

REPORT ON THE IMPLEMENTATION OF TITLE I AND TITLE II

OF THE

**SPEEDY TRIAL ACT
OF 1974**



ADMINISTRATIVE OFFICE OF
THE UNITED STATES COURTS

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REPORT OF THE DIRECTOR
OF THE ADMINISTRATIVE OFFICE
OF THE UNITED STATES COURTS
ON THE OPERATION OF TITLES I AND II
OF THE SPEEDY TRIAL ACT OF 1974
(18 U.S.C. 3152-56 AND 3161-3174)

This report is submitted pursuant to the provisions of 18 U.S.C. 3167 which require the Director of the Administrative Office of the United States Courts to "submit periodic reports to Congress detailing plans submitted" by the district courts pursuant to Title I of the Speedy Trial Act of 1974, and the provisions of 18 U.S.C. 3155 which require the Director to report annually to the Congress on the accomplishments of the pretrial services agencies established in ten district courts on a demonstration basis pursuant to Title II of the Act.

PART I. SPEEDY TRIAL

A. Synopsis of statutory provisions

The Speedy Trial Act of 1974 requires each United States district court, with the approval of the judicial council of the circuit, to adopt a plan for the prompt disposition of criminal cases in accordance with statutory time limits. By July 1, 1979 each district court must assure that each criminal defendant will be indicted within 30 days of arrest, arraigned within 10 days of indictment, and tried within 60 days following arraignment.^{1/} In computing these time intervals certain periods of delay may be excluded.^{2/}

^{1/} 18 U.S.C. 3161(b) and (c).

^{2/} 18 U.S.C. 3161(h).

The Act contemplates a three-year phasing-in period during which intervals of time longer than those required to be attained by July 1, 1979 are applicable.^{3/} In the first year, beginning July 1, 1976, the Speedy Trial Plan of each district court must provide a maximum period of 60 days between arrest and indictment and a maximum period of 180 days between arraignment and trial. In the second year, beginning July 1, 1977, these time limits must be reduced to 45 days between arrest and indictment and 120 days between arraignment and trial. Finally in the third year, beginning July 1, 1978, the time limit between arrest and indictment may not exceed 35 days and the period from arraignment to trial may not exceed 80 days. The time period of 10 days between indictment and arraignment remains constant. Each district court has the option of adopting a plan containing time limits which are shorter, but not longer, than those specified in the act.

Until these permanent time limits become effective certain "interim time limits" apply.^{4/} These "interim time limits" are made applicable to detained persons held in custody solely because they are awaiting trial on federal charges and to released persons designated by the attorney for the government as "high risk". If defendants in custody are not brought to trial within 90 days they must be released from custody. In the case of those designated "high risk" there is automatic review by the court of the conditions of release.

^{3/} 18 U.S.C. 3161(f) and (g).

^{4/} 18 U.S.C. 3164

B. The planning process in the district courts

The procedures to be followed by the United States district courts in formulating speedy trial plans are carefully set out in the Act. The chief judge of each district court is required to appoint a planning group^{5/} which has the responsibility not only to develop a speedy trial plan for the district, but also to carry on a continuing study of the administration of criminal justice in the district court and to recommend statutory, procedural and administrative changes. Congress appropriated two and one half million dollars for planning purposes. Each planning group was allocated \$5,000 the first year with the understanding that additional funds would be made available upon a request accompanied by a justification as to need. Subsequently up to \$30,000 per district was disbursed. For allocations to individual planning groups see Table 1. Obligations for the year ending June 30, 1976 were, in the aggregate, \$332,626. It is estimated that the remaining funds in the amount of \$2,167,374 will be sufficient to cover the expenses of the planning groups until 1978 when the final speedy trial plans are due.

^{5/} 18 U.S.C. 3168. The planning group in each court consists of a minimum of the chief judge, a United States magistrate, the United States attorney, the clerk of court, the federal public defender, a private attorney experienced in criminal case defense, the chief United States probation officer and a person skilled in criminal justice research who acts as reporter.

To assist the planning groups in their tasks of developing district plans the Judicial Conference Committee on the Administration of the Criminal Law developed a model plan and operating guidelines which were distributed to all district court planning groups. The model plan is set out in Appendix A. The Federal Judicial Center, pursuant to its responsibility to "advise and consult with the planning groups"^{6/} undertook, with the cooperation of the Administrative Office, a series of six seminars to acquaint the members of the planning groups with the provisions of the Act and their duties and responsibilities thereunder. These seminars were conducted regionally throughout the nation. The dates, locations and participants in the seminars are listed in Appendix B. In addition the Federal Judicial Center made available to the district court planning groups the results of a special statistical study which supplemented the information routinely compiled by the Director of the Administrative Office in his annual reports. The planning groups have also been kept currently advised of court decisions, Judicial Conference Committee determinations, and other matters of interest through a system of "Speedy Trial Advisories" issued periodically by the Administrative Office and the Federal Judicial Center.

^{6/} 18 U.S.C. 3169

As a result of the briefing seminars and the distribution of informative materials, the planning groups were able to complete the initial speedy trial plans at least one month prior to their effective dates to afford an opportunity for review at the judicial council level. All plans went into effect on July 1, 1976.^{7/}

C. Reporting and record-keeping requirements

The statistical reporting requirements of the Act are strict and detailed. Records must be kept for each criminal defendant that reflect the various time periods between (1) arrest and indictment, (2) indictment and arraignment, and (3) arraignment and trial. Furthermore, the clerks of the district courts must keep records and report on those time intervals which are "excludable" within the meaning of the Act.^{8/} Information must also be furnished with respect to periods of detention and other events which occur in the processing of a criminal case.

These record-keeping requirements have obliged a complete revamping of forms and a change from a case oriented to a defendant oriented statistical reporting system. Moreover the Act requires the courts and the Administrative Office to compile new types of information on the processing of criminal cases which had not been collected in the past. Consequently, a new uniform criminal docket sheet and a reporting form were promulgated by the Administrative Office. In order to familiarize district court

^{7/} The average plan of a district court is approximately 30 pages in length, a total of approximately 3,000 pages. The salient features of the plans are reviewed in this report. Copies of all speedy trial plans are on file in the Administrative Office of the United States Courts.

^{8/} 18 U.S.C. 3161(h)

personnel with these new forms and procedures, the Federal Judicial Center in cooperation with the Administrative Office sponsored four training seminars, conducted regionally and attended by approximately 350 court personnel.

During the year the Administrative Office acquired additional electronic data processing equipment to process the data to be reported under the Act. Information from some district courts was entered into the computer system on a trial basis beginning in February 1976. Since July 1, 1976, when the first time limits became effective, the computer system has been prepared to receive information from all district courts.

The Federal Judicial Center has accelerated the development and implementation of its Courtran II management information and research system which will provide federal district courts the capability to continuously monitor the effectiveness of their speedy trial plans. Additionally, the system will provide speedy trial planning groups with the information they require to analyze the criminal justice process and make recommendations to improve the processing of criminal cases. Courtran II will also have the capability to automatically collect and forward the speedy trial information required by the Administrative Office.

D. Speedy trial plans adopted by the district courts

The speedy trial plans adopted by the 94 districts specify the time limits applicable during the three-year transitional period. Nineteen districts determined to place into effect

immediately the time limitations required to be reached by July 1, 1979. For the most part the district courts adopting these strict limits were the smaller courts whose criminal dockets are current. Six of these 19 courts, however, do have a larger volume of criminal cases: the District of Connecticut, the District of Maryland, the District of Minnesota, the Eastern District of Missouri, the District of Arizona, and the District of New Mexico. In addition the plans in 25 other district courts provide (1) for shorter time limits during the transitional period than those required by the Act or (2) for acceleration of the date on which the required 1979 time limits become effective. Fifty of the 94 United States district courts have adopted plans which include the full time-interval periods permitted by the Act for the transitional period. An analysis of the time limits which have been adopted is shown, by district, in Table 2.

E. Current status of criminal dockets

Anticipating the impact of the time limits prescribed by the Speedy Trial Act, the district courts made special efforts during the year ending June 30, 1975 to reduce the backlog of older criminal cases pending on their dockets. As a result the number of pending criminal cases was reduced from 22,411 at the beginning of the year to 19,756 at the end, a reduction of more than 2,650 cases, or 12 percent. The following table shows the flow of criminal cases in the district courts during the last two fiscal years:

	<u>Fiscal Year</u>		<u>Percentage</u>
	<u>1975</u>	<u>1976</u>	<u>change</u>
Filed.....	43,282	41,020	-5.2
Terminated.....	43,515	43,675	0.4
Pending.....	22,411	19,756	-11.8

The five percent decrease in filings resulted, in part, from changes in statistical guidelines to meet the reporting requirements of the Speedy Trial Act. For example, in the past superseding indictments were counted as separate cases; under the new guidelines superseding indictments, brought after an original indictment was dismissed on motion of the government, are now being filed in the same case as the original indictment. In addition, certain minor offense cases, formerly entered separately on the dockets of magistrates, are now being placed on district court dockets. The impact of these changes is analyzed in the annual report of the Director of the Administrative Office for fiscal year 1976.

Of primary significance is the decline in the number of criminal cases pending for more than six months, which did not involve fugitive defendants, and were presumably available for trial. These cases declined from 5,107 on June 30, 1975 to 3,594 on June 30, 1976, a decrease of 1,513 cases, or 30 percent.

The following table contains a comparison of the age of pending cases at the end of the last two fiscal years.

Age of Criminal Cases Pending

	<u>Pending on June 30</u>		<u>Percentage change</u>
	<u>1975</u>	<u>1976</u>	
Total pending criminal cases.....	22,411	19,756	-11.8
Pending less than 6 months.....	10,267	9,088	-11.5
Cases without fugitive defendants:			
Total.....	5,107	3,594	-29.6
Pending 6-12 months..	2,501	1,578	-36.9
Pending 1-2 years....	2,078	1,526	-26.6
Pending over 2 years.	528	490	- 7.2
Cases having fugitive defendants:			
Total.....	7,037	7,074	- 0.5
Pending 6-12 months..	754	867	+15.0
Pending 1-2 years....	2,345	2,070	-11.7
Pending over 2 years.	3,938	4,137	+ 5.1

As indicated in the above table, more than 66 percent of the criminal cases pending six months or more on June 30, 1976 involved fugitive defendants. These cases, of course, are not triable. In the near future the district courts must take steps to dispose of the 3,594 criminal cases pending without fugitive defendants if the time limitations under speedy trial are to be met by 1979 when the sanctions contained in 18 U.S.C. 3162 become effective.

The reduction in the number of pending criminal cases without fugitive defendants during 1976 was a significant accomplishment, but it was achieved in many courts to the detriment of the civil dockets. Many district planning groups indicated that judges were concentrating on criminal calendars and considering only emergency matters in civil cases. As a

result of both the preoccupation with criminal calendars and the continuing increase in civil case filings, the pending caseload for all district courts climbed from 119,767 on June 30, 1975 to 140,189 on June 30, 1976 - an increase of 17% and a new all time high.

Although the Act provides that speeding up the trial of criminal cases should not interfere with the handling of civil cases, it is apparent from reports of the planning groups and from our statistics that this objective cannot be achieved without additional resources for the district courts, namely additional judgeships, magistrates and supporting personnel.^{9/}

F. Changes in practices and procedures

1. Court Functions. The planned change most often noted by the the district courts was more frequent grand jury sessions. In the metropolitan areas, grand juries sit regularly and are virtually in continuous session. Other courts, however, with fewer criminal cases and more dispersed populations have traditionally held fewer grand jury sessions in order to conserve costs and to minimize the inconveniences of such sessions for citizens within the district. In order to comply with the time interval of 30 days from arrest to indictment, grand juries in these districts will ultimately be convened more frequently notwithstanding the provision in the Act permitting a 60-day interval if a grand jury has not been in session for 30 days.^{10/}

^{9/} The Speedy Trial Act provides that "the (planning and implementation) process shall seek to avoid...prejudice to the prompt disposition of civil litigation..."
18 U.S.C. 3164(b).

^{10/} 18 U.S.C. 3161(b).

The short 10-day time limit from indictment to arraignment has posed particularly difficult problems of implementation. In order to comply with the provision, the courts are instituting arraignment sessions on either a weekly basis or on a basis calculated to fall within seven days of grand jury reports. This new procedure will undoubtedly require frequent interruptions of the schedules of judges and magistrates for the conduct of arraignment sessions. Many courts have indicated their intention to call upon their magistrates for arraignments in order to minimize the interruptions to the trial schedules of the district judges.

To comply with the interval from arraignment to trial a number of courts use firm cut-off dates for the filing of pretrial motions under Rule 12(b), Federal Rules of Criminal Procedure. Many have specified five-day limits.

To expedite the pretrial stages of criminal litigation and to reduce the number of necessary court hearings several district court plans require that plea negotiations take place well in advance of the time set for trial. Several courts also have introduced automatic discovery procedures and other practices, often patterned after the American Bar Association's Standards on Discovery and Procedure Before Trial. One court has established a special task force of judges to expedite the trial of those cases approaching the expiration of the time limits imposed under the Act.

The plans of all districts include changes in court operations to comply with the information-gathering, and case monitoring requirements of the Act. Many plans establish supervising deputy clerk positions responsible for ensuring that all participants in a case are informed of approaching deadlines. Case-monitoring methods include the use of visual control boards in the offices of judges, magistrates, clerks, and United States attorneys and centralized computer systems for record-keeping and docketing in the larger district courts. Numerous changes in notification and reporting practices are also planned.

2. United States attorneys. United States attorneys regularly screen matters presented for prosecution and frequently decline to proceed either because of insufficient merit of evidence. Several districts indicate that because of the strict time limits there may be an increase in the number of cases in which United States attorneys decline prosecution for lack of merit. An expanded use of pretrial diversion programs was also reported.

To reduce the burdens imposed by the limitation on the time from arrest to indictment several U.S. attorneys intend, whenever possible, to present cases to grand juries prior to arrest. Arrests will be authorized prior to the return of an indictment only in cases involving violence or exigent circumstances.

To assure compliance with the courts' monitoring and reporting requirements, several United States attorneys have designated an employee to be responsible for these functions, paralleling the speedy trial coordinator in the clerks' offices. In addition, the United States marshals and other law enforcement agencies, under the direction of the United States attorneys, will be required in many districts to notify the clerks' offices of the status of defendants arrested or held in custody on a regular basis. Provisions for expediting the transfer of prisoners both within and between districts are also contained in the district plans.

G. Recommendations of the planning groups for additional resources to be available in 1979.

The Speedy Trial Act of 1974 specifically mandates that each district report on additional resources which it will need in order to comply with the permanent time limits, effective July 1, 1979. The resources requested include (1) those required on a permanent basis after July 1, 1979; and (2) those required on a temporary or transitional basis to eliminate backlogs and to comply with the transitional time limits prior to July 1, 1979.

In anticipation of the need for additional resources in order to comply with the requirements of the Speedy Trial Act the appropriation request of the federal judiciary for the fiscal year 1977, approved by the Judicial Conference of the United States in September 1975, included requests for funds for additional personnel in clerks' offices, the offices of

United States magistrates, and probation offices. These requests were made without the benefit of the advice and assistance of district court planning groups which were not required to report anticipated needs until July 1, 1976. Additional resources were provided by the Congress for the fiscal year 1977, as indicated below, and are thus available for allocation. The district court planning group projections of need, however, already exceed the additional resources authorized for 1977; hence additional funds will be requested in the 1978 and 1979 budgets after review by the Judicial Conference.

Various tables numbered 4 to 7 set forth in the appendix, show the additional resources requested by the planning groups for the various offices and components of the criminal justice system. They may be summarized as follows:

1. Judgeships. The district planning groups foresee a need for 137½ additional judgeships in the 94 district courts. In most instances these requests are not a consequence of the Speedy Trial Act, but are based on a pre-existing deficit in judicial resources whose elimination is essential if the time limits imposed by the Speedy Trial Act are to be met.

This year the Judicial Conference Committee on Court Administration conducted its quadrennial survey of the judgeship needs in the district courts and is recommending the creation of 105 additional district judgeship positions.

In conducting its survey the Committee addressed itself to the overall needs of the district courts and did not delineate judgeship needs based exclusively upon the Speedy Trial Act. If approved by the Judicial Conference, a formal request for the creation of additional district judgeships will be transmitted to the Congress.

2. United States Magistrates. The plans adopted by the district courts frequently call for expansion of the duties delegated to United States magistrates, particularly responsibilities in the control of criminal dockets and in the processing of motions and other preliminary matters in criminal cases. The planning groups anticipate a need for 52 additional United States magistrate positions. Some of these needs will be met in the allocation of positions recently funded by the Congress. The other requests are being reviewed on an individual basis by the Judicial Conference Committee on the Administration of the Magistrates System.

3. Court reporters. The planning groups requested 27 additional court reporters in 12 district courts. Included in this total is a request for 12 additional reporters in one court. If additional judgeship positions are established some of these needs will automatically be met, since an additional court reporter position will be provided for each new judgeship. These requests will be reviewed and evaluated by the Judicial Conference Subcommittee on Supporting Personnel.

4. Deputy clerks of court. The additional record keeping and statistical reporting duties imposed upon clerks' offices as a direct result of the Speedy Trial Act are substantial. The district court planning groups estimate a need for 153 positions to process the workload. In addition 33 special positions of speedy trial clerk or coordinator have been requested. These special clerks would have the primary responsibility of supervision over the operation of the speedy trial plans in their courts.

For the fiscal year 1977, beginning October 1, 1976, funds are available for 210 new clerical positions in the clerks' offices. These positions will be allocated based upon need. Requests for any additional positions will be reviewed by the Judicial Conference Subcommittee on Supporting Personnel.

5. Probation Officers. The planning groups suggest a need for 82 additional probation officers, plus supporting staff. Funds are available beginning October 1, 1976 for 126 new probation officers. The need for additional positions are requested, if any, will be reviewed by the appropriate Judicial Conference committee.

6. Other supporting personnel. In addition to the above, some planning groups anticipate a need for additional law clerks, secretarial assistance and supporting personnel in the magistrates offices. These needs will be met if additional judgeship positions are provided and magistrate positions created, together with the usual complement of supporting personnel.

7. Personnel in the Department of Justice. The Attorney General of the United States has the responsibility for providing additional resources for United States attorneys and United States marshals. The planning groups have advised that they anticipate a need for 275 assistant United States attorneys and 175 United States marshals. Since the United States attorney is a member of the planning group in each United States district court, it is expected that the responsibility for transmitting these needs to the Attorney General for purposes of planning and budgeting will be assumed by the United States attorneys.

8. Defender services. The speedy trial plans include requests for 36 additional attorneys for existing public defender offices. The plans in 11 other districts include requests for the establishment of public defenders or community defender offices. These requests will be evaluated in accordance with the procedures for creating public defender offices under the Criminal Justice Act of 1964, as amended.

H. Experience with interim time limits.

The Act requires a 90 day time limit for the trial of persons detained in custody and persons released pending trial who have been designated by the attorney for the government as "high risk". These time limits went into effect September 29, 1975 and will end June 30, 1979, the day before the permanent time limits take effect under the Act.

The speedy trial plans in only five United States district courts report the use of a "high risk" designation during the period under study by the planning groups.^{11/}

Pretrial detention was not reported as a significant problem by any of the judicial districts. Eleven of the 94 district courts reported that defendants had been released from custody pursuant to 18 U.S.C. 3164(c) for failure to meet the requirement of trial within 90 days of detention.^{12/} Because of conflicting judicial decisions we cannot now assess the effect of 18 U.S.C. 3164 on pretrial detention. Most of the plans were approved by the district courts approximately April 1, and reflect limited experience with the provisions related to continuous custody. Information available, at the time of this report, on pretrial detention is set forth in table 3.

I. Recommended changes in statutes, rules, and administrative procedures.

The plans submitted did not contain any recommendations for change in overall administrative procedures beyond expediting the districts' own grand jury and arraignment practices.

^{11/} District of Oregon, the District of Idaho, the Eastern District of Michigan, the District of New Jersey and the Middle District of Pennsylvania.

^{12/} Guam, Northern District of Illinois, Western District of Kentucky, Arizona, Eastern District of Louisiana, Eastern District of New York, New Jersey, Eastern District of Wisconsin, Central District of California, Southern District of Florida, Northern District of Georgia.

Since no procedural time limits were in effect at the time the speedy trial plans were formulated, there was no experience available on the operation of the plans to support changes in rules of procedure or administrative practices.

As the courts gain experience in the operation of the speedy trial plans, needed changes in rules of procedure or administrative practices will become apparent.

Various specific recommendations for changes in statutes were made by the planning groups on matters pertaining to the applicability of "excludable time" to the "interim time" limits; special provisions with respect to complex criminal litigation; expansion of time limits (particularly the time limitation of 10 days between indictment and arraignment); expanding the jurisdiction of United States magistrates; and amendments to the Juror Selection and Service Act.

1. Excludable time. Several courts have come to different conclusions on the question of whether or not the excludable time provisions^{13/} are applicable to the "interim time limits".^{14/} In the case of U.S. v. Masko, ^{15/} a district court held that the excludable time provisions do apply to the interim time limits, but in U.S. v. Tirasso,^{16/} the Court of Appeals for the Ninth Circuit held that they do not apply.

^{13/} 18 U.S.C. 3161(h)

^{14/} 18 U.S.C. 3164

^{15/} No. 76 Cr. 15, (W.D. Wis. 1976)

^{16/} 532 F.2d 1298 (9th Cir. 1976)

The speedy trial plans of 26 district courts recommended that the Act be amended to make excludable time limits applicable to the interim time limits and at its session in April 1976 the Judicial Conference of the United States also recommended that the statute be so amended. A bill, H.R. 14521, has been introduced in the Congress to make the excludable time limits specifically applicable to the interim time limits.

2. Complex Litigation. Twenty-two planning groups expressed concern that the Speedy Trial Act fails to deal separately with problems in "complex" criminal litigation. Accordingly, they have recommended, pursuant to the congressional suggestion in 18 U.S.C 3166(b)(7), that certain classes of cases be accorded separate time limits as a matter of nationally uniform statutory application. Complex cases include those involving antitrust issues, gambling charges, conspiracy problems, sensational crimes, multi-defendant problems, and cases requiring long periods of preparation by counsel for the government or the defense. Although a district judge has discretion to grant continuances in the interest of justice in certain kinds of cases,^{17/} the planning groups believe that judges may be reluctant to exercise their discretion purely on the basis that a case is "complex". Planning groups also believe that these classes of cases should be treated separately by statute to assure uniform standards and procedures nationwide.

^{17/} 18 U.S.C. 3161(h)(8)

3. Changes in time limitations or repeal of the Act.

Thirteen district courts recommended that the Speedy Trial Act itself be redrafted or repealed. Those recommending repeal did so on the basis that the time limits are too rigid. Some plans suggest a return to the more flexible standards of Rule 50(b) of the Federal Rules of Criminal Procedure and some suggest that the standards set out in Barker v. Wingo,^{18/} be used in making speedy trial determinations.

4. Time between indictment and arraignment. Nineteen district courts suggested that the time limit of 10 days between indictment and arraignment is too short and recommended that it be expanded to 15 or 20 days. The reasons were primarily logistical: courts being held at multiple points; unavailability of counsel; the inclusion of weekends and holidays within the 10-day period; and inadequate time to formulate a plea. If automatic pleas of not guilty are entered merely for the purpose of complying with the statute, additional hearings for the purpose of accepting changes in plea may become more frequent.

5. Federal Magistrates Act. The Judicial Conference of the United States has recommended to the Congress amendments to the jurisdictional provisions of the Federal Magistrates Act which are embodied in the Senate-passed bill, S. 1283. The bill

^{18/} 407 U.S. 514 (1972)

would clarify ambiguities in the present statute regarding the authority of the district court to designate a magistrate to hear and determine various pretrial motions, and otherwise assist the court in the processing of civil and criminal litigation. The planning groups in 24 district courts have urged enactment of this legislation as an aid to the district courts in their discharge of responsibilities under the Speedy Trial Act.

In addition, an expansion of the minor offense trial jurisdiction of United States magistrates was recommended by several district planning groups. At present a magistrate may not dispose of any criminal offense for which the maximum penalty exceeds either a term of imprisonment of one year or a fine of \$1,000. In September 1973 the Judicial Conference of the United States approved a proposed expansion of the magistrates' trial jurisdiction to include all misdemeanors, as part of a general revision of the Federal Criminal Code. At the same session, the Judicial Conference submitted proposed legislation for the immediate expansion of the magistrates' trial jurisdiction by raising the limitation on the maximum fine that may be imposed from \$1,000 to \$5,000. As the Speedy Trial Act begins to impose increasingly tighter time limits on the processing of criminal cases in the district courts, it becomes increasingly important that the option of proceeding before a magistrate be made available in a greater number of cases.

6. Juror Selection and Service Act. Although problems of juror selection and service are not directly related to the operation of speedy trial plans, planning groups in eight district courts recommend that the amendments to 28 U.S.C. 1871, contained in the Senate-passed bill, S.539, 94th Congress, be enacted into law. This bill would generally increase the fees payable to jurors serving in the United States district courts, provide employment protection for jurors and otherwise improve the operation of the jury system.

J. Recommendations of the Director of the
Administrative Office of the United States Courts

The limited experience of the district courts in the formulation of plans under the Speedy Trial Act, and the short period of time that has elapsed since its enactment, do not afford a basis for firm recommendations at this time for general amendments to the Act. The following recommendations are thus limited in scope and indicate urgent matters to which Congress should give prompt attention. The recommendations of the Director are these:

1. That Congress authorize the additional judgeship positions for United States district courts recommended by the Judicial Conference of the United States;

2. That the bill to make the excludable time limitations of 18 U.S.C. 3161(h) applicable to the "interim time limits" contained in 18 U.S.C. 3164 be promptly enacted into law;

3. That the Congress provide the funds for the resources needed for speedy trial purposes when requested in the appropriation submissions for the fiscal years 1978 and 1979;

4. That the bill to clarify and expand the powers of United States magistrates, S. 1283, 94th Congress be enacted into law; and

5. That the amendments to the Juror Selection and Service Act contained in S. 539, 94th Congress, also be enacted into law.

Conclusion

Part I of this initial report summarizes the efforts of the judiciary to comply with the planning requirements of the Speedy Trial Act of 1974. Since the statutorily imposed procedural time limits did not become effective until July 1, 1976, it is not possible to report on their impact on the operations of the district courts. However, the judiciary, is taking, and will continue to take all steps necessary to assure a speedy trial for every defendant charged with crime in a United States district court.

PART II. PRETRIAL SERVICES

Title II of the Speedy Trial Act of 1974 authorized the Director of the Administrative Office of the United States Courts to establish, on a demonstration basis, 10 pretrial services agencies in representative judicial districts.^{1/} Five of the agencies are to be governed by a 7 member Board of Trustees appointed in each of the five separate districts.^{2/} The agencies in the other five selected districts are to be administered under the Probation Division of the Administrative Office of the United States Courts with the chief probation officer serving as the chief pretrial service officer.

The Act authorized the Chief Justice of the United States, with the concurrence of the Attorney General, to designate the 10 district courts in which agencies are to be established. In accordance with the criteria set forth in

^{1/} 18 U.S.C. 3152.

^{2/} The composition of the boards of trustees is set out in 18 U.S.C. 3153(b). Membership includes the chief judge of the court, the United States attorney, two members of the bar active in defense of criminal cases (including the Federal public defender), the chief probation officer, and two members who shall be representatives of community organizations.

the statute the Chief Justice, on July 7, 1975, designated that pretrial services agencies be established on a demonstration basis in the following district courts:

Agencies to be Administered
by Boards of Trustees

District of Maryland	(Baltimore)
Eastern District of Michigan	(Detroit)
Western District of Missouri	(Kansas City)
Eastern District of New York	(Brooklyn)
Eastern District of Pennsylvania	(Philadelphia)

Agencies to be Administered
by the Probation Division

Central District of California	(Los Angeles)
Northern District of Georgia	(Atlanta)
Northern District of Illinois	(Chicago)
Southern District of New York	(New York City)
Northern District of Texas	(Dallas/Ft. Worth)

These designations were made on the basis of a 6-month study conducted by the Administrative Office of the United States Courts in accordance with the criteria established by the Act. All 10 agencies are located in large metropolitan centers where the volume of criminal litigation is substantial and the types of criminal cases varied. Funds in the amount of \$10 million, as authorized by the Act, became available on July 1, 1975, and the task of organizing the agencies began immediately. In October 1975 the pretrial services agency

in the Northern District of Illinois commenced operations, and by April 1976 pretrial services agencies had been fully established in all 10 districts.

A. Functions of pretrial services agencies

Pretrial services agencies perform two basic functions: (1) the compilation and verification of background information on persons charged with the violation of Federal criminal law for the use of the district judge or a United States magistrate in setting conditions of release pursuant to the Bail Reform Act (18 U.S.C. 3141 et seq.), and (2) the supervision of persons released from custody prior to trial or conviction, including the provision of counseling and other pretrial services. The stated objectives of the Act are to reduce pretrial detention and pretrial recidivism. Included among the services to be rendered by pretrial services agencies to persons released from custody prior to trial or conviction is assistance in securing necessary employment, medical, legal, or social services. The agencies are also authorized to operate, or contract for the operation of, appropriate facilities for the custody or care of persons released from

custody. Apparent violations of the conditions of pretrial release are reported to the court with recommended modifications in the terms of release. The Act contemplates that the pretrial service officers will cooperate with local agencies in the performance of their duties.

B. Organization and planning

To assist the district courts in the organization of pretrial services agencies a Pretrial Services Branch was established in the Administrative Office Division of Probation. A staff of six persons was delegated the responsibility of drafting regulations, developing operating standards, preparing position descriptions and qualifications standards for pretrial services officers, assisting the district courts in the selection of boards of trustees, and developing a statistical reporting and evaluation procedure to monitor the effectiveness of the system.

During the year the staff of the Pretrial Services Branch consulted frequently with court officials. Special forms were designed, operating techniques were devised, and

a manual containing operational guidelines and procedures was issued. With the cooperation of pretrial service officers, efforts have been made to identify the sources of employment, and medical, legal, and social services needed by persons released prior to trial and to determine how these services may be provided.

As previously indicated, all 10 pretrial services agencies were in full operation by April 1976. The sequence of events in each district court preceding the creation of pretrial services agencies is as follows:

1. Agencies administered by Boards of Trustees

(a) Western District of Missouri. The Board of Trustees in the Western District of Missouri first met in August 1975 and shortly thereafter selected a chief supervising pretrial service officer who was formerly a United States probation officer. A staff of four officers and three assistants was recruited. The processing of cases commenced in December 1975 and full operation commenced in January 1976. The agency has a central office in Kansas City and a branch office in Springfield.

The Board of Trustees in this district has been very active, having held six meetings subsequent to its initial session.

(b) District of Maryland. The chief pretrial service officer, a former United States probation officer, was selected by the Board of Trustees in October 1975 and the agency began operating with a staff of nine officers and employees in January 1976. The central office is located in Baltimore and there is a branch office in Hyattsville. The Board of Trustees has held monthly meetings since October 1975.

(c) Eastern District of Michigan. The chief pretrial service officer, also a former United States probation officer, was selected in October 1975. A majority of the staff of 12 officers and employees entered on duty in January 1976 and the program was in full operation in February. The agency has headquarters in Detroit and a branch office, recently opened, in Flint. The Board of Trustees in this district has conducted only one formal meeting, but receives monthly reports from the pretrial service officer.

(d) Eastern District of Pennsylvania. The chief pretrial service officer entered on duty in December 1975. The Board of Trustees first met in February 1975 and has held 16 subsequent meetings. This agency, with a staff of 11 officers and employees, began the processing of cases in March 1976. At the present time the project is centralized in Philadelphia, but authorization has been given for branch offices in Allentown and Reading.

(e) Eastern District of New York. The Board of Trustees initially met in October 1975 and has held two subsequent meetings. The chief pretrial service officer was selected in October 1975 and the agency commenced operation in April 1976 with a staff of 11 officers and employees. The agency is located in Brooklyn, but also conducts interviews in offices maintained in Westbury.

2. Agencies under the supervision of the Probation Division

(a) Northern District of Illinois. The pretrial services agency in this district was the first to become operational under the Act. The supervising pretrial service officer was selected in August 1975 and case processing

commenced in October. The agency has eight pretrial service officers, recruited primarily from the probation office in the district, and three clerical assistants. The principal office is in Chicago and a branch office will be established in the near future in Rockford.

(b) Northern District of Texas. The supervising pretrial service officer was selected in September 1975 and limited case processing commenced in October. A staff of six officers and two clerical assistants was authorized and full operation commenced in November. The principal office is located in Dallas and there is a separate office in Fort Worth. In branch probation offices this district is using its probation officers to serve as both probation and pretrial service officers. This staff pattern has been successful to date and is providing full coverage with substantial savings in personnel.

(c) Northern District of Georgia. Following the appointment of a supervising pretrial service officer in September 1975, the pretrial services agency in this district began processing cases in November. The agency is located in Atlanta and has, until recently, utilized probation officers in outlying areas to provide pretrial services.

Although the functions of probation officers and pretrial service officers were originally merged, difficulties were encountered. As a result the functions are being separated. The pretrial services agency has been authorized a staff of nine officers and three clerical assistants.

(d) Southern District of New York. The supervising pretrial service officer was appointed in November 1975 and the processing of cases commenced in February 1976. A staff of 10 officers and four clerical assistants is located in New York City, but the establishment of branch offices is being considered.

(e) Central District of California. The pretrial services agency in the Central District of California began processing cases in February 1976 following the selection of the supervising pretrial service officer in October 1975. The 14 officers and four clerical assistants are located in Los Angeles, but the prospects of branch offices in outlying areas are being considered.

C. Allocation of resources

The funds provided by the Congress in the amount of \$10 million for the operation of pretrial services agencies were made available until expended. During the year ending June 30, 1976, approximately \$1 million of these funds were obligated. As indicated above, the pretrial services agencies were in operation for an average of only 6-months during the year. It is estimated that expenditures will reach a level of \$2 million to \$2½ million in the next year and will remain at that level for several years thereafter. Thus, the funds presently available should last until 1979 when the Director of the Administrative Office is required to render a full report on the operation of pretrial services agencies and to make recommendations concerning the future of the program and its possible expansion to other district courts. If the funds now authorized are not sufficient to carry the program until 1979, a request will be made to the Congress that additional funds be authorized.

To date 135 positions have been authorized to staff the 10 pretrial services agencies. As of August 1, 1976, 114 of

these positions were filled. Of the 135 positions authorized 97 are professional positions and 38 are clerical and stenographic positions. Allocations have been made on the basis of the number of prebail interviews and investigations by the pretrial services agencies and the number of persons to be supervised prior to trial. The full staffing pattern is set out in Appendix C attached to this report.

In addition to personnel, expenditures were made during the year for such nonrecurring expenses as office equipment and furniture and for communications, supplies, and travel.

D. Services to persons released from custody

The Act authorizes the expenditure of funds for certain counseling services, and the care and custody of persons released under the supervision of pretrial services agencies. The Director of the Administrative Office, with the approval of the Attorney General, may "operate or contract for the operation of appropriate facilities for the custody or care of persons released under this chapter including, but not limited to, residential halfway houses, addict and alcoholic

treatment centers and counseling services." In addition the Act authorizes pretrial services agencies to assist persons released from custody in securing necessary employment, medical, legal, and social services.^{3/}

The Pretrial Services Branch of the Administrative Office has been working with the Bureau of Prisons in the Department of Justice regarding the availability of halfway houses and other facilities of the Bureau for the care and custody of released persons. A contract has been entered into with a private community services organization in Kansas City for testing drug addicts among released persons and for limited counseling services. Similar services to other pretrial services agencies is being studied and similar contracts will be entered into as needed. These efforts are being coordinated with local community organizations which provide similar services to state and local courts and to communities generally.

E. Training

In order to familiarize the staffs of pretrial services

^{3/} 18 U.S.C. 3154(4) and (7).

agencies in their duties and responsibilities the Federal Judicial Center and the Administrative Office this year conducted three seminars, one of which was concerned primarily with the duties and responsibilities of administrative and supervisory staff personnel. A total of 68 pretrial services officers and 17 administrative and supervisory personnel attended these sessions. The costs thereof, in the amount of approximately \$35,000, were charged to the funds available under Title II of the Speedy Trial Act.

F. Accomplishments of the pretrial services agencies - reporting requirements

1. Reporting requirements. The Director of the Administrative Office is required to report annually to the Congress on the accomplishments of pretrial services agencies with particular attention to (1) their effectiveness in reducing crime committed by persons released under this chapter; (2) their effectiveness in reducing the volume of costs of unnecessary pretrial detention; and (3) their effectiveness in improving the operation of [the Act].^{4/} To enable the

^{4/} 18 U.S.C. 3155.

Director to comply with this requirement an extensive system of statistical reporting has been devised and new computer equipment has been installed in the Administrative Office for processing this information.

2. Statistics. The five pretrial services agencies under the supervision of the Probation Division of the Administrative Office have been in full operation an average of 8-months through August 1, 1976, and the five pretrial services agencies under the supervision of boards of trustees have been in full operation an average of 5.8 months. During these periods the 10 agencies conducted a total of 4,886 prebail interviews of defendants who had been arrested and furnished reports and information to judicial officers for bail purposes. In addition 2,165 defendants were placed under the supervision of pretrial services agencies upon being released from custody. The supervision of 1,525 defendants, so released, was concluded after final sentence had been imposed. These figures, by district, are shown in the following table.

Activities of Pretrial Services Agencies
through August 1, 1976

<u>District</u>	<u>Months Operational</u>	<u>Persons Interviewed</u>	<u>Persons Supervised</u>		<u>Cases Terminated</u>
			<u>Number</u>	<u>Percent</u>	
<u>Under supervision of Probation Division:</u>					
New York, Southern	6	561	256	45.6	133
Illinois, Northern	10	903	176	19.5	256
Texas, Northern	9	366	302	82.5	231
California, Central	6	741	180	24.3	159
Georgia, Northern	<u>9</u>	<u>413</u>	<u>351</u>	<u>85.0</u>	<u>157</u>
Average	8			51.4	
Total		2,984	1,265		936
<u>Under supervision of Boards of Trustees:</u>					
New York, Eastern	4	278	69	24.8	44
Maryland	7	475	121	25.5	199
Missouri, Western	7	157	107	68.2	92
Pennsylvania, Eastern	5	333	125	37.6	89
Michigan, Eastern	<u>6</u>	<u>659</u>	<u>478</u>	<u>72.5</u>	<u>165</u>
Average	5.8			45.7	
Total		1,902	900		589
Grand Total		4,886	2,165		1,525

In addition to the workload reflected in the above table pretrial services agencies in several districts have undertaken additional responsibilities. In four districts (the Northern District of Georgia, the Eastern District of Michigan, the Eastern District of Pennsylvania, and the District of Maryland) pretrial services agencies in cooperation with the United States attorneys have undertaken to assist in the work of pretrial diversion. In the Eastern District of Pennsylvania the pretrial services agency makes arrangements for competency hearings and in the Northern District of Georgia the agency is responsible for setting arraignment dates to assist the court in expediting case processing.

The information presently available does not provide a sufficient basis on which to draw a comparison between the operations of pretrial services agencies administered by boards of trustees and those administered by the Probation Division. Similarly the agencies have not been in operation for a sufficient length of time to make it possible to ascertain their effectiveness in reducing crime or reducing unnecessary pretrial detention. It is anticipated, however, that the

reporting system now in operation will be able to yield information of this type in future years, so that full information may be provided in the comprehensive report to be filed with the Congress on or before the expiration of the 48-month period following July 1, 1975.

G. Studies and evaluations

The evaluation of the activities of pretrial services agencies requires not only the compilation of statistics but also examining the operation of the criminal justice system in other district courts, so that appropriate comparisons may be made. Because of the lack of nationwide data on detention and recidivism rates as well as on the use of bail throughout the Federal judicial system, it will be necessary for the Pretrial Services Branch in the Administrative Office to assemble this information to evaluate the impact of the pretrial services agencies in each district. The Pretrial Services Branch is also developing a data base on criminal cases processed in prior years in the demonstration districts, taken from presentence reports prepared by United States probation officers and from case files in the offices of clerks of court, United States attorneys, and United States marshals. This effort, which will commence in October 1976, will provide a comprehensive data base from which to evaluate

the project. In addition the Pretrial Services Branch is planning to collect data from other district courts that is comparable to that furnished by pretrial services agencies in the 10 demonstration districts. This effort will commence early in 1977. A preliminary survey has been conducted to determine availability of information.^{5/}

Additionally, studies will be made of legal and administrative problems which may arise, or have already arisen, in the operation of the pretrial services program. One serious problem already facing pretrial services agencies is that of "confidentiality." The Act provides that the "information contained in the pretrial services agencies files or presented in its report or which shall be divulged during the course of any hearing shall be used only for the purpose of bail determination and shall otherwise be confidential." The Division of Probation and the Boards of Trustees are required to issue regulations establishing a policy on the release of agency files. A considerable amount of information compiled by the pretrial services agencies on family background, prior criminal history, etc., would be useful to probation officers in the development of pre-sentence reports. If this information is not available to

^{5/} Appendix D .

probation officers from the files of pretrial services agencies, then it will have to be separately compiled - resulting in duplicating efforts. The problem of drafting regulations on confidentiality has been given careful attention. Temporary regulations have been developed and are now in effect. As experience is gained revisions will be made.

Problems have also developed in getting information concerning the background of persons arrested for violations of Federal criminal laws. This information must be quickly compiled by pretrial services agencies for the use of judicial officers because of the legal requirement of prompt bail hearings. Yet verified criminal history records are sometimes not readily available. Furthermore, the time available in some districts for the interview of arrested persons and the verification of background information has been very short. It was reported that in one district during a 3-week period the time span between notification of arrest and the initial bail hearing averaged less than 14 minutes. In two other districts procedures have been devised to permit the pretrial services agencies an average of 2 hours in which to conduct their interviews and verify the information obtained.

Conclusion

In the 18 months since the passage of the Speedy Trial Act on January 3, 1975, funds have been provided by the Congress and the 10 pretrial services agencies provided for under Title II have been created and have attained full operation. An administrative unit in the Administrative Office to service these 10 agencies and the necessary administrative machinery to support operations have been established. The activities of the pretrial services agencies in the 10 demonstration districts will be outlined in greater detail in future reports to the Congress.

Respectfully submitted,



Rowland F. Kirks
Director

September 30, 1976

APPENDIX A
MODEL STATEMENT OF TIME LIMITS AND PROCEDURES

MODEL STATEMENT OF TIME LIMITS AND PROCEDURES
FOR ACHIEVING PROMPT DISPOSITION OF CRIMINAL CASES

(This model statement is intended to constitute section III of the recommended outline, heretofore submitted to you, for Speedy Trial Plans required under 18 U.S.C. § 3165(e)(1). It supersedes and supplants the revised model plan under rule 50(b) that was recommended in June 1975 by the Committee on the Administration of the Criminal Law.)

Pursuant to the requirements of rule 50(b) of the Federal Rules of Criminal Procedure, the Speedy Trial Act of 1974 (18 U.S.C. chapter 208), and the Federal Juvenile Delinquency Act (18 U.S.C. §§ 5036, 5037), the judges of the United States District Court for the _____ District of _____ have adopted the following time limits and procedures to minimize undue delay and to further the prompt disposition of criminal cases and certain juvenile proceedings:

1. Applicability.

(a) Offenses. The time limits set forth herein are applicable to all criminal offenses triable in this court,* including cases triable by United States magistrates, except for petty offenses as defined in

* 18 U.S.C. § 3172 defines offense as "any Federal criminal offense which is in violation of any Act of Congress . . ." Rule 50(b) of the Federal Rules of Criminal Procedure, however, also applies to offenses based on acts of other legislatures. The district courts with jurisdiction over offenses created by other legislatures will wish to consider the extent to which Speedy Trial Act standards should be applied to trials for such offenses.

18 U.S.C. § 1(3). Except as specifically provided, they are not applicable to proceedings under the Federal Juvenile Delinquency Act. [§ 3172]

(b) Persons. The time limits are applicable to persons accused who have not been indicted or informed against as well as those who have, and the word "defendant" includes such persons unless the context indicates otherwise.

2. Priorities in Scheduling Criminal Cases.

Preference shall be given to criminal proceedings as far as practicable as required by rule 50(a) of the Federal Rules of Criminal Procedure. The trial of defendants in custody solely because they are awaiting trial and of high-risk defendants as defined in section 6 should be given preference over other criminal cases.

3. Time Within Which an Indictment or Information Must be Filed.

*(a) Time Limits. If an individual is arrested or served with a summons and the complaint charges an offense to be prosecuted in this district, any indictment or information subsequently filed in connection with such charge shall be filed within the following time limits:

* The periods in brackets are the maximum periods permitted by the Speedy Trial Act during the period of transition to the permanent limits, which will become effective July 1, 1979. Each district court should adopt limits, within the statutory maximums, that reflect a reasonable rate of transition toward the permanent limits in the circumstances of the individual court. If possible, the schedule should provide for adoption of the permanent limits some time in advance of the July 1, 1979, deadline, so that experience with the use of these limits may be gained before the effective date of the dismissal sanction.

(1) If the arrest or service occurs before July 1, 1976, within [60] days of July 1, 1976;

(2) If the arrest or service occurs on or after July 1, 1976, but before July 1, 1977, within [60] days of arrest or service;

(3) If the arrest or service occurs on or after July 1, 1977, but before July 1, 1978, within [45] days of arrest or service;

(4) If the arrest or service occurs on or after July 1, 1978, but before July 1, 1979, within [35] days of arrest or service.

[\$§ 3161(b), (f)]

*(b) Grand Jury Not in Session. If the defendant is charged with a felony to be prosecuted in this district, and no grand jury in the district has been in session during the period prescribed in subsection (a), such period shall be extended an additional 30 days. [§ 3161(b)]

(c) Measurement of Time Periods. If a person has not been arrested or served with a summons on a Federal charge, an arrest will be deemed to have been made at such time as the person (i) is held in custody solely for the purpose of responding to a Federal charge; (ii) is delivered to the custody of a Federal official in connection with a Federal charge; or (iii) appears before a judicial officer in connection with a Federal charge.

* This subsection should be excluded in districts in which there is no likelihood of its coming into play.

(d) Related Procedures.

(1) At the time of the earliest appearance before a judicial officer of a person who has been arrested for an offense not charged in an indictment or information, the judicial officer shall establish for the record the date on which the arrest took place.

(2) In the absence of a showing to the contrary, a summons shall be considered to have been served on the date of service shown on the return thereof.

4. Time Within Which Arraignment Must Be Held.

(a) Time Limits. A defendant shall be arraigned within 10 days of the last to occur of the following dates:

(1) The date on which an indictment or information is filed;

(2) The date on which a sealed indictment or information is unsealed;

(3) The date of the defendant's first appearance before a judicial officer of this district; or

(4) July 1, 1976.

[§ 3161(c)]

(b) Measurement of Time Periods. For the purposes of this section:

(1) A defendant who signs a written consent to be tried before a magistrate shall, if no indictment or information charging

the offense has been filed, be deemed indicted on the date of such consent.

(2) An arraignment shall be considered to take place at the time a plea is taken or is entered by the court on the defendant's behalf.

(c) Related Procedures. At the time of the defendant's earliest appearance before a judicial officer of this district, the officer will take appropriate steps to assure that the defendant is represented by counsel and shall appoint counsel where appropriate under the Criminal Justice Act and rule 44 of the Federal Rules of Criminal Procedure. The judicial officer will also inform the defendant of his rights under this plan and pertinent legislation.

5. Time Within Which Trial Must Commence.

*(a) Time Limits. The trial of a defendant shall commence within the following time limits:

(1) If the arraignment occurs before July 1, 1976, within [180] days of July 1, 1976;

(2) If the arraignment occurs on or after July 1, 1976, but before July 1, 1977, within [180] days of the arraignment;

(3) If the arraignment occurs on or after July 1, 1977, but before July 1, 1978, within [120] days of the arraignment;

* See footnote to section 3(a).

(4) If the arraignment occurs on or after July 1, 1978, but before July 1, 1979, within [80] days of the arraignment.

[§§ 3161(c), (g)]

(b) Retrial. The retrial of a defendant shall commence within 60 days from the date the order occasioning the retrial becomes final. If the retrial follows an appeal or collateral attack, the court may extend the period if unavailability of witnesses or other factors resulting from passage of time make trial within 60 days impractical. The extended period shall not exceed 180 days. [§ 3161(e)]

(c) Withdrawal of Plea. If a defendant enters a plea of guilty or nolo contendere to any or all charges in an indictment or information and is subsequently permitted to withdraw it, the arraignment with respect to the entire indictment or information shall be deemed to have been held on the day the order permitting withdrawal of the plea becomes final. [§ 3161(i)]

(d) Superseding Charges. If, after an indictment or information has been filed, a complaint, indictment, or information is filed which charges the defendant with the same offense or with an offense required to be joined with that offense, the time limit applicable to the subsequent charge will be determined as follows:

(1) If the original indictment or information was dismissed on motion of the defendant before the filing of the subsequent charge, the time limit shall be determined without regard to the existence of the original charge. [§ 3161(d)]

(2) If the original indictment or information is pending at the time the subsequent charge is filed, the trial shall commence within the time limit for commencement of trial on the original indictment or information. [§ 3161(h)(6)]

(3) If the original indictment or information was dismissed on motion of the United States Attorney before the filing of the subsequent charge, the trial shall commence within the time limit for commencement of trial on the original indictment or information, but the period during which the defendant was not under charges shall be excluded from the computations. Such period is the period between the dismissal of the original indictment or information and the date the time would have commenced to run on the subsequent charge had there been no previous charge.* [§ 3161(h)(6)]

(4) In cases in which paragraph (2) or (3) applies but no arraignment is held on the original indictment or information, the time limit for commencement of trial shall be computed as if such arraignment had been held on the last permissible day, determined under section 4(a).

* Under the rule of this paragraph, if an indictment was dismissed on May 1, with 20 days remaining within which trial must be commenced, and the defendant was arrested on a new complaint on June 1, the time remaining for trial would be 20 days from June 1: the time limit would be based on the original indictment, but the period from the dismissal to the new arrest would not count.

(5) The time within which an indictment or information must be obtained on the subsequent charge, or within which an arraignment must be held on such charge, shall be determined without regard to the existence of the original indictment or information.

(e) Measurement of Time Periods. For the purposes of this section:

(1) An arraignment shall be deemed to take place as provided in section 4(b)(2).

(2) A trial in a jury case shall be deemed to commence at the beginning of voir dire.

(3) A trial in a non-jury case shall be deemed to commence on the day the case is called, provided that some step in the trial procedure immediately follows.

(f) Related Procedures.

(1) The court shall have sole responsibility for setting cases for trial after consultation with counsel. At the time of arraignment or as soon thereafter as is practicable, each case will be set for trial on a day certain or listed for trial on a weekly or other short-term calendar.* [§ 3161(a)]

(2) Individual calendars shall be managed so that it will be reasonably anticipated that every criminal case set for trial will

* For defendants subject to section 6(a)(1) or 6(a)(2), it is recommended that the trial be set for not more than 75 days after the beginning of continuous detention or the designation as high risk. Setting an early trial date would allow for the possibility that trial must be delayed for reasons, such as illness, which would not be attributable to the fault of the accused or one of the attorneys.

be reached during the week of original setting. A conflict in schedules of Assistant United States Attorneys will not be ground for a continuance or delayed setting except under circumstances approved by the court and called to the court's attention at the earliest practicable time. The United States Attorney will familiarize himself with the scheduling procedures of each judge and will assign or reassign cases in such manner that the government will be able to announce ready for trial.

(3) In the event that a complaint, indictment, or information is filed against a defendant charged in a pending indictment or information or in an indictment or information dismissed on motion of the United States Attorney, the trial on the new charge shall commence within the time limit for commencement of trial on the original indictment or information unless the court finds that the new charge is not for the same offense charged in the original indictment or information or an offense required to be joined therewith.

(4) At the time of the filing of a complaint, indictment, or information described in paragraph (3), the United States Attorney shall give written notice to the court of that circumstance and of his position with respect to the computation of the time limits.

(5) All pretrial hearings shall be conducted as soon after the arraignment as possible, consistent with the priorities of other matters on the court's criminal docket.

6. Defendants in Custody and High-Risk Defendants.*

(a) Time Limits. Notwithstanding any longer time periods that may be permitted under sections 3, 4, and 5, the following time limits will also be applicable to defendants in custody and high-risk defendants as herein defined:

(1) The trial of a defendant held in custody solely for the purpose of trial on a Federal charge shall commence within 90 days following the beginning of continuous custody.

(2) The trial of a high-risk defendant shall commence within 90 days of the determination or designation as high-risk.

[§ 3164(b)]

(b) Definition of "High-Risk Defendant." A high-risk defendant is:

(1) One whose chances of appearing at his trial or other court proceedings have been judicially determined to be poor; or

* The commencement of trial of a defendant who is in custody pursuant to State law and who has requested trial pursuant to Article III of the Interstate Agreement on Detainers (18 U.S.C., Appendix), or whose presence for trial has been obtained pursuant to Article IV of the Agreement, may be affected by time limits established by Article III(a) or Article IV(c) of the Agreement. Any conflict between the Speedy Trial Act of 1974 and the Interstate Agreement on Detainers must be resolved by the decisional process.

(2) One reasonably designated by the United States Attorney as posing a danger to himself or any other person or to the community.

(c) Measurement of Time Periods. For the purposes of this section:

(1) When a defendant is apprehended and held in custody outside this district, custody for the sole purpose of trial shall be deemed to begin (i) in proceedings under rule 40(b) of the Federal Rules of Criminal Procedure, upon the finding and recommendation or order by the magistrate or judge that a warrant of removal shall issue or upon the defendant's arrest pursuant to a warrant issued on an indictment or information filed in this district, and (ii) in cases initially processed under rule 20, at such time as the defendant rejects disposition under rule 20.

(2) When a defendant is apprehended outside this district and is released pursuant to the provisions of chapter 207 of title 18, U.S.C., the times set out above shall begin to run when the defendant returns to this district.

(3) A trial shall be deemed to commence as provided in sections 5(e)(2) and 5(e)(3).

(d) Related Procedures.

(1) If a defendant is being held in custody solely for the purpose of awaiting trial, the United States Attorney shall advise

the court at the earliest practicable time of the date of beginning of such custody.

(2) The United States Attorney shall advise the court at the earliest practicable time (usually at the hearing with respect to bail) if the defendant is considered by him to be high risk.

(3) If the court finds that the filing of a "high risk" designation as a public record may result in prejudice to the defendant, it may order the designation sealed for such period as is necessary to protect the defendant's right to a fair trial, but not beyond the time that the court's judgment in the case becomes final. During the time the designation is under seal, it shall be made known to the defendant and his counsel but shall not be made known to other persons without the permission of the court.

7. Time Within Which Defendant Should be Sentenced.

*(a) Time Limit. A defendant shall ordinarily be sentenced within [45] days of the date of his conviction or plea of guilty or nolo contendere.

(b) Related Procedures. If the defendant and his counsel consent thereto, a presentence investigation may be commenced prior to a plea of guilty or nolo contendere or a conviction.

* The Speedy Trial Act does not establish time limits governing the period between conviction and sentencing, but rule 50(b) requires that each district court do so. The time limit set forth in brackets in this section is a suggested limit, and not a maximum permissible limit.

8. Juvenile Proceedings.

(a) Time Within Which Trial Must Commence. An alleged delinquent who is in detention pending trial shall be brought to trial within 30 days of the date on which such detention was begun, as provided in 18 U.S.C. § 5036.

(b) Time of Dispositional Hearing. If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than 20 court days after trial, unless the court has ordered further study of the juvenile in accordance with 18 U.S.C. § 5037(c).

9. Exclusion of Time From Computations.

(a) Applicability. In computing any time limit under section 3, 4, or 5, the periods of delay set forth in 18 U.S.C. § 3161(h) shall be excluded.

(b) Records of Excludable Time. The clerk of the court shall enter on the docket, in the form prescribed by the Administrative Office of the United States Courts, information with respect to excludable periods of time for each criminal defendant. With respect to proceedings prior to the filing of an indictment or information, excludable time shall be reported to the clerk by the United States Attorney.

(c) Stipulations.

(1) The attorney for the government and the attorney for the defendant may at any time enter into stipulations with respect to the accuracy of the docket entries recording excludable time.

(2) To the extent that the amount of time stipulated by the parties does not exceed the amount recorded on the docket for any excludable period of delay, the stipulation shall be conclusive as between the parties unless it has no basis in fact or law. It shall similarly be conclusive as to a codefendant for the limited purpose of determining, under 18 U.S.C. § 3161(h)(7), whether time has run against the defendant entering into the stipulation.

(3) To the extent that the amount of time stipulated exceeds the amount recorded on the docket, the stipulation shall have no effect unless approved by the court.

(d) Pre-Indictment Procedures.

(1) Except for time excludable under 18 U.S.C. § 3161(h)(8), the court will not rule on the excludability of time in computing the time within which an indictment or information must be filed.

(2) In the event that the United States Attorney seeks a continuance under 18 U.S.C. § 3161(h)(8), he shall file a written motion with the court. The motion shall state (i) whether or not the defendant is being held in custody on the basis of the complaint, (ii) the period of time proposed for exclusion, and (iii) the basis of the proposed exclusion. In appropriate circumstances, it may include a request that some or all of the supporting material be considered ex parte and in camera.

(3) The court may grant a continuance under 18 U.S.C. § 3161(h)(8) for either a specific period of time or a period to be determined by reference to an event (such as recovery from illness) not within the control of the government. If the continuance is to a date not certain, the court shall require one or both parties to inform the court promptly when and if the circumstances that justify the continuance no longer exist. In addition, the court shall require one or both parties to file periodic reports bearing on the continued existence of such circumstances. The court shall determine the frequency of such reports in the light of the facts of the particular case.

(e) Post-Indictment Procedures.

(1) In the event that the court continues an arraignment or trial beyond the time limit set forth in section 4 or 5, the court shall determine whether the limit may be recomputed by excluding time pursuant to 18 U.S.C. § 3161(h). In the absence of a need for a continuance, the court will not ordinarily rule on the excludability of any period of time.

(2) If it is determined that a continuance is justified, the court shall set forth its findings in the record, either orally or in writing. If the continuance is granted under 18 U.S.C. § 3161(h)(8), the court shall also set forth its reasons for finding that the ends

of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial. If the continuance is to a date not certain, the court shall require one or both parties to inform the court promptly when and if the circumstances that justify the continuance no longer exist. In addition, the court shall require one or both parties to file periodic reports bearing on the continued existence of such circumstances. The court shall determine the frequency of such reports in the light of the facts of the particular case.

10. Sanctions.

(a) Defendants in Custody. A defendant in custody whose trial has not commenced within the time limit set forth in 18 U.S.C. § 3164(b) shall, if the failure to commence trial was through no fault of the defendant or his counsel, be released subject to such conditions as the court may impose in accordance with 18 U.S.C. § 3146. Nothing herein shall require that a defendant in custody be released except as required by 18 U.S.C. § 3164(c).

(b) High-Risk Defendants. A high-risk defendant whose trial has not commenced within the time limit set forth in 18 U.S.C. § 3164(b) shall, if the failure to commence trial was through no fault of the attorney for the Government, have his release conditions automatically reviewed. A high-risk defendant who is found by the court to have intentionally delayed the trial

of his case shall be subject to an order of the court modifying his nonfinancial conditions of release under chapter 207 of title 18, U.S.C., to ensure that he shall appear at trial as required. [§ 3164(c)]

(c) Alleged Juvenile Delinquents. An alleged delinquent in custody whose trial has not commenced within the time limit set forth in 18 U.S.C. § 5036 shall be entitled to dismissal of his case pursuant to that section unless the Attorney General shows that the delay was consented to or caused by the juvenile or his counsel, or would be in the interest of justice in the particular case.

(d) Dismissal Not Required. Except as required by 18 U.S.C. § 5036, failure to comply with the time limits prescribed herein shall not require dismissal of the prosecution.* The court retains the power to dismiss a case for unnecessary delay pursuant to rule 48(b) of the Federal Rules of Criminal Procedure.

11. Persons Serving Terms of Imprisonment.

If the United States Attorney knows that a person charged with an offense is serving a term of imprisonment in any penal institution, he shall promptly seek to obtain the presence of the prisoner for trial, or cause a detainer to be filed, in accordance with the provisions of 18 U.S.C. § 3161(j).

* Dismissal may be required in some cases under the Interstate Agreement on Detainers.

12. Monitoring Compliance With Time Limits.

(a) Responsibilities of District Planning Group. As part of its continuing study of the administration of criminal justice in this district, the district planning group will pay special attention to those cases in which there is a failure to comply with the time limits set forth herein. From time to time, the group may make appropriate recommendations to prevent repetition of failures.

(b) Responsibilities of Clerk. In addition to maintaining such statistical data as is required to be maintained by the Administrative Office of the United States Courts, the clerk will from time to time report to the other members of the planning group each case in which there is a failure to comply with any time limit set forth herein.

(c) Responsibilities of United States Attorney. The United States Attorney shall, within 5 days after the close of the reporting period, furnish the court with a biweekly report of persons in custody. The Marshal shall provide such assistance as may be necessary in the preparation of the report. The report shall indicate the judge to whom each case has been assigned. The "Reason for Detention" column shall include an explanation in any case for which the defendant's status appears to be inconsistent with the time limits set forth herein. A copy of the report shall be furnished to each judge of the court.

13. Effective Date.

Upon approval of the reviewing panel designated in accordance with 18 U.S.C. § 3165(c) and rule 50(b) of the Federal Rules of Criminal Procedure, the time limits and procedures set forth herein shall become effective on July 1, 1976, and shall supersede those previously in effect.

**APPENDIX B
ORIENTATION OF SPEEDY TRIAL PLANNING GROUPS**

Within one month of the commencement of the first interim time limits on October 1, 1975, the Federal Judicial Center sponsored six orientation conferences to reach all of the district planning groups in the eleven judicial circuits. The main purpose of the conferences was to clarify the scope of the planning groups' responsibilities and the resources on which they could draw.

Each district was represented by six or more planning group members or alternates. The two-day conferences were held in six cities nationwide:

Chicago	September 17, 18	Circuits 6, 7
New Orleans	September 29, 30	5
Denver	October 2, 3	10
San Francisco	October 6, 7	9
Washington	October 9, 10	3,4,D.C.
New York	October 16, 17	1,2

Presentation topics included:

- a. Overview of the requirements imposed by the Speedy Trial Act
- b. Issues in interpreting the Act
- c. Uses of statistical information in the planning process
- d. The revised criminal/speedy trial reporting system
- e. Procedural changes tested or considered as means of compliance with speedy trial requirements

After the initial presentations at each conference, groups of judges, magistrates, U.S. Attorneys, defenders, clerks of court and reporters met separately to discuss common problems and prospects which were reviewed when the groups reconvened the following morning.

**APPENDIX C
ALLOCATION OF OFFICERS AND SUPPORTING PERSONNEL
TO PRETRIAL SERVICES AGENCIES**

The present authorized and actual staffing configuration for the five Boards of Trustees Agencies is as follows:

Authorized and Actual Staffing Configuration as of August 1, 1976

	<u>CHIEF PSO</u>	<u>SUPERVISING PSO</u>	<u>PRETRIAL OFFICERS</u>	<u>STENO- GRAPHIC</u>	<u>TOTAL</u>
Maryland*	1 (1)		5 (4)	4 (4)	10 (9)
E. N.Y.	1 (1)	1 (1)	7 (7)	3 (3)	12 (11)
E. Mich.*	1 (1)	2 (2)	11 (6)	5 (3)	19 (12)
W. Mo.*	1 (1)		4 (4)	3 (3)	8 (8)
E. Pa.*	1 (1)	1 (1)	8 (6)	5 (3)	15 (11)
Total	5 (5)	4 (4)	35 (27)	20 (16)	64 (51)

2. Staffing Composition - Probation Division

The present authorized and actual staffing configuration for the five Probation Division Pretrial Services Agencies is as follows:

Authorized and Actual Staffing Configuration as of August 1, 1976

	<u>CHIEF PSO</u>	<u>SUPERVISING PSO</u>	<u>PRETRIAL OFFICERS</u>	<u>STENO- GRAPHIC</u>	<u>TOTAL</u>
C. Cal.	1 (1)	2 (2)	13 (11)	5 (4)	21 (18)
N. N.Y.	1 (1)	1 (1)	11 (8)	4 (4)	17 (14)
N. Ill.	1 (1)	1 (1)	7 (6)	3 (3)	12 (11)
N. Ga.	1 (1)	1 (1)	7 (7)	4 (3)	13 (12)
N. Texas	1 (1)	1 (1)	4 (4)	2 (2)	8 (8)
Total	5 (5)	6 (6)	42 (36)	18 (16)	71 (63)

* Indicates the presence of branch offices in these districts.

The actual staffing configuration is reflected with the brackets in the above tables.

**APPENDIX D
PSA SURVEY OF PRESENTENCE REPORTS**

The Pretrial Services Branch conducted a survey of the 10 demonstration districts prior to the field implementation of the project. The purposes of the survey were (1) to determine the availability of data for the evaluation effort; and (2) to obtain basic data on the detention and recidivism rates in each of the 10 districts.

The data were obtained from presentence reports which had been completed by the U.S. Probation Office in each demonstration district during a 9 month period from September 1, 1974, to July 1, 1975. A random sample was drawn which generated a sample of 1317 or 20.8% from a population of 6341 convicted Federal offenders. The use of convicted offenders only may have skewed the results of the sample, however, the effects of systematically excluding nonconvicted offenders is not known.

Data were collected on the following dimensions: (1) sex; (2) prior criminal record; (3) heroin addiction; (4) alcoholism; (5) employment status; (6) days detained; (7) conviction offense; and (8) bail violations to include rearrests and failure to appear. The data collection effort produced three subclasses: (1) offenders detained from point of arrest to sentencing; (2) offenders initially detained, but later released; and (3) those released without any period of detention.

The survey disclosed that 236 or 17.9% of the sample were detained from the point of arrest to sentencing with an average detention time of 105.7 days ranging from 30 to 460 days. Of this group 88.9% were males with prior records. They represented the highest rate of heroin addiction - 23.3%, of the subsamples in the survey and the lowest employment rate of the three groups. The conviction offenses for the detained subsample primarily consisted of bank robbery - Title 18 U.S.C. 2113 and violation of a section of Title 21 or drug associated offenses.

The second subsample of the survey consisted of 154 or 11.7% of the population who were initially detained, but were later released after satisfying the conditions of bail. This group was detained for an average of 7.4 days with a range from 1 to 45 days in detention. Like the first group, the majority of this subsample, 74.0% had prior records, however, the heroin addiction and alcoholism rates were less than the detained group. The employment rate for this group was 48.1% at the time of conviction. The bail violation rate, including failure to appear and rearrest, was 11.4%. Convictions by offense were fairly well dispersed with a clustering effect of 22.1% occurring in drug violations of Title 21.

The third group in the survey is offenders released without any period of detention. As expected, this group is the largest with 928 or 70.7% of the sample in this class.

This group had 72% male and 27.2% female offenders with 50.9% having prior records. The addiction rate, 13.3%, is comparative with the detained, then released group, however, the alcoholism rate, 5.4%, is considerably lower. Slightly more than half of this group, 53.7%, were employed at the time of conviction. The bail violation rate was 4.6%, which is substantially less than the detained, then released group. The conviction offenses for this group were well scattered, with some clustering in Title 18 U.S.C. 1708, Title 18 U.S.C. 371 and Title 21 violations.

Based on the results of this survey, it appears that the detention rates in the 10 demonstration districts will vary from a low of 11.7% in Northern Illinois to a high of 30.6% in Northern Texas. The bail violation rate ranged from 0 in Maryland to a high of 7.6% in the Eastern District of Michigan.

Caution should be used in interpreting the above data given the basic analysis techniques used.

TABLE 1
ALLOCATION OF FUNDS FOR SPEEDY TRIAL PLANNING

<u>District</u>	<u>No. of Judgeships</u>	<u>Criminal Filings FY 1975</u>	<u>Initial Grant</u>	<u>Supp. Grant</u>	<u>Total Grant</u>
Ala., N.	4	485	\$ 5,000	-	\$ 5,000
Ala., M.	2	273	\$ 5,000	-	\$ 5,000
Ala., S.	2	148	\$ 5,000	-	\$ 5,000
Alaska	2	229	\$ 5,000	\$ 5,500	\$ 10,500
Ariz.	5	1,330	\$ 5,000	\$ 5,000	\$ 10,000
Ark., E.	2	331	\$ 5,000	\$ 15,000	\$ 20,000
Ark., W.	2	114	\$ 5,000	\$ 10,000	\$ 15,000
Calif., N.	11	744	\$ 5,000	\$ 10,000	\$ 15,000
Calif., E.	3	1,152	\$ 5,000	-	\$ 5,000
Calif., C.	16	1,821	\$ 5,000	-	\$ 5,000
Calif., S.	5	2,350	\$ 5,000	-	\$ 5,000
Colorado	4	369	\$ 5,000	-	\$ 5,000
Conn.	4	324	\$ 5,000	\$ 15,000	\$ 20,000
Delaware	3	189	\$ 5,000	\$ 1,000	\$ 6,000
D.C.	15	860	\$ 5,000	-	\$ 5,000
Fla., N.	2	188	\$ 5,000	\$ 4,400	\$ 9,400
Fla., M.	6	565	\$ 5,000	\$ 7,400	\$ 12,400
Fla., S.	7	795	\$ 5,000	\$ 10,000	\$ 15,000
Ga., N.	6	577	\$ 5,000	\$ 5,000	\$ 10,000
Ga., M.	2	204	\$ 5,000	-	\$ 5,000
Ga., S.	2	559	\$ 5,000	-	\$ 5,000
Hawaii	2	151	\$ 5,000	-	\$ 5,000
Idaho	2	116	\$ 5,000	-	\$ 5,000
Ill., N.	13	732	\$ 5,000	\$ 20,000	\$ 25,000
Ill., E.	2	198	\$ 5,000	-	\$ 5,000
Ill., S.	2	139	\$ 5,000	-	\$ 5,000
Ind., N.	3	441	\$ 5,000	-	\$ 5,000
Ind., S.	4	252	\$ 5,000	\$ 8,500	\$ 13,500
Iowa, N.	1-1/2	112	\$ 5,000	-	\$ 5,000
Iowa, S.	1-1/2	155	\$ 5,000	-	\$ 5,000
Kansas	4	391	\$ 5,000	-	\$ 5,000
Ky., E.	2-1/2	428	\$ 5,000	-	\$ 5,000
Ky., W.	3-1/2	388	\$ 5,000	\$ 2,000	\$ 7,000
La., E.	9	723	\$ 5,000	-	\$ 5,000
La., M.	1	86	\$ 5,000	-	\$ 5,000
La., W.	4	404	\$ 5,000	-	\$ 5,000
Maine	1	98	\$ 5,000	-	\$ 5,000
Maryland	7	844	\$ 5,000	\$ 7,500	\$ 12,500
Mass.	6	557	\$ 5,000	\$ 20,000	\$ 25,000
Mich., E.	10	1,658	\$ 5,000	-	\$ 5,000
Mich., W.	2	275	\$ 5,000	\$ 5,000	\$ 10,000
Minn.	4	369	\$ 5,000	\$ 15,000	\$ 20,000
Miss., N.	2	143	\$ 5,000	\$ 500	\$ 5,500
Miss., S.	3	110	\$ 5,000	-	\$ 5,000
Mo., E.	4	376	\$ 5,000	-	\$ 5,000
Mo., W.	4	1,192	\$ 5,000	\$ 20,000	\$ 25,000
Montana	2	165	\$ 5,000	\$ 1,500	\$ 6,500
Nebraska	3	193	\$ 5,000	-	\$ 5,000
Nevada	2	230	\$ 5,000	-	\$ 5,000
New Hamp.	1	51	\$ 5,000	\$ 2,500	\$ 7,500

TABLE 1
ALLOCATION OF FUNDS FOR SPEEDY TRIAL PLANNING

<u>District</u>	<u>No. of Judgeships</u>	<u>Criminal Filings FY 1975</u>	<u>Initial Grant</u>	<u>Supp. Grant</u>	<u>Total Grant</u>
New Jersey	9	590	\$ 5,000	\$ 10,500	\$ 15,500
New Mexico	3	365	\$ 5,000	\$ 10,000	\$ 15,000
N.Y., N.	2	115	\$ 5,000	-	\$ 5,000
N.Y., E.	9	860	\$ 5,000	\$ 16,000	\$ 21,000
N.Y., S.	27	1,278	\$ 5,000	\$ 17,500	\$ 22,500
N.Y., W.	3	264	\$ 5,000	\$ 6,000	\$ 11,000
N.C., E.	2	299	\$ 5,000	\$ 3,800	\$ 8,800
N.C., M.	2	397	\$ 5,000	-	\$ 5,000
N.C., W.	2	295	\$ 5,000	-	\$ 5,000
N. Dak.	2	95	\$ 5,000	\$ 5,000	\$ 10,000
Ohio, N.	8	765	\$ 5,000	\$ 12,500	\$ 17,500
Ohio, S.	5	342	\$ 5,000	-	\$ 5,000
Okla., N.	1-2/3	156	\$ 5,000	\$ 3,500	\$ 8,500
Okla., E.	1-2/3	61	\$ 5,000	-	\$ 5,000
Okla., W.	2-2/3	250	\$ 5,000	-	\$ 5,000
Oregon	3	283	\$ 5,000	-	\$ 5,000
Pa., E.	19	747	\$ 5,000	\$ 25,000	\$ 30,000
Pa., M.	3	183	\$ 5,000	\$ 2,500	\$ 7,500
Pa., W.	10	357	\$ 5,000	\$ 12,500	\$ 17,500
P. Rico	3	273	\$ 5,000	\$ 20,000	\$ 25,000
R.I.	2	150	\$ 5,000	-	\$ 5,000
S.C.	5	545	\$ 5,000	-	\$ 5,000
S. Dak.	2	415	\$ 5,000	\$ 10,000	\$ 15,000
Tenn., E.	3	193	\$ 5,000	-	\$ 5,000
Tenn., M.	2	287	\$ 5,000	\$ 5,000	\$ 10,000
Tenn., W.	3	177	\$ 5,000	-	\$ 5,000
Texas, N.	6	624	\$ 5,000	\$ 15,000	\$ 20,000
Texas, E.	3	158	\$ 5,000	\$ 8,500	\$ 13,500
Texas, S.	8	1,044	\$ 5,000	\$ 10,000	\$ 15,000
Texas, W.	5	1,064	\$ 5,000	\$ 9,000	\$ 14,000
Utah	2	138	\$ 5,000	-	\$ 5,000
Vermont	2	102	\$ 5,000	\$ 5,000	\$ 10,000
Va., E.	6	1,049	\$ 5,000	-	\$ 5,000
Va., W.	2	315	\$ 5,000	-	\$ 5,000
Wash., E.	1-1/2	193	\$ 5,000	-	\$ 5,000
Wash., W.	3-1/2	524	\$ 5,000	-	\$ 5,000
W. Va., N.	1-1/2	68	\$ 5,000	\$ 2,500	\$ 7,500
W. Va., S.	2-1/2	233	\$ 5,000	-	\$ 5,000
Wis., E.	3	246	\$ 5,000	-	\$ 5,000
Wis., W.	1	75	\$ 5,000	-	\$ 5,000
Wyoming	1	123	\$ 5,000	-	\$ 5,000
Vir. Is.	2	383	\$ 5,000	\$ 25,000	\$ 30,000
Canal Zone	1	409	\$ 5,000	-	\$ 5,000
Guam	1	34	\$ 5,000	\$ 3,500	\$ 8,500
Totals			\$470,000	\$429,100	\$899,100

TABLE 2A
TIME LIMITS FROM ARREST TO INDICTMENT
AND FROM ARRAIGNMENT TO TRIAL
contained in Speedy Trial plans adopted by
the district courts

Arrest to indictment/arraignment to trial in days; indictment
to arraignment interval is 10 days in all cases

Districts	Effective July 1, 1976	July 1, 1977	July 1, 1978	Districts	Effective July 1, 1976	July 1, 1977	July 1, 1978
District of Columbia.....	45/130	40/100	35/70	Sixth Circuit			
First Circuit				Kentucky:			
Maine.....	30/60	30/60	30/60	Eastern.....	M	M	M
Massachusetts.....	M	M	M	Western.....	35/80	35/80	30/60
New Hampshire.....	45/120	35/80	30/60	Michigan:			
Rhode Island.....	M	M	M	Eastern.....	M	M	M
Puerto Rico.....	M	M	M	Western.....	45/120	35/80	30/60
Second Circuit				Ohio:			
Connecticut.....	30/80	30/60	30/60	Northern.....	35/80	35/80	M
New York:				Southern.....	60/120	45/80	30/60
Northern.....	M	M	M	Tennessee:			
Southern.....	M	M	M	Eastern.....	M	M	M
Western.....	M	M	M	Middle.....	M	M	M
Vermont.....	M	M	M	Western.....	M	M	M
Third Circuit				Seventh Circuit			
Delaware.....	30/120	30/80	30/60	Illinois:			
New Jersey.....	M	M	M	Northern.....	45/150	35/100	30/70
Pennsylvania:				Eastern.....	M	M	M
Eastern.....	30/180	30/120	30/80	Southern.....	45/120	35/80	30/60
Middle.....	M	M	M	Indiana:			
Western.....	M	M	M	Northern.....	M	M	M
Virgin Islands.....	M	M	M	Southern.....	M	M	M
Fourth Circuit				Wisconsin:			
Maryland.....	30/60	30/60	30/60	Eastern.....	45/180	M	M
North Carolina:				Western.....	30/100	30/100	30/80
Eastern.....	M	M	M	Eighth Circuit			
Middle.....	30/60	30/60	30/60	Arkansas:			
Northern.....	30/60	30/60	30/60	Eastern.....	M	M	M
Southern.....	45/60	35/60	30/60	Western.....	M	M	M
Virginia:				Iowa:			
Eastern.....	M	M	1	Northern.....	30/60	30/60	30/60
Western.....	45/120	M	1	Southern.....	30/60	30/60	30/60
West Virginia:				Minnesota.....	30/60	30/60	30/60
Northern.....	M	M	M	Missouri:			
Southern.....	30/60	30/60	30/60	Eastern.....	30/60	30/60	30/60
Fifth Circuit				Western.....	M	M	M
Alabama:				Nebraska.....	M	M	M
Northern.....	M	M	M	North Dakota.....	30/60	30/60	30/60
Middle.....	60/120	M	M	South Dakota.....	M	M	M
Southern.....	M	M	M	Ninth Circuit			
Florida:				Alaska.....	30/120	30/120	30/60
Northern.....	60/120	M	M	Arizona.....	30/60	30/60	30/60
Middle.....	60/120	M	M	California:			
Southern.....	M	M	M	Northern.....	30/120	30/120	30/80
Georgia:				Eastern.....	30/120	30/120	30/60
Northern.....	M	M	M	Central.....	M	M	M
Middle.....	M	M	M	Southern.....	10/90	10/90	10/60
Southern.....	30/60	30/60	30/60	Hawaii.....	M	M	M
Louisiana:				Idaho.....	30/60	30/60	30/60
Eastern.....	M	M	M	Montana.....	30/60	30/60	30/60
Middle.....	60/90	45/90	M	Nevada.....	M	M	M
Western.....	M	M	M	Oregon.....	30/60	30/60	30/60
Mississippi:				Washington:			
Northern.....	M	M	30/60	Eastern.....	M	M	M
Southern.....	M	M	M	Western.....	M	M	M
Texas:				Guam.....	M	M	M
Northern.....	M	M	M	Tenth Circuit			
Eastern.....	M	M	M	Colorado.....	M	M	M
Southern.....	60/120	45/100	M	Kansas.....	M	M	M
Western.....	M	M	M	New Mexico.....	30/60	30/60	30/60
Canal Zone.....	M	M	M	Oklahoma:			
				Northern.....	30/180	30/120	30/80
				Eastern.....	30/60	30/60	30/60
				Western.....	M	M	M
				Utah.....	M	M	M
				Wyoming.....	30/60	30/60	30/60

M-Maximum Limits permitted by the Act.
 60/180 45/120 35/80
 the Act.
 1-plan does not cover July 1, 1978 to July 1, 1979.

TABLE 2B
SUMMARY OF TIME LIMITS
ADOPTED BY THE COURTS

Districts	Maximum Limits	Shorter Limits	Permanent limits before July 1, 1979	Permanent limits now in effect	Districts	Maximum Limits	Shorter Limits	Permanent limits before July 1, 1979	Permanent limits now in effect
Total	(50)	(15)	(10)	(19)	Sixth Circuit				
District of Columbia.....		X			Kentucky:				
First Circuit					Eastern.....	X		X	
Maine.....				X	Western.....				
Massachusetts.....	X				Michigan:				
New Hampshire.....			X		Eastern.....	X		X	
Rhode Island.....	X				Western.....				
Puerto Rico.....	X				Ohio:				
Second Circuit					Northern.....		X		
Connecticut.....				X	Southern.....			X	
New York:					Tennessee:				
Northern.....	X				Eastern.....	X			
Eastern.....	X				Middle.....	X			
Southern.....	X				Western.....	X			
Western.....	X				Seventh Circuit				
Vermont.....	X				Illinois:				
Third Circuit					Northern.....		X		
Delaware.....			X		Eastern.....	X			
New Jersey.....	X				Southern.....			X	
Pennsylvania:					Indiana:				
Eastern.....		X			Northern.....	X			
Middle.....	X				Southern.....	X			
Western.....	X				Wisconsin:				
Virgin Islands.....	X				Eastern.....		X		
Fourth Circuit					Western.....		X		
Maryland.....				X	Eighth Circuit				
North Carolina:					Arkansas:				
Eastern.....	X				Eastern.....	X			
Middle.....				X	Western.....	X			
Western.....			X		Iowa:				
South Carolina.....			X		Northern.....				X
Virginia:					Southern.....				X
Eastern.....	X ¹				Minnesota.....				X
Western.....		X ¹			Missouri:				X
West Virginia:					Eastern.....				
Northern.....	X				Western.....	X			
Southern.....				X	Nebraska.....	X			
Fifth Circuit					North Dakota.....				X
Alabama:					South Dakota.....	X			
Northern.....	X				Ninth Circuit				
Middle.....		X			Alaska.....		X		
Southern.....	X				Arizona.....				X
Florida:					California:				
Northern.....		X			Northern.....		X		
Middle.....		X			Eastern.....			X	
Southern.....	X				Central.....	X			
Georgia:					Southern.....			X	
Northern.....	X				Hawaii.....	X			
Middle.....	X				Idaho.....				X
Southern.....				X	Montana.....				X
Louisiana:					Nevada.....	X			
Eastern.....	X				Oregon.....				X
Middle.....		X			Washington:				
Western.....	X				Eastern.....	X			
Mississippi:					Western.....	X			
Northern.....			X		Guam.....	X			
Southern.....	X				Tenth Circuit				
Texas:					Colorado.....	X			
Northern.....	X				Kansas.....	X			
Eastern.....	X				New Mexico.....				X
Southern.....		X			Oklahoma:				
Western.....	X				Northern.....		X		
Canal Zone.....	X				Eastern.....				X
					Western.....	X			
					Utah.....	X			
					Wyoming.....				X

¹Plan does not cover 7/1/78 to 7/1/79.

Note Of Explanation To
Accompany Table 3.

This table contains preliminary information on the number of defendants held in custody prior to trial whose cases were disposed of in the United States district courts during the period from February 1 to June 30, 1976. For the most part, the table includes only those defendants indicted subsequent to October 1, 1975. In some instances the cases of defendants not held in custody may have been commenced before that date.

Section 3164(b) of Title 18, United States Code, requires that "the trial of any person (held in custody) shall commence no later than ninety days following the beginning of such continuous detention..." (Emphasis supplied.) Of the 6,044 defendants disposed of during this period who had been held in detention, 263 or 4.4 percent had been held in custody more than 90 days. The information compiled for this report is gross time in custody. It does not show how many of these defendants were in fact released prior to trial, but after the 90 day period elapsed, nor does it indicate the number of defendants released from custody and subsequently returned to custody for violation of the conditions of release. Additionally the available information does not show the extent to which the "excludable time" provisions of 18 U.S.C. 3161(h) have been applied by district courts to the "interim time" limits of 18 U.S.C. 3164(b). See the text of the report for a discussion of the conflicting court decisions on this issue. The periods of detention shown in the table include all detention, whether continuous or not, and all periods of detention to which excludable time may have been applied.

TABLE 3
SPEEDY TRIAL DATA ANALYSIS

DEFENDANTS DISPOSED OF IN THE U.S. DISTRICT COURTS
FROM FEBRUARY 1 TO JUNE 30, 1970, SHOWING THE NUMBER
AND PERIODS OF DETENTION FOR THOSE DETAINED IN CUSTODY, BY DISTRICT.

CIRCUIT AND DISTRICT	TOTAL DEFEN- DANTS	TOTAL DETAINEES		NUMBER OF DEFENDANTS AND TIME IN CUSTODY IN DAYS											
		NUM- BER	PER- CENT	1-10		11-30		31-90		91-120		121-150		151 & OVER	
				NUM- BER	PER- CENT	NUM- BER	PER- CENT	NUM- BER	PER- CENT	NUM- BER	PER- CENT	NUM- BER	PER- CENT	NUM- BER	PER- CENT
TOTAL ALL DISTRICTS..	16,060	6,044	37.6	2,770	45.8	1,057	17.5	1,954	32.4	159	2.6	57	1.0	47	.8
DISTRICT OF COLUMBIA..	264	131	49.6	55	42.0	11	8.4	56	42.7	5	3.8	4	3.1	0	.0
FIRST CIRCUIT.....	326	4	1.2	1	25.0	1	25.0	2	50.0	0	.0	0	.0	0	.0
MAINE.....	39	0	.0	0	.0	0	.0	0	.0	0	.0	0	.0	0	.0
MASSACHUSETTS.....	173	1	.6	1	100.0	0	.0	0	.0	0	.0	0	.0	0	.0
NEW HAMPSHIRE.....	12	1	8.3	0	.0	1	100.0	0	.0	0	.0	0	.0	0	.0
RHODE ISLAND.....	26	0	.0	0	.0	0	.0	0	.0	0	.0	0	.0	0	.0
PUERTO RICO.....	76	2	2.6	0	.0	0	.0	2	100.0	0	.0	0	.0	0	.0
SECOND CIRCUIT.....	942	121	12.8	37	30.6	29	24.0	48	39.7	4	3.3	2	1.7	1	.8
CONNECTICUT.....	65	10	15.4	2	20.0	1	10.0	7	70.0	0	.0	0	.0	0	.0
NEW YORK NORTHERN.....	48	21	43.8	11	52.4	6	28.6	1	4.8	3	14.3	0	.0	0	.0
NEW YORK EASTERN.....	308	0	.0	0	.0	0	.0	0	.0	0	.0	0	.0	0	.0
NEW YORK SOUTHERN.....	446	73	16.4	18	24.7	20	27.4	32	43.8	0	.0	2	2.7	1	1.4
NEW YORK WESTERN.....	40	11	27.5	5	45.5	1	9.1	4	36.4	1	9.1	0	.0	0	.0
VERMONT.....	35	6	17.1	1	16.7	1	16.7	4	66.7	0	.0	0	.0	0	.0
THIRD CIRCUIT.....	1,034	304	29.4	109	35.9	42	13.8	135	44.4	12	3.9	5	1.6	1	.3
DELAWARE.....	78	9	11.5	1	11.1	0	.0	8	88.9	0	.0	0	.0	0	.0
NEW JERSEY.....	251	73	29.1	52	71.2	1	1.4	16	21.9	2	2.7	1	1.4	1	1.4
PENNSYLVANIA EASTERN..	342	78	22.8	7	9.0	18	23.1	51	65.4	1	1.3	1	1.3	0	.0
PENNSYLVANIA MIDDLE..	64	13	20.3	2	15.4	3	23.1	8	61.5	0	.0	0	.0	0	.0
PENNSYLVANIA WESTERN..	109	32	29.4	14	43.8	5	15.6	11	34.4	2	6.3	0	.0	0	.0
VIRGIN ISLANDS.....	190	99	52.1	33	33.3	15	15.2	41	41.4	7	7.1	3	3.0	0	.0
FOURTH CIRCUIT.....	1,815	501	27.6	214	42.7	88	17.6	169	33.7	21	4.2	7	1.4	2	.4
MARYLAND.....	508	88	17.3	24	27.3	15	17.0	44	50.0	3	3.4	1	1.1	1	1.1
NO. CAROLINA EASTERN..	129	10	7.8	5	50.0	1	10.0	3	30.0	0	.0	1	10.0	0	.0
NO. CAROLINA MIDDLE..	160	119	74.4	97	81.5	3	2.5	17	14.3	0	.0	1	.8	1	.8
NO. CAROLINA WESTERN..	107	16	15.0	9	56.3	2	12.5	4	25.0	0	.0	1	6.3	0	.0
SOUTH CAROLINA.....	184	74	40.2	18	24.3	17	23.0	23	31.1	16	21.6	0	.0	0	.0
VIRGINIA EASTERN.....	533	176	33.0	54	30.7	46	26.1	73	41.5	2	1.1	1	.6	0	.0
VIRGINIA WESTERN.....	90	14	15.6	6	42.9	4	28.6	3	21.4	0	.0	1	7.1	0	.0
W. VIRGINIA NORTHERN..	22	3	13.6	0	.0	0	.0	2	66.7	0	.0	1	33.3	0	.0
W. VIRGINIA SOUTHERN..	82	1	1.2	1	100.0	0	.0	0	.0	0	.0	0	.0	0	.0
FIFTH CIRCUIT.....	4,354	1,274	29.3	556	43.6	241	18.9	417	32.7	40	3.1	11	.9	9	.7
ALABAMA NORTHERN.....	258	87	33.7	55	63.2	13	14.9	13	14.9	5	5.7	0	.0	1	1.1
ALABAMA MIDDLE.....	152	0	.0	0	.0	0	.0	0	.0	0	.0	0	.0	0	.0
ALABAMA SOUTHERN.....	106	23	21.7	3	13.0	8	34.8	10	43.5	2	8.7	0	.0	0	.0
FLORIDA NORTHERN.....	83	51	61.4	7	13.7	17	33.3	22	43.1	3	5.9	2	3.9	0	.0
FLORIDA MIDDLE.....	302	90	29.8	43	47.8	12	13.3	32	35.6	2	2.2	0	.0	1	1.1
FLORIDA SOUTHERN.....	336	196	58.3	89	45.4	21	10.7	72	36.7	9	4.6	1	.5	4	2.0
GEORGIA NORTHERN.....	138	60	43.5	24	40.0	10	16.7	21	35.0	4	6.7	1	1.7	0	.0
GEORGIA MIDDLE.....	195	10	5.1	3	30.0	2	20.0	5	50.0	0	.0	0	.0	0	.0
GEORGIA SOUTHERN.....	624	3	.5	0	.0	2	66.7	1	33.3	0	.0	0	.0	0	.0
LOUISIANA EASTERN.....	359	44	12.3	10	22.7	10	22.7	22	50.0	2	4.5	0	.0	0	.0
LOUISIANA MIDDLE.....	45	20	44.4	17	85.0	0	.0	2	10.0	0	.0	1	5.0	0	.0
LOUISIANA WESTERN.....	419	0	.0	0	.0	0	.0	0	.0	0	.0	0	.0	0	.0
MISSISSIPPI NORTHERN..	52	2	3.8	0	.0	0	.0	2	100.0	0	.0	0	.0	0	.0
MISSISSIPPI SOUTHERN..	54	26	48.1	13	50.0	7	26.9	5	19.2	0	.0	0	.0	1	3.8
TEXAS NORTHERN.....	246	143	58.1	75	52.4	36	25.2	27	18.9	1	.7	2	1.4	2	1.4
TEXAS EASTERN.....	60	35	58.3	13	37.1	5	14.3	16	45.7	1	2.9	0	.0	0	.0
TEXAS SOUTHERN.....	577	286	49.6	140	49.0	58	20.3	84	29.4	2	.7	2	.7	0	.0
TEXAS WESTERN.....	222	141	63.5	49	34.8	25	17.7	56	39.7	9	6.4	2	1.4	0	.0
CANAL ZONE.....	126	57	45.2	15	26.3	15	26.3	27	47.4	0	.0	0	.0	0	.0

TABLE 3

SPEEDY TRIAL DATA ANALYSIS

DEFENDANTS DISPOSED OF IN THE U.S. DISTRICT COURTS
FROM FEBRUARY 1 TO JUNE 30, 1976, SHOWING THE NUMBER
AND PERIODS OF DETENTION FOR THOSE DETAINED IN CUSTODY, BY DISTRICT.

CIRCUIT AND DISTRICT	TOTAL DEFENDANTS	TOTAL DETAINEES		NUMBER OF DEFENDANTS AND TIME IN CUSTODY IN DAYS											
		NUM-BER	PER-CENT	1-10		11-30		31-90		91-120		121-150		151 & OVER	
				NUM-BER	PER-CENT	NUM-BER	PER-CENT	NUM-BER	PER-CENT	NUM-BER	PER-CENT	NUM-BER	PER-CENT	NUM-BER	PER-CENT
SIXTH CIRCUIT.....	1581	823	52.1	514	62.5	95	11.5	180	21.9	19	2.3	5	.6	10	1.2
KENTUCKY EASTERN.....	122	80	65.6	28	35.0	29	36.3	17	21.3	3	3.8	1	1.3	2	2.5
KENTUCKY WESTERN.....	150	85	56.7	34	40.0	12	14.1	35	41.2	2	2.4	2	2.4	0	.0
MICHIGAN EASTERN.....	530	444	83.8	393	88.5	8	1.8	32	7.2	5	1.1	1	.2	5	1.1
MICHIGAN WESTERN.....	74	19	25.7	5	26.3	3	15.8	8	42.1	3	15.8	0	.0	0	.0
OHIO NORTHERN.....	249	46	18.5	8	17.4	10	21.7	25	54.3	2	4.3	0	.0	1	2.2
OHIO SOUTHERN.....	177	74	41.8	13	17.6	17	23.0	37	50.0	4	5.4	1	1.4	2	2.7
TENNESSEE EASTERN.....	98	36	36.7	21	58.3	5	13.9	10	27.8	0	.0	0	.0	0	.0
TENNESSEE MIDDLE.....	122	26	21.3	8	30.8	8	30.8	10	38.5	0	.0	0	.0	0	.0
TENNESSEE WESTERN.....	59	13	22.0	4	30.8	3	23.1	6	46.2	0	.0	0	.0	0	.0
SEVENTH CIRCUIT....	643	156	24.3	40	25.6	25	16.0	76	48.7	9	5.8	6	3.8	0	.0
ILLINOIS NORTHERN.....	266	59	22.2	9	15.3	8	13.6	30	50.8	7	11.9	5	8.5	0	.0
ILLINOIS EASTERN.....	62	18	29.0	5	27.8	3	16.7	9	50.0	1	5.6	0	.0	0	.0
ILLINOIS SOUTHERN.....	21	1	4.8	1	100.0	0	.0	0	.0	0	.0	0	.0	0	.0
INDIANA NORTHERN.....	112	37	33.0	11	29.7	6	16.2	19	51.4	1	2.7	0	.0	0	.0
INDIANA SOUTHERN.....	100	26	26.0	4	15.4	7	26.9	14	53.8	0	.0	1	3.8	0	.0
WISCONSIN EASTERN.....	48	11	22.9	9	81.8	1	9.1	1	9.1	0	.0	0	.0	0	.0
WISCONSIN WESTERN.....	33	3	9.1	1	33.3	0	.0	2	66.7	0	.0	0	.0	0	.0
EIGHTH CIRCUIT....	981	241	24.6	91	37.8	50	20.7	85	35.3	6	2.5	6	2.5	3	1.2
ARKANSAS EASTERN.....	89	18	20.2	2	11.1	3	16.7	13	72.2	0	.0	0	.0	0	.0
ARKANSAS WESTERN.....	37	9	24.3	5	55.6	2	22.2	1	11.1	1	11.1	0	.0	0	.0
IOWA NORTHERN.....	33	11	33.3	2	18.2	7	63.6	2	18.2	0	.0	0	.0	0	.0
IOWA SOUTHERN.....	56	0	.0	0	.0	0	.0	0	.0	0	.0	0	.0	0	.0
MINNESOTA.....	107	56	52.3	29	51.8	5	8.9	16	28.6	1	1.8	5	8.9	0	.0
MISSOURI EASTERN.....	159	77	48.4	30	39.0	17	22.1	27	35.1	2	2.6	1	1.3	0	.0
MISSOURI WESTERN.....	289	46	15.9	12	26.1	10	21.7	20	43.5	1	2.2	0	.0	3	6.5
NEBRASKA.....	39	10	25.6	7	70.0	2	20.0	1	10.0	0	.0	0	.0	0	.0
NORTH DAKOTA.....	42	14	33.3	4	28.6	4	28.6	5	35.7	1	7.1	0	.0	0	.0
SOUTH DAKOTA.....	130	0	.0	0	.0	0	.0	0	.0	0	.0	0	.0	0	.0
NINTH CIRCUIT.....	3292	2115	64.2	1016	48.0	399	18.9	637	30.1	33	1.6	9	.4	21	1.0
ALASKA.....	71	35	49.3	19	54.3	5	14.3	11	31.4	0	.0	0	.0	0	.0
ARIZONA.....	649	406	62.6	143	35.2	53	13.1	199	49.0	8	2.0	3	.7	0	.0
CALIFORNIA NORTHERN..	268	164	61.2	82	50.0	32	19.5	49	29.9	1	.6	0	.0	0	.0
CALIFORNIA EASTERN..	268	116	43.3	50	43.1	35	30.2	29	25.0	2	1.7	0	.0	0	.0
CALIFORNIA CENTRAL..	704	597	84.8	356	59.6	109	18.3	123	20.6	6	1.0	2	.3	1	.2
CALIFORNIA SOUTHERN..	673	587	87.2	296	50.4	114	19.4	144	24.5	12	2.0	4	.7	17	2.9
HAWAII.....	54	12	22.2	0	.0	4	33.3	8	66.7	0	.0	0	.0	0	.0
IDAHO.....	90	1	1.1	0	.0	1	100.0	0	.0	0	.0	0	.0	0	.0
MONTANA.....	74	16	21.6	6	37.5	5	31.3	5	31.3	0	.0	0	.0	0	.0
NEVADA.....	122	63	51.6	22	34.9	21	33.3	17	27.0	1	1.6	0	.0	2	3.2
OREGON.....	80	35	43.8	9	25.7	7	20.0	19	54.3	0	.0	0	.0	0	.0
WASHINGTON EASTERN..	54	27	50.0	17	63.0	6	22.2	4	14.8	0	.0	0	.0	0	.0
WASHINGTON WESTERN..	158	52	32.9	16	30.8	7	13.5	26	50.0	2	3.8	0	.0	1	1.9
GUAM.....	27	4	14.8	0	.0	0	.0	3	75.0	1	25.0	0	.0	0	.0
TENTH CIRCUIT.....	828	374	45.2	137	36.6	76	20.3	149	39.8	10	2.7	2	.5	0	.0
COLORADO.....	126	64	50.8	25	39.1	12	18.8	25	39.1	2	3.1	0	.0	0	.0
KANSAS.....	226	77	34.1	21	27.3	14	18.2	35	45.5	6	7.8	1	1.3	0	.0
NEW MEXICO.....	145	68	46.9	26	38.2	16	23.5	25	36.8	0	.0	1	1.5	0	.0
OKLAHOMA NORTHERN..	71	32	45.1	13	40.6	9	28.1	10	31.3	0	.0	0	.0	0	.0
OKLAHOMA EASTERN..	37	22	59.5	15	68.2	1	4.5	5	22.7	1	4.5	0	.0	0	.0
OKLAHOMA WESTERN..	111	61	55.0	20	32.8	12	19.7	28	45.9	1	1.6	0	.0	0	.0
UTAH.....	27	0	.0	0	.0	0	.0	0	.0	0	.0	0	.0	0	.0
WYOMING.....	85	50	58.8	17	34.0	12	24.0	21	42.0	0	.0	0	.0	0	.0

TABLE 4
ADDITIONAL RESOURCES REQUESTED FOR COMPLIANCE
WITH PERMANENT TIME LIMITS:
JUDGES, MAGISTRATES, COURT REPORTERS

Circuit and district	Judgeships	Magistrates	Court Reporters	Circuit and district	Judgeships	Magistrates	Court Reporters
Total all districts	136 1/2	52 1/2	27	Sixth Circuit	12	5	1
District of Columbia	0	0	0	Kentucky:			
First Circuit	0	2 1/2	0	Eastern	3	1	0
Maine	0	1/2	0	Western	0	0	0
Massachusetts	4	2	0	Michigan:			
New Hampshire	1	0	0	Eastern	3	2	0
Rhode Island	0	0	0	Western	2	0	0
Puerto Rico	4		0	Ohio:			
Second Circuit	7	4	2	Northern	0	0	0
Connecticut	2	1	0	Southern	3	2	1
New York:				Tennessee:			
Northern	1	0	1	Eastern	0	0	0
Eastern	3	1	0	Middle	0	0	0
Southern	0	1	0	Western	1	0	*
Western	1 T	1	1	Seventh Circuit	10	4 1/2	0
Vermont	0	0	0	Illinois:			
Third Circuit	5	3 1/2	5	Northern	4 N	1	0
Delaware	0	0	1	Eastern	1/2	0	0
New Jersey	2	1	2	Southern	1/2	0	0
Pennsylvania:				Indiana:			
Eastern	0	1	2	Northern	2	2	0
Middle	2	1/2	*	Southern	0	0	0
Western	0	0	*	Wisconsin:			
Virginia Islands	1	1	0	Eastern	2	1 1/2	0
Fourth Circuit	10	2 1/2	2	Western	1	0	0
Maryland	1	0	0	Eighth Circuit	9	4	13
North Carolina:				Arkansas:			
Eastern	1	0	0	Eastern	1	0	0
Middle	1 N	0	0	Western	1	0	0
Western	0	0	0	Iowa:			
South Carolina	3	1	0	Northern	0	0	0
Virginia:				Southern	1	0	0
Eastern	1	0	0	Minnesota	0	0	0
Western	1 N	0	0	Missouri:			
West Virginia:				Eastern	1 N	0	1
Northern	1	1/2, 1/2	0	Western	4	3	12
Southern	1	1/2	2	Nebraska	*	0	0
Fifth Circuit	40 1/2	12	4	North Dakota	0	0	0
Alabama:				South Dakota	1	1	0
Northern	3	1	0	Ninth Circuit	30	13	0
Middle	1	0	0	Alaska	0	1	0
Southern	0	0	0	Arizona	5	1	0
Florida:				California:			
Northern	1	0	0	Northern	6 N	0	0
Middle	3	0	0	Eastern	0	2	0
Southern	6	1	0	Central	5	2	0
Georgia:				Southern	4	2	0
Northern	4	4	4	Hawaii	1	1	0
Middle	0	0	0	Idaho	0	0	0
Southern	1	0	0	Montana	0	0	0
Louisiana:				Nevada	1	1 1/2	0
Eastern	4	3	0	Oregon	2 N	1/2	0
Middle	1	0	0	Washington:			
Western	1	0	0	Eastern	1	0	0
Mississippi:				Western	4	1	0
Northern	0	1	0	Guam	0	1	0
Southern	0	0	0	Tenth Circuit	4	1 1/2	0
Texas:				Colorado	0	0	0
Northern	4 1/2	0	*	Kansas	0	0	0
Eastern	0	1/2	0	New Mexico	0	0	0
Southern	6	1 1/2	0	Oklahoma:			
Western	4	0	0	Northern	2	1/2	0
Canal Zone	1	0	0	Eastern	0	0	0
				Western	1 N	0	0
				Utah	0	1	0
				Wyoming	1	0	0

T - temporary position; N - previously requested

TABLE 5
 ADDITIONAL RESOURCES REQUESTED FOR COMPLIANCE:
 CLERKS OF U.S. DISTRICT COURT

Circuit and district	Deputies	Speedy Trial Clerk	Circuit and district	Deputies	Speedy Trial Clerk
<i>Total all districts</i>	152-153	33 1/2	Sixth Circuit	7	4 1/2
District of Columbia	0	0	Kentucky:	0	0
First Circuit	9	2	Eastern	2	0
Maine	0	1	Western	0	0
Massachusetts	6	1	Michigan:		
New Hampshire	0	0	Eastern	3	0
Rhode Island	0	0	Western	1	0
Puerto Rico	3	0	Ohio:		
Second Circuit	13	2	Northern	0	0
Connecticut	2	0	Southern	0	0
New York:	0	0	Tennessee:		
Northern	1	0	Eastern	0	0
Eastern	0	1	Middle	1	1
Southern	6	0	Western	0	1/2
Western	2	1	Seventh Circuit	5	3
Vermont	2	0	Illinois:		
Third Circuit	10	3	Northern	2	0
Delaware	2	0	Eastern	1	0
New Jersey	0	1	Southern	0	1
Pennsylvania:			Indiana:		
Eastern	2	1	Northern	2	0
Middle	2	0	Southern	0	0
Western	4	1	Wisconsin:		
Virgin Islands		0	Eastern	0	2
Fourth Circuit	4	1	Western	0	0
Maryland	0	0	Eighth Circuit	5	7
North Carolina:			Arkansas:		
Eastern	0	0	Eastern	0	0
Middle	0	1	Western	0	0
Western	0	0	Iowa:		
South Carolina	2	0	Northern	0	0
Virginia:			Southern	0	0
Eastern	0	0	Minnesota	0	1
Western	1	0	Missouri:		
West Virginia:			Eastern	0	0
Northern	0	0	Western	0	0
Southern	1	0	Nebraska	5	1
Fifth Circuit	50-51	3	North Dakota	0	1
Alabama:			South Dakota	0	2
Northern	5	0	Ninth Circuit	47	4
Middle	0	0	Alaska	0	1
Southern	0	0	Arizona	5	0
Florida:			California:		
Northern	1	0	Northern	0	0
Middle	3	0	Eastern	9	0
Southern	15	0	Central	12	0
Georgia:			Southern	7	0
Northern	9	0	Hawaii	1	0
Middle	0	0	Idaho	0	1
Southern	0	0	Montana	0	1
Louisiana:			Nevada	4	0
Eastern	2	0	Oregon	2	1
Middle	2	0	Washington:		
Western	2-3	0	Eastern	2	0
Mississippi:			Western	4	0
Northern	1	0	Guam	1	0
Southern	1	0	Tenth Circuit	2	4
Texas:			Colorado	0	0
Northern	3	0	Kansas	0	0
Eastern	0	0	New Mexico	0	1
Southern	4	1	Oklahoma:		
Western	2	1	Northern	0	2
Canal Zone	0	1	Eastern	0	0
			Western	0	0
			Utah	1	1
			Wyoming	1	0

TABLE 6
ADDITIONAL RESOURCES REQUESTED FOR COMPLIANCE:
UNITED STATES PROBATION OFFICE

Circuit and district	Probation Officers	Clerk-Stenographers*	Circuit and district	Probation Officers	Clerk-Stenographers*
Total all districts	81-82	40	Sixth Circuit	5	0
District of Columbia	0	0	Kentucky:		
First Circuit	13	11	Eastern	0	0
Maine	1	1	Western	0	0
Massachusetts	9	8	Michigan:		
New Hampshire	1	1	Eastern	0	0
Rhode Island	0	0	Western	0	0
Puerto Rico	2(7)	1(4)	Ohio:		
Second Circuit	2	0	Northern	0	0
Connecticut	0	0	Southern	0	0
New York:			Tennessee:		
Northern	0	0	Eastern	0	0
Eastern	0	0	Middle	5	0
Southern	0	0	Western	0	0
Western	2	0	Seventh Circuit	6	1
Vermont	0	0	Illinois:		
Third Circuit	3	3	Northern	0	0
Delaware	0	0	Eastern	0	0
New Jersey	1	1	Southern	0	0
Pennsylvania:			Indiana:		
Eastern	0	0	Northern	2	0
Middle	2	2	Southern	0	0
Western	0	0	Wisconsin:		
Virgin Islands	0	0	Eastern	2	1
Fourth Circuit	6-7	2	Western	2	0
Maryland	0	0	Eighth Circuit	5	2
North Carolina:			Arkansas:		
Eastern	2	1	Eastern	1	1
Middle	0	0	Western	1	0
Western	0	0	Iowa:		
South Carolina	2	1	Northern	0	0
Virginia:			Southern	0	0
Eastern	0	0	Minnesota	0	0
Western	2-3	0	Missouri:		
West Virginia:			Eastern	0	0
Northern	0	0	Western	0	0
Southern	0	0	Nebraska	0	0
Fifth Circuit	9	4	North Dakota	1	0
Alabama:			South Dakota	2	1
Northern	5	4	Ninth Circuit	32	17
Middle	0	0	Alaska	0	0
Southern	1	0	Arizona	2	3
Florida:			California:		
Northern	0	0	Northern	0	0
Middle	0	0	Eastern		
Southern	0	0	Central	2	3
Georgia:			Southern	11	0
Northern	0	0	Hawaii	0	0
Middle	0	0	Idaho	0	0
Southern	0	0	Montana	0	0
Louisiana:			Nevada	12	8
Eastern	0	0	Oregon	0	0
Middle	0	0	Washington:		
Western	0	0	Eastern	0	0
Mississippi:			Western	5	3
Northern	3	0	Guam	0	0
Southern	0	0	Tenth Circuit	0	0
Texas:			Colorado	0	0
Northern	0	0	Kansas	0	0
Eastern	0	0	New Mexico	0	0
Southern	0	0	Oklahoma:		
Western	0	0	Northern	0	0
Canal Zone	0	0	Eastern	0	0
			Western	0	0
			Utah	0	0
			Wyoming	0	0

**TABLE 7
A. ADDITIONAL RESOURCES REQUESTED IN
DISTRICT COURTS HAVING
FEDERAL PUBLIC DEFENDER OFFICES**

District	Attorneys	Clerks
<u>Total 22 districts.....</u>	19-21	11
Arizona.....	-	-
California, Northern.....	*	*
California, Eastern.....	2	1
California, Central.....	3	2
Colorado.....	*	*
Connecticut.....	2	*
Florida, Southern.....	1-3	3
Kansas.....	*	*
Kentucky, Eastern.....	-	-
Louisiana, Eastern.....	1	-
Maryland.....	-	-
Missouri, Western.....	*	*
Nevada.....	4	7
New Jersey.....	*	-
New Mexico.....	-	-
Ohio, Northern.....	*	*
Pennsylvania, Western.....	1+	-
Tennessee, Western.....	-	-
Texas, Southern.....	3	2
Texas, Western.....	-	-
Washington, Western.....	-	-

*Needs not yet determined.

**B. ADDITIONAL RESOURCES REQUESTED
IN NINE DISTRICT COURTS HAVING
COMMUNITY DEFENDER OFFICES**

Districts	Additional Personnel		Districts	Additional Personnel	
	Attorneys	Clerks		Attorneys	Clerks
<u>Total 9 districts.....</u>	7	4	Minnesota.....	-	-
California, Southern.....	-	-	New York, Eastern.....	2	0
Georgia, Northern.....	-	-	New York, Southern.....	*	*
Illinois, Northern.....	-	-	Oregon.....	-	-
Michigan, Eastern.....	4	4	Pennsylvania, Eastern...	1	-

**C. DISTRICTS REQUESTING THE ESTABLISHMENT
OF A PUBLIC DEFENDER OFFICE**

Arkansas, Eastern	Puerto Rico
Florida, Middle	South Carolina
Florida, Northern	South Dakota
Michigan, Western*	West Virginia, Southern
North Carolina, Middle	Wisconsin, Eastern*
Pennsylvania, Middle*	

*Not qualified to have a public defender under the criteria of the Criminal Justice Act.

END