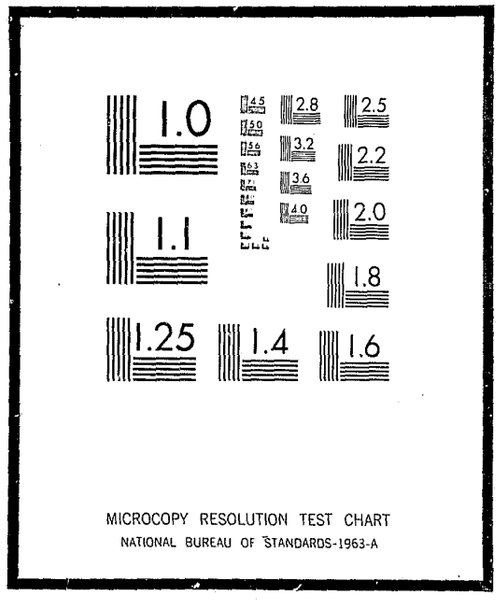

Analysis of Pretrial Delay in Felony Cases --A Summary Report

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FOREWORD

The National Institute of Law Enforcement and Criminal Justice provided Lewis Katz, Associate Professor of Law at Case Western Reserve University, with financial support for a study of pretrial delay in the administration of criminal justice. The document which follows summarizes the findings and conclusions contained in his original report, "Justice is the Crime: Pretrial Delay in Felony Cases," which is scheduled for publication in June, 1972, by the Case Western Reserve University Press.

This document has been selected for wide distribution because of its relevance to the pressing need for structural reform of the criminal court system. Inordinate delay is seriously impairing the effectiveness of criminal courts in protecting the rights of both the criminal defendant and the general public. The extraordinary value of this study lies in its lucid analysis of the sources of court delay and in its recommendation of twenty-five far-reaching procedural changes to reduce delay. Judges, legislators, scholars, and other participants in the operation of the criminal court system should find this study extremely useful in the formulation of improved procedures for the processing of criminal cases.

Martin B. Danziger
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INTRODUCTION

Because of the inordinate amount of time that elapses between the arrest of a suspect and the final disposition of his case, our criminal justice system is failing in its historic role of safeguarding the innocent and convicting the guilty. Courts are clogged with cases that never seem to end, and society has lost confidence in the ability of the system to protect its interests. Recent Supreme Court decisions have reinforced the constitutional rights of the individual, but the task of creating a workable criminal justice system must fall to the state legislatures and to those responsible for the administration of the courts.

This study was designed to analyze pretrial criminal procedures, to determine how each of them contributes to delay, and to develop new or altered procedures that would, consistent with constitutional requirements and traditional concepts of fairness, reduce the period of time between arrest and disposition.

Statistics on current court practices were compiled from a study of half of the 1968 felony cases considered in the Cuyahoga County Court of Common Pleas, the court of general jurisdiction in Cleveland, Ohio, and from an extensive series of interviews with judges, prosecutors, and defense attorneys. Interviews, observations, and questionnaires were utilized to compare these findings with practices existing in more than two dozen cities across the country.

Appendix material in the full report includes tables based on the Cuyahoga County Court records and a state-by-state summary, gathered from statutes, rules of criminal procedure, and judicial opinions, of the basic procedures applicable to the preliminary stages of criminal prosecutions.

THE RIGHT TO A SPEEDY TRIAL

The right to a speedy trial, first mentioned in the Magna Carta, enforced by the Writ of Habeas Corpus, and affirmed in the Sixth Amendment to the United States Constitution, is part of our common law heritage, but there is no consensus among the states on either the meaning of the

term or the proper remedy when the right is violated. Recognizing that time is a key ingredient in an effective system of criminal justice, the President's Commission on Law Enforcement and Administration of Justice developed a timetable proposing intervals between the steps in a criminal prosecution. Comparison of the Commission's model with the practice in Cleveland and other cities across the country reveals the extent to which our justice system has become mired in delay.

The Commission recommended that all criminal cases be disposed of within three months, whether the defendant is in jail or free on bail. In a sample of 1,616 cases from the 1968 felony docket of the Cuyahoga County Court of Common Pleas, less than one-third of the cases involving jailed defendants and only 10 percent of those involving bailed defendants were disposed of within the recommended period. The average time from arrest to final disposition was 245 days. A similar picture of delay exists in courts throughout the nation, and the median time between arrest and disposition continues to rise.

The Commission's proposals concerning the time that should elapse between the separate stages from arrest to arraignment are echoed in state statutes and court rules, but it is clear that attempts by legislatures and court administrators to control the time spent on the preliminary stages are simply not succeeding. Even more delay occurs between arraignment and readiness for trial. Examination of the procedural steps in a criminal prosecution—of what they accomplish or fail to accomplish—is the first step in identifying roadblocks to the realization of the goal of a speedy trial. The pretrial process reflects a profound awareness of the need to protect an individual from arbitrary government prosecution. The question to be asked is which steps are necessary to protect an individual's constitutional rights and which may have outlived their usefulness.

THE PRETRIAL STEPS IN A CRIMINAL PROSECUTION: THE CHARGING PROCESS

As developed in England before the existence of police departments and prosecutors, the charging process was a relatively simple procedure involving at most two steps, a court and a grand jury. Its modern counterpart is a painfully complicated and time-consuming procedure. With the police and the prosecutor incorporated into the charging process, there are now typically four steps necessary between the awareness that a crime has been committed and the formal charging of the defendant in a court with authority to dispose of the case. Each of the agencies involved in the process—police, prosecutor, municipal court, and grand jury—acts from a different perspective, but essentially their functions duplicate each other.

The Role of the Police and the Prosecutor.

Though the laws impose a duty upon the police to arrest all violators and a corresponding duty on the prosecutor to institute charges for all violations, this requirement provides an impossible and probably undesirable goal. Selective law enforcement with constitutional standards of fairness is necessary if the police are to make the best use of limited manpower and the courts are to function effectively. The difficult decision whether to arrest and what evidence to seize is made by the officer on the beat. Doing the job in a way that is always responsive to individual and community rights would require the wisdom and impartiality of a Solomon; the policeman is a human being, no more immune to limitations and prejudices than any other member of the species. Though his decision should be guided by an awareness of departmental policies and constitutional requirements, it is clear that opportunities for abuse are inherent in the discretionary power. Complicating his decision is his awareness of the congestion in the courts; once he has made an arrest he is likely to feel a continued stake in the case, and he may be reluctant to commit himself to several appearances in court as a witness. The existence of too many criminal offenses in state statutes is a further complication: social problems better handled by other agencies are dumped into the lap of an overburdened judicial system, and the policeman is obliged to intervene in situations which he has not been trained to deal with.

Once a suspect has been arrested and taken into custody by the officer, it is up to a detective to decide whether the charges should be dropped or the suspect formally booked. At this point the power of the police to determine the course of a case theoretically ends, since the decision whether to prosecute and whether to introduce the case into the felony process is up to the prosecutor, but the relationship between the prosecutor's office and the police is of continuing importance. The two agencies share the same general goals, and each is dependent on the other to make its work more effective. When they have a close working relationship they can support each other's efforts to evaluate and meet the law enforcement needs of the community. Problems arise in jurisdictions where the prosecutor's function is divided between a city prosecutor, whose responsibility for felony cases extends only to the preliminary proceedings in the municipal court, and a county prosecutor, who has final jurisdiction over felony cases in the later stages. Where one prosecutor's office spans the duration of the case, one line of authority and one set of policies will prevail.

The policeman's decision to arrest and the detective's decision to book the suspect involve a degree of screening, but it is in the prosecutor's office that the screening procedure becomes crucial. In any given case the prosecutor has many options, from outright dismissal to expansion of the charge. A prosecutor who automatically accepts the police

recommendation and institutes felony charges against all arrested defendants is introducing a flood of cases into the courts and diluting the quality of justice available to any one defendant. Willingness to commit resources to the screening stage early in the procedure has been strikingly effective in Detroit, where thorough review by an assistant district attorney after arrest and before the initiation of formal charges has screened out 30 percent of the felony cases, and in Los Angeles, where careful screening, by misdemeanor prosecution, dismissals, or referral to nonjudicial proceedings or social agencies.

The Role of the Courts and the Grand Jury: Preliminary Appearance

Formal screening begins with the defendant's appearance in a municipal court, where the judge informs him of the charges against him and of his constitutional rights, sets the time and place of the next procedure, makes a bail determination, and, in some instances, appoints counsel. Since the municipal court is a court of inferior jurisdiction in most states, the judge cannot accept a plea of guilty, even if the defendant wishes to enter one, and must transfer the case. Detroit's Wayne County has solved this problem by giving to its Recorder's Court complete jurisdiction over all the stages in a felony case.

Questions arise about the quality of the screening that can be accomplished in a noisy, crowded municipal courtroom. Often first appearances for felonies and misdemeanors are held in the same arraignment room, presided over by a judge whose docket is so crowded that he must move the cases along to be ready for the new flood that will confront him the next day. In such an atmosphere his bail determination is made by rote, based on established formulas rather than any investigation of what would be appropriate for the particular defendant. Unfortunately this bail determination, even if unfairly made, will likely stay with the defendant throughout the succeeding stages.

Preliminary Hearing

Not a constitutional requirement but available to the defendant who requests it, the preliminary hearing is a probable cause determination. It presents another opportunity for screening, but often the judge accepts without question the prosecutor's assurance that probable cause exists, and cases move on to clog the trial courts. It has been reported that almost half the felony cases that go to trial in Philadelphia end in dismissals or acquittals, statistical support for the importance of screening in the preliminary stages.

The first signs of the delaying process are likely to appear at this point. Despite statutory requirements specifying the time that should

elapse between the preliminary appearance and the preliminary hearing, the hearing is usually delayed by the defense attorney, often because he is waiting to collect his fee or part of it. With too many judges willing to grant a continuance whenever a lawyer requests one, the potential for delay increases.

The preliminary hearing remains a valuable tool for the defense, since it provides an opportunity to discover part of the state's case. In the Cleveland sample a preliminary hearing was held in only one out of six cases, but this was before the Supreme Court decision that the state must provide counsel for indigent defendants at the preliminary hearing, and it is probable that many of the waivers were made by defendants who had no legal advice. To meet the new constitutional requirement, some cities appoint one lawyer to represent the indigent at the preliminary hearing and another if the case goes to trial, or the separate stages are handled by different legal aid attorneys, with the result that no one attorney becomes thoroughly familiar with the case or feels much interest in working for an early resolution.

Grand Jury

The grand jury proceeding is also a probable cause determination, but unlike the preliminary hearing it is held in secret and the defendant and his attorney have no right to be present. Designed to protect the accused from unfounded charges, it has regrettably become a rubber stamp for the prosecutor. Of the four agencies involved in the screening process it offers the least potential for effective screening, but many prosecutors remain adamant in their desire to preserve it. The preliminary hearing requires the prosecutor to disclose evidence to the defense, but the grand jury operates for the exclusive benefit of the state. It is not uncommon for a prosecutor to take advantage of a delay in scheduling the preliminary hearing by going directly to the grand jury and thereby depriving the defendant of a preliminary hearing.

Only six states continue to require prosecution by grand jury indictment in all felony cases. In the states that permit waiver, however, the right is rarely used, because it is not attractive to the defendant unless he is willing to plead guilty to a felony charge at an early stage. Provision for waiver of indictment offers no solution to the problem of delay in a system where the defendant realizes that delay works to his benefit. The duplication and delay of the two probable cause determinations must be eliminated by other means.

THE POST-INDICTMENT PERIOD

Though considerable time can be lost between the steps involved in the formal charging process, the post-indictment period is the chief source

of delay in the administration of criminal justice. Most courts schedule no formal procedures during this period. What little movement occurs is towards a compromise disposition of the case, the prosecutor trying to avoid introducing another trial into the overburdened courts, and the defense attorney to secure the best deal possible for his client. On the face of it, plea bargaining may seem to the public a questionable procedure; if properly conducted and controlled, however, with both sides given an equal opportunity to make an informed evaluation of the relative merits and weaknesses of the other's case, it can be a valid and efficient way to conserve limited judicial resources and serve the best interests of both the defendant and the community. If this is not what happens in current practice, it is because insufficient attention has been given to the need for control of the post-indictment period.

Overworked prosecutors may accept a plea without any examination of the issues simply to move the case, and overworked judges usually abide by the prosecutor's recommendation without an independent evaluation of the fairness of the agreement. Without statutory requirements or court rules governing the time and handling of the motions practice, discovery procedures, and plea bargaining, defense attorneys can play the waiting game almost indefinitely until the prosecutor is willing to agree to a favorable settlement. The power of the defendant, particularly if he is free on bail and has nothing to lose by the delay, is alarming: he can virtually set his own penalty. More alarming is that the innocent defendant who is detained in jail may plead guilty to avoid a long incarceration before trial.

The Motions Practice

Properly used, the motions practice provides an opportunity to narrow, sharpen, and clarify some of the issues in the cases and to determine whether a trial is necessary and justified as serving the interests of either the state or the defendant. Unfortunately, the procedures offer many opportunities for the use of delaying tactics by both sides. Every motion, unless uncontested, requires an answer, and either side may request an opportunity to argue in court on its validity. Motions on the legality of the methods used by law enforcement agencies in securing evidence usually require an evidentiary hearing. Since few states require attorneys to submit at one time all the motions they intend to use, a lawyer bent on delay can introduce them singly over a period of months. The time that a judge takes to rule on a motion is also a factor.

An attempt to block this avenue of delay is the Omnibus Hearing, developed in the U.S. District Court of the Southern District of California and subsequently adopted in some other federal districts. The hearing is held two or three weeks after the arraignment. Each attorney

has been supplied in advance with an extensive checklist relating to discovery, suppression of evidence, special defenses, and stipulations. The checklist also provides an opportunity to inquire into the reasonableness of the bail set and the sufficiency of the charge. This consolidation of the motions practice has proved an effective means of reducing delay and enhancing the guarantee of effective counsel.

Discovery

A substantial portion of the maneuvering through the motions practice is aimed at learning as much as possible about the opponent's case. How much each side should be able to learn has been a subject of considerable debate, with those who oppose the expansion of discovery in criminal cases pointing out that the two sides are not equally committed to the relevation of truth at trial. In a system where the overwhelming majority of felony cases are resolved by guilty pleas without going to trial, however, this argument has little validity; it is clear that justice is not served if one or the other side is obliged to work in the dark during the plea bargaining period. If the state and the defense are to arrive at a fair and equitable settlement, they must be able to negotiate as informed equals.

Plea Bargaining

Since no statute delineates how negotiations are to proceed, what may be negotiated, or how long negotiations can continue, plea bargaining often takes place at the convenience of lawyers and continues as long as they think it will serve their client's interests. Complicating the process is the common practice of overcharging, a device that prosecutors use so that they can subsequently reduce the charge and avoid going to trial. Though this practice may help to keep the system functioning, it can cause great inequities.

The abuses possible in the plea bargaining system may prompt the suggestion that it be eliminated entirely, but this is simply not possible: there are not enough judges, prosecutors, defense lawyers, courtrooms, or prospective jurors to require trials in all cases. Time is the key to the solution. Like the formal charging process, the post-indictment period is susceptible to division into segments for raising motions, discovering the opponent's case, and conducting serious bargaining. If the attorneys have not reached agreement by the end of the period, the case should go to trial. Realistic charging by the prosecutor and limits on how much he may reduce a charge will help to shorten the time required for bargaining.

ADDITIONAL CONSIDERATIONS: BAIL

The money orientation of our society has evolved a procedure for selecting those who will be free on bail that has nothing to do with the purpose of bail. The indigent, even if innocent of the charges against them, are jailed for the crime of poverty while the affluent, even if guilty, are free to resume their normal lives—including, in some instances, their normal criminal behavior. To accomplish its purpose of assuring a defendant's presence at trial, bail should be tailored to the individual defendant, but this is rarely done; a harried municipal court judge generally cannot take the time to inquire into the character, family ties, employment record, and financial condition of the defendant and so relies on a formula based on the past conviction record and the charge selected by the police and the prosecutor. Though the charge often proves to have been an overcharge, the bail determination is made on the initial, inflated charge. The judge's attitude toward pretrial detention and pretrial release is also determinative; his responsibility for setting bail is the opportunity to set it prohibitively high for reasons that he need not explain unless challenged.

Not only does the bailed defendant have the luxury of freedom to wait out the prosecutor, with none of the pressure to plead guilty that the jailed defendant may feel, but he can use the time to good advantage by helping his lawyer investigate, earning money for fees, and setting a pattern of behavior that results in a lighter sentence. The jailed defendant has no such opportunity. Deprived of his freedom, of no help to his lawyer, unable to earn any money for himself or a family that may desperately need his support, crowded into a jail where those charged with a minor offense may have to associate with those accused or convicted of serious crimes, he may learn only despair. The Cleveland statistics indicated that the jailed defendant was twice as likely as the bailed defendant to be sentenced to the penitentiary or reformatory. Allowing for the distortion that homicide cases would cause in the statistics, it is still clear that the jailed defendant is in a weaker position.

An additional problem with money bail is the power it has given to bondsmen. Since few defendants can raise bail on their own, they must turn to the professional bondsman, who typically charges 10 percent of the face value of the bond for his services. In an effort to loose the hold of the bondsmen and reduce to a minimum the discriminatory effects of money bail, Illinois has adopted a bail deposit provision that requires a defendant to deposit with the court an amount equal to 10 percent of his bail. When the bond is discharged, 90 percent of the deposit is returned to the defendant. Guaranteed the return of all but 10 percent of the deposit, or 1 percent of the total bail, the defendant is more likely to be able to borrow the money.

Though the Illinois provision is a step toward equalization, there is no reason for the bail system to be based on money except when appearance at trial can be guaranteed in no other way. Release-on-recognizance programs have proved to be more successful and reliable than money bail. In 1961 the Manhattan Bail Project was launched by the Vera Institute of Justice with the goal of making release-on-recognizance programs an acceptable procedure in the local courts and creating a program that had nationwide adaptability. Detainees were interviewed, and the information obtained was verified, to determine their "parole" risk, with points awarded for positive information such as solid employment history or long-time community residency and subtracted for past offenses. If the point total was above a set minimum, the interviewer recommended some form of release on recognizance. With the verified information, judges tended to release four times as many accused; 9.8 percent of these did not show up for trial. In a similar program in Indianapolis, only 2.9 percent of those released on recognizance missed a court appearance.

A program that erases financial inequities and eliminates confinement in crime-breeding jails needs no special pleading, but any broadened release program or any system of bail reform must be accompanied by the development and enforcement of community's right to a speedy trial. If altered bail or release procedures only serve to increase the number of defendants who can postpone their day in court as long as possible, bail reform will have accomplished nothing. Penalties must be imposed when the defendant is responsible for delaying justice.

A final concern in any discussion of pretrial freedom is the threat to community safety posed by the release of certain defendants. In an attempt to reduce the recidivist crime rate among persons free on bail awaiting trial, Congress adopted in 1970 a preventive detention program for the District of Columbia, permitting a defendant to be held up to 60 days prior to trial and requiring his case to be listed on an expedited calendar. The Supreme Court has not ruled on the constitutionality of preventive detention, but the effectiveness of the measure can be determined by other standards. Judging from the fact that the United States Attorney moved to detain only seven persons between February and July of 1971, care and judgment can characterize such a program. A particular problem in the District of Columbia, however, is that the courts find it virtually impossible to bring a defendant to trial within 60 days. Since the defendant whose case has not come to trial within the specified period is treated like any other person accused of crime and is subject to the same release conditions, the detention has served little purpose. An additional problem is that detention can be permitted only after a full hearing by a judicial officer, whose ruling is subject to appeal. Multiplication of proceedings is hardly what our crowded courts need. A third problem is the imprecise language of the measure: the categories of persons subject to preventive detention bring too many defendants within their scope and admit the potential of abuse by a judicial officer who is overly eager to detain. Finally, since

there is no reliable way to predict future behavior, the danger with preventive detention programs is that some defendants will be detained needlessly.

With or without preventive detention, many defendants are free for extended periods before trial; preventive detention does not get at the real problem of delay. Despite these reservations about the District of Columbia measure, some form of preventive detention, wisely administered and limited to those few cases where a predictable threat to community safety can be clearly demonstrated, would promise many fewer cases of injustice than the bail system that exists in the vast majority of cities and towns. It might also help to lessen the oppressive fear of crime that is inhibiting the life of American cities.

CONCLUSION

Expressed or implied in the foregoing summary are the specific recommendations listed in the summary which follows. A substantial commitment of resources and effort will be necessary if the delay that paralyzes our justice system and demoralizes our society is to be reversed. A time line governing the stages in the disposition of a criminal case will remain meaningless numbers on a page unless there is a determination on the part of the participants to see that the requirements are binding on both sides. If delay in bringing a case to trial is attributable to the state, the charges should be dismissed; the state has an equal right to a speedy trial, and unwarranted delays caused by the defendant or his attorney should be handled just like any other disruption of courtroom proceedings. The charging process, now burdened with time-consuming formal procedures that clumsily succeed in charging but rarely screen, should be streamlined to eliminate duplication and provide more effective screening. The disturbingly high rate of dismissals or nolles in felony cases pending for over a year points to the need for prosecutor involvement early in the charging process. A mandatory pre-charging conference between the prosecutor and the attorney at the earliest stage will sift many cases out of the felony stream and produce more realistic charges.

Speed is not the goal of these recommendations but rather the necessary condition for the realization of the goal of justice. For all the problems that now overwhelm it, the American criminal justice system remains the most brilliantly devised method for administering justice in a free society. No set of proposals can correct all the ills that beset the system, but the continuing validity of the goals on which it was founded demand that an effort be made.

SUMMARY OF RECOMMENDATIONS

Speedy Trial

1. Establish a speedy trial time-limit applicable to *all* felony cases. Defendants who are detained in jail would be brought to trial within 60 days of their arrest and defendants who are free on bail would be brought to trial within 120 days. Since a tremendous percentage of cases are delayed because a defendant and his attorney believe that delay is in their best interest, provisions must be included to guarantee a speedy trial to the State.

Substantive Criminal Law

2. Reevaluate substantive criminal statutes to eliminate those matters that are not properly subject to criminal sanction and those which the courts are not equipped or trained to handle.

Immediate Post-Arrest Procedure

3. Expand the booking procedure for felony cases and eliminate the preliminary court appearance or arraignment. The booking officer would advise the defendant of his constitutional rights and make a preliminary determination of bail.

4. Adopt a bail program comparable to that used in the District of Columbia, but which permits a preliminary bail determination during the booking procedure.

5. Authorize booking officer to appoint counsel for indigent defendants. Initial meeting between counsel would take place within 24 hours if the defendant is detained and within five days if the defendant is released on bail.

Prosecutor Screening

6. Adopt a unified prosecutor system and eliminate any dual responsibility for felonies between city and county prosecutors. The prosecutor should commit human resources to the screening and charging phases of felony prosecutions in order to carefully sift cases and to arrive at realistic and convictable charges.

7. Require a mandatory pre-charging conference between the prosecutor and defense attorney in an effort to eliminate and settle a case prior to the preliminary hearing, which will be the first court appearance.

Preliminary Hearing

8. Require a mandatory preliminary hearing in all felony cases. Exceptions to this rule would be permitted only where the defendant agrees in writing to plead guilty to a charge arrived at during the prosecutor-defense attorney mandatory conference; or the prosecutor dismisses the charge, or the prosecutor refers the case for handling as a misdemeanor or to a court diversionary program.

9. Schedule the preliminary hearing within 48 hours of the arrest if the defendant has not been released by the booking officer or within seven days if the defendant has been released on bail. No more than one continuance of 48 hours would be permitted, and then only if a showing of *good cause* is made prior to the scheduled hearing. No delay of the preliminary hearing would be granted if the defendant has been detained by the booking officer, irrespective of whether the request for delay emanates from the prosecution or defense.

Bail

10. Provide that, at the preliminary hearing, after a determination of probable cause, the judge review the bail conditions set by the booking officer.

11. Eliminate money as the standard of release wherever possible. Even in the case of transients, money bail would be used as a last resort only if it is established that the defendant's ties to his home community would not satisfy the standards for release.

12. Permit pretrial detention, based upon standards more clearly and narrowly defined than those enacted in the District of Columbia Court Reform and Criminal Procedure Act of 1970, only in extreme instances where danger to the community can be firmly established.

Grand Jury

13. Eliminate indictment by grand jury where the defendant has been arrested. Grand jury activity would be restricted to investigation in cases where there is no prior arrest.

Arraignment and Formal Charging

14. Eliminate arraignment, after an indictment.

15. Specify that the original affidavit filed by the prosecutor, as amended by the findings of the preliminary hearing, become the formal charging document.

Discovery and Motions Practice

16. Require by statute two-way discovery in felony cases.

17. Require that a bill of particulars be filed within seven days of the preliminary hearing.

18. Provide that theory of prosecution, special defenses, names of witnesses to be called at trial, statements of expert witnesses, and access to witnesses be available from both the prosecution and the defense. Informal, rather than the more formal and expensive methods of discovery such as depositions, should be encouraged.

19. Consolidate motions practice so that all motions are raised and disposed of at one time. If necessary, a hearing on questions of discovery and motions should be held within 20 days of the preliminary hearing. Decisions on motions would be binding at trial.

Plea Bargaining

20. Educate the public that pleas of guilty to reduced charges or in return for reduced sentences may be in the best interests of the defendant and the community. Plea bargaining standards should be established to insure that those best interests are served.

21. Allow a 14-day period, after the discovery and motions stage, for plea bargaining. If no agreement has been reached, or if the judge has not approved of the terms of an agreement, no further leeway for bargaining would be permitted after the 14-day period, and the trial would be scheduled.

22. Arrange for prosecutors and judges to set uniform guidelines for negotiated pleas to assure that defendants charged with the same offense and having comparable criminal records are treated alike. To insure protection of the community interest, offers of reduced pleas and sentences should appear in the record.

Court Organization

23. Consolidate felony cases within one court with original and final jurisdiction. Adopt the personal docket system whereby a judge is assigned a case from the initial appearance to its disposition. Assign the judge personal responsibility to insure that a case, and each of its stages, is disposed of within the established time period.

24. Provide that judges exercise the same authority in ruling on continuances as they do when ruling on evidentiary questions, and permit continuances only upon a showing of necessity and when it is in the best interests of justice.

25. Adopt computerized and central scheduling for all courts within a community to eliminate scheduling conflicts as an excuse for delay.

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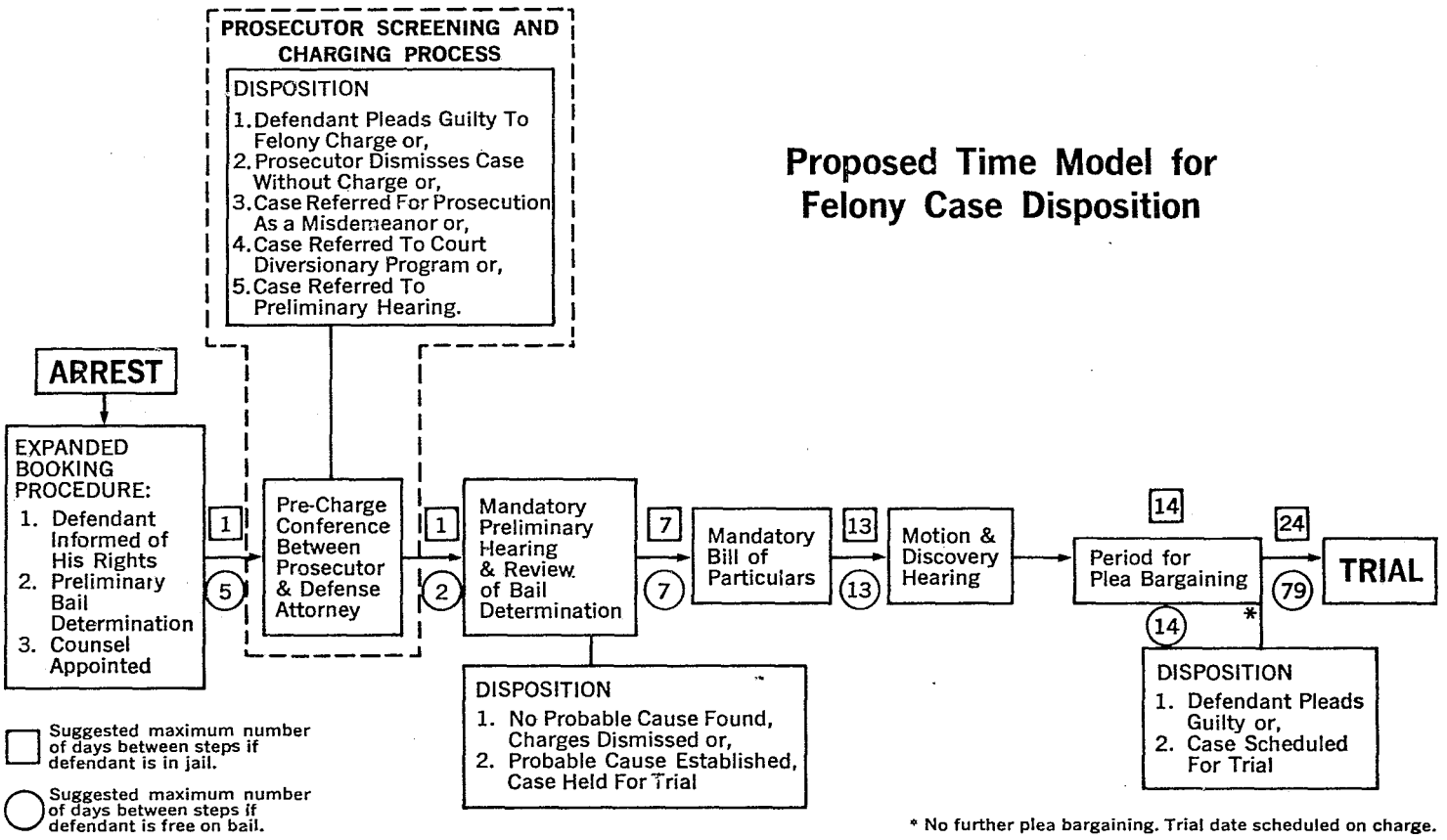
Proposed Time Model for Felony Case Disposition



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