

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

**Final Report**

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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.



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Appendix C: Methodology for Trimming Means





## INTRODUCTION

This paper presents the results of a study examining the role of technology in enhancing case processing efficiency for criminal misdemeanor defendants. The project involved collecting detailed case processing data from three metropolitan Texas counties including Bexar County, El Paso County, and Harris County. Each of these study sites varies in their use of automation for managing criminal misdemeanor caseflow. It was expected that counties using integrated technology-based information-sharing systems would be able to document case events with greater accuracy, make information needed for appropriate action more readily available to decision-makers, and promote timely resolution in accordance with requirements of each case. From the perspective of indigent defense, electronic data management systems were expected to promote the prompt appointment of counsel and make it more feasible for counties to meet other requirements of the Fair Defense Act.<sup>1</sup> To the extent that these benefits are in fact realized, direct electronic filing systems can be recommended to counties as a strategy to improve cost and performance outcomes for overall case processing, and for indigent defendants in particular.

The research was sponsored by the federal State Justice Institute and implemented by the Task Force on Indigent Defense (Task Force). The Task Force was established under the Fair Defense Act of 2001 to assist Texas counties in improving their indigent defense systems. In addition to monitoring judicial plans submitted by counties describing how they will conform to requirements of the law, the Task Force administers \$13 million annually in grants promoting improvement and innovation in county-level indigent defense services.

The Task Force seeks to lead counties toward excellence in indigent defense by providing information about evidence-based effective practices. Toward that end, in August of 2004 the Task Force was awarded funding to test the impacts of information-sharing technologies on improving efficiency and accuracy in court processing. The research was conducted in partnership with the Public Policy Research Institute at Texas A&M University and with the

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<sup>1</sup> The Fair Defense Act established requirements for Texas counties to provide a consistent standard of indigence; prompt appointment of counsel; neutrally appointed representation; representation with qualifications appropriate for the level of offense; and payment of fees and expenses for attorneys, experts, and investigators.

assistance of national criminal justice consultant and former director of the Texas Criminal Justice Policy Council, Tony Fabelo, Ph.D.

A summary of the study background, methods, and findings are presented herein. Chapter 1 presents the conceptual framework for the research. It describes what is currently known about the use of direct electronic filing in civil and criminal contexts and clarifies the meaning of direct electronic filing as defined this study. Research hypotheses and methods are presented in Chapter 2. Chapter 3 introduces criminal case processing systems currently in place in Bexar, El Paso, and Harris Counties. Chapter 4 then integrates elements derived from these separate systems into a “best practice” model of direct electronic filing.

Chapter 5 describes the empirical data used to test the model. This includes ratings of the study sites on their individual conformance with model elements, as well as a description of the 2004 misdemeanor defendants used to measure impact on case processing outcomes. Chapters 6 through 8 quantify differences in case processing efficiency achieved by systems with fully, partially, and un-integrated case filing information systems. Outcomes for individuals with cases disposed, bonded, or detained three days after arrest are considered separately in each chapter. Chapter 9 focuses specifically on outcomes for the sub-group of individuals who are assigned counsel. Finally, overall findings and conclusions are summarized in Chapter 10. The result of this report is a replicable model of program features proven to speed and improve the quality of misdemeanor caseflow while also enhancing defendant outcomes.

## CHAPTER 1: CONCEPTUAL FRAMEWORK

### INTRODUCTION

Like many states, Texas' court systems are chronically over-burdened and under-funded. The growing number of cases brought to court annually, combined with increasing complexity in criminal justice processes, results in more cumbersome management of both people and case files. In Texas, courts are seeking efficient and effective ways to meet new guidelines for appointing indigent counsel set forth in the Fair Defense Act of 2001. In an effort to meet these administrative objectives, many counties are re-evaluating existing case filing and document management systems and increasingly considering technology as part of the solution.

Direct electronic filing is a relatively new concept to the courts, and has thus far received attention primarily in the civil court arena. In that context, the term primarily refers to the ability of counsel to file motions and transfer civil and domestic case documents to the clerk of court. Civil direct filing systems have yielded advantages over traditional filing systems. Traditional paper systems rely on the physical transfer of case forms and reports from one office to another. Large numbers of staff are required to produce filings, prepare court files, and transport documents. Information often moves slowly and may be plagued with lost files and information errors. Electronic systems, in contrast, can reduce the costs of paper file creation and storage, reduce staff time and delivery costs, increase the speed and accuracy of information transfer, and thereby improve case processing,

In recent years, limited efforts have been initiated to apply the benefits of direct electronic filing to criminal court settings. In contrast with the civil courts, however, criminal case filings are produced by multiple agencies within the justice system. Criminal cases require document transfer not only between district attorneys and the clerk of courts, but also with law enforcement (including jail personnel) and defense counsel. Thus, current definitions of direct electronic filing that simply emphasize the relationship between attorneys and the court must be expanded to include all the various justice agents. Accordingly, the following definition was crafted for purposes of this study:

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.

### Characteristics of “High Tech” Electronic Filing Systems

Few civil or criminal courts have implemented comprehensive information systems linking all relevant partners. A review published in the summer of 2000 found only twenty civil courts in the US are on record as having wholly eliminated paper filing systems at that time.<sup>2</sup> Instead, most combine technology of various levels of sophistication with work practices to speed case management processes. The importance of *what* technology is utilized may be less important than *where*, or at what points in the process, electronic systems such as electronic filing yields the greatest benefits.

**Figure 1-1. Continuum of Electronic Systems in the Courts**

← Low-Tech		High-Tech →
<p>Efficiency gained through high reliance on work practices</p> <ul style="list-style-type: none"> <li>• Paper filing system</li> <li>• Transfer of documents and signatures by mail or by hand delivery</li> <li>• Physical paper files archived</li> <li>• Case file accessible to few court personnel; shared or photocopied access to single case file</li> <li>• Case information not electronically accessible publicly</li> </ul>	<p>Efficiency gained through mix of work practices and electronic systems</p> <ul style="list-style-type: none"> <li>• Duplicate data entry across offices</li> <li>• Transfer of paper documents speeded by work practices</li> <li>• Mix of archived electronic case information and paper documents</li> <li>• Partial case information accessible electronically</li> <li>• Signed documents available in paper form; no imaged files or electronic signatures</li> <li>• Limited electronic accessibility to case information; no accessibility to imaged files</li> </ul>	<p>Efficiency gained through high reliance on electronic data management systems</p> <ul style="list-style-type: none"> <li>• Limited duplicated data entry</li> <li>• Transfer of electronic documents and signatures (direct electronic filing)</li> <li>• Archived electronic records and imaged files</li> <li>• Electronic case file easily accessible to court personnel</li> <li>• Case information easily and electronically accessible publicly</li> </ul>

<sup>2</sup> Hillis, B. (2000). “The Digital Record: A Review of Electronic Court Filing Systems in the United States,” *Journal of Appellate Practices and Processes*, University of Arkansas School of Law, 2:319.

A recent examination of various electronic systems in state civil courts looked at how new technologies such as direct electronic filing are being utilized. Based on the author's discussion of the characteristics of "high-tech" systems, Figure 1-1 shows that we can loosely categorize court systems based on four main factors:

- Efficiency of data entry (i.e., with limited duplication);
- Capacity to transfer electronic documents among multiple users and allow for electronic signatures;
- Ability to archive electronic court documents including imaged filings and rulings; and
- Ease of online access to publicly held court data and documents.

While a fully unified system-wide technology-based information-sharing system may be better, a piecemeal approach can nonetheless yield significant benefits to the courts.

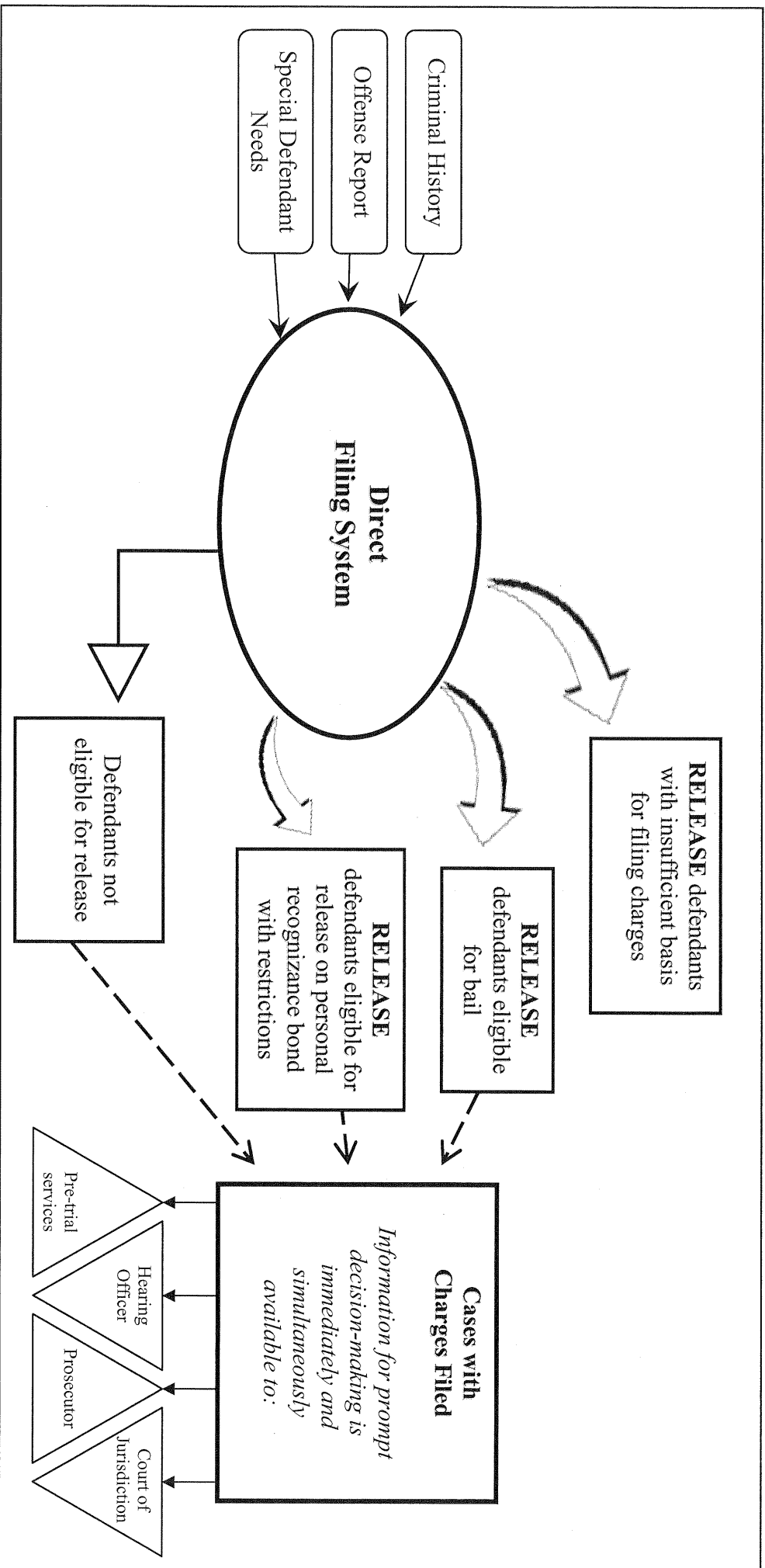
## **ANALYSIS FRAMEWORK**

This study has sought to document and quantify advantages of direct electronic filing in criminal courts. The research was conceived and organized around a clear conceptual framework. Where information systems are able to provide timely and complete information about cases and defendants to multiple components of the court system, it was expected that the many different participants in the process would be able to make case-related decisions, deliver defendant services, and perform other duties of the court simultaneously and collaboratively.

Figure 1-2 provides a graphic depiction of anticipated impacts of direct electronic filing on criminal caseflow. By making law enforcement information summarizing the facts of the case available to prosecutors immediately after arrest, cases with insufficient basis for filing charges can be quickly identified and defendants released. Cost savings should accrue through reductions in pre-disposition jail days and unnecessary appointment of counsel, and defendants should suffer fewer days of lost employment and time away from family.

If charges are filed, with early access to offense reports, prosecutors can alert law enforcement officers of missing information while the case is still fresh. At the same time, defendants with known bond amounts and those qualifying for personal recognizance bonds can conceivably be released even before being booked into county jail. The faster appropriate cases can be

Figure 1-2. Expected Impacts of Direct Filing



identified and cleared for release, the lower the costs to counties in terms of processing personnel and jail days and the lower the costs to defendants in terms of lost income.

Importantly, criminal electronic filing systems are also expected to perform a “case triage” function. With prompt access to current and accurate information about the defendant and the offense, low level cases can be identified and disposed quickly. Resources can then be directed more efficiently toward complex cases that demand greater time and attention of the courts, prosecutors, and defense counsel.

Less quantifiable benefits may also be associated with direct electronic filing in criminal cases. Where an integrated justice information system is available, improved collaboration is anticipated between law enforcement, prosecutors, the defense bar, judges, pre-trial service units, and other key local actors. Technology has the potential to serve as an enabler through which these separate and disconnected service units can begin to see court processes through a common lens.

It is also helpful to consider prospective difficulties associated with electronic data management systems. For instance, the cost of developing, implementing and maintaining electronic systems is a potential barrier to implementation for some counties and courts.<sup>3</sup> This research can help assess whether these costs might be offset by the benefits of access to information needed to handle each case appropriately and expeditiously.

### **Key Research Propositions**

This overall conceptual framework can be reduced to four key propositions which have guided the thinking and approach of the research team throughout this project:

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<sup>3</sup> Church, T. Jr. (1978). *Justice Delayed: The Pace of Litigation In Urban Trial Courts*. National Center for State Courts, Williamsburg, VA.

Fenwick, W. and R. Brownstone (2002). “Electronic Filing: What Is It? What Are Its Implications?” *Santa Clara Computer and High Technology Law Journal*, Santa Clara University School of Law, 19:181

Sherfey, P. and R. Winters (1998). *Electronic Court Records Progress Report: Lessons Learned*. King County Department of Judicial Administration, King County, Washington.

Schoenbaum, E. (1999). “Managing Your Docket Effectively and Efficiently,” *Journal of the National Association of Administrative Law Judges*, National Administrative Law Judges Foundation, 19:37.

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. Key elements of direct electronic criminal filing systems include:

- Offense report
- Magistration status
- Appointment of counsel
- Bond status
- Prosecution status
- Arraignment status
- Special conditions
- Defendant location

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 by:

- Arresting officers
- Jail personnel
- Magistrates
- Pre-trial services
- Court personnel
- Prosecutors
- Defense counsel
- Auditors

3. Automated information systems enhance public trust and confidence in the criminal processing system by increasing responsiveness, openness, and accountability.

- Faster prosecutorial screening to release cases with insufficient evidence to file charges
- More public information about the location and status of detained defendants
- Faster defendant notification of charges to be filed
- Faster case disposition

4. Costs of implementing direct filing systems are offset by the value to the public. In addition to cost savings to county justice systems and taxpayers, improved case processing enhances justice for defendants as well. The innocent are released faster, and the guilty receive consequences sooner. Efficiencies include:

- Faster case disposition
- Personnel relief for involved offices
- Reduced backlogs in court dockets
- Fewer jail days
- Less defendant time away from work and family



## **CONCLUSION**

Little empirical data has been collected that compares the outcomes of traditional paper versus direct filing systems, particularly in criminal cases. The purpose of this research is not only to identify the impact of direct filing systems on criminal case outcomes, but also to examine the components of direct filing systems most associated with case quality and efficiency. Specific methods for investigating this question are presented in the next chapter.

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## **CHAPTER 2: METHODOLOGY**

### **INTRODUCTION**

In July of 2004, the State Justice Institute announced funding for the Task Force study to assess the impacts of direct electronic filing in criminal cases. The data collection objectives were straightforward. First, through a series of site visits the research team documented the different information sharing strategies supporting misdemeanor case management from arrest to disposition in three Texas counties. Then, the outcome evaluation linked differences in case processing to measurable outcomes such as the number of days from arrest to disposition, and the number of days defendants spent in jail. Finally, 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. The following sections detail the research approach.

### **SELECTION OF THE STUDY SITES**

Commitments from county partners to participate in the study had been acquired during the proposal phase. Harris, Bexar, and El Paso Counties graciously 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 integration in automated information systems.

#### **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. If charges are filed, a record is integrated with JIMS where it is available for further use by virtually every major component of the local case processing system. Through JIMS many different justice

actors have access to a common base of current information so delay is minimized and actions are implicitly coordinated across departments. This was 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 all departments within the local justice system are not able to share real-time case information through a single electronic system, El Paso County's District Attorney Intake Management System (DIMS) at least facilitates early case review by the prosecutor so filing decisions can occur promptly. Compared to Harris County, this constitutes a much smaller, more focused integration approach. Also, during the timeframe of the study, the El Paso Police Department used DIMS but the Sheriff's Office did not. As a result, it is possible to compare case outcomes for similar types of cases in the same community handled with and without use of integrated case processing.<sup>4</sup> El Paso is therefore an example of a less comprehensive application of direct electronic filing, supporting information-sharing between law enforcement and the prosecutor.

### **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. Information is conveyed between departments primarily in the form of pre-defined, standardized paper reports available through request. Individual status updates can be cumbersome to retrieve. For instance, to locate a defendant with a common name, users must repeatedly log in to multiple screens each displaying fifteen records at a time. Similarly, DA case review occurs based on a paper offense report which can potentially slow the screening process. Bexar County continues to incrementally upgrade departmental data management capabilities. As an example, the district

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<sup>4</sup> Since the time of this study, El Paso County has changed case processing methods. This research describes case processing procedures in place during calendar year 2004.

attorney's state of the art internal 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.

## PROCESS DATA COLLECTION

The first phase of investigation involved face-to-face data collection from key stakeholders knowledgeable about criminal case processing in every county. Detail on the number and type of interview respondents is presented in Table 2-1. Interviews lasted about an hour. They were conducted over a series of three two-day site visits occurring in October of 2004, February of 2005, and June of 2005.

**Table 2-1. Interview Participants by County and Position**

	Harris County	El Paso County	Bexar County
<b>Statutory County Judges</b>	2	1	1
<b>Magistrates</b>	1	1	1
<b>Prosecutors</b>	3	2	2
<b>County Court Clerks</b>	1	0	3
<b>Defense Attorneys</b>	1	3	1
<b>Sheriff/Jail Personnel</b>	2	3	1
<b>Other Law Enf. Agencies</b>	5	8	1
<b>Court Coordinators</b>	0	1	3
<b>Pre-Trial Services</b>	2	2	2
<b>County Budget Officers</b>	1	1	1
<b>Auditors</b>	5	1	4
<b>Court Administrators</b>	2	2	0
<b>Data Systems Staff</b>	2	2	2
<b>Bondsmen</b>	1	0	0
<b>Total</b>	<b>28</b>	<b>27</b>	<b>22</b>

Site visit interview protocols were designed to describe and compare features of caseload systems currently in use. Questions included:

- What information is collected at each point in pre-disposition processing?
- How is this information shared with other actors in the local justice system?
- Which local actors have access to what information?
- How quickly is the information accessible?
- How are information deficiencies resolved?
- Where do advances or delays occur in case processing, and how does direct electronic filing play a role?

- How are pre-trial release options (e.g., bond) determined?
- How quickly are cases with no basis for charges identified?
- How are defendants identified for referral to special jurisdiction courts?
- What other factors influence local information exchange and case processing capabilities?

Recordings of every audible site visit interview were transcribed and the electronic text was entered into qualitative data analysis software. Codes were then applied to respondent comments by major themes of analysis. Results were analyzed and organized by major content themes so information could be checked for consistency across different actors at the same site, and so that comparisons could be made across the three sites based on topic.

## **OUTCOME DATA COLLECTION**

In order to quantify the impact of case processing practices on defendant- and court-related outcomes, individual-level case data was acquired for analysis. Records were requested for all defendants charged with Class A and B misdemeanors during the 2004 calendar year.

Misdemeanor offenses were selected as the focus of analysis because, in contrast to more serious felonies, these lesser crimes have the greatest potential for expeditious resolution if information can be made available to the appropriate actors. The greater volume of misdemeanor cases also means more potential for high impact improvements.

The research team worked closely with MIS personnel at each study site to ensure the integrity of the data. Three to five downloads were acquired from each county as separate data tables were merged, the files were cleaned and seeming anomalies were resolved. Although data systems were notably different across the study sites, selected variables could be isolated at all three locales and assembled by the research team into a single standardized data set. A summary overview of limitations of the final dataset is presented in Appendix A. In general, however, the integrity of the data used for analysis is judged to be very high at every study site.

Core measures received from all three sites are presented in Table 2-2. These basic measures were used to develop flowcharts of caseflow and calculate days between key events such as arrest and filing or arrest and book-in. A detailed description of the study sample is presented in Chapter 5, followed by results of data analyses in Chapters 6 through 9.

**Table 2-2. Data Elements Requested from Study Sites  
(Class A and B Misdemeanors, 2004)**

• Defendant, arrest and charge ID numbers
• Defendant demographics (date of birth, sex, race, ethnicity)
• Defendant citizenship status
• Offense date
• Offense
• Offense type (i.e., Class A or B misdemeanor)
• Felonies pending
• Arrest date
• Arresting agency
• Warrant vs. on-view arrest
• Arresting agency
• Magistration date
• Booking date
• Bond date
• Bond amount
• Bond type
• Release date
• Date counsel was appointed
• Type of counsel (appointed vs. retained vs. public defender)
• Date case information received by DA
• Date case information received by clerk of courts
• Filing date
• Court events
• Disposition date
• Disposition

**ADVISORY COMMITTEE MEETINGS**

Over the course of the project, a board of prominent advisors from the local, state, and national levels provided direction to the project. Members were selected for their individual professional accomplishments as well as their ability to speak to the issue of direct electronic filing from many diverse points of view.

Table 2-3 illustrates the composition of the panel. Included in the group were leading court practitioners experienced with caseload models nationally, legal defenders representing the interests of defendants in the court system, researchers knowledgeable about the measurement of processes and outcomes associated with direct electronic filing, and representatives of county

governments for whom criminal processing is one of many competing demands to be met with limited resources.

**Table 2-3. Advisory Panel Members**

<ul style="list-style-type: none"> <li>• <b>Texas</b> <ul style="list-style-type: none"> <li>○ Jim Allison, General Counsel for the County Judges and Commissioners Association of Texas</li> <li>○ John Dahill, former General Counsel for the Texas Conference of Urban Counties</li> <li>○ Prof. Robert Dawson, University of Texas School of Law</li> <li>○ Shannon Edmonds, Governmental Relations, Texas District and County Attorneys Association</li> <li>○ Rex Hall, Associate General Counsel for the Texas Association of Counties</li> <li>○ Michael Pichinson, General Counsel for the Texas Conference of Urban Counties</li> <li>○ George E. West, II, Criminal Defense Attorney at Law</li> </ul> </li> <li>• <b>National</b> <ul style="list-style-type: none"> <li>○ David Carroll, Director of Research and Evaluation for the National Legal Aid and Defenders Association (NLADA)</li> <li>○ Laura Klaversma, Court Services Operations Manager for the National Center for State Courts</li> <li>○ Robert Spangenberg, Executive Director and founder of Spangenberg Group; National consultant on indigent defense issues</li> </ul> </li> </ul>
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The advisory board met on three occasions over the course of the project. On September 17, 2004, the group reviewed and commented upon the fundamental research design and objectives. At the second meeting on March 4, 2005, the research team presented progress to date and asked for advice regarding possible mid-course corrections. Finally, study findings were presented November 11, 2005, and the board was asked for their input about the interpretation and implications of study results.

**CONCLUSION**

Case processing methods in Harris, El Paso, and Bexar Counties were documented through interviews with key stakeholders representing each of the main partners in the local justice system. Resulting outcomes were then assessed through analysis of defendant case records. Taken together these methods have been used to develop empirical evidence quantifying the impacts of direct electronic filing on improved caseflow, and to assess the costs and benefits of technology-based systems relative to paper court filing procedures.



## CHAPTER 3: DEFENDANT CASEFLOW IN THREE COUNTIES

### INTRODUCTION

The sites selected for this study share many attributes in common. All are large urban centers processing substantial numbers of criminal defendants with limited resources. Every county has some automated court functions such as docket control and attorney appointments. However, the speed at which a case proceeds through the courts is affected by more than just the use of electronic systems. The type of offense, defendant characteristics, and importantly, non-electronic court procedures, work practices, and protocols play a key role. This chapter details overall criminal caseflow in Harris, Bexar, and El Paso Counties. The counties principally varied in:

- age and functionality of data systems,
- methods of defendant identification and verification following arrest,
- timing of district attorney review of charges,
- bonding opportunities,
- timing of first setting, and
- method of counsel appointment.

### HARRIS COUNTY MISDEMEANOR CASEFLOW

The Harris County courts face challenges common in major urban areas including a high volume of cases, crowded dockets, large numbers of indigent defendants, limited jail space, and strained resources. The largest county in our study, Harris County has a population of 3.6 million and is larger than fourteen U.S. states. The criminal court system is comprised of fifteen county criminal courts at law supported by the Office of Court Management and twenty-two district criminal courts supported by the District Court Administration office. With approximately 35,000 felony and 60,000 misdemeanor charges filed per year,<sup>5</sup> the county relies upon efficient court management procedures and sophisticated electronic data systems to keep up with demands. Accordingly, Harris County has become a recognized leader in case processing not only in Texas but also nationally.<sup>6</sup>

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<sup>5</sup> Data estimates derived from 2004 Monthly Intake Report provided by the Harris County District Attorneys Office. Data from previous years indicate a trend toward increasing numbers of charges.

<sup>6</sup> Mahoney, B., and W. Smith (2005). *Pretrial Release and Detention in Harris County*. The Justice Management Institute. CO: Denver.

The Harris County system is designed to complete much of the work of criminal processing at the “front end.” Most of the information relevant to a case is collected and applied to make key decisions within the first twenty-four hours after arrest. With electronic systems providing access to offense reports and confirming defendant identity, misdemeanor charges can be filed in less than one day. Bonded defendants are released within seventeen hours after arrest, on average. Detained defendants have their first hearing within twenty-four hours of arrest.

Developed in the late 1970s, the massive Justice Information Management System (JIMS) comes closest to meeting the full definition of a criminal direct electronic filing system, defined for this study 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 comprehensive system integrates the agencies involved in court processes such as the district attorney’s office, the district clerk’s office, pre-trial services, the criminal law hearing officer responsible for magistration, the county jail, and county and district courts.

The District Attorney Intake Management System (DIMS) is a component of the larger system designed specifically to facilitate district attorney case review and filing. It is through the DIMS system that law enforcement officers electronically submit offense reports and prosecutors prepare filings immediately after arrest. Through the DIMS system, about a quarter of all misdemeanor cases are ready for disposition within two days of arrest.

The following paragraphs document the typical flow of cases from an on-view arrest to attorney appointment. While warrant arrests, probationer arrests, and family violence offenses have slightly different processing procedures, this description captures the general caseflow for the majority of misdemeanor defendants.

### **Arrest**

At the time of arrest, law enforcement officers contact prosecutors available at all hours, day or night, to screen cases for sufficient evidence. If, after hearing the events of the offense, it is determined charges will not be filed, defendants are released at the scene. If the case is cleared for prosecution, the defendant is processed further with charges.

With access to state and federal criminal electronic databases in their vehicle, the arresting officer typically performs an initial criminal history check at the site of an arrest using identification provided by the arrestee. Upon arrival at the sub-station, the defendant's identity is verified by the arresting officer through an electronic fingerprint imaging system. Prior to the end of their work shift, officers are required to complete an electronic arrest report through the DIMS system to facilitate review of the case by the prosecutor.

### **DA Review and Filing**

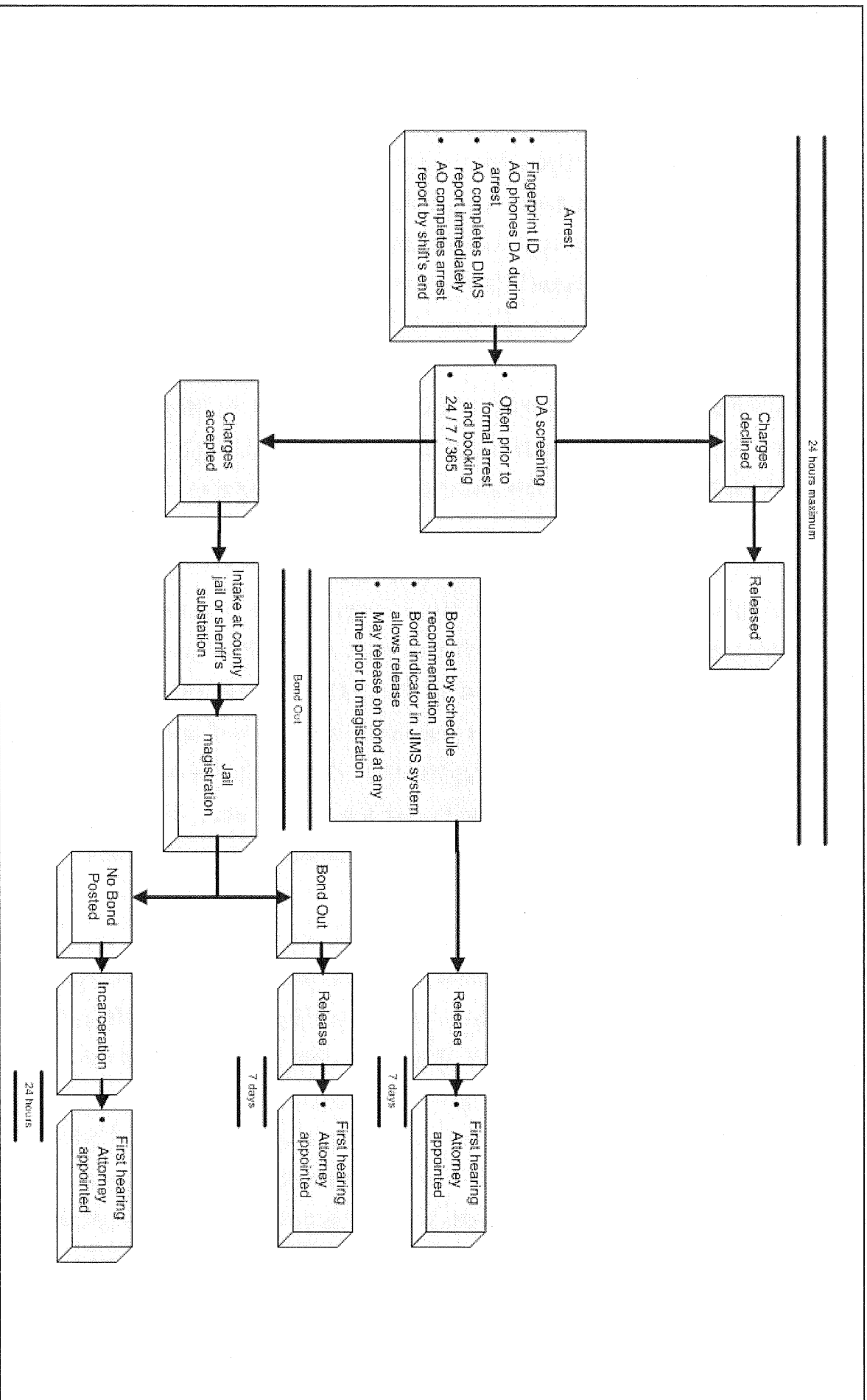
Upon receiving the formal offense report submitted electronically through the DIMS system, an assistant district attorney makes a final determination whether charges will be filed. With twenty-four hour access to prosecutorial review, filing decisions are complete an average of nine hours after arrest.

Though prosecutors' filings are produced on paper, they are prepared with the assistance of electronic document templates, signed and hand delivered to the clerk's office typically in less than four hours of arrest. In Harris County, the District Clerk's Criminal Division processes all misdemeanor and felony filings. The site is unique in the study in that this office is located in the same office space as the District Attorney's Criminal Intake Office. Like the prosecutor, the district clerk's office is also staffed twenty-four hours a day, seven days a week. The proximity of the offices and their compatible work schedules dramatically reduce delays in case filing.

### **Jail Intake**

As charges are being accepted and filed, the defendant is transferred to the county's central jail for intake. If an electronic fingerprint has not already been captured by the arresting agency, the defendant is identified via electronic fingerprint imaging system. Harris County utilizes the Automated Fingerprint Identification Systems (AFIS) which is also used by the Texas Department of Safety, the FBI and several other state law enforcement agencies. Accordingly, not only is a defendant's identity confirmed, but AFIS identification numbers can be quickly cross-checked against these other systems for an additional verification of criminal history from state and national data sources.

Figure 3-1. Overview of Defendant Case Processing  
Harris County



During book-in, the pre-trial screening department conducts jail intake interviews and enters the resulting information in the JIMS system. The automated pre-trial report includes information such as family composition, employment status, housing, indigency status, education level, health problems, medications, and potential mental health issues. Much of this data is later used by a statutory county judge for the determination of indigency. Intake personnel also perform further reviews of criminal history, outstanding warrants, pending cases, and probation status. This process culminates in a risk classification identifying defendants appropriate for release on personal recognizance bond. Lastly, defendants are seen by medical personnel for a health assessment and/or mental health screeners, if needed.

### **Magistration**

During the process of jail intake – generally after pre-trial services review but prior to medical reviews and jail classification – defendants are brought before a criminal law hearing officer to be magistrated. The hearing officer is located off the lobby of the criminal justice center in a secure courtroom, and hearings are held about every two hours, twenty-four hours a day, seven days a week. Magistration is typically complete within twelve hours of arrest. During the hearing a magistrate informs the defendants of his or her rights, determines probable cause for the arrest and detention, accepts requests for appointed attorneys, reviews the scheduled bond recommendation, and determines if the defendant is suitable for release on personal bond.

### **Opportunities for Bond**

In Harris County, several bond mechanisms are utilized. In response to federal lawsuits in 1975<sup>7</sup> and 1987,<sup>8</sup> Harris County criminal court judges established a preliminary bail schedule as a measure to reduce jail overcrowding. Defendants can post the bond amount established by the judges' schedule at any time prior to magistration. Cash bonds can be posted by a bonding agent or a defendant's representative and must be paid at the county jail. Once a bond has been recorded in the JIMS system, however, the defendant can be let go from either a county or municipal detention facility. Commonly, defendants posting bond are promptly transported to the county jail, received, and released prior to booking.

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<sup>7</sup> *Alberti v. Sheriff of Harris County*, 406 F. Supp. 649 (S.D. Tex. 1975)

<sup>8</sup> *Roberson v. Richardson*, Civil Action No. H084-3659 (S.D. Tex. 1987)

If defendants are magistrated, they must provide bail in an amount equal to that assigned by the magistrate. Bonds start at \$500 for Class B misdemeanor offenses but can range up to \$5,000 for offenses committed by a defendant on parole or probation. Guided by the bond schedule and the circumstances of the case, the district attorney applies an initial bail amount at the time a complaint is filed in the county criminal court at law with jurisdiction. Bond recommendations from the DA's office are presented in writing to the court at magistration. Pre-trial services personnel are also present to provide information collected during intake that may inform bonding decisions. The criminal law hearing officer or presiding judicial officer has full discretion to determine the type of bond (i.e., cash, surety, or personal) and the bond amount regardless of the judges' bond schedule, DA recommendations, and pre-trial services information. Following magistration, defendants granted personal bond, and those able to post cash or surety bonds, are released from jail. If bond is not met, the defendant is returned to jail for population classification review and a jail housing assignment.

### **First Setting**

Dates for first appearance in court are assigned via the automated court management system in JIMS. If a defendant posts bond, the first court setting is scheduled for seven days after release. If the defendant is unable to bond out, then the first setting is scheduled within twenty-four hours of magistration or on the first business day following a weekend. As an additional benefit of electronic scheduling through JIMS, multiple cases pending for the same defendant are all automatically assigned to the same court.

Defendants are provided with paper documentation of the court setting including the hearing date and court number. This information is also publicly available online from the JIMS and Harris County Sheriff's websites. Both websites provide the case status, case numbers, and court dates. The sheriff's site provides information only for incarcerated defendants.

### **Determination of Indigence and Appointment of Counsel**

Defendants submit requests for assigned counsel at magistration. However, the final determination of indigency and appointment of representation is made by the elected judge of each court at the first setting. Harris County uses an "attorney of the day" system whereby two

defense lawyers are randomly selected and pre-assigned to each court using an electronic “wheel.” A third attorney is pre-selected for Mondays and Fridays when dockets are historically highest.

Defendants that are incarcerated at the time of first setting are always assigned counsel if a request is submitted. Defendants that bonded prior to magistration, however, may be required by judges to explore the feasibility of hiring counsel, or to produce documentation before indigency is determined. At least one additional court date is commonly set for bonded defendants to allow time for completion of these tasks.

Since appointment typically occurs during the court appearance, defense counsel do not receive information related to the case prior to assignment. All consultation between the defendant, the defense attorney and the district attorney take place in the court room during the first appearance. The district attorney’s open file policy makes all documents related to the case available to the appointed attorney in the court. Therefore, if defendants choose to submit a plea, filing and case information is available to do so.

### **EL PASO COUNTY MISDEMEANOR CASEFLOW**

The smallest of the three counties in the study, El Paso County is located on the west Texas-Mexico border. Like Bexar County, El Paso has a large Hispanic population with over 78 percent of residents reporting Hispanic or Latino origin. The county also has a 25 percent poverty rate, outpacing that for Harris (15 percent) and Bexar Counties (16 percent). Thus, high rates of indigency and limited resources strain the court system. El Paso County’s population of 721,598 generated about 14,798 misdemeanor dispositions processed by the district attorney’s office in 2004. This count excludes an additional 3,576 theft by check and illegal dumping cases prosecuted through a special arrangement with the county attorney’s office.

In 1994, the El Paso County District Attorney’s Office developed new case review standards backed by the automated District Attorney Information Management System (DIMS). Partly modeled after the DA intake component of the JIMS system in Harris County, El Paso’s DIMS system allows law enforcement arrest reports to be quickly filed electronically for prompt DA

review. This is made possible largely because, as in Harris County, the El Paso County prosecutor has eliminated requirements for direct witness statements. With officers responsible for accurately representing what witnesses said, offense reports can be submitted immediately after arrest. DA staff are on hand to provide twenty-four hour case review year-round. Accordingly, case determination decisions and filing processes have been dramatically streamlined.

Though DIMS is more narrowly focused than Harris County's JIMS system, it has nonetheless achieved impressive improvements in the earliest phases of case processing. El Paso County misdemeanor cases submitted through DIMS are filed in an average of 7.6 days, compared to an average of 37.2 days for cases not submitted through the DIMS system.

DIMS operations have not always been smooth in the county. Early in the development of the system, the sheriff's office was unable to file officer reports electronically due to data system incompatibilities. This resulted in two distinct processing tracks for arrest cases: (1) expedited case review for those defendants arrested through the El Paso Police Department,<sup>9</sup> and (2) traditional submission and review of paper-based documents for individuals arrested through all other law enforcement agencies including the El Paso Sheriff's Office. The two-track system has persisted since 1994 even though the sheriff's office has invested in independent technology upgrades including a new report management system.

In recent years, local legal issues regarding bond setting and magistration practices, rather than technological limitations, appear to have led the sheriff to continue traditional filing practices in lieu of DIMS processing for cases emanating from their office. In late 2005, a component of the DIMS system (i.e., the use of sheriff's bonds to bond defendants) ceased to be used after communications regarding this practice broke down between the elected Sheriff and elected

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<sup>9</sup> Nearly all of the Class A and B misdemeanor cases originating in arrests from the El Paso Police Department are processed through DIMS. Exceptions occur for complex cases requiring ongoing investigation or special review (e.g., murder, aggravated sexual assault and other serious cases). Warrant arrests are also excluded from DIMS review and processing. Currently the District Attorney's Office operates DIMS under an interlocal contract with the City of El Paso.



District Attorney.<sup>10</sup> Changes to magistration procedures were formally adopted at that time. This report, however, documents relationships between the case processing system and case outcomes as they existed when data was collected during 2004.

## **EL PASO POLICE DEPARTMENT (DIMS CASES)**

### **Arrest**

Police officers identify arrestees based on identification provided by the individual. Using this information, arresting officers typically examine criminal history through in-car computer terminals connected to the Texas Crime Information Center (TCIC) and the National Crime Information Center (NCIC) databases. This provides a partial check of criminal background in that officers can only identify other offenses at the state and national level for the identity provided by the defendant. County databases that include local guilty verdicts are not available to officers on site.

After an on-site identity verification and initial criminal history check, officers may contact the on-duty intake DA available twenty-four hours a day for case screening. If the prosecutor determines the case should be declined, the individual is released at that time. If charges are to be filed, officers transport the defendant to the police station. There s/he is detained in a holding cell while law enforcement electronically submit the offense record for DA review through DIMS.

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<sup>10</sup> In January 2006, a meeting was attended by both the authors and stakeholders at the El Paso County study site to present preliminary study findings. Opponents of DIMS involved in litigation with the county and municipality concerning the system's constitutionality were present. These individuals expressed strong opposition to the way DIMS was formerly utilized. Among other things, they stated DIMS is unconstitutional because it permits assistant district attorneys (instead of neutral and detached magistrates) to set the amount of bail; it improperly authorizes bail to be set pursuant to a pre-established bail schedule; and because people who are arrested without a warrant are not seen by a magistrate for a determination of probable cause for the arrest. Proponents of the DIMS system in place at the time of the study indicated that prosecutors do not set the amount of bail and that bail is set by sheriff's officers as expressly permitted by the Code of Criminal Procedure; appellate courts have held that the use of bail schedules is entirely proper; and, defendants who make bond and are released from custody within twenty-four hours of arrest do not need to be taken before a magistrate for a probable cause determination. The Texas Office of Attorney General has since received a request for a legal opinion regarding: "Whether municipal police officers may set bail, and whether a sheriff may delay bringing an arrestee before a magistrate for twenty-four hours (misdemeanor) and forty-eight hours (felony) under terms of the Code of Criminal Procedure (RQ-0439-GA)."

## **DA Review**

El Paso is the only site with a satellite DA intake office physically located on site at the El Paso Police Department. Upon receipt of an electronic DIMS offense report, an assistant district attorney considers the case elements and makes a final filing determination within minutes or hours of arrest. Defendants accepted for prosecution are subsequently transported to the county jail.

## **Filing of Charges**

Soon after charges are accepted, the on-duty prosecutor prepares the charging instruments. El Paso differs from Harris County in that the county clerk's office does not operate twenty-four hours a day, nor is it adjacent to DA intake. Filings prepared during regular business hours are transported by courier to the county clerk's office within hours of preparation. Those prepared after business hours or on weekends are delivered to the clerk the morning of the next business day. In most instances, DIMS cases resulting in a formal information are filed by the clerk of courts and are ready for court within twenty-four to seventy-two hours of arrest.

## **Jail Intake**

Shortly after misdemeanor charges have been accepted by the DA, the defendant arrives at county jail for intake. At the time of the study, El Paso was utilizing a "sheriff's bond"<sup>11</sup> to secure release of individuals immediately after book-in. Under this procedure, bond amounts initially were applied by the district attorney's office based on a bond schedule established by the El Paso County Council of Judges. If a defendant was prepared to post bond prior to magistration, in lieu of incarceration, the sheriff would accept reasonable bail as determined by the judiciary. The sheriff's bond was established on a case-by-case basis in consideration of the prosecutor's recommendation and other facts of the case. Through this procedure, defendants were given an early opportunity to post bail prior to jail intake.

Defendants that were unable to bond out immediately continued through jail intake. These individuals were screened for major medical conditions, cleared for housing assignment,

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<sup>11</sup> This practice was based upon the county's reading of articles 17.05, 17.20 and 17.22 of the Texas Code of Criminal Procedure. At the request of El Paso's District Attorney, the use of a peace officer's bond is currently under review by the Texas State Attorney General's Office for an Attorney General's Opinion.

**Figure 3-2a. Overview of Defendant Case Processing Through DIMS  
Cases Originating with El Paso Police Department  
El Paso County**

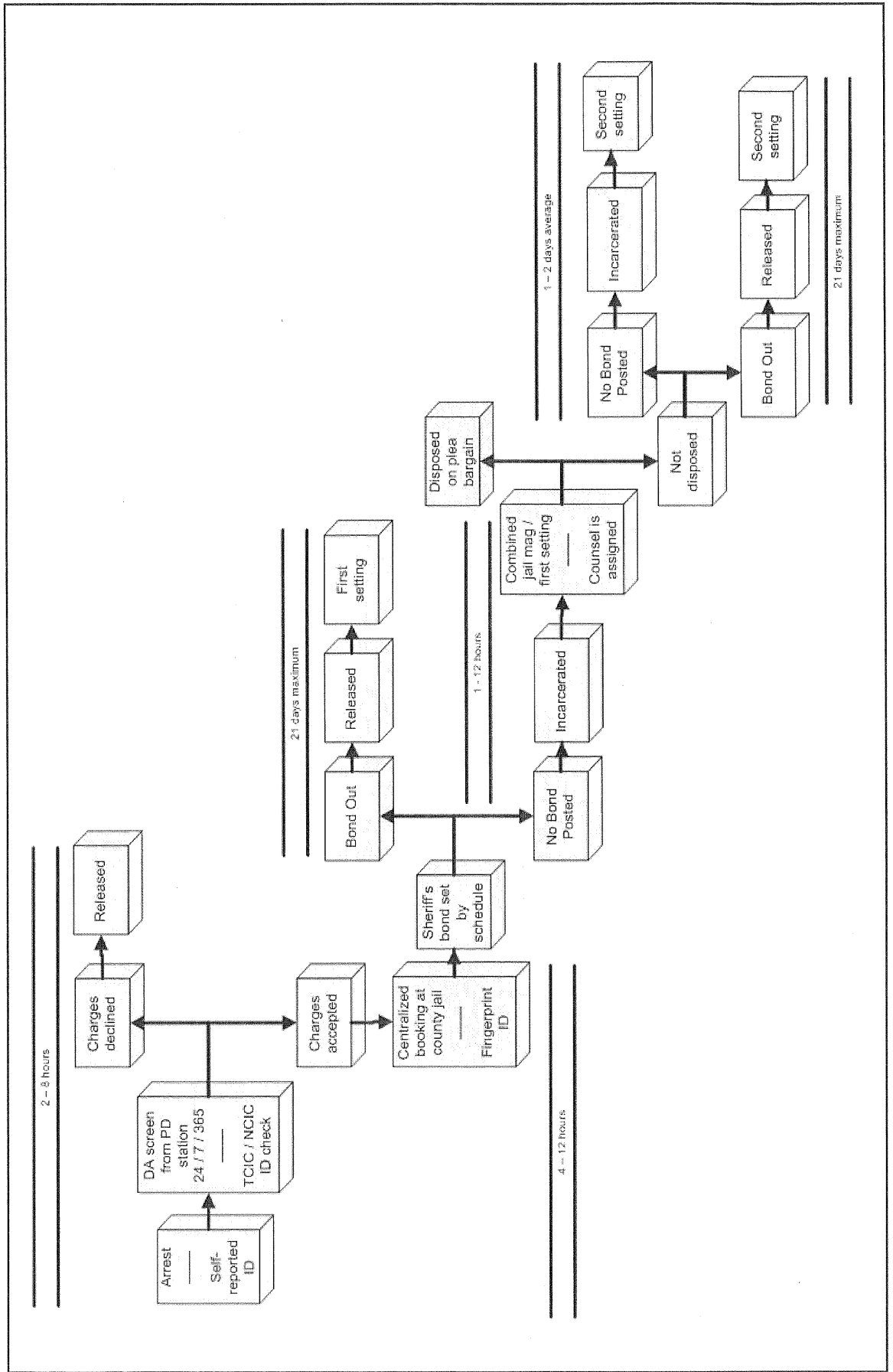
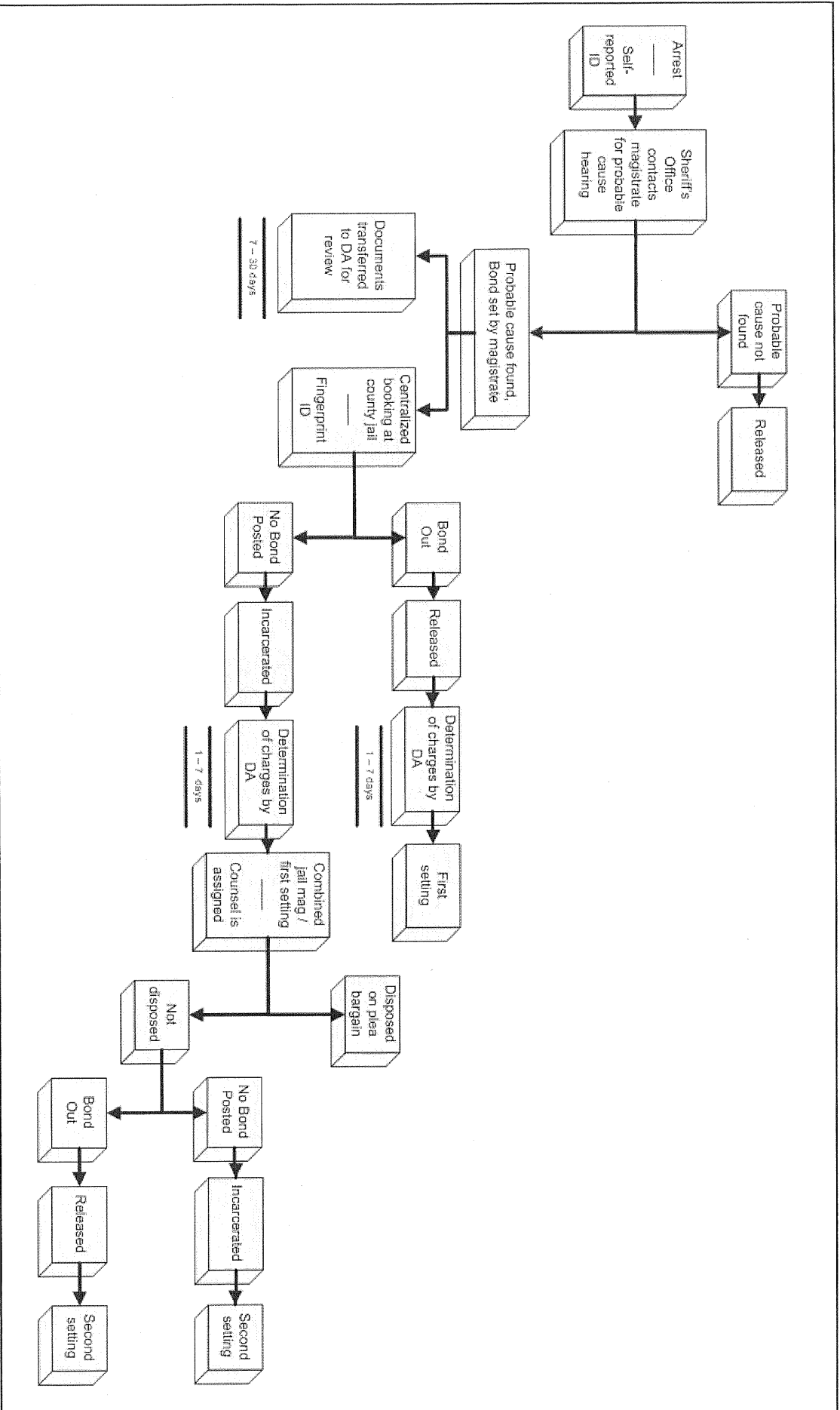


Figure 3-2b. Overview of Defendant Case Processing – Non-DIMS  
 Cases Originating with El Paso County Sheriff's Office  
 El Paso County



and formally booked. Identity is confirmed using documentation provided by the defendant with occasional verification using Identix or AFIS fingerprint biometrics systems. Additional background checks, indigency interviews, and housing classifications are also conducted during jail intake.

### **Magistration**

El Paso County is unique among study sites in its use of a combined criminal law and magistrate court.<sup>12</sup> Defendants that have not bonded prior to jail intake are seen by the “jail court” judge within twenty-four hours of arrest. In his capacity as a magistrate, the judge reviews probable cause for detention, informs defendants of their rights, and reviews and/or resets the established bond. In addition, under statutory authority, he can also appoint defense counsel and take pleas. By combining magistration and arraignment at the first appearance, El Paso County defendants before this court can potentially receive a final disposition within one to two days of arrest.

### **Opportunities for Bond**

In 2004 when the study was conducted, the prosecutors’ office reviewed information about the defendant and the arrest, then communicated to arresting officers information about bond standards set by the El Paso County Council of Judges. The arresting officer conveyed this information to jail personnel who subsequently accepted the defendant on that bond. Detainees could then post bond any time after the bond recommendation was accepted by the sheriff. Those who remained jailed could have bond reviewed within twenty-four hours during their appearance before the “jail court” magistrate at 1 pm daily.

### **First Setting**

The timing of first appearance varies according to bond status (see Figure 3-2). Defendants that have made bond and been released prior to jail magistration are required to schedule a first setting with the court a maximum of three weeks after the date bond is set. Unlike Harris County, scheduling is not automated. Individuals that are unable to post bond prior to jail intake, by contrast, have their first appearance in combination with magistration approximately twenty-four hours after arrest. If a plea is entered at this proceeding, the case is disposed.

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<sup>12</sup> See Tex. Gov. Code, § 54.732 et seq.

In instances where pleas of “not-guilty” are entered, bond status similarly influences the timing of the second appearance. Defendants that have posted bond after jail magistration are set for a second hearing to be held no more than three weeks from bonding date. The second court appearance for defendants that remain incarcerated is scheduled within one to two days, so as to minimize the number of pre-trial days of incarceration. For second appearance, however, the case is moved from the magistrate’s court to a statutory county court at law.

### **Determination of Indigence and Appointment of Counsel**

Prior to jail magistration, court personnel interview incarcerated individuals requesting appointed counsel to complete an affidavit of indigency. This affidavit provides documentation of financial status for the judge presiding over the magistration court. The report primarily documents self-reported information on job status and income. Bonded defendants wishing to request appointed counsel must also complete an affidavit of indigency. Once released, however, these individuals must independently schedule an indigency review and provide documentation of expenses and income.

El Paso is the only county in our study with a public defender’s office. Therefore, procedures for appointment of counsel differ from the other two sites. “Attorneys of the week” from both private practice and the public defender’s office are present to represent incarcerated defendants wishing to submit a plea during jail court. The two attorneys are present at every jail court hearing and rotate accepting case assignments.

Bonded defendants are appointed counsel by the presiding judge at their first county court setting. As in Harris County, individuals assigned representation at this later stage in case processing may have additional court settings during which they are expected to demonstrate efforts to retain counsel or provide documentation of income.

### **SHERIFF’S OFFICE (WARRANT CASES)**

#### **Arrest**

One of the most significant differences in arrest procedures for DIMS and Non-DIMS cases is the access to early prosecutorial screening. Nineteen percent of defendants in DIMS cases are

released before being taken into custody because the prosecutor determines charges cannot be filed (see Figure 6-1). By contrast, without this type of early screening, virtually every on-view Non-DIMS offense requires an arrest.

Once Non-DIMS defendants are in detention, the initial judgment about whether charges can be filed is made by a law enforcement officer – typically with oversight of a sergeant – rather than the prosecutor. Many of these charges are declined when finally reviewed by the prosecutor, but after the costs of book-in and processing have been incurred. Also, without early contact between the arresting officer and the prosecutor regarding the sufficiency of the evidence, many cases must also be returned to the sheriff for further investigation before a charging decision can be made. In DIMS cases where prosecutors review the evidence near the time of the offense, gaps can be more easily identified and more readily filled by officers at the scene resulting in a stronger case. As evidence, fully 15 percent more Non-DIMS than DIMS cases presented in court are ultimately dismissed (see Figure 6-4).

If sheriff's personnel reviewing Non-DIMS cases believe charges should be filed, the arresting officer prepares the sworn arrest affidavit, the written request for a warrant, and the warrant document itself, then transports both the paperwork and the defendant to a magistrate where administrative warnings are given and bond is set. Throughout this process, law enforcement officers are distracted from their fundamental enforcement activities. The process is somewhat more streamlined for defendants with a warrant issued in advance of the arrest. Bond amount has typically been established for these individuals. They can either post the pre-determined amount or remain in detention to have bond reviewed and hear magistrate's warnings and at jail court the following day.

### **DA Review**

Offense reports for sheriff's cases are prepared in the traditional form on paper by the arresting deputy. After completion, the document is hand delivered, along with the case and investigative reports, to the district attorney's office. The time from the arrest to when a district attorney receives a complaint varies by deputy. However, case processing records show it takes more than eighteen days on average to deliver paperwork to the prosecutor in Non-DIMS cases

(median=13), compared to less than one day for cases processed through DIMS (see Figure 6-3). In addition, because sheriff's cases are not processed through DIMS, there is little formal or informal review by an assistant district attorney prior to the deputy's filing. This has two primary consequences: (1) every complaint from the sheriff's office results in an arrest and jail book-in regardless of whether the case will be accepted by the prosecutor; and (2) indigent defendants unable to make bond must remain incarcerated until a determination of charges can be made.

### **Other Case Processes**

Once charges are determined, the case is filed with the court and proceeds in a manner similar to those originating from a police arrest. Bond opportunities are available at any time after the arrest. Once charges have been accepted and a case file is created by the court, a defendant may still appear at the magistrate's hearing in the county jail for a bond reduction or plea. Defendants entering the systems through a sheriff's office arrest also have an indigency review and can be appointed counsel at magistrate's court or in a county court.

### **BEXAR COUNTY MISDEMEANOR CASEFLOW**

Like the other study sites, Bexar County is large, urban, and ethnically diverse. With a population of 1.5 million, 54 percent of its residents are of Hispanic or Latino origin.<sup>13</sup> Approximately 20,000 misdemeanor cases are filed in Bexar County courts each year. While there are over twenty-five law enforcement jurisdictions, arrests in the county's largest city, San Antonio, account for the majority of cases filed.<sup>14</sup>

At the time of the study, jail overcrowding was cited as a critical problem in the county's criminal justice system. In 2005 the county jail was at full capacity with approximately 4,300 inmates, most of whom were in pre-trial status. For example, 72 percent of those incarcerated for misdemeanor crimes and 84 percent of those arrested on felony charges were awaiting trial.<sup>15</sup>

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<sup>13</sup> U.S. Census Bureau: State and County QuickFacts, January 12, 2006. Accessed online at <http://quickfacts.census.gov/qfd/states/48/48029.html>

<sup>14</sup> Texas Department of Public Safety. (2004). 2004 Crime in Texas. Accessed online at <http://www.txdps.state.tx.us/crimereports/04/cit04ch7.pdf>

<sup>15</sup> Texas Department of State Jail Standards, (2006). "Jail Population Report". Accessed online at <http://quickfacts.census.gov/qfd/states/48/48029.html> , 2/12/06



Those rates were 12 percent and 7 percent higher than the state average, respectively. Because housing for pretrial inmates drives up jail expenditures, county officials have been working to both manage the jail population, and identify factors in the criminal processing system contributing to the problem.<sup>16</sup>

Technologically, the county utilizes a legacy Criminal Justice Information System (CJIS) that maintains jail and court case data. The capabilities of this system are limited and users indicated it is difficult to use. Each screen displays only a few data fields and a login ID must be re-entered to move to each new screen. This makes using the system for data entry and retrieval cumbersome. To alleviate these problems, the county's information technology department often develops customized data reports for various departments within the courts. For example, key personnel receive daily paper reports that assist in docket management, jail monitoring, and inmate release.

At the time of the study the District Attorney's Office was in the process of developing a stand-alone data management system to assist in complaint review, determination of charges, and information filing. At the conclusion of the study, the system was in its final stages of development, but was not yet in use. New data would need to be collected to assess the impacts of this system. Therefore, this report focuses on the processes and outcomes for cases as they existed in 2004.

### **Arrest**

Arresting procedures vary slightly across the county's jurisdictions. This is primarily due to the differing availability of technology across arresting agencies. A City of San Antonio police officer has access to computers and criminal justice databases in the car which aids officers in determining the criminal background and identity of defendants in real time. Law enforcement officers in other jurisdictions typically had more limited resources.

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<sup>16</sup> Aldridge, J. (2003). "County Coming to Grips with Jail Overcrowding," *San Antonio Business Journal*, April 4. Bexar County. (2004). *Bexar County Legislative Program- 79<sup>th</sup> Legislative Session*.

In general, law enforcement officers begin the arrest process by confirming identity through provided documentation such as a driver's license and social security card. Once in custody, defendants are detained briefly in municipal holding cells until law enforcement offers can transport them to the San Antonio Central Magistration Facility. This center, operated by the city, provides magistration services under contract as a practical solution to the county's space limitations. While at the center, the officer completes a complaint affidavit in preparation for the DA's intake review.

### **DA Review**

An assistant district attorney is often present at the city magistration center. The arresting or presenting officer is required to deliver a complete and legible offense report for review by both the ADA and, later, the magistrate. Following review, the officer is sworn by the ADA on his complaint, and charges are subsequently accepted as proposed, reduced, or rejected.<sup>17</sup> The ADA prepares a hand-written informal information "log." With the exception of DWI cases and enhancements such as assault, there is no further review of charges once the hand-written information is created.

The prosecutor is on site for several hours each day Saturday through Thursday for a total of about sixty percent of any given week. When an assistant district attorney is not on duty, the arresting officer swears the complaint affidavit as it was originally written. ADA's are responsible for preparing the hand-written informal information log for all cases that were filed during the period when no ADA was on duty. In the small number of cases where additional detail or clarification is needed to prosecute the case, the officer must be re-contacted by the DA's office and asked to update the statement in writing at a later date.

### **Filing of Charges**

The filing of charges does not occur until after magistration when the offense report, the officer's complaint affidavit, log to avoid dictation (if prepared), and the magistration documentation are carried to the district attorney's intake office. Upon arrival, the cases are separated, and cases

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<sup>17</sup> No computer record of rejected cases is available in the CJIS system. As a result, information about cases rejected during this screening was unavailable for this study.

with a prepared log to avoid dictation (other than DWI) are given to the Word Center. The only exception is DWI cases which are forwarded to an investigator to prepare a criminal history. The evidence and criminal history are subsequently reviewed by a prosecutor and a final determination of charges is made. If not already available, a log to avoid dictation is prepared and the file is delivered to the Word Center.

For all cases, after delivery to the Word Center charging instruments are prepared by merging data from the hand-written log into electronic document templates containing language for an information that corresponds to the arrest and charge. This document is signed by an attorney and a support person, notations are made in CJIS, the file is forwarded to the File Center, and the charging instrument is hand delivered to the county clerk's office – typically once in the morning and once in the afternoon.

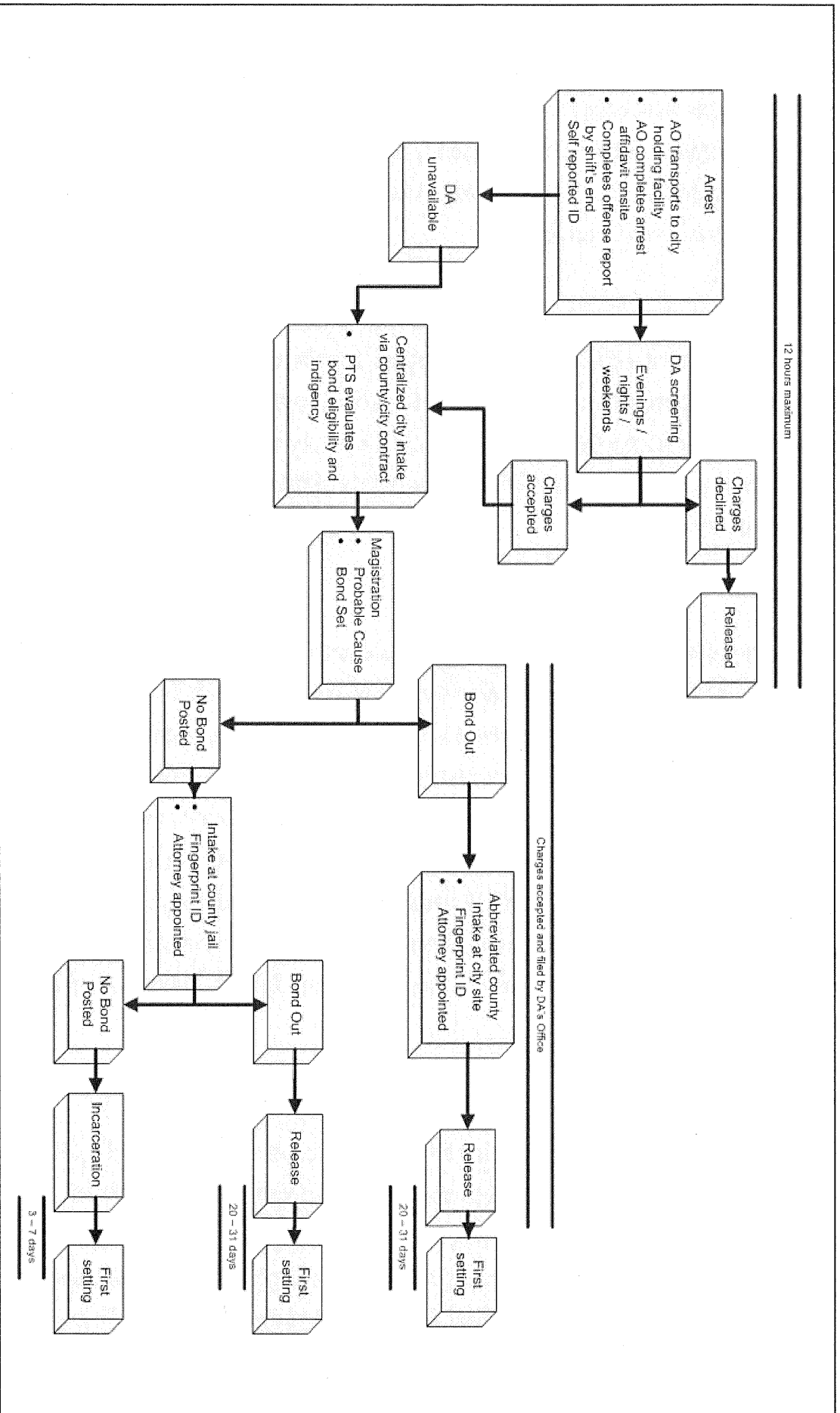
### **Magistration**

After the arresting officer's offense report and complaint are written and potentially reviewed by the assistant district attorney, it is forwarded in hard copy to the San Antonio Municipal Court Clerk's Office. There an administrative record is created in the city's magistration data system. Basic data elements such as defendant name and charges are also shared electronically to create an initial jail file in the county's CJIS system. The officer's affidavit is then forwarded to the magistrate for consideration in the probable cause hearing and determination of bond. A bond schedule promulgated by the Bexar County Council of Judges is available as a resource for magistrates to use in setting bond. Magistration hearings are held approximately eight times in every twenty-four hour period. Defendants are therefore able to be magistrated within hours of arrest.

### **Jail Intake**

To begin case processing as early as possible, the county rents space within the magistration facility for pre-trial services and county jail personnel. Following magistration, pre-trial services staff begin conducting jail intake interviews while defendants are still at the city magistration center. If jail transport busses arrive before the interview is complete, those defendants unable to post bond continue the interview after arrival at county jail. Since pre-trial services records

**Figure 3-3. Overview of Defendant Case Processing  
Bexar County**



are maintained in CJIS at both sites, the interview can pick up where it left off without loss of information. Defendants that bond out from the city magistration center complete an abbreviated book-in procedure prior to release. During this process their identity is confirmed and case information is entered into the CJIS system.

Whether defendants bond out of central magistration or are fully booked into county jail, the procedure for confirming a defendant's identity is similar. Prints are taken using cards, and then a staff of four to five fingerprint analysts manually check hard copy archives. Biometric scanners are available at both city magistration and at county jail, but are primarily used in special instances such as when a defendant fails to present an acceptable form of ID. Though the manual fingerprint check is commonly complete within a day, it is nonetheless time consuming compared to about an hour for electronic fingerprint confirmation. Detained individuals then move through medical and mental health screening, and jail population classification.

### **Opportunities for Bond**

Like Harris and El Paso Counties, a recommended bond schedule has been established by the Bexar County Council of Judges. Magistrates consider the schedule to make a discretionary bond determination based on the facts of the case and without a recommendation from the district attorney's office. While defendants in Harris and, at the time of the study, El Paso counties could potentially be released on bond prior to magistration, Bexar County has no such provision. Once magistrated, however, defendants can post bond at any time. Study findings reported in Chapter 7 show that 69 percent of misdemeanor defendants bond out directly from the central magistration facility a short time after arrest. For those who remain detained, the first opportunity for a bond reduction hearing is at first appearance which may be seven days or longer after arrest.

### **First Setting**

As in Harris County, court assignments for bonded defendants are automatically made by the CJIS system. As an efficiency measure, multiple charges against the same defendant are also consolidated in one court. First setting assignments for detained individuals are scheduled manually by court coordinators. To reduce the jail population and to expedite case disposition,

the county has created a “jail court.” This court is similar to that in El Paso County in that it expedites settings and provides for quick disposition of cases. However, the dockets of the jail court in Bexar County are reserved for indigent and mental health defendants. An assistant district attorney and the county’s jail monitor work together to manage the jail court docket. Hearing assignments are prioritized based on time in detention and case filing date. Reports from the county indicate that on a typical misdemeanor charge the first court setting occurs approximately seven days after incarceration.

### **Determination of Indigence and Appointment of Counsel**

Defendants submit requests for assigned counsel at magistration. After the city magistrate records the request, pre-trial services staff hold interviews to collect self-reported employment and income information needed to establish indigency. For qualifying individuals, an attorney is automatically appointed during jail intake. Even defendants that post bond at the city magistration center have counsel assigned during the abbreviated book-in prior to release. Attorneys are randomly assigned by an automated “wheel” and the defendant is given information about how to get in touch with counsel before they complete intake. At the same time, attorneys are notified of appointment after they have been assigned.

As at all the study sites, appointed attorneys are expected to contact detained individuals by the end of the next working day after receiving notification. However, Bexar County is the only site where all individuals who request counsel then make bond, are assigned an attorney and expect contact within a few days of release. Other sites wait to appoint counsel for bonded defendants until first appearance. A comparison of case processing data for all 2004 misdemeanor defendants shows more than half (52.4 percent) of all bonded defendants assigned counsel in Bexar County were appointed within one day of arrest. Presumably the remainder did not submit a request for counsel until first appearance. At the other study sites, by contrast, the majority of bonded defendants did not have legal representation until after first appearance.

### **OVERVIEW OF PROCESSING DIFFERENCES**

This chapter has presented a detailed summary of caseflow in Harris, El Paso, and Bexar Counties. In accordance with the hypotheses guiding this research, it is expected that differences

in work practices and technology across these study sites will result in different case processing outcomes. The most salient differences observed are those that occur at two points: (1) during the submission of offense reports needed for early prosecutorial review, and (2) upon the transfer of charging instruments to the county clerks. Specific differences include the following.

**Early Defendant Identification for Accurate Charges.** Harris County is the only county in the study that routinely electronically fingerprints every defendant immediately after an arrest. The other two sites initially rely primarily upon identification provided by the arrestee such as a driver's license or social security card. Though electronic fingerprint checks may occur later, charges cannot be accurately filed until there is a thorough search for additional identities or prior offenses that would influence the offense level. In this sense, fast and reliable fingerprint identification implemented early and consistently is a useful pre-requisite to prompt filing and subsequent processing. Study findings suggest biometric systems are an efficient means of meeting this goal.

**Early Prosecutorial Case Review.** The counties differed in the extent to which information efficiently moved from law enforcement to the district attorney's intake section. In Harris County, and for El Paso County's DIMS cases, law enforcement officers are able to contact an assistant district attorney at the time of an arrest for a filing determination. Intake attorneys are available for review twenty-four hours a day every day of the week. If charges are to be filed, both counties offer an electronic submission process by which officers can submit automated offense reports quickly and easily before the end of their shift.

In contrast, Bexar County's District Attorney's intake division is available for on-site review at the San Antonio City Magistration Center for only a portion of any given week. For review to occur, defendants must have been arrested and transported to the center. Moreover, attorney review does not necessarily result in a final determination of charges. In contrast to electronic document submission in Harris and El Paso Counties, complaint affidavits are prepared on paper, transferred by hand to on-duty attorneys, and subsequently entered into the electronic CJIS system by clerical staff housed in the prosecutor's office. Taken together, these work practices

and applications of technology are less conducive to prompt filing and expedited caseflow than those at the other sites.

**Charging Instrument Preparation.** The counties also differed in the methods used to prepare formal charging instruments. At the time of the study, Bexar County charges were prepared by an intake attorney on pre-printed hard-copy forms. The filing document was then completed by an assistant district attorney rather than the intake attorney. Once the form was complete a formal charging instrument was prepared by a secretarial pool, returned to the attorney and signed prior to filing.

Where direct electronic filing is possible, on the other hand, filing documents are quickly generated from electronic templates. In addition to being convenient, these automated templates also include resources to guide the prosecutor to select charges appropriate for the offense. Intake attorneys are authorized to sign and submit the documents they prepare requiring fewer people to “touch” each charging instrument before it is formally filed.

#### **File Transfer to the Clerk of County Courts**

Other key differences centered on the transfer of filings from prosecutors to county clerk’s offices. In Harris County, two factors minimize delay in filing charges with clerks. First, the DA’s intake division is located physically adjacent to the District Clerk’s Criminal Division. Second, office hours are congruent between the clerk and the prosecutor. Backlogs are minimized because both offices process filing instruments and create files on an “as-needed” basis.

In comparison, in El Paso, the district attorney’s intake staff works twenty-four hours while the clerk works regular business hours. Furthermore, in both El Paso and Bexar Counties prosecutors must transfer files some distance to the clerk by courier. While files are moved every few hours over the course of the day in El Paso County, Bexar County charging instruments are sent over in a single batch at the end of each working day. In counties with direct electronic filing, this type of delay can reduce the speed with which charges are filed.



**Table 3-1. Overview of Case Processing Differences by County**

	<b>Harris</b>	<b>El Paso</b>	<b>Bexar</b>
<b>Defendant identification at arrest</b>	Electronic	Defendant documentation	Defendant documentation
<b>Electronic submission of offense report from law enforcement to district attorney</b>	Yes	Yes for EPPD No for Sheriff	No
<b>Early case review and determination</b>	Occurs 24 hours a day, every day	Occurs 24 hours a day, every day	Occurs selected hours Sat.-Thurs. Partial early determination
<b>Electronic preparation of charging instruments by ADA</b>	Yes	Yes	No
<b>Efficient transfer of charging instruments to the county clerk</b>  <b>Due to:</b> <ul style="list-style-type: none"> <li>• <b>Proximity of DA Intake and Clerk’s Office</b></li> <li>• <b>Clerk of Court’s hours of operation</b></li> <li>• <b>Type of file processing</b></li> </ul>	Highly efficient  Adjacent offices  24 hours a day, everyday  File by file on an as needed basis	Efficient  Separate location  During normal business hours  File by file on an as needed basis	Relatively inefficient  Separate location  During normal business hours  Files collected and processed in batch
<b>Expedited first setting schedule</b>	Yes – for bonded and incarcerated defendants	Yes – for incarcerated defendants	Yes – for incarcerated defendants

**Schedule of the First Setting**

Lastly, the counties differed in the speed with which they process incarcerated defendants. Harris County claims the fastest processing. Individuals still in detention are brought before a statutory county judge within twenty-four hours of arrest, while bonded defendants appear at first setting within seven days.

Similarly, respondents in El Paso say incarcerated defendants have their first setting within twenty-four to forty-eight hours of arrest in the combined criminal law and magistrate court. Defendants not wishing to plea or entering a plea of not-guilty are assigned a second setting in a

county court within approximately two days. Individuals on bond are said to be scheduled for a first setting within twenty-one days.

Bexar County expedites the scheduling of a first setting for incarcerated defendants, but the timeframe is somewhat longer. Defendants still in jail appear at first setting in “jail court” within approximately seven days of arrest. Those released on bond appear in court for the first time in about thirty days of arrest.

## **CONCLUSION**

Taken together, these differences in procedures are hypothesized to impact case processing efficiency. The following section examines actual defendant case data from each of the three counties in an effort to determine whether local processes supported by efficient work practices and technology can, in fact, generate improved caseflow outcomes.

## CHAPTER 4: MODEL FEATURES OF DIRECT ELECTRONIC FILING SYSTEMS

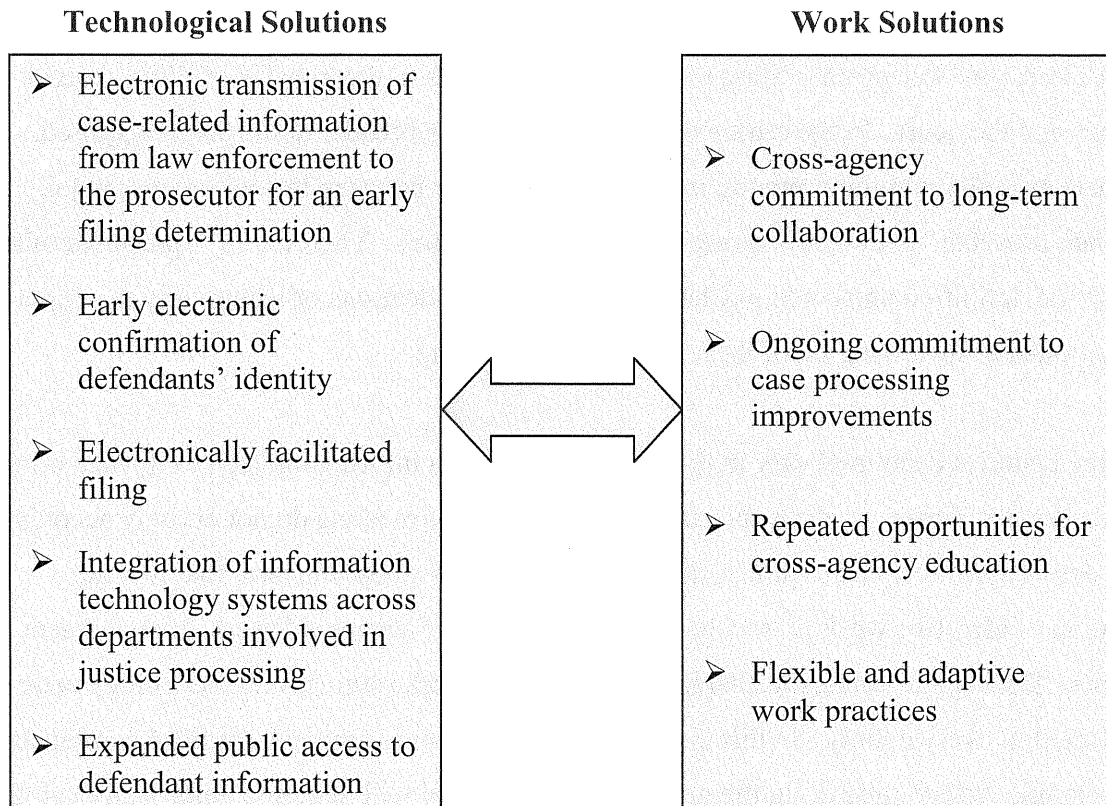
### INTRODUCTION

In civil cases, direct electronic filing most commonly refers to the transfer of filings between attorneys and the court. In the criminal context, however, a broader definition is required. Criminal cases at a minimum require that information flow between law enforcement, jail personnel, prosecutors, defense counsel, clerks, and the courts. Therefore, for purposes of this research the definition presented in Chapter 1 includes applications of technology to support information-sharing among all of these justice system actors.

The three counties examined vary in their use of automated information technology for criminal case processing. However, direct electronic filing capabilities alone do not entirely account for case processing efficiencies. Rather, data collected for this study indicates that it is the integration of effective work protocols with technology that accounts for case management outcomes. During site visits, the characteristics of both work routines and technology were documented in every county. In this chapter, the best of these features have been combined to create a single “ideal” model. In the next chapter the model will be tested empirically using actual defendant data from each of the three counties.

The model creates a paradigm that can potentially be replicated in other counties wishing to enhance efficiency in case processing. Importantly, however, every attribute identified here may not be feasible, or even necessary, in every jurisdiction. Many counties in Texas are unlike the large urban counties represented here. 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. Even where a county cannot afford the costs of a fully automated DA intake system, there are departmental procedures that can be adjusted to enhance caseflow. This chapter highlights specific case processing features that can be considered, and the overall model is illustrated in Figure 4-1.

**Figure 4-1: Elements of a Model Criminal Direct Electronic Filing System**



**TECHNOLOGICAL SOLUTIONS INCREASING CASE PROCESSING EFFICIENCIES**

Five technology-related characteristics were observed among the counties with well implemented direct electronic filing systems. These include: (1) electronic transmission of case-related information from law enforcement to the prosecutor for an early filing determination, (2) early electronic confirmation of a defendant's identity, (3) electronically facilitated filing, (4) high levels of electronic system integration, and (5) expanded access to electronic information by stakeholders outside of county government.

**Early Screening and Filing Determination by the Prosecutor**

One of the most critical junctures associated with expedited filing systems is the ability of the district attorney to review cases and determine charges early in the caseflow process. In a 1978 court efficiency study, Church and his colleagues observed:

Indeed, the major procedural factor that distinguishes the faster courts from the slower courts we examined is the strength of case-management controls applied and the point in case progress at which they are imposed: of the five courts investigated intensively, those with the speedier disposition times are those with strong controls of case progress applied from filing.<sup>18</sup>

With the exception of El Paso's Non-DIMS cases, each of the sites included in the current study has some form of early prosecutorial review as a central element of case management control. However, only Harris County and El Paso's DIMS system offer screening twenty-four hours a day directly to law enforcement officers in the field. These are also the only sites to apply automated information systems to enhance work practice associated with case review and filing. Prompt review has several positive consequences for both counties and defendants. These include:

- **Increased law enforcement efficiency.** Law enforcement officers reported that the DA's electronic early determination process increases enforcement efficiencies in several ways. Officers know quickly if cases are rejected so little time is expended in the arrest, investigation, transport and detention of defendants without charges. Where cases are accepted for prosecution, the ability to file case reports via electronic systems 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.
- **Defendants sustain fewer impacts of an arrest resulting in no charge.** Prosecutors representing both Harris County and El Paso's DIMS system report that a significant proportion of cases are rejected at the time of initial screening, prior to arrest and incarceration. Evidence from El Paso County shows as many as 1,869 cases (19 percent) are eliminated from the caseflow system before formalizing the arrest. Defendants who would not have been charged greatly benefit from this expedited review because they are not needlessly detained or subsequently required to post bond and acquire an attorney.

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<sup>18</sup> Church, T., A., Carlson, J. Lee, T. Tan. (1978). Justice Delayed: The Pace of Litigations in Urban Trial Courts. Williamsburg, VA: National Center for State Courts, p. 60.

- **Jail population reductions.** Where prosecutors determined charges immediately after arrest, appropriate cases can be ready for immediate disposition as soon as the defendant can be magistrates and brought before a judge. As a result, the county is required to bond or house fewer defendants pre-trial. Additionally, the county saves costs associated with needless procedures and services such as jail booking, pre-trial interviews and medical assessments, and appointed attorney fees.

### **Early Electronic Confirmation of Defendant's Identity**

The greatest benefits of direct electronic filing systems are measured in terms of the number of cases that can be disposed just a few days after arrest. However, prompt and accurate determination of a defendant's identity is essential before filing, disposition, or bonding decisions can be made with confidence. Systems capable of quickly and reliably determining arrestee identity are thus an increasingly important component of a direct electronic filing system.

In addition to the public safety and legal implications, misidentification can cost a county time and money. 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.

In Harris County, every defendant identity is confirmed using the Automated Fingerprint Imaging System (AFIS) either at arrest or during book-in. Since county-level fingerprint records have been fully scanned into electronic records, an extensive archive can be referenced in less than an hour revealing reliable information about prior offenses or cases pending in court. Once the defendant's identity is established, state and national databases can be quickly searched for a complete criminal history. Decision-makers including the magistrate, prosecutor, and courts are then positioned to immediately proceed with subsequent processing to move the case promptly toward a final disposition.

Bexar and El Paso Counties, by contrast, rely predominantly on identification documentation provided by defendants at the time of arrest. At both sites, individuals released on bond may never have identity confirmed electronically. Those booked in to jail ordinarily have fingerprints checked against county records (manually in Bexar County and electronically in El Paso). If a match is found, criminal history for the corresponding identity is researched through the Texas Crime Information Center (TCIC) and the National Crime Information Center (NCIC) data systems.

A fast electronic confirmation of identity based on fingerprints improves case processing and expedites the filing process in the following ways.

- **The identification of known aliases improves criminal history searches.** If a defendant has used multiple names or name variations, immediate determination of aliases improves search capabilities and findings.
- **A complete criminal history search improves the accuracy of charges.** Charges are often enhanced for defendants with multiple convictions on the same charge. For instance, driving while intoxicated or family violence can potentially be raised from misdemeanor to felony-level violations. Thus accurate identification and criminal history checks must be determined quickly for appropriate charge determination.
- **Correct criminal history ensures that recommended bond types and amounts reflect the risk level of the defendant.** An accurate criminal history check can provide justification for a higher or lower bond recommendation. A bond based on erroneous identification of the defendant may result in the release of dangerous individuals and place the county at risk of legal exposure.
- **Correct identification decreases the time and resources allocated to processing wrongly identified individuals.** Personnel at each of the sites in the study cited instances of an inaccurate identification of a defendant. As one assistant district attorney described the case processing system prior to DIMS: “When I first got here

people were going through the system as first offenders. In reality they were multiple offenders and there is no way to pick that up.”

If accurate identity verification is key to the correct determination of bond and charges, as the speed of case processing is increased, accurate identification methods become increasingly important. Electronic fingerprint checks allow local justice actors to establish identity quickly and easily so they can proceed with subsequent case processing based on that information.

### **Electronically Facilitated Filing**

The DIMS systems in Harris and El Paso Counties enhance efficiency by assisting assistant district attorneys with routine aspects of case filing such as the selection of charges, generation of appropriate charging documents, and determination of bond recommendations. In Harris County, for example, intake attorneys view an online interface that outlines elements of various charges. This resource saves time and improves accuracy when assigning charges. Simple document templates allow the attorneys to electronically complete the charging instrument by typing only case details. This document is printed, signed, and physically transferred to the county clerk’s office located next door in the same building. The use of simple, relatively low-cost technologies to assist in charge determination and document preparation yields the following benefits:

- **Charges are more quickly and accurately determined.** The benefit of online resources allows reviewing prosecutors quick and easy access to criminal codes and violation information.
- **Charge determinations, filings and bond recommendations are standardized.** All charging instruments prepared by the office are identical in format, making the charges easy 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.



## **Integrated Information Technology Systems**

Technology best promotes expedited case processing when it is well meshed across local justice agencies. To the extent that automated information systems are designed and used at the department level and not shared with outside units, access and usefulness for the overall justice system will be reduced accordingly. To protect the integrity of the JIMS system, for example, Harris County places strict limits on the development of proprietary department-level data systems. Few departments have ownership of any independent information system or database. As a result, resources expended on the development of technological systems complement county-wide information needs and benefit multiple users, not just a single internal department.

Bexar County's system is also quite large including most agencies in the county criminal justice system. Some data elements are also cross-populated with the City of San Antonio to prevent duplicated data entry between centralized magistrations which is operated by the city and jail book-in which is operated by the county. In contrast to Harris County, however, Bexar County has few limitations on the development of competing single agency data systems. Several departments, including the District Attorney's Office, have contracted independently for database development and programming outside the purview of the IT Department. Thus data and information integration in the county has been more limited.

Though less inclusive than the Harris County system, El Paso also has a nascent county-wide system that is relatively well integrated. Over the past eight years El Paso County has invested heavily in technological resources. In 1998 the county redeveloped its county-wide justice information management system, JIMS. The system was functional by 2000. Shortly thereafter, however, plans were made to redevelop the database structure to make it more compatible with other data systems used across the state. Though system-wide integration in El Paso County remains a goal, the DIMS system represents the primary component operational at the time of the study. Evidence nonetheless suggests that even if integration is limited, if well-placed at key junctures in case processing, significant gains in efficiency can nonetheless be realized.

Technology-based integration specifically facilitates the effectiveness of direct electronic filing systems in the following ways.

- **Promotes accountability.** Integrated case management systems encourage inter-departmental scrutiny and mutual accountability. In Bexar County, for example, court administrators said they often reference date-time stamps in the county information system tracking the movement of files across departments. This information helps isolate points of delay in overall caseflow. While in Bexar County this type of cross-system check is accomplished using automated log-in records tracking file movement, the potential for inter-departmental accountability grows with the amount of information shared by diverse system components. 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.
- **Provides uniform data standards with consistent documentation.** Many actors in the local justice system (e.g., jail personnel, pre-trial services, prosecutors, and the courts) use the same defendant and court records, but for different purposes. 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. Regular technology upgrades and centralized documentation also limit the impact of employee loss. Data standards preserve institutional knowledge that helps maintain continuity over time.
- **Reduces technical disparities 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. Compatible computer platforms are also required for all stakeholders involved in criminal caseflow to share data seamlessly.
- **Reduces data entry duplication.** Integrated systems increase efficiencies by reducing duplicated data entry. As an example, in Bexar County information from defendants passing through central magistration is gathered by both city and county personnel. While some duplication still occurs, programming teams have linked some data tables so

that information entered on the city side is quickly transferred to populate appropriate fields in the county system. This adaptation has greatly reduced the need to reenter basic defendant information at multiple points in case processing.

- **Centralized system security.** An integrated data system provides a common security system for all users. 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. Data protection is also more routine and standardized. In Harris County, for instance, duplicate records for the entire JIMS system are housed in two out-of-state locations, and there is a uniform plan for restoration of the entire county information system in the event of a catastrophic data loss. Should the JIMS system be corrupted on site, the data can be restored quickly and efficiently and no single agency would be unduly affected by data loss.
- **Promotes cross agency integration.** Integrated information systems promote agency integration. Joint use of county-wide technology helps develop a common language for the diverse actors in the local justice system. Discussed at length in the next section, the process of building systems that are shared across offices can promote heightened awareness of each department's roles and responsibilities, and ultimately, a global understanding of court processes. In this sense, integrated information systems help unify different local justice agencies around common objectives to achieve efficient overall caseflow.

### **Expanded Public Access to Defendant Information**

Each of the sites in our study provided public access to some degree of defendant information. However, the amount of information and the flexibility of search functions varied depending on the overall degree of automation for county information systems. At sites with more advanced public access capability, information included bond status, jail location, court assignments and appearance dates. By sharing information with those outside the county's court system, case processing efficiencies can be gained.

- **Reduces the demand for information from public offices.** Jail personnel in Harris County reported that before electronic access to detention information became available to the public, offices were inundated with phone calls from family members. After the information was published online, they were able to reduce the number of personnel assigned to information services. Other stakeholders such as defense counsel and bail bondsmen can typically access the system from their offices. As a result, external stakeholders have information to do their part to facilitate the defendant's release on bond or advance the case toward disposition with minimal strain on county personnel.
- **Encourages timely bonding.** In Harris County bondsmen are able to view not only public data but also an additional subset of case information to facilitate their own strategic bonding decisions. With this data, bonding agents can better assess the bonding history and potential risk of a defendant. This is a highly functional use of county information systems to encourage timely bonding assistance for defendants.
- **Facilitates early contact from defense counsel.** The Harris County JIMS system also allows defense counsel to quickly locate their clients, view the charge, and determine court settings, all online. In this instance, county information systems are used to encourage quick attorney-client contact early in the case process. Faster contact with counsel enhances the quality of representation by allowing counsel 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.
- **Provides public and private human service providers improved access to special populations of defendants.** Defendants with special needs are at greater risk of going un-noticed in the justice system. In manual case processing systems, hand-off of information between departments may not always reliably occur. Automated information systems make it more feasible for service providers or

pre-trial services personnel to identify clients that are incarcerated and advocate for their care.

## **WORK SOLUTIONS INCREASING CASE PROCESSING EFFICIENCIES**

In addition to the technological differences between those counties with direct electronic filing systems and those without, work practices or differences in legal culture also help account for disparate case outcomes. Early in the data collection process, it became clear that a study of electronic filing could not focus narrowly on technology and data systems. Throughout the interviews, topics such as data management, electronic document transfer and archiving, for example, were revealed to be details in a larger story of complex changes in county court culture.

Direct electronic filing systems were deemed successful not because of the acquisition of top-of-the-line technology, but rather because of “our county’s commitment to change.” Efficiency gains were attributed to factors such as “strong leadership” or “a culture of cooperation.” Conversely, when stakeholders spoke of barriers to implementation or administration, issues such as lack of cooperation among stakeholders or the inability to “get everyone at the table” came to the fore. To county officials at each of the sites, improving timeliness and overall effectiveness in case processing related more to cross-agency relationships, work processes and collaboration, than to technological improvements. Therefore, while technology was the tool used to create efficiencies, it was ultimately the changes to work culture that made technology effective.

Analysis of site visit data identified four major cultural characteristics associated with effective implementation of direct electronic filing systems. These include (1) departmental flexibility and the accommodation of varying work practices and demands of other stakeholders, (2) cross-agency commitment to long-term collaboration, (3) an ongoing commitment of county resources to case processing improvements, and (4) repeated opportunities for cross-agency education.

### **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. For instance, both Harris

and El Paso Counties have generated improved caseflow through co-location of key offices. In El Paso County, assistant district attorneys were offered office space within the police department in order to expedite information transfer between the police and prosecutors. Likewise, in Harris County the criminal division of the county clerk's office is housed in the same office suite as the district attorney's intake division. In these instances, locating collaborating work units in close physical proximity has contributed to reduced case processing time in both counties.

Similarly, both Harris and El Paso Counties have had service centers willing to process cases during non-traditional hours. Harris County operates continuous twenty-four hour intake at the district attorney's office, the clerk's criminal division offices and the magistrate's court. In El Paso assistant district attorneys operate DIMS case intake and filing twenty-four hours a day. At that site, the clerk's office has been unable to match these hours with staff around the clock. To compensate for the backlog of case filings resulting from the discrepant work schedules, clerks give the highest priority to processing of filings that accumulate over weekends.

In contrast to Bexar County, neither Harris nor El Paso Counties allow law enforcement reports or case filings to accumulate over time. Police reports and affidavits are required to be filed within one work shift. Prosecutorial review is conducted at the time these law enforcement documents are presented, filings are produced shortly after a case is accepted, and that the court record is prepared soon after the charge is filed with the clerk. In short, standard work protocols demand that offense reports, charge filings, and court files are produced one by one at the time cases are accepted. These routine practices developed in response to specific problems slowing case processing. Taken together, these examples illustrate the potentially large benefits of flexible problem-solving, including a willingness to adopt non-traditional yet functional solutions.

### **Cross-Agency Commitment to Long-Term Collaboration**

Evidence from Harris County suggests that successful system-wide criminal processing systems require a clear commitment to formal collaboration and joint system planning involving agencies across the judicial system. The JIMS system has the most advanced administrative protocol of

all the study sites, managed through a charter established by the Commissioner's Court. This charter created an executive board comprised of multi-departmental criminal and civil justice officials led by an administrative judge. Regular board meetings have been held since the inception of JIMS and have played a critical role in both the initial development and ongoing maintenance of the system. The executive board reviews requests for changes and improvements to JIMS and other data management systems within the county. Committees established through the board arbitrate technological needs across all agencies in the justice system and limit the occurrence of proprietary information centers. At the time of our study, the board was focused on the current development of JIMS II, the latest iteration of the aging JIMS information management system.

The presence of this forum speaks to the county's commitment to institutionalizing cooperation for information-sharing across offices. While the use of technology is the nominal topic of meetings, they provide a venue for stakeholders from various offices learn how data is recorded and applied throughout the system. Departmental users participate in decision-making to adapt the system so that it will meet the needs of independent but inter-connected county offices. Accordingly, administrators across the various justice agencies know a great deal about the responsibilities, challenges, and priorities of others. Similarly, the IT system does not primarily benefit or serve the interests of one office over another. As one county official stated:

A booking deputy has an impact on tomorrow's court docket; a district clerk's intakes are having an impact on pre-trial services activities tomorrow and so on. In my opinion our system works because people were willing to meet in the same room and discuss the technologies. The strength of JIMS over the years hasn't been the most effective use of every new technology but the willingness of the people to create an infrastructure that has lasted over time.

Although the network of actors involved in implementing El Paso County's DIMS system is less extensive than in Harris County, strong cooperative relationships have nonetheless been essential to success. The District Attorney's Office and the El Paso Police Department have worked closely to change work practices, enhance technology, and ultimately improve the efficiency of criminal case filing. The city reaps benefits including substantial reductions in paperwork and an increase in officer hours on patrol. The county benefits from faster case disposition and a reduction in the overall jail population. Police and prosecutors agree, the efficiencies resulting

from expedited offense reports and the prompt determination of charges provides motivation to sustain this working relationship.

### **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. At the time of the study, the Bexar County District Attorney was implementing an advanced system for improving case tracking and filing. Both Harris and El Paso Counties were also in the process of improving or upgrading county-wide information management systems.

Harris County has shown a longstanding commitment to system improvement since the inception of JIMS. Over the next few years, Harris County will incrementally post the JIMS II system online, with training provided as each office makes the transition. Even as JIMS II is unveiled, many of the administrators interviewed are thinking ahead to improvements they would like to see in the future. Administrators in the county clerk's office wanted criminal filings to move from paper to digital documents. IT managers mentioned integrating biometric logins to system terminals in lieu of less secure logins and passwords. Other users are requesting digitized photos of defendants and other image based information into case records. Thus while major up-grades are already in development, county officials are continually considering new and innovative ways to improve system security, case records management, and processing efficiencies.

In El Paso County, the less comprehensive DIMS system utilized by the DA's Office and the police department has also been continually re-assessed and updated since its inception in 1994. Although communication channels linking police and prosecutors through DIMS have been in place for more than ten years, the electronic features of this system are relatively new. System capabilities have continued to evolve as staff have added new data elements, improved usability, and developed new management reports. On the other hand, because work on DIMS has been on-going and system improvements are continuous, the updated DIMS documentation is frequently out-of-date. System development can be taxing on limited system resources, and new approaches and refinements commonly emerge with experience. As a result, both El Paso's



DIMS system and Harris County's JIMS system have evidenced a pattern of incremental development achieved through ongoing planning sustained over time.

Though system-wide technological integration has not been a primary strategy, Bexar County has also shown a long-term commitment to improving case processing. Though not yet functional at the time of the study, Bexar County District Attorney's office implemented an in-house case management system to streamline filing of charges. The system will expedite defendant information searches, manage pending case information, and automate the production of filing instruments within the DA's office. Though not a direct electronic filing system as defined in this study, the system has the potential to introduce substantially more efficient work practices and greatly improve the speed of case processing.

### **Routine Opportunities for Cross-Agency Education**

Stakeholders in Harris and El Paso Counties were able to cite a number of instances where information systems facilitated both formal and informal cross-education across agencies. 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. Officers have become more aware of standards of evidence necessary to support charges, and more cognizant of their own responsibility to provide a complete and accurate report documenting important details of the offense.

Other cross-training has been more formal in nature. During the development of JIMS II, for instance, Harris County administrators and staff convened to review inter-departmental case processing responsibilities and procedures. Outside consultants asked diverse stakeholders to chart criminal caseflow through the local justice system. Through the activity, Harris County staff and administrators learned about the responsibilities of other departments and how the data generated from their own office contributed to the functioning of the larger system. As one assistant district attorney noted:

It really was amazing to sit there when you have clerks and all the people from the system involved and we would all try to figure out what was the next step in the process. Everybody had to figure [out] how their systems connect and it

was just a really interesting process. I learned an amazing amount [about] how we do things around here.

Where county departments are linked by shared information systems, stakeholders learn both formally and informally about the responsibilities of those in other offices and how they all combine to create a case management system. Administrators in the District Attorney's Office could clearly articulate how the delivery of timely filings impacted jail population. Clerks could describe how a data entry error at the jail would delay a defendant's release from detention. It is rare to find an "it's-not-my job" mentality. A legal culture based on information integration encourages awareness of processes beyond individual job descriptions, creating a sense of common mission and promoting a cross-system commitment to improved efficiency and effectiveness.

## **CONCLUSION**

Direct electronic filing has been identified as a powerful asset because it combines efficient work practices with technology at critical junctures in case processing. Direct electronic filing systems improve case outcomes by:

- Promoting a legal culture that expects cases to be processed proficiently.
- Encouraging collaborative relationships between key agents involved in case management from law enforcement to jail personnel, the prosecutor, the county clerk, and the courts.
- Promoting a large-scale understanding of the court processes and how diverse responsibilities are integrated.
- Promoting greater levels of accountability across agencies.
- Providing for early case review. Where cases are screened out due to insufficient evidence at arrest, defendants are not taken into custody or required to be assigned counsel.
- Benefiting defendants by reducing the number of pre-trial days of incarceration.
- Promoting speedy case disposition.
- Positively impacting jail population.
- Saving counties money – faster filing and case disposition along with fewer individuals held in pre-trial detention translate into cost saving for counties.

Based on observations and interviews with local justice actors at each of the study sites, the specific features of integrated information systems responsible for these results have been aggregated to create a model of "ideal" system features. The model, reviewed in this chapter and summarized in Figure 4-1, is presented in a way that allows counties wishing to replicate some

of these practices to choose those that are most feasible and that most directly address case management needs in their community. As stated in many studies prior to this one,<sup>19</sup> the first step toward changing judicial processes and implementing coordinated electronic filing systems is changing the local legal culture. Formal data management systems and information technologies can serve as a critical tool in this process. However, it is a commitment to improving the justice system that ultimately increases case processing efficiencies and the application of justice.

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<sup>19</sup> Church, T., A. ,Carlson, J. Lee, T. Tan. (1978). Justice Delayed: The Pace of Litigations in Urban Trial Courts. Williamsburg, VA: National Center for State Courts.

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## **CHAPTER 5: OVERVIEW OF THE STUDY SITES**

### **INTRODUCTION**

The three study sites selected for this research have each developed different workflow practices and applications of technology for processing criminal defendants. Cross-site differences have been described in Chapter 3, organized into a model in Chapter 4, and in the following chapters will be tested empirically. The current chapter summarizes the data upon which these analyses will be based. First, the study sites are rated on the extent to which they have adopted elements of the model believed to generate improved case processing efficiency. Attention is then focused on the defendant data used to test caseflow outcomes in Harris, Bexar, and El Paso Counties.

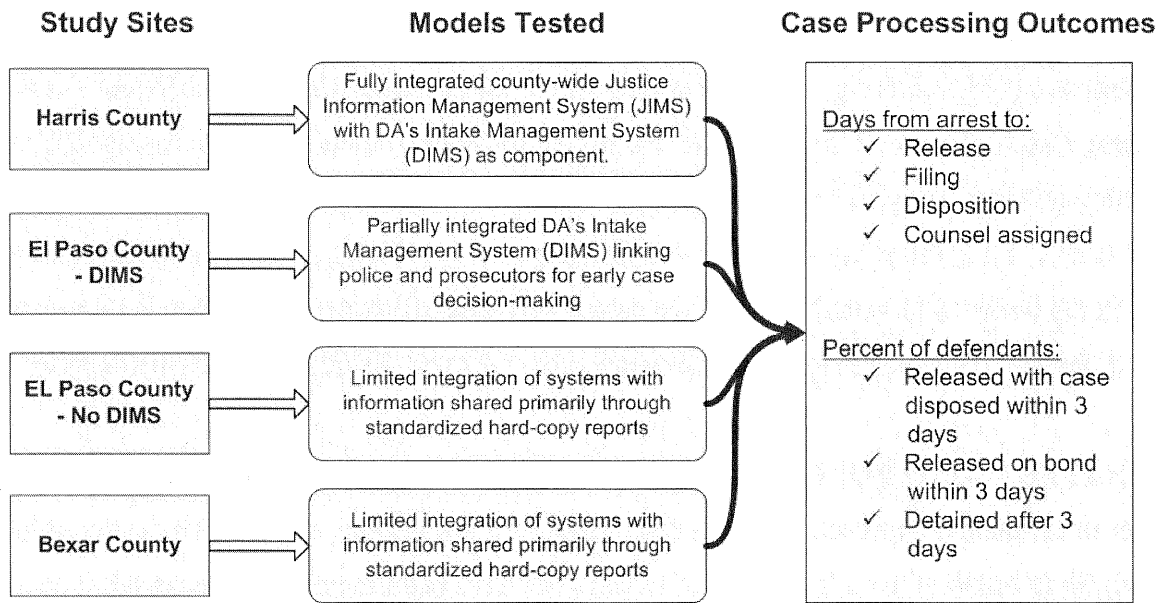
### **SITE RATINGS ON ADOPTION OF MODEL PROCESSING FEATURES**

In order to estimate the impacts of direct electronic filing technology on case processing, it is first helpful to begin with an indication of which sites have been the most assertive adopters of the “best practice” elements identified in the model. Table 5-1 shows ratings on each of the modeled technology and work practice “ideals.” These ratings were assigned based on site characteristics described in Chapters 3 and 4. The sites demonstrating the highest fidelity to both the technological and work solutions expressed in the model are expected to have the most efficient overall defendant outcomes evidenced in the data. In general, case management is expected to occur most seamlessly in Harris County (17 points) followed by El Paso County’s DIMS system (12 points), Bexar County (9 points), and El Paso County’s Non-DIMS system (5 points). The following paragraphs provide a brief overview of the primary features of local justice systems that are expected to impact caseflow.

#### **Harris County**

The Harris County’s Justice Information System (JIMS) is the most technically advanced and fully integrated among the study sites. The DA’s Intake Management System (DIMS) is one component of this broad-based, comprehensive network. DIMS enables the district attorney to receive offense information directly from law enforcement officers at the time of arrest. With immediate access to case information, prosecutors can quickly screen out cases that will not be accepted and can promptly complete filing requirements for the remaining cases.

**Figure 5-1. Analysis Plan to Assess the Impact of Direct Electronic Filing Systems on Misdemeanor Caseflow**



The larger JIMS system, of which DIMS is a part, links all departments involved in justice case processing. JIMS allows real-time case tracking by internal departments such as jail staff, sheriff's officers, prosecutors, county clerks, pre-trial services, and the courts, as well as external partners including municipal law enforcement agencies, bondsmen, and the public.

Harris County is also characterized by a long-term system-wide commitment to work practices coordinating workflow throughout the entire system. Under the oversight of an executive board led by an administrative judge, changes and improvements in the JIMS system are constantly being reviewed and implemented. The presence of institutionalized mechanisms for planning facilitated the current development of a new and improved JIMS II system. Formal and informal training opportunities routinely occur for users of the shared system, promoting understanding of how diverse responsibilities are ultimately integrated. Co-location of key offices and twenty-four case screening from the prosecutor's office are other examples of the county's commitment to creativity and flexibility. Using both technological and work practice solutions to tie together all local actors contributing to case management, this system was expected to yield the most positive case processing outcomes.

Table 5-1. Site Ratings in Key Elements of the Direct Electronic Filing Model

	Harris County	El Paso County (DIMS)	El Paso County (Non-DIMS)	Bexar County
<b>TECHNOLOGICAL SOLUTIONS</b> (Yes=1, No=0)				
• Electronic confirmation of defendants' identity at arrest	1	0	0	0
• Early screening and filing determination by the prosecutor	1	1	0	0
• Electronically facilitated filing	1	1	0	0
• Expanded public access to defendant information	1	0	0	0
• Integration of information technology systems across departments involved in justice processing	1	1	0	0
<b>WORK PRACTICE SOLUTIONS</b> (1=Not Used, 2=Moderate Use, 3=Extensive Use)				
• Cross-agency commitment to long-term collaboration	3	2	1	2
• Ongoing commitment to case processing improvements	3	3	2	3
• Routine opportunities for cross-agency education	3	2	1	2
• Flexible and adaptive work practices	3	2	1	2
<b>TOTAL</b>	17	12	5	9

## **El Paso County**

El Paso County's system is divided into two components. The El Paso Police Department shares offense information with the District Attorney's Office using the DA's Intake Management System (DIMS). The El Paso DIMS system is closely modeled after the DIMS component of the Harris County JIMS system, enabling prosecutorial case review twenty-four hours a day. The El Paso Sheriff's Office does not use the El Paso DA's DIMS system, but relies upon traditional methods of manual file transfer to communicate case information to the DA. Offense reports are transferred manually in batches to the prosecutor's office long after the defendant has been booked into and, usually, bonded out of jail. As a result, there are fewer options for early case dismissal or disposition in the absence of direct electronic filing. Because both approaches are used in El Paso, at this site it is possible to measure outcomes resulting from DIMS direct electronic filing versus manual filing procedures applied in the same community.

## **Bexar County**

Finally, Bexar County is typical of many Texas communities. Information systems are designed to support the data needs of individual departments, with limited information shared across multiple units except in the form of hard copy reports. Like El Paso County's Non-DIMS system, the prosecutor receives information needed to file charges in the form of offense reports submitted after most defendants have been released on bond, precluding early disposition as an option. In the absence of direct electronic filing capability, county offices have developed efficient work protocols for sharing hard copy reports between offices that need to coordinate efforts. However, because filing occurs predominantly through records transferred manually, case processing was expected to be somewhat slower at this site.

## **OVERVIEW OF THE DEFENDANT CRIMINAL CASE OUTCOME DATASET**

Depending on the extent to which the study sites conformed with the model components of direct electronic filing, differences were expected to be observed in several measurable outcomes.

Illustrated in Figure 5-1, these included:

- 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 were requested from each study sites (see Chapter 2, “Methodology”). Specifically, the request was for electronic documentation of all Class A and B misdemeanor cases disposed between January and December, 2004. MIS personnel at each of the three study sites diligently and competently assembled the requested data. Harris County was able to provide all requested data. El Paso County provided records for all misdemeanants processed through the district attorney’s office, with the intentional exclusion of 3,576 theft by check and illegal dumping cases processed under a special agreement with the county attorney’s office. Approximately 85 percent of 2004 misdemeanor records were available for Bexar County. The remaining 15 percent of cases were unavailable because of a small offset in the selection date range rather than because of the meaningful exclusion of any specific category of cases.

Overall, there is strong reason to believe the data provided by all the study sites are representative (see Appendix A for an overview of data issues). The resulting defendant records provide essential information about each case such as dates of arrest, bond, release, appointment of counsel, and disposition, among other things.<sup>20</sup> The following paragraphs draw from this dataset to describe the characteristics of the defendant sample across study sites.

### **Defendant and Case Characteristics**

In each county studied, the data was organized by charges rather than by individual. Multiple charges could be linked together by arrest and multiple arrests could be linked together by individual. The only exception was El Paso. Because individuals at that site are assigned a new identifier with every arrest, a code was not available linking multiple arrests attributable to the same defendant. Table 5-2 shows the number of individuals and charges examined at each of the three study sites. Due to the substantial differences in procedures for cases handled through the DIMS versus Non-DIMS system in El Paso, results are reported separately in this county only.

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<sup>20</sup> A complete list of data elements requested is provided in Chapter 2, Table 2-2.

**Table 5-2. Number of Defendants and Charges by Study Site  
Calendar Year 2004**

	Individuals	Charges
<b>Harris</b>	50,030	60,667
<b>El Paso (DIMS)</b>	7,454	8,021
<b>El Paso (Non-DIMS)</b>	3,752	4,129
<b>Bexar</b>	22,858	28,466
<b>TOTAL</b>	77,344	93,301

Table 5-3 illustrates the characteristics of individuals included in the study. For some demographic descriptors, county population data is also provided for comparison purposes. To the extent that similar patterns are observed across study sites, this check can lend confidence to the validity of the misdemeanor defendant sample.

In general, the race-ethnicity of the defendant population is consistent with overall demographic patterns in each respective county. African Americans are uniformly represented in the misdemeanor sample at roughly twice the rate of the general county population. Harris County is the only study site with more Anglos and fewer Hispanics among misdemeanants than in the general population. Similarly, in each of the three counties studied, the misdemeanor sample is consistently more likely to be male (about 80 percent) compared to the general population (about 50 percent).

The proportion of non-citizens included in the misdemeanor sample varies across the study sites. Bexar has fewer than one-third as many defendants identified as non-citizen (6.2 percent) compared to El Paso and Harris Counties (about 20 percent). It is not clear whether this discrepancy reflects true differences or missing MIS information about citizenship status. Mean defendant age at the time of the offense, arrest, and case disposition are all highly consistent across sites.

**Offense Characteristics**

Table 5-4 summarizes the types of offenses represented in the dataset. While extreme differences in the amount and type of violations charged across counties could be a cause for

**Table 5-3. Characteristics Individuals Arrested,  
Misdemeanor Defendants and County Population by Site  
Calendar Year 2004**

*(Each individual is counted only once regardless of the number of arrests or charges)*

	<b>Harris County (n=50,030)</b>	<b>El Paso County (DIMS) (n=7,454)</b>	<b>El Paso County (Non-DIMS) (n=3,752)</b>	<b>Bexar County (n=16,198)</b>
<b>2004 Misdemeanor Defendants</b>				
% Male	78.7	78.6	84.5	78.0
% Female	21.3	21.4	15.5	22.0
% African American	30.5	5.3	4.7	13.5
% Anglo	46.3	11.7	9.1	31.1
% Hispanic	21.7	82.9	86.0	55.3
% Other	1.5	0.1	0.2	0.1
<b>2004 County Population</b>				
% Male	50.1	48.6	48.6	48.8
% Female	49.9	51.4	51.4	51.2
% African American	17.9	2.8	2.8	7.2
% Anglo	37.7	14.6	14.6	33.6
% Hispanic	37.9	81.0	81.0	56.6
% Other	6.5	1.6	1.6	2.6
<b>Other Defendant Characteristics</b>				
% Non-Citizen	21.5	19.4	21.9	6.2
Mean Age at Offense	30.1	30.2	30.2	30.0
Mean Age at Arrest	30.1	30.2	30.4	29.8
Mean Age at Disposition	30.3	30.7	31.7	30.7

concern, considerable variability is expected. The priorities and practices of elected law enforcement officials and prosecutors are likely to differ based on community standards. There may also be actual differences in the nature of offenses from county to county depending upon characteristics of the local economy, population size, and cultural differences among other things.

**Table 5-4. Distribution of Misdemeanor Charges by Class and County**  
(Counts charges, not individuals)

	CLASS A MISDEMEANORS				CLASS B MISDEMEANORS			
	Harris County (n=19,384)	El Paso County (DIMS) (n=2,553)	El Paso County (Non-DIMS) (n=1,920)	Bexar County (n=10,217)	Harris County (n=41,283)	El Paso County (DIMS) (n=5,468)	El Paso County (Non-DIMS) (n=2,209)	Bexar County (n=18,247)
Assault*	12%	9%	16%	33%	2%	1%	7%	1%
Family Assault	19%	30%	41%	1%				
Criminal Mischief	2%	2%	4%	2%	3%	2%	5%	3%
Theft, Forgery, Fraud	6%	6%	5%	5%	19%	14%	9%	21%
Burglary, Criminal Trespass	10%	4%	5%	9%	6%	3%	3%	5%
Drug-Related Offenses	10%	5%	4%	5%	17%	23%	23%	24%
Alcohol-Related Offenses (Not DWI)	1%	2%	1%	2%	0%	0%	0%	0%
Driving While Intoxicated (DWI)	8%	11%	5%	7%	25%	36%	27%	16%
Driving While License Suspended (DWLS)**	5%	0%	0%	3%	12%	8%	13%	13%
Health, Safety, Morals, Public Order, Decency	12%	7%	5%	10%	4%	3%	3%	4%
Public Administration***	15%	24%	14%	23%	12%	10%	10%	13%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

\* Class B Assaults include offenses such as Terroristic Threat, Harassing Communication, and Verbal Harassment.

\*\* Class B Driving While License Suspended offenses are first offenses punishable by (1) a fine of not less than \$100 and not more than \$500 and (2) confinement in county jail for a term of not less than 72 hours or more than six months.

\*\*\*The most common Public Administration offenses include Resisting/Evading Arrest/Detention, Failure to Identify a Fugitive/Self to a Police Officer, False Information.

The extremely small proportion of family assault misdemeanors reported in Bexar County, balanced by a higher rate of general assault cases, suggests that domestic violence offenses are handled differently at that site. Otherwise, offense patterns are reasonably similar. Family assault, assault, and public administration offenses (e.g., giving false information to a law enforcement officer, failure to stop and give information, evading detention) were among the most prevalent Class A misdemeanors. The most common Class B misdemeanors were driving under the influence of drugs or alcohol, drug-related offenses (e.g., possession of less than 2 oz. of marijuana), and theft, forgery and fraud offenses.

## **CONCLUSION**

The study sites were rated to quantify their conformance with the model standard of direct electronic filing developed in Chapter 4. Results show the comprehensive Harris County JIMS system incorporates virtually all of the technological and work practice solutions believed to improve efficiency in criminal case processing (17 points). The El Paso County DIMS system, which applies technology more narrowly at the interface between law enforcement and the prosecutor, received the second highest rating (12 points). With a focus on achieving caseflow efficiency primarily through work practices, Bexar County was third (9 points), followed by the El Paso County Non-DIMS system (5 points).

The sites demonstrating closer adherence to the best practice features of the model were expected to demonstrate measurably better defendant outcomes. These outcomes were measured using 2004 misdemeanor case records provided by each of the study sites. Sample sizes are large and include a representative cross section of all types of misdemeanor cases processed in each county. A comparison of the characteristics of the defendant samples across sites did not identify anomalies by sex or ethnicity. The distribution of misdemeanor charges was also similar for the study sites, supporting the general validity of the defendant sample. The following chapters apply this data to measure actual defendant outcomes.

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## CHAPTER 6: OUTCOMES FOR CASES DISPOSED WITHIN THREE DAYS OF ARREST

### INTRODUCTION

To compare defendant outcomes across the study sites, 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. Findings for each of these groups of defendants are presented separately. The present chapter begins by considering factors enabling some sites to dispose cases within three days of arrest.

### Statistics Used to Quantify Between-Site Differences

In the analyses that follow, case processing efficiency at each of the study sites is primarily measured by the number of days from arrest to milestone events such as the delivery of the offense report to the prosecutor, filing of charges, release from detention, and case disposition. Two primary measures, the mean and the median, are used to compare sites on the number of days between these processing milestones. These statistics are calculated and interpreted as follows:

- **Mean** – The mean counts the number of days between events for each case then divides this number by the total number of cases, resulting in an average number of days from arrest to milestone dates for all cases combined. Though it is a commonly used measure of central tendency, the mean is highly susceptible to influence by a small number of extreme values. Means can therefore change considerably depending on the inclusion or exclusion of a relatively few cases.
- **Median** – The median identifies the point at which half of all cases fall above the indicated value and half of all cases fall below the same value. The median is a highly stable measure of central tendency much less subject to change based on the inclusion or exclusion of extremes.

In variables with a normal response distribution, the mean and the median will be equal. In variables with highly skewed distributions, the mean and the median will be different.<sup>21</sup> Because the mean will be pulled in the direction of the outlying values, the extent of difference between the mean and the median provides information about the direction and distance of outliers. To provide more information about the relative rate of caseflow among the study sites, in the analyses that follow both of these statistics are reported.

### **OUTCOMES FOR CASES DISPOSED IN THREE DAYS**

It is remarkable to note that only two of the four study groups were able to completely dispose any misdemeanor cases within the first three days following arrest. The systems that were able to accomplish this feat were those that also most closely adhered to the elements of the direct electronic filing model presented in Chapter 4 (see site ratings in Table 5-1). Fully 15 percent of El Paso County's DIMS cases were finalized within three days, and in Harris County the percentage is even higher (25 percent, see Figure 6-2). An additional percentage of cases in both these counties are screened out of the system by the prosecutor before an arrest is even made (see Figure 6-1).

This volume of cases cleared shortly after arrest would fill several court dockets if disposed through traditional means. Instead, direct electronic filing systems linking law enforcement and prosecutors make it possible to expedite these low-level cases, yielding measurable benefits for county taxpayers, local criminal justice systems, and defendants themselves. The following paragraphs present evidence from actual defendant cases.

#### **Early Discharge of Cases with Insufficient Evidence**

One of the most significant benefits of direct electronic filing is the prompt elimination of cases that cannot be successfully prosecuted. In Harris and El Paso Counties, the DIMS system 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 data, a prompt and informed decision can

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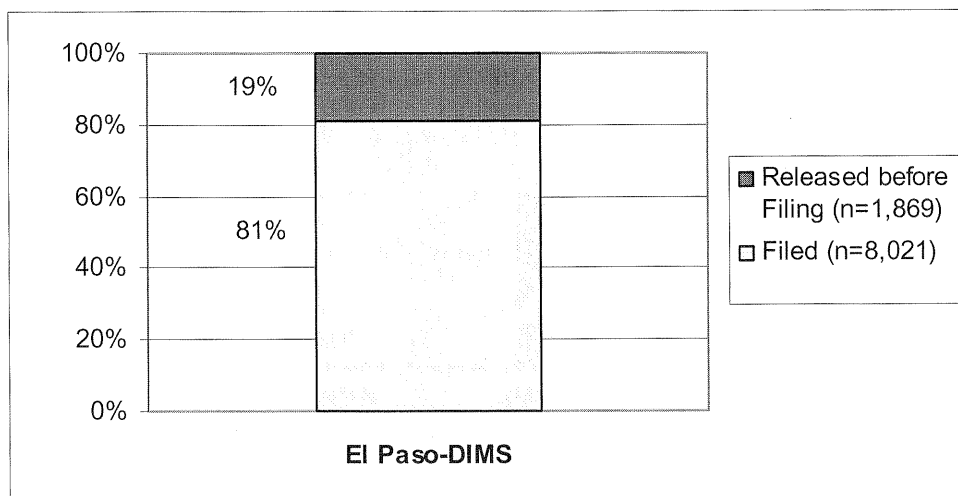
<sup>21</sup> In a normal response distribution, cases are distributed evenly about the mean, forming a symmetrical mound-shaped curve. In a skewed response distribution, cases are distributed asymmetrically about the mean with a long tail in one direction. In skewed distributions, the mean is pulled in the direction of the tail.



be made about whether to file charges. If prosecutors do not believe a case will stand in court, defendants are immediately released from custody.

Where the DA can screen cases this quickly, time and expense of unnecessary transportation to county jail, book-in, detention, and unnecessary appointment of counsel is eliminated entirely for a sizeable number of cases. Officers are back to the job more quickly, and defendants are spared costs incurred from being stuck in the criminal justice system (i.e., attorney and bond fees, time away from family, and lost wages) for a case that will ultimately be dismissed.

**Figure 6-1. El Paso-DIMS Cases Never Booked or Filed Due to Early Finding of Insufficient Evidence to Prosecute**

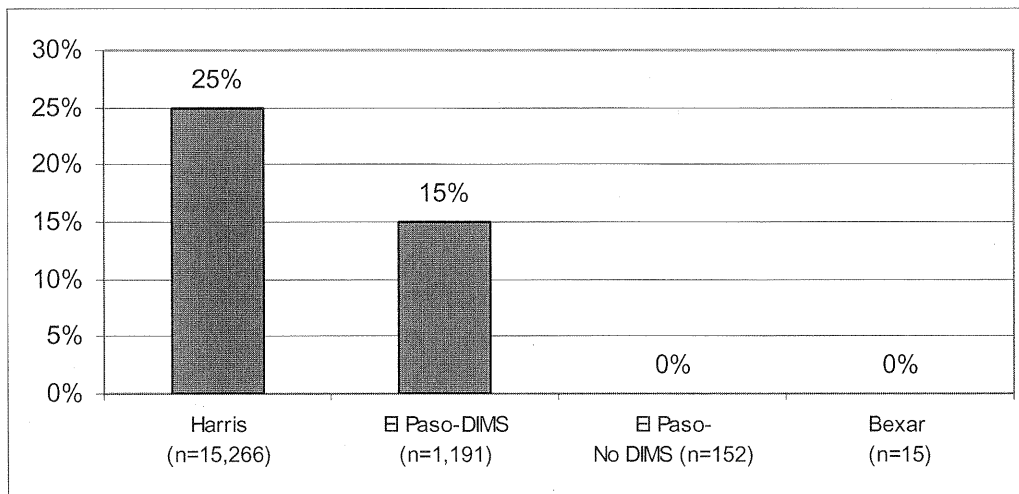


This type of early case screening can have a substantial impact on reducing caseloads. In 2004, 19 percent of all El Paso DIMS cases (n=1,869) were reviewed and rejected by the prosecutor before completing the arrest (see Figure 6-1). Though comparable data is not available for Harris County, prosecutors and Houston police interviewed conservatively estimate the rate of early case rejection (i.e., while the defendant is still on the street) to be at least ten percent.

Bexar County also has a more limited early case screening capability. An assistant DA is posted at the city magistration center to review cases after arrest. Though data was not available on the number of cases eliminated from caseflow at this point, review is not conducted twenty-four hours a day so a number of cases are unscreened. Furthermore, since defendants must be transported to the magistration center for screening to occur, the process is far less efficient for

law enforcement officers compared to review conducted from the scene of the offense. If additional investigation is needed to determine charges, the officer must also re-locate disbursed witnesses to take further statements. Thus, while it is clearly possible for early prosecutorial screening to occur in venues other than direct electronic filing systems, the data shows that a DIMS connection straight from law enforcement to the prosecutor yielding a final filing determination at the time of the offense offers a highly resourceful approach for clearing weak cases from system.

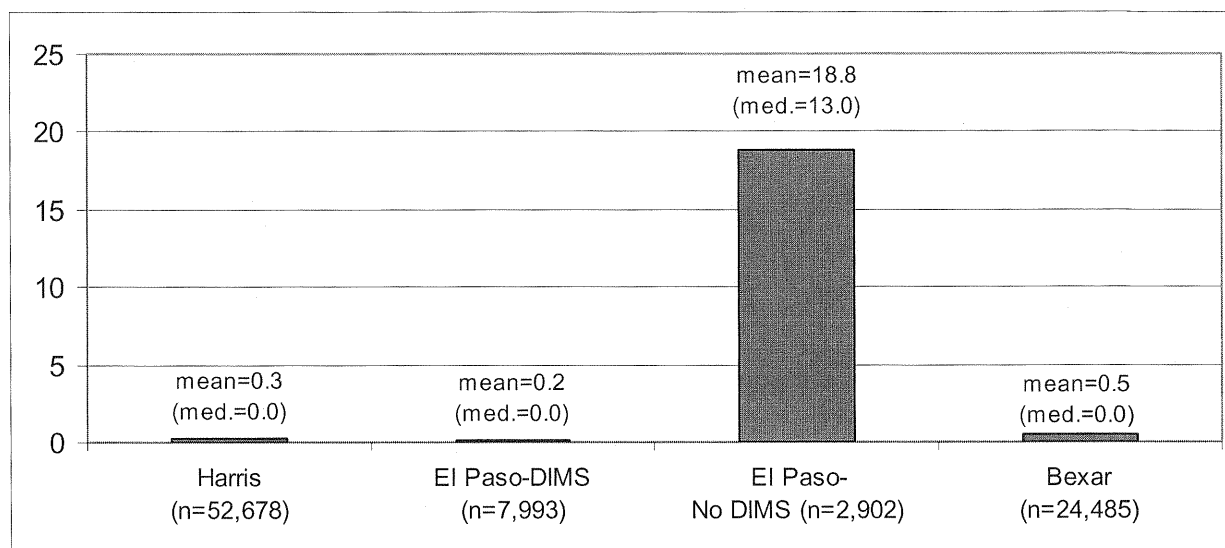
**Figure 6-2. Percent of Defendants with Cases Disposed within 3 Days of Arrest**



**Prompt Disposition of Appropriate Cases**

When cases submitted to prosecutors using the DIMS system are accepted, procedures to initiate charges can begin right away. With assistant DAs working twenty-four hours a day and assisted by electronic document systems, filings can be ready as soon as the defendant is able to appear before a judge. This explains the high early case disposition rates in counties with electronic DA intake systems. Cases appropriate for immediate disposition are filed in less than ten hours of arrest on average in Harris County and El Paso’s DIMS cases are filed in an average of thirty-four hours (see Table 6-1). With charges prepared this quickly, 15 to 25 percent of cases can be fully resolved in as little as three days (see Figure 6-2).

**Figure 6-3. Days from Arrest until Prosecutor Receives Law Enforcement Report for All Misdemeanor Cases \*<sup>22</sup>**



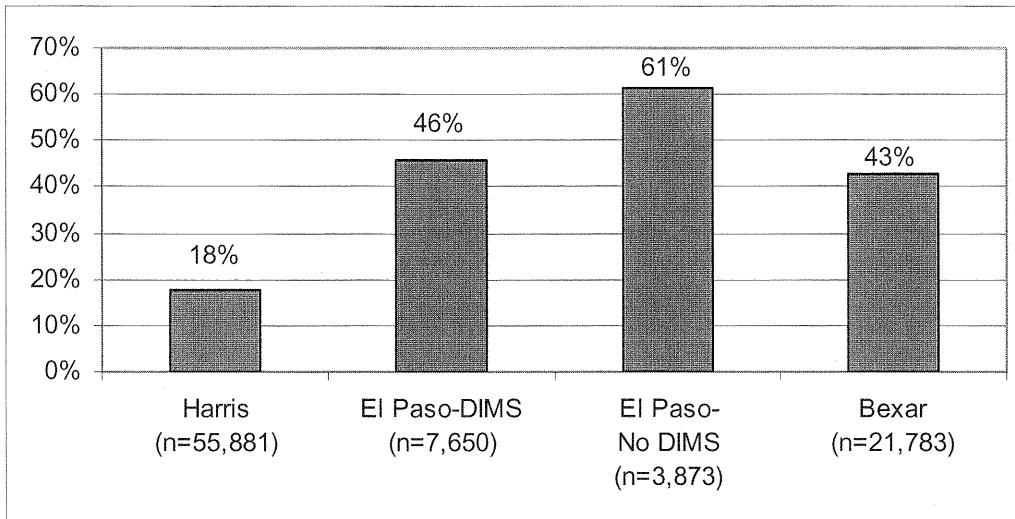
\* Excludes warrant cases where filing was made prior to arrest.

**Impact of Law Enforcement Delay in Paperwork Processing.** Systems based on traditional manual file transfer protocols are unable to clear any cases within three days. One reason is that paper offense reports may be slow to move from law enforcement to prosecutors. Figure 6-3 shows that in El Paso’s Non-DIMS systems, prosecutors receive case information from law enforcement in an average of 18.8 days (median=13.0 days). It is impossible in that situation, to imagine filing and disposing charges within a three-day timeframe as commonly occurs when offense records are submitted electronically through DIMS.

In Bexar County, work practices rather than technology ensure prompt delivery of offense reports to prosecutors on the day of the arrest. Law enforcement officers submit hard copy offense reports at the time defendants are delivered to the central magistration facility after arrest. However, early disposition is not possible because manual DA intake procedures do not allow for immediate production of a charging instrument. As a result of these limitations, where direct electronic filing is unavailable in El Paso and Bexar Counties, defendants are either detained or released on bond rather than disposed.

<sup>22</sup> The values reported are “trimmed” to remove extreme values that may exert disproportionate influence on the mean. Details on the methodology used and the number of values eliminated by site are presented in Appendix C.

**Figure 6-4. Overall Case Dismissal Rate by Study Site\***



\* Excludes deferred adjudication dispositions which are dismissed due to completion of the terms of deferment rather than on the basis of insufficient evidence.

**Impact of Fast Processing on Dismissal Rates.** It is reasonable to ask whether filing decisions made quickly after arrest might result in the prosecution of a larger proportion of “bad” cases that are eventually dismissed by the courts. Figure 6-4 shows the opposite is true. Harris County, which has the fastest rate of case processing, also has the lowest rate of dismissals indicating the overall quality of cases is high. El Paso-DIMS cases are dismissed at about the same rate as the manual filing system in Bexar County (46 and 43 percent respectively). El Paso County’s manual Non-DIMS system has the highest dismissal rate of all. Taken together, this evidence suggests that electronic filing systems can yield significantly faster case processing while maintaining or possibly even improving overall case quality.

Dismissal rates may also be reduced by early opportunities for contact between law enforcement and prosecutors. For DIMS cases in Harris County and El Paso Counties, evidence is reviewed by prosecutors while witnesses are still present at the scene of the offense so information gaps can be easily filled. Similarly, in Bexar County, as described above, law enforcement officers manually prepare and submit offense reports to an assistant district attorney when the defendant is transported for book-in. Only El Paso’s Non-DIMS cases face a lengthy 18.8 day delay between the arrest event and the initial prosecutorial review (see Figure 6-3). This may increase the difficulty of retrieving evidence in cold cases resulting in less successful prosecution in the courtroom.

### Attainment of Milestone Dates

One useful indicator of criminal justice efficiency is the attainment of key processing milestones. Measures such as the number of days from arrest to filing, release, and disposition show that direct electronic filing systems are an important resource for achieving positive case outcomes. In Harris and El Paso Counties, prosecutors were able to have charges ready within 0.4 to 1.4 days of the defendant being taken into custody. Once this basic objective was met, processing occurred quickly thereafter. Only these sites using the DIMS system were able to dispose any cases within a three-day timeframe.

**Table 6-1. Processing Milestones for Misdemeanor Cases Disposed within 3 Days of Arrest<sup>23</sup>**

	Harris County <sup>24</sup>	El Paso County (DIMS)	El Paso County (Non-DIMS)	Bexar County
<b>Mean Days from Arrest to...</b>				
Filing*				
Mean	0.4	1.4	n/a	n/a
Median	0.0	1.0		
	(n=13,695)	(n=1,191)		
Release				
Mean	2.0	1.7		
Median	2.0	2.0		
	(n=15,149)	(n=1,191)		
Disposition				
Mean	2.1	1.7		
Median	2.0	2.0		
	(n=15,183)	(n=1,191)		

\*Filings in warrant cases that occurred prior to the arrest were excluded from the mean.

In Harris County, cases disposed in three days are processed as follows. Until this filing is entered into the JIMS system an average of nine hours after arrest, case processing cannot proceed. Once charges are filed, defendants are booked and brought before a magistrate to

<sup>23</sup> The values reported are “trimmed” to remove extreme values that may exert disproportionate influence on the mean. Details on the methodology used and the number of values eliminated by site are presented in Appendix C.

<sup>24</sup> Among defendants with cases disposed in three days in Harris County, 10 percent (n=1,491) are classified as “2B No-Arrest Warrants.” Defendants in this group are able to avoid arrest by voluntarily reporting to county jail after learning a warrant has been executed. Because arrest dates are unavailable in these cases, book-in date was substituted for date of arrest when calculating days to filing, release, and disposition.

establish probable cause, review recommended bail, consider suitability for release on personal bond, and accept requests for counsel. Individuals who are not released on bond appear before a judge in the court in which the case is filed the next business day. If found indigent, counsel is appointed. The attorney and client are then able to confer immediately in a meeting area adjacent to the courtroom. Because the prosecutor's filing has already been submitted to the court, the attorney-client conference can involve a meaningful discussion of charges. Furthermore, with the filing in place, the defendant can choose to submit a plea and have the case disposed in the same setting.

In El Paso County, because a magistrate judge has legal authority to accept misdemeanor pleas, both magistration and first appearance can potentially occur in the same setting. Defendants that have not made bond appear before the "jail court" judge within twenty-four hours of arrest. Indigence is determined and counsel assigned at the proceeding. With the DIMS system to facilitate the flow of information from the arresting agency, to the prosecutor, and into the courtroom, lower-level cases are ready for disposition in about two days on average.

In Bexar County and for El Paso's Non-DIMS cases, mechanisms are not in place to achieve immediate case disposition. Prosecutors cannot take action until law enforcement officers have delivered their written offense reports. Additional delays may occur during the DA intake process and after cases are assigned for review. By the time prosecutors using traditional manual filing systems have reached a determination to post charges, most defendants eligible for prompt disposition have either been let go on bond or are spending costly time in detention.

## **CONCLUSION**

The most powerful impacts of direct electronic filing systems result from the information shared during the first few hours and days of case processing. By enabling the prosecutor to participate in decision-making from the point of arrest, cases with insufficient evidence can be eliminated from the system even before defendants are transported to county jail. Law enforcement officers can be advised at the scene if further investigation is needed to make a filing determination. Cases that are accepted for prosecution can be ready for disposition within three days of arrest if defendants wish to pursue that option. Fifteen to 25 percent of cases are cleared from the system quickly and efficiently. Many cases remain, however, that are not disposed within three days of

arrest. The next chapter considers whether direct electronic filing systems yield benefits for processing defendants released on bond.

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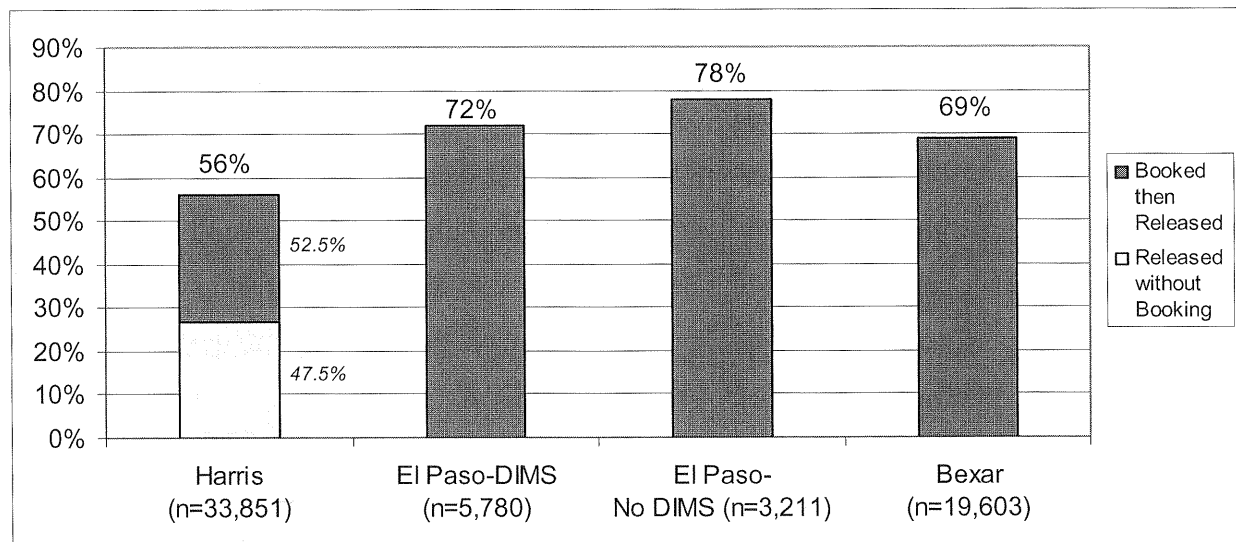


## CHAPTER 7: OUTCOMES FOR CASES RELEASED ON BOND WITHIN THREE DAYS OF ARREST

### INTRODUCTION

The second major analysis category focuses on individuals released on bond within three days of arrest. Bond is the predominant mechanism for handling the majority of cases at every study site. El Paso and Bexar Counties rely on bond to free about 70 percent of individuals from detention. In Harris County only about half of defendants post bond (56 percent, see Figure 7-1). The number is lower at this site in part because the DIMS system enables 25 percent of defendants to have their cases disposed within seventy-two hours of arrest (see Figure 6-2).

**Figure 7-1. Percent of Cases Released on Bond within 3 Days of Arrest**



Harris County is the only study site with a means of bonding individuals without first booking them into county jail. Nearly half of all defendants released on bond (47.5 percent) are either let go directly from the various municipal holding facilities or are transported to county jail, received, and released prior to booking. JIMS creates a record communicating to law enforcement and court officials when bond has been posted at county jail. In the year of the study, more than 16,000 individuals in Harris County were released on bond prior to central jail book-in. This caseflow management procedure saves tremendous costs associated with jail intake and detention.

## **OUTCOMES FOR CASES BONDED IN THREE DAYS**

### **Attainment of Milestone Dates**

Irrespective of direct electronic filing capabilities, each of the three counties has procedures to ensure prompt release from detention. At every site, bond was posted and defendants were uniformly out of custody in less than one day on average (see Table 7-1). Once the county is no longer paying the costs of detention, urgency to process cases is reduced. Among El Paso County's DIMS cases, mean time from arrest to filing slows from 1.4 days for cases disposed after arrest (see Table 6-1) to 8.9 days for individuals discharged on bond (median=2.0). Thus, high-speed disposition-oriented features of electronic DA intake systems play a less important role once bond has been posted.

**Impacts of Partially Integrated Systems on Bonded Defendants.** Among bonded defendants, El Paso-DIMS' automated DA intake system alone yields outcomes similar to the well-run manual case processing system observed in Bexar County. The time from arrest to filing is still faster in the El Paso-DIMS system (mean=8.9 days, med.=2.0 days) than in Bexar County (mean=11.3 days, med.=8.0 days). However, Bexar County equaled or surpassed El Paso's DIMS system on other measures including days from arrest to release and arrest to disposition of non-deferred cases. Thus, for bonded defendants, automated prosecutorial filing systems alone offer little increase in efficiency over well-run manual systems.

At the same time, manual filing systems may be at greater risk for being slow if work processes are not carefully managed. For example, filing for bonded defendants in El Paso's Non-DIMS system is delayed for more than a month on average (mean=37.9 days) – more than three times longer than any other site. Furthermore, more than half of all cases experience at least this term of delay (median=31.0 days). It takes 18.9 days on average (median=12 days) to transfer hard-copy files and offense reports from law enforcement to the prosecutor's office in this manual processing system (see Figure 6-3), a problem that is directly addressed when DA intake is automated. Thus, while the Bexar County data shows clear evidence that manual systems can be as good as electronic DA intake systems for bonded defendants, they may also have considerably more potential for susceptibility to delay if not carefully developed and managed.

**Table 7-1. Processing Milestones for Misdemeanor Cases Released on Bond within 3 Days of Arrest<sup>25</sup>**

	<b>Harris County<sup>26</sup></b>	<b>El Paso County (DIMS)</b>	<b>El Paso County (Non-DIMS)</b>	<b>Bexar County</b>
<b>Mean Days from Arrest to...</b>				
Filing*				
Mean	0.4	8.9	37.9	11.3
Median	0.0	2.0	31.0	8.0
	(n=28,869)	(n=5,776)	(n=2,511)	(n=16,076)
Release				
Mean	0.7	0.7	0.7	0.7
Median	1.0	1.0	1.0	1.0
	(n=33,462)	(n=5,780)	(n=3,211)	(n=19,603)
Disposition (No Deferred Adjudication)				
Mean	72.2	177.0	188.6	131.9
Median	56.0	162.5	177.5	100.0
	(n=26,264)	(n=4,662)	(n=2,164)	(n=11,721)
Disposition (Deferred Adjudication) **				
Mean	218.8	194.7	226.0	217.9
Median	248.0	184.0	203.0	223.0
	(n=3,331)	(n=184)	(n=105)	(n=4,123)

\*Filings in warrant cases that occurred prior to the arrest were excluded from the mean.

\*\* Days from arrest to disposition of deferred adjudication cases was not a primary focus of analysis. The disposition date in these cases is determined by the amount of time set by the court to complete the terms of deferment rather than by the case processing procedures that are the focus of this study.

**Impacts of Fully Integrated Systems on Bonded Defendants.** Though DA intake systems alone (i.e., El Paso-DIMS) seem to have minimal incremental impact for processing bonded defendants, more comprehensive systems linking components beyond the DA and law

<sup>25</sup> The values reported are “trimmed” to remove extreme values that may exert disproportionate influence on the mean. Details on the methodology used and the number of values eliminated by site are presented in Appendix C.

<sup>26</sup> Among defendants released on bond within three days in Harris County, 14 percent (n=4,645) are “2B No-Arrest Bond” cases. These are similar to the “2B No-Arrest Warrant” cases in that they can avoid arrest by voluntarily reporting to county jail after learning a warrant has been executed (see footnote 24). However, because their cases are not appropriate for immediate disposition, these defendants are bonded instead. For more than half of these cases, (58 percent, n=2,680) the JIMS system enables bond to be posted prior to book-in at county jail. The remainder of individuals posting “2B No-Arrest Bond” are briefly booked into jail before bond is taken (42 percent, n=1,965). Among those that are booked, release occurs in less than half a day (0.3 days). For both booked and unbooked defendants, after bond is posted, a court date is set through JIMS and the defendant is immediately released from detention.

enforcement show clear positive benefits. In Harris County, for example, disposition of non-deferred cases typically occurs in less than two months (median=56.0 days) compared to waits of three to six months at the other study sites (med.= 100.0 to 177.5 days). This outcome cannot be explained by electronic DA intake alone since similar results are not observed for El Paso County's DIMS system. Instead, Harris County is the only study site with a fully integrated justice information system extending beyond DA intake. By incorporating all stages of processing, the JIMS system successfully promotes improved overall caseflow.

JIMS expedites processing of bonded defendants in particular by allowing bond to be taken and release to occur before book-in at county jail and by facilitating the prompt assignment of bonded cases to court dockets. The Harris County example therefore suggests that increasing gains can be achieved as integrative information technology increases in scope.

## **CONCLUSION**

At every study site, most misdemeanor defendants were released on bond the same day as arrest. Bonding rates were lowest in Harris County, in part because one fourth of individuals processed at that site had their cases disposed within three days of their arrest.

While automated DA intake systems exert clear benefits for early case screening and disposition, analyses show a much more limited impact on bonded defendants. Though cases were filed more quickly where DIMS was in use, days required to reach other milestones such as release and disposition were about the same for El Paso County's DIMS and Bexar County's manual system. A more fully integrated justice information network such as Harris County's JIMS system seems to be required to achieve faster disposition of individuals out on bond.

## CHAPTER 8: OUTCOMES FOR CASES STILL DETAINED THREE DAYS AFTER ARREST

### INTRODUCTION

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 within the first three days of arrest, but who remain in pre-trial detention. This research examines whether automated information systems can help counties contain costs by detaining fewer defendants, as well as by expediting the release or disposition of those that are detained. The evidence suggests that such systems can play a role.

### OUTCOMES FOR CASES DETAINED AT THREE DAYS

Figure 8-1 shows the lowest overall rate of long-term detention (13 percent) was achieved by El Paso County's DIMS system. Harris County (19 percent) and El Paso County's Non-DIMS system (22 percent) detained a similar proportion of individuals, and detention rates were highest in Bexar County (30 percent). Certainly, detention is influenced by local bonding policies including the amount of initial bonds set and availability of subsequent bond reduction opportunities. However, assertive bonding policies are not the only factor explaining county detention rates. Direct electronic filing complements bonding practices by reducing case volume through early disposition.

**Figure 8-1. Percent of Cases Detained in Jail Longer than 3 Days after Arrest**

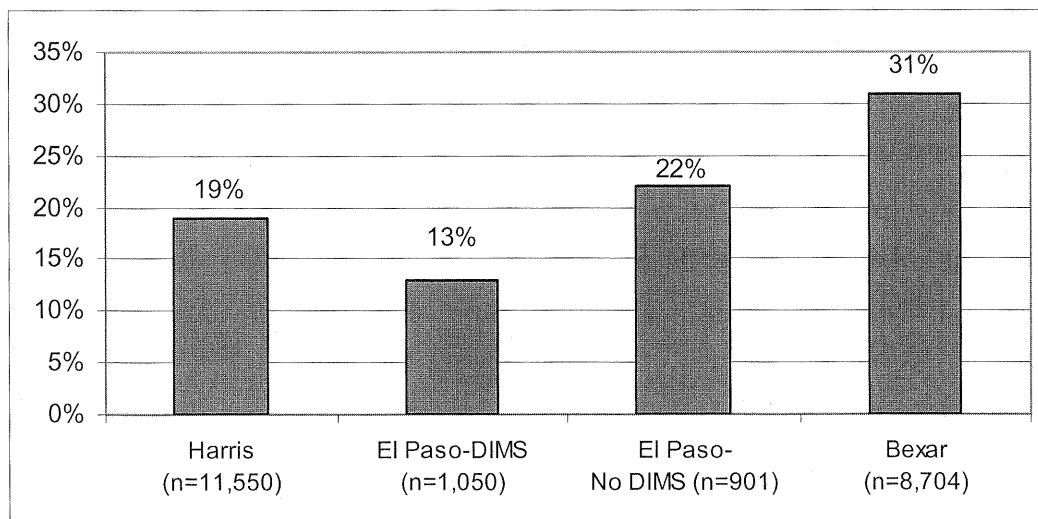


Table 8-1 illustrates how favorable bonding and direct electronic filing combine to influence incarceration. Harris County disposed 25 percent of all misdemeanor cases through direct electronic filing but has a relatively low 56 percent bonding rate (see Figure 7-1). El Paso’s Non-DIMS system has the highest bonding rate (78 percent) but no direct electronic filing. At these sites possessing either direct electronic filing or pro-active bond policies but not both, pre-trial detention rates were in the moderate range at about 20 percent.

**Table 8-1. Detention Rates Three Days after Arrest by Bonding Policy and Direct Electronic Filing Technology**

		<b>Any cases disposed within 3 days of arrest through a Direct Electronic Filing System?</b>	
		<b>No</b>	<b>Yes</b>
<b>Bonding rates above 70%?</b>	<b>No</b>	<p><i>Highest Detention Rate</i></p> <p>Bexar County 31% detention rate</p>	<p>Harris County 19% detention rate</p>
	<b>Yes</b>	<p>El Paso-Non DIMS 22% detention rate</p>	<p><i>Lowest Detention Rate</i></p> <p>El Paso-DIMS 13% detention rate</p>

Detention rates were highest (30 percent) in Bexar County, where there is neither direct electronic filing nor proactive bonding, and were lowest at the El Paso-DIMS site (13 percent) where direct electronic filing and high bonding rates are used together. First, automated DA intake allows as many cases as possible to be disposed after arrest, then bond offers a means to secure the release of appropriate defendants whose cases are still pending. In combination, these strategies minimize detention costs by ensuring that only high-risk individuals remain in jail.

**Attainment of Milestone Dates**

The evidence above suggests that the presence of automated information systems can help reduce the number of defendants incarcerated after arrest. A different but related question is

whether these systems can move those individuals who are detained toward faster release and case disposition. The evidence suggests that direct electronic filing systems like DIMS can be somewhat beneficial, but fully integrated information systems such as Harris County’s JIMS system have the greatest impact.

**Table 8-2. Processing Milestones for Misdemeanor Cases Detained in Jail Longer than 3 Days after Arrest<sup>27</sup>**

	Harris County	El Paso County (DIMS)	El Paso County (Non-DIMS)	Bexar County
<b>Mean Days from Arrest to...</b>				
<b>Filing*</b>				
Mean	2.6	7.5	35.1	10.4
Median	0.0	2.0	27.0	6.0
	(n=10,377)	(n=1,045)	(n=757)	(n=7,687)
<b>Release</b>				
Mean	9.9	11.6	16.3	16.8
Median	6.0	7.5	13.0	15.0
	(n=10,134)	(n=902)	(n=718)	(n=6,867)
<b>Disposition (No Deferred Adjudication)</b>				
Mean	25.6	79.7	109.3	66.8
Median	8.0	37.5	82.0	30.0
	(n=11,329)	(n=944)	(n=721)	(n=7,997)
<b>Disposition (Deferred Adjudication)**</b>				
Mean	162.0	95.0	199.3	220.5
Median	120.0	57.5	153.5	224.0
	(n=75)	(n=28)	(n=20)	(n=239)

\* Filings in warrant cases that occurred prior to the arrest were excluded from the mean.

\*\* Days from arrest to disposition of deferred adjudication cases was not a primary focus of analysis. The disposition date in these cases is determined by the amount of time set by the court to complete the terms of deferment rather than by the case processing procedures that are the focus of this study.

**Days from Arrest to Filing.** Incarcerated defendants have charges filed markedly faster where direct electronic filing technology is available (see Table 8-2). Detainees know their charge in an average of 2.6 days in Harris County (med.=0.0), and in 7.5 days for El Paso County’s DIMS

<sup>27</sup> The values reported are “trimmed” to remove extreme values that may exert disproportionate influence on the mean. Details on the methodology used and the number of values eliminated by site are presented in Appendix C.

cases (med.=2.0). Defendants with cases filed manually in Bexar County wait at least three days longer (mean=10.4 days, med.=6.0 days) and those in El Paso's Non-DIMS system only learn about their charges a month after arrest (mean=35.1 days, med.=27.0 days). By enabling a prompt determination of charges, DIMS electronic filing technology furthers the goal of fairness through faster notification for accused individuals held in jail.

**Days from Arrest to Release.** DIMS cases in both Harris and El Paso Counties also show considerably faster release from detention. Incarcerated individuals are held less than 12 days on average in the Harris County and El Paso-DIMS systems. In contrast, El Paso's Non-DIMS (mean=16.3 days, med.=13) and Bexar County cases (mean=16.8, med.=15.0) are held at least 5 days longer.

Factors other than direct electronic filing systems may contribute to the release of DIMS cases about five days sooner than Non-DIMS cases. First, low bonds, consistently applied, make it more likely that defendants can make bail quickly. As an example, at the time of the study, El Paso County's Non-DIMS cases could have bond established by any of numerous geographically disbursed and highly autonomous justices of the peace or municipal judges. If bonds are set in an amount disproportionate to the offense, it is more difficult for defendants to obtain release. DIMS cases, by contrast, are processed through a single jail magistrate who has collaborated closely with the judiciary to develop stable decision rules for bond determination. Since bonds are generally low, consistent, and broadly recognized as being reasonable for the crime, defendants are more likely to be able to meet the bond amount in a shorter period of time.

Second, individuals in the El Paso DIMS system have opportunity for a prompt bond review. At the time of the study, bonds for DIMS cases were initially set during book-in as sheriff's bonds from the bond schedule. The jail magistrate was then able to review the amount in less than twenty-four hours (with counsel on-site during the proceeding). Conversely, Non-DIMS defendants who wished to appeal their bond commonly remained incarcerated an additional four to five days before they were able to acquire counsel and arrange a bond reduction hearing. By ensuring that initial bonds are not unreasonably high, and by providing prompt access to a bond review, the data shows the DIMS system helps reduce defendant days in jail.



**Days from Arrest to Disposition.** As seen above, filing and release of individuals detained three days or longer after arrest occurs more quickly for DIMS cases in both Harris and El Paso Counties. However, only the Harris County system is able to significantly expedite final disposition. Supported by the more comprehensive and integrative JIMS information network, Harris County resolves non-deferred dispositions in less than one month (mean=25.6 days, med.=8.0 days). Bexar County achieves the next fastest disposition time, taking about two months on average (med.=30.0 days) with manual filing procedures (see Table 8-2).

The JIMS system-wide information network may have special utility for expediting case completion for individuals detained after arrest. Because these defendants are more prone to have complicated situations involving other pending cases, various types of holds, probation or parole, pre-trial services, etc., there is greater need for inter-departmental coordination. County courts use JIMS to simultaneously share case information with the prosecutor, magistrate courts, and the jail, enabling detained defendants to typically have their first appearance within twenty-four hours of magistration. With information about all aspects of the individual available to decision makers, substantial progress toward case resolution can be made in that short timeframe.

## **CONCLUSION**

Sites with direct electronic filing were able to detain the fewest defendants 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. However, local bonding policies are also an important factor. Detention rates were lowest where direct electronic filing is combined with proactive bonding practices. Bonding and direct electronic filing reinforce each other, providing complementary methods of early release. Conversely, the highest pre-trial incarceration rates appear where there is an absence of direct electronic filing capability combined with more restrictive bonding policies.

Among defendants that are detained, those in systems where direct electronic filing is available are charged sooner and released faster than in counties without direct electronic filing. The most

efficient case processing outcomes for detained individuals were observed in Harris County where electronic DA intake is part of the larger JIMS system. By linking the jail, prosecutor, and county court system, JIMS can dispose even the most complex cases in less than half the time required at other sites.

## **CHAPTER 9: OUTCOMES FOR CASES WITH ASSIGNED COUNSEL**

### **INTRODUCTION**

The impact of automated information systems on the appointment of counsel is an issue of particular interest to the Task Force on Indigent Defense. Though direct electronic filing systems were expected to have the greatest impact on expediting case filing and disposition, more comprehensive systems in particular might yield benefits for defendants requiring assigned legal representation. For example, automated systems could potentially facilitate eligibility determination, transfer of eligibility information to the appointing authority, assignment of a lawyer, and notification to counsel of their appointment. Electronic systems might also enable magistrates, statutory judges, pre-trial services, and jail personnel to more effectively identify qualifying individuals with no record of counsel in order to provide targeted follow-up.

To determine whether direct electronic filing contributed to services for indigent defendants in these or other ways, outcomes were examined separately for this important sub-group of defendants. Mirroring the organization of earlier chapters, results are first reported for individuals released on bond within three days of arrest, then for those remaining in detention three days after arrest. Results indicate that assignment of counsel depends more upon locally determined case management procedures and related work processes than on the availability of electronic information systems. The largest percentage of cases appointed, as well as the fastest appointment times for most defendants (med.=1.0 to 2.0 days), were both observed in Bexar County. These outcomes were achieved through work practices rather than technology-based case processing procedures.

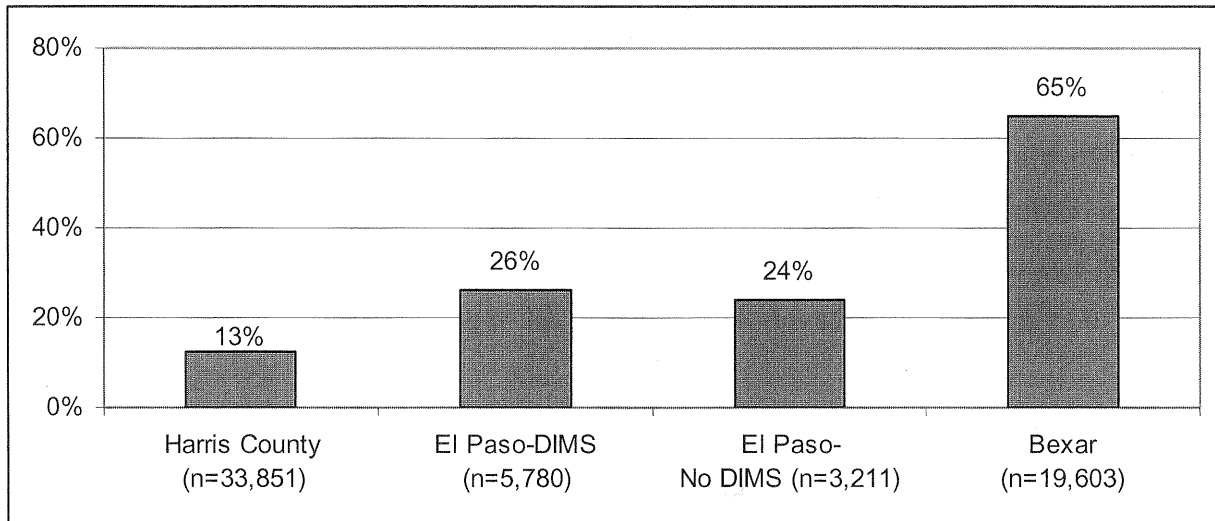
### **OUTCOMES FOR ASSIGNED COUNSEL CASES BONDED IN THREE DAYS**

#### **Rates of Assigned Counsel for Bonded Defendants by Site**

The study sites differ considerably in their overall rates of appointed counsel for individuals released on bond within three days of arrest. The largest number of defendants receive counsel in Bexar County (65 percent). This relatively high rate of appointment is achieved largely because pretrial services encourages all individuals who think they may qualify 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, typically the same day as arrest.

**Figure 9-1. Percent of Cases Released on Bond within 3 Days of Arrest that Received Assigned Counsel**



Appointment rates are less than half as high at the other study sites. Whereas in Bexar County every defendant is magstrated before release on bond, some defendants in both Harris County (28.5 percent) and El Paso’s DIMS system<sup>28</sup> were let go prior to magistration. In these instances, defendants released on bond are expected to submit their requests for counsel at their first court appearance which may be a month or more after arrest. It is possible that a larger percentage of individuals in Harris and El Paso Counties retain a private lawyer during the interval between arrest and their first court date.

Clearly, however, access to magistration before bonding does not explain all the difference in rates of assigned counsel. All of El Paso’s Non-DIMS cases were magstrated before release on bond, yet appointment rates for that site are well below those for Bexar County. Closer examination of factors that explain differences in appointment rates are an area worthy of consideration for future research.

<sup>28</sup> Magistration date was not available for El Paso County.

### **Attainment of Milestone Dates**

Among those individuals on bond that are ultimately assigned legal counsel, Table 9-1 indicates the mean time from filing to appointment is unexpectedly lengthy at every site. The Fair Defense Act stipulates "*If a defendant is released from custody prior to appointment of counsel under this section, appointment of counsel is not required until the defendant's first court appearance or when adversarial judicial proceedings are initiated, whichever comes first.*"<sup>29</sup> If this is interpreted to mean that adversarial proceedings are initiated when the case is filed, assignment of counsel should be expected shortly thereafter. Instead, delays are longer.

Using primarily manual caseflow management procedures, Bexar County completes the determination of indigence and appointment of counsel faster than any other study site (see Table 9-1). Though counsel is assigned to bonded individuals in Bexar 22.9 days after arrest on average, 52.4 percent of those defendants receive representation within 1 day of arrest (med.=1.0 days). Thus, while the majority of defendants request counsel at book-in, others appear to submit their request later, presumably at first appearance. Because most cases are appointed immediately after arrest, Bexar is the only county to succeed at assigning counsel before charges are filed in the majority (60 percent) of bond cases (med.=4.0 days).

Harris County has the second fastest assignment of counsel, most defendants experience a delay of at least 14 days (mean=23.4 days, med.=14.0 days). Time to appointment is more than twice as long for El Paso's DIMS cases (mean=55.2 days, med.=44.0 days) and even longer for Non-DIMS cases (mean=74.4, med.=70.0). Furthermore, at each of these study sites, appointment typically occurs two to eight weeks after charges were filed. In the case of Harris and El Paso's DIMS cases, this is influenced by the fact that filing occurs so promptly after arrest in most cases (med.=0.0 and 2.0 days respectively).

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<sup>29</sup> Texas Code of Criminal Procedure, Article 1.05(j).

**Table 9-1. Processing Milestones for Assigned Counsel Cases  
Released on Bond within 3 Days of Arrest<sup>30</sup>**

	<b>Harris County</b>	<b>El Paso County (DIMS)</b>	<b>El Paso County (Non-DIMS)</b>	<b>Bexar County</b>
<b>Mean Days from Arrest to...</b>				
Filing*				
Mean	0.4	8.3	34.99	10.82
Median	0.0	2.0	30.0	8.0
	(n=3,637)	(n=1,517)	(n=595)	(n=10,909)
Release				
Mean	1.1	0.9	0.8	0.8
Median	1.0	1.0	1.0	1.0
	(n=4,229)	(n=1,518)	(n=766)	(n=12,727)
Counsel Assigned				
Mean	23.4	55.2	74.4	22.9
Median	14.0	44.0	70.0	1.0
	(n=3,527)	(n=1,329)	(n=596)	(n=12,101)
Disposition (No Deferred Adjudication)				
Mean	67.1	157.8	172.2	123.3
Median	45.0	138.0	159.5	89.0
	(n=3,524)	(n=1,212)	(n=534)	(n=7,363)
Disposition (Deferred Adjudication) **				
Mean	212.7	187.8	213.0	222.6
Median	279.0	178.0	200.0	226.0
	(n=411)	(n=59)	(n=27)	(n=2,994)
<i>Days from Filing to Counsel Assigned</i>				
Mean	30.5	55.1	70.6	14.2
Median	15.0	42.0	54.0	-4.0
	(n=3,501)	(n=1,402)	(n=603)	(n=10,605)

\*Filings in warrant cases that occurred prior to the arrest were excluded from the mean.

\*\* Days from arrest to disposition of deferred adjudication cases was not a primary focus of analysis. The disposition date in these cases is determined by the amount of time set by the court to complete the terms of deferment rather than by the case processing procedures that are the focus of this study.

<sup>30</sup> The values reported are “trimmed” to remove extreme values that may exert disproportionate influence on the mean. Details on the methodology used and the number of values eliminated by site are presented in Appendix C.

When local stakeholders were asked what they believe could account for the mean number of days until the appointment of counsel, respondents say bonded defendants are given the opportunity to request counsel before being released from detention. However, particularly in Harris and El Paso Counties, a number of defendants are either released prior to magistration, or if magistered, do not ask for an attorney at that time.<sup>31</sup> The next opportunity to submit a request is not until the first court appearance. If counsel is requested at this later date, statutory county judges may either find the defendant immediately eligible or may request additional financial information before making an eligibility determination. This stipulation is said to push back the appointment date as much as seven to twenty-one days after the first appearance date.

Importantly, this explanation cannot be confirmed because the date counsel was requested was unavailable in electronic form at any of the study sites. While each of the study sites retains requests for counsel, it is typically in hard copy form or, if in electronic form, coded as an undistinguished filing. Without ready access to this data, it is not possible for the counties themselves or for outside observers to confirm compliance with the prompt appointment standard specified by the Fair Defense Act of 2001.

## **DELAYS IN ASSIGNED COUNSEL AMONG DETAINED CASES**

### **Rates of Assigned Counsel for Bonded Defendants by Site**

The Fair Defense Act affords particular protections to individuals held in pre-trial detention. Those jailed in large urban counties should have counsel assigned within approximately four working days,<sup>32</sup> and attorneys should contact the defendant no later than the end of the first working day thereafter.<sup>33</sup> Among defendants who were not disposed or released immediately after arrest, rates of assigned counsel ranged from a low of 71 percent for El Paso's Non-DIMS cases to a high of 91 percent in Bexar County. As with bonded defendants, Bexar County's policy of encouraging an immediate determination of eligibility and appointment as a standard part of book-in appears to increase access to legal representation.

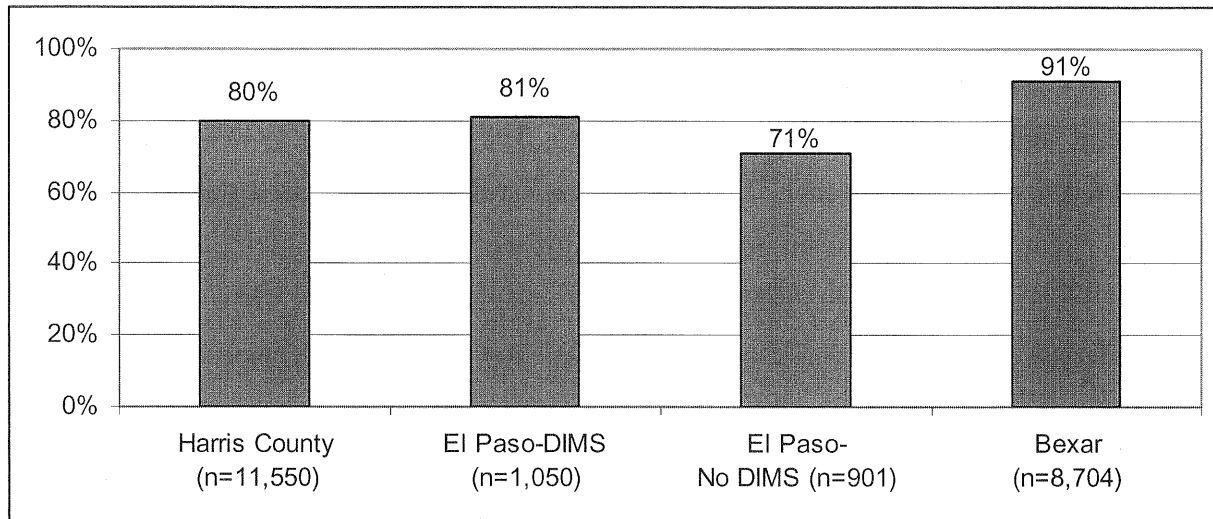
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<sup>31</sup> Date of request for counsel was not available in the electronic MIS systems at any of the study sites.

<sup>32</sup> CCP Articles 1.051(c), 14.06(a), 15.17(a)

<sup>33</sup> CCP Article 26.04(j)(1)

**Figure 9-2. Percent of Cases Detained in Jail Longer than 3 Days after Arrest with Assigned Counsel**



**Attainment of Milestone Dates**

Table 9-2 illustrates case processing milestones for defendants who were still in detention three days after arrest and who had counsel assigned at some point prior to disposition. Bexar County assigns counsel for 55.5 percent of incarcerated defendants in only 2 days (median). Harris County assigns counsel to 64.2 percent of detainees within 4 days (median). The median delay is about a week for both El Paso DIMS and Non-DIMS cases. On the other hand, higher means show that some defendants faced considerably longer delays. Average days from arrest to assignment of counsel range from a low of 6.8 days in Harris County up to 27.2 days for El Paso’s Non-DIMS cases.

Furthermore, only two of the study sites were able to assign counsel before charges were formally filed in a substantial number of cases. In Bexar County, 55.3 percent of cases were appointed 3 days prior to filing (median), and in El Paso’s Non-DIMS system, 50.2 percent were appointed 1 day before filing (median). It is worth noting both of these sites allow the longest time to file charges (med.= 8.0 and 30.0 days respectively), allowing more time for appointment in advance. At the Harris County and El Paso-DIMS study sites, filing for detainees was much faster (med.= 0.0 and 2.0 days respectively) , with appointment occurring between 5 days and 2 weeks later.



**Table 9-2. Processing Milestones for Assigned Counsel Cases  
Detained in Jail Longer than 3 Days after Arrest<sup>34</sup>**

	<b>Harris County</b>	<b>El Paso County (DIMS)</b>	<b>El Paso County (Non-DIMS)</b>	<b>Bexar County</b>
<b>Mean Days from Arrest to...</b>				
<b>Filing*</b>				
Mean	0.9	6.7	31.2	9.8
Median	0.0	2.0	25.0	6.0
	(n=8,339)	(n=847)	(n=543)	(n=7,060)
<b>Release</b>				
Mean	9.8	12.2	18.2	17.0
Median	6.0	8.0	17.0	15.0
	(n=8,465)	(n=726)	(n=489)	(n=6,305)
<b>Counsel Assigned</b>				
Mean	6.8	17.9	27.2	12.2
Median	4.0	7.0	8.0	2.0
	(n=8,718)	(n=797)	(n=558)	(n=7,708)
<b>Disposition (No Deferred Adjudication)</b>				
Mean	21.4	65.2	87.6	61.4
Median	7.0	25.0	61.0	59.6
	(n=9,134)	(n=771)	(n=549)	(n=7,274)
<b>Disposition (Deferred Adjudication) **</b>				
Mean	129.0	94.5	239.3	220.7
Median	67.0	65.0	310.0	224.0
	(n=31)	(n=22)	(n=12)	(n=227)
<i>Days from Filing to Counsel Assigned</i>				
Mean	10.7	15.4	13.4	4.3
Median	4.0	5.0	-1.0	-3.0
	(n=8,601)	(n=813)	(n=550)	(n=7,017)

\*Filings in warrant cases that occurred prior to the arrest were excluded from the mean.

\*\* Days from arrest to disposition of deferred adjudication cases was not a primary focus of analysis. The disposition date in these cases is determined by the amount of time set by the court to complete the terms of deferment rather than by the case processing procedures that are the focus of this study.

To look at this question another way, Figure 9-3 illustrates the days to appointment of counsel among the sub-group of defendants who were held at least seven days. Many of these

<sup>34</sup> The values reported are “trimmed” to remove extremes that may exert disproportionate influence on the mean. Details on the methodology used and the number of values eliminated by site are presented in Appendix C.

individuals might be expected to have representation within the four-day timeline specified by the Fair Defense Act. Results show the majority of these detainees in both Harris (56 percent) and Bexar Counties (65 percent) did, in fact, have counsel appointed within the statutory timeframe. However, four-day appointment rates are considerably lower for El Paso’s DIMS (20 percent) and Non-DIMS cases (38 percent).

**Figure 9-3. Percent of Assigned Counsel Defendants Detained 7 or More Days after Arrest with Representation Appointed at Four, Seven, and Fourteen Days**

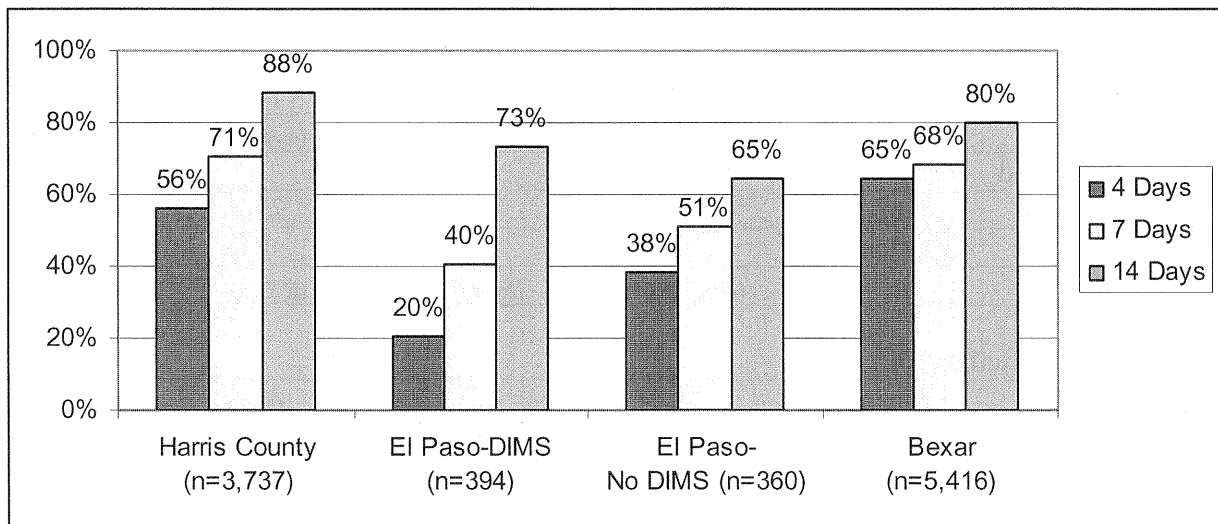


Figure 9-3 also shows that in every county, some individuals appear to be detained without assigned counsel for longer than the four-day limit specified by the Fair Defense Act. All defendants in this analysis remained in detention for at least seven days. Still, on the seventh day after arrest, counsel was not yet assigned to 60 percent of detainees in El Paso’s DIMS system or to 49 percent of El Paso Non-DIMS detainees. Appointment rates were higher in Harris and Bexar Counties where all but about 30 percent of individuals in detention seven days after arrest had been appointed legal counsel.

It is assumed that most detainees without assigned representation seven or more days after arrest did not submit a request for counsel. Respondents at the study sites reiterate that defendants may request an attorney at the magistration proceeding but often choose not to do so. If detained individuals determine later (i.e., after magistration) that they want a lawyer, they must either submit the request through jail personnel or wait for a court appearance to place their request

with a judge. If these methods of request are commonly used, it could slow the appointment timeline. Without an electronic record of when the request for counsel was submitted, however, it is difficult to specify the reason for these delays. Further empirical research is needed to fully answer this question.

It is also worth noting that some individuals detained for seven days or longer may be atypical in some manner that might impact their assertiveness in requesting counsel on the misdemeanor charge. Local officials anecdotally suggest factors such as felonies pending, blue warrants, or immigration holds. Among detained defendants eventually assigned counsel for a misdemeanor charge in Harris County, 8.0 percent have a co-occurring felony charge. The percentage is even higher in Bexar County (17.7 percent).<sup>35</sup> With information about the date of request for counsel unavailable in electronic form at any of the study sites it is not possible to draw firm conclusions about whether these factors may have impacted the speed with which defendants submitted their request for counsel.

## **CONCLUSION**

This chapter has sought to examine whether automated information systems yield benefits for expediting the assignment of counsel to indigent defendants. At the sites investigated, local case management procedures and related work practices are a greater influence on the volume and speed of assigned counsel than is information system automation. Bexar County's strong work processes produce the largest percentage of appointments, and these appointments occur more quickly for both bonded and detained individuals. This occurs due to Bexar County's uniform protocol for encouraging defendants to undergo an eligibility screening during book-in, followed by a 100 percent magistration rate. During this process, assignment of representation can occur for the majority of defendants within one to two days of arrest. Other counties were more likely to delay appointment of counsel at least until first appearance.

At every site, a substantial number of cases were identified where counsel was assigned after "adversarial action" was initiated in the form of a case filing, an outcome potentially in conflict with statutory guidelines specified by the Fair Defense Act of 2001. Indeed, achieving

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<sup>35</sup> Information about pending felonies was unavailable in El Paso County.

appointment prior to filing could be a significant challenge for counties such as Harris and El Paso-DIMS that initiate charging procedures literally at the time of arrest. Similarly, among detained individuals, at every site, a number were held without appointed counsel for longer than the for days specified by law for large urban counties.

Based on self-reports from the study sites, appointment of counsel was most often delayed because defendants failed to submit a request for counsel. However, without ready access to information about when the request for counsel was submitted, it is not possible for external observers or the counties themselves to determine with certainty whether the prompt appointment standard of the Fair Defense Act is being met. In the face of evidence suggesting delays in assignment of counsel may have occurred, the Task Force on Indigent Defense is advised to explore minimum requirements for local jurisdictions to demonstrate they are meeting legal requirements.

## CHAPTER 10: CONCLUSIONS

### INTRODUCTION

Most criminal case processing systems rely on the physical transfer of defendant records from one office to another. Where files are kept in automated data management systems, these systems tend to be customized for individual departments with limited ability for transferring information to other users electronically. The use of technology to facilitate court processes offers a promising new approach for reducing costs, improving efficiency, and achieving better 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 share information in order to dispose criminal cases. Furthermore, technology must be supported by effective work practices in order to achieve proficient criminal case management. 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 purpose of this research is twofold. First, the research team sought to describe innovative applications of direct electronic filing in three county justice systems. Next, defendant case records were examined to determine whether defendant- and system-level outcomes were more positive where technology was applied to expedite criminal processing. Participating counties were selected because of their varying degrees of integration in county-wide criminal justice information systems.

- Harris County has a fully integrated county-wide Justice Information Management System (JIMS) linking virtually every law enforcement, jail, and court office county-wide. A DA's Intake Management System (DIMS) is a component.
- El Paso County's DIMS system is a partially integrated direct electronic filing system. It is more narrow in focus than the JIMS system, enabling information-sharing between law enforcement and the prosecutor.
- Bexar County has limited technological integration, but has partially compensated through the development of effective work routines.
- El Paso County's Non-DIMS system offers limited system integration, with information shared primarily through hard copy reports.

## **RECOMMENDATIONS**

Overall, the study finds that case processing efficiencies can be gained by *integrating effective work practices with technologies at critical points* in the caseflow process. These points include at a minimum (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. If proficient strategies can be introduced at these junctures, case management outcomes can be significantly improved.

Recommended technological enhancements include:

- electronic transmission of case-related information from law enforcement to the prosecutor for an early screening and filing determination;
- early electronic confirmation of defendants' identity;
- electronically facilitated filing;
- integration of information technology systems across departments involved in justice processing; and
- expanded public access to defendant information are also beneficial.

Work solutions found to promote efficiency in case processing include:

- flexible and adaptive work practices;

- a cross-agency commitment to long-term collaboration;
- an ongoing commitment to case processing improvements; and
- repeated opportunities for cross-agency education.

The Task Force on Indigent Defense is also advised to explore establishing minimum requirements for local jurisdictions to demonstrate they are meeting legal requirements for the prompt appointment of counsel. None of the study sites currently retain readily accessible electronic records of when requests for counsel were submitted by indigent defendants. The research team was therefore unable to determine whether delays in assigning counsel beyond the timeline specified by the Fair Defense Act of 2001 were the result of late requests from defendants, as reported anecdotally by county stakeholders, or whether they resulted from failure to comply with the law. Clearer policy guidance to counties may improve their own ability as well as the ability of outside observers to confirm compliance with statutory prompt appointment standards.

## **BENEFITS OF DIRECT ELECTRONIC FILING**

The research also produced a number of new insights regarding the quantifiable benefits resulting from even relatively basic information-sharing systems. Major conclusions include the following.

### **Automated District Attorney Intake**

The most powerful impacts of direct electronic filing systems result from the information shared during the first few hours of case processing. In Harris and El Paso Counties, the DIMS system 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 data, a prompt and informed decision can be made about whether to file charges. DIMS systems offer a wide range of advantages.

- **Efficient Case Screening.** When prosecutors communicate verbally or electronically at or near the time of arrest concerning the facts of the case, it is possible for prosecutors to make a determination immediately on whether or not to proceed with the case. *Nineteen*

*percent of El Paso County's DIMS cases were reviewed by the prosecutor and cleared before the defendant was ever arrested.*

- **Prompt Disposition.** Charges can potentially be filed in less than a day and cases can be ready for disposition as soon as the defendant can be magistrates and brought before a judge. *Fifteen percent of all misdemeanor cases in El Paso County and 25 percent of those in Harris County were disposed and cleared out of the system within three days of arrest.*
- **Eliminates Law Enforcement Paperwork Delays.** DIMS directly prevents one of the greatest reasons for criminal case delay by ensuring that offense information is promptly available to prosecutors. *In El Paso County, among cases not handled through the DIMS system, law enforcement officers took more than 18 days (med.=13) to file offense reports needed for prosecution.*
- **Better Case Quality.** Through direct communication with the law enforcement officer, prosecutors can alert law enforcement officers to missing information or have questions addressed while witnesses are still present and the evidence is still fresh. One prosecutor observed, *“In the DIMS system, the prosecutor talks to the officer and is able to have questions answered that assist in making the charge decision. I don’t know how you quantify this benefit but I think it is substantial. It is related to the quality of the case.”*
- **Improved Accuracy of Charges.** After charges have been screened and accepted by the prosecutor, automated templates can be used to assist DAs with routine aspects of document development such as selection of charges, document production, and determination of bond recommendations. Built-in resources provide information needed to select appropriate charges. The number of people required to handle each charging instrument is also reduced to one.



- **Substantial Cost Savings to Counties.** Automated DA intake systems achieve cost savings in a number of ways. Where cases are screened out at arrest:
  - Officers are back on the job more quickly providing citizen protection instead of doing investigation and paperwork on a dead-end case.
  - By recognizing early that there are insufficient grounds for prosecution, the local criminal justice system avoids the costs of defendant transportation, jail book-in, housing, assigned counsel, and prosecution.

Where cases can be proficiently prosecuted and disposed:

- More resources become available to meet other responsibilities such as addressing more complicated cases that demand greater time and attention of the courts or enhancing indigent defense services.
- **Protection of Defendant Rights.** Beyond advantages to the overall justice system, high-speed filing supports and extends defendants' legal protections.
    - Where cases are screened out at arrest, defendants are spared the costs of private attorney fees, bond fees, lost wages, and family disruption in a case that would have ultimately be rejected by the prosecutor.
    - If charges are not filed, individuals do not suffer even a temporary loss of freedom.
    - When charges are filed promptly, individuals can meet their legal obligations without delay and resume their lives as soon as possible.
  - **Improved Quality of Legal Defense.** A prompt filing decision has important implications for improving the quality of relationship between defendants and defense counsel. Once the prosecutor receives the offense report, defense counsel can have a more meaningful dialog with the client and the prosecutor concerning the appropriate resolution of charges pending. In this sense, *timely filing of offense reports and completion of charges makes the prompt appointment of counsel more meaningful and beneficial for defendants.*

## **Addressing Concerns about the Speed of Automated DA Intake Systems**

While there are clearly many benefits to automated DA intake systems as a component of an integrated justice system, county officials, justice advocates and others may have concerns that the electronic systems could advance cases too quickly for sound decision-making to occur.

Findings of this research generally confirm the integrity of DIMS processing.

- **Establishing Correct Identity.** As the speed of case disposition increases, it becomes more challenging to establish defendant's correct identity in time for correct charges to be determined (i.e., considering prior offenses). Electronic fingerprint systems greatly expedite reliable and accurate biometric identification. In Harris County automated fingerprints are taken either by the arresting agency or during intake processing at county jail. The resulting thirteen-digit Automated Fingerprint Identification System code is required before charges can be filed and before defendants can be released.
- **Dismissal Rates.** Filing decisions made quickly after arrest might be expected to produce a large number of cases that may eventually be dismissed by the courts. In fact, the opposite was found to be true. *The county with the fastest case processing was found to have the lowest dismissal rates.* Direct electronic filing systems can yield significantly faster case completion while keeping the overall quality of cases high.

## **Impacts of Direct Electronic Filing for Defendants Released on Bond**

Although automated DA intake systems exert a profound effect on criminal caseflow during the time at and immediately after arrest, other factors become more important at later stages of processing.

- **Reduced Impact of Automated DA Intake after Bonding.** Each of the study sites achieves prompt release of defendants who post bond after arrest (i.e., in less than one day) regardless of their use of automated case processing technology.

After individuals are released on bond, urgency to file charges and dispose cases is reduced thereby diminishing the importance of the high-speed, disposition-oriented features of electronic DA intake systems.

- **Benefits of Full Integration for Bond Cases.** However, fully integrated information systems yield advantages for processing bonded defendants above those available from automated DA intake alone. *Because the JIMS system can share information between county and municipal law enforcement, nearly half of all Harris County defendants released on bond (47.5 percent) are let go before book-in at county jail.*

### **Impacts of Direct Electronic Filing for Detained Defendants**

Automated DA intake systems have a clear impact on reducing the high-cost population of individuals held in pre-trial detention. *Counties with direct electronic filing were also shown to release defendants from pre-trial incarceration about a week earlier than at sites without technology-based information processing systems.*

- **Direct Electronic Filing and Proactive Bonding Practices are Complementary.** Direct electronic filing complements bonding practices by reducing case volume through early disposition. Detention rates were lowest (13 percent, El Paso-DIMS) where direct electronic filing and progressive bonding policies are combined. Conversely, they were highest where neither of these conditions is in place (31 percent, Bexar County).
- **Benefits of Full Integration for Detained Cases.** The more broad-based and inclusive JIMS information system again showed measurable advantages above DA intake alone. Harris County disposes non-deferred detained cases in less than one month on average (mean=25.6 days, med.=8.0 days) compared to a mean of at least two months at every other study site. More complicated situations potentially involving pending cases or holds, probation or parole, or pre-trial services, make a fully integrated information system beneficial for expediting detained defendants.

## **Impacts of Direct Electronic Filing on the Public Trust and Confidence**

An important but often overlooked feature of direct electronic systems is that these systems provide a framework to expand information made available to the public, interested persons, and appointed counsel. Potential public access features include bond status, jail location, court assignments, and appearance dates.

- **Provides Information to Family Members of Defendants.** To the extent that families and other external users of the county information system can easily retrieve needed information, direct electronic filing systems help develop understanding of county processes and promote the concept of open government.
- **Reduces Time Spent by Justice System Employees Responding to Inquiries.** The burden on public employees for providing information services is substantially reduced when individuals seeking information are provided channels to retrieve it independently. Automated information systems are highly amenable to internet-based systems adapted to the information needs of families.
- **Promotes Defendant Release on Bond.** Bonding agents in Harris County can access information to help them better assess the bonding history and potential risk of a defendant. This is a highly functional use of county information systems to encourage timely bonding assistance for defendants.
- **Helps Defense Attorneys Better Serve Clients.** Defense counsel can use the JIMS system to quickly locate and make contact with assigned clients, view charges, and determine court settings. Faster contact with the client enables counsel to begin developing the theory of the case and can potentially lead to faster disposition or dismissal, helping to clear court dockets and jail cells.

## **Importance of Complementary Work Practices**

As has been a theme throughout this report, technology alone cannot produce successful criminal justice systems. Successful development of efficient and effective practices begins with a

commitment to pursue excellence in overall case management. Technology may be a part of the plan to achieve that goal, but it must be implemented in a culture of collaboration and cooperation. A number of the most important work practices included in the model of direct electronic filing include the following.

- **Collaboration.** After independent work units began sharing information systems, new channels of cooperation and collaboration emerged. Through meetings nominally for the purpose of making IT decisions, in fact local department heads began to learn about the mission, priorities, objectives, and challenges that others faced. Criminal processing personnel began to understand how their work affected others, or conversely, who was contributing to the problems they experience. Ultimately, this research suggests that direct electronic filing systems can be expected to create a common language for communication between local justice actors.
- **Flexible and Adaptive Work Practices.** Beyond simply investing in new technology, sites with well developed direct electronic filing systems were willing to keep key offices such as prosecutors and clerks of courts open twenty-four hours a day, set deadlines for the completion of offense reports, physically locate offices into more convenient arrangements and adopt other new ways of doing business.
- **Ongoing Commitment to Improvement.** With both the legal and technical environment in flux, both automated information systems and informal work processes require a plan for maintenance over time. Left unattended, the promise of integrative technologies and a better criminal justice system can go unrealized.

## CONCLUSION

This research finds that direct electronic filing systems linking at least law enforcement and prosecutors make it possible to expedite misdemeanor cases, yielding measurable benefits for county taxpayers, local criminal justice systems, and for defendants. Results have culminated in a model for dissemination as a tool to help counties operate more effectively overall. The cost of developing, implementing and maintaining electronic systems may be perceived as a potential

barrier for some counties and courts. While a fully unified system-wide technology-based information-sharing system may be better, the findings reported here suggest that even adopting selected elements of the model can also yield significant benefits to county justice systems.

**Appendix A**  
**Summary of Data Limitations**





## Summary of Data Limitations

### **Bexar County**

The final downloaded dataset received from Bexar County initially contained 32,696 cases – approximately consistent with the expected number of individual misdemeanor cases filed during 2004. However, about 15 percent of these records were found to have two disposition dates, and cases were selected for the study based on the “last” rather than the “first” disposition date. Most commonly, the first disposition is a plea or nolo contendere followed by a second disposition of a probation termination on the same charge.

To preserve comparability with the other sites, Bexar County cases were screened to choose only those with a “first” disposition date in 2004. A total of 4,230 cases had a “last” disposition in 2004 and a “first” disposition in 2003, so these were removed from the sample. Corresponding missing records with a “first” disposition in 2004 but a “last” disposition in 2005 could not be retrieved due to time and logistical constraints.

The impact of these missing cases on the study findings is expected to be minimal for the following reasons. First, fully 85 percent of the cases disposed in 2004 are included in the study, providing a large and robust number of cases for analysis. Second, the missing cases are excluded on the basis of the disposition date alone rather than other criteria that might be more likely to change study findings. As an example, if all the missing cases were of the same type (e.g., all DWI cases, or all cases where defendants were detained more than two weeks) an important sub-group of individuals might be under-represented in the study. It is known, however, that the only factor excluding cases is the date on which they were disposed. While this could conceivably introduce bias into the final results, there is a low probability that the date discrepancy would alter overall conclusions. As a result, the research team feels highly confident of the Bexar County findings.

### **El Paso County**

The initial data download from El Paso County contained 14,978 misdemeanor cases disposed in 2004. The file includes all of the misdemeanor cases processed by the El Paso County District Attorney’s Office, but excludes an additional 3,576 misdemeanor theft by check and illegal

dumping cases processed by the County Attorney's office under a 1993 agreement. It also excludes approximately 1,700 second dispositions for the same initial charge. As in Bexar County, these typically involve an initial disposition followed by a later probation termination.

Of the 14,978 cases available for the study, 1,777 cases could not be included in the analysis because they were missing a key field needed to link prosecutors' and jail records (i.e., the "Jail ID"). An additional 975 cases were excluded because they reflected additional charges added after defendants were already been arrested, booked, and processed on the initial offense. Since standard steps for defendant processing were not followed for these late charges, they were not considered appropriate for analysis. As a result of these exclusions, the final sample size in El Paso was 12,150 cases.

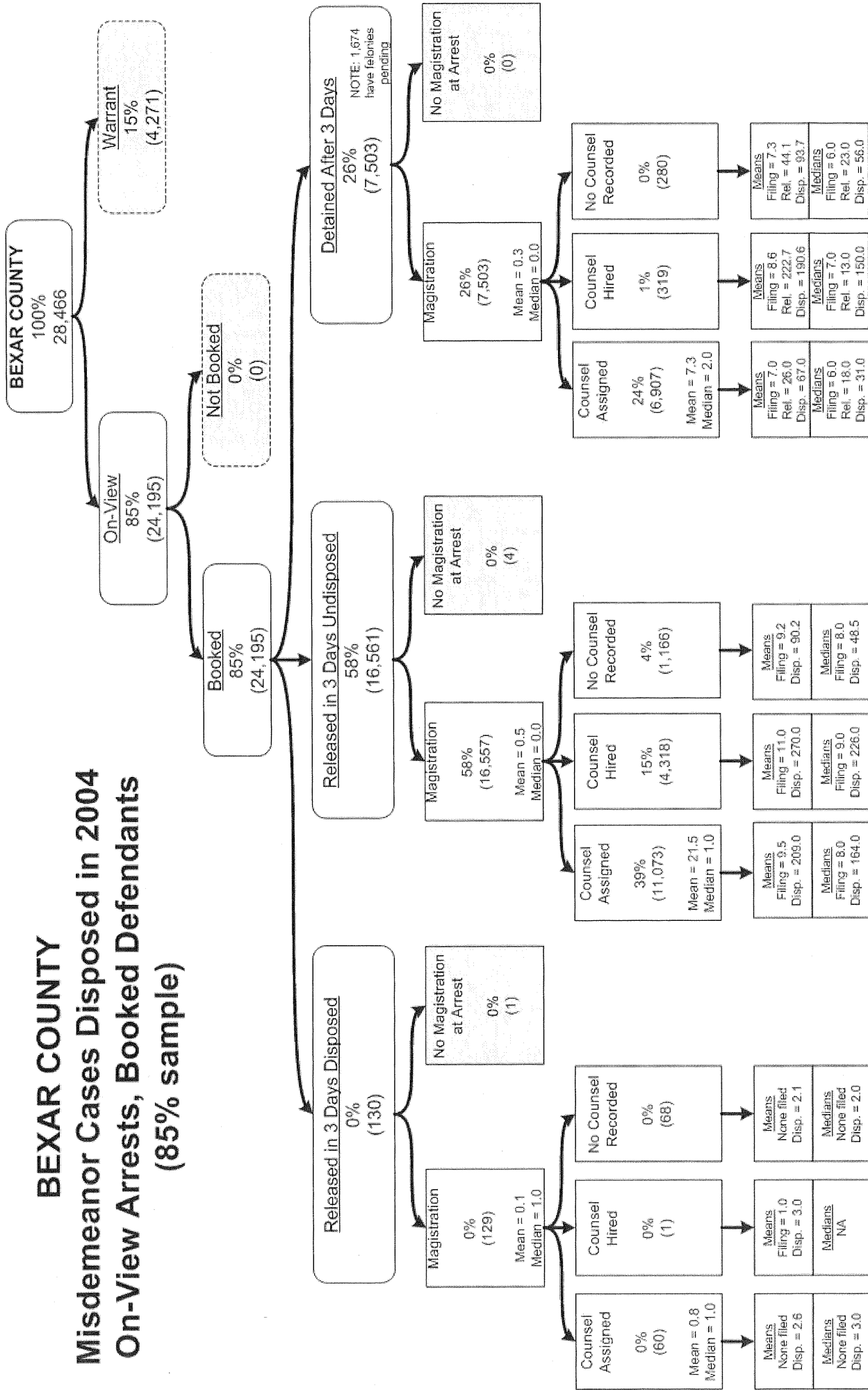
### **Harris County**

As far as can be determined by the research team, complete records were available for all 2004 misdemeanor cases disposed in Harris County. The greatest challenge faced at this site was the large number of complex and diverse configurations of case processing reflected in the dataset. As examples, there are legitimate cases where defendants posted bond before they were booked, where bond is posted in the absence of an arrest, and where release from jail is recorded in the absence of an arrest. Extensive code was written based on conversations with MIS staff at the site. Data was re-coded as appropriate to make sense of these patterns in the data. This documentation is available from the authors upon request.

**Appendix B**  
**Flowcharts of Defendant Caseflow by County**



# BEXAR COUNTY Misdemeanor Cases Disposed in 2004 On-View Arrests, Booked Defendants (85% sample)



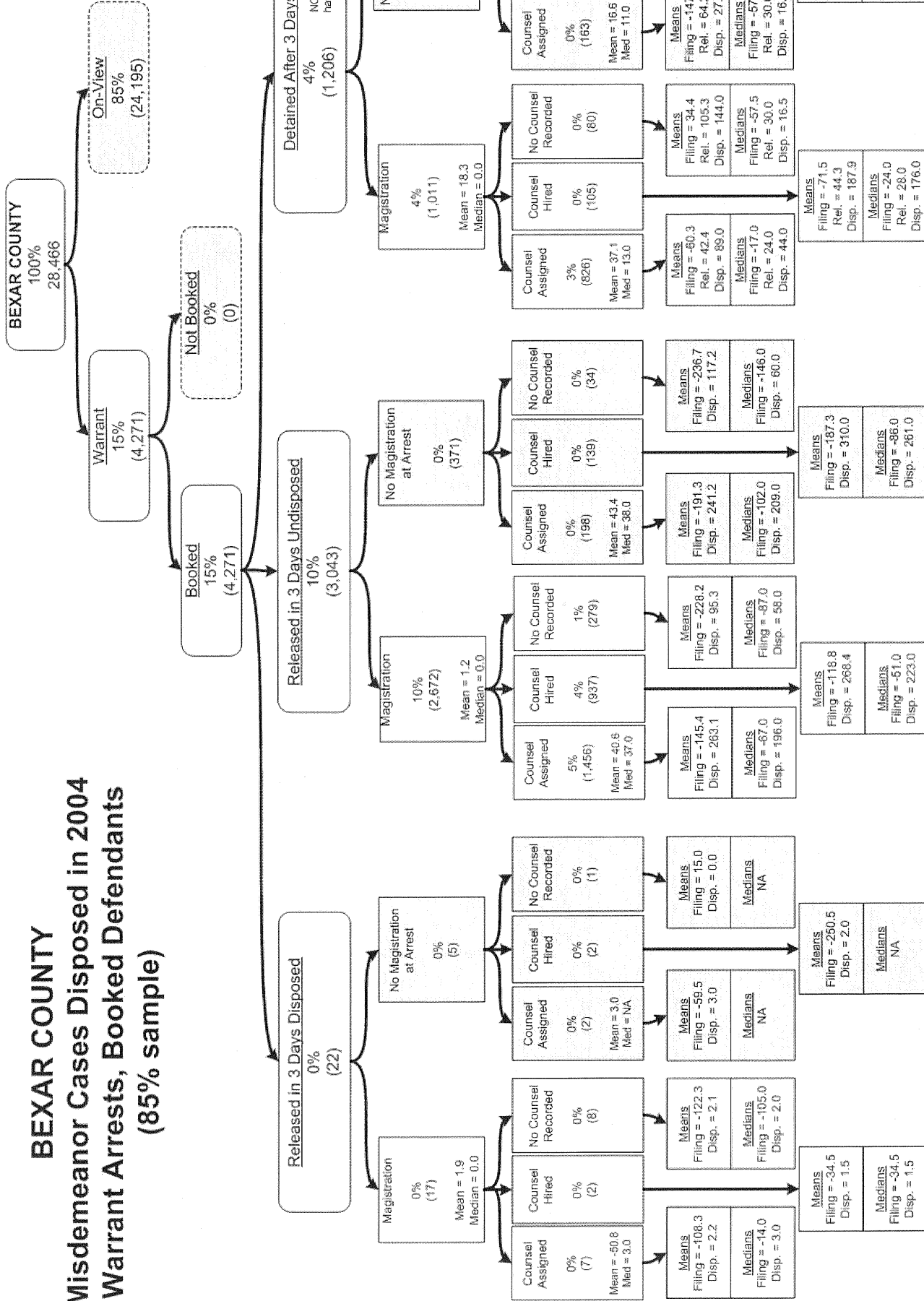
Mean and Median represent days from arrest to the event referenced.

# BEXAR COUNTY

## Misdemeanor Cases Disposed in 2004

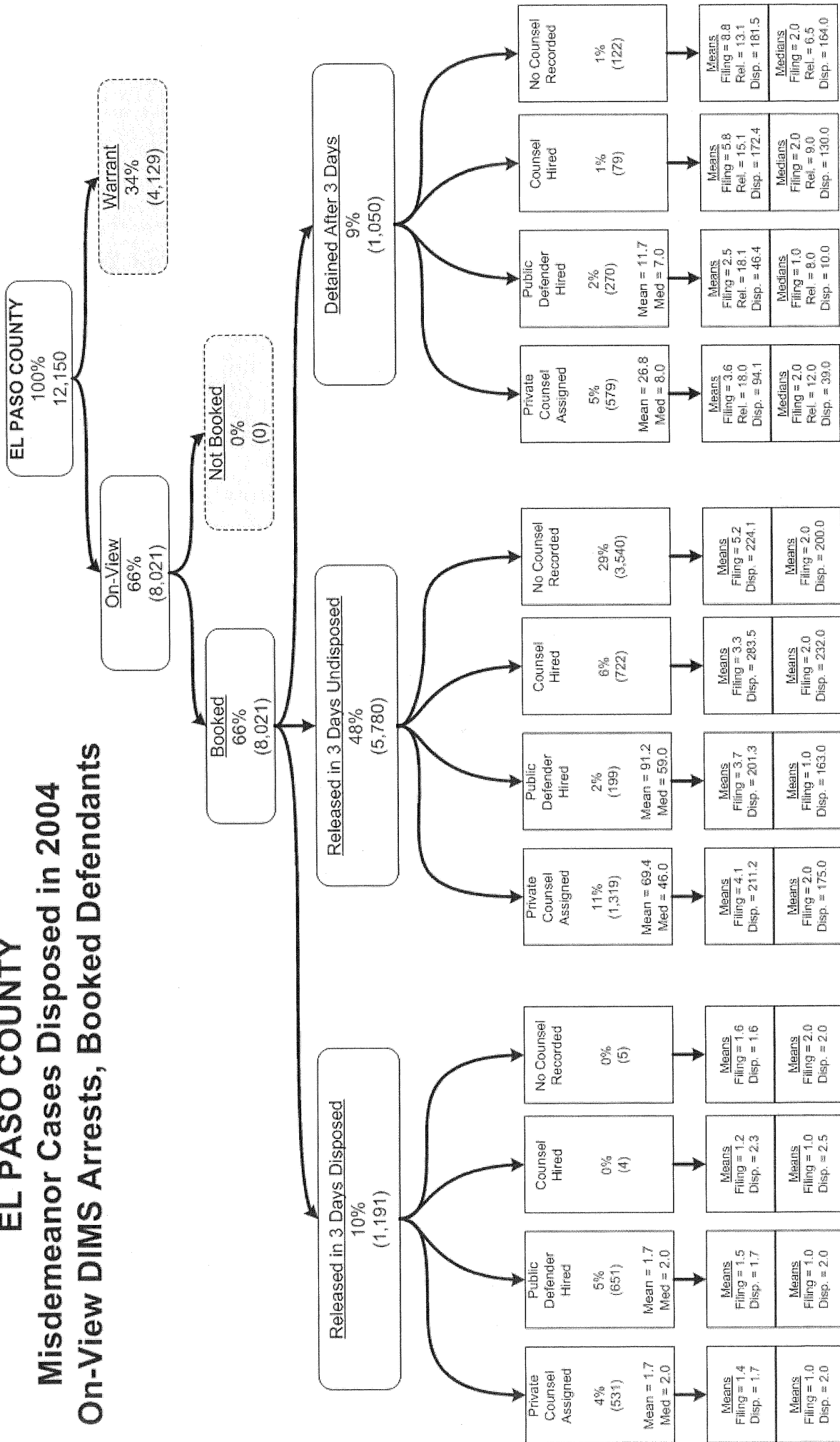
### Warrant Arrests, Booked Defendants

#### (85% sample)



Mean and Median represent days from arrest to the event referenced.

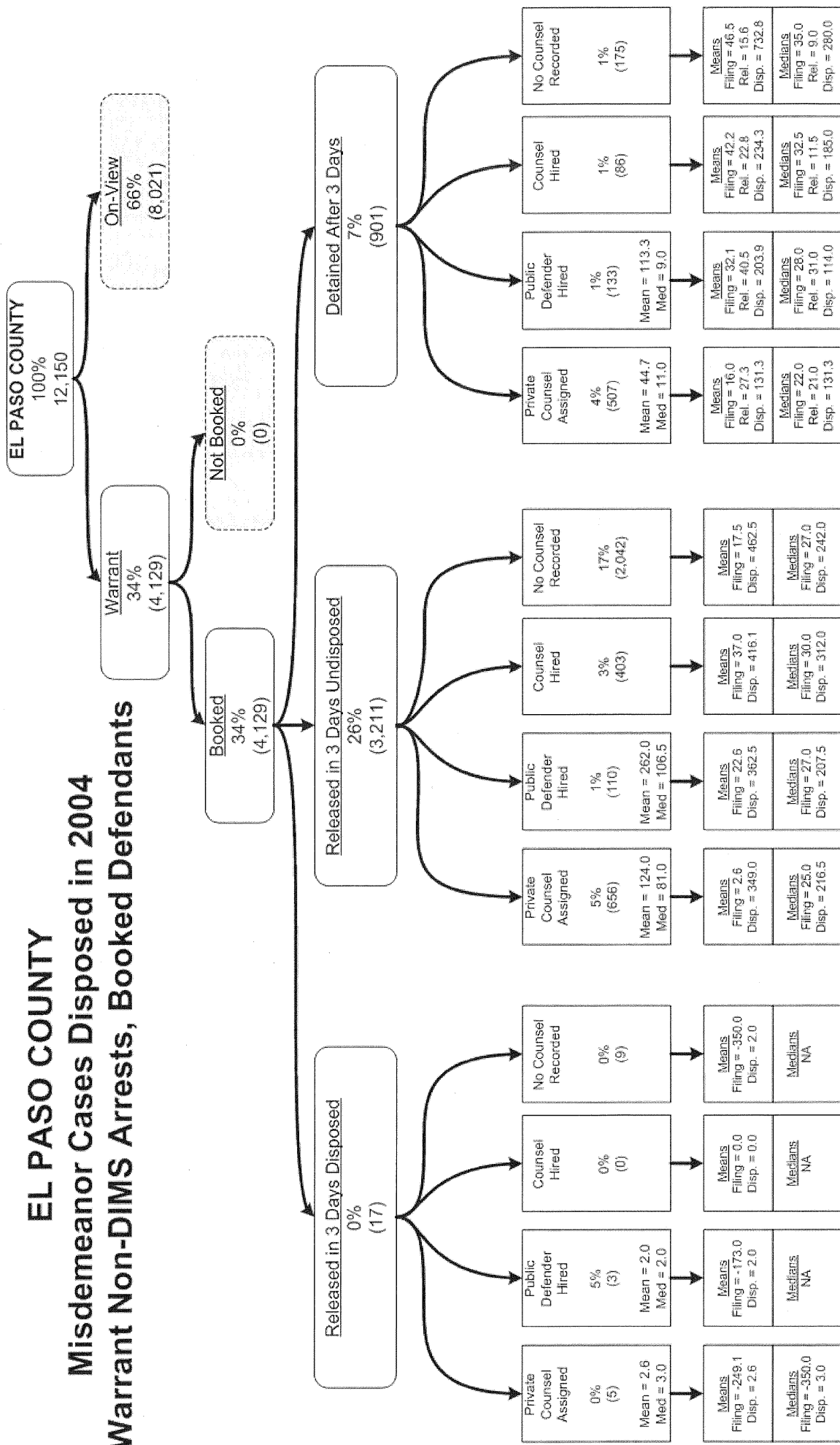
# EL PASO COUNTY Misdemeanor Cases Disposed in 2004 On-View DIMS Arrests, Booked Defendants



Mean and Median represent days from arrest to the event referenced.

# EL PASO COUNTY

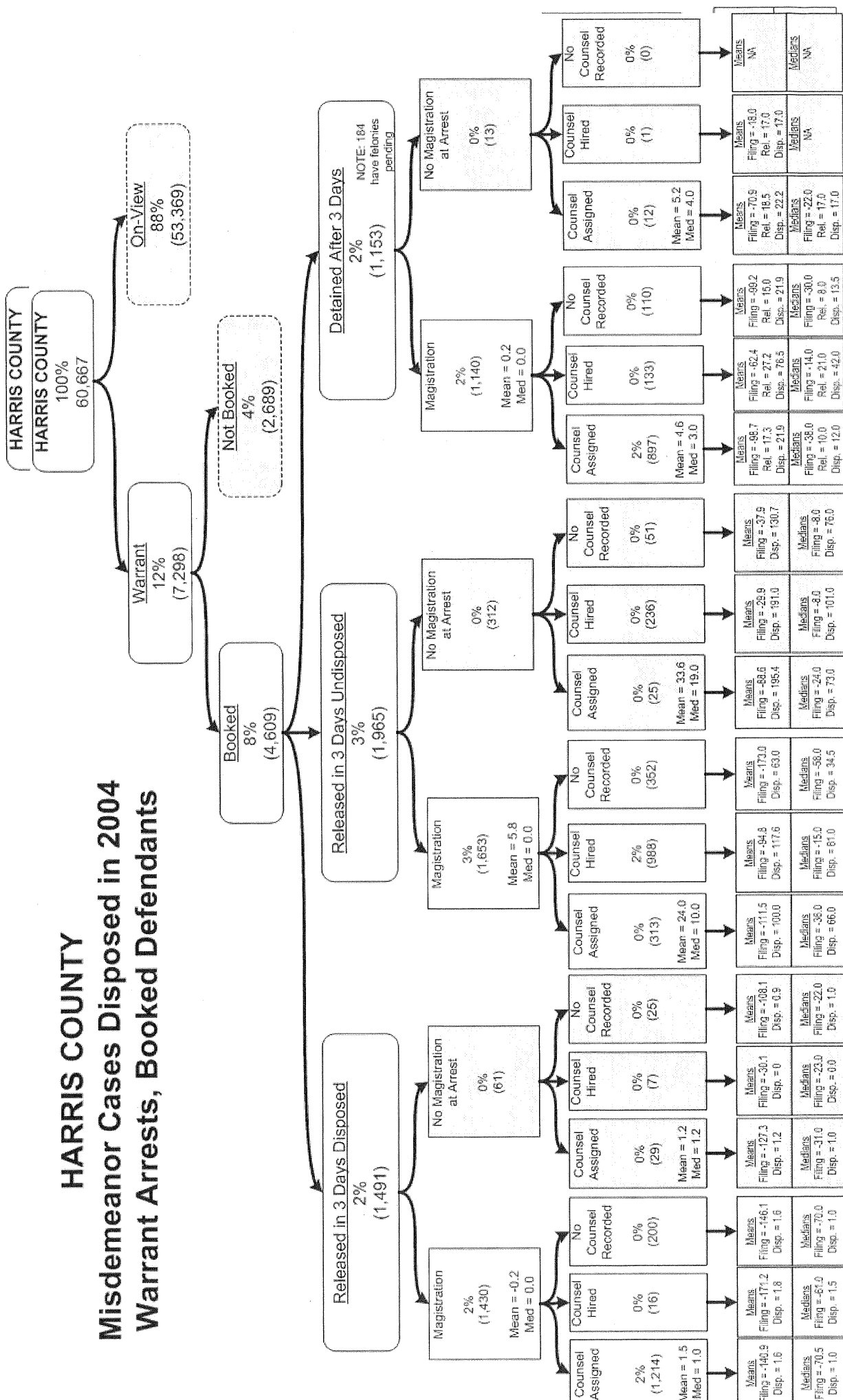
## Misdemeanor Cases Disposed in 2004 Warrant Non-DIMS Arrests, Booked Defendants



Mean and Median represent: days from arrest to the event referenced.



# HARRIS COUNTY Misdemeanor Cases Disposed in 2004 Warrant Arrests, Booked Defendants



Mean and Median represent days from arrest to the event referenced.

**HARRIS COUNTY**  
100%, 60,667

**HARRIS COUNTY**

**Misdemeanor Cases Disposed in 2004  
On-View Arrests, Defendants Not Booked**

**Warrant**  
12%  
(7,298)

**On-View**  
88%  
(53,369)

**Booked**  
62%  
(37,659)

**Not Booked**  
26%  
(15,710)

**Arrest**  
25%  
(15,247)

**No Arrest Filings\***  
0%  
(463)

**Magistrations**  
13%  
(7,653)  
Mean = 16.0  
Med = 1.0

**No Magstrations at Arrest**  
13%  
(7,594)

**Magistrations**  
0%  
(336)

**No Magstrations at Arrest**  
0%  
(127)

**Counsel Assigned**  
1%  
(747)  
Mean = 37.3  
Med = 20.0

**Counsel Hired**  
8%  
(5,144)

**No Counsel Recorded**  
3%  
(1,762)

**Counsel Assigned**  
0%  
(358)  
Mean = 18.1  
Med = 15.0

**Counsel Hired**  
10%  
(5,808)

**No Counsel Recorded**  
2%  
(1,428)

**Means**  
Filing = 0.5  
Disp. = 98.9  
**Medians**  
Filing = 1.0  
Disp. = 53.0

**Means**  
Filing = 0.4  
Disp. = 118.1  
**Medians**  
Filing = 0.0  
Disp. = 74.0

**Means**  
Filing = 0.4  
Disp. = 53.0  
**Medians**  
Filing = 0.0  
Disp. = 21.0

**Means**  
Filing = 0.4  
Disp. = 106.7  
**Medians**  
Filing = 0.0  
Disp. = 41.0

**Means**  
Filing = 0.4  
Disp. = 183.1  
**Medians**  
Filing = 0.0  
Disp. = 92.0

**Means**  
Filing = 1.4  
Disp. = 123.2  
**Medians**  
Filing = 0.0  
Disp. = 44.0

**Counsel Assigned**  
0%  
(2)

**Counsel Hired**  
0%  
(40)

**No Counsel Recorded**  
0%  
(304)

**Counsel Assigned**  
0%  
(8)

**Counsel Hired**  
0%  
(24)

**No Counsel Recorded**  
0%  
(304)

**Counsel Assigned**  
0%  
(2)

**Counsel Hired**  
0%  
(40)

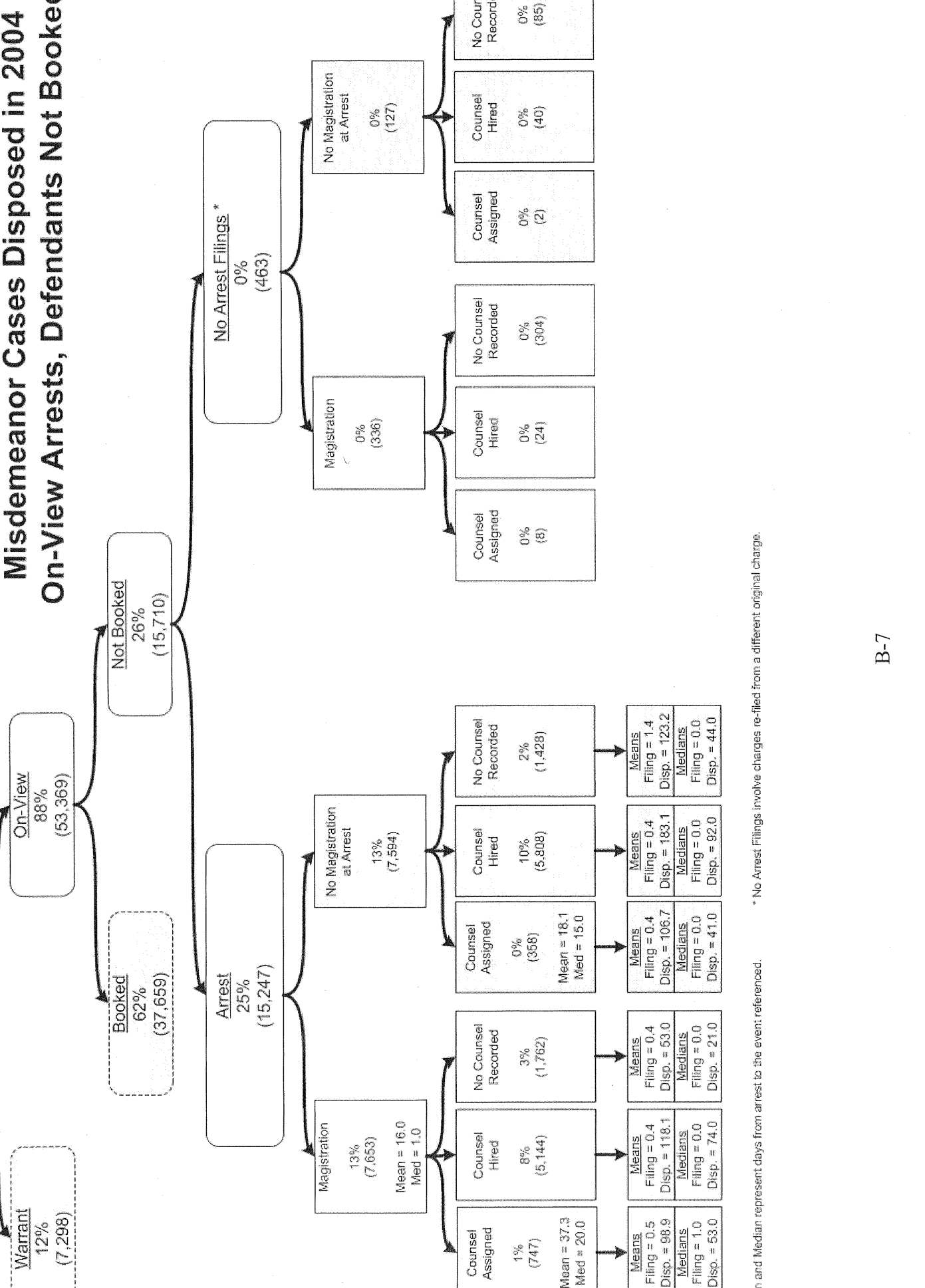
**No Counsel Recorded**  
0%  
(85)

Mean and Median represent days from arrest to the event referenced.

\* No Arrest Filings involve charges re-filled from a different original charge.

**HARRIS COUNTY**  
100%, 60,667

**HARRIS COUNTY**  
**Misdemeanor Cases Disposed in 2004**  
**On-View Arrests, Defendants Not Booked**



Mean and Median represent days from arrest to the event referenced. \* No Arrest Filings involve charges re-filed from a different original charge.

HARRIS COUNTY  
100%, 60,667

On-View  
88%  
(53,369)

Warrant  
12%  
(7,298)

Booked  
8%  
(4,609)

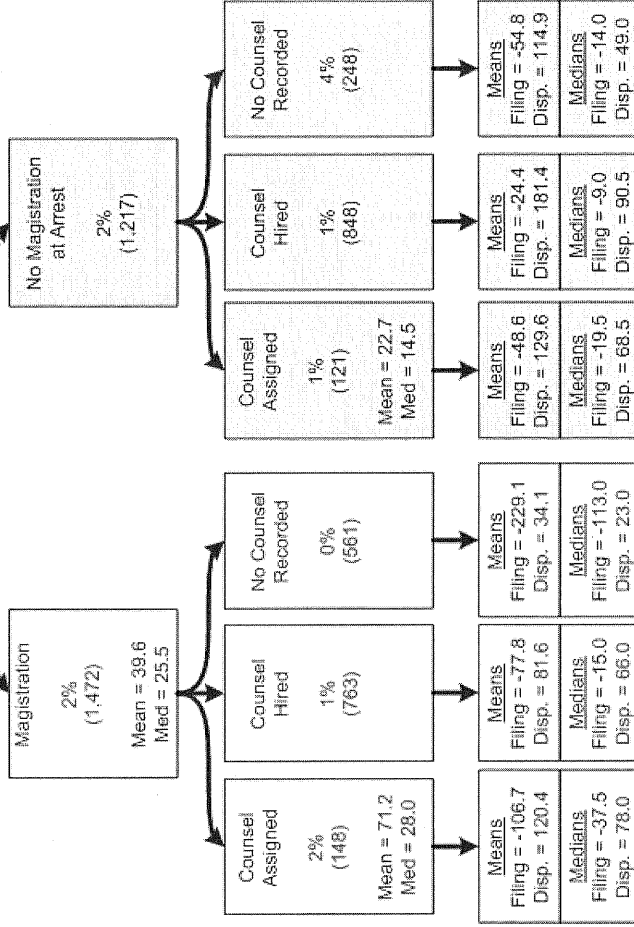
Not Booked  
1=5%  
(2,689)

Arrest  
0%  
(0)

No Arrest\*  
4%  
(2,689)

# HARRIS COUNTY

## Misdemeanor Cases Disposed in 2004 Warrant Arrests, Defendants Not Booked



Mean and Median represent days from arrest to the event referenced.

\*Where Arrest and Booking were not available, Mean and Median represents days from Bond Posted to the event referenced.

**Appendix C**  
**Methodology for Trimming Means**



## **Methodology for Trimming Means**

In order to reduce the influence of a small number extreme and often erroneous values on statistical means reported in this report, outlying values were eliminated using the following method.

- 1) All cases of the variable in question (e.g., “days from arrest to release”) were combined for all three counties.
- 2) Standard deviations were computed to determine the range of values within which most values lie.
- 3) All cases with a value greater than or less than two standard deviations from the mean were excluded from further analysis. In a normal distribution this technique would result in the inclusion of 95 percent of all cases. This percentage may vary with skewed distributions.

The result was a more accurate and stable set of statistical indicators. The following tables present the value of two standard deviations for each variable that was trimmed. They also show the number of cases per variable by site that were excluded from analyses.

1) Days from Arrest to DA Receives File (sd = 158.4)

Original Valid Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Harris	Valid	Selected	52679	100.0	100.0	100.0
El Paso DIMS	Valid	Selected	7993	100.0	100.0	100.0
El Paso No DIMS	Valid	Selected	2974	100.0	100.0	100.0
Bexar	Valid	Selected	28428	100.0	100.0	100.0

Deleted cases > 2 sd

Trimmed Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Harris	Valid	Selected	1	100.0	100.0	100.0
El Paso No DIMS	Valid	Selected	72	100.0	100.0	100.0
Bexar	Valid	Selected	37	100.0	100.0	100.0

Deleted cases < -2 sd or Days from Arrest to Filing < 0

Trimmed Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Bexar	Valid	Selected	3824	100.0	100.0	100.0

2) Days from Arrest to Filing (sd = 181.8)

Original Valid Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Harris	Valid	Selected	52962	100.0	100.0	100.0
El Paso DIMS	Valid	Selected	8021	100.0	100.0	100.0
El Paso No DIMS	Valid	Selected	3368	100.0	100.0	100.0
Bexar	Valid	Selected	27655	100.0	100.0	100.0



Deleted cases > 2 sd

Trimmed Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Harris	Valid	Selected	21	100.0	100.0	100.0
El Paso DIMS	Valid	Selected	9	100.0	100.0	100.0
El Paso No DIMS	Valid	Selected	98	100.0	100.0	100.0
Bexar	Valid	Selected	68	100.0	100.0	100.0

Deleted cases < -2 sd or Days from Arrest to Filing < 0

Trimmed Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Bexar	Valid	Selected	3820	100.0	100.0	100.0

3) Days from Arrest to Counsel Assigned (sd = 182.0)

Original Valid Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Harris	Valid	Selected	25211	100.0	100.0	100.0
El Paso DIMS	Valid	Selected	3384	100.0	100.0	100.0
El Paso No DIMS	Valid	Selected	1223	100.0	100.0	100.0
Bexar	Valid	Selected	20684	100.0	100.0	100.0

Deleted cases > 2 sd

Trimmed Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Harris	Valid	Selected	59	100.0	100.0	100.0
El Paso DIMS	Valid	Selected	76	100.0	100.0	100.0
El Paso No DIMS	Valid	Selected	61	100.0	100.0	100.0
Bexar	Valid	Selected	783	100.0	100.0	100.0

Deleted cases < -2 sd

Trimmed Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Bexar	Valid	Selected	24	100.0	100.0	100.0

3) Days from Arrest to Release (sd = 44.0)

Original Valid Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Harris	Valid	Selected	59224	100.0	100.0	100.0
El Paso DIMS	Valid	Selected	7941	100.0	100.0	100.0
El Paso No DIMS	Valid	Selected	4022	100.0	100.0	100.0
Bexar	Valid	Selected	28459	100.0	100.0	100.0

Deleted cases > 2 sd

Trimmed Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Harris	Valid	Selected	479	100.0	100.0	100.0
El Paso DIMS	Valid	Selected	68	100.0	100.0	100.0
El Paso No DIMS	Valid	Selected	76	100.0	100.0	100.0
Bexar	Valid	Selected	1837	100.0	100.0	100.0

Deleted cases < -2 sd

Trimmed Cases

No cases were input to this procedure. Either there are none in the working data file or all of them have been filtered out.  
This command is not executed.

4) Days from Arrest to Disposition (sd = 407.0)

Original Valid Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Harris	Valid	Selected	59070	100.0	100.0	100.0
El Paso DIMS	Valid	Selected	7509	100.0	100.0	100.0
El Paso No DIMS	Valid	Selected	3316	100.0	100.0	100.0
Bexar	Valid	Selected	28459	100.0	100.0	100.0

Deleted cases > 2 sd

Trimmed Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Harris	Valid	Selected	2888	100.0	100.0	100.0
El Paso DIMS	Valid	Selected	500	100.0	100.0	100.0
El Paso No DIMS	Valid	Selected	289	100.0	100.0	100.0
Bexar	Valid	Selected	4227	100.0	100.0	100.0

Deleted cases < -2 sd

Trimmed Cases

No cases were input to this procedure. Either there are none in the working data file or all of them have been filtered out.  
This command is not executed.

5) Days from Counsel Assigned to Filing (sd = 266.6)

Original Valid Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Harris	Valid	Selected	24898	100.0	100.0	100.0
El Paso DIMS	Valid	Selected	3427	100.0	100.0	100.0
El Paso No DIMS	Valid	Selected	1196	100.0	100.0	100.0
Bexar	Valid	Selected	20353	100.0	100.0	100.0

Deleted cases > 2 sd

Trimmed Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
El Paso No DIMS	Valid	Selected	1	100.0	100.0	100.0
Bexar	Valid	Selected	9	100.0	100.0	100.0

Deleted cases < -2 sd or Days from Arrest to Filing < 0

Trimmed Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Harris	Valid	Selected	146	100.0	100.0	100.0
El Paso DIMS	Valid	Selected	30	100.0	100.0	100.0
El Paso No DIMS	Valid	Selected	37	100.0	100.0	100.0
Bexar	Valid	Selected	4201	100.0	100.0	100.0

6) Days from Filing to Disposition (sd = 607.6)

Original Valid Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Harris	Valid	Selected	60551	100.0	100.0	100.0
El Paso DIMS	Valid	Selected	8021	100.0	100.0	100.0
El Paso No DIMS	Valid	Selected	4129	100.0	100.0	100.0
Bexar	Valid	Selected	27662	100.0	100.0	100.0

Deleted cases > 2 sd

Trimmed Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Harris	Valid	Selected	1524	100.0	100.0	100.0
El Paso DIMS	Valid	Selected	394	100.0	100.0	100.0
El Paso No DIMS	Valid	Selected	815	100.0	100.0	100.0
Bexar	Valid	Selected	2301	100.0	100.0	100.0

Deleted cases < -2 sd or Days from Arrest to Filing < 0

Trimmed Cases

Site w. DIMS split out in EP			Frequency	Percent	Valid Percent	Cumulative Percent
Bexar	Valid	Selected	3822	100.0	100.0	100.0

