

7-2015

# Factors Influencing Criminal Case Processing Time in McLean County Courts

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## Recommended Citation

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<http://ir.library.illinoisstate.edu/scced/8>

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Factors Influencing Criminal Case Processing Time in McLean County Courts

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A Capstone Project Submitted in Partial Fulfillment of the

Requirements for the Degree of

MASTER OF SCIENCE

Department of Sociology

ILLINOIS STATE UNIVERSITY

2015

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FACTORS INFLUENCING CASE PROCESSING TIME

# FACTORS INFLUENCING CASE PROCESSING TIME

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### Abstract

The McLean County Criminal Justice Coordinating Council seeks to ensure an effective, fair, and efficient system of justice. It aims to understand how different factors affect case processing time, so as to reduce unnecessary delay. An exploratory multivariate analysis of jail data was conducted to determine how case-related factors and factors unrelated to the case influence how long it took for a criminal case to be processed within the McLean County court system between 2007 and 2013. Based on the findings, case-related variables like charge severity, number of counts, and days in custody hold more predictive power than variables that are unrelated to the case like race/ethnicity, age, and case-filed year.

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### Acknowledgments

I would like to thank everyone who has contributed their support and expertise to this capstone project. I would like to recognize my Chair, Dr. Frank Beck, Department of Sociology and Anthropology and Stevenson Center. I appreciate you sharing your statistical knowledge and being there to laugh with me through our SPSS adventures. Thank you to my Co-Chair, Dr. Jessie Krienert, Department of Criminal Justice Sciences, for reading over drafts and providing a criminal justice perspective. I'm grateful to Will Scanlon, McLean County Circuit Court, for being the liaison, always willing to help with a smile on your face. A special thank you goes to the cohort I coheart. I couldn't have done it without you all!

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## I. INTRODUCTION

In 2008, the McLean County criminal justice system experienced record rates of incarceration. The resultant overcrowding led to spending over \$760,000 to house inmates out-of-county (McLean County CJCC 2013). This hefty expense factored into a decision that would help prevent this problematic situation from happening in the future. Later that year, the National Institute of Corrections (NIC) conducted an assessment of the justice system in McLean County and concluded there was a “lack of [a] formal planning process and poor handling of data” (McLean County CJCC 2013:4). These two occurrences became an impetus for change. It became very clear that something had to be done to improve how the court system functioned.

The NIC assessment led to the formation of the Criminal Justice Coordinating Council (CJCC) in 2009. It is a collaboration of the Circuit Court, the County of McLean, City of Bloomington, Town of Normal, and Illinois State University (McLean County CJCC 2013). The CJCC has many overall objectives. It “examines policies and procedures of the criminal justice system; identifies model practices; identifies deficiencies; and formulates policies, plans, and programs based on well-established research and statistical methodologies” (McLean County CJCC 2013:5). The CJCC requires the system participants to provide data-driven evidence of successful programs and policies so these evaluative practices can shape policy change or expansion of a program (McLean County CJCC 2013) and nationally, the NIC generally recommends for a CJCC to have a data arm to handle data management and analysis. The Stevenson Center at Illinois State University took on that role. There has been support from members of the CJCC in how useful data-driven decision-making is to improving how the jail is run. In the local newspaper, *Pantagraph*, Sheriff Mike Emery said, “Not having to house inmates out of McLean County is directly related to the efforts of the CJCC in improving system

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efficiency that promoted proper utilization of available bed days within our facility,” (Brady-Lunny 2012). In the same article, County Board member Bette Rackauskas, chairwoman of the board’s justice committee stated, “Through the CJCC, we are looking at the cogs of the wheel to see what part of the process is slowing things down” (Brady-Lunny 2012). The CJCC members are a cohesive group working together to make the county criminal justice system into an efficient and well-oiled machine.

### *Case Disposition Standards*

In addition to understanding changes in the jail population, members of the CJCC thought some attention should be paid to case processing time. Indeed, if case processing time and the time in jail were related, then the county should pay attention to both issues. Once the CJCC became aware of how they needed to use their own data to their advantage, they decided to set case processing time standards for themselves so they would know whether they succeeded or failed. The county first had to decide on case disposition standards to use as a baseline for the data. It is interesting to note that the concept of case processing time standards by which trial courts can assess their performance only were adopted in the early 1980’s (Board for Judicial Administration Court Management Council 1992). Although there are no case disposition standards for Illinois, there are criminal case disposition standards for the Eleventh Judicial Circuit of Illinois in McLean County. In an e-mail message from the Trial Court Administrator, Will Scanlon explained that he and a group of judges decided on the county standards in 2011 (2015). They based their standards on previous standards created by the American Bar Association and the Conference of State Court Administrators.

In 1964, the American Bar Association (ABA) created a set of suggested time standards for states and federal jurisdictions. These standards were drafted by the ABA Special Committee



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on Minimum Standards for the Administration of Criminal Justice, including judges, prosecutors, lawyers, and professors, and were developed through studies, investigations, debate and refinement. They “represent a distillation and restatement of what is already the best practice and procedure in many jurisdictions. They are a blend of clarification, simplification, unification, renovation, and modernization of the whole system” (Clark 1972:433). These standards went through an extensive approval process and have been updated and edited as necessary. The Conference of State Court Administrators (COSCA) adopted standards in 1983 and the American Bar Association (ABA) did so in 1984 (Board for Judicial Administration Court Management Council 1992). These established time frames run from the date of filing to the date of disposition by entry of judgment and are as follows (NCSC 2011):

### COSCA Standard

Felony- 100% of cases within 180 days

Misdemeanor- 100% within 90 days

### ABA Standard

Felony- 90% within 120 days

98% within 180 days

100% within 365 days

Misdemeanor- 90% within 30 days

100% within 90 days

It is clear that a one-size-fits-all approach is not possible or appropriate for all local courts.

Therefore, the CJCC used these standards as a frame of reference, but modified them to make them reasonably achievable for the county. McLean County’s revised standards also run from the date of filing to date of disposition and are as follows (McLean County CJCC 2010):

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Criminal Felony (CF) 90% within 120 days

97% within 180 days

100% within 360 days

Criminal Misdemeanor (CM) 90% within 60 days

97% within 90 days

100% within 120 days

With these agreed-upon standards, McLean County was ready to analyze the data. Initial steps of this process are explained later in this paper.

### *Need for Research According to McLean County*

Despite having criminal case disposition standards for McLean County, the court system does not currently follow them. Will Scanlon (2015) stated “there is no reporting done by this office to inform any judge or division of the Court about the time to disposition for any type of case.” Even though the county decided on standards four years ago, there is no mechanism for reporting and there is no accountability for judges. The reason is the county lacks staff dedicated to data analysis of this magnitude. Typically, courts as institutions do not have the internal research or analytic capacity to assess how well they are doing (Kleiman 2009).

Therefore, McLean County contracted with Illinois State University’s Stevenson Center for Community and Economic Development “to provide research and analytical services to the CJCC, which primarily consists of extracting data from the Integrated Justice Information System (IJIS) to assist the CJCC in developing standardized reports to support management and/or policy decisions related to the justice system” (McLean County CJCC 2013:5). It is important to note that I only analyzed and presented the data. No direct suggestions or recommendations were made; that is left to the CJCC and offices within the 11<sup>th</sup> Judicial Circuit.

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Because the CJCC is paying attention to and prioritizing this detailed data analysis, the McLean County criminal justice system will greatly benefit. In terms of criminal misdemeanors and DUIs, the goal is to “ensure an effective, fair, and efficient system of justice” (McLean County CJCC 2011b:1). In order to accomplish this goal, it seeks to reduce the overall length of case processing time or time to disposition; “reduce the overall number of court dates scheduled”; eliminate any unnecessary delay; and “maintain consistent standards and set reasonable expectations” (McLean County CJCC 2011b:1).

One of the CJCC’s goals is to “identify factors that affect case-processing time and work to shorten case processing time” (McLean County CJCC 2013:8) and this is where my research comes into play. As part of the Stevenson Center’s research team, I have conducted an analysis of the jail data to identify some of these factors and understand their impact on case processing time. I chose case-related characteristics, like severity of case and number of appearances, as well as unrelated case characteristics including case-filed date, race/ethnicity, and sex because I had access to this kind of data. According to Ostrom and Hanson (1999), the court’s performance can be improved by considering these case-related factors because they are within the court’s control. So using the research findings, the court can have a direct impact by enacting local changes. Before launching into analyses in an unguided way, I examined the issues and scholarship related to case processing time.

### *Norm of Proportionality*

According to Ostrom and Hanson (1999) in a study of nine courts across the country, more serious, complex, and problematic cases take more time to process and this was true for all nine courts. This observed pattern demonstrates that courts typically follow a norm of proportionality, whereby a case receives the amount of attention that is in proportion to the

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amount that it deserves, no matter what court system it goes through. Another major finding was that four common factors tended to significantly increase time to disposition; those being the most violent felony charge, a resolution by trial, the issuance of a bench warrant, and pretrial release on bond. This can be seen on a relative, rather than absolute scale meaning that those factors take up a proportionally larger amount of time within the process of disposing a case. Additionally, in a five-city study, Klemm (1986) found “most cases followed the overall pattern of their city” (21); that is, certain cities took longer to do all phases of case processing, while at the same time, “different offenses require different processing times” (21). In all five cities, most of the processing time was spent in the latter phase, from indictment to disposition.

This norm of proportionality is demonstrated in how the county processes cases as well. The CJCC considers “the nature and complexity of the charges and/or the case” for felonies (McLean County CJCC 2011a:1). For example, murders or sexual assault cases may warrant additional status hearings, which are determined by the assigned judge. The committee also acknowledges that a defendant charged with multiple felonies may need “additional court appearances to resolve all matters” (McLean County CJCC 2011a:2). This approach follows the norm of proportionality.

## II. LITERATURE REVIEW

The basis of this capstone hinges on the part of the Sixth Amendment to the United States Constitution guaranteeing criminal defendants the right to a speedy trial. Despite its importance, there is a dearth of research on factors influencing case processing time, especially within the past 20 years. The literature does include factors related to the case, such as type of offense and number of charges, as well as factors unrelated to the case, like caseload and court culture. Case processing time is an important topic to consider because it can have detrimental effects on the

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individual and society. For example, excessive case processing time contributes to psychological wear and tear on the defendant and takes up valuable jail space and police hours (Luskin and Luskin 1986). In addition, Misner (1983) notes that lengthy delays negatively affect “society’s interest in rehabilitation of the individual and general deterrence of criminal conduct” (pp.17). Clearly, determining the factors influencing case processing time is a valuable endeavor in improving our criminal justice system.

### *Case Processing Time or Delay*

Before any other research is discussed, we must first define what is meant by the term case processing time. Previously in the literature, the terms ‘case processing time’ and ‘court delay’ were used interchangeably. According to Hausner and Seidel (1979), court delay is a given of social and economic life, but the problem is when it is excessive. However, using the term ‘delay’ should be reconsidered (Neubauer 1983). In the general sense, it is used to mean abnormal or unacceptable time-lapses when processing cases. Its use brings light to a problem area. But given the subjective nature of what is considered unnecessary delay, it is important to be aware that not all case processing time is unnecessary. Therefore, researchers have chosen a more objective and measurable concept, case processing time. I will use this term throughout this paper as well. Although criminal case processing time can be understood in different ways, I will use Luskin and Luskin’s (1986) definition, “the number of days between arraignment on the arrest warrant (the defendant’s initial appearance in court) and disposition by dismissal, trial verdict, or plea” (pp.193).

### *Difficulty in determining factor effect*

The relevant literature on case processing time focuses on the struggle to identify specific variables’ effects. Determining which factors affect case processing time is complex. Luskin

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(1978) pushes for building a theory of case processing time “that explains variation across individual court cases, jurisdictions, and time. We expect that variation in the amount of time taken to process individual cases is not random but, rather, that there are systematic differences among those cases that take more or less time” (116) but she does emphasize that it is impossible to empirically determine the direction of influence from one variable to another. She maintains that a comprehensive theory would include all possible variables that affect time to disposition including resources, demand for court services, community characteristics, incentives, procedures, and managerial techniques.

Resnik (1984) also agrees about the difficulty in pinpointing the actual effect of any particular variable on case processing time for various reasons. There is a lack of firsthand, unfiltered information about how cases reach disposition, memories decay, perspectives narrow, and “participants are not likely to give frank explanations of what prolonged a case or brought it to a quick close” (11). In addition, these specific variables are difficult to include because of the problems of data collection, specification, and estimation (Luskin 1978). Despite the challenges, it is necessary to collect “comparable data over time and across courts” (127) in order to have an explanatory model of case processing time.

### *Factors related to the case*

Hausner and Seidel (1979) analyzed case processing time in the District of Columbia Superior Court and found that it is the product of many factors including case-level attributes like the offense characteristics, such as type of offense, the number of codefendants, and the type of evidence recovered. They found that “factors apparently associated with the seriousness, complexity, and importance of the case-- the number of codefendants, the number of charges, the crime seriousness score, and the arrest record of the defendant—were positively associated with

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processing time” (48). Similar to this paper, Ostrom and Hanson compared nine courts and ran a model that “captured the interaction of case and defendant-related characteristics on case processing time” (1999:55). They found that “case processing time will be longer for cases in which a defendant is convicted of a serious felony charge... and the defendant has been released on bail” (1999:61).

However, data found by Church, Carlson, Lee, and Tan (1978) “suggest the differences among courts in the pace of criminal litigation are remarkably independent of the proportion of more serious crime in the caseload” (30). Luskin and Luskin (1986) determined that case events where defendants, attorneys, prosecutors, and judges make choices like filing motions, dismissing charges, and negotiating pleas, have a major impact on processing time. In addition, they found that case processing time was 10 days shorter when the defendant is in custody (Luskin and Luskin 1986). Literature on how drug or violent offense influence case processing time was not found.

### *Factors unrelated to the case*

Church et al. (1978) found that “exceptionally high jury trial rates are related both to lower productivity and to lengthier processing time, but that the incremental differences in trial rates that characterize the majority of courts have little effect on either aspect of criminal court performance” (35). Interestingly, in the 21 courts examined, they also concluded that caseload per judge and the proportion of cases requiring jury trial do not relate to the pace of criminal cases.

Caseload is an interesting factor to consider for its possible court-clogging effect. Church et al (1978) found that the higher the backlog index, “indicating a large number of pending cases relative to yearly dispositions” (29), the longer the processing time. On a related note, Luskin

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and Luskin (1986) found that the court caseload did not have a significant effect under the central docket, while an individual judge's caseload actually had a negative effect. The more cases a judge has, the shorter the average case processing time. "Under the individual docket, judges seem to have become more 'docket conscious', monitoring their dockets and attempting to keep them under control" (211).

For factors unrelated to the case, Ostrom and Hanson (1999) discovered that case processing time is longer when the disposition occurs by trial and a bench warrant has been issued. The other factors that Hausner and Seidel (1979) found that affected case processing time were defendant characteristics, such as the prior record; and case processing variables such as the bail status ordered, the type of attorney appointed, and whether a jury demand was made. Other factors include system-level attributes such as resources and workload variables; and policy variables like rates of continuances, trial, plea, nolle, and dismissal. For demographic information, the current literature does not relate age, race/ethnicity, and sex to case processing time, only sentencing, but I thought it was important to determine how these demographic variables influence case processing time so they are included in this study.

An overall finding of Klemm's (1986) five-city study is "there is a lack of uniformity and comparability of case processing time across jurisdictions" (21). The study points to the possibility of subjective norms rather than objective factors like type of offense affecting the time it takes for cases to move through the system and proposes a need for more research in this area. There are mixed views about the effects of local legal culture on case processing time. According to Church, Carlson, Lee, and Tan (1978), the local legal culture composed of attitudes, expectations, and informal practices of the court system participants greatly affects the pace of criminal litigation. "The courts with the most stringent controls on criminal litigation are



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the courts in which the expectations and norms of the legal community support an accelerated pace” (60). Additionally, “strong case management practices characterize the courts with faster criminal processes” (50). According to Klemm, “it appears that the local legal culture has more of an effect on case processing time than do the characteristics of particular offenses” (1986: 21).

These interpretations contrast with Neubauer and Ryan (1982) who were less convinced of the power of legal culture. “Although the concepts of political or legal culture may partially help to explain differences, systemic factors tied to the nature and organizations of work within criminal courts also influence the time taken to dispose of cases” (214). Some cases use more time based on seriousness of the charge, type of offense, or the complexity of the issues, so courts assign priorities to those cases, “thereby creating disparities in processing time that may or may not reflect actual need” (215). Likewise, Luskin and Luskin (1986) state that court participants create and shape the norms and expectations because “court participants form expectations by implicitly averaging the processing time of similar cases” (212). They are more interested in how these norms are created, which also points to the structural variables. In general, they express the need for a more precise explanation of the nebulous local legal culture.

As previously stated, the past research is limited in its scope of factors influencing case processing time and therefore there are gaps. While the current literature discusses certain factors (i.e. culture) having an effect on case processing time, the reason for analyzing the case-related factors and non-case-related factors came from the client, the Criminal Justice Coordinating Council. The motivation for my capstone research, specifically the variables, were decided by the CJCC, based on their interests and the available data in IJIS. My underlying goal is to determine how much certain factors impact criminal case processing time, in order to make it as efficient as possible. It is my expectation that factors related to the case (e.g. charge severity,

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number of counts) will have greater explanatory power than factors unrelated to the case (e.g. year of case filing, race/ethnicity).

### *Research Questions*

This paper poses three research questions: Do factors related to the case (i.e. charge severity, drug/violent charges, number of counts, time in custody) increase or decrease case processing time? Do factors not related to the case (i.e. race/ethnicity, sex, age, and the year the case was filed) increase or decrease case processing time? And, which factors matter more and by how much? In order to answer these questions, this research analyzes local county jail data using a statistical program common to the field of sociology. The following section outlines the steps taken and methods used in this project.

### III. METHODOLOGY

After assembling and organizing the data, I examined how these factors affected time to disposition using a multivariate regression model. I used jail data to determine how some cases are processed more quickly than others by testing the effect of a variety of independent variables thought to shape case processing time. The McLean County jail uses IJIS to input information about offenders including demographic data like age, sex, and race and case-specific data like jail bookings, court appearances, and sentences. In addition, the CJCC keeps track of “trends and demographics of the jail population by charge severity and pre-trial, convicted, or sentenced status” (McLean County CJCC 2013:7). Firstly, I downloaded the data files relevant to measuring case processing time for guilty offenders. Then I wrote code in IBM’s Statistical Package for the Social Sciences (SPSS), a statistical program for data management and analysis, in order to combine the files so that the data were ready for analysis. I limited the data to only those cases with case-filed dates and sentence-start dates occurring after January 1, 2006 because

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the CJCC was only interested in going back a couple years before the jail overcrowding situation in 2008. Additionally, I only used original sentences because sentences other than the original do not matter for measuring case processing time.

### *Measuring Case Processing Time*

The CJCC gave me guidance on how to measure case processing time. I calculated it as the period between case-filed date and sentence start date. Some definitions start with arraignment date, but because there was a lot of missing data in IJIS, we instead used the case-filed date, which is the date the State Attorney's office filed charges. The CJCC advised that the case-filed date is most similar to the arraignment date and they can be used interchangeably; they are usually within a few days of each other. Actually, the way I calculated case processing time is very common. According to Garner (1986), researchers have not differed much in how they measure case processing time. He notes the following examples: Katz, et al. (1972) measured case processing time between arrest and disposition, while Nimmer (1975), Church, et al. (1978) and Eisentein, et al. (1983) measured it between filing and disposition. Similarly, Washington state measures it between the date of filing to the date of completion, which refers to "the filing of dispositive papers (e.g., judgment and sentence)" (Board for Judicial Administration Court Management Council 1992:2).

Per the Trial Court Administrator's recommendation to eliminate extreme outliers, I kept only those case persons with processing times between zero and two years. I also added in sex, age, and race/ethnicity information. The files are sorted by case person id, a number that refers to a specific case for a specific person. Accordingly, one person could have several case person IDs if they committed several crimes. The resulting data file contains charges including felonies,

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misdemeanors, and DUIs. Felonies made up about 8,000 of the over 25,000 cases considered for this analysis.

### *Operationalization of Variables*

Variables must be clearly defined so that they are measurable and easily understood. The independent variables that are related to the case itself are operationalized as follows. Severity of charge is divided between felonies, misdemeanors, and DUI charges. Felonies are further divided based on severity, with Class M for murder being the worst, then Class X, and then Class 1, 2, 3, and 4 as the least severe. Number of counts has to do with how many offenses someone is charged with. Number of appearances represents how many times the person was seen before a court for that particular case. Drug offense refers to whether or not one or more of the charges is a drug offense. Violent offense refers to whether or not one or more of the charges is a violent offense.

Four of the independent variables are not related to the case, those being sex, age, race/ethnicity and year the case was filed. Sex is defined as either male or female. Age is considered the age of the person at the case-filed date. Race/ethnicity is broken down into white, black, Hispanic, and other which includes Asian, Native American, and unknown grouped together because of a low number of cases. Filed date is the year the case was filed. This was of particular importance because the county wanted to see how case processing time was affected by changes made by the CJCC in 2009. The dependent variable for this project is case processing time, measured as the time period between the case-filed date and the sentence start date.

## IV. FINDINGS

Table 1 uses the case disposition standards set forth by the CJCC and compares them to how long it actually took for felonies and misdemeanors to be processed in the first and last year

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of the data. The CJCC doesn't meet the standards they had made for themselves but they have seen an improvement for misdemeanors. A larger percentage of misdemeanor cases are processed through the system in 2013 as compared to 2007, almost 20% more cases in 2013 for the 60, 90, and 120 day standard. For example, for 90 days, 28% of cases were processed in 2007 but it increased to 48% of cases in 2013.

Table 2 compares the mean case processing time of categorical variables. When considering class severity, it is clear that the more serious the charge, the longer the case processing time. This is demonstrated by a felony murder taking 391 days as compared to a misdemeanor taking 110 days on average. Felony cases with a violent offense take longer to process, 209 days as compared to 185 days for those without a violent offense. Felony cases with a drug offense takes less time to process, 153 days as compared to 204 days for those without a drug offense. Average case processing time peaked in 2008 and 2009 filings, 154 days, then dipped with 2011 filings, 130 days, then increased again in 2013, 152 days. Felony cases for which the defendant stayed in custody over 30 days take less time to process. With respect to race and ethnicity, cases with a black defendant take the longest to process, followed by Hispanic, white, and other. There was no difference between the sexes<sup>6</sup>. All of these are simple comparisons, without examining patterns within categories of other variables.

Table 3 gives descriptive statistics of interval-level variables and their correlations with case processing time. It is important to be aware that correlation does not equal causation, only that these factors are associated. There's a moderate positive relationship between number of appearances and case processing time. Age and number of counts have a weak positive relationship with case processing time.

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Table 4 presents coefficients for four models of variables that affect case processing time. Models 1 and 2 focus on factors related to the case. Model 1 includes variables about felony cases, drug/violent offenses, number of counts and appearances, and days in custody. Model 2 includes the same variables as Model 1 with DUIs and misdemeanors added. Model 3 includes variables that are unrelated to the case like sex, age, and race/ethnicity, along with case filed year. Model 4 includes all the variables combined.

In Model 1, all the variables are significant besides Class 2 and 3 felonies and number of counts. For the comparisons across charge categories, the reference group is Class 4 felonies. Cases with Class M as the highest charge take significantly longer to process. All other differences fall in line relative to Class 4 felonies. I'm 99.9% confident that Class M, Class X and Class 1 felonies have longer case processing time. Having a drug/violent offense and spending over 30 days in custody all decrease case processing time. Looking at the standardized coefficients, number of appearances has the highest Beta, meaning number of appearances has the strongest effect of all other variables in the model. The second and third most influential variables are days in custody and drug offense, with Betas less than half the number of appearances. Model 1 explains 25.4% of the variation in case processing time.

Once DUIs and misdemeanors are added, the effects in Model 2 are slightly weaker than Model 1. DUIs and misdemeanors take less time to process than Class 4 felonies, which makes sense. Cases with drug and violent offenses are also processed more quickly, as in Model 1. Number of counts and days in custody decrease case processing time. Looking at the standardized coefficients, number of appearances again has the highest Beta, meaning it has the most influential effect, as compared to all other variables in the model. It is more than double the next most influential factor, misdemeanors and quadruple the Beta of days in custody.

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Again, Model 3 focuses on factors unrelated to the case. Case processing time was shorter for cases filed in 2011, as compared to 2007 (the reference year), but it is back to an upswing, as shown by a positive coefficient in 2013. Cases with female defendants have faster case processing times. There is no difference in terms of how long it takes to process a case between white and Hispanic or other. There is a difference between white and black; holding all else constant, case processing time is 18 days longer for blacks compared to whites. Age had the greatest effect of the variables within the model, having the highest Beta with black being the next highest Beta. Model 2's large R squared of 32.1%, compared to that of Model 3 (2.1%) demonstrates that case-related factors are much more explanatory of case processing time than non-case-related factors.

In Model 4, where all variables are included, number of appearances again has the most influential effect of all the variables in the model and it stays consistent over the four models, regardless of which other variables are considered. Cases with black defendants show a slightly longer case processing time than white defendants, eight days more. Case processing time for cases in 2013 is 27 days different from the average in 2007. When compared to Model 3, Model 4 shows, holding all other variables constant, that the effect of race/ethnicity and sex becomes weaker, while the effect of case filed year generally becomes stronger. For case filed year, this shows that case processing time is shaped by policy changes over time and possibly caseload. At a practical level, age and number of counts do not seem to affect case processing time. When comparing felony Class 2 cases to Class 4 cases, the effect becomes significant, so there is a difference between those classes when all variables are combined. Model 4 has the largest R squared (.33) of all the models, demonstrating that case-related and unrelated case characteristics

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account for 33% of the variation in case processing time. This is amazingly consistent with the previous literature.

### V. DISCUSSION

With guidance from the CJCC and despite the lack of recent or varied research on factors that influence case processing time, I was able to determine which variables mattered most to the county and could be harnessed for study. I found that cases with over 30 days in custody and felony cases with a drug offense tend to have shorter case processing time, while cases with more severe charges and felony cases with a violent offense tend to have longer case processing time. When looking at the effect of race/ethnicity on case processing time, cases with black defendants took the longest to process. Out of the interval-level variables I considered, number of appearances had the highest correlation with case processing time.

The county is not meeting its standards for criminal case processing time but the numbers for misdemeanor for 2013, compared to 2007, look promising. Running a multivariate analysis of four models in SPSS lead to some intriguing conclusions, including support of my hypothesis that case-related variables like charge severity, number of counts, and days in custody would hold more predictive power than variables that are unrelated to the case like race/ethnicity, age, and case-filed year.

Determining which factors affect case processing time is a complex task and it is important to keep in mind that not all of the factors possibly having an impact are quantifiable. Ostrom and Hanson's model including the procedural aspects of the case, the manner of resolution, and the level of defendant resources for nine courts explained "one-third of the variation in time it takes to resolve criminal cases" (1999:55). My model with case-related variables and variables unrelated to the case resulted in a similar percentage. While my model



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explains 33% of the variation in case processing time, there is still 67% that has yet to be accounted for. According to the Executive Committee of the CJCC, these unmeasured variables could include, which judge was assigned to the cases, caseloads, if the case was represented by a public defender or private attorney, or if the person had previous convictions. Further, in a 2012 *Pantagraph* article, Stevenson Center researcher Frank Beck discussed how the CJCC members' new awareness of the role they have in the criminal justice process has had an influence on the changes that help move cases more efficiently through the court system. Beck said, "The changes have been in the culture rather than the policies of the system. And that kind of change is more long lasting" (Brady-Lunny 2012). These are all possibilities that can explain the remaining variation in case processing time.

This capstone has illuminated avenues for future research, as well. Given the dated literature on the topic, case processing time could benefit from more detailed study. As mentioned above, number of appearances was the strongest predictor of case processing time but that may be self-defining. Examining which types of offenses result in more appearances may help determine how to move forward with this data. Although the county is not meeting their own criminal case processing time standards, this data can suggest different possibilities of how to reach that target. Being armed with the knowledge of how well the CJCC is meeting the standards they set for themselves, the better equipped they are to work to improve the process. Given that the percentage of misdemeanor cases being processed has moved closer to the standard over time, the reasons for how or why this change has occurred should be studied more closely. Examining time to disposition by the severity of the felony and relating this to the standard of the 11<sup>th</sup> circuit could clarify which offense takes longer to process. More comprehensive research like this could be used to streamline case processing.

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While Will Scanlon, Trial Court Administrator asserts that the results of this capstone will be used to inform the CJCC's decisions on new policies regarding processing of criminal case files, it should be reiterated that my observations are simply indications of some of the possibilities. Like Luskin and Luskin, I am not recommending changes that would reduce processing times or reject changes that would increase them because there could be tradeoffs that are unaccounted for. Structural and nonstructural effects "suggest ways in which court policies and behaviors may intentionally or unintentionally affect processing times" (1986:214) and it is up to the CJCC to conduct more analysis and detailed study. And to be clear, findings from this study are derived from this particular county during a specific time period and cannot be extrapolated to other criminal justice systems. Therefore, the results can and hopefully will be interpreted and applied locally.

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Table 1. Case Processing Time Standards, 2007 and 2013

Felony 2007				Felony 2013			
Standard		Actual		Standard		Actual	
120	90% of	120	39% of	120	90% of	120	29% of
days	cases	days	cases	days	cases	days	cases
180	97%	180	60%	180	97%	180	49%
360	100%	360	90%	360	100%	360	88%

  

Misdemeanor 2007				Misdemeanor 2013			
Standard		Actual		Standard		Actual	
60	90% of	60	16% of	60	90% of	60	34% of
days	cases	days	cases	days	cases	days	cases
90	97%	90	28%	90	97%	90	48%
120	100%	120	39%	120	100%	120	58%

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Table 2. Frequencies and Case Processing Time of  
Categorical Variables, 2007-2013

Variables	Frequency	Percent	Mean CPT
Class M	15	0.06%	391.33***
Class X	635	2.4%	218.57
Class 1	778	3.1%	192.63
Class 2	1681	6.7%	187.00
Class 3	1690	6.7%	189.74
Class 4	3090	12.2%	178.20
DUI	4967	19.7%	172.23
Misdemeanor	12408	49.1%	110.33
Violent Offense	838	10.6%	209.48***
No Violence	7050	89.4%	185.00
Drug Offense	2483	31.4%	152.54**
No Drug	5406	68.6%	203.74
2007	3,686	14.6%	143.10***
2008	4,028	15.9%	152.39
2009	3,553	14.1%	154.95
2010	3,375	13.4%	150.81
2011	3,282	13.0%	130.02
2012	3,499	13.8%	140.62
2013	3,841	15.2%	152.35
Custody > 30 days	2661	33.7%	161.11***
Custody < 30 days	5228	66.2%	201.12
White	16030	64.0%	140.94*
Black	7718	30.8%	159.38
Hispanic	1124	4.5%	147.77
Other	191	0.7%	137.29
Male	19399	76.8%	149.63
Female	5865	23.2%	136.76

\*p<.05   \*\*p<.01   \*\*\*p<.001 two-tailed

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Table 3. Descriptive Statistics and Correlations with Case Processing Time, 2007-2013

Variable	Minimum	Maximum	Mean	Standard Deviation	Correlation with CPT
Age	17	83	27.52	10.54	.09**
Number of Appearances	1	69	10.12	6.29	.53**
Number of Counts	1	79	2.60	2.20	.18**
Case Processing Time (days)	0	730	146.64	114.75	--

\*p<.05 \*\*p<.01 \*\*\*p<.001 two-tailed



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Table 4. Case-Related Factors and Non-Case-Related Factors' Influence on Case Processing Time, 2007-2013

Independent Variable	Model 1	Model 2	Model 3	Model 4
<i>Most Serious Charge</i>				
Class M	128.51***	101.87***	---	99.71***
Class X	70.10***	67.17***	---	65.10***
Class 1	37.36***	35.49***	---	36.91***
Class 2	4.78	4.24	---	6.34*
Class 3	2.85	2.80	---	3.80
DUI	---	-6.75**	---	-2.26
Misdemeanor	---	-46.92***	---	-41.88***
<i>Other Characteristics related to the Case</i>				
Drug Offense	-47.06***	-42.67***	---	-42.22***
Violent Offense	-17.40***	-13.95*	---	-12.39**
Number of Counts	1.87	-2.60*	---	-2.90*
Number of Appearances	7.24***	8.73***	---	8.71***
Custody > 30 days	-45.71***	-39.10***	---	-39.99***
<i>Characteristics Unrelated to the Case</i>				
Female	---	---	-12.32***	-8.87***
Black	---	---	17.57***	8.37***
Hispanic	---	---	6.30	5.40
Other	---	---	-.73	7.38
Age	---	---	1.05***	.67***
2008	---	---	9.35***	11.70***
2009	---	---	11.58***	19.21***
2010	---	---	7.30**	17.13***
2011	---	---	-14.66***	-.18
2012	---	---	-2.95	8.42***
2013	---	---	9.13**	26.77***
Intercept	108.77***	90.63***	112.53***	55.93***
R squared	.254	.321	.021	.330
Number of cases	7887	25260	24446	24443

\*p<.05 \*\*p<.01 \*\*\*p<.001 two-tailed