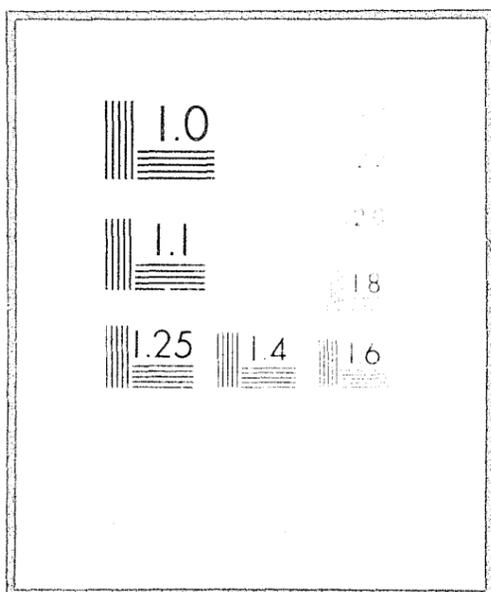


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TECHNICAL REPORT NO. 12
JUNE 1975

SJIS

STATE JUDICIAL
INFORMATION SYSTEM
FINAL REPORT (PHASE I)

30450 DUP



SEARCH GROUP Inc.

a nonprofit corporation dedicated to the justice system
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SJIS
STATE JUDICIAL
INFORMATION SYSTEM
FINAL REPORT (PHASE I)

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JUN 27 1975

Final report of work performed under Law Enforcement Assistance Administration Grant
No. 75-SS-99-6009, awarded to SEARCH Group, Inc.

Submitted by SEARCH Group, Inc.
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FOREWORD

This State Judicial Information System (Phase I) Report is divided into an Introduction and three subcommittee reports.

The four sections are:

INTRODUCTION. This section provides an in-depth discussion of the SJIS Project's structure, scope and focus.

PART A: REQUIREMENTS ANALYSIS SUBCOMMITTEE REPORT. This section discusses the recommendations made by this subcommittee concerning information requirements for criminal and civil and appellate data at the state judicial administrative level. It also discusses state-level applications of judicial data and security and privacy considerations.

PART B: SYSTEMS DESIGN AND IMPLEMENTATION SUBCOMMITTEE REPORT. In this section, a prototype state-level judicial information system is described.

PART C: GRANT AWARDS, EVALUATION AND MONITORING SUBCOMMITTEE REPORT. This section details the system used to review the grant applications of the 11 participating states, and to set up procedures for monitoring and evaluating the progress of each state's project.

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PREFACE

This report is the culmination of an intensive 18-month effort by the State Judicial Information System (SJIS) Project Committee.

The work reported in this document was supported by a grant awarded to SEARCH Group, Inc., a consortium of the fifty states and territories organized as a nonprofit corporation to apply technology to the justice system. The SJIS grant was awarded by the Law Enforcement Assistance Administration of the U.S. Department of Justice.

The missions of this committee were to identify the information required by state court administration about trial courts of general jurisdiction and appellate courts; and to design a model system that would satisfy those requirements as well as the information needs of the National Crime Information Center Computerized Criminal Histories (NCIC/CCH), and Offender Based Transaction Statistics (OBTS). In concert with the SJIS effort, 11 states were selected to develop prototype judicial information systems along the lines of the model SJIS; and the SJIS Project Committee was charged with reviewing the 11 grant applications from the perspective of the national project. In three sections, this final report presents the information requirements analysis, the system design and the processes involved in the review and approval of the grant applications of 11 participating states.

The members of the SJIS Project Committee are listed on the following page. Hon. Thomas J. Stovall, Jr. served as Chairman of the Project Committee. Ralph N. Kleps served as Vice Chairman of the Project Committee and Chairman of the subcommittee which determined the information requirements for state level judicial administration. Robert I. Ueoka was Chairman of the subcommittee which was responsible for designing the system to support the information requirements of state level administration and of NCIC/CCH and OBTS. Larry Polansky chaired the subcommittee which was charged with the review and approval of the eleven states' grant applications and work plans as well as monitoring the progress of each of the 11 states.

SJIS PROJECT COMMITTEE AND STAFF

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Thomas J. Stovall, Jr.; Judge, 129th District of Texas

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Florida; Office of the State Court Administrator: James B. Ueberhorst, State Court Administrator
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Massachusetts; Supreme Judicial Court for the Commonwealth: Frank Buda, Director, Judicial Data Processing Center
Minnesota; Supreme Court of Minnesota: Richard E. Klein, State Court Administrator
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Oregon; Oregon Supreme Court: Loren Hicks, State Court Administrator

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INTRODUCTION

STATE JUDICIAL INFORMATION SYSTEM (SJIS) PROJECT DESCRIPTION

In the past ten years the states have taken significant strides toward establishing and up-grading state-level judicial administrative offices. Increased court administration and supervision responsibilities and availability of computer-based information systems have led a number of state-level judicial administrations to reexamine the types of information they collect and report and the data collection, processing and reporting techniques they employ.

Coincidental with the reexamination of state-level judicial information requirements, the Law Enforcement Assistance Administration instituted its Comprehensive Data Systems (CDS) program, which is designed to coordinate and accelerate the development of comprehensive state-level criminal justice information systems. Important components of the CDS program are the state-held Computerized Criminal History (CCH) file and the Offender-Based Transaction Statistics (OBTS) system. The CCH module requires central reporting of all important events in the cases of offenders accused of serious criminal justice transactions to generate statistical data concerning the flow of offenders through the criminal justice system. The OBTS system also can be used to generate more traditional kinds of caseload statistics about the cases to which it applies.

The State Judicial Information Systems Project draws together these two movements toward improved information about court activities. Its purposes include both improvement of the quality and quantity of court management information about civil and criminal business and also establishment of procedures through which trial courts can supply to a central repository required CCH and OBTS data with respect to persons accused of serious crimes.

Consistent with these broad goals, the Project has a number of more specific objectives including:

- define the needs of the suppliers and users of information for court planning, management, research, program development and evaluation, and other purposes;
- identify those items of information required for generation of comprehensive, reliable and timely judicial statistics, court management information, and planning and research data;

- develop judicial statistical reporting which permits to the extent practical, intra- and inter-state comparison of court activities;
- define the interfaces of judicial information systems with OBTS, CCH and other state and national criminal justice information systems, while still maintaining the independent nature of the courts segment;
- design alternative systems, adaptable to the circumstances in various states, for the gathering, compiling, analyzing, and reporting of court management data and judicial statistics by the state judicial department;
- identify the barriers to development and implementation of judicial information systems and design and document procedures for facilitating such development and implementation;
- assist the eleven states with preparatory work and with implementation of their systems on a total or pilot basis.

Structure of the Project

The State Judicial Information Systems Project operates under the direction of a Project Committee made up of representatives from 11 state judicial departments and nine other persons knowledgeable about information systems, criminal justice, judicial statistics and related disciplines. Participating states are: California, Florida, Georgia, Hawaii, Idaho, Louisiana, Massachusetts, Minnesota, Missouri, New Jersey and Oregon.

Operating under the aegis of SEARCH Group, Inc. (SGI) the Project Committee receives support services and policy guidance from the SGI, and professional staff services from the Institute of Judicial Administration. Meeting periodically, the Project Committee has studied the needs and requirements of state-level judicial administrations and others for judicial information. It has also analyzed how judicial information interfaces with the CCH and OBTS files.

Each of the 11 participating states has received a grant of \$200,000 to undertake work on its own state-level judicial information system. By having the Project Committee participate in the review and approval of the 11 states' grant applications, the developmental work in the 11 states has been integrated with that undertaken by the Project Committee. Through

the Project Committee, the states are exploring common issues and problems and are seeking common solutions through a two-way exchange. The activities of the Project Committee provide scope and coordination to the state efforts while the state developmental work will insure that the Project Committee's recommendation is comport with the practical limits on judicial information systems. This two-way interaction should produce a series of recommendations that meet the needs of state court administrators and others for judicial information, and also reflect the constraints on satisfying those needs.

Scope of the Report

This second report of the State Judicial Information Systems Project builds on the earlier State-of-the-Art review of state-level judicial information systems.

While the focus of the report is on information requirements of state-level judicial administration, it has a second major goal: to determine how the information requirements of the judicial components of OBTS and the CCH data files can best be met by a state judicial system. Since the judicial components of these modules form the key to their success, the issue is of pressing concern.

Information and other requirements for a CCH system have been worked out by the National Crime Information Center of the Federal Bureau of Investigation in conjunction with state and local criminal justice officials. States also are developing their own CCH systems. These requirements of the CCH system were taken into account during the system design activities.

Project SEARCH has attempted to define information requirements for the OBTS model with respect to the police, prosecutorial, judicial and correctional segments of the criminal justice system. The SJIS Project focuses solely upon the judicial information module. The recommendations made here draw on the pioneering work of Project SEARCH. The data elements recommended by Project SEARCH have been retained.

Focus of the Report

The major focus in this report has been on state-level judicial information requirements with respect to case processing information in courts of general jurisdiction and appellate courts. This report does not consider, in depth, information which is not in the category of case-processing information. That is, limited attention has been paid to financial, personnel, facilities, jury utilization and similar information, which is desirable for state-level judicial administrative purposes. It should also be noted that the report does not consider, in depth, information collection with respect to courts of limited or special jurisdiction (for example, courts which handle misdemeanor, traffic, small claims, evictions and juvenile cases). Subsequent reports of the SJIS Project Committee will address

non-case processing information requirements and also information requirements with respect to these limited and special jurisdiction courts. To the extent that the OBTS data file and CCH systems require tracking of felony defendants from the point at which they enter the system, information from the lower limited and special jurisdiction courts has been addressed. This report is directed to state-level judicial administrations. It is not intended that the recommendations be used by non-judicial agencies to expand data collection about judicial processes and activities.

A major section of this report deals with design of a model state-level judicial information system to collect the information required for judicial administrative purposes, for the OBTS files and for the CCH system. It has been recognized in the course of the project that it will not be the state-level judicial administration that is going to do the initial data collection. Rather that burden will fall upon personnel in the trial courts of general jurisdiction and the appellate courts. Ideally, one would not want to require three separate data collection operations for the SJIS, the OBTS file and the CCH system. Therefore, the systems design recommendations have explored ways in which duplicate data collection can be eliminated. There has also been some rather more limited consideration of how data collection for these three information systems coincides with the trial court's information collection for its own management purposes. To the extent possible information collection for the other three systems should coincide with the information that the trial courts wish to collect and report for their own purposes. Because there has been no systematic exploration of what it is that trial courts need for their own administrative purposes, additional work is required to insure that duplication of data collection is eliminated as much as possible.

The systems design process is one that can proceed only so far in the abstract. Models can be created on paper but it requires a period of field testing and implementation to take into account the imponderables and to shape the model system through experience. To this end each of the 11 states in the project that have received the \$200,000 grant will test the implementation of a pilot information system to satisfy state-level requirements as well as OBTS and CCH data collection. These individual efforts will be coordinated and evaluated by the State Judicial Information Systems Project Committee after state development has proceeded sufficiently. Based on the evaluation of the field tests, the recommendations contained here will be appropriately modified so that the final work product of the SJIS Project Committee will reflect as closely as possible the real world constraints.

It should be kept in mind that the recommendations made here are for an "ideal" judicial information system which satisfies OBTS and CCH needs as well. Probably, no one state would want to collect all the in-

formation recommended herein, but rather that each state would pick and choose those parts of the recommendations that best meet its own needs. Because of the varying degrees of centralization of state judicial systems, the different assignments of responsibility for state-level judicial administration, and the financial, personnel and other constraints on the state-level judicial administration system's ability to act, it is likely that the scope and shape of the state's judicial information systems will differ.

While diversity is inevitable, there is a strong interest in achieving some interstate comparability of judicial information. The Bureau of the Census is conducting a study of state-level statistical reporting about state judicial systems. Its goal is to create a judicial statistical series to replace the one which was terminated in 1946. To this end it has been surveying the states to determine what, precisely, it is that they collect and report with respect to filings and dispositions of civil and criminal cases. While this effort probably will not result in uniformity, it is hoped that at least some degree of comparability of judicial information can be achieved. That is, it should be possible to determine what states report, so that one can then avoid comparing states that do not report precisely the same information. The SJIS Project has recommended data collection that is well beyond what the Census Bureau would wish to report in a national judicial statistical series. The SJIS Project Committee, working with the Census Bureau, will attempt to define relevant terms and expand upon the Census Bureau's national effort to create judicial comparability.

Organizational Relations

A number of considerations influenced the recommendations of the SJIS Project Committee. Chief among these has been the unique role of the judicial system in our governmental process. It can not be emphasized too strongly that the judicial branch is an independent and co-equal branch of state government.

Organization and Relationships

There has been a great deal of concern on the part of the state judiciary concerning judicial operation and/or participation in computer and other data processing facilities. Some state judiciaries do not wish to participate in any data processing facilities not wholly under judicial control. Other state-level judicial administrations have no objection to participation in outside information systems, even with those run by operating law enforcement agencies. Some have concluded that such systems can provide a useful service to the judiciary without compromising judicial interests. In other instances budget officials have determined resources will not accommodate an independent judicial information system.

At the state level there is a strong interest on the part of the legislative and executive branches in con-

solidation of data processing facilities. Since some state-level judicial information systems will have to obtain data processing services from an executive branch data processing department or facility, it is important to analyze the terms of judicial participation in such data processing facilities. Several general considerations would seem to apply.

First of all, the agency operating the computer facility should not itself be an operating agency. There is an inevitable problem of providing service when an agency must take care of its own operating needs as well as those of other departments or agencies. It is the latter who seem to suffer. Therefore, a judicial agency should not, if at all possible, participate in a data processing facility run by an operating agency.

There are, however, several other options available. A judicial department might, as some have done, obtain data processing services from a general-purpose executive branch data processing department or agency. In theory, this type of agency has no operating responsibilities and serves, merely, as a service bureau for other state-level agencies. When a number of agencies are served it is incumbent upon the state-level judicial administration to insure that it will receive an adequate level of service given the other demands on the service bureau and its data processing facilities. One way to insure this is to have an operating agreement between the service bureau and the judiciary, which spells out the level and type of services that will be required by the judiciary and the responsibilities of the service bureau for meeting those requirements.

A second protection would be to have key management and technical personnel, who are dealing with servicing of the judiciary, under judicial management control. While they need not be judicial department employees, this would be desirable. It is more difficult to exert management control over service bureau staff assigned to service judicial department needs, although it is not impossible. Another safeguard would be for the judiciary to exercise control over all software used to service judicial needs. Information collection and storage should also be reviewed and approved by the judiciary, and not changed without judicial approval.

Since information is to be transferred from the judicial branch to the data processing facility, appropriate safeguards should be adopted with respect to the processing and disclosing of this information. The agency acting as a service bureau for the judiciary should make no disclosure of information without prior judicial approval. In no case should the state computer facility undertake to release to anyone, other than the judiciary, any files or statistical reports generated from the data base of the state-level judicial information system except upon prior consent of the appropriate judicial body.

Another data processing alternative is for the judiciary to seek data processing services from a criminal justice information system. Even if this system is not lodged in an operating agency, the concept presents problems. Such systems basically serve the needs of the law enforcement community. Police, prosecutors, and probation officers appear as parties in cases coming before the court. There is a potential interest on the part of these components of the criminal justice system in influencing judicial behavior. Whatever the neutrality of the criminal justice information system or its stated neutrality, its board of directors inevitably will be dominated by law enforcement personnel. Under these circumstances, the judiciary should exact, before participating in such comprehensive criminal justice information systems, absolute assurances that under no circumstances will any of the information identified for judicial management use be processed or disclosed without prior judicial approval, or be used to influence judicial behavior.

Another potential problem with criminal justice information systems is that a good part of judicial activities in a state involves civil actions both at the trial and appellate levels. The criminal justice information systems, typically have no provision for handling judicial information with respect to the civil cases. A comprehensive and totally useful state-level judicial information system requires that information be captured with respect to both civil and criminal cases. If a criminal justice information system is to be used, there should be a prior commitment from that system to handle the judicial information needs with respect to civil cases.

Information Transferred to Non-judicial Data Banks

Even if the judiciary has its own computer facility, staffed by its own personnel, there still is going to be some information transferred from the judicial information system to other information systems, e.g., CCH systems. The judiciary is as concerned, and perhaps even more concerned than other participants in the criminal justice process, that individual criminal histories be as complete, accurate and up-to-date as possible. In the past, the big gap in these types of records has been the absence of good judicial data, particularly dispositional and sentencing data. It would, therefore, be appropriate for the judiciary to transfer information about the processing and disposition of criminal offenders to a law-enforcement data bank. In addition, the Offender-Based transaction Statistics system, which will be used for overall criminal justice planning and management purposes, requires for its successful operation transfer of a significant amount of information concerning judicial processes.

There arises the danger, however, that the data transferred to these information systems will be collated and reported so as to give rise to misleading impressions about the performance of the judicial

system. The data could be compiled in ways that permit the drawing of conclusions that the data themselves do not support, or which require more interpretation than is offered. It is important, therefore, that the state-level judicial information system exercise appropriate controls over the outputs of the OBTS and CCH data banks.

Before any data are transferred from a state-level judicial information system to those law enforcement and criminal justice data systems, an agreement should be entered into between the managers of these systems and the state-level judicial information system, concerning the reporting that can be made by these systems without prior judicial review and approval.

Part of the information, that the OBTS and CCH systems will be collecting and reporting, originates in the trial courts. If there is no control over the flow of information from the trial courts to the law enforcement and criminal justice data banks, then the controls suggested above will be vitiated. It is recommended, therefore, that in any state with a state-level judicial information system, it should be the sole vehicle for transfer of court processing information about criminal defendants to the OBTS and CCH systems. Information would flow from the trial and appellate courts to the state-level judicial information system. At this point, it would be processed and appropriate subsets of the information would be passed on to the OBTS and CCH systems. This may require that rules be adopted prohibiting dissemination directly from the trial courts to the OBTS/CCH systems.

To avoid incipient problems the SJIS Project Committee recommends that:

1. If possible, the SJIS should use computer facilities wholly under judicial management and control or operate under a contract which spells out the judicial role in systems operations and protections for judicial data.
2. The body administering the SJIS should enter into an agreement with the agency operating the computer facilities it uses which spells out the information requirements of the SJIS and the responsibilities of that agency for meeting existing and expanded requirements. Key technical personnel working on the SJIS should be subject to judicial management control. All software should be under judicial control and all information storage and dissemination subject to judicial approval.
3. The SJIS should transfer limited factual information (as recommended here) to the OBTS and CCH data files. No reports compiled from judicial data should be made or released without prior judicial approval. An appropriate agreement should be executed between the body administering the SJIS and the OBTS and CCH system managers.

4. Preferably all data transfer from one judicial system to the OBTS and CCH files should be through the SJIS. If the SJIS is not operational or it is thought more appropriate to have direct data transfer from courts to the OBTS and CCH or it is thought more appropriate to have direct data transfer from courts to the OBTS and CCH files, the transfer should take place under a plan approved by the state-level judicial administration. The plan should assign responsibility for audit, systems discipline and supervision of data transfer and use.

Judicial Accountability

There is a recognition that there must be some ultimate accountability of the judiciary to the citizens of the state. While there is a desire to preserve confidentiality of judicial information, and to prevent use of information out of appropriate context or without appropriate interpretation, the judicial branch must ultimately be accountable. There may be varying levels of accountability; for example, accountability of individual judges is to the judicial branch. It is recommended, therefore, that information be collected for internal accountability purposes that is not necessarily publicly reported. Where the line is drawn between internal judicial uses of data and

public reporting is something each state should address.

This latter point raises another delicate issue that has confronted the SJIS Project Committee—the relationship between the state-level judicial information system and the trial courts. In the end the trial courts must collect and transmit the bulk of the information that is recommended in this report. While state-level judicial administrations have formal authority with respect to information collection and reporting, in fact it is recognized that fiat will not work. There must be a process of negotiation between the state-level judicial administration and the trial courts to achieve desired reporting. It is recognized that there is going to have to be a period of working out appropriate relationships between the state-level judicial information system and the trial courts to achieve the enhanced level of information collection and reporting recommended here. Included in this new relationship will have to be some appropriate means of financing the additional burden that this information collection will place on the trial courts. Also included in this relationship might be some direct information services from the state-level judicial administration to some or all the trial courts so that they need not maintain their own separate data processing operation. This issue will be addressed in the subsequent work of the SJIS Project Committee.

PART A
REQUIREMENTS ANALYSIS
SUBCOMMITTEE REPORT

PART A

REQUIREMENTS ANALYSIS SUBCOMMITTEE REPORT

INTRODUCTION

The SJIS Project subcommittee has endeavored to frame a conceptual statement of the ideal requirements of a state-level judicial information system (SJIS). Necessarily, its statement is keyed to the Law Enforcement Assistance Administration's "Comprehensive Data System" (LEAA's CDS Plan), and to the earlier reports of the Project SEARCH technical staff.¹ For that reason, this report seems to assume that a computerized information system, based upon offender-based reporting from each trial court in detail, is the generally agreed technique for creating a state judicial information system. Indeed, the conditions for a states participation in the SJIS Project include a commitment for the state judicial system to provide the information needed for a "comprehensive criminal justice data system." As defined by LEAA guidelines such a system must include a computerized criminal history (CCH) file, an offender-based transaction statistics (OBTS) file, and a statistical analysis center (SAC).²

The purpose of the introductory comments is to emphasize the theoretical nature of the concepts included in the CDS program and to express reservations concerning the possibility of full implementation of that plan's present concepts in the courts. The issues are:

(1) The Computerized Criminal History (CCH) file furnishes the only widely accepted justification for offender-based reporting from criminal courts at the state level.³ Even in the most advanced states much needs to be done to enable the courts to participate successfully in this necessary offender record system. Many state court systems, therefore, will have to concentrate first on the CCH portion of their computerized judicial information systems, leaving until later any effort to build an offender-based statistical file.

(2) The idea that a management analysis or research analysis system can be built on offender-based transaction reporting (OBTS) remains a theoretical concept in the court systems of the states. This project will test that theory although in some states such a statistical system may become operational during the life of this project. In most states, particularly the larger ones, any adoption of a court-sponsored OBTS system will require a substantial

period of advance testing for feasibility and cost-effectiveness. One way of accomplishing the necessary testing is to use CCH data, which is necessarily offender-based as the foundation for statistical analyses of a management or research nature. Extension of such a transaction-based reporting system from criminal to civil statistics is a further extension of the concept that many state court systems cannot undertake for some time to come.

(3) Computerization cannot be made the universal and indispensable reporting method for state judicial information systems. Manual reporting from small courts must be continued; and summary reporting in some circumstances, with special studies to supplement that reporting, will continue to be an essential part of state judicial information systems.

LIST OF SUBCOMMITTEE RECOMMENDATIONS

Recommendation 1.0 - Accounting for criminal cases (see Table CR-1)

1.1 Each constituent trial and appellate court should have the capabilities of recording the major transactions in criminal cases and reporting separately with respect to each defendant in each criminal case. This should include the capability of compiling and reporting defendant-related information for the OBTS and CCH files.

1.2 For statistical reporting purposes, in addition to counting criminal cases, each state judicial information system should be able to count each criminal defendant in each proceeding as a separate unit.

1.3 If an individual is named as a defendant in separate indictments, accusations or informations, he should be counted as a separate unit for each proceeding for statistical reporting purposes.

1. "Designing Statewide Criminal Justice Statistics Systems - The Demonstration of a Prototype," SEARCH Technical Report No. 3 (Nov. 1970).

"Implementing Statewide Criminal Justice Statistics Systems - The Model and Implementation Environment," SEARCH Technical Report No. 4 (Jan. 1972).

"Designing Statewide Criminal Justice Statistics Systems - An examination of the Five State Implementation," SEARCH Technical Report No. 5 (Dec. 1972).

2. See Guidelines for a Comprehensive Data System (LEAA, Washington, D.C., May 1974).

3. The effort to accumulate this data nationally, in the FBI's National Crime Information Center, has run into major operating problems and only four states are now participating.

1.4 If a single indictment, information or accusation covers multiple defendants, then each defendant should be recorded in statistical reports as a separate unit. Special reporting of multi-defendant proceedings may also be undertaken, if desired, in addition to, but not in lieu of separate counting of each defendant.

1.5 Petitions, motions, reopened, reinstated, supplemental or transferred matters which had previously been counted as original proceedings and appeals from courts of limited and special jurisdiction should be counted separately from new proceedings.

1.6. There should be no separate accounting for individual charges or counts in informations and indictments.

Recommendation 2.0 - When to Begin Data Collection and Counting

2.1 The counting of criminal cases and defendants and the OBTS and CCH data collection should begin with the filing of an indictment or information in the court of general jurisdiction.

2.2 For exception reporting purposes a judicial information system should track defendants bound-over from a lower court to a grand jury or court of general jurisdiction even if no information or indictment has been filed in the latter court. These defendants should not be included in the statistical count of filed or pending matters until the information or indictment is actually filed in the court of general jurisdiction.

Recommendation 2.2 is designed to fill a gap between lower court and/or grand jury activities and filing of a case in the trial court of general jurisdiction. While these matters should not be reported as being general jurisdiction court cases, the tracking of individual defendants should be undertaken to ensure their timely processing.

Recommendation 3.0 - Criminal Offense Reporting

3.1 Input and statistical reports on the criminal cases should record offenses charged by state statute number and literal description of the offense category. (See Table CR-2 and CR-3).

3.2 All offenses charged at a given stage should be recorded for input purposes; the OBTS system should undertake to extract data on the most serious offense if it requires the same.

3.3 For CCH purposes, the state statutes should be translated into NCIC's Uniform Offense Classification categories. This function can be performed by personnel entering data at the trial court level or by a central state law enforcement information facility. Additional experience is needed before a recommendation can be made as to the best way of achieving the desired translation.

Recommendation 4.0 - Post-Conviction Activities/Reporting

4.1 States should report post-conviction activities as a

separate category. The following categories should be used for statistical reporting of kinds and outcomes of post-decision activities.

1. *Habeas corpus**
 - Total filed
 - Total granted
 - With hearing
 - Without hearing
 - Total denied
 - With hearing
 - Without hearing
2. *Prisoner petitions**
 - Total filed
 - Total granted
 - With hearing
 - Without hearing
 - Total denied
 - With hearing
 - Without hearing
3. *Sentence review*
 - Total filed
 - Sentence not modified
 - With hearing
 - Without hearing
 - Sentence increased
 - With hearing
 - Without hearing
 - Sentence reduced
 - With hearing
 - Without hearing
4. *Motions to vacate, set aside, or modify sentence*
 - Total filed
 - Total granted
 - With hearing
 - Without hearing
 - Total denied
 - With hearing
 - Without hearing
5. *Motions to withdraw plea of guilty*
 - Total filed
 - Total granted
 - With hearing
 - Without hearing
 - Total denied
 - With hearing
 - Without hearing
6. *Motions for new trial*
 - Total filed
 - Total granted
 - With hearing
 - Without hearing
 - Total denied
 - With hearing
 - Without hearing
7. *Other motions and writs*
 - Total filed

- Total granted
 - With hearing
 - Without hearing
- Total denied
 - With hearing
 - Without hearing

8. *Appeals filed*
 - Civil
 - Interlocutory
 - Final
 - Criminal
 - Interlocutory
 - Final

In addition, the time it takes each of these activities to move from initiation to disposition should be reported.

*Habeas corpus refers to petitions attacking sentence or original conviction; prisoner petitions refer to petitions attacking conditions of confinement.

Recommendation 5.0 - Reporting of Juvenile Proceedings for Statistical Purposes

States should report the filing and disposition of juvenile intake complaints and petitions by court situs using the following categories:

1. Criminal delinquency proceedings
2. Juvenile (non-criminal) offense proceedings
3. Neglect, dependency, and abuse proceedings

Recommendation 6.0 - Reporting of Criminal Dispositions

6.1 Courts should report to the CCH and OBTS data files dispositions of individual criminal defendants qualifying for entry into those files. Dispositions of all charges should be reported as input to the SJIS.

6.2 Each state should prepare statistical reports on dispositions using the final most serious offense of which a defendant is convicted. If a defendant is not convicted, then the most serious offense at the disposition stage should be used. (See Tables CR-7 and CR-8)

6.3 Each state should also report summary statistics showing the disposition of the final most serious charge against each defendant as a function of the original most serious charge filed in court (See Table CR-15).

6.4 In reporting dispositions, the following categories should be used:

1. Judicial dismissal on defendant's motion
2. Judicial dismissal on prosecution's motion
3. Judicial dismissal on court's own motion
4. Prosecutorial withdrawal/Nolle prosequi
5. Judgment on guilty or no-contest plea
6. Judgment after non-jury verdict
7. Judgment after jury verdict
8. Judgment for defendant notwithstanding the verdict

9. Deferred prosecution or sentence
 10. Transferred
 11. Consolidated
 12. Other
- (See Tables CR-7 and CR-8.)

6.5 Sentences should be reported as a function of the most serious charge for which each defendant is convicted.

(See Table CR-16.)

6.6 In reporting sentences the following categories should be used:

1. Incarceration (by type of confinement and length of minimum and maximum sentence in days and/or months and/or years)
2. Term of probationary supervision (in months and years and conditions imposed if any)
3. Amount of unremitted fines
4. Terms of incarceration and probation if sentenced to both and conditions imposed, if any
5. Term of incarceration and amount of unremitted fine if both are imposed
6. Term of probation and amount of unremitted fine if both are imposed
7. Death sentences
8. Sentence to youthful offender, drug rehabilitation, mental health or other treatment programs or facilities
9. Other

6.7 In the event that incarceration is imposed, in part, and suspended, in part, that fact should be reported.

Recommendation 7.0 - Stage of Guilty Pleas and Dismissals in Criminal Cases

7.1 Each state should report the stage of the proceeding at which guilty pleas or dismissals are made. (See Table CR-9)

7.2 For reporting purposes the following stages should be used:

1. Before trial
2. Trial began
3. Trial through proof complete but before verdict. (See Table CR-9)

Recommendation 8.0 - Age of Criminal Cases

8.1 Each state should receive or generate reports on a monthly basis on the age, in months, of all active pending criminal cases. (See Tables CR-4 and CR-5)

8.2 The following reporting intervals should be used:

- less than one month
- one and less than two months
- two and less than three months
- three and less than four months
- four and less than five months
- five and less than six months
- six and less than 12 months
- twelve and more months (See Tables CR-4 and CR-5)

8.3 The monthly reports on case age should also indicate by the trial court the number of defendants in each case age category who are incarcerated pending trial.

Recommendation 9.0 - Processing Intervals for Criminal Defendants

9.1 Periodic reports should be prepared displaying the time intervals between major steps in the processing of criminal matters.

9.2 The reports should contain information on time intervals for all major offense types in all trial courts of general jurisdiction with respect to all criminal defendants disposed of during the reporting period.

9.3 For criminal defendants and cases disposed of by plea or dismissal or other non-trial disposition reports should cover the time intervals from

- filing to disposition
- disposition to sentencing (if any)
- filing to sentencing (if any) (See Tables CR-12 and CR-13)

9.4 For criminal defendants and cases disposed of by trial the following time intervals should be used:

- initiation to trial readiness
- trial readiness to completion of trial
- completion of trial to sentencing (if any)
- initiation to completion of trial
- initiation to sentencing (if any) (See Tables CR-10 and CR-11)

9.5 States whose reporting systems permit should also produce, at least annually, flow diagrams depicting by offense type the movement of criminal cases through the various routes and exit points of the judicial system.

9.6 For public reporting purposes only the total elapsed time from filing to disposition and filing to sentence should be used. Other information should be retained for internal management use and be provided upon request.

Recommendation 10.0 - Status of Active Criminal Cases

10.1 Each state should report on a monthly or other periodic basis on the status of active criminal cases before the courts.

10.2 For statistical purposes, pending matters should be designated as "active" or "inactive." The latter category should include proceedings in which the defendant has fled the jurisdiction, is incarcerated or otherwise unavailable for prosecution, as well as other matters marked "inactive" by the appropriate judicial officer.

10.3 Appropriate profiles should be prepared indicating by offense type and court situs:

- age of proceedings pending, and (See Tables CR-4 and CR-5)
- stage of processing of the proceedings (See Table CR-6)

10.4 The reports should indicate the last stage completed. The following stages should be used:

- initial appearance
- plea
- trial readiness
- trial begun
- trial completed
- judgment/sentence (See Table CR-6)

Recommendation 11.0 - Trial Information (Civil and Criminal)

11.1 Each state should routinely report on all trial dispositions. The report should cover, separately, jury and non-jury trials and contested and non-contested trials.

11.2 Trial dispositions should be reported only for matters in which there is a final jury verdict or final judgment by a judge sitting without a jury. Dispositions should indicate mistrials and hung juries.

11.3 Each state should also report with respect to jurors and jurie: the following information (where applicable):

1. Number of six-person juries selected and number of twelve-person juries selected;
2. Jurors available for jury service after excuses, failure to appear and the like;
3. Number of jurors actually picked to serve on six-person juries and twelve-person juries.

Recommendation 12.0 - Pretrial Release

12.1 With respect to bail or pretrial release the following information should be reported:

1. Status/Method of Release
 - Cash bail
 - Professional surety bond
 - Non-professional surety bond
 - Minimum deposit bail
 - Release without bond
 - Incarcerated
 - Posting security
 - Third party parole
 - Supervised release
 - Other;
2. Number and percentage released by type of release and amount of bond, if any, and detention rate by amount of bond;
3. Non-appearance rate by type of release and amount of bond, if any;
4. Number and percentage of persons interviewed and released without bond or denied release without bond;
5. Performance of individual bondsmen, including amount of outstanding obligations and forfeitures.

Recommendation 13.0 - Resource and Work Performance (Civil and Criminal)

13.1 States should collect and report work performance information by court situs with respect to:

- authorized judgeships
- judges actually serving
- judge-days available for judicial activities

13.2 Such information should also be collected and reported with respect to auxiliary personnel such as referees, masters, and commissioners who assist with the disposition of criminal cases.

13.3 Each state should collect and report information concerning judicial assignments into and out of judicial districts as well as requests for judicial assistance.

13.4 Information with respect to actual judge-time spent on judicial activities should either be collected and retained by the trial courts on a routine basis or developed through special studies rather than by routine reporting to the state.

Recommendation 14.0 - Accounting for Civil Cases

14.1 The accounting for civil cases should begin with the filing of a civil action in the court of general jurisdiction. The count should begin prior to the filing of a first answer or other responsive pleading.

14.2 The unit of count should be the case rather than individual plaintiffs or defendants. Appropriate note should be made of cases which have multiple plaintiffs and/or defendants.

14.3 Petitions, motions, supplemental, transferred, reopened or reinstated cases and appeals from courts of limited and special jurisdiction should be separately reported under appropriate descriptive headings and not counted with newly initiated cases.

Recommendation 15.0 - Civil Case Categories

15.1 Each state should report on a monthly basis civil cases filed, disposed of and pending at the beginning and end of each reporting period by appropriate levels and situs of court. (See Table CV-1)

15.2 The major case categories set forth below should be used for reporting purposes. The more detailed categories are illustrative and may be used for internal purposes if desired.

Contract
Personal Injury
 Automobile
 Non-Automobile

Property Damage
 Automobile
 Non-Automobile

Other Tort
Property Rights
 Eminent Domain/Condemnation
 Lien and Mortgage Foreclosure

Evictions
 Partition
 Quiet Title
 Other

Domestic and Family
 Paternity
 Adoption

Custody
 Support
 Unif. Recip. Enforc. of Support - Incoming
 Unif. Recip. Enforc. of Support - Outgoing
 Other
 Marital
 Divorce
 Separation
 Support
 Alimony
 Custody
 Annulment
 Conciliation
 Consent to Marry

Probate
 Testate Estates
 Small
 Regular
 Intestate Estates
 Small
 Regular
 Trusts
 Guardianships and Conservatorships
 Ancillary or Foreign Administration
 Other

Administrative
 Zoning
 Tax
 Workmen's Compensation
 Other

Appeals from Courts of Limited or Special Jurisdiction
 Other Civil

Recommendation 16.0 - Disposition of Civil Cases

16.1 The following categories should be used in reporting the disposition of civil cases: (See Tables CV-7 & CV-8)

Settled
 Consent Judgment
 Default or Uncontested Judgment
 Dismissal with Prejudice
 Dismissal without Prejudice
 Summary Judgment
 Judgment after jury trial
 Judgment after non-jury trial
 Judgment Notwithstanding the Verdict
 Consolidated
 Transferred

16.2 With respect to civil cases which are settled, the stage of settlement should be indicated using the following stages: (See Table CV-9)

Pleadings
 Discovery
 Pretrial Conference
 Trial prior to verdict or decision
 Post trial

Recommendation 17.0 - Civil Case Processing Information

17.1 Each state should report on the time intervals between major stages in the processing of civil cases disposed of. The following stages should be used:

- Case initiation to trial readiness
- Trial readiness to disposition
- Trial readiness to trial
- Case initiation to disposition

17.1 Appropriate reports should be prepared indicating by civil case type and court situs:

- The age of pending civil cases from date of filing (See Tables CV-10 & CV-11)
- The stage of processing each case type has reached by age of case (See Table CV-6)

17.3 The report should indicate the last stage completed. The following stages should be used: (See Table CV-6)

- case initiation
- close of pleadings
- pretrial discovery
- pretrial conference
- trial readiness
- trial begun
- trial completed
- post-trial activity

Recommendation 18.0 - Accounting Unit for Appellate Court Business

18.1 For accounting purposes, each appeal or original proceeding of any litigant should be counted as one unit. In the event that several litigants voluntarily join in an appeal or original proceeding prior to its inception, that appeal or original proceeding should be counted as one unit. Thus, the joint appeal of several criminal defendants, from a single trial should be counted as one unit, whether or not each defendant files an individual notice of appeal. If cases are later severed, then they should be counted as separate units.

18.2 If the appeals or original actions are consolidated at any point after the separate notices of appeal are filed, the appeals which were consolidated into the surviving, or "lead" case, should be eliminated from pending matters and reported under dispositions as consolidations.

18.3 Cases which are not consolidated or formally joined, but for which a single brief is filed and a single argument heard, should be reported under dispositions as consolidations, when the "lead" case is terminated.

18.4 A separate count and disposition report should be maintained on individual defendants in criminal appeals.

Recommendation 19.0 - When to Begin Counting Appeals

19.1 The counting of appeals should begin with the filing of the notice of appeal or other initial step clearly leading toward appeal.

19.2 The counting of original proceedings should

begin with the filing of the paper which originates the proceeding.

Recommendation 20.0 - Source of Filings in Appellate Courts

20.1 Appellate courts should report the source of filings using the following categories with appropriate levels of details:

- A. Trial courts*
- B. Administrative agencies*
- C. Intermediate appellate courts
- D. Original proceedings

*The source of appeals of trial court decisions which reviewed administrative agency actions should be reported as trial courts; administrative agencies as a source category includes only cases not previously reviewed by a court of record.

Recommendation 21.0 - Basis of Jurisdiction in Appellate

21.1 Appellate courts should report the basis of jurisdiction of their business using the following categories:

- A. Direct appeals from lower courts or agencies
- B. Original jurisdiction
- C. Interlocutory appeals

21.2 In courts in which appeals may be filed either as a matter of right or by discretionary review, the appropriate basis of jurisdiction should be reported.

21.3 Courts should report whether criminal appeals were filed by the prosecutor or the defendant.

Recommendation 22.0 - Description of Appellate Case Types

22.1 Appellate courts should use the following categories to describe the composition of their caseload:

- A. Direct Appeals
 - 1. Criminal Appeals (Breakdown should be by literal descriptions of state statutes and statute numbers of most serious offense for which defendant was convicted (or charged, in the case of interlocutory appeals)
 - 2. Criminal sentence review only
 - 3. Civil Appeals
 - a. Contract
 - b. Tort
 - c. Property
 - d. Domestic and family
 - E. Probate
 - f. Administrative
 - (1) Taxation
 - (2) Workmen's Compensation
 - (3) Zoning
 - (4) Other
 - g. Post-conviction and habeas corpus

- h. Other civil
- 4. Juvenile
- B. Other Matters
 - 1. Original actions
 - a. Post-conviction and habeas corpus
 - b. Mandamus
 - (1) Civil
 - (2) Criminal
 - c. Quo warranto
 - d. Other
 - 2. Special matters
 - a. Advisory opinions and certified questions
 - b. Bar discipline
 - c. Judicial discipline
 - d. Other

Recommendation 23.0 - Disposition of Appellate Court Cases

23.1 Appellate courts should report dispositions so as to display the manner in which particular case types are disposed of and how cases of different jurisdictional bases are disposed of.

23.2 Appellate courts should use the following classifications to report the manner of disposition of their cases.

- A. Cases disposed of by consolidation
- B. Cases disposed of without hearing or submission
 - 1. Dismissed on motion of appellant
 - 2. Dismissed on motion of appellee
 - 3. Dismissed on courts' own motion
 - 4. Dismissed for lack of progress
 - 5. Withdrawn
 - 6. Affirmed by order on motion to affirm
 - 7. Reversed by order on motion to affirm
 - 8. Extraordinary relief granted
 - 9. Extraordinary relief denied
 - 10. Transferred to another court
 - 11. Other
- C. Cases disposed of after hearing or submission
 - 1. Decided with full opinion*
 - a. Affirmed (or agency order enforced)
 - b. Reversed (or agency order denied enforcement)
 - c. Reversed and discharged
 - d. Dismissed
 - e. Modified
 - f. Remanded
 - g. Transferred to another court
 - h. Extraordinary relief granted
 - i. Extraordinary relief denied
 - j. Other disposition
 - 2. Decided without full opinion*
 - a. Affirmed (or agency order enforced)
 - b. Reversed (or agency order denied enforcement)
 - c. Reversed and discharged
 - d. Dismissed

- e. Modified
- f. Remanded
- g. Transferred to another court
- h. Extraordinary relief granted
- i. Extraordinary relief denied
- j. Other disposition

D. Cases appealed to higher court prior to decision
*Full opinion is an opinion, signed or unsigned, in excess of 2 typed pages.

23.3 "Affirmed in part and reversed in part" should be classified as "reversed."

23.4 If a case is clearly affirmed or reversed, the decision should be reported as affirmed or reversed, even when the case is also remanded or modified. For example, "reversed and remanded" should be reported as "reversed," and "affirmed and modified" should be reported as "affirmed," "remanded" and "modified" should only be used when the case was neither clearly affirmed nor clearly reversed.

Recommendation 24.0 Steps in Processing Appellate Caseload

24.1 For purposes of periodic time interval reports and special studies, appellate courts should record, with respect to each major case type, the date of each of the following events:

- A. Intermediate appellate courts or single appellate courts¹
 - 1. Trial court judgment² or agency decision
 - 2. Commencing of appeal or filing of original action
 - 3. Transcript ordered
 - 4. Transcript completed
 - 5. Complete record filed in appellate court
 - 6. Appellant brief filed
 - 7. Appellee/respondant brief filed
 - 8. Briefing completed
 - 9. Argued or submitted
 - 10. Decision
 - 11. Final mandate or judgment on appeal
 - 12. Petition for rehearing filed
 - 13. Petition for rehearing decided
 - 14. Rehearing held
 - 15. Decision on rehearing
 - 16. Appealed to higher court on application for discretionary review filed
 - 17. Discretionary review granted or denied
 - 18. Date of termination of case prior to decision after argument³
- B. Supreme Court review of intermediate appellate appellate court
 - 1. Trial court judgment² or agency decision

¹ This recommendation assumes that all appeals to intermediate appellate courts are of right. If this is not so, the following events should also be recorded: (a) application for discretionary review, (b) application acted upon

² In criminal appeals, the date of sentencing, rather than the date of verdict or entry of a guilty plea, should be recorded. In interlocutory appeals, the date of interlocutory judgment should be recorded.

³ This event does not occur in order on the list, since an order dismissing a case or any other act disposing of a case, can occur at any point in the appellate process. Courts should adapt this list to reflect their own rules and practices.

2. Intermediate appellate court decision
3. Application for discretionary review filed
4. Discretionary review granted or denied
5. Appeal of right initiated
6. Complete record filed in Supreme Court
7. Appellant brief filed
8. Appellee/respondant brief filed
9. Briefing completed
10. Argued or submitted
11. Decision in Supreme Court
12. Petition for rehearing filed
13. Petition for rehearing decided
14. Rehearing held
15. Decision on rehearing
16. Date of termination of case prior to decision after argument¹

Recommendation 25.0 - Description of Pending Caseload

25.1 Appellate courts should report at least semi-annually, by major case category, the following information about their pending caseload:

- A. Pending, beginning of reporting year
 1. Total pending
 2. Cases not yet "perfected" or "ready"
 3. Cases ready for argument but not yet submitted
 4. Cases under advisement
- B. Total filings during reporting year
- C. Total dispositions during reporting year
- D. Pending, end of reporting year
 1. Total pending
 2. Cases not yet "perfected" or "ready"
 3. Cases ready for argument but not yet submitted
 4. Cases under advisement
- E. Increase or decrease in cases pending during reporting year
 1. Total pending
 2. Cases not yet "perfected" or "ready"
 3. Cases ready for argument but not yet submitted
 4. Cases under advisement

Recommendation 26.0 - Reporting on Motions

26.1 Appellate courts should report the following information about motions (or petitions):

- A. Total filed
- B. Total terminated
- C. Motion type/filing party
 1. Procedural
 - a. For extension of time¹
 - b. For appointment of counsel
 - c. For relief as counsel
 - d. Other procedural

¹ Courts may wish to detail this further, in regular reports or special studies, so as to indicate at what stage the extension is requested.

2. Substantive²
 - a. For bond
 - b. For dismissal
 - c. For rehearing
 - d. For reinstatement
 - e. For stay
 - f. For summary affirmance
 - g. To vacate stay

26.2 The total number of motions filed should not include motions or petitions which constitute case filings and are included in the filings figure.

Recommendation 27.0 - Judicial and Quasi-Judicial Work Performance Information

27.1 Appellate courts should collect the following workload information on a per judge basis:

- A. For internal use only

By individual judge

 1. Number and types of cases and motions assigned
 2. Number and types of cases disposed of
 - a. Total
 - b. Manner of disposition
 3. Number and listing of cases already submitted
 4. Median time from submission to decision
 5. Number of opinions issued
 - a. Full
 - b. Per curiam
 - c. Dissenting
 - d. Concurring
- B. For general reporting

Average per judge

 1. Number of cases assigned
 2. Number of dispositions
 - a. Total
 - b. Manner of disposition
 3. Number of opinions issued
 - a. Full
 - b. Per curiam
 - c. Dissenting
 - d. Concurring

27.2 Workload information should also be collected with respect to auxiliary personnel such as referees, special masters, commissioners, and any others who perform judicial functions.

Recommendation 28.0 - Case Control Reports

Appellate Courts should prepare monthly case control reports listing the identification number, title, stage, and age of individual cases in which an inordinate number of continuances are granted; in which the transcripts or lower court records are not transmitted within prescribed time limits; or which, for other causes, are not being processed within prescribed time limits.

¹ Courts may wish to detail this further, in regular reports or special studies, so as to indicate at what stage the extension is requested.
² Courts should adapt this list to reflect their own rules and practices.

Recommendation 29.0 - Data Gathering

- 29.1 State-level judicial information systems should contain only verifiable data about key events in the processing of cases.
- 29.2 Appropriate audit and other procedures should be instituted to ensure clarity and accuracy of all data entered into and retained in the system.
- 29.3 Only high-quality, well-trained personnel operating under explicit guidelines should be permitted to capture judicial data and enter it into the state level judicial information system.

Recommendation 30.0 - Data Storage and Retention

- 30.1 All information stored or retained in the SJIS should be periodically audited for currency, accuracy, and completeness. Appropriate corrections should be made where required.
- 30.2 Confidential information, such as that relating to juveniles and youthful offenders, should be removed from active storage and dissemination in the SJIS.
- 30.3 Information required to be sealed or removed by operation of law or court or administrative order should be so sealed or removed according to the tenor of such law or order.

Recommendation 31.0 - Disclosure of SJIS Criminal Data

- 31.1 The SJIS should not be used for routine dissemination of criminal history-type information except for transfer of such information to the OBTS and CCH data files and the court entering the data.
- 31.2 Access to and dissemination of information identifiable to a named individual should be on a "need-to-know" and "right-to-know" basis.
- 31.3 Research or evaluation programs that require access to information identifiable to named individuals should be subject to prior review and approval of the body administering the SJIS. Each researcher or evaluator should submit for approval a workplan which includes appropriate techniques for separating an individual's identity from the information required. Each researcher or evaluator should execute a non-disclosure agreement. Major violations of the approved workplan or non-disclosure agreement should result in termination of the research program plus imposition of criminal and civil sanctions.
- 31.4 After appropriate identification, individuals, their parents, spouses, guardians or legal counsel should be permitted to review and copy SJIS information relating to such person. Objections to the information and recommended modifications, additions, or deletions should be acted upon by the body administering the SJIS.

Recommendation 32.0: System Security

- 32.1 *Protection from Accidental Loss.* Information system operators should institute procedures for

protection of information from environmental hazards including fire, flood, and power failure. Levels of security will depend on funds available and nature of the system.

- a. Adequate fire detection and quenching systems;
 - b. Watertight facilities;
 - c. Protection against water and smoke damage;
 - d. Liaison with local fire and public safety officials;
 - e. Fire resistant materials on walls and floors;
 - f. Air conditioning systems;
 - g. Emergency power sources; and
 - h. Backup files.
- 32.2 *Intentional Damage to System.* Agencies administering state-level judicial information systems should adopt security procedures which limit access to information files. These procedures should include use of guards, keys, badges, passwords, access restrictions, sign-in logs, or like controls.

All facilities that house SJIS files should be so designed and constructed as to reduce the possibility of physical damage to the information. Appropriate steps in this regard include: physical limitations on access; security storage for information media; heavy duty, non-exposed walls; adequate lighting; detection and warning devices; and closed circuit television.

- 32.3 *Unauthorized Access.* State-level judicial information systems should maintain controls over access to information by requiring identification, authorization, and authentication of system users and their need and right to know. Processing restrictions and integrity management should be employed to ensure system security.

- 32.4 *Personnel Security.*
- a. *Pre-employment screening:* Applicants for employment in state-level judicial information systems should be expected to consent to an investigation of their character, habits, previous employment, and other matters necessary to establish their good moral character, reputation, and honesty. Giving false information of a substantial nature should disqualify an applicant from employment.

Investigation should be designed to develop sufficient information to enable the appropriate officials to determine employability and fitness of persons entering critical/sensitive positions. Whenever practicable, investigations should be conducted on a pre-employment basis and the resulting reports used as a personnel selection device.

- b. *Clearance. Annual Review, Security Manual, and In-Service Training:* System personnel including terminal operators in remote locations, as well as programmers, computer operators,

and others working at, or near the central processor, should be assigned appropriate security clearances and should have their clearances renewed annually after investigation and review.

c. *System Discipline*: Sanctions should be established for accidental or intentional violation of system security standards. Supervisory personnel should be delegated adequate authority and responsibility to enforce the system's security standards.

Any violation of the provisions of these standards by any employee or officer of any public agency, in addition to any applicable criminal or civil penalties, shall be punished by suspension, discharge, reduction in grade, transfer, or such other administrative penalties as are deemed by the judicial agency to be appropriate.

Recommendation 33.0 - Systems Administration

- 33.1 Responsibility for administration of the SJIS should be assigned at the state level. Appropriate advisory bodies of judges, clerks, court administrators and other system users may be required.
- 33.2 Explicit provision should be made for rules and regulations covering system organization and operation, security, and privacy standards as well as assignment of authority to audit and evaluate systems performance and sanction violations of security and privacy rules and regulations.
- 33.3 Procedures should be established to act upon individual challenges to the currency, accuracy, accuracy, and completeness of information relating to them which is returned in the SJIS.

SCOPE OF THE REQUIREMENTS ANALYSIS

State-level judicial administrations perform a number of functions whose successful execution depends upon timely and accurate information. This report of the *Requirements Analysis Subcommittee* focuses on one class of information which relates to the entry and passage of people and cases through courts of general jurisdiction and appellate courts. This subset of information is used at the state level to evaluate the organization, practice and procedures of the courts, to assist with dispatch of judicial business, and to facilitate technical assistance and long-range planning activities.

To be useful to state-level judicial administrations a case-oriented information system should describe the attributes and manner of handling of the inputs and outputs of the judicial processing system and the functioning of that system. Figure 1 displays in an elementary way the judicial processing system. It indicates that various matters and people come before the courts, that they are handled by the judicial system, and that they are ultimately disposed of. Case processing information systems should strive to describe the

judicial processing system as accurately and completely as needs and resources require or permit.

In structuring this report several major questions were addressed. One is the issue of what one should know about the matters entering the judicial system. The report discusses the appropriateness of various "units of count" which can be employed in accounting for civil and criminal cases. It discusses the various ways of describing the nature and characteristics of these matters.

A second area of major concern is the various categories which can be used to describe the outcomes and dispositions of cases. Categories should relate outcomes to specific cases wherever possible. In addition, descriptions of dispositions should delineate the stage and manner of disposition as well as outcome of any matter before the courts.

A third goal is to describe accurately the functioning of the judicial system itself. The report analyzes the attributes of that system and recommends that certain information be captured about judicial activities. It also considers the type of information one would want to know about the nature, location, level and utilization of resources required to deal with matters coming before the courts.

The report focuses on descriptions of the activities of trial courts of general jurisdiction and appellate courts. It does not address special concerns, if any, with respect to courts of limited or special jurisdiction. Nor does it address non-case information such as that relating to personnel, finances, facilities and juror utilization. Subsequent reports will address these other types of information as well as information about special and limited jurisdiction courts. Particular attention will be paid to the juvenile court.

This report begins, but does not complete, a major undertaking—definition of terms so as to facilitate uniformity or comparability of judicial information. A joint effort of the SJIS Project Committee and the U.S. Bureau of the Census is underway to address important definitional issues. A glossary of terms will be prepared in the course of the project.

The report first addresses state level information requirements with respect to trial courts of general jurisdiction and then considers appellate court information. In the trial court section, reports about criminal and civil cases are separately discussed where appropriate. The tables in the appendix illustrate the kind of reports which could be generated if the recommendations set forth here were adopted and implemented.

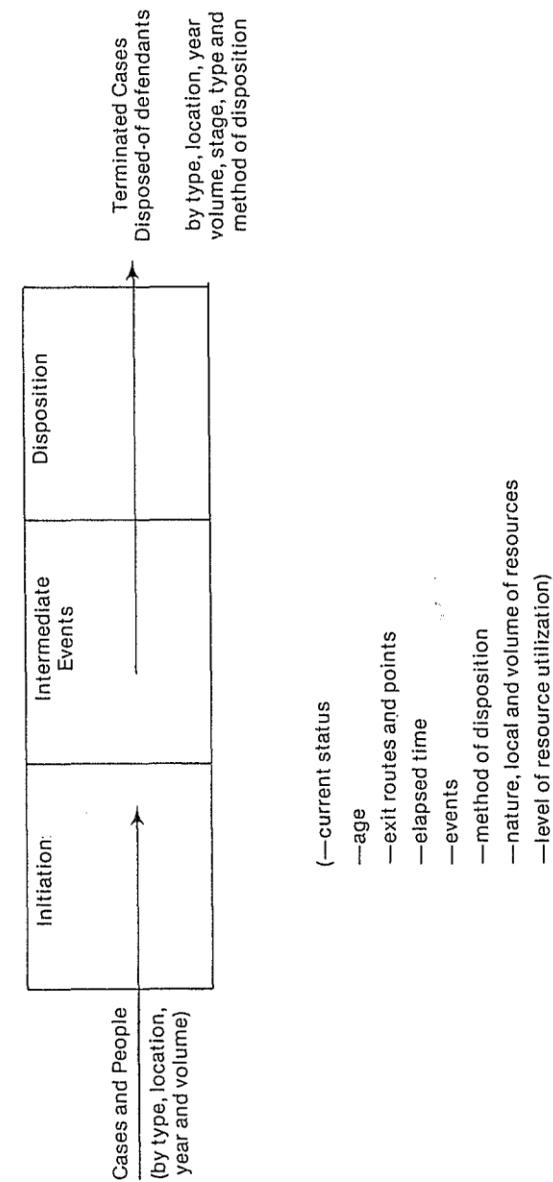
SECTION 1

TRIAL COURTS OF GENERAL JURISDICTION CRIMINAL CASES

While all state-wide judicial information systems now report annually or more frequently on the ac-

Figure 1

JUDICIAL SYSTEM



tivities of the court, there is no conventional "accounting" unit used by all systems. There is also no consensus as to what kinds of more detailed information should be reported with respect to the accounting units. This section addresses these issues.

There are two aspects of the accounting problem. One must first define the unit concerning which input reports will be filed. One must also select a unit upon which summary statistical reports should be based.

Accounting Unit for Criminal Proceedings

On the criminal side, one can report with respect to "cases", people, or some combination of the two. There are advantages of reporting with respect to both "cases" and individual criminal defendants. For measuring demand on court resources one would want to know about that combination of people and accusations handled as a single unit by the judicial system. For determining how the system is treating individuals, one would want to know about defendants. Information about individuals is especially important where there are established rules or guidelines for treatment of them. For example, one might want periodic information on the pre-trial release or jail status of accused persons or the length of time elapsed since arrest. Such information could lead to the initiation of inquiries as to why individuals have been incarcerated for excessively long periods prior to disposition or why people are not having their cases tried within the time specified by speed trial rules or guidelines.

As noted above, the SJIS project is also considering how the judicial system might best participate in the OBTS and CCH programs. The CCH files require reporting of dispositions with respect to named defendants. The OBTS program is designed to summarize transactions concerning individual criminal defendants. There must therefore be a way of separating information about individual defendants from other information in cases involving multiple defendants.

In preparing summary statistical reports one must also consider the most appropriate unit. The basic choice is between case-oriented and defendant-oriented reports.

Where there is one defendant and one case, there is no difference between a case-oriented system and a defendant-oriented system. The multiple-defendant and multiple-case situations create complications. Four situations can arise:

- 1) single defendant - single case
- 2) single defendant - multiple cases
- 3) multiple defendants - single case
- 4) multiple defendants - multiple cases

Number 1 presents no problems. Number 2 raises the question of how many times to count a single individual as a "defendant." If, for example, one individual is arrested three times in succession for unrelated criminal "episodes," one could argue that

he should be treated as if he were three separate people. On the other hand, it might be possible for these "episodes" to be encompassed in a single indictment, in which case there would be one defendant and one case with three separate courts.

Number 2 is further complicated if several separate arrests result from a single criminal "episode." This is common in bad check cases in which a single check-passing spree results in arrests by several municipal police departments within a single judicial district. These arrests are, typically, consolidated for trial and/or disposition. The count of judicial activities would be artificially inflated if, for example, three separate arrests relating to three bad checks resulted in counting three defendants and three cases.

One alternative is to count "case trial units" (CTU's) in lieu of or in addition to cases or defendants. A CTU is an amalgam of arrests, indictments, counts and people disposed of as a single unit. The use of the hybrid unit complicates the accounting process by requiring an assessment of which separately initiated matters should be grouped together for counting purposes.

No single measure is without its faults. Counting "cases" ignores information about defendants; counting defendants leads to over-counting of individuals who have more than one separately initiated criminal case; the hybrid unit creates problems of administration and interpretation. The least complicated way to handle the Number 2 situation would be to count, for statistical purposes, each criminal proceeding as if it were a separate case with a separate defendant. If the matters are consolidated, then the case disposition reporting procedures should be structured as so to report the consolidation as a disposition for the cases consolidated into the surviving one. Similarly, when one case, with one defendant, survives several cases involving the same individual, the number of defendants processed can be reduced by the number of consolidations.

Number 3 presents no particular problem of original accounting. There would simply be more defendants reported than cases. The disposition reporting is more complicated since dispositions with respect to each defendant must be reported if the dispositions are to make any sense. One way to handle this is to report the matter as three separate cases. This method of reporting may inflate the measure of overall demand on court resources. On the other hand, multi-defendant criminal matters take more handling than single defendant matters, therefore, reporting one "case" understates resource requirements.

An alternative is to count multidefendant cases as a separate category. The statistical output report would have separate listings for single defendant cases and multi-defendant cases.

The lesser of the evils would be to count, for statistical purposes, the multi-defendant cases as if

they were separate single defendant cases. This will inflate the count somewhat but probably lead to a more accurate assessment of demand on court resources. It will also make possible consistency of reporting of criminal proceedings initiated and the disposition of those proceedings including outcomes and sentences.

Number 4 is a variation of number 3. As with number 2, it would be most consistent to treat each defendant in each proceeding as a separate unit for counting purposes. Number four will arise so infrequently that any loss of information will be minimal.

On balance, it would appear that counting each defendant in each proceeding as a separate unit is the least complicated and most meaningful way of preparing statistical reports. The only distortion might result from some possible overstatement of multiple-defendant proceedings and the demands they place on judicial resources. This can be handled by a special coding and reporting of such cases. Counting of trials begun and completed would also eliminate problems of over counting of defendants.

Counting defendants for statistical purposes has definite advantages. It permits some comparison with police arrest and release statistics. It also makes possible the accurate reporting of dispositions in multi-defendant proceedings. For states which are presently counting "cases," they should continue to do so to preserve continuity. It is, therefore, recommended that:

Recommendation 1.0 - Accounting for Criminal Cases (See Table CR-1)

1.1 Each constituent trial and appellate court should have the capabilities of recording the major transactions in criminal cases and reporting separately with respect to each defendant in each criminal case. This should include the capability of compiling and reporting defendant-related information for the OBTS and CCH files.

1.2 For statistical reporting purposes, in addition to counting criminal cases, each state judicial information system should be able to count each criminal defendant in each proceeding as a separate unit.

1.3 If an individual is named as a defendant in separate indictments, accusations or informations, he should be counted as a separate unit for each proceeding for statistical reporting purposes.

1.4 If a single indictment, information or accusation covers multiple defendants, then each defendant should be recorded in statistical reports as a separate unit. Special reporting of multi-defendant proceedings may also be undertaken, if desired, in addition to but not in lieu of separate counting of each defendant.

1.5 Petitions, motions, reopened, reinstated, supplemental or transferred matters which had previously been counted as original proceedings and appeals from courts of limited and special jurisdiction should be counted separately from new proceedings.

1.6 There should be no separate accounting for individual charges or counts in informations and indictments.

It should be noted that it is recommended that there be no separate accounting for individual charges or counts in an indictment. A few states do this at present. There is some merit to this when an indictment contains counts relating to distinct criminal "episodes," since each count could support a separate indictment. Reporting these as one unit might understate the demand on judicial resources. There is probably some merit in believing that in some instances multi-count indictments do require more processing by the courts especially if the counts or charges relate to separate factual circumstances.

On the other hand, a good deal of the multiple charging that goes on is for tactical purposes. A single set of events can usually support several distinct charges. "Over-charging" or multiple charging can be used to facilitate plea or sentence negotiation. Because of the enormous discretion on the part of the prosecutor as to what charges will be laid, the counting of offenses charged may give little insight into the real demand on court resources. Similarly, it also gives little insight into how much reported crime is being cleaned up since there is no one-to-one relationship between the offenses charged and the police-generated Uniform Crime Reports. On the whole, it would be better to stay away from the counting of counts or charges in indictments and, in any event, they should not be used as a substitute for counting defendants or cases.

Beginning SJIS, CCH and OBTS Data Collection

The trial courts of general jurisdiction and the appellate courts would, under the system recommended in this report, assume responsibility for compiling SJIS, OBTS and CCH data. The data collection should begin with the filing of the case with the general jurisdiction or appellate court. Data collection should not begin too soon or too late.

Beginning data collection with issuance of an arrest warrant would inflate the case counts in statistical reports with matters not actually requiring court processing time. Beginning the collection and accounting processes with arraignment or initial appearance by the accused person in the court of general jurisdiction is assurance that the defendant is available for prosecution but may create some administrative problems about assigning case numbers to defendants indicted or informed against who have not physically appeared in court. On balance, beginning the SJIS, OBTS and CCH judicial data collection with the filing of the indictment or information with the clerk is the simplest way to proceed.

Appropriate steps should be taken to eliminate inactive indictments or informations from the statistical counts of pending business. If this is not done, the total of pending matters likely to require court han-

dling in the foreseeable future will be inflated. Periodic purging or separate reporting of inactive proceedings and of defendants when re-arrest orders or fugitive warrants are issued can reduce the count of inactive matters to one which will more accurately reflect the actual demand on court resources.

Recommendation 2.0 - When to Begin Data Collection and Counting

2.1 The counting of criminal cases and defendants and the OBTS and CCH data collection should begin with the filing of an indictment or information in the court of general jurisdiction.

2.2 For exception reporting purposes a judicial information system should track defendants bound-over from a lower court to a grand jury or court of general jurisdiction even if no information or indictment has been filed in the latter court. These defendants should not be included in the statistical count of filed or pending matters until the information or indictment is actually filed in the court of general jurisdiction.

Recommendation 2.2 is designed to fill a gap between lower court and/or grand jury activities and filing of a case in the trial court of general jurisdiction. While these matters should not be reported as being general jurisdiction court cases, the tracking of individual defendants should be undertaken to ensure their timely processing.

Describing the Nature of the Offense Charged

Another important attribute of a criminal case is the nature of the offense charged. The needs to be satisfied by the judicial information system as well as the requirements of the OBTS and CCH files must be considered in selecting offense categories. For state-level summary statistics and judicial management information purposes, the descriptions chosen should, to the extent possible, satisfy the following criteria:

- enough categories should be chosen to give insight into the changing character of judicial proceedings;
- categories should distinguish between proceedings which require rather different kinds and amounts of processing;
- the number of categories should not be so numerous that counting becomes unduly cumbersome;
- offense categories should be as consistent as possible with those used by other components of the criminal justice system;
- categories required by law should be used.

The CCH program as defined by NCIC contemplates reporting on offenses in uniform, national categories. All charges on which individual defendants were presented in court and on which they were disposed of would be reported using Uniform Offense Classification categories. The OBTS program by way of contrast, envisions reports filed only with respect to the "most serious charge" against a defendant at filing and disposition.

Offense Categories

There is no general consensus as to how many and which categories should be used in reporting criminal offenses. This report recommends a fairly detailed breakdown for statistical reporting on criminal cases at the trial and appellate levels.

If one wishes to anticipate trends, forecast workload or measure changes wrought by new legislation, a reasonably refined breakdown is required. Not all types of cases are growing at the same rate. Indeed, some may be declining while others are growing significantly. Since cases take varying amounts of time and resources to process, a detailed breakdown is useful to help with caseload projections and resource requirements analysis.

By using fairly narrow categories one can also spot problems peculiar to a particular class of cases. It may be that dispositional patterns are out of line, delays are inordinate or specific case types are burdening particular courts, e.g., drug cases in urban areas. The use of overly broad categories will conceal these potential problem areas.

In selecting appropriate categories one must also consider other uses of data. Criminal case categories used by the judicial information system should be consistent with those used by other components of the criminal justice system. CCH offense categories should be as uniform across the country as possible. Without consistency, measurement of the flow of cases through the criminal justice system will also be hampered. Moreover, use of consistent categories will facilitate evaluation of both levels and emphasis of law enforcement as well as the exercise of discretion by criminal justice personnel.

With respect to criminal cases, several types of categories are available. One could, for example, use the traditional felony/misdemeanor breakdown. Not only are these categories too broad for most purposes but there also is no universal consensus as to what constitutes a felony or misdemeanor. Some states use a maximum penalty of one year and others a maximum penalty of two years to distinguish felonies from other crimes. The difficulties are compounded because the same offense may carry different penalties in several states. Some states use other categories such as "high misdemeanors," "offenses," "violations," "infractions" to describe various offenses. Other states divide felonies and misdemeanors into classes by degree of penalty such as class A, B, C, and D felonies. A class D felony might be a misdemeanor or high misdemeanor in states not using this classification system.

For internal state purposes a more useful breakdown would be into specific state statute numbers and offense types. Beyond this, one could use the FBI's Uniform Offense Classification system which categorizes all significant criminal activities into a standard set of offense types. There are some

definition problems involved in using the FBI categories. For example, there is no one-to-one mapping between state statutes and FBI categories. An FBI category may include a number of statutes or an individual statute could be put into several FBI categories. These problems would occur given any attempt to develop a uniform offense reporting system. Some states have attempted to translate their state criminal statutes into the Uniform Offense Classification categories. Translation into these categories would promote not only comparability of offenses and sentences for CCH purposes but also compatibility with statistics from other components of the criminal justice system.

Given the advantages of using the FBI categories, the issue remains as to who should translate the state offenses into them. One alternative is to have the coding done at the source. That is to say the local police, prosecutor or court could do the translation and coding. Another alternative is to have the translation done manually or by computer by a criminal justice statistical agency. From the perspective of the SJIS the latter is a preferred method because it removes the translation burden from judicial personnel who are not experienced in offense coding.

There is, however, no general confidence that the translation of status statistics can be undertaken other than at the source, given the present status-of-the-art of translation of state statutes into the Uniform Classification categories. Uniform Offense codes could be included on the SJIS data capture and report documents. The entries would then have to be made by judicial personnel at the two-digit (as distinguished from the more specific four-digit) UOC coding level. The offense coding information would have to be obtained from police and prosecution personnel to the extent possible. This places too much of a burden on judicial personnel unfamiliar with the facts of a case; therefore, it is not recommended.

Another issue concerns which offense or offenses should be used for statistical purposes. A criminal defendant may be charged with several offenses and end up by being convicted or pleading guilty to several entirely different ones. One could attempt to report on all charges laid against a defendant at all stages of the proceedings against him. This might create accounting problems and it might also be misleading because of the practice of "overcharging."

The more customary practice has been to prepare summary statistical reports and collect data about only the most serious offense charged. This creates problems because the most serious offense at one stage may not be the most serious offense at another stage. One may, in fact, want to use different offenses for different purposes. Filings, for example, are usually reported as a function of the most serious charge at the initiation stage while sentences are reported as a function of the final charge upon which the defendant

is convicted. The matching of filings with sentences becomes quite difficult if data on only the most serious charge is collected. By collecting data on all charges one could more easily trace the effects of plea bargaining and discretion on the disposition of criminal cases. The CCH system also contemplates reporting on all charges.

Even the concept of "most serious" is not without problems. Many states have adopted penal codes which establish broad offense categories. All "class A" felonies, for example, carry the same penalty under such codes. One cannot distinguish between the seriousness of crimes within a given class on the basis of potential penalty since the penalty is the same for all crimes of that class. No other criteria readily suggest themselves. How can one, for example, determine if a rape and kidnapping should be reported as one or the other.

Use of only the most serious offense for statistical reporting purposes tends to complicate interstate comparability. Penalties vary from state to state. The same set of facts may lead to one "most serious offense" in a given state and a different one in another. Short of standardization of penal codes, there does not appear to be any answer to this problem if only the most serious offense is reported on.

Even given the administrative problems of following all offenses and charge changes, it is recommended that this be done. Statistical reports can be prepared using only the most serious charge if this is desired by appropriate manipulation of the data base using established seriousness criteria.

It is therefore recommended that:

Recommendation 3.0 - Criminal Offense Reporting

3.1 Input and statistical reports on the criminal cases should record offenses charged by state statute number and literal description of the offense category. (See Tables CR-2 and CR-3).

3.2 All offenses charged at a given stage should be recorded for input purposes; the OBTS system should undertake to extract data on the most serious offense if it requires the same;

3.3 For CCH purposes, the state statutes should be translated into NCIC's Uniform Offense Classification categories. This function can be performed by personnel entering data at the trial court level or by a central state law enforcement information facility. Additional experience is needed before a recommendation can be made as to the best way of achieving the desired translation.

The choice of offense categories raises the more general issue of interstate comparability of judicial data. This is a goal that cannot now be achieved. Lack of agreed definition of specific types of information is going to present continuing problems. Differences in definitions are likely to arise because states use different classification systems. For example, in some states felonies are offenses for which the maximum

sentence is imprisonment for more than one year; in other states, felonies are criminal offenses for which the maximum penalty is more than two years imprisonment. There are also terminological differences, wherein terms either have no consistent meaning or the same term is used in different states to describe different events or categories. Another definitional issue concerns reference periods and accounting units. The states do not necessarily report information with respect to the same time periods, nor do they always use the same unit of account. For example, the definition of what constitutes a "case" is not universally agreed upon.

There are also other kinds of differences that can lead to problems of comparability of judicial information. For example, not all states use precisely the same procedural steps or decision points in the processing of cases or persons. Some states proceed in felony cases by preliminary hearing and grand jury indictment, other states proceed directly by filing of information on the accused person in a court of general jurisdiction, and still others use a preliminary hearing bindover procedure. The differences in the processing of cases are likely to lead to differences in the statistical reporting system. Finally, not all states allocate subject matter jurisdiction among the courts in the same way. For example, one state recently authorized its lower court to assume jurisdiction for crimes for which the maximum penalty was not more than five years. As a result of the increased jurisdiction in the lower courts the criminal caseload in the court of general jurisdiction dropped by more than 50%. It would be unwise to compare criminal caseloads in the court of general jurisdiction in that state with the criminal caseloads in the courts of general in other states where the higher court handles not only all felony cases, but also many misdemeanor cases.

It is not anticipated that it would be possible at this time to resolve all definitional problems. The Census Bureau is conducting a study with the assistance of the SJIS Project to determine what would be required to achieve something approaching "comparability" of definitions, (assuming that "uniformity" is unattainable). This planned study will proceed by examining reporting systems and reporting manuals and definitional materials used in each of the states which report state-wide judicial statistics, as well as an examination of some large trial courts that report their own statistics.

Special Categories of Cases

Two types of matters do not fall clearly into the civil-criminal distinction. They are post-conviction activities, including habeas corpus and prisoner petitions (which are usually classified as "civil" actions) and juvenile proceedings which are to a large extent *sui generis*. On balance, it was concluded that these matters relate more closely to criminal cases but nonetheless should be reported separately.

Post-Conviction Activities

Post-conviction writs and motions generate a significant amount of work for judges and clerical staff. In addition, since post-conviction review should be considered as much as possible a part of the over-all criminal process, it ought to receive the same degree of attention and expedition that earlier steps in the criminal process do.

Recommendation 4.0 - Post-Conviction Activities/ Statistical Reporting

4.1 States should report post-conviction activities as a separate category. The following categories should be used for statistical reporting of kinds and outcomes of post-decision activities.

1. *Habeas corpus**
 - Total filed
 - Total granted
 - With hearing
 - Without hearing
 - Total denied
 - With hearing
 - Without hearing
2. *Prisoner petitions**
 - Total filed
 - Total granted
 - With hearing
 - Without hearing
 - Total denied
 - With hearing
 - Without hearing
3. *Sentence review*
 - Total filed
 - Sentence not modified
 - With hearing
 - Without hearing
 - Sentence increased
 - With hearing
 - Without hearing
 - Sentence reduced
 - With hearing
 - Without hearing
4. *Motions to vacate, set aside, or modify sentence*
 - Total filed
 - Total granted
 - With hearing
 - Without hearing
 - Total denied
 - With hearing
 - Without hearing
5. *Motions to withdraw plea of guilty*
 - Total filed
 - Total granted
 - With hearing
 - Without hearing
 - Total denied
 - With hearing
 - Without hearing

6. *Motions for new trial*
 - Total filed
 - Total granted
 - With hearing
 - Without hearing
 - Total denied
 - With hearing
 - Without hearing
7. *Other motions and writs*
 - Total filed
 - Total granted
 - With hearing
 - Without hearing
 - Total denied
 - With hearing
 - Without hearing
8. *Appeals filed*
 - Civil
 - Interlocutory
 - Final
 - Criminal
 - Interlocutory
 - Final

In addition, the time it takes each of these activities to move from initiation to disposition should be reported.

*Habeas corpus refers to petitions attacking sentence or original conviction; prisoner petitions refers to petitions attacking conditions of confinement.

Juvenile Proceedings

Most states with state-wide judicial statistics report on juvenile proceedings; sometimes the juvenile information is reported as part of another category such as "family" or "criminal" and other times it is reported as a separate category. The most frequent categories presently used are "delinquency," "dependency," "neglect" and "person in need of supervision." There is some effort made to segregate delinquency proceedings based on violation of the criminal law from other delinquency proceedings. A few states separate out traffic violations from other offenses.

The distinctions between delinquency and other juvenile proceedings and between criminal and non-criminal proceedings would appear to be worth preserving. It is not clear, however, how these proceedings should be subdivided. Some states divide delinquency proceedings into criminal and non-criminal. In the latter category are included matters such as incorrigibility, truancy and other similar "status offenses" which do not constitute adult crimes. Other states, however, report these "status offenses" as non-delinquency proceedings under categories such as "persons in need of supervision (PINS)," "juveniles in need of supervision (JINS)," and the like. These distinctions are more than formal since in some states "non-delinquent," "persons in need of supervision" cannot be incarcerated with adjudicated "delin-

quents." For reporting purposes probably the best that can be done is to separate the delinquency petitions based on criminal offenses from other petitions based on "status offenses."

The other non-delinquency matters also present reporting problems. The line between "neglect" and "dependency" proceedings is a fine one which is not drawn in all places. The "persons in need of supervision" category as well as "abuse" proceedings overlap to some extent with the other categories.

The reporting problems are compounded by uncertain starting points for the counting of juvenile proceedings. The simplest place to begin the count is with the filing of a formal petition with clerk of the relevant court. Many juvenile matters are, however, "adjusted" prior to filing a petition or a formal complaint. Sometimes a period of more or less formal supervision is imposed as part of the adjustment process. It would be useful to capture information about intake dispositions as well as formal petitions and complaints and to record the "adjustment" activities.

The formal dispositional stages of juvenile proceedings are handled rather differently than adult criminal and civil proceedings and the dispositional alternatives are varied. The various options have not yet been adequately explored. Contact has been made with the staff of the Juvenile Justice Standards Project, also staffed by IJA, to determine the full range of alternatives which must be considered. For present purposes the recommendation is limited to the most general reporting of juvenile proceedings. More detailed recommendations will be postponed until a thorough staff analysis can be undertaken.

It is therefore recommended that:

Recommendation 5.0 - Reporting of Juvenile Proceedings for Statistical Purposes

States should report the filing and disposition of juvenile intake complaints and petitions by court situs using the following categories:

1. Criminal delinquency proceedings
2. Juvenile (non-criminal) offense proceedings
3. Neglect, dependency, and abuse proceedings

Reporting of Outcomes

Dispositions in individual cases must be reported for CCH and OBTS purposes. Summary information is also required with respect to the outputs of the judicial processing system. In particular, volume of matters disposed of should be reported by appropriate case type, time periods, and level and situs of court and as a function of available resources. In addition, it is useful to know the stage and manner of disposition of all criminal defendants and civil cases and the sentence or other type of disposition received by criminal defendants.

A problem arises if the matter processed by the court changes its character. In criminal cases, a defen-

dant is frequently brought into court on one charge and disposed of on another. A question arises as to whether the opening charge or the disposition charge should be used for statistical reporting purposes.

Some states treat the matter as if it were disposed of on the original charge no matter what the final charge is. It has been suggested that some tracing of charge changing is appropriate and that if felony charges are disposed of as misdemeanors this transition should be noted. Another possibility is to use the opening charge of reporting of defendants processed and disposed of but to use the final charge for reporting sentences.

The different methods of reporting dispositions reflect rather different interests ranging from accounting for cases filed, and monitoring plea bargaining to assessment of sentencing patterns.

Outcomes and Sentences

The outcome of criminal cases also is of considerable interest. On the criminal side, one would want to know whether the defendant or the state prevailed and what the sentence was, if any. Sentences basically involve various combinations of fines, probation and incarceration although other dispositions may be possible. For example, with the development of diversionary alternatives such as drug treatment programs, youthful offender treatment, court employment projects and deferred sentencing options, it would be useful to add another general dispositional category. In many states it is possible for the court to direct the place of incarceration, therefore, it would be helpful to distinguish between state and county facilities and, perhaps, further subdivide these categories.

Recommendation 6.0 - Reporting of Criminal Dispositions

- 6.1 Courts should report to the CCH and OBTS data files dispositions of individual criminal defendants qualifying for entry into those files. Dispositions of all charges should be reported as input to the SJIS.
- 6.2 Each state should prepare statistical reports on dispositions using the final most serious offense of which a defendant is convicted. If a defendant is not convicted, then the most serious offense at the disposition stage should be used. (See Tables CR-7 and CR-8)
- 6.3 Each state should also report summary statistics showing the disposition of the final most serious charge against each defendant as a function of the original most serious charge filed in court (See Table CR-15.)
- 6.4 In reporting dispositions, the following categories should be used:
 1. Judicial dismissal on defendant's motion
 2. Judicial dismissal on prosecution's motions
 3. Judicial dismissal on court's own motion

4. Prosecutorial withdrawal/Nolle prosequi
5. Judgment on guilty or no-contest plea
6. Judgment after non-jury verdict
7. Judgment after jury verdict
8. Judgment for defendant notwithstanding the verdict
9. Deferred prosecution or sentence
10. Transferred
11. Consolidated
12. Other

(See Tables CR-7 and CR-8.)

6.5 Sentences should be reported as a function of the most serious charge for which each defendant is convicted.

(See Table CR-16.)

6.6 In reporting sentences the following categories should be used:

1. Incarceration (by type of confinement and length of minimum and maximum sentence in days and/or months and/or years)
2. Term of probationary supervision (in months and years and conditions imposed, if any)
3. Amount of unremitted fines
4. Terms of incarceration and probation if sentenced to both and conditions imposed, if any
5. Term of incarceration and amount of unremitted fine if both are imposed
6. Term of probation and amount of unremitted fine if both are imposed
7. Death sentences
8. Sentence to youthful offender, drug rehabilitation, mental health or other treatment programs or facilities
9. Other

6.7 In the event that incarceration is imposed, in part, and suspended, in part, that fact should be reported.

Stages and Manner of Disposition

A useful class of information relates to stages at which cases are disposed of and the manner in which they are disposed of. The two categories are related but not identical. For example, cases can be disposed of by pleas or prosecutorial dismissal at any stage of the proceedings but can be disposed of by trial only at the trial stage.

If case dispositional information is combined with information about the stage of disposition, and case type, one can get a good picture of how various kinds of cases flow through a state's judicial system. To develop flow information it is necessary to identify the key points at which cases exit from the judicial process. With the exception of information on trial-related and other formal dispositions, states do not typically report on flow of cases out of their systems. In order to improve information on non-trial dispositions which is presently reported, it is recommended that:

Recommendation 7.0 - Stage of Guilty Pleas and Dismissals in Criminal Cases

7.1 Each state should report the stage of the proceeding at which guilty pleas or dismissals are made. (See Table CR-9)

7.2 For reporting purposes the following stages should be used:

1. Before trial
 2. Trial begun
 3. Trial through proof complete but before verdict.
- (See Table CR-9)

Description of the Operations of the Judicial Processing System

An important element in a balanced state judicial case processing information system is information about the functioning of the system itself and the status of cases pending in the system. Each of these aspects of the judicial processing system is discussed separately below.

Status of Cases

At any given point in time one can take a "snapshot" of the work flowing through the judicial process and get a fairly accurate picture of where everything stands. The standard report on volume of cases pending gives a partial picture of the status of judicial proceedings but more is required for state judicial administration purposes.

Case age is one important additional piece of information. A number of states report the age of cases pending at the end of a given reporting period. Age is measured from the date the case is filed officially in court to the cut-off date. Case age information is usually presented so as to represent the number or proportion of cases pending longer than some specific time period, e.g., one month, three months, six months, one year, two years, etc. Appropriate breakdowns into case categories and the situs and jurisdiction of courts should be used.

A different type of information relates to defendant status. There is an interest in knowing status of individual defendants. In particular, a state court administrator might want to know how many defendants have been confined for how long prior to disposition. If reports indicate excessive confinement in a particular jurisdiction, then appropriate inquiry can be undertaken. Similarly, if defendants have cases pending beyond periods specified in speedy trial rules or case processing guidelines appropriate investigation can be undertaken.

Recommendation 8.0 - Age of Criminal Cases

8.1 Each state should receive or generate reports on a monthly basis on the age, in months, of all active pending criminal cases. (See Tables CR-4 and CR-5)

8.2 The following reporting intervals should be used:

- less than one month

- one and less than two months
- two and less than three months
- three and less than four months
- four and less than five months
- five and less than six months
- six and less than 12 months
- twelve and more months (see Tables CR-4 and CR-5)

8.3 The monthly reports on case age should also indicate by the trial court the number of defendants in each case age category who are incarcerated pending trial.

Case flow information

Information about case flow falls into several categories. One category is information about case processing materials. There is no general consensus as to what intervals should be used for reporting purposes. Some states and the federal courts report with respect to the time between filing and completion of pretrial activities, between that completion and final disposition and between filing and disposition. Some special reports such as the IJA Calendar Status Study report these time intervals with respect to a sample of one category of case, e.g., personal injury actions disposed of by trial.

It is recommended that the following information about case processing intervals, elapsed times, and movement of criminal business through the courts be reported:

Recommendation 9.0 - Processing Intervals for Criminal Defendants

9.1 Periodic reports should be prepared displaying the time intervals between major steps in the processing of criminal matters.

9.2 The reports should contain information on time intervals for all major offense types in all trial courts of general jurisdiction with respect to all criminal defendants disposed of during the reporting period.

9.3 For criminal defendants and cases disposed of by plea or dismissal or other non-trial disposition reports should cover the time intervals from

- filing to disposition
- disposition to sentencing (if any)
- filing to sentencing (if any) (See Tables CR-12 and CR-13)

9.4 For criminal defendants and cases disposed of by trial the following time intervals should be used:

- initiation to trial readiness
- trial readiness to completion of trial
- completion of trial to sentencing (if any)
- initiation to completion of trial
- initiation to sentencing (if any) (See Tables CR-10 and CR-11)

9.5 States whose reporting systems permit should also produce, at least annually, flow diagrams depicting by offense type the movement of criminal cases through the various routes and exit points of the judicial

system.

9.5 States whose reporting systems permit should also produce, at least annually, flow diagrams depicting by offense type the movement of criminal cases through the various routes and exit points of the judicial system.

9.6 For public reporting purposes only the total elapsed time from filing to disposition and filing to sentence should be used. Other information should be retained for internal management use and be provided upon request.

Case Status Information

Case flow information relates to cases disposed of during the reporting period. One would want to know about status of pending criminal cases. The information desired concerns how long the matters have been in the system and how far they have progressed.

To this end, it is recommended that the following be done:

Recommendation 10.0 - Status of Active Criminal Cases

10.1 Each state should report on a monthly or other periodic basis on the status of active criminal cases before the courts.

10.2 For statistical purposes, pending matters should be designated as "active" or "inactive." The latter category should include proceedings in which the defendant has fled the jurisdiction, is incarcerated or otherwise unavailable for prosecution as well as other matters marked "inactive" by the appropriate judicial officer.

10.3 Appropriate profiles should be prepared indicating by offense type and court situs:

- age of proceedings pending, and (See Tables CR-4 and CR-5)
- stage of processing of the proceedings (see Table CR-6)

10.4 The reports should indicate the last stage completed. The following stages should be used:

- initial appearance
- plea
- trial readiness
- trial begun
- trial completed
- judgment/sentence (See Table CR-6)

Trial Information

In addition to reporting of dispositions with and without trial and elapsed time for dispositions by trial, there is an interest in obtaining additional information about the trial process itself. Among the types of additional information now collected or planned to be collected are the following:

- disposition by type of trial
- number of juries selected and sworn
- elapsed time of trials held
- trial days of disposed matters
- judicial bench trial time in disposed matters

- size of juries (6 vs. 12)
- prevailing parties
- stage reached by trials begun but not completed
- dispositions by individual judge and type of trial
- ratio of trial dispositions to filings
- ratio of trial dispositions to all dispositions
- mistrials
- hung juries
- contested vs. uncontested trial dispositions
- number of cases pending on jury and non-jury trial dockets or lists
- estimated judges required to dispose of anticipated trials

Information on trial activity should be sufficient to indicate the level of activity and resources consumed by the trial process. Additional definitional work is required to define "trials" and when they are "contested." A report should contain the following information:

Recommendation 11.0 - Trial Information (Civil and Criminal)

11.1 Each state should routinely report on all trial dispositions. The report should cover, separately, jury and non-jury trials and contested and non-contested trials.

11.2 Trial dispositions should be reported only for matters in which there is a final jury verdict or final judgment by a judge sitting without a jury. Dispositions should indicate mistrials and hung juries.

11.3 Each state should also report with respect to jurors and juries the following information (where applicable):

1. Number of six-person juries selected and number of twelve-person juries selected;
2. Jurors available for jury service after excuses, failure to appear and the like;
3. Number of jurors actually picked to serve on six-person juries and twelve-person juries.

Event Reporting

There are a number of events in the processing of cases whose occurrence or non-occurrence may significantly affect the movement of cases through the judicial system and the demands on judicial resources. An illustrative list of significant events in case processing of criminal cases includes the following:

- initial appearance
- arraignment
- probable cause hearing
- other appearances
- pretrial release
- motions
- hearings
- conferences
- trial settings or assignments
- pleas
- trials
- sentencing

- post-conviction activity
- appeals

A management information system could be developed to provide information about the next scheduled event in each case; whether or not the event occurred; if it did not occur, the reasons for non-occurrence and the person responsible for the non-occurrence. Several kinds of reports can be developed from such an information system. First, the system can generate exception reports which list by title and number, cases in which there is repeated failure to complete scheduled events. The list could, for example, encompass criminal matters in which there have been numerous continuances. Inquiry could be initiated by the judicial administrator as to why these cases are not making satisfactory progress.

Another output of the system could be summary reports that illuminate the overall progress of cases. One could, for example, record the average number and range of the occurrence or non-occurrence of events, by case type, court situs, individual judge or other variables. Reasons for non-occurrence can be recorded and tabulated; attempts can be made to assign responsibility to prosecutors, public defenders, private attorneys, judges, court clerks, court reporters, and jury managers for lack of case movement. One might also want to know about the average number of events per matter by type of event as well as judge-time devoted to handling contested motions and hearings, conferences and the like. Another important aspect of some of the events is their outcome. The prevailing party with respect to contested motions and hearings could be recorded. This information is, for example, particularly relevant with respect to motions to suppress evidence which may be dispositive of a case.

After due consideration it was the consensus that, with one exception, regular collection and reporting of information about intermediate case processing events should be a trial court function. State-level judicial administrative needs can be satisfied by drawing on trial court data bases or by conducting special studies of case processing. The one exception is information with respect to pretrial release and bail. The growth of new kinds of pretrial release programs and the need to promote state-wide uniformity in release decisions justifies the state-level data collection effort.

Reporting about pretrial release presents special problems. Ideally, one would want to know who made the release decision; how many people were released on what terms, conditions, and bonds; the identity of any surety bondsmen; and the success rate (as measured by appearance in court) of persons released under various terms, and conditions and bonds. Separate reporting, as previously recommended, should be undertaken with respect to persons detained because of failure to obtain pretrial release. Most release decisions are made early in the processing of a criminal defendant, but are subject to review and

revision at various stages of the process. It may not be worth the effort to trace all changes in release status.

It is recommended that:

Recommendation 12.0 - Pretrial Release

12.1 With respect to bail or pretrial release the following information should be reported:

1. Status/Method of Release
 - Cash bail
 - Professional surety bond
 - Non-professional surety bond
 - Minimum deposit bail
 - Release without bond
 - Incarcerated
 - Posting security
 - Third party parole
 - Supervised release
 - Other;
2. Number and percentage released by type of release and amount of bond, if any, and detention rate by amount of bond;
3. Non-appearance rate by type of release and amount of bond, if any;
4. Number and percentage of persons interviewed and released without bond or denied release without bond;
5. Performance of individual bondsmen, including amount of outstanding obligations and forfeitures.

Resource Requirements

To determine resource needs one must add information about availability of resources to case monitoring and case processing information. Some states now report case filings and dispositions by authorized judgeship, judge or judge-day. These measures differ in several ways. The first does not take into account vacancies, assignments and reassignments, disability, etc. Using per judge measures does not take into account variations in days spent on judicial matters by individual judges. On the other hand, resource capacity measured by authorized judgeships is most useful in determining changes in the number of judges required in various jurisdictions to handle expected caseloads.

If information about judge-time (or dispositions and sentences) is collected by individual judge, care must be taken about disseminating such information by name of individual judge. While appropriate for internal management purposes, the individual judge information may be subject to misinterpretation by persons outside the judicial system. The information should not be released without appropriate authority and interpretation of apparent differences in judicial performance.

A balanced report on resource capacity should also take into account the use of non-judicial personnel who perform judicial-type functions. Many trial courts use referees, commissioners, masters and similar personnel to assist the trial judge or to act as a

surrogate for him. Their activities should be captured.

One might also want to know about the individual or average performance of other key participants in the judicial process. Some states contemplate collecting such data about prosecutors, public defenders, appointed counsel, and private firms. Others are concerned with juror utilization information. The present recommendation is limited to the work capacity of judicial and quasi-judicial personnel. Other resource capacity information will be addressed at a subsequent time.

It is, therefore, recommended that:

Recommendation 13.0 - Resource and Work Performance (Civil and Criminal)

13.1 States should collect and report work performance information by court situs with respect to:

- authorized judgeships
- judges actually serving
- judge-days available for judicial activities

13.2 Such information should also be collected and reported with respect to auxiliary personnel such as referees, masters, and commissioners who assist with the disposition of criminal cases.

13.3 Each state should collect and report information concerning judicial assignments into and out of judicial districts as well as requests for judicial assistance.

13.4 Information with respect to actual judge-time spent on judicial activities should either be collected and retained by the trial courts on a routine basis or developed through special studies rather than by routine reporting to the state.

SECTION 2

TRIAL COURTS OF GENERAL JURISDICTION - CIVIL CASES

Much of the analysis concerning reporting on the criminal matters in the trial courts of general jurisdiction is applicable to civil cases. This section includes parallel recommendations; the text notes special problems that may arise in the reporting of civil case information.

Accounting for Civil Proceedings

On the civil side, states have traditionally counted "cases." The filing in court of initial pleadings in a civil action marks a convenient point to begin the count. There are some limitations to the case counting approach. It tends to understate complicated proceedings; especially those in which a number of parties are involved on both sides. The counting of individual plaintiffs and defendants in multi-party cases would to some extent overcome this short-coming. The fate of individual plaintiffs and defendants is, however, of less interest on the civil side than on the criminal side. It would probably suffice to indicate that a case involves multiple plaintiffs and/or defendants.

A potential problem on the civil side is the reporting of proceedings that are other than new civil cases leading to a final trial disposition. Such proceedings include:

- petitions and motions of various kinds;
- reopened proceedings;
- supplemental proceedings in cases previously reported as terminated.

These matters should be reported separately from new case filings so that the count of cases is not unduly inflated.

It is, therefore, recommended that:

Recommendation 14.0 - Accounting for Civil Cases

14.1 The accounting for civil cases should begin with the filing of a civil action in the court of general jurisdiction. The count should begin prior to the filing of a first answer or other responsive pleading.

14.2 The unit of count should be the case rather than individual plaintiffs or defendants. Appropriate note should be made of cases that have multiple plaintiffs and/or defendants.

14.3 Petitions, motions, supplemental, transferred, reopened or reinstated cases and appeals from courts of limited and special jurisdiction should be separately reported under appropriate descriptive headings and not counted with newly initiated cases.

Civil Case Categories

On the civil side, there seems to be a general lack of consensus as to what kinds of case categories should be used. The major categories used by many of the states are torts, contracts, domestic and family, property and probate. With respect to all the categories there was very little consensus among the states. Therefore, if a recommendation is made that the categories listed below be used, it would basically require every state to develop a more detailed statistical reporting system. Categories suggested seem adequate for most purposes. That is, they are sufficiently numerous to capture kinds of causes of action that can arise in the civil area. They are listed in varying levels of specificity so that states can choose the level of detail they desire.

In reporting filings and dispositions, states typically do so by some specific time or reference periods and also by court situs and jurisdiction. The exact geographical reporting unit seems to be a matter of state convention. Typically, states report by judicial district or circuit. In some instances, in which a judicial circuit encompasses more than one county there may also be a report for each county within the circuit for which the court sits. Each state should clearly identify the reporting periods and court divisions used in its reports.

Recommendation 15.0 - Civil Case Categories

15.1 Each state should report on a monthly basis civil cases filed, disposed of and pending at the beginning and end of each reporting period by appropriate levels and situs of court. (See Table CV-1)

15.1 The major case categories set forth below should be used for reporting purposes. The more detailed categories are illustrative and may be used for internal purposes if desired.

Contract

Personal Injury

- Automobile
- Non-Automobile

Property Damage

- Automobile
- Non-Automobile

Other Tort

Property Rights

- Eminent Domain/Condemnation
- Lien and Mortgage Foreclosure
- Evictions
- Partition
- Quiet Title
- Other

Domestic and Family

- Paternity
- Adoption
- Custody
- Support
- Unif. Recip. Enforc. of Support - Incoming
- Unif. Recip. Enforc. of Support - Outgoing
- Other

Marital

- Divorce
- Separation
- Support
- Alimony
- Custody
- Annulment
- Conciliation
- Consent to Marry

Probate

- Testate Estates
- Small
- Regular
- Intestate Estates
- Small
- Regular

Trusts

- Guardianships and Conservatorships
- Ancillary or Foreign Administration
- Other

Administrative

- Zoning
- Tax
- Workmen's Compensation
- Other

Appeals from Courts of Limited or Special Jurisdiction

Other Civil

Disposition of Civil Cases

There are somewhat more ways to dispose of civil cases than there are for criminal matters. It is recom-

mended that the following categories be used:

Recommendation 16.0 - Disposition of Civil Cases

16.1 The following categories should be used in reporting the disposition of civil cases: (See Tables CV-7 and CV-8)

- Settled
- Consent Judgment
- Default or Uncontested Judgment
- Dismissal with Prejudice
- Dismissal without Prejudice
- Summary Judgment
- Judgment after jury trial
- Judgment after non-jury trial
- Judgment Notwithstanding the Verdict
- Consolidated
- Transferred

16.2 With respect to civil cases which are settled, the stage of settlement should be indicated using the following stages: (See Table CV-9)

- Pleadings
- Discovery
- Pretrial Conference
- Trial prior to verdict or decision
- Post trial
- Civil Case Processing**

The processing of civil cases also takes a somewhat different route from that of criminal cases. It is recommended that the following case processing information be reported with respect to civil cases:

Recommendation 17.0 - Civil Case Processing Information

17.1 Each state should report on the time intervals between major stages in the processing of civil cases disposed of. The following stages should be used:

- Case initiation to trial readiness
- Trial readiness to disposition
- Trial readiness to trial
- Case initiation to disposition

17.2 Appropriate reports should be prepared indicating by civil case type and court situs:

- The age of pending civil cases from date of filing (See Tables CV-10 and CV-11)
- The stage of processing each case type has reached by age of case (See Table CV-6)

17.3 The report should indicate the last stage completed. The following stages should be used: (See Table CV-6)

- case initiation
- close of pleadings
- pretrial discovery
- pretrial conference
- trial readiness
- trial begun
- trial completed
- post-trial activity

SECTION 3

APPELLATE COURT INFORMATION

Inputs into Appellate Information System

Almost all states report annually on appeals and other matters filed, but there is no general agreement on what constitutes an appropriate accounting unit or what information should be reported about pending cases.

Accounting Unit for Appeals

As is the case with the trial courts, there is uncertainty as to what unit should be used to account for appellate cases—defendants, cases, or both.

Several separate appeals may arise from a single trial if there are several defendants. For multi-defendant cases there may be a single appeal for all defendants or separate appeals for individual defendants. When several appeals are filed, briefs may be filed for each defendant, or one brief may be filed for several defendants. Multi-defendant appeals may be heard by the court in a single hearing.

Some cases in which several appeals were filed will be formally consolidated or joined. Other cases will not be formally joined, but will be briefed and argued together. Others may be briefed separately but argued together.

Some consistent methods must be devised to fairly reflect the volume of the court's activities. No one method is entirely satisfactory. Counting each defendant will overstate the actual size of the court's workload, since several defendants may file a single notice of appeal and, consequently, one brief. Counting all appeals arising from the same case as a single unit will understate the demand on the court, since several briefs may be filed. Counting each appeal at inception will overstate the volume somewhat, since the defendants may consolidate the several appeals and file one brief, but the overstatement will not be as great as if each defendant were counted as a separate case.

In addition to appeals from lower courts or agencies, appellate courts also consider original proceedings, such as petitions for writs of mandamus and habeas corpus. Each original proceeding filed should be counted as a unit.

Since the accounting unit recommended for appellate courts is appeals filed and original proceedings initiated, information will not be reported as to the status or final disposition of individual criminal defendants in the appellate court. To enable tracking of individual criminal defendants through the entire judicial system, reporting should also be undertaken of individual criminal defendants.

Recommendation 18.0 - Accounting Unit for Appellate Court Business

18.1 For accounting purposes, each appeal or original proceeding of any litigant should be counted as one

unit. In the event that several litigants voluntarily join in an appeal or original proceeding prior to its inception, that appeal or original proceeding should be counted as one unit. Thus, the joint appeal of several criminal defendants, from a single trial should be counted as one unit, whether or not each defendant files an individual notice of appeal. If cases are later severed, then they should be counted as separate units.

18.2 If the appeals or original actions are consolidated at any point after the separate notices of appeal are filed, the appeals which were consolidated into the surviving, or "lead" case, should be eliminated from pending matters and reported under dispositions as consolidations.

18.3 Cases which are not consolidated or formally joined, but for which a single brief is filed and a single argument heard, should be reported under dispositions as consolidations, when the "lead" case is terminated.

18.4 A separate count and disposition report should be maintained on individual defendants in criminal appeals.

When to Begin Counting Appeals

Appellate practices differ in each state, so it is difficult to designate the precise point at which counting of appeals should begin: should counting commence when the petition for leave to appeal is filed, or when the appeal is docketed, or when the record on appeal is filed, etc.

The ABA's *Proposed Standards for Appellate Court Statistics* recommends that the count begin with the initial essential step clearly leading toward an appeal. Preferably (though not necessarily) this would be the action first vesting the appellate court with jurisdiction. In states having a system of appeal similar to the federal procedure, this would be the filing of a notice of appeal.

In states following other procedures, the initial step clearly leading toward an appeal may be the filing in the trial court of a bill of exceptions (or the filing of a writ of error, where no bill of exceptions is filed or relied on); or, in states where the only effective way to claim that rulings during the course of a trial constituted error is by filing a motion for new trial, the motion for new trial is itself the first step in the appellate process. The practice of each state must be analyzed so as to determine the first "appellate" step. (*Proposed Standards for Appellate Court Statistics*, pp. 18-19.)

Sometimes a notice of appeal (or equivalent) is filed even when there is no intention of perfecting the appeal. Thus the number of filings is not an exact indicator of the volume of business the court should expect. The argument might be made that a court should not begin counting appeals until an action is taken which indicates the appeal will be perfected, e.g., when the record on appeal is filed. Such a date, however, occurs too late in the appeal process to provide useful case management information.

On the opposite extreme, there is some thinking that the appellate court must take control of cases as early as possible in the appeal process; in criminal cases, as early as the conclusion of the lower court trial. To begin counting appeals at such an early date, however, would seriously inflate the filings figure.

Recommendation 19.0 - When to Begin Counting Appeals

19.1 The counting of appeals should begin with the filing of the notice of appeal or other initial step clearly leading toward appeal.

19.2 The counting of original proceedings should begin with the filing of the paper which originates the proceeding.

Source of Filings in Appellate Court

It is important that an appellate information system include an analysis of the source of filings and be able to identify from which lower courts and agencies the cases are coming. An intermediate appellate court or a single appellate court may receive appeals from trial courts, administrative agencies, and quasi-judicial bodies; and, it may receive original writs or petitions. An appellate court of highest jurisdiction in a state which also has an intermediate appellate court may, in addition, receive appeals from the intermediate appellate court.

Recommendation 20.0 - Source of Filings in Appellate Courts

20.1 Appellate courts should report the source of filings using the following categories with appropriate levels of details:

- A. Trial courts*
- B. Administrative agencies*
- C. Intermediate appellate courts
- D. Original proceedings

*The source of appeals of trial court decisions which reviewed administrative agency actions should be reported as trial courts; administrative agencies as a source category includes only cases not previously reviewed by a court of record.

Basis of Jurisdiction in Appellate Court

It is also important that an appellate information system include data on the manner by which business is reaching the appellate court. The court's business may be comprised of direct appeals from lower courts or agencies, interlocutory appeals, or original proceedings. In addition, in states in which a Supreme Court reviews an intermediate appellate court or in which any appellate court considers both appeals of right and discretionary review, it is useful to know the breakdown of caseload as to whether review is as a matter of right or is discretionary.

It is also useful to know, for criminal appeals, whether the appeal was filed by the defendant or by the prosecutor. These latter might arise in interlocutory appeals by the state.

Recommendation 21.0 - Basis of Jurisdiction in Appellate Courts

21.1 Appellate courts should report the basis of jurisdiction of their business using the following categories:

- A. Direct appeals from lower courts or agencies
- B. Original jurisdiction
- C. Interlocutory appeals

21.2 In courts in which appeals may be filed either as a matter of right or by discretionary review, the appropriate basis of jurisdiction should be reported.

21.3 Courts should report whether criminal appeals were filed by the prosecutor or the defendant.

Describing Case Types

It is important to know what types of cases are coming before the court. In criminal cases, it is useful to know the nature of the offense for which the defendant was convicted; in civil cases, the nature of the cause of action; and in original actions, the nature of the proceeding.

The ABA Proposed Standards recommend that the breakdown for criminal case types be simply felony/misdemeanor. It is recommended here that the same detailed breakdown proposed for the trial courts be used. While criminal appeals, no matter what the offense is, may be handled in much the same way, it would be useful for the court to have more information about the types of cases coming before it. More importantly, as discussed in the section on criminal case types for trial courts, the felony/misdemeanor breakdown poses many problems, since there is no consensus as to what constitutes a felony.

The civil case type categories are also the same as the categories recommended for the trial court. These are almost identical to the classifications proposed by the ABA.

Recommendation 22.0 - Description of Appellate Case Types

22.1 Appellate courts should use the following categories to describe the composition of their caseload:

- A. Direct appeals
 1. Criminal Appeals [Breakdown should be by literal descriptions of state statutes and statute numbers of most serious offense for which defendant was convicted (or charged, in the case of interlocutory appeals)]
 2. Criminal sentence review only
 3. Civil Appeals
 - a. Contract
 - b. Tort
 - c. Property
 - d. Domestic and family

- e. Probate
- f. Administrative
 - (1) Taxation
 - (2) Workmen's Compensation
 - (3) Zoning
 - (4) Other
- g. Post-conviction and habeas corpus
- h. Other civil
- 4. Juvenile
- B. Other Matters
 - 1. Original actions
 - a. Post-conviction and habeas corpus
 - b. Mandamus
 - (1) Civil
 - (2) Criminal
 - c. Quo warranto
 - d. Other
 - 2. Special matters
 - a. Advisory opinions and certified questions
 - b. Bar discipline
 - c. Judicial discipline
 - d. Other

Outputs of Appellate Case Processing System

Information must also be collected on outputs of the appellate system: how many and what kinds of cases are disposed of and how they are disposed of. Almost all states report on dispositions or terminations, but beyond total number of dispositions, there is no consensus as to what items are reported.

The most useful information about the disposition of appellate court cases is how matters are disposed of. The recommendation contains a list of categories that describe both the methods of disposition and the decisions themselves.

Recommendation 23.0 - Disposition of Appellate Court Cases

- 23.1 Appellate courts should report dispositions so as to display the manner in which particular case types are disposed of and how cases of different jurisdictional bases are disposed of.
- 23.2 Appellate courts should use the following classifications to report the manner of disposition of their cases.
 - A. Cases disposed of by consolidation
 - B. Cases disposed of without hearing or submission
 - 1. Dismissed on motion of appellant
 - 2. Dismissed on motion of appellee
 - 3. Dismissed on court's own motion
 - 4. Dismissed for lack of progress
 - 5. Withdrawn
 - 6. Affirmed by order on motion to affirm
 - 7. Reversed by order on motion to affirm
 - 8. Extraordinary relief granted
 - 9. Extraordinary relief denied
 - 10. Transferred to another court
 - 11. Other

- C. Cases disposed of after hearing or submission
 - 1. Decided with full opinion*
 - a. Affirmed (or agency order enforced)
 - b. Reversed (or agency order denied enforcement)
 - c. Reversed and discharged
 - d. Dismissed
 - e. Modified
 - f. Remanded
 - g. Transferred to another court
 - h. Extraordinary relief granted
 - i. Extraordinary relief denied
 - j. Other disposition
 - 2. Decided without full opinion*
 - a. Affirmed (or agency order enforced)
 - b. Reversed (or agency order denied enforcement)
 - c. Reversed and discharged
 - d. Dismissed
 - e. Modified
 - f. Remanded
 - g. Transferred to another court
 - h. Extraordinary relief granted
 - i. Extraordinary relief denied
 - j. Other disposition

D. Cases appealed to higher court prior to decision
 *Full opinion is an opinion, signed or unsigned, in excess of 2 typed pages.

- 23.3 "Affirmed in part and reversed in part" should be classified as "reversed."
- 23.4 If a case is clearly affirmed or reversed, the decision should be reported as affirmed or reversed, even when the case is also remanded or modified. For example, "reversed and remanded" should be reported as "reversed," and "affirmed and modified" should be reported as "affirmed." "Remanded" and "modified" should only be used when the case was neither clearly affirmed nor clearly reversed.

Steps in Processing Appellate Caseload

In addition to information about inputs and outputs, an appellate information system must also contain information about the stages in between filing and disposition. In particular, it is important to know how long it takes to move cases through all the appellate processing steps.

As with filings and dispositions, it is important to report processing time and other processing information by case types, since different kinds of cases are handled differently. In this area of reporting, however, it would not be necessary that the breakdowns be as detailed as those recommended for filings and dispositions; it is sufficient to know how broad categories of cases are handled.

The following recommendation includes the time points to be noted; these items of information are not for direct reporting, but rather for serving as the basis

for time interval reports and analyses.

Part A of the recommendation encompasses the time points to be noted for intermediate appellate courts and appellate courts in states having a single appellate court; and Part B, the time points for second-level appellate courts which review decisions of an intermediate appellate court.

An order dismissing a case, or any other act disposing of a case prior to decision after argument, can occur at any point in the appellate process, thus cannot be included in the lists in any specific place. The date of such order or act should be noted at the point it occurs.

Although a case does not generally come under the jurisdiction of the appellate court until a notice of appeal or some equivalent paper is filed, the time lapse between decision in the lower court and commencing of the appeal is of importance to the appellate court. Therefore, the recommended list of time points includes the date of lower court judgment or agency decision.

Not all events will occur for every case. Obviously, then, only those events which occur in the processing of a particular case should be recorded.

Recommendation 24.0 - Steps in Processing Appellate Caseload

24.1 For purposes of periodic time interval reports and special studies, appellate courts should record, with respect to each major case type, the date of each of the following events:

- A. Intermediate appellate courts or single appellate courts¹
 - 1. Trial court judgment² or agency decision
 - 2. Commencing of appeal or filing of original action
 - 3. Transcript ordered
 - 4. Transcript completed
 - 5. Complete record filed in appellate court
 - 6. Appellant brief filed
 - 7. Appellee/respondant brief filed
 - 8. Briefing completed
 - 9. Argued or submitted
 - 10. Decision
 - 11. Final mandate or judgment on appeal
 - 12. Petition for rehearing filed
 - 13. Petition for rehearing decided
 - 14. Rehearing held
 - 15. Decision on rehearing
 - 16. Appealed to higher court or application for for discretionary review filed
 - 17. Discretionary review granted or denied
 - 18. Date of termination of case prior to decision after argument³
- B. Supreme Court review of intermediate appellate court
 - 1. Trial court judgment² or agency decision
 - 2. Intermediate appellate court decision

- 3. Application for discretionary review filed
- 4. Discretionary review granted or denied
- 5. Appeal of right initiated
- 6. Complete record filed in Supreme Court
- 7. Appellant brief filed
- 8. Appellee/respondant brief filed
- 9. Briefing completed
- 10. Argued or submitted
- 11. Decision in Supreme Court
- 12. Petition for rehearing filed
- 13. Petition for rehearing decided
- 14. Rehearing held
- 15. Decision on rehearing
- 16. Date of termination of case prior to decision after argument¹

Description of Pending Cases

It is also important for the court to know periodically—at least semi-annually—how many cases it has at what stages of appeal. The recommended information on pending caseload advises the court of exactly what the workload is for the coming period; serves as a record of the court's backlog; and, by specifying at which stage pending cases are, provides some indication of where the court is getting backed up.

Recommendation 25.0 - Description of Pending Cases

25.1 Appellate courts should report at least semi-annually, by major case category, the following information about their pending caseload:

- A. Pending, beginning of reporting year
 - 1. Total pending
 - 2. Cases not yet "perfected" or "ready"
 - 3. Cases ready for argument but not yet submitted
 - 4. Cases under advisement
- B. Total filings during reporting year
- C. Total dispositions during reporting year
- D. Pending, end of reporting year
 - 1. Total pending
 - 2. Cases not yet "perfected" or "ready"
 - 3. Cases ready for argument but not yet submitted
 - 4. Cases under advisement
- E. Increase or decrease in cases pending during reporting year
 - 1. Total pending
 - 2. Cases not yet "perfected" or "ready"
 - 3. Cases ready for argument but not yet submitted
 - 4. Cases under advisement

1. This recommendation assumes that all appeals to intermediate appellate courts are of right. If this is not so, the following events should also be recorded: (a) application for discretionary review, (b) application acted upon.

2. In criminal appeals, the date of sentencing, rather than the date of verdict or entry of a guilty plea, should be recorded. In interlocutory appeals, the date of interlocutory judgment should be recorded.

3. This event does not occur in order on the list, since an order dismissing a case or any other act disposing of a case, can occur at any point in the appellate process.

Reporting on Motions on Petitions

The ABA Proposed Standards do not recommend that information about motions be collected. However, since motions or petitions account for a significant portion of appellate workload, it is recommended that some basic information about motions be collected.

Motions, except those commencing and terminating appellate cases, should not be included in the reports on filings and dispositions, since they do not place the same demands on the court as do appeals or original proceedings. To include motions in the total filings and dispositions figures would inflate them seriously.

It is important to know how many motions are filed, what types of motions are filed, and how many and what types are terminated. It would be too burdensome, and not very useful, to report processing times for motions. And, since motions can be filed at any stage in the appellate process, it is not possible to include motions in the time points to be noted, except, of course, those motions commencing or disposing of cases. In order to avoid duplication in reporting, motions that constitute full cases and are included in the filings reports should not be included in the motions reports.

The amount of work motions generate for the court depends on the type of motion. Procedural motions demand a relatively small amount of court work and almost no judge time. Substantive motions, on the other hand, place more demand on both the court and the judges.

The only types of procedural motions which would seriously affect court processing are motions for extensions of time. Two other procedural motions which do not directly affect case processing, but which are important for courts to be apprised of are motions to be appointed as counsel and motions to be relieved as counsel. Other procedural motions need not be broken down into specific types of motions. Some courts may wish to detail the types of motions to extend time, i.e. to file record, to file appellant's brief, etc.

Since substantive motions have direct bearing on the processing and/or disposition of appeals, and since they place a greater demand on court resources, they should be reported in greater detail. The recommendation includes a suggested breakdown of substantive motions, but each court should adapt this list to reflect its own rules and practices.

Recommendation 26.0 - Reporting on Motions

26.1 Appellate courts should report the following information about motions (or petitions):

- A. Total filed
- B. Total terminated
- C. Motion type/filing party
 1. Procedural
 - a. For extension of time¹
 - b. For appointment of counsel

- c. For relief as counsel
- d. Other procedural
2. Substantive
 - a. For bond
 - b. For dismissal
 - c. For rehearing
 - d. For reinstatement
 - e. For stay
 - f. For summary affirmance
 - g. To vacate stay

26.2 The total number of motions filed should not include motions or petitions which constitute case filings and are included in the filings figure.

Judicial and Quasi-Judicial Workload Information

To arrive at a fair assessment of a court's workload and performance, it would be useful to add information about that court's resources to filings, processing, and dispositions statistics.

Part 1 of the following recommendation is based largely on the ABA's Proposed Standards. Some of the statistics on judicial workload and performance should be reported for use only within the court. Others should be published for general use. Those for internal use enable the judges to distribute workload, to budget their time, and to measure their performance in comparison with other members of the bench. The data for general reporting is simply the filings and dispositions figures broken down on an average per judge. Such information provides a more meaningful indication of the court's workload and performance in comparison to other courts and other years.

Care must be taken about disseminating these statistics by name of individual judge. As noted in the text of the trial court recommendations, while such information may be appropriate for internal management purposes, the individual judge information may be subject to misinterpretation by persons outside the judicial system.

Some judicial functions are performed by other staff in appellate courts; referees or special masters may hear original jurisdiction cases, commissioners, or others may screen appeals. To assess accurately, then, judicial workload and performance in the disposition of cases and to measure the performance of quasi-judicial personnel, information should also be collected on court staff who perform any judicial-type functions.

Recommendation 27.0 - Judicial and Quasi-Judicial Work Performance Information

27.1 Appellate courts should collect the following workload information on a per judge basis:

- A. For internal use only
By individual judge

¹ Courts may wish to detail this further, in regular reports on special studies, so as to indicate at what stage the extension is requested.

² Courts should adapt this list to reflect their own rules and practices.

1. Number and types of cases and motions assigned
2. Number and types of cases disposed of
 - a. Total
 - b. Manner of disposition
3. Number and listing of cases already submitted
4. Median time from submission to decision
5. Number of opinions issued
 - a. Full
 - b. Per curiam
 - c. Dissenting
 - d. Concurring
- B. For general reporting
Average per judge
 1. Number of cases assigned
 2. Number of dispositions
 - a. Total
 - b. Manner of disposition
 3. Number of opinions issued
 - a. Full
 - b. Per curiam
 - c. Dissenting
 - d. Concurring

27.2 Workload information should also be collected with respect to auxiliary personnel such as referees, special masters, commissioners, and any others who perform judicial functions.

Case Control Reports

In addition to aggregate statistical reports, appellate courts should prepare regularly monthly reports listing cases that are not being processed within the court's prescribed limits. These reports should be transmitted to the Chief Judge, court administrator, or any other court staff responsible for case control.

Recommendation 28.0 - Case Control Reports

Appellate Courts should prepare monthly case control reports listing the identification number, title, stage, and age of individual cases in which an inordinate number of continuances are granted; in which the transcripts or lower court records are not transmitted within prescribed time limits; or which, for other causes, are not being processed within prescribed time limits.

SECTION 4 STATE-LEVEL APPLICATIONS OF JUDICIAL DATA

The preceding sections of this report recommend the state-level collection of a considerable amount of information about case processing in trial courts of general jurisdiction and appellate courts. The potential uses of this information will determine how frequently the information should be reported and the manner of data collection. These uses are, in turn, shaped by varying levels of involvement of state-level judicial administrations in the movement of cases through the courts.

At one end of the spectrum the state judicial system may be structured so that the trial courts of general jurisdiction and appellate courts are funded and operated by the state government. In some instances the trial judges may be routinely rotated throughout the state so that the state-wide court of general jurisdiction is run as a single trial court. At the other extreme a state judicial system can be highly fragmented with financial or operating responsibility residing with the counties or municipalities. The state-level judicial administration, may in such a case, be restricted to a general supervisory role.

Differing degrees of state-level involvement and control over constituent courts are reflected in the varying approaches used to oversee or regulate the movement of cases through the courts. State-level judicial administrative responses to problem areas might include any combination of the following:

- initiation of inquiry into causes of case processing difficulties;
- provision of technical assistance;
- adoption of standards or court rules governing case processing;
- creation of alternative ways of handling disputes among parties;
- adoption of new procedures for handling certain classes of cases;
- seeking additional resources for the judicial system.

State-level judicial administrative officials will be interested in the kinds, quality and quantity of information (reported with appropriate frequency) which fit their roles in the operation of the judicial system and are appropriate to the tools they have at their disposal. The information collection recommended above is probably broader than that any one state-level judicial administration will undertake. Each state will have to determine what level of data collection is most appropriate to its needs.

In making that judgment different types of data collection should be considered. The most common type of data collection is accounting for all cases or other reporting units. The counting can be done locally or centrally. Most judicial statistics are generated from summary reports prepared by the constituent courts which attempt to account for all judicial business. In a few states reports are made on individual cases and the tabulations are made at the state level.

Another useful monitoring tool is exception reporting. Rather than reports being made with respect to all cases, only those with some exceptional characteristics are reported on. For example, reports could be made about cases which have failed to meet processing standards or which require special or priority handling. By reporting only on selected classes of cases the reporting burden is reduced and one can draw the inference that other cases are proceeding at an appropriate pace. Exception reporting is most useful

when there are some judicially established criteria against which the processing of judicial business can be compared. One should have some basis for determining how important in quality or quantity a particular exception is.

In some cases one may wish, periodically, to monitor aspects of the judicial system which are not appropriate for exception reporting but which also do not warrant the expenditure required for reporting on all cases. In this situation some sort of regular sampling of cases may be in order. One can learn from well-controlled, random samples virtually the same things that can be learned from an enumeration of all cases. Information that is of regular but not continuous interest can be gathered through sampling procedures.

Finally, there is information that is of interest and use for limited purposes. This information could be gathered through special studies. Thus, if one wanted to measure the impact of no-fault automobile insurance, or the probable impact of proposed court reorganization plans, special studies could be conducted. It is difficult to anticipate and accommodate these special, limited needs in any routine reporting system.

Another important variable is frequency of reports. Data collection might proceed on a day-to-day basis but it is not necessary to collate, analyze and report on all items of information with the same frequency. For routine monitoring of case progress and compliance with case processing guidelines it might be sufficient to generate quarterly reports. It might be desirable, however, to receive more frequent (e.g., monthly) reports on the status of cases involving incarcerated defendants or cases which are unusually delayed. The frequency of reporting will be a function of the uses of the information and the capabilities of the state-level judicial information system. At a minimum, however, the information recommended above should be summarized in an annual report on the condition of the judicial system.

Uses of Information

There are a number of uses to which judicial information can be put by a state-level judicial administration. These include:

1. expedition of case flow;
2. determination of the level and allocation of judicial resources;
3. evaluation of judicial rules and procedures;
4. structural modification of the judicial system;
6. legislative impact analyses.

The adjacent chart summarizes the applicability of judicial information to each of these activities. The discussion below expands upon the utility of specific types of information which it is recommended be collected and reported.

Expedited Case Processing

State-level judicial administrations promote, in a variety of ways, expedited processing of civil and criminal cases. While most state-level judicial administrations would not get directly involved in the scheduling of cases at the trial court level, they do establish standards, rules and guidelines and enforce the same with respect to case processing. These rules or standards could include time limits for movement of cases from point-to-point in the judicial process.

A number of types of information are relevant to expedited case processing. One would, for example, want to know about pending caseloads, entry of new cases and the cycle length for their disposition. The figures for pending cases could indicate whether they are increasing or decreasing over time and what this means for workload and disposition rates and timeframes. A closer examination can be made of courts with increases to determine whether they have sufficient resources to handle their caseload and whether the available resources are being used efficiently. Steps to remedy deficiencies in either resources or efficiency can be taken.

One might also want to know about case age in several contexts. Case age information combined with defendant's release or incarceration status can assist the trial courts to give priority to hearing cases of jailed defendants. This combination of information can produce exception reports on defendants incarcerated beyond the prescribed time limits.

Information on case age, combined with information about case types, will show whether or not the courts are processing particular types of cases more swiftly or more slowly than others. For example, if rape cases in a particular court are generally older than any other type cases, perhaps the court is not processing them with due expedition, or perhaps there are some procedural snags peculiar to this type of case. This, then, would be an area for further examination.

Another useful type of information concerns time intervals between important events in the processing of judicial business. Time interval reports of stages between filing and disposition would assist in pinpointing, more precisely, where delay in a particular court is occurring and which participant in the judicial process is responsible, and to take remedial steps. For example, if in a certain county, an inordinate amount of time elapses between case initiation and trial readiness, it might be discovered that attorneys are lax about filing their papers within prescribed time limits or other responsible for delay. The courts might then begin monitoring the attorneys more closely and enforcing sanctions for failure to file on time.

As illustrated, by reporting time intervals between important stages in case processing, one can assign responsibility for lack of case progress. A good example of a time interval study pinpointing areas of delay and leading to efforts to eliminating them was the

STATE-LEVEL APPLICATIONS OF JUDICIAL INFORMATION

	EXPEDITION OF JUDICIAL BUSINESS	ALLOCATION OF JUDICIAL RESOURCES	EVALUATION OF RULES & PROCEDURES	MODIFICATION OF JUDICIAL SYSTEM	COMPARATIVE EVALUATION OF PERFORMANCE	LEGISLATIVE IMPACT ANALYSES	FREQUENCY
A FILINGS							
1 By court		X		X	X	X	Monthly
2 By case or offense type		X		X	X	X	Monthly
B DISPOSITIONS							
1 By court		X		X	X	X	Monthly
2 By case or offense type		X		X	X	X	Monthly
3 Method of disposition		X	X		X	X	Quarterly
4 Outcome			X		X	X	Quarterly
5 Stages		X	X		X	X	Semiannually
6 Original/other charge			X		X	X	Semiannually
C SENTENCES							
1 By offense type		X	X		X	X	Quarterly
2 By length and type		X	X		X	X	Quarterly
D PENDING							
1 By court	X	X	X	X	X	X	Monthly
2 By case type	X	X	X	X	X	X	Monthly
3 Age	X	X	X	X	X	X	Monthly
4 Stage	X	X	X		X	X	Monthly
5 Exception reporting	X	X	X				Monthly
E PROCESSING TIME							
1 By court	X	X	X	X	X	X	Quarterly
2 By case or offense type	X	X	X	X	X	X	Quarterly
3 By method of disposition	X	X	X				Quarterly
4 Exception reporting	X	X	X				Quarterly
F POST-CONVICTION ACTIVITIES							
1 Filings		X	X	X	X	X	Monthly
2 Dispositions		X		X	X	X	Monthly
3 Stage of disposition		X	X		X	X	Semiannually
4 Processing time	X	X	X		X	X	Quarterly
G ATTORNEY TYPES	X	X		X	X	X	Semiannually
H JUDGE INFORMATION	X	X		X	X	X	As required

study undertaken by the United States Court of Appeals for the Second Circuit. Median time intervals were computed between each stage in the appellate process; stages in which aggravated delay existed were identified; these were examined more closely for precise causes; and a plan was designed to expedite the processing of appeals.

Resource Levels and Allocations

State-level judicial administrations may be directly involved in the setting and readjustment of resource levels and their allocation to the extent that there is state financing of courts. They may prepare the state-level judicial budget. In other instances, although they may not have budgetary authority, they may have the authority to request and/or report on the need for additional judges and their allocation among existing or revised judicial districts. To make accurate forecasts of resource levels and allocations information is required about the present workload of judicial officers and their ability to process matters coming before them. Caseload weighting systems have been devised which attempt to give a more accurate picture of the demand on judicial resources presented by various types of proceedings. Along with the demand for judicial personnel, the state-level judicial administration may be called upon to evaluate the need for support personnel such as clerks, legal assistants, stenographers, and other support personnel as well as additional facilities such as offices and courtrooms. Information should be available to help with the discharge of these resource allocation responsibilities.

Chief justices or other responsible administrative judges may also be involved in the assignment and reassignment of personnel between judicial districts. In highly centralized states, with a unified trial court and an appointed judiciary, the assignment and reassignment may be a periodic task as the judges are moved around the state on regular circuit basis. In more decentralized judicial systems, the supreme court chief justice or another responsible official usually has the power to assign and reassign judicial personnel to meet caseload requirements, to fill vacancies temporarily and to fill in for sick or retired judges. To achieve this task, the state-level judicial administration must know something about the availability of judges and their past performance, as well as their present judicial responsibilities. This means getting fairly good information about which judges are available to sit on cases, where the vacancies are located, where assistance is required, and which judges are free or best equipped to handle these vacancies. Records must be kept concerning the assignments and reassignments for fiscal accounting and other management purposes.

A number of other types of information are useful in the resource acquisition and allocation process. Information about filings and dispositions over several years, for example, can be used to forecast caseloads, for use in long-range and short-term budgeting. Long-

range forecasts are necessary to budget for personnel, courthouse facilities and other judicial resources and to make requests for additional judgeships. On a short-term basis, if there is information available about (1) what the ratio of filings to cases that go to trial is, and (2) how long it takes on the average for a case to move to trial, then one can take whatever steps are necessary to allocate enough judges, court personnel, juries, courtrooms, and other judicial resources to handle the predicted caseload. This kind of information would be particularly useful in the event of an unusual increase in filings, which was not accounted for in the long-range budget. For example, assume a court has forecast average monthly filings of 300 per month, and has calculated the ratio of filings to cases which go to trial as four to one, and the time to trial as five months. One month, however, there are 600 filings; so instead of the average 75 trials, in five months the court will have 150 trials. The judicial administrator will have to make whatever adjustments are necessary to handle the bulge in filings.

It would be useful to report separately on workload data with respect to special proceedings which present unusual processing problems. Post-conviction proceedings are an example. Information on post-conviction activities, broken down by districts, provides a comparative picture of the workload of each court in the state. It may happen that in a particular county there are relatively few case filings, but since there is a prison in that jurisdiction, there is a large volume of prisoner petitions and similar filings. This information about the total workload of a court can be used for allocation of personnel and resources.

Combined with dispositional information, such as whether the petitions were granted or denied before or after hearings, such information provides a more accurate measure of how much judicial time was actually spent in disposing of post-conviction activities. This information also allows for more accurate forecasting of how much judicial time will be required to process pending and future post-decision petitions. If, for example, a court maintains a one-to-one ratio of filings to dispositions, and knows that over a number of recent years one-eighth of the petitions disposed of were heard before a judge and one-fourth were heard before a magistrate, one can provide for a sufficient number of judges and magistrates to handle the caseload. In addition, if a court knows that there is an average time lapse of X months between filing and hearing of post-conviction petitions, the court can predict more accurately what its workload will be at any particular time. This information is useful for allocating courtroom space, judges to particular courts, or magistrates to particular jurisdictions.

Combined with information about attorneys, particularly the ratio of the number of filings in which public defenders and court appointed counsel are involved to the total number of filings of post-decision

petitions, one can insure that enough public defenders and appointed attorneys are available to handle the petitions. For example, if in two out of three prisoner petitions, the petitioner requests the court to appoint counsel, and there has been a recent dramatic increase in the number of petitions filed, the court might have to expand its list of counsel for appointment to indigent petitioners.

Evaluation of Judicial Rules and Procedures

The state judicial branch, typically, has authority and responsibility for the adoption of rules of criminal and civil procedures. The rules can cover case processing from the early stages (e.g. pre-trial discovery and conferences) to the final appellate disposition. The purpose of these rules is to ensure both fair and equal treatment in the courts of the state and the reasonably prompt disposition of cases. Appropriate feedback is required to determine how rules and procedures are working and what the impacts of actual or proposed changes in them are or are likely to be.

A number of items of information are relevant to evaluation of rules and procedures. Particularly important is information about case age. Periodic reports on the age of all criminal cases can, for example, demonstrate the compliance of the courts with speedy trial rules and the effectiveness of pre-trial disposition procedures. The overall statistical reports can be supplemented with exception reports indicating by location and type of cases where problems are occurring.

Case age reports can be compared with reports on time intervals and stages of disposition of cases to pinpoint sources of delay and the efficiency of various procedures. If, for example, the reports indicate inordinate delay between filing and trial readiness and a low settlement rate during the early stages of cases, one can adopt rules to require early completion of pleadings, pre-trial discovery and motions. These rules can be augmented with pre-trial diversion or settlement programs designed to promote early disposition of cases.

By looking at post-conviction proceedings one might also get insight into the perceived efficacy and fairness of various dispositional alternatives. An unusual number of motions to withdraw guilty pleas, or review sentences, or attack convictions because of actions of counsel might prompt re-examination of plea bargaining rules or the quality of public defenders or appointed counsel. An unusual number of motions for new trials or mis-trials may lead to an inquiry concerning the procedures governing the conduct of trials. An inordinate small or large number of trials in a given court may lead one to question pre-trial proceedings or decision-making processes.

With respect to appellate and other post-conviction proceedings, one might also want to determine how non-judicial personnel can assist with case disposition.

Various screening procedures can be designed and evaluated if adequate information is available.

Structural Modification of the Judicial System

State-level judicial bodies are frequently called upon to suggest or react to proposed modifications of the structure of a state judicial system. In a recent survey conducted for the National Advisory Commission on Criminal Justice Standards and Goals, state-level judicial administrative officials rated court reorganization and unification as a major objective (and achievement). Some of the information relevant to court reorganization will, undoubtedly, have to be collected through special studies but some can be generated from regular reports on judicial activities and resources.

To effectuate reorganization one must know about the distribution of cases by location, and the allocation of personnel within the existing court structure. One must also be able to have information which will permit him to draw some judgment as to how to reorganize court facilities or district lines or judicial assignments to assist in the movement of cases. Information systems should also be adequate to supply information about the effect of the reorganization on the distribution of caseload, on judicial personnel and the movement of cases through the courts.

Much of the information on case filing and disposition rates, case age, and workload recommended above will be relevant to decisions bearing on the restructuring of the judicial system.

Comparisons of Performance

Comparative evaluation of judicial performance is a sensitive area. Comparisons may be made but there are no generally accepted criteria or standards against which judicial performance can be evaluated. In the absence of such standards, comparison can serve another useful purpose. Rather than trying to rate judges or courts on some fixed scale comparisons can be used to pinpoint differences among them. If some judges or courts are performing significantly above or below the average of all judges or courts, one might wish to initiate inquiries as to reasons for these variations. The objective is not to assign ratings to judges and courts, but rather to highlight areas for inquiry and study.

Comparative evaluation also serves another purpose. It permits one to determine if persons similarly situated are receiving similar treatment by the courts. To the extent possible all citizens in similar circumstances should be treated similarly irrespective of where they live and who they are. Varying delays and large backlogs in different areas and sentencing disparities among judges and courts may be a sign that the judicial system is falling short of its goal of equal treatment.

Specific types of information useful for assessing comparative performance include:

- disposition and sentencing rates and patterns;

- case age, processing times, and backlogs;
- filing and grant of post-conviction and appellate relief;
- stage and manner of disposition of cases.

Legislative Impact Analysis

As evidenced by statements of the Chief Justice of the United States and work being conducted in California, there is increasing interest in analyzing the impact of proposed legislation on the judicial system. The legislation might deal directly with the judicial system and the judicial process or it might expand private or public rights and causes of action which, in turn, could lead to increased litigation. It has been suggested that judicial impact statements accompany legislation which might significantly impact the courts.

It is difficult to forecast precisely what kinds of information will be required to measure legislative impacts. One can, however, identify general types of information which should be collected.

At a minimum one should have available good historical information of filings and dispositions by case type and location. If, for example, the legislature removes certain matters from judicial consideration such as automobile accidents (no fault insurance) or encourages non-judicial forms of conflict resolution (arbitration of labor disputes), some tentative assessment of impact can be made.

More difficult is the assessment of what happens when new rights of action are added since there may not be past experience. The effects of growth of environmental, consumer, civil rights litigation (including habeas corpus and prisoner petitions), and the impact of tougher drug laws are more difficult to predict without some prior experience. It may be that the best the judicial system can do is identify new types of cases and establish an "early warning" monitoring system to catch growth trends early enough so that appropriate action can be taken.

If the legislation affects judicial processes or structure one would want to have available information on case age, processing intervals and stage and manner of disposition. If the particular point and manner of legislative intervention can be identified, one might be able to forecast expected impacts on case movement and resource requirements. In many instances it will still be necessary, however, to conduct special studies to unearth the information appropriate to assessment of probable impacts.

SECTION 5 SECURITY AND PRIVACY REQUIREMENTS

Although the terms are occasionally used interchangeably, rather different concepts and interests lie behind the security and privacy aspects of information systems. Security is inward looking; it encompasses those concerns related to the protection of the information system, tele-communications network

and data base from accidental or intentional loss or injury or unauthorized access. The privacy concept as applied to information systems refers to protection of the interests of those persons whose personal information is kept in an automated or manual data base. Also of concern is the power of a judicial agency to control the collection, access, and dissemination of the information. This chapter discusses the security and privacy concepts as presently applied or planned to be applied to judicial information systems.

Privacy Issues

Privacy issues arise with respect to judicial information systems when those systems collect information about identifiable individuals. The information need not be collected only by name and other personal identifiers to raise problems. Collection of information by a case number or other identifier which can lead to ascertainment of the identity of the individual involved in a criminal case raises privacy issues. Some state-level judicial information systems collect information on a case-by-case basis so the problem of privacy is becoming more important at the state level. The recommendations of the SJIS Project Committee to expand case-by-case and defendant-by-defendant reporting must be matched by an equal concern for individual privacy. Information recommended to be contained in the state-level judicial information system files would comprise the bulk of information which is retained and disseminated through "rap sheets," or criminal history records.

It has been argued that the information contained in the SJIS with respect to accused persons is available to the public in most states from the basic documents and original papers filed in the trial courts in which the individual is prosecuted. The transfer of this information to a state-level information system, however, creates additional problems which require special solutions.

Comprehensive state-level judicial information systems will have larger and more readily accessible files which contain information abstracted from original source documents without the explanations contained in those documents. Although not as comprehensive as law enforcement criminal history files, the records, nonetheless, share some of their characteristics. They disclose the nature of the arrest, prosecution, and a disposition of criminal cases over a period of years. If an individual has been repeatedly arrested they might carry a number. The information in them would form the bulk of any criminal history file kept by a law enforcement agency.

There has been considerable concern over the collection, storage, retention, access and dissemination of criminal history records in law enforcement data banks. There have been efforts to create a complete network of protection. If judicially-held files are not subject to restrictions, then a significant gap in the

protection of the individual might be created. A person interested in obtaining criminal history information who cannot do so from the law enforcement data banks would have incentive to use the state-level judicial information system to obtain the information otherwise unavailable to him.

It is important, therefore, that state-level judicial information systems be designed with adequate safeguards. Protections should be erected at key points.

Data Gathering

Limitations on data gathering are essential for protection of individual privacy. The proposed SJIS will be limited to data about events happening openly in the judicial process. These data are objective and verifiable. Their reporting requires no subjective evaluation or assessment. The recommended data elements are a minimum set required to describe accurately and fully judicial processing of accused persons. If there are adequate procedures for ensuring accuracy of reporting at the source and sufficient trained personnel operating under clearly defined guidelines, the SJIS should not present unusual privacy problems at the data gathering stage.

It is recommended, therefore:

Recommendation 29.0: Data Gathering

29.1 State-level judicial information systems should contain only verifiable data about key events in the processing of cases.

29.2 Appropriate audit and other procedures should be instituted to ensure clarity and accuracy of all data entered into and retained in the system.

29.3 Only high-quality, well-trained personnel operating under explicit guidelines should be permitted to capture judicial data and enter it into the state-level judicial information system.

Data Storage and Retention

In whatever form SJIS information is stored, e.g., paper, microfilm, punched cards, tape, disc, there should be adequate security to protect the data from accidental or intentional injury or loss or unauthorized access. The section on system security discusses the required safeguards in more detail. Beyond this basic protection the entries into the SJIS should be periodically examined to determine if they are accurate and up-to-date. If they are not, appropriate modifications, additions, or deletions should be made. Standards for mandatory updating are required to ensure currency of entries.

It has been suggested by a number of sources that certain data should either be eliminated from the files or placed under restrictions. Certain kinds of records should probably not be available for inspection and dissemination. If, for example, a state-level judicial information system obtains information which is, by law, confidential, such as that respecting juveniles or

youthful offenders, that information should be removed from active storage and dissemination within the state-level judicial information system. Similarly, if any records are ordered or required to be sealed by operation of law of binding administrative or judicial order or are required to be erased or removed by such law or order, then the state judicial information system should restrict or remove those records according to the tenor of the law or order.

A number of difficult questions arise with respect to purging of information by reason of lapse of time. The National Advisory Commission on Criminal Justice Standards and Goals suggests that information with respect to serious crimes be purged from active files ten years after the date of release from any correctional supervision and that a five-year period be applied with respect to less serious offenses. There is no general consensus on this time period, although the general principle of purging by virtue of lapse of time seems to have been accepted. Information, if purged, is not under these recommendations to be eliminated for all purposes. It may be retained for limited management and statistical purposes. The aim of purging is to get the record out of active circulation.

Since the SJIS is not a criminal history file and is not to be used for that purpose, it should purge its files when management and financial consideration dictate unless a valid order is received to do so earlier.

Recommendation 30.0: Data Storage and Retention

30.1 All information stored or retained in the SJIS should be periodically audited for currency, accuracy, and completeness. Appropriate corrections should be made where required.

30.2 Information which is confidential such as that relating to juveniles and youthful offenders should be removed from active storage and dissemination in the SJIS.

30.3 Information required to be sealed or removed by operation of law or court or administrative order should be so sealed or removed according to the tenor of such law or order.

Access and Dissemination

The SJIS is both a management information system, an operating records system and a disposition reporting system. Some exception reporting and listings by individual's names are also contemplated. While criminal history-type information is useful for judicial purposes, e.g., sentencing studies, exchange of historical records to outside agencies it is not an objective of SJIS.

If police, prosecutors, probation officers, and even judges need criminal history information for discharge of their responsibilities, this information should be obtained from the appropriate law enforcement data bank. With the exception of limited case and historical information transmitted to judicial officials for pur-

poses of improving court functioning, there should be no dissemination of criminal history-type information from the state judicial information system to any other agency or individual. Any criminal history exchange should take place between interested agencies and individuals and the law enforcement agency which holds the criminal history file.

Within the judicial system, criminal history-type information should generally be used only for research, evaluative and planning purposes and to satisfy the needs of originating courts for individual case data. If, for example, one wanted to obtain historical data about recidivism or data about multiple prosecutions in the courts or data about judicial sentencing practices, all of which may require the retrieval of information on named individuals, then every attempt should be made to limit the amount of information identifiable to named individuals. This can be achieved by requiring judicial clearance of any research and evaluative efforts and use of appropriate techniques to separate an individual's identity from the information required. Each researcher or evaluator, even those within the judicial system should obtain specific prior approval of a research workplan designed to carry out these objectives. In addition, these individuals should execute a non-disclosure agreement approved by the appropriate judicial body. This judicial body should monitor the program of research and have the right to terminate any program which does not fully comply with the safeguards laid down. An exception to the limited right of access should be the right of an individual, his parent/guardian, or attorney to examine information which refers to him or her. The examination should take place at a reasonable time, subject to appropriate verification of the individual's identity. Individuals should be able to review the contents of their files and to indicate in what ways they believe their files are inaccurate or incomplete. appropriate procedures should be adopted within the judicial system to act on any complaints that a record is inaccurate or incomplete.

Recommendation 31.0: Disclosure of SJIS Criminal Data

- 31.1 The SJIS should not be used for routine dissemination of criminal history-type information except for transfer of such information to the OBTS and CCH data files and the court entering the data.
- 31.2 Access to and dissemination of information identifiable to a named individual should be on a "need-to-know" and "right-to-know" basis.
- 31.3 Research or evaluation programs which require access to information identifiable to named individuals should be subject to prior review and approval of the body administering the SJIS. Each researcher or evaluator should submit for approval a workplan which includes appropriate

techniques for separating an individual's identity from the information required. Each researcher or evaluator should execute a non-disclosure agreement should result in termination of the research program plus imposition of criminal and civil sanctions.

- 31.4 After appropriate identification, individuals, their parents, spouses, guardians or legal counsel should be permitted to review and copy SJIS information relating to such person. Objections to the information and recommended modifications, additions, or deletions should be acted upon by the body administering the SJIS.

Systems Security

Neither privacy nor confidential safeguards can be implemented without an adequate level of systems security. The security protections should be designed to guard against environmental hazards as well as accidental or intentional human acts or omissions. The National Advisory Commission on Criminal Justice Standards and Goals recommends a set of basic security standards. These standards appear to be applicable to state-level judicial information systems. With minor modifications they appear below as draft recommendations.

Recommendation 32.0: System Security

- 32.1 *Protection from Accidental Loss.* Information system operators should institute procedures for protection of information from environmental hazards including fire, flood, and power failure. Levels of security will depend on funds available and nature of the system. Appropriate elements could include:
 - a. Adequate fire detection and control systems;
 - b. Watertight facilities;
 - c. Protection against water and smoke damage;
 - d. Liaison with local fire and public safety officials;
 - e. Fire resistant materials on walls and floors;
 - f. Air conditioning systems;
 - g. Emergency power sources; and
 - h. Backup files.
- 32.2 *Intentional Damage to System.* Agencies administering state-level judicial information systems should adopt security procedures which limit access to information files. These procedures should include use of guards, keys, badges, passwords, access restrictions, sign-in logs, or like controls. All facilities which house SJIS files should be so designed and constructed as to reduce the possibility of physical damage to the information. Appropriate steps in this regard include: physical limitations on access; security storage for information media; heavy duty, non-exposed walls; adequate lighting; detection and warning devices; and closed circuit television.

- 32.3 *Unauthorized Access.* State-level judicial information systems should maintain controls over access to information by requiring identification, authorization, and authentication of system users and their need and right to know. Processing restrictions and integrity management should be employed to ensure system security.

32.4 Personnel Security.

- a. *Pre-employment screening:* Applicants for employment in state-level judicial information systems should be expected to consent to an investigation of their character, habits, previous employment, and other matters necessary to establish their good moral character, reputation, and honesty. Giving false information of a substantial nature should disqualify an applicant from employment.

Investigation should be designed to develop sufficient information to enable the appropriate officials to determine employability and fitness of persons entering critical/sensitive positions. Whenever practicable, investigations should be conducted on a pre-employment basis and the resulting reports used as a personnel selection device.

- b. *Clearance. Annual Review, Security Manual, and In-Service Training:* System personnel including terminal operators in remote locations, as well as programmers, computer operators, and others working at, or near the central processor, should be assigned appropriate security clearances and should have their clearances renewed annually after investigation and review. Each state-level judicial information system should prepare a security manual listing the rules and regulations applicable to maintenance of system security. Each person working with or having access to criminal justice information files should know the contents of the manual. To this end, each employee should receive not less than ten hours of training each year concerning system security.

- c. *System Discipline:* Sanctions should be established for accidental or intentional violation of the system security standards. Supervisory personnel should be delegated adequate authority and responsibility to enforce the system's security standards.

Any violation of the provisions of these standards by any employee or officer of any public agency, in addition to any applicable criminal or civil penalties, shall be punished by suspension, discharge, reduction in grade, transfer, or such other administrative penalties as are deemed by the judicial agency to be appropriate.

Systems Management

The security and privacy guidelines and the SJIS itself are not self administering. Some responsible body must manage the state-level judicial information system, adopt rules and regulations and audit and evaluate operations. This body should also be charged with the responsibility for administering security and privacy standards and punishing violations of them.

The precise composition of the body will vary from state to state but it should be broadly representative of the courts which contribute information to the SJIS as well as the state-level judicial administration. A well-balanced group will help to insure that the system meets users' needs without duly burdening any participant in it.

Recommendation 33.0 Systems Administration

- 33.1 Responsibility for administration of the SJIS should be assigned at the state level. Appropriate advisory bodies of judges, clerks, court administrators and other system users may be required.
- 33.2 Explicit provision should be made for rules and regulations covering system organization and operation, security, and privacy standards as well as assignment of authority to audit and evaluate systems performance and sanction violations of security and privacy rules and regulations.
- 33.3 Procedures should be established to act upon individual challenges to the currency, accuracy, and completeness of information relating to them which is returned in the SJIS.

APPENDIX

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SUMMARY — CRIMINAL CASES

CR-1

COURTS	PENDING START OF YEAR		FILINGS		DISPOSITIONS		PENDING END OF YEAR	
	Active	Inactive	Original	Reinstated or Transferred	Before Trial	After Trial	Active	Inactive
	↓							

CRIMINAL FILINGS — OFFENSE TYPE

CR-2

COURT	CRIMINAL HOMICIDE		RAPE	ROBBERY	AGGRAVATED ASSAULT	BURGLARY	LARCENY		AUTO THEFT	ARSON	FORGERY
	Murder	Manlaughter					Over \$100	Under \$100			
	↓										

NOTES:
1. The offense listed on this and subsequent tables are used merely as example. The reports should use the state statute numbers and literal descriptions of offenses.

ACTIVE PENDING CRIMINAL CASES — BY OFFENSE AND COURT

CR-3

COURT	CRIMINAL HOMICIDE		RAPE	ROBBERY	AGGRAVATED ASSAULT	BURGLARY	LARCENY		AUTO THEFT	ARSON	FORGERY
	Murder	Manlaughter					Over \$100	Under \$100			
	↓										

NOTES:
1. The offenses listed on this table are used merely as example. The reports should use the state statute numbers and literal descriptions of offenses.
2. Only *active* cases should be included in this report, since inactive cases are not a measure of the court's workload.

ACTIVE PENDING CRIMINAL CASES

AGE IN MONTHS

(BY OFFENSE)

CR-4

COURT	CRIMINAL HOMICIDE	LESS THAN 1	1 & Less Than 2	2 & Less Than 3	3 & Less Than 4	4 & Less Than 5	5 & Less Than 6	6 & Less Than 9	9 & Less Than 12	12 & More	
		MURDER									
		MANSLAUGHTER									
	RAPE										
	ROBBERY										
	AGGRAVATED ASSAULT										
	BURGLARY										
LARCENY	OVER \$100										
	UNDER \$100										
	AUTO THEFT										
	ARSON										

NOTES:
1. There should be a table for each court, as well as a summary for all the courts.
2. This table should contain only *active* cases. Reporting of inactive cases in this table would distort the report, by including many old cases which are not part of the court's actual workload.
3. The offenses listed on this table are used merely as example. The reports should use the state statute numbers and literal descriptions of offenses.

DISPOSITIONS — CRIMINAL CASES — STAGES AT WHICH MATTERS ARE DISPOSED OF CR-9

COURT ↓	DISPOSITIONS BEFORE TRIAL		DISPOSITIONS DURING TRIAL		VERDICT	JUDGMENT NOTWITHSTANDING VERDICT	
	PLEA	DISMISSAL	OTHER	TRIAL BEGUN			TRIAL THROUGH PROOF COMPLETE

NOTE:

1. Separate court-by-court tables can be made for particular offense categories in addition to all criminal cases if desired.

CRIMINAL PROCESSING TIME — NUMBER OF DAYS BETWEEN INITIATION AND SENTENCING OF CASES DISPOSED OF AFTER TRIAL (BY CASE TYPE) CR-10

CRIMINAL OFFENSE	CASE INITIATION TO TRIAL READINESS				TRIAL READINESS TO COMPLETION				TRIAL COMPLETION TO SENTENCING				INITIATION TO SENTENCING			
	MEDIAN	MEAN	MAX	MIN	MEDIAN	MEAN	MAX	MIN	MEDIAN	MEAN	MAX	MIN	MEDIAN	MEAN	MAX	MIN
MURDER																
MANSLAUGHTER																
RAPE																
ROBBERY																
AGGRAVATED ASSAULT																
BURGLARY																
UNDER \$100																
OVER \$100																

NOTES:

1. There should be a table for each court, as well as a summary for all the courts.
2. The offenses listed on this table are used merely as example. As Recommendation 3.1 provides, the reports should use state statute numbers and literal descriptions of offenses.

CRIMINAL PROCESSING TIME — NUMBER OF DAYS BETWEEN INITIATION AND SENTENCING OF CASES DISPOSED OF AFTER TRIAL (BY COURT) CR-11

COURT ↓	CASE INITIATION TO TRIAL READINESS				TRIAL READINESS TO COMPLETION				TRIAL COMPLETION TO SENTENCING				INITIATION TO TRIAL COMPLETION				INITIATION TO SENTENCING				
	Med	Mean	Max	Min	Med	Mean	Max	Min	Med	Mean	Max	Min	Med	Mean	Max	Min	Med	Mean	Max	Min	
																					INITIATION TO TRIAL COMPLETION

CRIMINAL PROCESSING TIME — NUMBER OF DAYS BETWEEN INITIATION AND SENTENCING OF CASES DISPOSED OF BY PLEA, DISMISSAL, OR DEFERRED PROSECUTION (BY CASE TYPE) CR-12

CRIMINAL OFFENSE	FILING TO DISPOSITION				DISPOSITION TO SENTENCING*				FILING TO SENTENCING*			
	Median	Mean	Maximum	Minimum	Median	Mean	Maximum	Minimum	Median	Mean	Maximum	Minimum
MURDER												
MANSLAUGHTER												
RAPE												
ROBBERY												
AGGRAVATED ASSAULT												
BURGLARY												
OVER \$100												
UNDER \$100												

* If any

NOTES:

1. There should be a table for each court, as well as summary for all the courts.
2. The offenses listed on this table are used merely as example. Recommendation 3.1 provides, the reports should use state statute numbers and literal descriptions of offenses.

SENTENCE AS A FUNCTION OF FINAL CHARGE

CR-16

Final Charge	INCARCERATION				PROBATION		FINE ONLY	DEATH	DRUG, YOUTHFUL OFFENDER, ETC.
	Only	With Probation	With Fine	With Both	Only	With Fine			
CRIMINAL MURDER	Murder								
	Manslaughter								
RAPE									
ROBBERY									
AGGRAVATED ASSAULT									
BURGLARY									

- NOTES:
- There should be a table for each court, as well as a summary for all the courts.
 - The offenses listed on this table are used merely as example. As Recommendation 3.1 provides, the reports should use state statute numbers and literal descriptions of offenses.

CRIMINAL SENTENCING CR-17
 INCARCERATION — LENGTH OF MAXIMUM AND MINIMUM SENTENCE
 ----- MAXIMUM PERIOD OF INCARCERATION -----

	30 days	60 days	90 days	6 Mos.	9 Mos.	1 Year	2 Years	3 Years	4 Years	5 Years	10 Years	More Than 10 Years	LIFE
None or Indefinite													
30 days													
90 days													
6 months													
9 months													
1 year													
2 years													
3 years													
4 years													
5 years													
10 years													
More Than 10 years													
LIFE													

- NOTE:
- Such a table could be prepared by court, case type, or judge. More than one of these cannot be included in this table, which already contains two sets of elements. Note that the table does not indicate whether the sentence also includes probation or fine. Nor does it report place of confinement.

SUMMARY — CIVIL CASELOAD

CV-1

COURTS	NUMBER PENDING START OF YEAR	FILINGS		DISPOSITIONS		NUMBER PENDING END OF YEAR
		ORIGINAL	REINSTATED OR TRANSFERRED	BEFORE TRIAL	AFTER TRIAL	
↓						

CIVIL FILINGS CASE TYPES

CV-2

COURTS	CONTRACT	TORT			PROPERTY	DOMESTIC-FAMILY		PROBATE
		PERSONAL INJURY	PROPERTY DAMAGE	OTHER		DIVORCE	OTHER	
↓								

CIVIL PENDING BY CASE TYPE AND COURT

CV-3

COURTS	CONTRACT	TORT			PROPERTY	DOMESTIC-FAMILY		PROBATE
		PERSONAL INJURY	PROPERTY DAMAGE	OTHER		DIVORCE	OTHER	
↓								

**PENDING CIVIL —
CASE AGE IN MONTHS
(BY CASE TYPE)**

CV-4

		LESS THAN 3	3 & LESS THAN 6	6 & LESS THAN 12	12 & LESS THAN 18	18 & LESS THAN 24	24 & LESS THAN 36	36 AND MORE
T O R T	CONTRACT							
	PERSONAL INJURY							
	PROPERTY DAMAGE							
	OTHER							
PROPERTY								
D O M E S T I C	F A M I L Y	DIVORCE						
		OTHER						
PROBATE								

NOTE:
1. There should be a table for each court, as well as a summary for all the courts.

**PENDING CIVIL —
CASE AGE IN MONTHS
(BY COURT)**

CV-5

COURT	LESS THAN 3	3 & LESS THAN 6	6 & LESS THAN 12	12 & LESS THAN 18	18 & LESS THAN 24	24 & LESS THAN 36	36 AND MORE
↓							

NOTE:
1. Separate court-by-court tables can be made for particular case types (e.g. Personal Injury) in addition to all civil cases, if desired.

**AGE IN MONTHS
OF PENDING CIVIL CASES
AT PARTICULAR PROCESSING POINTS**

CV-6

	CASE INITIATION	CLOSE OF PLEADINGS	PRETRIAL DISCOVERY	PRETRIAL CONFERENCE	TRIAL READINESS	TRIAL BEGUN	TRIAL COMPLETED	POST-TRIAL ACTIVITY
LESS THAN 3								
3 & LESS THAN 6								
6 & LESS THAN 12								
12 & LESS THAN 18								
18 & LESS THAN 24								
24 & LESS THAN 36								
36 AND MORE								

NOTES:
1. Age should be computed from date of initiation of case to end of current reporting period.
2. A separate table should be prepared for each court and should include all civil cases. In addition, courts may prepare separate tables including a particular case type (e.g. personal injury cases only).

**DISPOSITIONS — CIVIL CASES
BY CASE TYPE
AND METHOD OF DISPOSITION**

CV-7

		SET-TLED	CON-SOLIDATED	TRANS-FERRED	CON-SENT JUDG-MENT	DEFAULT OR UNCON-TESTED JUDG-MENT	DIS-MISSED WITH PREJUDICE	DIS-MISSED WITHOUT PREJUDICE	SUM-MARY JUDG-MENT	JUDG-MENT AFTER JURY TRIAL	JUDG-MENT AFTER NON-JURY TRIAL	JUDG-MENT NOTWITH-STANDING VERDICT
T O R T	CONTRACT											
	PERSONAL INJURY											
	PROPERTY DAMAGE											
	OTHER											
PROPERTY												
D O M E S T I C	F A M I L Y	DIVORCE										
		OTHER										
PROBATE												

NOTE:
1. There should be a table for each court, as well as a summary for all the courts.

**DISPOSITIONS — CIVIL CASES
BY COURT
AND METHOD OF DISPOSITION**

CV-8

COURTS	SET- TLED	CON- SOLI- DATED	TRANS- FER- RED	CON- SENT JUDG- MENT	DEFAULT OR UNCON- TESTED JUDG- MENT	DIS- MISSED WITH PREJUDICE	DIS- MISSED WITHOUT PREJUDICE	SUM- MARY JUDG- MENT	JUDG- MENT AFTER JURY TRIAL	JUDG- MENT AFTER NON-JURY TRIAL	JUDG- MENT NOTWITH- STANDING VERDICT
	↓										

NOTE:
1. Separate court-by-court tables can be made for particular case types (e.g. Personal Injury) in addition to *all* civil cases, if desired.

**DISPOSITIONS — CIVIL CASES
STAGES OF SETTLEMENT**

CV-9

		PLEADINGS	DISCOVERY	PRE-TRIAL CONFERENCE	TRIAL PRIOR TO VERDICT	POST- TRIAL
T O R T	CONTRACT					
	PERSONAL INJURY					
	PROPERTY DAMAGE					
	OTHER					
PROPERTY						
D O M E S T I C	DIVORCE					
	OTHER					
PROBATE						

NOTES:
1. There should be a table for each court as well as a summary for all the courts.
2. A court-by-court table for *all* civil cases by stage of settlement would not be meaningful, but perhaps for particular types of civil cases (e.g. Personal Injury) a court-by-court comparative table might be prepared.

**CIVIL CASES
NUMBER OF DAYS BETWEEN INITIATION
AND DISPOSITION
(BY CASE TYPE)**

CV-10

	CASES DISPOSED OF BEFORE TRIAL						CASES DISPOSED OF AFTER TRIAL					
	Med.	Mean	Max.	Min.	Med.	Max.	Min.	Med.	Mean	Max.	Min.	
CONTRACT												
T O R T	PERSONAL INJURY											
	PROPERTY DAMAGE											
	OTHER											
PROPERTY												
D O M E S T I C	DIVORCE											
	OTHER											
PROBATE												

NOTE:
1. There should be a table for each court, as well as a summary for all the courts.

SUMMARY — APPELLATE CASES

AR-1

Breakdown by Court

	PENDING START OF PERIOD	FILINGS	DISPOSITIONS	PENDING END OF PERIOD
Appellate courts ↓				

SUMMARY — APPELLATE CASES

AR-2

Breakdown by Case Type

	PENDING START OF PERIOD	FILINGS	DISPOSITIONS	PENDING END OF PERIOD
CRIMINAL (Total) (Breakdown by appropriate offense categories)				
CIVIL (Total) Contract Property Tort Domestic Probate Administrative Post-conviction Other				
JUVENILE (Total)				
ORIGINAL ACTIONS (Total) Post-conviction Mandamus Superintending Control Quo Warranto Other				
SPECIAL MATTERS (Total) Advisory Opinion Bar discipline Judicial discipline Other				
TOTAL				

NOTE:

1. There should be a report for each appellate court, as well as a summary for all the courts.

APPELLATE CASES: SOURCE OF FILINGS

AR-3

Breakdown by Court

	TRIAL COURTS				ADMINISTRATIVE AGENCIES			INTERMEDIATE APPELLATE COURTS			ORIGINAL PROCEEDINGS
	SITUS A	SITUS B	SITUS C	SITUS D	AGENCY 11	AGENCY 12	AGENCY 13	COURT A	COURT B	COURT C	
Appellate Courts ↓											

APPELLATE CASES: SOURCE OF FILINGS

AR-4

Breakdown by Case Type

	TRIAL COURTS				ADMINISTRATIVE AGENCIES			INTERMEDIATE APPELLATE COURTS			ORIGINAL PROCEEDINGS
	SITUS A	SITUS B	SITUS C	SITUS D	AGENCY 11	AGENCY 12	AGENCY 13	COURT A	COURT B	COURT C	
CRIMINAL (Total) (Breakdown by appropriate offense categories)											
CIVIL (Total) Contract Property Tort Domestic Probate Administrative Post-conviction Other											
JUVENILE (Total)											
ORIGINAL ACTIONS (Total) Post-conviction Mandamus Superintending Control Quo Warranto Other											
SPECIAL MATTERS (Total) Advisory Opinion Bar discipline Judicial discipline Other											
TOTAL											

**STATUS OF PENDING CASELOAD
IN APPELLATE COURTS**

AR-9

	TOTAL PENDING	CASES NOT YET READY FOR ARGUMENT	CASES READY BUT NOT YET SUBMITTED OR ARGUED	CASES UNDER ADVISEMENT
APPELLATE COURT A Civil Criminal Other				
APPELLATE COURT B Civil Criminal Other				
APPELLATE COURT C Civil Criminal Other				
APPELLATE COURT D Civil Criminal Other				

MOTIONS IN APPELLATE COURTS

AR-10

	PENDING START OF PERIOD	FILED	TERMINATED	PENDING END OF PERIOD
PROCEDURAL MOTIONS (Total)				
For extension of time				
For appointment of counsel				
For relief as counsel				
Other procedural				
SUBSTANTIVE MOTIONS (Total)				
For bond				
For dismissal				
For rehearing				
For reinstatement				
For stay				
For summary affirmance				
To vacate stay				
TOTAL MOTIONS				

SUMMARY REPORT: PETITIONS FOR REHEARING

AR-11

	PETITIONS FOR REHEARING FILED	REHEARINGS HELD	OUTCOME		
			DECISION AFFIRMED	DECISION REVERSED	DECISION MODIFIED
APPELLATE COURT A (Total) Civil Criminal Other					
APPELLATE COURT B (Total) Civil Criminal Other					
APPELLATE COURT C (Total) Civil Criminal Other					
APPELLATE COURT D (Total) Civil Criminal Other					

REPORT ON INDIVIDUAL JUDICIAL ACTIVITIES

AR-12

	MATTERS ASSIGNED				MATTERS DISPOSED OF			OPINIONS WRITTEN				MEDIAN DAYS BETWEEN SUBMISSION AND OPINION
	CIVIL APPEALS	CRIMINAL APPEALS	MOTIONS	ORIGINAL PROCEEDINGS AND OTHER MATTERS	CIVIL APPEALS	CRIMINAL APPEALS MOTIONS	ORIGINAL PROCEEDINGS AND OTHER MATTERS	FULL	PER CURIAM	CONCURRING	DISSENTING	
Appellate Court A Judge A Judge B Judge C Average Per Judge												
Appellate Court B Judge A Judge B Judge C Average Per Judge												
Appellate Court C Judge A Judge B Judge C Average Per Judge												
Statewide average per Judge												

PART B

**SYSTEM DESIGN AND
IMPLEMENTATION
SUBCOMMITTEE REPORT**

PART B.

**SYSTEM DESIGN AND
IMPLEMENTATION
SUBCOMMITTEE REPORT**

PREFACE

This initial report of the Systems Design and Implementation sub-committee is the product of months of deliberation by the members of the sub-committee. Much useful assistance was received from other members of the SJIS Project Committee.

The report describes in some detail the structure and functioning of a prototype state-level judicial information system. The prototype is referred to in this report as the SJIS. It was the sub-committee's intent to produce a document that could be read and understood by judges and court administrators and yet be of assistance to senior systems analysts.

The report should serve as a guide for systems designers but is not the final word on the subject. The sub-committee concluded that no one prototype could be made applicable to the diverse court systems and processing environments in the fifty states. It is not the sub-committee's intention that the SJIS become a model to be imposed on individual states. Its purpose is to offer guidance to, and not to constrain, state-level judicial information systems.

The report opens with a general overview of the scope and functions of the SJIS and a general description of the system. Other sections of the report consider input and output and processing requirements as well as systems' security and data confidentiality. It concludes with an outline of hardware and software considerations and personnel and training requirements.

EXECUTIVE SUMMARY

INTRODUCTION

This executive summary encompasses the most important aspects of the report of the Systems Design and Implementation Subcommittee of the SJIS Project Committee. It describes the SJIS design in broad terms touching upon the scope of the system, its functions and structure, important features of the system, and its interfaces with other systems.

The executive summary also outlines the basic system requirements including data capture, input methods, data elements and outputs. It reviews in general terms the SJIS design concept encompassing files, edit and update procedures, report generation and other program applications. Implementation con-

siderations such as equipment and software configurations, personnel training and security and confidentiality guidelines are also discussed.

GENERAL DESCRIPTION OF THE SJIS

Scope of the System

The Systems Design Subcommittee in this report describes one possible model system for gathering, processing, analyzing, and reporting at the state level information about activities of trial and appellate courts. The model system described in this report is referred to as the State Judicial Information System (SJIS). The SJIS encompasses both civil and criminal data collection and analysis by the state-level judicial administration for its own purposes, as well as the most appropriate methods for collecting and reporting Offender-Based Transaction Statistics (OBTS) and Computerized Criminal History (CCH) information. It should be understood that all references to "SJIS" in this report relate to the model system outlined here and not to any state-level judicial information system in any particular state.

The terms CCH and OBTS cause considerable confusion. In this report "OBTS" will be used to refer to an information collection effort at the state level which attempts to collate information arising from a single arrest of a criminal defendant. Information is collected about the processing of each defendant for each arrest. The information is used to prepare statistics concerning the processing of various cohorts of defendants. "CCH" refers to a disposition reporting system for persons charged with serious crimes.

As outlined in this report, the SJIS permits the tracking of individual civil and criminal cases and also defendants in criminal cases. It focuses mainly on state-level information needs with respect to trial courts of general jurisdiction and appellate courts, and contemplates tracking of criminal defendants and civil cases through the lower courts. The SJIS is not designed to produce all information required to satisfy state-level judicial management needs. Additional work must be done in the subsequent phases of this project to define information requirements with respect to courts of limited and special jurisdiction including juvenile courts. Further analysis is also needed with respect to financial and personnel data requirements as well as those pertaining to facilities and juror utilization. When the additional requirements analysis

work is completed, the system design should be amended to accommodate these additional needs.

Because the SJIS detailed here must be of broad utility, the design is not as specific as that of a particular jurisdiction's state-level judicial information system. An attempt has been made to address the major design questions that face those thinking about setting up a state-level judicial information system and to offer answers to those questions. The specificity of the design will be reconsidered after the states participating in this project have had an opportunity to test their own state-level judicial information systems.

It should be recognized that the system design presented here is for the guidance of jurisdictions contemplating development of a state-level judicial information system. The data elements, reports, and design concepts recommended here are illustrative. Their purpose is to offer to others the best thinking of a group of persons who have wrestled with common problems. Individual state-level judicial administrations should take from this report only what they find useful. It was not the intention of the draftsmen that the SJIS outlined here should become a model to be imposed on states. The purpose of this report is to offer guidance to and not to constrain individual states.

Functions of the SJIS

The SJIS must serve a variety of needs. First and foremost it must be able to satisfy the information requirements of the state-level judicial administration for information about judicial proceedings, activities, finances, and resources. It should also be designed to supply the judicial information required for the OBTS and CCH data files. The SJIS could also, to some extent, produce information required by trial courts for their own internal management purposes.

Specific objectives to be met by the SJIS include the following:

1. *Provide State-wide Judicial Statistics*
 - Collect, process, and report accurate, timely and useful comparable statistics on a state-wide basis.
 - Provide data for statistical analysis of trends in case processing and disposition.
 - Provide data for the evaluation of the impact of judicial system improvement programs, changes in court rules, procedures and legislation.
2. *Provide Data for Civil and Criminal Case-Flow and Criminal Defendant Flow Monitoring and Management*
 - Enable the state-level court administrative office to monitor civil and criminal case-flow and criminal defendant flow in the state's trial and appellate courts.
 - Provide reports of exceptions from those standards that are of direct interest to the state-level court administrative office.

- Provide the capability for generating special-purpose reports on request.
- Provide court-by-court exception reports and statistics from which caseload and court operational data can be derived. This would include lists of those cases for which the processing has been late or otherwise off schedule.
- Provide interface with national, state, and local information systems for exchange of information on criminal cases including CCH data.

3. *Provide Data for Estimating Judicial and Other Resource Requirements*

- Provide data on personnel and jury utilization for cases of various types.
- Provide data for projection of judicial manpower and resource requirements.
- Provide data for judicial assignment purposes.
- Provide data for assessing and evaluating court performance and operations.

4. *Provide Cost Data*

- Provide information on operational costs.
- Provide data for projection of current and future costs and revenues.

Only the first and second objectives are addressed in this report.

Structure of the SJIS

The SJIS is a case-following information system which can also track individual defendants in criminal cases. It has four subsystems: (1) Civil Subsystem; (2) Criminal Subsystem; (3) Appellate Subsystem; (4) Juvenile Subsystem. Only the first three subsystems are discussed in this report because additional analysis is required with respect to the Juvenile Subsystem.

The SJIS is not designed to provide scheduling, docket control, or information which must be made available on a rapid-response basis. The activities and duties of most state-level judicial administrations do not require rapid access to information in the SJIS. Such systems are more appropriate to the administrative needs of relatively high-volume trial courts. However, there are a few states using an SJIS as a trial court operating system. These states can utilize rapid access to SJIS information.

The case-following data collection approach, with the capability of tracking individual felony criminal defendants in criminal cases, necessitates recording the transfer of information on individual cases from the constituent trial and appellate courts to the SJIS. While this method of data collection may impose additional reporting burdens on the individual courts, it has significant off-setting advantages. With data on individual cases the state level judicial administration can possibly undertake more meaningful statistical analysis while maintaining better overview of the progress of judicial proceedings. Individual case

reports also permit greater standardization of terminology and more uniform reporting within a state. By initiating case-by-case reporting a state-level judicial administration can also lay the foundation for reporting to the OBTS and CCH data systems when they are operational.

Important Features of the SJIS

The important features of the SJIS are as follows:

1. The SJIS is a state-level, judicially controlled information system utilizing a set of standard data elements and standard reporting mechanisms, either manual or automated.
2. Inputs into the SJIS system will be by-products or outputs of trial and appellate court information system operations.
3. The SJIS has the capability, if required, of generating most periodic statistical reports required from courts by the state-level judicial administration. That is, the SJIS is structured in such a way that trial and appellate courts would no longer have to prepare, at the source, most of the periodic state-level statistical reports they now prepare.
4. The SJIS has the capacity to record the significant events in the processing of a case and to generate status and intermediate event elapsed time reports.
5. Major events, such as hearings and trials are to be reported as soon as possible after they have occurred.
6. Data required for the OBTS and CCH files and state-level judicial administrative and statistical purposes are to be collected in a single operation using a standard coding structure with uniform definitions.
7. Even where there is already an ongoing state-level non-judicial data collection system for criminal cases using a case or defendant-following approach, the SJIS should be the data collection system for all judicial information.
8. Where there are automated trial court information systems covering significant areas of court activity, the state-level judicial administration will have to establish standards to insure that the trial court information systems will generate the required data on each case and criminal defendant in the specific format for each data element required by the SJIS.
9. The SJIS can handle all cases involving criminal offenses that are mutually agreed upon for entry into the state's OBTS and CCH systems.
10. Civil cases originating in trial courts of general jurisdiction as well as those civil cases entering the court by reason of appeal from a court of limited or special jurisdiction will be included in the SJIS.

11. All appellate and post-decision matters in trial courts of general jurisdiction and appellate courts will be included in the SJIS.
12. Juvenile proceedings can be included in the SJIS (but this module is excluded from this system design pending additional requirements analysis).
13. The SJIS does not include minor traffic cases. (A number of states have developed statewide traffic systems and, at this time, it does not appear desirable to require case-following on the scale recommended for SJIS of all traffic cases).
14. The SJIS has the capability of collecting and reporting information separately with respect to each civil case and each defendant in each criminal proceeding.
15. The Criminal Subsystem of the SJIS is structured on the assumption that the interfaces between the police, prosecutors, courts and correctional systems are initiated automatically as soon as one stage (e.g., arrest, prosecution, etc.) has been completed.

Interfaces

The SJIS is designed to capture data about cases coming into the judicial system. These cases come from outside the system, and in some instances, pass from the judicial to the correctional systems. Some of the data to be entered into the SJIS must come from persons outside the formal control of the state-level judicial administration such as police, prosecutors and private attorneys. In preparing this system design, it was assumed that the initiator of a criminal prosecution in court can be relied upon to supply identification, arrest, bail and charging data to the court. Preferably, this information should be captured on an SJIS form, or, at a minimum, presented so that court personnel can readily capture the data on the form. It is also assumed that attorneys filing civil actions will provide sufficient information on the face sheet of the complaint so that court personnel can readily capture the data.

SYSTEMS REQUIREMENTS

Data Capture

The SJIS is designed to capture information about major events in the processing of a case as they occur. This means that in some cases several separate entries will be made into the SJIS between case initiation and termination. While this method of data collection may entail some additional costs, recording and reporting upon major events as they occur rather than upon termination of a case will help to ensure currency and accuracy of data. For those state-level judicial administrations actively involved in case-flow monitoring or provision of information services to courts, this reporting method is virtually required. Since a good part of any additional cost may arise from multiple recording of case and/or defendant

identification on reporting forms, preparation of multiple sets of this data at the outset of a case may reduce later costs.

The capture of data at the source, i.e., at the trial or appellate court level, should be in formats designated by the SJIS management in consultation with the trial and appellate courts.

Input Methods

SJIS data can be collected at the source in a number of ways. One method is by means of paper forms which are completed and then either processed locally or mailed in to some central site. A second method would be by on-line entry into either a storage device or a local computer for transmittal to the SJIS site or on-line entry from the source into the SJIS state computer.

Selection from among these three general types of SJIS data entry methods will have to be made by states planning or implementing a statewide judicial information system based on their individual circumstances. In the absence of data on volume of transactions, etc., no specific recommendations are made as to collecting data and submitting it to the SJIS.

Any forms used to collect the information necessary to track criminal defendants and civil, criminal and appellate cases through a state's judicial system from the point of entry to final disposition should contain five basic types of information:

1. Identification information, consisting of case, defendant and situs identifiers, and other linking numbers;
2. OBTS and CCH tracking numbers, assigned and supplied by non-judicial agencies and copied on all forms;
3. Case initiation information;
4. Case activity information prior to disposition;
5. Disposition and termination information.

A detailed introduction and user's manual should be compiled by the state-level judicial administrative body for each state. It should define all data elements. The manual should include provision for updating and revisions, detailed instructions for the completion of forms, and tables and lists of statute numbers.

As data is entered into the SJIS, there should be some means of determining what type of transaction is taking place. There are three major types of transactions that should be provided for: (1) entries in which new information and data is to be added to the SJIS data base files; (2) modifications, in which data already in the files is to be changed or otherwise modified, and (3) cancellation, in which data previously entered is to be eliminated.

It is recommended that, where possible, all SJIS forms also include provision for recording a transaction type code or entry key and that this code be used as the basis for developing information, entry control and security procedures. This code would serve as an entry

key for the SJIS and would identify, for the SJIS processing system, the routing of the entry.

Data Elements

Standard SJIS data elements have been developed for each of the three SJIS subsystems. A complete listing is presented in Appendix A.

While the data elements here are a recommended standard for the SJIS, there will be variations from state to state in the list of data elements finally adopted for each state system, primarily because of variations in court organization, procedures and rules. At a more detailed level, the actual data element values (or breakdowns) in use for such data elements as "disposition" and "sentence" may vary somewhat.

It is recommended that those states contemplating the adoption of a system modeled on the SJIS should carry out the following steps with respect to data elements:

1. Compare the data bases for existing and/or planned systems to insure that all of the recommended SJIS data elements are included or have been otherwise accounted for in these systems.
2. Where the definitions and usage of data elements in the data base of an existing or planned judicial information system differ from the standard definitions recommended for the corresponding data elements in the SJIS data base, states should develop appropriate transformation procedures and exception listings.
3. With respect to data element values (or "breakdowns") states should survey court procedures, to determine manner of initiation of cases, methods of disposition, dispositional alternatives, and sentence options, and develop a data base reflecting these. Procedures should then be developed to enable the state system to combine or otherwise group these to produce the SJIS data base.

Outputs

The SJIS will have several types of outputs. The first will be statistical reports and displays in criminal, civil, and appellate cases. Illustrative reports are included in an appendix to Part A of this report, *Requirements Analysis Subcommittee Final Report*.

Each subsystem will also have to produce transaction data to be used for updating that subsystem's files. In addition, the Criminal Subsystem and Appellate Subsystem (with respect to criminal cases) will have to produce CCH transmittal data that will provide criminal history information, as well as OBTS transmittal data, which will provide the judicial module of the OBTS data set. Little has been done anywhere in the country to define precisely how the judicial system should relate to the CCH system or OBTS. In the absence of operating state-level systems for CCH and OBTS, some assumptions have been

made about how they would function.

Definitions and Terminological Problems

The SJIS is structured to insure intrastate comparability of inputs and outputs. Uniformity within the states depends on standardized definitions of all input and output data. The SJIS, therefore, uses a uniform set of data element definitions. In an operational system they should be embodied in a user's manual which explains the information to be recorded on the input forms and defines in detail those terms which are likely to be unclear or are ambiguous.

The use of standard definitions will eliminate most terminological problems. Some reporting problems arise, however, because of substantive differences in case processing. Even within a state there are variations in subject matter jurisdiction of general and limited jurisdiction courts and in the steps of case processing. These differences are likely to persist in the absence of state-wide court reorganization and rules for case processing.

To assist with the separate problem of interstate comparability of judicial data, the states could do a number of things. They could, for example:

1. Clearly define all data elements and reporting categories;
2. Indicate the subject matter jurisdiction of courts of various levels and provide as complete coverage as possible;
3. Use civil case types and criminal offense categories which can be translated into common terms.

The CCH and OBTS data files raise additional terminological problems. This project has accepted the SEARCH and NCIC data elements to be used for offender transaction and criminal history creation. The judicial data elements in these systems were identified and defined without the same level of judicial participation that accompanied development of the SJIS. At some point LEAA and the FBI should undertake a reconsideration of the data elements referring to judicial processes.

SJIS DESIGN CONCEPT

Files

The major SJIS files will be a master file of active cases and a historical master file of concluded cases. The concluded cases will be retained until all appeals are over and statistical analyses are completed. Certain types of cases such as divorces will be retained longer because of the possibility that they will be reopened and reactivated. The data elements listed in Appendix A should form the basis for the master file and the somewhat smaller historical master file. Each state will have to tailor its file design to its processing requirements and data processing capabilities. Such tailoring may include the selection of a disk-based system with a single hierarchical master file.

The processing of data for each SJIS subsystem will be similar. There will be edit, update, report generation and special or other program components.

Edit

The edit phase will begin with a check of the information by the trial or appellate court furnishing it to the SJIS. An error control unit within the SJIS should be responsible for correction of any errors detected after manual and machine edit at the SJIS facility. The edit program utilized in the SJIS will maintain statistics on the source, nature and frequency of the errors.

Certain fields such as court identification number, case identification number and judge identification number, as well as key dates, will have to be carefully edited to assure internal consistency and validity. With respect to criminal defendants, the information to be transmitted to the OBTS and CCH data files will also have to be edited to be sure identifying numbers are available and all data complies with their requirements. Appellate information must be checked to ensure that unique appellate case and court identifiers are properly linked to the trial court identifying numbers.

Update

The updating of the master files is a critical process in each subsystem. Each subsystem should employ two types of master files. The first of these would be the master file of active cases; the second would be an historical file containing those cases previously processed, but no longer considered to be active because of completion of judicial activity.

The actual updating of the master file may employ either a random or sequential process. The choice with regard to updating will be dependent upon several factors including volume and processing constraints imposed upon the agency and systems designers. On a daily basis, the SJIS will probably be processing a relatively large file with a relatively low volume of activity; random processing of this information may, therefore, be the best approach.

During the updating process it will be necessary to insure that logical relationships are maintained between data elements within a particular case. Information may pass the edit process and yet be found to be incorrect during the updating if, for example, the date of trial completion is prior to date of filing. This rather obvious error may not be readily identifiable until the file is updated. During the updating process accurate statistical control totals should be maintained. These totals are essential for auditing of information, quality control, accuracy of the files, and future training programs for those persons supplying information from the local level.

Errors detected during the update process should be identified and the quality control section of the SJIS agency notified. This section should be charged with the responsibility of maintaining files in a timely and

accurate manner and correcting erroneous information as quickly as possible.

Report Generation

On a periodic basis the SJIS is required to generate certain specified reports. It is recommended that parameter inputs be used and files, if possible, be processed only once in the report generation phase of the SJIS.

Other Programs

Other programs will be used for special one-time reports and file maintenance purposes. The file maintenance program should remove from the master file cases no longer active. Parameter inputs can be used to identify and remove cases to be put in the historical master file. Programs should also be available to produce the data required for the OBTS and CCH files.

IMPLEMENTATION CONSIDERATIONS

Equipment and Software Configurations

Equipment configurations will have to be determined by each separate state. Budgetary opportunities, present EDP resource capacities, as well as anticipated system volumes and activities will determine this mix. Software, and input/output requirements and frequencies also impact hardware selection.

There are a host of software and file management options available. Some will be defined by the equipment configuration, others by the application tasks to be executed. It is not within the scope of this report to exhaust all possible permutations. However, certain alternatives are discussed.

The application programs should be written in AN-SI COBOL to promote transferability. Printed output can be generated from especially written reporting programs or standard report generators.

Personnel Training Requirements

The training program for personnel involved with the SJIS must begin early in the development process and must continue on well into the operation of the system. The training program must be designed not only to impart technical information about the operation and organization of the SJIS but also to overcome the most common people-related problems associated with introduction of automated-information systems. The concerns of a large number of people must be addressed if the SJIS is to be successfully developed, implemented and operated. Persons to be reached by the training program include court administrative and financial officials, legislative personnel, presiding judges and various judicial committees, municipal county governing bodies, including boards of supervisors and city councils, state law enforcement planning agency staff as well as the staff of the state-level judicial administrative office. In addition to reaching these higher-level policy-making of-

ficials the program must focus on various court personnel including clerks of various kinds, members of the prosecutors' and public defenders' offices and private attorneys. These persons require technical information with respect to the SJIS. On the other hand, there are technical personnel who require instruction with respect to operation of the SJIS in a court context. Therefore, the training program must also accommodate computer operators and supervisors as well as systems analysts and programmers who will be involved with the operations of the SJIS.

The SJIS training program will have three basic components. The first will deal with justification for the planned SJIS and its specific applications. The second component will deal with generalized computer and systems concepts for the benefit of personnel who are not already familiar with computer and systems analysis. This component will provide background material for the more specific portion of the training program which will deal with the application of the SJIS. The final element of the training program will be a skills development module designed to provide persons, who will be working with the system, with specific information about data capture, data input, computer operations and ways of obtaining and using computer generated outputs.

The training program will focus directly upon people's fears and expectations about computerization. Changes in job assignments, job security, court staff organization and career paths should be frankly discussed with judicial personnel so that they will have a full expectation of what the SJIS will mean to them directly. There should be emphasis placed upon training programs that will accompany the introduction of the automated system, and the important role that courts personnel will play in the planning, design and implementation of the system should be spelled out. The instructional material should also cover description of the project organization and management, developmental stages and the process of converting over from existing systems to the SJIS.

Information Confidentiality and Control

Information confidentiality and control require a level of systems security that will afford an acceptable level of protection for a reasonable expenditure of funds. Security procedures must cover data acquisition, data storage and retention and data access and dissemination as well as systems administration. Security requirements establish a floor upon which privacy and confidentiality safeguards rest. These safeguards go beyond technical security requirements, however, and require conscious judgment as to what information should be collected, retained and disseminated to specific individuals or agencies.

The security problems and requirements may differ depending on whether the SJIS is a dedicated or share system. The recommendations made here assume

either a dedicated system or one in which there is substantial judicial management control. If this is not the case, it may be difficult for the SJIS to obtain desired levels of security. Appropriate contractual arrangements should be entered into between the SJIS management and that of any shared information facilities used by the SJIS to ensure an adequate level of systems security and confidentiality.

Recommendations are made with respect to data accuracy, data entry procedures, data storage and retention, site security, communications security and personnel security. It also is recommended that access and dissemination be tightly restricted and the SJIS not be used for routine criminal history exchange.

On the policy level, recommendations are made that the judiciary maintain management control over the SJIS even if data processing is handled by a central computer facility. Data entry and disclosure should also be under judicial control. The SJIS itself would be subject to a judicial management body operating under established rules and procedures.

SECTION 1.

SCOPE AND FUNCTION OF THE SJIS

Introduction

In this report the Systems Design Subcommittee describes one possible model system for gathering, processing, analyzing, and reporting at the state level information about activities of trial and appellate courts. The recommended model system described in this report is referred to as the State Judicial Information System (SJIS). The SJIS encompasses both data collection and analysis by the state-level judicial administration for its own purposes, as well as the most appropriate methods for collecting and reporting Offender-Based Transaction Statistics (OBTS) and Computerized Criminal History (CCH) information. It should be understood that all references to "SJIS" in this report relate to the model system outlined here and not to any state-level judicial information system in any particular state.

The terms CCH and OBTS cause considerable confusion. In this report "OBTS" will be used to refer to an information collection effort at the state level which attempts to collate information arising from a single arrest of a criminal defendant. Information is collected about the processing of each defendant for each arrest. The purpose of OBTS information is to prepare statistics concerning the processing of various cohorts of defendants. CCH refers to a disposition reporting system for persons charged with serious crimes.

It is assumed that an agency in each state will be charged with OBTS data collection and the data to be reported by the judicial system are those set forth in Project SEARCH Technical Report No. 4. It is also assumed that each state will have a separate agency responsible for creating a state-level CCH system and

that this system will contain those data elements defined by the F.B.I.'s National Crime Information Center as of the end of 1973. It is recognized that these assumptions may not hold true in the future. They do, however, offer the more reasonable basis for proceeding with the design of the SJIS.

It should be recognized that the system design presented here is for the guidance of jurisdictions contemplating development of a state-level judicial information system. The data elements, reports, and design concepts recommended here are illustrative. Their purpose is to offer to others the thinking of a group of persons who have wrestled with common problems. It is anticipated that individual state-level judicial administrations will take from this report only what they find useful.

Scope of the SJIS

As outlined in this report, the SJIS permits the tracking of individual civil and criminal cases and also defendants in criminal cases. It focuses mainly on state-level information needs with respect to trial courts of general jurisdiction and appellate courts, and contemplates tracking of criminal defendants through the lower courts. The SJIS is not designed to produce all information required to satisfy state-level judicial management needs. Additional work must be done in the subsequent phases of this project to define information requirements with respect to courts of limited and special jurisdiction including juvenile courts. Further analysis is also needed with respect to financial and personnel data requirements as well as those pertaining to facilities and juror utilization. When the additional requirements analysis work is completed, the system design should be amended to accommodate these additional needs.

Because the SJIS detailed here must be of broad utility, the design is not as specific as that of a particular jurisdiction's state-level judicial information system. An attempt has been made to address the major design questions facing someone thinking about setting up a state-level judicial information system and offering answers to those questions. The specificity of the design will be reconsidered after the states participating in this project have had an opportunity to test their own state-level judicial information systems. The efforts of each state are being evaluated and the results of the evaluation will be incorporated into the final systems design for the SJIS. The evaluation also will help to shed some light on the feasibility and cost implications of developing a state-level judicial information system along the lines set forth here. Florida is specifically undertaking costing studies of its information system, which will be of use to other states.

Functions of the SJIS

The SJIS must serve a variety of needs. First and foremost it must be able to satisfy the information

requirements of the state-level judicial administration for information about judicial proceedings, activities, finances, and resources. It should also be designed to supply the judicial information required for the OBTS and CCH data files. The SJIS could also, to some extent, produce information required by trial courts for their own internal management purposes.

Specific objectives to be met by the SJIS include the following:

1. *Provide State-Wide Judicial Statistics*

•Collect, process and report accurate, timely and useful comparable statistics on a state-wide basis.

•Provide data for statistical analysis of trends in case processing and disposition.

•Provide data for the evaluation of the impact of judicial system improvement programs, changes in court rules, procedures, and legislation.

•Provide judicial data for the OBTS data file.

2. *Provide Data for Civil and Criminal Case-Flow and Criminal Defendant Flow Monitoring and Management*

•Enable the state-level court administrative office to monitor civil and criminal case-flow and criminal defendant flow in the state's trial and appellate courts.

•Provide reports of exceptions from standards that are of direct interest to the state-level court administrative office.

•Provide the capability for generating special-purpose reports on request.

•Provide court-by-court exception reports and statistics from which caseload and court operational data can be derived. This would include lists of those cases for which the processing has been late or otherwise off-schedule.

•Provide interface with national, state, and local information systems for exchange of information on criminal cases including CCH data.

3. *Provide Data for Estimating Judicial and Other Resource Requirements*

•Provide data on personnel and jury utilization for cases of various types.

•Provide data for projection of judicial manpower and resource requirements.

•Provide data for assessing and evaluating court performance and operations.

4. *Provide Cost Data*

•Provide information in operational costs.

•Provide data for projection of current and future costs and revenues.

Only the first and second objectives are addressed in this report.

Assumptions

Because state judicial systems differ in organization, allocation of jurisdiction, size, and levels, and because states are at varying stages of development of the OB-

TS and CCH data systems, a number of basic assumptions have been made upon which the design of the SJIS will rest. They are as follows:

1. There is a three-level court system, including: lower court of limited jurisdiction, trial court of general jurisdiction, and an appellate court system. The latter may or may not include an intermediate appellate court.

2. There are state-level agencies responsible for receipt and processing of OBTS and CCH information.

3. There is a central state-level agency that is responsible for positively identifying and issuing unique identification numbers for accused persons and which maintains a file of such numbers.

4. The police or prosecuting agencies will supply to the courts identification, arrest, bail and charging information, preferably on formats specified by the SJIS management.

SECTION 2

GENERAL DESCRIPTION OF THE SJIS

Introduction

This section describes, in general terms, the SJIS. It should be kept in mind that "the SJIS" means the information system described in this report and does not refer to any particular state-level judicial information system.

Structure of the SJIS

The SJIS is a case-following information system which can also track individual felony defendants in criminal cases. It has four subsystems: (1) Civil Subsystem; (2) Criminal Subsystem; (3) Appellate Subsystem; (4) Juvenile Subsystem. Only the first three subsystems are discussed in this report because additional analysis is required with respect to the Juvenile Subsystem.

The SJIS is not designed to produce scheduling, docket control, or information which must be available on a rapid-response basis. However, there are a few states using an SJIS as a trial court operating system. These states can utilize rapid access to SJIS information.

The case-following data collection approach, with the capability of tracking individual felony defendants in criminal cases, necessitates recording and transfer of information on individual cases from the constituent trial and appellate courts to the SJIS. While this method of data collection may impose additional reporting burdens on the individual courts, it has significant off-setting advantages. The timeliness and depth of reporting on judicial activities as well as the accuracy of the reporting are improved. With data on individual cases the state-level judicial administration can possibly undertake more meaningful statistical analyses while maintaining better overview

of the progress of judicial proceedings. Individual case reports also permit greater standardization of terminology and more uniform reporting within a state. By initiating case-by-case reporting, a state-level judicial administration can also lay the foundation for reporting to the OBTS and CCH data systems when they are operational. Because of the scope and nature of information collected the SJIS can also be used to feed back management information to courts which might not otherwise be able to afford automated data processing services.

Key Features of the SJIS

The general scope, and capabilities of the SJIS are as follows:

1. The SJIS is a state-level, judicially controlled information system utilizing a set of standard data elements and standard reporting forms or remote entry formats or transmittal tape formats where entry is in batch form from automated local sources.

2. Inputs into the SJIS system will be by-products or outputs of trial court information system operations.

3. The SJIS has the capability, if required, of generating most periodic statistical reports required from courts by the state-level judicial administration. That is, the SJIS is structured in such a way that trial and appellate courts would no longer have to prepare, at the source, most of the periodic state-level statistical reports they now prepare.

4. The SJIS has the capacity to record the significant events in the processing of a case and to generate status and intermediate event and elapsed time reports.

5. Major events, such as hearings and trials, are to be reported as soon as possible after they have occurred.

6. Data required for the OBTS and CCH files and for state-level judicial administrative and statistical purposes are to be collected in a single operation using a standard coding structure with uniform definitions.

7. Even where there is already an on-going state-level non-judicial data collection system for criminal cases using a case or defendant-following approach, the SJIS is the data collection system for all judicial information.

8. Where there are automated trial court information systems covering significant areas of court activity, the state-level judicial administration will have to establish standards to insure that the trial court information systems will generate the required data on each case and criminal defendant in the specific format for each data element required by the SJIS.

9. The SJIS can handle all cases involving criminal

offenses that are mutually agreed upon for entry into the state's OBTS and CCH systems.

10. Civil cases originating in trial courts of general jurisdiction as well as those civil cases entering the court by reason of appeal from a court of limited or special jurisdiction will be included in the SJIS.

11. All appellate and post-decision matters in trial courts of general jurisdiction will be included in the SJIS.

12. Juvenile proceedings can be included in the SJIS (But this module is excluded from this system design pending additional requirements analysis).

13. The SJIS does not include minor traffic cases. (A number of states have developed statewide traffic systems and, at this time, it does not appear desirable to require case-following on the scale recommended for SJIS, of all traffic cases.)

14. The SJIS has the capability of collecting and reporting information separately with respect to each civil case and each defendant in each criminal proceeding.

15. The Criminal Subsystem of the SJIS is structured on the assumption that the interfaces between the police, prosecutors, courts and correctional systems are initiated automatically as soon as one stage (e.g., arrest, prosecution, etc.) has been completed.

Data Capture

The SJIS is designed to capture information about major events in the processing of a case as they occur. This means that in some cases several separate entries will be made into the SJIS between case initiation and termination. While this method of data collection may entail some additional costs, recording and reporting upon major events as they occur rather than upon termination of a case will help to ensure currency and accuracy of data. For those state-level judicial administrations actively involved in case-flow monitoring or provision of information services to courts, this reporting method is virtually required. Since a good part of any additional cost may arise from multiple recording of case and/or defendant identification on reporting forms, preparation of multiple sets of this data at the outset of a case may reduce later costs.

The capture of data at the source, i.e., at the trial or appellate court level, should be on forms or in formats designated by the SJIS management in consultation with the trial or appellate courts.

Interfaces

The SJIS is designed to capture data about cases coming into the judicial system. These cases come from outside the system and, in some instances, pass from the judicial to the correctional systems. Some of the data to be entered into the SJIS must come from persons outside the formal control of the state-level judicial administration such as police, prosecutors,

and private attorneys. In preparing this system design it was assumed that the initiator of a criminal prosecution in court can be relied upon to supply identification, arrest, bail and charging data to the court. Preferably, this information should be captured on an SJIS form or, at a minimum, presented in such a way that court personnel can readily capture the data. It is also assumed that attorneys filing civil actions will provide sufficient information on the face sheet of the complaint so that court personnel can readily extract the necessary data.

It is not certain that the required cooperation can be easily obtained in all jurisdictions. It is recognized that it may require rules of court or even legislation to mandate desired reporting.

Several other interface problems must also be addressed. The CCH and OBTS concepts rest on the assumption that all criminal justice transactions with respect to an individual criminal defendant arising out of a single set of criminal events can be linked together. This requires some identifying number for linking relevant transactions. The CCH system rests on the additional assumption that information about arrests and prosecutions should be collected and placed in an historical record relating to named individual. Both systems require a method of linking events in a given case. CCH must also link a present case to past criminal justice processing of the same person. This linking is usually done by assigning case and defendant identification numbers. The SJIS will use CCH and OBTS numbers if supplied by an appropriate source. The judicial system will, however, assume no burden for seeking out such linking numbers.

Following conviction and sentencing, correctional agencies may require information from the SJIS about individual offenders. As a general rule, the SJIS would be equipped to provide this information. Since the correctional information requirements have not been defined as yet, no specific recommendation about data transfer is made here.

Outputs

The SJIS will have several types of outputs. The first will be statistical reports and displays on criminal, civil, and appellate cases. Illustrative reports are included in the appendix to Part A of this report, *Requirements Analysis Subcommittee Report*. Each subsystem also will have to produce transaction media to be used for updating that subsystem's files. In addition, the Criminal Subsystem and Appellate Subsystem (with respect to criminal cases) will have to produce CCH transmittal media, which will provide criminal history information, as well as OBTS transmittal media, which will provide the judicial module of the OBTS data set. Very little has been done anywhere in the country to define precisely how the judicial system should relate to the CCH system or

OBTS. For present purposes, some assumptions have been made, and discussed later herein, about how data are to be transferred from SJIS to CCH and OBTS.

Definitions and Terminological Problems

The SJIS is structured to insure intra-state comparability of inputs and outputs. Uniformity within the states depends on standardized definitions of all input and output data. The SJIS, therefore, uses a uniform set of data element definitions and input forms. These will be embodied in a manual which explains to users the information to be recorded on the input forms and defines in detail those terms which are likely to be unclear or are ambiguous.

The use of standard forms and definitions will eliminate most terminological problems. Some reporting problems arise, however, because of substantive differences in case processing. Even within a state there are variations in subject matter jurisdiction of general and limited jurisdiction courts and in the steps of case processing. These differences are likely to persist in the absence of state-wide court reorganization and rules for case processing. The SJIS will, therefore, have the capability of dividing the business handled in a state's courts so that differences in subject matter jurisdiction are made clear. Where differences in case processing procedures cannot be eliminated, a translation of varying procedures into standard categories will be undertaken.

The adoption of a state-wide case-following information system will help to eliminate other barriers to intra-state comparability. It will encourage coverage of all courts, thereby eliminating gaps in some existing reporting systems. A case-following system reporting on all major events as they occur also will eliminate problems arising from different reporting periods for courts within a state. If events are recorded when they occur and are dated, the SJIS can produce output reports which cover the same time periods for each reporting unit.

A major definitional problem to be resolved early in the development of the SJIS, concerns case or offense type classifications and accounting units. With respect to criminal offense categories, it is recommended that state statute numbers and literal descriptions be used for intra-state reporting purposes.

With respect to the accounting unit, it is recommended that both criminal cases and defendants be accounted for. On the civil side, there is considerable interest in knowing about individual parties, therefore, the accounting unit will be the case. On the appellate side, civil and criminal cases and criminal defendants will be accounted for. The point at which accounting should begin is covered in detail earlier in the *Requirements Analysis Subcommittee Report*. The definitional work done here is only the first step in a much broader effort to ensure intra-state comparability of judicial information.

Interstate comparability raises additional difficult questions. It was decided early in this project that uniformity of judicial management statistics nationally is not now possible. The differences among the states in practice and procedure preclude such uniformity. Rather the project aimed at something more modest—comparability of judicial data. While uniformity demands identical reporting, comparability can be achieved if states will indicate how they differ from some prescribed standard terminology. One would, at least, know that two states can or cannot be compared, with some confidence.

Interstate comparability will, however, be difficult to achieve for a number of reasons including the differences in:

1. courts covered by reporting system;
2. classifications;
3. terminology;
4. reference periods;
5. accounting units;
6. procedural steps in the processing of cases;
7. allocation of subject-matter jurisdiction among courts; and
8. discretionary decision-making

Some of these differences might be eliminated by changes in the reporting system being used in various states. For example, terminology could, in theory, be examined in order to get rid of purely semantic differences; reference periods could be synchronized; coverage of courts could be expanded or modified.

Other types of differences do not appear to be amenable to elimination by administrative action. For example, subject matter jurisdiction is distributed in different ways in different states. To the extent that lower courts have broader jurisdiction in felony cases, the smaller will be criminal caseload in the court of general jurisdiction. States also differ in the manner of processing cases which results in differences in the flow of business through the judicial system and in the events that must be reported.

To assist with interstate comparability of judicial data, the states could:

1. clearly define all data elements and reporting categories;
2. indicate the subject matter jurisdiction of courts of various levels and provide as complete coverage as possible;
3. use civil case types and criminal offense categories that can be translated into common terms;
4. where possible conform state-wide classifications, reporting periods and terminology to any nationally recommended categories; and
5. document any difference between state categories and national categories.

Doubts exist, however, as to whether or not the benefits from improved interstate comparability are worth the costs. A convincing case has not been made that comparison of judicial activities in different states

will lead to improvement of operations. Indeed, the attempt to compare what is not strictly comparable may lead rather to misunderstandings and pressure for changes not justified by local circumstances. This project has proceeded on the assumption that interstate comparability should not be a major criterion for design of the SJIS. Such comparability will, rather, be a by-product of consensus of states that certain data is worth collecting and reporting.

The CCH and OBTS data files raise additional terminological problems. This project has accepted the SEARCH and NCIC data elements to be used for offender transaction and criminal history creation. The judicial data elements in these systems were identified and defined without the same level of judicial participation that accompanied development of the SJIS. At some point, LEAA and the F.B.I. should undertake a reconsideration of the data elements referring to judicial processes. Particular attention should be paid the appellate activities. These activities are not covered by OBTS data elements and are inadequately described by the CCH data elements. Any reconsideration of OBTS and CCH data elements should keep in mind the rather different purposes of a judicial management information system, a system-wide offender-based transaction statistics system, and an individual criminal history system.

SECTION 3 SJIS INPUTS AND OUTPUTS

Introduction

This section is divided into two subsections. The first subsection on SJIS Inputs describes the data capture modules of each of the three SJIS subsystems, including basic case initiation and document flow, and recommended procedures for non-standard cases, such as case initiation other than by the arrest process. The second subsection, on SJIS Outputs briefly describes the types of reports, printed documents, displays, files, and other outputs to be created by the SJIS. At the end of the section there is a discussion of SJIS input and output capacity considerations.

SJIS Inputs

SJIS data can be collected at the source in a number of ways. One method is by means of paper forms which are completed and then either processed locally or mailed in to some central site. A second method is by means of on-line entry into either a storage device or directly into a local computer for transmission to the SJIS. A third method is by means of on-line entry from the source into the SJIS state computer via a computer terminal.

In the absence of data on volume of transactions, etc., no specific recommendations are made as to collecting data and submitting it to the SJIS.

Any forms used to collect the information necessary to track criminal defendants and civil, criminal, and

appellate cases through a state's judicial system should contain five basic types of information:

1. Identification information, consisting of case, defendant and situs identifiers, and other linking numbers.
2. OBTS and CCH tracking numbers, assigned and supplied by non-judicial agencies and copied on all forms.
3. Case initiation information.
4. Case activity information prior to disposition.
5. Disposition and termination information.

A detailed introduction and users manual should be compiled by the state-level judicial administrative body for each state. It should define all data elements. The manual should include provision for updating and revisions, detailed instructions for the completion of forms, and tables and lists of statute numbers.

As data is entered into the SJIS, there should be some means of determining what type of transaction is taking place. There are three major types of transactions that should be provided for: (1) entries in which new information and data are to be added to the SJIS data base files; (2) modifications, in which data already in the files are to be changed or otherwise modified; and (3) cancellation, in which data previously entered are to be eliminated.

It is recommended that, where possible, all SJIS forms also include provision for recording a transaction type code or entry key and that this code be used as the basis for developing information, entry control and security procedures. This code would serve as an entry key for the SJIS and would identify, for the SJIS processing system, the routing of the entry.

Data Elements

Standard SJIS data elements have been developed for each of the three SJIS subsystems. A complete listing, together with all data element values, is presented in Appendix A.

It should be noted that while the data elements here are a recommended standard for the SJIS, there will be variations from state to state in the list of data elements finally adopted for each state system, primarily because of variations in court organization, procedures and rules. At a more detailed level, the actual data element values (or breakdowns) used for such data elements as "disposition" and "sentence" may vary somewhat.

It is recommended that those states contemplating the adoption of a system modeled on the SJIS should carry out the following steps with respect to data elements:

1. Compare the data bases for existing and/or planned systems to insure that all of the recommended SJIS data elements are included or have been otherwise accounted for in these systems.
2. Where the definitions and usage of data elements in the data base of an existing or planned judicial

information system differ from the standard definitions recommended for the corresponding data elements in the SJIS data base, states should develop appropriate transformation procedures and exception listings.

3. With respect to data element values (or "break-downs") states should survey court procedures, to determine manner of initiation of cases, methods of disposition, dispositional alternatives, and sentence options, and develop a data base reflecting these. Procedures should then be developed to enable the state system to combine or otherwise group these to produce the SJIS data base.

SJIS Criminal Subsystem Inputs

SJIS data collection is triggered by the occurrence of a major event in a case. In criminal cases, twelve such significant events have been identified as follows:

1. Filing;
2. Release actions (at pretrial and other stages);
3. Appearances in courts;
4. Pleas;
5. Trial readiness dates;
6. Trial beginning;
7. Trial completion;
8. Disposition of the case;
9. Ordering of pre-sentence investigation;
10. Sentencing;
11. Post-Conviction and Post-Decision Proceedings;
12. Disposition of Appellate proceedings.

If the defendant comes into the court through the filing of a complaint, information or indictment, it is recommended that the prosecutor or the police (if first presentment is handled by police) provide necessary identification data, defendant tracking numbers, and other information, and submit this together with other papers relating to the case to the court in which the defendant is presented. In the event that a defendant enters the criminal justice system by other than the normal process, the assumption that the police or prosecutor would initiate the SJIS processing would no longer hold. More important, there would normally be no way of passing on to the courts the identification and tracking information that would otherwise have been passed on by the police or the prosecutor.

Two examples of this type of situation are: (1) cases of violation, by an offender, of probation or release conditions; and (2) offenses committed by an inmate. In both types of cases, apprehension could be by a probation officer or correctional official. Issues that arise in connection with this type of situation include the question of how tracking would be carried out, whether a new case number would have to be assigned etc. This is further complicated by the question of whether or not there is already in the state provision for issuance of a defendant tracking number.

Since such cases would enter the court system, it is

clear that these should be picked up by the SJIS. If the police are involved in the apprehension, there is no problem since they would provide the information which initiates SJIS processing. Otherwise, the required data could be submitted by the probation officer making the apprehension or it could be recorded by the clerk of the court when the defendant is brought into court for a first appearance.

With regards to implementation of the data capture module, the following recommendations are made:

1. Separate reports should be completed for each defendant involved in each criminal proceeding.
2. Unique control numbers for defendant tracking purposes should be given to the court and reproduced on all documents involving the case and on all forms completed by the court.
3. The prosecutor (or police, if first appearance in court immediately follows arrest) should provide the identification and tracking data on the SJIS criminal form.
4. Where input by the police or prosecutor is directly into a local automated law enforcement information system via terminals, they will provide the identification tracking information so that this can be available to court personnel.
5. It is recommended that all completed forms or entries via terminal include transaction codes for the criminal subsystems. There should be entered entries via terminal include transaction codes for the criminal subsystems. There should be entered or checked off on the form by authorized judicially controlled personnel.

SJIS Civil Subsystem Inputs

Reports and other displays on civil business also necessitate reporting on significant processing events for civil proceedings. Ten such significant events have been identified as follows:

1. Filing or Initiation;
2. Close of Pleadings;
3. Pretrial Discovery Completed;
4. Pretrial Conferences;
5. Trial Readiness Date;
6. Trial Beginning;
7. Trial Completion;
8. Disposition of the Case;
9. Post-Decision Proceedings;
10. Disposition of Appellate Proceedings.

It should be noted that there may, in some state judicial systems, be more than one pre-trial conference and more than one trial readiness date. It should also be noted that other stages can be used, e.g., service of process and filing of answer in states in which cases are initiated in different ways.

As with criminal case significant events, the specific data elements that are to be collected for each type of report, and the number and content of reports to be filed (or, alternatively, entered via a terminal) may

vary from state to state. In order to develop recommendations and procedures for the completion and processing of these reports it will be necessary to identify the particular civil subsystem data elements associated with the report on each significant event. This type of analysis should also be carried out for the various output reports.

One type of case that must be handled in a slightly different manner is that of the criminally related post-decision proceedings handled as a civil case such as habeas corpus. The SJIS Civil Subsystem does not provide for the maintenance of names of defendants, litigants, etc. It will, therefore, be necessary to develop some way of linking civil post-decision proceedings or activities with prior criminal cases they affect. This is particularly important for those criminal cases for which CCH and OBTS data elements must be collected. To deal with this problem, generally, it is recommended that a civil/criminal index file be developed as part of the SJIS data base files. This can also be used to insure that reports on the disposition of civil post-decision proceedings are reported back to the criminal subsystem when required.

SJIS Appellate Subsystem Inputs

The recommended reports and other displays on appellate court business necessitate the establishment of an appellate case-following system and, thereby, the reporting of significant processing events for appellate proceedings as soon as possible after they have occurred. For appellate proceedings, eight generally significant processing events have been identified as follows:

1. Notice of Intent to File Appeal;
2. Filing of Appeal/Motion/Petition;
3. Receipt of Lower Court File;
4. Ordering of Transcript;
5. Receipt of Transcript;
6. Hearings;
7. Completion of Briefings;
8. Disposition of Appeal/Motion/Petition.

The specific data elements that are to be collected for each type of report and the number and content of reports to be entered probably will vary from state to state. Similarly, the number of reports and the types of papers associated with each significant processing event will also vary. For example, in some states, the transcript is ordered at the time of filing of appeal automatically and consequently a separate report is not usually needed. Definitional and standardization work remains to be done by each state for appellate cases.

As with the Civil and Criminal Subsystems, it will also be necessary for states contemplating the development of an Appellate Subsystem to identify the particular appellate data elements associated with each significant processing event.

Aside from original proceedings in an appellate

court, appellate proceedings will usually come into the appellate court system from three sources: (1) the trial court (for civil and criminal appeals and for post-decision proceedings that are to be handled in the appellate court; (2) administrative agencies; or (3) an intermediate appellate court.

The following recommendations have been formulated with regard to SJIS Appellate Subsystem data capture:

1. It is recommended that separate input reports should be completed for each defendant involved in each criminal appeal proceeding. In such cases, provision should also be made to include the defendant tracking numbers as well as any other identification numbers that may be used in the SJIS Criminal Subsystem.
2. It is recommended that all completed forms or entries via terminal include provision for recording the type of transaction. These should be entered on the form (or into the system via terminal) only by judicially-controlled personnel.
3. For original proceedings in the appellate court, the clerk of the court should complete the appropriate appellate proceeding report form, and send it or equivalent data to the SJIS Center for processing in order to initiate a file on the proceedings.
4. For civil and criminal appeals, the following procedure should be followed:
 - (1) At the time the particular civil or criminal case is disposed of in the trial court and a disposition report is completed by the clerk of the court or other designated personnel, notation should be made at the time of any intent to file an appeal and the information should then be sent on for further SJIS processing.
 - (2) When the appeal is filed, the clerk of the court should partially complete the appellate reporting form and send this with the appropriate papers to the clerk of the appellate court to which the appeal will be sent.
5. For criminal appeals, it is recommended that the defendant tracking numbers, the trial court case identification number and any additional control numbers should be entered on the appellate reporting form and on all subsequent Appellate Subsystem data entries.
6. For civil proceedings, it is recommended that a separate form should be completed for each appeal arising from a single case.
7. For those civil and criminal proceedings originating in an intermediate appellate court, the following procedures should be carried out:
 - (1) The clerk of the intermediate appellate court should initiate the record and send this on to the higher court; and

- (2) Recommendations 5 and 6 above should be followed with respect to civil and criminal appeals.

SJIS Outputs

Among the outputs envisioned for the SJIS subsystems are transaction and other files and intermediate products intended for input to other processes.

The SJIS outputs can be classified into three groups according to their intended distribution.

1. Management and Administrative Reports, for state-level judicial administrations, identified in the Requirements Analysis Subcommittee Report. These include reports that may be disseminated to local courts.
2. External Reports and Files, intended for output and distribution to non-judicial agencies, such as the CCH and OBTS transmittal data, and inputs into correctional information systems.
3. Intermediate Reports and Files, which are produced by one or more SJIS subsystems for input into other SJIS subsystems. Examples include the various transaction files, indices, and error listings.

SJIS Criminal Subsystem Outputs

The major outputs of the SJIS Criminal Subsystem will include the following:

1. *Management and Administrative Reports for State-Level Judicial Administrations (SLJA).*

It is recommended that the SJIS be capable of generating twenty-five standard statistical reports on criminal business for state-level judicial administrative use. These reports are, together with their proposed distribution and frequency, are listed in Table 3-1 as CR-1 through CR-25 inclusive. The report formats are shown in the appendix to the Requirements Analysis Subcommittee Report. These are batch processed reports, to be generated on a monthly, quarterly, or semi-annual basis. In addition, it is also recommended that a criminal caseflow analysis be generated, indicating how cases enter the judicial system, what happens to them and how they leave the judicial system. This type of report, listed on Table 3-1 as output number CR-29, Case Analysis by Offense Type, can be produced in tabular form. Note that in the actual output, percentages and number of cases (and criminal defendants) would be indicated for each branch.

While these reports are intended primarily for use of the state-level judicial administration, many of these would be useful to presiding judges of trial courts and trial court administrators, as well. This has been noted in Table 3-1 by indicating under the heading proposed distribution, the code "P.J." As noted in Section Two of this report, the SJIS criminal subsystem also

TABLE 3-1.
SJIS CRIMINAL SUBSYSTEM OUTPUTS

OUTPUT NUMBER	NAME	OUTPUT FREQUENCY	PROPOSED OUTPUT	PROPOSED DISTRIBUTION				
				SLJA	P.J.	INDIV. JUDGES	OBTS/CCH AGCY	OTHER
CR-1	Summary-Criminal Cases	A. Monthly B. Annual Summary	A. Printed	X	X			
CR-2	Criminal Filings-Offense Types	A. Monthly	A. Printed	X	X			
CR-3	Active Pending Criminal Cases By Offense and Court	A. Monthly B. Semi-Annually	A. Printed	X	X			
CR-4	Active Pending Criminal Cases — Age in Months (by offense)	A. Quarterly	A. Printed	X	X			
CR-5	Active Pending Criminal Cases — Age in Months (by court)	A. Quarterly	A. Printed	X	X			
CR-6	Age of Active Pending Criminal Cases at Particular Proceeding Stages	A. Quarterly	A. Printed	X	X			
CR-7	Dispositions-Criminal Cases: By Offense and Method of Disposition	A. Quarterly	A. Printed	X	X			
CR-8	Dispositions-Criminal Cases: By Court and Method of Disposition	A. Monthly	A. Printed	X	X			
CR-9	Dispositions-Criminal Cases: Stages at Which Matters are Disposed of	A. Monthly B. By Offense Type, As Requested	A. Printed	X	X			
CR-10	Criminal Processing Time: Number of Days Between Initiation and Sentencing of Cases Disposed of After Trial (by case type)	A. Monthly	A. Printed	X	X			
CR-11	Criminal Processing Time: Number of Days Between Initiation and Sentencing of Cases Disposed of After Trial (by court)	A. Monthly	A. Printed	X	X			
CR-12	Criminal Processing Time: Number of Days Between Initiation and Sentencing of Cases Disposed of By Plea, Dismissal, or Deferred Prosecution (by case type)	A. Monthly	A. Printed	X	X			
CR-13	Criminal Processing Time: Number of Days Between Initiation and Sentencing of Cases Disposed of By Plea, Dismissal, or Deferred Prosecution (by court)	A. Monthly	A. Printed	X	X			
CR-14	Dispositions of Criminal Defendants on Original Most Serious or Other Charges	A. Quarterly	A. Printed	X	X			
CR-15	Criminal Dispositions: Final Charge as a Function of Original Charge	A. Quarterly	A. Printed	X	X			

CONTINUED

1 OF 2

TABLE 3-1
SJIS CRIMINAL SUBSYSTEM OUTPUTS

OUTPUT NUMBER	NAME	OUTPUT FREQUENCY	PROPOSED OUTPUT	PROPOSED DISTRIBUTION				
				SLJA	P.J.	INDIV. JUDGES	OBTS/CCH AGCY	OTHER
CR-16	Sentence as a Function of Final Charge	A. Quarterly	A. Printed		X	X		
CR-17	Criminal Sentencing: Incarceration — Length of Maximum and Minimum Sentence	A. Quarterly	A. Printed	X	X	X		
CR-18	Post-Conviction Proceedings — Table A: Summary	A. Semi-Annually	A. Printed	X	X			
CR-19	Post-Conviction Proceedings — Table B: Sentence Review	A. Semi-Annually	A. Printed	X	X			
CR-20	Post-Conviction Proceedings — Table C: Appeals from Trial Court Decisions	A. Semi-Annually	A. Printed	X	X			
CR-21	Post-Conviction Activities — Table D: Processing Time: Median Days Between Date of Filing and Disposition	A. Semi-Annually	A. Printed	X	X			
CR-22	Trial Information (Criminal)	A. Monthly	A. Printed	X	X			
CR-23	Trial Information: Jury Report	A. Monthly	A. Printed	X	X			
CR-24	Pre-trial Release By Offense Type	A. Monthly	A. Printed	X	X			
CR-25	Criminal Case Filings, Dispositions and Pending: Average Per Authorized Judgeship and Per Actual Judgeship	A. Quarterly	A. Printed	X	X	X		
CR-26	State OBTS Transmitted Tape	A. Semi-Annually	A. Tape	X			X	
CR-27	State CCH Transmittal Tape	A. Daily	A. Tape				X	
CR-28	Criminal Transactions Tape (for updating)	A. Daily	A. Tape	X				
CR-29	Case Flow Analysis By Offense Type	A. Semi-Annually	A. Printed	X	X			

is capable of generating other types of reports and outputs not now defined as requirements for the SJIS. These would include court calendars, listings of cases, defendants, etc., attorney conflict lists, statistical reports on data entry errors, etc.

2. External Reports and Files

The reports and other outputs to be provided by SJIS, to non-judicial agencies include OBTS and CCH transmittal tapes, listed as outputs number CR-26 and CR-27 in Table 3-1.

The SJIS Criminal Subsystem is designed to periodically produce data for the judicial module of a state OBTS system. The data would be submitted to the designated state agency that will fulfill the functions of the state-level Statistical Analysis Center (SAC) as described in the Comprehensive Data Systems (CDS) Program Guidelines. The SAC, in turn, will generate a subset of this OBTS data for transmittal to a designated national-level statistical analysis center.

With respect to criminal history information, SJIS Criminal Subsystem will generate, on a regular basis, a CCH transmittal tape which will contain the judicial segments of the CCH file and which will be submitted to the appropriate state-level agency. This agency, will, in turn, be responsible for transmitting the information required for the NCIC/CCH system to the F.B.I. It might also be appropriate to feed disposition data back to the arresting agency but this capability is not presently encompassed by the SJIS.

Outputs of the Criminal Subsystem to correctional or probation information systems represent another use for the outputs. The exact data elements to be included in this type of output not yet been defined. They would be based on some consideration of the inputs required by state-level correctional information systems.

3. Intermediate Reports and Files

The intermediate reports and files that can be produced by the SJIS Criminal Subsystem include:

- (1) Input, Edit Validation, and Conditional Error Listings and Tapes, for use in input error follow-up and correction, for producing statistical and quality control reports, and for field audit purposes.
- (2) SJIS Criminal Transaction File, for use in updating the SJIS Criminal Subsystem files and for field auditing purposes (designated as CR-28 in Table 3-1).
- (3) Criminal Appeals Cases, a listing of criminal cases in which an appeal has been filed. This would be produced together with a file of criminal and appellate case identification numbers.

- (4) Criminal Post-Decision and Post -Conviction Proceedings Initiated, Pending, Disposed of, with Outcome.
- (5) SJIS Criminal Subsystem Transaction Volume and Analysis.
- (6) Standard Output Report Files which are off-line files used to produce some or all of the management and administrative reports and displays for state-level judicial administration.

SJIS Civil Subsystem Outputs

The major outputs of the SJIS Civil Subsystem will include the following:

1. Management and Administrative Reports on Civil Business for State-Level Judicial Administrations.

The SJIS Civil Subsystem will generate the thirteen standard reports on civil business listed with their proposed frequency and distribution in Table 3-2 as CV-1 through CV-13 inclusive. These batch processed reports to be generated on a monthly, quarterly, or semi-annual basis. It is also recommended, as with respect to criminal and appellate cases, that a civil case flow analysis be generated indicating how cases entered the judicial system, what routes they took, and how they were finally disposed of. This report, like its criminal subsystem counterpart, can be produced either in tabular form or as a mortality tree.

Again, as with the criminal subsystem reports, to be produced will vary from state to state depending on the number of courts filing reports, etc. Some of these reports would, of course, be useful to presiding judges of trial courts and trial court administrators and, to some extent, this has been provided for by using the code "P.J." under the heading "Proposed Distribution."

Both the criminal and civil subsystems are also capable of generating other types of outputs not now included as part of the requirements for the SJIS. States should consider, in particular, the capability to provide local trial courts with timely information on civil cases.

2. Intermediate Report and Files.

The reports and files which the SJIS Civil Subsystem can produce include:

- (1) Input Edit, Validation, and Conditional Error listings and tapes for use in data input error follow-up and correction, for producing statistical and quality control reports and for field audit purposes.
- (2) SJIS Civil Transaction File, for use in creating and updating SJIS Civil Subsystem files and for field audit purposes. (This output is designated as CV-14 in Table 3-2).

TABLE 3-2
SJIS CIVIL SUBSYSTEM OUTPUTS

OUTPUT NUMBER	NAME	OUTPUT FREQUENCY	PROPOSED OUTPUT	PROPOSED DISTRIBUTION				
				SLJA	P.J.	INDIV. JUDGES	OBTS/CCH AGCY	OTHER
CV-1	Summary-Civil Caseload	A. Monthly B. Annual Summary	A. Printed	X X	X X			
CV-2	Civil Filings-Case Types	A. Monthly	A. Printed	X	X			
CV-3	Civil Pending-By Case Type and Court	A. Monthly	A. Printed	X	X			
CV-4	Pending Civil-Case Age in Months (by case type)	A. Quarterly	A. Printed	X	X			
CV-5	Pending Civil-Case Age in Months (by court)	A. Quarterly	A. Printed	X	X			
CV-6	Age in Months of Pending Civil Cases at Particular Processing Points	A. Quarterly	A. Printed	X	X			
CV-7	Dispositions-Civil Cases: By Case Type and Method of Disposition	A. Monthly	A. Printed	X	X			
CV-8	Dispositions-Civil Cases: By Court and Method of Disposition	A. Monthly	A. Printed	X	X			
CV-9	Dispositions-Civil Cases: Stages of Settlement	A. Monthly	A. Printed	X	X			
CV-10	Civil Cases-Number of Days Between Initiation and Disposition (by case type)	A. Quarterly	A. Printed	X	Y			
CV-11	Civil Business: Filings, Dispositions and Pending: Average Per Authorized Judgeship and Per Actual Judgeship	A. Quarterly	A. Printed	X	X			
CV-12	Civil Trial Information	A. Monthly	A. Printed	X	X			
CV-13	Civil Trial Information: Jury Report	A. Monthly	A. Printed	X	X			
CV-14	Civil Transaction Tape (for updating)	A. Daily	A. Tape	X				
CV-15	Case Flow Analysis By Type of Case	A. Semi-Annually	A. Printed	X	X			

- (3) Civil Appeals Cases, a listing of civil cases in which an appeal (or appeals) has been filed. This would be produced together with a civil/appellate case identification number index.
- (4) SJIS Civil Subsystem Case Transaction Volumes and Analysis.
- (5) Standard Output Report Files, used to produce some or all of the management and administrative reports and displays on civil business for state-level courts administrative offices, as recommended by the SJIS requirements analysis.
- (6) Criminal/Civil Post-Decision Proceedings Outcomes, a listing of events and outcome of those criminal case post-decision proceedings that are handled or disposed of as "civil matters" together with a criminal/civil case identification number cross index.

SJIS Appellate Subsystem Outputs

The major outputs of the SJIS Appellate Subsystem will include the following:

- (1) *Management and Administrative Reports on Appellate Business for State-Level Judicial Administrations.*

Twelve standard reports and displays on appellate court business and appellate case flow analysis will be generated by the SJIS Appellate Subsystem. These reports, together with their proposed frequency and distribution are listed in Table 3-3 as AR-1 through AR-12 inclusive and AR-14.

2. *External Reports and Files.*

The SJIS Appellate Subsystem is designed to produce transmittal media containing those appellate subsystem data elements that are required for the CCH and OBTS systems. These are listed as output numbers AR-15 and AR-16 in Table 3-3. In general, this data will be handled in the same way as the CCH and OBTS outputs from the criminal subsystem.

3. *Intermediate Reports and Files.*

The following is a listing of the intermediate reports and files that can be produced by the SJIS Appellate Subsystem:

- (1) Input Edit, Validation and Conditional Error listings and tapes for use in data input error follow-up and correction, for producing statistical and quality control reports, and for field audit purposes.
- (2) SJIS Appellate Transaction File, for use in creating and updating SJIS Appellate, Criminal and Civil Subsystem files and for

field audit purposes. This output is designated as AR-13 in Table 3-3.

- (3) Criminal Appeals Cases, a list of criminal cases for which appellate transactions have been recorded and a report of the transactions.
- (4) Civil Appeals Cases, a list of civil cases for which appellate transactions have been recorded and a report of these transactions.
- (5) SJIS Appellate Subsystem Transaction Volume and Analysis.
- (6) Standard Output Report Files, which are off-line files, will be used to produce some or all of recommended management and administrative reports on appellate business.

Procedures in the Absence of a CCH or an OBTS Judicial Module

The SJIS, as described here, is designed to provide inputs for the judicial modules of state-level CCH and OBTS systems. However, at the present time, only a few states have operational or planned judicial modules for their CCH and OBTS systems. In most states, CCH and OBTS development has been and will be primarily concentrated on the police or arrest module. There is the prospect that a state-level judicial information system will be developed, with the capability of providing CCH and OBTS outputs, before the state's designated CCH and OBTS agencies can make use of these products.

If a state does not have the judicial modules for the state level CCH or OBTS systems either planned or in operation by the time the SJIS is operational then the judiciary must decide what to do with the SJIS outputs for state level CCH and OBTS systems, and how to provide data for Judicial and Supplemental Segments to NCIC/CCH. These decisions may be further complicated by the existence of comprehensive local or regional information systems which have the capability of providing arrest, judicial and corrections data necessary for complete CCH and OBTS systems.

Given the growing state and federal concern with the lack of court disposition information for arrests entered into CCH systems, arrangements should be made to capture and store disposition information until such time as it can be entered into the state CCH system. Similarly the available OBTS data should be retained for future use. CCH and OBTS information could be stored either within the judiciary or within those agencies ultimately responsible for CCH and OBTS. This decision will depend, in large part, upon the expected lag time between development and operation of the state's judicial information system and the development and implementation of the corresponding judicial modules for the state CCH and OBTS systems.

TABLE 3-3
SJIS APPELLATE SUBSYSTEM OUTPUTS

OUTPUT NUMBER	NAME	OUTPUT FREQUENCY	PROPOSED OUTPUT	PROPOSED DISTRIBUTION				
				SLJA	P.J.	INDIV. JUDGES	OBTS/CCH AGCY	OTHER
AR-1	Summary - Appellate Business; Breakdown by Court	Monthly	Printed	X	X			
AR-2	Summary - Appellate Business; Breakdown by case type	Monthly	Printed	X	X			
AR-3	Appellate Business; Source of Filings Breakdown by Court	Monthly	Printed	X	X			
AR-4	Appellate Business; Source of Filings Breakdown by case type	Monthly	Printed	X	X			
AR-5	Appellate Business; Criminal Filings by prosecutor and defendant	Semi-Annually	Printed	X	X			
AR-6	Appellate Filings; Basis of Jurisdiction	Semi-Annually	Printed	X	X			
AR-7	Disposition of Appellate Business Breakdown by case type	Quarterly	Printed	X	X			
AR-8	Processing Time; Appellate Cases	Quarterly	Printed	X				
AR-9	Status of Pending Caseload in Appellate Courts	Quarterly	Printed	X	X			
AR-10	Motions in Appellate Courts: Summary Report	Monthly	Printed	X	X			
AR-11	Petitions for Rehearing; Summary Report	Quarterly	Printed	X	X			
AR-12	Report on Individual Judicial Activities	Semi-Annually	Printed	X	X	X		
AR-13	Appellate Transaction Tape (for updating)	Daily	Tape	X				
AR-14	Case Flow Analysis by Type of Case	Semi-Annually	Printed	X	X	X		
AR-15	Appellate OBTS Transmittal Tape	Daily	Tape				X	
AR-16	Appellate CCH Transmittal Tape	Daily	Tape				X	

In the absence of a capability to capture judicial data for CCH or OBTS at the state level, the following reporting *procedures* are recommended.

1. When there are state CCH and OBTS systems but no CCH and OBTS judicial modules, it is recommended that the SJIS be designed to produce state CCH and OBTS information in accordance with the standards set forth in this report. If no state-established standards exist for the NCIC/CCH Judicial Supplemental Segments then the data should be prepared in accordance with the formats and standards established by NCIC. An index, for use by SJIS, of cases for which dispositions have been reported should also be created.

It is further recommended that the OBTS and CCH data be transmitted to the state CCH and OBTS agencies for further processing and that the state CCH agency be responsible for transmitting the information required for the Judicial and Supplemental Segments of the NCIC/CCH system to the F.B.I.

2. When there is no CCH or OBTS system in the state and a state-level judicial information system has been implemented, it is recommended that the system produce state CCH and OBTS information in accordance with the standards set forth in this report. If no state-established standards exist, the NCIC/CCH Judicial and Supplemental Segment information should be produced in accordance with the formats and standards established by the NCIC. NCIC/CCH information should then be made available directly to the police or other agency originating the arrest for transmittal by that agency to the F.B.I. An index of arrests for which the system has provided a disposition report to the arresting agency should also be created.

In the absence of a capability to capture judicial disposition and sentencing data for OBTS or CCH at the state level, the following reporting *mechanisms* are recommended.

1. A disposition and sentencing report form can be designed so that one of the copies, bearing judicial disposition data as required for the NCIC/CCH Judicial Segment, is automatically returned to the arresting agency which would have the responsibility to send this on to the F.B.I. NCIC. The SJIS would retain a copy as well.

2. The SJIS can be designed to generate CCH and OBTS transmittal tapes which would then be sent to either the state CCH and OBTS agency (if there is one) or the State Bureau of Identification for further processing and for transmittal of information for the NCIC/CCH Judicial Segment.

Whatever procedure is ultimately employed, the state's Judicial Information System should develop and maintain a cross-indexing capability. This cross-

index would associate key numerical identifiers such as court case number, State Identification Number (SID), OBTS tracking number and F.B.I. number with such information as arresting agency, date of arrest, date of disposition and type of disposition.

SECTION 4

SJIS PROCESSING CONSIDERATIONS

General Approach

The following discussion of SJIS processing consideration is directed primarily at judges and judicial administrators. It attempts to discuss in uncomplicated terms the major steps in processing of SJIS data and to identify potential problem areas. This section should also be of assistance to senior systems analysts in preparing a design for their own state-level judicial information systems.

Each analyst will, however, have to adapt the approach suggested here to the particular judicial system and data processing environment within which he is operating. Techniques appropriate to smaller, highly centralized judicial systems with their own computers are not going to fit other larger jurisdictions with decentralized court systems and shared computer facilities. The general considerations reviewed here are sufficiently broad to be applicable to all automated state-level judicial information systems.

Because of the wide diversity between states, no specific recommendations are made with respect to hardware and data processing approaches. Sections 6 and 7 discuss in more detail the factors governing selection of hardware and software options.

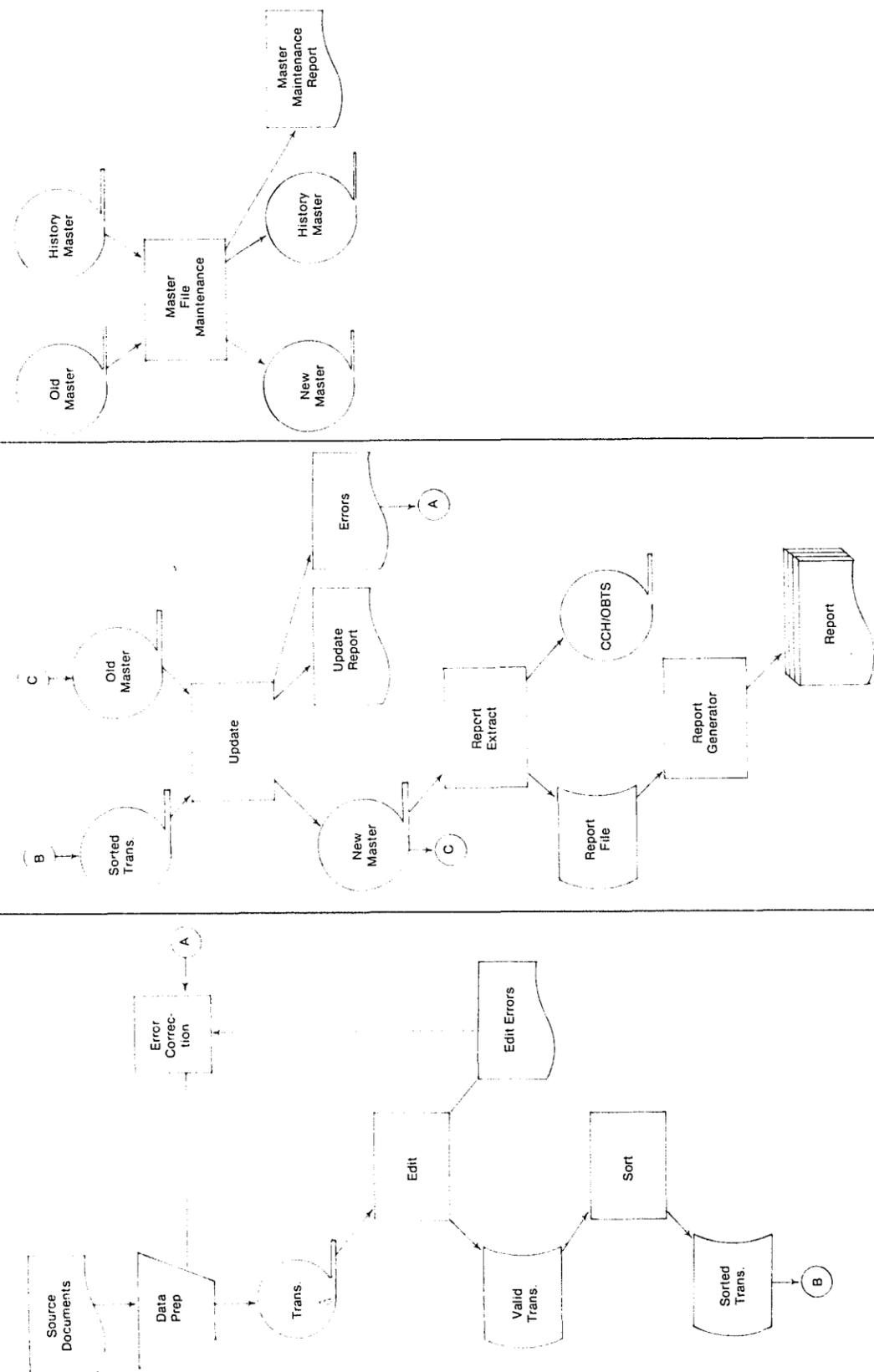
General Design Concept

The charts describe the overall SJIS design concept. The data for the SJIS system will be collected at the trial and appellate court levels beginning with the formal initiation of a civil case or criminal prosecution. Data on felony criminal cases would be collected from a lower criminal court if any initial felony proceedings took place there. Civil case-related data would be collected only from trial courts of general jurisdiction. All significant events in a case would be reported as they occurred.

After collection and review at the source, the data would be transmitted to the SJIS system. The transmission could be through use of paper forms, punched cards, tapes, disks or other computer media or it could be direct via computer terminal. Once received at the SJIS facility, the information would be reviewed, edited and corrected, and inquiries could be made of the source.

Validated transactions would be sorted and entered into the system creating new files or updating appropriate master files for Civil, Criminal or Appellate subsystems. Errors discovered at this stage would be segregated for correction. After a new subsystem master file was created, required statistical reports and

SJIS PROCESSING



listings to be used for judicial management purposes would be prepared. Data on criminal defendants would also be extracted at specified intervals for transmittal to the CCH and OBTS data files.

In addition to the current master files for the Civil, Criminal and Appellate subsystems, each SJIS should maintain a history file of disposed cases within each subsystem. How long cases in the history files should be maintained will depend on several considerations. First, cases terminated at the trial court level can be appealed. If an appeal is filed, information on the case must be maintained until all appellate relief has been denied. If appellate relief is granted, then it may be necessary to reactivate the master file to record additional trial court transactions.

Second, certain types of cases never really terminate even after entry of a final judgment. In domestic relations cases, the trial court may reopen the matter at any time to reconsider issues of support, alimony, visitation or custody. Remarriage or emancipation of a minor child may require modification of the court's earlier decree.

Third, information must be available for statistical analyses. One would probably want to keep concluded cases in an history file for at least several years after disposition, so that comparative analyses can be run. Each state will have to determine precisely how long it wants to retain each type of concluded case in its history files in light of its information needs and the possibility of reactivation.

The data elements listed in Appendix A will constitute the universe out of which the master files for each SJIS subsystem will be created. It is not possible without detailed information on a given state's needs and data processing capabilities to specify files structures, formats, record layouts and the like. Each state will have to determine the appropriate file design. It should be kept in mind, however, that the SJIS as described here is likely to consist of a fairly large file with a comparatively small number of transactions. With only a small percentage of files being created, updated or modified during any cycle, the master file design and data processing techniques should be selected accordingly.

The history file design should also be adapted to its expected use. If cases are concluded and there is little or no chance of them being reopened, then a state may want to retain only that portion of the data in a master file that is useful for statistical reporting purposes. On the other hand, it is difficult to predict just which data will be necessary for future research; and caution is suggested in the selection of data for "discard".

Subsystem Processing

While the processing for each SJIS subsystem is essentially the same, somewhat different problems may arise with respect to the edit, update, report generation and other program components of the

Criminal, Civil and Appellate subsystems. Each component of each subsystem is, therefore, discussed separately below. The discussion aims at highlighting major steps in the processing of SJIS data and possible problems which may arise in a judicial information system. It is anticipated that evaluation of the projects being undertaken by the states participating in the SJIS Project will uncover additional problems peculiar to a judicial information system. These matters will be discussed in subsequent reports of the SJIS Project Committee.

SJIS CIVIL SUBSYSTEM

Edit

The data provided to the SJIS Civil Subsystem must undergo a comprehensive and detailed edit to insure the quality and accuracy of the information contained in the SJIS files. The nature of the information provided to the SJIS is similar to that of the normal data processing environment; however, there are certain characteristics of this information which require special consideration during its processing.

The information provided to the SJIS is a direct result of the activities at the trial court level. It is both proper and necessary that this information be checked by the trial court prior to submission to the state system. This need for quality control is part of the training which must be conducted by those persons charged with implementation and operation of the SJIS.

It is reasonable to anticipate that errors will be detected as a result of the editing of the civil information. To insure that the error correction process is completed both accurately and quickly, all errors should be sent to a quality control unit within the agency operating the SJIS. In addition, the edit program utilized in the SJIS should maintain statistics with regard to the source, nature, and frequency of errors. These statistics will be useful for periodic retaining, to identify problem areas, and to insure that proper correction techniques are employed.

The information to be edited by the SJIS is conducive to the use of codes and look-up tables. Examples of this type of information are case types, disposition codes, statute citations, etc. Whether this information is stored in what is known as an in-core table or on a random access storage device, such as a disk drive, is a decision to be made by the system designer.

As part of the edits which must be conducted within the SJIS, particular attention must be paid to certain fields. For example, the court identification number will be a key element within the system. It is anticipated that each court within the state would have a unique identification number. The system design proposes that this number should coincide with the court identification number provided by the FBI for use on criminal cases within the NCIC system. If this is

possible, the system will be able to avoid either maintaining two numbers or going through look-up or translation tables to associate one number to another. Another important data element to be edited is the Case Identification Number. The SJIS proposes that the Case Identification Number be a structured number. For example, it may be that within a certain state the Case Identification Number would indicate the type of case, the jurisdiction where the case was filed, the date when the case was filed, and a sequential case number within the jurisdiction, plus perhaps a self-checking digit. This approach provides an audit trail for tracking the cases and also permits careful editing to insure that the data are accurate and reasonable.

One of the most common elements to be processed by the SJIS is the date field. Among the dates to be included in the civil system are the date of filing, date of trial readiness, date the trial commences, date the trial was completed, date of judgment, etc. As with any data processing operation, it will be possible for the SJIS to insure these dates are in fact reasonable with respect to their content. For example, it will be possible within the SJIS to insure that the month field is between zero and twelve; that for a particular month the days are within the boundaries of that month and that the year is appropriate for the information being processed. Validation of the relationship between the various date fields should occur during the update of the master file.

As a result of the editing of the civil data, the SJIS should produce a transaction file of that information which appears reasonable for use in updating the civil master file. In addition, it is recommended that the civil edit program be structured to retain the original transaction file for future reference. The availability of these transaction files in the future is necessary to insure the maintenance and accuracy of a sound audit trail. This will permit follow-up investigations should records prove to be in error, missing, or in some way incorrect.

The edit program should also produce control totals for use by those persons charged with administering the SJIS. These totals should not only indicate the types of errors but should also indicate the information being processed. This approach will permit better control of the information and provide a basis for future management decisions with regard to SJIS operations.

Update

The updating of the civil master files is a critical process of the civil subsystem. The civil subsystem should employ two types of master files. The first of these would be the active master file of all those cases currently within the judicial process; the second master file would be a historical file containing those cases previously processed, but no longer considered to be active.

The actual updating of the civil master file may be either a random or sequential process, the choice being dependent upon factors such as the volume and time constraints imposed upon the agency and systems designers. The nature of the judicial information system is such that on a daily basis, the system will be processing a large file with a relative low volume of activity. Thus, random processing may be the best approach. However, equipment configuration may dictate maintaining the entire file and processing it in a sequential manner.

It will be necessary to insure that the updating process maintains sound relationships between the data elements for a particular case. Information can pass the edit process and yet be found to be incorrect during updating. A common example of this would be two dates that indicate that trial completion occurred prior to filing. While this rather simple example represents an obvious error, it should be noted that this would not be readily identified until it came time to update the file. A further example is a valid case number passing the edit program while the update process indicates that such a case is already on file. This could result from one of two conditions. Either this is a resubmission of information already supplied to the SJIS or there has been a coding error in the case number or the activity reported.

It is also imperative that the updating process maintain accurate statistical control totals. These statistics will be important to those persons charged with administering the SJIS and are essential for auditing information, the quality and accuracy of the files, and for future training programs for those persons applying information from the local level.

Errors detected during the update process should be identified, and the quality control section of the SJIS agency should be notified. This quality control section should be responsible for insuring that up-to-date files are maintained and that information which has been rejected during the update is corrected and re-entered as quickly as possible.

Report Generation

Periodically, the SJIS is required to generate certain specified reports. These reports have been identified by the Requirements Analysis Subcommittee report and are discussed further in Section 3 of this system design document. For the purpose of generating these reports, it is recommended that the SJIS files, if possible, be processed only once. This technique is not new to the data processing community and is recommended as appropriate for judicial purposes.

It is anticipated that through the use of parameter input the report generation program can identify those cases which qualify for and will be utilized by the various report programs. By passing the files one time and extracting those cases which are of use in subsequent report programs, efficiency of computer operations will be assured.

Special Programs

In addition to the report generation programs, it will be necessary to provide programs for special one-time reports and programs for file maintenance. The file maintenance programs will be of particular concern to those persons charged with developing and maintaining the SJIS.

Among the most important of these maintenance functions will be the removal from the active master file of those cases which are no longer required to be available on a day-to-day basis. Through parameter inputs, it will be possible to identify those cases which may be moved from the active file to the historical master file. Updating the active master file will improve the ability to process SJIS information on a timely basis and at a reduced cost.

CRIMINAL SUBSYSTEMS

The criminal subsystem is processed in a manner similar to that of the civil subsystem. The differences between the subsystems deal primarily with (1) the more complex nature of the information; (2) the necessity to distinguish defendants in the same case and all outstanding cases against the same defendant; (3) the additional reports required from the subsystem; and (4) the need for the subsystem to generate information which is passed to other systems such as CCH and OBTS.

Edit

The primary difference between the criminal and civil subsystem edits is in the data elements to be processed. As with the civil data, the use of look-up tables will be employed by most systems designers. However, the criminal subsystem will require additional tables due to the additional data elements which will be processed. Among the additional criminal data elements which must be considered are such items as the offense codes, general offense classifications, criminal disposition codes, and sentencing codes.

It is important in the design of the criminal subsystem to note that the criminal data will be utilized not only by judicial administration but also by those persons or agencies charged with CCH and OBTS responsibilities. Thus, the criminal subsystem will be providing information to other agencies maintaining files on the same individuals and on the same criminal event. For this reason, the criminal subsystem must insure the accuracy of information to be maintained and transmitted. To insure this accuracy, the criminal subsystem will be provided with and will retain information not in itself mandatory for judicial administration. This information includes primarily identification data with regard to the individual. Examples of this data are: defendant identification numbers, date of birth, defendants' name, etc. These data elements must be edited to the extent practical to insure their accuracy for transmission to other

systems. Much of the data cannot be fully screened or edited via automated, logical checking. A certain amount of manual verification of automated data against source documents will be mandatory in order to achieve the level of accuracy required when one deals with information which has the ability of affecting the life and liberty of an individual.

Update

The update process within the criminal subsystem is similar to that in the civil subsystem. The primary difference will occur with regard to the linking of transactions within case records. Whereas the civil subsystem treats the case as the primary unit for associating subsequent case activity, the criminal subsystem keys upon the charge and the defendant as the primary units within a case. Some of the requirements for greater specificity can be attributed to the needs of OBTS and CCH, both of which match charges with persons. However, there is also a necessity for judicial administration at various levels to distinguish between defendants in the same case.

To satisfy the CCH constraint of matching all charges with the defendant, the criminal subsystem must insure that such data elements as the arrest/charge sequence number (ACH) is within a proper hierarchy for CCH purposes. In addition, it must insure that the relationships between data elements are proper. Proper relationships include data of filing preceding date of trial, date of arrest preceding date of filing, etc. Additionally, the update process may wish to employ more sophisticated control techniques with regard to reasonability criteria. An example of this might include controls to examine the relationship between final charges and original charges, the relationship of dispositions to charges, or the relationship of sentencing to offense classifications. Although these characteristics are more difficult to include within a computer processing system, they are a useful tool to insure the quality of the reports generated from such information.

Report Generation

The criminal subsystem must be able to generate reports identified by the Requirements Analysis Subcommittee Report. As with the civil subsystem, it is recommended that a report generation extract program be utilized for this purpose. This program, utilizing parameter input, should be capable of processing against the master file and extracting those cases, individuals and charges relevant to the various reports to be provided to the court administrators.

Special Programs

As with the civil subsystem, it will be advisable to offer an active criminal master file and a historical criminal master file. The distinction is dependent on the current activity level of the case and the economics of processing the information.

In addition, however, there will be a need for OBTS and CCH information. For this reason, it is necessary that those persons designing the SJIS maintain close liaison with the agencies responsible for OBTS and CCH to insure that the information to be transmitted is both accurate and timely and in a form agreeable to both parties. The generation of OBTS and CCH information should be done in a timely manner so that the need for CCH information can be satisfied within a very short time frame. The OBTS information, which is more statistical in nature, need not be generated on a daily or even necessarily on a weekly basis. However, since CCH information will be used by operational personnel in other agencies, there is a greater need for this information to be generated more frequently.

APPELLATE SUBSYSTEM

The appellate subsystem must provide the capability to process the data from both the criminal and civil portions of the judicial process. For this reason, many of the characteristics described in the civil or criminal subsystems apply to the appellate subsystems and hence will not be described in this section.

Edit

The appellate subsystem must offer the same edit capabilities described in the civil and criminal subsystems. It should be noted that the appellate subsystem will be dealing with the case number in a case oriented system. The case number to be applied in the appellate subsystem may either be different from that case number given to the same parties by the trial court or the trial court number may be used with some annotation such as a suffix "A" to distinguish it from the trial court matter. It should also be noted that the appellate subsystem must have the capability to process and thus to edit the detailed data necessary in the criminal process. Indicative of this detailed editing is the fact that the appellate subsystem must be able to process significant amounts of identification data on criminal cases. This includes such fields as state identification number, FBI identification number, and the defendant identification number for tracking the particular charge. The appellate subsystem also will receive the case number assigned to the case by the trial court in order to provide a linkage between the appellate and trial court subsystems.

The appellate subsystem, as with the other subsystem, keys upon judicial event dates and thus significant editing can and should be undertaken with regard to the dates. Dates to be included in this subsystem are the date of arrest for criminal cases, the date of decision or judgment, the date of the filing of the appeal, etc.

Update

The appellate subsystem is case oriented, yet it also retains the characteristics of the criminal subsystem with regard to the defendant/charge processing

techniques. The appellate subsystem must have the capability to link both charges and people to cases in order to provide the ability to transfer information to CCH and OBTS systems. By picking up both appellate case number and the trial court case number, the appellate system will also have the ability to link the appellate and civil subsystems as well as the appellate and the criminal subsystems.

Report Generation

As with the criminal and civil subsystems, the appellate subsystem should utilize a parameter-controlled report extract program. This single program provides the ability to generate the necessary report files without excessive processing of the appellate master file.

Special Programs

As with the criminal subsystem, the appellate subsystem must have the capability to generate information for OBTS and CCH.

SECTION 5.

SECURITY AND PRIVACY CONSIDERATIONS

Information Confidentiality and Control

Information confidentiality and control requires a level of systems security that will afford an acceptable level of protection for a reasonable expenditure of funds. Security procedures must cover data acquisition, data storage and retention, and data access and dissemination as well as systems administration. Security requirements establish a floor upon which privacy and confidentiality safeguards rest. These safeguards go beyond technical security requirements, however, and require conscious judgment as to what information should be collected, retained, and disseminated to specific individuals or agencies.

The security problems and requirements may differ depending on whether the SJIS is a dedicated or shared system. The recommendations made here assume either a dedicated system or one in which there is substantial judicial management control. If this is not the case, it may be difficult for the SJIS to obtain desired levels of security. Appropriate contractual arrangements should be entered into between the SJIS management and that of any shared information facilities used by the SJIS to ensure an adequate level of systems security and confidentiality.

Drawing upon the recommendations of the National Advisory Commission on Criminal Justice Standards and Goals the following safeguards are recommended for implementation in an SJIS.

Data Acquisition

1. The SJIS should be limited to data which is objective and verifiable. The information should be limited to descriptive data about judicial processing of civil and criminal business.
2. The data should be entered into the system by judicially-controlled personnel and be subject

to audit and verification for completeness, accuracy, and currency.

3. The data should be entered into the system as soon as practical after occurrence of an event which triggers data entry.
4. If computer terminals or other methods of remote data entry are used, precautions should be taken to insure site and communications security.
5. Data elements should be clearly defined so that errors in data entry are minimized. All data elements should be reviewed and approved by the SJIS governing body.
6. Data entry should be made only by specifically designated personnel. Appropriate logs of entries should be maintained.
7. Modifications or cancellations or previously entered data should be done only by the entering agency with concurrence of the SJIS management.

Data Storage and Retention

Procedures should be instituted to protect the SJIS from accidental or intentional injury or unauthorized access. The procedures recommended below are designed to provide physical, data and personnel security. Each system should choose a level of security consistent with its budget and nature of the system.

1. Information system operators should institute procedures for protection from environmental hazards including fire, flood, and power failure. Appropriate elements could include:
 - a. Adequate fire detection and control systems;
 - b. Watertight facilities;
 - c. Protection against water and smoke damage;
 - d. Liaison with local fire and public safety officials;
 - e. Fire-resistant materials on walls and floors;
 - f. Air-conditioning systems; and,
 - g. Back-up files and alternative data processing facilities.
2. Agencies administering state-level judicial information systems should adopt security procedures which limit access to information files. These procedures could include use of guards, keys, badges, passwords, access restrictions, sign-in logs, or like controls.

All facilities which house SJIS files should be so designed and constructed as to reduce the possibility of physical damage to the information. Appropriate steps in this regard might include: physical limitations on access; security storage for information media; heavy duty, non-exposed walls; adequate lighting, detection and warning devices, and closed circuit television.

3. State-level judicial information systems should maintain controls over access to information by requiring identification, authorization, and authentication of system users and their need and

right to know. Processing restrictions and integrity management should be employed to ensure system security.

4. Applicants for employment in state-level judicial information systems should be expected to consent to an investigation of their character, habits, previous employment, and other matters necessary to establish their good moral character, reputation, and honesty. Giving false information of a substantial nature should disqualify an applicant from employment. Investigation should be designed to develop sufficient information to enable the appropriate officials to determine employability and fitness of persons entering critical/sensitive positions. Whenever practicable, investigations should be conducted on a pre-employment basis and the resulting reports used as a personnel selection device.
5. System personnel including terminal operators, programmers, computer operators, and others working at or near the central processor, should be assigned appropriate security clearances and should have their clearances renewed annually after investigation and review.
6. Each state-level judicial information system should prepare a security manual listing the rules and regulations applicable to maintenance of system security. Each person working with or having access to judicial information files should know the contents of the manual. To this end, each employee should receive not less than ten hours of training each year concerning system security.
7. Sanctions should be instituted for accidental or intentional violation of system security standards. Supervisory personnel should be delegated adequate authority and responsibility to enforce the system's security standards.
8. Any violations of the provisions of these standards by any employee or officer of any public agency, in addition to any applicable criminal or civil penalties, should be punished by suspension, discharge, reduction in grade, transfer, or such other administrative penalties as are deemed appropriate.
9. If the SJIS uses data processing facilities which are not under judicial control, an agreement specifying: (a) service levels; (b) systems security consistent with the above recommendations; (c) data access and dissemination policies and procedures; and (d) management responsibilities should be entered into between the judicial department and the data processing agency. Personnel working regularly on the SJIS and all software should be under judicial control. The agreement should contain guarantees that no data, especially that relating to individual judges, will be released without prior judicial approval.

10. All information stored or retained in the SJIS should be periodically audited for currency, accuracy and completeness. Appropriate corrections should be made where required.
11. Information which is confidential such as that relating to identifiable juveniles and youthful offenders should not be accessed by name on their personal identifiers.
12. Information required to be sealed or removed by operation of law or court or administrative order should be so sealed or removed according to the tenor of such law or order.

Access and Dissemination

The SJIS is designed primarily to be a management information system. It also has the capability of generating information on named individuals and transferring the same to OBTS and CCH files. The SJIS is not intended to be a substitute for a state's criminal history system. The following recommendations are made with this thought in mind.

1. The SJIS should not be used for routine dissemination or criminal history-type information except for transfer of such information to the OBTS and CCH data files.
2. Access to the dissemination of information identifiable to named individuals should be on a "need-to-know" and "right-to-know" basis. Manual procedures as well as systems software and hardware should be designed to limit users to information they are authorized to have.
3. Logs should be maintained listing all inquiries about and dissemination of information identifiable to named individuals. The date, time, origin, and destination of all inquiries about and dissemination of such information.
4. Research or evaluation programs which require access to information identifiable to named individuals should be subject to prior review and approval of the body administering the SJIS. Each researcher or evaluator should submit for approval a workplan which includes appropriate techniques for separating an individual's identity from the information required. Each researcher or evaluator should execute a non-disclosure agreement. Major violations of the approved workplan or non-disclosure agreement should result in termination of the research program.
5. After appropriate identification, individuals, their parents, guardians, or legal counsel should be permitted to review and copy SJIS information relating to such person. Objections to the information and recommended modifications, additions, or deletions should be acted upon by the body administering the SJIS.
6. The SJIS should transfer limited factual information (See Appendix A) to the OBTS and CCH

data files. No reports compiled from judicial data should be made or released without prior judicial approval. An appropriate agreement should be executed between the body administering the SJIS and the OBTS and CCH systems(s) managers.

7. Preferably, all data transfer from the judicial system to the OBTS and CCH files should be through the SJIS. If the SJIS is not operational or if it is thought to be more appropriate to have direct data transfer from constituent courts to the OBTS and CCH files, then such transfer should be done under a plan approval by the state-level judicial administration. The plan should assign responsibilities for audit, system discipline and supervision of data transfer and use.

Systems Management

The security, privacy, and confidentiality guidelines and the SJIS itself are not self administering. Some responsible body must manage the state-level judicial information system, adopt rules and regulations and audit and evaluate operations. This body should also be charged with the responsibility for administering security, privacy and confidentiality standards and sanctioning violations of them.

The precise composition of the body will vary from state to state but it should be broadly representative of the courts which contribute information to the SJIS as well as the state-level judicial administration. A well-balanced group will help to insure that the system meets users' needs without unduly burdening any participant in it.

The following recommendations address the area of systems management.

1. Responsibility for administration of the SJIS should be assigned at the state level. Appropriate advisory bodies of judges, clerks, court administrators, and other system users may be created as required.
2. Explicit provision should be made for rules and regulations covering system organization and operation as well as security, privacy and confidentiality standards. The authority to audit and evaluate systems performance and sanction violations of security, privacy, and confidentiality rules and regulations should also be specifically assigned.
3. Procedures should be established to act upon individual challenges to the currency, accuracy, and completeness of information relating to them which is retained in the SJIS.

SECTION 6 SOFTWARE REQUIREMENTS

Introduction

The SJIS model described in this document is a

batch processing system. The software supporting the system therefore does not relate to the level of sophistication that may be found in an on-line type of environment. The recommended language for programming the applications is ANSI COBOL. The use of this language provides flexibility in selection of equipment, as all vendors who are major manufacturers of computing equipment provide this compiler. Thus, once the applications are programmed, a change in either manufacturer or size of equipment will require minimum changes to the programs which are currently in operation as part of the SJIS. Also, by selecting a language which is generally accepted in the data processing environment, the transferability of the programs from one location to another could reduce the innovation cost that might be sustained by a state court system wishing to use the programs developed by other states. The interchangeability of the application programs could be further enhanced by the acceptance of standard labels for use in the data division of the programs. Basic changes which would be required to be made to accommodate different equipment or operating systems would be minor modifications in the use of certain reserved words and job control statements which provide for compilation, link editing and execution of the programs.

Besides the language compiler, certain other elements would be necessary in the software package to provide the support necessary to operate the SJIS. An operating system would be necessary for the compilation of the programs and the placing of the object programs in a systems library. Other software which should be available would include sort routines, file handling, and special de-bugging and documentation aids. The function of the operating system is to provide for the execution of the application programs and to coordinate the running of other elements of the system. The utility routines (sort, merges, and other data manipulation type routines, are necessary for the arrangement and rearrangement of data that is processed through the application programs. This is software that is provided by the vendor and only requires on the part of the systems user the preparation of control statements which describe the type of file and the method in which it is to be organized. Another category of software which is necessary relates to the creation and maintenance of the data on a file such as magnetic tape or disks. These utility routines direct the arrangement and the accessing of the information stored with the necessary provisions for protecting against the destruction of the data as it is processed. Through the use of this software, a degree of security can be exercised over the data that is included in those files.

The selection of the software required to support the SJIS model is going to be dependent upon the total system requirements that the equipment is supporting. For instance, if the judicial information system is a

part of a comprehensive governmental data processing system, then expanded capabilities may be at the disposal of the SJIS. As an example, SJIS may be processing in a background partition of an on-line computer environment. Thus, data entry could be facilitated through the use of CRT type input devices. If, on the other hand, the system is the sole resident of a small sized computer system, data entry may be through the use of a key driven card punch type of entry. The essential consideration in the review of software requirements is the development of the SJIS needs in the context of the hardware environment in which the system will be executed.

SECTION 7 HARDWARE REQUIREMENTS

Introduction

One of the most important tasks in developing a successful SJIS installation is the proper configuration of hardware to support the operating conditions of the system. It is not uncommon for this aspect of the problem of implementing an information system to be either totally ignored or treated in a cursory manner. The history of automation is replete with instances where hardware has been ordered even prior to completion of detailed specifications. In other instances, a thorough and impartial analysis of vendor's proposals is either not conducted or is disregarded. The primary cause for this type of misguided management decision-making is that over-reliance is based on data processing personnel who have not been properly trained in the acceptable practices of systems specifications and equipment selection. Therefore, this phase of the implementation of SJIS should receive the full attention of court administration to avoid the improper approaches to equipment selection that can have both short-term and long-term adverse effects on the total project and its credibility.

The following represent the minimum specifications necessary to properly address the scaling of the system requirements and the preparation of requests for proposals from appropriate equipment vendors.

a. Determine the following minimum specifications concerning the system:

1. Input—a description of all planned inputs.
 - (a) Method for originating data and the media used.
 - (b) Format, message length, and use of numeric or alphanumeric.
 - (c) Daily volume, including weekly, monthly and annual peaks for data origination.
 - (d) Hourly rate of data input to equipment.
2. Maintenance of files—description of records to be maintained.
 - (a) Record types, length and volume.
 - (b) Methods of file organization and processing.

- (c) Rate of file activity.
- (d) Numeric and alphanumeric requirements.
- (e) Interrogation and reporting requirements.
- 3. Data Handling.
 - (a) Types of transactions to be handled and quantity of each.
 - (b) Quality of transactions data, checking required and correction problems.
 - (c) Kinds of processing required.
- 4. Output—a description of output needs.
 - (a) Kind of output and its distribution; printed copy, punched card, magnetic tape, or paper tape.
 - (d) Daily volume by type of output.
 - (c) Format requirements planned in advance or *ad hoc*.
 - (d) Time after cut-off for producing each kind of output report.
- 5. Special requirements—timing and compatibility.
 - (a) Time cycle to handle each transaction, process a request or answer an inquiry.
 - (b) Required date for delivery and installation of equipment.
 - (c) Equipment maintenance arrangements.
 - (d) Compatibility with other equipment.
 - (e) Expandability to accommodate an additional workload.
- 6. Additional Information
 - (a) Equipment cost, including make, model number and quantity.
 - (b) Cost of site preparation and equipment installation.
 - (c) Cost of maintenance and parts.
 - (d) Space requirements.
 - (e) Cost of operation.
 - (f) Cost of training personnel.
 - (g) Manufacturer's assistance in programming through software and manpower.
 - (h) Cost of converting existing operations to proposed system.
- 7. Manufacturer's assistance.
 - (a) Availability of engineers or technicians for analysis, programming, and installation.
 - (b) Training courses for customer's programmers and operators.
 - (c) Availability of manufacturer's or customer's equipment for use in program de-bugging.
 - (d) The manufacturer's software package for programming and assistance available by participating in the equipment users' associations.
- 8. Rental or purchase or combined agreements.
 - (a) Rental rate, term of contract, renewal and cancellation clauses.
 - (b) Number of hours for operating in one, two, or three shifts or on a monthly basis and

- rate adjustment for excessive down time.
- (c) Terms of payment, discount, and financing arrangement.
- (d) Guarantees on equipment operation, availability of magnetic tape, disks, and special supplies, cost of maintenance parts and supplies.
- (e) Terms of any purchase option: initial deposit required, fraction of rental credited toward purchase, and option expiration date.
- 9. Maintenance contracts.
 - (a) Maintenance contract cost, service personnel, scheduled maintenance period, availability of a similar machine during extended down time, and renewal conditions.
 - (b) Term and rate of initial contract and renewal period.
 - (c) Provision for replacing parts, testing equipment, and maintenance.
- 10. Design changes.
 - (a) Replacement of unsatisfactory units.
 - (b) Arrangements for securing improvements or new models, including trade-in value.
- 11. Expansion and integration.
 - (a) Additional units that can be added: input, output, storage, processing, and interrogation.
 - (b) Other equipment that will accept media directly from this equipment.
 - (c) Equipment available for media conversion. Include full analysis for the following factors in calculating bids.
 - 1. Compliance with terms of bid request.
 - (a) Equipment composition.
 - (b) Operating requirements.
 - (c) Delivery of equipment.
 - (d) Installation of requirements.
 - (e) Manufacturer's assistance.
 - (f) Rental-purchase agreement.
 - (g) Maintenance service and contracts.
 - (h) Expansion and integration.
 - 2. Capabilities of machine to meet requirements.
 - (a) Acceptance of input documents and data.
 - (b) Sufficiency of storage and processing capacity.
 - (c) Production of output in required form.
 - (d) Adequacy of controls and accuracy.
 - (f) Adaptability to long-range plans.
 - 3. Time taken to do the job.
 - (a) Hours of use in relation to potential hours.
 - (b) Capability to achieve desired processing and interrogation cycles.
 - (c) Potential for expansion and emergency needs.
 - 4. Advantages of use.
 - (a) Timeliness of information production.

- (b) Production of information desired but not available.
- (c) Other tangible or intangible benefits to be gained.
- (d) Economic evaluation.
- B. *Solicit bids or proposals from equipment manufacturers by a comprehensive invitation to bid stating the requirements to be met by the manufacturer. Points to be covered are as follows:*
 - 1. Degree and extent of automation in the system.
 - 2. Equipment composition.
 - (a) Description: make, model, number and quantity of each unit.
 - (b) Form of data handled: numeric or alphanumeric and fixed work or variable or selected field.
 - (c) Storage capacity and method: Direct or serial access.
 - (d) Adequacy of controls, method of checking, and average length of time between malfunctions.
 - (e) Operating instructions for each major unit.
 - (f) Operating supplies needed.
 - 3. Operating requirements.
 - (a) Acceptance of input documents and data.
 - (d) Time required for each type of equipment to handle each major job and the total time available.
 - (c) Delay after cut-off before reports are available.
 - (d) Flow charts of jobs showing recommended technique.
 - (e) Examples of detailed coding for applications.
 - 4. Delivery of Equipment.
 - (a) Delivery date
 - (b) Length of time to check equipment and get it into operating condition.
 - (c) Penalties for late delivery or complete failure to deliver equipment that is contracted for.
 - 5. Installation requirements, including both recommended and extreme conditions, for manufacturer's guarantee.
 - (a) Size, weight, floor space, and height for each unit, including auxiliary equipment.
 - (b) Electric power—public utility or special equipment—and wiring requirements.
 - (c) Air conditioning: humidity, temperature, dust and special protection.
 - (d) Space for files, supplies, maintenance parts, test operations, personnel and visitors.
- C. *The applications project will be summarized and the systems and equipment proposals submitted to the judiciary and administrators. The proposal will contain as a minimum, the following information:*

- 1. Identification of the organizational element sponsoring the proposal and the location where the equipment will be installed.
 - 2. Description of the application scope and objectives to be achieved.
 - 3. A sufficiently detailed description of present methods to identify deficiencies.
 - 4. Description of the proposed system in enough detail to indicate how it will overcome deficiencies of the present system.
 - 5. Reference to investigation of other methods of processing data and the reasons for rejecting them.
 - 6. Pertinent workloads, costs, and other facts relating to both the present and the proposed systems essential for evaluating the proposal.
 - 7. Summary of the makes of equipment evaluated and the method used to select the proposed equipment; name of manufacturer, specific components, and cost of equipment selected; justification for selection in terms of equipment capabilities in relation to processing time requirements; and justification for purchase or rental of proposed equipment.
 - 8. Personnel requirements: number, capabilities, and sources.
 - 9. Funding implications with a statement concerning the availability of funds.
 - 10. Estimated cost of site preparation and proposed installation schedule.
- Responsible levels of administration should review proposals to make sure that the justification for action is adequately documented and to make recommendations and comments on the action.
- D. *Upon deciding to introduce the new system, the project manager will complete all plans and arrangements for installing and using the equipment when ready. Factors to consider in planning equipment installation are:*
 - 1. Space, power, air conditioning, furnishings, and buildings construction.
 - 2. Organizational changes for the systems operating group.
 - 3. Recruiting, orienting, training, and re-training personnel.
 - 4. Procedures for flow-charting, programming, and testing.
 - 5. Conversion procedures, parallel operations, discontinuing the old system.
 - 6. Rental, and maintenance arrangements.
 - 7. Obtaining supplies.
 - 8. Communications arrangements.
- All state and federal guidelines should be complied with.
- An important management consideration relating to the acquisition of computer hardware by the court is that of purchase vs. leases or a combination thereof.

The computer industry is probably one of the most dynamic and innovative in modern times. This rapid change in technology brings about a rather short "innovation curve" and thus rapid obsolescence in the equipment at any point in time. Therefore, it is extremely important to accurately determine the system needs over the period of time which would represent the depreciation period of the equipment. This then serves as a point of departure for establishing the feasibility of purchasing the equipment or leasing.

The benefits of purchase are basically those of least cost over the period of usage and lower monthly outlays of budget cost (only includes maintenance agreement expense). The lease arrangement provides the benefit of shorter commitment to any particular configuration of equipment, thus giving the flexibility to react to sharp change in work load and incorporation of new technology as it becomes available.

The benefits of both approaches are incorporated to some degree in the lease-purchase option. This affords the opportunity of leasing equipment with the option of applying a portion of the lease payments to the purchase after a period of time. These types of contracts vary in terms depending on time periods, vendor, and age of equipment.

SECTION 8. PERSONNEL AND TRAINING CONSIDERATIONS

The training program for personnel involved with the SJIS must begin early in the development process and must continue well into the operation of the system. The training program must be designed not only to impart technical information about the operation and organization of the SJIS, but also to overcome the most common people-related problems associated with introduction of automated information systems. The concerns of a large number of people must be addressed if the SJIS is to be successfully developed, implemented, and operated. Persons to be reached by the training program include court administrative and financial officials, legislative personnel, presiding judges and various judicial committees, municipal and county governing bodies, including boards of supervisors and city councils, state law enforcement planning agency staff as well as the staff of the state-level judicial administrative office. In addition to reaching these higher-level policy making officials, the program must focus on various court personnel including clerks of various kinds, members of the prosecutors and public defenders' offices and private attorneys. These persons require technical information with respect to the SJIS. On the other hand, there are technical personnel who require instruction with respect to operation of the SJIS in a court context. Therefore, the training program must also accommodate computer operators and supervisors as

well as systems analysts and programmers who will be involved with the operations of the SJIS.

The training program must address the following types of problems which will accompany the development and implementation of the system.

Common Personnel-Related Problems Encountered in Computer System Development¹

To form the basis for recommendations on curricula content, the most common people-related problems which might be susceptible to solution through the appropriate education or training program were catalogued. This problem list follows. Some problems on the list overlap others, and some are the cause of others. But the list was left in this form to be as comprehensive as possible.

- Lack of understanding by the court administrator, judges or funding authorities of the necessity for the computer system and the benefits to be realized through automation.
- Funding authorities' skepticism that the cost of automation is a sound long-term investment.
- Fear that introduction of computer use may threaten job security.
- Belief by employees that introduction of computer use will result in expanded duties without suitable expansion of recognition and pay.
- Employees' fear that lack of knowledge of computers, etc., will cause a loss of status in the eyes of judges and others.
- Concern that the system development process will interfere with employees completing daily duties.
- Fear of dehumanization of court processes by introduction of automation.
- Fear of losing a political power base by giving over information to centralized computer storage, accessible directly by those in the court who need the data.

Other important concerns include:

- Reluctance to exchange traditional methods of doing the job for new procedures required for interfacing with computer use; lack of interest in, or motivation toward, introduction of new techniques.
- Employees' propensity to maintain parallel manual operations even after the automated techniques have been validated.
- Fear that centralized information may be misused.
- Failure to understand the impact of inaccurate data input on system operation.
- Failure of top management to disseminate information about the planned project to all court personnel.

¹ Based on "Guidelines for Development of Computer Training Curricula for Court Personnel", Maureen Solomon, National Center for State Courts, 1974.

- Failure of those in management positions to explain thoroughly proposed operational changes to the court staff because they themselves do not understand the full implication of these changes.
- Failure of court personnel to recognize that certain court operations will change with the use of a computer and failure to understand the extent of that change.
- Management structure and lines of authority which cause some employees to believe they are not obligated to cooperate with introduction of computer processing (e.g., employees hired directly by, or principally responsible to, the judges they work with, rather than the administrative officer).
- Job classifications which do not foster employees' feelings of responsibility for participation in the computerization project.
- Individual employee's lack of appreciation of how his job meshes with the jobs of others in overall court operation and, thus, how his co-operation with computerization affects ultimate system success.
- Unrealistic expectations as to the speed with which computerization can be accomplished; this may be caused by management's or systems analysts' failure to establish and convey realistic schedules.

There are also other potential difficulties which can be overcome by a good planning program. They include:

- Propagation of inaccurate information about project plans, timing schedules, etc., due to failure of those personnel having project responsibility to brief court personnel periodically.
- Lack of knowledge about how computers work and about the methods of, and reasons for, systems analysis and design activities (the mystique surrounding computers).
- Unrealistic expectations about the degree of improvement that can be expected merely through computer use.
- Belief that once a system is programmed, it will never need reprogramming; that is, lack of appreciation that as the court's systems change and informational needs change, programming and systems design must be periodically changed.
- Systems analysts' lack of familiarity with court operation and terminology.
- Absence of rapport between technical personnel and court operational personnel.
- Impatience by court personnel with questions asked by the analyst; that is, court personnel do not understand the reason why systems analysts must ask and re-ask some of the questions they do.

The SJIS training program will have three basic components. The first will deal with orientation about

the justification for the planned SJIS and its specific applications. The second component will deal with generalized computer and systems concepts for the benefit of personnel who are not already familiar with computer and systems analysis. This component will provide background material for the more specific portion of the training program which will deal with the application of the SJIS. The final element of the training program will be a skills development module designed to provide persons who will be using the system with specific information about data capture, data input, computer operations, and ways of obtaining and using computer generated outputs.

The first training component is designed to orient and promote acceptance of the computer system. The program should begin with an explanation of the need for the SJIS, including a description of existing conditions or problems requiring automation, a description of the alternative problem solutions and why the present solution was accepted and others rejected; and a description of the expected benefits from an automated SJIS. This training component should also cover practical considerations of computer use, including the cost of operation, the cost of present alternative systems, the problems and timetable for systems development.

It would be well in this initial phase to focus directly upon people's fear and expectations about computerization. Changes in job assignments, job security, court staff organization and career paths should be frankly discussed with judicial personnel so that they will have a full expectation of what the SJIS will mean to them directly. There should be emphasis placed upon training programs that will accompany the introduction of the automated system. The important role that courts' personnel will play in the planning, design, and implementation of the system should also be spelled out. The instructional material should also cover description of the project organization and management development stages and the process of converting over from existing systems to the SJIS.

The second major phase of the training program should focus on the general techniques of systems analysis and the important aspects of computer-based information systems. After a general description of the system's approach and background materials on systems theory and concepts, specific attention should be paid to the systems analysis methodology that will be used in designing and implementing the SJIS. There should be attention paid to the various phases of development such as requirements analysis, systems design, implementation and post-implementation activities. The section of the program on computer systems should include some discussion of the historical development of automated data processing, a discussion of the major aspects of computer hardware, including input devices, main frame and cen-

tral processing units and output devices. The program should also address software programming aspects of computers, including the difference between batch and on-line or real time processing systems as well as a discussion of the system's software, including file handling operations systems to information handlers and canned packages as well as various types of computer programs.

The third major phase of the training program should deal with specific applications of the SJIS. It should describe the detailed concept for the computerized information system and describe any particular applications that the particular audience will be using. There should be specific discussion of the organizational structure of the SJIS, including lines of authority, job descriptions and inter-faces and inter-departmental and agency relationships. The technical aspects of the system should be described in detail, including equipment to be used, hardware and software, back-up procedures and quality control and other important aspects of systems operation. An important aspect of this phase of the training program will be free and open discussion concerning security, privacy and confidentiality of the data system and information contained in it. The obligations of personnel to maintain systems security and information confidentiality should be strongly emphasized.

The final component of the training program should address skill development. It should be designed to provide court personnel with specific skills they will require to operate the new computer-based information system and it should provide technical personnel with information about court operations and the role of judicial personnel in the operation of the SJIS. For court personnel, the important part of the training program will be physical demonstration by trained operators of specific system tasks and execution of those tasks by user personnel. To the extent possible, all aspects of systems operation should be physically demonstrated and personnel should have an opportunity to operate the systems themselves under structural guidance. This phase of the educational

program should also be used to build team-work between supervisors, court personnel, computer operations personnel and others involved in the operation of the SJIS. Technical personnel should be given the opportunity to assume the role of the judicial personnel and in this way familiarize themselves first-hand with the problems of court operation and management. After the judicial personnel are trained, other potential users of the system, such as attorneys and representatives of criminal justice agencies, should be given a demonstration of the systems' operations and capabilities. Particular attention should be paid to demonstrating the system's operation and its expected benefits to funding sources.

Organization of the SJIS project required the development of a policy level group and a task-oriented group to accomplish the objectives of analyzing needs, conceptual design, detailed design and installation. The first group should be composed of individuals responsible for overall direction and policy establishment of the court. Judges, key administrators, and appropriate elected officials would be the members. They would be charged with the responsibility of setting goals for the project, evaluation, monitoring, and direction of the task group leader. The second group would be composed of the technicians and user group representatives that would play key roles in implementation. The technicians would be systems analysts and programmers. The systems analyst has the task of reviewing the current operation methods, developing a statement of the system requirements, and design of the proposed system and documentation for the programmers to use in their tasks. The programmers use the documentation to write and test computer programs to accomplish the stated objectives. All of this activity is under the direction of the project leader who develops schedules, supervises the tasks and acts as a link to the policy and user groups. As the project progresses to the implementation stage, the systems analysts have the further responsibility of training and working with the user groups through installation.

APPENDIX A

SJIS DATA ELEMENTS WITH THEIR DEFINITIONS AND EXPLANATIONS

Introduction

The following is an explanation of definition of each data element of the SJIS. Where the data element is self-explanatory, no comment has been made. A number of data elements are CCH data elements. For these, the FBI NCIC/CCH definitions have been accepted. A copy of the judicial and supplemental definitions and record formats is included as Appendix B.¹ When reference is made to CCH definitions, reference should be made to the appended lists.

The data elements are broken down into three broad sets. The first set deals with the criminal subsystem of the SJIS. It consists of the total data elements required to satisfy judicial management information needs at the state level and the original OBTS data elements for lower criminal and felony level criminal courts, as they appear in SEARCH Technical Report No. 4, as well as the CCH Judicial Segment elements. The table of data elements indicates, with appropriate checkmarks, which information need a particular data element satisfies. If more than one need is satisfied, multiple checks are made.

¹ From the "Judicial Segment" and the "Supplemental Segment" of the National Crime Information Center's CCH Package: 1972, pp. 401 through 4-15 and pp. 5-1 through 5-7.

CRIMINAL SUBSYSTEM

* CCH data element only

DATA ELEMENTS	STATE LEVEL JUDICIAL MANAGEMENT	OBTS		CCH
		LOWER COURT	FELONY COURT	
1.1. Agency Identifier				
1.2. County Number	*	*	*	*
1.3. Court Number	*			*
1.4. State Number	*			*
1.5. FBI Number				*
1.6. Case Number	*			*
1.7. Judge Number	*			*
1.8. Attorneys Name (Number)	*			*
1.9. Defendant (Number)	*			*
1.10. Defendant Name	*			*
1.11. Defendant Date (Date)	*			*
1.12. Defendant Date (Number)	*			*
1.13. Arrest Report Number	*			*
1.14. Arresting Agency	*			*
1.15. Arresting Agency	*			*
1.16. Arresting Agency	*			*
1.17. Arresting Agency	*			*
1.18. Arresting Agency	*			*
1.19. Arresting Agency	*			*
1.20. Arresting Agency	*			*
1.21. Arresting Agency	*			*
1.22. Arresting Agency	*			*
1.23. Arresting Agency	*			*
1.24. Arresting Agency	*			*
1.25. Arresting Agency	*			*
1.26. Arresting Agency	*			*
1.27. Arresting Agency	*			*
1.28. Arresting Agency	*			*
1.29. Arresting Agency	*			*
1.30. Arresting Agency	*			*
1.31. Arresting Agency	*			*
1.32. Arresting Agency	*			*
1.33. Arresting Agency	*			*
1.34. Arresting Agency	*			*
1.35. Arresting Agency	*			*
1.36. Arresting Agency	*			*
1.37. Arresting Agency	*			*
1.38. Arresting Agency	*			*
1.39. Arresting Agency	*			*
1.40. Arresting Agency	*			*
1.41. Arresting Agency	*			*
1.42. Arresting Agency	*			*
1.43. Arresting Agency	*			*
1.44. Arresting Agency	*			*
1.45. Arresting Agency	*			*
1.46. Arresting Agency	*			*
1.47. Arresting Agency	*			*
1.48. Arresting Agency	*			*
1.49. Arresting Agency	*			*
1.50. Arresting Agency	*			*
1.51. Arresting Agency	*			*
1.52. Arresting Agency	*			*
1.53. Arresting Agency	*			*
1.54. Arresting Agency	*			*
1.55. Arresting Agency	*			*
1.56. Arresting Agency	*			*
1.57. Arresting Agency	*			*
1.58. Arresting Agency	*			*
1.59. Arresting Agency	*			*
1.60. Arresting Agency	*			*
1.61. Arresting Agency	*			*
1.62. Arresting Agency	*			*
1.63. Arresting Agency	*			*
1.64. Arresting Agency	*			*
1.65. Arresting Agency	*			*
1.66. Arresting Agency	*			*
1.67. Arresting Agency	*			*
1.68. Arresting Agency	*			*
1.69. Arresting Agency	*			*
1.70. Arresting Agency	*			*
1.71. Arresting Agency	*			*
1.72. Arresting Agency	*			*
1.73. Arresting Agency	*			*
1.74. Arresting Agency	*			*
1.75. Arresting Agency	*			*
1.76. Arresting Agency	*			*
1.77. Arresting Agency	*			*
1.78. Arresting Agency	*			*
1.79. Arresting Agency	*			*
1.80. Arresting Agency	*			*
1.81. Arresting Agency	*			*
1.82. Arresting Agency	*			*
1.83. Arresting Agency	*			*
1.84. Arresting Agency	*			*
1.85. Arresting Agency	*			*
1.86. Arresting Agency	*			*
1.87. Arresting Agency	*			*
1.88. Arresting Agency	*			*
1.89. Arresting Agency	*			*
1.90. Arresting Agency	*			*
1.91. Arresting Agency	*			*
1.92. Arresting Agency	*			*
1.93. Arresting Agency	*			*
1.94. Arresting Agency	*			*
1.95. Arresting Agency	*			*
1.96. Arresting Agency	*			*
1.97. Arresting Agency	*			*
1.98. Arresting Agency	*			*
1.99. Arresting Agency	*			*
1.100. Arresting Agency	*			*

DATA ELEMENTS	STATE LEVEL JUDICIAL MANAGEMENT	OBTS	CCH
2.1. Arresting Agency	*		*
2.2. Arresting Agency	*		*
2.3. Arresting Agency	*		*
2.4. Arresting Agency	*		*
2.5. Arresting Agency	*		*
2.6. Arresting Agency	*		*
2.7. Arresting Agency	*		*
2.8. Arresting Agency	*		*
2.9. Arresting Agency	*		*
2.10. Arresting Agency	*		*
2.11. Arresting Agency	*		*
2.12. Arresting Agency	*		*
2.13. Arresting Agency	*		*
2.14. Arresting Agency	*		*
2.15. Arresting Agency	*		*
2.16. Arresting Agency	*		*
2.17. Arresting Agency	*		*
2.18. Arresting Agency	*		*
2.19. Arresting Agency	*		*
2.20. Arresting Agency	*		*
2.21. Arresting Agency	*		*
2.22. Arresting Agency	*		*
2.23. Arresting Agency	*		*
2.24. Arresting Agency	*		*
2.25. Arresting Agency	*		*
2.26. Arresting Agency	*		*
2.27. Arresting Agency	*		*
2.28. Arresting Agency	*		*
2.29. Arresting Agency	*		*
2.30. Arresting Agency	*		*
2.31. Arresting Agency	*		*
2.32. Arresting Agency	*		*
2.33. Arresting Agency	*		*
2.34. Arresting Agency	*		*
2.35. Arresting Agency	*		*
2.36. Arresting Agency	*		*
2.37. Arresting Agency	*		*
2.38. Arresting Agency	*		*
2.39. Arresting Agency	*		*
2.40. Arresting Agency	*		*
2.41. Arresting Agency	*		*
2.42. Arresting Agency	*		*
2.43. Arresting Agency	*		*
2.44. Arresting Agency	*		*
2.45. Arresting Agency	*		*
2.46. Arresting Agency	*		*
2.47. Arresting Agency	*		*
2.48. Arresting Agency	*		*
2.49. Arresting Agency	*		*
2.50. Arresting Agency	*		*
2.51. Arresting Agency	*		*
2.52. Arresting Agency	*		*
2.53. Arresting Agency	*		*
2.54. Arresting Agency	*		*
2.55. Arresting Agency	*		*
2.56. Arresting Agency	*		*
2.57. Arresting Agency	*		*
2.58. Arresting Agency	*		*
2.59. Arresting Agency	*		*
2.60. Arresting Agency	*		*
2.61. Arresting Agency	*		*
2.62. Arresting Agency	*		*
2.63. Arresting Agency	*		*
2.64. Arresting Agency	*		*
2.65. Arresting Agency	*		*
2.66. Arresting Agency	*		*
2.67. Arresting Agency	*		*
2.68. Arresting Agency	*		*
2.69. Arresting Agency	*		*
2.70. Arresting Agency	*		*
2.71. Arresting Agency	*		*
2.72. Arresting Agency	*		*
2.73. Arresting Agency	*		*
2.74. Arresting Agency	*		*
2.75. Arresting Agency	*		*
2.76. Arresting Agency	*		*
2.77. Arresting Agency	*		*
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2.87. Arresting Agency	*		*
2.88. Arresting Agency	*		*
2.89. Arresting Agency	*		*
2.90. Arresting Agency	*		*
2.91. Arresting Agency	*		*
2.92. Arresting Agency	*		*
2.93. Arresting Agency	*		*
2.94. Arresting Agency	*		*
2.95. Arresting Agency	*		*
2.96. Arresting Agency	*		*
2.97. Arresting Agency	*		*
2.98. Arresting Agency	*		*
2.99. Arresting Agency	*		*
2.100. Arresting Agency	*		*

CRIMINAL SUBSYSTEM

ELEMENT	DEFINITION	DATA ELEMENT	CASE COUNT		CASE COUNT	CASE COUNT
			STATE	FEDERAL		
C-1	Agency Identifier	See CCH definition in Appendix B.				
C-2	Court Identification Number	It is anticipated that each court participating in the State-level Judicial Information System, as well as each situs of a particular court, will receive an appropriate identification number. The FBI requires that reporting agencies adopt an originating agency identifier (O.R.I.). This is the judicial agency number which the reporting agency will use for NCIC purposes. If possible the court I.D. number should coincide with the NCIC originating agency identifier so that one number can be used.				
C-3 through C-5	Court Count Number, State I.D. Number, FBI I.D. Number	Court count number and FBI I.D. number are CCH data elements. See explanations on the CCH definition list in Appendix B. It is recommended that the State I.D. Number be part of the SJIS. This can be a number which links arrests and prosecutions against an individual, no matter how many false names he has used. This state I.D. number is to be supplied to the SJIS by the appropriate law enforcement source and there should be no burden on the SJIS to collect it.				
C-6	Case Identification Number	The case identification number permits the local trial court and SJIS to track the case as it proceeds through the trial court system. The case I.D. number should indicate if there are multiple defendants.				
C-7	Judge Identification Number	To produce the desired reports, it is important that the judge identification number be assigned and recorded each time an activity or event occurs triggering an entry into the SJIS. It should be noted that it is recommended that the judge I.D. number not be passed on to any data files outside the judicial system. The judge I.D. number can be part of a more general numbering system for all attorneys in the state, or can be a unique number applying to the judiciary only.				
C-8	Auxiliary Personnel Identification Number	A number of persons other than the judge may be involved in processing and deciding a case. For example, there are judicial surrogates, such as referees, masters, and commissioners, who may be involved in some part of the processing of a case through the judicial system. It is recommended that these personnel be assigned appropriate identification numbers. It is also recommended that other key personnel involved in the processing of a case be assigned identification numbers. These personnel include prosecutors, public defenders and private attorneys, as well as bail bondsmen and probation officers. Having identified the total participants in a case, it would be possible later to draw more meaningful judgments about responsibility for movement of a case. This number should be recor-				

Criminal Subsystem Elements Definitions and Explanation

C-1 Agency Identifier See CCH definition in Appendix B.

C-2 Court Identification Number It is anticipated that each court participating in the State-level Judicial Information System, as well as each situs of a particular court, will receive an appropriate identification number. The FBI requires that reporting agencies adopt an originating agency identifier (O.R.I.). This is the judicial agency number which the reporting agency will use for NCIC purposes. If possible the court I.D. number should coincide with the NCIC originating agency identifier so that one number can be used.

C-3 through C-5 Court Count Number, State I.D. Number, FBI I.D. Number Court count number and FBI I.D. number are CCH data elements. See explanations on the CCH definition list in Appendix B. It is recommended that the State I.D. Number be part of the SJIS. This can be a number which links arrests and prosecutions against an individual, no matter how many false names he has used. This state I.D. number is to be supplied to the SJIS by the appropriate law enforcement source and there should be no burden on the SJIS to collect it.

C-6 Case Identification Number The case identification number permits the local trial court and SJIS to track the case as it proceeds through the trial court system. The case I.D. number should indicate if there are multiple defendants.

C-7 Judge Identification Number To produce the desired reports, it is important that the judge identification number be assigned and recorded each time an activity or event occurs triggering an entry into the SJIS. It should be noted that it is recommended that the judge I.D. number not be passed on to any data files outside the judicial system. The judge I.D. number can be part of a more general numbering system for all attorneys in the state, or can be a unique number applying to the judiciary only.

C-8 Auxiliary Personnel Identification Number A number of persons other than the judge may be involved in processing and deciding a case. For example, there are judicial surrogates, such as referees, masters, and commissioners, who may be involved in some part of the processing of a case through the judicial system. It is recommended that these personnel be assigned appropriate identification numbers. It is also recommended that other key personnel involved in the processing of a case be assigned identification numbers. These personnel include prosecutors, public defenders and private attorneys, as well as bail bondsmen and probation officers. Having identified the total participants in a case, it would be possible later to draw more meaningful judgments about responsibility for movement of a case. This number should be recor-

ded each time an activity or event triggering an entry into the SJIS occurs.

C-9 Defendant Identification Number It is important to identify not only each criminal case, but also each defendant. Each defendant should thus be assigned an appropriate identification number. The number is required because not every defendant has a state I.D. number, because in many instances the case is disposed of before proper identification can be made, and because—even if the defendant has a retrievable state I.D. number—he might have more than one criminal matter pending and therefore the state I.D. number would not uniquely identify this proceeding. The defendant I.D. number can be used to link the defendant backward to the police and forward to the correctional and appellate court systems. This is not a court assigned number. It should be provided by the appropriate source.

C-10 Defendant's Name For individual defendant tracing, it is important to have the defendant's name. Sufficient characters should be allowed to permit recording of first name, middle initial, and last name. The names would usually be provided to the courts by a law enforcement agency.

C-11 Defendant's Date of Birth The SJIS is largely dependent on accepting from other sources the defendant's name. It will have no independent capability of verifying the defendant's identity. To avoid errors which result from similarity of name, it is important to have at least one other identifier associated with a named defendant. Experience has shown that date of birth is usually the best single data element to use in conjunction with names to prevent accidental mismatching.

C-12 Date of Arrest or Print Taken See CCH Definitions in Appendix B.

C-13 Arrest Sequence Number See CCH definitions in Appendix B.

C-14 Date of Filing To avoid confusion, the easiest time to record date of filing is when the papers initiating a proceeding are filed with the clerk of the court and assigned a number. The date the clerk receives and accepts the papers should be recorded.

C-15 Manner of Initiation It is useful to know how cases are entered into the lower or upper criminal courts. The list here is felt to be reasonably exhaustive, based on the analysis of information presently recommended for OBTS data systems in several states.

C-16 Type of Filing This data element is designed to indicate whether the matter before the court is an original criminal action or something else, such as a reinstated or reopened matter or a post-conviction proceeding. The OBTS data elements are presented as they appear in SEARCH Technical Report No. 4.

C-17 Case Status Periodic examination should be made of pending matters to determine if they are ac-

tive or inactive. Inactive cases are those that have been marked inactive by appropriate judicial action. When a case moves from active to inactive status, this fact should be indicated.

C-18 and C-19 Initial Appearance Data and Date of Arraignment The OBTS upper court data element is titled "date of arraignment." Because there seems to be no consensus as to what precisely constitutes an arraignment, it is recommended for the SJIS that the more neutral data element "initial appearance date" be used. From the capture of the initial appearance date and subsequent appearance dates, it will be possible to make the necessary time lapse calculations without getting into difficult definitional problems about what constitutes an arraignment.

C-20 and C-21 Release Status These and data elements C-22 to C-25 are aimed at capturing a release decision whenever it occurs in the case, including before the case is filed, if such were the time of occurrence. The release statuses listed in C-21 are drawn from an analysis of bail programs around the country. The general category "release without bond" is designed to capture situations in which the defendant is released on a simple promise to appear. The other release categories include "cash Bail," which is bail where the defendant deposits the amount of any premium with the court rather than paying the same to a bail bondsman; "professional surety bonds", which include any situation involving bail bonds and an insurance company; "non-professional surety bonds", which include any situation in which a person other than a bail bondsman or a surety company signs on behalf of the accused person; "third party parole", which involves situations in which the defendant is put under probationary or other supervision during the pre-trial or other release period. It is recommended that the category "committed without bail" be used in cases for which there is no statutory or constitutional right to bail.

C-22 Amount of Bond The dollar amount set for the bond, if any, should be recorded.

C-23 Supplemental Release Information Additional information about release can be reported, in particular, whether or not the defendant was interviewed, failed to appear or was required to be rearrested. This information will permit the drawing of more refined judgments about the adequacy of the release system in a particular jurisdiction.

C-24 and C-25 Date of Release Action/Decision and Release Decision Sequence Number Since a release decision can occur at the beginning, the end, or at any point in between the processing of a case, it is recommended, in order to determine when it took place, that both the date of release decision and a release decision sequence number be recorded. That is, each time the bail issue is presented to the court, a sequence number

should be assigned to that action. If release decision takes place prior to appearance of the defendant in court, it is recommended that provision be made to capture the bail status or release status of the defendant on his initial appearance in court, even if the court takes no action other than to continue the matter on the pre-existing bond or release status.

C-26 through C-28 Charged Offense(s) at Filing All offenses should be recorded at the various stages, by state statute number and literal description. The OBTS data element "charged offense at filing - most serious" should be eliminated, because that information can be captured by the OBTS system when the complete offense information is transferred to the OBTS data files from the SJIS.

C-29 and C-30 Date of Additional Appearance and Appearance Sequence Number This information would appear to be useful for internal judicial management purposes. The appearance sequence number is designed to record the number of appearances the defendant has made. It should be noted that it is recommended that these particular data elements not be transferred to the OBTS and CCH data files, since they represent internal management data for judicial use only.

C-31 through C-35 Pleas Information It is recommended that both the initial plea and the final plea be captured as well as the dates of each. The major types of pleas in criminal cases are the only ones recommended, so that some check on plea negotiation can be made.

C-36 Date of Trial Readiness This is the date at which all pretrial activities have been completed and the case is on an assignment list or set for trial.

C-37 and C-38 Charged Offense(s) at Time of Trial Charged offense information should also be recorded at the time of trial, since the defendant may not go to trial on the same offenses with which he or she was originally charged.

C-39 Date Voir Dire Commences This is the date that the first juror is questioned.

C-40 Date trial Commences In case of a jury trial this is the date the panel is sworn for the case. With respect to a non-jury trial, it is the date on which the first witness is sworn.

C-41 Date Trial Completed This is the date a verdict was reached or a judge sitting without a jury makes a decision of guilt or innocence, including direction of verdict for defendant. This date should not be reported if there was no decision on the merits, e.g., if the defendant pleads guilty during trial.

C-42 Date Trial Ends/Disposition It is recommended that this OBTS data element be eliminated, since it is ambiguous and the desired information is captured by other data elements.

C-43 Type of Trial It is recommended that the category "jury trial" be broken down into "six-person jury" and "twelve-person jury." The category "other jury trial" is designed to take into account the recent decision of the U.S. Supreme Court permitting states to have less than twelve-person juries.

C-44 through C-46 Charged Offense(s) on Which Case is Disposed Of The OBTS element "final charge - most serious" should be eliminated since it is encompassed by data elements C-45 and C-46. These refer to reporting of the final charges on which an individual defendant's case was disposed of; both the literal description and statute citation should be used.

C-47 through C-49 General Offense Character and Court Offense Classification See CCH definitions. This information will have to be recorded at each stage offenses are recorded. The FBI's Uniform Offense Codes should be used at the two-digit level if no more detail is possible.

C-50 Type of Charge It is recommended that it be indicated whether a charge is a felony or misdemeanor, according to a particular state's laws.

C-51 Court Disposition (Numeric) See CCH definitions.

C-52 Disposition No attempt has been made to conform the OBTS and CCH data elements with recommendations for the judicial data system. Additional review of the OBTS and CCH data elements must be undertaken so that the lists can be made more uniform.

C-53 Date of Disposition This should be the date one of the dispositional actions listed in C-52 occurs.

C-54 Stage of Disposition This data element is recommended for judicial management information purposes only. The previous definition of "trial" should be used.

C-55 Date Pre-sentence Investigation Ordered It is recommended that this internal management data element be added to the SJIS list of data elements, since the presentence investigation is a significant stage in the processing of criminal cases.

C-56 Offender Sentence Status This is a recommended addition that refers to the status of the offender at final sentencing. In many states there is an option to sentence persons, even those treated as adults, in the courts of general jurisdiction either as adults, youthful offenders, juveniles, or perhaps some other category. It is recommended that this status be recorded because of the rather different kinds of treatment and sentencing options available. This will assist in analysis of sentencing patterns.

C-57 Date of Sentence This is the date the sentence was imposed.

C-58 Type of Sentence These data elements are of some concern, since there are so many and since there

appears to be different needs to be satisfied. The State Level Judicial Management set appears to be adequate for statistical purposes.

C-59 and C-60 Term of Incarceration and Place of Incarceration The data element "sentence" was broken into three parts, "type of sentence," "term of incarceration," and "place of incarceration," even though the OBTS module treats them all as one data element. It is easier to separate the three elements, since to mix them all would result in an enormous number of categories. It should be noted that for a flat sentence, maximum and minimum would be the same.

C-61 and C-62 Probation Term This element has also been separated from the data element "sentence" to avoid an unnecessarily large number of data elements. The OBTS data element "probation term (months)" could be replaced by the broader phrase "probation term (years, months, dates)."

C-63 Conditions Imposed on Probation No general list is available to itemize this data element; therefore, each state will have to define its own subcodes.

C-64 Type of Counsel It is recommended that this information be captured since it will be useful in determining responsibility for movement of cases, permitting judgements to be made about the caseloads of public defenders and court-appointed counsel, and permitting comparisons of outcomes based on type of representation. Combined with the identification number of auxiliary personnel, one could draw judgments with respect to which particular attorneys are responsible for delays in dispositions of criminal business.

C-65 Appeals It is important to capture some information with respect to appeals in the trial court component of the state judicial information system, as well as in the appellate court component. Not only may there be time differences in implementing various components of the SJIS, but the final structure itself may be facilitated if some limited appellate information, particularly whether or not the case is appealed and to which higher court it is appealed, is added to the original data base. The OBTS module has no appellate data elements, so there can be no tracking of defendants through the entire court system.

C-66 Other Post-Decision Proceedings In addition to appeals, there are a number of other post-decision proceedings. These types of proceedings also are not included in the OBTS files although they are an essential element of offender tracking. In particular, they show some aspects of recycling of defendants through the courts without appeal to a higher level appellate body.

C-67 and C-68 Date of Initiation of Post-Decision Proceeding and Date Case Appealed The date of each of these proceedings should be the date on which the paper initiating the post-decision proceeding is filed

with the court and assigned a number, or the date on which a notice of appeal or other definitive action towards instituting an appeal is taken.

C-69 Date Transcript Ordered This date is particularly important since the delay in producing transcripts has been identified as an important source of appellate delay. An effort must be made at the trial court level to get the required reporting from the attorneys, court reporters, or other responsible parties concerning the date on which the transcript is ordered.

C-70 Release Action Pending Disposition of Appeal or Post-Decision Proceedings It is not recommended that the same detailed information as recommended for cases at trial stages, be captured for post-decision stages. It is sufficient to know whether or not the defendant is released.

C-71 Date of Post-Decision Proceeding Hearing Only actual hearings in which there is argument or evidence presented in open court should be recorded. If the court deals with prisoner petitions in chambers or by any other means than hearing, these should not be recorded.

C-72 Post-Decision Proceeding Outcome This data element lists the options available to the court for disposing of such proceedings.

C-73 Date of Disposition of Post-Decision Proceeding This should be the date of outcome of one of the decisions listed in C-72.

C-74 Date of Final Mandate or Judgment on Decision (Appeal) This is the final element in the decision on appeal which has to be reported back from the Appellate Subsystem of SJIS to the Criminal Subsystem.

DATA ELEMENTS — CIVIL SUBSYSTEM

STATE ELEMENT	STATE ELEM. IDENTIFICATION	DATE		TYPE
		START DATE	END DATE	
1. Personal Injury				
2. Property Rights				
3. Other Tort				
4. Property Rights				
5. Other Tort				
6. Personal Injury				
7. Property Rights				
8. Other Tort				
9. Personal Injury				
10. Property Rights				
11. Other Tort				
12. Personal Injury				
13. Property Rights				
14. Other Tort				
15. Personal Injury				
16. Property Rights				
17. Other Tort				
18. Personal Injury				
19. Property Rights				
20. Other Tort				

STATE ELEMENT	STATE ELEM. IDENTIFICATION	DATE		TYPE
		START DATE	END DATE	
1. Personal Injury				
2. Property Rights				
3. Other Tort				
4. Property Rights				
5. Other Tort				
6. Personal Injury				
7. Property Rights				
8. Other Tort				
9. Personal Injury				
10. Property Rights				
11. Other Tort				
12. Personal Injury				
13. Property Rights				
14. Other Tort				
15. Personal Injury				
16. Property Rights				
17. Other Tort				
18. Personal Injury				
19. Property Rights				
20. Other Tort				

Civil Data Element Explanations and Definitions
 A number of the data elements are identical to those recommended for the criminal subsystem and discussed above. In these cases, reference will be made to the discussion in the Criminal Processing section of the SJIS.

V-1 Court Identification Number See C-2.
V-2 Case Identification Number See C-6.
V-3 Judge Identification Number See C-7.
V-4 Auxiliary Personnel Identification Number See C-8.
V-5 Date of Filing The date of filing is the date on which the papers initiating a civil action are originally filed with the clerk of court and assigned a number. In some states, a number is not assigned until the pleadings are closed and the case is marked ready for trial. It is recommended in these instances that the number be assigned at the earliest date on which matters are received by the clerk of court.
V-6 Type of Filing See C-16.
V-7 Case Title The name of the first listed plaintiff and defendant should be used for case title.
V-8 Case Type This category is going to require more definitional effort in the individual states. The major types of civil cases are broken down into more refined categories. The major categories should be reported. The more detailed categories may be used for internal purposes if desired.
V-9 Case Status Cases should be marked "inactive" only after a judicial determination to that effect.
V-10 Date of Trial Readiness This is the date on which all pre-trial activities in a case have been completed and the case is ready to proceed to trial. That is to say, the pleadings must be closed, all motions acted upon, and all discovery and pretrial conferences completed. In some courts, trial readiness is signified by filing with the court an appropriate certificate. In other courts, no formal document is filed. In such instance a date, such as that on which a claim for trial is filed, should be used.
V-11 Date Trial Commences See C-40.
V-12 Date Trial Completed This data element presents some problems on the civil side, because a case tried by a judge sitting without a jury may not be decided until many weeks after the close of the evidence. Therefore, the date trial is completed should be the date on which the final evidence or oral summation is heard, and not the date on which the judge enters his decision (unless, of course, these dates are one and the same).
V-13 Date of Judgment This data element should be used in all cases to indicate the date on which the final judgment is made and entered.
V-14 Type of Trial See C-43.
V-15 through V-17 Dates of Pre-Trial Activity It is recommended that the major pre-trial stages and the date of their conclusion be reported. The stages which are considered most important are close of pleadings, completion of pre-trial discovery, and the date of pre-trial conference, if any.

V-18 Method of Disposition The categories describing the major methods of disposing of civil business have been listed.
V-19 Date of Disposition This is the date that one of the dispositional actions listed in V-18 takes place.
V-20 Appeals and Post-Decision Proceedings It is recommended that, to complete the trial court component of the Civil Subsystem of the SJIS, indication should be made as to whether any appellate or other post-decision activities take place in a given civil case. The major types of appeals and post-conviction proceedings are listed.
V-21 Date Appeal or Post-Decision Proceeding Application Filed This should be the date on which one of the above listed post-decision activities is initiated.
V-22 Date Transcript Ordered See C-69.
V-23 Date of Hearing If the matter is decided without hearing, this data element should not be reported.
V-24 Date of Disposition of Post-Decision Proceedings This date should record the date on which a formal judicial decision is made on the appeal or other post-decision proceedings.
V-25 Outcome of Non-Appellate Post-Decision Proceeding To give a complete picture of the processing of civil cases in the trial court the outcome of post-decision proceeding should be recorded. Outcome of habeas corpus petitions involving a prior criminal case should be reported to the Criminal Subsystem if they affect the disposition of that case.

APPELLATE SUBSYSTEM DATA ELEMENTS

STATE ELEMENT	STATE ELEM. IDENTIFICATION	DATE		TYPE
		START DATE	END DATE	
1. Personal Injury				
2. Property Rights				
3. Other Tort				
4. Property Rights				
5. Other Tort				
6. Personal Injury				
7. Property Rights				
8. Other Tort				
9. Personal Injury				
10. Property Rights				
11. Other Tort				
12. Personal Injury				
13. Property Rights				
14. Other Tort				
15. Personal Injury				
16. Property Rights				
17. Other Tort				
18. Personal Injury				
19. Property Rights				
20. Other Tort				

Appellate Subsystem Data Element Explanations and Definitions

The appellate system of the SJIS must perform a multiple duty, since it must record appeals of criminal and civil cases, link appellate information with the information in both the civil and criminal trial court, and supply needed information to the OBTS and CCH files. Some of the data elements apply only to criminal business. For some data elements, reference will be made back to the definitions in the section on the criminal subsystem. Where the data element is self-explanatory, the element is listed, with no definition. The CCH appellate data elements are defined in the Supplemental Segment of Appendix B.

A-1 Agency Identifier See CCH definitions, Supplemental Segment, Appendix B.

A-2 Court Identification Number See C-1.

A-3 State Identification Number See CCH Definitions, Supplemental Segment and C-4.

A-4 FBI Identification Number See CCH Definitions, Supplemental Segment, Appendix B.

A-5 Case Identification Number The appellate court should assign a new identification number which could be used to indicate the court location, type of case, and date of filing.

A-6 Judge Identification Number See C-7. This information should be restricted for judicial use only.

A-7 Auxiliary Personnel Identification Number See C-8. This information is for judicial use only.

A-8 Defendant Identification Number This piece of information is only available for criminal matters and should be carried over from the defendant identification number assigned at the trial court level. This number will link this appellate proceeding with a particular named defendant. See C-9.

A-9 Trial Court Case Identification Number In order to link the appeal back with the trial court matter, the case identification number assigned in the trial court should be recorded for civil and criminal matters.

A-10 Date of Arrest or Print Taken See CCH Definitions, Supplemental Segment, Appendix B. This information must be supplied to the SJIS by a law enforcement agency.

A-11 Date of Trial Court Judgment or Agency Decision This should be the date the decision from which the appeal was taken as made.

A-12 Date of Filing This should be the date on which the notice of appeal was filed in the trial court or other definitive action initiating the appeal was taken.

A-13 Type of Filing This data element has been included, since the appellate subsystem generates information not only on appeals and original proceedings, but also on motions or petitions and petitions for rehearing. Appeals and original

proceedings which have their own case identification numbers should be distinguished from motions and petitions which are supplementary proceedings in previously filed cases.

A-14 Action Sequence Number This element is required to indicate which of the various types of filings is covered by a particular input form, since any case may involve three types of filing (the filing of the appeal, the filing of a motion, the filing of a petition for rehearing).

A-15 Source of Filing This data element should indicate from whence the matter came to the appellate court. If an appeal from an administrative agency is first channeled through a trial court, then the source of filing should be "trial court" and not "administrative agency." The category "administrative agency" should be used only in instances in which a direct appeal is made from the administrative body to the appellate court.

A-16 Filing Source Identification Number The number to be used here is the identifier of the particular court or administrative agency from which the appeal came. If the case is an original proceeding, then this data element should not be filled in. A special code should be provided to indicate an original proceeding.

A-17 Basis of Jurisdiction This data element describes the various ways in which a case can be initiated in the appellate court. *Discretionary appeals should be segregated from appeals as a matter of right.*

A-18 Date Application for Discretionary Review Filed Appeals from intermediate appellate courts or trial courts to the highest appellate court of the state are not always of right. Therefore, if the appeal is one of discretion, then the date the application for discretionary review is filed should be indicated here.

A-19 Date Discretionary Review Application Granted or Denied This should be the date on which final action is taken on the application for discretionary review.

A-20 Filing Party This data element pertains only to criminal cases. It should be reported whether the to procedural motions and substantive motions. More definitional work needs to be done on the detailed breakdown of motion types.

A-21 Type of Appeal Criminal cases should be broken down by appropriate offense categories, using state statute numbers and literal descriptions. For this data element, the literal description should be reported. A somewhat shortened list of major civil case categories is recommended, since the detail used in the trial court is not necessary in the appellate subsystem. Additional definitional work will have to be done to define each type of original proceeding, to improve the general understanding of what is included in each category.

A-22 Type of Original Action This category lists the

major type of original actions that can be initiated in appellate court.

A-23 Charged Offense(s) - State Statute Number This data element pertains only to criminal cases.

A-24 Charged Offense(s) - Literal Description This data element pertains only to criminal cases.

A-25 Motions Motions are broken down generally into procedural motions and substantive motions. More definitional work needs to be done on the detailed breakdown of motion types.

A-26 and A-27 Dates Transcript Ordered and Completed Information with respect to the ordering and completion of transcripts will generally have to be obtained by the appellate court from the trial court or counsel in the case, since the completion of the transcript is often a trial court responsibility.

A-28 Date Complete Record Filed Date to be recorded is the date on which all papers required from the trial court are filed in the appellate court, including the transcript. Where the record on appeal is retained in the trial court for the use of counsel, it is the date on which the record is complete and available.

A-29 Date Appellant Brief Filed

A-30 Date Appellee/Respondent Brief Filed

A-31 Date Briefing Completed This date will sometimes be identical to the date the appellee/respondent's brief is filed; or, it may be the date on which a reply brief is filed; or, it may be the date on which amendments to briefs, etc. are completed—whichever is latest.

A-32 Date of Argument This data element should be filled out only if there is in fact an oral argument held in the case. If argument is held on more than one day, the last day should be recorded.

A-33 Date of Submission This date should be recorded if the case is decided upon submission of the briefs, with no oral argument.

A-34 Date of Mandate or Judgment on Appeal The date to be recorded here is the date that the final mandate issues, that is after all petitions for rehearing or reconsideration are disposed of.

A-35 Type of Disposition These subcategories describe the major ways in which appeals can be disposed of. An attempt has been made to indicate not only the outcome of the disposition but also who the moving party was and what the reason was for the particular disposition.

A-36 Date of Disposition This is the date one of the actions listed in A-35 occurs.

A-37 Court Count Number See CCH Definitions, Supplemental Segment.

A-38 Court Disposition Date See CCH Definitions, Supplemental Segment.

A-39 Court Disposition - Numeric See CCH Definitions, Supplemental Segment.

A-40 Opinion Type This data element indicates whether or not an opinion is a full opinion or a memorandum opinion. The generally accepted standard is that a "full opinion" is one which is over 2 pages long. This data element also indicates whether there are consenting or concurring opinions filed with respect to a given proceeding.

A-41 Manner of Disposition of Original Action This data element is designed to capture the method of disposition of original actions or special matters. These categories are needed because of the differences in the ways appeals and special matters are handled.

A-42 Outcome of Original Proceeding The granting or denying of requested relief in original actions should be recorded.

APPENDIX B

NCIC CRIMINAL HISTORY FILE JUDICIAL SEGMENT (Segment 3)

RECORD FORMAT ENTRY OF JUDICIAL SEGMENT FIELDS IN JUDICIAL SEGMENT

Entry of Judicial Segment

Entry of the Judicial Segment of a cycle in a record requires the following data be included, except that when converting historic records data, if not available, is not required to be entered in fields preceded below by an asterisk:

Message Key	MKE
*State Identification Number	SID
FBI Identification Number	FBI
Date of Arrest or Print	DOA
#Court - Count Number	CCT
*Court Disposition Date	CDD
#Court-Offense Classification-Numeric	CON
#Court-Offense Classification-Literal (if free text offense information included)	COL
#Court Disposition-Numeric	CDN

Fields prefaced by a '#' are part of a set of data relating to a count number.

Data also is to be entered to complete the record with respect to the agency identifier (ORI), the statute citation (CIT), the general offenses charged (i.e. General Offense Classification (GOC)), disposition by the court of the offenses, sentences as suspended and imposed (i.e. Sentence Suspended (CSS), Confinement (CMT), Probation (CPR), Fine (CFN), Other Sentence Provisions-Literal (CPL), and Other Court Sentence Provision-Numeric (CPN)), date case appealed (DCA) and subject on bail pending results of appeal (CBL).

Because of their importance in the criminal history record, the Agency Identifier (ORI) and Statute Citation (CIT) fields are only temporarily being designated as *optional* fields. At an early date edits will be placed on these fields requiring such data be included except for converted non-current cycles.

States must develop and implement procedures to obtain the necessary data to complete the record as soon as possible.

The code in the CDN field is translated as indicated in the ALPHA CODE column.

JUDICIAL SEGMENT FIELDS

Message Key (MKE)

The Message Key (MKE) for the entry of the Judicial Segment of an NCIC Computerized Criminal History Record is ER3.

No caution indicator can be used in the MKE field of the Judicial Segment.

Agency Identifier (ORI)

The NCIC agency identifier of the judicial agency is to be included in the ORI field of the Judicial Segment.

When judicial data has not been received from a judicial agency for entry in the Judicial Segment but information has been received from another criminal justice system agency concerning action taken by a court and relating to later custody and/or supervision, no ORI is to be entered in the Judicial Segment.

Ordinarily a 9-character agency identifier will be available for entry in this field. In the absence of a specific identifier, indicate state in which agency located using present NCIC standards in positions 1 and 2, enter a blank character (space) in position 3, and in remaining 26 positions identify agency by name, type, city or town, etc., using readily understandable abbreviations.

State Identification Number (SID)

State Identification Number (SID) field is to provide for the entry of a unique State Identification Number (SID) for the subject which shall not exceed 10 characters in length. The first two characters of the SID are two alpha characters representing the identity of state which has assigned the State Identification Number. Enter the State Identification Number for the subject issued by the state in which arrested and prosecuted.

FBI will use the alpha character 'F' followed by date of birth for the subject expressed as six numeric characters, e.g., F101452, in lieu of a unique "state" identification number.

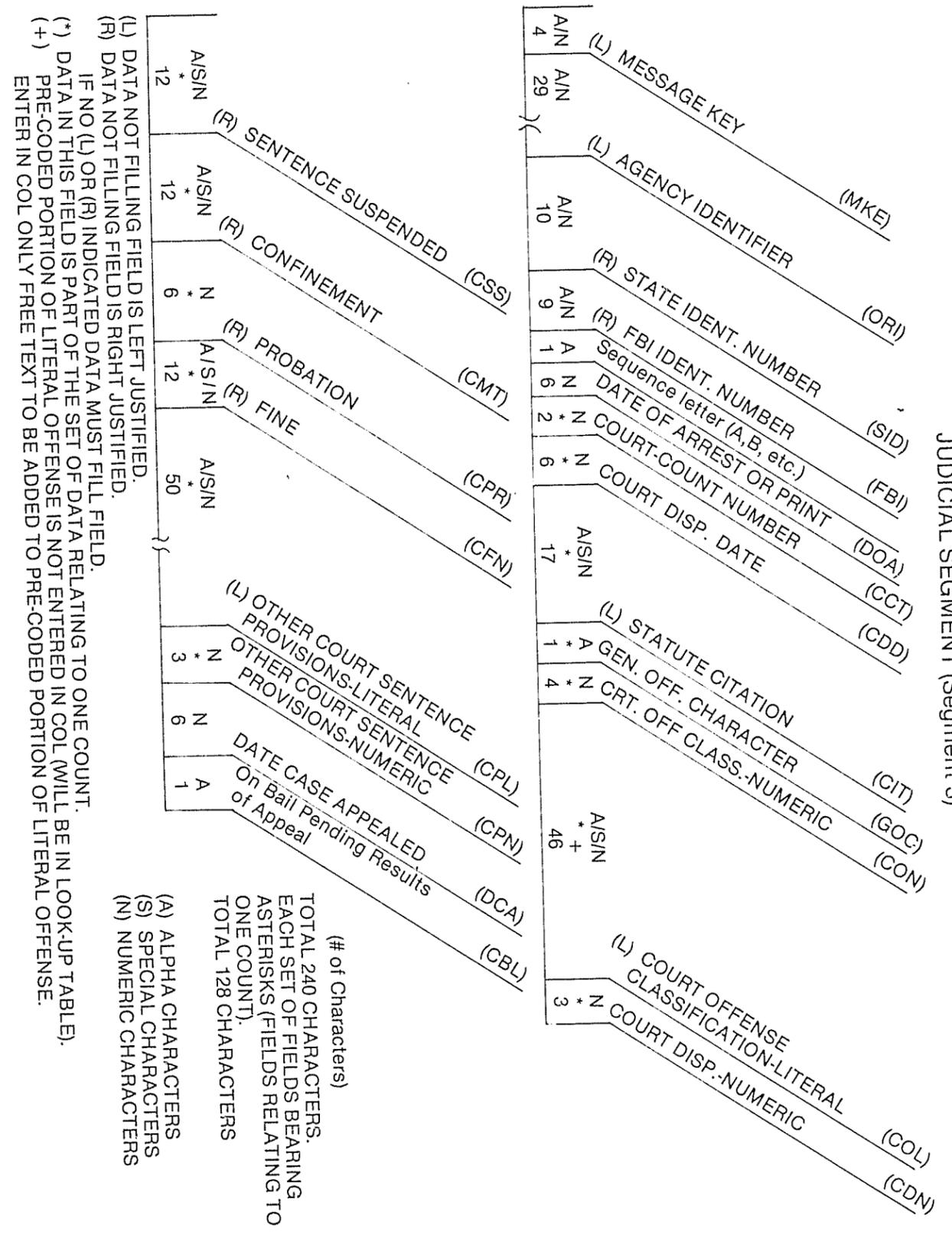
FBI Identification Number (FBI)

See comments concerning FBI Identification Number relating to the Identification Segment, above.

FBI Identification Number and the State Identification Number of the entering agency, stored in the Arrest Segment, are used to insure that data entered in the Judicial, Custody-Supervision, and Supplemental Segments of a record properly relate to the record in which entered. When the data attempted to be entered in the Judicial Segment (or in the Custody-Supervision or Supplemental Segments) does not include SID and FBI matching that in the Arrest Segment, the entry will be rejected as not matching.

CRIMINAL HISTORY FILE-RECORD FORMAT

JUDICIAL SEGMENT (Segment 3)



Date of Arrest (DOA)
 The date subject was arrested or in lieu thereof the date subject was fingerprinted, is to be entered in the DOA field. The date is expressed in six numeric characters representing month, day and year as follows:

Date	Date As Coded
June 12, 1971	061271
February 6, 1972	020672
January 1, 1972	010172

Because the possibility exists that an individual may be arrested two or more times on the same date and fingerprinted on the same date, it is necessary to distinguish between the different arrests. The first arrest on a given date is to be indicated by using the six numeric characters representing the date. The second arrest, on the same date, is to be indicated by using the six numeric characters representing the date, *prefaced* by the alpha character "A". A third arrest on the same date would be indicated by prefacing the date of arrest by "B", etc.

The date of subjects' arrest (plus the prefix alpha character, when required) is used in the Judicial, Supplemental, and Custody-Supervision Segments to tie the arrest data to the subsequent prosecutive and custody-supervision information.

Court Count Number (CCT)
 Count numbers begin with the number 01 for the first offense charged at time of trial. Each count number used in the cycle serves to identify a set of data relating to one offense charged at time of arrest. A set of count data, when all is available, is comprised of the following:

Court Count Number	CCT
Court Disposition Date	CDD
Statute Citation	CIT
General Offense Character	GOC
Court Offense Classification-Numeric	CON
Court Offense Classification-Literal	COL
Court Disposition-Numeric	CDN
Sentence Suspended	CSS
Confinement	CMT
Probation	CPR
Fine	CFN
Other Court Sentence Provisions-Literal	CPL
Other Court Sentence Provisions-Numeric	CPN

Court count numbers for additional counts charged at time of trial are entered in ascending sequence, i.e. 02, 03, 04, 05, etc. This assignment of count numbers is not done automatically by the NCIC computer. Highest count number which will be accepted is 50, representing 50 sets of court count data for a given

prosecutive action.
 The court count numbers are *not* to be interpreted as being related directly to the arrest charge numbers in the Arrest Segment. (Offenses as charged at time of arrest may vary substantially in number and degree of seriousness from the offenses tried.)

Court Disposition Date (CDD)
 The date the count was finally disposed of by the court (sentence date), expressed in six numeric characters representing month, day, and year, is to be entered in the CDD field. For example, January 2, 1972, would be represented as 010272.

Statute Citation (CIT)
 See *Statute Citation (CIT)*, above, as it relates to the Arrest Segment. The field is used in the same manner in the Judicial Segment.

General Offense Character (GOC)
 See *General Offense Character (GOC)*, above, as it relates to the Arrest Segment. The field is used in the same manner in the Judicial Segment.

Court Offense Classification-Numeric (CON)
 For each count, the appropriate uniform offense classification-literal will be selected which describes the offense as defined in the Uniform Offense Classification-Definitions. The numeric code associated with the uniform offense classification-literal is entered in the CON field for each count.

Translation of the numeric code as entered (e.g. 2306 would be translated LARC-FROM SHIPMENT), plus the free text data entered in the Court Offense Classification-Literal field (e.g. 75 COLOR TV SETS), would result in a printout of the complete offense text for the count as LARC-FROM shipment-75 COLOR TV SETS.

Court Offense Classification-Literal (free text) (COL)
 To adequately describe an offense, data is entered in one, two or three fields depending on the circumstances. If the offense is of one of the general offense categories as described above (GOC), entry is made of appropriate codes in that field and in the CON field, as described above. To further describe the offense (to *supplement* data entered in the GOC and CON fields), free text information may be entered in the COL field. When all information in these fields is assembled in the sequence of (1) translation of GOC, (2) translation of CON (those words printed opposite each numeric code in Uniform Offense Classifications) and (3) free text data in the COL field, the offense is fully stated. In certain cases, the offense is described only by the CON and COL data and is assembled in that sequence. When the offense is adequately described by CON only, no entry is required in the GOC and/or COL field. When an offense is assembled for printout the GOC is translated to four alpha characters followed by a space. The CON is translated

exactly as indicated in Uniform Offense Classifications and the COL is printed out as entered in free text. The CON (translated) and COL together cannot exceed 46 characters when printed out.

The COL field is used to enter only the free text of offense information which supplements the uniform offense literally specified in Uniform Offense Classifications opposite the numeric code in the document or which completely describes the offense when the latter is permitted by Uniform Offense Classifications. The number in the "NO. FREE TEXT CHARACTERS" column following the specified uniform offense in Uniform Offense Classifications indicates the number of characters available for entry of the free text.

The specified translation of the numeric codes is not intended to provide all information needed to adequately describe an offense. It is expected that entering agencies will have available (except when converting historical records) significant information to be entered as free text in the COL field so that the offense, as totally described, will be more meaningful to the user. For example, the numeric code 1205 is translated as (not entered as) ROBBERY-STREET-. It is intended that the type weapon (other than GUN or STRONGARM) will be specified following "STREET-" so that most robbery offenses will not only state that a robbery occurred at one of the locations indicated (business, street, residence or in a banking-type institution) but will also show the type weapon used. Other significant information can be included following identification of the weapon, e.g. KNIFE-\$50000 BANK DEPOSIT TAKEN.

Court Disposition-Numeric (CDN)

Approved as the only court (or chief executive disposition codes for use in the Judicial and Supplemental Segments of records in NCIC Computerized Criminal History File are the following:

Court (or Chief Executive) Dispositions		
Disposition	ALPHA Code	Numeric Code
Acquitted	ACQUITTED	301
Acquitted by reason of insanity	ACQTDINSANE	302
Acquitted by reason of mental incompetence	ACQTDMENTAL	303
Case continued without finding	CONTNOFINDG	304
Charge dismissed	DISMISSED	305
Charge dismissed due to insanity	DISMDINSANE	306
Charge dismissed due to mental incompetence	DISMDMENTAL	307

Charge still pending due to insanity	PENDGINSANE	308
Charge still pending due to mental incompetence	PENDGMENTAL	309
Convicted	CONVICTED	310
Deceased	DIED	311
Deferred disposition	DEFERRED	312
Dismissed-civil action	DISMDCIVIL	313
Extradited	EXTRADITED	314
Found insane	FOUNDINSANE	322
Found mentally incompetent	MENTLINCOMP	323
Pardoned	PARDONED	315
Probation before conviction	PRECONVPROB	316
Sentence commuted	SENTCOMUTED	317
Adjudication withheld	ADJUDWTHELD	318
Mistrial-defendant discharged	DSCHGMISTR	320
Executive clemency granted	EXECCLEMNCY	321

The alpha code will not be stored in the record, but, rather the alpha code will be obtained for printout purposes by translating the stored numeric code.

Sentencing-General Comments

The above court dispositions provide for the entry of the basic adjudication or disposition (convicted, acquitted, etc.) which the court makes with respect to each count of the Indictment or Information but does not include information concerning the sentence by the court or judge after his conviction. To provide for this information for each count, separate fields have been included in the Judicial Segment for entry of the time provisions of sentences suspended, confinement sentences, and probation sentences and the monetary provisions of a fine. Other provisions of a sentence are to be entered in the CPL and CPN fields as discussed below.

The following codes have been approved as the only codes for use in the Sentence Suspended (CSS), confinement (CMT), Probation (CPR), Fine (CFN), Other Court Sentence Provisions - Literal (CPL), and Other Court Sentence Provisions - Numeric (CPN) fields of the Judicial and Supplemental Segments of records in the NCIC Computerized Criminal History File. (Other words necessary to define the provisions of a sentence in the CPL field may be used as necessary.)

Sentence Provisions	Alpha Code	Numeric Code
Bad Conduct Discharge (military)	BADDIS	330
Bail forfeited	BLFORF	331
Balance suspended	BALSUSP	-
Confinement	CONFINE	-
Confinement in hospital	CONFHOSP	333
Confinement or Fine	CONF-F	-
Count (or Counts)	CT (or CTS)	-
Court Costs	CTCOST	334
Credited With	CR	-
Day (or Days)	D	-
Death Sentence	DEATH	335
Dishonorable Discharge (military)	DISDISCH	336
Fine and Court Costs	FINE CTCOST	338
Forfeiture of Pay (military)	FORFPY	339
Indeterminate	INDETERM	340
Indeterminate to Majority	INDETERM TO MAJORITY	-
Life	LIFE	342
Maximum	MAX	-
Minimum	MIN	-
Month (or Months) (It is recommended all sentences be stated in terms of M and D.)	M	-
Nights and Weekends	NIGHTWKND	-
Nights only	NIGHTONLY	-
Probation	PROB	-
Probation and Court Costs	PROBCTCOST	345
Reduction in Rank	REDRNK	-
Removal from Office	RMVLOFF	-
Restitution	RESTN	346
Restitution and Court Costs	RESTNCTCOST	347
Sentence	SENT	-
Sentence Being Served	SENTBEINGSRV	-
Serve(d)	SRV	-
Split Sentence (confinement followed by probation)	SPLIT	-
Time	TIME	-
Time Served Pending Trial	TIMEPNDTRL	-
To	-	-
To Run Concurrently	CC	-
Until Discharged (by)	UNTIL DISCH	-
Weekend Only	-	-
Confinement	WKNDCONFINE	-

Year (or Years) Y

Sentence Suspended (CSS)

Confinement (CMT)

Probation (CPR)

Fine (CFN)

Periods of sentences, which relate specifically to the CCS, CMT and CPR fields, are to be expressed in terms of years (Y), months (M), and days (D). A sentence of five years and six months would be expressed: 5Y6M (or 66M). A sentence of 2 years to 5 years would be expressed: 2Y-5Y.

The amount of a fine assessed should be expressed to the nearest dollar without use of commas, decimals or dollar signs.

A sentence in which one sentence is suspended and another sentence is imposed will be reflected in all fields affected, e.g. the suspended sentence will be entered in the CSS field, the period of any confinement actually imposed will be entered in the CMT field, the period of any probation will be entered in the CPR field, and the amount of any fine will be entered in the CFN field. Any additional provisions will be entered in the CPL and CPN fields, as appropriate.

Other Court Sentence Provisions - Literal (CPL)

Other Court Sentence Provisions - Numeric (CPN)

Sentence provisions which do not pertain to or cannot be entered in the CSS, CMT, CPR and CFN fields will be entered in the CPL field. Easily readable abbreviations should be used to use the field to best advantage.

Other court sentence provisions for which a numeric code is specifically provided are to be entered in the CPN field. These numeric codes provide the ability to retrieve, by special program, data included in the CPL field which otherwise could be obtained only by visual inspection of record printouts.

Date Case Appealed (DCA)

If case is appealed, the date case was appealed (i.e. six numeric character representation) is entered in the DCA field.

On Bail Pending Results Of Appeal (CBL)

If subject is released on bail pending results of appeal, the alpha character "B" is to be entered in this field.

NCIC CRIMINAL HISTORY FILE SUPPLEMENTAL SEGMENT (Segment 3A)

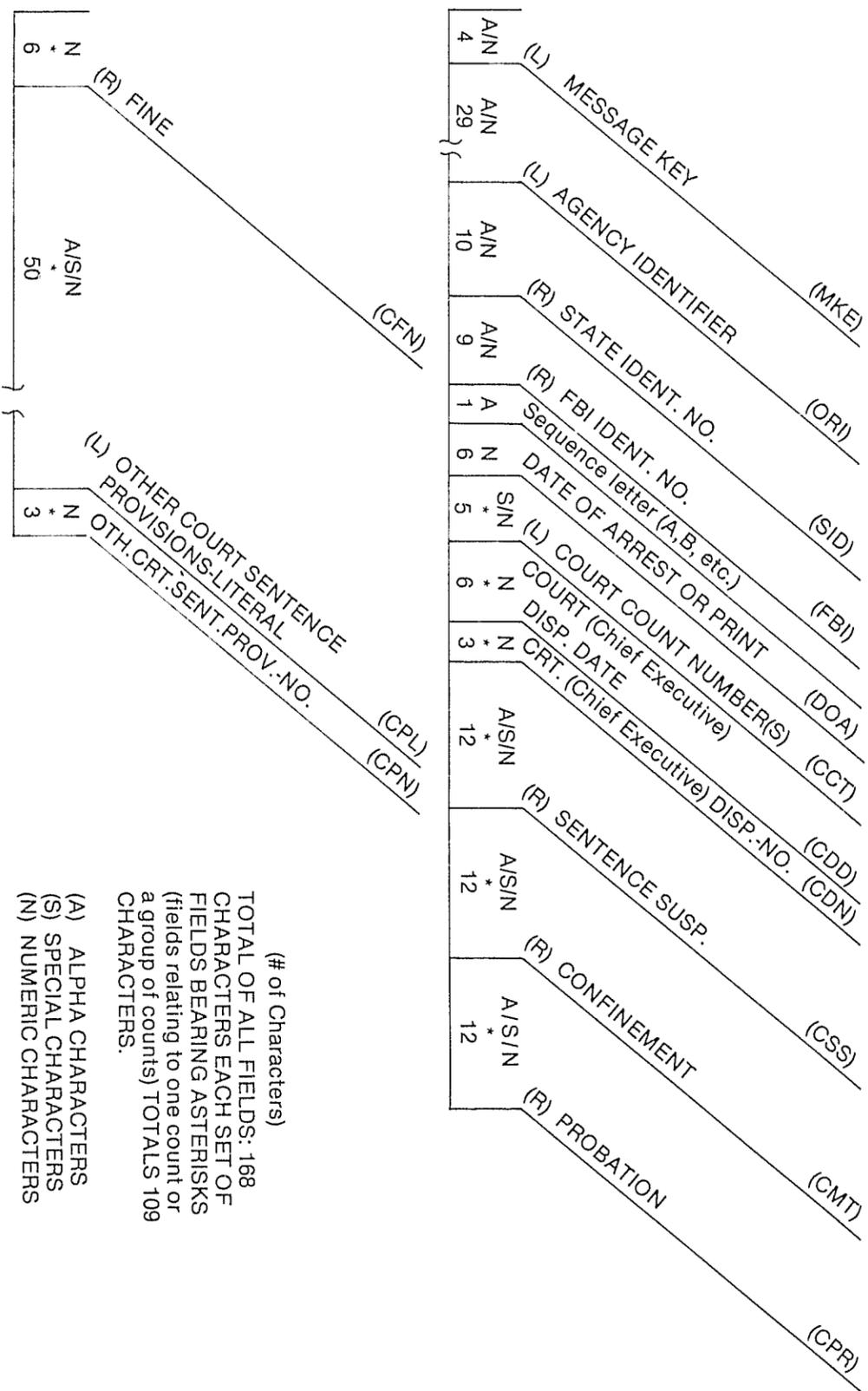
RECORD FORMAT ENTRY OF SUPPLEMENTAL SEGMENT FIELDS IN SUPPLEMENTAL SEGMENT.

Entry Of Supplemental Segment

Entry of the Supplemental Segment of a cycle in a

CRIMINAL HISTORY FILE-RECORD FORMAT

SUPPLEMENTAL SEGMENT (Segment 3A)



- (L) DATA NOT FILLING FIELD IS LEFT JUSTIFIED.
- (R) DATA NOT FILLING FIELD IS RIGHT JUSTIFIED.
- IF NO (L) OR (R) INDICATED, DATA MUST FILL FIELD.
- (*) DATA IN THIS FIELD IS PART OF THE SET OF DATA RELATING TO ONE COUNT.

(# of Characters)
 TOTAL OF ALL FIELDS: 168
 CHARACTERS EACH SET OF
 FIELDS BEARING ASTERISKS
 (fields relating to one count or
 a group of counts) TOTALS 109
 CHARACTERS.
 (A) ALPHA CHARACTERS
 (S) SPECIAL CHARACTERS
 (N) NUMERIC CHARACTERS

record requires the following data be included, except that when converting historic records data, if not available, is not required to be entered in the field preceded below by an asterisk (*).

Message Key	MKE
*State Identification Number	SID
FBI Identification Number	FBI
Date of Arrest or Print	DOA
#Court Count Number(s)	CCT
*Court (Chief Executive)	
Disposition Date	CDD
#Court (Chief Executive) Dis- Disposition-Numeric	CDN

Fields prefaced by a “#” are part of a set of data relating to a count number (or count numbers, if disposition so grouped).

Data also is to be entered to complete the record with respect to agency identifier (ORI), sentences as suspended and imposed (i.e. Sentence Suspended (CSS), Confinement (CMT), Probation (CPR), Fine (CFN), Other Court Sentence Provisions-Literal (CPL), and Other Court Sentence Provisions-Numeric (CPN)). The Agency Identifier (ORI) field is being designated as an *optional* field only temporarily. Because of its importance to the record, an edit will be placed on this field at an early date requiring such data be included except for converted non-current cycles.

The code in the CDN field is translated as indicated in the ALPHA CODE column.

SUPPLEMENTAL SEGMENT FIELDS

Message Key (MKE)
 The Message Key (MKE) for the entry of the Supplemental Segment of an NCIC Computerized Criminal History Record is ER3A.

No caution indicator can be used in the MKE field of the Supplemental Segment.

Agency Identifier (ORI)
 The NCIC agency identifier of the judicial agency (or chief executive) is to be included in the ORI field of the Supplemental Segment.

Ordinarily a 9-character agency identifier will be available for entry in this field. In the absence of a specific identifier, indicate state in which agency located using present NCIC standards in positions 1 and 2, enter a blank character (space) in position 3, and in remaining 26 positions identify agency by name, type, city or town, etc., using readily understandable abbreviations.

State Identification Number (SID)
 See comments concerning SID relating to the Judicial Segment, above.

FBI Identification Number (FBI)
 See comments concerning FBI Identification Number relating to the Identification Segment, above.

FBI Identification Number and the State Identification Number of the entering agency, stored in the Arrest Segment, are used to insure that data entered in the Judicial, Custody-Supervision, and Supplemental Segments of a record properly relate to the record in which entered. When the data attempted to be entered in the Judicial Segment (or in the Custody-Supervision or Supplemental Segments) does not include SID and FBI matching that in the Arrest Segment, the entry will be rejected as not matching.

Date Of Arrest Or Print (DOA)
 The date subject was arrested or in lieu thereof the date subject was fingerprinted, is to be entered in the DOA field. The date is expressed in six numeric characters representing month, day and year as follows:

Date	Date As Coded
June 12, 1971	061271
February 6, 1972	020672
January 1, 1972	010172

Because the possibility exists that an individual may be arrested two or more times on the same date and fingerprinted on the same date, it is necessary to distinguish between the different arrests. The first arrest on a given date is to be indicated by using the six numeric characters representing the date. The second arrest, on the same date, is to be indicated by using the six numeric characters representing the date, *prefaced* by the alpha character “A”. A third arrest on the same date would be indicated by prefacing the date of arrest by “B”, etc.

The date of subject’s arrest (plus the prefix alpha character, when required) is used in the Judicial, Supplemental and Custody-Supervision Segments to tie the arrest data to the subsequent prosecutive and custody-supervision information.

Court Count Number(s) (CCT)
 The count numbers used in the Supplemental Segment are directly related to those in the Judicial Segment as the appeal, executive clemency, and pardon decisions relate to the same counts previously adjudicated and as recorded in the Judicial Segment.

Because the decisions of the appellate court or the chief executive may relate to all counts or individually to consecutive groups of counts of which convicted, provision has been made to refer to all counts or the consecutive groups of counts with one entry in the CCT field, e.g. counts 3 through 7 may be identified as 03-07. A singular count must be reported by use of two numeric characters, e.g., 01 (left justified).

It is not necessary to repeat offense information in the Supplemental Segment as the count numbers in the Supplemental Segment are the same as those in the Judicial Segment where the offense information is recorded.

Court (Chief Executive) Disposition Date (CDD)

The date the case was finally disposed of by the court (sentence date), expressed in six numeric characters representing month, day, and year, is to be entered in the CDD field. For example, January 2, 1972, would be represented as 010272.

Court (Chief Executive) Disposition-Numeric (CDN)

See comments concerning CDN relating to the Judicial Segment, above.

Sentence Suspended (CSS)**Confinement (CMT)****Probation (CPR)****Fine (CFN)****Other Court Sentence Provisions-Literal (CPL)****Other Court Sentence Provisions-Numeric (CPN)**

See comments concerning the six fields identified immediately above as set out under the Judicial Segment.

APPENDIX C**GLOSSARY — A LIST OF USEFUL TERMS AND ELEMENTS AS USED IN THE REPORTS**

1. **Active Defendant** - A defendant who is available to be processed by the court; does not include those sought on warrants, in institutions, clinics, etc.
2. **Actual Judgeships** - The specific number of judges engaged in direct court business during the report cycle.
3. **Amount of Bond** - The dollar amount set for the bond, if any.
4. **Appeals** - It is important to capture some information with respect to appeals in the trial court component of the state judicial information system, as well as in the appellate court component. Not only may there be time differences in implementing various components of the SJIS, but the final structure itself may be facilitated if some limited appellate information, particularly whether or not the case is appealed and to which higher court it is appealed, is added to the original data base. The OBTS module has no appellate data elements, so there can be no tracking of defendants through the entire court system.
5. **Authorized Judgeships** - The actual number of assigned, available judicial positions in a particular jurisdiction; as compared to item No. 2.
6. **Auxiliary Personnel** - Persons other than the judge who may be involved in processing and deciding a case.
7. **Case Age** - Measured from date the case is filed officially in court to the date of disposition.
8. **Case Title** - The names of the first listed plaintiff and defendant.
9. **Case Trial Units ("CTU")** - An alternative method of counting cases. It is an amalgam of arrests, indictments, counts and people disposed of as a single unit.
10. **Case Type** - This category is going to require more definitional effort in the individual states. The major types of civil cases are broken down into more refined categories. The major categories should be reported. The more detailed categories may be used for internal purposes if desired.
11. **CCH - (Computerized Criminal History)** - An automated information system containing identification, arrest, disposition and correctional information on persons arrested and finger-printed.
12. **CDS - (Comprehensive Data System)** - A multi-part funding program developed by LEAA to promote the state-level development of information systems dealing with offender identification, criminal history data and statistical analysis of the criminal justice process.
13. **Consolidated** - The grouping of charges or cases together.
14. **Court Count Number** - Court numbers begin with the number 01 for the first offense charged at the time of trial. Each count number serves to identify a set of data relating to one offense charged at the time of arrest. See CCH definitions.
15. **Court of General Jurisdiction** - Those courts whose jurisdiction includes all civil and criminal business. Such courts may utilize dollar minimums in civil cases and penalty classification minimums in criminal cases.
16. **Court of Limited Jurisdiction** - Those courts whose jurisdiction is restricted either by constitution, statute or procedure to specific types of judicial activity. Examples include juvenile courts, justice of the peace courts, civil courts with dollar limits, etc.
17. **Disposition** - A term used to indicate that a decision has been reached about a civil case or criminal charge. Examples are: guilty plea, jury verdict and judgement.
18. **General Offense Character and Court Offense Classification** - See CCH definitions. This information will have to be recorded at each stage offenses are recorded. The FBI's Uniform Offense Codes should be used at the two-digit level if no detail is possible.
19. **Inactive Defendant** - A defendant who is unavailable to the court for processing, usually out on a warrant, in an institution, etc.
20. **Judge Days** - The number of actual judgeships

(item #2) times the number of days on which the judges sat.

21. **Lead Case** - The surviving or major case resulting from consolidation.
22. **Motions** - Motions are broken down generally into procedural motions and substantive motions. More definitional work needs to be done on the detailed breakdown of motion types.
23. **OBTS - (Offender Based Transaction Statistics)** - Part of the CDS program, OBTS is a methodology to analyze the criminal justice process using the movement of individuals through the criminal justice system as the unit of measure.
24. **SAC - (Statistical Analysis Center)** - A component of the CDS program, the SAC is intended to serve as a state-level focal point for statistical analysis of the criminal justice process.
25. **Trial Commencement** - Jury trials are defined as commenced when the panel is sworn for the case. Non-jury trials commence with the swearing of the first witness.
26. **Trial Completion** - Trials are defined as completed when a verdict is reached, or a judge sitting without a jury makes a decision of guilt or innocence, including direction of verdict for defendant. If there is no decision on the merits, e.g., if the defendant pleads guilty during trial, then trial completion should not be reported although a disposition will be reported.
27. **Voir Dire Commencement** - Voir Dire commences when the first juror is questioned.
28. **Uniform Offense Classification Categories** - FBI system which categorized all significant criminal activities into a standard set of offense types.

PART C
GRANT AWARDS,
EVALUATION AND MONITORING
SUBCOMMITTEE REPORT

PART C
**GRANT AWARDS,
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SUBCOMMITTEE REPORT**

Introduction

In February 1974, at the third meeting of the State Judicial Information Systems Project Committee in San Francisco, California, the committee membership was divided into three subcommittees. The Grant Awards, Evaluation and Monitoring Subcommittee was composed of five members, none of whom represented states participating in the project, but all of whom had a background in judicial information system development. The broad charge of the subcommittee was to review grant applications of the eleven states and to set up procedures for monitoring and evaluating the projects in the states. This report narrates the approach taken by the subcommittee in its work from March 1974 to the present time. It also states some of the administrative difficulties encountered by the subcommittee during attempts to assist the states to procure LEAA funds and some general observations about the grant application process during Phase I of the SJIS Project.

I. Preparation for Grant Application Review

Early in the project, the subcommittee requested a one-page summary from each of the states explaining their level of development in court management information systems. The purpose of this request was to give the subcommittee members a general idea of the status of each of the states in terms of statewide information systems development.

The subcommittee next attempted to develop requirements for the grant application. These guidelines were broad enough to apply to all states, even though the subcommittee knew there would be great diversity among the various applications. The following is a list of requirements developed by the subcommittee and accepted by the Project Committee.

1. Two of the stated goals of the project should be (a) to design and implement a statewide judicial information system to serve state courts administration, and (b) to design and implement the court segment of OBTS/CCH. Plans for implementation were to be detailed as to estimated dates, pilot sites and expected results of initial testing. Testing in both an automated and a manual environment was encouraged.
2. An intention to utilize the work products of the Systems Design and Requirements Analysis Subcommittees should be indicated. This require-

ment was set to satisfy concerns that each participating state benefit from the expertise of the members of the other SJIS Project subcommittees and that no unnecessary duplication of effort occurs.

3. An intention to form an Advisory Committee to supervise and review the project. The subcommittee members felt that such a committee was essential to guide the project, particularly in policy matters. The members also felt that each organization involved in the gathering of information should be represented on the Advisory Committee.
4. An indication of whether the courts would utilize a shared or dedicated computer. Since most of the states were utilizing a shared computer, the subcommittee, after reviewing the early grant applications, also requested that the grant indicate an awareness of potential problems of judicial involvement in a shared computer environment. Guarantees of reasonable court priority in the processing of data and the preparation of reports was a major concern. The subcommittee recommended that a written commitment for such priority be obtained. The subcommittee also requested assurance that court personnel would have control over judicial information. While most information collected by courts is a matter of public record, the subcommittee members were concerned with safeguards employed to avoid automated manipulation of this information by persons outside the court system to the possible detriment of the courts.
5. A detailed description of existing court facilities and staff to be used in the project. The subcommittee consistently urged the use of project funds to develop and/or expand in-house capability in systems development.
6. A detailed budget to present a clear picture of exactly how money was to be spent. The subcommittee was particularly interested in detail regarding consultants—that is, exactly what functions they would perform and what “deliverables” their services would provide.
7. An intention to submit a detailed work plan within ninety days of the grant award. The subcommittee was sympathetic to the fact that because the goals of the project represented inno-

vation, they were difficult to detail at the beginning of the project.

II. The Actual Review

The grant application review procedure was as follows:

1. Each state was requested to mail a copy of the grant application to each subcommittee member at least one week in advance of the project meeting. This enabled the subcommittee to review the grant in detail prior to the meeting.
2. At the subcommittee meeting the grant application was reviewed in the presence of the project state representative. Some states also invited representatives of their state planning agencies and/or LEAA regional representatives to attend the review meeting.
3. In some instances, the subcommittee imposed "conditions" which it felt were necessary for achievement of project goals. In some instances, it made "recommendations" which were not mandatory, but rather were intended to assist the states. In addition, two standard conditions were imposed on all states: (a) necessity for quarterly reporting and (b) requirement to submit a detailed work plan within ninety days of the grant award.
4. If the subcommittee generally approved the grant application and felt its conditions and recommendations were fairly simple, it would recommend that the full Project Committee approve the grant. Following that approval, a letter was sent to the project state formalizing the SJIS approval and presenting any recommendations and conditions.
5. If the subcommittee did not approve a grant application, the state was asked to modify portions of it or to add any additional information the subcommittee wanted. In this instance, the subcommittee conducted a second review of the application at the next project meeting.

III. Post-approval Activity

Much more time than was anticipated was spent dealing with problems that arose in the states subsequent to subcommittee approval of their applications. Very often these problems arose because the applicant states were not informed of the grant approval process and because the approving agencies had a different set of priorities than the applicant states (discussed in more detail below).

Between project meetings, staff to the subcommittee was in constant contact with state representatives and subcommittee members to coordinate resolution of the problems that had arisen. States that were having particular problems with their SPA's, LEAA regions, or LEAA Washington were encouraged to contact the subcommittee through staff for help in eliminating bottlenecks in the approval process.

The subcommittee worked often and effectively with Bill Herndon, LEAA Project Monitor. His constant availability by phone and his continued presence at the subcommittee meeting were of a valuable assistance in expediting the grant approval process.

IV. The Grant Approval Process After SJIS Approval

Initially, there was confusion about the path a grant application should follow to final approval after it had been approved by the Grant Awards, Evaluation and Monitoring Subcommittee. The procedure that was finally established in the summer of 1974 was:

1. Submission of the application to the State Planning Agency (SPA).
2. Submission by the SPA to the appropriate LEAA Regional Office.
3. Forwarding of the application by LEAA Region to LEAA Washington (Statistics Division) for final approval.

It was originally anticipated that the applications of the states would be submitted to the subcommittee from January to April 1974, that final approval of the grants would come shortly thereafter and that by mid-1974 all of the states would be starting their projects. The delay in establishing the grant approval procedure seriously distorted this timetable.

Further, the grant approval process itself turned out to be extremely time consuming. The waiting periods both in the state planning agency and in the federal approval process resulted in additional delays both in the states' projects and in the national project. The on-site visit dates are now projected to commence in the fall of 1975 and continue through the summer of 1976.

SJIS GRANTS

V. Problems of the Multi-tiered Grant Approval Process

At this point, it is appropriate to comment on the difficulties involved in the step-by-step approval of these grants. These comments are intended to serve two purposes (a) to pinpoint causes of administrative delay and confusion, and (b) more importantly, to avoid these same problems during Phase II of the SJIS Project.

The procedures dictated for final grant approval failed to consider several potential areas of disagreement among agencies:

1. Many of the states had Comprehensive Data Systems (CDS) Committees that were interested in having a voice in the approval of the SJIS grants, which represented to them the court component of such systems.
2. These CDS organizations had, to date, received a majority of funds allocated within the state for systems development. Since much money had been invested in CDS, the administrators had a further interest in assuring that SJIS grants were consistent with their goals.

SJIS GRANTS

STATE	SJIS APPROVAL	*LEAA APPROVAL	FUNDS RECEIVED BY COURT	WORK PLAN APPROVED BY SJIS
California	3/74	11/74	None	2/75
Florida	6/74	None	None	None
Georgia	5/74	10/74	3/75	2/75
Hawaii	4/74	11/74	1/75	6/75
Idaho	5/74	11/74	1/75	2/75
Louisiana	4/74	1/75	2/1/75 (pre-award costs to 7/74)	2/75
Massachusetts	7/74**	12/74	2/75	6/75
Minnesota	4/74	10/74	None	4/75
Missouri	6/74	11/74	11/74	11/74
New Jersey	10/74	5/75	None	4/75
Oregon	3/74	8/74	9/1/74	11/74

*Approval by the State Planning Agency in each project State came within two months after SJIS. Exceptions are: Florida (awaiting SPA approval since June 1974); Georgia (6 months); Missouri (3 months). New Jersey had received SPA approval *prior to* its admission to the Project.

**Grant approval in two parts.

3. The state planning agencies within the project states had a similar interest in the project both because of their usual approval and because of their support of CDS development.

4. The LEAA Regions had an approval function that involved close scrutiny of all CDS grants.

These procedures are normal and necessary for systematic distribution of federal funds within the states. However, the SJIS project had *two* goals, only one of which (the OBTS/CCH Module) impacted CDS development. The other goal—a goal more important to the state judiciaries involved in the project—was the development of statewide judicial information systems.

Disagreement between the participating states and these agencies as to whether the courts could use CDS funds *solely* for their own informational needs was almost inevitable.

The subcommittee was, by its very constitution, sympathetic to the goals of the courts. However, throughout the entire grant approval period the subcommittee was uncertain as to what weight their approval would carry in the event of a disagreement.

At its July 1974 meeting, the Project Committee adopted the following motion:

When any other Agency places conditions on any of the grants which have gone through the Grant Awards, Evaluation and Monitoring Subcommittee that are diametrically opposed to the goals and conditions imposed by the Subcommittee, members will meet with the proper persons and agencies to discuss and negotiate the differences.

If no compromise can be reached, the Project Committee, upon recommendation of the Subcommittee, will withdraw its approval of the application and so notify LEAA.

This motion was communicated to the Law Enforcement Assistance Administration by the SJIS Project Committee Chairman, Hon. Thomas J. Stovall, Jr. No direct response to this motion was received until February 1975 when LEAA informed the Subcommittee that this was the proper role for the SJIS Committee.

Even though some of the LEAA regional representatives were present at one or more project committee meeting, the tendency of the regions to confuse these grants with other CDS grants continued.

Phase II of the SJIS Project will involve assessment of all eleven projects as well as review and approval of the eleven states' Phase II grant applications and work plans. If anything was learned by this subcommittee in Phase I, it was that there *must* be mutual and complete understanding about the nature and purpose of this project among the following principals:

- (1) The SJIS Project Committee

- (2) LEAA Washington
- (3) The LEAA Regions
- (4) The State Planning Agencies
- (5) The CDS Committees Within Each State

The subcommittee recognizes its obligation to work closely with the state planning agencies and LEAA regions to develop an assessment plan for each project state. However, the legitimacy of the subcommittee for taking this initiative *must* be established by LEAA.

VI. Review of Workplans

One of the conditions of grant approval was that the state submit a detailed workplan within ninety days of final grant approval. The subcommittee formulated and forwarded the following guidelines for a workplan to each participating state:

Work Plan Guidelines

Detail

Identify all of the activities needed to achieve objectives and goals, describe them in detail, identify tasks necessary to attain a given objective, attach time schedules to each task, indicate person or persons responsible for each activity, and integrate all tasks into the total project plan.

Use six headings to cover all anticipated project activity.

- | | |
|---------------------------|--------------------------|
| I. Project Organization | IV. Implementation |
| II. Requirements Analysis | V. Project Evaluation |
| III. Design Phase | VI. Reporting Mechanisms |

Format

The frequent use of charts is recommended in the work plan. Simple critical path charts allow the subcommittee to easily identify the prerequisite activities for completion of a task or objective. Such charts are essential to assist the subcommittee in carrying out its monitoring functions.

Flexibility

While time frames should be specific, they should be flexible enough to permit revision during the course of the project. All deviations from the work plan should be clearly documented to facilitate evaluation.

Grant Conditions and Recommendations

All conditions and recommendations of the subcommittee imposed in individual grants should be specifically addressed in the work plan. The grant application itself and consideration of recommendations and conditions, together with the work plan should provide a good basis for evaluation.

Reporting Mechanisms

As a condition to obtaining approval of its grant, each state should report quarterly to the subcommittee on its progress. A final report will also be requested. This section of the work plan should delineate how and in what form these reports will be submitted. Successes and failures of the project should be documented. This section may also be used to present suggested methods of evaluation.

Planning for Evaluation

Each state should conspicuously indicate the best estimate possible of when it will be ready to receive

subcommittee evaluators. Prior to onsite visits there will be some coordination to avoid duplication of evaluations by LEAA regional offices, state planning agencies and our subcommittee.

The subcommittee used the same procedures to approve workplans as it did to approve grant applications.

To date, ten workplans have been reviewed and approved. The workplan for the Florida SJIS project has not yet been submitted.

VII. Other Subcommittee Activities

1. Monitoring

Recognizing the immense amount of reading required of the members, the subcommittee assigned each member primary monitoring responsibility for specific states. The primary monitor of each state is responsible for reviewing the quarterly progress reports of his states. He is also the initial contact for any problems or questions relating to his state.

The monitors are: California	}	Gary Goff
Idaho		
Florida	}	Charles McCarty
Georgia		
New Jersey	}	Hon. T. John Lesinski
Oregon		
Missouri	}	Phillip Winberry
Massachusetts		
Louisiana	}	Larry Polansky
Minnesota		
Hawaii		

2. Assessment
The revised on-site assessment schedule will take place approximately one year later than originally planned. A detailed assessment design is being prepared. During Phase I, the subcommittee determined the following areas for assessment.

- Information Needs and Data Utilization
- Policy
- Data Processing
- OBTS/CCH Module
- Data Collection

3. Observer States

Early in the project, LEAA expressed a willingness to finance the travel expenses of one representative of selected states interested in attending SJIS Project Committee meetings as an observer. The subcommittee developed selection criteria and then contacted the judiciaries of the thirty-nine non-participating states and extended invitations to observe Project Committee meetings. It received requests from interested states and forwarded, through the Project Committee, its information to LEAA for action.

The subcommittee put a very high premium on keeping its members as objective as possible in the work of the project to enable them to deal fairly with participating states. For this reason, the subcommittee members developed criteria for selecting observer states but did not recommend which states should be selected.

Likewise, the subcommittee members rejected the suggestion that they might somehow become involved in recommending to the Project committee the name of the state to replace Illinois when it withdrew from the project.

END

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