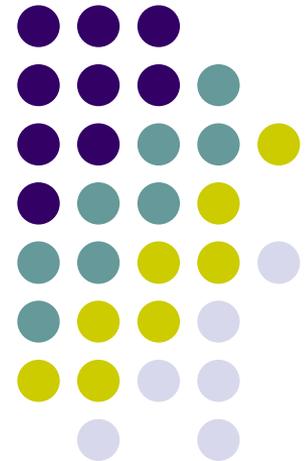


Direct Electronic Filing in Criminal Cases:

Closing the Paper Trap



Agenda



Welcoming Remarks

Robert Kepple, Executive Director, TDCA

9:00 to 9:05

Role of the Task Force on Indigent Defense

Sharon Keller, Presiding Judge, Texas Court of Criminal Appeals
Chair, Task Force on Indigent Defense

9:05 to 9:10

Today's Agenda, Purpose of the Research

James Bethke, Director, Task Force on Indigent Defense

9:10 to 9:30

Summary of Study Findings

Dottie Carmichael, Ph.D., Research Scientist, Public Policy Research Institute

9:30 to 10:15

BREAK

10:15 to 10:30

El Paso County Prosecutor's Perspective

Jaime Esparza, District Attorney, El Paso County
Marcos Lizarraga, 1st Assistant DA, El Paso County

10:30 to 10:45

El Paso Law Enforcement Perspective

Richard Wiles, Chief of Police, City of El Paso

10:45 to 11:00

Harris County Prosecutor's Perspective

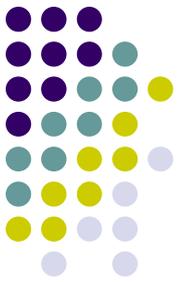
Lynne Parsons, Central Intake Division Chief, Harris County DA's Office

11:00 to 11:15

Harris County Court Perspective on DIMS Implementation

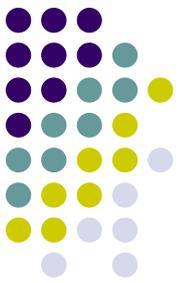
Bob Wessels, Court Manager, Harris County Office of Court Management

11:15 to 11:30



Purpose of the Study

overview of TFID policy objectives



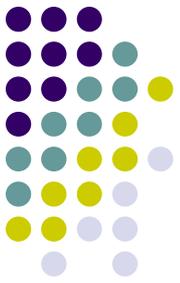
Texas Fair Defense Act (2001)

- **Core Legal Requirements:**

- Conduct prompt magistrate proceedings
- Promulgate standard of indigence in local plan
- Develop minimum attorney qualifications
- Institute fair, neutral, and non-discriminatory attorney selection process
- **Appoint counsel promptly**
- Promulgate standard attorney fee schedule and payment process

- **Local Reporting Requirements:**

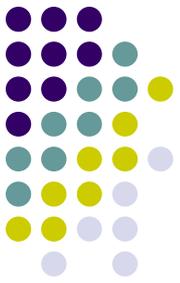
- Indigent defense plan
- Local indigent defense expenditures



TFID Policy Objectives:

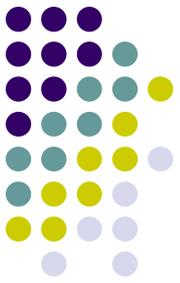
- Improve indigent defense through development of policies and standards.
- Promote local compliance and responsibility with core requirements of the Fair Defense Act through evidence-based practices.
- Develop effective funding strategies.

State and Local Challenge



- A cost-effective indigent defense delivery system...
- That meets the needs of the local community and...
- Satisfies the requirements of the Constitution and State law.

Impacts of the Fair Defense Act on Texas Counties (2005)



- **Goals of this study**

- Develop a framework to understand how the FDA requirements impact county processes and indigent defense service delivery
- Develop an understanding on how county implementation strategies affect effectiveness?

- **Premise**

- State requirements have an impact on service delivery in local jurisdictions but how counties operate can diminish or enhance effectiveness.

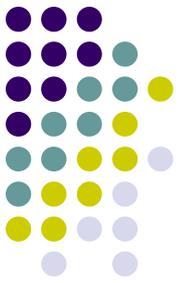
- **Sites**

- Dallas County (pop. 2.2 million)
- Collin County (pop. 492,000)
- Cameron County (pop. 335,000)
- Webb County (pop. 193,000)

- **Approach**

- Analysis of trend data; Interviews with stakeholders

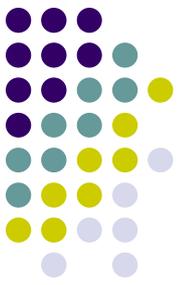
Impacts of the Fair Defense Act on Texas Counties (2005)



● Lessons Learned

- Texas is providing more defendants with indigent defense since the FDA was adopted.
- The counties studied are substantially complying with the prompt appointment requirements of the FDA.
- Counties have flexibility in how they implement the FDA requirements. Their choices may impact costs.

Impacts of the Fair Defense Act on Texas Counties (2005)



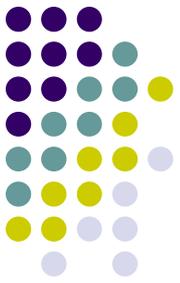
- **Counties Should Consider:**

- Increasing the number of points where bond can be reviewed and granted.
- Whether public defender system may be suitable.
- Whether standards of indigence can be supported with better financial documentation, possibly including penalties for erroneous financial reporting.

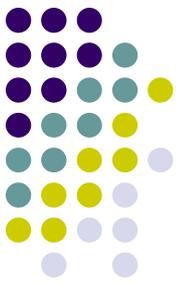
- **Next Step:**

- **Assist local jurisdictions in identifying “best practices” applying technology to reduce costs of “paper processing.”**

Direct Electronic Filing: Closing the Paper Trap (2006)



- **Why is this Important to Indigent Defense?**
 - **Assumption** – for prompt appointment to be meaningful charges should be filed promptly.
 - **Assumption** – cases lacking evidence to prosecute will be screened out faster resulting in less time in jail.
 - **Assumption** – technology enhancements can facilitate changes in court processing that help local jurisdictions better meet the requirements of the FDA.



- **Purpose of this Study:**

- Provide practical evidence-based guidance for jurisdictions to follow in implementing criminal justice processes that are fair, accurate, timely, efficient, and effective

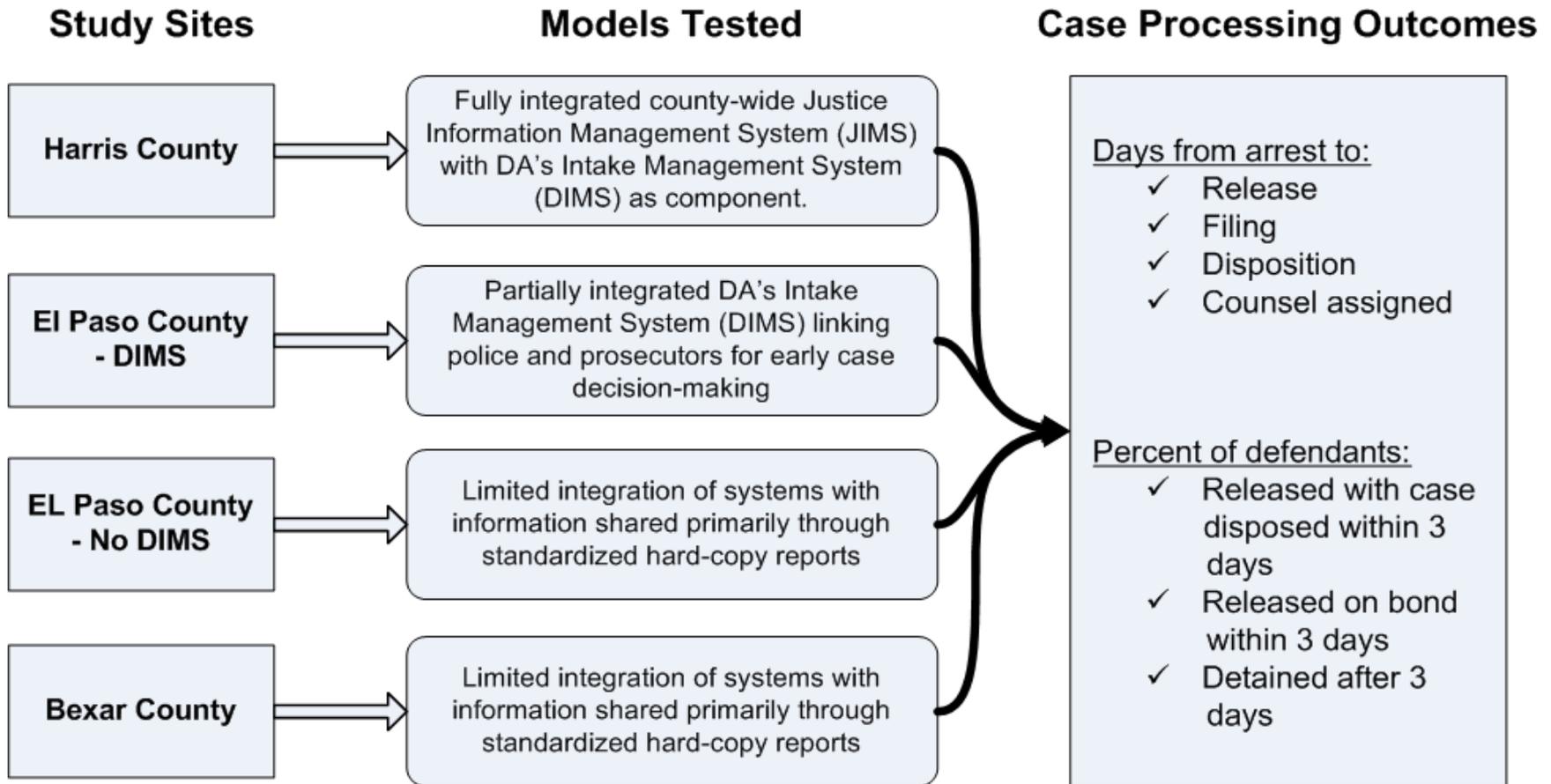
- **Caveat:**

- There should never be a rush to judgment. Processes should ensure that defense counsel and prosecutors alike have ample opportunity to develop their cases.

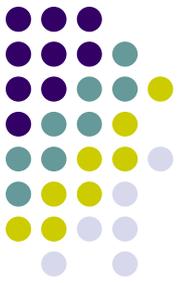


Research Approach

Overview of the Study Sites

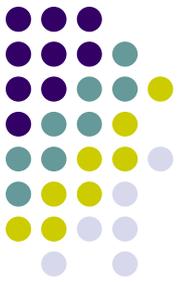


Study Sample



Number of Misdemeanor Defendants and Charges by Study Site
Calendar Year 2004

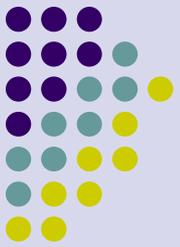
	Individuals		Charges
Harris	50,030		60,667
El Paso (DIMS)	7,454		8,021
El Paso (Non-DIMS)	3,752		4,129
Bexar	22,858		28,466
TOTAL	77,344		93,301



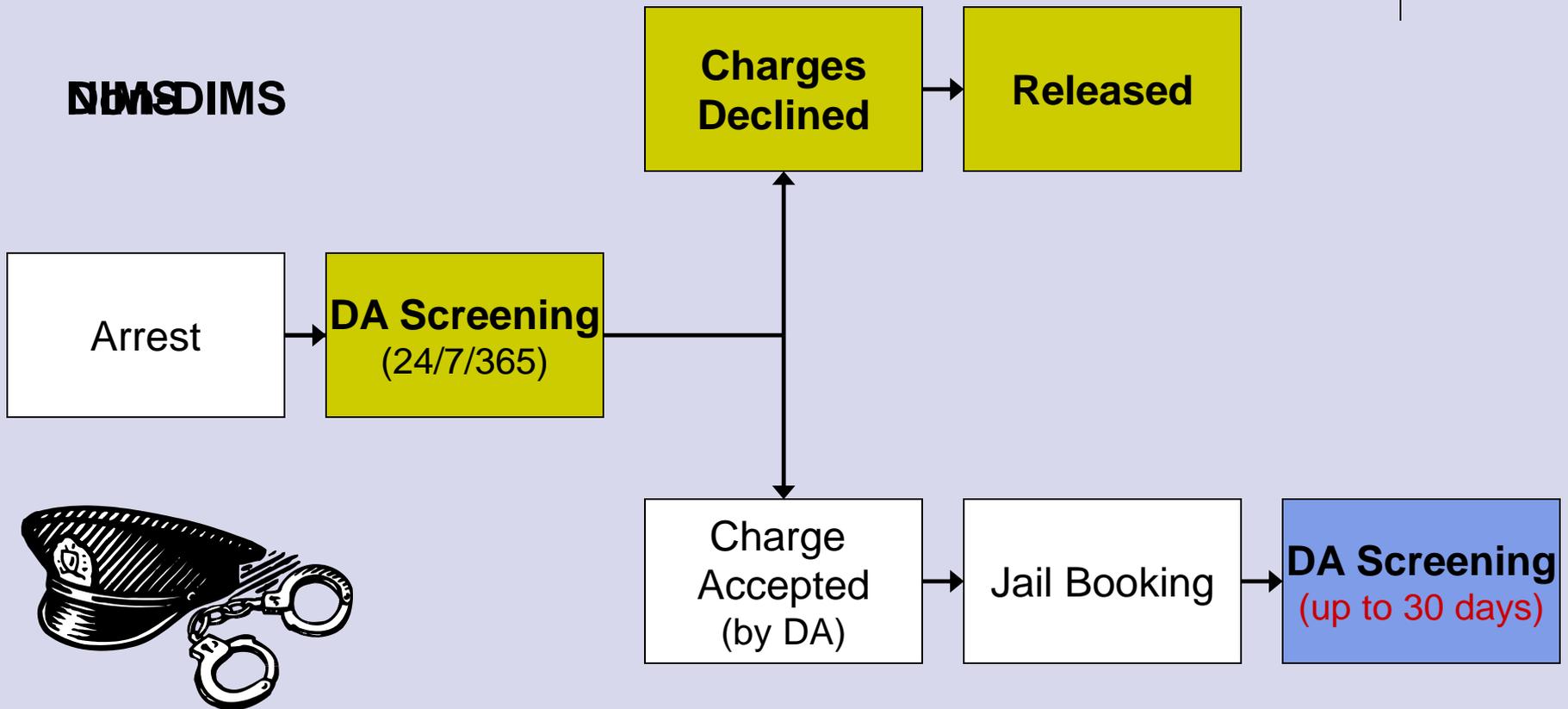
I. Cases Screened and Released

at the time of arrest

Early DA Screening

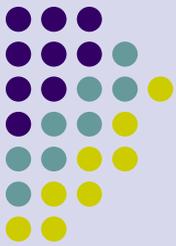


NIMS
SDIMS

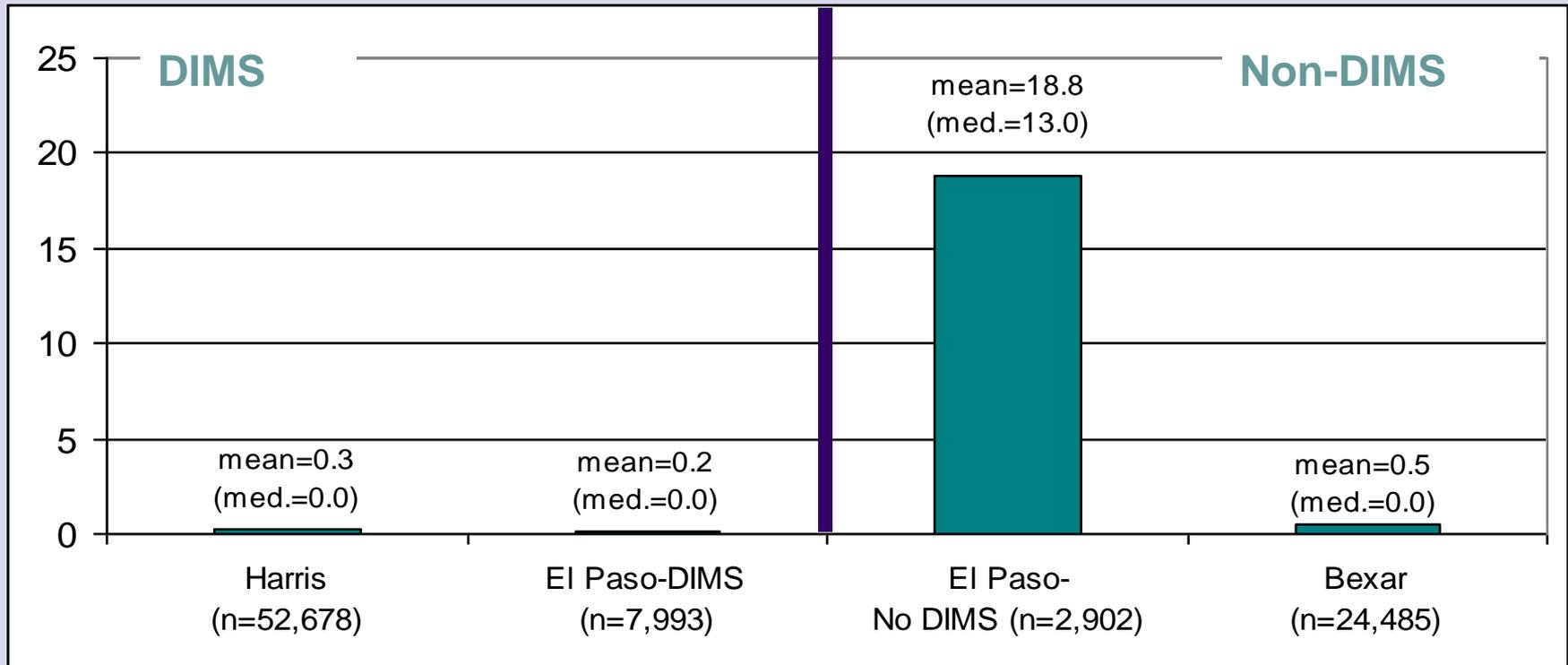


- DA screening occurs at arrest
- Defendants with no charges are released immediately

Mean Days from Arrest until Prosecutor Receives Law Enforcement Report*



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



- Lengthy delay in transferring offense reports to the prosecutor can make it difficult for manual case processing systems to quickly dispose cases.
- DIMS speeds case information to decision-makers.

I. Cases Screened and Released at Arrest



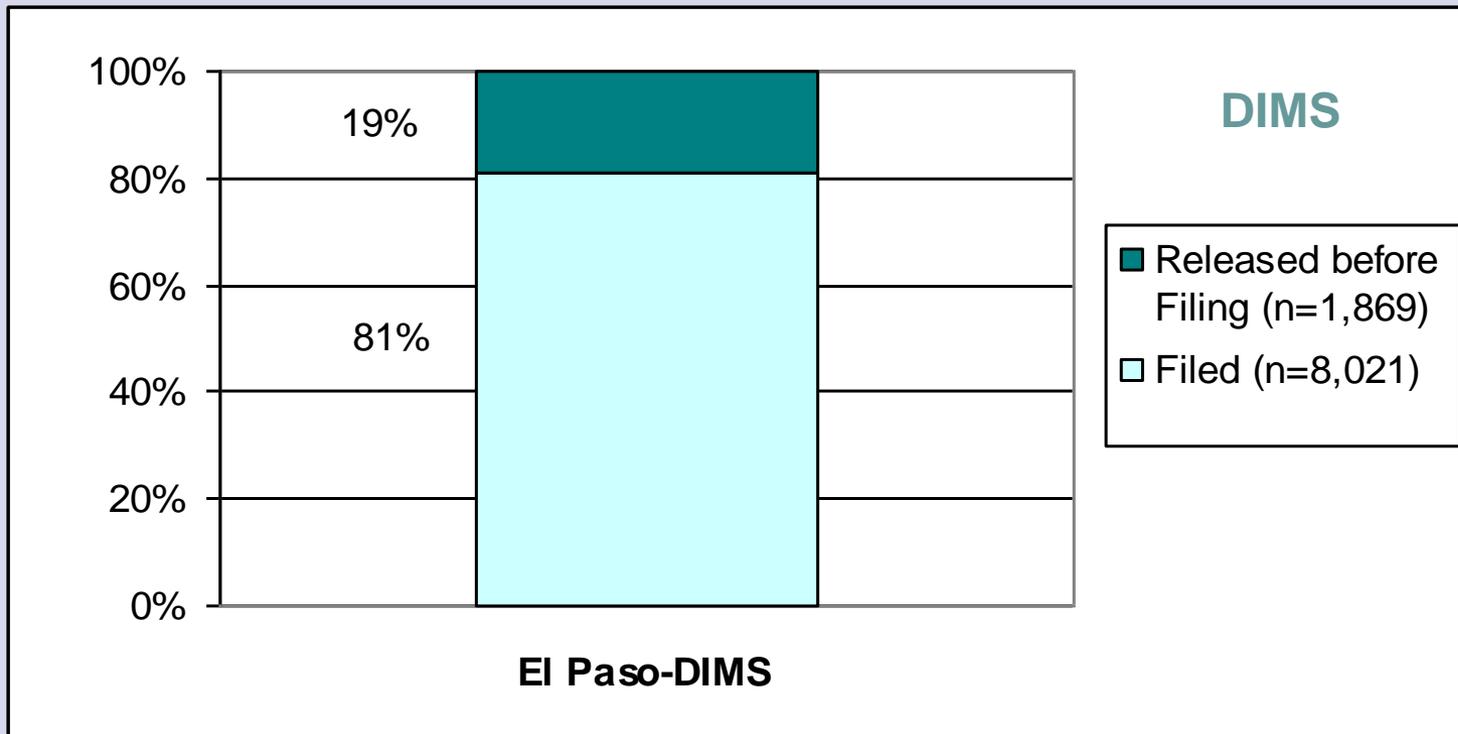
El Paso-DIMS Cases Rejected Prior to Booking

COUNTY savings:

\$663 / defendant

PERSONAL savings:

\$549 / defendant



- 19% of El Paso's DIMS cases were reviewed and rejected for prosecution at the scene of offense. Harris County estimates a minimum 10% case rejection rate prior to booking.



EP County Cost Factors

- **Professional Time**

- Non-DIMS: 5 hrs. on average
- Defendant transport, booking, offense report submission, magistration, and bond.
- \$18.73/hr. x 1.28 benefits

- **Assigned Counsel**

- 41 percent of cases @ \$168.90/case avg.

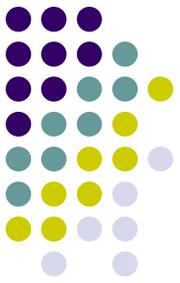
- **Pre-Disposition Jail Days**

- Non-DIMS: 65 percent of cases detained 14.57 days avg.
- \$50/day



EP Defendant Cost Factors

- **Lost Wages**
 - 65 percent of Non-DIMS cases detained 14.57 days avg.
 - \$41.20/day @ minimum wage
- **Retained Counsel**
 - 11 percent of cases @ \$200/case avg.
- **Bond Fees**
 - 81 percent of cases @ \$170/case avg.



If All El Paso County Misdemeanors Were Processed through DIMS...

- 19 percent of all 13,927 defendants would have their cases reviewed and declined before arrest (2,646 cases)
- **Resulting Savings vs. Non-DIMS:**
 - EP County: **\$1.49 million** (\$663/case)
 - Defendants: **\$1.23 million** (\$549/case)



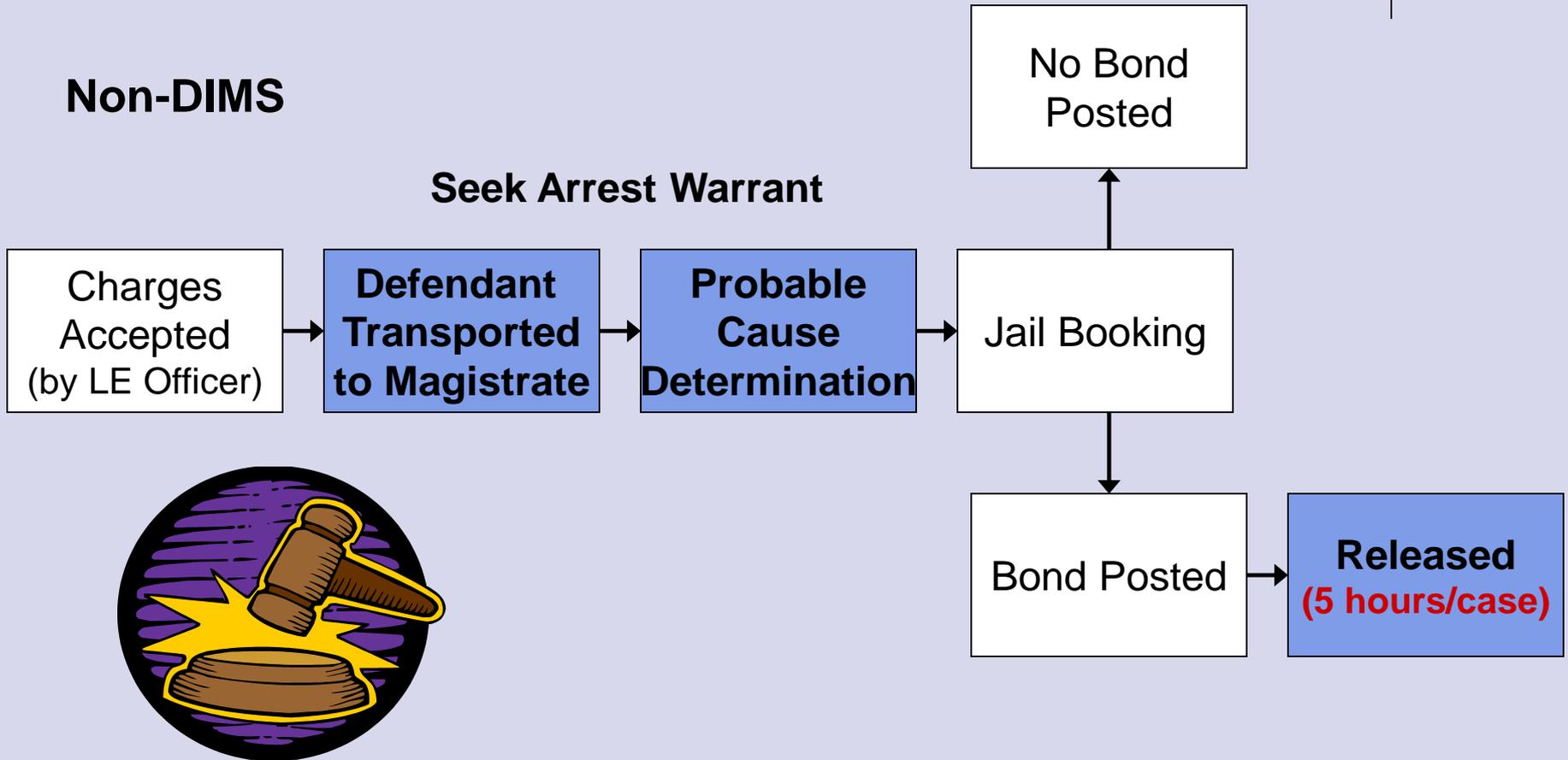
II. Cases Bonded within three days of arrest

Streamlined Access to Bond



Non-DIMS

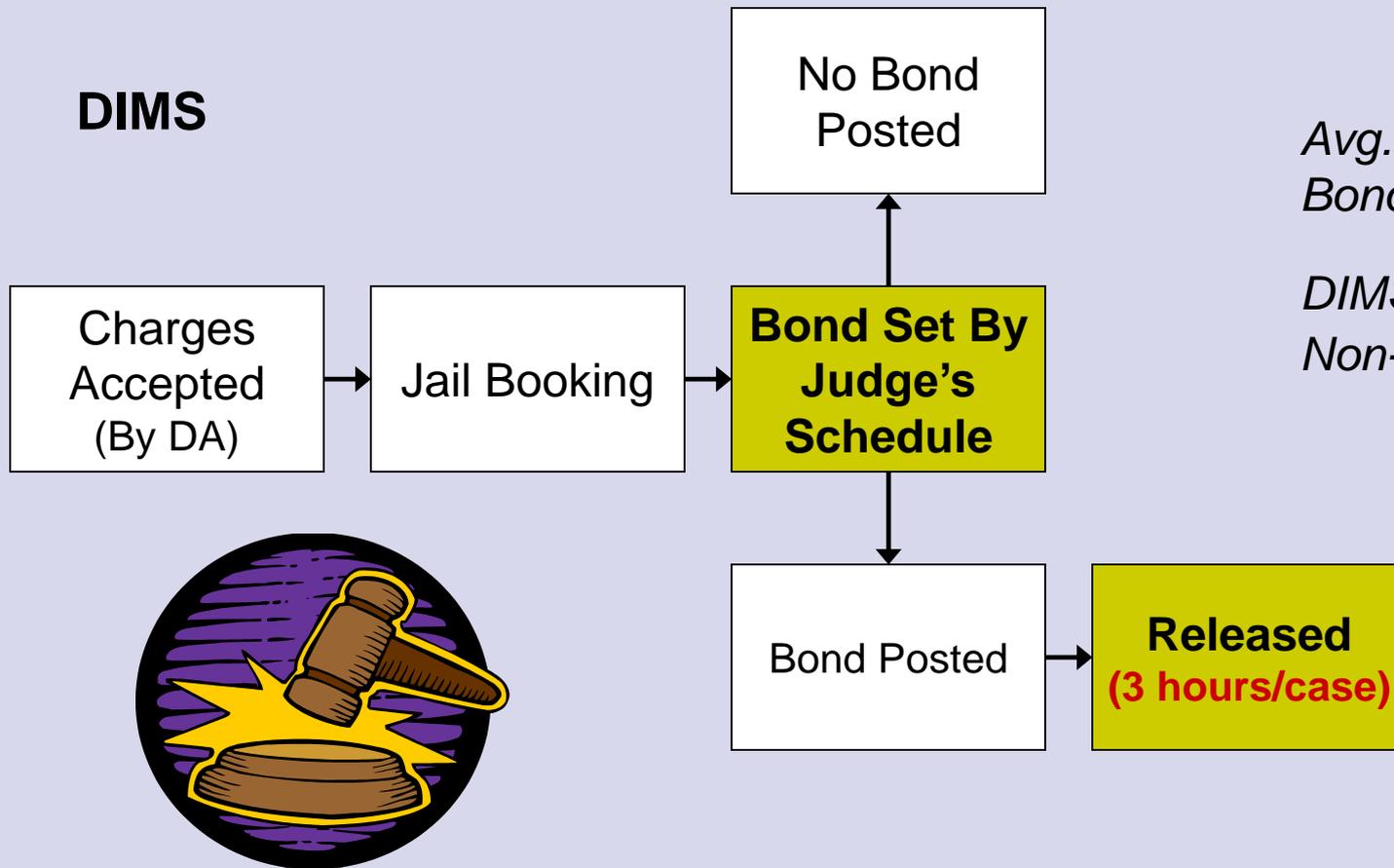
Seek Arrest Warrant



Streamlined Access to Bond



DIMS



Avg. Misdemeanor Bond in El Paso:

DIMS: \$1,102

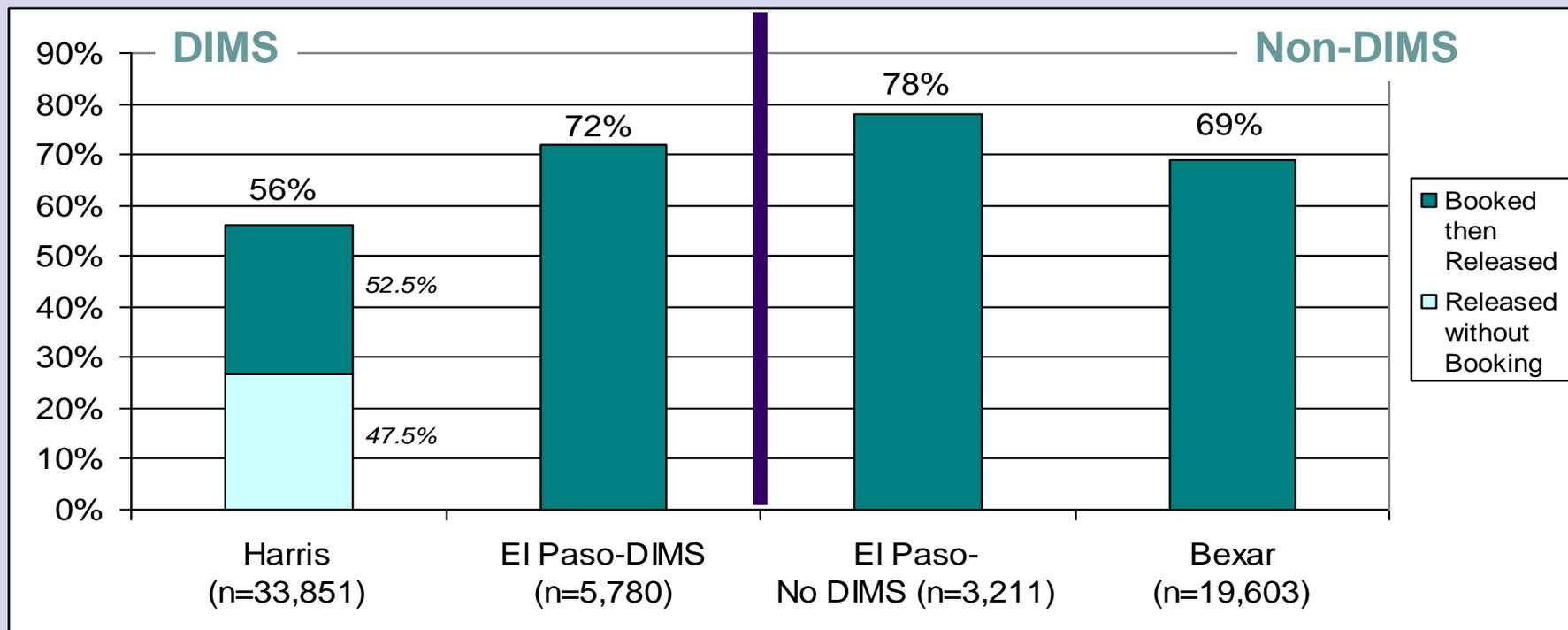
Non-DIMS: \$2,580

- Bond schedule approved by judges expedites bond and improves consistency.
- Defendants preferring bond set at magistration will see the judge within 24 hours of arrest.

II. Cases Released on Bond within Three Days of Arrest



Percent of Cases Released on Bond within 3 Days of Arrest

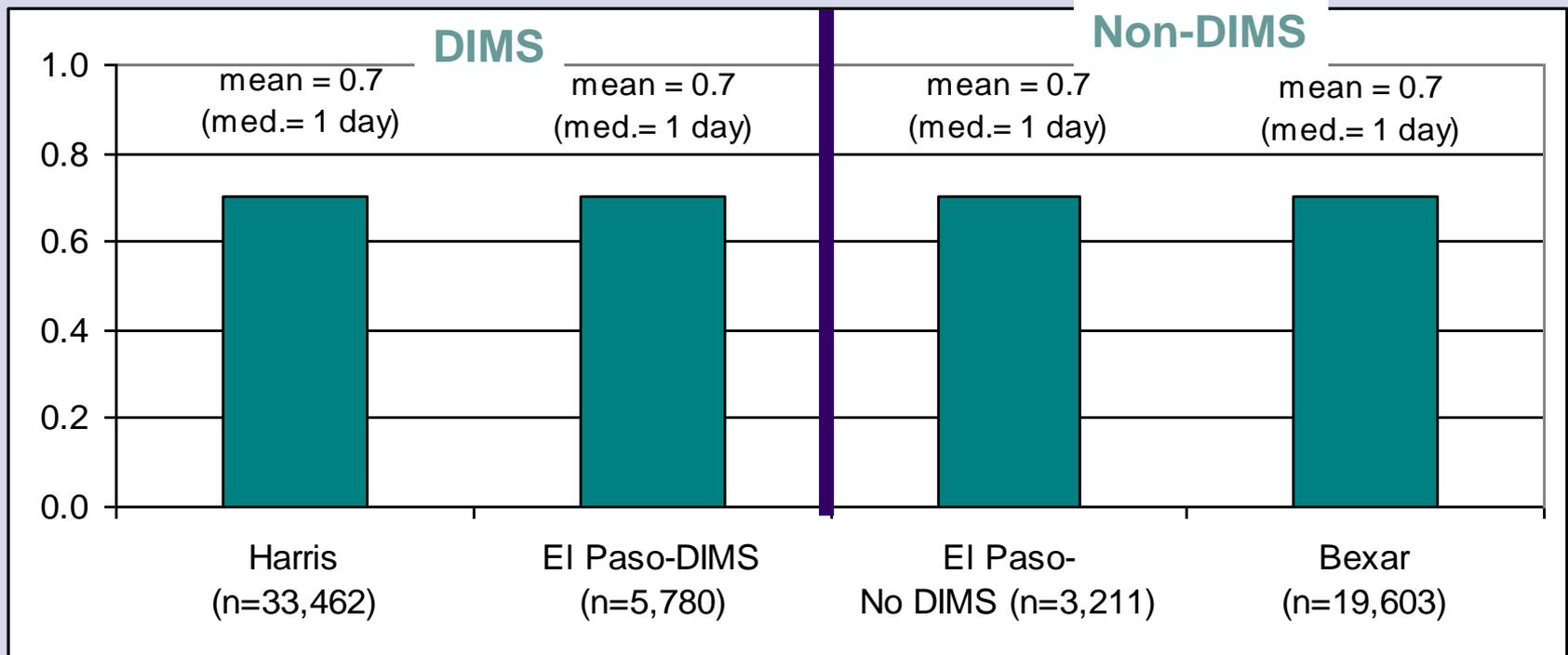


- DIMS does not have as much impact on processing bonded defendants.
- The majority of defendants are released on bond at every site.

II. Cases Released on Bond within Three Days of Arrest



Mean Days from Arrest to Release for Bonded Defendants



- Time from arrest to release of bonded defendants is the same irrespective of DIMS use.



III. Cases Disposed

within three days of arrest

Early Case Disposition



Non-DIMS



Bond Not Posted

Defendant Detained (24 hrs. max.)

Magistrations Counsel Assigned
First Setting

Case Not Disposed

Bond

Released

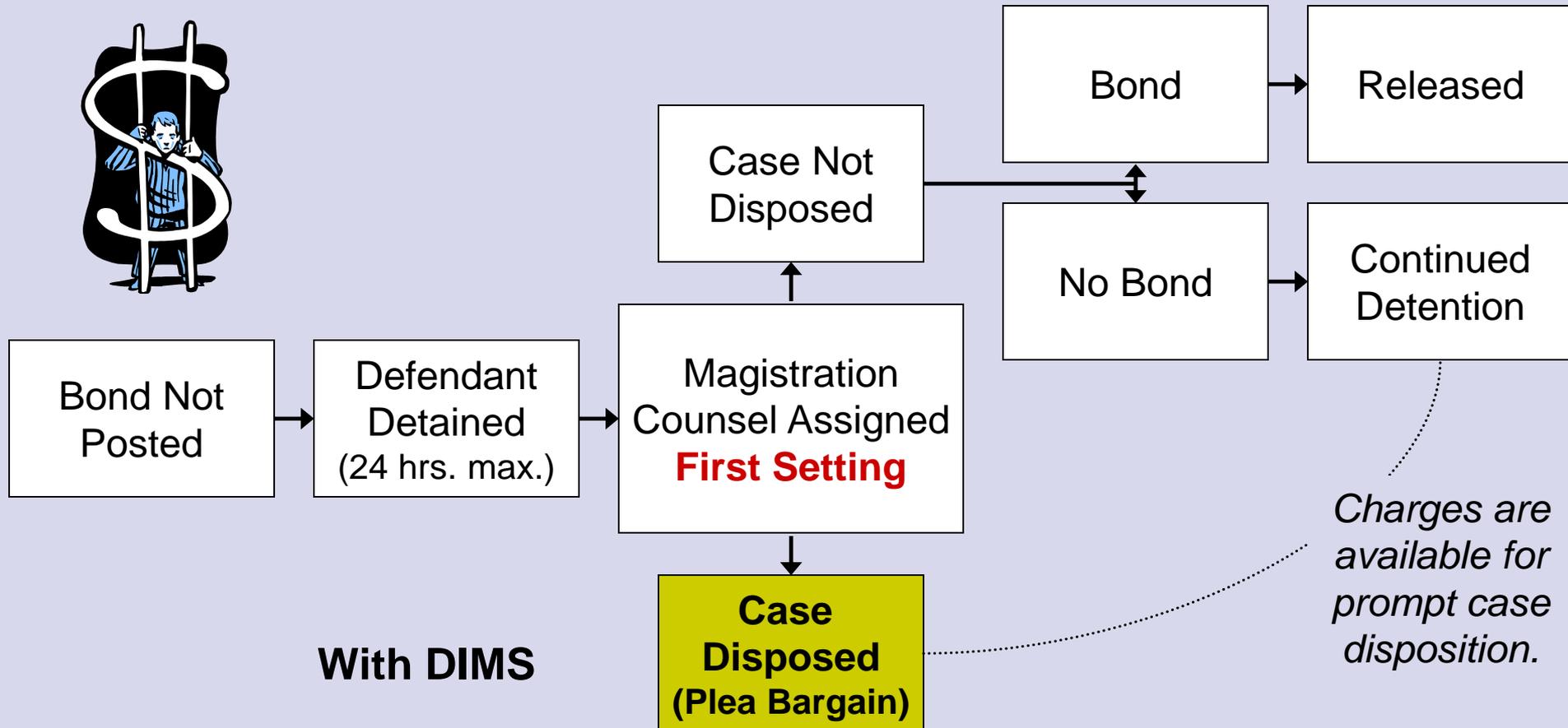
No Bond

Continued Detention

With DIMS

Case Disposed (Plea Bargain)

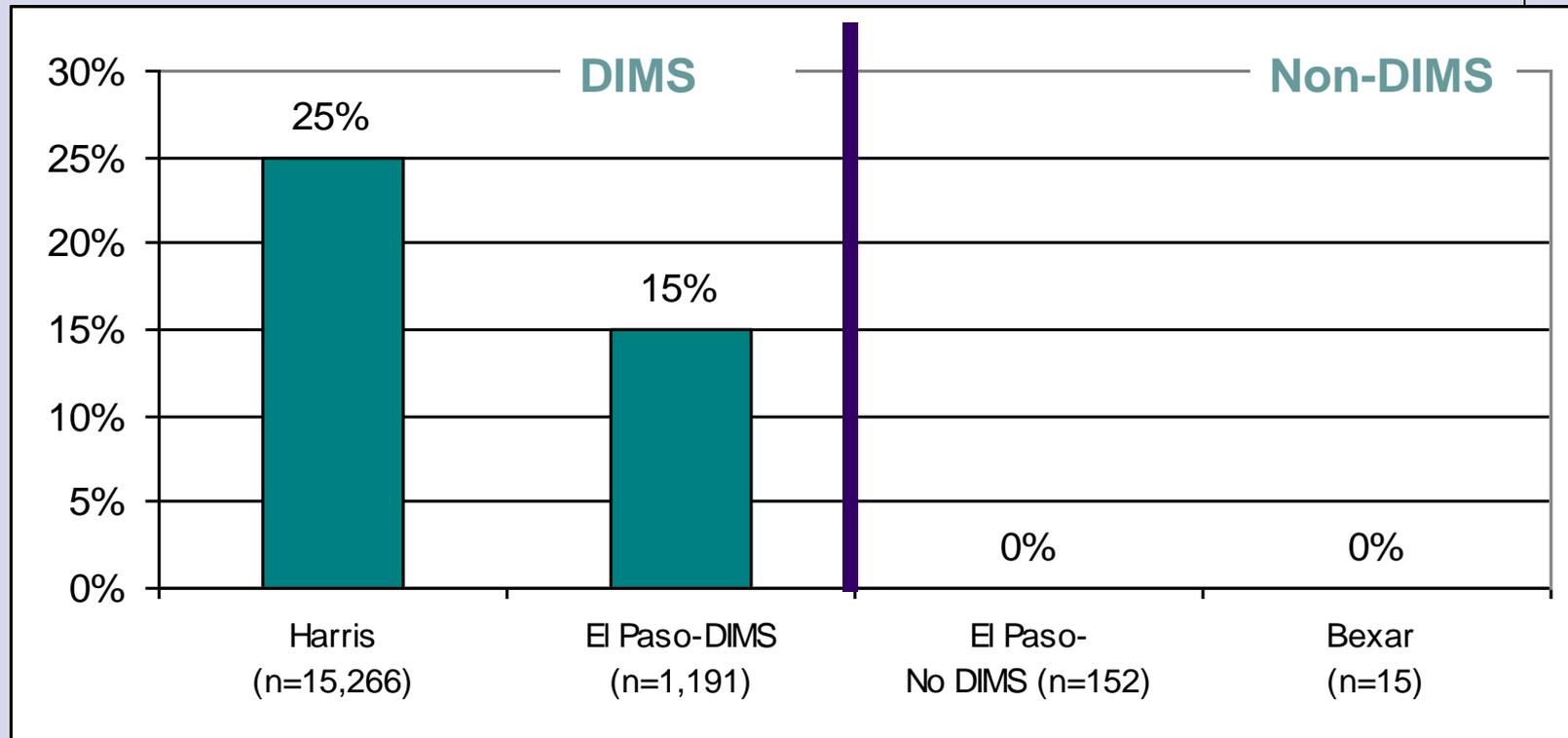
Charges are available for prompt case disposition.



III. Cases Disposed within Three Days of Arrest



Percent of Defendants with Cases Disposed within 3 Days of Arrest



Charges filed in avg.
10 hours

Charges filed in avg.
34 hours

- When charges were available quickly, sites with direct electronic filing could dispose of 15% to 25% of cases within 3 days.



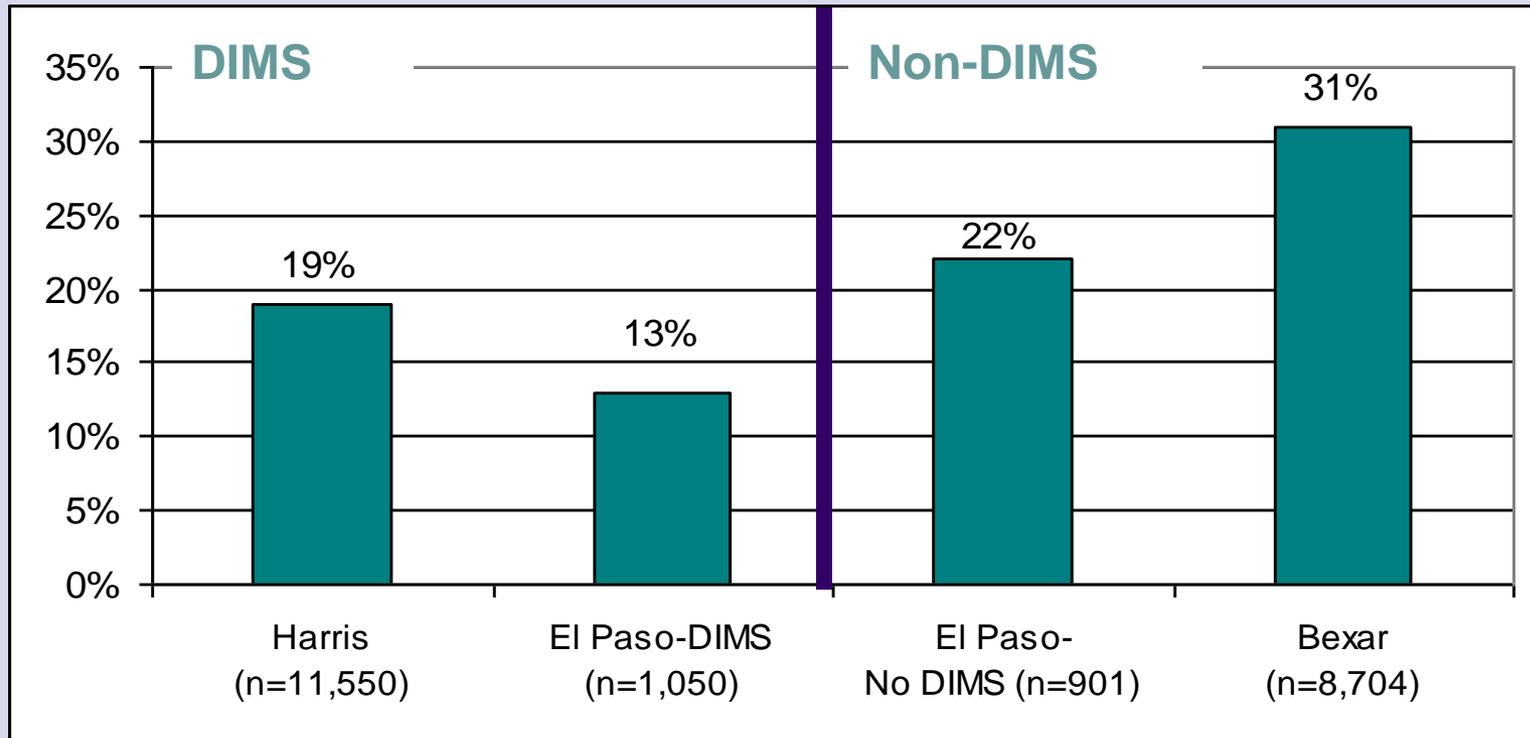
IV. Cases Detained

three after days after arrest

IV. Cases Detained Three Days after Arrest



Percent of Cases Detained in Jail Longer than 3 Days after Arrest

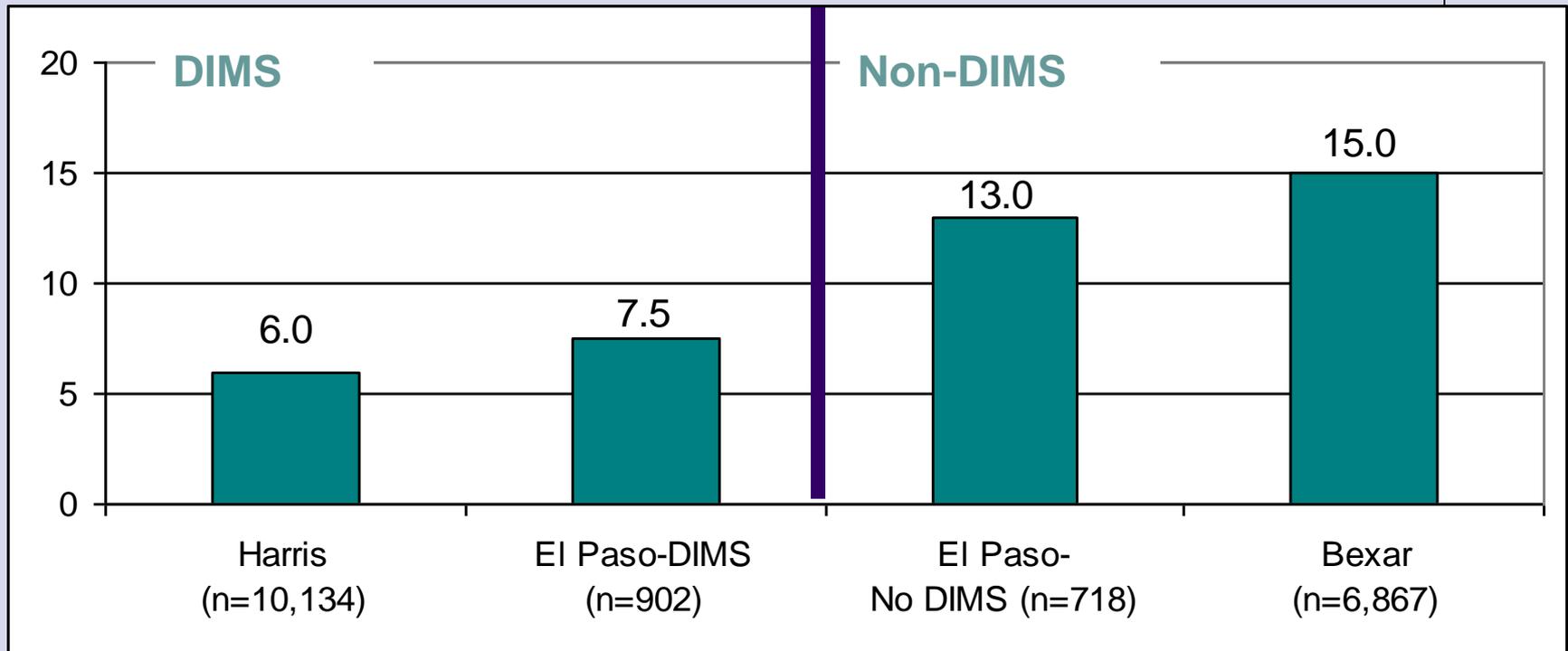


- DIMS sites held fewer defendants in pre-trial detention.

IV. Cases Detained Three Days after Arrest



Median Days from Arrest to Release for Defendants Detained in Jail Longer than 3 Days



Average cost of detention:

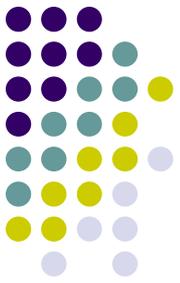
**\$159 per
defendant**

**\$190 per
defendant**

**\$474 per
defendant**

**\$626 per
defendant**

- DIMS defendants remain in jail half as long.
- The combined effect of fewer individuals detained plus fewer days of detention reduces jail costs per defendant by up to 75 percent.



If All El Paso County Misdemeanors Were Processed through DIMS...

- There would be a 40 percent reduction in pre-disposition jail days.
- **Resulting Savings vs. Non-DIMS:**
 - EP County: **\$3.95 million**
 - Defendants: **\$3.26 million**



Direct Electronic Filing System

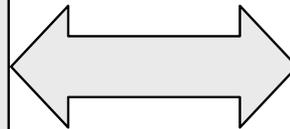
model elements

Elements of a Model Criminal Direct Electronic Filing System



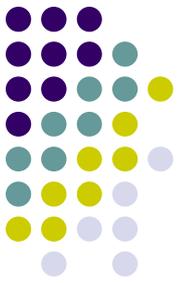
Technological Features

- Electronic transmission of case-related information from law enforcement to the prosecutor for an early filing determination
- Early electronic confirmation of defendants' identity
- Electronically facilitated filing
- Integration of information technology systems across departments involved in justice processing



Work Practices

- Cross-agency commitment to long-term collaboration
- Ongoing commitment to case processing improvements
- Repeated opportunities for cross-agency education
- Flexible and adaptive work practices



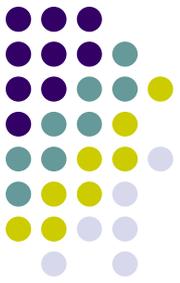
Case Quality for the State

- Charges are developed while witnesses are still present.
- Automated templates and online references improve charges.
 - Speed, accuracy and consistency of filings
- Fair, accurate, and timely case resolution.



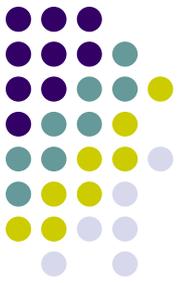
Cost Savings to the Public

- Cases lacking evidence to prosecute are screened out at arrest.
 - No book-in/processing costs
 - No detention costs
 - No court appointed counsel costs
 - No prosecution expenses
- Prosecuted cases are disposed quickly.
 - Clears jail cells
 - Reduces court dockets
- Total estimated savings to El Paso County if all misdemeanors were processed using DIMS:
 - **\$5.86 million**



Defendant Rights

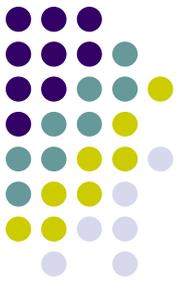
- Defendants with charges that cannot be successfully prosecuted are promptly released.
- Defendants that are prosecuted can meet their legal obligations quickly.
- Total estimated savings to El Paso County defendants if all misdemeanors were processed using DIMS:
 - **\$4.28 million**



Quality of Legal Defense

- With early knowledge of charges:
 - Defense counsel can have a more meaningful dialog with client and prosecuting attorney.
 - Charges can be quickly resolved.

Conclusion

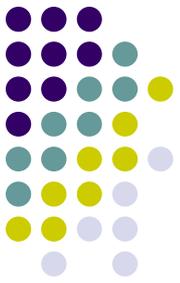


- Direct electronic filing successfully:
 - Increases system-wide efficiency;
 - Improves communication; and
 - Frees resources needed to strengthen indigent defense services.

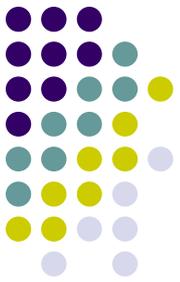


Perspective of Court Administration: **It's a Caseflow Management Issue**

Two Models of Justice System Management



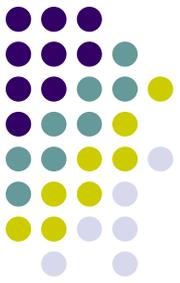
- Vertical View
- Individual
- Redundant Data Entry
- Focus on Department vs Process
- Point Finger/Place Blame
- Horizontal View
- Team
- Share & Update
- Decision Focused
- Problem Solving/Collective Responsibility



Caseflow Management 101

- Early Control of the Caseflow Process
- Identification of Critical Events
- Managing Time Between Events
- Monitoring to Assure Events Occur as Scheduled
- Date, Time and Purpose Certain

Critical Events



- Arrest
- Identification
- Case Screening
- Offender Interview
- Filing & Set 1st Court Appearance Date



Critical Decisions

Who do we have?

What Charge?

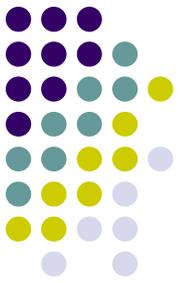
Eligibility for Release?

Release Conditions and Monitoring of
Conditions?

First Appearance in the Court of Dispositive
Jurisdiction?

Representation: Hired or Appointed?

Economic Impact of A Managed Caseflow Process

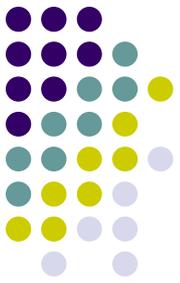


- Jail Population
- Fines, Fees and Collections
- Fees for Appointed Counsel
- Fees for Court Interpretation
- Costs for Records Management: Paper, Electronic and Digital Media
- Other Costs



Next Steps . . .

- **Vision**
- **As is . . .**
- **To be . . .**
- **The gap is . . .**
- **The benefits are . . .**
- **Make your case . . .**



*The best way to predict the
future is to invent it.*

Alan Kay

Contact Information



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Presentation available for download at:
www.courts.state.tx.us/tfid/resources.asp