

CRIMINAL PERFORMANCE ANALYSIS PRELIMINARY RESULTS

To examine the processing performance of criminal cases filed in FY2010 and FY2011 using select performance metrics. It is anticipated that this analysis will provide insight on the impact of the court's revised criminal Differentiated Case Management (DCM) plan, which was implemented on July 1, 2010, on the performance of criminal cases filed in FY2011.

METHODOLOGY

Data: Included in this analysis are cases filed in FY2010 or FY2011 that had an original closure date on or before 4/26/2011 for cases filed in FY2010, or on or before 4/25/2012 for cases filed in FY2011. To obtain case processing time that excludes suspension events as defined by the Maryland Judiciary's case time standards the original data set was merged with information from the FY2010, FY2011, and FY2012 annual case assessment data files.¹ There are certain cases excluded from the annual case assessment analysis such as expunged cases. The processing times for these cases were included in the current analysis by reviewing case information in the court's data system and calculating case time sans suspended time. The resultant data includes 2,542 criminal cases filed in FY2010 (97.6% of the 2,604 criminal cases filed in FY2010) and 2,628 criminal cases filed in FY2011 (97.8% of the 2,688 criminal cases filed in FY2011). (See Table 1)

Performance Measures: Case processing time was measured from first appearance to case time stop events taking into consideration the statewide case time suspensions. Case processing information was used to calculate the average case processing time (ACT) and the percent of cases closed within the Maryland Judiciary's 180-day criminal time standard (%WST). These performance metrics were reported for each fiscal year, by case sub-type, DCM Track, and for cases that plead. The data was also used to create several case resolution profiles.

Table 1. Number of Criminal Case Filings and Cases Used in the Analysis by Fiscal Year

Fiscal Year	FY10	FY11	Total
Total Filings	2,604	2,688	5,292
Number of filings with a valid case time stop date included in this analysis (% of filings)	2,542 (97.6%)	2,628 (97.8%)	5,170 (97.7%)

ANALYSIS

Table 2 displays the number of cases included in this analyses, the overall ACT, and the overall %WST by fiscal year. The two performance metrics indicate that the court's overall criminal case processing performance improved between FY2010 and FY2011.

¹ The FY2012 Annual Case Processing Assessment data is currently under review and the case processing times obtained should be viewed as preliminary. That said, the data/results are not expected to change dramatically.

In particular, the analyses reveal the following:

- The ACT among the 2,628 FY2011 cases included in this analysis is 56.8, 17 days shorter than that among the 2,542 FY2010 cases included in this analysis (73.8 days).
- The %WST among FY2011 is 96.6% virtually identical to the FY2010 performance of 96.3%.
- The small difference in the %WST between FY2010 and FY2011 does not indicate that procedures implemented as part of the revised DCM had minimal impact on performance. In fact, the observed reduction in ACT indicates that case processing performance is more efficient among FY2011 filings compared to FY2010 filings.

Table 2. Overall Criminal Case Processing Performance, FY2010 and FY2011

Fiscal Year	FY10	FY11	Difference
Number of cases used in the analysis	2,542	2,628	86
ACT	73.8	56.8	-17
%WST	96.3%	96.6%	0.3%

The following analyses deconstruct the overall ACT and %WST by sub-type and DCM Track to determine whether additional insights can be obtained on case processing performance among FY2010 and FY2011 criminal filings.

Table 3 displays performance information among the defined population by case sub-type: District Court Appeals/Jury Trial Prayers (DCA/JTP) and Informations/Indictments.

Table 3. Criminal Case Processing Performance by Case Sub-Type, FY2010 and FY2011

Case Sub-Type	# of Cases				ACT			%WST		
	FY10	FY11	Total	%	FY10	FY11	Difference	FY10	FY11	Difference
DCA/JTP	1,145	1,190	2,335	45.2%	33.1	29.5	-3.6	99.7%	99.3%	-0.4%
Informations/Indictments	1,397	1,438	2,835	54.8%	107.2	79.5	-27.7	93.6%	94.3%	0.7%
Total	2,542	2,628	5,170	100.0%	73.8	56.8	-17.0	96.3%	96.6%	0.3%

- Approximately 45% of the criminal cases filed in FY2010 and FY2011 are DCA/JTP whereas 55% are informations/indictments. There appears to be minimal differences in the representation of these case sub-types between the two fiscal years.
- Most of the improvement in case processing efficiency between FY2010 and FY2011 occurred among information/indictments. Among information/indictment cases filed in FY2011, the average case time is 80 days compared to 107 days among cases filed in FY2010 (a difference of approximately 28 days). The difference in average case processing time among DCA/JTP cases is approximately 4 days from 33 days among cases filed in FY2010 to 30 days among cases filed in FY2011.

- There was a very slight decrease in the within-standard percentage among DCA/JTP cases filed in FY2010 compared to FY2011. In particular, 99.7% of DCA/JTP cases filed in FY2010 closed within the 180-day time standard compared to 99.3% among those filed in FY2011. Despite the slight decrease in the %WST, the FY2010 and FY2011 case filings both met the performance standard of closing 98% of cases within 180-days.
- The within-standard percentage of information/indictment cases improved very slight (by 0.7%) from 93.6% among FY2010 criminal filings to 94.3% among FY2011 criminal filings. The %WST for information/indictment cases failed to meet the time standard performance goal of closing 98% within 180-days. Again, while efficiencies are realized in case processing time, these efficiencies do not appear to impact those criminal cases that are markedly over the 180-day time standard.

Table 4 displays the ACT and %WST for criminal cases filed in FY2010 and FY2011 by DCM Track. In FY2010, criminal cases filed with Montgomery County Circuit Court were assigned to one of five DCM tracks; however, in FY2011, under the revised criminal DCM plan, one of the five tracks was eliminated. Descriptions of the criminal DCM tracks are as follows:

Track 0: Information little or no discovery (eliminated under the revised criminal DCM plan in FY2011; cases formerly filed in this track are now filed into Tracks 2 or 3).

Track 1: District Court jury demands and appeals.

Track 2: Indictments and Informations, defendant locally incarcerated.

Track 3: Indictments and Informations, defendant on bond/writ status.

Track 4: Complex Indictments and Informations.

Table 4. Criminal Case Processing Performance by DCM Track, FY2010 and FY2011

DCM Track	# of Cases				ACT			%WST		
	FY10	FY11	Total	%	FY10	FY11	Difference	FY10	FY11	Difference
0	60	N/A	60	1.2%	62.1	N/A	N/A	98.3%	N/A	N/A
1	1,145	1,190	2,335	45.2%	33.1	29.5	-3.6	99.7%	99.3%	-0.4%
2	355	419	774	15.0%	100.6	58.3	-42.3	96.3%	98.6%	2.3%
3	658	742	1,400	27.1%	99.2	67.6	-31.6	96.0%	97.6%	1.6%
4	324	277	601	11.6%	139.1	143.1	4.0	84.9%	79.1%	-5.8%
Total	2,542	2,628	5,170	100.0%	73.8	56.8	-17.0	96.3%	96.6%	0.3%

- Among FY2010 and FY2011 criminal cases used for this analysis, 45% were assigned to Track 1. Twenty-seven percent of cases were assigned to Track 3 (25.9% in FY2010 and 28.2% in FY2011) and 15% to Track 2 (14.0% in FY2010 and 15.9% in FY2011). Twelve percent of the cases were assigned to Track 4 (12.7% in FY2010 and 10.5% in FY2011).
- Comparisons of the average case times by DCM track between FY2010 and FY2011 shows that criminal case processing is consistently more efficient in FY2011 compared to FY2010 across all DCM tracks but Track 4. The greatest improvements in average case processing time occurred among criminal filings assigned to Tracks 2 and 3. In particular, the average case processing times for criminal filings assigned to Tracks 2 and 3 decreased by 42 days and 32 days, respectively between FY2010 and FY2011. This highlights a noticeable improvement in case processing efficiency.

- Observed improvements in the percentage of cases closing within the 180-day time standard in FY2011 are largely due to the more efficient processing of case assigned to Tracks 2 and 3. In particular, the within-standard percentage improved by 2.0 percentage points from 96.3% to 98.6% between FY2010 and FY2011 for cases assigned to Track 2.
- Among Track 3 criminal cases, the within-standard percentage improved by 1.6 percentage points from 96.0% in FY2010 to 97.6% in FY2011. In contrast, criminal cases assigned to Tracks 1 and 4 experienced a decline (0.4 and 5.8 percentage points, respectively) in their within-standard percentages.
- An interesting finding is that the %WST for criminal cases assigned to Tracks 1, 2, and 3 met the criminal time standard of closing 98% of cases within 180-days. Cases assigned to Track 4 did not meet this standard and, between FY2010 and FY2011, the %WST performance actually declined by 5.8 percentage points.

Table 5 provides a preliminary analysis of the prevalence of pleas among criminal cases filed in FY2010 compared to FY2011 included in this analysis. It is not necessarily anticipated that there will be more pleas as a result of revisions to the criminal DCM plan; however, it is anticipated that pleas will occur earlier in the case process among FY11 compared to FY10 criminal filings. The resolution profile for plea cases is displayed in Chart 5. Table 5 reveals the following findings:

- The percentage of FY2010 and FY2011 criminal filings that ultimately plead is comparable at approximately 66% (less than a percentage point difference between FY2010 and FY2011 cases).
- The percentage of pre-indictment pleas slightly increased among cases that plead from 8.8% among FY2010 filings to 10.1% among FY2011 filings.

Table 5. Prevalence of Plea Outcomes in Criminal Cases, FY2010 and FY2011

Fiscal Year	FY10	FY11	Total
Number of filings with a valid case time stop date included in this analysis	2,542	2,628	5,170
Number of cases that plead* (% plead of filings included in the analysis)	1,696 (66.7%)	1,730 (65.8%)	3,426 (66.3%)
Number of pre-indictment pleas	150	175	325
% of pre-indictment pleas (among cases that plead)	8.8%	10.1%	9.5%
% of pre-indictment pleas among all filings included in this analysis)	5.9%	6.7%	6.3%

* A case is identified as having plead when there is a docket entry of 766 (Defendant's Oral Plea) prior to or on the original case stop date.

** The presence of a pre-indictment plea in FY10 is determined by having a plea memo and an oral plea docketed within 30 days of the date the case was filed. For FY11, the presence of a pre-indictment plea is determined by having a PX and an oral plea docketed within 30 days of the date the case was filed. There were 15 instances where an oral plea at a PX event did not occur within 30 days of filing. The docket entries for these cases were examined more comprehensively in the court's data management system and a determination was made to count them as pre-indictment pleas.

RESOLUTION PROFILES

Charts 1 – 5 display resolution profiles by case sub-type, among information/indictment cases assigned to Tracks 2 and 3 compared to Track 4, and for criminal cases that plead.

Chart 1 displays the resolution profiles for DCA/JTP criminal cases filed in FY2010 and FY2011 that met the analytic criteria.

- Between the 1st and 90th day (from first appearance) a greater proportion (between 1.5 and 9.2 percentage points) of the FY2011 cases closed than FY2010 cases. In particular, 60% of FY2011 DCA/JTP filings closed within 30 days of first appearance compared to 50.8% of FY2010 criminal filings. At the 91st day (approximately), the FY2010 and FY2011 DCA/JTP filings had comparable resolution rates.

Chart 1. DCA/JTP Resolution Profile, FY2010 and FY2011

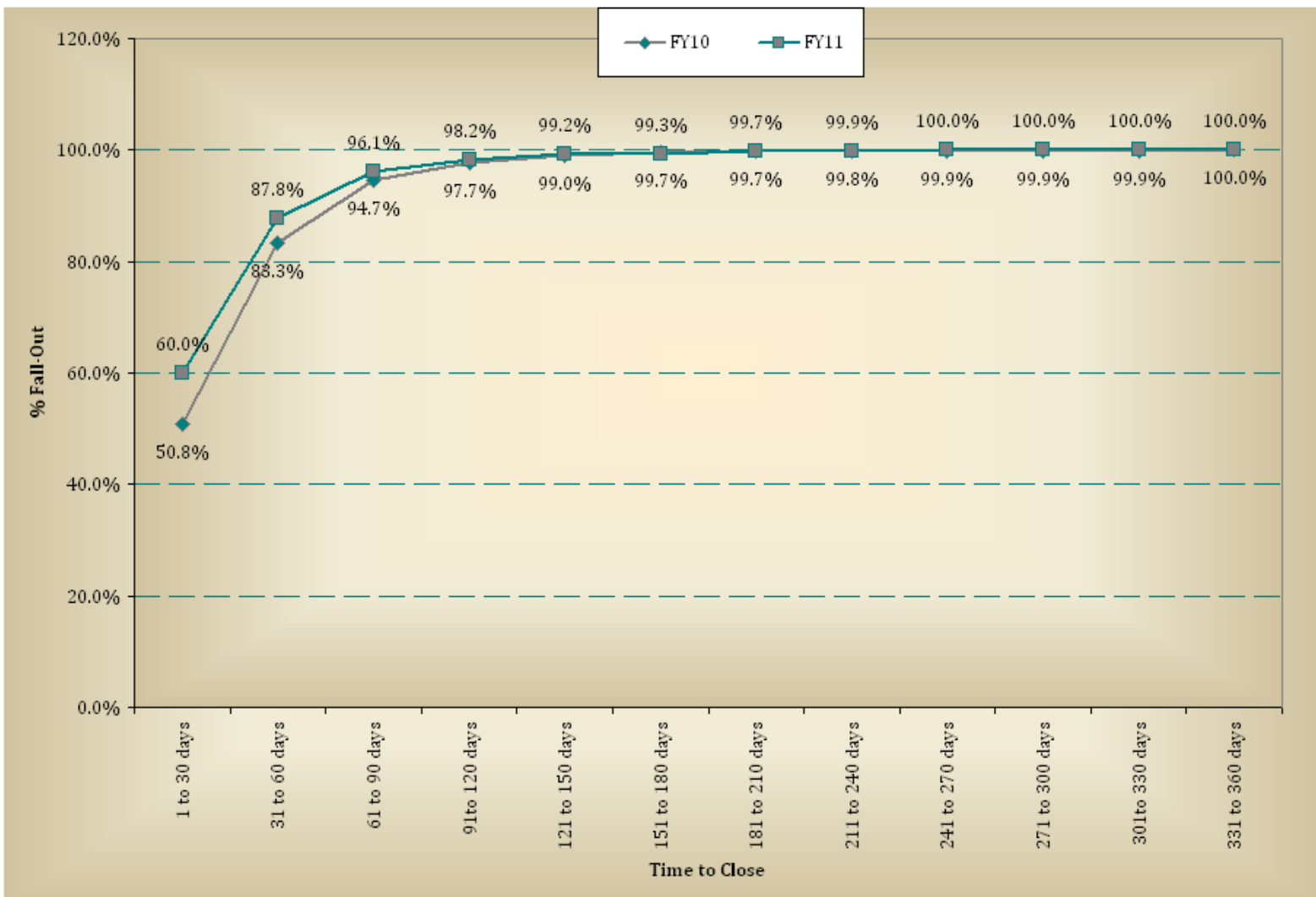
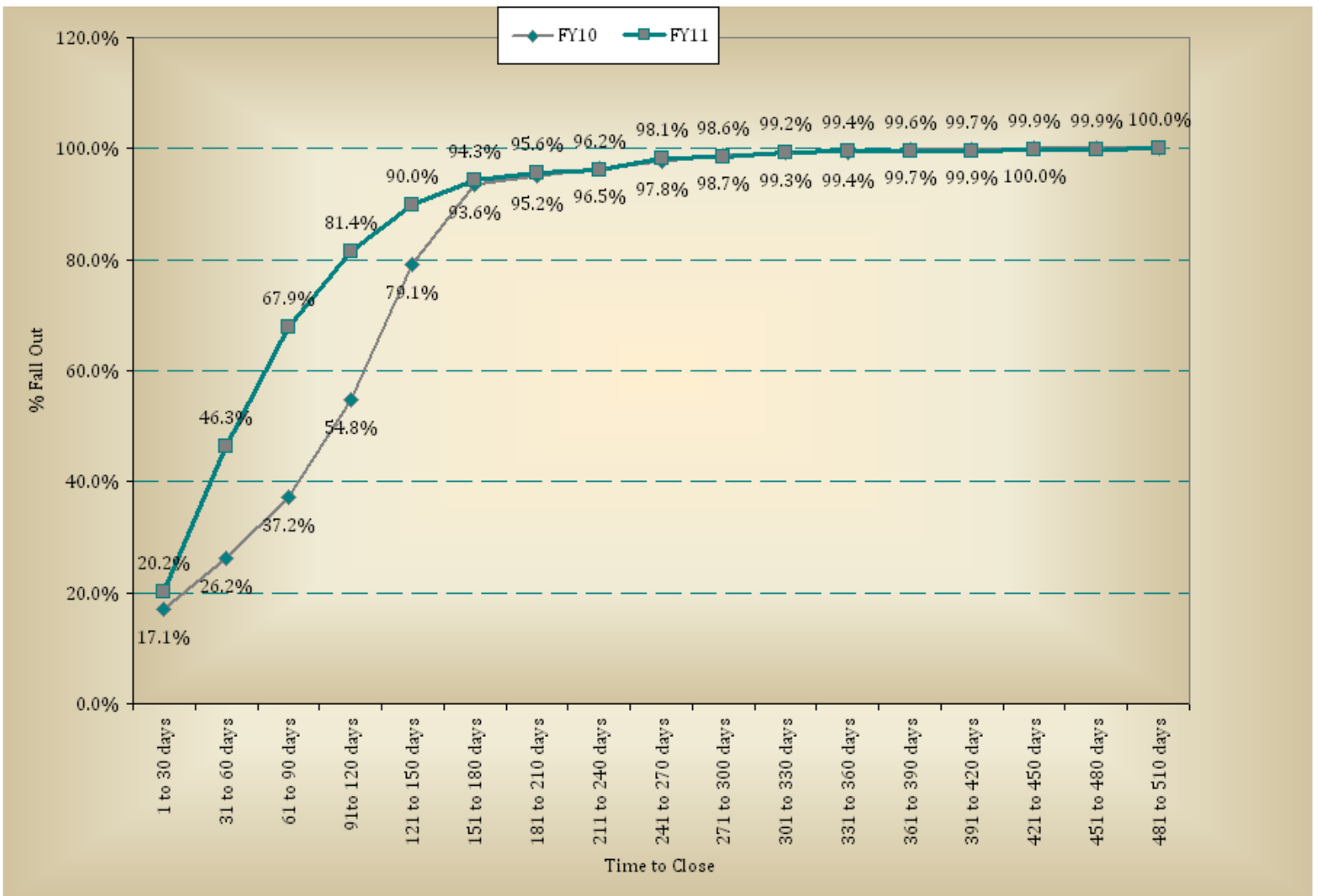


Chart 2 displays the resolution profiles for FY2010 and FY2011 information/indictment case filings.

- The improvement in case processing efficiency can clearly be seen prior to the 180-day time standard. This early steep resolution curve among information/indictment cases filed in FY2011 is preferred because it shows that a higher percentage of filings are closing earlier in the case process.
- The resolution gap between FY2011 and FY2010 information/indictment case filings reached its greatest between the 61st and 90th day when 68% of the FY2011 filings resolved compared to 37% of the FY2010 filings.
- Some of the FY2011 information/indictment cases took longer to completely resolve than the FY2010 information/indictment cases. In particular, while all cases filed in FY2010 completely resolved between the 421st and 450th day, it was between the 481st and 510th day when the last FY2011 cases were resolved.

Chart 2. Information/Indictment Resolution Profile, FY2010 and FY2011



While Chart 2 clearly shows an improvement in the processing performance of information/indictment FY2010 and FY2011 criminal filings, findings from the DCM Track analysis suggest this performance likely differs based on the type of criminal case and ultimate track assignment. Charts 3 and 4 display the resolution profiles for information/indictment cases assigned to Tracks 0 (FY2010), 2, and 3 compared to Track 4.

The resolution gap between FY2011 and FY2010 information/indictment cases assigned to Tracks 2 and 3 reached its greatest point between the 61st and 90th day when 78% of the FY2011 filings resolved compared to 42% of the FY2010 filings. However, the gap virtually disappears by the 151st day from the first appearance. In comparison, Chart 4 (see page 8) shows that the FY2011 resolution profile of Track 4 information/indictment case filings closely follows that of FY2010 filings, indicating that the case processing performance of those cases did not substantially improve between the two fiscal years.

Chart 3. Resolution Profiles for Information/Indictment Cases Assigned to Tracks 0 (FY2010 only), 2, and 3, FY2010 and FY2011

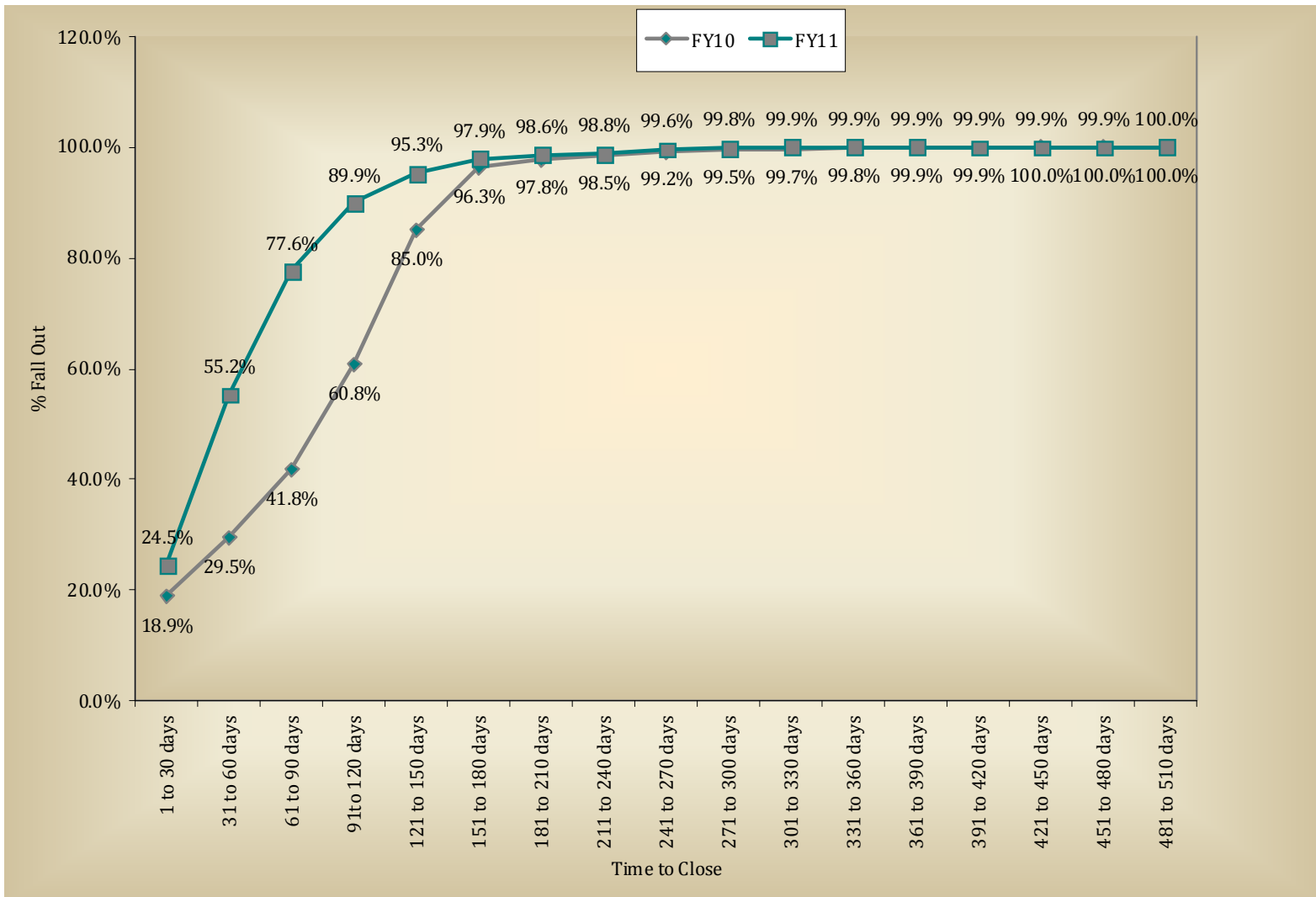
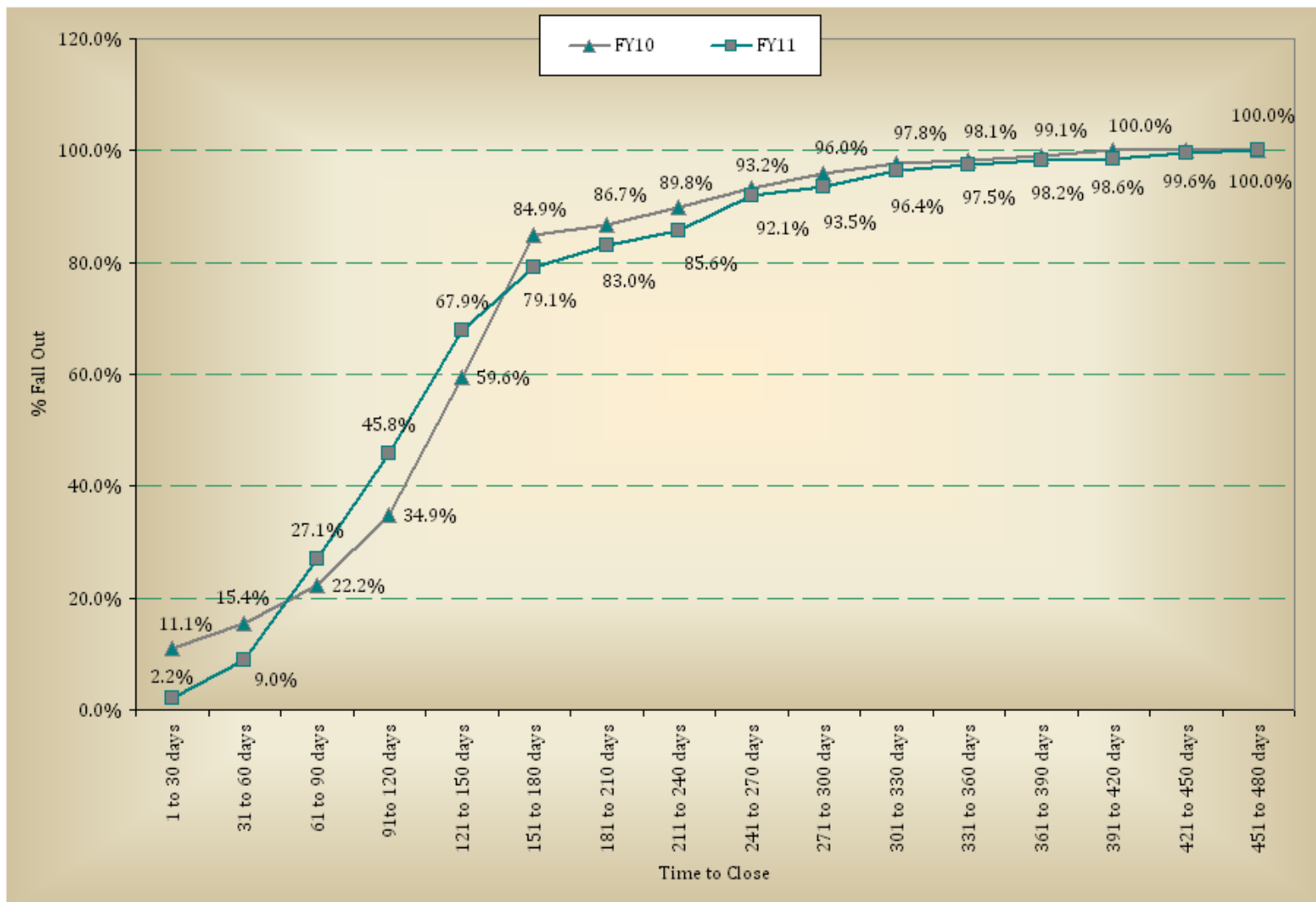


Chart 4. Resolution Profiles for Information/Indictment Cases Assigned to Track 4, FY2010 and FY2011

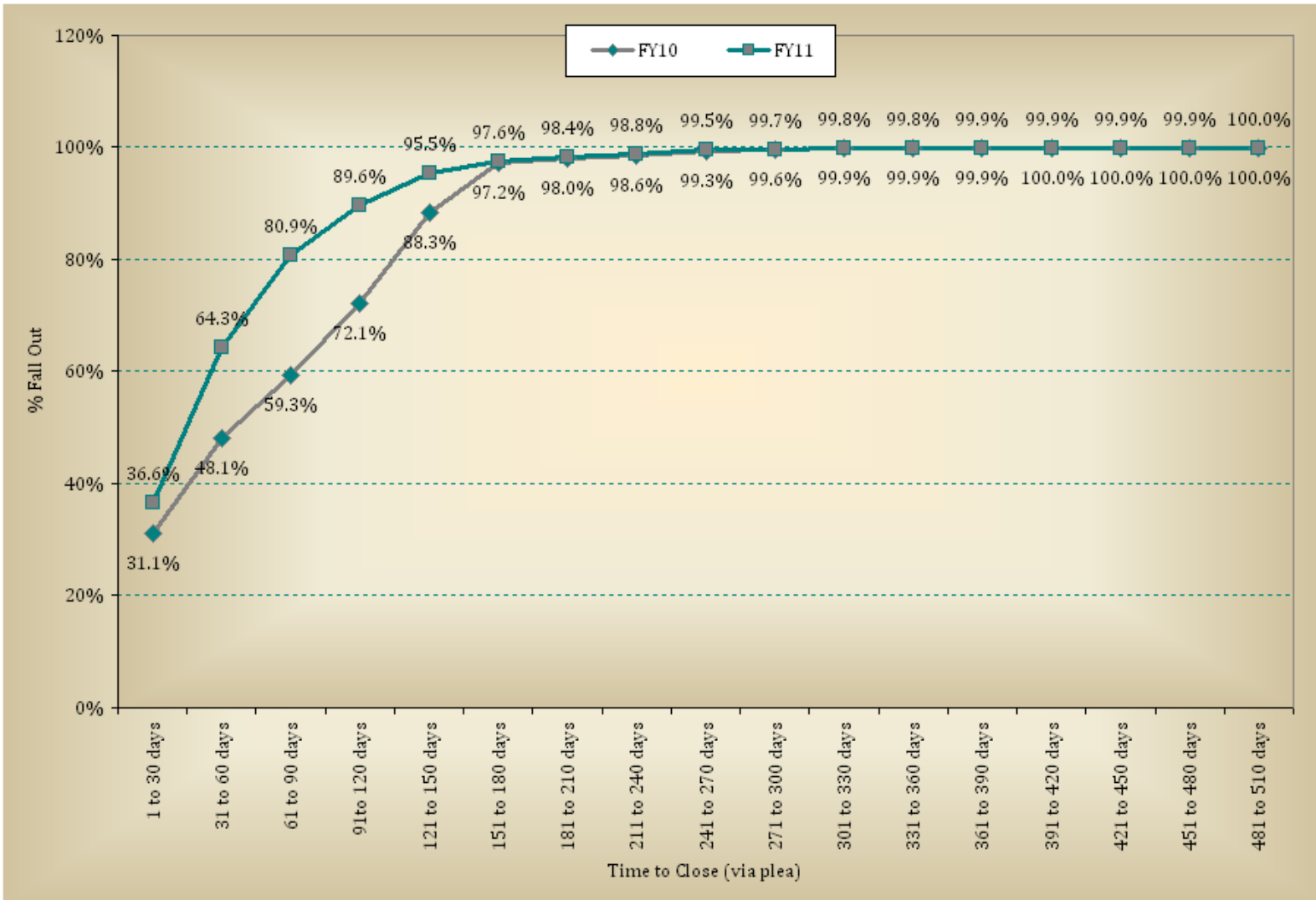


The last set of resolution profiles are displayed in Chart 5 (see page 9) and show the percentage of FY2010 and FY2011 cases that plead within specified time intervals. Similar to the previous charts improvements in case processing time were obtained among criminal cases filed in FY2011 compared to FY2010. The resolution gap between FY2011 and FY2010 among criminal plea cases reached its greatest point between the 61st and 90th day when 81% of the FY2011 filings resolved via plea compared to 59% of the FY2010 filings. However, the gap virtually disappears by the 151st day from the first appearance.

As can clearly be seen from Charts 1 through 4, the improvement in processing performance in FY2011 occurred among information/indictment cases, in particular among cases assigned to Tracks 2 and 3. The resolution profiles of Track 1 and Track 4 cases in Charts 1 and 4 do not reveal a marked difference between FY2010 and FY2011 as was shown in Chart 3. In addition, the resolution profiles for Track 4 case filings do not exhibit the early steep resolution curve, which indicates that that the performance of Track 4 cases negatively impacts the overall processing of criminal cases in both years. The lower performance associated with Track 4 cases in FY2011 was anticipated because prior to implementation of the revised DCM plan routine Track 2 cases were more frequently getting assigned to Track 4. Given that Track 2 cases tend to perform more efficiently, they were masking the actual performance of Track 4 cases. The FY2011 performance of Track 4 cases is likely to be a more accurate representation of that track's performance.

Chart 5 also displays improvements in case processing efficiency. As part of the revised criminal DCM plan, an open plea policy was instituted allowing plea agreements before any plea active judge before the pre-trial hearing. While this preliminary analysis did not examine the event at which criminal pleas occurred, it is clear from Chart 5 that pleas occurred earlier in the case process among FY2011 criminal filings compared to FY2010 criminal filings.

Chart 5. Resolution Profiles for Criminal Cases that Plead, FY2010 and FY2011



CONCLUSIONS

The purpose of this analysis is to compare the performance of criminal cases filed in FY2010 and FY2011 in light of revisions made to the court's criminal DCM plan, which was implemented in July 1, 2010. To make the FY2010 and FY2011 data comparable, the analysis used cases with a valid case time stop that occurred within 300 days from the last day of the fiscal year during which the cases were filed. The processing times associated with the population of cases used in this analysis was calculated in accordance with the Maryland Judiciary's criminal case time standards. For instance, time associated with approved suspension events was subtracted from the calculation of case time.

The results reveal improvements in both the average case processing time and to a lesser extent, the percentage of cases closed within the 180-day criminal case time standard for cases filed in FY2011 compared to FY2010. It appears that including case time suspension events in the calculation of the case time may have masked the true impact of the revised DCM plan. A preliminary analysis using similar data (but without taking into account suspended time) indicated that the percent of case closed within 180 days from filing was substantially greater among the FY2011 cases than the FY2010 counterparts (for example, the %WST for FY2011 information/indictment cases was 90.7%, 4.5 percentage points greater than that among FY2010 cases (86.2%).

The improvements in criminal case processing efficiency mainly occurred among indictment and information cases, in particular those assigned to Tracks 2 or 3, between 31 and 150 days from first appearance. Specific revisions to the criminal DCM plan likely contributed to this improvement in performance including:

- The Administrative Judge's enforcement of a rigorous postponement policy, consistent support of the DCM plan and its associated policies, and commitment to communicating the role of the Plan in achieving timely justice;
- A scheduling policy flexible enough to allow parties to determine mutually agreed upon dates (including the trial date) within the DCM guidelines. Scheduling beyond the guidelines requires permission from the Administrative Judge (which is not automatically given but only upon showing of need). If permission by the Administrative Judge is granted, then guidance is provided to schedule the proposed dates as close to the guidelines as possible;
- An open plea policy allowing plea agreements before any plea active judge before the pre-trial hearing. The plea is only taken before the assigned plea judge once the pre-trial is held and the trial date is confirmed;
- Commitment of the Office of the State's Attorney and other stakeholders to provide discovery promptly; and
- The Court's realistic approach to event scheduling that allows double-booking of trial dates.

Additional criminal DCM analyses will focus on the following questions:

- Do the percentages of pleas prior to or on the trial date differ among criminal cases filed in FY2010 compared to FY2011?
- Which component(s) of the revised DCM plan lead to the improvements in case processing?