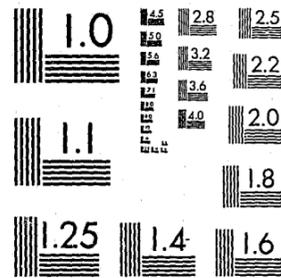


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Publication 15

An Analysis of Case Processing Time in the District of Columbia Superior Court

Mark Husner & Michael Seidel



INSLAW, Inc.

Prepared for the U.S. Department of Justice, National Institute of Justice



Publication 15

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16. Pretrial release decisions
17. Sentencing practices

An Analysis of Case Processing Time in the District of Columbia Superior Court

Jack Hausner • Michael Seidel

March 1981



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This project was supported by Grant Numbers 74-NI-99-0008, 75-NI-99-0111, 76-NI-99-0118, and 77-NI-99-0060, awarded by the Law Enforcement Assistance Administration, U.S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Points of view or opinions stated in this document do not necessarily represent the official position or policies of the U.S. Department of Justice.

Printed in the United States of America

Library of Congress Cataloging in Publication Data
Hausner, Jack, 1949—

An analysis of case processing time in the District of Columbia Superior Court.

(Promis research project; publication 15)

1. District of Columbia. Superior Court. 2. Court congestion and delay—District of Columbia. 3. Speedy trial—District of Columbia. I. Seidel, Michael, 1955— joint author. II. National Institute of Justice (U.S.) III. Title. IV. Series.

KFD1715.H38 347.753'023 80-29231
ISBN 0-89504-015-8

Foreword

This report is one of the latest in a series of studies debunking the myths of the District of Columbia Superior Court. Five years ago, after six years as a prosecutor and eight years as a trial judge, if I had been asked the following questions about our court, I would have answered each with a resounding NO.

1. Does the prosecutor drop about one-half of the criminal cases filed in the Court after arrest but before plea or trial?
2. Is the reason many of the witnesses who appear uncooperative in not showing up simply that they have not received notice?
3. Did the prosecutor drop over half of the cases involving violent offenses cleared by arrest in 1973?
4. Is it true the Superior Court trial judges do not routinely award sentencing concessions to defendants who plead guilty?
5. Does a misdemeanor defendant's chances for third-party custody pretrial release rise with the number of arrests?
6. Is it true that the more lethal the weapon used to commit a robbery the less likely it is the victim will be attacked or harmed?
7. Does a defendant stand a better chance of not going to jail before the older Superior Court judges?
8. Do the nonwhite judges on the Superior Court tend to give the longest jail sentences?
9. Is it true that delay in trying felony cases has a limited impact on the outcome of the case?

Today, a far less certain but wiser judge, I would correctly answer YES to all of the questions, thanks to INSLAW and a system called PROMIS.

Question number 9 is one of the gems found within this report, which analyzes case processing time in our Court. Its impact has already been felt, because early drafts stimulated further study by the Court and major changes in case processing are now under way.

The problem of delay in case processing has been chronic but has reached national attention with the federal Speedy Trial Act.

Thanks to the forceful prodding of Chief Justice Warren Burger there is throughout the country a renewed commitment to the mandate of the Sixth Amendment to the Constitution: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial. . . ." Recognizing that intolerable delay exists, what is its cause? INSLAW's in-depth analysis indicates the causes

and suggests some solutions. The problem is a complex one, and its solution will require cooperation by all participants in the criminal justice system.

Basic to any long-range solutions is the continuance of INSLAW's demythologizing the courts and forcing court administrators to make policy decisions based on the facts.

While as lawyers and judges we have prided ourselves on our ability to develop the facts, it has taken the social scientists of INSLAW to "find the facts" about the District of Columbia Superior Court and, to quote the title of a popular book, "To Set the Record Straight."

Judge Tim Murphy
Superior Court of the
District of Columbia
January 1980

Preface

The system is judged not by the occasional dramatic case, but by its normal, humdrum operations. In order to ascertain how law functions as a daily instrument of the city's life, a quantitative basis for judgment is essential.

Criminal Justice in Cleveland,
Roscoe Pound and Felix Frankfurter, eds.

Pound and Frankfurter's observation of a half century ago is equally applicable today. Having traced by hand what was happening to some 5,000 felony cases in the Cleveland courts, they found evidence that the real workings of the courts were often quite different from the picture that emerged from media coverage of the "occasional dramatic case." The study revealed, for example, that most felony arrests were being dropped without trial, plea, or plea bargain; that a serious problem of habitual, serious offenders was receiving insufficient attention; and that bail and sentencing practices were badly in need of reform.

This series of reports traces what is happening to felony and serious misdemeanor cases in the District of Columbia Superior Court in the 1970s, based on an analysis of computerized data. Although the data base is both larger (over 100,000 cases) and richer (about 170 facts about each case), the analyses reach conclusions strikingly reminiscent of those made by Pound and Frankfurter, and now largely forgotten. We are relearning the lessons of high case mortality, the habitual or career criminal, and bail and sentencing inequities.

The source of the data used in this series of research reports is a computer based case management information system known as PROMIS (Prosecutor's Management Information System). Because it is an ongoing system, PROMIS provides, on a continuing basis, the kind of quantitative assessment of court operations that heretofore could only be produced on an *ad hoc* research basis.

The area encompassed by the PROMIS data—the area between the police station and the prison—has long been an area of information blackout in the United States. This data void about the prosecution and court arena, which some observers regard as the criminal justice system's nerve center, has meant that courthouse folklore and the atypical, but easy-to-remember, case have formed much of the basis for criminal justice policymaking.

Funded by the Law Enforcement Assistance Administration, the PROMIS Research Project is demonstrating how automated case management information systems serving prosecution and court agencies can be tapped to provide timely

information by which criminal justice policymakers can evaluate the impact of their decisions. The significance of this demonstration is by no means restricted to the District of Columbia. Other jurisdictions can benefit from the types of insights—and the research methodologies employed to obtain them—described in the reports of the PROMIS Research Project.

There are 17 publications in the series, of which this is Number 15. A noteworthy feature of this series is that it is based primarily on data from a prosecution agency. For those accustomed to hearing the criminal justice system described as consisting, like ancient Gaul, of three parts—police, courts, and corrections—the fact that most of the operations of the system can be assessed using data from an agency usually omitted from the system's description may come as a surprise. We are aware of the dangers of drawing certain inferences from such data; we have also come to appreciate their richness for research purposes.

Obviously, research is not a panacea. Much knowledge about crime must await better understanding of social behavior. And research will never provide the final answers to many of the vexing questions about crime. But, as the President's Commission on Law Enforcement and Administration of Justice observed in 1967: "... when research cannot, in itself, provide final answers, it can provide data crucial to making informed policy judgments." (*The Challenge of Crime in a Free Society*: 273.) Such is the purpose of the PROMIS Research Project.

William A. Hamilton
President
Institute for Law and Social Research
Washington, D.C.

Contents

Foreword	iii
Preface	v
1. Introduction	1
Perspectives on Court Delay	1
Purpose and Scope of Report	3
Organization of Report	4
2. The Felony Case	7
Felony Case Processing	7
How Long Does It Take?	11
Effects of Case Characteristics on Processing Time	13
3. The Misdemeanor Case	19
Misdemeanor Case Processing	19
Effects of Case Characteristics on Processing Time	22
4. The Relationship of Case Outcome and Case Processing Time	25
Felony Outcomes and Case Processing Time	25
Misdemeanor Outcomes and Processing Time	29
Summary	31
5. The System—An Added Perspective	33
Felonies	33
Misdemeanors	41
6. Conclusions—The Link to Court Management	47
Appendixes	
A. Results of Multivariate Analysis	53
B. Selected Case Attributes	63
C. Time Series Data	71

Introduction

Burgeoning case loads have increased congestion in many of our nation's metropolitan courts, but court and prosecution resources have generally not kept pace with the increases in work loads. One of the results has been, as expected, an increase in the time the typical litigant must wait for adjudication. Concurrently, much legislative attention has been directed at ensuring the defendant's right to a speedy trial in criminal cases, particularly in federal courts. Although the federal courts handle only a small proportion of the criminal case load, they mirror, to some extent, the problems of state and local courts. In fact, based on previous patterns, legislation regarding speedy trial in the federal courts may well serve as the model for similar efforts in many state and local courts. Therefore, this report, a case study of criminal case processing in the District of Columbia, includes a discussion of federal legislation and its background.

PERSPECTIVES ON COURT DELAY

The right to a speedy trial is afforded by the Sixth Amendment to the Constitution and applies to criminal trials in federal, state, and local courts. From a judicial perspective, whether there has been a denial of the right to a speedy trial has to be determined on a case-by-case basis. The leading Supreme Court interpretation of the speedy trial clause, given in *Barker v. Wingo*,¹ outlines four factors to be weighed by the judge in ascertaining the denial of a speedy trial. The first of these, the length of delay, serves as the triggering mechanism for judicial inquiry into the three other factors. Because of the imprecise definition of the right to a speedy trial, considerable discretion is available to the judge in determining the length of delay, based on the characteristics of the individual case, that will prompt such an inquiry. The second factor, the reason for the delay, must also be carefully weighed. The Supreme Court, in *Barker v. Wingo*, suggests that deliberate delays aimed at hampering the defense should weigh heavily against the government. Court congestion is viewed as a more neutral reason for delay and thus is not weighed so heavily, and the absence of a key witness is cited as a valid reason for delay. The two remaining factors are whether the defendant made a sufficiently assertive demand for a speedy trial and whether delay prejudiced the case of the defendant. These four factors must be considered, together with any other relevant information, in determining the denial of a speedy trial.

Legislators have attempted to introduce more quantitative definitions of "speed" and "delay." The Speedy Trial Act of 1974, passed by Congress in early 1975, provides for specific time standards to be applied to criminal cases in federal

courts.² These standards, to be phased in over a number of years, will ultimately allow for 30 days between arrest and the filing of an indictment or information, 10 days between the indictment or filing of the information to arraignment, and 60 days from arraignment to trial. Certain time periods, such as periods of delay induced by the defendant, are specifically excluded from consideration by the provisions of the act. The act is labeled as an effort to "assist in reducing crime and the danger of recidivism by requiring speedy trials and by strengthening the supervision over persons released pending trial."³ It seems apparent that the Congress is most concerned with the societal impact of delay, and the courts are more concerned with the impact of delay on individual defendants.

As originally conceived, few could argue with the lofty goals of the Speedy Trial Act. However, its implementation over the last several years has engendered considerable debate among practitioners in the federal courts. As sanctions for exceeding the speedy trial time limits begin to be invoked, the realization is growing that the full impact of the act was not assessed and the burdens it places on judges, attorneys, and litigants were not fully anticipated.⁴ Typical of the opposition to the act is the statement by Federal Judge Milton Pollack: "Overall, it's a desirable concept; as written it becomes an albatross."⁵ Defense attorneys complain of inadequate preparation time; prosecutors cite inflexible deadlines as a source of wasted staff time; judges find themselves spending longer hours on the bench and increasingly involved in complex scheduling problems; some defendants in criminal cases feel "rushed" through the system; and litigants in civil cases, which are not provided for in the act, find themselves waiting even longer than before.⁶

Researchers have generally taken a more managerially oriented view of court delay and concentrated on the measurement of delay, the evaluation of delay-reduction strategies, and identification of the sources of delay. One of the early studies of court congestion and delay was conducted by Zeisel, Kalven, and Buchholz as a case study of the Supreme Court of New York County.⁷ As a result of their investigation of the extent, causes, and dynamics of delay, they concluded that there were three *basic* solutions to the problem: additional judges; a reduction of the number of cases requiring adjudication; or a reduction of the court time required per case. They asserted that the key to delay reduction lay in some variant of the basic solutions. Later researchers introduced a fourth basic solution—more effective management and utilization of existing court resources.⁸

Most researchers have assumed a critical attitude toward delay.⁹ However, some of the more recent economic literature takes a broader view. For example, Posner states that delay is an "omnipresent feature of social and economic life. It is only excessive delay that is undesirable and what is excessive can be determined only by comparing the costs and benefits of different amounts of delay."¹⁰ This notion that delay reduction may come at the expense of other desirable justice system attributes represents a new perspective in the literature. It implies that identifying the amount of delay that is tolerable is a managerial decision that must be made by the principal actors in the criminal justice system based on the full range of information available to them.

Levin and Eisenstein and Jacob construct the argument that criminal court delay tends to be associated with the behavior of judges, defense attorneys, and prosecutors.¹¹ The primary mechanisms used by these court protagonists to influence delay are continuances, motions, and full-length trials. Although their motives may be unrelated to delay, their actions, nonetheless, are associated with delay. Other researchers offer considerable qualitative information that delay is used strategically and, in fact, is created by prosecutive and defense strategies. Blumberg takes a cynical view that defense attorneys create delay to justify higher

fees.¹² Less cynically, Fleming argues that court delay serves the interest of the defense counsel and that judges readily grant continuances because of the Jacksonian tradition of allowing lawyers every opportunity to defend their clients.¹³ A different perspective cited in the literature suggests that judges should take a less passive role in the granting of continuances. A lax policy on continuances ignores the public's interest in swift justice and abdicates control of the calendar to the litigants. Trial scheduling should not be designed solely to suit the tactics of counsel. A judge should grant a continuance only after considering the societal concern for the prompt disposition of cases.¹⁴

Rosenberg notes the importance of distinguishing between systemic delay, which is the waiting time exacted of defendants ready to proceed when the court is not, and delay caused by the attorneys in the case.¹⁵ Gillespie, in a study of the U.S. District Courts, explores delay almost exclusively in the context of systemic variables.¹⁶ He found delay to be related to pending work load but only weakly related to judicial productivity. As a result, he concludes that the federal courts have a reserve capacity that is used only when the judges feel the pressure of their pending work load.¹⁷

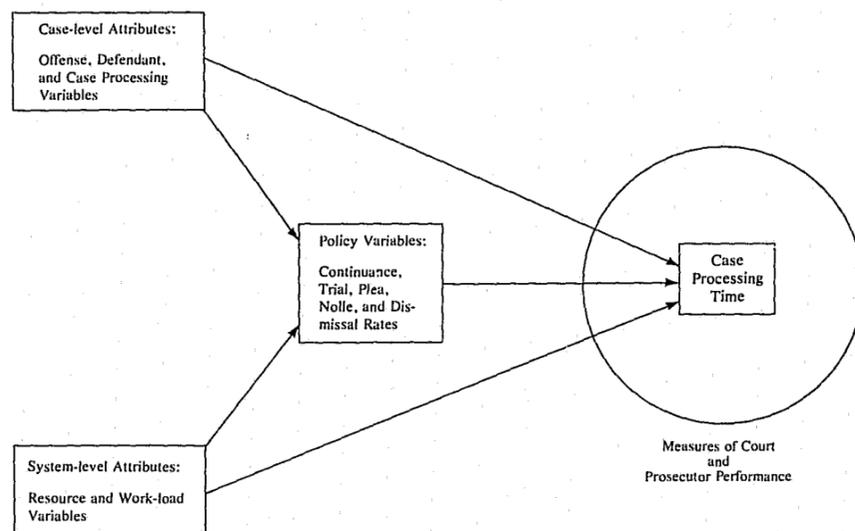
PURPOSE AND SCOPE OF THE REPORT

The substantive focus of this report is on delay in felony and misdemeanor cases in the D.C. Superior Court.¹⁸ A qualifying statement is appropriate at this point. We have measured delay as case processing time. We attach no normative significance to this measure of delay, *per se*, but will look at why it occurs and some of its consequences. Case processing will be used throughout this report to describe the time that elapses between the initial screening of a case by the prosecutor and its court disposition through dismissal, plea, or trial.

The preceding discussion of the existing literature suggests an appropriate structure for the analysis of case processing time. The structure, as diagrammed in Figure 1, sets the context for the study of extended case processing time, or delay, and helps to frame the objectives of the research. As can be seen from the figure, case processing time is the product of a number of different factors. Some of the factors that affect the processing time for an individual case are attributes of the case itself. These case-level attributes include offense characteristics, such as the type of offense, the number of codefendants, and the type of evidence recovered; defendant characteristics, such as the prior record of the defendant; and case processing characteristics, such as the bail status ordered, the type of attorney appointed, and whether a jury demand was made. In addition, the processing of individual cases is not isolated in time or space. There are many other cases in the system at the same time, competing for the same set of limited resources. Thus, processing time is also the product of system-level attributes, such as resource and work-load variables, that describe the interaction of cases with each other. Policy variables, such as the number of continuances granted, and trial, plea, and nolle or dismissal rates affect case processing time, as well. These policy variables may in turn be products of the case- and system-level attributes discussed earlier.

Equal in importance to the determination of case processing time is the context in which that time is evaluated. Processing time is only one of several measures of court and prosecutor performance. Thus, in establishing strategies for delay reduction, policymakers must bear in mind that improvement in one area may come at the expense of improvement in others. For example, one way of reducing or controlling delay in criminal cases is for the prosecutor to accept fewer cases for prosecution, which might have an adverse impact on crime control efforts. Would society benefit more from delay reduction or from a greater potential for crime

Figure 1.
A Model for the Analysis of Court and Prosecutor Performance



control resulting from a more comprehensive prosecution strategy? How are societal benefits to be balanced against the individual's right to a speedy trial? At a time when speedy trial legislation is the focus of much national attention and debate, and simultaneously economic and work-load pressures force the examination of criminal justice system resource allocations, the perspective on delay highlighted by these questions is critical. It remains for criminal justice system managers to examine the multiple facets of these difficult questions and to strike the appropriate balance among them.

While we, in this report, cannot offer solutions to the above questions, our intent is to provide information that could be used by policymakers in making the decisions regarding the trade-offs associated with case processing. The report attempts to do the following:

- Identify the critical points in case processing.
- Measure the amount of processing time required for criminal cases in the D.C. Superior Court.
- Examine the attributes of cases that affect case processing time.
- Study the manner in which systemic pressures exerted by the judges, attorneys, schedulers, or the work load itself affect processing time.
- Examine the effect of extended processing time on case outcome.
- Review the policy implications of the findings.

ORGANIZATION OF THE REPORT

The broad scope of this report necessitates the following organization. Following this introduction, Chapter 2 discusses felony case processing, the amount of

processing time required for felony cases, and the factors that affect processing time.¹⁹ Chapter 3 presents a discussion of misdemeanor case processing analogous to the discussion of felony cases in Chapter 2 and completes the discussion of factors related to processing time. Chapter 4 reports on the effects of extended case processing time on case outcome, including a discussion of some of the relevant policy variables. Chapter 5 reviews the relationship of system-level attributes and the remaining policy variables to case processing time. Conclusions and policy implications are drawn in Chapter 6.

Notes

1. 407 U.S. 514, 521 (1972).
2. Speedy Trial Act of 1975, Pub. L. No. 93-619, Title I, § 107, 88 Stat 2076, as amended by Publ. L. No. 96-43, § 11, 1979.
3. *Ibid.*
4. A recent report estimated that approximately 20 percent of federal criminal cases processed in the year ending June 30, 1978, would not be in compliance with the Speedy Trial Act. Of course, no sanctions requiring dismissal of these cases were yet in place. In addition, the study reported that the most significant cost of compliance with the act was expected to be the continued and aggravated delay in the disposition of civil cases. See U.S. Department of Justice, Office for Improvements in the Administration of Justice, *Delays in the Processing of Criminal Cases Under the Speedy Trial Act of 1974* (Washington, D.C., 1979).
5. *Wall Street Journal*, September 13, 1977: 28.
6. *Ibid.*
7. Hans Zeisel, Harry Kalven, Jr., and Bernard Buchholz, *Delay in the Court* (Boston: Little, Brown, 1959).
8. See, for example, Maureen Solomon, *Caseflow Management in the Trial Court* (Chicago: American Bar Association, 1973); and the *Guide to Court Scheduling* (INSLAW, 1976).
9. See, for example, L. Banfield and C. D. Anderson, "Continuances in Cook County Criminal Courts," *University of Chicago Law Review* 35 (1968).
10. Richard Posner, "An Economic Approach to Legal Procedure and Judicial Administration," *Journal of Legal Studies* 2, no. 2 (June 1973).
11. Martin A. Levin, "Delay in Five Criminal Courts," *Journal of Legal Studies* 4, no. 1 (January 1975); James Eisenstein and Herbert Jacob, *Felony Justice, an Organizational Analysis of Criminal Courts* (Boston: Little, Brown, 1977).
12. Abraham S. Blumberg, *Criminal Justice* (Chicago: Quadrangle Books, 1967).
13. Macklin Fleming, "The Law's Delay: The Dragon Slain Friday Breathes Fire Again Monday," *The Public Interest* 32 (1973).
14. "Speedy Trial: A Constitutional Right in Search of Definition," *The Georgetown Law Journal* 61, no. 3 (February 1973).
15. Maurice Rosenberg, *The Pretrial Conference and Effective Justice* (New York: Columbia University Press, 1964).
16. Robert W. Gillespie, *Judicial Productivity and Court Delay: An Exploratory Analysis of the Federal District Courts*, National Institute of Law Enforcement and Criminal Justice (Washington, D.C.: Government Printing Office, 1977).
17. For a more comprehensive literature review, see Thomas W. Church, Jr., et al., *Pretrial Delay: A Review and Bibliography* (San Francisco: National Center for State Courts, 1978).
18. The D.C. Superior Court, although nominally a federal court, is specifically excluded from the provisions of the Speedy Trial Act.
19. The primary source of data for the analysis was the Prosecutor's Management Information System (PROMIS), which has been in operation in the U.S. Attorney's Office for the District of Columbia since 1971.

The Felony Case

The processing of felony cases can be characterized as a continuum of decisions faced by the attorneys, defendants, judges, and jury members associated with each case. The prosecutor, for example, must make the initial decision whether to accept for prosecution an arrest brought by the police. If he accepts the case, he must then periodically decide whether the case merits continued application of resources to its prosecution. These deliberations may result in the dismissal of the case or may provide the impetus for entry into plea negotiations. The defendant may elect to enter a guilty plea or opt for the constitutionally guaranteed right to trial. At each court event, the judge may allow a case to continue through to trial or may dismiss it. Each decision contributes to the length of time a case will remain in the system. This chapter will identify some of the critical decision points in the life of a felony case, present a preliminary overview and assessment of processing time in felony cases, and examine those attributes of the felony case that appear to influence processing decisions and the time required for disposition.

FELONY CASE PROCESSING

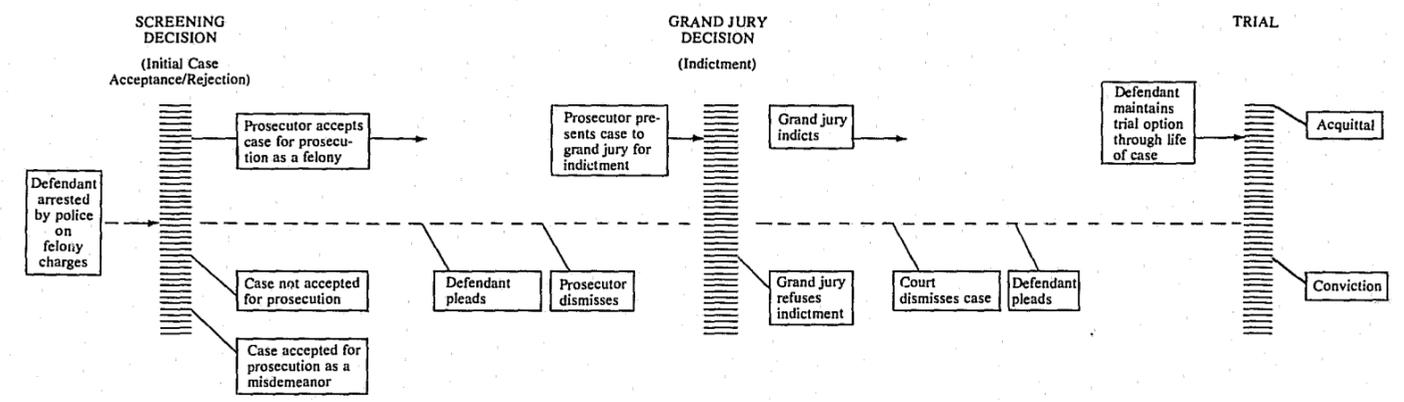
The continuum of decisions affecting felony case processing is illustrated in Figure 2. The process itself is punctuated at several critical points by the requirement for a formal decision on whether the case will survive to the next point.

The first of these points is the screening decision. At screening the prosecutor reviews the charges as brought by the police and may accept them, reject them, or modify them, possibly for prosecution under misdemeanor statutes. Clearly, this decision represents the screening prosecutor's initial assessment of the appropriateness of the charges and the adequacy of the evidentiary and documentary support of those charges. In addition, the prosecutor has sufficient discretion to reject those cases that do not appear to offer an efficient investment of prosecutory resources¹ in light of other cases competing for those same, limited resources.

The second critical point is the grand jury decision. The prosecutor has had sufficient time to review and evaluate the merits of the case. If the case is presented to the grand jury, the jurors may elect to issue an indictment on the charges suggested by the prosecutor, modify the charges, or refuse ("ignore") an indictment. A small number of cases originate with the grand jury and enter the system at this point.

The final decision point is the trial itself. A case that has survived to this point depends on a judge or jury for determination of its disposition.

Figure 2.
The Continuum of Decisions That Are Determinants of Case Age



Analysis of Case Processing Time

These three decision points provide a convenient conceptual framework for the analysis of processing time in felony cases. They serve to separate case processing into two distinct stages. The first stage is the period between the screening decision and the grand jury decision. During this interval, scheduling responsibility resides primarily with the prosecutor, who must ensure that each case proceeds through the system in a timely fashion. The interval between the grand jury's decision to hand down an indictment and the trial represents the second stage of processing. Following indictment, control of the case, and thus scheduling responsibility, is transferred to the court. A new case number is assigned and a trial judge selected. During the second stage, it is the judge who must take an active part in ensuring a speedy disposition of the case.

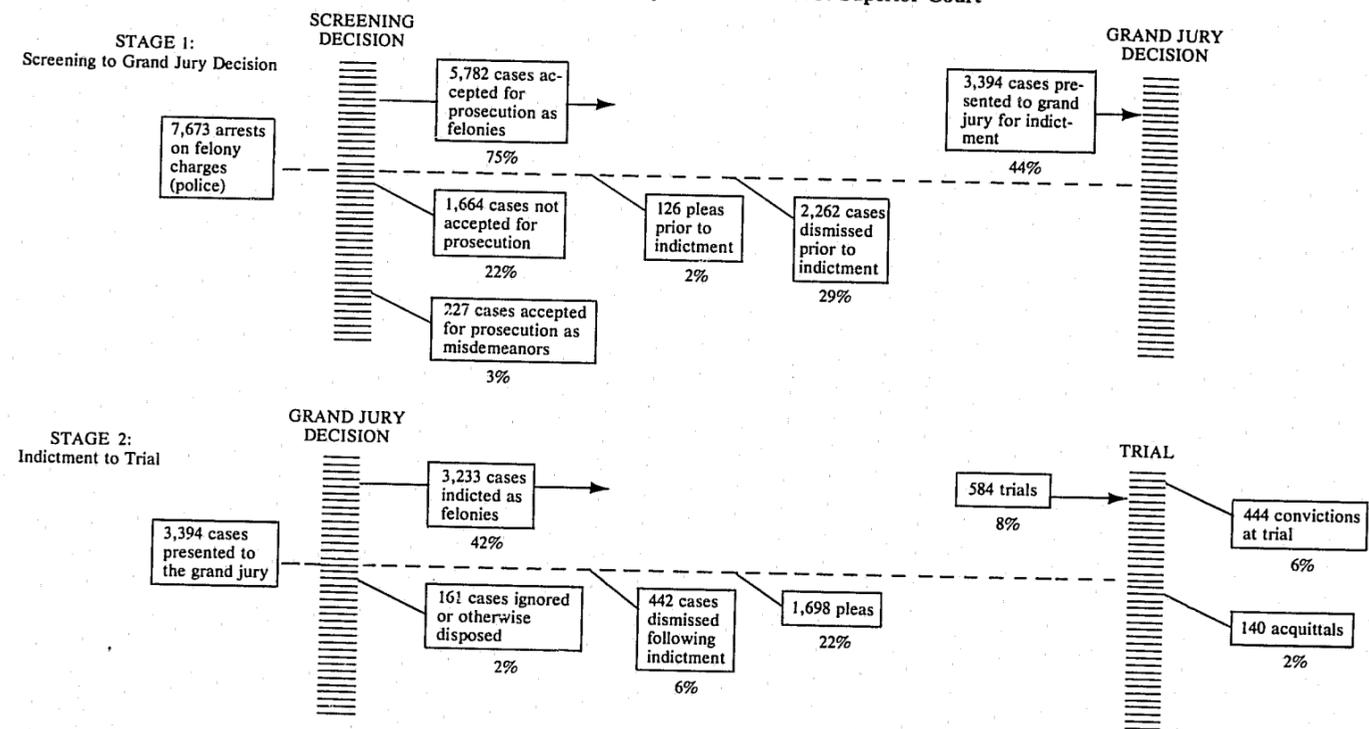
The three critical decision points—screening, indictment, and trial—have been selected because they represent events that focus the attention of the participants on each case and serve to delineate primary processing responsibility between the prosecutor and court. However, as noted earlier, case processing can be viewed as a continuum and, at any time during either of the two stages, a decision by a judge, prosecutor, defense counsel, or defendant may result in a disposition through plea or dismissal.

Figure 3 displays the two processing stages that we have defined and illustrates the decisions made during each stage for all cases screened during calendar year 1974 and disposed through the end of August 1975. Of 7,673 persons arrested by the police on felony charges, 5,782 cases or 75 percent were filed by the prosecutor as felonies.² The remainder were either rejected at screening (22 percent) or accepted for prosecution as misdemeanors (3 percent). A total of 126 defendants (2 percent) were permitted or encouraged to plead guilty prior to indictment. Prosecutory review in preparation for the initial court appearance (presentment, at which the defendant is informed of the charges against him), or for the preliminary hearing (at which a judicial determination of whether there is probable cause to believe that the defendant is guilty of a crime is made), or in the course of preparations for a presentation to the grand jury resulted in the dismissal of 2,262 cases. These 2,262 cases represent 29 percent of all cases involving defendants charged by the police with the commission of felonies. As a result of the various discretionary decisions during this first processing stage, 3,394 cases or 44 percent of the arrests were presented to the grand jury for indictment.

The second processing stage begins following indictment. Of the 3,394 cases presented to the grand jury, 161 were ignored by the grand jury or combined with other cases for prosecution. The remaining 3,233 cases, representing 42 percent of the original arrests, were indicted. During the course of the second stage, the majority of cases were terminated by the decision of the defendant to plead guilty. In contrast to the interval between screening and indictment, only 442 cases, 6 percent of the original arrestees, were dismissed following indictment. Only 584 cases, 8 percent of the original arrests or 18 percent of the indicted cases, were disposed through trial.³ This low percentage may seem startling in the face of the widely held view that a trial is the culmination and, in fact, the motivation for all the activities preceding it. It should be remembered, however, that this relatively small number of cases consumes a disproportionate share of court and prosecutory resources.

It seems reasonable to conclude from the preceding discussion that the processing of felony cases is one of winnowing. The process offers the court and prosecutors a measure of control over their respective work loads. There are ample opportunities to review the merits of each case as it progresses through the system. Those cases that clearly do not merit prosecution, either as a result of an initial determination made at screening or as a result of information made available

Figure 3.
The Processing of Felony Cases in the D.C. Superior Court



Note: All percentages shown are based on the 7,673 adult arrests on felony charges brought by the police in 1974; excluded from the figure are 509 open cases.

subsequently, can be dismissed. Well over 50 percent of the original felony arrests were disposed of in this manner. It appears, too, that in the cases surviving to the indictment stage, the majority of defendants realize the weight of the evidence against them and plead guilty.⁴

HOW LONG DOES IT TAKE?

As noted earlier, this study is restricted to an examination of case processing time within the court and prosecution components of the criminal justice system. That is, for any given case the total processing time refers to the time between the screening of the case by the prosecutor and the disposition of the case by the court or prosecutor, generally through dismissal, plea, or trial. Time intervals other than total processing time, such as the interval between screening and indictment, are discussed when appropriate.⁵

No single quantitative descriptor appears to be sufficient to characterize fully the amount of time required to process felony cases in the D.C. Superior Court. We have selected several measures for this purpose. The mean time and the median time are both measures of the processing time required by an average, or typical, case. The mean time is the arithmetic average of all processing times. The median, or 50th percentile, represents the "midpoint" of all the processing times. That is, one-half of the cases are completed in less than the median time, and the remaining half of the cases exceed the median time. The median is not as subject as the mean to distortion because of a few extremely long processing times. In addition, two other measures, the 75th percentile and the 90th percentile, were chosen because they reflect some of the more extreme processing times, which are of primary interest in any study of delay. The 75th percentile is the time exceeded by 25 percent of the cases, and the 90th percentile represents the time exceeded by 10 percent of the cases. These measures may be of interest when considering development of standards for speedy trial.

Table 1 displays these four measures for all felony cases screened in 1974 and disposed, either in 1974 or 1975, subsequent to the issuance of an indictment. For each method of disposition—dismissal, plea, and trial—three time intervals are shown. These intervals are the time from screening to indictment, the time from indictment to disposition, and the time from screening to disposition.

As expected, felony cases disposed by trial generally require the most time—an average of 192.7 days from screening to trial. Cases disposed by plea require significantly less time—an average of 162.8 days from screening to plea. Cases dismissed following indictment require the least time—an average of 149.8 days from screening to dismissal.

Most of the variation in processing time occurs in the interval between indictment and disposition. This interval averages 133.5 days for cases ending in trial, 98.0 days for cases ending in a plea of guilty, and 79.3 days for cases ending in a dismissal.

The interval between screening and indictment shows much less variation. We would not expect the outcome of the case to affect very strongly the processing time required in this stage. The average times from screening to indictment are 61.8 days, 65.4 days, and 72.8 days for trials, pleas, and dismissals, respectively. The somewhat longer time required for dismissals suggests that the prosecutor holds these cases longer in an attempt to build a case, which, in the end, does not materialize. The median times in this interval reflect even less variation: 58 days for trials; 59, for pleas; and 62, for dismissals.

Of special interest are those cases that appear to exceed reasonable limits for total processing time. Twenty-five percent of all felony cases remain in the system

Table 1.
Processing Times for Felony Cases Disposed Subsequent to Indictment (in days)
(D.C. Superior Court)

Disposition/Time Interval	Mean	Median (50th Percentile)	75th Percentile	90th Percentile
Cases disposed by dismissal (442 cases)				
Screening to indictment	72.8	62	92	132
Indictment to dismissal	79.3	65	122	191
Screening to dismissal	149.8	139	203	269
Cases disposed by plea (1,698 cases)				
Screening to indictment	65.4	59	79	105
Indictment to plea	98.0	79	131	189
Screening to plea	162.8	147	202	264
Cases disposed by trial (584 cases)				
Screening to indictment	61.8	58	77	97
Indictment to trial	133.5	119	173	228
Screening to trial	192.7	181	243	287

Source: Derived from PROMIS data on 7,673 adult arrests on felony charges brought by police in 1974.

longer than 200 days, and 10 percent of all cases exceed 260 days. It may well be that many of these cases involve "excusable" delay, but nonetheless, they merit special attention by those responsible for managing case flow.

Cases involving defendants arrested on felony charges but disposed during the first processing stage (i.e., prior to indictment) spend far less time in the system, as shown in Table 2. Cases that are initially accepted for prosecution as felonies but are then dismissed prior to indictment remain in the system an average of 45.7 days. Half of these cases are dismissed within 33 days of screening, and 10 percent

Table 2.
Processing Times for Felony Arrests Disposed Prior to Indictment (in days)
(D.C. Superior Court)

Disposition/Time Interval	Mean	Median (50th Percentile)	75th Percentile	90th Percentile
Cases disposed by dismissal (2,262 cases)				
Screening to dismissal	45.7	33	62	102
Cases disposed by plea (126 cases)				
Screening to plea	53.5	37	63	119
Cases disposed by grand jury (161 cases)				
Screening to dismissal	69.9	60	89	113

Source: Derived from PROMIS data on 7,673 adult arrests on felony charges brought by police in 1974.

take more than 102 days to be dismissed. Cases disposed by plea in this stage require an average of 53.5 days. Cases that are disposed on the recommendation of the grand jury, either because it voted to "ignore" or reject the case or because it recommended that the case be combined with another for prosecution, remain in the system an average of 69.9 days.

EFFECTS OF CASE CHARACTERISTICS ON PROCESSING TIME

Earlier in this chapter, we described the decision process affecting the disposition of felony cases and placed some bounds on the extent of delay associated with felony case processing. In this section, we summarize the results of an empirical examination intended to discern which elements of the decision process and which other attributes of felony cases appear to have an effect on case processing time. Using multivariate regression analysis, we study the influence on processing time of a number of factors, case related and systemic, simultaneously controlling for their interactive effects. Readers desiring a more comprehensive discussion of the regression analyses are referred to Appendix A. Appendix Tables A.1 (felonies) and A.6 (misdemeanors) define the variables used in the regression analyses and cited throughout the report.

We have suggested that delay in felony cases is a product of (a) decisions made by case participants (e.g., judges, prosecutors, and defendants), (b) attributes of individual cases, and (c) concurrent levels of activity throughout the system. The model used in the regression analysis, therefore, incorporates a number of these explanatory variables for case processing time. The following is the general form of the model:

$$\text{processing time for an individual case} = f(\text{system characteristics, offense and defendant characteristics, case processing characteristics}).$$

Among the system characteristics considered were the number of cases pending indictment, the number of indicted cases pending disposition, the number of judges available, the trial rate, and the rate at which indictments were handed down by the grand jury. Alternative specifications of the model defined each of these system characteristics (the average number or rate, as appropriate) either for the life of the case or for the four weeks immediately preceding disposition. For example, in one specification of the model, pending case load was defined as the average pending case load during the last four weeks prior to disposition; the second specification of the model defined pending case load as the average pending case load between indictment and disposition.

Felony cases were assigned to one of six categories, based on the most serious charge assigned by the prosecutor: homicide, sexual assault, robbery, burglary, aggravated assault, and all other felonies. Characteristics of the offense and the defendant that were considered included the type of crime, the seriousness of the crime, the number of codefendants, the type of victim, whether the arrest occurred at the scene of the crime, whether physical evidence was recovered, whether a weapon was used, the number of witnesses, and the arrest record of the defendant. Processing characteristics, descriptive of some of the decisions made in association with case disposition, included the number of charges assigned, the release conditions given the defendant, the type of defense counsel, whether a jury trial was waived, the number of continuances granted, and whether disposition was by dismissal, plea, or trial.

For felony cases, two time intervals were considered separately—the time from screening to indictment and the time from indictment to disposition. Again, the

rationale for this distinction is that the two intervals involve different processing considerations, different resource constraints, and different allocations of responsibility.

The Interval Between Screening and Indictment

We begin the discussion by examining the first processing stage, the interval between screening and indictment. Our focus is on those cases that are dismissed or pled during this stage and on those cases that survive this stage (i.e., are subsequently indicted by the grand jury). Cases that are rejected at screening and thus spend very little time in the system are not considered.

The most prominent explanatory variable for the interval between screening and indictment was the average pending case load for that stage. That is, the most powerful determinant of the preindictment processing time for an individual case was the number of other cases competing for the same resources at the same time. The more cases awaiting indictment, the longer it took for an individual case to reach the grand jury.

Variables that are descriptive of the work content of the case—its complexity, its seriousness, and its priority—also affected the time required to complete this stage of processing.⁶ More charges, more codefendants, more witnesses, whether the offense was a homicide, and whether the defendant had more than two previous arrests significantly increased the processing time.

The number of charges filed by the prosecutor can reflect the complexity or perceived seriousness of the case. A greater number of charges seems to be associated with a requirement for increased preparation time by the prosecutor. Alternatively, the decision to charge a defendant with multiple offenses may reflect an effort by the prosecutor to create options for plea bargaining or to enhance the probability of ultimate conviction. In fact, cases with multiple charges are less likely to be dismissed and, if they are dismissed, the time required is greater than that for cases with a single charge.

Cases reaching the grand jury spend an average of 66.1 days awaiting indictment. However, as the number of codefendants increases, the average time required also increases.⁷ Similarly, for cases surviving to indictment, the processing time generally increases as the number of witnesses increases. These relationships probably reflect the increased logistical complexity and the greater number of witness interviews required of the prosecutor in preparing each case.

Of the six felony crime categories, only homicides significantly exceeded the average time to indictment of 66.1 days. This reflects, perhaps, the greater attention paid to a relatively small number of serious cases. The observation that prosecutors may be exercising greater care in building those cases they view as important is also borne out by the fact that cases involving defendants with extensive arrest records tend to take longer in the stage prior to indictment.

The final attribute that had a significant positive effect on case processing time in the first stage was reflected in the dismissal variable. That is, cases that were ultimately dismissed subsequent to indictment took longer in this stage, which indicates, perhaps, some inherent weakness in those cases that required added effort to explore fully all avenues of prosecutory merit. It appears that in some cases this added effort resulted in indictment but not conviction.

Several factors had a negative impact on case processing time prior to indictment. If the defendant's release conditions involved cash or surety bond, if the offense was a robbery, or if the defendant was arrested at the scene of the offense, the processing time required decreased.

Cases involving defendants receiving cash or surety bond—almost one-third of all felony defendants⁸—required less time to reach the grand jury. This may reflect concern by the prosecutor for those defendants unable to secure release after having financial conditions imposed upon them.⁹

Robbery defendants, as well as defendants arrested at the scene of the offense, required less time in the early stage of processing. It seems that these circumstances are more likely to result in the recovery of physical or testimonial evidence, which considerably reduces the investigative effort required of the prosecutor and thereby reduces the elapsed processing time.

In sum, the processing time required for cases between screening and indictment or preindictment disposition appears to reflect primarily the administrative burden placed on the prosecutor in preparing those cases for the grand jury. Cases with many witnesses to be interviewed, with multiple defendants, or with multiple charges require more preparation, and thus it takes longer for the preparation for the grand jury to be completed. In addition, cases that are inherently weak, such as those that are ultimately dismissed, or the relatively small number of cases that are of special importance to the prosecutor, such as homicides and cases involving defendants with lengthy arrest records, require more intensive preparation at this stage and remain in the system for longer periods. Conversely, cases in which the defendant was arrested at the scene or cases in which physical evidence was recovered, for example, require less time in this stage.

Almost as interesting as the factors that were found to affect case processing time are those that were not, such as the number of judges available and the type of defense counsel. Recall, however, that even though there is some judicial involvement in preindictment hearings, processing at this stage is almost wholly in the control of the prosecutor—from the charging decision to the decision to present a case to the grand jury. Delay at this stage appears to be primarily a product of the sheer volume of cases and the scheduling complexity introduced by multiple-defendant, multiple-witness cases. Any efforts to streamline the process at the preindictment stage must be directed, therefore, at the increasingly complex logistical problems faced by the prosecutor.

Cases that survive this first stage have undergone intensive prosecutory review. That is, the prosecutive merits of each of these cases have been subjected to scrutiny at screening, during the prosecutor's preparation for presentation to the grand jury, and by the grand jury itself. This intense scrutiny is reflected in the large number of cases dismissed during this stage and the small proportion of dismissals in the succeeding stage.

The Interval Between Indictment and Trial

We now discuss those cases that have survived the initial processing stage, under the control of the prosecutor, and have been indicted by the grand jury as felonies. Responsibility for each case with respect to ensuring timely disposition now passes from the prosecutor to the court. In fact, on entering this stage, a case is permanently assigned to the calendar of an individual judge.¹⁰ Recall that during this stage the majority of cases are disposed through plea. The rate of dismissals is relatively low, since the cases entering this stage have been carefully screened.

Examination of the time interval between indictment and final disposition revealed that the number of continuances granted was most significantly related to case processing time. Since each continuance represents a separately scheduled court appearance, it should come as no surprise that processing time is so directly related to the number of continuances granted. It may be, however, that continuances are standing in for a number of factors related to the behavior and

tactical decision making of judges, schedulers, and attorneys, for which no other data are available.

There appears to be some controversy in the court community regarding the interpretation of continuances as a cause rather than a symptom of extended case processing time. However, a growing number of managerially oriented judges cite continuance policy as a major factor in docket control and delay reduction. A local newspaper article relates the somewhat apocryphal account of a federal judge who claims to have granted only two continuances in 18 years on the bench.¹¹ The suggestion is that reduction in case processing time is well within the control of the courts through well-established continuance policy.

Two systemic factors—the average number of judges hearing felony cases and the average number of cases pending disposition—were related to case processing time. Larger pending case loads resulted in longer delays, and greater judicial availability generally resulted in less delay. Again, factors associated with the seriousness, complexity, and priority of the case—number of codefendants, number of charges, crime seriousness score,¹² and arrest record of the defendant—were positively associated with processing time. Cases involving robbery or sexual assault charges generally required more time, and those cases involving defendants on cash or surety bond appeared to have scheduling priority and took less time. As expected, if the disposition was by dismissal or plea, the time required was less.

In addition to the above factors, representation by a public defender tended to increase case processing time following indictment. In the District of Columbia, the vast majority (in excess of 90 percent) of adult felony arrestees are certified as indigent and therefore eligible for the appointment of defense counsel under the D.C. Criminal Justice Act. Most of these indigent defendants are represented by court-appointed private attorneys, who are compensated using funds allocated under the Criminal Justice Act. About 15 percent of the defendants are represented by salaried staff attorneys of the District of Columbia Public Defender Service. Public defender attorneys are generally assigned to the more serious and complex felony cases.¹³

In summary, we note that case processing subsequent to indictment is under the scheduling authority of the court. Continuance policy, judicial availability, and the size of the pending case load all figure prominently in explanations of extended processing time. To a lesser extent, factors associated with the work content, complexity, and prosecutive priority of felony cases (e.g., the number of codefendants, the number of charges, the crime seriousness score, and the arrest record of the defendant) appear to be determinants of extended case processing time following indictment.

Notes

1. See Brian Forst and Kathleen B. Brosi, "A Theoretical and Empirical Analysis of the Prosecutor," *Journal of Legal Studies* 6 (January 1977): 177-92; William Landes, "An Economic Analysis of the Courts," *Journal of Law and Economics* 14, no. 1 (April 1971): 61-107.

2. Throughout this report, a "case" is defined as the collection of charges brought against a single defendant as the result of a single criminal incident. Therefore, depending on context, the word "case" may be used interchangeably with "defendant."

3. An additional 509 cases (7 percent of the arrestees) were still pending by August 1975. Most of these open cases involved fugitive defendants.

4. Other INSLAW research on PROMIS data for the District of Columbia revealed that "contrary to expectations, sentence concessions were not routinely awarded to suspects entering guilty pleas. In fact, no bargaining was apparent for assault and larceny cases. For

burglary, many guilty pleas followed charge reductions, but there was no evidence that these charge reductions resulted in lenient sentences. Only for the offense of robbery were sentences more severe for offenders convicted by trial. In these cases, probation was more frequent, and prison sentences tended to be shorter, for suspects convicted by plea." See William M. Rhodes, *Plea Bargaining: Who Gains? Who Loses?* PROMIS Research Publication no. 14 (INSLAW, 1978): 57.

5. Throughout the remainder of this report, when average values, such as average case processing time, are presented in the tables, they are based on the appropriate subset of felony (7,673) or misdemeanor (9,856) arrests screened in 1974.

6. The relationship of processing time to these and other variables discussed in this chapter is presented in bivariate form in Appendix B.

7. Brian Forst and Judith Lucianovic, in "The Prisoner's Dilemma: Theory and Reality," *Journal of Criminal Justice* 5 (1977), posit that the existence of codefendants increases the leverage of the prosecutor in accumulating testimonial evidence. The increased time required may reflect the attempt of the prosecutor to exploit this leverage.

8. Note that these release conditions are those initially set at the bail hearing. Changes in initial release conditions are not reflected here. Thus, the cash or surety bond category includes defendants who were able to secure bond, as well as those who were not and thus remained incarcerated during the entire period.

9. However, the large number of defendants who have financial conditions imposed and subsequently have their cases dismissed prior to indictment is noteworthy in view of the fact that judges are directed to consider, among other things, weight of the evidence when imposing financial release conditions.

10. This method of case assignment is known as the "individual calendar system." Among the commonly cited attributes of this system are the increased accountability and motivation ascribed to the judges, reductions in judge shopping, and reductions in delay because of the trial judge's familiarity with each case. However, in the District of Columbia, the term of felony judges is usually six months, less than the expected life of a typical felony case. At the conclusion of the six-month term, pending cases assigned to a judge are reassigned to his successor. Typically, cases that are pending sentencing and those for which the court has heard testimony are not reassigned. It appears, however, that the number of cases reassigned is quite high.

11. *Washington Post*, December 3, 1978: B.1.

12. The measure of crime seriousness used in PROMIS is based on the Sellin-Wolfgang index, which rates the gravity of the offense based on the type of crime, type of weapon used, the number of victims, the manner in which victims were threatened, and the extent of victim injury. Thorsten Sellin and Marvin Wolfgang, *The Measurement of Delinquency* (New York: Wiley, 1964).

13. See, for example, the *Report on Criminal Defense Services in the District of Columbia*, Joint Committee of the Judicial Conference of the D.C. Circuit Court and the D.C. Bar (1975).

The Misdemeanor Case

The discussion of misdemeanor case processing in this chapter is analogous to the discussion of felony cases in Chapter 2. We identify the critical decision points in the life of a misdemeanor case with respect to processing time, review the extent of delay in misdemeanor cases, and discuss some of the attributes of misdemeanor cases that affect the time required for adjudication.

MISDEMEANOR CASE PROCESSING

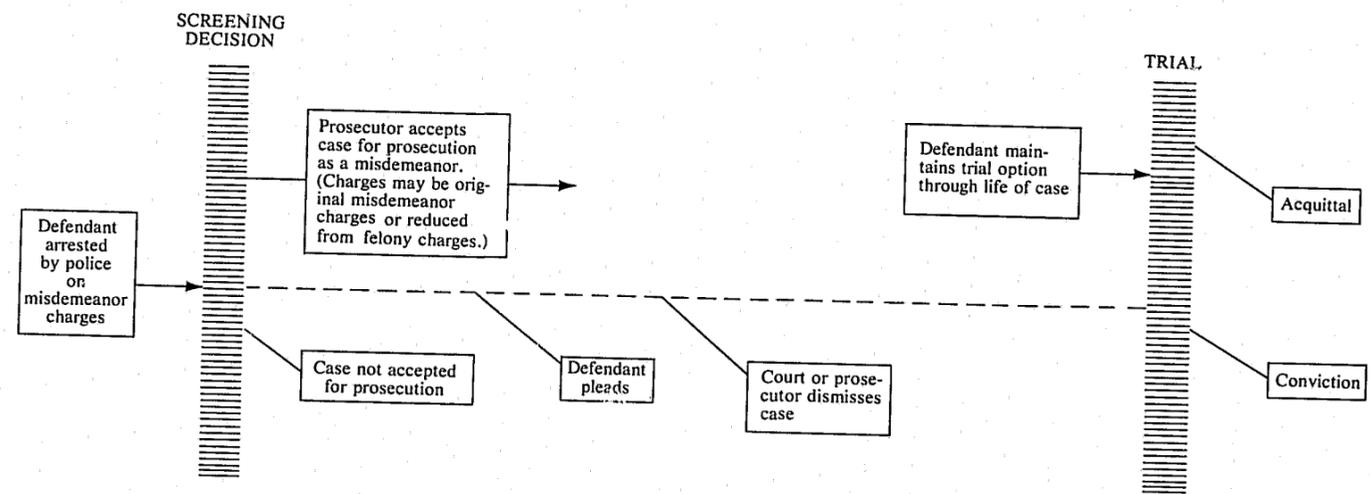
Misdemeanors are processed quite differently from felonies in the D.C. Superior Court. The decision process is far less structured than that for felony cases, as shown in Figure 4. Following an arrest, cases are screened by the prosecutor and the initial decision whether to pursue prosecution is made. The initial court appearance, or arraignment, usually takes place on the same day as screening.¹ At arraignment, the defendant is informed of the charges and enters a plea, a release decision is made, and an initial trial date is set. The case is now in the trial queue, and no additional formal court appearances are scheduled before the actual trial. During this single stage of processing, opportunities for intensive case review are not as readily available as in the felony process.

Between screening and trial, defendants and attorneys are faced with the decision whether to change a plea of guilty, move for dismissal, or hold out for trial. The decision to dismiss the case or to accept a plea may come at any point in the process.

The decision outcomes for all misdemeanor cases screened in 1974 and disposed prior to the end of August 1975 are presented in Figure 5. Of 9,856 arrests, either on original misdemeanor charges or felony charges reduced by the prosecutor to misdemeanor charges, 7,870 cases were accepted for prosecution as misdemeanors. A total of 1,986 cases, 20 percent of the misdemeanor arrestees, were rejected at screening.

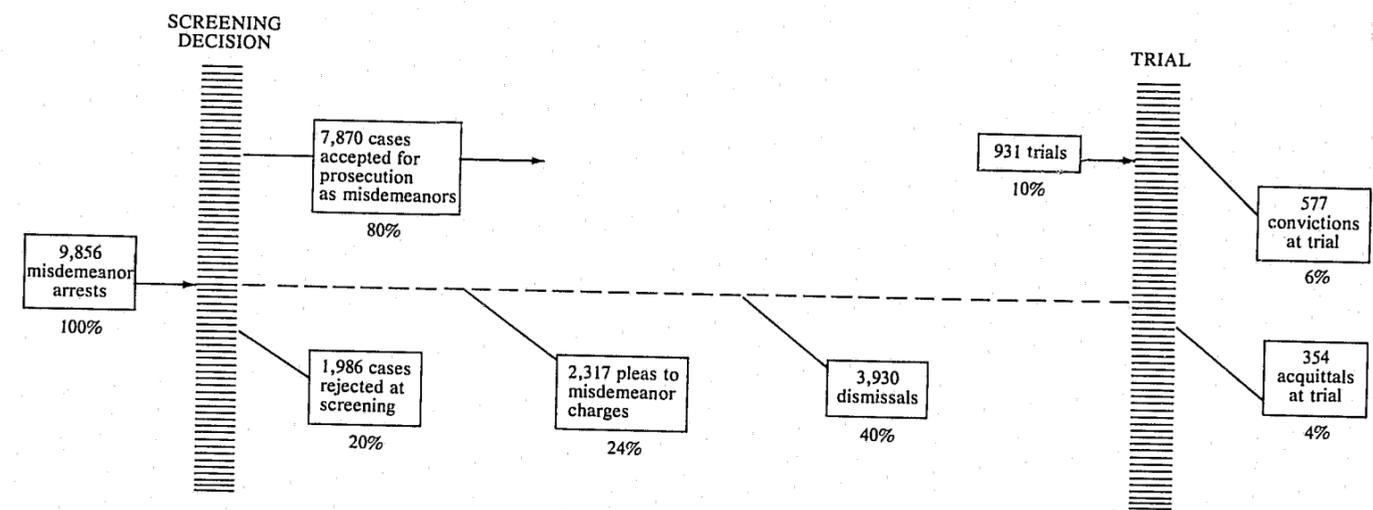
For cases surviving the screening decision, the most frequent method of subsequent disposition was by dismissal. Almost one-half of the cases originally accepted for prosecution were dismissed (3,930 cases) prior to trial. The second most common method of disposition was by plea—2,317 defendants elected to plead to misdemeanor charges. Of the original arrestees, only 931, slightly under 10 percent, were actually tried. At trial, 577 defendants were convicted and 354 acquitted. At the end of August 1975, 516 cases accepted for prosecution in 1974 were still unadjudicated. These "open" cases, the majority of which involved fugitive defendants, are not included in Figure 5. Also excluded are 176 closed cases for which the type of disposition was unknown.

Figure 4.
Decisions Affecting the Age of Misdemeanor Cases



Analysis of Case Processing Time

Figure 5.
The Processing of Misdemeanor Cases in D.C. Superior Court



The Misdemeanor Case

Note: All percentages shown are based on the 9,856 original misdemeanor arrests brought by the police and felony charges reduced to misdemeanors in 1974; excluded from the figure are 516 open cases and 176 closed cases for which the disposition was unknown.

Table 3 shows four measures of case processing time for misdemeanor cases. Cases disposed by plea and cases dismissed had similar processing times. The average time from screening to plea was 60.5 days, but half of the pleas were taken within 43 days. Cases that were ultimately dismissed waited an average of 64.7 days. However, half of the dismissals came within 44 days of screening.² The average time from screening to trial was 78.2 days. Half of the misdemeanor trials were completed within 58 days of screening, yet an additional 25 percent required more than 107 days for completion of trial.

The absence of great disparity in processing times for misdemeanors by type of disposition is probably attributable to the manner in which the cases are processed. In most instances, the first opportunity following arraignment for all the case participants to come together and review the case is the scheduled trial date. On that date, pleas are generally accepted, and frequently, the case is dismissed. The result is that the misdemeanor trial calendar is relatively unstable and unpredictable. Some trials take place on the initial trial date, and others that cannot be reached by the court are rescheduled.³

EFFECTS OF CASE CHARACTERISTICS ON PROCESSING TIME

An analytic framework similar to that used for felonies was applied to misdemeanors. The simultaneous effects of systemic, offense, defendant, and processing characteristics were studied, but with somewhat different results.

Attributes included in the analysis were offense characteristics, such as the number of witnesses, the number of codefendants, whether the defendant was arrested at the scene of the offense, the time from offense to arrest, whether physical evidence was recovered, whether a weapon was used, and the crime seriousness score; defendant characteristics, such as arrest record, residence, and relationship to victim; and processing characteristics, such as the number and type of charges filed, release conditions given the defendant, the type of defense counsel, and the number of continuances granted. Among the systemic characteristics included in the analysis were the pending misdemeanor case load, the pending felony case load, the number of judges available, the trial rate, and the case acceptance rate.

Table 3.
Processing Times for Misdemeanor Cases (in days)
(D.C. Superior Court)

Time Interval	Mean	Median (50th percentile)	75th percentile	90th percentile
Screening to plea (2,310 cases)	60.5	43	78	133
Screening to dismissal (3,925 cases)	64.7	44	90	137
Screening to trial (930 cases)	78.2	58	107	166

Source: Derived from PROMIS data on 9,856 misdemeanor arrests brought by the police and felony charges reduced to misdemeanors in 1974.

In contrast to felony cases, characteristics of the offense and the defendant were not significant in explaining case processing time. Of all the variables examined in this analysis, the number of continuances, or court appearances, exhibited the strongest and most consistent association with elapsed time from screening to disposition. This relationship is shown in Table 4. The continuance serves as the principal mechanism for increasing case processing time, and, as evident from the table, the disparities between disposition types almost completely disappear. Each added continuance appears to increase the average time required for disposition by five-to-seven weeks. For example, in cases involving only one continuance, the average time from screening to trial, screening to dismissal, and screening to plea was 35.3 days, 37.9 days, and 34.6 days, respectively. Cases that received four or more continuances required 168.3 days to reach trial, 165.9 days for dismissal, and 162.6 days for plea. Thus, the number of continuances granted appears to be an excellent predictor of misdemeanor case processing time.

The volume of pending cases was also an important factor in explaining extended processing time. As intuition would lead us to expect, increases in the pending misdemeanor case load produced increases in misdemeanor case processing time. Somewhat more surprising was the separate effect of the pending felony case load on processing time. As the number of indicted felonies awaiting disposition increased, so did misdemeanor processing time, which indicates some interaction between the felony and misdemeanor divisions. We should note, also, that there was a strong interrelationship between continuances and pending case load. To illustrate this relationship, during the first six months of 1974, when the pending case load was approximately 1,000 cases, the average number of continuances granted each week was 104, and an average of about 114 cases were disposed each week. That is, less than one-half of the misdemeanor trial calendar was generally continued. During the last six months of 1975, when the pending case load was approximately 2,700 cases, an average of 277 cases were continued each week, and 137 cases were disposed. The portion of the trial calendar that was

Table 4.
Relationship of the Number of Continuances to the Time from Screening to Misdemeanor
Disposition (in days) (D.C. Superior Court)

Time Interval	Number of Continuances				All Cases
	1	2	3	4 or More	
Screening to trial	35.3 (439)	72.9 (219)	120.4 (121)	168.3 (146)	78.2 (930)
Screening to dismissal	37.9 (2,286)	77.2 (928)	108.2 (386)	165.9 (307)	64.7 (3,925)
Screening to plea	34.6 (1,325)	70.3 (498)	113.1 (230)	162.6 (172)	60.5 (2,310)

Source: Derived from PROMIS data on 9,856 misdemeanor arrests brought by the police and felony charges reduced to misdemeanors in 1974.

Note: Numbers in parentheses are the number of cases. The total number of cases reported may differ from totals reported previously because all cases that remained adjudicated (open) and all cases for which the appropriate data were unavailable were excluded from the table. "Unknowns" are included in the "all cases" column, but not in the body of the table.

being continued increased to more than two-thirds, but the number of continuances increased by a factor of more than two and one-half.

Additional factors influencing case processing time were whether the defendant was on cash or surety bond,⁴ whether the case was reduced from a felony, and whether the defendant waived the right to trial by jury. Association of these factors with a case tended to decrease the case processing time. If physical evidence was recovered, and as the number of codefendants increased, the processing time increased. The type or manner of disposition—plea, dismissal, or trial—had little or no apparent effect on processing time.

To summarize the policy implications of this analysis, it appears that elapsed processing time in misdemeanor cases is predominantly a function of the manner in which those cases are scheduled. Defendants are usually arraigned on the day of arrest. At arraignment, an initial trial date is scheduled. (A fixed number of cases are set each day for trial on some future date, generally about five weeks later.) A judge is not assigned to the case until the day of trial, and the trial prosecutor is not assigned until just prior to trial. In contrast to felony case processing, there appear to be no opportunities for the prosecutor to review the case or verify the continuing quality of testimonial or other evidence. The result is that even dismissals do not occur until the scheduled trial date in the trial courtroom. In addition, the court is often unable to reach all the cases on the trial calendar. In fact, less than 60 percent of the cases are actually adjudicated on the initial date of trial. The remainder, including a substantial proportion of cases that will ultimately be dismissed, are continued to the next trial date—generally five-to-seven weeks in the future.

To further amplify the importance of scheduling in misdemeanor processing, of the other case attributes, only release type and jury demand appear to be of consequence in explaining delay. There appears to be a concerted effort to expedite cases of those defendants on cash or surety bond. Defendants who waive their right to trial by jury are scheduled on a separate, shorter calendar and thus seem to receive scheduling priority.

Notes

1. Some cases involving defendants originally arrested by the police on felony charges are reduced from felonies to misdemeanors and enter the process at this point.

2. An interesting note is that the average time required for the dismissal of a misdemeanor case (64.7 days) exceeds the time required for preindictment dismissal of the average felony case (45.7 days) by more than 40 percent.

3. The misdemeanor court operates under the "master calendar system." That is, the trial judge is assigned from a pool of available judges on the day of trial. A large number of cases are scheduled for a single date and heard as judges become available.

4. It should be noted that in the instances in which the defendant was given cash or surety bond, we were unable to ascertain whether the defendant was actually able to secure release. Another study—Jeffrey A. Roth and Paul B. Wice, *Pretrial Release and Misconduct in the District of Columbia*, PROMIS Research Publication no. 16 (INSLAW, 1980)—reports that 64 percent of misdemeanor defendants who receive financial conditions are successful in eventually obtaining release.

The Relationship of Case Outcome and Processing Time

In Chapters 2 and 3 we examined the attributes of felony and misdemeanor cases that appear to be associated with extended processing time. However, a question central to the objectives of this report was left unanswered. How does added processing time affect case outcome? Specifically, in this chapter we explore the following questions:

- How are the decisions to offer and accept a guilty plea rather than continue to trial related to processing time?
- Does the probability of conviction change the longer a case remains unadjudicated?

To resolve these questions, we continue to use data on cases accepted for prosecution during calendar year 1974 and disposed prior to the end of August 1975. For felonies, we concentrate on those cases indicted by the grand jury. It is predominantly those cases that reach adjudication by the court. Cases stemming from arrests on felony charges that do not reach indictment are most often dismissed by the prosecutor (*nolle prosequi*) prior to court adjudication. For misdemeanors, we examine the outcomes of all cases accepted for prosecution.

FELONY OUTCOMES AND CASE PROCESSING TIME

The relationship of processing time to the outcome of felony cases is shown in Table 5. Note that only indicted cases are included in the table and that processing time refers to the time from indictment to disposition.

Cases have been grouped according to the time required for adjudication. For example, the first column in the table includes all cases disposed within 60 days of indictment, the second column includes all cases disposed between 61 and 120 days after indictment, and so forth. The final column displays information on all 2,722 cases for which complete data were available.

The majority of cases were disposed within 120 days of indictment. However, a significant portion of the cases (almost 900) required more than 120 days to reach disposition. As is evident from Table 5, the rate at which guilty pleas were accepted dropped from approximately 68 percent for cases disposed within 60 days of indictment to 49 percent for cases remaining in the system for more than 240 days. If the cases remaining in the system the longest are the most serious cases, the sharp drop in the plea rate could reflect the reluctance of the prosecutor to

Table 5.
Felony Case Outcomes and Processing Time
(D.C. Superior Court)

Variable	Time from Indictment to Disposition					All Cases
	0-60 Days	61-120 Days	121-180 Days	181-240 Days	More Than 240 Days	
Number of cases	883	941	507	251	140	2,722
Plea rate	68%	64%	59%	52%	49%	62%
Dismissal rate	24%	12%	11%	14%	16%	16%
Trial rate	8%	24%	31%	34%	34%	22%
Ratio of pleas to trials	8.45	2.68	1.92	1.51	1.44	2.91
Percent of trials ending in conviction	82%	77%	75%	71%	75%	77%
Conviction rate (pleas and trials)	75%	82%	80%	76%	75%	79%

Source: Derived from PROMIS data on felony cases screened in 1974 and subsequently indicted.
Note: Totals reported here may differ from totals reported previously because disposition information for some cases was unknown.

accept a plea to lesser charges in such cases, the greater willingness of the defendant to "take his chances" at trial, or perhaps, the innocence of the defendant.

Over 24 percent of the cases disposed within 60 days of indictment are dismissed. In fact, almost one-half of the cases that are ultimately dismissed after indictment are disposed within 60 days. It is during this period that each case is permanently assigned to the calendar of the judge who will have responsibility for bringing it to trial. The high dismissal rate may reflect judicial recognition of the difference in evidentiary quality needed for application of the "probable cause" standard for indictment and the "beyond reasonable doubt" standard required for conviction.

Following this initial flurry of dismissals, the rate of dismissals drops sharply and then appears to increase slightly as cases remain in the system for longer periods. This increased likelihood of dismissal is consistent with the reported difficulty of maintaining witness testimony as the age of the case increases.¹ It may also reflect a tendency of the prosecutor to move for dismissal of cases in which he had been pressing for a plea and failed.

As cases get older, defendants display a greater tendency to hold out for trial rather than plead guilty. More than one-third of the cases remaining in the system for more than 180 days end in trial. An additional incentive for delay, from the defendant's perspective, is the slightly higher probability of dismissal.

Further evidence of the relationship of type of case outcome to processing time is contained in the ratio of pleas to trials. This measure ignores all cases that are dismissed. Conceptually, this ratio can be interpreted as measuring the proclivity of the defendant to agree to a plea of guilty when faced with the prospect of going to an immediate trial. As we can see in the table, this ratio decreases steadily as processing time increases, indicating the greater reluctance to plead and the increased tendency to go to trial as time passes.²

What does the defendant gain from longer case processing time? In felony cases, the answer appears to be surprisingly little. The defendant who prolongs his

scheduled trial date can expect a slightly lower probability of conviction. That is, cases tried within 60 days of indictment end in conviction 82 percent of the time. Cases tried more than 240 days after indictment result in conviction 75 percent of the time. The overall conviction rate, which includes trial convictions as well as guilty pleas, averages 79 percent. Except for cases disposed within 60 days of indictment, which include a high proportion of dismissals, the overall conviction rate decreases only slightly as time passes. For cases disposed between 61 and 120 days after indictment, the probability of conviction is 82 percent; cases remaining in the system more than 240 days end in conviction 75 percent of the time. This high conviction rate, as well as the high percentage of trial convictions, is a product of the scrutiny to which all felonies are subjected prior to indictment.³

Table 6 offers a more detailed explanation of the relationship between outcome and processing time by incorporating the effects of several selected case characteristics. Once again, only indicted cases are included in the table, and processing time refers to the time from indictment to disposition.

As noted previously, the number of continuances granted in a case is a measure of the number of court appearances required to dispose of the case. Cases that are pled require an average of 3.52 court appearances; cases that are tried require an average of 4.69 appearances; and cases that are dismissed after indictment require an average of 3.12 court appearances. We note from the table that, generally, cases that are tried within 60 days of indictment averaged only 2.85 court appearances, and cases tried more than 240 days after indictment averaged 7.85 court appearances. Similar patterns are evident for pleas and dismissals. The average of 6.57 court appearances for cases dismissed more than 240 days after indictment is consistent with the theory of increased witness notification and appearance problems being associated with numerous court appearances.

The average number of charges also appears to be associated with time in the system. That is, the more serious and complex cases remain adjudicated for longer periods. Similarly, higher average crime scores are associated with longer processing time. For example, the average crime score in cases pled 240 days or more after indictment is more than twice the average crime score of cases pled within 60 days of indictment. Extended processing time associated with both of these characteristics indicates a stronger preference for trials rather than pleas in the more serious cases. That is, the more serious cases stay in the system longer because the prosecutor is more reluctant to accept a plea to lesser charges; or because the defendant is less anxious to plead, hoping for the case to weaken as time passes; or both. This leads to the lower ratio of pleas to trials discussed previously. Somewhat disturbing is the relatively high crime scores of cases dismissed after indictment. The average crime score of these cases is higher even than the average crime score for those cases ending in pleas.

The average number of codefendants is generally higher in those cases that are disposed later. An intriguing observation is that cases with a higher average number of codefendants are more likely to be dismissed. The average number of codefendants is .60 in cases dismissed and about .47 in other cases. A reasonable speculation is that some codefendants have their cases dismissed in return for testimony or information against other codefendants in a case. The added processing time may reflect efforts of the prosecutor to make use of the leverage offered through codefendant testimony in plea negotiations. The average number of witnesses also tends to be higher in cases requiring more processing time, although not much variability is evident. A plausible explanation is that lower conviction rates for cases remaining in the system longer are attributable to deterioration of testimonial evidence. It may be that scheduling cases with more codefendants and

Table 6.
Selected Felony Case Characteristics and Processing Time
(D.C. Superior Court)

Case Characteristic	Time from Indictment to Disposition					All Cases
	0-60 Days	61-120 Days	121-180 Days	181-240 Days	More Than 240 Days	
Number of cases						
Pleas	600	601	297	130	69	1,697
Trials	71	224	155	86	48	584
Dismissals	212	116	55	35	23	441
Average number of continuances						
Pleas	2.76	3.53	4.00	4.85	5.33	3.52
Trials	2.85	4.07	5.18	5.17	7.85	4.69
Dismissals	2.32	2.98	3.85	5.03	6.57	3.12
Average number of charges						
Pleas	3.59	3.78	4.25	3.96	4.62	3.84
Trials	2.80	3.50	4.19	4.77	4.27	3.72
Dismissals	2.08	2.78	3.31	3.34	2.44	2.54
Average crime seriousness score						
Pleas	4.45	6.46	7.37	7.94	9.67	6.15
Trials	5.22	6.90	7.09	7.94	6.73	6.89
Dismissals	5.94	5.47	6.82	10.37	7.61	6.37
Average number of codefendants						
Pleas	.39	.45	.63	.67	.63	.48
Trials	.29	.37	.51	.63	.58	.45
Dismissals	.67	.43	.56	.69	.78	.60
Average number of witnesses						
Pleas	3.66	3.90	3.92	3.80	4.09	3.82
Trials	3.69	3.63	3.68	3.76	4.19	3.72
Dismissals	3.79	3.55	3.95	3.66	3.57	3.72
Percent of cases represented by Public Defender						
Pleas	4%	4%	5%	11%	10%	5%
Trials	4%	4%	3%	9%	8%	5%
Dismissals	12%	9%	7%	14%	4%	10%

Source: Derived from PROMIS data on felony cases screened in 1974 and subsequently indicted.
Note: Totals reported here may differ from totals reported previously because disposition information for some cases was unknown.

more witnesses results in a greater number of court appearances and thereby provides additional opportunities for communication problems.

Table 6 also indicates that cases remaining in the system longer have a higher proportion of representation by a public defender. It is difficult to ascertain whether it is the legal skills of the public defenders that produce tactical decisions

contributing to case aging or the greater seriousness and complexity of the cases accepted by the public defender that increase the processing time and lower the conviction rate among these cases. Either way, public defender attorneys appear to be serving the interests of their clients. An interesting complement to this observation is the higher proportion of public defender representation in cases that are dismissed early. Once again, this may be attributable to the tactical skills of public defenders.

Cases stemming from felony arrests that were dismissed prior to indictment were examined using some of the measures discussed above. They were very similar to cases surviving indictment with respect to average crime score, average number of witnesses, and average number of codefendants. However, the average number of charges and the proportion of cases in which physical evidence was recovered were much higher in cases surviving to indictment.

MISDEMEANOR OUTCOMES AND PROCESSING TIME

The relationship of the outcome of misdemeanor cases to processing time is displayed in Table 7. All cases that were accepted for prosecution as misdemeanors in 1974 and for which complete data were available are included in the table.

Most misdemeanors are disposed within 120 days of screening. The patterns of disposition are very similar to those for indicted felonies, although the proportions, reflected principally in a much higher dismissal rate, are different. The high dismissal rate derives from the absence of an opportunity in misdemeanor processing corresponding to the preindictment dismissal in felonies. As noted earlier, misdemeanors are actually scheduled for trial before the opportunity for dismissal arises.

The overall plea rate for misdemeanors accepted for prosecution is 32 percent. However, the rate is 34 percent for cases disposed within 60 days of screening and

Table 7.
Misdemeanor Case Outcomes and Processing Time
(D.C. Superior Court)

Variable	Time from Screening to Disposition					All Cases
	0-60 Days	61-120 Days	121-180 Days	181-240 Days	More than 240 Days	
Number of cases	4,483	1,667	623	234	158	7,165
Plea rate	34%	29%	29%	28%	25%	32%
Dismissal rate	55%	56%	52%	52%	55%	55%
Trial rate	11%	15%	19%	20%	20%	13%
Ratio of pleas to trials	3.22	1.88	1.56	1.40	1.29	2.48
Percent of trials ending in conviction	65%	60%	61%	47%	54%	62%
Conviction rate (pleas plus trials)	41%	38%	40%	37%	36%	40%

Source: Derived from PROMIS data on cases screened in 1974.
Note: Totals reported here may differ from totals reported previously because disposition information for some cases was unknown.

25 percent for cases disposed more than 240 days after screening. Since the dismissal rate remains a fairly constant 55 percent over time, the relationship between pleas and trials is an inverse one. That is, as cases get older the plea rate decreases and the trial rate increases. The trial rate for cases disposed within 60 days of screening is 11 percent; for cases disposed more than 180 days after screening, the trial rate is almost double, 20 percent. As misdemeanor cases get older, the defendants are much more reluctant to plead and correspondingly more likely to opt for a trial.⁴ This increases the trial load of the court and leads to further case aging as more resources are consumed in trial. The ratio of pleas to trials is further evidence of the trend in defendant behavior. The ratio is 3.22 for cases disposed within 60 days of screening and only 1.29 for cases disposed more than 240 days after screening.

The advantages accruing to the defendant as a result of prolonged case processing are more apparent in misdemeanor than in felony cases. The percentage of trials ending in conviction is 65 percent for cases disposed within 60 days of screening and 54 percent for cases disposed more than 240 days after screening. The rate of conviction at trial goes as low as 47 percent for cases disposed between 181 and 240 days after screening, and the average trial conviction rate is 62 percent, substantially lower than the trial conviction rate for felonies. The overall conviction rate, including pleas of guilty and findings of guilt at trial, is 40 percent; the rate fluctuates between 41 percent within 60 days of screening and 36 percent more than 240 days after screening. Again, the defendant charged with a misdemeanor appears to do better (e.g., lower probability of conviction) the longer the case remains in the system.

Table 8 presents several misdemeanor case attributes and their relation to outcome and the processing time between screening and disposition.

The average number of continuances is 1.63 for cases pled, 2.08 for cases tried, and 1.68 for cases dismissed. The average number of continuances per case increases almost linearly the longer a case remains in the court system, irrespective of the manner of disposition. This regularity is a strong indicator that a systematic scheduling problem is a prime contributor to case aging, rather than the attributes of the cases themselves.

The average number of charges in misdemeanor cases hovers consistently around 1.70 for cases that are pled or tried. Cases that are dismissed have a lower average number of charges, which indicates that those cases are somewhat less serious. The number of charges does not seem to be closely related to the amount of time a misdemeanor case will spend in the system.

The average crime score differentiates more sharply among those cases remaining in the system through trial, those pled, and those dismissed. The average crime score is 2.55 for cases going to trial, 2.19 for cases ending in a plea, and 1.54 for those cases dismissed. This may be indicative of the strategy being used to dispose of the large misdemeanor case load. The most serious cases remain through to plea or trial, and the less serious cases are more likely to be dismissed. The least serious cases are adjudicated very early or very late, but there are no obvious explanations for the relationship between crime score and case processing time. As expected, however, the average crime score for misdemeanors is far lower than that for felonies.

Cases with a higher number of codefendants are more likely to end in dismissal. This may, once again, reflect a selective dismissal policy in cases involving multiple defendants in which one defendant is willing to testify against the others. Cases with more codefendants seem to require more time for disposition by plea.

Table 8.
Selected Misdemeanor Case Characteristics and Processing Time
(D.C. Superior Court)

Case Characteristic	Time from Screening to Disposition					All Cases
	0-60 Days	61-120 Days	121-180 Days	181-240 Days	More Than 240 Days	
Number of cases						
Pleas	1,538	484	182	66	40	2,310
Trials	477	258	117	47	31	930
Dismissals	2,468	925	324	121	87	3,925
Average number of continuances						
Pleas	1.12	2.15	3.11	4.20	4.20	1.63
Trials	1.16	2.21	3.63	4.57	5.48	2.08
Dismissals	1.15	1.99	3.06	4.25	4.86	1.68
Average number of charges						
Pleas	1.68	1.77	1.75	1.61	1.65	1.70
Trials	1.68	1.78	1.82	1.55	1.68	1.72
Dismissals	1.48	1.60	1.61	1.67	1.55	1.53
Average crime seriousness score						
Pleas	2.19	2.20	2.47	1.59	1.72	2.19
Trials	2.29	2.78	3.43	2.32	1.77	2.55
Dismissals	1.41	1.71	1.76	2.26	1.84	1.54
Average number of codefendants						
Pleas	.24	.29	.32	.67	.65	.28
Trials	.31	.43	.40	.23	.35	.35
Dismissals	.39	.40	.40	.47	.43	.40
Average number of witnesses						
Pleas	2.80	3.02	2.85	3.14	2.88	2.86
Trials	2.86	3.06	2.99	2.98	3.00	2.94
Dismissals	2.68	2.83	2.99	3.16	2.97	2.76

Source: Derived from PROMIS data on misdemeanor cases screened in 1974.

Note: Totals reported here may differ from totals reported previously because disposition information for some cases was unknown.

The average number of witnesses does not fluctuate widely either by disposition type or by time in system.

SUMMARY

Most felony cases were disposed within 120 days of indictment. However, almost one-third of the felony cases examined required more than 120 days to reach disposition. These older cases tended to be more serious and more complex, as indicated by such measures as crime seriousness index, number of charges, number of codefendants, number of witnesses, and type of representation.

As felony cases remained in the system longer, the likelihood of trial increased and, concurrently, the likelihood of a plea decreased. These changes in disposition patterns may reflect the reluctance of the prosecutor to accept pleas to lesser charges in more serious cases, the greater willingness of the defendant to "take his chances" in trial, or perhaps the innocence of the defendant.

Defendants appear to gain surprisingly little from extended processing time in felony cases. The defendant who prolongs his scheduled trial date can expect only a slightly lower probability of conviction. Specifically, cases tried within 60 days of indictment end in conviction 82 percent of the time, and cases tried more than 240 days after indictment result in conviction 75 percent of the time. The overall conviction rate, not just trial convictions, also remains consistently high as elapsed time increases.

In contrast, it appears that misdemeanor cases remaining in the system for a long time do not differ substantially from those remaining in the system for less time. The older cases are quite similar to the others in terms of the average crime score, number of charges, number of codefendants, and number of witnesses. Rather, it seems that the manner in which misdemeanor cases are scheduled for trial produces the opportunity for additional continuances, which in turn results in extended processing time. The defendants appear to benefit from this delay because, as cases remain in the system for longer periods of time, defendants are less likely to plead guilty and considerably less likely to be convicted at trial.

Notes

1. For example, in Frank J. Cannavale, Jr., and William D. Falcon (ed.), *Witness Cooperation*, Institute for Law and Social Research (Lexington, Mass.: Lexington Books, 1976), the author reports that the dominant problem preventing arrests for serious offenses from being adjudicated on the merits was the problem of ineffective procedures for notifying and communicating with citizen witnesses and victims. These communication problems are exacerbated as the time from the offense increases. Other studies, such as "Dismissed for Want of Prosecution" (Chicago Crime Commission, 1974), report on the increased witness hostility resulting from the excessive (and unnecessary) court appearances often associated with delay.

2. This is not to imply that individual defendants necessarily grow increasingly more reluctant to plead with the passage of time. We recognize that the cases that remain after several months were ones in which the defendants were less inclined to plead in the first place. Although the prosecutor, by not dismissing the case, believes the defendant to be guilty, the defendant may be holding out for trial because he believes himself innocent.

3. It should not be forgotten, however, that this 79 percent overall conviction rate presents an incomplete picture of felony prosecution in the District of Columbia. That is, 79 percent of all cases indicted end in conviction. The percentage of convictions for all felony cases accepted for prosecution is lower, and the conviction rate for all felony arrests is lower still. These additional perspectives are discussed in greater detail in *Expanding the Perspective of Crime Data: Performance Implications for Policymakers*, PROMIS Research Publication no. 2 (INSLAW, 1977).

4. There is no indication in the data that cases tried earlier are intrinsically different from those cases tried later or that the percentage of defendants actually guilty is distributed other than uniformly. However, we would expect truly innocent people to hold out for trial more tenaciously than other defendants.

5

The System—An Added Perspective

The magnitude of the pending case load figured prominently in our analysis as a factor explaining extended case processing time. In this chapter, we probe more deeply into the relationship between these two variables. The processing of cases does not occur in a vacuum, isolated in time and space. Rather, decisions and delays affecting an individual case are also the product of the interaction of that case with other cases. That is, all the cases in the system at one time are competing for the same limited set of court and prosecution resources. The sheer number of cases is likely to have an effect on the decision to prosecute, on dismissal rates, and on delay.

This chapter explores some of these systemic variables using time series data collected for 104 weeks spanning the period from January 1, 1974, to December 31, 1975.¹ The analysis file includes data on inventory variables, such as the number of cases pending, average case age, and other characteristics of the pending case load. Also included are flow variables characterizing the activity of the court and the prosecutor and the processing of cases. Some of the flow variables are the number of arrests, number of cases accepted for prosecution, the number of dispositions (by type), the characteristics of cases disposed (e.g., age, crime score), and the number of continuances granted by the court. Taken together, the flow and inventory variables can be used to construct a snapshot of court activity during the two-year period. We are thus able to examine some of the systemic effects on individual case processing, as well as to discern any trends that are apparent.

FELONIES

We begin our analysis by focusing on felonies, using the two-stage structure developed.

Pending Case Loads

Table 9 displays the average pending case loads within each of the two previously identified processing stages—the interval between screening and indictment and the interval between indictment and final disposition. The pending case load represents the total number of cases awaiting action by the court or prosecutor at any given time. For ease of interpretation, the time series data have been grouped into four six-month periods: January-June 1974; July-December 1974; January-

Table 9.
Average Pending Felony Case Load
(D.C. Superior Court)

Variable	Jan.-June 1974	July-Dec. 1974	Jan.-June 1975	July-Dec. 1975	1974-1975
Average number of felony arrests pending indictment (Stage 1 case load)	887	1,206	1,226	1,251	1,143
Average number of indicted felonies pending disposition (Stage 2 case load)	901	1,005	1,551	2,068	1,381
Average number of felony arrests pending indictment and excluding fugitives	807	992	1,026	1,091	979
Average number of indicted felonies pending disposition and excluding fugitives	793	763	946	1,319	955

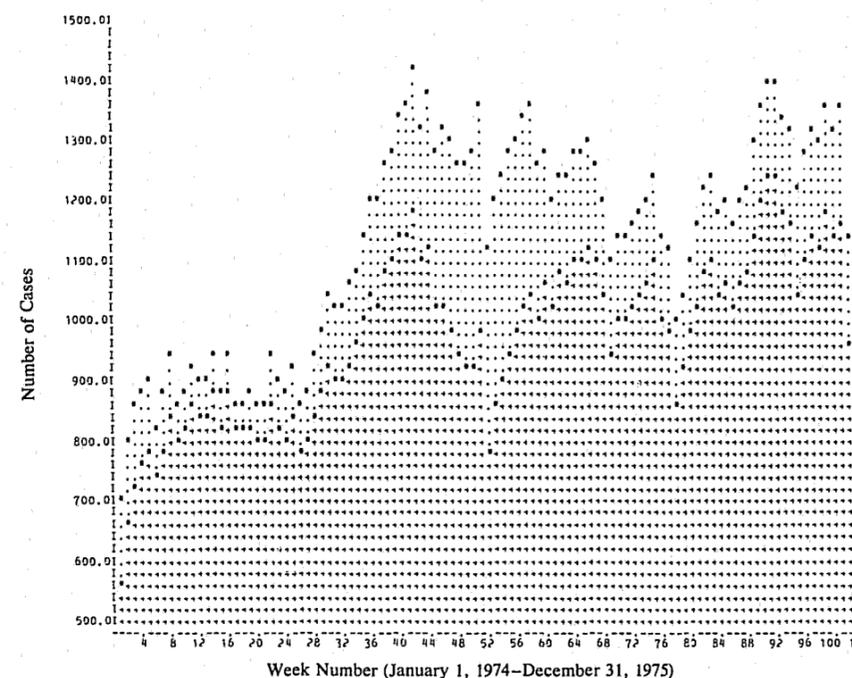
Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974-1975.

June 1975; July-December 1975. Table 9 shows that the number of cases pending in the first stage—cases that have been accepted for prosecution and await action by the grand jury—increased from an average of 887 cases in the first six months of 1974 to an average of 1,251 cases in the last six months of 1975. There was a marked leveling off of cases awaiting indictment over the last three periods, however. The second line of the table shows the average number of cases pending in the second stage—cases that have been indicted and are awaiting final disposition. The increase in the case load in this stage was more dramatic, going from an average of 901 cases awaiting disposition to an average of 2,068 cases awaiting disposition. Note that the pending case loads in each of the two stages are complementary. That is, the total number of felony cases pending is the sum of the cases in each of the two stages.

These case loads present a slightly distorted picture of the actual amount of work facing the court and prosecutor, because cases involving fugitive defendants are included as part of the pending case load. A more realistic approach is to exclude cases involving fugitives, because they are unlikely to result in immediate demands on court or prosecutor resources. Unfortunately, data available through PROMIS do not allow for direct identification of fugitive defendants. However, as a surrogate means of identification, we applied two criteria to felony cases. All cases filed in 1974 and 1975 that were still open as of January 1977 and that had no activity at all recorded in PROMIS during the last six months of 1975 were assumed to involve fugitive defendants.² These cases were then excluded from the counts of pending case loads. The revised case loads appear in the last two rows of Table 9. The exclusion of fugitives reduces the average number of cases pending in the first stage by about 160 cases, and the second-stage pending case load by about 425 cases.

A graphic portrayal of the pending case load in the first stage is shown in Figure 6 for the 104 weeks of the study. The lightly shaded portion of the graph represents

Figure 6.
Stage 1 Pending Felony Case Load (Screening to Grand Jury Action)
(D.C. Superior Court)



Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974-1975.

Note: Darkly shaded portion of the graph excludes fugitives.

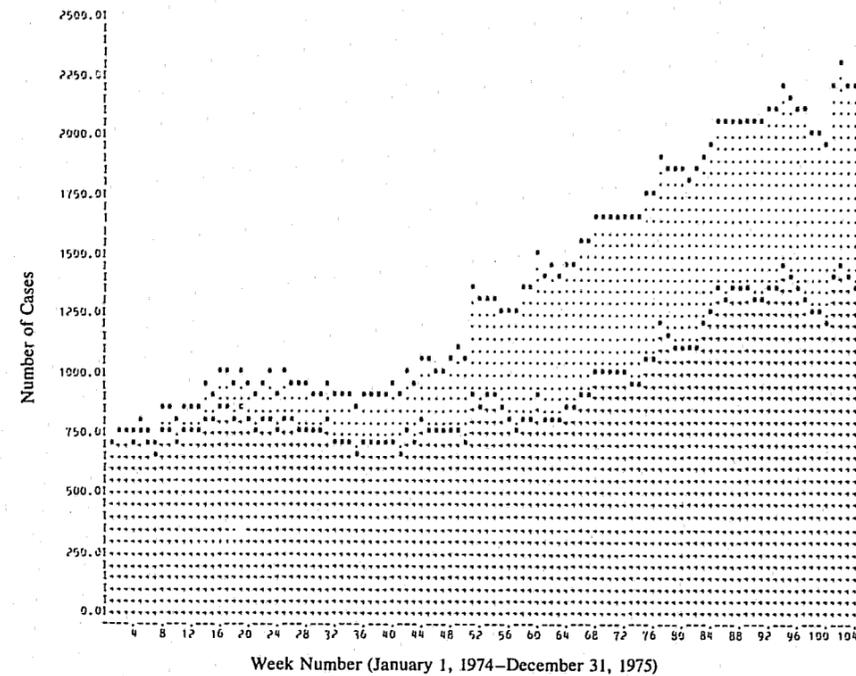
all cases pending, and the darkly shaded portion excludes cases involving fugitives. The sudden drops during some weeks occur either because many cases were dismissed and thus removed from the processing flow or because a sudden surge of grand jury activity (indictments) transferred many cases to the second stage. The relative stability of the case load during 1975 and the latter part of 1974 is sharply illustrated.

The corresponding case loads for the second stage are shown in Figure 7. Once again, the darkly shaded portion of the graph excludes fugitives. The number of indicted felony cases awaiting disposition grew over time, with the rate of growth increasing noticeably in 1975. Through the remainder of this report, any reference to work loads will refer to the number of pending cases exclusive of those involving fugitives.

Flow of Cases From Arrest to Indictment

The fluctuation and flow of the incoming work load during the first processing stage are presented in Table 10. The average number of arrests per week with at least one felony charge does not appear to have increased significantly over time. During the second half of 1974, the arrest rate increased but then subsided and stabilized in 1975.

Figure 7.
Stage 2 Pending Felony Case Load (Indictment to Disposition)
(D.C. Superior Court)



Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974-1975.

Note: Darkly shaded portion of the graph excludes fugitives.

The second section of Table 10 shows the results of the screening decision: the average number of cases accepted for prosecution each week, the average number of cases not accepted each week, and the average acceptance rate. (Cases accepted as misdemeanors are not included in this computation.) The acceptance rate appears to be increasing over time—from an average of 78 percent during the first half of 1974 to an average of 82 percent during the last half of 1975. This represents an increase of about 10 cases accepted for prosecution as felonies each week. This change, although significant, is not sufficient to explain the rapid growth in pending case load.

The final section of Table 10 shows the results of the conclusion of the grand jury process. The average number of indictments handed down each week by the grand jury increased substantially during 1975. During 1974, about one-half of the cases initially accepted for prosecution as felonies were not dismissed or otherwise disposed prior to indictment. In 1975, the survival rate increased to about 70 percent. This change in grand jury activity offers the beginning of an explanation for the increased backlog during the second processing stage.

The weekly fluctuations of the number of arrests, the rate of cases accepted for prosecution, and the number of indictments handed down by the grand jury, are displayed graphically in Appendix C, Figures C.1, C.2, and C.3, respectively. We

Table 10.
Flow of Felony Cases from Arrest to Indictment (D.C. Superior Court)

Variable	Jan.—June 1974	July—Dec. 1974	Jan.—June 1975	July—Dec. 1975	1974-1975
Average number of arrests per week on felony charges	148	173.7	159.2	157.5	159.6
Average number of cases accepted on felony charges per week	110.7	129.5	125.3	121.6	121.8
Average number of cases not accepted per week	32.0	32.0	24.9	27.1	29.0
Average acceptance rate	78%	80%	83%	82%	81%
Average number of cases indicted by the grand jury (includes grand jury originals) per week	59.9	61.4	89.6	87.0	74.5
Survival rate for the first processing stage (percent of filed cases indicted)	54.1%	47%	71.5%	71.5%	61.2%

Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974-1975.

note here that both the arrests and the acceptance rate exhibit the almost random fluctuations that we would normally expect. The increase in arrest activity during the second half of 1974 and the long-term increase in the acceptance rate are discernible. The pattern of indictments handed down by the grand jury appears interesting. There are surges of activity at regular intervals. Many of these points coincide with the end of the grand jury term and represent efforts of the grand juries to dispose of any unfinished business. Also noteworthy is the general "housecleaning" that takes place at the end of each year. These fluctuations in grand jury activity explain some of the sharper increases in the post-indictment backlog. However, it is the long-term increase in the average number of indictments that is of primary importance in explaining increases in the pending case load.

The Disposition of Felony Cases

The manner in which felony cases are disposed subsequent to acceptance is presented in Table 11. The weekly average number of trials, pleas, and dismissals for each of the four six-month periods is shown. Using the total number of dispositions, trial, plea, and dismissal rates are calculated. All the trials and pleas occur following indictment by the grand jury or after the filing of an information by the prosecutor, but we did not distinguish between dismissals occurring prior to indictment and those occurring subsequent to indictment. Recall, however, that the majority of dismissals occur prior to indictment. We see that the average number of trials conducted each week stayed about the same, but the number of pleas increased and the number of dismissals decreased. It seems, then, that the reason for the higher rate of indictment is that prosecutors were dismissing fewer cases prior to indictment and thus were presenting more cases to the grand jury, almost

Table 11.
Disposition of Felony Cases (D.C. Superior Court)

Variable	Jan.-June 1974	July-Dec. 1974	Jan.-June 1975	July-Dec. 1975	1974-1975
Average number of felony trials per week	14.2	9.8	12.2	10.7	11.7
Average number of felony pleas per week	32.4	29.8	40.7	39.0	35.5
Average number of nolle and dismissals per week	46.5	53.2	44.6	40.7	46.3
Average number of dispositions per week	96.7	97.5	102.8	94.5	97.9
Trial rate ^a	14.7%	10.1%	11.9%	11.3%	12.0%
Plea rate	33.5%	30.6%	39.6%	41.3%	36.3%
Dismissal rate	48.1%	54.6%	43.4%	43.1%	47.3%
Average number of felony judges available ^b	12.16	11.08	11.79	11.29	11.58
Dispositions per judge per week	7.95	8.80	8.72	8.37	8.45

Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974-1975.

^a Rates are based on all dispositions of felonies accepted for prosecution.

^b Data on judge availability provided by the Office of the Chief Judge, D.C. Superior Court.

all of which were indicted. We see that although the overall rate of disposition for the courts remained relatively constant, the proportion of cases pled increased, and the proportion of dismissals decreased.

The court appears to have lost the equivalent of approximately one felony judge during the two-year period. In the first six months of 1974, an average of 12.16 judges were available, and in the last six months of 1975, an average of 11.29 judges were available. An increase in the efficiency of the judges, as reflected in the average number of weekly dispositions per judge, aided in maintaining the overall disposition rate at 1974 levels.

A great deal of variation occurred in the weekly number of trials begun, although no general trend is apparent. (See Appendix C, Figure C.4.) The rate at which trials are started is dependent on the availability of judges. The fluctuations should not have a noticeable effect on case processing time. The number of pleas taken each week also varied considerably, although we can detect the increasing frequency of pleas. (See Appendix C, Figure C.5.) The number of dismissals each week displays the decreasing occurrence of felony dismissals, again with considerable weekly variation (Figure C.6).

Felony Case Age

We saw in the previous section that the manner in which cases were disposed appears to have changed. Coupled with the increase in pending case loads, we would expect an increase in the overall elapsed time required for case processing. Indeed, as evidenced in Table 12, the average age of cases at disposition was increasing. During 1974, the average age of all felonies disposed following accept-

Table 12.
Age of Felony Cases at Disposition (in days)
(D.C. Superior Court)

Age	Jan.-June 1974	July-Dec. 1974	Jan.-June 1975	July-Dec. 1975	1974-1975
Average age of all accepted felonies at disposition (total processing time)	99.6	94.1	109.3	110.8	103.5
Average age of first stage felony pending case load	46.4	49.5	44.2	51.5	47.9
Average age of second stage felony pending case load	87.2	85.4	79.2	92.7	86.1

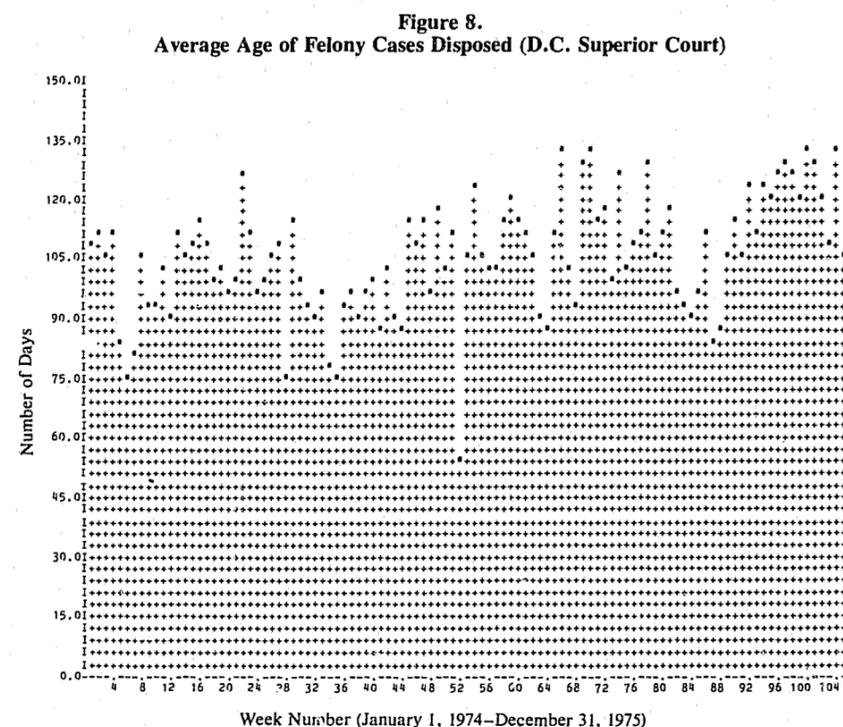
Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974-1975.

ance was about 97 days. During 1975, the average age of cases disposed increased to 110 days. It is not that the rate of disposition was changing, but the fact that fewer cases were being dismissed prior to indictment and a greater proportion of pleas were taken subsequent to indictment that contributed to an increase in the average processing time for all felony cases. The average age of cases disposed each week is shown graphically in Figure 8.

Prosecution Policy

In this section, we present evidence, based on the Sellin-Wolfgang crime seriousness score associated with each felony case, that suggests a change in prosecution policy. This score rates the relative severity of each offense with respect to indicators of threat, intimidation, offense magnitude, and injury or damage caused. Table 13 displays the crime seriousness score for various categories of felony cases. Looking at the average crime seriousness scores for felony arrests that were rejected at screening and for those accepted for prosecution, we do not notice a significant change in the score over time. The slight decrease in the average crime score of cases accepted at screening is consistent with the apparent increase in the acceptance rate. That is, more of the slightly less serious cases were being accepted for prosecution in 1975 than in 1974.³

Looking at the average crime seriousness scores of cases in the pending case load, we detect some changes between 1974 and 1975. Cases awaiting indictment (e.g., pending in stage one) appear to have slightly lower average crime seriousness scores. More importantly, cases awaiting disposition in the second stage—those cases that have already been indicted but not disposed—have significantly lower average crime seriousness scores. This indicates that in addition to the serious cases being indicted in 1975, cases considerably less serious than those indicted in 1974 were also reaching indictment. The change offers an explanation for the increased number of indictments returned by the grand jury. A change in prosecution policy—either implicit or explicit—results in a higher proportion of cases being presented to the grand jury. Less serious cases that might well have been dismissed in 1974 were being indicted in 1975. These additional cases were terminated either by plea, by trial, or by dismissal subsequent to indictment, which resulted in a larger number of convictions, overall.



Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974–1975.

Table 13.
Crime Seriousness Score^a of Felony Cases
(D.C. Superior Court)

Average Crime Seriousness Score	Jan.–June 1974	July–Dec. 1974	Jan.–June 1975	July–Dec. 1975	1974–1975
Cases not accepted	4.6	4.2	4.2	4.3	4.3
Cases accepted and pending indictment	6.8	6.7	6.6	6.5	6.7
Cases indicted and pending disposition	7.4	7.6	6.3	6.4	6.9
Cases disposed by trial	9.8	6.7	7.1	6.2	6.9
Cases disposed by plea	6.3	6.2	5.8	4.7	5.7
Cases nolleed or dismissed	6.5	6.2	6.5	6.0	6.3

Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974–1975.

^a Based on Sellin–Wolfgang crime seriousness index in Thorsten Sellin and Marvin E. Wolfgang, *The Measurement of Delinquency* (New York: Wiley, 1964).

The phenomenon described above serves to illustrate some of the trade-offs associated with delay reduction and some of the important ramifications of speedy trial legislation. An apparent change in prosecution policy, with potentially significant implications for the control of crime, resulted in a higher conviction rate for felony cases. Cases of a sort that were once routinely dismissed were instead being carried forward through to indictment. A portion of these “new” cases were disposed by plea or trial conviction, thus increasing the overall conviction rate. However, the policy change also required additional court appearances, increased the active pending case load, and thus added to the average processing time for all cases in the system. It remains for policymakers within the court system to examine these alternatives and determine the ultimate course of the system. Would society benefit more from delay reduction or from the greater potential for crime control resulting from an increased conviction rate? How are these societal benefits to be balanced against the individual’s right to a speedy trial? There are no simple answers to these questions. It appears, though, that the trend to the imposition of speedy trial guidelines should be evaluated in light of many additional considerations.

MISDEMEANORS

A systemwide perspective can also be adopted to examine the processing of misdemeanors. Specifically, we attempt to answer the following questions:

- What pressures are being exerted by the system that may influence misdemeanor case processing time?
- Is the processing of misdemeanors changing over time?

Pending Case Loads

The average pending case loads for misdemeanors are presented in Table 14. The pending case load consists of those misdemeanor cases accepted for prosecution that have not been disposed at a given point in time. As seen in the table, the average pending case load more than tripled—from an average of 1,089 cases in the first six months of 1974 to an average of 3,692 cases in the last six months of 1975. Removing those cases that are likely to involve fugitive defendants, the increase is still substantial—from an average of 1,006 cases to an average of 2,720 cases during the two-year period.

Table 14.
Average Pending Misdemeanor Case Load (D.C. Superior Court)

Variable	Jan.–June 1974	July–Dec. 1974	Jan.–June 1975	July–Dec. 1975	1974–1975
Average number of misdemeanor arrests pending disposition	1,089	1,854	2,494	3,692	2,282
Average number of misdemeanor arrests pending disposition and excluding fugitives	1,006	1,506	1,865	2,720	1,778

Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974–1975.

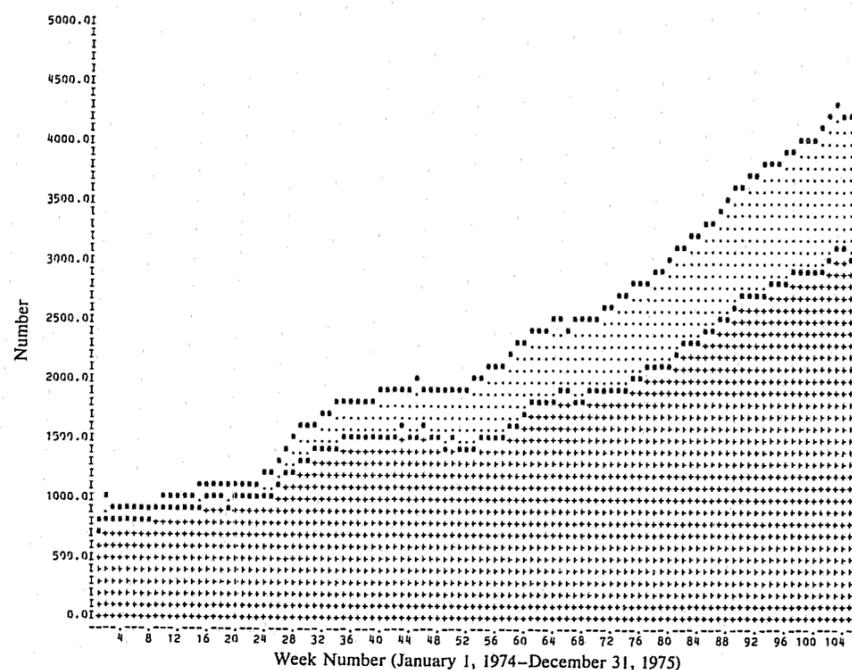
Figure 9 offers a graphic portrayal of the growth in the misdemeanor pending case load. The lighter portion of the graph, representing all pending cases, shows a rapid and almost constant growth rate. The darker portion of the graph, paralleling that growth, excludes cases involving fugitives.

Case Flow

We now discuss some of the factors contributing to the rapid increase in the backlog of misdemeanor cases. As shown in Table 15, the arrest rate, averaging 159.6 arrests per week in early 1974, increased to an average of 207.8 arrests per week in the last six months of 1975. The increased number of arrests, coupled with a slight increase in the rate at which cases were accepted for prosecution (from 78 percent to 82 percent), contributed significantly to the case backlog. In fact, the number of cases accepted for prosecution each week rose from an average of 127.8 cases in early 1974 to an average of 180.4 cases in late 1975.

The court's disposition rate increased in response to the growing case intake. In the first six months of 1974, the court disposed of an average of 113.7 misdemeanors per week. The disposition rate was as high as 146.0 cases during the early part of 1975. However, one disturbing observation is that by the end of 1975, 180.4 cases were being accepted for prosecution each week, but only 136.6 were

Figure 9.
Pending Misdemeanor Case Load (Screening to Disposition)



Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974-1975.

Note: Darkly shaded portion of the graph excludes fugitives.

Table 15.
Flow of Misdemeanor Cases (D.C. Superior Court)

Variable	Jan.-June 1974	July-Dec. 1974	Jan.-June 1975	July-Dec. 1975	1974-1975
Average number of arrests per week on misdemeanor charges	159.6	192.7	194.7	207.8	188.7
Average number of cases accepted per week	127.8	166.0	167.5	180.4	160.5
Average number of cases not accepted per week	37.1	39.3	34.8	38.5	37.4
Acceptance rate	78%	81%	83%	82%	81%
Average number of trials per week	13.5	18.1	19.0	20.8	17.8
Average number of pleas per week	34.8	43.8	60.6	53.8	48.3
Average number of nolle and dismissals per week	62.7	79.3	63.9	59.8	66.4
Average number of dispositions per week	113.7	144.5	146.0	136.6	135.2
Trial rate ^a	11.7%	12.9%	13.1%	15.4%	13.2%
Plea rate	30.7%	30.8%	41.2%	39.4%	35.5%
Dismissal rate	55.2%	54.0%	43.9%	43.6%	49.2%
Average number of misdemeanor judges available ^b	4.83	5.46	5.46	7.21	5.74
Number of dispositions per judge per week	23.5	26.5	26.7	18.9	23.6

Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974-1975.

^a Rates are based on all dispositions of misdemeanors accepted for prosecution.

^b Data on judge availability provided by the Office of the Chief Judge, D.C. Superior Court.

being disposed by the court, which left an excess of almost 44 cases per week. During the first six months of 1974, the court was also disposing of fewer cases than it was receiving, but the difference was only 14 cases per week.

The manner in which cases are disposed has also been changing. We note that misdemeanor trial activity increased by approximately 50 percent. That is, in early 1974 the court averaged 13.5 trials per week, but in late 1975 the court averaged 20.8 trials per week. The number of pleas taken by the court also increased substantially, and the number of dismissals each week decreased slightly. When the number of trials, pleas, and dismissals are viewed as percentages of all dispositions, these trends are further crystallized. The percentage of all dispositions that concluded in trial or plea increased from about 42 percent of all dispositions in early 1974 to about 55 percent of all dispositions in late 1975. The percentage of cases dismissed showed a corresponding reduction—from 55 percent in 1974 to about 44 percent in 1975.

Part of the explanation for the change in court activity may lie in the increased number of judges available for the adjudication of misdemeanor cases. In the first six months of 1974, fewer than five judges were available to hear misdemeanor cases each week, but in the last six months of 1975 more than seven judges were available each week. It appears, however, that much of the additional judges' time was consumed by trials. The average number of misdemeanor cases disposed per judge per week dropped from 23.5 cases to 18.9 cases.

As we would expect, the rapid growth of the misdemeanor backlog without a concomitant increase in judicial productivity had serious consequences for the speed with which misdemeanor cases were disposed. Table 16 shows that in the first six months of 1974, the average age of misdemeanor cases at disposition was 54.1 days. By the end of 1975, the average misdemeanor case age had increased by 69 percent, to 91.4 days, from screening to disposition. Even more disturbing is the corresponding increase in the age of active pending cases, which went from 47.8 days in the first six months of 1974 to 78.1 days in 1975. This means that the approximately 3,000 active misdemeanor cases pending disposition at the end of 1975 had already been waiting an average of 78 days. The consequences of the increased backlog would not be felt until later, in 1976. Figure 10 displays the growth in average age of misdemeanor cases at disposition for each week in 1974 and 1975.

In summary, we observe a steadily growing misdemeanor case load for the court as a result of increased arrest activity and an increase in the rate at which cases are accepted for prosecution. The manner in which cases were disposed also changed; a greater percentage of cases were disposed through plea or trial, and fewer cases were disposed through dismissal. The court provided additional judges to deal with the increased case load, but, because of the higher trial rate, those judges appear not to have been used efficiently with respect to dispositions. That is, they spent more time in trial than previously and disposed of fewer cases per judge.

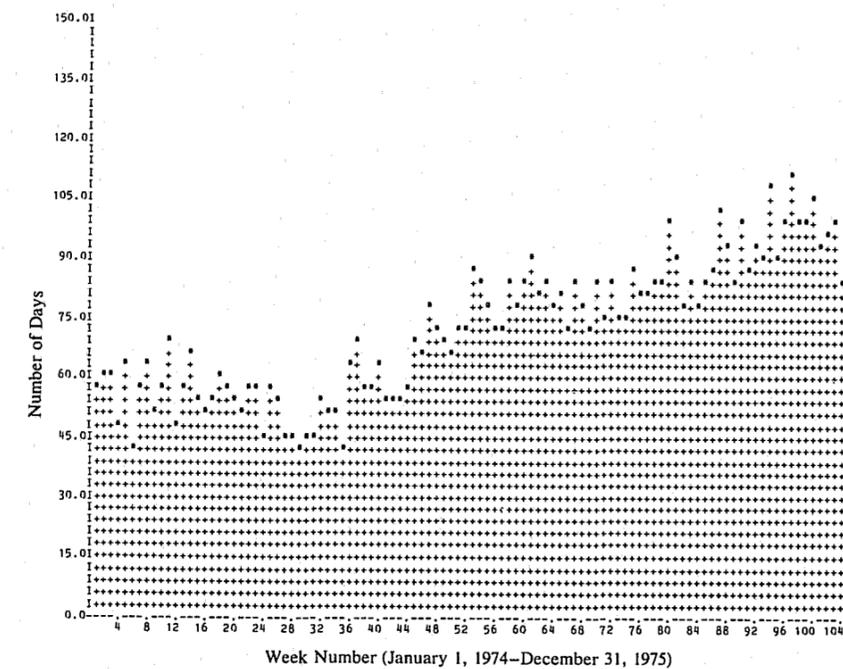
It is difficult to ascertain the extent to which the change in manner of disposition represents a change in prosecution policy or a change in defendant behavior. That is, are cases that were formerly being dismissed now being allowed to continue to trial (or plea), or has the increased work load of the court resulted in delays that encourage defendants to believe that their probability of conviction at trial has decreased substantially?

Table 16.
Age of Misdemeanor Cases at Disposition (in days)
(D.C. Superior Court)

Age	Jan.-June	July-Dec.	Jan.-June	July-Dec.	1974-1975
	1974	1974	1975	1975	
Average age of all accepted misdemeanors at disposition	54.1	56.9	78.7	91.4	70.3
Average age of pending case load	47.8	57.5	62.3	78.1	61.4

Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974-1975.

Figure 10.
Average Age of Misdemeanor Cases Disposed



Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974-1975.

Notes

1. Construction of the time-slice file involved the use of case-related data available through PROMIS for all cases screened in calendar years 1973, 1974, and 1975.
2. Some of these cases may also involve defendants undergoing psychiatric treatment as a result of a finding of mental incompetence prior to trial. These cases are also unlikely to result in immediate demands on trial resources of the court and prosecutor.
3. Examination of the D.C. Metropolitan Police Department data for fiscal years 1974 and 1975 reveals no significant changes in the mix of case types at arrest. That is, the overall crime mix did not become less serious during the period.

Conclusions—The Link to Court Management

This report is primarily a quantitative analysis and description of criminal case processing in the District of Columbia Superior Court, but its policy implications are more far-reaching. For example, many of the issues discussed in this report are appropriate perspectives for examining the possible impacts of the Speedy Trial Act on the federal courts. (Sanctions for violation of the act are scheduled to begin to apply in July 1980.) Before discussing these implications, a brief summary of the substantive findings of the analysis is appropriate.

- **Processing Times.** Felonies that were screened in 1974 and disposed throughout 1974 and 1975 required an average of 197 days from screening to reach trial and 163 days to be disposed through a plea of guilty. Those felonies disposed by dismissal subsequent to indictment remained in the court system an average of 150 days; defendants who were arrested on felony charges and whose cases were dismissed prior to indictment waited an average of 46 days. Concurrently, misdemeanor cases screened in 1974 required an average of 78 days to reach trial, 61 days for a plea of guilty, and 65 days for a dismissal.

Perhaps a more relevant measure is the time required for the cases remaining in the system the longest. A full 25 percent of all indicted felonies required more than 200 days to reach disposition, and 10 percent of the felonies exceeded 260 days. For misdemeanors, 10 percent of all cases took longer than 135 days.

- **Causes of Delay.** In explaining the reasons for delay in both felony and misdemeanor cases, court policy and work-load factors, along with selected case attributes, figure most prominently. The life of a felony case can be divided into two distinct stages—the time from screening to indictment and the time from indictment to disposition by trial, plea, or dismissal.

The most powerful determinant of the preindictment processing time for an individual felony case was the number of other cases competing for the same resources at the same time. More charges, more codefendants, more witnesses, whether the offense was a homicide, and whether the defendant had more than two previous arrests generally increased the processing time in the first stage. These factors can be interpreted as describing the work content, complexity, and seriousness of the case. Interestingly, even cases that would ultimately be dismissed in the second stage also required more time in the

first stage—perhaps a reflection of the added effort by the prosecutor to bring to indictment some inherently weak cases. If the defendant was on cash or surety bond or if the offense was a robbery, the time required was generally less, possibly reflecting the scheduling priority given these types of cases.

For the interval between indictment and final disposition, the number of continuances granted, the number of judges available for felony cases, and the average number of cases pending disposition were most significantly related to the time required. Again, factors apparently associated with the seriousness, complexity, and importance of the case—the number of codefendants, the number of charges, the crime seriousness score, and the arrest record of the defendant—were positively associated with processing time. Defendants on cash or surety bond appeared to receive some scheduling priority and thus required less time. As expected, cases that were pled or dismissed following indictment required less time.

In misdemeanor cases, the most prominent factor in explaining the processing time required was the number of continuances granted. In addition, the pending case load, both misdemeanor and felony, appeared to affect misdemeanor case processing time. Presumably, with a higher felony case load judges hearing misdemeanors were more likely to be asked to make some contribution to the processing of felonies as well. If the defendant was on cash or surety bond, if he waived his right to trial by jury, or if the case was reduced from a misdemeanor, processing time was generally shorter. The type of disposition had virtually no effect on the processing time in misdemeanor cases.

- **Processing Approach.** The processing of felony cases is one of winnowing. Cases are subjected to careful scrutiny by the prosecutor, and the vast majority of felony case dismissals occur prior to indictment, before they can clog the dockets of the individual judges. The cases that survive indictment have a low probability of dismissal. Somewhat surprisingly, the impact of delay on the felony conviction rate was limited. For example, the overall conviction rate (including pleas and trial convictions) for all indicted felonies was 79 percent, and there was relatively little variation as cases grew older. Looking only at felony cases going to trial, trials commencing within 60 days of indictment ended in conviction 82 percent of the time, and those tried in excess of 240 days of the indictment ended in conviction 75 percent of the time.

In contrast with felony case processing, it appears that misdemeanors are placed on the trial calendar on the day of arraignment and are not generally subject to review before trial. The result is that the misdemeanor trial calendar is highly unstable and uncertain, and a high percentage of cases are continued. For example, by the end of 1975, more than two-thirds of the misdemeanor trial calendar was being continued each day. Repeated court appearances are frequently required, even for cases that will ultimately be dismissed. Almost one-half of the misdemeanor cases that were dismissed required more than one court appearance—some as many as seven appearances.

- **Prosecution Policy.** In 1975, there appears to have been a major change in prosecution policy. A far higher proportion of cases that were initially accepted for prosecution were presented to the grand jury. That is, less serious cases, which, it appears, would have been dismissed prior to indictment in 1974, were being presented (and subsequently indicted) in 1975. At the same time, there was a slight increase in the rate at which cases were being ac-

cepted for prosecution at screening. The result was that more cases required adjudication but, also, more of the originally accepted felony cases ended in conviction.

- **Prospects for the Future.** With respect to delay, it appears that matters are getting worse. The active pending felony case load doubled between early 1974 and late 1975. During the same period, the active pending misdemeanor case load almost tripled. Processing time for felony cases increased only about 10 percent, but for misdemeanor cases the increase was on the order of 70 percent. The pressures of the felony case load have been kept fairly well under control. Despite increases in the case load and a small decrease in the number of judges available for felony cases, delay has not increased substantially. For misdemeanor cases, delays have been increasing and are likely to continue to grow. At the end of 1975, the backlog of misdemeanor cases was growing at the rate of 44 cases per week. The average age of misdemeanors at disposition was over 90 days, and worse, the average age of the close to 3,000 misdemeanor cases awaiting disposition was almost 80 days.

The picture that emerges of case processing in the D.C. Superior Court indicates that successfully coping with large case loads appears to be the most immediate organizational pressure facing both judges and attorneys. There are more cases to keep track of, cases take longer to reach disposition, and the potential for scheduling problems is greater. An important observation, though, is that delay is not unmanageable. Both the court and the prosecutor are responsible, to some extent, for delay because of the policies they pursue. In view of the apparently negligible impact of elapsed time upon felony conviction rates, it is not clear that a strategy of delay reduction should come at the expense of other, equally worthwhile, policies. Nor should an increase in judicial resources be viewed as the primary cure for "delay." There is some evidence to indicate that an influx of new resources would produce a higher trial rate but would have little impact on case processing time. Moreover, given the difficulties of obtaining additional resources, the growth in work load presents an opportunity for the reexamination of a number of court and prosecution procedures and policies.

First, a strong delay-monitoring capability, both of recently disposed cases and pending cases, should be made available to individual judges. This would allow for aggregate measurement of the time required to dispose of a "typical" case, as well as provide information on individual cases on the judge's docket. The court is obligated to keep average delay as well as delay in individual cases to a minimum. Any single case may have unique qualifiers that preclude its speedy disposition, but it is probably worthwhile for the court to establish formal standards for case disposition that serve to "flag" for special attention those cases exceeding that standard. This mechanism could, for example, draw the attention of the judges to those cases that have been in the system for more than six months and that may require judicial action to speed disposition.

Second, in view of the prominence of continuances in explaining delay, it seems that some method is needed to reduce their occurrence and impact on processing time. It may be argued that continuances are a reflection of the strategies of both prosecutor and defense counsel. However, in the final analysis, it remains the responsibility of the judge to control the number of continuances and the elapsed time between appearances. The potential payoff of controlling continuances lies in reducing delay, reducing the number of court appearances required for case adjudication, and improving the productivity of judges and attorneys.

Similarly, the articulation of a scheduling policy requires resolution of questions related to the number of judges to allocate to various calendars, the number of

cases to set for trial on a given day, and the relative priority of various case types in the competition for resources. Answering these questions requires a clear statement of the court's objectives, as well as the regular and systematic collection of information on scheduling performance that is needed to strike the delicate balance between available resources and the demands of the case load.¹ For example, the number of cases scheduled can be adjusted to make the most efficient use of court resources without reaching the point at which the majority of cases are continued. It appears that this attention to scheduling and establishment of the trial calendar are of special importance in the misdemeanor area, although benefits are apparent in the felony process as well.

Finally, the entire issue of "speedy trial" needs to be examined in light of its implications for other aspects of court performance. For example, changes in prosecution policy that result in more cases requiring judicial attention may have an adverse impact on delay. Yet, the same policy may have an important and positive effect on crime control by increasing the rates of disposition and rates of conviction. Examination of this trade-off appears especially important in view of the apparently limited impact of delay on felony case outcome. We should note, however, that the limited drop in conviction probability may be a reflection of the importance placed by the prosecutor on felony cases. For misdemeanor cases, the change in conviction rate is much more substantial. Also important in studying case delay are other, less quantifiable, factors regarding the undesirability of delay. These must also be weighed in developing a policy on delay. Again, systematically collected and routinely available data would considerably enhance the ability of court policymakers to make enlightened decisions regarding these difficult issues.

Notes

1. For added detail, see the *Guide to Court Scheduling* (INSLAW, 1976).

APPENDIXES

A

Results of Multivariate Analysis

In the body of this report, the association of a large number of factors and case processing time was examined. This appendix presents the results of a multivariate analysis designed to study the simultaneous effects of those factors on case processing time. The results are presented here with greater rigor and detail to support the findings in the body of the report.

The model developed for this analysis incorporates a number of characteristics as explanatory variables for case processing time. The following is the general form of the model:

$$\text{processing time for an individual case} = f \left(\begin{array}{l} \text{system characteristics, offense} \\ \text{and defendant characteristics, and} \\ \text{case processing characteristics} \end{array} \right)$$

Among the system characteristics considered were the number of cases pending indictment, the number of indicted cases pending disposition, the number of judges available, the trial rate, and the rate at which indictments were handed down by the grand jury. Alternative specifications of the model defined each of these system characteristics (the average number or rate, as appropriate) either for the entire life of the case or during the four weeks immediately preceding disposition. For example, in one specification of the model, pending case load was defined as the average pending case load during the four weeks prior to disposition; in the second specification, pending case load was defined as the average pending case load between indictment and final disposition.

Characteristics of the offense and the defendant that were considered included the type of crime, the seriousness of the crime, the number of codefendants, the type of victim, whether the arrest occurred at the crime scene, whether physical evidence was recovered, the number of witnesses, and the prior arrest record of the defendant. Processing characteristics, which describe the manner in which cases are disposed and thus affect processing time, included the number of charges assigned, the release conditions given the defendant, the type of defense counsel, whether a jury trial was waived, whether disposition was by dismissal, plea, or trial, and the number of continuances granted.

This general model was used to study case processing time for both felonies and misdemeanors. The method used to estimate the parameters of the model was multiple regression analysis, a technique that can be used to describe relationships between variables so that inferences about causality are possible. Results of the regression analysis are presented below.

FELONY CASE PROCESSING

A complete list of variables used in the analysis is presented in Table A.1. Mean values of each variable are reported for all felony cases combined, as well as separately for all felony trials, postindictment pleas, and postindictment nolle and dismissals. Variables marked with a single asterisk (*) are dichotomous variables, for which a value of 1 indicates a positive response and a value of 0 indicates a negative response. The mean value, therefore, represents the proportion of cases with a positive response. For example, cases in which physical evidence (P/E REC) was recovered would all have a value of 1 associated with the P/E variable, and cases in which no physical evidence was recovered would have a value of 0. A mean value of .589 indicates that 58.9 percent of the cases involved recovery of some physical evidence. Variables marked with a double asterisk (**) are computed over the entire life of the case, from screening to disposition. For example, the variable Average Number of Cases Awaiting Indictment (I) represents the average number of cases awaiting indictment each week over the life of the case. Variables marked with a triple asterisk (***) are computed over the four weeks prior to disposition.

Table A.2 displays regression results using the time from screening to disposition as the dependent variable. Independent variables that appear to extend the time from screening to disposition are an increase in the number of continuances granted, an increase in the number of indicted cases awaiting disposition, an increase in the number of charges, an increase in the number of codefendants, the existence of an arrest record (more than two arrests), whether the offense was a sexual assault, and whether the defendant was represented by a public defender. Variables that tended to reduce the time from screening to disposition included an increase in the number of judges available, whether the defendant was initially assigned cash or surety bond, whether the case ended in dismissal, an increase in the number of trials heard by the judges, whether the case was pled, and whether the defendant was arrested at the scene.

The time from screening to disposition can be divided into its two major components—the time from screening to indictment and the time from indictment to disposition. Results for the first stage, the time from screening to indictment, are presented in Table A.3. The most prominent positive factor appears to be the number of cases awaiting indictment. The processing time in this stage also increases as the number of charges, the number of codefendants, and the number of witnesses increases. If the case will ultimately be dismissed, it takes longer to reach indictment. Homicides generally take longer to reach indictment, and robberies require less time. The time from screening to indictment tends to decrease if the defendant has cash or surety bond imposed or if he was arrested at the scene of the offense.

Table A.4 displays the results for the second processing stage—the time from indictment to disposition. An increase in the number of continuances granted, more codefendants, more cases awaiting disposition, more charges, and a higher crime score tended to increase the time required for completion of this stage. If the offense was a robbery or a sexual assault, if the defendant had more than two prior arrests, or if representation was by a public defender, longer processing times also resulted. The more judges that were available, the less the time required for disposition. If the case ended in a dismissal or a plea or if the defendant was on cash or surety bond, the time required to reach disposition was less.

Table A.5 shows the estimates for the same equation, except that the number of continuances is excluded as an independent variable. The same group of independent variables remains significant, and moreover, the signs of the coefficients

Table A.1.
Variable List—Felonies

Variable	Name	Mean Values			
		All Cases (N=2,387)	Trials (N=492)	Pleas (N=1,495)	Nolles/ Dismissals (N=400)
Physical Evidence Recovered*	P/E REC	.589	.522	.630	.520
Public Defender*	PUB DEF	.063	.053	.053	.112
Weapon Involved*	WEAP	.379	.472	.357	.347
Injury Involved*	INJ	.212	.252	.206	.187
Arrest at Scene of Offense*	ARR SCEN	.607	.612	.615	.572
Defendant with More Than 2 Prior Arrests*	>2 PRIOR	.434	.435	.441	.410
Number of Non-police Witnesses	NWIT	1.667	1.642	1.711	1.530
Crime Seriousness Score	CRIME SC	7.150	8.022	6.907	6.983
Defendant Score	DEF SC	97.958	100.102	98.562	93.063
Number of Codefendants	# CODEF	.560	.533	.542	.663
Jury Trial Waived*	NONJUR	.403	.329	.467	.257
Number of Charges	# CHGS	3.625	3.750	3.867	2.568
Number of Continuances	# CONT	3.940	5.014	3.755	3.310
Number of Witnesses	# WITS	3.873	3.827	3.905	3.813
Personal Recognizance or Third-party Custody Release*	SOFT REL	.529	.504	.535	.535
Cash or Surety Bond*	HARD REL	.356	.354	.369	.310
Victim Known to Defendant*	V/D REL	.212	.179	.217	.230
Victim a Corporation*	VIC CORP	.174	.159	.183	.162
Crime Was a Homicide*	HOM	.052	.055	.052	.047
Crime Was a Sexual Assault*	SEX ASSL	.039	.057	.032	.043
Crime Was a Robbery*	ROBB	.323	.433	.287	.325
Crime Was a Burglary*	BURG	.196	.142	.227	.147
Crime Was an Aggravated Assault*	AGG ASSL	.113	.124	.115	.093

(continued)

Table A.1. (continued)
Variable List—Felonies

Variable	Name	Mean Values			
		All Cases (N=2,387)	Trials (N=492)	Pleas (N=1,495)	Nolles/ Dismissals (N=400)
Average Number of Cases Awaiting Indictment (I)**	P-GJ1	925.17	916.72	925.95	932.64
Average Number of Cases Awaiting Indictment (II)***	P-GJ2	940.66	935.20	938.94	953.83
Average Number of Indicted Cases Awaiting Disposition (I)**	GJ-FD1	822.43	819.59	823.17	823.36
Average Number of Indicted Cases Awaiting Disposition (II)***	GJ-FD2	845.95	856.95	843.75	840.65
Average Number of Trials Held***	TRIALS	11.457	11.77	11.42	11.20
Percent of Disposed Cases Tried***	TRL RT	11.11	11.40	11.00	10.80
Average Number of Indictments***	# INDT	71.785	68.142	73.915	68.31
Average Number of Judges Available***	# JUDGES	11.682	11.669	11.701	11.622
Time from Screening to Indictment	TIME P-I	65.85	61.65	65.35	72.88
Time from Screening to Disposition	TIME P-D	166.75	192.54	162.67	150.29
Time from Indictment to Disposition	TIME I-D	100.90	130.89	97.32	77.41
Average Number of Cases Accepted***	ACCEPTED	121.41	120.64	121.46	122.18
Percent of Cases Accepted***	ACC RT	79.11	78.70	79.10	79.40
Case Pled*	PLD	.626	—	1.00	—
Case Dismissed or Nolle*	D/N	.168	—	—	1.00

*Dichotomous variable—a value of 1 signifies a yes, and a value of 0 signifies a no. For example, if physical evidence was recovered, the indicator variable would have a value of 1, otherwise 0. The mean value then indicates the proportion of all cases in which physical evidence was recovered.

**Computed from screening to disposition.

***Computed for last four weeks prior to disposition.

Table A.2.
Regression Results: Time from Screening to Disposition—Felonies
(Dependent Variable: TIME P-D)

Independent Variables	Estimated Coefficient	Standard Error	Significance Level
# CONTS	12.62	.74	.99
GJ-FD2	.16	.02	.99
# CHGS	2.51	1.43	.99
# CODEFS	8.43	1.48	.99
# JUDGES	-8.73	1.54	.99
HARD REL	-12.20	2.80	.99
D/N	-17.66	4.47	.99
>2 PRIOR	8.53	2.69	.99
TRIALS	-1.79	.58	.99
PLD	-10.23	3.42	.99
SEX ASSL	20.37	7.87	.95
PUB DEF	12.86	5.40	.95
ARR SCEN	-5.72	2.81	.95

Note: N = 2,387; R² = .36.

remain the same in each instance and the magnitudes of the coefficients are comparable. However, the percentage of the variability that is explained, as measured by R², drops from .32 to .22—a significant change. This indicates that the number of continuances is a significant factor in explaining processing time but may be standing in for a number of factors related to the behavior of judges, schedulers, and attorneys for which no other data are available.

MISDEMEANOR CASE PROCESSING

The complete list of variables used in the analysis of misdemeanor cases appears in Table A.6. The variables are similar to those used for felony cases, except that some variables representing the idiosyncracies of misdemeanor case handling have been added (e.g., whether a citation was issued in lieu of arrest or whether the case was reduced from a felony) and some variables related only to felony processing (e.g., cases awaiting indictment) have been excluded.

Table A.3.
Regression Results: Time from Screening to Indictment—Felonies
(Dependent Variable: TIME P-I)

Independent Variables	Estimated Coefficient	Standard Error	Significance Level
P-GJ2	.11	.006	.99
# CHGS	1.54	.22	.99
D/N	9.67	2.27	.99
HOM	16.22	4.47	.99
HARD REL	-4.87	1.46	.99
# CODEF	2.03	.77	.99
ROBB	-3.87	1.91	.95
ARR SCEN	-2.92	1.47	.95
# WITS	.87	.44	.95

Note: N = 2,387; R² = .15.

Table A.4.
Regression Results: Time from Indictment to Disposition—Felonies
 (Dependent Variable: TIME I-D)

Independent Variables	Estimated Coefficient	Standard Error	Significance Level
# CONTS	13.30	.72	.99
# JUDGES	-10.56	1.49	.99
D/N	-29.30	4.32	.99
# CODEFS	6.50	1.43	.99
GJ-FD2	.07	.01	.99
PLD	-13.12	3.32	.99
ROBB	10.71	3.54	.99
HARD REL	-7.94	2.71	.99
>2 PRIOR	7.33	2.59	.99
# CHGS	1.04	.41	.95
PUB DEF	12.50	5.22	.95
CRIME SC	.44	.20	.95
SEX ASSL	16.33	7.61	.95

Note: N = 2,387; R² = .32.

Table A.7 presents the parameters of the regression equation used to estimate the time from screening to disposition. The independent variables in order of significance are the number of continuances granted, the number of misdemeanor cases awaiting disposition, and the number of indicted felonies awaiting disposition—all with positive coefficients; whether the defendant received cash or surety bond, whether the case was reduced from a felony, and whether a jury trial was waived—all with negative coefficients; and the number of codefendants and whether physical evidence was recovered, both with positive coefficients.

Table A.5.
Regression Results: Time from Indictment to Disposition—Felonies
 (Dependent Variable: Time from Indictment to Disposition; Number of Continuances Excluded as Independent Variable)

Independent Variables	Estimated Coefficient	Standard Error	Significance Level
GJ-FD2	.22	.02	.99
D/N	-48.69	4.49	.99
PLD	-27.16	3.46	.99
# JUDGES	-9.56	1.59	.99
# CODEFS	6.43	1.53	.99
ROBB	13.83	3.78	.99
SEX ASSL	26.12	8.12	.99
>2 PRIOR	8.49	2.77	.99
CRIME SC	.63	.21	.99
# CHGS	1.14	.44	.99
PUB DEF	12.20	5.59	.95
HARD REL	-5.33	2.89	.95

Note: N = 2,387; R² = .22.

Table A.6.
Variable List—Misdemeanors

Variable	Name	Mean Values			
		All Cases (N=7,126)	Trials (N=925)	Pleas (N=2,296)	Dismissals (N=3,905)
Physical Evidence Recovered*	P/E REC	.619	.560	.700	.585
Public Defender*	PUB DEF	.016	.022	.020	.012
Weapon Involved*	WEAP	.168	.217	.228	.120
Injury Involved*	INJ	.067	.116	.057	.062
Arrested at Scene of Offense* Defendant with More Than 2 Prior Arrests*	ARR SCEN	.838	.829	.849	.834
	>2 PRIOR	.277	.359	.329	.226
Number of Non-police Witnesses	NWIT	.737	.941	.752	.680
Case Reduced from Felony*	BREAK	.030	.022	.070	.008
Crime Seriousness Score	CRIME SC	1.882	2.548	2.185	1.546
Defendant Score	DEF SC	62.570	72.66	77.95	53.00
Citation Issued*	CIT	.265	.209	.227	.301
Number of Codefendants	# CODEF	.352	.354	.277	.396
Jury Trial Waived*	NON JUR	.084	.076	.063	.099
Number of Charges	# CHGS	1.608	1.720	1.703	1.525
Number of Continuances	# CONT	1.718	2.078	1.632	1.683
Number of Witnesses	# WITS	2.818	2.946	2.862	2.762
Personal Recognizance or Third-party Custody Release*	SOFT REL	.658	.625	.632	.681
Cash or Surety Bond*	HARD REL	.161	.196	.201	.129
Victim Known to Defendant*	V/D REL	.103	.112	.089	.109
Victim a Corporation*	VIC CORP	.170	.148	.176	.172
Average Number of Cases Awaiting Disposition (I)**	P-FD1	1355.55	1386.23	1352.69	1349.95
Average Number of Cases Awaiting Disposition (II)***	P-FD2	1407.51	1455.26	1403.14	1398.64

(continued)

Table A.6. (continued)
Variable List—Misdemeanors

Variable	Name	Mean Values			
		All Cases (N=7,126)	Trials (N=925)	Pleas (N=2,296)	Dismissals (N=3,905)
Average Number of Trials Held***	TRIALS	16.70	17.34	16.79	16.50
Percent of Disposed Cases Tried***	TRL RT	12.30	12.80	12.40	12.10
Average Number of Judges Available***	# JUDGES	5.132	5.243	5.174	5.081
Average Number of Indicted Felonies Awaiting Disposition (I)**	I-FD1	784.62	786.74	785.88	783.37
Average Number of Indicted Felonies Awaiting Disposition (II)**	I-FD2	794.87	803.80	793.78	793.33
Time from Screening to Disposition	TIME P-FD	65.01	77.96	60.31	64.71
Average Number of Cases Accepted***	ACCEPTED	153.74	155.20	152.53	154.22
Percent of Cases Accepted***	ACC RT	80.0	79.70	80.0	79.70
Case Pled*	PLD	.32	—	1.00	—
Case Dismissed or Nolle*	D/N	.55	—	—	1.00

*Dichotomous variable—a value of 1 signifies a yes, and a value of 0 signifies a no. For example, if physical evidence was recovered, the indicator variable would have a value of 1, otherwise 0. The mean value then indicates the proportion of all cases in which physical evidence was recovered.

**Computed from screening to disposition.

***Computed for last four weeks prior to disposition.

Table A.7.
Regression Results: Time from Screening to Disposition—Misdemeanors
(Dependent Variable: TIME P-FD)

Independent Variables	Estimated Coefficient	Standard Error	Significance Level
# CONTS	24.54	.38	.99
P-FD2	.055	.002	.99
I-FD2	.18	.007	.99
HARD REL	-10.75	1.20	.99
BREAK	-20.90	2.62	.99
NON JUR	-10.59	1.69	.99
# CODEFS	1.62	.59	.99
P/E REC	2.49	.97	.95

Note: N = 7,126; $R^2 = .63$.

The measure of the explained variance, R^2 , is .63, which means that 63 percent of the variability in misdemeanor case processing is explained by our set of independent variables. If the variable representing the number of continuances is removed from the specification, the R^2 drops to .41, a highly significant change.

B

Selected Case Attributes

This appendix contains a number of bivariate tabulations of selected case processing characteristics discussed in the text. Tables B.1 through B.6 refer to felony processing between screening and indictment, and Tables B.7 through B.11 refer to felony processing between indictment and final disposition. Misdemeanor processing characteristics are displayed in Tables B.12 through B.15.

Table B.1.
Relationship of the Number of Charges to the Time from Felony Screening to Indictment or Preindictment Disposition (in days)
(D.C. Superior Court)

Average Time	Number of Charges					All Cases
	1	2	3	4	5 or More	
Screening to grand jury action	63.8 (725)	66.1 (521)	65.1 (460)	64.1 (278)	70.8 (585)	66.1 (2,569)
Screening to preindictment dismissal	44.0 (1,647)	48.4 (475)	51.1 (101)	58.4 (29)	96.4 (10)	45.6 (2,262)
Screening to preindictment plea	45.6 (68)	55.1 (27)	72.6 (26)	—	—	53.5 (121)

Source: Derived from PROMIS data on the 7,673 adult arrests on felony charges brought by police in 1974.

Note: Numbers in parentheses are the number of cases. The total number of cases reported may differ from totals reported previously because all cases that remained adjudicated (open) and all cases for which the appropriate data were unavailable were excluded from the table. "Unknowns" are included in the "all cases" column, but not in the body of the table.

Table B.2.
Relationship of the Number of Codefendants to the Time from Felony Screening to Indictment or Preindictment Disposition (in days)
(D.C. Superior Court)

Average Time	Number of Codefendants					All Cases
	0	1	2	3	4 or More	
Screening to grand jury action	65.0 (1,642)	67.4 (574)	65.6 (228)	72.2 (97)	86.4 (28)	66.1 (2,569)
Screening to preindictment dismissal	44.7 (1,618)	48.8 (397)	47.1 (142)	45.8 (76)	53.1 (29)	45.6 (2,262)
Screening to preindictment plea	55.8 (96)	48.9 (20)	29.2 (5)	—	—	53.5 (121)

Source: Derived from PROMIS data on the 7,673 adult arrests on felony charges brought by police in 1974.

Note: Numbers in parentheses are the number of cases. The total number of cases reported may differ from totals reported previously because all cases that remained adjudicated (open) and all cases for which the appropriate data were unavailable were excluded from the table. "Unknowns" are included in the "all cases" column, but not in the body of the table.

Table B.3.
Relationship of the Number of Witnesses to the Time from Felony Screening to Indictment or Preindictment Disposition (in days)
(D.C. Superior Court)

Average Time	Number of Witnesses					All Cases
	1	2	3	4	5 or More	
Screening to grand jury action	77.9 (86)	62.0 (420)	62.6 (680)	67.0 (602)	69.5 (780)	66.1 (2,569)
Screening to preindictment dismissal	53.1 (98)	42.0 (382)	44.9 (643)	45.8 (545)	47.6 (593)	45.6 (2,262)
Screening to preindictment plea	48.3 (10)	46.4 (21)	56.7 (34)	59.8 (24)	51.8 (32)	53.5 (121)

Source: Derived from PROMIS data on the 7,673 adult arrests on felony charges brought by police in 1974.

Note: Numbers in parentheses are the number of cases. The total number of cases reported may differ from totals reported previously because all cases that remained adjudicated (open) and all cases for which the appropriate data were unavailable were excluded from the table. "Unknowns" are included in the "all cases" column, but not in the body of the table.

Table B.4.
Relationship of Crime Type to the Time from Felony Screening to Indictment or Preindictment Disposition (in days)
(D.C. Superior Court)

Average Time	Crime Type						All Cases
	Homicide	Sexual Assault	Robbery	Burglary	Aggravated Assault	Other	
Screening to grand jury action	80.4 (142)	70.4 (104)	63.5 (824)	65.5 (505)	64.9 (291)	66.6 (703)	66.1 (2,569)
Screening to preindictment dismissal	49.7 (50)	38.7 (92)	43.2 (668)	47.7 (328)	46.0 (429)	47.2 (695)	45.6 (2,262)
Screening to preindictment plea	144.0 (5)	96.0 (1)	43.2 (20)	37.4 (17)	46.4 (23)	56.3 (55)	53.5 (121)

Source: Derived from PROMIS data on the 7,673 adult arrests on felony charges brought by police in 1974.

Note: Numbers in parentheses are the number of cases. The total number of cases reported may differ from totals reported previously because all cases that remained adjudicated (open) and all cases for which the appropriate data were unavailable were excluded from the table. "Unknowns" are included in the "all cases" column, but not in the body of the table.

Table B.5.
Relationship of the Recovery of Physical Evidence to the Time from Felony Screening to Indictment or Preindictment Disposition (in days)
(D.C. Superior Court)

Average Time	Physical Evidence Recovered		All Cases
	Yes	No	
Screening to grand jury action	65.1 (1,493)	67.5 (1,073)	66.1 (2,569)
Screening to preindictment dismissal	48.8 (1,096)	42.8 (1,166)	45.6 (2,262)
Screening to preindictment plea	50.4 (83)	60.4 (38)	53.5 (121)

Source: Derived from PROMIS data on the 7,673 adult arrests on felony charges brought by police in 1974.

Note: Numbers in parentheses are the number of cases. The total number of cases reported may differ from totals reported previously because all cases that remained adjudicated (open) and all cases for which the appropriate data were unavailable were excluded from the table. "Unknowns" are included in the "all cases" column, but not in the body of the table.

Table B.6.
Relationship of Initial Release Conditions to the Time from Felony Screening to Indictment or Preindictment Disposition (in days)
(D.C. Superior Court)

Average Time	Initial Release Conditions		
	Personal Recognizance or Third-party Custody	Cash or Surety Bond	All Cases
Screening to grand jury action	67.2 (1,363)	63.2 (910)	66.1 (2,569)
Screening to preindictment dismissal	45.6 (1,250)	45.2 (672)	45.6 (2,262)
Screening to preindictment plea	54.2 (64)	41.8 (39)	53.5 (121)

Source: Derived from PROMIS data on the 7,673 adult arrests on felony charges brought by the police in 1974.

Note: Numbers in parentheses are the number of cases. The total number of cases reported may differ from totals reported previously because all cases that remained unadjudicated (open) and all cases for which the appropriate data were unavailable were excluded from the table. "Unknowns" are included in the "all cases" column, but not in the body of the table.

Table B.7.
Relationship of the Number of Continuances to Time from Indictment to Disposition (in days)
(D.C. Superior Court)

Average Time	Number of Continuances						All Cases
	1	2	3	4	5	6 or More	
Indictment to trial	102.1 (12)	104.4 (49)	116.3 (70)	105.9 (133)	119.8 (72)	164.4 (248)	133.5 (584)
Indictment to plea	107.9 (48)	76.1 (157)	85.1 (282)	76.3 (523)	94.1 (269)	143.6 (418)	98.0 (1,697)
Indictment to dismissal	52.2 (20)	79.6 (31)	32.5 (151)	76.3 (122)	95.8 (41)	175.3 (76)	79.3 (442)

Source: Derived from PROMIS data on the 7,673 adult arrests on felony charges brought by the police in 1974.

Note: Numbers in parentheses are the number of cases. The total number of cases reported may differ from totals reported previously because all cases that remained unadjudicated (open) and all cases for which the appropriate data were unavailable were excluded from the table. "Unknowns" are included in the "all cases" column, but not in the body of the table.

Table B.8.
Relationship of Number of Codefendants to Time from Indictment to Disposition (in days)
(D.C. Superior Court)

Average Time	Number of Codefendants			All Cases
	0	1	2 or More	
Indictment to trial	127.9 (408)	136.6 (116)	165.2 (60)	133.5 (584)
Indictment to plea	93.3 (1,170)	105.3 (327)	114.2 (200)	98.0 (1,697)
Indictment to dismissal	75.5 (278)	86.1 (93)	85.4 (70)	79.3 (442)

Source: Derived from PROMIS data on the 7,673 adult arrests on felony charges brought by the police in 1974.

Note: Numbers in parentheses are the number of cases. The total number of cases reported may differ from totals reported previously because all cases that remained unadjudicated (open) and all cases for which the appropriate data were unavailable were excluded from the table. "Unknowns" are included in the "all cases" column, but not in the body of the table.

Table B.9.
Relationship of the Number of Charges to the Time from Indictment to Disposition (in days)
(D.C. Superior Court)

Average Time	Number of Charges					All Cases
	1	2	3	4	5	
Indictment to trial	118.1 (152)	132.4 (105)	141.0 (99)	127.2 (71)	147.2 (157)	133.5 (584)
Indictment to plea	95.6 (359)	84.7 (345)	91.8 (334)	105.7 (211)	111.3 (448)	98.0 (1,697)
Indictment to dismissal	64.1 (194)	68.2 (94)	95.2 (64)	134.6 (26)	103.9 (63)	79.3 (442)

Source: Derived from PROMIS data on the 7,673 adult arrests on felony charges brought by the police in 1974.

Note: Numbers in parentheses are the number of cases. The total number of cases reported may differ from totals reported previously because all cases that remained unadjudicated (open) and all cases for which the appropriate data were unavailable were excluded from the table. "Unknowns" are included in the "all cases" column, but not in the body of the table.

Table B.10.
Relationship of Crime Type to the Time from Indictment to Disposition (in days)
(D.C. Superior Court)

Average Time	Crime Type						All Cases
	Homicide	Sexual Assault	Robbery	Burglary	Aggravated Assault	Other Felony	
Indictment to trial	147.6 (34)	169.2 (35)	146.0 (246)	127.3 (83)	104.7 (75)	114.4 (111)	133.5 (584)
Indictment to plea	122.5 (83)	123.4 (57)	111.8 (479)	89.0 (384)	86.4 (186)	89.3 (508)	98.0 (1,697)
Indictment to dismissal	77.1 (21)	98.6 (17)	92.3 (143)	65.3 (65)	105.0 (39)	65.0 (156)	79.3 (442)

Source: Derived from PROMIS data on the 7,673 adult arrests on felony charges brought by the police in 1974.

Note: Numbers in parentheses are the number of cases. The total number of cases reported may differ from totals reported previously because all cases that remained adjudicated (open) and all cases for which the appropriate data were unavailable were excluded from the table. "Unknowns" are included in the "all cases" column, but not in the body of the table.

Table B.11.
Relationship of Type of Defense Counsel to Time from Indictment to Disposition (in days)
(D.C. Superior Court)

Average Time	Type of Defense Counsel		All Cases
	Public Defender	Non Public Defender Attorney	
Indictment to trial	154.9 (27)	135.7 (198)	133.5 (584)
Indictment to plea	127.6 (84)	105.7 (507)	98.0 (1,697)
Indictment to dismissal	72.6 (46)	93.8 (167)	79.3 (442)

Source: Derived from PROMIS data on the 7,673 adult arrests on felony charges brought by the police in 1974.

Note: Numbers in parentheses are the number of cases. The total number of cases reported may differ from totals reported previously because all cases that remained adjudicated (open) and all cases for which the appropriate data were unavailable were excluded from the table. "Unknowns" are included in the "all cases" column, but not in the body of the table.

Table B.12.
Relationship of Release Conditions to the Time from Screening to Misdemeanor Disposition (in days)
(D.C. Superior Court)

Average Time	Release Conditions		All Cases
	Personal Recognizance or Third-party Custody	Cash or Surety Bond	
Screening to trial	82.6 (578)	58.4 (182)	78.2 (930)
Screening to dismissal	63.3 (2,663)	57.9 (504)	64.7 (3,925)
Screening to plea	63.4 (1,457)	46.9 (463)	60.5 (2,310)

Source: Derived from PROMIS data on 9,856 misdemeanor arrests brought by the police and felony charges reduced to misdemeanors in 1974.

Note: Numbers in parentheses are the number of cases. The total number of cases reported may differ from totals reported previously because all cases that remained adjudicated (open) and all cases for which the appropriate data were unavailable were excluded from the table. "Unknowns" are included in the "all cases" column, but not in the body of the table.

Table B.13.
Relationship of Jury Demand to Time from Screening to Misdemeanor Disposition (in days)
(D.C. Superior Court)

Average Time	Jury Demand		All Cases
	Jury Trial Waived	Jury Trial Not Waived	
Screening to trial	47.1 (70)	79.9 (681)	78.2 (930)
Screening to dismissal	38.2 (391)	66.1 (2,792)	64.7 (3,925)
Screening to plea	38.2 (144)	62.2 (1,659)	60.5 (2,310)

Source: Derived from PROMIS data on 9,856 misdemeanor arrests brought by the police and felony charges reduced to misdemeanors in 1974.

Note: Numbers in parentheses are the number of cases. The total number of cases reported may differ from totals reported previously because all cases that remained adjudicated (open) and all cases for which the appropriate data were unavailable were excluded from the table. "Unknowns" are included in the "all cases" column, but not in the body of the table.

Table B.14.
Relationship of the Number of Codefendants to the Time from Screening to Misdemeanor Disposition (in days)
(D.C. Superior Court)

Average Time	Number of Codefendants				All Cases
	0	1	2	3 or More	
Screening to trial	75.9 (702)	77.8 (155)	73.0 (47)	87.8 (21)	78.2 (930)
Screening to dismissal	62.7 (2,879)	64.0 (711)	62.7 (180)	66.6 (138)	64.7 (3,925)
Screening to plea	57.3 (1,847)	63.5 (327)	81.2 (91)	88.3 (40)	60.5 (2,310)

Source: Derived from PROMIS data on 9,856 misdemeanor arrests brought by the police and felony charges reduced to misdemeanors in 1974.

Note: Numbers in parentheses are the number of cases. The total number of cases reported may differ from totals reported previously because all cases that remained unadjudicated (open) and all cases for which the appropriate data were unavailable were excluded from the table. "Unknowns" are included in the "all cases" column, but not in the body of the table.

Table B.15.
Relationship of the Recovery of Physical Evidence to the Time from Screening to Misdemeanor Disposition (in days)
(D.C. Superior Court)

Average Time	Physical Evidence Recovered		All Cases
	Yes	No	
Screening to trial	81.7 (519)	69.8 (402)	78.2 (930)
Screening to dismissal	68.6 (2,282)	55.3 (1,624)	64.7 (3,925)
Screening to plea	63.2 (1,613)	51.6 (687)	60.5 (2,310)

Source: Derived from PROMIS data on 9,856 misdemeanor arrests brought by the police and felony charges reduced to misdemeanors in 1974.

Note: Numbers in parentheses are the number of cases. The total number of cases reported may differ from totals reported previously because all cases that remained unadjudicated (open) and all cases for which the appropriate data were unavailable were excluded from the table. "Unknowns" are included in the "all cases" column, but not in the body of the table.

C

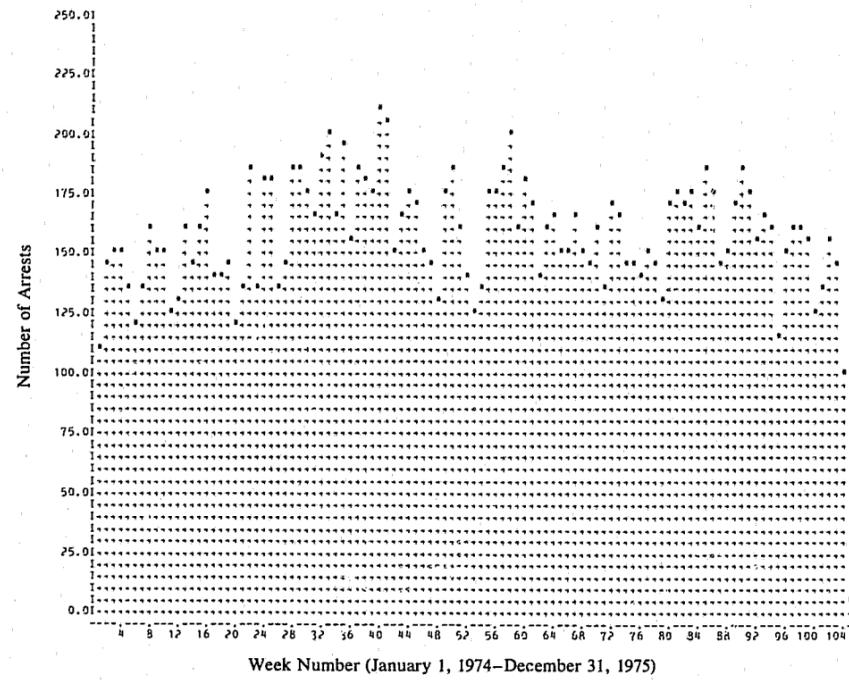
Time Series Data

This appendix graphs selected time series variables used in the systemic analysis described in Chapter 5. The variables characterize the flow of felony cases through the police, prosecution, and court systems of the District of Columbia. The variables displayed in this appendix are number of arrests, number of cases accepted, number of indictments, number of trials started, number of felony pleas, and number of dismissals. Each variable is displayed as a weekly total for the two-year period beginning in January 1974.

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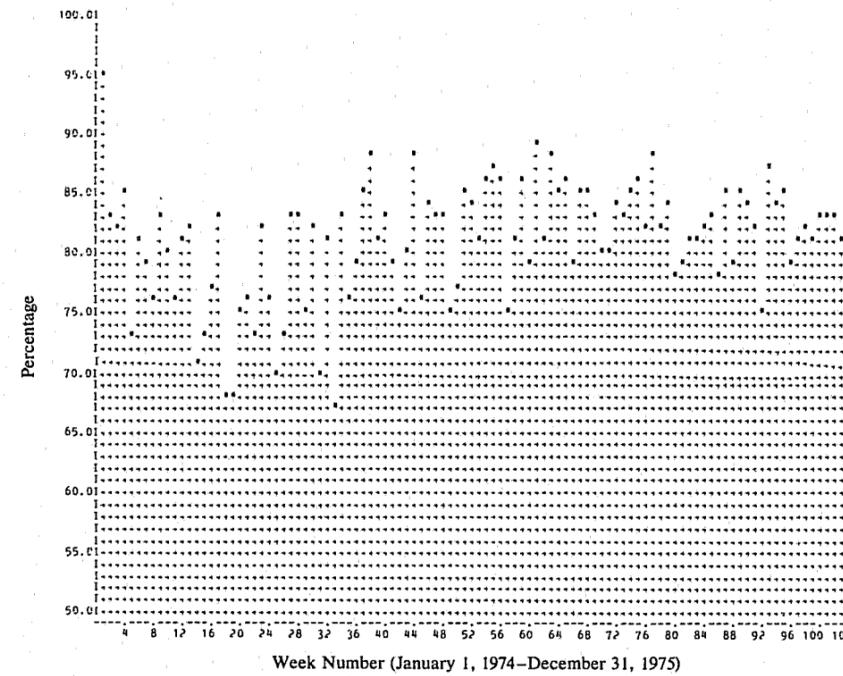
1 OF 2

Figure C. 1.
Weekly Number of Arrests Involving Felony Police Charges (D.C. Superior Court)



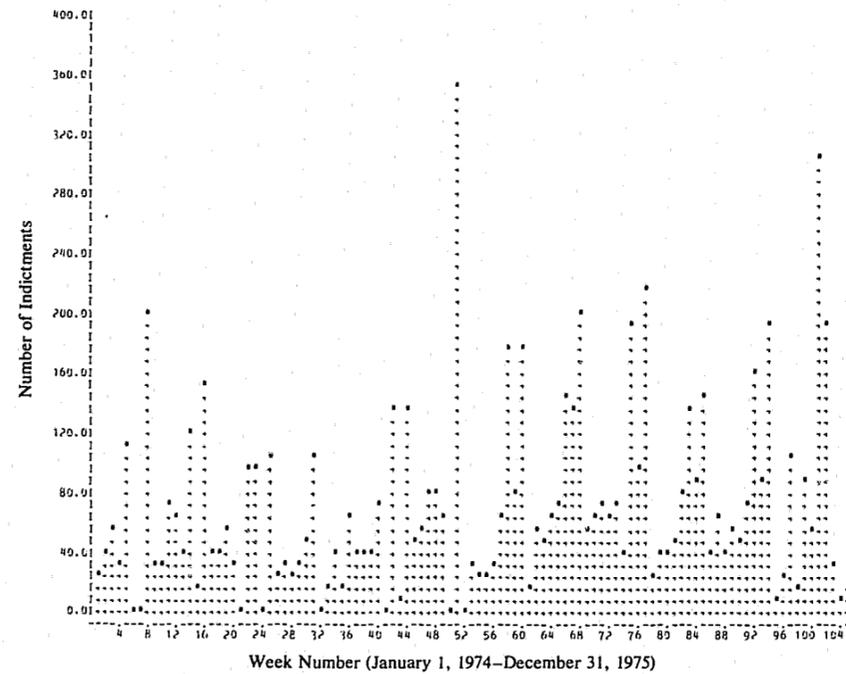
Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974–1975.

Figure C. 2.
Felony Acceptance Rate (D.C. Superior Court)



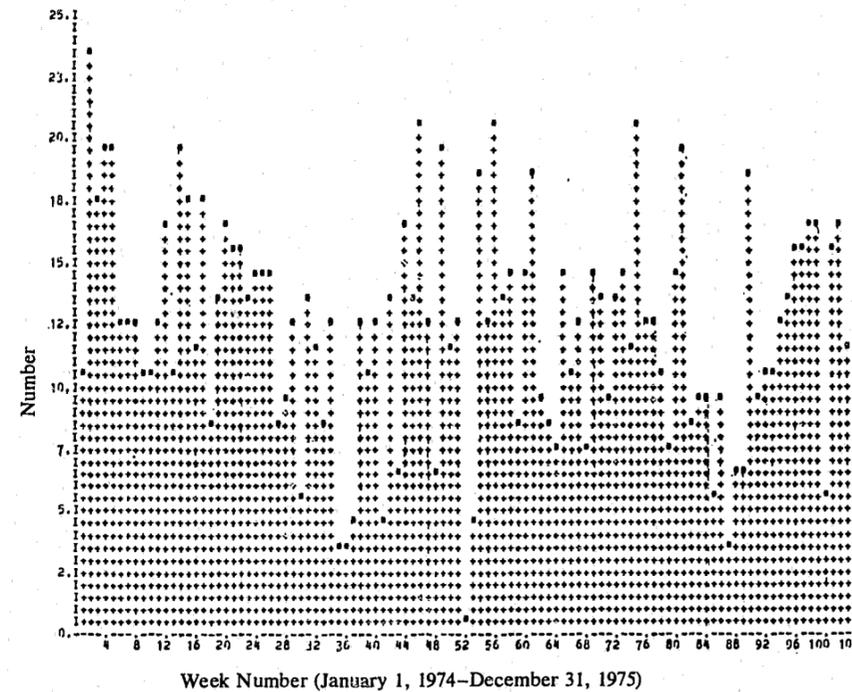
Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974–1975.

Figure C. 3.
Weekly Number of Indictments (D.C. Superior Court)



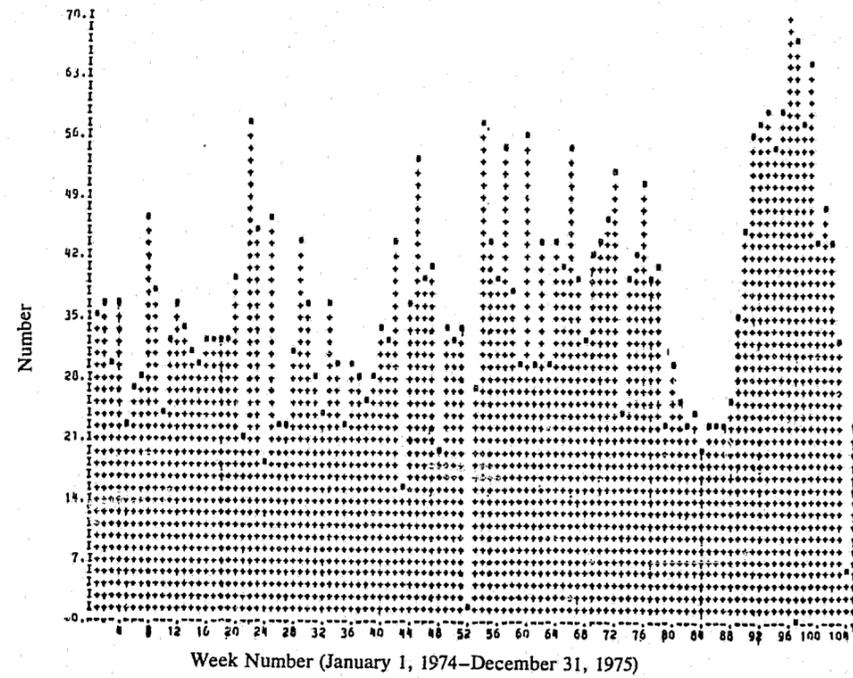
Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974–1975.

Figure C. 4.
Weekly Number of Felony Trials Started (D.C. Superior Court)



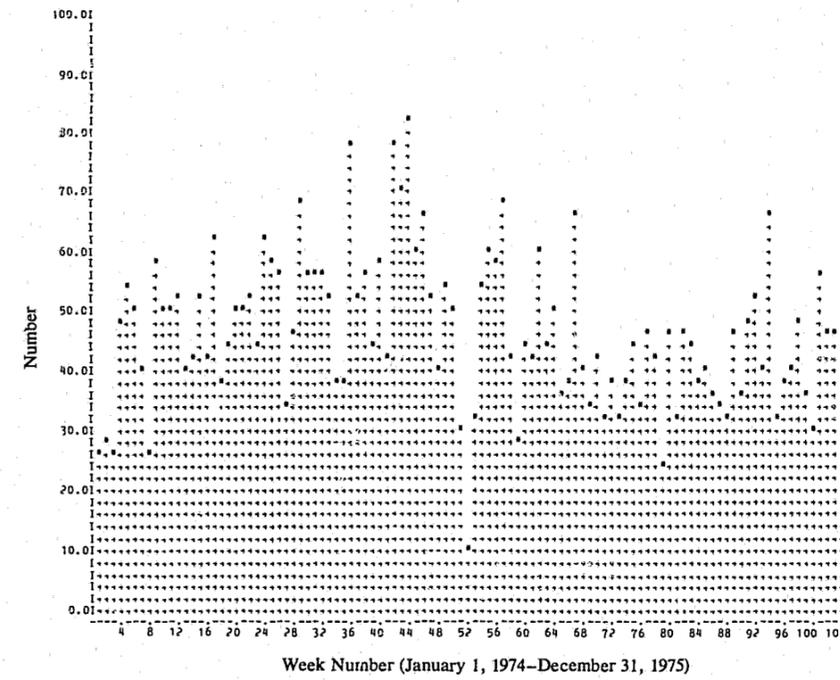
Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974–1975.

Figure C. 5.
Weekly Number of Felony Pleas (D.C. Superior Court)



Source: Derived from PROMIS data on cases screened in 1973, 1974, and 1975 and pending or disposed 1974-1975.

Figure C. 6.
Weekly Number of Felony Dismissals (D.C. Superior Court)



Source: Derived from PROMIS data on cases in 1973, 1974, and 1975 and pending or disposed in 1974-1975.

END