

*PROMOTING INNOVATION IN PROSECUTION*

PROSECUTOR'S GUIDE  
TO  
MANAGEMENT INFORMATION



JEFFERSON INSTITUTE FOR JUSTICE STUDIES

**PROMOTING INNOVATION IN PROSECUTION**

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TO  
MANAGEMENT INFORMATION**

**Joan E. Jacoby  
Peter S. Gilchrist, III  
Edward C. Ratledge  
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### About the authors:

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# PROSECUTOR'S GUIDE TO MANAGEMENT INFORMATION

## INTRODUCTION:

This guide is for prosecutors. It is designed to help them understand what information they need to manage their offices and evaluate the quality of their prosecution services. It is also designed to help them identify areas where information may be lacking or need improvement.

In this guide, we assume that every prosecutor seeks the common goal of managing an office with sufficient resources to provide quality prosecution services consistent with his or her policy.

To achieve this goal, prosecutors must have management information to know what is happening in their offices and to make informed decisions. They also have to be able to interpret management information. This guide focuses on the meaning and use of information about case processing and dispositions.

## WHAT IS MANAGEMENT INFORMATION?

It is easy to confuse the terms management information and operational information. One effect is to mislead prosecutors into believing they have adequate case management information when they only have operational information.

Operational information provides information needed to run an office like:

- Case status or where cases are in the pipeline of the court system
- Attorney inventories or what assistants are responsible for what cases
- Tomorrow's docket or what files need to be pulled
- Other scheduled hearings or how cases can be moved along to disposition

Management information provides information needed to assess your office's performance and to identify areas needing change or improvement. Management information about case processing and dispositions provides answers to many important questions like:

- How good are my conviction rates?
- Why does my office have so many poor quality cases?
- Are too many cases being dismissed?
- Why are trial calendars breaking down?
- Are my assistants following my plea policy?
- Which assistants are keeping up with their cases, which are not?
- What areas need priority attention?
- Have the changes I made had any effect?

The primary difficulties with management information are that few prosecutors know what information should be collected and even fewer know how to interpret the information once it is collected.

Attorneys typically are not trained to look at case statistics and know what they mean. Presented with a graph of the number of cases filed for the past 5 years, they can observe whether their caseload has increased or decreased. But presented with a graph comparing plea and dismissal rates, they are more often unable to “interpret” the findings. As a result, statistics typically invite a response somewhere between, “Oh, isn’t that interesting” and “Very nice.”

This guide has a single purpose: To help prosecutors translate the numbers and figures that describe the operations of their offices into management information for decisionmaking.

## ORGANIZATION OF THE GUIDE BOOK

We start with the basic assumption that most prosecutors do not know what information they need for management and, even if they had it, they would not know how to interpret it.

Therefore, our approach is much like the TV show, *Mission Impossible*. We have enlisted Management Information (M.I.) Detective, an excellent prosecutor administrator, to present information puzzles he has received from various prosecutors’ offices. Through a series of memos he asks Inspector Anna Lyst, an expert management analyst, to solve the puzzles and explain what the information means.

We begin with an assessment of your management information I.Q. Actually, this examination indicates the degree to which you already collect and use information that is useful for managing your office. It also places your office within a management information environment indicating its relative adequacy.

Section 2 presents puzzles designed to increase your skills in deciphering numbers and reading meaning into typically boring statistics.

We start the process by moving inside the office to examine case management statistics and describe how they should be used and interpreted. The measures, as you will see, conform to the major dispositional areas found in a felony case processing system.

Once we have examined the measures, Section 3 will present trend data for convictions, dismissals, backlog, and staffing; and describe how you interpret them.

Throughout Sections 2 and 3 you are asked to select the office that is the most like yours. Your responses to these questions are used in Section 4.

Section 4 presents a “preliminary assessment” of how well your office manages its caseload. It shows you how to identify areas that may need attention. It also directs you to possible sources of management information.

We strongly recommend that you refer to other guides developed for the *Promoting Innovation in Prosecution* project for more detailed information and assistance.

## READING THE GUIDE BOOK

Examining the performance of your office is like a puzzle. What one set of numbers seems to say may have to be verified by another set of numbers. Sometimes solving the puzzle may entail looking at other pieces of information to verify what initially seems valid.

For example, we can look at conviction rates alone but we cannot say whether they are high or low until we look at other evidence, like dismissal rates or rejection rates. Prosecution is not a steady state. The numbers that provide you with management information and help you improve your office will change over time.

At the conclusion of the guide, we ask for your comments and critique.

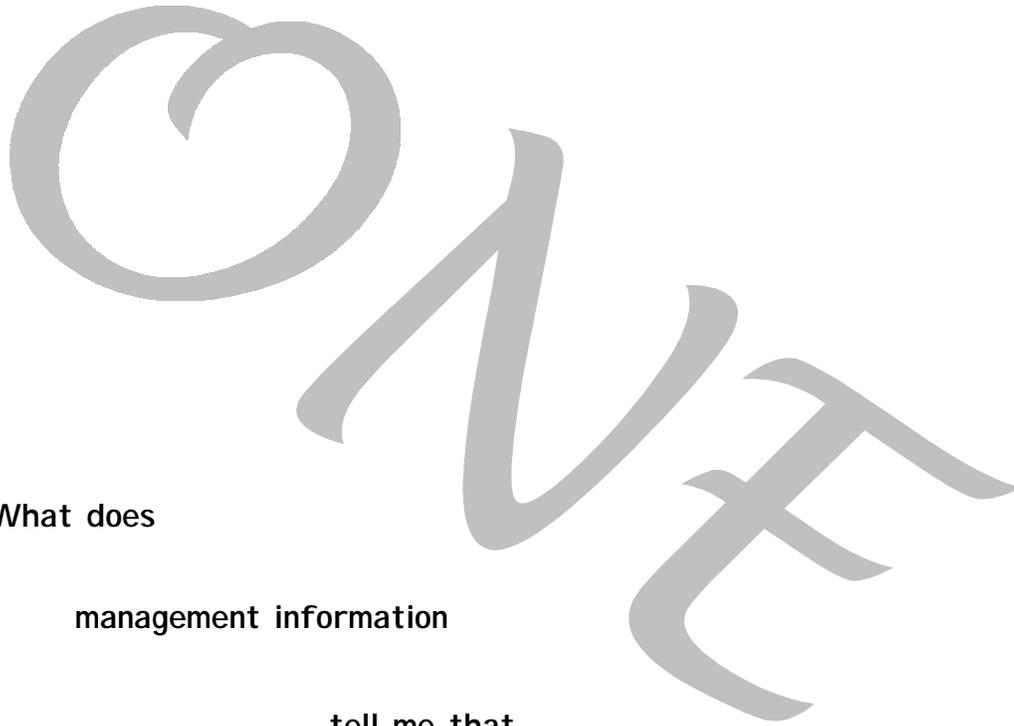
We hope you will have some fun solving the case management puzzles!

## TABLE OF CONTENTS

<b>SECTION ONE - RATING YOUR MANAGEMENT INFORMATION I.Q.</b> .....	1
<b>SECTION TWO - CASE MANAGEMENT INFORMATION MEASURES</b> .....	4
Screening Rates .....	5
<input type="checkbox"/> Accept	
<input type="checkbox"/> Reject	
<input type="checkbox"/> Further Information Ordered (FIO)	
Dismissal Reasons .....	11
<input type="checkbox"/> Win	
<input type="checkbox"/> Loss	
<input type="checkbox"/> Neutral	
Plea Patterns.....	14
<input type="checkbox"/> Plea to Original	
<input type="checkbox"/> Plea to Lesser	
<input type="checkbox"/> Trial	
Dismissal Differentiation.....	19
<input type="checkbox"/> Dismissal	
<input type="checkbox"/> Plea to Lesser	
<input type="checkbox"/> Plea to Original	
Outcome Outlets.....	24
<input type="checkbox"/> Preliminary Hearing	
<input type="checkbox"/> Arraignment	
<input type="checkbox"/> After Arraignment/Before Trial	
<input type="checkbox"/> 1st Day of Trial	
Continuance Costs.....	29
<input type="checkbox"/> Preliminary Hearing	
<input type="checkbox"/> Arraignment	
<input type="checkbox"/> Pretrial Conference	
<input type="checkbox"/> Trial	
<b>SECTION THREE - INTERPRETING CHANGE TRENDS</b> .....	33
Performance Trends.....	34
<input type="checkbox"/> Conviction	
<input type="checkbox"/> Dismissal	
Backlog .....	39
<input type="checkbox"/> Date Cases Filed	
<input type="checkbox"/> Date Cases Disposed	
Rates of Change .....	42
<input type="checkbox"/> Felonies Filed	
<input type="checkbox"/> Serious Violent Crime Arrests	
<input type="checkbox"/> ADA Positions	
<input type="checkbox"/> Population	
<b>SECTION FOUR - ASSESSMENT AND ACTION</b> .....	45

ACCEPT FOR PROSECUTION	REJECT FOR PROSECUTION	FURTHER INFORMATION ORDERED OR REQUESTED (FIO)	DISMISSAL WIN	DISMISSAL LOSS
------------------------	------------------------	--	---------------	----------------

# RATING YOUR MANAGEMENT INFORMATION I.Q.



What does  
management information  
tell me that

I don't already know?



DISMISSAL  
NEUTRAL

PLEA  
ORIGINAL

PLEA  
LESSER

PRELIMINARY  
HEARING

ARRAIGNMENT

AFTER ARRA  
BEFORE TRIAL

RATES OF CHANGE	BACKLOG	PERFORMANCE TRENDS	CONTINUANCES	1ST DAY OF TRIAL
-----------------	---------	--------------------	--------------	------------------

# WHAT IS YOUR MANAGEMENT INFORMATION I.Q.?



Please check don't know (DK) where applicable

	<u>DK</u>		<u>DK</u>
<b>1. What is your felony</b>		<b>6. What percent of your felony cases go to trial?</b>	
___ conviction rate	<input type="checkbox"/>	_____	<input type="checkbox"/>
___ incarceration rate	<input type="checkbox"/>	<b>7. What is your felony continuance rate?</b>	
___ dismissal rate?	<input type="checkbox"/>	_____	<input type="checkbox"/>
<b>2. Have any of these rates changed over the past five years?</b>		<b>8. How many attorney hours are wasted annually preparing for cases that are continued?</b>	
Which ones? _____	<input type="checkbox"/>	_____	<input type="checkbox"/>
How, up or down? _____	<input type="checkbox"/>	<b>9. What percent of your felony cases are disposed of at:</b>	
<b>3. What percent of the felony cases submitted by your police are:</b>		___ preliminary hearing or probable cause hearing	<input type="checkbox"/>
___ declined for prosecution	<input type="checkbox"/>	___ at arraignment	<input type="checkbox"/>
___ sent back for further investigation?	<input type="checkbox"/>	___ after arraignment but before trial	<input type="checkbox"/>
<b>4. What percent of felony cases:</b>		___ on the day of trial?	<input type="checkbox"/>
___ plead guilty to a lesser offense	<input type="checkbox"/>	<b>10. Could you answer these same questions for violent crimes, property crimes, drug cases or misdemeanors?</b>	
___ plead guilty to original offense?	<input type="checkbox"/>	___ yes    check DK, if no or DK	<input type="checkbox"/>
<b>5. What are your two most common reasons for dismissals of felony cases?</b>		<b>Total DK's checked</b> _____	
_____	<input type="checkbox"/>		
_____	<input type="checkbox"/>		



# DO YOU HAVE THE BASIC INFORMATION NEEDED FOR CASE MANAGEMENT?



## RESULTS:

Calculate your information score:

1. Enter the total number of DK's checked on previous page.
2. Multiply the total by 5.
3. Enter your score in the box.

	_____
X	5
→	

Example:  
 Total DK's checked = 13  
 Multiply by 5 =  $\underline{x 5}$   
 Score = 65

## DIAGNOSIS

If your score is:



### 25 or less

You are fortunate to have most of the necessary information for managing your office. Your next step is to use it for case management.

office's performance. Your next step is to develop missing information. This guide should help you identify and prioritize these areas.

### 26-50

You have some information available but you may be missing sensitive information. Your next step is to fill in the gaps where information is missing.

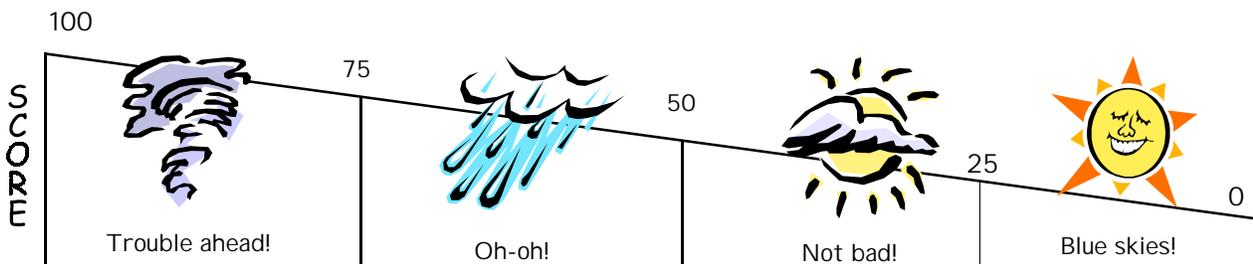
### 76-100

If your score is this high you should be concerned that case management decisions are most likely made on an *ad hoc* basis relying on experience, intuition, hearsay or rumor. Your first priority is to work with a management analyst who will help you start the information gathering process in a logical and efficient way. This guide should help both you and the analyst identify what information is needed and why.

### 51-75

Your office lacks at least one-half of the information you need to manage case processing. This limits your ability to make decisions and to judge the quality of the

Find your management information environment below:



ACCEPT FOR PROSECUTION	REJECT FOR PROSECUTION	FURTHER INFORMATION ORDERED OR REQUESTED (FIO)	DISMISSAL WIN	DISMISSAL LOSS
------------------------	------------------------	--	---------------	----------------

# CASE MANAGEMENT INFORMATION



Even if I had

management information,

What would I do with it?

What does it mean?



DISMISSAL  
NEUTRAL

PLEA  
ORIGINAL

PLEA  
LESSER

PRELIMINARY  
HEARING

ARRAIGNMENT

AFTER ARRA  
BEFORE TRIAL

RATES OF CHANGE	BACKLOG	PERFORMANCE TRENDS	CONTINUANCES	1ST DAY OF TRIAL
-----------------	---------	--------------------	--------------	------------------



# Rejection Riddles



## Screening Rates



### Did you know?

- ♻️ The majority of prosecutors (55%) decline between 7% and 30% of cases referred to them.
- ♻️ A little over 1 in 4 prosecutors decline more than 30% of cases referred by police.
- ♻️ Decisions about whether to charge a crime are based primarily on two factors: the seriousness of offense, and the legal evidentiary strength of the case.
- ♻️ Time from arrest to filing charges reduces a prosecutor's ability to make informed decisions. 34% of offices reported 24 hours or less to file.
- ♻️ Higher declination rates were reported when time to filing exceeded 48 hours primarily because more information becomes available.

# MEMO



TO: Inspector Anna Lyst  
 FROM: M.I. Detective  
 SUBJ: Rejection Riddle

It has come to my attention that the decisions made at intake and screening give us the first clues about:

- the policy of prosecutors' offices,
- how well the prosecutor controls the gate to the courts (and the criminal justice system), and
- some indication of the quality of police reporting.

Four offices have submitted data about cases accepted, rejected and sent back to the police with further investigation ordered (FIO).

Question: what do these screening statistics tell you? Which office appears to best control the gate to the courts?

Please keep me informed of your progress.

Attachment

#### Citation:

*Basic Issues in Prosecution and Public Defender Performance*, J.E. Jacoby. National Institute of Justice: Washington, D.C. 1982.



# ATTACHMENT

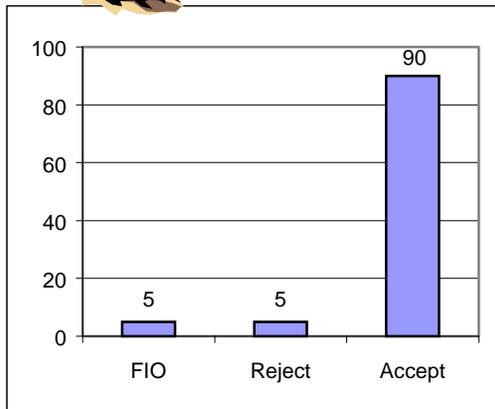
## Screening Rates



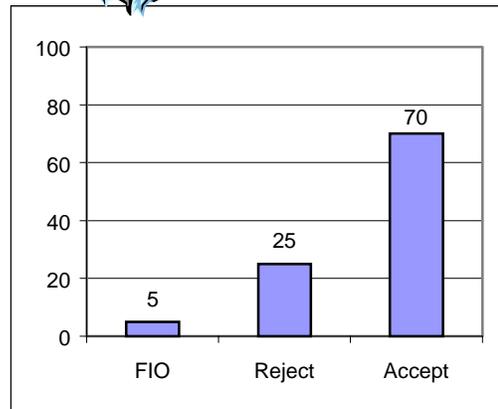
Q.1: WHICH ONE IS MOST LIKE YOUR OFFICE ?    A    B    C    D  
           



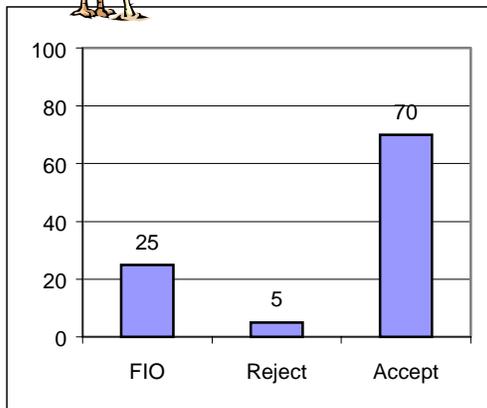
Office A



Office B



Office C



Office D



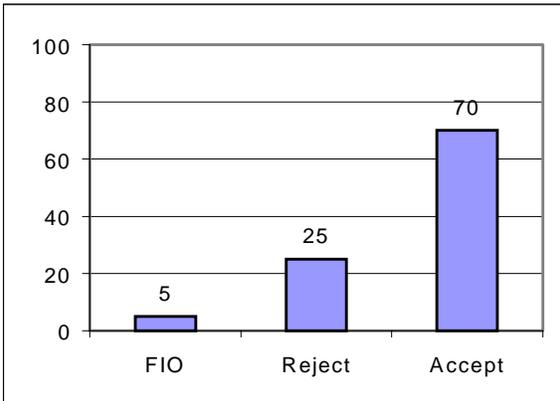


# Report

TO: M.I. Detective  
FROM: Inspector Anna Lyst  
SUBJ: Screening: Office B



## Office B is my choice for having the best control over the gate.



It has a fairly substantial rejection rate and does not return many cases for further investigation.

In all likelihood, the prosecutor carefully reviews the facts and is not afraid to decline prosecution (as indicated by the 25 percent rejection rate).

He also receives well-prepared cases from the police. This is evidenced by the small percent of cases sent back for additional information.

Conclusions:

*This office presents an interesting puzzle that has two scenarios:*

- 1. If police reports are adequate (few FIOs), then why are 25% of the cases rejected?  
Is it because police are not informed about the prosecutor's charging policies?  
Is it because the cases have evidentiary problems, e.g. Miranda, lineups, evidence, witnesses that police are not trained to see?*
- 2. If police reports are inadequate, (25% rejected), then why are so few FIOs ordered?  
Is it because screening attorneys don't order FIOs when they should and instead reject cases that might be acceptable with additional investigations?*

*If scenario 1 is the case, then I would select this office since the rejection rate may be improved with better communication and training between the police and prosecutor.*

*If scenario 2 is the case, then the screening attorneys' work should be monitored to make sure that potentially good cases are not passed over. Perhaps more experienced screeners would help.*







# Dismissal Division



## Reasons for Dismissals



### Did you know?

-  The percent of felony cases dismissed for all reasons can range from a low of 5% to a high of 50%.
-  Dismissals are the most sensitive of all diagnostic tools used by management.
-  The "reasons" for dismissals pinpoint problems and identify areas needing management attention.
-  Some dismissals should be included in the prosecutors conviction rate, others should be equated to losing a prosecution.



# MEMO



TO: Inspector Anna Lyst  
 FROM: M.I. Detective  
 SUBJ: Dismissal Division

I have been thinking about dismissals. After all these years I now realize that they provide some of the best information about the quality of prosecution.

First though, we have to classify dismissals by whether they reflect a win, a loss or are neutral. I have attached a list of dismissal reasons divided into these categories (You may want to add to them).

After you have reviewed the reasons and added others, if necessary, I would like you to match some management situations with the reasons for certain dismissals.

Please send me your results.

Attachment

#### Citations:

*Evaluation of the Violent Offender Prosecution Program Executive Summary*; J.E. Jacoby, E.C. Ratledge, P.S. Gilchrist. Illinois Criminal Justice Information Authority: Chicago, IL. 1998.

*Prosecutor's Guide to Case Management*; J.E. Jacoby, P.S. Gilchrist, E.C. Ratledge. Jefferson Institute for Justice Studies: Washington DC. 1998.



# ATTACHMENT

## Dismissal Division



### CLASSIFICATION OF DISMISSALS BY REASON AND VALUE TO PROSECUTION

Dismissals that prosecutors can declare as:

#### WIN

- Plea to another case
  - Plea to a case in another jurisdiction
  - Satisfied diversion or treatment, etc
- 
- 

#### NEUTRAL

- Prosecutor does not have jurisdiction
  - Defendant absconded
  - Defendant died
- 
- 

#### LOSS

- No probable cause
  - Lack of speedy trial
  - Lack of evidence
  - Constitutional issues  
(e.g. Miranda not given,  
Bad search and seizure)
  - Police not available
  - Witness no-show
  - Complaining witness refused  
to cooperate
  - File lost
- 
- 

Please add other reasons.



# Dismissal Reasons

**Mix  
and  
match**



**MATCH THE TYPES OF DISMISSALS WITH THE SITUATIONS  
THEY MOST LIKELY REFLECT**

Read the reason for dismissal, then find the situation that most likely caused it. Write your answer in the space provided. *(You may have more than one answer for the dismissal.)*

Reason for Dismissal	Situation	Situation
1. Lack of evidence	_____	A. Poor prosecutor screening
2. Lack of speedy trial	_____	B. Poor case management by trial attorney
3. Constitutional issues	_____	C. Basic problems with victim-witness coordination and notifications
4. Witness no-show	_____	D. Inadequate police investigation
5. No probable cause	_____	E. Basic problems with police notification
6. Complaining witness refused to cooperate	_____	F. Negotiated plea
7. Police not available	_____	G. Good coordination with other jurisdictions or statewide information systems available to your office
8. Plea to another case	_____	H. Defendant's free will prevailed over police's and investigator's attention to case
9. Plea to case in another jurisdiction	_____	I. Higher powers intervened
10. Prosecutor does not have jurisdiction	_____	
11. Defendant absconded	_____	
12. Defendant died	_____	

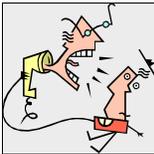
Answers: 1-A,D; 2-B,C; 3-A; 4-C; 5-A,D; 6-C,A; 7-E; 8-F; 9-G; 10-A,B; 11-H; 12-I  
Number you answered correctly \_\_\_\_\_ .



# Plea Pattern Puzzlers



Pleas and Trials



Did you know?

✦ In the 75 largest counties

- 92% of all convictions were obtained by a guilty plea
- The highest conviction rates were for driving-related offenses (86%)
- The least likely to be convicted were defendants charged with assault (53%)
- About 5 in 6 guilty pleas were to a felony
- Murder defendants were most likely to go to trial

✦ A reliable indicator of plea negotiation is a guilty plea to a lesser charge.

✦ As cases increase in importance and severity they are more likely to be disposed by a trial.

✦ The number of jury trials is limited by the number of judges sitting criminal and is approximately 25 per year per judge, or 2 a month.

# MEMO



TO: Inspector Anna Lyst  
 FROM: M.I. Detective  
 SUBJ: Plea Patterns

Although many people condemn plea bargaining, the reality is that typically 90 percent or more of convictions are based on guilty pleas even though plea negotiation policies may differ widely among offices.

Three prosecutors have sent me information (see attachment) about the percent of cases that are disposed by pleas and trials. They have classified the guilty pleas into two categories: a plea of guilty to the original (PGO) charge or a plea of guilty to a lesser (PGL) charge.

If I have this information, does it provide any useful information about the prosecution of cases in this office? Is one pattern better than another?

Please keep me informed of your progress.

Attachment

Citations:

*Felony Defendants in Large Urban Counties*; B. A. Reaves. Bureau of Justice Statistics: Washington DC. 1998. NCJ-164616  
*Basic Issues in Prosecution and Public Defender Performance*; J.E. Jacoby. National Institute of Justice: Washington DC. 1982.



ATTACHMENT

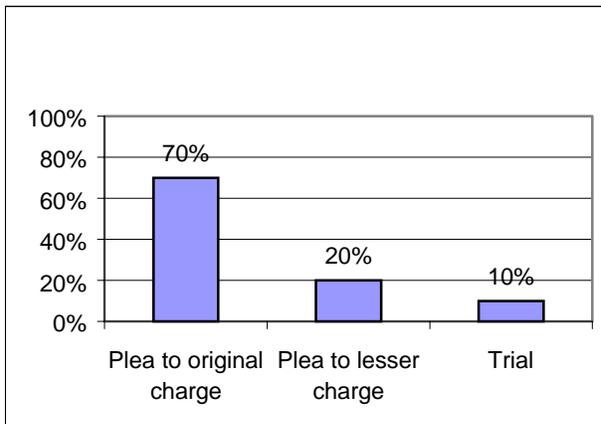
# Plea Pattern Puzzlers



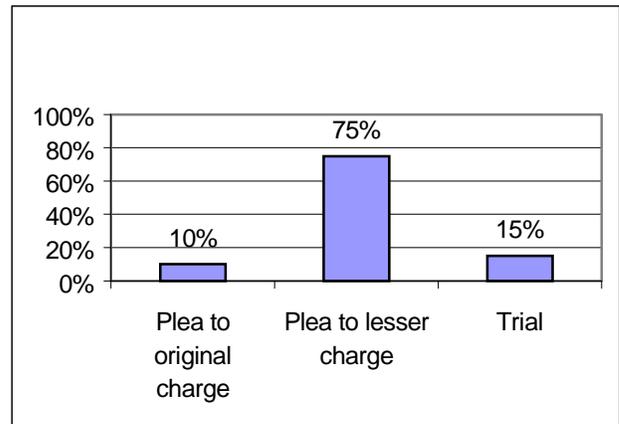
Q.2: WHICH ONE IS MOST LIKE YOUR OFFICE ?    A    B    C  
       



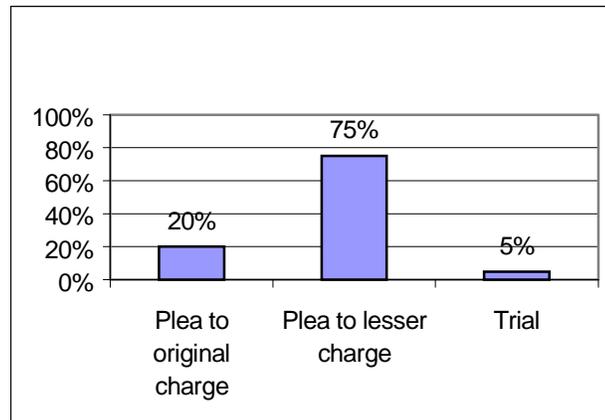
Office A



Office B



Office C



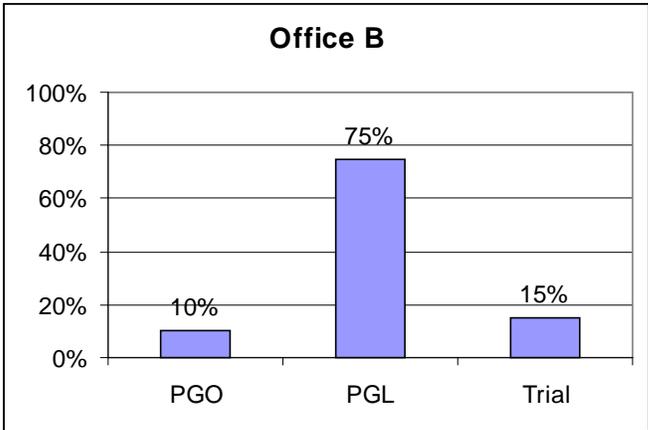


# Report

TO: M.I. Detective  
FROM: Inspector Anna Lyst  
SUBJ: Plea Patterns: Office B



## Office B is typical!



Plea negotiation is the most common means for case disposition.

Some cases result in pleas to the original charge and the rest are disposed by trial.

Whether the office engages in sentence bargaining in addition to charge bargaining cannot be determined from this data, but it is likely.

Conclusions:

Although this is a typical dispositional pattern for many offices, it does not necessarily mean that the office is managed or operated efficiently. Negotiated pleas may result from poor screening and charging, the absence of a plea policy, or too much discretion delegated to trial attorneys without follow-up or review to ensure that they are not "giving away the store."

The 15% trial rate suggests a breakdown in the plea bargaining process. I would expect to see a rate in the single digits.

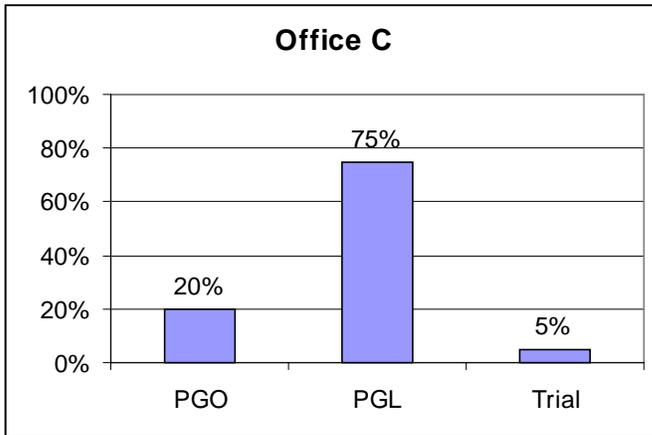
I would look at the negotiation process, particularly how defense counsel and trial attorneys communicate and how offers are negotiated. Then I would review some dispositions to make sure assistants were not "giving away the store."

# Report

TO: M.I. Detective  
FROM: Inspector Anna Lyst  
SUBJ: Plea Patterns: Office C



Office C has good control over the disposition process!



This pattern suggests that the office has good control over the disposition process and is sensitive to the need to reduce trials. The most striking part is the low trial rate, 5 percent.

The office is not opposed to negotiation as indicated by the 75 percent plea rate to lesser charges, but it also obtains a relatively high proportion of pleas to the original

charge. This may indicate good case management and plea negotiations that are subject to tightly controlled procedures and practices, such as cut-off dates for offers, pretrial conferences and early discovery.

Conclusions:

*This pattern is efficient because trials place the highest demand on resources. Keeping them under control frees up attorneys so they can handle more cases.*

*However, I would caution the prosecutor to make sure that the attorneys are not overcharging simply to get a plea.*



# Dismissal Differentiation



## Pleas and Dismissals



Did you know?



In 11 states reporting felony pre-adjudication dispositions:

- The court dismissed 23% of the cases of persons arrested and prosecuted for a felony.
- The highest percent of dismissals occurred for violent crimes (34% of all defendants).
- 32% of felony prosecutions that resulted in convictions were convicted as misdemeanors.



If dismissal rates are reduced, the guilty plea rate will rise.



The reasons for dismissals shed light on where case management problems exist.

# MEMO



TO: Inspector Anna Lyst  
 FROM: M.I. Detective  
 SUBJ: Plea and Dismissal Patterns

The importance of dismissals in judging an office's performance should not be underrated. They provide valuable insight into management and operations especially when they are compared to other dispositions.

Examination of all cases disposed by negotiated pleas of guilty, pleas to original charges, convictions or acquittals by trial and dismissals will shed light on the quality of screening and case management.

Three offices have sent me data about the percent of cases disposed by pleas and dismissals (see attachment). I am especially interested in your interpretation and evaluation of their case management practices.

Please keep me informed of your progress.

Attachment

### Citations:

"Tracking Offenders, 1990" J. Perez. *Bureau of Justice Statistics Bulletin*, Bureau of Justice Statistics: Washington, DC. 1990. NCJ-148200  
*Evaluation of the Violent Offender Prosecution Program Executive Summary*; J.E. Jacoby, E.C. Ratledge, P.S. Gilchrist. Illinois Criminal Justice Information Authority: Chicago, IL. 1998.



# ATTACHMENT

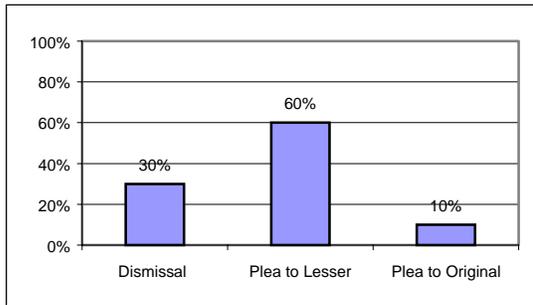
## Plea and Dismissal Patterns



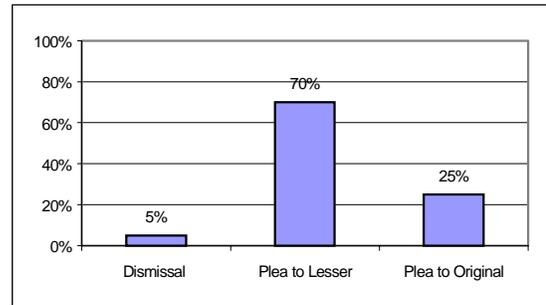
Q.3: WHICH ONE IS MOST LIKE YOUR OFFICE ?    A    B    C  
       



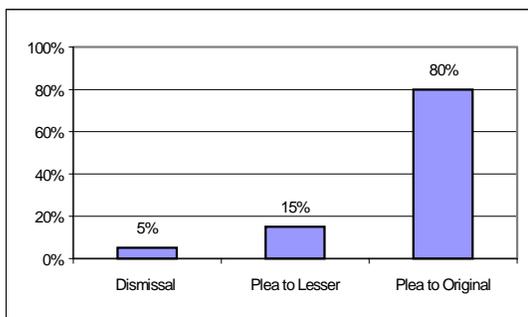
Office A



Office B



Office C



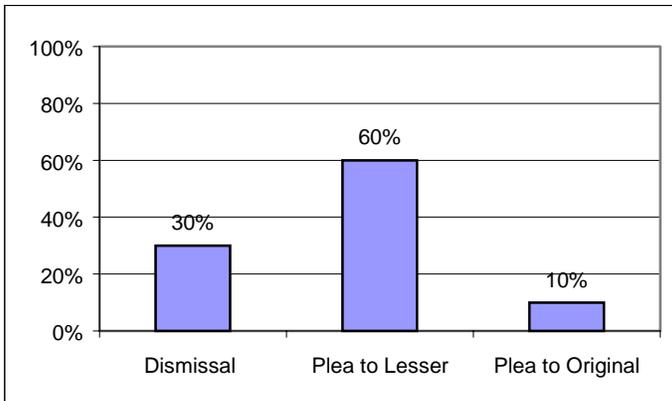
Note: Since the percent of cases disposed by trial is very small in relation to all dispositions, I have excluded them from this comparison and given you rates for only dismissals, pleas to original charges and pleas to lesser charges. This will emphasize the dynamics among dispositions.

# Report

TO: M.I. Detective  
FROM: Inspector Anna Lyst  
SUBJ: Dispositions: Office A



Office A exhibits symptoms of poor case management control.



Far too many cases are dismissed, probably reflecting poor screening, inexperienced attorneys doing trial preparation or poor victim-witness follow through.

Negotiated pleas dispose of almost all the remaining cases. Few cases plead to the original charge.

It is important to note that the plea rate could be significantly increased if the dismissal rate was reduced.

Conclusions:

Reducing dismissal rates should be given top priority. I would look at the quality of the screening function to identify how many "weak" cases are being accepted that should not be.

I also would look at the reasons for dismissals to identify problem areas such as witness availability, and to pinpoint areas where case management needs improvement.

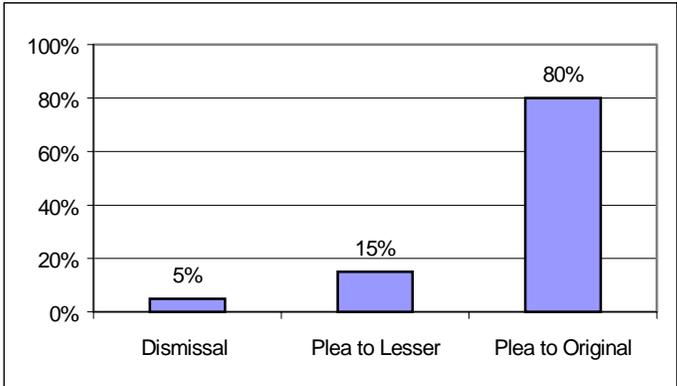


# Report

TO: M.I. Detective  
FROM: Inspector Anna Lyst  
SUBJ: Dispositions: Office C



Office C is an efficient "no plea bargaining" office.



The low dismissal rate indicates good screening and/or good police reporting that eliminates weak cases.

The high rate of pleas to original charges means either that the office does not change charges once they are filed or it negotiates sentences.

The relatively low percent of pleas to lesser offenses confirms the "no plea bargaining policy." Given the low dismissal rate, good screening controls the gate to the adjudication process.

Conclusions:

A high plea rate to the original charge may be offset by sentence bargaining. To test for this I would examine incarceration rates. They should be relatively stable over time, I would also compare the sentences imposed for violent felony crimes with all other felonies. The violent crime cases should produce sentences significantly higher than all other felonies.

I would also expect to find experienced attorneys making charging decisions and little discretion given to trial attorneys to reduce pleas, make sentence recommendations or dismiss cases.

A no plea bargaining stance is a difficult position for a prosecutor to maintain. It requires accountability and controls on prosecutorial discretion and the support of the court.



# Outcome Outlets



## Location of Dispositions



### Did you know?

-  Most felony cases are disposed of in the period between arraignment and trial.
-  A high rate of guilty pleas on the first day of trial suggests problems in case management.
-  Streamlining the front end of the process (indictment to arraignment) to obtain early dispositions significantly affects later steps. It reduces pressure on the trial stage, increases guilty pleas and reduces jury trials.
-  Speeding up dispositions reduces the average number of days defendants are detained pretrial.
-  Establishing a triage to identify cases likely to be disposed early on, is an essential first step in case management.

# MEMO



TO: Inspector Anna Lyst  
 FROM: M.I. Detective  
 SUBJ: Outcome Outlets

The most important factors in buying and selling real estate is location, location, location. I think it is also true in judging the case processing performance of an office.

If we divide adjudication into processing steps and look at where cases are disposed, we gain good insight into the character of the office and the court.

For example, if we measure the percent of cases disposed at preliminary hearing, arraignment, after arraignment and before trial and on the first day of trial, we can determine whether the prosecutor's system is efficient, has case management problems or even problems with the court and defense counsel.

I recognize that some offices do not use a preliminary hearing. However, for this example I used offices with preliminary hearings to show how they may be a disposition outlet. Your job is to examine the information supplied by three offices (see attachment) and tell me what the different patterns mean.

Attachment

#### Citation:

"Expedited Drug Case Management Programs: Some Lessons in Case Management Reform," J. E. Jacoby. *The Justice System Journal*, Vol 17:1. Institute for Court Management, National Center for State Courts: Williamsburg, VA. 1994.



# ATTACHMENT

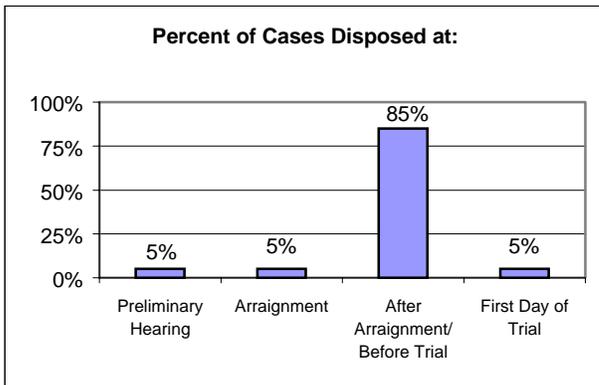
## Outcome Outlets



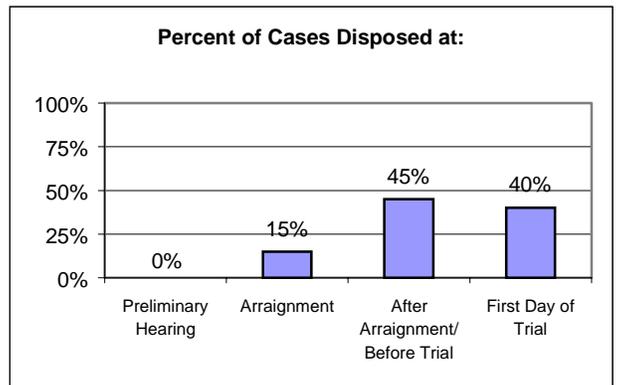
Q.4: WHICH PROCESS IS MOST LIKE YOURS?    A    B    C  
       



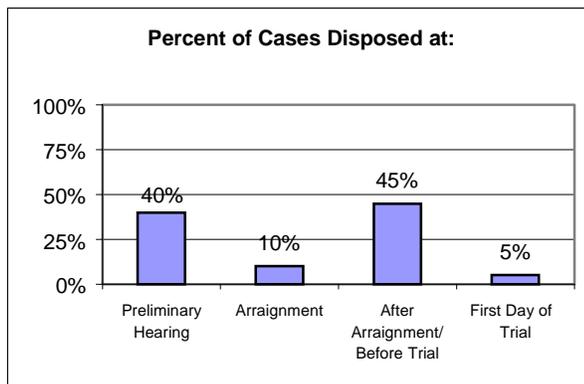
Office A



Office B



Office C











# Continuance Costs

\$ Continuance Costs Weighted \$



Did you know?

- \$ Continuances can add 12-34% more work that is unproductive.
- \$ Translated into staffing, continuances can add as much as the full-time equivalent of 1 to 6 attorneys (and related staff).
- \$ Continuances are not very informative if they do not account for the amount of work attached to the court proceeding in which they occur.
- \$ Continuances will vary by process. The percent of cases continued is usually highest in the pre-trial stage after arraignment, and lowest in the post-trial stage.
- \$ Reducing continuances will free up resources in an office for other work.

# MEMO



TO: Inspector Anna Lyst  
 FROM: M.I. Detective  
 SUBJ: Continuance Costs

Continuances occur when cases scheduled for a hearing do not advance to the next step. I know that continuances are the fastest way to move cases through a calendar, so there is always an incentive to grant them.

A colleague developed a concept called Snapshot - Spinaround. He took a picture, for one month, of all cases scheduled for each type of hearing. He counted the number that were set for hearings each day and the number that did not move to the next process step (i.e., were continued or not reached). Then he divided the total continued by the total set to calculate the spinaround rate for each hearing.

I have attached the results for your review and comment. Your task is to examine them and propose some responses. Is this a suitable approach?

Please keep me informed of your progress.

Attachment

Citations:

*Some Cost of Continuances*; J.E. Jacoby, C.R. Link, & E.C. Ratledge. Jefferson Institute: Washington D.C. 1980



**ATTACHMENT**

# "Snapshot Spinaround"

A Picture of Continuances  
Occurring in One Month



Q.6: WHERE DO MOST CONTINUANCES OCCUR IN YOUR OFFICE?

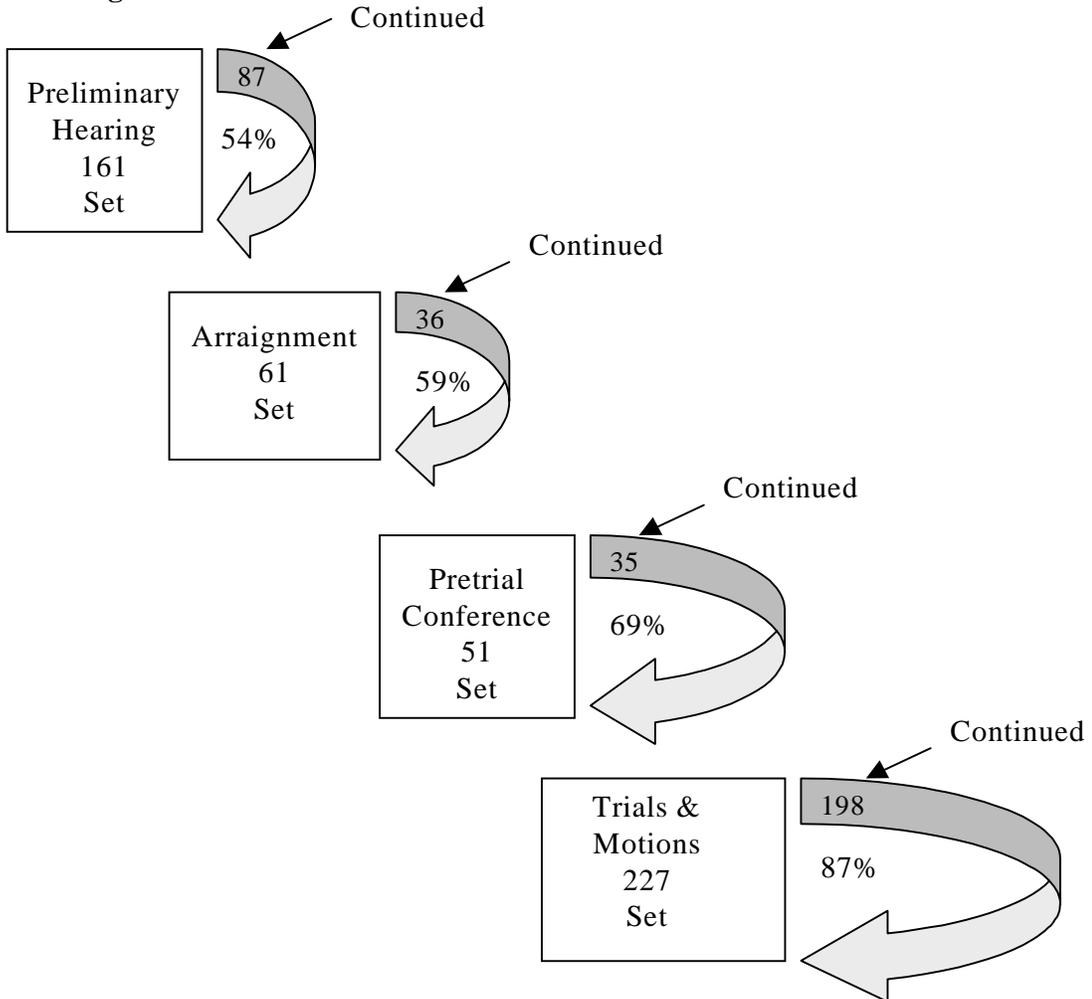
PH

ARR

PTC

Trials

## Hearings Set







# ATTACHMENT



## Weighting Continuances

For example:  
If the average hours of attorney effort (in and out of court) is as follows:

Preliminary hearing	0.6 hours
Arraignment	0.8 hours
Pretrial conference	1.1 hours
Trials & motions	2.5 hours

Then, total work expended is:

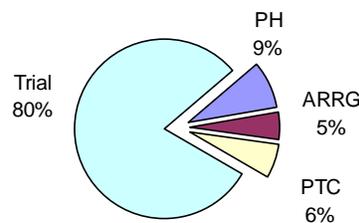
	Number of Settings	X	Hours	=	Work
Preliminary hearing	161		0.6		96.6
Arraignment	61		0.8		48.8
Pretrial conference	51		1.1		56.1
Trials & motions	<u>227</u>		2.5		<u>567.5</u>
Total Settings	500				769

### But—

If we identify the time spent on cases continued in the same month, then we can estimate wasted time:

Cases continued	Number of Settings	X	Hours	=	Wasted work
Preliminary hearing	87		0.6		52.2
Arraignment	36		0.8		28.8
Pretrial conference	35		1.1		38.5
Trials & motions	<u>198</u>		2.5		<u>495.0</u>
Total	356				614.5

Percent distribution effort wasted by continuances



### So—

For 769.3 hours of scheduled work, 614.5, or 80 percent of the scheduled work did not move cases forward.

If we multiply the 614.5 wasted man-hours by 12 months, then 7,374 hours of work is unproductive. Based on a working year of 1,808 hours, this is the equivalent of 4.1 full-time attorneys.

*Note: As a further refinement, estimates of attorney effort that result in continuances may be reduced because "in court" time generally is less. "Out of court" preparation time remains the same whether the case is continued or not.*

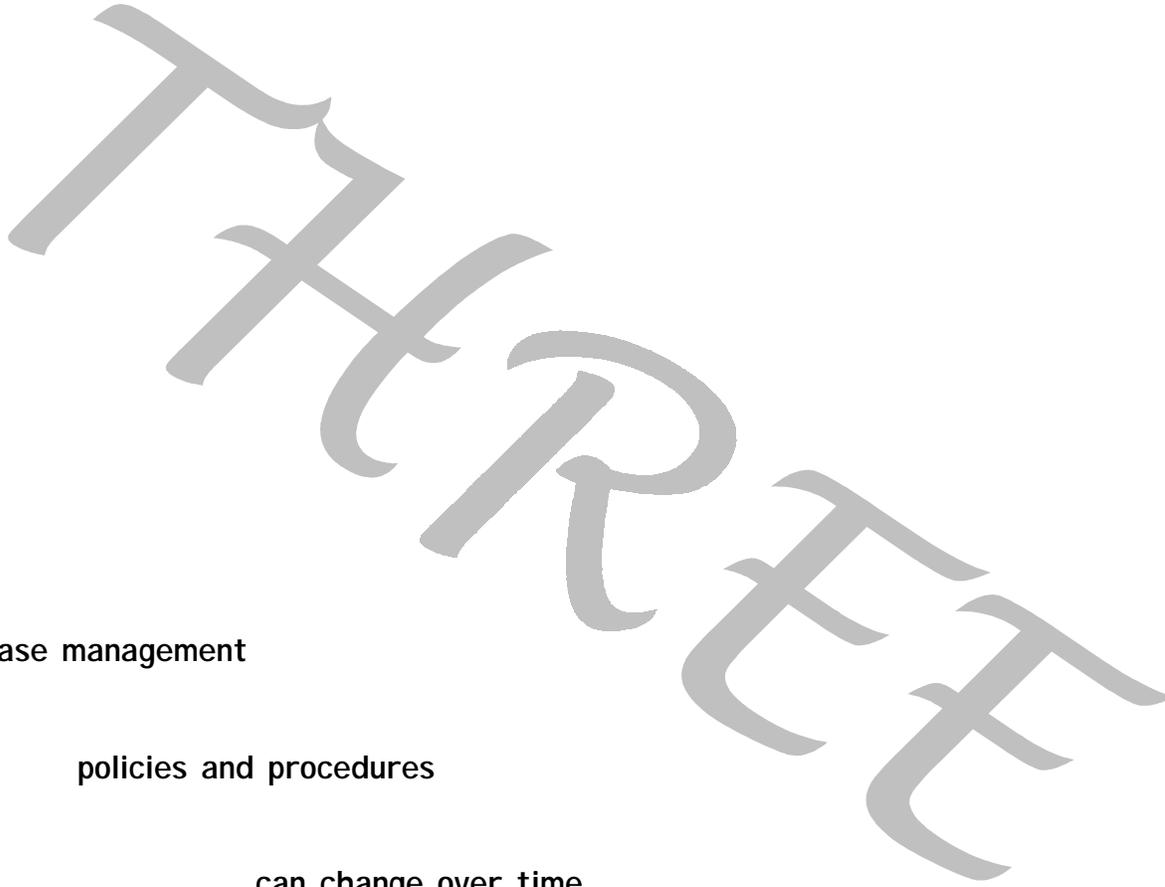
Result in this example:  
 80% of the office's attorney effort is wasted by continuances!  
 4.1 attorney years are spent on unproductive work.

### Citations:

Some Cost of Continuances; J.E. Jacoby, C.R. Link, & E.C. Ratledge. Jefferson Institute: Washington D.C. 1980

ACCEPT FOR PROSECUTION	REJECT FOR PROSECUTION	FURTHER INFORMATION ORDERED OR REQUESTED (FIO)	DISMISSAL WIN	DISMISSAL LOSS
------------------------	------------------------	--	---------------	----------------

# INTERPRETING CHANGE



Case management

policies and procedures

can change over time.

Some cautionary notes...



DISMISSAL  
NEUTRAL

PLEA  
ORIGINAL

PLEA  
LESSER

PRELIMINARY  
HEARING

ARRAIGNMENT

AFTER ARRG  
BEFORE TRIAL

RATES OF CHANGE	BACKLOG	PERFORMANCE TRENDS	CONTINUANCES	1ST DAY OF TRIAL
-----------------	---------	--------------------	--------------	------------------



# universal ubiquities



## Performance Trends



### Did you know?

- Trend data show overall changes in office performance - good or bad.
- You should not evaluate the effects of programs unless you first consider whether they are operating in an environment that is changing.
- Trends suggest broad areas of improvement or deterioration.
- You should make sure that the definitions used for measures have not changed over time (e.g. the number of cases first counted charges, later counted defendants).
- You should count defendants not charges. It is the defendant who is prosecuted, not the charge.

# MEMO



TO: Inspector Anna Lyst  
 FROM: M.I. Detective  
 SUBJ: Performance Trends

Convictions, acquittals, dismissals!

The three universal measures most often used to compare one office to another. They are easy to understand, and to obtain because they generally can be found in court records. Conviction rates show the number of guilty pleas, conviction by trial and some “good” dismissals as a percent of all cases disposed.

But what do the rates tell us? What can the information be used for?

I have attached performance data sent to me by three offices, covering the past 5 years.

Your task is to put them in perspective. Tell me what they say about an office. Can I determine from these, which of the three offices is the best?

Attachment

#### Citations:

*Basic Issues in Prosecution and Public Defender Performance*; J.E. Jacoby. National Institute of Justice: Washington DC. 1982.

*Evaluation of the Violent Offender Prosecution Program Executive Summary*; J.E. Jacoby, E.C. Ratledge, P.S. Gilchrist. Illinois Criminal Justice Information Authority: Chicago, IL. 1998.



# ATTACHMENT

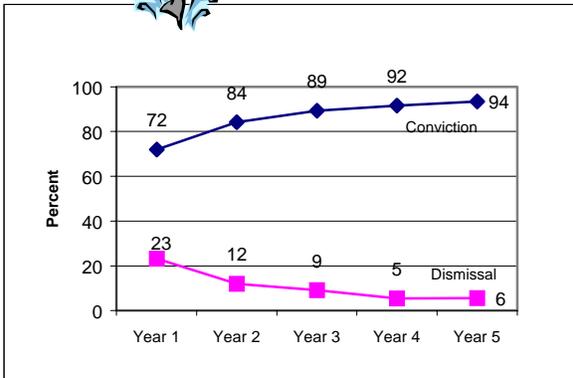
## Performance TRENDS



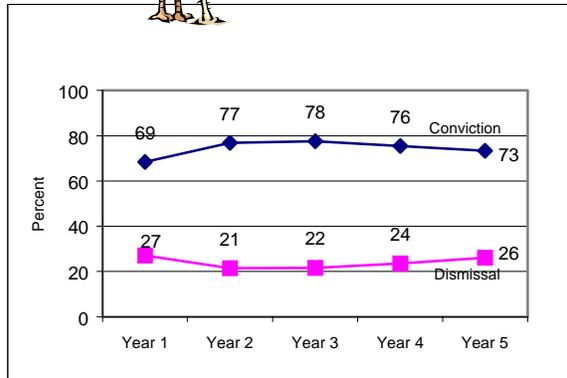
Q.5: WHICH ONE IS MOST LIKE YOUR OFFICE ?     A     B     C



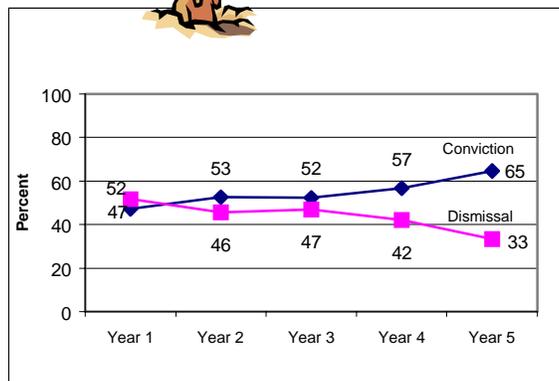
Office A



Office B



Office C

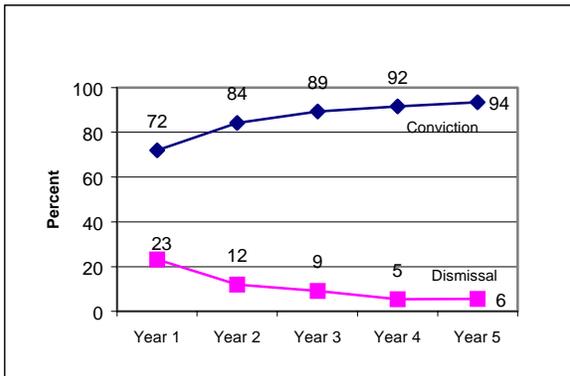


# Report

TO: M.I. Detective  
 FROM: Inspector Anna Lyst  
 SUBJ: Performance: Office A



## Office A is where a prosecutor wants to be!



Look at how convictions rates have improved over 5 years (they can't go much higher)!

Look at how dismissal rates have practically reached zero (they can't go much lower)!

This is the best of all possible prosecution worlds!

Conclusions:

*I would interject one cautionary note. If we thought convictions were increased because of extensive plea bargaining we could test for this situation by looking at incarceration rates for serious violent offenders.*

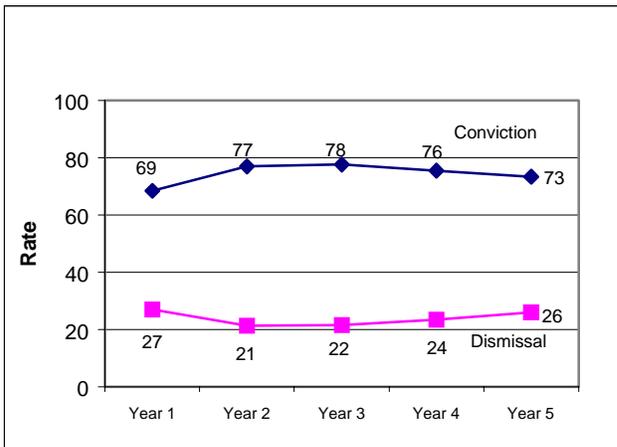
*Incarcerations should be substantially higher for violent offenders than for all over felony cases. If this is the case, then the office should be proud of its performance.*

# Report

TO: M.I. Detective  
 FROM: Inspector Anna Lyst  
 SUBJ: Performance: Office B



**Office B shows little positive change and some deterioration.**



This office shows little change over the years which is disappointing since it looked like it was improving in Years 1, 2, and 3.

In Year 5 the conviction rate declined (about 73 percent), down from a high of 78 percent in Year 3.

Dismissals which were decreasing in the first three years are rising again (at about 26 percent of the cases).

Conclusions:

*I wonder what happened in Years 4 & 5! Perhaps a new prosecutor was elected who changed screening and plea bargaining policies (for the worse, apparently).*

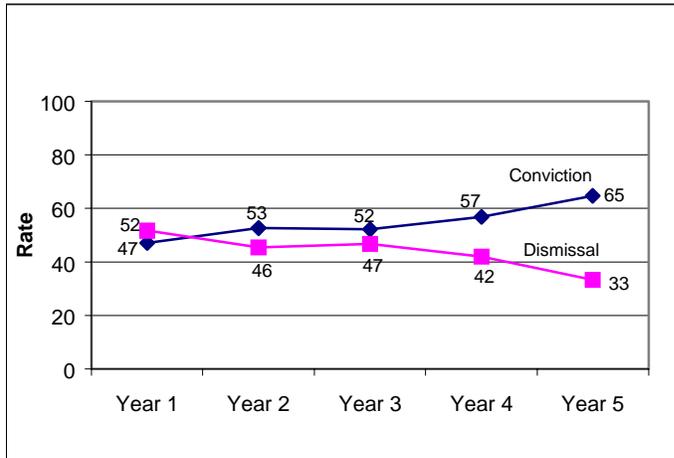
*Clearly, priority attention should be given to lowering the dismissal rate. Rates this high probably indicate either inadequate screening, poor police reporting or both. The key to lowering dismissals is not to accept weak cases in the first place.*

# Report

TO: M.I. Detective  
 FROM: Inspector Anna Lyst  
 SUBJ: Performance: Office C



Office C is improving steadily.



Look at how convictions have increased steadily over the years, from 52 to 65 percent in 5 years.

Look at how dismissals have decreased from almost one half of the cases dismissed in Year 1 to one-third in Year 5.

If this office continues on this improvement track it should be proud of its performance.

Conclusions:

This office is moving in the right direction but it needs to speed up its improvements. (A 65% conviction rate is still too low and dismissals are still too high).

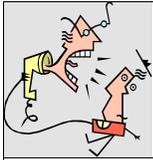
One useful strategy is to examine the reasons for dismissals. They should provide clues to where weaknesses and problems exist.



# Backlog Backlash



## Expediting Dispositions



### Did you know?

-  The median case processing time was 100 days for felony defendants in 1990. The highest median times were for homicide (207 days), arson (141 days) and rape (134 days) offenses.
-  87 percent of felony defendant cases are adjudicated within a year.
-  38 percent of all defendants are detained until the court disposed of their case.
-  25 percent of all felony defendant cases are dismissed.
-  Speeding up the disposition process reduces the court's inventory and increases jail capacity. In Philadelphia's Court of Common Pleas, expedited case processing increased the disposition rate from 66 percent to 79 percent and reduced the average number of jail bed days for detainees by 36 percent.

# MEMO



TO: Inspector Anna Lyst  
 FROM: M.I. Detective  
 SUBJ: Backlog Backlash

I was studying the conviction and dismissal rates described previously and I realized that we need to include another factor before we judge how well an office is performing. That factor is backlog.

For example, you may have what looks like very good conviction rates and low dismissal rates but if your office has a growing backlog of cases, then your office may be in more serious trouble than an office that does not have to cope with backlog.

There are a number of ways to define and measure backlog. Perhaps the simplest is to compare the difference between the number of cases filed and the number disposed in any given month or year. The difference between the two numbers is an indicator of backlog.

I have attached data from three offices that illustrate different backlog situations. I would like your comments and observations.

Please keep me informed of your progress.

Attachment

### Citations:

"Tracking Offenders, 1990," *Bureau of Justice Statistics Bulletin*. J. Perez. Bureau of Justice Statistics:Washington DC. June 1994, NCJ 148200.  
*Felony Defendants in Large Urban Counties, 1994*. B.A. Reaves. Bureau of Justice Statistics:Washington DC. Jan, 1998, NCJ-164616.  
 "Expedited Drug Case Management Programs, Some Lessons in Case Management Reform", Joan E. Jacoby, *The Justice System Journal*, National Center for State Courts. Vol 17/1, 1994.



# ATTACHMENT

## Backlog Backlash

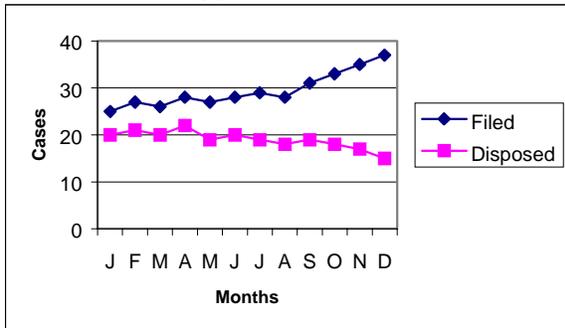


Q.1: WHICH ONE IS MOST LIKE YOUR OFFICE ?    A    B    C

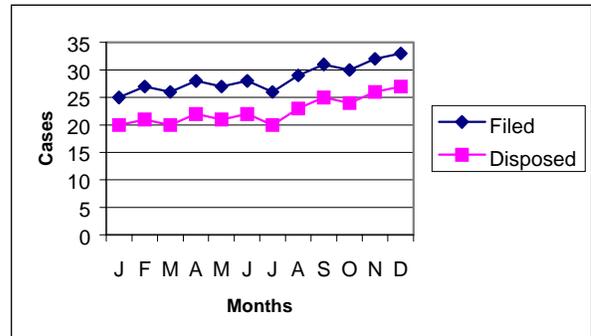
      



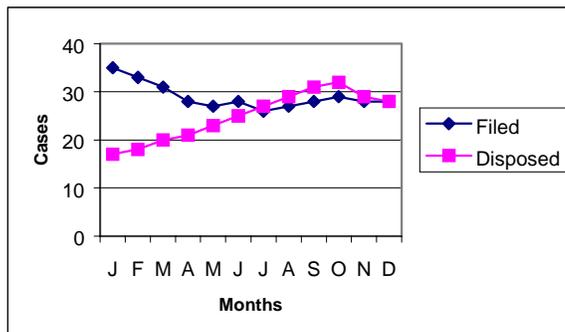
Office A



Office B



Office C







# Rates of Change



## Trend Analysis



Did you know?



Serious violent crime consisting of murder, rape, kidnapping, robbery, and felony assaults consume up to 5 times more prosecution effort than all other felonies.



Part I index violent crime arrests (excluding aggravated assaults) can be used as an indicator of increased prosecution workload if court information systems cannot provide data or count charges not defendants.



If the police incident number is recorded on your records, you can link co-defendants and charges into a defendant-based system.



Office staffing requirements should consider the number of branch offices you maintain, the type and volume of cases prosecuted and the attorney and staff resources available.

# MEMO



TO: Inspector Anna Lyst  
FROM: M.I. Detective  
SUBJ: Relevance and Rates of Change

It has come to my attention that many prosecutors would like to determine whether their jurisdiction is being affected by changes in population, workload, types of crime, or other factors.

But comparing population growth to changes in crime rates is like comparing apples to oranges unless we convert all the measures to rates of change. To do this, we can select any year as the base and divide the base year's volume into the next year's volume. This will produce an index of rates of change. The first (base) year will always be equal to 1 since it is divided by itself.

I have asked an office to give me rates of change over a ten year period for four factors - population, Part I Index crime arrests for serious violent crimes (excluding aggravated assault) as reported by the Uniform Crime Report of the FBI, the number of felonies filed by the prosecutor, and the number of attorney positions.

I would like your interpretation of this data and your views about its relevance to analyzing prosecution resources.

Your earliest response would be appreciated.

Attachment

### Citations:

*An Analysis of the North Carolina District Attorneys' Resources.* J. Jacoby, E. Ratledge, R. Taylor & N. Barrion. North Carolina Conference of District Attorneys: Washington DC. Feb. 1996.

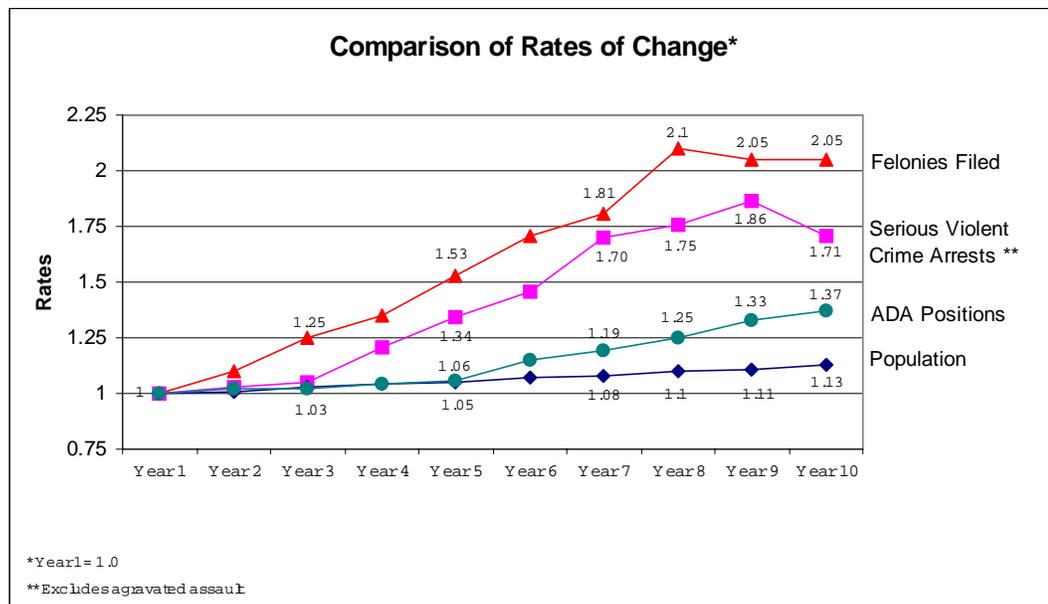
*Management Information Statistics for the Prosecutor.* L.R. Mellon, W. F. Smith, & E.C. Ratledge. Bureau of Social Science Research, Inc.: Washington DC. 1982.



ATTACHMENT

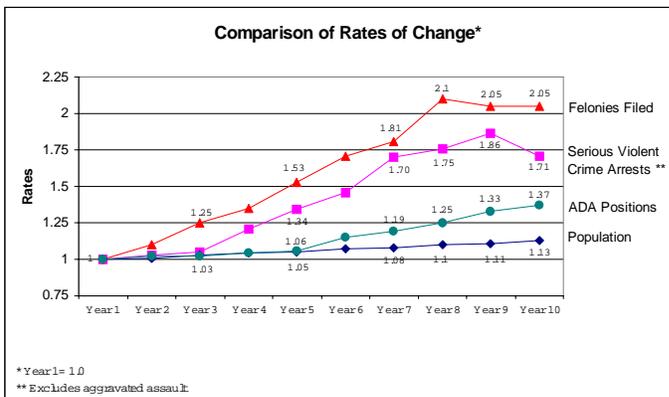


# Rates of Change



# Report

TO: M.I. Detective  
 FROM: Inspector Anna Lyst  
 SUBJ: Relevance and Rates of Change



These changes identify some cautionary notes that every prosecutor should keep in mind.

First and most important - population is not a good indicator of changes in the prosecutor's workload. Look at how slowly it increases relative to the other factors shown in the graph!

Second and equally important - increases in serious violent felonies add substantially to the prosecutor's workload. Their rates of change may not necessarily be reflected by changes in the total number of felonies filed. Thus there is a need track changes in both felonies and serious violent crimes separately.\*

Third and important - changes in staff should follow the pattern of work in the office (increases in felonies filed and the increase in serious violent felonies) rather than the population. It appears that in this office, population growth was the basis for staff increases for the first 6 years, not workload. You can see the result - an overworked, understaffed office that even with some staffing increases in years 7-10, was not able to keep up with the increases in felony filings.

\* Aggravated assaults should be excluded when arrest statistics are used to estimate workload because a large proportion of these cases are prosecuted as misdemeanors. If you count felony filings, not arrests, then you may include felony aggravated assaults in the count.

ACCEPT FOR PROSECUTION	REJECT FOR PROSECUTION	FURTHER INFORMATION ORDERED OR REQUESTED (FIO)	DISMISSAL WIN	DISMISSAL LOSS
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## ASSESSMENT AND ACTION

# FORWARD

Case management information

should help you make changes,

provide high quality prosecution,

and better services to the public.



DISMISSAL  
NEUTRAL

PLEA  
ORIGINAL

PLEA  
LESSER

PRELIMINARY  
HEARING

ARRAIGNMENT

AFTER ARRG  
BEFORE TRIAL

RATES OF CHANGE	BACKLOG	PERFORMANCE TRENDS	CONTINUANCES	1ST DAY OF TRIAL
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# Assessment and Action

## What is your case management score?



Refer back to the following pages and circle the numbers below that identify the offices you selected as most like yours.

Page	Measures	Office				Copy the number circled	
		A	B	C	D		
6	Q.1	Screening	2	1	3	1	<input type="text"/>
15	Q.2	Pleas/Trials	2	3	1	na	<input type="text"/>
20	Q.3	Dismissals	3	1	1	na	<input type="text"/>
25	Q.4	Outlets	2	3	1	na	<input type="text"/>
35	Q.5	Trends	1	3	2	na	<input type="text"/>

Total Score →

### Congratulations!



You have just completed a complicated but valuable task.

This little test will give you some indication of how well your office is managing its caseload.

Turn the page for a diagnosis.

# HOW WELL DOES YOUR OFFICE MANAGE ITS CASELOAD?



## RESULTS:

Enter the case management score that you calculated on the previous page



## DIAGNOSIS

If your score is:



### 12 to 15

Case management needs your immediate attention. Return to the table on the previous page and see where you have scored "3". They indicate problem areas.

Start with intake and screening first since it controls the gate to your office. Refer to the *Prosecutor's Guide to Intake and Screening* for more help.

If you did not score a 3 on intake and screening, then focus your attention on dismissals and the reasons why they are occurring. They will help identify where improvements need to be made.

### 9-11

A score in this range indicates that your office is managing its caseload in a fairly credible way. BUT- there is need for improvement! Most likely you can make some internal changes in procedures that will make your office more efficient and free up your staff to handle the workload better.

Look at the areas where you have scored a "2" for places to start. Focus on intake and screening and dispositional outlets to increase efficiency. Refer to the *Prosecutor's Guide to Case Management* for suggestions and ideas.

### 7-8

You are to be congratulated! You are well on your way to having good case management and an efficient office. Take a look at areas where you scored a "2" and decide whether you want to make changes or gather more information.

Now that you are in this enviable position, it is important that you monitor your operations to make sure that they don't deteriorate over time. If you don't have a case management information system, you should begin to develop one.

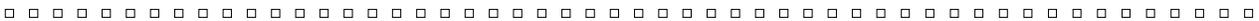
Refer to this Guide and the following pages which tell you where management information is most likely to be found.

### 6

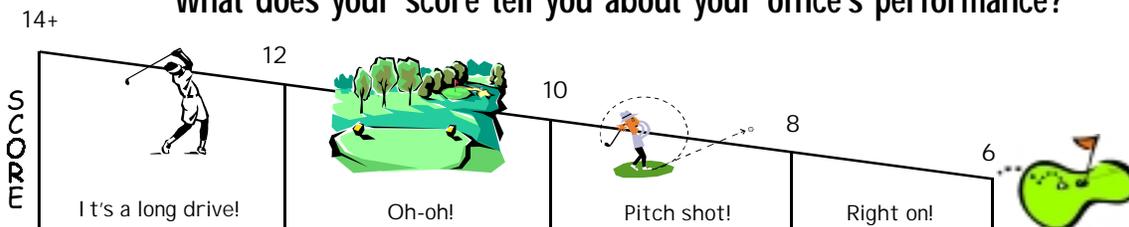
You should be proud of the case management in your office.

Now is the time to show others how to achieve these results and for you - to experiment with new procedures and policies.

Remember, when your office is under control, you can afford to try new and improved ways of doing things.



## What does your score tell you about your office's performance?





## Where are the sources for management information ?



### Court Files

The court's data may be used to calculate:

- Conviction rates
- Dismissal rates (with some reasons)
- Median time from filing to disposition and backlog
- Number of active cases and disposed cases
- Guilty pleas to original and lesser charges
- Continuances
- Type of sentences

#### Possible Problems:

One problem with court data may be converting it from a charged-based file to a defendant-based file.

*Typically courts do not define or count cases as a defendant involved in a single criminal incident that may result in filing multiple charges. Converting to a defendant-based system is not impossible, only complex.*

Other problems with court data may be found in:

*Inaccurate information.* Court information may not agree with prosecution information. If the court audits its data files on a regular basis, this may not be a problem.

*Incomplete information.* The court is more likely to include and update information it uses on a regular basis. Its needs may not be the same as the prosecutors and some information may be out-of-date or incomplete.



For More Help  
Refer To

PROSECUTOR'S GUIDE TO:

Case Management

Intake & Screening

Police-  
Prosecutor  
Relations



