

Effective Criminal Case Management: Project Overview

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Introduction

The Effective Criminal Case Management project (ECCM) was a national initiative designed to discover and document effective practices that drive high performance in handling felony and misdemeanor cases in the state courts. ECCM, concluding in 2020, designed and implemented a rigorous national data collection effort to assemble the largest case-level data set of felony and misdemeanor cases ever created—nearly 1.2 million cases from over 130 state courts in 21 states.

Using these standardized data as a starting point, ECCM analyzed key factors thought to shape criminal case flow and time to disposition. Follow up site visits to a select group of seven courts revealed a range of effective practices that contribute to successful caseload management. The products of this multiyear project are a detailed empirical profile of felony and misdemeanor case processing across the country and a results-based set of principles and practices for modern caseload management.

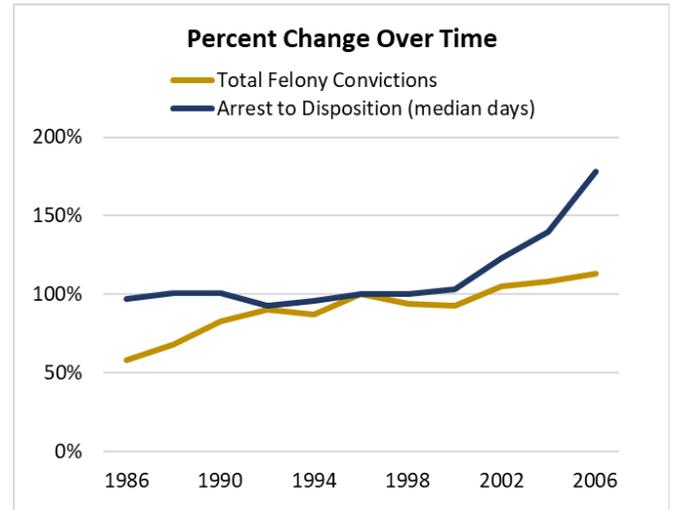
Why Study Timeliness Now?

More than 5 million felony cases and 13 million misdemeanor cases were resolved in state trial courts in 2016.¹ Substantial court resources are directed at processing this large and rising volume of criminal cases; however, many courts still experience considerable congestion and delay.

National data on felony disposition times in state courts show that state trial courts achieved considerable success with felony caseload management from the mid-1980s through the entire decade of the 1990s. As shown in Figure 1, total felony caseload (measured by estimated total felony convictions) in state trial courts increased dramatically during the period from 1986 through 1996 without any appreciable change in median times from arrest to sentencing, even though the number of judicial officers increased by a much smaller degree than the number of felonies.² In 1996, the state courts had 71 percent more felony convictions than in 1986, with only 16 percent more judicial officers, yet the median time from arrest to sentencing in 1996 (149 days) was essentially unchanged from 1986 (147 days).

Figure 1: As Felony Convictions Increased, Time to Disposition Soared

The state courts, through the effective application of caseload management practices, were able to avoid increased delays even as the increase in total felony workload far outstripped the increase in



total available judicial resources. This success ended in 2000, when state courts began to experience significant increases in median times from felony arrest to sentencing, rising from 149 days in 1996 to 265 days in 2006, an increase of 78 percent.

What had happened? Caseload management practices had deteriorated such that courts could not manage the increasing caseload. Knowledge thought to have been institutionalized had apparently retired along with the judges and court administrators who held it. Taking advantage of improvements in information technology and available court data, the ECCM project aimed to empirically investigate the nature and extent of delays in criminal case processing and to discover the factors driving the success of the most timely courts.

ECCM was conducted in two phases. During Phase 1 (conducted from June 2016 to June 2018), project staff worked directly with 136 state trial courts in 91 jurisdictions in 21 states to establish the most broadly based empirical evidence ever collected on the extent and nature of court delay for felony and misdemeanor cases. In Phase 2 (conducted from

¹ Total estimate based on data compiled by NCSC as part of the Effective Criminal Case Management project.

² See BJS, Data Collection: National Judicial Reporting Program (NJRP), <https://www.bjs.gov/index.cfm?ty=pbse&sid=28>.

Accessed February 11, 2020. This longitudinal data collection series was terminated with the 2006 data.

June 2018 to December 2019), seven courts with a proven ability to achieve timely criminal case processing were selected from among the original 91 jurisdictions to participate in a comprehensive examination of the specific practices (e.g., court governance structures, caseload management practices, jurisdictional coordination) that underlie their success. The aim of this process was to identify effective, evidence-based practices that are transferable to other courts looking to improve the pace of felony and misdemeanor litigation.

This rigorous evaluation was designed to achieve three goals. The first was to understand the similarities and differences in felony and misdemeanor case processing times among the 136 courts, as well as to determine which courts approach a desired pace of litigation using the *Model Time Standards for State Courts* developed by the National Center for State Courts as a guide.³ The second objective was to clarify the best methods of case management for different court environments by examining the extent to which differences in the pace of litigation are shaped by court structure and resources, caseload characteristics, and court case management practices, if at all. The third goal was to reinvigorate national attention on the benefits of criminal case management by identifying effective techniques, documenting positive results, and strongly encouraging efforts to make timely criminal case processing a clear priority.

Taken together, results from ECCM should stimulate national interest in “what works” in efforts to improve felony and misdemeanor case management and provide a powerful context for courts to compare themselves to other courts throughout the country. Timely justice provides better justice for those accused of a crime—evidence is fresh, witnesses are available, and in-custody defendants do not languish in jail during prosecution. The benefits of more efficient case processing to the criminal justice system as a whole and to the taxpayers who fund it are considerable. Reducing the time from the date of arrest to the date of the pre-trial release decision reduces the cost of managing standing jail populations. In addition, greater attention to case management reduces delay by, for example, lowering the number of continued events, resulting in fewer costly

rescheduled hearings and eliminating the redundant review of files. Furthermore, robust case management strongly supports a court’s efforts to empirically demonstrate to funders and to the public a clear commitment to the effective use of public resources. This study is particularly meaningful given that it has been over 30 years since the last comprehensive investigation of case processing time and practice was conducted.⁴

Timeliness Is Integral to High Performance

ECCM analyzed criminal cases in terms of time to disposition, a widely understood and measurable outcome. Timeliness in this context signals a much broader responsibility of the courts: to ensure that each person’s constitutional right of due process is honored in the process of seeking justice in individual cases. Thus, timely justice is not a simple notion of speeding up legal processes in the name of efficiency or maximizing output. The right to due process reflects a deep notion of what is fair and just and is embedded in the notion of an independent, fair, and impartial judiciary.

The unique role of every judge is to ensure that justice is achieved. To translate that into the everyday work of the court, the NCSC’s High Performance Court Framework⁵ defines four principles:

Every Case Receives Individual Attention

No one wants to regret an outcome where additional time would have led to a more correct legal decision. Stated more positively, judges know an appropriate amount of time is necessary to allow them to gain requisite information to make the most accurate decisions possible. Effective caseload management allows parties and attorneys to provide all relevant information to the court, to present their respective sides of the case, and to respond to any questioning by a judge.

³*Model Time Standards for State Trial Courts*. Available at: https://www.ncsc.org/_data/assets/pdf_file/0032/18977/model-time-standards-for-state-trial-courts.pdf

⁴ Goerdt, John, Christopher Lomvarias, Geoff Gallas, and Barry Mahoney. 1989. *Examining Court Delay: The Pace of Litigation in 26 Urban Trial Courts*. Williamsburg, Va.: National Center for State Courts.

⁵ For a more expansive treatment of high performance, see the work of Brian Ostrom and his colleagues at <https://www.ncsc.org/Information-and-Resources/High-Performance-Courts/High-performance-court-resources.aspx>. Accessed February 25, 2020.

Individual Attention Is Proportional to Need

Judges and court managers must balance the desire to give every case appropriate attention and the concurrent responsibility to honor this desire in a world of substantial caseloads and finite time and resources. More complicated, more difficult, and more serious cases should receive more time than the less complex, less difficult, and less serious cases. Proportionality is intended to maintain equality and due process in the treatment of cases but also to acknowledge the reality that available work time and resources are limited.

Decisions Demonstrate Procedural Justice

Research consistently shows experiences are shaped more by court users' evaluations of how they are treated and whether the process of making decisions seems fair. The principle of procedural justice is of fundamental importance to the institutional legitimacy of a court and to the degree of trust placed in it by participants in the legal process, policy makers, and members of the public. From a defendant's perspective, procedural fairness is determined by experiencing a process in which the case proceeds as scheduled, the judge receives the most complete information possible and has the opportunity to consider both sides of the case, and the judge ultimately issues and explains the final decision in the case. The experience of procedural fairness shapes a defendant's willingness to comply with court rulings and orders—even if they do not like the outcome.

Judges Control the Legal Process

Caseflow management means the blend of processes, techniques, and resources necessary to move a case effectively and efficiently from the date of filing to resolution. At the center of successful caseflow management is the recognition that judges, with the help of court administration, must make a commitment to manage and control the flow of cases through the court. Judges contribute to the preparation and performance of attorneys through their control over the process. In particular, judges handling criminal cases recognize the desirability and necessity of well-prepared attorneys. In fact, effective advocacy—proceedings in which opposing sides act as effective advocates based on a thorough understanding of relevant laws and issues in dispute and a command of the relevant facts—helps a judge to make the best decision possible in a case.

Timeliness in the context of effective caseflow management signals a much broader responsibility of the courts: to ensure that each person's constitutional right of due process is honored in the

process of seeking justice in individual cases. From this perspective, timeliness is a vital indicator of the health of a court and should provide comfort to those who fear that an emphasis on timely disposition of criminal cases is at the expense of “doing justice.” The ECCM project sought to document current case processing practices and uncover the effective practices that drive high performance in criminal case management.

ECCM Design

Caseload Data

Of the 136 courts participating in the study, 117 provided case-level data on felonies, 99 provided data on misdemeanor cases, and 81 submitted both. Data on over 300,000 felony cases and 900,000 misdemeanor cases were compiled and standardized and at 1.2 million total cases comprise the largest data set ever assembled for a study of criminal case processing. These results informed the selection of the seven courts studied in *Success in Criminal Caseflow Management: Lessons from the Field* [hyperlinked]. The full analysis of these data can be found in the *Timely Justice in State Courts: What the Data Tells Us* [hyperlinked]. The complete list of participating courts, including summary information on criminal caseloads, county population, number of judges and court structure, is found at: <https://www.ncsc.org/services-and-experts/areas-of-expertise/caseflow-and-workflow-management/effective-criminal-case-management/eccm-site-summaries>.

Organizational Survey

As part of the Phase 1 data collection, project staff also conducted an *Organizational Survey* focused on structural and organizational characteristics of each participating court. These data captured the major types of court structures and case processing practices. These results informed all aspects of the analysis.

Court Site Visits

Based on the analysis of the quantitative and qualitative data described above, NCSC staff identified seven courts from the study that represented a range of organizational characteristics, all of which produced promising outcome in terms of time to disposition. NCSC staff made multi-day site visits to each court and conducted a series of interviews with judges, court staff, prosecutor and public defense representatives, and other justice stakeholders to gain their impressions of how criminal case management is carried out in their jurisdiction, including what they believe is effective or not. The

visits also included observations of criminal court proceedings.

Workshop

NCSC project collaborators convened a follow-up workshop with representatives of courts participating in the site visits, providing an opportunity for court leadership to share their experiences and further contribute to the discussion about criminal caseload best practices. Following a presentation by the leaders of each court regarding their experiences with caseload management, the discussion focused on each of the main elements of caseload management and how these elements are implemented in each court. The workshop concluded with a discussion of next steps for promoting effective caseload practices.

ECCM Products

The results of the extensive data collection, analysis, and policy recommendations that flow from that analysis are published in several reports and tools for court management. All are accessible at the ECCM web site: www.ncsc.org/eccm.

Reports

[Delivering Timely Justice in Criminal Cases: A National Picture](https://www.ncsc.org/_data/assets/pdf_file/0017/53216/Delivering-Timely-Justice-in-Criminal-Cases-A-National-Picture.pdf). A high-level visual summary of the major findings of the ECCM project can be found here:

https://www.ncsc.org/_data/assets/pdf_file/0017/53216/Delivering-Timely-Justice-in-Criminal-Cases-A-National-Picture.pdf.

[Success in Criminal Caseload Management: Lessons from the Field](https://www.ncsc.org/_data/assets/pdf_file/0018/53217/Success-in-Criminal-Caseload-Management-Lessons-from-the-Field.pdf). This report describes the elements of effective caseload management, based on close interaction with seven courts that share success in managing problems of delay. Drawing on empirical analysis, court site visits, and insights from workshop discussions, we offer practical information and strategies for applying caseload management theory in courts on a day-to-day basis. https://www.ncsc.org/_data/assets/pdf_file/0018/53217/Success-in-Criminal-Caseload-Management-Lessons-from-the-Field.pdf

[Timely Justice in State Courts: What the Data Tells Us](https://www.ncsc.org/_data/assets/pdf_file/0019/53218/Timely-Justice-in-Criminal-Cases-What-the-Data-Tells-Us.pdf). Based on extensive case-level data from 1.2 million felony and misdemeanor cases from over 130 courts, this report provides a detailed analysis of the factors most directly shaping criminal case-processing time. By examining court and community factors, local court organization and practice, and case-level characteristics, we

identify key factors influencing timeliness. https://www.ncsc.org/_data/assets/pdf_file/0019/53218/Timely-Justice-in-Criminal-Cases-What-the-Data-Tells-Us.pdf

[Criminal Case Management Basics: Data Elements, Performance Measures, and Data Presentation Strategies](https://www.ncsc.org/_data/assets/pdf_file/0012/53220/Criminal-Case-Management-Basics.pdf). Drawing on ECCM project experience, this report presents a step-by-step guide to collecting, analyzing, and presenting data on key indicators for effective management of criminal cases. The focus includes documenting the major steps in the life of a criminal case and the optimal timing of each event; identifying key data elements; specifying a meaningful and feasible set of performance measures to be generated from the identified data elements; and providing examples of interpretable and compelling performance results.

https://www.ncsc.org/_data/assets/pdf_file/0012/53220/Criminal-Case-Management-Basics.pdf

[ECCM Site Summaries](https://www.ncsc.org/services-and-experts/areas-of-expertise/caseload-and-workflow-management/effective-criminal-case-management/eccm-site-summaries): Each participating court received a visual summary of the criminal caseload data provided to the project that contained a set of infographics on felony and misdemeanor case processing. The data from each individual court was organized to make it comparable to other jurisdictions for the purposes of this study, using ECCM data definitions, counting rules, and general requirements for completeness. The summaries, designed to facilitate comparability across sites, are found at: <https://www.ncsc.org/services-and-experts/areas-of-expertise/caseload-and-workflow-management/effective-criminal-case-management/eccm-site-summaries>.

Data-Driven Tools

[ECCM Interactive Database](https://www.ncsc.org/_data/assets/pdf_file/0020/53219/ECCM-Interactive-Database.pdf). For the first time ever, comprehensive information on current case processing practices has been assembled from a large number of courts and made available in an interactive database. For both felony and misdemeanor cases, detailed data on case composition, time to disposition by case type, manner of disposition, and time to disposition by manner of disposition allow individual courts to compare their outcomes with others around the country.

[ECCM Cost of Delay Calculator](https://www.ncsc.org/_data/assets/pdf_file/0021/53220/ECCM-Cost-of-Delay-Calculator.pdf). Designed to allow court personnel to enter their own caseloads, event schedules, and cost information, the calculator demonstrates how quickly and significantly the costs of delay mount for the court and its criminal justice partners. By monetizing the cost of business as usual, this tool adds the financial element of

delay as another factor to motivate improving criminal case processing.

https://www.ncsc.org/_data/assets/excel_doc/0018/53235/ECCM-Cost-of-Delay-Calculator.xlsx

[ECCM Caseflow Management Maturity Model.](#)

Intended as a high-level framework to describe the critical hallmarks of caseflow management and as a self-assessment instrument for determining the level of adoption and institutionalization of caseflow management principles and practices by a court.