

AN ASSESSMENT OF THE INFORMATION AND
MANAGEMENT NEEDS OF INGHAM COUNTY COURTS IN
PREPARATION FOR THE IMPLEMENTATION OF AN
AUTOMATED INFORMATION SYSTEM

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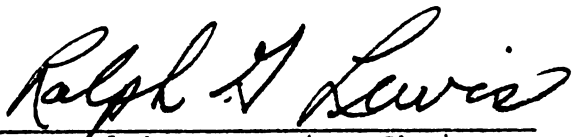
AN ABSTRACT

Submitted to
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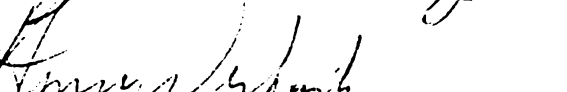
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ABSTRACT

AN ASSESSMENT OF THE INFORMATION AND MANAGEMENT NEEDS OF INGHAM COUNTY COURTS: IN PREPARATION FOR THE IMPLEMENTATION OF AN AUTOMATED INFORMATION SYSTEM

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Purpose

Courts in the United States are facing an information and management crunch. Without adequate data and objectives, the courts have had to rely on makeshift management techniques.

An information system, predicated on objectives and rules of interaction, can be the management tool needed by courts. Information systems use information to reach decisions.

The courts of Ingham County have committed to developing an information system. After careful consideration of several alternatives, the Courts Task Force of Region VI chose the Law Enforcement Management System (LEMS) because of its total system criminal justice system approach and emphasis on the use of the mini computers.

Research

In order to identify the information needs and availability, a questionnaire was given to the courts in Ingham,

Clinton, and Eaton Counties. Using data elements extracted from several designed systems, each court rated the data needs and specified the availability of this information.

The results of the survey showed that the needs not now available, but highly desirable, were mostly management information. The courts specifically identified centralized court scheduling as the most needed and least available service.

It was also found that the data needs were more serious in Ingham County than in the other two counties.

Upon completion of the needs assessment survey, each of the courts helped develop a caseflow model for their individual court. A felony flow chart was also developed. The object of developing these flow models was to allow the court personnel an unattached viewpoint of the present system.

There was found to be duplication, inconsistencies, multiple files, inconsistent scheduling practices, a lack of aggregate data, and plea negotiations continuing after a trial had already begun.

There were also some findings of the two surveys not anticipated in the original research design, such as: common definitions of basic terms were not available; the informal management and data collection process offered

continuous opportunities for system breakdown; there were no objectives established in any of the courts; and the problems associated with the State Supreme Court's reporting format.

Recommendations

Following the research, several recommendations for system development are noted.

Training and attitude development are vital to the success of an information system. The lack of support of clerks, judges, lawyers, and community people can result in the undermining of the system.

The setting of objectives, for both the individual agency and the total system, can be the most important tool in development.

System objectives and data are meaningless unless the terms used have definitions that are commonly shared.

System design should address adequacy of the present system, uses of the system, data to be collected, elimination of duplication, Offender Based Transactional Systems, improved paper flow, and management data support. The use of outside technical assistance should only be considered for those functions of development that cannot be provided from the agencies.

Court scheduling should address caseflow management, calendaring, and data support.

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Privacy and security as defined in Title 28 and other legislation must be an intricate part of the system.

Evaluation, feedback, and research are predicated on having data to support these functions. The impact of the courts and on the courts as a result of future changes in the system should be considered.

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DEDICATION

To

Karen S. Greenwood

And

My Parents

Mr. and Mrs. Raymond Acker

who made it all possible.

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Lastly, I would like to acknowledge the encouragement and direction of my Chairman, Dr. Ralph Lewis, and the Committee members, Dr. John McNamara, Professor Zolton Ferency and Hank Verkaik, of the State Office of Criminal Justice Programs.

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CHAPTER I

AN OVERVIEW

This chapter includes an introduction to the state of courts within the United States. Emphasis is given to the fact that courts do not have the information to make good decisions, nor do they have the tools to comply with the legal mandates of speedy trial. The only real approach to the problem seems to be adoption of management tools, specifically the implementation of automated information systems.

Consideration is given to the terms "information system", "information", and "decisions". The importance of these terms is underlined. The issues raised here should be considered by an implementor of an information system.

Introduction to the specific courts included in the research for this document is presented. The court of general jurisdiction and the courts of original jurisdiction are discussed. The courts are all in Ingham County and have agreed to become part of an information system.

There is a review of the three systems that were considered for use by the courts. The relative merits of each system is discussed and some discussion is

presented as to the selection of the LEMS system. The separation of powers issue is discussed as part of the discussion of the BMCS.

I. THE STATE OF THE COURTS IN THE U.S.

In 1966 the Court of General Sessions in Washington, D.C. became the first U.S. court to use a computer for the maintenance of court records.¹ The promise of a new court with new direction and efficiency as its goal was predicted by many.

The state of courts within the U.S. has not been a promising reflection of equal justice. The National Advisory Commission on Criminal Justice Goals and Standards, in 1973, noted that:

"The problem of the courts in criminal proceedings begin with delay and congestion; these factors are aggravated by the growth in filings resulting from an increasing active law enforcement establishment, and appellate court rulings which mandate greater attention to the equitable treatment of individual defendants."²

Robert James of the San Diego County Court System stated that the national picture is that: "The courts are too crowded; the judicial process is being choked to death

¹Malcolm E. MacDonald, "Computer Support for the Courts - A Case for Cautious Optimism," Judicature 57 (August/September 1973): 52.

²National Advisory Commission on Criminal Justice Standards and Goals, Criminal Justice System (Washington, D.C.: Government Printing Office, 1973): 68.

by paperwork; archaic methods of indexing, scheduling, and docketing make the setting of a workable court an impossibility."³

Too often descriptions of the courts during the last 10 years have pointed to the inadequacies of our court systems. The strongest critics have gone so far as to state that, "no significant institution has been left untouched by modern technology - with the possible exception of the courts."⁴

Many of the problems facing courts are not exclusive to the judicial branch of government. The Criminal Justice Goals and Standards for the State of Michigan, in 1975, noted that there exists throughout the criminal justice system:

1. A general lack of current and/or comprehensive data that reflects the nature and needs of the agency's manpower and physical resources;
2. The inability to retrieve data that does exist or to correlate data collected by different functional components; and
3. The inability to use existing data in the management process.⁵

³Robert B. James, "Computers Trim Backlog in San Diego County Courts," Judicature 57 (August/September 1973): 56.

⁴Jethro K. Lieberman, "Will Courts Meet the Challenge of Technology?" Judicature 60 (August/September 1976): 85.

⁵Michigan Advisory Commission on Criminal Justice, Criminal Justice Goals and Standards for the State of Michigan (Lansing: Office of Criminal Justice Programs, 1974), p. 196.

Many of the functions of individuals in the criminal justice system have been fragmented and cooperation is almost non-existent. In the courts, "often a functional operation is carried on by itself with little relationship to or connection with any other functional operation."⁶ This can only result in indecisiveness and fractionalism within the courts. Common information, necessary to operate a smooth running court can be lost in the bureaucratic hierarchy common to all large and medium size courts. Quite often courts are left without a single individual responsible for direction.

Professor Jacques Bargun, of Columbia, noted that "the glorification of policy making and the debasement of 'pencil pushing' clogs our courts and other institutions. Everyone wants to set a lofty goal but no one wants to administer the means to attain it."⁷ The obvious result has been that too often courts have gone in directions not dictated by well defined goals but instead have situations where individuals within the court have developed their own definitions of the court's role.

Kenneth Vines has noted that the roles of the court can be defined as "ritualistic, adjudicative, policymaking,

⁶William L. Whittaker, "Ceremony Versus Substance: Clerical Process in the Courts," Judicature 56 (April 1973): 375.

⁷Jacques Bargun, "Administering and the Law," American Bar Association Journal 62 (May 1976): 625.

and administrative."⁸ The emphasis in the two hundred years of U.S. judicial history has been on the ritualistic and adjudicative at the expense of the policymaking and administrative. The result has been tradition always takes precedent in the American Court.

The emphasis on tradition is not unique to courts, and in fact, it has been noted that "Western man is active by tradition."⁹ But, courts by the very nature of their ritualistic functions have placed greater emphasis on traditional approaches than any other type of public agency.

In a recent survey conducted by the Institute for Court Management in Missouri and Colorado, it was noted that "many of the functional operations observed (within the courts) arise out of tradition and exist in order to preserve tradition; others exist to preserve the legal mystique and legal fictions built into the system, and still others exist because of the necessity of recording and preserving the vast quantities of legalistic jargon."¹⁰

William Whittaker, the project coordinator for this research project, observed that, "much of the administrative

⁸John H. Reed, "Operational Research and the Courts," Judicature 56 (August/September 1972): 69.

⁹Bargum, p. 626.

¹⁰Whittaker, p. 375.

function is created and exists to serve the records which are being maintained."¹¹ He noted that when the study team asked an individual why an apparently "meaningless" activity was performed, the response was "time after time", "we've always done it this way."¹²

Not only do the courts most often follow the dictates of tradition but because of tradition create large and incomplete case files. In a recent survey in Los Angeles, it was found that the average criminal case folder held a volume of 39 separate documents.¹³ The survey report noted that, "the problems precipitated by the abundance of case documents are magnified by the manner in which files are stored and indexed."¹⁴ It was commonly found that total case files were misplaced, parts of files were lost, and upon completion of a case an attempt at review of the file folder was predicated upon the individual knowing the case number.¹⁵ Another serious negative spin off

¹¹Ibid.

¹²Ibid., p. 374.

¹³Thomas A. Henderson and Winifred M. Lyday, "Information Systems -- An Administrative Development: Dilemma for the Judiciary," Proceedings of the Third International Search Symposium on Criminal Justice Information and Statistics Systems (Sacramento, California: Search Group, Inc., 1976), p. 34.

¹⁴Ibid.

¹⁵Ibid.

of large case files is the fact that valuable storage space must be consumed in order to maintain the records.

The emphasis on the traditional rituals has deemphasized the importance of aggregate data to develop policy and to evaluate administrative practices. The management techniques developed during World War II and now being utilized throughout the public sector are based upon the need for meaningful aggregate data.

Further increasing the problem, almost all states now require local courts to report on the status of their case-loads. The lack of a data base to generate the statistics for the reports has meant that considerable time is demanded of the judges and clerks to "derive these figures by hand from case files and the court ledgers."¹⁶

With the legal dictates for "speedy trial," the court is finding itself with a further massive problem of maintaining some sort of offender tracking system to assure that offenders do not get lost in the system. Some repeat offenders have already learned that by getting lost in the system their chances of being prosecuted successfully are minimized.¹⁷ Many other accused may face long periods of

¹⁶Ibid.

¹⁷William A. Hamilton and Charles R. Work, "The Prosecutor's Role In the Urban Court System: The Case for Management Consciousness," The Journal of Criminal Law and Criminology 64 (June 1973):183.

preadjudicative incarceration or undue mental strain.

The Sixth Amendment to the U.S. Constitution has long held that:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial . . .¹⁸

In addition, in People v. Collins (388 Mich 680) the State Supreme Court of Michigan ruled that the factors of a speedy trial are "length of delay, the reason for the delay, the defendant's assertion of his right and prejudice to the defendant."¹⁹

Michigan Statutes, 28.922, Sec. 4, requires the preliminary examination to be held prior to 12 days after arraignment²⁰ and Michigan Statutes 28.978, Sec. 38 requires that those held in jail prior to trial must be tried in the next term of the court "after the expiration of six months."²¹ Statutes and court rules of this nature are common throughout the U.S.

With the increasing caseloads, insufficient staffs, and large incomplete case files, the courts are not capable of keeping track of the status of cases. Length of delay and the reason for delay are not common in

¹⁸U.S. Constitution, Amend. VI.

¹⁹People v. Collins, 388 Mich. 680 (1972).

²⁰Michigan, Michigan Statutes Annotated, 1972 Revision of Vol. 25 (Rice, 1972).

²¹Ibid.

court records and in most cases not an easily accessible piece of information.

Many courts, as a result of the conflicting administrative demands, have placed greater emphasis on what the researchers at the Institute for Law and Social Research (INSLAW) called the "great gal" approach to administering their court. The great gal is defined as the powerful individual in a court who is referred to by the supervisor or judge as "this great gal, and she does . . .,"²² whenever the question of how the court functions is raised. "It doesn't much matter what the great gal does, what counts is what she knows. The great gal knows the judges, . . . the attorneys, . . . and may even know the defendants."²³ She will be the only one who knows the total court system and how the files are created. Whenever questions about the court arise the great gal is the only one who can answer them.

The major problems with the great gal is that she is discovered, not made, and the knowledge she possesses is half instinctive. When the great gal leaves the court, the results can be serious.²⁴

In lieu of the great gal, some courts have moved towards

²²Sarah Cox, "Court Scheduling Made Easy?" Judicature 59 (February 1976): 353-4.

²³Ibid.

²⁴Ibid.

an increased involvement of the judges in the administration of the courts.²⁵ No one questions the validity of this approach but the problem is that the increasing administrative demands will result in less available court time, an already scarce and valuable commodity.

In the last few years a major emphasis has been on the development of the court administrator as a viable alternative to the great gal or too active administrative judge. The tools of this administrator are management techniques, which include aggregate data, goals and objectives, offender case tracking, new approaches, and public dissemination of information about the courts. In order to achieve these means the large and medium size courts have placed emphasis on receiving funding for computerized management and information systems.²⁶

Funding from LEAA has in the past not emphasized the role of the courts. Many feel the two basic reasons for this slighting have been the "unfair competition" of law enforcement and correctional staffs who have planning and grantsmanship as their primary responsibilities and the fact that most judges have been committed to full-time courts thus leaving little or no time for grant preparation.²⁷

²⁵Henderson and Lyday, p. 35.

²⁶National Advisory Commission on Criminal Justice Standards and Goals, Courts, pp. 171-75.

²⁷Pat Chapin, "A New Round for LEAA," Judicature 60 (June/July 1976): 30.

Present LEAA funding does offer the opportunity for courts to become more active, especially with the emphasis now on system improvement.

As courts move more and more into automated court processing, the key emphasis will be on information systems.

II. INFORMATION SYSTEMS, INFORMATION, AND THE DECISION

Information System

An "information system" is defined as "a set of pre-scribable interactive objects governed by well defined rules which relate to a distinguishable goal."²⁸ The role of any information system "lies in a capacity to provide certain forms of file management and utilization services to the user."²⁹ In order to describe an information system, one must have already a description of the interacting objectives, the defining rules of interaction based upon goal achievement, and a statement of organization for the operation of the system.

Within this framework it becomes obvious that if clear common definitions, well defined goals or rules of interaction

²⁸John F. Vinsonhaler and Robert D. Moon, Handbook of Computers and Information Systems in Education and Social Science (East Lansing: Michigan State University, 1976), p.12.

²⁹Edgar S. Dunn, Jr., Social Information Processing and Statistical Systems - Change and Reform (New York: John Wiley and Sons, 1974), p. 14.

are lacking, the process is not an information system.

In order to insure that development of an information system meets the prescribed criteria, it must be assumed that those potential users of the system will have input. Not only must the user define the goals of the system but without his cooperation, the system rules can easily break down.

It can be assumed that in order to achieve the prescribed objectives of an information system, careful consideration must be given to how data collected by the system will be used.³⁰ Irrelevant data costs valuable collection time and storage space.

It should be noted that an information system need not be automated. A manual system that meets the criteria prescribed is an information system and may, especially for smaller agencies, be just as effective.

Information

If data, a set or sets of statistics that symbolically represent observation of the real world, are the inputs of an information system, then the outputs are information. Information is "an act or process . . . which informs and which most generally means to give meaning."³¹ Dr. Edgar

³⁰National Clearinghouse for Criminal Justice Planning and Architecture, "Planning Process Methodology," Monograph A2 in the Guidelines for the Planning and Design of State Court Programs and Facilities (Champaign, Illinois: University of Illinois, 1976), p. 21

³¹Dunn, p. 20.

Dunn, a senior research associate at Resources for the Future, Inc. and previously a high level systems developer for the government cautions that:

There is a pervasive tendency to assume that information is an intrinsic property of symbolic data, and that the more symbolic data we have, the more information we have . . .

He further states that:

Any element of symbolic data is just that - symbolic - and only represents a meaning or set of meanings. Which meaning becomes operative is a consequence of the symbol being employed in an information process engaged in informing behavior; in a manner consistent with the logic and purposes of that process.³²

It follows that data becomes information only when its definition is clear and is consistent with the stated objectives of the collection process. Unclear definitions or inconsistent goals cannot provide information.

There has been within the last few years considerable pressure to establish interagency information systems.

Dunn states that:

Underlying the advocacy of information systems is the presupposition that data initially generated for a variety of specific needs by a variety of social organizations and processes can be reused in novel ways. By the simple expedient of their storage in computer memories, and their availability for computer manipulation, it is believed they become an expanded resource for satisfying a variety of information needs.³³

This does not mean that agencies who can subscribe to

³²Ibid.

³³Ibid., p. 8

common collection goals and share common definitions cannot participate in an interagency information system. The important concern must be that the rules governing inter-action are consistent with the goals and definitions of the system and that data is collected for the defined purpose.

Decisions

The ultimate goal of the collection of data and the dissemination of information is to reach decisions. Professor Leslie Wilkins, of the School of Criminal Justice at the State University of New York, in Albany, has done considerable research for LEAA on decision-making within the criminal justice system. Though most of his research has been oriented towards parole, it does have applicability throughout the system.

Professor Wilkins defines a decision as:

A termination of a process search. We cannot reasonably argue that a person has reached a decision if that person persists in seeking further information with regard to the act he must make or fail to make.³⁴

Wilkins' research tested members of parole boards, students in elementary statistics classes, graduate students in research methods and criminology, and other "decision-makers". The groups and individuals were shown slide projections that simulated computer readouts of the future.

³⁴Leslie T. Wilkins, "Information Overload: Peace or War With the Computer," The Journal of Criminal Law and Criminology 64 (June 1973): 192.

Each participant as an individual, or as a member of a group, was required to then make decisions on the parole status of an individual.³⁵

Wilkins noted that, "making a decision is itself a process . . . we say we have decided when we no longer wish to seek for more information."³⁶

In relation to the use of computers to generate information, he cautions that "human intelligence will always have an essential part to play in decision-making, no matter to what extent computer can be designed to facilitate the processes of information retrieval and analysis."³⁷

It was found that "decision-makers differ not only in the decisions they make, but also in the methods they use for seeking information relating to their decisions."³⁸ Among the findings was the fact that individuals, when placed under pressure to make a decision, showed different priorities for what information was considered first.³⁹

A key type of information desired by all decision-makers is what Wilkins calls "information about information." This type of information is the key to the

³⁵Ibid., p. 195

³⁶Ibid., p. 191.

³⁷Ibid., p. 190.

³⁸Ibid., p. 194.

³⁹Ibid.

processing of other information to make decisions.⁴⁰ Included in this category might be reliability of the information, age of the information, who collected the information, the operational definitions used, and the impact of the decisions made from this information (feedback).

He does note that, "it seems improbable that in the information search strategies of most decision-makers there is any conscious effort to collect information about information."⁴¹ This seems to infer the desire for this type of information is in the subconscious.

Wilkins found that, within the criminal justice system, "persons are dealt with in terms of the information which the decision-maker thinks is relevant and in terms of the similarities between individuals and not in terms of "all the information, nor in terms of uniqueness."⁴² He further elaborates that "actually, a decision cannot be made about an individual, but only about information concerning that individual. The individual is moved into one channel or another according to the nature of the decision, but the decision-maker cannot deal with more of the

⁴⁰Ibid., p. 196.

⁴¹Ibid.

⁴²Ibid., p. 93.

individual's characteristics than he can ascertain by whatever means are available."⁴³

Dunn remarked that the concept of "information overload" "is a misnomer" in terms of the definition of "information" as stated previously. He further states that there is "no such things as 'too much information', (but) what is meant is the equivalent of sensory overload that leads to deformation rather than information."⁴⁴

Wilkins states that, "seldom does the thought occur that the decision might have been a poor one because there was too much information for human intelligence to cope with."⁴⁵ He noted in his studies that, "although free to select as much information as they desire, decision-makers do not claim that the more information they see the more difficult the decision becomes; instead they claim that it becomes easier in a direct relationship to their assessment of their confidence."⁴⁶

The research showed that there was a direct inverse relationship between confidence and difficulty. Subjects claimed that their confidence in the decision they made increased as the amount of information they have seen increases.

⁴³Ibid.

⁴⁴Dunn, p. 20.

⁴⁵Wilkins, p. 190.

⁴⁶Ibid., p. 195.

Wilkins noted that, "the individual decision-maker is not aware of the fact that he is performing much more work as he processes more and more information. Rather he believes, without exception, that the processing of more and more information makes decision-making easier. Wilkins offers the analogy of the drunk driver who thinks he can drive safely to the decision-maker who thinks that by acquiring more and more information he can make better decisions."⁴⁷

It was found in the research project that the higher degree of difficulty of the decision, as perceived by the subject, the more he will want larger amounts of data. It was also noted "we require high degrees of assurance where large differences in alternative outcomes rest upon our decisions."⁴⁸

A decision-maker is apt to use the available resources to their limit when the decision is perceived as serious and he will, to increase confidence, do either more-of-the-same or try something else to increase his confidence. In either case the possibility of "sensory overload" is a real danger.

Subjects of the experiment were found to change their decisions as more and more information was reviewed.⁴⁹

⁴⁷Ibid.

⁴⁸Ibid., p. 192.

⁴⁹Ibid., p. 195.

But Gerald Stern, Director of Administration of the Courts in the First Judicial Department (N.Y. & Bronx Counties) of New York found that not only do decisions change as more information was reviewed but that the decisions became harsher.⁵⁰

Additional findings of Wilkins research show that:

1. The format of presentation (i.e.: computer readouts versus the manual reports) affects the decision. It was found that harsher decisions were associated with computer readouts. It was suggested the stark format of computers was less palatable to the decision-maker;
2. Individuals, when making decisions within a group, developed different priorities for what information is seen first;
3. Different individuals given the same information will use it differently and different decisions will result;
4. Different approaches to information can result in the same decisions; and
5. Sequence, as much as form, can influence the decision, irrespective of the content of the information.⁵¹

It becomes obvious that, "considerable problems exist in organizing materials so that optimal use can be made of the computer and particular strengths of human intelligence."⁵²

⁵⁰Gerald Stern, "Courts and Computers: Conflicts in Approaches and Goals," Judicature 58 (December 1974): 226.

⁵¹Wilkins, pp. 194-5.

⁵²Ibid., p. 190.

The success of information systems rests with the solution to this problem as well as establishing well defined goals and rules of interaction.

III. INGHAM COUNTY COURTS

The research in the following two chapters centers around the courts of the Michigan Region VI Planning area. The primary emphasis of the research is on the courts of original and general jurisdiction in Ingham County, the largest of the three counties in Region VI with a population of 278,398.⁵³ Clinton and Eaton Counties, the other two counties in the region, by comparison have a total combined population of 134,981.⁵⁴ With a population of 128,421⁵⁵, Lansing is the largest city in Ingham County.⁵⁶

The courts of original jurisdiction throughout most of the state⁵⁷ are called district courts. Three of the five district courts in Region VI are located within Ingham County. All criminal cases begin in district court.

⁵³Interview with William Wahl, Tri County Planning Commission, Lansing, Michigan, 19 April 1977. The population data represents computer estimates for 1975 prepared by the Tri County Staff.

⁵⁴Ibid.

⁵⁵Ibid.

⁵⁶The total estimated population of Lansing is 134,421 but 6,000 residents of the city reside in Eaton County.

⁵⁷Detroit is the exception to the rest of the state. The original court of jurisdiction and the court of general jurisdiction in Detroit only, is the Records Court.

Felony cases will be arraigned and a preliminary hearing offered at the district court level before the case is bound over to the circuit court (the court of general jurisdiction) for further processing. All misdemeanors are tried after arraignment at the district court level. All traffic and ordinance cases are also tried at the district level.⁵⁸ District courts quite often have a magistrate, who can conduct all the business of the court except for actual trials.

Circuit court tries all felonies and serves as the first court of appeals on all cases tried at the district court level.

The jurisdiction of circuit courts is generally at least countywide while district courts are more apt to be courts of local jurisdiction. Many of the district courts evolved out of the old justice of peace or municipal courts that existed prior to the present state constitution approved in 1963.

The staffing of all the courts is included in Attachment E.

54A District Court

54A District Court is the largest court in the region. Its jurisdiction is the City of Lansing and ordinance

⁵⁸The emphasis of this report will be on criminal case loads only. Civil responsibility does exist in both district and circuit courts but will not be addressed, because LEAA funding necessary for the start-up of an information system prohibits use of such funding for civil caseloads.

violations can be based upon either Ingham County or City of Lansing ordinances.

Of the 33,547 criminal cases disposed of during the 1974-75 fiscal year, 29,494 cases were traffic cases. The non-traffic cases included 673 felony arraignments with 357 preliminary hearings conducted. Over 75% of 3,369 misdemeanor and ordinance cases were disposed of without a trial.⁵⁹

54A has 5 judges and added a magistrate in April 1977.

The City of Lansing has a City Attorney who files cases in 54A District Court in addition to the county prosecutor.

54B District Court

54B District Court is located in East Lansing and has as its jurisdiction the city and most of the M.S.U. campus. This court is the newest court in the region and is a spin-off of the old 54 District Court that included East Lansing and Lansing. The court disposed of 17,454 criminal cases during the 1974-75 fiscal year. 16,178 cases were traffic cases. The non-traffic cases included 76 felony arraignments with 49 preliminary hearings. All but 17 of the 1194 ordinance or misdemeanor violations were disposed of without trial.⁶⁰

⁵⁹Einar Bohlin, State Court Administrator 1974-75 Report (Lansing: State of Michigan, 1975), p. 107.

⁶⁰Ibid.

Ordinance violations can be from East Lansing, Michigan State or the county in this court.

54B has one judge and one magistrate.

55th District Court

55th District Court serves all of the county not included in Lansing or East Lansing. This is the largest land jurisdiction of the three district courts and includes several townships and several villages, towns, and two small cities. Each of the townships in the county may file cases in this court.

Of the 23,671 criminal cases disposed of during the 1974-75 fiscal year 21,172 were traffic cases and 2099 were ordinance or misdemeanor cases. Of this caseload, 114 were tried. There were 319 felony cases of which 250 preliminary exams were given.⁶¹

30th Circuit Court

The Circuit Court has general jurisdiction throughout Ingham County. The court has benches in Lansing (4 judges) and Mason, the county seat (1 judge). The court is the 9th largest of the 46 circuit courts in the state.

There were 853 criminal cases disposed of in this court during the 1974-75 fiscal year. Two of these cases were on appeal from district courts in the jurisdiction. There were 63 trials conducted during the year and 788 cases were disposed of without trial. 47 trial cases .

⁶¹Ibid., p. 108.

required a jury.

The criminal case backlog was increased during the year from 620 to 737 cases. It should be noted that the backlog is almost as large as all the cases disposed.

IV. SYSTEMS THAT WERE CONSIDERED

Since December 1975, the members of the Adjudicative Task Force for Tri County have been exploring the feasibility of implementing an information system for at least the Ingham County courts. Three major system designs were considered; BMCS, PROMIS, and LEMS.

BMCS

In 1970 LEAA established the non-profit agency, Search Group, Incorporated, to develop, through a joint effort of 12 states, a comprehensive data system. The emphasis of this system would be on a total criminal justice information system for the total state. A state judicial information system was considered a primary objective.

Though Michigan was not one of the original states to be included in the Search project, the state was invited to participate as an interested observer. Representatives from the Michigan State Supreme Court attended all of the early conferences and in 1971, the Supreme Court established in Detroit the Judicial Data Center (JDC).

The objective of JDC was the implementation of an automated state judicial information system. The strategy adopted by JDC called for the automation of all court records

in Detroit as a first priority and the implementation of a batch process for the other courts in the state. It was assumed that as automation of Detroit was completed the automated services would be offered to courts outside of Detroit.

The system developed was called the Basic Michigan Court System (BMCS). (Table I shows the components developed under BMCS). The emphasis was on a statewide system controlled from the State Supreme Court Administrator's Office. It was assumed that BMCS would become one component of a total statewide comprehensive criminal justice information system.

During the time of the development of BMCS the State Supreme Court was placing great emphasis on a statewide unified court system. One of the first steps taken in this direction was the development of an annual statewide report. A major selling point to the local jurisdictions for subscribing to the batch processing was that the information necessary for this report would be generated by batch and possibly later by the automated system.

A consensus opinion of court personnel throughout the state is that after the death of Chief Justice Thomas M. Kavanagh in 1975, the emphasis on statewide unified court has diminished for the lack of a strong proponent on the bench.

The emphasis on surrogate services continues at JDC despite the fact that the bench is no longer actively pushing for a statewide system.

TABLE 1

SYSTEMS TECHNOLOGY AND THE MICHIGAN COURTSBMCSSUMMARY OF LOCAL COURT ADMINISTRATIVE INFORMATION REQUIREMENTSCASE PROCESSINGADMINISTRATIVE REPORTING

| <u>CASE RECORD KEEPING</u> | <u>CASE FLOW MANAGEMENT</u> | <u>REPORTS TO STATE COURT ADMINISTRATOR</u> | <u>REPORTS TO STATE AND LOCAL AGENCIES</u> |
|--------------------------------|---|--|---|
| INDICES | NO PROGRESS | MONTHLY, QUARTERLY, SEMI-ANNUAL, ANNUAL & SPECIFIC REPORTS | RECORD OF DIVORCE OR ANNULMENT |
| CALENDARS | COURT ROOM SCHEDULES | PERIODIC CASE STATUS REPORTS | - DEPT. OF HEALTH, VITAL RECORDS |
| DOCKETS | ATTORNEY CONFLICTS | STATUS OF FIDUCIARIES | ABSTRACTS OF CONVICTION |
| JOURNALS | EXCEPTION CASES FOR FOLLOW UP BY LOCAL COURTS OR AGENCIES | CASE LOAD, CASE AGE & HEARINGS DURATION REPORTS | - SEC. OF STATE, DRIVER HISTORY |
| JUDGMENTS | CASE PROCESSING & OTHER STATISTICS | | CRIMINAL CASE CONVICTIONS REGISTER |
| NOTICES | | | - DEPARTMENT OF CORRECTIONS CRIMINAL DISPOSITION |
| ASSIGNMENTS | | | - STATE POLICE COMPUTERIZED CRIMINAL HISTORY |
| MONIES | | | WARRANTS, ETC. |
| | | | - SHERIFF |

Provided by the Judicial Data Center of the
Michigan State Supreme Court Administrator's
Office.

JDC has developed their software on a large main-frame computer located in Detroit. Because the system is developed for multi-users, special emphasis has been placed on tight security measures. Data access is limited to the court of origination only. Another court or agency within the criminal justice system can only access information on the computer by requesting such information from the court of jurisdiction. Intercooperation with other criminal justice agencies is discouraged because of the separation of powers issue.

JDC also has developed a sister package to BMCS for civil cases. This was possible only because LEAA dollars were not used for this part of the program. Almost all other systems do not include civil case packages.

In 1976 Ingham County was identified by JDC as one of the prime targets for development of an automated system. The decision was made based upon the fact that Lansing is the state capitol, therefore providing a showcase setting for the State Legislature. It was also realized that the Ingham courts were actively exploring the feasibility of implementing an information system.

After several contacts between members of the Adjudication Task Force and JDC staff, it was decided by the Task Force not to implement an automated BMCS in Ingham County.

Several courts in the Region have expressed displeasure with the batch process they are now receiving from JDC. Among the criticisms has been the long turn around

time for data, the lack of training provided to local staffs, and meaningless reports that are now generated for the courts.

Key Task Force members expressed their opposition to a centralized system. The concern was that by developing and dictating from the top down, the local jurisdictional needs would be less apt to be addressed.

This concern is not unique to Michigan. When, in 1972, the state of Missouri developed their court information system as a project under the Search Group, they emphasized local jurisdictional development of systems. "The plan provided for development of an emphasis on local computer use as determined at the local level and after development, interface with the state Information System."⁶²

Dr. Thomas Henderson and Dr. Winifred Lyday have reported in a paper, for The Third International Search Symposium on Criminal Justice Information and Statistics Systems, in 1975, that, "unless the state has a unified court system, the development of a statewide system with operational units catering to the needs of the local courts is highly unusual."⁶³

⁶²J.D. Kidd, "Missouri's Data Processing Experiment," Judicature 59 (March 1976): 385.

⁶³Henderson & Lyday, p. 35.

Considerable opposition was expressed to the use of the large mainframe multi-user computer designated for BMCS. Members noted that this type of computer usually results in slow turn around time for users, since all queries are prioritized and must wait their turn at processing. This is common even with on-line interactive terminals for the large computers.

Mainframes have longer downtimes than the new generation mini computers. The installation and upkeep of mainframes is considerably more expensive than the mini; in addition, the installation of support equipment is a longer process with mainframes.

Mainframe software development and modifications require professional programmers and long periods of time. Quite often, debugging a new program takes several months.

The Task Force had been holding joint meetings with the Prosecution Task Force and had agreed to proceed with the understanding that any system to be developed would be oriented towards an integrated system. It was felt that the information needs of the prosecutor and the court are quite common. Though each agency may have specific information needs shared by other agencies, it was felt that there were several common data needs that could be addressed by using common collection points. Many of the reports of the courts and prosecutors have the same data elements.

JDC, following the recommendations of the State Judicial System Project of Search, opposed an integrated

information system where other criminal justice agencies outside the court have access to court generated information.

The State Judicial Information Systems Projects recommendations to courts are:

1. The Judiciary should use computer facilities which are wholly under judicial management and control;
2. When this is not possible, the agency operating the computer facility ought not to be an operating on line agency. It instead should be a contracted governmental general service agency;
3. Place key management and technical personnel concerned with judicial data processing needs under judicial management control;
4. Storage of information procedures should be reviewed and approved by the judiciary and not be changed without judicial approval; and
5. In no case should the computer facility release other than to the judiciary any files or statistical reports generated from the data base of the judicial information system, except upon prior consent of the appropriate judicial body.⁶⁴

The recommendations have grown out of strong concern that the "process of developing an information system almost inevitably places the courts in an interactive situation with other governmental agencies in new configurations (in which) demands are being made which are forcing the courts to juxtapose their administrative and management needs against the traditional and legal foundations of the judiciary."⁶⁵

⁶⁴David Weinstein, "Judicial Independence in the Computer Age," Judicature 59 (March 1976): 377.

⁶⁵Henderson and Lyday, p. 33.

Many judges are concerned about maintaining an "appearance of impartiality." Gerald Stern represented this strong feeling of many courts when he said:

"The courts must maintain their role of an advocacy system. Though courts may be able to share common data, it could result in public misinterpretation of this cooperation. The courts must not only render justice, they must appear to render justice. Comprehensive data sharing detracts from an appearance of impartiality, and should therefore be considered with great caution."⁶⁶

Henderson and Lyday in their paper again reflect the feelings of many when they state that:

Although adjudication provides the link between law enforcement, prosecution, and corrections, the courts differ from other criminal justice agencies since they constitute a separate branch of government whose independence is insured by constitutional separation of powers. Because of their prescribed role as impartial arbitrators, the judiciary must be careful neither to align nor appear to align the courts with agencies which continually appear as petitioners in the judicial process.⁶⁷

They further state that, "the degree to which the courts can resolve this dilemma without sacrificing judicial integrity will determine, to an extent, the future of cooperative intergovernmental relationships between courts and other criminal justice agencies."⁶⁸

Many members of the judiciary are concerned about the issue of judicial accountability. In 1974 Henderson and

⁶⁶Stern, pp. 223-224.

⁶⁷Henderson and Lyday, p. 36.

⁶⁸Ibid., p. 33.

Lyday sent questionnaires to the chief justice of each state. All forty-three respondents advocated that dispositional information be shared with other criminal justice agencies but drew the line at specific information "related to arraignment, indictment, preliminary hearing continuances, courtroom assignments, and the name of the presiding judge, . . . (because) the only purpose in retaining this data subsequent to a finding of guilt or innocence would be to develop an aggregate evaluation of the judicial process."⁶⁹

The issue of accountability evolves around the fact "data could be used by an interested party to bring public pressure on judges to conform to a particular point of view. Better information means greater accountability but to whom is a judge accountable?"⁷⁰

Many courts feel quite strongly that "the courts must be able to manage their own administrative affairs independent of review from executive branch agencies."⁷¹ Edward McConnell, Director of the National Center for State Courts, states that, "change must come from within the court system and not be forced upon it by legislative or public pressure."⁷²

⁶⁹Ibid., pp. 38-9.

⁷⁰Weinstein, p. 376.

⁷¹Henderson & Lyday, p. 36.

⁷²Jerrold K. Footlick, "How Will the Courts be Managed," Judicature 60 (August/September 1976): 83.

Henderson and Lyday emphasize this "should not be construed to mean that courts are not willing to cooperate with criminal justice agencies, nor that they are basically antagonistic to many of the concepts proposed regarding comprehensive criminal justice data systems."⁷³

That concern reflects the feelings of the Task Force and many of them felt that the JDC stance, like many others, is too unyielding. As long as control of the data outputs was maintained, all felt that interagency cooperation was desirable and should be the primary concern.

Another prime consideration, that resulted in the Task Force's rejection of the JDC offer, was the fact that the primary funding source, the Office of Criminal Justice Programs for the State of Michigan (OCJP), had begun to deemphasize statewide information systems in favor of localized systems. Much of this deemphasis was the result of the disenchantment of OCJP staff with the JDC.

PROMIS

In 1971 the Washington, D.C. District prosecutor's office developed and implemented the Prosecutor's Management Information System (PROMIS). The program was developed at the local level for local use.

The success of PROMIS was proclaimed by LEAA, which identified the program as an "exemplary project" in 1973.

⁷³Henderson & Lyday, p. 36.

As a result of this designation, PROMIS is now being implemented in over thirty sites throughout the U.S.

The Institute for Law and Social Research (INSLAW) is a non-profit agency established to provide technical consulting in the implementation of PROMIS. All consultations by INSLAW are provided free to local agencies through a special LEAA grant.

The PROMIS package includes over 200 data elements covering:

1. "Defendant Data" such as name, alias, sex, race, date of birth, correct address, previous record, employment and substance abuse history;
2. "Crime Data" including the time, date and place of offense, the nature of offense, those involved, degree of personal injury, property damage, and intimidation involved;
3. "Arrest Data" that states time, place and type of arrest along with the name of the arresting officer(s);
4. "Charge Data" follows the charge against the defendant, including any changes in the charge; and
5. "Court Processing Data" is a form of offender based tracking designed to keep track of events, ⁷⁴ delays, cause of delays, and time between events.

Using the defendant data elements as a base, PROMIS is capable of measuring "the seriousness of the criminal record" of each defendant. This measure was developed by Dr. Don

⁷⁴Dean C. Merrill, "Using the PROMIS Tracking System for Criminal Justice Evaluation," Proceedings of the International Search Symposium on Criminal Justice Information and Statistical Systems, (New Orleans: Search Group, Inc., 3 October 1972), pp. 6-7.

Gottfredson as a slight modification of a previous scale he developed to provide parole officers with some measure for predicting successful parole. The scale considers density of prior arrests, indications of previous substance abuse in the defendant's record, and the offense committed.⁷⁵

The crime data elements are used to measure the "seriousness of the crime." This scale was originally developed by Marvin E. Wolfgang and Thorsten Sellin to measure the seriousness of delinquent behavior. Sellin and Wolfgang have slightly modified the scale for the PROMIS package.⁷⁶

Cases can be tracked through the system by crime incident, defendant, or court number. The system is capable of generating periodical reports on the status of cases, thus assuring a greater control over the speedy trial situation.⁷⁷

There was some concern among the Task Force members as to the transferability of PROMIS to a mini program. The INSLAW staff assured these members of the Task Force that a mini PROMIS package was being prepared for release later in 1977.

⁷⁵William A. Hamilton, "Modern Management for the Prosecutor," The Prosecutors Journal 7 (November/December 1971): 474.

⁷⁶Ibid.

⁷⁷Merrill, p. 4.

The strong selling points of PROMIS are the high transferability of the package, the applicability of the package to all agencies of the criminal justice system,⁷⁸ the statistical data base for scheduling, and a rich data base for research.

Though the Task Force was impressed with PROMIS the decision was made not to adopt the total package because of the strong emphasis on prosecutors and the OCJP emphasis on funding LEMS.

LEMS

OCJP has been working on implementation of statewide information systems since 1971. JDC was just one example of efforts to develop a total reporting effort of the whole criminal justice system. By the fall of 1976 the emphasis at OCJP had shifted.

As a result of this new emphasis, the State Police were granted development funds to establish the Law Enforcement Management System (LEMS). The orientation of LEMS is towards local control and development of a localized information system utilizing mini computers.

The basic assumption of LEMS is that there is a "thin line" of data that is common to all criminal justice agencies. The common data links all of these agencies together

⁷⁸INSLAW has been working with the courts and prosecutor's office in Milwaukee in implementing a PROMIS information system for courts and prosecutors.

and enables offender based transactional tracking. The original base data is inputted by the arresting agency and is added to as the case flows through the system.

Ingham County, because of their preparation towards an automated system, was one of six counties in Michigan designated for implementation of LEMS. The central location of Ingham County and the fact that Lansing is the political center obviously helped in the selection of the county as an experimental model. Another large consideration was that the State Headquarters of the State Police are also located within the County.

Program development for mini computers requires a lot less technical assistance. The core package is built into the computer during the construction of processing equipment. Minis operate on a form development format. Under this format the individual identifies through the development of a form, the data input. Within LEMS, each agency can develop its own format for data beyond the "thin line" common data. Changes in format are quite easy and do not require a lot of time. Outputs can also easily be developed by preparing on the computer the format for data reports using the identified data inputs in any sequence.

Mini computers are extremely cheap when compared to the large mainframes. Not only is the front end equipment less expensive but the support terminals are also a lot cheaper. Because of their relatively less expensive costs it is conceivable that every agency could own their own

mini and that the agencies could interface for reports and shared data items.

The advantages of this sort of setup are large. Not only can each agency control data flow between program and other agencies but accessibility to unauthorized data is far less possible.

The low cost also assures all users enough terminals to guarantee that staff will have adequate access to perform the daily business of the agency. Because of the limited number of users per computer, turn around time should be almost immediate. This is an important advantage where quick decisions have to be made on the disposition of an individual at almost every stage of the court flow.

LEMS funds full-time programmers for the development of more technical programming such as a master scheduling system for all the courts in Ingham County.⁷⁹

The programmers are also valuable in transferring existing packages of services into the LEMS programs. An example of this may be in transferring parts of the PROMIS package into the new system. There is a strong possibility of this happening, since PROMIS was developed under Federal grants and is considered an item of public domain.

⁷⁹The research that follows indicates that court scheduling was perceived by court officials as the most important priority for development in any new system.

The initial development of the system will be through the services of a mini computer purchased by the Lansing Police Department for use in their automated dispatch program. The development, which is expected to take approximately one year, will involve creation of the formats, establishment of the base data from existing records, and the debugging of the program.

Upon completion of the development stage the various aspects will be transferred to the appropriate computers and the system will go active. The design will be on line interactive with interfacing of the common data where needed.

The following chapters will cover the research done to date in preparing for the system design and the concerns that must be addressed in development of the system.

CHAPTER II

RESEARCH DESCRIPTION

This chapter will outline the research done with the members of the Adjudicative Task Force in preparation for developing an automated information system.

During the period from September to December, 1976, all of the courts in Ingham, Clinton, and Eaton Counties (with the exception of Clinton Probate Court) were surveyed for their assessment of information needs. The method of developing the survey and how the participants were chosen is discussed.

Upon completion of the survey, 54A District Court, 55 District Court and 30th Circuit Court were asked to develop a case flow model of their existing administrative flow. The flow description of the district courts was prepared, and using these flow descriptions, plus the flow through circuit court, a felony flow chart was developed.

It should be noted that, although a flow was prepared for 54B District Court by a graduate student in cooperation with this paper, the flow is now not available. However, discussions with the Court Administrator for 54B, indicate that the case flow in the 55th is almost the same.

I. SELF PERCEPTION SURVEY OF COURTS' INFORMATION NEEDS

Quite early in the planning process it became evident that the administrators of the court were not aware of the situation in other courts in the Region. After considerable discussion it was decided that some sort of an assessment of the present situation was desirable before new directions could be discussed.

With the cooperation of the Chairman of the Task Force (the Circuit Court Administrator of Ingham County), a questionnaire was developed to allow each court to identify specific information now available and information courts deemed useful in the management of their activities.

A review of BMCS & PROMIS data elements was made and several questions were generated from these objective group elements. Other questions were designed to measure the desirability of various directions the information system could take.

In a cover letter, from the chairman to the Task Force members, the two scales used to evaluate data items were explained (See Attachment A). Members were asked to rate each item as follows:

TABLE 2
NEEDS ASSESSMENT QUESTIONNAIRE
RATING SCALE

D Rating: Desirability of this item of
information within your court

D1 - Very useful

D2 - Somewhat useful

D3 - Slightly useful

D4 - Not useful

A Rating: Availability of this information
at your court

A1 - Always available

A2 - Usually available

A3 - Available at periodic intervals
(but at least monthly)

A4 - Sometimes available

A5 - Seldom available (only by
intensive searching)

A6 - Never available

Appointments were made with the person identified by the judges as responsible for collection and dissemination of data in almost every court within the Region. The Probate Court in Clinton County, which indicated no interest in participating, was excluded.

TABLE 3
PEOPLE RESPONDING TO THE QUESTIONNAIRE

| <u>Name</u> | <u>Court</u> | <u>Position</u> |
|---------------------|----------------------------------|---|
| Thomas Gormely | 30 Circuit Court | Court Administrator |
| Al Kirschenbaur | 54A District Ct. | Clerk of the Court |
| Frank Russel | 54B District Ct. | Court Administrator |
| Judge Robert Bell | 55 District Court | Presiding Judge |
| Douglas Slade | Ingham County Probate Court | Probate Register |
| Michael Moran | Ingham County Probate Court | Court Administrator |
| Maxine Meyers | Eaton County District Court | Court Clerk |
| Leone Hartenburg | Eaton County Circuit Court | Deputy County Clerk |
| Maxine Rohlfs | Eaton County Probate Court | County Juvenile Officer |
| Mary Anne Harrett | Clinton County Circuit Court | Judge's Secretary & Assignment Clerk |
| Gordon L. Willyoung | Clinton County District Court | Magistrate |

There was considerable discussion as to who should participate in the survey. In most cases, the presiding judge of the court was contacted and given an explanation of the purpose of the survey. Almost all of the judges explained that they do not handle the daily administrative functions of the court nor do they feel versed enough in these activities to answer the questionnaire. There was, however, every attempt to keep the judge advised as to activities related to the survey.

The exception to the rule was 55 District Court where the presiding judge, Robert Bell, not only is actively involved in the administrative decisions of the court but actually is a strong advocate of judicial procedure reform.

At the Circuit Court level, in Michigan, the county clerk is held responsible for collection of court records. For this reason the County Clerk's office in Eaton County was used when the presiding judge had to cancel an appointment because of a case conflict. In Clinton County Circuit Court the Assistant County Clerk for the Court assisted the Court Clerk in responding to the questionnaire.¹

¹The two clerks had established a manual cross reference system that could be considered an ideal model. The records were the most complete of any encountered in the Region. The small case load and the close working relationships of these two women were definitely major contributors to the efficiency of the system.

Each of the respondents, with one exception², had no problems responding to the questions. They were encouraged, whenever there was a question of court policy, to check with the presiding judge before responding. Each interview took between 45 minutes and one hour.

II. CASEFLOW SURVEY

Upon completion of the survey of needs it was decided by the Task Force members that the results indicated there was a need for further concentration in the Ingham County Courts because of their more drastic situation.

It was decided that the next logical step would be to prepare a caseflow model for each court. The emphasis of the model would be to identify:

1. The court events associated with a case as it flows through the system;
2. The information collection points involved with a court case;
3. The files collected;
4. The people who collect information and data;
5. The uses of information; and
6. The decision making points of the court system.

The flow models were developed over the period of January 2, 1977 to March 30, 1977. Each flow model required five or six meetings with a court official.

²The one exception was Eaton District, where there had been a major staff change and the previous Court Clerk, who had functioned much like the great gal described in Chapter I, had left. In addition, the court had lost one of the two judges as a result of the State Bar's punitive actions against the judge.

In each case the person in the court identified as most likely to be able to provide the information was contacted. Because of the fact that there were variations in each court the model development varied with the court.

Al Kirschenbaur in 54A District Court served as the contact person but chose to have each staff member of the court explain his role in the processing of the various cases. Karen Greenwood, who served as a research assistant on this part of the project, had worked in the court during the last summer and found the cooperation of the court staff quite high. She would start with the initiation of each type of case into the court flow and by going from desk to desk, each staff person would explain his role and describe the next step in the flow. A draft was reviewed by Mr. Kirschenbaur for accuracy before the flow was finalized.

Judge Bell of 55 District Court identified Pat Trimm, Criminal Clerk and Scheduler, as the key court staff person capable of identifying the total flow. Ms. Trimm had been with the court for several years and had, previous to her present position, worked in 54A District Court. During a series of six interviews she identified a case type and then followed the flow of the case from beginning to sentencing. Upon completion of the flow model, both Ms. Trimm and Judge Bell reviewed the flow for corrections, deletions, and/or modification.

Thomas Gormely, 30 Circuit Court Administrator, had, in anticipation of the survey, already completed most of the research necessary to develop the flow prior to the first meeting. The case flow at the circuit court level provides greater difficulty because of the fact that both the court and the county clerk have responsibilities for management of the case and its files. This advance preparation was necessary for that reason. Mr. Gormely did approve the flow model prior to the final draft.

It was decided, in order to get some idea of the total picture, that it would be advantageous to develop a "Felony Flow Chart." This flow chart (Attachment B) is a composite of the various district courts and the total case flow in Circuit Court.

The development of flow models not only allows each of the courts to get some concept of the total situation, but, more importantly, each court is forced to analyze the ways cases flow through its system. The importance of looking at the present system in a detached manner cannot be overemphasized. This is probably the most vital function of doing casflow analysis.

CHAPTER III

SUMMARY OF RESEARCH FINDING

This chapter covers the results of the research outlined in the previous chapter. The surveys, in addition to the anticipated findings of the questionnaire and case flow modeling, generated some unanticipated findings. Careful consideration is given to unanticipated facts first. Among the issues discussed in this section are lack of goals, lack of common definitions, the informal collection processes, the needs of Ingham County, the problem with the State reporting requirements, and the lack of aggregate data.

A review is next made of the results of the questionnaire (Attachment A). The results are broken down into the categories of "All Courts" responding, "Ingham with Probate" Court and "Ingham without Probate" Court. General findings from the case flow studies are discussed in the final part of the chapter.

I. UNANTICIPATED FINDINGS

Quite often a research project will generate findings not originally anticipated with the research design. As in this case, the unanticipated findings can be as important to the project as the anticipated areas of the original research.

Lack of Goals

None of the courts contacted in either study had ever established goals and objectives for operation of the administrative functions of the courts, nor for that matter, any operations of the court.

The Courts now collect data with no established purpose or direction. Also, all data collection is the result of State laws or rules, some unclear concept of what would be useful or the specific needs of a member of the court. It is evident that some data is collected because that's the way its always been done.

Little or no data is collected with the idea of generating information for decisions.

Lack of Common Definitions

It became evident almost from the beginning of the research that the courts did not share the same common working definitions for many court terms. Terms not sharing common definitions include case, caseload, docket, warrant and master calendar scheduling. Although these were the most glaring examples encountered, it is not unreasonable to assume that in depth research would uncover many more incidents of such circumstances.

This problem is not unique to this Region. The literature abounds with other jurisdictions encountering the same problem. Probably the best statement of the problem was made by the INSLAW staff during research on court scheduling when they said:

Very early in the project it became clear that courts and court administrators have difficulty communicating and sharing with one another because they do not have a common language. When one moves from one court to another, a case is no longer a case, a calendar is no longer a calendar, a continuance is no longer a continuance. Either the name or the definition will be different. If courts could develop a common terminology, sharing and transferring court technology would be greatly simplified.¹

The situation is not even unique to the U.S. In 1973, when Italy computerized the court record keeping for the entire country, the computer technicians had to develop a dictionary of 3000 "seed" words used as a base for all records going on the computer.²

Informal Collection Processes

Much of the data and information flow within the courts and between other criminal justice agencies is on an unstructured informal basis. The response in both surveys, when court personnel were asked how people were notified or how some data was transmitted, was "well, we usually just call somebody and take care of it that way." A lot of data and information flows to and from courts based upon interpersonal relationships developed between individuals in agencies.

A glaring danger, in this sort of relationship, is that data within and between courts will not be uniform.

¹Institute for Law and Social Research, Guide to Court Scheduling: 1. A Framework for Criminal and Civil Courts (Washington, D.C.: INSLAW, 1976): p. 42.

²Laura Tatham, "Computerizing Information Retrieval in Italy," Judicature 57 (August/September):61.

Any comparison of court data is not possible when there is no assurance of uniform collection.

If personal relationships break down or if a key individual leaves the court, a vital source of information and data may cease. At best, when this sort of situation happens, the court may spend many valuable hours reestablishing an old situation.

There is always the possibility that one individual within the court can acquire inordinate amounts of powers. The "great gal", described in Chapter I, quite often evolves from situations such as this. It just is easier to give people the power to go with controlled access rights, than to try to compete with them. Therefore, vital people within an agency become the focal point of all data and information flow.

The most important concern is that key information may not be collected or disseminated in a timely manner, also there is always the possibility that information vital to a case file or to aggregate data collection may never be collected consistently. In Chapter IV, the issue of timely data will be underlined in the discussion of the privacy and security issue. It is sufficient at this point to say that accurate and timely information/data on a case is the single most important topic under this issue.

The Needs of Ingham County Court

During the needs assessment survey, it became quite apparent that the differences between Ingham County and

the courts in the rest of the Region were dramatic. Except for Eaton County District Court, the courts outside of Ingham County are not now facing the crunch that exists in larger county courts.

Ingham County courts are all experiencing increasing case loads, scheduling problems, budget crunches, political pressures from all sides, and diminishing resources. The compounding effect of ineffective court continuance policies has added to the problems of some courts. Over-setting is a common practice in three of the courts in the County.

Eaton and Clinton County both have a predominately rural setting at this time and have experienced far less pressures. Eaton County District Court in the last few years has had a small increase in case loads as a result of a large shopping center built in the part of the county closest to Lansing but the other outcountry courts have not yet felt the impact of urban flight that may follow in future years.

State Supreme Court Administrator Reports

The State Supreme Court Administrator, in order to prepare reports to the Supreme Court Justices and to the State Legislature, has mandated periodical reports to be prepared by the local courts. Every court encountered during the research period expressed strong feeling of opposition to the reporting requirements.

The administrators stated that the reports were extremely time consuming, were not useful in making day-to-day management decisions, and offered no useful feedback beyond some aggregate data presented in the annual report. No one ever said that the report helped the court improve its operation. Many expressed the strong feeling that there was no intent by the State to explain the meanings of the various reports that were generated as a result of their reporting.

Almost every court had trouble meeting the State's deadlines for reporting and several stated they were always late. Much of this trouble stemmed from the lack of training provided by the State to local administrators.

All of the courts had hoped that the batch reporting to JDC would make the preparation of these reports easier, however, every court in the Region had strong reservations about the JDC batch process. All but three of the courts have now discontinued the batch service.

Lack of Aggregate Data

Very little aggregate data is collected within courts throughout the Region. Ingham County Circuit Court was the only court that prepared any sort of annual report using some aggregate data. None of the courts kept data that could be used as management information.

No provisions are made for planning and evaluation except for those court programs under grants. However, all of the Ingham County courts were strong in their feeling

that there was a need for data necessary to develop and evaluate new programs.

II. INFORMATION NEEDS QUESTIONNAIRE (ATTACHMENT A)

The Needs Questionnaire responses were totaled for each column and then the mean score was determined. Whenever the mean score exceeded one point to the right of the decimal, it was rounded off to the nearest tenth. The "All Courts" column includes all responses, the "Ingham w/Probate" column has an N of 6, and "Ingham w/out Probate" has an N of 4.

The most obvious information needs would be those responses with a mean D score close to 1 and a mean A score close to 6.

With few exceptions the range between A and D scores was highest in the Ingham County responses.

Case Information

A good example of a definitional problem is the first question. A uniform docket number seemed to be a self-evident term. It was meant to represent a circumstance where cases would receive consecutive numbers as they were assigned and that number would stay with the case throughout its court life, no matter what other change might happen in a case. No such system exists anywhere in the Region yet respondents felt that such a system was available. In following up on the question, it was found that the definition of a "uniform docket number" was not a commonly used term. This is especially revealing when

one considers the fact that quite often the term is used in reports of computerized information systems.

Though every court in the Region feels that knowing the status of any individual while awaiting final disposition is vital information to know, it was found that it is not always available information. Offender based tracking information is not kept anywhere in the Region.

Case postponements and the cause of postponements is considered important information, but in Ingham County that information is not readily available in all cases. This sort of information is vital to any scheduling process and policy and case postponements will usually be the most important variable in any successful case scheduling programs.

Individual Respondent (Defendant) Data

Courts do not usually keep data on sex and race of defendant and most responses indicated that this information is not important. This is surprising in light of the civil rights requirements being placed on all public agencies.

Though courts usually know of cases pending against an individual in their own court, the cases pending in other courts against the individual are usually not known. One of the court administrators who responded to the questionnaire gave the example of an individual who was released from custody by the court at the end of a trial, even though the individual should have been kept because

of a felony charge pending in another court. Though this is not an every day incident, it does happen enough to be of some concern.

Past criminal, substance abuse, and treatment history are all desirable but not readily available items of information. When a court must decide on bail status before or during the course of a trial or when sentencing, this information can be vital.

General Court Information

A master court scheduling system is considered important but has not been generated. The single most often stated complaint, of the way court business is now operated, was that lawyers quite often overset their schedules by scheduling in several courts at the same time. The result has been a high rate of continuances, thus forcing courts to overset to compensate for the high attrition rate. Oversetting for oversetting feeds on itself and court calendars in some courts have become a mockery.

The problem of court scheduling in Ingham County Circuit Court is compounded by the fact that they do not do the scheduling in the court. Control of the court's schedule is maintained in the Prosecutor's Office.

The courts especially desire data that can assist them in making management decisions and can offer some indications of future work loads. As previously stated, aggregate data is not available.

Other Responses

Courts, especially in Ingham County, do not have immediate access to other government data sources. The Secretary of State record checks consume a large part of the staff time in district courts. Direct access to the State office could reduce the amount of time spent on many routine traffic cases.

The desirability of LEIN, correctional and police arrest records all reflect the desire of courts to have better histories of an individual before dispositional events in the courts. Those courts now receiving any or part of this information indicated that they received such information through informal contacts in police departments, while those expressing a strong desire for such information have not established these informal links. None of the courts had direct access to defendant history information.

All of the courts felt a strong desire to have some computer assistance in the preparation of reports. Most courts felt there was a need to start sharing information with other criminal justice agencies and saw the computer as the tool for this type of service.

III. CASEFLOW

During the flow of a felony case through the courts, the following sources of case records may be created:

1. District court liber or journal;
2. District court docket card;

3. District court file, which is usually duplicated before it is sent to Circuit Court;
4. Circuit Court file in the County Clerk's Office;
5. Circuit Court journal;
6. Court Clerk's informal notes;
7. County Clerk's docket card (the only one that is official); and
8. Assignment Clerk's docket card.

No single source will have a complete file and the records may actually contain conflicting information. Any review of the records is a long drawn out process requiring considerable resources.

Duplication of information is common. Not only may more than one source maintain the same data elements but because of the growing bureaucratic structures in the larger court, there is a large amount of copying records for CYA purposes. There are as many as three or four copies of some documents in various court files. In addition to the obvious drain on manpower there is a storage and space problem with duplicative records. 54A District Court, for example, because of space problems, has expanded its facilities to another floor of City Hall.

Each court, in addition to developing a flow model, was asked to recreate a case file including the usual documents accumulated during an average case. The major conclusion, from a review of these files, is that case files contain duplicative data elements. Name, address,

charge, and attorney may appear as many as 20 to 30 times in the case file. Documents may, however, conflict with each other on certain data elements and there is no way short of an exhaustive investigation of identifying the correct facts.

Scheduling is not a consistent process throughout the courts. The district courts rely on an individual within the court to handle the event scheduling while the County Prosecutor's staff does the event scheduling for Circuit Court. Some courts consult with the defense attorney's office in schedule preparation while others notify the attorney after the schedule is prepared. The defense and prosecution are either notified by phone or letter of the scheduled event depending on the procedure of the individual court.

Continuance and appearance rules also vary by court. As might be expected, those courts with strict continuance and appearance rules experienced the least problems with scheduling.

There is no attempt to coordinate scheduling efforts with other courts, therefore making it quite easy for an attorney to overset his case load for a given time. The courts with stricter continuance policies will usually check with the attorney prior to scheduling to try and have a reasonably conflict free schedule.

The number of cases that plead out and the inconsistent court policies have resulted in courts oversetting

their schedules. Oversetting can mean long waits resulting in frustrations for the defendant, witness, attorney, and the police. The police and witness attitudes are an important element in the successful prosecution of a case. When a case is released without a trial because of apathy on the part of the participants, the general public loses. As previously stated, repeat offenders have learned to exploit this situation.

When oversetting occurs, another byproduct is that those attorneys having cases low on the pecking order will not be prepared. The assumption is that, with a large number of proceeding cases, the chances of getting to that case are small. More often than not the result is a continuance adding to the growing backlog.

Following a case from start to finish is, at best, difficult because of the fact that the case number will change as it goes to another court and rarely will the original charge and the final charge be the same. Plea negotiations, prosecutor discretion and police overcharging all add to charges being changed. A police officer, trying to figure out what happened to one of his cases by reading the dispositional reports, may never know if the case being reported is the same one he had investigated.

Probation, when preparing the PSI, usually does not have access to the court files. An investigation by the Probation Office will generate many of the facts already available within the court files. Duplicative files and wasted resources are again the result.

CHAPTER IV

RECOMMENDATIONS & CONSIDERATIONS

This chapter will present recommendations for improvement of the existing system prior and during implementation of the information system.

System development issues discussed include training and attitude, objective setting, standardization of terminology, system design, scheduling, privacy and security, system control, evaluation and feedback, and research capabilities, including future projection capabilities.

I. TRAINING AND ATTITUDES

The best system design will not succeed if the staff of the agency does not support the changes necessary to implement the new plan. An example of a breakdown of a good system design was when the Florida State Court Administrator tried to implement a new system. The Clerks perceived the new system as demanding more education and experience than any of them had. Without any training or explanation of their new roles, the clerks bogged the system down and effectively made it break down.¹

¹Larry C. Berkson and Steven W. Hayes, "The Unmaking of a Court Administrator," Judicature 60 (October 1976): 136.

Frank Cheatham of the Georgia Supreme Court Office identified, in addition to the clerks, the following as important elements in selling a new system:

1. The judges;
2. Other elected criminal justice officials;
3. County commissioners; and
4. The general public.²

Another important element of the community that must be behind any new system within the courts is the Bar Association. As much as the clerk or judge, the lawyer, if he (she) feels threatened by a new system, can serve as an obstructionist.

The best way to assure acceptance of a new system is to involve all potential users in the development stages. The National Clearinghouse for Criminal Justice and Architecture states that "it's better to get participation from all involved, rather than to impose a new system from above . . . all viewpoints must be represented in the planning process."³

The National Advisory Commission on Criminal Justice Standards and Goals reflect this opinion throughout their various documents. In the book Criminal Justice System, they state:

²Frank S. Cheatham, Jr., "The Unmaking of a Court Administrator," Judicature 60 (October 1976):129-130.

³National Clearhouse, p. 7.

Too often, system design and operation is considered a technical task to be left entirely to technicians. Certain standards in this report assure system users of the right to a voice in the development of policies and objectives for information systems and to continuing authority during system operation.⁴

Training programs through the design and implementation process for staff are essential. Fear of computers is a common characteristic to American society. Most Americans do not know how computers work and almost everyone has had at least one frustrating experience with a data processing system. A training program should include some assurances of the potential good of the new system, as well as the more technical skill development.

Judges have more than a passing interest in the success of a court program because of the legal and political accountability they have for the court's operations. Their enforcement of court rules and procedures can be the key element to a successful program.⁵ The leadership of the judges is critical to system development.

A public relations program to politically sell the new system must be considered a high priority. Since Watergate, the American public has become suspicious of governmental agencies who maintain automated records. Courts are public agencies and, therefore, are accountable to the public for their performance. Local funding, as a result of

⁴Criminal Justice Systems, p. 36.

⁵Barzun, p. 626.

community support, will be determined by the general acceptance of the new program.

Malcolm MacDonald, the person who designed the Omaha/Douglas County Metropolitan Criminal Justice Center and served as a computer systems designer for the U.S. government, warns that one "must neither oversell or undersell, for it is dangerous to create false hopes and expectations for a system, as it is foolish not to explain completely and honestly what may be expected."⁶

Benefits of an automated system that can be sold to the public, other agencies, and within the court include:

1. Decreased man hours spent in preparing documents now produced manually;
2. Accurate and timely dissemination of dispositions to other criminal justice agencies;
3. Automated scheduling including notices prepared for attorneys;
4. Easier monitoring for speedy trial compliance;
5. Better utilization of resources;
6. Timely status reports to administrators;
7. Simulation models that can help predict future resource demands; and
8. Accurate accumulative data that can be used to plan and evaluate the programs of the court.

⁶MacDonald, p. 55.

II. OBJECTIVES SETTING

The single most important tool in the development of any system is the setting of objectives. Without objectives, there can be no direction or evaluation of the program.

An objective, unlike a goal, should be specific in time and be associated with a quantifiable measure. Objectives should: reflect desired changes both within and between agencies; be realistic to achieve; reflect data sets that can be collected; be prioritized; consider all potential users of the system; have flexibility enough so that as the situation within the agency changes, the objectives can reflect the most immediate needs; and offer some permanency of positive change instead of stop gap measures. When any one of these elements is missing from a set of objectives, the chances of successful planning, management, and evaluation are greatly reduced.

Objectives should first be developed at the local agency level. Only after completion of the agency level objectives should objectives be developed at the system level. Whenever conflicts exist between the objectives of various agencies, careful consideration should be given to the impact of any tradeoffs.

III. STANDARDIZATION OF TERMINOLOGY

System objectives will be meaningless without common working definitions shared by all agencies. Understanding and communication between agencies is predicated on mutually shared definitions.

All key words of a system should be identified and given definition. It is recommended that there be developed a manual which includes definitions for all data elements used in the system.

IV. SYSTEM DESIGN

Whenever a new system is developed the agency(s) will need to consider whether:

1. Its existing system is adequate;
2. Its existing system can be upgraded;
3. A transferable data-support system can be acquired; or
4. A new system must be designed.⁷

Careful consideration must be given to the present system and great care must be given to the inadequacies of the situation. A common error made by administrators when they convert to an automated system is to computerize the existing system intact.

⁷Guide to Court Scheduling, p. 20.

Computers are wonderful management tools, but they are only tools. If we computerize meaningless processes and electronically store useless, meaningless data which is only a memorial to an ancient clerk who was trying to raise his standard of living, we should not be surprised if the effectiveness of court clerical activities does not improve. . . .

In the area of mechanization and computerization, care should be taken not to further institutionalize and perpetuate operations and processes which do nothing to aid the court and may, in fact, hinder it. A careful examination of what is being performed in relation to what is being accomplished may reveal that the real need is to eliminate many activities rather than to create complex and expensive Electronic Data Processing processes to permit irrational functions to be accomplished efficiently.⁸

The National Advisory Commission on Criminal Justice Standards and Goals Task Force on Courts recommends the following uses for computerized court systems:

1. Monitor cases;
2. Access to case histories;
3. Scheduling;
4. Clerical tasks;
5. Mailing of notices;
6. Accounting; and
7. Jury selection.⁹

Taking into consideration the present situation, objectives should be developed for each of the prescribed tasks and interaction between tasks should be considered. The ultimate system must, in order to be effective, be

⁸Whittaker, p. 376.

⁹Courts, pp. 217-220.

based upon the developed objectives. In addition to the legal and procedural data requirements, a system design should generate the data necessary to make management decisions and evaluate the system's effectiveness.

The quality of the data is best maintained through routine and regularly performed checks and audits. This provides assurances that the data available are complete, accurate, updated, and free from subjective evaluation.¹⁰

Elimination of duplication and redundancy should be a prime consideration in any system. The loss of resources in duplicative efforts is costly to the courts. The Criminal Justice System Task Force recommends the following to address the problem of duplication:

1. Identical records should not be contained within two separate repositories, unless there are strong overruling considerations of total system efficiency to be gained thereby;
2. "In-process" files should reside within the agency in which the processes take place; and
3. Historical files should normally be housed at the governmental level which can satisfy the maximum percentage of inquiries.¹¹

An Offender Based Transactional System (OBTS) component can be a vital element of a court system. The use of OBTS data should identify the problems, within the court, where "speedy trial" can break down. Defendants

¹⁰Criminal Justice System, p. 97.

¹¹Ibid., p. 43.

are less apt to be lost under OBTS¹² and their present status can be monitored as often as necessary.

Careful consideration should be given to developing new documents and the eliminating of unnecessary work. A prime concern should be reducing workloads in the preparation of documents. In addition to redesigning paper flow, the Denver District Courts, when they automated their record keeping, paid close attention to standardizing procedures for preparing and recording records.¹³ Standardization will offer the courts the means of conducting meaningful comparisons of operations.

An important function of an information system is the data support offered to administrators. A specific component of the system design must address the data/information needs of key decision-makers. As previously stated, there should be consideration given to just how much information can be used by the decision-maker. Insufficient data or data overloads are problems that must be addressed.

The case of outside technical assistance and when to use it is always a problem in the development stages.

¹²The ideal systems will never lose data on cases, but it should be recognized that a computer is only as reliable as the people providing the inputs.

¹³Harvey B. Castro and Ronald E. Owens, "Automation in the Courts: The Denver Experience," Judicature 59 (August/September 1975):92-93.

Technicians, outside the courts, can be quite useful in the more technical areas. Before technicians become involved, however, the individual courts and total system must develop their own objectives, policies, procedures and evaluation performance standards. The only people who really know the courts are those who work there. No outsider can tell court personnel what the court system needs. Technicians often are selling a packaged product and are not concerned with the needs of the agencies.

A common mistake made in implementing automated information systems is to have a limited number of data elements. If the data set is not flexible, the administrator will not be able to respond to changes within the court. The only data elements that can be locked into a system are those that are always going to be used. Examples of permanent data elements are name, date of birth, and physical characteristics. All other types of data elements will fall into the categories of data that may be revised from time-to-time or data that may not be desirable at some later date. Maximum flexibility in the data set should always be a concern.

V. COURT SCHEDULING

The efficiency of a court centers around an effective court scheduling component. It is recommended that a comprehensive County wide scheduling system be developed. INSLAW researchers, who have done extensive research in

this area, refer to scheduling as:

The process of planning for and ensuring that all the participants in cases to be heard will assemble at the proper times and places for the events required for adjudication, within the constraints of the court's resources, the availability of the participants, and due process.¹⁴

Though automation offers opportunities to improve scheduling, Sarah Cox, an INSLAW researcher, who worked on the staff that prepared the Guide to Court Scheduling, states that:

". . . there is no automated operational court scheduling system in existence today. Some courts use computer-assisted manual systems . . . (and) some courts have automated single steps which might be part of a total scheduling system."¹⁵

One reason why scheduling is important is that it costs money, and inefficient or ineffective scheduling costs more money. The scheduling system determines the pattern of utilization of all the resources of the court: the time spent by judges, attorneys, police, citizens and other personnel, as well as court space and equipment. If any one of these resources is underutilized or is used for the wrong purposes (as when judges sit idle or must do the work of clerks and schedulers), the cost of the entire court system rises, while its effectiveness may go down.¹⁶

The INSLAW staff have identified the following as constraints on effective scheduling:

1. The legal setting with the emphasis on due process;

¹⁴Guide to Court Scheduling, p. 7.

¹⁵Cox, p. 353.

¹⁶Guide to Court Scheduling, p. 4.

2. The adversary role of the defense, where delay and the discouragement of key witnesses is a tactic;
3. The limited resources of the court and the emphasis on judge involvement in each step;
4. The courts' reactive role to an independent case load; and
5. The strong emphasis on traditional roles and policies.¹⁷

They further caution, that a scheduling system may fail because:

1. The system may be inefficient, because it will not or cannot use the available resources;
2. The system may be ineffective, because of lax continuance policies;
3. The system may result in unequal workloads and responsibilities for the staff;
4. The identified system may not be a system, because of the lack of objective orientation; and
5. The system allows oversetting, delays, continuances, and witness alienation.¹⁸

The successful scheduling system, therefore, should address the following needs:

1. The need for a conceptual framework, that includes well defined goals and objectives:
2. The need for a common set of terminology;

¹⁷Jack Hausner, Thomas Lane, and Gary Oleson, "A Survey and Assessment of Court Scheduling Technology," Proceedings of the Third International Search Symposium on Criminal Justice Information and Statistics Systems (Sacramento, California: Search Group, Inc., 1976), pp. 277-278,

¹⁸Ibid., p. 279.

3. The need for more coordinated calendars;
4. The need for integration of scheduling with court policy and planning;
5. The need for a scheduling evaluation process;
6. The need for quantitative measures of judicial workloads;
7. The need for increased predictability; and
8. The need for greater use of available automated information systems.¹⁹

Most of these needs are basic to a good court information system, therefore, the logical extension to a scheduling system is obvious. However, as was previously pointed out, no one has taken that logical step.

A comprehensive court scheduling system should include management, calendaring, and data support components.²⁰

Caseflow Management

The management component of a court scheduling system should set objectives and policies, plan operations of the scheduling system, and evaluate the system.²¹ Each of these functions may be performed by a single individual or group within the court.

Maureen Solomon, for the American Bar Association Commission on Standards of Judicial Administration, has

¹⁹Ibid., p. 282.

²⁰Guide to Court Scheduling, p. 7.

²¹Ibid., p. 13

3. Established procedures governing the flow and processing of cases, including judicial commitment to tight control of continuances;
4. Centralized judicial responsibility for operation of the caseflow management system;
5. Continuous cognizance and control of case progress;
6. A simple record system specifically designed to facilitate control of case progress;
7. Case processing time standards and caseflow system performance standards;
8. Continuing measurements of system performance against these goals, including monitoring and feedback and periodic modification of the system;
9. Established techniques for avoiding or minimizing the attorney schedule conflicts; and
10. Service of a court administrator to act as a coordinator and innovator in the caseflow management process.²⁵

The management system, according to Solomon, will lose control of caseflow when one of the following exist:

1. Case scheduling done by attorneys or prosecutors;
2. Oversetting;
3. Lenient continuance policies; and
4. Cumbersome or ineffective dismissal rules and procedures.²⁶

Another potential problem is the court's policy on negotiated pleas. All the courts, in Ingham County, now accept a bargained plea even after the trial has begun. This practice, in addition to Solomon's concerns, can

²⁵Ibid., p. 2.

²⁶Ibid., p. 3.

developed an excellent management model she calls "case-flow management." Solomon states that caseflow management is:

Not directly involved with the adjudicative process itself, but instead, is strictly a management process, encompassing all the functions that affect movement of the case toward disposition. It embodies planning organizing, directing, and controlling these functions. . . (It) aims for the coordination of interrelated resources in a manner designed to achieve a smooth and continuous flow of a case through the court.²²

Caseflow management is a "goal-oriented process."²³

The goals of caseflow management, as stated by Solomon, are:

1. To expedite the dispositions of all cases in a manner consistent with fairness to all parties;
2. To enhance the quality of litigation;
3. To assure equal access to the adjudicative process for all litigants; and
4. To minimize the uncertainties associated with cases.²⁴

Factors that make for a successful caseflow management situation are:

1. Policy-level commitment by judges to control caseflow and speedy disposition of backlog;
2. Continuing consultation among courts, prosecution, and the bar about system operation and means of improvement;

²²Maureen Solomon, Caseflow Management in the Trial Court, (Washington, D.C.: American Bar Association Commission on Standards of Judicial Administration, 1973), p. 4.

²³Ibid.

²⁴Ibid.

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²⁵Ibid., p. 2.

²⁶Ibid., p. 3.

account for many of the scheduling problems in Ingham County.

Continuance policies may be a major factor in controlling caseflows. Solomon and the INSLAW²⁷ staff both recommend, that "the court(s) must adopt and apply a restrictive continuance policy, administered by a judge."²⁸ Figure I illustrates the results of unrestricted continuance policies.²⁹

The Los Angeles Court System has established a strong caseflow policy that is working. The court maintains on computer records, not only the cases a lawyer may have in any single court, but maintains the lawyer's schedule in other local courts, and Federal court, his vacation schedule, and other obligations that conflict with court time. The attorneys are required to report on any conflicts at the time of trial setting. Failure to comply is a violation of court rules.³⁰

To expedite trials, the Los Angeles court has classified cases as either assigned or unassigned. Assigned cases are those only the attorney filing an appearance can represent, while unassigned cases can be represented

²⁷Guide to Court Scheduling, p. 14.

²⁸Solomon, p. 33.

²⁹Ibid., p. 50.

³⁰Robert A. Wenke, "Mastering the Master Calendar," Judicature 57 (March 1974):356.

EFFECT OF CONTINUANCE AND SCHEDULING
POLICY ON ATTORNEY READINESS

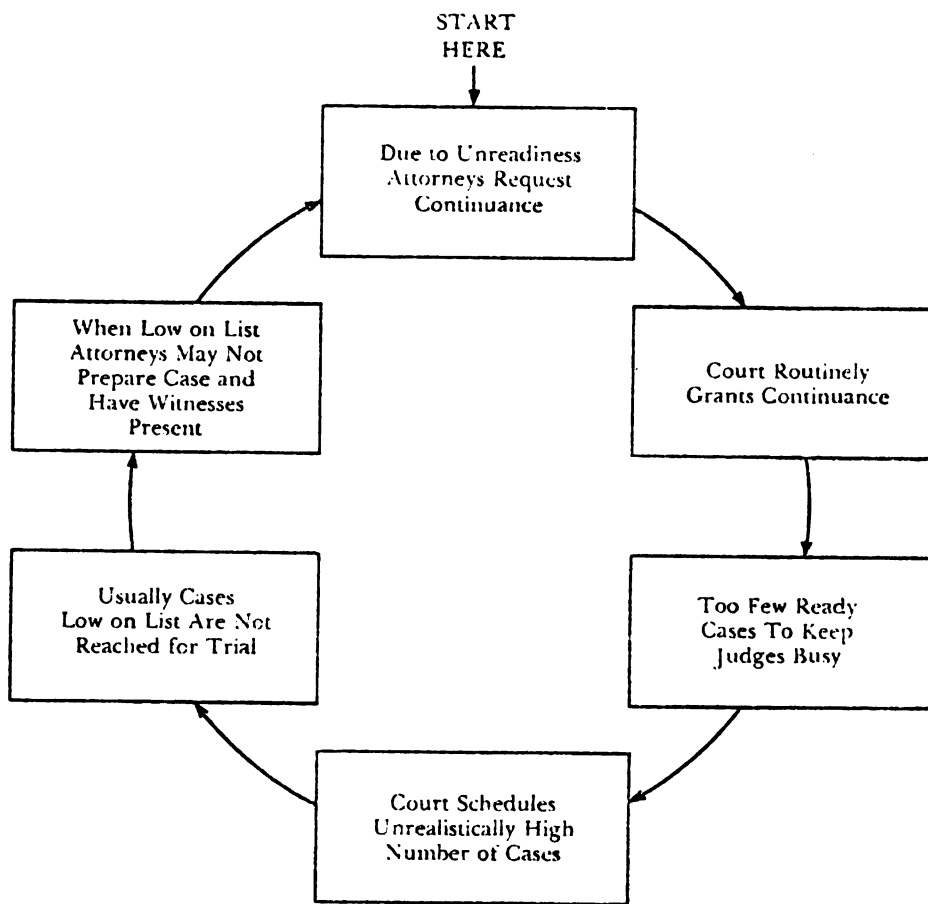


FIGURE 1

by any member of the attorney's firm. Though not popular with many attorneys, this system allows the unassigned cases to be scheduled without too much concern for schedule conflicts.³¹

San Diego found that the past record of an attorney's continuances was a useful tool in predicting those cases that may go. Not only is a record of continuance kept, but the reasons are also maintained. This can become a useful tool in identifying those lawyers who abuse the system.³²

During the last year, the law enforcement agencies in Ingham County have expressed concern about the large amount of time officers spend waiting in court to testify. The Police Task Force of the Tri County Criminal Justice Coordinating Council has requested Wayne Brooks, the Tri County staff support to the Task Force, to do a survey on the amount of police time spent waiting to testify. Though the report is not complete, Brooks indicates that the lost time is considerable.

The INSLAW staff suggests scheduling as many of a police officer's cases as possible for one court session. This can minimize the number of his or her appearances and control for conflicts as a result of appearances in other courts. It, also, assists the police in their scheduling duties.³³

³¹Ibid.

³²James, p. 58.

³³Guide to Court Scheduling, p. 32.

Some courts have established a hearing-duration policy, that allows those attorneys, who agree to limit the hearing on a case to a set time, the option of moving their case up on the scheduling priority of the court. Faster cases for the attorney and a more controlled calendar are the results.³⁴

Calendaring

Calendaring, "the component of a scheduling system by which a date, time, and place for an individual event are selected in accordance with court objectives,"³⁵ is the application of the caseflow management functions.

A calendaring component, according to INSLAW, should include:

1. Monitoring the calendar;
2. Setting events, dates, and times;
3. Controlling conflicts in attorney schedules;
4. Consolidating appearances by police;
5. Making last-minute adjustments in the calendar; and
6. Notifying all participants of a scheduled event.³⁶

"Notification has two aspects, both of which are important in developing a scheduling system; it is directed both

³⁴Ibid., p. 10.

³⁵Ibid., p. 7.

³⁶Ibid., p. 7.

at the individual participants in a scheduled event and at other courts and criminal justice agencies."³⁷ Without controlling for events that conflict, by sharing scheduling information, courts cannot expect to have effectual schedules.

The workload of the court is a vital element that must be considered, when preparing court schedules. Workload estimates include consideration of holidays, weekends, average sick time and vacations, visiting judges, and the day of the week for which the event is scheduled.³⁸

A central and essential function of the calendaring process is matching court hearings with dates and times. This process is usually called calendar mode. INSLAW identified the two types of modes as:

1. Continuous Mode, where no precise data is set in advance. Instead, as cases progress toward trial in succession, the trial date is determined by the completion of events and the resulting availability of resources; and
2. Date-Certain (day-certain) mode, where a specific date is chosen in advance. Either a date is selected as the need for the next event is identified, or events are selected for dates under consideration.³⁹

The mode most apt to allow control over the scheduling process is "Date Certain." This mode allows for a more

³⁷Ibid., p. 11.

³⁸Wenke, p. 357.

³⁹Guide to Court Scheduling, p. 42.

accurate notification process, thus minimizing conflicts in the schedule.

Some disagreement exists between experts on the value of choosing a case assignment system.

Solomon states, that "recent court studies have demonstrated that the type of case assignment system used is not per se the determinate of success or failure" ⁴⁰

INSLAW, however, states, that "choosing a case assignment system and a calendar mode will affect the whole scheduling system, and they should be chosen in light of the objectives that have been established for it." ⁴¹

There are three types of case assignment systems:

1. Master assignment system (master calendar). Each event in a case is assigned as a judge becomes available, without regard to which judge heard any of the previous events. (See Figure 2) ⁴²
2. Individual assignment system (individual calendar). Each case is assigned to one judge, who hears all the events in the life of that case. (See Figure 3) ⁴³
3. Hybrid assignment system. This consists of some combination of (1) and (2). ⁴⁴

The strengths of mastering scheduling according to Solomon are:

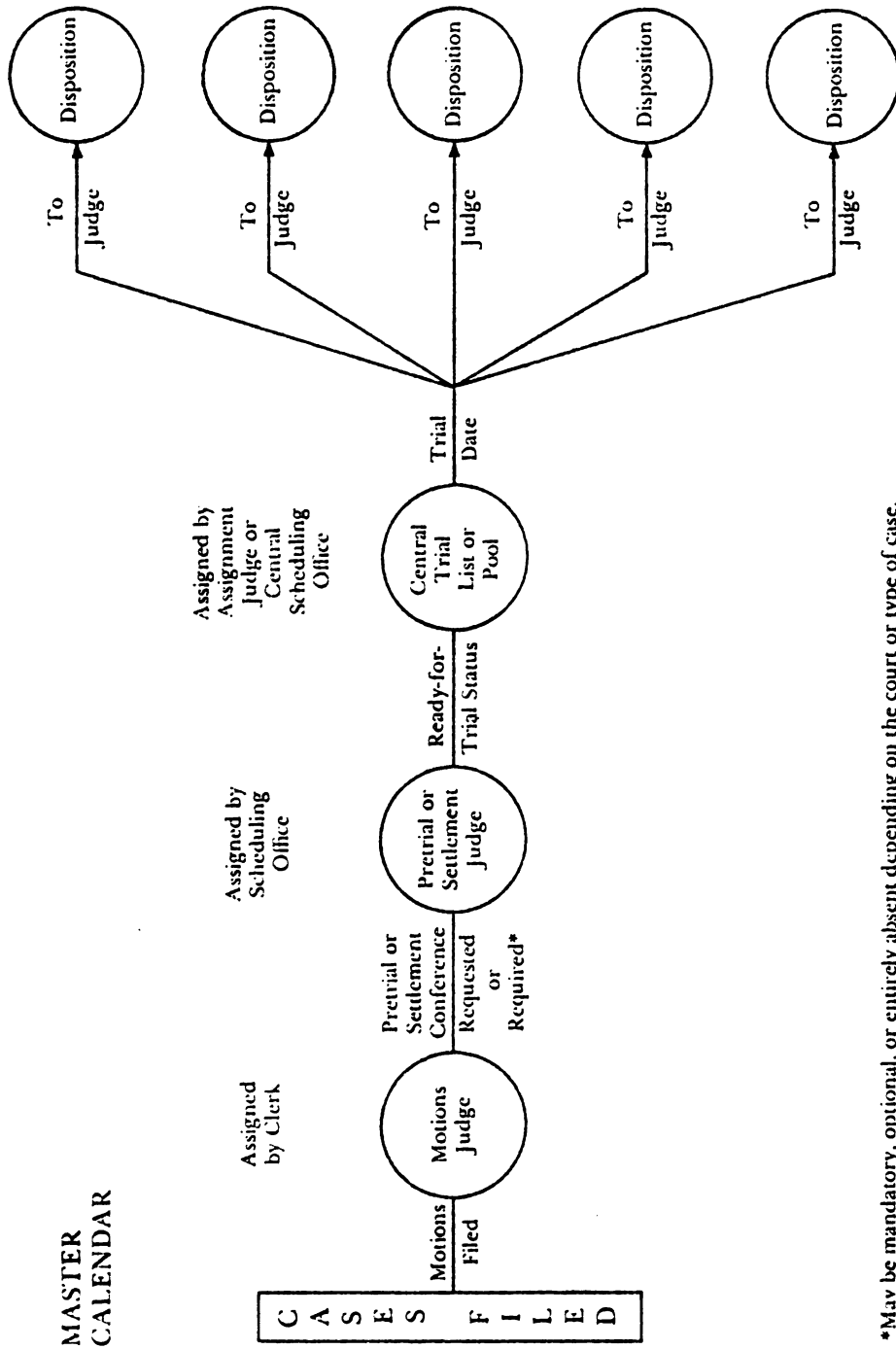
⁴⁰Solomon, p. 2.

⁴¹Guide to Court Scheduling, p. 14.

⁴²Solomon, p. 11.

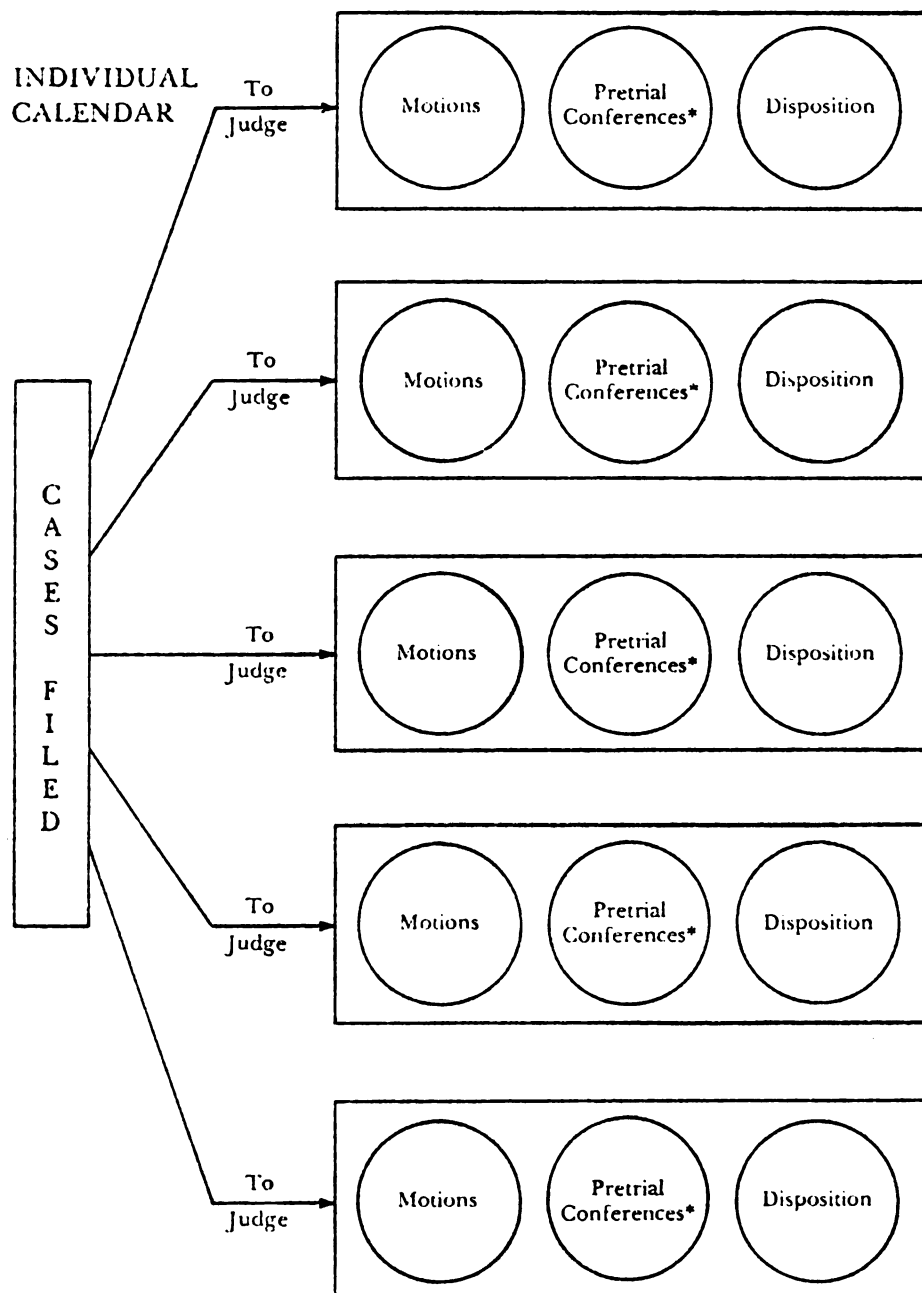
⁴³Ibid., p. 7.

⁴⁴Guide to Court Scheduling, pp. 42-43.



*May be mandatory, optional, or entirely absent depending on the court or type of case.

FIGURE 2



*May be mandatory, optional, or absent entirely depending on the judge or type of case.

FIGURE 3

1. Maximum use of available judges;
2. Greater probability of going to court on the assigned date, because individual delays in cases do not affect the total court;
3. Speedy trial is not dependent upon the characteristics of a judge;
4. Uniformity of policy likely;
5. Judges may specialize in the area of their individual strengths;
6. There is central control of cases; and
7. Encourages a team spirit among judges.⁴⁵

The individual calendar system, in recent years, has been "widely advocated" and adopted by courts. Courts have accepted the system because:

1. There is high accountability and, thus, there is high motivation for the judges;
2. Judges maintain a familiarity with a case, meaning that less time is spent in briefing the judge;
3. There should be consistent rulings throughout the history of the case; and
4. Prevents lawyers from shopping for the desirable judge for each event.⁴⁶

Most court scheduling processes, according to Solomon, are not pure forms of either master or individual systems, but combine elements of each and, thus, have a hybrid system.⁴⁷ The hybrid system's major advantage is that it

⁴⁵Solomon, pp. 12-13.

⁴⁶Ibid., pp. 8-10.

⁴⁷Ibid., p. 7.

can draw from the strong points of the other two systems.

Data Support

The National Advisory Commission on Criminal Justice Standards and Goals, under Standard 5.2 states:

Criminal courts should be provided with sufficient information on caseload to permit efficient calendar management. Basic data to support this activity include the following:

1. Periodic disposition rates by proceeding; these statistics can be used to formulate and adjust calendar caseload limits;
2. An attorney and police witness schedule which can be used to minimize scheduling conflicts;
3. Judge and courtroom schedule;
4. Range of time which proceedings consume; and
5. An age index of all cases in pretrial or awaiting trial (by type of trial requested) to determine if special attention is required or the speedy trial rule endangered.⁴⁸

In addition to management support, data is necessary for evaluation purposes. INSLAW recommends, that:

Both judges and administrators need to evaluate the scheduling system continually to see that the court's goals and objectives are being met. The administrator may need to adjust procedures and formulas and give bar members or other participants further instructions about the operation of the system and their role in it.⁴⁹

⁴⁸Criminal Justice Systems, p. 71.

⁴⁹Guide to Court Scheduling, p. 17.

VI. PRIVACY AND SECURITY

If historians record Vietnam as the issue of the sixties, they will probably identify privacy and security as the issue of the seventies. Watergate, and its related issues, brought to light the fact that misuse and abuse of personal information by governmental agencies was more than probable. In Michigan, people found that police intelligence files were being kept on individuals because of their involvement in the American political process.

During the surveys, for this project, and in meetings where the issue of a criminal justice information system for Ingham County was raised, the subject that always was discussed was privacy and security.

With the advent of new, more accessible hardware and software, the potential for system abuse is greater today than ever before. Within this century, the possibility exists that computers, small enough to be held in the hand, but capable of large quantities of memory, will exist. The mini computer now makes it possible for almost all agencies to computerize their records. There is every reason to believe that the computer age has begun and that the potential for controlling our everyday life is a by-product.

The National Advisory Commission on Criminal Justice Standards and Goals Task Force on Information Systems has stated that:

Computer-based information systems require conscious planning for protection of personal privacy. Constraints must be imposed on the system to insure that the highest practicable level of protection is obtained.⁵⁰

It is recommended that the Task Force take into careful consideration the issues pertaining to privacy and security that follow, and that they adopt a privacy and security strategy statement, prior to implementation of the system.

Federal Legislation and Regulations

In 1973, the United States passed the Crime Control Act of 1973 which amended the Omnibus Crime Control and Safe Streets Act of 1968. Section 524(b) of the new law put LEAA into the privacy and security business. It provided in particular that:

All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage, and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein; the Administration shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. ,In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this title, shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.⁵¹

⁵⁰Criminal Justice System, p. 115.

⁵¹Michael A. Zimmerman; Donald F. King, and Michael F. O'Neill. How to Implement Privacy and Security, Department of Justice Regulations, Title 28 and Beyond (San Jose, California: THEOREM Corporation, 1976), p. 10.

Congress has not, however, singled out criminal justice agencies as the only area of privacy and security. "Among recent laws, the most important is the federal Privacy Act of 1974. This law, which governs all federal agencies, but partially excludes records of an individual's criminal history, suggests several important trends,"⁵² including:

1. Substantial control over dissemination by the subject of the record; and
2. Data collection rules towards improved record accuracy and relevance.⁵³

In 1975, LEAA "acting under Congressional mandate" issued the Title 28 regulations, which govern the maintenance and dissemination of criminal history records.⁵⁴

Title 28 applies to criminal history record information (CHRI):

"Criminal history record information" means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system.⁵⁵

⁵²Ibid., p. 7.

⁵³Ibid.

⁵⁴Ibid., p. 1.

⁵⁵Ibid., p. 10.

The regulations allow for only six exemptions and states:

The regulations shall not apply to criminal history record information contained in: (1) posters, announcements, or lists for identifying or apprehending fugitives or wanted persons; (2) original records of entry such as police blotters maintained by criminal justice agencies, compiled chronologically and required by law or long standing custom to be made public, if such records are organized on a chronological basis; (3) court records of public judicial proceedings; (4) published court or administrative opinions or public judicial, administrative or legislative proceedings; (5) records of traffic offenses maintained by State departments of transportation, motor vehicles or the equivalent thereof for the purpose of regulating the issuance, suspension, revocation, or renewal of driver's, pilot's or other operators' licenses; (6) announcements of executive clemency.⁵⁶

The third point has caused some confusion among courts, who now feel that this clause exempts them from any of the record keeping controls under the Title 28 regulations. In the THEOREM handbook, How to Implement Privacy and Security, the editors specifically address this concern:

Item 3 does not exempt all records maintained by a court; only those records, automated or manual, which can be properly termed "court" records. For example, a pre-sentence report is a court record. It is filed with the court and used in sentencing an offender. Any CHRI contained in that report is exempt from Title 28. But if the probation officer provides the judge a copy of the state criminal history along with the pre-sentence report, that history is not a formal court record unless incorporated into the pre-sentence report. If not incorporated, it is still subject to Title 28 and should be removed from court files open to the public. An

⁵⁶Ibid., p. 11.

automated record of case activities is also a "court" record and exempted from Title 28 even if it does not constitute an official aspect of case processing or a public document. Courts are not exempt from the regulations although their formal records are; they will have to exercise caution.⁵⁷

Title 28 covers:

All State and local agencies and individuals collecting, storing, or disseminating criminal history record information processed by manual or automated operations where such collection, storage, or dissemination has been funded in whole or part with funds made available by the Law Enforcement Assistance Administration subsequent to July 1, 1973, pursuant to Title I of the Act.⁵⁸

Each state, under Title 28, must audit randomly selected criminal justice agencies, for compliance with the regulations. Other agencies, in addition to those receiving total audits, will receive more limited types of audits. Dissemination logs and reporting of dispositions for dissemination will be two "aspects of all audits."

Under the dissemination section, the regulations state that:

1. All information on convictions may be shared with anyone; and
2. Information, which does not indicate a conviction, is subject to the following constraints:
 - a. May be shared with criminal justice agencies only for criminal justice purposes and employment,

⁵⁷Ibid.

⁵⁸Ibid., p. 12

- b. Non-criminal justice agencies and individuals, who have legal access to such records, may only use such records for the purposes for which it was given, and each exchange of information must be logged.⁵⁹

Under Title 28, each individual has the right to inspect and challenge "the accuracy and completeness of CHRI which pertains to him or her." If a challenge is reviewed, by a coordinating body required under the regulations, and found to be valid, the agency must correct the records.⁶⁰

The THEOREM editors state that agencies should expect more and more control on record-keeping:

The LEAA Regulations are just a beginning. There will be further exploring of privacy issues by federal and state legislatures and by the courts. Viewed in a positive way, this trend gives all criminal justice agencies an opportunity to examine their record-keeping practices and to introduce measures which will enhance the quality and flow of available criminal history information.⁶¹

Judicial trends pertaining to cases covering privacy indicate that:

1. Court decisions will emphasize the importance of accurate and complete records;
2. Courts will purge or restrain the use of records of arrest not leading to conviction, even though that information is accurate and complete, and
3. Courts will establish financial or other consequences for the use of inaccurate or incomplete information.⁶²

⁵⁹Ibid., p. 14.

⁶⁰Ibid., p. 15.

⁶¹Ibid., p. 1.

⁶²Ibid., pp. 11-12.

Much of the legislation, coming out of state legislatures, seems to be directed toward legal prosecution of violations of record keeping security and privacy.

System Design

Security and privacy must be an integrated part of any overall information system design and must be a "function of the management philosophy."⁶³ Any attempt to "tack on" a security and privacy component to the system, after development, just will not work. The issue underlines a total approach to record keeping and cannot be isolated.

Gerald Stern has recommended the following rules for implementation of a court security and privacy system:

1. Only essential data should be collected; the question should be balanced in each instance against the inherent risks involved in keeping the information;
2. The system should not link criminal history files with subjective intelligence materials;
3. Records of convictions for minor crimes should not be stored for wide dissemination;
4. Precautions must be taken to insure that all data stored are accurate, current, and reflect court dispositions;
5. Purging of old data is essential, as is the requirement that some reasonable cut-off date be established by which dispositions must be added to histories;
6. Permit individuals access to their files, and the right to challenge possible erroneous data must be guaranteed;

⁶³Criminal Justice System, p. 36.

7. Accessibility to any computerized data system should be restricted to carefully screened personnel who are held to strict standards of confidentiality; and
8. Every jurisdiction should pinpoint responsibility for insuring privacy and confidentiality.⁶⁴

Stern's recommendations incorporate the rules, regulations, and standards established by almost everyone who writes on court information systems. This is probably the most comprehensive list of recommendations prepared to date.

Privacy

According to the THEOREM editors, "privacy is often described as the right to be left alone; to be free from interference by others." However, "privacy is not an absolute right (because) no one can insist on privacy in every situation. The public's interest in disclosure must be weighed against the individual's interest in preventing disclosure."⁶⁵

Invasion of privacy may result from:

1. Intrusion into seclusion, solitude, or private affairs;
2. Public disclosure of embarrassing private facts;
3. Publicity placing a person in a false light in the public eye; and
4. Appropriation for personal advantage of a person's name or likeness.⁶⁶

⁶⁴Stern, pp. 222-224.

⁶⁵Zimmerman, King, and O'Neill, p. 1.

⁶⁶Ibid., p. 2.

The Supreme Court established, in Griswold v. Connecticut, the significance of privacy as a Constitutional issue, when they stated that:

Various guarantees create zones of privacy. The right of association contained in the penumbra of the First Amendment is one, as we have seen. The Third Amendment in its prohibition against the quartering of soldiers "in any house" in time of peace without the consent of the owner is another facet of that privacy. The Fourth Amendment explicitly affirms the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." The Fifth Amendment in its Self-Incrimination Clause enables the citizen to create a zone of privacy which government may not force him to surrender to his detriment. The Ninth Amendment provides: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."⁶⁷

We, therefore, not only have what some call the "moral right" to privacy, but we also have a Constitutional right to privacy.

Prior to the computer age, records within criminal justice agencies were not a major privacy concern. Stern states the:

"Existing law gives the public substantial right of access to public documents. The only barrier to records not classified as confidential by special law is the present system's inefficiency . . . (and) the laws which permit access to public records contain the caveat that such access is limited by the convenience of court personnel . . . Thus, the public right to access is largely illusory."⁶⁸

With computerized information systems now a possibility, information of a CHRI nature is now being looked at by

⁶⁷Griswold v. Connecticut, 381 U.S. 479 (1965), 484.

⁶⁸Stern, p. 227.

legislatures and courts, as already noted, with great interest.

The issue, of how much privacy court records should have, seems to be moving toward a point of confrontation. The central crux of the issue evolves around just how public are public records?

Public records, according to the THEOREM editors, are:

Commonly defined are those records which an agency makes or receives in the course of performing its official duties. They are open to public inspection; they allow citizens to find out what public agencies are doing. Americans do not want those who expend public funds to operate under a veil of secrecy. The physical form of a record does not change its character as a public document.⁶⁹

Thomas Madden, General Counsel of LEAA states that in relationship to criminal justice records:

Part of a citizen's right of privacy is lost through engagement in criminal activity. By law or by custom in each state, the facts of an individual's arrest, trial and conviction are all matters of public record.⁷⁰

The fact is that criminal records in courts and, in most instances, throughout the criminal justice system, have always been a matter of public record. However, today many individuals are beginning to be concerned about the fact that for the first time, a total criminal record is not attainable. Stern best emphasizes the position when he states, that "perhaps we want the laws changed to keep computerized records confidential."⁷¹

⁶⁹Zimmerman, King, and O'Neill, p. 3.

⁷⁰Larsen, p. 21

⁷¹Stern, p. 227.

Until such time as the issue is finally resolved, as to just how private are court records, the important concern in the privacy area is timely as well as accurate records that do not misrepresent the actual status of an individual.

Audits and purging must be standard operational procedures in any automated information system that places a concern on privacy. There have been several recommendations, that after a specific time, a record within a court should be expunged.

Security

The concept of security, when related to information systems, is "the degree and means by which information and the machines and facilities for processing, storing and transmitting it are protected from loss and unauthorized access or modification."⁷²

Under Title 28, the following security standards were established for both manual and automated systems.

1. Access restraints;
2. Personnel control;
3. Disaster protection; and
4. Training.

The Information Task Force of the National Advisory Commission on Standards and Goals, addressed the access restraints problem, when they stated that:

⁷²Larsen, p. 83.

Security is seriously compromised when unauthorized persons can add to, change, or delete entries in the information system, when authorized persons can make extracts of information within the system for private motives or personal gain, or when the contents of the system or some portion of the contents can be made known to unauthorized personnel.⁷³

Among the possibilities discussed under access restraints are secure rooms for the storage of hardware and terminals, sign-in procedures, keys, guards, limited access for each terminal, lockable files, criminal sanctions for violation of security, and access logs, including the who, what, and why.

The personnel control standards are:

1. All employees, of criminal justice agencies and agencies who have access to criminal justice information, will be screened, before employment, if they have access to the information within their agency;
2. The agency will have authority to initiate administrative action leading to transfer or removal of any authorized person who violates security regulations; and
3. The agency shall establish and apply standards for accountability to anyone who has access to the agency's records.⁷⁴

The Information Systems Task Force warned of the problems, prior to Title 28, when they stated:

It is the human element that is most likely to provide any breach of security in the system. Procedures should be established to prevent security risks from being employed in any capacity affording them direct access to the equipment and to the records in the system.⁷⁵

⁷³Criminal Justice System, p. 114.

⁷⁴Larsen, pp. 84-85.

⁷⁵Criminal Justice System, p. 133.

Disaster protection should include measures to prevent "unauthorized access, theft, sabotage, fire, flood, wind, or other natural or manmade disasters" against CHRI.⁷⁶

With a mini, because of its relative mobility and ability to be disconnected without damage to the core memory, the disaster control issue is not as critical.

Title 28 requires that all staff having access to CHRI "shall be made familiar with the substance and intent of these regulations."⁷⁷ It is recommended that the THEOREM handbook be used for this purpose, as part of the total training package and operational handbook for authorized users. The handbook includes a training guide on privacy and security.

Another issue often raised, dealing with security, is the rights of various users of a shared system. The recommendations of THEOREM state that agencies should determine which agency has access to what information and who may modify, add, or delete a specific data item.

Control

The National Standards and Goals⁷⁸ and the Michigan Goals and Standards⁷⁹ both advocate the establishment of a

⁷⁶Larsen, p. 86.

⁷⁷Ibid.

⁷⁸Criminal Justice System, pp. 119-135.

⁷⁹Michigan Advisory Commission on Criminal Justice, Criminal Justice Goals and Standards for the State of Michigan, (Lansing, Michigan: Office of Criminal Justice Programs, 1974), p. 198.

state "Security and Privacy Council" and legislation enabling establishment of such a group, minimum standards, and civil and criminal sanctions for violation of statutes, rules, and regulations pertaining to the privacy and security issue.

The state of Michigan, at this time, has not established a regulatory commission, nor is there legislation entitling controls.⁸⁰

It is recommended, as part of the responsibilities of the controlling unit, established in conjunction with an Ingham County Information System, that a privacy and security task force be established and that adequate rules, regulations, and sanctions be incorporated into any working agreement that the agencies establish.

VII. SYSTEM CONTROL

It is recommended that a controlling body be established to monitor, audit, regulate, and mediate all aspects of the information system.

The composition of this regulating body should include 49% representatives of the various agencies using the system and 51% representation of citizens and elected officials, who are not users of the system. It is important

⁸⁰Interview with Hank Verkaik, Office of Criminal Justice Programs, Lansing, Michigan, 16 February 1977.

that the key individuals of the agencies be members of this group and that they actively participate. Presiding judges, court administrators, the chief of police or sheriff of each law enforcement agency and the chief correctional officer should participate. Elected officials should include legislators and elected administrators from each branch of government participating in the system. Citizens should be selected from at large but should include representatives of the local Bar Association.

VIII. EVALUATION, FEEDBACK, AND RESEARCH

The importance of a data base has already been underlined. It is sufficient to say that, without a comprehensive data base, feedback, evaluation, and research are not possible.

Feedback

Day-to-day monitoring of statistical data can provide some indication to the users and to the controlling body of potential successes, breakdowns, and misdirections within the information system.

OBTS data generated each day can provide the courts with a valuable tool in measuring progress towards improving speedy trial.

Other daily, weekly, or monthly checks of data can provide the administrator with useful tools for daily management decisions.

Evaluation

The evaluation process uses data/information that is compared to the objectives to determine success or failure of the system. The importance of having data elements that measure for objective achievement is self-evident. Ultimate performance measures must be a major factor in developing the data base.

Pasqual Don Vito, in cooperation with the Indicators Program of the Urban Institute, has developed a series of evaluative measures of caseload, that he calls court indicators:

1. Amount of time taken to dispose of criminal cases;
2. The extent to which those convicted had entered guilty pleas instead of going to trial;
3. The percentage of jail prisoners awaiting trial;
4. The backlog of criminal cases relative to the court's average caseload;
5. The average number of cases disposed per judge;
6. The extent to which probation is used (successfully) as an alternative to imprisonment;
7. Number of trial days;
8. The length of prior sentences according to type of crime;
9. Cost per trial;
10. Cost per judgeship;
11. The extent to which convictions are appealed;

12. The portion of convictions overturned; and
13. The portion of defendants having adequate counsel.⁸¹

Don Vito's "indicators" are only suggested measures that can be used in court evaluation.

Administrative measures could include preparation time of documents, reduction in storage requirements, processing time of paper flow, lost documents and data, and administrative time spent on supervising record keeping.

The important thing is that the data elements collected should be based upon the individual agency's and the system's objectives.

Research

Research is the process of comparing the impact of controlled variables upon a specific set of data. The variables and data elements compared are only limited by the intent of the research, the research design, and the availability of data. Research can either measure past or present operations or it can be used as a predictive tool for the impact of future alternatives. Research can use data generated by the court or any other source, as long as all the data elements are compatible for comparisons.

Past or present operational research can measure the court's impact (or the impact upon the court) as the result

⁸¹Pasqual A. Don Vito, "An Experiment in the Use of Court Statistics," Judicature 56 (August/September 1972):57.

of a policy or intervening factor. The PROMIS research, for example, includes relative probability of rearrests for individuals or various forms of conditional release and the effect of the relationship of witnesses and the accused on successful prosecution.

With Michigan State University and other research facilities available, the types of research that can be done, provided there is a large enough data base, are as broad as the courts want to go.

Another use of research can be the justification of new programs for the courts.⁸²

Future research is used as a predictor of the impact of certain modifications, additions, or deletions of variables internal or external to the court.

Predictive models that are now being implemented are:

1. The Alaskan court system is developing a predictive model using analytical and simulation approaches to past data to predict the impact of objectives;⁸³
2. The Federal Judicial Center project to develop caseload forecasting system for federal courts, using a mathematical model, based upon 1950-1970 data, that incorporates 158 variables, including stock market fluxuations;⁸⁴

⁸²Merrill, "Using the PROMIS Tracking System for Criminal Justice Evaluation," pp. 8-9.

⁸³Raymond L. Ellis, "A Research Facility for Courts," Judicature 56 (April 1973):378.

⁸⁴Michigan State Court Administrator, "Caseload Forecasting for Federal Courts," Focus, (May 1976):3.

3. PROMIS predictive scale development on the relationship of certain personal characteristics and conditional release success and failure; and
4. JUSSIM and JUSSIM II simulation models for predicting the impact of modification within the criminal justice system on various stages and resources with the system.

The use of data for predictive human behavior is potentially the one type of future research that may result in legal and moral questions. Stern is one, who considers the use of this type of research as damaging:

"One of the most provocative potential computer applications now being implemented is the use of the computer to predict future (defendant) behavior . . . It is a frightening threat to the future of the courts and to the rights of the individuals who will be judged on the conduct of others."⁸⁵

Like all other uses of an information system, research can be beneficial to the court but the system design must include the necessary considerations of potential and real research needs. If the court desires to use JUSSIM or any other predictive model, then the data elements necessary and, if appropriate, the interface consideration, must be included.

IX. CONCLUSION

The success of the information system is dependent upon blending of training, attitudes, objectives, standard terminology, system design, scheduling, privacy and security, system control, evaluation, feedback and research.

⁸⁵Stern, p. 225.

The failure to consider any one of these in the development stage can result in the breakdown of the total effort.

CHAPTER V

THE IMPACT OF SCHEDULING

Throughout the literature, the experts all emphasize the virtues of court scheduling, yet none offer impact data to support their claims. Does scheduling impact courts, how does it affect courts, who does it affect, and what advantages are offered by instituting a scheduling system, are key questions that need to be answered.

The emphasis of this chapter is on an evaluation design to measure the impact of a scheduling system during and after implementation. Much of the data collection recommendations in this chapter are based upon Don Vito's Model of Indicators.¹

I. HYPOTHETICAL SCHEDULING MODEL:

IMPLEMENTATION IMPACT

Figure 4 represents the perceived impact flow, according to the experts, of a court scheduling system during the implementation period.

¹Don Vito, p. 57.

HYPOTHETICAL SCHEDULING MODEL:

IMPLEMENTATION IMPACT

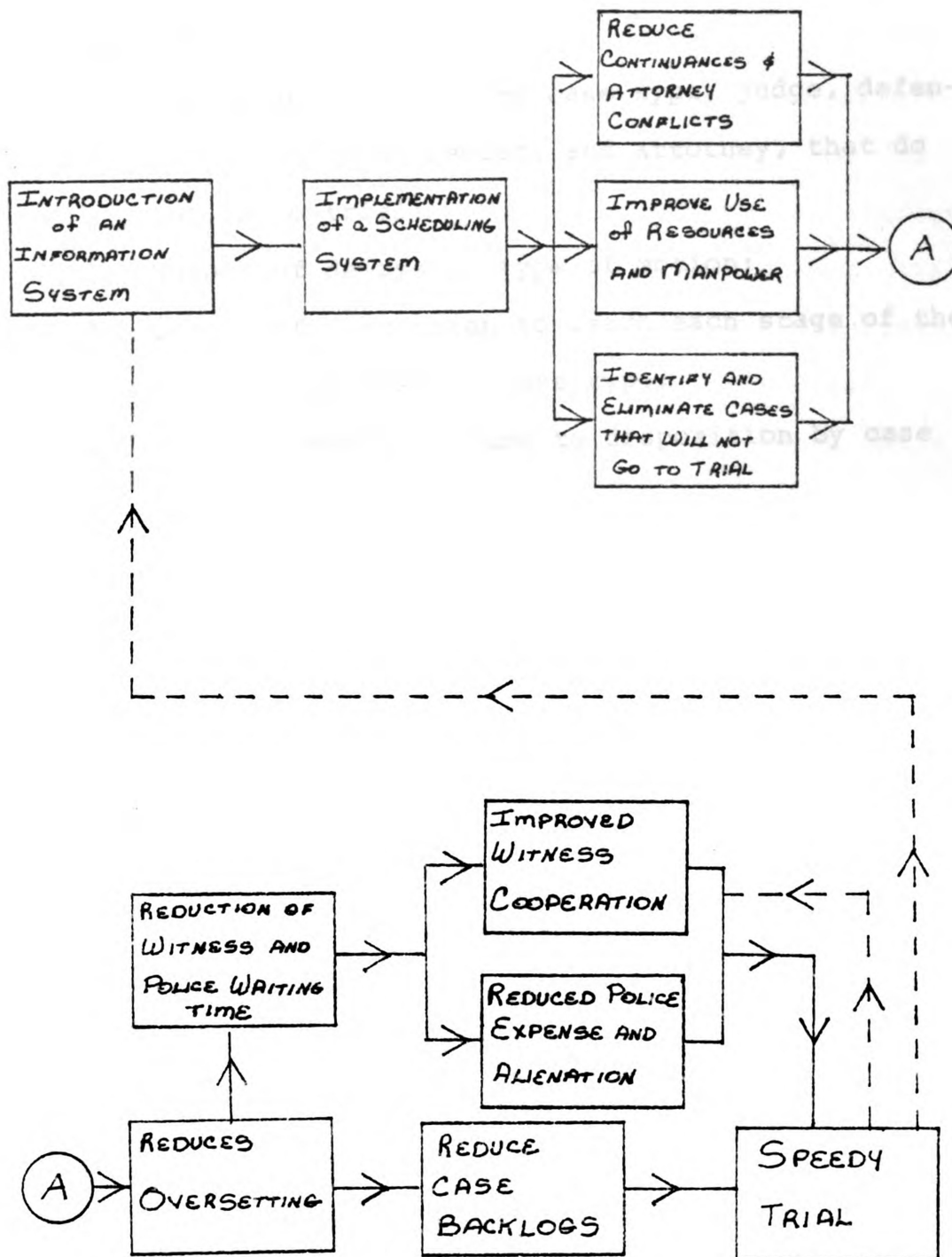


FIGURE 4

Preimplementation Baseline Data

The introduction of an information system provides the data necessary to plan and implement a scheduling system. Among the baseline data necessary to implement a system are:

1. The number of cases by case type, judge, defendant's previous record, and attorney, that do not go to trial;
2. Number of delays by type of motion;
3. Length of time taken to reach each stage of the judicial process by case type;
4. Average length of time to disposition by case type;
5. Available judge courtroom time lost; and
6. Average waiting time for witnesses and police before appearance in a court event.

Resource Allocation

If courts can predict, with any success, the time allocations necessary for any case, it should logically follow that better utilization of the resources of the court should result.

The single most important resource in any court can be the judge's time. Since scheduling at its best is not exact, either judges are going to experience dead court time or have to deal with large enough overset ratios that one foot is always in the hole. Neither seems to be a desirable situation.

Ideally, a scheduling system should impact lost judge court time and allow for a predictive model that keeps oversetting to a minimum. Data that identifies lost judge, staff and courtroom time can give some indication of actual system impact.

Automation, it is argued, can reduce the amount of time necessary in preparing schedules and notifying the participants. A pre-implementation survey of the average preparation and notification compared with the same data after implementation, should show a decrease in clerical time spent on scheduling, if the argument is correct. The baseline data, however, may actually show that there is an increase in preparation time in order to provide the data necessary to impact speedy trial.

Costs of scheduling, for supplies as well as personnel, will most likely be affected by implementation of an automated scheduling system. No one addresses this issue in the literature but it can be a very relevant point to the courts. The cost of preparation on a per case basis for a time period prior and after implementation will give the court some measure of the impact on the overall budget. The costs to the court for effective scheduling may actually be greater than previous methods.

Delays, Continuances and Attorney Conflicts

In the previous chapters, one of the issues discussed, as a cause in backlogs, was the practice where attorneys often overset their own schedules to assure best utilization

of their time. It should be pointed out that attorney schedule oversetting is not the only fact that results in delays, but is perhaps the single most important factor resulting in delays.

It is recommended that, in order to develop a policy addressing continuances, the following baseline data be developed.

1. Delays by attorney;
2. Delays by types of motion;
3. Delays as a result of attorney schedule conflict; and
4. The stages where delays are most apt to happen.

The strategy developed as a result of this baseline data should result in reduction of delays as a result of continuances, attorney conflicts, and motions.

Using the baseline data of the pre and post implementation periods, impact of the strategy should be identifiable.

Cases Disposed Without Trial

It would seem that backlogs and schedules can be inflated by those cases that are disposed prior to the formal proceedings stage.² Identification of this type of case would enable the court to better utilize resources on a priority basis.

²Approximately 90% of all cases in Ingham County are disposed of without trial. The actual percentage varies with the court.

Predictive baseline data for identifying cases likely to be disposed prior to trial include:

1. Case type (charge);
2. Attorney;
3. Previous record of the defendant; and
4. Bail status.

As a result of being able to identify and eliminate from the schedule those cases that will not need formal proceedings, the court should reduce backlogs and schedule dropouts.

Reduced Oversetting

If court can better predict court scheduling, by using improved data and applying it to reduce continuances, improve the use of resources, and identify cases which will not go to trial, the need for oversetting can be reduced.

Figure 1, in Chapter IV dramatically demonstrates the negative impact of oversetting, as a result of the lack of control of these variables.

To determine whether the impact of these factors is a reduction of oversetting, data would need to be collected that identifies:

1. The average number of cases disposed per judge;
and
2. The average number of cases scheduled.

Reduced oversetting should, if the conceptional model projected in the literature is correct, result in reduced case backlogs and reduced police and witness waiting time.

Witness Impact

Delays and long waits before events, according to the INSLAW staff, result in witness alienation, however, as with many of the claims in the literature, there is NO research now in print, that supports this claim. It does, however, seem like a logical assumption that can be proven.

It is recommended that a simple questionnaire be prepared asking each witness to express, in his own words, his impressions of the experience. A second question on the questionnaire could ask if he would be willing to testify again, if, during another case, the occasion should arise. Figure 5 is offered as a possible format for the questionnaire.

If the INSLAW supposition is true, then those who experienced delays or long waits would have the most negative impressions of the court and be least willing to testify.

Assuming the hypothesis is correct, then if a scheduling system can reduce the waiting time of witnesses, it should follow that witness alienation should decrease and that witness willingness to cooperate with the courts in trials should increase.

Data that could indicate the impact of reduced waiting time for witnesses are:

WITNESS QUESTIONNAIRE

Name _____ (optional)

Case _____ (optional)

Time and Date told to appear _____

Amount of time you waited before testifying _____

Did you feel the delay, if any was justified? Yes _____ No _____

Approximate amount of time on the stand _____

Briefly describe your impressions of your total experience
(examples: good, because or bad, because):

Would you, if the occasion should again arise, be:

- _____ 1. Very willing to testify in this court.
- _____ 2. Somewhat willing to testify in this court.
- _____ 3. Reluctant to testify in this court.
- _____ 4. Would not want to testify in this court.

Why:

1. Average witness waiting time prior to appearance in a court event;³
2. The percentage of witnesses who express alienation toward the court, as a result of delays or long waits; and
3. The percentage of witnesses willing to testify, within the court, if the need should arise, at a future date.

Police Impact

Lost police time, awaiting appearances in court, either results in the police agency having to pay overtime or losing available manpower during the shifts that coincide with court time. Both, it has been argued, mean that available police resources are not being effectively used.

Police officers may actually feel the same alienation toward courts, after an appearance, that it is theorized witnesses experience. When police feel animosity towards the courts and are reluctant to testify because of long waits and delays, it could be questioned as to whether anyone, other than the accused, benefits.

It is recommended that the witness questionnaire be used in a pre and post test situation for police.

It should be recognized that reduced waiting time is not, as is true with witnesses, the only issue that results in police alienation. The perceived quality of

³Some consideration may want to be given to witnesses who waited to appear but are not called to testify.

dispositions and the lack of assured adjudication can also affect the attitudes.

The average number of appearances per month, for an officer, in a court can also affect police attitudes and data identifying this average can be useful.

The single most important impact for police administration could be in the reduced overtime and additional manpower resulting from less police court time. Impact data should identify the dollar cost prior and after implementation for police court appearances.

It can be assumed that speedy trials, the end desired result of a court scheduling system, therefore can affect police cooperation. Though this may not be a definable measure, the data should show some correlations that can indicate this relationship.

Reduced Backlogs

The reduction of backlogs is the key element to speedy trials. The lesser the number of cases awaiting trial the faster a case can be processed.

The obvious data needed to determine if there is a reduction in backlogs, is the number of cases awaiting trial. Pre and post implementation data should show the relationship of the scheduling system to backlogs.

Data should be kept by case type because there is a possibility that the backlog of certain types of cases may not be affected by a systemic approach.

Speedy Trial

As previously noted, in People v. Collins, the State of Michigan established length and reason for delay as the measurable criteria for determining whether or not speedy trial conditions were violated.⁴

Michigan law specifically states the maximum delays allowable, without waiver, between events. The minimum goal of a scheduling system should be to meet the minimum speedy trial time requirements of the law by the use of better court scheduling.

If all the courts in the county could meet this goal without requesting waivers, as a standard operational procedure,⁵ the use of a scheduling system would be justified.

For courts like 55 District Court, where all the cases now meet speedy trial time requirements, the goal should be modified to reduce the delays even further. A 12 day delay before preliminary exam or a 6 months delay before trial are not justifiable when the accused, under our system of law, is assumed innocent until proven guilty. It is difficult to defend these time lapses as "speedy."

The INSLAW staff identified the Multnomah County Circuit Court evaluation project in Oregon as one of the best

⁴People v. Collins

⁶54A District Court does, quite often, request defendants to waive their speedy trial rights.

evaluations of scheduling impacts. The project uses the following performance measures to determine impact on speedy trial:

1. Net change in pending case load by type of case;
2. Age distribution of pending cases, by type of case; and
3. Medium time lapsed from arrest to trial.⁶

II. HYPOTHETICAL SCHEDULING IMPACT MODEL:

POST IMPLEMENTATION IMPACT

The successful implementation of a scheduling system, with speedy trial as the end product, will oftentimes have other effects on the courts. Figure 6 represents possible alterations that may result from implementation.

The model does not exhaust the alternatives but represents the most logical outcomes.

Less Reversals

The defense, of the violation of speedy trial guarantees, does result in reversals of lower court finding. The exact number of petitioned appeals and the percentage of reversals are relevant issues that affect court case-loads. Often appellate courts will remand cases back to the lower court on reversals. This sort of data will be useful in evaluating the effect of speedy trials.

An additional benefit to the courts could be that,

⁶Guide to Court Scheduling, pp. 38-39.

HYPOTHETICAL SCHEDULING IMPACT MODEL

POST IMPLEMENTATION IMPACT

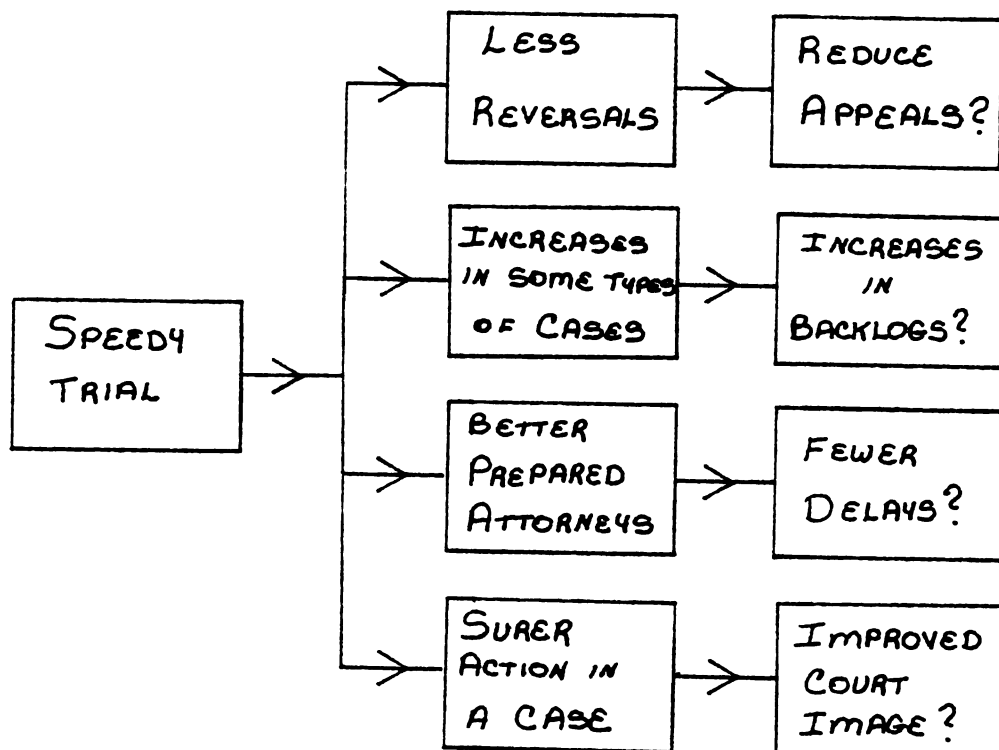


FIGURE 6

as the result of publicized lower reversal rates, there will be a reduction in appeals by attorneys.

Increase in Some Types of Cases

There is no doubt that police and prosecutors do not aggressively pursue some types of cases, because of their relative low priority and the futility of processing a case through the overloaded court system. However, if backlogs are reduced and speedy trials are a fact, there may be a tendency to increase emphasis on some of these case types.

The result of increased emphasis on these types of cases may be an increased backlog. Further penetration of cases into the court flow and increased allocation of participant recourses to a case may add to this problem.

Whether or not this will be an end result, with backlogs of one case type replacing those of another case type, the court should monitor this type of data in order to stay atop of any changes in prosecution emphasis.

Better Prepared Attorneys

A strong court policy on continuances, will mean that attorneys can be assured of their cases going on the scheduled date and time. Because of this assurance, attorneys will be better prepared at trial time.

A natural spin-off of better prepared attorneys can be fewer court delays, resulting in improved scheduling predictability.

Surer Action in a Case

The INSLAW findings of recidivists using the inadequacies of the court scheduling to their advantage, offers a possible impact usually inferred but directly addressed in the literature.

The impact on the court image and its impact on police and witness cooperation could be quite positive, if they know that the case they are participating in will result in final disposition.

War stories, by past witnesses, describing long delays and continuances, are common to all courts. Most people who have ever participated in a case know the frustrations and help to create the negative image of the courts.

Surer action may also result in reduced backlogs because of the threat to the defendant that he will be able to evade a disposition. The result could be more pleas entered.

III. CONCLUSION

The impact of a scheduling system, as a result of an information system, can be both positive and negative. Until such time as some statistical data either supports or refutes the theoretical suppositions, the questions remain issues of debate within the literature.

Almost all of the literature emphasizes the possible positive impact of court scheduling, however, there may

be some negative results that should be considered.

The Wilkins research in Chapter I indicates that decision-makers continue to want more and more information to reinforce their decisions. It would be quite easy to get caught in an expand cycle that requires greater amounts of data. The important factors to consider are resources and manpower allocations to data collection and the amount of actual data that can be handled by the decision-makers.

Attorneys may actually decide to oppose a new system and instead of better preparation for cases, they may refuse to cooperate with the courts. Court administrators are going to have to maintain a close working association with the Bar and at the first signs of opposition, these administrators are going to have to react.

The utilization of court time may be easier to abuse once participants in a court system perceive less restraint on available time. The danger is real and could actually increase scheduling problems.

There is always the possibility of surer action resulting in negative attitude from witnesses. If dispositions are perceived as lenient and if the opposite of what was expected, the result can be lesser witness cooperation.

Many of these questions, both positive and negative can be answered after establishing a data base and implementing a system. Only then can a court actually answer the issues raised in the literature.

ATTACHMENT A
INFORMATION NEEDS QUESTIONNAIRE
FOR REGION VI COURTS

ATTACHMENT A



Thirtieth Judicial Circuit of Michigan

City Hall

Lansing, Michigan

48933

JACK W. WARREN
 RAY C. HOTCHKISS
 JAMES T. KALLMAN
 THOMAS L. BROWN
 MICHAEL G. HARRISON
 Circuit Judges

The enclosed questionnaire is designed to assist us in determining data needs, availability and usefulness for the courts of the Tri-County region.

The Court's Task Force is attempting to assess the feasibility of providing computerized data processing methods to help our courts in the never-ending struggle to keep track of our caseload, and your cooperation in helping us by completing this questionnaire would be greatly appreciated.

Our researcher will assist you in recording your contribution to this survey. We are not seeking any number of cases or other statistical data, but rather your impression of the availability and usefulness of this data to your court.

The following scales are being employed for the study:

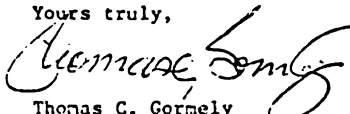
D Rating: Desirability of this item of information within your court.
 D1 - Very Useful
 D2 - Somewhat Useful
 D3 - Slightly Useful
 D4 - Not Useful

A Rating: Availability of information at your court.
 A1 - Always Available
 A2 - Usually Available
 A3 - Available at periodic intervals (but at least monthly)
 A4 - Sometimes Available
 A5 - Seldom Available (only by intensive searching)
 A6 - Never Available

If you have any questions, please feel free to contact me at 485-1706, or our researcher, Gary Acker, from the MSU College of Criminal Justice, at 353-4760.

Thank you for your valuable time, and we will keep you advised as further developments come along.

Yours truly,


 Thomas C. Gormely
 Circuit Court Administrator

ATTACHMENT A

INFORMATION NEEDS QUESTIONNAIRE

FOR REGION VI COURTS

| | All Courts | | Ingham w/Probate | | Ingham w/out Probate | |
|---|---------------|-----|---------------------|-----|----------------------------|-----|
| | D | A | D | A | D | A |
| I. Case Information | | | | | | |
| 1. Uniform Docket Number | 2.2 | 4.4 | 1.3 | 4.0 | 1.5 | 3.0 |
| 2. Type & Seriousness of Charges(s) | 1.1 | 2.1 | 1.2 | 3.2 | 1.2 | 2.7 |
| 3. Place in the Flow of Courts Events (Current Case Status) | 1.3 | 1.7 | 1.6 | 2.4 | 1.5 | 2.0 |
| 4. Date(s) of Commission of Crime(s) | 1.5 | 1.6 | 1.6 | 2.2 | 1.2 | 1.7 |
| 5. Date of Arrest & Arresting Officer | 1.4 | 1.6 | 1.4 | 2.2 | 1.2 | 2.0 |
| 6. Defense & Prosecut- ing Attorneys | 1.1 | 1.9 | 1.3 | 2.5 | 1.2 | 2.7 |
| 7. Witness List | 2.1 | 2.4 | 1.6 | 2.8 | 2.0 | 3.0 |
| 8. Co-Defendants | 1.2 | 2.0 | 1.5 | 2.3 | 1.0 | 2.0 |
| 9. Status of Defendant while awaiting final disposition (i.e., bond, incarceration, probation continuance, ROR, diversionary pro- gram, held by other than local authori- ties, etc.) | 1.0 | 2.4 | 1.0 | 3.6 | 1.0 | 3.0 |
| 10. Plea(s) negotiated | 1.3 | 2.1 | 1.6 | 2.4 | 1.7 | 2.5 |
| 11. Case postponements & cause of postpone- ments | 1.0 | 2.5 | 1.0 | 3.8 | 1.0 | 3.2 |

| | | All Courts | | Ingham w/Probate | | Ingham w/out Probate | |
|-----|---|---------------|-----|---------------------|-----|----------------------------|-----|
| | | D | A | D | A | D | A |
| 12. | Case dismissal: | | | | | | |
| | a. Sua Spoute | 1.7 | 2.1 | 2.4 | 3.2 | 2.2 | 3.7 |
| | b. Prosecutor's motion | 1.6 | 1.7 | 2.2 | 2.4 | 2.0 | 2.7 |
| | c. Defense motion | 1.6 | 1.7 | 2.1 | 2.3 | 2.0 | 2.7 |
| 13. | Nolle Prosequere | 1.7 | 1.7 | 2.4 | 2.4 | 2.2 | 2.7 |
| 14. | Penal Statute for the Charge (Criminal law citation MCLA; MSA) | 1.6 | 2.0 | 2.1 | 2.8 | 2.0 | 2.7 |
| 15. | Special Conditions and/ or decisions of the Judge which may be raised on an appeal | 1.8 | 2.2 | 2.5 | 3.5 | 1.7 | 2.7 |
| 16. | Final Disposition | | | | | | |
| | a. M.C.C. - Sentence | 1.7 | 2.7 | 2.1 | 3.8 | 2.2 | 3.7 |
| | b. County Jail - Sentence | 1.2 | 1.7 | 1.4 | 2.4 | 1.0 | 1.5 |
| | c. Probation - Length & Conditions | 1.2 | 1.6 | 1.4 | 2.2 | 1.0 | 1.5 |
| | d. Fine (amount) | 1.3 | 1.8 | 1.6 | 2.6 | 1.2 | 1.7 |
| | e. Costs (amount) | 1.3 | 2.3 | 1.5 | 3.1 | 1.2 | 1.7 |
| | f. Reimbursement | 1.2 | 2.3 | 1.3 | 3.1 | 1.2 | 2.5 |
| 17. | Jury Trial or Judge Trial | 1.2 | 1.7 | 1.5 | 2.3 | 1.0 | 1.7 |

II. Individual Respondent Data

| | | | | | | | |
|----|------------------------------|-----|-----|-----|-----|-----|-----|
| 1. | Name, including all AKA's | 1.2 | 2.3 | 1.0 | 2.8 | 1.0 | 1.7 |
| 2. | Sex | 2.2 | 3.7 | 2.3 | 4.6 | 2.2 | 4.5 |
| 3. | Race | 2.3 | 3.5 | 2.5 | 4.3 | 2.5 | 4.0 |
| 4. | Fingerprints | 3.7 | 4.5 | 3.6 | 4.8 | 3.5 | 4.5 |
| 5. | Date of Birth and/ or Age | 1.5 | 2.6 | 1.5 | 2.6 | 1.5 | 2.5 |
| 6. | Address - Last Known | 1.3 | 2.3 | 1.3 | 2.1 | 1.2 | 1.5 |

| | All Courts | | Ingham w/Probate | | Ingham w/out Probate | |
|--|------------|-----|------------------|-----|----------------------|-----|
| | D | A | D | A | D | A |
| 7. Prior Arrests | 1.5 | 2.9 | 2.0 | 3.8 | 2.2 | 3.7 |
| 8. Prior Convictions | 1.2 | 2.5 | 1.2 | 3.0 | 1.2 | 2.7 |
| 9. Cases outstanding & their status against the respondent for: | | | | | | |
| a. Your court | 1.1 | 1.9 | 1.3 | 2.6 | 1.0 | 2.2 |
| b. Other regional courts (Ingham, Eaton, Clinton) | 1.5 | 4.0 | 1.1 | 4.6 | 1.2 | 4.2 |
| 10. Employment & Fiscal Status | 1.7 | 2.7 | 2.0 | 4.1 | 1.7 | 3.2 |
| 11. Previous Substance Abuse history & known treatment | 1.4 | 2.7 | 1.8 | 3.8 | 1.5 | 2.7 |
| 12. Previous diversionary & treatment programs the respondent has been involved with | 1.0 | 3.0 | 1.1 | 4.3 | 1.2 | 4.2 |
| 13. Results of prosecutor's character investigation | 2.1 | 4.5 | 2.2 | 4.2 | 2.0 | 4.2 |
| 14. Results of Court's (ROR or Probation) | 1.4 | 1.8 | 1.8 | 2.5 | 1.5 | 2.2 |
| 15. Present Charge(s) & Seriousness of Case(s) | 1.2 | 2.1 | 1.5 | 3.1 | 1.0 | 2.2 |
| 16. Outstanding warrants against the respondent | 1.4 | 2.5 | 1.1 | 3.5 | 1.0 | 3.0 |
| 17. At the time of the arrest was the individual on probation, parole, or other. | 1.1 | 2.9 | 1.2 | 3.0 | 1.2 | 2.2 |
| 18. Specify other information useful to the Judge and/or probation officer | 1.0 | 3.0 | 1.0 | 5.0 | - | - |

| | | All Courts | | Ingham w/Probate | | Ingham w/out Probate | |
|------|---|---------------|-----|---------------------|-----|----------------------------|-----|
| | | D | A | D | A | D | A |
| III. | General Court Information | | | | | | |
| 1. | A Master Felony Calendar | 1.7 | 4.8 | 1.2 | 4.6 | 1.0 | 5.0 |
| 2. | A Master Misdemeanor Calendar | 2.1 | 5.4 | 1.8 | 5.0 | 1.7 | 5.5 |
| 3. | A Master Civil Calendar | 2.0 | 4.6 | 1.3 | 4.3 | 1.0 | 4.5 |
| 4. | A Master Sentencing Calendar | 2.1 | 4.7 | 1.8 | 5.4 | 1.5 | 5.5 |
| 5. | A Master Hearing, or Motion Calendar | 1.7 | 4.2 | 1.3 | 4.5 | 1.2 | 4.5 |
| 6. | A Master Juror Management System | 2.2 | 4.5 | 2.0 | 4.4 | 2.2 | 4.3 |
| 7. | Number of Cases Pending According to: | | | | | | |
| | a. Charge | 2.0 | 4.2 | 1.6 | 5.2 | 1.7 | 5.2 |
| | b. Time awaiting adjudication of charges & sentencing | 1.5 | 2.7 | 1.0 | 3.6 | 1.0 | 3.2 |
| | c. Status of case | 1.5 | 3.0 | 1.0 | 4.0 | 1.0 | 3.7 |
| | d. Cases on adjournments & continuances | 1.3 | 3.5 | 1.0 | 4.3 | 1.0 | 4.0 |
| | e. Attorney | 1.8 | 4.0 | 1.8 | 5.1 | 2.2 | 5.7 |
| | f. Respondent | 1.1 | 2.8 | 1.1 | 3.5 | 1.0 | 3.2 |
| | g. ROR | 2.2 | 3.7 | 2.5 | 4.6 | 2.2 | 4.5 |
| | h. Cash bond | 1.8 | 2.8 | 2.3 | 4.0 | 2.0 | 3.2 |
| | i. Respondents with current charges pending in other courts | 1.3 | 4.3 | 1.0 | 4.8 | 1.0 | 5.0 |
| | j. Any demographic data available under "Respondent" and/or "Case" Information Sheets | 2.0 | 3.6 | 1.8 | 5.0 | 1.7 | 5.0 |

| | All Courts | | Ingham w/Probate | | Ingham w/out Probate | |
|---|------------|-----|------------------|-----|----------------------|-----|
| | D | A | D | A | D | A |
| 8. Number of specific charges, or counts, referred to court versus number of charges at final adjudication | 1.8 | 4.0 | 1.8 | 4.5 | 2.0 | 4.5 |
| 9. Specific trends in case loads by | | | | | | |
| a. Seasonal or other cycles | 2.2 | 4.3 | 2.1 | 5.5 | 2.7 | 5.2 |
| b. Charges | 2.0 | 4.3 | 2.0 | 5.6 | 2.0 | 5.5 |
| c. Court appointed vs. hired attorneys | 1.6 | 4.0 | 1.6 | 4.8 | 2.0 | 5.2 |
| d. Civil vs. Criminal vs. Ordinance | 1.6 | 2.4 | 1.3 | 3.3 | 1.2 | 3.0 |
| e. Economic & Social Trends | 2.3 | 4.7 | 2.5 | 6.0 | 2.5 | 6.0 |
| f. Negotiated Pleas | 1.6 | 3.5 | 2.1 | 5.5 | 2.0 | 5.2 |
| g. Final disposition | 1.5 | 3.2 | 1.0 | 3.8 | 1.0 | 4.0 |
| h. Mistrials | 2.1 | 4.0 | 2.6 | 4.8 | 2.5 | 5.2 |
| i. Dismissals | 1.7 | 3.4 | 1.8 | 3.8 | 1.7 | 3.7 |
| j. Sentencing | 1.5 | 3.7 | 1.4 | 4.4 | 1.5 | 4.0 |
| k. Other indicators: specify | 1.0 | 4.0 | 1.0 | 4.5 | 1.0 | 5.0 |
| 10. Formal priority scheduling system according to seriousness of the charge, criminal conviction record, and time awaiting disposition (in custody) (on bond). | 1.9 | 2.8 | 1.8 | 4.4 | 1.5 | 4.2 |
| 11. Number of Cases using Jury by | | | | | | |
| a. Attorney | 2.1 | 4.4 | 1.6 | 5.6 | 2.0 | 5.7 |
| b. Reaching final adjudication and verdicts rendered | 2.1 | 3.9 | 1.6 | 4.8 | 2.0 | 4.5 |
| c. Time spent in jury trials (by case type) | 2.0 | 3.3 | 1.3 | 4.3 | 1.2 | 4.5 |
| d. Jury trials commenced but terminated prior to verdict | 2.0 | 3.2 | 1.5 | 4.5 | 1.5 | 4.2 |
| e. Other: specify | - | - | - | - | - | - |

| | | All Courts | | Ingham w/Probate | | Ingham w/out Probate | |
|-----|--|---------------|-----|---------------------|-----|----------------------------|-----|
| | | D | A | D | A | D | A |
| 12. | Number of cases using Judge by: | | | | | | |
| | a. Attorney | 2.0 | 4.0 | 1.5 | 5.0 | 1.7 | 5.7 |
| | b. Reaching final adjudication and verdicts rendered | 2.2 | 3.4 | 1.8 | 4.1 | 2.2 | 4.5 |
| | c. Time spent in Judge trials (by case type) | 1.9 | 3.7 | 1.6 | 5.0 | 2.0 | 5.7 |
| | d. Judge trials commenced but terminated prior to verdict | 2.0 | 3.7 | 1.5 | 5.1 | 1.7 | 6.0 |
| | e. Other: specify | - | - | - | - | - | - |
| 13. | Number of warrants issued vs. number of cases bound over on the information: | | | | | | |
| | a. Felonies dismissed in district court | 2.5 | 5.0 | 1.6 | 5.4 | 1.5 | 5.2 |
| | b. Felonies reduced to misdemeanors in district court | 2.6 | 5.0 | 1.8 | 5.4 | 1.5 | 5.2 |

IV. Other available data sources:

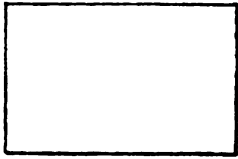
| | | | | | | | |
|----|--------------------------------------|-----|-----|-----|-----|-----|-----|
| 1. | Secretary of State | 1.4 | 2.5 | 1.3 | 3.8 | 1.2 | 3.0 |
| 2. | LEIN | 1.5 | 2.7 | 1.8 | 4.1 | 1.2 | 3.7 |
| 3. | Health department (vital statistics) | 1.6 | 3.3 | 1.6 | 4.5 | 2.0 | 4.5 |
| 4. | Judicial Data Center | 2.0 | 4.8 | 1.3 | 4.6 | 1.0 | 5.2 |
| 5. | Department of Corrections | 1.5 | 3.1 | 1.8 | 4.2 | 1.2 | 3.7 |
| 6. | Local Police arrest records | 1.2 | 2.9 | 1.2 | 4.0 | 1.2 | 3.7 |

V. Desirability of using computer generated data for preparation of the following:

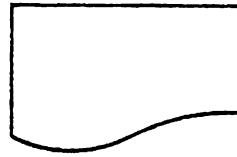
| | All Courts | Ingham w/Probate | Ingham w/out Probate |
|---|---------------|---------------------|----------------------------|
| | D | D | D |
| 1. State Supreme Court Records | 1.5 | 1.8 | 1.2 |
| 2. Reports to other courts in this region | 2.0 | 1.3 | 1.5 |
| 3. Reports to other jurisdictions throughout the State | 2.2 | 2.0 | 1.7 |
| 4. Reports prepared for local legislative body and/or adminis- trators | 2.0 | 1.2 | 1.3 |
| 5. Reports prepared for other criminal jus- tice agencies | | | |
| a. Prosecutor | 2.0 | 1.4 | 1.2 |
| b. Law Enforcement Agencies | 2.0 | 1.4 | 1.2 |
| c. Correctional or Jail Authorities | 1.9 | 1.2 | 1.2 |

ATTACHMENT B
FELONY FLOW CHART

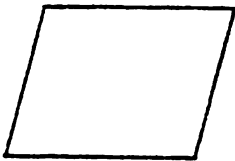
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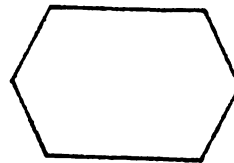
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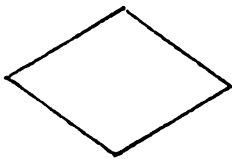
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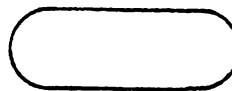
INPUT/OUTPUT



PREPARATION



DECISION



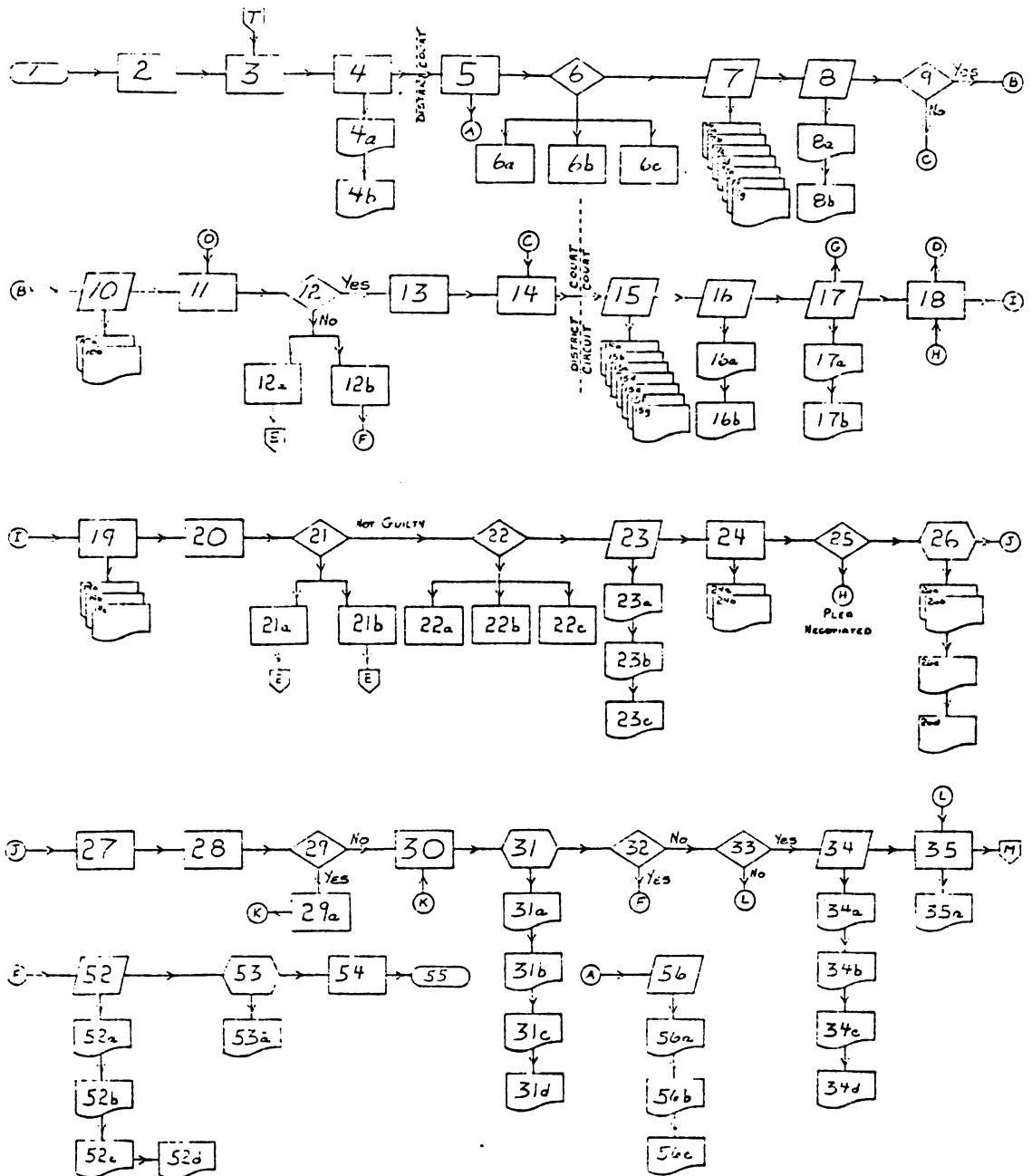
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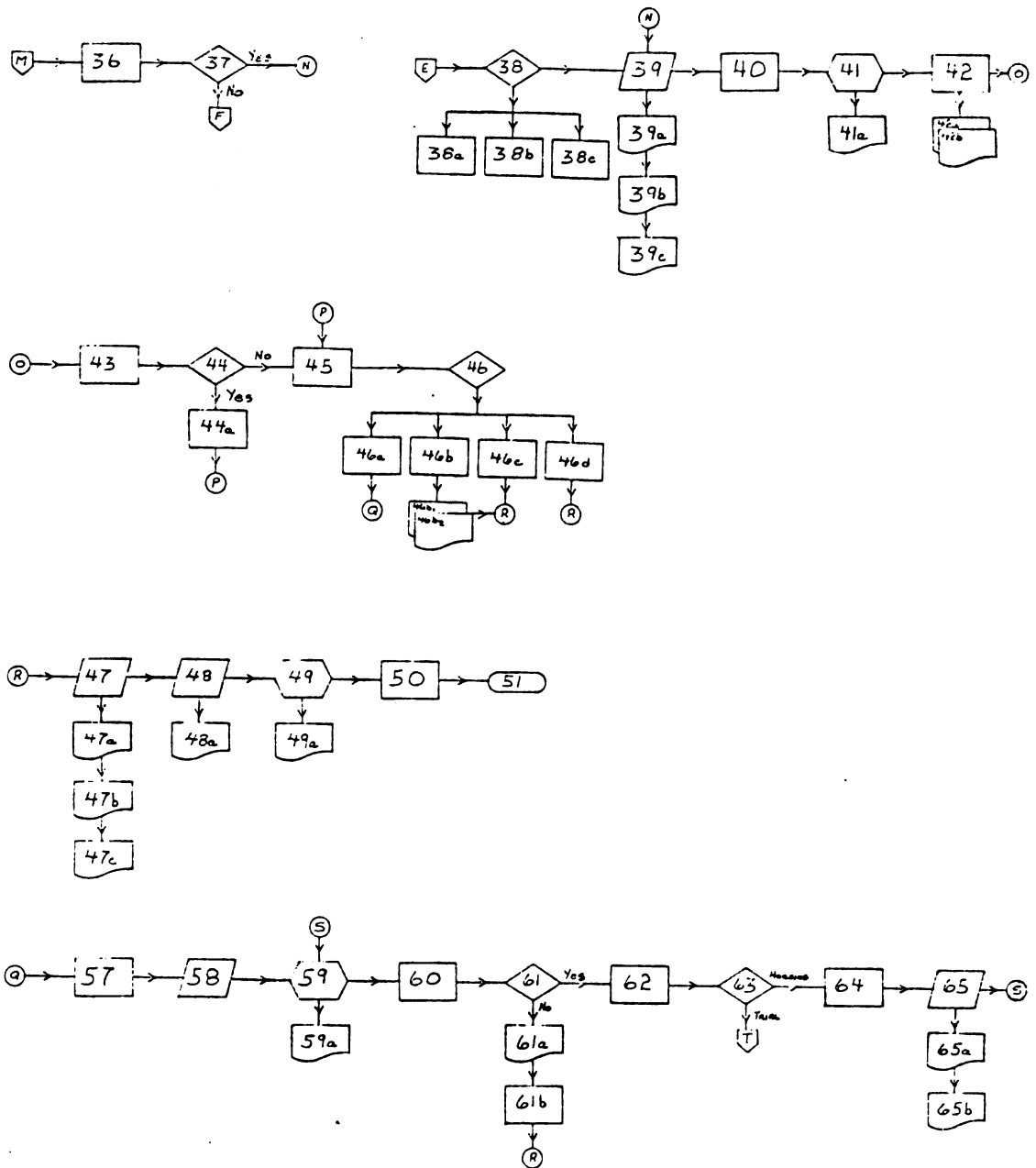
CONNECTOR

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CONNECTOR

FELONY FLOW CHART



FELONY FLOW CHART



ATTACHMENT B

KEY TO FELONY FLOW CHART

1. Arrest (sometimes warrant issued prior to arrest) - police function.
2. Booking - police function - done at either appropriate City Hall, Township Police Office, or County Jail.
3. Warrant - police present warrant to the judge.
4. Bail Project Interview - Ingham County Bail Project (Funded through the Circuit Court); interview each felony defendant and prepare the following documents prior to District Court arraignment:
 - a. Ingham County Pretrial Release Information Form - designed to offer the judge the information necessary to determine bail status of the defendant. It should be noted that the Bail Project does not have access to previous records nor can the project seek information from other criminal justice agencies.
 - b. Affidavit of Financial Condition - used by the Circuit Court Administrator to determine the eligibility of defendant for a court appointed attorney.
5. Arraignment in District Court - Point 56 describes the documents presented at this time.
6. District Court Judge does one of the following:
 - a. Sets bail.
 - b. Releases on recognizance (PR Bond).
 - c. Detains the defendant at county jail.
7. Circuit Court Administrator determines whether defendant eligible for court appointed attorney and if eligible, appointment notice sent to:
 - a. County clerk - original
 - b. Prosecutor
 - c. District Court
 - d. Appointed Defense Attorney

- e. Bail Project
 - f. Circuit Court Administrator
 - g. Defendant
8. District Court creates the following:
- a. Liber or Docket Card (varies with the court).
 - b. File folder (contains all the items under **(A)**).
9. Preliminary Exam Requested?
- YES - proceeds through flow.
- NO - proceeds to bound over to Circuit Court.
10. Defense Attorney Files Appearance - copies to:
- a. District Court Clerk - Original
 - b. Prosecutor
11. Preliminary Exam held.
12. Bound over to Circuit Court on felony charge?
- YES - proceeds through flow.
- NO - instead of being bound over
- 12a. Defendant pleads to a lesser charge and 38 to completion then should be considered a misdemeanor flow through District Court.
 - 12b. Case dismissed and 52 should be considered a District Court function, with only one docket card (or Liber).
13. District Court Judge binds over the case to Circuit Court.
14. District Court assigns the defendant to the next Circuit Court arraignment date.
15. Court file transferred from district court to County Clerk. File should contain the following:
- a. Complaint
 - b. Warrant

- c. Return to Circuit Court
 - d. Bond
 - e. Information (if available, will usually be filed at point 19).
 - f. Pretrial Release Form
 - g. Attorney Appearance
16. File created and judge assigned by draw.
- a. File folder created and entries made.
 - b. Original County Clerk docket card created and entries made on card pertaining to process to date.
17. Assignment Clerk receives information from County Clerk about the case and prepares the following:
- a. Assignment schedule - Schedule prepared on Thursday for Friday session.
 - b. Assignment clerk docket card with same entries as County Clerk docket card.
- ③ Information includes:
- a) File number
 - b) Defendant
 - c) Address
 - d) Charge
 - e) Defense Attorney
 - f) Arresting Officer
 - g) Date of arrest
 - h) Other information available.
18. Arraignment held at Circuit Court
- ④ If the defendant waived a preliminary exam at District Court and he was not represented by counsel, the judge may remand the case back to District Court for such action.

- Ⓜ If a negotiated plea is agreed upon the plea will be taken at this time.

19. Prosecutor presents and reads into the record the information, a standard form used in all criminal cases. The reading of the information into the record may be waived by the defense. The Prosecutor will hand deliver copies at the arraignment to the following:
 - a. Judge - becomes the copy that the County Clerk enters into the official court folder.
 - b. Defense Attorney
 - c. Defendant - optional copy
20. Judge questions the defendant for the record. Information includes name, address, employment, and other information about the individual.
21. Plea entered by defense.
Not guilty - proceeds through flow to trial.
 - a. Nolo Contendere - proceeds to point 38.
 - b. Guilty - proceeds to point 38.
22. Bail determined by Circuit Court Judge.
 - a. Bail or PR bond continued.
 - b. Bail or bond increased or decreased, or the defendant released from detention.
 - c. Detention continued.
23. Arraignment proceedings recorded in:
 - a. Court journal;
 - b. County Clerk docket card; and
 - c. Assignment Clerk docket card.
24. Pretrial is scheduled by Prosecutor and hearing notices sent to:
 - a. Prosecutor's file
 - b. Defense
25. Pretrial is held. No court official attends and no record is kept of the proceedings.

Ⓜ If a plea is negotiated the case returns to point 18.

26. Trial schedule is prepared by the Prosecutor's Office and the following are prepared:
 - a. Assignment Clerk prepares individual judge schedules.
 - b. Assignment Clerk prepares individual defense attorney trial notices.
 - c. Assignment Clerk docket card entries made.
 - d. County Clerk docket card entries made.
27. Schedules are sent by Assignment Clerk to the judge and defense.
28. Pre-trial motions are filed by defense and prosecution. All motions should be filed prior to trial. This does not always happen, however.
29. Judge requests briefs?

NO - Proceeds with flow.

YES - a. Both sides present their briefs in writing and proceed to point 30.
30. Judge presents his opinion on the motion(s). This may or may not be in writing.
31. The prevailing party prepares the written order of the judge for his signature.
 - a. Original filed in court file and copies retained by defense and prosecution.
 - b. Court journal entries are made.
 - c. County Clerk docket card updated.
 - d. Assignment Clerk docket card updated.
32. Case dismissed as a result of motions?

NO - Proceeds through flow.

YES - Proceeds to point 52 and case is closed.
33. Jury trial is waived by defense?

YES - Proceeds through flow.

NO - Proceeds to point 35 (L).

34. Defense files waiver with County Clerk.
 - a. Original waiver filed in case file.
 - b. Journal entry is made.
 - c. County Clerk docket card is updated.
 - d. Assignment Clerk docket card is updated.
35. Trial is scheduled and held. Scheduling is done by Prosecutor's office according to the following:
 - 1) 30-50 cases are scheduled for each of the 5 judges for 3 week periods. About 93% of all cases plea out before trial.
 - 2) Priority will be according to the following:
 - a) Persons in jail for more than 6 months and charged with an offense with a maximum sentence of 20 years or more.
 - b) Persons in jail for more than 6 months and charged with an offense with a maximum sentence of less than 20 years.
 - c) Persons on bond and with maximum sentences of 20 years or more. Oldest cases are scheduled first.
 - d) Persons on bond and with maximum sentences of less than 20 years. Oldest cases are scheduled first.
 - e) The age of the case.
 - 3) The Prosecutor's office delivers to the Assignment Clerk the trial schedule 30 days prior to the start of the new schedule.
 - 4) The Assignment Clerk forwards copies of the individual judge's schedule to the judge's secretary. She in turn forwards the schedule to the defense.
- a. Journal Entries are made of all trial proceedings. It should be noted that the court clerk maintains informal notes on the proceedings to make the journal entries.

36. The verdict is delivered.
37. Is the defendant found guilty?
 - YES - Proceeds to point 39.
 - NO - Proceeds to point 52 and case closed.
38. Bail continuance determined.
 - a. Bail or bond is continued.
 - b. Bail or bond is increased or decreased, or defendant released from detention prior to sentencing.
 - c. Detention is continued.
39. Trial Proceedings recorded.
 - a. All documents are placed in case file folder.
 - b. County Clerk docket card is updated.
 - c. Assignment Clerk docket card is updated.
40. Sentencing date is set by judge at the time the verdict is delivered.
41. Probation office prepare:
 - a. Presentence Investigation Report (PSI).
42. Probation sends PSI to judge:
 - a. Original judge's copy and becomes part of case file. Counsel may review judge's copy.
 - b. Copy retained by the Probation Office.
43. Judge holds Sentence Hearing.
44. PSI is challenged?
 - NO - Proceeds through flow.
 - YES - a. Counter arguments are presented by counsel and then proceeds to point 45.
45. Judge gives sentence to defendant.
46. Sentence
 - a. Probation - proceeds to point 57.

b. Incarceration

1) Conviction Register prepared and original sent to Dept. of Corrections.

2) Copy of Conviction Register sent to case file.

Proceeds to point 47.

c. Suspend Sentence - proceeds to point 47.

d. Fine - proceeds to point 47.

47. Sentence is recorded in:

a. Court journal;

b. County Clerk docket card; and

c. Assignment Clerk docket card.

48. Judge's secretary prepares and sends to file:

a. Judgment of Sentence Report.

49. Master sentencing report prepared by the court.

a. Master sentencing report - prepared bi-weekly - summarizes all cases closed or placed on probation during the 2 week period.

50. Master sentencing report is sent to all area law enforcement agencies. Major problem is that the report lists only conviction on final charge and not the original charge.

51. File is inactivated and case closed.

52. Court decision of sentencing given - may be any one of those mentioned in 56.

a. Court journal (liber) entries of sentence.

b. County Clerk docket card updated (only in Circuit Court).

c. Assignment Clerk docket card updated (only in Circuit Court).

d. Conviction Register prepared and original sent to proper correctional authorities, if sentenced to incarceration only.

53. Master Sentencing Report prepared bi-weekly.

- a. Master sentencing report - same as 49.
- 54. Sentencing Report sent to area law enforcement agencies.
- 55. File is inactivated and case closed.
- 56. Documents presented at arraignment and placed in court file:
 - a. Pre-trial form (ROR report)
 - b. Affidavit (complaint)
 - c. Warrant
- 57. Probation assumes responsibility for offender.
- 58. Probation file is created and PSI is added.
- 59. Master Sentencing Report prepared bi-weekly.
 - a. Master Sentencing Report - same as 49.
- 60. Sentencing Report sent to all law enforcement agencies.
- 61. Probation violation committed?
 - YES - proceeds to point 52.
 - NO - a. Individual completes probation and Probation Record of Release is sent to judge.
 - b. Judge releases individual and case proceeds to point 47.
- 62. Probation recommends trial or violation hearing depending on the charge or violation.
- 63. Hearing or Trial?
 - Trial - case referred back to point 3 and new trial on charges. The defendant may also be held on violation and probation will be revoked.
 - Hearing - proceeds to point 64.
- 64. Hearing held.
 - 1. Violation charge dropped or defeated - the individual will continue probation.
 - 2. Violation is found valid and probation is dropped or new conditions are placed on the offender.

65. Results of hearing recorded and case proceeds to point 59.
 - a. County Clerk docket card up-dated.
 - b. Assignment Clerk docket card up-dated.

ATTACHMENT C
54A DISTRICT COURT
CASE FLOW

ATTACHMENT C

54A DISTRICT COURT

CASE FLOW

- I. Traffic - Lansing City Ordinance
 - A. Ticket issued, 5 copies
 - 1. 1 to defendant
 - 2. 2 to District Court
 - 3. 1 to Lansing Police Department
 - 4. 1 to City Controller's Office
 - B. Lansing Police Department Traffic Records Division makes list of all tickets issued each day.
 - 1. Takes list to District Court Traffic Violation Bureau.
 - 2. Takes Bureau's 2 copies of ticket.
 - C. Bureau checks file for previous record.
 - D. Traffic Violation Bureau prepares file card containing
 - 1. Name
 - 2. Address
 - 3. Operator License Number
 - 4. Sex
 - 5. Date
 - 6. Violation
 - 7. Disposition
 - E. File card attached to 2 copies of ticket.
 - 1. Set aside for 72 hours, waiting for person to come in and pay ticket.

- F. If person comes in within 72 hours and wishes to pay ticket (plead guilty)
 1. Person signs back of his copy of ticket and surrenders it to court.
 2. Court's 2 copies of ticket are pulled and all 3 copies of ticket plus money goes to cashier.
 - a. cashier balances each day
 - b. takes money to City Treasurer's office
 3. Notation that ticket was paid goes on file card.
 4. Name and docket number handwritten in ordinance docket book.
 - a. docket number determined by:
 - 1) docket number - started at some time with 1, now on 43
 - 2) page number - 1-500 for each docket number, after page 500, go to next docket number
 - b. for tickets paid within 72 hours, numbered each day in order that they are paid
 - 1) 43-269-3 means docket 43, page 269, 3rd ticket paid that day.
 5. Court's 2 copies of ticket plus person's copy goes to typist who types abstract, which is notice to Secretary of State of points assessed.
 6. File card returned to card file.
 7. After abstract sent, all three copies of ticket filed by docket number.
 8. At end of day, page filled out for docket book containing all tickets paid that day and inserted in book. Page contains:
 - a. case number (43-269-2)
 - b. name
 - c. violation
 - d. date of offense
 - e. disposition

- G. If person comes in within 72 hours and wishes to plead not guilty
1. Court's 2 copies of ticket and file card pulled.
 2. Bond set at \$25 by deputy clerk in court office in all cases except:
 - a. personal injury
 - b. speeding over 15 mph
 3. These two cases must be arraigned before judge/magistrate.
 4. Defendant gets receipt from cash register plus the bond is rung on the court's copy of ticket.
 5. Defendant signs bond, 3 copies.
 - a. 1 to defendant
 - b. 2 stay in court
 6. Pre-numbered docket card assigned to case.
 - a. docket number pre-printed
 - b. space for name, violation
 7. Date and time set for trial and handwritten in looseleaf schedule book according to date.
 8. Date of trial noted on defendant's copy of bond.
 9. Name and docket number handwritten in index book.
 10. Date of trial and docket number noted on file card.
 11. Pre-numbered docket card inserted in looseleaf book in alphabetical order.
 12. Blue card filled out in duplicate, contains:
 - a. docket and page number
 - b. name
 - c. date
 - d. appearance for defendant and city

- e. witnesses
 - f. 1 copy to city attorney
 - g. 1 copy bound in book by date of trial
13. Packet prepared containing:
- a. file card
 - b. 2 copies of ticket
 - c. 2 copies of bond
14. On day of trial, packet goes to judge.
15. After trial, judge writes decision on sheet from yellow legal pad and inserts in packet.
16. If found not guilty
- a. defendant receives bond back
 - b. packet filed away alphabetically
 - c. blue sheet pulled from book and put in packet when it's filed away
 - d. decision recorded on file card and replaced in file
 - e. docket card taken out of book, disposition noted, and refiled in different book in numerical order.
17. If found guilty
- a. court officer brings packet and defendant to deputy clerk
 - b. if bond covers amount of fine, rung out of cash register as bond and rung in as fine, otherwise defendant pays difference and it is rung up
 - c. disposition noted on file card and replaced in file
 - d. blue sheet pulled from book and placed in packet
 - e. abstract typed for Secretary of State

- f. packet filed away
- g. docket card pulled from book, disposition noted and refiled in alphabetical order.

H. If person does not come in within 72 hours

1. Warrant filled out after 3 days, signed by judge/magistrate.
 - a. list made of all warrants done every two weeks - 2 copies
 - 1) 1 kept in Violation Bureau of court
 - 2) 1 sent to cashier
 - b. court's 2 copies of ticket plus warrant goes in warrant file.
2. File card goes back in file.
3. Warrant goes to Lansing Police Department to be entered in LEIN.
4. Warrant goes back to warrant file in court.
 - a. warrant file on wheels - every night goes down to LPD, every morning back up to court.
5. 30 days after warrant issued:
 - a. notice of failure to appear mailed to defendant
 - b. date noted on court's copy of ticket
 - c. "N" put on file card in red ink
 - d. tickets moved from warrant file to 30-day notice file.
6. 10 days after failure notice mailed:
 - a. notice sent to Secretary of State to suspend license - 2 copies
 - 1) 1 to Secretary of State
 - 2) 1 attached to ticket
 - b. date noted on court's copy of ticket

- c. "S" put on file card
- d. ticket moved from 30 day notice file to suspended file.

I. If person arrested on warrant

1. During court business hours

- a. defendant taken to police lock-up.
- b. officer gets warrant from court
- c. defendant brought up to court for arraignment
- d. officer brings warrant with defendant, stops in court office to pick up court's copies of ticket and file card
- e. defendant appears before judge
- f. if pleads guilty, same procedure as if he came in within the 72 hours to pay ticket.
 - 1) copy of failure to appear notice which was sent to Secretary of State given to person for him to take there to get license back.
- g. if pleads not guilty, bond set by judge, then procedure the same as if he had come in within 72 hours to plead not guilty.

2. If arrested when court closed:

- a. officer fills out 3 copies of interim bond and collects money
- b. person free to go - gets 1 copy of bond
- c. in morning, money plus 2 copies of interim bond plus warrant brought up to court
- d. court's copies of ticket and file card are pulled
- e. all documents filed alphabetically in interim bond file
- f. Wednesday morning - defendant appears with his copy of bond

- g. file pulled, court officer takes to judge
 - h. defendant pleads
 - i. process then the same as if arrested during court hours.
- J. If person desires extension of time to pay fine
- 1. Must see judge/magistrate to be granted extension.
 - 2. File card pulled and put in extension file - noted on card.
 - 3. Court's copies of ticket also pulled and put in extension file.
 - 4. If fine not paid one week after extension, bench warrant issued and given to police.
 - a. court's copies of tickets and copy of warrant goes in packet and assigned docket and page number
 - b. handwritten in docket book
 - c. noted on file card and returned to regular file
 - d. when arrested, either taken to lock-up or released on interim bond
 - e. procedure then the same as for arrest on regular warrant.

II. Traffic - Michigan Statute

- A. Ticket issued same as ordinance.
- B. Police Traffic Records makes list same as for ordinance.
- C. File checked for previous record.
- D. Card file prepared.
- E. File card attached to 2 copies of ticket and filed alphabetically for 72 hours.
- F. If person comes in within 72 hours and wishes to pay ticket (plead guilty)

1. Person signs back of ticket and surrenders it to court.
 2. Tickets plus money goes to cashier.
 3. Notation that ticket was paid goes on file card and returned to file.
 4. All tickets paid that day go into one file folder.
 5. Each file folder pre-numbered with docket and page number.
 6. Abstract typed and mailed to Secretary of State.
 7. Filed away by docket number.
- G. If person comes in within 72 hours and wishes to plead not guilty
1. Must go before judge to have bond set.
 2. Posts bond same as for ordinance.
 3. File prepared using pre-numbered file folder - contains
 - a. 2 copies of bond
 - b. 2 copies of ticket
 - c. file card.
 4. File goes to Criminal Department.
 - a. name, docket and page number handwritten in statute docket book
 - b. not guilty noted on file card, docket and page, and card returned to file
 - c. pink sheet filled out and sent to prosecutor - contains:
 - 1) name
 - 2) date
 - 3) docket and page
 - 4) witnesses

5. File goes to scheduler.

- a. file card prepared containing:
 - 1) name
 - 2) docket and page
 - 3) offense
 - 4) date
- b. if attorney for defense has filed appearance, it goes in file.
- c. date set for pre-trial conference only if defendant has attorney or requests pre-trial.
- d. pre-trial conference handwritten in loose-leaf notebook by date.
- e. date for pre-trial noted on file card.
- f. letter sent telling time and date of pre-trial - 3 copies
 - 1) 1 to defendant
 - 2) 1 to attorney
 - 3) 1 in file.
- g. on day of pre-trial, file pulled and pre-trial statement inserted.
 - 1) if plea not reached file returned to scheduler.
- h. schedule trial or plea date - handwritten in book by date and noted on file card.
- i. notices sent to defendant and attorney of trial date.
- j. on day of trial or plea, pull file and give to court officer, also pull file card and set aside to show file out of office.
- k. court officer informs scheduler verbally of disposition and it is noted on file card.
- l. if adjourned, file goes back to scheduler and date reset.

- m. approximately one month in advance, page is pulled from looseleaf notebook and copied, sent to prosecutor to notify of all trials and exams set - also in constant telephone contact.
6. After trial, file goes back to Criminal Division.
- a. if guilty
 - 1) noted on file card
 - 2) disposition sheet filled out and sent to prosecutor and police - contains:
 - a) name
 - b) docket and page number
 - c) offense
 - d) date of offense
 - e) judge
 - f) results of case
 - 3) abstract sent to Secretary of State
 - 4) file filed away by docket number
 - b. if not guilty
 - 1) noted on file card
 - 2) file filed away
 - 3) bond returned
- H. If person does not come in within 72 hours
- 1. Ticket held in court file for 10 days.
 - a. if charge is no operators's license, sheet made out to check on status of license with Secretary of State - if suspended, revoked or restricted, listed in separate prosecutor book and sent to prosecutor immediately instead of holding for 10 days.
 - 2. After 10 days, court's 2 copies of ticket sent to prosecutor.

3. Date sent noted on file card and returned to file.
4. List of all tickets sent made in prosecutor's book.
 - a. name
 - b. offense
 - c. date of offense
 - d. date sent
 - e. ticket number
5. Prosecutor sends back
 - a. 2 copies of ticket
 - b. complaint
 - c. warrant
6. When returned, date noted in prosecutor's book.
7. Complaint attached to tickets and filed alphabetically.
8. Warrants also filed alphabetically.
9. Held for 30 days.
10. After 30 days, notice sent to person, date noted on ticket and file card.
11. Warrant released to police and they enter it in LEIN.
12. Warrant sent back to court and filed in portable file that goes to police every night.
13. After 10 days, notice sent to Secretary of State and copy attached to ticket, date noted on file card.
14. If person arrested, same procedure as for ordinance, except goes through scheduler's office, rather than Traffic Violation Bureau.

III. Misdemeanor

A. Complaint and warrant brought up with defendant for arraignment.

1. Defendant goes before judge and pleads.
2. If pleads guilty
 - a. judge usually sets fine
 - b. pays fine in court office, receives validated cash register receipt
 - c. all fines paid during day filed in one pre-numbered file folder, filed numerically at end of day.
3. If pleads not guilty
 - a. judge sets bond
 - b. posts bond
 - c. file established using pre-numbered file folder, contains:
 - 1) copy of bond
 - 2) complaint
 - 3) warrant
 - d. name, docket and page number handwritten in docket book
 - e. if defendant requests court-appointed attorney
 - 1) court officer fills out request
 - 2) request goes to clerk, who notes it on file folder, then takes request to presiding judge
 - 3) request for court-appointed attorney handwritten in book in clerk's office, contains:
 - a) name
 - b) docket and page

- c) charge
 - d) date of offense
 - e) request denied or approved
 - 4) if request denied, notice sent to defendant
 - 5) if request approved, notice sent to defendant, attorney with contract, prosecutor, copy in folder
 - 6) attorney's appearance filed in folder
 - f. file goes to scheduler's office, same procedure as for traffic statute violation, except all cases set for pre-trial conference.
- B. After trial, file goes back to Criminal Division.
- 1. If not guilty
 - a. noted on file folder
 - b. bond returned
 - c. folder filed numerically.
 - 2. If guilty
 - a. noted on folder
 - b. filed numerically
 - c. if placed on probation, noted in file.
 - 3. Disposition sheet filled out and distributed.

IV. Felony

- A. Arrest
- B. Police Officer gets complaint, warrant information, return to circuit court from prosecutor.
 - 1. Signed by judge.
 - 2. When defendant brought up for arraignment, given to clerk.

3. Clerk takes to scheduler to get date for exam in case one is demanded.

a. in some cases prosecutor calls scheduler to get date before officer leaves office.

C. Court officer takes defendant and complaint, warrant, information and return before judge, defendant waives or demands preliminary examination.

1. If exam waived

a. judge sets bond

b. defendant pays bond and gets receipt and 1 copy of bond

c. 1 copy of bond goes in pre-numbered file folder, along with complaint, warrant, information, return

d. if bond not paid, commitment filled out and defendant taken to jail

e. judge signs return

f. name and docket and page number handwritten in docket index book

g. packet sent to circuit court, contains:

1) bond

2) complaint

3) warrant

4) information

5) return

h. prosecutor called and told defendant waived exam.

2. If exam demanded

a. judge sets bond

b. same procedure as if exam waived

c. pink sheet sent to prosecutor

- d. file folder goes to court scheduler rather than to circuit court
- e. if court appointed attorney requested, court officer fills out request and sends it to circuit court
- f. circuit court calls district court and tells who was appointed, noted on file folder
- g. court scheduler holds file to await exam
- h. after subpoena served, given to scheduler to put in file
- i. if not bound over at exam
 - 1) bond returned
 - 2) noted on folder
 - 3) filed numerically
- j. if bound over
 - 1) packet sent to circuit court, contains:
 - a) information
 - b) warrant
 - c) complaint
 - d) return
 - e) bond
 - f) appearance of attorney
 - g) receipt to be signed by circuit court and returned
 - 2) receipt returned to district court and put on outside of file folder
 - 3) disposition sheet filled out
 - 4) folder filed numerically by docket number.

ATTACHMENT D
55 DISTRICT COURT
CASE FLOW

ATTACHMENT D

55 DISTRICT COURT

CASE FLOW

I. Misdemeanor or Felony

A. Warrant brought to court by police or complainant.

1. Signed by judge or magistrate
2. Felony and traffic brought by police
3. Charge against person usually brought by complainant

B. Warrant given to court clerk.

1. Folder made
 - a. docket number 77-0001 means the first case in 1977
 - b. 77-0002 - second case in 1977
 - c. continue throughout year, then start over with 78-0001
2. More than one person on a warrant
 - a. use a "see John Doe file" reference
 - b. can have several files referencing more than one warrant

C. Warrant may be left with court if interim bond is posted or if it is an appearance warrant.

1. Bond sent over from sheriff's department and placed in file.
2. Pre-trial release form sent on felonies only and placed in file.
3. If person comes into the court
 - a. copy of the interim bond receipt is shown
 - b. file is pulled

D. Arraignment

1. Every day at 9:30 a.m. and 1:30 p.m.
2. Usually within 10 days of warrant
3. Bailiff picks up file
4. Bailiff calls name - brought before judge
 - a. Judge Bell arraigns each accused separately
 - b. Judge Reid arraigns a group at a time and requests pleas from each
5. Judge asks for plea
6. Not guilty
 - a. asks if wants jury trial
 - b. asks if attorney will be acquired
 - c. if not capable of paying for attorney - bailiff assists after arraignment in preparing petition for attorney
 - 1) if felony - sent to Circuit Court Administrator
 - 2) if misdemeanor - judge decides
 - d. plea and attorney request put in folder
 - e. if attorney appointed - letter of appointment placed in file
 - 1) original to attorney
 - 2) copy to defendant
7. Guilty plea - if fined
 - a. sentenced
 - b. Bailiff comes to counter with defendant
 - c. fine paid or time to pay extended
 - d. bond returned
 - e. copy of docket sheet with disposition noted goes to prosecutor and arresting agency

- f. docket sheet separated from file
- g. file put in closed

E. Probation

1. Presentence form prepared by defendant with bailiff - taken to counter.
2. Probation called and notified of date of sentencing and other necessary information.
3. Probation officer does interview.
4. Sends presentence report to court.
 - a. offense
 - b. history of defendant
 - c. criminal and/or traffic record
 - d. recommendations
5. Judge reads presentence report and then added to file - not noted on docket card.
6. Sentencing by judge
 - a. file taken to desk
 - b. probation forms prepared
 - 1) defendant
 - 2) court file
 - 3) probation - 2 copies
7. Noted on docket card
8. Fines and restitution paid to probation, sent to court for records.
9. If probation completed - discharge form sent to court.
 - a. put in file and file closed
 - b. filed away
10. If probation not completed - violation of probation warrant prepared.

- a. arresting agency given warrant
- b. if arrested on warrant
 - 1) if provisional - judge sentences on provision
 - 2) if no provision - judge sentences
 - 3) sometimes probation just extended

F. Incarceration

- 1. Commitment is prepared and sheriff's office picks up person.
 - a. one copy of sheriff
 - b. one copy in file
- 2. If delayed sentence - person reports on date with his copy of commitment.
 - a. failure to return for sentence - bench warrant issued, prepared by court clerk
 - b. one copy of arresting agency, one copy in file

G. Alcohol Program

- 1. St. Lawrence - 6 classes, \$25.00
- 2. Refusal form sent to hospital, copy in file, noted on docket card.
- 3. Written notification of successful completion sent to court.
- 4. Dismissal noted on file and docket card.

H. Driver's Training Program

- 1. Sexton High School
- 2. Send form to school
- 3. Upon completion - notification sent to court
- 4. Copy put in file and dismissal noted on docket card.

I. Youthful Trainee Status

1. Sometimes not even on probation
2. Date set to reappear - usually one year
3. If no further problems - case dismissed
4. Files maintained after dismissal.

J. Section 47

1. If guilty of use of marijuana
2. Placed on probation or given return date
3. After one year - return to court and case dismissed.

K. Defendant decides to appeal.

1. Attorney files a motion to set aside guilty plea.
2. One copy of prosecutor, one to court
3. If judge grants motion, set for trial

L. If there is a warrant when the person appears in court on his own - a recall of the warrant must be prepared.

1. Call arresting agency.
2. Have warrant removed from LEIN.
3. Prepare recall order.

II. Preliminary Examination

A. Waive

1. Set bond or incarcerated
2. Prepare a return of waiver to Circuit Court.
3. Arraigned in Circuit Court - enter a plea.
4. If judge feels the defendant was not properly advised - may give him court-appointed attorney.
5. May be remanded back to district court for exam and/or plea to a lesser charge.
6. Clerk receives remand and schedules exam with attorney.

B. Demand Preliminary Exam

1. Defendant appears with attorney.
2. Attorney demands preliminary exam.
3. At arraignment - affidavit of condition prepared and sent to Circuit Court - one copy kept in file.
4. Judge sets bond - if ROR/PR - form prepared.
 - a. or post cash bond
 - b. or bondsman signs surety bond
5. Waive or demand on 12 day rule
 - a. if waived - preliminary exam not held within 12 day limit, usually scheduled within 30 to 60 days
6. If 12 day rule demanded - scheduled on 11th or 12th day.
7. Prosecutor notified of date and witnesses notified by prosecutor.
8. If no bond - commitment is prepared and sent to the jail with defendant - copy kept in court file, not noted on docket card.
9. Jail comes out with jail sheet once a week.
 - a. lists all inmates waiting court action
 - b. checks with court records to assure scheduling in a reasonable time
10. Attorney may request bond reduction any time after arraignment to end of preliminary exam.
 - a. judge's decision noted on docket card
 - b. if bond reduced - amended commitment sent to the jail
11. If attorney files appearance - noted on docket card.
12. Preliminary Exam held.
 - a. prosecutor presents case

- b. defense sometimes does not present witnesses at preliminary exam
 - c. judge decides whether to bind over
 - d. prepare a bind over to Circuit Court - return to Circuit Court form
- 13. Documents sent to Circuit Court
 - a. return to Circuit Court sheet
 - b. complaint
 - c. warrant
 - d. bond
 - e. attorney appearance

III. Traffic Tickets

A. Not Guilty Plea

- 1. Plea may be made by mail or over the counter.
- 2. Traffic division opens a file on the charge.
- 3. Defendant fills out form indicating preference for jury or non-jury trial.
- 4. Traffic division gives file to criminal division.
 - a. traffic keeps a summary file card
- 5. Copy of ticket is made and sent to prosecutor's office
- 6. Prosecutor prepares file - gets accident report - determines witnesses and type of warrant.
 - a. one judge requires warrant
 - b. one judge allows ticket to serve
- 7. Docket sheet prepared - number assigned - one judge odd numbers, one judge even.
- 8. Recorded for running total to send to state.
- 9. Set for trial - time and date

- a. prosecutor notified
- b. prosecutor sends trial notice and subpoena to witnesses

10. Trial

- a. during trial judge may make notations on docket sheet

11. Case is settled

- a. if found not guilty - bond returned
- b. if found guilty - fine collected or extension granted - noted on docket or file for appeal
- c. abstract of conviction prepared and sent to Secretary of State
- d. if fail to pay in extended time a bench warrant is issued
- e. after case is completely finished - recorded in index book then filed

B. Stand Mute

- 1. Judge enters plea of not guilty for defendant.
- 2. Defense attorney can enter plea of not guilty for client.
- 3. File given to criminal department.
 - a. docket sheet prepared
 - b. if complaint or warrant - prosecutor's office notified of not guilty plea
 - c. if defendant has attorney - set a time and date for pre-trial conference
 - d. schedule one month in advance - one week at a time
 - e. record on docket sheet
 - f. when scheduling, take into account nature of attorney and nature of case
- 4. Judges do adjournments

- a. noted on docket sheet
- b. other attorney notified
- c. set new trial date
- 5. Prosecutor will call and let clerk know if plea is anticipated.

C. Traffic ticket under local ordinance.

- 1. Set trial with township attorney.
- 2. Set up file for court-appointed attorney.
 - a. judge's approval or denial
 - b. order of appointment

IV. Township Code Violations

- A. Warrants prepared by township attorney
- B. Judge gives the defendant time for corrective action within a set time frame - noted on docket sheet.
- C. Defendant given a return time.
 - 1. Inspector notified to request review of corrective measures and report back to court.

V. Fugitive Warrant

- A. Usually signed by Captain of Detectives.
- B. Defendant arraigned on fugitive warrant.
- C. Judge demands governor and waives extradition.
- D. Judge sets bond.

VI. Search Warrants

- A. Judge signs warrant
- B. Judge gives clerk request for search warrant.
 - 1. No docket sheet

2. No name on folder, but description of premises.
3. Filed in order of request.
4. Officer brings return on a search warrant.

ATTACHMENT E

1977 STAFFING FOR INGHAM COUNTY COURTS

ATTACHMENT E

1977 STAFFING FOR INGHAM COUNTY COURTS

54A District Court

Contact Person: Al Kirshenbaur, Court Administrator

Total Court Staff: 41

Judges - 5
Traffic - 4
Civil - 6
Criminal - 3
Court Officers - 5
Magistrate - 1
Schedulers - 2
Recorders - 5
City Ordinance - 6
Legal Clerk - 1
Administrators - 2
CETA (temporary help) - 1

Probation Staff: 9

Officers - 4
Aide - 1
Clerks - 4

54B District Court

Contact Person: Frank Russell, Court Administrator

Total Court Staff: 16 Full time and 1 Part-time

Judge - 1
Traffic - 2
Civil - 1
Criminal - 2
Court Officer/Magistrate - 1
Recorder - 1
Parking - 2 full-time and 1 part-time
Traffic - 2
Cashier - 1
Chief Clerk - 1
Administrator - 1
Secretary to Administrator - 1

Probation Staff: 2

Probation Officer - 1
Clerk - 1

55th District Court

Contact Person: Pat Trimm, Criminal Clerk/Court Scheduler

Total Court Staff: 16 Full-time and 2 Part-time

Judges - 2
Traffic - 4
Civil - 2
Criminal - 1
Criminal/Scheduler - 1
Court Officers - 1 full time and 2 part-time
Magistrate - 1
Recorders - 2
Account Clerk - 1
Receptionist - 1

Probation Staff: 2

Probation Officers - 2

30th Circuit Court

Contact Person: Thomas Gormely, Court Administrator

Total Court Staff: 26 Full-time and 5 Part-time

Judges - 5
Court Baliff - 1
Court Officer/Research Clerk - 3
Reporters - 5
Assignment Clerk - 1
Research Clerks - 2
Workstudy students (part-time) - 5
Legal Stenos - 5
Clerk Steno - 1
Release on Recognizance Interviewers - 2
Court Administrator - 1

County Clerk Staff: 5

Assistant County Clerks - 5

Probation Staff: 11

Chief Probation Officer - 1
Senior Probation Officer - 1
Probation Officers - 3
Administrative Assistant - 1
Clerks - 5

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GLOSSARY

GLOSSARY

Note: The glossary is the accumulation of several lists of definitions the author encountered during various readings and in some case previous experiences and associations helped to define other terms. This is not meant to be the ultimate authority in all cases but is designed to set the limits of this particular research.

Administrative Record: This is any personal information preserved by an organization for future use or reference that is or may be used to make a decision about the rights, character, opportunities, benefits, or liabilities of the individual to whom it pertains.

Audit: A formal examination of methods and procedures of an information system conducted to verify adherence to policy.

Audit Trail: Records of individual additions, deletions, or modifications to, and retrievals from, a data base, retained to facilitate audit.

Backlog: The number of cases pending disposition in excess of the processing capacity of a court. The definition of backlog requires a standard, such as that imposed by a speedy trial rule. For example, if the standard chosen allows 90 days from filing to dispositions, then the backlog equals the total number of cases in excess of the number that can be disposed of in 90 days, based on previous experience. As an alternative definition, if the standard chosen is 90 days, the backlog could equal the number of cases older than 90 days.

Batch: A computer program where all data is fed periodically to the computer and all inputs and outputs require a turn around time.

BMCS (Basic Michigan Courts System): An on line courts information system designed by the Judicial Data Center. The system would be statewide and would include all of the courts in Michigan. A mainframe computer would be used. BMCS is now in use in the Recorder's Courts in Detroit.

Calendar: The body of events making up the daily work load of the court, or any list of such events, which includes the assignment of times and places for them.

Calendar Mode: The means by which a date is selected for any given event within the court. The two modes of calendaring are:

1. A continuous mode where no precise date is set in advance. Instead, as cases progress toward trial in succession, the trial date is determined by the completion of events and the resulting availability of resources.
2. A date-certain (day-certain) mode where a specific date is chosen in advance. Either a date is selected as the need for the next event is identified, or events are selected for dates under consideration.

Calendar Monitoring: The process of maintaining current information on the status of the calendar, the pending work load and available resources.

Calendaring: The component of a scheduling system by which a date, time, and place for an individual event are selected in accordance with court objectives.

Case: An issue before the court, or a dispute to be settled which requires that participants gather for one or more court events. A single triable unit for scheduling purposes.

Case Assignment System: The process by which cases or events are assigned to judges. The three types of assignment are:

1. Master assignment system (master calendar). Each event in a case is assigned as a judge becomes available, without regard to which judge heard any of the previous events.
2. Individual assignment system (individual calendar). Each case is assigned to one judge, who hears all the events in the life of that case.
3. Hybrid assignment system. This consists of some combination of (1) and (2).

Caseflow Management: Management of the continuum of processes and resources necessary to move a case from filing to disposition, whether that disposition is by settlement, guilty plea, dismissal, trial, or other method. As defined by the American Bar Association's Commission on Standards of Judicial Administration, the goals of caseflow management are:

1. to expedite the dispositions of all cases in a manner consistent with fairness to all parties:

(Caseflow Management - Cont.)

3. to assure equal access to the adjudicative process for all litigants; and
4. to minimize the uncertainties associated with cases.

Case Load: The number of cases filed with the court within a particular period (weekly, monthly, annually). The pending case load is the total number of cases, regardless of status or age, pending at any given time.

Case-tracking System: Any information system that stores event and status data and participant information on cases in a court, including descriptive data derived from all prior stages of processing (filing, motion hearings, continuances, etc.) as well as the current stage of processing. See OBTS.

Compiler: Computer hardware and/or software designed to convert computer programs into a form suitable for use in a specific computer.

Comprehensive Data Systems: A term usually meant to represent a system with the following components:

1. Offender-based transaction statistics/computerized criminal history system.
2. Management-administrative statistics systems.
3. Uniform Crime Reporting system.
4. Technical assistance capability.

Computer: Any one of a number of electronic data processing devices which has relatively large storage (memory) areas and electronic circuits to manipulate data. They operate only on the instructions which are supplied by human beings in the form of computer programs (software).

Computerized Criminal History (CCH):

1. A record of offender identification, arrests, court dispositions, correctional dispositions, and criminal justice status maintained on a computer.
2. The system for the creation, maintenance, and use of such records operated by the States and coordinated by the National Crime Information Center (NCIC).

Confidentiality: This is a loose concept that minimally connotes some commitment to withhold from unauthorized users information obtained from or about an individual or institution. In some cases, the subject of the information may be considered an unauthorized user; in others, the universe of authorized users may be broadly described ("any State agency") or redefineable at the discretion of the holder of the information ("whomsoever the Secretary shall designate"). A principal objective of recent privacy legislation has been to give the concept of confidentiality an operational meaning, e.g., by requiring that

(Confidentiality - Cont):

the authorized users of information be identified in a public notice or in a statement to data subjects at the time of data collection.

Continued Event: A court event that is postponed and re-scheduled upon the motion of either of the parties or of the court. May also be referred to as postponement or continuance.

Court Event: A judicial hearing related to a case, such as a motion hearing or trial, which is scheduled by the court and which requires the presence of at least two participants.

Court of First Instance: In Ingham County the district courts. Have jurisdiction in all misdemeanor cases (imprisonment of up to 1 year) and is the court where a felony case will be arraigned and preliminary exam will be held. Traffic and local ordinances are also tried at this level. Each court has both magistrate and judges.

Court of General Jurisdiction: In Ingham County the 30th Circuit Court. All felony cases are tried in this court. Has a county-wide jurisdiction. Serves as first level of appeal for misdemeanor cases. Judges handle all stages of a case at this level.

Criminal Intelligence: Information, not necessarily fully substantiated nor resulting from public proceedings, concerning criminals.

Criminal Justice System: The enforcement, prosecution, defense, adjudication, punishment, and rehabilitation functions carried out governmentally with respect to penal sanctions.

Data: A set or sets of statistics that symbolically represent observations of the real world.

Data Base: The total data collected in an information system. A data base may be a set number of elements or it may be open ended based upon the characteristics of the observation.

Data Linkage: This refers to the combining, cross referencing, or comparison of information in two or more records.

Data Security: This is a descriptive term that connotes the degree and means by which information and the machines and facilities for processing, storing and transmitting it are protected from loss and unauthorized access or modification.

Data Support: The component of a management system that supplies the information necessary for the performance of a management function. May be manual or automated.

Decision: A termination of a process search through information. The presentation of information and the search process can affect the decision.

Demographic: Statistical information relating to characteristics of human populations, particularly size, density, distribution, and vital statistics.

Downtime: The amount of time that a computer is not operational due to repairs, maintenance, or breakdown.

Evaluation: The measurement, by objective or subjective means, of the performance of the system to ascertain whether the results of the planning and calendaring functions satisfy the established objectives of the court.

Expunge: The act of physically destroying files, records, or information; for example, upon judicial order.

Fair Information Practice Principles: These are basic premises that seek to assure that individuals, solely or collectively, are able to influence when, how, and to what extent information about them will be collected, maintained, used, and disseminated by record-keeping organizations. Basic premises with respect to government record-keeping operations include the following:

An agency should collect only personal information that is necessary for the performance of functions authorized by law.

An agency should advise the individual of the purpose for which personal information about him is collected and of any consequence of providing or not providing the information.

An agency should periodically give public notice of the existence and character of systems of records containing personal information.

Unless authorized to the contrary for sound public policy reasons, an agency should permit an individual to have access to his record and to challenge its accuracy, relevance, timeliness and completeness.

An agency should adopt restraints on the disclosure of personal information that are conditioned by considerations of the purpose for which the information was collected.

An agency should maintain personal information with such accuracy, relevance, timeliness and completeness as is necessary to assure fairness in any determination affecting an individual's rights and benefits.

(Fair Information Practice Practices - Cont.)

An agency should take reasonable precautions to assure the security and integrity of personal information against damage, misuse, theft and loss.

Fallout: The dropping of events from the calendar after they were scheduled because the case was pled, settled, dismissed or continued.

Felony: An offense which may be punished by death or imprisonment in a State penitentiary; in a particular State, an offense which is described by the law of that State as a felony.

Hardware: Computers and their associate equipment.

Implementation:

1. The act of assembling computer hardware and software for the accomplishment of information system goals.
2. The entire process of information system development, including requirements analysis, system design, equipment procurement, programming, staffing, training, and data base collection.

Individual Schedule (Assignment) System: A case is assigned to a judge at the time of filing (usually by blind-draw) and remains on that judge's docket until final disposition.

Information: An act or process which informs; imparts form and gives meaning.

Information Systems: Sets of interactive, self-directing objects with rules for the interaction and organizations so as to achieve specifiabile goals.

INSLAW - Institute for Law and Social Research: A Washington based agency that designed and implement PROMIS. The agency provides technical assistance in designing and implementing the PROMIS package under a LEAA grant.

Interactive: On-line computer operations in which operator and machine interact (by exchanging messages) to process data entered into the computer.

Interface: Procedures, equipment, and/or software which permits the interconnection of separate information systems; may be direct (requiring no human intervention) or indirect (requiring human intervention).

Issue-based Information System (IBIS): An information system designed specifically to aid in organizing and

(Issue-based Information System - Cont.):

effectuating the decision-making process for bringing about desirable physical change.

JDC - Judicial Data Center: An agency of the State Supreme Court Administrator's Office given the mission of developing a state-wide courts information system.

LEAA - Law Enforcement Assistance Administration: The Federal agency, within the Department of Justice, responsible for funding new and exemplary projects at the state, local and Federal levels. The original emphasis of the agency under the Omnibus Crime Control and Safe Streets Act of 1968 was to reduce crime. The amended Act of 1976 has changed emphasis to systems improvement within the criminal justice system.

LEMS - Law Enforcement Management System: A total criminal justice information system being designed by the Michigan State Police. Ingham County has been designated as one of the initial development sites for LEMS. The basic design is for development of a total system, a system grouping all like agencies (ie: all courts, all law enforcement agencies, etc.) and an individual agency system. Interaction between agencies and groupings are the vital link to the total system. Common data elements to the total system are shared. The LEMS project proposes to use mini computers instead of a single mainframe.

Mainframe: A term used to signify the larger traditional type computer. The core memory of this type computer is usually larger than minis. For extremely large systems this size is desirable. Quite often mainframes are not dedicated. The investment in a mainframe is usually very large.

Management: The component of an organization that sets goals, objectives, and policies, supervises planning and operations, and evaluates the effectiveness of the operations, policies, and plans in achieving those goals and objectives.

Management Control: The exercise of authority to select staff, establish procedures, and provide services in order to achieve goals (see Operational Control).

Mini Computer: A new generation of computer characterized by their desk top size. Minis are capable of servicing small and medium systems. In most cases, minis are dedicated. Major advantages of minis are the low initial hardware cost and the fact that down time is usually considerably less than with mainframes.

Misdemeanor: An offense which may not be punished by death or imprisonment in a State penitentiary; in a particular State, an offense which is described by the law of that State as a misdemeanor.

National Crime Information Center (NCIC): A computerized index and communication network linking law enforcement agencies with the FBI.

Notification: The act of informing participants of scheduled court events and transferring information to other agencies concerning the schedule and the progress or disposition of cases in the court.

Objective: A specific goal to be achieved within a specified time, preferably associated with a quantifiable measure of success (performance measure).

OBTS - (Offender Based Transaction Statistics): "Provides statistical information based on those offenders being processed (through the criminal justice system). These data are 'transactional'; the individual offender is the unit of count as he proceeds through the various processing stages of the criminal justice system, and thus provides the means of linking various segments to one another." The key element of measure is "processing time" between stages and between start and finish of flow.

OCJP - (Office of Criminal Justice Programs): The State of Michigan Agency responsible for planning and grant management of all LEAA funds.

On-Line: A condition in which the information system user is directly linked with computerized files through a terminal device, so that user instructions are programmatically processed without human intervention at the computer site.

Operational Control: The exercise of authority to establish policies, goals, objectives, and procedural constraints for the operation of an information system, and to monitor system performance relative to these items.

Oversetting: The process of setting more events than the court can handle on a given day on the presumption that some events will fall out because of settlements, continuances, dismissals, etc.

Participant: Any person involved in a court event including parties to a case, judges, attorneys, witnesses, etc.

Party: A person who will be directly affected by the outcome of a case; a defendant in a criminal case or a defendant or plaintiff in a civil case. A litigant.

Personal Information (or Personal Data): This term often encompasses all information that describes anything about an individual, such as identifying characteristics, measurements, or test scores; evidences things done by or to an individual, such as records of financial transactions, medical treatment or other services; or affords a clear basis for inferring personal characteristics of things done by or to an individual, such as the mere record of his or her presence in a place, attendance at a meeting, or contact with some type of service institution. Another and somewhat more restrictive definition would be any information that is or can be retrieved from a record or record-keeping system by reference to the name, number or some other identifying feature (e.g., fingerprints) associated with the individual to whom the information pertains.

Personal Privacy: This is a concept having constitutional, common law, and social-psychological roots. As commonly used, it may connote: (1) substantive rights, stemming from specific legislative enactment and court rulings, e.g., the physician-patient privilege, the Supreme Court rulings on abortion and contraception, the common law remedies against malicious libel and slander, and the misuse of an individual's name or likeness; (2) a value judgment, e.g., a conviction about the extent to which government should regulate or inquire into private conduct; or (3) due process guarantees, e.g., the 4th Amendment requirement of warrants prior to seizure of personal property.

Programming Language: A meta language consisting of vocabulary, grammar, and syntax used to control the type and sequence of operations performed by a computer.

PROMIS - (Prosecutors Management Information System): A LEAA funded program through the Institute for Law and Social Research. The original funding began in 1971 to implement a "computerized information system" in Washington, D.C. for the management of the District's prosecutor's office. The project has been declared as "Exemplary Project" by LEAA and is now being implemented in 30 other cities. PROMIS can be manual or automated. The features of the program are high transferability, free implementation consultation from INSLAW, and applicability to the total criminal justice system.

Public Record: Data recorded by public officers in consequence of public duties, at the conclusion of relatively formal and often public proceedings.

Purging: The act of file review and removal of inaccurate, incomplete, or aged data.

Query: A request by an operator for data from a computer.

Real-Time: On line data processing which returns answers to questions with sufficient speed to affect operational decisions.

Region VI Criminal Justice Coordinating Council: The planning agent for criminal justice agencies within the planning region, inclusive of Ingham, Eaton, and Clinton Counties. Membership is composed of criminal justice practitioners, grant managers, and private citizens of the region. The Council is a component of the Tri-County Planning Agency. In addition to review authority over all LEAA grant applications prepared in the region, the Council prepares an annual regional criminal justice plan. The annual plan is the basis for all funding from LEAA in the region.

Scheduling: The process of planning for and ensuring that all the participants in cases to be heard will assemble at the proper times and places for the events required for adjudication, within the constraints of the court's resources, the availability of the participants, and due process.

Scheduling System: The complete set of procedures, including management, calendaring, and data-support components, necessary for scheduling.

SEARCH (Project SEARCH): A cooperative program of the States, funded by LEAA, organized to develop and test prototype systems which may have multistate utility for the application of advanced technology to the administration of criminal justice. Michigan is not one of the original member states under SEARCH. The State, however, did attend many of the original planning meetings and JDC is modeled after the SEARCH recommendations.

Software: Computer programs that determine the sequence and type of computer action under a certain set of circumstances. Sometimes referred to as the master program.

Statistical Reporting or Research Record: This refers to personal information maintained by an organization solely for analytic purposes and which, therefore, is not used and may not be used to make a decision about the rights,

(Statistical Reporting or Research Record - Cont.):
opportunities, benefits, or liabilities of the individual to whom it pertains.

Surrogate: Where information services normally provided at the local level of government are provided at the regional or State level for reasons of economy or optimal use of resources; for example, criminal justice agencies in a county contract for services with a State data processing center.

Terminal: A device for the transmission of data between a computer and a user.

Time Sharing: In a time sharing system, the computer guarantees each user an equal amount of the time by switching programs in and out of the system while they are still being processed.

Trade-Off: The consequences of a decision involving alternatives or competing objectives (for example, maximizing criminal dispositions vs. maximizing civil dispositions).

Transaction: A formal and public activity of a criminal justice agency, the results of which are a matter of public record.

Transferability: The capability of applying an existing computer program to a system of like nature. An example is that PROMIS can be used in almost any prosecutor's office with only slight modifications.

Turn around Time: The time between when a data source prepares input to the time when an output is realized.

Weighting: The process of assigning a numerical value to an entity (such as a case or event), which allows for comparability. The weight may be an expected duration or priority.

Work Load: The demand placed upon court resources (e.g., court time or judge time) by a given case load.

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