

MIDWEST RESEARCH INSTITUTE

REPORT

SPEEDY TRIAL

Preliminary Analysis of Jackson County Circuit
Court, Jackson County, Missouri

By

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Phillips G. P. Eliot
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Midwest Research Institute
Kansas City, Missouri 64110

September 29, 1978

For

National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
United States Department of Justice

54443

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This project was supported by Contract Number J-LEAA-027-77 awarded by the Law Enforcement Assistance Administration, U.S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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EXECUTIVE SUMMARY

Midwest Research Institute (MRI) conducted a study of the Jackson County Circuit Court, Jackson County, Missouri, during July 1978 as part of Contract No. J-LEAA-027-77 entitled "Analysis of State Speedy Trial Provisions," MRI Project No. 4353-D. Personnel from MRI extracted data from 203 (17 percent) of the criminal case files for the period August 1972 through July 1973 and 220 (14 percent) of the criminal case files for calendar year 1977. MRI personnel also interviewed four judges, four court administrators, one prosecutor, two public defenders, one private defense attorney and two police officials. A wealth of data was obtained from case files and interviews. This preliminary report will not address all the data, but focuses on the impact of continuances on case disposition time. The primary findings are:

- . A positive correlation exists between case disposition times and both the number and duration of continuances.
- . Excludable continuances consume a significantly larger portion of case time than do nonexcludable continuances.
- . No valid correlation can be found between case age and the number and duration of continuances.
- . Removal of excludable continuances from overall case time reduces countable case time by 15 percent or less.
- . Time from arrest or arraignment to disposition generally follows a logarithmic normal distribution. In jurisdictions where this condition generally holds, sample sizes of only 200 will, regardless of the number of cases, provide estimates of the mean times to disposition which will vary from the true means by 12 percent at worst.

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I. INTRODUCTION

A. Purpose

The purpose of this report is to present a preliminary analysis of data gathered in the Jackson County Circuit Court, Jackson County, Missouri, during July of 1978 under Contract No. J-LEAA-027-77, entitled, "Analysis of State Speedy Trial Provisions," MRI Project No. 4353-D.

B. Scope

This report will focus on the impact of continuance policy on case disposition time. The data sources used are:

- . 203 (17 percent) of the 1,172 criminal case files for the period August 1972 through July 1973.
- . 220 (14 percent) of the 1,561 criminal case files for calendar year 1977.
- . Interviews with and questionnaires from four judges, four court administrators, one prosecutor, two public defenders, one private defense attorney, and two police officials.

C. Report Organization

The report is organized into three parts with three appendices added. The first part, the introduction, contains a discussion of site selection, data collection, sampling and statistical inferences, and limitations of the report. The second part contains the discussion of those points specifically requested by the Law Enforcement Assistance Agency (LEAA):

1. Cross tabulations of continuances, types of counsel, crime codes, and dispositions.
2. Correlation analysis of numbers and durations of continuances versus times from arrest/arraignment to disposition.
3. Investigation of the duration of delays versus excludability/nonexcludability.

4. Analysis of the number and duration of delays as a function of case age.

5. Analysis of times to disposition with and without excludable delays.

6. Results will be compared with interview and questionnaire responses dealing with continuances.

The third part contains a summary of the findings. Appendix A is a copy of the case file data collection sheet. Appendix B contains copies of the four sets of interview questions. Appendix C contains copies of the three sets of questionnaires (no questionnaires were given to police).

D. Selection of Site for Investigation

Jackson County was selected as the first of several sites to be visited. Its proximity to MRI made it an ideal site to pretest and finalize investigative procedures to be used on the remaining sites.

E. Data Collected

1. Case Files: The same information was obtained from each case file sampled in 1972 to 1973 and 1977. The instrument used to gather case file data is attached as Appendix A. The specific data elements gathered on each case were:

- . Case identification number
- . Most serious charge at time of arrest*
- . Number of additional charges
- . Number of additional defendants
- . Type of defense counsel*
- . Date of arrest*
- . Date of filing of information or indictment*
- . Date of arraignment*
- . Date of disposition*
- . Type of disposition*
- . Most serious charge at disposition
- . Use or nonuse of discovery procedures
- . Number of witnesses
- . Indication if the defendant was arrested at the scene of the crime.

* Used in this preliminary analysis.

- . Detention or bail status of the defendant after bail hearing and at disposition.
- . Indication if the victim was known to the defendant
- . Indication if a weapon was used
- . Number of prior arrests
- . Cause or reason for delay
- . Initiator of delay
- . Type of delay*
- . Indication as to excludability of delay*
- . Date of initiation and completion of delay*

2. Interview and Questionnaire: A total of 30 questions were developed for interviews (Appendix B) and 44 questions were used on the questionnaires (Appendix C). Four separate forms were developed for interviews and three separate forms were developed for questionnaires. The questions on each were keyed to the function of the person being interviewed.

F. Sampling and Statistical Inferences

For the years of interest, 1972 to 1973 and 1977, we reviewed case files with sample sizes of 220 and 203 among population sizes of 1,561 and 1,172, respectively. Because sample sizes were restricted to about 200, it was particularly important to determine the precision with which a given sample parameter would estimate the corresponding population parameter. Since we were restricted in level of effort for this report, and since time to disposition was the single most important parameter, we chose to investigate (for precision) this factor instead of other candidates such as numbers or duration of continuances. Table 1 provides sample results and frequencies using a class interval of 15 days.

Because the State of Missouri uses arraignment as the start of the "speedy trial clock," we have used arraignment to disposition times as the initial illustration. We also provide data on arrest to disposition timing because of its significance in many states. Data for 1977 is used for the first set of calculations.

Figure 1 shows a plot of frequencies (ordinates) versus time from arraignment to disposition (abscissa by class mark).

* Used in this preliminary analysis.

TABLE 1

TIMES TO DISPOSITION, JACKSON COUNTY CRIMINAL CASE FILES

Data Point Number	Class Mark (Days)	Frequency of Observation			
		Arrest to Disposition (1977)	Arraignment to Disposition (1977)	Arrest to Disposition (1972-73)	Arraignment to Disposition (1972-73)
1	8	3	11	10	31
2	23	6	28	17	7
3	38	18	32	7	10
4	53	28	31	9	15
5	68	32	17	21	14
6	83	28	17	14	30
7	98	12	18	14	21
8	113	16	9	20	14
9	128	16	10	21	8
10	143	7	6	10	15
11	158	5	9	12	10
12	173	9	3	10	5
13	188	5	10	6	1
14	203	8	5	6	5
15	218	8	3	4	4
16	233	4	2	3	0
17	248	2	3	2	0
18	263	4	2	4	4
19	278	2	1	2	0
20	293	3	2	1	0
21	308	2	1	1	3
22	323	2	--	2	2
23	338	--	--	1	0
24	353	--	--	2	1
25	368	--	--	4	3
		n = 220	n = 220	n = 203	n = 203
		N = 1,561	N = 1,561	N = 1,172	N = 1,172

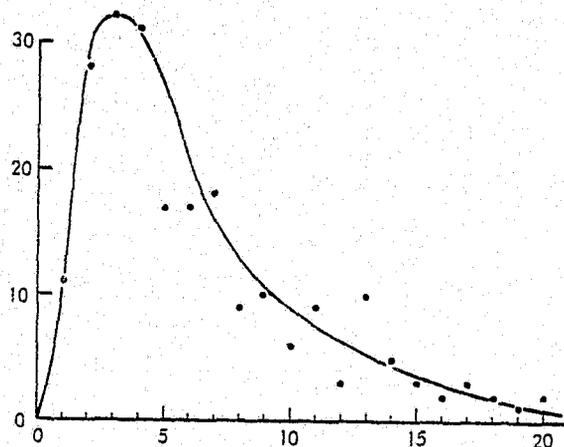


Figure 1 - Frequency Distribution of Arraignment to Disposition Times, 1977 Sample

The visually fitted curve suggests a positively skewed distribution which could be described as log normal (or possibly gamma), so that a variable y would be related to events x as $y = \ln(x)$, with y having a normal distribution. Calculations are as follows:

$$\Sigma x = 19,475, \Sigma x^2 = 2,710,645, \bar{x} = [11(8) + \dots + 1(308)]/220 = 88.523$$

$$\text{and variance } V(x) = [n\Sigma x^2 - (\Sigma x)^2]/[n(n-1)] = 4,505.319$$

$$\text{also: } \Sigma y = 917.787, \Sigma y^2 = [11(\ln 8)^2 + \dots + 1(\ln(308))^2] = 3,986.695$$

$$\bar{y} = [11(\ln 8) + \dots + 1(\ln 308)]/220 = 4.1718, v(y) = 0.72105$$

We next determine the precision with which the sample estimates the mean time to disposition as a multiple or percent of the time mean as:

$$k_1 \mu \leq x \leq k_2 \mu$$

or $\exp [\pm z_\alpha (\sqrt{V(y)}/\sqrt{n}) (\text{fpc})] = k_1, k_2$

where n and N = sample and population sizes and the finite population correction.

$$\text{fpc} = \sqrt{1-n/N}$$

$Z_\alpha = 1.96$ (standardized normal tables) for a 95 percent confidence level.

We use $n = 200$ and various population sizes of 1,172 (the 1972 to 1973 case population), 1,561 (the 1977 case population), 5,000 (an arbitrary, fairly large case population which could occur in other jurisdictions), and a population of unbounded size ("infinity"). The results are:

<u>N</u>	<u>Precision</u>
1,172	-10.2% to +11.3% of μ
1,561	-10.4% to +11.6% of μ
5,000	-10.9% to +12.2% of μ
∞	-11.7% to +12.5% of μ

If we now turn to the arrest to disposition frequencies, calculations similar to the foregoing yield:

$$\bar{x} = 112.25, \Sigma x = 24,695, \Sigma x^2 = 3,881,815, V(x) = 5,067.586,$$

$$\bar{y} = 4.5153, \Sigma y = 993.365, \Sigma y^2 = 4,585.346, V(y) = 0.45665$$

and achievable precisions for samples of 200, at the 95 percent level of confidence are:

<u>N</u>	<u>Precision</u>
1,172	-7.5% to +8.1% of μ
1,561	-8.4% to +9.2% of μ
5,000	-8.8% to +9.6% of μ
∞	-8.9% to +9.8% of μ

The primary results of the analysis are that criminal case times to disposition generally were modelled by a log normal distribution, and that a sample size of only 200 from a population of any size may be used to estimate the mean time to disposition with a precision varying at worst from -11.1 percent to +12.5 percent of the true mean (95 percent confidence) when the case times have the same general distribution.

G. Limitations

Only the data indicated by an asterisk on pages 2 and 3 and the associated responses from interviews and questionnaires are considered in this preliminary analysis.

The numbers and durations of continuances used in this report include all of the continuances that were recorded in the case files sampled. Based on conversations with court personnel and inferences drawn from assorted entries in case records, we know that not all continuances were recorded. The actual number and duration of continuances would most likely be somewhat higher than those shown in this report.

The combination of the 20 page limit set by LEAA and the need to present hard data imposed a constraint on both the level and description of the analysis done.

H. Comment

As part of this report a printout of the data cards used, along with a format description, will be forwarded under a separate cover.

II. ANALYSIS

In this part of the report the six points specifically requested by LEAA are discussed. The sixth point (comparison of interview and questionnaire responses with case file findings) is discussed appropriately under each of the five major paragraphs below.

A. Cross Tabulations of Continuances, Type Counsel, Crime Codes

Tables 2 and 3 are identical in format, and deal, respectively, with calendar year 1977, and August 1972 through July 1973. In each cell they show the number of cases, and total number and duration of continuances for those cases, for each combination of type of crime, type of defense counsel and type of disposition.

Most of the column or row headings in these tables are self-explanatory; however, those which are not are briefly described below:

1. Type Crime: The definitions of most of the crimes listed are those used in the Federal Bureau of Investigation's (FBI) Uniform Crime Reports (UCR). In order to reduce the number of the types of crime considered, we grouped certain crimes as follows:

a. Negligent homicide and manslaughter are included under murder.

b. Motor vehicle theft is included in larceny.

c. UCR-IIA includes simple assault, arson, forgery, fraud, embezzlement, stolen property, narcotics except marijuana, sex offenses except forcible rape, prostitution and commercial vice.

d. UCR-IIB includes all FBI UCR Part II offenses except those noted in (c) above.

2. Type of Counsel: "Court appointed or others" refers to use of a court appointed attorney (1977) or legal aid (1972 through 1973) or the accused handling his own case.

3. Disposition:

a. Guilty plea and dismissal: This refers to those cases where the defendant pleaded guilty or had his case dismissed prior to start of trial.

TABLE 2

CONTINUANCES - 1977
(By Type of Crime, Disposition, and Counsel)

Cell Entries
Number of Cases
Total Number of Continuances
Total Duration of Continuances (Days)

<u>Counsel</u>	<u>Disposition</u>	<u>Murder</u>	<u>Rape</u>	<u>Robbery</u>	<u>Aggravated Assault</u>	<u>Burglary</u>	<u>Larceny</u>	<u>UCR11-A</u>	<u>UCR11-B</u>	<u>Row Total</u>
Court Appointed Or Other	Guilty Plea	--	--	--	--	--	--	--	--	--
	Trial Start	--	1 12 34	1 6 64	--	--	--	--	--	2 18 98
	Dismissal	1 2 2	--	1 8 30	--	1 0 0	--	--	1 0 0	4 10 32
	Other	--	--	--	--	--	--	--	--	--
	Subtotal	1 2 2	1 12 34	2 14 94	--	1 0 0	--	--	1 0 0	6 28 130
Public Defender	Guilty Plea	--	--	1 0 0	1 1 1	--	1 6 30	1 4 102	--	4 11 133
	Trial Start	2 13 149	--	1 0 0	--	8 18 199	3 6 318	10 17 81	1 3 41	25 57 788
	Dismissal	2 1 1	--	17 23 246	1 0 0	19 41 419	15 12 226	30 51 413	8 8 196	92 136 1,501
	Other	1 11 97	--	--	--	1 1 25	--	--	--	2 12 122
	Subtotal	5 25 247	--	19 23 246	2 1 1	28 60 643	19 24 574	41 72 596	9 11 237	123 214 2,544
Private Defense Counsel	Guilty Plea	--	--	--	--	--	1 0 0	1 1 33	--	2 1 33
	Trial Start	--	1 0 0	1 0 0	2 7 180	2 0 0	3 0 0	4 2 9	1 6 167	14 15 356
	Dismissal	5 10 109	2 12 59	7 19 229	5 9 80	9 9 81	12 11 288	27 21 404	7 1 43	74 92 1,293
	Other	1 2 46	--	--	--	--	--	--	--	1 2 46
	Subtotal	6 12 155	3 12 59	8 19 229	7 16 260	11 9 81	16 11 288	32 24 446	8 7 210	91 110 1,728
	Column Total	12 39 404	4 24 93	29 56 569	9 17 261	40 69 724	35 35 862	73 96 1,042	18 18 447	220 354 4,402

<u>Disposition</u>	<u>Disposition Total</u>
Guilty Plea	6 12 166
Trial Start	41 90 1,242
Dismissal	170 238 2,826
Other	3 14 168
Total	220 354 4,402

TABLE 3
CONTINUANCES - 1972 TO 1973
(By Type of Crime, Disposition, and Counsel)

Cell Entries
Number of Cases
Total Number of Continuances
Total Duration of Continuances (Days)

Counsel	Disposition	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	UCR II-A	UCR II-B	Row Total
Court Appointed Or Other	Guilty Plea	1 3 41	--	2 4 49	--	--	4 5 23	--	--	7 12 113
	Trial Start	--	2 0 0	--	2 1 1	2 2 31	3 0 0	4 7 248	1 0 0	14 10 280
	Dismissal	--	--	3 1 72	--	6 15 227	4 6 25	4 3 132	1 0 0	38 25 456
	Other	--	--	--	--	--	--	--	--	--
	Subtotal	1 3 41	2 0 0	5 5 121	2 1 1	8 17 258	11 11 48	8 10 380	2 0 0	39 47 849
Public Defender	Guilty Plea	--	--	2 3 14	1 0 0	3 2 2	--	1 4 73	--	7 9 89
	Trial Start	--	1 1 1	5 3 454	5 2 53	6 6 124	4 1 1	7 3 137	1 1 17	29 17 787
	Dismissal	2 7 106	--	6 7 68	2 2 86	11 1 7	6 1 235	7 0 0	3 0 0	37 18 502
	Other	--	--	--	--	--	--	--	--	--
	Subtotal	2 7 106	1 1 1	13 13 536	8 4 139	20 9 133	10 2 236	15 7 210	4 1 17	73 44 1,378
Private Defense Counsel	Guilty Plea	--	1 4 55	2 2 2	1 0 0	4 4 103	1 0 0	2 1 1	--	11 11 161
	Trial Start	2 5 82	1 0 0	2 3 3	1 0 0	5 3 232	1 1 99	10 5 10	11 26 473	33 43 899
	Dismissal	3 1 1	--	7 1 7	6 6 56	5 8 655	9 1 1	13 14 338	4 5 31	47 36 1,089
	Other	--	--	--	--	--	--	--	--	--
	Subtotal	5 6 83	2 4 0	11 6 12	8 6 56	14 15 990	11 2 100	25 20 349	15 31 504	91 90 2,149
Column Total	8 16 230	5 5 56	29 24 669	18 11 196	42 41 1,381	32 15 384	48 37 939	21 32 521	203 181 4,376	

Disposition	Disposition Total
Guilty Plea	25 32 363
Trial Start	76 70 1,966
Dismissal	102 79 2,047
Other	--
Total	203 181 4,376

b. Other: Only three cases, all in 1977, were disposed of under this category. The two accused in murder cases were committed to a mental institution, and the accused in the burglary case was diverted to a juvenile program.

4. Comment From Interviews and Questionnaires: A response which arose frequently on questionnaires and during interviews indicated that a significant problem of the court existed because continuances were often requested by the defendant, particularly if he was represented by a public defender. From the numbers in the cells on Tables 2 and 3, we can obtain the average number and duration (in days) of continuances per case and investigate this issue. The overall average number and duration of continuances per case (1977) are 1.6 and 20, whereas public defenders had averages 1.7 and 20.6. These slightly larger numbers do not warrant pointing out the public defender as a significant source of extended case time in 1977. Furthermore, the figures for 1972 to 1973 show that the public defender averages (0.5 and 13) are significantly lower than the overall average of 0.9 and 21. The general question of continuances will be discussed in subsequent paragraphs.

B. Correlation Analysis of the Duration and Numbers of Continuances Versus Arrest to Disposition and Arraignment to Disposition Times

Eight different combinations of disposition times, year groups and continuance parameters were investigated to determine if there were correlations between case disposition times and continuances. The total number of continuances and the total duration of continuances in each case were paired with arrest to disposition times and arraignment to disposition times for both 1977 and 1972 to 1973. All cases within a year group were used, including those cases which had no continuances. Where there were no continuances a zero was paired with the appropriate disposition time. The calculations were made using the SPSS subroutine "scattergram." Table 4 shows the results of the SPSS run.

1. In all cases there was a positive correlation shown with a correlation coefficient (R) of 0.40 or larger.

2. All cases showed a high degree of significance with an (alpha) α level of 0.00001, indicating that the probability that a positive correlation exists is greater than 0.99.

3. Table 4 also shows the slope and intercept of the regression line.

Figures 2 and 3 provide sample scattergrams with the regression lines for two of the eight combinations investigated. The remaining six combinations

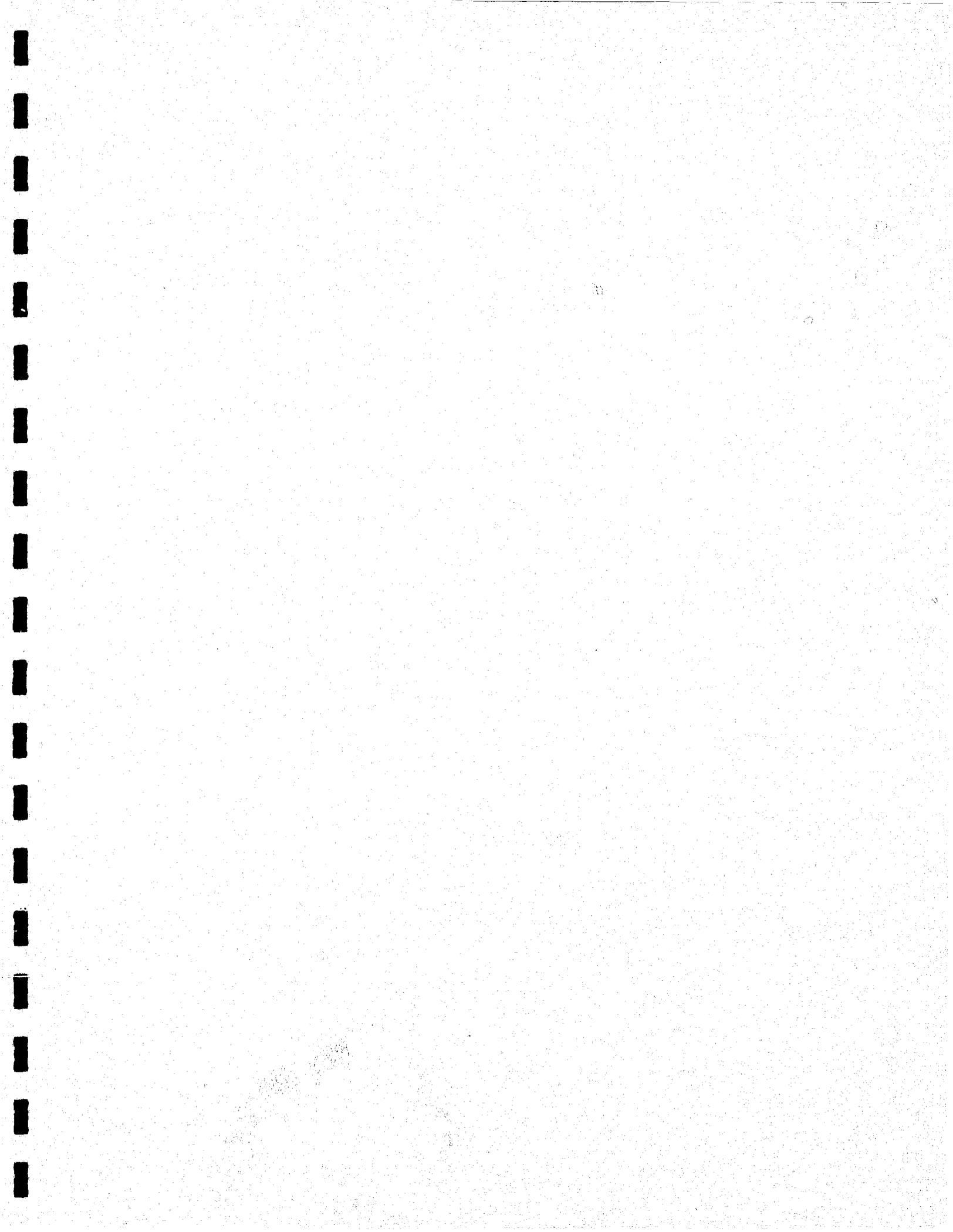
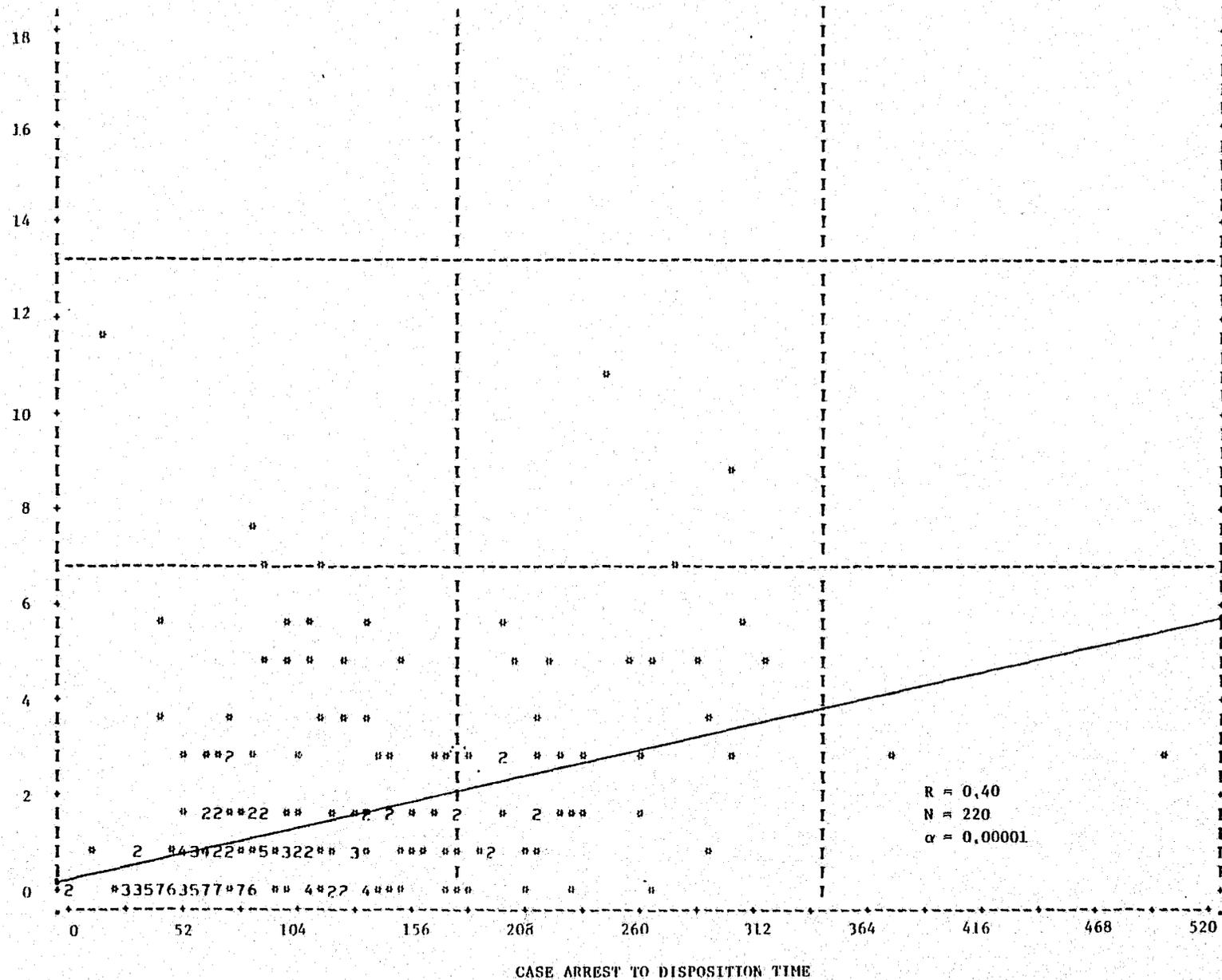


TABLE 4

CORRELATION TABLE
Case Time vs. Continuances

Period of Interest	Time Increment of Interest	Continuances Per Case	R	Significance of R	Standard Error of Estimate	Y Intercept	Slope
1977	Arrest to Disposition	Number	0.40	.00001	1.91	0.36	0.011
		Duration	0.44	.00001	30.57	-2.53	0.197
	Arraign-ment to Disposition	Number	0.44	.00001	1.87	0.42	0.013
		Duration	0.44	.00001	30.67	0.91	0.212
1972/3	Arrest to Disposition	Number	0.41	.00001	1.36	0.09	0.006
		Duration	0.72	.00001	42.39	-43.06	0.512
	Arraign-ment to Disposition	Number	0.42	.00001	1.36	0.19	0.007
		Duration	0.76	.00001	42.40	-33.39	0.537

NUMBER OF CONTINUANCES PER CASE



Note: The appearance of a number, instead of an asterisk, indicates that the particular combination of arrest to disposition time and the number of continuances occurred for that number of cases. An asterisk indicates that the combination occurred only once.

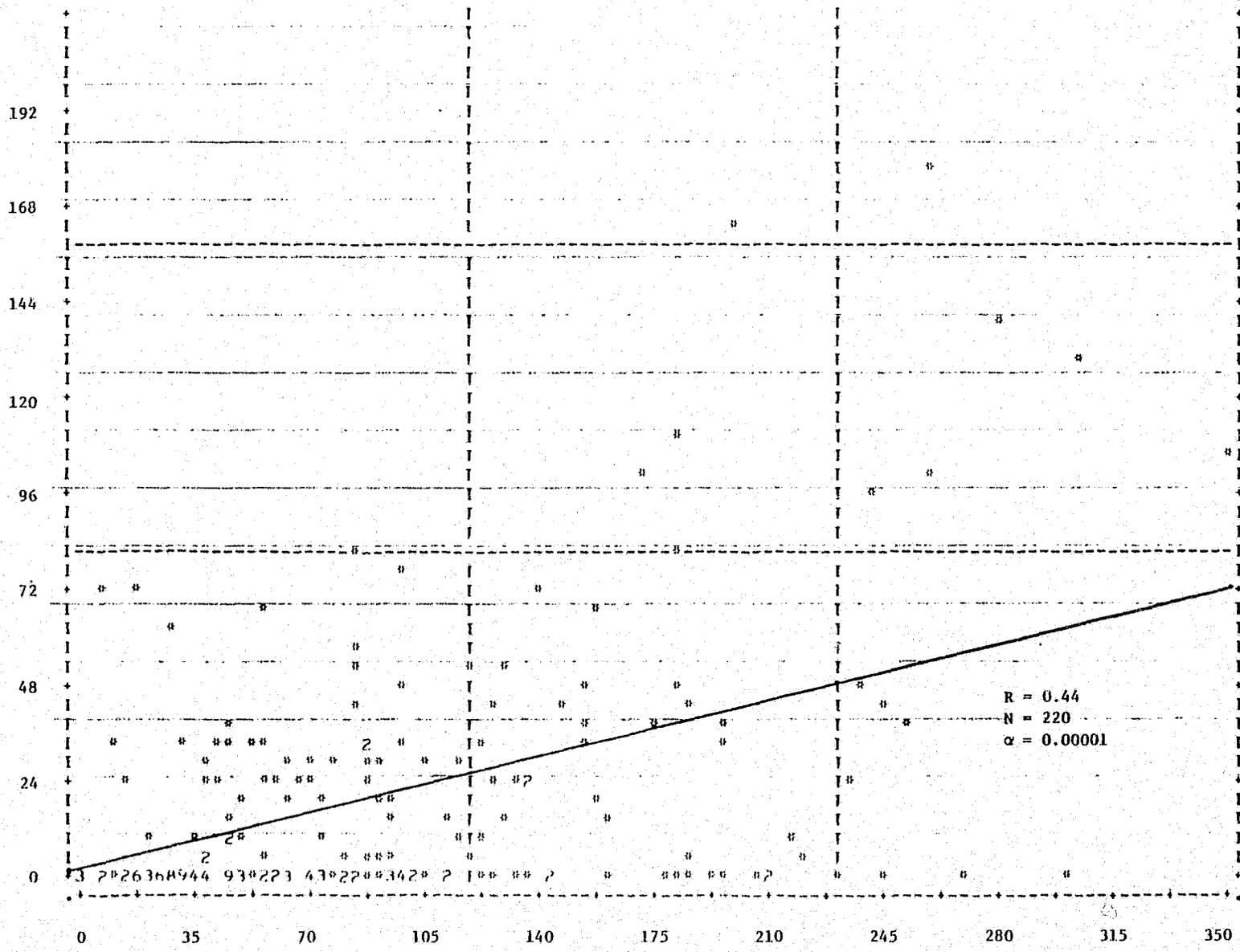
Figure 2 - Arrest to Disposition Time as a Function of the Number of Continuances (1977).

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CASE ARRAIGNMENT TO DISPOSITION TIME (DAYS)

Note: The appearance of a number, instead of an asterisk, indicates that the particular combination of arraignment to disposition time and continuance duration occurred for that number of cases. An asterisk indicates that the combination occurred only once.

Figure 3 - Arraignment to Disposition Time as a Function of the Duration of Continuances.

would produce figures similar to those in Figures 2 and 3, but are not shown in order to limit the number of pages in the report.

All people interviewed stated that the number and duration of continuances lengthens the time to case disposition. The scattergrams and regression lines in Figures 2 and 3, and the correlation coefficients shown in Table 4 support the subjective perceptions of respondents that continuances increase case time. The strongest correlation occurred between duration of continuances and case disposition times in 1972 to 1973.

C. Comparison of the Duration of Excludable and Nonexcludable Delays

Tables 5 through 11 provide various ways of looking at excludable and nonexcludable continuances.^{1/} When considering continuances as a part of case disposition time, all cases are considered even those with no continuances.

TABLE 5

COMPARISON OF THE PER CASE DURATION OF EXCLUDABLE AND NONEXCLUDABLE CONTINUANCE TIMES (1977)

Number of Weeks Continuance Per Case	Excludable Continuances			Nonexcludable Continuances		
	Number Of Cases	Percent Of Cases	Cumulative Percent	Number Of Cases	Percent Of Cases	Cumulative Percent
0	113	51	51	160	73	73
1	42	19	70	17	7	80
2	15	7	77	7	4	83
3	5	2	79	10	5	88
4	11	5	84	8	4	92
5	6	3	87	7	3	95
6	6	3	90	2	1	96
7	7	3	93	---	---	96
8	4	2	95	2	1	97
9	1	*	95	1	*	97
10	---	---	95	2	1	98
11	2	1	96	1	*	98
13	1	*	97	---	---	98
14	2	1	98	---	---	98
15	1	*	98	2	1	99
19	1	*	99	---	---	99
21	2	1	100	---	---	99
24	1	*	100	---	---	99
35	---	---	---	1	*	100

* Less than 0.5%

^{1/} Excludable time periods are as defined for the State of Missouri in Figure 4 of MRI Report "Speedy Trial (a Selected Bibliography and Comparative Analysis of State Speedy Trial Provisions)" completed under Task 3 of this contract.

TABLE 6

COMPARISON OF THE PER CASE DURATION OF EXCLUDABLE AND NONEXCLUDABLE
CONTINUANCE TIMES (1972 TO 1973)

Number of Weeks Continuance Per Case	Excludable Continuances			Nonexcludable Continuances		
	Number Of Cases	Percent Of Cases	Cumulative Percent	Number Of Cases	Percent Of Cases	Cumulative Percent
0	130	64	64	167	82	82
1	32	16	80	15	8	90
2	6	3	83	7	3	93
3	1	*	83	5	3	96
4	1	*	84	2	1	97
5	6	3	87	4	2	99
6	3	1	88	1	*	99
7	4	2	90	---	---	99
8	2	1	91	1	*	100
9	2	1	92	---	---	100
10	---	---	92	---	---	100
11	2	1	93	---	---	100
12	1	*	94	1	*	100
13-21	8	4	98	---	---	---
29	1	*	98	---	---	---
33-34	2	1	99	---	---	---
64	1	*	100	---	---	---
89	1	*	100	---	---	---

*Less than 0.5%

TABLE 7

NUMBER OF CONTINUANCES

Type Continuance	Total Number		Average Number of Continuances Per Case		
	203 Cases 1972/73	220 Cases 1977	1972/73	1977	% Increase From 73 to 77
Excludable	133	249	.66	1.10	67
Nonexcludable	48	105	.24	.48	100
Total	181	354	.89	1.61	81

TABLE 8

DURATION OF CONTINUANCES

Type Continuance	Total Duration		Average Duration		
	203 Cases 1972/73	220 Cases 1977	1972/73	1977	% Increase From 73 to 77
Excludable	3,796	2,752	18.7	12.5	- 30
Nonexcludable	580	1,650	2.9	7.5	160
Total	4,376	4,402	21.6	20.0	- 7

TABLE 9

CONTINUANCES

(Percentage of Cases With the Breakdown of
Continuances as Shown)

	1972/73	1977
None	56	40
At least one excludable and no nonexcludable	26	33
At least one nonexcludable and no excludable	7	12
At least one excludable and at least one nonexcludable	10	15

TABLE 10

RATIOS OF CONTINUANCES

	1972/73	1977
Number excludable/Number nonexcludable	2.77	2.37
Duration excludable/Duration nonexcludable	6.54	1.67

TABLE 11

SELECTED STATISTICS FOR DURATION OF EXCLUDABLE AND NONEXCLUDABLE
CONTINUANCE TIME

	1972/3		1977	
	Excludable Continuance	Non- Excludable Continuance	Excludable Continuance	Non- Excludable Continuance
Mean Days Per Case	18.7	2.9	12.5	7.5
Range in Days	0 to 618	0 to 83	0 to 166	0 to 240
Total Days (all cases)	3,796	580	2,751	1,650
% of Total Continuance (all cases)	87	13	63	37
% of Total Case Time (all cases)	15	2	11	7

Tables 5 (1977) and 6 (1972 to 1973) show the number, percent and cumulative percent of cases that have a total continuance duration equal to or less than the number of weeks indicated in the left column of the table. For example, the first row in Table 5 shows that there were 113 cases (or 51 percent of the cases in 1977) which had no excludable continuances, and that there were 160 cases (or 73 percent of the cases) which had no non-excludable continuances. (Since both excludable and nonexcludable continuances can occur in the same case the sum of two percentages shown on the same line can exceed 100.) Another example, row 8 of Table 5, shows that seven cases or 3 percent of the cases had an excludable continuance duration of 7 weeks, and that 93 percent of the cases sampled had an excludable continuance duration of 7 weeks or less. This row also shows that no cases had a nonexcludable continuance duration of 7 weeks, but that 96 percent of the cases had nonexcludable continuance durations of less than 7 weeks.

Tables 7 through 10 show that both the number and duration of excludable continuances are significantly larger than the number and duration of nonexcludable continuances. Table 7 shows that there was a significant increase in the number of both excludable and nonexcludable continuances per case, from 1973 to 1977; however, Table 8 shows a 30 percent decrease in the per case duration of excludable continuances and a 160 percent increase in the duration of nonexcludable continuances from 1973 to 1977. However, since average duration of excludable continuances remains comparatively high, the result is an overall decrease in the per case duration of 7 percent from 1973 to 1977.

Table 11 shows that excludable continuances account for 87 percent and 63 percent of total continuance time in 1972 to 1973 and 1977 respectively. This table also shows that the percent of total case time consumed by continuances has remained about the same; i.e., 17 percent in 1972 to 1973 and 18 percent in 1977. However, this table shows a significant increase in the proportion of case time consumed by nonexcludable continuances; i.e., 2 percent in 1972 to 1973 and 7 percent in 1977.

The concept of excludable versus nonexcludable continuances has little bearing on case disposition in Jackson County; therefore, none of the interviewees discussed it. There were no cases where an appeal was filed based on failure to receive a speedy trial.

D. Number and Duration of Continuances As A Function of Case Age

Figures 4 through 7 provide a measure of the tendency of judges to grant continuances as a function of case age. The points plotted on these figures show the average number and total duration of continuances granted during a 30-day period for those cases with a case age as shown on X axis. The 30-day periods encompass the time from 15 days before to 15 days after the case age shown on the X axis. The regression line of these points, along with the correlation coefficient and significance level are also shown. Two regression lines are plotted on each figure. The solid regression line was determined using data from all of the cases sampled. The dashed regression line was plotted using data from only those cases with a case age of 360 days or less. The cut-off was established because of the small number of cases achieving a case age over 360 days. The block under the plots contain the number of active cases which fall into the 30-day period of interest, and the number (or duration) of continuances granted during the 30-day period. The Y value of the plotted points is:

$$Y = \frac{\text{Total number (or duration) of continuances granted in a 30-day period}}{\text{Total number of cases active during that period}}$$

For example, consider Figure 4. For the 220 new cases (some of which were disposed of in less than 30 days) there were 69 continuances granted in the first 30-day period. The plotted value for Y is shown below:

$$Y = 69/220 = 0.31$$

If we look at the class interval centered at 315 days we can see that a total of two continuances were granted for the six cases reaching an age of between 300 and 330 days, or

$$Y = 2/6 = 0.33$$

All interviewees stated that judges have less of a tendency to grant continuances as case age increases. This assertion is not substantiated by case file data. The case file data provides contradictory results. Consider the dotted and solid lines in Figures 4 through 7. The dotted regression lines were obtained using cases with a case age of 360 days or less, whereas, the solid lines were obtained using all cases sampled. Examination of the dotted lines shows that there is either very little correlation between case age and tendency to grant continuances, or in the one instance (Figure 6) that a reasonably large correlation exists, it is positive. A positive correlation coefficient implies that judges are more likely to grant continuances as cases get older. However, an examination of the solid line on Figures 4 through 7 show a large negative correlation for all four situations. Caution should be exercised when considering the large correlation coefficients associated with the solid line for they were calculated using the very few cases (7 or less) which reached a case age beyond 360 days.

Since no strong correlation can be established for cases with a case age of less than 360 days, and few observations exist for cases with a case age over 360, no substantive proof exists to support the assertion that judges have less of a tendency to grant continuances as cases get older.

E. Times to Disposition With and Without Excludable Continuances

Table 12 shows the average arrest to disposition time including excludable continuances and the average countable arrest to disposition time. Countable arrest to disposition time is total case time minus those continuances which are considered excludable under Missouri law or by rulings in Missouri courts. Removing excludable continuances from case time in 1972 and 1973 reduced case time 15 percent, whereas, in 1977 it was only 11 percent.

Table 13 shows that in 1972, 99 percent of the cases were disposed of in 268 (countable) days or less compared to 366 days if excludable continuances were not subtracted. In 1977, 99 percent of the cases would have been disposed of in 274 (countable) days or less compared to 306 days if excludable continuances were not subtracted.

Figure 4 - Tendency to Grant Continuances As a Function of Case Age (1977)

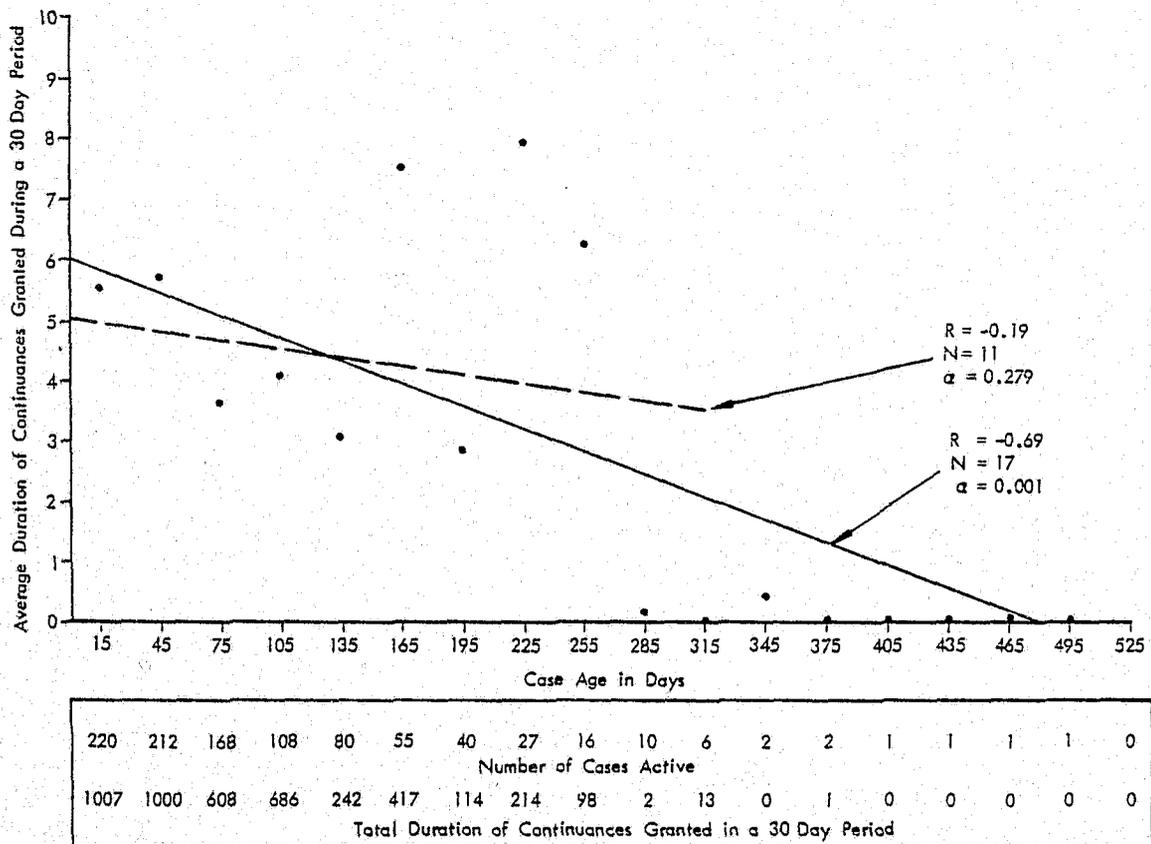
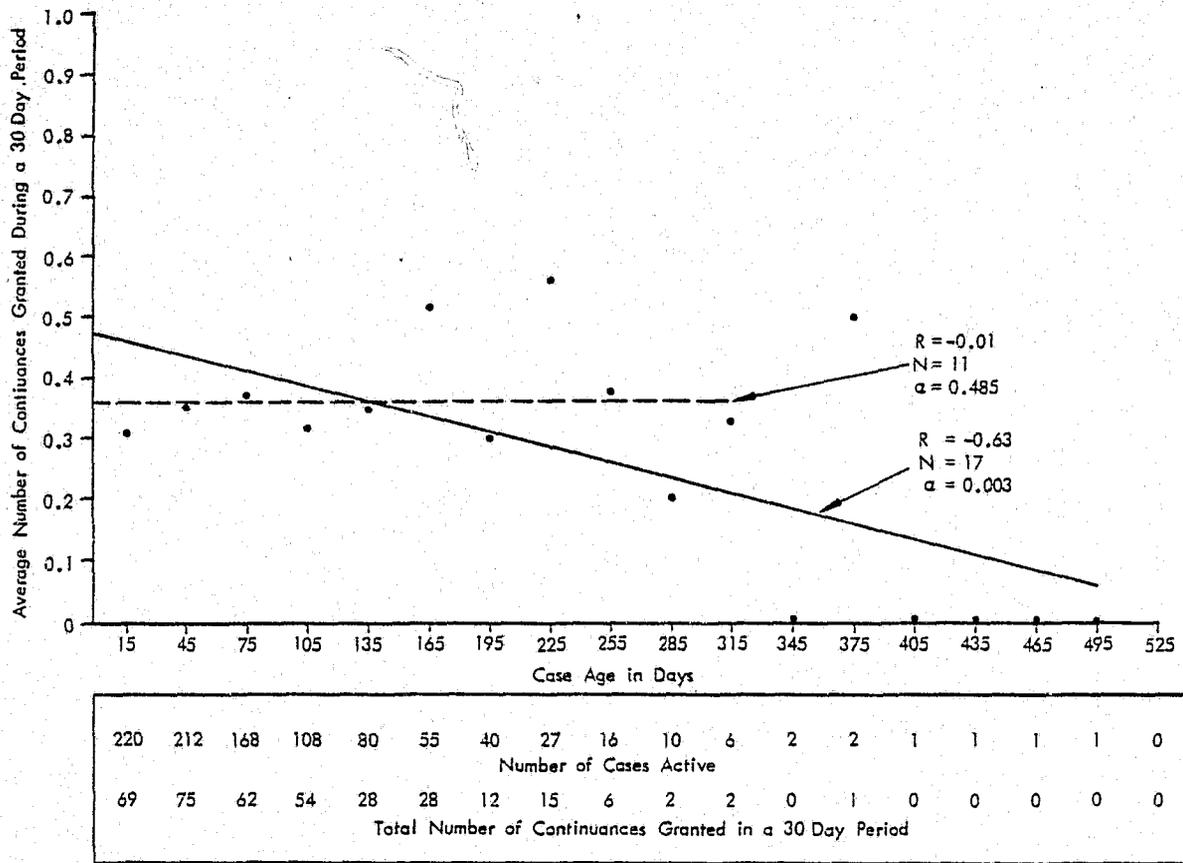


Figure 5 - Tendency to Grant Continuances as a Function of Case Age (1972)

Figure 6 - Tendency to Grant Continuances as a Function of Case Age (1972/3)

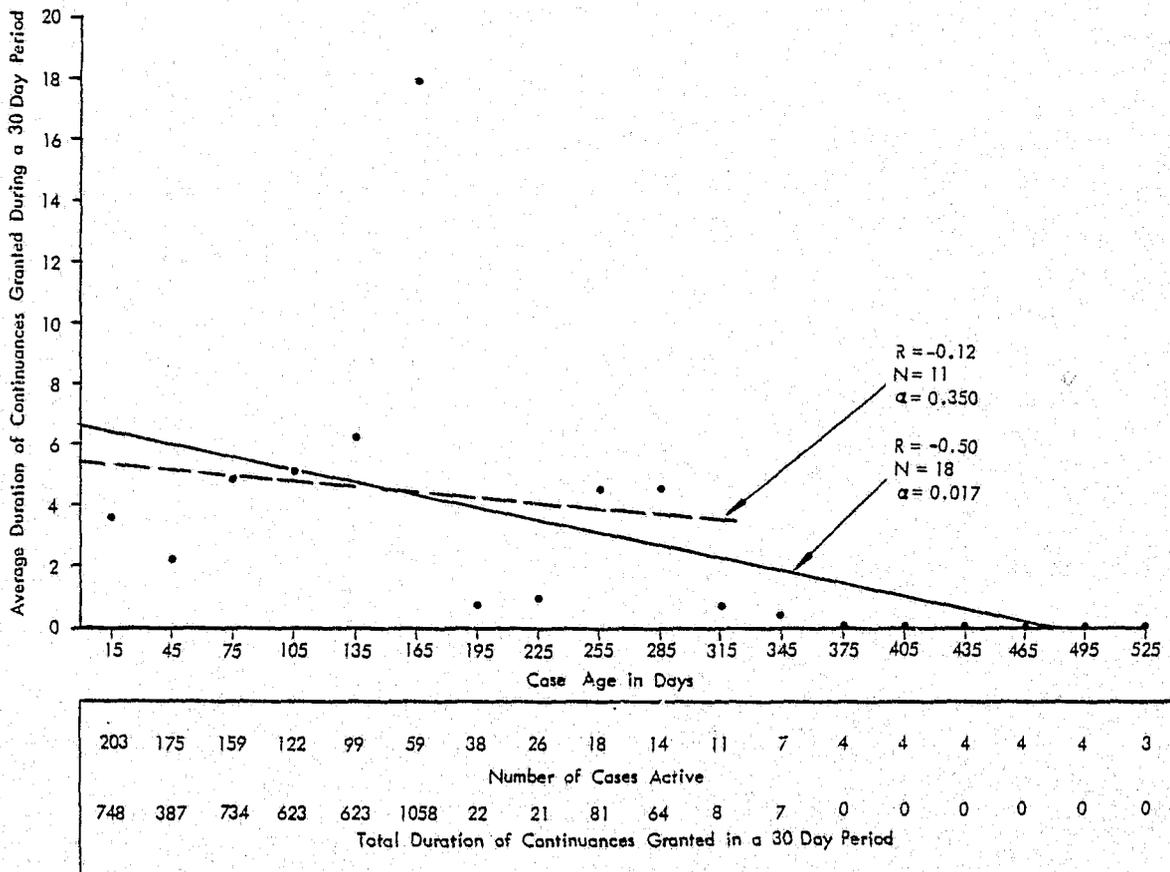
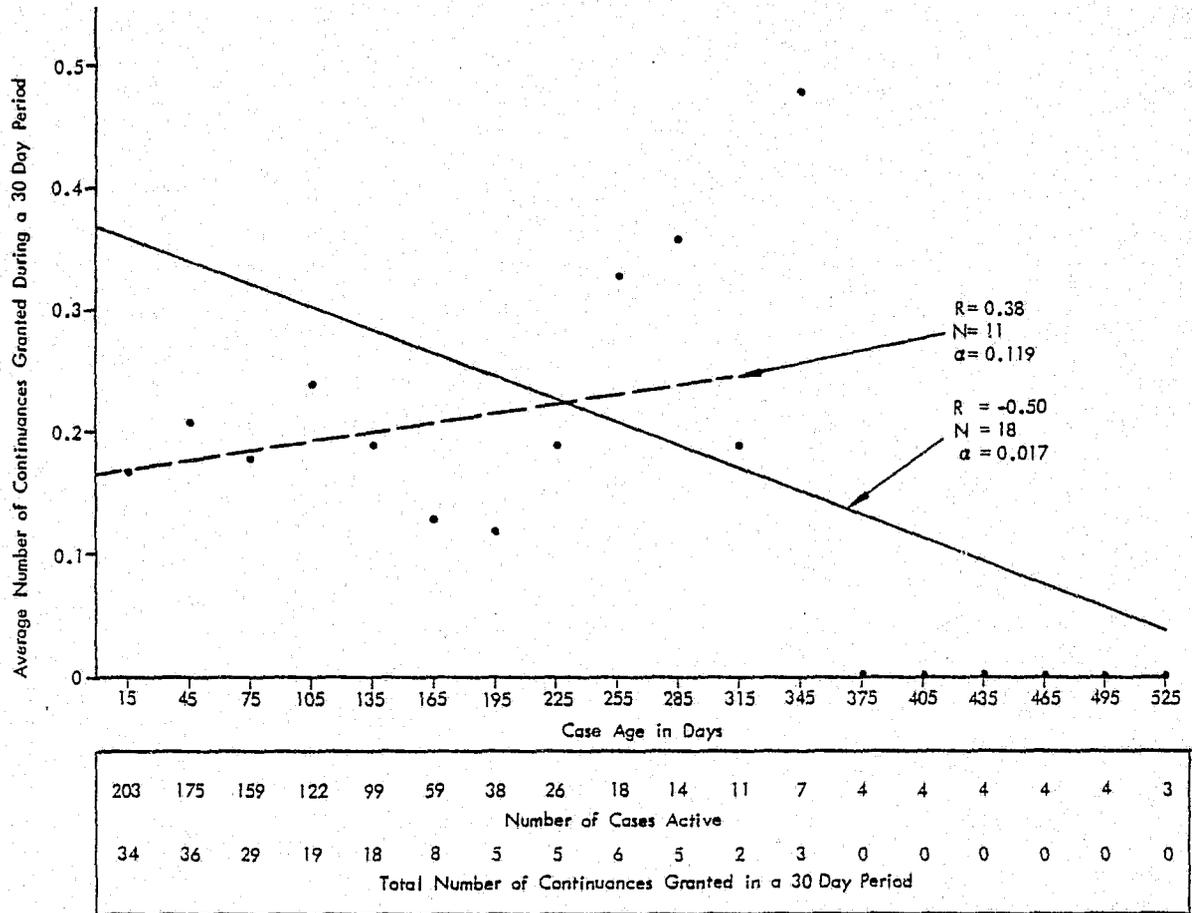


Figure 7 - Tendency to Grant Continuances as a Function of Case Age (1972/3)

TABLE 12

DISPOSITION TIMES

Year	Average Total Case Disposition Time (Days)	Average Disposition Time Minus Excludable Continuances (Days)	Reduction In Chargeable Casetime	
			Average Days	Percent
1972/3	126.3	107.6	18.7	15
1977	114.4	101.9	12.5	11

TABLE 13

CASE DISPOSITION TIMES (IN DAYS) WHICH WERE NOT EXCEEDED BY X PERCENT
OF CASES SAMPLED

Percent	1972/3		1977	
	Total Disposition Time	Disposition Time Minus Excludable Continuances	Total Disposition Time	Disposition Time Minus Excludable Continuances
50	114	97	88	78
75	156	138	145	127
90	233	187	222	187
99	366	268	306	274

Several of the interviewees stated that in Jackson County, time to disposition of a case is not a significant problem (because of the continuing emphasis of all judges to move cases); and, that the excludability or nonexcludability of the continuances was irrelevant. Since removal of excludable delays only reduces average countable case time by 11 percent, and 99 percent of the cases would have been disposed of in less than 306 days as compared to 274 countable days, the interviewees comments regarding the relevance of excludability/nonexcludability are supported by the case data. However, even when excludable continuances are discounted, 10 percent of the cases exceed 180 days.

III. SUMMARY OF FINDINGS IN JACKSON COUNTY, MISSOURI

- * A positive correlation exists between case disposition times and both the number and duration of continuances, implying that an increase in either the number or duration of continuances will tend to increase case disposition time.
- * Excludable continuances consume a significantly larger portion of case time than do nonexcludable continuances.
- * The assertion that the judges' tendency to grant continuances decreases with case age cannot be supported.
- * Removal of excludable continuances from overall case time reduces countable case time by 15 percent or less.
- * Times from arrest or arraignment to disposition generally follow a logarithmic normal distribution. In jurisdictions where this condition generally holds, sample sizes of only 200 will, regardless of the number of cases, provide estimates of the mean times to disposition which will vary from the true means by 12 percent at worst.

APPENDIX A

CASE DATA COLLECTION SHEET
(Analysis of State Speedy Trial Provisions)



CASE DATA COLLECTION SHEET

Analysis of State Speedy Trial Provisions

- 1. Check if special form review required _____
- 2. Initials for 10% verification of source-to-form development _____
- 3. Initials for 100% form review _____

1. State _____ Defendant's Name _____
 Court _____ (After all tracking to fill out form is finished, completely obliterate the name)

2. All ID numbers used in the case:

Arrest _____	Prosecutor _____
Complaint _____	Inform/Indict _____
Magistrate's Court _____	Defense _____
Higher/District Ct _____	Other(Specify) _____
Docket _____	Other(Specify) _____

3. Short description of most serious charge (by max. punish.) _____
 Code _____

Codes: 1 - murder, negl. hom., manslaughter (negl.); 2 - forcible rape;
 3 - robbery; 4 - aggr. assault; 5 - burglary; 6 - larceny, incl MW; 7 - (selected UCR Part II) simple assault, arson, forgery, fraud, embezzlement, stolen prop., narcotics except marijuana, sex offenses except forcible rape, prostitution, and commercial vice; 8 - other (remaining UCR Part II)

4. Number of additional charges _____ defendants _____

5. Type of Defense Counsel _____ (1- Court Appt; 2- Pub Def; 3- Private; 4- Other)

6. Key Dates:

Code as:	Arrest _____
<u> m </u> <u> m </u> <u> d </u> <u> d </u> <u> y </u> <u> y </u>	Complaint filed _____
month day year	Init. Appear. _____
except for "unknown" as	(Court of original Jurisdiction)
<u> g </u> _____	Information filed _____
	Indictment filed _____
	Arraignment _____
	S.T. Disposition _____

7. Type disposition code (1 - trial start; 2 - dismissed; 3 - acceptance of guilty/nolo contendere plea; 4 - diversion; 5 - other) _____

8. Charge at disposition (code as in No. 3 above) _____

9. Was charge at disposition less than original most serious charge? _____
 (1 - yes; 2 - no; 3- unknown)

Card 1:

blank $\frac{0}{1}$

State Code $\frac{2}{3}$

Court Code $\frac{4}{4}$

Data Card Number $\frac{1}{5}$

Form ID $\frac{6}{7}$ $\frac{8}{8}$ $\frac{9}{9}$

Col. 10 blank

Orig Charge Code $\frac{11}{11}$

Additional:

No. of Chgs $\frac{12}{13}$

No. of Defs $\frac{14}{15}$

Type Def $\frac{16}{17}$

Col. 18 blank

A: $\frac{19}{20}$ $\frac{21}{22}$ $\frac{23}{24}$

C: $\frac{25}{26}$ $\frac{27}{28}$ $\frac{29}{30}$

IA: $\frac{31}{32}$ $\frac{33}{34}$ $\frac{35}{36}$

Inf: $\frac{37}{38}$ $\frac{39}{40}$ $\frac{41}{42}$

Ind: $\frac{43}{44}$ $\frac{45}{46}$ $\frac{47}{48}$

A: $\frac{49}{50}$ $\frac{51}{52}$ $\frac{53}{54}$

D: $\frac{55}{56}$ $\frac{57}{58}$ $\frac{59}{60}$

Cols. 61-62 blank

Disp Type $\frac{63}{63}$

Disp Chg $\frac{64}{64}$

Reduction $\frac{65}{65}$

Col. 66 blank

10. Supplementary Data:

- a. Formal discovery procedures used? (1=yes; 2=no; 3-unknown) _____
- b. Number of witnesses _____ (99 - unknown)
- c. Defendant arrested at scene? (1=yes; 2=no; 3-unknown) _____
- d. Detention/bail status after bail hearing _____ at disposition _____
(codes: 1-bond; 2-own recognizance; 3-detention)
- e. High risk status (1=yes; 2=no; 3-unknown; 4-not used in court) _____
- f. Victim known to defendant? (1=yes; 2=no; 3-unknown/NA) _____
- g. Weapon used? (1=yes; 2=no; 3-unknown) _____
- h. Number of prior arrests _____ (number or: 99-unknown; 98-none)

11. Key activities/delays. Instructions for data entry:

- a. Only activities on the supplementary instruction sheet may be used.
- b. Description. As briefly informative as possible; use remarks as nec.
- c. Initiator codes: 1-prosecution; 2- defense; 3- court; 4- unkn/other.
- d. Type delay code. See supplementary instruction sheet.
- e. Excludability code. If case file indicates an excludability ruling, use it; lacking such an indication, use the suppl. sheet to code only: 1- excludable; 2- not excludable; 3- unknown.
- f. Start/end dates. Code directly in coding column as per item 6.

Description of Cause/reason	Initiator	Type Delay Code	Excl Code	Dates	Cols. (10-15)
a. _____	_____	_____	_____	Start= 14-19 End= 20-25	_____ (10-15)
b. _____	_____	_____	_____	Start= 30-35 End= 36-41	_____ (26-29)
c. _____	_____	_____	_____	Start= 46-51 End= 52-57	_____ (42-45)
d. _____	_____	_____	_____	Start= 62-67 End= 68-73	_____ (58-61)
e. _____	_____	_____	_____	Start= 14-19 End= 20-25	_____ (10-15)
f. _____	_____	_____	_____	Start= 30-35 End= 36-41	_____ (26-29)
g. _____	_____	_____	_____	Start= 46-51 End= 52-57	_____ (42-45)
h. _____	_____	_____	_____	Start= 62-67 End= 68-73	_____ (58-61)

Discov: 67
 Wit: 68 69
 Scene Arr: 70
 Bail Stat1 71 Stat2 72
 Hi Risk: 73
 Know Victim 74 Wpn 75
 Priors: 76 77
 Cols. 78-80 blank

Card 2:
 Col 1 blank; State 2 3
 Court Code 4 Card No. 2 5
 Form ID 6 7 8 9

Cols. 74-80 blank

Card 3:
 Col. 1 blank; State 2 3
 Court Code 4 Card No. 3 5
 Form ID: 6 7 8 9

Cols. 74-80 blank

NAME OF DATA RECORDER _____
 DATE DATA COMPLETE _____

APPENDIX B

INTERVIEW QUESTIONS

COURT

001.JPD About how many years have you served in your present position?

002.JPDC What would you characterize as the major problems of your court?

003.JPDC Does your court have a problem with delay, congestion and/or backlog?

004.JPDC How do you define delay, and what are its causes?

005.JPDC What factors influence the time to disposition of a case in your court?

006.JPDC In thinking about the times between arrest and start of trial, plea of guilty, or dismissal in criminal cases:

- a. About how long would the average case take?
- b. If you look at the fastest 25 percent of your cases, what would the average time be?
- c. What would be the average time for the slowest 25 percent?

007.JPD Do you have speedy trial provisions in effect?

008.JPD What is the authority for the provisions currently in effect?

009.JPD Could you describe the nature of your speedy trial provisions?

010.JPDC As you perceive the basic underlying objectives of your state's speedy trial concepts do you fundamentally agree with them?
Yes _____ No _____.
Please comment on your answer.

011.JPDC Are certain time periods ruled as excludable during case proceedings? Yes _____ No _____ Unknown _____.

If yes, which are important or which apply with significant frequency?

012.J What effects do current speedy trial provisions have on court record keeping and case scheduling?

013.JP a. Who is responsible for scheduling?

b. Can you describe some of the key considerations involved in scheduling?

014.JPD In your opinion, do the current speedy trial provisions cause cases to be disposed in shorter overall time (counted and excluded time) than they would otherwise?

015.JPD a. With respect to case time limit we wish to know whether this is a statutory limit or one established by practice within the court.
Time limit is statutory/de facto (circle one)
b. As this time limit approaches does this have any impact on the frequency of continuance granted.

016.JPD Do you anticipate that case dispositions will be influenced during transition?

If so, how?

017.JPD Please discuss changes, if any, in case dispositions which occurred during transition.

021.JPD Could you briefly describe your administrative accounting and scheduling procedures as regards speedy trial.

026.JPDC Do you believe that, in general, your current system and procedures as related to speedy trial concepts meets the needs of:

- a. Society?
- b. Victims?
- c. Defendants?

027.JPDC In your opinion, what is the general viewpoint of the following groups as regards the timeliness of justice in criminal cases:

- a. Society?
- b. Victims?
- c. Defendants?

PROSECUTION

001. About how many years have you served in your present position?
002. What would you characterize as the major problems of your court?
003. Does your court have a problem with delay, congestion and/or backlog?
004. How do you define delay, and what are its causes?
005. What factors influence the time to disposition of a case in your court?

006. In thinking about the times between arrest and start of trial, plea of guilty, or dismissal in criminal cases:
- a. About how long would the average case take?
 - b. If you look at the fastest 25 percent of your cases, what would the average time be?
 - c. What would be the average time for the slowest 25 percent?

007. Do you have speedy trial provisions in effect?

008. What is the authority for the provisions currently in effect?

009. Could you describe the nature of your speedy trial provisions?

010. As you perceive the basic underlying objectives of your state's speedy trial concepts do you fundamentally agree with them?

Yes _____ No _____.

Please comment on your answer.

011. Are certain time periods ruled as excludable during case proceedings? Yes _____ No _____ Unknown _____.

If yes, which are important or which apply with significant frequency?

013. a. Who is responsible for scheduling?

b. Can you describe some of the key considerations involved in scheduling?

014. In your opinion, do the current speedy trial provisions cause cases to be disposed in shorter overall time (counted and excluded time) than they would otherwise?

015.JPD a. With respect to case time limit we wish to know whether this is a statutory limit or one established by practice within the court.
Time limit is statutory/de facto (circle one)

b. As this time limit approaches does this have any impact on the frequency of continuance granted.

016. Do you anticipate that case dispositions will be influenced during transition?

If so, how?

017. Please discuss changes, if any, in case dispositions which occurred during transition.

018.PC a. Are you familiar with the procedures used in this jurisdiction for the initial screening of criminal cases?

b. Of the criminal cases that pass initial screening, what percent, in your opinion, would be found guilty? _____%

019.P Do you work frequently in conjunction with

a. The same public defender?

b. The same private defense attorneys?

c. The same judges?

021.JPD Could you briefly describe your administrative accounting and scheduling procedures as regards speedy trial.

022.P How (do/has implementation of) speedy trial provisions (influence/influenced) the operations of prosecuting attorneys

- a. In initial screening of police apprehended suspects?
- b. In selection of cases for presentation to grand juries or information hearings?
- c. Use of nonadjudicated diversion services?
- d. In plea bargaining?
- e. In discovery?
- f. In requests to and cooperation with police?
- g. In administrative procedures?

026.JPDC Do you believe that, in general, your current system and procedures as related to speedy trial concepts meets the needs of:

- a. Society?
- b. Victims?
- c. Defendants?

027.JPDC In your opinion, what is the general viewpoint of the following groups as regards the timeliness of justice in criminal cases:

- a. Society?
- b. Victims?
- c. Defendants?

7/18/78

DEFENSE

001.JPD About how many years have you served in your present position?

002.JPDC What would you characterize as the major problems of your court?

003.JPDC Does your court have a problem with delay, congestion and/or backlog?

004.JPDC How do you define delay, and what are its causes?

005.JPDC What factors influence the time to disposition of a case in your court?

006.JPDC In thinking about the times between arrest and start of trial, plea of guilty, or dismissal in criminal cases:

- a. About how long would the average case take?
- b. If you look at the fastest 25 percent of your cases, what would the average time be?
- c. What would be the average time for the slowest 25 percent?

007.JPD Do you have speedy trial provisions in effect?

008.JPD What is the authority for the provisions currently in effect?

009.JPD Could you describe the nature of your speedy trial provisions?

010.JPDC As you perceive the basic underlying objectives of your state's speedy trial concepts do you fundamentally agree with them?

Yes _____ No _____.

Please comment on your answer.

011.JPDC Are certain time periods ruled as excludable during case proceedings? Yes _____ No _____ Unknown _____.

If yes, which are important or which apply with significant frequency?

014.JPD In your opinion, do the current speedy trial provisions cause cases to be disposed in shorter overall time (counted and excluded time) than they would otherwise?

- 015.JPD a. With respect to case time limit we wish to know whether this is a statutory limit or one established by practice within the court.
Time limit is statutory/de facto (circle one)
- b. As this time limit approaches does this have any impact on the frequency of continuances granted.

016.JPD Do you anticipate that case dispositions will be influenced during transition?

If so, how?

017.JPD Please discuss changes, if any, in case dispositions which occurred during transition.

020.D Do you work frequently in conjunction with

- a. The same prosecutors?
- b. The same judge?

021.JPD Could you briefly describe your administrative accounting and scheduling procedures as regards speedy trial.

023.D Please describe the effects, if any, speedy trial requirements have on your activities.

024.D In your opinion, how does speedy trial affect your capability to represent your clients?

026.JPDC Do you believe that, in general, your current system and procedures as related to speedy trial concepts meets the needs of:

- a. Society?
- b. Victims?
- c. Defendants?

027.JPDC In your opinion, what is the general viewpoint of the following groups as regards the timeliness of justice in criminal cases:

- a. Society?
- b. Victims?
- c. Defendants?

POLICE

001.JPDC About how many years have you served in your present position?

002.JPDC What would you characterize as the major problems of your court?

003.JPDC Does your court have a problem with delay, congestion and/or backlog?

004.JPDC How do you define delay, and what are its causes?

005.JPDC What factors influence the time to disposition of a case in your court?

006.JPDC In thinking about the times between arrest and start of trial, plea of guilty, or dismissal in criminal cases:

- a. About how long would the average case take?
- b. If you look at the fastest 25 percent of your cases, what would the average time be?
- c. What would be the average time for the slowest 25 percent?

010.JPDC As you perceive the basic underlying objectives of your state's speedy trial concepts do you fundamentally agree with them?
Yes _____ No _____.
Please comment on your answer.

018.P a. Are you familiar with the procedures used in this jurisdiction for the initial screening of criminal cases?
b. Of the criminal cases that pass initial screening, what percent, in your opinion, would be found guilty? _____%

025.C Do prosecutors contact you on a relatively routine basis regarding evidence and witness testimony in their cases?

026.JPDC Do you believe that, in general, your current system and procedures as related to speedy trial concepts meets the needs of:
a. Society?
b. Victims?
c. Defendants?

027.JPDC In your opinion, what is the general viewpoint of the following groups as regards the timeliness of justice in criminal cases:
a. Society?
b. Victims?
c. Defendants?

028.C

- a. In your jurisdiction, are the courts, prosecutors, police or other elements in the community involved in any special programs such as major offense priority prosecution, special accelerated court docketing, programs to counter rape, career criminal programs, community crime prevention efforts, organized crime control programs, etc.?
Yes _____ No _____ Unknown _____.
If yes, which?
- b. Please comment on your view of the impact of these programs on speedy trial.

029.C

Under the current provisions for speedy trial would you estimate that the provisions are (circle one):

- a. Generally an advantage for the prosecution
- b. Generally an advantage for the defense
- c. An advantage to prosecution or defense depending on case characteristics
- d. Do not influence the balance of prosecution/defense advantages.

030.C

If you use your own judgements to group your cases according to charge seriousness as (1) relatively minor, (2) moderately serious, and (3) very serious, could you please estimate the median time from arrest to disposition for each? (We seek your perception and request you do not check statistics)

Relatively Minor: _____ days
Moderately Serious: _____ days
Very Serious: _____ days

APPENDIX C

MIDWEST RESEARCH INSTITUTE
SPEEDY TRIAL PROJECT
Questionnaire

MIDWEST RESEARCH INSTITUTE
SPEEDY TRIAL PROJECT
Questionnaire

STATE _____

JURISDICTION _____

JOB TITLE OR FUNCTION _____

DATE COMPLETED _____

Please fill in the above entries and complete the attached questionnaire without doing any research.

Note: The question numbers are for identification only. They start at 101 and end at 144 and some intervening numbers will be missing.

COURT

101. Based on your experience, in what percent of cases does the defense press:

- a. For a prompt trial? _____%
- b. For a postponed trial? _____%
- c. Exhibit no pressure either way? _____%

102. In your opinion, do defense attorneys attempt to use options for continuances to control the time to trial? Yes _____ No _____

If yes, could you estimate the frequency of these attempts?

Almost All Cases	Most Cases	About Half of Their Cases	Some of Their Cases	Almost None of Their Cases
_____	_____	_____	_____	_____

This question used the words "control the time to trial." What does this mean in practice?

103. Are there any beneficiaries (e.g. parties or public) of speedy trial? Yes _____ No _____ Unknown _____.
If yes, who are they?

104. Are any parties injured by speedy trial? Yes _____ No _____
Unknown _____.
If yes, please list?

105. How would you characterize the resources for the court, defense and prosecution:

a. Currently

	<u>The Court</u>	<u>The Defense</u>	<u>The Prosecution</u>
--	------------------	--------------------	------------------------

- (1) Very inadequate
- (2) Somewhat inadequate
- (3) Adequate
- (4) More than adequate
- (5) Much more than adequate

b. Prior to implementation of current speedy trial provisions

	<u>The Court</u>	<u>The Defense</u>	<u>The Prosecution</u>
--	------------------	--------------------	------------------------

- (1) Very inadequate
- (2) Somewhat inadequate
- (3) Adequate
- (4) More than adequate
- (5) Much more than adequate

106. Do arguments concerning speedy trial time excludability consume significant court time or effort? Yes _____ No _____ Unknown _____.

107. Does the court record system provide the court with updated case times? Yes _____ No _____.

If no, how is net case time updated?

108. In your opinion, do current speedy trial provisions result in more or less courtroom hours

a. Per criminal case. More _____ Less _____ No Change _____

b. Per civil case. More _____ Less _____ No Change _____

c. Can you give your opinions regarding the causes for answers a and b above.

109. In your opinion, have current speedy trial provisions resulted in more or less noncourtroom hours devoted to criminal cases. More _____ Less _____ No Change _____
Please discuss the underlying reasons.
110. In your opinion, are the current speedy trial provisions sufficiently clear? Yes _____ No _____
111. In your opinion, do current speedy trial provisions place any inappropriate burdens on the criminal justice system? Yes _____ No _____. If yes, what are they?
112. Do your speedy trial provisions include sanctions?
Yes _____ No _____ Unknown _____.
- a. If Yes, 1. Are they clear? Yes _____ No _____.
2. Do you consider them fair? Yes _____ No _____.
b. If No, do you believe sanctions should be established?
Yes _____ No _____.
113. In your opinion would or does application of sanctions cause adverse public reaction toward the criminal justice system? Yes _____ No _____ Undecided _____.
114. To your knowledge have the sanctions ever been applied?
Yes _____ No _____.
If yes, about how many times? _____ in a period of _____.
115. If sanctions have ever been applied, do you recall any of the charges against the defendants? Specify.

QUESTIONS 116 TO 118 APPLY ONLY TO COURTS ANTICIPATING
TRANSITION TO A NEW STATUS REGARDING SPEEDY TRIAL

116. When the new speedy trial provisions are first implemented, will the number of cases pending be a serious problem? Yes _____ No _____.
117. Do you know of or anticipate special measures to be taken regarding cases pending at that time? Yes _____ No _____. If yes, please describe these special measures.
118. Do you anticipate that extra resources will be provided to the court to facilitate transition to the new provisions? Yes _____ No _____. If Yes, please list the extra resources.

QUESTIONS 119 TO 122 APPLY ONLY TO COURTS HAVING RECENTLY
COMPLETED TRANSITION TO A NEW STATUS REGARDING SPEEDY TRIAL

119. When speedy trial was first implemented did the number of cases pending pose a serious problem? Yes _____ No _____ Unknown _____.
120. Were special measures taken for cases pending at that time? Yes _____ No _____ Unknown _____. If yes, please describe.

121. a. To your knowledge, were any special measures taken in anticipation of implementation of speedy trial provisions?

_____ Yes _____ No _____ Unknown

If yes, please describe briefly.

b. Was case backlog reduced shortly before implementation of speedy trial provisions?

_____ Yes _____ No _____ Unknown

122. Were extra resources provided to you for transition to the new status? Yes _____ No _____ Unknown _____.

If Yes, a. Please list extra resources:

b. Were the extra resources sufficient?

Yes _____ No _____ Unknown _____.

If yes, please comment on utilization of extra resources.

123. a. In your jurisdiction are the courts, prosecutors, police or other elements in the community involved in any special programs such as major offense priority prosecution, special accelerated court docketing, programs to counter rape, career criminal programs, community crime prevention efforts, organized crime control programs, etc.? Yes _____ No _____ Unknown _____.

If yes, which?

b. Please comment on your view of the impact of these programs on speedy trial.

124. Under the current provisions for speedy trial would you estimate that the provisions (circle one):
- a. Are generally an advantage for the prosecution
 - b. Are generally an advantage for the defense
 - c. Are an advantage to prosecution or defense depending on case characteristics
 - d. Do not influence the balance of prosecution/defense advantages
125. Do speedy trial requirements add appreciably to the administrative burden on your office?
Yes _____ No _____ Unknown _____.
If yes, please describe how and to what degree.
133. In comparing cases before and after implementation of speedy trial provisions, do you believe the average number of continuances after implementation was lower _____, about the same _____, or higher _____ than before.
134. If you added up the length of all continuances in each case and found the average duration of continuances, do you believe the average duration decreased _____, remained about the same _____, or decreased _____ after implementation.

138. If you use your own judgements to group your cases according to charge seriousness as (1) relatively minor, (2) moderately serious, and (3) very serious, could you please estimate the median time from arrest to disposition for each? (We seek your perception and request you do not check statistics)

Relatively Minor: _____ days
 Moderately Serious: _____ days
 Very Serious: _____ days

139. Please give your opinion by responding to the following:
 The implementation of speedy trial provisions in this court is (select only one)

- _____ A major advantage for the defense
- _____ Some advantage for the defense
- _____ A minor advantage for the defense
- _____ A major advantage for the prosecution
- _____ Some advantage for the prosecution
- _____ A minor advantage for the prosecution
- _____ Not a significant advantage for either prosecution or defense

140. Concerning conditions since implementation of speedy trial provisions, could you please estimate the nature of changes if any, in the percentages of the types of cases below (compared to all cases filed):

	Up	Same	Down
Pleas of guilty to original charge	_____	_____	_____
Pleas of guilty to lesser charge	_____	_____	_____
Total pleas of guilty	_____	_____	_____
Trial findings of guilty	_____	_____	_____
Dismissals	_____	_____	_____

141. Please give your opinion on the statement below by checking the appropriate place.

	<u>Agree</u>	<u>Disagree</u>	<u>No Opinion</u>
a. Defense attorneys seek continuances to increase the time to disposition	_____	_____	_____
b. The defense generally seeks a speedy trial	_____	_____	_____
c. The prosecution generally seeks a speedy trial	_____	_____	_____

142. Please give your perception or belief regarding the effect, if any, which the availability of automated or automation-assisted court information has had on case disposition times. Please check as appropriate to indicate the disposition times since automation as compared to before its availability (check only one):

- _____ Decreased disposition times
- _____ Increased disposition times
- _____ No change in disposition times
- _____ Unknown

143. Do you have a formal discovery system practiced in the court? Yes _____ No _____. If yes:

a. In your opinion, what effect does the system have on the time devoted to pretrial motions?

Significantly Little Significantly
Reduces Reduces Effect Increases Increases

b. Is the discovery policy written? Yes _____ No _____.

c. In your opinion, what effect does the discovery system have on the number of pretrial motions when compared with the conditions you believe would occur without the discovery system?

Significantly Little Significantly
Reduces Reduces Effect Increases Increases

144. PLEASE READ CAREFULLY BEFORE RESPONDING TO THIS QUESTION

We are seeking your opinion as to the relative importance of factors which may affect criminal processing time. The factors listed below have been extracted from a variety of literature sources associated with speedy trial procedures. Space has been provided in the comment section for you to write in those factors (not listed) you feel significantly affect criminal case processing time. Please place a check mark under the appropriate column to the right of the question for each question you feel you are qualified to comment on. If you feel you have insufficient experience with a factor, do not wish to comment for any reason, or do not believe the factor applies in your court system, please check the no opinion column. Please do not waste time pondering on any one factor. This entire question should take no longer than 5 minutes to complete. If you can't decide quickly, make your best guess as to importances or check NA/no opinion.

<u>Factors Affecting Criminal Case Processing Time</u>	<u>Effect on Case Processing Time</u>					<u>NA/No Opinion</u>
	<u>Significant Decrease</u>	<u>Some Decrease</u>	<u>Little Effect</u>	<u>Some Increase</u>	<u>Significant Increase</u>	
1. Strong Personality/Leadership of Chief Judge						
2. Strong Personality/Leadership of Chief Prosecutor						
3. Existence of Sanctions						
4. Existence of Specific Time Limits						
5. Media Pressure						
6. Use of Omnibus or Discovery Hearings or Practices						
7. Availability of Diversion Programs						
8. Use of Formal Prosecutors Screening System						
9. Case Monitoring Practices						
10. Large Backlog						
11. Large Judicial Workload						
12. Continuance Practices/Policies						
13. Calendaring Priorities						
14. Type of Calendaring						
15. Large Prosecutor Workload						
16. High Prosecutor to Judge Ratio						
17. Large Public Defender Workload						

144. (Concluded)

<u>Factors Affecting Criminal Case Processing Time</u>	<u>Effect on Case Processing Time</u>				<u>Significant Increase</u>	<u>NA/No Opinion</u>
	<u>Significant Decrease</u>	<u>Some Decrease</u>	<u>Little Effect</u>	<u>Some Increase</u>		
18. Appointed Defense Counsel's Motivational Factors						
19. Defense Counsel's Adversarial Role						
20. Private Defense Counsel's Fee Collection Problem						
21. Private Defense Counsel's Overcommitment						
22. High Level of Court Unification						
23. Seasonal "Case Cleanout" (e.g. Pending Christmas, Summer or End of Fiscal Year)						
24. Use of Weekend/Night Courts						
25. Inadequate Court Resources						
26. Historical Pace/Modus Operandi or Expectations						
27. Efficiency of Court Information Exchange System						
28. High Skill Level of Defense Attorneys						
29. Low Skill Level of Defense Attorneys						
30. High Skill Level of Prosecutors						
31. Low Skill Level of Prosecutors						
33. Establishing Working Relationship Between Prosecutor, Defense, and/or Judge						

Optional Additions (Please write in):

- 34. _____
- 35. _____
- 36. _____
- 37. _____

COMMENTS

PROSECUTION

101. Based on your experience, in what percent of cases does the defense press:

- a. For a prompt trial? _____%
- b. For a postponed trial? _____%
- c. Exhibit no pressure either way? _____%

102. In your opinion, do defense attorneys attempt to use options for continuances to control the time to trial? Yes _____ No _____

If yes, could you estimate the frequency of these attempts?

Almost All Cases	Most Cases	About Half of Their Cases	Some of Their Cases	Almost None of Their Cases
_____	_____	_____	_____	_____

This question used the words "control the time to trial." What does this mean in practice?

103. Are there any beneficiaries (e.g. parties or public) of speedy trial? Yes _____ No _____ Unknown _____.
If yes, who are they?

104. Are any parties injured by speedy trial? Yes _____ No _____
Unknown _____.
If yes, please list?

109. In your opinion, have current speedy trial provisions resulted in more or less noncourtroom hours devoted to criminal cases. More _____ Less _____ No Change _____
Please discuss the underlying reasons.
110. In your opinion, are the current speedy trial provisions sufficiently clear? Yes _____ No _____
111. In your opinion, do current speedy trial provisions place any inappropriate burdens on the criminal justice system? Yes _____ No _____. If yes, what are they?
112. Do your speedy trial provisions include sanctions?
Yes _____ No _____ Unknown _____.
a. If Yes, 1. Are they clear? Yes _____ No _____.
2. Do you consider them fair? Yes _____ No _____.
b. If No, do you believe sanctions should be established?
Yes _____ No _____.
113. In your opinion would or does application of sanctions cause adverse public reaction toward the criminal justice system? Yes _____ No _____ Undecided _____.
114. To your knowledge have the sanctions ever been applied?
Yes _____ No _____.
If yes, about how many times? _____ in a period of _____.
115. If sanctions have ever been applied, do you recall any of the charges against the defendants? Specify.

QUESTIONS 116 TO 118 APPLY ONLY TO COURTS ANTICIPATING
TRANSITION TO A NEW STATUS REGARDING SPEEDY TRIAL

116. When the new speedy trial provisions are first implemented, will the number of cases pending be a serious problem? Yes _____ No _____.
117. Do you know of or anticipate special measures to be taken regarding cases pending at that time? Yes _____ No _____. If yes, please describe these special measures.
118. Do you anticipate that extra resources will be provided to the court to facilitate transition to the new provisions? Yes _____ No _____. If Yes, please list the extra resources.

QUESTIONS 119 TO 122 APPLY ONLY TO COURTS HAVING RECENTLY
COMPLETED TRANSITION TO A NEW STATUS REGARDING SPEEDY TRIAL

119. When speedy trial was first implemented did the number of cases pending pose a serious problem? Yes _____ No _____ Unknown _____.
120. Were special measures taken for cases pending at that time? Yes _____ No _____ Unknown _____. If yes, please describe.

121. a. To your knowledge, were any special measures taken in anticipation of implementation of speedy trial provisions?

_____ Yes _____ No _____ Unknown

If yes, please describe briefly.

b. Was case backlog reduced shortly before implementation of speedy trial provisions?

_____ Yes _____ No _____ Unknown

122. Were extra resources provided to you for transition to the new status? Yes _____ No _____ Unknown _____.

If Yes, a. Please list extra resources:

b. Were the extra resources sufficient?

Yes _____ No _____ Unknown _____.

If yes, please comment on utilization of extra resources.

123. a. In your jurisdiction are the courts, prosecutors, police or other elements in the community involved in any special programs such as major offense priority prosecution, special accelerated court docketing, programs to counter rape, career criminal programs, community crime prevention efforts, organized crime control programs, etc.? Yes _____ No _____ Unknown _____.

If yes, which?

b. Please comment on your view of the impact of these programs on speedy trial.

124. Under the current provisions for speedy trial would you estimate that the provisions (circle one):
- a. Are generally an advantage for the prosecution
 - b. Are generally an advantage for the defense
 - c. Are an advantage to prosecution or defense depending on case characteristics
 - d. Do not influence the balance of prosecution/defense advantages
125. Do speedy trial requirements add appreciably to the administrative burden on your office?
Yes _____ No _____ Unknown _____.
If yes, please describe how and to what degree.
126. Do the time limits set by speedy trial provisions make it difficult to
- a. Obtain timely results from laboratory tests on physical evidence?
Yes _____ No _____ Unknown _____.
b. Obtain timely results from auditing investigations and evaluations of business records?
Yes _____ No _____ Unknown _____.
c. Prepare cases?
Yes _____ No _____ Unknown _____.
127. Are there different procedures which you apply during periods of large case loads?
Yes _____ No _____. If yes, please describe briefly.

128. In your opinion, are judges less likely to grant continuances, because of speedy trial requirements?
Yes _____ No _____.

129. Do you ever press for elimination of unnecessary delay?
Yes _____ No _____. If yes, what factors prompt your action to press for elimination of unnecessary delay.

133. In comparing cases before and after implementation of speedy trial provisions, do you believe the average number of continuances after implementation was lower _____, about the same _____, or higher _____ than before.

134. If you added up the length of all continuances in each case and found the average duration of continuances, do you believe the average duration decreased _____, remained about the same _____, or decreased _____ after implementation.

135. Is there a formal screening system practiced in the prosecutor's office? Yes _____ No _____. If yes:

a. In your opinion, what effect does the system have on the time devoted to pretrial motions?

Significantly Reduces	Reduces	Little Effect	Increases	Significantly Increases
_____	_____	_____	_____	_____

b. Is the screening policy written? _____ Yes _____ No;

- c. In your opinion, what effect does the screening system have on the number of pretrial motions when compared with the conditions you believe would occur without the screening system?

Significantly Little Significantly
 Reduces Reduces Effect Increases Increases

136. a. Could you estimate the average period of time devoted to screening (prior to decision regarding diversion or charges to be filed)
 _____Average hours per case.
- b. Do you normally discuss cases (during screening) with the police or investigators? _____Yes _____No. Do you normally talk to witnesses during screening? _____Yes _____No.
- c. In about what percentage of your cases do you consider that the screening effort is "significant" (by your own definition) _____%

137. Would you please characterize the effect which the screening effort has on the subsequent time to disposition (plea of guilty at start of trial) in your cases.

Significantly Little Significantly
 Reduces Reduces Effect Increases Increases

138. If you use your own judgements to group your cases according to charge seriousness as (1) relatively minor, (2) moderately serious, and (3) very serious, could you please estimate the median time from arrest to disposition for each? (We seek your perception and request you do not check statistics)

Relatively Minor: _____ days
 Moderately Serious: _____ days
 Very Serious: _____ days

139. Please give your opinion by responding to the following:
 The implementation of speedy trial provisions in this court is (select only one)

- _____ A major advantage for the defense
- _____ Some advantage for the defense
- _____ A minor advantage for the defense
- _____ A major advantage for the prosecution
- _____ Some advantage for the prosecution
- _____ A minor advantage for the prosecution
- _____ Not a significant advantage for either prosecution or defense

140. Concerning conditions since implementation of speedy trial provisions, could you please estimate the nature of changes if any, in the percentages of the types of cases below (compared to all cases filed):

	Up	Same	Down
Pleas of guilty to original charge	_____	_____	_____
Pleas of guilty to lesser charge	_____	_____	_____
Total pleas of guilty	_____	_____	_____
Trial findings of guilty	_____	_____	_____
Dismissals	_____	_____	_____

141. Please give your opinion on the statement below by checking the appropriate place.

	<u>Agree</u>	<u>Disagree</u>	<u>No Opinion</u>
a. Defense attorneys seek continuances to increase the time to disposition	_____	_____	_____
b. The defense generally seeks a speedy trial	_____	_____	_____
c. The prosecution generally seeks a speedy trial	_____	_____	_____

142. Please give your perception or belief regarding the effect, if any, which the availability of automated or automation-assisted court information has had on case disposition times. Please check as appropriate to indicate the disposition times since automation as compared to before its availability (check only one):

- _____ Decreased disposition times
- _____ Increased disposition times
- _____ No change in disposition times
- _____ Unknown

143. Do you have a formal discovery system practiced in the court? Yes No . If yes:

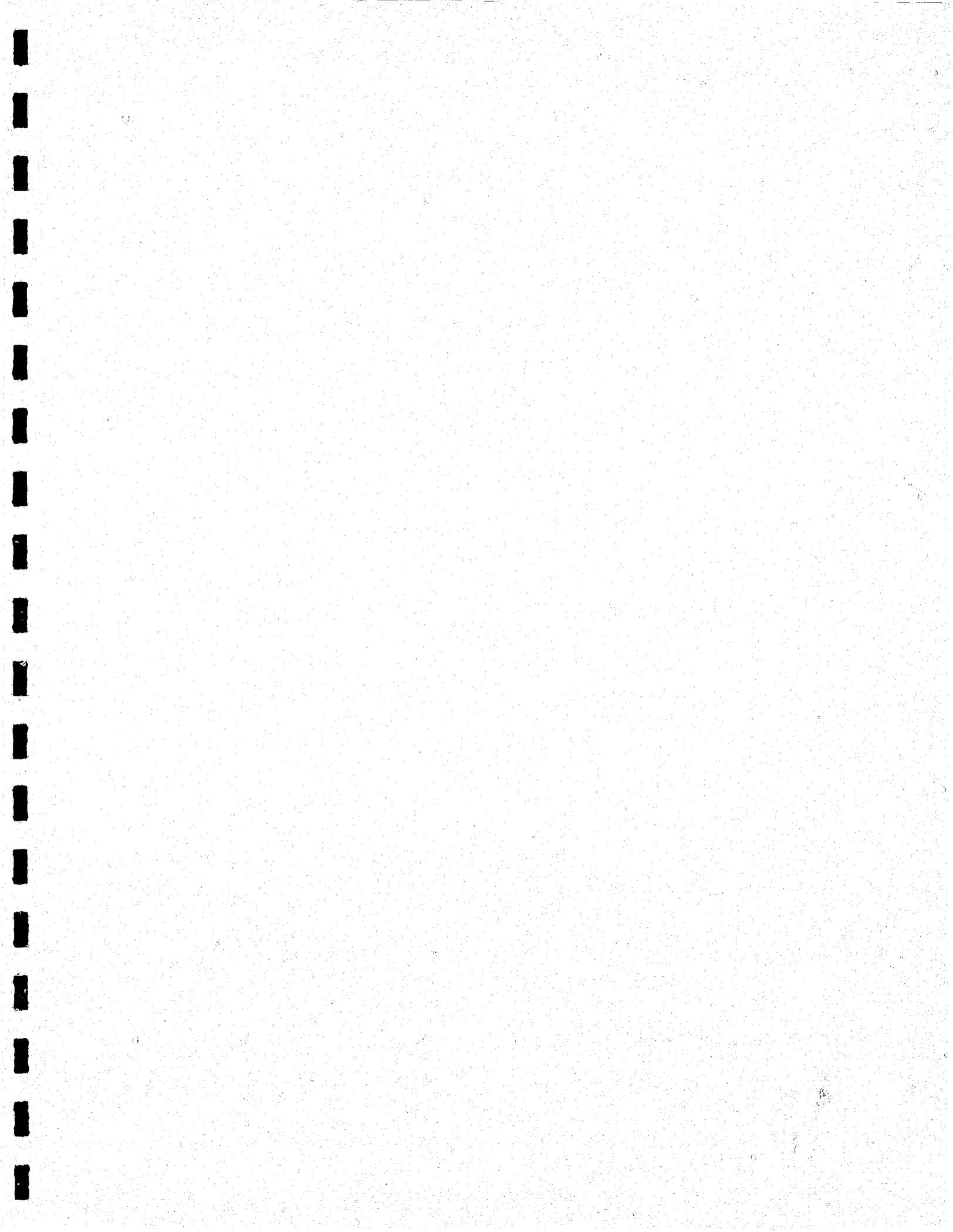
a. In your opinion, what effect does the system have on the time devoted to pretrial motions?

Significantly		Little		Significantly
Reduces	Reduces	Effect	Increases	Increases

b. Is the Discovery Policy written? Yes No.

c. In your opinion, what effect does the discovery system have on the number of pretrial motions when compared with the conditions you believe would occur without the discovery system?

Significantly		Little		Significantly
Reduces	Reduces	Effect	Increases	Increases



144. PLEASE READ CAREFULLY BEFORE RESPONDING TO THIS QUESTION

We are seeking your opinion as to the relative importance of factors which may affect criminal processing time. The factors listed below have been extracted from a variety of literature sources associated with speedy trial procedures. Space has been provided in the comment section for you to write in those factors (not listed) you feel significantly affect criminal case processing time. Please place a check mark under the appropriate column to the right of the question for each question you feel you are qualified to comment on. If you feel you have insufficient experience with a factor, do not wish to comment for any reason, or do not believe the factor applies in your court system, please check the no opinion column. Please do not waste time pondering on any one factor. This entire question should take no longer than 5 minutes to complete. If you can't decide quickly, make your best guess as to importances or check NA/no opinion.

<u>Factors Affecting Criminal Case Processing Time</u>	<u>Effect on Case Processing Time</u>				<u>Significant Increase</u>	<u>NA/No Opinion</u>
	<u>Significant Decrease</u>	<u>Some Decrease</u>	<u>Little Effect</u>	<u>Some Increase</u>		
1. Strong Personality/Leadership of Chief Judge						
2. Strong Personality/Leadership of Chief Prosecutor						
3. Existence of Sanctions						
4. Existence of Specific Time Limits						
5. Media Pressure						
6. Use of Omnibus or Discovery Hearings or Practices						
7. Availability of Diversion Programs						
8. Use of Formal Prosecutors Screening System						
9. Case Monitoring Practices						
10. Large Backlog						
11. Large Judicial Workload						
12. Continuance Practices/Policies						
13. Calendaring Priorities						
14. Type of Calendaring						
15. Large Prosecutor Workload						
16. High Prosecutor to Judge Ratio						
17. Large Public Defender Workload						

144. (Concluded)

<u>Factors Affecting Criminal Case Processing Time</u>	<u>Effect on Case Processing Time</u>				<u>Significant Increase</u>	<u>NA/No Opinion</u>
	<u>Significant Decrease</u>	<u>Some Decrease</u>	<u>Little Effect</u>	<u>Some Increase</u>		
18. Appointed Defense Counsel's Motivational Factors						
19. Defense Counsel's Adversarial Role						
20. Private Defense Counsel's Fee Collection Problem						
21. Private Defense Counsel's Overcommitment						
22. High Level of Court Unification						
23. Seasonal "Case Cleanout" (e.g. Pending Christmas, Summer or End of Fiscal Year)						
24. Use of Weekend/Night Courts						
25. Inadequate Court Resources						
26. Historical Pace/Modus Operandi or Expectations						
27. Efficiency of Court Information Exchange System						
28. High Skill Level of Defense Attorneys						
29. Low Skill Level of Defense Attorneys						
30. High Skill Level of Prosecutors						
31. Low Skill Level of Prosecutors						
32. Difficulty in Scheduling Evidence and Witnesses						
33. Establishing Working Relationship Between Prosecutor, Defense, and/or Judge						

Optional Additions (Please write in):

- 34. _____
- 35. _____
- 36. _____
- 37. _____

COMMENTS

DEFENSE

101. Based on your experience, what percent of cases does the defense press:

- a. For a prompt trial? _____%
- b. For a postponed trial? _____%
- c. Exhibit no pressure either way? _____%

102. In your opinion, do defense attorneys attempt to use options for continuances to control the time to trial?
Yes _____ No _____

If yes, could you estimate the frequency of these attempts?

Almost All Cases	Most Cases	About Half of Their Cases	Some of Their Cases	Almost None of Their Cases
_____	_____	_____	_____	_____

This question used the words "control the time to trial."
What does this mean in practice?

103. Are there any beneficiaries (e.g. parties or public) of speedy trial? Yes _____ No _____ Unknown _____.
If yes, who are they?

104. Are any parties injured by speedy trial? Yes _____ No _____
Unknown _____.
If yes, please list?

109. In your opinion, have current speedy trial provisions resulted in more or less noncourtroom hours devoted to criminal cases. More _____ Less _____ No Change _____
Please discuss the underlying reasons.
110. In your opinion, are the current speedy trial provisions sufficiently clear? Yes _____ No _____
111. In your opinion, do current speedy trial provisions place any inappropriate burdens on the criminal justice system? Yes _____ No _____. If yes, what are they?
112. Do your speedy trial provisions include sanctions?
Yes _____ No _____ Unknown _____.
a. If Yes, 1. Are they clear? Yes _____ No _____.
2. Do you consider them fair? Yes _____ No _____.
b. If No, do you believe sanctions should be established?
Yes _____ No _____.
113. In your opinion would or does application of sanctions cause adverse public reaction toward the criminal justice system? Yes _____ No _____ Undecided _____.
114. To your knowledge have the sanctions ever been applied?
Yes _____ No _____.
If yes, about how many times? _____ in a period of _____.
115. If sanctions have ever been applied, do you recall any of the charges against the defendants? Specify.

QUESTIONS 116 TO 118 APPLY ONLY TO COURTS ANTICIPATING
TRANSITION TO A NEW STATUS REGARDING SPEEDY TRIAL

116. When the new speedy trial provisions are first implemented, will the number of cases pending be a serious problem? Yes _____ No _____.
117. Do you know of or anticipate special measures to be taken regarding cases pending at that time? Yes _____ No _____. If yes, please describe these special measures.
118. Do you anticipate that extra resources will be provided to the court to facilitate transition to the new provisions? Yes _____ No _____. If Yes, please list the extra resources.

QUESTIONS 119 TO 122 APPLY ONLY TO COURTS HAVING RECENTLY
COMPLETED TRANSITION TO A NEW STATUS REGARDING SPEEDY TRIAL

119. When speedy trial was first implemented did the number of cases pending pose a serious problem? Yes _____ No _____ Unknown _____.
120. Were special measures taken for cases pending at that time? Yes _____ No _____ Unknown _____. If yes, please describe.

121. a. To your knowledge, were any special measures taken in anticipation of implementation of speedy trial provisions?

_____ Yes _____ No _____ Unknown

If yes, please describe briefly.

b. Was case backlog reduced shortly before implementation of speedy trial provisions?

_____ Yes _____ No _____ Unknown

122. Were extra resources provided to you for transition to the new status? Yes _____ No _____ Unknown _____.

If Yes, a. Please list extra resources:

b. Were the extra resources sufficient?

Yes _____ No _____ Unknown _____.

If yes, please comment on utilization of extra resources.

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If yes, which?

- b. Please comment on your view of the impact of these programs on speedy trial.
124. Under the current provisions for speedy trial would you estimate that the provisions (circle one):
- a. Are generally an advantage for the prosecution
 - b. Are generally an advantage for the defense
 - c. Are an advantage to prosecution or defense depending on case characteristics
 - d. Do not influence the balance of prosecution/defense advantages
125. Do speedy trial requirements add appreciably to the administrative burden on your office?
Yes _____ No _____ Unknown _____.
If yes, please describe how and to what degree.
128. In your opinion, are judges less likely to grant continuances, because of speedy trial requirements?
Yes _____ No _____.
129. Do you ever press for elimination of unnecessary delay?
Yes _____ No _____. If yes, what factors prompt your action to press for elimination of unnecessary delay.
130. Are case times and excludable times kept as part of your case files? Yes _____ No _____.

131. Have speedy trial requirements reduced the time available to:

a. Explore possibilities for diversion to nonadjudicative programs? Yes _____ No _____ Unknown _____.

b. Explore possibilities for reduced charge pleas? Yes _____ No _____ Unknown _____.

132. Do the opportunities for reduced charge pleas appear to decrease as case time increases toward speedy trial limits? Yes _____ No _____ Unknown _____.

133. In comparing cases before and after implementation of speedy trial provisions, do you believe the average number of continuances after implementation was lower _____, about the same _____, or higher _____ than before.

134. If you added up the length of all continuances in each case and found the average duration of continuances, do you believe the average duration decreased _____, remained about the same _____, or decreased _____ after implementation.

135. Is there a formal screening system practiced in the prosecutor's office? Yes _____ No _____. If yes:

a. In your opinion, what effect does the system have on the time devoted to pretrial motions?

Significantly		Little		Significantly
Reduces	Reduces	Effect	Increases	Increases

b. Is the screening policy written? _____ Yes _____ No;

c. In your opinion, what effect does the screening system have on the number of pretrial motions when compared with the conditions you believe would occur without the screening system?

Significantly Little Significantly
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138. If you use your own judgements to group your cases according to charge seriousness as (1) relatively minor, (2) moderately serious, and (3) very serious, could you please estimate the median time from arrest to disposition for each? (We seek your perception and request you do not check statistics)

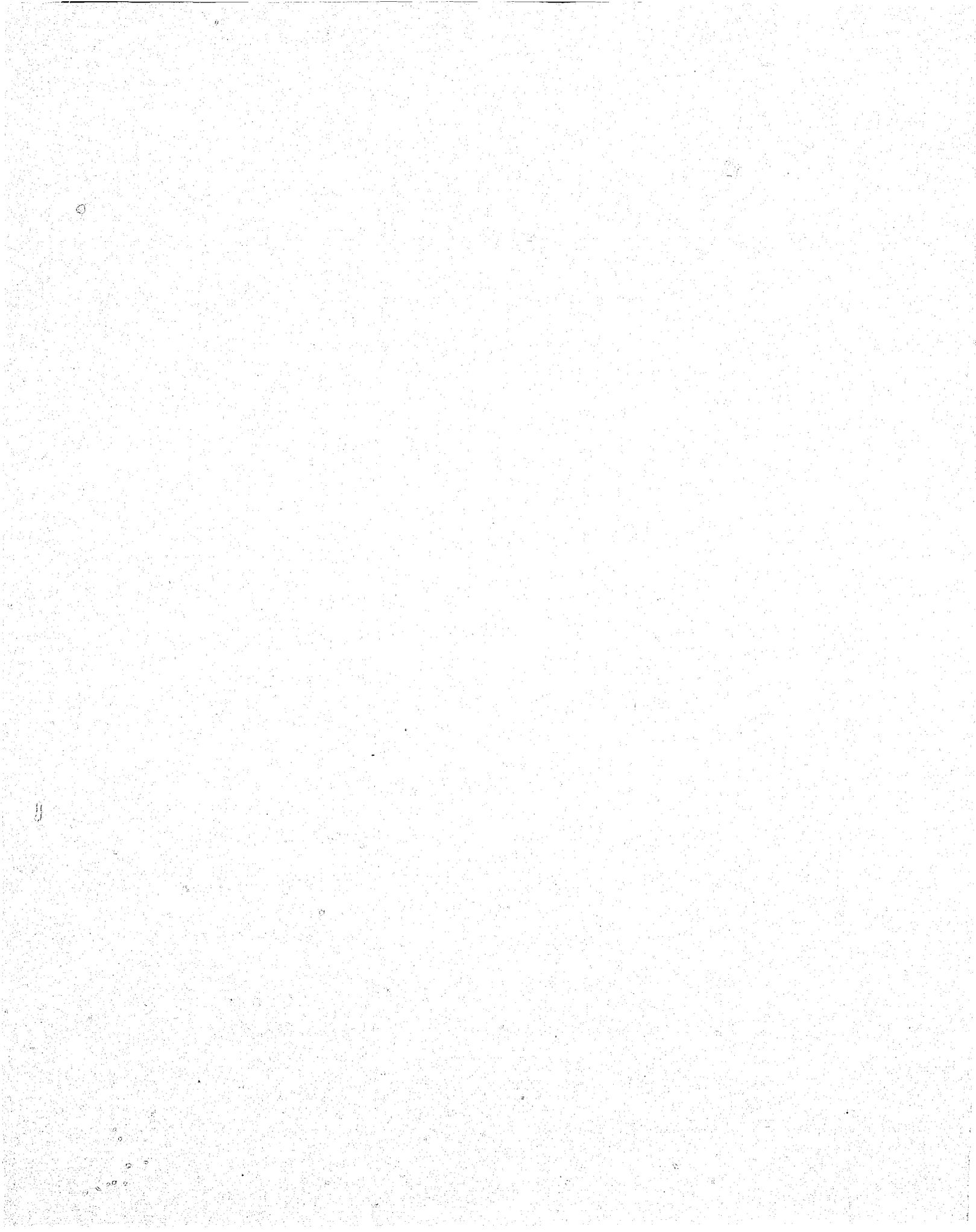
Relatively Minor: _____ days
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139. Please give your opinion by responding to the following: The implementation of speedy trial provisions in this court is (select only one)

- _____ A major advantage for the defense
- _____ Some advantage for the defense
- _____ A minor advantage for the defense
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- _____ Some advantage for the prosecution
- _____ A minor advantage for the prosecution
- _____ Not a significant advantage for either prosecution or defense

140. Concerning conditions since implementation of speedy trial provisions, could you please estimate the nature of changes if any, in the percentages of the types of cases below (compared to all cases filed):

	Up	Same	Down
Pleas of guilty to original charge	_____	_____	_____
Pleas of guilty to lesser charge	_____	_____	_____
Total pleas of guilty	_____	_____	_____
Trial findings of guilty	_____	_____	_____
Dismissals	_____	_____	_____



CONTINUED

1 OF 2

141. Please give your opinion on the statement below by checking the appropriate place.

	<u>Agree</u>	<u>Disagree</u>	<u>No Opinion</u>
a. Defense attorneys seek continuances to increase the time to disposition	_____	_____	_____
b. The defense generally seeks a speedy trial	_____	_____	_____
c. The prosecution generally seeks a speedy trial	_____	_____	_____

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- _____ No change in disposition times
- _____ Unknown

143. Do you have a formal discovery system practiced in the court? Yes No . If yes:

a. In your opinion, what effect does the system have on the time devoted to pretrial motions?

Significantly		Little		Significantly
Reduces	Reduces	Effect	Increases	Increases

b. Is the Discovery Policy written? Yes No.

c. In your opinion, what effect does the discovery system have on the number of pretrial motions when compared with the conditions you believe would occur without the discovery system?

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Reduces	Reduces	Effect	Increases	Increases

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<u>Factors Affecting Criminal Case Processing Time</u>	<u>Effect on Case Processing Time</u>					<u>NA/No Opinion</u>
	<u>Significant Decrease</u>	<u>Some Decrease</u>	<u>Little Effect</u>	<u>Some Increase</u>	<u>Significant Increase</u>	
1. Strong Personality/Leadership of Chief Judge						
2. Strong Personality/Leadership of Chief Prosecutor						
3. Existence of Sanctions						
4. Existence of Specific Time Limits						
5. Media Pressure						
6. Use of Omnibus or Discovery Hearings or Practices						
7. Availability of Diversion Programs						
8. Use of Formal Prosecutors Screening System						
9. Case Monitoring Practices						
10. Large Backlog						
11. Large Judicial Workload						
12. Continuance Practices/Policies						
13. Calendaring Priorities						
14. Type of Calendaring						
15. Large Prosecutor Workload						
16. High Prosecutor to Judge Ratio						
17. Large Public Defender Workload						

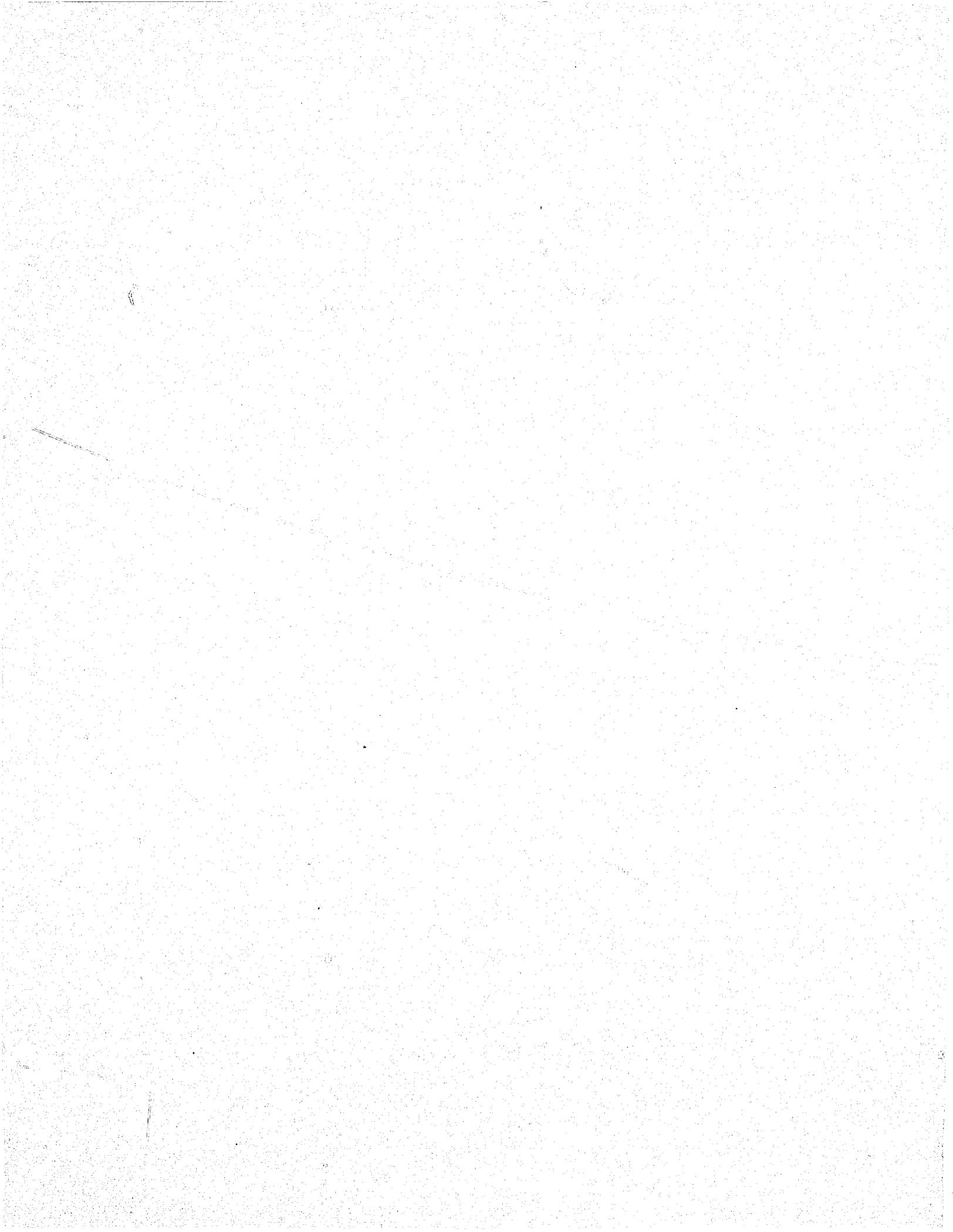
144. (concluded)

<u>Factors Affecting Criminal Case Processing Time</u>	<u>Effect on Case Processing Time</u>				<u>Significant Increase</u>	<u>NA/No Opinion</u>
	<u>Significant Decrease</u>	<u>Some Decrease</u>	<u>Little Effect</u>	<u>Some Increase</u>		
18. Appointed Defense Counsel's Motivational Factors						
19. Defense Counsel's Adversarial Role						
20. Private Defense Counsel's Fee Collection Problem						
21. Private Defense Counsel's Overcommitment						
22. High Level of Court Unification						
23. Seasonal "Case Cleanout" (e.g. Pending Christmas, Summer or End of Fiscal Year)						
24. Use of Weekend/Night Courts						
25. Inadequate Court Resources						
26. Historical Pace/Modus Operandi or Expectations						
27. Efficiency of Court Information Exchange System						
28. High Skill Level of Defense Attorneys						
29. Low Skill Level of Defense Attorneys						
30. High Skill Level of Prosecutors						
31. Low Skill Level of Prosecutors						
32. Difficulty in Scheduling Evidence and Witnesses						
33. Establishing Working Relationship Between Prosecutor, Defense, and/or Judge						

Optional Additions (Please write in):

- 34. _____
- 35. _____
- 36. _____
- 37. _____

COMMENTS



END