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Special Report

Felony Case-Processing Time

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Most States and the Federal Government have laws ensuring that criminal trials take place within a reasonable period of time. Not only do defendants have a constitutional right to a speedy trial, but law-abiding citizens also can reasonably expect that those who victimize others will receive appropriate sanctions without unnecessary delays.

As part of its "Prosecution of Felony Arrests" series, the Bureau of Justice Statistics collects data on the time it takes to prosecute felony cases in a variety of jurisdictions throughout the country. This special report presents such data for different types of dispositions—dismissals, pleas, and trials—and for various classes of crime.

Special thanks are due to the prosecutors in the 12 jurisdictions who generously supplied the data presented in this report.

Steven R. Schlesinger
Director

Excessive delays in adjudicating accused felons may violate a defendant's right to a speedy trial while also undermining the community's interest in punishing those who violate the law. This report presents data on the speed with which felony cases are processed in 12 mostly urban jurisdictions. It shows the elapsed time from arrest to disposition both for felony arrests that resulted in charges being filed in court and for those filed cases that were subsequently indicted and bound over to the felony court for disposition.

The 12 jurisdictions have a median population of nearly 600,000 and include such major cities as Los Angeles, Calif.; San Diego, Calif.; Manhattan (NYC), N.Y.; Washington, D.C.; Salt Lake City, Utah; Portland, Ore.; and New Orleans, La.; as well as the State of Rhode Island (table 1). These jurisdictions provided data on more than 100,000 felony arrests that resulted in court filings and more than 50,000 cases indicted. In 10 jurisdictions the data are for cases initiated in calendar or fiscal 1981; in New Orleans and Rhode Island the data are for cases initiated in calendar 1980. Cases were subsequently disposed in the same or later years.

Table 1. Participating jurisdictions

Population of legal jurisdiction, 1930[a]	Major city in jurisdiction	Legal jurisdiction	Number of: Cases filed in court	Number of: Cases indicted and bound over for trial
		Total	102,307	51,897
7,477,657	Los Angeles, Calif.	Los Angeles County	29,264[b]	18,752
1,861,846	San Diego, Calif.	San Diego County	11,534	4,734
1,427,333	Manhattan, N.Y.	New York County	30,810	8,173
947,154	Providence, R.I.	State of Rhode Island	5,485	3,904
637,651	Washington, D.C.	Washington, D.C.	8,442	3,217
619,066	Salt Lake City, Utah	Salt Lake County	2,745	1,546
562,640	Portland, Ore.	Multnomah County	3,892	3,641
557,482	New Orleans, La.	Orleans Parish	3,659[c]	3,659
453,085	St. Louis, Mo.	St. Louis City	3,649	2,770
374,182	Golden, Colo.	1st Judicial District	1,838	866
245,944	Brighton, Colo.	17th Judicial District	1,142	562
125,975	Pueblo, Colo.	10th Judicial District	339[d]	173[d]

[a]U.S. Bureau of the Census, 1980 Census.
[b]Excludes a number of felony arrests filed as misdemeanors and handled by municipal prosecutors.
[c]In New Orleans cases filed and cases indicted are the same.
[d]Partial counts.

The major findings include:

- On average in the jurisdictions studied, about half of all felony arrests for which charges were filed in court were disposed of in 3 1/2 months or less. For cases indicted and bound over for trial the case-processing time was just under 5 months.
- Cases resulting in trials took about twice as long to dispose of (slightly over 7 months) as those resulting in guilty pleas or dismissals.
- Generally, the more serious the charge the longer the case-processing time. For all felony arrests for which charges were filed in court, case-processing time ranged from a low of 3.2 months for larceny and burglary to a high of 6.2 months for homicide.

Right to a speedy trial

A criminal defendant's right to a speedy trial is guaranteed by the Sixth Amendment to the U.S. Constitution: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial . . . ." Determining when this right has been violated, however, is rarely a matter of simple objective fact. In Barker v. Wingo (407 U.S. 514, 530-33 (1972)) the Supreme Court spelled out four factors for courts to weigh in determining if a defendant's constitutional right to a speedy trial has been denied. The length of the delay is the most important consideration, but it must be judged in light of the reasons for the delay. Deliberate attempts to delay by the government weigh heavily in favor of the defendant. Certain reasons, such as the absence of a key witness, are considered valid. The court must also determine if the defendant asserted his right to a speedy trial and if the delay prejudiced the case against the defendant.

Speedy trial laws

Federal and State laws, referred to as "speedy trial laws," attempt to supplement the imprecise definitions of the Sixth Amendment by introducing quantitative measures of unacceptable delay. The Federal Speedy Trial Act of 1974, amended in 1979, specifies time standards for the two primary stages in the Federal court process. Thirty days are allowed from arrest to indictment and 70 days from indictment to trial. Certain time periods, such as those associated with hearings on pretrial motions, incompetency hearings, and absence of a material witness, are considered excludable time.

Most States also have statutes that restrict the amount of time the State may take to process criminal cases. These laws differ in many respects, such as what kinds of events count as excludable time, and they vary widely in the amount of time they allow for bringing a case to trial. Among the most restrictive States is California, which specifies 15 days in felony cases from arrest to indictment and 60 days from indictment to trial. Other States, on the other hand, stipulate only that cases be processed with "no unnecessary or unreasonable delay."

Findings

The case disposition times presented here were determined by calculating the number of days between (1) the date of arrest and (2) the date a case was dismissed in court, the defendant pled guilty, or the defendant was convicted or acquitted at trial.* No adjustments were made for time periods considered excludable time according to the various State speedy trial laws. Thus, the case disposition times represent the elapsed calendar time from arrest to final court disposition.

Table 2. Felony case-processing time in 12 jurisdictions

	Average elapsed time from arrest to disposition for:	
	Cases filed in court	Cases indicted and bound over for trial
Total (mean)	3.5 mos.	4.9 mos.
Type of disposition		
Dismissal	2.8	5.3
Guilty plea	3.4	4.5
Trial	7.1	7.4
Most serious charge		
Homicide	6.2	7.1
Sexual assault	4.2	6.0
Robbery	3.5	4.4
Burglary	3.2	4.1
Larceny	3.2	4.7

Note: Data are derived from 12 different jurisdictions and represent median case processing times within jurisdictions averaged using the mean across all jurisdictions with available data. Data for "total" and "type of disposition" were available from all 12 jurisdictions; data for "most serious charge" were available for 9 jurisdictions. The elapsed time in months was computed by dividing the elapsed time in days by 30.4 (the average number of days per month in a nonleap year).

The times presented represent the overall jurisdiction average for the reporting jurisdictions. These were calculated first by computing the median case-processing time within each jurisdiction and then taking the arithmetic mean (average) of these values across jurisdictions. The use of medians as the measure of central tendency within jurisdictions controls for the distorting effect of a small number of cases with very long processing times. An arithmetic mean is sensitive to such outlying cases; the median, which shows the middle value for all cases, is not.

On average in the 12 reporting jurisdictions, about half of all the felony arrests for which charges were filed in court were disposed of in 3 1/2 months or less (table 2). This includes cases disposed as misdemeanors in lower courts as well as cases disposed in the felony courts.

When only cases indicted and bound over for trial in felony court are examined, the case-processing time rises to 4.9 months. Felony cases typically take longer to process than cases in the lower courts. This is because (1) unlike misdemeanor cases they typically require preliminary hearings or grand jury presentations, (2) generally felony cases are viewed as more serious and worthy of greater attention and court resources than cases disposed in lower courts, and (3) felony court is where most trials, the most time-consuming type of disposition, take place.

Type of disposition

For both cases filed in court and cases indicted, trial dispositions take considerably longer than dismissals or guilty pleas. Trial dispositions for cases filed took just over 7 months and for cases indicted just under 7 1/2 months. These times are nearly identical because most trials—in some jurisdictions almost all the trials—take place in felony court.

For cases filed, dismissals take less than half as long as trials (2.8 months vs. 7.1 months). This indicates that most dismissals occur relatively early in the court process. After a case is indicted and bound over to the felony court, dismissals take considerably longer (5.3 months), though still less time than trials. This may be because the weakest and least serious cases—those most likely to be quickly dismissed—have been weeded out before indictment.

Since approximately 70% to 80% of trials typically result in a conviction, comparing disposition times for trials vs. guilty pleas gives a rough indication of how much longer it takes to get a conviction by trial rather than by a plea. For the 12 jurisdictions in this study, that difference is about 3 months.

Seriousness of the crime

Generally, the more serious the crime the longer the case-processing time. This pattern is particularly evident for cases filed in court. Homicide cases take the longest to dispose (6.2 months); burglary and larceny take the shortest (3.2 months). Contrary to this pattern, however, larceny cases indicted actually take longer to dispose (4.7 months) than either burglary (4.1 months) or robbery (4.4 months) cases indicted. This may reflect the fact that only the most serious larcenies make it into felony court.

One reason that the most serious crimes take longer to dispose is because

*If the date of arrest was not known, the date of the prosecutor's screening was used. Usually, this is within a day of arrest.

a higher proportion of these go to trial than the lesser offenses. Nonetheless, separate data examining case-processing times for each crime for each type of disposition show that homicides usually take longer to dispose than other crimes whether through dismissals, guilty pleas, or trials.

Case-processing time, administrative practice, and delay-reduction policies

While numerous factors contribute to the speed with which felony cases are adjudicated, of major importance are the administrative practices and delay-reduction policies of courts and prosecutors. In Manhattan, for example, the median time from arrest to dispositon for guilty pleas for cases filed is just 26 days. This is the result of the district attorney's practice of obtaining guilty pleas to misdemeanor charges for a number of less serious felony crimes at the time of the initial lower court arraignment, which takes place within 24 hours of arrest. Similarly, the rapid dismissal time for all cases filed in Rhode Island (3 days) results from the fact that the attorney general screens felony arrests after they have been filed with the lower court by the police. Arrests dropped for prosecution are sent back to the lower court for dismissal. In jurisdictions where screening occurs prior to court filing, such cases could be dropped before court charges are filed and therefore would not show up in court caseloads.

In both New Orleans and Portland the median time to dispose both cases filed and cases indicted is about 2 months, well under the average for the 12 jurisdictions. Both of these jurisdictions have long-standing policies to prevent court delay. In New Orleans the district attorney stresses moving cases rapidly and for a number of years has had an office policy of moving filed cases from arraignment to trial in 60 days. The prosecutor's office prevents unnecessary delays by reviewing the oldest cases on the docket each week.

In Portland the district attorney's office requires that plea offers be made and communicated to defense attorneys shortly after screening to encourage an early decision as to whether a case will be pled or go to trial. Also, when the court backlog reaches 500 cases, two additional judges are assigned to work full-time on criminal cases.

Source of data

The data in this report are derived from the Bureau of Justice Statistics series "Prosecution of Felony Arrests." Detailed jurisdictional data on case-processing time will be presented in the forthcoming report by Barbara Boland with Ronald Sones, The Prosecution of Felony Arrests, 1981, NCJ-101380.

The prosecution series collects a variety of felony disposition statistics extracted from both computerized case tracking systems in prosecutors' offices as well as manual data systems. Previous publications from this series include:

- Kathleen B. Brosi, A Cross-City Comparison of Felony Case Processing, U.S Department of Justice, Washington, D.C., 1979.
- Barbara Boland et al., The Prosecution of Felony Arrests, 1979, Bureau of Justice Statistics, NCJ-86482, Washington, D.C., 1983.
- Barbara Boland and Brian Forst, The Prevalence of Guilty Pleas, Bureau of Justice Statistics Special Report, NCJ-96018, December 1984.
- Barbara Boland and Elizabeth Brady, The Prosecution of Felony Arrests, 1980, Bureau of Justice Statistics, NCJ-97684, Washington, D.C., 1985.

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