

CASELOAD HIGHLIGHTS

Volume 7 • Number 1

EXAMINING THE WORK OF STATE COURTS

Profiling Felony Cases in the NACM Network

Felony filings are down in most state trial courts. The decline is occurring in trial courts both large and small and, for the first time, is now visible at the national level. The 2 percent decline in overall felony filings observed between 1998 and 1999 is the first drop recorded since the Court Statistics Project began collecting the data in 1984. This downturn in felony cases is a welcome change following a rise of 73 percent over the 15-year period.

In this issue of *Caseload Highlights*, we go beneath the national numbers to compare felony caseloads and trends at the individual trial court level. While the overall trend is down, there remain questions regarding the considerable variation among local trial courts. What similarities and differences exist in felony filing trends and totals among urban trial courts? How many judges hear these cases? Do plea and jury

trial rates vary among courts? Answers are obtained from the NACM Trial Court Network, a cooperative arrangement between the CSP and the National Association for Court Management that allows participating trial courts to compare work and resources.

Seventeen of the Network courts were able to provide annual felony filing, disposition, and pending caseload data, as well as the manner in which the cases were resolved (e.g., plea, jury trial, dismissal, etc.). In addition to the annual figures, we profile trial courts in five cities—Brooklyn, Houston, Los Angeles, Salt Lake City, and Seattle—by examining the monthly trends in a select set of felony-related indicators between January 1993 and January 2000. Finally, to facilitate comparison among the Network courts, we display some of the basic parameters of case counting, initiation, and calendaring.

Percentage Growth of Felony Filings in 17 Courts, 1997-1999

City	County	1999 County Pop. Rank*	Locality Percent Growth 1997-1999	Statewide Percent Growth 1997-1999
Phoenix, AZ	Maricopa	4	17%	10%
Lawrenceville, GA	Gwinnett	n/a	10	1
Seattle, WA	King	12	9	11
Savannah, GA	Chatham	n/a	8	1
Salt Lake City, UT	Salt Lake	46	0	-1
Orlando, FL	Orange	52	-1	-1
Washington, DC	--	n/a	-2	-2
Ft. Lauderdale, FL	Broward	16	-4	-1
Houston, TX	Harris	3	-4	-1
Miami, FL	Dade	8	-6	-1
Tallahassee, FL	Leon	n/a	-7	-1
Newark, NJ	Essex	58	-10	2
Dallas, TX	Dallas	10	-10	-1
Kansas City, MO	Jackson	75	-14	-4
Ventura, CA	Ventura	62	-14	-2
Los Angeles, CA	Los Angeles	1	-16	-2
Brooklyn, NY	Kings	7	-31	-12

* Based on population estimates by the U.S. Bureau of the Census.
n/a = not among the 75 most populous counties.

The table above displays the 17 NACM courts, their county population ranking, and the percentage change in felony filings between 1997 and 1999. County level declines predominate and are observable in trial courts of all sizes. Moreover, the trend at the county level tends to track the direction of change at the state level.

Five of the nation's 10 most populous counties are in the

Network and four of those courts experienced a drop in felony filings ranging from 4 percent in Houston to 31 percent in Brooklyn. Phoenix is the only court among the five to report an increase. Population in the Phoenix metropolitan area increased dramatically in the 1990s, no doubt accounting for some of the increase.

Recent Trends in Felony Caseloads, Jury Trials, and the Number of Reported

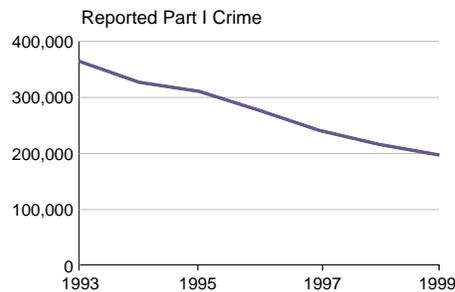
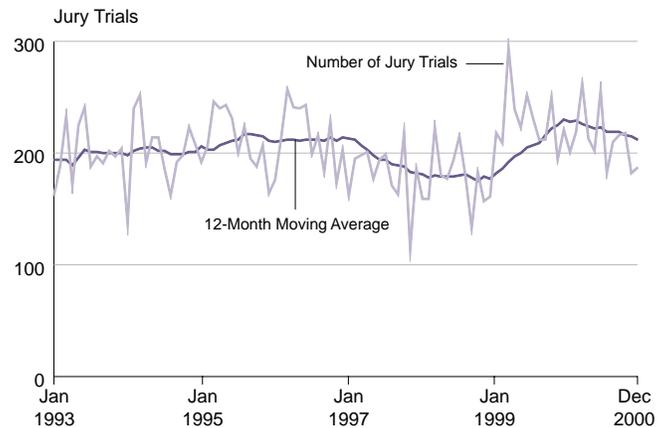
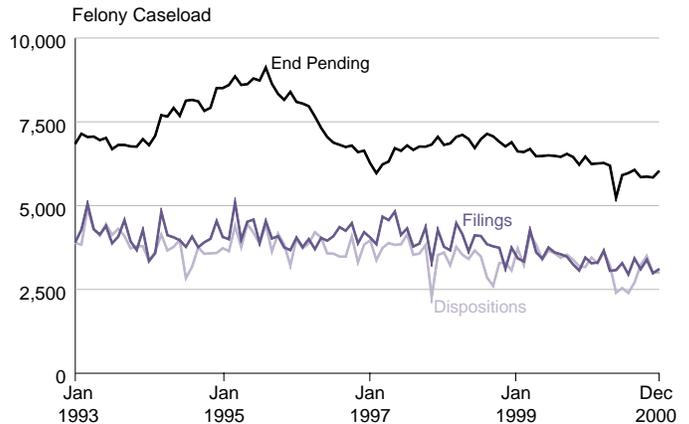
One of the big stories of the past decade has been the drop in national, state, and local crime rates. No one really knows why reported crime is down, but explanations include expanding employment opportunities, innovative community policing strategies, and tougher sentencing laws.

One question from the court perspective is whether declining crime rates presage a fall in state court felony caseloads. We suggest that local crime rates provide an important context and are a factor in understanding court workload, but no causal relationship should be expected for at least three reasons. One factor that complicates this comparison is that there are several intervening events that must occur for a reported crime to result in a felony filing in state court. The police must investigate the crime, make an arrest, and present the case to the prosecutor. After screening, the prosecutor must decide whether to decline the arrest for prosecution, file misdemeanor charges, or file the arrest as a felony. There is broad variation in local arrest

and prosecution practices. A second reason is that official crime rate figures do not distinguish between felony and misdemeanor offenses. Finally, and perhaps most significantly, Part I reported crime does not include drug abuse violations (law enforcement only counts drug violations when an arrest occurs). The absence of drug crime is important because fully one-third of trial court felony caseloads are for drug offenses.¹

The adjacent trend lines take a closer look at felony case processing in five Network courts. For each site, we show the annual number of reported Part I crimes, monthly data on felony filings, dispositions, pending caseloads, and monthly jury trials for the period 1993 through 2000. The line superimposed over the monthly jury trials is a 12-month moving average, which plots the average number of trials per month for the 12 preceding months. This technique enables us to show the general movement and direction of a trend that is easier to read than the line determined by the actual data.

Los Angeles, CA



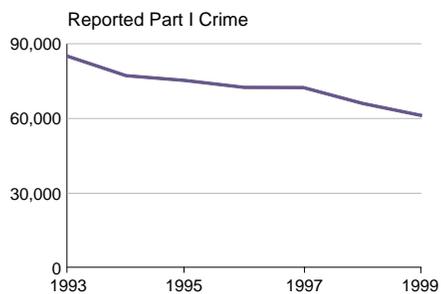
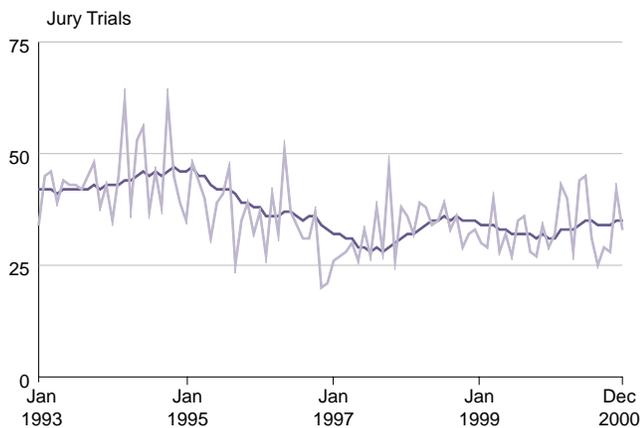
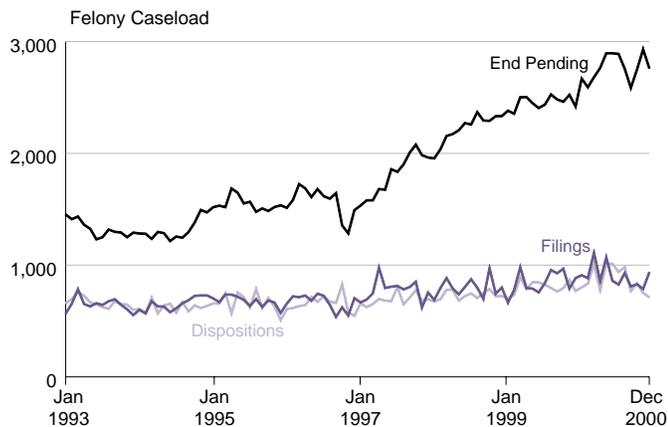
Felony crime trends in Los Angeles are often viewed as a national bellwether because it is the largest trial court in the world.

Reported crime in Los Angeles has dropped 46 percent since the early 1990s, while filings and dispositions have decreased between 20-25 percent during the same period. Though filings often exceed dispositions over the eight years shown, ongoing case management efforts have led to significant declines in pending caseloads. The number of felony jury trials dipped for a short time in 1997 due to a “work action” by court clerks and judicial assistants, but have since increased to levels similar to the early and mid-1990s.

¹ In the NCSC study, *Efficiency, Timeliness, and Quality: A New Perspective from Nine State Criminal Trial Courts* (1999), Ostrom and Hanson found that, on average, 34.2 percent of felony cases were for drug sale or possession.

orted Part I Crimes

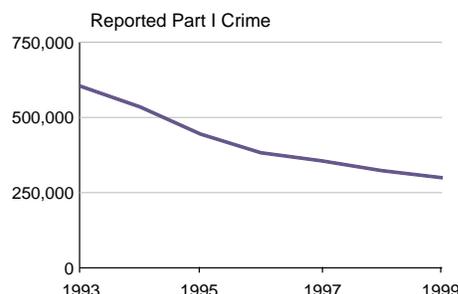
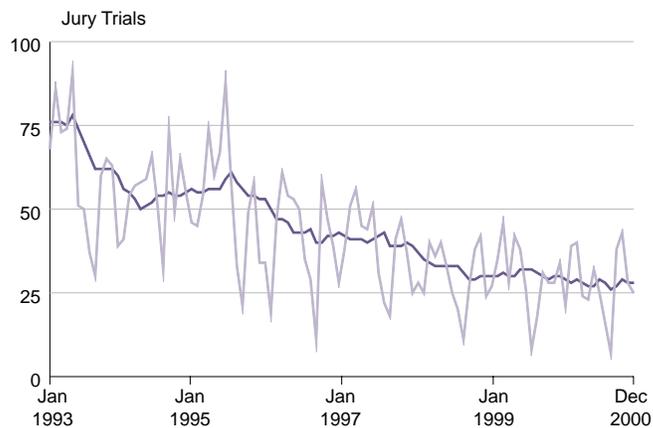
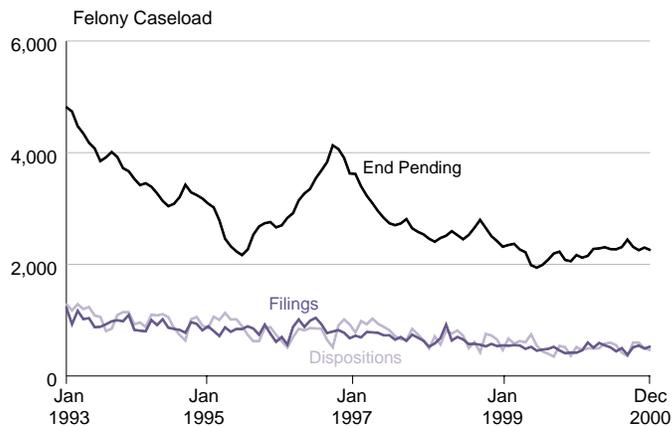
Seattle, WA



The number of reported crimes in King County dropped almost 50 percent since 1993, with the city of Seattle showing a drop of 28 per-

cent. However, over the same period, felony filings have increased 30 percent, and dispositions have rarely kept pace with felony filings in the Seattle court system since 1997. As a result, pending caseloads rose 74 percent between January 1997 and January 2000. The earthquake of February 2001, which damaged parts of the King County Superior Courthouse, has hampered recent efforts to reduce pending caseloads.

Brooklyn, NY

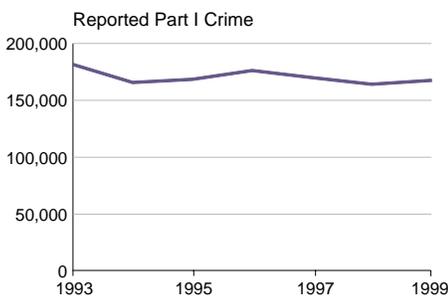
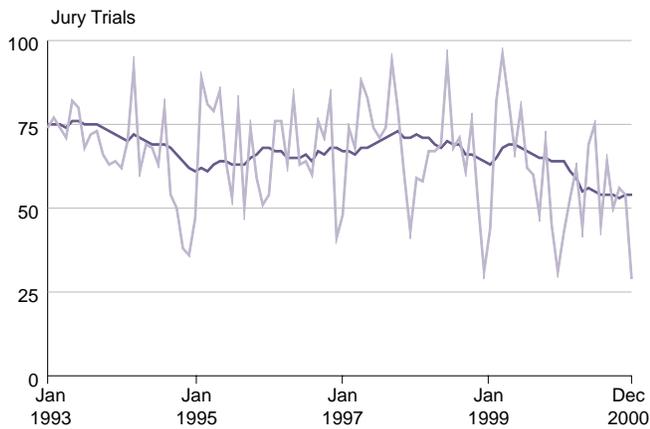
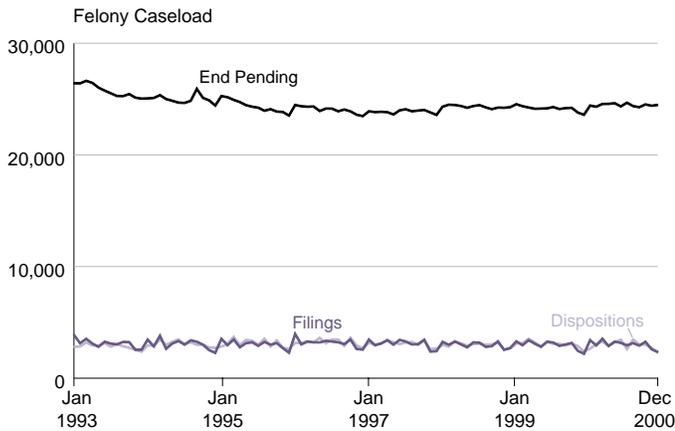


Reported crimes in New York City dropped from 600,000 in 1993 to 300,000 in 1999.² The number of filings, dispositions, and

the pending caseloads in Brooklyn were also down 50 to 60 percent since 1993. However, there was a pronounced peak in pending cases in late 1996 resulting from two changes. First, to assist Staten Island with an increase of felony cases, two criminal judges from Brooklyn were reassigned there. Second, police performed a drug sweep contributing to an increase in filings and, consequently, the pending caseload. Although the number of jury trials dropped dramatically (-63 percent) between 1993 and 2000, this resulted from a decrease in the number of filings and the reallocation of 15 judges from the criminal to the civil division over the same period.

² The number of crimes reported for Brooklyn includes all of New York City.

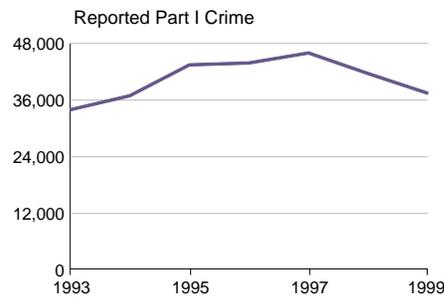
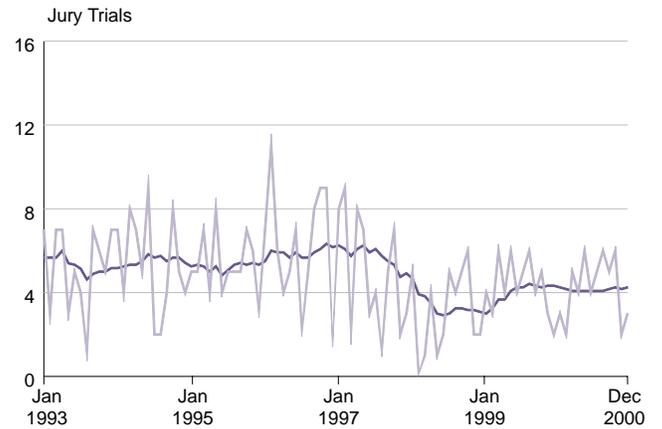
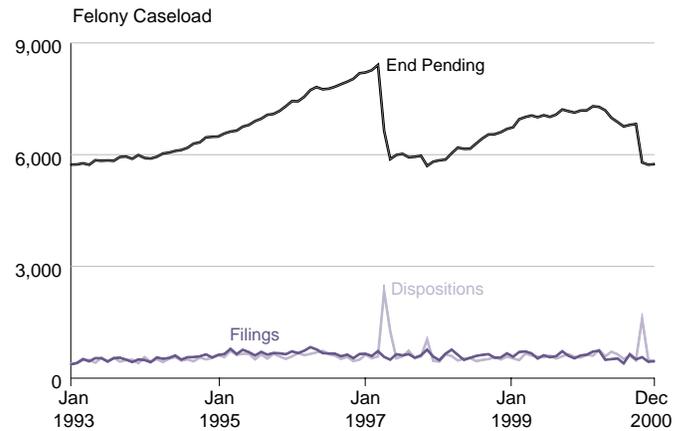
Houston, TX



The city of Houston saw reported crime decrease 6 percent since 1993, with a 14 percent drop reported in Harris County. Felony

filings and dispositions have also dropped 39 percent and 19 percent, respectively, while the pending caseload has remained relatively stable since the mid-1990s. Houston's large pending caseload is the apparent result of not periodically purging or dismissing inactive cases (often unapprehended defendants). As a result, end pending figures are higher than for other jurisdictions examined, though the large inactive numbers have little bearing on actual court workload. Compared to the other four sites examined here, Houston has a relatively large number of felony jury trials—averaging 65 per month since 1993—though the monthly average has been dropping since late 1997.

Salt Lake, UT



Salt Lake's 10 percent increase in reported crime is entirely attributable to the increase in Salt Lake County (+24 percent). Reported

crime in the city actually decreased 18 percent between 1996 and 2000. The relationship between filings, dispositions, and the end pending caseload is clearly demonstrated in Salt Lake. During April and May 1997, inactive cases were purged leading to a sharp increase in the reported number of dispositions and a 21 percent drop in the pending caseload. Examining the moving average, the number of monthly jury trials was fairly stable between 1993 and mid-1997 before gradually falling between August 1997 and June 1998.

Felony Workload and Manner of Disposition

Judgeship Allocation, Filings per 1,000 Population, and Felony Caseloads

This table displays, for each site, the estimated number of judges hearing felony cases, filings per 1,000 population, and total filings, dispositions, and pending caseloads in 1999. It is tempting to use this information to calculate average filings per judge, but this should be done with considerable care. First, in large courts with diverse and often mixed dockets, it is difficult to identify the number of judges hearing felony cases as distinct from misdemeanor cases. Therefore, what we offer is our best estimate of full time equivalent judges assigned to resolving felony cases. Second, and of greater

relevance, is the variation in how felony filings are counted. In some courts each charge is counted as a separate filing, while in others, multiple charges arising out of the same incident are counted as a single filing. Needless to say, a case count based on charges will be higher than one using defendants.

Numerous studies of judicial workload conducted by the NCSC provide a better means to assess felony caseloads per judge. Results show most judges handle between 400 and 700 felony cases per year when a case is defined “one defendant, all charges.”

City	Estimated Felony Judges	Filings per 1,000 Population*	Felony		
			Filings	Dispositions	End Pending
Los Angeles, CA	92	4.4%	42,215	42,300	6,462
New York, NY	59	7.4	11,367	12,929	4,202
Brooklyn, NY	50	2.5	6,280	6,887	2,166
Miami, FL	24	10.9	24,556	25,495	9,552
Phoenix, AZ	23	8.1	24,768	22,461	16,327
Houston, TX	22	10.5	35,731	36,427	23,649
Seattle, WA	22	5.8	10,130	9,627	2,420
Washington, DC	19	12.1	6,948	7,160	2,128
Newark, NJ	18	9.4	7,471	7,969	2,411
Dallas, TX	18	11.5	25,603	26,642	12,653
Ft. Lauderdale, FL	15	11.1	18,039	17,618	9,081
Ventura, CA	13	2.9	2,183	1,922	744
Salt Lake City, UT	13	8.3	7,423	6,913	7,185
Orlando, FL	12	14.7	13,199	11,080	7,341
Kansas City, MO	8	8.7	5,682	6,410	2,652
Savannah, GA	6	11.9	2,770	2,798	848
Tallahassee, FL	3	21.8	5,214	3,781	7,209

* Population figures are from the 2000 Census, U.S. Bureau of the Census.

Manner of Disposition

Nearly three-quarters of all felony cases result in a plea of guilty by the defendant in the 17 NACM courts. However, the range is wide. Three courts with low guilty plea rates report an unusually high percentage of cases in the “other” category. The two Texas courts, Dallas and Houston, make considerable use of “deferred adjudication.” This disposition tends to be a type of negotiated plea agreement wherein the defendant’s sentence of incarceration is deferred if the defendant complies with other alternative sanctions. Salt Lake City, due to jurisdictional issues, transfers a significant number of its felony cases to courts outside of Salt Lake County.

There is a substantial range in dismissal rates. In Ventura, for example, 2 percent of all cases filed are dismissed, while in Washington, D.C., Newark, Kansas City, and Salt Lake City, the dismissal rate is 20 percent or more. These dismissal rates are a direct result of differences in prosecutorial screening practices. In courts with low dismissal rates, the prosecutors’ offices tend to have rigorous policies of dropping nonconvictable cases before charges are filed. When dismissal rates are higher, it usually means that nonconvictable cases are dismissed in lower court prior to indictment.

Overall, jury trials occur in

City	Guilty Plea	Jury Verdict	Bench Trial	Dismiss/ Nolle Pros	Other
Washington, DC	64%	8%	0%	26%	1%
Los Angeles, CA	86	7	1	6	0
Brooklyn, NY	80	6	2	10	2
New York, NY	82	5	1	10	2
Seattle, WA	81	4	3	12	0
Ft. Lauderdale, FL	88	4	0	7	1
Phoenix, AZ	80	4	0	15	1
Ventura, CA	94	3	1	2	0
Newark, NJ	71	3	1	20	4
Savannah, GA	83	3	0	7	7
Orlando, FL	83	3	0	14	1
Dallas, TX	59	2	2	9	27
Miami, FL	83	2	0	9	6
Houston, TX	52	2	0	9	36
Tallahassee, FL	87	2	0	9	2
Kansas City, MO	70	1	0	20	9
Salt Lake City, UT	44	1	0	24	31
Total	74	4	1	11	11

Totals may not sum due to rounding.

about 4 percent of felony cases, although variations exist among the 17 courts examined. As the table above indicates, Washington, D.C.

and Los Angeles conduct the most jury trials with rates of 8 and 7 percent, respectively. Salt Lake and Kansas City have relatively low rates.

Conclusion

The most recent data available indicate that, for the first time since 1984, felony filings have begun to drop. Whether this becomes a sustained downward trend remains to be seen. It has proven difficult, if not impos-

sible, to determine relationships between crime rates and court filing data. This is largely due to differences in data definitions and reporting practices, and the inability to reliably track cases between

the various points in the justice system. Federal and state groups have recently begun the immense task of developing more standardized data definitions and counting procedures in an attempt to provide data

connectivity across the justice system. These efforts come at an opportune time when researchers, policymakers, and the public are eager for answers concerning the fortunate, yet unexplained, turn of events.

City	How are cases counted? (# defendants - # charges)	How are cases initiated?	When are felony cases counted as filed?	Calendar System	Pending Case Definition
Kingman, AZ	1+ defen. - varies	other	filing of info./indictment	individual	active/inactive
Phoenix, AZ	1 defen. - varies	other	when docketed	individual	active/inactive
Los Angeles, CA	1 defen. - varies	grand jury indicts	filing of info./indictment	combination	active
Ventura, CA	1 defen. - 1 incident	other	filing of info./indictment	individual	active
Denver, CO	1 defen. - 1 incident	other	at filing of complaint	individual	active
Washington, DC	1 defen. - 1 incident	grand jury indicts	filing of info./indictment	combination	active
Tallahassee, FL	1 defen. - varies	other	filing of info./indictment	individual	active
Orlando, FL	1 defen. - 1 incident	grand jury indicts	filing of info./indictment	individual	active/inactive
Miami, FL	1 defen. - 1 incident	other	at filing of complaint	individual	active
Ft. Lauderdale, FL	1 defen. - 1 incident	prelim. hearing results	filing of info./indictment	individual	active/inactive
Lawrenceville, GA	1+ defen. - 1 incident	grand jury indicts	filing of info./indictment	individual	active
Savannah, GA	1 defen. - 1 incident	grand jury indicts	filing of info./indictment	individual	active
Kansas City, MO	1+ defen. - varies	other	at filing of complaint	combination	active/inactive
Newark, NJ	1+ defen. - 1 charge	other	with plea/initial appearance	individual	active/inactive
Brooklyn, NY	1 defen. - 1 charge	grand jury indicts	filing of info./indictment	combination	active
New York, NY	1 defen. - 1 charge	grand jury indicts	filing of info./indictment	combination	active
Dallas, TX	1 defen. - 1 charge	grand jury indicts	filing of info./indictment	individual	active/inactive
Houston, TX	1 defen. - 1 charge	other	at filing of complaint	individual	active
Salt Lake City, UT	1 defen. - 1 charge	prelim. hearing results	filing of info./indictment	combination	active/inactive
Seattle, WA	1 defen. - 1 incident	prelim. hearing results	filing of info./indictment	master calendar	active
Milwaukee, WI	1+ defen. - varies	other	at filing of complaint	individual	active/inactive

The Court Statistics Project (CSP)

In existence since 1975, the CSP is administered by the National Center for State Courts, with generous support by the State Justice Institute (Grant SJI-91-N-007-001-1) and the Bureau of Justice Statistics. The CSP receives general policy direction from the

Conference of State Court Administrators through its Court Statistics Project Advisory Committee. Those wishing a more comprehensive review and analysis of the business of state trial and appellate courts are invited to read the CSP's latest publication, *Examining the Work of State Courts, 1999-2000*.



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