

EXPEDITED DRUG CASE MANAGEMENT PROGRAMS

ISSUES FOR PROGRAM DEVELOPMENT

EXECUTIVE SUMMARY

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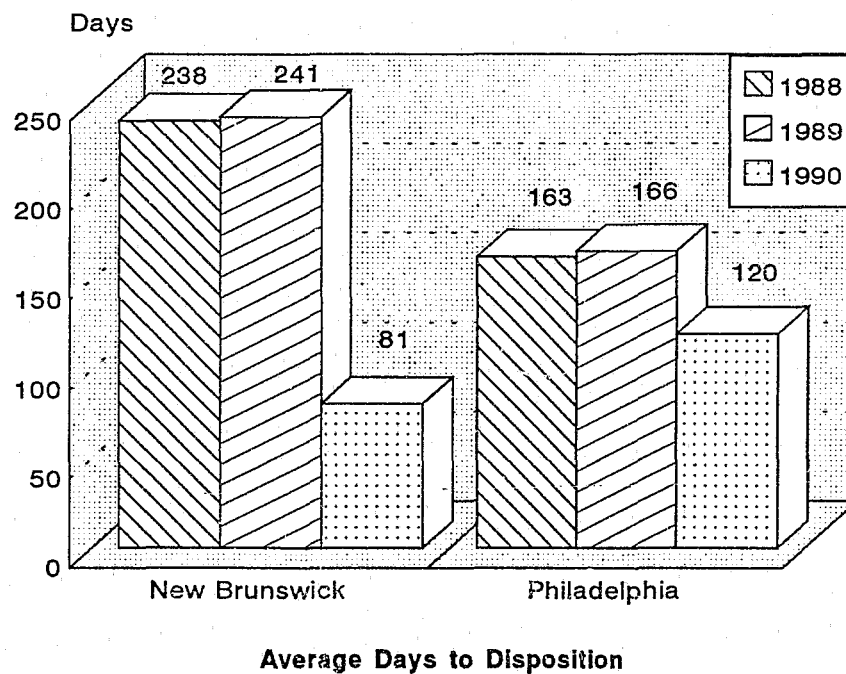
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EXPEDITED DRUG CASE MANAGEMENT PROGRAMS ISSUES FOR PROGRAM DEVELOPMENT

EXECUTIVE SUMMARY

EDCM AND COURT REFORM

Expedited Drug Case Management (EDCM) programs and their progenitors, Differentiated Case Management (DCM) programs, represent the most important court reform since docketing became a science and court administrators, an indispensable profession.

In *New Brunswick, NJ*, the average time from charging to disposition for drug cases fell from 238 days to 81 days.

In *Philadelphia*, the average time from indictment to disposition for all cases dropped from 163 to 120 days. The result in *Philadelphia* was to free up a maximum of 420 beds per day in the jail.

These spectacular results are solely attributable to fundamental changes in how the courts, prosecutors and defenders conducted their business.

DCM and EDCM are strategies that rationalize the court's case processing system by classifying cases according to their expected demand on the docket. They do this without affecting the safeguards guaranteed by the constitution and legislation, and

they produce remarkable benefits for almost all participants in the criminal justice process including defendants.

The strategies employed by DCM/EDCM programs are premised on a simple assumption, i.e. not all cases need to follow the same court processing sequence from arraignment to disposition and sentencing. They recognize the reality of adjudication; that some cases are disposed early in the court process, while others require extensive court involvement in pre-trial motions, coordination of evidence and testimony, negotiations or trials. They accept the assumption that some cases can be processed faster than others for reasons unrelated to their age or the defendant's detention status. The concepts imbedded in DCM/EDCM programs have the ability to reform court docketing and case management procedures, make the adjudication process more efficient, reduce prosecution and defense workload, and substantially decrease the number of pretrial detention days.

DCM/EDCM strategies are problem-oriented, grounded in the reality of case processing, and require large amounts of administrative attention. Even though they are bold ventures into the area of court reform, their newness makes them subject to easy failure. Without proper program planning, development and implementation, they may, as Malcolm Feeley cautioned in his book, *Court Reform on Trial*, also become another solution that failed.

The goals of DCM/EDCM programs are to provide courts with a strategy to relieve their congested criminal and civil dockets, to use existing resources in a more efficient and effective way, and to assist the courts in satisfying the constitutional requirements of a speedy trial without sacrificing the needs of non-drug cases to the demands of the soaring drug filings.

The roots of EDCM can be found in New Jersey where in 1980 the Director of the Administrative Office of the Courts experimented with the concept of differentiating cases in the civil courts in Hudson and Middlesex. In 1986, a civil DCM project was established in Bergen County. The Bureau of Justice Assistance recognized the potential power of this approach to case management and funded 6 demonstration sites to implement a Differentiated Case Management (DCM) program. In July, 1989, following the preliminary success of DCM, the EDCM program was launched by BJA. It focused the strategy on drug cases and looked to tie the program into a treatment and supervision component. Three EDCM sites were selected and began operations January 2, 1990. They are:

Philadelphia Court of Common Pleas, Pennsylvania;

Superior Court of Middlesex County (New Brunswick), New Jersey;

Marion County (Indianapolis), Indiana.

This report summarizes the results of the evaluation conducted for the National Institute of Justice and discusses some of the major issues and their implications. It focuses on the developmental stage of these programs, their planning and early implementation, over the first 12 months. It does not extend to the next stage - that of institutionalization - which has continued since the end of this evaluation. Its purpose is to provide an incentive to other jurisdictions to implement these programs. A more detailed report on the evaluation is available under the same title as this Executive Summary.

A new era has begun in the judicial system. With DCM we envision a future time when there is ample time allotted for pre-trial discovery, and preparation, when no energy will be wasted forcing cases into events for which they are not ready, when trial dates are real and credible, when the public has been served efficiently, and when we have all enjoyed serving. *Judge Rudolph J. Rossetti, Camden County Superior Court, New Jersey.*

PRINCIPLES OF CASE MANAGEMENT

Although the structure and operations of these programs differ, each rely on a fundamental set of DCM case management principles.

CASE MANAGEMENT PRINCIPLES
1. Early screening and classification of cases based on case processing complexity, expected disposition point and route, and likely sanction;
2. Assignment of each case to a "track" which anticipates the likely court events that will take place (e.g. pretrial conference, motions, trial);
3. Establishment of applicable time frames by track for major court events and times to disposition that represent goals, not "speedy trial" caps; and
4. Continuous monitoring of each case, with track reassignment if necessary, to assure that cases are disposed within the time frame set.

EDCM PROGRAM DESCRIPTIONS

PHILADELPHIA COURT OF COMMON PLEAS

PHILADELPHIA COURT OF COMMON PLEAS

* Funded: \$190,000

* Five Tracks

TRACK A - Cases disposed immediately

TRACK B - All custody defendants except Track A

TRACK C - Multiple pending cases (excl. homicide)

TRACK D - All other cases, primarily bail and custody

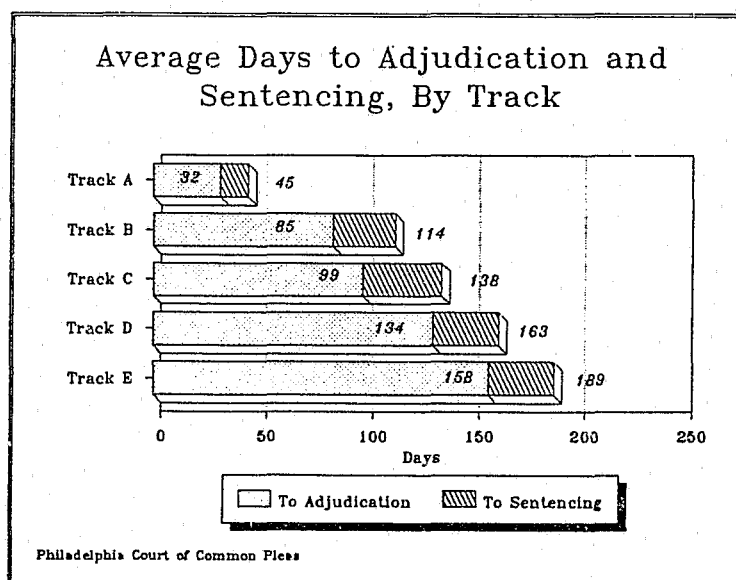
TRACK E - Serious violent felonies

* All felonies included in program

* Court administrator makes assignment, monitors case status

The Philadelphia Court of Common Pleas received \$190,000 in BJA grant funds to establish the EDCM program which started January 1, 1990. The court administrator's office classified all felonies into one of five tracks and provided continuous monitoring of the status of the cases in each of the tracks.

Figure 1



The differences in the average days to adjudication among tracks reflect a proper classification of the caseload.¹ The criteria used for the tracks follow:

A Track: For dispositions within one day. This is a diversion/plea track for cases where it is expected that adjudication will occur at arraignment. Drug cases involve simple possession or sale.

B Track: For all defendants in custody. Cases are scheduled for trial 49 days after arraignment. Continuances cannot exceed 30 days. A trial readiness conference is held 20 working days after arraignment to monitor the discovery process, discuss stipulations to testimony, screen jury demands and identify additional non-trial dispositions.

C Track: Multiple pending cases except homicide. Multiple cases are consolidated and placed on the C track for 14 days to negotiate a guilty plea. The opportunity to consolidate these cases is offered to a defendant on a one-time basis. A defendant may not enter a guilty plea to a single case and forego adjudication of another without the agreement of the District Attorney. The defendant may, however, elect to forego adjudication of a single case and enter a plea to others. C cases not disposed at consolidation are reassigned to D track.

D Track: All felony cases not selected for other tracks. Consists of bail and custody cases involving complex issues or impediments to trial which are not quickly resolved. Also

1. Case statistics for Philadelphia are based on an analysis of all cases that entered the court in 1988, 1989 and the program year of 1990, and were disposed within 18 months from the beginning of each calendar year. Thus, the EDCM data counts dispositions of all 1990 cases that were disposed any time up to June 30, 1991, eighteen months after program implementation. For 1990 cases, 79 percent of the total caseload was disposed within this time frame.

includes all cases initially assigned to A, B and C tracks that were not disposed in their respective tracks.

E Track: Violent felony cases and complex cases. E Track was created midway through the program's first year to distinguish violent felony cases and other complex cases requiring extensive adjudication procedures.

Operational procedures stress the importance of early court intervention in the identification, screening and scheduling of all felony cases. The public defender's investigator obtains the majority of its discovery from the prosecutor before the arraignment on the information. The prosecutor established an open file policy at arraignment to permit defense counsel to have whatever information is necessary to assist the defendant in making the correct plea decision. The public defender developed a procedure to have trial files in court on time and to give counsel the opportunity to review the files and the discovery, talk to the prosecutor and present any offers to the defendant.

Track assignments are made by the Deputy Court Administrator 48 hours prior to arraignment based on the charges, the defendant's history and other relevant information. The information is entered into the computer which provides the court with a monitoring capability essential to the operation of the program.

On the morning of arraignment, counsel for the Commonwealth and defense meet to discuss all cases assigned to A Track. If this discussion results in a guilty plea, or if a defendant expresses a desire to enter an open guilty plea to the charges, the case is referred to the designated judge for immediate adjudication and, where possible, disposition. Additionally, cases qualifying for disposition under Section 17, a special

diversion program, are similarly routed. Cases approved for other diversionary programs are scheduled for a diversion hearing not more than 14 days from arraignment.

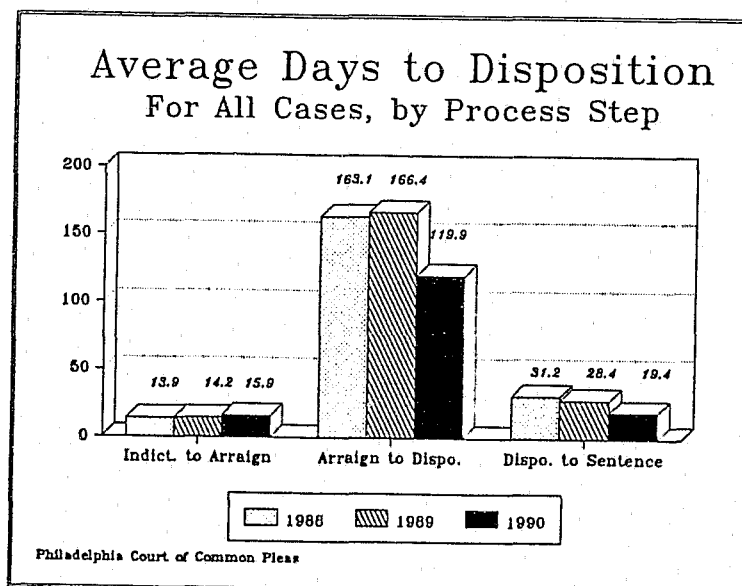
Impact of EDCM in Philadelphia

The EDCM program has dramatically reduced case backlogs and case processing time, and has improved the quality of the adjudication process. One judge now produces in one month, the equivalent of what eight judges used to produce. *Judge Legrome Davis, Court of Common Pleas, Philadelphia.*

The impact of EDCM on case processing times and pre-trial detention space is impressive. The results are visible in the changes in the number of days to disposition and the average number of days in pretrial detention that occurred in 1990.

Effect on processing times: The EDCM program reduced the average time from indictment to sentencing by one third, from 210 days in 1988 and 209 in 1989 to 140 in the program year of 1990. Although the program activity concentrated on streamlining the front-end of the system (indictment to arraignment), the impact of the program can be seen on the process steps occurring after arraignment where pressure was reduced and trial capacity increased.

Figure 2



The times to disposition are inflated by a serious bench warrant problem. Court records indicate that the average number of days from arraignment to trial for felony cases that have had one or more bench warrants issued is 357 days. For those without bench warrants, the average is 119 days, or one third less.

Types of dispositions: The dispositional pattern of the court also changed. Guilty pleas increased by 18 percent, jury trials decreased by 42 percent, and dismissals and other dispositions were reduced 28 percent as compared to 1988. Although these trends were apparent in 1989, the EDCM program appears to have facilitated the rate of change.

Effect on inventory: The speed up in disposition rates had a direct impact on the court's inventory. The court has increased its disposition rate from 66 percent in 1988 to 79 percent in 1990. As a result, within the 1990 program year, Philadelphia was able to adjudicate more cases than the number filed; thereby effectively reducing the inventory by approximately 32 percent.

Effect on the jail: There was a 36 percent reduction in the average number of days defendants were detained pretrial from indictment to sentencing. This produced a maximum net gain of about 230,000 jail bed days over an 18 month period which translates into 420 beds per day.

This reduction occurred even as the number of pre-trial detainees increased by some 17 percent since 1988, from 5,479 to 6,432. However, these figures should be viewed with caution. The difference represents a *maximum* net gain over the 18 months. They hide the number of defendants in jail at the time of disposition who may not have been in jail for the entire pretrial detention period, and the number of defendants on bail at

disposition who may have spent some time in jail before making bail. These figures may or may not offset each other.

Conclusions

If the program had no other effect than to demonstrate the ability of the system to work together, contrary to past performance, it would be an unqualified success" *David Lawrence, Deputy Trial Court Administrator, Philadelphia Court of Common Pleas*

MIDDLESEX COUNTY, NJ

Middlesex County (New Brunswick) NJ

- * Funded: \$190,000

- * Single drug court

- * Three Tracks

TRACK A - All cases with likelihood of incarceration

TRACK B - No incarceration, Plea of guilty likely

TRACK C - Track B cases that go to trial

- * Prosecutor screens and assigns tracks

- * Linked with extensive community involvement network

- * Started in New Brunswick - Expanded to 3 towns, Sep., 1990.

The goal of the EDCM program established in Middlesex County, was to integrate the EDCM adjudication component with a treatment component that utilized volunteer community resources. This program focused exclusively on drug offenses.

Middlesex County established three tracks for the EDCM program.

Track A: For cases with mandatory presumptive incarceration or a high probability of incarceration, such as school zone violations or the use of a juvenile in a drug distribution scheme, first or second degree crimes, or recidivist defendants. It was expected that these cases would be likely candidates for trial, and a disposition within 90 days from arrest was sought.

Track B: For cases where defendants are unlikely to receive long custodial sentences, such as simple possession, possession with intent to distribute where either the amount of drugs involved is small and/or the defendant has no significant prior record, other cases in which the charge or defendant's history are unlikely to result in substantial incarceration, factually or legally weak cases that merit such treatment. A 30 day time-line from arrest was set for Track B cases.

Track C: Track B cases that cannot be negotiated, will be indicted by the grand jury and set for trial. This track was given a 90 day time-line.

Table 1
Results of Track Assignments
(as of December 31, 1991)

Track	Number		Percent*	Median days
	Assigned	Adjudicated	Disposed to	Adjudication
Track A	416	282	17.9	49.9
Track B	242	209	17.6	17.6
Track C	40	37	2.1	92.0
Total EDCM**	698	528	37.6	

* Percent of total caseload disposed in program year

**157 Non-drug cases were also assigned to EDCM court

The mandatory incarceration track (A) received sixty percent of the 1990 EDCM. In 1990, the median age at disposition for these cases was 49.9 days, well below the 90 day time-line set by the program. Furthermore, most of these cases were disposed by a plea negotiation that occurred early in the adjudication process. (65 percent of the 282 dispositions occurred at the pre-indictment conference). In the program year, only 16 cases, or 6 percent, were disposed by trial and another 8 percent were disposed at the post-indictment conference.

Almost 35 percent of the EDCM cases were non-incarcerative and assigned to Track B. The time line for these dispositions was set at 30 days from arrest. The median age in 1990 for these cases at disposition was 17.6 days.

The 40 cases assigned to Track C for grand jury indictments are the rejects from Track B, i.e. cases that could not be negotiated. They represent 14 percent of the initial settings for Track B. This track was given a 90 day time-line; the median case age at disposition in 1990 was 92 days.

EDCM Drug Court: Under EDCM, all drug cases are assigned to one judge for disposition. Dispositions are pre-indictment or post-indictment. Defendants may plead guilty pre-indictment to the prosecutor's reduced plea offers, or plea offers with sentence agreements. Negotiated plea offers are made within one week after arrest. If a defendant does not plead guilty pre-indictment, the prosecutor seeks to indict the defendant before the grand jury. If a defendant is indicted, normally a reduced plea following arraignment will still be offered, but it will be a harsher one.

Defendants arrested for drug offenses in New Brunswick are brought before a Municipal Court judge within hours after their arrest. A probation officer conducts an

initial bail screening interview. The defendant and his case are immediately assigned to a designated prosecutor for in-house screening and possible diversion.

Those cases not screened out are scheduled for a pre-indictment (PI) conference within 5 working days after the initiation of the complaint in Municipal Court. A file is created by the Early Screening unit and forwarded to the Drug Court.

Prior to the PI, the prosecutor assigns the cases to their track in accordance with the criteria established. Before the conference, the defendant has also been scheduled for an interview.

Pre-Indictment Conference: At the PI conference prosecutor and defense attorneys meet to negotiate using information provided by the police, probation, drug identification and other resources. The plea offer made at the initial conference is as lenient as possible. A defendant who rejects it is informed that the matter will be forwarded to the Grand Jury, and the earlier offer will no longer be available. The judge will be involved if the plea or some other reason requires his participation. If the defendant accepts the plea offer and the offense charged is non-violent, the case is sent to the judge for immediate sentencing.

Other procedural changes introduced by EDCM to expedite the case processing include: the use of early discovery; the scheduling of hearings within a week to 10 days on the motions; the pre-indictment filing of motions to suppress; the use of conditional pleas; and, the vertical assignment of probation officers to defendants at arraignment.

Sentencing: The practice of expediting sentencing, coupled with the wide range of sentencing alternatives available to the judge from the community network, has

resulted in a program which has reaped the support of the participants and the public far beyond anything heretofore achieved in this jurisdiction.

Community Involvement: The community component uses volunteers to monitor offender compliance with court-ordered conditions, and provide assistance to both the court and the defendant through monitoring, treatment, jobs, education, and restitution and community service. Judge George Nicola of the Superior Court created this citywide, volunteer network. By the end of the first program year, the monitoring, treatment and restitution components were in place.

Impact of EDCM in Middlesex County²

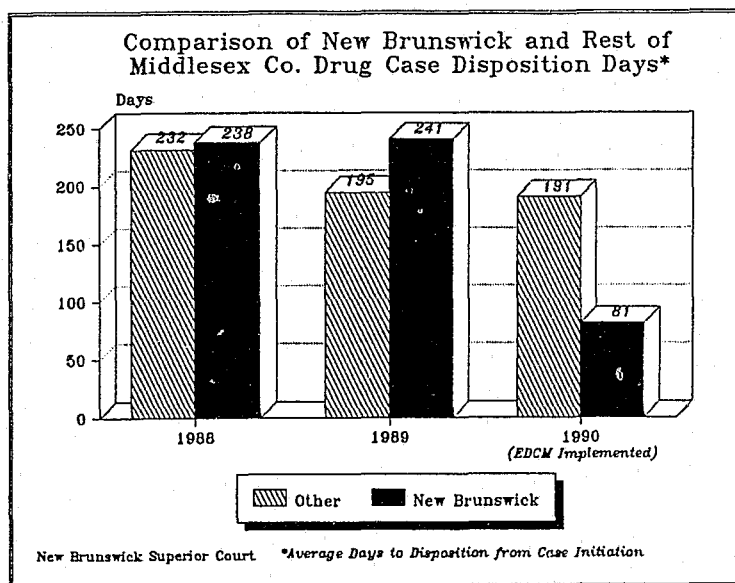
The Drug Court is 100 percent better. It is tremendous. It's no more, "Lock me up and I'll be out". Now they are going to jail in two months. *Detective Paul Schuster, New Brunswick Police Department*

In 1990, the EDCM program took in 725 cases and disposed of 685 (528 EDCM and 157 non-EDCM cases that were received by the court for pleas). The total number of New Brunswick EDCM cases is 698.

The comparison between New Brunswick and the rest of the county of drug case processing times shows the clear effect of the EDCM program where the average number of days dropped to 81 in 1990, down from 238 in 1988, and 241 in 1989.

² Case statistics were derived from the following sources: from the data base maintained by the Administrative Office of the Courts, a twenty percent sample of all cases entering the court from January 1, 1988 through December 31, 1990; a 100 percent sample of all cases where the major case type is narcotics. Cases in each year were tracked for 21 months after the beginning of the year. EDCM program statistics were obtained from Middlesex County Superior Court and are based on 100 percent of the data for 1990.

Figure 3



Not only was there no similar reduction in the times to disposition for drug cases in courts without EDCM, but also there was no reduction for non-drug cases. In fact, the sample of non-drug cases disposed by New Brunswick when compared to the non-drug cases disposed in the rest of the county shows that, if anything, New Brunswick processing times were higher than the others.

There is nothing to indicate that there were other forces or trends operating in the County or New Brunswick that could explain the significant reductions in processing time experienced by the EDCM court in New Brunswick. As a result, either the drug court or the EDCM program, or the combination of both, was the agent in effecting these changes.

Effect on processing times: Overall, the EDCM program reduced the average number of days within each processing step measured from: 1. case initiation to charging, or to grand jury; 2. charging to disposition; and 3. grand jury to disposition.

Table 2
Average Days to Disposition by Processing Stages
1988-1990
EDCM Cases - New Brunswick

	Average Days		
	1988	1989	1990
Case initiation to charging	86.2	102.9	33.4
Case initiation to grand jury	86.3	115.7	70.0
Charging to disposition	152.7	139.2	47.9
Grand jury to disposition	164.2	150.6	108.7

An examination of these results indicates that the processing times for EDCM cases were reduced almost consistently by 60 to 70 percent, with the exception of cases that moved through the grand jury.

Conclusions

The success of the program is the result of a virtual 'marriage' between the defense and prosecution. *Alan Rockoff, Prosecuting Attorney, Middlesex County.*

Perhaps the most important result is that the EDCM program is viewed as satisfying a long-standing need for a case management system that would provide a quick response to criminality, particularly drug crimes, and a certainty of serious sanctions to achieve a deterrent effect. By relying on the pre-trial or pre-indictment diversion of offenders, it has shifted the dispositional emphasis of these types of offenders to the appropriate point in the adjudication process -- the front end.

MARION COUNTY, IN.

Marion County (Indianapolis) IN was awarded \$145,000 in funds. It contemplated three plans (tracks) for felonies to be assigned by prosecutor and defense counsel:

PLAN 1 - Simple cases, single defendant, no motions, simple analysis, suspended sentence; Disposition between 46-120 days.

PLAN 2 - Standard track, stop and search issues, prior felony record, delivery less than 3 grams; Disposition between 61-150 days.

PLAN 3 - Complex cases, multiple defendants, large seizures, complex suppression issues; Disposition between 76-165 days.

A combination of factors and events resulted in the failure of this program. The major ones included: the absence of an organizational infrastructure in the court to support the program; the limited power of the Chief Judge to administer the court; the absence of a court administrator; and little separation of timelimits between "plans". Despite the fact that the program failed, its demise provided valuable insights for the evaluation and helped identify some of the critical elements for program success.

COST IMPLICATIONS

It should be obvious... that internal court management is an absolute necessity to appropriately take advantage of new and innovative caseload techniques. Ronald J. Taylor, Chief Judge, Second Judicial Circuit, Michigan

A cost analysis of EDCM programs was not a part of this evaluation. However, it was possible to identify the cost implications of this program and address the question:

In what areas should other jurisdictions expect to find additional costs, if they attempt to implement an EDCM program?

From the court's perspective, there were relatively few added costs. In Philadelphia, most of the impact resulted from the increased demand on the workload of the court clerks. The accelerated pace of dispositions had a severe effect on the ability of the staff to react. The clerks generally worked overtime to process the high volume of paper

produced by so many early dispositions and the increased capacity of the trial courts. Philadelphia did not increase the number of courts, so these costs were avoided. In New Brunswick, costs were avoided because the drug court was an existing court that changed from a mixed case docket to a specialized one. The increased productivity resulting from these programs and the reallocation of resources were ultimately reflected in lower costs to the courts.

The prosecutor and public defender experienced substantial increases in work for both attorneys and staff. More staff was needed for file management and case preparation. The program also created a need for additional attorneys, especially experienced trial attorneys, who could evaluate cases and enter into acceptable plea negotiations at the arraignment court stage. The assignment of experienced attorneys to what was essentially a bail setting and defense counsel appointment process is a radical change in procedure which affected both the public defender as well as the prosecutor. In Philadelphia, 5 prosecutors were initially assigned to the courtroom. This was reduced to 4 after the program stabilized.

In Philadelphia, *the Sheriff* faced increased demands for transportation and security since the jail was not adjacent to the courts and the pace of adjudication quickened.

Probation was probably the one agency most significantly affected by the program since it called for more intensive screening and early recommendations. It generated a need for clerical support, and increased the probation officers' caseloads. This was especially apparent in New Brunswick where probation officers were assigned cases at the early stages of court processing.

The impact on *law enforcement agencies* was felt mostly by those parts involved in transmitting information needed by the courts. Efficiencies could be established through prioritizing the work of the crime lab, providing fax machines between the court, crime lab and criminal records.

TRANSFERABILITY TO OTHER JURISDICTIONS

Based on the DCM and EDCM experiences, there is no doubt that these programs can be successfully transferred to other jurisdictions and achieve analogous results *if* care is taken in the planning and administration of the program.

While simple in concept, these programs are demanding in their operation and administration. They cannot be adopted, implemented and left alone if they are to be successful. The need for prosecution and public defender commitments to the program, for monitoring and daily attention to the status of cases with respect to track criteria, and for the court's acceptance is essential. Without this, continuances will creep up, and the adjudication process will slow down. Ultimately, the performance of the program will be indistinguishable from the rest of the court.

PROGRAM DEVELOPMENT: ISSUES AND IMPLICATIONS

FACTORS PRODUCING REMARKABLE RESULTS

Ingredients for Success	
1. Strong Charismatic Leader	
2. Focus on First Part of System	First appearance and early dispositions Planned transfer to trial phase later
3. Court Administration Leadership	Education and training Daily monitoring of tracks and case status Daily problem-solving Mid-course corrections possible Dedication of resources
4. Active Commitment of Prosecutor and Public Defender	Change in plea bargaining policy Changes in open file and discovery policies
5. Well Coordinated Operations	Computerized system for tracking case status Strengthened operational interfaces: crime lab, jail, probation

Successful programs are due to a combination of factors that address all aspects of the program.

Strong, Charismatic Leader: To institute court reform, there must be visionaries who can see how to do things differently. These leaders must be enthusiastic, have the ability to motivate others and cause them to join in. They also must have a reputation for fairness and objectivity in order to be able to deal with persons who have substantially different interests.

Focus on First Part of System: Successful reform strategies start small, show successes and cautiously expand. By focusing only on one court that had the potential for disposing of many cases quickly, the EDCM program required only one judge during

its developmental stage. The early successes and the opportunity provided to all participants to change and correct, kept interest and motivation high. The knowledge gained from this experience could later be used to extend the program to the trial courts.

Court Administration Leadership: Education and training provide the backbone for the institutionalization of programs. Judges, court personnel, attorney's and attorneys' staff should receive training about the purpose, goals, rules and procedures of the DCM/EDCM program. The rules for case processing are changed by this program, from oldest case and jailed defendant first to tracks. This must be understood and agreed to by the personnel.

The position of an EDCM Case Manager in the Court Administrator's office is needed to coordinate all the steps towards case disposition. The case manager may also monitor the level of resources dedicated to the program and make adjustments as needed.

Active Commitment of Prosecutor and Public Defender: EDCM programs would be impossible to operate without the active cooperation of the prosecutor and public defender agencies. However, changes in leadership or policy could quickly cause this program to deteriorate.

Well Coordinated Operations: The case tracks provided clearly defined and realistic time standards for the disposition of cases. Events are scheduled within short time limits. The court administrator can maintained continuous control over the management of the cases by reviewing all cases scheduled off-track, making efforts to

identify the cause of any delay, and, when appropriate, move cases up the docket to ensure their disposition within the allotted time.

Early dispositions require sufficient information to make sound decisions and reach early agreements. This requires improved overall information management, data entry and information exchange. Timely scheduling also requires increased data management and personnel. Additionally case information has to be monitored to assure program compliance. This requires adequate computer capability and improved computer communication between the Court, the prosecutor and the public defender service.

Although the DCM/EDCM program requires more personnel and data processing capability than the present docketing systems, much of the personnel costs can be absorbed by reallocating resources working at the trial stage to the front-end of the system.

Implementation of the program has placed a considerable strain on staff resources. There has, however, also developed a sense of pride and camaraderie among judges and staff as a result of the process of developing the program and the accomplishments it has achieved. *Judge Legrome Davis, Philadelphia Court of Common Pleas.*

EDCM introduces several new procedures and court events that require strengthened operational interfaces with many parts of the criminal justice system. The *court and the private bar* should work closely together in the planning process to overcome problems and issues especially those stemming from fees, motions and discovery. The needs of the *probation office* for additional personnel have to be assessed, especially if the program includes a treatment component or a large community network. *Law enforcement agencies* should be introduced to the program to gain their help in

enforcing pretrial and probation conditions, and establishing close relationships with the probation office. Also working out ways to increase crime lab and drug testing capacity. The *sheriff* should be included to develop plans for transporting prisoners. The need for equipment like fax machines and beepers become important to this part of the program. Expedited procedures should be establishing with the *pretrial release agencies* and the information they obtain should be increased to assist in the sentencing process.

FACTORS IMPEDING SUCCESS

If the court is not "hanging by its fingertips", there is no impetus for change. *Edward C. Ratledge, University of Delaware*

There are another set of factors that should be considered because of their ability to impede the success of programs.

Burn-out of Leader: These programs need intensive leadership during their developmental phases, but they also must be capable of switching to a more low-key style of leadership and management after they have become operational. Institutional supports are needed that schedule and allow for the transfer of program direction from one judge to another.

Insufficient Program Planning: EDCM programs require extensive start-up and continuous planning. If this process is not given enough time so that negotiations and agreements can be obtained between agencies affected by the program, the very cornerstone of the program's success may crumble. Establishing agreed-upon criteria is the basis for the development of different processing tracks. Each track has to be

developed along the court events involved and time-frames have to be established for each individual step.

Inadequate Administrative Support: Adequate administrative support does not only refer to the assignment of a case manager, the development of a monitoring system, but also an administrative office that is responsive to the needs of the program and court. Otherwise, many of the small touches, like extra clerks, the availability of copy machines, fax machines, file cabinets, are often just inadequate for the complex changes that are being introduced in the court.

Similarly, the use of a volunteer community network is commendable. But in the long-run, it may prove unworkable if administrative supports and some salaried positions are not provided to maintain operations and interest.

Management and Operational Procedures Deficient: There are a variety of management systems that should be in place to support these programs, such as the management of personnel, information and records, supplies and equipment. Each site experienced tremendous demands in these areas.

Institutional Supports not in Place: If these programs are not integrated into the court adjudication process, their philosophy and performance may change or even take on a new focus. The transfer of leadership and the education and training of others in the program's objectives and goals is an essential ingredient to success. If the drug court is isolated from the other courts, its performance and ability to decrease the caseload will not be appreciated by others who might some day be asked to take over program direction.

Court Capacity: With courts and jails moving into a crisis situation, the spark for basic reform in court docketing philosophy and systemwide coordination and cooperation is ignited. If court capacity is not stretched beyond its limits, the incentive for making these profound changes may not be enough to sustain interest and program operations.

FUTURE DIRECTIONS

In the past, the court was reactive, responding to the requests of attorneys and ruled accordingly. This is a system where the court takes control. *Judge Kelley Arnold, Pierce County Superior Court, Tacoma, WA. DCM Participant.*

The DCM/EDCM concept has the potential to revolutionize court case management throughout the United States. A reform of this magnitude by means of a program this complex needs the support and advice that training and technical assistance can provide.

Additionally, there is a growing need to make these programs, their value and impact known to a broader audience. Access to printed materials discussing the issues and implications of the dynamics of these programs, to guidelines for developing and managing these types of case flow management systems, to information on computer systems designed to monitor their operations and effectiveness is essential if this court reform is to be spread.

As a start the distribution channels already in place through BJA's clearinghouse at the NCJRS can be used, but other efforts are needed that provide more indepth information, like a series of workshops at the state level, or in conjunction with conferences held by the major professional organizations. These and other similar

efforts would assist other courts in developing their own programs and thereby multiply the impact of one of BJA's most successful demonstration programs.

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