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Document Title: Delays in Youth Justice

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Document No.: 228493

Date Received: October 2009

Award Number: 2005-IJ-CX-0041

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Delays in Youth Justice

by

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2009

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Document prepared under grant number 2005-IJ-CX-0041 from the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice.

Table of Contents

EXECUTIVE SUMMARY.....	1
ACKNOWLEDGEMENTS.....	5
PREFACE.....	6
INTRODUCTION.....	8
Time and Adolescence	
Policy and Practice	
HISTORY OF DELAY.....	12
CAUSES AND EFFECTS OF DELAYED JUSTICE.....	16
Resources/Workload	
Jurisdiction Size	
Case Characteristics	
Procedures	
Management and Organization	
CONTROLLING DELAY.....	29
Legal/Professional Efforts to Control Delay	
Managerial Efforts to Control Delay	
CONTROLLING JUVENILE COURT DELAY.....	36
Constitutional Provisions	
Limiting Due Process for Juveniles	
Legislation and Rules in the Juvenile Court	
RECENT TRENDS IN DELINQUENCY CASE PROCESSING TIME.....	53
Case Processing Stages	
Previous Trends	
Study Sample	
Findings	
Discussion	
DELAY REDUCTION EFFORTS IN THREE JUVENILE COURTS.....	77
Hamilton County, Ohio	
Kent County, Michigan	
Peoria County, Illinois	
Discussion	
CONCLUSION.....	99
REFERENCES	103
APPENDICES	114

Delays in Youth Justice

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Executive Summary

The causes of delay in the youth justice system are complex. No single approach is likely to be effective in restoring the timeliness of the process. Researchers have successfully linked court delays to a wide range of factors, including resources and workload, jurisdiction size, case characteristics (e.g., offense type and severity), various procedural factors, management and organization, and the informal norms and values of a court. More research is needed, however, on the factors that facilitate or impede the timely processing of delinquency cases. The literature from criminal (adult) courts may be of limited value in understanding youth justice delays, as the individualized approach of juvenile court proceedings is more complicated and often takes more time at intake, detention, adjudication, and disposition.

There are two basic approaches to controlling processing delays in the youth justice system: 1) managerial; and 2) legal/professional. The first approach is probably most important. It is essential to confront the organizational elements that contribute to delay. Unlike adult defendants in criminal courts, juveniles do not have a Sixth Amendment right to a speedy trial under the U.S. Constitution. A few states have provided something close to juvenile speedy trial rights for juveniles using statutes, court rules, or both. Other states have formally endorsed various administrative standards for the timely processing of juvenile cases. These standards are seldom mandatory, however, and wide variations remain within and across jurisdictions in juvenile delinquency case processing time.

This study reviews the literature on court processing delay and the types of delay that most often affect delinquency cases in juvenile and family courts. It places the concept of court delay in a legal, social, and organizational context and describes the wide range of approaches used to prevent or control unwanted delay, including legislation, court rules, and professional standards. The analysis also describes the results of three case studies conducted in juvenile courts in the American Midwest: Hamilton County (Cincinnati, Ohio); Kent County (Grand Rapids, Michigan); and Peoria County (Peoria, Illinois). These jurisdictions were selected because they each used a different approach to controlling and reducing unwanted juvenile court delays and they were all regarded as effective by their peers, according to a series of interviews conducted by the researchers with juvenile court leaders around the United States.

Delays in Youth Justice

In each of the three courts, researchers interviewed judges and other staff, observed delinquency proceedings, and reviewed court records and statistical reports. The key findings of the case studies include:

- The juvenile court in Hamilton County, Ohio uses a sophisticated and relatively expensive automated case management system to control delay and manage court operations. The court has been very successful in reducing unwanted delays and in documenting its progress in managing the flow of cases. For other jurisdictions with sufficient resources to acquire such complex automated case management systems, the Hamilton County approach may be very instructive.
- In Kent County, Michigan, the juvenile court relies on guidelines and time standards to establish acceptable processing times and then uses a targeted case management approach and customized data collection and reporting to monitor its performance. With the benefit of strong judicial leadership and able court management, the juvenile court established a team of staff to oversee case processing and to disseminate a series of performance measures to track and compare processing times. The Kent County approach depends on a strong local court culture that stresses self-evaluation. This strategy would be effective for courts that do not have the resources to acquire and implement technologically advanced information systems.
- Peoria County, Illinois is a small jurisdiction with few court personnel. Its system for monitoring and controlling delay is largely paper-driven. In recent years, the judiciary was able to identify cases that were lagging, but staff cuts made it difficult to improve timeliness. The probation department then developed a simple data base to track cases, which provided immediate and useful information about caseloads, services, and placements. The County's relatively stable courtroom workgroups and judicial motivation to reduce delay also contributed to the efficiency of the system. Peoria's experience underscores the value of simple information management in an environment of scarce resources and limited personnel.

To examine the larger context of juvenile justice delays, this study also examines twenty years of case-level delinquency data from the National Juvenile Court Data Archive, which is managed for the U.S. Department of Justice by the National Center for Juvenile Justice (NCJJ) in Pittsburgh, Pennsylvania. The analysis includes information from a large sample of juvenile courts and cases handled from 1995 to 2004, and it compares those results with an earlier study that analyzed delinquency processing from 1985 to 1994. Although the earlier study showed that processing times were increasing for delinquency cases nationwide, processing times decreased 10 percent from 1995 to 2004.

Delays in Youth Justice

The number of delinquency cases decreased eight percent during the same period. In both time periods, processing time for delinquency cases is related to jurisdiction size. In the most recent data, the median time to disposition was 49 days in large counties, 40 days in midsize jurisdictions, and 34 days in small jurisdictions. As in the earlier study, petitioned (or formally charged) cases take longer to process than non-petitioned cases. Forty percent of petitioned cases took more than 90 days to process (exceeding all professional standards). There were other variations with respect to total processing time. Among petitioned cases, for example, those involving the use of secure detention were processed more quickly. In addition, the average time to disposition was lowest in jurisdictions with the highest rates of adjudication.

The median processing time in large jurisdictions decreased between 1995 and 2004, regardless of changes in caseload size, while in mid-size and small jurisdictions, processing time increased only when caseloads increased. Longer processing times were associated with formally charged cases that did not result in adjudication. Forty-five percent of these cases took more than 90 days to conclude. These were likely cases held open pending other actions, such as when a juvenile is offered an opportunity to complete a program of voluntary services and sanctions.

Processing times varied according to offense type, regardless of county size. Among adjudicated cases, those receiving dispositions involving an out-of-home placement were processed more quickly than those that received other sanctions or services. Of course, the court data used in this study only measure the use of an out-of-home disposition; they do not indicate when a youth actually goes into a court-ordered placement. Some youth may wait in detention while the court searches for an open residential bed. Thus, time to disposition may not be synonymous with time awaiting placement.

Between 1995 and 2004, processing time decreased the most (11%) in large jurisdictions with declining delinquency rates, but there was no easy link between jurisdiction size, caseload size, and processing time. The formal delinquency caseload in small counties increased by 12 percent but processing times remained unchanged during the period from 1995 to 2004. In large counties, the formal delinquency caseload decreased by five percent, but median processing times fell 12 percent. Even in large counties that experienced a 50 percent increase in their formal delinquency caseloads, median time to disposition fell 11 percent. In sum, case processing times decreased between 1995

Delays in Youth Justice

and 2004. Although the delinquency caseload also decreased during this period, case processing time was more than simply a function of caseload size. The sharpest declines in processing time appeared in: 1) large counties; 2) counties with large proportions of formally processed cases involving secure detention; and 3) those with large proportions of public order offenses.

This report summarizes the findings of a large-scale research project on processing delays in youth justice systems across the United States. The purpose of the project was to provide the youth justice field with empirical information about recent trends in delinquency case processing and to describe the best efforts of local juvenile court managers to measure case processing time and improve the efficiency and effectiveness of the court process. Youth justice delays have clearly not disappeared in U.S. juvenile courts. There are still many jurisdictions where the median processing time for delinquency cases exceeds even the most lenient professional standards promulgated by national organizations and commissions. As juvenile and family courts work to improve the timeliness of their services and sanctions and to share what they learn with others, they will continue to need better information about the causes and consequences of delay, the best methods for controlling delay, and a range of techniques for measuring and comparing case processing time.

Delays in youth justice can have negative consequences for youth, their families, and their communities. Especially given the developmental immaturity of adolescents, swift intervention is likely to be more effective with youthful offenders, both in achieving the specific deterrent effects of punishment and in realizing the potential benefits of treatment and other services. Improving the timeliness of the justice process is far more than a technical matter for managers and judges. It is a critical part of policy and practice in ensuring that the youth justice system fulfills its basic mission.

Acknowledgements

The authors are grateful to Ms. Marilyn Moses of the National Institute of Justice for her support and encouragement in the completion of this project. The research itself would not have been possible without the partnership and support of the National Center for Juvenile Justice, especially the former director of systems research, Howard N. Snyder and the former lead programmer for the National Juvenile Court Data Archive, Terence Finnegan. The authors also appreciate the contribution of their Chapin Hall colleagues, Elissa Gitlow, who was instrumental in the design and conduct of the project's practitioner interviews, and Nathan Hess, who conducted the study's update of statutes and state court rules governing the handling of delinquency cases in juvenile and family courts. Finally, the judges, administrators, attorneys, and court staff interviewed for this project were a key to its success. The authors would like to thank the following individuals from the three jurisdictions visited by the project team:

Hamilton County, Ohio

John Cullum, Chief Deputy Clerk
Melinda Klenk, Executive Director of Docketing and Case Management
Mark Reed, Court Administrator
M. Edward Ryan, Chief Probation Officer
Kathy Watkins, Magistrate

Kent County, Michigan

Doug Dok, Jr., Referee
David Drain, Deputy Court Administrator for Management
Doug Gaddy, Intake Department Supervisor
Hon. G. Patrick Hillary
Terry Holtrop, Case Management Manager
Jim Koetsier, Deputy Circuit Court Administrator
Jack Roedema, Circuit Court Administrator
Vicki Seidl, Senior Attorney, Kent County Prosecutor's Office
Brian Vogel, Supervisor of Probation

Peoria County, Illinois

Hon. Chris L. Fredericksen
Steven Kossman, Director of Probation and Court Service
Michael Spokely, Chief, Juvenile Division, Assistant State's Attorney

Preface

The only federally-funded research project on delays in the juvenile justice system was published more than a decade ago (Butts, 1996 & 1997; Butts and Halemba, 1996). Since then, juvenile justice delay has become a more prominent concern for policymakers, practitioners, and the public. Increasingly, juvenile courts monitor the speed of their delinquency process either to comply with statutory and administrative standards or simply to control the delays in adjudication and disposition that can weaken the impact of court sanctions. Few resources exist, however, for comparing the methods and successes of jurisdictions as they seek to identify and reduce unwanted delays. Practitioners and policymakers need research that can assist them in developing effective strategies for controlling delay and in disseminating outcomes from delay-reduction efforts.

With funding from the U.S. Department of Justice's National Institute of Justice (NIJ), Chapin Hall at the University of Chicago recently addressed the gap in research knowledge about youth justice delay. The Chapin Hall team worked in collaboration with staff at the National Center for Juvenile Justice and with the staff and leadership of three juvenile courts in the Midwestern United States. The study investigated the social and legal context of juvenile court delay, examined the timing of delinquency proceedings across the country, and reviewed the methods currently used to track case processing time in small, mid-sized, and large juvenile courts. The goal of the project was to increase practitioner knowledge about the origins and impacts of processing delays and to encourage the development of new approaches for monitoring and evaluating the timeliness of the delinquency process.

The research team began by reviewing the professional and academic literature about case processing time and the policy context of juvenile justice delay. The researchers then visited three juvenile court jurisdictions in the Midwest: Hamilton County, Ohio (including the city of Cincinnati), Kent County, Michigan (including the city of Grand Rapids), and Peoria County, Illinois. During each visit, the Chapin Hall team met with and interviewed court administrators, judges and staff to discuss the range of obstacles they faced in reducing delinquency delays and their methods for doing so.

Finally, the project team analyzed the timing of delinquency case processing in a large sample of jurisdictions across the United States.

Delays in Youth Justice

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As in the previous study of delinquency delays, this study used data from the National Juvenile Court Data Archive at the National Center for Juvenile Justice (NCJJ) in Pittsburgh, Pennsylvania. The analysis was designed to replicate and update the findings of the previous study. It reviewed the stages of the juvenile court process and examined trends in case processing time within various categories and types of delinquency cases.

The previous study reported that the median disposition time for delinquency cases had increased 26 percent between 1985 and 1994, and a large proportion of delinquency cases handled in U.S. courts exceeded established professional standards for processing time. Policymakers and practitioners need to know whether the efficiency of youth justice has improved, stayed the same, or deteriorated since the mid-1990s. The American juvenile justice system experienced significant changes in recent decades. The number of law violations handled by U.S. juvenile courts grew considerably through most of the 1990s and then declined through 2004 (Stahl et al., 2007). The number of formally processed delinquency cases nearly doubled between 1985 and 1997 and then dropped ten percent between 1997 and 2004. Practitioners do not know whether these changes influenced the efficiency of the juvenile justice process because the timeliness of delinquency processing is not tracked as carefully as other statistics about juvenile crime. This study addresses this lack of knowledge.

Introduction

The effectiveness of the juvenile justice process depends at least in part on its timeliness. Slow and inefficient case processing prevents the timely receipt of court-ordered services and sanctions for juvenile offenders. Unless the juvenile court intervenes shortly after the occurrence of an offense, many youth become recidivists before the court has even had the opportunity to respond to their prior offenses. In one study of 4,300 juvenile offenders in Phoenix, more than a third (38%) of all youth were re-arrested within one year of their first offense and nearly half (46%) of those new arrests occurred before the juvenile court had reached a final disposition on the first case (Rebeck, 2003). In other words, a juvenile court process that takes too long virtually guarantees that many youth will receive no sanctions or court-ordered services until after their next offense. Court processing delays interfere with the court's ability to achieve its stated goals of early intervention and rehabilitation.

Delays in youth justice may also prevent the effective use of punishment. Economists refer to the phenomenon as the “discounting” of punishment: “a punishment at some time in the future has a smaller deterrent and retributive effect than the same punishment in the present” (Listokin, 2006: 1). There is still very little research on the topic, but it appears that youth are less likely to re-offend when the justice system handles their cases efficiently. One European study found that a mild, but quick punishment was the most effective behavioral deterrent for adolescents (Bol, 1995). A study from the United States suggested that even the speed of diversion may help to reduce recidivism (Barnoski, 1997). Prosecutors from the State of Washington introduced a “fast track” process for juvenile offenders to divert minor offenses to Community Accountability Boards within twelve days as opposed to the normal waiting period of several months. In a follow-up study, six-month felony recidivism rates were low for all offenders due to the nature of the caseload affected by the program, but fast-tracked juveniles re-offended at one-third the rate of a comparison group (4% versus 12%).

Decades of research have established that the celerity (or speed) of punishment is related to its impact on behavior (e.g., Aronfreed and Reber, 1965; Banks and Vogel-Sprott, 1965; Deluty, 1978; Johnston, 1972; Miller, Reid and Porter, 1967). Most basic research on celerity, however, derives from laboratory experiments. Generalizing from

controlled experiments to actual application in the justice system can be risky. Laboratory studies are often concerned with time intervals of minutes or seconds rather than weeks or months. In addition, justice researchers argue that laboratory experiments have limited relevance to the criminal justice system because court sanctions cannot be (and should not be) applied as consistently or predictably as are the behavioral reinforcements in laboratory studies (Zimring and Hawkins, 1973).

Speed is not the only indicator of quality justice and it is not always associated with general deterrence (i.e., crime rates in general). Bailey (1980) analyzed the timing of capital sentences and their effect on homicide rates and found that swiftness was not a general deterrent. Selke (1983) assessed the deterrent effect of swift punishment in adult burglary cases and found that the length of time between arrest and sentencing had only a moderate effect on arrest rates for burglary ($p < .10$). On the other hand, research assessing the impact of state policies toward alcohol-impaired driving found that controlling the celerity of punishment could reduce single vehicle nighttime fatalities (Legge and Park, 1994). Another study found that the overall rate of property crime in Italy was partly related to the average lag time between arrest and punishment (Pellegrina, 2008). Studies of the role of celerity in specific deterrence (i.e., on individual offenders) have also been mixed. In a survey of college students, Nagin and Pogarsky (2001) found that celerity of punishment did not predict the likelihood of drunk driving. A study of recidivism among drunk-driving adults found that the time between arrest and punishment did not have a direct, independent effect on individual recidivism (Yu, 1994). Yet, celerity and severity together did seem to reduce recidivism. In other words, severe punishments imposed swiftly may reduce recidivism more effectively than can either severe or swift punishments alone.

Time and Adolescence

The speed of punishment is a basic component of deterrence. To be effective in shaping future behavior, punishment has to be prompt. If not, individuals are less likely to attribute their receipt of punishment to the offending behavior and legal sanctions will be less effective in reducing future offending. Timely sanctions may be even more important for juveniles. Developmental differences between adolescents and adults suggest that the timing of court processing could impact younger offenders differently. Cognitive functions, such as the capacity to reason and to anticipate consequences, continue to

Developmental differences between adolescents and adults suggest that the timing of court processing could impact younger offenders differently.

Delays in Youth Justice

develop throughout mid to late adolescence. Research has shown that adolescents have fewer of the cognitive abilities needed to understand the court process, and even older adolescents differ from adults in the cognitive functioning required for mature judgments (Grisso et al., 2003; Tobey, Grisso, and Schwartz, 2000).

Adolescents and adults are simply different. While many adolescents have the cognitive abilities to participate in the court process, they may lack the psychosocial maturity required for sound judgment and decision-making. Developmental differences in psychosocial maturity call into question the treatment of adolescents in an increasingly punitive juvenile court system. In particular, issues of developmental status raise questions regarding the competency of adolescents to understand fully the impact of court proceedings (Steinberg and Schwartz, 2000). One study found that juvenile offenders were more easily distracted in court, more likely to exhibit poor demeanor, to become bored with the court process, and to make decisions based solely on immediate concerns (Tobey, Grisso, and Schwartz, 2000). Few jurisdictions formally recognize developmental maturity as a basis for competence, but researchers argue that developmental status should be relevant when determining adjudicative competence (Bonnie and Grisso, 2000; Grisso, 2000; Grisso et al., 2003) and in decisions regarding leniency toward juvenile offenders and the transfer of juveniles to criminal court (Brink, 2004; Grisso, 1996).

In addition to issues surrounding competence and lenience, psychosocial maturity is relevant to the timeliness and impact of juvenile court dispositions. Adolescents have less ability to take long-term consequences into consideration and a greater propensity for shortsighted decision-making (Grisso, 2000; Grisso et al., 2003). Particularly in stressful circumstances, adolescents can exhibit a sense of “futurelessness” in evaluating the possible gains and risks associated with personal behavior and choices (Grisso, 1996). With less ability to anticipate long-term consequences, juvenile offenders would tend to focus on the short term (Steinberg and Cauffman, 1996). Their primary motivation may be for court proceedings to end, regardless of outcome. As the court process takes longer, youth may be less able to assist in their defense and to ensure a just outcome. Timely case processing has the potential to generate better outcomes for youth, their families, and their communities.

Policy and Practice

Research suggests that the effectiveness of the juvenile justice process depends at least in part on its timeliness. Yet, most jurisdictions in the United States still place no mandatory time limits on the juvenile court's processing of delinquency cases, either through rules or legislation (Butts and Sanborn, 1999). Only a handful of state courts have recognized some form of speedy trial rights for accused juveniles and some have explicitly denied juveniles this right (Butts, 1996). Since the 1970s, several national commissions have promulgated standards and guidelines for the handling of juvenile delinquency cases. The impact of these efforts, however, is uncertain. Organizational interventions such as coordinated case flow management systems may offer a more productive approach to dealing with juvenile justice delays, but their use is not yet widespread and little evidence exists about their effectiveness. Currently, the principal factor that determines whether an individual youth is afforded any protection against unreasonable juvenile court delay is where that youth happens to reside within the United States. Similar inconsistencies in other juvenile rights are sometimes described as providing "justice by geography" (Feld, 1991).

The importance of time for the overall effectiveness of the juvenile justice system suggests that policymakers should consider a comprehensive approach to controlling the pace of juvenile court processing. To pursue such an approach, researchers need to measure more closely the impact of the patchwork of rules, statutes, and standards used to address juvenile court delay throughout the country. Practitioners must use the findings of research to refine their efforts to reduce unwanted delay in youth justice.

The importance of time for the overall effectiveness of the juvenile justice system suggests that policymakers should consider a comprehensive approach to controlling the pace of juvenile court processing.

History of Delay

Justice delay has a “long and notorious history” (Church et al., 1978:2). Researchers have noted references to the “law’s delay” by literary figures from Shakespeare and Moliere to Chekhov and Dickens (Fleming, 1973; Haynes, 1973; Luskin, 1978; Neubauer and Ryan, 1982; Trotter and Cooper, 1982; Luskin and Luskin, 1986). Government officials have been concerned about court delay for decades. Chief Justice Earl Warren warned that “interminable and unjustifiable delays in our courts” could compromise the “basic legal rights” of Americans and eventually erode “the very foundations of constitutional government in the United States” (as quoted in Haynes, 1973:46-47). William Howard Taft asserted that the efficiency of the courts was a critical component in the effectiveness of the entire government:

If one were asked in what respect we have fallen furthest short of ideal conditions in our government, I think we would be justified in answering, in spite of the glaring defects of our system of municipal government, that it is our failure to secure expedition and thoroughness in the enforcement of public and private rights in our courts (as quoted in Haynes, 1973:46).

Such warnings have been issued periodically throughout the past century and have prompted researchers and scholars as far back as the 1920s to investigate the causes and effects of court delay (Pound and Frankfurter, 1922; Morse and Beattie, 1932). During the 1950s and 1960s, researchers examined delays in the handling of personal injury litigation (Rosenberg and Sovern, 1959), in the processing of civil court caseloads (Zeisel et al., 1959; Levin and Woolley, 1961), and in criminal prosecutions (Banfield and Anderson, 1968). Despite this lengthy history, the problem of court delay continues to generate concern and debate.

Court delay appears to be a very stubborn problem. Solutions are often advanced to deal with delay, but few are thought to be successful. Some researchers have argued that court delay is uniquely resistant to intervention because two influential groups of court professionals tend to view delay in vastly different terms. Court administrators seek order, rationality and predictability in the courtroom, while judges and other attorneys are trained to think non-bureaucratically, and to place primary importance on the quality of the legal process rather than on

Delays in Youth Justice

its efficiency (Saari, 1982). While administrators, judges, and attorneys share the common goal of providing justice and due process, their concerns about the timeliness of court procedures vary.

The fact that court delay continues to cause problems despite extensive efforts to control it may also reflect a desirable tension between the conflicting goals of justice. Packer described two competing models that influence our thinking about the justice system—crime control and due process (Packer, 1968). Under the crime control model, the most important function of the justice system is to repress criminal conduct. The effectiveness of the system depends on uniformity, speed, and finality (i.e., low rates of appeal). Under the due process model, the central function of the justice system is to mediate disputes. The due process model stresses quality and thoroughness, and places less importance on efficiency or speed.

Packer noted that the criminal justice system has tremendous destructive potential for civil liberties and social freedoms. Society must prevent the justice system from achieving maximum efficiency. Courts may be encouraged to pursue the crime-control values of uniformity, finality, and speed, but they should not be permitted ever to reach perfection. A reasonable level of court delay benefits society by providing a check upon the destructive powers of the State. Pervasive and chronic delays, however, impede due process which is also an important check upon State power.

A certain magnitude of delay may be necessary for a court to function as an organization. The word “delay” is a pejorative term suggesting that faster is always better. Yet, the parties involved in a court case do not always desire a speedy resolution. Judges, attorneys, witnesses, and defendants may have competing interests that may be satisfied by slower rather than faster dispositions (Luskin, 1978; Sarat, 1978). If court administrators were to become too successful in reducing delays, prosecutors and defense attorneys would most likely take actions to restore some amount of delay, such as filing more motions or seeking additional continuances (Levin, 1975; Posner, 1973).

Speed is one of the more easily measured standards with which to evaluate the performance of the justice system, but equating speed with effectiveness would be inappropriate. The task of court administration is not to eliminate delay but to control it. Of course, it is far easier to oppose unnecessary delay than it is to specify what forms of delay are unnecessary and then to control them. Obvious and excessive delays

The fact that court delay continues to cause problems despite extensive efforts to control it may reflect a desirable tension between the conflicting goals of justice.

have few defenders. Most of the inefficiencies in justice are caused by non-obvious and routine processing delays.

Delay can have negative consequences for defendants, for court, and for society. For defendants, the costs of delay may include the temporary loss of income, the loss of employment altogether, and even the loss of due process (Levin, 1975:121). Defendants may spend months in jail waiting for the resolution of their trials. In pretrial facilities, relatively minor offenders may be forced to mingle with serious or violent offenders for extended periods. On the other hand, defendants may benefit if processing delays weaken the prosecution's case by causing witnesses to lose memory of an incident or to drop out of the court process from frustration. In his study of criminal case processing in the New Haven Court of Common Pleas, Feeley (1992) found a shared belief among defense attorneys that delay was usually in the interests of their clients rather than those of the prosecution. These attorneys pointed out that in some cases "speedy trial is a denial of due process" (Feeley, 1992:134).

In addition to its impact on defendants, delay interferes with the general effectiveness of the courts. Some researchers have warned that excessive delay may increase a court's willingness to grant lenient case dispositions, thereby reducing the overall deterrent effect of the process (Banfield and Anderson, 1968). Long processing delays and case backlogs may make courts reluctant to engage in full-length trials, more tolerant of plea bargaining, and more receptive to the delaying tactics of attorneys. Delay may also weaken the certainty and finality of sanctions if the appellate process is prolonged unnecessarily (Levin, 1975:128; Chapper and Hanson, 1988:7). In a cost-benefit framework, excessive court delay may increase both the "direct costs" and "error costs" of the legal process (Posner, 1973). Direct costs increase as court participants are compelled to spend considerable time and resources on tangential matters that do not lead directly to case dispositions. Error costs increase as witnesses drop out or other evidence becomes unavailable or less useful to the prosecution due to the passage of time (Cannavale and Falcon, 1976; Rosett and Cressey, 1976).

Scholars have noted that a slow court process is much like other bureaucratic bottlenecks that often afflict human service organizations (Blumberg, 1967; Mather, 1979; Heumann, 1978; Eisenstein and Jacob, 1977; Jacob, 1983). Mohr observed that sluggish court procedures may be inevitable since the courts serve a primarily impoverished clientele (Mohr, 1976:621). Large organizations designed to move people and

their problems through a complicated decision-making process will inevitably confront inefficiencies. When the people served by the organization are mostly from poor, low-status communities, there is an increased tendency for the processing organization to be under-staffed, under-funded, and overwhelmed by its workload. For the poor and disadvantaged, therefore, court delay may be just one more experience with organizational maltreatment.

Causes and Effects of Delayed Justice

Concerns about delayed justice have existed for centuries, but most studies on the causes and consequences of delay are relatively recent. The vast majority of existing research appeared after 1970. Recent studies have investigated the correlation between delays and offender-specific factors such as the seriousness of offenses involved in a case, the prior record of the offender, and the pre-trial custody status of the offender. Other researchers have looked at the size of court caseloads, judicial workloads, the number and complexity of attorney motions, and policies governing the granting of continuances. Some studies have suggested that case processing time is affected by docket management systems (e.g., master versus individual docket) or the impact of informal norms and attitudes about case processing time.

After several decades of studying justice delays, researchers concluded that there are many potential causes of delay and they do not always work the same way. Depending on the particular study, the speed of case processing may vary independently of most of the factors commonly thought to cause delay, such as offender characteristics, court resources, and courtroom procedures. Feeley observed that delay is never one problem, but more of a syndrome of related problems—“delay is a blanket term covering a host of different problems caused by various factors, all requiring different responses” (Feeley, 1983:182). A particular case handling practice may create backlogs in one court, but the same practice in other courts may not generate delay. Moreover, delay may be caused by “cultural” elements that have little to do with policy and procedure, such as staff attitudes and informal customs. Even cultural factors, however, will never fully explain why case delays develop, nor will they help courts to avoid or reduce all delays.

To develop a full understanding of court delay, it is necessary to take account of a wide range of forces inside and outside the court. Courts are organizations. As such, they are partly the product of external forces, such as the extent of competition and cooperation between related organizations, market characteristics, cultural values, economic conditions, and the political climate. Without an understanding of the relationship between an organization and its environment, researchers may be misled by meaningless empirical relationships between internal management characteristics and organizational outcomes.

Delays in Youth Justice

Most studies of court delay have focused on the civil and criminal justice systems. There are very few studies on the timing of the juvenile justice process. One investigation found that even by the 1980s there was “essentially no literature on the delay of juvenile justice” (Mahoney, 1985:37). Although there is growing interest in juvenile justice practice that improves the timing of case processing (e.g., Mahoney, 1987; Feld, 1993; Butts and Halemba, 1996; National Council of Juvenile and Family Court Judges, 2005), most empirical understanding of delay continues to originate in research on the criminal and civil courts (Heise, 2000). For at least 50 years, researchers have been measuring the various influences on court delay and attempting to specify why and how some courts are faster than are others.

Resources / Workload

The earliest studies of court delay advanced a rather simple notion. In the first comprehensive study of delay, Zeisel, Kalven and Buchholz (1959) attributed delay to an imbalance of supply and demand—i.e., cases move slowly when the demand for court time overwhelms the potential supply of judges. Given this perspective, the obvious solution to court delay was to add more judges. Zeisel and his colleagues wrote confidently that “it takes no ghost come from the grave to tell us that delay can be cured by adding more judges” (Zeisel, Kalven and Buchholz, 1959:8).

Other early accounts promoted similar views. In 1967, the President’s Commission on Law Enforcement and Administration of Justice issued a task force report on the operation of U.S. courts that described the problem of court delay and listed various causes for it, including a lack of resources and increasing caseloads (President’s Commission, 1967:82). Rosenberg characterized court delay as an outcome of inadequate court management that allowed the demand for services to overtake supply (1965). Ten years later, Gillespie (1977: 1) reviewed the literature on delay and identified a familiar set of factors thought to cause delay:

“... archaic procedures, judicially mandated changes in criminal procedures to make ‘due process’ more meticulous and protective of the rights of the accused, lack of court resources to cope with the ‘litigation explosion,’ a shortage of trial lawyers, or—in the view of an early researcher in the area—simply a lack of administrative will by the courts themselves.”

For at least 50 years, researchers have been measuring the various influences on court delay and attempting to specify why and how some courts are faster than are others.

Church and his colleagues noted in the late 1970s that the imbalance of resources and workload was the “most commonly asserted cause of delayed case disposition” (Church et al., 1978:24). Researchers typically focused on staffing shortages, budget limitations, overworked judges, lack of courtrooms, etc. Their studies often began by assuming that more resources would enable courts to cope better with their workloads, which would reduce delay (e.g., Miller, 1966; Banfield and Anderson, 1968; Frank, 1969; Katz, Litwin, and Bamberger, 1972). Yet, these studies generally failed to confirm their central hypothesis. Research on trial times in courts with varying levels of judicial resources (or those that examined single courts whose judicial resources varied over time) consistently failed to find a strong association between delayed case processing and lower levels of judicial resources (Rhodes, 1976; Campbell, 1973; Gillespie, 1977; Goerdt et al., 1989:74). Most practitioners, however, continued to believe that resources and workload determined a court’s ability to be efficient.

Some studies suggested that other factors—some of which tend to occur under conditions of high workload—may be more directly responsible for the extent of processing delays. Levin (1975:97) argued that a large workload indirectly brings about delay by creating opportunities for court participants to prolong the dispositional process in particular cases. Defense attorneys take advantage of the pressures created by a large workload to engage in plea bargaining or “judge shopping,” knowing a court will be more willing to grant continuances if it faces a large backlog. Other delaying tactics, such as filing multiple motions or requesting full-length trials, may be used more often by attorneys in courts with large backlogs. In general, however, research suggests that it is overly simplistic to assume that delay is solely a function of workload and that additional court resources will clear up all delay problems. Courts with large caseloads (or those with a high ratio of cases per judge) are not necessarily slower than courts with small caseloads (Heise, 2000). While resources and workload must be included in any effort to explain or reduce delay, their effect on case processing time is often indirect.

Jurisdiction Size

Many criminal justice professionals assume that only large jurisdictions have court delay problems. Mahoney and his colleagues observed that “one of the most commonly held maxims about court delay” is that large, urban courts are far more likely to have delay problems simply because of their size (Mahoney et al., 1988:46). There was always

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a grain of truth in this argument, but delays are clearly not simply a function of court size. Goerdt and his colleagues (1989:71–72) found “little, if any, relationship” between case processing time and the size of a court’s jurisdiction, the number of cases handled by the court, or the number of judges. Hagan and Zatz (1985) investigated the same question and found that size was not directly related to court processing time. Size was useful, however, in predicting the case handling style of police and prosecutors (e.g., the likelihood of a case being dismissed at pre-trial), which may be related to the severity of delay problems. Mahoney and his colleagues also found no relationship between the size of a court’s jurisdiction and the speed with which it was able to handle its caseload. Their study compared case processing times in 18 urban trial courts. One of the elements of court structure they examined was the relationship between the size of a court and its ability to bring cases to final disposition in a timely fashion. The results suggested that smaller courts had no inherent advantage in case processing time when compared with larger courts (Mahoney et al., 1988:46).

Similarly, the Pretrial Delay Project by Church and his colleagues found that while there was some association between size and delay, slow courts are not always large courts. Some of the smaller courts in the study were “substantially slower” than expected given their size (Church et al., 1978:24). The conclusion of most studies seems to be that delay problems are more likely in large jurisdictions, but significant variation remains among both smaller and larger jurisdictions in the ability to manage court caseloads effectively. Apparently, size alone does not cause case delay.

Case Characteristics

Another common assumption among both researchers and practitioners is that courts with the most severe delays are those courts that handle a disproportionate number of “problem” cases. Problem cases may be defined as cases with serious offenses, cases involving defendants with lengthy prior records, cases involving bailed defendants, etc. Many researchers have found that case processing times tend to be longer when defendants are released to await trial (e.g., Swigert and Farrell, 1980). Obviously, when a defendant is out on bail awaiting trial, it is in the defendant’s self interest to procrastinate since the final disposition of the case might involve incarceration (Wildhorn et al., 1977). Other court participants have reasons to give priority to jailed defendants (Luskin and Luskin, 1987:209). State statutes and court rules often require more speedy handling of cases when a defendant is in jail, and

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the pressures created by jail over-crowding sometimes prompt courts to focus on resolving the cases of jailed defendants more quickly. Regardless of the reasons, it is clear that cases involving defendants who are in custody awaiting trial tend to reach disposition faster, on average, than cases involving defendants who are not in custody. One exception in the juvenile justice system, however, may be juveniles held in secure detention pending a motion for transfer to the criminal court system. Juveniles who are detained awaiting transfer may be in the court system far longer than the typical delinquency case (Butts and Gable, 1992).

Some researchers have found that race and ethnicity may be associated with case processing time. Banfield and Anderson (1968) found that criminal cases with white defendants took longer, although one reason for the difference was that cases involving white defendants involved more continuances. Swigert and Farrell (1980) found evidence to suggest that homicide cases in which the defendant was white were processed more slowly than cases in which the defendant was black. In criminal cases of first-time defendants, Zatz and Lizotte (1985:324) found that defendant race was related to the time between arrest and disposition for cases resulting in guilty pleas as well as those involving trials. In both guilty plea and trial cases, Latino defendants were processed more quickly than white defendants (8% and 13% more rapidly, respectively). Criminal cases involving black defendants reached disposition at about the same rate as white defendants when the case resulted in trial. In cases involving guilty pleas, however, dispositions were significantly slower if the defendant was black. On the other hand, Neubauer and Ryan (1982:233) found no significant relationships between case processing time and defendant race. The conflicting and inconsistent results of the available research on race suggests that the impact of racial characteristics on processing speed is most likely an artifact of other factors.

Several studies have suggested that the courts with the greatest delay problems are those with the most serious offenders. Hausner and Seidel (1979), for instance, found that the time required to process cases in the D.C. Superior Court increased with the average seriousness of the charges involved in a case. Time to disposition was greater in cases involving violent felonies such as robbery, rape, or homicide. In their comparison of 26 felony courts, Goerdts and his colleagues (1989) found a significant association between the proportion of cases involving drug sales and the length of case processing time in the court as a whole.

Zatz and Lizotte (1985) also found that offense severity was related to processing time, although not in a uniform way. They speculated that a prosecutor may prefer to share responsibility for serious cases with the judge, and that the court's involvement would be naturally greater in such cases, thereby increasing delays (Zatz and Lizotte, 1985:324). Defendants in serious cases may also be more likely to prolong their plea decisions because charge severity increases the likelihood of a lengthy incarceration (Mather, 1979). Mahoney and his colleagues (1988) were unable to find evidence that case processing delays were caused by offense severity. They analyzed the proportion of serious cases in a court's caseload and median case disposition time and found "little relationship" between the two (Mahoney et al., 1988:47). The findings of the Pretrial Delay Project also showed no relationship between the severity of a criminal court's caseload and the extent of delay. Courts with the most serious caseloads did not seem to have difficulty handling cases efficiently (Church et al., 1978:29–30).

Other researchers have explored whether court delay is a function of the overall mix of cases seen in a court rather than simply the offense profile of each case. Neubauer and Ryan (1982) analyzed case records and interview data from three criminal courts (Providence, Rhode Island, Dayton, Ohio, and Las Vegas, Nevada). The length of case processing time was positively correlated with three variables: 1) the number of motions filed in each case; 2) the "mode of disposition" being something other than a guilty plea; and 3) the pretrial custody status of the defendant (i.e., bailed cases were processed more slowly than jailed cases). Some first-order correlations in the analysis turned out to be the result of interactions between independent variables. Cases involving charges of burglary, for example, were processed more quickly because they were more likely than other charges to be disposed by guilty pleas, which reduced the time required to reach disposition (Neubauer and Ryan, 1982:221).

Other researchers reached similar conclusions. One reason that case processing time may increase with the severity of charges involved in a case is that courts naturally spend more time and resources in reaching dispositions (e.g., negotiating pleas) when the charges are relatively serious. Cases involving serious charges may also be more likely to be disposed through trial, which leads to longer case processing (Mather, 1979). Luskin and Luskin (1987) found that "case-specific incentives" and case complexity had minor and inconsistent effects on case processing time, while "case events" and structural factors were more consistently predictive of the length of case processing. Among

case-specific factors, only the defendant’s pretrial custody status had significant and expected effects—cases were processed at least a month faster in all courts when the defendant was jailed during the pretrial period. Other case factors, including severity of offense, may have had significant associations in some courts but not others, leading the researchers to conclude that the effect of these factors was not essential to understanding variations in processing delays.

Zatz and Lizotte (1985:318) tested whether case processing time was related to a defendant’s prior record. When a person has been arrested repeatedly, they hypothesized, he or she may become familiar to the prosecutors and judges in the court, and the court may be more comfortable reaching speedy decisions because of this prior knowledge. Experienced defendants may also exercise their choices about pleas differently than first-time defendants. Their greater experience may lead them to evaluate the prospects of conviction and incarceration differently. For this reason, Zatz (1982) suggested that case processing time should be analyzed within “ shifts,” where a shift is defined as an entire sample of cases with the same number of prior arrests (all first-time defendants, all those with one prior arrest, etc.). Zatz and Lizotte also tested whether the speed of case processing varies with offense specialization. Defendants arrested repeatedly for the same offense moved more slowly from arrest to disposition by trial (Zatz and Lizotte, 1985:329). The researchers observed that plea negotiations may be more intense and more complex in such cases due to the greater experience of everyone involved, and this prolongs the time before one party eventually demands a trial (see also Hagan and Zatz, 1985).

The consensus of the research literature on case characteristics would appear to be that factors such as pre-trial custody status, offense severity, and a defendant’s prior record are often related to aggregate patterns of case processing time. Their connection to case processing time, however, may reflect the impact of case complexity on delay rather than straightforward associations between case processing time and each of these variables. Their relationship to case processing time can also be non-linear. An extensive prior record may increase the time to disposition in some cases, but other experienced defendants may reach disposition more quickly. Simply correlating case characteristics and the time to disposition may distort or even conceal the true nature of these associations.

Several researchers have found that courts with high rates of private defense counsel tend to experience more delay. These studies suggest

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that case processing time rises when a defendant is represented by private as opposed to court-appointed counsel because court-appointed attorneys are more subject to administrative control by the court and they accommodate more readily to court pressure for quick litigation (Wice, 1978). Of course, the relationship between case processing time and legal representation may be an artifact of the association between defendant resources and bail status—i.e., defendants able to afford private counsel are more likely to pay bail and to seek delayed disposition (Skolnick, 1967; Neubauer, 1974; Neubauer and Ryan, 1982).

Excessive delay may also be an indication of a relatively stable courtroom work group in which attorneys have become highly experienced. Experienced attorneys can become very skilled at defeating judicial efforts to control the speed of case processing (Galanter, 1974). Experienced attorney can sometimes be even more familiar than are judges with the informal norms of their shared courtrooms. If delay could benefit their clients, skilled attorneys may be able to manipulate court procedures to prevent timely dispositions (Rosett and Cressey, 1976). Delay can also be advantageous to attorneys themselves, either from a financial or workload perspective.

Procedures

Many researchers have studied court procedures in their efforts to understand delay. Obviously, the time a court must spend on a case derives at least in part from the complexity of the procedures required to reach a final disposition in the case. A number of procedural factors appeared to be associated with court delay— e.g., the number of continuances granted per case, the number of substantive motions filed per case, and the proportion of cases involving full-length trials (Levin, 1975; Luskin and Luskin, 1987). Researchers have often asked why judges would contribute to delay problems by agreeing to repeated continuances. The literature on plea bargaining suggests that judges may sometimes tolerate excessive defense requests for continuances because the defense wields an implicit “threat” of forcing time-consuming trials by maintaining not-guilty pleas. Levin, however, found that most court participants did not think such threats were credible because defense attorneys were just as interested in avoiding trial as any other party (Levin, 1975:115). Some analysts have suggested that judges may grant large numbers of continuances out of concern for appellate reversals if the defense is able to argue it had insufficient time to prepare for trial (Fleming, 1973). In most courts, however, the actual rate of criminal

appeals is so low that this argument cannot explain judges' willingness to grant continuances. Others argue that judges grant continuances out of professional courtesy to attorneys, and because they see a certain amount of delay as expected and normal. Feeley (1992:175) suggested that some judges prefer to give "blanket" approval to continuances rather than make the effort in every case to distinguish between legitimate and "concocted" reasons for continuances.

Sometimes continuances may represent the best efforts of the court, the prosecutor, and defense counsel to reach a just disposition while minimizing formal court action. Pre-trial diversion programs, for example, may give defendants adequate time to demonstrate their desire for rehabilitation or to make restitution before being formally charged and/or adjudicated. When appropriate (i.e., cases involving minor charges, no priors, and compliant defendants), courts may agree to delay formal adjudication so that the defendant may complete a counseling program, obtain employment, repay a victim, etc. If a defendant were able to complete the service plan, the case would be dismissed, the defendant would be spared a criminal record, and the court would save the time and expense of additional filings and hearings. Researchers have long debated the role played by continuances in generating case processing delays. Zeisel (1959) found that continuances had a relatively minor impact on a court's general ability to process cases in a timely manner. On the other hand, the Pretrial Delay Project concluded in the 1970s that while continuances may have a minor impact on a court's aggregate case processing time, their secondary effects could be far more serious. Lenient policies on the use of continuances could influence a court's organizational culture in a way that decreases concern about delay in general.

Researchers have examined a number of other aspects of court operations for their association with delay, including the use of settlements versus full-length trials and the processes used to initiate formal criminal charges. Church and his colleagues reported that courts relying heavily on the grand jury process are more likely to experience delays than are courts using mostly indictment-based systems to bring charges (Church et al., 1978:46–47). The same study, however, did not find evidence to support one of the more logical theories of court delay—that jury trials increase delay and plea bargains decrease delay. In the analyses of the Pretrial Delay Project, no clear relationship existed between the proportion of a court's caseload settled at pre-trial and its overall processing time (Church et al., 1978:31–36).

Researchers have long debated the role played by continuances in generating case processing delays.

Mahoney and his colleagues tested another common assumption—that courts with large backlogs and slow processing times suffer from excessive continuances resulting from defendants failing to appear for scheduled hearings (Mahoney et al., 1988:38–39). They analyzed felony cases from a sample of criminal courts and measured the proportion of cases that involved bench warrants issued for defendants’ failure to appear. The study found no correlation between the proportion of a court’s caseload requiring bench warrants and its typical case processing time. When the researchers removed all cases involving bench warrants from their data base, there were virtually no changes in the rankings of 17 courts according to median case processing time. Delays due to bench warrants apparently did not explain variations in case processing time.

Management and Organization

Numerous studies have identified organizational and managerial problems as the root of court delay. A study reported at the 1972 Fourth National Symposium on Law Enforcement Science and Technology described criminal court delays as being largely a result of inadequate management (Foschio, 1973). A number of management-oriented studies have focused on the case scheduling or “calendar” systems used by courts. Under a “master calendar” system, cases are assigned to judges at each stage of processing based upon availability. This means that each phase of case handling may be assigned to a different courtroom and to a different judge, with the possible result that no single judge is invested in moving the case along to a quick disposition. In contrast, an “individual calendar” system assigns a single judge the responsibility for each case, and that judge manages the case from start to finish. Individual calendar systems are thought to enhance a judge’s sense of ownership and responsibility for his or her caseload. In practice, there are very few “pure” systems of either individual or master calendars. Most courts use hybrid systems that are more like one or the other to varying degrees (Mahoney et al., 1988).

Some studies have suggested that master calendaring systems facilitate speedy case handling by encouraging more efficient allocation of court resources (Luskin and Luskin, 1987:215). On the other hand, in some courts where master calendar systems were replaced by individual calendars, the result was a substantial increase in the speed and efficiency of case processing. More than 30 years ago, Church and his colleagues found a “striking” association between the use of master calendaring systems and longer case processing times in the handling

of civil cases (Church et al., 1978:37). In the handling of criminal cases, however, the relationship was not as strong. Neither the individual or master calendaring system was inherently more efficient for criminal cases.

In their 1988 study, Mahoney and his colleagues agreed that while the individual calendar system appeared to be more efficient in handling civil cases, “neither the [individual calendar] system nor the master calendar system [was] appreciably more effective than the other in minimizing felony case delays” (Mahoney et al., 1988:73). Among their sample of criminal courts, the mean disposition time for courts using individual calendar systems was 84 days, compared to 109 days for those using master calendars. When the slowest master calendar court was omitted from the analysis, however, the mean disposition time for master calendar courts dropped to 71 days. The type of calendar system used by a court appeared to have less impact on the court’s overall processing time than whether the court actively managed the flow of cases early in the dispositional process. Individual calendars may encourage early intervention in case flow, which could be far more important in facilitating efficiency than the choice of calendaring system (Mahoney et al., 1988:80).

Court Culture

Another perspective on delay points to a completely different set of causal factors. These factors include “informal practices,” such as when attorneys accommodate each other’s scheduling preferences and create endless continuances out of professional courtesy, “practitioner incentives” that encourage lawyers to organize their workload around billing needs rather than the needs of litigants, and “expectations and norms” that allow courts to accept as normal a pace of litigation that would seem excessively slow in other courts (Church, 1982:401–403). The degree of processing delay in one court versus another is likely to be affected by resources and procedures, but delay exists in the first place because the informal norms and expectations of court participants allow it to exist. Overtime, these informal norms and expectations lead court administrators, judges, and attorneys to believe that a certain amount of delay is “normal.”

Nimmer (1976) described these norms and expectations as the “local discretionary system.” Others preferred the terms “local legal culture” (Church et al., 1978), or “socio-legal culture” (Neubauer et al., 1981). Researchers find that the roots of socio-legal culture can be very deep.

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The “cultural” approach dominated research court delay throughout the 1980s and 1990s (e.g., Raine and Wilson, 1993). Of course, like all conventional wisdom, the insight that court delay is caused by organizational culture is occasionally over-simplified. The cultural perspective, however, at least encourages researchers and practitioners to consider the self-interests of court participants and to seek reductions in court delay by altering the incentives that promote or inhibit desired behavior. Luskin and Luskin (1986:212) rejected the “nebulous” answers of local legal culture and recommended that researchers focus on whatever factors appear to be related empirically to case processing time. Other researchers agreed that the cultural approach to court delay could not adequately explain how delay develops and why some courts are able to avoid it while others seem unable to prevent it. Grossman and his colleagues argued that local legal culture was not even an explanation of court delay as much as it was “a convenient restatement of the problem” (Grossman et al., 1981:112). The fundamental assertion of the cultural approach, that “practices and attitudes toward court processing of attorneys and court personnel play a significant role in determining the pace of litigation in a particular court,” was, according to Grossman and his colleagues, already “generally accepted” by researchers (1981:112).

Researchers have also focused on environmental forces. Mohr (1976:625) argued that the environmental school was the organizational perspective most appropriate for studying courts. Haynes (1973:52–54) asserted that the term “court delay” was actually a misnomer because it suggested that delays were caused by factors within the court itself. He noted that blaming delays entirely on the court ignores the large number of individuals and agencies that come into contact with a typical court case: police, prosecutors, the public (in reporting crimes), witnesses, defense counsel, investigators, judges, etc. At every step in the processing of a case, one or more of these actors can contribute to processing delays, although only some of them are formally a part of the court.

Other researchers have noted that courts cannot be understood fully without recognizing their place in a larger network of organizations. Gillespie (1977) concluded that most causes of delay were external to the courts themselves. Particularly influential among these external factors were “professional legal inputs,” or the actions of the private bar, public defenders, and prosecuting attorneys (Gillespie, 1977:21). Feeley (1992) argued that the court process should be studied within the context of the entire justice system. He suggested that courts are

not classic bureaucracies but “open systems” that achieve their goals through interactions among the set of actors making up the justice system. Jacob (1983:191) defined the court itself as “groups of people engaged in a common task, interacting on a regular basis, performing specialized roles, utilizing specialized knowledge, and responding to some direction and supervision from others.” Eisenstein and Jacob (1977) characterized judges, prosecutors, and defense attorneys as representatives of different organizations, working jointly on common goals. They studied “courtroom workgroups” to determine how the interactions of key actors contributed to organizational problems such as court delay. Each set of court actors pursues its own interests. Reducing court delay requires an organizational analysis to identify and target the system of incentives perpetuating delay.

Courts exhibit hierarchy and a formal distribution of power, but they are not traditional organizations. While a judge is the “nominal and formal superior” of a courtroom work group, judges influence only some aspects of courtroom procedure while sharing responsibility for others (Jacob, 1983:194). Judges do not always control the assignment of staff in the courtroom, especially the assignment of attorneys, and they do not control the flow of cases. Moreover, “work group” members outside the court have considerable influence over the nature and speed of case processing.

Although courts are not classic bureaucracies, researchers have learned much by viewing courts through an organizational lens. One of the most basic insights of organizational theory is that organizations have multiple goals. The primary goal of a court might be described as the production of timely, just, and effective case dispositions. Like all organizations, however, courts pursue a variety of secondary goals that are separate from this stated mission. One of the more essential secondary goals of the courts is to mediate the influence of the external environment. Courts attempt to limit the negative effects of outside forces and to protect their core activities from external manipulation (Jacob, 1983:198–200). While delay might seem to undermine the court’s primary mission, a certain degree of delay could be a rational outcome of the organization’s efforts to achieve other environmental goals, such as controlling the volume of the workload in order to prevent more serious organizational failures. Any attempt to explain or control court delay, therefore, should include an analysis of how delay may serve secondary but essential organizational goals. The organizational perspective is becoming the dominant approach to research on court delay.

Reducing court delay requires an organizational analysis to identify and target the system of incentives perpetuating delay.

Controlling Delay

Like all efforts to change individual and organizational behavior, interventions to control justice delays must contend with a wide range of obstacles. In general, two approaches are used to control case processing delays: 1) legal/professional, and 2) managerial. These approaches ensure speedy case handling by either mandating efficiency or re-engineering the court process to encourage efficiency. The research literature on court delay indicates that the effectiveness of legal or professional inducements to control delay may be limited. No prescriptive sanction will eliminate court delays if long processing times are necessary for the stability of the court. Legislation, case law, and professional standards may be useful, however, as a means of establishing the basic expectation that cases will move as quickly as possible through the court process.

Legal/Professional Efforts to Control Delay

The most basic expression of a direct inducement to control delay is the Sixth Amendment to the Constitution, which guarantees any American citizen involved in a criminal prosecution the right to a “speedy and public trial” (Constitution of the United States, Amendment VI). The U.S. Supreme Court held that the right to a speedy trial is as “fundamental as any of the rights secured by the Sixth Amendment” (*Klopfer v. North Carolina*, 1967). In *Smith v. United States* (1959), the U.S. Supreme Court explicitly affirmed a defendant’s right to speedy trial but did not specify what would constitute a violation of that right. In 1966, the U.S. Court of Appeals (D.C. Circuit) affirmed a defendant’s conviction on federal narcotics charges despite a delay of 14 months between indictment and trial (*Hedgepeth v. United States*, 1966). The ruling was based in part on the fact that much of the delay was caused by the defendant’s requests for continuances and that the resulting delay was not shown to be “prejudicial” to the defendant. In *Solomon v. Mancusi* (1969), the U.S. Court of Appeals (2nd Circuit) denied a habeas corpus petition from a New York appellant who claimed that his Sixth Amendment rights had been violated by a wait of nine months between arraignment and trial. The court concluded that a delay of nine months did not necessarily violate the defendant’s speedy trial rights because the defendant was unable to show prejudice from the delay, or to prove that the delay was caused by purposeful or “oppressive” actions of the district attorney.

Evaluating the speediness of the legal process requires a “balancing” of the rights of the defendant with those of society.

The Supreme Court first attempted to establish a standard for the implementation of the Sixth Amendment’s speedy trial guarantee in *Barker v. Wingo* (1972). The Barker case involved a Kentucky prisoner who petitioned for habeas corpus as a result of a 5-year delay between arrest and trial. The Court found that the defendant’s right to speedy trial had not been violated because: 1) the defendant had not been seriously prejudiced by delay; and 2) the defendant had apparently not desired a speedy trial. The Barker Court also asserted that the right to speedy trial was “generically different” than any of the other rights of due process (*Barker v. Wingo*, 1972:519). Society has an interest in both the quality of the court process and the effectiveness of the outcome—i.e., adequate protection from crime. In some cases, society’s desire for an effective outcome may conflict with a defendant’s desire for high-quality process. Evaluating the speediness of the legal process requires a “balancing” of the rights of the defendant with those of society. The Court proposed four factors that should be considered in assessing Sixth Amendment violations (*Barker v. Wingo*, 1972:530).

Known as the “Barker balancing test,” the four factors to be considered were:

- 1) the length of delay;
- 2) the reason for delay;
- 3) the defendant’s assertion of due process rights; and,
- 4) the existence of prejudice to the defendant.

The Barker Court acknowledged that there was “no constitutional basis for holding that the speedy trial right can be quantified into a specified number of days or months” (*Barker v. Wingo*, 1972:523). The Court argued that to establish a quantitative standard would be to engage in “legislative or rulemaking activity,” which was outside the proper scope of its authority (*Barker v. Wingo*, 1972:523). As a result of the Court’s reasoning in *Barker*, legislation and court rules have remained the predominant methods of controlling court delay through direct inducements. Statutes and rules have been used to limit the time courts may take to file charges, complete trials, and reach final case dispositions. Statutory time limits are seen as having more authority than court rules and often include dismissal sanctions for cases which are not disposed within the required deadlines. Elected officials, however, are often reluctant to implement mandatory dismissal sanctions and have usually granted courts considerable discretion in defining violations of case processing statutes.

Delays in Youth Justice

Legislation and court rules cannot alter the reality that participants in the court process may “need” a certain degree of delay.

Two well-known efforts to reduce delay through legislation and administrative rules were implemented in the Federal court system during the 1970s: Rule 50(b) of the Federal Rules of Criminal Procedure, (406 U.S. 979, 1972) and the Federal Speedy Trial Act of 1974 (§§ 3161–74, 1974). Both measures established national goals for reducing delays in the handling of criminal cases, encouraged local district courts to plan specific delay reduction strategies, devised procedures to monitor compliance by the local courts, and provided incentives for the courts to establish quantitative objectives for increasing the speed of their criminal case dispositions (Frase, 1976; Garner, 1987).

Rule 50(b) was developed by the Federal judiciary. It provided incentives for Federal courts to reduce case delays but allowed considerable discretion in the time standards that individual courts could adopt. The Rule was to be fully implemented following a planning process that began in 1973 in each of the Federal district courts. The planning process was negated, however, by the passage of the Federal Speedy Trial Act of 1974, which was passed by Congress despite the opposition of the Federal judiciary and the Department of Justice (Garner, 1987:230).

The Speedy Trial Act mandated a single time standard for all Federal courts—criminal cases were to reach final disposition within 100 days of arrest. The most contentious aspect of the Act was the provision that failure to meet the 100-day time limit would result in case dismissal. Faced with widespread concern about dismissals, Congress later allowed the courts to exclude certain periods from the calculation of disposition time, gave them authority to waive the standards when necessary to meet the “ends of justice,” and permitted dismissal without prejudice thereby allowing defendants to be re-indicted on the same charges. The extent of the exceptions led one observer to describe the Speedy Trial Act as a “flexible restraint” on case processing time in the Federal courts (Partridge, 1980:34).

Speedy trial controls have also been widely used in state courts, either through legislation, administrative rules, or both (Trotter and Cooper, 1982). Researchers found mixed support for the effectiveness of administrative and legislative controls, both in the Federal system (Bridges, 1982; Garner, 1987) and in State courts (Grau and Sheskin, 1982; Marvell and Luskin, 1991). Legislation and court rules cannot alter the reality that participants in the court process may “need” a certain degree of delay (Misner, 1979).

Another common method of controlling case processing delays is the adoption of professional standards and guidelines. Issued by organizations such as the American Bar Association and the Conference of State Court Administrators, professional standards derive their authority from consensus and voluntary compliance rather than the threat of legal sanctions. By themselves, professional standards may not influence the behavior of court actors to a great extent. Standards can be effective, however, in establishing administrative goals. By comparing their case handling time with nationally recognized standards, State and local courts can assess the adequacy of their case processing system and identify areas in need of improvement. The standards most familiar to U.S. court professionals are the guidelines developed by the American Bar Association's National Conference of State Trial Judges (National Conference, 1985; Lawyers Conference Task Force, 1986). The ABA standards include separate provisions for civil and criminal cases, as well as separate standards for felonies and misdemeanors. In Standard 2.52, the ABA recommended that courts conclude 90% of all felony cases within 120 days of arrest, 98% within 180 days, and 100% within one year.

Together, standards, rules, and legislation reinforce a commitment to reducing unnecessary case delays, provide clear goals for courts wishing to reduce delays, and often facilitate the development of administrative systems for tracking case processing time (Mahoney et al., 1988:63; Goerdts et al., 1989:78). The adoption of explicit time goals may help to reduce case delays because in the close, personal culture of a local court system, the existence of formal goals encourages court participants to place a higher value on administrative conformity (Luskin and Luskin, 1987:215).

Managerial Efforts to Control Delay

Direct inducements such as case law, statutes, rules, and standards will never eliminate delay. In order to control delay more effectively, it is necessary to confront the organizational arrangements that generate delay. Mahoney and his colleagues found that State trial courts varied considerably in their ability to improve efficiency and speed (Mahoney et al., 1988:6). Some courts in the study were able to improve their case processing speed significantly, while others were unable to change. Importantly, these courts were not differentiated by the factors typically thought to cause delay, such as caseload size, offense severity, or court resources. The successful courts did, however, share a number of characteristics.

Delays in Youth Justice

In general, Mahoney and his colleagues found that the most successful courts:

- had strong judicial leadership with active participation of State and local court officials;
- had clear and widely shared goals for keeping case processing times to a reasonable minimum;
- organized to generate and use timely and accurate information about the speed of case processing;
- maintained open channels of communication among major court actors; and
- made use of effective management techniques.

Researchers are quick to caution that reducing court delays through management intervention sounds much easier than it is. Management research has sometimes failed to understand the essentially non-bureaucratic nature of courts and the implications that this has for traditional management techniques (Sarat, 1978). Courts are not even organizations in the conventional sense. Most importantly, courts lack a clear, unitary, hierarchical structure (Eisenstein and Jacob, 1977; Sarat, 1978). Rather, they are composed of a number of relatively equal and competing clusters of actors—judges, prosecutors, defense attorneys, etc. Each cluster of actors has its own reward structure and chain of authority. Often, there is not even a framework of shared goals or values. The only value shared by all participants in the court process may be that all of them would prefer not to appear in court if at all possible (Sarat, 1978).

Judges, administrators, prosecutors, defense attorneys, and clerks should be seen as “stake holders” with an abiding interest in the court process but with different goals and varying investments in processing efficiency. In some cases, delay may frustrate their interests. In other cases, delay may be essential for them to achieve other important goals, such as controlling the timing of particular case events or managing the volume of their total workload. At times, these other goals may be far more critical to various actors than whether or not an individual case is delayed. Procedural reforms that address court functions in isolation (continuances, pretrial diversion, calendaring systems, etc.) will inevitably fail if they are not implemented with an acute awareness of how each of the actors in the court system will respond. In order to address the true origins of delay, therefore, it is often necessary to approach case processing from an inter-organizational perspective.

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Beginning in the 1970s, judges and court administrators came to believe that the best method of reducing delay was to implement aggressive “case flow management” systems that could reverse the inter-organizational incentives maintaining delay. Case flow management refers to:

[The] supervision or management of the time and events involved in the movement of a case through the court system from the point of initiation to disposition, regardless of the type of disposition (Solomon and Somerlot, 1987:3).

Case flow management is a method of making the occurrence of court events and the intervals between them more predictable and regulated. Prior to the development of case flow management systems, the progress of a court case was governed by the independent efforts of various individuals, each seeking to meet his or her own organizational and personal needs by influencing the timing of continuances, pretrial conferences, hearings, etc. Reducing delay was not in the self-interest of any single person or group, and it was often not a part of anyone’s formal job responsibilities (Flanders, 1980).

Case flow management represents a shift in thinking about the responsibility for case progress. It relies on the active oversight of each case event by a judge and/or court administrator, as well as frequent and direct consultation between court managers, judges, and lawyers. An effective case flow management system essentially re-designs the entire case handling process to facilitate speedy dispositions and to make efficiency a part of everyone’s job.

One of the strongest findings of the National Center for State Courts’ Pretrial Delay Project was that a court is less likely to experience backlogs and delay if it has an effective case flow management system in place (Church et al., 1978). This finding applied to both civil and criminal courts, although case flow management systems were more common in criminal courts when the Pretrial Delay Project was conducted. At that time, court control over the pace of litigation was a relatively new concept for civil courts. In most of the courts studied by the project, attorneys controlled the pace of civil case processing. Criminal courts, on the other hand, almost always had formal time limits and a system for monitoring compliance. Prosecutors may have played a role in the timing of case filing, but no criminal court in the study gave attorneys as much discretion over the speed of case processing as did the civil courts. The Pretrial Delay researchers believed that this difference was at least partly responsible for the fact that delays were nearly always more extensive in the civil courts.

Another approach to controlling court delays is the use of monetary incentives to encourage more efficient case handling. One such effort, known as the Speedy Disposition Program (SDP), was implemented in New York City during the early 1980s (Heumann and Church, 1990; Church and Heumann, 1992). The SDP provided prosecutors' offices in four New York boroughs with an opportunity to share several million dollars of "incentive" funds if they acted successfully to reduce the average age of their pending criminal cases.

The evaluation of the SDP suggested that the use of financial incentives had little long-term effects on the average length of time that cases awaited disposition. Results were mixed, however, and the researchers saw enough impact in some sites to indicate that the approach was worth further experimentation. The SDP effort may have fallen short of expectations because New York prosecutors were provided with more than adequate resources by the City and did not respond strongly to the promise of new funds. In more appropriate contexts, however, the use of direct financial incentives to improve efficiency may be an effective method of controlling delay.

Controlling Juvenile Court Delay

Speedy processing of juvenile cases is important for at least two reasons. First, in order to maximize the impact upon the juvenile that he has been caught in a criminal act, that he will be held accountable for what he has done, and that there will be consequences for his actions, it is important that the case be resolved quickly. If the case drags on for too long, the impact of the message is diluted, either because the juvenile has been subsequently arrested for other offenses and ‘loses track’ of just what it is that he is being prosecuted for or because the juvenile has not engaged in any further delinquent acts and feels that any consequences for the past offense are unfair. Speedy processing is also important because excessive delay is obviously unfair and damaging to victims (Shine and Price, 1992:115).

Efforts to reduce court delay have been widespread for several decades in the form of legislation, case law, administrative rules, organizational change, and policy interventions. Yet, research about these efforts has been conducted entirely in criminal and civil courts. Juvenile court delays have not been a prominent concern among researchers, court professionals, or policy makers. Little knowledge is available on the causes and consequences of delayed delinquency cases, and virtually no literature exists on the relative effectiveness of the various delay reduction techniques in juvenile courts. The following section reviews the extent of administrative, legislative, and judicial efforts to affect the timing of delinquency case processing in juvenile courts.

Constitutional Provisions

Juveniles have no federal constitutional right to a speedy trial. Before the 1960s, a youth appearing before a juvenile court had few rights in general. Since the official purpose of juvenile court proceedings was to “help” juveniles and not to establish guilt and administer punishment, juvenile courts were not considered to be trial courts. Thus, a youth involved in a delinquency proceeding was not considered to be at risk of criminal prosecution and did not require formal due process protections. These assumptions began to change during the 1960s as juvenile courts were required to provide procedural protections for juveniles.

Delays in Youth Justice

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The U.S. Supreme Court first granted limited procedural rights to juveniles in *Kent v. United States* (1966). Ruling against the District of Columbia’s arbitrary and poorly documented procedures for transferring juveniles to the criminal court, the Supreme Court required transfer hearings to incorporate basic standards of due process, orderliness, and fair treatment. Kent challenged the fundamental premise that juvenile court proceedings were outside the sphere of criminal prosecution. The Supreme Court had previously interpreted the Equal Protection Clause to suggest that classes of people could receive lesser due process if a “compensating benefit” came with this diminished protection (Bernard, 1992:113). In theory, the juvenile court provided such a compensating benefit since its concern was for the best interests of juveniles rather than guilt or innocence. The Kent decision referred to evidence that this compensating benefit did not exist in reality, and while the Court did not equate juvenile court hearings with criminal trials, it did suggest that juvenile court proceedings had to provide at least the “essentials” of due process. These essentials were enumerated by the Court in its next important juvenile procedure case.

The case most responsible for changing the American juvenile justice system was *In re Gault* (1967). Gerald Gault was an Arizona youth who had been incarcerated for placing an obscene telephone call. His appeal asked the Supreme Court to consider whether the juvenile court process had violated several of his Fifth and Sixth Amendment rights—counsel, notice of charges, confrontation of witnesses, the privilege against self-incrimination, and the right to a transcript and appellate review. The Gault Court ruled that in any juvenile court proceeding where commitment to an institution is a possible outcome, juveniles should have the right to notice and to counsel, to confront and cross-examine witnesses, and to the privilege against self-incrimination. The Court did not rule on a juvenile’s right to appellate review or transcripts, but it encouraged States to provide those rights.

The Supreme Court based its ruling on the fact that Gault had been punished by the juvenile court rather than helped. The Court also rejected the doctrine of *parens patriae* as the founding principle of juvenile justice, describing the concept as “murky” and of “dubious” historical relevance, and concluded that the process used to incarcerate Gault violated the Due Process Clause of the Fourteenth Amendment. Extending the reasoning that first appeared in *Kent*, the Supreme Court asserted that juveniles need not give up their Fourteenth Amendment rights in order to derive the benefits of their status as juveniles—i.e., the greater concern for the well-being supposedly inherent in juvenile

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court proceedings. Furthermore, the Court suggested the aspects of due process it considered essential for juvenile court proceedings: “fairness, impartiality and orderliness” (In re Gault, 1967:19).

The Supreme Court soon demanded more of juvenile court proceedings. In a 1970 decision, In re Winship, the Court ruled that the “preponderance of evidence” standard used for delinquency adjudications in New York violated the due process promised in the Kent and Gault cases (In re Winship, 1970). The Winship case involved an adjudication based upon evidence that the juvenile court judge openly admitted would not have met a “reasonable doubt” standard. Upon appeal, the Supreme Court ruled that the reasonable doubt standard should be required in all delinquency adjudications. The Court rejected the opinion of the New York appellate court which had upheld the adjudication arguing that juvenile courts were not required to operate on the same standards as adult courts because they were designed to save rather than punish.

Limiting Due Process for Juveniles

The Winship decision appeared to signal the end of the Supreme Court’s expansion of procedural rights for juveniles. In fact, Justices Stewart and Burger offered a dissent to the Winship decision that foreshadowed the future direction of the Court in matters of juvenile due process rights (Bernard, 1992). They re-asserted that the intent of juvenile court proceedings was still to help juveniles rather than to punish. They conceded that while actual practices were sometimes inconsistent with this rehabilitative intention, the solution to such failures was not to be found in Kent and Gault, which they believed would eventually undermine the legal and philosophical bases of juvenile justice. Stewart and Burger favored a continued distinction between adult and juvenile court procedures so as to preserve the special treatment accorded young people.

In its next significant juvenile law case, the Supreme Court ruled that the Due Process Clause did not require jury trials in juvenile court (McKeiver v. Pennsylvania, 1971). In the Court’s view, Gault and Winship had already enhanced the accuracy of the juvenile court fact finding process. Juries would add little to the factual quality of the process and would be disruptive to the informal atmosphere of the juvenile court, tending to make it more adversarial. McKeiver appeared to signal the Court’s retreat from the direction established by Gault, Kent, and Winship. Thus, after several dramatic cases that granted juveniles greater due process protections, the Supreme Court stopped

Delays in Youth Justice

short, refusing to grant juveniles the right to jury trial, appellate review, or transcripts of court proceedings.

The U.S. Supreme Court has never been asked to rule on a right to speedy trial for juveniles. However, the Gault Court was careful to characterize juvenile court proceedings as being accountable only to the Due Process Clause of the Fourteenth Amendment and specifically not within the purview of the Sixth Amendment (Sanborn, 1993:232). Furthermore, during the 1970s and 1980s, the Court continued its attempts to resuscitate the *parens patriae* philosophy of juvenile justice (see, for example, Schall v. Martin, 1984). To date, the Supreme Court has not indicated any new willingness to expand due process for juveniles, including the right to speedy trial.

Case Law and Juvenile Court Processing Time

Although the U.S. Supreme Court has not applied all constitutional due process protections to juvenile court proceedings, some States have interpreted the Court's use of the Fourteenth Amendment in Gault and Winship to suggest at least the possibility of other rights for juveniles—including the right to speedy trial (Choper, 1984). Courts in Arkansas, Florida, Illinois, Minnesota, New Hampshire, New York, and Washington extend some form of speedy trial rights to juveniles.

- The New Hampshire Supreme Court ruled in a 1983 case that juvenile court adjudications should be dismissed if the court failed to meet the statutory deadline for adjudication and the delay was not due to actions of defense counsel (*In re Eric C.*, 1983).
- In a 1985 case, the Appellate Court of Illinois (First District, Second Division) vacated the adjudications of four juveniles whose due process rights were found to have been violated by a delay of more than 700 days between their arraignment and adjudicatory hearing (*Illinois v. A.J., T.M., L.R. and J.R.*, 1985).
- In 1987, the adjudication of a Minnesota juvenile was reversed and the delinquency petition dismissed with prejudice by the State Court of Appeals (*In re J.D.P.*, 1987). The court held that the juvenile's right to speedy trial had been violated when prosecutors failed to bring the case to trial within 60 days as required by Minnesota statute.
- The Arkansas Supreme Court affirmed the dismissal of burglary and theft charges against a juvenile because the State failed to prosecute the case for more than one year. The court's opinion in the case was based on the speedy trial rules for juveniles provided in Arkansas statute (*Arkansas v. McCann*, 1993).

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Appellate courts have dismissed other delinquency proceedings due to violations of speedy trial statutes in Washington (*State of Washington v. Smith*, 1987); *State of Washington v. Day*, 1987; *State of Washington v. Adamski*, 1988) and New York (*In re Oranchank*, 1983; *In re J.V.*, 1985; *In re Steven C.*, 1985; *In re Juan V.*, 1990; *In re Robert S.*, 1991; *In re Jessie C.*, 1992; *In re Lydell J. and Taseem D.*, 1992; *In re Nicole D.*, 1992; *In re James H.*, 1993; *In re Shannon FF*, 1993; *In re Jose R.*, 1993).

In the State of Florida, appellate courts have dismissed delinquency proceedings against juveniles for a large number of reasons related to speedy trial. Among these reasons are:

- a delay of more than one year between arrest and adjudication (*Shanks v. Cianca*, 1986);
- failure to properly state the reasons for extending the statutory deadline for speedy trial (*J.J.S. v. Florida*, 1983);
- failure to provide proper notice of a hearing, which resulted in an adjudicatory hearing being delayed for more than 90 days after arrest (*In re M.A.*, 1986);
- filing motions to extend a speedy trial period after the expiration of the speedy trial deadline (*D.A.L. v. Florida*, 1984; *J.T. v. Florida*, 1992);
- misplacement of a case file by the clerk's office, which did not constitute an "exceptional circumstance" for extending a statutory speedy trial period (*T.C. v. Florida*, 1989); and
- failure to respond for more than 21 days to a juvenile's motion for dismissal due to a violation of speedy trial rights (*E.R. v. Florida*, 1993).

Yet, other courts have either explicitly denied speedy trial rights to juveniles or severely limited their application. In 1985, the Appellate Court of Illinois (First District, Fifth Division) denied the appeal of a delinquent juvenile who claimed that the Cook County Juvenile Court violated his Sixth Amendment rights when an adjudicatory hearing was not held within 30 days as required by statute (*Illinois v. M.A.*, 1985). The appellate court found that while the lower court had refused to comply with an Illinois statute that called for the dismissal of delayed cases, this refusal did not violate the juvenile's rights because juvenile court proceedings were thought to be separate and distinct from criminal court proceedings. Thus, although the juvenile court had in fact violated the statutory requirement that a fact-finding hearing be held within 30 days, the court did not interpret this violation as granting the juvenile an absolute right to dismissal of the proceedings.

Delays in Youth Justice

The right to a speedy trial was clearly denied to juveniles in the State of Kansas. In a 1987 case, the Court of Appeals of Kansas heard the case of a delinquent minor whose adjudication by a magistrate court had been upheld by a County District Court (*In re T.K.*, 1987). The minor appealed for dismissal on the grounds that the District Court had not held de novo review in a timely manner (i.e., within 30 days as specified in the Kansas statute). In affirming the lower court's decision, the Court of Appeals held that juveniles did not have a constitutional right to speedy trial in proceedings conducted under the Kansas juvenile offenders code, and that the statutory requirement of de novo review within 30 days was not intended as a codification of the right to speedy trial. Thus, the 30-day requirement was not mandatory and juveniles were not entitled to a speedy-trial dismissal based upon failure to meet this standard.

Another case before the Florida Supreme Court involved the question of whether a juvenile would be denied a speedy trial if his or her adjudication occurred after the 90-day period mandated by Florida statute (*R.J.A. v. Foster*, 1992). Florida statute required that juvenile court adjudications taking more than 90 days be dismissed with prejudice. State court rules, however, provided an additional 10-day "grace period" for holding adjudication hearings. The Florida Supreme Court ruled narrowly that a juvenile court's use of the 10-day grace period did not violate juveniles' right to speedy trial because speedy-trial rights were procedural rather than substantive and fell within the court's discretion. The opinion was based on the Sixth Amendment "balancing" analysis contained in *Barker v. Wingo* in which courts were given the discretion to determine the amount of delay that constitutes a violation of speedy trial (*Dale*, 1992). The Florida court did affirm, however, that the State's juvenile courts have an obligation to process delinquency cases in a timely fashion or face the risk of dismissal.

During recent decades, courts in a few States have supported time limitations for juvenile court proceedings. Speedy trial mandates have been endorsed at least in part by courts in the States of Arkansas, Florida, Minnesota, New Hampshire, New York, and Washington. In some cases, however, a juvenile's right to speedy trial has been defined rather narrowly. Speedy trial rights have been explicitly denied to juveniles in other cases (e.g., Illinois, and Kansas). It would appear that the most common mechanisms for ensuring speedy case handling in juvenile courts will continue to be rules, legislation, and professional standards rather than constitutional interpretation.

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Legislation and Rules in the Juvenile Court

Placing administrative or legislative constraints on the timing of delinquency case processing is a relatively recent practice, but states have increasingly turned to these mechanisms to increase the timeliness of their juvenile justice systems. A search of state statutes, procedural rules, and court guidelines reveals that nearly all states have implemented some form of juvenile case processing time standards (Table 1). As of 2008, forty-five states and the District of Columbia had some form of time standards for delinquency case processing. Of these states, thirty-seven applied standards to disposition time, while thirty-three applied standards to the timing of delinquency adjudications (i.e., fact-finding). In more than half the jurisdictions, however, such standards were not mandatory.

The extent of legislative or administrative controls on delinquency case processing time has always varied greatly (Szymanski, 1994). Several states set maximum allowable times between the initial filing of a petition and the adjudication hearing (60 days in Maryland, 30 days in North Carolina). More commonly, states set the maximum number of days allowed between the filing of delinquency charges and adjudication according to whether or not a youth is detained pending court proceedings. For example, in cases where a youth is held in detention, Arizona establishes a limit of 46 days between the filing of charges and the adjudication hearing. In non-detention cases, however, Arizona allows an adjudication hearing to be held as late as 90 days after the filing of charges.

Some jurisdictions place limits on the timing of adjudication based upon the detention hearing itself. In Illinois, for example, when delinquent youth are placed in detention, they must be adjudicated within 10 days of the detention hearing. West Virginia has a similar provision, but courts in that state have up to 30 days to hold an adjudication hearing following the order to detain a youth.

Many states place time limits on juvenile court dispositional hearings. In states such as Alabama and Alaska, court deadlines for delinquency dispositions are triggered by the filing of delinquency petitions. Alabama mandates that 80 percent of delinquency matters must reach disposition within 120 days of petitioning, and all matters must reach disposition within 270 days. Alaska has similar provisions for disposition, requiring that 75 percent of delinquency cases be completed within 75 days, 90 percent within 120 days, and 98 percent within 180 days.

Delays in Youth Justice

Table 1: Adjudication and disposition time standards as reflected in court rules and state statutes.

State	Mandatory	Adjudication	Disposition
Alabama	✓		80% in 120 days ^a 100% in 270 days ^a
Alaska	✓		75% in 75 days ^a 90% in 120 days ^a 98% in 180 days ^a
Arizona		46 days (detained) ^a 90 days (not detained) ^a	30 days (detained) ^c 45 days (not detained) ^c
Arkansas	✓	100% in 14 days (detained) ^a	100% in 14 days (detained) ^c
California		15 days (detained) ^a 30 days (not detained) ^a	100% in 10 days (detained) ^c 100% in 45 days (not detained) ^c
Colorado		100% in 90 days ^a	100% in 45 days ^c
Delaware	✓	90% in 45 days ^a 100% in 90 days ^a	
District of Columbia	✓		100% in 45-60 days (detained) ^a 70% in 120 days (not detained) ^a 90% in 180 days (not detained) ^a 98% in 270 days (not detained) ^a
Florida		100% in 21 days (detained) ^a 100% in 90 days (not detained) ^a	
Georgia		10 days (detained) ^a 60 days (not detained) ^a	
Hawaii			100% in 90 days ^a
Idaho		45 days (detained) ^b 90 days (not detained) ^e	
Illinois	✓	10 days (detained) ^b 120 days (not detained) ^a	
Indiana		20 days (detained) ^a 60 days (not detained) ^a	
Iowa		100% in 15 days (detained) ^a 100% in 30 days (not detained) ^a	100% in 30 days (detained) ^c 100% in 40 days (not detained) ^c
Kansas		30 days (not detained) ^a	
Louisiana			30 days ^c
Maine			14 days ^c
Maryland		60 days ^a	30 days ^c
Massachusetts	✓	100% in 21 days (detained) ^a 100% in 30 days (not detained) ^a 100% in 60 days (jury cases) ^a	100% in 180 days (non-jury cases) ^b 100% in 240 days (jury cases) ^b
Michigan	✓	90% in 84 days (detained) ^a 100% in 98 days (detained) ^a 75% in 119 days (not detained) ^a 90% in 180 days (not detained) ^a 100% in 210 days (note detained) ^a	75% in 119 days (not detained) ^a
Minnesota	✓	90% in 90 days ^a 97% in 150 days ^a 99% in 365 days ^a	15 days (detained) ^c 45 days (not detained) ^c

(Continued)

Delays in Youth Justice

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Table 1 (continued)

State	Mandatory	Adjudication	Disposition
Mississippi		100% in 21 days (detained) ^c 100% in 90 days (not detained) ^c	100% in 14 days ^c
Missouri		60 days (protective custody) ^d	60 days (informal adjustment) ^a 90 days (protective custody) ^d
Nebraska		100% in 180 days ^a	100% in 60 days ^c
Nevada			60 days ^a
New Hampshire	✓	21 days (detained) ^a 30 days (not detained) ^a	21 days (detained) ^c 30 days (not detained) ^c
New Jersey	✓	30 days (detained) ^a	100% in 90 days ^c
New Mexico	✓	30 days (detained) ^a 90 days (not detained) ^a	
New York	✓		100% in 180 days ^a
North Carolina		30 days ^a	95% in 60 days (misdemeanor) ^c 95% in 90 days (felony) ^c 100% in 90 days (misdemeanor) ^c 100% in 120 days (felony) ^c
North Dakota			120 days (detained) ^d 120 days (not detained) ^a
Ohio	✓		100% in 90 to 365 days ^a
Oregon		100% in 15 days (detained) ^a 100% in 30 days (not detained) ^a	
Pennsylvania	✓	15 days (detained) ^a 90 days (not detained) ^a	20 days (detained) ^c 60 days (not detained) ^c
Rhode Island			100% in 180 days ^a
South Carolina			100% in 270 days ^a
Tennessee	✓	30 days (detained) ^a 90 days (not detained) ^a	15 days (detained) ^c 90 days (not detained) ^c
Texas		100% in 10 days (detained) ^a 100% in 30 days (not detained) ^a	100% in 15 days ^c
Utah	✓	60 days ^a	30 days ^c
Vermont		15 days (detained) ^a	15 to 30 days ^c
Virginia	✓	21 days (detained) ^a 120 days (not detained) ^a	30 days (detained) ^c
Washington			14 days (detained) ^c 21 days (not detained) ^c
West Virginia	✓	100% in 30 days ^b	100% in 45 days ^c
Wisconsin		20 days (detained) ^a 30 days (not detained) ^a	10 days (detained) ^c 30 days (not detained) ^c
Wyoming	✓	60 to 90 days ^a	60 days ^c

Triggering Events: **a** filing of petition/complaint **c** adjudication **e** admit/deny hearing
b detention hearing **d** detention

Source: Chapin Hall at the University of Chicago. Search of published statutes and administrative rules as applied to delinquency matters. Rules and statutes are those applying at the state level only; local provisions are not included.

Twenty-four States limit the time between adjudicatory and dispositional hearings. Colorado, for example, allows no more than 45 days to elapse between adjudication and disposition in delinquency cases. Louisiana allows 30 days between adjudication and disposition, while Maine and Mississippi set the same time limit at 14 days, and Texas allows just 15 days. A number of states restrict the time between adjudication and disposition for detained juveniles only (e.g., 14 days in Arkansas, 30 days in Virginia). Washington and New Hampshire are two of the most aggressive states in controlling pre-dispositional delays. Dispositional hearings in Washington are required within 21 days even for non-detained juveniles, while New Hampshire allows just 30 days for non-detained juveniles to reach their dispositional hearing.

Time Standards in Juvenile Court

Since the 1970s, several sets of juvenile justice standards have been issued by groups representing federal agencies or national professional associations (Table 2). One of the earliest of these standard-setting groups was the Joint Commission on Juvenile Justice Standards, an effort by the Institute of Judicial Administration and the American Bar Association (IJA/ABA, 1980). The IJA/ABA project began its work in 1971 and issued its final recommendations in 23 separate volumes published between 1977 and 1980. Each volume of the IJA/ABA standards addressed a separate topic of interest (e.g., court administration, prosecution, probation, adjudication, disposition, and appeal).

Other prominent juvenile justice standards include those of the National Advisory Committee for Juvenile Justice and Delinquency Prevention (NAC), which was established in 1974 by the Juvenile Justice and Delinquency Prevention Act (§207, P.L. 93-415). Congress directed the NAC to develop general standards for the administration of juvenile justice. The NAC's final report was published in 1980 and contained standards for a wide range of juvenile justice functions, including prevention programs, court administration, adjudication, and supervision (OJJDP, 1980).

The standards developed by these groups addressed case processing time and juvenile court delay in a number of ways. For example, the IJA/ABA Joint Commission asserted that time limits on juvenile court case handling were necessary to combat the negative effects of unwanted court delays:

Delays in Youth Justice

Table 2: Time limitations in juvenile proceedings as suggested by professional standards.

	Maximum days from referral to adjudication	Maximum days from adjudication to disposition	Total days from referral to disposition
Detained Juveniles			
IJA/ABA (1977–80)	15	15	30
NAC/OJJDP (1980)	18	15	33
ABA Std. 252 (1984)	15 ^a	15	30 ^a
NDAA Std. 19.2 (1989)	30	30	60
NCJFCJ/OJJDP (2005)	10 ^c	10	20
Released Juveniles			
IJA/ABA (1977–80)	30	30	60
NAC/OJJDP (1980)	65	15	80
ABA Std. 252 (1984)	30 ^b	15	45 ^b
NDAA Std. 19.2 (1989)	60	30	90
NCJFCJ/OJJDP (2005)	20 ^c	20	40

- a. Deadline triggered by detention admission.
- b. Deadline triggered by filing of delinquency petition.
- c. Deadline triggered by initial hearing.

Delay in the processing, adjudication, and disposition of criminal and juvenile cases compounds the disadvantages of detention, increases the risks of nonappearance and antisocial conduct if the juvenile is released, and is harmful to the interests both of the accused and the community (IJA/ABA, 1980a:11).

In Standard 7.1, the IJA/ABA Commission declared that “juvenile court cases should always be processed without unnecessary delay” in order to “effectuate the right of juveniles to a speedy resolution of disputes involving them” and to be consistent with the “public interest in prompt disposition of such disputes” (IJA/ABA, 1980b:21). Case processing time should be monitored especially closely, according to the IJA/ABA, in cases involving “young, immature, and emotionally troubled juveniles,” “juveniles who are detained or otherwise removed from their usual home environment,” and “juveniles whose pretrial liberty appears to present unusual risks to themselves or the community” (IJA/ABA, 1980b:21).

The IJA/ABA standards advanced the following time limits for specific stages of the juvenile justice process and recommended that

Delays in Youth Justice

delinquency cases be dismissed with prejudice when these time limits were exceeded (IJA/ABA, 1980a:13):

- 2 hours between police referral and the decision to detain;
- 24 hours between detention and a petition justifying further detention;
- 24 hours between a detention petition and the detention hearing;
- 15 days between police referral and adjudication (if youth is detained);
- 30 days between police referral and adjudication (if youth is not detained);
- 15 days between adjudication and final disposition (if youth is detained);
- 30 days between adjudication and final disposition (if youth is not detained).

In effect, the IJA/ABA standards suggested a maximum of 60 days from referral to disposition for non-detained cases, and 30 days in the case of detained juveniles. In Standard 3.3, the Joint Commission clarified that the time standard for adjudicatory hearings should apply to transfer hearings also (IJA/ABA, 1980c:32). Juvenile courts were to hold either adjudicatory or transfer hearings within 15 days for detained youth, and within 30 days for non-detained youth.

Similar time limits were recommended by the National Advisory Committee for Juvenile Justice and Delinquency Prevention. The NAC recommended that in all “matters subject to the jurisdiction of the family court over delinquency, the following time limits should apply” (OJJDP, 1980:311).

- 24 hours between police referral and the report of an intake decision (if youth is detained);
- 30 days between police referral and the report of an intake decision (if youth is not detained);
- 24 hours between detention and the detention hearing;
- 2 days between the intake report and the filing of a petition by the prosecutor (if detained);
- 5 days between the intake report and the filing of a petition by the prosecutor (if not detained);
- 5 days between filing of the petition and the initial arraignment hearing;
- 15 days between filing of the petition and the adjudication hearing (if detained);

Delays in Youth Justice

- 30 days between filing of the petition and the adjudication hearing (if not detained);
- 15 days between adjudication and the final disposition hearing.

The NAC standards suggested that the total time between police referral and court disposition should not exceed 80 days in cases of non-detained juveniles, and 33 days for detained cases. As recommended in the IJA/ABA standards, the NAC called for dismissal of the case if court processing extended beyond these maximums. However, the NAC permitted dismissal without prejudice, allowing prosecutors to re-file for adjudication on the same case. The NAC also suggested the use of sanctions for court officials when cases were delayed beyond the recommended time limits:

When these time limits are not met, there should be authority to release a detained juvenile, to impose sanctions against the persons within the juvenile justice system responsible for the delay, and to dismiss the case with or without prejudice (OJJDP, 1980:311).

The decision to impose sanctions, according to the NAC, should account for the possibility that excessive delays may have been caused by a “lack of sufficient resources” rather than “individual failures” (OJJDP, 1980:312). The NAC standards also recognized that there were situations when exceptions to the time limits could be granted. Extensions could be authorized in the following circumstances: 1) when important evidence or witnesses are unavailable to the prosecuting attorney during the prescribed time period even after reasonable efforts to secure them; and 2) when a continuance is requested by any party to the case and the judge finds that the “ends of justice” would be better served by a continuance than by “a speedy resolution of the case” (OJJDP, 1980:313). Even when necessary, extensions were not to exceed 30 days in cases involving detained juveniles, or 60 days in non-custody cases.

The NAC standards also listed a number of circumstances in which it would be appropriate to exclude certain periods of time in calculating elapsed processing time:

Any period of delay caused by the absence, incompetency, or physical incapacity of the respondent; consideration of a motion for change of venue, a motion for transfer to a court of general jurisdiction pursuant to Standard 3.116, or an extradition request; a diagnostic examination ordered by the family court and completed within the time specified in the

Delays in Youth Justice

order; or an interlocutory appeal; and a reasonable period of delay caused by joinder of the case with that of another person for whom the time limits have not expired, should not be included in the computation of the prescribed time periods (OJJDP, 1980:313).

Following the release of the IJA/ABA and NAC standards, other national groups issued juvenile justice standards. In their standards for State trial courts, the ABA's National Conference of State Trial Judges included Standards 2.50 through 2.56, known as the "Standards Relating to Court Delay Reduction" (National Conference, 1985; Lawyers Conference Task Force, 1986). In Standard 2.52 on "timely disposition," the ABA explicitly addressed the issue of time standards for delinquency cases (National Conference, 1985:12). The ABA standards recommended that:

- Detention hearings should be held within 24 hours of a juvenile's admission to a detention facility.
- Adjudicatory (or transfer) hearings should be held within 15 days of admission to detention for juveniles in custody, and within 30 days following the filing of a delinquency petition for non-custody cases.
- Disposition hearings should be held no later than 15 days following the adjudicatory hearing.

The National District Attorneys Association (NDAA) issued its own standards for the handling of delinquency cases. In 1987, the Juvenile Justice Committee of the NDAA began an effort to revise Prosecution Standard 19.2, which had been originally adopted by the NDAA in 1977 (Shine and Price, 1992). The revised standards were issued in 1989 and addressed a wide range of issues related to the prosecution of juvenile cases—e.g., case screening, criteria for diversion, determining legal sufficiency, uncontested cases and the use of plea agreements, transfer or certification to adult court, adjudication, and disposition (Shine and Price, 1992:120–132). The NDAA recommended the following time limits for the processing of juvenile delinquency cases:

- Prosecutors should screen cases for legal sufficiency within 24 hours of police referral if the youth is in detention and within 7 days if the youth is not detained.
- Intake decisions (whether to divert, file a formal petition, or transfer) should be made within 3 days of police referral if a youth is detained, and within 10 days if not detained.
- Adjudicatory hearings should be held within 30 days of police referral for detained juveniles, and within 60 days for non-detained juveniles.

Delays in Youth Justice

- Disposition hearings should be held within 30 days of the adjudicatory hearing.

Altogether, the NDAA standards suggested a maximum time of 60 days between police referral and disposition in cases where a youth is detained, or 90 days in non-detained cases. The NDAA recognized, however, that the time limits were “models” and that they may be exceeded in particularly complex cases, such as when the discovery process requires more time, or the prosecutor must review a lengthy social history or psychological evaluation before making a decision to transfer a case for criminal prosecution. In general, the provisions of NDAA’s Standard 19.2 mirrored the juvenile justice guidelines developed by earlier standard-setting associations. The time limits recommended in the NDAA standards, however, were more lenient than those published by the IJA/ABA, NAC, and ABA. The NDAA’s maximum of 60 days between referral and disposition in detention cases was twice the 30-day maximum recommended by the IJA/ABA standards and the ABA’s Standard 252, and nearly double the limit of 33 days recommended in the NAC standards. The NDAA’s time limit for non-custody cases (90 days from referral to disposition) was also the longest of all the standard-setting groups.

In 2005, the National Council of Juvenile and Family Court Judges (NCJFCJ) released its *Juvenile Delinquency Guidelines*, a comprehensive guide to improving juvenile court practice. The NCJFCJ included timeliness as one of sixteen key principles that form the foundation for juvenile delinquency courts. The NCJFCJ made two arguments for setting time limitations in juvenile court proceedings:

A youth with delayed cognitive development who must wait a significant period of time between offense and consequence may not be able to sufficiently connect the two events. As a result, the intended lesson of consequences and accountability is lost and the consequences will not likely change future behavior (NCJFCJ, 2005:43).

If the juvenile justice process is not timely, many youth will experience prolonged uncertainty. Prolonged uncertainty can increase anxiety. Increased anxiety can negatively impact trust and a sense of fairness. If a youth does not perceive the juvenile justice system to be predictable and fair, then the system’s goal of changing behavior is less likely to be achieved. (NCJFCJ, 2005:44).

The NCJFCJ standards suggested that the time between the initial hearing and disposition hearing should not exceed 40 business days in cases of non-detained juveniles, and 20 business days for detained cases. The NCJFCJ also issued more detailed process charts that recommended the following time limitations dependent upon a youths' admission or denial of an allegation (NCJFCJ, 2005:207):

- 1 day to 2 weeks for detained cases where a juvenile admits responsibility for the offense;
- 1 to 4 weeks for detained cases where a juvenile denies responsibility for the offense;
- 1 to 5 weeks for non-detained cases where a juvenile admits responsibility for the offense;
- 3 to 6 weeks for cases where a juvenile is transferred to adult court; and
- 3 to 11 weeks for non-detained cases where a juvenile denies responsibility for the offense.

When taking into account the triggering event of the initial hearing, the time limits recommended in *Juvenile Delinquency Guidelines* were more stringent than the NDAA standards, but generally similar to those published earlier by the IJA/ABA, NAC, and ABA. The NCJFCJ also recommended several practices for improving timeliness and increasing the efficiency of case handling. As part of effective case docketing and case management, the NCJFCJ urged juvenile courts to routinely record and review data on the length of time between each delinquency hearing and the reasons for continuances, and to disaggregate the information to examine patterns of case processing time by specific judges, prosecutors, and public defenders. Beyond case management practices, the NCJFCJ also suggested that courts consider the following management reforms (NCJFCJ, 2005:122):

- Implement alternative methods for disposing cases involving minor offenses through diversion options to ease the burden of the formal caseload on the court;
- Limit the number of full-length trials by using alternatives to mediate and resolve disputes; and
- Eliminate inefficiencies caused by routine processing delays such as repeated continuances and excessive waiting on hearing dates.

The development of these various standards and guidelines reflects a growing awareness of juvenile court delay among legal professionals and policy makers. Of course, the impact of standards on actual case processing may be limited. This is especially true if the time frames

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suggested by the standards are considerably faster than the pace at which many juvenile courts are currently able to process their delinquency caseloads. According to the analyses in this report, the median time between case referral and final disposition for petitioned delinquency cases often exceeds 60 days. In large jurisdictions, nearly half of formally petitioned cases have disposition times in excess of 90 days. Thus, actual case processing time in many jurisdictions already exceeds the maximum time limits recommended by professional standards. Whether juvenile courts are overloaded and poorly managed or the standards themselves are out-of-date and unrealistic is a matter for further investigation.

Recent Trends in Delinquency Case Processing Time

Measuring variations in the timing of juvenile court case processing can be a complex task. The case handling practices of juvenile courts vary greatly between jurisdictions, and the courts themselves may be organized quite differently depending on State law. Most states give their juvenile courts legal jurisdiction over cases involving delinquency, neglect, and status offense proceedings. Many juvenile courts also have jurisdiction over adoptions, terminations of parental rights, interstate compact matters, emancipation, and consent (i.e., to marry, enlist in the armed services, be employed, etc.). Occasionally, juvenile courts may even have jurisdiction over traffic violations and child support matters. Juvenile courts across the U.S. also vary considerably in their responsibilities and activities. Compared to the adult courts, the juvenile court process is highly individualized and multifaceted. Juvenile courts focus on more than just the legal process leading to the final disposition of a case. Their decisions must consider the rights and welfare of the individual juvenile and the juvenile's family, as well as the role of other agencies involved with the family such as the educational and child welfare systems. A juvenile court's adjudicatory process usually incorporates information about the youth's welfare, the family's situation, the court's prior involvement with both the youth and the family, and the youth's history of adjustment in previous placements or program settings.

Juvenile courts also vary in terms of their underlying ideology. Some juvenile courts clearly provide a "purpose clause" that states the goals and objectives of the court. For example, at least 17 states have Balanced and Restorative Justice clauses, emphasizing public safety, individual accountability to victims and the community, and the development in offenders of those skills necessary to live law-abiding and productive lives as primary goals of the court (Griffin et al., 2006). Some juvenile courts emphasize traditional child welfare, others utilize the legislative guide from the Family and Juvenile Court Acts (1960s), and finally others promote punishment, deterrence, and accountability of juveniles. Although difficult to measure directly, the philosophy of juvenile justice at work in a jurisdiction may affect the amount of time between arrest and disposition.

Delays in Youth Justice

Some juvenile courts restrict their focus to adjudication and disposition. Juveniles before such courts are referred to other agencies immediately following disposition. These courts are likely to have fewer employees—a judge, perhaps a court reporter and a clerk—and their case handling procedures are relatively uncomplicated. Other juvenile courts provide a full array of pre-trial and post-dispositional services with large professional staffs. Juvenile courts in more than half the states administer their own probation services and many are responsible for detention and intake as well (Torbet, 1990). Such full-service courts essentially function as social welfare agencies, residential treatment providers, correctional facilities, and collection agencies. They require more complicated and time-consuming procedures.

Jurisdictions also vary in the degree to which law enforcement agencies divert youths from the juvenile justice system. If the police send virtually all delinquency referrals forward for court handling, the juvenile court must contend with a more diverse population of youth. This would require the juvenile court intake unit to employ more aggressive case screening practices before formal court action is considered. Prosecutors may also have differing authority and involvement at the point of intake, which could affect the relative use of various alternatives to juvenile court action.

Many matters referred to the juvenile court are resolved without official action. In 2004, for example, nearly half (43%) the delinquency cases referred to U.S. juvenile courts were handled without formal petitions or judicial hearings (Stahl et al., 2007). A juvenile involved in an unofficial (or informal) case may agree to some type of service or sanction, such as voluntary probation, restitution or community service, but no charges or petitions are filed in the case. Because informal cases are completed faster than formally charged matters, a court that relies heavily on informal handling for its delinquency cases would appear to be faster.

Case Processing Stages

In order to study delinquency case processing across many different jurisdictions, it is necessary to impose a standard definition of the various steps involved in the juvenile justice process. The National Juvenile Court Data Archive at NCJJ developed a generic model of juvenile justice processing precisely for this purpose.¹ The NCJJ generic model is used to restructure juvenile court data files from different jurisdictions so that the handling of delinquency cases can

Although difficult to measure directly, the philosophy of juvenile justice at work in a jurisdiction may affect the amount of time between arrest and disposition.

1. These descriptions of case processing stages are adapted from Juvenile Court Statistics (e.g., Stahl et al., 2007). For a more complete description of the National Juvenile Court Data Archive and its contents, see any recent report in the annual series, Juvenile Court Statistics, published by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office of Justice Programs, U.S. Department of Justice.

Delays in Youth Justice

be tracked through the same basic steps. The model recognizes that certain processing steps are common to all juvenile justice systems, regardless of terminology, the jurisdictional configuration of the court, or the allocation of service delivery responsibilities. All juvenile justice systems must have some version of intake, a pre-trial procedure in which charges are delineated, an adjudication process that establishes the facts of a case, and a dispositional process that imposes sanctions. While no single jurisdiction may use these terms in exactly this manner, the Archive restructures the processing of all delinquency cases into this basic sequence.

- Referral — Cases are first screened by an intake department (either within or outside the court). The intake department may decide to dismiss the case for lack of legal sufficiency to resolve the matter formally or informally. Informal (i.e., nonpetitioned) dispositions may include voluntary referral to a social service agency, informal probation, or the payment of fines or some form of voluntary restitution. Formally handled cases are petitioned and scheduled for an adjudicatory or waiver hearing.
- Petition — If the intake department decides that a case should be handled formally within the juvenile court, a petition is filed and is placed on the court calendar (or docket) for an adjudicatory hearing. A small number of petitions are dismissed for various reasons before an adjudicatory hearing is actually held.
- Adjudication — A youth may be adjudicated (judged) a delinquent or status offender, and the case would then proceed to a disposition hearing. Alternatively, a case can be dismissed or continued in contemplation of dismissal. In these cases, the court often recommends that the juvenile take some actions prior to the final adjudication decision, such as paying restitution or voluntarily attending drug counseling.
- Disposition — The court determines the most appropriate sanction, generally after reviewing a predisposition report prepared by a probation department. The range of options available to the court typically includes commitment to an institution; placement in a group or foster home or other residential facility; probation (either regular or intensive supervision); referral to an outside agency, day treatment, or mental health program; or imposition of a fine, community service, or restitution.²

By examining the time between the stages of this generic juvenile justice process, the extent of variation in case processing time for delinquency cases in juvenile courts throughout the United States can be examined. Specifically, national patterns in delinquency case processing time may

2. Excludes cases that do not involve juvenile court adjudication hearings because a youth was waived or transferred to criminal (adult) court instead. Judicial waivers to criminal court account for less than one percent of all cases referred to U.S. juvenile courts (Stahl et al., 2007).

be explored to determine; whether case processing is slower or faster in smaller versus larger jurisdictions, in cases that involve secure detention versus those that do not, and in cases that are formally petitioned and formally adjudicated versus those that are dismissed or disposed with voluntary sanctions.

Previous Trends

The NCJJ study by Butts and Halemba (1996) provided the first and only detailed examination of national trends in delinquency case processing time. The results indicated that delinquency case processing time increased substantially between 1985 and 1994. The overall median time to disposition for formally processed cases grew from 64 to 72 days during the ten-year period addressed by the study. The increase in case processing time was seen across jurisdictions, as the median time to disposition for formally processed cases increased 20 percent for large counties (those with populations greater than 400,000) and 21 percent for small counties (those with populations less than 100,000). Mid-sized counties demonstrated the largest increase in median time to disposition for formally processed cases, up 35 percent between 1985 and 1994.

The study also indicated that the timing of juvenile court disposition was at least partly related to jurisdiction size. Larger jurisdictions with heavier caseloads were more likely than smaller jurisdictions to have problems with case processing delays. However, the authors noted that counties exhibited varying degrees of court delay, regardless of the population. Some of the longest processing times were observed in relatively small jurisdictions.

The NCJJ study suggested several factors that could be related to delay problems, including the severity of offenses, the rate at which courts use formal adjudication and out-of-home placement and the enactment of State statutes or court rules to regulate case processing. In addition, the authors identified a clear association between growing delinquency caseloads and aggregate patterns in disposition time. Among jurisdictions with declining caseloads, the average median processing time for formal delinquency cases fell by 35 percent between 1985 and 1994. For jurisdictions with caseloads increasing by 50 percent or more, the average median processing time grew by 109 percent (from 44 to 92 days). Most importantly, the study found that many juvenile court dispositions times exceeded even the most lenient professional juvenile justice standards.

Delays in Youth Justice

This analysis updates and extends the NCJJ study by assessing more recent patterns (1995-2004) in delinquency case processing and by analyzing the relationships between case processing time and various case outcomes. It explores the extent to which case processing time varies by the size of the jurisdiction in which the court is located, the rate at which cases are formally petitioned and adjudicated by the court, the composition of the court's delinquency caseload, and the use of secure detention prior to disposition. This study also relies on the prior study to answer a number of questions, such as: Did the pace of juvenile court disposition for delinquency cases change during the twenty years from 1985 to 2004, by how much, and for what types of cases? The analysis utilizes a database constructed from the automated case records submitted annually to the National Juvenile Court Data Archive at the National Center for Juvenile Justice. For the years addressed by this study (1985 to 2004), the NCJJ database includes records for more than 10 million delinquency cases handled by courts in nearly 1,800 jurisdictions across 21 different States and the District of Columbia.

The National Juvenile Court Data Archive

This study relies on data files contributed voluntarily to the National Juvenile Court Data Archive at the National Center for Juvenile Justice (NCJJ) by hundreds of juvenile courts and juvenile justice agencies throughout the United States. Information from these jurisdictions is used to generate the national delinquency estimates reported annually in *Juvenile Court Statistics*, a publication series from the Office of Juvenile Justice and Delinquency Prevention within the U.S. Department of Justice (Stahl et al., 2007). In 2004, the NCJJ national estimates of delinquency cases were based on detailed, individual case records from nearly 1,800 courts as well as aggregate court-level data from another 200 courts. Together, these jurisdictions contained more than 77 percent of the total U.S. juvenile population.

Unlike traditional research data files that are collected by researchers for a unique purpose, the data files contributed to the Archive at NCJJ are extracted from information systems used to support actual court operations. Some information that would be of interest to researchers is typically not available in these data files (e.g., social service histories, family backgrounds, co-defendant information, etc.), and the detail available in some data files may not be contained in others. Even when similar data elements are available, they may have inconsistent definitions or overlapping coding categories. Juvenile courts collect and organize their own data using their own definitions and coding categories. Information from automated data systems, however, tends to be highly accurate because it is the same data used to conduct the daily business of the court.

For more information about the National Juvenile Court Data Archive, visit the website of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at: <http://ojjdp.ncjrs.gov/>

Study Sample

Of the thousands of jurisdictions that contribute case-level data files to the NCJJ Archive, some are able to submit only basic information about the youth involved in each case (e.g., sex, race, age, and offense). Many jurisdictions, however, are able to contribute more detailed records with multiple indicators of court activity, including the calendar dates of case processing events. During the period from 1995 to 2004, for example, detailed data with case processing dates were contributed annually by juvenile courts in 21 States and the District of Columbia: Alabama, Alaska, Arizona, Connecticut, Florida, Georgia, Hawaii, Indiana, Maryland, Michigan, Missouri, Montana, New Jersey, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Utah, Washington, and West Virginia. In some of these States (e.g., Connecticut), case records were available from every jurisdiction in the State. In others, records were available from only a sub-set of jurisdictions, ranging from just one large county in states such as Ohio, Michigan, and Indiana, to nearly all counties in states such as Maryland, Pennsylvania, and New Jersey. For a number of reasons, some individual jurisdictions were excluded from this study even though they contributed data to the NCJJ Archive. Individual counties were included in the study sample only if all of the following conditions were met:

- 1) Detailed delinquency records were available for every year in the study period;
- 2) The total population of the jurisdiction was 20,000 or more;³
- 3) The jurisdiction disposed at least 30 formally-processed delinquency cases per year; and
- 4) Accurate dates of referral and disposition were included in the court's delinquency case records.⁴

The same inclusion criteria were employed in the previous NCJJ study (1985 – 1994) and 267 counties from 17 states qualified for analysis. For this study (1995 – 2004), 392 counties from 22 states met all the criteria (Figure 1). As of the 2000 United States Census, these counties contained 33 percent of the U.S. population. Most (236) jurisdictions had total populations less than 100,000, while 102 counties had populations between 100,000 and 400,000, and 54 had populations greater than 400,000.

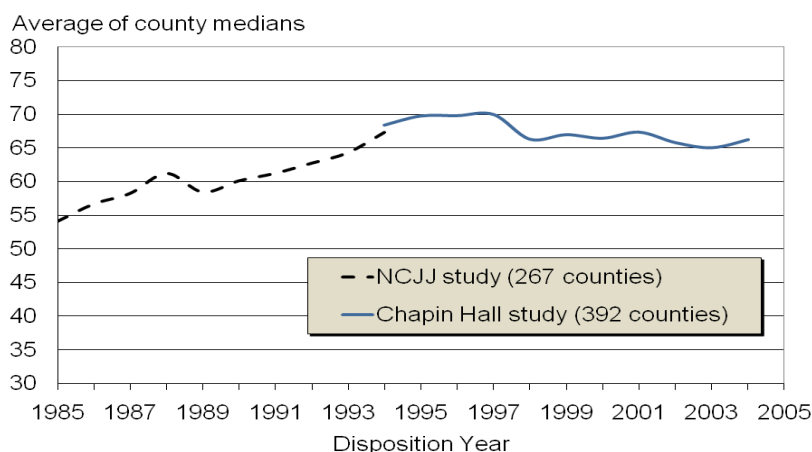
3. To eliminate very small counties that handled only a few cases per year, jurisdictions with less than 20,000 in total population were deleted from the data file before analysis. The removal of these small counties reduced the study's initial database of delinquency cases by five percent.

4. If fewer than 10 percent of the case records from any one jurisdiction contained errors in these two date fields, only the erroneous records were deleted from the database. If 10 percent or more of the records contained these date errors, the entire jurisdiction was removed from the database.

Findings

Together, the jurisdictions in the Chapin Hall study sample handled 6.4 million delinquency cases between 1995 and 2004. Their combined annual caseload decreased eight percent between 1995 and 2004, from 600,415 to 552,600 cases per year (Table 3). The characteristics of the delinquency cases processed by the sample jurisdictions were very similar to the characteristics of delinquency cases handled nationwide, according to national estimates in the *Juvenile Court Statistics* report from OJJDP (Stahl et al., 2007). For example, 21 percent of the cases handled by the sample jurisdictions in 2004 involved the use of secure detention prior to disposition, compared with 21 percent nationally.⁵ About half the cases were processed formally in 2004, both nationally (51%) and in the study sample (57%). While the sample jurisdictions adjudicated 37 percent of their delinquency cases in 2004, adjudications occurred in 38 percent of delinquency cases nationwide. The profile of offenses and dispositions among the cases processed by sample jurisdictions were also similar to those of delinquency cases nationwide. Cases in which the most serious charge was an offense against a person accounted for approximately one-fourth of all cases in both the study sample and the national estimates. Out-of-home placement was ordered in about 10 percent of sample cases and nine percent of all cases nationwide. The comparability of the sample data with national delinquency caseloads was evident in both 1995 and 2004.

Figure 1: Average of county median disposition times (in days) for petitioned delinquency cases, 1985-2004.



Notes: Broken time series. Data for 1985-1994 based on the NCJJ study of 267 counties from 17 states. Analysis for 1995-2004 based on the Chapin Hall study of 392 counties from 22 states.

Data Source: National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, PA (see Table 3 notes)

5. In this study, a case involving detention refers only to instances in which a youth was placed in a restrictive facility under court authority while awaiting the outcome of the juvenile court process.

Delays in Youth Justice

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Table 3: Characteristics of delinquency cases handled by juvenile courts in a sample of 392 U.S. counties, compared with national delinquency estimates.

	1995			2004		
	Study Sample		National Estimate	Study Sample		National Estimate
Total Delinquency Cases	600,415	100%	100%	552,600	100%	100%
Pre-Disposition Detention						
Cases not involving detention	282,827	84%	84%	141,558	79%	80%
Cases involving detention	55,549	16%	17%	37,006	21%	21%
Juvenile Court Handling						
Informal (non-petitioned)	280,094	47%	46%	235,720	43%	43%
Formal (petitioned)	320,321	53%	54%	316,880	57%	57%
Juvenile Court Adjudication						
Not adjudicated	423,482	71%	70%	346,041	63%	62%
Adjudicated	176,200	29%	30%	201,782	37%	38%
Most Serious Charge						
Person (e.g., robbery, assault)	134,751	22%	22%	137,876	25%	24%
Property (e.g., burglary, larceny)	297,534	50%	50%	202,938	37%	36%
Drug (e.g., sales, possession)	59,189	10%	9%	65,842	12%	12%
Public order (e.g., vandalism)	108,941	18%	18%	145,944	26%	28%
Most Restrictive Disposition						
Released	218,212	36%	38%	175,853	32%	31%
Placed on Probation	202,566	34%	35%	199,464	36%	36%
Out-of-home Placement	53,279	9%	9%	56,980	10%	9%
Other (e.g., fines, restitution, community service)	126,358	21%	19%	120,303	22%	24%
County Population in 2000						
Small county (under 100,000)	74,228	12%	NA	75,743	14%	NA
Midsized county	126,876	21%	NA	128,471	23%	NA
Large county (over 400,000)	399,311	67%	NA	348,386	63%	NA

Notes: Detail may not add to total because of missing data for some variables. Percentages may not add to 100% due to rounding.

Data Source: National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, Pennsylvania.

Sample: All delinquency cases disposed in 392 counties with populations greater than 20,000 in 22 States and the District of Columbia: Alabama, Alaska, Arizona, Connecticut, Florida, Georgia, Hawaii, Indiana, Maryland, Michigan, Missouri, Montana, New Jersey, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Utah, Washington, and West Virginia.

Time from Referral to Disposition

The number of days between referral and disposition was calculated for every delinquency case handled by the sample jurisdictions from 1995 through 2004 (Table 4). In 1995, 32 percent of the delinquency cases disposed by the sample jurisdictions had disposition times exceeding 90 days. By 2004, this percentage had decreased to 29 percent. The median time to disposition for all cases in 2004 was 44 days, a decrease of 10 percent from 1995. The median is the preferred measure of central tendency in a study of case processing time since, unlike the mean (average) the median is not affected by a small number of cases with extreme values.

Disposition time appeared to be related to jurisdiction size. In 2004, the median time to disposition for cases from large counties was 49 days, compared with 40 days for midsize jurisdictions, and 34 days in small jurisdictions. In the largest counties, 32 percent of all delinquency cases required more than 90 days to reach disposition, compared with 23 percent of cases from the smallest counties. Similar differences in the disposition times of small versus large jurisdictions were apparent in 1995.

In 1995, the median disposition time for cases involving secure detention was 53 days, compared with 58 days for cases that did not involve detention. There was very little difference in the timing of 2004 case processing according to whether detention was involved (48 days for cases involving detention and 49 days for cases that did not involve detention). Of course, it is important to recognize that the measure of detention in this analysis is simply whether or not detention was used at any point prior to disposition of a case. It does not specify the amount of time a youth spent in detention, nor does it control for the point in case processing when a youth was detained.

In both 1995 and 2004, formally charged cases had substantially longer disposition times than cases handled informally. The median processing time for formal cases was 70 days in 2004, and two of every five formal cases required more than 90 days to reach disposition. Informally handled cases, on the other hand, had a median disposition time of 19 days in 2004, with only 15 percent taking more than 90 days to conclude. Formally charged cases in large jurisdictions took even longer to dispose.

In 1995, 32 percent of the delinquency cases disposed by the sample jurisdictions had disposition times exceeding 90 days. By 2004, this percentage had decreased to 29 percent. The median time to disposition for all cases in 2004 was 44 days, a decrease of 10 percent from 1995.

Table 4: Days elapsed between referral and final disposition for delinquency cases handled in 1995 and 2004 by juvenile courts in 392 U.S. counties.

	Number of Cases		Median Days to Disposition		Percent of Cases Over 90 Days	
	1995	2004	1995	2004	1995	2004
Total Delinquency Cases	600,415	552,600	49	44	32%	29%
Small county (under 100,000)	74,228	75,743	32	34	20%	23%
Midsized county	126,876	128,471	46	40	29%	26%
Large county (over 400,000)	399,311	348,386	55	49	34%	32%
No use of detention	282,827	141,558	58	49	35%	33%
Detention used	55,549	37,006	53	48	31%	29%
Informal (non-petitioned cases)	280,094	235,720	24	19	17%	15%
Formal (petitioned cases)	320,321	316,880	78	70	44%	39%
Formal Cases						
Small county (under 100,000)	34,206	38,351	55	54	31%	31%
Midsized county	63,411	66,606	67	63	38%	36%
Large county (over 400,000)	222,704	211,923	85	75	48%	42%
No use of detention	134,753	56,769	90	83	50%	47%
Detention used	46,319	30,416	60	55	34%	32%
Informal (non-petitioned cases)	143,388	110,321	86	79	48%	45%
Formal (petitioned cases)	176,200	201,782	72	65	41%	37%
Person offense cases	77,692	82,777	83	76	46%	42%
Property offense cases	146,501	108,154	84	78	47%	44%
Drug law violations	36,575	40,550	76	70	43%	39%
Public order offenses	59,553	85,399	58	54	34%	31%
Adjudicated Cases						
Placed out of the home	53,082	56,980	67	56	38%	34%
Probation or other supervision	102,261	130,451	77	70	43%	39%
Other	20,857	14,351	62	53	37%	30%

Notes: Detail may not add to total because of missing data for some variables.

Data Source: National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, PA (see Table 3 notes)

The median disposition time for petitioned delinquency cases from the largest 30 counties in the sample was 88 days in 1995. There was a marked decline in time to disposition for formal delinquency case in the largest 30 counties through 2004; the median fell to 78 days, the proportion of cases exceeding 90 days fell to 44 percent, and the number of counties whose median exceeded 90 days fell from 16 to 11.

The impact of juvenile court efforts to accelerate the disposition of detention cases appeared to be pronounced among formally petitioned cases. When secure detention was used at some point in the processing of formally charged cases, the median disposition time was 55 days in 2004. In cases where detention was never used, the median time from referral to disposition was 83 days.

One of the longer median disposition times in both 1995 and 2004 was for formally charged delinquency cases not resulting in adjudication (79 days in 2004). More than two of every five (45%) of these cases in 2004 had disposition times in excess of 90 days. In part, this may reflect the use of court continuances in cases that are held open pending a juvenile's completion of voluntary sanctions, a practice that is common in many juvenile courts with large caseloads.

Disposition times varied somewhat according to the most serious offense involved in delinquent cases, with formally charged property and person offense cases having the longest median disposition time in 2004 (78 and 76 days, respectively). Public order offense cases had the shortest median time (54 days in 2004). The type of disposition ordered in formally adjudicated cases also appeared to be associated with length of case processing. Adjudicated delinquency cases resulting in probation orders were handled more slowly than those ending in other dispositions, with a median time to disposition of 70 days in 2004. Of the major types of court dispositions, out-of-home placement cases had the shortest processing time in both 1995 and 2004.

Case Completion Rates

Another technique that can be used to examine case processing time is to plot the cumulative rate of dispositions in a continuous fashion, producing a visual representation of what proportion of all cases were completed at any increment of processing time—30 days, 60 days, 90 days, etc. Compared with analyses of central tendency (i.e., mean and median), analyzing the cumulative disposition rate often allows a more detailed understanding of case processing time (e.g., Grossman et al., 1981).

Delays in Youth Justice

Substantial differences in the timing of formal and informal delinquency cases were apparent in graphic form (Figure 2). The disposition rate for informal cases handled by the sample courts was very rapid in the first few weeks following referral. In 2004 more than half (64%) of all informal cases were completed within 30 days of referral. On the other hand, fewer than one-quarter (23%) of formally petitioned cases were disposed within 30 days. Even after 120 days, 25 percent of formally adjudicated cases had yet to reach disposition. The same was true for 33 percent of formally-charged, non-adjudicated cases.

Graphic analysis also revealed substantial differences in case processing time according to the size of jurisdictions (Figure 3). In 2004 delinquency cases from the largest jurisdictions (those with more than 400,000 residents) took considerably longer to reach disposition. Four months or 120 days after referral, 23 percent of all delinquency cases from the largest jurisdictions were still short of final disposition. The smallest jurisdictions in the study, or those with between 20,000 and 100,000 total residents, appeared to move cases to disposition more quickly. In these jurisdictions, 77 percent of all delinquency cases were disposed within 90 days.

Changes in Case Processing Time

As previously discussed, the median time to disposition increased for nearly all types of delinquency cases between 1985 and 1994 (Butts and Halemba, 1996). Between 1995 and 2004, however, the median time to disposition for cases from the sample jurisdictions decreased 10 percent, from 49 to 44 days. Declines were also seen in formally processed cases, which had a median of 70 days in 2004 compared with 78 days in 1995. Comparing the timing of formally petitioned cases only, the median disposition time from large counties fell 12 percent between 1995 and 2004, from 85 days to 75 days, while the median for cases from smaller counties (under 100,000 population) fell only slightly from 55 to 54 days.

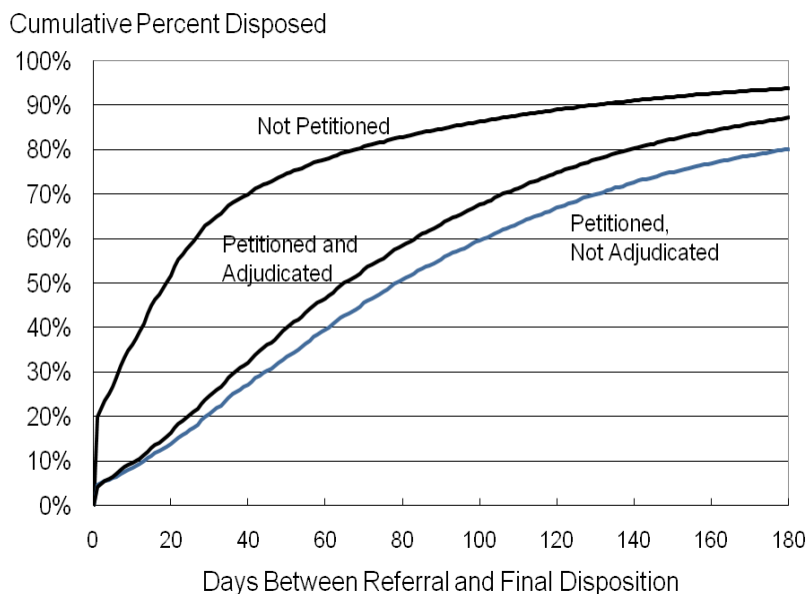
Disposition time varied according to the most serious offense involved in a delinquency case.⁶ Formally processed person and property offense cases had much longer median disposition times than public order offense cases, regardless of county size. In all four of the major categories of delinquency offenses, cases from large counties had the longest median disposition times (Figure 4). Between 1995 and 2004, large counties experienced the greatest decline in time to disposition across offense categories. For example, formally processed person

In 2004 more than half (64%) of all informal cases were completed within 30 days of referral. On the other hand, fewer than one-quarter (23%) of formally petitioned cases were disposed within 30 days. Even after 120 days, 25 percent of formally adjudicated cases had yet to reach disposition.

6. Detailed comparisons of processing time among the sampled jurisdictions are based on formally petitioned cases only because the jurisdictions in the study were known to vary in the extent to which they relied on juvenile courts to handle informal (i.e., often less serious) delinquency matters. The treatment of formally petitioned delinquency cases was more consistently reported among the sampled jurisdictions.

Delays in Youth Justice

Figure 2: Rate of disposition for 2004 delinquency cases processed by juvenile courts in 392 counties, by manner of handling



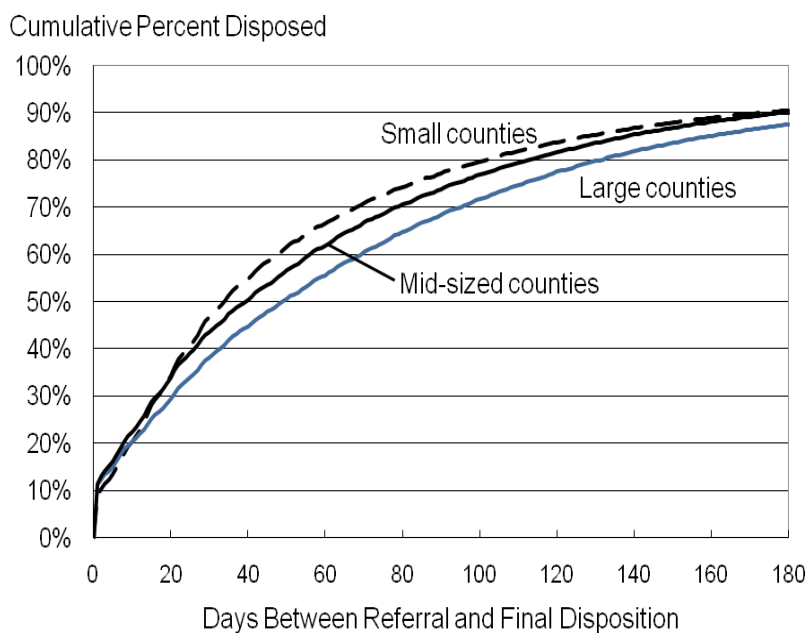
Notes: Analysis based on non-petitioned (informally handled) cases (n=237,253), formally petitioned cases that were not adjudicated (n=115,431), and petitioned cases that were adjudicated (n=201,796).

Data Source: National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, PA (see Table 3 notes).

offense cases from large jurisdictions had a median disposition time of 81 days in 2004, down nine percent from 1995 (89 days). By comparison, the median disposition time for formally processed person offense cases decreased relatively less between 1995 and 2004, for midsize and small jurisdictions (down 4% and 1% respectively).

When examining 20 years of delinquency court processing data by offense category, changes in delinquency case processing time exhibited a general pattern. For many types of cases, median disposition times increased between 1985 and 1990 and then declined between 1990 and 1992. The median time to disposition for property offense cases, for example, fell four to six days in all population groups between 1990 and 1992. Between 1992 and 1996, however, the median time to disposition generally increased for all population groups and offense categories. The opposite pattern was found for the period of 1996 to 2004, where median disposition times declined for each population group across offense categories. The declines in median disposition time between 1996 and 2004 were greater than 10 percent in large counties for all offense categories. By offense, the decline in median

Figure 3: Rate of disposition for 2004 delinquency cases processed by juvenile courts in 392 counties, by size of county population.



Notes: Analysis based on all delinquency cases from small counties (n=75,743), all cases from mid-sized counties (n=128,471), and all cases from large counties (n=348,386).

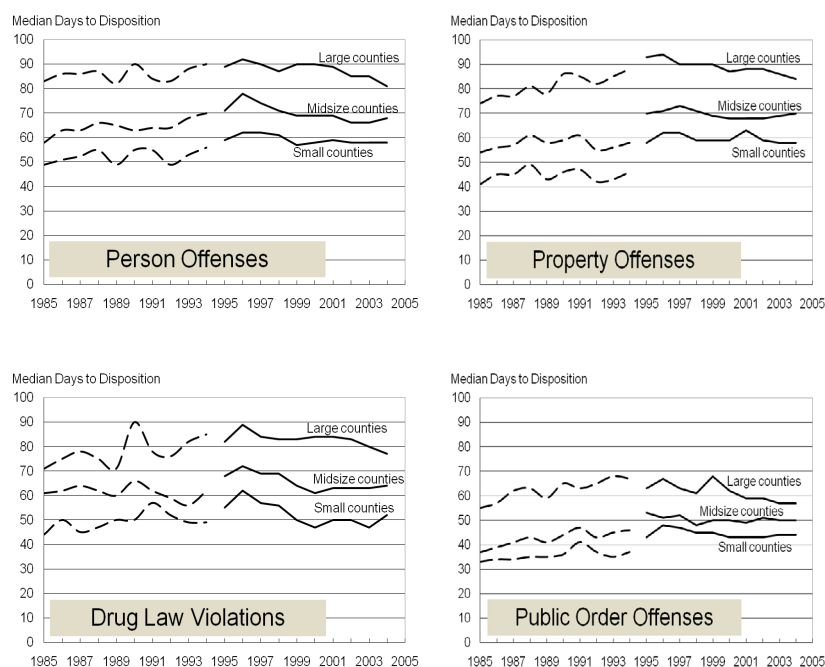
Data Source: National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, PA (see Table 3 notes).

time to disposition for drug offense cases was consistently large for all population groups, down by 16 percent for small counties, 13 percent for large counties, and 11 percent for mid-sized counties.

Jurisdiction Differences

Large jurisdictions are over-represented in the preceding analyses due to the size of their caseloads. In fact, half (51%) of all formally petitioned delinquency cases were handled by the 30 largest counties in the 392 jurisdiction study sample. Thus, the measures presented above may reflect the nature of case processing in a relatively small number of jurisdictions. In order to understand jurisdictional variations in case processing time it is helpful to reduce the disproportionate influence of large counties.

Figure 4: Median days between referral and disposition for delinquency cases processed by juvenile courts, by size of county population: 1985-2004.



Notes: Broken Time Series, 1985-2004. Analysis for 1985-1994 based on the NCJJ study of 267 counties from 17 states. Analysis for 1995-2004 based on the Chapin Hall study of 392 counties from 22 states.

Data Source: National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, Pennsylvania (see Table 3 notes).

An entirely different method can be used to examine jurisdiction-level differences with aggregate case processing measures. Using the original data file, a jurisdiction-level data file was constructed that contained aggregate measures of case processing time for each county in the study, independently of the number of cases disposed. For example, a single aggregate measure for median days to disposition was calculated for each jurisdiction whether that measure summarized the processing of 100 cases or 1,000 cases. County-aggregate variables include the total number of formally handled delinquency cases, the number of cases that were detained, adjudicated, etc. Aggregate measures of case processing time included the mean and median days from referral to disposition for all cases, the percentage of all cases that required more than 90 days to complete, the mean and median days for detained cases, adjudicated cases, and so on. Using these aggregate measures, the analysis was able to explore jurisdictional differences in case processing time while controlling for caseload size.

An entirely different method can be used to examine jurisdiction-level differences with aggregate case processing measures. ... For example, a single aggregate measure for median days to disposition was calculated for each jurisdiction whether that measure summarized the processing of 100 cases or 1,000 cases.

Table 5: Average median disposition time (in days) for 2004 cases disposed in sample counties, by case type, population, and total size of 2004 caseload.

	Formal, Petitioned Delinquency Cases			Adjudicated Cases	
	Total	Not Adjudicated	Adjudicated	Placed on Probation	Placed out of home
All counties (n=392)	66	85	66	72	57
County population in 2004					
Under 60,000 (n=172)	54	78	54	58	47
60,000 to 200,000 (n=130)	76	94	76	83	66
Over 200,000 (n=90)	77	85	75	82	65
Cases disposed in 2004					
Under 200 cases (n=174)	60	82	62	68	52
200-500 cases (n=104)	68	90	65	71	59
Over 500 cases (n=114)	74	84	73	78	63

Note: Each measure represents the average of the median case processing times for counties in that category. In other words, while the median disposition time for petitioned cases ranged from 1 to 200 days among the 392 sample jurisdictions, the average of these county medians was 66 days.

Data Source: National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, PA (see Table 3 notes).

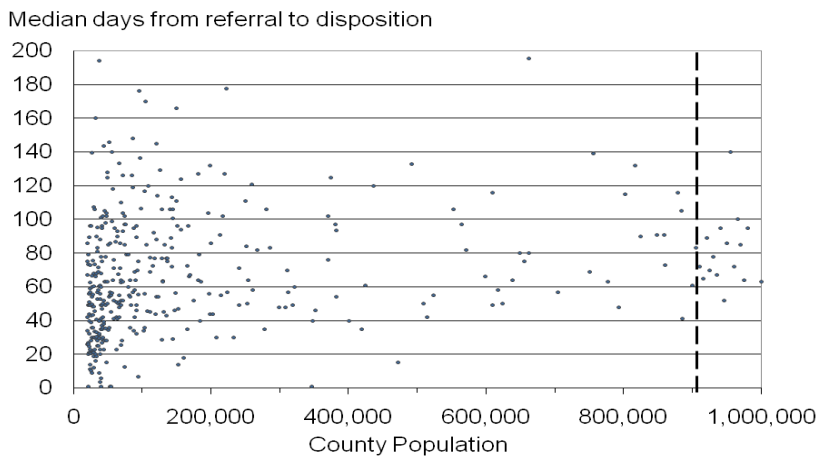
Among all sample jurisdictions, the median disposition time for formal delinquency cases ranged from one day to just under 200 days. The average median was 66 days (Table 5). Jurisdictions with the largest populations had the highest average median. Among all counties with populations greater than 200,000, the average median disposition time for petitioned cases was 77 days, compared with an average of 76 days for counties between 60,000 and 200,000 in population, and 54 days for counties with populations under 60,000. In all categories, with the exception of petitioned case that were not adjudicated, the average median processing time was generally consistent in counties identified as mid-sized or large.

Median disposition times appeared to be more closely associated with the number of petitioned delinquency cases disposed by the sample jurisdictions. Although the pattern was again not entirely uniform, the average median disposition time for petitioned delinquency cases was greatest in jurisdictions with the largest caseloads (over 500 formally handled cases per year).

The relationship between processing time and the size of jurisdictions—both in terms of population and caseload—suggest that processing delays were generally more problematic in larger jurisdictions. However, it is possible that the differences shown in Table 5 were due to random variations or the influence of a few jurisdictions with unusual disposition times. One way to examine this possibility was to portray the association between population size and case processing time for every jurisdiction in the study.

The relationship between jurisdiction size and case processing time was examined by plotting the median case processing time for formally handled cases in each jurisdiction against the total population of that jurisdiction (Figure 5). The correlation between jurisdiction size and median disposition time appeared to be relatively weak when examined in this manner. There was considerable variation in median processing time regardless of population, and some of the longest case-processing times were seen in relatively small jurisdictions.

Figure 5: Median days to disposition for formal delinquency cases disposed in 2004, by county population in 2004.



Notes: For presentation purposes, 17 counties with populations between 1 and 10 million were recoded to appear as having populations between 900,000 and 1 million.

Data Source: National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, PA (see Table 3 notes).

Clearly, a jurisdiction's median case processing time for delinquency cases is more than simply a reflection of its population size or the burden of its caseload. Many factors affect case processing time. Other factors that have been identified by research on criminal court case processing include the severity of the court's caseload, the proportion of all cases that result in formal charges and conviction, and the characteristics of the jurisdiction itself—demographic composition, legal structure, etc.

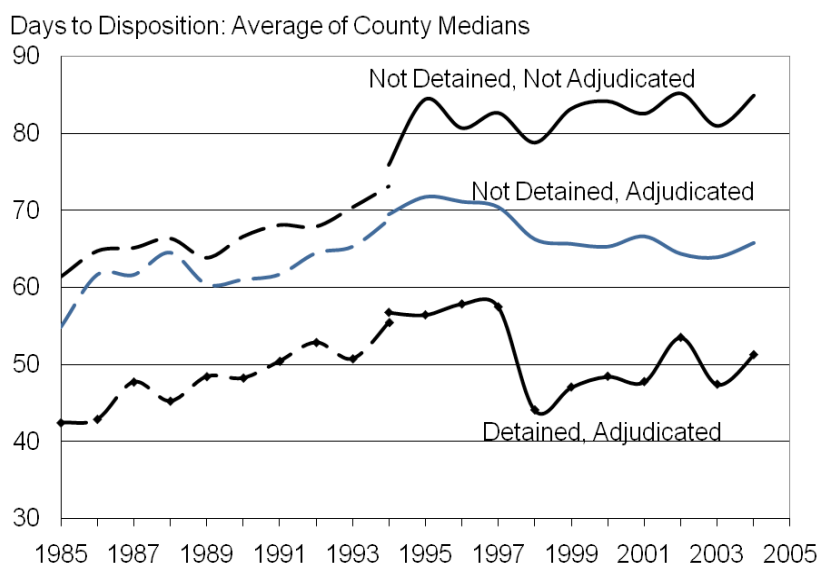
In addition, it appears that when examined by adjudication, the long-term trends in the handling of formally processed delinquency caseloads have not been consistent. The previous NCJJ study found that the average median for both formally processed adjudicated and non-adjudicated cases increased substantially between 1985 and 1995. In the current study, the average median time to disposition for formally processed non-adjudicated cases increased slightly, while for adjudicated case it decreased between 1995 and 2004 (Figure 6). Between 1985 and 1994, the average median time to disposition for formally processed adjudicated and non-adjudicated delinquency cases increased comparably, by 25 percent and 19 percent respectively. During the following ten-year period, the average median time to disposition for formally processed adjudicated cases fell by eight percent to 66 days. For non-adjudicated cases, the average median days to disposition remained at or near the 1995 level through 2004.

Caseload Characteristics

Researchers studying justice delays have often shared the assumption that court processing time is longer in jurisdictions with more serious caseloads. In other words, as the proportion of cases involving serious charges or severe dispositions increases, so too should the time required to process all of the court's cases. This assumption was examined by categorizing the sample jurisdictions according to the seriousness of their delinquency caseloads in 2004—e.g., the proportion of formal delinquency cases that involved a person offense as the most serious charge, the proportion of cases that involved a drug offense as the most serious charge, the proportion of cases that resulted in out-of-home placement rather than probation or other dispositions, and the proportion of formal cases that were adjudicated by the court. The jurisdictions were divided roughly into thirds according to each of these factors.

Clearly, a jurisdiction's median case processing time for delinquency cases is more than simply a reflection of its population size or the burden of its caseload.

Figure 6: Average median case processing time for petitioned delinquency cases, 1985-2004.



Notes: Broken Time Series, 1985-2004. Analysis for 1985-1994 based on 267 counties in the NCJJ study. Analysis for 1994-2004 based on 392 counties in the Chapin Hall study.

Data Source: National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, Pennsylvania (see Table 3 notes).

For example, in 146 jurisdictions person offense cases accounted for fewer than 22 percent of all formal delinquency cases, while person offense cases made up between 22 percent and 29 percent of all cases in 136 jurisdictions, and 30 percent or more of all cases in 110 jurisdictions (Table 6). The average median disposition times of these three groups varied. In 2004, the average median was 68 days among jurisdictions where person offense cases accounted for 30 percent or more of all formal cases, compared with an average median of 66 days in jurisdictions where person offense cases were 22 percent or less of the caseload. In addition, changes in disposition time were greater between 1995 and 2004 among the jurisdictions with lower proportions of person offense cases.

Between 1995 and 2004, national estimates of trends in juvenile court caseloads indicate a significant increase in the number of drug offense cases (19%). These increases were also seen in the sample data used in the current study and were independent of the jurisdiction size and caseload. In 1995, the average median case processing time for drug

Table 6: Average median disposition time in 1995 and 2004, by caseload characteristics in 2004.

	Average Medians			
	Number of Counties	Disposition Year		Percent Change
		1995	2004	
Total Study Sample	392	70	66	-5%
Proportion of court caseload that involved person offenses				
Under 22%	146	73	66	-9%
22%-29%	136	79	79	-1%
30% or more	110	71	68	-5%
Proportion of court caseload that involved drug offenses				
Under 9%	128	74	81	10%
9%-13%	129	72	71	-2%
14% or more	135	72	63	-12%
Proportion of court caseload that involved youth placed out of the home				
Under 10%	140	58	68	16%
10%-19%	107	57	55	-4%
20% or more	145	66	51	-22%
Proportion of court caseload that involved adjudicated youth				
Under 60%	125	78	77	-1%
60%-79%	151	74	66	-11%
80% or more	116	58	54	-8%

Note: Average median is the average of the median processing times of a group of counties.

Data Source: National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, Pennsylvania (see Table 3 notes).

offenses did not vary much of the basis based on the proportion of cases involving drug offenses. However, in 2004, counties with the lowest percentage of formally processed drug offense cases had the highest average median time to disposition at 81 days, an increase of 10 percent from 1995. Counties with the largest share of drug offense cases had the shortest average median case processing time in 2004.

These results differ greatly from the previous study, where a strong relationship was found between disposition time and caseload severity as measured by the relative proportion of drug offenses among a court's delinquency caseload. In 1994, jurisdictions with the most drug offense cases had an average median disposition time that was greater than jurisdictions with a smaller number of drug offense cases. In 2004, the relationship was reversed. It may be possible that the shift in the offense profile of the juvenile court caseload had a significant impact on jurisdictional handling of drug cases.

The association between disposition time and out-of-home placement was not in the expected direction. The average median disposition time for formal delinquency cases was 51 days among the 145 jurisdictions where out-of-home placement cases accounted for 20 percent or more of all formal cases, compared with 68 days among jurisdictions where placement cases were nine percent or less of the caseload. The relationship between disposition time and the use of adjudication by the sample jurisdictions was in the opposite direction. The average median disposition time was lowest (58 days in 1994) among the jurisdictions with the highest proportion of adjudications (those where 80 percent or more of all formally-handled delinquency cases were adjudicated). This finding, however, was consistent with analyses that have found disposition times decrease as the relative proportion of adjudications in a jurisdiction grow (Butts, 1997). Such a finding suggests that in courts where adjudications become frequent and routine, most of the court's screening of cases occurs at the point of petitioning rather than adjudication, and the court's deliberations at the adjudication stage are less involved and less time-consuming. On the other hand, the percentage increase in the average median disposition time between 1985 and 1994 was greatest (35%) in jurisdictions with the highest rates of adjudication.

Changes in Workload

Court workload is often presumed to affect case processing time. The study was able to examine this factor in part by comparing changes

These results differ greatly from the previous study, where a strong relationship was found between disposition time and caseload severity as measured by the relative proportion of drug offenses among a court's delinquency caseload.

Delays in Youth Justice

in average median case processing time among sample jurisdictions according to whether their delinquency caseloads increased between 1995 and 2004. Overall, the average median disposition time of sample jurisdictions decreased five percent between 1995 and 2004, from 70 to 66 days. Among jurisdictions that experienced increases of 50 percent or more in the size of their delinquency caseloads, the average median disposition increased by one percent between 1995 and 2004 (Table 7). Among jurisdictions with declining caseloads, on the other hand, the average median processing time fell six percent, from 68 to 64 days.

For the period of 1985 and 1994, the previous NCJJ study found that disposition times increased far more in jurisdictions where caseloads increased substantially (Butts and Halemba, 1996). The relationship was observed among both large and small counties. For the period of 1995 through 2004, however, average median case processing time declined among large jurisdictions regardless of caseload changes. Only small and mid-sized counties that experienced a caseload increase of 50 percent or greater also experienced an increase in their average median time to disposition. This finding is in stark contrast to the prior study's support for the hypothesis that caseload pressures lead to case processing delays.

Of course, this analysis is suggestive only. Without more information about court resources (e.g., number of judges, courtrooms, and support staff), it is not possible to draw firm conclusions about the relationship between caseload changes, court workload, and disposition time. While the previous study found a clear association between growing delinquency caseloads and aggregate patterns of disposition time, results from the current study suggest that it is possible for caseloads to increase without negatively impacting disposition time. It is possible that court efficiency has improved or perhaps, legislative or court rules have been more regularly enforced to follow national guidelines, thus minimizing the impact of increasing caseloads. However, this is merely speculation without a close examination of how states handle deadlines for juvenile court processing.

Discussion

The increasing juvenile court delays seen from 1985 to 1994 did not continue through 2004. Case processing time actually decreased between 1995 and 2004. Overall, the median disposition time for delinquency cases handled by the 392 jurisdictions in this study fell 10 percent between 1995 and 2004, from 49 days to 44 days. There

Delays in Youth Justice

Table 7: Average median disposition time in 1995 and 2004, by population, by percentage change in formal delinquency caseloads from 1995 to 2004.

	Caseload Change: 19995-200e	Number of Counties	Average Median		Percent Change
			1995	2004	
All	Decreased	182	68	64	-6%
Counties	Up 1%-49%	127	74	69	-7%
	Up 50% or more	83	67	68	1%
Small	Decreased	77	58	56	-4%
Counties	Up 1%-49%	53	56	52	-7%
	Up 50% or more	42	49	52	5%
Midsize	Decreased	53	74	69	-7%
Counties	Up 1%-49%	48	79	77	-3%
	Up 50% or more	29	83	86	4%
Large	Decreased	52	78	70	-9%
Counties	Up 1%-49%	26	100	88	-12%
	Up 50% or more	12	87	78	-11%

Note: Average median is the average of the median processing times of a group of counties. See Table 3 for definitions of county population size in 1995.

Data Source: National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, Pennsylvania (see Table 3 notes).

are several explanations for these reductions in processing time. First, between 1995 and 2004, the total delinquency caseload decreased by eight percent in the study’s sample of counties. Courts with declining caseloads appeared to experience declining processing times. The number of delinquency cases from large jurisdictions in the sample (those with populations greater than 400,000) declined by 13 percent between 1995 and 2004, while their median time to disposition dropped by 11 percent. By comparison, the number of delinquency cases increased 2 percent for small counties (those with populations smaller than 100,000) and their median time to disposition increased six percent.

This finding was most pronounced for formally processed delinquency cases. In small counties, the formal delinquency caseload increased by 12 percent and the median disposition time for formally processed cases remained stable. In large counties, the formal delinquency caseload decreased by five percent and the median disposition time for

formally processed cases from large counties fell 12 percent, from 85 days to 75 days. In fact, in large counties that experienced a 50 percent increase in their formal delinquency caseload the average median time to disposition still decreased by 11 percent, between 1995 and 2004.

Several factors appear to have contributed to lower median court processing time, including declining caseloads in large counties, larger proportions of adjudicated cases, larger proportions of formally processed cases involving detention, and larger proportions of cases involving public order offenses. While encouraging, these results do not suggest that unnecessary court delay has disappeared or that all problems associated with juvenile court delay have been resolved. Among the study's sample of 54 large counties (those with populations exceeding 400,000), the median time to disposition for formally petitioned delinquency cases ranged from 15 to 198 days, and 11 of the jurisdictions had medians greater than 100 days. The average median among the 54 largest juvenile courts was 80 days. Forty-two percent of the cases in these jurisdictions had disposition times longer than 90 days. These disposition times exceed the recommended standards promulgated by various national organizations and commissions over the past 30 years.

While encouraging, these results do not suggest that unnecessary court delay has disappeared or that all problems associated with juvenile court delay have been resolved.

Delay Reduction Efforts in Three Juvenile Courts

As part of this study, researchers visited three juvenile courts in the Midwestern United States. During these visits, the research team documented the case processing practices of the courts and their techniques for managing delinquency delays. The three jurisdictions studied were Hamilton County, Ohio (including the city of Cincinnati), Kent County, Michigan (including the city of Grand Rapids), and Peoria County, Illinois. These three sites were selected in part because they were relatively accessible to the Chicago area where the research team was based, but also because they enjoyed positive reputations for their efforts to address delinquency delays and for their ability to adhere to state-imposed case processing standards. Each court approached the challenge of case processing time in ways that reflected its own court culture and the resource base of its juvenile court system.

The Chapin Hall study team collected data about each jurisdiction through on-site interviews with court staff, observations of court proceedings, and a review of court documents. Interviews were conducted with court administrators, judges, magistrates and referees, case managers, docket managers and clerks, prosecutors, research staff, and probation officers. The interviews focused on each court's case processing information system, how the system facilitated day-to-day operations and helped to reduce case processing delay, and how the system affected individual roles of court staff. As many of those interviewed had been involved in the court for many years, interviews also focused on how current case processing information systems had altered day-to-day operations and facilitated timely handling of delinquency cases compared with their former methods of court administration, many of which are still being used by juvenile courts nationwide. As such, data from these interviews may inform other jurisdictions not only on best practices to reduce delay, but on how to make the transition to more technologically driven, effective case management systems.

The juvenile court in Hamilton County was selected for two main reasons. First, the state of Ohio is considered a leader in addressing the issue of case processing delay and Hamilton County was noted by Ohio

Delays in Youth Justice

State Supreme Court administration as being particularly effective at reducing delay and processing cases within timeframes established by the State. This is particularly noteworthy given that this is a large, urban county with heavy caseloads. Second, Hamilton County is one of a growing number of jurisdictions that manages its court dockets using a highly advanced information system. At a minimum, automated systems have the potential to reduce case processing times through automatic calendaring, which helps keep cases moving within state or locally imposed time frames. As exemplified by the Hamilton County Juvenile Court, automated information systems can also strengthen overall day-to-day court operations and lead to greater efficiency throughout the entire court.

The Family Division of the 17th Circuit Court of Kent County was selected because, like Hamilton County, Kent County is recognized as a state-wide leader in case delay reduction efforts. Yet, Kent County can be thought of as more labor intensive, operating a computerized, but not fully automated, information system that is widely viewed as contributing to timely handling of delinquency cases. Kent County was also selected because of strong local culture and administrative practices centered specifically on the goals of monitoring and evaluating case processing time, providing internal evaluation, and reducing the time that the court takes to process youth through the system.

The research team selected Peoria County, Illinois as an example of a smaller juvenile court with limited resources that does not rely on an advanced computerized case management system, as seen in the other two jurisdictions described here. In addition, unlike the other states represented here, Illinois has taken a less aggressive approach to reducing case processing delay. Yet, keeping delinquency cases moving is central to Peoria County Court staff and processing delays are kept to a minimum.

Hamilton County, Ohio

Delinquency cases in Hamilton County fall under the jurisdiction of the Hamilton County Juvenile Court, which also handles dependency, paternity/child support, juvenile traffic, custody, visitation, failure to send, tending to cause, and contribution to child's delinquency cases. Hamilton County is a large, urban jurisdiction (including the city of Cincinnati) that handles nearly 20,000 delinquency filings each year.⁷ After peaking in the late 1990s, delinquency filings have generally been on the decline, with just over 18,000 delinquent filings in 2005.

7. Hamilton County Juvenile Court: Delinquency Filings Since 1999.

Delays in Youth Justice

The Hamilton County Juvenile Court is directed by two judges and 26 appointed magistrates who preside over daily case management, including plea and trial hearings in delinquency cases. Dispositions are determined by magistrates, with decisions subject to review and approval by the assigned judge. The court also employs case managers to assist in court proceedings. Both magistrates and case managers are assigned to cases following a rotating schedule. In addition to the court administrator, the court employs an executive director of docketing/case management, Ms. Melinda Klenk, who supervises 89 staff members, including service clerks, complaint clerks, deputy clerks, and case managers. Ms. Klenk has been with the Hamilton County Juvenile Court for 30 years. Her experience with and knowledge of both historical and current staff, case processing practices, and the case management system have contributed to the high level of efficiency that characterizes the court. Interviews with court staff revealed a high degree of respect for Ms. Klenk.

Efforts to Reduce Delay

Ohio is a leader in efforts to reduce case processing delays and Hamilton County is one of the state's most efficient jurisdictions. The Supreme Court of Ohio's case management section encourages the development of new approaches to case flow management and delay reduction. Local courts regularly report case processing statistics, including number of cases pending past time guidelines, to the case management section of the supreme court (for an example of the form used by local judges and courts in statistical reporting to the State, see Appendix A). The Supreme Court also requires local courts to submit a yearly case management plan.

The Hamilton County Juvenile Court adopted a case management plan establishing time frames for the disposition of delinquency cases, including time for services (Table 8). The court allows continuances upon showing of good cause. Continuances should be no longer than necessary, should be granted with the youth present, and can be no longer than 14 days. Hamilton County's efforts to reduce delay are not merely a response to State requirements. The importance of processing time has a long history in the Hamilton County Juvenile Court. While many courts have begun to focus on case processing time due to the implementation of state statutes, a culture of case flow management has been established for many years in Hamilton County.

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Table 8: Time frames for processing of detained and non-detained delinquency cases: Hamilton County.*

Event	Deadline	Triggering Event
Detained Cases		
Detention hearing	72 hours (or next court business day)	Placement in detention
Relinquishment of jurisdiction hearing (if appropriate)	3-15 days	Detention hearing
Dispositional hearing (If youth admits to charges or is adjudicated after trial)	Immediately	
Trial (if youth denies allegations)	15 days	Filing of charges**
Final disposition	90 days	Date of initial custody
Not-Detained Cases		
Plea hearing	21-25 days	Date complaint is filed
Dispositional hearing (If youth admits to charges)	Immediately (or within 21 days as appropriate)	
Trial (if youth denies allegations)	30 days	Plea
Final disposition	6 months	Adjudication

* Information reproduced from “Rules of Practice of the Hamilton County Juvenile Court” May 2006, located online at <http://www.hamilton-co.org/juvenilecourt>.

** Unless youth is not arrested immediately upon filing of the charge, whereupon a trial will be held within 10 days of placement in detention.

Court staff members in Hamilton County recognize the importance of timeliness and take pride in their efforts:

“Everyone always talks about detention admission models, but not at how long it takes kids to get into the courtroom. I think case processing is wrapped up in everything you do. We’ve always given it a larger role; it wasn’t an afterthought. The fact that each case has an urgency and can’t just sit is important.” – Mark Reed, Court Administrator

“Timeliness has always been a concern. I’m not sure why that has always been. It gives me a great sense of pride when I see how other courts operate. I always walk out of there feeling good about where I work.” – John Cullum, Chief Deputy Clerk

“We have always been aware of it [case processing]. I haven’t seen much of a change in our culture in the 30 years I’ve worked here except for the increase of offenses involving the use of weapons” – Melinda Klenk, Executive Director of Case Management

Changes in Delinquency Case Processing

Although Hamilton County has a long history of attention to timeliness, delinquency case processing has undergone a transition in the past decade from a labor intensive, manual entry system to a highly sophisticated and efficient automated case management system.

Prior to implementation of the automated case management system, case processing notes were all hand written by judges and magistrates. Clerks then transcribed the judge and magistrate notes into a journal book. This system was used from the 1940s through 1989. In 1990, clerks started entering hand-written notes into the Regional Computer Information Center (RCIC) computer system. This system still relied, however, on clerks to decipher judge and magistrate notes which could result in errors, as well as in double-entries. (For an example of a hand-written entry, see Appendix B).

In addition, scheduling of cases was conducted by hand, with case proceedings entered in a magistrate’s docket book. Magistrates did not have control of their docket; rather a docketing clerk would hand write case numbers, names, times, and charges next to an open time slot in the Magistrate’s docket. Time slots were created three months in advance and tracked on sets of loose-leaf paper for each magistrate. Delinquency cases in Hamilton County are currently processed through an automated system called the Juvenile Case Management System (JCMS). The system took two years to build and was implemented in October 1999 with no testing period for magistrates. Deputy clerks and other clerks received training. Unlike other computerized case management systems, JCMS completely automates every stage in case processing.

Complaints are entered into JCMS by clerks. Upon entry, JCMS will automatically assign a case number, generate an initial court date (that falls within case management time frames), and print out multiple copies of summonses. Each summons has the name of a case manager at the bottom of the document. If there is a scheduling conflict, the attorney is responsible for resetting the initial date. When a case is entered, the clerk can also enter information into the system, such as address,

Delays in Youth Justice

guardian, victim information, or whether weapons were used in the offense. This information can be updated throughout the proceedings. The clerk is also able to bring up prior violations from the system and link the case to co-defendants. There is one complaint clerk within the clerk's office and several complaint clerks in the Intake Department of the Youth Center. There are 50–60 cases entered per day on average. Initial case hearings are assigned to the first available time in JCMS. The executive director of case management loads dates for only 90 days, so as not to allow cases at any stage of the court process to be scheduled past the appropriate time frame. A scratch docket, printed via JCMS, can be accessed by magistrates and other court staff to show the daily case schedule. As with the hand-written scratch docket used prior to 1999, this docket shows case names, numbers, charges, times, and schedule types for each Magistrate. The case manager and other service providers (e.g. probation, parole, social worker, etc.) are also printed on the docket.

JCMS is intricately tied to the court process, with computers located in each courtroom, including one computer for each magistrate and one for each case manager. Each has his/her own screen. For example, within the case manager's screen, there is a menu for scheduling dockets, generating notifications, verifying services, finding or canceling court dates, or updating case information (e.g. school attendance, employment, medical history, relationships). The case manager also has access within JCMS to a check-in screen that shows when parties have checked in at reception. This increases efficiency by providing the courtroom with up-to-date information on the arrival of parties. From the scratch docket, magistrates enter the appropriate case number into JCMS, which brings up case information. During the hearing, magistrates can enter notes from the proceedings into JCMS.

If a continuance or additional hearing is necessary, scheduling is conducted in the courtroom. Case managers will find the first available date offered by JCMS to schedule subsequent events. If this date does not work for parties, the next available date will be found by JCMS. Dates are only loaded for a 90-day period. Magistrates and case managers are unable to override the system to schedule events outside of this time frame. Separate screens are available in JCMS to schedule companion cases—e.g., when the youth has other complaints filed or other youth were involved in the case. Because such cases are connected in JCMS, they can easily be scheduled on the same date to increase efficiency in the processing of these cases and allow youth and families to make court appearances on one day.

Delays in Youth Justice

Copies of orders and decisions that are produced during the hearing are printed from JCMS in the courtroom. For example, a magistrate will enter information into JCMS during the hearing and generate an entry (orders/decisions). The entry, created as a word document, starts with standard text entered by the magistrate. JCMS recognizes the boiler plate language and generates the appropriate paragraph. When this entry is completed, it is printed automatically, signed by all parties, and then attached to the scratch docket. A bar code is automatically attached to each entry, virtually eliminating the chance for error in recording case information and linking documents across a case.

Every case on the scratch docket must have an entry (orders and decisions), printed out from JCMS. Although all necessary scheduling and printing of documents is completed in the courtroom, magistrates are responsible for placing their clipped orders into a bin at the end of the day. All orders are then scanned the next morning by a clerk. Decisions are sent to the judge for signature. In addition, any summons or notice of continuance is generated through JCMS during the hearing and printed in the courtroom. Unlike orders, however, notices are scanned in the courtroom. When a continuance generated, a TIF file is automatically created and scanned. This feature was developed due to the realization by court staff that the process of scanning notices, summons, and citations was taking too long. Thus, the feature of automatically creating a TIF image to be used immediately was developed within JCMS. Copies of documents for all parties are printed in the courtroom.

Efficiency through Court Automation

Hamilton County has been very effective in the timely processing of cases, particularly considering the heavy caseload, with 95-96% of all cases falling within the State's time guidelines. Dependency cases proved to be the most difficult to process. Court administration is very proud of the accomplishments of the jurisdiction, particularly given the large caseloads. The automated case management system is one of the main reasons for the timeliness displayed by the Hamilton County court. The automated system has improved timeliness by creating a more efficiency within the courtroom. By integrating JCMS fully into court proceedings, information can be inputted and outputted immediately. Entries and notices are generated automatically and printed in the courtroom. In addition, notices of continuances are automatically scanned in the courtroom. This reduces delay of subsequent proceedings as parties do not have to wait for paperwork

The automated case management system is one of the main reasons for the timeliness displayed by the Hamilton County court.

Delays in Youth Justice

to be generated. With JCMS also comes a decrease in the chance for case processing errors. In particular, the incorrect linking of cases is virtually impossible due to the automatic generation of bar codes on all entries and court documents.

Greater efficiency is achieved outside of the courtroom as well, as JCMS has made accessing case records easier. For example, prior to JCMS, one had to manually search through paper files and the docket to find information on a case or specific hearing date. Under JCMS, such information can be found immediately in the system, including court documents which are scanned and filed electronically as well as in hard-copy form.

Although JCMS is primarily a case management resource (e.g. the primary function is court operation), the system can also be used as a monitoring and evaluation tool. Each magistrate has the same amount of time to complete their cases and is assigned the same percentage of each case type. JCMS has rules for how long each case should take. The case management director can use JCMS to monitor how far along into the daily docket each magistrate is and identify which magistrates are falling behind in their cases. In addition, JCMS is used by the deputy clerk to run monthly case processing statistical reports that are distributed to the judges and case management director. Having the capability to monitor case processing so easily allows Court administration to evaluate the effectiveness of court staff and overall case management and to locate where improvements are needed.

JCMS has also become a unified system for purposes of monitoring youth in detention and probation. Although only court staff has the ability to enter data into JCMS, the system is linked to other departments, which increases efficiency as various court players can easily access case information. Wireless access to JCMS is particularly useful to probation workers, who can pull up the system while in the field. The Court is also working on getting JCMS operational in police cars so officers can see if there is an open case on a youth.

The use of JCMS has also affected the courthouse staffing structure. Since the implementation of the automated case management system, thirteen staff members were lost and have not been replaced, yet efficiency in the Court has increased. Thus, although staff is valued by the court, more work can be accomplished with fewer staff members under the automated system.

Overcoming Challenges to Automation

The transition to an automated case management system, although improving efficiency, has not been without challenges. JCMS has introduced many changes for staff through new job responsibilities and re-structuring of courtroom proceedings. For example, during the transition to JCMS, court administration faced some resistance by magistrates who did not want to enter data into the computer and be seen as “clerks.”

Other staff complaints focus on the physical presence of the computer in the courtroom, which is perceived by some as an impediment to interactions with youth and families. Because magistrates are continuously entering information into the system during proceedings, they frequently look down at their keyboards as they enter information instead of looking at the parties. Thus, while increasing efficiency, the use of computers in the courtroom has the potential to create less personal interactions with youth and families.

Hamilton County has worked to overcome these challenges with strong leadership and a culture that is supportive of timely case processing. Court administration noted the importance of having a good group of magistrates who, while resisting somewhat, have now embraced the system because of their commitment to timely case processing. Court administration also recognizes that simply implementing an automated system is not enough to ensure timely case processing. As noted by court staff, similar automated systems are in use in other jurisdictions, yet have not seen the efficiency achieved by Hamilton County. Courts must be committed to the automated system and work hard to achieve the benefits to case processing efficiency that such a system allows.

Another challenge of automation is handling the abundance of information it garners. As noted by Ms. Klenk, “Sometimes JCMS has too much information; over the years we’ve built report after report.” The challenge lies in how to use both the system overall and the data that it can provide. Clearly Hamilton County has effectively used JCMS as a case management tool to improve case processing timeliness. How to best use the reports that the system is capable of generating is less clear.

The transition to an automated case management system, although improving efficiency, has not been without challenges.

Delays in Youth Justice

Although not without challenges, Hamilton County has implemented an automated case management system that has nearly eliminated case processing delays. Automated scheduling ensures that cases are heard within established time frames. By fully integrating the automated system with courtroom operations, court proceedings have become more efficient and magistrates and case managers have immediate access to updated case information. Printing and scanning of court documents reduces the time required to distribute notices and increases the court's ability to track and manage case paperwork. By using its automated system, Hamilton County has not only reduced processing delays but created efficiency throughout the entire court system.

Kent County, Michigan

Prior to 1998, Kent County operated a separate juvenile court and circuit court. In 1998, the state legislature created a Family Division, under which juvenile delinquency cases are currently heard, within the 17th Judicial Circuit Court. The Court operates within the one judge/one family concept and delinquency cases are assigned randomly and proportionately across six judges, although the Court does assign repeat juveniles and families to the judge assigned in the initial case. Each judge is assigned an attorney referee to assist with cases. The referees preside over almost all juvenile delinquency preliminary hearings, as well as conducting plea hearings, trials, dispositions. According to the court's annual reports, delinquency petition filings in Kent County grew approximately 4 percent between 2004 and 2005, reaching 3,906 filings.

Efforts to Reduce Case Processing Delay

Attention to the issue of case flow management in the State of Michigan increased during the 1980s. During this time, there was a push by the State Court Administrative Office (SCAO) to create guidelines for processing cases, which have been referred to as "standards" by some court staff across the state. These guidelines originated, in part, as a response to principles created by the National Center for State Courts and the need for a tool to determine how many judges should be assigned to different types of cases. In addition, there was recognition by the Michigan Supreme Court that child protection cases on appeal were not being processed in a timely manner and this sparked even greater interest in the issue of case delay.

In response to the interest in case flow management and the perceived need for time guidelines, the Michigan Supreme Court established a Caseflow Management Coordinating Committee in 1985 and a Caseflow Management Rules Committee in 1989. Based on the work of these committees, the Supreme Court implemented a 1991 order, Administrative Order 1991-4, requiring trial courts to develop and implement case flow management plans, with the primary purpose of preventing delay in case processing. A subsequent order in 2003, Administrative Order 2003-7, refined and expanded time guidelines and required each trial court to adopt a local administrative order describing a case flow management plan.⁸ Following recommendations of the SCAO, the Kent County Circuit Courts' case management plan adopted the goals of expediting the disposition of all cases in a manner consistent with fairness to all parties, minimizing the uncertainties associated with processing cases, assuring equal access to the adjudicative process for all litigants, resolving matters guided by what is permissible under law by defined standards of service and by balancing the needs of the individual and society, and enhancing the quality of litigation.

To meet the goals of its case flow management plan, the Circuit Court established the following objectives:

- Ensure the continued commitment and leadership of the judges by meeting regularly with judges (and other significant parties/staff, as appropriate) to discuss and make decisions regarding issues related to case flow management.
- Set specific and timely standards for resolution of each case type, including the time guidelines as promulgated by the Michigan Supreme Court. This includes adhering to a firm, but fair adjournment policy.
- Monitor and measure a variety of caseload information and use this information to meet better the goals of the court's case flow management system.
- Assign the Deputy Administrator of Management to provide oversight and supervision to the broad area of case flow management.
- Be open to and creative in developing and implementing other resources that aid the court in achieving early and continuous control over cases, including alternative methods of resolving cases.

In addition, as part of the case management plan, the court reviews each area of the plan at least annually to ensure it is meeting the stated goals and objectives. Each objective is pursued aggressively in Kent

8. For a history of case flow management in Michigan, see "Caseflow Management Guide" published in 2004 by the State Court Administrative Office at <http://courts.michigan.gov/scao/resources/publications/manuals/cfmg.pdf>.

County and this has contributed to increased case flow management and improvements in communication between court staff, which helped Kent County to become a state leader in case flow management efforts.

Both the State of Michigan and Kent County recognize the importance of judicial leadership in efficient case processing. Kent County instituted the practice of holding regular meetings with judges and court administrators with the specific goal of discussing and evaluating the issue of case processing. Judges meet collectively with the court administrator on a monthly basis to discuss case processing and to evaluate their performance. Both judges and administration find these meetings useful in bringing attention to the issue of case processing delay. As one judge noted, the issue of delay is more than just following bureaucratic guidelines from the SCAO. Internally focusing on timeliness helps the Court to learn about its own effectiveness. Increased attention to processing delay has led the Court to develop an array of programs (e.g., community probation), and thus can impact the court and the youth it serves in ways that extend beyond increasingly timeliness.

As part of the case management plan, Kent County adopted the guidelines for circuit court case processing put forth by the State Court Administrative Office (SCAO). These provide time frames in which various stages in a delinquency case should be completed (Table 9). For the completion of the full case (in terms of adjudication and disposition), separate time frames are provided for target percentages of all petitions or complaints to be completed.

In addition to adopting the time standards recommended by the Michigan Supreme Court, Kent County has instituted internal performance measures by which the court regularly evaluates itself. These performance measures include not only effectiveness at improving youth outcomes (e.g. recidivism), but also at effectiveness in meeting case processing timeframes. Performance measures of case processing timeliness follow from State time guidelines and the time standards put forth in the court's case flow management plan. Kent County's goals are to have 100% of delinquency petitions disposed within the stated time frames (e.g. 100% disposed of within 98 days for detained cases and within 210 days for non-detained cases).

Kent County instituted the practice of holding regular meetings with judges and court administrators with the specific goal of discussing and evaluating the issue of case processing. Judges meet collectively with the court administrator on a monthly basis to discuss case processing and to evaluate their performance.

Table 9: Timeframes for processing juvenile delinquency cases: Kent County, Michigan.

Event	Deadline (Goal%)	Triggering Event
Detained Cases		
Preliminary hearing	24 hours	Placement (exclude Sundays & holidays)
Pre-trial conference (if necessary)	28 days	Initial preliminary inquiry
Formal hearing	28 days	Plea
Non-contested hearing	28 days	Authorization of petition
Contested hearing	42 days	Authorization of petition
Adjudication and disposition	84 days (90%) 98 days (100%)	Pre-trial conference
Non-Detained Cases		
Initial preliminary inquiry	20 days	Assignment of case to intake
Pre-trial conference (if necessary)	28 days	Initial preliminary inquiry
Formal hearing	42 days	Plea
Non-contested hearing	42 days	Authorization of petition
Contested hearing	56 days	Authorization of petition
Adjudication and disposition	119 days (75%) 182 days (90%) 210 days (100%)	182 days (90%)
Formal hearing for sexual offenses	56–70 days	Authorization of petition

SCAO recommendations for case management plans included the implementation of a case management system to monitor case progress, generate various reports for measuring activities and procedures, and generate reports showing compliance with time guidelines. In 2004, the Kent County Circuit Court launched a computerized case management system, called CourtView. The system was developed for use in criminal, civil, delinquency, and family cases in Kent County, as well as Macomb and Ingham Counties in Michigan. Previously, the court operated a Juvenile Information Systems and Records Administration (JISRA) for approximately 20 years.

CourtView operates as somewhat of a hybrid system, combining computerized inputs and outputs with labor intensive practices. CourtView is used to facilitate court operations and perform some case management functions, though something less than a fully automated system. Data are mostly entered manually, often by clerks. Although efforts are made to stay within time guidelines, scheduling is still based on the availability of the particular judge or referee rather than being set automatically within appropriate timeframes as is the case with Hamilton County's automated system.

A function of the CourtView system is to monitor and evaluate case processing. The decision to use CourtView was partially made in response to the SCAO's case tracking requirements of circuit courts. CourtView allows the Court to track time intervals of delinquency cases and to generate case management reports by individual judges or date parameters. For example, CourtView generates a "Circuit Court Age at Disposition and Pending Case Age" report, which shows how old cases are by judge and by case type for both dispositional and pending cases. Such reports are used to meet SCAO requirements and are provided to SCAO on a yearly basis.

Reports are also generated for internal monitoring and evaluation by judges and Court administration. CourtView is used to generate a monthly "Delay Days" report provided to each judge. This report shows case processing statistics by judge, including the average number of days from case assignment to date of first hearing set before the judge. CourtView is also used to generate a monthly juvenile caseload chart, which reports statistics on the number and percentage of petitions authorized and the number and percentage of pending cases for each judge. In addition to information garnered from reports, judges can use the CourtView system to look at their calendars and search for cases that are either approaching or have already exceeded guidelines. These practices exemplify Kent County's awareness of the importance of case processing timeliness, not only to meet state requirements, but to pursue a genuine interest in self-evaluation and commitment to reducing delays.

Although monitoring and evaluating timeliness appears to be an important use of the system, CourtView does have case management functions across the entire docket. The system provides tools for court management, records, scheduling, and financing (e.g. collecting fines and fees). Judges in Kent County have computers in court and on their desk tops, which allows for greater control of individual dockets, but

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Delays in Youth Justice

the automated system is not as fully integrated into the courtroom as is the case in Hamilton County. The system is also used by the case management manager to monitor timeliness, schedule events, and identify data entry errors. The court is working now to develop an imaging system with a workflow component for court and legal documents within CourtView.

As part of its efforts to improve case flow management, the Kent County Circuit Court recognized the need for direct oversight of case processing. As such, court staff developed a case management department that works closely with the deputy administrator of court management. The deputy administrator was involved in the adoption of the CourtView system and is responsible for generating reports on case processing times, clearance rates, and caseload statistics using CourtView.

In addition to the implementation of a case management system and department, the court has made available a variety of resources to help control cases. These include both internal court practices and statutory orders.⁹ For example, the use of attorney referees helps to keep cases moving. In addition, referees are assigned to cases and assigned to a family division judge based on a one-judge-one-family concept. Court staff noted that this practice improves efficiency because judges and referees are already familiar with the youth and his/her family. Alternative methods for disposing cases are also used to control case processing. This includes the use of various forms of diversion from the formal docket to ensure judges and referees hear only cases requiring formal court attention.

In general, delinquency cases in Kent County are processed efficiently and adhere to the time standards adopted by the court. Generally, the time span between when the delinquent incident occurs and an arrest is made is a couple of days at most. If the juvenile is placed in detention, the time span between arrest and the receipt of the petition by the prosecutor's office from the police is typically the same or next day, and about 5 days or less for juveniles not in detention. The charge is authorized by the Prosecutor within 2 days or less, and typically the same or next day if the juvenile is in detention. An intake probation officer is assigned to the case within a week or less from the date the court receives the petition and the first intake appointment is made within 10-12 days of the intake officer being assigned. The authorization of the petition, potentially a lengthy stage in the process, can span anywhere from a few days to a month or more depending on the various court players and failure by the juvenile and family to appear at the first appointment. Scheduling and holding pretrial conferences,

9. For a complete list of case flow management resources, see Local Administrative Order 2004-12.

Delays in Youth Justice

an increasingly common event, can also be quite lengthy, with many taking 6-8 weeks to be scheduled. The first hearing with the judge is generally scheduled from 45-55 days from the pretrial conference. Thus, the entire delinquency case process takes anywhere from 75 to 150 days, which generally falls within the time standards adopted by the court. According to Jack Roedema, court administrator, pretrial conferences contribute significantly to the longer cases and cases not meeting the time standard.

In terms of performance measures, however, the court has fallen short of goals in recent years, particularly for cases that are detained (see Table 10). Although 90 percent of detained cases were disposed of within the 98-day time frame in 2002 and 2003, that figure dropped to 83 percent in 2004 and only 74 percent in 2005. This may be due to an increase in pretrial conferences for detained cases, which can significantly delay case processing. Court officials also note that the Kent County system was affected by staffing shortages during these years, especially in judicial personnel.

Factors that Contribute to Timely Case Processing

Whereas many courts address the issue of case timeliness in response to state imposed guidelines or statutes, Kent County has adopted a local culture that stresses self-evaluation and internal performance measures. This indicates a true commitment by the court to evaluate practices and performance continually in order to reduce case delay. In many ways, identifying the desire to reduce delay, establishing internal performance measures, and monitoring performance are the first steps toward improving case management timeliness. For courts that do not have the resources to acquire and implement technologically advanced case management systems, Kent County's strategy of continual self-evaluation may be an effective approach for reducing case delay.

The case management functions of CourtView appear to have improved the efficiency of day-to-day case processing. As an example, one of the biggest obstacles to timely case processing, according to the Prosecutor's Office, is notification of court events to victims. Because hearings cannot be held without notifying the victim, it is crucial that victim notification occur promptly. When a petition is authorized, it is entered into Courtview and the system automatically generates a notice to the victim. CourtView expedites events such as authorizing petitions and notifying victims. According to Vicki Seidel of the prosecutor's office, "cases don't get lost [with CourtView] like they used to." Snags, such as delayed authorization of petitions and not notifying victims, have been improved by CourtView.

For courts that do not have the resources to acquire and implement technologically advanced case management systems, Kent County's strategy of continual self-evaluation may be an effective approach for reducing case delay.

Table 10: Performance measures for case processing timeliness: Kent County, Michigan

Performance Indicators	Year of Disposition			
	2002	2003	2004	2005
Percent of delinquency petitions (in custody) disposed within 98 days (Goal is 100%)	90%	90%	83%	65%
Percent of delinquency petitions (not in custody) disposed within 210 days (Goal is 100%)	100%	100%	100%	95%

Note: Data are not perfectly consistent across all years. Percentages before 2005 were calculated using samples and may have yielded higher than actual percentages.

Another feature that makes CourtView particularly useful in terms of efficiently processing cases is the system’s integration across the Court and other criminal and juvenile justice departments and agencies. For example, the Prosecutor’s Office has a module of CourtView, which allows the office to access certain portions of the CourtView system. For example, if the Court scheduled a case and it is adjourned, a system note is sent via CourtView to the prosecutor informing them to call witnesses. Before this system integration, prosecutors would have to call the court to ask the status of hearing adjournments. This integrative aspect of CourtView was noted by multiple court staff as having increased communication between departments, which in turn, facilitates case processing.

Although the CourtView system has increased efficiency and aids in case processing management and evaluation, one must be cautious for the potential of user error. Clerical errors are one disadvantage of the CourtView system. For example, a scheduler can erroneously enter initial petition dates, orders of disposition, etc. Such errors are often caught when case management reports are generated. Thus, it is important that courts using a system such as CourtView provide adequate oversight.

The case flow management plan and day-to-day operating practices illustrate Kent County’s commitment to improving the timeliness of cases, both through adherence to state guidelines and the development of a strong local culture that stresses self-evaluation. Although automated case management systems have great potential to reduce delay, Kent County serves as an example of how courts can effectively address case delay concerns without such technology.

Peoria County, Illinois

Peoria County falls within the Tenth Judicial Circuit Court in Illinois, which also includes the counties of Marshall, Stark, Putnam, and Tazewell. Two judges conduct juvenile cases; one judge hears cases of abuse and neglect and one hears cases of juvenile delinquency. The court receives between 450-600 new juvenile delinquency petitions annually. In 2006, for example, there were 462 petitions filed, 220 petitions dismissed, and 351 cases adjudicated. All juvenile delinquency cases are screened by the State’s Attorney. As part of the Illinois Juvenile Crime Act, the state established statutes for case processing time frames (Table 11).¹⁰ Additional extensions are allowed by law for certain cases.

Although the court follows all Illinois statutes for detained cases, there has been little tracking or evaluation of processing times. A recent grant, however, required the Court to track case time from incident to disposition. According to the State’s Attorney, the court improved greatly during the grant period, with increased efforts to stay within timeframes. Aside from this grant, no other tracking of case processing times has been conducted in the overall court, although the probation department does track cases internally.

The judge overseeing all juvenile delinquency cases receives an electronic summary of pending cases each morning. This file includes relevant case information, including the age of each case (in days) to date, sorted with the oldest cases listed first. In this way, the judge can quickly identify cases that are lagging.

Table 11: Time frames for processing of detained delinquency cases: Peoria County, Illinois.

Event	Time	Triggering Event
Detention Hearing	40 hours	Arrest (excluding Saturdays, Sundays and holidays)
Trial	30 days	Detention (45 days if necessary for drug testing and 120 days for DNA testing)
	70 days	Detention (when charges involve specific violent offenses—e.g., homicide, sexual assault, aggravated criminal sexual abuse)
Sentencing Hearing	30 days	Trial (15 day extension request allowed)

10. The analysis focuses on detained cases because these cases are considered by the Court to be most important in terms of following statutory time frames.

Case Management System

Case management in Peoria's juvenile court is largely paper-driven. The court does operate a mainframe system, but it is very limited. The court is currently undertaking a major project to determine what software will meet the court's needs in order to develop an integrated court system to replace the current mainframe system. The new system is intended to serve as a case management and reporting tool, with the ability to compile data and respond to timeliness.

Challenges to Timely Case Processing

As in most jurisdictions, having adequate staffing is critical to timely case processing. Peoria's juvenile court has received additional public defenders and assistant states attorneys from the county in recent years. The court itself, however, suffered staff cuts in the probation department, both from the state and the local jurisdiction. During the last decade, Probation and Court Services lost a third of its staff. The average caseload is approximately 70 cases per probation officer; with the ideal standard being 25:1. The loss of probation staff is particularly problematic because the juvenile court in Peoria County (as estimated by probation staff) has 2-4 times as many youth on probation as other jurisdictions of similar size.

The loss of staff decreased the court's ability to get a timely history and, therefore, can impact case processing timeliness. For example, with only two probation officers that conduct investigations, difficulties arise in tracking down reluctant clients, which can lead to continuances that delay a case. Additionally, because probation officers must be in court, this takes time away from writing reports and meeting with families. Additional probation supervisors or probation officers to attend court hearings while investigators are in the field would improve probation efficiency. Staff reductions also affect the quality of the overall process and the ability to refer children to appropriate services. For example, probation officers used to refer children to service providers directly, taking the time to develop a rapport with children and families and to make introductions to service providers. Now, they must now act more as "service brokers."

Managing Case Delay

In light of the limited resources and the cuts in probation staff more specifically, the probation department has implemented innovative

Case management in Peoria's juvenile court is largely paper-driven.

Delays in Youth Justice

strategies to ensure cases keep moving. Whereas the court in general uses a paper-driven case management system, probation has developed an internal automated access database. This system was developed by the chief of juvenile probation to speed up the court system for probation. The system was designed to aid the department in documenting probation services and to facilitate the work of probation officers. All service referrals are entered into the system, and therefore, can be easily accessed and tracked. Because the system can provide immediate caseload, service, and placement information, it is useful as a decision support tool. Probation officers considering placements can use the system to obtain information about the potential placement or service. The system also provides the probation department with oversight and accountability. With limited resources and department budget cuts, the development of this system was possible only due to the initiative of probation staff.

In addition to the resourcefulness of the probation department, timely case processing appears to be a function of the overall culture and history of the court. Timely processing of cases is largely a function of the judge, who dictates the movement of cases (as opposed to other jurisdictions with automated systems), and does so efficiently. The court also has a small staff with long tenure. This stability aids in the court's overall ability to handle cases in a timely manner. As noted in other jurisdictions, the simple geography of courtrooms can impact case processing. In the past year, the Court relocated the juvenile abuse/neglect and juvenile justice courtrooms to be next to each other. One reason for this move was so to keep attorneys closer to the courtrooms for which they needed to be available.

Peoria County is an example of a small court with limited resources that manages to address case processing delays with relatively simple methods. Yet, the experiences of the court also illustrate the benefits of adequate funding for staff and for information management systems, such as that developed by the probation department. Resources, however, must also be coordinated. As noted by staff, adding another Assistant State Attorney as a charging assistant would be helpful, but could simply result in more written complaints. Conversely adding another courtroom would not increase timely processing without providing funding to increase staff as well. Resources must be distributed and allocated across the court as a whole.

Peoria County is an example of a small court with limited resources that manages to address case processing delays with relatively simple methods.

Discussion

These three case studies point to two common themes that seem to be critical for success, regardless of a jurisdiction's characteristics and the configuration of its case management system. First, as mentioned by many previous studies, success in addressing court delay requires a court culture that is committed to case management. Hamilton County's case management system helps to eliminate unwanted delay because court events are scheduled automatically to comply with time standards, but the system continues to operate successfully largely because the Court has a long-standing culture that recognizes and values the importance of timeliness. Kent County and Peoria County share equally strong court cultures, but they must rely on less automated systems. In all three jurisdictions, staff members take considerable pride in their efforts to reduce delay, which facilitates the successful implementation of whatever case management system exists. Commitment from staff at all levels is critical, from administrators and judges, to clerks and analysts.

Second, routine and shared communication is vital for any successful case management system, regardless of how automated it may be. All three courts visited for this study generate regular reports that illustrate and compare case processing timeliness, often between courtrooms and judges. As is done in Peoria County, it may be sufficient to provide judges with a summary of current case information. In courts with a larger caseload and more judges, however, it may be beneficial to hold monthly or quarterly meetings with a larger management group that has formal responsibility for reviewing case processing times. All three courts in this study communicated regularly about case processing time with staff and judges in particular, which created a sense of accountability and stimulated a cultural priority on timeliness.

The purpose of the court visits conducted for this study was not to compare one court with another. The goal of the visits was simply to identify a range of successful policies and practices for managing delinquency delays. In visiting three very different courts, all with positive reputations for their efforts to address processing delays, the study identified a number of successful practices. The most striking finding from the three case studies is that a variety of practices can be successful, depending on the particular court and jurisdiction involved. Case management systems can be used effectively to improve practice (e.g., helping a court to manage daily work) and to serve as an internal monitoring regime (e.g., by generating routine statistics and

performance reports). Yet, there is no one-size-fits-all approach to case management. The best case management systems are tailored to fit each individual court. In large courts, automated systems are probably the most efficient and effective way of managing heavy caseloads. In smaller courts, more manual approaches may suffice. The key factors are that the court has at least *some kind of formal process* for reviewing timeliness, that a wide range of staff participate in the process, and that each participant sees his or her role in that process as part of their professional duties.

Conclusion

Among the many social reform movements that swept the United States during the late 1800s and early 1900s, one resulted in the formation of separate courts to handle young law violators. Juvenile courts were founded at least partly on the belief that young people accused of crimes should be handled differently than adult offenders, with less formality and in non-adversarial proceedings. At least for the first 60 years of their existence, juvenile courts had more in common with social agencies than they did with trial courts (Rothman, 1980).

Juvenile courts provided very few procedural protections for youths accused of delinquent acts. By the 1960s, however, it was apparent that juvenile courts were becoming very similar to criminal courts, with an emphasis on culpability and punishment rather than treatment and rehabilitation. In a series of important cases beginning in 1966, the U.S. Supreme Court ruled that the emerging “just deserts” orientation of the juvenile court merited greater legal rights for juveniles. The Court acted to increase the standards of evidence used in delinquency proceedings and to require States to provide juveniles with a number of due process rights, including the right to counsel, the right to confront and to cross-examine witnesses, the right to formal notice of charges, and the protection against self-incrimination.

The Supreme Court stopped short, however, and chose not to apply all Fifth Amendment and Sixth Amendment rights to juvenile court proceedings. A right to jury trial in juvenile courts, for example, was explicitly rejected by the Supreme Court (*McKeiver v. Pennsylvania*, 1971). The question of Sixth Amendment speedy trial rights for accused juveniles was never addressed by the Supreme Court.

Concern about the speed of the juvenile court process, however, has been growing among legislators, judges, practicing attorneys, court administrators, and law enforcement personnel. Some of these concerns may stem from an emphasis on due process rights for juveniles. Others may reflect an interest in accelerating the imposition of sanctions and services on juvenile law violators under the assumption that swift actions are more effective than delayed actions. The importance of early intervention is an underlying theme throughout the juvenile justice literature. Research has shown that while most juveniles referred to the juvenile court are referred only once, a substantial number (roughly 40%) recidivate prior to reaching the age of majority (Snyder and

Sickmund, 2006). The probability of subsequent recidivism is related to a juvenile's age at the time of court referral and the number of times he or she has been referred previously to the court. Juveniles referred to court twice before the age of 16 are far more likely to become chronic or persistent offenders.

If the youth justice system is more effective when it intervenes as soon as possible after a youth's initial arrest, case processing must proceed as expeditiously as possible. Unnecessary delays may increase the likelihood of a juvenile's subsequent involvement with the justice system as well as the likelihood that the juvenile's involvement in law-violating behavior will continue to escalate. In other words, a slow process virtually guarantees that many youth will commit more than one offense before they receive any sanctions, services, or supports from the justice system.

Minimizing delay in juvenile delinquency cases may be especially critical because of the nature of adolescence. The imposition of legal sanctions is essentially an attempt to teach offenders that illegal behavior has consequences and that anyone who violates the law will be held accountable. In order to deliver this message effectively, the juvenile court process must fit the unique learning style of adolescents. During the years of adolescence, young people experience many developmental changes and their experience of passing of time is affected—i.e., three months of summer vacation seems like an eternity to a 14-year-old. If the juvenile court waits too long to respond to youthful misbehavior, the corrective impact of the court process may be greatly curtailed.

Unnecessary delays in delinquency case processing could undermine the performance of the juvenile court, endanger the public safety, and cause harm to youthful offenders by preventing prompt initiation of rehabilitative services. Yet, very little research is done on the timeliness of the juvenile court process and its effect on youth development or public safety. The existing literature is inadequate for making informed policy recommendations. Practitioners have several decades of material to draw upon in studying and improving trial times in criminal and civil courts, but there is still little guidance for juvenile court practitioners facing the same issues. Some efforts have been made in other countries. In the late 1990s, the British government identified juvenile justice delay as a primary emphasis of national domestic policy, and English courts soon reduced the average time required to process juvenile offenders (Home Office, 1997; Shapland et al., 2001). A similar program was implemented in Finland after the Ministry of Justice embarked on a program to expedite the handling of young offenders (Marttunen, 2002).

The same cannot be said for juvenile courts in the United States. Court managers and practitioners in the U.S. have few resources to call upon when they need to measure and compare the pace of the delinquency process. In fact, prior to this study, only one major research project on juvenile justice delay had ever been published in the U.S. (Butts and Halemba 1996; Butts 1997).

Identifying the causes of juvenile justice delay and developing effective methods of reducing it requires a deep understanding of the juvenile justice system. Solutions cannot simply be imported from the criminal and civil courts. Research on juvenile court delay must consider the diverse goals of the juvenile justice system and account for the unique characteristics of the juvenile court environment. Some issues, of course, are the same. In criminal and civil courts, delays have been associated with the seriousness of offenses, the prior record of offenders, the pre-trial custody status of offenders, the size of court caseloads, the ratio of cases per judge, the number and complexity of attorney motions, and court policies regarding continuances. Some studies have suggested that processing time may be affected by a court's choice of docket management systems (master or individual calendar). Other studies have pointed to the lack of adequate information about routine case flow and an attitude among court employees that delays are normal and to be expected.

Many aspects of juvenile court delay, however, are unique to the youth justice system. The juvenile process is highly individualized and extends beyond legal fact-finding. The juvenile court must consider the developmental status of juveniles, their relationships with family members, and the role of other social institutions involved with the youth or family, such as schools, child welfare agencies, and the mental health system. Client assessments are more complex, as are adjudication hearings, pre-disposition investigations, and dispositional options, all of which can aggravate delay. Unlike criminal courts, juvenile courts often provide direct services to juveniles and families. A considerable portion of the juvenile court's caseload is handled without official action, and much of the court's work takes place before adjudication and disposition. Unless an analysis controls for pre-adjudicatory services, in fact, the relationship between processing time and recidivism may actually appear to be negative. These aspects of the juvenile court's unique mission color basic concepts about delay and justice.

Developing and disseminating standard measures of delinquency case processing time must be an essential goal for future efforts to reduce juvenile justice delays and to establish effective case flow management systems for delinquency dockets. After developing a common framework for conceptualizing and measuring processing time, the nation's juvenile courts can begin to examine and share their expertise about delay reduction and to discuss the best methods of implementing efficiency improvements. This study is intended to begin such a discussion and to improve awareness of the special issues involved in the juvenile court process. The authors hope the findings of the study support the efforts of policymakers, practitioners, and researchers currently engaged in the important work of improving case processing time in juvenile and family courts.

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Appendices

Appendix A

THE SUPREME COURT OF OHIO
FORM D
 JUVENILE DIVISION
 COURT OF COMMON PLEAS

Date of completion of most recent physical case inventory

County _____ Judge _____

Report for the month of _____, 20 _____

	A	B	C	D	E	F	G	H	I	J	K	T	V
	Delinquency	Traffic	Dependency, Neglect, or Abuse	Unruly	Adult Cases	Motion for Permanent Custody	Custody, Change of Custody, Visitation	Support Enforcement or Modification	Parentage	U.I.F.S.A.	All Others	TOTAL	Visiting Judge
Pending beginning of period	1												1
New cases filed	2												2
Cases transferred in, reactivated or redesignated	3												3
TOTAL (Add lines 1-3)	4												4

TERMINATIONS BY:

	A	B	C	D	E	F	G	H	I	J	K	T	V
Trial by Judge	5												5
Trial by Magistrate	6												6
Dismissal by party, judge, or prosecutor	7												7
Admission to judge	8												8
Admission to magistrate	9												9
Certification/Waiver granted	10	X	X	X	X	X	X	X	X	X	X		10
Unavailability of party for trial	11												11
Transfer to another judge or court	12												12
Referral to private judge	13	X	X	X	X	X							13
Interlocutory appeal or order	14												14
Other terminations	15												15
TOTAL (Add lines 5-15)	16												16
Pending end of period (Subtract line 16 from line 4)	17												17
Time Guideline (Months)	18	6	3	3	3	6	9	9	12	12	3	6	X
Cases pending beyond time guideline	19												X
Number of months oldest case is beyond time guideline	20												
Number of informal cases (all case types)	20												

Fax to:
 (614) 387-9419
 or
Mail to:
 Court Statistical Reporting Section
 Supreme Court of Ohio
 65 S. Front Street, 6th Floor
 Columbus, Ohio 43215-3431

 Judge Signature _____
 Date

 Preparer's name and telephone number if other than judge (print or type) _____
 Date

 Administrative Judge Signature _____
 Date

/92/12784 X PAGE 1 /92/12784 X

COURT OF COMMON PLEAS OF HAMILTON COUNTY, OHIO

JUVENILE DIVISION

ENTRY

APPROVE AND ENTER

FINDINGS AND RECOMMENDATIONS OF REFEREE THIS MATTER WAS HEARD BY ME ON THE FOLLOWING DATES. THE PROPER PARTIES HAVE BEEN DULY SERVED. THE FOLLOWING ARE THE FINDINGS AND RECOMMENDED DISPOSITION.

DOCKET DATE	ACTION	JUDGE'S SIGNATURE
1-14-92	Detention hearing conducted.	
20 5037	wait for presence of parent to	
9-15-92	9:00 at 2020, held in	
	detention per Rule 7 as AWOL	
	from stay center.	

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/92/12784 X

/92/12784 X

COURT OF COMMON PLEAS OF HAMILTON COUNTY, OHIO

JUVENILE DIVISION

ENTRY

APPROVE
AND
ENTER

FINDINGS AND RECOMMENDATIONS OF REFEREE
THIS MATTER WAS HEARD BY ME ON THE FOLLOWING DATES. THE PROPER PARTIES
HAVE BEEN DULY SERVED. THE FOLLOWING ARE THE FINDINGS AND RECOMMENDED
DISPOSITION.

DOCKET DATE	ACTION	JUDGE'S SIGNATURE
15 Sept 92 20-5040	<p>see previous entry</p> <p>Council waived. Admit. Delinquents Delinquency. Restitution. Court for deposition to 9/29/92 @ 8:15 .. Hold in detention per Rule 7 as child may abscond.</p>	
7-28-92 92-74116	<p>Council waived. Continue for possible Hollard placement to 10-7-92 at .. Hold per Rule 7 in detention or stay center as child may abscond.</p>	
10/7/92 92-74116 (3411)	<p>Council waived. report by P.C. continue to adjudicated report to 10/21/92 @ 8:15 .. hold per Rule 7 in detention or stay center for above reason.</p>	

92-13724X

COURT OF COMMON PLEAS OF HAMILTON COUNTY, OHIO
JUVENILE DIVISION

(p. 3)

ENTRY

APPROVE
AND
ENTER

FINDINGS AND RECOMMENDATIONS OF REFEREE

THIS MATTER WAS HEARD BY ME ON THE FOLLOWING DATES, THE PROPER PARTIES HAVING BEEN DULY SERVED. THE FOLLOWING ARE THE FINDINGS AND RECOMMENDED DISPOSITION.

DOCKET DATE	ACTION	JUDGE'S SIGNATURE
10-21-92 92-3349	Council waived. Visit for placement at Redheart to 11-4-92 2:15 Held per rule 7 for protection of other property + as child may proceed	
11/4/92 92-5274 (0011)	Council waived report for P.O., release for detentions to parent, continue for additional report to 12/7/92 @ 12:15	
12/7/92	Home copies, held per rule 7 upon apprehension. Child is a m for P.O.	
		12-2-92

Room 414

Delays in Youth Justice

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Chicago, IL 60637