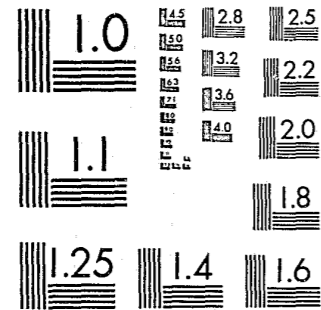


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MOBILITY OF CRIMINAL CASES IN IOWA COURTS, 1972-83

"The exercise of equity for one  
day is equal to sixty years  
spent in Prayer"

-- 16<sup>th</sup> Century Arabian Proverb

An analysis of the mobility of criminal cases  
in the courts of Iowa in relation to filings  
and disposition based on procedures with due  
consideration of time lapse from filing to  
completion and age of cases in court.

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Washington, D.C.  
1984

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MOBILITY OF CRIMINAL CASES IN IOWA COURTS, 1972-83

ACQUISITIONS

Criminal cases in Iowa courts, as in other states, have risen rapidly in the past decades while the number of dispositions have lagged seriously. From 1972 to 1983, criminal cases filed expanded from 10,669 to 39,952 or by 273 percent. In the same 12 years dispositions, the number completed, rose from 11,147 to 19,815 or by only 49.6 percent. Filings increased five times faster than dispositions. See Table 1 and Chart 1. The increase in cases filed follows the rise in crimes in the state. In 11 years crime rates rose from 1,401 to 4,136 or by 195 percent. The actual number of crimes expanded from 42,130 to 120,169 or by 185 percent. As the number of cases docketed rose the number of dispositions decreased sharply. See Chart 2, In 1973, three-fourths or 76 percent, of all cases docketed were disposed of in the year. Five years later in 1978 only 52 percent of all cases filed were disposed of in the year. In 1983, only 49 percent of the 39,952 cases were disposed in the year. As a result of the decrease the annual number of cases pending at the end of the year expanded. In 1970 there were 1,574 cases pending at the end of the year with 19,307 pending in 1983.

THE FLOW OF CASES THROUGH COURT

The preceding figures reflect the general changes in the movement of cases in court but they do not present the actual situation because they do not show the total cases before the court. In addition to the cases filed each year, the court must deal with the incomplete or those pending each year. As a case in point, in 1983 when 39,952 cases were docketed there were 19,908 cases pending from the previous year making a total of 54,860 cases before the court.

TABLE 1  
CRIMINAL CASES FILED AND DISPOSED  
OF IN THE IOWA DISTRICT COURT, 1970-83

Year	Filed	Disposed	Percent Disposed of Number Filed
1970	10,140	9,304	91.7
1971	11,300	10,659	94.3
1972	10,699	11,147	104.2
1973	16,148	12,384	76.7
1974	20,653	14,268	69.0
1975	23,600	14,874	63.0
1976	26,009	17,750	68.2
1977	28,795	17,200	59.7
1978	27,942	14,561	52.1
1979	31,026	15,098	48.6
1980	35,669	17,448	48.9
1981	36,932	17,833	48.2
1982	39,008	19,027	48.7
1983	39,959	19,815	49.6

Source: 1981 and 1983, Annual Report, Supreme Court of Iowa, Des Moines, Iowa.

CHART 1  
CRIMINAL CASES FILED AND DISPOSED  
OF IN IOWA COURTS, 1972-83

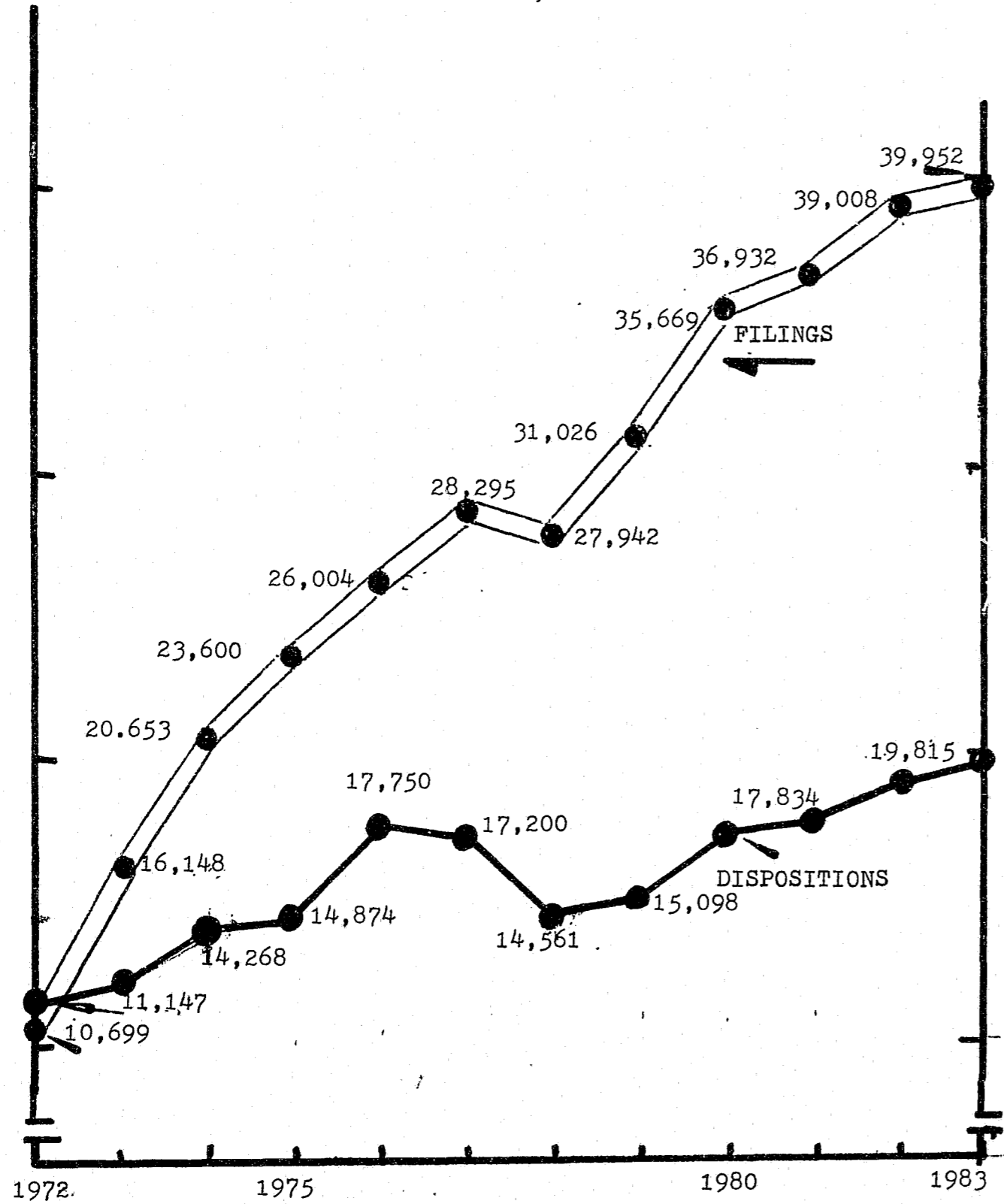


CHART 2  
PERCENT OF CRIMINAL CASES DISPOSED OF THE NUMBER  
FILED IN IOWA COURTS, 1973-83

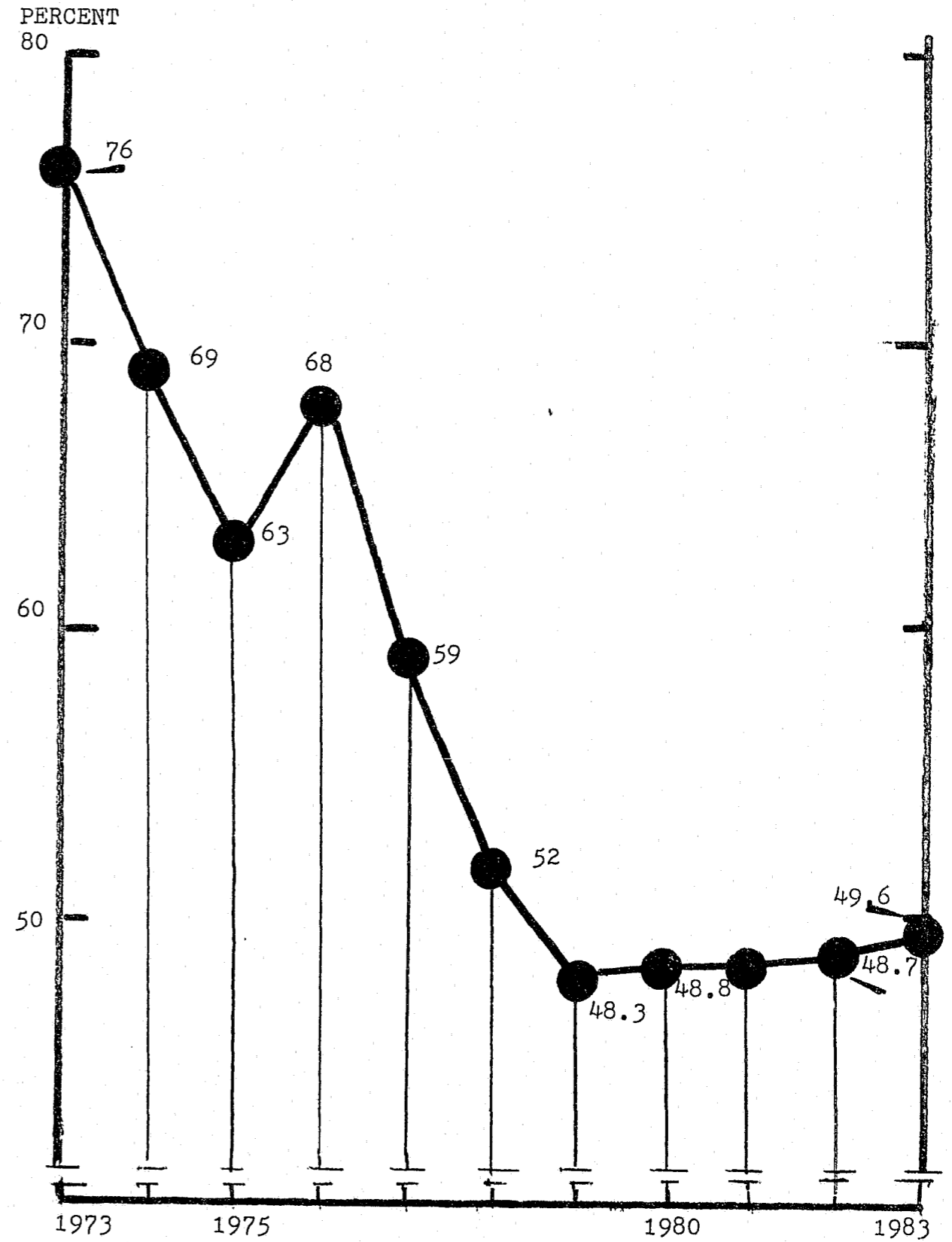


Table 2  
COURT PROCEDURES IN CRIMINAL CASES  
IN IOWA COURTS, 1982 AND 1983

Procedure	1982		1983	
	Number	Percent	Number	Percent
Filed	39,008	69.1	39,952	66.7
Pending	17,594	30.7	19,908	33.2
Total Before the Court	56,602	100.0	59,860	100.0
Disposed of by Associates	17,662	31.2	20,738	34.6
Disposed of by District Court	19,627	34.6	19,815	33.1
Total Disposed	36,689	65.8	40,553	67.7
Pending End of Year	19,913	35.1	19,307	32.7
TOTAL	56,602	100.0	59,860	100.0

Source: p. 55-Table 3.

The number pending made up 33 percent. See Table 2.

During the year, Associates disposed of 20,738 cases while the district court completed 19,815 or 33 percent of the cases. As a result of the total dispositions, 40,553 a total of 19,307 cases remained incomplete or pending at the end of the year.

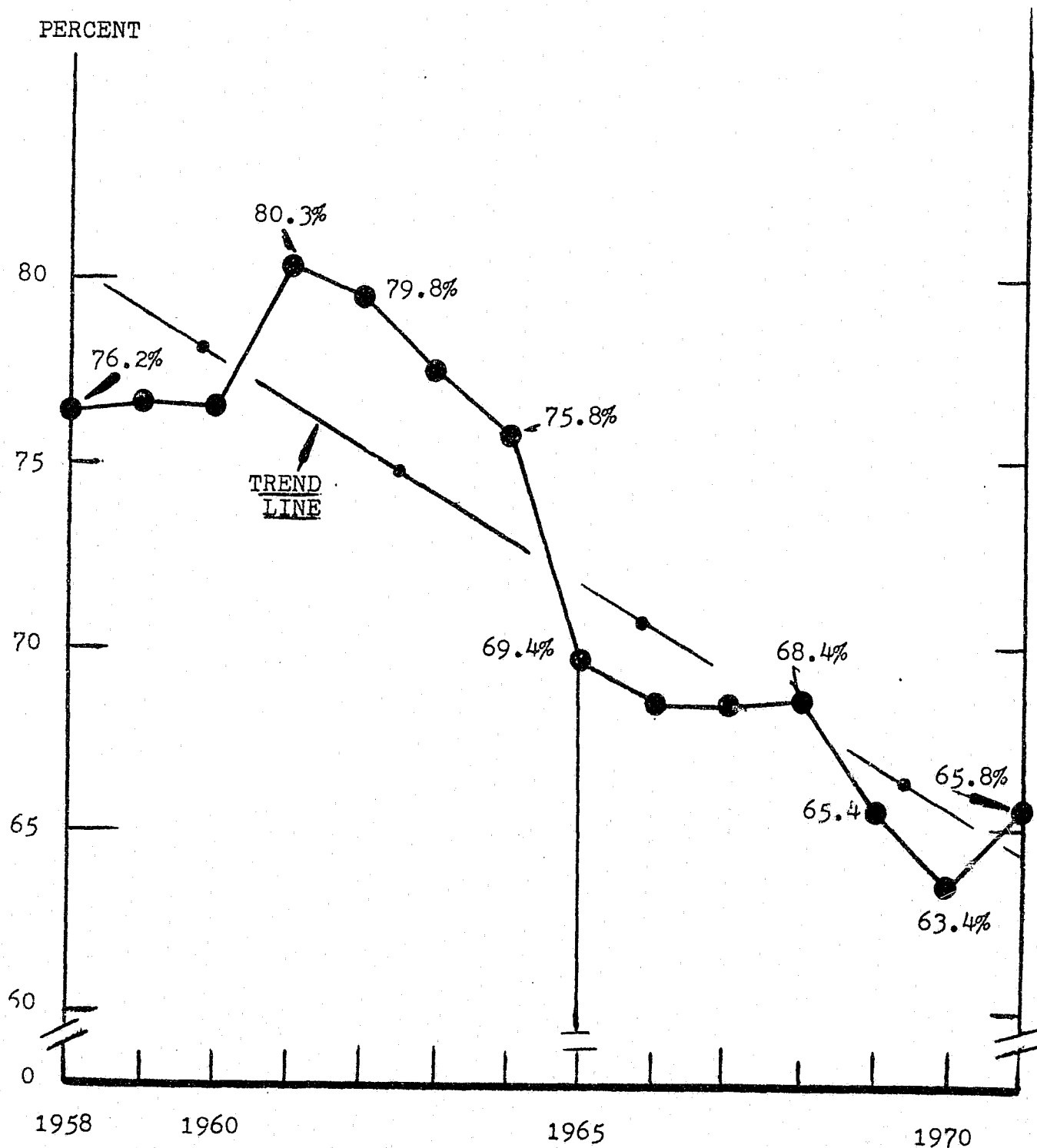
#### MOBILITY OF CRIMINAL CASES IN IOWA DISTRICT COURTS, 1958-71

The mobility or the turnover of criminal cases in court is an important factor in the judicial process because it reveals the movement or rate of flow from filing to disposition much as "in put" and "out put" in other organizations. The turnover of cases has been determined by calculating the number of dispositions in relation to the total number before the court for each year. See Chart 3.

In 1958, when there were 8,518 cases before the courts, (6,714 filed and 1,840 pending from 1957) dispositions amounted to 6,533 or 76.2 percent of total. The mobility or turnover, therefore, amounted to 76 per 100 cases in court. Three years later in 1961, with 9,397 cases in court (7,209 filed and 2,188 pending from 1960) dispositions amounted to 7,556 or 80.3 percent. The turnover rate, therefore, came to 80 per 100 cases in court. In 1969, the turnover fell to 69 per 100 cases and then further to 63.4 per 100 cases in 1970 with a slight rise in the final year.

From the trend line as shown in Chart 3, it is evident that the turnover or mobility has decreased in the 14 years from the highest of 80 to the lowest of 63 per 100 cases. In the first half of the period the turnover remained above 75 but fell below 70 per 100 in the second half. These facts indicate that the District Courts in Iowa have been operating at a much slower rate in criminal litigation in the past decade and half. In the earlier part of the

CHART 3  
THE IOWA DISTRICT COURT  
PERCENT TURNOVER OF CRIMINAL  
CASE IN COURTS, 1958-71



period the courts were able to dispose of more than three-fourths of all cases at hand but in the last half the courts completed only two-thirds of all cases under consideration.

METHODS OF DISPOSITION OF CASES

The mobility of criminal cases in court depends on the type of proceedings whether tried in court, tried by jury or without trial. In 1982, 3.2 percent of the cases were tried to jury, 5.4 percent tried to court with 91.4 percent without formal court trial. In 1983, of the 19,815 cases 2.6 percent were tried to jury, 4.6 percent tried to court and 92.8 percent without trial. See Table 3

Table 3  
METHODS OF DISPOSING CRIMINAL CASES  
IN IOWA DISTRICT COURT, 1982, 1983

Method	1982		1983	
	Number	Percent	Number	Percent
Tried to Jury	605	3.2	509	2.6
Tried to Court	1,019	5.4	914	4.6
Without Trial	17,403	91.4	18,392	92.8
TOTAL	19,027	100.0	19,815	100.0

The number of cases pending depends on the method of procedures in court. Case tried to court and jury require more time whereas those without trial move more rapidly.

AGE OF CRIMINAL CASES PENDING IN COURT

In 1982, of the 19,913 cases a total of 7,653 or 39 percent had been pending 3 months or less, 7,777 of 39 percent 3 to 18 months, whereas, 4,473 or 22 percent had been pending more than 18 months. In 1983 of the 19,307 cases pending 37 had been in court less than 3 months, 38 percent 3 to 18 months and 25 percent over 18 months. See Table 4.

Table 4  
AGE OF CRIMINAL CASES PENDING 1982 AND 1983

Time	1982		1983	
	Number	Percent	Number	Percent
3 months or less	7,663	39	7,092	37
3 to 18 months	7,777	39	7,309	38
Over 18 months	4,473	22	4,906	25
TOTAL	19,913	100.0	19,307	100.0

TIME INTERVALS FROM FILING TO DISPOSITION OF CRIMINAL DEFENDANTS,  
1968-71

Time is a vital element in the adjudication of criminal cases not only for the defendant but also for society. One of the common beliefs, and there are facts to support the idea, is that judicial procedures operate too slowly and in the words of Gladstone, "Justice delayed is justice denied."

In the four years from 1968-71 the Iowa District Courts disposed of 543 criminal defendants (312 tried to jury and 231 tried to court) in which the time element has been calculated in terms of the average number of months from

date of filing to disposition. Table 5.

As shown, 60 or 19.3 percent of the 312 jury trials were completed in less than 2 months, 107 or 34.3 in 2.5 to 4.0 months, thus accounting for 53.6 percent of the dispositions. Less than one-fourth, 23.7 percent (74) were disposed of in 4.5 to 6.0 months, 10.6 percent in 6.5 to 8.0 months, 7.3 percent in 8.5 to 10.0 months, 2.9 percent in 10.5 to 12 months and 1.9 percent in more than 12.5 months.

For those cases tried to court about one-fourth, 24.2 percent (56) were disposed of in 2 months or less, 35.1 percent (81) in 2.5 to 4.0 months, therefore, accounting for 59.3 percent of the total tried to court. Of the remainder, 16.5 percent were completed in 4.5 to 6.0 months, 12.3 percent in 6.5 to 8.0 months, 6 percent in 8.5 to 10.0 months, 2 percent in 10.5 to 12.0 months, and 3.9 percent in more than 12.5 months.

Table 5  
TIME INTERVAL FROM FILING TO DISPOSITION OF  
CRIMINAL DEFENDANTS IN IOWA DISTRICT COURTS, 1968-71

Average Months	Jury Trials		Court Trials	
	Number	Percent	Number	Percent
Under 2.0	60	19.3	56	24.2
2.5 to 4.0	107	34.3	81	35.1
4.5 to 6.0	74	23.7	38	16.5
6.5 to 8.0	33	10.6	28	12.3
8.5 to 10.0	23	7.3	14	6.0
10.5 to 12.0	9	2.9	5	2.0
Over 12.5	6	1.9	9	3.9
TOTAL	312	100.0	231	100.0

## THE CRUCIBLE OF JUSTICE

Time and equity are vital elements in the administration of justice in a nation. In the fabric of judicial thought and procedure is the principle that each shall have a speedy trial and that once "justice has been done" punishment shall follow without delay. From the ancient prophet Habakkuk, to the Roman Juvenal, to the Magna Charta men have raised their voices against delays in litigation.

"And so law is benumbed, justice is never in action, for evil men hamper the just till justice goes awry." Habakkuk, 1:4.

"Term after term I wait, till months be past,  
And scarce obtain a hearing at last,  
Even when the hour is fixed, a thousand stays  
Retard my suit, a thousand vague delays  
By the slow drag-chain of the law's delays".  
Juvenal, Satire XVI, 11, 55-68

"To no one will we deny justice, to no one will we delay it."

Delays in procedure and execution bring tragedy to the system and to litigants. Judicial principles and practices provide no norm or standard at what rate justice shall proceed except that it be done without delay. Proper procedures rest in the hands of the Bench and the Bar and both must take into account the element of time as they protect the individual and safe guard the security of the community lest "they sell the courthouse to the highest bidder" and courts become bargain counters!

The essence of equity is a fundamental constituent in the body of law grounded on the Golden Rule implicit in positive law. Sir Thomas Holland (1835-1926) in his Elements of Jurisprudence explained equity as "the prerogative of some high functionary of a more perfect body of rule, discoverable in his judicial conscience, which is to stand side by side with the law of the land." (p. 59)

If judicial procedures stretch out into long trials, public frustration and bitterness arise. When delays are compounded by real or imaginary inequities, tribunals come under attack. When old rules of political power--the state--seem too narrow or out of harmony with changed conditions this leads to an appeal to basic natural laws that lie outside the established order. Spokesmen of various types ridicule the courts, public demonstrations increase, violence disrupts judicial procedures, often resulting in the victimization and death of court officials.

At what juncture the judicial system in the nation is at present, in the midst of widespread social changes, may be subject to question, but there appears no doubt that serious and deep issues have arisen often made vocal by dissenters and the extremists in both directions. The observer need only refer to recent statements in courts in not a few large cities and then give due consideration to the words of the 13 Century Hindu poet. **"JUSTICE BEING DESTROYED, WILL DESTROY; BEING PRESERVED WILL PRESERVE, IT MUST NEVER, THEREFORE, BE VIOLATED. BEWARE, O JUDGE! LEST JUSTICE, BEING OVERTURNED, OVERTURN BOTH US AND THYSELF"**

The limited results in the present findings point to the fact that during the years that criminal cases in the district courts have increased, convictions have decreased. The respective courts at present have the largest backlog of unfinished cases and the time lapse in adjudication has become greater. In spite of the increase in the penalties for those defendants who have been convicted there appears to be no decrease in the total amount of crime in the country. While there has been a small increase in the percentage of first time offenders the courts are still confronted by offenders with longer records of criminality.

Until recently the courts have dealt with two major kinds of crimes: those against persons and property, but now the public is confronted with



crimes against the state. In a sense these crimes not only destroy people and property but they destroy government. Crimes labeled as Les Majesty in the past can no longer be held as offenses against a ruler. They are crimes against the state. Freedom of speech may give wide latitude to the violent orators but when speech results in bombing court houses, jails, banks, and public buildings the state is under attack. Whatever the intent may be those who bomb court houses do destroy the society which built them.

The courts may and have dealt with crimes against persons and property but as yet the judicial system has not been able to come to grips with crimes against the state. The courts owe an obligation to the offenders to follow "due process of law" but how does the court deal with those who recognize no law? How does a judge deal with people who hold that "You have no right to arrest men and the courts have no jurisdiction because I am not bound by your laws. My cause is higher than your duties. I do this in the name of humanity. The people and public opinion are on my side and against the establishment." They attempt to use the shield of civil right while they destroy the civil rights of others. How can "We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility" deal with those who destroy the means created to accomplish "the blessings of liberty to ourselves and our posterity."? It may be time to reconsider the wisdom of the 13 Century, "JUSTICE BEING DESTROYED, WILL DESTROY: BEING PRESERVED WILL PRESERVE. \*\*\*\* BEWARE, O JUDGE! LEST JUSTICE, BEING OVERTURNED, OVERTURN BOTH US AND THYSELF".

SOURCES: 1981 and 1983 Annual Statistical Report, Report to the Supreme Court of Iowa by the Court Administrator of the Judicial Department, Des Moines, Iowa, 1981 and 1984

**END**