

SNAPSHOT - SPIN AROUND: A TECHNIQUE TO MEASURE CAPACITY AND OVERLOAD IN A PROSECUTOR'S OFFICE

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INTRODUCTION AND BACKGROUND

With the advent of the Law Enforcement Assistance Administration in 1968 and with the increasing emphasis upon systems analysis as a technique for problem solving, the concept of criminal justice as a system was defined and accepted by not only the Federal Government but by the components of state and local criminal justice agencies. By now the systems concept of criminal justice has been utilized to describe almost every problem encountered within the criminal justice system.

For the past four years, the systems analysis approach has been used to portray and measure the flow of either persons or cases through the criminal justice system: from police and arrest, through the prosecution, courts and finally into the correctional areas. At this time in 1972, it is doubtful whether there is a single person working in the criminal justice system who has not seen such flow charts delineating the entry of cases into each functional area and the exits from each of the decision making areas. For example, the number of arrests are shown on the police level, followed by the number of cases actually charged on the prosecution level (those not being charged shown as an exit), followed by the number of cases handled by the courts with the resultant disposition noted, and so forth. Figure 1 is just one example of a systems description of a criminal process.

While this flow technique is valuable and essential to the understanding of the operation of the criminal justice system, it has a major weakness. It does not give an insight into the location of bottlenecks or breakdowns within the criminal justice system. In other words, it does not pinpoint those areas which cause delay within the system — either by the police, the prosecutor, courts or corrections. Basically, by describing only the flow of cases through the system, the ability to determine areas of delay is not present.

Indeed average or median times may be calculated between the functional areas or even within

the areas themselves. However, this time calculation does not necessarily indicate where delays are occurring since it does not reflect whether it is waiting time or processing time. Also, time may vary according to the complexity of the processing step.

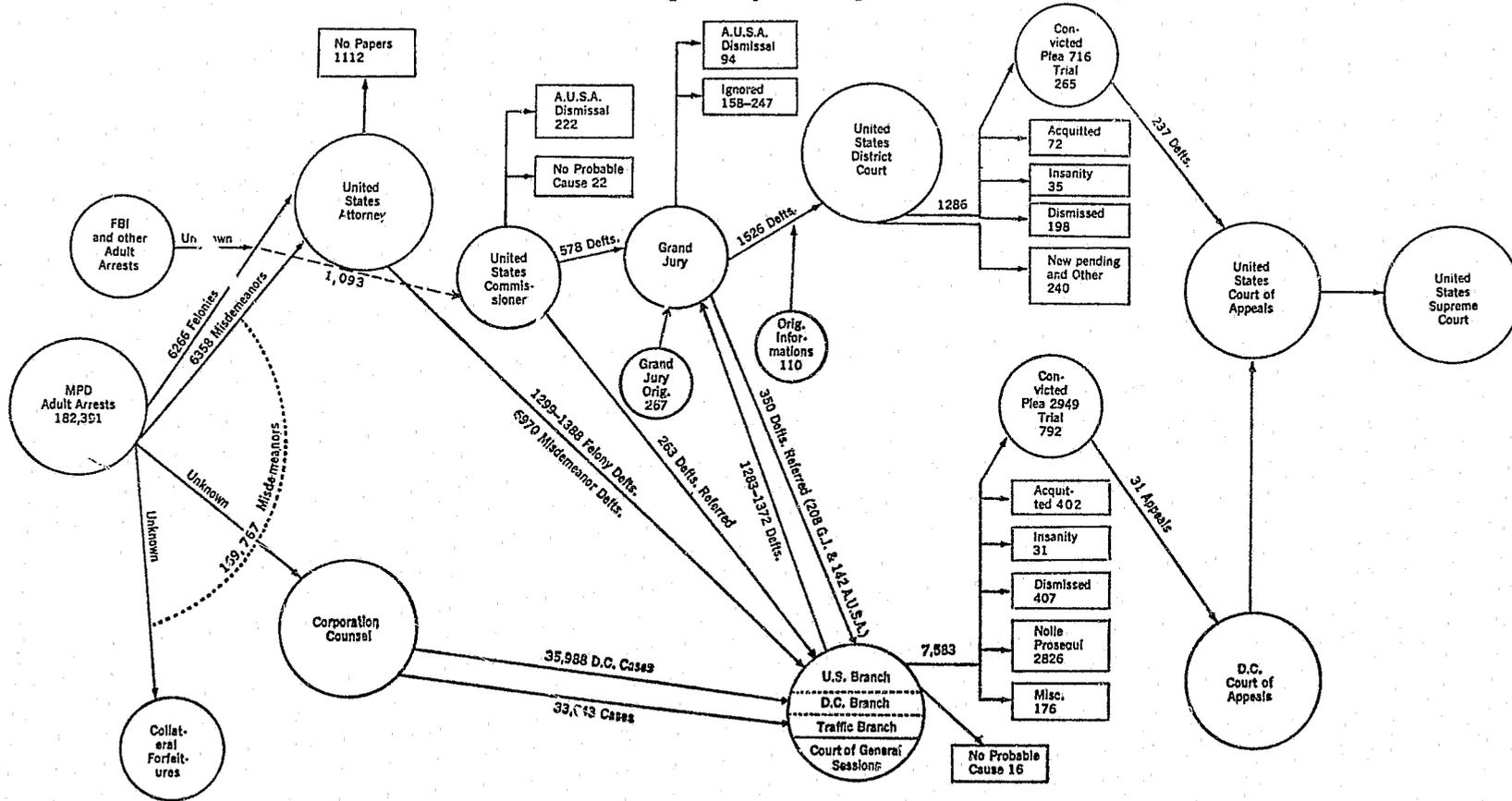
For example, from arrest to arraignment may consume less than 24 hours of processing time, while from preliminary hearing to indictment may consume up to weeks or even months. Hence, what is needed is a definition of delay which can be interpreted by the prosecutor or a court official in a meaningful fashion.

While this technique has been developed for the prosecutor, it also may be useful to the judiciary. The National Center for Prosecution Management's belief is that the prosecutor is the fulcrum of the criminal justice system and, hence, the most valuable source of information regarding prosecution or court delay. He has a vast amount of discretionary power which can be used wisely or not at all. He is the only person in the criminal justice system who knows, for example, why police arrests were reduced from a felony to a misdemeanor, why additional charges were added to a case, or why the case was disposed of prior to a court appearance.

The prosecutor's main value, therefore, lies in the fact that he is the sole source of knowledge about the processing and handling of all cases in the criminal justice system from the time after arrest through case disposition. In this regard, the technique developed and presented in this report is directed to the prosecutor, although its application to other areas of criminal justice is recognized as feasible.

The National Center for Prosecution Management is funded by LEAA through the National District Attorney's Association, National College of District Attorneys, and Institute for Court Management. Its primary purpose is to develop new techniques and principles for improving prosecution management. Hence, this technique is the result of the work performed by the National Center for Prosecution Management and is directly applicable to all prosecutors or court structures throughout the United States.

FIGURE 1.—The criminal process in the District of Columbia.
[Fiscal year 1965]



Source: Report of the President's Commission on Crime in the District of Columbia



SNAPSHOT AND SPIN-AROUND TECHNIQUE

The delay which this technique identifies is defined as those matters scheduled for action but not reached within each functional or processing area. Thus if 10 matters are scheduled for grand jury action for any given day and only 4 are acted upon, then the remaining 6 matters have been delayed.

With this definition, the concept of flow charting entries and exits was modified so that each functional area within the prosecutor's jurisdiction was identified. These areas include, for example: (1) initial screening — the point at which the police bring the arrest report and case to the prosecutor and the prosecutor determines what charges are to be filed; (2) arraignment — the point at which the defendant is brought before the court for the first time to be advised of his rights, his bail set and sometimes his plea taken; (3) preliminary hearing — the point at which the defendant appears with defense counsel before the judge and the judge determines whether there is probable cause that the defendant may have committed the crime; (4) the grand jury indictment — the point at which the grand jury hands down an indictment; (5) pre-trial conference — the point after indictment at which the defendant, defense counsel, prosecutor, and, sometimes judges, determine and identify the type of trial which will be conducted, including what motions will be made, whether a plea bargain will be obtained, etc.; and (6) the actual trial — the point at which the defendant is brought before the court for a trial either by jury or by the bench. This is only a simplified description of those functional areas within the prosecutor's jurisdiction.

Since delay has been defined as the difference between matters scheduled for action and those on which action has been taken, the measurement of the flow of cases through the system could not yield this information. Instead, what is needed is a snapshot of the prosecution/court system and its scheduled activities in each processing area over a period of time. This period of time could range from a week in high volume court systems or perhaps a month in low volume court systems.

The snapshot technique merely means that within the designated period of time all matters scheduled within the processing areas are counted and all dispositions within the processing areas are recorded. The identification of the number of cases spinning around within each processing area thereby causing system delay can be made quickly and simply. For example, if 100 matters were scheduled within a week's time for grand jury action

and 45 of them were not disposed of within that week then a 45 percent spin around rate is occurring in the grand jury area. If in the next area of pre-trial conferences, 312 matters were scheduled for action during the week and 295 matters were not disposed of or received no action, then a 95 percent spin around rate can be computed. Thus, by computing just the simple proportion of the number of matters scheduled as compared to the number of matters not disposed of, problem areas can be identified quickly and simply.

The following 2 charts represent a felony processing system in a large metropolitan prosecutor's office. They have been simplified for ease of understanding so that all dispositions have been grouped together regardless of type.

The first chart shows the matters scheduled and handled from arrest through preliminary hearing. The second represents the process from grand jury to trials.

It is obvious that there is no delay problem in either the complaint room or at arraignment. However, post-arraignment procedures show the first spin-arounds. Of the 1341 matters scheduled for action in the adult post-arraignment procedure 729 or 54 percent were continued without any action being taken until a future date. Post-arraignment hearings for youth showed a similarly high percentage of cases being continued without action (58%).

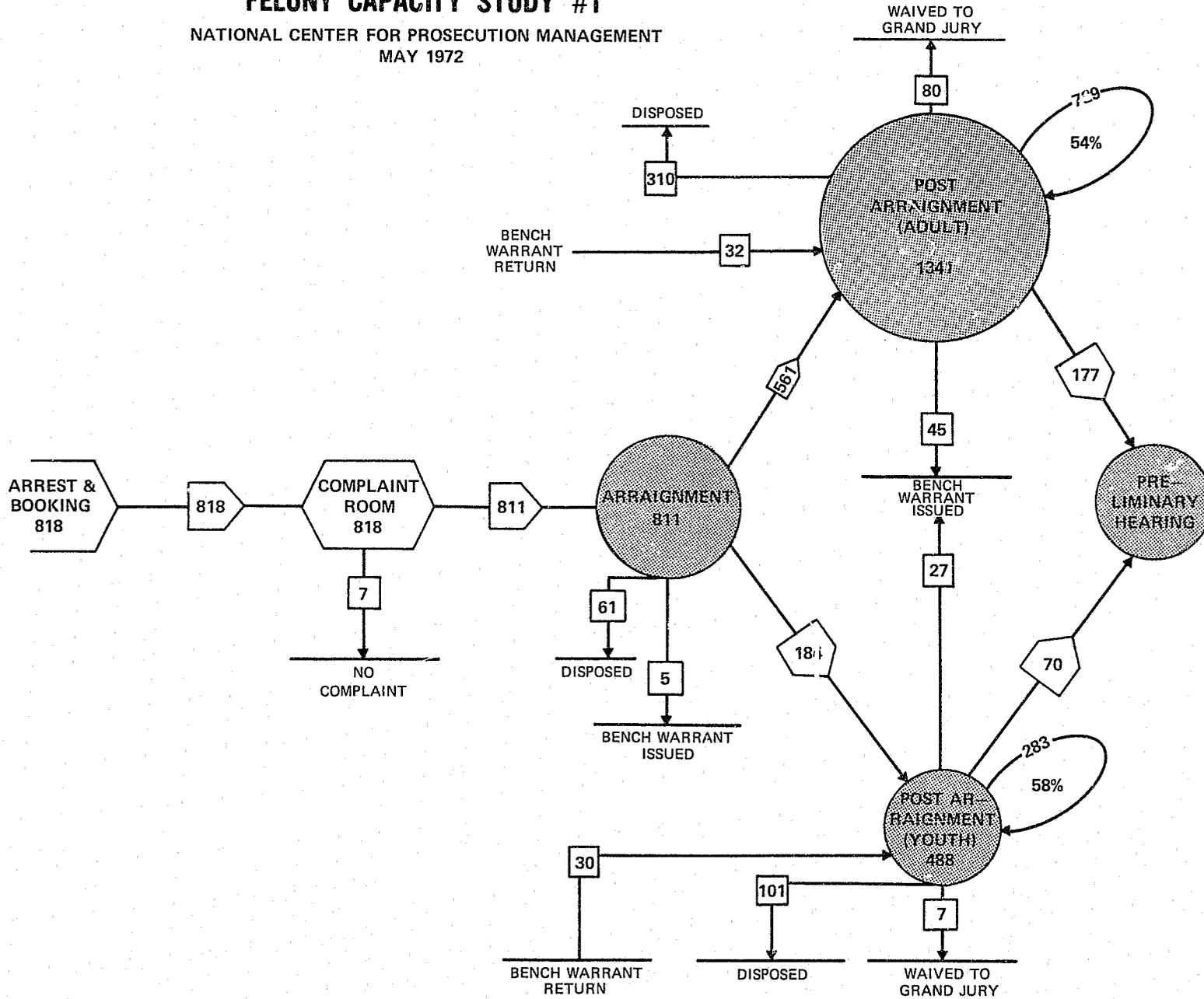
Chart two further illustrates the areas where delay is occurring. In this particular case, in one week, 522 matters were scheduled for grand jury action; 199 or 38% were not disposed of by any means but were continued into the next week's workload. Pretrial conference which should potentially speed up the court process showed a 69% spin-around rate. Finally, an 87% spin-around rate was occurring at the trials and hearings on motions level.

The implementation of this technique is simple and can be tailored to existing prosecutor and court structures throughout the United States. It merely requires collecting data for a pre-determined length of time in each one of the functional areas on the number of matters scheduled within that time period and the number of matters on which no action was taken. With this technique, the prosecutor or the court, for the first time, has a tool which identifies those areas causing him the most delay.

While the concept of the snapshot-spin around technique is basic to delay identification, additional elements need to be collected in order to

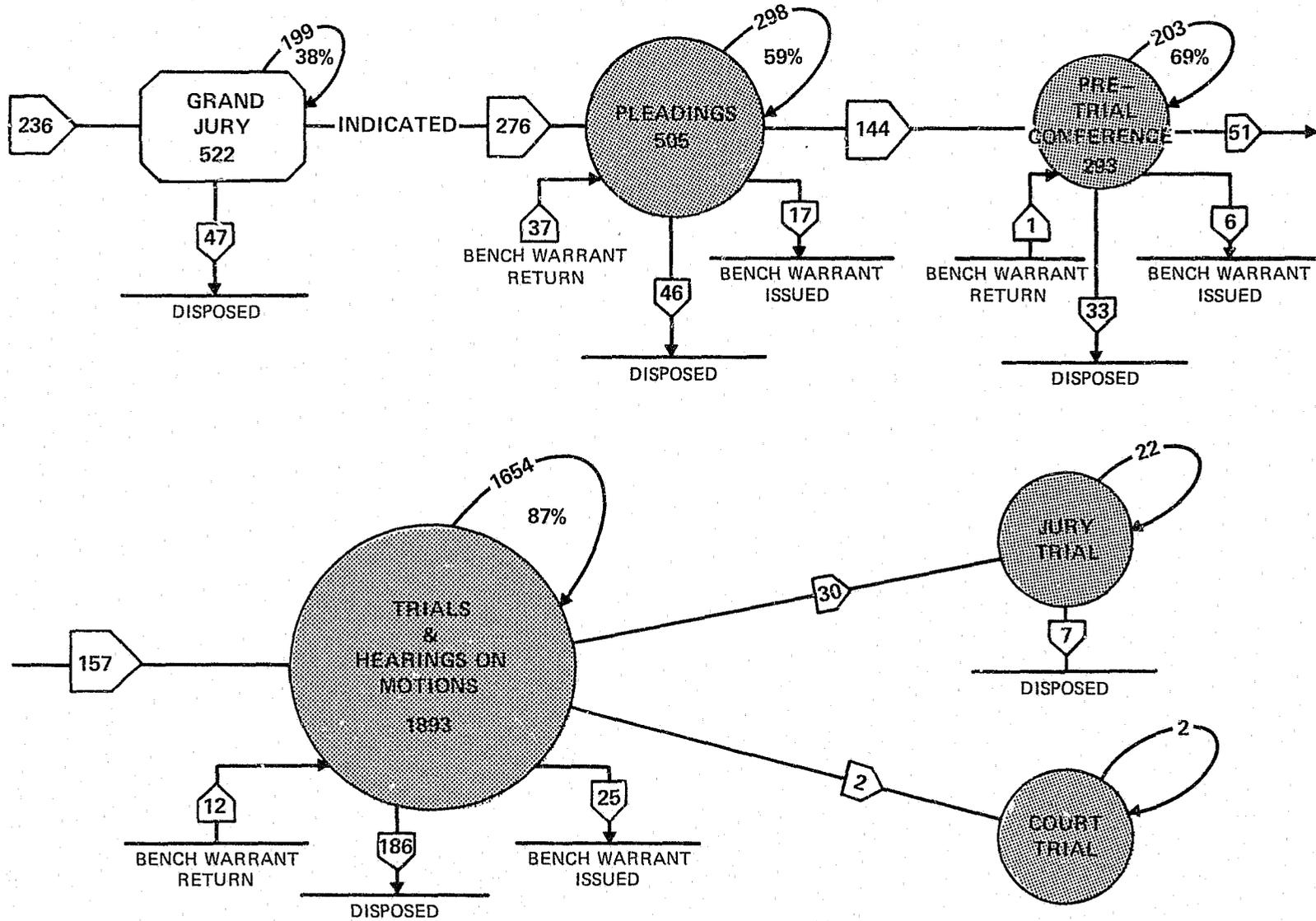
FELONY CAPACITY STUDY #1

NATIONAL CENTER FOR PROSECUTION MANAGEMENT
MAY 1972



FELONY CAPACITY STUDY #2

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determine the final significance of the actual delay. The first is the average length of time cases spend in the spin-around area. For example, if the average delay in the grand jury's 38% spin-around rate is two weeks, then this could be a potentially more serious problem than the 69% pre-trial conference spin-around rate with perhaps an average delay of only one day.

The second element which must be added in order to manage effectively a prosecutor's office is to overlay on the snapshot the staffing pattern of the prosecutor's office. It may well be that the staffing in certain areas could be modified and changed (perhaps only by the transfer of a clerk from one area to another) and result in reducing the delay time.

THE LIMITATIONS AND VALUE OF THE SNAPSHOT-SPIN AROUND TECHNIQUE

It should be clearly noted that this technique does not provide any answers as to why delays occur. It only identifies and proportionally distributes the spin-around areas. The next step for the prosecutor or the court personnel is to study those areas causing the most delay and to determine *why* the delay is occurring. The delay may be due to the police witnesses not showing, lack of defense counsel representation, notification procedures, understaffing, lack of trial capacity, etc. Identifying the reasons for the delay must then be the second step after the snapshot has been taken if program improvement is to be made.

The value of this technique lies in its simplicity; information is collected for only a short period of time; it is not bound by any prosecutor or court constraints; it can be done on a manual or an automated basis; and it quickly identifies areas of delay. Its most important value lies in its ability to monitor and evaluate management or program improvement. For example, a prosecutor identifies a significant delay area, the reason why the spin-around is occurring, and then develops and implements a program to reduce this delay time. At a later period in time, he can take another snapshot to determine whether his program improvement has worked or failed. If it failed, he first

of all knows it and then can respond accordingly. If it has succeeded, he can measure the amount of success. This capability for monitoring and evaluating improvement programs by taking a snapshot at any given time, tremendously extends the power of monitoring and program evaluation.

Another value of this technique lies in its potential savings on management studies and the performance of relevant management improvement projects. All too often, today, consultant money and time is spent on studies of prosecutors' offices or court structures with the final product an unused report. This technique permits the rational expenditure of funds on problem areas with the specific measurable goal of reducing delay within certain areas. It moves away from a "study report" effort into a program development and implementation effort. Certainly, if the charts in this report were used for improvement by the prosecutor in this county, his major efforts would be focused on the reasons for delay in the trial area rather than the arraignment area and the subsequent development of improvement projects.

Finally, the technique provides a capability for fixing responsibility for delay on specific components within justice system. This eliminates the age old problem of "scapegoating" whereby one component blames another for delay which usually results in no action or improvement in the problem area. If nothing else, improvements can be made in communication and cooperative improvement programs.

CONCLUSION

In conclusion, this technique provides the prosecutor with an additional tool by which he can rationally manage and improve his office operations both on a professional legal level and on a clerical-support level. The ability to identify those functional areas causing delay and to fix responsibility for the causes of delay are clearly apparent. Not only can the technique be used for program and management improvement, but for budget justification, improved police and courts procedures, and improvement in all the interfaces between the various components of the criminal justice system. As a tool for reducing delay, it ultimately must assist in defining the steps necessary for improving the quality of criminal justice throughout the United States.



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