.

B. On-demand Court-wide reports to target problems

A rise in the pending caseload should spur a court to more closely examine its caseload management practices. The example below assumes a court implements a plan to improve the timeliness of case processing at the start of Year 6. The following tables illustrate the type of information useful in monitoring the success of the improvement efforts. The data is shown at six-month intervals. Of course, a court might choose to monitor this information more regularly (e.g., quarterly or monthly).

Example 3: Time to disposition

Date	Percent Resolved Within			Number of Days	
	90 Days	180 Days	365 Days	Mean	Median
Jan. - Year 6	65%	72%	87%	185	144
Jun. - Year 6	68%	78%	88%	169	136
Dec. - Year 6	75%	82%	92%	158	121

Observations:

- The court is improving case processing time across all time periods in Year 6.
- The mean, or average, is equal to the sum of all the days divided by the number of cases.
- The median is the middle value; in January half of the cases take greater than 144 days and half take fewer days.
- The mean will be greater than the median when there are some cases that take a long time to resolve, and thus raise the average for all cases.
- The table enables a court to show how disposition time compares to established time standards.

Example 4: Age of pending caseload

Date	Number of Cases	Percent of Cases Pending More Than...					Number of Days	
		90 Days	180 Days	365 Days	540 Days	730 Days	Mean	Median
Jan. - Year 6	2,334	35	28	13	8	5	208	174
Jun. - Year 6	2,013	32	22	12	6	3	184	162
Dec. - Year 6	1,702	25	18	8	6	5	168	143

Observations:

- The total number of pending criminal cases fell by 27%, from 2,334 to 1,702
- The number of cases pending less than 365 days declined during Year 6.
- The age profile also shows a small change in the percent of cases pending more than 365 days. (from 26 percent (13+8+5) to 19 percent (8+6+5), signifying there are still a substantial number of old cases.
- The table helps a court monitor the progress of all cases and determine the extent to which cases are pending beyond the time standards.

Example 5: Number of cases pending at each stage

Dates	Number of Cases	Initial Appearance	Preliminary Hearing	Arraignment	Pretrial Proceedings	Trial		
						Readiness Conference	Jury Trial Set	Sentencing
Jan. - Year 6	2,334	345	470	713	552	62	105	87
Jun. - Year 6	2,013	220	325	548	490	124	194	112
Dec. - Year 6	1,702	152	142	329	370	256	310	143

Observations:

- This table shows the number of cases pending at each major stage of the criminal process (numbers reflect the next type of hearing set, not the most recently completed type of hearing).
- Of the total of 2,334 cases pending in January, 552 (24%) had completed the arraignment and were set for pretrial proceedings. By December, 370 of the 1,702 cases (22%) were at this stage.
- In January, 254 of the 2,334 cases (11%) were pending at the trial readiness, trial, and sentencing stages; by December that number increased to 709 of 1,702 cases (42%).
- The table shows that the inventory at the later stages has increased sharply, suggesting where a new backlog may be building.

Example 6: Time between major case processing events

Dates	Arrest to First Appearance		Filing to Arraignment		Filing to Disposition	
	% Within 48 Hours	Goal %	% Within 60 Days	Goal %	% Within 330 Days	Goal %
Jan. - Year 6	98%	100%	86%	98%	84%	98%
Jun. - Year 6	98%	100%	89%	98%	85%	98%
Dec. - Year 6	98%	100%	92%	98%	89%	98%

Observations:

- The percentage of cases approximating established time goals is better in December than January.
- The court is still finding it difficult to meet its case processing time goals for moving cases from filing to arraignment and from filing to disposition.
- This table diagnoses whether and where a court has bottlenecks.

Example 7: Average appearances and continuances granted

Dates	For Cases Disposed by Trial		
	Average Appearances per Dispo.	Average Continuances per Dispo.	Average Trial Date Continuances
Jan. - Year 6	12	6	4
Jun. - Year 6	11	5	4
Dec. - Year 6	10	5	3

Observations:

- The number of appearances per disposition, counting all appearances scheduled (whether held or canceled and rescheduled), has declined.
- Trial date continuances showed a slight reduction.
- Since too many continuances lead to excessive case processing time, the table provides a means to monitor the granting of continuances more closely.

C. Exception reports for monitoring specific cases

Individual case-level reports are particularly important for identifying cases approaching or exceeding time standards as well as other established goals (e.g., appearances per disposition). They can be designed as *exception reports*. An exception report is designed to identify cases outside normal expectations that need corrective action. In successful caseload management, exception reporting saves time by alerting court managers to problem cases without the need to search for this information where it is mixed in with the full set of court cases.

Example 8: Pending cases over 365 days old

Number of Days Old	Case Number	Case Type	Defendant Name	File Date	Last Action	Next Action	Date Set for Next Action
732	09-01245	Burglary	Smith	09/03/2020	Trial readiness	Trial	12/04/2020
723	09-23895	Homicide	Jones	10/14/2020	Motion	Trial readiness	01/16/2021
711	09-48903	Assault	Miller	10/22/2020	Trial readiness	Trial	02/01/2021
.
.

Observations:

- Identifies the age (number of days old) for each felony case exceeding the time standard.
- The case number, defendant name, and case status are shown.
- Additional information, such as judge and attorney names and phone number could be included to facilitate management of these cases.

Example 9: Pending cases over 60 days old without arraignment

Number of Days Old	Case Number	Case Type	Defendant Name	File Date	Last Action	Next Action	Date Set for Next Action
84	10-33467	Drug	Markus	11/24/2020	Prelim	Arraignment	02/16/2021
80	10-34998	Burglary	Hurt	11/28/2020	Prelim	Arraignment	02/29/2021
78	10-45568	Drug	Jefferson	12/02/2020	Motion hearing	Arraignment	03/04/2021
.
.

Observations:

- Identifies cases moving slowly according to established criteria, warranting closer court monitoring.
- While this table focuses on time from filing to arraignment, similar tables can be constructed to show timing between other major case processing events (e.g., arraignment to pretrial hearing, trial readiness conference to trial).

Example 10: Pending cases with 10 appearances or more

Number of Appearances	Case Number	Case Type	Defendant Name	File Date	Last Action	Next Action	Date Set for Next Action
18	10-23356	Drug	Orlando	11/21/2020	Trial readiness	Trial	12/05/2020
17	10-25997	Assault	Murray	12/12/2020	Motion hearing	Trial readiness	12/08/2020
15	10-39967	Homicide	Gullen	01/04/2020	Motion hearing	Trial readiness	01/06/2021
.
.

Observations:

- Identifies cases with a substantial number of appearances that slows down the resolution of cases and increases the cost.
- This court has established a benchmark of fewer than 10 appearances, and the table shows the specific cases where the number of appearances exceeds this benchmark.

Example 11: Pending cases without date for next appearance set (or disposition date)

Case Number	Case Type	Defendant Name	File Date	Last Action
09-55466	Homicide	Hanson	01/06/2020	Motion hearing
09-56677	Burglary	Samual	01/09/2020	Arrestment
09-67734	Assault	Handy	02/03/2020	Trial readiness
.
.
.

Observations:

- Identifies the specific cases where the date of next appearance has not been set.
- The court should enforce a clear policy that the date and purpose of the next event in the life of each case is established following completion of any given event.

Example 12: Continuance Report

Case Number	Case Type	Defendant Name	Judge Name	Type of Event Continued	Individual Requesting Continuance	Reason for Continuance
10-34498	Burglary	Alfred	Ruiz	Trial	Court	Judge not available
10-57734	Drug	Jack	Kane	Motion hearing	Defense	Attorney scheduling conflict
10-78432	Homicide	Lacey	Cohen	Arrestment	Prosecution	Attorney not prepared
.
.
.

Observations:

- Identifies whether the granting of continuances follows a reason allowed under the court’s continuance policy and who made the request.
- The table will help monitor the court’s effectiveness adhering to its continuance policy.

APPENDIX A

ECCM Criminal Case Management Data Checklist

<u>Counting Rules</u>	If no, can information be sorted into these categories			
	Yes	No	Yes	No
Count the arrest (or citation) as the beginning of the case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Count the filing of the original charging document as the beginning of the case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Count the defendant and all charges involved in a single incident as a single case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Count a probation/parole violation from a previous felony case as a reopened felony case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reporting Aggregate Caseload Statistics: Case Status Categories

Consistent with the *State Court Guide to Statistical Reporting (Guide)*, the following case status categories should be used for reporting felony caseloads. All terms are defined in the *Guide*. Assess whether the status of individual felony cases is collected and tracked using the specific categories shown below.

	Check if information is currently collected		Check if information currently used to track cases		Availability of information	
	Yes	No	Yes	No	Monthly	Annually
<i>Begin Pending</i>						
Begin pending—Active	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Begin pending—inactive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Incoming cases</i>						
New filing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reopened	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reactivated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Outgoing cases</i>						

Entry judgment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reopened dispositions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Placed on Inactive Status	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>End Pending</i>						
End pending—Active	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
End Pending—Inactive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<u>Case Identifiers</u>	Check if information is currently collected		Check if information currently used to track cases	
	Yes	No	Yes	No
Jurisdiction (district, county, circuit, court location)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Case number	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Summons/Citation Indicator (yes/no)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Classification of Cases by Seriousness of Offense

<u>Most Serious Charge at Filing</u>	Check if information is currently collected		If no, can information be sorted into these categories	
<i>(for each charge, indicate if felony or misdemeanor)</i>	Yes	No	Yes	No
Homicide	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Domestic Violence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Person Offense	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property Offense	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drug Offense	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Weapons Offense	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DWI/DUI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other Motor Vehicle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal Process Violation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Order Offense	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Felony/Other Misdemeanor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Number of Charges at Filing</i>				
Total number of felony charges at filing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total number of misdemeanor charges at filing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Most Serious Charge at Disposition (using same hierarchy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Key Procedural Events and Dates

Please indicate whether the date and type of major case processing events occurring in individual felony cases is collected and tracked using the specific categories shown below.

	<u>Check if information is currently collected</u>		<u>Check if information currently used to track cases</u>	
	Yes	No	Yes	No
Date of arrest (or citation/summons if cite and release)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of filing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of first appearance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of court appointment of counsel (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of pretrial release decision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of exchange of discovery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of preliminary hearing (or grand jury hearing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of arraignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of final pretrial conference	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dates Case Placed on Inactive Status/Reactivated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date(s) case placed on inactive status	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date(s) case reactivated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of disposition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of sentencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<u>Number of Court Hearings</u>	<u>Check if information is currently collected</u>		<u>If no, can information be sorted into these categories</u>	
	Yes	No	Yes	No
Number of court hearings scheduled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Number of court hearings held	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Number of pretrial conferences held	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Number of trial dates scheduled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Number of Failure to Appear events	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Classification of Cases by Manner of Disposition & Outcome

This data element should identify the type of disposition for the most serious charge at disposition, recognizing that charges may have been dismissed or reduced over the life of the case. The rank order is listed below. See Data Specifications section below for additional definition and detail.

<i>Manner of Disposition</i>	<u>Check if information is currently collected</u>		<u>Check if information currently used to track cases</u>	
	Yes	No	Yes	No
Jury trial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bench trial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Guilty Plea	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversion (all types)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dismissal/nolle prosequi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Outcome</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Bindover/transfer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conviction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Acquittal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mistrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversion to problem-solving court (e.g., drug court)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversion other than to problem-solving court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Continued without finding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dismissal/nolle prosequi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Defendant Legal Status

	Check if information is currently collected		If no, can information be sorted into these categories	
	Yes	No	Yes	No
Pretrial custody status				
<i>In-custody</i>				
Date(s) taken into custody	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date(s) released from custody	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Out-of-custody</i>				
Own recognizance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cash bail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cash bail (amount)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Surety bond	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Surety bond (amount)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Type of counsel at disposition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Multiple defendants involved	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPENDIX B

Effective criminal case management (ECCM) project data specifications

This document describes the data elements required to adapt the caseflow management analysis in the ECCM project to the management of an individual court. For purposes of this project, the data elements fall into six general categories: case identifiers, seriousness of charge, key procedural event dates, number of hearings, type of disposition, and defendant legal status.

The data set should include all felony and misdemeanor criminal cases disposed during the most recent 12-month period for which complete data are available (e.g., most recent fiscal year, most recent calendar year). The data set should include only cases originally filed as felony or misdemeanor criminal offenses; do not include cases originally filed as infractions or violations. Cases originally filed as felonies or misdemeanors but disposed as infractions or violations should be included. “Disposition date” refers to the date of the *final disposition of the original criminal case*, not to the date of disposition for post-judgment events such as probation violations.

For purposes of this project, a case is defined as a single defendant and all charges arising from a single incident. For cases involving multiple charges against a single defendant, the data should be condensed to produce a single record containing the most serious charge at filing and the most serious charge at disposition.

Some CMS unfortunately overwrite certain data fields, rather than maintain a history. For example, legal representation can change over the life of the case, and each time it changes the system overwrites the existing data with the new data. Having a history is better than assuming that the type of legal representation at disposition was true for the life of the case. The same is true for custody status (detained, released) can also change over the life of the case and affect timeliness and other factors influencing case outcome; if overwritten, this information is lost. Notes are offered below where more detailed information could be beneficial.

Dataset Specifications

The final data set should comprise every felony and/or misdemeanor case *disposed/sentenced* during the most recent 12-month period available. The data set should ideally consist of a single “flat” file that includes the variables described below, with one record per case/defendant (Option 1) or one record per charge (Option 2). Our preferred file formats include Excel and SPSS, but a properly set-up ASCII/text file is also acceptable. NCSC staff will be happy to work with you on alternatives if you are unable to provide the data in exactly the desired format.

Date element definitions:

A. Case Identifiers:

1. Jurisdiction

The jurisdiction (e.g., circuit, district, or county) in which the case was filed.

2. Case Number

A unique identifier (e.g., case number, docket number). For data sets containing multiple records per case, this number will be used to match charges within cases.

3. Summons/Citation Case Indicator

In a summons/citation case, the defendant is not taken into custody but is instead issued a summons, citation, notice, or ticket (e.g., desk appearance ticket) directing the defendant to appear in court on a specified date. These cases are typically minor misdemeanors (e.g., traffic offenses, possession of marijuana).

0. Defendant taken into custody (not a summons or citation case)

1. Summons or citation case

Note: While the current model time standards are based on date of filing, a better measure of criminal case processing is to begin from the date of arrest.

B. Seriousness of Charge:

For each defendant:

- Determine the *most serious charge at filing* and the *most serious charge at disposition*
- Determine the *total number of charges*, both felony and misdemeanor, facing the defendant at time of filing

The *most serious charge* is the charge of the most serious degree according to the state’s classification system. The *most serious charge at filing* is defined as the most serious charge ever filed in the case, regardless of the date on which the charge was filed. The *most serious charge at disposition* is the most serious charge that is not dismissed.

4. Most Serious Charge at Filing: Degree

Many criminal cases include multiple charges against a single defendant. This data element identifies the most serious charge filed against the defendant. This data element should identify whether the most serious charge filed is a felony or a misdemeanor.

- Felony—in most states, an offense punishable by incarceration for one year or more.
- Misdemeanor—in most states, an offense punishable by incarceration for less than one year and/or fines.

Note: Additional benefit may be derived if the case management system can also specify the degree or class of the most serious charge filed, based on the state’s classification system (e.g., Felony I, or

Class A misdemeanor). When statutes are used to classify cases, sometimes the penal code section itself will make these distinctions (e.g. PC 243(a) vs PC 243(b)).

5. Most Serious Charge at Filing: Case Type

1. Criminal homicide (e.g., murder, negligent manslaughter, vehicular homicide)
2. Domestic violence (a person offense committed against another person with whom the defendant had a domestic relationship)
3. Person offense (e.g., attempted murder, rape, assault, robbery, kidnapping, sex offenses, incest, menacing, child abuse, etc.)
4. Property offense (e.g., burglary, larceny, theft, tampering, auto theft, arson, forgery, fraud, bribery, trespass, cruelty to animals, etc.)
5. Drugs (e.g., manufacture, distribution, sale, use of controlled substance)
6. Weapons (e.g., violation of regulations/statutes regarding carrying, using, possessing, etc.)
7. DUI/DWI
8. Other motor vehicle (e.g., reckless driving, other non-DUI charges, driving on a suspended license, habitual traffic)
9. Violations of the legal process (e.g., perjury, impersonation, obstruction of public justice, bail violation, protection order violation, escape, fugitive from justice, etc.)
10. Public order (e.g., violations of liquor laws, disorderly conduct, vagrancy, prostitution, criminal mischief, gambling, public peace and order, curfew, fare evasion, wildlife or natural resources offenses, etc.)
11. Other felony or other misdemeanor (e.g., felony or misdemeanor charges that do not fit into one of the categories defined above, including abuse of public office, habitual criminal, etc.)

6. Most Serious Charge at Disposition: Degree

This data element identifies the *most serious charge that is not dismissed*. This data element should identify whether this charge is a felony, a misdemeanor, or a violation/infraction. This data element should also specify the degree or class of the charge, based on the state's classification system (e.g., first-degree felony, class A misdemeanor).

- Felony—in most states, an offense punishable by incarceration for a year or more.
- Misdemeanor—in most states, an offense punishable by incarceration for less than one year and/or fines.
- Violation/infraction—a civil offense not punishable by incarceration

If all charges are dismissed, the most serious degree of offense at disposition should be coded as -8 (all charges dismissed).

7. Most Serious Charge at Disposition: Case Type

This data element should identify the type of offense for the *most serious charge that is not dismissed*. The most serious charge is to be identified first by degree (see above). If there are two or more charges tied for the most serious degree, use the hierarchy of offense types to determine which charge is most serious.

For example, take a case that includes two charges: a *property felony* charge (most serious charge at filing) and an *other misdemeanor* charge. If the property felony is dismissed and the defendant pleads guilty to the other misdemeanor, the other misdemeanor becomes the *most serious charge at disposition*. As another example, say there are two charges in a limited jurisdiction court case: a felony person offense and a felony drug charge. The felony person charge is dismissed prior to bindover, and the case is bound over to the court of general jurisdiction for trial on the felony drug charge. The *most*

serious charge at disposition is the felony drug offense, because it is the most serious charge that was not dismissed.

If all charges are dismissed, the most serious charge at disposition should be coded as -8 (all charges dismissed).

8. Charge Reduced:

0. Most serious charge at disposition is equal to most serious charge at filing.

1. Most serious charge at disposition is lesser in degree and/or type of offense than most serious charge at filing.

-8. All charges dismissed.

9. Total Number of Felony Charges at Filing

10. Total Number of Misdemeanor Charges at Filing

C. Key Procedural Event Dates:

11. Date of Arrest (or Citation/Summons, if not taken into custody)

The date when the police arrest the defendant, request a warrant, and/or issue a summons, citation, notice, or ticket, if not taken into custody. (Technically, a defendant who gets cited and released will usually be considered to have been “arrested” even if not taken into custody).

12. Date of filing

The date that the criminal complaint is filed with the court.

13. Date of First Appearance

The date of the first court appearance where the defendant is brought before a magistrate or judge. Typically, at this hearing, the defendant is informed of charges and constitutional rights, including the right to an attorney. Conditions and type of bail may be set or reviewed. May also be called *initial appearance* or *arraignment*.

14. Date of Court Appointment of Counsel

The date of appointment of state-paid counsel if the defendant is determined to be indigent.

15. Date of Pretrial Release Decision

The earliest date on which a judicial officer decides whether to release the defendant on bail/bond.

16. Date of Exchange of Discovery

The date, following the formal request for discovery by the defendant’s attorney, that the prosecutor’s office provides the attorney with the materials they have in their possession that relates to the defendant’s case (e.g., police reports, transcripts of statements made by the defendant or other witnesses during the initial investigation, and any videos or recordings that were obtained at the time of arrest).

17. Date of Preliminary Hearing Date (or Grand Jury)

The date of the *preliminary hearing* at which a judge determines whether the evidence provides probable cause to believe that the crime was committed by the defendant. The preliminary hearing occurs after the *first appearance* and may also be called a *preliminary examination*, *evidentiary hearing* or *probable cause hearing*.

Alternatively, this is the date of *grand jury* indictment for those jurisdictions where a grand jury is used to determine whether there is enough evidence, or probable cause, to indict a criminal suspect.

Possible outcomes if probable cause is established:

- The defendant is held to answer, or is “bound over,” for trial on the original charge.
- Depending on the jurisdiction and the seriousness of the crime, the case may proceed directly to plea negotiations or trial in the court that conducted the preliminary hearing.

18. Date of Arraignment

The *arraignment date* is the date of the next court appearance after a judge holds the defendant to answer, often initiated when the prosecutor files a document (commonly called an “information”) that signals the start of further court proceedings. At the arraignment, the defendant typically receives a formal notice of charges, enters a plea, and has the next court date set. Also called *arraignment on the information*.

19. Date of Final Pretrial Conference

The *final pretrial conference date* is the latest date prior to the disposition date on which a pretrial conference (often an informal meeting at which opposing attorneys confer, usually with the judge) to assess the case’s readiness for trial.

20. Date(s) Case Placed on Inactive Status

21. Date(s) Case Reactivated

A criminal case is typically placed on *inactive status* after a bench warrant is issued because the defendant failed to appear at a scheduled court appearance and is considered a fugitive. When the defendant is taken into custody, the case will be removed from inactive status and reactivated. These dates allow for computing the total number of days the case spent in inactive status between the filing date and disposition date, including multiple spells of inactivity, essential for an accurate representation of a court’s timeliness.

Note: If not possible to compute the total number of days using the dates described above, then use of Item 3X below, the Number of Failure to Appear events, can serve as a proxy.

22. Date of Disposition

Disposition date is defined as the date of the legal disposition of the case (e.g., trial verdict, guilty plea, dismissal, etc.) OR entry into diversion or drug court or other problem-solving court program, whichever comes first. It refers to the date of the *final disposition of the original criminal case*, not to the date of disposition for post-judgment events such as probation violations.

In those instances where a case has multiple charges with multiple disposition dates, this date is defined as the ‘first final disposition’ date. That is, the date when all the charges are initially disposed (not the first disposition date when, say, one of the charges is dismissed but others are still pending disposition). In addition, as noted above, for purposes of this study the disposition date is the date of entry into diversion or a problem-solving court program, not the date where there may be a subsequent disposition such as ‘dismissal’ (if conditions of diversion are met) or ‘conviction’ (if conditions are not met).

23. Date of Sentencing

The date when judgment is entered, and sentence imposed.

D. Number of Court Hearings

24. Number of court hearings scheduled: numeric variable

A scheduled hearing is a court event at which an attorney or defendant is scheduled to appear before a judicial officer on or off the record. Types of hearings include, but are not limited to, initial appearances, bond hearings, preliminary hearings, motion hearings, pretrial conferences, and trials.

25. Number of court hearings held: numeric variable.

A hearing is defined as being held when an attorney and/or defendant appears before a judicial officer on or off the record and the proceeding is not postponed or continued.

26. Number of pretrial conferences held: numeric variable

The *number of pretrial conferences* is the total number of conferences held prior to the disposition date for the purpose of establishing case timelines, narrowing the issues, assessing trial readiness, etc. Such conferences may be called pretrial conferences, scheduling conferences, status conferences, or case management conferences.

27. Number of trial dates scheduled: numeric variable

The number of trial dates scheduled includes the first day of each scheduled trial, whether or not the trial occurs. If a multi-day trial is scheduled, count this as a single trial date.

28. Number of failures to appear: numeric variable

The number of scheduled hearings at which the defendant was required to appear but failed to appear.

29. Number of continuances: numeric variable

The total number of times a scheduled hearing (a court event at which an attorney or defendant is scheduled to appear before a judicial officer on or off the record) was continued. Count this if unable to compute items 30 and 31.

E. Manner of Disposition

30. Manner of Disposition for Most Serious Charge at Disposition (rank order):

1. Jury trial (including incomplete trials)
2. Bench/non-jury trial (including incomplete trials)
3. Guilty plea
4. Diversion (all types)
5. Dismissal/nolle prosequi

Consistent with the *State Court Guide to Statistical Reporting* a jury trial is considered to have taken place for disposition reporting purposes when a jury is impaneled to determine the issues of fact in the case. A jury trial should be counted when the jury has been sworn, regardless of whether a verdict is reached. A bench trial is considered to have taken place for disposition reporting purposes when a judge or judicial officer is assigned to determine both the issues of fact and law in the case and is counted when the first evidence is introduced, regardless of whether a judgment is reached. Note that these trial dispositions are not considered as such by the mere request for or scheduling of a trial.

Manner of disposition categories may not be mutually exclusive. For example, the disposition phase in a case could begin with a jury trial, but end in a guilty plea or dismissal. Likewise, a case disposition may begin as a jury trial and end as a bench trial. For purposes of this study, a case is defined as being disposed by jury trial (or bench trial) if a jury trial (or bench trial) begins regardless of how the case is ultimately disposed.

For cases involving multiple charges, report the manner of disposition for the most serious charge that is not dismissed. In the example of a case with three charges (felony person, felony drug, and misdemeanor weapons) in which the felony person offense is dismissed, the felony drug charge is disposed by guilty plea, and the misdemeanor weapons charge results in a bench trial, the most serious charge at disposition is the felony drug offense, and the manner of disposition is guilty plea.

If multiple charges *of the same degree and offense type* are not dismissed, use the rank order for manner of disposition (shown above) to determine the manner of disposition for the most serious charge. For example, if a case includes two Class 1 misdemeanor person offenses, one of which results in a guilty plea and one of which is disposed by bench trial, the two charges at disposition are

equivalent in seriousness, so the rank order for manner of disposition must be used to determine the manner of disposition, which is bench trial.

31. Outcome of Case Disposition for Most Serious Charge at Disposition (rank order):

1. Bindover/transfer
2. Conviction
3. Acquittal
4. Mistrial
5. Diversion into drug court or other problem-solving court
6. Diversion (not to a problem-solving court program)
7. Continued without a finding
8. Dismissal/Nolle Prosequi

When a case involves the disposition of multiple charges, the *result of case disposition* category selected should correspond to the disposition of the *most serious charge at disposition* (see above). Drawing on the example above (a case with three charges, felony person, felony drug, and misdemeanor weapons, where the felony person charge is dismissed, the felony drug charge results in a guilty plea, and the misdemeanor weapon is disposed by bench trial), the *most serious charge at disposition* is the felony drug offense and the *result of case disposition* is conviction.

With reference to problem-solving court cases, for purposes of this study, the *result of case disposition* refers to the initial or original disposition of entry into diversion or a problem-solving court program, not the subsequent disposition such as ‘dismissal’ (if conditions of diversion are met) or ‘conviction’ (if conditions are not met).

“Continued without a finding” refers to a disposition where the court postpones or withholds judgment for a set period of time outside of a formal diversion program. The defendant may or may not admit facts sufficient for a finding of guilt and may or may not be subject to requirements and conditions. Examples include “continued without a finding” in Massachusetts, “adjournment in contemplation of dismissal” (ACD, ACOD) in New York, and “deferred disposition” in Virginia.

F. Defendant Legal Status

32. Type of Counsel at Disposition:

1. Private attorney
2. Public Defender
3. Appointed counsel
4. Self-represented/pro se/pro per

33. Pretrial Custody Status Following Initial Determination

Ideally, a numeric variable with the following values:

1. Not taken into custody (summons/citation case)
2. Release on own recognizance
3. Release on bail/bond
4. Held subject to bail/bond
5. Held without bail/bond
6. Held on another matter (e.g., another sentence or a probation violation from an earlier case)

Note: For all types of detention in custody, the most accurate reporting will provide for Date(s) taken into custody and Date(s) released from custody, for each period (if more than one) that the defendant was in custody. This will allow computation of total time the case is placed on inactive status, ensuring an accurate representation of timeliness.

A key decision is the determination of whether the defendant will be detained in jail awaiting trial or will be released back into the community. In addition, many defendants are held for a number of days and then released at some point before trial. Some defendants may go in and out of pretrial detention multiple times. The purpose of this variable is to capture the total number of days the defendant is held in jail between the initial appearance and disposition.

The counting of days should begin on the date of the original pretrial release determination and, therefore, exclude any time the defendant is incarcerated from arrest to the initial pretrial release determination (unless the court decides to start counting initiation of the case as starting at the time of arrest). If the defendant is released following the initial appearance, is not taken back into custody, and serves no time in pretrial detention, code as 0 days.

34. Date(s) taken into custody

35. Date(s) released from custody

36. Cash Bail Granted

- 0. No
- 1. Yes

37. Cash Bail Amount

Bond/bail amount should equal the amount of bond/bail set by the judicial officer at the earliest pretrial custody determination. A numeric value expressed as a dollar amount (e.g., 12,345)
Indicate *Release on Own Recognizance* as -99

38. Surety Bond Granted

- 0. No
- 1. Yes

39. Surety Bond Amount

Bond/bail amount should equal the amount of bond/bail set by the judicial officer at the earliest pretrial custody determination. A numeric value expressed as a dollar amount (e.g., 12,345)
Indicate *Release on Own Recognizance* as -99.

40. Multiple defendants involved:

- 0. No
- 1. Yes

Note: This variable is only pertinent to data systems where a criminal incident involving multiple defendants is routinely incorporated and filed as a single case. This data element may be ignored if a court's practice is to file a separate case for each criminal defendant in a criminal incident involving multiple defendants.