

# Montgomery County Circuit Court Research Bulletin

## FY2012 Case Processing Performance

### Juvenile Delinquency

#### Case Processing Performance - Overview

In Fiscal Year 2012 (FY12), the Montgomery County Circuit Court terminated a total of 1,006 juvenile delinquency cases, which is an 8% reduction from the number of case terminations in FY11 (N = 1,092). The state-defined time standard and associated goal for juvenile delinquency cases is to close 98% within 90 days from first appearance of the respondent or entry of respondent's counsel to disposition. Table D.1 reveals that the within-standard reduced to 95% in FY11 from 97% in FY12 whereas the overall ACT improved from 46 days to 45 days during the same period. It appears that the decrease in the overall ACT for FY12 was driven by a decrease in the ACT for within-standard cases. The FY12 ACT among within-standard cases is 42 days, which is similar to the ACT obtained for within-standard cases terminated in FY10 and slightly lower than the within-standard ACT for FY11 terminations (44 days). The over-standard ACT for FY12 increased to 115 days from 111 days obtained among FY11 terminations.

**Table D.1 Number of Juvenile Delinquency Case Terminations FY04-FY12**

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY04	1,521	43	1,490	98%	39	31	2%	198
FY05	1,431	40	1,416	99%	39	15	1%	122
FY06	1,651	40	1,634	99%	39	17	1%	143
FY07	1,485	41	1,455	98%	40	30	2%	119
FY08**	(510)	46	(484)	95%	42	(26)	5%	127
FY09	1,384	47	1,324	96%	43	60	4%	134
FY10	1,316	45	1,261	96%	42	55	4%	113
FY11	1,092	46	1,059	97%	44	33	3%	111
<b>FY12</b>	<b>1,006</b>	<b>45</b>	<b>953</b>	<b>95%</b>	<b>42</b>	<b>53</b>	<b>5%</b>	<b>115</b>

Maryland juvenile delinquency case time standard and goal: 90 days (3 months) and 98% within-standard terminations

\* ACT = average case time (in days)

#### Differentiated Case Management (DCM) Track Analysis

In FY12, Montgomery County Circuit Court revised its juvenile Differentiated Case Management (DCM) plan. This revision consolidated the number of tracks from four to two; Tracks 5 and 6 (complex detained and non-detained delinquency cases, respectively) are now incorporated into Tracks 1 (delinquent detention/shelter care) and 2 (delinquent non-detention) as appropriate.

Table D.2 provides the number of case terminations by termination status (within- versus over-standard) and DCM Track. Similar to previous years, the vast majority (85%) of juvenile delinquency cases are assigned to DCM Track 2 (non-detention), and the remaining are assigned to Track 1 (detention). On average, Track 2 cases have a longer overall ACT (48 days) than Track 1 cases (30 days). In FY12, Track 1 delinquency cases met the performance goal of 98% by closing 99% within the 90-day standard, whereas 94% of the Track 2 cases closed within the 90-day time standard.

## Differentiated Case Management (DCM) Track Analysis, Continued

Thus, the case processing performance of juvenile delinquency cases largely hinges upon how the court processes cases assigned to Track 2. In FY11, 97% of Track 2 cases closed within-standard, which is 3 percentage points higher than the FY12 performance for Track 2 cases.

**Table D.2 FY12 Juvenile Delinquency Case Terminations by Termination Status (Within or Over the 3-month Standard) and Track**

DCM Track	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST*	% of Track	ACT*	N	% of OST*	% of Track	ACT*
Track 1	154	15%	30	152	16%	99%	29	2	4%	1%	133
Track 2	852	85%	48	801	84%	94%	44	51	96%	6%	115
Total	1,006	100%	45	953	100%	95%	42	53	100%	5%	115

\* 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.

With the recent revisions to the juvenile DCM plan in July 2012, Tracks 5 and 6 for detained and non-detained respondents were removed to streamline the delinquency tracks. Currently, delinquency cases are assigned to Track 1 (for detained respondents) or Track 2 (for non-detained respondents). Since, there was only one delinquent case dispositioned in FY12 that was assigned to Track 6 (case time = 75 days and closed within the 90-day time standard), this case is included among the Track 2 cases.

An additional analysis was performed among Track 2 delinquency cases by tracking the cumulative percent of the cases that closed within defined time periods for FY10, FY11, or FY12. The trend lines across fiscal years revealed that FY12 terminations track similarly with FY10 and FY11 during the 49<sup>th</sup> and 64<sup>th</sup> day time frame; however, there is more variation across the fiscal years among cases that terminated earlier and later in the case process. In particular, earlier in the case process, a larger percentage of the FY12 delinquency cases were disposed compared to FY11. Between the 64<sup>th</sup> and 92<sup>nd</sup> day time frame (and beyond), the FY12 termination profile begins to lag behind that of FY11 and becomes somewhat comparable to the FY10 profile.

Several reasons are considered for the declined delinquency performance in FY12: differences in the composition of the caseload (e.g., more Track 2 compared to Track 1 cases across fiscal years), a higher percentage of trial postponements, and different approaches to the juvenile delinquency case management. Among FY12 delinquency terminations, there is a higher number of over-standard terminations and, on average, these cases took a longer to close than they did in FY11. It is not problematic (in and of itself) that a case closes over-standard; however, it is important to understand why an over-standard termination occurs. For example, judges may extend the time between adjudication and disposition to allow respondents to complete various tasks and/or programs in order for them to be found not delinquent at disposition. If the tasks assigned to the respondent include an order to participate in a structured pre-disposition treatment program, then the time associated with completing this program is excluded from the calculation of case time. However, if the assigned tasks do not include participation in such a program, no time is excluded.<sup>1</sup> With or without a structured program, the successful completion of the assigned tasks may increase the likelihood that the respondent is found not delinquent at disposition, which may be viewed as more important than complying with the defined time standard.

### Trial Postponement Analysis

Among the delinquency cases terminated in FY12, 26% had at least one trial (i.e., adjudication hearing) postponement (28% in FY11, 30% in FY10, 29% in FY09 and 26% in FY08). Of these postponed case, 90% closed within the 90-day time standard (94% for FY11, 91% for FY10; 93% for FY09; 91% for FY08). Since the juvenile delinquency time standard measures case time from initial appearance to disposition, it would also be informative to capture not only the number of disposition hearing postponements but also to calculate the time between the adjudication and disposition hearing (as an additional measurement).

<sup>1</sup> If a judge orders a pre-disposition report (including a SASCA or psychological evaluation) at adjudication and receives the report prior to or at disposition, case time may also be suspended for these orders as well.

### *Trial Postponement Analysis, Continued*

In FY12 51 % (27/53) of the over-standard juvenile delinquency cases did not have any adjudication postponements but failed to close within-standard. One of the reasons for the over-standard terminations among those cases includes the practice of setting the disposition hearing a month or more into the future to allow the respondent to complete tasks ordered by the judge such as community service, a book review, a letter to his/her guardian/parent, etc. In those cases, “temporary” disposition is used in the hopes that the case will be dismissed and/or the respondent will be determined to be non-delinquent. Thus understanding the reasons why cases close over-standard is useful when discussing the feasibility of improving the court’s within-standard percentage while, at the same time, ensuring that the respondent’s best interests are upheld.

### *Next Steps*

- ◆ Meet with the Office of the State’s Attorney to discuss the use of stet in juvenile delinquency cases. It appears that a number of the court’s over standard delinquency cases are beyond statutory guidelines as a result of extending the disposition hearing in order for the respondent to complete a variety of tasks in the hopes that successful completion will result in a finding of not delinquent. A case may be placed on the stet docket (in accordance with MD Rule 4-248) so long as the respondent doesn’t object; however, this must occur before adjudication.
- ◆ The current statewide delinquency time standard is broad in that all delinquency cases regardless of whether respondents are detained or not detained are held against the same 90-day time standard (from first appearance or appearance of counsel to disposition). However, the Maryland Rules provide different time restrictions on the processing of delinquency cases, and they may provide courts with an alternative framework for examining the performance of delinquency cases and identifying the stage in the case where performance begins to falter. It would be useful to know whether cases of detained or non-detained respondents are more likely to close over-standard and whether cases are closing over-standard prior to adjudication or between adjudication and disposition.
- ◆ The court has discussed the importance of analyzing juvenile delinquency 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.