

Criminal Case Management Basics: Data Elements, Performance Measures, and Data Presentation Strategies

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Criminal Caseflow Management Basics

This report is designed to allow courts to adopt the *Effective Criminal Case Management* (ECCM) methodology for improving caseflow management of criminal cases by:

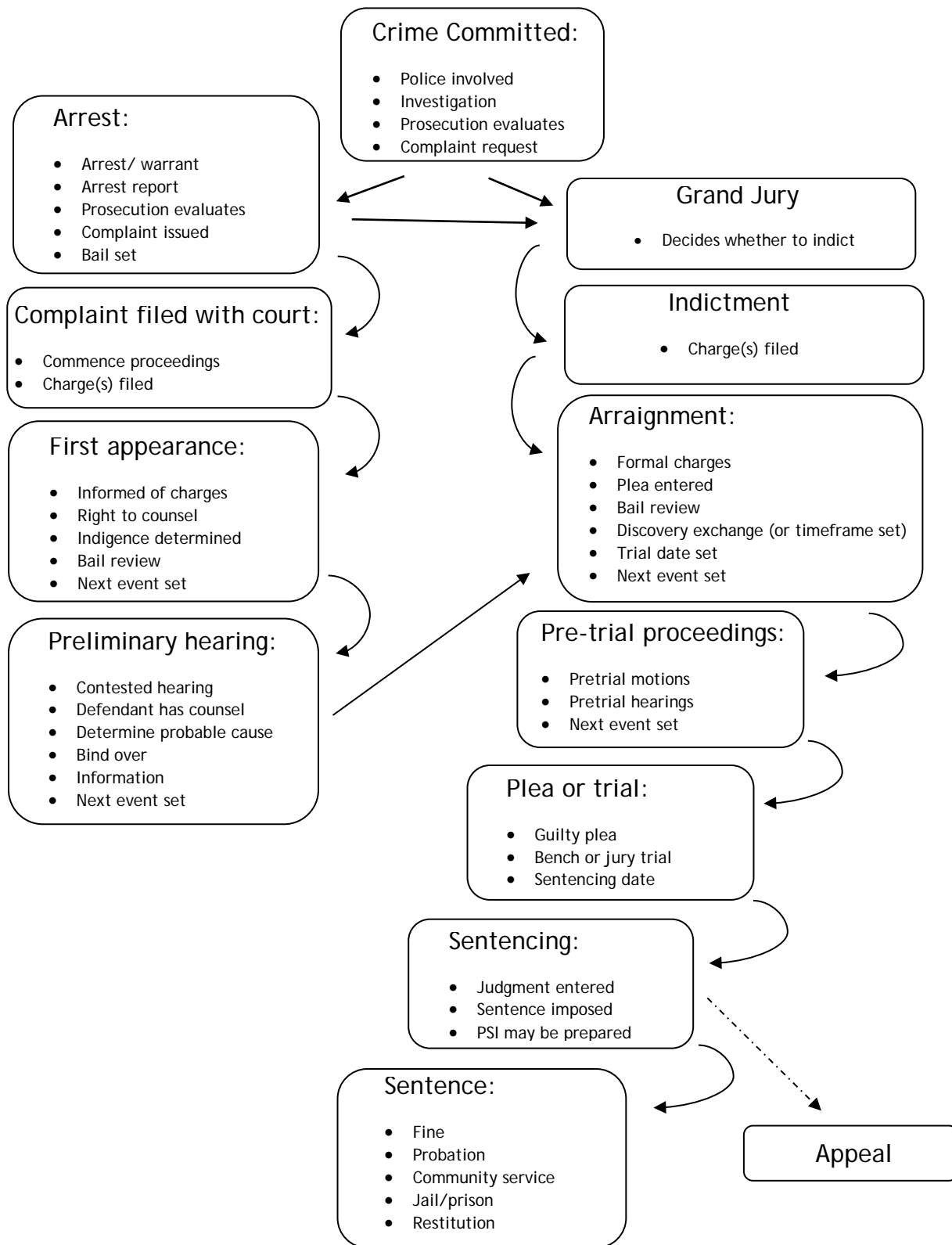
1. Documenting the major case processing events that may occur in the life of a criminal case
2. Identifying the relevant data elements that capture key events in the criminal caseflow management process
3. Specifying a meaningful and feasible set of measures and indicators to be generated from the identified data elements to help manage the flow of criminal cases
4. Analyzing and presenting performance results in an interpretable and compelling way

By following the same process, courts can actively manage criminal cases to achieve their caseflow management goals. This report discusses criminal cases, and the approach can be adapted for both felony and misdemeanor cases.

1. Criminal Case Process Flow Chart

For your jurisdiction, begin by comparing the major criminal case processing events and the primary activities that are supposed to happen at each event. The main steps in the criminal case process identified by the ECCM project are summarized below in **Figure 1**. Most criminal cases in most states are handled in a similar manner, no matter what labels are given to these events in each state's legal process or what events in the life of these cases are handled by the limited and/or general jurisdiction courts in your jurisdiction. The goal is a clear understanding of the specific events and activities that may occur in the life of a criminal case in your court.

Figure 1: Criminal Case Process Flow Chart



2. Identifying Relevant Data Elements

Felony caseflow management requires court managers to assemble an in-depth and empirically based understanding of how cases move through the system. Contemplating the design and content of a case management plan requires attention to the data foundation. Thus, a key step is identifying the necessary data elements as well as evaluating the quality of the data being compiled.

Reference to case type definitions, counting rules, and reporting categories draws on the framework detailed in the NCSCs *State Court Guide to Statistical Reporting*.¹ Details on “Unit of Count” for criminal cases can be found here that describe model approach for how individual cases are counted. Even though your court may be tracking some elements, recommended case status categories have been evolving over time. NCSC suggests that courts now report aggregate data by case type for both active and inactive pending cases (at the beginning and end of the reporting period); newly filed, reopened and reactivated cases; original entry of judgment and reopened dispositions; and cases that are placed on inactive status. These reporting categories were chosen because they allow for a better understanding of both court workload and caseflow management. The information relevant to criminal cases is available here: *State Court Guide to Statistical Reporting*. See also the *National Open Data Standards*², a project of the NCSC that developed business and technical court data standards to support the creation, sharing, and integration of court data by ensuring a clear understanding of what court data represent and how court data can be shared in a user-friendly format.

Table 1 lists the data elements required to adapt the caseflow management analysis in the ECCM project to the management of an individual court. The data elements fall into six general categories: case identifiers, seriousness of charge, key procedural event dates, number of hearings, type of disposition, and defendant legal status. As a starting point for analysis, ECCM recommends compiling a data set of all felony and misdemeanor criminal cases disposed during a recent 12-month period for which complete data are available. The depth of analysis increases as the time period covered expands to allow examination of trends in case processing practices.

The scope of criminal case management information and reports depends on the extent to which the data are readily available in an accurate and timely fashion. This is the data that will serve as building blocks for the performance measures and presentation methods described below.

The *Appendix* contains additional tools to assist in compiling the relevant data. These include the *ECCM Data Inventory Checklist* and the *ECCM Data Specifications* that provide detailed definitions of the data elements used in the project.

¹ Court Statistics Project, *State Court Guide to Statistical Reporting*, Version 2.2, (Williamsburg, VA: National Center for State Courts, 2019), pp. 3-5, 14-21.

² <https://www.ncsc.org/services-and-experts/areas-of-expertise/court-statistics/national-open-court-data-standards-nods>

Table 1: ECCM Data Elements

- A. Case Identifiers**
 - 1. Jurisdiction, if data set includes multiple jurisdictions (e.g., county name, district number, circuit number)
 - 2. Case number
 - 3. Summons/citation case indicator

- B. Classification of Cases by Seriousness of Charge**
 - 4. Degree of most serious charge at filing (see the Dataset Specifications below for hierarchy)
 - 5. Type of most serious charge at disposition
 - 6. Degree of most serious charge at disposition (see the Dataset Specifications below for hierarchy)
 - 7. Type of most serious charge at disposition
 - 8. Charge reduction
 - 9. Total number of felony charges at filing
 - 10. Total number of misdemeanor charges at filing

- C. Key Procedural Events and Dates**
 - 11. Date of Arrest (or summons/citation, if cite and release)
 - 12. Date of filing
 - 13. Date of first appearance
 - 14. Date of court appointment of counsel, if applicable
 - 15. Date of pretrial release decision
 - 16. Date of exchange of discovery
 - 17. Date of preliminary hearing or grand jury
 - 18. Date of arraignment
 - 19. Date of final pretrial conference
 - 20. Date(s) case placed on inactive status (e.g., for failure to appear/issue of bench warrant)
 - 21. Date(s) case reactivated
 - 22. Date of disposition
 - 23. Date of sentencing

- D. Number of Court Hearings**
 - 24. Number of court hearings scheduled
 - 25. Number of court hearings held
 - 26. Number of continuances
 - 27. Number of pretrial conferences held
 - 28. Number of trial dates scheduled
 - 29. Number of failures to appear

- E. Classification of Cases by Manner of Disposition**
 - 30. Manner of disposition (e.g., jury trial, bench trial, guilty plea, diverted, etc.)
 - 31. Outcome of disposition (e.g., conviction, acquittal, diverted to problem-solving court, etc.)

- F. Defendant Legal Status**
 - 32. Type of counsel at disposition (e.g., private, public defender, appointed, self-represented)
 - 33. Pretrial custody status (e.g., release on bail/bond, held without bail/bond)
 - 34. Date(s) taken into custody
 - 35. Date(s) released from custody
 - 36. Cash bail granted
 - 37. Cash bail amount
 - 38. Surety bond granted
 - 39. Surety bond amount
 - 40. Multiple defendants involved (y/n)

3. Specifying Criminal Caseflow Performance Measures and Indicators

This stage begins by identifying the specific caseflow management performance indicators to be used by the court. The set of measures specific to criminal caseflow management are drawn from both *CourTools*³ and the measures used in the ECCM project and make use of the data elements identified in the table above.

In addition to identifying the measures, it is also important to establish a benchmark or desired target level of performance against which current performance can be assessed. For any particular measure, a benchmark tends to be an above-average level of performance derived from statewide reference data, case study research, and/or promulgated by a national court organization. Essentially, benchmarking provides a snapshot of actual court performance in relation to established expectations.

Case processing timeframes are an essential part of any high-performance court. Effective case management is essential if the time standards for disposition of criminal cases are to be met. Setting and enforcing intermediate time standards are part of effective case management strategy. The overall and intermediate time standards specifically directed at criminal cases are shown in Table 2 below and available here: [Model Time Standards for State Trial Courts](#).

Table 2: Model Time Standards for Criminal Cases

Model Time Standards by Case Type		
	Felony	Misdemeanor
Time to Disposition		
	75% within 90 days	75% within 60 days
	90% within 180 days	90% within 90 days
	98% within 365 days	98% within 180 days
Interim Court Events		
Initial appearance	100% within time set by state law	100% within time set by state law
Arrest on the indictment or information	98% within 60 days	
Trial or Plea	98% within 330 days	98% within 150 days

Table 3 provides a list of criminal caseflow performance indicators within the four performance areas of Efficiency, Effectiveness, Productivity, and Procedural Justice developed in the *High Performance Court Framework* (NCSC, 2011)⁴ along with identifying possible benchmarks. The benchmarks draw on the *Model Time Standards for State Trial Courts* (NCSC, 2011).⁵

³ <http://www.courttools.org/>

⁴ Ostrom, et al., *The High Performance Court Framework*. Future Trends in State Courts (2011).

⁵ Van Duizend, Richard, et al., *Model Time Standards for State Trial Courts*, (Williamsburg, VA: National Center for State Courts, 2011), pp. 1-9.

Table 3: Criminal Caseflow Management Performance Measures and Indicators

Measure	Source	Definition	Benchmark
Efficiency: Gauges the variability and stability in key processes			
Clearance Rate	CourTools Measure 2	The number of outgoing cases as a percentage of the number of incoming cases	100% clearance rate each year
Time to Disposition	CourTools Measure 3	The percentage of cases disposed or otherwise resolved within established time frames	See Table 1 above
Age of Active Pending Caseload	CourTools Measure 4	The age of the cases pending before the court, measured as the number of days from filing until the time of measurement	<u>Felony</u> ≤25% beyond 90 days ≤10% beyond 180 days ≤2% beyond 365 days <u>Misdemeanor</u> ≤25% beyond 60 days ≤10% beyond 90 days ≤2% beyond 180 days
<i>Time between major case processing events</i>			
→ Date of arrest to date of filing of criminal complaint	Model Time Standards	The percentage of cases meeting the time standard	<u>Felony</u> 100% of cases meet time set by statute
→ Date of arrest to date of first appearance	Model Time Standards	The percentage of cases meeting the time standard	<u>Misdemeanor</u> 100% of cases meet time set by statute
→ Date of arrest to date of preliminary hearing	Model Time Standards	The percentage of cases meeting the time standard	
→ Date of filing of criminal complaint to date of arraignment	Model Time Standards	The percentage of cases meeting the time standard	<u>Felony</u> 98% within 60 days
→ Date of filing to initiation of trial or acceptance of plea	Model Time Standards	The percentage of cases meeting the time standard	<u>Felony</u> 98% within 330 days <u>Misdemeanor</u> 98% within 150 days
→ Number of appearances per disposition	ECCM	The total number of appearances per disposition, including all appearances scheduled, whether held or continued	Benchmark set by court

Measure	Source	Definition	Benchmark
Effectiveness: Gauges the match between stated goals and their achievement			
Trial Date Certainty	CourTools Measure 5	Number of times cases disposed by trial are scheduled for trial	Benchmark set by court
Hearing Date Certainty	ECCM	Number of times a particular hearing is continued	Benchmark set by court
<i>Time to comply with constitutional/statutory rights</i>			
→ Date of arrest to date of pre-trial release decision → Date of first appearance to date of court appointment of counsel → Date of appt. of counsel to exchange of discovery	ECCM	Monitors the length of time from arrest to key legal events	Benchmark set by court
Productivity: Gauges whether processes make best use of judge and staff time			
Cost of delay	ECCM	The cost to the criminal justice system of failed/rescheduled events	Benchmark set by court
Case weights for judicial officers and for staff by major case type ⁶	NCSC	The average amount of time judges or staff spend to handle a case, from case initiation through all post-judgment activity	Benchmark set by court
<i>Meaningful court event</i>			
→ Hearing Outcomes	ECCM	The percentage of hearings resulting in completion of intended action, next hearing set, a continuance, or a disposition	Benchmark set by court
→ Time between the original date of an event and the date to which it was continued, by event type	ECCM	Average number of days between an originally scheduled event and its continued event	Benchmark set by court
→ Party requesting continuance	ECCM	Originator of request (prosecution, defense, court)	Benchmark set by court
→ Reason for continuance	ECCM	Number of requests by reason requested	Benchmark set by court per policy
Procedural Satisfaction: Gauges if court is providing fair and accessible service			
Access and Fairness Survey	CourTools Measure 1	Ratings of court users on the court's accessibility and its treatment of customers in terms of fairness, equality, and respect	Benchmark set by court

⁶ Case weights must be professionally developed according to a rigorous workload assessment methodology. See <https://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Workload-assessment.aspx>.

Although courts may differ in their specific strategies for criminal caseload management, the following approaches are generally considered to be variations on certain basic methods or techniques that successful courts have in common⁷ (NCSC, 2004):

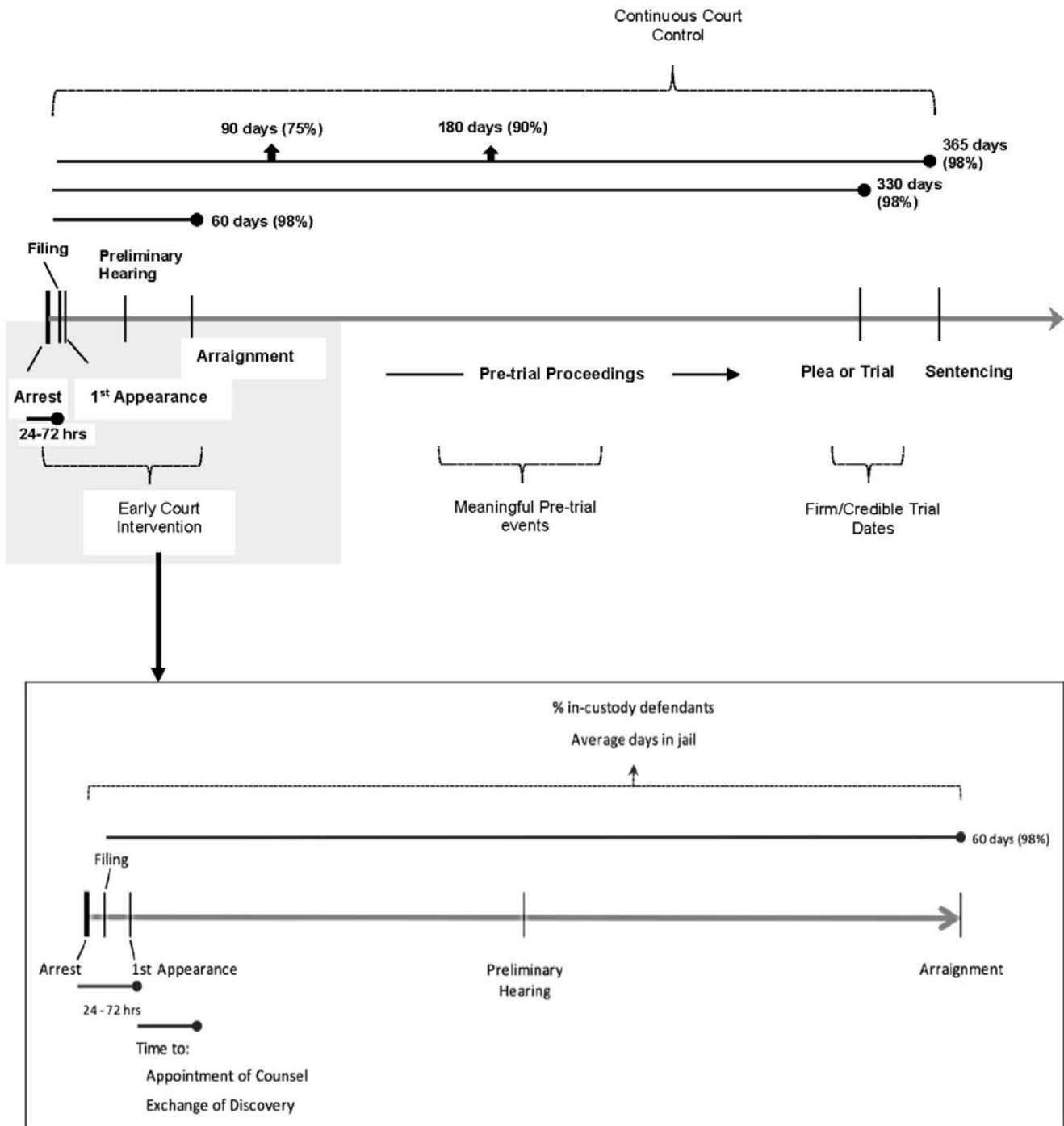
- *Early court intervention*: The start of each case triggers the effort to resolve the case as early in the process as reasonable and to reduce the time and costs for the parties and the court without sacrificing rights or interests.
- *Continuous court control*: For each case, realistic pretrial schedules are established so that progress to each scheduled event is appropriate and can be monitored to minimize unnecessary delay.
- *Controlling continuances*: While courts must allow adequate time to accomplish necessary tasks, events should also be scheduled sufficiently soon to maintain awareness that the court wants reasonable case progress and will not allow continuances simply because participants are not prepared.
- *Meaningful pretrial court events*: The court communicates to all participants in the legal process the purpose, deadlines, and possible outcomes of all proceedings to ensure all events occur as scheduled and contribute substantially to the resolution of the case.
- *Firm and credible trial dates*: Trials regularly commence on the first date scheduled after the court determines no other case resolution options are possible.

It is possible to visualize the relationship between caseload management principles, key criminal case processing events, and relevant performance indicators by incorporating them all in a single diagram. **Figure 2** illustrates these relationships. For example, a central part of continuous court control is ensuring that criminal cases move through all intermediate court events in a timely fashion and are ultimately resolved within established timelines. This idea is shown at the top of the diagram by linking the *Model Time Standards* to the main events in the life of a criminal case.

Likewise, the bottom part of the diagram shows an expanded view of the initial steps and actions in a criminal case from arrest through arraignment. Timely case processing means numerous events need to happen in a controlled fashion during the early stages of a criminal case. Early court intervention involves tasks such as recording the initial filing, scheduling events, conducting hearings, determining indigence, and exchange of discovery. Keeping cases on track requires that the commencement of a case triggers an ongoing monitoring and review process.

⁷ Steelman, David. 2004. *Caseload Management: The Heart of Court Management*. National Center for State Courts. Williamsburg, VA.

Figure 2: Criminal Case Timeline



4. Effective Caseflow Management Reports

Court managers need regular caseflow management reports that are useful to judges and themselves. Reports are of greatest utility when they are regularly generated to monitor court performance. The tables provide a concise example of how a relatively small number of data elements can be combined to show annual trends in key performance indicators. The data is accompanied by short Observations designed to interpret the data and provide a starting point for discussion by the court management team to identify areas of success, challenges, and solutions. This section illustrates strategies for developing caseflow management reports. Three general purposes guide the form and content of these displays.

First, the following tables and graphs use illustrative data to show examples of how the performance data can be analyzed and presented. Caseflow management performance indicators can produce a great deal of data, much of it new and possibly unfamiliar to judges and court managers. To avoid information overload, the tables and graphs assist a court executive team in deciding what data is most important and how the data can best be used to examine specific performance issues and questions. These are the types of reports a court may wish to use. Of course, given variability among courts in the familiarity and experience with caseflow management practices, the actual information compiled will be tailored to the needs and capabilities of each court.

Second, brief bulleted observations illustrate what the numbers mean to demonstrate how the tables and graphs lend themselves to a better understanding of court operations and suggested courses of action. Some bullets are direct observations on the data, typically used to explain and discuss what is contained in a particular chart. Others focus on the managerial utility of the data.

Third, the aim is to show how data provide a baseline to compare how well the court is currently achieving key values related to effective caseflow management. The data are presented at two levels:

- *Data on the status of individual cases.* Most relevant for identifying and monitoring cases that are in danger of exceeding the court's established time frame.
- *Data on court-wide caseload and performance.* Several important court-wide performance indicators should be monitored on a regular and ongoing basis. Steelman (2004) suggests the highest priority information includes:
 - *Case filings and dispositions:* the number of cases filed and disposed by case type category, including statistics on the 5 to 10-year trend.
 - *Clearance Rate:* the total number of cases disposed divided by the total number of cases filed during a given period, indicating the degree to which a court is keeping up.
 - *Active Pending Caseload:* the number and age of cases that have been filed but not yet disposed. The total at the start of the period is *Begin-Pending*; the close is *End-Pending*.
 - *Time to Disposition:* the age of disposed cases in relation to case processing time goals.
 - *Continuances:* reports showing the number of continuances granted by judges.

This type of performance information can help evaluate progress on past efforts, document trends, and formulate new objectives and strategies. The reports below are illustrative and designed to show how data might be presented.

A. Aggregate court-wide reports for regular and ongoing monitoring

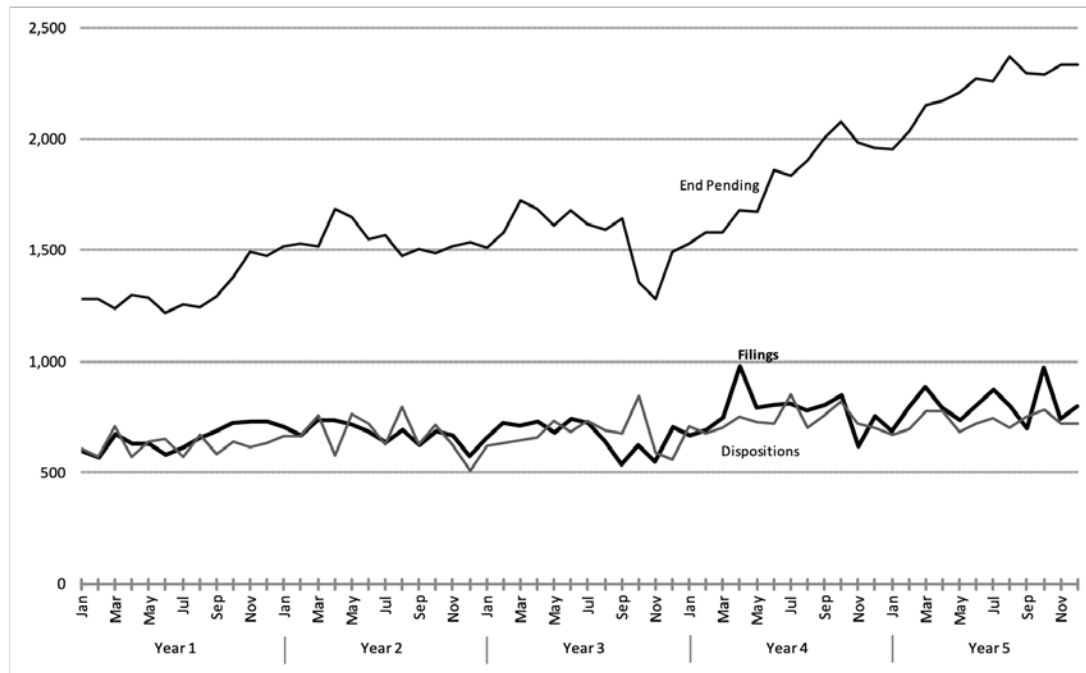
Example 1: Court-wide report showing annual trends in key performance indicators

	Year 1	Year 2	Year 3	Year 4	Year 5	% change
Begin Pending (Jan. 1)	1,116	1,472	1,535	1,492	1,963	76%
Filed	7,825	8,129	8,027	9,312	9,589	23%
Disposed	7,469	7,965	7,894	8,305	8,768	17%
End Pending (Dec. 31)	1,472	1,535	1,492	1,963	2,334	59%
# Pending over 1 year	143	135	127	233	301	110%
% Pending over 1 year	10%	9%	9%	12%	13%	
Clearance Rate	95%	98%	98%	89%	91%	

Observations:

- Over the five years, criminal filings increased 23%, while dispositions rose by 17%.
- Because dispositions failed to keep pace with filings, Begin-Pending caseload grew by 76%.
- Clearance rate declined from 98% in year 3 to 91% in Year 5.
- Number of cases pending over 1 year more than doubled between Years 1 and 5.
- The table indicates how well the court is keeping up as caseloads change over time.

Example 2: Monthly trend in filings, dispositions, and year end-pending cases.



Observations:

- The court was keeping up with the caseload fairly well during Years 1 to 3.
- Dispositions failed to keep pace with filings at the beginning of Year 4.
- The subsequent rise in pending caseload raises concern of a growing backlog.
- The graph shows when a court sustains success in keeping up and when success is threatened.

B. On-demand Court-wide reports to target problems

A rise in the pending caseload should spur a court to more closely examine its caseload management practices. The example below assumes a court implements a plan to improve the timeliness of case processing at the start of Year 6. The following tables illustrate the type of information useful in monitoring the success of the improvement efforts. The data is shown at six-month intervals. Of course, a court might choose to monitor this information more regularly (e.g., quarterly or monthly).

Example 3: Time to disposition

Date	Percent Resolved Within			Number of Days	
	90 Days	180 Days	365 Days	Mean	Median
Jan. - Year 6	65%	72%	87%	185	144
Jun. - Year 6	68%	78%	88%	169	136
Dec. - Year 6	75%	82%	92%	158	121

Observations:

- The court is improving case processing time across all time periods in Year 6.
- The mean, or average, is equal to the sum of all the days divided by the number of cases.
- The median is the middle value; in January half of the cases take greater than 144 days and half take fewer days.
- The mean will be greater than the median when there are some cases that take a long time to resolve, and thus raise the average for all cases.
- The table enables a court to show how disposition time compares to established time standards.

Example 4: Age of pending caseload

Date	Number of Cases	Percent of Cases Pending More Than...					Number of Days	
		90 Days	180 Days	365 Days	540 Days	730 Days	Mean	Median
Jan. - Year 6	2,334	35	28	13	8	5	208	174
Jun. - Year 6	2,013	32	22	12	6	3	184	162
Dec. - Year 6	1,702	25	18	8	6	5	168	143

Observations:

- The total number of pending criminal cases fell by 27%, from 2,334 to 1,702
- The number of cases pending less than 365 days declined during Year 6.
- The age profile also shows a small change in the percent of cases pending more than 365 days. (from 26 percent (13+8+5) to 19 percent (8+6+5), signifying there are still a substantial number of old cases.
- The table helps a court monitor the progress of all cases and determine the extent to which cases are pending beyond the time standards.

Example 5: Number of cases pending at each stage

Dates	Number of Cases	Initial Appearance	Preliminary Hearing	Arraignment	Pretrial Proceedings	Trial		
						Readiness Conference	Jury Trial Set	Sentencing
Jan. - Year 6	2,334	345	470	713	552	62	105	87
Jun. - Year 6	2,013	220	325	548	490	124	194	112
Dec. - Year 6	1,702	152	142	329	370	256	310	143

Observations:

- This table shows the number of cases pending at each major stage of the criminal process (numbers reflect the next type of hearing set, not the most recently completed type of hearing).
- Of the total of 2,334 cases pending in January, 552 (24%) had completed the arraignment and were set for pretrial proceedings. By December, 370 of the 1,702 cases (22%) were at this stage.
- In January, 254 of the 2,334 cases (11%) were pending at the trial readiness, trial, and sentencing stages; by December that number increased to 709 of 1,702 cases (42%).
- The table shows that the inventory at the later stages has increased sharply, suggesting where a new backlog may be building.

Example 6: Time between major case processing events

Dates	Arrest to First Appearance		Filing to Arraignment		Filing to Disposition	
	% Within 48 Hours	Goal %	% Within 60 Days	Goal %	% Within 330 Days	Goal %
Jan. - Year 6	98%	100%	86%	98%	84%	98%
Jun. - Year 6	98%	100%	89%	98%	85%	98%
Dec. - Year 6	98%	100%	92%	98%	89%	98%

Observations:

- The percentage of cases approximating established time goals is better in December than January.
- The court is still finding it difficult to meet its case processing time goals for moving cases from filing to arraignment and from filing to disposition.
- This table diagnoses whether and where a court has bottlenecks.

Example 7: Average appearances and continuances granted

Dates	For Cases Disposed by Trial		
	Average Appearances per Dispo.	Average Continuances per Dispo.	Average Trial Date Continuances
Jan. - Year 6	12	6	4
Jun. - Year 6	11	5	4
Dec. - Year 6	10	5	3

Observations:

- The number of appearances per disposition, counting all appearances scheduled (whether held or canceled and rescheduled), has declined.
- Trial date continuances showed a slight reduction.
- Since too many continuances lead to excessive case processing time, the table provides a means to monitor the granting of continuances more closely.

C. Exception reports for monitoring specific cases

Individual case-level reports are particularly important for identifying cases approaching or exceeding time standards as well as other established goals (e.g., appearances per disposition). They can be designed as *exception reports*. An exception report is designed to identify cases outside normal expectations that need corrective action. In successful caseload management, exception reporting saves time by alerting court managers to problem cases without the need to search for this information where it is mixed in with the full set of court cases.

Example 8: Pending cases over 365 days old

Number of Days Old	Case Number	Case Type	Defendant Name	File Date	Last Action	Next Action	Date Set for Next Action
732	09-01245	Burglary	Smith	09/03/2020	Trial readiness	Trial	12/04/2020
723	09-23895	Homicide	Jones	10/14/2020	Motion	Trial readiness	01/16/2021
711	09-48903	Assault	Miller	10/22/2020	Trial readiness	Trial	02/01/2021
.
.

Observations:

- Identifies the age (number of days old) for each felony case exceeding the time standard.
- The case number, defendant name, and case status are shown.
- Additional information, such as judge and attorney names and phone number could be included to facilitate management of these cases.

Example 9: Pending cases over 60 days old without arraignment

Number of Days Old	Case Number	Case Type	Defendant Name	File Date	Last Action	Next Action	Date Set for Next Action
84	10-33467	Drug	Markus	11/24/2020	Prelim	Arraignment	02/16/2021
80	10-34998	Burglary	Hurt	11/28/2020	Prelim	Arraignment	02/29/2021
78	10-45568	Drug	Jefferson	12/02/2020	Motion hearing	Arraignment	03/04/2021
.
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Observations:

- Identifies cases moving slowly according to established criteria, warranting closer court monitoring.
- While this table focuses on time from filing to arraignment, similar tables can be constructed to show timing between other major case processing events (e.g., arraignment to pretrial hearing, trial readiness conference to trial).

Example 10: Pending cases with 10 appearances or more

Number of Appearances	Case Number	Case Type	Defendant Name	File Date	Last Action	Next Action	Date Set for Next Action
18	10-23356	Drug	Orlando	11/21/2020	Trial readiness	Trial	12/05/2020
17	10-25997	Assault	Murray	12/12/2020	Motion hearing	Trial readiness	12/08/2020
15	10-39967	Homicide	Gullen	01/04/2020	Motion hearing	Trial readiness	01/06/2021
.
.

Observations:

- Identifies cases with a substantial number of appearances that slows down the resolution of cases and increases the cost.
- This court has established a benchmark of fewer than 10 appearances, and the table shows the specific cases where the number of appearances exceeds this benchmark.

Example 11: Pending cases without date for next appearance set (or disposition date)

Case Number	Case Type	Defendant Name	File Date	Last Action
09-55466	Homicide	Hanson	01/06/2020	Motion hearing
09-56677	Burglary	Samual	01/09/2020	Arrestment
09-67734	Assault	Handy	02/03/2020	Trial readiness
.
.
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Observations:

- Identifies the specific cases where the date of next appearance has not been set.
- The court should enforce a clear policy that the date and purpose of the next event in the life of each case is established following completion of any given event.

Example 12: Continuance Report

Case Number	Case Type	Defendant Name	Judge Name	Type of Event Continued	Individual Requesting Continuance	Reason for Continuance
10-34498	Burglary	Alfred	Ruiz	Trial	Court	Judge not available
10-57734	Drug	Jack	Kane	Motion hearing	Defense	Attorney scheduling conflict
10-78432	Homicide	Lacey	Cohen	Arrestment	Prosecution	Attorney not prepared
.
.
.

Observations:

- Identifies whether the granting of continuances follows a reason allowed under the court’s continuance policy and who made the request.
- The table will help monitor the court’s effectiveness adhering to its continuance policy.

APPENDIX A

ECCM Criminal Case Management Data Checklist

<u>Counting Rules</u>	If no, can information be sorted into these categories			
	Yes	No	Yes	No
Count the arrest (or citation) as the beginning of the case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Count the filing of the original charging document as the beginning of the case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Count the defendant and all charges involved in a single incident as a single case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Count a probation/parole violation from a previous felony case as a reopened felony case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reporting Aggregate Caseload Statistics: Case Status Categories

Consistent with the *State Court Guide to Statistical Reporting (Guide)*, the following case status categories should be used for reporting felony caseloads. All terms are defined in the *Guide*. Assess whether the status of individual felony cases is collected and tracked using the specific categories shown below.

	Check if information is currently collected		Check if information currently used to track cases		Availability of information	
	Yes	No	Yes	No	Monthly	Annually
<i>Begin Pending</i>						
Begin pending—Active	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Begin pending—inactive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Incoming cases</i>						
New filing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reopened	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reactivated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Outgoing cases</i>						

Criminal Case Management Basics

Entry judgment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reopened dispositions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Placed on Inactive Status	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>End Pending</i>						
End pending—Active	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
End Pending—Inactive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Case Identifiers

Check if information is currently collected

Check if information currently used to track cases

	Yes	No	Yes	No
Jurisdiction (district, county, circuit, court location)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Case number	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Summons/Citation Indicator (yes/no)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Classification of Cases by Seriousness of Offense

Most Serious Charge at Filing

Check if information is currently collected

If no, can information be sorted into these categories

(for each charge, indicate if felony or misdemeanor)

	Yes	No	Yes	No
Homicide	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Domestic Violence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Person Offense	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property Offense	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drug Offense	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Weapons Offense	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DWI/DUI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Criminal Case Management Basics

Other Motor Vehicle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal Process Violation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Order Offense	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Felony/Other Misdemeanor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Number of Charges at Filing

Total number of felony charges at filing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total number of misdemeanor charges at filing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Most Serious Charge at Disposition (using same hierarchy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Key Procedural Events and Dates

Please indicate whether the date and type of major case processing events occurring in individual felony cases is collected and tracked using the specific categories shown below.

	<u>Check if information is currently collected</u>		<u>Check if information currently used to track cases</u>	
	Yes	No	Yes	No
Date of arrest (or citation/summons if cite and release)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of filing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of first appearance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of court appointment of counsel (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of pretrial release decision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of exchange of discovery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of preliminary hearing (or grand jury hearing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of arraignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of final pretrial conference	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dates Case Placed on Inactive Status/Reactivated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Criminal Case Management Basics

Date(s) case placed on inactive status	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date(s) case reactivated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of disposition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of sentencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<u>Number of Court Hearings</u>	<u>Check if information is currently collected</u>		<u>If no, can information be sorted into these categories</u>	
	Yes	No	Yes	No
Number of court hearings scheduled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Number of court hearings held	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Number of pretrial conferences held	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Number of trial dates scheduled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Number of Failure to Appear events	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Classification of Cases by Manner of Disposition & Outcome

This data element should identify the type of disposition for the most serious charge at disposition, recognizing that charges may have been dismissed or reduced over the life of the case. The rank order is listed below. See Data Specifications section below for additional definition and detail.

<i>Manner of Disposition</i>	<u>Check if information is currently collected</u>		<u>Check if information currently used to track cases</u>	
	Yes	No	Yes	No
Jury trial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bench trial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Guilty Plea	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversion (all types)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dismissal/nolle prosequi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Outcome</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Bindover/transfer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conviction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Acquittal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mistrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversion to problem-solving court (e.g., drug court)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversion other than to problem-solving court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Continued without finding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dismissal/nolle prosequi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Defendant Legal Status

	Check if information is currently collected		If no, can information be sorted into these categories	
	Yes	No	Yes	No
Pretrial custody status				
<i>In-custody</i>				
Date(s) taken into custody	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date(s) released from custody	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Out-of-custody</i>				
Own recognizance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cash bail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cash bail (amount)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Surety bond	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Surety bond (amount)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Type of counsel at disposition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Multiple defendants involved	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPENDIX B

Effective criminal case management (ECCM) project data specifications

This document describes the data elements required to adapt the caseload management analysis in the ECCM project to the management of an individual court. For purposes of this project, the data elements fall into six general categories: case identifiers, seriousness of charge, key procedural event dates, number of hearings, type of disposition, and defendant legal status.

The data set should include all felony and misdemeanor criminal cases disposed during the most recent 12-month period for which complete data are available (e.g., most recent fiscal year, most recent calendar year). The data set should include only cases originally filed as felony or misdemeanor criminal offenses; do not include cases originally filed as infractions or violations. Cases originally filed as felonies or misdemeanors but disposed as infractions or violations should be included. "Disposition date" refers to the date of the *final disposition of the original criminal case*, not to the date of disposition for post-judgment events such as probation violations.

For purposes of this project, 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 should be condensed to produce a single record containing the most serious charge at filing and the most serious charge at disposition.

Some CMS unfortunately overwrite certain data fields, rather than maintain a history. For example, legal representation can change over the life of the case, and each time it changes the system overwrites the existing data with the new data. Having a history is better than assuming that the type of legal representation at disposition was true for the life of the case. The same is true for custody status (detained, released) can also change over the life of the case and affect timeliness and other factors influencing case outcome; if overwritten, this information is lost. Notes are offered below where more detailed information could be beneficial.

Dataset Specifications

The final data set should comprise every felony and/or misdemeanor case *disposed/sentenced* during the most recent 12-month period available. The data set should ideally consist of a single “flat” file that includes the variables described below, with one record per case/defendant (Option 1) or one record per charge (Option 2). Our preferred file formats include Excel and SPSS, but a properly set-up ASCII/text file is also acceptable. NCSC staff will be happy to work with you on alternatives if you are unable to provide the data in exactly the desired format.

Date element definitions:

A. Case Identifiers:

1. Jurisdiction

The jurisdiction (e.g., circuit, district, or county) in which the case was filed.

2. Case Number

A unique identifier (e.g., case number, docket number). For data sets containing multiple records per case, this number will be used to match charges within cases.

3. Summons/Citation Case Indicator

In a summons/citation case, the defendant is not taken into custody but is instead issued a summons, citation, notice, or ticket (e.g., desk appearance ticket) directing the defendant to appear in court on a specified date. These cases are typically minor misdemeanors (e.g., traffic offenses, possession of marijuana).

0. Defendant taken into custody (not a summons or citation case)

1. Summons or citation case

Note: While the current model time standards are based on date of filing, a better measure of criminal case processing is to begin from the date of arrest.

B. Seriousness of Charge:

For each defendant:

- Determine the *most serious charge at filing* and the *most serious charge at disposition*
- Determine the *total number of charges*, both felony and misdemeanor, facing the defendant at time of filing

The *most serious charge* is the charge of the most serious degree according to the state’s classification system. The *most serious charge at filing* is defined as the most serious charge ever filed in the case, regardless of the date on which the charge was filed. The *most serious charge at disposition* is the most serious charge that is not dismissed.

4. Most Serious Charge at Filing: Degree

Many criminal cases include multiple charges against a single defendant. This data element identifies the most serious charge filed against the defendant. This data element should identify whether the most serious charge filed is a felony or a misdemeanor.

- Felony—in most states, an offense punishable by incarceration for one year or more.
- Misdemeanor—in most states, an offense punishable by incarceration for less than one year and/or fines.

Note: Additional benefit may be derived if the case management system can also specify the degree or class of the most serious charge filed, based on the state’s classification system (e.g., Felony I, or

Class A misdemeanor). When statutes are used to classify cases, sometimes the penal code section itself will make these distinctions (e.g. PC 243(a) vs PC 243(b)).

5. Most Serious Charge at Filing: Case Type

1. Criminal homicide (e.g., murder, negligent manslaughter, vehicular homicide)
2. Domestic violence (a person offense committed against another person with whom the defendant had a domestic relationship)
3. Person offense (e.g., attempted murder, rape, assault, robbery, kidnapping, sex offenses, incest, menacing, child abuse, etc.)
4. Property offense (e.g., burglary, larceny, theft, tampering, auto theft, arson, forgery, fraud, bribery, trespass, cruelty to animals, etc.)
5. Drugs (e.g., manufacture, distribution, sale, use of controlled substance)
6. Weapons (e.g., violation of regulations/statutes regarding carrying, using, possessing, etc.)
7. DUI/DWI
8. Other motor vehicle (e.g., reckless driving, other non-DUI charges, driving on a suspended license, habitual traffic)
9. Violations of the legal process (e.g., perjury, impersonation, obstruction of public justice, bail violation, protection order violation, escape, fugitive from justice, etc.)
10. Public order (e.g., violations of liquor laws, disorderly conduct, vagrancy, prostitution, criminal mischief, gambling, public peace and order, curfew, fare evasion, wildlife or natural resources offenses, etc.)
11. Other felony or other misdemeanor (e.g., felony or misdemeanor charges that do not fit into one of the categories defined above, including abuse of public office, habitual criminal, etc.)

6. Most Serious Charge at Disposition: Degree

This data element identifies the *most serious charge that is not dismissed*. This data element should identify whether this charge is a felony, a misdemeanor, or a violation/infraction. This data element should also specify the degree or class of the charge, based on the state's classification system (e.g., first-degree felony, class A misdemeanor).

- Felony—in most states, an offense punishable by incarceration for a year or more.
- Misdemeanor—in most states, an offense punishable by incarceration for less than one year and/or fines.
- Violation/infraction—a civil offense not punishable by incarceration

If all charges are dismissed, the most serious degree of offense at disposition should be coded as -8 (all charges dismissed).

7. Most Serious Charge at Disposition: Case Type

This data element should identify the type of offense for the *most serious charge that is not dismissed*. The most serious charge is to be identified first by degree (see above). If there are two or more charges tied for the most serious degree, use the hierarchy of offense types to determine which charge is most serious.

For example, take a case that includes two charges: a *property felony* charge (most serious charge at filing) and an *other misdemeanor* charge. If the property felony is dismissed and the defendant pleads guilty to the other misdemeanor, the other misdemeanor becomes the *most serious charge at disposition*. As another example, say there are two charges in a limited jurisdiction court case: a felony person offense and a felony drug charge. The felony person charge is dismissed prior to bindover, and the case is bound over to the court of general jurisdiction for trial on the felony drug charge. The *most*

serious charge at disposition is the felony drug offense, because it is the most serious charge that was not dismissed.

If all charges are dismissed, the most serious charge at disposition should be coded as -8 (all charges dismissed).

8. Charge Reduced:

0. Most serious charge at disposition is equal to most serious charge at filing.

1. Most serious charge at disposition is lesser in degree and/or type of offense than most serious charge at filing.

-8. All charges dismissed.

9. Total Number of Felony Charges at Filing

10. Total Number of Misdemeanor Charges at Filing

C. Key Procedural Event Dates:

11. Date of Arrest (or Citation/Summons, if not taken into custody)

The date when the police arrest the defendant, request a warrant, and/or issue a summons, citation, notice, or ticket, if not taken into custody. (Technically, a defendant who gets cited and released will usually be considered to have been “arrested” even if not taken into custody).

12. Date of filing

The date that the criminal complaint is filed with the court.

13. Date of First Appearance

The date of the first court appearance where the defendant is brought before a magistrate or judge. Typically, at this hearing, the defendant is informed of charges and constitutional rights, including the right to an attorney. Conditions and type of bail may be set or reviewed. May also be called *initial appearance* or *arraignment*.

14. Date of Court Appointment of Counsel

The date of appointment of state-paid counsel if the defendant is determined to be indigent.

15. Date of Pretrial Release Decision

The earliest date on which a judicial officer decides whether to release the defendant on bail/bond.

16. Date of Exchange of Discovery

The date, following the formal request for discovery by the defendant’s attorney, that the prosecutor’s office provides the attorney with the materials they have in their possession that relates to the defendant’s case (e.g., police reports, transcripts of statements made by the defendant or other witnesses during the initial investigation, and any videos or recordings that were obtained at the time of arrest).

17. Date of Preliminary Hearing Date (or Grand Jury)

The date of the *preliminary hearing* at which a judge determines whether the evidence provides probable cause to believe that the crime was committed by the defendant. The preliminary hearing occurs after the *first appearance* and may also be called a *preliminary examination*, *evidentiary hearing* or *probable cause hearing*.

Alternatively, this is the date of *grand jury* indictment for those jurisdictions where a grand jury is used to determine whether there is enough evidence, or probable cause, to indict a criminal suspect.

Possible outcomes if probable cause is established:

- The defendant is held to answer, or is “bound over,” for trial on the original charge.
- Depending on the jurisdiction and the seriousness of the crime, the case may proceed directly to plea negotiations or trial in the court that conducted the preliminary hearing.

18. Date of Arraignment

The *arraignment date* is the date of the next court appearance after a judge holds the defendant to answer, often initiated when the prosecutor files a document (commonly called an “information”) that signals the start of further court proceedings. At the arraignment, the defendant typically receives a formal notice of charges, enters a plea, and has the next court date set. Also called *arraignment on the information*.

19. Date of Final Pretrial Conference

The *final pretrial conference date* is the latest date prior to the disposition date on which a pretrial conference (often an informal meeting at which opposing attorneys confer, usually with the judge) to assess the case’s readiness for trial.

20. Date(s) Case Placed on Inactive Status

21. Date(s) Case Reactivated

A criminal case is typically placed on *inactive status* after a bench warrant is issued because the defendant failed to appear at a scheduled court appearance and is considered a fugitive. When the defendant is taken into custody, the case will be removed from inactive status and reactivated. These dates allow for computing the total number of days the case spent in inactive status between the filing date and disposition date, including multiple spells of inactivity, essential for an accurate representation of a court’s timeliness.

Note: If not possible to compute the total number of days using the dates described above, then use of Item 3X below, the Number of Failure to Appear events, can serve as a proxy.

22. Date of Disposition

Disposition date is defined as the date of the legal disposition of the case (e.g., trial verdict, guilty plea, dismissal, etc.) OR entry into diversion or drug court or other problem-solving court program, whichever comes first. It refers to the date of the *final disposition of the original criminal case*, not to the date of disposition for post-judgment events such as probation violations.

In those instances where a case has multiple charges with multiple disposition dates, this date is defined as the ‘first final disposition’ date. That is, the date when **all** the charges are initially disposed (not the first disposition date when, say, one of the charges is dismissed but others are still pending disposition). In addition, as noted above, for purposes of this study the disposition date is the date of **entry** into diversion or a problem-solving court program, not the date where there may be a subsequent disposition such as ‘dismissal’ (if conditions of diversion are met) or ‘conviction’ (if conditions are not met).

23. Date of Sentencing

The date when judgment is entered, and sentence imposed.

D. Number of Court Hearings

24. Number of court hearings scheduled: numeric variable

A scheduled hearing is a court event at which an attorney or defendant is scheduled to appear before a judicial officer on or off the record. Types of hearings include, but are not limited to, initial appearances, bond hearings, preliminary hearings, motion hearings, pretrial conferences, and trials.

25. Number of court hearings held: numeric variable.

A hearing is defined as being held when an attorney and/or defendant appears before a judicial officer on or off the record and the proceeding is not postponed or continued.

26. Number of pretrial conferences held: numeric variable

The *number of pretrial conferences* is the total number of conferences held prior to the disposition date for the purpose of establishing case timelines, narrowing the issues, assessing trial readiness, etc. Such conferences may be called pretrial conferences, scheduling conferences, status conferences, or case management conferences.

27. Number of trial dates scheduled: numeric variable

The number of trial dates scheduled includes the first day of each scheduled trial, whether or not the trial occurs. If a multi-day trial is scheduled, count this as a single trial date.

28. Number of failures to appear: numeric variable

The number of scheduled hearings at which the defendant was required to appear but failed to appear.

29. Number of continuances: numeric variable

The total number of times a scheduled hearing (a court event at which an attorney or defendant is scheduled to appear before a judicial officer on or off the record) was continued. Count this if unable to compute items 30 and 31.

E. Manner of Disposition

30. Manner of Disposition for Most Serious Charge at Disposition (rank order):

1. Jury trial (including incomplete trials)
2. Bench/non-jury trial (including incomplete trials)
3. Guilty plea
4. Diversion (all types)
5. Dismissal/nolle prosequi

Consistent with the *State Court Guide to Statistical Reporting* a jury trial is considered to have taken place for disposition reporting purposes when a jury is impaneled to determine the issues of fact in the case. A jury trial should be counted when the jury has been sworn, regardless of whether a verdict is reached. A bench trial is considered to have taken place for disposition reporting purposes when a judge or judicial officer is assigned to determine both the issues of fact and law in the case and is counted when the first evidence is introduced, regardless of whether a judgment is reached. Note that these trial dispositions are not considered as such by the mere request for or scheduling of a trial.

Manner of disposition categories may not be mutually exclusive. For example, the disposition phase in a case could begin with a jury trial, but end in a guilty plea or dismissal. Likewise, a case disposition may begin as a jury trial and end as a bench trial. For purposes of this study, a case is defined as being disposed by jury trial (or bench trial) if a jury trial (or bench trial) begins regardless of how the case is ultimately disposed.

For cases involving multiple charges, report the manner of disposition for the most serious charge that is not dismissed. In the example of a case with three charges (felony person, felony drug, and misdemeanor weapons) in which the felony person offense is dismissed, the felony drug charge is disposed by guilty plea, and the misdemeanor weapons charge results in a bench trial, the most serious charge at disposition is the felony drug offense, and the manner of disposition is guilty plea.

If multiple charges *of the same degree and offense type* are not dismissed, use the rank order for manner of disposition (shown above) to determine the manner of disposition for the most serious charge. For example, if a case includes two Class 1 misdemeanor person offenses, one of which results in a guilty plea and one of which is disposed by bench trial, the two charges at disposition are

equivalent in seriousness, so the rank order for manner of disposition must be used to determine the manner of disposition, which is bench trial.

31. Outcome of Case Disposition for Most Serious Charge at Disposition (rank order):

1. Bindover/transfer
2. Conviction
3. Acquittal
4. Mistrial
5. Diversion into drug court or other problem-solving court
6. Diversion (not to a problem-solving court program)
7. Continued without a finding
8. Dismissal/Nolle Prosequi

When a case involves the disposition of multiple charges, the *result of case disposition* category selected should correspond to the disposition of the *most serious charge at disposition* (see above). Drawing on the example above (a case with three charges, felony person, felony drug, and misdemeanor weapons, where the felony person charge is dismissed, the felony drug charge results in a guilty plea, and the misdemeanor weapon is disposed by bench trial), the *most serious charge at disposition* is the felony drug offense and the *result of case disposition* is conviction.

With reference to problem-solving court cases, for purposes of this study, the *result of case disposition* refers to the initial or original disposition of entry into diversion or a problem-solving court program, not the subsequent disposition such as 'dismissal' (if conditions of diversion are met) or 'conviction' (if conditions are not met).

"Continued without a finding" refers to a disposition where the court postpones or withholds judgment for a set period of time outside of a formal diversion program. The defendant may or may not admit facts sufficient for a finding of guilt and may or may not be subject to requirements and conditions. Examples include "continued without a finding" in Massachusetts, "adjournment in contemplation of dismissal" (ACD, ACOD) in New York, and "deferred disposition" in Virginia.

F. Defendant Legal Status

32. Type of Counsel at Disposition:

1. Private attorney
2. Public Defender
3. Appointed counsel
4. Self-represented/pro se/pro per

33. Pretrial Custody Status Following Initial Determination

Ideally, a numeric variable with the following values:

1. Not taken into custody (summons/citation case)
2. Release on own recognizance
3. Release on bail/bond
4. Held subject to bail/bond
5. Held without bail/bond
6. Held on another matter (e.g., another sentence or a probation violation from an earlier case)

Note: For all types of detention in custody, the most accurate reporting will provide for Date(s) taken into custody and Date(s) released from custody, for each period (if more than one) that the defendant was in custody. This will allow computation of total time the case is placed on inactive status, ensuring an accurate representation of timeliness.

A key decision is the determination of whether the defendant will be detained in jail awaiting trial or will be released back into the community. In addition, many defendants are held for a number of days and then released at some point before trial. Some defendants may go in and out of pretrial detention multiple times. The purpose of this variable is to capture the total number of days the defendant is held in jail between the initial appearance and disposition.

The counting of days should begin on the date of the original pretrial release determination and, therefore, exclude any time the defendant is incarcerated from arrest to the initial pretrial release determination (unless the court decides to start counting initiation of the case as starting at the time of arrest). If the defendant is released following the initial appearance, is not taken back into custody, and serves no time in pretrial detention, code as 0 days.

34. Date(s) taken into custody

35. Date(s) released from custody

36. Cash Bail Granted

- 0. No
- 1. Yes

37. Cash Bail Amount

Bond/bail amount should equal the amount of bond/bail set by the judicial officer at the earliest pretrial custody determination. A numeric value expressed as a dollar amount (e.g., 12,345)
Indicate *Release on Own Recognizance* as -99

38. Surety Bond Granted

- 0. No
- 1. Yes

39. Surety Bond Amount

Bond/bail amount should equal the amount of bond/bail set by the judicial officer at the earliest pretrial custody determination. A numeric value expressed as a dollar amount (e.g., 12,345)
Indicate *Release on Own Recognizance* as -99.

40. Multiple defendants involved:

- 0. No
- 1. Yes

Note: This variable is only pertinent to data systems where a criminal incident involving multiple defendants is routinely incorporated and filed as a single case. This data element may be ignored if a court's practice is to file a separate case for each criminal defendant in a criminal incident involving multiple defendants.