

# Montgomery County Circuit Court Research Bulletin FY2012 Case Processing Performance - Criminal

## Case Processing Performance - Overview

During Fiscal Year 2012 (FY12), Montgomery County Circuit Court processed a total of 2,194 original criminal case terminations, which was 518 cases (19%) less than the FY11 level (2,701 cases). Since 11 of the 2,194 cases were without a valid case start date, they were excluded from the analysis, and the remaining 2,183 cases were used for the current analysis. In FY09, the criminal time standard was modified to measure the case time from the first appearance to verdict instead of sentencing. As a result, between FY08 and FY09, the percent of cases closed within the 180-day standard increased from 86% to 96%. The average case time (ACT) for all cases and among those closed within the standard for FY12, 66 days and 56 days, respectively, are slightly longer than those in FY11 though still shorter than those in FY09 and FY10. For the past four fiscal years, the court measured its criminal case processing performance based on the old standard and the revised one to continue tracking its performance trend. As shown in Table B.1, the criminal case processing performance appears to have turned around from the slight decline between FY04-FY10; in FY11, the percentage improved to the FY04 level of 91% and reached 96% in FY12. Under the old time standard, the average case time for all cases and within-standard cases for FY12 are 63 days and 55 days, respectively, much shorter than those of any other years.

**Table B.1 Number of Criminal Case Terminations, FY04-FY12**

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT*	N	%	ACT*
<b>Measured based on the old time standard with the case stop date on sentencing</b>								
FY04	2,035	94	1,852	91%	63	183	9%	402
FY05	2,383	86	2,155	90%	65	228	10%	286
FY06	2,481	84	2,239	90%	65	242	10%	260
FY07	2,485	92	2,205	89%	66	280	11%	295
FY08**	(505)	95	(435)	86%	69	(70)	14%	254
FY09	2,487	93	2,191	88%	69	286	12%	279
FY10	2,570‡	93	2,213	86%	69	357	14%	245
FY11	2,608‡	77	2,362	91%	58	246	9%	262
<b>FY12</b>	<b>2,052‡</b>	<b>63</b>	<b>1,971</b>	<b>96%</b>	<b>55</b>	<b>81</b>	<b>4%</b>	<b>272</b>
<b>Measured based on the revised time standard with a revised case stop date on verdict</b>								
FY09	2,487	77	2,372	96%	68	106	4%	270
FY10	2,607	80	2,486	95%	71	121	5%	263
FY11	2,701	62	2,603	96%	53	98	4%	284
<b>FY12</b>	<b>2,183</b>	<b>66</b>	<b>2,089</b>	<b>96%</b>	<b>56</b>	<b>94</b>	<b>4%</b>	<b>278</b>

Maryland criminal case time standard and goal: 180 days and 98% within-standard terminations

\* ACT = average case time (in days)

\*\* FY08 ACT and the percent of cases closed in within-standard are based on a sample of 505 case terminations.

‡ The number of cases used in the calculation is smaller because it excludes cases in the data that did not have sentencing within a given fiscal year. Also missing from the data were cases that had sentencing during the fiscal year but had verdict in a previous year.

## Differentiated Case Management (DCM) Track Analysis

Table B.2 presents FY12 case processing performance (ACT for total, and within-/over-standard terminations and the percent of cases closed within-standard) by the DCM track. As the first section of the table shows, 43% of the terminated cases for FY12 were assigned to Track 1 (45% in FY11 and 44% in FY10), 14% to Track 2 (16% in FY11 and 14% in FY10), 32% to Track 3 (29% in FY11 and 26% in FY10), and 11% to Track 4 (10% in FY11 and 14% in FY10). Thus the percentage distribution by Track for FY12 case terminations is comparable to that of FY11. In FY12, 97% of Track 2 cases were closed within-standard. In addition, the performance of Track 3 cases increased slightly to 97% FY12 from 96% in FY11 whereas the performance of Track 1 cases remained unchanged and that of Track 4 cases declined from 82% to 76%.

In terms of the average case time (ACT), Tracks 2 and 3, which experienced a substantial reduction in the overall and within-standard ACTs from FY10 to FY11, remained unchanged between FY11 and FY12. Track 2 overall and within-standard ACTs were 68 and 63 days in FY12, respectively (they were 69 and 63 days in FY11); Track 3 overall and within-standard ACTs were 73 and 78 days, respectively (77 days and 70 days in FY11). In contrast, the ACT of over-standard cases in both Tracks 2 and 3 improved substantially between FY11 and FY12; Track 2 ACT was reduced from 336 to 218 days, and that of Track 3 from 264 to 232 days. While these improvements in the ACT among OST cases assigned to Tracks 2 and 3 have not resulted in substantial improvement in their within-standard percentages, if these trends continue, the within-standard percentages may eventually improve to the level of Track 1, leaving cases in Track 4 largely over-standard.

**Table B.2 FY12 Criminal Case Terminations by Termination Status (Within or Over the 6-month Standard) and Track**

	Total Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST*	% of Track	ACT	N	% of OST*	% of Track	ACT
Track 0	1	0%	146	1	0%	100%	146	0	0%	0%	0
<b>Track 1</b>	<b>940</b>	<b>43%</b>	<b>37</b>	<b>933</b>	<b>45%</b>	<b>99%</b>	<b>35</b>	<b>7</b>	<b>7%</b>	<b>1%</b>	<b>297</b>
<b>Track 2</b>	<b>313</b>	<b>14%</b>	<b>68</b>	<b>303</b>	<b>15%</b>	<b>97%</b>	<b>63</b>	<b>10</b>	<b>11%</b>	<b>3%</b>	<b>218</b>
<b>Track 3</b>	<b>693</b>	<b>32%</b>	<b>73</b>	<b>673</b>	<b>32%</b>	<b>97%</b>	<b>68</b>	<b>20</b>	<b>21%</b>	<b>3%</b>	<b>232</b>
<b>Track 4</b>	<b>234</b>	<b>11%</b>	<b>154</b>	<b>179</b>	<b>9%</b>	<b>76%</b>	<b>108</b>	<b>55</b>	<b>59%</b>	<b>24%</b>	<b>306</b>
Track N	2	0%	203	0	0%	0%	1	2	2%	100%	203
<b>Total</b>	<b>2,183</b>	<b>100%</b>	<b>66</b>	<b>2,089</b>	<b>100%</b>	<b>96%</b>	<b>56</b>	<b>94</b>	<b>100%</b>	<b>4%</b>	<b>278</b>

\* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.

Note: Percentages do not always add to 100% due to rounding

## Trial Postponement Analysis

In FY10, for the first time since the caseload assessment was implemented, over 50% of the terminated cases experienced at least one trial postponement. However, in FY11 with the implementation of 4-215 hearings as part of the revised criminal DCM plan, cases with trial postponements reduced to 614 from 1,604 in FY10. The trend continued in FY12, and only 386 cases had such postponements. Most of the reduction in the number of cases with trial postponements occurred among cases that closed within the 180-day time standard and among cases with one or two postponements in FY12, as observed in FY11. In FY12, of the 544 trial postponements identified, only 18 had the 'System-Generated Initial Trial Date Not Conformed to Counsels' Availability' as the postponement reason, which had been the most-frequently reported trial postponement reason up until FY11 (41% (347 postponements) and 72% (1,606 postponements) of all the trial postponements in FY11 and FY10, respectively). The number of the non-'System-Generated Initial Trial Date ...' postponement reasons increased from 448 in FY10 to 493 in FY11 and to 526 in FY12 (a 17% increase).

## Criminal Sub-Type Analysis

Table B.3 presents the breakdown of criminal cases by case sub-type and termination status for FY12. In terms of case sub-type, the District Court jury trial prays (JTP) declined by 26% from 160 to 118 between FY11 and FY12, and the District Appeals declined by 21% from 1,048 to 823. The reduction in the number of original circuit court cases was less drastic; indictments declined by 16% from 1,058 to 886, and informations by 18% from 435 to 357. However, the breakdown of FY12 case terminations by sub-type remained virtually unchanged from FY11. As observed in FY11, at least 98% of informations and District Court Jury Demands and Appeals were closed within-standard, meeting the 180-day time standard goal whereas only 91% of indictments were closed within the time standard (93% in FY11). Eighty-three percent of the over-standard cases were indictments (81% in FY11).

An examination of criminal case terminations by case sub-type and DCM Track indicated that the following cases were over-standard: indictments in all tracks (in particular Track 4 with 76% WST) and Track 4 informations (92% WST).

**Table B.3 Criminal Cases by Case Sub-Type and Termination Status, FY12**

Case Sub-type	Total Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	%	ACT*	N	%	% WST*	ACT	N	%	% OST*	ACT
Indictment	885	41%	100	807	39%	91%	82	78	83%	9%	280
Information	357	16%	56	349	17%	98%	52	8	9%	2%	242
Bindover-Jury	118	5%	21	117	6%	99%	20	1	1%	1%	222
Bindover-Appeal	823	38%	40	816	39%	99%	38	7	7%	1%	297
Total	2,183	100%	66	2,089	100%	96%	56	94	100%	4%	278

## Future Analyses and Next Steps

- ◆ Conduct an in-depth analysis of Track 4 information and indictment cases to identify factors that may be associated with over-standard terminations. Review how well these cases are performing against the DCM guidelines to identify at which stage of the case that performance begins to falter. Devise additional measures, if necessary, to monitor the progress of Track 4 cases according to the DCM guidelines.
- ◆ Plan an analysis that quantifies the relationship between how closely a trial date was set to the case time standard deadline and the likelihood of an over-standard termination controlling for case subtype, DCM Track, DCM plan (original vs. revised), offense characteristics (type, severity and number of offenses, etc.), and the presence of companion case(s), etc.
  - ◆ Based on the analysis described above, review the court's current trial scheduling practice and the trial postponement policies and revise them if necessary. For example, the analysis may provide the court with insights as to the date range associated with the initial trial date. The length of time for which a trial is to be rescheduled may also be adjusted based on how close the rescheduled trial date is to the case 'drop' date with a probability of going beyond the deadline (in addition to the availability of parties). At the 4-215 hearing, the court may also want to discuss with parties the importance of adhering to the rescheduled trial date and note that additional trial postponements are unlikely to be granted unless the reason reaches a certain seriousness threshold.
- ◆ The court has discussed the importance of analyzing criminal performance against newly developed model time standards for state trial courts. These time standards provide an overall standard as well as several intermediate time standards by which a court can examine its performance. Prior to measuring the court's performance against these time standards, the technical requirements need to be defined in order to accurately capture the data used to measure the time standards. The court is currently working to develop these technical requirements.