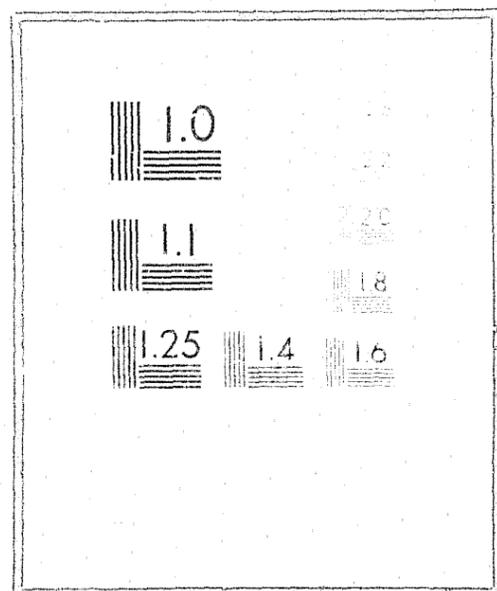


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## HIGH IMPACT ANTI-CRIME PROGRAM

### A PRIMARY SOURCE

## DESCRIPTION OF IMPACT CITY FELONY COURTS

### PRIOR TO PROGRAM INITIATION



JUNE 1975

81198

U.S. DEPARTMENT OF JUSTICE  
Law Enforcement Assistance Administration  
National Institute of Law Enforcement and Criminal Justice

**NATIONAL IMPACT PROGRAM EVALUATION**

**A PRIMARY SOURCE  
DESCRIPTION OF IMPACT CITY  
FELONY COURTS  
PRIOR TO PROGRAM INITIATION**

WARREN S.L. MOY

JUNE 1975

U.S. DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

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**MITRE**  
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ABSTRACT

The purposes of this report are: to profile the conditions of the felony courts in the Impact cities as they existed before the High Impact Anti-Crime Program was initiated; to identify some of the problems confronting these courts; and to relate these problems to the court programs selected by each city and implemented with Impact funds. The data and analysis presented in this report will provide a coherent context for assessing the outcomes of such court programs at the national-level. Summary descriptions of the objectives and functions of individual court programs are included.

MITRE Department  
and Project Approval:

Chas. Rubin

PREFACE

The High Impact Anti-Crime Program was launched by the Law Enforcement Assistance Administration (LEAA) in 1972 to reduce stranger-to-stranger violent crimes and burglary in eight large cities: Atlanta, Baltimore, Cleveland, Dallas, Denver, Newark, Portland (Oregon), and St. Louis. Crime reduction programs in these cities were formulated and implemented through a crime-oriented planning process which analyzed data relating to offenders, victims and the environment, assessed the needs of the criminal justice system and the community, and developed quantified and time-specific objectives for crime reduction.

The LEAA's National Institute and the MITRE Corporation are currently involved in a national-level evaluation of the Impact program. This evaluation provides for the examination of program processes and effects in the areas of planning, implementation and evaluation, both intra-city and inter-city as well as by functional areas, e.g., police, courts, adult corrections, juvenile corrections, among others. This report is one of the "functional area" studies which examines Impact-funded court projects across the eight cities.

The purposes of this report are: to profile the conditions of the felony courts in the Impact cities as they existed before the High Impact Anti-Crime Program was initiated; to identify some of the problems confronting these courts; and to relate these problems to court programs that have been formulated and implemented with Impact funds.

Data required to describe the status of Impact city courts have been drawn from primary sources, such as responses to questionnaires, master plans, and grant applications submitted by the individual cities. Quantitative data on caseload, disposition time, and methods of disposition have been compiled and cross-checked, using multiple reference sources, since the data questionnaires were only partially completed by many of the cities.

Analysis of the background data collected thus far indicates that the felony courts in the Impact cities, in 1971, shared many of the problems found in large urban courts throughout the country. The nature of these problems are discussed in the introductory section of this paper. A summary description of the conditions of Impact city felony courts is then presented in the second section, followed by a more detailed discussion of specific aspects (such as delays in disposition, felony prosecution rate, dismissal rate in relation to trial delay.) The objectives and functions of court programs/projects that have been formulated and implemented in each Impact city are highlighted in Section 4.0.

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## EXECUTIVE SUMMARY

When the Impact program was initiated in 1972, many courts in large urban areas were unable to administer justice either speedily, certainly, or fairly. New safeguards for defendants' constitutional rights, rapid growth in caseloads, inadequate resources and internal inefficiencies combined to create serious problems for the courts, giving rise to congested dockets, long trial delays, and implicit unfairness to poorer defendants. The courts responded by placing increasing reliance on plea negotiations to move cases, diverting as many cases out of the felony courts as possible, and conducting operations very much like an "assembly line." There was widespread public concern that whatever deterrent effect the judicial system might indeed have was rapidly diminishing. The Impact cities were afflicted with these problems to varying degrees.

To understand the specific problems and needs of the felony courts in each Impact city, it would be necessary to know the size of their workload, methods of disposition, the resources available and many other factors. Furthermore, performance measures such as disposition time, dismissal rates, and conviction rates need to be calculated to provide a quantitative basis for measuring the effects of new programs and identifying similarities and differences across cities. Some of this information was available from various source documents supplied by each Impact city. Parameters derived from this information form a composite profile of the felony courts in the Impact cities.

Information used in developing this profile was extracted without modification from Impact city submissions. The resulting profile shows that some of the Impact city felony courts were beset by serious problems in 1971:

- Case Disposition Time - It took more than six months in Baltimore, Cleveland, Dallas and Newark to dispose of a felony case from arrest to sentencing.
- Felony Prosecution Rate - Data from five cities disclosed that generally less than half of the defendants initially charged with felony offenses were prosecuted on the original charges.
- Trial Conviction Rate - There were significant differences in obtaining convictions at trials; guilty verdicts were returned in 95 percent of the trials in Dallas and Denver, but only 65 percent in St. Louis.
- Dismissal Rate - Cities with disposition times exceeding 6 months consistently showed higher dismissal rates, varying from 22 to 42 percent; the cities in this group included Baltimore, Cleveland, Dallas and Newark.

- Annual Caseload - The number of felony cases filed annually varied widely among the Impact cities; the filing rates in Atlanta, Baltimore, Dallas, and Newark ranged approximately from 5,000 to 10,000 cases a year, while the rate in Denver was the lowest among 8 cities.
- Case Disposition Rate - Atlanta and Cleveland were unable to keep up with the case filing rates, resulting in the addition of about 1,000 cases each to their backlogs at the end of 1971.
- Size of Backlog - Potential trial delays caused by backlogged cases ranged from 3 months in Atlanta to 12 months in Newark. Cities that carried comparatively large backlogs were the same cities that had serious trial delays. Dallas and Newark had a large number of "unapprehended" or "inactive" cases that could not proceed to trial because the defendants were at large or unavailable.
- Guilty Plea Rate - Three cities, Atlanta, Dallas and St. Louis disposed of more than 70 percent of their felony cases by guilty pleas.
- Trials - Less than 8 percent of the felony cases in Atlanta, Cleveland and Dallas were disposed by trials.
- Prosecutor Caseload - In three cities, Atlanta, Dallas and St. Louis, the prosecutors had excessively large caseloads; these three cities relied heavily on guilty pleas (70 percent) to move their cases.
- Judge Trial Caseload - The trial caseloads of judges in Baltimore and Denver were exceptionally high, 435 trials per judges per year in Baltimore and 229 in Denver; in four other cities; Atlanta, Cleveland, Dallas and Newark, judges tried 22 to 99 cases a year.

It is evident from the data presented in this report that in 1971 the felony courts in the Impact cities shared with many other urban courts such endemic problems as large caseloads, growing backlogs, trial delay, excessive plea bargaining, and low prosecution rates. However, these problems were more serious in some Impact cities than in others, with one city, Denver, appearing to be in a unique position of judicial capability. The more acute problems found in each Impact city are listed below:

- Atlanta
  - Large annual felony caseload
  - Reliance on guilty pleas
  - Excessive prosecutor caseload

- Baltimore
  - Trial delay
  - High dismissal rate
  - Large annual felony caseload
- Cleveland
  - Trial delay
  - High dismissal rate
  - Case backlog
  - Small trial caseload of judges
- Dallas
  - Trial delay
  - High dismissal rate
  - Large annual felony caseload
  - Case backlog
  - Reliance on guilty pleas
  - Excessive prosecutor caseload
- Denver
  - No serious problem evident
- Newark
  - Trial delay
  - High dismissal rate
  - Large annual felony caseload
  - Case backlog
- Portland
  - No obvious problem (Data lacking for conclusive assessment)
- St. Louis
  - Potential trial delay problem
  - Delay in sentencing
  - Reliance on guilty pleas
  - Low trial conviction rate
  - Excessive prosecutor caseload

When Impact-funded court projects are viewed against the conditions described in this report, it becomes clear in most cases, why particular types of court projects have been chosen in each Impact city. The rationale and objectives of court projects can generally be linked to some of the conditions prevailing in 1971. The data on case disposition, size of backlog, and volume of felony cases has shown that four Impact cities had trial delay and excessive backlog problems. Not unexpectedly, three of these four cities, Baltimore, Cleveland, and Dallas, have indeed allocated larger shares of their Impact funds to court projects than cities that did not have similar problems. (The allocation was 15.3 percent in Baltimore, 6.8 percent in Cleveland, and 20.4 percent in Dallas.) The fourth city, Newark, has allocated a much smaller percentage (4.4 percent) than the other three cities, because of the special nature of the trial delay problem in Newark. It seems that improvement of case processing functions in Newark's lower criminal court could produce significant reductions in total case disposition

time. Not having to commit large amounts of Impact funds for new felony courts accounts for the smaller share of Impact funds awarded to the court projects in Newark, in comparison to Baltimore, Cleveland, and Dallas.

St. Louis presents a special situation. Although speed of trial and backlog were less of a problem in St. Louis than in Cleveland and Newark, nevertheless, St. Louis has allocated a larger share of its Impact funds to the courts (8.5 percent) than those two cities. There are reasons for this. Trial delay could become a potential problem in St. Louis since the average number of days between arrest and sentencing was running close to 6 months. It had the lowest trial conviction rate among the Impact cities. Choosing to address several problem areas under the Impact program, St. Louis has decided to fund nine projects; this relatively large number of projects accounts for the higher percentage of Impact funds for the courts in St. Louis, compared to the allocations in Cleveland and Newark. Paradoxically, some of the basic problems such as heavy prosecutor caseload, low trial conviction rate and sentencing delay have not been addressed.

Impact cities which were not plagued by trial delays have focused their court projects on enhancing the "certainty" of justice through more effective prosecution. Atlanta, Denver and Portland belong to this group. Since prosecutor-related projects require fewer resources than do those projects involving the creation of new courtrooms, it is understandable why the percentages of Impact funds allocated to the courts area in Atlanta, Denver and Portland are smaller. The allocation was 1.3 percent in Atlanta, 2.1 percent in Denver, and 2.5 percent in Portland.

Besides addressing the problems of speed and certainty of justice, some of the Impact cities, Baltimore, Denver and St. Louis, have also directed attention at the issue of fairness, as it relates to bail. Pre-trial release projects have been funded in these three cities to reduce pre-trial detention.

Evaluative findings are now coming in to show how well each court project is achieving its objectives. These findings together with the background data and analysis presented in this report will form the basis for assessing the outcomes of court projects from a national perspective.

## 1.0 INTRODUCTION

At the time the Impact program was initiated in 1972, the court systems in this country were emerging from a decade of dramatic change, intense stress and critical self-appraisal.

Through a series of landmark decisions, the Supreme Court of the United States in the 1960's established higher standards of equal protection and due process in the investigation and prosecution of criminal offenses. An indigent accused now has the right to counsel while in custody and during all critical stages of adjudication. The legality of enforcement actions relating to arrest and searches, as well as confession, identification, and prolonged investigation are open to challenge by the defense through pre-trial motions. Evidence which might clearly demonstrate the guilt of a defendant is excluded at trial if it is adjudged to have been obtained illegally or tainted. These expanded safeguards for defendants' constitutional rights have an inevitable impact on the operations of the criminal courts - extending the trial process and consuming more resources in the disposition of each case. For example, data from Baltimore show that excessive motions add almost 30 days to case disposition time and statistics from the Los Angeles Superior Court indicate that a pre-trial motion hearing on illegally obtained evidence consumes more than half of the amount of in-court time for completing a non-jury trial, 51 minutes for a hearing on the average versus 96 minutes for a non-jury trial. (1) (2)

These changes came concomitantly with enormous growth in court caseloads. Rising crime rates, more civil litigations involving medical malpractice suits and auto injury cases, and enlarged court jurisdictions resulting from new legislation targeting consumer protection, environmental preservation and civil rights - all have contributed to multiplying the courts' workload.

The courts at all jurisdictional levels, local, state and federal, were unprepared to deal with this rapidly changing situation. Resources were inadequate, organization inefficient and procedures duplicative and antiquated. Speaking before an American Bar Association meeting in 1970, Chief Justice Warren E. Burger compared the way the courts were being operated to a "cracker-barrel corner grocer" trying to do business in a "supermarket age" with vintage 1900 methods and equipments.<sup>(3)</sup> He asserted that "the judicial process for resolving cases and controversies has remained essentially static for two hundred years." He further pointed out that historically, the courts had based their manpower needs on the premise that "approximately 90% of the defendants will plead guilty, leaving only 10%, more or less, to be tried." As defendants demand more trials, causing the guilty plea rate to drop to 80 or 70 percent, it becomes necessary to double or treble judicial manpower and facilities. He cited the experience in Washington, D. C. to demonstrate how unworkable the premise is. He reported that in 1950, 3 or 4 judges in Washington were capable of handling all serious criminal cases, but by 1968, when the guilty plea rate dropped to 65 percent, 12 judges were assigned to the criminal calendar and could hardly keep up with the caseload.

Thus, new safeguards for defendants' rights, increased caseloads, and internal deficiencies in the courts combined to create serious operational problems, giving rise to congested dockets, long trial delays, and implicit unfairness to poorer defendants. The court system responded by placing increasing reliance on plea negotiations to dispose of cases and by diverting cases out of the felony courts to the lower courts or to informal probation programs. But the continued prospect of long delays (letting dangerous defendants, free on bail, continue to commit new offenses and remain a threat to the community) focused attention on the need for preventive detention measures. There was widespread public concern that whatever deterrent effect the judicial system may indeed have was rapidly diminishing.

There were critics within and outside the criminal justice system. Law enforcement officials attacked the courts for administering "revolving-door" justice, claiming that dangerous criminals were no sooner arrested than they were returned to the streets, and that the courts were therefore at least partly responsible for rising crime rates. Judges lamented that the American public still regarded the crime problem as a game of cops and robbers, believing that if the police were diligent, efficient and not hamstrung by liberal court decisions, they would be able to arrest more criminals and reduce crime. Yet the courts saw the real need as more sentencing alternatives, more and better trained and better paid judicial manpower, better facilities.<sup>(4)</sup> A presidential commission (The Kerner Commission) set up to investigate civil disorders added another voice. The commission report described the lower criminal courts as "partially paralyzed by decades of neglect, deficient in facilities, procedures and personnel, overwhelmed by the demands of normal operation. Some of our courts have lost the confidence of the poor...dispense 'assembly justice'...the apparatus of justice in some areas has itself become a focus for distrust and hostility."<sup>(5)</sup> Although these criticisms were not universally applicable (and were not meant to be so), many of the problems noted were real and pervasive in the 1960's and existed in some of the Impact cities when the program was introduced. For example, a survey conducted by the Institute for Court Management (ICM) in Newark-Essex County courts in May 1972 attributed trial delay to the following problems, among others:

- The lack of continuous coordination among the various elements of the adjudication process.
- The lack of resources in the public defender's office.
- Inadequate municipal court facilities.
- Inadequate support staff to carry out the functions of administration, record-keeping, information dissemination and coordination.

The ICM study concluded that the courts were saturated and that unless the deficiencies noted are remedied, an increase in apprehensions,

resulting from intensified enforcement activities under crime reduction programs would cause the number of convictions to decline as a matter of necessity. Still more importantly, perhaps, "the deterrent effect of the probability of conviction would be reduced."<sup>(6)</sup> The implication is clear: an increase in arrest rates in a city such as Newark, though a worthwhile goal in itself as part of a crime reduction effort, might hurt rather than enhance the effectiveness of the overall criminal justice system. It might, in fact, create deleterious side-effects, reinforcing the "revolving-door" justice image of the system, when increased apprehension rates are accompanied by lower conviction rates.

The relationships between crime rates, apprehension rates and the probability of imprisonment have been analyzed in a study of the deterrent effect of criminal law enforcement by Issac Ehrlich.<sup>(7)</sup> This study has found that crime rates do not correlate with clearance rates, i.e., crime rates do not increase nor decrease consistently in relation to changes in clearance rate. On the other hand, a higher probability of apprehension and imprisonment (regardless of length of sentence) seems to be associated with lower rates of violent crimes. It is conceivable that a higher imprisonment rate can lead to lower crime rates by putting criminals out of circulation, especially those habitual offenders who commit disproportionately large number of crimes. However, Ehrlich concludes that this effect alone cannot account for the extent of the correlation between probability of punishment and crime rates. He believes that a genuine deterrent effect is operative on potential criminals when stronger court follow-up actions are pursued after arrests. The implication is: court backlogs, prevalence of plea bargaining, intensity of prosecution effort, and judicial decisions have more special and general deterrent effects on rates of violent crimes. In the next section, these parameters and others are examined in relation to the eight Impact cities, based on descriptive data provided for the year 1971, one year before the initiation of the High-Impact Anti-Crime Program.

## 2.0 SUMMARY DESCRIPTION OF FELONY COURT CONDITIONS

To understand the specific problems and needs of the felony courts in the Impact cities, it is necessary to know something of the agencies involved, of the principal steps in case processing, of the size of the workload, of the disposition methods and of the resources available. Furthermore, performance measures such as rejection rates, dismissal rates, conviction and sentencing rates must be calculated to provide a quantitative basis for measuring the effects of new programs and comparing similarities and differences across multiple court systems.

In making across-city comparisons, it must be realized that eight different court systems are being described. Each state in which an Impact city is located has its unique court system structure. Not only do the structures and jurisdictions of the felony courts differ from one city to another, there may also be significant legal and procedural differences that render simple quantitative comparisons across systems inappropriate. A further complication arises from the myriad ways in which workload data and performance statistics are kept, not only by different courts but also by different agencies within the same court system. It is not always clear whether the basic work unit may be indictments, defendants, or cases.

Secondly, there are many gaps in the source data provided by Impact city court agencies. Frequently missing are important data such as dismissal rates at different stages of the adjudication process, the reasons for dismissal, the average number of continuances per case, the average recycle time for a new hearing or trial date, the percentage of defendants who plead guilty to the original, most serious felony charge, etc. Generally, it has been found that municipal courts or prosecutors' offices had more complete data than felony courts. There were virtually no data on public defenders. Information used in developing this profile was extracted without modification from the

various source documents supplied by the Impact cities. When two agencies within the same city provided conflicting data, judgment was exercised in selecting the more consistent source.

A very important third point to be noted is that the internal dynamics of a court system are often invisible to an outside observer. Only a person intimately familiar with the local environment and the history of a particular court system can give a realistic picture of how things actually work, who are the key decision-makers, and what are the underlying factors that explain system behavior. In other words, formal descriptions of a system as gleaned from documents and statistics may be very different from the real system.

Given the foregoing limitations, the profile of felony courts in the Impact cities presented in this report is at best tentative. Feedback from personnel in the Impact cities and from others who have special knowledge of a particular court system is invited, so that the completeness and accuracy of the data making up the profile can be improved and the analysis made more informative and useful. Key findings on the conditions of Impact city felony courts in the year 1971 are summarized below, and shown in tabular form in Figure 1 (see page 11).

#### 2.1 Case Disposition Time

The disposition time for felony cases (defined as the average number of days from arrest to sentencing) exceeded six months in Baltimore, Cleveland, Dallas and Newark. Proceedings in the lower criminal courts and in grand jury indictment deliberations contributed significantly to the delay problem in Newark. In contrast, the disposition time ranged from 2 to 3 months in Atlanta, Denver, and Portland with Atlanta reporting the shortest disposition time of 62 days.

#### 2.2 Felony Prosecution Rate

Cleveland reported a 75 percent felony prosecution rate (defined as the percentage of defendants prosecuted in the felony courts who were initially charged with felony offenses), the highest among five cities that provided data for calculating this rate.<sup>1</sup> The rate in Baltimore was 44 percent, in Denver 40 percent, in Newark 56 percent, and in St. Louis 42 percent. These statistics show that felony defendants had about an even chance of being released from further prosecution or tried on misdemeanor charges. The felony prosecution rate is one of the parameters that determine the "risk of punishment" to a defendant charged with a felony.

#### 2.3 Trial Conviction Rate

At trial, Dallas and Denver showed extraordinarily high conviction rates (defined as the percentage of trials resulting in a guilty verdict) reaching 95 percent. St. Louis lagged behind other cities with a 65 percent conviction rate. The rates in Baltimore and Cleveland were 85 percent and 73 percent, respectively.

#### 2.4 Dismissal Rate

Cities with disposition times exceeding 6 months consistently showed higher dismissal rates, varying from 22 to 42 percent. The cities in this group included Baltimore, Cleveland, Dallas and Newark. These statistics seem to substantiate the generally accepted belief that trial delays weaken the prosecution's cases.

#### 2.5 Annual Caseload

The number of felony cases filed annually varied widely among the Impact cities. The filing rates in Atlanta, Baltimore, Dallas and Newark ranged approximately from 5,000 to 10,000 cases a year. Denver

<sup>1</sup>The other 25 percent was either dismissed, diverted, or reduced to misdemeanors.

had the lowest input rate of 2,568 cases. The input rate in each city may have been affected by many factors: the age distribution of offenders charged with high incident offenses such as burglary, robbery, and aggravated assault; the age jurisdiction of the juvenile court; the jurisdiction of the lower criminal court (whether it tries all cases with one year maximum imprisonment, or three, or five years); the right of defendants convicted of misdemeanor charges to get an automatic trial de novo on appeal.

#### 2.6 Case Disposition Rate

Disposition rates (defined as the number of cases disposed per year) were closely matched with case filing rates in Denver, Newark and Dallas. It was necessary for Newark and Dallas to maintain such a balance, because those two cities already had large case backlogs. Atlanta and Cleveland were unable to keep up with the case filing rate, resulting in the addition of about 1,000 cases to their backlogs at the end of 1971. Baltimore and St. Louis disposed of more cases than the number of new filings, thereby reducing their backlogs by 2,000 and 500 cases respectively.

#### 2.7 Size of Backlog

Potential trial delays caused by backlogged cases ranged from 3 months in Atlanta to 12 months in Newark. Cities that carried comparatively large backlogs were the same cities that had serious trial delays. Dallas and Newark had a large number of "unapprehended" or "inactive" cases that could not proceed to trial because the defendants were at large or otherwise unavailable (4,875 cases in Dallas and 1,874 cases in Newark). Dallas was particularly alarmed by the bail skip-rate in that city.

#### 2.8 Guilty Plea Rate

Three cities, Atlanta, Dallas and St. Louis disposed of more than 70 percent of their felony cases by guilty pleas. The guilty plea rate in other cities ranged from an unusually low 18 percent in Baltimore to 66 percent in Cleveland.

#### 2.9 Trials

Less than 8 percent of the felony cases in Atlanta, Cleveland and Dallas reached trial. In contrast, Baltimore tried a majority of its cases (53 percent). The high trial rate in that city may be partly attributed to its practice of submitting a case for trial on an "agreed statement of fact," obviating the time-consuming process of taking testimony at trial.<sup>2</sup> Automatic right to a trial de novo on appeal from the lower criminal court may have added to the trial caseload in Baltimore as many as 500 to 1,000 trials, based on past statistics. However, there were no statistics to show how many trials de novo were actually conducted in 1971. Even discounting trials de novo, Baltimore still showed a trial rate which was 2 to 4 times the rates in other Impact cities. Denver had the next highest trial rate, 36 percent.

#### 2.10 Prosecutor Caseload

The prosecutor caseload is derived from the annual volume of cases disposed divided by the number of full-time prosecutors in an office. It was not excessive in five cities: Baltimore, Cleveland, Denver, Newark, and Portland. In contrast, the caseloads in three cities were abnormally high: 148 in Dallas, 163 in St. Louis, and 287 in Atlanta. These three cities relied heavily on guilty pleas (70 percent) to terminate their felony cases. Thus, excessive prosecutor caseload may be a prime factor affecting the rates of guilty pleas.

<sup>2</sup>An "agreed statement of fact" is negotiated between the defense and prosecution before trial; for that reason, it can be interpreted as an alternative form of plea bargaining subject to judicial supervision.

2.11 Judge Trial Caseload

The trial caseloads of judges in Baltimore and Denver were unexpectedly high; 435 trials per judge per year in Baltimore and 229 trials per judge in Denver. In four other cities, Dallas, Newark, Atlanta and Cleveland, judges tried 22 to 99 cases a year, with Cleveland showing the lowest caseload. One important point to be noted is that Denver, despite the high trial caseload of its judges, did not have a trial delay problem. There were no data available to explain the high productivity of Denver judges.

A profile depicting the conditions of individual Impact city felony courts is presented in Figure 1. Each column in Figure 1 corresponds to one system parameter, e.g., disposition time, felony prosecution rate, and so on. In each column, parameter values are transformed into two categories: the first is representative of a normal condition, while the second is indicative of a potential problem or excess. For example, disposition time is divided into two categories: one less than 6 months, the other, greater than 6 months, which signals potential trial delay problems. A check-mark is used to indicate in which category the parameter value of a given city falls. Relationships among various parameters, e.g., "disposition time vs. dismissal rate," "disposition time vs. backlog," and "prosecutor caseload vs. guilty plea rate," can be visually detected by using the profile. Numerical data on each parameter for each city can be found in Section 3 below.

It is necessary to point out that some of the felony courts described in this report have county-wide geographic jurisdiction, encompassing an Impact city as well as surrounding areas; nevertheless, their caseloads consist predominantly of offenses committed in Impact cities. For example, 80 percent of the criminal caseload in the Newark-Essex County Superior Court was originated in the city of Newark. For this reason, the felony courts are identified throughout this report by the names of Impact cities, rather than by their official designation.

SECTION 3**	DISPOSITION TIME		FELONY PROSECUTION RATE		TRIAL CONVICTION RATE		DISMISSAL RATE		ANNUAL CASELOAD		BACKLOG		GUILTY PLEA		DISPOSITION BY TRIAL		PROSECUTOR CASELOAD		JUDGE TRIAL CASeload		
	<6 MO	>6 MO	<50%	>50%	<80%	>80%	<20%	>20%	<5000	>5000	<6 MO	>6 MO	<70%	>70%	<10%	>10%	<100	>100	<100	>100	
ATLANTA	✓		*	*	*	*	✓		✓		✓										
BALTIMORE		✓	✓			✓															
CLEVELAND		✓		✓	✓		✓														
DALLAS		✓		*		✓															
DENVER	✓		✓			✓					*										
NEWARK		✓		✓	*	*		✓		✓											
PORTLAND	✓		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
ST. LOUIS	✓		✓		✓		✓														

FIGURE 1  
A 1971 PROFILE OF FELONY COURTS IN IMPACT CITIES

\* NO DATA REPORTED.

\*\* NUMERICAL DATA VALUES FOR EACH PARAMETER ARE PRESENTED IN THE CROSS-REFERENCED SECTION 3 FIGURE OR TABLE.

### 3.0 ANALYSIS OF SPECIFIC CONDITIONS

The conditions of the felony courts in the Impact cities highlighted in Section 2.0 are further amplified here to bring out, whenever possible, the underlying factors behind differences and similarities among the Impact cities. The format of presentation remains the same as in Section 2.0; the system parameters, such as case disposition time, felony prosecution rate, or caseload are analyzed individually. Data are organized for presentation either according to the alphabetic sequence of the names of the cities, or arranged in some logical order to accentuate patterns and relationships. When data are missing, or estimated, for a particular city, this is so noted in each tabulation. In some instances, explanations for any perceived patterns or relationships are drawn from sources other than documentation supplied by the Impact cities. Some of these independent references are not contemporaneous with the Impact program; for example, one of the references cited in this section is a 1966 study of the Baltimore courts performed for the President's Commission on Law Enforcement and Administration of Justice. The analysis presented in this 1966 study may no longer accurately reflect the conditions of the Baltimore courts in 1971. However, lacking other more up-to-date sources, judgment is used to apply those findings from that study which offer at least some insights into the conditions in Baltimore as revealed by objective data gathered by the Impact program. This approach is justifiable on grounds that the analysis presented herein represents an attempt to understand the dynamics of the court systems in the Impact cities despite some gross failures in the availability of relevant data.

#### 3.1 Case Disposition Time

The disposition time of felony cases, measured in average number of days from arrest to sentencing, varied significantly among the Impact cities. Cases seem to have moved very rapidly through the court system in Atlanta, completing the disposition process in 62 days. In contrast, Dallas topped all cities in the amount of time required to

dispose of a case - 330 days. The median value was 185 days, or approximately six months, which means that in four Impact cities, the disposition time exceeded six months. There was clearly a delay problem in these four cities: Baltimore, Cleveland, Dallas, and Newark, considering that six months represents a reasonable standard for "speedy trial." When the model timetable (less than 3 months) recommended by the President's Commission is applied, only three cities -- Atlanta, Denver, and Portland -- would have met such a speedy trial standard in 1971. The disposition time for each city is displayed in Figure 2.

There are noticeable time variations at different stages of the disposition process among court systems. Although some cities have not provided data for each stage separately (i.e., time required to complete initial appearance, preliminary hearing, grand jury indictment, etc.) there are sufficient data to isolate apparent bottlenecks in the disposition process. Some of the patterns that are discernible are summarized below.

#### 3.1.1 Arrest to Arraignment in Felony Court

It is at these early stages that the criminal justice agencies have the most direct control of the movement of cases through the system, with minimum influence exerted by the defense. Yet Atlanta and Denver were the only two cities able to complete these preliminary stages before felony court arraignment in less than 17 days as recommended by the President's Commission. In other Impact cities, felony cases consumed 40 or more days in the lower courts and awaiting grand jury indictment. In Newark, an extraordinary amount of time was required for a felony case to reach the arraignment stage - 165 days, which accounted for more than half of the total disposition time of 315 days in that city.

Speedy processing in early stages was accomplished through efficient grand jury presentation in Atlanta and through the elimination of indictments in Denver.

CITY	AVERAGE NUMBER OF DAYS BETWEEN STAGES					NUMBER OF DAYS ARREST TO SENTENCE
	ARREST / PRELIMINARY HEARING	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCING	
ATLANTA	12			50		62
BALTIMORE		180			15	195
CLEVELAND		42		210	30	282
DALLAS	40			290		330
DENVER			3	90	3	96+
NEWARK*	165		15	105	30	315
PORTLAND			30	30	21	81+
ST. LOUIS		9		105	60	174

FIGURE 2  
1971 FELONY CASE DISPOSITION TIME IN IMPACT CITIES

\* LENGTHY DELAY IN LOWER CRIMINAL COURTS.

In Atlanta, grand jury presentation is made on the same day as the preliminary hearing when a defendant is bound over to the felony court. The indicting grand jury is properly staffed to provide this type of quick response.

In the State of Colorado, where Denver is located, any offense against the state may be prosecuted by indictment or information. At the time of an accused's initial appearance, he is advised of his right to file a motion requesting a preliminary hearing. If after expiration of the 10-day period, no motion for preliminary hearing is filed, the accused is bound over for trial. If the accused has either failed to file a motion for preliminary hearing or has been bound over for trial following a preliminary hearing, the information may be filed without leave of court. (8)

It would appear that Newark has taken remedial steps since the end of 1971 to reduce delays in the early stages. The city's grant application for "Special Case Processing for Impact Offenders," dated 19 August 1974, indicates that a two-and-one-half month reduction in grand jury delay was achieved through the efforts of the Complaint and Indictment Section in the prosecutor's office; this unit screens cases and aids police in determining appropriate charges. Moreover, a court administrator has been appointed to the municipal court.

### 3.1.2 Arraignment in Felony Court

It is surprising to find that arraignment, which is an administrative proceeding, encountered as much variation in processing time as indicated by the data from Denver, Newark, and Portland; it took three days to complete this stage in Denver, as opposed to 30 days in Portland. Generally the amount of time required to complete arraignment is dependent on how quickly a defendant can retain counsel. Delays at this stage would thus seem to reflect the unavailability of defense

counsel. Furthermore, discontinuity of case assignment for both the defense and the prosecution, as a felony case moves from the lower court to the trial court, would also contribute to delay at the arraignment stage.

### 3.1.3 Trials

As expected, the trial stage consumed a large portion of the total disposition time in most cities. However, the number of days that a case required to move from the completion of arraignment to trial differed greatly from one city to another. It took 30 to 50 days to schedule and dispose a case by trial in Atlanta and Portland, compared to 210 days or more in Cleveland and Dallas. The number of pre-trial motions filed, the size of the court backlog and the number of continuances granted to the parties, are all key factors that influence the processing time at the trial stage. An evaluation study in Baltimore showed that excessive pre-trial motions added an average of 30 days to disposition time while continuances contributed about 40 days.<sup>(9)</sup>

### 3.1.4 Sentencing

Six of the eight cities reported that sentencing was completed within 30 days after trial. Thus, only limited reduction in disposition time would be achieved in these cities if processing time at this stage were shortened. Denver had an unusual situation -- sentencing followed within 2 to 3 days after conviction. Either pre-sentence investigation was not frequently required (or felt to be required) in Denver, or it was carried out very efficiently. (Infrequent use seems to have been the prime factor. Denver has funded a diagnostic center under Impact and interim evaluation results show that there was a lack of referrals from the District Court.) St. Louis was the only city which experienced considerable delay at the sentencing stage relative to total disposition time (60 days for sentencing, compared to 174 days for total disposition). It is not clear from the data what caused

this delay in St. Louis, whether it was due to motions for new trials, the amount of lead time required to complete a pre-sentence investigation, or the shortage of personnel.

### 3.1.5 Effect of Bail

Most Impact cities indicated that the bail status of a defendant affected speed of disposition; generally higher priority was assigned to jailed defendants in scheduling cases. In Atlanta, it took 30 to 35 days to dispose of a jailed defendant's case from the date of indictment, compared to 122 to 152 days for bailed defendants. However, in Baltimore, the bail status of a defendant apparently had no effect on disposition time; both jailed and bailed defendants were processed at almost the same speed through the system. In Portland, a 60-day speedy trial rule for detained defendants went into effect in January 1972.

A summary description of speedy trial rules in effect in Portland as well as in other Impact cities appears in the Appendix to this report.

### 3.2 Felony Prosecution Rate

The felony prosecution rate is the percentage of defendants initially charged with felony offenses who are ultimately prosecuted in a felony court. It is determined by the percentages of felony cases dropped out of the system through charge reductions, dismissals, "no-bills" and nolle pros. It is one of the key factors that determines an overall "risk of punishment" imposed by the court. Such risk may be conceptually viewed as a product of three factors:

$$\text{"Risk of Punishment"} = \text{Felony Prosecution Rate} \times \text{Conviction Rate} \times \text{Felony Sentence Rate}$$

As the above relationship implies, a low felony prosecution rate can seriously discount the overall risk, thereby reducing the deterrent value of criminal sanction. The felony prosecution rate is also an important factor in regulating the caseloads of the felony court; a 5 to 10 percent change in the prosecution rate could produce wide-ranging perturbations throughout the court system in a large urban city.

The "conviction rate" reflects that percentage of felony cases disposed of by guilty pleas and trial convictions, while the "felony sentence rate" indicates the frequency in which prison terms longer than a year are imposed upon conviction. As an illustrative example, consider a hypothetical city with the following statistics: 15 percent of the felony cases reduced to misdemeanors, 10 percent dismissed at preliminary hearings, 5 percent grand jury "no bills," and 20 percent dismissed or nol prossed after arraignment in the felony court. These statistics together determine a 50 percent felony prosecution rate, which is derived from (1 - 0.15 - 0.1 - 0.05 - 0.2). It is further assumed that of those prosecuted, 70 percent either pleaded guilty to or were convicted of at least one felony charge, and that upon conviction, prison terms longer than one year were imposed in 70 percent of the cases. The "risk of punishment" for a defendant initially charged with felony offenses in this hypothetical city would be:  $0.5 \times 0.70 \times 0.70$ , or equivalent to about 25 percent. Such a degree of risk may not appear very threatening to a potential offender. (The statistics cited for this hypothetical city are fairly representative of those reported by the eight Impact cities.)

Data required to compute felony prosecution rates were supplied by only five Impact cities. The computed rates for these cities are presented in Table I. As Table I shows, Cleveland stands out as the city with the highest felony prosecution rate - 75 percent. The rates in the other four cities, Baltimore, Denver, Newark, and St. Louis, fell in the range of 40 to 56 percent. What these rates imply is that alleged felons in those four cities had an almost even chance of being set free or tried on misdemeanor charges. Should they be convicted in the lower criminal court, they would receive a much lighter sentence than warranted by the gravity of the offense originally charged.

TABLE I  
FELONY PROSECUTION RATES

<u>CITY</u>	<u>PERSONS CHARGED WITH A FELONY</u>	<u>PERSONS PROSECUTED ON A FELONY</u>	<u>PERCENT FELONY PROSECUTION</u>
BALTIMORE	9,100	3,900	44%
CLEVELAND	3,600	2,700	75%
DENVER	3,500	1,400	40%
NEWARK	6,180	3,402	56%
ST. LOUIS	10,402	4,357	42%

NOTE: NO DATA FROM ATLANTA, DALLAS, PORTLAND

A low felony prosecution rate may be attributed to many causes, among them:

- Excessive felony arrest charges by the police.
- Investigative work failing to secure substantive evidence to support the conviction of at least one of the original felony charges.
- Prosecutor delaying case review until later stages of the adjudication process.
- Selective prosecution policy to regulate caseflow into a congested felony court, or to conserve prosecution resources for the prosecution of strong cases.
- Uncooperative or unreliable witnesses and/or reluctant complainants.

Less frequent use of felony arrests by the police and prosecutor screening actions before filing formal charges could have explained the high felony prosecution rate in Cleveland. Apparently, office hearings were held in the prosecutor's office in Cleveland, "whereby the complainant and accused are summoned into the office to discuss their grievance with an eye towards amicable solutions."<sup>(10)</sup>

### 3.3 Trial Conviction Rate

The trial conviction rate is the percentage of trials resulting in a guilty verdict; guilty pleas are excluded from this rate. (It is to be noted that this "trial conviction rate" is different from the "conviction rate" discussed in Section 3.2, due to the exclusion of guilty pleas.) The trial conviction rate is important because relatively few felony cases reach trial and the outcome of those trials is highly visible and vitally affects the public image of criminal justice. Low conviction rates, as well as light sentences are equated in the public mind with ineffectual justice.

Among the Impact cities, Dallas and Denver reported unusually high percentages of guilty verdicts, reaching 95 percent. The rate dropped to 85 percent in Baltimore, 73 percent in Cleveland, and to a minimal 65 percent in St. Louis. As a group, these five Impact cities showed higher conviction rates than those reported by large urban courts in Los Angeles County and Philadelphia.

The high guilty plea rate of 71 percent in Dallas, coupled with a 95 percent trial conviction rate, seem to indicate that the prosecutors in that city preferred to take only strong cases to trial. In turn, consistently high trial conviction rates might have compelled most defense counsels to seek the most favorable terms for their clients through plea negotiations.

The situation in Denver was somewhat different from that in Dallas. Denver had an equally high trial conviction rate, 95 percent, but the guilty plea rate was comparatively low, at 51 percent, and the dismissal rate was less than 10 percent. Putting these figures together with the absence of trial delay, it is reasonable to conclude that efficient operation, vigorous prosecution, and speedy trials probably accounted for Denver's high conviction rate.

The situations in Baltimore, Cleveland, and St. Louis were more difficult to analyze from primary-source data. There are three types of trials in Baltimore: (a) normal adversary proceedings, (b) submissions on agreed statement of fact, and (c) trial de novo for appeals from the lower court. The second type of trial has been characterized as an alternate form of guilty plea and may have accounted for a large percentage of the trials. For that reason, trial conviction rate in Baltimore does not give a direct indication of prosecutor winning power at an adversary proceeding.

Among the five cities listed in Table II, Cleveland conducted the smallest number of trials. The types of cases tried could have had a significant effect on the trial conviction rate in that city.

The comparatively low trial conviction rate in St. Louis might be attributable to one or more of these factors: the types of offenses tried, the capabilities of the defense counsels vis-à-vis the prosecutors, and the possibility that judges in that city upheld a higher standard of proof.

#### 3.4 Relationship Between Dismissal Rates and Trial Delays

When the dismissal rates, ranked in descending order, and the disposition time in each city are listed side-by-side as shown in Table III, one general but important relationship emerges. As a group, cities with disposition times exceeding six months (Baltimore, Cleveland, Dallas, and Newark) consistently reported higher dismissal rates than cities with shorter disposition times.

The dismissal rates in the "greater than six months" group ranged from 22 percent in Dallas to 42 percent in Newark, in contrast to rates of 10 to 20 percent in the second group (Atlanta, Denver, and St. Louis; no data from Portland).

The data presented in Table III provide some quantitative evidence to support the generally accepted belief that long trial delays weaken the prosecution's cases, leading to dismissals. It is important to note that trial delays are symptomatic of other problems which could have affected the dismissal rate. For example, inadequate case screening at early stages, poor case preparation due to an excessive caseload, failure to locate key witnesses or notify them of scheduled court appearances - these are some of the operational problems that could contribute to trial delays and high dismissal rates.

TABLE II  
TRIAL CONVICTION RATES

<u>CITY</u>	<u>NUMBER OF TRIALS</u>	<u>CONVICTION RATE</u>
BALTIMORE	3,911	85%
CLEVELAND	263	73%
DALLAS	691	95%
DENVER	915	95%
ST. LOUIS	420	65%

NOTE: NO DATA FROM ATLANTA, NEWARK, AND PORTLAND

TABLE III

## RELATIONSHIP BETWEEN DISMISSAL RATES AND TRIAL DELAY

	<u>CITY</u>	<u>PERCENT NOLLE PROS OR DISMISSED</u>	<u>DAYS OF DELAY</u>
CITIES WITH DISPOSITION TIME >6 MONTHS	NEWARK	42%	315
	BALTIMORE	29%	195
	CLEVELAND	25%	282
	DALLAS	22%	330
-----			
CITIES WITH DISPOSITION TIME <6 MONTHS	ATLANTA	20%	62
	ST. LOUIS	18%	174
	DENVER	10%	96+
	PORTLAND	NO DATA	81+

Another point to be considered is that certain types of offense, such as aggravated assault and rape, are known to have high dismissal rates. Therefore, when the caseload of a particular court system is comprised of a significant proportion of such offenses, it will not be surprising to encounter a high dismissal rate.

### 3.5 Caseloads In Impact City Felony Courts

Statistics on the caseloads of Impact city felony courts are tabulated in Table IV. They reveal large differences in annual caseloads across the cities. The annual new-case filing rate was found to be lowest in Denver, about 2500 cases, but surged to over 10,000 cases in Dallas. The eight cities can be classified into three groups according to filing rates:

- o 3,000 range: Denver, Portland, and St. Louis
- o 5,000 range: Baltimore, Cleveland, and Newark
- o 7,000 to 10,000 range: Atlanta and Dallas

With these classifications, it becomes evident that cities in the mid-west and western regions of the country had relatively light caseloads; cities in the eastern part of the country fell in the mid-range of 5,000 felony cases per year; and cities in the south and southwest experienced large caseloads, 2 to 3 times those in the mid-western and western regions.

Variations in felony caseloads among the Impact cities may be attributed to differences in a large number of factors, among them:

- o The level of criminal activity.
- o The criminal code.
- o The police arrest rate.
- o Percentage of offenses committed by young offenders, and the age jurisdiction of the juvenile court.
- o The jurisdiction of the lower criminal court.
- o The prosecutor's charging policy regarding charge reduction and diversion of first offenders.
- o Statutory and procedural provisions relating to "joinder and severance" of multiple offenses.

TABLE IV  
1971 FELONY CASELOADS AND BACKLOGS IN IMPACT CITIES

CITIES	CASES FILED	CASES DISPOSED	INCREASE TO BACKLOG	BACKLOG	
				NUMBER OF CASES (12/71)	"EQUIVALENT MONTHS"(5)
ATLANTA	6,790	5,746	1,054	1,553	3
BALTIMORE	5,159	7,362	-2,201	2,941	5
CLEVELAND	4,380	3,382	998	1,800	6
DALLAS	10,040	9,280	760	7,581 (1)	10
DENVER	2,568	2,551	17	2,293 (2)	---
NEWARK	5,886	5,513	373	5,447 (3)	12
PORTLAND	3,142	NOT AVAILABLE		682 (4)	---
ST. LOUIS	3,436	3,936	-500	1,223	4

NOTES:

- (1) INCLUDED 4875 "UNAPPREHENDED" CASES.
- (2) QUESTIONABLE DATA.
- (3) INCLUDED 1874 "INACTIVE" CASES.
- (4) BACKLOG ON MARCH 31, 1972.
- (5) "EQUIVALENT MONTHS" =  $\frac{\text{NUMBER OF OPEN CASES}}{\text{AVERAGE MONTHLY DISPOSITION RATE}}$

The indicting grand jury was generally found to have a minimal role in regulating the case flow into felony courts in the Impact cities; notable exceptions were: a 34 percent "no bills" rate in Dallas and a 41 percent "no bills" rate in Newark in 1971.

Three cities, Dallas, Denver and Newark, disposed of nearly as many cases as the number of new filings in 1971. It was necessary for Dallas and Newark to achieve this balance to prevent further growth in their large felony case backlogs. Atlanta and Cleveland were unable to keep up with their new-case filing rates, thus adding a sizable number of cases to their backlogs. Baltimore and St. Louis managed to dispose of more cases than new filings, and cut their backlogs by 2,201 and 500 cases respectively.

Differences in the number of open cases across Impact cities were as great as those noted for the annual new-case filing rates. A city like Portland had relatively few open cases, while two cities reported staggering numbers of open cases: 7,581 in Dallas and 5,447 in Newark. It is important to point out that 64 percent of the open cases in Dallas and 34 percent in Newark represented "unapprehended" or "inactive" cases. Generally, these cases could not proceed because the defendants were unavailable for trial. Bail jumping was probably the most common cause for the absence of defendants.

In assessing the backlog problem in the Impact cities, it is necessary to distinguish between normal inventory and excess backlog. Because there are legitimate time delays between the adjudication stages, it is expected that there will be a certain number of in-process cases. Additionally, if cases awaiting trial in a particular court can be disposed of within speedy-trial time limits, it can be argued that there is no excess backlog in that court. The relationship between excess backlog and normal inventory can be defined in the following manner:

$$\text{Excess Backlog} = \text{Number of Open Cases} - \text{Normal Inventory}$$

and the "normal inventory" is further defined as:

$$\text{Normal Inventory} = \text{Average Disposition Rate} \\ \times \text{Speedy Trial Time Limit}$$

For example, when a court system maintains a 500 case per month disposition rate and operates under a 3-month speedy trial rule, it can have up to 1,500 open cases without potential trial delay problems. These 1,500 cases represent the expected in-process workload in the normal course of the court's operation. Only when the number of open cases exceeds the 1,500 mark, can it be said that the court has an excess backlog, because some of the cases will not be disposed of within the speedy trial time limit. This analysis makes it evident that disposition rates as well as the number of open cases must be taken into consideration in assessing the backlog problem. For this reason, a measure called "equivalent months" is calculated for each Impact city and displayed in the last column of Table IV. It is the ratio of open cases to the average monthly disposition rate, i.e.,

$$\text{"Equivalent Month" of Backlog} = \frac{\text{Number of Open Cases}}{\text{Average Monthly Disposition Rate}}$$

In a given jurisdiction, when the number of "equivalent months" exceeds its speedy trial time limit, there is clear indication that it has an excess backlog of cases.

If a more stringent 3-month speedy trial standard were applied to all Impact cities, it can be seen from Table IV that only Atlanta and St. Louis would not have an excessive backlog problem. Dallas and Newark would clearly have excessive backlogs which were aggravated by a sizable number of "unapprehended" or "inactive" cases. What the "equivalent months" measure indicates is that new felony cases filed in those two cities could potentially wait up to 9 months or a year before disposition, if all older cases were given scheduling priority over new cases. It is interesting to compare the disposition times shown in Figure 2 (see page 14, above) against the "equivalent months" values in Table IV.

This comparison reveals that the 3 cities (Cleveland, Dallas and Newark) that had long disposition times of 280 days or longer are the same ones that had large backlogs exceeding 6 months.

### 3.6 Disposition Pattern

There are numerous ways to dispose of a felony case. A defendant pleads guilty to some or all charges; a jury returns a guilty verdict after trial; all charges are dismissed when a motion to quash an indictment is granted; a case is nolle prossed because the incriminating evidence has been suppressed, or the key witness has disappeared. Less frequently, a defendant may also be extradited to answer charges in another jurisdiction, or committed to a mental institution. These alternative case dispositions can be classified into four generic groupings: guilty pleas, trials, dismissals/nolle pros, and "others." Table V shows how felony cases were disposed of in the Impact cities, in terms of the first three types of disposition. (The "others" type has been omitted because of the small percentage of cases involved; this means, however, that the percentage figures for each city will not add up to 100 percent.)

There are notable differences in the way felony cases were disposed among the Impact cities in 1971:

- Atlanta, Dallas, and St. Louis relied on guilty pleas to terminate more than 70 percent of their cases, whereas the situation in Baltimore was the direct opposite, with only 18 percent of Baltimore's cases entering guilty pleas.
- The percentage of cases going to trial differed greatly among some cities - 53 percent in Baltimore versus 8 percent in Dallas.
- Newark reported an exceptionally high dismissal rate of 42 percent, while Denver showed a minimal rate of 10 percent. The dismissal rates in the other Impact cities fell in the range of 18 to 29 percent.

The disposition patterns in Atlanta, Cleveland, Dallas and St. Louis seem to conform to frequently cited national statistics:

TABLE V

## 1971 FELONY CASE DISPOSITIONS IN IMPACT CITIES

CITY	NUMBER OF CASES DISPOSED	TYPE OF DISPOSITION					
		GUILTY PLEA		TRIALS		NOLLE PROS/DISMISSED	
		NUMBER OF CASES	PERCENT OF DISPOSITIONS	NUMBER OF CASES	PERCENT OF DISPOSITIONS	NUMBER OF CASES	PERCENT OF DISPOSITIONS
ATLANTA	5,746	4,163	73%	446	8%	1,137	20%
BALTIMORE	7,362	1,319	18%	3,911	53%	2,132	29%
CLEVELAND	3,382	2,237	66%	263	8%	830	25%
DALLAS	9,280	6,595	71%	691	8%	2,024	22%
DENVER	2,551	1,300	51%	915	36%	250	10%
NEWARK	5,513	2,178	40%	1,020	19%	2,315 <sup>1</sup>	42%
PORTLAND	NO DATA		56% <sup>2</sup>				
ST. LOUIS	3,936	2,769	71%	420	11%	703	18%

<sup>1</sup> ESTIMATED.<sup>2</sup> BASED ON ROBBERY AND BURGLARY PROSECUTIONS.

10 percent by trial, 70 to 80 percent by guilty plea and the balance dismissed. By way of comparison, the disposition pattern in the Los Angeles Superior Court in 1970 was: 11 percent by trial, 13 percent dismissals, 45 percent guilty pleas and 31 percent submitted-on-transcripts (SOT) which is an alternate form of negotiated plea. (Combining the straight plea and SOT rates yields an equivalent guilty plea rate of 76 percent.)

Baltimore stands out as the only city which tried a majority of its felony cases. A 1966 study of Baltimore courts performed for the President's Commission on Law Enforcement and Administration of Justice provides some explanations for this unusually high rate of trials.<sup>(11)</sup> According to that study, the newspapers were very influential in Baltimore and tended to "raise havoc if cases were disposed of without trials." Another factor had to do with fee collection by court-appointed defense attorneys, since it was necessary for defense attorneys to go to trial before they could collect a fee in assigned cases. Thirdly, the way in which plea negotiations were consummated was somewhat unique in Baltimore: negotiations led to an agreement between the prosecutor and the defense to submit a case for trial on an "agreed statement of fact;" the defendant might then plead guilty to some of the indicted charges without objection from the prosecutor, or both parties agreed to submit only certain issues for adjudication. Fourth, plea negotiations also took place through the prosecutor's power to steer a trial before a judge preferred by the defense. Fifth, there were very few jury trials - less than one percent, and non-jury trials proceeded rapidly at a rate of 3 to 4 trials per judge per day. The "agreed statement of fact" alternative obviated the taking of most, if not all, testimonies at trial.

It is interesting to note that the submission of a case on an agreed statement of fact in Baltimore is analogous to the practice of "submission on transcript" (SOT) in the Los Angeles Superior Court.

In Los Angeles, defendants may submit their cases for judgment on the preliminary hearing transcript. This practice is referred to as a "slow plea," in that the ultimate disposition of the judge is not often in doubt, with 81 percent of the SOT cases resulting in guilty findings in 1972. (12)

### 3.7 Prosecutor Caseload

Under-staffing has been a chronic problem in many prosecutors' offices. The question to be explored is whether prosecutors' offices in the Impact cities were under-staffed and to what extent that problem, if it existed, might have led to reliance on guilty pleas to move cases.

Pointing out that "it is difficult to establish precise workload standards for prosecutors' offices," the National Advisory Commission on Criminal Justice Standards and Goals has recommended a general standard of 2 prosecuting attorneys for each equivalent full-time judge assigned to try felony cases. (13) Since it is difficult to determine precisely how many assistant prosecutors and how many equivalent full-time judges were actually assigned to try felony cases in each Impact city, a surrogate measure has to be used to compare the adequacy of prosecutor staffing level among the Impact cities. This measure, referred to as the "Prosecutor-Judge Ratio," is defined as:

$$\text{Prosecutor-Judge Ratio} = \frac{(\text{Number of Full-time Assistant Prosecutors}) \times (\text{Trial Work Ratio})}{(\text{Number of Full-time Judges Assigned to Criminal Calendar})}$$

The term "trial work ratio" is the average percentage of time an assistant prosecutor is engaged in trial work, or the percentage of assistant prosecutors in a given office assigned to trial work on a full-time basis. This ratio is expected to vary from one office to another, depending on the range of services provided by each office.

To get a gross comparison of staffing level adequacy among the Impact cities, a ratio of 75 percent is assumed for the "trial work ratio." The computed "prosecutor-judge ratio" for 6 cities is shown in Table VI-A. Applying the "2 to 1" ratio proposed by the National Advisory Commission, it can be seen that the prosecutor's office in Atlanta was slightly under-staffed in 1971; staffing levels in Cleveland and Newark were adequate. The ratios of prosecutors to judges were exceptionally high in Baltimore, Dallas and Denver, indicating an imbalance between prosecutorial and judicial manpower resources.

There is one potential drawback in using the "prosecutor to judge ratio" to measure staffing adequacy in prosecutors' offices. When a court system is faced with a shortage of judicial manpower, pegging the number of assistant prosecutors to the number of available trial judges assigned to the felony calendar will further compound the problem. Therefore, an alternate measure which directly examines the caseloads of assistant prosecutors may be more meaningful. One such measure is to compute the average number of felony cases disposed per prosecutor per year, using the following simple relationship:

$$\text{Caseload Per Prosecutor Per Year} = \frac{\text{Total Number of Felony Cases Disposed Annually}}{\text{Number of Full-time Prosecutors}}$$

The above measure yields a theoretical rather than an actual caseload for each prosecutor, since it assumes that caseload in an office is shared equally among all full-time assistants (with part-time assistants counted as one-half of a full-time staff member). This measure may therefore underestimate the actual trial caseload to some degree, yet because it is simple to calculate and easy to understand, it is sufficient as a gross estimator of workload for comparison purposes across the Impact cities.

TABLE VI-A  
PROSECUTOR-JUDGE RATIO

CITY	NUMBER OF ASSISTANT PROSECUTORS	NUMBER OF JUDGES	RATIO*
ATLANTA	20	10	1.5
BALTIMORE	84	9	7.0
CLEVELAND	44.5	12.5	2.7
DALLAS	57	7	6.1
DENVER	37	4	6.9
NEWARK	64	17	2.8
PORTLAND	50	**	**
ST. LOUIS	26.5	9	2.2

\*  $RATIO = \frac{NUMBER\ OF\ PROSECUTOR \times 0.75}{NUMBER\ OF\ JUDGES}$

\*\* NO DATA.

The computed 1971 caseloads of prosecutors in the Impact cities are presented in Table VI-B. Data in Table VI-B show that the caseloads in five cities, Baltimore, Cleveland, Denver, Newark, and Portland were quite comparable, ranging from 63 to 88 felony cases per prosecutor per year. However, in a second group of 3 cities, Atlanta, Dallas and St. Louis, the caseloads were 2 to 3 times those in the first group; Atlanta led all other cities with 287 cases per prosecutor.

When guilty plea rates are listed side-by-side with prosecutor caseload data, the three Impact cities with comparatively heavier caseloads show consistently higher guilty plea rates than the other cities. The guilty plea rates in these three cities were 71 to 73 percent in the year 1971, while the other cities reported a lower range from 18 to 66 percent. Baltimore is an exceptional case and the reasons for its abnormally low 18 percent guilty plea rate have been discussed previously. Cleveland had a comparatively high guilty plea rate of 66 percent despite its low prosecutor case load; the guilty plea rate in that city was influenced more by trial delay problems than by prosecutor caseload. The low guilty plea rate in Newark was offset by a high dismissal rate (42 percent).

The following inference can be drawn from the data presented in Table VI-B: in cities with heavy prosecutor caseloads, reliance on guilty pleas to move cases is almost inevitable; in cities with normal caseloads, the prosecutor can afford to weigh the merits of individual cases. The question of what constitutes a normal caseload is further examined below.

Other than the "2 to 1" prosecutor to judge ratio recommended by the National Advisory Commission, a standard for determining an appropriate prosecutor caseload is lacking. Interestingly enough, the President's Commission suggested that a defender "can handle 150 felony cases a year with a fair degree of thoroughness," but the

TABLE VI-B  
PROSECUTOR CASELOAD AND GUILTY PLEA RATE

<u>CITY</u>	<u>NUMBER OF PROSECUTORS</u>	<u>CASELOAD PER PROSECUTOR</u>	<u>GUILTY PLEA RATE</u>
ATLANTA	20	287	73%
DALLAS	57	163	71%
ST. LOUIS	26.5	148	71%
BALTIMORE	84	88	18%
NEWARK	64	86	40%
CLEVELAND	44.5	76	66%
DENVER	37	69	51%
PORTLAND	50	63	56% <sup>3</sup>

<sup>3</sup> BASED ON ROBBERY AND BURGLARY PROSECUTIONS ONLY

Commission did not indicate what would be a suitable benchmark for prosecutors. However, it may be possible to derive a reasonable prosecutor caseload standard relative to the 150 felony cases per year figure suggested for defenders.

Starting with the assumption that because the burden of proof falls on the prosecution, a prosecutor is expected to devote more time to preparing a case than a defender, it can be argued that a prosecutor's caseload should be inversely proportional to case preparation time. If it is reasonable to expect that the prosecution will on the average spend twice as much time as the defense in preparing a case, then a "standard" of 75 felony cases per prosecutor per year can be derived.

The prosecutor caseloads in the five Impact cities that had comparatively lower guilty plea rates were 63 to 88 cases per prosecutor per year, with Cleveland showing a median value of 76 cases per year. Comparing these figures to the derived "standard" of 75 cases, it can be stated that the prosecutor caseload in at least five Impact cities did not appear to be excessive.

The prosecutor caseload in Impact cities can also be compared to other cities. Available figures from Philadelphia and Los Angeles indicate that the caseload is about 80 to 90 cases per prosecutor per year in each of those cities.<sup>(14)</sup> Unfortunately, there is presently no published reference which analyzes the caseloads of prosecutors' offices throughout the country (The National Center for Prosecution Management was reportedly preparing such a study in 1973, but results have not yet been published).

### 3.8 Trial Caseload of Judges

One of the frequently suggested remedies for improving the administration of justice is to increase judicial manpower. This is based on the belief that "assembly-line justice," congested calendars, and long trial delays are directly attributable to overburdened judges. It has also been suggested that the efficient use of judges' time be achieved by various means, such as improving calendar management, extending the length of court days, relieving judges of non-judicial administrative duties, and substituting arbitration for adversary proceedings in certain kinds of cases. Whatever the remedy, the basic questions needing to be answered first are: How overburdened are the judges? and, What level of judicial productivity<sup>4</sup> can be expected? These questions are briefly explored in this section, as they pertain to the Impact cities.

Statistics on the number of judges assigned to hear felony cases and the average number of trials conducted per judge per year are shown for seven of the Impact cities in Table VII. In computing the trial caseloads, both jury and non-jury trials have been included but guilty pleas have been excluded. Data in Table VII reveal a striking disparity in judges' trial caseloads across seven Impact cities in 1971.

Baltimore far exceeded other Impact cities: judges in that city tried the largest number of cases, averaging 3 to 4 trials per judge per day, and totaling 435 cases per judge annually. These trial caseload figures very likely represent the upper limits of judge productivity, not only among the Impact cities but also for felony courts nationally.

<sup>4</sup>"Productivity", here, is understood as a simple input/output ratio, without reference to effectiveness, or the "quality of justice".

TABLE VII  
TRIAL CASELOAD OF JUDGES

<u>CITY</u>	<u>NUMBER OF JUDGES</u>	<u>ANNUAL TRIAL CASELOAD PER JUDGE</u>	<u>CASE DISPOSITION TIME (DAYS)</u>
BALTIMORE	9	435	195
DENVER	4	229	95+
DALLAS	7	99	330
NEWARK	17	60	315
ST. LOUIS	9	46	174
ATLANTA	10	45	62
CLEVELAND	12.5	22	282
PORTLAND	NO DATA		

By comparison, the trial caseload in the Philadelphia Court of Common Pleas, a court with a reputation for being innovative, was 305 felony cases per judge per year in 1972.<sup>(15)</sup> Looking at the types of trials held in Baltimore, it becomes apparent why Baltimore's judges were able to conclude a large number of trials. There were few jury trials; about 10 to 15 percent of the trials were trial de novo for appealed misdemeanor cases; and a sizable number of cases were submitted on an agreed statement of fact. Equally important, the judges' high productivity level in Baltimore might be partially attributed to: (1) pretrial disclosures voluntarily granted by the prosecutor to the defense, and (2) the court's demand that attorneys give strong justification for continuance requests. The general impression is that judges in Baltimore were working at full capacity. However, because of their high productivity level, an infusion of small amounts of new judicial manpower would be sufficient to cope with any increase in felony filing rates resulting from intensified police activity, or to reduce case disposition time.

The trial caseload of judges in Denver was the second highest among seven Impact cities. It was half the caseload in Baltimore, but 2 to 10 times greater than the caseloads in five other cities. Unlike Baltimore, 84 percent of the trials in Denver were jury trials, i.e., out of the annual average of 229 trials handled by each judge, about 192 were jury trials. Assuming that a judge typically spends 190 to 200 days in court, this implies that a judge in Denver was capable of completing a jury trial in one day - an extraordinary speed. Statistics from the Los Angeles Superior Court and the Philadelphia Common Pleas Court indicate that jury trials there involving serious offenses consume about four court days on the average. Efficient

jury panel management, speedy voir dire examinations and rapid jury deliberations could have partly accounted for the speed of jury trials in Denver. No doubt there are other factors obvious to people intimately familiar with the operation of the felony courts in Denver. It would be an illuminating study to ascertain what these factors are and to determine whether other court systems could emulate Denver by adopting certain changes and improvements. Given the large number of jury trials held in that city and the unusual speed at which they were completed, the felony court in Denver would be in a far better position to cope with changes in the filing rate and/or the guilty plea rate that might occur under Impact, due to intensive police activity or more vigorous prosecution of defendants charged with Impact offenses. Two other points to be made about Denver are: (1) the trial conviction rate was 95 percent; and (2) case disposition time was only slightly over three months. It can be said that judges in Denver were dispensing speedy and certain justice; however, a relevant but unanswered question is whether fairness had to be compromised in any way to achieve speed.

The trial caseloads of judges in five other cities, Atlanta, Cleveland, Dallas, Newark, and St. Louis were all less than 100 trials per judge per year. The marked disparity in trial caseloads between these cities and the other two, Baltimore and Denver, could be readily explained if trials in these five cities were more complex and took proportionately more time. For example, if jury trials in Dallas took an average of two judge-days to complete, compared to the one-day average in Denver, then the annual trial caseload of 99 cases per judge in Dallas was compatible with the 229 cases indicated for Denver. When the same logic is extended to other cities, the average length of a jury trial in Newark, St. Louis, and Atlanta would have been 4 to 5 days and in Cleveland up to two weeks. If the actual lengths of trials in the five cities were much less than estimates derived here, then differences in judges' trial caseloads among the cities would have to

be attributed to factors other than the complexity of the case; for example, how efficiently was judge in-court time utilized? Were there frequent gaps in the daily trial calendar created by last minute continuances? Were there logistical problems in bringing all parties together on the day of trial? Were there excessive pre-trial and post-trial motions?

It is important to point out that three of the five cities (Cleveland, Dallas and Newark) with smaller trial caseloads experienced trial delays exceeding 280 days. It was the backlogs in these three cities combined with relatively low trial disposition rates that contributed to excessive case disposition time.

The cities with low trial disposition rates per judge are most vulnerable to increases in filing rates or more demand for trials. For example, doubling the number of judges assigned to criminal cases in Cleveland from 13 to 25 judges would only raise the number of trials annually from 263 to 523 cases, whereas in Denver, the addition of one more judge would be sufficient to handle a similar increase in trials. It would seem reasonable to conclude that in cities with low trial disposition rates, the infusion of modest amounts of additional judicial manpower would not produce a long-lasting impact, unless it were to be accompanied by efforts to remove bottlenecks or potential inefficiencies in the overall operations of the court system.

### 3.9 Summary

It is evident from the data presented that in 1971 the felony courts in the Impact cities shared with many other urban courts such endemic problems as large caseloads, growing backlogs, trial delays, excessive plea bargaining and low prosecution rates. However, these problems were more serious in some Impact cities than in others, with one city, Denver, appearing to be capable of administering speedy and certain justice despite these problems. The more acute problems identifiable

in each Impact city are listed here. The data shown in Tables I through VII are consolidated and displayed in Table VIII (page 44) for convenient reference.

- |                  |   |
|------------------|---|
| <u>Atlanta</u>   | <ul style="list-style-type: none"> <li>• Large annual felony caseload</li> <li>• Reliance on guilty pleas</li> <li>• Excessive prosecutor caseload</li> </ul>   |
| <u>Baltimore</u> | <ul style="list-style-type: none"> <li>• Trial delay</li> <li>• High dismissal rate</li> <li>• Large annual felony caseload</li> </ul>  |
| <u>Cleveland</u> | <ul style="list-style-type: none"> <li>• Trial delay</li> <li>• High dismissal rate</li> <li>• Case backlog</li> <li>• Small trial caseload of judges</li> </ul>  |
| <u>Dallas</u>    | <ul style="list-style-type: none"> <li>• Trial delay</li> <li>• High dismissal rate</li> <li>• Large annual felony caseload</li> <li>• Case backlog</li> <li>• Reliance on guilty pleas</li> <li>• Excessive prosecutor caseload</li> </ul> |
| <u>Denver</u>    | <ul style="list-style-type: none"> <li>• No serious problem evident</li> </ul>  |
| <u>Newark</u>    | <ul style="list-style-type: none"> <li>• Trial delay</li> <li>• High dismissal rate</li> <li>• Large annual felony caseload</li> <li>• Case backlog</li> </ul>  |
| <u>Portland</u>  | <ul style="list-style-type: none"> <li>• No obvious problem<sup>5</sup></li> </ul>  |
| <u>St. Louis</u> | <ul style="list-style-type: none"> <li>• Potential trial delay problem</li> <li>• Delay in sentencing</li> <li>• Reliance on guilty pleas</li> <li>• Low trial conviction rate</li> <li>• Excessive prosecutor caseload</li> </ul>          |

<sup>5</sup> Data lacking to make conclusive assessment; improving the prosecution of serious offenses and repeat offenders, and reducing plea negotiations have been adopted as the main objectives of Portland's court project under Impact.

TABLE VIII  
SUMMARY TABULATION OF COURT PROFILE DATA

	AVERAGE DISPOSITION TIME (DAYS)	FELONY PROSECUTION RATE (%)	TRIAL CONVICTION RATE (%)	NEW FELONY CASES FILED	CASES DISPOSED	CASE BACKLOG	CASE BACKLOG (MONTHS)	TYPE OF DISPOSITION			ANNUAL CASELOAD PER PROSECUTOR	PROSECUTOR/ JUDGE RATIO	ANNUAL TRIAL CASELOAD OF JUDGES
								GUILTY PLEAS (%)	DISMISSAL/ NOLLE PROS (%)	TRIALS (%)			
ATLANTA	62	*	*	6,790	5,746	1,553	3	73	8	20	287	1.5	45
BALTIMORE	195	44	85	5,159	7,362	2,941	5	18	53	29	88	7.0	435
CLEVELAND	282	75	73	4,380	3,382	1,800	6	66	8	25	76	2.7	22
DALLAS	330	*	95	10,040	9,280	7,581	10	71	8	22	163	6.1	99
DENVER	96+	40	95	2,568	2,551	2,293	*	51	36	10	69	6.9	229
NEWARK	315	56	*	5,886	5,513	5,447	12	40	19	42	86	2.8	60
PORTLAND	81+	*	*	3,142	*	682	*	56	*	*	63	*	*
ST. LOUIS	174	42	65	3,436	3,936	1,223	4	71	11	18	148	2.2	46

\* No Data Reported

#### 4.0 IMPACT-FUNDED COURT PROGRAMS AND PROJECTS

The objectives and functions of court programs formulated and implemented under the High Impact Anti-Crime Program are highlighted in this section for each of the cities. Only those programs or projects which have been classified under "court function" in MTR-6881 (A Description of Implementation Activities Across the Eight Cities of the High Impact Anti-Crime Program) are presented. Additionally, funding information extracted from MTR-6881 together with a summary recapitulation of the conditions of the felony courts are included in the city-by-city discussions, so that all the relevant information about an Impact city's court program can be conveniently found in one place.

##### 4.1 Atlanta

Statistics from Atlanta indicate that its felony court did not encounter trial delay and case backlog problems in 1971. The average disposition time was less than 3 months, and the backlog was about 3 months. The annual felony filing rate (6,790) was the second highest among rates reported by the Impact cities. The percentage of cases dismissed or nolle prossed was about 20 percent, not a high figure by Impact city standards. However, Atlanta had the largest prosecutor's caseload, which might explain the city's reliance on guilty pleas to dispose of more than 70 percent of the felony cases. It is, therefore, understandable why Atlanta chose to fund an Impact court project that would alleviate the prosecutor caseload problem.

Atlanta's "Special Prosecution Squad" project proposes to move case screening to earlier stages of the adjudication process, prior to grand jury presentation. With early screening, it is anticipated that there will be more extensive use of the First Offender Act and pre-trial diversion. As decisions on charge reduction are made early, unproductive processing in subsequent stages can be avoided by helping to reduce the number of cases dead-docketed or nolle prossed. These early screening actions will enable the District Attorney to concentrate on the prosecution of more serious felony cases.

Because of their heavy caseloads, assistant prosecutors in Atlanta have been unable to prepare their cases adequately. It was found that assistant prosecutors typically have to prepare nine cases for trial every other week. The District Attorney's Office considers this an excessive caseload and intends to reduce it to seven cases every three weeks, at least for some assistants.

There is concern with the appellate caseload also. Although only 2 percent of the cases appealed were reversed in 1971, the number of cases reversed might grow because of an increasing number of appeals. If the appellate caseload of the assistants were reduced, it is thought that it would be possible to attain a 1 percent reversal rate.

Earlier case screening, and reduction in both trial caseloads and appellate caseloads for individual assistants are, then, the key elements of the "Special Prosecution Squad" project, which is the only court project funded in Atlanta under Impact. A total of \$135,585 has been allocated to the project, equivalent to 1.3 percent of the Impact funds awarded to Atlanta. In this project, four additional assistants will be hired, one to be assigned to an existing case screening unit, two for trial work and one for appellate work.

A comprehensive set of objectives were originally established for the project, but were subsequently narrowed to two:

- Reduce court processing time for Impact defendants in the Fulton County Superior Court from an average of 88 days to 78 days, within 12 months from project implementation.
- Increase conviction rates for Impact defendants from 79.4 percent to 84.4 percent. (Conviction is defined as a guilty verdict by jury for an Impact crime or a plea of guilty by the defendant to the Impact crime charged in the indictment.)

In view of the 1971 statistics, these seem to be modest goals, since trial delay was not a serious problem and the conviction rate was already high. A reduction in average disposition time from 88 days to 78 days might have some effect on rearrest rates of bailed defendants and decrease the number of police and civilian witness appearances in court; some savings in the cost of providing custodial care for jailed defendants could also be realized with faster disposition. The 5 percent increase in conviction rate can be viewed as an effort to enhance the general deterrent of criminal sanction, and to interrupt the criminal careers of additional potentially guilty defendants who otherwise would be set free. A 5 percent increase in conviction would affect about 250 to 300 defendants.

#### 4.2 Baltimore

In terms of case disposition time, size of backlog, and annual filing rate, the felony court in Baltimore was an average court, compared to other Impact cities. The time from arrest to disposition, in 1971, was about 6 months; in other Impact cities it ranged from 1 month to 12 months. It had a manageable backlog, somewhat larger than backlogs in Atlanta and St. Louis, but significantly smaller than those in Cleveland, Dallas and Newark. Its annual felony case filing was slightly above 5,000 cases, twice the rate in Denver, but only one-half the rate in Dallas. Felony defendants had a better than even chance of not being prosecuted on felony charges; of the 9,100 persons charged with felony offenses, only 44 percent (3,900) pleaded guilty to or were tried on felony charges. A guilty verdict was returned in 85 percent of the trials. What was unique about the felony court in Baltimore was the large number of trials held, which accounted for 53 percent of total case dispositions. Consequently, it had the lowest guilty plea rate among all Impact cities. Trial judges were exceedingly productive, completing 3 to 4 trials per judge per court day. The average trial caseload annually was 435 cases per judge, excluding guilty pleas. The general impression of Baltimore's felony court is that judges were

exercising close supervision over the court's operations. Nevertheless, the 6-month disposition time appeared to be excessive, and the "court component" of Baltimore's Impact plan has been directed toward reducing case disposition time.

Acting on the proposition that speedier trials would have a direct effect on the reduction of crime, Baltimore included in the "court component," a High Impact Court Program, which has two principal objectives:

- Expedite the trials of defendants detained in Baltimore City Jail by giving their cases priority scheduling, and
- Reduce the average time from arrest to disposition to 90 days.

These principal objectives are supported by the following operations-oriented performance objectives:

- Defense counsel shall be appointed, on the average, within seven days of the filing of the Grand Jury indictment or criminal information.
- Within seven days of the filing of appearance by defense counsel, the Criminal Assignment Office shall designate the trial date.
- The postponement rate shall not exceed 10 percent and shall not exceed one postponement per trial.
- Court sessions will begin at 10 a.m. Cases will follow immediately one after another.
- The pre-sentence report will be completed within 14 days.
- The number of Impact cases brought to trial will be increased.

The cooperation of four organizations is required to support the court program: the Supreme Bench of Baltimore City, the State Attorney's Office, the Public Defender's Office and the Clerk of Court. The program has been funded as three coordinated projects sharing a common set of program objectives. One project creates two new courtrooms with a full complement of supporting staffs to handle the disposition of Impact cases. The other two projects provide for expanded services in the Clerk of Court and the Public Defender's Office.

The 1971 statistics show that case disposition time in Baltimore was averaging 195 days and that there was a 5-month backlog. Unless these conditions changed between the end of 1971 and the time the High Impact Court Program was initiated, the setting of a 90-day standard for disposition time seems ambitious and perhaps unattainable in one year after program implementation. In view of the fact that the early stages of preliminary hearing, Grand Jury indictment, and arrangement usually consumed about 45 days or more,<sup>6</sup> this means that a trial date would have to be set within 45 days after indictment. If allowances were made for one continuance per trial, the trial date would have to be set much sooner than 45 days, depending on the recycle-time for continuance. One or more pre-trial motions by the defense would further disrupt such a tight trial schedule, and it has already been noted (see page 16 above) that pre-trial motions and continuances were estimated to add about 70 days to case processing time in Baltimore in 1971.

The original concept of dedicating the two new courtrooms to handle Impact cases exclusively has been found to be infeasible, according to an interim evaluation report.<sup>(16)</sup> Only 20 to 30 percent of the Impact cases were being scheduled in the High Impact Courts, with the remainder scheduled in three other criminal courts. These results are not surprising, but are rather to have been expected. In effect, queuing theory shows that multiple servers (which might be courtrooms, cashiers, or highway toll booths) competing for one common pool of clients tend to be more efficient than individual servers dedicated to only one particular class of clients.

Certain procedural changes accompanying the creation of the two new courts might help improve the chance of meeting the 90-day disposition target. One suggestion made in the referenced interim evaluation report

<sup>6</sup>The 45 days estimate was given in the "Impact Courts Program Evaluation Report", prepared by the Baltimore Coordinating Council on Criminal Justice.

is to make preliminary hearings mandatory, so that prosecutors can initiate felony prosecution by filing an information and bypassing the Grand Jury indictment step. It is estimated that such a change would cut disposition time by 16 days.

In addition to the High Impact Court Program, Baltimore also funded a "Jail-Bail Review" project to extend pre-trial release to more indigent defendants who are charged with Impact offenses. It was felt that some of the defendants detained at the Baltimore City Jail could have been released if intensive investigations were made on their behalf to re-evaluate their eligibility for release, either on their own-recognition or on reduced bail. Two types of benefits are foreseen from minimizing pre-trial detention. One, defendants, free on bail, have opportunities to take advantage of pre-trial service programs, maintain family and community ties, hold a job. Two, a smaller jail population will help reduce tensions in the jail and enable the institution to better serve those remaining in custody.

The Pre-trial Division will hire more bail investigators with Impact funds and assign them to conduct bail interviews at the City Jail, perform follow-up investigations, and make bail recommendations.

Baltimore has allocated a total of \$2,559,679 to the High Impact Court Program and the Jail-Bail Review project, an amount equal to 15.3 percent of the total Impact funds awarded to Baltimore. The distributions among the various projects are as follows: High Impact Courts - Supreme Bench, \$1,776,773; High Impact Courts - Public Defender project, \$425,947; High Impact Courts - Clerk of Court project, \$185,656; and Jail-Bail Review project, \$171,303.

#### 4.3 Cleveland

At the end of 1971, trial delay was a serious problem in Cleveland. It took an average of 282 days for a felony case to progress from arrest

to sentencing. Part of this delay could be attributed to the court's 6-month case backlog. The number of new cases filed in 1971 exceeded the number of cases disposed by nearly 1,000 cases, despite the fact that a majority of the dispositions (66 percent) were by guilty pleas and only less than 10 percent of the cases were adjudicated. The number of trials held totaled 263 cases, the lowest among the Impact cities. Relative to its felony caseload, Cleveland's felony court and prosecutor's office were more adequately staffed than most Impact cities. Its trial conviction rate was 73 percent, compared to 85 percent in Baltimore and 95 percent in Denver. It was one of the cities which showed that trial delay appears to correlate with a high dismissal rate.

There are indications that trial delay has been reduced in Cleveland since 1971.<sup>(17)</sup> However, it remained a critical problem as the new Ohio Criminal Code went into effect on January 1, 1974. The new Code requires that trial commence within 90 days of arrest for felony defendants who have been held in jail in lieu of bail, while the maximum time limit for felony defendants free on bail pending trial is 270 days from the date of arrest. Another provision in the new Code may also compound the trial delay problem, because it has declared that certain classes of serious offenses such as Impact felonies are non-probationable. This provision will make it more difficult for prosecutors to offer a probation sentence recommendation as an inducement to enter a guilty plea, with the net result of more cases going to trial.

The Impact program gave Cleveland an opportunity to mount a large-scale effort to remedy the trial delay problem. The "Pre-Trial Delay Reduction Program," supported with Impact funds, was directed at meeting the speedy trial time standards established by the new Ohio Criminal Code. Some of the specific program objectives are:

- Reduce trial commencement delay to 90 days for jailed defendants and to less than 270 days for bailed defendants.
- Reduce delay in the adjudication of Impact defendants.

- Terminate 95 percent of all cases heard.
- Reduce the backlog of all cases to 950 and of 6-month old cases to zero.

This program has three components: (a) Visiting Judges, (b) County Prosecutor's Office, and (c) Counsel for Indigents.

The Visiting Judges project (or component) adds six visiting judges to the bench of the Cuyahoga County Court of Common Pleas, the criminal court with general jurisdiction over felonies committed in Cleveland. The necessary court support staffs are also provided, including deputy sheriffs, bailiffs, court reporters, law clerk and others. The Chief Justice of the Ohio Supreme Court assigns the visiting judges from counties throughout the state; some of the selection criteria include the caseload in the visiting judge's home county, and an expressed interest to participate in the project. The courtrooms presided by visiting judges essentially serve as "back-up parts" or "outlet rooms" to conduct trials only. Full-time sitting judges in the Common Pleas Court hear pre-trial motions, accept pleas, make dismissal determinations, and refer cases demanding trial to the visiting judges. The overall effect is to increase the disposition rate so that case backlog will decline gradually. By bringing more cases to trial within a given time period, the waiting time for trial as well as the total disposition time will be reduced.

The Prosecutor's Office project adds nine assistant prosecutors and other supporting staffs to that office in order to cover the six visiting judges' courtrooms. These assistants become part of a pool from which the Prosecutor selects an experienced attorney or one of the newly-hired assistants to prosecute a particular case in Common Pleas Court. It will be remembered that in 1971, Cleveland's prosecutorial caseload was among the lightest of the 8 Impact cities (see Table VI-B above, page 36) and that Cleveland's guilty plea rate was nonetheless far above the average. However, it appeared reasonable not to risk the possible distortions which might result within the judicial system as a consequence of expanding one component (i.e., judicial manpower) without appropriate adjustment in another.

By the same logic, the "Counsel for Indigents" project adds eight full-time attorneys and a number of law students, investigators, clerical personnel and a social worker to the Defender's Office of the Legal Aid Society. These attorneys are available to serve as counsel for indigent defendants charged with Impact or serious misdemeanor offenses. The office has set a target of representing 400 indigent Impact defendants in Common Pleas Court in one year. One feature of this project is noteworthy. The attorneys maintain continuity of representation by rotating their work assignments between Municipal Court and Common Pleas Court. When two attorneys appearing at Municipal Court receive a certain number of felony cases, they move over to Common Pleas Court to follow the retained cases through final disposition (but not into the appellate process). As the bulk of their cases are closed in Common Pleas Court, they return to Municipal Court assignment and a new cycle begins. Such a rotating arrangement not only gives clients more effective representation, but also helps expedite the disposition process. However, this method may present administrative problems and can only be achieved with relatively small caseloads.

Also classified as a court program in Cleveland is the "Juvenile Court Development project." This project comprises three "activities": (a) Juvenile Offender Screening, (b) Juvenile Court Management Development, and (c) Juvenile Court Case Classification and Treatment.

The objective of the Juvenile Offender Screening activity is to eliminate the unnecessary detention of youths who are arrested on Impact offenses and taken to the Detention Home of the Juvenile Court Division after normal working hours and on weekends, when screening services are not available. It is believed that decreasing the amount of time a juvenile must wait for a detention hearing might help reduce the rate of recidivism. Additionally, more appropriate and responsive referrals for all juvenile Impact offenders will be provided.

The Juvenile Court Management Development activity will provide a management development program for the Juvenile Court Division staff. Through classroom training, workshops, and consultation, this activity will impart perspectives and skills to the staff, to facilitate communication and team work. The expected end result is improved coordination of the division's rehabilitative resources and other services for juveniles.

The Juvenile Court Case Classification and Treatment activity will provide a system of classifying all cases coming before the Juvenile Court so that disposition recommendations will be more responsive to the juveniles' needs. For example, those assigned to probation will be classified according to the amount and type of intervention needed.

As stated in the grant application, it's believed that these three activities will collectively improve the efficiency of Juvenile Court operations and lead to more effective services for juveniles.

Cleveland has allocated \$1,249,561 to the above court projects, which is equivalent to 6.8 percent of total Impact funds awarded to that city. The Visiting Judges project has been given a major share of the funds in the amount of \$719,616. Allocations for the other projects are as follows: \$170,310 for the Prosecutor's Office, \$274,491 for Counsel for Indigents, and \$85,144 for Juvenile Court Development.

#### 4.4 Dallas

Of all the Impact cities, Dallas had the most severe felony court problems. It had the longest disposition time, the largest case backlog, and the highest volume of cases. The average disposition time from arrest to sentencing was almost 11 months; its backlog exceeded 7,500 cases; and a total of 10,000 felony cases were filed in 1971. Each of its seven Criminal District Courts disposed of about 1,300 cases, almost equal to half of the total caseloads in Denver.

While the trial conviction rate in Dallas, 95 percent, was one of the highest among the Impact cities, the bail skipping rate was also extraordinarily high, given that more than 60 percent of the pending cases could not proceed to disposition because the defendants failed to appear for trial. Of the more than 9,000 dispositions in 1971, 71 percent were by guilty pleas, 8 percent by trials, and 22 percent dismissals and nol-pros. The grand jury "no bills" rate was 34 percent. Prosecutors were badly understaffed compared to other cities. In spite of the large volume of cases, judge trial caseloads were lower than those in Baltimore and Denver, because of the small percentage of cases that went to trial. Most of the judges' time was used in accepting guilty pleas and imposing sentence, as each judge on the average disposed of 940 cases by guilty pleas. The criminal court system in Dallas was thus beset by major difficulties and it seems that most of the problems which have been cited in discussions about the crisis in large urban courts were present in Dallas at the end of 1971.

Impact funds have been used to support two court projects in Dallas. One project, "Two Temporary District Courts," as the title implies, involves the creation of two additional courts to try felony cases in Dallas County. The expectation is that these newly-created courts will help solve Dallas' serious trial delay and backlog problems. The second project, "Juvenile Department Court Action Processing Unit," is directed toward services in the Juvenile Department, in both pre-hearing case processing and juvenile supervision following disposition.

The "Two Temporary District Courts" project was subsequently modified when the two temporary courts became permanent District Courts, by act of the Texas State Legislature on September 1, 1973. (This change has complicated project evaluation, because of drastic revisions in project operation concepts.) As originally conceived, the temporary courts, called Impact Courts, were to be presided by visiting judges; additional court staff and supporting staff in other agencies required

to operate these newly-created courts were to be made available through the project. The cost of computer services necessary to track Impact cases through the system and to process operating data from the new courts also was to come from the project. These two Impact courts were to serve as "back-up" parts for the seven Criminal District Courts. Judges in the Criminal District Courts would assign cases for trial to the Impact courts. Procedures were established to transfer cases back to the assigning District Courts if cases could not proceed to trial. Basically, the District Court judges would decide what cases were to be tried in the Impact courts and had authority to re-take jurisdiction over a case. Cases were to be tried in the Impact courts according to pre-set priority rules:

- Jailed defendants would be tried before bailed defendants.
- Length of pre-trial detention would determine the order in which jailed cases would be tried.
- Date of indictment would determine the order in which bailed cases would be tried.

When the Impact courts became permanent Criminal District Courts, the operating concept described could no longer apply. The two new courts now operate according to rules and procedures applicable to any Criminal District Court. Permanent judges have been appointed by the governor to preside in these new courts. This change does not seem to have affected other agencies involved in the project. Although the most visible part of the project is the creation of two new courts, it is almost as important that the project has injected much needed new manpower resources into the District Attorney's Office, increasing the number of assistant prosecutors by about 20 percent. It appears that the objectives of the project have remained unchanged, despite a change in project title, which becomes: "Special Court Processing of Impact Cases." The objectives are now:

- Reduce the number of repeated Impact and non-Impact offenses by persons on release pending trial, with 5 percent reduction to be achieved in 1973, 10 percent in 1974 and 15 percent in 1975.

- Reduce the elapsed time between filing and disposition of cases; it is to be reduced from 330 days in 1971 to 225 days in 1973, to 150 days in 1974, and to 110 days in 1975.
- Reduce the elapsed time between trial and final appeal, from 24 months to 22 months in 1973, to 20 months in 1974 and to 18 months in 1975.
- Eliminate the excess case backlog in Criminal District Courts; the total size of the backlog should not exceed 9,500 in 1973, 7,000 in 1974, and 5,000 in 1975; the corresponding figures for Impact cases are: 3,200 in 1973, 2,400 in 1974, and 1,680 in 1975.
- Reduce the average length of stay by inmates in the county jail, with 5 percent reduction in 1973, 10 percent in 1974, and 15 percent in 1975.
- Develop a more comprehensive data bank for computer retrieval of information pertaining to felony cases and the workload of the judicial system.
- Provide greater efficiency and capability in the District Attorney's Office, the Sheriff's Office, the District Clerk's Office and the Courts.

It appears that in Dallas, lawyers for indigent defendants are appointed by the court and drawn from the private bar. As discussed above, virtually no information on defense counsel, public defenders, etc., was forthcoming from primary Impact data agencies. However, if part of the delay problem in Dallas lies in a shortage of counsel for indigent defendants, then a very important element is missing from the Impact effort. The Dallas project has not provided funds for defense counsel, whereas Impact-funded court projects in Baltimore, Cleveland, and Newark have all allocated part of project funds to improve defense services to indigent felony defendants. Thus, it is possible that even more pressure may be brought up on an already weak defense component, risking further distortion of the judiciary process.

The "Juvenile Department Court Action Processing Unit" project attempts to improve the operation and services of the juvenile segment of the criminal justice system in Dallas. This project enables the Juvenile Department to restructure part of its organization, so that the pre-hearing case processing function can be separated from the

supervision of delinquent juveniles, and handled by a new organizational unit, called the "Court Action Processing Unit." The need for this separation is based on these considerations: (a) The same group of probation officers cannot perform adequate pre-hearing investigations and exercise close supervision of juveniles at the same time, without one of these functions being subordinated to the others, (b) When a probation officer handles both pre-hearing case processing and supervision, he is viewed by juveniles as an adversary "who took people to court." It is believed that this negative attitude toward the probation officer hinders supervision, and (3) In addition to hiring new probation officers to staff the Court Action Processing Unit, a legal advisor will also be added to the unit. The legal advisor will help alleviate the problem of losing potentially "good" cases because of poor case preparation. A sample of project objectives is presented below:

- Reduce the average number of days from referral to disposition, with an 8 percent reduction achieved by the third year.
- Reduce the average detention home residency of offenders, achieving a half-day reduction by the end of the third year.
- Decrease departmental pre-hearing re-referral rate of offenders, with an 8 percent reduction targeted for the end of the third year.
- Achieve a 50 percent increase in counseling and rehabilitation services to families by the end of the third year.

The adult criminal court project "Special Court Processing of Impact Cases" has been awarded \$811,382 in the initial phase and \$2,214,738 in a continuation grant. The Juvenile Department project has received \$846,630. The total funding for these projects is \$3,872,750, equivalent to 20.4 percent of Dallas' Impact Funds.

#### 4.5 Denver

In 1971, the felony court in Denver seemed to have been shielded from many problems that were afflicting urban court systems. Cases came to trial in three months. There was little delay in the early stages of the adjudication process, since the prosecutor has the option of

filing an information or securing a Grand Jury Indictment to initiate felony prosecutions. It was not overwhelmed by large numbers of cases coming into the system - it had the lowest filing rate among all Impact cities. There was practically no increase in case backlog at year end because the number of cases disposed was almost equal to the number of new cases filed. It had the lowest dismissal/nol-pros rate (10 percent) as well as the highest trial conviction rate (95 percent) compared to other Impact cities. Its trial rate was second only to Baltimore, 36 percent versus 53 percent. But unlike Baltimore, 84 percent of the trials in Denver were jury trials. This capability to take a good portion of the cases in Denver to trial gave prosecutors flexibility in deciding what cases would be amenable to plea negotiations. Compared to other cities, the prosecutor's office in Denver was relatively well staffed. In contrast, the judges in that city were shouldering a heavy trial caseload - 229 trials per judge per year. The data thus appear to support the allegation that justice was swift and certain in Denver.

With its felony court operating efficiently, Denver decided to direct its attention toward improving the effectiveness of prosecution under the Impact program. (The situations in Atlanta and Portland were similar to that found in Denver.) Another area considered as requiring improvement was the increased use of personal recognizance release. The District Attorney's Office identified three problem areas for improvement:

- Case preparation was only adequately done for "extraordinary" cases, such as spectacular homicides, confrontation between police and ethnic groups. Not enough resources were available to pursue vigorous prosecution of major offenses or cases involving major offenders.
- There was high turnover among deputies, because of low salary level, high caseload, and the motivation of deputies to move into private practice. Therefore, there is a continuing need for more personalized training and supervision of new deputies.
- Diversion programs have not been used as frequently as they should be. The D.A.'s Office should support efforts to refer defendants to diversion programs.

The Impact project geared to satisfy these unmet needs in Denver is the "Priority Prosecution" project. This project will add a deputy to the Complaint Department to improve screening and identification of target crime cases. A paralegal will be hired to review cases for diversion recommendations and to track divertees to determine the success or failure of the diversion effort. The project will provide funds for a full-time training director who will develop training programs and stimulate new and innovative techniques in prosecuting cases. Local matching funds will be used to send deputies to courses and seminars sponsored by national associations and universities. Five trial-preparation-specialists will be added to the office to assist deputies in preparing priority cases. These specialists will be assigned to cases prior to their preliminary hearings. They will conduct investigations at the crime scene, contact victims and witnesses, and assure that required evidences are available at the time of trial.

Although the D.A.'s Office anticipates that better case preparation will result in more "quality disposition," it stops short of predicting what improvement will be achieved, in terms of increase in the number of major offenders convicted, decrease in dismissal rate, or changes in pleas. With the exception of a modest reduction in disposition time, the objectives adopted for the Priority Prosecution project are primarily activity-oriented:

- Reduce case processing time of priority prosecution cases by 10 percent.
- Increase by 67 percent the pre-trial and trial preparation time for target offense/major offenders.
- Decrease the caseload of the complaint deputies by 25 percent.
- Develop improved criteria for identifying and classifying Impact offense and major offender cases as priority prosecution cases.
- Provide an average of 40 hours of in-service training for all deputies.

With the knowledge that only 15.4 percent of the felony defendants were granted personal recognizance (PR) release, Denver has included a "Pre-Trial Release" project as part of its Impact program. This low rate of PR release is attributed to time delays in PR review, inadequate PR supervision and services, and problems with money bonds. The Pre-Trial Release project will do the following:

- Hire a group of deputy sheriff specialists to conduct PR investigations prior to first advisement (initial appearance).
- Add probation officers in the Probation Department to handle verification, more intensive case supervision, and referrals to special service programs, such as alcohol or drug treatment, psychiatric help, or job placement.

It is expected that more intensive supervision and provision of special services will reduce the rearrest rates and failure-to-appear rates of personal recognizance (PR) releases. The background investigation for PR review can even help those defendants found to be ineligible for PR release, in the event that favorable information has been uncovered to support an application for bond reduction. Releasees showing promise of rehabilitation in special service programs will have a good chance of being granted a probation sentence upon conviction, so as to continue their participation in service programs.

Denver had originally planned to implement the Prosecutor's Management Information System (PROMIS) project, but with the election of a new District Attorney, the grant application was withdrawn.

Denver has awarded \$217,849 to the Priority Prosecution project and \$166,148 to the Pre-Trial Release project, totalling \$383,997; this amount represents 2.1 percent of Denver's Impact funds.

#### 4.6 Newark

Newark was encountering a number of serious problems in the adjudication of felony cases when the Impact program was announced. The time between arrest and sentencing was excessively long, averaging 315 days.

There were nearly 5,500 cases awaiting trial; about 34 percent of these cases were inactive. If all of these cases were to be disposed of, it would take about 12 months, based on the 1971 disposition rate of 5,513 per year. An alarmingly large percentage of the cases was either dismissed or nol-prossed. (There were no accurate data to show the exact number, but the dismissal rate could have been as high as 42 percent. Some dismissed cases might have included non-trial dispositions or informal probation for drug offenses.) "No-Bills" were returned in 4,474 of the 11,000 complaints presented to the grand jury.<sup>(18)</sup> With so many cases dropping out of the system, it was surprising to find that disposition time was long and backlog large.

Newark's trial delay problem was somewhat unique. Once a case reached the felony court after indictment, it would be tried in about 120 days, comparable to similar waiting times reported in St. Louis and Denver; however, the total disposition time in Newark was 141 days longer than in St. Louis, and 200 days longer than in Denver. The cause of delay could be traced to proceedings in the lower courts and to the grand jury indictment step. From the time of arrest, it took approximately 165 days to complete all intermediate processing steps before a defendant's arraignment in the Newark-Essex County Court. Congestion in Newark's Municipal Courts was blamed for the delay. It was indicated that the Municipal Courts were "being continually overburdened through efforts to downgrade as many (otherwise indictable) offenses as possible."<sup>(19)</sup> A suggestion was made that a special felony docket be created in Newark's Municipal Courts to deal specifically with Impact cases.

Some improvement has taken place in Newark since 1971 to alleviate the trial delay problem noted here. For example, the Complaint and Indictment Unit in the State Attorney's Office has been credited with achieving a two-and-a-half month decrease in grand jury delay.

With Impact funds available, Newark organized a project, referred to as "Special Case Processing for Impact Offenders," to make a concerted effort to bring the trial delay problem under control. This project involves all elements of the judicial process in Newark: the Municipal and County Courts, prosecutor, public defender, and probation department. Three existing courts and sitting judges in the Newark-Essex County Court are designated to handle Impact cases. Modifications are planned for the entire adjudication process, from Municipal Court arraignment through County Court sentencing. The approach in Newark to deal with the trial delay problem is different from that applied in Baltimore, Cleveland, and Dallas. Both Baltimore and Dallas are adding two new fully staffed felony courtrooms, while Cleveland is setting up six additional felony courtrooms presided by visiting judges. In those three cities, the focus of the Impact-funded court program is on the felony court, whereas in Newark the overburdened Municipal Court is the target for improvement. A considerable portion of the manpower resources funded through the Special Case Processing for Impact Offenders project has been allocated to improve operations in the lower court and maintain continuity of caseflow.

The project establishes a system whereby incident reports will be marked whenever Impact offenses are involved. All arrests will first be screened by the prosecutor's Complaint and Indictment Unit before filing formal charges. If the Impact offense charged against the defendant by the police is not reduced or declined, a special marking (e.g., a stamp) will be placed on the complaint form to identify Impact cases. All Municipal Court hearings involving Impact cases will be scheduled in one courtroom when feasible. Following preliminary hearings, if an Impact case is held-for-court, a new prosecutor unit funded by the Special Case Processing project will prepare all complaints for grand jury presentation before cases are transferred to the County Court. It is anticipated that performing this preparation function at the Municipal Court level will eliminate duplicative witness

interviews and avoid wasteful clerical efforts. Grand jury indictments will be expedited for Impact cases, as with "jail cases," with a two-week deadline for grand jury action.

Impact cases will be tried in one of the three specially designated courtrooms. Three prosecutors and deputy public defenders will be assigned to each of these special courtrooms, with the expectation of more trials being held there, because of the severity of the potential sentence and the promise of an early trial. Two senior probation officers will be assigned to prepare pre-sentence reports for convicted Impact defendants with the goal of reducing the lead time for pre-sentence reports from one month to two weeks.

The shortage of public defender staff in the Municipal Court had posed serious problems not only to Municipal Court proceedings, but also to the later stages at the County Court level. Frequently, a defender could not complete interviews with his client by the time a trial date was set, because a public defender did not get assigned to a case until arraignment at the County Court. This delay in counsel assignment was due to slowness in processing defendant petitions for defender service.

To remedy this representation problem, a team of two deputy public defenders, one investigator and one secretary will start defense preparation immediately when an Impact case is presented to the grand jury. A clerk will be added to speed up the processing of defendant's petitions for public counsel. To coordinate this diverse set of new functions for Impact cases, an assistant court administrator will be appointed to monitor operational efficiency, detect delays and suggest solutions.

The objectives of the Special Case Processing project are:

- The disposition of Impact cases will be accomplished within 60 to 90 days of arrest.

- The disposition time for all offenses will be reduced by 10 percent.
- The number of rearrests before sentencing will be reduced.
- The overall quality of justice within the adjudication process will be improved.

It is important to note that Newark has deliberately included the "quality of justice" objective with the awareness that more rapid processing may adversely affect the quality of justice. Interviews will be conducted with all project participants, including offenders. The responses will hopefully provide indications of: quality of defense preparation, quality of prosecution, satisfaction concerning pleas, and assessment of sentencing equity. The project will also attempt to measure side-effects on bail and ROR status, on the number of pleas and on the number of jury trials.

The project has been awarded \$474,774, equal to 4.4 percent of total Impact funds received by Newark.

#### 4.7 Portland

There are few statistics available on the felony courts in Portland. From the limited data that have been gathered, the general indication is that the court system in that city was free of many of the problems found in other Impact cities. There was practically no trial delay and the backlog was the smallest of all Impact cities. Average disposition time was less than three months. The volume of cases was second lowest and the prosecutor's office was relatively well staffed in comparison to other Impact cities.

With speedy justice a reality, it is logical that Portland should focus on improving the certainty of justice in its Impact program. It has funded a project in the District Attorney's Office, entitled: "Multnomah County District Attorney High Impact Program," which has these objectives:

- Improve police investigative capacity by providing legal advice and casework assistance to the police.
- Provide swift and appropriate prosecution of target crime cases.
- Reduce negotiated pleas in cases involving specific Impact crimes.

To support the validity of the above objectives, the following statistics were cited in the grant application:<sup>(20)</sup>

"Of the 184 adults arrested and charged with burglary in 1971, only 139 (75%) were convicted of a crime. Of the 209 adults arrested and charged with robbery, only 122 (58%) were convicted of the crime."

It was further stated that 80 to 90 percent of the guilty pleas in burglary and robbery cases were obtained through plea bargaining. The D.A.'s Office blamed the shortage of staff as the reason for this practice. The D.A.'s Office was concerned that the situation would worsen when the number of prosecutions increased, based on the expectation that the Impact-funded Strike Force in the Portland Police Bureau would be increasing the number of arrests. Demand for trials may climb as a result of the new "no plea" policy, but the D.A.'s Office is optimistic that the additional resources funded by Impact will take care of any potential problem. The demands for trial may rise initially, but more defendants will eventually plead guilty to the original charge. This will come about as the "no plea" policy leads to more realistic initial charges and more intensive investigations build stronger cases. The D.A.'s Office intends to test the proposition that the reduction of plea bargaining in certain classes of crime would deter further commission of those crimes.

Besides reduction in plea bargaining, the D.A.'s project will introduce a number of other changes. Individualized attention would be given to each case, taking into consideration the unique characteristics of the defendant, his crime, and his problems. Full responsibility for

prosecuting selected cases from issuance of charges to final disposition would be assigned to a designated prosecutor. A closer working relationship would be established between police investigators and prosecutors during the evidence gathering stage and in preparing cases for trial. A new organization unit would be set up in the office to implement these changes. This unit would apply the follow-through concept and "no plea" policy to the crimes of armed robbery, burglary in a dwelling, and theft by receiving (fencing), these being the more serious and frequent Impact offenses. This unit would be staffed by three deputies.

Six new deputy positions plus support staff would be added to the office to handle an anticipated increase in trial caseload, resulting from police Strike Force operations and from the "no plea" policy. It is expected that more trials and more intensive case preparation will increase case disposition time.

A set of quantitative performance measures have been established for the unit:

- Maintain an "original charge" conviction rate of 85 percent.
- Maintain an "original charge" conviction rate (for Impact cases) that will be 50 percent higher than the rate for a comparison group of similar offenses.<sup>7</sup>
- Maintain a rate of negotiated pleas of less than 5 percent.
- Increase by 50 percent the rate of guilty pleas to the "original charge" over 1972 figures for selected target offenses.
- Maintain a rate of cases dismissed for insufficient evidence, 50 percent lower than for the comparison group.
- Maintain an arrest-to-trial period equal to the comparison group.

<sup>7</sup>The comparison group refers to cases disposed through the normal process by prosecutors not assigned to the special unit.

A total of \$394,517 has been awarded to this project, which constitutes 2.5 percent of Portland's Impact funds. This is the only court project implemented in Portland under the Impact program.

#### 4.8 St. Louis

The St. Louis felony courts exhibited a diffused set of characteristics. Its disposition time was comparatively long, almost 6 months, but the point of delay is clearly evident: there was a 60-day delay between trial and sentencing. If this was due to long lead time in preparing pre-sentence reports, that would not be a difficult problem to solve. It could also however, be due to post-trial motions and delays in getting trial transcripts. St. Louis was the only Impact city that encountered such long delays in sentencing. Like Dallas, St. Louis disposed of more than 70 percent of its cases by guilty pleas and tried about 10 percent of its cases, but St. Louis did not have a backlog problem as in Dallas. The number of persons charged with felonies exceeded 10,000 in St. Louis; only 42 percent of them were eventually prosecuted on felonies, yet the trial conviction rate was the lowest among 5 Impact cities that supplied such data. One would expect that with such a high screened-out and charge reduction rate, the trial conviction rate should be high.

Besides Baltimore, St. Louis was the only other city that managed to cut into its case backlog in 1971; the number of cases disposed in that year exceeded the number of new cases filed by 500 cases. One gains the general impression that the formal judicial process might have been functioning in a normal manner, but that this stability was achieved by the active exercise of prosecutorial discretionary power in reducing charges and negotiating pleas in large percentages of the cases. The fact that St. Louis was one of three cities which had large prosecutor caseloads could have had a significant effect on the operations of the court system in 1971.

The scope and number of court-related projects implemented in St. Louis are very different from those in other Impact cities. Instead of concentrating Impact funds on a small number of projects, St. Louis decided to fund nine projects ranging from pilot use of computerized transcription, to courtroom construction, to the establishment of a criminal investigation unit in the Circuit Attorney's Office. The functions and objectives of each of these projects are highlighted below. Their descriptions are grouped by operating agencies; namely, City of St. Louis; Missouri Court of Appeals, St. Louis District; 22nd Judicial Circuit Court; and Circuit Attorney's Office. A total of \$1,603,232 was awarded to all nine projects, which amounts to 8.5 percent of St. Louis' Impact funds.

##### 4.8.1 Consolidated Court Plan (St. Louis City)

Felony courtrooms are presently located in two buildings separated by one and a half city blocks. This separation has created numerous logistical and administrative problems. Under this project, all felony courtrooms will be consolidated into the Municipal Courts Building, which is connected to the City Jail by a tunnel. Project funds will be used to construct new courtrooms for City Courts that are vacating the Municipal Courts Building to make space available for felony courtrooms. This project has received \$150,000 in Impact funds.

##### 4.8.2 Pre-Trial Release Program (Board of Probation and Parole)

The project will permit the State Board of Probation and Parole to expand its Normal Bond Staff to eight investigators and four stenographers to make pre-trial release available to more defendants, whose qualification for release will be based on such factors as family ties, residence, employment, criminal record, etc., rather than on an ability to post a bond. The investigators will interview arrestees, verify information obtained, and make recommendations on eligibility for release, and conditions for release. Individuals released through this project will be supervised and counselled to assure their appearances in Court, to verify that

conditions of release are being followed, to help them resist committing new offenses. They will be exposed to community-based service and treatment programs and given aid with personal problems. The objectives are to place as many defendants as possible on pre-trial release without a significant increase in failure-to-appear rates and/or rearrest rates, compared to other alternatives. This project has been awarded \$104,113 in Impact funds.

#### 4.8.3 Court Transcription Backlog (Missouri Court of Appeals St. Louis)

Part of the delay in the appellate process is due to the unavailability of trial transcripts. It is estimated that it takes an average of 5½ months for a trial transcript to reach the appellate court. This project will attempt to find solutions that will accelerate the preparation of trial transcripts. The Appeals Court and the St. Louis Circuit Court will work together to achieve that purpose. This project will perform the following activities:

- Establish data collection procedures and collect data on transcript production.
- Establish the feasibility of computerized transcripts.
- Conduct a seminar for 60 court reporters to familiarize them with the project and computerized transcription techniques, and to determine alternatives to solving transcription problems.
- Screen and profile nine criminal court reporters' writing techniques to determine adaptability to computerized techniques.
- Conduct a feasibility study to assess the training of sentenced offenders in court reporting and data conversion methods.

This project has been awarded \$75,000 in Impact funds.

#### 4.8.4 Research Department (Missouri Court of Appeals, St. Louis)

This project will set up a Research Department in the Missouri Court of Appeals, St. Louis District, to provide services that will help reduce the time required for appellate decisions. The goal is to hand down criminal appellate decisions one month after oral arguments. A docket attorney, a legal research staff, and an executive judicial assistant will be funded by this project.

The docket attorney will screen all papers and appeals filed to check form, content, and compliance with rules and practice requirements. He will screen all cases on judicial requirements; research and report on all motions and applications for writs; and maintain case control records.

The research staff will read the transcripts and briefs submitted with appealed cases, check all citations, and prepare a Prehearing Report which will contain a Statement of Facts, Statement of Issues, Discussion of Issues, and a conclusion. A Prehearing Report will be accompanied by a memorandum opinion or a full-length opinion, the purpose of which is to reduce the amount of time that judges ordinarily spend in writing opinions.

An executive judicial assistant will manage all grants and grant-related activities. He will assist the Chief Judge in administrative matters of the court, and maintain liaison with other judicial bodies.

The overall objectives of this project are to accelerate the appellate process, avoid a backlog of pending cases, and improve the quality of appellate opinions by providing a range of administrative and legal services to judges in the Appeals Court. This project has been awarded \$191,270 in Impact funds.

#### 4.8.5 St. Louis Court Improvement (Missouri Court of Appeals, St. Louis)

This project will fund a director and an administrative assistant in the St. Louis Committee on Courts, which is a not-for-profit group made up of judges, lawyers and citizens. This Committee serves as a communication channel for various elements of the criminal justice system. The overall goal of the Committee is the improvement of the criminal justice system in St. Louis. Project funds will help achieve the following objectives:

- Analysis of post-arrest processing to pinpoint problems and delays and make recommendations.
- Provide a forum for various elements of the criminal justice system to review problems and determine appropriate solutions.
- Promote the implementation of appropriate policies derived from detailed analysis of the criminal justice system.

This project has been awarded \$103,216 in Impact funds.

#### 4.8.6 Criminal Court Improvement (22nd Judicial Circuit Court)

This project will provide funds for hiring several support personnel for the Circuit Court to perform specialized functions.

A law clerk and a secretary will be hired to assist the judges. The law clerk will research and brief the decisions handed down by the Missouri Appellate Courts, the U.S. Court of Appeals, and the U.S. Supreme Court. On request, the law clerk will research a particular issue or case, and prepare a brief. His main functions, therefore, are to relieve the judges of the time required to research and evaluate recent decisions. The secretary's duty is to perform clerical services that would otherwise require the judges' time. The objective is to let judges devote as much time as possible to judicial matters.

A docket controller will be hired to coordinate the trial docket and keep it current. He will alert attorneys of scheduled court appearances, distribute court files, and arrange a back-up case to fill unexpected gaps in the court's trial day.

A swing court reporter will be hired and assigned as needed to relieve a regular court reporter from court duty, so that the regular court reporters will have time to prepare transcripts ordered for appeals. Such an arrangement will help reduce delays in the appellate process. In addition, a stenographer will also be hired to perform stenographic services for judges that were formerly done by the court reporters; this will maximize the reporters' in-court time.

An assistant court administrator will be added to aid the court administrator in coordinating the various supporting functions of the court.

The amount of Impact funds awarded to this project is \$336,096.

#### 4.8.7 Improvement of Court Automation Project (22nd Judicial Circuit)

The St. Louis criminal court recently automated some of its administrative functions. Initial computer programming was done by an outside contractor. This project will provide funds for hiring an in-house programmer, who will be responsible for modifying the programs to reflect changes in docket scheduling policies, developing new programs to generate various reports required by the judges, and maintaining normal computer operations. The amount of Impact funds given to this project totals \$29,531.

#### 4.8.8 Improved Crime Reporting (Circuit Attorney's Office)

The title of this project is somewhat ambiguous. A more appropriate title might have been: "Improving paper work processing and record management." The project will provide funds for purchasing several types of equipment. One type of equipment consists of automated typewriters, electrical typewriters and telephone dictation units. This equipment will be organized as a "word processing system," which will improve the speed, accuracy and cost of preparing various forms of documents, correspondence, and notices. It is expected that the productivity of clerical personnel and professionals in the office will be enhanced by such a system. The quality of work products will also be improved.

A microfilm camera and reader-printer will be purchased to help streamline record-keeping procedures. Closed files will be put on microfilm cartridges. The reader-printer will be used for scanning, reading, and producing a printed copy of any record in the closed files. The use

of this equipment will save considerable office space and speed up the retrieval of information from closed files. This will help relieve the critical space shortage problem in the office.

Automated filing cabinets for both full size legal file and the 3 x 5 criminal history cards will be purchased to keep all criminal history cards dating back to 1954. Ready access to criminal history and other disposition information will improve various prosecutorial functions.

Two CRT computer terminals will be obtained to connect the Circuit Attorney's Office to a computer center in the Police Department of the City of St. Louis, and at some future time to the REGIS system.

This project has been awarded \$124,503 in Impact funds.

#### 4.8.9 Circuit Attorney Criminal Investigation Unit (Circuit Attorney's Office)

This project will set up a Crime Investigation Unit in the Circuit Attorney's Office. The Unit will comprise five attorneys, four legal investigators, and two stenographers. The attorneys and investigators will be organized into teams, with each team specializing in different types of offenses, e.g., homicide or burglary. These teams will provide investigative and legal assistance to the police and cooperate with the Bureau of Investigation and the Criminal Intelligence Unit. Their investigative targets will be repeat offenders, professional burglars, hold-up men; and sex deviates. The teams will infiltrate organized groups of burglars to collect evidence for initiating prosecution. Team members will conduct in-depth follow-up investigation of stranger-to-stranger crimes. They will periodically attend training courses sponsored by national law enforcement organizations in order to be aware of current legal and procedural constrictions and guidelines affecting enforcement and prosecution.

The project will purchase radio-telephones and radio-equipped cars, that will be used to set up "mobile warrant units" in the field to assist police officers in making warrant applications and collecting evidence. These field units will eliminate the need for police officers to appear at the Circuit Attorney's Office for warrant applications. This will save police man-hours. This project has received \$489,503 in Impact funds.

The amount of Impact funds awarded to the above projects totals \$1,603,232, representing 8.5 percent of St. Louis' available Impact funds. Despite this broad range of projects, some of St. Louis' basic court problems such as large prosecutor's caseload, low trial conviction rate, and delay between trial and sentencing have not been directly addressed to produce near term improvements.

## 5.0 SUMMING UP

What has been presented in this paper is a quantitative description of the conditions facing the felony courts in the Impact cities before the Impact program was initiated. Despite some of the limitations noted in the introductory section, such a quantitative approach is required by the national level evaluation of the Impact program for several reasons. First, quantification exposes and brings into sharper focus the similarities and differences among the courts, and this knowledge will help an evaluator understand why seemingly comparable programs or projects produce different results among the cities. Second, quantification reveals empirical relationships between various system activities and outcomes and helps concretize intuitive perception or general beliefs about system behavior; for example, the general relationship between prosecutor caseloads and guilty plea rates comes out clearly in Section 3.7 and that between trial delay and dismissal rates in Section 3.4. Third, quantification provides an objective basis for assessing the magnitude of a given problem. To illustrate, a court with 1,000 cases awaiting trial could have a far more serious backlog problem than another with 2,000 open cases, since the magnitude of a court's backlog problem is a function of a set of system parameters: disposition rate, speedy trial time standard, new-case filing rate, charge reduction rate, "no-bill" rate and so on.

When Impact-funded court projects are viewed against the conditions described in Section 3.0, it becomes clear in most cases why particular types of court projects have been chosen in each Impact city. The rationale and objectives of court projects can generally be linked to some of the conditions prevailing in 1971. The data on case disposition, size of backlog, and volume of felony cases has shown that four Impact cities had trial delay and excessive backlog problems. Not unexpectedly, three of these four cities, Baltimore, Cleveland, and Dallas, have indeed allocated larger shares of their Impact funds to court projects than cities that did not have similar problems. The fourth city, Newark,

has allocated a much smaller percentage than the other three cities, not because Newark did not recognize the existence of delay and backlog problems in that city, but rather because of the special nature of the trial delay problem in Newark. It seems that improvement of case processing functions in Newark's lower criminal court could produce significant reduction in total case disposition time. It follows logically that the court project in Newark should develop new procedures and add the necessary manpower resources in all elements of the criminal justice system that are critical to accelerate the movement of felony cases through the lower court. Indeed, this has been the strategy adopted in Newark's Special Case Processing project. Not having to commit large amounts of Impact funds for new felony courts accounts for the smaller share of Impact funds awarded to the court project in Newark, in comparison to Baltimore, Cleveland, and Dallas.

St. Louis presents a special situation. Although speed of trial and backlog were less of a problem in St. Louis than in Cleveland and Newark, nevertheless, St. Louis has allocated a larger share of its Impact funds to the courts than those two cities. There are reasons for this. Trial delay could become a potential problem in St. Louis since the average number of days between arrest and sentencing was running close to 6 months. It had the lowest trial conviction rate among the Impact cities. The appellate process was long as it took about 5 1/2 months for trial transcripts to reach the appellate courts. Indications are that there were some problems, even though none were really as serious as those found in some other Impact cities. Choosing to address several problem areas under the Impact program, St. Louis has decided to fund nine projects distributed among the Missouri Court of Appeals--St. Louis District, the 22nd Judicial Circuit (St. Louis' felony court), the Circuit Attorney's Office, and the State Board of Probation and Parole. This relatively large number of projects accounts for the higher percentage of Impact funds for the courts in St. Louis,

compared to the allocations in Cleveland and Newark. Paradoxically, some of the basic problems such as heavy prosecutor's caseload, low trial conviction rate and sentencing delay have not been addressed.

The data also show that Impact cities which were not plagued by trial delays have focused their court projects on enhancing the "certainty" of justice through more effective prosecution. Atlanta, Denver and Portland belong to this group. Since the magnitude of prosecutor-related projects is smaller than those projects involving the creation of new courtrooms, it is understandable why the percentages of Impact funds allocated to the courts area in Atlanta, Denver and Portland are smaller. The dollar amounts and percentage of Impact funds allocated to court projects in each Impact city are shown in Table IX; allocations for individual projects are given in Table X.

Besides addressing the problems of speed and certainty of justice, three of the Impact cities, Baltimore, Denver and St. Louis, have also directed attention at the issue of fairness, as it relates to bail. Pre-trial release projects have been funded in these three cities to reduce pre-trial detention. Recommendations for release are based on such factors as family and community ties, employment, past criminal records, etc., rather than on a defendant's ability to post a money bond.

Evaluative findings are now coming in to show how well each court project is achieving its objectives. These findings, together with the background data and analysis presented in this report, will form the basis for assessing the outcomes of court projects from a national perspective. A follow-up report will be prepared to document the assessment results.

TABLE IX  
FUND ALLOCATIONS AND TRIAL DELAY

<u>CITY</u>	<u>PERCENT OF AVAILABLE IMPACT FUNDS EXPENDED FOR COURTS</u>	<u>AMOUNT OF IMPACT FUNDS FOR COURTS</u>	<u>AVERAGE DISPOSITION TIME (DAYS)</u>
DALLAS	20.4%	\$ 3,872,750	330
BALTIMORE	15.3%	2,559,679	195
ST. LOUIS	8.5%	1,603,232	174
CLEVELAND	6.8%	1,249,561	282
NEWARK	4.4%	474,774	315
PORTLAND	2.5%	394,517	81+
DENVER	2.1%	383,997	96
ATLANTA	1.3%	135,585	62
TOTAL FOR ALL CITIES:	8.3%	\$10,674,095	

TABLE X

LISTING OF IMPACT CITY COURT PROJECTS AND FUNDS AWARDED  
(AS OF SEPTEMBER 30, 1974)

CITY	PROGRAM/PROJECT TITLE	PROJECT FUNDS AWARDED	TOTAL FOR COURTS IN CITY
Atlanta	1. Special Prosecution Squad	\$ 135,585	\$ 135,585
Baltimore	1. High Impact Court		2,559,679
	1a. Public Defender	425,947	
	1b. Clerk of Court	185,656	
	1c. Supreme Bench	1,776,773	
	2. Jail-Bail Review	171,303	
Cleveland	1. Visiting Judges	719,616	1,249,561
	2. Prosecutor's Office	170,310	
	3. Counsel for Indigents	274,491	
	4. Juvenile Court Development	85,144	
Dallas	1. Special Court Processing of Impact Cases		3,872,750
	1a. Phase I	811,382	
	1b. Phase II	2,214,738	
	2. Juvenile Department	846,630	
Denver	1. Priority Prosecution	217,849	383,997
	2. Pre-Trial Release	166,148	
Newark	1. Special Case Processing	474,774	474,774
Portland	1. Multnomah County District Attorney's Project	394,517	394,517

CITY	PROGRAM/PROJECT TITLE	PROJECT FUNDS AWARDED	TOTAL FOR COURTS IN CITY
St. Louis	1. Consolidated Court Plan	\$ 150,000	\$ 1,603,232
	2. Pre-Trial Release	104,113	
	3. Court Transcription Backlog	75,000	
	4. Research Department (Court of Appeals, St. Louis)	191,270	
	5. St. Louis Court Improvement	103,216	
	6. Criminal Court Improvement (22nd Judicial Circuit)	336,096	
	7. Improvement of Court Automation	29,531	
	8. Improve Crime Reporting	124,503	
	9. Circuit Attorney Criminal Investigation Unit	489,503	
	Total Impact Funds Awarded to Court Projects		\$10,674,095
	Percent Impact Funds Awarded to Court Projects		8.3%

**CONTINUED**

**1 OF 2**

APPENDIX

SPEEDY TRIAL RULES AFFECTING IMPACT CITIES' FELONY COURTS

Atlanta

"If the defendant is not tried within the term of court in which he was indicted or the next succeeding term, provided there were juries available at both terms to try him, he must be completely discharged. GA. CODE ANN. 27-1901."\*

Baltimore

"The accused in all criminal prosecution has the right to a speedy trial. MD. CONST. art. 21...When the accused has demanded a speedy trial and the delay is less than substantial, even if it is purposeful oppressive, or negligent, at least some showing by him of a strong possibility of prejudice is required,"\*

Cleveland

The new Ohio Criminal Code, which took effect on January 1, 1974, requires that prosecution be commenced within 90 days of arrest for jailed defendants and within 270 days of arrest for defendants released on bail. Upon defense motion cases not brought to trial in accordance with these statutory limitations may be dismissed with the effect of a nolle prosequi, barring any further criminal proceedings against the defendant based on the same conduct.

The Cuyahoga County Court of Common Pleas interprets the "commencement of prosecution" to mean the commencement of the trial of the defendant on the counts charged.\*\*

Dallas

"A defendant in any criminal prosecution has the right to have a speedy and public trial. TEX. CONST. art. 1, 10. Unless good cause is shown, the prosecution will be dismissed and the bail

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\* Cited in Lewis R. Katz, Justice Is the Crime - Pretrial Delay in Felony Cases, The Press of Case Western Reserve University (Cleveland, 1972).

\*\* Source: Cleveland Impact Cities Program, Adjudication Operating Program, Visiting Judges Project Evaluation Report, February 1974, pages 7 and 8.

discharged if an indictment or information is not presented against the defendant at the term of court which follows his commitment or admission to bail. TEX. CODE CRIM. PROC. art. 32.01 (1966)."\*

#### Denver

"If a person is committed for a criminal or supposed criminal matter and is not tried on or before the expiration of the second term of the court having jurisdiction of the offense, the defendant must be set at liberty by the court and the case dismissed. This rule does not apply if the delay was caused or requested by the defendant or if the court at the second term is satisfied that attempts have been made to procure the evidence and that there are reasonable grounds to believe that such evidence may be procured at the third term. COLO. REV. STAT ANN. 39-7-12 (1973)."\*

#### Newark

"At any time after six months following the return of an indictment or the filing of an accusation, the assignment judge may, on his or on defendant's motion, direct that a trial be set for a specific day. Upon failure of the prosecuting attorney to proceed at that time, the assignment judge may order the indictment or accusation dismissed, and such dismissal shall be the equivalent of a judgment of acquittal. N.J.R. CRIM. P. 3:25-2 (1971)."\*

#### Portland

Oregon Statute (ORS 136.290) provides that a defendant cannot be held for more than 60 days if he has not been brought to trial by that time and if he has not approved the delay.\*\*

#### St. Louis

Defendant's right to a speedy trial is guaranteed by the State Constitution but there does not appear to be an explicit time limit for protecting this right.

\*Cited in Lewis R. Katz, Justice Is the Crime - Pretrial Delay in Felony Cases, The Press of Case Western Reserve University (Cleveland, 1972).

\*\*Source: Multnomah County District Attorney High Impact Program grant application, page 25.

#### REFERENCES

1. Coordinating Council on Criminal Justice, "Baltimore Impact Courts Program Evaluation Report," Mayor's Office, Baltimore, Maryland, (no date).
2. Peter W. Greenwood, et.al., "Prosecution of Adult Felony Defendants in Los Angeles County: A Policy Perspective," Report R-1127-DOJ, RAND Corporation, Santa Monica, California, March 1973, page 30.
3. Speech reprinted in Howard James, Crisis in the Courts, Revised Edition, David McKay Company, New York, January 1974.
4. See, for example, Bernard Botein, Our Cities Burn - While We Play Cops and Robbers, Simon & Schuster, New York, 1972.
5. Report of the National Advisory Commission on Civil Disorder, Bantam Books, Inc., New York, 1969.
6. City of Newark, "Special Case Processing For Impact Offenders," Grant Application, 1973, page 3.
7. Issac Ehrlich, "The Deterrent Effect of Criminal Law Enforcement," The Journal of Legal Studies, 1:2, 1972, pages 259-77.
8. Colorado Rule of Criminal Procedure, cited in Lewis R. Katz, et.al., Justice Is the Crime - Pre-trial Delay in Felony Cases, The Press of Case Western Reserve University, Cleveland, 1972.
9. See Reference 1, pages 37 and 97.
10. City of Cleveland, "Data Collection Questionnaire," Mayor's Office, 1972, Adjudication Section, page 51.
11. President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Courts, U.S. Government Printing Office, Washington, D.C., 1967.
12. Peter W. Greenwood, et.al., op.cit., page 21.
13. National Advisory Commission on Criminal Justice Standards and Goals, Report on Courts, U.S. Government Printing Office, Washington, D.C., 1973.
14. Data taken from "1972 Annual Report of the Philadelphia Common Pleas and Municipal Courts," Court Administrator's Office, Philadelphia, 1973 and from Peter W. Greenwood, et.al., op.cit., Table II and Table XX.
15. "1972 Annual Report of Philadelphia Common Pleas and Municipal Courts," Court Administrator's Office, Philadelphia, 1973.

REFERENCES (CONCLUDED)

16. See Reference 1 above.
17. City of Cleveland, "Cleveland Impact Cities Program, Adjudication Operating Program Evaluation Report," Mayor's Office, Cleveland, March 1974.
18. City of Newark, "Special Case Processing for Impact Offenders," Grant Application, June 1973, page 5.
19. City of Newark, "Newark Impact Action Plan," January 1973, page II-70.
20. City of Portland, "Multnomah County District Attorney High Impact Program," Grant Application, (no date), page 3.

**END**