

# Delivering Timely Justice in Criminal Cases: *A National Picture*

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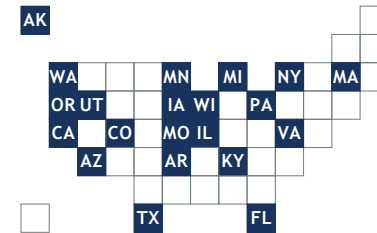


## Delivering Timely Justice in Criminal Cases: *A National Picture*

The complaint that justice delayed is justice denied has too often described the experience of many who await a decision from the courts. The **Effective Criminal Case Management (ECCM)** project was designed to investigate the extent to which delay exists in criminal cases, identify courts that consistently deliver timely justice, and document their solutions.

**ECCM** collected data on over 1.2 million criminal cases from 136 courts from 91 jurisdictions in 21 states, making **ECCM** the largest national study of criminal cases ever undertaken. **ECCM** identified key factors driving the success of timely courts while dispelling much of the conventional wisdom about court delay.

21 States Contributed ECCM Data



The **ECCM** data provides the first reliable national estimate of criminal cases resolved annually in the state courts and the extent of delay in criminal case processing.

State courts dispose approximately 18 million felony and misdemeanor cases annually with an average time to disposition of 256 days for felony cases and 193 days for misdemeanor cases.

**ECCM Findings**



**~18,000,000**  
Cases Resolved Per Year



**~5,000,000**  
**Felonies**  
~2,400 Per Hour



**~13,000,000**  
**Misdemeanors**  
~6,000 Per Hour

### What is a Case?

A case is defined as a single defendant and all charges arising from a single incident. For cases involving multiple charges against a single defendant, the data was condensed to produce a single record based on the most serious charge at filing and disposition.

## A Detailed Look at Felony Cases

While ECCM investigated delay in all criminal cases, the focus here is on the most serious criminal cases—felony cases. To provide a frame of reference for individual courts, ECCM created a profile of the national caseload detailing the types of felony cases handled in state courts and how they are resolved.

### What Are the Felony Case Type Categories?

Felony cases are crimes typically punishable by a year or more in jail or prison:

Felony Case Type	Examples
<b>Homicide</b>	murder, manslaughter
<b>Person Offense</b>	assault, robbery
<b>Property Offense</b>	burglary, larceny
<b>Drugs</b>	manufacture, sale, use
<b>Weapons</b>	illegal possession
<b>DUI</b>	driving while intoxicated
<b>Legal Process</b>	bail, protection order violation
<b>Other Felony</b>	reckless driving, disorderly conduct

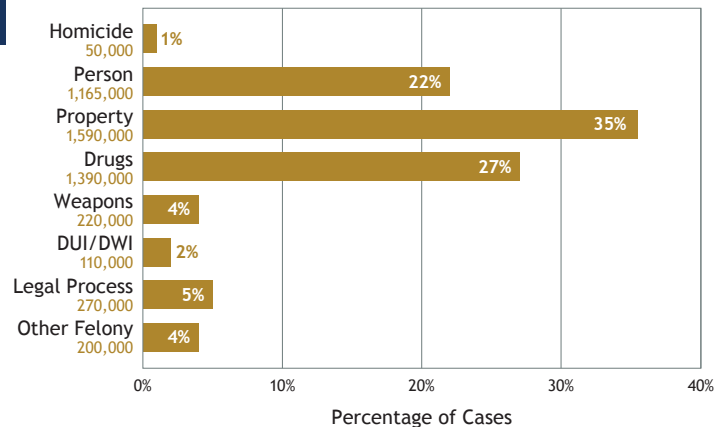
Of the 5 million felony cases disposed, 92% are by guilty plea or dismissal.

ECCM Findings



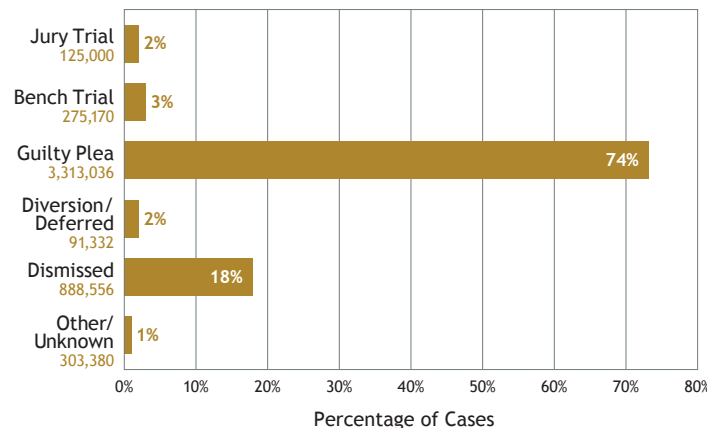
### Felony Case Composition

~5,000,000 Cases



### Felony Manner of Disposition

~5,000,000 Cases





## How Long Does It Take to Resolve a Felony Case?

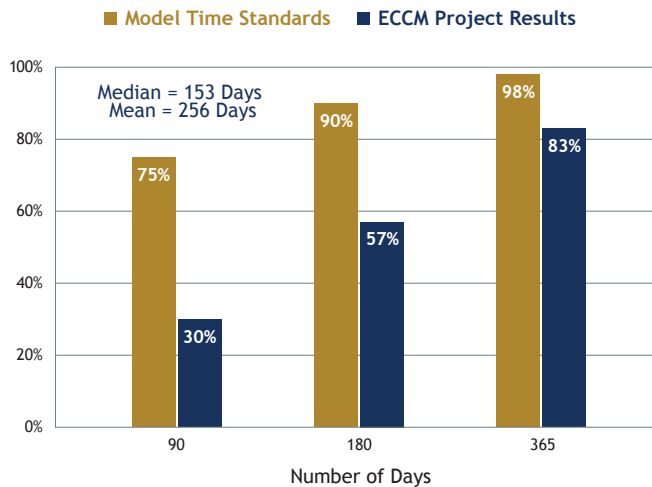
The final piece of the national picture is a measure of how long cases take to be resolved and a comparison of that result to the current national time standards endorsed by the state courts. Overall time is measured as the number of days from the date of filing to the date of disposition. Time standards set a reasonable expectation for timely case processing and provide a benchmark for assessing court performance. The National Model Time Standards (NCSC, 2011) for felony cases suggest 75% should be resolved in 90 days, 90% resolved in 180 days, and 98% resolved in 365 days.

Even the 365-day time standard is difficult to achieve. On average, ECCM courts resolve 83% of felony cases within 365 days.

**ECCM Findings**



### Percentage of Felony Cases Disposed Within Time Standards



### What is Delay?

*Delay is any elapsed time beyond that necessary to effectively prepare and efficiently resolve a criminal case. The role of time standards is to identify the goals for timely case processing. Therefore, delay refers to cases resolved outside the time standards, with this set of cases making up a court's backlog.*

## All Courts Do the Same Work. Some Are Faster Than Others.

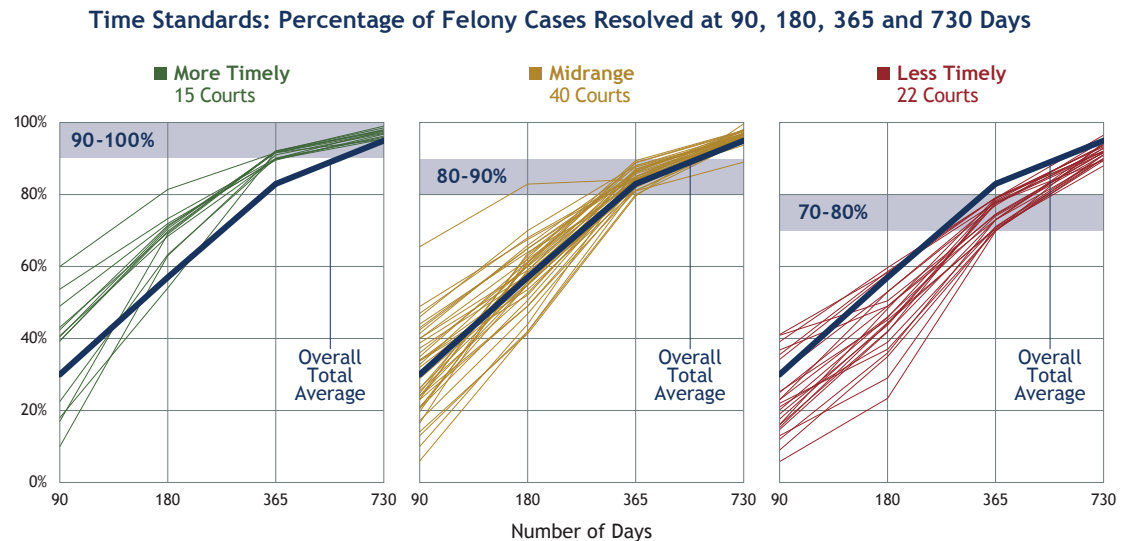
The percentage of felony cases resolved within 365 days was calculated for all **ECCM** courts. While there is wide variation across courts as to timeliness, **ECCM** discovered that the 77 courts could be readily sorted into three groups based on case processing time.

### Percentage of Felony Cases Resolved Within 365 Days by Court Time Group

**More Timely** = 90% or more

**Midrange** = 80% to 90%

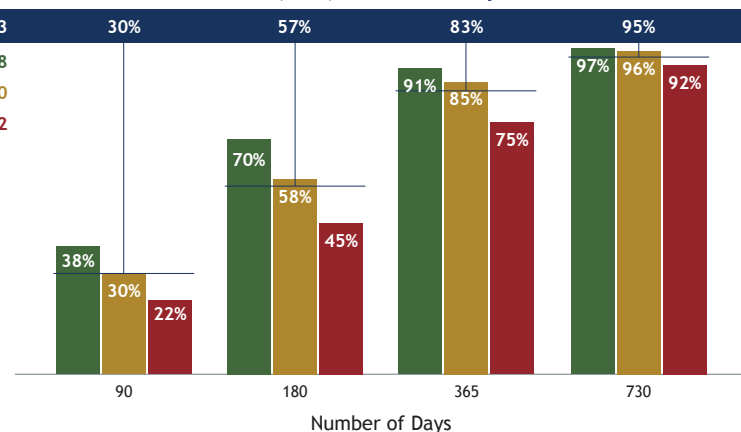
**Less Timely** = 80% or less



### Total Time to Disposition for Felony Cases

Court Time Group	Average Cases	Mean Days	Median Days
Aggregate	3,785	256	153
More Timely	3,555	213	118
Midrange	4,339	243	150
Less Timely	3,461	313	192

### Percentage of Felony Cases Resolved in 90, 180, 365 and 730 Days



No court fully meets the Model Time Standards. Some courts are close at the 365-day mark, but all courts fall short of the 90-day and 180-day goals.

**ECCM Findings**

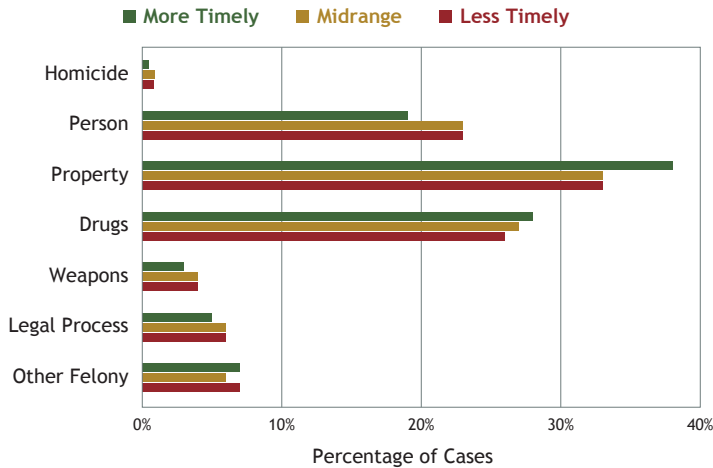


The Issue of Court Delay has Persisted for Millennia

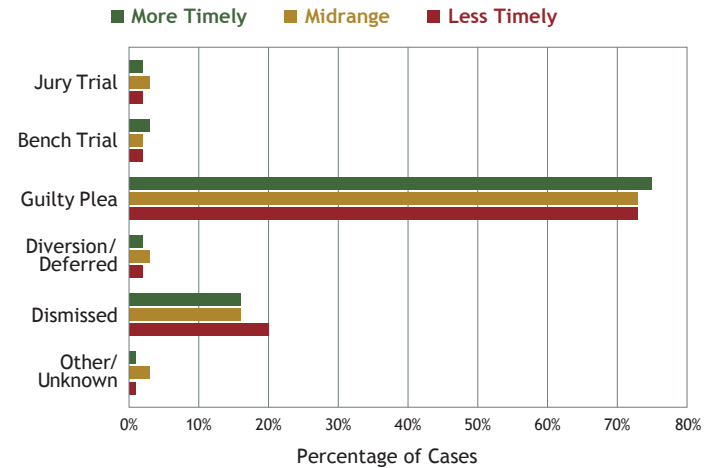
**Johann Wolfgang Von Goethe** (1749-1832), Writer and Statesman, Germany:

*"It was not unusual for a case to remain on the docket for more than 100 years"*

**Felony Case Composition by Court Time Group**



**Felony Manner of Disposition by Court Time Group**



## What Accounts for Differences in Timeliness?

**ECCM** sought to discover whether these three groups differed along some observable dimension—whether timeliness is the result of differences in the number of types of cases being adjudicated or the way cases were resolved. In fact, case composition and manner of disposition is very similar among the three groups. The source of timeliness is not to be found here.

There is no significant difference across the three groups of courts in composition of felony caseloads or manner in which cases are resolved.

**ECCM Findings**



## Faster Courts are Faster Across All Case Types and Manners of Disposition

Looking at the percent of different types of felony cases resolved within 365 days across the three groups of courts shows that faster courts are most timely for all types of felony cases and the slower courts are least timely for all case types.

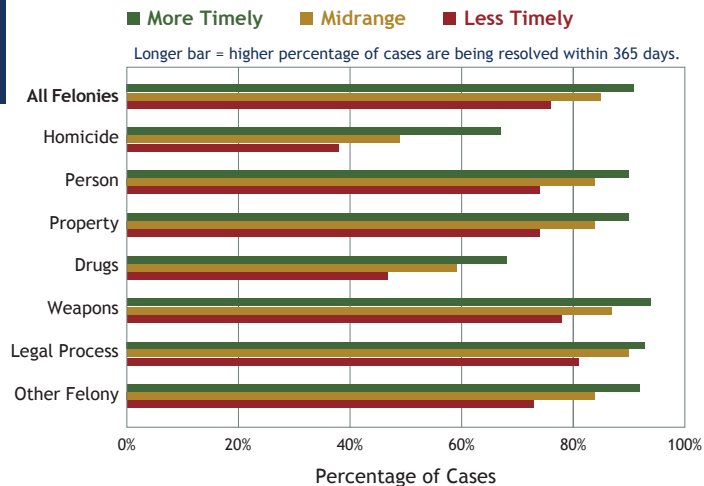
Likewise, a similar pattern emerges for the manner of disposition. Time to disposition is lowest for the faster courts and highest for the slowest courts across all manners of disposition (e.g., plea, trial, dismissal).

Despite broad similarity across all courts in caseload composition and the way felony cases are resolved, some courts resolve the same caseload within tighter timeframes than other courts.

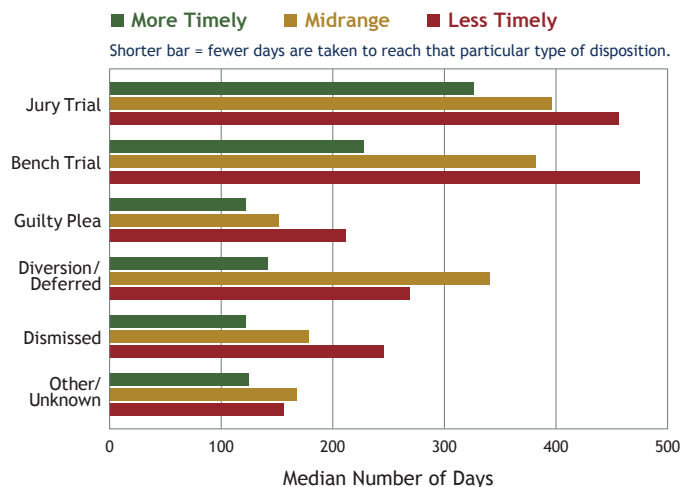
ECCM Findings



### Percentage of Felony Cases Disposed Within 365 Days



### Felony Manner of Disposition by Median Days







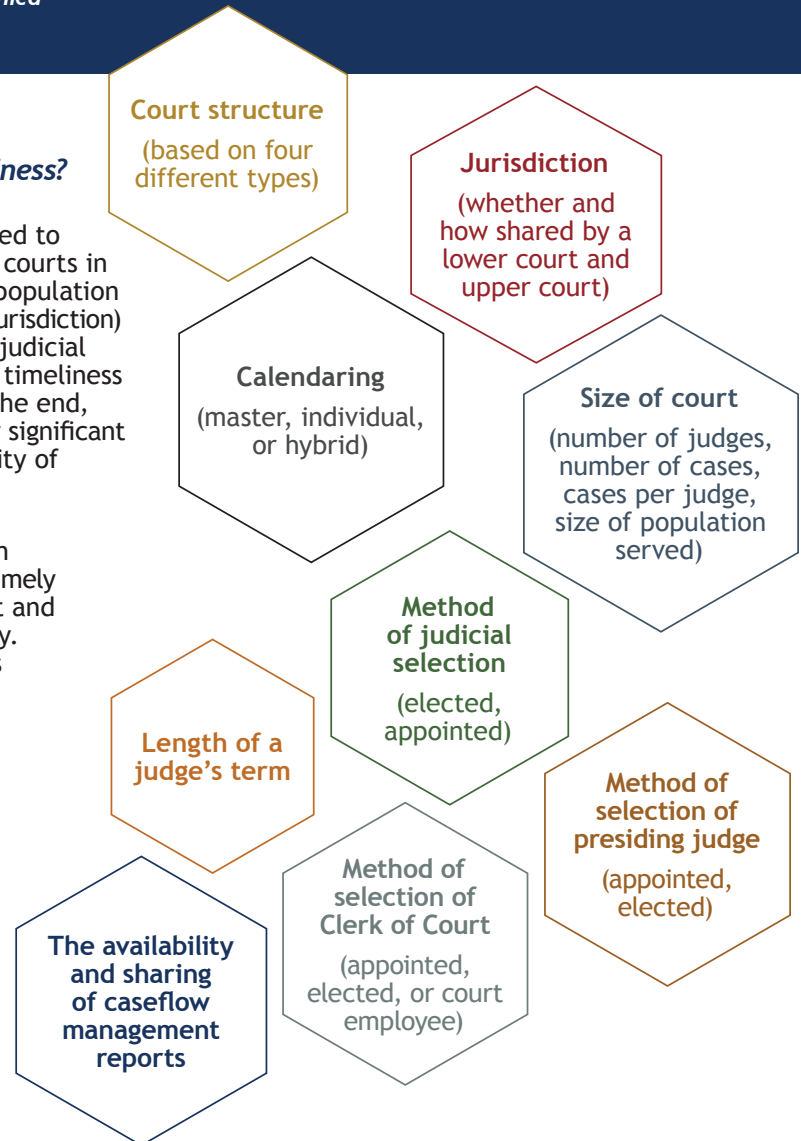
## Do Court Size, Structure and Organization Explain Timeliness?

**ECCM** next looked at a wide range of court-level factors believed to influence outcomes. Considerable variation exists among state courts in size of court (e.g., number of judges; cases per judge; size of population served), court structure (e.g., single-tiered v. two-tiered; felony jurisdiction) and organizational features (e.g., type or calendar; method of judicial selection). The goal was to analyze whether differences in the timeliness of case processing are tied to any of these diverse factors. In the end, none of the factors related to court size or organization had any significant effect, including many commonly thought to influence the ability of a court to achieve timely case outcomes.

Differences in court structure play a small but surprising role in overall average timeliness, with single-tiered courts being *least* timely and two-tiered court with direct felony filing in the upper court and all misdemeanors resolved in the lower court being *most* timely. However, the independent effect of court structure disappears when factors related to case management are considered.

There is no correlation between timeliness of criminal case processing and the size or organizational characteristics of the court, including size of court, method of judicial selection, type of calendar, filings per judge, length of presiding judge term, or the availability of case management reports.

**ECCM Findings**





## What *Does* Explain Differences in Timeliness?

ECCM's investigation moved next to examine differences in detailed case-level data. The data capture differences in caseflow management practices among these courts, and it is here that the sources of on-time case processing can be found.

To evaluate these differences, ECCM data was used to create a model that determined the impact of various individual case elements on time to disposition. The following factors were included:

Elements in the Model	Typical Case
Case Type	Person Crime
Attorney Type	Public Defender
Manner of Disposition	Guilty Plea
Number of Charges	1
Number of Continuances	0
Number of Hearings	3
Charge Reduction	No

To interpret the predictive model, a *typical* case is used to compare the magnitude of days added or saved due to different factors in the model. For the felony model, the typical case was set up to be a person-related case resolved by guilty plea with no charge reductions involving three hearings and zero continuances. The typical felony case was found to take about 135 days.

Results from the analysis show the effects of how, for example, variation in the type of case or manner of disposition will impact case processing time. That is, as shown in the table below, a typical homicide takes 110 days longer to resolve than a typical person crime and a legal process case takes 14 days fewer. Likewise, a typical trial takes 108 days longer than a case resolved by a guilty plea, while a dismissal is resolved 23 days faster.

Faster courts are faster because they maintain control over scheduling and reduce the time a continuance or an additional hearing is allowed to add to the schedule.

ECCM Findings





The Issue of Court Delay has Persisted for Millennia

**Warren E. Burger** (1907-1995), 15th Chief Justice, United States of America:  
“Inefficiency and delay will drain even a just judgment of its value”

### Predicted Days by Significant Case Characteristics, Felony Cases

Case Characteristics	Predicted Change in Days to Disposition
<b>Case Type</b>	
Person	<i>Reference Group</i>
Homicide	110
Property	1
Drugs	10
Weapons	14
Legal Process	-14
Other Felony	18
<b>Manner of Disposition</b>	
Guilty Plea	<i>Reference Group</i>
Trial	108
Dismissal	-23
Other	-36
<b>Charges</b>	
Each Charge	0
Charge Reduction	-4
<b>Case Events</b>	
Each Continuance	21
Each Hearing Held	14

### Predicted Days per Additional Hearing and Continuance, Felony Cases

Additional Days Predicted for...	All Felonies	Time Groups		
		More Timely	Mid- range	Less Timely
Each Continuance	21	12	19	35
Each Hearing	14	9	15	18

This analysis confirms some well-known facts (homicide cases take longer, trials take longer) and debunks others (cases with multiple charges do not take longer). In addition, these factors have a largely similar impact across the three groups of courts. While they are an important source of variation in case processing time, these case characteristics do not explain why some courts are faster than others.

The number of hearings and continuances were the most influential factors in case duration: each continuance increased case duration by *three weeks* while each hearing increased duration by two weeks. However, these effects varied significantly by court and were directly influenced by group membership. *More Timely* courts accrued a smaller average number of days for each continuance and hearing while *Less Timely* courts had steeper increases in time due to each.

The primary drivers of case processing time are the number of continuances per case and the number of hearings per case in combination with the elapsed time between hearings.

ECCM Findings

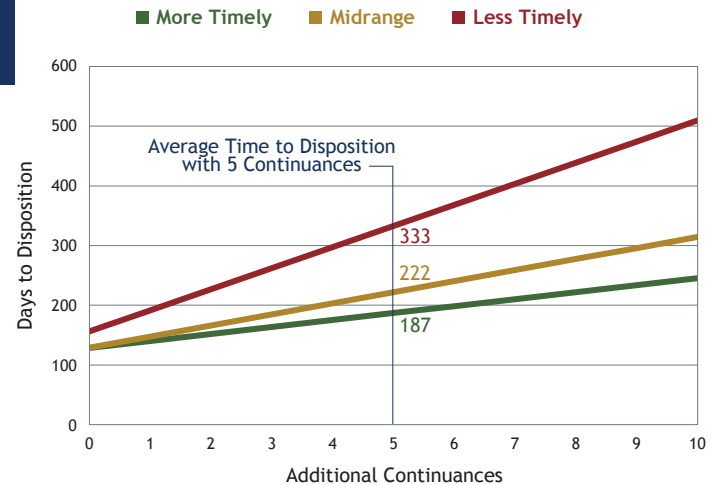


For example, if the *typical* case (about 135 days to resolve with zero continuances) is adjusted to one with 5 continuances, it will not only take longer to resolve, the length of time will vary significantly by group. In the *More Timely* group, this case will now take about 190 days, about 225 days in the *Midrange* group, and about 335 days in the *Less Timely* group.

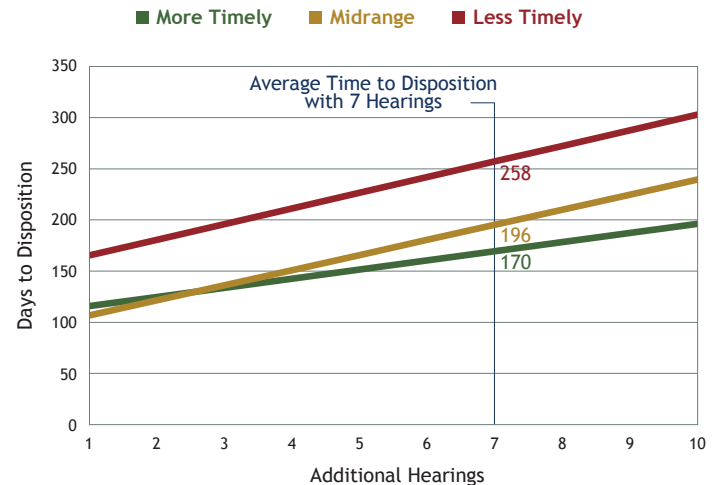
Likewise, if the *typical* felony case is changed to one resolved in 7 hearings, the estimated time to disposition rises to about 170 days in the *More Timely* group, 200 days in the *Midrange* group, and 260 days in the *Less Timely* group.

This information helps clarify the source of lulls in case processing and shows delay often occurs in smaller increments rather than in large blocks of time. While the average number of days added by each additional hearing or continuance may be relatively small, they can quickly compound.

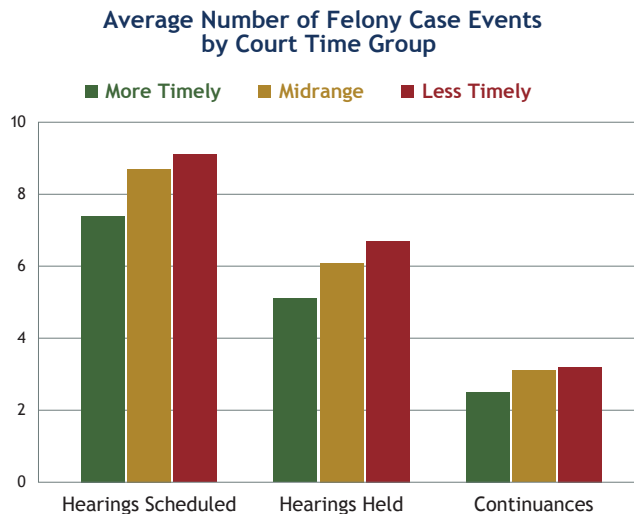
### Felony Case Processing Time per Additional Continuance by Court Time Group



### Felony Case Processing Time per Additional Hearing by Court Time Group



*More Timely* courts exhibit more effective caseflow management practices in controlling the average number of hearings held per disposition and average number of continuances per disposition. **ECCM** data show the *More Timely* courts average more than one fewer hearing and about one fewer continuance per disposition than *Less Timely* courts.



## Delivering Timely Justice in Criminal Cases: *A National Picture*

- ✓ The factors that affect timeliness are determined by the court's policies and practices.
- ✓ Becoming a high-performing court starts with gathering the information needed to appraise the results of current practice, make necessary changes, and measure progress toward the court's goals.
- ✓ Despite all their differences, courts are more alike than different.
- ✓ What works in successful courts can be generalized to other courts across the country.
- ✓ All courts have the potential to handle criminal cases effectively and improve how justice is served.

