

Criminal Case Management Plan

Outcome Evaluation

Drug Track

Executive Summary

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 drug track of Superior Court, and provides a limited comparison to outcomes under the previous case management model.

Summary of Findings

- **Decreased Time for Disposition of Felony Drug Cases**
 - Average time between Indictment and Disposition under the Plan: 164 days; previous model: 232 days (a 29 percent decrease).
 - 100 percent of disposed cases[‡] occurred within 436 days under the Plan compared to 690 days under the previous model (a 37 percent decrease).
- **Disposal Methods Changed**
 - Fewer Guilty Pleas: 44 percent of cases under the Plan were resolved through a guilty plea compared to 59 percent under the previous model (a decrease of 15 percentage points).
 - Increased Case Dismissals: Under the Plan, the rate increased to 51 percent of disposals, up 11 percentage points from the previous model.
- **Disposition Time for In-Custody and Out-of-Custody Defendants Similar**
 - A majority of defendants (86 percent) were out of custody at the time of their first scheduling conference.
- **At First Arraignment, 6 of Every 10 Cases Were Disposed or Advanced**
 - 15 percent of dispositions occurred post-Arraignment.
- **Discovery Delivery Issues Delay Initial Scheduling Conferences**
 - Discovery arriving late or being unavailable accounted for 41 percent of continuances at the initial conference.
- **More than Half of Initial Trial Dates are Continued or Not Reached**
 - 17 percent of initial trial dates resulted in a verdict or plea.

[‡] Outliers removed.

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).

The TCA is using a phased approach, applying the Plan’s standards to the various criminal case tracks (drug, person, controlled substances, and habitual felons) at intervals. Implementation began with the drug track in December 2008, followed by persons in late 2009. Incorporation of the controlled substance track occurred 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 drug crime cases is studied. The period of analysis is June 2010 – May 2011.

Data for the Case Management Plan analysis was obtained from Superior Court dockets, Scheduling Orders, and TCA Pull Sheets. In a number of cases, the Mecklenburg County Sheriff's Office Inmate Inquiry database was used to establish custody status. Dates of indictment were retrieved from the Automated Criminal Infractions System (ACIS). Data for comparative analysis was obtained from TCA Pull Sheets and ACIS.

Datasets

The case management Plan dataset was developed using TCA's master list of drug cases processed June 2010 through May 2011. A total population of 1,611 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=315). To minimize data skewing, outliers (> 3 standard deviations from the mean time to disposal) were excluded, leaving a final sample size of 305. The sample size provides a 95% confidence level and 5% margin of error.

The comparative dataset is comprised of a random sample of defendants assigned to first setting (n=270) under the previous case management model June through December 2009.¹ Of those, nine (3 percent) had not been disposed at the time of analysis. Limited case information prevented stage-to-stage time analysis for this group.

Calculating 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 July 2009, all drug cases are processed under the Case Management Plan.

General Observations

Overall²

51%
of Cases Disposed
by DA Dismissal

Of the 305 drug cases examined under the Plan, 257 (84 percent) were disposed at the time of analysis (September 2011). Fifty-one percent of dispositions occurred by dismissal (5 percent of which followed deferred prosecution); 44 percent by guilty plea; and 7 percent by trial. A majority of cases (62 percent) were disposed at Arraignment; 15 percent were disposed post-Arraignment.

Of the 270 drug cases examined under the previous model, 256 (95 percent) were disposed at the time of analysis. Fifty-nine percent of dispositions occurred by guilty plea; 40 percent by dismissal; and 1 percent by trial. Custody status was not available for analysis in the comparison group. See Figure 1.

Indictment to Disposition

164
Average Days
Indictment to Disposition

For those cases disposed under the Plan during the study period, the average time from Indictment to Disposition was 164 days (excluding outliers). Fifty percent of cases were disposed within 150 days; 75 percent disposed within 200 days; and 90 percent within 276 days. Excluding outliers, the longest time to disposal was 436 days. See Table A4 in the Appendix.

The average time from indictment to disposal under the previous model was 232 days. Fifty percent of cases were disposed within 182 days; 75 percent disposed within 281 days; and 90 percent within 435 days. Excluding outliers, all cases examined were disposed within 690 days. See Figure 2.

In-Custody vs. Out-of-Custody

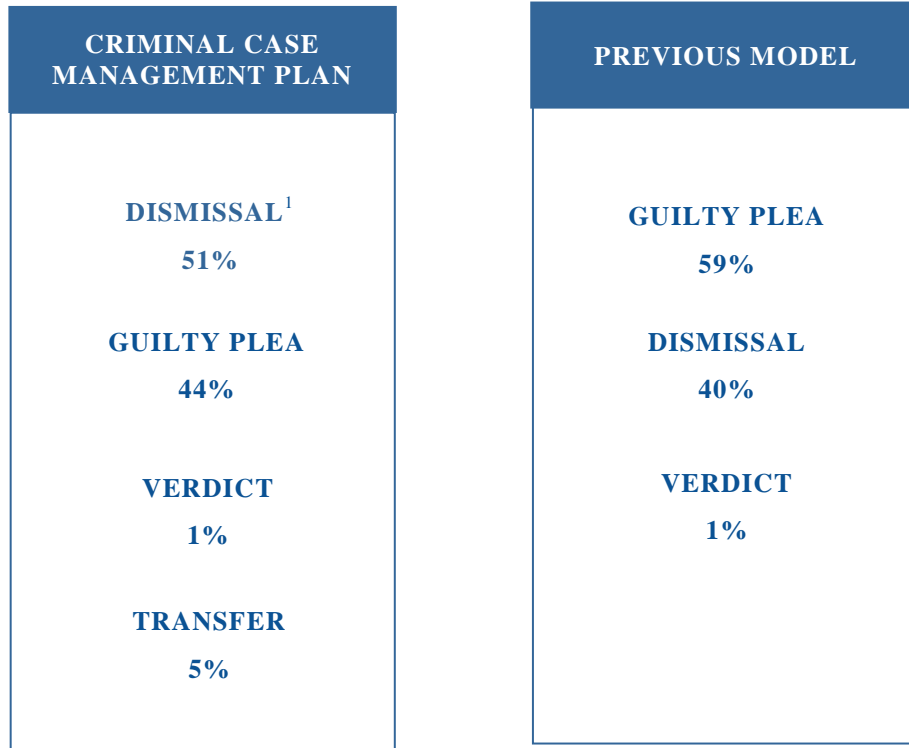
Custody status did not impact defendants' pace through the administrative process. No statistically significant relationship was found between custody status and time-to-disposition. Eighty-six percent of defendants were out of custody at the date of their first scheduling conference.

Number of Charges

The number of charges faced by defendants appeared to impact their pace through the administrative process. Defendants facing a single charge averaged 183 days from indictment to disposition; approximately 26 days longer than those with multiple charges. Seventy-two percent of defendants in faced multiple charges.

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

Figure 1. Case Disposal Methods



1- Includes dismissals following Deferred Prosecution (approximately 5% of call disposed cases)

Figure 2. Plan Time Standards vs. Observed Outcomes

PLAN GOAL	% OF CASES DISPOSED			
	50%	75%	90%	100%
	120 days	180 days	240 days	365 days
OBSERVED ^{†*}				
Previous Model	182 days	281 days	435 days	690 days
Criminal Case Management Plan	150 days	200 days	276 days	436 days
CHANGE	- 18%	- 29%	-36%	- 37%
GOAL VARIANCE	+ 25%	+ 11 %	+ 15%	+ 19 %

* Time frame: Indictment to Disposition.

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

Stage Outcomes³

Scheduling Conference

70%

of Cases Advanced
Following the First
Scheduling Conference

The average time required for defendants to complete the Scheduling Conference (SC) phase was 89 days (median = 78).⁴

Seventy percent of defendants proceeded to arraignment from their initial scheduling conference. Twenty-two percent required at least one follow-up scheduling conference (FUSC) before proceeding to arraignment. Twelve percent of defendants were dismissed or disposed prior to the scheduling conference date.

By the completion of their second conference, 86 percent of defendants had proceeded to arraignment. With the exception of one individual, all had completed the phase by the 4th conference. The longest time to complete this phase was 473 days.

Grouping the various reasons provided, issues involving the delivery of discovery⁵ accounted for 41 percent of continuances at the *initial* scheduling conference.

Consolidation of charges, additional and/or pending charges accounted for 15 percent of continuances, while defense preparedness resulted in 9 percent.

More detail is available in the Appendix.

Arraignment

64%

of Cases Advanced
or Disposed at First
Arraignment

The average time for a case to advance from the Scheduling Conference was 68 days. On average, defendants required 154 days from Indictment to conclude the Arraignment phase.

Of those reaching arraignment, 64 percent were dismissed, disposed or advanced to the next phase by the close of the first arraignment date. Of those disposed at this stage, 89 percent concluded with a guilty plea. A large majority of arraignments (86 percent) were concluded by the second arraignment date.

One-third (34 percent) of continuances were the result of the defendant failing to appear. The next most frequent basis (10 percent) was at the request of the defense.

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

In the sample, 83 percent of cases (n=51) were disposed or move forward at second arraignment. A third (n=3) of second arraignment continuances resulted from new charges.

Cases requiring a second arraignment date averaged 206 days from indictment to disposition, while those requiring only one arraignment were disposed within 166 days; nearly 25 percent longer.

See Table A3 in the Appendix for more information regarding Arraignment outcomes.

Pretrial Readiness Conference

17%

of Cases Reached Pretrial
Readiness Conference

Seventeen percent of the sample (n=51) progressed to the Pretrial Readiness Conference stage (PTRC). These cases took an average 64 days (median: 59 days) to proceed from arraignment. Of those reaching PTRC, 65 percent received a trial date; 16 percent plead guilty or were dismissed. The balance of conferences (n=10) were continued for varied reasons and in two cases, returned to arraignment.

By the close of the second PTRC, 92 percent of cases entering the stage were disposed or had advanced to the trial stage.

Trial

13%

of Cases
Assigned a Trial Date

In total, 13 percent of the sample (n=39) were scheduled for a trial. At the time of analysis, only 34 cases had past the first trial date. Of those, four cases (12 percent) were dismissed prior to their initial trial date. Of those reaching the trial date, 60 percent were continued.

With the exception of one continuance which resulted from the defendant's failure to appear, explanation for continuances was not available.

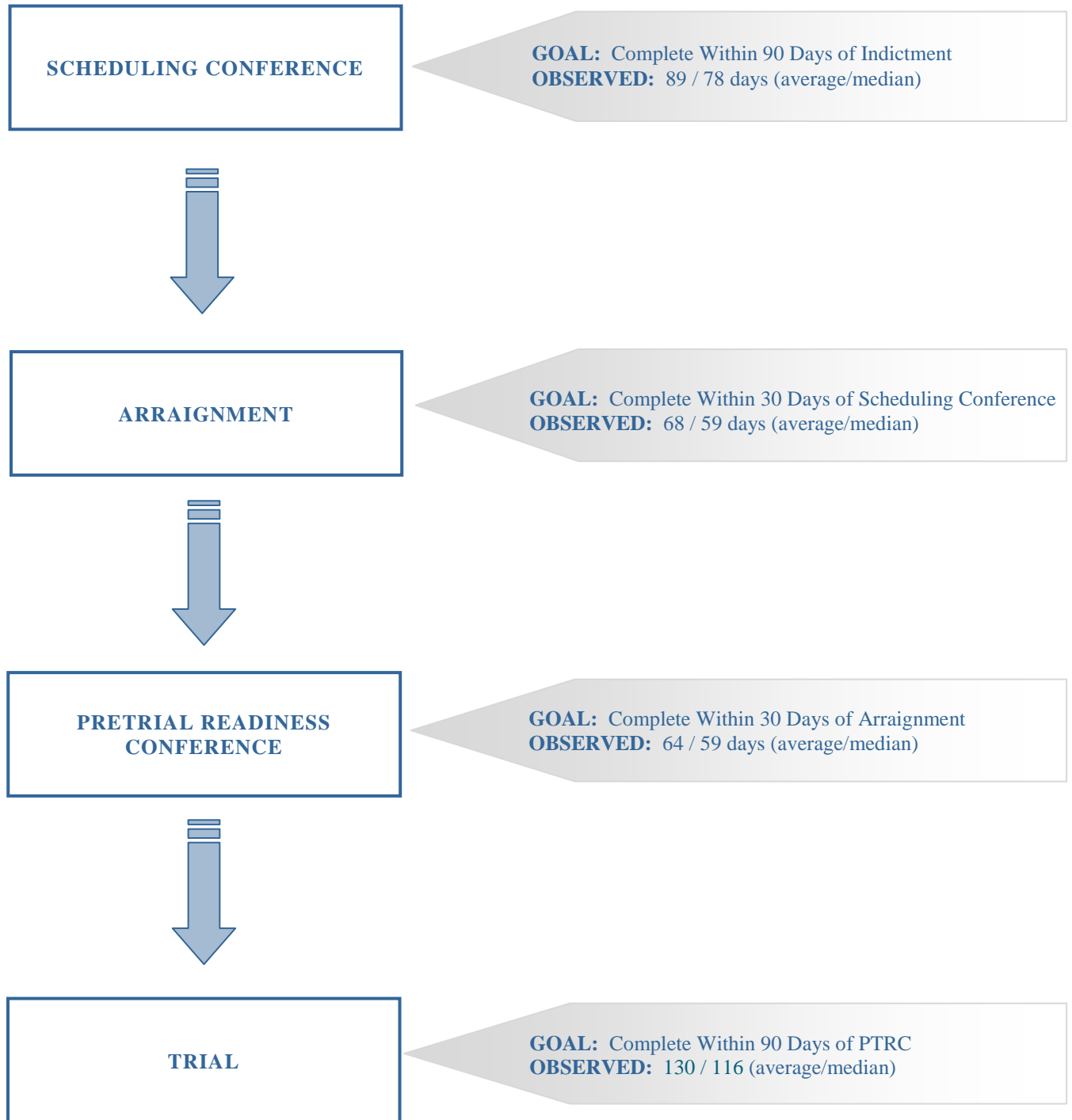
Seventeen percent of initial trial dates resulted in verdict or plea. The same percentage of dismissals (n=5) was observed.

Nine cases had proceeded to a second trial date at the time of analysis; of these, 56 percent were continued or not reached.

Table 1. Stage Objectives

Stage	Objectives
<p>Scheduling Conference</p>	<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
<p>Judicially-Led Plea Conference</p>	<ul style="list-style-type: none"> ▪ Facilitate a plea when independent efforts to do so have been exhausted without agreement.
<p>Arraignment</p>	<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
<p>Pretrial Readiness Conference</p>	<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
<p>Trial</p>	<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**

5. Discovery Delivery includes: defense awaiting discovery; discovery not provided; late delivery; further requests for discovery; missing discovery; awaiting lab results; and ADA awaiting discovery.
6. Defense Preparedness includes: discuss plea offer or share discovery with client and review discovery.

**Table A2.
Scheduling Conference Outcomes**

**Table A3.
Arraignment Outcomes**

**Table A4.
Days to Advance- Case Management Plan⁷**

7. Days to Advance calculated as:
Stage_y Completion Date – Stage_x Completion Date.

Table A1

Grounds	SC 1 (n=266)	SC 2 (n=53)	SC 3 (n=7)	SC 4 (n=0)
Discovery Delivery ⁵	42%	33%	-	-
Defense Preparedness ⁶	10%	-	-	-
OFA	6%	11%	-	-
Consolidation/Pending/ Additional Cases	15%	11%	-	-
Attorney Conflict/Change	11%	22%	100%	-
Other	11%	-	-	-
No Explanation	3%	22%	-	-
Attorney Not Present/At Trial	3%	-	-	-
Defendant In Custody Elsewhere	-	-	-	-

Table A2

Outcome	SC 1 (n=266)	SC 2 (n=53)	SC 3 (n=7)	SC 4 (n=0)
Arraignment Set	70%	81%	86%	-
Follow-up Scheduling Conference	24%	17%	14%	-
Transferred to Another Court	4%	-	-	-
Guilty Plea Entered	-	2%	-	-
Dismissed	2%	-	-	-

Table A3

Outcome	A1 (n=236)	A2 (n=61)	A3 (n=5)	A4 (n=0)
Plea- Guilty	39%	61%	40%	-
Plea- Not Guilty	20%	16%	20%	-
Continued	23%	16%	40%	-
Dismissed	5%	7%	-	-
Order for Arrest	12%	3%	-	-
Returned to Scheduling Conference	1%	-	-	-
Transfer- Def. Prosecution	-	-	-	-
Transfer- Different Court	-	-	-	-

Table A4

	IND to SC	SC to ARR	ARR to PTRC	PTRC to TRIAL
Mean	89 days	68 days	64 days	132 days
Median	78 days	59 days	59 days	120 days
Percentiles				
75%	92 days	84 days	65 days	151 days
90%	127 days	114 days	111 days	241 days
100%	473 days	277 days	140 days	265 days

Table 1. Discovery-Related Continuances: Scheduling Conference 1

Cause for Delay	Count	Rate ¹	Comments
Late Delivery to Defense	10	36%	There were 65 continuances recorded at the initial scheduling conference. Approximately 43 percent were related to delivery of discovery.
Awaiting Discovery / Lab	7	25%	
Defense Awaiting Discovery	2	7%	
Defense Seeks Additional Discovery	2	7%	
Discovery Transfer Complications	2	7%	
Further Discovery / Investigation	1	4%	
Required			
Defense- Missing Discovery	1	4%	
Discovery Delivered to Wrong Attorney	1	4%	
ADA Awaiting Discovery	1	4%	
Defense to Provide Media to ADA	1	4%	
Total	28	100%	

Table 2. Discovery-Related Continuances: Follow-up Scheduling Conferences

Cause for Delay	Count	Rate ¹	Comments
Late Delivery to Defense	2	67%	There were 65 continuances recorded during follow-up scheduling conferences. Approximately 33 percent were related to delivery of discovery.
Awaiting Discovery / Lab			
Defense Awaiting Discovery	1	33%	
Defense Seeks Additional Discovery			
Discovery Transfer Complications			
Further Discovery / Investigation			
Required			
Defense- Missing Discovery			
Discovery Delivered to Wrong Attorney			
ADA Awaiting Discovery			
Total	3	100%	

Table 3. Discovery-Related Continuances: Arraignment

Cause for Delay	Count	Rate ¹	Comments
Late Delivery to Defense	1	17%	There were 54 continuances recorded during initial arraignment. Approximately 11 percent were related to delivery of discovery.
Awaiting Discovery / Lab	4	67%	
Defense Awaiting Discovery			
Defense Seeks Additional Discovery			
Discovery Transfer Complications			
Further Discovery / Investigation			
Required			
Defense- Missing Discovery			
Discovery Delivered to Wrong Attorney			
ADA Awaiting Discovery	1	17%	
Total	6	100%	

1. Rates are rounded.

Table 4. Discovery-Related Continuances: Follow-up Arraignments

Cause for Delay	Count	Rate ¹	Comments
Late Delivery to Defense Awaiting Discovery / Lab Defense Awaiting Discovery Defense Seeks Additional Discovery Discovery Transfer Complications Further Discovery / Investigation Required Defense- Missing Discovery Discovery Delivered to Wrong Attorney ADA Awaiting Discovery	1	100%	There were 22 continuances recorded during follow-up arraignments. Approximately 5 percent were related to delivery of discovery.
Total	1	100%	

Table 5. Discovery-Related Continuances: Pretrial Readiness Conference

Cause for Delay	Count	Rate ¹	Comments
Late Delivery to Defense Awaiting Discovery / Lab Defense Awaiting Discovery Defense Seeks Additional Discovery Discovery Transfer Complications Further Discovery / Investigation Required Defense- Missing Discovery Discovery Delivered to Wrong Attorney ADA Awaiting Discovery Discovery Incomplete ADA Seeks Additional Discovery	1 1	50% 50%	There were 9 continuances recorded during initial pretrial readiness conference. Approximately 22 percent were related to delivery of discovery.
Total	2	100%	

1. Rates are rounded.

END OF REPORT