

BJA Criminal Courts Technical Assistance Project: TA Report No. 4-086

**Analysis of Criminal Case
Scheduling in the
Prince George's County, Maryland
Circuit Court**

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I. INTRODUCTION

A. Background of Request

In December 2008, Sondra Battle, Court Administrator for the Circuit Court for Prince George's County, Maryland, requested BJA's Criminal Courts Technical Assistance Project (CCTAP) to review the Court's scheduling practices for criminal cases and submit recommendations, as appropriate, for increasing the efficiency of the process. Given the declining County budget for both the Court and other case participants (prosecution, police, jail, and related agencies), the Court wanted to ensure that its scheduling practices were as efficient and effective as possible. The CCTAP assigned Tom Lane to provide the requested services. Mr. Lane was both experienced in developing scheduling systems and had served as a deputy court administrator at the Prince George's County Circuit Court a number of years ago and was therefore familiar with relevant court processes and practices relating to case scheduling.

B. Description of the Prince George's County Circuit Court

The Court has 23 active judges and 9 retired/recalled judges who also hear cases, and more than 40,000 cases filed annually. The *Maryland Judiciary Annual Statistical Abstract for 2006 – 2007* reported 8,485 criminal cases filed, an increase of 12.4% over the previous year. Based on a sample of closed cases for FY 2008 compiled by the Circuit Court as part of the state's assessment program and provided to the CCTAP for further analysis (See Section C below), the average time from filing to disposition for the 8,044 criminal cases terminated was 112 days, while the state average was 122 days.¹ The sample also indicated that the Court disposed of 94% of its criminal cases within the 180-day standard, and the remaining 6% had a mean time to disposition of 258 days.^{2 3}

On a typical court day, almost 500 individuals involved in the cases scheduled will have been summonsed for a variety of hearings on all case types. For March 2009, there were 1,939 criminal events scheduled, averaging 88 per day, half of which were trials. Obviously, effective calendar management is key to maintaining the Court's productivity, and an ongoing concern in these lean economic times. Hence the request for an analysis of the effectiveness of the Court's criminal case scheduling.

C. Study Methodology

1. Data Used

¹ *Maryland Judiciary Annual Statistical Abstract*. 2006-2007

² The Court indicated that the total number of criminal cases terminated in FY 08 was actually 7,961 criminal cases, with an average age of 83 days. Ninety-five percent of these cases were terminated within standards, with the remaining five percent terminated at an average age of 247 days.

³ Although case filing information was not available for FY 2008 at the time of this review, the Court has indicated that the total criminal filings for FY 2008 reflected a decrease from FY 07.

The Court has indicated a desire to focus on the scheduling of criminal cases, and has a case tracking system (ACS) with information on what has been scheduled and the scheduling outcome (e.g., whether the event was actually heard, continued, etc.). We requested information from the system to analyze the results for oversight factors, frequency and reasons for continuances, dispositions for the events that were scheduled (e.g., what was scheduled and what was actually heard) and any other statistics that might further describe the current system and indicate an opportunity for improvement.

Available Data Sets: In discussions with the Court it became clear that two sets of case data could be made available:

(1) a 500 criminal case sample sent as part of the State's annual case flow assessment program. The sample contains a representative extract of criminal cases disposed during FY 2008 and includes key case history events from filing to disposition; and

(2) a second data set which contains all criminal events scheduled on the Court calendar for March 2009, with event dispositions. This second data set had been requested earlier by the AOC for another purpose.

2. Approach for Conducting the Study

The approach for conducting this analysis was, therefore, to statistically analyze each of the two data sets, meet with Court scheduling and IT personnel to discuss findings and any anomalies, then pursue additional analyses based on the suggestions coming from the meeting, and produce a report with findings and recommendations. On January 12, 2009 the Court sent documentation on database tables and DCM program description. Two days later, Tom Lane and Dan Cummings, a CCTAP staff member with statistical expertise, met with the Court Administrator, Sondra Battle, and her staff to discuss the criminal scheduling process and available data to support its analysis. A follow up meeting was held on April 8, 2009 with the Court's Calendar Management staff for more detailed discussion of criminal case processing, and on April 14th the Court IT staff sent the two data sets mentioned above and a table mapping charge codes to DCM tracks.

Following preliminary analysis of aspects of both data sets, eight reports were sent to the Court and a meeting to discuss the reports as well as resolve some questions and interpretations was scheduled for May 20th with IT and criminal case scheduling staff. See Agenda in Appendix A. At that meeting, the statistical reports on our resulting caseflow analysis calendar analysis, derived from these reports and further described in Section III, were discussed, questions resolved, and a decision was made to conduct a calendar analysis of all criminal cases handled by the Circuit Court as well as a separate analysis of felony cases (see C. Calendar Analysis – Felony Cases (CT)). This latter analysis was intended to more accurately reflect the Court's criminal felony case scheduling process by isolating it from the large numbers of jury demands from the District Court that are

periodically scheduled in the Circuit Court. The data set consisting of the March calendar contained those cases from the District Court as well as the Circuit Court felonies.

3. Limitations of this Analysis

The analysis presented in this report provides a statistical profile of the scheduling process for one selected month – March 2009 – based on the information available in the data set provided by the Court. Unfortunately, the data set did not contain all of the information that is needed to adequately analyze the effectiveness of the scheduling process, such as (1) the reasons for continuances and the dates to which cases continued were then rescheduled; and (2) results of the scheduling by DCM track rather than only in terms of aggregate cases scheduled.⁴ The Court’s comments on the draft report indicate that the ACS system captures continuance reasons and the “new” scheduled dates as well as the track assignment, based upon the lead charge. Any follow up analysis of scheduling practices should include this information which is important to fully describe the effectiveness of the scheduling system.

There are other more systemic questions which also emerged from this study which the Court may want to subsequently address, including:

Has the scheduling process made effective use of scarce resources, especially judge time?

Is the scheduling system effectively supporting Court case processing objectives?

What is the effect of current scheduling practices on other participants in the case process?

The sections which follow provide a summary of the analysis of the two data sets with observations and recommendations submitted for the Court’s consideration and further review. The analysis is presented in three sections:

- (1) an assessment of the case disposition process for the criminal cases represented in the 500 case sample of cases terminated in FY 2008
- (2) an analysis of the scheduling and scheduling outcomes of all of the 2,538 events for criminal cases scheduled during March 2009 (e.g., District Court appeals and jury demands and Circuit Court felonies); and
- (3) an analysis of the scheduling and scheduling outcomes of events scheduled for Circuit Court felony cases only during March 2009.

In addition to the observations emerging from the analysis of the information presented in the charts which follow, the information presented suggests the type of management

⁴ The Court indicates that the ACS can capture the track assignment for each case based upon the lead charge. However, the datasets provided for this review was not sorted by track and contained cases with similar lead charges assigned to different tracks.

information that is currently available in the Court's ACS tracking system which may be useful for the court to compile on a regular basis.

A preliminary draft report of the results of the analysis of the two data sets which the Court provided was submitted to Ms. Battle for review on July 24th. This final version of the report incorporates, as appropriate, Ms. Battle's response, which also includes the comments of Stephanye Maxwell, Deputy Court Administrator; Jennifer Black, Court Research Analyst; and Joretta Meyer, Court IT Director.

II. ANALYSIS OF THE AVAILABLE DATA SETS

A. Caseflow Analysis of 500 Closed Cases Disposed of in FY 2008

1. Overview

The following is an analysis of the caseflow of the sample of 500 closed case histories for FY 2008. The analysis focuses on the following:

- (1) Summary of case age by charge, and case age by type of disposition;
- (2) Postponements and court rulings on petitions to waive various time and speedy trial provisions, measuring the effects of each on case age⁵; and
- (3) Attorney Representation Status, indicating the potential effects on case age and type of disposition with and without defense representation.

An additional report on the numbers of events scheduled for “very busy” attorneys was included and noted as a potential problem, but was later explained by court officials as a data error that included attorneys who had withdrawn from a case, or were entered in all cases of a special type, such as drug court cases.

The Summary of Assessment of the Criminal Caseflow Process (Chart A-1) presents the numbers of cases, their disposition time, and their chargeable disposition time, by lead charge. *Chargeable time* excludes bench warrant time, as well as other times beyond the Court’s control, such as awaiting a pre-sentence report. A similar analysis showed numbers, average age and median age for case dispositions. Nothing that was within the domain of the scheduling staff jumped out as a scheduling problem per se, although judges or State’s Attorneys might reflect upon the disposition times for categories such as Nolles, “Not Guilty”, and PBJs and whether these times could have been reduced and whether these cases involved detained defendants.

A report (Chart A-2) comparing disposition times for cases with and without postponements was unremarkable, as were the numbers of postponement reasons. This report also looked at waivers, both Hicks relating to speedy trial requirements and other waivers “for good cause” and indicated their disposition ages and case dispositions.

Finally, since almost a third of the defendants in the sample were not represented, an analysis was done comparing both disposition times and case dispositions for both the represented and unrepresented. Although the Court or State’s Attorney might also find these results interesting, there is nothing actionable that appears to result in terms of scheduling processes.

⁵ The Maryland Speedy Trial Rule requires a trial date within 180 days of the first appearance of the defendant or counsel, whichever is first. This requirement is referred to as the *Hicks* Rule. (*State v. Hicks*. 285 Md. 310) and a waiver of this rule for “good cause” may only be granted by the Administrative Judge or his/her designee.

2. Analytic Reports Prepared

Chart A-1 which follows, “Summary Assessment of Criminal Caseflow Process,” shows the number and percent of cases by charge, for the 500 case sample of FY 2008 disposed criminal cases, with the age at disposition and number of chargeable days. Also shown are the types of case dispositions, with the number, percentage, average and median ages at disposition, and range in days for each disposition type. As indicated, the Court disposes of most (94%) of its cases within the 180-day standard.

Chart A-1: Summary Assessment of Criminal Caseflow Process

Circuit Court
Prince George's County

Criminal Caseflow Assessment
500 Case Sample
July 2007-June 2008

5/12/2009

<u>CASETYPE</u>	<u># Cases</u>	<u>DispAge</u>	<u>Chargeable Days*</u>	<u>CASEDISPOSITIONS</u>	<u>Number</u>	<u>%</u>	<u>AvgAge</u>	<u>Range (Days)</u>	<u>Median Age</u>
Narcotics	143	106	78	Guilty	216	43.2%	160	1 - 3,409	114
Traffic	135	134	73	PBJ (6-220)	151	30.2%	186	4 - 9,832	79
SAO Theft Charges	46	100	71	Nolle Pros	75	15.0%	268	1 - 5,586	134
SAO Assault Charges	37	136	126	Merged	21	4.2%	40	1 - 170	14
SAO Weapon Charges	25	134	104	No Finding	11	2.2%	123	1 - 886	9
SAO Robbery Charges	22	157	109	Stet	10	2.0%	199	30 - 518	173
Burglary	12	134	71	Not Guilty	9	1.8%	236	119 - 414	186
Trespass	9	23	20	Dismissed	4	0.8%	143	38 - 343	113
Weapon	7	145	110	Remand - District Court	2	0.4%	109	35 - 182	
Disorderly Conduct	6	28	28	Remand Juvenile	1	0.2%	101		
Murder	6	193	138						
Prostitution	5	79	60						
SAO Burglary Charges	5	98	73						
SAO Murder Charges	5	300	206						
Assault	4	81	81						
Forgery	4	93	81						
Theft	4	90	90						
Child Abuse	3	105	105						
False Statement	3	68	68						
Home Improvement	3	155	49						
Larceny	3	1173	64						
Fraud	2	138	138						
Robbery	2	197	197						
SAO Rape Charges	2	140	117						
Abduction	1	146	146						
Alcoholic Beverage	1	14	14						
Escape From Confinement	1	1	1						
False Pretences	1	46	46						
Family	1	23	23						
Gambling	1	204	92						
License	1	47	46						
Obstruction	1	70	70						
SAO Sex Charges	1	119	82						
Telephone	1	60	60						
Total	0	126	83						

* Excludes BWI, PSI, Mistrial, etc times

Chart A-2, “Postponements”, shows the number of postponements, or continuances, granted in the 500 case sample, with their average and median ages at disposition. Eighty-five percent of the cases in the sample had no postponements and the average age at disposition of the cases in the 500 case sample was 92 days.

For those cases in which continuances were granted and reasons for the continuance were noted, the reasons reported for the postponements are listed, along with the number of continuances granted for each reason. However, only 13 cases with postponements reported their reasons.

Also waiver cases, reasons and the effect on case age and case disposition are given. The 19 waiver cases had an average age at disposition of 313 days, of which 220 were considered “chargeable time”.

Chart A-2: Postponements

<u># Cases</u>	<u># Postponements</u>	<u>Average Age at Disposition</u>	<u>Median Age</u>
425 (85%)	0	92 days	112 days
60	1	119 days	127 days
13	2		
3	3	184 days [2 or more postponements] 187 days	
1	4		

There were 13 cases with Postponement Reasons, and 21 reasons given using 12 “reason” codes provided in the ACS system:

<u>Code</u>	<u>#</u>	<u>Explanation</u>
350	1	Bench Warrant not served
501	3	Defendant failed to appear
701	1	State's Attorney failed to timely provide discovery
704	4	State's Attorney essential witness ill/unavailable
708	1	Court unable to reach
714	2	Other
716	1	Newly discovered evidence provided by police
802	1	Defense counsel not prepared
804	1	Defense Attorney in carry over Trial/Conflict
809	4	Other
811	1	Defendant unrepresented by counsel. Rule 4-215 not previously complied with
813	1	Defense Counsel Vacation / Personal conflict.

Waivers (Speedy Trial and Other)

There were 29 cases with waivers, 11 for “Good Cause” and 8 *Hicks* Waivers. Their average age at disposition was 313 days of which 220 days were “chargeable”. Case dispositions for these cases were:

Guilty:	10
Not Guilty:	2
Nolle Prosequi:	5
Dismissed:	11
Stet:	1

Chart A-3: Attorney Representation Status presents a summary of the type of disposition and age at disposition for cases involving defendants who were and were not represented by attorneys. Since a third (32%) of the defendants were not represented in the 500 case sample of criminal cases disposed of in FY 2008, a comparison was made of the type of disposition and case age of those represented with those who were not represented. Those represented had fewer guilty findings, more Nolles and more PBJs

Chart A-3: Attorney Representation Status of Defendants in the 500 Case Sample and Summary of Case Disposition by Attorney Representation Status

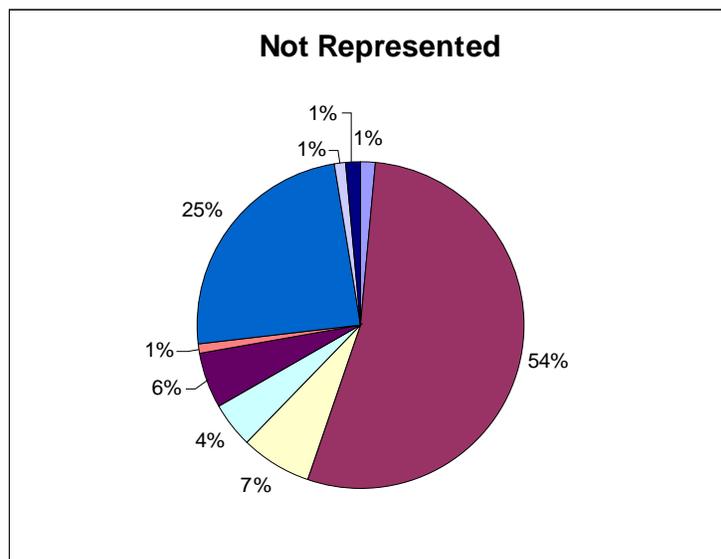
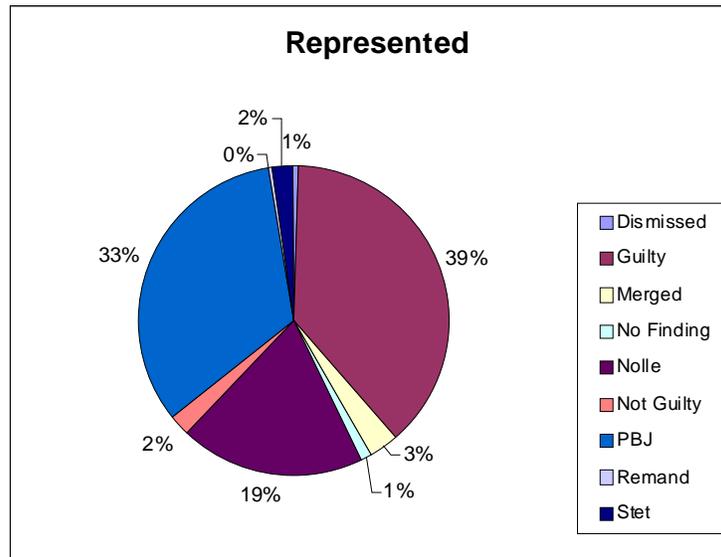
(a) **Attorney Representation Status: Summary**

	<u>Total</u>	<u>Average Age at Disposition</u>	<u>Median Age</u>	<u>Cases<180 Days</u>	<u>Range*</u>
Cases where defendant was represented	344 (68%)	146 days	112	76%	1-5586
Cases where defendant was not represented	159 (32%)	117 days	64	75%	1-9832

(b) **Case Disposition By Attorney Representation Status**

<u>Disposition</u>	<u>Represented</u>	<u>Not Represented</u>
Dismissed	2	2
Guilty	131 (38%)	86 (54%)
Merged	10	11
No Finding	4	7
Nolle	66 (19%)	9
Not Guilty	8	1
PBJ	114 (33%)	39 (24%)
Remand	1	2
Stet	<u>8</u>	<u>2</u>
Total	344	159

Total Cases: 503: [3 cases > 1,000 days excluded from sample]



B. Calendar Analysis of Cases Scheduled in March 2009

1. Overview

The charts which follow present an analysis of the case scheduling and scheduling results for the 2,538 events scheduled for criminal cases in the Circuit Court during March 2009. The charts provide the following: reports:

- Chart B-4: Scheduled Events for March 2009: Total Events Scheduled = 2,538
- Chart B-5. Outcome of Events Scheduled
- Chart B-6: Types of Events Scheduled That Were Conducted (By Event Type)
- Chart B-7 Proportion of Non-trial Calendar Dispositions by Event Type
- Chart B-8 Daily Calendar Results for March, Showing Peak Days
- Chart B-9 Outcome of Cases Set for Trial
- Chart B-10 Outcome of Events Scheduled, by Case Type and Event Type
- Chart B-11 Outcome of Scheduled Trials By Day
- Chart B-12 Graph showing cases “overset” and results.

The following is an explanation of terms references in this report:

Moot indicates that the event was not actually needed on the date set because it had been previously disposed of through a plea entered before a scheduled trial date, for example, or another disposition.

A case scheduled for trial can be “held” or deemed “moot”, or disposed of by “plea hearing”, “plea and sentencing” or a “disposition hearing” if a hearing was held in lieu of a trial.

As indicated, continuances are recorded as “prior to” or “in court.” While continuance reasons are not reflected in the calendar report upon which this analysis has been made⁶, we were told that they are monitored by a judge who receives a report on continuances and reasons for them.

The charts that follow show:

- the distribution of calendar events (e.g., what was scheduled)
- the disposition of those events by type of event and type of disposition (e.g. what happened)
- a chart of event dispositions by type, with both cases scheduled for trials and those scheduled for nontribal matters, for greater comparison

⁶ It would have been useful to look at the reasons for continuances and the extent of resulting delay, as well as whether they present a more systemic problem – such as delays in lab reports, etc. -- which warrants further attention. This is an area the Court may wish to address.

- a look at the calendar by day, with dispositions, showing the peaks in scheduling (note March 9th) and day of the week, Monday through Thursday, since Friday is motions day for criminal cases.

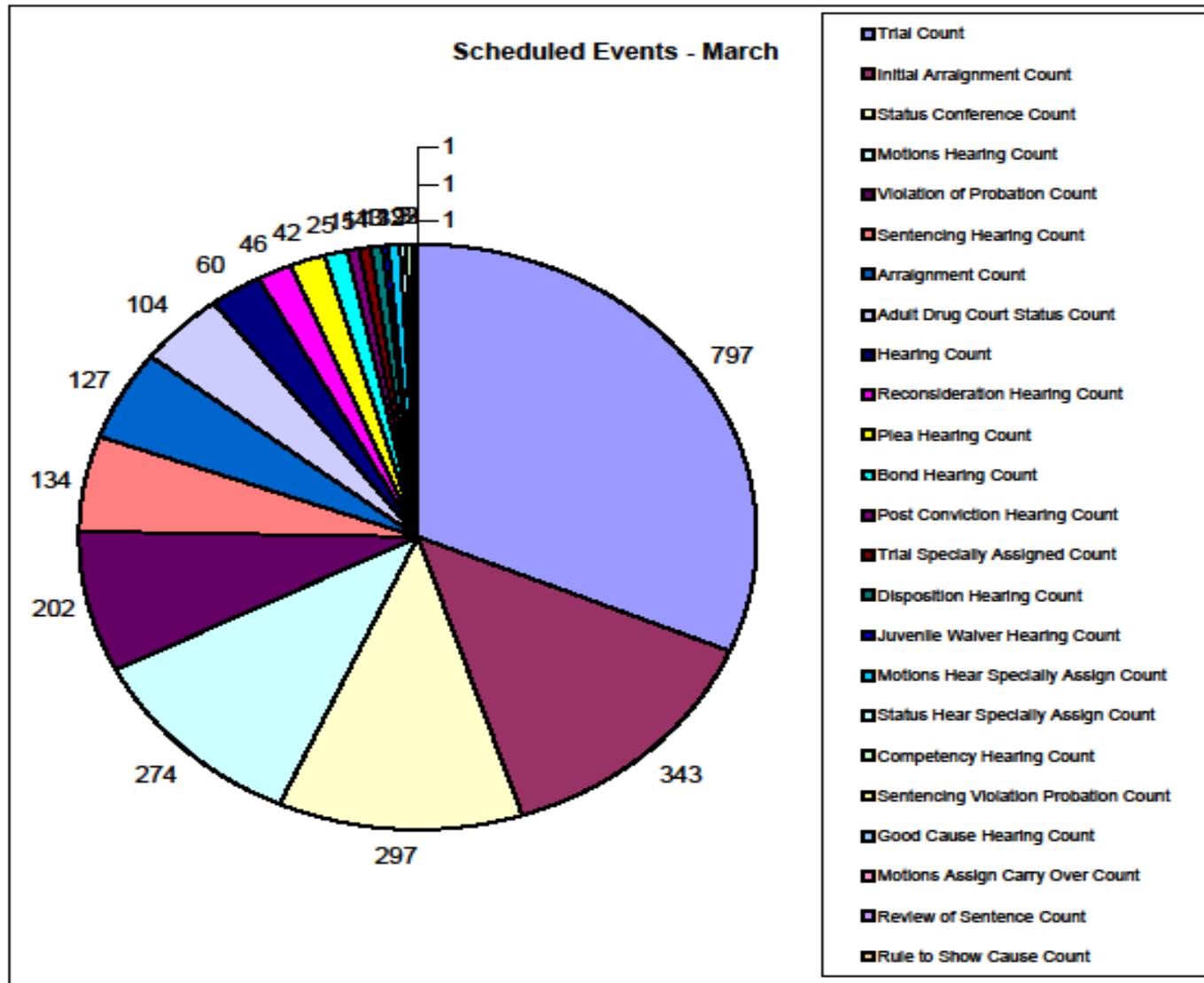
Charts B-10 and B-11 show scheduled events and dispositions broken out by the following case types: CA (District Court appeals); CJ (District Court Jury Demands); and CT (Circuit Court Felony Cases). The final graph (Chart B-12) presents a summary of the scheduling outcomes of the cases scheduled during March 2009, and illustrates the issues that may be considered in determining the accuracy of the scheduling “overset factor”— e.g., the degree to which more cases are scheduled which are beyond the court’s capacity to hear. Most courts overset their schedules, recognizing that some “events” will no longer be necessary when the scheduling date arrives. However the accuracy of this “overset factor” needs to be assessed by identifying any cases which could have been heard but were continued because the Court lacked capacity to hear them.

2. Analysis of Case Scheduling and Results for March 2009

Chart B-4, “Scheduled Events for March 2009” shows the 2,538 events scheduled for March 2009, and the proportion of the 24 types of events scheduled, from trials (797) to hearings “Rule to show cause” (1). Counts for numbers of events scheduled are also provided by day of the month, from a high of 579 on Monday, March 9, 2009 to a low of 11 on Monday, March 23, 2009.

Chart B-4: Scheduled Events for March 2009

<u>Type of Event</u>	<u>Number of Events Scheduled</u>
Trials	797
Initial Arraignment	343
Status Conference	297
Motions Hearing	274
Violation of Probation Hearing	202
Sentencing Hearing	134
Arraignments	127
Adult Drug Court Status Hearings	104
Other Hearings	60
Reconsideration Hearing	46
Plea Hearing	42
Bond Hearing	25
Post Conviction Hearing	15
Trial Specialty Assignment	14
Disposition Hearing	13
Juvenile Waiver Hearing	9
Motions Hearing/specialty Assignment	9
Status Hearing/Specialty Assignment	9
Competency Hearing	9
Sentencing violation/Probation	3
Good Cause Hearing	3
Motions Assignment Carry Over	1
Sentence Review	1
Rule to Show Cause	<u>1</u>
Total	2,538



Date	DOW	Num
3/2/2009	Monday	40
3/3/2009	Tuesday	49
3/4/2009	Wednesday	58
3/5/2009	Thursday	114
3/6/2009	Friday	325
3/9/2009	Monday	579
3/10/2009	Tuesday	25
3/11/2009	Wednesday	48
3/12/2009	Thursday	48
3/13/2009	Friday	271
3/16/2009	Monday	28
3/17/2009	Tuesday	25
3/18/2009	Wednesday	38
3/19/2009	Thursday	168
3/20/2009	Friday	227
3/23/2009	Monday	11
3/24/2009	Tuesday	20
3/25/2009	Wednesday	22
3/26/2009	Thursday	215
3/27/2009	Friday	197
3/30/2009	Monday	13
3/31/2009	Tuesday	19
Grand Total		2538

Chart B-5: Outcome of Events Scheduled

The following chart shows the dispositions, by type of event, of the cases scheduled in March 2009.

Scheduled Event	Held	Cont	Moot	Other	Scheduled
Adult Drug Court Status Count	92	9	1	2	104
Arraignment Count	94	15	5	13	127
Bond Hearing Count	21	2	1	1	25
Competency Hearing Count	1	1	1		3
Disposition Hearing Count	12	1			13
Good Cause Hearing Count		2			2
Hearing Count	35	18	6	1	60
Initial Arraignment Count	67	127	137	12	343
Juvenile Waiver Hearing Count	7	5	1		13
Motions Assign Carry Over		1			1
Motions Hear Specially Assign	2	10			12
Motions Hearing Count	67	139	59	9	274
Plea Hearing Count	28	4	6	4	42
Post Conviction Hearing Count	7	8			15
Reconsideration Hearing Count	34	11	1		46
Review of Sentence Count		1			1
Rule to Show Cause Count			1		1
Sentencing Hearing Count	81	49	1	3	134
Sentencing Violation Probation Count	1	2			3
Status Conference Count	198	82	15	2	297
Status Hear Specially Assign	5	4			9
Trial Count	171	157	451	18	797
Trial Specially Assigned Count	3	9	2	8	14
Violation of Probation Count	57	113	24	8	202
Grand Count	983	770	712	81	2538
	39%	30%	28%	3%	

Chart B-6: Types of Events Scheduled That Were Conducted By Event Type

Chart B-6 summarizes the outcomes for the ten most frequently scheduled hearing types. While more trials were scheduled than any other type of event, the most frequent type of event conducted appeared to be status conferences, adult drug court hearings, and arraignments.

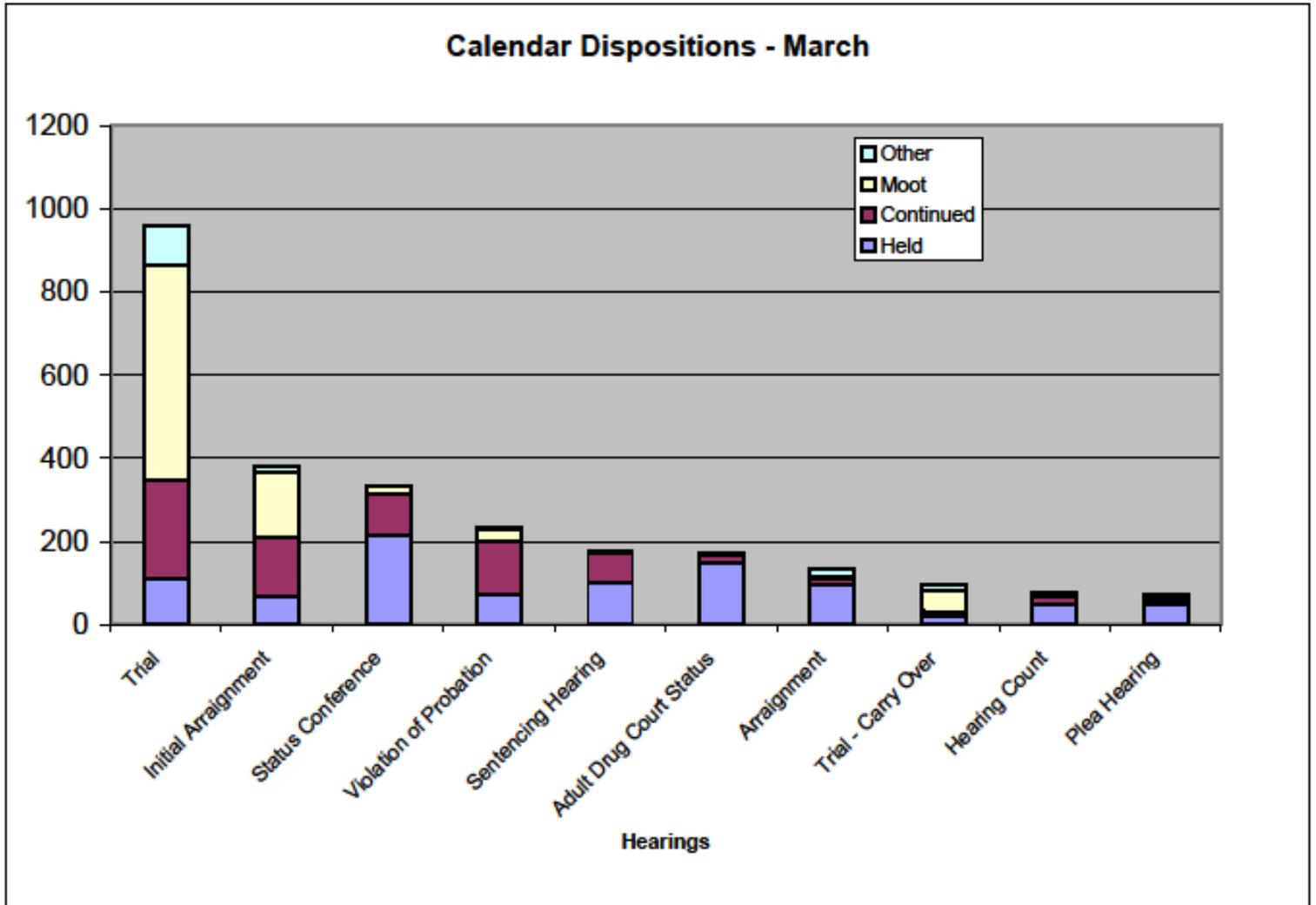


Chart B-7: Proportion of Non-Trial Calendar Dispositions by Event Type

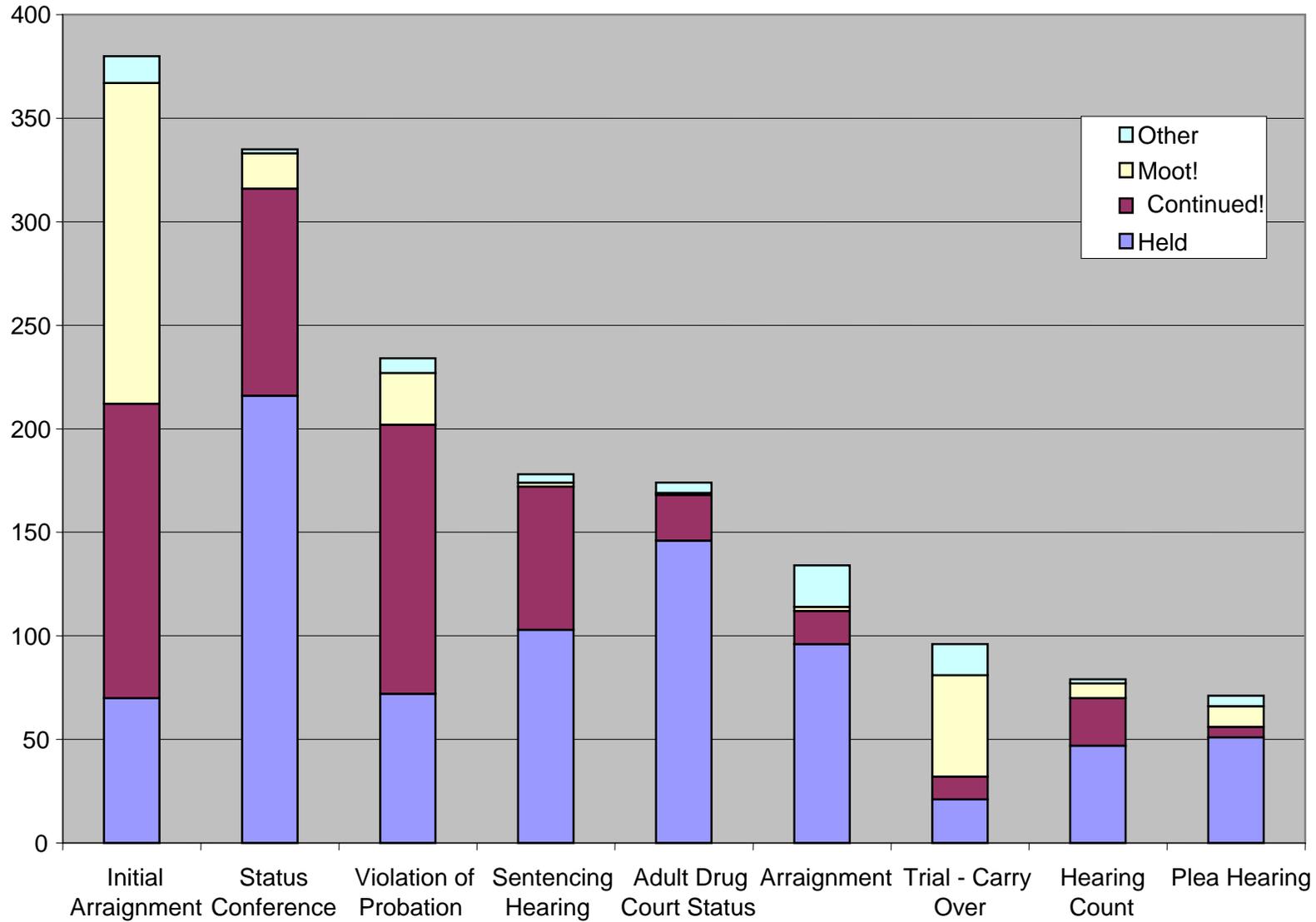
Chart B-7 presents a bar chart illustrating the relative frequency with which certain types of non-trial hearings were conducted and/or continued during March.

For those events scheduled that did not entail a trial, the events most frequently held were:

Status conferences
Adult drug court hearings
Sentencing hearings; and
Arraignments

The types of non-trial hearings scheduled that were most frequently continued were initial arraignments and probation violation hearings.

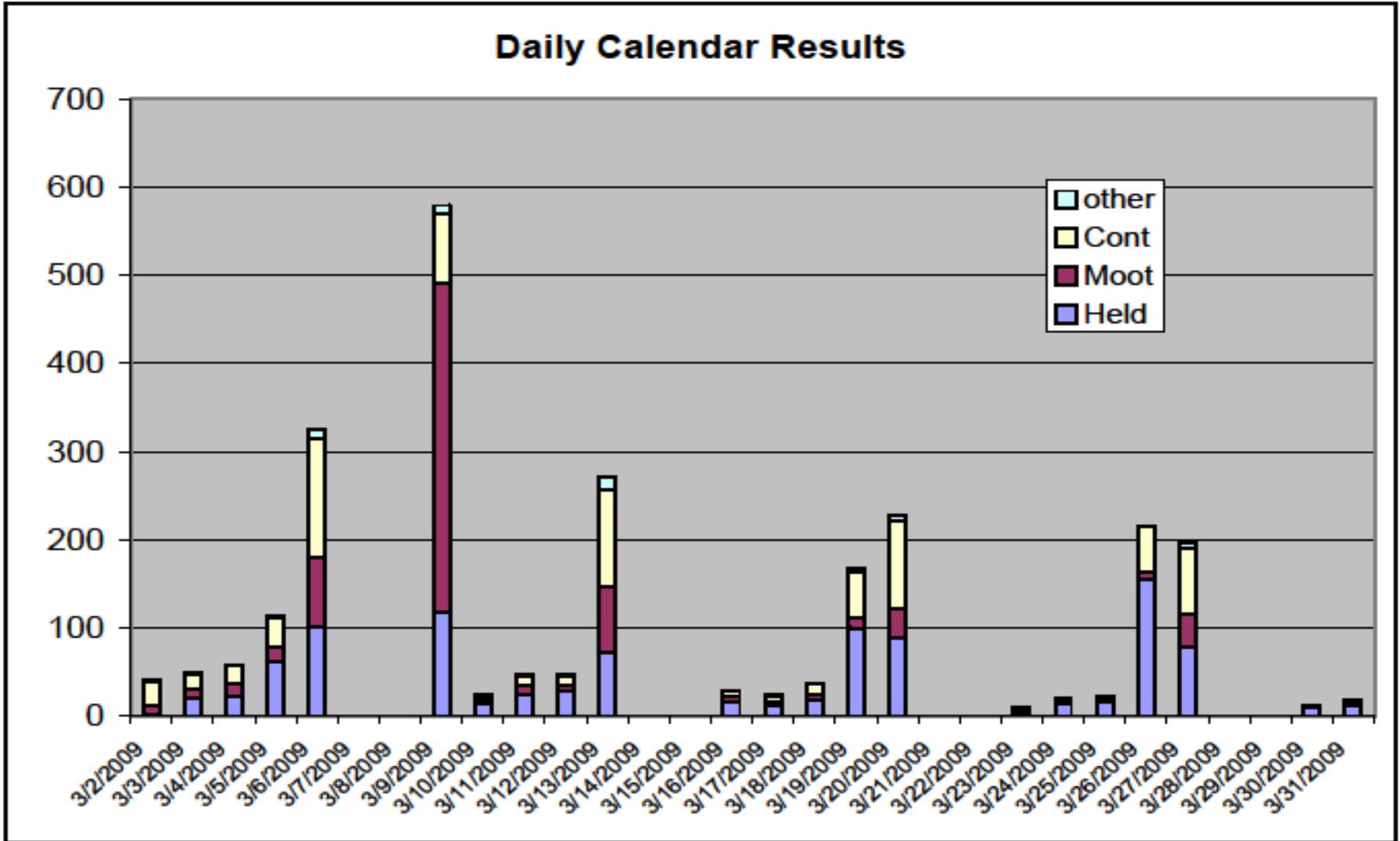
Calendar Disposition of Hearings March 2009



Analysis of Criminal Case Scheduling in the Prince George's County, Maryland Circuit Court. BJA Criminal Courts Technical Assistance Project. August 2009.

Chart B-8: Daily Calendar Results For March Showing Peak Days

Chart B-8 shows the number of scheduled events by day of the month with their resulting outcomes. The peak day (Monday, March 9th) is very noticeable, as are other days with heavy activity scheduled. The percent of Moot and Continuance outcomes for these days is also referenced. Court officials may want to analyze this chart further to determine the reasons for this extensive fluctuation in the volume of cases scheduled on the various days in March.



DoW	Trial	Hearing	Continued	Moot	Other	Set
1Monday	11	101	99	387	5	603
2Tuesday	3	21	23	21	9	77
3Wednesday	2	18	26	30	1	77
4Thursday	1	14	9	13	3	40
Month	17	154	157	451	18	797

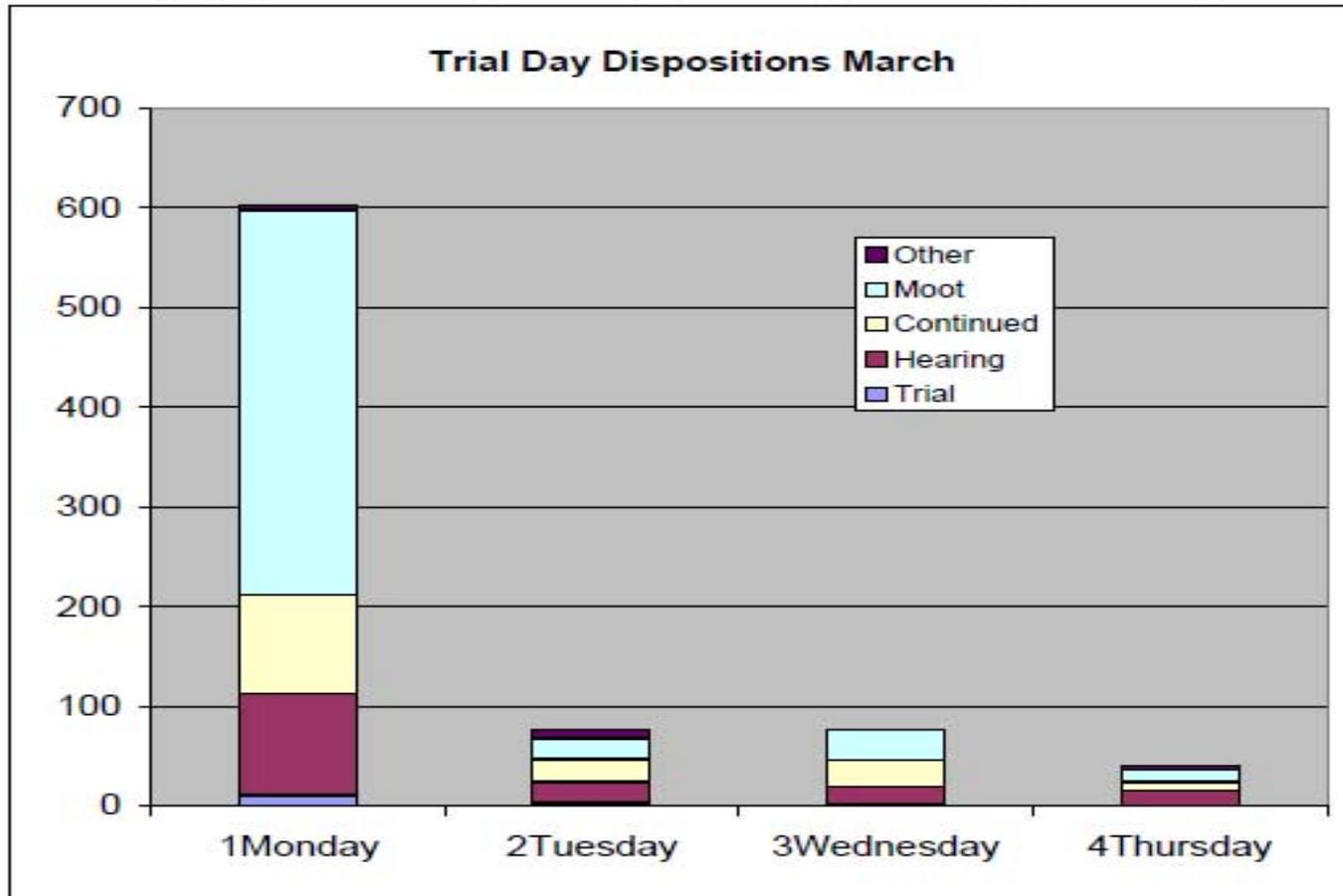


Chart B-9: Outcome of Cases Set for Trial

Chart B-9 *supra* shows the scheduling outcomes of cases set for trial by day of the week, Monday through Thursday, Friday being Motions Day. The peak number of settings occurring on Monday reflects the Court's practice of scheduling multi-day trials on Mondays.

Chart B-10: Case Scheduling Outcomes By Category of Case: CA, CJ and CT

The calendar analysis depicted on Chart B-10 shows the numbers of hearings scheduled and held, with their respective percentages, as well as the numbers “Continued”, “Moot” and with “Other” outcomes, breaking them out by case type: CT for court trials (felonies), CJ for jury demands from District Court, and CA for criminal appeals from District Court.

Event Scheduled March 2009 Disposition	Court Trials (CT)						Jury Trials (CJ)						Criminal Appeals (CA)					
	CT Sched	CT Held	% Held	Continued	Moot	Other	CJ Sched	CJ Held	% Held	Continued	Moot	Other	CA Sched	CA Held	% Held	Continued	Moot	Other
1 Initial Arraignment	297	48	16%	123	118	8	48	19	40%	2	24	3	8	2	33%	1	3	
2 Arraignment	115	89	77%	15	1	10	11						2					
3 Bond Hearing	18	14	78%	2	1	1	4						2					
4 Plea Hearing	24	17	71%	2	5		17	13	76%	0	0	4						
5 Motions Hearing	290	72	25%	140	67	11	1											
6 Motions Hear Specially Assign	9	1	11%	8														
7 Adult Drug Court Status	107	95	89%	9	1	2												
8 Hearing	47	23	49%	18	5	1	19	14	74%	2	2	1	1					
9 Reconsideration Hearing	41	31	76%	9	1		5											
# Status Conference	12						269	177	66%	78	12	2	13	9	69%	1	3	0
# Trial	185	55	30%	60	61	9	521	94	18%	68	353	6	34	9	26%	8	17	0
# Trial - Carry Over	38	8	21%	9	20	1												
# Disposition Hearing	9	8	89%	1			4											
# Sentencing Hearing	114	66	58%	45	1	2	28	18	69%	7	0	1						
# Violation of Probation	193	55	28%	107	23	8	8	3	38%	5								
# Post Conviction Hearing	15	7	47%	8														

Chart B-11: Outcome of Scheduled Trials By Day Scheduled

Chart B-11: Disposition of Scheduled Trials By Day, includes the scheduling outcomes for only trials scheduled. Hearings were Held in 21% of the Trials scheduled. Of the 797 trials scheduled in March, 4% were for District Court Appeals (CA), 65% were from District Court Jury Demands (CJ) and 31% were for Circuit Court (CT) felony matters.

Note: In addition to the scheduling and outcome of the trials scheduled, it is important to also look at the number of trial days reserved for each trial and the number of trial days actually used. This data was not readily available from the data sets provided but should be developed periodically to provide a measure of the efficiency of the scheduling process.

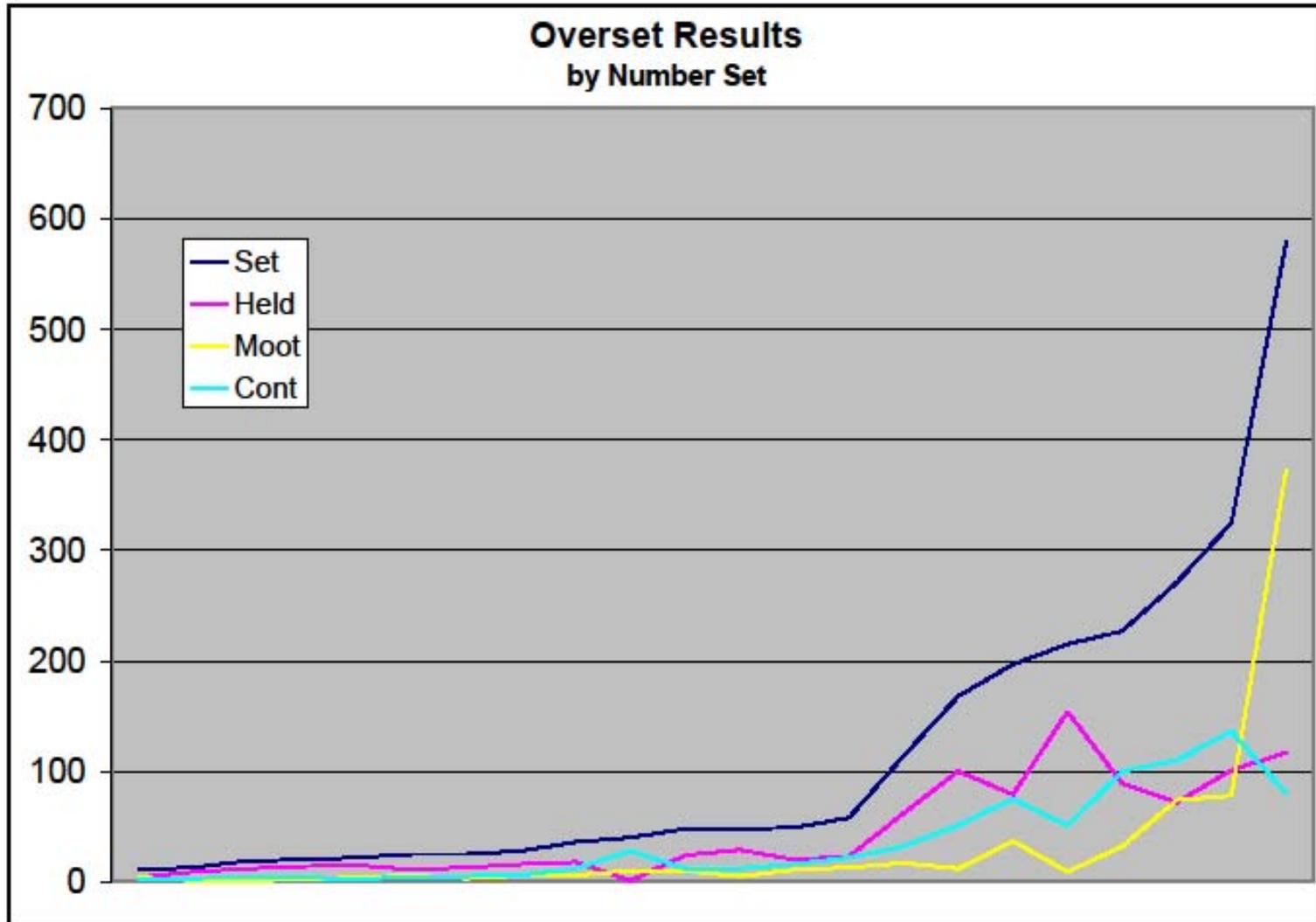
Disposition of Days Scheduled for Trials

Disposition of Days Scheduled for TRIALS in March	Num	%	A Hearing Held	Not Held		CA	CJ	CT	
Trial Moot	451	56.6%		451		17	353	81	
Disposition Hearing Held	88	11.0%	88			6	55	27	
Trial Continued/In Court	86	10.8%		86		6	43	37	
Trial Continued/Prior To	71	8.9%		71		1	25	45	
Plea and Sentence Held	37	4.6%	37			1	23	13	
Plea Hearing Held	28	3.5%	28				8	20	
Failed to Appear	13	1.6%		13			4	9	
Jury Trial Held	10	1.3%	10				3	7	
Court Trial Held	6	0.8%	6			2	4		
Scheduled in Error	5	0.6%		5			1	4	
Mistrial	1	0.1%		1				1	
Status Conference Held	1	0.1%	1				1		
Grand Count	797		170	627		33	520	244	
			21%	79%		4%	65%	31%	

Chart B- 12: Graph Showing Cases “Overset” and Results for All Events Scheduled

The “overset” factor constitutes the number of cases set beyond the Court’s capability to hear them, recognizing that many cases will fall out on or before the day set for their hearing. The critical issue to look at in assessing the “overset” factor is the number of cases that are continued on the day scheduled because the Court lacked capacity to hear them. This information was not available in the data provided but would be worthwhile to analyze.

However, we know that most cases are not disposed of by trial and that many of those plea dispositions occur as the trial date approaches. In order to make good use of judge time, we anticipate this fallout by oversetting the calendar. We can continue to increase oversetting as long as the Court is able to increase case dispositions and does not continue cases because it was unable to reach them, thereby inconveniencing participants and diluting the firmness of the trial date.



C. Calendar Analysis: Circuit Court Felony Cases (CT)

Criminal case types, as indicated by the case number prefix, are CA for criminal appeals from the District Court, CJ for criminal jury demands from the District Court, and CT for criminal felony cases following an Indictment or Information. As has been seen, there is a significant impact on the Court calendar from District Court jury demands, which are scheduled for large hearings approximately every 8 weeks. Since March 2009 happened to include a number of CJ cases, we broke out some of the scheduling and disposition statistics by case type (see charts 10 and 11). The result of this breakout and discussions with the Court staff, prompted us to make additional analyses of CT-only cases, producing the following charts:

- C-13: Events Scheduled for Circuit Court Felony Cases: March 2009
- C-14: Outcome of Events scheduled for Circuit Court Felony Cases: March 2009
- C-15: Outcome of Days Scheduled for Trial of Circuit Court Felony Cases
- C-16. Outcome of Trials Scheduled for Circuit Court Felony Cases
- C-17 Overset Factor for Circuit Court Felony Cases: Scheduled vs. Held Plus Moot.

The charts which follow present information for Circuit Court Felony cases only and are similar to the previous calendar analyses for all criminal cases scheduled for the Circuit Court –e.g., both District Court appeals and jury demands as well as the Circuit Court’s own felony caseload. The charts exclude cases emanating from the District Court, which, though of higher volume, may be considered less demanding of judge time..

Coincidentally, the breakdown in case categories (e.g., District Court Appeals, etc.) in the two data sets revealed very similar results:

<u>Case Category</u>	<u>500 Case Sample</u>	<u>March Calendar of Events</u>
CA	4%	4%
CJ	60%	65%
CT	36%	31%

Chart C-13: Events Scheduled For Circuit Court Felony Cases.

The events scheduled for Circuit Court Felony Cases only show that the scheduled trial count drops from 797 to 185, while VOPs decrease from 202 to 193, reflecting the predominant use of vops for Circuit Court felony cases.

Scheduled Event (CT)	Number
Initial Arraignment Count	297
Motions Hearing Count	290
Violation of Probation Count	193
Trial Count	185
Arraignment Count	115
Sentencing Hearing Count	114
Adult Drug Court Status Count	107
Hearing Count	47
Reconsideration Hearing Count	41
Trial - Carry Over Count	38
Plea Hearing Count	24
Bond Hearing Count	18
Post Conviction Hearing Count	15
Status Conference Count	12
Status Hear Specially Assign Count	9
Disposition Hearing Count	9
Motions Hear Specially Assign Count	9
Juvenile Waiver Hearing Count	4
Competency Hearing Count	3
Sentencing Violation Probation Cour	3
Good Cause Hearing Count	1
Intrastate Detainer Count	1
Motions Assign Carry Over Count	1
Rule to Show Cause Count	1
Review of Sentence Count	1
Trial Specially Assigned Count	1

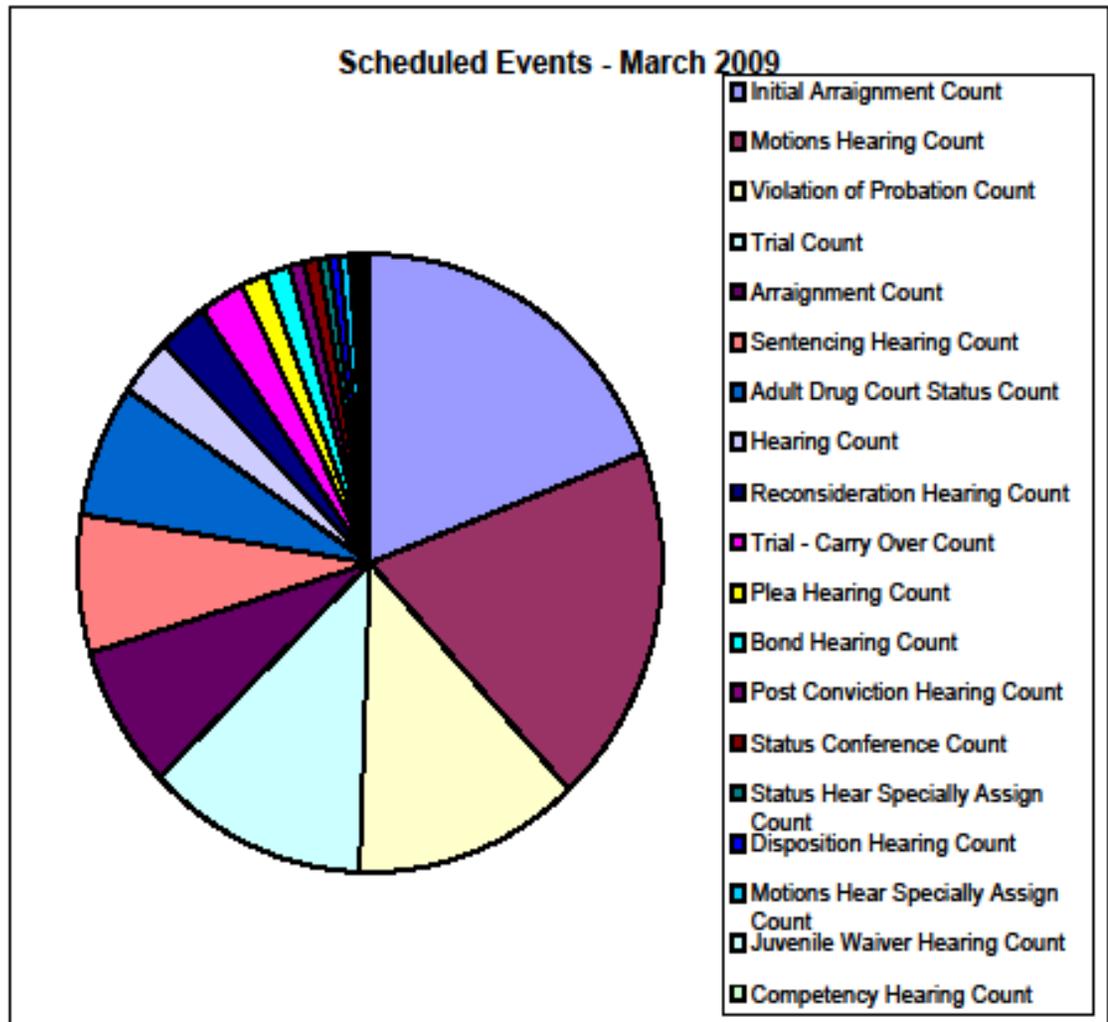


Chart C-14 Outcomes of Events Scheduled for Circuit Court Felony Cases: March 2009

Chart C-14 mirrors Charts B-6 and B-7 regarding the outcomes of cases scheduled but focuses solely on the Circuit Court's felony caseload. Initial Arraignments and Motions hearings based upon the DCM track, the Initial Arraignment, Motions, and Trial dates are scheduled upon the filing of a felony criminal case. If a defense attorney enters his/her appearance prior to the Initial Arraignment, that event will be considered "Moot". If a plea is taken on a case prior to the scheduled Motions hearing, that hearing will be considered "Moot". Continuance reasons are captured in ACS on all continued events although they were not provided in the data set for cases scheduled in March 2009.

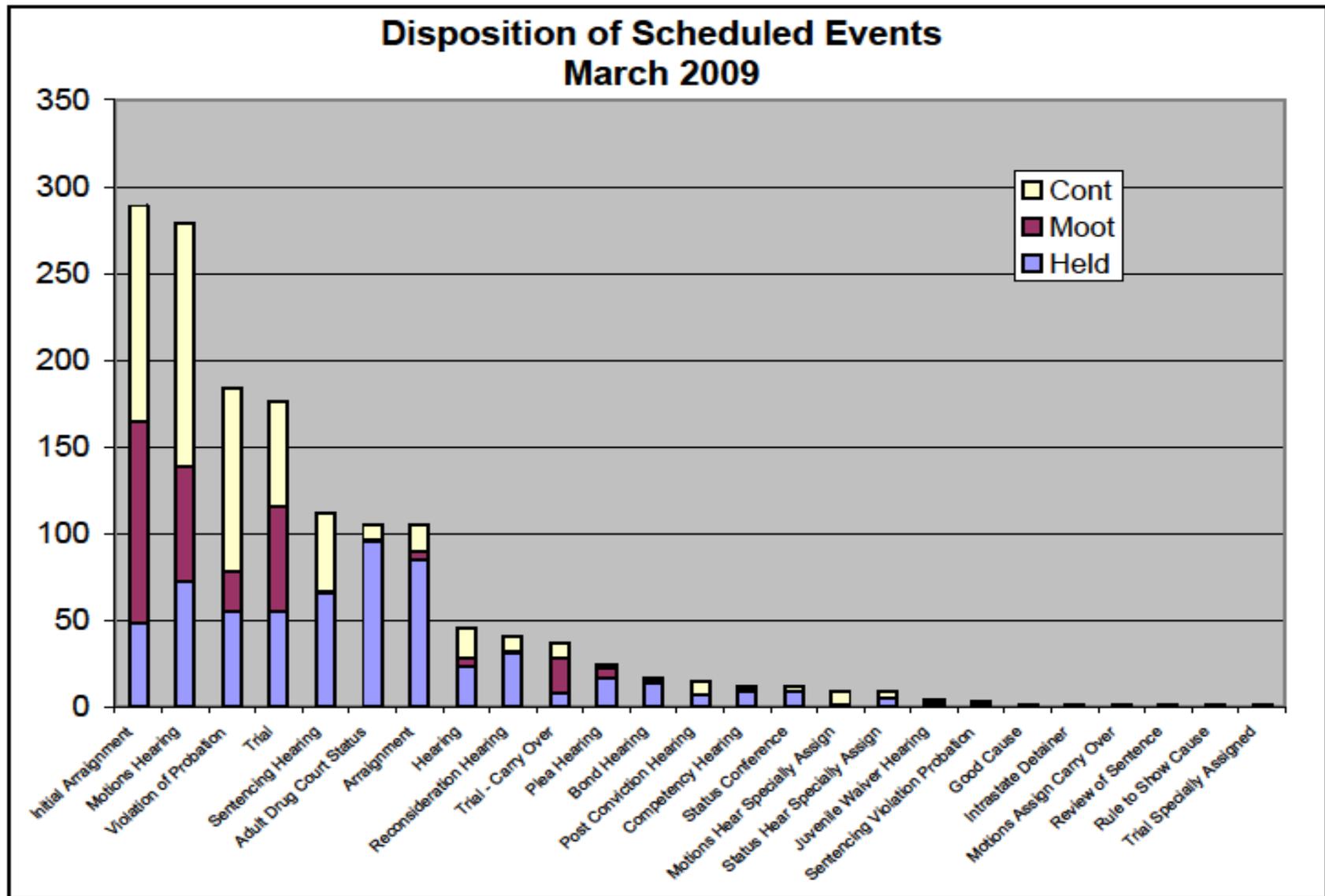


Chart C-15: Analysis of the Use of Trial Days for Circuit Court Felony Cases

Chart C-15 provides a summary of the outcomes of cases set for CT trials graphically because of their importance in the use of judge time for felony trials. Again, non-hearing outcomes of “Moot” and “Continued” appear to dominate the outcomes of these cases, with two thirds of the outcomes falling into these categories.

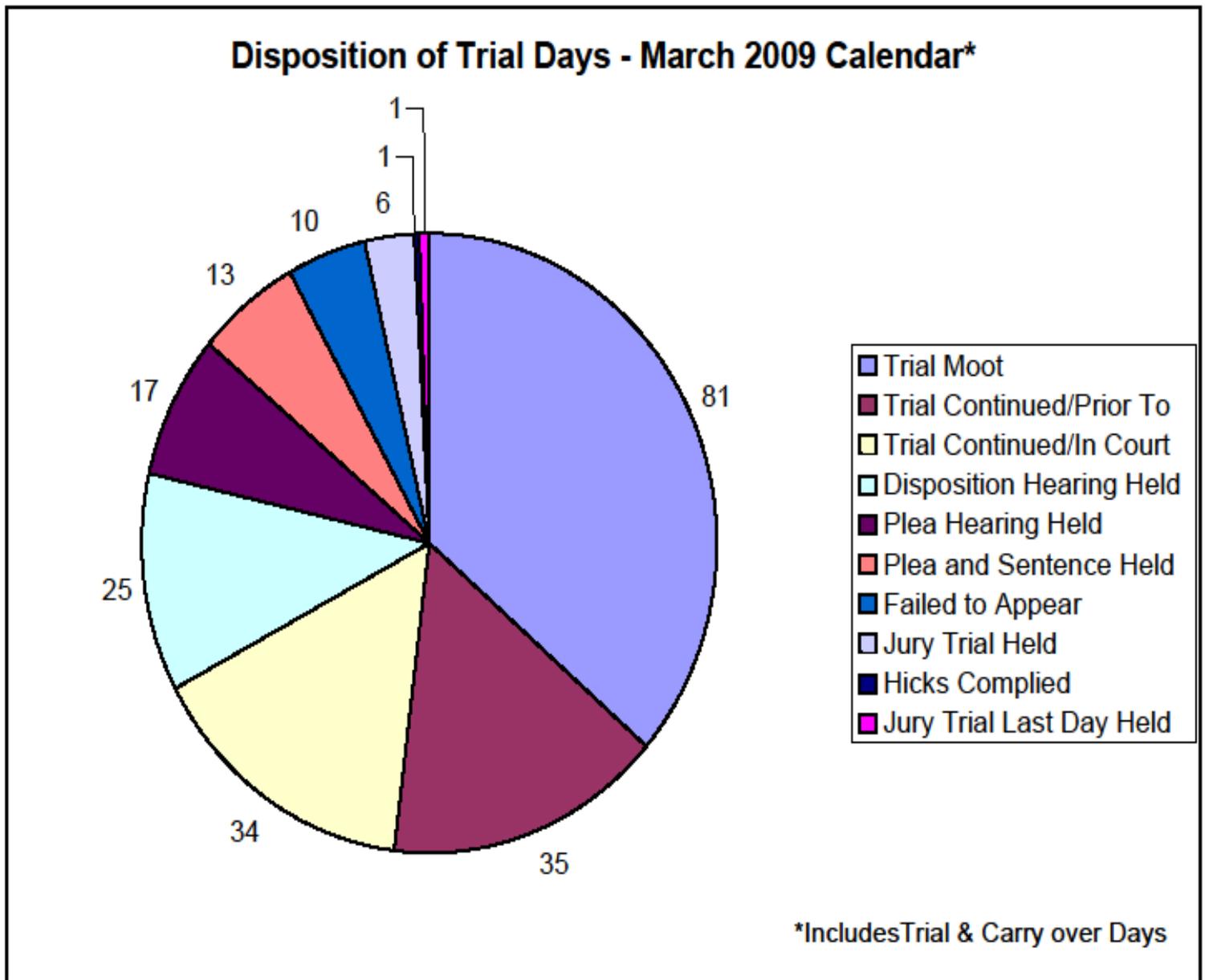


Chart C-16: Use of Available Trial Days Scheduled

A theoretical total of 223 trial days were available for trying the cases scheduled during March 2009, computed by multiplying the number of judges available and the days in the month on which trials could be scheduled. Chart C-16 illustrates that, of these 223 available trial days, 63 (28.3%) were actually used for felony trials.

Chart C-17: Scheduling Outcome of Circuit Court Felony Cases Scheduled for Trial

Chart C-17 illustrates the outcome for Circuit Court Felony Cases heard during March 2009 by day of the month. The chart indicates that the maximum number of felony trials held for any one day in the month was eight (on two days) and the average number was 3.3.

Date	Held	Continued Moot	Other	Number
3/2/09	0	10	4	14
3/3/09	2	11	10	25
3/4/09	6	7	10	23
3/5/09	8	3	10	23
3/6/09	1	0	0	1
3/9/09	0	0	1	1
3/10/09	2	4	3	9
3/11/09	7	8	13	29
3/12/09	3	2	2	8
3/16/09	3	4	3	10
3/17/09	2	3	5	11
3/18/09	8	4	4	16
3/19/09	2	4	3	9
3/23/09	1	2	4	7
3/24/09	5	3	2	10
3/25/09	5	1	5	11
3/26/09	1	0	1	3
3/30/09	3	0	0	3
3/31/09	4	3	1	10
Totals	63	69	81	223
	28.3%	30.9%	36.3%	4.5%

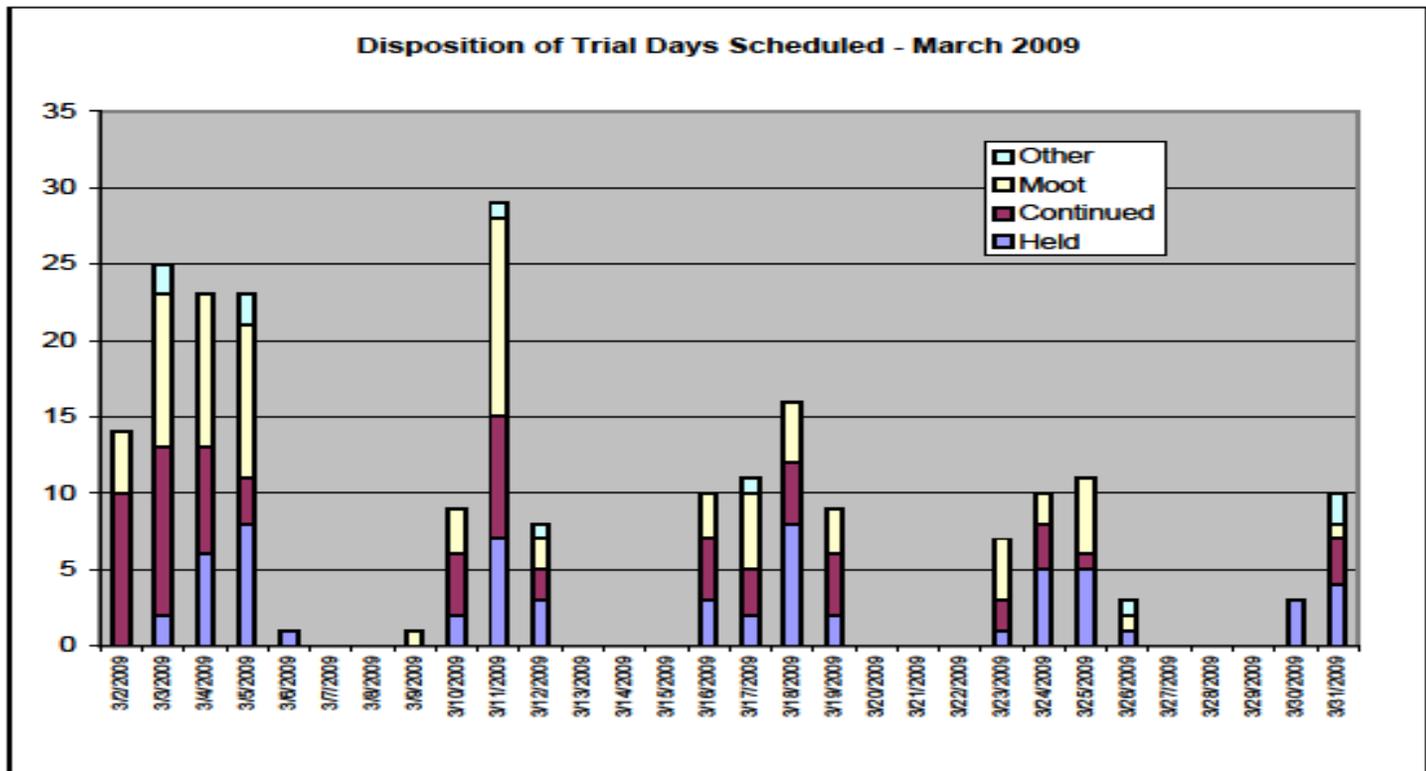
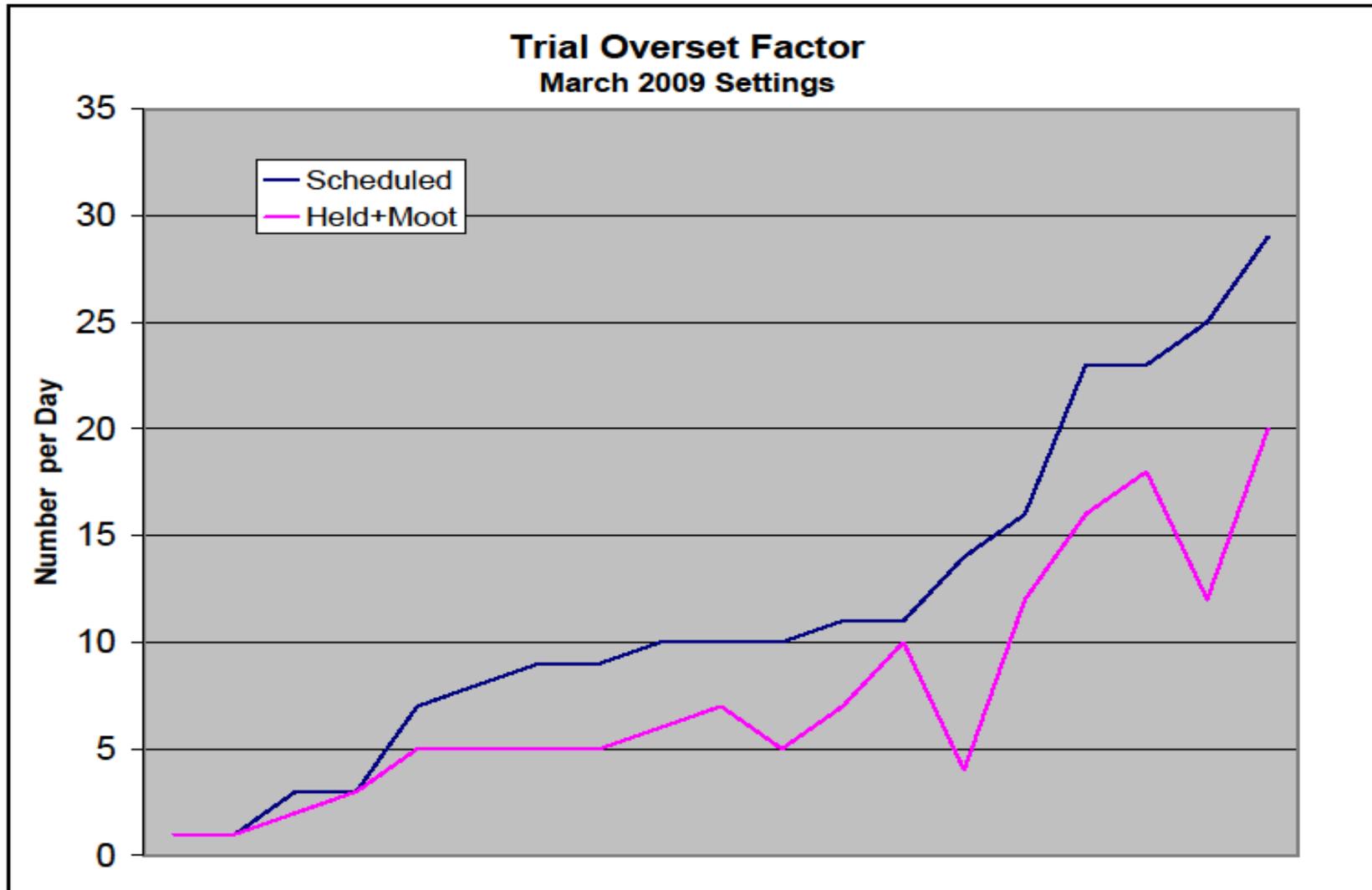


Chart C-18: Overset Factor for Circuit Court Felony Cases: Scheduled vs. Held Plus Moot

Chart C-18 below graphs the CT Trial Overset Factor, comparing the numbers set against the number of positive dispositions (Held and Moot), and reflects positively as they climb together. In some courts, a steep climb in continuances occurs when too many trials are scheduled.



III. FINDINGS AND RECOMMENDATIONS

A. Summary

Based on the State's Caseflow Assessment for Prince George's County Circuit Court for Fiscal Year 2008 (7/1/07 – 6/30/08) 94% of the criminal cases were disposed within the 180-day standard, which calls for a 98% rate. The statewide rate was 91% for criminal cases. Since the Court's civil case performance rate was also 94%, within the standard (also 98%), and the statewide rate for circuit court civil cases was 93%, it appears that the criminal scheduling process is meeting the Court's requirements – e.g., it is permitting criminal cases to be disposed of within applicable time standards.

B. Additional Areas of Inquiry Potentially Useful

1. *Analyze reasons for delays in case disposition of those cases not disposed of within applicable Timeframes*

While the current scheduling process appears to be satisfying the Court's case disposition needs, it might nevertheless, be useful for court officials to analyze those criminal cases that fall outside of the time standard to determine of special issues relating to criminal case processing need to be addressed.

2. *Consider compiling information regarding duration of events scheduled*

In the analyses presented in this report we were looking at numbers that reflect caseload and not necessarily workload, in terms of judge time. And, although trial time typically accounts for the largest share of judge time in a general jurisdiction trial court, it is evident from the large numbers of hearings scheduled last March that a more detailed analysis of hearing times by type might prove helpful as well as potentially reduce the variations in event durations which could be an aid in scheduling. We understand that the duration of events can be captured in the ACS application but will require the Courtroom Clerks to be responsible for entering this information in the courtroom. If this is not possible, information to conduct this analysis may need to be captured manually if it cannot be extracted from current available scheduling information. Knowing the time events are taking -- both on average and in terms of ranges – will be an important tool for ensuring the effectiveness of the scheduling system.

3. *Consider potentially removing cases disposed of and therefore “moot” before they are scheduled.*

The large percentage of “moot” dispositions (30% of trials scheduled for Circuit Court felonies) is probably the result of the early scheduling of trials, and intermediate events based on DCM track assignment, by the Calendar Management Office following biweekly returns of the Grand Jury. There are caseflow management experts that advocate not assigning a trial

date until after all other opportunities for disposing of the case have passed.⁷ This philosophy is premised on the importance of having a firm trial list and minimizing “overbooking.” However, there are other schools of thought that say it is the imminence of trial that forces case disposition. The real issue is predictability – if the number of “moots” is consistent then the court can overset the calendar with confidence, using trial certainty as a motivation towards a prompt disposition. This requires an on-going statistical analysis of calendar results with the goal of minimizing uncertainty and variations.

4. *Analyze reasons for continuing the 36% of events scheduled*

The companion consideration to “moot” is continuances (36% of scheduled events), and especially those that occur “in court” (half of the continuances for Circuit Court felony matters). The analysis of reasons for those continuances could be helpful in minimizing variation, as would an analysis of any delay caused by them. Continuances erode trial date certainty and therefore need to be minimal.

5. *Monitor impact on judge time of District Court appeals*

As has been mentioned, the schedule for March illustrates the large number of hearings required for cases from the District Court. This has been addressed in the “Differentiated Case Management Plan of Criminal Cases for the Circuit Court for Prince George’s County” (Revised May 2006) and is excerpted from the Track 1 description:

“Criminal appeal court days are set approximately seven times a year. Seven or eight courtrooms and judges are dedicated to criminal appeals on those days. Any cases not reached are heard the following day. Thus 49-56 judges’ days a year are devoted to criminal appeals. It is not feasible, considering the great numbers of these cases, to do with less or to change the method by which they are processed.”

This formula equates to approximately 77 case dispositions per judge day.

6. *Conduct a follow up analysis of criminal case scheduling by DCM track*

Although the Court hears many types of cases which all compete for the same scarce resources, we have looked at only one aspect of case scheduling — that of criminal cases. Likewise we looked only at results and did not compare them with objectives, such as DCM track goals, except for the State’s disposition time standard. As noted earlier, we were not able to analyze by DCM track because the DCM track designation was not included in the datasets provided although we understand that it is available in the ACS system. Conducting a follow up analysis of the criminal cases scheduled in terms of their DCM track assignment could permit more meaningful qualitative analysis of the scheduling results.

7. *Consider developing regular reports that evaluate caseflow process and identify potential issues that need to be addressed*

⁷ Improving Criminal Caseflow , Maureen Solomon p.10

The Court may also wish to consider the development of reports that provide evaluative information on scheduling performance on a regular basis. We understand the court officials are currently working with a Focus Group of ACS clients and ACS product development staff on this issue and other functionality needed in the ACS baseline application.

8. *Review case scheduling outcomes regularly with other participants in the process to identify potential operational improvements*

The statistical results derived from analyzing the outcomes of the Court's schedules, such as summarized in this report, can provide a useful framework for discussing the schedule of criminal cases with all participants in the process with a view to identifying systemic issues that may be impacting the certainty of the court's schedule as well as potential improvements to consider. A good starting point would be with the reasons for continuances and, for those continuances that may be justified, developing agreement as to the lead time and protocol for requesting continuances. Each in-court continuance request potentially entails substantial costs to the system – appearance time of law enforcement officers, preparation and appearance time for prosecutors and defense counsel, as well as the summoning of witnesses – all at a cost that can potentially be avoided. The reasons for continuances may also suggest operational deficiencies that can potentially be improved – prisoner transport, lab report production, appointment of counsel, for example. Using data regarding the scheduling process and situations that occur that prevent scheduled events from actually being heard can provide a foundation for addressing a range of issues affecting the case disposition process that can potentially benefit all participants and the many agencies involved.

IV. CONCLUSION

The Prince George's County Circuit Court has access to a rich array of data that can inform its scheduling practices, to the benefit of both the court and the other agencies participating in the criminal case disposition process. Court officials should review the preliminary findings of this report to determine the enhancements that may be useful to existing data systems so as to improve the Court's capability to compile on an ongoing basis the case scheduling information needed to ensure that court resources – as well as those of the other agencies involved in the criminal case process -- are utilized efficiently and effectively.

APPENDIX

Meeting Agenda: May 20, 2009

Criminal Case Scheduling Analysis for Prince George's County Circuit Court May 20, 2009

Sources: A. 500 case sample for the State's Assessment program and
 B. March 2009 Scheduled Events.

A. Caseflow: From the 500 case sample:

1. Case age by charge, and by disposition;
2. Postponements and Waivers – effects on case age;
3. Representation – effects on case age & disposition;
4. Numbers of criminal events by attorney (high numbers only);

B. Calendar Analysis – From the March 2009 Scheduled Events:

5. Proportion of calendar by type of event – what was scheduled!
6. Calendar dispositions by event type – What happened!
7. Chart of calendar dispositions by event type;
8. Chart, same as above w/o trials;
9. Daily calendar results for March – shows peak days;
10. Trial setting dispositions by day of week;
11. Disposition of events scheduled, by case type and event type;
12. Disposition of days scheduled for trials;
13. Graph showing “overset” and results.

C. Some Data Anomalies.

D. Some Questions:

1. Definition & use of “Moot” as an event disposition
2. Why range of event dispositions for trial: e.g. held/plea hrg/plea & sent/disp hrg/...
3. Why distinction of continued “prior to” vs. “In Court?”
4. Are there calendar loading limits or goals by event type?
5. Can't determine track as charge could be on multiple tracks.
6. Difference between case types CT & CJ (interchangeable dispositions)?
7. Multiple attorney records for some cases, also some duplication