

**Evaluating the Impact of Direct Electronic Filing in
Criminal Cases: Closing the Paper Trap**

Executive Summary

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**The Office of Court Administration
Task Force on Indigent Defense**

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EXECUTIVE SUMMARY

INTRODUCTION

Texas courts are seeking efficient and effective ways to improve the delivery of indigent defense services as set-out in the Fair Defense Act of 2001. In 2004, the Office of Court Administration, Task Force on Indigent Defense applied for and was awarded funding to test information-sharing technologies as a strategy for helping counties reduce costs and improve efficiency in court processing. The research was sponsored by the State Justice Institute and implemented in partnership with the Public Policy Research Institute at Texas A&M University. Tony Fabelo, Ph.D., national criminal justice consultant and former director of the Texas Criminal Justice Policy Counsel, served as an advisor on the project.

CONCEPTUAL FRAMEWORK

Criminal case processing depends on a variety of local actors: judges, prosecutors, defense lawyers, law enforcement officers county officials, and court clerks. Most counties rely on the physical transfer of defendant records from one office to another. Where automated file management systems are available, they tend to be designed for individual departments with limited ability for transferring information to other users electronically. Integrated information systems shared among multiple users offer a promising new approach for reducing costs, improving efficiency, and achieving better court processing outcomes for individual defendants and the criminal justice system as a whole.

The term “direct electronic filing” has been used to describe the transfer of motions and case documents from attorneys to the clerk of courts in civil cases. The concept is relatively new and has thus far not been extensively applied in the criminal arena. Unlike civil filings, many different departments within the local justice system are required to participate in the disposition of criminal cases. Furthermore, technology must be supported by complementary work practices. Therefore, the definition of direct electronic filing applied in this study is considerably broader than that used in the civil context.

Direct electronic filing in criminal cases is defined as a case management strategy to automate the flow of information for the screening and filing of criminal cases directly from law enforcement to the prosecutors to the court system. This strategy uses a variety of technologies to document case-related information, support decision-making, and monitor the progress of persons arrested through the system.

The chief advantages of direct electronic filing systems examined in this research were conceptualized around four key propositions:

- 1) Where all actors in the criminal justice system have current information on case status, they are able to make the most efficient use of time and limited resources, resulting in faster, more appropriate and more cost-effective case outcomes.
- 2) Electronic document management is an effective means of making current case information available to key actors, facilitating more informed and data-driven decision-making.
- 3) Automated information systems enhance public trust and confidence in the criminal processing system through early identification and release cases with insufficient evidence to file charges, faster defendant notification of charges, faster disposition, and more public information about the location and status of detained defendants.
- 4) Costs of implementing direct filing systems are offset by the value to the public through faster case disposition, reduced court dockets, fewer jail days, personnel relief for public offices, and less defendant time away from work and family.

OVERVIEW OF THE STUDY SITES

Harris, Bexar, and El Paso Counties agreed to allow the collection of data needed to conduct the research. These three counties were selected because their criminal case management systems each incorporate different degrees of inter-departmental integration. Analysis then focused on whether greater automation in local case processing procedures resulted in improved outcomes such as fewer days from arrest to filing, release, and disposition. Findings were used to develop a replicable, evidence-based model of misdemeanor case processing which can be readily adapted and adopted by state courts in Texas and nationally.

Harris County. Since the late 1970s Harris County has incrementally developed one of the most advanced and fully integrated justice processing systems in Texas and possibly the nation. The Justice Information Management System (JIMS) enables case-related information to be shared between county and municipal law enforcement officers, jail personnel, the district attorney's office, the county clerk, magistrate courts, county and district courts, pre-trial services, and the public. Within JIMS, a specialized sub-system known as the District Attorney Intake Management System (DIMS) links law enforcement and prosecutors for the initial case screening. This site offered the most advanced illustration of direct electronic filing automating information flow from law enforcement to the prosecutor and to the courts.

El Paso County. Beginning in 1994, the El Paso County District Attorney's Office and the City of El Paso Police Department agreed to replicate components of the Harris County system linking law enforcement and prosecutors. Thus, while not all departments within the local justice system are able to share real-time case information, the El Paso County's District Attorney Intake Management System (DIMS), supports information-sharing between police and the prosecutor. Since the sheriff's office did not utilize

DIMS, it was possible to compare case outcomes for similar types of cases in the same community handled with and without use of automated case processing.

Bexar County. The third study site, Bexar County, typifies the state of technology and integration in many Texas communities. While a common centralized data system is used by every department, there is limited functional integration or flexibility in what can be accessed by different offices. Information is conveyed between departments primarily in the form of pre-defined, standardized paper reports. Bexar County continues to incrementally upgrade departmental data management capabilities. As an example, the district attorney's highly advanced case tracking system, implemented shortly after data collection for this study was concluded, is intended to improve the efficiency of case review and filing procedures within that office.

MODEL FEATURES OF DIRECT ELECTRONIC FILING SYSTEMS

Three two-day site visits were conducted to each study site during 2004 and 2005. Local criminal processing was observed, and face-to-face interviews were conducted with approximately twenty-five knowledgeable stakeholders in each county. During site visits, the characteristics of both work routines and technology were documented, and the best of these features were combined to create a single "ideal" model. Model processing features found to increase case processing efficiency included both technological and work solutions.

Technological Solutions

1) Early Screening and Filing Determination by the Prosecutor. Only Harris County and El Paso's DIMS system make prosecutorial screening available directly to law enforcement officers twenty-four hours a day. Written offense reports are then submitted to prosecutors electronically before the end of the officer's shift. Prompt case review has several positive consequences for both counties and defendants:

- **Increased Law Enforcement Efficiency.** Officers know quickly if cases are rejected so little time is expended in the arrest, investigation, transport and detention of defendants without charges. The ability to file case reports via electronic systems also saves time in the preparation and transport of documents. Officers are able to spend less time doing paperwork and more time in actual enforcement activities, resulting in improved public safety at lower cost.
- **Jail Population and Court Docket Reductions.** With prompt access to offense information, prosecutors are able to eliminate many cases before defendants are taken into custody. If charges are to be filed, they can commonly be complete within a day. As a result, many of these cases can be disposed within days of arrest, helping to clear jail cells and court dockets efficiently.
- **Fewer Impacts of Arrest on Defendants.** Defendants sustain fewer impacts of an arrest resulting in no charge. They experience virtually no time in detention or

lost work days, and avoid financial stress arranging bond or acquiring counsel on a charge that could not be successfully prosecuted.

2) Early Electronic Screening of Defendants' Identity. Prompt and accurate determination of a defendant's identity is essential in order for early filing, disposition, or bonding decisions to be made with confidence. For this reason, systems capable of quickly and reliably determining arrestee identity are an increasingly important component of a direct electronic filing system. A fast electronic biometric identification system improves case processing in the following ways:

- **Improved Accuracy of Charges Made Quickly.** Electronic identification can discover known aliases quickly, identify prior offenses, and increase the accuracy of charges made immediately after arrest.
- **Bond Amounts Consistent with Defendants' Risk Level.** Bond based on correct identification of defendants will minimize the probability of releasing dangerous individuals, enhance public safety, and reduce the county's risk of legal exposure.
- **Decreased Resources Expended on Wrongly Identified Individuals.** A defendant with cases under more than one name variant could be required to appear before multiple courts, be assigned multiple attorneys, and have redundant data records. Correct identification early in the filing process increases overall efficiency by reducing such errors dramatically.

3) Electronically Facilitated Filing. Direct electronic filing systems can assist prosecutors with routine aspects of case filing such as the selection of charges, production of appropriate charging documents, and determination of bond recommendations.

- **Faster and More Accurate Determination of Charges.** Reviewing prosecutors have quick and easy access to on-line criminal codes and violation information.
- **Standardized Charges, Filings and Bond Recommendations.** All charging instruments prepared by the office are identical in format, making the charges easily readable and accessible by court personnel. Even more importantly, review criteria including charges and bond recommendations remain consistent across attorneys so that defendants accused of similar crimes are treated more equally.

4) Integrated Information Technology Systems. Technology best promotes expedited case processing when it is well meshed across local justice agencies. Where automated information systems are developed at the department level and are not shared with outside units, access and usefulness for the overall justice system is reduced. Advantages include:

- **Increased Accountability.** When multiple users rely on information generated by other departments to be complete and timely, areas of delayed caseflow are more easily recognized and more difficult for a single office to obscure.
- **Cross-Agency Functional Integration.** The process of building systems that are shared across offices can promote heightened awareness of each department's roles and responsibilities, and ultimately, promote a broad-based understanding of court processes.
- **Reduced Duplicate Data Entry.** With integrated information systems, basic defendant information does not have to be re-entered at multiple points in case processing.
- **Uniform Data Standards.** If every agency establishes independent data standards, then information cannot be readily shared. Integrated systems, by contrast, prescribe a uniform data format that can be consistently applied across departments.
- **Reduced Technical Disparity across Departments.** Integration helps ensure the quality of information systems is even across local justice agencies. A level technology base helps minimize "lurches" and "lags" in criminal processing that can occur where some departments have extravagant resources and others do not.
- **Centralized System Security.** Integrated information systems provide centralized security. While individual department-level data systems may also be secure, few individual offices have the dedicated expertise or resources to protect their data at the level attainable through centralized security.

5) Expanded Public Access To Defendant Information. The site with the most advanced public access capability was able to provide external users with access to information on defendants' bond status, jail location, court assignments and appearance dates. Resulting case processing efficiencies include the following:

- **Reduced Demand on Public Information Offices.** After information became available online, fewer personnel were needed in Harris County's information services division.
- **More Timely Bonding.** In Harris County, bondsmen are able to view a subset of case information to better assess the bonding history and potential risk of a defendant. This is a highly functional use of information systems to encourage timely bonding assistance for defendants.

- **Early Contact with Defense Counsel.** Automated information systems can allow defense counsel to quickly locate their clients, view the charge, and determine court settings, all online. Faster contact with counsel enhances the quality of representation by allowing the defense to immediately begin researching and preparing the case. Prompt appointment can also potentially lead to faster disposition, helping to clear court dockets and jail cells.

Work Solutions

Efforts to implement technological change appear to emerge from a work culture focused on improving timeliness, collaboration, and overall effectiveness in case processing. Automation is first a tool in the pursuit of more efficient inter-departmental linkages, then a means of sustaining and enriching those linkages over time. Four major cultural characteristics were associated with implementation of direct electronic filing systems.

6) Flexible and Adaptive Work Practices. Counties with the greatest case processing efficiency are willing to be flexible and creative in reducing obstacles to workflow. Effective solutions are often simple. Examples observed at the study sites included:

- Co-location of key offices such as the prosecutor and law enforcement or the prosecutor and clerk;
- Non-traditional office hours such as 24-hour service from magistrates, prosecutors, or clerks; and
- Required filing of police reports before the end of each shift.

7) Cross-Agency Commitment to Long-Term Collaboration. Successful integrated criminal processing systems require a commitment to formal collaboration and joint system planning involving agencies across the judicial system. Harris County's JIMS system is governed by an executive board. Under their oversight, departmental users participate in decision-making to adapt the system so that it will meet the needs of independent but inter-connected county offices. The presence of this forum shows a commitment to institutionalizing cooperative information-sharing throughout the justice system.

8) Ongoing Commitment to Case Processing Improvements. In a changing legal and technical environment, both automated information systems as well as formal and informal work processes require maintenance over time. Where integrated information systems are most successful, county officials are continually considering new and innovative ways to improve and refine system features.

9) Routine Opportunity for Cross-Agency Education. Integrated criminal case processing systems facilitate both formal and informal cross-education across departments. For instance, law enforcement officers using the DIMS system strongly agreed their experience working directly with prosecutors has improved their understanding of requirements for successful criminal charges.

Other cross-training driven by MIS system integration has been more formal in nature. Trainings to introduce new system features often require administrators and staff to collaboratively review inter-departmental case processing responsibilities and procedures. Through that process, personnel learn about the responsibilities of other departments and how the data generated from their own office contributes to the functioning of the larger system.

Summary

The preceding model of direct electronic filing is presented in a way that allows counties to choose those practices that are most feasible and that most directly address case management needs in their community. Every attribute identified here may not be feasible, or even necessary, in every jurisdiction. Nonetheless, the universal lesson learned is that efficiencies can be gained by *integrating effective work practices with technologies at critical points* in the case filing process. At a minimum, these points include (1) the transfer of law enforcement reports to the district attorney's office, (2) the determination of charges and the preparation of charging documents within the district attorney's office; and (3) the transfer of filings to the county clerk.

KEY FINDINGS

The sites demonstrating the highest fidelity to both technological and work solutions were expected to have the most efficient overall defendant outcomes evidenced in the data. Differences were expected to be observed in several measurable outcomes including:

- Number of defendants with cases disposed immediately after arrest;
- Number of defendants held in pre-trial incarceration; and
- Caseflow efficiency measured in terms of the number of days from arrest to filing, release, and disposition

To measure these and other outcomes, individual-level defendant case records, each study site provided electronic documentation of all Class A and B misdemeanor cases disposed between January and December, 2004. The largest study site, Harris County, contributed 60,667 cases. The Bexar County dataset contained 28,466 cases. El Paso County provided 8,021 cases processed through the DIMS system and 4,129 Non-DIMS cases.

For analysis, cases were categorized based on their status three days after arrest. The first analysis group includes cases that were completely disposed three days after arrest. The second sub-group includes cases where defendants were released on bond, and the final sub-group describes individuals who were still held in detention three days after arrest. Special consideration is given to cases with assigned counsel. Findings for each of these groups of defendants are presented separately.

Cases Disposed within Three Days of Arrest

The most powerful impacts of direct electronic filing systems result from the information shared during the first few hours of case processing. The automated DA Intake System (DIMS) enables direct communication between law enforcement and the prosecutor from the time of arrest. Assistant district attorneys are available twenty-four hours a day to review cases submitted by officers in the field. With access to this early information, a prompt and informed decision can be made about whether to file charges.

- **Early Discharge of Cases with Insufficient Evidence.** In 2004, 19 percent of all El Paso DIMS cases were reviewed and rejected by the prosecutor before the arrest was complete. Comparable data was unavailable for Harris County, but prosecutors and Houston police conservatively estimate a ten percent rate of early case rejection in that county.
- **Prompt Transfer of Law Enforcement Offense Reports.** In El Paso's Non-DIMS system, prosecutors receive case information in an average of 18.8 days (median=13 days). It is impossible in that situation to file or dispose charges within a three-day timeframe. Direct electronic filing systems, by contrast, deliver offense reports to the prosecutor in less than a day.
- **Faster Case Disposition.** With charges filed within a day of arrest in most cases, 15 (El Paso County-DIMS) to 25 percent (Harris County) of cases are disposed in as little as three days. Since case review is conducted twenty-four hours a day, and with the assistance of electronic document processing systems, filings can be ready as soon as the defendant is able to appear before a judge.

Cases Released on Bond within Three Days of Arrest

Bond is the predominant mechanism for handling the majority of cases at every study site, ranging from 56 percent bonded in Harris County to 78 percent of El Paso's Non-DIMS defendants. Defendants who post bond were released in less than one day on average, irrespective of the use of automated case processing technology.

- **Reduced Impact of DIMS on Bonded Cases.** After individuals are released on bond, urgency to file charges and disposed cases is reduced. Thus, the high-speed, disposition-oriented features of electronic DA intake systems have less impact on processing for this group of defendants.

However, more comprehensive information systems linking components beyond the DA and law enforcement show clear positive benefits. With access to fully integrated automation, the Harris County JIMS system was able to dispose cases about a month faster than other sites.

Cases Still in Detention Three Days after Arrest

The final analysis category considers the impacts of direct electronic filing on individuals responsible for the greatest costs to local criminal justice systems. These are the

defendants who are neither disposed nor released on bond, but who remain in pre-trial detention.

Lower Detention Rates. Sites with direct electronic filing detained up to 18 percent fewer individuals following arrest. This occurred in part because 15 to 25 percent of defendants had their cases disposed within three days of arrest at DIMS sites.

- **Fewer Days in Detention.** A different but related question is whether automated information systems can move individuals who are detained toward faster release and case disposition. The evidence suggests that jailed defendants in direct electronic filing systems have faster notification of charges, and are released from detention about a week earlier than in manual filing systems.

Cases with Assigned Counsel

The impact of automated information systems on the appointment of counsel is an issue of particular interest to the Task Force on Indigent Defense. To determine whether direct electronic filing contributed to improved services for indigent defendants, outcomes were examined separately for this important sub-group of defendants.

- **Assignment of Counsel Primarily Results from Work Practices.** Results indicate that assignment of counsel is more directly influenced by local work processes than by the availability of electronic information systems. The largest percentage of cases appointed, as well as the fastest appointment times, were observed in Bexar County. These outcomes were achieved because, at that site alone, pretrial services encourages all individuals who think they may qualify for counsel to complete a determination of indigence in conjunction with the book-in process. Those found eligible are subsequently assigned an attorney during magistration and before release on bond.
- **Information on Dates of Request for Counsel is Limited.** The mean time to appointment of counsel for bonded and detained defendants was higher than anticipated. A number of defendants were assigned counsel after “adversarial action” was initiated in the form of a case filing. This outcome is potentially in conflict with statutory guidelines specified by the Fair Defense Act of 2001.

Based on self-reports from representatives at the study sites, appointment was most often delayed because defendants failed to submit a request for counsel. However, without accessible documentation of when the request for counsel was submitted, neither external observers nor the counties themselves can readily determine whether the prompt appointment standard of the Fair Defense Act is being met. In the face of evidence suggesting delays in assignment of counsel could have occurred, the Task Force on Indigent Defense is advised to explore minimum requirements for local jurisdictions to demonstrate they are meeting legal requirements.

HIGHLIGHTS OF THE STUDY

This research produced a number of insights regarding the quantifiable benefits resulting from even basic information-sharing technology linking prosecutors and law enforcement. Benefits were even greater as the scope of integration increased. A review of advantages resulting from the application of technology includes the following:

- Early elimination of cases that cannot be successfully prosecuted.
- Better case quality as prosecutors can alert law enforcement officers to missing information while witnesses are still present and the evidence is still fresh.
- Faster transmission of offense reports from law enforcement to prosecutors.
- Up to 18 percent fewer defendants held in pretrial detention, and earlier release of those individuals that are detained.
- Disposition of 15 to 25 percent of cases within three days of arrest.
- Improved accuracy of charges through the use of online references to the criminal code and automated templates of charging documents. Defendants accused of similar crimes are treated more equally.
- More efficient use of personnel, as the charging instrument can be prepared by a single assistant district attorney.
- Substantial cost savings to counties:
 - Law enforcement officers spend less time doing paperwork and more time in enforcement.
 - In cases that cannot be successfully prosecuted, counties avoid costs associated with defendant transportation jail book-in, housing, assigned counsel, and prosecution.
 - In cases that can be proficiently prosecuted, prompt disposition helps clear court dockets and jail cells.
 - More resources are available to counties for other responsibilities (e.g., handling complex cases requiring more time and attention from the courts, or indigent defense services).
- Improved quality of legal defense:
 - Automated systems help defense counsel locate clients, view the charges, and determine court settings, all online.
 - With timely transfer of offense reports, prompt filing of charges, and the ability to contact clients without delay, counsel can quickly begin to research and prepare the case based on the charges.

- Protection of defendant rights:
 - Where cases are screened out at arrest, defendants are spared the costs of private attorney fees, bond fees, lost wages, loss of freedom, and family disruption in a charge that would have ultimately been rejected by the prosecutor.
 - When charges are filed promptly, individuals can meet their legal obligations without delay and resume their lives as soon as possible.

Direct electronic filing systems linking, at a minimum, law enforcement and prosecutors make it possible to expedite misdemeanor cases, yielding measurable benefits for county taxpayers, local criminal justice systems, and for defendants themselves.

