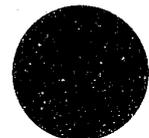




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**BJA EXPEDITED DRUG CASE MANAGEMENT (EDCM)  
DEMONSTRATION PROGRAM**

**OVERVIEW AND PROGRAM SUMMARIES**

February 1992

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### PART TWO: SUMMARIES OF THE EDCM DEMONSTRATION PROJECTS

- I. Middlesex County (New Brunswick), New Jersey
- II. Philadelphia, Pennsylvania
- III. Ramsey County (St. Paul), Minnesota<sup>1</sup>

### APPENDIX

#### Comparative Operational Features of the DCM and EDCM Demonstration Projects and Project Contact Information

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<sup>1</sup> Ramsey County actually received BJA funding for instituting a civil DCM program but subsequently expanded the DCM concept to the criminal docket and drug cases, specifically, utilizing EDCM techniques being tested by EDCM jurisdictions. For this reason, a summary of the Ramsey County criminal/drug EDCM program is included in this volume.

**PART ONE: OVERVIEW OF BJA'S  
EXPEDITED DRUG CASE MANAGEMENT (EDCM) DEMONSTRATION PROGRAM**

**I. SUMMARY**

In July 1989, the Bureau of Justice Assistance (BJA) of the U.S. Department of Justice launched the Expedited Drug Case Management (EDCM) Demonstration Program. The EDCM program builds upon the principles of Differentiated Case Management (DCM) tested in an earlier BJA demonstration program but adds two new dimensions: (1) the application of DCM principles specifically to drug cases, and (b) coordination of expedited adjudication functions with programs to also expedite the application of various treatment and other intermediate sanctions, both pretrial and post adjudication. The following year, BJA awarded funds to develop and implement EDCM demonstration programs to three jurisdictions: Marion County (Indianapolis), Indiana; Middlesex County (New Brunswick), New Jersey; and Philadelphia, Pennsylvania. In October 1991, BJA selected Multnomah County (Portland), Oregon as a fourth jurisdiction to participate in the EDCM Demonstration Program. In addition to these four jurisdictions, a number of other jurisdictions participating in the earlier BJA DCM Demonstration Program developed or enhanced criminal DCM programs with the strategies for community and treatment supervision developed in the EDCM sites.

**II. BACKGROUND**

**A. Differentiated Case Management**

**1. Definition**

Differentiated Case Management (DCM) is a technique which courts can use to tailor the case management process -- and the allocation of judicial system resources -- to the characteristics of individual cases. The DCM concept is premised upon the assumption that not all cases are alike in terms of their processing needs. Some cases can be disposed of fairly expeditiously, with little or no discovery required; others require extensive "court" supervision over the pretrial process. In addition, some cases, even if complex, may need to be resolved more promptly than others for reasons unrelated to their complexity (age or physical condition of one or more parties or witnesses; prosecutorial priorities, etc.). Inherent in the concept of DCM is the recognition also that many cases can proceed through the court system at a faster pace if appropriate pathways exist to allow simpler cases to bypass more complex cases filed earlier.

The fact that all cases are not alike and do not make the same demands upon court resources is a premise that everyone accepts intuitively but, until BJA's DCM Demonstration Program, had not been broadly applied to case management. Although civil cases have been distinguished from criminal cases, and, within the criminal case classification, misdemeanors distinguished from felonies, finer distinctions within a context of an overall case management philosophy had been rare. It was for the purpose of developing a case management framework which accommodated these finer distinctions that BJA's Differentiated Case Management Demonstration program was launched.

**2. The BJA DCM Demonstration Program**

In July 1987, BJA instituted a demonstration program to pilot test the application of Differentiated Case Management (DCM) techniques to criminal and civil caseloads to assist state trial courts in accommodating the impact of increasing drug caseloads on the total court docket. BJA's DCM Demonstration program focussed both on drug cases specifically as well as the general criminal and civil caseload to assure that the needs of the non-drug segment of the caseload were not sacrificed to the demands of the drug filings. At the time BJA instituted its DCM Demonstration Program, only one court in the country had introduced a DCM program -- the Superior Court in Bergen County, New Jersey -- which adopted a pilot civil DCM program in March 1986 designed by the New Jersey Administrative Office of the Courts. No courts had yet applied DCM to criminal cases.

When BJA launched its DCM Demonstration program there was very little literature on DCM and virtually no operational experience, except for the Bergen County pilot program which had not yet published operational results or evaluative data. An initial task for BJA was, therefore, to develop a definition and framework for implementing criminal and civil DCM programs which could have general applicability to state trial courts and provide a foundation for their participation in the DCM demonstration program.

In January 1988, a Program Announcement of BJA's National Differentiated Case Management Program and Request for Proposals to Undertake Local Differentiated Case Management Projects was prepared and distributed to more than 600 state and local court administrative officers and judges. In response to this Program Announcement, approximately twenty state courts submitted proposals for instituting DCM programs, reflecting local case processing concerns and priorities and geared to the organization, procedures and resources of the local justice system. An essential application requirement was the demonstrated commitment of the local prosecutor, indigent defense service provider and the bar to work with the court to develop the DCM program.

On the basis of this competition, BJA selected the following five demonstration courts, representing a cross-section of DCM approaches, jurisdictional environments and case processing systems, to receive start-up awards to implement DCM programs, with specific case focus as noted below:

- Camden County, New Jersey Superior Court: both criminal and civil cases;
- Pierce County (Tacoma), Washington Superior Court: drug cases initially; later expanded to Sexual Assault Cases and then to the rest of the criminal docket;
- The Recorder's Court for the City of Detroit, Michigan: criminal cases;
- Second Judicial Circuit Court, St. Joseph (Berrien County), Michigan: criminal cases
- Second Judicial District Court, St. Paul (Ramsey County), Minnesota: civil cases; subsequently expanded to drug cases and later expanded to other criminal cases

Although each of the DCM jurisdictions initially focussed the DCM system on one segment of the caseload (e.g., criminal, civil, drug, etc.), each subsequently expanded (or is in the process of expanding) its DCM program to the entire criminal and/or civil docket.

## B. Expedited Drug Case Management (EDCM) Program

### 1. Program Concept and Characteristics

The compelling logic of the Differentiated Case Management concept and significant benefits which the BJA DCM Demonstration jurisdictions experienced in regard to their adjudication processes, focussed attention on the need to also differentiate in the management of defendants regarding the range of appropriate pretrial and post adjudication sanctions which the court should consider. For drug cases, particularly, the imposition of court-imposed sanctions early in the adjudication process has been deemed essential for many reasons, none the least of which include (a) the greater likelihood for successful defendant treatment and monitoring, (b) the importance of having court intervention occur as soon as possible, even if final disposition might not take place for some time, and (c) the loss of credibility to the court system if an expedited adjudication program only results in expediting the time for a defendant to return to the street with no greater support network than he or she had when the offense was committed.

The concept of expedited drug case management therefore required, in addition to a DCM system for the adjudication process, early screening and evaluation of each defendant in terms of

drug dependency; educational, family and employment background; criminal history; and other information relevant to the Court's determination of conditions for both pre-trial release and post adjudication disposition. Inherent in the implementation of an EDCM program is the capability to provide this assessment very early in the adjudication process; to maintain and coordinate a range of treatment and other supervision programs and sanction alternatives for both incarcerated and released defendants; and a close working partnership between the court and local pretrial and probation supervision agencies regarding defendant assessments, available sentencing options, and defendant compliance with court-imposed sanctions. The interlinking of the adjudication process, addressed by the DCM program, with the use of differentiated management of defendants during the pre-trial and post adjudication screening and supervision process, is the essential characteristic of BJA's Expedited Drug Case Management Demonstration program.

## 2. The BJA EDCM Demonstration Program

In early 1989, BJA developed a program announcement describing the Expedited Drug Case Management (EDCM) Demonstration Program which blended the elements of the DCM adjudication process with those of pretrial and post adjudication supervision and treatment of defendants involved in drug cases. The competitive process generated by this EDCM Program Announcement resulted in BJA funding of the EDCM Demonstration projects described in this volume.

### III. THE BJA DCM AND EDCM DEMONSTRATION PROGRAMS: INITIAL PROGRAM EXPERIENCE

#### A. Program Goals and Operational Principles

The goal of BJA's DCM and EDCM Demonstration Programs has been to develop, pilot test and refine differentiated case management techniques for case processing and application of various treatment and/or intermediate sanctions both pretrial and post adjudication in a number of demonstration jurisdictions which, if successful, could be subsequently adapted by other trial courts.

Although the specific operational characteristics of the DCM programs differed, they all applied fundamental DCM case management principles:

(1) early case screening (shortly after filing) and classification according to case processing complexity and priority;

(2) assignment of each case to appropriate "tracks" or "plans", each of which has special provisions regarding the applicable court "events" (pretrial conferences, discovery provisions and deadlines, etc.) and applicable timeframes for their occurrence;<sup>2</sup> and

(3) continuous monitoring of each case, with track reassignment if necessary, to assure that the case is processed in a manner consistent with the tasks and resources required.

In addition, a significant feature of the criminal DCM programs has been the modification of the arraignment proceeding to assure that it is a significant event in the adjudication process, with the possibility of plea entry at that point, and, for the EDCM programs, much greater coordination between the adjudication and pretrial and post adjudication treatment and supervision functions.

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<sup>2</sup> The number and characteristics of each "track" or "plan" has been determined by the local jurisdiction.

## B. Summary of the DCM and EDCM Demonstration Program Experience

### 1. Focus of the Participating Projects

The DCM projects became operational in July 1988; the EDCM programs began in January 1990. Four of the DCM projects focussed on expediting the criminal caseload in different ways:

- the Pierce County project focussed initially on drug cases and was expanded in June 1989 to include sexual assault cases as well. Since April 1990, the DCM system has been applied to all criminal cases and efforts are now underway to develop a DCM system for civil cases as well. Implementation of the DCM program has involved transfer of case management functions for criminal cases from the prosecutor to the newly established court administrator's office. Three case processing "plans" are established: expedited, normal and complex. Dispositional timeframe standards range from 30 to 90 days, depending upon the specific track, or plan. A "special" category for very complicated sexual assault cases has been developed, the disposition of which is guided by the individual judge assigned.
- the Camden County project extended the concept of the Central Judicial Processing hearing (CJP) established some time ago for screening purposes in other New Jersey jurisdictions, and establishes a subsequent Pre-indictment Conference (PIC) for case review and possible disposition. Initially four tracks were established for cases not disposed of at the PIC conference: expedited, standard, complex, and a priority track geared to serious offenses which required expedited processing. The expedited and priority tracks have now been combined.
- the Berrien County criminal DCM project built upon a civil DCM project instituted by the Court on its own initiative in 1988. Three tracks were established into which all criminal cases are assigned based on a number of factors reflecting the complexity of the case and its priority for disposition.
- Detroit's DCM project, unlike the other three criminal programs, is based on existing sentencing guideline provisions and is premised on the assumption that those cases with lesser guideline penalties are managerially less complex and should exit the system sooner. Five case categories, with additional subtracks, each with different case processing timeframes, have been established for case assignment according to applicable guideline characteristics.

Each of the two civil DCM projects establishes multiple tracks with differing provisions regarding pretrial discovery, court events and timeframes.

- the Camden County project, modelled after the earlier DCM project in Bergen County, New Jersey, established three tracks: standard and expedited tracks (which can be requested by the attorneys) and a complex track to which a case can be assigned only with the approval of the presiding Civil Judge. Special subtracks were subsequently established for certain types of cases, including medical malpractice, asbestos claims, PIP<sup>3</sup> claims, and other special case classes.

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<sup>3</sup> Personal Injury Protection coverage, of a no-fault nature, provided for automobile insurance claims by insurance carriers in some states.

- the Ramsey County project has developed three tracks, the dispositional timeframes for which are triggered by the filing of a Note of Issue (NOI)<sup>4</sup> 90 days after which a Joint at Issue Memorandum (JIM) is filed: (a) expedited, with disposition within 90 days of the NOI; (b) standard, with disposition within 305 days of the NOI; and (c) complex, with disposition within a maximum of two years of the NOI. For expedited cases, the only court "event" scheduled is the trial. For standard cases, a Joint Disposition Conference of the attorneys is scheduled 245 days after track assignment, a Judicial Settlement Conference held 30 days thereafter, and trial held within the next 30 days. Complex cases are assigned to an individual judge for a case management conference shortly after track assignment at which time a schedule for requisite subsequent events and applicable timetable is established.

The EDCM projects are characterized by DCM principles applied to drug cases specifically and by early and on-going coordination between the court and treatment providers and other community resources.

The Middlesex County program assigns drug cases to two tracks within five days of filing: Track A (for cases subject to mandatory incarceration) and track B (for other drug cases). Track A cases which are not disposed of early by plea are referred to the Grand Jury for indictment and then tried. Track B cases which are not disposed of early by plea are assigned to a third track, Track C, for trial on an information. The EDCM Judge has also established a network of community resources to work with the Court to provide immediate monitoring for drug defendants and with job and other placements during the pretrial and post-adjudication period.

The Philadelphia program initially established four tracks and applied the DCM adjudication system to less serious felonies because of the volume of criminal cases handled and the frequency of defendants with multiple pending drug and non-drug charges. Track A targets incarcerated defendants and Track B focusses upon non-incarcerated defendants, all of whom wish to enter a plea at arraignment or shortly thereafter (pending action on a motion, etc.); Track C is for defendants with multiple cases pending in the system and who wish to consider disposition of them through a plea agreement. All other felonies are assigned to track D. Any Track A, B, or C cases not disposed of within 21 days of filing are also assigned to Track D. Several months after the 4-track program was instituted, the EDCM program was expended to include a fifth track, Track E, consisting of more serious felony offenses.

The Indianapolis program initially established three tracks for felony drug cases filed in the Superior Court, with timeframes ranging from 30 days to 120 days. The Municipal Court, which has jurisdiction over Class D felonies, also began differentiating all cases by type (i.e., domestic violence, drunk driving, etc.) with a view to then developing a two track system for felony drug cases: one track for first offender cases eligible for diversion and the second track for other drug offenses.

The Multnomah County Program has established five tracks: (a) a diversion track handled by a specially assigned judge; (b) a track for defendants with extra-jurisdictional holds; (c) a track for defendants detained pretrial who are receiving intensive drug treatment; (d) a track for defendants on probation participating in drug and other treatment; and (e) a track to which all other drug cases are assigned.

Among the common features which all of these programs share are (1) very early case screening by prosecution and defense counsel to differentiate both the adjudication requirements and treatment/supervision needs presented by each case; (2) redesign of the caseflow process to assure that each scheduled event meaningfully contributes to case disposition as early as possible; (3) an interlinking between the adjudication function and treatment/supervision functions; and (4) continuing coordination and cooperation among all of the various agencies which comprise the criminal justice system in each jurisdiction.

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<sup>4</sup>In Minnesota, parties are not required to file initial pleadings with the Court so that, for the purposes of the DCM program in Ramsey County, the court's management of a case begins when the parties file a Note of Issue indicating their desire (not necessarily readiness) for trial.

2. Preliminary Observations

a. *The DCM Demonstration Projects*

Looking back over the initial experiences of the DCM demonstration programs, several common features emerge. First, the tremendous variation in the way the fundamental DCM concept has been applied to create effective differentiated case management programs. As the summaries demonstrate, jurisdictions are experimenting with a variety of criteria to isolate those factors that truly differentiate among cases in their respective justice systems. These factors necessarily differ among jurisdictions according to differences in judicial system structure, policy, statutes and practice.

Second, the various ways in which the early screening required for DCM cases can be performed. Case classification can be done by judges and court staff, by attorneys, or both, and can be done on the basis of overall case complexity (Pierce County, for example), relative sentencing guideline severity (Detroit, for example), or, potential amenability to early settlement discussions (i.e., Camden-criminal), to name just a few approaches.

Third, the adaptability of the DCM concept to both large jurisdictions, with case characteristics determined primarily through computer analysis (Detroit, for example), as well as small jurisdictions (Berrien County, Michigan, for example) where case characteristics can be reviewed with counsel by the Chief Judge.

Fourth, the importance of a judicious balance between adherence to DCM principles and flexibility in implementing procedures. The essence of all of the DCM programs has been (1) early case evaluation by both the Court and the attorneys, (2) the development of individualized case schedules for appropriate events which permit all parties a reasonable time to prepare -- i.e., not too soon but, also, no longer than necessary -- (3) establishment of event deadlines, and (4) adherence to all dates scheduled. Within this context, all of the participating jurisdictions have developed and implemented their operational plans, modifying them and fine-tuning them as experience dictated.

Fifth, the need for an effective DCM program to (a) involve all components of the adjudication process, working together under the Court's leadership, and (b) draw upon the principles of good caseload management. While no effective DCM program can be developed by only one component of the justice system in isolation of the others, it is essential that responsibility for managing and monitoring a DCM program be lodged with the Court.

Sixth, the importance of adequate information for day to day case management and monitoring. The DCM Demonstration Program experience has made it clear that much greater emphasis must be placed upon equipping courts with effective case management information systems that can support a DCM program specifically and good case management generally. Attempts to implement the DCM demonstration programs have made it more apparent than ever that many courts are not well served by their information systems. In order to provide the management differentiation and scheduling certainty central to the DCM concept, information regarding the daily status of the docket and the individual cases in it is essential to enable a court (1) to identify the status of the pending caseload and (2) to allocate the judicial and other resources necessary to efficiently handle it. The most serious problem the DCM demonstration courts encountered during the implementation process was the lack of effective information systems geared to producing the information needed to manage the DCM program. Efforts to adapt statewide court or county information systems proved cumbersome and, in the end, futile, so that most of the projects had no choice but to develop a supplemental PC-based system to provide the immediate and continual information required.

Seventh, the recognition that a DCM program requires certain fundamental resources to implement and operate: senior attorneys in the prosecutor and indigent defense offices in a position to screen and evaluate cases early, make meaningful plea offers, and determine subsequent "processing" tasks; judicial leadership to set the policies, framework and overall parameters of the DCM program; adequate judicial resources to provide requisite judicial supervision and conduct events as

scheduled; court staff to screen cases, monitor case progress and deadlines and monitor the program; and an adequate information system to indicate, daily, the status of the caseload. Whether implementation of a DCM program in a given jurisdiction requires additional resources depends upon the extent to which the basic prerequisites, summarized above, are present and can, if necessary, be reorganized to support the DCM program.

Finally, DCM is a dynamic concept as well as an operational system. The implementation of an effective DCM program requires continual awareness on the part of judges, attorneys, court staff and others involved in the caseflow process of the differing characteristics of each case filed and how each case can be most efficiently and fairly resolved. The tracks which are characteristic of a DCM program are but the program's skeletal framework; their application and adaptation must be an on-going process.

b. *The EDCM Demonstration Projects*

The initial period of the EDCM Demonstration program has confirmed the experiences of the DCM demonstration jurisdictions regarding the application of DCM to the adjudication process. In addition, it has highlighted the tremendous range of community programs and resources that need to be identified and can be integrated into the pretrial and post-adjudication processes. In addition to the obvious existing treatment, monitoring and supervision resources, the EDCM demonstration projects have tapped into a variety of less well known resources to support the Court's supervisory and sanction functions, including the use of community volunteers, educational institutions and local businesses. Effective use of these resources has required careful and on-going planning, coordination, and training, with attention to numerous tasks that go beyond the conventional pretrial and probation department functions, addressing such issues as participant motivation, potential liability, and quality control. Successfully managed, however, these resources can provide a broad base to support the court's supervisory and sanctioning authority.

c. **Initial Impact**

Formal program assessments of the DCM and EDCM projects have been conducted by the National Center for State Courts and the Jefferson Institute, respectively. Interim project information indicates that all of the jurisdictions participating in BJA's DCM and EDCM Demonstration Programs have experienced a significant reduction in case processing time for cases included in the program and increased court efficiency, evidenced by their capability to handle a greater number of cases in a shorter period of time with no corresponding increase in resources. Several of the jurisdictions have also noted an actual reduction in the number of felony cases filed in the general jurisdiction court, compared with the number of felony complaints initiated in the limited jurisdiction court, which is attributed to the enhanced early case screening and settlement activities being conducted as a result of the DCM program. Numerous other benefits have been noted -- improved coordination among justice system agencies; reduction in pre-trial jail days used for detained defendants; better preparation of counsel, etc. -- the nature and degree of which vary among the sites and generally depend upon the characteristics of the caseflow process prior to instituting the DCM program.

The experience of the criminal DCM programs is typified by Pierce County, where the drug caseload has increased approximately 50% during the first year of the DCM program, with 88% of the drug cases disposed of within 90 days compared with only 11% prior to the DCM program. Detroit, which had an over 30% increase in felony drug cases during the first two years of the DCM program, reduced the number of cases over 180 days old by almost 50% and decreased the pending inventory by 18%. The impact of the criminal DCM programs has also been reflected in other aspects of the case processing systems, including a reduction in the number of bench warrants issued and the number of pre-trial detention days in local jails.

The civil DCM programs have had similar experience. In St. Paul, for example, the pending caseload was reduced from 2008 to 680 (66%) within the first eight months of the DCM program. As of June 30, 1990, when the DCM program had been underway for slightly more than two years, the ratio of case

dispositions to case filings had increased from 70% to 105% and the percent of cases over 12 months old had decreased from 46% to 33%. In addition, more trials have been conducted since the program began which local officials attribute to the elimination of nonproductive scheduled events (events which were continued or which did not promote case disposition) so that judges now have more time to conduct trials. In Camden, the Court has been able to handle an approximate 80% increase in civil filings with no additional judicial resources. The Court has also not experienced any increase in motions despite the increase in case filings because court staff monitor the discovery process and address discovery problems as they occur.

Although the EDCM projects have been operating for a shorter period, their experience mirrors that of the DCM sites. In Philadelphia, for example, the pending felony caseload has been reduced by almost 40% after the first year of the project. In Middlesex County, the median age of Track Ba cases at disposition has been under 10 days, for Track A cases 31 days, and for Track C cases, all of which go through to the trial stage, 48 days. These programs also demonstrate the importance of a close partnership between the adjudication process and defendant supervision functions and the interrelationship between the provision of relevant defendant background information and appropriate sentencing options to the court early in the process and the court's capacity to expedite the disposition of drug cases.

#### IV. PURPOSE OF THIS REPORT

This volume presents the program summaries for the following EDCM demonstration projects: Middlesex County, New Jersey; and Philadelphia, Pennsylvania. In addition, a program summary is included for the criminal DCM and Fast Track Drug Case Management Program developed in Ramsey County, Minnesota which builds upon the experience of the earlier BJA-funded civil DCM adjudication program and, in addition, draws upon the techniques for incorporating intermediate sanctions into the adjudication process being tested by the EDCM sites. Program summaries for each of the six DCM demonstration projects<sup>5</sup> are provided in a separate publication.<sup>6</sup>

The program summaries presented in this report describe the principal operational characteristics and procedures of the Expedited Drug Case Management Demonstration Program launched with the support of the Bureau of Justice Assistance of the U.S. Department of Justice. The summaries follow a consistent format to address the essential elements of an EDCM program and to provide a guideline for other jurisdictions interested in adapting the Expedited Drug Case Management (EDCM) concept to their judicial process.

Within this common framework, however, each of the programs has developed an EDCM program which is unique, reflecting the priorities and policies adopted by local justice officials when the EDCM program was begun. In one jurisdiction (Middlesex County), the EDCM program takes the form of a "drug court"; in another (Philadelphia), the EDCM program addresses all felony cases without segregating them into drug or non-drug classifications. Ramsey County combines both approaches, instituting a general DCM program for criminal cases, combined with a special Fast Track for less serious drug offenses. Since the Multnomah County, Oregon EDCM demonstration project has been in operation for only a brief period, a program summary has not been prepared. When fully developed, the Multnomah County EDCM program will consist of five tracks, ranging from diversion to full-scale adjudication, and also providing for special procedures for defendants with detainers from other jurisdictions.

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<sup>5</sup> Berrien County (St. Joseph), Michigan (criminal); Camden County (Camden), New Jersey (separate civil and criminal DCM programs; Pierce County (Tacoma), Washington (criminal); Ramsey County (St. Paul), Minnesota (civil); and Wayne County (Detroit), Michigan (criminal).

<sup>6</sup> See BJA Pilot Differentiated Case Management (DCM) Program: Overview and Program Summaries. January 1992.

A chart summarizing the comparative features of the demonstration projects and the names and addresses of contact individuals is provided in the Appendix. Readers interested in adapting any of the program components described in this volume are encouraged to contact the individuals listed in each program summary for further information.

A companion Implementation Guide has also been prepared which discusses the planning tasks and issues bearing on the development of a DCM program and the relative merits of alternative strategies. BJA has also prepared a Program Brief which summarizes the principal policy issues, critical program elements and performance indicators relevant to a DCM program.

This report presents but a snapshot of the experiences of the BJA demonstration jurisdictions in implementing the EDCM concept and in adapting it to their judicial processes. Additional modifications and "fine-tuning" of the EDCM concept will undoubtedly occur during the months ahead in these and other jurisdictions as they experiment with criteria and techniques for case differentiation. Although there is still much to learn about how to coordinate the court's adjudication functions and its responsibilities for imposing effective sanctions and supervision for drug offenders, it is clear that the partnership between these two components which underlies the EDCM concept is essential if courts are to meaningfully and effectively deal with drug cases.

**PART TWO: SUMMARIES OF THE EDCM DEMONSTRATION PROJECTS**

- I. Middlesex County (New Brunswick), New Jersey**
- II. Philadelphia, Pennsylvania**
- III. Ramsey County (St. Paul), Minnesota**

**BUREAU OF JUSTICE ASSISTANCE PILOT  
EXPEDITED DRUG CASE MANAGEMENT PROGRAM**

**Program Summary No. 1<sup>1</sup>**

**SUPERIOR COURT OF MIDDLESEX COUNTY  
Middlesex County, New Jersey**

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<sup>1</sup> Prepared Under BJA Cooperative Agreement No. 89-DD-CX-0023.

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#### ATTACHMENTS

- (1) Civil Liability Immunity Statute (for agencies participating in the Community Restitution Program)
- (2) Sample Monthly Case Monitoring Report
- (3) Forms Relating to Treatment/Community Service Component
  - (a) Community Service Program Intake Form
  - (b) Community Service Conditions and Release of Information
  - (c) Physical Limitation Statement
  - (d) Community Service Site Information
  - (e) Working Agreement with Work Site
  - (f) Monthly Progress Report: Work Site

## I. INTRODUCTION

### A. Background

#### 1. Project Summary

The Middlesex County EDCM program consists of two components which are closely interwoven: an adjudicatory component which utilizes differentiated case management principles to assign cases within a 3-track system; and a treatment/ community supervision component which relies heavily upon corporate, university, agency and individual volunteers to provide alternatives to incarceration and augment probation supervisory resources and placement opportunities. The EDCM program is designed to ensure that (1) all drug offenses are adjudicated as promptly as possible; (2) those defendants who are in need of rehabilitative services receive them as soon as possible after arrest; and (3) all defendants convicted of serious drug crimes and who deserve punishment do not pass through the system unpunished.

#### 2. Relevant Geographic and Demographic Factors

Middlesex County, located in northern New Jersey along a corridor linking Philadelphia and New York, has a population of 650,000 located in 28 municipalities. Fifty percent of the population is concentrated in four urban areas: New Brunswick (population: 41,885); Perth Amboy (population: 38,798); Woodbridge (population: 98,949) and Edison (population: 67,120). The main campus of Rutgers University, the state university, is located in New Brunswick as is the corporate headquarters for Johnson and Johnson.

Between 1983 and 1988, the county's criminal caseload almost doubled, with indictable criminal complaints increasing from 4,000 to 7,718 with no corresponding increase in resources. Sixty-five percent of the criminal caseload consists of drug offenses.

### B. Description of the Judicial System

#### 1. Jurisdiction and Organization of the Middlesex County Courts

Middlesex County is served by two levels of courts: the Municipal Court and the Superior Court. There are 25 Municipal Courts in Middlesex County, each located in one of the county's municipalities. The Municipal Court has limited jurisdiction over civil matters and criminal jurisdiction extending to misdemeanors and preliminary matters relating to felony cases. Municipal Courts set bail for defendants charged with less serious felonies; bail for defendants charged with murder, rape and other more serious felony offenses is set by the Superior Court. The Superior Court's jurisdiction extends to all felony, civil, juvenile, probate and family matters and appeals from the Municipal court for.

#### 2. Description of the Superior Court of Middlesex County

##### a. *Organization*

The Superior Court is served by 28 judges, organized in the following divisions: Criminal (10 judges); Civil - Law (10 judges); Special Civil for Landlord/Tenant, Small Claims and civil matters under \$ 5,000 ( 1 judge); Family (5 judges); Tax; and General Equity (2 judges).

Judges now appointed to the Superior Court rotate assignments annually; assignments of the other judges do not rotate.

##### b. *Calendaring System and Support Staff*

The Superior Court uses a master assignment system for civil cases and modified master calendaring system for criminal cases. Prior to implementing the EDCM program, four of the seven judges in the Criminal Division heard cases represented by the public defender, a fifth judge heard cases represented by private counsel, and a sixth judge heard motions and probation violation hearings. The seventh judge was assigned to handle remaining matters, including sentencings, arraignments, etc. When the

EDCM program was implemented, the Court introduced an individual calendaring system for the EDCM judge to whom all drug cases were assigned at the time of filing and who handles all events related to the processing of drug cases, from time of filing through disposition.

The Court staff consists of a court administrator, two assistant trial court administrators and a support staff of six persons. The criminal case management office is headed by the Criminal Division Manager who assists the Criminal Presiding Judge and supervises five divisions: (1) predispositional services: (65 staff assigned to probation, investigative, and related clerical functions); (2) criminal assignment (1 assistant assignment clerk and 3 clerical staff); (3) criminal records (1 records supervisor and 10 clerical support); (4) PROMIS/GAVEL support (1 coordinator and 3 terminal operators); and (5) a pretrial release program (12 staff performing probation, investigative and clerical functions).

c. *Caseload*

Case filings in the Middlesex County Superior Court for the years 1988 - 1990 consisted of the following:

	1988	1989	1990
Civil			
Law Division	10,144	15,233	16,124
Special Civil	31,128	31,168	34,000
Criminal	3,586	4,815	4,845
Probate	20	22	37
Gen. Equity	590	575	719
Juv. Del.	5,859	5,907	5,617
Other Fam.	2,894	4,016	3,939
(non-div. sup.)	3,093	3,258	4,019
Other	749	838	1,101
Dom Viol.	2,392	2,190	2,385
Fam Cris. Pets.	178	162	191
Ch. Placement Rev.	305	292	305
Abuse/Neg.	53	77	79
Term of Par. Rts.	22	12	14
Adopts.	191	190	207
Other Crim.(post-conv. rel. & Mun. Ct. Aps.)	<u>273</u>	<u>358</u>	<u>339</u>
<b>Total</b>	<b>61,477</b>	<b>69,113</b>	<b>73,582</b>

3. Principal Components of the Middlesex County Criminal Justice System

The Middlesex County criminal justice system is made up of a mix of state, county and city agencies. Judges of the Superior Court are appointed by the Supreme Court for an initial seven-year term, upon satisfactory completion of which they receive a permanent appointment; judges of the Municipal Court are appointed by the Mayor for a four-year term. The County Prosecutor is appointed by the Governor for a five-year term. The County Public Defender is appointed by the State Public Defender. Pretrial supervision and probation services are provided by the County's Probation Department whose employees are paid by Middlesex County but under the administrative authority of the State Probation Department. Law enforcement services are provided by 25 separate municipal police departments as well as by the New Jersey State Police whose activities are primarily confined to the several miles of interstate highways that traverse the County. Several of the police departments have narcotics squads. The County Sheriff's Department is responsible for transporting defendants between the Court and the County's detention facilities located seven miles from the Courthouse in North Brunswick.

4. Relevant Statutory Provisions Regarding Drug Cases

In 1987, the New Jersey Legislature unanimously adopted the Comprehensive Drug Reform Act of 1987 which provides for very stringent mandatory penalties for drug offenses.

5. Organization of the Prosecutor's Office and Indigent Defense Services

a. *Prosecutor's Office*

The Middlesex County Prosecutor's Office is staffed by 42 attorneys, organized into specialized units including units for Major Crimes, Homicide, Sex Crimes, Special Investigations (economic crimes and police corruption cases) and a major Narcotics Task Force. The office also has 86 investigators responsible for investigating all cases prior to indictment.

To implement the EDCM Program, the Prosecutor's Office has assigned one senior prosecutor and two assistant prosecutors who handle the drug caseload through the entire case process, from the time of initial filing.

b. *Indigent Defense Services*

Indigent defense services are provided by the Middlesex County Office of the Public Defender which has a staff of 20 attorneys. Indigent defense cases involving conflicts are assigned to two designated "conflict" public defenders in neighboring Somerset County. In the event that more than two co-defendants require indigent defense services, assignments are made to private counsel. Indigency determination is made by the Superior Court Criminal Case Manager's Office at the time the case is filed, which is within two days of arrest. To implement the EDCM Program, the Public Defender assigned two senior public defenders to staff the EDCM court.

6. Provision of Pretrial Release and Probation Services

Pretrial release supervision and probation services are provided by the County Department of Probation and Parole which is under the supervision of the Court. Prior to implementing the EDCM program, defendants were assigned one probation officer for purposes of pretrial supervision and a different officer for purposes of probation. With the implementation of the EDCM program, pretrial and probation supervision functions have been "verticalized," so that the same probation officer who conducts the initial interview of the defendant following arrest remains with the defendant through probation.

7. Diversion/Deferred Prosecution Programs

For many years New Jersey has operated a Pre-Trial Intervention (PTI) program for first offenders, defendants who have not previously participated in the PTI program or who have not been on probation during the past five years. Eligibility determination for the PTI program is made by the Superior Court Criminal Case Manager's Office at the time the case is filed. Defendants who successfully complete the PTI program have their cases dismissed. If a defendant is charged with a drug offense and is waiting action on his/her application to participate in the PTI program, the defendant can tender a plea at the Pre-Indictment Conference (see Section IIB1c below) subject to the action taken on the PTI application. If he/she is subsequently accepted into the PTI program, the plea is stricken and the PTI program procedures then govern the disposition of the case.

## II. DESCRIPTION OF THE EDCM PROGRAM

### A. Program Goals and Objectives

The goals of the Middlesex County EDCM program are to assure that:

- (1) all drug offenses are adjudicated promptly;
- (2) defendants who are in need of rehabilitative services receive these services as soon as possible after arrest; and
- (3) defendants convicted of serious drug crimes who deserve punishment receive it promptly.

To accomplish these objectives, the Court has (1) designated a special judge to handle all drug cases, and (2) developed a differentiated case management (DCM) system which segregates drug cases from the rest of the criminal docket and assigns them to appropriate case processing tracks, each involving special procedures to expedite their adjudication. In addition, a community network has been established of corporate, government agency and volunteers which provides resources for monitoring compliance with pretrial and probation conditions, job placement and restitution assignments and provides other related support to expand existing alternatives to incarceration.

### B. Program Description

#### 1. General

##### a. *Adjudication Component*

The EDCM program in Middlesex County has been designed to address the common problems causing delay in both the adjudication and treatment referral of drug offenders. The adjudication component is premised upon (a) performing comprehensive case screening and defendant evaluation within five days following the filing of the complaint in the Superior Court; (b) conduct of a pre-indictment conference before the EDCM judge five days following case filing at which time the prosecutor and defense counsel are prepared to enter into plea agreements or, if disposition is not possible at that time, determine what needs to be done to dispose of the case either through plea or trial.

##### b. *Treatment/Community Supervision Component*

The treatment/community supervision component is premised upon very early screening of each defendant and, for those defendants who are released pretrial, placement of him/her under a comprehensive and closely monitored court-imposed program of drug treatment, job placement, educational program development, etc., which continues after adjudication. Regardless of the pace with which the defendant's case is adjudicated, he/she is placed under immediate court ordered conditions of release conducive to assuring that necessary drug treatment, job placement, educational program participation and other support which the Court deems appropriate is obtained for each defendant.

#### 2. Adjudication Component

##### a. *Tracks Created and Their Criteria*

The adjudication component of Middlesex County's EDCM program involves two primary tracks, each with selection criteria geared to the nature of the offense, case characteristics, sentence exposure and offender profile. Less serious offenses not disposed of at the time of the five-day pre-indictment conference are referred to the Grand Jury and, when indicted, assigned to a third track. The specific tracks created and their criteria are as follows:

Track A: Track A includes drug cases in which incarceration is either mandated or presumed, cases involving drug trafficking and recidivist drug offenders. Track A cases not disposed of at the five-day conference are referred to the Grand Jury for indictment within 21 days. All pending motions are heard prior to Grand Jury referral.<sup>2</sup>

Track B: Track B consists predominantly of cases in which incarceration is neither statutorily mandated nor presumed to be appropriate, such as cases involving small scale distribution outside of a school zone, possessory offenses and non-recidivist drug offenders.

Track C: Track B cases not disposed of at the five-day conference and which have no pending motions<sup>3</sup> are referred to the Grand Jury under the procedures applicable to Track A cases and set for trial on a third track, Track C. At the prosecutor's discretion, a Track B case may proceed on an accusation rather than by Grand Jury indictment.

b. *Track Assignment Process and Point at Which Track Assignment is Made*

Cases are assigned to either Track A or B within five days of filing by the Criminal Case Manager, based on an assessment of the charges and the defendant's prior history. Track B cases are assigned to Track C when the arraignment on the indictment is held.

c. *Track Processing Procedures*

Track A and B cases proceed similarly from the time of filing to the Pre-Indictment Conference held five days after arrest. For those cases not disposed of at the pre-indictment conference, a review is made of the defendant's custody status. Those defendants released pretrial or deemed eligible for release at that time are placed under a series of court-ordered conditions including urine testing, drug counselling, job placement, etc. Following the five-day conference, pending motions in Track A and B cases are scheduled for hearing within 14 days. Those cases which are not disposed of at the pre-indictment conference or the motions hearing if motions are filed then proceed as follows:

Track A cases are referred to the Grand Jury for indictment within 21 days and filing in Superior Court within an additional 7 days.<sup>4</sup> An arraignment on the indictment is held in 7 days for jail cases (14 days for bail cases) and a trial is scheduled within 50 days for jail cases and 43 days for bail cases -- i.e., within 90 days of arrest.

Track B cases not disposed of at the five-day conference are also referred to the Grand Jury in accordance with the procedures applicable for Track A cases. At the time of arraignment on the indictment they are assigned to Track C.

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<sup>2</sup> Motions are heard within two weeks of filing. Frequently, a case is disposed of very shortly after the Court's ruling on the motion.

<sup>3</sup> See Note 2 above.

<sup>4</sup> Under New Jersey's Speedy Trial procedures, the Grand Jury should return an indictment within 30 days for a detained defendant and 60 days for a defendant not in custody. However, the prosecutor in Middlesex County has accelerated this timeframe to assure return of indictments within 21 days for all defendants.

3. Treatment/Community Supervision Component

a. *Community Network*

A major premise of the Middlesex County EDCM program is the need for community support of the Court's intervention efforts. Accordingly, shortly after launching the program, the EDCM judge formed a community advisory committee consisting of approximately 50 community leaders representing the religious, educational, law enforcement, commercial and industrial sectors of New Brunswick, the Middlesex County seat. The community advisory committee functions in seven subcommittees which focus their efforts on developing education, job placement, restitution, monitoring, public relations and coordinating functions to support release conditions imposed by the court on defendants pretrial or on adjudicated offenders placed on probation. Each subcommittee includes volunteers who serve as daily monitors of defendants released pretrial and on probation to assure their compliance with the court-ordered conditions for their release.

An initial reluctance of local community agencies to provide restitution opportunities to offenders was removed with the passage of a statute by the New Jersey General Assembly immunizing agencies accepting offenders for placement from civil liability (See Attachment 1). With the passage of the statute, the restitution subcommittee has developed sites for defendants assigned to community service (government owned housing projects, offices, etc.) Each defendant assigned wears an orange vest imprinted with "community service".

The treatment component also benefits from an arrangement made with the deans of the Rutgers University graduate and undergraduate schools of criminal justice and social work to provide interns to assist volunteers in the operation of some of the network units. These interns receive university academic credit for their participation in the treatment units as well as on-the-job training from experienced, professional court staff.

b. *Treatment Programs Available for Drug Offenders*

The recently implemented CADRE (Court Alcohol Drug Rapid Evaluation) and NIP (Narcotics Intervention Program) programs, funded by federal and state grants, are permitting the Court to provide comprehensive drug and alcohol evaluation services, both pretrial and post adjudication. Several special treatment programs are also planned. Various additional local treatment programs operate which serve defendants who can afford them.

c. *Description of the EDCM Screening/Referral/Supervision Procedures*

The project's treatment and adjudicatory components are closely interlinked and interdependent. When a defendant is initially interviewed following arrest, a probation officer is assigned who remains with the defendant through disposition and sentence.<sup>5</sup> At the five-day hearing, in addition to considering the adjudicatory disposition of the case, the defendant's custody status is reviewed and, if the defendant is released pretrial, specific conditions of release are ordered by the court, including employment, drug treatment, educational development, etc. The probation officer then notifies the appropriate volunteer monitors regarding those conditions which can be regularly monitored (i.e., attendance at work and drug counselling programs, results of periodic urine tests, etc.) and the volunteer then telephones the employer, counselling center, etc. regularly to assure the defendant's compliance. In the event noncompliance is noted, the volunteer reports the noncompliance immediately to the probation officer who, upon verification, prepares a warrant and the defendant is arrested the same day and brought before the court.<sup>6</sup> This same

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<sup>5</sup> Formerly, a defendant had two different probation officers: one for the pretrial and one for the post adjudication period.

<sup>6</sup> Since immediate sanction for noncompliance is essential for the credibility of the defendant's treatment program as well as for the overall EDCM project, the court worked with the local police departments when the EDCM program began to assure their cooperation in the immediate arrest of noncomplying releasees.

procedure applies to offenders on probation.

4. Summary of the EDCM Felony Case Process

a. EDCM Case Processing Procedures

Defendants arrested on felony charges appear before a Municipal Court judge immediately at which time bail is set or other conditions of release established. On the following day, staff of the Superior Court Criminal Case Manager's office interview the defendant, review the bail, determine his/her eligibility for indigent defense services and PTI program participation and gather relevant personal history which will also be used for presentence investigation purposes. At that time the defendant is also notified of the five-day hearing. During the next two days, the prosecutor and defense counsel screen the case and discuss a potential plea agreement.

At the pre-indictment conference held five days after arrest before the EDCM judge, those cases in which a plea is accepted are disposed of. In cases in which laboratory tests or action on a PTI application is still pending, a plea can be made conditional on the results of the lab tests and/or PTI application. In the event the lab tests do not support the offense pled to or the defendant is accepted for PTI program participation, the plea is stricken when the lab report or PTI application report is completed. If a motion to suppress or other dispositive motion is pending, a hearing on the motion will be scheduled within 14 days.

Track A and B cases<sup>7</sup> not disposed of at the pre-indictment conference (and which have no pending motions) are referred to the Grand Jury which must return an indictment within 21 days. The prosecutor must file a complaint in Superior Court within seven days for custody defendants and within 14 days for released defendants; an arraignment on the indictment is held the following day. If the case is not disposed of at the arraignment, it is scheduled for trial. Custody cases are scheduled within 50 days; bail cases are scheduled within 43 days. Generally a pretrial conference is held at some point prior to trial, the precise scheduling depending upon the issues presented in each case.

b. EDCM Track Timeframes

	<u>Track A</u>	<u>Track B</u>	<u>Track C</u>
Arrest	Day 1	Day 1	n/a
Mun. Ct. Pr. Hrg.	Day 1	Day 1	n/a
Interview by Sup. Ct. Crim. Case Mgt. Staff	Day 2	Day 2	n/a
Pre-Indictment (five- day) conference	Day 5	Day 5	n/a
Grand Jury Indictment	Day 26	n/a	Day 26
Filing of Complaint in Superior Court	Day 33	n/a	Day 33
Arraignment on the Indictment	Day 40-Jail Day 47-Bail	n/a Day 47-Bail	Day 40-Jail Post-indictment
	- conference scheduling day depends on issues presented -		
Trial	Day 90-Jail Day 90-Bail	n/a	Day 90-Jail Day 90-Bail

<sup>7</sup> Track B cases then become Track C cases.

5. Project Start-up Date

The adjudicatory component of the EDCM program began January 2, 1990 for cases filed on that date or afterward. The treatment/supervision component also began on January 2, 1990, with the community network committees continuing to be phased in.

6. Cases Included in the EDCM Program

All cases with a felony drug offense filed after January 2, 1990 are included in the program.

7. Provision for Handling the Pending Inventory

Drug cases filed prior to January 2, 1990 were handled as part of the Court's general criminal caseload and not subject to the EDCM program procedures.

8. Case Monitoring Performed

The EDCM judge and the Criminal Case Manager closely monitor the activity of the cases in the EDCM program. They have developed a special pc-based information program to provide daily information on the status of the EDCM cases, including the age of the pending caseload in each track and the next event scheduled. The pc-based system also provides daily information on the age at disposition of cases in each track; the point at which disposition occurs; the number and reasons for continuances at each stage; and the custody/release status of pretrial defendants. A sample of the monthly case status report used to monitor the program is provided in Attachment 2.

### III. CHANGES REQUIRED TO IMPLEMENT THE EDCM PROGRAM

A. Rules

No rule changes were required to implement the EDCM program.

B. Procedures

1. Within the Court

The EDCM program required numerous changes within the court process, generally described in section IIB2 above. One of the most significant changes necessitated by the program was the increased role of the Criminal Case Manager's office which took on responsibility for coordinating all tasks necessary for case disposition under the EDCM program as soon as a case was filed. These included pretrial release screening, indigency determination, case screening and track assignment, monitoring of case process to assure compliance with the EDCM time goals, and coordination with probation functions to assure immediate court sanction of violators of pretrial release or probation conditions.

2. Within the Prosecutor's Office

Essential to the achieving the goals of the expedited drug case management program was the prosecutor's commitment to assign senior attorneys to screen cases immediately upon filing and to make plea offers which were realistic in terms of the strength of the case and its likely disposition. In addition, the

prosecutor agreed to provide full discovery to defense counsel prior to the pre-indictment conference so that meaningful plea negotiations could occur. Prior to the EDCM program, discovery was generally not provided prior to indictment and for some weeks following. In addition, the Prosecutor agreed to proceed to grand jury indictment for those cases not disposed of at the pre-indictment conference within 21 days in lieu of the prior unspecified timeframe which often extended for months.

3. Within the Public Defender's Office

Like the Prosecutor, the Public Defender also committed senior attorneys to screen cases immediately upon assignment and to enter into realistic plea negotiations as soon as full discovery was provided. In agreeing to participate in the EDCM program and in return for the prosecutor's commitment to provide full and prompt discovery, the Public Defender also agreed to limit Motions to those situations in which genuine issues existed. The public defender and prosecutor also agreed to have rulings on these motions prior to referral to the Grand Jury so that, for those cases for which the ruling on the motion was dispositive, the case could be disposed of following the ruling on the motion.

4. Within Other Agencies

a. *Probation Office*

Three principal changes were introduced into probation office functions when the EDCM program was implemented. First, as noted in Section IB above, the organization of probation officer functions was changed from a system in which a defendant had a different probation officer for pretrial and post-adjudication supervision to one in which the same probation officer assigned pretrial remained with the defendant through completion of his/her probation. Second, probation officer supervision became more intensive in light of the range of conditions imposed on defendants pretrial at the pre-indictment conference through disposition. To support this enhanced supervisory role, a cadre of volunteers was provided to each probation officer who could assist with supervision and monitoring, reporting periodically to the probation officer assigned. Third, in order to effect prompt sanctions for pretrial and probation violations, a close relationship was established with the local police department regarding immediate arrest of persons violating conditions of release so that they could be brought back before the EDCM judge for sanctioning.

b. *Police Departments*

As noted above, police departments have been working closely with the Court to enforce pretrial and probation conditions of release by immediately arresting persons violating these conditions.

c. *Sheriff's Office*

The EDCM program imposed a significant increase in prisoner transportation needs as a result of the increased case volume and pace of case processing occurring in the EDCM court. The Sheriff's Office attempted to meet these increased resource needs by continually monitoring sheriff's assignments and assigning those not being immediately used in one courtroom to the EDCM court.

#### IV. PROJECT EXPERIENCE TO DATE

A. *Case Assignment and Status by Track*

As of January 31, 1991, drug cases in Middlesex County had been assigned to the following tracks during the first thirteen months of the EDCM program:

Track A:	463	(59%)
Track B:	283	(36%)
Track C:	<u>44</u>	(6%)
Total	790	(100%)

**B. Implementation Problems and Issues Addressed**

During each stage of developing and implementing the EDCM program, implementation problems have surfaced and been resolved. These problems have ranged from coordination issues between the Court and other justice agencies regarding their respective operational functions in the program, to "growth pains" surfacing as the program has been expanded to other municipalities in the Counties. Most of these implementation problems have been resolved promptly through the cooperative efforts of local justice system officials who have been committed to making the EDCM program succeed.

**C. Initial Program Impact**

1. On Case Age and Disposition

a. *Age of Pending Drug Caseload*

As of January 31, 1991, after the first thirteen months of the EDCM program had been completed, the median age of the pending drug caseload was as follows:

Track A	28.26 days
Track B:	7.49 days
Track C:	9.02 days

b. *Age of Disposed Caseload*

The median age (from arrest to disposition) of the 613 drug cases disposed of during the first thirteen months of the program (i.e., January 1, 1990 through January 31, 1991) was:

Track A:	50.71
Track B:	18.24
Track C:	92.89

c. *Points at Which Dispositions are Occurring*

The 613 drug cases disposed of during the first thirteen months of the EDCM program were disposed of as follows:

	Track A	Track B	Track C	Total	
Pre Indictment Conference	214	236	3	454	(74%)
Grand Jury Hearing	5			5	(1%)
Arraignment	14		10	24	(4%)
PTI Enrollment	0		1	1	(.2%)
Trial	16		4	20	(3%)
Post Ind Conf	27		9	36	(6%)
Dismissal	49	13	11	73	(12%)

d. *Methods of Case Disposition*

During January 1990 - January 1991, drug case were disposed of by the following methods:

	Track A	Track B	Track C	Total
Plea	221	236	18	475
Trial	16		4	20
Dismissal	49	13	11	73

e. *Event at Which Disposition Has Occurred*

	Track A	Track B	Track C	Total
PIC	215	236	3	454
Gr. Jury Hrg	5			5
Arrngtment	14		10	24
PTI Enrollmt			1	1
Trial	16		4	20
Post Ind Conf	27		9	36
Other (Dismsl)	49	13	11	73

2. On Pre-Disposition Supervision of Defendants

The EDCM program has resulted in greatly increased supervision, treatment and rehabilitation efforts for defendants released pretrial. During January 1991, the pretrial status of defendants was as follows:

	Track A	Track B	Track C	Total
Detained	54	6	3	63 (43%)
Released on Bail	42	14	2	58 (40%)
Defendants Released to Pretr. Rel.	0	0	0	0
Defendants Released to ROR	<u>13</u>	<u>12</u>	<u>0</u>	<u>25 (17%)</u>
Total	109	32	5	146 (100%)

An additional 7 defendants were carried on bench warrants.

3. On Use of Grand Jury Indictment

Since the EDCM program was implemented, the number of grand jury indictments and the ration of grand jury indictments to felony complaints has decreased significantly, primarily as a result of the dispositions of indictable cases achieved at the pre-indictment conference and the prosecutor's greater willingness to proceed on accusations for those cases still open.

4. On Motions Practice

The number of motions filed in drug cases has decreased significantly as a result of the early open discovery practices instituted by the prosecutor and the public defender's agreement to limit motions to those cases in which a genuine issue is presented. For those cases in which motions are filed, they are generally filed and heard prior to indictment -- i.e., within 2 -3 weeks of filing.

D. Post Disposition Status of Adjudicated Defendants

Of the 619 defendants sentenced during the first thirteen months of the EDCM program, the following dispositions were made, including those to the various committees comprising the special community network established for the program:

Probation	20	(3%)
Probation: Treatment Committee	135	(22%)
Probation: Job Placement Committee	76	(12%)
Probation: Monitoring Committee	113	(18%)
Probation: Community Service.	77	(12%)
Custodial Sentence (local)	70	(11%)
Custodial Sentence: State	123	(20%)
PTI	2	(1%)
Probation Only	<u>3</u>	<u>(1%)</u>
TOTAL	619	(100%)

The various referral committees providing placements for adjudicated defendants have offered a range of intermediate sanction options used in conjunction with probation supervision.

For further information, contact:

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## ATTACHMENTS

- (1) Civil Liability Immunity Statute (for agencies participating in the Community Restitution Program)
- (2) Sample Monthly Case Monitoring Report
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  - (e) Working Agreement with Work Site
  - (f) Monthly Progress Report: Work Site

(5) - BA  
- Judge B  
Dumont

S. 265.

Absolves a county and municipality from any civil liability for community service performed by an offender as part of a court ordered sentence.

(COUNTY AND MUNICIPAL GOVERNMENT)

This bill would absolve a county or municipality of civil liability in connection with any community service performed by an offender as part of a court ordered sentence, penalty or other disposition imposed for the violation of a statute or ordinance. This bill also exempts the county or municipality from laws governing the provision of labor, workers' compensation, conditions of employment or insurance in connection with an offenders' community service.

The League of Municipalities supports this bill.

lk 2/1/89  
KC 11/6/89

## EDCM PROJECT MONTHLY CASE STATUS REPORT

Jurisdiction: Middlesex County N.J. No. of Drug Cases Filed 57Reporting Period Covered<sup>1</sup> 6/1/90 - 6/30/90 Total Criminal Cases Filed \_\_\_\_\_A. Case Status By Track

	Track <sup>2</sup>			Total
	A	B	C	
(1) <u>Pending Inventory</u>				
Cases Assigned to Tracks as of Start of Reporting Period	53	5	13	71
New Cases Assigned to Tracks During Reporting Period	21	8	0	29
Total Number of Cases Assigned to Tracks	74	13	13	100
(2) <u>Age of Pending Cases</u>				
Median Age (in days) By Track <sup>3</sup>	53.16	0.85	65.46	
Age Range By Track (in days) <sup>4</sup>	170/23	11/11	148/41	
(3) <u>Next Event Scheduled</u>				
Next Scheduled Event for Cases Already Assigned To Tracks <sup>5</sup> :				
a. Pre-Indt. Conf.	11	-	1	12
b. Grand Jury	10	-	4	14
c. Arraignment	10	-	2	12
d. Trial	20	1	4	25

Drug Cases Filed But not Yet Assigned to Tracks<sup>6</sup> 28

- 1 Indicate the month and year covered by the report.
- 2 Please designate the appropriate tracks for your DCM program.
- 3 Indicate the median age of cases in each track on the last day of the reporting period and indicate the point from which case age is measured in your system.
- 4 Indicate the oldest and youngest cases in each track on the last day of the reporting period.
- 5 List the major events in your caseflow process and indicate the number of cases by track awaiting each event as of the last day of the reporting period.
- 6 Indicate the total number of cases filed but not yet assigned to tracks as of the last day of the reporting period.

B. Continuances/Extensions of Deadlines

No. of Continuances/Extensions Granted

(1) Events  (List applicable deadlines/ events in your system)	Track			Total
	A	B	C	
a. Pre-Indict. Conf.	82	1	12	95
b. Grand Jury	1	-	0	1
c. Arraignment	7	-	1	8
d.				

(2) Most Common Reasons For Continuances/Extensions (if available)

- a. Defense Request
- b. Defendant to obtain atty.
- c. Pros. Awaiting Discovery

C. Dispositions

No. of Cases Disposed of During Reporting Period	Track			Total
	A	B	C	
	14	12	0	26
Event at Which Disposition Occurred <sup>7</sup>				
a. Pre-Indictment Conf.	13	11	0	24
b. Dismissal	1	1	0	2
c.				
d.				

Age (in days) of Cases at Disposition<sup>8</sup>

Median	(A) 23.14	(B) 21.67	(C) -
Age Range	45/13	113/7	-

<sup>7</sup> Indicate the major events at which case disposition occurs in your system and the number of cases disposed of by track at each event as of the last day of the reporting period.

<sup>8</sup> Indicate the point from which case age is measured in your system.

EDCM PROJECT MONTHLY CASE STATUS REPORT  
MIDDLESEX COUNTY SUPERIOR COURT  
REPORTING PERIOD COVERED: 01/01/90 THRU 07/01/90

-----  
Total No Of Cases This Period : 345                      Assigned : 315                      Unassigned: 30  
\*\*\*\*\*

	Track A	Track B	Track C	Total
Pending Inventory: Cases Already Assigned To Tracks	0	0	0	0
New Cases Assigned to Tracks During Reporting Period	178	107	30	315
Total No Of Cases Assigned To Tracks	178	107	30	315

\*\*\*\*\*

				B&C Combined
Age Of Pending Cases				
Median Age Of Cases	22.39	0.11	28.73	6.38
Oldest Case (In Days) In Reporting Period	171	12	149	
Youngest Case (In Days) In Reporting Period	24	12	42	

\*\*\*\*\*

Next Event Scheduled				
Pre Indictment Conference	11	0	1	12
Grand Jury	10		4	14
Indictment	0		0	0
Arraignment On Indictment	10		2	12
Disposition Of Case	20	1	4	25

\*\*\*\*\*

Drug Cases Filed But Not Yet Assigned To Tracks This Period	30
Total Drug Cases Filed But Not Yet Assigned To Tracks	30

\*\*\*\*\*

Continuances Extensions Granted				
Pre Indictment Conference	82	1	12	95
Grand Jury	1		0	1
Indictment	0		0	0
Arraignment	7		1	8
Disp/Trial/Conf	0	0	0	0
Totals By Track	90	1	13	104

\*\*\*\*\*

Code	Description	Count
03	CASE POSTPONED PER PROSECUTOR	5
04	DEFN TO OBTAIN ATTORNEY/PD	14
05	PROS WITNESS NOT AVAILABLE	1
06	BW/DEFN FAILED TO APPEAR	1
08	SCHED. PROBLEMS/DEFT. REQUEST	42
10	DEFN ATTORNEY UNAVAILABLE	3
11	DEFENSE REQUEST	15
19	JOINT REQUEST BY PROS/DEFENSE	7
20	PROS. AWAITING ADD. POLICE DOC	10
	Unknown/Blank	6

\*\*\*\*\*

EDCM PROJECT MONTHLY CASE STATUS REPORT  
MIDDLESEX COUNTY SUPERIOR COURT  
REPORTING PERIOD COVERED: 01/01/90 THRU 07/01/90

	Track A	Track B	Track C	Total
Cases Disposed In Reporting Period	117	106	17	240

				B&C Combined
Average Of Disposed Cases				
Median Age Of Cases	28.86	10.96	52.12	16.65
Oldest Case (In Days) In Reporting Period	110	113	110	
Youngest Case (In Days) In Reporting Period	5	1	7	

Event At Which Disposition Occurred	Track A	Track B	Track C	Total
Pre Indictment Conference	81	105	0	186
Grand Jury Hearing	1		0	1
Arrestment	7		6	13
Arrestment	0	0	0	0
Arrestment	2		2	4
Post Ind. Conf	1	0	1	2
Dismissal	25	1	8	34

Pre Dispositional Status: Pending Cases	Track A	Track B	Track C	Total
Defendants Detained At MCACC	12	0	5	17
Defendants Released On Bail	29	0	6	35
Defendants Released To PTR	0	0	0	0
Defendants Released To ROR	4	0	0	4
Totals By Track	45	0	11	56

Inactive Cases Bench Warrant	UnAssign	Track A	Track B	Track C	Total
	1	9	0	2	12

Post Disposition Status

No Of Defendants Not Guilty 3

Code	Description	Count
1B	PROBATION TREAT. COMMITTEE	47
1C	PROBATION JOB PLACEMENT COMM.	22
1D	PROBATION RESTITUTION COMMITTEE	1
1E	PROBATION MONITORING COMM	45
1F	PROBATION COMMUNITY SERVICE	36
2A	CUSTODIAL SENTENCE MCACC	21
2B	CUSTODIAL SENTENCE STATE INSTITUTION	50
3X	PTI	7
4X	PROBATION ONLY	4



COMMUNITY SERVICE PROGRAM  
INTAKE FORM

Name: \_\_\_\_\_ \*Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_

Address: \_\_\_\_\_

How Long at this Residence: \_\_\_\_\_ \*Home Phone No.: \_\_\_\_\_ Work Phone No.: \_\_\_\_\_

Means of Transportation: \_\_\_\_\_

Name, Address, Telephone Number & Relationship of Closest Relative: \_\_\_\_\_

Offense: \_\_\_\_\_ Court: \_\_\_\_\_

Judge: \_\_\_\_\_ Sentence: \_\_\_\_\_

Health Problems/Allergies: \_\_\_\_\_

Medications: \_\_\_\_\_

Any special problems (not indicated above) which might affect performance of Community Service: \_\_\_\_\_

Interests, Skills: (Check all appropriate.)

- |   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> Aide/Handicapped | <input type="checkbox"/> Electrical Skills | <input type="checkbox"/> Painting        | <input type="checkbox"/> Visitor (Nursing Home) |
| <input type="checkbox"/> Animal Care      | <input type="checkbox"/> Food Service      | <input type="checkbox"/> Recreation Aide | <input type="checkbox"/> Young Adults           |
| <input type="checkbox"/> Carpentry        | <input type="checkbox"/> Health Service    | <input type="checkbox"/> Senior Citizens | <input type="checkbox"/> Other _____            |
| <input type="checkbox"/> Child Care       | <input type="checkbox"/> Landscaping       | <input type="checkbox"/> Teaching        | _____   |
| <input type="checkbox"/> Classroom Aide   | <input type="checkbox"/> Library           | <input type="checkbox"/> Telephone Work  | _____   |
| <input type="checkbox"/> Clerical         | <input type="checkbox"/> Maintenance       | <input type="checkbox"/> Tutoring        | _____   |
| <input type="checkbox"/> Crafts           | <input type="checkbox"/> Music             | <input type="checkbox"/> Typing          | _____   |

Special Skills: \_\_\_\_\_

Religious & Community Organizations: \_\_\_\_\_

Present or Previous Volunteer Work: \_\_\_\_\_

Days & Times Available for Community Service Work: \_\_\_\_\_

Must be included for client transfer.

COMMUNITY SERVICE PROGRAM  
INTAKE FORM (Cont'd.)

\*Name: \_\_\_\_\_ \*Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_

\*Address: \_\_\_\_\_

\*Social Security No.: \_\_\_\_\_ \*Place of Birth: \_\_\_\_\_

Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Color Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_

Marital Status: \_\_\_\_\_ No. of Children: \_\_\_\_\_ Ages: \_\_\_\_\_

\*PRIOR RECORD

Date of Arrest: \_\_\_\_\_ Place: \_\_\_\_\_

Charge: \_\_\_\_\_ Disposition: \_\_\_\_\_

On Probation Now: \_\_\_\_\_ Officer: \_\_\_\_\_

\*Drug/Alcohol Problem: \_\_\_\_\_ Treatment: \_\_\_\_\_

\*Psych./Emotional Problem: \_\_\_\_\_ Treatment: \_\_\_\_\_

EDUCATION

Grade Reached: \_\_\_\_\_ Attending School Now: \_\_\_\_\_ Hours: \_\_\_\_\_

Where: \_\_\_\_\_

G.E.D.: \_\_\_\_\_ Where: \_\_\_\_\_

\*EMPLOYMENT

Employer: \_\_\_\_\_

Address: \_\_\_\_\_

Date Employed: \_\_\_\_\_ Salary: \_\_\_\_\_ Work. Days & Hours: \_\_\_\_\_

Trade or Profession: \_\_\_\_\_

\*Must be included for client transfer. Include additional prior record information on separate sheet.

COUNTY PROBATION DEPARTMENT  
COMMUNITY SERVICE PROGRAM

Community Service Conditions and Release of Information

I, \_\_\_\_\_, having been (convicted of) (charged with) \_\_\_\_\_ in \_\_\_\_\_ Court, understand that I am required to perform \_\_\_\_\_ days, or \_\_\_\_\_ hours, of Community Service work.

I understand that as a participant in the Community Service Program, I am not an employee of the County and, therefore, am not entitled to employee benefits including Workmen's Compensation Coverage. I am covered by an accident/medical expense insurance policy. Notice of injury must be given to Community Service staff within 24 hours of the accident. I must provide verification that the injury was related to the performance of Community Service.

I agree to give the Community Service staff permission to release information about me to participating agencies. Community Service staff employees have the authority to assign me to a work site and to supervise the work performed. Community Service staff will be notified immediately of any change of job, residence, telephone number, or health condition. Inquiries from Community Service staff will be answered promptly and truthfully.

I am expected to perform a minimum of \_\_\_\_\_ hours of Community Service per week. I must report at the time assigned and notify the agency in advance whenever I am unable to appear for work. Any extended absence for illness will be documented by a physician's note.

While at the work site, I will be cooperative, courteous and reliable, and obey all rules and directions. I understand that I am not to report to a work site having consumed alcohol or used illegal drugs. I am responsible for ensuring that a record of Community Service hours is accurately maintained. Agencies will report my work progress to the Community Service Program and this information will be made available to the court.

I understand that failure to comply with the rules and procedures of the program and participating agencies may be cause for returning my case to court for another disposition that may include sentence to a period of incarceration.

The above has been explained to me and I have been provided with a copy of this document.

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
PROBATION OFFICER

\_\_\_\_\_  
DATE

PHYSICAL LIMITATION STATEMENT

As a condition of your court order, you are required to complete \_\_\_\_\_ hours of service for a public or private non-profit agency. You may be assigned to undertake a variety of tasks during the course of this service.

Assignment will be based upon your skills, interests, abilities, schedule and physical condition. In order to properly assign you, we require a precise description of any physical limitations, handicaps or disabilities you may have.

If you have any condition which limits your work ability in any way, please describe this condition and the manner in which you are restricted. (Continue on the back if necessary.)

Please list the name, address and telephone number of a physician who can verify the above.

NAME \_\_\_\_\_

How long have you been under this physician's care? \_\_\_\_\_

ADDRESS \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_

I attest that the above statements are true to the best of my knowledge and AUTHORIZE the release to the \_\_\_\_\_ County Probation Department of all medical records or other information necessary to verify these statements.

COMMUNITY SERVICE SITES  
EXPEDITED MANAGEMENT OF DRUG CASES PROGRAM

MCS

'90 JAN 12 A11:03

We are interested in having our organization involved in this program as a community service assignment.

Name and Address of Organization

Edison Township Division of Parks

328 Plainfield Avenue

Edison, New Jersey 08817

Name of Contact Person in Your Organization

Chris McAvoy, Supervisor of Parks

Phone 287-0900 Ex:

Describe Work Involved

Grass Cutting, Weeding, Litter Pick Up, Leaf Raking

Level of Skill Needed

As described above.

Approximate Hours Per Week 9:00 a.m. to 1:00 p.m.

Day \_\_\_\_\_ Evening \_\_\_\_\_ Weekend X

Person Responsible for On-Site Supervision

Rotating Supervision

Phone 287-0900 E:

Is Organization Near Transportation? N (Y/N)

Are Languages Spoken Other than English? No

This Committee thanks you for your interest and commitment. One of our members will be contacting you in the near future for more information and discussion.

COMMUNITY SERVICE SITES  
EXPEDITED MANAGEMENT OF DRUG CASES PROGRAM

We are interested in having our organization involved in this program as a community service assignment.

Name and Address of Organization

American Red Cross

501 George Street

New Brunswick, NJ 08903

Name of Contact Person in Your Organization

Judith Meadow, Director Emergency & Social Services

Phone 247-9100

Describe Work Involved

Typing, filing, photo copy work, and answering phones,  
general office work

Level of Skill Needed

Ability to read and write

Approximate Hours Per Week 8:30-4:30

Day X Evening \_\_\_\_\_ Weekend \_\_\_\_\_

Person Responsible for On-Site Supervision

Judith Meadow, Director Emergency & Social Services

Phone 247-9100

Is Organization Near Transportation? Yes \_\_\_\_\_ (Y/N)

Are Languages Spoken Other than English? Spanish \_\_\_\_\_

This Committee thanks you for your interest and commitment. One of our members will be contacting you in the near future for more information and discussion.



13  
Designated Site Contact Person

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

MAILING ADDRESS (IF DIFFERENT) \_\_\_\_\_

\_\_\_\_\_

TELEPHONE \_\_\_\_\_

\_\_\_\_\_  
Work Site Representative

\_\_\_\_\_  
Program Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**BUREAU OF JUSTICE ASSISTANCE PILOT  
EXPEDITED DRUG CASE MANAGEMENT PROGRAM**

**Program Summary No. 2<sup>1</sup>**

**PHILADELPHIA COURT OF COMMON PLEAS  
Philadelphia, Pennsylvania**

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<sup>1</sup> Prepared Under BJA Cooperative Agreement No. 89-DD-CX-0023

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#### ATTACHMENTS

1. Potential Track "A" Dispositions List Submitted by the Public Defender to Adult Probation and Parole
2. Adult Probation and Parole Department: Differentiated Case Management Pre-Trial Evaluation Form
3. Court's Notice to the Bar Re EDCM Program Implementation
4. Sample Monthly EDCM Program Case Management Report

## I. INTRODUCTION

### A. Background

#### 1. Project Summary

The Philadelphia Court of Common Pleas implemented its Expedited Drug Case Management (EDCM) Program on January 2, 1990, focussing initially on felony cases assigned to the Court's Felony List Program.<sup>2</sup> Under the EDCM program, all new filings in the Felony List Program after that date have been assigned to one of four tracks, based upon the speed with which adjudication and disposition can be expected. In September 1990, the EDCM program was expanded to the Major Felony Case Program.<sup>3</sup>

In structuring the Philadelphia EDCM program, local officials attempted to address the constraints imposed on the judicial process by (a) the relatively low threshold for application of mandatory sentencing provisions for drug offenses; (b) the provisions imposed by state sentencing guidelines; (c) the fact that many drug dependent defendants were not necessarily charged with specific drug offenses; and (d) the fact that many defendants had multiple charges (drug and non-drug) as well as multiple cases pending. In response to these factors and their interrelationship, a decision was made to focus the EDCM program on expediting all felony cases rather than to single out drug cases.

Case differentiation and track assignment is made by the Trial Court Administrator's Office immediately upon filing in the Court of Common Pleas on the basis of (1) defendant's custody status and (2) the likelihood of early case disposition.

Simultaneous with expediting the adjudication of felony cases has been the expedited referral of drug cases to the County Department of Probation and Parole which is responsible for presentence reports, mental health evaluations and supervision. To this end, Probation officials have launched several special initiatives:

- (1) expedited screening of defendants whose cases are eligible for Track A (see Section IIB1 below);
- (2) expansion of alternatives to incarceration; and
- (3) expansion of community based correctional services.

#### 2. Relevant Geographic and Demographic Factors

Philadelphia, with a population of 1,600,000, is the largest City in Pennsylvania and located in southeastern Pennsylvania across the Delaware River from Camden, New Jersey. Philadelphia has a

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<sup>2</sup> The Felony List Program handles felony cases with less serious charges, less serious prior records of defendants and in which no jury trial has been requested. The estimated trial time for Felony List Program cases is a maximum of 1 to 1.5 hours. The Felony List Program caseload accounts for approximately 70% of the Court's total felony caseload.

<sup>3</sup> The Major Felony Program handles all jury trial requests as well as the more serious felony cases, including rape, major arson; robbery cases involving mandatory incarceration; felonies with a firearm; and drug offenses in which a sentence of incarceration is mandated. Estimated trial time for cases in the Major Felony Program exceeds 1.5 hours.

number of universities and medical teaching facilities located within the city, and counts as its major industries banking, insurance and transportation. Presently, the City of Philadelphia is undergoing a severe financial crisis, complicated by a declining tax base.

**B. Description of the Judicial System**

1. Jurisdiction and Organization of the Philadelphia Courts

The Philadelphia court system consists of two levels of courts: the Municipal Court and the Court of Common Pleas. The Municipal Court, the court of limited jurisdiction, has 22 judges and handles all criminal cases in which a sentence of under five years can be imposed and civil cases involving claims of under \$ 5,000.00. The Municipal Court also conducts bail and preliminary hearings in felony cases. Appeals de novo from Municipal Court decisions are taken in the Court of Common Pleas which also hears cases in which a jury trial is requested. The Court of Common Pleas, the court of general jurisdiction, has 85 authorized judgeships, 80 of which are presently filled, and a total annual case filing of approximately 40,000 civil cases; 7,000 criminal cases; and 25,000 other cases (juveniles, domestic relations, etc.). The Court's jurisdiction extends to all felony cases in which a sentence can be imposed for five or more years, civil cases in which the amount in controversy exceeds \$ 5,000.00 and probate, family and juvenile cases. The Court also hears criminal and civil appeals de novo from the Municipal Court.

2. Description of the Court of Common Pleas

a. *Organization*

The Philadelphia Court of Common Pleas is organized into the following three divisions, each headed by an administrative judge appointed by the Pennsylvania Supreme Court: Trial, Orphans and Family. The criminal section of the Court's Trial Division is organized into three trial programs: (1) the Homicide Program which handles cases involving murder and manslaughter charges; (2) the Criminal Calendar Program, which handles more serious felony cases and felony cases in which a jury trial is requested; and (3) the Felony List Program which handles less serious felony cases in which a jury trial is not requested. Approximately 70% of the Court's felony caseload is disposed of through the Felony List Program.

b. *Calendaring System and Support Staff*

The Court of Common Pleas uses a master calendaring system to assign cases within each of the three trial divisions of the Court. Cases in Tracks A, B, and C of the EDCM program, however, are assigned initially to the EDCM judge for possible disposition, either on the day of arraignment or at a pretrial conference scheduled within 21 days. All cases in Track E are assigned initially to the "Track E" judge for the pretrial conference 49 days following arraignment; those Track E cases which require trial are then referred, on a master calendar basis, for assignment to a judge in the Trial Division. (See Section IIB1 below for a more detailed description of the EDCM caseload process.)

c. *Caseload of the Court of Common Pleas*

Calendar year 1990 case filings and dispositions in the trial division of the Court of Common Pleas have been as follows:

<u>Trial Division</u>	<u>Filings</u>	<u>Dispositions</u>
Criminal		
Homicide	570	423
Major Felony Program	3,815	4,031
Felony List Program	<u>12,581</u>	<u>15,942</u>
Subtotal:	16,966	20,396
Civil		
Major Jury	10,755	9,131
General Jury	2,006	2,126
Non-Jury	6,553	8,087
Asbestos	<u>1,550</u>	<u>1,438</u>
Subtotal:	20,864	20,782

3. Description of the Philadelphia Criminal Justice System

The Philadelphia criminal justice system is made up of a number of state and local agencies. Judges of the Court of Common Pleas are elected for ten year terms and their salaries are paid by the State of Pennsylvania; judges of the Municipal Court are elected for six year terms. Judicial support staff and operating expenses for the courts are paid for by the City of Philadelphia. The Supreme Court of Pennsylvania exercises administrative authority over the Courts and appoints the administrative judge of the major divisions of the Courts. The Sheriff is elected for a four-year term and is responsible for prisoner transport, courtroom security, and execution of civil process. The District Attorney, elected for a four year term, is responsible for prosecuting all criminal matters. Indigent defense services are provided by the Defender Association of Philadelphia, the director of which is appointed by the Board of Trustees of the Association. Conflict and homicide cases are handled by court-appointed attorneys. Pretrial release recommendations are made by the Pretrial Services Agency which supervises a limited number of defendants and assigns other defendants released pretrial to other agencies for supervision, including the Department of Adult Probation and Parole which is funded by the state (70%) and the City (30%). Five detention facilities, known as the Philadelphia prisons, are maintained for defendants pretrial and those sentenced to less than two years incarceration by the City of Philadelphia. Correctional facilities for defendants sentenced to incarceration for more than two years are provided by the state.

4. Relevant Statutory Provisions Regarding Drug Cases

In 1988, the Pennsylvania Legislature adopted sentencing guidelines applicable to all criminal cases<sup>4</sup>. The guidelines are presumptive. The Legislature has also enacted mandatory sentencing provisions<sup>5</sup> which establish one of the lowest thresholds in the country for mandatory incarceration. Under Pennsylvania statute<sup>6</sup> possession of two or more grams of a controlled substance carries a minimum incarceration period of one year; possession of ten grams or more mandates a three year minimum sentence.<sup>7</sup>

<sup>4</sup> Previous guidelines had been declared unconstitutional.

<sup>5</sup> Pennsylvania Consolidated Statutes, Section 18-6300 ff.

<sup>6</sup> See Pennsylvania Consolidated Statutes. 18-6314.7508.

<sup>7</sup> Additional mandatory incarceration provisions have also been enacted for recidivist offenders.

5. Impact of Existing Court Orders Regarding the Jail Population on the Court's Caseload

The Philadelphia Prison, located in northeast Philadelphia twelve miles from the courthouse, serves as Philadelphia's local jail. The prison has suffered severe crowding problems for some time and has been the subject of a number of recent federal and state court suits. As the volume of sentenced defendants in the jail increased, more pretrial defendants have been released under court orders issued in the cases described below:

o Harris v. Reeves

To comply with the federal jail population cap, all cases of defendants detained pretrial are reviewed to screen out persons charged with less serious offenses or with minimal criminal histories. Defendants found qualified to be released are released on a Harris v. Reeves signature bond. Persons not released pursuant to the Harris case, are subsequently screened by the Conditional Release Unit of the Pretrial Agency except for fugitives and defendants charged with armed robbery, murder or rape.

o Jackson v. Hendricks

Persons not released under Harris or subsequently conditionally released by the Pretrial Agency, may be released pursuant to Jackson v. Hendricks which requires O.R. release of accused drug dealers where the amounts of drugs involved are below 50 grams. (Since the provisions of the Section 18.6300ff require mandatory incarceration of defendants found guilty of possessing two or more grams of a CDS, the mandatory release required by Jackson v. Hendricks has resulted in an increase in the number of failures to appear (FTA's). In addition, defendants released under the Jackson v. Hendricks criteria have also picked up new cases while on release, thereby exacerbating the Court's caseload.

6. Organization of the Prosecutor's Office and Indigent Defense Services

a. *Prosecutor's Office*

The Philadelphia District Attorney's Office is headed by an elected district attorney and staffed by 220 attorneys and a support staff of 233 persons. Under state rules of discovery, most discovery is discretionary although such items as names and addresses of eye-witnesses and documentary evidence is mandatory. Generally, the prosecutor provides available discovery, if requested. Police reports are provided at the arraignment or, if not available, within several weeks following at a specially scheduled discovery conference. The increased use of facsimile machines had reduced the time for transmittal of police reports and thereby improved discovery exchange between prosecutors and defense counsel.

b. *Indigent Defense Services*

Indigent defense services are provided by the Defender Association of Philadelphia which is headed by an appointed public defender and staffed by 135 attorneys, and approximately 170 support staff consisting of nine paralegals, 31 investigators, 37 social service workers and secretaries, and 93 administrative and file room staff. In addition, the office is served by law and student internees. Conflict and homicide cases are handled by court appointed attorneys. Felony cases involving indigent defendants are assigned to public defenders at the Preliminary Arraignment in the Municipal Court at which time eligibility for indigent defense services is determined. It is estimated that 80% of the felony defendants appearing before the Court of Common Pleas are indigent.

7. Provision of Pretrial Release and Probation Services

a. *Pretrial Services*

Pretrial Release Services are provided by the Pretrial Service Agency, which is city-funded. The Pretrial Service Agency interviews all defendants upon arrest and makes recommendations to the Municipal Court Bail Commissioner regarding their release. Prior to the current jail crowding conditions, the Pretrial Release Agency provided bail recommendations based on an adopted grid scale and any departures from these recommendations required a written explanation. While the guidelines are still followed, there are also various reviews conducted of detained defendants' cases to comply with recent court orders. (See (5) above).

The Pretrial Services Agency supervises a limited number of defendants on conditional release; others are assigned to local agencies for supervision.

b. *Probation Services*

Probation services and parole services for individuals sentenced to incarceration of less than two years are provided by the Adult Probation and Parole Department (APPD) of the Court of Common Pleas. Approximately 70% of the APPD budget is provided by the State of Pennsylvania and the balance is provided by the City of Philadelphia. The APPD is staffed by 412 employees, divided into two departments: Special Services, which performs presentence investigations, mental health evaluations, intensive supervision services and other special programs, and (2) general services which provides general probation and parole supervision. Probation officers also have warrant authority.

As of January 1991, the caseload of the APPD included 32,175 probationers and parolees. In addition, APPD prepares 4,000 - 5,000 presentence investigation reports annually.

8. Diversions/Deferred Prosecution Programs

For some years, the Philadelphia District Attorney has referred certain criminal cases, including cases involving minimal drug possession, for Accelerated Rehabilitation Disposition (ARD) in which prosecution is deferred pending the defendant's participation in a probation supervision/treatment program. These cases had been referred to a specially assigned Court of Common Pleas judge (the ARD Court) and dismissed upon the defendant's successful completion of the conditions imposed. At that time, his/her record is also expunged. As of April 1, 1991, these cases are being handled in the Municipal Court.

Section 780-117 (Section 17) of the Pennsylvania Code also permits the Court to enter a finding of "probation without verdict" in a case involving a defendant charged with a drug offense and who has no prior drug convictions if the defendant pleads to or is found guilty of a drug offense. In such cases, the Court may withhold entering a judgment, defer proceedings and place the defendant on probation for a period not to exceed the maximum for the offense and, upon the defendant's successful completion of the probation, the court may dismiss the case. The prosecutor has been generally opposed to the application of Section 17 and it has not been frequently applied.

## II. DESCRIPTION OF THE EDCM PROGRAM

A. EDCM Program Objectives

1. Adjudication Component

The initial purpose of the EDCM program was to expedite the disposition of drug offenses and to accelerate the point at which defendants in drug cases came under court supervision and treatment.

Attention initially focussed on those drug cases which could be diverted or be disposed of under Section 17 (See Section 8 above). As program planning progressed, however, it became apparent that a far greater segment of the court's caseload was amenable to the expedited case management program. In addition, it also became apparent that many non-drug offenses were committed by defendants with drug problems who could benefit from accelerated probation referral even if they had not been charged specifically with a drug offense.

Accordingly, when the program was implemented on January 2, 1990, all cases (drug and non-drug) filed in the Court's Felony List<sup>8</sup> program were included. Based on the Court's success in disposing of these cases, the EDCM program was expanded to cases in the Major Felony Division<sup>9</sup> on September 1, 1990. In February 1991, the Pennsylvania Supreme Court approved a phased-in expansion of the Differentiated Case Management procedures introduced in the Felony List Program to the entire criminal docket.

2. Treatment/Supervision Component

Concurrent with the goal of expediting the adjudication of drug offenses is the goal of accelerating the point at which drug offenders come under the supervision of the Court and its supervision and treatment programs. To this end, focus has been initially directed toward early probation screening of incarcerated defendants suitable for "A" track disposition so that the EDCM judge handling the disposition of "A" track cases at the time of arraignment will have adequate presentence information at that time for sentencing and probation referral.

B. Program Description

1. Adjudication Component

a. *Tracks Established and Their Criteria*

The EDCM Program for Felony List cases establishes four tracks:

Track A: Track A cases are those which are eligible for diversion from trial (e.g., through the Accelerated Rehabilitation Program) or for disposition on the day of arraignment through a guilty plea.

If an "A track" case is not disposed on the day of arraignment, it will be reassigned to Track B if the defendant is in custody or to Track D if the defendant is released.

Track A was established to transform the arraignment into a meaningful screening mechanism whereby defendants charged with certain non-violent offenses can be offered an opportunity to enter a guilty plea on their first appearance in Common Pleas Court; initially, Track A cases included primarily retail theft, auto theft, bribery, illegal use of credit cards, etc. As the EDCM program progressed, Track A was expanded to include burglary, arson, certain drug cases and escape.

Track B: Track B cases involve primarily incarcerated defendants whose cases are not eligible for Track A or whose cases are not disposed of through the Track A process.

Track B was established to enhance trial date certainty for custody cases, regardless of the charge, by providing for a trial readiness conference 21 days after arraignment. The initial intent of

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<sup>8</sup> See Note 1.

<sup>9</sup> See Note 2.

Track B was to ensure the timely completion of discovery, screen out cases in which a defendant requested a jury trial, and to provide for stipulations to testimony which would reduce the necessity of witness appearances on the day of trial.

**Track C:** Track C cases involve defendants in custody with multiple open cases which can be consolidated and disposed of at or shortly after arraignment.

Track C was designed to consolidate at a single adjudicatory proceeding multiple cases pending against a defendant in custody, regardless of the charges involved. These cases are identified at the time an EDCM case is filed and scheduled before the EDCM judge for a consolidation hearing. If a consolidated disposition of these pending cases cannot be achieved, the EDCM case is assigned to Track B or D, as appropriate, and the other pending cases proceed as originally scheduled.<sup>10</sup>

**Track D:** Track D cases are those which do not fall into Track A, B, or C (generally bail cases and complex custody cases). Track D serves as the standard track on which all cases would be assigned if they were not adjudicated through the mechanisms established by Tracks A, B or C.

In addition, a fifth track, Track E, was created eight months after the initial EDCM program began, for cases in the Major Felony Division which handles more serious felony cases and cases in which jury trials have been requested. Track E applies to serious, non-drug felony cases filed in the Major Felony Division and uses procedures comparable to those for Track B. Track E was established on September 1, 1990 for all cases assigned to the Major Felony program after that date.

b. **Track Assignment Process and Point at Which Track Assignment is Made**

Immediately following the preliminary hearing in Municipal Court, the public defender provides the Court Administrator of the Court of Common Pleas with a list of defendants who appear to be eligible for diversion programs or who seem likely for disposition through Track A. A copy of this notice is also sent to the Probation Department for purposes of obtaining criminal history information and screening for the DOWOP program (see Section 2 below). Approximately two days prior to arraignment in the Court of Common Pleas, the Deputy Court Administrator for Criminal Listings reviews each case and assigns it to the appropriate Court administrative division (i.e., Felony List, Major Felony, or Homicide). At that time, cases assigned to the Felony List program are also assigned to the appropriate track based on the criteria established. This information is also entered into a personal computer in the Court Administrator's Office which permits the Court to monitor the operation of the EDCM program.

c. **Track Processing Procedures**

Cases proceed in the EDCM tracks as follows:

**Track A:** All cases referred to Track A are heard before the Arraignment Court judge and disposed of on the day of arraignment; if an A case is not disposed of that day, it becomes a B or D Track case depending upon whether the defendant is in custody;

**Track B:** Track B cases generally involve custody defendants and are scheduled for a trial readiness conference 20 working days after arraignment before the EDCM judge. The purpose of the trial readiness conference is to monitor discovery, discuss stipulations to testimony, screen jury demands and identify additional non-trial dispositions. Trials of Track B cases are scheduled for 49 days after arraignment. In the event a continuance is required, it does not exceed 30 days.

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<sup>10</sup> The Track C procedure was important when the EDCM program began because of the large number of defendants who had multiple pending cases; as the EDCM program has progressed, the number of Track C cases has necessarily declined.

**Track C:** Track C cases are scheduled for a pretrial conference within 21 days following identification. Because of difficulties in retrieving files for pending cases scheduled shortly after the Defendant's arraignment on the EDCM case, a decision was made to exclude from Track C consideration of any pending case scheduled within 30 days of the arraignment because of the difficulty in (a) locating the file for the pending case and (b) reassigning it to the public defender and district attorney handling the consolidated Track C hearings. However, if a case, otherwise suitable for Track "C", is assigned to Track "B" because of these scheduling problems, pending multiple charges will be dealt with at the Track B trial readiness conference. If the cases are not disposed of at the conference, the new case continues in Track B for disposition and the pending cases proceed as scheduled.

**Track D:** Track D cases are set for trial 45 days following arraignment, with no intervening events. Most Track D cases are disposed of at the first trial setting; if a continuance is essential, disposition occurs in any event no later than 90 days following arraignment.

**Track E:** Track E cases are scheduled for a pretrial conference 49 days following arraignment; in appropriate cases, a second pretrial conference is held 20 - 30 days later. Those cases which have not been disposed of by that time are then scheduled for trial within 120 days.

The purpose of the E track was to provide court supervision and intervention in Major Felony Program cases much earlier in the process and to provide an opportunity for case disposition at each scheduled event. Unlike the List program cases, which are considered less serious felonies, little dispositive action is anticipated with Major Felony cases at arraignment. However, court officials felt that, once discovery could be completed, a meaningful pretrial conference could be held which could result in case disposition in certain cases. Prior to the EDCM program, the pretrial conference for Major Felony cases was held two weeks following arraignment -- too soon for discovery to be completed and therefore not contributing to case disposition. Under the EDCM program procedures, the timing for the pretrial conference was therefore extended from two weeks to seven weeks to permit attorneys time to prepare the case and conduct a "B" type of pretrial hearing before the EDCM judge assigned. The purpose of this pretrial hearing is now to "clean out" the docket and distinguish those cases which can be disposed of at that point from those which need to be tried. For those cases which need to be tried, the goal is to set the trial date sooner.

The program began by focussing on custody cases and has been disposing of approximately 6 cases per day (25-30% of the cases set.)

## 2. Treatment/Supervision Component

### a. *Special Programs for Drug Offenders*

In addition to various intensive supervision programs, concurrent with the implementation of the EDCM program, funding from the State Board of Probation and Parole permitted the Probation Department to establish the Drug Offender Work Program (DOWOP) which provides multiple weekly contacts, urinalysis on demand, job training, and community service to defendants with low levels of drug involvement and minimal criminal histories. Generally, these defendants are adjudicated through the Track A process. Each defendant referred to the DOWOP program is required to spend the first sixty days following referral at a private non-profit residential and vocational group center known as the Greater Philadelphia Center for Community Corrections. During this period, staff prepare a structured program of drug counselling, vocational assessment and preparation for conditions of supervision along with arrangements for a medical assistance card, determination of training services, and other personal support, as needed. The assessment of the defendant's needs made during this sixty-day period then becomes the basis for the probation office's subsequent supervision.

In addition to the DOWOP program, the probation office also provides intensive drug supervision, electronic monitoring, and other specialized services, as appropriate, for drug dependent defendants.

b. *Description of the EDCM Screening/Referral Procedures*

At the time of the preliminary hearing in Municipal Court (10 days following arrest), the public defender identifies defendants for potential Track A disposition and submits this list to the Probation Department (see Attachment 1) two to three times each week. Defendants on this list are primarily those with lower levels of drug involvement who might benefit from expedited referral to probation services. The list designates the custody status and Common Pleas arraignment date for each defendant, along with his/her Municipal Court case number and Police number.

The list of cases is assigned to the Probation Office's technical specialist who serves as a liaison between the Probation Office, police agencies and other justice agencies in order to obtain criminal history information for each defendant and a preliminary laboratory report for drug cases to determine whether the amount of drugs involved is over or under the two gram threshold for mandatory incarceration. The technical specialist records the results of his/her investigation on a face sheet summary (see Attachment 2) and sends it to a probation agent who reviews it. If the lab report indicates that less than two grams of a CDS was involved and the defendant's criminal history is minimal, the probation officer interviews the defendant to determine the type of probation resources appropriate and whether he/she is suitable for and willing to participate in the special DOWOP program and, in some cases, conducts a home visit. Based on this information, the probation officer then submits a report to the judge regarding the defendant's prior history and eligibility for the DOWOP program. The report is sent to the judge's law clerk who gives it to the judge after adjudication. The judge may accept or reject the probation officer's recommendation. Approximately 20% of the defendants initially identified as potentially eligible for the accelerated Track A probation program actually participate.

c. *Summary of the DCM Felony Case Process*

1. **Felony Case Processing Procedures**

Defendants arrested on felony charges appear before a Municipal Court Bail Commissioner within six hours of arrest at which time conditions for release are determined and a preliminary hearing in Municipal Court scheduled within three to ten days after arrest. The Pretrial Services Agency reviews the defendant's custody status and makes release recommendations to the Court.

Release can be made on one of the following conditions: (1) release of recognizance (ROR); (2) satisfaction of a bond set by the Municipal Court Bail Commissioner on the basis of an assessment of the Defendant's risk and community ties; (3) upon recommendation of the Pretrial Release Agency for conditional release; or (4) pursuant to the conditions mandated in Jackson v. Hendricks or Harris v. Reeves.

On the day following the Bail Commissioner's Hearing, the Municipal Court reviews the status of those defendants who are still confined and, upon the recommendation of the Pretrial Services Agency, may order a defendant conditionally released and assigned to a community agency for supervision. Those defendants who remain confined (generally those who are charged with more serious offenses, may have detainers and/or an FTA history) are subsequently screened (when?) according to the criteria of Jackson v. Hendricks at a hearing conducted by the Court of Common Pleas Jail Master and attended by representatives from the prosecutor, public defender, pretrial service and probation offices. At that hearing, a decision can be made to release the defendant and assign him/her to the Probation Department's Intensive Supervision Program or another community agency or to have him/her remain confined.

All violations of pretrial release conditions are reported by the supervising agency to the Pretrial Services Agency.

The purpose of the preliminary hearing in the Municipal Court is to determine probable cause. Upon such a finding, the case is held for the filing of an information within ten days.

Arraignment in the Court of Common Pleas is scheduled for twenty-one days following the preliminary hearing in Municipal Court. Two days prior to the arraignment, the deputy court administrator in the Court of Common Pleas reviews each case on the basis of the EDCM track criteria established and assigns it to an appropriate track. Those cases suitable for Track A have already been identified by the public defender during the Municipal Court Preliminary Hearing (see Section 2b above). On the day of the Court of Common Pleas Arraignment, the prosecutor and defense attorneys meet to discuss all cases assigned to Track A. If an agreement on a guilty plea is reached or if the defendant indicates a desire to enter an open guilty plea<sup>11</sup> to the charges, or if the case qualifies for disposition under Section 17, the case is referred to the EDCM Judge for immediate disposition. Cases approved for diversion are scheduled for a diversion hearing within 14 days before the judge designated to handle diversion cases. Custodial defendants on Track A eligible for the DOWOP Program (see Section 2a above) are also screened for program participation and enter a residential treatment program for 60 days.

Cases on Track B are scheduled for a pretrial conference before the EDCM judge within 21 working days. Track B cases which cannot be disposed of at the pretrial conference are scheduled for trial within 49 days following arraignment.

Cases on Track C are scheduled for a consolidation hearing within 21 days after their identification before the EDCM judge. Those Track C EDCM cases which cannot be disposed of at the consolidation hearing are assigned to Track B or D, with the pending cases proceeding as scheduled.

Track D Cases are scheduled for trial 49 days after arraignment.

Below is a comparative summary of the case processing events and timeframes applicable to each track in the EDCM program

## 2. EDCM Track Timeframes

Event	<u>All Cases</u>				
	Track A	Track B	Track C	Track D	Track E
arrest	Day 1	Day 1	Day 1	Day 1	Day 1
Mun.Ct. Pr.Hrg	Day 10	Day 10	Day 10	Day 10	Day 10
Arrgnt. in C.P. Court	Day 1*	Day 1*	Day 1*	Day 1*	Day 1*
* 30 days after arrest but Day 1 as a Court of Common Pleas Case					
Dispos. Hearing	Day 1	n/a	n/a	n/a	n/a
Pretr. Conf.	n/a	Day 21	Day 21 <sup>12</sup>	n/a	Day 49
Trial	n/a	Day 49	n/a	Day 49	Day 120

<sup>11</sup> An "open guilty plea" is made before a judge who determines disposition without any prior negotiations between the prosecutor and defense counsel.

<sup>12</sup> e.g., 21 days following identification of the pending cases by the Trial Court Administrator's Office.

d. *Project Start-up Date*

The EDCM program for Felony List<sup>13</sup> Cases began January 2, 1990 and was expanded to cases filed on or after September 1, 1990 in the Major Felony Program<sup>14</sup>.

e. *Cases Included in the EDCM Program*

All felony cases filed in the Felony List program after January 1, 1990 and in the Major Felony Program after September 1, 1990 are included in the EDCM Program. The only criminal cases not included in the EDCM program are those assigned to the Homicide program which will be incorporated September 1, 1991 into the court-wide DCM program now being phased in.

f. *Provisions for Handling the Pending Inventory*

Cases filed prior to the start-up date for the EDCM Program in the Divisions involved have been scheduled according to pre-EDCM program procedures. All pending custody cases in the Felony List program, however, were specially scheduled for a pretrial conference and, if not disposed, scheduled for the next available court date. All other cases have been assigned for trial at the next available trial date before one of the ten judges assigned to the Felony List Program, with 12 cases per day scheduled.

g. *Case Monitoring Performed*

The Court Administrator's Office, with the designated EDCM judges, closely monitors the case process through the use of a pc-based information system developed by the Court in supplement to its mainframe equipment and very frequent meetings<sup>15</sup> with the EDCM judge, prosecutor, defense counsel and probation staff. Information is maintained regarding the number of cases assigned to and disposed of in each track; the median case age at disposition by track; the median age of pending cases by track. In addition, compliance with the conditions of pretrial conference and other orders is carefully monitored by the appropriate supervising agency (e.g., probation, pretrial, etc.) A sample monthly case monitoring report is provided in Attachment 4.

### III. CHANGES REQUIRED TO IMPLEMENT THE EDCM PROGRAM

A. **Rules**

No rule changes were required to implement the EDCM program.

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<sup>13</sup> See Footnote 1.

<sup>14</sup> See Footnote 2.

<sup>15</sup> During the planning and early implementation period, meetings were held daily.

## B. Procedures

### 1. Within the Court

Implementation of the EDCM program introduced major changes in the caseflow process. Every event scheduled became a dispositive event designed to provide an opportunity for case disposition. The arraignment proceeding, for example, had always been considered purely an administrative function at which no dispositive action on the case occurred. Conducted by a bail commissioner, who scheduled a pretrial date, no judge was involved at that stage who might take a guilty plea if proffered. Trials were always overscheduled to accommodate the numerous continuances that always occurred because there was no certainty to the trial date scheduled and no pressure to be ready for trial on a case until it had been previously continued.

To implement Track A, the Common Pleas Court arraignment, which previously had been largely an administrative function designed to initiate case processing activity in Common Pleas Court, became a dispositive event in the caseflow process. Track A cases not disposed of at arraignment are then assigned to Track B (if the defendant is in custody) or Track D. An Arraignment Judge was therefore designated to whom all cases (Track A, B and C) which might reach disposition the day of arraignment were referred immediately following arraignment. The function of the Arraignment Judge is to take pleas in those cases in which a plea agreement is made and, in other cases, explore outstanding issues and schedule a pretrial conference within 20 days for A and B track cases not disposed of on the day of Arraignment. Track E cases were assigned to the E-Track judge who maintained control over each case during the pretrial period until it was either disposed of or scheduled for trial.

In preparation for implementing the EDCM program, court officials held numerous discussions with the district attorney, public defender, probation, sheriff, clerks and other officials in agencies potentially affected by the new EDCM procedures. These meetings focussed upon projecting the impact which the EDCM program would have on each of their respective office operations and determining how to accommodate it, including such issues as the sheriff's resource and logistical needs to provide the additional prisoner transport anticipated, the additional clerical support required to handle the increased volume of cases, etc. Careful planning was also needed to determine the number of cases that could be scheduled daily, paper and defendant flow, and other logistical problems that the new program presented. Notices were published in legal newspapers informing the defense bar of the tracking system and procedures. (See Attachment 3). Court staff met with the criminal bar to explain the new program.

A major milestone in this planning process was the commitment of the District Attorney and the Public Defender to provide sufficient experienced attorneys to staff the EDCM Court and the District Attorney's agreement to reevaluate the plea offers made at the arraignment stage in light of statistics on the court's sentencing practices, particularly for low end offenses. These statistics indicated that judges were sentencing defendants in the low or mitigated ranges of the guidelines instead of the upper range which was the basis for the prosecutors' initial plea offers. These statistics also demonstrated that the prosecutor's plea offers did not require change in substance but, rather in timing, so that the same offers being made on the day of trial could merely be made months earlier at arraignment.

The court made available funding from the BJA grant to the prosecutor and the public defender to permit one attorney from each office to staff the EDCM court. The prosecutor, through his own resources, provided two additional experienced prosecutors and two paralegals; the public defender, through his own resources, provided an additional attorney and one paralegal.

Court officials met weekly to plan the EDCM program; after its implementation they met daily in the EDCM Judge's chambers before court convened. Invariably, numerous problems surfaced and were resolved as soon as possible after they arose. For example, because the Arraignment Court was handling three to four times the volume of cases as other courts, its need for additional resources became evident, particularly, for more clerks and computer access to criminal history information. The Court also instituted a computer link with the police lab and the Court Administrator initiated daily communication with the city prisons regarding prisoners scheduled for court the following day.

The implementation experience of the EDCM program in the Felony List Program provided the groundwork for a relatively smooth implementation of the EDCM program in the Major Felony Case Program Division. To launch that program, an additional data entry clerk and a courtroom clerk were immediately assigned. Building on the procedures for prisoner transport developed for the Felony List program, the sheriff was able to provide necessary prisoner transport (a major problem experienced when the EDCM program was first implemented.) In preparation for expanding the EDCM program to the Major Felony cases, the judge assigned and the deputy court administrator for criminal listings met with the Criminal Justice Section of the Bar and published various announcements in bar journals (see Attachment 3). The judge assigned has attended to a myriad of other tasks needed to keep the program going smoothly, developing its credibility, carefully phasing in its procedures and developing systems to accommodate the high volume of cases being handled. For example, an area of additional computer support that was needed was for transferring notes on a case made at one hearing to the computer for subsequent reference at future hearings.

2. Within the Prosecutor's Office

The Prosecutor's commitment to cooperate with the EDCM program objectives was -- and continues to be -- essential to implementing the EDCM program. The District Attorney's Office screens all cases filed prior to arraignment and district attorneys meet with defense counsel at that time to discuss plea potential. The District Attorney has provided experienced staff to the EDCM courtroom on a daily basis to assure that plea offers are consistent with those generally made at the trial stage and has developed appropriate procedures to assure that district attorney files are present in court and that victims are contacted beforehand so that plea offers can be made. In addition, as previously noted, he has reevaluated the plea offers made at the arraignment stage in response to comments that they were unreasonable and has made an effort to make them consistent with those offered at the time of trial. He has also instituted an open file policy at arraignment to permit defense counsel to have whatever information is available to assist the defendant in assessing the plea offer.

3. Within the Public Defender's Office

The Public Defender designated a senior attorney to staff the EDCM Court and to screen all incoming cases prior to the Municipal Court preliminary hearing for potential expedited disposition. The Public Defender also took on the responsibility of notifying APPD of eligible Track A defendants at the time of Municipal Court screening, 20 days prior to filing in the Court of Common Pleas. This notification has permitted APPD to be prepared on the day of the Court of Common Pleas Arraignment with the following information for each detained defendant potentially eligible for Track A disposition: (a) the laboratory analysis report confirming both the nature and weight of the confiscated substance; and (b) an evaluation of the defendant's treatment needs and referral recommendations.

The change in the prosecutor's policy regarding plea offers so that those presented at the time of arraignment reflected the likely disposition after trial also appears to have enabled the public defender to be able to more frequently recommend that defendants accept these plea offers at arraignment unless other factors dictate otherwise.

4. Within Other Agencies

a. Probation Office

To implement the EDCM program, the Probation Office established closer working relationships with a number of agencies. For example, the public defender provides the Probation Office with a list of potentially eligible Track A defendants at the time of their Municipal Court Preliminary Hearing for further APPD screening. (See Section 2(b) above). In order to screen these cases prior to Court

of Common Pleas Arraignment, the APPD has hired a technical specialist to coordinate with the drug lab, detention facilities and sources from which a defendant's prior criminal history are obtained, in order to provide treatment/supervision recommendations to the Court for cases disposed of on the day of Arraignment.

A number of probation officers (26 approximately) have been added for drug offenders. Approximately \$ 100,000 was obtained from the state legislature to operate the "DOWOP" program (see Section 2(a) above), an alternative to incarceration, permitting a defendant to be referred to an intensive supervision/work assignment program operated by the Department of Probation and Parole.

b. *Sheriff's Department*

The EDCM program has necessitated a major increase in prisoner transport services, requiring the sheriffs to transport 5-10 prisoners at one time, compared to generally one per hearing previously.

c. *Clerk's Office*

The increased volume of cases handled through the EDCM program has also imposed a major increase in workload on the Clerk's office. The Clerk has increased clerical support to the EDCM judge from one clerk to three clerks and has also provided additional file cabinets to store the disposed cases.

d. *Police*

Funds from the BJA grant were provided for a lab assistant in the police lab who could analyze and weigh suspected narcotics before arraignment. The Court also provided the lab with (a) a court computer so that the amounts of drugs in each case could be entered in the Court's computer and (b) a fax machine so that lab reports could be sent to the courtroom when necessary.

#### IV. PROJECT EXPERIENCE TO DATE

A. Case Status

1. Track Assignments

During CY 1990, EDCM cases were assigned to tracks as follows:

- |          |  |
|----------|--|
| Track A: | 35% of the Felony List Cases were assigned to Track A of which 40% (14% of the total Felony List cases) were adjudicated through the Track A process; the remaining cases were transferred to Tracks B or D, depending upon the Defendant's custody status;      |
| Track B: | 33.4% of the Felony List Cases were assigned to Track B, including those transferred from Track A;   |
| Track C: | 10.6% of the Felony List cases were assigned to Track C, of which 36.5% (3.9% of the total Felony List cases) were adjudicated through the Track C process; the remaining cases were transferred to Track B or D, depending upon the Defendant's custody status; |
| Track D: | 42.5% of the Felony List cases were assigned to Track D, including those transferred from Track B or C.  |

2. Methods of Disposition

During CY 1990, EDCM cases were disposed of as follows:

	<u>Track</u>				
	A	B	C	D	E
ARD	14.6%	-		6.2%	1.6%
1402 Disp.	23%	14.6%	10.3%	4.2%	6%
Plea					
Neg.	45.4%	47.3	33.5%	17%	45.9%
Open	16.4%	20.1	55.6%	18.2%	38.3%
Nollo					
Plea	.3%	2%		18.3%	1.1%
Trial					
Gtly		5.9%		17%	.7%
Not Gtly		1.1%		6.6%	1.4%
Nolle Prosse	.1%	5.6%	.1%	10.5%	5%

3. Age of Cases at Disposition

The average days from filing in the Court of Common Pleas to disposition for each track during CY 1990 was:

Track A:	1.9 days (14% of the Felony List cases)
Track B:	59.1 days (33.4% of the Felony List cases)
Track C:	30.5 days (3.9% of the Felony List cases)
Track D:	105.7 days (42.5% of the Felony List cases)

B. Other Areas

1. Reduction in the Pending Inventory

On January 2, 1990, the Court had a pending inventory of 7,068 cases in the Felony List program. During CY 1990, 12,581 cases were filed in the Felony List program and 15,895 were adjudicated, resulting in a 47% reduction in the pending inventory of Felony List cases.

2. Earlier Trial Date Availability

Trial dates are more readily available since many cases that would otherwise have been set for trial are settling much earlier.

3. Impact on the Jail Population

During the first year of the EDCM program's operation, the percentage of pretrial detainees in the local jail has been reduced from approximately 63% to approximately 51%.

4. Greater Interagency Communication

The key to the success of the EDCM program has been the extraordinary interagency cooperation that has existed from the program's initial planning stage. Formal meetings of all involved agency officials have occurred at least bi-weekly during the first year of the program, with numerous, smaller, ad hoc meetings held daily to address problems as they arose.

5. Impact on the Docket Generally

There are a number of spin-off effects which may result from the EDCM program. Among these are greater scheduling certainty as a result of the screening occurring early on; more efficient use of judicial resources as a result of more certain trial schedules and stricter court monitoring of continuances; and, as a result of the "weeding out" of cases through the EDCM screening procedures, greater trial date availability for all cases. It is also anticipated that, by disposing of simpler cases earlier, more realistic trial scheduling can occur, taking into account, of course, the likelihood that those cases set for trial will be more complex and time-consuming.

Apart from the positive impact which the EDCM program has had on the cases filed since January 1990, implementation of the EDCM program has demonstrated that, with proper resources, the Court can take control of its docket and bring together the diverse interests of the various parties involved in the case process. The positive experience of this pilot project has changed local perceptions and attitudes about the pace of litigation and the role which the Court, in cooperation with other justice agencies, can play in efficiently managing the caseload.

C. Implementation Problems and Issues Addressed

1. Prisoner Transport

The transportation of prisoners, both between the court and prison (located 12 miles from each other) and within the court facility has always posed a problem but has been exacerbated with the accelerated pace of case processing introduced with the EDCM program. These problems were complicated by the fact that the holding facility in the courthouse is seven floors down and requires a walk of approximately 1/10 mile to the EDCM courtroom and most of the sheriff's busses are old and in poor condition. To adequately address these problems will require completion of the City's new criminal justice facility complex now being planned.

2. Secretarial Support

The increased volume of cases handled by the EDCM judge as well as the increased length of the court day in the EDCM courtroom made it apparent that additional support from the Clerk's Office was essential to handle the paperflow of the EDCM courtroom. To address this problem, the Clerk agreed to provide two additional clerks to the EDCM courtroom.

3. Information System Needs

Since the court's mainframe information system lacked the capability to provide the monitoring reports necessary to manage and fine-tune the DCM program, the court developed and has maintained a pc-based information system focussing primarily on the DCM program activities, including track assignments and case status.

4. Facility Issues

All criminal proceedings in the Court of Common Pleas take place in the Philadelphia City Hall which is an old building, in poor repair, and without the physical features deemed essential to promote adequate security, public accommodation and flow, and working efficiency. For example, the task of transporting prisoners to and from the "courthouse" requires at least three to four elevator trips each way to and from the basement courtyard to the seventh floor holding facility. A new criminal justice facility is being planned but construction has not yet begun.

D. Special Issues Addressed

1. Principal Modifications Made Since the EDCM Program Began

A great deal of fine-tuning has occurred to make the EDCM program work. Numerous changes in program design and operation have been made since the EDCM program was introduced, primarily to expand the scope of the program.

2. Other Issues Addressed

In addition to the modifications noted above, a number of "delay producing" situations have been addressed. These include:

a. *Requests for Jury Trials on the Day of Trial*

Under Pennsylvania procedure, a jury request can be made at any time up to the point of trial. To address this problem, three judges are assigned randomly each day to handle jury trials requested on the day of trial; whether or not they can handle all jury requests that might be made on the day of the request, the effect of this procedure should reduce frivolous jury demands because (1) the judges are randomly selected by the computer and therefore one party cannot "judge shop"; and (2) once a jury demand is made, the judge assigned hears the case -- even if it turns out to be a plea.

An average of 143 jury demands are made monthly for cases in the List program. These cases are sent to the Major Felony Program Division and scheduled for trial within 120 days if they cannot be tried on the day of request. An additional problem which has had to be addressed involving jury demands occurred because the public defender's policy has been to assign a new public defender if a jury demand is made, maintaining that preparation for a jury trial requires more time.

b. *Motions*

Although motions continue to be heard on the day the trial is scheduled, once ruled upon, the case often results in a plea that day. The Court has not instituted a special motions hearing date and hears motions on the day of trial because, under the EDCM program, trial is scheduled 49 days following arraignment -- which is only 12 days after the date motions and answers must be filed under Pennsylvania Rules of Procedure.

3. Efforts to Institutionalize the Program

The first year of experience with the EDCM program has been accomplished, primarily, through the efforts of a number of individuals in the Philadelphia justice system. The personal leadership and commitment of the first EDCM Judge, the deputy court administrators, the prosecutor and the public defender, in particular, have been instrumental to the program's effectiveness. As the program continues, its

need to become institutionalized has become very apparent so that its continued operation can be assured regardless of the individuals in office at any one time. A new EDCM judge took "office" in January 1991 and has been maintaining the pace of the EDCM program. The Court has adopted a plan which will not only institutionalize the EDCM program for the Felony List and Major Felony cases but will also expand the DCM program to the full criminal and civil docket over a three-year period.

For further information, contact:

Judge Legrome D. Davis  
Judge, Court of Common Pleas  
1408 One East Penn Square      or  
Philadelphia, PA 19107  
TEL: (215) 686-9534

David C. Lawrence  
Chief Deputy Court Administrator  
for the Trial Division  
Room 370, City Hall  
Philadelphia, PA 19107  
TEL: (215) 686-7348

**ATTACHMENTS**

1. **Potential Track "A" Dispositions List Submitted by the Public Defender to Adult Probation and Parole**
2. **Adult Probation and Parole Department: Differentiated Case Management Pre-Trial Evaluation Form**
3. **Court's Notice to the Bar Re EDCM Program Implementation**
4. **Sample Monthly EDCM Program Case Management Report**



SECTION 17 DIFFERENTIATED CASE MANAGEMENT PROGRAM

Date of request: 1-7-91  
Response requested by: \_\_\_\_\_

Reassignment Date	Defendant/AXA	DC #	CP or HC #
1-10-91		90-35-064506	HC-9010-0808
Lab response:	NEED PROPERTY RECEIPT # NUMEROUS DEFENDANTS ON THIS DC #		
1-10-91		90-09-005544	HC-9001-3161
Lab response:	LAB # 90-00901 ✓ UNDER 2 GRAMS		
1-11-91		89-25-044811	HC-8905-0810
Lab response:	LAB # 89-50.25 ✓ OVER 2 GRAMS	Total net weight 3.42 g.	
1-23-91		89-09-072300	HC-8912-054
Lab response:	LAB # 89-12336 ✓ UNDER 2 GRAMS		
1-18-91		89-25-031046	HC-8903-356
Lab response:	LAB # 89-3630 ✓ OVER 2 GRAMS	2.567 g	
Lab response:			
Lab response:			
Lab response:			

COURT OF COMMON PLEASE - TRIAL DIVISION  
Adult Probation and Parole Department

---

Differentiated Case Management Pre-Trial Evaluation

---

IDENTIFYING DATA

Name: \_\_\_\_\_ AKA: \_\_\_\_\_ Sex: \_\_\_\_\_

Phila. Photo No.: \_\_\_\_\_ Date of Evaluation: \_\_\_\_\_

Age: \_\_\_\_\_ Birth Date: \_\_\_\_\_ Birthplace: \_\_\_\_\_

Ethnic Group: \_\_\_\_\_ Religion: \_\_\_\_\_

Marital Status: \_\_\_\_\_ Occupation(work history): \_\_\_\_\_

Education & Training: \_\_\_\_\_

PRESENT OFFENSE

Charges: \_\_\_\_\_

Bill & Term: \_\_\_\_\_ Plea: \_\_\_\_\_

Disposition: \_\_\_\_\_

POLICE LABORATORY

Date: \_\_\_\_\_  Over 2 Grams  Under 2 Grams

Arraignment Date: \_\_\_\_\_

CRIMINAL HISTORY & RECOMMENDATIONS: <see reports>

COURT OF COMMON PLEAS - TRIAL DIVISION

Adult Probation and Parole Department

Differentiated Case Management Pre-Trial Evaluation

IDENTIFYING DATA:

Name:

AKA.

SKX:

MALE

Phila. Photo No.:

Date of Evaluation:

711670

Age:

Birth Date:

Birthplace:

29

4/3/61

Ethnic Group:

Religion:

OTHER

Marital Status:

Occupation (work history):

Education & Training

PRESENT OFFENSE

Charges: KNOW/POSS CONTROLLED SUBSTANCE; MFG/DEL/POSS W/I MFG/DEL CONTROLLED SUBSTANCE

Bill & Term:

Plea:

M.C. 90/01 #3165

Disposition:

POLICE LABORATORY

Date: \_\_\_\_\_ [ ] Over 2 Grams [XX] Under 2 Grams

Sentencing Date: 1/10/91

CRIMINAL HISTORY & RECOMMENDATIONS:

<see reports>

DC #90-09-005544

there's no bread. 99

—Benjamin Franklin

# COURT NOTICES

## CIVIL TRIAL LIST

JULY 31 — SEPTEMBER 4, 1990

There will be no formal Call of the List during the month of August. However, cases appearing on the trial list as of July 31, 1990, will be deemed available for trial on one day's notice, unless special application is made to the Court.

In addition, any case which all parties wish to have tried in August may be added to this list by application to the Calendar Judge.

The Calendar Judge will be available for applications, assignments and injunction proceedings throughout August at 9 a.m. in Courtroom 907, 1601 Market Street.

The Call of the List will commence on September 4, 1990. That list will be printed in *The Legal Intelligencer* on August 20, 1990.

EDWARD J. BLAKE  
Administrative Judge  
Trial Division

ABRAHAM J. GAFNI  
Civil Calendar Judge

## NOTICE TO THE BAR CRIMINAL CALENDAR PROGRAM

Commencing July 27, 1990, all criminal cases processed through the Room 875 arraignment procedures will be assigned a trial date in their respective programs.

Matters assigned to the Criminal Calendar Program will be scheduled for trial in Room 625, approximately 120 days after arraignment, consistent with courtroom availability and the rate at which new cases are filed. The practice of scheduling these cases for a pre-trial conference two weeks after arraignment is suspended. All new cases, both bail and custody, designated as being appropriate for the Criminal Calendar Program will, at arraignment, be scheduled before Judge Carolyn Engel Temin for a "Trial Readiness" Conference 35 working days later. Additionally, all custody cases presently scheduled for trial in Room 625 on or after November 5, 1990 will be listed for a "Trial Readiness Conference" before Judge Temin, 35 working days prior to trial. The first Trial Readiness Conferences will be held on September 17, 1990 in courtroom 710 at 9:00 A.M. The assignment of a Trial Readiness Conference date shall not alter the trial date unless ordered by the court.

The purpose of the conference will be to monitor the discovery process, discuss stipulation to testimony, screen pretrial motions, and identify non-trial dispositions. The result of this listing will be to increase trial date certainty by eliminating as many causes of continuance as possible, and to create early trial listings in Courtroom 625 through non-trial dispositions before the trial readiness conference judge.

For case management and statistical purposes the Trial Readiness Conference process in the Criminal Calendar Program shall be known as "E Track."

Matters which are not disposed at the Trial Readiness Conference will be assigned for a waiver trial, jury trial, or guilty plea by the Calendar Judge consistent with judicial availability. Designated or pre-identified open plea judges will no longer be available to counsel on the day of trial in courtroom 625 in any case conferred by Judge Temin.

(Continued on P. 23)

# National Trial Bar Fears An 'Assault On Juries'

## New ATLA President Sounds Off

By WILLIAM VOGELER

SAN DIEGO (ACCN) — When the new president of the Association of Trial Lawyers of America gave his inaugural speech at the group's annual convention last week, he used a phrase that was oft-repeated during the week-long meeting: "the assault on the civil jury."

Michael Maher, who was elected Thursday to preside over the 70,000-member association, said trial lawyers must work together to ward off the assault on the civil jury by big business.

### Insurers On Attack

He said the insurance industry is leading the attack by telling potential jurors that large jury awards are driving their insurance costs up.

"It's really an insult to the intelligence of the American jury," Maher said in a later interview. "They're saying that the American jury has been doing the wrong thing."

Insurers have advertised heavily in national media that juries have made insurance too expensive by granting massive awards. Some professionals — such as obstetricians — and public agencies — such as school districts — cannot even get coverage, they say.

In 1986, the Insurance Information Institute, a New York-based clearinghouse

for insurance-industry public relations, placed ads in dozens of newspapers and national magazines and on network television in the media campaign.

### Campaign Over

But Charles Clarke, executive vice president of the institute, said the campaign is over.

"We are not doing any advertising now," he said. "There's still some problems in the tort system, but the impact of those problems is less."

Clarke said joint and several liability had been a major problem for insurers, because it has exposed them to liability for the tortious conduct of others who could not afford to pay adverse judgments. However, the legislatures in 42 states have enacted laws that burdened

Clarke denied the insurance industry is trying to "assault the civil jury." He said the industry has criticized the civil justice system, but not the jury system.

"I think the insurance companies support 100 percent the jury system in the United States," he said.

Julie Rochman, assistant manager of federal affairs for the institute in Washington D.C., said insurers are not against the jury system.

(Continued on P. 23)

Already, the message seems to be rising higher in trial lawyers' consciousness. At the ATLA convention, even attorneys speaking on unrelated topics repeated the charge that the jury system is under attack on several fronts.

Allan Kanner, a Philadelphia lawyer who spoke at the Environmental and Toxic Torts Section presentation, said large corporations attempt to overwhelm jurors in toxic-tort trials with complicated issues and experts. He urged lawyers to make cases simple, and to focus on moral issues of responsibility.

"That's what the jury system is all about," he said. "Let those rules of conduct in a community control."

### A Precarious Position

Barbara Lawless, a San Francisco lawyer who lectured at the Employment Rights Law Section program, commented that the jury system is in a precarious position as the best protector of the people.

"The only thing that scares a corporation is a jury," she said. "Without the jury system . . . we would be in real trouble."

Laurence Drivon, president of the California Trial Lawyers Association, sent the same message in about 80,000 more words. He wrote "The Civil War on Consumer Rights," an 187-page argument that the insurance industry, the medical community and big business are conspiring to wage war against consumers.

He claims the big-business alliance is prepared to destroy the right to a civil jury trial through its propaganda and sophisticated marketing techniques.

### Tort Reform War

But Peter Huber, a senior fellow at the Manhattan Institute for Policy Research

campaign against secrecy in the courts."

Among the initiatives: "release of information to the media."

and punitive damages.

ATLA also approved amendments to its bylaws for the election of two ATLA board members to represent the United Kingdom and two more members to represent the rest of the world.

## COURT NOTICES

### NOTICE TO THE BAR CRIMINAL CALENDAR PROGRAM

(Continued from p. 9)

List Program cases in which a jury has been demanded will no longer be scheduled for trial through Courtroom 625. Commencing on July 27, 1990, all such cases will be assigned on a random basis to either Judge Bernstein, Judge Guarino or Judge Watkins and scheduled for a pretrial conference before the assigned judge approximately two weeks after the demand is made. These three judges will maintain individual calendars and will be responsible for all calendaring activities in these cases.

Additionally, beginning September 4, 1990, and continuing through January 4, 1991, the policy precluding the return of List Program jury demands to the originating list room is suspended. During this period defendants who have entered a demand for jury trial prior to July 27, 1990, may, through counsel, have their case returned to the courtroom in which the demand was entered, plead guilty before the Calendar Judge or proceed to a jury trial as originally scheduled.

### CIVIL BAR JUDICIAL COMPUTER SYSTEM AUGMENTATION FEE

On June 29, 1990, the Governor signed into law Act 59 of 1990. This legislation mandates the imposition of a fee of Five Dollars (\$5.00) . . . for the initiation of any civil action or legal proceeding . . . . The act further directs the collection of such fee by the Prothonotary.

In implementation of this act on July 2, 1990 the Administrative Office of Pennsylvania Courts published regulations to implement the Act. The full text of the A.O.P.C. directive was published in the July 11th edition of *The Legal Intelligencer*.

Accordingly, effective August 6, 1990 the Prothonotary's Office is required to add an additional Five Dollars (\$5.00) to the existing fees. The additional fee is imposed on the following:

1. On all appeals to the Supreme, Superior or Commonwealth Court.
2. The institution of any civil action or legal proceeding in the Court of Common Pleas, upon the filing of the first legal paper therein.
3. With respect to divorce actions, a separate statutory fee (\$5.00) is imposed for each count in the complaint in addition to the count requesting divorce.
4. All appeals to Common Pleas Court from the Philadelphia Municipal Court.

EDWARD J. BLAKE  
Administrative Judge  
Trial Division

JEROME A. ZALESKI,  
Administrative Judge,  
Family Division

JOHN J. PETTIT, JR.  
Prothonotary

June 1990, 5, 72; \$5,000.  
Garcia, Beana — Com. of Pennsylvania; June 1990, 5873; \$5,000.  
Garcia, Beana — Com. of Pennsylvania; June 1990, 5874; \$5,000.  
Garcia, Beana — Com. of Pennsylvania; June 1990, 5875; \$5,000.  
Kline, Helen — Com. of Pennsylvania; June 1990, 5876; \$5,000.  
McGinnis, Alfred; McGinnis, Nancy — Com. of Pennsylvania; June 1990, 5877; \$5,000.  
Meyers, Annie Mae — Com. of Pennsylvania; June 1990, 5878; \$5,000.  
Morales, Vilma — Com. of Pennsylvania; June 1990, 5879; \$5,000.  
Taylor, Barbara J. — Com. of Pennsylvania; June 1990, 5880; \$5,000.  
Carlshe, Gracie; Carlshe, Rezin Skawn — Com. of Pennsylvania; June 1990, 5881; \$5,000.  
Deyle, Debra — Com. of Pennsylvania; June 1990, 5882; \$5,000.

### MISCELLANEOUS

#### NOTICE IS HEREBY GIVEN THAT

Articles of Merger will be delivered on or about July 30th, 1990 to the Department of Banking of the Commonwealth of Pennsylvania in Harrisburg, Pennsylvania, by Filmore Building and Loan Association, 2323 Kensington Avenue, Philadelphia, Pennsylvania 19125 and Willers Savings and Loan Association, 233 Chestnut Street, Philadelphia, Pennsylvania 19106, in compliance with the provisions of Article XI of the Savings Association Code of 1967, Act No. 345, approved December 14, 1967, effective June 11, 1968.

The name of the resulting association will be Filmore Building and Loan Association and its principal place of business will be located at 2625 Kensington Avenue, Philadelphia, Pennsylvania 19125.

The purpose of the resulting association is to conduct the business of a savings association under the laws relating thereto.

JAMES FRANCIS GANNON, Solicitor,  
1124 Land Tide Building,  
Broad and Chestnut Streets,  
Philadelphia, PA 19110

8-1-1

### PETITIONS FOR CHANGE OF NAME

#### COURT OF COMMON PLEAS OF

Delaware County, Pennsylvania, Civil Action — Law No. 90-12300. Notice is hereby given that on July 13, 1990 Melanic Susan Prahar filed a Petition in the above Court on behalf of Derek Michael Ryans, a minor, praying for a decree to change his name to Derek Michael Prahar.

The Court has fixed August 20, 1990, at 10:00 A.M., Court Room F, Delaware County Court House, Media, Pennsylvania, as the time and place for a hearing on said Petition, when and where all persons interested may show cause, if any they have, why the prayer of the said Petition should not be granted.

8-1-1\*

PHILIP COURT/COURT REPORTERS TEL. 215-308-2100



# MEMORANDUM

January 11, 1991

To: Honorable Edward J. Blake, Administrative Judge Trial Division  
 From: Joseph A. Cairone, Deputy Court Administrator Criminal Listings  
 Subject: Expedited Drug Case Management Program Statistics

## Adjudications December 1990 Term

Adjudication/Track	A	B	C	D	E	Totals
Abated	0	0	0	1	0	1
ARD	29	0	0	23	0	52
Guilty	0	23	0	38	2	63
Not Guilty	0	7	0	32	6	45
MC Appeal Withdrawn	1	13	0	10	0	24
Nolle Pros	0	17	0	29	14	60
Nolo Plea	1	8	0	48	3	60
Plea 1402	68	26	0	11	10	115
Plea Negotiated	102	105	9	40	89	345
Plea Open	38	42	0	46	64	190
Pros Withdrawn	0	0	0	0	0	0
<b>Total Adjudicated</b>	<b>239</b>	<b>241</b>	<b>9</b>	<b>278</b>	<b>188</b>	<b>955</b>
Total Targeted	614	364	30	550	664	2222
Percent Adjudicated	38.9%	66.2%	30.0%	50.5%	28.3%	42.9%

Total A Track Bench Warrants = 86  
 Percent of A Track FTA = 14.0%  
 Total Bench Warrants Issued for Term = 86

Calendar Program Adjudications = 170  
 List Program Adjudications = 785

### Adjudications Year to Date

Adjudications <sup>1</sup> /Track	A	B	C	D	E	Totals
Abated	0	2	0	4	0	6
ARD	391	1	0	102	7	501
Guilty	0	136	0	282	3	421
Not Guilty	0	26	0	109	6	141
MC Appeal Withdrawn	8	74	3	32	0	117
Nolle Pros	3	130	1	174	22	330
Nolo Plea	7	45	0	303	5	360
Plea 1402	615	337	76	69	26	1123
Plea Negotiated	1214	1091	247	281	200	3033
Plea Open	438	464	410	301	167	1780
Pros Withdrawn	0	0	0	0	0	0
<b>Total Adjudicated</b>	<b>2676</b>	<b>2306</b>	<b>737</b>	<b>1657</b>	<b>436</b>	<b>7812</b>
Total Targeted	6682	4540	2018	5775	1654	20669
Percent Adjudicated	40.0%	50.8%	36.5%	28.7%	26.4%	37.8%
Ave. Days To Adjudication	1.9	59.1	30.5	105.7	72.9	47.3

Total A Track Bench Warrants = 805  
 Percent of A Track FTA = 12.0%  
 Total Bench Warrants Issued = 904

Calendar Program Adjudications = 583  
 List Program Adjudications = 7229

<sup>1</sup> Trial adjudications are included in these totals, for a separate breakdown of trial adjudications see the following chart.

Time of Trial Adjudications Year to Date

Adjudications/Track	A	B	C	D	E	Totals
Abated	0	2	0	4	0	6
ARD	0	1	0	98	0	99
Guilty	0	130	0	277	3	410
Not Guilty	0	24	0	106	6	136
MC Appeal Withdrawn	0	43	0	30	0	73
Nolle Pros	0	115	0	158	14	287
Nolo Plea	0	43	0	290	2	335
Plea 1402	0	75	0	50	4	129
Plea Negotiated	0	163	0	263	14	440
Plea Open	0	169	0	283	10	462
Pros Withdrawn	0	0	0	0	0	0
<b>Total Adjudicated</b>	<b>0</b>	<b>765</b>	<b>0</b>	<b>1559</b>	<b>53</b>	<b>2377</b>

JAC:cb

cc: Honorable Legrome D. Davis  
 Honorable Carolyn Engel Temin  
 James A. Buggy, Court Administrator Trial Division  
 David C. Lawrence, Chief Deputy Court Administrator  
 Joseph A. Lanzalotti, Deputy Court Administrator  
 Michael Green, Deputy Chief Probation Officer  
 Cliff Baumbach, Director M.I.S.

Criminal Programs Statistical Report 1990

Cases Received

	Homicide	Calendar	List	TOTAL
Jan	41	367	1017	1425
Feb	29	310	953	1292
Mar	48	373	986	1407
Apr	71	419	1156	1646
May	55	326	1071	1452
Jun	33	346	841	1220
Jul	50	385	1254	1689
Aug	48	205	1010	1263
Sep	34	244	897	1175
Oct	43	381	1168	1592
Nov	65	226	1054	1345
Dec	53	263	1174	1490
<b>TOTAL</b>	<b>570</b>	<b>3845</b>	<b>12581</b>	<b>16996</b>
Mon. Avg.	47.5	320.4	1048.4	1416.3
Daily Avg.	2.2	14.9	48.8	65.9

Cases Adjudicated\*

	Homicide	Calendar	List	TOTAL
	39	463	1665	2167
	41	311	1205	1557
	47	318	1429	1794
	42	501	1738	2281
	44	379	1337	1760
	48	335	1293	1676
	45	332	1456	1833
	28	149	806	983
	49	257	1102	1408
	63	375	1506	1944
	29	258	1176	1463
	41	321	1182	1544
<b>TOTAL</b>	<b>516</b>	<b>3999</b>	<b>15895</b>	<b>20410</b>
Mon. Avg.	43.0	333.3	1324.6	1700.8
Daily Avg.	2.0	15.5	61.6	79.1

Year to Date Through December Term 1990 258 Trial Days

	Homicide	Calendar	List	TOTAL
Beg. Inv. 1/2/90	407	2654	7068	10129
Cases Received	570	3845	12581	16996
Cases Adjudicated	516	3999	15895	20410
End. Inv. 12/31/90	461	2500	3754	6715
Increase/Decrease	54	-154	-3314	-3414
Monthly Average	4.5	-12.8	-276.2	-284.5
Daily Average	0.2	-0.6	-12.8	-13.2

Current Backlog Estimate	
Homicide	267.5
Calendar	1000.4
List	-2206.6
<b>TOTAL</b>	<b>-938.8</b>

EXHIBIT II

\* Adjudication is the entry of a final verdict but does not necessarily require the imposition of a sentence

BUREAU OF JUSTICE ASSISTANCE PILOT  
DIFFERENTIATED CASE MANAGEMENT PROGRAM

PROGRAM SUMMARY NO. 3<sup>1</sup>

Second Judicial District Court of Ramsey County  
Ramsey County (St Paul), Minnesota

Criminal DCM and Special Fast Track Drug Case Program

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<sup>1</sup> Prepared Under BJA Cooperative Agreement No. 89-DD-CX-0023

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**ATTACHMENTS**

- (1) Flowchart for Criminal DCM Case Process
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- (3) Summary of Operational Plan for Fast Track Drug Cases
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## I. INTRODUCTION

### A. Background

#### 1. Project Summary

On April 1, 1988, the Second Judicial District Court in Ramsey County, Minnesota implemented a Differentiated Case Management (DCM) program for all civil cases.<sup>2</sup> On September 9, 1990, the Court expanded the civil DCM program to the criminal docket and, in addition, established a special fast-track for drug cases in December 1990. Both the civil and criminal DCM programs utilize multiple tracks to accommodate the special procedural and managerial requirements of the Court's caseload.

#### 2. Relevant Geographic and Demographic Factors

The Second Judicial District Court sits in the state capital, St. Paul and, consequently handles almost all cases in which the state is a party. Ramsey County, whose 1988 population was 472,683, is part of a multi-county metropolitan area including also Hennepin, Washington, Anoka, Dakota, Scott and Carver Counties. A large minority population resides in Ramsey County, primarily of southeast Asian extraction, resulting in the need for interpreters in many criminal cases.

### B. Description of the Judicial System

#### 1. Organization of the Second Judicial District Court

The Second Judicial District Court is a unified court, having been merged by statute in 1987 with the St. Paul Municipal Court. Since the merger, all criminal and civil matters are filed in the District Court, including misdemeanor, traffic, conciliation (small claims) matters, etc. The Court is served by 24 judges and has three locations: one downtown and two suburban.

Twenty of the judges hear general assignments consisting of criminal and civil calendars. The other four judges are assigned to Special Courts as follows:

Probate Court:	1 judge
Juvenile Court	1 judge
Family Court:	2 judges

#### 2. Criminal Jurisdiction

The Second Judicial District Court has jurisdiction over all criminal matters arising in the District.

#### 3. Calendaring System

The Court uses a master calendaring system. In June 1990, in preparation for implementing the expansion of the DCM program to the criminal docket, the following three assignment plans were adopted for the 20 judges on general assignment:

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<sup>2</sup> See BJA Pilot Differentiated Case Management (DCM) and Expedited Drug Case Management (EDCM) Program: Overview and Program Summaries. August 1990. Program Summary No. 6.

(a) Ten judges are assigned primarily to criminal calendars, including the three suburban assignments. For these ten judges, a 20-week assignment includes ten weeks on criminal assignments (such as arraignments, omnibus hearings, pretrials, and chambers), three weeks in the suburbs, and seven weeks of trial. These ten judges are not assigned special term calendars<sup>3</sup> except summary judgment motions. The trial weeks consist of civil and criminal trials.

(b) Five judges handle the special criminal assignments, all suburban assignments, the special term calendar and trials. In a 20-week period, a judge in this category has 11 weeks of general assignments and nine trial weeks.

(c) five other judges are assigned contested Omnibus Hearing calendars, special term calendars and trials. In a 20-week period, these judges have six weeks of general assignment and 14 weeks of trial.

Every judge is assigned one-half day per week of chambers time, during which summary judgment motions, Rule 23 motions to dismiss and similar dispositive motions and other chambers work is scheduled. To accommodate vacations, illness and other judicial absences, the 20-week schedule may be modified to ensure coverage of mandatory calendars.

4. Caseload

Case filings in the Second Judicial District Court for the years 1988 - 1990 consisted of the following:

	1988	1989	1990
Criminal (felonies and gross misds.)	3,214	3,963	4,204
Civil Major Civil	4,319	3,948	4,320
Un.law detts and Impl. Cons.	5,047	5,366	4,750
Family	4,857	4,775	4,613
Probate	2,018	2,095	2,345
Juvenile	4,174	4,382	4,437
Msc. Civil (dflt judgments, trusts, etc.)	4,876	4,276	4,857
Summary matters (conc. cases, nontraf; traf misd;juv.traf)	<u>284,485</u>	<u>270,361</u>	<u>289,129</u>
<b>TOTAL</b>	<b>312,990</b>	<b>299,162</b>	<b>318,652</b>

<sup>3</sup> Special Term Calendars are civil motion calendars.

5. Principal Components of the Ramsey County Criminal Justice System

The Ramsey County criminal justice system consists of a mix of state and county agencies. Judges of the District Court and their law clerks are paid by the State of Minnesota; salaries for court reporters and support staff and operating costs are paid by Ramsey County. Prosecution services are provided by the County Attorney for felonies and by the City Attorney for gross misdemeanors<sup>4</sup> and misdemeanors; indigent defense services are provided by the Ramsey County Public Defender's Office which is state-funded. Pretrial services are provided by Project Remand, Inc., a non-profit private corporation which contracts with the Ramsey County Department of Corrections to provide pretrial and diversion services. Probation services are provided by the Ramsey County Department of Corrections. The county-funded Sheriff's Office provides prisoner transport, court security and pretrial detention services. Detention facilities for pretrial detainees are located at the Adult Detention Center adjacent to the downtown Courthouse. Detention facilities for persons sentenced to up to one year in jail are located at the Ramsey County Workhouse. Persons sentenced to more than one year incarceration are sent to one of the State Prisons.

6. Relevant Statutory Provisions Regarding Drug Cases

Controlled substance crimes are generally defined in M.S. Chpt. 152. There are five degrees of controlled substance crimes ranging from First Degree (most serious) to Fifth Degree, and some additional miscellaneous offenses. The statute sets forth suggested sentences for the first offense and mandatory prison offenses for subsequent offenses.

If a person is convicted under Degrees I, II or III, and the sentencing guideline calls for a presumptive prison sentence for the offense, the Court may stay imposition or execution only if the defendant is amenable to probation and can respond to treatment. Any other mitigating grounds require some jail time to be served as a condition of probation.

M.S. 152.18 allows the Court to defer proceedings and place a defendant accused of violating Degree IV and V and some other minor offenses on probation. If the person does not violate the conditions of probation, the Court can discharge the person and dismiss the proceedings. The person may then petition the court to have any record expunged.

7. Impact of Existing Court Orders Regarding the Jail Population on the Court's Caseload

The delays in the criminal case process prior to implementing the Criminal DCM program had a major impact on the length of stay of the population housed in the Ramsey County Adult Detention Center prior to case disposition. During the period 1985 through 1989, the number of felons staying three or more days increased 52.2%. The number of gross misdemeanor defendants staying 3 or more days increased 209.2% in this time period. Bookings of defendants charged with possession of controlled substances increased 131.2% from 1985 to 1989, with the length of stays greater than three days for these defendants increasing 229.5%. The increasing length of jail stays was considered a major factor contributing to jail overcrowding in the facility. The average jail population in 1989 in the Adult Detention Center was 192, an increase of 73% since 1985 and a 14.3% increase in one year. (Capacity in the ADC is officially 134 plus 75 temporary additional bunks that can be added by double bunking in certain cells.)

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<sup>4</sup> Gross misdemeanors are repeat misdemeanors which carry an enhanced sentence.

8. Organization of the Prosecutor's Office and Indigent Defense Services

a. *Prosecutor's Office*

(1) **County Attorney's Office**

In 1990, the County Attorney's Office had a staff of 178 employees. The office has the following divisions: Administration, Civil, Victim Witness, Human Services, Legal Resources, Juvenile/Family Violence, and Criminal.

The Criminal Division consists of the Director, and Assistant Director and a staff of 32 including 21 attorneys. The Division is divided into four trial units: (1) Crimes Against Persons (six attorneys); (2) Crimes Against Property (four attorneys); (3) Controlled Substance Crimes (four attorneys); and (4) Special Crimes (two attorneys). In addition, the Charging Unit is staffed by three attorneys and the Appellate Unit has two attorneys.

Recent caseloads of the respective Units have been:

Cases Charged	1988	1989	1990
Crimes Against Persons	333	321	319
Controlled Substances	412	547	465
Crimes Agst Property	836	952	616
White Collar Crimes	n/a	n/a	314
Misc.	<u>87</u>	<u>98</u>	<u>122</u>
Total Cases Charged	1,668	1,918	1,836
Cases Reviewed for Charging	3,955	4,232	4,515

While some cases are assigned to a prosecuting attorney at charging, any cases not resolved by the time of the first Omnibus Hearing (OH1) are assigned to a trial attorney by the Director of the Criminal Division for all subsequent proceedings.

(2) **City Attorney's Office**

Gross misdemeanors and misdemeanors are prosecuted by the City Attorney's Office of the municipality involved. There are 12 attorneys in the criminal division of the St. Paul City Attorney's Office. Two of the attorneys in the criminal division of the City Attorney's Office handle domestic assault cases; the remainder are on general assignment. Suburban gross misdemeanors and misdemeanor cases are handled by private attorneys under contract with the municipalities. One City Attorney generally handles the preliminary stages for all of the misdemeanors which, if not disposed, are then assigned to other attorneys. Gross misdemeanors are assigned after the pretrial; misdemeanors are assigned after arraignment; and domestic assault matters are assigned at arraignment.

b. *Indigent Defense Services*

Indigent defense services are provided by the Office of the Ramsey County Public Defender which is composed of 21 full time attorney employees and 23 part-time contract attorneys. In 1989, the Office was assigned 1,699 felonies, 10,591 misdemeanor/gross misdemeanors, 2,781 juvenile delinquency cases, and 69 paternity cases. The Ramsey County Public Defender's Office is divided into the following units:

Felony; (6 full-time and 11 contract attorneys);  
Gross Misdemeanors/Misdemeanors: (9 full-time and 4 contract attorneys);  
Juvenile (4 full-time and 3 contract attorneys); and  
Suburban Misdemeanors: 2 full-time and 4 contract attorneys).

The public defenders are not organized by type of offense but are assigned cases by virtue of having appeared at the first appearance (arraignment).

The number of felonies handled by the Office of the Public Defender increased 43%, from 1985 to 1989, and the number of misdemeanors increased 50% in the same period.

Indigent defense services are also provided by the Neighborhood Justice Center (NJC), a nonprofit legal defense organization, which receives \$ 20,000 from the Office of the Public defender and the balance of its \$ 450,000 budget from grants. In 1989, the NJC handled 203 felonies, 861 misdemeanor/gross misdemeanors, and 28 juvenile matters.

Conflict cases are referred to the part-time contract attorneys or to the Neighborhood Justice Center.

#### 9. Provision of Pretrial Release and Probation Services

Pretrial services are provided by Project Remand, Inc., a private non-profit corporation under contract with the Ramsey County Department of Corrections. Project Remand also makes the bail recommendation. Probation services are provided by the Ramsey County Department of Corrections.

#### 10. Diversion/Deferred Prosecution Programs

The Court has established a special diversion/deferred prosecution program for first offenders and others charge with less serious drug offenses. (See Section IIC below). In addition, diversion programs operate for other eligible first offender cases.

## II. DESCRIPTION OF THE CRIMINAL DCM PROGRAM

### A. Program Goals and Objectives

The criminal DCM program in Ramsey County is designed to draw upon the benefits achieved from the Court's earlier civil DCM program to expedite the criminal case process generally and, particularly, to achieve trial date certainty, improve the management of the growing arraignment court calendars, and to comply with recent amendments to the Rules of Criminal Procedure which require all issues relating to probable cause and suppression of evidence to be resolved within 30 days of arraignment. (Previously, the judge could make a finding of probable cause and then defer contested evidentiary issues, frequently dispositive of the case, to the day of trial.) As part of the criminal DCM program, several new criminal calendar events were created, timeframes between events were changed, modifications were made in procedures for handling summary judgment motions and the special term civil docket, and the assignment and rotation of judges through the criminal calendar was formalized.

One component of the criminal DCM program is to expedite "targeted" drug related felony offenders through the Court within approximately 44 days after first appearance and into sound treatment or supervision plans through special pre-trial diversion and post conviction probation programs. The fast track drug program is designed to reduce court processing time as well as facilitate treatment, placement and supervision by the Department of Corrections and Remand at the earliest time.

B. Description of the Criminal DCM Program

1. Tracks Created and their Criteria

Three processing tracks for felonies and gross misdemeanors are created and cases are assigned to these tracks on the basis of whether there are contested Rasmussen/Florence issues<sup>5</sup>. Track Assignment occurs at the Omnibus Hearing which is held 14 days after arraignment. In addition, a special eligible cases for the fast track drug case program are identified at arraignment and assigned to a fourth track for special processing.

a. *Track A*

*Track A* is for those cases in which there are no contested Rasmussen issues to be decided. The right to a contested omnibus hearing is waived and the case is set for a pretrial to be heard 30 days after the first omnibus hearing.

b. *Track B*

*Track B* is for those cases in which there may be some Rasmussen issues but those Rasmussen issues are not considered to be dispositive of the case or the judge feels that there is good cause to bifurcate the omnibus hearing and continue the Rasmussen issues to the trial date. The judge is responsible for determining whether the issues raised are dispositive, based on analysis of the evidence to be suppressed, whether the prosecutor has independent evidence to continue prosecuting the matter or whether the case would most likely be dismissed if the evidence was suppressed. Like *Track A* cases, *Track B* cases are also set for a pretrial if they are not resolved at the first Omnibus hearing. Any omnibus issues still unresolved are heard on the trial date.<sup>6</sup>

c. *Track C*

*Track C* is for those cases in which there are contested omnibus hearings (including Florence and Rasmussen issues). On this track, a second, contested omnibus hearing (OH2) is scheduled 14 days after the first omnibus hearing (OH1). Any evidentiary rulings made at the OH2 hearing are binding on the trial judge. If the case is not resolved at the second omnibus hearing, the matter is set for a pretrial 14 days later.

d. *Special Drug Fast Track Calendar*

On December 12, 1990, the Court approved a Fast Track Drug Calendar to expedite certain "targeted" drug related felony offenders through the court and into treatment or supervision plans. These offenders are generally first offenders and/or individuals with minor criminal histories and charged with less serious drug and drug related charges. The Fast Track Drug program relies on special pre-trial diversion and post conviction probation programs which are described in Section C below.

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<sup>5</sup> Rasmussen issues are evidentiary; Florence issues refer to alibis.

<sup>6</sup> An omnibus issue relates to probable cause or evidence.

2. Track Assignment Process and Point at Which Track Assignment is Made

Cases in the general criminal DCM program are assigned to tracks by a judge at the first omnibus hearing (OH1), which occurs 15 days after arrest. Track assignment is made on the basis of the nature of the issues presented at the omnibus hearing (see B1 above). Cases eligible for the fast track drug case program are identified by the County Attorney at arraignment, 1 day after arrest.

3. Summary of the DCM Criminal Caseflow Process<sup>7</sup>

a. *Arraignment*

The first appearance for a felony defendant occurs at arraignment, which is held within 36 hours after arrest. Separate arraignments are conducted for defendants charged with felonies and those with gross misdemeanors and misdemeanors to reduce congestion on the arraignment calendars and to make more efficient use of prosecutors and public defenders who are assigned to separate felony and misdemeanor dockets. This division also provides more opportunity for prosecutors and defense counsel to meaningfully discuss possible pleas at the time of arraignment and for the judge to hear those plea petitions.

Arraignments for custody defendants are held in the Adult Detention Center, with gross misdemeanor/misdemeanor arraignments held in the morning, beginning at 9:30 am., and felony arraignments beginning at 1:30 p.m. The judge assigned to conduct felony arraignments for new cases also hears omnibus hearings (OH1's) (see b below) for pending felony cases on the same calendar. In the morning, one judge hears non-custody felony arraignments and omnibus hearings in his or her courtroom; in the afternoon, this judge travels to the Adult Detention Center to hear the arraignments and felony case omnibus hearings for the custody defendants.

b. *Omnibus Hearings (OH1 and OH2)*

An omnibus hearing, to determine whether probable cause exists, is scheduled 14 days after the arraignment in felony and gross misdemeanor cases. (Prior to the DCM program, omnibus hearings were scheduled seven days following the arraignment. This time period was extended to permit attorneys more time to analyze Rasmussen issues and talk with clients, and to permit corrections staff to collect preliminary criminal history information. This information is then used at the OH1 to negotiate pleas and try to arrive at a final disposition of the case.)

The first omnibus hearing is also used to identify those cases that need to have contested Rasmussen issues decided before trial. Cases are also assigned to tracks at the first Omnibus Hearing.

Those cases in which there are contested omnibus hearings, including those which raise Florence and Rasmussen issues, are assigned to Track C and scheduled for a second omnibus hearing (OH2) 14 days following the first omnibus hearing.

c. *Pretrials*

(1) **Felony Pretrials**

Every gross misdemeanor and felony case that is not resolved at either the OH1 or OH2 hearing is set for a pretrial conference 30 days after the OH1 (or 14 days after the OH2). The

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<sup>7</sup> A flowchart of the criminal DCM case process is included in Attachment 3.

possibility that the prosecutor may move to amend the complaint is discussed at the pretrial and all disclosures are made. At the pretrial, the ramifications of any Rasmussen rulings are also discussed with the attorneys and the defendant and the possibility of disposing of the case at that time is discussed. For those cases not disposed of, a pretrial order is issued and the trial date is set. The pretrial order confirms any plea negotiation offers made so that the trial judge has this information at trial.

## (2) Misdemeanor Pretrials

If a misdemeanor case is not disposed of at arraignment, it is set for a pretrial in 45 - 60 days<sup>8</sup>. Domestic assault cases, which previously were directly set on the trial calendar, now have settlement conferences set within 14 - 21 days after arraignment. Trials in Domestic Assault cases are scheduled within 30 days of arraignment.

### d. *Trials*

Felony trials are scheduled 65 days after arrest and begin on Monday mornings. Gross misdemeanors are also scheduled for trial 65 days after arrest and begin on Wednesday mornings with other misdemeanors. As noted above, misdemeanors may be older than felonies or gross misdemeanors since DCM procedures have not applied to them.

### e. *Sentencing*

One of the goals of the criminal DCM program has been to shorten the time between plea or verdict and sentencing. The Court's goal for sentencing custody cases is no more than two weeks after a plea or verdict; the goal for non-custody cases is no more than four weeks after plea or verdict. To achieve this goal, the presentence investigation (PSI) process begins much earlier.

Each judge has a designated sentence time. Because the number of cases that each judge has on any given sentencing day varies, there is no policy regarding any set amount of time a judge is expected to devote to sentencing during any week. Instead, judges are given time for sentencing consistent with their caseload and the need to complete sentencing on a timely basis. A judge who has a limited number of sentencing scheduled is expected to hear a court calendar at the conclusion of the sentencing calendar.

## 4. Role of the Criminal Calendar Assignment Judge

The chief Judge designates one judge as presiding judge for the criminal cases who is responsible for ruling on all continuances, approving the administrative assignment of cases for trial, approving the reassignment of cases after notices to remove, trouble-shooting the calendar and providing needed coordination to implement the criminal calendar system.

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<sup>8</sup> Because the criminal DCM program focusses on felonies and gross misdemeanors, the misdemeanor docket is now slower than the felony and gross misdemeanor docket; consideration is now being given to applying the DCM concept to misdemeanor cases.

5. Summary of the DCM Felony Case Process

EVENT	Track A	Track B	Track C	Fast Track
Drug Cases arrest	1	1	1	1
Arrestment/Bail Determination	2	2	2	2
Omnibus Hearing (1)	16	16	16	16
Omnibus Hearing (2)	n/a	n/a	30	n/a
Pretrial Conference	46	46	46	n/a
Trial	67	67	67	n/a
Sentencing (custody)	81	81	81	46
(noncustody)	95	95	95	46

C. Description of the Fast Track Drug Case Program

1. Targeted Cases

Two levels of cases are targeted for the Fast Track Drug Case Program:

a. Level One

Level One cases are sentenced to strictly structured probation/treatment sanctions, instead of additional jail time.

The eligibility requirements for Level One Cases are:

- 5th degree possession of a controlled substance or attempt to procure forged prescriptions;
- small amount of drugs possessed for personal use;
- defendant confesses with full admission of guilt; no Goulett or Alford pleas;
- defendant cooperates with Rule 25 chemical assessment and follows recommendation;
- defendant has no felony convictions;
- defendant has no gross misdemeanor or misdemeanor convictions for crimes against persons or other violent crimes;
- defendant is eligible for Chapt. 152.18 (e.g., deferred prosecution)
- defendant has no previous unsuccessful diversion to REMAND, no previous felony diversions to REMAND, no previous application of Chap. 152.18, and no previous "Fast Track" pleas;
- defendant is determined by Probation to be a good candidate for treatment or targeted drug supervision program;
- defendant provides other community service and/or pays fines as recommended by probation and complies with targeted drug supervision program.

b. *Level Two*

Level Two cases are sentenced to 15 to 90 days of jail time, followed by strictly structured probation/treatment sanctions.

Eligibility requirements for Level Two are:

- defendant's history indicates all "above the line"<sup>9</sup> possession of controlled substance violations;
- defendant may have felony or misdemeanor convictions, as long as total criminal history points don't make complaint a "below the line" felony on Sentencing Guidelines grid;
- defendant must confess with a full admission of guilt; no Goulett or Alford pleas;
- defendant must serve 15 to 90 days of workhouse time (this can include electronic monitoring release or "sentence to service" after service of 30 days of workhouse time.)

The defendant must serve a minimum of 15 days if he or she has a previous record of crimes against property and 30 days if previous record consists of crimes against persons. The defendant does not have to be eligible for treatment.

In addition, Project Remand continues to take those drug cases which qualify under the existing program guidelines (See Attachment 1).

2. Identification of Fast Track Cases

The County Attorney identifies appropriate cases for the "Fast Track" program at the time of arraignment. The County Attorney can veto a recommendation for including a particular case in the fast track program at the Omnibus Hearing if the defendant is alleged to be a "dealer" and not a simple "user" or because of other unusual facts. For those cases deemed eligible for the Fast Track program, the County Attorney makes the files available to the probation/diversion staff at the time of arraignment for subsequent case preparation purposes.

3. Summary of the Case Process for Fast Track Drug Cases

Both Level One and Level Two Fast track drug cases are eligible for placement on the fast track drug calendar proceed as follows:

Day 1: Arrest

Day 2: Arraignment

(a) Project Remand makes a recommendation release recommendation to the judge and conditions of release are set. These conditions include regular drug testing, cooperation with criminal history checks, and regular reporting to the Remand counselor. (See Attachment 2).

(b) The County Attorney indicates on the complaint whether the case meets fast track criteria, either for Level One or Level Two.

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<sup>9</sup> "above the line" violations refer to the Defendant's score on the Minnesota Sentencing Guidelines which would not mandate incarceration.

- (c) Police and victim approval is obtained verbally by the Remand counselor prior to the first Omnibus Hearing. Police may veto the County Attorney's recommendation for the Fast Track Drug Case program if the defendant is also alleged to be a drug dealer or has other major charges likely.
- (d) Probation Staff begin pre-plea PSI preparation, after the case is identified for the fast track.
- (e) Defense counsel approval is obtained as soon as possible after a case is designated by the prosecutor as eligible for the Fast Track Program.

Days 2-9

- (f) All defendants designated for the program report to a Probation Branch Office for a chemical assessment within one week following arraignment and the case is screened to determine whether Probation or Remand will complete further case processing.

Days 9 - 16

- (g) Remand and Corrections staff then review the files that are forwarded by the County Attorney. Prior records are checked through defendant interviews, the Remand records, the prosecutor's records and probation computer, telephone and correspondence checks. A date is set for preliminary completion of these record checks, generally within 14 days, to coincide with the production of the written chemical assessment.

Day 16: Omnibus Hearing

- (h) At the Omnibus Hearing, the defendant is recommended for (1) a diversion study if he or she meets preliminary criteria (See Attachment 1), or (2) for consideration in the Fast Track Drug Case Program.<sup>10</sup> Those defendants rejected for these programs, as well as those who are placed in these programs and fail, are returned to the regular judicial process at the first Omnibus Hearing. Those Defendants accepted for the Fast Track Program plead guilty according to Level One or Level Two criteria and a formal presentence investigation is ordered, to be completed within 30 days. For those defendants accepted into the Fast Track Drug Case program, the judge withholds final adjudication of guilt and sentencing on a tendered plea agreement until Probation Staff can complete a thorough criminal history review and presentence investigation.

Days 16 - 46

- (i) The PSI is completed, drawing upon the prior criminal history check, and a Minnesota Sentencing Guideline worksheet is prepared. Normal victim contacts are made per 611A.037<sup>11</sup> including requisite neighborhood impact statements required for violations of Chapter 152 offenses involving the sale or distribution of controlled substances.

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<sup>10</sup> Although successful completion of a diversion program and the Fast Track Drug Case program both result in the dismissal of the case, these programs are separate. Diversion programs generally have minimal supervision; the Fast Track Drug Case program has intensive supervision and treatment.

<sup>11</sup> The Minnesota Victim's Rights Bill recognizes a neighborhood as a "victim" in drug cases and permits testimony on the impact of drug offenses in the neighborhood in which the offense occurred.

- (j) During the course of preparing the pre-sentence investigation, treatment placements are made. Coordination with Project Remand's conditional release unit continues when the PSI is underway for enhanced communication between agencies and with the defendant.

**Day 46: Sentencing Hearing**

- (k) A sentencing hearing is held four weeks after the first Omnibus Hearing at which time the court reviews the defendant's social history and goal plan prepared by the probation officer. If approved, the defendant is referred immediately to a treatment facility which he or she enters the same day and remains in the program for one year.<sup>12</sup> At the Sentencing Hearing, a "Fast Track" probation officer explains the Probation agreement to the defendant and transports him or her to the treatment facility to begin the treatment program. (In the event, the defendant is serving some local jail time, he or she is transported to the treatment facility immediately upon release.)
- (l) Referral to Treatment facility is made immediately after the sentencing Hearing concludes. Upon arrival at the treatment facility, the facility representative, probationer and agent discuss expectations and clarify issues; this interview is considered a key event in the fast track case process and is intended to further enforce the need for establishing close ties between the probationer, treatment staff and the probation officer.

A summary of the Operational Plan for Fast Track Drug Cases and the responsibilities of the various justice agencies involved in the program is provided in Attachment 2.

4. Supervision

The expected time frame for the Fast Track supervision is 120 to 160 days. Special case management services are applied during this time, including random urinalysis and frequent unscheduled case manager contacts. Caseloads are kept to a maximum of 30. For those offenders who successfully complete the "Fast Track" probation process and one year of follow-up supervision, a special notice is sent to the sentencing judge requesting consideration for discharge from supervision, providing that all other conditions of probation have been met (restitution, etc.)

5. Handling Probation Violations

A swift response to probation violations is a key ingredient to the success of this program. Violations are heard within one day of apprehension and strong sanctions are recommended for violations. Special efforts are made to impose various intermediate sanctions such as Sentence to Service, home confinement on electronic monitoring or use of the Day Reporting Probation center program before holding actual violation hearings.

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<sup>12</sup> In order to assure that defendant who have been detained pretrial can be admitted into the treatment facility the same day as sentencing and not require one additional day of jail time, sentencing hearings are scheduled for 1 p.m and defendants are permitted to come to the hearing in street clothes so that they can go immediately to the treatment facility.

D. Other

1. Project Start-Up Date

The Criminal DCM Program began on September 10, 1990. The Fast Track Drug Case component began initially December 12, 1990, and fully phased in on April 16, 1991.

2. Cases Included in the Criminal DCM Program

All felonies and gross misdemeanors are included in the criminal DCM program; the Fast Track Drug Case component targets primarily first offender and less serious drug offenses. (See Attachment 1).

3. Provisions for Handling the Pending Case Inventory

The criminal DCM program and the Fast Track drug case component applied to all cases filed after the dates these programs were implemented. All previously filed cases were scheduled according to the procedures in effect prior to the criminal DCM program.

4. Case Monitoring Performed

The presiding criminal judge provides overall supervision and coordination for the program. On-going monitoring of the criminal cases is performed by the Criminal Calendar Committee and Assignment Office staff to assure compliance with track timeframes.

E. Changes Required to Implement the Criminal DCM Program

1. General

The criminal DCM program in Ramsey County is an outgrowth of plans developed by a Criminal Justice Planning Group formed in April 1990 to address growing delays in the criminal case process, including a high continuance rate, decreasing certainty of the trial docket and congestion at the arraignment proceeding. The Planning Group was composed of judges, representatives from the County Attorney's and City Attorney's Offices; the public defender's office; corrections; victims groups and assignment office staff. The group met monthly, developing a draft plan in June 1990 and revising and implementing it in September 1990.

2. Specific Changes Instituted

a. *Within the Court*

The criminal DCM program and the Fast Track Drug Case component required a complete revision of the Court's process for case assignment (see IB3 above). In addition, two new events were added: the second Omnibus Hearing (OH2) and the pretrial conference, and the time for the first Omnibus Hearing (OH1) was extended from seven to 14 days to permit more time for evaluating each case.

b. *Within the Prosecutor's Office*

To implement the criminal DCM program, the County Attorney established plea negotiation "standards" and designated one attorney to manage the arraignment docket and take

responsibility for evaluating each case and negotiating pleas within the plea negotiation standards developed. This prosecutor is designated the "Calendar Attorney" with overall responsibility for expediting early dispositions of felony cases. One prosecutor was also designated to handle the Fast Track Drug cases, from the initial charging decision to sentencing.

c. *Within the Public Defender's Office*

The Public Defender instituted a new scheduling procedure so that the same attorney who appeared at arraignment stayed with the case through the Omnibus Hearing. This scheduling change permitted the attorney to talk with the defendant and initiate meaningful plea discussions with the prosecutor prior to the Omnibus Hearing. Like the Prosecutor, the Public Defender designated one attorney to handle all Fast Track Drug cases from initial charging to sentencing.

d. *Within the Department of Corrections*

The increased pace of case processing instituted with the criminal DCM program has necessitated much earlier preparation of PSI reports. This need is still being addressed but some progress has been made by increasing coordination between the Department of Corrections and Project Remand staff to obtain initial information gathered for the pretrial release decision.

### III. PROJECT EXPERIENCE TO DATE

A. **Implementation Problems and Issues Addressed**

The most significant implementation problem that has arisen deals with the need for much earlier preparation of the PSI reports. In addition, during the period when old cases and new criminal DCM cases were being processed simultaneously, a tremendous burden was placed on the Department of Corrections. This issue is presently less of a problem since old cases are now disposed and efforts are underway to coordinate with Project Remand to obtain pretrial information relevant for the PSI report.

B. **Initial Program Impact**

1. Age of Pending and Disposed Caseload

a. *Age of Pending Caseload*

As of December 31, 1989, when the need for the criminal DCM system was becoming very apparent, 1,303 felony cases were pending, the age of which was as follows:

25% (332 cases) were pending 2 months or less  
27% (351 cases) were pending between 2 and 4 months  
18% (240 cases) were pending between 4 and 6 months  
17% (223 cases) were pending between 6 months and 12 months  
12% (157 cases) were more than 12 months old.

On March 3, 1991, when the criminal DCM program had been operating for six months, the number of pending felony cases had been decreased by 59% to 538 cases. The age of the pending caseload on March 3, 1991 was:

58% (312 cases) were pending 2 months or less  
 25% (136 cases) were pending between 2 and 4 months  
 9% (51 cases) were pending between 4 and 6 months  
 6% (34 cases) were pending between 6 and 12 months  
 1% (5 cases) were more than 12 months old

The percentage of pending cases less than four months old therefore increased from 52% prior to the criminal DCM program to 83% after the program had operated for 6 months.

b. *Age of Disposed Cases*

A comparison of the age of cases disposed in 1989 and 1990 indicates the following:

AGE	1989	1990(pre and post DCM)	Change
less than 4 months	41%	51%	+11%
less than 6 months	78%	84%	+6%
less than 12 months	98%	99%	+1%

The average age of disposed felony cases in 1989 was 91 days. In 1990, it was 85 days, including both pre-DCM and DCM cases.

2. Case Screening and Scheduling

With the implementation of the criminal DCM program, cases are screened at the first Omnibus Hearing (OH1) and the judge assigns each case to a track. If a case is assigned to Track A and dispositive evidentiary issues are later identified, a contested OH2 hearing is scheduled and the case track is changed. This flexibility has been important to the success of the criminal DCM program so that defense counsel do not risk prejudicing their client's case by prematurely waiving evidentiary issues without recourse to litigate them later. Without this "safety valve", it was unlikely that any evidentiary waivers by defense counsel would have occurred and the Court would have been required to schedule contested Omnibus hearings on all cases. In addition, by disposing of more cases at the Omnibus Hearing stage (see 3 below) which otherwise would have been assigned trial dates, trial time is freed up for other cases.

3. Event and Time at Which Disposition is Occurring

Prior to the criminal DCM program, felony dispositions occurred as follows:

Event	Pre-DCM		Post-DCM
	1989	1990 (Jan-Aug)	1990 (Sep-Dec)
Omnibus Hearing	104 (5%)	62 (4%)	412(46%)
Advanced for Plea prior to Trial	183 (9%)	353(24%)	111(12%)
Trial			
Plea	1,277 (66%)	898(61%)	331(36%)
Jury Trial	76 (4%)	44 (3%)	24 (3%)
Court Trial	32 (2%)	14 (1%)	1 (1%)
Dismissed	50 (3%)	40 (3%)	21 (7%)
Bench warrs.	216 (11%)	70 (5%)	13 (1%)

#### 4. Productivity

Significantly, under the criminal DCM program, the disposition rate in four months of the program surpassed the disposition rates in the first 8 months of 1990 and all of 1989. Pleas are being entered at earlier stages of the process and the number of pleas being entered on the trial date have been significantly reduced. The Court and the criminal justice agencies involved in the case process are thereby able to concentrate their resources on a smaller number of pending cases and to assure that those cases which warrant significant attention receive it, with benefits to the attorneys, law enforcement, lay witnesses and corrections.

#### 5. Other

##### a. *Dismissals and Bench Warrants*

The number of cases being dismissed and the number of cases entering bench warrant stage have been reduced as well under the DCM system.

##### b. *Trial Rates*

The trial rates have not been significantly affected but the time to trial has been significantly reduced.

##### c. *Jail Population*

Since the criminal DCM program was implemented, the average length of jail stay has decreased significantly. For the first eight months of 1990, the ADC average population was 197; for the last four months of 1990 when the DCM program was operating, the average daily population was 171 -- a decrease in 13%.

For further information, contact:

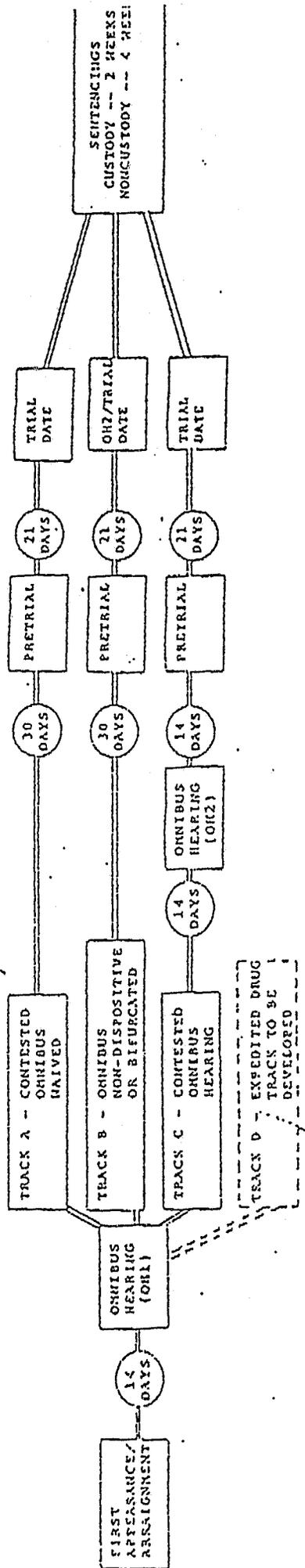
Judge J. Thomas Mott, Chairman  
Criminal Caseflow Committee  
Second Judicial District Court or  
1439 Ramsey County Courthouse  
St. Paul, Minnesota 55102  
TEL: (612) 298-4541

Suzanne Alliegro  
Judicial District Administrator  
Second Judicial District Court  
1001 Ramsey County Courthouse  
St. Paul, Minnesota 55102  
TEL: (612) 298-4374

## **ATTACHMENTS**

- (1) Flowchart of the Criminal DCM Case Process**
- (2) Guidelines for Diversion**
- (3) Summary of Operational Plan for Fast Track Drug Cases**
- (4) Fast Track Drug Diversion Procedure**
- (5) Project Remand - Conditional Release Fast Track Drug Plan**
- (6) Fast Track Drug Program Chemical Assessment Referral Form**
- (7) Notice of Failure to Comply with Chemical Assessment Conditions**

PROPOSED FELONY AND GROSS MISDEMEANOR CASE PROCESSING



DAY 1 --- DAY 14 --- DAY 28 --- DAY 44 --- DAY 65 --- DAY 79 OR 91

## GUIDELINES FOR DIVERSION

Standard Diversion Qualifications for All Offenses

- 1) Ramsey County criminal offense
- 2) No previous diversion as an adult
- 3) Not on probation or parole from any jurisdiction
- 4) Admission of guilt but no plea entered
- 5) Drug charges involving simple possession only.
- 6) No additional criminal charges pending
- 7) Defendant must have identifiable problems and be in need of intervention
- 8) Defendant must voluntarily participate
- 9) Defendant must cooperate with Project Remand and agree to established goals
- 10) Restitution limited to \$3,000:
  - a) Amount may be evenly divided between charged co-defendants in order to bring all defendants below the \$3,000 limitation
  - b) Where stolen property is recovered undamaged, the fact that the value of the property stolen exceeds \$3,000 will not prevent approval for diversion. Damaged recovered property, however, is subject to the \$3,000 limitation, as measured by the cost of repair
  - c) Restitution amounts of over \$2,000 may justify a two-year diversion.

Additional Qualifications for Felonies

- 1) No prior felony or gross misdemeanor convictions including gross misdemeanor DWI on record.
- 2) No felony juvenile adjudications after the age of 16
- 3) No crimes of violence or burglary of dwelling cases
- 4) Victim and police do not oppose diversion
- 5) 100 hours of volunteer community service
- 6) Signed confession in the Prosecutor's file

Additional Qualifications for Misdemeanors

- 1) Clear or minimal prior criminal record
- 2) Victim of Assault V does not oppose diversion
- 3) Petit misdemeanors cannot be diverted.  
(Theft value must exceed the minimum of \$25).

## OPERATIONAL PLAN

rev. February 1, 1991

## I. PRE-COMPLAINT

- A. County Attorney
  - 1. screens for eligibility and marks eligible files
  - 2. clears cases for diversion with police (County attorney shall explore establishing policy with police that police agree to divert all cases meeting drug track diversion criteria unless officer objects at time case is presented for charging)
  - 3. obtains available criminal history from automated sources and Ramsey County police agencies, record to be attached to complaint.

## II. COMPLAINT

- A. County Attorney
  - 1. process like all complaints except with designation as drug track case
- B. Corrections
  - 1.
- C. Remand
  - 1. completes bail evaluation with thorough record check including local checks i. e. suburbs, surrounding counties etc.

III. FIRST APPEARANCE - Options: 1) non-participation in drug track, F.C. for OH<sub>1</sub> according to standard calendar; 2) participation in drug track a) diversion screen; b) waive PC and continue for PSI; c) F.C. for OH<sub>1</sub> per drug track

- A. County Attorney
  - 1. screening attorney determines eligibility for Diversion or Level I or II treatment based on available information.
- B. Corrections
  - 1. (arranges Rule 25 and criminal history interview to be held at same time and place with results to be available at OH<sub>1</sub> - referral system needs to be developed)
- C. Remand
  - 1. takes Conditional Releases according to current criteria and supervises on service basis defendants who are conditionally released to the court (all drug track cases shall require the following conditions whether a CR/FR or CR/CT: 1. cooperate with Rule 25 evaluation and follow all recommendations of evaluation; includes bringing a verifying source to evaluation; 2. abstain from

drugs and alcohol and submit to UA's as requested;  
3. remain law abiding; 4. cooperate with criminal  
history interview and be truthful during  
interview; 5. other: \* Need to develop form  
for CR/CT)

2. Diversion eligible cases are continued for diversion screening by PR. This includes record check and Rule 25 evaluation (Corrections and Remand to develop system to have same evaluator do Rule 25 in Diversion and non-diversion cases with criminal history interview to occur at same location and time as the Rule 25 evaluation) Diversion screen to be completed by OH<sub>1</sub>.

D. Public Defender

1. identifies defendant's interested in drug track program and explains basics i.e. release conditions and Diversion screen process for appropriate candidates and Level I and II for those individuals
2. non-diversion candidates may PG at this stage if everyone is secure with criminal history and case would be continued for PSI (Corrections functions would then be the same as on guilty pleas @ OH<sub>1</sub>, including immediate treatment placement for defendants who obviously meet Level I criteria)

3.

E. Court

1. establishes conditions of release - either CR/PR with or without bail as an additional condition or CR/CT with or without bail - no OR's, must have basic conditions as above. (form to be developed for defendant's signature acknowledging understanding of conditions for CR/CT)
2. sets OH<sub>1</sub> date that groups cases for ease of scheduling PD and Corrections (PD and Corrections need to work out this proposal)

IV. OH<sub>1</sub> - Options: Diverted to PR; PG and continue for PSI; PNG and continue for OH<sub>2</sub> or PT according to current tracking plan.

A. County Attorney

1. Makes joint recommendation re: drug track treatment

B. Corrections

1. takes referral for PSI to be completed within 30 days - Level I defendants to be placed in treatment ASAP since no jail time is anticipated for these individuals

C. Project Remand

1. takes Diversion cases for complete diversion study after Court finds PC, These cases are returned to court with final diversion study completed within 30 days - return is to OH<sub>1</sub> calendar (Returned non-divertable cases should be accompanied by a report that is complete enough so that it can be determined if the defendant is eligible for Level

I or II treatment, including complete record check even if defendant is non-divertable for reasons other than record.)

2. continue supervision of CR's
3. failed, as opposed to non-divertable, diversion cases are set on the OH<sub>1</sub> calendar and are not eligible for further fast track treatment.

D. Public Defender

1. makes joint recommendation re: drug track treatment
2. explains program to defendant
3. reviews petition with defendant
4. reviews written agreement with defendant (agreement regarding plea withdrawal and expectations of defendant must be developed)
5. enters guilty plea

E. Court

1. agrees to joint recommendation and plea withdrawal understanding
2. sets sentencing out approx. 30 days (grouping system needs to be developed)
3. returned cases go on OH<sub>1</sub> calendar and may be diverted or tracked at Level I or II if eligible - FR report should be complete enough to allow such determination when case is returned.

V. SENTENCING

A. County Attorney

1. deal with plea withdrawal motions or renegotiate plea on the spot

B. Corrections

1. Has PSI completed and delivered to court at least 2 days prior to sentencing
2. PSI indicates that defendant is or is not eligible for drug track - if not eligible, reasons are specified and recommendation is made re: sentencing
3. PSI recommends standard drug track conditions of probation and may recommend others, recommendations are made also for those cases which are not eligible. (Standard drug track conditions, including PO's authority to increase level of supervision needs to be prepared in written form)
4. takes drug tracked defendants directly from court to review conditions of probation and to treatment ASAP
5. takes workhouse committed defendants directly from workhouse to treatment

C. Project Remand

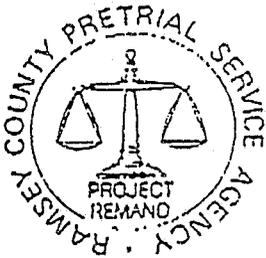
1. continues to monitor any defendants who withdraw plea if CR is continued
2. diverted cases are diverted for one year and all recommendations of Rule 25 are included in goals including requirement that defendant follow all

directives of Remand counselor re: treatment, relapse programs, UA's, level of supervision etc.  
- initial treatment placement to be ASAP

- D. Public Defender
  - 1. motion to withdraw plea if appropriate or renegotiate plea on the spot if possible
- E. Court
  - 1. sentence, deal with motion to withdraw plea if made; and/or renegotiate plea and sentence on the spot.

VI. Probation Violation

- A. County Attorney
  - 1. attend hearing prepared to make recommendation
- B. Corrections
  - 1. seek violation hearing within one day of apprehension
  - 2. advise court of all efforts made to resolve problem before resorting to hearing request
  - 3. make recommendation to the court re: consequences that are commensurate with the violation and history
- C. Project Remand
  - 1.
- D. Public Defender
  - 1. appear at hearing
- E. Court
  - 1. schedule hearing within one day of apprehension
  - 2. since higher levels of supervision are involved in these cases and since alternative short of the hearing will have been tried prior to the hearing, court will impose sanctions not merely slap wrist



# PROJECT REMAND

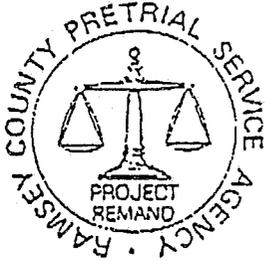
RAMSEY COUNTY PRETRIAL SERVICE AGENCY

150 E. Kellogg Blvd. • Suite 650 • St. Paul, MN 55101

## FAST TRACK DRUG DIVERSION PROCEDURE

April 8, 1991

- I. The County Attorney's office will screen for potential fast track diversion cases at charging. The County Attorney will also note that there is no police opposition to diversion at this time.
- II. At the first appearance, potential diversion cases screened by the County Attorney's office will be reviewed by Project Remand staff. After preliminary screening and determining that the diversion program criteria is met, the case will be continued for two weeks for OH. Project Remand staff will explain diversion to potential clients at first appearance and a Rule 25 chemical dependency evaluation will be scheduled with Remand's chemical health assessor before the defendant leaves the court room. If the client is conditionally released, the diversion unit will be responsible for supervising the conditional release.
- III. Between first appearance and the OH date, the diversion client will complete the Rule 25 chemical dependency evaluation at Project Remand. Also, any further investigative work that needs to be done, i.e., record checks, police approval, etc., will be completed prior to the OH date by the program supervisor.
- IV. At the OH date, a four week continuance will be requested for a diversion study to be completed. If, during the two week period, it is determined that the client is not an appropriate candidate for diversion, a rejection memo will be prepared and presented at the OH date. The Program Supervisor will communicate with Adult Probation to determine if the case is eligible for Level I or II prior to the OH date. The rejection memo and Rule 25 assessment will be faxed to the Payne Avenue Probation Department office. The rejection memo will include the specific reasons why the defendant is not eligible for fast track diversion.
- V. In between the OH and diversion study date the social history appointment will be scheduled and completed, and the social history report will be prepared for the court. If during this time, the defendant is deemed to be an inappropriate candidate for diversion, a rejection memo will be prepared and the diversion study date will be advanced to expedite the case.



# PROJECT REMAND

RAMSEY COUNTY PRETRIAL SERVICE AGENCY  
150 E. Kellogg Blvd. • Suite 650 • St. Paul, MN 55101

Draft

## Project Remand - Conditional Release Fast Track Drug Plan

- I. The County Attorney's office will screen for potential fast track cases at charging. These cases will be "tagged" by the Prosecutor either as diversion, Level I or Level II. (See attachment for Level I and Level II Criteria)
- II. At the first appearance, where the defendant is ordered to be conditionally released to Remand, the following will take place:
  - A. Standard CR conditions outlined, as well as any other imposed by the court.
  - B. Prior to the defendant leaving the courtroom, the Remand counselor sets up CD assessment appointment time with Remand assessor for Level I and diversion offenders and with Payne Ave Probation office for Level II offenders. The counselor will inform the defendant that he/she needs to bring in a collateral contact for CD appointment time. The counselor will give the defendant a form stating the date, time, and location of the CD assessment.
  - C. Defendant has OH date set for two weeks at the ADC courtroom.
- III. Prior to the OH, defendant completes chemical health assessment. The assessment completed by Remand (Level I and diversion) will be sent to the Payne Avenue probation office for distribution. In cases where the defendant misses his/her first CD appointment, with a valid excuse - the new CD appointment time will be given at the OH, with a request for a one week continuance.
- IV. At the OH, the CD recommendations will be available. The Remand assessor will continue to coordinate referral and CD treatment for appropriate diversion and Level I cases. In instances where treatment is recommended but the sentencing date is within one week's time, treatment will start after the sentencing date.
- V. Revocations:  
For defendants who either do not follow-through with the CD assessment or the recommendations, they will be warned that they are in violation of their conditional release.  
  
If the defendant is found to be in violation of the conditional release, he/she will be placed on the ADC felony arraignment calendar (within one week) for a revocation hearing.

FAST TRACK DRUG PROGRAM  
CHEMICAL ASSESSMENT REFERRAL FORM

As part of your conditional release and referral to the fast track drug program, you are expected to have a chemical health assessment and follow the recommendations from this assessment.

You will need to appear for this assessment on:

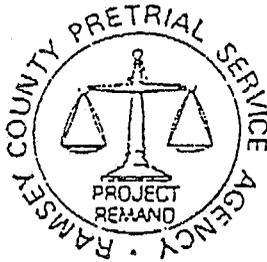
<u>Type of Case:</u> Diversion/Level I
<u>Date:</u> _____
<u>Time:</u> _____
<u>Location:</u> Project Remand 150 E. Kellogg Blvd St. Paul, MN 55101
<u>Phone:</u> 298-4932
<u>Assessor:</u> Gail Bauman

<u>Type of Case:</u> Level II
<u>Date:</u> _____
<u>Time:</u> _____
<u>Location:</u> Payne Ave. Office 965 Payne Ave. St. Paul, MN 55101
<u>Phone:</u> _____
<u>Assessor:</u> _____

IT IS VERY IMPORTANT THAT YOU APPEAR FOR THIS ASSESSMENT AS SCHEDULED. FAILURE TO APPEAR MAY RESULT IN A REVOCATION OF YOUR CONDITIONAL RELEASE AND/OR TERMINATION OF YOUR REFERRAL TO THE FAST TRACK DRUG PROGRAM.

As part of the assessment, it is mandatory for you to bring someone with you to the appointment; this person will serve as a verifier. It is important that this person be well acquainted with you and able to provide us information about your alcohol and drug use for the past six months.

If you have any questions about this assessment, please call the person listed as "Assessor"; at the above phone number.



# PROJECT REMAND

RAMSEY COUNTY PRETRIAL SERVICE AGENCY

150 E. Kellogg Blvd. • Suite 650 • St. Paul, MN 55101

612/298-4

DATE:

NAME:

STREET:

TOWN, MN

Dear \_\_\_\_\_:

As part of your conditional release and referral to the fast track drug program, you were scheduled to appear for a chemical health assessment on \_\_\_\_\_ at \_\_\_\_\_.

Since you did not appear at the above-scheduled time, you need to call our office at (298-4932) immediately upon receipt of this letter. Failure to reschedule this appointment immediately may result in a revocation of your conditional release and/or termination of your referral to the Fast Track Drug Program. When you call to reschedule your appointment, as for Dianne.

If you have any questions about the assessment, please call Gail Bauman at 298-4932.

Sincerely,

Court Counselor

**APPENDIX**

**Comparative Operational Features of the  
DCM and EDCM Demonstration Programs**

A summary of the comparative features of the DCM and EDCM operational plans in the demonstration jurisdictions is attached.

\*\*\*\*\*

Individuals interested in additional information regarding BJA's national Expedited Drug Case Management Program should contact:

Jay Marshall  
Chief, Courts Branch  
U.S. Department of Justice  
Bureau of Justice Assistance  
Room 600  
633 Indiana Avenue, N.W.  
Washington, D.C. 20531  
(202/514-5943)

or

Caroline S. Cooper  
Director  
Expedited Drug Case Management Program  
The American University  
3615 Wisconsin Avenue, N.W.  
Washington, D.C. 20016  
(202/362-4183)

OPERATIONAL CHARACTERISTICS OF THE JURISDICTIONS  
PARTICIPATING IN BJA'S DCM/EDCM PROGRAM  
(REV. 10/30/89)

PART I. DCM JURISDICTIONS

I. Project Information - General

<u>Jurisdiction</u>	<u>Start-up Date</u>	<u>Contact</u>	<u>Cases Included</u>
Detroit/Wayne Co., Michigan - crim.	Phased-In Program: July 1, 1988 - Rev. Fee Sched. Oct. 1, 1988 - full implem.	George Gish Clerk/Court Administrator  The Recorder's Court for the City of Detroit Frank Murphy Hall of Justice 1441 St. Antoine Street Detroit, Michigan 48226-2384 Phone (313) 224-2506	All Felonies
Pierce County (Tacoma) Washington - Drug & Sex Asst. Cases	July 6, 1988 - Drug Cases June 1, 1989 - Sex. Asst. Cases	Beverly E. Bright Superior Court Administrator Pierce County Superior Court 930 Tacoma Avenue, S. Tacoma, Washington 98402 Phone (206) 591-3653	All Drug Cases and Felonies with a Drug Charge and Other Crim. Cases
Camden County, New Jersey Criminal	July 18, 1988	Hon. A. Donald Bigley Assignment Judge of the Superior Court, Camden County Hall of Justice, Suite 670 5th Street and Mickle Blvd. Camden, New Jersey 08103 Phone (609) 757-8183	All Indictable Offenses
Camden County, New Jersey Civil	September 1, 1988	Hon. A. Donald Bigley Assignment Judge of the Superior Court, Camden County Hall of Justice, Suite 670 5th Street and Mickle Blvd. Camden, New Jersey 08103 Phone (609) 757-8103	All Civil-Law Cases Over \$5,000.00

## I. Project Information - General [Continued]

<u>Jurisdiction</u>	<u>Start-up Date</u>	<u>Contact</u>	<u>Cases Included</u>
Ramsey County (St. Paul), Minnesota civil & some crim.	April 1, 1988 - civil June 1, 1988 - crack/cocaine (possession/distribution)	Suzanne Alliegro Judicial Administrator Second Judicial District Court 1001 Ramsey County Courthouse St. Paul, Minnesota 55101 Phone (612) 298-4374	All Civil Cases except: - Concil. Apps. - Unlawf. Dets. - Impl. Consent and crack/cocaine cases involving sale or possession with intent to sell. intent to sell
Berrien County (St. Joseph), Michigan criminal	Oct. 1, 1988	Hon. Ronald J. Taylor Chief Circuit Judge Second Judicial Circuit Court of Michigan Courthouse St. Joseph, Michigan 49085 Phone (616) 983-7111 Ex. 386	All Felonies

## II. Project Information - Operational

<u>Jurisdiction</u>	<u>Project Goals/Objectives</u>	<u>Calendaring System Used for DCM Cases</u>	<u>Arrangements for Handling Pending Case Inventory</u>
Detroit/Wayne Co. Michigan	<ol style="list-style-type: none"> <li>1. Red. lgth of trial tr. fr. 91 days</li> <li>2. Red. # of cases 180 days old from 173 to 50</li> <li>3. Red. pending caseload from 3,027 to 1,800</li> <li>4. Red. # of jail days used due to trial downtime, etc., from 72,390 to 30,000 or less</li> <li>5. Red. # of bench trial days sched but not held fr. 1,134 to 600/less</li> <li>6. Red. # of jury trial days sched but not held fr. 1,129 to 600/less</li> <li>7. Red. # of defendant docket days fr. 179,394 to 95,000 or less</li> <li>8. Red. # of defendant bond days from 107,000 to 56,000 or less</li> <li>9. Assign each incoming case to a DCM categ</li> <li>10. Monitor each case to dispos.</li> </ol>	Hybrid/individual (team approach)	will be handled parallel with DCM cases
Pierce County, Washington	<p><u>General:</u></p> <ul style="list-style-type: none"> <li>- transf respons. for cal. from DA to Court</li> <li>- promote speedy dispos of cases</li> <li>- make hearing and trial scheds more certain</li> <li>- eliminate continuances</li> <li>- reduce jail crowding</li> <li>- enhance ct. cal. control</li> <li>- implem. p.c. data base</li> <li>- expand proj. to other crim. cases</li> </ul> <p><u>Other: Time Goals:</u> <u>Drug Cases:</u></p> <p>Exp Track: trial or plea 30 days after arrnt Mid: trial or plea 60-90 days after arrnt Compl: per scheduling order assuming waiver of speedy trial (could be up to 150 days)</p>	indiv (pre-trial matters) master (trial)	all drug cases filed before proj. start-up date heard to be handled in DCM court but DCM procedures don't apply

## II. Project Information - Operational [Continued]

<u>Jurisdiction</u>	<u>Project Goals/Objectives</u>	<u>Calendaring System Used for DCM Cases</u>	<u>Arrangements for Handling Pending Case Inventory</u>
Camden County, New Jersey - criminal	<u>General:</u> - test estab. of 3-track mgt sys. with time goals for each track - demonstr effctvns of DCM appl to civ and crim. caseloads at same time - ident drug cases and pred offenders  <u>Other: Time Goals:</u>  Track: Pre-Ind    Post Ind    Total Bl    J1    Bl    J1    Bl    J1  Exp.    50   40    60   60    110   100 Stand. 70   50   120 90    190   140 Compl. 120 90   180 150   300   240	indiv.	proc. under old system
Camden County, New New Jersey - Civil	<u>General:</u> - test catgys of civ cases with spec case chars into limited no. of subtracks - test new mechms for early/active case mgt. thru DCM proceds - estab. and test time to dispos goals - demonst effectiveness of combined DCM program for civ and crim cases - define role of altern. disp. res.  <u>Other: Time Goals:</u> Exped.    Stand.    Complex	pre-trial: indiv. trial: master	cases filed before 9/1/88 proc. under old system
	joind/disc. comp.    100 days    200 days disc/dispos            80 days    165 days total time to disp    180 days    365 days	per indiv. case mgt. other	

## II. Project Information - Operational [Continued]

<u>Jurisdiction</u>	<u>Project Goals/Objectives</u>	<u>Calendaring System Used for DCM Cases</u>	<u>Arrangements for Handling Pending Case Inventory</u>
Ramsey County (St. Paul), Minnesota	<p><u>General:</u></p> <ul style="list-style-type: none"> <li>- shift from atty. control to ct contr of case process</li> <li>- dev more accur case monit sys</li> <li>- dev more accur case assgnt sys</li> <li>- reduce continuance rates</li> <li>- fast track crack/coc cases inv. sale/poss. inv. sale/pos with int. to sell</li> </ul> <p><u>Other</u></p> <ul style="list-style-type: none"> <li>- disp of 90% of civ jury trs w/in 10 months of filing Note of Issue</li> <li>- disp of 90% of ct trials w/in 10 mos of filing Note of Issue</li> <li>- no cases beyond 2 years from Note of Issue to disposition</li> </ul> <p><u>Time Goals:</u></p> <ul style="list-style-type: none"> <li>- expedited: dispos. w/in 90 days of Jt Is Memo</li> <li>- standard: dispos. w/in 305 days of Note of Is</li> <li>- complex: dispos within max. of 2 yrs. of Note of Is</li> <li>- concl court apps: dispos w/in 60 days of filing</li> <li>- crack/cocaine pos. or pos. with int. to sell: 45 days from first appear.</li> </ul>	master	<p>compl. audit of all pending cases; initially, every case older than 9 mos. set for pre-trials; expanded to include all cases filed prior to 4/1/88 in which Note of Is filed; these cases are set for pretrial conf/trial along with DCM cases</p> <p>Review of all cases 6 mos. after filing; status conf. for cases with no action for long time periods.</p>
Berrien County (St. Joseph), Michigan	<p><u>General:</u></p> <ul style="list-style-type: none"> <li>- adapt cur civ DCM to criml cases</li> <li>- assure adequate resources to process high priority cases</li> <li>- improve case asgnmt. system to permit greater empha. to drug cases &amp; offd's</li> <li>- improve utiliz. of jud. resour. &amp; flex. of judge time usage to assure availab. of trial time on assigned date</li> </ul>	indiv.	to be processed parallel with DCM cases

## II. Track Information

<u>Jurisdiction</u>	<u>Tracks Created and Criteria</u>	<u>Info. Used to Make Track Assgt.</u>	<u>Distinu Chars of Each Track</u>	<u>Pt. at which Track Asst Made</u>
Detroit/Wayne County, Michigan	Genl tracks: (each tr also includes subtracks)			
	Track IA: Divers: First Offnds Only	sentencing guideline	Cases in each track will exit system at different times;	arraignment
	Track IB: 1st Offnds (Exc. Serious cases) (50%)		Struct. Sent. Prog. (ef. 1/25/89) provides that Tr.1 cases which qualify for prob. under S.G. exit sys. 1 day after arrgnt.	
	New fast track for drug cases Structd sent. progs. - 1st of drug offs.			
	Track II: all other 1st ofs w/no hist. of asslt and non-assltive/repeat offs. (35%)		Exit Dates: - Plea: 19 days - Waiver trial: 49 days - Jury trial: 84 days - Spec. fast trk for drug cases: 60 days - Struct.sent. prog.: 1 day	
	Track III: all homs, 2nd offdrs, recidiv. etc (15%)			
Pierce County (Tacoma), Washington	<u>Drug Cases:</u> (1) <u>Simple:</u> (0-30 days) - 28% - UPCS - no suppression issues or pre-trial motions - in custody - single defendant - simple drug analysis required - minor criminal sanctions involved  (2) <u>Normal:</u> - drug cases with stop/search issues - search warrant with small amount of drugs; no search/seizure issues - defendant has prior felony conviction - noncustody status	atty infor at arrgnt	(1) <u>Simple:</u> - arraignment within 1 day - pretrl conf and track assgt (10 days) - plea at pretrial/or w/in 30 days - trial date if nec w/in 60 days  (2) <u>Normal:</u> (60 - 120 days) - 62%  - arraignment within one judicial day - pretrial conf. & track assgt (10 days) - (omnib. hrgs/pretrial mots/disc cut off dates ent. on schedule order) - trail date (60 days)	

II. Track Information [Continued]

<u>Jurisdiction</u>	<u>Tracks Created and Criteria</u>	<u>Info. Used to Make Track Assgt.</u>	<u>Disting Chars. of Each Track</u>	<u>Pt. at which Track Asst Made</u>
Pierce County (Cont) (Tacoma), Washington	(3) <u>Complex</u> (60 - 150 days) - 10% - search warrants - multiple defendants - conspiracies - compl supprs issues or pretrl hearings involved - on-going rel investigs - amount of drugs requ. extens testing - serious potential prison sent	atty. inf. at arrgt	(3) <u>Complex</u> : - arrgnt (w/in one day) - pretrial conf & track assgt (10 days) - all other events on sched. order entered at pretrial hearing	arrgt.
	<u>Sexual Assault Cases</u>			
	(1) <u>Expedited</u> (Plan A) - n/a			
	(2) <u>Simple</u> (Plan B) (30-120 days)			
	- uncontested cases with -no suppression or pretrl mot. -in custody party -minor crim. sanctions -psych. eval. completed			
	(3) <u>Normal</u> (Plan C) (60-150 days)			
	- contested cases w/out complex med/disc. issues or expert w's; - uncontested cases requ. psych. eval. - def. has prior fel or sex offense convfcs. - out of custody - mult. defs. - phys. abuse/ast.			
	(4) <u>Complex</u> (Plan D) (pre-assgnt capab.)			
	- multi-def. contested - complex med/psych issues/exp. w's - numerous/complex pretr. motions - disc. of records involved - serious pot. prison sents.			

## II. Track Information [Continued]

<u>Jurisdiction</u>	<u>Tracks Created and Criteria</u>	<u>Info. Used to Make Track Assqt.</u>	<u>Disting Chars. of Each Track</u>	<u>Pt. at which Track Asst Made</u>
Camden County, New Jersey - criminal	<p>(1) <u>Expedited:</u></p> <ul style="list-style-type: none"> <li>- cases with pres prob. sentence or PTI</li> <li>- cases warrnt. prior. proces.</li> <li>- other cases by joint applic. of counsel</li> </ul> <p>(2) <u>Standard:</u></p> <ul style="list-style-type: none"> <li>- defs. facing presump. jail terms on property crime drug pos. charges; minor drug distrib. to other crimes agst. person</li> </ul> <p>(3) <u>Complex:</u></p> <ul style="list-style-type: none"> <li>- cases from spec prosec units: homic., arson, white collar crimes, sex crimes, narcs car crim/org. crime</li> </ul>	Dif. Crim. Case Mgt. tracking form	<ul style="list-style-type: none"> <li>- CJP (0-7 days)*-all tracks</li> <li>- PIC (no later than 21 days) exped. and stand. (same)</li> <li>- grand jury (25-40 days--e 39-60-s; 60-90- comp;</li> <li>- arrgnt: 35-45-e;45-75-s; 70-100-c;</li> <li>- pretrial conf: (56-66-e; 75-105-s; 95-125-c;</li> <li>-trial: (75-90-e;90-180-s; 180-270-c;</li> </ul>	at CJP/within 1 wk of CJP

\* track set for all cases except direct indictment offenses

## II. Track Information [Continued]

<u>Jurisdiction</u>	<u>Tracks Created and Criteria</u>	<u>Info. Used to Make Make Track Assgt.</u>	<u>Distingu Chars. of Each Track</u>	<u>Pt. at which Track Asst Made</u>
Camden County, New Jersey - criminal				
Camden County, New Jersey - civil	<p>(1) <u>Expedited:</u></p> <p>- commerc matters, arb., book accts, bills and notes, sim. contrs, liqu. dams, prerog. writs, mun, appeals, stat. acts to conf. arbi. award; PIP cases; proof cases - 21% antic. (20-25%)</p> <p>(2) <u>Standard:</u></p> <p>- all cases not expedited or complex 75% antic. (70-75%)</p> <p>(3) <u>Complex:</u></p> <p>- cases requ attent. of indiv. judge from outset (no. of parties; nature of claims or defs; factual diffic. of subjec matter etc. antic. 4% or less; Pres. Judge confirms/denies complex track assignment</p>	Case Inf. State- ments of attys.	<p>(1) <u>Expedited:</u></p> <p>Disc: 100 days max. Interr: 50 ques. (no subparts) Depos: on leave of court</p> <p>(2) <u>Standard:</u></p> <p>Disc: 200 days max. Inter: 50 ques max. Depos: for parties and experts only case sched. plan subm. jtly by attys.</p> <p>(3) <u>Complex</u></p> <p>per judge's order and confs. w/attys.</p>	Joinder

## II. Track Information [Continued]

<u>Jurisdiction</u>	<u>Tracks Created and Criteria</u>	<u>Info. Used to Make Make Track Assgt.</u>	<u>Disting Chars. of Each Track</u>	<u>Pt. at which Track Asst Made</u>
Ramsey County (St. Paul), Minnesota	<u>Civil:</u> (1) <u>Expedited</u> lim disc req; single issue; collections/enf. of contr where money dams. specified; shorter trial lengths - 10% antic. (30% actual)	Jt. Is. Memo. (1)	<u>Expedited:</u>  Note of Is/Jt. At Is Mem: 90 days Jt. At Is Mem/Trial: 60-90 days	Jt. Is. Memo
	(2) <u>Standard</u> - most cases which require more disc/ prep. time; most pers. inj. cases - 88% antic.	Jt. Is. Memo.	(2) <u>Standard</u> Note of Is/Jt At Is Mem: 90 days Jt At Is/Tr. Set: 90 days Tr. set/Jt. Disp Conf (JDC): 60 days Disp Conf/Pre-tr: 30 dys Addit. Events: order to show cause for fail to file Jt. Is. Memo or JDR/no show at JDC	Jt. Is. Memo.
	(3) <u>Complex</u> - mult. party cases; ext. disc. antic.; likely to req. num. motions; greater no. of exp. witnesses - 2% antic.	Jt. Is. Memo.	(3) <u>Complex</u> case assigned to indiv. judge when At Is. Is. Memo filed status conf. at 120 days all disc. and proceeds sched. by indiv. judge	Jt. Is. Memo. or Pet. to Ch. Judge
Berrien Co. (St. Joseph), Michigan - criminal	<u>Drug Cases:</u> fast-track: simp. pos/dist. of crack-coc.: 45 days for disp.			
	(1) Expedited (2) Standard (3) Complex - crit for track assgt based on factors rel to case compl and priority for processing	forms compl. by attys. at arrgt.	no. of events/time for each track differ - exp.: 90 day max. - stand: 120 day max. - compl: 210 day max.	pre-trial conf. immed. following arrgt.

## IV. DCM Project Management Information

<u>Jurisdiction</u>	<u>Point at Which DCM Track Assgt Ends</u>	<u>Indiv. Making Track Assgmt</u>	<u>Proceds. for Rev/ Appeal of Track Decision</u>	<u>Management/Monitoring Procedures</u>
Detroit/Wayne County, Michigan - criminal	sentencing	Def. Scrng Unit	Docket Man in D.A.'s Of revs track assgmt and mons. case progr	Ct. admin. monitors system; progrs dev. to identif. non-compliance cases
Pierce County (Tacoma), Washington	plea/trial	D.A. and def. couns. with court concur.	attys. may dispute assgt when sched. order signed at court	crim. case manager will track cases manually
Camden County, New Jersey - criminal	disposition	DCM Prosec. Def. can req. change	Pres. Crim. Judge rules on track assgt disputes	Court DCM Coord. monitors
Camden County, New Jersey - civil	judgment/final order	Civ P.J. &/or. Civ. Case Mgr. upon recom. of tr. coord.	track coord. reviews request for reassgt; if attys disagree, court suggests approp. track; if no agreemt, judge hears motion	Motions monitoring; computer reports; supervis. by ct. DCM staff
Ramsey County (St. Paul), Minnesota - civil/crim. (drug)	trial/dispos.	DCM Track Coord/cal. referee	Atty. can request rev. by DCM track coord/cal. referee	Case exception reports generated automatically
Berrien County (St. Joseph ) Michigan - criminal	trial/sent	Arrgt./pre-trial judge	trial judge can review tr. assgt. after orig. assgt or on a subsequent applic. of counsel; event dates may also be modified within assgnd tracks as nec.	Developing reports on data system to monitor indiv. case status and overall operation of system; reviewed by ch. judge and court admin. routinely

OPERATIONAL CHARACTERISTICS OF THE JURISDICTIONS  
 PARTICIPATING IN BJA'S DCM/EDCM PROGRAM  
 (REV. 10/30/89)

PART II. EDCM JURISDICTIONS

JURISDICTION	POPULATION	JUDICIAL SYSTEM INFORMATION	
		<u>Gen. Juris. Court</u>	<u>Lim. Juris. Court</u>
Indianapolis/ Marion Co., Indiana	1,228,596		
Name:		Marion Co. Superior Ct	Munic. Ct. of Marion Co.
Juris.:		<u>Crim.</u> : orig. juris. in all stat. viols; appel. juris prov. by law; in practice, felony juris. shared with Mun. Court	orig. juris. with Sup. and Circ. cts. in Class D fels. ; orig. juris in all misds, infracts, ord. viols, traf viols.;
		<u>Civil:</u> <u>Prob.</u> and Juv.: orig. and exclus.	orig. over contr/tort claims under \$ 20,000 and landl/ten. regardless of value
No. of Judges & Assignments		15 total: 6 crim;7 civ; 1 juv.; 1prob.	16 total: 1 pres. judge; 1 assgnd to mental hlth matters; 1 envir.matters; 4 civil; 9 crim.
Calendaring Sys:		individual	individual
Middlesex Co., New Jersey	650,000		
Name:		Middlesex Co. Sup. Ct.	nine sep. munic. courts
Juris:			
No. of Judges & Assignments		7 total	
Calendaring Sys.		Hybrid (master/indiv.)	

**JURISDICTION      POPULATION**

Philadelphia,      1,650,000  
Penn.

**JUDICIAL SYSTEM INFORMATION**

<b>Name:</b>	Phil. Ct. of Common Pleas	Phil. Mun. Court
<b>Juris:</b>	<u>Crim.</u> : all Fels. of over 5 yrs. impris.	Misdemeanors (under 5 yrs.)
	<u>Civil</u> : claims over \$ 5,000	Claims under \$ 5,000 & Landl/Ten.
<b>No. of Judges &amp; Assignments</b>	84 Judges	23 judges
		<b>Fel. Case Proc. Functions:</b> Prel arrgs, prel, hrgs; misd. trials
<b>Calendaring System:</b>	Master	Master

**JURISDICTION      JUDICIAL SYSTEM INFORMATION (Cont.)**

Prosecutor's Office

	<u>No. of Attys.</u>	<u>Special Units</u>	<u>Screening Functions</u>
Indianapolis/ Marion Co., Indiana	65 total; 24 in Sup. Ct 21 split between Mun. Misd and Fel. D cts	CrimHab. Crim.; Dom. Viol; Sex Crime Units	All fels screened <u>prior</u> to filing with Det. and atty.; all misd screened thru pol. rpts./sup. docs
New Brunswick/ Middlesex Co., New Jersey	41 total	Sex Crimes; juv; appel; gr. jury	early screening upon rec. of complt.
Philadelphia, Penn.		Car. Crim.; Narcotics; econ. crimes and other divs.	Screening and diversion progrs. at charging

**JURISDICTION****JUDICIAL SYSTEM INFORMATION (Cont.)****Indigent Defense Services**

	<u>Method</u>	<u>No. of Attys.</u>	<u>No. of Cases Handled</u>
Indianapolis/ Marion Co., Indiana	<u>Mun. Ct.:</u> pub. def. off org. under pres. judge;	9 full-time; 7 part-time	Misds and DFels: 16,000 est. for 1989 (50% of total caseload)
	<u>Sup. Ct.:</u> each of the 6 crim. cts. has 5 pub. defs, most contract; some co. empls.	30 attys, mostly under contract	fels. (80 - 85% of caseload)
Middlesex Co., New Jersey	Public Defender office with one confl. atty.	18	1988: 4,073 fels (75%)
Philadelphia, Penn.	Public Defender office	134 attorneys	1988: 8,477 misds. (85% of total caseload) 15,539 fels. (70% of total caseload)

JURISDICTION

CASE FILINGS

1986

1987

1988

1989 (first half)

Indianapolis/  
Marion Co.,  
Indiana

Sup. Ct.

Crim.  
Drug  
Civil  
Other

Mun. Ct.

Middlesex County,  
New Jersey

sup. ct.<sup>1</sup>

Crim.  
Drug  
Civil  
Other

2,984

3,529

4,073

2,760

Mun. Ct.

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<sup>1</sup> Less serious crimes (misdemeanors and less serious felonies) are filed in the nine municipal courts. More serious crimes are filed in the Superior Court.

**JURISDICTION****CASE FILINGS**

	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u> (first half)
Philadelphia, Penn.				
Ct. of Com. Pleas				
Crim.	12,154	13,103	14,492	8,121
Drug	893 <sup>2</sup>	1,850 <sup>3</sup>	2,601 <sup>4</sup>	1,784 <sup>5</sup>
Civil	17,654 <sup>6</sup>	18,528 <sup>7</sup>	18,173 <sup>8</sup>	9,620 <sup>9</sup>
Other				
Mun. Court				
Crim.	60,240	62,664	63,640	32,919
Drug	101,345	109,119	117,669	67,498
Civil				
Other				

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2 dispositions

3 Dispositions

4 dispositions

5 dispositions

6 excludes arbitration

7 excludes arbitration

**JURISDICTION      PRETRIAL RELEASE RESOURCES**

	<u>Pretrial Rel. Options</u>	<u>Pretrial Rel. Programs.</u> as of 7/1/89	<u>Pretrial Detent. Facs.</u>	
			<u>Jail Cap.</u>	<u>Jail Pop. as of 7/1/89</u> <u>Pre-Trial</u> <u>Total</u>
Indianapolis/ Marion Co. Indiana	Surety, cash, 10% appear. bond	Drug mon: 400 active Elec. mon: 50 cases Sup. Rel.: 50 cases	1120 (fed. cap)	615 (60%) 1025
Middlesex Co. New Jersey	Bail (Prop/Cash 10%); ROR	1,370 defs. in Pre-tr. Rel. program of intn. sup. or el. monit.		600 950
Philadelphia, Penn.	10% Cash Bail; Cond. Rel. subj. to Prel. Arrgnt; Rel. under Ct/Order in <u>Jackson</u> v. <u>Hendricks</u> (jail crowding case)	ROR: 561 Cash: 600 Cond. Rel: 28 Jackson v. Hendrs: 245 decr)	3,750/3850 wknd (1986 fed. cons. decr)	3,229 (65%) 4934

JURISDICTION	POST CONVICTION RESOURCES/PROGRAMS	OTHER	
Indianapolis/ Marion Co., Indiana	Mun. Court: Alc and Drug Servs. <u>Drug Testing</u> Unit/Prob. Dept. pre-bail det: no pre-trial rel. cond: as ordered DUF prog. partic.	<u>Use of Elec. Monit.</u> PROJ. DIR. pre-trial: yes Daniel Ladendorf post-cv.: yes Dep. Dir. Marion Co. Just. Agency 1901 City-Co. Bd. Indianapolis, Ind. 46204 317/236-3879	
Middlesex Co., New Jersey	Intens. Sup. Prob.: 43	pre-bail det.: yes pre-trial rel. cond: yes  pre-trial: yes post-conv.: yes  Hon. George Nicola Pres. Crim. Judge Sup. Ct. of Mid- dlesex Co. Courthouse New Brunswick, N.J. 08903 201/745-4156	
Philadelphia, Penn.	Outpatient: Drug Free Trt. Progr: 3,754 slots in 41 progrs; filled but no wt. list; Methad. Maint Prog: 2,232 (90% cap.) Inpat. Drug Free Res. Progrs.: 390 beds in 10 progrs; all filled; 1,355 on wt. list Detox: inpat non-hosp.: 75 beds; all filled Drug Treatmt as Cond of Prob.: 10,000 defts of 30,000 Defs..	pre-bail determ: no pre-trial rel. cond: no  pre-trial: yes post-conv.: yes	Jos. Cairone Dep. Ct. Adm. Ct. of C. Pl Rm. 617 City Hall Phil., Pa. 19107 215/686-2534

JURISDICTION	RELEVANT PROBLEMS/ISSUES	EDCM PROJECT GOALS/OBJECTIVES	CASES INCLUDED
Indianapolis/ Marion Co.,  Indiana	Intergovt'l metro. law enf.drug task force concen. on complex cases requ. inter-juris. coord./coop. DUF data [posit. for 60% of arrs (antic. crack/co. probl.) Drug caseload incr. from 8.2% in 1986 to 25.5% in Mar. 1989 Incr. in case disms. due to missing w's or forgotten events; Incr. in jail pre-tr. det. pop. beyond fed. cap; Comprom. of pre-tr. release stands. Reduced plea stands.	GOALS/OBJS.: - Within 24 hrs. of arrest, screen all drug/subst abuse arrestees re facts and law and assign to one of following case tracks: (1) demand track (cases inv. pos/abuse of drugs/alc) (2) supply (distrib cases) For Demand Track, - reduce filing/dispos time by 1/3 - eval each def. for trtmt/rehab. - hold or reduce dismissal rate For Supply Track, - reduce filing/dispos time by 1/3 - Maint/increase executed jail sent. - Hold/reduce dismissal rate	All Drug Cases in Mun./Sup. Cts.
Middlesex Co. New Jersey	Compreh. Drug Ref Act of 1987 mandates penalties for drug offenders Attorney General's Action Plan for Narc. Enforcement lays out aggressive law enforcement plan 1988: 75% of pre-indict. cases over Speedy Trial Goal (30 days to ind -jail; 60 days to ind - bail)	GOAL: Develop classif. sys. to det. best meth. for different. drug cases OBJS: Collect info. on drug cases for anal. Decrease noncompl. with Sp. Tr. pre and post ind. goals from 75% to 25% Decr. pretrial det. proc. backlogs Incr. vol. of drug trials from 5 to 100 min. Conserve st. pol. lab res. by 30% by incr. pleas Incr. sentenc. uniformity in drug cases Estab. basis for res progr. to classif and process drug cases Build commun. involmt in drug case proc. system and dispos. alterns	all ind. drug cases

JURISDICTION	RELEVANT PROBLEMS/ISSUES	EDCM PROJECT GOALS/OBJECTIVES	CASES I N C L U D E D
Philadelphia, Penn.	Delay due to contins. for lab rpts, deliv. defs in cust.; fta of chemist, pol. w's df, attys; late notices; incorrect room identifs; Limited no. of courtrooms Limited D.A. and P.D. staffs	<p>GOAL: Identif. defs. for 1st Off. treatmt. at Prel. Hrg. Permit CJS to focus resources on more serious cases; Identify and exped. other cases amenable for early guilty pleas</p> <p>OBJS: Red. adjud. time for elig. cases from 120-370 days to 30-45 days;</p> <p>Incr. ct's cap. to apply resources for more serious drug cases thru:</p> <ul style="list-style-type: none"> <li>- earlier and enhanced case screening</li> <li>- identif. defs for commun. based supervis/trtmt</li> <li>- earlier entry into trtmt/rehab programs</li> <li>- dev. model for improv. drug case management</li> <li>- red. fel. case backlog</li> </ul>	<p>Init.: Defs. ch. with Pos/Int. to del <u>and</u> no prior drug/viol. crime convs. Later: Expand to incl. all</p>