

PROMOTING INNOVATION IN PROSECUTION

PROSECUTOR'S GUIDE
TO
MANAGEMENT INFORMATION



JEFFERSON INSTITUTE FOR JUSTICE STUDIES

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**PROSECUTOR'S GUIDE
TO
MANAGEMENT INFORMATION**

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Peter S. Gilchrist, III
Edward C. Ratledge
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PROSECUTOR'S GUIDE TO MANAGEMENT INFORMATION

INTRODUCTION:

This guide is for prosecutors. It is designed to help them understand what information they need to manage their offices and evaluate the quality of their prosecution services. It is also designed to help them identify areas where information may be lacking or need improvement.

In this guide, we assume that every prosecutor seeks the common goal of managing an office with sufficient resources to provide quality prosecution services consistent with his or her policy.

To achieve this goal, prosecutors must have management information to know what is happening in their offices and to make informed decisions. They also have to be able to interpret management information. This guide focuses on the meaning and use of information about case processing and dispositions.

WHAT IS MANAGEMENT INFORMATION?

It is easy to confuse the terms management information and operational information. One effect is to mislead prosecutors into believing they have adequate case management information when they only have operational information.

Operational information provides information needed to run an office like:

- Case status or where cases are in the pipeline of the court system
- Attorney inventories or what assistants are responsible for what cases
- Tomorrow's docket or what files need to be pulled
- Other scheduled hearings or how cases can be moved along to disposition

Management information provides information needed to assess your office's performance and to identify areas needing change or improvement. Management information about case processing and dispositions provides answers to many important questions like:

- How good are my conviction rates?
- Why does my office have so many poor quality cases?
- Are too many cases being dismissed?
- Why are trial calendars breaking down?
- Are my assistants following my plea policy?
- Which assistants are keeping up with their cases, which are not?
- What areas need priority attention?
- Have the changes I made had any effect?

The primary difficulties with management information are that few prosecutors know what information should be collected and even fewer know how to interpret the information once it is collected.

Attorneys typically are not trained to look at case statistics and know what they mean. Presented with a graph of the number of cases filed for the past 5 years, they can observe whether their caseload has increased or decreased. But presented with a graph comparing plea and dismissal rates, they are more often unable to “interpret” the findings. As a result, statistics typically invite a response somewhere between, “Oh, isn’t that interesting” and “Very nice.”

This guide has a single purpose: To help prosecutors translate the numbers and figures that describe the operations of their offices into management information for decisionmaking.

ORGANIZATION OF THE GUIDE BOOK

We start with the basic assumption that most prosecutors do not know what information they need for management and, even if they had it, they would not know how to interpret it.

Therefore, our approach is much like the TV show, *Mission Impossible*. We have enlisted Management Information (M.I.) Detective, an excellent prosecutor administrator, to present information puzzles he has received from various prosecutors’ offices. Through a series of memos he asks Inspector Anna Lyst, an expert management analyst, to solve the puzzles and explain what the information means.

We begin with an assessment of your management information I.Q. Actually, this examination indicates the degree to which you already collect and use information that is useful for managing your office. It also places your office within a management information environment indicating its relative adequacy.

Section 2 presents puzzles designed to increase your skills in deciphering numbers and reading meaning into typically boring statistics.

We start the process by moving inside the office to examine case management statistics and describe how they should be used and interpreted. The measures, as you will see, conform to the major dispositional areas found in a felony case processing system.

Once we have examined the measures, Section 3 will present trend data for convictions, dismissals, backlog, and staffing; and describe how you interpret them.

Throughout Sections 2 and 3 you are asked to select the office that is the most like yours. Your responses to these questions are used in Section 4.

Section 4 presents a “preliminary assessment” of how well your office manages its caseload. It shows you how to identify areas that may need attention. It also directs you to possible sources of management information.

We strongly recommend that you refer to other guides developed for the *Promoting Innovation in Prosecution* project for more detailed information and assistance.

READING THE GUIDE BOOK

Examining the performance of your office is like a puzzle. What one set of numbers seems to say may have to be verified by another set of numbers. Sometimes solving the puzzle may entail looking at other pieces of information to verify what initially seems valid.


For example, we can look at conviction rates alone but we cannot say whether they are high or low until we look at other evidence, like dismissal rates or rejection rates. Prosecution is not a steady state. The numbers that provide you with management information and help you improve your office will change over time.

At the conclusion of the guide, we ask for your comments and critique.

We hope you will have some fun solving the case management puzzles!

TABLE OF CONTENTS

SECTION ONE - RATING YOUR MANAGEMENT INFORMATION I.Q.	1
SECTION TWO - CASE MANAGEMENT INFORMATION MEASURES	4
Screening Rates	5
<input type="checkbox"/> Accept	
<input type="checkbox"/> Reject	
<input type="checkbox"/> Further Information Ordered (FIO)	
Dismissal Reasons	11
<input type="checkbox"/> Win	
<input type="checkbox"/> Loss	
<input type="checkbox"/> Neutral	
Plea Patterns	14
<input type="checkbox"/> Plea to Original	
<input type="checkbox"/> Plea to Lesser	
<input type="checkbox"/> Trial	
Dismissal Differentiation	19
<input type="checkbox"/> Dismissal	
<input type="checkbox"/> Plea to Lesser	
<input type="checkbox"/> Plea to Original	
Outcome Outlets	24
<input type="checkbox"/> Preliminary Hearing	
<input type="checkbox"/> Arraignment	
<input type="checkbox"/> After Arraignment/Before Trial	
<input type="checkbox"/> 1st Day of Trial	
Continuance Costs	29
<input type="checkbox"/> Preliminary Hearing	
<input type="checkbox"/> Arraignment	
<input type="checkbox"/> Pretrial Conference	
<input type="checkbox"/> Trial	
SECTION THREE - INTERPRETING CHANGE TRENDS	33
Performance Trends	34
<input type="checkbox"/> Conviction	
<input type="checkbox"/> Dismissal	
Backlog	39
<input type="checkbox"/> Date Cases Filed	
<input type="checkbox"/> Date Cases Disposed	
Rates of Change	42
<input type="checkbox"/> Felonies Filed	
<input type="checkbox"/> Serious Violent Crime Arrests	
<input type="checkbox"/> ADA Positions	
<input type="checkbox"/> Population	
SECTION FOUR - ASSESSMENT AND ACTION	45

ACCEPT FOR PROSECUTION	REJECT FOR PROSECUTION	FURTHER INFORMATION ORDERED OR REQUESTED (FIO)	DISMISSAL WIN	DISMISSAL LOSS	
<div> <div> <h1>RATING YOUR MANAGEMENT INFORMATION I.Q.</h1> <p>What does management information tell me that I don't already know?</p>  </div> <div> <p>DISMISSAL NEUTRAL</p> <p>PLEA ORIGINAL</p> <p>PLEA LESSER</p> <p>PRELIMINARY HEARING</p> <p>ARRAIGNMENT</p> <p>AFTER ARRAIGNMENT BEFORE TRIAL</p> </div> </div>					
RATES OF CHANGE	BACKLOG	PERFORMANCE TRENDS	CONTINUANCES	1ST DAY OF TRIAL	

WHAT IS YOUR MANAGEMENT INFORMATION I.Q.?



Please check don't know (DK) where applicable

	<u>DK</u>		<u>DK</u>
1. What is your felony		6. What percent of your felony cases go to trial?	
____conviction rate	<input type="checkbox"/>	_____	<input type="checkbox"/>
____incarceration rate	<input type="checkbox"/>	7. What is your felony continuance rate?	
____dismissal rate?	<input type="checkbox"/>	_____	<input type="checkbox"/>
2. Have any of these rates changed over the past five years?		8. How many attorney hours are wasted annually preparing for cases that are continued?	
Which ones? _____	<input type="checkbox"/>	_____	<input type="checkbox"/>
How, up or down? _____	<input type="checkbox"/>	9. What percent of your felony cases are disposed of at:	
3. What percent of the felony cases submitted by your police are:		____preliminary hearing or probable cause hearing	<input type="checkbox"/>
____declined for prosecution	<input type="checkbox"/>	____at arraignment	<input type="checkbox"/>
____sent back for further investigation?	<input type="checkbox"/>	____after arraignment but before trial	<input type="checkbox"/>
4. What percent of felony cases:		____on the day of trial?	<input type="checkbox"/>
____plead guilty to a lesser offense	<input type="checkbox"/>	10. Could you answer these same questions for violent crimes, property crimes, drug cases or misdemeanors?	
____plead guilty to original offense?	<input type="checkbox"/>	____ yes check DK, if no or DK	<input type="checkbox"/>
5. What are your two most common reasons for dismissals of felony cases?		Total DK's checked _____	
_____	<input type="checkbox"/>		
_____	<input type="checkbox"/>		



DO YOU HAVE THE BASIC INFORMATION NEEDED FOR CASE MANAGEMENT?



RESULTS:

Calculate your information score:

1. Enter the total number of DK's checked on previous page.
2. Multiply the total by 5.
3. Enter your score in the box.

$$\begin{array}{r} \underline{\quad\quad} \\ \times \quad 5 \\ \hline \end{array}$$

→

Example:
Total DK's checked = 13
Multiply by 5 = $\underline{\times 5}$
Score = 65

DIAGNOSIS

If your score is:

25 or less

You are fortunate to have most of the necessary information for managing your office. Your next step is to use it for case management.



office's performance. Your next step is to develop missing information. This guide should help you identify and prioritize these areas.

26-50

You have some information available but you may be missing sensitive information. Your next step is to fill in the gaps where information is missing.

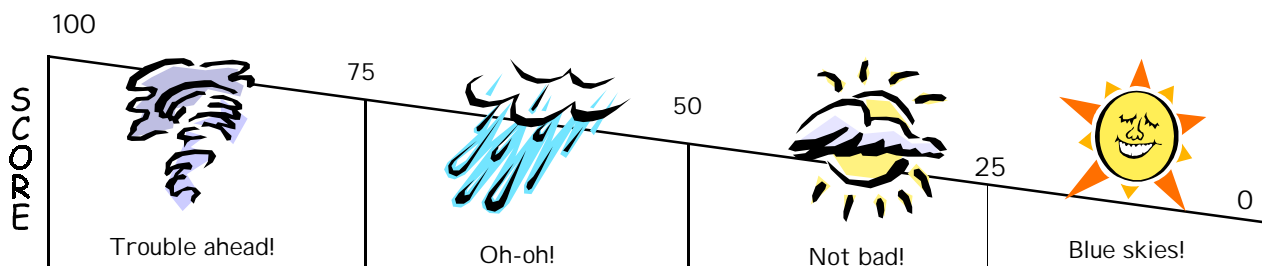
76-100



If your score is this high you should be concerned that case management decisions are most likely made on an *ad hoc* basis relying on experience, intuition, hearsay or rumor. Your first priority is to work with a management analyst who will help you start the information gathering process in a logical and efficient way. This guide should help both you and the analyst identify what information is needed and why.

51-75

Your office lacks at least one-half of the information you need to manage case processing. This limits your ability to make decisions and to judge the quality of the

Find your management information environment below:



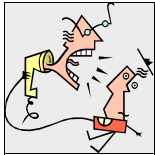
ACCEPT FOR PROSECUTION	REJECT FOR PROSECUTION	FURTHER INFORMATION ORDERED OR REQUESTED (FIO)	DISMISSAL WIN	DISMISSAL LOSS						
<div>CASE MANAGEMENT INFORMATION</div> <div></div> <div>Even if I had</div> <div>management information,</div> <div>What would I do with it?</div> <div>What does it mean?</div> <div></div>					DISMISSAL NEUTRAL	PLEA ORIGINAL	PLEA LESSER	PRELIMINARY HEARING	ARRAIGNMENT	AFTER ARRAIGNMENT BEFORE TRIAL
RATES OF CHANGE	BACKLOG	PERFORMANCE TRENDS	CONTINUANCES	1ST DAY OF TRIAL						



Rejection Riddles



Screening Rates



Did you
know?

- ♻ The majority of prosecutors (55%) decline between 7% and 30% of cases referred to them.
- ♻ A little over 1 in 4 prosecutors decline more than 30% of cases referred by police.
- ♻ Decisions about whether to charge a crime are based primarily on two factors: the seriousness of offense, and the legal evidentiary strength of the case.
- ♻ Time from arrest to filing charges reduces a prosecutor's ability to make informed decisions. 34% of offices reported 24 hours or less to file.
- ♻ Higher declination rates were reported when time to filing exceeded 48 hours primarily because more information becomes available.

MEMO



TO: Inspector Anna Lyst
FROM: M.I. Detective
SUBJ: Rejection Riddle

It has come to my attention that the decisions made at intake and screening give us the first clues about:

- the policy of prosecutors' offices,
- how well the prosecutor controls the gate to the courts (and the criminal justice system), and
- some indication of the quality of police reporting.

Four offices have submitted data about cases accepted, rejected and sent back to the police with further investigation ordered (FIO).

Question: what do these screening statistics tell you? Which office appears to best control the gate to the courts?

Please keep me informed of your progress.

Attachment

Citation:

Basic Issues in Prosecution and Public Defender Performance, J.E. Jacoby. National Institute of Justice: Washington, D.C. 1982.



ATTACHMENT

Screening Rates



Q.1: WHICH ONE IS MOST LIKE YOUR OFFICE ?

A
☐

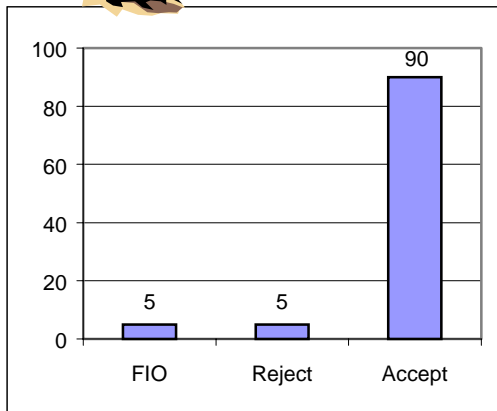
B
☐

C
☐

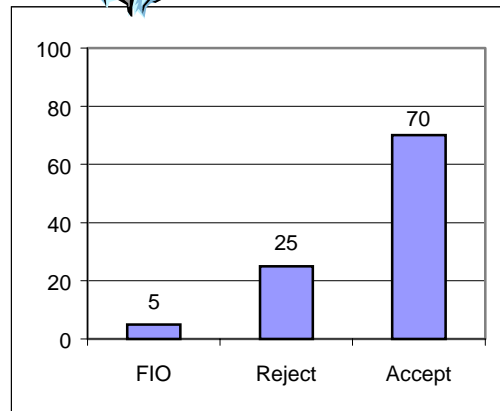
D
☐



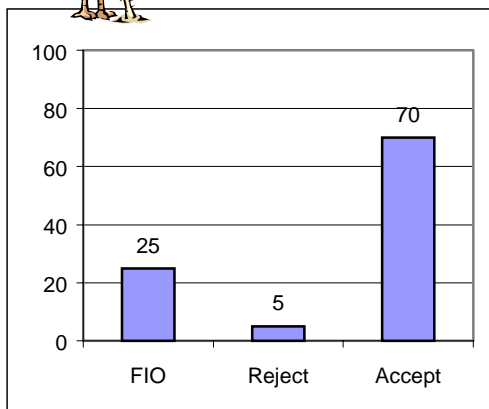
Office A



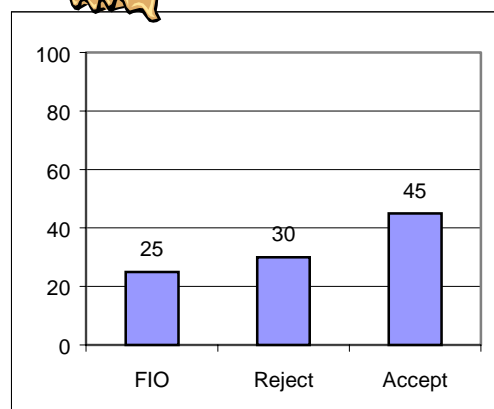
Office B



Office C



Office D





A bar chart with a vertical axis ranging from 0 to 100 in increments of 20. The horizontal axis has three categories: FIO, Reject, and Accept. The bars are blue with black outlines. The values for each bar are labeled on top: 5 for FIO, 5 for Reject, and 90 for Accept.

Decision	Count
FIO	5
Reject	5
Accept	90

The police have such excellent investigative and case reporting procedures that the prosecutor rarely has trouble accepting their cases or ordering further investigations.

The office does very little screening. It accepts almost every case brought over by police. Worse yet, it does not ask for additional information even though it may be warranted.

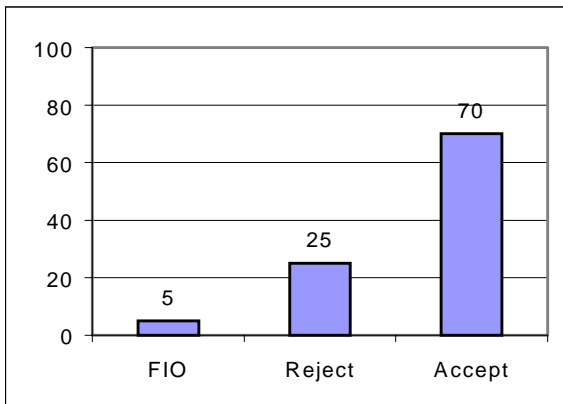
□ I'm inclined to accept the worst case scenario because it is more typical. But, first, I'll
□ confirm it by looking at the office's dismissal rates. They should be high if the police
□ reports are incomplete or inadequate and the court has to dismiss the weak cases.

Report

TO: M.I. Detective
FROM: Inspector Anna Lyst
SUBJ: Screening: Office B



Office B is my choice for having the best control over the gate.



It has a fairly substantial rejection rate and does not return many cases for further investigation.

In all likelihood, the prosecutor carefully reviews the facts and is not afraid to decline prosecution (as indicated by the 25 percent rejection rate).

He also receives well-prepared cases from the police. This is evidenced by the small percent of cases sent back for additional information.

Conclusions:

This office presents an interesting puzzle that has two scenarios:

- 1. If police reports are adequate (few FIOs), then why are 25% of the cases rejected?
Is it because police are not informed about the prosecutor's charging policies?
Is it because the cases have evidentiary problems, e.g. Miranda, lineups, evidence, witnesses that police are not trained to see?*
- 2. If police reports are inadequate, (25% rejected), then why are so few FIOs ordered?
Is it because screening attorneys don't order FIOs when they should and instead reject cases that might be acceptable with additional investigations?*

If scenario 1 is the case, then I would select this office since the rejection rate may be improved with better communication and training between the police and prosecutor.

If scenario 2 is the case, then the screening attorneys' work should be monitored to make sure that potentially good cases are not passed over. Perhaps more experienced screeners would help.



Hypothesis	Number of Correct Decisions
FIO	25
Reject	5
Accept	70

Or is it because there is no clear-cut screening policy that defines the criteria for

Conclusion:

The pattern shown here just does not make much sense.

I would start by examining the screening policy, the experience of the screeners, the reasons why FIOs are ordered and how many are returned to the prosecutor after more investigation. If very few are returned, then it is time to meet with the chief of police or sheriff and resolve the problem.

I would also look at the type of training police receive in report preparation. Maybe the police don't know how to prepare reports that meet prosecution needs.

One other cause might be due to understaffing the intake desk. Maybe the FIO's reflect a unit that is so overworked and backlogged that sending cases back is an easy way to reduce workload.



A bar chart with a vertical axis ranging from 0 to 100 in increments of 20. The horizontal axis has three categories: FIO, Reject, and Accept. The bars are blue with black outlines. The values for each bar are labeled on top: 25 for FIO, 30 for Reject, and 45 for Accept.

Decision	Count
FIO	25
Reject	30
Accept	45

It is difficult at this point to determine what the prosecutor's screening policy is. However, it cannot be very effective because of the high numbers of FIOs and declinations.

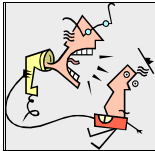
- *The prosecutor should be working with the chief or sheriff to educate detectives about*
- *requirements he sets for accepting and prosecuting cases. He may also have to design*
- *reports and forms or checklists that contain the basic elements prosecution needs.*



Dismissal Division



Reasons for Dismissals



Did you
know?



The percent of felony cases dismissed for all reasons can range from a low of 5% to a high of 50%.



Dismissals are the most sensitive of all diagnostic tools used by management.



The "reasons" for dismissals pinpoint problems and identify areas needing management attention.



Some dismissals should be included in the prosecutors conviction rate, others should be equated to losing a prosecution.



MEMO



TO: Inspector Anna Lyst
FROM: M.I. Detective
SUBJ: Dismissal Division

I have been thinking about dismissals. After all these years I now realize that they provide some of the best information about the quality of prosecution.

First though, we have to classify dismissals by whether they reflect a win, a loss or are neutral. I have attached a list of dismissal reasons divided into these categories (You may want to add to them).

After you have reviewed the reasons and added others, if necessary, I would like you to match some management situations with the reasons for certain dismissals.

Please send me your results.

Attachment

Citations:

Evaluation of the Violent Offender Prosecution Program Executive Summary; J.E. Jacoby, E.C. Ratledge, P.S. Gilchrist. Illinois Criminal Justice Information Authority: Chicago, IL. 1998.

Prosecutor's Guide to Case Management; J.E. Jacoby, P.S. Gilchrist, E.C. Ratledge. Jefferson Institute for Justice Studies: Washington DC. 1998.



ATTACHMENT

Dismissal Division



CLASSIFICATION OF DISMISSALS BY REASON AND VALUE TO PROSECUTION

Dismissals that prosecutors can declare as:

WIN

Plea to another case

Plea to a case in another jurisdiction

Satisfied diversion or treatment, etc

NEUTRAL

Prosecutor does not have jurisdiction

Defendant absconded

Defendant died

LOSS

No probable cause

Lack of speedy trial

Lack of evidence

Constitutional issues

(e.g. Miranda not given,

Bad search and seizure)

Police not available

Witness no-show

Complaining witness refused
to cooperate

File lost



Please add other reasons.

Dismissal Reasons

**Mix
and
match**



**MATCH THE TYPES OF DISMISSALS WITH THE SITUATIONS
THEY MOST LIKELY REFLECT**

Read the reason for dismissal, then find the situation that most likely caused it. Write your answer in the space provided. *(You may have more than one answer for the dismissal.)*

Reason for Dismissal

1. Lack of evidence
2. Lack of speedy trial
3. Constitutional issues
4. Witness no-show
5. No probable cause
6. Complaining witness
refused to cooperate
7. Police not available
8. Plea to another case
9. Plea to case in another
jurisdiction
10. Prosecutor does not have
jurisdiction
11. Defendant absconded
12. Defendant died

Situation

Situation

- A. Poor prosecutor screening
- B. Poor case management by trial
attorney
- C. Basic problems with victim-witness
coordination and notifications
- D. Inadequate police investigation
- E. Basic problems with police
notification
- F. Negotiated plea
- G. Good coordination with other
jurisdictions or statewide
information systems available to
your office
- H. Defendant's free will prevailed over
police's and investigator's attention
to case
- I. Higher powers intervened

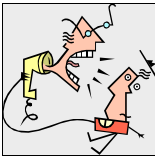
Answers: 1-A,D; 2-B,C; 3-A; 4-C; 5-A,D; 6-C,A; 7-E; 8-F; 9-G; 10-A,B; 11-H; 12-I
Number you answered correctly _____ .



Plea Pattern Puzzlers



Pleas and Trials



Did you
know?

✦ In the 75 largest counties

- 92% of all convictions were obtained by a guilty plea
- The highest conviction rates were for driving-related offenses (86%)
- The least likely to be convicted were defendants charged with assault (53%)
- About 5 in 6 guilty pleas were to a felony
- Murder defendants were most likely to go to trial

✦ A reliable indicator of plea negotiation is a guilty plea to a lesser charge.

✦ As cases increase in importance and severity they are more likely to be disposed by a trial.

✦ The number of jury trials is limited by the number of judges sitting criminal and is approximately 25 per year per judge, or 2 a month.

MEMO



TO: Inspector Anna Lyst
FROM: M.I. Detective
SUBJ: Plea Patterns

Although many people condemn plea bargaining, the reality is that typically 90 percent or more of convictions are based on guilty pleas even though plea negotiation policies may differ widely among offices.

Three prosecutors have sent me information (see attachment) about the percent of cases that are disposed by pleas and trials. They have classified the guilty pleas into two categories: a plea of guilty to the original (PGO) charge or a plea of guilty to a lesser (PGL) charge.

If I have this information, does it provide any useful information about the prosecution of cases in this office? Is one pattern better than another?

Please keep me informed of your progress.

Attachment

Citations:

Felony Defendants in Large Urban Counties; B. A. Reaves. Bureau of Justice Statistics: Washington DC. 1998. NCJ-164616
Basic Issues in Prosecution and Public Defender Performance; J.E. Jacoby. National Institute of Justice: Washington DC. 1982.



ATTACHMENT

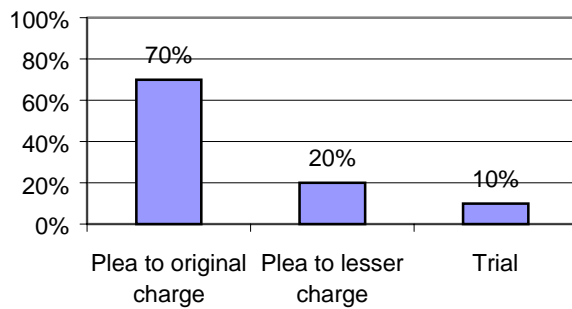
Plea Pattern Puzzlers



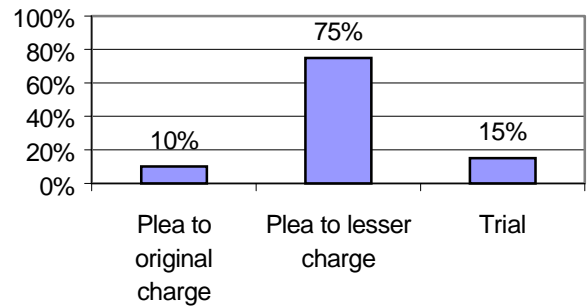
Q.2: WHICH ONE IS MOST LIKE YOUR OFFICE ? A B C
☐ ☐ ☐



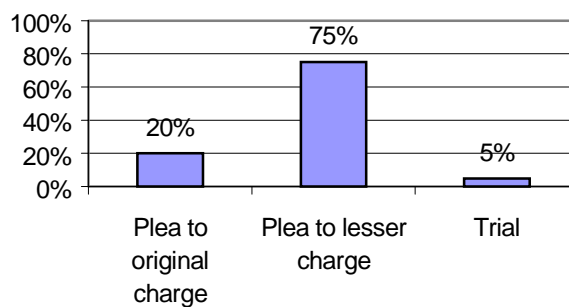
Office A



Office B



Office C

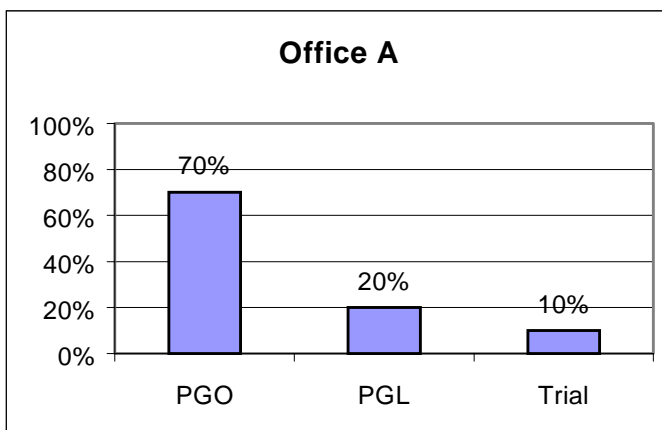


Report

TO: M.I. Detective
FROM: Inspector Anna Lyst
SUBJ: Plea Patterns: Office A



Office A has a “no plea bargaining” policy!



This is indicated by the high rate of pleas to the original charge and the relatively high rate of trials.

There are always circumstances when cases have to be negotiated (as indicated by the 20 percent plea to the lesser charge).

However, the fact that the trial rate is 10% of the total dispositions leads me to believe that if a plea is not forthcoming, the office stands ready to go to trial rather than negotiate.

Conclusion:

The pattern is consistent with offices limiting plea bargaining.

I would expect to find :

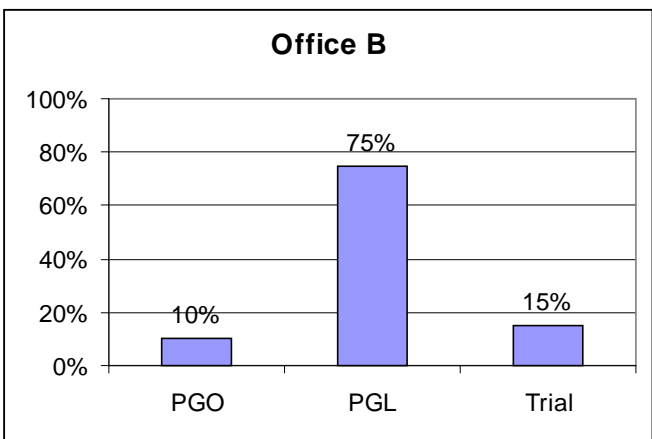
- *police preparing solid cases*
- *good working relationships between police, prosecution and public defender*
- *a clearly articulated and written plea policy by the prosecutor,*
- *highly experienced attorneys, at the intake and screening desk and*
- *a variety of procedures to support the policy, such as early informal discovery and limited discretion given to trial attorneys.*

Report

TO: M.I. Detective
FROM: Inspector Anna Lyst
SUBJ: Plea Patterns: Office B



Office B is typical!



Plea negotiation is the most common means for case disposition.

Some cases result in pleas to the original charge and the rest are disposed by trial.

Whether the office engages in sentence bargaining in addition to charge bargaining cannot be determined from this data, but it is likely.

Conclusions:

Although this is a typical dispositional pattern for many offices, it does not necessarily mean that the office is managed or operated efficiently. Negotiated pleas may result from poor screening and charging, the absence of a plea policy, or too much discretion delegated to trial attorneys without follow-up or review to ensure that they are not "giving away the store."

The 15% trial rate suggests a breakdown in the plea bargaining process. I would expect to see a rate in the single digits.

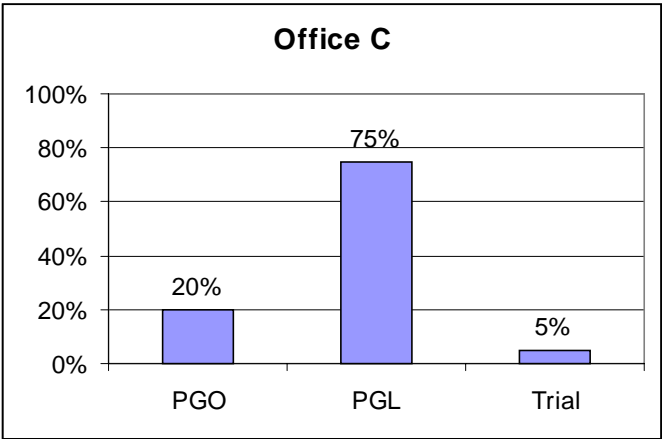
I would look at the negotiation process, particularly how defense counsel and trial attorneys communicate and how offers are negotiated. Then I would review some dispositions to make sure assistants were not "giving away the store."

Report

TO: M.I. Detective
FROM: Inspector Anna Lyst
SUBJ: Plea Patterns: Office C



Office C has good control over the disposition process!



This pattern suggests that the office has good control over the disposition process and is sensitive to the need to reduce trials. The most striking part is the low trial rate, 5 percent.

The office is not opposed to negotiation as indicated by the 75 percent plea rate to lesser charges, but it also obtains a relatively high proportion of pleas to the original

charge. This may indicate good case management and plea negotiations that are subject to tightly controlled procedures and practices, such as cut-off dates for offers, pretrial conferences and early discovery.

Conclusions:

This pattern is efficient because trials place the highest demand on resources. Keeping them under control frees up attorneys so they can handle more cases.

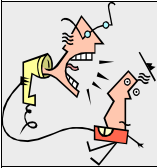
However, I would caution the prosecutor to make sure that the attorneys are not overcharging simply to get a plea.



Dismissal Differentiation



Pleas and Dismissals



Did you know?



In 11 states reporting felony pre-adjudication dispositions:

- The court dismissed 23% of the cases of persons arrested and prosecuted for a felony.
- The highest percent of dismissals occurred for violent crimes (34% of all defendants).
- 32% of felony prosecutions that resulted in convictions were convicted as misdemeanors.



If dismissal rates are reduced, the guilty plea rate will rise.



The reasons for dismissals shed light on where case management problems exist.

MEMO



TO: Inspector Anna Lyst
FROM: M.I. Detective
SUBJ: Plea and Dismissal Patterns

The importance of dismissals in judging an office's performance should not be underrated. They provide valuable insight into management and operations especially when they are compared to other dispositions.

Examination of all cases disposed by negotiated pleas of guilty, pleas to original charges, convictions or acquittals by trial and dismissals will shed light on the quality of screening and case management.

Three offices have sent me data about the percent of cases disposed by pleas and dismissals (see attachment). I am especially interested in your interpretation and evaluation of their case management practices.

Please keep me informed of your progress.

Attachment

Citations:

"Tracking Offenders, 1990" J. Perez. *Bureau of Justice Statistics Bulletin*, Bureau of Justice Statistics: Washington, DC. 1990. NCJ-148200
Evaluation of the Violent Offender Prosecution Program Executive Summary; J.E. Jacoby, E.C. Ratledge, P.S. Gilchrist. Illinois Criminal Justice Information Authority: Chicago, IL. 1998.



ATTACHMENT

Plea and Dismissal Patterns



Q.3: WHICH ONE IS MOST LIKE YOUR OFFICE ?

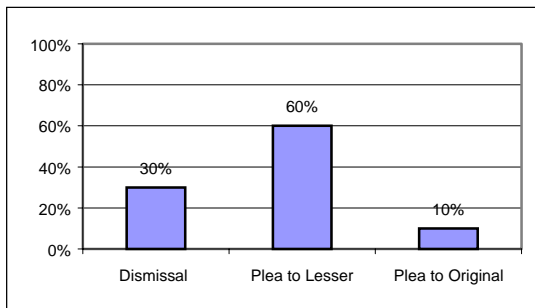
A ☐

B ☐

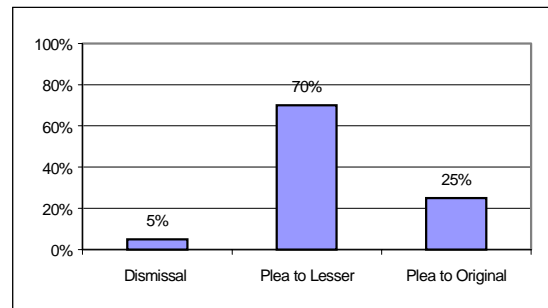
C ☐



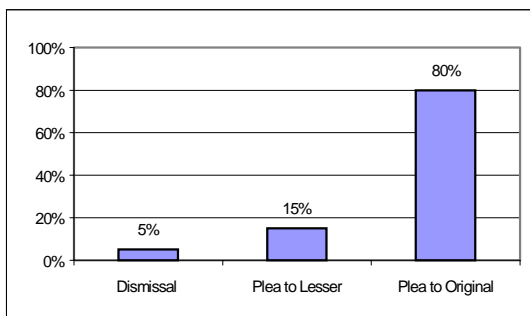
Office A



Office B



Office C



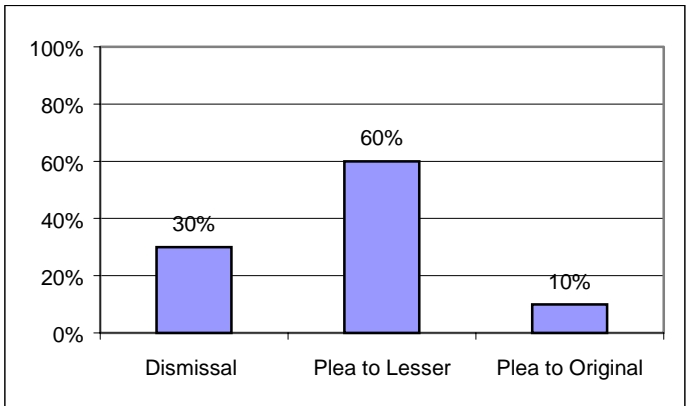
Note: Since the percent of cases disposed by trial is very small in relation to all dispositions, I have excluded them from this comparison and given you rates for only dismissals, pleas to original charges and pleas to lesser charges. This will emphasize the dynamics among dispositions.

Report

TO: M.I. Detective
FROM: Inspector Anna Lyst
SUBJ: Dispositions: Office A



Office A exhibits symptoms of poor case management control.



Far too many cases are dismissed, probably reflecting poor screening, inexperienced attorneys doing trial preparation or poor victim-witness follow through.

Negotiated pleas dispose of almost all the remaining cases. Few cases plead to the original charge.

It is important to note that the plea rate could be significantly increased if the dismissal rate was reduced.

Conclusions:

Reducing dismissal rates should be given top priority. I would look at the quality of the screening function to identify how many "weak" cases are being accepted that should not be.

I also would look at the reasons for dismissals to identify problem areas such as witness availability, and to pinpoint areas where case management needs improvement.

Report



A bar chart illustrating the distribution of plea types. The vertical axis represents the percentage, ranging from 0% to 100% in 20% increments. The horizontal axis lists three categories: Dismissal, Plea to Lesser, and Plea to Original. The bars are blue with black outlines. The values for each bar are explicitly labeled above them: 5% for Dismissal, 70% for Plea to Lesser, and 25% for Plea to Original.

Plea Type	Percentage
Dismissal	5%
Plea to Lesser	70%
Plea to Original	25%

At the same time, the low dismissal rate suggests tight screening and intake control.

The results suggest good case management and the prosecutor's awareness of the value of obtaining dispositions early in the process.

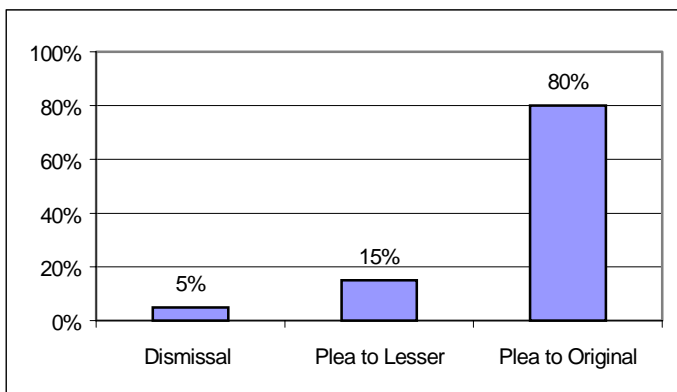
[illegible]

Report

TO: M.I. Detective
FROM: Inspector Anna Lyst
SUBJ: Dispositions: Office C



Office C is an efficient “no plea bargaining” office.



The low dismissal rate indicates good screening and/or good police reporting that eliminates weak cases.

The high rate of pleas to original charges means either that the office does not change charges once they are filed or it negotiates sentences.

The relatively low percent of pleas to lesser offenses confirms the “no plea bargaining policy.” Given the low dismissal rate, good screening controls the gate to the adjudication process.

Conclusions:

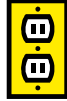
A high plea rate to the original charge may be offset by sentence bargaining. To test for this I would examine incarceration rates. They should be relatively stable over time, I would also compare the sentences imposed for violent felony crimes with all other felonies. The violent crime cases should produce sentences significantly higher than all other felonies.

I would also expect to find experienced attorneys making charging decisions and little discretion given to trial attorneys to reduce pleas, make sentence recommendations or dismiss cases.

A no plea bargaining stance is a difficult position for a prosecutor to maintain. It requires accountability and controls on prosecutorial discretion and the support of the court.








Outcome Outlets



Location of Dispositions



Did you know?

-  Most felony cases are disposed of in the period between arraignment and trial.
-  A high rate of guilty pleas on the first day of trial suggests problems in case management.
-  Streamlining the front end of the process (indictment to arraignment) to obtain early dispositions significantly affects later steps. It reduces pressure on the trial stage, increases guilty pleas and reduces jury trials.
-  Speeding up dispositions reduces the average number of days defendants are detained pretrial.
-  Establishing a triage to identify cases likely to be disposed early on, is an essential first step in case management.

MEMO



TO: Inspector Anna Lyst
FROM: M.I. Detective
SUBJ: Outcome Outlets

The most important factors in buying and selling real estate is location, location, location. I think it is also true in judging the case processing performance of an office.

If we divide adjudication into processing steps and look at where cases are disposed, we gain good insight into the character of the office and the court.

For example, if we measure the percent of cases disposed at preliminary hearing, arraignment, after arraignment and before trial and on the first day of trial, we can determine whether the prosecutor's system is efficient, has case management problems or even problems with the court and defense counsel.

I recognize that some offices do not use a preliminary hearing. However, for this example I used offices with preliminary hearings to show how they may be a disposition outlet. Your job is to examine the information supplied by three offices (see attachment) and tell me what the different patterns mean.

Attachment

Citation:

"Expedited Drug Case Management Programs: Some Lessons in Case Management Reform," J. E. Jacoby. *The Justice System Journal*, Vol 17:1. Institute for Court Management, National Center for State Courts: Williamsburg, VA. 1994.



ATTACHMENT

Outcome Outlets



Q.4: WHICH PROCESS IS MOST LIKE YOURS?

A

☐

B

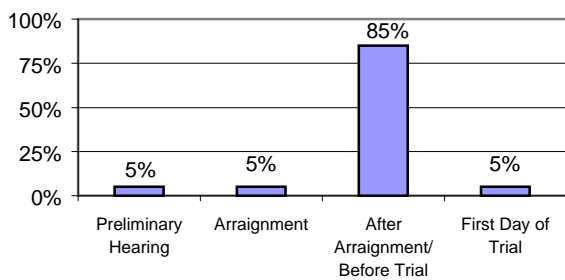
☐

C

☐

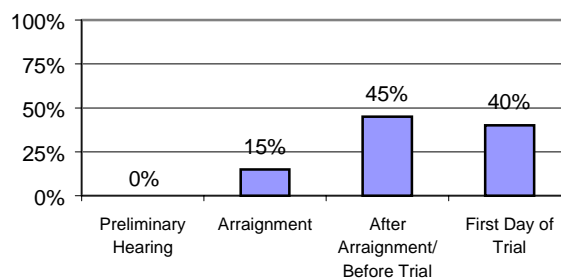
Office A

Percent of Cases Disposed at:



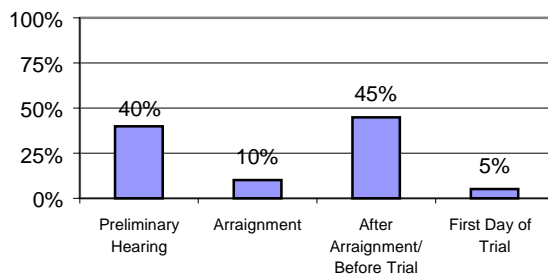
Office B

Percent of Cases Disposed at:



Office C

Percent of Cases Disposed at:

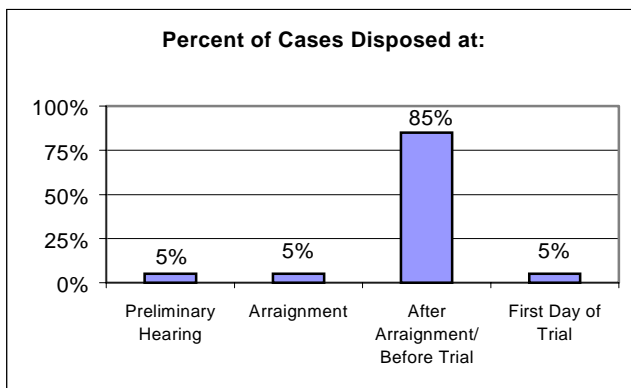


Report

TO: M.I. Detective
FROM: Inspector Anna Lyst
SUBJ: Outcome Outlets: Office A



Office A's pattern for dispositions is typical!



Most of the work in this office occurs after the probable cause hearing and before trial.

The low rate of dispositions on the first day of trial is very encouraging. It suggests that the docket is under control, there is some good trial court management and trial courts are running close to a pure trial docket.

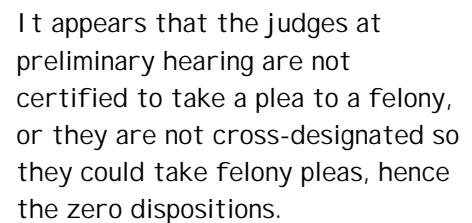
The low disposition rates at preliminary hearing and arraignment suggest that more emphasis could be placed on obtaining earlier dispositions at these points.

Conclusion:

Although this is a fairly typical and acceptable disposition pattern, we should still investigate whether more cases can be disposed earlier on in the process.

The benefits are to free up more attorney time for other cases, and reduce jail time (and costs) for detainees. This is easier said than done since it usually requires the cooperation of the court and defense bar.

Still prosecutors could make some changes to obtain dispositions earlier on. They could designate a certain category of cases for early pleas (such as simple drug possession cases) and process them on a fast track. They could also provide discovery before arraignment to induce more pleas at that point in the process.

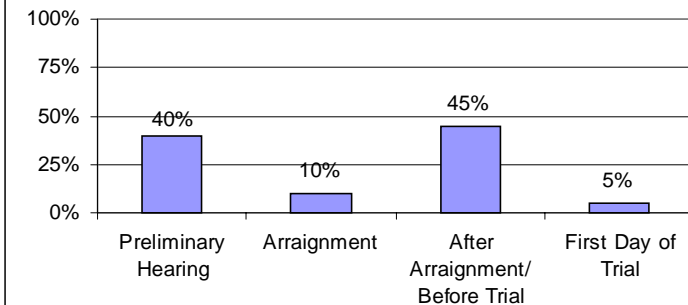


The primary issues are: why are cases disposed so late and how can dispositions on the first day of trial be reduced?

- To obtain earlier dispositions, all parts of the court process will need to cooperate in
- developing new procedures. This is not a task for the prosecutor alone.



Percent of Cases Disposed at:



The low rate of dispositions on the first day of trial indicates that the office is working toward a pure trial docket and that the court is actively cooperating in the effort to reduce delay. When a case is set for trial, it will be tried.

Conclusion:

There is not much else that one could do to improve this pattern.

At the most, I would examine whether even more benefits could be obtained by developing additional avenues for early disposals, like diversion programs, mediation, treatment programs, drug courts, etc.

This office is in the enviable position of being able to make things better not having to correct faults.



Continuance Costs

\$ Continuance Costs Weighted \$



Did you know?

- \$ Continuances can add 12-34% more work that is unproductive.
- \$ Translated into staffing, continuances can add as much as the full-time equivalent of 1 to 6 attorneys (and related staff).
- \$ Continuances are not very informative if they do not account for the amount of work attached to the court proceeding in which they occur.
- \$ Continuances will vary by process. The percent of cases continued is usually highest in the pre-trial stage after arraignment, and lowest in the post-trial stage.
- \$ Reducing continuances will free up resources in an office for other work.

MEMO



TO: Inspector Anna Lyst
FROM: M.I. Detective
SUBJ: Continuance Costs

Continuances occur when cases scheduled for a hearing do not advance to the next step. I know that continuances are the fastest way to move cases through a calendar, so there is always an incentive to grant them.

A colleague developed a concept called Snapshot - Spinaround. He took a picture, for one month, of all cases scheduled for each type of hearing. He counted the number that were set for hearings each day and the number that did not move to the next process step (i.e., were continued or not reached). Then he divided the total continued by the total set to calculate the spinaround rate for each hearing.

I have attached the results for your review and comment. Your task is to examine them and propose some responses. Is this a suitable approach?

Please keep me informed of your progress.

Attachment

Citations:

Some Cost of Continuances; J.E. Jacoby, C.R. Link, & E.C. Ratledge. Jefferson Institute: Washington D.C. 1980



ATTACHMENT

"Snapshot Spinaround"

A Picture of Continuances
Occurring in One Month



Q.6: WHERE DO MOST CONTINUANCES OCCUR IN YOUR OFFICE?

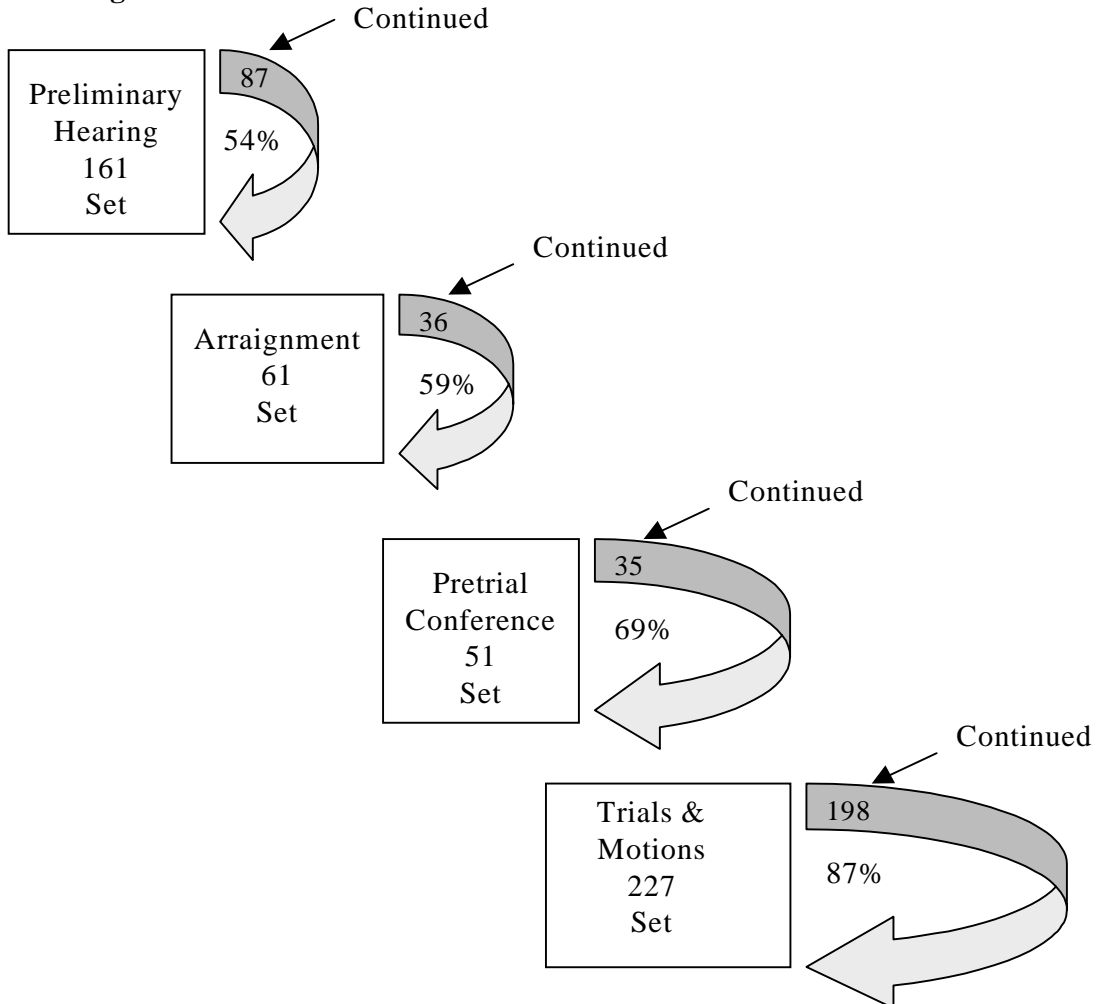
☐ PH

☐ ARR

☐ PTC

☐ Trials

Hearings Set



Report

TO: M.I. Detective
FROM: Inspector Anna Lyst
SUBJ: **Continuance Costs**



This is an interesting technique because of its simplicity. It shows where continuances are occurring and as a percent of all settings.

But this technique while helpful does not answer your question about where one should direct resources and effort to reduce continuances.

Snapshot-spinaround assumes that the amount of attorney and staff effort expended at each type of hearing is equal. Yet we know that cases set for trial consume the largest amount of preparation time on the part of attorneys, investigators, victim-witness coordinators and staff. What snapshot-spinaround needs is a way to weight the continuances by the work that was done and not used.

I have attached an example that identifies areas for priority attention, shows how adding estimates of attorney and staff efforts to the continuances estimates the impact of continuances on the office and shows unproductive activity in terms of attorney and staff time wasted.

Conclusion:

Continuances cannot be reduced unilaterally by the prosecutor. It is important that the office meet with the court and public defender. Jointly they could design and develop procedures and changes that would reduce delay and continuances.

By weighting continuances by process step and effort (as shown in the example attached), it is possible to estimate the percent of the office's total effort wasted by continuances!

Also we can estimate the annualized impact of continuances in terms of the unproductive use of attorneys and staff time.

Attachment



ATTACHMENT



Weighting Continuances

For example:

If the average hours of attorney effort (in and out of court) is as follows:

Preliminary hearing	0.6 hours
Arraignment	0.8 hours
Pretrial conference	1.1 hours
Trials & motions	2.5 hours

Then, total work expended is:

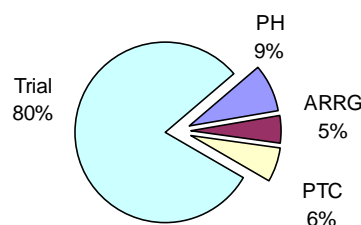
	Number of Settings	X	Hours	=	Work
Preliminary hearing	161		0.6		96.6
Arraignment	61		0.8		48.8
Pretrial conference	51		1.1		56.1
Trials & motions	<u>227</u>		2.5		<u>567.5</u>
Total Settings	500				769

But—

If we identify the time spent on cases continued in the same month, then we can estimate wasted time:

Cases continued	Number of Settings	X	Hours	=	Wasted work
Preliminary hearing	87		0.6		52.2
Arraignment	36		0.8		28.8
Pretrial conference	35		1.1		38.5
Trials & motions	<u>198</u>		2.5		<u>495.0</u>
Total	356				614.5

Percent distribution effort wasted by continuances



So—

For 769.3 hours of scheduled work, 614.5, or 80 percent of the scheduled work did not move cases forward.

If we multiply the 614.5 wasted man-hours by 12 months, then 7,374 hours of work is unproductive. Based on a working year of 1,808 hours, this is the equivalent of 4.1 full-time attorneys.


Result in this example:

- 80% of the office's attorney effort is wasted by continuances!
- 4.1 attorney years are spent on unproductive work.

Note: As a further refinement, estimates of attorney effort that result in continuances may be reduced because "in court" time generally is less. "Out of court" preparation time remains the same whether the case is continued or not.

Citations:

Some Cost of Continuances; J.E. Jacoby, C.R. Link, & E.C. Ratledge. Jefferson Institute: Washington D.C. 1980

ACCEPT FOR PROSECUTION	REJECT FOR PROSECUTION	FURTHER INFORMATION ORDERED OR REQUESTED (FIO)	DISMISSAL WIN	DISMISSAL LOSS	
<div>INTERPRETING CHANGE</div> <div>Case management policies and procedures can change over time.</div> <div>Some cautionary notes...</div> <div>  </div>					DISMISSAL NEUTRAL
					PLEA ORIGINAL
					PLEA LESSER
					PRELIMINARY HEARING
					ARRAIGNMENT
					AFTER ARRA BEFORE TRIAL
RATES OF CHANGE	BACKLOG	PERFORMANCE TRENDS	CONTINUANCES	1ST DAY OF TRIAL	



universal ubiquities



Performance Trends



Did you know?

- Trend data show overall changes in office performance - good or bad.
- You should not evaluate the effects of programs unless you first consider whether they are operating in an environment that is changing.
- Trends suggest broad areas of improvement or deterioration.
- You should make sure that the definitions used for measures have not changed over time (e.g. the number of cases first counted charges, later counted defendants).
- You should count defendants not charges. It is the defendant who is prosecuted, not the charge.

MEMO



TO: Inspector Anna Lyst
FROM: M.I. Detective
SUBJ: Performance Trends

Convictions, acquittals, dismissals!

The three universal measures most often used to compare one office to another. They are easy to understand, and to obtain because they generally can be found in court records. Conviction rates show the number of guilty pleas, conviction by trial and some “good” dismissals as a percent of all cases disposed.

But what do the rates tell us? What can the information be used for?

I have attached performance data sent to me by three offices, covering the past 5 years.

Your task is to put them in perspective. Tell me what they say about an office. Can I determine from these, which of the three offices is the best?

Attachment

Citations:

Basic Issues in Prosecution and Public Defender Performance; J.E. Jacoby. National Institute of Justice: Washington DC. 1982.

Evaluation of the Violent Offender Prosecution Program Executive Summary; J.E. Jacoby, E.C. Ratledge, P.S. Gilchrist. Illinois Criminal Justice Information Authority: Chicago, IL. 1998.



ATTACHMENT

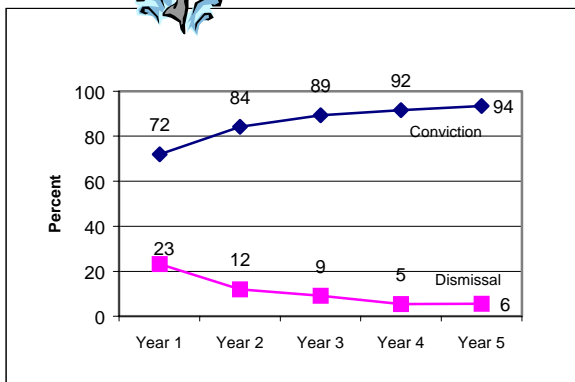
Performance TRENDS



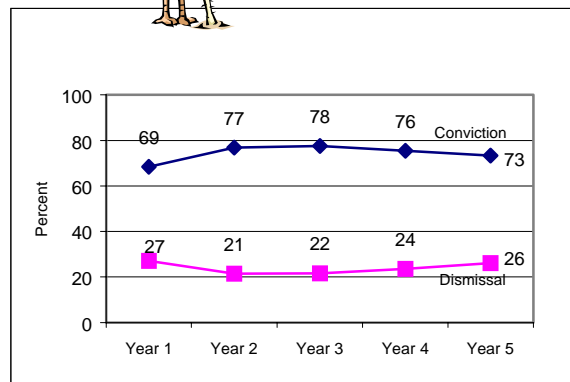
Q.5: WHICH ONE IS MOST LIKE YOUR OFFICE ? ☐ A ☐ B ☐ C



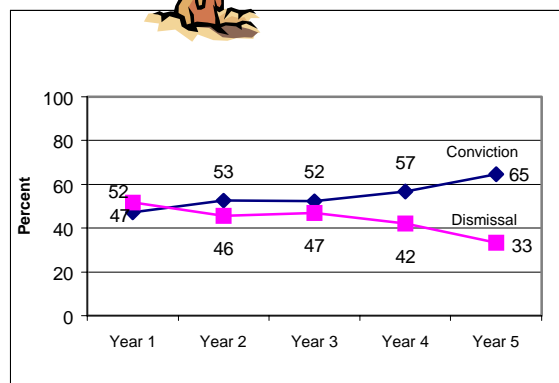
Office A



Office B



Office C

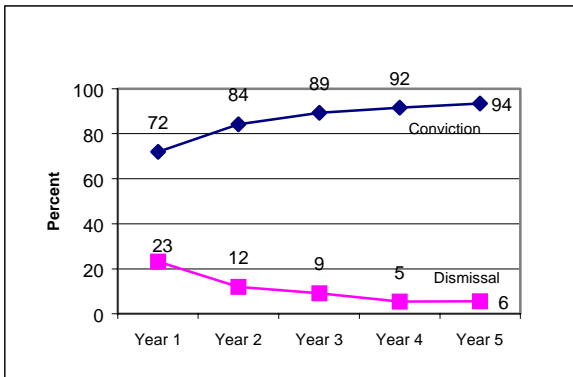


Report

TO: M.I. Detective
FROM: Inspector Anna Lyst
SUBJ: Performance: Office A



Office A is where a prosecutor wants to be!



Look at how convictions rates have improved over 5 years (they can't go much higher)!

Look at how dismissal rates have practically reached zero (they can't go much lower)!

This is the best of all possible prosecution worlds!

Conclusions:

I would interject one cautionary note. If we thought convictions were increased because of extensive plea bargaining we could test for this situation by looking at incarceration rates for serious violent offenders.

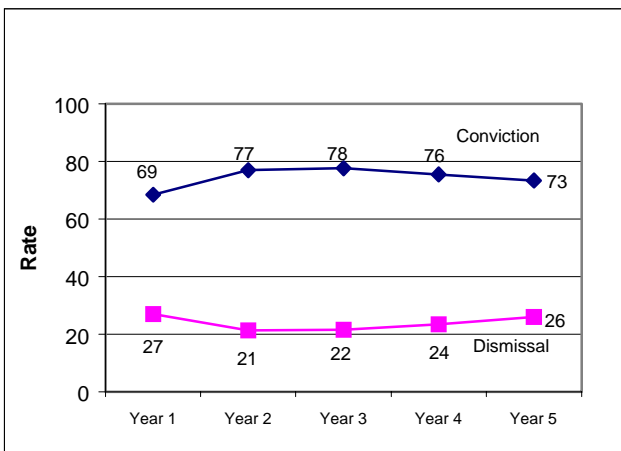
Incarcerations should be substantially higher for violent offenders than for all over felony cases. If this is the case, then the office should be proud of its performance.

Report

TO: M.I. Detective
FROM: Inspector Anna Lyst
SUBJ: Performance: Office B



Office B shows little positive change and some deterioration.



This office shows little change over the years which is disappointing since it looked like it was improving in Years 1, 2, and 3.

In Year 5 the conviction rate declined (about 73 percent), down from a high of 78 percent in Year 3.

Dismissals which were decreasing in the first three years are rising again (at about 26 percent of the cases).

Conclusions:

I wonder what happened in Years 4 & 5! Perhaps a new prosecutor was elected who changed screening and plea bargaining policies (for the worse, apparently).

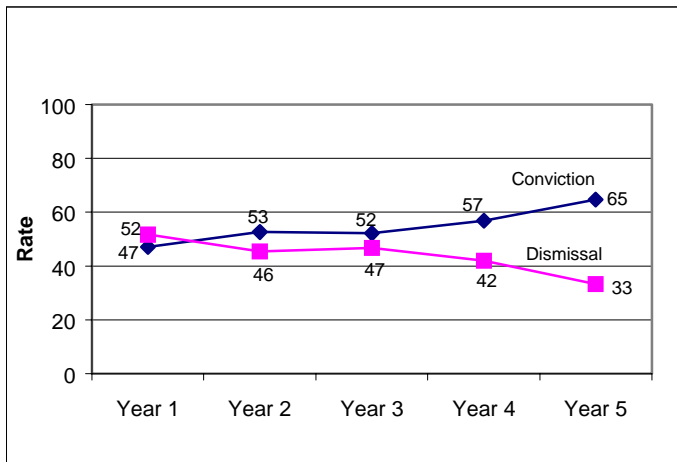
Clearly, priority attention should be given to lowering the dismissal rate. Rates this high probably indicate either inadequate screening, poor police reporting or both. The key to lowering dismissals is not to accept weak cases in the first place.

Report

TO: M.I. Detective
FROM: Inspector Anna Lyst
SUBJ: Performance: Office C



Office C is improving steadily.



Look at how convictions have increased steadily over the years, from 52 to 65 percent in 5 years.

Look at how dismissals have decreased from almost one half of the cases dismissed in Year 1 to one-third in Year 5.

If this office continues on this improvement track it should be proud of its performance.

Conclusions:

This office is moving in the right direction but it needs to speed up its improvements. (A 65% conviction rate is still too low and dismissals are still too high).

One useful strategy is to examine the reasons for dismissals. They should provide clues to where weaknesses and problems exist.



Backlog Backlash



Expediting Dispositions



Did you
know?



The median case processing time was 100 days for felony defendants in 1990. The highest median times were for homicide (207 days), arson (141 days) and rape (134 days) offenses.



87 percent of felony defendant cases are adjudicated within a year.



38 percent of all defendants are detained until the court disposed of their case.



25 percent of all felony defendant cases are dismissed.



Speeding up the disposition process reduces the court's inventory and increases jail capacity. In Philadelphia's Court of Common Pleas, expedited case processing increased the disposition rate from 66 percent to 79 percent and reduced the average number of jail bed days for detainees by 36 percent.

MEMO



TO: Inspector Anna Lyst
FROM: M.I. Detective
SUBJ: Backlog Backlash

I was studying the conviction and dismissal rates described previously and I realized that we need to include another factor before we judge how well an office is performing. That factor is backlog.

For example, you may have what looks like very good conviction rates and low dismissal rates but if your office has a growing backlog of cases, then your office may be in more serious trouble than an office that does not have to cope with backlog.

There are a number of ways to define and measure backlog. Perhaps the simplest is to compare the difference between the number of cases filed and the number disposed in any given month or year. The difference between the two numbers is an indicator of backlog.

I have attached data from three offices that illustrate different backlog situations. I would like your comments and observations.

Please keep me informed of your progress.

Attachment

Citations:

"Tracking Offenders, 1990," *Bureau of Justice Statistics Bulletin*. J. Perez. Bureau of Justice Statistics: Washington DC. June 1994, NCJ 148200.
Felony Defendants in Large Urban Counties, 1994. B.A. Reaves. Bureau of Justice Statistics: Washington DC. Jan, 1998, NCJ-164616.
"Expedited Drug Case Management Programs, Some Lessons in Case Management Reform", Joan E. Jacoby, *The Justice System Journal*, National Center for State Courts. Vol 17/1, 1994.



ATTACHMENT

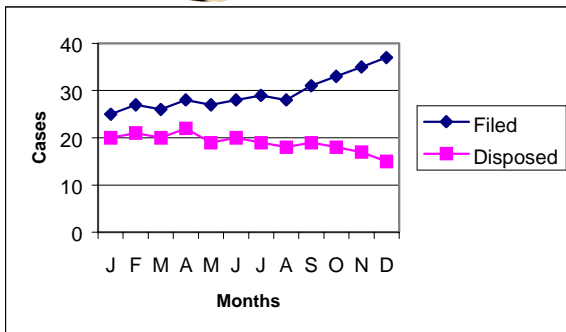
Backlog Backlash



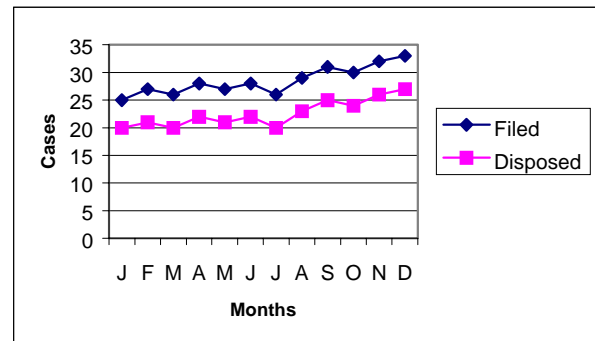
Q.1: WHICH ONE IS MOST LIKE YOUR OFFICE ? A B C



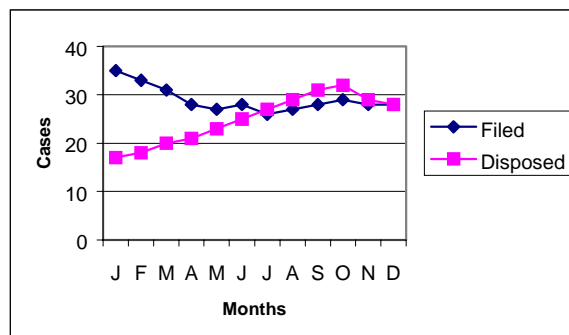
Office A




Office B




Office C





 It will soon sink under its growing backlog! The situation is worsening each month and needs emergency attention.



 There is a constant backlog that does not appear to change either for better or worse. Perhaps the office has learned to live with a backlog, but its effect on jail capacity is negative and the public is paying for unnecessary expenses, and justice is delayed.



The backlog has decreased – see how the cases disposed exceed the number filed. This eats into the backlog. Then, once the backlog has been eliminated, the system is in equilibrium with as many cases disposed as are filed in a given month or year.

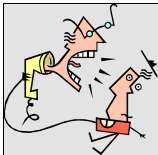
41



Rates of Change



Trend Analysis



Did you know?



Serious violent crime consisting of murder, rape, kidnapping, robbery, and felony assaults consume up to 5 times more prosecution effort than all other felonies.



Part I index violent crime arrests (excluding aggravated assaults) can be used as an indicator of increased prosecution workload if court information systems cannot provide data or count charges not defendants.



If the police incident number is recorded on your records, you can link co-defendants and charges into a defendant-based system.



Office staffing requirements should consider the number of branch offices you maintain, the type and volume of cases prosecuted and the attorney and staff resources available.

MEMO



TO: Inspector Anna Lyst
FROM: M.I. Detective
SUBJ: Relevance and Rates of Change

It has come to my attention that many prosecutors would like to determine whether their jurisdiction is being affected by changes in population, workload, types of crime, or other factors.

But comparing population growth to changes in crime rates is like comparing apples to oranges unless we convert all the measures to rates of change. To do this, we can select any year as the base and divide the base year's volume into the next year's volume. This will produce an index of rates of change. The first (base) year will always be equal to 1 since it is divided by itself.

I have asked an office to give me rates of change over a ten year period for four factors - population, Part I Index crime arrests for serious violent crimes (excluding aggravated assault) as reported by the Uniform Crime Report of the FBI, the number of felonies filed by the prosecutor, and the number of attorney positions.

I would like your interpretation of this data and your views about its relevance to analyzing prosecution resources.

Your earliest response would be appreciated.

Attachment

Citations:

An Analysis of the North Carolina District Attorneys' Resources. J. Jacoby, E. Ratledge, R. Taylor & N. Barrion. North Carolina Conference of District Attorneys: Washington DC. Feb. 1996.

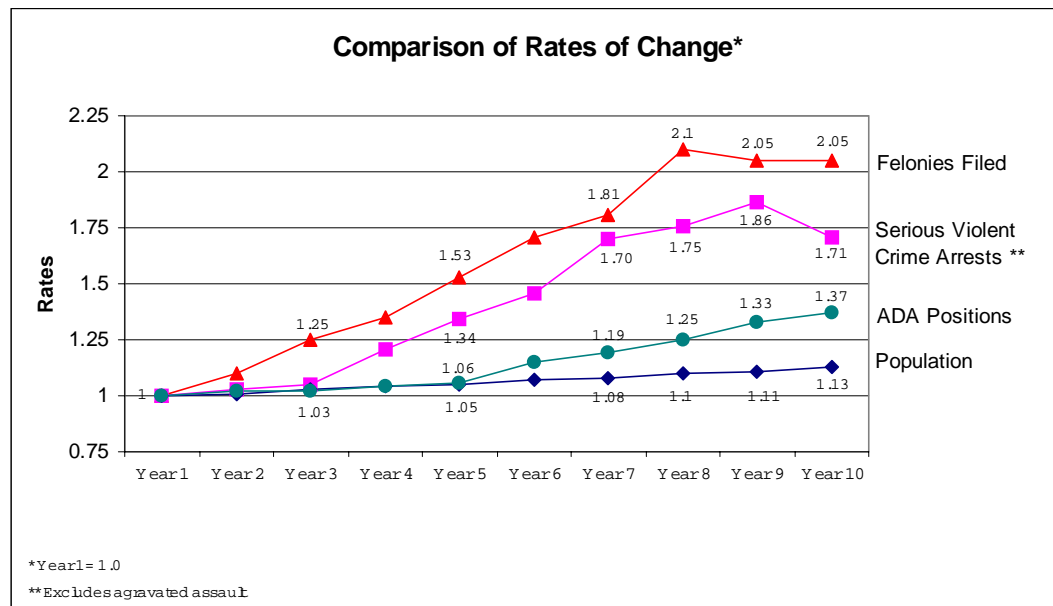
Management Information Statistics for the Prosecutor. L.R. Mellon, W. F. Smith, & E.C. Ratledge. Bureau of Social Science Research, Inc.: Washington DC. 1982.



ATTACHMENT

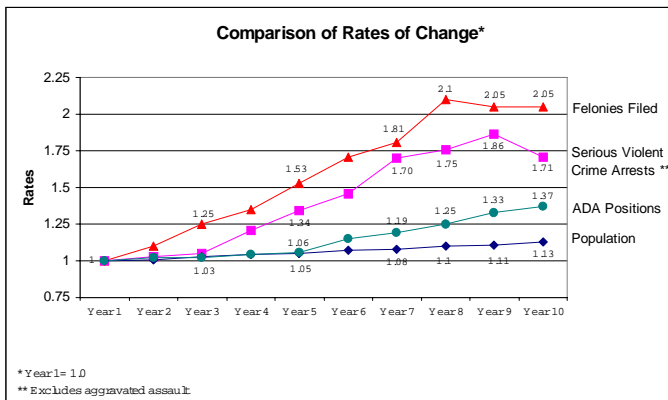


Rates of Change



Report

TO: M.I. Detective
FROM: Inspector Anna Lyst
SUBJ: Relevance and Rates of Change




These changes identify some cautionary notes that every prosecutor should keep in mind.

First and most important – population is not a good indicator of changes in the prosecutor's workload. Look at how slowly it increases relative to the other factors shown in the graph!

Second and equally important – increases in serious violent felonies add substantially to the prosecutor's workload. Their rates of change may not necessarily be reflected by changes in the total number of felonies filed. Thus there is a need track changes in both felonies and serious violent crimes separately.*

Third and important – changes in staff should follow the pattern of work in the office (increases in felonies filed and the increase in serious violent felonies) rather than the population. It appears that in this office, population growth was the basis for staff increases for the first 6 years, not workload. You can see the result – an overworked, understaffed office that even with some staffing increases in years 7-10, was not able to keep up with the increases in felony filings.

* Aggravated assaults should be excluded when arrest statistics are used to estimate workload because a large proportion of these cases are prosecuted as misdemeanors. If you count felony filings, not arrests, then you may include felony aggravated assaults in the count.

ACCEPT FOR PROSECUTION	REJECT FOR PROSECUTION	FURTHER INFORMATION ORDERED OR REQUESTED (FIO)	DISMISSAL WIN	DISMISSAL LOSS						
<div>ASSESSMENT AND ACTION</div> <div>FOUR</div> <p>Case management information</p> <p>should help you make changes,</p> <p>provide high quality prosecution,</p> <p>and better services to the public.</p> 					DISMISSAL NEUTRAL					
					PLEA ORIGINAL					
					PLEA LESSER					
					PRELIMINARY HEARING					
					ARRAIGNMENT					
					AFTER ARRA BEFORE TRIAL					
RATES OF CHANGE	BACKLOG	PERFORMANCE TRENDS	CONTINUANCES	1ST DAY OF TRIAL						



Assessment and Action

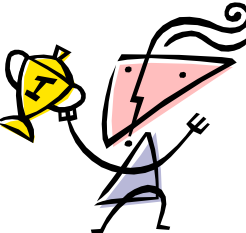
What is your case management score?



Refer back to the following pages and circle the numbers below that identify the offices you selected as most like yours.

			<u>Office</u>				Copy the number circled
Page	Measures		A	B	C	D	
6	Q.1	Screening	2	1	3	1	<input type="text"/>
15	Q.2	Pleas/Trials	2	3	1	na	<input type="text"/>
20	Q.3	Dismissals	3	1	1	na	<input type="text"/>
25	Q.4	Outlets	2	3	1	na	<input type="text"/>
35	Q.5	Trends	1	3	2	na	<input type="text"/>

Total Score →



Congratulations!

You have just completed a complicated but valuable task.

This little test will give you some indication of how well your office is managing its caseload.

Turn the page for a diagnosis.



Where are the sources for management information ?



Court Files

The court's data may be used to calculate:

- ☐ Conviction rates
- ☐ Dismissal rates (with some reasons)
- ☐ Median time from filing to disposition and backlog
- ☐ Number of active cases and disposed cases
- ☐ Guilty pleas to original and lesser charges
- ☐ Continuances
- ☐ Type of sentences

Possible Problems:

One problem with court data may be converting it from a charged-based file to a defendant-based file.

Typically courts do not define or count cases as a defendant involved in a single criminal incident that may result in filing multiple charges. Converting to a defendant-based system is not impossible, only complex.

Other problems with court data may be found in:

Inaccurate information. Court information may not agree with prosecution information. If the court audits its data files on a regular basis, this may not be a problem.

Incomplete information. The court is more likely to include and update information it uses on a regular basis. Its needs may not be the same as the prosecutors and some information may be out-of-date or incomplete.



Where are the sources for management information ?



Your files

Your files may provide:

- ☐ Intake decisions: Accept, Reject and F I O
- ☐ Dismissal reasons
- ☐ Location of disposition in process
- ☐ Caseload inventory per attorney
- ☐ Dispositions by attorney

Possible Problems:

The underlying problem is that there is no single design or model for prosecution management information systems (either manual or computer-based).

You may need to design new forms or modify existing forms to collect information.

You may need to develop new reports, specify who should receive them and how they should be used.

You may have to rely on outside agencies such as county data processing or the courts for automation. Remember their priorities may not be yours! You must authorize someone to have policy oversight over all the information and monitor its use.

For hope and encouragement: look to other offices and states where management information systems have been developed over the years. Good examples are Colorado, Michigan, and New Mexico.

Start small, think big and look at the statewide benefits for prosecution budgets and operations.



Just remember, you are not alone on this journey to gain knowledge — nor are the problems that you face unique to your jurisdiction.

For More Help
Refer To

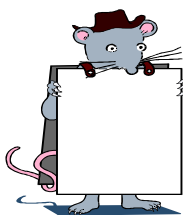
PROSECUTOR'S GUIDE TO:

Case Management

Intake & Screening

Police-
Prosecutor
Relations





We would like to hear from you!

Please send us your comments
and corrections



Name:
Office:
Address:

Phone: () *Date:*
Subject: Prosecutor's Guide to Management Information



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