

Cost of Delay Calculator

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Richard Y. Schauffler
Brian J. Ostrom, Ph.D.

National Center for State Courts

Estimating the Cost of Delay

Delay is costly to all involved: the court, the prosecution, the defense, the jail for those in custody, and last but not least, the defendant. The cost is driven by the salaries of all those in the courtroom whose time is wasted with a failed event--a hearing that does not take place and achieve its purpose and must be rescheduled. For defendants in custody, jail bed costs add significantly to this cost.

While the cost of a single delay may not appear too large, when applied to the number of cases in which delay occurs, the true cost skyrockets.

Let's take a look at the cost of a single continuance, \$35.

- Salaries: national averages for each position shown
- Duration of events: assume the event being continued was a short matter (5 minute hearing) and that it takes 5 minutes to entertain the continuance and determine the next date and to get the next case ready to be heard. The duration is 5 minutes for the failed event, and 0 minutes for the event when it occurs, since that cost would have been incurred if no delay had taken place.
- Jail Bed Cost: The average cost of a jail bed per day of incarceration (source: Vera Institute national study of 36 counties, range from \$50 to \$200).

Now let's see what this seemingly small cost of \$35 looks like over the life of the cases in a year's worth of felony case dispositions.

Cost Over Time

Shown here is ECCM data from 10 states/48 courts. The assumptions can be modified to actual data for any court; the numbers here are actuals for this set of courts.

- Annual Felony Caseload: actual.
- % defendants in custody: Estimate from Bureau of Justice Statistics studies 1990 to 2004 of felony cases in the 75 largest counties, a consistent % over this time.¹
- % of cases with X continuances: actual. Note that an additional 13% of the total annual caseload has more than 5 continuances, not shown here to keep the example easier to follow. As a result, the total cost estimate shown here is an underestimate of total cost.
- Cost of Failed/Rescheduled Events: from previous worksheet.
- Length of detention: Based on actual average number of days of additional incarceration per continuance.
- Number of continuances: the % applied to the annual caseload.
- Jail bed days: the % applied to the % of cases with in-custody defendant.

Total Costs

- Cost per continuance: the assumptions applied to the caseload. Jail bed costs applied to in-custody defendants for 30 days of delay per continuance (actual average number of days added).
- The total costs are assigned to each of the main actors in the courtroom, based on the previous assumptions about salaries and duration of events.
- Total cost over the two years it takes to dispose of 96% of these cases shows the large impact of "business as usual," in which continuances are accepted as normal and allowed to add significant delay.

¹ <https://www.bjs.gov/content/pub/pdf/prfdsc.pdf>