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**ASSESSING THE IMPACT OF AB971
'THREE-STRIKES, YOU'RE OUT'
ON THE MUNICIPAL COURT SYSTEM IN
SANTA CLARA COUNTY
CALIFORNIA**

Prepared for
**Santa Clara County Board of Supervisors
Bench/Board Committee**

NCJRS

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**Center for Urban Analysis
Office of the County Executive
Santa Clara County, California**

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PREFACE AND ACKNOWLEDGEMENTS

This report, the second in a series, contains an assessment of the expected impact of the "three strikes, you're out" legislation, AB971, enacted March 7, 1994, on the Santa Clara County Municipal Court. The report is the product of unusual effort by many people and required the cooperation of many organizations.

Katherine Sada, OBA Program Analyst, first urged some form of justice system-wide planning to better understand and manage the large new workload which was universally expected to be created by the new law.

George Newell, Acting County Executive, championed the idea of a study which would develop estimates to help "size" the challenge these cases were sure to present. His initiative converted the discussion into action. He presented the idea to the Bench/Board Committee, chaired by County Supervisor Ron Gonzales and co-chaired by Supervisor Zoe Lofgren who, along with the Presiding Judge of the Superior Court, Robert P. Ahern, and the Presiding Judge of the Municipal Court, Paul C. Cole, agreed to sponsor the Study.

Fortunately, in 1986, Judge John A. Flaherty, currently Supervising Judge in the Criminal Division of the Superior Court, approved Santa Clara County's participation in a nation-wide felony sentencing study being conducted by Mark Cunniff, Executive Director of the National Association of Criminal Justice Planners (NACJP). The County was to be one of ten California counties, eventually joined by over 300 other counties in the nation, to provide the U. S. Department of Justice with basic information about felony sentences. Because of our participation in this study, the NACJP was able to provide us with a scientifically

selected sample of persons sentenced on felony matters in Santa Clara County in 1992. This provided a good deal of information about the defendants and their cases. The NACJP's Mark Cunniff also produced special data runs of the Santa Clara County data and served as a consultant to the initial effort.

District Attorney George Kennedy offered the services of Deputy District Attorney Kathy Storton who is an expert at researching criminal histories and is especially familiar with the "three strikes" law. She spent over 60 hours researching the criminal histories of a sub-sample of 310 felony cases from the NACJP felony sentencing study. She was able to expertly classify the 1992 cases into one, two or three-strike categories.

During the summer, Judge John A. Flaherty called key participants together - prosecution, defense, probation, Sheriff's Office, and others - for a series of planning meetings, then planned and led a workshop to discuss specific strike cases. The results were published in August. See Assessing Impact of AB971 'Three Strikes, You're Out' On The Justice System in Santa Clara County, California; Center for Urban Analysis, Office of the County Executive, Santa Clara County, California, August 10, 1994.

As a result of this effort, and at the request of Presiding Municipal Court Judge Paul C. Cole, the Acting County Executive recommended that the Bench/Board Committee authorize efforts to look more closely at the potential impacts on the Municipal Court. This report is the result of that effort.

Judge Paul C. Cole and Judge Rodney J. Stafford organized and led the new project. Judge Cole organized a planning committee of judges, Court



administration staff, prosecution and defense representatives to plan a second workshop. Municipal Court Administrative staff helped gather additional data about the Municipal Court dockets which gave rise to the felony sentences in Superior Court.

Subsequently, Judge Cole conducted a workshop during which strike classes of the 1992 sample cases were discussed. The workshop involved senior staff from the key agencies involved in adjudicating these cases in Municipal Court. Consensus was developed concerning the ways in which these cases would probably be handled differently if they were being adjudicated today, under the three-strikes law.

This permitted estimation of the number of additional appearances, added length of processing time, changes in the number of preliminary hearings, and other features of these cases which are described in this report.

Many people from a variety of organizations participated in this project.

The workshop participants included:

Presiding Municipal Court Judge Paul C. Cole led the effort, organized the workshop and chaired the meetings. Judge Rodney J. Stafford participated in planning meetings and in the workshop, itself.

Staff from the Office of the District Attorney included; Al Weger, Assistant District Attorney, Richard Beard, Supervising Deputy District Attorney, and Janice Doi, Deputy District Attorney.

Staff from the Office of the Public Defender included; Woody Nedom, Chief Assistant Public Defender, Ron Norman, Assistant Public Defender, John Breidenthal, Deputy Public Defender.

Carleen Arlidge, Executive Director, Conflicts Administration, represented that Office.

Susan M. Myers, Chief Administrative Officer/Clerk, Jose Esteves, Information Systems Specialist, and Debra Hodges, Deputy Administrator, Court Services, attended the workshop as observers.

Bob Cushman, Justice System Specialist, Center for Urban Analysis, Office of the County Executive, recorded information which would support the analysis and report writing which followed the workshop.

Other Court Administration staff provided behind the scenes assistance:

Jose Esteves, Information Systems Specialist identified the relevant Municipal Court dockets and facilitated staff support within the Municipal Court. Mary Montoya Assistant Chief Administrative Officer/Clerk, coordinated efforts to incorporate a basis for estimating interpreter and transcriber workload in the study. Debra Hodges, Deputy Administrator, Court Services, provided important information about the processing of cases in Municipal Court.

Bob Cushman, Justice Systems Specialist from Center for Urban Analysis (CUA), a unit within the Office of the County Executive, provided the staff work, helped organize the study, analyzed the data and wrote the report. He was assisted by Michelle Cianciarulo of the CUA.



EXECUTIVE SUMMARY

This report presents an assessment of the expected impact on the Santa Clara County Municipal Court of AB971 (Jones), the law commonly known as "3 Strikes, You're Out". The report presents statistical information augmented by the results of a workshop in which Presiding Municipal Court Judge Paul C. Cole and representatives from the prosecution and defense applied estimates of case processing changes to a scientifically drawn sample of "typical" one, two and three-strike cases.

The workshop also served to bracket the range of estimates of off-sets in the expected additional workload of the Municipal Court if all, or a portion, of the three-strike cases are presented to the Grand Jury for Indictment and processed in the Superior Court. This information is contained in Summary Table A.

THE RESULTS

If 1994 is like 1992, the Municipal Court can be expected to send 2,315 strike cases to the Superior Court for trial or sentencing. But, as they make their way through the Municipal Court process, these strike cases will impact the court in many ways:

There Will Be An Increased Number of Appearances

- These 2,315 strike cases will make an estimated 17,200 appearances in Municipal Court, or an average of 7.4 appearances per case. This is a 17% increase over the number of appearances that were required by these dockets in 1992. (Table 4)

The Case Processing Times Will Increase

- The 2,315 strike cases will require a total estimated 143,145 days, an average of 61.8 days, to move through the Municipal Court process. This is

a 21% increase over the number of processing days that were required in 1992. (Table 6)

The Number of Preliminary Hearings Will Increase

- In 1992, 56% of the "strike" dockets had a preliminary hearing. This is expected to increase to 67% of strike cases in 1994. The raw number of strike dockets requiring preliminary hearings is expected to increase from 1,295 to 1,557, or by 20%. (Table 15)

The Amount of Time Spent on Preliminary Hearings Will Increase

- Because of the increase in the number of preliminary hearings which is expected, the total number of hours which will be required to conduct preliminary hearings for the strike cases will increase by an estimated 20%. (Table 18)

The Preliminary Hearings Will be Longer

- In addition, preliminary hearings are also expected to take longer. The combination of additional preliminary hearings and additional time for conducting each preliminary hearing will increase the number of additional hours which must be devoted to preliminary hearings for the strike cases by 55%. (Table 18)

THE PROJECT DEVELOPED ADDITIONAL USEFUL INFORMATION:

The Report Explores the Relationship Between Case Processing Times and Number of Appearances

- The report shows how case processing times increase as the number of appearances increases. The tables provide important baseline information about these two measures of case processing. (See Tables 2 and 7).



The Report Provides a Basis for Estimating Increased Workload for Interpreters and Transcription Services

- Information which describes the increase in the number of hearings, especially the number of preliminary hearings, and the expected number of increased hours to conduct preliminary hearings, will provide the Municipal Court with a basis for calculating increases in workload for interpreters, transcription services and other court services which are tied either to the number of hearings, the length of the hearings, or the duration of case processing.

The Report Explores Case Processing of Three Broad Classifications of Cases

- Cases which plead guilty in Municipal Court and are Certified to Superior Court for sentencing are compared with cases which plead not guilty in Municipal Court and are sent to Superior Court for trial. The report provides baseline information about the differences in the number of appearances and number of processing days. (See Table 8 and 9)

Similar information is provided to compare cases which had a preliminary hearing with those that did not (See Tables 15 through 17); and cases that were classified as Informations are compared with cases which were certified to Superior Court for sentencing. (See Tables 19 through 21) Separate estimates of the number of appearances and processing days are presented for these classifications of the dockets. These estimates generally confirm the estimates which are made for the group as a whole. (See Summary Table B)

The Relationship of Strike Dockets with Other Associated Dockets is Explored

- The 2,315 strike cases had an average of 0.3 other associated dockets. These matters usually trailed the strike case and were adjudicated after the strike case. The report describes the number of appearances, processing times, the initial hearing type and disposition of these "other associated dockets". (See Tables 10 through 13 The "strike" defendants may, in addition, have had other cases pending. The study did not attempt to locate and count the number of other cases.

The Municipal Court Location of Filing and Location of Appearance were Determined

- Because there are several Municipal Court Facilities, and transportation of prisoners and court security are a concern, data about the location of filing and of appearance for strike dockets and the "other associated dockets" gives a beginning look at the strike related workload which can be expected at each Municipal Court location. (See Tables 22 through 24)

The report begins with a short introduction, followed by 24 tables. These tables are augmented by explanatory text to guide the reader through the analysis. A detailed table of contents should help the reader locate specific sections of information which may be of special interest. A Glossary is located at the end of the report.

The results are summarized in the following two tables.



**Summary Table A:
Summary of Expected Impacts on the Municipal Court**

Measure	If all Strike Cases are Processed through Municipal Court	If all 3-Strike Cases are Presented to the Grand Jury
A. ALL DOCKETS:		
1. Expected Number of Strike Dockets Moving From Muni to Superior Court and eventually sentenced in Superior Court (See Table 1)	2,315	2,080
2. Number of Appearances in Muni Court (See Table 4)		
Increase in Number:	2,480	615
Increase in Percent:	17%	4%
3. Number of Processing Days in Muni Court (See Table 6)		
Increase in Number:	24,800	9,952
Increase in Percent:	21%	8%
B. PRELIMINARY HEARINGS		
1. Dockets W/and W/O Preliminary Hearings (See Table 17)		
Increase in Number of Appearances:	2,477	612
Percent Increase in # of Appearances:	17%	4%
2. Dockets W/and W/O Preliminary Hearings (See Table 17)		
Increase in Processing Days:	26,768	11,920
Percent Inc. in Processing Days:	23%	10%
3. Dockets Requiring Preliminary Hearings (See Table 15)		
Increase in Number:	262	74
Increase in Percent:	20%	6%
4. Dockets Requiring Preliminary Hearings (See Table 17)		
Increase in Number of Appearances:	3,518	3,002
Percent Increase in # of Appearances:	42%	36%



**Summary Table A:
Summary of Expected Impacts on the Municipal Court (Continued)**

Measure	If all Strike Cases are Processed through Municipal Court	If all 3-Strike Cases are Presented to the Grand Jury
5. Dockets Requiring Preliminary Hearings (See Table 17) Increase in Processing Hours: Percent Increase in Processing Time:	 33,528 47%	 20,936 30%
6. Additional Hours Required for: (See Table 18) Increased # of Preliminary Hearings: Increase in Percent:	 131 20%	 37 6%
7. Increase in Number of Hours for: (See Table 18) Increased # and Added Time: Increase in Percent:	 359 55%	 171 26%
C. INFORMATION/CERTIFICATION		
1. Dockets W/Certification or Information (See Table 21) Increase in Number of Appearances: Percent Increase in # of Appear:	 2,036 14%	 133 1%
2. Dockets W/Certification or Information (See Table 21) Increase in Number of Processing Days: Percent Increase in # Processing Days:	 16,993 14%	 4,816 4%



**Summary Table B:
Summary Comparison**

Estimated Number of Appearances and Processing Times				
Basis of Estimate	Increased Appearances		Increased Process Times	
	Number	Percent	Number of Hours	Percent
All Strike Cases	2,480	17%	24,800	21%
Dockets W/ and W/O Preliminary Hearings	2,477	17%	26,768	23%
Dockets W/ and W/O Certification or Information	2,036	14%	16,993	14%





INTRODUCTION

This report has been prepared to assist the Santa Clara County Municipal Court and other county agencies to begin to "size" the potential impact of AB971 (Jones), commonly known as "3-strikes, You're Out".

It is a companion report to an earlier effort which examined the impact of the three-strikes legislation on the Santa Clara justice system, generally.¹

This effort takes a more focused look at the impact on the Municipal Court itself.

The Method: The Sample

Like the earlier report, the opportunity to conduct this study was created by the availability of a scientifically selected sample of felony defendants who were sentenced in 1992.

The sample came from previous research conducted by National Association of Criminal Justice Planners (NACJP). This sample was made available to Santa Clara County by the NACJP. During the summer of 1994, it was used to examine the processing of cases at the Superior Court level.

The strike classification of the cases in the 1992 sample was determined by an expert at the Office of the District Attorney. The idea was to determine how many strikes each case would have had if it were being adjudicated under the new three-strikes law. Thus each case in the sample was allocated to one of five strike classifications: a) no strikes; b)

One-strike, meaning the current case involved a serious or violent felony; c) One+² strike, which was used to designate one-strike cases with multiple strike counts. d) Two-strike cases; and e) Three-strike cases. This provided baseline data which describes how 1992 cases would have been categorized had AB971 then been in effect. It forms the basis of comparison, or baseline, against which changes in processing under the three-strike legislation can be assessed.

In preparation for the current project, staff at the Municipal Court were able to successfully link the Superior Court docket numbers from the 1992 sample back to the Municipal Court dockets that represent the original felony dockets in the NACJP sample. This provided the Municipal Court with a carefully drawn sample of cases to make this study possible.

The Method: The Workshop

Key justice system personnel met together to think out how these cases would have been processed differently had the three-strike law been in effect. Two Municipal Court judges and experienced prosecution and defense representatives reviewed the cases.

Unlike the earlier exercise, in which individual cases were examined, this workshop examined classes of cases. Gradually, certain "rules of thumb" and assumptions were developed and agreed upon, through a general consensus. These assumptions are referred to throughout the report but can be summarized here, as follows:

1. See Assessing The Impact Of AB971 'Three-strikes, You're Out' On The Justice System In Santa Clara County, California; Center for Urban Analysis, Office of the County Executive, August 10, 1994.

2. Throughout this report, One+ is used to designate one-strike cases with multiple strike counts.



1. Two and three-strike dockets will require an average of two additional appearances under the three-strike legislation.

Investigating priors, both local and out-of-state priors, and waiting for transcripts of the verbatim record of pleas and sentences were the most frequently mentioned reasons for the need for additional time and additional hearings. Expectations that cases be moved according to strict processing time guidelines may create situations where appearances will be set but result in a need for a continuance.

2. Two and three-strike dockets will require an average of twenty extra processing days. The extra days are also related to the time required to investigate priors and in waiting for the preparation, transmittal and review of transcripts. This is also an estimate of how much longer a case will take if it has two additional hearings.

3. Approximately 80% of the dockets will require a preliminary examination.

Fewer two and three-strike defendants are expected to plead guilty at the Municipal Court level. These defendants will require and receive a preliminary hearing.

4. Approximately 80% of the two and three-strike defendants will be sent to Superior Court for arraignment on an Information.

This estimate presages a dramatic increase in cases going to trial in Superior Court.

5. Preliminary hearings for two-strike cases will take an average of ten minutes longer; three-strike cases will take an average of thirty minutes longer, assuming they are adjudicated at the Municipal Court level.

Some lawyers may feel the stakes are so high

that they should leave no stone un-turned. They will ask more questions. More witnesses will be called, and so forth. Section 17 motions to reduce felonies to misdemeanors - the so called "wobblers" - will take time.

6. An unknown proportion of three-strike dockets will be presented to the Grand Jury.

This will immediately move the three-strike dockets to the Superior Court level and reduce the number of appearances at the Municipal Court level. (The participants believed that an average of two appearances in the Municipal Court would still be required.)

Workshop participants estimated that as many as 95% of the three-strike dockets would be presented to the Grand Jury. In actual practice, about half of the three-strike dockets were being presented to the Grand Jury at the time the workshop was held. For this reason, the report presents estimates at either extreme: that is, as if all three-strike dockets are presented to the Grand Jury; and as if none of the three-strike dockets is presented to the Grand Jury. This should provide the range of estimates that is needed to model Municipal court workload changes for any given rate at which these dockets are presented to the Grand Jury.

These assumptions were then applied to the 1992 baseline data and comparisons were made between how they were actually adjudicated in 1992 and how they would have been expected to be adjudicated if the three-strike legislation had been in effect. These comparisons are presented in the next section of this report.



THE ANALYSIS

This section of the report presents baseline information about the 1992 sample and presents estimates of how these cases would have been adjudicated differently if the 3-strike law had been in effect at that time.

Twenty-four tables appear in this section of the report. Each table is accompanied by an explanatory narrative. Together, they present the detailed information which supports the summary analysis section of the report.

Note to the reader: Some of the terms used in this report may be new or need definition. A Glossary of Terms appears at the end of the report.

The Sample

Table 1 displays the number of Municipal Court dockets in the sample, by strike classification, and shows the number of dockets that the sample represents for each strike class.

**Table 1:
Strike Cases
Number in Sample and Total Number of
Municipal Court Dockets**

Number of Strikes	Sample	Number of Dockets
No Strike	176	6,080
One-strike	63	920
One+	16	155
Two	41	1,005
Three	14	235
All Strike		2,315
Total	310	8,395

The Municipal Court reports that 11,960 felony cases were filed in Municipal Court in calendar 1992. The table shows that 8,395 defendants were eventually sentenced on felony matters, and of these, 2,315 (28%) would have been strike cases.

Characteristics of the Defendants

The characteristics of the defendants are reported in a previous report³. This information is not repeated here. The reader should refer to the previous report for information concerning the characteristics of the defendants; that is: offense, age, sex, ethnicity, prior felony convictions, and the type and length of their felony sentences.

Number of Appearances

One important measure of Municipal Court activity is the number of appearances involved in processing each docket. This subject is addressed in tables 2, 3 and 4. Tables 2 and 3 provide baseline data concerning the number of appearances in 1992. Table 4 provides estimates for 1994 (annualized.)

3. See Assessing The Impact Of AB971 'Three-strikes, You're Out' On The Justice System In Santa Clara County, California; Center for Urban Analysis, Office of the County Executive, August 10, 1994.



Table 2 shows that the 2,315 dockets involving strike cases required from two to eighteen appearances to move through the Municipal Court process and that a total of 14,720 appearances were required. (The number of appearances was obtained from the CJIC screen JCQD.)

**Table 2:
Number of Appearances in Municipal Court**

Number of Appearances (Column 1)	Number of Municipal Court Dockets (Column 2)	Total Number of Appearances (Col. 1 X Col. 2)
Two	10	20
Three	255	765
Four	410	1,640
Five	540	2,700
Six	280	1,680
Seven	180	1,260
Eight	155	1,240
Nine	140	1,260
Ten	40	400
Eleven	115	1,265
Twelve	80	960
Thirteen	65	845
Fourteen	30	420
Seventeen	5	85
Eighteen	10	180
Total	2,315	14,720

The table provides the foundation for conducting additional analysis. For example, summing the first four rows of the table shows 52% (1,215) of what would have been strike cases made their way through the Municipal Court with five or fewer appearances, and consumed only 35% (5,107) of the appearances. At the other extreme are 8% of the dockets (190 dockets) which required twelve or more appearances and consumed 17% (2,490) of the total appearances.

Table 3 provides baseline information showing the average number of appearances for what would have been strike cases in the 1992 sample. On average, the strike cases required 6.4 appearances in Municipal Court. What would have been three-strike cases required the most time, an average of 7.9 appearances. The One+ dockets also required more than the average number of appearances, probably because of the multiple strike counts which made them more complicated matters to adjudicate.

**Table 3:
Number of Appearances, by Strike Classification, 1992**

Number of Strikes	Number of Dockets	Total Number of Appearances	Average Number of Appearances
One	920	5,925	6.4
One+	155	1,200	7.7
Two	1,005	5,730	5.7
Three	235	1,865	7.9
All Strikes	2,315	14,720	6.4



Table 4 compares the 1992 baseline information with the results which were arrived at during the Municipal Court workshop at which the participants used their professional, expert opinion to estimate which dockets would have required additional appearances if the 3-strike legislation had been in effect. These new estimates are presented as annualized 1994 estimates.

After considerable discussion, the participants at the workshop reached a consensus that the two and three-strike dockets would require an average of two additional appearances as a result of the 3-strikes legislation. This would increase the total number of appearances from 14,720 to 17,200, or by 17%. As shown in Table 4, this expected increase is entirely created by an increase in appearances by two and three-strike cases

If all the three-strike cases are presented to the Grand Jury, many of the appearances required of the three-strike cases would be avoided. But, even if the 3-strike cases were presented to the Grand Jury, the group came to an agreement that there would still be a need for an average of two appearances at the Municipal Court level. This would reduce the expected total number of appearances by 1,865, or from 17,200 to 15,335. This still represents a net four percent increase in the number of appearances over 1992. It is unlikely that all the three-strike cases will be presented to the Grand Jury, but the range of the estimates of the number of increased appearances - from a 17% increase if none of them go, to a 4% increase if all of them go - provides the range of estimates of the expected number of appearances in 1994 (annualized).

**Table 4:
Number of Appearances, By Strike Classification, 1992 and 1994 Estimated**

Number of Strikes	Number of Dockets	Total Number of Appearances		Average Number of Appearances	
		1992 Actual	1994 Estimated	1992 Actual	1994 Estimated
One	920	5,925	5,925	6.4	6.4
One+	155	1,200	1,200	7.7	7.7
Two	1,005	5,730	7,740	5.7	7.7
Three	235	1,865	2,355	7.9	9.9
All Strikes	2,315	14,720	17,200	6.4	7.4
<p>Notes: Assumes two additional appearances for two and three-strike cases.</p> <p>According to this measure, presenting all three-strike cases to the Grand Jury would reduce the expected number of 1994 appearances in Municipal Court by 1,865 appearances.</p>					



Processing Days Per Docket

The number of days it takes from first appearance to the end of the Municipal Court process is another important measure of workload and, particularly, of the pace at which cases move through the Municipal Court. This subject is addressed in tables 5 and 6.

Table 5 presents the number of processing days and the average number of processing days, by strike classification. The number of processing days was defined as the running number of days from first appearance, normally an arraignment, to the end of case aging. No time was eliminated because the case was not available for processing.

**Table 5:
Number of Processing Days, by Strike Classification, 1992**

Number of Strikes	Number of Dockets	Number of Processing Days	Average Number of Processing Days
One	920	43,380	47.2
One+	155	12,615	81.4
Two	1,005	48,630	48.4
Three	235	13,720	51.1
All Strikes	2,315	118,345	51.1

The table shows the strike cases required a total span of 118,345 processing days in 1992. It took an average of 51.1 days to process them through the Municipal Court. It took longer to process the complicated but relatively small number of what would have been One+ strike cases. The average processing times for the other one, two or three-strike dockets are similar.

Table 6 compares the 1992 baseline information with the results which were arrived at during the Municipal Court workshop to estimate which dockets would have required additional processing time if the 3-strike legislation had been in effect. These new estimates are presented as annualized 1994 estimates.

The participants at the workshop reached a general consensus that the two and three-strike dockets would require an average of twenty additional processing days as a result of the 3-strikes legislation. This would increase the total number of processing days from 118,345 to 143,145 and the average number of processing days from 51.1 days to 61.8 days. Both the increase in the total number of processing days and the increase in the average represent a 21% increase.

Much of the processing time required for the three-strike cases would be unnecessary if all the three-strike cases are presented to the Grand Jury. But, even if that happened, the group participating in the workshop believed there would still be a need for an average of two appearances in Municipal Court. According to the baseline data provided in Table 7, this can be expected to absorb an average of about 15.2 processing days.



Thus, if all the three-strike dockets are presented to the Grand Jury, the total expected number of processing days in Municipal Court would be reduced by an estimated 14,848 days, or from 143,145 down to 128,297 processing days. This is still an 8% increase over the number of processing days in 1992 (118,345 days).

Estimates of the number of three-strike cases that can be expected to be presented to the Grand Jury vary. But the range of the estimates of the increase in the number of processing days in Municipal Court - from a 21% increase if none of them goes, to an 8% increase if all of them go - provides the range of estimates of the expected increase in the number of processing days which can be expected in 1994 (annualized).

**Table 6:
Number of Processing Days, by Strike Classification, 1992 and 1994 Estimate**

Number of Strikes	Number of Dockets	Total Number of Processing Days		Average Number of Processing Days	
		1992 Actual	1994 Estimated	1992 Actual	1994 Estimated
One	920	43,380	43,380	47.2	47.2
One+	155	12,615	12,615	81.4	81.4
Two	1,005	48,630	68,730	48.4	68.4
Three	235	13,720	18,420	58.4	78.4
All Strikes	2,315	118,345	143,145	51.1	61.8

Notes: Assumes an additional 20 processing days for two and three-strike cases.

According to this measure, presenting all the three-strike cases to the Grand Jury would reduce the estimated number of processing days required of the Municipal Court in 1994 by an estimated 14,848 processing days.



Relationship Between the Number of Appearances and Processing Times

Table 7 shows the relationship between the number of appearances and processing times. Note the average length of processing time increases with the number of appearances. For example, the dockets which moved through the Municipal Court with four appearances in 1992 took an average of 22.8 days; those with nine appearances took an average of 76.9 days.

Excluding the lowest and largest numbers of appearances (2&3, 10-18) provides an average of 10.3 days in processing time for every additional

appearance required. This might be used as a “rule of thumb”, but it should be used carefully because there is much variation. This “rule of thumb” echoes and validates the estimate made by participants at the workshop when they estimated two additional hearings would consume about 20 days.

The table provides the foundation for conducting additional analysis. For example, the 190 dockets (8%) that took from 12 to 18 appearances required 2,490 or 17% of the number of appearances and 22,940, or 19% of the total processing time. Separate examination of the circumstances surrounding these dockets might produce ideas which could reduce their long processing times.

**Table 7:
Relationship Between Number of Appearances and Processing Times, 1992**

Number of Appearances	Number of Dockets	Total Number of Appearances	Average Number of Appearances	Total Process Time (days)	Average Process Time (days)	Increase in Average Process Time (days)
2/3	265	785	3.0	4,025	15.2	-
four	410	1,640	4.0	9,360	22.8	7.6
five	540	2,700	5.0	20,400	37.8	15.0
six	280	1,680	6.0	11,875	42.4	4.6
seven	180	1,260	7.0	11,965	66.5	24.1
eight	155	1,240	8.0	9,705	62.6	-3.9
nine	140	1,260	9.0	10,770	76.9	14.3
10/11	155	1,665	10.7	17,305	111.6	n/a
12 to 18	190	2,490	13.1	22,940	120.7	n/a
Total	2,315	14,720	6.4	118,345	51.1	10.3



Three Categories of Strike Dockets

There are three broad categories of cases that passed through the Municipal Court in 1992 and then moved on to the Superior Court where they received felony sentences. This subject is addressed in Tables 8 and 9.

The first group consisted of 975 cases in which the defendant pled not guilty, went through a preliminary hearing, was held to answer and was arraigned on an Information filed in Superior Court. (See Table 8)

The second group consisted of 320 cases in which the defendant originally pled not guilty, received a date for a preliminary hearing but, on the date set for the preliminary hearing, entered a plea of guilty and was Certified to the Superior Court for sentencing. (See Table 8)

The third group consisted of 1,020 defendants who entered a plea of guilty in Municipal Court prior to the setting of a preliminary hearing. They were then Certified to Superior Court. (See Table 8)

Note to the reader a Glossary of Terms appears at the end of the report. Please refer to the Glossary for definitions of terms used in this section.

**Table 8:
Three Categories of Strike Dockets-Number of Dockets, 1992**

Number of Strikes	Number of Dockets	Certified Pled Guilty at Preliminary Hearing	Certified Pled Guilty Before Preliminary Hearing Set	Information Had Preliminary Hearing Pled Not Guilty
One	920	90	465	365
One+	155	20	45	90
Two	1,005	190	445	370
Three	235	20	65	150
All Strikes	2,315	320	1,020	975



Table 9 presents the total and average number of appearances and processing times for these three broad categories of cases. Clear differences appear in their processing characteristics.

The table shows the 1,020 cases that pled guilty in Municipal Court and were certified to Superior Court for sentencing had the shortest average number of appearances (6.0 appearances) and the shortest average processing time (45.1 days). This class of cases will be much smaller under the 3-strikes legislation because fewer pleas of guilty and more preliminary hearings are expected.

In contrast, the 320 cases that took the longest were cases in which there was an original not guilty plea, in which a preliminary hearing was set, and in which the defendant entered a guilty plea on the day of the preliminary hearing. These

cases had an average of 7.3 appearances, or 14% more than the average (6.4) number of appearances, and averaged 72.2 processing days, 42% longer than the average (51.1 days). These cases are also expected to be reduced in number under the 3-strikes legislation.

The 975 cases in which the defendants plead not guilty, had a preliminary court hearing and were held to answer and arraigned on an Information in Superior Court, mirrored the average number of appearances and average number of processing days for the strike cases as a whole. The number of cases in this category is expected to be much larger under the 3-strikes law.

**Table 9:
Three Categories of Strike Dockets-Number of Appearances and Processing Times, 1992**

Category	Number of Dockets	Number of Appearances	Average Number of Appearances	Number of Processing Days	Average Number of Processing Days
Certified - Pled Guilty at Preliminary Hearing	320	2,345	7.3	23,100	72.2
Certified - Pled Guilty Before Preliminary Hearing Set	1,020	6,095	6.0	46,020	45.1
Information - Had Preliminary Hearing. Pled Not Guilty	975	6,280	6.4	49,225	50.5
All Strike	2,315	14,720	6.4	118,345	51.1



Other Associated Municipal Court Dockets

Many of the strike cases had other Municipal Court Dockets associated with them. These associated dockets are defined as dockets which have the same CEN (CJIC Entry Number), essentially, the same booking number. Normally, these other associated dockets “trail” the strike case. Once the strike case is settled in some way, the justice system turns to the task of disposing of the trailing “other associated dockets.”

In addition, the strike cases may have had additional *cases*, pending, either Superior Court or Municipal Court cases, at some stage of the judicial process. It is important to draw a distinction between other *cases* and other *dockets* which are associated with the strike CEN. The analysis did not attempt to identify the number of additional *cases*, but it did seek to find out how many other *dockets* were associated with the CEN, that is, with the strike docket.

Tables 10 through 13 present information about these “Other Associated Dockets.”

Table 10 presents the number of other associated dockets and the average number of associated dockets by strike classification.

There were a total of 780 strike dockets that had other associated dockets, about 34% of the 2,315 strike dockets. On average, this is about 0.3 other associated dockets for each strike dockets. In other words, for every three-strike dockets, there was one other associated docket.

The three-strike cases were the least likely to have an other associated docket. One out of every two 2-strike dockets had an associated docket.

**Table 10:
Number of Strike Cases With
Other Associated Municipal Court Dockets**

Number of Strikes	Number of Dockets	Number of Other Associated Dockets	Average Number of Associated Dockets
One	920	210	.2
One+	155	85	.5
Two	1,005	455	.5
Three	235	30	.1
All Strikes	2,315	780	.3



Table 11 describes the number of appearances for the other associated dockets. It shows the other associated dockets required a total of 2,890 appearances in Municipal Court, and averaged 3.7 appearances. Note these other associated dockets are disposed of with fewer appearances than the strike dockets with which they were associated (6.4 appearances - see table 4).

**Table 11:
Number of Appearances
Strike Dockets With Other Associated Dockets**

Number of Strikes	Total	Number of Appearances	Average Number of Appearances
One	210	595	2.8
One+	85	515	6.1
Two	455	1,740	3.8
Three	30	40	1.3
All Strikes	780	2890	3.7

The 2-strike dockets illustrate the court security concern the Municipal Court has expressed: what would have been 455 2-strike dockets generated 1,740 appearances or 3.8 appearances on other associated dockets.

Table 12 provides a description of the initial hearing type for each of the other associated dockets. This provides an indication of the kind of case which came before the Court. The majority, 520 cases, or 67%, had an arraignment as their first appearance. The remainder were brought before the Court to clear up some form of bench warrant. While not shown here, 280 or 36% of these other associated dockets were traffic matters (See Table 24)

**Table 12:
Initial Hearing Type for Other Associated Dockets**

Hearing Type	Number of Associated Dockets
ARR (Arrestment)	520
BWFTP (Bench Warrant - Failure to Pay)	120
BWFTA (Bench Warrant - Failure to Appear)	95
BWARR (Bench Warrant - Hearing and Arrestment)	45
Total	780



Table 13 shows the disposition or result/outcome of the other associated dockets. Misdemeanor level Guilty pleas account for 450, or 58% of the total. Nolo Contendere added another 50 dockets, or 6% of the other associated dockets. The dockets which are associated with informations or certifications are dockets which moved through the Municipal Court to the Superior Court level (60 + 150 = 210, or 27%). About 9% of the dockets (70) were dismissed at the Municipal Court level.

**Table 13:
Disposition or Result/Outcome of
Other Associated Dockets**

Disposition	Number of Associated Dockets
Guilty Plea	450
Nolo	50
Dismissed	70
Certification	60
Information	150
Total	780



OTHER WAYS OF ANALYZING THE STRIKE CASES

So far, the strike dockets have been examined in terms of their strike classification, and the three broad groupings of cases which pled or did not plead guilty at the Municipal Court level.

In addition to examining these cases according to their strike classification, or these three broad categories, there are two other ways in which they can be classified and examined. First, they can be classified in terms of whether or not they had a preliminary hearing; Secondly, they can be classified in terms of whether the final Municipal Court disposition resulted in arraignment on an Information in Superior Court, or Certification to Superior Court for sentencing. The following tables present these analyses.

Tables 14 through 18 provide information about the 2,315 strike dockets and their classification according to whether or not they had a preliminary hearing. Tables 19 through 21 explore the dockets in terms of their classification as Informations or Certifications.

Preliminary Hearing - Number of Preliminary Hearings

Table 14 presents information about the number of strike dockets that had or did not have a preliminary hearing. It shows that 1,295 or 56% of the dockets required a preliminary hearing in 1992.

**Table 14:
Number of Dockets With and With Out Preliminary Hearings By Strike Classification**

Number of Strikes	Total	Had a Preliminary Hearing	Had No Preliminary Hearing
One	920	455	465
One+	155	110	45
Two	1,005	560	445
Three	235	170	65
All Strikes	2,315	1,295	1,020
Note: "Had a preliminary hearing" group included 320 cases where defendant pled guilty at the preliminary hearing and 925 defendants that pled not guilty. See Table 9.			

Table 15 extends the data in Table 14 to show the additional number of preliminary hearings which can be expected if these 1992 dockets were to be adjudicated under the 3-strikes legislation.

The participants at the workshop reached a general consensus that 80% of the two and three-strike cases would require a preliminary hearing under the new legislation. This means the total number of strike dockets requiring preliminary hearings would increase from 1,295 to 1,557 dockets of the total 2,315 dockets, or by 20%.



**Table 15:
Number of Dockets With and Without Preliminary Hearings, 1992 and 1994 Estimate**

Number of Strikes	Total	Had a Preliminary Hearing		Had No Preliminary Hearing	
		1992 Actual	1994 Estimated	1992 Actual	1994 Estimated
One	920	455	455	465	465
One+	155	110	110	45	45
Two	1,005	560	804	445	201
Three	235	170	188	65	47
All Strikes	2,315	1,295	1,557	1,020	758

Notes: Assumes 80% of two and three-strike cases have a preliminary hearing in 1994.
Presenting all the three-strike cases to the Grand Jury would eliminate the need for an estimated 188 preliminary examinations in Municipal Court.

If all three-strike cases are presented to the Grand Jury for Indictment, the number of expected preliminary hearings (1,557) can be expected to be reduced by 188 or to 1,369. This would result in a 6% increase in the number of preliminary hearings over 1992.

Thus, if none of the 3-strike cases is presented to the Grand Jury a 20% increase in the number of preliminary hearings would be expected. If all the 3-strike cases were sent to the Grand Jury, the expected number of preliminary hearings will increase by 6%



Preliminary Hearings - Number of Appearances and Processing Time

This method of classifying the dockets produced slightly different estimates for the number of appearances and processing times (See Summary Table B), but the differences are not large.

Table 16 displays the number of appearances and processing time required by the 2,315 Municipal Court dockets in 1992, by whether or not they had a preliminary hearing. The 1,295 dockets that required a preliminary hearing had a larger average number of appearances (6.5 appearances) than the dockets which did not have preliminary hearings (6.2). The number of days from first appearance to end of case aging in Municipal Court was also longer for the dockets which had preliminary hearings (55.3 days) than for the dockets which did not have preliminary hearings (45.8 days).

**Table 16:
Number of Appearances and Processing Times for Dockets With and Without a Preliminary Hearing, 1992**

Preliminary Hearing yes/no	Number of Dockets	Number of Appearances	Average Number of Appearances	Number of Processing Days	Average Number of Processing Days
Yes	1,295	8,435	6.5	71,635	55.3
No	1,020	6,285	6.2	46,710	45.8
Total	2,315	14,720	6.4	118,345	51.1



Table 17 provides the information which is needed to determine the additional number of appearances and processing days which would have been required if these calendar 1992 dockets had been adjudicated with the 3-strike legislation in effect.

It assumes the two and three-strike dockets would have required two additional hearings and an extra 20 processing days.

The total number of appearances would increase from 14,720 to 17,197, an increase of 17%. The average number of appearances would be expected to increase from 6.4 appearances to 7.4 appearances, also a 17% increase.

Because more preliminary hearings are expected, the figures for the dockets which will require preliminary hearings in the future show much larger increases: the total number of appearances for dockets which require a preliminary hearing would increase from 8,435 to 11,953 and the average number of appearances from 6.5 appearances to 9.2 appearances. This is a 42% increase.

The total number of processing days would increase from 118,345 to 145,113, an increase of 23%. The average number of processing days would be expected to increase from 51.1 days to 62.7 days. This is also an increase of 23%.

**Table 17:
Number of Appearances and Processing Times for Dockets With and Without a Preliminary Hearing, 1992 Compared to Estimate for 1994**

Preliminary Hearing yes/no	Number of Dockets		Number of Appearances		Average Number of Appearances		Number of Processing Days		Average number of Processing Days	
	1992	1994	1992	1994	1992	1994	1992	1994	1992	1994
Yes	1,295	1,557	8,435	11,953	6.5	9.2	71,635	105,163	55.3	67.5
No	1,020	758	6,285	5,244	6.2	5.1	46,710	39,950	45.8	52.7
Total	2,315	2,315	14,720	17,197	6.4	7.4	118,345	145,113	51.1	62.7

Notes: Assumes an average of two additional appearances and an average of twenty additional processing days for two and three-strike cases.

According to this measure, presenting all the three-strike cases to the Grand Jury will eliminate the need for the Municipal Court to provide an estimated 1,865 appearances and an estimated 14,848 processing days in 1994.



Again, because additional hearings and more preliminary hearings are expected, the processing time for dockets which require a preliminary hearing will increase dramatically, from 71,635 processing days to 105,163 processing days, or from an average of 55.3 days to an average of 67.5 days. This is a 47% increase in the processing time of dockets which require a preliminary hearing.

For dockets on which preliminary hearings are held, the number of appearances is expected to increase from 8,435 to 11,953, or by 42%, if all the three-strike cases are processed through the Municipal Court, and by 3,002 appearances, or 36%, if they are presented through the Grand Jury. The comparable figures for the number of processing days are 33,528 processing days, or 47%, and 20,936 processing days, or 30%.

The total row figures must also be adjusted to the extent that the three-strike dockets are presented to the Grand Jury. If all three-strike cases are presented to the Grand Jury it will eliminate the need for the Municipal Court to provide an estimated 1,865 appearances and an estimated 14,848 processing days in 1994 (annualized).

In summary, the range of estimates for the increase in the total number of appearances is expected to be 2,477 more appearances, or a 17% increase in the number of appearances, if all the two and three-strike cases are processed through the Municipal Court, and 612 more appearances, or a 4% increase in the number of appearances, if all of the three-strike dockets are presented to the Grand Jury. The comparable figures for the number of processing days is 23% and 10%.

Preliminary Hearings - Additional Time

The length of the preliminary hearing, itself, is expected to be longer under the three-strikes legislative framework. Table 18 presents information which compares the 1992 requirements with what would be expected in 1994, if these cases were being adjudicated under the 3-strikes legislation.

The assumptions are that a preliminary hearing averaged one-half hour in 1992 and that this will continue for the One-strike and One+ strike dockets. The participants at the workshop estimated that the preliminary hearing for two-strike dockets could extend an average of ten additional minutes, or to about 40 minutes, and that the length of the three-strike preliminary hearings would take another thirty minutes, or sixty minutes total.

Using these assumptions provides the estimates which appear in Table 18. They show that if the length of the preliminary hearing remains unchanged, the larger number of preliminary hearings will make the number of hours devoted to preliminary hearings increase from 648 hours to 779 hours. This means it is expected to take 20% more hours to conduct the preliminary hearings for all strike dockets, even if the duration of those hearings remains unchanged. If the three-strike cases are routed to Superior Court through the Grand Jury, the increase in the number of hours required to conduct the preliminary hearings of the remaining strike cases in Municipal Court drops to 6% over 1992.



**Table 18:
Additional Time Devoted to Preliminary Hearings, 1992 Compared to 1994 Estimates**

Number of Strikes	Number of Preliminary Hearings		Hours If Same Length		Hours If New Length
	1992	1994	1992	1994	1994
One	455	455	228	228	228
One+	110	110	55	55	55
Two	560	804	280	402	536
Three (3)	170	188	85	94	188
All Strikes	1,295	1,557	648	779	1,007

Notes: "Hours If Same Length" is the number of preliminary examinations times 1/2 hour, the estimated average time for a preliminary examination in 1992.

"Hours If New Length, 1994" is the number of preliminary examinations times 40 minutes in duration for two-strike cases and 60 minutes in duration for three-strike cases.

Presenting all three-strike cases to the Grand Jury would reduce the total estimated time which will be devoted to preliminary hearings (1,007 hours) by an estimated 188 hours.

The anticipated changes in the duration of the preliminary hearing further increases the estimated time it will take to conduct preliminary hearings. An estimated 1,007 hours will be required. This is a 55% increase in the number of hours which is expected to be devoted to preliminary hearings for the strike cases. The increase does not anticipate any change in the duration or number of preliminary hearings for One or One+ strike cases. All of this increase is due to the greater amount of time needed to process 2 and 3-strike dockets now than in 1992, before the passage of AB971.

Presenting the three-strike cases to the Grand Jury would, of course, diminish these requirements. It would reduce the number of hours devoted to preliminary hearings in Municipal Court by 188 hours, or from 1,007 to 819 hours. This is a 26% increase over the 648 hours it took to complete preliminary hearings for these cases in 1992.

Thus, the range of estimates is as follows: the additional preliminary hearings and their added duration will increase the number of hours needed for preliminary hearings of 2 and 3-strike dockets by 55% if they are processed in Municipal Court, or 26% more hours if the three-strike dockets are presented to the Grand Jury.



Certification and Information - Number of Dockets

A final "view" of the strike cases involves comparing the 2,315 Municipal Court dockets in terms of the way they reached Superior Court. The two options are: 1) they were certified to Superior Court for Sentencing, or 2) they were sent to Superior Court for arraignment on an Information. Tables 19 through 21 present information which is classified in this way.

**Table 19:
Number of Certifications and Informations
by Strike Classification, 1992**

Number of Strikes	Number of Dockets	Certification	Information
One	920	555	365
One+	155	65	90
Two	1,005	635	370
Three	235	85	150
All Strike	2,315	1,340	975

Table 19 shows the number that were in the Certification and Information categories. Of the 2,315 Municipal Court dockets which would have been strike cases, 1,340 went to Municipal Court Certified for Sentencing. In other words, they pled guilty, entered a conditional plea or pled nolo contendere in Municipal Court. The other 975 dockets pled not guilty in Municipal Court, were held to answer and an arraignment date was set in Superior Court. This is the arraignment on Information category.

Table 20 takes the figures from Table 19 and presents a comparative estimate for 1994, illustrating the effect of AB971. It reflects the assumption, reached during the workshop, that eighty percent of two and three-strike dockets in 1994 will plead not guilty in Municipal Court and advance to the Superior Court in the Information category.

**Table 20:
Number of Certifications and Informations
1992 Compared With Estimated 1994**

Number of Strikes	Number of Dockets	Certification		Information	
		1992	1994	1992	1994
One	920	555	555	365	365
One+	155	65	65	90	90
Two	1,005	635	201	370	804
Three	235	85	47	150	188
All Strike	2,315	1,340	868	975	1,447
Notes:		Assumes 80% of two and three-strike cases in 1994 will be in the information category.			
		According to this measure, presenting all the three-strike cases to the Grand Jury will eliminate an estimated 47 certifications and 188 informations in 1994.			

Table 20 shows the number of strike dockets in the Information category is expected to increase from 975 dockets to 1,447 dockets, an increase of 48%. Correspondingly, the number of dockets coming from Municipal Court with a guilty plea (Certified) will decrease from 1,340 dockets to 868 dockets, a 35% decrease.



Presenting the three-strike dockets to the Grand Jury would eliminate an estimated 47 certifications and 188 informations coming from Municipal Court in 1994 (annualized). This produces a range of estimates in the number of increased dockets in the Information group from 48% if the three-strikes are processed in the Municipal Court to 29% if they are presented to the Grand Jury. For the Certification group the comparable percentages are -35% and -39%.

Certification and Information - Appearances and Process Time

This way of classifying the dockets produced different estimates of the number of appearances and processing times. The difference in estimated number of appearances is small. The difference in processing times is larger. (See Summary Table B)

Table 21 shows the estimated added number of appearances and processing time for both the Certification and Information categories of dockets. This assumes that the two and three-strike dockets require an additional two appearances and an additional twenty days to process.

Note the average number of appearances and the average processing times of both the Certification and Information groups are very similar to the total for the entire group of 2,315 dockets. This means that when the dockets are aggregated into these two groups there isn't much difference in the expected number of appearances or processing time.

**Table 21:
Number of Appearances and Processing Times For Dockets Filed in Superior Court by Certification or Information, 1992 Compared with Estimated 1994**

Category	Number of Dockets		Number of Appearances		Average Number of Appearances		Number of Processing Days		Average Number of Processing Days	
	1992	1994	1992	1994	1992	1994	1992	1994	1992	1994
Certification	1,340	868	8,590	6,157	6.4	7.1	69,330	49,871	51.7	57.5
Information	975	1,447	6,130	10,599	6.3	7.3	49,015	85,467	50.3	59.1
Total	2,315	2,315	14,720	16,756	6.4	7.2	118,345	135,338	51.1	58.5

Notes: Assumes an average of two additional appearances and twenty additional processing days for two and three-strike cases.

If all three-strike cases are presented to the Grand Jury, an estimated 1,903 fewer appearances and 12,177 fewer processing days will be required in Municipal Court.



If the 2,315 dockets are considered as a group, the number of appearances can be expected to increase from 14,720 appearances to 16,756 appearances, an increase of nearly 14%. Similarly, the average number of appearances can be expected to increase from 6.4 appearances to 7.2 appearances.

Presenting the three-strike dockets to the Grand Jury will reduce these figures and percentages. The range of estimates is as follows: 16,756 total appearances if the three-strike cases are processed within the Municipal Court, a 14% increase; and 14,853 appearances if the three-strike dockets are presented to the Grand Jury, a 1% increase.

As a group, the total number of processing days for the 2,315 dockets is expected to reach 135,338 processing days, a 14% increase. Similarly, the average number of processing days is expected to increase from 51.1 to 58.5 days.

Presenting the three-strike dockets to the Grand Jury will reduce these increases. The range of estimates is as follows: 135,338 total days of processing time will be required if the three-strike cases are wholly processed in Municipal Court, a 14% increase; and 123,161 processing days if they are presented to the Grand Jury, which will reduce the increase to 4%.

Municipal Court Facility Location of Filing and Hearing

This final section of the report describes the facility location of filing and hearing. There are several reasons for including this information. First, handling criminal matters at several locations involves transporting prisoners to many different facilities. Security, both during transport, and in the court room is a concern. On the other hand, not all cases can be filed in the San Jose Court because court-

rooms might not be available, witnesses would be inconvenienced, etc. The data presented here shows how many of the strike dockets are filed and heard in other court locations. Secondly, since cases may be heard in locations which are different from where they are filed, Municipal Court Administration asked for some analysis which would show the relationship between appearance and filing locations.

There are six Municipal Court facilities at various locations throughout Santa Clara County. Five of these facilities handle criminal matters. The CJIC system provides designators to show the location of filing and location of last hearing. (Note location of last hearing in San Jose, for example, may mask the situation where a case was heard first in another location, then transferred to San Jose.)

Table 22 shows the location of filing and location of last appearance of the 2,315 strike dockets, by strike classification. Seventy-five percent (1,735) of the dockets had last appearances at the San Jose facility.

**Table 22:
Municipal Court Facility Location of Filing and Location of Last Appearance**

	Location of Filing	Location of Appearance
A. Los Gatos	135	0
B. Palo Alto	260	260
C. San Jose	1,605	1,735
D. Santa Clara	90	115
E. Sunnyvale	185	175
F. Gilroy	40	30
Totals	2,315	2,315

Notes: As of 1994, these cases no longer filed or heard in Los Gatos or Santa Clara



**Table 23:
Location of Hearing by Number of Strikes**

Number of Strikes	Facility Location						
	Total	San Jose	Total All Other	All Other			
				Palo Alto	Santa Clara	Sunnyvale	Gilroy
One	920	660	260	105	55	70	30
One+	155	110	45	-	35	10	-
Two	1,005	755	250	155	25	70	-
Three	235	210	25	-	-	25	-
All Strikes	2,315	1,735	580	260	115	175	30

Table 23 shows the last location of hearing by number of strikes. Here again, 1,735, or 75% of the strike dockets were last heard in the San Jose facility. The number of two and three-strike dockets last heard at other facilities totals 275, or 12% of the 2,315 strike dockets.

Table 24 provides information also requested by Municipal Court Administration concerning the location of filing and hearing of the other associated dockets; that is the other dockets associated with the strike docket because they have the same CEN (CJIC Entry Number), essentially the same booking number. The strike dockets may have additional *cases* in addition to these “other associated dockets”.

An associated docket may pose a safety issue if the three-strike defendant has to be transported to another court for its adjudication, for while the associated docket may represent a minor matter, the 3-strike case does not. It is important to know how often a strike case, and the defendant, may move to another court even for minor matters.

Movement of the prisoner to other court locations for purposes of adjudicating the “other associated docket” has court security and transportation security implications. The same is true of any other cases that may be pending for the strike defendant.



Table 24:
Location of Filing and Location of Last Hearing
of Other Associated Dockets

Location	Location of Filing	Location of Last Hearing
	Number	Number
Los Gatos	60	80
Palo Alto	30	30
Santa Clara	65	65
Sunnyvale	20	10
Gilroy	40	40
<i>Sub Total (5 Facility)</i>	<i>215</i>	<i>225</i>
San Jose	285	275
<i>Sub Total (6 Facility)</i>	<i>500</i>	<i>500</i>
Traffic	280	280
Total	780	780

Of the total 780 other associated dockets, 285, or 37% were filed in the San Jose facility. Note, another 280, or 36% were traffic matters, which are handled at different physical locations from criminal matters. Another 28% of the “other associated dockets” were filed and heard at other facilities.



GLOSSARY OF TERMS

Arraignment - Procedure whereby the accused is brought before the court to plead to the criminal charge in the complaint, indictment or information. Arraignment is conducted in open court and consists of reading the complaint, indictment or information to the defendant or stating to the defendant the substance of the charge and calling on him to plead thereto.

Case - A lawsuit or term used to describe any complaint filed in criminal, traffic, or civil division in a court. A case and docket are often used interchangeably.

Certification - A written order by a judge which transfers a criminal case to another court in a different jurisdiction; e.g., a felony on which the defendant pleads guilty in Municipal Court pursuant to PC859. Certification is the procedure for getting cases to the Superior Court. A certification is necessary because the Municipal Court loses jurisdiction at the point that a person pleads guilty to a felony.

Docket - The statutorily required permanent, cumulative record of the proceedings and documents filed in a case. A case may consist of more than one docket but, usually, the terms "case" and "docket" are used interchangeably.

End of Case Aging - The final event of a case which triggers the end of counting the case's processing times as per the delay reduction criteria as established by the California Administrative Office of the Courts (AOC).

Held to Answer - A finding at a preliminary examination in Municipal Court that sufficient evidence exists on the charges made against the defendant to require a trial in Superior Court. In

practice, the term means a Municipal Court judge has heard evidence and has ruled that evidence is sufficient to hold the defendant to answer for trial in the Superior Court.

Information - A written accusation (document) charging a person with a crime that is presented by a prosecuting officer under oath of office, rather than one produced by a Grand Jury.

Nolo Contendere - Also known as simply "nolo". The Latin phrase meaning "I do not wish to contend". Synonymous with guilty. However, this plea of guilty holds true only for a criminal action and cannot be used as an admission of guilt in a civil suit for the same event. Consent of the district attorney and approval of the court are required to plead nolo contendere.

Preliminary Hearing - Also known as preliminary examination (prelim). A proceeding before a judicial officer in which evidence is presented so that the court can determine whether there is sufficient cause to hold the accused for trial on a felony charge. A preliminary hearing is a due process requirement.

