

**ALTERNATIVE APPROACHES TO THE
COMPREHENSIVE ADJUDICATION
OF DRUG ARRESTEES
(CADA)**

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REVISED

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TABLE OF CONTENTS

ACKNOWLEDGEMENTS.....	ii
LIST OF TABLES.....	iv
LIST OF FIGURES.....	vi
CHAPTER I: INTRODUCTION	1
A. The Sites	2
B. Three CADA Models	2
C. Interagency Coordination	5
D. Program Assessment	7
E. Organization of the Report	8
CHAPTER 2: PROVIDENCE	10
A. Statement of the Problem.....	11
B. Resources.....	12
C. The CADA Program.....	16
D. The Impact of CADA on Caseflow.....	23
E. Conclusions	34
CHAPTER 3: SANTA CLARA COUNTY.....	36
A. Statement of the Problem.....	37
B. Resources.....	38
C. The CADA Program.....	41
D. The Impact of CADA on Caseflow.....	55
E. Conclusions	65
CHAPTER 4: NEW ORLEANS	68
A. Statement of the Problem.....	69
B. Resources.....	70
C. The CADA Program.....	75
D. The Impact of CADA on Caseflow.....	82
E. Conclusions	93
CHAPTER 5: CONCLUSIONS	95
APPENDIX	101
Appendix 1: Case Sample Methodology.....	102
Appendix II: Forms and Data Sheets.....	107

LIST OF TABLES

CHAPTER 1: INTRODUCTION

Table 1: Summary of CADA Sites	3
--------------------------------------	---

CHAPTER 2: PROVIDENCE

Table 2: Felony Filings and Dispositions--Superior Court.....	24
Table 3: Time Between Events (Median Number of Days)	25
Table 4: Time to Disposition Controlling for Disposition Event (Median Number of Days).....	26
Table 5: Percentage of Cases Disposed at Arraignment	28
Table 6: Time from Arrest to Disposition for Non-drug Cases Controlling for Most Serious Charge (Median Number of Days).....	29
Table 7: Case Complexity	30
Table 8: Time from Arrest to Disposition For Given Case Characteristics (Median Number of Days)	31
Table 9: Incarceration Rates for Case Sample.....	33
Table 10: Time from Arrest to Disposition for Custody Status at Arraignment (Median Number of Days).....	34

CHAPTER 3: SANTA CLARA COUNTY

Table 11: Santa Clara County Arrest Data 1984-1986	38
Table 12: Out-of-Custody Warrent Diversion Program, October, 1988 - June, 1989	47
Table 13: Arrest to Disposition All Cases (Median Number of Days).....	56
Table 14: Time to Disposition for Felony Cases Disposed in Lower Court (Median Number of Days).....	57
Table 15: Arrest to Disposition for Diversion Cases (Median Number of Days)	58
Table 16: Distribution of Dispositions by Event	60
Table 17: Time to Disposition for Felony Cases Disposed in Superior Court (Median Number of Days).....	61
Table 18: Superior Court Management.....	63
Table 19: Case Complexity	64

CHAPTER 4: NEW ORLEANS

Table 20: Time Between Events for Pre- Program and Post-Program (Median Number of Days)	84
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Table 21: Time Between Events for Ad Hoc and Standing Sections (Median Number of Days).....	85
Table 22: Time To Transfer Cases to Ad Hoc Sections (Median Number of Days)	86
Table 23: Case Characteristics for Pre- and Post-Program	87
Table 24: Case Characteristics for Ad Hoc and Standing Sections.....	88
Table 25: Case Processing Time by Case Characteristics (Median Number of Days)	89
Table 26: Drug Case Processing Time for Ad Hoc and Standing Sections by Case Characteristics (Median Number of Days).....	90
Table 27: Cases Disposed for Ad Hoc and Standing Sections by Event.....	91
Table 28: Felony Filings And Dispositions 1989	92

LIST OF FIGURES

Figure 1: Pre-CADA Caseflow, Providence	14
Figure 2: Post-CADA Caseflow, Providence	18
Figure 3: Pre-CADA Caseflow, Santa Clara County	49
Figure 4: Post-CADA Caseflow, Santa Clara County.....	53
Figure 5: Pre-CADA Caseflow, New Orleans.....	72
Figure 6: Post-CADA Caseflow, New Orleans	79

CHAPTER I: INTRODUCTION

Over the last five years, the criminal courts of most urban areas have had to confront a rapidly rising caseload of drug filings. Faced with the prospect of an overwhelming backlog, judicial officials have searched for alternative means for managing their caseloads. For the last two years the general jurisdiction trial courts in the three jurisdictions--Providence, Rhode Island, Santa Clara County, California, and New Orleans, Louisiana--under funding from the Bureau of Justice Assistance (BJA), have experimented with alternative techniques for addressing the management problems posed by the increase in drug cases.

The BJA project has operated under the title Comprehensive Adjudication of Drug Arrestees (CADA). The project has operated under the premises: (1) avoiding a backlog due to the dramatic increase in drug cases rests as much with management techniques as it does with additional resources; and (2) any solution must come from a broad system perspective, rather than a narrow focus on the courts alone. Briefly stated, the objective of the CADA program was to expedite processing of drug cases from arrest to final disposition without jeopardizing due process. To meet this objective, courts in each of the sites were encouraged to identify obstacles in the movement of cases through the adjudicatory process, and develop strategies for their resolution in cooperation with other criminal justice agencies--police, prosecutors, public defenders, probation, and corrections.

This report summarizes the experiences of each of the sites. The objective is to draw from these experiences lessons which will be useful to other urban jurisdictions also confronting large and rapidly growing numbers of drug filings.

A. The Sites

The urban areas chosen for the CADA project are scattered geographically with Providence, Rhode Island in the East; Santa Clara County, California in the West; and New Orleans, Louisiana in the South. The program in Providence was targeted at Bristol and Providence counties. In Santa Clara County, California, the focus was on the court which sits in San Jose. However, that court also receives felony cases from several outlying jurisdictions. Finally, the title of the court in New Orleans is the Criminal District Court for Orleans Parish, but the city of New Orleans is coterminous with the Parish of Orleans.

The three jurisdictions are similar in many ways. A summary of some of their major attributes is provided in Table 1. Providence/Bristol Counties and Orleans Parish are approximately the same size. Santa Clara County is significantly larger. All three have similar caseloads and roughly the same proportion of drug cases prior to the beginning of the CADA project. The similarities facilitated testing the relative effectiveness of the different strategies adopted by the three sites.

B. Three CADA Models

Each of the sites developed a set of procedures for facilitating the disposition of drug cases. Although the components varied according to the definition of the local problems, they all shared a system perspective with the adjudicatory process as the conceptual and operational focal point. The result is three distinct CADA models, reflecting different definitions of the management problems that drug cases pose for the adjudicatory process. These models can be summarized as Early Case Disposition (Providence), Motions Management (Santa Clara) and Special Drug Court (New Orleans). Although these titles do not summarize all of the changes made under the CADA program, they reflect the primary operational objective of each site.

Table 1*

Summary of CADA Sites

	Orleans Parish New Orleans, LA	Providence/Bristol Counties, RI	Santa Clara County San Jose, CA
General Population 1980 Census (approx.)	550,000	620,000	1,400,00
Number of Courts	5 ltd. jurisd. 10 gen. jurisd. (crim. only)	13 ltd. jurisd. 20 gen. jurisd. (incl. 7 crim. only)	25 ltd. jurisd. 34 gen. Jurisd. (incl. crim. only 14-16 + several civ./crim.)
Trial Court Felony Caseload	5,638 (CY'88) drug 43%	5,250 (CY'88) drug 44%	13,516 (FY'87-'8) Drug 40%
Trial Court Calendar Type	individual	master	master
Speedy Trial Statute or Rule	120 days from filing charges to trial	none ^a	60 days from felony arraignment to trial
Case Tracking System	automated M/F ^b	automated F only ^c	automated M/F
Number of Prosecutors (total)	73	22-24	127
Vertical Prosecutions	complex or high profile	split ^d	seven categories of major crimes ^e
Charging Policy	information except capital or high profile	information except capital or high profile	information
Type of Indigent Representation	pub. defender 75% univ. law clinic 5% apptd. counsel 20%	pub. defender apptd. pvt. counsel ^f	pub/ defender apptd. pvt. counsel ^f

NOTES FROM TABLE 1 APPEAR ON THE FOLLOWING PAGE

1. Early Case Disposition

The Providence program was designed to encourage the resolution of cases as early in the process as possible. To that end, two changes were made in the procedures. First, a new event was created in the lower court called a Pre-Arraignment Conference (PAC), through which felony pleas could be considered and accepted. Second, a rule was adopted to allow a designated lower court judge to accept a plea of guilty and decide on the sentence in a felony case. To ensure the success of this hearing, changes were made in the police, pre-trial bail unit, drug testing lab, prosecutor's office, and public defender's office. The prosecutor agreed to assign senior staff at the screening stage and to PAC. The public defender's office took steps to see that defense counsel was appointed early in the process and was also present at PAC. The police developed procedures to speed up the assembly of the information packet and its distribution to the prosecutor and defense. The pre-trial bail unit conducted interviews with defendants earlier in the process to support the bail decision. The drug testing lab bought equipment and

NOTES FROM TABLE 1

- a) However, pursuant to State v. Wheaton, 528 A.2d 1109 (R.I. 1987), if a case is called for trial and is ready, but is not reached for good reason, that case will not be returned to the calendar. Instead, the case will be held in "ready" status until it is reached and tried.
- b) The tracking system is maintained by the District Attorney's Office, not by the courts.
- c) The lower court is currently implementing an automated system to track all cases.
- d) All cases are prosecuted horizontally until trial. The cases are then managed vertically from trial through final disposition.
- e) Major crime categories include: major narcotics, gang-related crimes, career criminals, child-stealing, sex offenses, homicide, and computer (intellectual property) crimes.
- f) Private counsel is appointed only in those cases where a conflict of interest exists.

changed procedures to shorten the turnaround time for reports. All of these changes, as well as modifications in the operations of several other agencies, were designed to accelerate the decisions of the different participants in the process without undermining due process. The objective was, whenever possible, to make the same disposition decision--e.g., plea or dismissal--earlier.

2. Motions Management

The Santa Clara County program used a different strategy to accelerate the processing of drug cases. It already had a procedure which permitted pleas to be taken in the lower court. The focus of the program, therefore, was on accelerating the upper court procedures, especially motion hearings. A special department was created in the upper court which dealt exclusively with pretrial issues for drug cases, called the Narcotics Case Review (NCR) department. The judge heard all motions and other matters involving drug cases, including taking pleas. To facilitate immediate sentencing whenever possible, a senior probation officer was assigned to this court, with access, in the courtroom, to an automated information criminal history system. Finally, the other criminal departments in the court were organized to permit a case to go to trial within a week if a plea could not be negotiated. Like Providence, changes were also made in the prosecutor's office, the public defender's office, and the drug testing lab. In addition, an effort was made to identify treatment resources in the community in order to increase the ability of the system to sentence an offender appropriately.

3. Special Drug Court

Orleans Parish adopted a third approach. Two new sections were added to the upper court. The two courts had jurisdiction over drug cases only, and handled all proceedings from felony arraignment through sentencing. Each of the new courts was equipped with all of the resources available to the established sections--clerks, security officers, courtroom with jury box, and probation officers. Similar to

Providence and Santa Clara County, the prosecutor office and public defender office assigned experienced attorneys to the new courts to facilitate the negotiation process. In addition, an automated information system was developed for managing the clerk's office and the courts' dockets.

C. Interagency Coordination

The CADA program was grounded on the assumption that expeditious disposition of drug cases could only be achieved by looking at the process as a whole, rather than from the perspective of each operating agency. To that end, although the courts provided the institutional focus for the program, each site took steps to ensure there would be active coordination of the operations of all of the agencies which had a direct affect on the adjudicatory process--prosecutors, drug testing laboratories, defense, probation, corrections, and law enforcement.

Three means were used to achieve this coordination. First, program interventions were directed at the specific problems which were identified as obstacles to expeditious case processing, without regard to agency boundaries. For example, in Providence, Rhode Island, funds were provided to the Department of Health to improve its drug testing procedure; and in New Orleans, an automated case processing system was developed by the Sheriff's office. Second, an interagency planning committee was used in all three sites to provide a forum for representatives to meet and discuss common problems. In Providence and New Orleans an existing criminal justice planning group was used and, in Santa Clara County, California, a committee made up of CADA operating personnel was created to supplement an existing committee of agency directors.

Third, perhaps the clearest expression of the commitment to coordination was that each program included a full time position of coordinator who was charged with the active promotion of interagency cooperation. The exact role of the coordinator differed by site. In Providence the coordinator's function was located in

the Administrative Office of the Courts. Duties included maintaining lines of communication among the agencies, monitoring the progress of the program, and supporting judicial participation where appropriate.

The Santa Clara County coordinator was located outside of the court in the county executive's office. Her perspective on the program, therefore, was much broader. Like her counterparts in Providence, she was responsible for monitoring program implementation. But even more important, she directed the CADA Management Team, which consisted of the operational managers of each of the agencies. Meeting on a regular basis, this team took an active part in identifying problems and developing solutions. She was also charged with taking a much more aggressive role in developing and implementing a coordinated program.

New Orleans adopted a third approach. The coordinator's role was the least visible of the three. The coordinator was located within the courts and was also charged with monitoring the program. But the position had a much less active part in managing the interagency exchanges. This was consistent with the general design of the New Orleans program. Although all of the formal coordinating mechanisms common to the other sites were available--a planning committee with representatives from all of the agencies, active participation by the critical operating agencies and the court, and a coordinator devoted exclusively to CADA--coordination tended to occur as a function of the day-to-day operations rather than formal activities. Development of an integrated automated information system required regular contacts among agency staff. And other case flow problems were resolved by direct negotiations between two or more agencies rather than as part of an overarching plan or program.

D. Program Assessment

The National Center for State Courts (NCSC) conducted the assessment of the CADA program in each of the sites. The objective of the assessment was to draw lessons from the experiences of the courts and criminal justice agencies in these urban jurisdictions which would be useful to officials in other settings to address their rising drug caseload. To meet this objective, the assessment was divided into three components. First, the original design of the programs was summarized from material submitted by each site and interviews with those involved in the preparation of the proposals. Second, implementation of the programs was documented through site visits, direct observation of operations, and interviews with local officials. Third, case samples were drawn at each site before the program began and after it was well underway for the purpose of identifying the effects of the program on case processing. A detailed description of the methodology used to select the samples, code, and analyze the data, is presented in Appendix 1. Appendix 2 contains the data forms, codes, and dictionaries used for data collection.

E. Organization of the Report

This report presents the results of the assessment. All site descriptions follow the same organization. Each begins with a summary of the problems confronting the courts and other criminal justice agencies. This is followed by a description of the principal components of the CADA program, and how they were implemented. Finally, the results of the case level data are presented and organized around the major components of the program.

The discussion begins in Chapter 2 with Providence, where the emphasis was upon the disposition decision earlier in the process. Chapter 3 shifts attention to Santa Clara County and its emphasis upon managing drug cases in the upper court. The New Orleans experience with a separate drug court is presented in Chapter 4.

In Chapter 5 an effort is made to step back from the specific description of these three jurisdictions to draw general conclusions about comprehensive drug case processing. It suggests some of the lessons and insights which can be drawn from the experiences of these courts. None of these strategies represents a panacea for courts or the other criminal justice agencies faced with a rapidly rising caseload due to drugs. However, each contains some interesting and useful techniques for making improvements in caseflow.

CHAPTER 2: PROVIDENCE

The Providence CADA program was designed to address a problem with congestion and delay in processing felony cases, a problem which was exacerbated by the influx of drug cases. The hallmark of the program was the creation of a new proceeding in the lower court which would facilitate early guilty pleas for certain cases. The components of the program included changes in the operations of the police, drug testing facilities, prosecutor's office, the District Court, the Superior Court, and the Department of Corrections in order to expedite pre-trial events.

The original proposal listed three objectives.

1. To reduce the present delay from initial appearance in the District Court to felony screening by 75%.
2. To reduce the delay from felony screening to Superior Court arraignment by 40%.
3. To reduce the time from arraignment to disposition to nine months.¹

In addition, although the proposal did not specifically address the issue of jail time, it was implied throughout that expeditious case processing would result in reducing the overcrowded population at the Intake Service Center (ISC).

To achieve these objectives eight specific interventions were proposed:

- o revision of the felony caseflow process by altering, enhancing, and creating new adjudicatory events such as prosecutorial screening and a pre-arraignment conference;
- o reduction of the elapsed time from the submission of substances for testing to the establishment of confirmatory test results;

¹The Rhode Island Supreme Court, "Rhode Island Proposal for a Comprehensive Adjudication of Drug Arrestees Program," February, 1988, pp. 22-24.

- o an increase in the number of information packets that are compiled and submitted by the Providence Police Department to the Attorney General's Office for felony screening;
- o greater utilization of the Bail Information Unit and the monitoring of treatment services of the Treatment Alternatives to Street Crime (TASC) program as a means of moving cases out of the system;
- o establishment priorities among pending cases;
- o authorization for District Court judges to serve as hearing officers during the PAC and Superior Court arraignment;
- o enhancement of the Narcotics Prosecution Division within the Attorney General's Office; and
- o the addition of an Associate Justice to the Superior Court who would assist in alleviating backlogged cases.²

Each of the agencies affecting drug case processing made a commitment to make specific changes which would expedite case processing. How effective they were depended, in large measure, on how vigorously the new procedures were implemented, and the willingness of each of the agencies to commit resources over and above those provided by the grant.

A. Statement of the Problem

1. The Environment

Providence is the capital of the smallest state in the Union. Rhode Island ranks fortieth in population with a total population of 945,700. Providence is the largest city in the state with a population of 160,000. The CADA program applied to both the city of Providence and Bristol County. In combination, with a total population of 617,300, they account for 65% of the total state population.

²Ibid

2. Drugs and Crime

Felony filings grew steadily in Rhode Island during the first half of the 1980s. Between 1980 and 1986 filings rose by 18%, from 3,667 to 4,360. In Providence/Bristol the rate of growth was even greater, from 2,505 in 1980 to 3,128 in 1986, an increase of 25%. Drug offenses have been a major factor in the increase. Between 1980 and 1986, arrests for drug offenses increased in Rhode Island by 86%, with the increase reflected in the court's caseload as well. The proportion of cases which involved drug offenses grew from 12% in 1984 (the first year for which statistics are available) to 42% in 1987.

The court was unable to keep up with the rising caseload. In early 1988, the Superior Court had 1,726 pending cases, of which 55% (945) had been on the docket for more than 270 days.

B. Resources

The CADA program in Rhode Island had a limited number of local resources on which to draw. There was no extensive history of formal coordination among the criminal justice agencies responsible for controlling, adjudicating, punishing and treating drug abuse and its attendant problems. The trial courts used traditional approaches to manage their dockets. And, the automated information system was outdated, and limited to the Superior Court.

1. The Adjudicatory Process

The trial courts in Rhode Island consist of the Superior Court (a court of general jurisdiction), District Court (initial hearings, misdemeanor court), and Family Court. The Superior Court has 19 judges, divided into 4 districts. The District Court has 13 judges, divided into eight divisions.

Caseflow management is not an established practice in the courts. The pace with which a case moves through the process is governed primarily by the operating

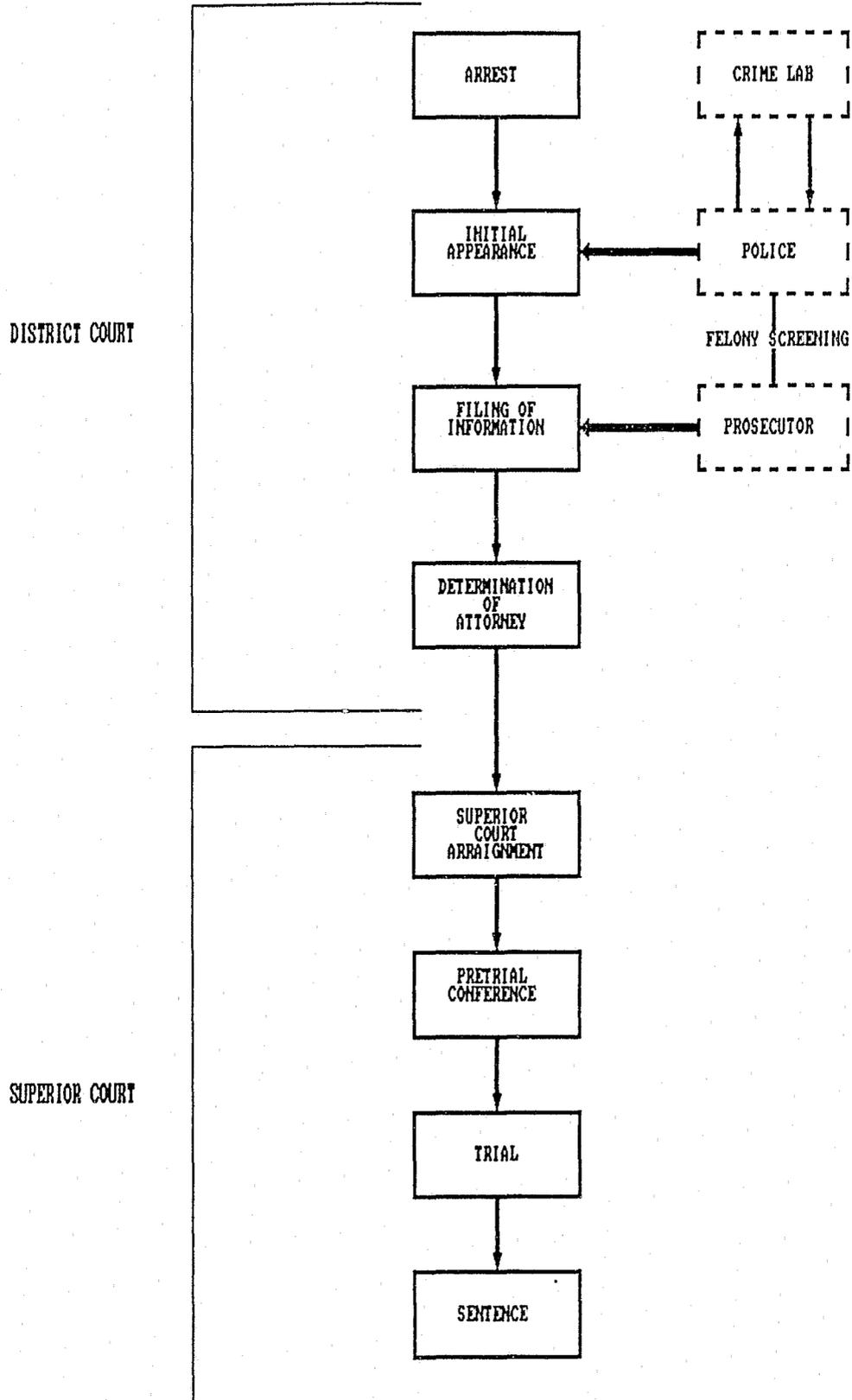
procedures of each of the agencies involved. For drug cases, the primary agencies are the police, the Department of Health which administers the laboratory and contains the Division of Drug Control, the Department of Attorney General, the Office of Public Defender, and the Department of Corrections. The adjudicatory process is summarized in Figure 1. A brief review of the movement of a case illustrates the many opportunities for delays in the process in the absence of the court assuming responsibility for case movement.

The police are more important to caseflow in Providence than in most cities because of their responsibility for filing charges and presenting the case at the bail hearing. The prosecutor does not become aware of the case until a complete file, called a packet, is prepared by the police. This may occur several weeks after the initial hearing if bail was granted, depending upon the difficulty of assembling the information, the availability of police time, and the priority assigned to a case.

Substance testing for drug cases is conducted by the laboratory operated by the Department of Health. The laboratory conducts all substance tests for the state, which includes such high volume tasks as testing urine samples from dogs at the track. Because the laboratory must conduct so many drug tests, the consequences for the court have been significant delays in processing drug cases. At the time of the CADA Proposal, drug tests required 10 to 12 weeks to complete.

The Attorney General is the chief law enforcement officer in the state. Upon receiving the packet from the police, his office carries the case forward. A screening conference is scheduled with the police and the defendant to determine whether to dismiss a case, reduce the charge to a misdemeanor and file in District Court, or file a bill of information at arraignment in Superior Court. If the defendant is without an attorney one is appointed before arraignment in Superior Court. At arraignment a pretrial conference is scheduled for a date within four weeks, and a trial date four weeks after that. However, at the time the

Figure 1: Pre-CADA Caseflow, Providence



CADA proposal was submitted, only 38% of the cases met these time parameters.

Given the complexity of the adjudicatory process, and the rising caseload, it is not surprising that the time from arrest to disposition in Providence was slow. In a 1987 NCSC study on case processing time in 26 urban trial courts, Providence ranked 20th in median time required to dispose of a case.³

2. Information System

The Superior Court was the only agency which had an automated information system. The District Court, Attorney General's Office, and the Department of Corrections relied on manual systems for their operations and management reports. The laboratory also used a manual system to maintain its records, including security documentation. The Superior Court's PROMIS system was used primarily for recordkeeping. It generated very few routine summary reports which could be used for management purposes to track and monitor caseflow.

3. Coordination

Providence did not have an extensive history of coordination and cooperation on which to construct a CADA program. The task force responsible for preparing the proposal grew out of a symposium held in December 1987, under the sponsorship of the Mayor of Providence. The symposium brought together state leaders and community representatives to discuss the problem of drug dealing in Rhode Island neighborhoods. The proposal also cited a meeting in 1981 which brought together representatives of the agencies involved in the adjudicatory process. The major product of that meeting was the felony screening procedure. However, there has been no on-going coordinating body for criminal justice

³Goerd, John, with Chris Lomvardias, Geoff Gallas and Barry Mahoney, Examining Court Delay: the Pace of Litigation in 26 Urban Trial Courts, 1987, National Center for State Courts, Williamsburg, VA, 1989.

activities. Moreover, although the Rhode Island judiciary is unified jurisdictionally across the state, the administration and management of each category of court is separate and distinct, further fragmenting the caseflow process.

C. The CADA Program

Although there was little history of coordination in Providence, the design of the CADA program was based on a system wide approach to the adjudicatory process. Specific changes were made in each of the participating agencies.

- o Coordination was made the responsibility of the planning unit in the Administrative Office of the Courts.
- o The Police Department hired a civilian felony screening coordinator to improve the quality of the packets and the speed with which they were prepared and submitted to the Attorney General's office.
- o The Department of Health's Division of Laboratories purchased equipment and made major changes in procedures to reduce the time required to conduct solid dosage tests.
- o The Attorney General's Office instituted a felony screening procedure and reorganized the staff to support the newly created Pre-Arrest Conference (PAC).
- o The Public Defender's office also reorganized staff assignments to support the PAC.
- o The Superior Court authorized the establishment of PAC in District Court in order to support an accelerated felony plea process.
- o The Superior Court added a judge to the bench in Providence/Bristol in order to reduce the number of pending cases 270 days or older.
- o The Bail Information Unit agreed to accelerate the interview process.
- o The Department of Mental Health and Retardation agreed to enhance a Treatment Alternatives to Street Crime (TASC) program.
- o The Department of Corrections developed an automated information system for its intake center (i.e., pretrial detainees) to monitor the inmate population charged with drug offenses.

Each of these changes was designed to accelerate the movement of cases through the process by creating opportunities for early decisions about a case, and improving the quality and timeliness of the information needed to make a decision. The post-CADA process is summarized in Figure 2.

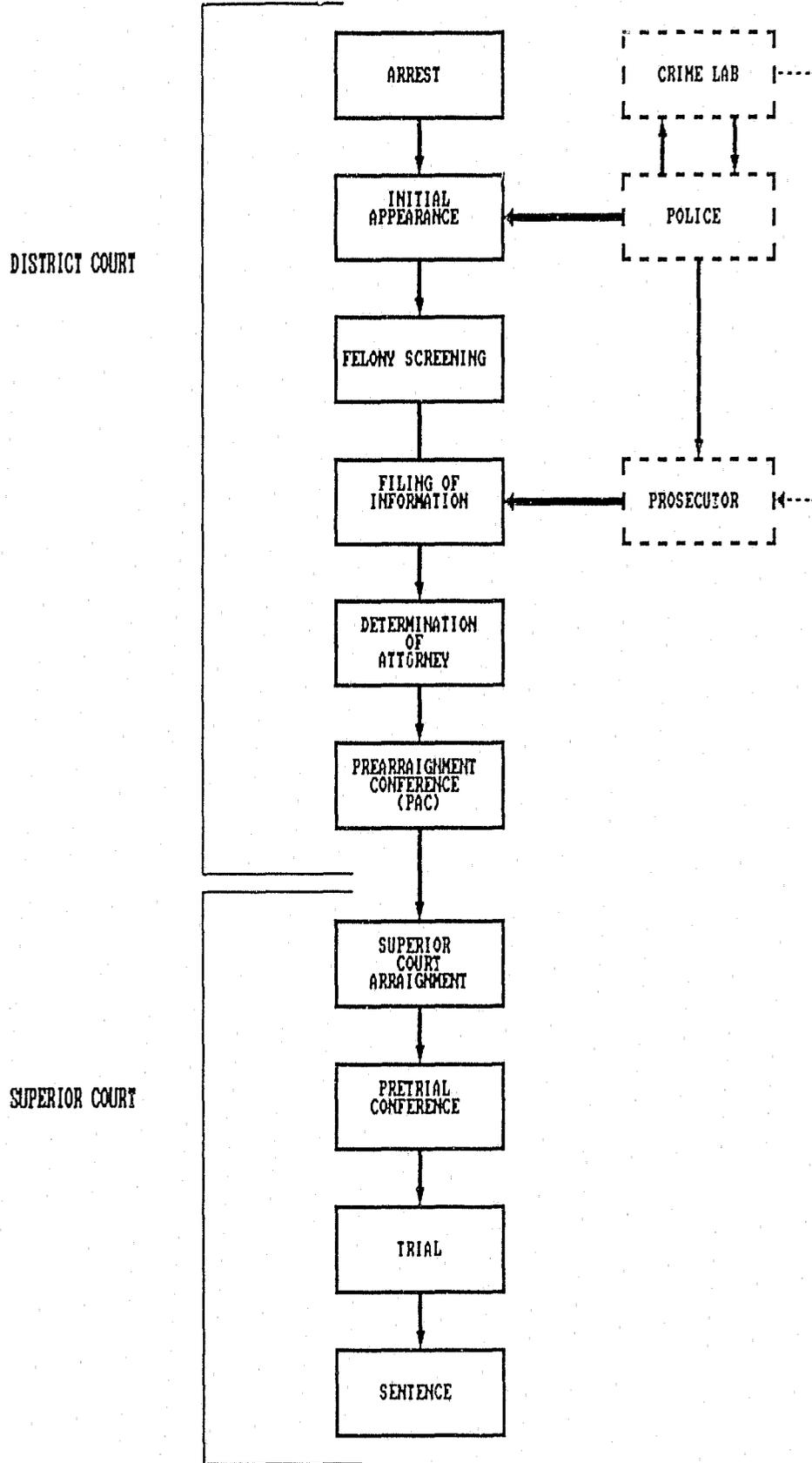
1. CADA Coordinator

The Administrative Office of the Courts (AOC) in Rhode Island housed the office of the CADA coordinators. The coordinators (Stephen King and Susan McCalmont) were responsible for maintaining lines of communication, facilitating the purchase of necessary equipment, monitoring performance standards, and acting as a liaison among the AOC, the Superior Court, and the criminal justice agencies. Finally, the coordinators acted as a liaison with the Pretrial Services Resource Center (PSRC). This enabled the coordinators to carry out important project tasks. For instance, the coordinators were able to aid in the purchase of the Gas Chromatograph/Mass Spectrometer for the crime laboratory. This expedited the results of drug tests used by prosecutors as admissible evidence in court. In addition, the coordinators monitored statistics on the volume, number of dispositions, and disposition times for felony drug cases and communicated this information to the courts, criminal justice agencies, and the PSRC.

2. The Police Department

The Providence Police Department agreed to hire a civilian felony screening coordinator. This individual was responsible for compiling felony information packets and serving as a liaison to the Attorney General's office. Before CADA, the packets were prepared by the detective responsible for the case. Delays occurred because the detectives would become distracted after the arrest and bail hearing, often resulting in delays in preparing written reports or sending drugs to the lab for testing. As a result it was not uncommon for prosecutors to be unaware of a case until several months after it was filed.

Figure 2: Post-CADA Caseflow, Providence



The addition of the coordinator had the desired effect of markedly increasing the timeliness of the packets, reducing the missing items, and improving the quality of the reports. Perhaps the best testimony to the effectiveness of the position was the impact on the process when the position went unfilled for three months in the middle of the project. During the three month period, the lab reported serious delays in receiving drug samples from the police, and further delays were noted by the prosecutor in getting the lab reports from the police once the tests had been completed. Finally, the quality of the packets also appeared to decline, with many of them incomplete.

3. The Department of Health

The Department of Health's Division of Laboratories was cited in the original proposal as a major source of delay in drug case processing. To rectify the problem, the Division purchased a Gas Chromatograph/Mass Spectrometer, state-of-the-art equipment, and made several major changes in operating procedures.

CADA provided the seed money for the Division to develop an automated information system for controlling the inventory of drug cases. It also instituted new procedures for logging samples in and tracking their movement through the lab. Because of the enhanced internal control procedures, it was no longer necessary for the technicians to appear in court to establish chain of possession, freeing up staff time for testing.

Communication of results to the prosecutor has been expedited by establishing a direct link with the Attorney General's office since CADA. After the prosecutors complained that there were long delays getting lab reports from the police, the procedures were changed. Now, the original report goes to the police as required, but a copy of the report is faxed to the prosecutor at the same time. This means the prosecutor becomes aware of a case as soon as the lab report is completed and, if

the packet is not forthcoming within a reasonable period of time, reminders can be sent to the Police Department.

The speed of the lab reports has gone up dramatically. According to division records, the turnaround time is now down to three to five weeks.

4. The District Court

The Pre-Arrestment Conference (PAC) is the cornerstone of the Providence CADA program. PAC was designed as a forum at the lower court level, prior to filing in Superior Court, for the early disposition of felony cases. All cases must proceed to PAC. By Supreme Court Rule, the District Court Judge assigned to the PAC can accept guilty pleas, conduct arraignments and set sentences on felony cases.

Given that the prosecutor's office has a policy of no bargaining, the negotiations that take place at this conference are not the kind of give and take one usually associates with this process. Instead, it is a point, early in the process, to do the following:

- o reach agreement between prosecution and defense on the facts of the case;
- o reach agreement (or, at least, a common understanding) between prosecutor and defense on the most appropriate charge given the facts;
- o allow the prosecutor to make his "best offer" of a recommended sentence;
- o give the defense an opportunity to present any mitigating circumstances of the defendant (e.g., he has a job, he is back living with his mother, etc.).

If agreement can be reached between the parties on each of these factors, and if the defendant concurs, a guilty plea can be entered at that time and sentence imposed. Alternatively, the offer is taken under advisement by defense counsel, and accepted one week later when they appear in the same court for arraignment.

The negotiations take place in open court. Defense counsel is provided with a duplicate of the prosecutor's file prior to PAC so all attorneys are working with the same information. The prosecutor goes through the case, reciting the charges, briefly summarizing the facts of the case, and giving the recommended sentence. Defense counsel makes any suggested revisions in the statements of the prosecutor, and at that point the defendant either enters a plea of guilty, requests a temporary postponement while counsel confers with the defendant and then enters a plea, requests the case be postponed until arraignment the following week at which time a plea of guilty is expected, or makes it clear that a trial date will be requested at arraignment. The prosecutor's offer is good until arraignment, at which time it is withdrawn.

Also in the courtroom are two clerks (one of whom has been assigned to the PAC from the Superior Court), a probation officer who reports on bail status, a bailiff, a representative from the Bail Information Unit, and a representative from T.A.S.C. The area in front of the bench can become very crowded with so many people, but decorum is maintained, and the process remains deliberate and orderly, even when the docket is long.

A critical component to the success of the PAC in accelerating the entry of a plea is the ability of the prosecutor to accurately assess the value of a case. If he undervalues the case, his recommendation will be ignored by the judge. If he overvalues the case, he will be turned down by the defense counsel. Since a prosecutor's skill in accurately assessing the value of a case is so critical, a senior prosecutor was assigned to the PAC at the inception of the CADA program and remained in that position for the two years of the assessment period.

The prosecutor has the longest working relationship with the PAC. Judges typically were assigned to the PAC for periods of three months or less. Although the public defenders complained about this lack of stability, there has also been

turnover within their rank. However, since the judges assigned to the PAC are lower court judges who are familiar and comfortable with accelerated courtroom proceedings, the turnover in their ranks has not slowed down the process. It appears that there has been enough stability among defense counsel and sufficient confidence in the prosecutor to keep the process moving smoothly.

5. The Superior Court

In the original design of the CADA program the Superior Court depended entirely on additional judicial resources to address the problem of backlog. The addition of one jurist was expected to reduce substantially the court's inventory of cases pending 270 days or longer.

Not achieving the desired end, in the summer of 1989, the Superior Court instituted a crash program to dispose of criminal cases. Without exception, all judges were assigned to criminal matters. In the fall, the Court adopted a special calendar for two weeks in which any capital felony, which had been pending for more than 300 days, was taken off the Master Calendar list and assigned to an individual judge for a disposition conference. In three weeks the number of such cases had been reduced from 713 to 492, the balance having been disposed.

6. Corrections

The Corrections Department used CADA funds as seed money to develop an automated information system for managing its pre-trial population. A personal computer based system was developed. There is no direct link to the court's system. Summary reports are, however, provided on the pre-trial population. The system is also used to track who is in or out of custody.

The other major innovation for Corrections was the purchase of a facsimile machine which is used to transmit information to and from law enforcement agencies, community confinement agencies, local parole/probation agencies, and the governor's office.

The automated system has allowed corrections staff to identify cases being held at intake which do not have a court date, that is defendants with no scheduled point for review of their cases. After developing the system they were able to identify 340 cases that did not have a subsequent court date scheduled. By notifying the court of their status, many of these defendants were either released or their cases moved forward. They were also able to identify 400 cases when bail was set at a small amount for detainees. After contacting the family and informing them of the bail conditions, 130 were able to post the bail amount.

D. The Impact of CADA on Caseflow

The objective of the CADA program in Providence was to enhance the movement of cases through the adjudicatory process. The Superior Court was experiencing problems of backlog and delay due, in large measure, to the increase in the number of drug cases. During the course of the CADA project, the workload of the courts continued to rise. The filing rates for Providence are summarized in Table 2. In a one-year period, felony filings increased by 69%, rising from 3,020 in 1987 to 5,142 in 1988. The following year felony filings leveled off to 5,049.

Given this rapid increase, it is no surprise that the court could not dispose of all its caseload. In 1988, 5,142 felony cases were filed but only 4,192 cases were disposed, leaving a net increase of 950 pending cases. This trend was reversed in 1989 when CADA was fully implemented. In that year the Superior Court reported 5,049 felony filings and 5,227 dispositions for a net gain on the pending caseload of 178. Although this improvement did not eliminate the backlog, it represented a marked improvement in system performance. Whether this can be attributed to the CADA program, however, requires a closer examination of the movement of cases through the system.

Table 2
Felony Filings and Dispositions--Superior Court

Felony Filings and Dispositions--Superior Court	<u>1987</u>	<u>1988</u>	<u>1989</u>
Felony Filings	3,020	5,142	5,049
Felony Dispositions	<u>3,102</u>	<u>4,192</u>	<u>5,227</u>
Difference Filings - Dispositions	82	-950	178

¹Table compiled from data from the December 1989 Quarterly Report from Providence, Rhode Island.

The case sample data from Providence will help us measure whether this improvement was associated with the CADA interventions. The data set is comprised of two samples of cases drawn from Providence records, one taken from dispositions in 1987, and the second from dispositions in November, 1989. The data set allows us to make comparisons of case movement before the CADA program was established and well after implementation. (See Appendix 1 for a description of the sampling methodology.)

The objective of the analysis is to determine whether the interventions were responsible for changes in the processing time from the pre-program sample to the post-program sample. The analysis will focus on: (1) case processing time; (2) the impact of case characteristics on case processing; and (3) the effect of detention rates on case processing time.

1. Case Processing Time

Pre-and post-program processing times were measured and compared to determine whether the CADA interventions had the desired effects. Table 3 demonstrates the differences between the time from arrest to disposition for drug

and non-drug cases pre- and post- CADA. The reduction in overall case processing time for drug case from arrest to disposition indicates that the CADA program had the desired effect. In the pre-program sample, drug cases took nearly six months from arrest to disposition (174 days). Two years later, after the program was well underway, the time from arrest to disposition was reduced to four months (124 days). The reduction, which 50 days represents nearly a one-third drop in case processing time, is particularly noteworthy when the increased volume of cases is taken into account.

Table 3 also shows that the effort devoted to speeding up the processing of cases prior to arraignment in Superior Court had the desired effect for drug cases.

Table 3
Time Between Events
(Median Number of Days)

	<u>Pre- Program</u>	<u>Post- Program</u>	<u>Difference Post - Pre</u>
Total Time Arrest to Disposition			
Drug	174	124	-50
Non-Drug	148	155	7
Time from Arrest to Arraignment			
Drug	155	98	-17
Non-Drug	95	98	3
Time from Arraignment to Disposition			
Drug	37	38	1
Non-Drug	41	62	21

The time required to move a case through the preliminary proceedings was reduced by three weeks.

On the other hand, the CADA interventions do not appear to have had a spillover effect on reducing disposition time for the non-drug cases. This suggests that perhaps the major effect was the result of those changes specific to drug cases, such as the laboratory, help from the coordinator in the police department, and the reorganization of the prosecutor's office. The data also suggests that the program had little effect on upper court processing. Drug cases not disposed at or before the arraignment date took as long to process in the post-program period (38 days) as they did in the pre-program period (37 days), and non-drug cases took 21 days longer.

What does this mean as far as the contribution of PAC to reducing case processing time? Table 4 provides evidence that PAC indeed did affect the pace of litigation, independent of the other case processing innovations. Table 4 contains the median time from arrest to disposition of those cases disposed at or before

Table 4
Time to Disposition Controlling for Disposition Event
(Median Number of Days)

	<u>Pre- Program</u>	<u>Post- Program</u>	<u>Difference Post - Pre</u>
Cases Disposed At or Before Arraignment in Superior Court			
Drug	99	78	-21
Non-Drug	94	72	-22
Cases Disposed After Arraignment in Superior Court			
Drug	193	396	203
Non-Drug	160	568	408

arraignment with those disposed in later proceedings. Before the CADA program, the first opportunity to enter a plea was at arraignment; after the program was established, the plea could be entered as early as the PAC. The effect is clear. There was a significant decrease in the time from arrest to disposition for those cases disposed by the arraignment date between pre-and post-program periods, for both drug and non-drug cases. In both instances, 21 and 22 days, respectively, were taken off the median time. Table 4 also suggests the establishment of PAC resulted in numerous cases getting to Superior Court. The median time of cases disposed in Superior Court rose dramatically between the pre-and post-program period. Part of the dramatic increase in the median time in Superior Court is a function of the effect on the median when the lower half of the distribution (that is, the fastest cases) is removed from the population (the cases disposed by PAC). As will be discussed below, over 50% of the cases were disposed at or before arraignment after the CADA program was in place. Under these circumstances, the median will be far more heavily influenced by the extreme upper part of the population.

Other evidence suggests that it is a combination of the changes in the procedures of the police, the lab, the prosecutor and the introduction of PAC which produced the desired effect. Table 5 presents the proportion of the sample cases which were disposed at or before arraignment pre-and post-program. There was a dramatic increase in the ability of counsel to resolve drug cases after the CADA program was in place. Only 21% of the cases were disposed by the first hearing in Superior Court in the pre-sample; two years later, more than half of the cases were disposed by arraignment. At the same time, the proportion of non-drug cases disposed at arraignment declined just as sharply even though PAC was applied to all cases, not just drugs.

There were two unintended effects of the CADA program: (1) disposition time did not improve for non-drug cases from the pre-to post-program; and (2) drug cases not disposed at arraignment took longer in the post-program. It has been suggested that one explanation for these results is that the introduction of PAC gave the Superior Court time to devote more attention to the difficult cases which had

Table 5
Percentage of Cases Disposed at Arraignment

	<u>Pre- Program</u>	<u>Post- Program</u>	<u>Difference Post - Pre</u>
Drug	21%	55%	34%
Non-Drug	79%	45%	-34%

been on the calendar for some time. Since the post-program sample in Providence is drawn from this position rather than filings, the presence of such cases would be reflected in the Superior Court time to disposition.

Are there any variations among different types of non-drug cases? Table 6 breaks down the median time from arrest to disposition for categories of non-drug cases. Less serious charges such as burglary, theft, petty larceny etc. have decreased in disposition time from the pre- (145 days) to post- (125 days) program. However, the two most serious charges, assault-kidnap-arson and murder-robbery-rape, have increased in disposition time by more than seven months--from 156 days in the pre-program to 386 days in the post-program.

Table 6
Time from Arrest to Disposition for Non-drug Cases
Controlling for Most Serious Charge
(Median Number of Days)

	<u>Pre- Program</u>	<u>Post- Program</u>
Less Serious	145	125
Assault/Murder	156	386

2. Case Characteristics

An alternative explanation for the reduced disposition time is a possible change in the characteristics of cases. It has been argued that the increase in drug cases does not impact on the courts as greatly as might be expected because these are simpler cases. Because of the limitations on the information available from the docket masters, four indicators of case complexity were used to test this possibility: motions filed, motions held, continuances and bench warrants. Since case processing time was faster for drug cases in the post- versus pre-program, if case complexity is important, one would expect fewer motions filed, motions heard, continuances and bench warrants issued in the post-program. By the same token, there should be an increase in each of these measures for the non-drug caseload.

Table 7 summarizes the evidence from the case sample for each of the variables. The results suggest that, in fact, drug cases were simpler after the program began than before, at least as reflected by these four measures. At the same time, non-drug cases showed no change, with roughly the same proportion of cases for which motions were filed and heard, warrants were issued, and more than one continuance granted.

**Table 7
Case Complexity**

	<u>Pre- Program</u>	<u>Post- Program</u>	<u>Difference Post - Pre</u>
No Motions Filed			
Drug	56%	73%	17%
Non-Drug	64%	63%	-1%
No Motions Heard			
Drug	84%	87%	3%
Non-Drug	88%	86%	-2%
No Continuances			
Drug	35%	53%	18%
Non-Drug	45%	48%	3%
No Bench Warrants			
Drug	52%	74%	22%
Non-Drug	66%	75%	9%

We have no evidence to explain why drug cases declined in complexity during the CADA program. It is possible this is a function of the increased use of street sweeps by the police to control the open air marketing of drug trafficking, but that is only speculation.

The significance of these changes depends upon whether they are related to case processing time. Table 8 summarizes the time to disposition for drug and non-drug cases, controlling for case characteristics. The importance of PAC is suggested by comparing all cases, drug and non-drug for the pre- and post-sample. However, PAC worked especially well for drug cases. Drug cases with no motions filed, no motions heard, no continuances, and no bench warrants all decreased in case processing time from the pre- to post-program suggesting that PAC had a positive effect. If cases are falling out in the District Court at arraignment, then it is unlikely that motions have been filed or heard, and continuances or bench warrants issued.

Table 8
Time from Arrest to Disposition For Given Case Characteristics
(Median Number of Days)

		<u>Pre- Program</u>	<u>Post- Program</u>	<u>Difference Post - Pre</u>
Motions Filed				
None:	Drug	150	92	-58
	Non-Drug	136	92	-44
One+:	Drug	208	464	256
	Non-Drug	148	642	496
Motions Heard				
None:	Drug	170	102	-68
	Non-Drug	142	124	-18
One+:	Drug	243	324	81
	Non-Drug	272	656	384
Continuances Granted				
None:	Drug	84	77	-7
	Non-Drug	124	73	-51
One+:	Drug	202	271	69
	Non-Drug	184	495	311
Bench Warrants Issued				
None:	Drug	143	92	-51
	Non-Drug	136	117	-19
One+:	Drug	203	415	212
	Non-Drug	205	155	-50

Further evidence for this is given by the disposition time for drug cases in the post-program. Except for no motions heard (102 days), the time from arrest to disposition is under 100 days for all other case characteristics (no motions filed 92 days, no continuances, 77 days; and no bench warrants, 92 days).

Drug cases with one or more case characteristics used to indicate complexity last dramatically longer than cases with no use of these characteristics. A case with one or more motions filed, for example, lasts five times longer than those with no motions (464 days to 92 days). This pattern is consistent for all other case characteristics among both drug and non-drug-cases. Why do they last so much longer? If the case processing time from Table 8 is any indication, the tough or complex cases last far beyond arraignment while the simpler drug and non-drug cases bow out much sooner.

3. The Effect of Detention Rates on Case Processing Time

In November 1988, the citizens of Rhode Island passed a referendum to amend the state constitution on the right of bail for defendants charged with serious crimes such as the sale, distribution, and intent to distribute drugs. The referendum's intended effect was to incarcerate more defendants, particularly those charged with drug offenses. Did the impact of detention rates affect case processing time?

The effect of the change in bail requirements on the case sample is presented in Table 9. Large increases in detention rates are shown in the post-program. Significant differences in custody status at arraignment for drug cases between the pre- and post-programs appear in Table 9. While 16% of all drug case defendants were detained in the pre-program, 44% were detained in the post-program.

To streamline caseflow in the courts, the Bail Information Unit agreed to conduct interviews with drug defendants within 72 hours of arrest, make bail recommendations to the court, and refer defendants to appropriate community programs. The Department of Corrections agreed to implement and maintain a computer system to track the drug inmate population as a means of processing of in-custody cases, and provide weekly updates for those defendants confined for more

Table 9
Incarceration Rates for Case Sample

	<u>Pre- Program</u>	<u>Post- Program</u>	<u>Difference Post - Pre</u>
Detained			
Drug	16%	44%	28%
Non-drug	30%	35%	5%
Released			
Drug	84%	56%	-28%
Non-drug	70%	65%	-5%

than 30 days. Keeping this close track of the defendants proved to be an effective means for reducing the length of pre-trial confinement defendants spent incarcerated. Prior to the CADA program, all cases, non-drug as well as drug, in which the defendant was in custody took a median time of 182 days from arrest to disposition. After the program was in place, the comparable figure was 121 days, a reduction in time incarcerated of two months.

Table 10 illustrates case processing time for detainees versus non-detainees. There is a substantial drop from the pre- to post-program. Table 10 shows that for detainees, the time to disposition for drug cases diminished by three months from the pre- (185 days) to the post-program (92 days) for detainees.

Table 10
Time from Arrest to Disposition
For Custody Status at Arraignment
(Median Number of Days)

	<u>Pre- Program</u>	<u>Post- Program</u>	<u>Difference Post - Pre</u>
Detained			
Drug	185	92	-93
Non-drug	172	154	-18
Released			
Drug	175	162	-13
Non-drug	148	159	11

E. Conclusions

The Providence CADA program has some significant achievements to its credit. The time required to generate lab reports has been reduced from almost twelve weeks to between three and five weeks with the prosecutor receiving the report as soon as it is complete via fax. Aggressive screening by the prosecutor facilitates the expeditious processing of cases. There has been a dramatic increase in the proportion of drug cases disposed at or before arraignment in Superior Court, from approximately 21% in 1987 before the PAC calendar was introduced, to over half (55%) in 1989.

Backlog, however, continues to be a problem in the Superior Court. On January 1, 1988, 58% of the caseload was pending longer than 270 days. Two years

later the figure had dropped to 49%,⁴ a movement in the right direction, but falling far short of the target figures.

The Rhode Island experience demonstrates, again, the importance of an active caseflow management role for the courts. Simply adding resources is rarely sufficient when a court is experiencing problems with delay or case backlog. The CADA program which for the most part concentrated on solving problem areas in case processing before arraignment, succeeded in producing dramatic improvements. Major changes in the Superior Court case processing were not evident despite the additional judicial resources. The other criminal justice agencies--prosecutor, public defender, public health (laboratory), and corrections--used increases in their resources to make strategic procedural changes instead of simply expanding existing operations. The changes resulted in a comprehensive approach to the processing of drug cases, with a demonstrable improvement in performance.

⁴ Rhode Island Supreme Court Activity Report, December 1989,

CHAPTER 3: SANTA CLARA COUNTY

The CADA program in Santa Clara County represented a refinement and extension of existing practices and procedures rather than a radical departure from established case processing techniques. The case processing system in Santa Clara County was already relatively sound. Staff used CADA to refine the practices of some of the agencies, to apply established case management principles to an upper court proceeding, and to expand the resources available at critical points in the process.

The goal of the program was "the joint reduction of jail crowding and court congestion."¹ The central means for achieving this goal was "to expedite and improve the processing of felony drug cases from initial charging through final disposition."² In keeping with the spirit of the CADA program, the program design took a system-wide perspective, targeting the procedures and resources of a range of criminal justice agencies.

The specific means for expediting and improving the processing of felony drug cases centered on five areas.

- o The crime lab was given additional resources to augment lab equipment and revised its procedures in order to speed up the delivery of test results.
- o The prosecutor and public defender offices were given additional support staff to enhance their ability to make disposition decisions as early as possible, thereby reducing the time in-custody defendants spend in jail and the backlog of cases pending in court.
- o The Superior Court created a special proceeding for drug cases called the Narcotics Case Review (NCR) which was designed to expedite dispositions.

¹ "Comprehensive Adjudication of Drug Arrestees: Demonstration of Model Program in Santa Clara County." Proposal submitted to the Bureau of Justice Assistance, January 30, 1988, p. 48, hereafter referred to as the "Santa Clara County Proposal."

² Ibid. p. 52

- o A new position was created -- Resource Developer -- and charged with identifying and making available to the court treatment resources in the community.
- o A planning and analysis group was formed from the representatives of the various criminal justice agencies to foster greater coordination among them and to track the progress of the program.

None of these interventions represented a radical departure from established procedure. Even NCR court was a replication, in Superior Court, of a lower court proceeding called Superior Court Review (SCR).

A. Statement of the Problem

1. The Environment

Santa Clara County, with a population of 1.4 million, contains the heart of the Silicon Valley, but is also part of the San Francisco Bay metropolitan area. The county's rapid growth over the last twenty years coincided with expansion of the computer industry. Between 1970 and 1980, the population increased by 21%, making San Jose the fourth largest city in the state with a population of 719,000. Demographically, the largest minority group are those of Spanish origin who constitute 18% of the population, while the non-whites represent 16% of the population.

2. Drugs and Crime

Santa Clara County experienced a rapid increase in the crime rate just prior to the start of the CADA project, most of it attributable to drugs. The statistics are summarized in Table 11. From 1984 to 1986, the total number of adult felony arrests rose from 11,828 to 14,626, an increase of 24%; over the same period, arrests for felony drug violations increased by 42%. As of 1986, drug cases represented 40% of all felony arrests.

Table 11
Santa Clara County Arrest Data 1984-1986

	1984	1985	1986	% Change 84-86
Adult Felony Arrests	11,828	12,679	14,626	24%
Arrests/100,000	862	906	1042	21%
Adult Felony <u>Drug</u> Arrests	3,928	4,462	5,557	42%
Other Drugs	3,525	3,991	5,153	47%
Marijuana	403	471	424	5%
Drug Arrests/Total Arrests	34%	36%	39%	

B. Resources

Santa Clara County enjoyed several advantages in implementing an enhanced drug case processing program through CADA. The county and municipalities had already taken steps to deal with the drug issue through additional funding of law enforcement agencies, prevention, and treatment services. There were several mechanisms available to support interagency coordination and planning, including an automated criminal justice information system for tracking defendants from arrest to final disposition which the county operated for more than two decades. The CADA program built on this foundation by focusing on those components of the criminal justice system which needed strengthening to deal more effectively with drug case processing. These included the prosecutor's office, the public defender's office, the drug testing facilities, the court, and treatment services.

The automated MIS system suffered from certain limitations which became apparent when summary information was needed by the program planners. In order to extract a data set of cases which could be analyzed, arrangements were made with

IBM to loan the county a mini-computer and software that would read the system, extract a sample of cases, and generate a print out of case listings. When the equipment was returned, the capability to sample and generate summary statistics went with it. Fortunately, a micro-processor was made available to the project and appropriate case data were maintained in it for the duration of the program.

1. The Adjudicatory Process

The felony adjudicatory process in Santa Clara County is not atypical. The court is divided into two levels: the municipal level which holds preliminary hearings, sets bail, and issues bills of information; and the superior level which hears motions, accepts pleas, tries cases, and sentences those convicted. The Municipal Court has 32 Municipal Court Judges and Court Commissioners, distributed among six cities and towns in the county. San Jose accounts for approximately 60% of all felony filings for two reasons: (1) it is the largest population center in the county; and (2) there is a policy among some of the municipal police to bring felony charged defendants to the county jail for booking.

The Superior Court is the court of general jurisdiction with 35 judges, all of whom sit in San Jose. Court space is at a premium in the county. The criminal courts are located in temporary facilities several blocks from the jail and from the rest of the county government offices, including the District Attorney and Public Defender offices.

Both the District Attorney's office and the Public Defender's office are organized horizontally; that is, attorneys are assigned to particular proceedings and the cases move from one set of staff to the next. There are exceptions to this general pattern, including the Drug Task Force in the District Attorney's office which has proved salient to the CADA program.

A pretrial services agency screens cases for bail recommendations, and supervises those released conditionally to treatment programs. Probation works

under the direction of the Superior Court, and conducts pre-sentence investigations, and supervises those on probation. Law enforcement is the responsibility of the several municipalities in the county. The County Health Department is also a major component of the drug case process as it operates the drug testing laboratory and several treatment programs. The sheriff provides the security for the courts. His responsibility for operating the jail was transferred to the newly created county corrections department soon after the inception of the CADA program.

2. Information System

Santa Clara County has a long standing commitment to automation, which began in 1972 when it implemented a comprehensive automated information system (CJIC) integrating information on all Superior Court cases from the various criminal justice agencies. Inter-agency cooperation and coordination are encouraged by the fact that they all have access to this shared information system.

This automated system endows Santa Clara County with a large, albeit cumbersome, data base. Several adjustments were made to the system over the years, but it has never been upgraded. As a consequence, it is a gigantic data base which is difficult and expensive to access for management purposes, except on a case-by-case basis.

3. Coordination

Early in the CADA process, Santa Clara County established a formal mechanism for the exchange of information among the participating CADA agencies. Defined as the CADA Management Team, this entity met once a month to share information and resolve problems. The CADA coordinator served as the team leader, set the agenda, presided over monthly meetings and acted as a liaison among the county, the Pretrial Services Resource Center and the program. The team consisted of operational directors and managers who were directly involved in ongoing CADA activities. The monthly meeting appeared to be a practical, open

and meaningful forum which may have facilitated the institutionalization of the CADA program. Not only was the committee utilized as a heuristic device, it was also used to share successes and to obviate problems which developed throughout the course of the program.

The CADA Management Team had its origins in another well established coordinative mechanism, the Justice System Steering Committee (JSSC). This committee is comprised of key administrators and department heads from each county criminal justice agency.

C. The CADA Program

The Santa Clara County program targeted four stages which CADA addressed:

1. At the Crime Lab information input stage;
2. At the point of drug diversion;
3. At missed settlement opportunity stages;
4. At any time that the unavailability of a trial department causes a delay.³

Five interventions were proposed as a means for resolving those operational problems. The discussion of the program will be organized around each of those interventions.

³ "Santa Clara Proposal," pp. 49-50

1. CADA Coordinator

Santa Clara County was the only site where the CADA coordinator was located outside of the courts and in the county government. As the director of a county-operated program, the coordinator (Deborah Ryan and then, Nicole Headley-Edwards) needed to be especially understanding and sensitive to the needs of the court. The coordinator was responsible for setting the direction for policy discussion at the CADA Management Team meetings where system-wide strategies were discussed. In this regard, her role was broader than her respective counterparts in Providence and New Orleans. From a management perspective, this was advantageous to Santa Clara County where decision-making was collective.

The coordinator was also responsible for carrying out statistical analyses of the CADA program and reporting those results to the Justice System Steering Committee and the CADA Management Team. These reports monitored the progress of CADA to ascertain the current status of each of the components of the program and where future resources should be allocated. Finally, the coordinator served as a liaison between the CADA Management Team and the PSRC.

2. Laboratory Upgrade

The laboratory operated by the Department of Health was identified in the original program design as an important source of delays in processing drug cases. The time required to obtain test results from evidence seized was viewed as contributing to the number of continuances which had to be granted, and hence to the length of case processing time. The proposal identified three problems which needed to be corrected:

- o inadequate staff and equipment to perform the volume of tests of solid dosages of substances seized;
- o dependence upon a manual system for communicating the results of the solid dosage tests to the appropriate agencies;

- o inadequate equipment to do speedy fluids analysis to accompany the solid dosage tests.

The changing character of drug offenses exacerbated a long standing problem with testing in Santa Clara County. The equipment was hopelessly outdated, and the laboratory was understaffed; both were totally inadequate given the rising demand of drug cases. Although the resources for fluid tests were seen as less of a problem, they, too were considered inadequate for the volume of work involved. The proposed solution was to purchase additional equipment for both functions, and to add a chemist to the staff.

The information system was missing several data fields for lab test results. For instance, there was no data field in the information system to enter the results of the solid dosage tests. Instead, the results were hand carried written reports between agencies, a time consuming process with many delays. The proposed solution was to re-program the system to add a solid dosage field to the screen, and to add clerical staff to enter the test results of all drug tests into the automated system.

With some variations, each of the proposed solutions was carried out during the course of the project. Equipment was purchased, the computer program was revised, data entry was expedited, and staff were hired. By April 1989, the director of the laboratory reported that the backlog of both solid substances and toxicological cases had been reduced from 8000 to 500 cases. The turn around time for solid substance in-custody cases was approximately one day, and out-of-custody cases two and one half days.⁴

However, the associated reductions cannot be attributed to the CADA supported interventions alone. For instance, the chemist position fell vacant five

⁴ Quarterly Report for April-June, 1989, p. 4

months after the project began, never being refilled, several of the equipment purchases were delayed until the project was well underway to reassess needs, and there was the change in leadership of the laboratory soon after the CADA program began.

A new laboratory director assumed the position in January, 1989. Over the next ten months, he carried out major changes in equipment, procedures, and physical layout of the entire laboratory. The result was a dramatic change in operations, funded, in large part, by the county: equipment was upgraded; storage facilities were redesigned; and furniture and rooms were refurbished. During a site visit before the new director arrived, the laboratory was a dreary place, with battered furniture and equipment crowded together. Twelve months later new lighting, paint, some new furniture and equipment, and a general remodeling had transformed it into a thoroughly professional work place. Moreover, new procedures for organizing the work and keeping records increased the efficiency and effectiveness of the laboratory. (For example, staff were required to keep personal coats in a separate room, and no longer permitted to eat their lunch at their work benches.)

It is impossible to distinguish between the effect of these changes and the impact of the equipment, staff, and software revisions instituted under the aegis of CADA. Suffice it to say that during the course of the CADA program, the laboratory ceased to be a problem for case processing.

3. Early Drug Diversion

Santa Clara County had an on-going program to divert drug defendants who met the qualifications established by California Penal Code Section 1000. However, the focus of the program was exclusively on defendants being held in jail because they were unable to post bond. A component of CADA was designed to extend the program to out-of-custody defendants as well by providing the District Attorney with

the staff necessary to establish eligibility quickly and ensure the defendant completed the process before the initial appearance in court.

The need for the additional staff was in part a function of a broader problem for caseflow processing in Santa Clara County. The District Attorney is required to file charges against a defendant in-custody within 48 hours of booking. If the accused is released on recognition or bond, an arrest warrant must be drawn up, adding to the complexity of the process for setting hearings and moving a case forward.

Part of the complexity of the process lies in the District Attorney's procedures for creating a formal file which can be made available to the courts and the public defender. The paperwork is very cumbersome, requiring an inordinate amount of time. When the police deliver a case to the District Attorney's office, it is subjected to an immediate preliminary screening. If, based on this screening, a decision is made to go forward with the case, all of the material from the police investigation is sent to clerical staff to prepare an index control card and establish a formal file. Three to four days are required to prepare the file. One effect of this procedure is that the prosecutor often appears at the initial hearing without a file in hand. Another effect is to increase the frequency with which defendants must be released and later rearrested on a subsequent warrant for their initial appearance in court because the prosecutor is not ready to enter charges within 48 hours.

Similar procedural problems are evident in the diversion program. At the time a complaint is filed, the District Attorney is responsible for reviewing the accused record and current charges to determine if that person qualifies for diversion, and if eligible, preparing appropriate referral papers, and placing those papers in the file in order to make copies available to the court, defense, and the Probation Office at the ensuing court appearances. Once found eligible, probation screens for suitability whereupon the accused is considered "qualified" for diversion.

The Early Drug Diversion component of the CADA project was designed to accelerate this process. The specific objective was to have all persons eligible for drug diversion qualified at the time of their first appearance, thereby reducing the number of unnecessary court events and speeding up the time to disposition of such cases.

To accelerate the process, two paralegals were added to the prosecutor's office. They were expected to follow up immediately on the cases identified as eligible for diversion by the screening attorneys, instead of waiting until a formal file was created. They were also expected to perform the more complex steps required to notify the out-of-custody defendants of their eligibility and facilitate their completion of the diversion processes before their first court appearance.

Implementation of this intervention proved to be more problematical than expected. While the paralegals were added early in the program, one remained with the office only a short period of time and several months were required to recruit a replacement. Moreover, other demands on the remaining paralegal's time undermined the diversion effort. For instance, one source of delay in processing drug cases was the need to respond to motions filed by the defense. The time of the paralegal was quickly absorbed by this second demand on the prosecutor's office. As a consequence, by April there was a backlog of approximately 80 out-of-custody cases in the Warrant Diversion program.⁵ At that point changes were made in the staffing and procedures to address the administrative problems. The result was a marked increase in the use of diversion. Table 12 reports the results of an analysis conducted by Santa Clara County staff of the cases identified by the District Attorneys' Office as eligible for diversion during the first 8 months of the CADA program. The results suggest that this component enjoyed some success in achieving

⁵ "Quarterly Report for April-June," 1989, p. 4

its objectives, although the results are not quite as dramatic as originally planned. Almost half of the cases which completed the diversion process were granted diversion. And of those diverted, 65% did so with only one court appearance.

Table 12
Out-of-Custody Warrant Diversion Program
October, 1988 - June, 1989

	Court Appearances		Total no.	Total percent
	one	> one		
Final Action Taken:				
Diversion Granted	29	16	45	49%
Bench Warrant Issued	25	15	30	33%
Other Action	<u>6</u>	<u>11</u>	<u>17</u>	<u>19%</u>
Total	60	42	92	63%
Number Pending:			54	37%
Total Eligible Defendants:			146	100%

Source: Monthly Report, August, 1989

4. Narcotics Case Review

One of the most innovative interventions in the Santa Clara County CADA program was the introduction of a proceeding in Superior Court called the Narcotics Case Review (NCR). It was designed to accelerate the disposition of felony drug cases by creating a specialized calendar at which motions could be heard and pleas entered. Its success depended upon the active support of all parties: the court, district attorney, public defender, and probation.

Although innovative, the design and operation of the NCR were based on a similar proceeding already in place in the San Jose Municipal Court. This proceeding, called the Superior Court Review (SCR), is one of several procedures created to encourage the expeditious resolution of felony cases by minimizing, whenever possible, the number of steps required for disposition. The availability of

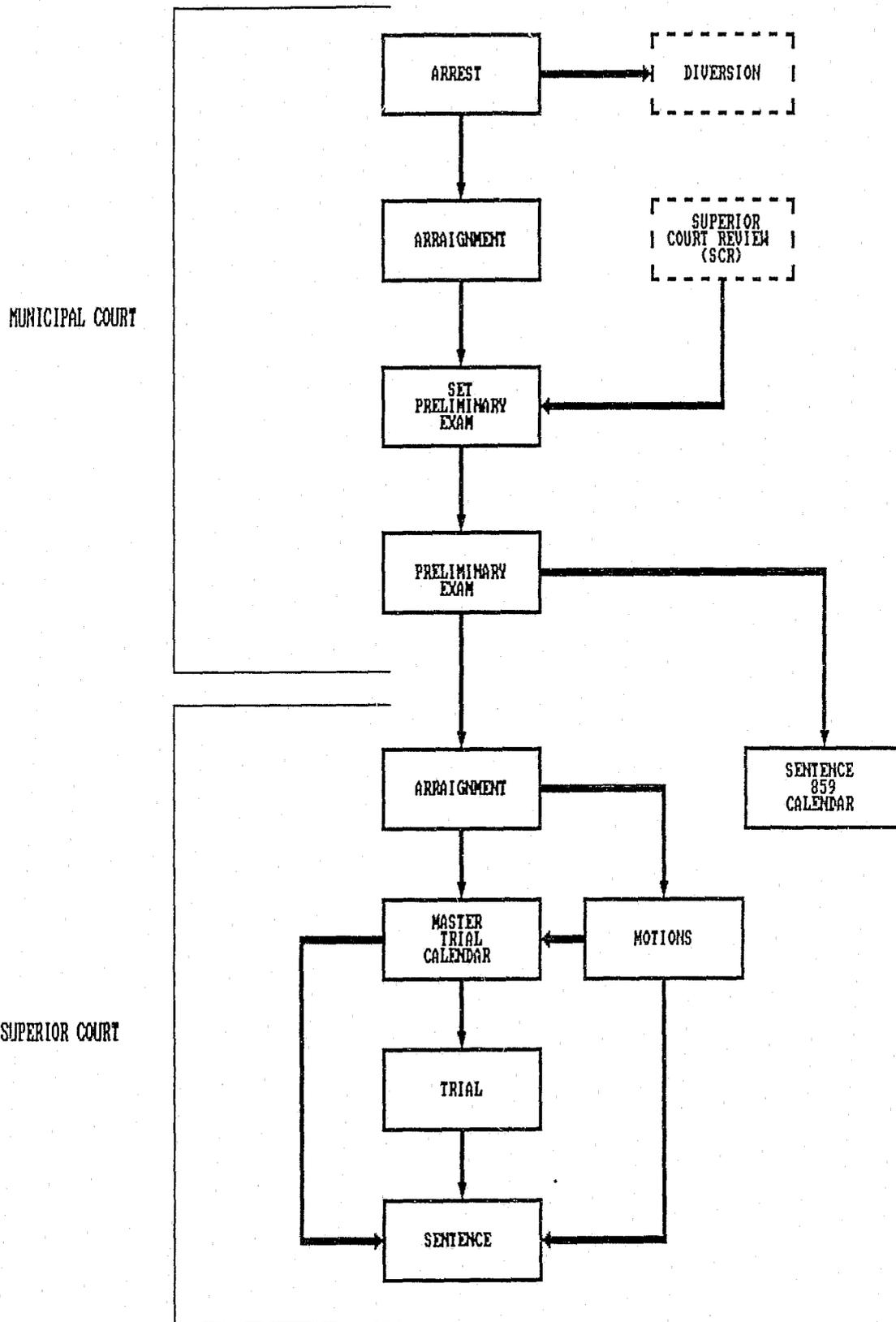
these events encourages prosecution and defense to appear before the court and dispose of a case as quickly as they can reach agreement on a plea or identify issues to be resolved. In this scheme, courts may function as a neutral forum for plea negotiations, accept a plea and move to a sentencing hearing, or quickly address a motion. The effect has been to create a caseflow process which contains several opportunities for the early disposition of a case, as outlined in Figure 3.

The first opportunity for early case disposition is the diversion program which was already described. With the cooperation of the prosecutor and pretrial services, some cases can be disposed before an offender has even been arraigned in municipal court. As was discussed earlier, the number of participants in the diversion program has not been large for either those held in-custody or out-of-custody. But every case diverted at this early stage requires less time and resources of the prosecutor, defense counsel, and courts.

The more dramatic procedures for early disposition were two events established before CADA to facilitate plea negotiations on felony charges prior to cases reaching the Superior Court. Although both proceedings were voluntary, they were very effective at accelerating dispositions, accounting for almost 50% of all felony dispositions.

The first procedure took advantage of Rule 859 of the California Supreme Court which empowered municipal court judges to accept a plea to a felony, subject to sentence in Superior Court. Although the diagram links the setting of the preliminary examination to sentencing, in practice the plea could be entered at any point in the process and, if accepted by the municipal court judge, sent directly to Superior Court for sentencing, thus bypassing all of the intervening events-- preliminary examination, arraignment in Superior Court, motions, and trial. A special calendar was created in Superior Court for passing sentence on the pleas entered under the 859 Rule, and one judge assigned to it on a regular basis. The

Figure 3: Pre-CADA Caseflow, Santa Clara County



perceived predictability of the sentencing judge was critical to the success of this procedure. Since the Municipal Court Judge could not impose a sentence, counsel for both sides had to be certain that the Superior Court Judge would either abide by the bargain struck at the lower level, or could be expected to issue a reasonable and predictable sentence.

The second procedure to expedite case disposition was a hearing in the Municipal Court called the Superior Court Review (SCR). The SCR, although located in the lower court, was presided over by a Superior Court Judge. The hearing allowed for pleas to be negotiated and accepted by the court and the defendant. The availability of the SCR ensured that serious plea bargaining could occur at a very early stage in the process when the circumstances warranted it. As a further inducement, the judge assigned to the SCR was adroit at facilitating the bargaining process, and a regular team of prosecutors and public defenders were assigned to ensure those with good bargaining skills were present. Finally, a senior probation officer was assigned to the SCR court who served as a neutral source of information on the background of the defendant and sentence patterns for similar offenses.

All negotiations take place in chambers, with the attorneys crowded together in a small room on one side of a desk, separated only by the probation officer, and the judge facing them. The atmosphere is informal and relatively low key with an emphasis on establishing consensus on the facts of the case and the most appropriate charge given those facts, followed by a review of the circumstances of the defendant that may affect the sentence. The probation officer plays a critical role in the process as all parties to the negotiation--prosecutor, defense, and judge--rely on him as a reliable source of objective information.

The fact that these two voluntary procedures produce roughly half of all felony dispositions is a clear demonstration that they fill a need for both the

prosecution and defense. Above all they give both sets of counsel the means to simplify their case management for a significant proportion of their cases, without jeopardizing the integrity of the court process, while providing due process for the defendant. No case is scheduled for the SCR unless both parties agree it is appropriate.

The designers of the CADA program emulated this very successful experience in establishing the NCR. The NCR was a response to the argument that many cases, particularly drug cases, moved on to the upper court not because the cases were complex, or the facts unclear, but rather because there were outstanding legal issues to be resolved which required a full hearing. Outstanding issues such as the resolution of search and seizure, entrapment, and the chain of custody questions could lead directly to dismissal or a plea. To facilitate consideration of these issues, all drug cases would be assigned at arraignment in Superior Court to a special calendar called the Narcotics Case Review (NCR). A judge was assigned who had been effective in encouraging plea dispositions, having served on the SCR for some time prior to the beginning of CADA. An experienced probation officer was detailed to the NCR with direct access via a terminal to the automated information data base which contained the defendant's criminal history. Like his SCR counterpart, the probation officer was well known to the judge and counsel, and could readily assume the position of a neutral source of objective information. Finally, both the District Attorney and the Public Defender assigned experienced attorneys to the calendar on a permanent basis.

The position of the NCR in the caseflow process is presented in Figure 4. The objective was to give a second chance at serious negotiations to cases which did not settle in SCR or through a plea under the Rule 859 before placing them on the trail calendar. It was expected to be a supplement to and not substitute for the Municipal court proceedings. The designers of the CADA program felt that there

were still many cases in Superior Court, particularly drug cases, which were subject to early plea if any remaining motions could be heard, and negotiations were aggressively pursued. If a plea agreement could not be reached at the NCR in a case, it would go to the Master Trial Calendar for assignment. In order to avoid defendants rejecting a plea offer as a means of delaying final disposition, a trial was to be scheduled no later than one week after the NCR hearing.

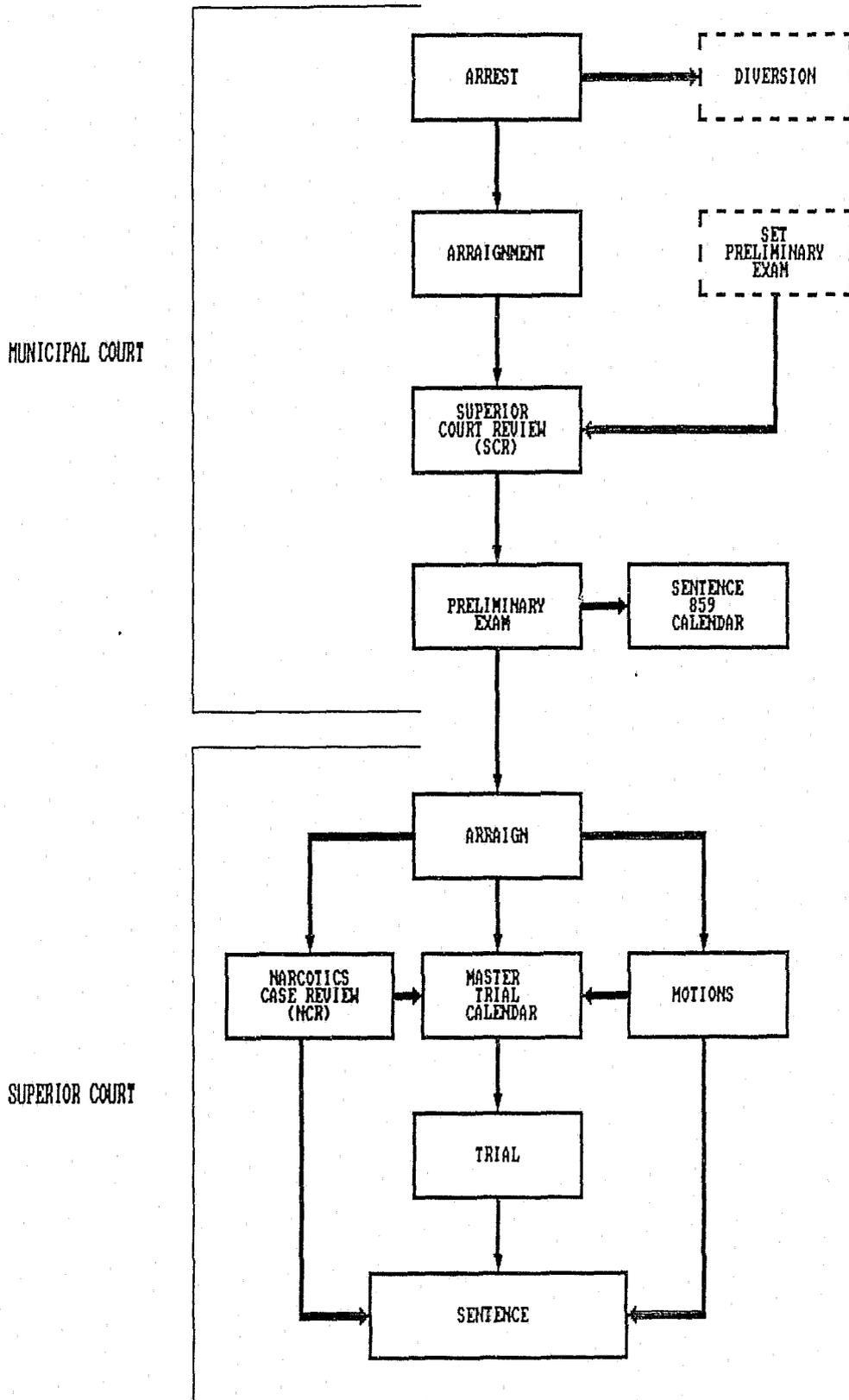
The NCSC site team observed that by assigning the former SCR judge to NCR assured similar results. As in SCR, the probation officer plays a key role as a neutral source of information. Counsel for both sides are experienced negotiators who are comfortable with the give and take involved in that process. The judge plays a more aggressive role in the negotiations than was observed in SCR, but that appears to be a function of his personality and his long experience rather than differences in basic approach or concept of the role.

5. Resource Development

Probably the most unique component of the Santa Clara County CADA program was the creation of a position called the Resource Developer. The Resource Developer was expected to act as an entrepreneur, identifying treatment resources in the community that could be made available to drug offenders. This concept was quickly expanded to include development of new program ideas and concepts, and a search for funding to support those programs. Some of the accomplishments of the Resource Developer over the life of the CADA program included the following.

- o Drug Use Forecasting (DUF). The DUF is a national program supported by the National Institute of Justice (NIJ) which is designed to identify drug users among arrestees within 48 hours of being taken into custody. Its purpose is to assist with planning and resource management by criminal justice system managers. Santa Clara County received funding and implemented DUF in the county in August 1989.

Figure 4: Post-CADA Caseflow, Santa Clara County



- o Comprehensive Drug Abuse Programming (CODAP). A proposal was written and funding sought to establish a program (CODAP) which would serve as a bridge between the criminal justice system and drug treatment services. Under the proposal, the program would provide drug treatment assessments of offenders at any point in the process, recommend appropriate treatment services, identify drug treatment services in the community, develop services which are not available, and monitor the service delivery for the criminal justice agency. Efforts to identify funding for the program were carried out throughout the project.
- o Treatment Resource Guide. A survey was conducted of the drug treatment resources available in the community. A document was prepared which contained a brief description of each of them.

In addition, the Resource Developer was very active in establishing links with the criminal justice agencies throughout the county and the state. She also prepared several funding proposals to the state to support different components of the CODAP program.

6. Rational Justice Planning Process

A central tenet of CADA was the need for expanded coordination and cooperation among the variety of judicial and executive agencies involved in criminal justice. Santa Clara County had already established several coordinating mechanisms before the CADA program began, the most important of which is the Justice System Steering Committee (JSSC). The JSSC is made up of the department heads or key administrators from each county criminal justice agency. Its original purpose was to guide the development of an integrated automated information system and its functions have since expanded to include a broad range of issues of mutual concern including the CADA program. The JSSC served as the policy board for CADA.

A CADA Management Team was supported by the grant which established the position of coordinator to provide continuing direction for the program. The team is composed of middle managers from the participating agencies: Superior

Court, District Attorney, Public Defender, Pre-trial Services, Crime Laboratory, Probation Department, Drug Abuse Services, with advisors representing data processing, the county executive, and the Center for Urban Analysis. The CADA Management Team met regularly throughout the grant to review progress, and consider any problems or issues which arose.

It is impossible to provide any objective evaluation of this program intervention. Participants reported that it was useful as a medium for exchanging information and resolving interagency issues. For example, the director of the Crime Laboratory reported obtaining several ideas from the meetings which helped him reorganize his staff and procedures. Others were less specific, but also reported a positive effect. They also felt that their meetings had a more direct affect on the operations of the programs in each of their agencies because they all occupied operational positions. They felt the members of the JSSC were more concerned with policy issues. Certainly there was a feeling of cooperation and a knowledge and understanding of each other's problems that is less obvious in the other two CADA sites. None of this is quantifiable, or systematic, however, perhaps the best indication of the success of this component of the program was the continued high attendance at the meetings by the original members.

D. The Impact of CADA on Caseflow

The Santa Clara County Program was intended to affect the movement of cases in several ways. These will be examined in this section. The data are drawn from the two samples of cases, one drawn from the dispositions during the first six months of 1987, and the second consisting of all filings from February through April 1989.

The overriding objective of the Santa Clara Program was to reduce the time required to dispose of drug cases. It is logical, therefore, to begin the consideration

of the caseflow data with whether cases moved any faster after the program was in place than before. Table 13 presents the results from the case samples. The results

Table 13
Arrest to Disposition All Cases
(Median Number of Days)

	<u>Pre- Program</u>	<u>Post- Program</u>	<u>Difference Post - Pre</u>
Drug	91	77	-14
Non-Drug	62	64	2

suggest the CADA program had the desired effect. In the spring of 1987, before the CADA program was introduced, drug cases required three months (91 days), as a rule, to move from arrest to final disposition. Two years later, in the spring of 1989, after the program was well established, the typical drug case took two-and-one-half months (77 days) to move through the process, a savings of two weeks time. And, equally important, this accelerated case processing was achieved without adding to the processing time of the rest of the court's caseload: the time from arrest to disposition remained constant at two months (64 days) for non-drug cases.

Whether this gain in processing time for drug cases can be attributed to the CADA program depends upon a more detailed analysis. Three of the interventions were expected to accelerate case processing: changes in the laboratory; reorganization of the diversion decisions in the prosecutor's office; and the introduction of the NCR. The other two interventions--treatment coordinator, and planning and coordination--were also expected to have an effect on caseflow, primarily by changing the environment for the process. These are reasonable expectations. However, it was impossible to test them through the case samples

because the link between the intervention and case processing time is so diffuse. Each of the primary interventions, however, can be measured and will be examined, in turn.

1. Laboratory.

Before CADA began the laboratory was identified as a major source of delay in processing drug cases. Because of the limitations of the information system, it was not possible to identify from the case files the time between submission of drugs seized and the return of the final report from the laboratory. The test for this effect, therefore, must rest on indirect evidence. If the time required to conduct the tests was shortened, it should be reflected in the amount of time required for a case to move through lower the court. This assumes, of course, that no other major changes in procedures were introduced which could also affect lower court case processing.

The pre- post- comparison of lower court case processing of felony cases is presented in Table 14. The results confirm there was a substantial reduction in the

**Table 14
Time to Disposition for Felony Cases
Disposed in Lower Court (Median Number of Days)**

Days from Arrest to:	<u>Pre- Program</u>	<u>Post- Program</u>	<u>Difference Post - Pre</u>
Superior Court Arraignment			
Drug	112	68	-44
Non-Drug	82	60	-22
SCR Plea			
Drug	78	46	-32
Non-Drug	50	49	-1
859 Plea			
Drug	51	36	-15
Non-Drug	34	36	2

time required to process drug cases through the lower court, especially for cases disposed at that level. At the same time non-drug case disposition times remained constant, drug cases resolved by plea at the SCR hearing or before a Municipal Court Judge (Rule 859) required 32% and 15% fewer days respectively. However, not all of this improvement can be ascribed to faster reporting of laboratory test results. Non-drug felony cases also moved more quickly through the municipal court indicating that other changes, for example in the prosecutor's office, may have contributed to the effect.

2. Diversion Program.

The changes in the administration of the diversion program in the prosecutor's office were designed to identify candidates more quickly and to accelerate the offer to those out of custody. Although the numbers involved in the program were too small to have a substantial effect on overall case processing time, it holds promise of substantially improving the administration of the diversion program. The comparative figures for the Sample Cases is given in Table 15.

**Table 15
Arrest to Disposition for Diversion Cases
(Median Number of Days)**

Pre Program	168
Post Program	101
% Change	39%

Although there was a substantial improvement in the time required to process diversion cases, there is still room for improvement as the median time was still over

three months. This reflects the problems Santa Clara County had with this component of the program. Although the prosecutor's office was able to identify candidates for diversion shortly after an arrest, there was no follow-up because of the use of the paralegals for other work. As a result, the list of candidates was allowed to accumulate for several months. This problem appears to have been remedied by changes in procedures in the District Attorney's office, and future performance is likely to be much better.

3. NCR Hearing.

The intervention expected to have the most direct effect on drug case processing was the introduction of the NCR hearing. NCR was created to provide a specialized forum which would encourage expedited drug case dispositions in the Superior Court. It was modeled after the SCR, that is, it was designed to accelerate dispositions through early resolution of motions and support of plea negotiations. The intent was to bring the entry of a plea forward, reducing the number of pleas entered on the day of trial. To reduce any incentive to delay entering a plea, trials were scheduled as quickly after the NCR date as possible for those cases which did not settle.

Whether the NCR had the desired effect of reducing the number of cases disposed by a plea on the day of trial is tested in Table 16. The results suggest that the hearing had the desired effect. The proportion of drug cases entering a plea on the day of trial was cut in half (12% to 6%). The evidence becomes even more compelling when this figure is compared to the experience with non-drug cases, which did not have the benefit of a Superior Court case review process, as the plea-at-trial rate remained constant over the same period of time.

One fear of the program designers was that creating an upper court version of SCR might delay plea negotiations, or reduce the effectiveness of the SCR. The presence of another arena for negotiating a plea later in the process may encourage

counsel to wait before entering into serious bargaining. Table 16 suggests that there may have been such an effect. The proportion of drug cases settled at SCR went, down from 35% to 29%, while the percentage of pleas entered under Rule 859

Table 16
Distribution of Dispositions by Event

	<u>Pre- Program</u>	<u>Post- Program</u>	<u>Difference Post - Pre</u>
Diversion			
Drug	15%	25%	10%
Non-Drug	NA	NA	NA
859 Plea			
Drug	33%	31%	-2
Non-Drug	33%	50%	17
SCR Plea			
Drug	35%	29%	-6
Non-Drug	44%	27%	-17
NCR/Arraignment			
Drug	4%	7%	3
Non-Drug	4%	0%	-4
Plea at Trial			
Drug	12%	6%	-6
Non-Drug	16%	15%	-1
Trial			
Drug	1%	2%	1
Non-Drug	3%	8%	5

remained constant. On the other hand, the proportion of non-drug cases settled in the lower court went up, resulting in a net gain in the total cases settled.

The effect of the NCR innovations on the pace of caseflow from the case sample is presented in Table 17. From this evidence it is difficult to ascribe

speedier case processing to the introduction of NCR. The time required to dispose of drug cases in Superior Court dropped significantly between 1987 and 1989, (55

Table 17
Time to Disposition for Felony Cases Disposed
in Superior Court
(Median Number of Days)

	<u>Pre- Program</u>	<u>Post- Program</u>	<u>Difference Post - Pre</u>
Arrest to Disposition			
Drug	206	151	-55
Non-Drug	167	118	-49
Arraignment to Disposition			
Drug	82	56	-26
Non-Drug	73	51	-22

days) as it did for non-drug cases (49 days). If the focus shifts to the time in upper court only, where the NCR can be expected to have the most effect, (that is, time from Superior Court arraignment to disposition), the results are similar. There is a significant reduction in the time required to dispose of a case for both drug and non-drug cases, and that reduction is the same for both types of cases -- approximately 30%.

An alternative explanation for these results is that NCR has contributed to more effective case processing generally in Superior Court by reducing the number of pleas at the trial court door. The effectiveness of the NCR court in disposing of cases through plea was documented by the Santa Clara County CADA staff using aggregate statistics they had collected. During the first four months of 1989, they found that 41% of cases assigned to NCR were disposed at the initial hearing.

Furthermore, it was found that many cases that moved on to the Master Trial Calendar after not settling at the initial hearing could be settled if reassigned to NCR a second time. Of those cases reassigned to NCR off of the Master Trial Calendar 52% were settled.⁶

The effect of these efforts is reflected in the proportion of drug cases on the trial calendar. In the first four months of 1989, 44% of all cases arraigned in Superior Court were drug cases;⁷ the proportion of drug cases on the trial calendar, however was only 25%, down from 38% in 1988.⁸ Although none of these figures can be treated as conclusive evidence, it gives additional credence to the argument that the impact of NCR went beyond simply reducing the time to disposition of drug cases.

Another explanation for the increased speed may lie in the restructuring of the District Attorney's Office. The legal aides hired under the CADA grant were used to prepare briefs for motions in drug cases. It has been argued that this reduced the number of continuances, thus increasing the speed of dispositions.

The evidence is clear that there was a marked increase in the effective management of case movement in Superior Court over the two-year period. The evidence from the case sample is summarized in Table 18. Both drug and non-drug cases had a marked increase in the certainty of scheduled court appearances. The average number of continuances declined by 1.9 for non-drug cases and 1.3 for drug cases, a significant improvement in performance. Trial dates also became more certain as it became the exception rather than the rule for a case to have more than one scheduled trial date. The evidence in Table 18 also suggests that none of this

⁶ Ibid, Exhibit 6b

⁷ Ibid, Exhibit 8b

⁸ Ibid, Exhibit 7

certainty occurred at the expense of a full hearing for a case as the average number of appearance dates per case remained constant over the two year period.

Table 18
Superior Court Management

For Cases Arraigned in Superior Court:	<u>Pre-Program</u>	<u>Post-Program</u>	<u>Difference Post - Pre</u>
Avg. No. of Continuances			
Drug	2.4	1.1	-1.3
Non-Drug	3.3	1.4	-1.9
Avg. No. of Trial Dates			
Drug	1.6	1.0	-0.6
Non-Drug	3.0	1.4	-1.6
Avg. No. of Appearance Dates			
Drug	5.2	5.4	0.2
Non-Drug	7.0	6.3	-0.7

4. Alternative Explanations.

Up to this point the analysis has assumed that the most significant changes which occurred between 1987 and 1989 were the CADA program reforms. However, there were other significant changes which may have affected caseload. Some of them were events beyond the control of CADA, such as the opening of a new jail, moving administration of corrections from the Sheriff to a County Executive agency, shifts in personnel in several of the agencies involved, and the dramatic reorganization of the laboratory. In most instances it is impossible to

distinguish the impact of these factors on caseload from those which can be ascribed to the CADA program except on an anecdotal basis. The effect of some changes, however, can be examined more systematically, particularly possible changes in the composition of the caseload.

The pace of litigation may be affected by changes in the complexity of the cases. An increase in the number of cases which, because of the circumstances or the law, either reduce the incentive to plea or are difficult to negotiate is likely to lead to an increase in the time required for disposition. By the same token, if the proportion of relatively simple cases goes up, the time from arrest to disposition may decline, despite a growing caseload. The measures of complexity for the two case samples were limited to what was available in the docket sheets. Two indicators were used: percent of cases with co-defendants; and proportion of cases in Superior Court in which Motions were filed. Although limited, these two indicators provide a rough measure of case complexity. The results are reported in Table 19.

Table 19
Case Complexity

	<u>Pre- Program</u>	<u>Post- Program</u>	<u>Difference Post - Pre</u>
Cases with Co-Defendants			
Drug	21%	22%	1%
Non-Drug	10%	9%	-1%
Superior Court Cases with Motions			
Drug	45%	65%	20%
Non-Drug	31%	43%	12%

These two indicators suggest that the faster case processing time reported above cannot be attributed to a simplification of the types of cases. The proportion of cases with multiple defendants remained constant for the two-year period for both drug and non-drug cases. The second indicator of complexity is even more telling as it suggests that, if anything, cases became more difficult to manage. The proportion of cases in which motions were filed increased from 31% to 43% for non-drug cases, and 45% to 65% for drug cases. All of this serves to strengthen the conclusion that CADA was the major reason for the increased effectiveness of Superior Court caseload management.

E. Conclusions

In general, the Santa Clara County project successfully implemented the proposed reforms which resulted in their desired effects. The number and timing of drug diversions was significantly improved through changes in the prosecutor's procedures, and the addition of paralegals to the staff; drug testing was carried out expeditiously because of additional equipment, personnel, and procedures, and the results quickly transmitted to the prosecutors; the Courts established the NCR which reduced the number of drug pleas entered on the day of trial without affecting the lower court case processing; a resource developer was hired who identified existing services in the county as well as promoted the development of new services; coordination was enhanced through regular meetings of the planning committee; and finally, the program collectively speeded up the pace of litigation enabling the court to handle an increase in caseload.

Although the results were generally positive, it is difficult to ascribe a specific type or amount of improvement to a particular component of the CADA program. For example, the improved case processing time can be linked to changes in the laboratory, prosecutor's office, public defender, and courts, all inspired by the

CADA program. The relative importance of each of these components to speedier disposition, however, is beyond the scope of this project.

Although it is impossible to make definitive statements about the relative importance of specific CADA components to the improved performance of Santa Clara's adjudication process, the experience suggests the following lessons for those interested in transferring the program to other sites.

- o The best techniques are those building on local experience informed by lessons from other sites. Santa Clara County used the experience with the lower court plea process to improve its upper court procedures. As a result, county officials did not have to begin from the ground floor, but could take advantage of skills ready available to them.
- o Additional resources are important if they are used strategically. The Santa Clara County program used the additional resources available to it at critical points in the process--prosecutor, a specialized court proceeding, resource developer--rather than simply adding to the existing system. The program was fortunate in obtaining a large infusion of funds and skills in the laboratory, which it was most needed, from the County.
- o The interdependence of the adjudicatory agencies puts a premium on mechanisms for cooperation. The planning committee was the most obvious point of coordinating, but equally important was the coordination among the courts, probation, prosecutor and public defender in staffing and operating the NCR. The link between the laboratory and the rest of the process was also critical to the success of the program.
- o Reform of the case processing requires a multiple approach to reform. This is a corollary to the interdependence. Improved case management must come from changes in several points in the process, not a simple manipulation of a few mechanics.

Perhaps the most important lesson to be gleaned from the CADA program in Santa Clara County is that the importance of drug cases lies in their volume, not their content. The only characteristics which makes drug cases special is the heavy demand on the laboratory. This places a premium on coordinating with an agency which is not usually part of the adjudicatory process--the Department of Health.

But otherwise, drug cases can respond to the same kind of case processing management techniques used for the rest of the criminal caseload.

The underlying theme of the case processing components of the Santa Clara County CADA program was to accelerate, wherever possible, the disposition decision. The laboratory was restructured to provide critical information as quickly as possible; the prosecutor and defense were encouraged to first screen cases quickly, and then enter into negotiations, if appropriate, as soon as they had the necessary information; and the courts were restructured to encourage those early negotiations and to be able to respond whenever, and wherever, it was appropriate. This approach to case processing was already well established before CADA was introduced. The SCR and Rule 859 were already successful techniques for supporting early plea negotiations between prosecution and defense. CADA, therefore, was built on a solid foundation which the managers used to their advantage.

CHAPTER 4: NEW ORLEANS

Unlike Providence and Santa Clara County, the Orleans Parish Criminal District Court was not experiencing backlog or delay. However, the drug caseload was rapidly expanding. And, the Police Department and the District Attorney's Office had formed special drug task forces which ensured that the number of drug arrests would continue to expand. CADA was viewed as a proactive effort to deal with the caseload before it overwhelmed the court.

The New Orleans application listed three goals for the CADA project:

- o To avoid creating a backlog of target [i.e., drug] cases and all other cases on the court's docket;
- o To achieve intervals between arrest and arraignment; arraignment and motion hearings; motion hearings and trial that are shorter than time intervals currently experienced; and
- o To assist in the illegal drug use reduction efforts currently ongoing in Orleans Parish by providing swift justice, appropriate sentencing, and due process.¹

The overriding goal of the project was to increase the efficiency of the caseload process, particularly in the courts.

Three strategies were used to meet these objectives: increase the adjudicatory resources by adding two judges, with staff; enhance the quality and movement of information among the agencies involved in the adjudicatory process; and, increase efficiency through specialization of the judges and staff. Three interventions were used to implement these objectives.

- o All drug cases were to be assigned to two new sections of the court.

¹ Criminal District Court for the Parish of Orleans, "Criminal Courts Drug Case Adjudication Program: A Proposal," presented to Pretrial Services Resource Center, February 2, 1988, p. 11, hereafter referred to as "New Orleans Proposal."

- o An automated information system was developed which would support caseflow management from booking through final disposition.
- o A system was to be developed for categorizing cases into three tracks to assist with the caseflow management process.

Coordination was to be achieved through use of two existing advisory committees rather than creating a new structure.

A. Statement of the Problem

1. The Environment

New Orleans is primarily a tourist town. But, because of its prime location at the mouth of the Mississippi River, it also serves as a thriving port. Besides tourism and the port, New Orleans has one other economic resource - oil. However, like much of the state, the city of New Orleans has suffered an economic downturn in recent years.. In better years, the population of New Orleans was as high as 600,000. But, as of the 1980 census, the population had declined to approximately 557,900. A major portion of this decline over the past four years is due to faltering oil production.

2. Drugs and Crime

Like other economically depressed urban areas, the crime rate in New Orleans is high. Like many metropolitan areas, the city is experiencing a rising drug and crime rate. In 1987, the New Orleans Police Department made approximately 3,675 arrests for the possession, distribution or manufacture of controlled and dangerous substances. Sixty percent of those arrested were for drug possession, and 39% were for drug distribution². When the proposal was submitted, drug cases represented 40% of the criminal caseload. The proposal projected a 10% to 15% increase in drug case filings due to the implementation of two drug strike forces in the District Attorney's Office and the Police Department. This proved to be an

²"New Orleans Proposal"

under estimate of the growth rate. In 1987, drug arrests experienced a modest increase from 2,237 in 1986, to 2,569. However, with the advent of police and prosecutors' narcotic strike forces, drug arrests in 1988 soared to 4,569, a 77% increase. From January to June 1989, drugs accounted for 2,258 felony arrests. Based upon the monthly average drug arrest rate during the first two quarters of 1989 (the latest figures at the time this report was prepared), holding all factors constant, it was anticipated that felony drug arrests for 1989 would reach approximately 3,073.

B. Resources

New Orleans had already taken several steps to address the drug problem before 1988 by enhancing the activities of the Police and District Attorney's Office. Local officials had also initiated a community action program. The CADA program was, in a sense, a means for the courts to catch up with the other agencies. The details of the program were predicated on existing programs and procedures. The Criminal District Court for the Parish of Orleans already enjoyed a reputation as a court which processed cases quickly, with a very low tolerance for unnecessary delay³. An automated information system had already been developed by the Sheriff's Office, which could serve as the foundation for a system to support the entire adjudicatory process. And, the District Attorney's Office had a well established screening process which could categorize cases quickly.

1. The Adjudicatory Process

The Orleans Parish judicial system is divided into several district courts. However, for the purposes of this report, only the structure, organization,

³Goerd, John, et al, Examining Court Delay: The Place of Litigation in 26 Urban Trial Courts, 1987, (Williamsburg, Virginia: National Center for State Courts, 1989), pp. 54.

procedures, practices and management of the criminal district court will be described. The adjudicatory process is shown in Figure 5.

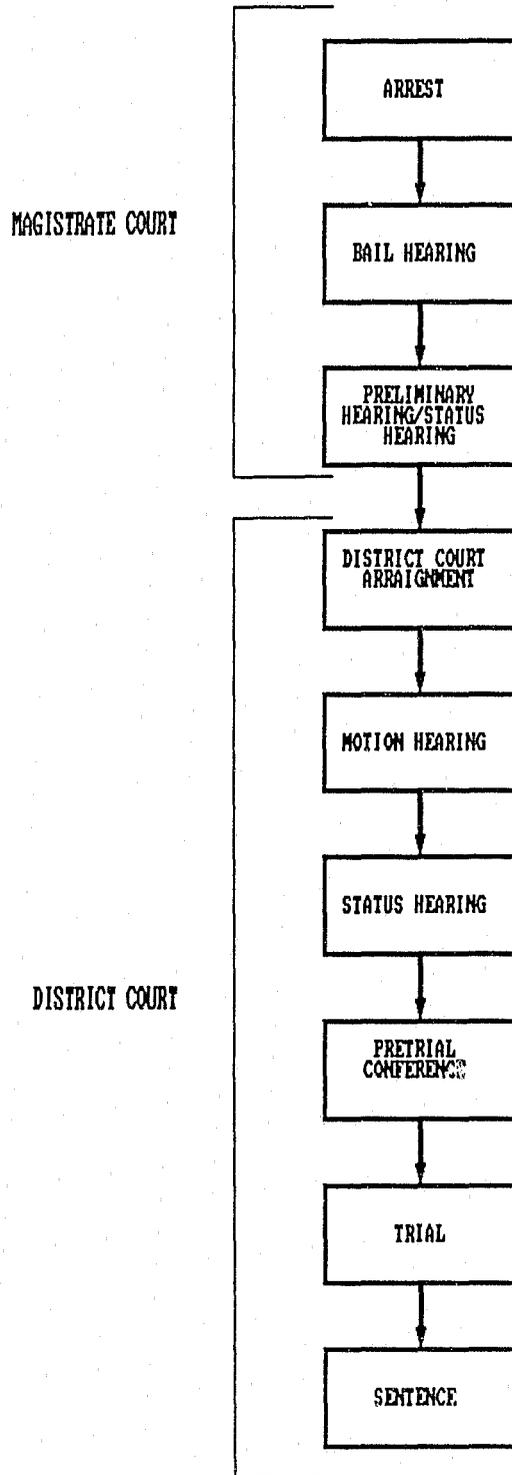
The Criminal District Court for the Parish of Orleans has exclusive original jurisdiction over all felonies, misdemeanors, and offenses committed within the Parish of Orleans. The court also has concurrent jurisdiction with the Traffic Court and the Municipal Court with respect to certain misdemeanor, traffic, and offense violation cases.

A Magistrate's Court serves as the court of first appearance for felony defendants. The criminal district court is divided into ten sections (Standing Sections) and one Magistrate's Court. There are ten judges plus the Magistrate who sit at the criminal trial level. Each is elected to six year terms. In addition, there are four commissioners attached to the Magistrate's Court who handle first appearances, preliminary hearings, setting bonds, issuing warrants, and conducting misdemeanor trials. The court, as circumstances warrant, utilizes the services of senior or adjunct judges, such as the two judges added for the CADA project. The court employs approximately 87 individuals -- excluding judges -- a vast majority of whom serve as personal staff to each of the eleven sitting judges. The court also employs a full time judicial administrator and deputy administrator, both of whom serve at the pleasure of the court.

The Clerk of Court is an elected official who is administratively and structurally separated from the criminal court. The Clerk employs a staff of approximately 86. Security for the court is provided by another independently elected official, the Criminal Sheriff. The Sheriff is also constitutionally responsible for the parish jail and House of Detention.

The criminal district court is headed by a chief judge who is responsible for overseeing the administrative functions of the court. The Clerk of the Court is responsible for scheduling cases, recording all court proceedings and filings, and

Figure 5: Pre-CADA Caseflow, New Orleans



maintaining all court records. Each court, or section, consists of two court reporters, a minute clerk, a docket clerk, a law clerk, a messenger, and a bailiff.

Upon arrest, an individual is transported to a holding facility known as Central Lock-Up for booking. This pre-trial detention facility is administered by the Sheriff. Once the paper work is completed and the information is entered into the computerized booking system, the arrestee is transported to the Magistrate's Court for a bail hearing. Although it is a lower court which sets bail and conducts misdemeanor trials, the Magistrate's Court is a separate tribunal within the criminal district court. It is staffed 24 hours a day, 365 days a year. If a defendant is capable of making bail or if he or she is freed on his or her own recognizance, the individual is released. If, however, the accused is not capable of making bail, or is not released on personal recognizance, he or she is remanded to the custody of the Sheriff. A third mechanism for release of first time offenders is a program called CINTAP (Central Intake Alternate Programs), which is administered by the Criminal Sheriff's office.

After completion of the bail hearing, all documentation is transferred to the District Attorney's office for charging. If charges are filed, the accused is further processed. If charges are not filed, the accused is released, thus constituting a fourth release mechanism. Ninety percent of all felony cases are filed through a Bill of Information; nine percent are referred to a Grand Jury for indictment.

Immediately after the bail hearing, the next court event is scheduled, either a status or preliminary hearing. One or both events may be held in either the Magistrate's Court or the Criminal District Court. After the filing of a bill of information and upon completion of the bail hearing (and status and preliminary hearing if requested or deemed necessary), the case is filed with the District Court.

Once filed in the upper court, the case is randomly assigned to one of ten

sections of the court within a week. If a defendant is not capable of effectuating release, an arraignment is set within three days of felony filing. If a defendant has been released, an arraignment is set within ten days of felony filing. If, at arraignment, a defendant is represented by counsel, the Bill of Information is presented and a plea requested. If a plea of not guilty is entered, the court will order that the plea be recorded and assign a date for the hearing of motions. If a plea of guilty is entered, the court conducts a "Boykinization" hearing to determine if the accused is cognizant of the consequence of his or her action and to establish the legitimacy of the plea. Once this has been completed, the accused is immediately sentenced by the court.

If a defendant is not represented by counsel at arraignment, the court will question the individual regarding his or her financial status. Upon a finding of indigence, the court will appoint counsel from either the Office of Indigent Defense (OID), the Tulane or Loyola Law Schools, or a member of the bar. Most indigent offenders are referred to the (OID). Counsel is present at the time of the arraignment and confers with the client on the entry of a plea. If a defendant is not indigent and is not represented by counsel, a Hearing for the Determination of Counsel is scheduled within a few days.

The next scheduled event is a Hearing on the Motions, which is held within 14 days of arraignment. Motions are, however, routinely heard and ruled upon on the same day. The final stage of the adjudication process is trial. On average, the Criminal District Court processes cases from arrest to disposition within 83 days.

2. Information System

Three automated information systems were operating prior to the start of CADA: a criminal history system operated by the police department; a prosecutor's management system (PROMIS) operated by the District Attorney's office; and a booking and jail management system operated by the Sheriff's Office. The most

comprehensive system was the one operated by the Sheriff. Begun as a booking system, it had evolved over the three years prior to the start of CADA, in cooperation with the Clerk's office, into a case management program with the potential of being expanded to support the courts as well. The system drew from the criminal history system operated by the police, as well as entries by the Sheriff's Office.

3. Coordination

In addition to public education and drug demand reduction through increased drug arrests and prosecutions, the city also relied heavily on its existing mechanisms for planning and coordinating criminal justice efforts, the Criminal Justice Coordinating Council (CJCC). For 19 years, meetings and discussions regarding crime have been conducted under the auspices of the Office of Criminal Justice Coordination. CJCC members include the Chief of Police, the District Attorney, the chief judges of the Criminal District Court and the Juvenile Court, and the Sheriff.

In December 1986, an Ad Hoc Drug Policy Committee was formed in response to the drug crisis. This committee is composed of the Chief Judge of the Criminal District Court, the Chief of Police, the District Attorney, the Sheriff, the Director of the Office of Indigent Defense, and the Director of the Office of Probation and Parole. Because of its success, the committee began to plan, coordinate and assess felony drug adjudication needs.

C. The CADA Program

The Orleans Parish CADA program was designed to increase the capacity of the courts to address an anticipated dramatic increase in the number of felony drug cases, which would add to an already crowded court calendar. Unlike Providence and Santa Clara Counties, there were no major problems identified in the current case processing system. There was no large backlog of cases overwhelming the

courts, and they had a well deserved reputation for processing cases quickly. In a study by the NCSC of case processing time in 26 urban trial courts, New Orleans ranked sixth in the speed of dispositions.⁴ Drug testing was also not a problem. The Police Department conducts its own drug tests and reported that it requires, on average, four to five days to test substances. Nor were there inordinate delays documented in the movement of cases from police to prosecutor. Bills of Information were normally processed within seven days. Coordination was also not identified as a problem. The two coordinating mechanisms already in place--the Criminal Justice Coordinating Council and the Ad Hoc Drug Policy Committee--were seen as adequate to the task. New Orleans did share two generic problems with Providence and Santa Clara County: jail overcrowding and a lack of alternatives to incarceration. But these were not addressed under the CADA program.

To expand the capacity of the process, three interventions were proposed:

1. Establish two drug courts;
2. Develop an integrated automated case information system; and
3. Establish a differential case classification program.

Although all three interventions were carried out, the first had the greatest immediate impact. The experience of each court will be described in turn.

1. CADA Coordinator

New Orleans represented the only site where the CADA coordinator's office was actually located in the court. The roles of the various criminal justice agencies and the court have adopted more of a *laissez-faire* approach towards each other than in either Santa Clara County or Providence. As a result, the role of the CADA

⁴ Goerdt, John, et al, Examining Court Delay: The Pace of Litigation in 26 Urban Trial Courts, 1987, Williamsburg, VA: National Center for State Courts, 1989, p. 54.

coordinator was to develop areas of coordination where there was interagency interest. Automation was the most prominent example where the CADA coordinator (Griffin Rivers, later succeeded by Madlyn Richard and Peggy Sullivan) was able to achieve interagency cooperation between the Sheriff's office, the Clerk's office, the Prosecutor's office and the court. Automation permitted paperwork on criminal cases to be processed more rapidly. Prior to the CADA program, cases were processed manually in the clerk's office and the courts, and there was no link between the sheriff's system and the prosecutor.

Programatically, the coordinator was also responsible for liaison activities, managing personnel and contracts, and analyzing statistical data to track the progress and the efficiency of program operations. Finally, the coordinator was responsible for serving as a liaison among the courts, criminal justice agencies, and the PSRC.

2. Drug Courts

The two drug courts were the most elaborate of the three strategies, requiring the greatest proportion of resources. Very simply stated, two additional judgeships and courtrooms were housed on the top floor of the courthouse. Each judge was given two court reporters and a law clerk. The Sheriff assigned five security staff to the two courts, and four clerks were dedicated to maintaining the records. Because judges are elected from districts, the additional judgeships were created by Supreme Court Rule as ad hoc appointments. Hence the courts became known as the "ad hoc sections." Two retired Criminal District Court Judges were recruited for the positions.

The ad hoc sections were expected to become the exclusive loci for drug case adjudication. It was expected that all drug cases would be assigned to these two courts. Since ad hoc judges could only operate under the delegation of a regularly elected judge, all cases had to be first assigned to one of the ten standing sections,

and then reassigned to the adjunct courts. The movement of a case is summarized in Figure 6.

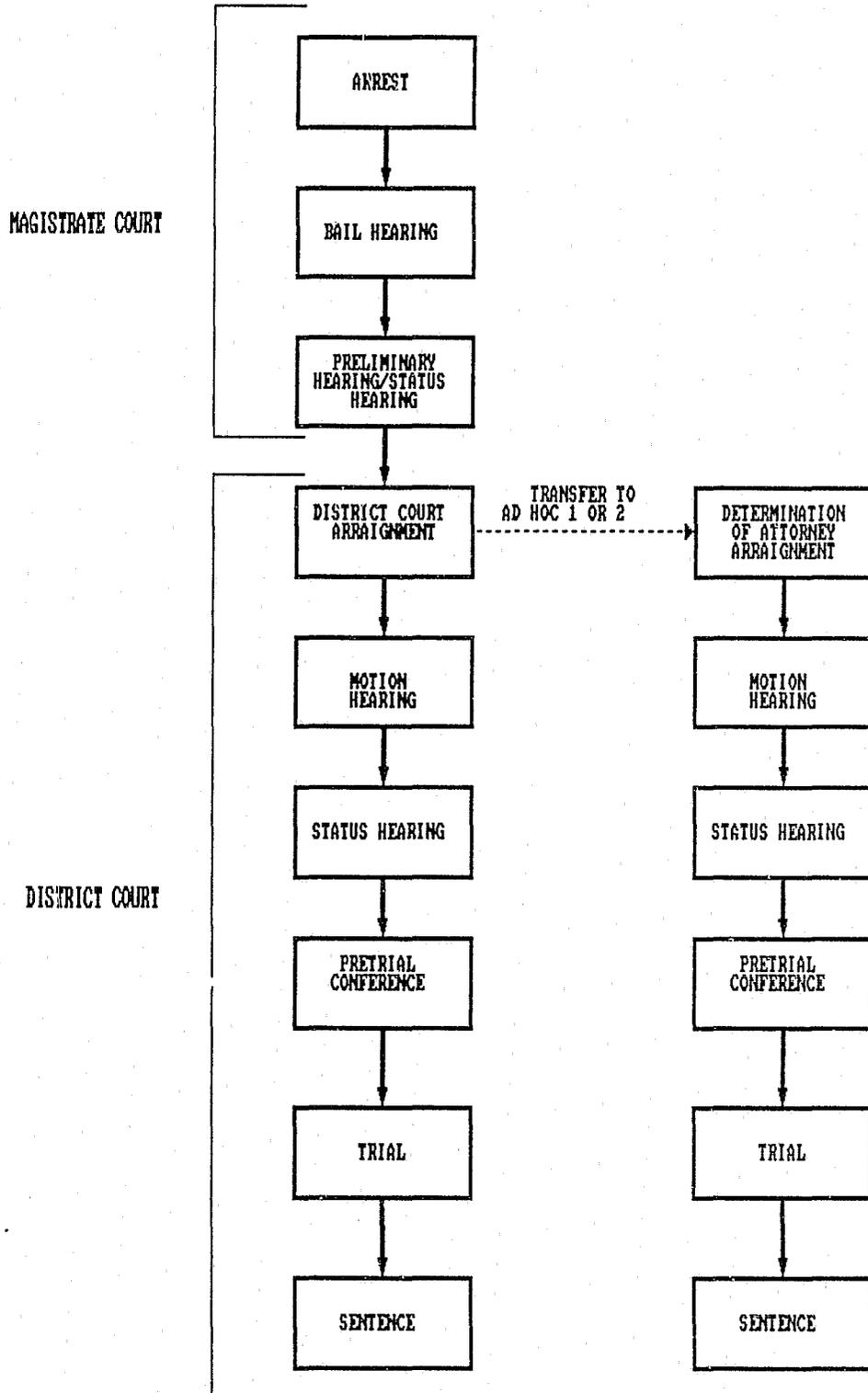
The transfer of cases from a standing section to the ad hoc sections was expected to apply to all drug cases; however, this was not the case. Not all of the judges were willing to transfer drug cases to the ad hoc sections as a matter of routine. Several insisted on reviewing a case first and exercising their discretion over whether it would remain on the original calendar or be transferred. At least one judge refused to transfer any cases.

The District Attorney's Office and the Office of Indigent Defense also organized their operations around these two ad hoc sections. Most of the District Attorney's Office is organized horizontally. The exception is the Drug Task Force which handles all matters connected with a drug case, from initial screening through research and litigation. Originally, the Drug Task Force only handled the more serious drug cases, but midway through the project they assumed responsibility for all drug cases. The existence of the two sections simplified the management problems for the Drug Task Force team as it did not have to cover as many courts.

The Office of Indigent Defense assigned experienced attorneys, on a long term basis, to the two courts. The specialization simplified the management problems for that office as the attorneys assigned drug cases only had to cover two sections instead of ten. This became especially important as the staffing of the office did not increase with the increase in its drug caseload.

The effect of the specialization was to create a close working relationship among the judge, court staff, prosecutors and defense counsel. Each had a clear understanding of what was expected from the other. In interviews with the participants there were frequent references to the predictability of the process leading, in their minds, to more efficient processing of cases.

Figure 6: Post-CADA Caseflow, New Orleans



Some of the participants attributed the effectiveness of these two sections to the nature of the drug cases. As the prosecutor stated, the cases could be quickly screened because the attorneys were knowledgeable about the law, the facts were simple, no victims needed to be contacted, and there were very few witnesses. Judges and defense counsel, however, noted that cases had become more complex due to changes in sentencing laws. Stiffer penalties and mandatory sentences have, in their view, increased the number of motions and appeals leading to more hearings, and greater paper work for the courts.

Whatever the final assessment, the two ad hoc sections appeared to operate smoothly from the beginning. In large measure this can be attributed to the fact that both judges had extensive experience as had the courtroom staff, the prosecutors, and defense counsel.

3. Automated Case Information System

For three years prior to the start of the CADA program, the Sheriff's Office had worked with the Clerk's Office to expand its automated information system to support the latter's record keeping. Under CADA, the system was to be expanded to support the court's docketing procedures as well. Terminals were to be installed in the District Attorney's Office, the Clerk's Office, and the Courts to allow staff to access and update records, where appropriate, and generate management information specific to each office. The Sheriff, Clerk, and District Courts were to use the system as the primary information source for recording and managing case related activities. The District Attorney was to have access to the information in the system through a terminal in his office. This information could then be entered into his own internal PROMIS system. Implementation of this plan was expected to proceed quickly because of the development work which had already taken place between the Sheriff's Office and the Clerk's Office.

This integrated system was expected to increase the efficiency of the process. Coordination would be increased because everyone would have access to the same system. Access to case files would be fast through terminals in each of the operating agencies. Redundant data entry would be eliminated as information entered at one point in the process, e.g., booking, would be carried over to the next. And, the accuracy of the information would be enhanced because the people with the greatest knowledge of a case would also be the ones doing the data entry.

Implementation of this plan proved to be more difficult than expected. As often occurs in the development of an automated information system, communications between the technical staff and the operational staff were not always clear so that the system had to be continually revised to meet the needs of the latter. Nevertheless, early in the program, clerks assigned to the ad hoc sections entered case information into the system. The last component of the program to be implemented was the generation of court dockets.

Because implementation of the automation system occurred throughout the life of the project, it is not possible to ascribe specific effects to its introduction. Moreover, because the management reports were still being developed at the time the evaluation period ended, the system was primarily a record keeping mechanism rather than a management support system. It is unlikely to have a major effect on caseflow until it is fully integrated into the management for each of the agencies. There was some evidence that the system had encouraged greater coordination among the agencies. But this was primarily at the technical staff level rather than at the management level. Again, this may be due to the stage of development of the system. As management reports are designed and implemented, and officials gain confidence in the information generated, it can be expected to have a greater effect on the adjudicatory process.

4. Case Classification

The third component of the New Orleans CADA program was initiated within the District Attorney's Office. Drawing on the techniques which have become associated with differentiated case management,⁵ the prosecutor's drug screening unit identified all felony drug charges which were to be processed under CADA and assigned them to one of three tracks. Using an analysis of the complexity of a case and the possibility of trial, cases were identified as those which are disposable at arraignment, those which can be disposed at the motions hearing stage, and those which will go to trial. The categorization scheme was expected to facilitate case management by supporting the decisions of the prosecutor when first examining a case.

The program did not have the intended effect. The screening unit within the District Attorney's Office carefully identified the appropriate label for each case, and this information was entered into both the District Attorney's PROMIS system and the larger case management system. However, no one could identify how the information was used. The prosecutors interviewed were either unaware of the labeling system, or treated it as irrelevant to their work. And the clerks of the court assumed it was something for the prosecutor and ignored it entirely.

D. The Impact of CADA on Caseflow

The objective of the CADA program in Orleans Parish was to develop the capacity to meet an expected increase in the caseload of the Criminal Court. The predicted increase did in fact happen. In Orleans Parish, the volume of drug arrests increased by 36% from 1987 to 1989 (from 2,258 in 1987 to approximately 3,073 in

⁵ Bakke, Holly and Solomon, Maureen, "Case Differentiation: An Approach to Individualized Case Management." Judicature, June-July, 1989, Vol. 73, pp. 17-21.

1989). In this section, we will examine the impact of this increased volume of cases as well as the CADA program components.

As in the other sites, two samples were drawn from the Orleans Parish Criminal Court; one from dispositions in 1987 (before the ad hoc sections were established) and one drawn from filings from March - May of 1989 (after the ad hoc sections were established). The samples were provided to the NCSC by the court, which executed the sampling procedures itself.

One of the goals in the New Orleans application could not be assessed using the case sample data. Motion hearing dates could not be captured in the pre- or post-program sample. Therefore, it was impossible to ascertain whether the period from arraignment to motion hearings, or motion hearings to trial, improved from the pre-program to post-program period. The analysis therefore focuses on three parts of the adjudication process: (1) arrest to disposition; (2) arrest to arraignment; and (3) arraignment to disposition.

To assess the effect of the ad hoc sections on caseload in Orleans Parish, the discussion will: (1) compare the case processing time between pre- and post-program and between the ad hoc and standing sections of the court; (2) ascertain what effect case characteristics (i.e., motions filed, motion hearings, continuances, and bench warrants) had on case processing time; and, (3) examine when dispositions actually occurred; and (4) use aggregate statistics from the Criminal Court to ascertain whether the caseload was effectively reduced by the ad hoc sections.

1. Case Processing Time

The summary of the case processing time is presented in Table 20. The CADA program did not reduce the overall time between arrest to disposition for drug cases. In fact, the median case processing time for drug cases increased by 22

days from the pre- to post-program while the time taken to dispose of non-drug cases remained constant.

Table 20
Time Between Events for Pre-Program and Post-Program
(Median Number of Days)

	<u>Pre- Program</u>	<u>Post- Program</u>	<u>Difference Post - Pre</u>
Arrest to Disposition			
Drug	96	118	22
Non-Drug	94	93	-1
Arrest to Arraignment			
Drug	52	51	-1
Non-Drug	56	54	-2
Arraignment to Disposition			
Drug	34	62	28
Non-Drug	31	36	5

The original design of the program in New Orleans specified that all drug cases would be assigned to the ad hoc sections. In practice, however, several of the judges retained some or all of the drug cases on their calendar. This provided an opportunity to compare drug case processing in the two specialized forums with the ten standing sections.

Table 21 compares the movement of cases assigned to the ad hoc sections with the pace of litigation in the standing sections. The evidence is not very encouraging. The ad hoc sections took substantially longer to dispose of cases. A drug case assigned to ad hoc could expect to take two and one half months longer

than a drug case disposed in the other ten sections. This conclusion holds constant even when the time the case is under the authority of the Magistrate is subtracted

Table 21
Time Between Events for
Ad Hoc and Standing Sections
(Median Number of Days)

	<u>Ad Hoc</u>	<u>Standing</u>	<u>Difference</u> <u>Ad Hoc - Standing</u>
Arrest to Disposition			
Drug	167	83	84
Non-Drug	---	91	
Arrest to Arraignment			
Drug	53	47	6
Non-Drug	---	53	
Arraignment to Disposition			
Drug	106	33	73
Non-Drug	---	37	

from the total, that is, between arrest and arraignment.

One of the objectives of the CADA program was to speedily transfer drug cases from the standing section to the ad hoc sections. The transfer date was expected to occur immediately after the bill of information. Table 22 confirms that cases were transferred speedily. The median time from the transfer date to the date received in the ad hoc section was 3 days and from the bill of information to the ad hoc sections was 15 days. This suggests that the decision of some of the judges to review each case before transfer did not add to the case processing times. As a result transfers were processed without delay from the standing to the ad hoc sections.

Table 22
Time To Transfer Cases to Ad Hoc Sections
(Median Number of Days)

	<u>Time</u>
Standing to Ad Hoc Sections	3
Bill of Information to Ad Hoc Sections	15
Arrest to Ad Hoc Sections	57

2. Case Characteristics

Why do the ad hoc cases take so much longer? One possible explanation for lengthier case processing is that drug cases transferred to the ad hoc sections were more complex and difficult than those retained in the standing sections. Since the ad hoc sections were specialized, it is logical that such cases would be transferred to the ad hoc sections. Four measures of case complexity were used to address this issue: motions filed, motions heard, number of continuances, and number of bench warrants.

The analysis begins with a consideration of the relative complexity of drug and non-drug cases, and whether there was a change over time. The evidence is presented in Table 23. The results indicate that drug cases did become more complex over the two year period from pre- to post-program. Table 23 shows that motions filed was the only characteristic for which the post-program and pre-program samples remained constant. The percentage of drug cases with one or more continuances increased substantially (27) as did the percentage of cases with one or more motion hearings (12).

Table 23
Case Characteristics for
Pre-and Post-Program

<u>% of Cases With:</u>	<u>Pre- Program</u>	<u>Post- Program</u>	<u>Difference Post - Pre</u>
Motions Filed			
None: Drug	50%	47%	-3%
Non-Drug	59%	67%	8%
One+: Drug	50%	53%	3%
Non-Drug	41%	33%	-8%
Motions Hearings			
None: Drugs	52%	40%	-12%
Non-Drug	68%	57%	-11%
One+: Drugs	48%	60%	12%
Non-Drug	32%	43%	11%
Continuances Filed			
None: Drugs	52%	25%	-27%
Non-Drug	51%	33%	-18%
One+: Drugs	48%	75%	27%
Non-Drug	49%	67%	18%
Bench Warrants Filed			
None: Drugs	88%	82%	-6%
Non-Drug	85%	85%	0%
One+: Drugs	12%	18%	6%
Non-Drug	15%	15%	0%

Table 24 shifts the focus from the changes in case complexity over time to a

Table 24
Case Characteristics for
Ad Hoc and Standing Sections

<u>% of Cases With:</u>	<u>Ad Hoc</u>	<u>Standing</u>	<u>Difference</u> <u>Ad Hoc - Standing</u>
Motions Filed			
None	32%	54%	-22%
One +	68%	46%	22%
Motions Hearings			
None	39%	64%	-25%
One +	61%	36%	25%
Continuances Filed			
None	12%	36%	-24%
One +	88%	64%	24%
Bench Warrants Filed			
None	78%	86%	-8%
One +	22%	14%	8%

comparison of the ad hoc and standing sections. The evidence is clear: drug cases transferred to the ad hoc courts were far more complex, at least on the measures used here, than were drug cases retained by the standing sections. The pattern is consistent for each of the measures. Ad hoc cases had more motions filed, more motions hearings held, more continuances granted, and more bench warrants issued. The only measure on which the difference is even close is bench warrants. On all others, the burden is much greater for the ad hoc sections than for the standing sections.

The effect of these characteristics on case processing time is summarized in Table 25. It shows that drug cases with one or more characteristics take longer in

Table 25
Case Processing Time by
Case Characteristics
(Median Number of Days)

		<u>Pre- Program</u>	<u>Post- Program</u>	<u>Difference Post - Pre</u>
Motions Filed				
None:	Drug	73	70	-3
	Non-Drug	72	70	-2
One+:	Drug	128	147	19
	Non-Drug	138	142	4
Motions Hearings				
None:	Drugs	74	76	2
	Non-Drug	68	82	14
One+:	Drugs	127	145	18
	Non-Drug	136	129	-7
Continuances Filed				
None:	Drugs	72	63	-9
	Non-Drug	66	60	-6
One+:	Drugs	129	156	27
	Non-Drug	132	137	5
Bench Warrants Filed				
None:	Drugs	92	100	8
	Non-Drug	85	90	5
One+:	Drugs	149	215	66
	Non-Drug	132	171	39

the post-program than they did in the pre-program. This is particularly true for drug

cases with continuances and bench warrants; they took 27 days longer for continuances and 66 days for bench warrants. On the other hand, non-drug cases did not change very much between the two time periods. The evidence also suggests that case complexity is less important in explaining disposition time than whether drugs were involved or not. When case characteristics are held constant, non-drug cases move through the system faster than drug cases.

To compare the effect of case characteristics with the two venues on case processing time, Table 26 compares time from arrest to disposition for the ad hoc

Table 26
Drug Case Processing Time for
Ad Hoc and Standing Sections by
Case Characteristics (Median Number of Days)

<u>% of Cases With:</u>	<u>Ad Hoc</u>	<u>Standing</u>	<u>Difference</u> <u>Ad Hoc - Standing</u>
Motions Filed			
None	162	59	103
One +	169	125	44
Motions Hearings			
None	64	63	101
One +	167	120	47
Continuances Filed			
None	91	58	33
One +	177	121	56
Bench Warrants Filed			
None	227	171	56
One +	145	145	0

and the standing sections, controlling for the four measures of case complexity. The results are not encouraging. As with all of the other measures, when controls are introduced for case characteristics, ad hoc sections take longer than standing sections. Only when one or more bench warrants are issued is the time from arrest to disposition the same in the two sets of courts.

3. The Disposition Event

Part of the explanation for the relatively slow processing time of the ad hoc sections may lie in the opportunities available for an early plea. Specialization was expected to encourage early bargaining to speed resolution of a case. Table 27 summarizes when all cases are disposed in the ad hoc and standing sections. Given these results, it is no longer so surprising that the ad hoc disposition

Table 27
Cases Disposed for
Ad Hoc and Standing Sections
by Event

	<u>Ad Hoc</u>	<u>Standing</u>
Plea by Arraignment	5%	28%
Plea by Pretrial Conference	49%	35%
Plea or Dispose at Trial	<u>46%</u>	<u>37%</u>
Total	100%	100%

Although as a rule cases were transferred to the ad hoc courts after arraignment, a second arraignment was occasionally held for cases where there was still no determination of counsel.

time is so much longer as a significantly larger number of cases were not disposed until the trial date. The early plea did not materialize. There is no direct evidence as to why this reluctance occurred. Anecdotal evidence suggests that part of the

explanation lies in the mandatory and enhanced sentencing provisions in Louisiana, particularly the repeat offender laws. These are stiff enough to encourage offenders to take their chances before a jury, or at least discourage a hasty entry of plea until all options and motions are pursued. The limits on discovery also place a premium on delay. None of these explanations, however, can be tested using the case sample data.

4. Disposition Rates

As was described earlier, New Orleans experienced a dramatic increase in drug arrests in 1989 as a result of the special police task force. The companion unit in the prosecutor's office ensured these arrests would be added to the court's caseload. Part of the explanation for the time to disposition of the ad hoc sections may be simply a consequence of the volume of cases to be processed.

Aggregate statistics on filings and dispositions for the ad hoc and standing courts were supplied by the Orleans Parish Criminal Court to test this possibility. They are presented in Table 28. Neither section was able to dispose as

Table 28
Felony Filings And Dispositions 1989

<u>Court Section</u>	<u>Felony Filings</u>	<u>Felony Dispositions</u>	<u>% of Cases Disposed</u>
Ad Hoc	1474	999	68%
Standing	7372	5500	73%

Source: Data compiled from the Office of the CADA Director

many cases as were filed in 1989. The ad hoc sections had a disposition rate of 68%, almost as high as the 73% rate in the standing sections.

E. Conclusions

New Orleans implemented each intervention as proposed. Two sections were added to the Criminal District Court and assigned only drug cases; an automated information system was developed to manage the movement of cases from booking to final disposition; and the prosecutor's screening process categorized cases according to pre-defined tracks. The effectiveness of each of these innovations is not always clear. The classification procedure is perhaps easiest to assess as it was never used as a management device. The information system, on the other hand, is likely to have a long term effect on the adjudicatory process, rather than an immediate impact.

The most dramatic innovation was the specialized drug sections, with their attendant support in the offices of the prosecutor, public defender, and clerk. Representatives of the District Attorney and of the OID stated that specialization made it possible for them to keep up with the rising volume of cases by simplifying the management problems.

The statistical evidence from the case samples suggest that the benefits of specialization are not reflected in accelerated case processing time. One of the central objectives of the CADA proposal in New Orleans was to reduce case processing time. This was not achieved. Even when case complexity is taken into account, the ad hoc sections took longer to process cases than did the standing sections.

The dramatic increase in case filings in 1989 undermines any attempt to draw definitive conclusions about the utility of a specialized drug court. The New Orleans CADA program was developed as a proactive response to an anticipated growth in drug case filings. The only error in planning was that the growth was even greater than expected, placing an extraordinary burden on the courts. It is, therefore, difficult to assess whether the specialized drug court was any more

effective at processing cases than a court with a mixed caseload. Certainly the aggregate statistics suggest the ad hoc sections disposed of cases at nearly the same rate as the standing sections. But the evidence is insufficient to determine whether the slower case processing time was a product of an efficient process overwhelmed by volume, or something in drug cases which is inherently slower.

CHAPTER 5: CONCLUSIONS

As with any program that features reforms as complicated and diverse as those of CADA, there is no definitive assessment that can be made of its operation. And, as is the case with any experimental effort, each of the sites had some major accomplishments to its credit as well as disappointments. The strengths and weaknesses of the individual programs have already been addressed in the site descriptions. What remains to be done in this chapter is to draw general lessons from specific experiences of the three programs. The discussion begins with three broad generalizations about CADA and the caseflow management process. It then turns to more specific suggestions for reform, based on the detailed changes which occurred in each of the sites.

The first lesson confirms the premise on which the CADA program was built: effective caseflow management requires the active cooperation of all components of the criminal justice system. Due process is not jeopardized by administrative efficiency if the concerns of all parties are taken into account. The movement of a case from arrest to final disposition is complicated, requiring the coordinated effort of many agencies. While the courts were the locus, the strength of the CADA program was that problems were addressed through a coordinated effort regardless of location. Thus, a coordinator was added to the police department to facilitate the movement of information packets to the prosecutor. The department of health was given equipment and staff to bolster drug testing facilities. An information system was created to integrate case related information from a variety of sources, and new court events were established to accommodate early plea negotiations. The success of these efforts suggests that coordination can be achieved, even under difficult circumstances, or where there is no long standing tradition of cooperation. In the

world of criminal justice agencies, where finger pointing is often an art form, this is no small accomplishment.

The second lesson reaffirms the central theme of the delay literature of the last fifteen years: when faced with an overcrowded court calendar and backlog, active caseload management is as important, if not more so, as adding resources to the judicial process.¹ In all three sites, changes in management practices had a greater impact than the increase in the number of judges or staff. Even in the laboratories of Providence and Santa Clara County, where inadequate equipment was a major problem, improvements in performance were credited as much to changes in procedures as to the capital purchases made.

The third lesson is that confronting the rising drug caseload will require additional resources as well as management innovations. This is not a problem which can be resolved simply by more economic and efficient courts and other criminal justice agencies. All three sites required additional judges, clerks, probation officers, paralegals, equipment, and information systems to be effective.

Supplementing these broad generalizations are some specific suggestions for changes in drug case processing practices. Only a few characteristics distinguish drug cases from the rest of a court's criminal caseload. The primary characteristic is the rapid increase in volume which has occurred in most urban areas. From a management perspective, the most important characteristic of the volume is that the increase is sudden and episodic rather than the result of a steady rise in filings. The caseload management system must be able to accommodate periodic surges as police institute drug sweeps to control street trafficking. A management system which cannot adjust judicial resources accordingly will add to the problem rather

¹For a review of that literature see Barry Mahoney, Changing Times in Trial Courts (Williamsburg, VA; National Center for State Courts) 1988.

than alleviate it. In New Orleans an informal information network alerted the courts of an impending drug street sweep which allowed staff to plan accordingly.

At the same time, these drug sweeps tend to produce rather simple cases which can be processed expeditiously. Even multiple defendants are a minor complication. As one prosecutor described it, multiple defendant drug cases involve two to three professional witnesses (policemen, lab technician) and the defendant. There are no victims to contact, no outside experts to subpoena.

Because drug cases tend to present relatively simple fact situations, improving the quality of the information and accelerating its movement among the key participants can have major returns in speeding up the process. This begins with the police. Both New Orleans and Providence prosecutors reported significant improvements in the quality of the reports they received with the appointment of a coordinator. The more complete the packets, the more quickly prosecuting attorneys can evaluate the strength of a case and decide whether and how to proceed.

The integrity of the laboratory proceedings is critical to managing the movement of drug cases through the process. This means that the laboratory must be efficient, the integrity of the internal control procedures must be absolute, and the test results must be reported quickly to the appropriate authorities. This is a critical juncture in the process which is easily overlooked because the location of most labs is outside of the criminal justice system.

Critical to expedited drug caseflow is the information available to defense counsel. The most common outcome of the adjudication process is the entry of a plea by the defendant. Open discovery accelerates the bargaining process as both counsel are operating from the same set of facts. In both Providence and Santa Clara County, defense counsel receive the same packet as the prosecutor, absent some witnesses names in particular circumstances. Serious discussions on the

conditions for a plea could begin almost as soon as the prosecutor decides to go forward with a case.

The court must be prepared to accept a plea as quickly as prosecution and defense can reach agreement. Using a lower court proceeding to accept felony pleas accelerates the pace of litigation and reduces the burden on the upper court. This is especially relevant for dealing with drug cases as there is very little at issue in most instances. Moreover, lower court judges are familiar with the kind of abbreviated proceedings involved in accepting a plea. Both Santa Clara County and Providence used such proceedings to the advantage for all cases, but the greatest impact was on drug cases.

One distinguishing characteristic of drug cases is the importance of motions activity. Motions are common to drug cases and often dispositive. A motion to suppress evidence can mean early dismissal or early plea depending upon outcome. An accelerated consideration of such issues can mean quick disposition of the case. This can have a significant yield for courts which normally delay hearing motions until the trial date. It is easier to schedule, however, a few hours for a motion than it is to schedule a possible trial.

Specialized drug courts appear to have management benefits for prosecutors and public defenders, but their impact on the speed of case processing is less obvious. Both sets of counsel reported that a specialized caseload simplified the operation of their offices. A specialized court facilitated the internal operations of the two sets of offices by simplifying the assignment of these specialists to a specific courtroom. However, there was no evidence that it increased the speed with which a case moved to disposition. This reflects the fact that drug cases do not appear to move through the process any differently from other types of cases. Simply creating a special forum without changing judicial caseflow management procedures results in repeating in the new court the experiences of the other divisions.

The CADA programs in these three sites demonstrate that an active caseload management approach, in conjunction with a modest increase in resources, can be an effective strategy for dealing with an increase in the drug caseload. But the success of these efforts depends upon two assumptions. First, it assumes that the increase takes place slowly enough to permit courts and criminal justice agencies to identify bottlenecks and adjust their procedures accordingly. New Orleans and Santa Clara County developed their CADA programs in anticipation of a rising caseload. Providence, on the other hand, was already experiencing a major backlog and a steadily rising time to disposition. Given the recent experience of urban areas with drug arrests, it is open to question whether there is time to plan adequately or not.

The second premise is even more problematic that sentencing laws remain constant for drug cases. Any efforts to expedite drug caseload may be overwhelmed by changes in the sentencing laws or in prosecutorial charging policies. One response to the drug problem has been to increase the severity of the penalties, especially for certain kinds of circumstances such as a repeat offender, or for quantities of drugs. These can complicate the plea negotiation process as counsel debate whether circumstance warrant the applicability of add-on sentences. If the penalties are severe enough, it can increase the trial rate as there is more incentive for a defendant to take a chance on a favorable jury outcome. New Orleans reported a trend toward increased numbers of trials on this basis. Although the trials were brief, lasting no more than a day, they required more time than a simple hearing to take a guilty plea.

Each of the sites in the CADA program established a unique and innovative approach to expediting drug case processing. It would be naive to expect that any of the programs in the three sites can be used as a model for other courts to replicate in its entirety. But their emphasis on a comprehensive approach to caseload

management is deserving of attention, as are the several specific techniques tested in the sites.

Appendix II: Forms and Data Sheets

PRE-PROVIDENCE
 PROVIDENCE COUNTY SUPERIOR COURT CADA PROJECT
 DATA COLLECTION FORM

- | | | | |
|-----|---|-------|------|
| 1. | Court Case Number | _____ | 1. |
| | a. LCC Case Identification Number | _____ | 1a. |
| 2. | Arrest Date (Mo/Day/Yr) | _____ | 2. |
| 3. | Charge(s) | _____ | 3. |
| | a. CADA or Non CADA | _____ | 3a. |
| 4. | Warrants (Number) | _____ | 4. |
| 5. | Date First Bench Warrant Served (Mo/Day/Yr) | _____ | 5. |
| 6. | Initial Appearance Date (Mo/Day/Yr) | _____ | 6. |
| 7. | Determination of Attorney Date (Mo/Day/Yr) | _____ | 7. |
| 8. | Felony Screening Date (Mo/Day/Yr) | _____ | 8. |
| 9. | Prearraignment Conference Date (Mo/Day/Yr) | _____ | 9. |
| 10. | Superior Court Arraignment Date (Mo/Day/Yr) | _____ | 10. |
| 11. | Custody Status at Arraignment | _____ | 11. |
| 12. | Pretrial Conference Date (Mo/Day/Yr) | _____ | 12. |
| 13. | Trial Date (Mo/Day/Yr) | _____ | 13. |
| 14. | Conviction Offense - 1st/2nd Offense | _____ | 14. |
| | a. 3rd/4th Offense | _____ | 14a. |
| | b. 5th/6th Offense | _____ | 14b. |
| | c. 7th/8th Offense | _____ | 14c. |
| | d. 9th/10th Offense | _____ | 14d. |
| 15. | Most Serious Offense | _____ | 15. |
| 16. | Disposition Date (Mo/Day/Yr) | _____ | 16. |
| 17. | Disposition Types | _____ | 17. |
| | a. 3rd/4th/Type | _____ | 17a. |
| | b. 5th/6th Type | _____ | 17b. |
| | c. 7th/8th Type | _____ | 17c. |
| | d. 9th/10th Type | _____ | 17d. |
| 18. | Most Serious Disposition Type | _____ | 18. |
| 19. | Disposition Event | _____ | 19. |
| 20. | Number of Motion Hearings Scheduled | _____ | 20. |
| 21. | Number of Motion Hearings | _____ | 21. |
| 22. | Number of Motions Filed | _____ | 22. |

- | | | | |
|-----|--------------------------------------|-------|------|
| 23. | Sentencing Date (Mo/Day/Yr) | _____ | 23. |
| 24. | Sentencing Outcome - 1st/2nd Outcome | _____ | 24. |
| | a. 3rd/4th Outcome | _____ | 24a. |
| | b. 5th/6th Outcome | _____ | 24b. |
| | c. 7th/8th Outcome | _____ | 24c. |
| | d. 9th/10th Outcome | _____ | 24d. |
| 25. | Most Serious Sentencing Outcome | _____ | 25. |
| 26. | Continuances (Number) . | _____ | 26. |
| 27. | Diversion Date (Mo/Day/Yr) | _____ | 27. |
| 28. | Pretrial Custody (Days) | _____ | 28. |
| 29. | Pretrial Release Conditions | _____ | 29. |
| 30. | Lab Test (Yes/No) | _____ | 30. |
| 31. | Date Lab Test Requested (Mo/Day/Yr) | _____ | 31. |
| 32. | Date Lab Test Returned (Mo/Day/Yr) | _____ | 32. |

PROVIDENCE CODING SHEET

3a. CHARGES
CADA = 1
Non CADA = 2

11. CUSTODY STATUS AT ARRAIGNMENT
Detention = 1
Release = 2

14. CONVICTION OFFENSE
Homicide = 1
Rape/Child Sex Abuse = 2
Robbery = 3
Aggravated Assault = 4
Drug Sales = 5
Weapons = 6
Burglary = 7
Theft/Fraud/Credit Card/Forgery/
Embezzlement/Bad Checks = 8
DWI = 9
Kidnap = 11
Terror = 12
Escape = 13
Arson = 14
Conspiracy = 15
Gambling = 16
Welfare Fraud = 18
Resisting Arrest = 19
Endangering Child Welfare = 20
Explosives = 25
Discord Cond = 26
Sex/Morals/Prostitution/Sodomy = 27
Manslaughter = 31
Attempted Rape = 32
Attempted Robbery = 33
Simple Assault = 34
Drug Possession = 35
Attempted Burglary = 37
Traffic = 39
Other = 40
Sexual Assault = 41

15. MOST SERIOUS CONVICTION OFFENSE

MURDER, RAPE, ROBBERY
CATEGORY = 5

Homicide = 1
Manslaughter = 31
Rape/Child Sex Abuse = 2
Attempted Rape = 32
Robbery = 3
Attempted Robbery = 33

ASSAULT, KIDNAP, ARSON
CATEGORY = 4

Aggravated Assault = 4
Kidnap = 11
Arson = 14
Sexual Assault = 41

DRUG SALE
CATEGORY = 3

Drug Sales = 5

DRUG POSSESSION
CATEGORY = 2

Drug Possession = 35

LESS SERIOUS
CATEGORY = 1

Simple Assault = 34
Weapons = 6
Burglary = 7
Attempted Burglary = 37
Terror = 12
Escape = 13
Theft/Fraud/Credit Card/Forge
Embezzlement/Bad Checks =
DWI = 9
Traffic = 39
Other = 40
Conspiracy = 15
Gambling = 16
Welfare Fraud = 18
Resisting Arrest = 19
Endangering Child Welfare =
Explosives = 25
Discord Cond = 26
Sex/Morals/Prostitution/Sodo

17. DISPOSITION TYPE

Nolle Contendere/Guilty = 1
Not Guilty = 2
Plea = 3
Dismissal = 4
Nolle Prose = 5
Acquittal = 6

18. MOST SERIOUS DISPOSITION TYPE
Nolle Contendere/Guilty = 1
Plea = 2
Not Guilty = 3
Acquittal = 4
Dismissal = 5
Nolle Prose = 6
19. DISPOSITION EVENT
Initial Appearance = 1
Prior to Initial Appearance = 2
Determination of Attorney = 3
Prior to Determination of Attorney = 4
Felony Screening = 5
Prior to Felony Screening = 6
Prearraignment Conference = 7
Prior to Prearraignment Conference = 8
Superior Court Arraignment = 9
Prior to Superior Court Arraignment = 10
Motion Hearings = 11
Prior to Motion Hearings = 12
Pretrial Conference = 13
Prior to Pretrial Conference = 14
Trial = 15
Prior to Trial = 16
Diversion = 17
Prior to Diversion = 18
Sentencing = 19
Prior to Sentencing = 20
24. SENTENCING OUTCOME
Incarceration = 1
Probation = 2
Community Service = 3
Restitution = 4
Fine = 5
Suspended Sentence = 6
Indemnity = 7
Program Participation = 8
25. MOST SERIOUS SENTENCING OUTCOME
Incarceration = 1
Probation = 2
Community Service = 3
Restitution = 4
Fine = 5
Suspended Sentence = 6
Indemnity = 7
Program Participation = 8
29. PRETRIAL RELEASE CONDITIONS
Bail = 1
Program Participation = 2
ROR = 3

PROVIDENCE COUNTY SUPERIOR COURT
POST-CADA DATA COLLECTION FORM

- | | | |
|-----|---|-----------|
| 1. | Court Case Number | _____ 1. |
| 2. | Arrest Date - Missing Data = 99,
N/A = 88 | _____ 2. |
| 3. | Most Serious Charge at Superior
Court Arraignment | _____ 3. |
| 4. | CADA = 1, Non-CADA = 2 | _____ 4. |
| 5. | Number of Bench Warrants - Missing
Data = 99, N/A = 88 | _____ 5. |
| 6. | Date First Bench Warrant Was Issued
- Missing Data = 99, N/A = 88 | _____ 6. |
| 7. | Date First Bench Warrant Was
Withdrawn - Missing Data = 99,
N/A = 88 | _____ 7. |
| 8. | Date Second Bench Warrant Was Issued
- Missing Data = 99, N/A = 88 | _____ 8. |
| 9. | Date Second Bench Warrant Was
Withdrawn - Missing Data = 99,
N/A = 88 | _____ 9. |
| 10. | Date Third Bench Warrant Was Issued
- Missing Data = 99, N/A = 88 | _____ 10. |
| 11. | Date Third Bench Warrant Was Withdrawn
- Missing Data = 99, N/A = 88 | _____ 11. |
| 12. | Date Fourth Bench Warrant Was Issued
- Missing Data = 99, N/A = 88 | _____ 12. |
| 13. | Date Fourth Bench Warrant Was Withdrawn
- Missing Data = 99, N/A = 88 | _____ 13. |
| 14. | Date Fifth Bench Warrant Was Issued
- Missing Data = 99, N/A = 88 | _____ 14. |
| 15. | Date Fifth Bench Warrant Was Withdrawn
- Missing Data = 99, N/A = 88 | _____ 15. |
| 16. | Initial Appearance Date - Missing
Data = 99, N/A = 88 | _____ 16. |
| 17. | Counsel used - Private = 1; Public
Defendant = 2 | _____ 17. |

18.	Felony Screening Data - Missing Data = 99, N/A = 88	_____	18.
19.	Prearraignment Conference Date (PAC) - Missing Data = 99, N/A = 88	_____	19.
20.	Superior Court Arraignment Date - Missing Data = 99, N/A = 88	_____	20.
21.	Custody Status at Arraignment Detained = 1, Released = 2	_____	21.
22.	Pretrial Conference Date - Missing Data = 99, N/A = 88	_____	22.
23.	Trial Start Date - Missing Data = 99, N/A = 88	_____	23.
24.	Most Serious Conviction Offense	_____	24.
25.	Disposition Date - Case Not Disposed = 99	_____	25.
26.	Most Serious Disposition Type	_____	26.
27.	Disposition Event	_____	27.
28.	Number of Motion Hearings Scheduled	_____	28.
29.	Number of Motion Hearings Held	_____	29.
30.	Sentencing Date - Missing Data = 99, N/A = 88	_____	30.
31.	Most Serious Sentencing Outcome	_____	31.
32.	Number of Continuances in Superior Court	_____	32.
33.	Number of Continuances in District Court	_____	33.
34.	Diversion Date - Missing Data = 99, N/A = 88	_____	34.
35.	Pretrial Release Conditions	_____	35.

PROVIDENCE COUNTY SUPERIOR COURT CODING SHEET

THIS IS FOR QUESTION 3 (MOST SERIOUS CHARGE) AND QUESTION 16
(MOST SERIOUS CONVICTION OFFENSE).

MURDER, RAPE, ROBBERY - CATEGORY = 6

Homicide
Manslaughter
Rape/Child Sex Abuse
Attempted Rape
Robbery
Attempted Robbery

ASSAULT, KIDNAP, ARSON - CATEGORY = 5

Aggravated Assault
Kidnap
Arson
Sexual Assault

DRUG SALE - CATEGORY = 4

Drug Sales

DRUG POSSESSION - CATEGORY = 3

Drug Possession

DRUG - OTHER - CATEGORY = 2

Other Drug Related Charges

LESS SERIOUS - CATEGORY = 1

Simple Assault
Weapons
Burglary
Attempted Burglary
Terror
Escape
Theft/Fraud/Credit Card/Forgery/
Embezzlement/Bad Checks
DWI
Conspiracy
Gambling
Welfare Fraud
Resisting Arrest
Endangering Child Welfare
Explosives
Disorderly Conduct
Sex/Morals/Prostitution/Sodomy
Traffic
Other

PROVIDENCE COUNTY SUPERIOR COURT CODING SHEET (CONTINUED)

18. MOST SERIOUS DISPOSITION TYPE
- | | |
|-----------------------------|-----|
| Guilty by Trial | = 1 |
| Nolo Contendere/Plea Guilty | = 2 |
| Acquittal | = 3 |
| Dismissal | = 4 |
| Nolle Prose | = 5 |
19. DISPOSITION EVENT
- | | |
|-------------------------------------|------|
| Initial Appearance | = 1 |
| Prior to Determination of Attorney | = 2 |
| Determination of Attorney | = 3 |
| Prior to Felony Screening | = 4 |
| Felony Screening | = 5 |
| Prior to Prearrest Conference | = 6 |
| Prearrest Conference | = 7 |
| Prior to Superior Court Arraignment | = 8 |
| Superior Court Arraignment | = 9 |
| Prior to Motion Hearings | = 10 |
| Motion Hearings | = 11 |
| Prior to Pretrial Conference | = 12 |
| Pretrial Conference | = 13 |
| Prior to Trial | = 14 |
| Trial | = 15 |
| Prior to Diversion | = 16 |
| Diversion | = 17 |
| Prior to Sentencing | = 18 |
| Sentencing | = 19 |
23. MOST SERIOUS SENTENCING OUTCOME
- | | |
|-----------------------|-----|
| Incarceration | = 8 |
| Probation | = 7 |
| Community Service | = 6 |
| Restitution | = 5 |
| Fine | = 4 |
| Suspended Sentence | = 3 |
| Indemnity | = 2 |
| Program Participation | = 1 |
27. PRETRIAL RELEASE CONDITIONS
- | | |
|-----------------------|-----|
| Bail | = 1 |
| Program Participation | = 2 |
| ROR | = 3 |
| In Custody | = 4 |

CADA CODING INSTRUCTIONS

Providence County Superior Court

PURPOSE

This document has been devised to assist you to code the Providence County Comprehensive Adjudication of Drug Arrestees Program (CADA) sample cases. CADA is the acronym for a Bureau of Justice Assistance-sponsored, Pretrial Services Resource Center-administered drug adjudication project. It is designed to: (1) foster the coordination of all criminal justice agencies that are involved in the interdiction of illegal drugs; and (2) expedite the processing drug cases through enhanced managerial techniques. Three sites participate in the CADA program. They are: (1) Santa Clara County Superior Court (San Jose, California); (2) Orleans Parish Criminal District Court (New Orleans, Louisiana); (3) Providence/Bristol County Superior Court (Providence, Rhode Island).

Under the contract with the PSRC, the National Center for State Courts will conduct a 21-month assessment of the CADA program in each participating site. This assessment entails documenting the CADA process in each court, specifying the program model for each jurisdiction, and assessing the consequences of the CADA program. The data collection phase of the project involves the acquisition of requisite information in order to assess the impact of the project. We are now in the phase of collecting Post-CADA data which will consist of those cases filed in the month of February 1989.

The coding form contains 30 items. Most will require the entry of dates; others will require the coder to put the appropriate code number in the blank on the right side. Some of the items will involve a judgement call. For instance, there may be no specific indication as to whether or not the accused was held in custody at the time of bill of information. However, there may be a category which identifies bail activity. One should, therefore, be capable of determine if an individual was released on bail, ROR, or detained at the time of arraignment. If there is no bail activity you can assume the defendant was in custody but this process must be verified by the information in bail activity. Therefore, if a defendant is released on bail you can make the assumption he was released at arraignment.

PROVIDENCE COUNTY CADA DATA ITEMS DICTIONARY AND DEFINITIONS

1. Court case number - for this item, indicate the case number which has been assigned by the court. Every defendant should have their own court case number.
2. Arrest date - enter the month, day, and year the defendant was arrested. Do not get the arrest date confused with the date of offense. If data is missing enter 99. If not applicable enter 88.
3. Most serious charge at superior court arraignment - indicate the most serious charge at superior court arraignment. In each section charges are broken down into categories, category 6 being the most serious to category 1 being the least serious. Find the appropriate penal code in each categorical section then code the category number listed. For instance, if a defendant has two charges, for example, Robbery (category 6), and Weapons, (category 1), and the code would be category 6. (refer to question 3 on the attached coding sheet)
4. CADA or Non-CADA - if the most serious charge is drug related it is considered a CADA case. Non-drug charges are non-CADA cases. Remember, if there are several charges and one is drug related, it is only considered a CADA case if that drug charge is the most serious. If the most serious is not drug related it is considered a Non-CADA case (code 2).
5. Number of Bench warrants - enter the number of bench warrants issued. If data is missing enter 99. If not applicable enter 88.
6. Date bench warrant issued - enter the date the first bench warrant was issued. If data is missing enter 99. If not applicable enter 88.
7. Date bench warrant withdrawn - enter the date the defendant reappeared. If data is missing enter 99. If not applicable enter 88.
8. Initial appearance date - enter the date the defendant appeared for the initial appearance. If data is missing enter 99. If not applicable enter 88.
9. Determination of attorney date - if applicable, insert the date private counsel was secured or when the court assigned either a public defender or a court-appointed attorney to represent the defendant. Do not enter the date an assistant district attorney is assigned to the case. If data is missing enter 99. If not applicable enter 88.

10. Felony screening date - enter the date a felony screening was held. If data is missing enter 99. If not applicable enter 88.
11. Prearraignment conference date - if applicable, enter the date a prearraignment conference was held. If data is missing enter 99. If not applicable enter 88.
12. Superior court arraignment date - enter the date of the Superior court arraignment. Make sure the arraignment date is that in the superior court and not in the municipal court. If data is missing enter 99. If not applicable enter 88.
13. Custody status at superior court arraignment - indicate the status of the defendant at superior court arraignment. If data is missing enter 99. If not applicable enter 88.
14. Pretrial conference date - indicate the date a pretrial conference was held. If data is missing enter 99. If not applicable enter 88.
15. Trial start date - if applicable, enter the date that a case went to trial or the date the trial commenced. If data is missing enter 99. If not applicable enter 88.
16. Most serious conviction offense - indicate the most serious conviction offense. Find the appropriate penal code in each categorical section then code the category number listed. For instance, if a defendant has two offenses, for example, Robbery (category 6), and Weapon (category 1), the most serious conviction offense would be penal code 187 and the NCSC code would be category 6. (refer to question 16 on the attached coding sheet)
17. Disposition date - insert the date on which the case was disposed. This date is the last court event held prior to sentencing. For example, if a defendant plead at the prearraignment conference the disposition date would be that of the prearraignment conference. If a case is not disposed and is still in the system enter 99.
18. Most serious disposition type - choose the disposition type that is the most serious. A defendant can have a different disposition type for each offense. Therefore, choose the most serious disposition type. Guilty by trail (code 1) is the most serious to nolle proesse (code 5) being the least serious. (refer to question 18 on the attached coding sheet)

19. Disposition event - identify the last court event held where the case was disposed. If a case is disposed between events, find the last event held, and then code "prior to the next possible event." For example, a case is disposed somewhere between Superior court arraignment and the pretrial conference date. The disposition event would be "prior to pretrial conference." (refer to question 19 on the attached coding sheet)

20. Number of motions scheduled - Identify the number of motions which have been scheduled by the court for a hearing. It may be necessary to extrapolate from available information for this particular item. For instance, one can assume that if the court ruled on a motion in suppress, then that motion should have been scheduled for a hearing in order for a decision to be rendered.

21. Number of motion hearings held - Enter the number of motions that are heard by the court. Motion hearings are clearly identifiable by an entry of a decision by the court, such as affirmed or denied. Remember do not count those motions postponed as motions held.

22. Sentencing date - enter the date the court rendered a sentence in a given case. Remember, the sentencing date is distinct from the disposition date. If missing data enter 99. If not applicable enter 88.

23. Most serious sentencing outcome - indicate the most serious sentencing outcome. Incarceration in prison (code 1) is the most serious to program participation (code 9) being the least serious. (refer to question 23 on the attached coding sheet)

24. Number of continuances - in superior court count the number of times a court event is continued or postponed to a later date.

25. Diversion date - if applicable, enter the date when the diversion was actually completed. If missing data enter 99. If not applicable enter 88.

26. Pretrial custody (days) - enter the amount of days a defendant was in custody from arrest to trial.

27. Pretrial release conditions - indicate the release condition prior to trial. (refer to question 27 on the attached coding sheet)

28. Lab test - indicate if a lab test was conducted.

29. Date lab test required - indicate the date a judge requested a lab test to be performed.

30. Date lab test available - indicate the date the lab test was complete.

SANTA CLARA COUNTY
POST-CADA DATA COLLECTION FORM

1. RECORD NUMBER _____ 1.
2. CADA = 1 NON-CADA = 2 _____ 2.
3. ARREST DATE - MISSING DATA = 99 _____ 3.
4. NUMBER OF CO-DEFENDANTS - N/A = 88 _____ 4.
5. MUNICIPAL COURT ARRAIGNMENT DATE -
MISSING DATA = 99; N/A = 88 _____ 5.
6. DATE JUDGE GRANTED DIVERSION - N/A = 88 _____ 6.
7. NUMBER OF COURT APPEARANCES PRIOR TO
ACTUAL DIVERSION - N/A = 88 _____ 7.
8. PLEA DATE - MISSING DATA = 99;
N/A = 88 _____ 8.
9. SCR DATE - MISSING DATA = 99; N/A = 88 _____ 9.
10. PRELIMINARY SETTING DATE - MISSING
DATA = 99; N/A = 88 _____ 10.
11. PRELIMINARY EXAMINATION DATE - MISSING
DATA = 99; N/A = 88 _____ 11.
12. NUMBER OF APPEARANCE DATES IN
MUNICIPAL COURT _____ 12.
13. NUMBER OF CONTINUANCES IN
MUNICIPAL COURT _____ 13.
14. 859 CALENDAR DATE - MISSING DATA = 99
N/A = 88 _____ 14.
15. SUPERIOR COURT ARRAIGNMENT DATE -
MISSING DATA = 99; N/A = 88 _____ 15.
16. NUMBER OF CHARGES AT MUNICIPAL COURT
ARRAIGNMENT _____ 16.
17. MOST SERIOUS CHARGE AT MUNICIPAL COURT
ARRAIGNMENT _____ 17.
18. NCR DATE - MISSING DATA = 99; N/A = 88 _____ 18.
19. NUMBER OF MOTION HEARINGS SCHEDULED _____ 19.

20.	NUMBER OF MOTION HEARINGS HELD	_____	20.
21.	NUMBER OF TIMES THE TRIAL DATE APPEARED ON THE MASTER CALENDAR	_____	21.
22.	MASTER CALENDAR TRIAL DATE - MISSING DATA = 99; N/A = 88	_____	22.
23.	DISPOSITION DATE - CASE NOT DISPOSED = 99	_____	23.
24.	NUMBER OF DISPOSITION TYPES	_____	24.
25.	MOST SERIOUS DISPOSITION TYPES	_____	25.
26.	DISPOSITION EVENT	_____	26.
27.	NUMBER OF CHARGES IN SUPERIOR COURT	_____	27.
28.	MOST SERIOUS CHARGE IN SUPERIOR COURT	_____	28.
29.	NUMBER OF APPEARANCE DATES IN SUPERIOR COURT	_____	29.
30.	NUMBER OF CONTINUANCES IN SUPERIOR COURT	_____	30.
31.	SENTENCING DATE - MISSING DATA = 99; N/A = 88	_____	31.
32.	NUMBER OF SENTENCING OUTCOMES	_____	32.
33.	MOST SERIOUS SENTENCING OUTCOME	_____	33.
34.	LAB TEST (YES = 1 / NO = 2)	_____	34.
35.	DATE LAB TEST AVAILABLE (ENTRY DATE) - MISSING DATA = 99; N/A = 88	_____	35.
36.	PRETRIAL RELEASE CONDITIONS - MISSING DATA = 99; DENIED = 88	_____	36.
37.	BENCH WARRANT ISSUED AFTER ARREST (YES = 1 / NO = 2)	_____	37.
38.	DATE BENCH WARRANT ISSUED - N/A = 88	_____	38.
39.	DATE BENCH WARRANT WITHDRAWN - N/A = 88	_____	39.
40.	MOST SERIOUS CONVICTION OFFENSE	_____	40.
41.	NUMBER OF CONVICTION OFFENSES	_____	41.

SANTA CLARA COUNTY CODING

CODES FOR CHARGES AND OFFENSES

*These codes only refer to question 17 (most serious charge at municipal court arraignment), question 28 (most serious charge at superior court arraignment), and question 40 (most serious conviction offense).

Murder, Rape, Robbery

Category 6

Homicide = 187; 188; 189
Rape = 261; 261.5; 262; 264; 286
Robbery = 211; 211a; 212; 212.5; 213; 213.5; 214
Manslaughter = 191.5; 192; 192.5
Attempted Robbery = 644/211
Attempted Rape = 644/261

Assault, Kidnap, Arson

Category 5

Aggravated Assault = 245; 664
Kidnap = 207; 209
Arson = 447; 451; 452; 455
Sexual Assault = 243.4

Drug Sale

Category 4

11351.5; 11352; 11355; 11360; 11366; 11379; 11379.5; 11382;

Drug Possession

Category 3

11350; 11351; 11357; 11358; 11359; 11363; 11364; 11366; 11375;
11377; 11378; 11378.5; 11380; 11380.5; 4573; 11383;

Drug Other

Category 2

Conspiracy to sell drugs =
Conspiracy to contribute =

11353; 11353.5; 11361; 11361(a); 11361(b); 11366.5; 11366.6;
11368; 4390; 11366; 11380; 11380.5;

Question 17, question 28, and question 40 -

Less Serious Category 1

Weapons = 12020; 12021; 12022; 12025; 12031;
= 12303; 12312;

Burglary = 459; 460;

Theft = 72; 424; 470; 475; 476(a); 484; 485; 486; 487.1;
= 488; 496; 529; 10851; 10980; 11483;

DWI = 23152; 23152(a); 23152(b); 23153;
= 23153(a); 23153; 23153(b); 23222;

Escape = 4530; 4532; 4532(a); 4532(b);

Conspiracy = 182;

Endangering life or health of child
= 272; 273; 273.5; 278; 653;

Sex, Morals, Prostitution, Sodomy
= 220; 286; 288a; 289; 314.1;
= 647a; 647(a); 647(b);

Simple Assault
= 240; 241; 242; 243; 246;

Traffic = 192; 10751; 10752; 12500; 14601;
= 20002;

Attempted Burglary
= 664; 459;

Terror = 422; 11411; 11412; 11413;

Gambling = 337a; 337b; 337c; 337d; 337e; 330;

Welfare Fund = 11483;

Resisting Arrest
= 148;

Explosives = 12303; 12303.1; 12303.2; 12303.3;
= 2303

Disorderly Conduct
= 647(c); 647(d); 647(g), 647(h);
= 647(i);

Other = 32; 118; 148.9; 236; 237; 466.5; 496;
= 594 - 644; 1368; 2305; 7028; 10851; 25658;

25. MOST SERIOUS DISPOSITION TYPES

Guilty by Trial	=	1
Guilty Plea in Municipal Court	=	2
Guilty Plea in SCR	=	3
Guilty Plea in Superior Court	=	4
Acquittal	=	5
Dismissal/Nolle Prosequi	=	6
Diversion	=	7

26. DISPOSITION EVENTS

Municipal Court Arraignment	=	1
Prior to Plea	=	2
Plea Date	=	3
Prior to SCR	=	4
SCR	=	5
Prior to Preliminary Setting	=	6
Preliminary Setting	=	7
Prior to Preliminary Examination Date	=	8
Preliminary Examination Date	=	9
Prior to Superior Court Arraignment	=	10
Superior Court Arraignment	=	11
Prior to NCR Date	=	12
NCR Date	=	13
Prior to Trial Date	=	14
Trial Date	=	15
Prior to Sentencing	=	16
Sentencing	=	17
Drug Diversion Hearing	=	18

33. MOST SERIOUS SENTENCING OUTCOME

Incarceration - Prison	=	1
Incarceration - Jail	=	2
Probation	=	3
Program Participation	=	4
Community Service	=	5
Restitution	=	6
Fine	=	7
Suspended Sentence	=	8
Indemnity	=	9

36. PRETRIAL RELEASE CONDITIONS

Bail	=	1
ROR	=	2

SANTA CLARA COUNTY CADA DATA ITEMS DICTIONARY AND DEFINITIONS

1. Record number - This item is a arbitrary number given by the coder to identify each defendant. Every defendant should have there own number.
2. CADA or Non-CADA - If the most serious charge is drug related it is considered a CADA case. For example, if the charge is possession of cocaine, the case would be a CADA case (code 1). Non-drug charges are Non-CADA cases. Remember, if there are several charges and one is drug related, it is only considered a CADA case if that drug charge is the most serious charge.
3. Arrest date - Enter the month, day, and year the defendant was arrested. Do not confuse the arrest date with the date the crime was allegedly committed. If the arrest date is missing enter 99.
4. Number of co-defendants - Enter the number of co-defendants who are charged in a case. Enter 99 if there are no co-defendants or if the data is missing.
5. Municipal court arraignment date - Enter the date the defendant was arraigned in municipal court. If the date is missing enter 99. If not applicable enter 88.
6. Date judge granted diversion - if applicable, enter the date the judge granted a diversion. If the date is missing enter 99. If not applicable enter 88.
7. Number of court appearances prior to actual diversion - Count the number of times a defendant appears in court prior to the actual diversion. Remember, if there is a diversion, do not count any time the defendant was in court after the defendant was diverted.
8. Plea date - If applicable, insert the date the event "plea" was held. This is not the date a plea was given by the defendant but is the actual event (on the CJIC print out look for "plea"). If there is no plea date or if the date is missing enter 99. If not applicable enter 88.
9. SCR date - Enter the date the superior court review was held. If data is missing enter 99. If not applicable enter 88.
10. Preliminary setting date - Indicate the date the preliminary setting date was held. If data is missing enter 99. If not applicable enter 88.
11. Preliminary examination date - Enter the date the preliminary examination hearing was held. If data is missing enter 99. If not applicable enter 88.

12. Number of appearance dates in municipal court - Count the number of times a defendant appeared in municipal court. If an event is reassigned and is rescheduled that same day but just a different time in the day count it as an appearance. If data is missing enter 99. If not applicable enter 88.
13. Number of continuances in municipal court - Count the number of times a court event is continued or postponed to a later date in municipal court. If an event is reassigned and is rescheduled that same day but just a different time in the day DO NOT count it as a continuance.
14. 859 calendar date - If applicable, enter the date the 859 calendar was held. If data is missing enter 99. If not applicable enter 88.
15. Superior court arraignment date - Enter the date of the Superior court arraignment. Make sure that the arraignment is a superior court event, not a municipal court event. If data is missing enter 99. If not applicable enter 88.
16. Number of charges at municipal arraignment - Count all charges at the time of superior court arraignment. If a felony charge is amended to a misdemeanor enter 99.
17. Most serious charge at municipal court arraignment - Indicate the most serious charge at municipal court arraignment. Charges are broken down into six categories, category 6 being the most serious to category 1 being the least serious. Find the appropriate penal code in each categorical section then code the category number listed. For instance, a defendant has three charges: homicide penal code number 187 (category 6), kidnap 207 (category 5), and possession of a weapon 12020 (category 1); The most serious charge would be penal code 187 (homicide) and the code would be category 6. If a felony charge is amended to a misdemeanor enter 99. (refer to question 17 on the attached coding sheet)
18. NCR date - Enter the date a NCR was held, this event should be held only if the case is drug related. If the NCR date is missing enter 99. If not applicable enter 88.
19. Number of motions scheduled - Identify the number of motions which have been scheduled by the court for a hearing. It may be necessary to extrapolate from available information for this particular item. For instance, one can assume that if the court ruled on a motion to suppress, then that motion should have been scheduled for a hearing in order for a decision to be rendered. If you can not identify motions scheduled but you can see that motions were heard, enter 99.
20. Number of motion hearings held - Enter the number of motions heard by the court. Motion hearings are clearly identifiable by entry of a decision by the court, such as affirmed or denied.

Remember, do not count motions postponed as motions held. If you can only identify those motions held, but not scheduled count those held and enter 99 for question 19.

21. Number of times trial date appeared on the master calendar - Indicate the number of times a trial date appeared on the master calendar. For example, count each time a trial is rescheduled to be held due to a continuance or postponement.

22. Master calendar trial date - If applicable, enter the date that a case went to trial or the date the trial commenced. If the date is missing enter 99. If applicable enter 88.

23. Disposition date - Insert the date on which the case was disposed. This date is the last court event held prior to sentencing. For example, if a defendant plead at the NCR the disposition date would be that of the NCR. If a case is not disposed and is still in the system enter 99.

24. Number of disposition types - Identify the number of disposition types for a defendant. For example, a defendant may have multiple charges, and he may plea to one charge, but one charge may be dismissed. Therefore, there would be two (2) disposition types.

25. Most serious disposition type - Refer to question 24, and choose the one disposition type that is the most serious. For instance, a plea (code 2) is more serious than a dismissal (code 4). (refer to quesiton 25 on the attached coding sheet)

26. Disposition event - Identify the last court event held where the case was disposed. If a case is disposed between events, find the last event held, and then code "prior to the next possible event." For example, if a case is disposed somewhere between Superior court arraignment date and the NCR date the disposition event would be "prior to NCR (Code 14)." (refer to quesiton 26 on the attached coding sheet)

27. Number of charges in superior court - count the number of charges in superior courts for a defendant. A defendant could be convicted on eight (8) counts of theft. Therefore, the number of conviction offenses would be "eight". If a felony charge is amended to a misdemeanor enter 99.

28. Most serious charge in superior court - Indicate the most serious charge in superior court. Offenses are broken down into six categories, category 6 being the most serious to category 1 being the least serious. Find the appropriate penal code in each categorical section then code the category number listed. For instance, a defendant has three offenses: homicide penal code number 187 (category 6), kidnap 207 (category 5), and possession of a weapon 12020 (category 1); The most serious charge would be penal code 187 (homicide) and the code would be category 6. If a felony charge is amended to a misdemeanor enter 99. (refer to

question 28 on the attached coding sheet)

29. Number of appearance dates in superior court - Count the number of times a defendant appeared in superior court for a court event. Even if the court event was continued or postponed for a particular reason, count those times the defendant was actually present in court. If an event is reassigned and is rescheduled that same day but just a different time in the day count it as an appearance. For example, a defendant was present at the superior court arraignment but the event was continued to a later date because a judge was not available. You would count the continuance as well as the superior court arraignment when actually held.

30. Number of continuances in superior court - Indicate the number of times a case is either continued or postponed in superior court. For this question, a defendant does not need to be present to count the event as a continuance or postponement. Do not record answers (a response to a motion). If an event is reassigned and is rescheduled that same day but just a different time in the day DO NOT count it as a continuance.

31. Sentencing date - Enter the date the court rendered a sentence in a given case. Remember, the sentencing date is distinct from the disposition date. If data is missing enter 99. If not applicable enter 88.

32. Number of sentencing outcomes - Indicate the number of sentencing outcomes. For instance, if a defendant is convicted for 3 different charges and his sentencing outcome is probation and a fine (for a charge) the number of sentencing outcomes would be "six."

33. Most serious sentencing outcome - Indicate the most serious sentencing outcome. Incarceration in prison (code 1) is the most serious sentencing outcome. Pprogram participation (code 9) is the least serious sentencing outcome. (refer to question 33 on the attached coding sheet)

34. Lab test - Indicate if a lab test was conducted.

35. Date lab test available - Indicate date lab test results were available.

36. Pretrial release conditions - indicate conditions of release prior to trial. (refer to question 36 on the attached coding sheet)

37. Bench warrant issued after arrest - Indicate whether or not a bench warrant was issued.

38. Date bench warrant issued - Enter the date the first bench warrant was issued.

39. Date bench warrant withdrawn - Enter the date the bench warrant was canceled.

40. Most serious conviction offense - Indicate the most serious conviction offense. Offenses are broken down into six categories, category 6 being the most serious to category 1 being the least serious. Find the appropriate penal code in each categorical section then code the category number listed. For instance, a defendant has three offenses: homicide penal code number 187 (category 6), kidnap 207 (category 5), and possession of a weapon 12020 (category 1); The most serious charge would be penal code 187 (homicide) and the code would be category 6. If a felony offense is amended to a misdemeanor enter 99. (refer to question 40 on the attached coding sheet)

41. Number of conviction offenses - count the number of conviction offenses in superior court for a defendant. A defendant could be convicted on eight (8) counts of theft. Therefore, the number of conviction offenses would be "eight". If a felony offense is amended to a misdemeanor enter 99.

ORLEANS PARISH CRIMINAL DISTRICT COURT
DATA COLLECTION FORM

- | | | | |
|-----|---|--|-----|
| 1. | Court Case Number | | 1. |
| | a. LCC Case Identification Number | | 1a. |
| 2. | Arrest Date (Mo/Day/Yr) | | 2. |
| 3. | Charge(s)-1st/2nd Charge(s) | 1. <u> </u> 2. <u> </u> | 3. |
| | 3rd/4th Charge(s) | 3. <u> </u> 4. <u> </u> | |
| | 5th/6th Charge(s) | 5. <u> </u> 6. <u> </u> | |
| | 7th/8th Charge(s) | 7. <u> </u> 8. <u> </u> | |
| | 9th/10th Charge(s) | 9. <u> </u> 10. <u> </u> | |
| | a. CADA or Non CADA | | 3a. |
| 4. | Warrants (Number) | | 4. |
| 5. | Date First Bench Warrant Issued (Mo/Day/Yr) | | 5. |
| 6. | Preliminary Hearing Date (Mo/Day/Yr) | | 6. |
| 7. | District Court Arraignment Date (Mo/Day/Yr) | | 7. |
| 8. | Bill of Information Date (Mo/Day/Yr) | | 8. |
| 9. | Determination of Counsel Date (Mo/Day/Yr) | | 9. |
| 10. | Custody Status at Bill of Information | | 10. |
| 11. | Pretrial Conference Date (Mo/Day/Yr) | | 11. |
| 12. | Trial Start Date (Mo/Day/Yr) | | 12. |
| 13. | Conviction Offense(s)-1st/2nd Offense(s) | 1. <u> </u> 2. <u> </u> | 13. |
| | 3rd/4th Offense(s) | 3. <u> </u> 4. <u> </u> | |
| | 5th/6th Offense(s) | 5. <u> </u> 6. <u> </u> | |
| | 7th/8th Offense(s) | 7. <u> </u> 8. <u> </u> | |
| | 9th/10th Offense(s) | 9. <u> </u> 10. <u> </u> | |
| 14. | Most Serious Conviction Offense | | 14. |
| 15. | Disposition Date (Mo/Day/Yr) | | 15. |
| 16. | Disposition Type(s)-1st/2nd Type(s) | 1. <u> </u> 2. <u> </u> | 16. |
| | 3rd/4th Type(s) | 3. <u> </u> 4. <u> </u> | |
| | 5th/6th Type(s) | 5. <u> </u> 6. <u> </u> | |
| | 7th/8th Type(s) | 7. <u> </u> 8. <u> </u> | |
| | 9th/10th Type(s) | 9. <u> </u> 10. <u> </u> | |
| 17. | Most Serious Disposition Type | | 17. |
| 18. | Number of Motion Hearings Scheduled | | 18. |
| 19. | Number of Motion Hearings | | 19. |

20.	Number of Motions Filed		_____	20.
21.	Sentencing Date (Mo/Day/Yr)		_____	21.
22.	Sentencing Outcome(s)-1st/2nd Outcome(s)	1.	_____	22.
	3rd/4th Outcome(s)	3.	_____	
	5th/6th Outcome(s)	5.	_____	
	7th/8th Outcome(s)	7.	_____	
	9th/10th Outcome(s)	9.	_____	
		2.	_____	
		4.	_____	
		6.	_____	
		8.	_____	
		10.	_____	
23.	Most Serious Sentencing Outcome		_____	23.
24.	Continuances (Number)		_____	24.
25.	Pretrial Custody on CADA Charge (Days)		_____	25.
26.	Pretrial Release Conditions		_____	26.

ORLEANS PARISH CADA DATA ITEMS DICTIONARY AND DEFINITIONS

1. Court Case Identification. For this item, fill in the case number which has been assigned by the court. In subpart a.), insert the Large Court Capacity Case Number if available. (See item 1 on the data collection form.)
2. Arrest Date. This item should be readily available from multiple sources, either through a manual or automated system. Insert only the arrest date in this column, not the date that the offense was reported to have been committed. (See item 2 on the data collection form.)
3. Charge(s). Insert the code which corresponds to the appropriate charge(s). In subpart a.), insert the appropriate coded response for a CADA or non-CADA case. CADA cases are defined as any case in which at least one of the felony drug offenses is the most serious charge. (See items 3 and 3a on the data collection form, and items 3 and 3a on the CADA coding sheet.)
4. Warrants. Fill in the number of bench warrants issued. (See item 4 on the data collection form.)
5. Date First Bench Warrant Issued. Enter the month, day, and year of the first bench warrant. (See item 5 on the data collection form.)
6. Preliminary Hearing Date: Enter the date that a preliminary hearing is held. (See item 6 on the data collection form.)
7. District Court Arraignment Date. Insert the date that the District Court arraigned the defendant on the charges. (See item 7 on the data collection form.)
8. Bill of Information Date. Indicate the date on which an indictment or Bill of Information was issued. (See item 8 on the data collection form.)
9. Determination of Counsel Date. If applicable, insert the date that the court assigned either a public defender or a court-appointed attorney to represent the defendant. Do not enter the date that an Assistant District Attorney is assigned to the case nor the date that private counsel is secured. (See item 9 on the data collection form.)
10. Custody Status at Bill of Information. Insert the appropriate coded response. It may be necessary to extrapolate the detention status of the individual from available bail information or detention information. If you experience any problems in extracting the data, move on to the next item. (See item 10 on the data collection form and coding sheet.)

11. Pretrial Conference Date. Enter the date on which a pretrial conference was held. (See item 11 on the data collection form.)
12. Trial Start Date. Write in the date that the case went to trial or the date that the trial commenced. (See item 12 on the data collection form.)
13. Conviction Offense. Enter the appropriate coded offense(s) for which the defendant was found guilty. (See item 13 on the data collection form and coding sheet.)
14. Most Serious Conviction Offense. Look at question 13 (Conviction Offense) and decide which category the most serious offense falls under. Choose the appropriate code assuming category 5 (murder, rape, robbery) is the most serious and category 1 is the least serious.
15. Disposition Date. Insert the date on which the case was disposed. Jacket or computerized entries should specify the exact date on which a directed verdict was entered, a plea was taken, the case was dismissed, the defendant was acquitted, or the case was not prosecuted. (See item 15 on the data collection form.)
16. Disposition Type(s). Insert the appropriate coded response(s). This information should be readily available from court records or the docket masters. (See item 16 on the data collection form and coding sheet.)
17. Most Serious Disposition Type. Enter the appropriate coded response for the most serious disposition type. (See item 17 on the data collection form and coding sheet.)
18. Number of Motions Hearings Scheduled. Identify the number of motions which have been scheduled by the court for a hearing. It may be necessary to extrapolate from available information for this particular item. For instance, one can assume that if the court ruled on a motion to suppress, then that motion should have been scheduled for a hearing in order for a decision to be rendered. (See item 18 on the data collection form.)
19. Number of Motion Hearings. Enter the number of motions that are heard by the court. Motions hearings are clearly identifiable by an entry of a decision by the court, such as affirmed or denied. (See item 19 on the data collection form.)
20. Number of Motions Filed. Enter the exact, if available, number of motions that are filed with the court. (See item 20 on the data collection form.)
21. Sentencing Date. Enter the date the court rendered a sentence in a given case. Remember, the sentencing date is distinct from the disposition date. A disposition occurs if there is finding of guilt or innocence, an acquittal, a dismissal by the court, or a refusal to prosecute by the district attorney. (See item 21 on the data collection form.)

22. Sentencing Outcome(s). Insert the appropriate coded response. The sentencing outcome is the decision of the court regarding the punishment to be levied. It may be in the form of a fine, restitution, community service, time served in jail, probation, suspended sentence, or incarceration. (See item 22 on the data collection form and coding sheet.)
23. Most Serious Sentencing Outcome. Enter the appropriate coded response for the most serious sentencing outcome. (See item 23 on the data collection form and coding sheet.)
24. Continuances. This item captures the number of times a case is either continued or postponed. Insert the appropriate number if available. Do not record answers (a response to a motion). (See item 24 on the data collection form.)
25. Pretrial Custody Days on CADA Charges. Enter the number of days for which a person is detained prior to his/her scheduled court date, if available. (See item 25 on the data collection form.)
26. Pretrial Release Conditions. If the individual is released prior to trial, insert the correct response. (See item 26 on the data collection form and coding sheet.)

ORLEANS PARISH CADA CODING SHEET

3. CHARGES

Homicide = 1
Rape/Child Sex Abuse = 2
Robbery = 3
Aggravated Assault = 4
Drug Sales = 5
Weapons = 6
Burglary = 7
Theft/Fraud/Credit Card/Forgery/
Embezzlement/Bad Checks = 8
DWI = 9
Kidnap = 11
Terror = 12
Escape = 13
Arson = 14
Conspiracy = 15
Gambling = 16
Welfare Fraud = 18
Resisting Arrest = 19
Endangering Child Welfare = 20
Explosives = 25
Discord Cond = 26 *disorderly Conduct*
Sex/Morals/Prostitution/Sodomy = 27
Manslaughter = 31
Attempted Rape = 32
Attempted Robbery = 33
Simple Assault = 34
Drug Possession = 35
Attempted Burglary = 37
Traffic = 39
Other = 40
Sexual Assault = 41

3a. CADA

CADA = 1
Non CADA = 2

10. CUSTODY STATUS AT BILL OF INFORMATION

Detention = 1
Release = 2

13. CONVICTION OFFENSE

Homicide = 1
Rape/Child Sex Abuse = 2
Robbery = 3
Aggravated Assault = 4
Drug Sales = 5
Weapons = 6
Burglary = 7
Theft/Fraud/Credit Card/Forger:
Embezzlement/Bad Checks = 8
DWI = 9
Kidnap = 11
Terror = 12
Escape = 13
Arson = 14
Conspiracy = 15
Gambling = 16
Welfare Fraud = 18
Resisting Arrest = 19
Endangering Child Welfare = 20
Explosives = 25
Discord Cond = 26
Sex/Morals/Prostitution/Sodomy
Manslaughter = 31
Attempted Rape = 32
Attempted Robbery = 33
Simple Assault = 34
Drug Possession = 35
Attempted Burglary = 37
Traffic = 39
Other = 40
Sexual Assault = 41

ORLEANS PARISH CADA CODING SHEET

14. MOST SERIOUS CONVICTION OFFENSE

MURDER, RAPE, ROBBERY
CATEGORY = 5

Homicide = 1
Manslaughter = 31
Rape/Child Sex Abuse = 2
Attempted Rape = 32
Robbery = 3
Attempted Robbery = 33

ASSAULT, KIDNAP, ARSON
CATEGORY = 4

Aggravated Assault = 4
Kidnap = 11
Arson = 14
Sexual Assault = 41

DRUG SALE
CATEGORY = 3

Drug Sales = 5

DRUG POSSESSION
CATEGORY = 2

Drug Possession = 35

LESS SERIOUS
CATEGORY = 1

Simple Assault = 34
Weapons = 6
Burglary = 7
Attempted Burglary = 37
Terror = 12
Escape = 13
Theft/Fraud/Credit Card/Forgery/
Embezzlement/Bad Checks = 8
DWI = 9
Conspiracy = 15
Gambling = 16
Welfare Fraud = 18
Resisting Arrest = 19
Endangering Child Welfare = 20
Explosives = 25
Discord Cond = 26
Sex/Morals/Prostitution/Sodomy = 27
Traffic = 39
Other = 40

16. DISPOSITION TYPE

Nolle Contendere/Guilty = 1
Not Guilty = 2
Plea = 3
Dismissal = 4
Nolle Prose = 5
Acquittal = 6

17. MOST SERIOUS DISPOSITION TYPE

Nolle Contendere/Guilty = 1
Plea = 2
Not Guilty = 3
Acquittal = 4
Dismissal = 5
Nolle Prose = 6

22. SENTENCING OUTCOME

Incarceration = 1
Probation = 2
Community Service = 3
Restitution = 4
Fine = 5
Suspended Sentence = 6
Indemnity = 7
Program Participation = 8

23. MOST SERIOUS SENTENCING OUTCOME

Incarceration = 1
Probation = 2
Community Service = 3
Restitution = 4
Fine = 5
Suspended Sentence = 6
Indemnity = 7
Program Participation = 8

26. PRETRIAL RELEASE CONDITIONS

Bail = 1
Program Participation = 2
ROR = 3

ORLEANS PARISH CRIMINAL DISTRICT COURT
POST DATA COLLECTION FORM

- | | | |
|--|-------|-----|
| 1. Court Case Number | _____ | 1. |
| 2. was this case disposed in an
Ad hoc Court - yes = 1; No=2 | _____ | 2. |
| 3. Most Serious Charge | _____ | 3. |
| 4. CADA = 1, or Non CADA = 2 | _____ | 4. |
| 5. Arrest Date-Missing Data = 99;
N/A = 88 | _____ | 5. |
| 6. Bail Hearing Date -
Missing Data = 99; N/A = 88 | _____ | 6. |
| 7. Preliminary hearing in municipal court
Missing Data = 99; N/A = 88 | _____ | 7. |
| 8. Status hearing in municipal court
Missing Data = 99; N/A = 88 | _____ | 8. |
| 9. Bill of Information Date -
Missing Data = 99; N/A = 88 | _____ | 9. |
| 10. Determination of Counsel Date -
Missing Data = 99; N/A = 88 | _____ | 10. |
| 11. District Court Arraignment Date -
Missing Data = 99; N/A = 88 | _____ | 11. |
| 12. Motion Hearing Date In District Court -
Missing Data = 99; N/A = 88 | _____ | 12. |
| 13. Status Hearing Date in District Court -
Missing Data = 99; N/A = 88 | _____ | 13. |
| 14. Custody Status at Bill
of Information | _____ | 14. |
| 15. Pretrial Conference Date -
Missing Data = 99; N/A = 88 | _____ | 15. |
| 16. Trial Start Date
Missing Data - 99; N/A = 88 | _____ | 16. |
| 17. Most Serious Conviction Offense | _____ | 17. |

ORLEANS PARISH CRIMINAL DISTRICT COURT
DATA COLLECTION FORM (continued)

18.	Disposition Date - Case Not Disposed = 99	_____	18.
19.	Most Serious Disposition Type	_____	19.
20.	Disposition Event	_____	20.
21.	Number of Times a Motion Hearing Was Filed	_____	21.
22.	Number of Times a Motion Hearing Was Held	_____	22.
23.	Sentencing Date - Missing Data = 99; N/A = 88	_____	23.
24.	Most Serious Sentencing Outcome	_____	24.
25.	Number of Continuances	_____	25.
26.	Pretrial Release Condition	_____	26.
27.	Number of Bench Warrants	_____	27.
28.	Date Bench Warrant Issued - Missing Data = 99; N/A = 88	_____	28.
29.	Date Bench Warrant Withdrawn - Missing Data = 99; N/A = 88	_____	29.
30.	Number of Defendants	_____	30.

ORLEANS PARISH Post-CADA CRIMINAL DISTRICT COURT

THIS IS FOR QUESTION 3 (MOST SERIOUS CHARGE) AND FOR QUESTION 17
(MOST SERIOUS CONVICTION OFFENSE) - CATEGORY 6 IS THE MOST
SERIOUS TO CATEGORY 1 BEING THE LEAST SERIOUS.

MURDER, RAPE, ROBBERY - CATEGORY = 6

Homicide
Manslaughter
Rape/Child Sex Abuse
Attempted Rape
Robbery
Attempted Robbery

ASSAULT, KIDNAP, ARSON - CATEGORY = 5

Aggravated Assault
Kidnap
Arson
Sexual Assault

DRUG SALE - CATEGORY = 4

Drug Sales

DRUG POSSESSION - CATEGORY = 3

Drug Possession

DRUG - OTHER - CATEGORY = 2

Other Drug Related Charges

LESS SERIOUS - CATEGORY = 1

Simple Assault
Weapons
Burglary
Attempted Burglary
Terror
Escape
Theft/Fraud/Credit Card/Forgery/
Embezzlement/Bad Checks
DWI
Conspiracy
Gambling
Welfare Fraud
Resisting Arrest
Endangering Child Welfare
Explosives
Disorderly Conduct
Sex/Morals/Prostitution/Sodomy
Traffic
Other

(1)

14. CUSTODY STATUS AT BILL OF INFORMATION
 Detention = 1 - In custody/jail
 Release = 2 - Out of custody/not in jail

19. MOST SERIOUS DISPOSITION TYPE
 Incompetent = 9
 Mistrial = 5
 Guilty by Trial = 4
 Nolo Contendere/Plea Guilty = 3
 Acquittal = 2
 Dismissal/Nolle Prose = 1

20. DISPOSITION EVENT
 Bail hearing = 1
 Prior to Preliminary Hearing - Muni. Court = 2
 Preliminary Hearing - Muni. Court = 3
 Prior to Status Hearing - Muni. Court = 4
 Status Hearing - Muni. Court = 5
 Prior to Bill of Information = 6
 Bill of Information = 7
 Prior to Determination
 of Counsel = 8
 Determination of Counsel = 9
 Prior to District Court
 Arrestment = 10
 District Court Arrestment = 11
 Prior to Motion Hearing - District Court = 12
 Motion Hearing - District Court = 13
 Prior to Status Hearing - District Court = 14
 Status Hearing - District Court = 15
 Prior to Pretrial Conference = 16
 Pretrial Conference = 17
 Prior to Trial = 18
 Trial = 19
 Prior to Sentencing = 20
 Sentencing = 21
 Competency Hearing = 22

24. MOST SERIOUS SENTENCING OUTCOME
 Incarceration - jail or prison = 8
 Probation = 7
 Community Service = 6
 Restitution - giving victim money = 5
 Fine - to the state or court = 4
 Suspended Sentence - part or all = 3
 Indemnity = 2
 Program Participation - rehab. = 1
 Multiple Bill (Probation) = 79
 Multiple Bill (Incarceration) = 89

26. PRETRIAL RELEASE CONDITIONS

Bail	= 1
Program Participation	= 2
ROR	= 3
In Custody/jail	= 4

ORLEANS PARISH CADA DATA ITEMS DICTIONARY AND DEFINITIONS

1. Court case identification - for this item, indicate the case number which has been assigned by the court. Every defendant should have their own court case identification number.
2. Was this case disposed in an Ad hoc Court - if the case was sent to an adhoc court, make sure the case stayed in the adhoc court and was not transferred to the other courts. If the case was designated to an Ad hoc court enter 1. If it was not enter 2. If the data is missing enter 99. If not applicable enter 88.
3. Most serious charge - indicate the most serious charge. When a defendant has several charges look on the NCSC coding sheet, choose the most serious charge and code the appropriate category number. In each section charges are broken down into categories, category 6 being the most serious to category 1 being the least serious. If a defendant has two charges, for example sexual assault (category 5), and weapons (category 1), the most serious charge would be sexual assault under category 5. (refer to question 3 on the attached coding sheet)
4. CADA or Non-CADA - if the most serious charge is drug related it is considered a CADA case. Non-drug charges are non-CADA cases. Remember, if there are several charges and one is drug related, it is only considered a CADA case if that drug charge is the most serious charge.
5. Arrest date - enter the date the defendant was arrested. Do not get the arrest date confused with the date of offense. If data is missing enter 99. If not applicable enter 88.
6. Bail hearing date - enter the date the bail hearing was held. If missing data enter 99. If not applicable enter 88.
7. Preliminary hearing date - indicate the date the preliminary hearing was held. If missing data enter 99. If not applicable enter 88.
8. Status hearing date - enter the date the status hearing was held. If missing data enter 99. If not applicable enter 88.
9. Bill of information date - indicate the date on which an indictment or bill of information was issued. If missing data enter 99. If not applicable enter 88.
10. Determination of counsel date - if applicable, insert the date private counsel was secured or when the court assigned either a public defender or a court-appointed attorney to represent the defendant. Do not enter the date that an assistant district attorney is assigned to the case. If missing data enter 99. If not applicable enter 88.
11. District court arraignment date - enter the date the

defendant was arraigned in district court. If missing data enter 99. If not applicable enter 88.

12. Motion Hearing date - indicate the date the motion hearing was held. If missing data enter 99. If not applicable enter 88.

13. Status hearing date - enter the date the status hearing was held. If missing data enter 99. If not applicable enter 88.

14. Custody status at bill of information - insert the appropriate coded response. It may be necessary to extrapolate the detention status of the individual from available bail information or detention information. For instance, if bail was met, you can therefore make the assumption the defendant was released (Code 2) at bill of information. If missing data enter 99. If not applicable enter 88. (refer to question 16 on the attached coding sheet)

15. Pretrial conference date - if applicable, insert the date a pretrial conference was held. If missing data enter 99. If not applicable enter 88.

16. Trial start date - if applicable, enter the date that a case went to trial. If a trial is continued to a later date, enter the date the trial actually started. If missing data enter 99. If not applicable enter 88.

17. Most serious conviction offense - indicate the most serious conviction offense. In each section offenses are broken down into categories, category 6 being the most serious to category 1 being the least serious. If a defendant has two offenses, for example sexual assault (category 5), and weapons (category 1), the most serious conviction offense would be sexual assault under category 5. (refer to question 19 on the attached coding sheet)

18. Disposition date - insert the date on which the case was disposed. This date is the last court event held prior to sentencing. For example, if a defendant plead at the pretrial conference the disposition date would be that of the pretrial conference. If a case is not disposed and is still in the system enter 99.

19. Most serious disposition type - choose the disposition type that is the most serious. A defendant can have a different disposition type for each offense. Therefore, choose the most serious disposition type. Guilty by trial (code 1) is the most serious to nolle prosequere (code 5) being the least serious. (refer to question 21 on the attached coding sheet)

20. Disposition event - identify the last court event held where the case was disposed. If a case is disposed between events, find the last event held, and then code "prior to the next possible event." For example, a case is disposed somewhere between District court arraignment and the preliminary hearing

date. The disposition event would be "prior to preliminary hearing." (refer to question 22 on the attached coding sheet)

21. Number of motions filed - identify the number of motions which have been filed by the court for a hearing. To get this information, the docket master must actually state, motion filed.

22. Number of motion hearings held - enter the number of motions that are heard by the court. Motion hearings are clearly identifiable by an entry of a decision by the court, such as affirmed or denied. Remember, do not count those motions postponed as motions held.

23. Sentencing date - enter the date the court rendered a sentence in a given case. Remember, the sentencing date is distinct from the disposition date. If missing data enter 99. If not applicable enter 88.

24. Most serious sentencing outcome - indicate the most serious sentencing outcome. Incarceration in prison (code 1) is the most serious to program participation (code 9) being the least serious. (refer to question 26 on the attached coding sheet)

25. Number of continuances - count the number of times a court event is continued or postponed to a later date.

26. Pretrial release conditions - indicate the release condition of the defendant prior to trial. (refer to question 29 on the attached coding sheet)

27. Number of bench warrants - count the number of warrants issued.

28. Date bench warrant issued - enter the date the first bench warrant was issued. If missing data enter 99. If not applicable enter 88.

29. Date bench warrant withdrawn - enter the date of the defendant reappeared and the bench warrant was canceled. If missing data enter 99. If not applicable enter 88.

30. Number of defendants - enter the amount of defendants associated with the case.