

Montgomery County Circuit Court Research Bulletin FY2013 Case Processing Performance - Criminal

Case Processing Performance - Overview

During Fiscal Year 2013 (FY13), Montgomery County Circuit Court processed 2,083 original criminal cases. In FY09, the statewide criminal time standard was modified to measure the criminal case time from the first appearance of the defendant to verdict instead of from the first appearance to sentencing. As a result, the percent of cases closed within the 180-day standard improved from 86% to 96% between FY08 and FY09. In addition, in July 2010, the court introduced a revised criminal differentiated case management (DCM) plan to further improve the efficiency of its case processing. To account for the impact of the change in the time standard and the revised DCM Plan on the court's case processing performance, we provide two sets of outcomes on the criminal case processing performance: the court's FY04-FY13 criminal case processing performance results measured by the original time standard (Table 1a) and the FY09-FY13 performance results based on the new standard (Table 1b).

Measured under the original time standard, the court's criminal case processing performance, which was in gradual decline from 91% to 86% between FY04 to FY10, reached 95% in FY13. While it is hard to tell the impact of the changed time standard on the court's criminal case processing performance in terms of the percent of cases closed within the 180-day time standard, the impact of the revised DCM is apparent because from FY10 to FY12, the court's criminal case processing performance improved from 86% to 96%.

Table 1a Number of Criminal Case Terminations Based on the Old Time Standard, FY04-FY13

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT*	N	%	ACT*
FY04	2,035	94	1,852	91%	63	183	9%	402
FY05	2,383	86	2,155	90%	65	228	10%	286
FY06	2,481	84	2,239	90%	65	242	10%	260
FY07	2,485	92	2,205	89%	66	280	11%	295
FY08†	(505)	95	(435)	86%	69	(70)	14%	254
FY09	2,487‡	93	2,191	88%	69	286	12%	279
FY10	2,570‡	93	2,213	86%	69	357	14%	245
FY11	2,608‡	77	2,362	91%	58	246	9%	262
FY12	2,052‡	63	1,971	96%	55	81	4%	272
FY13	1,983‡	72	1,875	95%	62	108	5%	268

Original Maryland criminal case time standard and goal: 180 days from first appearance to sentencing and 98% within-standard terminations

* ACT = average case time (in days)

† The full criminal caseload for FY08 was 2,613. ACT and the percent of cases closed in within- and over-standard were calculated using a random sample of 505 case terminations.

‡ The cases used to calculate the case processing performance under the old time standard for FY09 - FY13 are part of the FY09 - FY13 data prepared for analysis under the new standard, and compared to those under Table 1b, the numbers for the cases is substantially smaller than the original data because cases that had a verdict in a given fiscal year but a sentencing in the following year were excluded. As such, differences in the performance results may due to variations in how the universe of criminal cases was selected over time.

Case Processing Performance - Overview, Continued

Table 1b presents the criminal case processing performance under the revised time standard for FY09 through FY13, which depicts a somewhat different picture. The court's FY13 performance of closing 95% within the time standard is comparable to that of the previous four fiscal years. However, the changes in the average case time (ACT) for all cases and among those closed within the standard shows the impact of the revised DCM Plan on the court's criminal case processing performance. In FY13, the overall and within-standard ACTs, 73 days and 62 days, respectively, are slightly longer than those in FY11 and FY12 though still shorter than those in FY09 and FY10. Thus, measured under the new time standard, the impact of the revised DCM is clearly seen among the improved average case times but not among the percent of cases closing within the time standard.

Table 1b Number of Criminal Case Terminations Based on the Revised Time Standard, FY04-FY13

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT*	N	%	ACT*
FY09	2,478	77	2,372	96%	68	106	4%	270
FY10	2,607	80	2,486	95%	71	121	5%	263
FY11	2,701	62	2,603	96%	53	98	4%	284
FY12	2,183	66	2,089	96%	56	94	4%	278
FY13	2,083	73	1,970	95%	62	113	5%	271

Revised Maryland criminal case time standard and goal: 180 days from first appearance to verdict and 98% within-standard terminations

* ACT = average case time (in days)

Case Terminations by Differentiated Case Management (DCM) Track

Table 2 presents the breakdown of the FY13 criminal case terminations by the criminal DCM track¹ and track-specific case-processing performance measures, including the average case time (ACT) for total, and within-/over-standard terminations, and the percent of cases closed within- and over-standard. As observed in previous years, in FY13, 38% of the total terminated cases were from Track 1 (District Court jury demands/appeals), 33% from Track 3 (defendants on bond or writ status), 17% from Track 2 (locally incarcerated defendants), and 13% from Track 4 (complex cases). Track 1 is the only track whose performance exceeded the statewide goal of 98%. The case processing performance of Tracks 2 and 3 cases are slightly below the goal (96% and 95%, respectively) whereas the performance of Track 4 cases was 77%. The overall criminal case processing performance appears to be largely influenced by the composition of cases by DCM track, in particular the percent of Track 1 cases compared to those of Tracks 2 and 3, and Track 4 cases, and the case processing performance of cases in Track 4 cases.

Table 2 FY13 Criminal Case Terminations by Termination Status (Within or Over the 6-month Standard) and DCM Track

DCM Track	Total Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST*	% of Track	ACT	N	% of OST*	% of Track	ACT
Track 1 (Jury Demands/ Appeals)	793	38%	41	790	40%	>99%	41	3	3%	<1%	210
Track 2 (Defendant Locally Incarcerated)	344	17%	80	330	17%	96%	72	14	12%	4%	266
Track 3 (Defendant on Bond or Writ Status)	683	33%	79	648	33%	95%	69	35	31%	5%	260
Track 4 (Complex - Screened for Assignment)	263	13%	148	202	10%	77%	108	61	54%	23%	281
Total	2,083	100%	73	1,970	100%	95%	62	113	100%	5%	271

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.

Note: Percentages do not always add to 100% due to rounding

¹ For additional information about the criminal DCM plan, including detailed descriptions of the DCM tracks, please visit the court's website at <http://www.montgomerycountymd.gov/circuitcourt/attorneys/dcm.html>.

Case Terminations by Trial Postponements

Table 3 compares the case processing performance of cases that had trial postponements and of those that did not by termination status for FY13, as well as summary figures for FY10 - FY12 at the bottom of each section of the table. The percent of cases with trial postponement(s), which declined from 51% in FY10 to 18% in FY12, increased to 22% in FY13. However, the number and the percent of postponed cases increased in all tracks but Track 1 in FY13, most had within-standard terminations, suggesting that the revised DCM plan implemented in July 2010, which modified the procedures associated with the 4-215/scheduling hearing, most likely affected not only the decision on whether to grant a postponement but also the judicial parameters on a given postponement, such as the length of the postponements.

Similar to previous years, among cases without trial postponements, virtually all cases, even among those in Track 4, closed within the time standard. Cases with trial postponements, except for those in Track 1, are more likely to close over-standard with the percent of within-percent terminations ranging from 37% from Track 4 to 86% in Track 2.

Table 3 Criminal Case Terminations by Trial Postponements, Termination Status (Within or Over the 6-month Standard), and DCM Track, FY13

DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Track	ACT*	N	%	ACT*	N	%	ACT*
Terminations With Trial Postponements										
Track 1	793	156	20%	79	153	98%	77	3	2%	210
Track 2	344	84	24%	144	72	86%	124	12	14%	262
Track 3	683	131	19%	153	102	78%	122	29	22%	260
Track 4	263	92	35%	227	34	37%	127	58	63%	285
Total	2,083	463	22%	141	361	78%	104	102	22%	273
FY12	2,183	386	18%	143	301	78%	103	85	22%	284
FY11	2,701	614	23%	136	519	85%	109	95	15%	286
FY10	2,607	1,340	51%	128	1,223	91%	115	117	9%	262
Terminations Without Trial Postponements										
Track 1	793	637	80%	32	637	100%	32	0	0%	NA
Track 2	344	260	76%	59	258	99%	58	2	1%	287
Track 3	683	552	81%	61	546	99%	59	6	1%	258
Track 4	263	171	65%	106	168	98%	104	3	2%	210
Total	2,083	1,620	78%	54	1,609	99%	53	11	1%	250
FY12	2,183	1,797	82%	49	1,788	99%	48	9	1%	222
FY11	2,701	2,087	77%	40	2,084	>99%	40	3	<1%	223
FY10	2,607	1,267	49%	29	1,263	>99%	28	4	<1%	297

* ACT = average case time (in days)

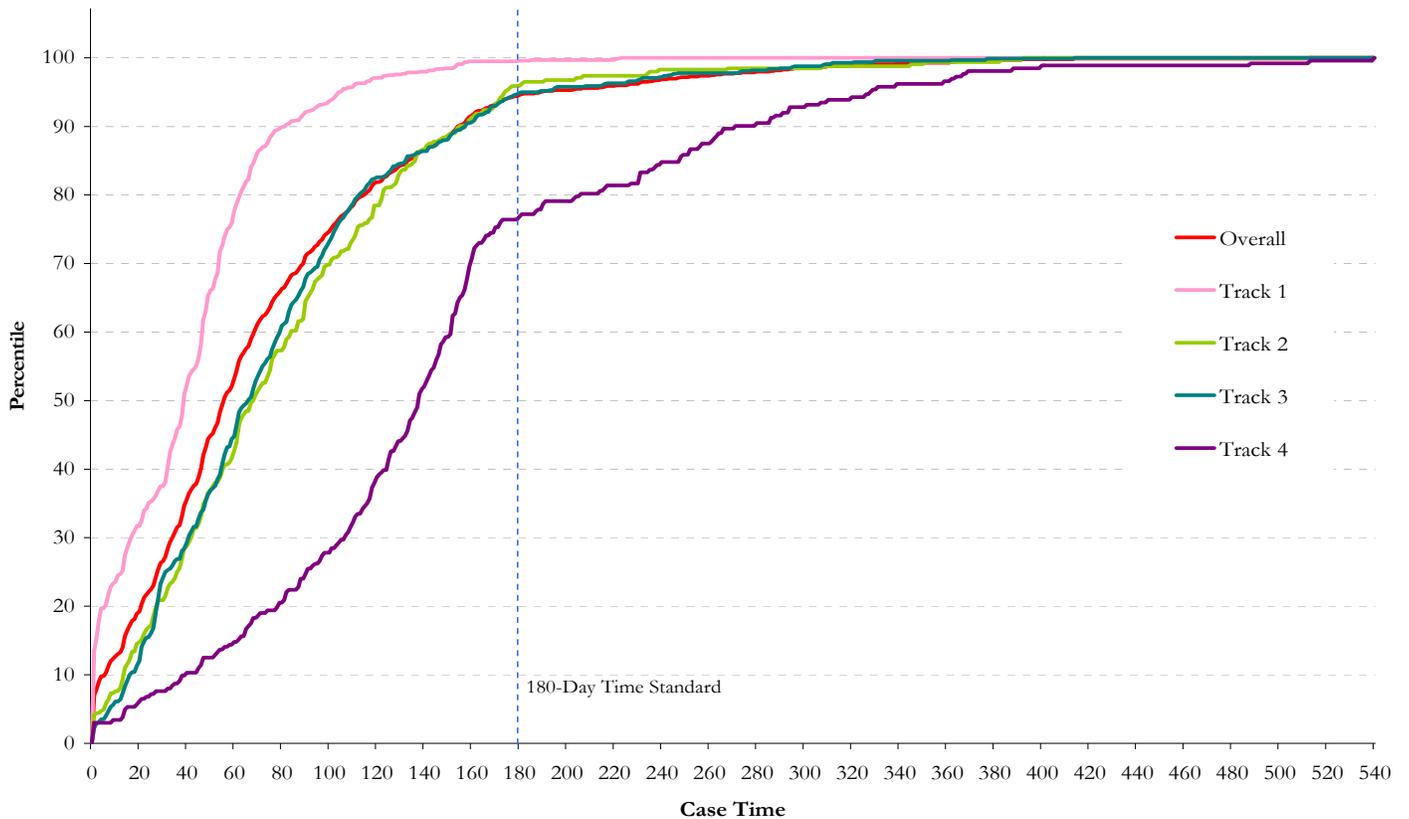
Criminal Termination Profiles

Figure 1 compares the normalized termination profile of Tracks 1 through 4 cases that reached verdict or terminated during FY13. The profile of Track 1 cases, over 99% of which closed within the time standard, exhibits a steep increase up to 90th percentile, where 90% of cases were closed within 80 days. The profiles of Tracks 2 and 3 cases are nearly identical and resemble that of the overall criminal cases, exhibiting less steep increase. Compared to the profiles of Tracks 1, 2 and 3 cases, the profile of Track 4 cases exhibits some distinctive features, including convexity up to the 73rd percentile with a linear increase up 95th percentile, followed by another change in the slope that gradually approaches the 100th percentile for the remaining 5 percentiles.

Criminal Termination Profiles, Continued

The termination profile of Track 4 cases indicates that improvement is needed to drive more prompt resolutions of these cases, particularly those in the middle section of the curve (75th to 95th percentiles with case time between 160 and 330 days), so that a greater percentage of cases resolve within the 180-day time standard.

Figure 1 Termination Profiles of Criminal Cases by DCM Track, FY13



Next Steps

- ◆ Conduct an in-depth analysis of Track 4 information and indictment cases to identify factors that may be associated with over-standard terminations. Review how well these cases are performing against the DCM guidelines to identify at which stage of the case that performance begins to falter. Devise additional measures, if necessary, to monitor the progress of Track 4 cases according to the DCM guidelines.
- ◆ Plan an analysis that quantifies the relationship between how closely a trial date was set to the case time standard deadline and the likelihood of an over-standard termination controlling for case subtype, DCM Track, DCM plan (original vs. revised), offense characteristics (type, severity and number of offenses, etc.), and the presence of companion case(s), etc.
- ◆ Determine whether modifications are required to current criminal policies and practices. For instance, review the court's current trial scheduling practice and the trial postponement policies.