

Outcome Evaluation Criminal Case Management Plan

Persons

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The Criminal Case Management Plan, implemented in August 2008, was created to provide for the orderly, prompt, and just disposition of criminal matters in Superior Court. The plan establishes a series of administrative stages to facilitate continuous monitoring and, if necessary, intervention by the Court to ensure cases are disposed at the earliest opportunity. To this end, the plan seeks to address factors contributing to extended case disposition times, including: delays in delivery of discovery; lack of attorney preparation; decreased productivity in Arraignment Court; and large, unreliable trial calendars.

This report examines the outcomes of the plan, observing implementation in the Person track of Superior Court, and provides a limited comparison to outcomes under the previous case management model.

Summary of Findings

- **Time to Disposition Reduced by 54 Percent**
 - Average time between Indictment and Disposition under the Plan: 140 days; compared to 304 days under the previous model.
 - 100 percent of disposed cases occurred within 354 days; compared to 694 days under the previous model.

- **Disposal Methods Support Decreased Times to Disposition**
 - **Increased Rate of Guilty Pleas:** Nearly 8 of every 10 cases under the Plan were resolved through a guilty plea compared to 5 of 10 under the previous model.
 - **Fewer Case Dismissals:** Under the Plan, the rate of dismissals fell by half to 1.7 per 10 cases (down from 4.7/10 cases).

- **Disposition Time for In-Custody and Out-of-Custody Defendants Similar**
 - The majority of defendants (57 percent) were *in* of custody at the time of their first scheduling conference.

- **95 Percent of Cases Disposed at or Before Arraignment**
 - 3 percent of cases were disposed post-arraignment.

- **Discovery Delays Increase the Number Scheduling Conferences Required**
 - Over 74 percent of scheduling conference continuances were related to issues of discovery.

Background & Study Overview

In August 2008, the 26th District Trial Court Administrator (TCA) implemented the *Criminal Case Management Plan and Administrative Order Adopting Criminal Rules* (hereafter referred to as the “case management plan” or “Plan”). Its purpose is to “institute a case flow management [process] that will provide for the orderly, prompt, and just disposition of criminal matters in the Superior Court.”

The Plan establishes a series of administrative events/stages that lead to the final disposition of criminal cases: the *scheduling conference*; *judicially-led plea conference*; *arraignment*; *pretrial readiness conference*; and finally, if necessary, *trial*. Each stage has a performance standards which each party is expected to meet in order for the case to progress towards a timely disposition (see page 7).

TCA is using a phased approach, applying the Plan’s standards to the various criminal case tracks (person, person, and controlled substances) at intervals. Implementation began with the person track in December 2008, followed by persons in late 2009. Incorporation of the controlled substance track is expected in May 2010.

Importantly, the Plan establishes time criteria for the disposal of criminal cases. Rule 2.2 states that –with the exception of homicide cases– “all other criminal cases should be tried or disposed within the following deadlines: 50% within 120 days; 75% within 180 days; 90% within 240 days; and 100% within 365 days of indictment.”

This report examines the effects of the Plan’s implementation with particular focus on time-to-disposal outcomes; factors which contribute to timely case disposition; and variances, if any, among in-custody and out-of-custody defendants. In addition, a limited examination of case progression under the previous case management model is included for comparison. For the purpose of this report, only the progression of criminal cases in the persons track is studied. The period of analysis is September 2008 - 2009.

Data for the Case Management Plan analysis was obtained from Superior Court dockets, and TCA Weekly Administrative Court Records. In a number of cases, the Mecklenburg County Sheriff's Office Inmate Inquiry database was used to establish custody status. Dates of indictment and disposition were retrieved from the Automated Criminal Infractions System (ACIS). Data for comparative analysis was obtained from TCA Weekly Administrative Court Records for the period of July 2008 – July 2009 and ACIS.

Datasets

The case management Plan dataset was developed using TCA's master list of persons cases processed September 2009 - 2010. A total population of 959 unique defendants was found.

The master list was arranged in alphabetical order, a non-duplicate list of defendants created, and a random sample selected for analysis (n=279). The sample size provides a 95% confidence level and 5% margin of error.

The defendants' first listed case was chosen for evaluation. To minimize data skewing, outliers (> 3 standard deviations from the mean time to disposal) were excluded from analysis, leaving a final sample of 275.

The comparative dataset is comprised of all defendants assigned to a plea conference under the previous case management model between July 2008 – July 2009.¹ A convenience sample of 288 defendants was identified and selected for analysis. Seven outliers were excluded. Sixteen (6%) cases remained open at the time of analysis. As the models differed significantly in their administrative processes, analysis is limited to time to disposition, custody status, and charge count.

Calculation of Days

Number of days between stages is calculated by subtracting the completion date of Stage_x from that of Stage_y (e.g. Arraignment Date minus Scheduling Conference Date). Likewise, Disposition Time is calculated as the difference, in days, between the date of Indictment and Disposition (i.e., when the case is resolved). Cases may be disposed at any stage of the process.

¹ Beginning September 2009, all persons cases are processed under the Case Management Plan.

General Observations

Overall²

77%
of Cases Disposed
by Guilty Plea

Of the 279 person cases examined under the Plan, 190 (68 percent) were disposed at the time of analysis (October 2010). Seventy-seven percent of dispositions occurred by guilty plea; 17 percent by dismissal. Trial dispositions were not available. Most cases (80 percent) were disposed at Arraignment; 3 percent post-arraignment.

Of the 288 person cases examined under the previous model, 272 (94 percent) were disposed at the time of analysis. Seventy-seven percent of defendants faced multiple charges. Forty-eight percent of dispositions occurred by guilty plea; 47 percent by dismissal; and 5 percent by trial. Custody status was not available for analysis. See Figure 1.

Indictment to Disposition

140
Average Days
Indictment to Disposition

For those cases disposed under the Plan during the study period, the average time from Indictment to Disposition was 140 days; 50 percent of cases were disposed within 129 days; 75 percent disposed within 169 days; and 90-percent within 226 days. Of the disposed cases, none exceeded 354 days. See Figure 2.

The average time from indictment to disposal under the previous model was 304 days. Fifty percent of cases were disposed within 253 days; 75 percent disposed within 364 days; and 90 percent within 560 days. All cases were disposed within 777 days. See Figure 2.

In-Custody vs. Out-of-Custody

No statistically significant relationship between custody status and time-to-disposition was found in the administrative process. Fifty-seven percent of defendants were out of custody at the date of their first scheduling conference.

Number of Charges

Seventy-seven percent faced multiple charges. The number of charges faced by defendants did not impact their pace through the administrative process.

² Outliers (> 3 standard deviations from the mean disposal time) were excluded from the analysis to minimize data skewing.

Figure 1. Case Disposal Methods

| CRIMINAL CASE MANAGEMENT PLAN | PREVIOUS MODEL |
|--------------------------------------|---------------------------|
| GUILTY PLEA 77% | GUILTY PLEA 48% |
| DISMISSAL 17% | DISMISSAL 47% |
| VERDICT - | VERDICT 5% |
| TRANSFER 1% | |

Figure 2. Plan Time Standards vs. Observed Outcomes

| PLAN GOAL | % OF CASES DISPOSED | | | |
|--------------------------------------|----------------------------|------------------------|------------------------|-------------------------|
| | 50% 120 days | 75% 180 days | 90% 240 days | 100% 365 days |
| OBSERVED^{†*} | | | | |
| Previous Model | 253 days | 364 days | 560 days | 777 days |
| Criminal Case Management Plan | 129 days | 169 days | 226 days | 354 days |
| CHANGE | - 49% | - 54% | - 60% | - 54% |
| GOAL VARIANCE | + 8% | - 6 % | - 6% | - 3 % |

* Time frame: Indictment to Disposition.

† Outliers (> 3 standard deviations from mean disposal time) excluded to minimize data skewing.

Stage Outcomes³

Scheduling Conference

62%

of Cases Required Only One Scheduling Conference

The average time required for defendants to complete the scheduling conference (SC) phase was 99 days (median = 86).⁴

Slightly more than three of every five defendants (62 percent) proceeded to arraignment from their initial scheduling conference. Conversely, a full 38 percent required at least one follow-up scheduling conference (FUSC).

By the completion of their second conference, 85 percent of defendants had proceeded to arraignment or been dismissed. One defendant's case remained open as of his 5th conference.

Grouping the various reasons provided, issues involving the delivery or review of discovery⁵ accounted for 74 percent of continuances at this stage. Voluminous discovery and delay in the return of laboratory and evaluation results from third parties often impacted the timely review and sharing of discovery.

See Tables A1 and A2 of the Appendix for more information.

Arraignment

71%

of Cases Advanced or Disposed at First Arraignment

Seventy-three percent of the sample (n=205) reached arraignment. The average time between Scheduling Conference and completion of this stage was 54 days. On average, defendants required 151 days from Indictment to conclude arraignment (median=136).

Of those reaching arraignment, 71 percent were disposed, dismissed, or advanced to the next phase at the close of the first arraignment date. Sixty-two percent of arraignment dispositions occurred by guilty plea. Sixty-one percent of arraignments were concluded by the second arraignment date.

Twenty-eight percent (n=16) of continuances at the initial arraignment were related to discovery –awaiting lab results, seeking additional evaluation and records, etc. In 12 percent of the cases, an attorney's absence is cited (often the result of an unrelated case responsibility).

³ Reported outcomes apply only to the Criminal Case Management Plan. Available data would not permit analysis of the previous model in stages.

⁴ Calculated from the date of indictment.

⁵ Includes defense awaiting discovery; discovery not provided; late delivery; further requests for discovery; missing discovery; awaiting lab results; and ADA awaiting discovery.

206

Average Days to Disposition
for Cases with Continued
Arraignment

Once the arraignment stage is reached, a continuance significantly increases the time to disposition. Whereas cases that required only a single arraignment date are disposed at an average of 134 days, those requiring additional dates average 206 days to disposition. See Table A3 in the Appendix for more information regarding Arraignment outcomes.

Pretrial Readiness Conference

21%

of Cases Reached Pretrial
Readiness Conference

Nineteen percent of the sample (n=53) progressed to the Pretrial Readiness Conference stage (PTRC). The average time between arraignment and completion of this stage was 45 days. Of those reaching PTRC, 70 percent either received a trial date, plead guilty, or saw their case dismissed. The remainder of conferences were continued, or in one case, returned to the arraignment phase. Reasons for continuances varied, though were most often the result of an attorney or law enforcement officer not being present (47 percent of all continuances).

By the close of the second PTRC, 76 percent of cases entering the stage were disposed or had advanced.

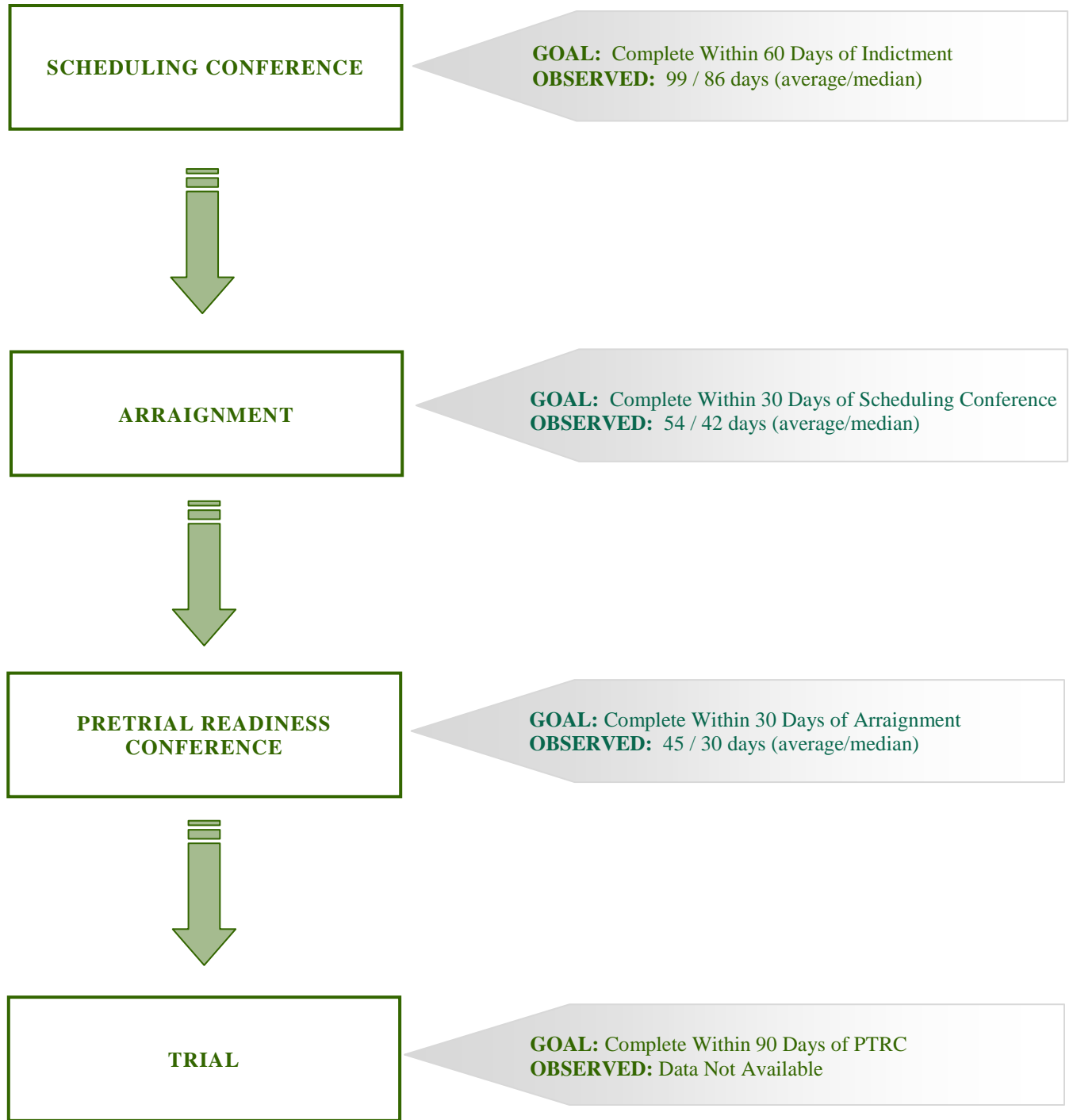
Trial

Trial data was not available for analysis.

Table 1. Stage Objectives

| Stage | Objectives |
|---------------------------------------|---|
| Scheduling Conference | <ul style="list-style-type: none"> ▪ Determine defendant custody status ▪ Determine counsel (General Appearance, Waiver of Counsel, Appointment) ▪ Determine existence of additional/pending cases (to facilitate bundling) ▪ Certification by counsel that no conflicts exist which may prevent advancing case ▪ Confirmation that All Discovery Has Been Exchanged ▪ Determination of “Exceptional” Status (to facilitate monitoring case progress) ▪ Set date for continuance or next stage |
| Judicially-Led Plea Conference | <ul style="list-style-type: none"> ▪ Facilitate a plea when independent efforts to do so have been exhausted without agreement. |
| Arraignment | <ul style="list-style-type: none"> ▪ Presentation of plea transcript ▪ Appearance of defendant ▪ Review/Acceptance of plea agreements by the Court (for those who plea “guilty”) ▪ Accepting of “not guilty” pleas ▪ Set date for continuance or next stage |
| Pretrial Readiness Conference | <ul style="list-style-type: none"> ▪ Mandatory appearance of primary law enforcement officer and case file, defendant, prosecutor assigned to case, and defense counsel of record ▪ Certification that material witnesses’ availability and/or scheduling conflicts for the following 90 day period have been established ▪ Final check for conflicts ▪ Defense notice of all statutory defenses and motions to be heard before trial ▪ DA notice of intent to join charges/defendants, use conviction >10 years old, 404 B, or introduce lab analysis without chemist present ▪ Set trial date within 90 days |
| Trial | <ul style="list-style-type: none"> ▪ Verdict |

**Figure 3. Plan Time Standards vs. Observed Outcomes
Administrative Process**



APPENDIX

**Table A1.
Reasons for Scheduling Conference Continuance**

| Grounds | SC 1 | SC 2 | SC 3 | SC 4 |
|---------------------------------------|------|------|------|------|
| Discovery | 70% | 84% | 90% | 100% |
| Counsel Change/Conflict | 12% | - | 10% | - |
| New Charges/Pending/ Consolidation | 7% | 7% | - | - |
| Defendant In Custody Elsewhere | 2% | 3% | - | - |
| Other | 9% | 6% | - | - |

**Table A2.
Scheduling Conference Outcomes**

| Outcome | SC 1 | SC 2 | SC 3 | SC 4 |
|--|------|------|------|------|
| Arraignment Set/Dismissed | 62% | 62% | 56% | 75% |
| Continued- Discovery | 25% | 30% | 39% | 25% |
| Continued- Counsel Change/Conflict | 4% | - | 5% | - |
| Continued- New Charges/Pending/ Consolidation | 2% | 2% | - | - |
| Continued- Other | 7% | 6% | - | - |

**Table A3.
Arraignment Outcomes**

| Outcome | A1 | A2 | A3 | A4 |
|--|-----|-----|-----|-----|
| Plea- Guilty | 48% | 35% | 50% | 33% |
| Plea- Not Guilty | 20% | 28% | 21% | - |
| Continued- Discovery | 8% | 10% | 7% | - |
| Continued- Attorney Not Present | 4% | - | 7% | - |
| Continued- Defendant In Custody Elsewhere | 3% | - | - | - |
| Continued- Other | 17% | 23% | 15% | 67% |

**Table A4.
Days to Advance- Case Management Plan**

| | IND to SC | SC to ARR | ARR to PTRC | PTRC to TRIAL |
|--------------------|-----------|-----------|-------------|---------------|
| Mean | 99 days | 54 days | 45 days | - |
| Percentiles | | | | |
| 50% | 86 days | 42 days | 30 days | - |
| 75% | 105 days | 64 days | 56 days | - |
| 90% | 138 days | 92 days | 84 days | - |
| 100% | 449 days | 247 days | 230 days | - |

END OF REPORT