

**ANALYSIS OF CASEFLOW MANAGEMENT OF DRIVING UNDER THE  
INFLUENCE (DUI) CASES IN THE FLAGSTAFF JUSTICE COURT**

**Institute for Court Management  
ICM Fellows Program  
2013-2014 Court Project Phase  
May 2014**

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## **Acknowledgments**

I would like to take this moment to acknowledge and thank the people who were fundamental to my success in the Institute for Court Management program and the completion of this project. First and foremost I would like to thank my boss Gary Kremerik for his support, guidance, and knowledge. I appreciate the value he places on professional development and the opportunity he provided for me to participate in the Fellowship Program. He is one of the reasons why I applied for the Fellowship Program. He has been a great mentor to me not only during the course of this program, but throughout my career. Thank you Gary.

I am also very grateful for the support and help from the Honorable Howard Grodman, Justice of the Peace for Flagstaff Justice Court, and Maia Rodriguez, Flagstaff Justice Court Manager. I would not have been able to complete my court project without them. Not only did they allow me to complete my project on Flagstaff Justice Court, utilizing some of their staff time, but they also personally spent time helping me collect the necessary data I needed to complete this project. I am honored to work with such great people.

I would like to thank my mother, Holly Sawicky, who has encouraged me to “reach for the stars” and to not sell myself short. My mom has taught me so much throughout my life and continues to do so. She provided me with the foundation of who I am today. One of the most important things that I learned from my mother was a strong work ethic, which allowed me to persevere and complete this project.

Last but certainly not least, I would like to thank my husband, James Yates, and my son Aidan Yates. They have taught me so much about myself and have provided me with the support I needed to accomplish this project. I will always remember and cherish my experience in the Fellowship Program as my son was born during the distance learning phase. My husband

is my rock. I have been through so much and he has stood by me through it all. He has been nothing but supportive with everything I do. Love you both.

I am forever grateful to the individuals mentioned above for the help, support and encouragement they have provided and continue to provide to me throughout my career and in my personal life. I am very lucky to know and have these individuals as a part of my life. Thank you!

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# **ANALYSIS OF CASEFLOW MANAGEMENT OF DRIVING UNDER THE INFLUENCE (DUI) CASES IN THE FLAGSTAFF JUSTICE COURT**

**Sharon Yates**

## **Abstract**

One of the primary functions of the court system is to provide justice for all without unnecessary delays. Oftentimes, court personnel truly believe they are processing cases in a timely manner, despite never having taken a closer look at the cases that are being processed.

This report focuses on caseflow management of Driving Under the Influence (DUI) cases within the Flagstaff Justice Court during fiscal years 2012 and 2013. The primary premise is to compare disposition timeframes with the standards set by the Arizona Administrative Office of the Courts. The overall goal is to provide recommendations to key court leaders as to ways to avoid delays in case processing in an attempt to reduce average time to disposition in DUI cases.

Information was gathered using surveys, interviews, and case file reviews. The Flagstaff Justice Court staff was surveyed using a paper survey. Key areas of interest in the survey included staff knowledge of statewide standards with regard to DUI case processing, perceived causes for delays in caseflow processing, and ideas for ways to streamline or otherwise improve DUI caseflow. Next, the two judges who preside over cases in the Flagstaff Justice Court were interviewed. They were asked a set of questions with the intent of gathering their opinions and thoughts about the same key areas as mentioned above: familiarity with standards, perceived bottlenecks, and methods for improvement. Finally, a case file review was conducted.

Approximately 50% of all cases that were processed during the target period (FY2012 and FY2013) had a physical case file review. The key data elements gathered during the case file review were time from case filing to first court appearance, time from case filing to summons

issuance (if applicable), number of and reasons for continuances during the pretrial stage, and any other reasons for delays when looking at the case processing time from start to finish.

Of the 18 surveys sent out to then current staff, ten responses were received. The survey results indicated that few staff were aware of the specific guidelines set by the state with regard to the processing of DUI cases. In addition, the staff cited the necessary administrative law enforcement involvement as a key factor in delays of timely processing of these cases. Staff recommended that additional training and better communication and tracking of case information would be beneficial in reducing time to disposition across DUI cases. Both judges were available for interviews during the course of research. The interviews indicated that the judges were aware of the state standards, but that they rely on staff to keep cases on track with regard to timeframes. The judges also indicated that they felt that external factors, such as the time taken by the Department of Public Safety crime lab to process blood work, were major contributors to delays that set back dispositions in DUI cases. The case file review indicated that many cases had multiple continuances, many of which were not signed by a judge, going against an existing court practice. In addition, law enforcement involvement was confirmed as a bottleneck, coinciding with the staff survey results. Furthermore, the issuance of summons was found to be delayed in more than half of the cases where summonses were issued. All of these factors have an impact on the overall time to disposition.

From the data collected, it was concluded that the current processing of DUI cases within the Flagstaff Justice Court has room for improvement in order to meet the standards put in place at the state level. The primary causes include administrative delays in processing summonses and issuing warrants, multiple continuances as well as no process in place to monitoring total continuances per case, and the processing of DUI cases within the aforementioned timeframes

has not been made a priority. Overall, the data indicates that there are some improvements that can be made in processing DUI cases within the court.

Court leadership should make DUI case processing a priority and focus on creating policies and practices to enhance the processing of these cases. Specific timeframes need to be outlined in policy for the issuance of summonses following a case filing, along with specific guidelines on the issuance of warrants. Coordination with law enforcement needs to improve in order to lessen the impact of interview/report unavailability. Continuances need to be closely monitored and policies to govern the approval of continuances should be created. Timeframes for the completion of attorney's duties should also be set forth.

## **Introduction**

“Justice delayed is justice denied.”  
British statesman William E. Gladstone  
(Steelman, Goerd & McMillian, 2000)

The courts are not in the business of manufacturing or providing consumer products. The courts are in the business of handling disputes and processing those cases in a fair and timely manner. Through an effective caseload management system, this can be accomplished. One of the responsibilities of judges, court administrators, and court managers is to ensure timely disposition of cases. As William E. Gladstone stated, “justice delayed is justice denied” (Steelman, Goerd & McMillian, 2000). Also, as a former Chief Justice of the Arizona Supreme Court stated, “To develop a fully impartial system of justice, Courts must resolve cases swiftly and fairly because justice delayed may be justice denied” (McGregor, 2005, p. 4). No other responsibility of court managers is as closely and directly related to the basic purposes of the courts than management of cases.

The Flagstaff Justice Court (FJC) is located in Flagstaff, Arizona. At the head of the FJC is the elected Justice of the Peace. Currently, this position is held by the Honorable Howard Grodman, who has been in the position since January of 2011. In Arizona the Justice of the Peace is an elected official and has a four year term of office. There is also a Justice of the Peace Pro Tempore handling cases for the FJC, the Honorable Erika Arlington. A Justice of the Peace Pro Tempore is appointed by the Presiding Judge of the Superior Court in the County they are serving in and approved by the Board of Supervisors. As far as non-judicial employees, the FJC has a single court manager, three court supervisors, and a total of 18 clerks and administrative

staff. The FJC, as well as the three other county justice courts, and several municipal courts, is overseen by the deputy court administrator from the Superior Court of Coconino County.

The FJC has an average of 18,000 case filings per year. These include small claims cases, civil lawsuits where the amount in dispute is less than \$10,000, landlord and tenant disputes, and civil and criminal traffic offenses, including Driving Under the Influence (DUI). The Justices of the Peace also resolve misdemeanor offenses and handle requests for orders of protections.

There are approximately 340 DUI cases adjudicated in the FJC annually. As a college town which is also close to a major Native American Indian reservation, Flagstaff has about the same number of DUI offenses as other towns of similar population and geographic location. FJC sees arrests from multiple law enforcement agencies, including the Flagstaff Police Department, the Coconino County Sheriff's Office, the Arizona Department of Public Safety (DPS), and the Northern Arizona University Police Department.

Performance metrics developed at the state level indicate that there is room to improve upon efficiencies in the processing of DUI cases within the FJC. Until this year, there were some processes taking place that could definitely be contributing to bottlenecks and other problems moving cases along. Some policies and procedures have been implemented within the last fiscal year, including specific case assignments to judges. Unfortunately, internal statistical analysis is minimal and often the judges don't have the case monitoring information necessary to take corrective action when cases are stalled. In addition, the lack of data available to the court management team makes the implementation of any new policies or business practices a matter of guesswork.

“Caseflow management is the process by which Courts move cases from filing to closure. This includes all pre-trial phases, trials, and

increasingly, events that follow disposition to ensure the integrity of court orders and timely completion of post-disposition case activity” (National Association for Court Management).

According to the theories of caseload management, the goal of any good court should be to process its cases with maximum speed and efficiency without sacrificing its principles of integrity, fairness, and justice. Different agencies have their own standards for completion timeframes when it comes to disposing of court cases. The table below shows time standards from different entities:

**Table 1. Case Processing Time Standards for Misdemeanors**

<b>Agency/Committee</b>	<b>30 Days</b>	<b>60 Days</b>	<b>90 Days</b>	<b>120 Days</b>	<b>180 Days</b>
Conference of State Court Administrators & Conference of Chief Justices			100%		
American Bar Association	90%		100%		
National Center for State Courts		75%	90%		98%
Arizona DUI Case Processing Committee				85%	93%

The above time standards are for criminal misdemeanor cases except for the Arizona DUI Case Processing Committee standard. Those standards are specific to the processing of DUI cases.

While some of these standards are currently being revised, it’s interesting to note that Arizona’s DUI standards are significantly less restrictive than those imposed or suggested by the other agencies. This indicates either that Arizona policy makers have a better understanding of the realities of case closure in our own states or that Arizona has significantly more bottlenecks and slowdowns than other jurisdictions.

In Arizona, courts are required to report quarterly to the Administrative Office of the Courts with regard to meeting the standards outlined in Table 1. Prior to these reports being developed, courts did not know what their “batting average” was. They did not know how many

DUI cases were pending, the length of the pending DUI cases, or how long it was taking to dispose of these cases. The DUI case processing movement in Arizona increased the accountability of each court and improved DUI case processing. However, since the “movement” in 2008, it seems like the momentum has died down and that DUI cases are not being processed in a timely manner.

Overall, unnecessary delays are responsible for the slowdown of justice and the associated increased costs of litigation. When examining what causes these delays, research indicates that factors such as court size, caseload, case mix, and trial rate can impact disposition speed, but cannot be isolated as an individual cause. This means that simply adding additional clerks, judges, or other resources won’t necessarily reduce delays. There must be a long term commitment by court leadership to actively manage the caseflow on a day to day basis and a structure within which to do so.

DUI cases constitute a significant portion of Arizona Limited Jurisdiction Courts’ caseloads. In Coconino County alone in fiscal year 2007, the total DUI cases filed was 1,033, of which about 25% were filed and disposed of in the FJC (American University, nd). DUI offenses impact the public at large. Conviction of DUI imposes serious consequences upon the offender. Results of collisions caused by the DUI driver can include death and/or serious injury. It is therefore important for the courts to resolve DUI cases in an especially timely, swift, and fair manner.

The purpose of this study will be to examine the following three questions with regard to the FJC’s processing of DUI cases.

1. What is the average length of time from filing to disposition in DUI cases?
2. What is the average age of pending DUI cases each quarter?

3. What are the reasons for the length of time?

While the first two questions are simply statistical performance metrics, the third question is the key research topic, as identifying the reasons for delays will allow for recommendations and discussion of improved processes and practices, resulting in improved performance of disposing of DUIs. Improving the management of DUI cases will also improve the quality of justice for the defendant and any victim in the case. Surveying of court employees and individual interviews with the judges from the FJC along with case file reviews provided insight into what bottlenecks exist and why. Hopefully, insights that come of this research will allow for more efficient use of the very limited resources the court is facing at present.

The focus of this report is to examine caseflow management within the FJC. Prior research and analysis on caseflow management and its practices will be discussed in the literature review section. Following the summarization of existing research, the methods utilized in this study will be detailed. Finally, the findings of this study will be analyzed and compared to existing research, methodologies, and current court practices to create a set of recommendations for improvement in the FJC.

## Literature Review

There has been a significant amount of research on how important it is to process cases fairly and swiftly in order to maintain the appearance of and actual justice of cases. This literature dates back to the seventeenth century and is still applicable in our courts today. Most of the earlier literature discusses caseflow management in terms of addressing delay. Only more recent literature discusses caseflow management beyond addressing delay. Caseflow management is a core function of what courts do and not merely a mechanism to address delay but to proactively monitor the movement of cases.

Roscoe Pound's speech in 1906 to the American Bar Association prompted court leaders of the time to examine their courts and to form committees and workgroups focused on court improvement (Steelman, Goerd & McMillian, 2000). In his address he described many of the inefficiencies of the criminal justice system and the overall dissatisfaction the general public had with the system.

The development of modern court administration didn't really take place until Warren Burger became the Chief Justice of the U.S. Supreme Court in 1969 (Steelman, Goerd & McMillian, 2000). He became the leader in court reform and through his efforts the Institute for Court Management (ICM) was developed to provide the necessary training for court managers. Burger also organized the first national judiciary conference, which resulted in the creation of the National Center for State Courts (NCSC).

Caseflow management emerged in the 1980s as "the heart of court management". In 2000, the NCSC published a manual asserting this ideology. The manual serves as a guidebook for the implementation of caseflow management practices for a variety of case types including criminal, civil, and family court cases. Serving as a foundation for the creation of policies,

procedures, and practices, this manual includes data from many studies, but perhaps none more important than the simple conclusion drawn from "Efficiency, Timeliness, and Quality: A New Perspective from Nine State Criminal Trial Courts" (Ostrom and Hanson, 1999), indicating that the courts with the fastest resolution times were the ones with properly documented litigation timeframes and procedures. With a set of visible and enforceable rules came improved flow and efficiency.

NCSC also contends that Driving While Intoxicated (DWI) and DUI offenses are handled (from a caseload perspective) in the same manner as other criminal felony or misdemeanor offenses, with the caveat that the chemical testing associated with this type of case can provide an added element not commonly found with other criminal case types. The association of DUI with traffic offenses such as speeding, red light violations, or traffic citations is inappropriate because in many jurisdictions, traffic offenses have been partially or completely decriminalized (Steelman, Goerdts & McMillian, 2000).

Continual analysis and reevaluation is absolutely necessary for any judicial entity that hopes to keep up with best practices. To that end, in 2005 the NCSC developed "CourTools", a set of ten performance measures that trial courts can utilize to make sure they're staying on track (National Center for State Courts, 2005). Of the ten, four measures are specifically related to caseload management. They are:

1. CourTool Measure #2- Clearance Rates
2. CourTool Measure #3- Time to Disposition
3. CourTool Measure #4- Age of Active Pending Caseload
4. CourTool Measure #5- Trial Date Certainty

It's vital that for the long term, courts dispose of cases either at a faster rate or the same rate as cases come in. Otherwise, backlog is created and new cases get bottlenecked as they come into the court system. The Clearance Rate is defined as "the number of outgoing cases as a percentage of the number of incoming cases" (National Center for State Courts, 2005). Clearance rates can be compared amongst case types within a court to find out if certain case types contribute to bottlenecks more so than others.

Varying sets of guidelines from state, local, and national groups comprise the measure titled Time to Disposition. These are usually standards set at intervals of 30, 60, 90, 120, and 180 days and measured as a percentage of cases disposed of within those timeframes. These can be used to compare courts against averages or directly with other courts handling the same types of cases (National Center for State Courts).

Age of Active Pending Caseload gives a set of "trigger points" so that the court staff is aware of those cases that have spent an excessive amount of time pending resolutions. Using the percentages from the Time to Disposition measure, the courts can make intelligent selections about prioritizing pending cases.

Minimizing continuances and other delays when a trial date is set is one of the biggest challenges that courts face. Effective calendaring and hard and fast continuance policies are absolutely necessary to keep all parties involved on track to dispose of cases in as few court hearings as possible. Trial Date Certainty is one of the performance measures that policies and procedures can directly impact.

The governing body of all courts in Arizona is the Supreme Court. The administrative side of the Arizona Supreme Court is known as the Administrative Office of the Courts (AOC). The different groups and committees at the AOC are responsible for creating statewide policy as

well as monitoring compliance with regulations and administrative orders and directives. In 2005, then Chief Justice Ruth McGregor created a committee focused on statewide DUI case processing. The group conducted an analysis of DUI caseflow statewide and made recommendations for improving specific processes, rules, and statutes (Arizona Supreme Court: Court Services Division, September 2007).

The committee elected to establish several pilot courts around the state to analyze the impact of their recommendations. Overall, the pilot program had a substantial impact. "DUI cases pending over 180 days were reduced by 77% through data clean-up and placing an emphasis on adjudicating older cases" (Supreme Court: Court Services Division, September, 2007, p.7). More than half of the courts in the pilot program hit the 120 day and 180 day clearance goals. Most impressively, the average number of trial settings per case was more than cut in half from 2.6 to 1.2 on average and the number of cases resolved in only a single trial setting doubled from 31% to 62% (Supreme Court: Court Services Division, September, 2007, p. 8). After these positive outcomes from the 11 pilot courts, the recommendations for case processing improvements were formally adopted with an administrative order from the Chief Justice. By May 2008, all the justice and municipal courts in Arizona were participating in the DUI program and it is still in place today.

As is evidenced by the creation of the performance measures and the statewide workgroups, keeping track of timeframes and ensuring timely resolution of DUI cases is not easy. It's absolutely essential that all stakeholders are on board with the caseflow timeframes. At the conclusion of the pilot program in the 11 Arizona courts, the AOC noted that judges in certain jurisdictions were less likely to adhere to the timeframes outlined by the case management plan, resulting in costly delays (Supreme Court: Court Services Division,

September 2007). In the early implementation of this type of program in Newark, New Jersey, the prosecutor was found to be reluctant to stick to established guidelines, also causing delays. Once the prosecutor was replaced, a significant improvement in timeframes was noted (Mahoney, 1988). Stakeholder buy-in is crucial to keep the process moving smoothly. A single roadblock can push an otherwise smooth case into a backlog.

Information management has become more sophisticated for the judiciary in recent years. Reliance on technology has become all but a foregone conclusion in the way the courts store case information, financial data, and personnel records. Information that can be retrieved from automated systems is only as good as what has been entered into the system. Tracking performance measures requires data to be stored with proper indexing and in a timely manner. As backlogs have grown, data is not always entered completely or accurately or in a timely manner (Arizona Supreme Court: Court Services Division, August 2007). Data cleanup is incredibly time consuming, but is a necessary evil to impose upon staff to allow for accurate reporting and measuring of progress. "Elements of a successful system include accurate and timely data entry, an efficient filing system, case status, timely and efficient processing of notices, accurate and timely reporting requirements, and timely payment processing of obligations and the availability of alternative payment methods" (State Court Administrative Office: Michigan). It is essential to press upon staff the importance of complete, accurate, and timely entry of data to reduce data cleanup. However, it is inevitable to have some data cleanup.

The reliance on internal and external players to provide their pieces of the puzzle makes sticking to timeframes all the more difficult. According to information provided to the AOC, the Department of Public Safety crime lab in Arizona (which is responsible for processing blood samples in DUI cases) has a history of slow turnarounds. Given the importance of the blood

evidence in DUI cases, this can stall any progress in cases until the lab is able to complete testing. The backlog at one agency can certainly contribute to perpetuating backlogs at other agencies reliant on their services. In addition, certain jurisdictions also participate in programs that share prosecutors, judges, and defense attorneys with other jurisdictions. This diversification of resources can lead to scheduling issues and limit options when it comes to judges issuing continuances (Arizona Supreme Court: Court Services Division, August 2007).

Research indicates that there are several key factors in courts that are either operating with efficient caseload or that have made improvements in the process. Effective leadership for caseload management has the judges, clerks, and court administrators constantly focusing on the elements of caseload management (Steelman, 2008). This needs to be a top down approach, with the presiding judge stressing the importance of proper procedure with regard to caseload management (Phoenix Municipal Court, 2007). Each judge, with the support of their staff, should be continually asking:

**Case-related questions:** What is happening in this case? How old is it? What is the status? What should be happening next? By when?

**Calendar-related questions:** What is the overall status of the calendar in my court? How many pending cases are there, and what is their age and status? What are the oldest cases, and are they beyond the time standards? Why are they old? What needs to be done about them?

(Steelman, 2001, p. 15)

Documentation of and adherence to detailed timeframes is another one of the key elements for efficient caseload management. It is important to set expectations that the first scheduled trial date should represent the only anticipated trial date. Creating a culture where

participating parties are responsible for selecting dates that they are available during the pretrial process can help set these expectations (Arizona Supreme Court: Courts Services Division, August 2007). “The courts should provide reasonably firm and predictable trial dates, so that almost every trial actually begins on or shortly after the first scheduled trial date” (Steelman, 2001, p. v). Adherence to a strict trial schedule has also been shown to have the benefit of encouraging settlements. An incredible 95% of cases are resolved through plea negotiations rather than trial. If setting firm deadlines can prompt attorneys on both sides to negotiate earlier in the process, significant resources can be saved and the time court staff would have spent on a trial will be freed up for other cases (Steelman, 2001). Also, defendants would receive their sentences earlier and victims would receive justice earlier. An interesting practice recommended by one study was to hold a trial schedule conference at the beginning of proceedings in order to, as a group, step through the timeframes and reaffirm expectations for everyone involved (Steelman, 2001). Perhaps one of the most important issues for court leaders is being able to track caseflow progress statistically. Otherwise, any progress made can’t be substantiated, and measuring the impact of procedural changes and proposed process improvements is impossible. A baseline of performance should be established consisting of objective, measurable statistics regarding areas such as case resolution timeframes, instances of rescheduling, and total court appearances necessary for resolution. “The judicial district should develop capacity to provide reports on these matters routinely on a periodic basis, so that the reports can be a regular source of management information for judges and court managers” (Steelman, 2001, p. 14). Allowing judges to compare their outcome statistics with different jurisdictions as well as those of other judges within their jurisdiction can foster discussion on improved processes (Arizona Supreme Court: Court Services Division, September 2007).

During the pilot program conducted in Arizona, the City of Phoenix Municipal Court tracked a set of performance measures specifically for the handling of DUI cases. At the start of the pilot program, a baseline was run against the timeframes set forth by the Arizona Supreme Court. At that point, The City of Phoenix was 14% and 12% behind the guideline values for the 120 day and 180 day clearance rates respectively (Arizona Supreme Court: Court Services Division, September 2007). At the end of the first year of the pilot program, although the statewide standards were not quite being met, these rates had increased 9% and 6% respectively, indicating positive progress based on the implementation.

In addition, during this same timeframe, Phoenix Municipal Court had a pending DUI caseload reduction of approximately 25%. In addition, overall continuances in DUI cases dropped from an average of 65% in the years prior to the pilot program to less than 25% at the end of the first year. A reduction in the number of trial settings necessary per DUI case was also realized, improving from less than 20% of cases being resolved in a single setting in the years prior to the pilot program to more than 70% at the end of the first year of the pilot. The ability to dispose of these cases in a single trial setting cut the total number of trial settings in half for the year. This had the trickledown effect of reducing continuances related to over-calendaring and courtroom availability limitation (Arizona Supreme Court: Court Services Division, September 2007).

In Arizona, the statewide averages for fiscal year 2012 are indicative of problems in disposing of cases in a timely manner. At 120 days, only 65% of cases had been disposed, and at 180 days, the rate was only 83%. This puts the courts well behind the rates required by the administrative order that was generated based on the pilot courts' findings. In fact, it's taking no less than nine months for courts to have a 100% disposition rate.

The Flagstaff Justice Court was even further behind in FY2012, having between three and six percent fewer cases closed by the benchmark dates of 120 and 180 days. Within Coconino County, the two smallest courts, Williams and Fredonia, have disposition rates lower still. Only Page Justice Court has a disposition rate within 10% of the state standards at each level (Data report from the Arizona Administrative Office of the Courts).

These results indicate that in the FJC as well as most of the rest of the county, caseload management has either not been a large enough focus, or that some other problem is preventing the timely disposition of many cases. Hopefully, interviews with the presiding judges and surveys of court staff might provide some specifics as to why cases are taking so long to reach disposition in this jurisdiction. The next section will outline the methods utilized in analyzing current processes and the types of information the research gathered.

## **Methods**

The methods used in this project include: 1) a survey of all the FJC staff; 2) interviews of the two judges in the FJC; 3) a statistical review of all DUI cases disposed of in the FJC in fiscal years 2012 and 2013; and 4) case file reviews of 49.5% (280 cases out of 566) of DUI cases that were disposed of in fiscal years 2012 and 2013 using CourTools to gather information on reasons for continuances.

### **Court Staff Survey**

A 14 question confidential survey of all 18 FJC employees (excluding the two judges) was conducted using paper surveys. The survey opened on September 18, 2013, and closed on September 30, 2013, allowing one and a half weeks to submit the results. Two reminder emails were also sent out to staff. In the survey's developmental stage, prior to commencing the survey with its intended sample group, a mock survey was sent to court staff in a local court, Flagstaff Municipal Court, for testing and feedback on the survey. Those suggestions were taken into consideration for the final survey that was sent out to the FJC staff (see appendix A for survey). The survey was accompanied with a cover letter (see appendix B). Ten surveys were completed and turned in, for a response rate of 55.5%.

The survey focused on the following five areas:

1. Staff familiarity with state and local level policies that control DUI case processing, specifically continuances and time standards
2. How staff feel regarding stakeholder (Judges, Attorneys) familiarity with the DUI case processing standards
3. Time standards and continuance policies
4. Tracking of cases

5. Who has responsibility and why cases are not processed within the timeframes and recommendations

### **Interview with Judges**

Interviews with the two Flagstaff Justice Court full-time judges (Justice of the Peace and Justice of the Peace Pro Tempore) were used to gain knowledge and feedback on the DUI case processing at the Flagstaff Justice Court. The interview had 12 questions. The focus of this study's interview questions was to find out how the judges viewed DUI case processing and to gauge the judges' understanding of the standards and their perception of whether or not standards are being met. An additional goal of the interview was to find out if the judges have noticed any specific causes for some cases being processed more quickly than others. The interview questions are included in appendix C. The judges participated in separate interviews and answered all questions.

### **Statistical Review of all DUI Cases Disposed of in FY2012 and FY2013**

NCSC CourTools, Measure Three, "Time to Disposition" was applied to the DUI cases in the Flagstaff Justice Court for fiscal years 2012 and 2013 (July 1, 2011, to June 30, 2013). The collection of this data was rather easy since the Arizona AOC has a report that was developed for the courts to use to pull data from the statewide case automation system, AZTEC, with this information on DUIs. However, the reports could only be pulled for each quarter and not by the entire year. After each quarter for the two fiscal years were run the data was compiled into one Microsoft Excel spreadsheet sorted by time to disposition (shortest to longest). The data elements included case number, defendant's name, filing date, disposition date, judicial officer (if any), age of case at disposition, and charges. An employee from the AOC also provided

copies of each quarter for both fiscal years to be sure the reports that were generated by the system matched.

### **Case File Review**

The review of the included DUI cases began with demographics information of the case (case number, defendant's name, charges, victim, DUI type and accident). It also included the number of continuances and reasons for each continuance.

The files pulled for review were a random sample of the entire population of DUI cases disposed of in fiscal years 2012 and 2013 (total of 566 cases). The sample consisted of 280 cases. This represents 49.5% of the DUI cases disposed of for the time period (July 1, 2011 to June 30, 2013). Of the 280 case files, 28 cases had been transferred to the Superior Court. Those cases were removed, leaving a total of 252 DUI cases in the final random sample.

The case file review data collection sheet was reviewed by the court manager. The court manager made recommendations on data elements and case activities that should be added to the data collection sheet. The final data collection sheet is included in appendix D.

The case file review started on August 28, 2013, and concluded on October 25, 2013. The data collection form was used to document the data. All data elements were then entered into Excel to analyze the data for trends and patterns of statistical significance.

**Data analysis.** The data analysis for the report was conducted using Excel, with all data being entered into spreadsheets. This included the survey results, as well as the judge responses during the interviews. The data gathered from the surveys and the interviews was entered into Excel in order to calculate percentages or response rates to the survey questions. For the case file review data, all of the information on the data collection sheet was entered into Excel. Based on the information gathered from the case files, additional columns were added to calculate time

to first court appearance, length of continuance, overall continuance days, and length between filing date and the date the summons was issued. The data was then divided into groups based upon time to disposition. The groups were 60 days or less, 61 to 120, 121 to 180, and over 180 days. The means for the key elements were calculated using Excel.

## **Findings**

This section of the report summarizes the results of the surveys that were conducted as well as the interviews with the judges and the direct case file review. The data indicates a wide range of perspectives and opinions related to timely processing of DUI cases in the court. There is evidence of continued delays of DUI case processing and there seems to be a variety of reasons indicated that could possibly be the cause of these delays. Overall, the results indicate that DUI cases are not being processed as efficient as they could be.

### **Staff Survey Results**

A paper survey was distributed to all current employees (18) of the FJC, excluding the two judges (see appendix A for a copy of the survey). A total of ten completed surveys were turned in, for a response rate of 55.5%.

90% of the respondents have worked at the court for more than one year, with 60% being there more than five years. 50% of the respondents indicated a moderate or high level of familiarity with the statewide DUI case processing standards while 80% of respondents indicated that they were either moderately or intimately familiar with the continuance policy of the FJC. This indicates a disconnect between statewide policy and local policy. In addition, only 20% of respondents indicated that they knew how to find a copy of the statewide policy.

In terms of the familiarity of key players with the DUI case processing time standards, the opinions of the respondents were somewhat mixed. Attorneys received ratings of very familiar or intimately familiar 37.5% of the time, but also received a rating of only somewhat familiar at the same percentage. 25% of responses indicated a moderate perceived level of familiarity for attorneys.

When reflecting on court or clerk staff familiarity with the policies, results indicated that 44.4% perceived a moderate level of familiarity, while 22.2% felt this group was very familiar.

The remaining 33.3% indicated a somewhat level of familiarity from court or clerk staff with regards to the timeframes in policy.

At the court manager level, more than half of the survey respondents felt that the group in question were either very familiar (22.2%) or intimately familiar (33.3%) with the case processing standards. The remaining 44.4% indicated a moderate level of familiarity for court management staff. Similar responses were seen for the judges, with two thirds of the respondents indicating that they perceived the judges to be either very familiar (33.3%) or intimately familiar (33.3%) with the policies. The remaining responses again indicated a moderate level of familiarity.

When asked to indicate their opinion on the ease or difficulty an attorney would face when attempting to procure a continuance on a DUI case, 66.6% of respondents indicated that it would either be almost guaranteed or easy to obtain. Two thirds of the responses indicated that it would be either almost guaranteed approval (55.5%) or easy (11.1%). The remaining 33.3% indicated that it was "neither easy nor difficult" for an attorney to obtain a continuance.

With regard to court staff perceptions of how good a job the court was doing with processing DUI cases in a timely fashion, the bulk of responses indicated that they felt that at least half of the cases were meeting the standards. 33.3% indicated about half, 44.4% indicated "most", and 11.1%, indicated all or nearly all cases were meeting the standards. Only a single respondent, or 11.1% indicated that they perceived few cases to be meeting the standards. With regard to the expressed difficulty of tracking cases for timeliness and keeping the judge informed, only 22.2% indicated they felt it was difficult. The rest indicated a midline (neither easy nor difficult, 33.3%) or easy (22.2%) or very easy (22.2%).

When asked to select the group or groups that has the responsibility for keeping cases

within the standards, prosecutors, court staff, and judges were the overwhelming response (4, 5, and 6 respectively). Respondents were asked to choose one or more responses for this question. Only two responses indicated a level of responsibility lies with the defense attorney.

From personal experience, respondents were asked to list the top reasons why cases are not being processed within the timeframes. Some patterns emerged regarding external players as well as internal court processes.

- Improper/untimely filing and/or scheduling
- Difficulty in getting lab results or officer interviews conducted in proper timeframes
- Judge willingness to grant endless continuances (sometimes without reasons)
- Training issues

Respondents were also asked, based on their perceptions of bottlenecks, to indicate improvements that could potentially reduce or eliminate excessive time to disposition. Patterns again emerged in the responses that directly correlate to the bottlenecks from the prior question.

- Encourage timely/proper filing from law enforcement and/or county attorney
- Improve turnaround times for lab results/interviews
- Clear and enforced policy on number of continuances
- Additional training at all levels on policies

### **Interview with Judges Results**

During the course of this research, both the elected Justice of the Peace and the Justice of the Peace Pro Tempore were interviewed to ascertain their thoughts and ideas regarding DUI caseflow. The interviews followed the set of questions in appendix C and allowed the judges to expand their answers outside the pre-defined responses if they so chose. The primary topics of discussion for the interviews were familiarity with the AOC standards, methods of handling

continuances, perceived bottlenecks in case processing, and opinions on ways to improve the handling of DUI cases.

The judges both rated themselves as at least somewhat familiar with the time standards, and they both felt that approximately half of the DUI cases processed in the FJC were meeting the time standards. Both judges were also confident that overall DUI clearance rate (number of cases disposed divided by number of cases filed) was higher than 50%.

Regarding continuances, neither judge indicated that attorneys would have any degree of difficulty obtaining continuances for DUI cases. Both judges also agreed that the total number of continuances allowed for a DUI case should not extend beyond the scope of two months from the first court appearance. Whether allowing a greater number of shorter continuances (two weeks), or allowing a few longer continuances (four weeks), overall the opinion was that within eight weeks, most of the DUI cases should be ready for disposition. Both judges also indicated that at the conclusion of each court appearance, they always set a date for the next action with regard to the case.

When discussing the bottlenecks with potential to cause delays that would push case timeframes outside of the standards, the judges indicated a variety of reasons for excessive continuances. External factors such as slow DPS lab result turnaround times, difficulty in coordinating interviews, and attorney scheduling issues were all indicated as problematic. From an internal standpoint, administrative issues such as calendaring, case tracking, and multiple judges handling the cases were among those indicated as possible delays in processing of the cases.

When asked about potential solutions for the aforementioned bottlenecks, the judges had difficulty coming up with appropriate ways to handle the external factors. Apart from setting

each case for trial (even when inappropriate to do so), speeding up lab turnaround times seems impossible. The judges suspect that it is due to a resource problem with the lab. One judge commented that if the case is set for trial (has a scheduled trial date) the lab seems to put the case on the “priority” list and the blood work is processed quicker than other cases. As far as interviews, all of the involved agencies are short staffed at present with the state of the budget, and workloads per employee are up. This issue cannot be resolved without some kind of reprioritization across all participating criminal justice entities. Attorney scheduling and availability is the external factor that is the most possible to resolve by having the attorneys provide their availability to the court. Also setting expectations about court attendance during the first phases of the case could potentially limit unnecessary delays.

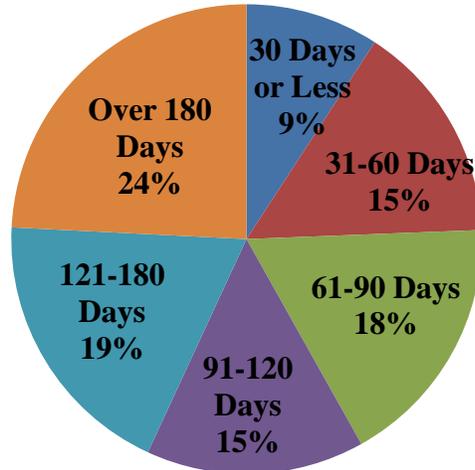
During the interview, both judges expressed their commitment to reducing delay. The judges indicated that part of their responsibilities include processing of cases in a timely fashion.

### **CourTool Measure #3- Time to Disposition**

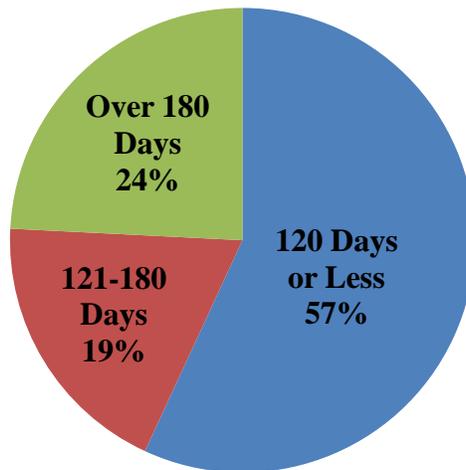
The ABA standard for disposition of DUI cases is 90% of cases disposed of within 30 days and 100% of cases disposed of within 90 days. The NCSC’s time to disposition standard is 75% of cases disposed of within 60 days and 90 percent within 90 days. Arizona’s case processing standards are 85% within 120 days and 93% within 180 days.

The FJC disposed of 57% of DUI cases within 120 days (28% below AOC’s case processing standards) and 76% within 180 days during July 1, 2011 to June 30, 2013 (17% below AOC’s case processing standards) (see figures 1 and 2). Since the FJC is not meeting the DUI case processing standards set forth, a further review of cases was performed to determine the reasons for delay in processing of the DUI cases.

**Figure 1. Time to Disposition  
July 1, 2011- June 30, 2013  
566 Cases**

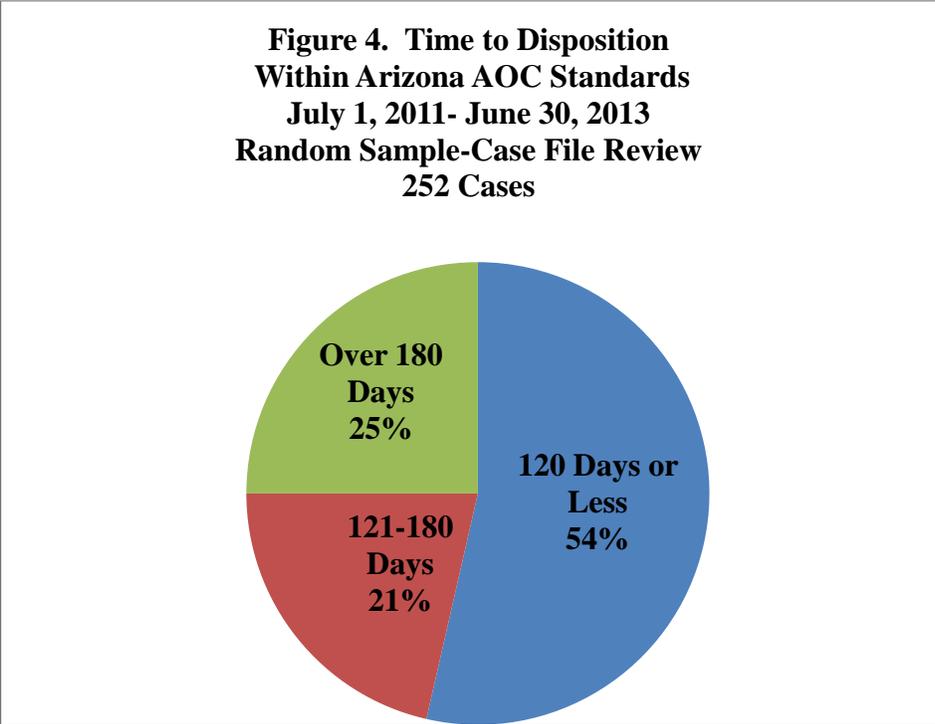
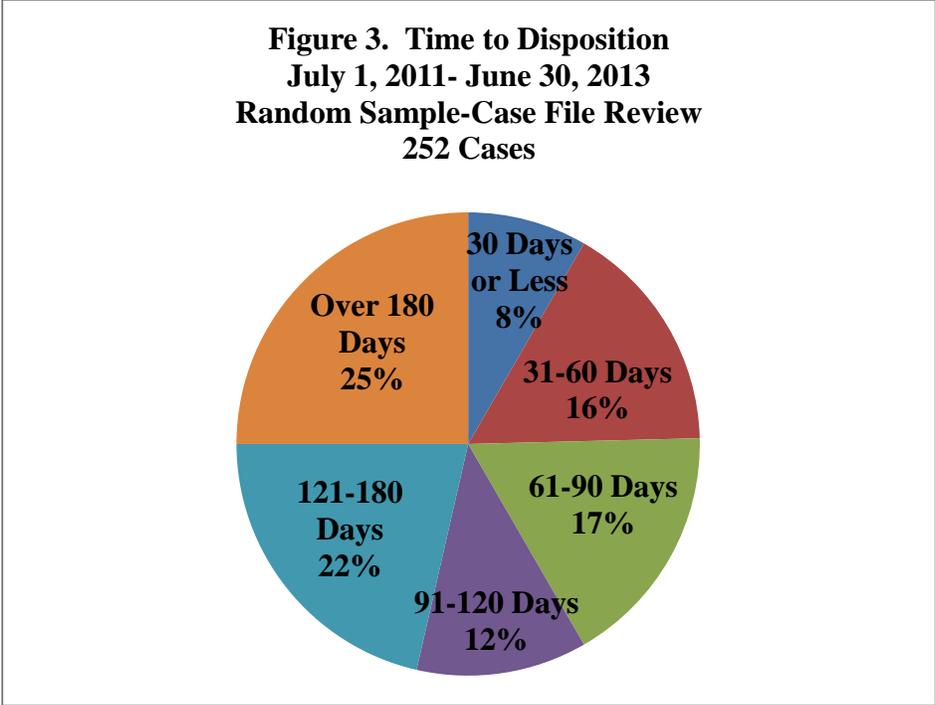


**Figure 2. Time to Disposition  
Within Arizona AOC Standards  
July 1, 2011- June 30, 2013  
566 Cases**



A random sample of 280 cases was reviewed from the entire population to determine reasons for the delay. Of the 280 case files, 28 cases had been transferred to the Superior Court, leaving a total of 252 cases. Out of the 252 cases reviewed, the FJC disposed of 53% within 120

days and 75% of the cases within 180 days (see figures 3 and 4). The sample is representative of the time to disposition figures for the Court as a whole during that time period (see figures 1 and 2).



## Case File Review of Cases

In examining the case files selected by random sampling, the researcher was focused on the differences between four groups of disposition timeframes. The groups are 60 days or less, 61 to 120 days, 121 to 180 days, and over 180 days. The sample taken had a fairly even distribution of cases across the four disposition timeframe groups. The following table displays the case distribution:

**Table 2. Average Number of Days to Disposition**

<b>60 Days or Less</b> (n=62)	<b>61-120 Days</b> (n=73)	<b>121-180 Days</b> (n=54)	<b>Over 180 Days</b> (n=63)
38	87	148	331

Across all four groupings, the average number of charges brought against the defendant was three. There was also a similar distribution of public defenders versus private attorneys across the groups.

**First court appearance.** The differences between groups appear when examining the caseflow. When looking across the groups, the average number of days between charges being filed and the first court appearance is a very large spread (see table 3). The sub 60 day disposition group averaged less than two weeks (13 days) to have first court appearances, while the post 180 day group averaged approximately fifteen weeks (102 days). The middle groups, 61 to 120 days to disposition and 121 to 180 to disposition averaged approximately five weeks (39 days) and seven weeks (47 days) respectively. These substantial increases in time to first appearance between groups are indicative of long delays in beginning the processing of the cases. It is important to note that all of the cases reviewed had a “next” court event scheduled, with the exclusion of cases where a warrant was issued.

**Table 3. Average Number of Days to First Court Appearance**

<b>60 Days or Less</b> (n=62)	<b>61-120 Days</b> (n=73)	<b>121-180 Days</b> (n=54)	<b>Over 180 Days</b> (n=63)
13	39	47	102

\* Rounded to the nearest whole number

**Issuance of summons.** The delays to first court appearance noted in Table 3 above may be partially attributed to delays in the issuance of summonses, where applicable (see Table 4). A summons was issued for a total of 118 cases. Across the groups, when summonses were issued, the 60 days or less group averaged about a week (8 days), the 61 to 120 group averaged just over two weeks (16 days), the 121 to 180 group averaged just over four weeks (32), and the over 180 days group averaged about ten weeks (70 days). Since the summons represents the order for appearance for the first time before the court, a delay in issuing the summons creates a loss of time at the start of the case that cannot be recovered, which is contributing to the overall length of time to disposition.

**Table 4. Average Number of Days to Issuance of Summonses**

<b>60 Days or Less</b> (n=15)	<b>61-120 Days</b> (n=32)	<b>121-180 Days</b> (n=32)	<b>Over 180 Days</b> (n=39)
8	16	32	70

\* Rounded to the nearest whole number

**Warrants.** When looking at the issuance of warrants, a total of 21 warrants were issued (see Table 5). The overall average timeframe from when the warrant was ordered to when the warrant was issued is approximately 137 days. The court has an unwritten warrant policy to hold the warrant for 10 days after the warrant has been ordered prior to issuing the warrant. The reason behind this policy is to allow for mail, if the defendant has written a letter to the court asking for a continuance or stating why they can't appear that particular day, and also to allow for the defendant to appear in person.

In the over 180 days group there were two warrants that were issued over 200 days after

the warrant was ordered by the judge. The longest time gap was 1,760 days, the second was 252 days. There was no documented reason in the case file as to why it took so long to issue the warrant after it was ordered. Taking these two cases out of the average it would reduce the overall average timeframe from 137 days to 71 days.

**Table 5. Average Number of Days from Warrant Ordered to Warrant Issued**

<b>60 Days or Less</b> (n=1)	<b>61-120 Days</b> (n=6)	<b>121-180 Days</b> (n=3)	<b>Over 180 Days</b> (n=11)
11	27	20	241

\* Rounded to the nearest whole number

**Continuances.** When looking at continuances across the groups, the average number increases fairly substantially as time to disposition increases (see Table 6). The 60 days or less group averaged just over one continuance (1.05). The next two groupings increase two and a half times (2.57 continuances) and four times (4.07) respectively in the number of continuances, with the greater than 180 day group coming in at an average of five and a half (5.49) continuances. When looking at average number of continuances between public defender, private attorney, or self-represented, there was no significant difference (see table 6).

**Table 6. Average Number of Continuances Overall and By Representation**

<b>Representation</b>	<b>60 Days or Less</b>	<b>61-120 Days</b>	<b>121-180 Days</b>	<b>Over 180 Days</b>
Overall	1.05 (n=62)	2.57 (n=73)	4.07 (n=54)	5.49 (n=63)
Public Defender	1.15 (n=50)	2.41 (n=46)	4.07 (n=28)	5.58 (n=36)
Private Attorney	0.8 (n=10)	2.92 (n=25)	4.08 (n=26)	5.37 (n=27)
Self-Represented	0 (n=2)	2 (n=2)	0 (n=0)	0 (n=0)

With continuances ranging from a minimum of two weeks to sometimes four or more weeks, moving beyond one or two continuances can severely impact total time to disposition (see Table 7). For the 60 days or less group, the average length of each continuance was

approximately 12 days. The average number of total continuance days for this group was just under 15 days. When looking at the courts' typical two week cycle for scheduling the next case event, these numbers seem to indicate that cases within this subgroup are close to a one 2 week continuance on average. The 61 to 120 day group averages nearly 13 days per continuance, while having an average total number of continuance days at approximately 31. Based on the two week cycle, this group averaged two 2 week continuances. The 121 to 180 day group continues the trend of the prior two groups, averaging 14 days per continuance, right around the two week mark, which again lines up with the way that court events are scheduled. This group averages approximately 44 continuance days, equating to approximately three 2 week continuances. Finally, the greater than 180 day group breaks the trend by averaging almost 3 weeks per continuance at 20 days per continuance. In addition, this group sees substantially more continuance days, at 94 on average. This equates to approximately five continuances per case, while also being 50% longer in number of days versus the prior groups.

**Table 7. Average Length of Continuance and Total Continuance Days**

<b>Continuances</b>	<b>60 Days or Less</b>	<b>61-120 Days</b>	<b>121-180 Days</b>	<b>Over 180 Days</b>
Average # of Continuance	1.05 (n=62)	2.57 (n=73)	4.07 (n=54)	5.49 (n=63)
Average Length of Continuance	12 Days	13 Days	14 Days	20 Days
Total Continuance Days	15 Days	31 Days	44 Days	94 Days

When looking at all of the continuances documented during the case file review, certain reasons were substantially more prevalent than others (see Table 8). A delay to allow plea negotiations prior to a plea offer comprises approximately 9% (74 instances), while the defendant being given time to consider a plea after it's offered makes up around 16% (122 instances). Combined together, a quarter of all continuances (25%) are based on plea

negotiations or considerations either pre or post plea offer. Repeat continuances in a single case where the defendant is taking time to consider the plea offer should be further reviewed to ensure there is no abuse and that timeframes for this review are reasonable.

When looking at how the external players (attorneys, law enforcement, DPS crime lab) impact the need for continuances, the major causes come from law enforcement. Between waiting for DRs (Department Reports/Police Reports) and availability for interviews, there is a significant bottleneck when waiting for law enforcement. Unavailable department reports accounted for approximately 8% of continuances (59 instances), while having to delay because interviews with the arresting officer had not yet occurred represented another almost 7% (57 instances). Attorneys, either prosecution or defense, not available for the scheduled court event make up approximately 7% (52 instances) of continuances. With limited resources available, scheduling attorneys can be difficult as they are covering several cases and may either be in another court or out of town and no one else is able to cover for them.

Interestingly, and contrary to staff and judge opinion, waiting for blood work to be returned from the DPS crime lab only represented just over 3% of continuances (24 instances). According to survey results from the staff and interviews with the judges, it was felt by most that turnaround time on blood work was too long and it was responsible for a lot of the delays taking place. This only captures those instances where it was specifically stated that the attorneys were waiting for blood work. After a discussion with court staff, the instances where a continuance was asked for and granted for plea negotiations could also be due to not having the blood work back from the DPS crime lab but it was not specifically stated.

Perhaps most problematic were the instances with no documented reason for a further continuance. Out of all cases reviewed, 82 of the continuances had no reason listed whatsoever.

This represents more than 10% of all the continuances documented. This lack of data makes it difficult to categorize these continuances and therefore provide any sort of solution to how to reduce the timeframe associated with them.

Dealing with other administrative issues such as change of plea paperwork, setting change of plea hearings, or setting jury trial dates were also documented, but represented small delays. Change of plea paperwork (29 instances) at 3.7% and jury trial dates (19 instances) at 2.5% represent small numbers of delays, but more importantly are typically the final or close to final continuance. This also applies to setting the change of plea hearing as the reason for delay, which is seen more often with nearly 12% (90 instances).

There were also a large number of continuances that were not categorized as they were due to uncommon requests for continuances, such as the defendant being unavailable because of traveling, working, school, finishing a drug or alcohol treatment program, or taking a final. These represented over 16% (123 instances) of the continuances.

Finally, continuances that occurred past the first two were examined to determine if they met with the practice currently in place in FJC of requiring a judge's signature. Out of those continuances (four hundred and one) that should have had a signature from the judge two hundred and twenty five did not have a signature or a majority 56.1%. This number falls far short of the expectations of the policy.

**Table 8. Reasons for Continuances**

<b>Reason for Continuance</b>	<b>60 Days or Less</b>	<b>61-120 Days</b>	<b>121-180 Days</b>	<b>Over 180 Days</b>	<b>Total</b>	<b>First 2 Continuances</b>	<b>More than 2 Continuances</b>
Plea Negotiations	5.4% (n=4)	24.3% (n=18)	28.4% (n=21)	41.9% (n=31)	9.4% (n=74)	3.8% (n=30)	5.6% (n=44)
Defendant is Considering the Plea Offer	14.8% (n=18)	27.9% (n=34)	24.5% (n=30)	32.8% (n=40)	15.6% (n=122)	12.5% (n=98)	3.1% (n=24)
Department Reports (Police Reports)	18.6% (n=11)	35.6% (n=21)	22.1% (n=13)	23.7% (n=14)	7.5% (n=59)	7.4% (n=58)	0.13% (n=1)
Interviews with Officer	1.7% (n=1)	10.5% (n=6)	43.9% (n=25)	43.9% (n=25)	7.3% (n=57)	2.04% (n=16)	5.22% (n=41)
Blood Work	8.3% (n=2)	41.7% (n=10)	16.7% (n=4)	33.3% (n=8)	3.1% (n=24)	1.3% (n=10)	1.8% (n=14)
No Documented Reason	4.9% (n=4)	23.1% (n=19)	22% (n=18)	50% (n=41)	10.4% (n=82)	4.7% (n=37)	5.7% (n=45)
Waiting for Change of Plea Paperwork (Telephonic Plea Proceeding)	0% (n=0)	10.3% (n=3)	24.2% (n=7)	65.5% (n=19)	3.7% (n=29)	0% (n=0)	3.7% (n=29)
Jury Trial Date Set	0% (n=0)	10.5% (n=2)	21.1% (n=4)	68.4% (n=13)	2.5% (n=19)	0.8% (n=6)	1.7% (n=13)
Change of Plea Hearing Set	4.4% (n=4)	38.9% (n=35)	17.8% (n=16)	38.9% (n=35)	11.5% (n=90)	3.7% (n=29)	7.8% (n=61)
Attorney (Defense or Prosecutor) Not Available	5.7% (n=3)	9.4% (n=5)	33.9% (n=18)	51% (n=27)	6.7% (n=53)	2.5% (n=20)	4.2% (n=33)

## **Conclusions and Recommendations**

This section of the report describes the results from conducting an analysis of DUI caseflow within the Flagstaff Justice Court by surveying staff, interviewing judges, and performing a case file audit. Certain themes and trends appear indicating some areas where improvement is needed. Below is a list of conclusions followed by recommendations that will assist the court in processing DUI cases more efficiently. Each conclusion and recommendation corresponds to areas where inefficiencies were identified during this research project. The overall finding is that the Flagstaff Justice Court has room for improvement in the processing of DUI cases.

**Conclusion #1: The Flagstaff Justice Court does not meet the Arizona Administrative Office of the Court's case processing standards for DUI cases: 85% of DUI cases disposed of within 120 days and 93% of DUI cases disposed of within 180 days.**

Between July 1, 2011, and June 30, 2013, 57% of DUI cases were disposed of within 120 days and 76% disposed of within 180 days. The court is not disposing of DUI cases within the timeframes established by the Arizona AOC.

A case file review was completed from a sample (280 cases, 252 reviewed) of this population (566 cases) to determine possible causes of delays. The sample was representative of this population. 53% of cases were disposed of within 120 days and 75% within 180 days.

**Recommendation #1: Establish a workgroup with all relevant criminal justice partners to develop policies that improve the management of DUI cases in the Flagstaff Justice Court.**

The Flagstaff Justice Court should establish a workgroup or committee that includes all criminal justice stakeholders involved in the disposition of DUI cases. The workgroup should review this report and establish policies and procedures that will improve the caseflow time to

disposition of these cases. The workgroup should include the Justice of the Peace, county attorney's office, defense bar, law enforcement, and court staff to address the issues presented.

Once the workgroup has developed policies and procedures and/or recommendations, the Justice of the Peace should review and formally adopt them for the court. After the adoption of policies and procedures, training should be provided to all stakeholders and staff to be sure the policies and procedures are known and understood.

**Conclusion #2: The Flagstaff Justice Court does not consistently issue summons promptly after the complaint has been filed (ARCrP 3).**

The court is not issuing summonses promptly as required by the Arizona Rules of Criminal Procedure 3.1. The rule states that "the court shall promptly issue a summons upon finding of probable cause". Further increasing ambiguity, within the rule as written, the term "promptly" is not explicitly defined.

Merriam-Webster dictionary defines the term promptly as "performed readily or immediately". With 88% of cases taking more than two weeks for the summons to be issued, it cannot be said that the court is acting "readily or immediately".

By delaying the issuance of the summons there is no activity taking place with the case, therefore this is considered "dead time". The clock is still "ticking" during this "dead time" with no activity or opportunity for activity on the case until the court schedules the case and issues the summons.

**Recommendation #2: Development of written policies and procedures to ensure summonses are issued in a timely fashion.**

First and foremost, the management team should define the term "prompt" for the purposes of issuing summonses. This will drive the policy discussion by identifying a specific

timeframe in which this task must be completed and will allow for performance analysis specific to the issuance of summonses to be performed. A tracking system indicating deadlines for the issuance of a summons following a procedural trigger would be helpful for the employees responsible for this process. In addition, the current practice involves multiple clerks initiating the case and issuing the summons thus creating the possibility for a disconnect. One clerk is responsible for creating the case record in the automation system. The case file is then transferred to another clerk to calendar the case and issue the summons. The management team should look into the possibility of having the case be calendared and the summonses issued when the case is initially created in the case automation system. The management team should also look into the possibility of the case automation system being able to automatically generate the summons once the case is created in the system.

After the management team addresses the issuance of summonses, the team should look at ensuring that the first court appearance is being scheduled within 30 days from date of filing of the case to help move the case more efficiently through the process.

**Conclusion #3: The unavailability of officers and police reports delays the time to disposition.**

Two of the variables identified as reasons for continuances are related to law enforcement interaction with the attorneys in DUI cases. Primarily, police department reports being unavailable at the time of a pretrial conference was indicated as a fairly prominent reason for delay (7.5% of the time). Without access to the reports completed by the arresting officer, defense attorneys in particular are forced to wait for their availability in order to properly analyze the arrest and all relevant factors. It is unclear whether the responsibility to provide the department report lies directly with law enforcement, or if it possibly belongs with the county

attorney. This issue should be investigated and defined. Either way, a reduction in the time required to provide all law enforcement reports to all parties that require access for the interests of justice is prudent.

In addition, police officer availability for interviews during the pretrial was also cited as an important hurdle that has the potential to slow down the process. In the current state of budgets, all government departments and law enforcement agencies are trying to do more work with less. Properly allocating police officer's time between regular patrol duties and administrative efforts such as providing interviews for pending DUI cases is difficult. However, as an integral part of the judicial process, it is imperative for law enforcement to recognize the importance of these interviews and make every effort to be available in a timely fashion.

**Recommendation #3: Meet with all relevant criminal justice partners to address availability of officers for interviews and the receiving of reports.**

The court should use an existing task force or schedule a meeting that includes all integral participants to discuss the specific issues with law enforcement in the processing of these cases.

The law enforcement liaison for the courts should stress to leadership at the respective law enforcement agencies the importance of the officer's role in the disposition process. It is unclear whether law enforcement understands the timeframes for disposition that the court strives to meet. Education on the current timeframes and what the standards are could help foster understanding of the need for timely administrative processes for these types of cases. Flexibility of attorneys and perhaps outside the box thinking could potentially be useful in resolving the issue of availability for interviews.

**Conclusion #4: The court is not following its current practice of having judges sign the continuance form for continuances beyond the second continuance.**

At present, the FJC has a court practice, currently unwritten in policy, which requires an attorney to seek judicial approval when requesting a continuance beyond the second continuance. The judge is required to sign off on the continuance form, indicating that they have heard or read the motion for continuance and approved the reason for an additional delay in processing the case. In nearly 56% of cases that were reviewed, continuances beyond two were not signed by a judge. In those cases, there wasn't any documentation that the judges actually received and reviewed the request for delay. During a conversation with the court manager, it was stated that if the judges are being provided the case file and the request for a continuance, then the continuance sheet is being signed by the judge, if approved. However, the court manager did state that perhaps a few sheets may not have been signed by the judge despite the review taking place, but that those instances would be very rare. With over half of those requests not being signed, one could conclude that the judges are not being provided the case file to review the request for continuance and staff are granting the requests.

**Recommendation #4: The court should develop a written policy on continuances and enforce the policy to reduce time to disposition.**

The court should put into place a written policy that outlines the specific procedure that ensures judicial review prior to continuing the case. Staff could assist the judge by analyzing the requested continuance within the greater context of the case and advise the judge of any pertinent facts (repeat plea considerations, unavailable reports, number of days the case has been pending, etc.) to assist the judge in assessing the requested continuance. Staff can also utilize deadlines for

key case milestones to keep the judge informed about where each particular case lies within the disposition process compared to the timeframes required by the Arizona AOC policy.

The policy should be in writing and should include the following:

- The number of continuances a case can have
- How long the continuance should be
- Motions by attorneys should state any scheduling conflicts they may have and also include opposing counsel's position on the motion.

The policy should be applied in a reasonable but consistent and fair manner.

The management team should perform an analysis (much like the one conducted for this research) to find out to what degree the policy is being followed. This audit needs to occur on a regular basis until practices have been changed for the long term.

**Conclusion #5: Warrants are not being issued in a timely manner or in accordance with the court's local practice.**

During the case file review, there was documentation of 21 warrants being issued. The overall average number of days from the date that the warrant was ordered to the date the warrant was issued was 137 days. In one case the warrant was not issued until 1,760 days after the judge ordered the warrant. The warrant not being issued in a timely manner can clearly have a very large impact on the time to disposition in those cases where the defendant fails to appear. The time between when the warrant is ordered by the judge and when the warrant is issued is time where there is no activity on the case but the "clock" is still ticking. The court has an unwritten policy to hold the warrant for 10 days from the date it is ordered before issuing it in case the defendant appears or corresponds by mail or telephone. With an average of 137 days,

the court is holding warrants longer than their unwritten policy. In the average case where a warrant is issued, there is almost no chance of disposition within 120 days.

**Recommendation #5: Develop a written policy and procedure for issuance of warrants.**

Once the court identifies the causes of delay of issuing warrants the court should develop a policy on how to reduce the delay and how long a warrant is to be held from the date when the judge orders the warrant to the date when the warrant should be issued. Once a written policy has been established, the court should develop a method to track issuance of warrants to assure they are being issued in a timely manner.

The court should see if the case automation system could be set up in a way that it would allow it to calendar when the warrant needs to be issued based upon the court policy or even see if the system can automatically generate the warrant to be issued after the allotted timeframe.

**Conclusion #6: The Presiding Judge and leadership of the Flagstaff Justice Court understands the importance of effective caseload management and are committed to continually improving the process.**

During the interviews with the judges they both indicated their commitment to timely disposing of cases. The leadership of the presiding Justice of the Peace of the court is critical in reducing or minimizing delays. It is important for the judges to stay educated on the fundamentals of caseload management for success over the long term.

Neither of the current judges at the FJC had an extensive judicial background prior to taking office and may not have had any education in caseload management. The Justice of the Peace also manages a full caseload in addition to his administrative responsibilities, which limits the amount of time and oversight he can provide to a caseload management program.

**Recommendation #6: The Presiding Judge and leadership of the Flagstaff Justice Court should focus their efforts on continuous improvement of caseflow management within the Flagstaff Justice Court.**

The presiding Justice of the Peace and Justice of the Peace Pro Tempore of the court should attend the caseflow management training that is offered to the superior court judges. The presiding Justice of the Peace and leadership of the court should continue to create, sustain, revise, and refine the caseflow management practices of the justice court.

The judge and leadership should develop and adopt formal, written procedures and policies for implementation of caseflow management programs. Regular communication with staff on what the case management plan entails and how it evolves should continue to take place. The judge and leadership should outline expectations and explain responsibilities of court staff to follow the caseflow management plan.

## **Conclusion**

The Flagstaff Justice Court has a responsibility to meet the time standards set forth by the Arizona Administrative Office of the Courts for DUI case processing. The FJC had not had a comprehensive review that included case file of this caseflow with regards to meeting the standards in recent years. Although statistics are reported quarterly, an investigation into the reasons why some of the cases are not to meeting the standards can help court leadership create policies that guide cases through to disposition more efficiently. The results presented in this paper can help shed some light on the existing bottlenecks for caseflow processing and recommend some ways to improve.

In order to gather data on the current caseflow process in the FJC, a three tiered approach was taken. Each of the three data collection methods was focused on knowledge of the time standards for processing DUIs, bottlenecks to timely processing, and methods for improvement. First, a survey was conducted of the staff, focusing on the aforementioned areas. Then both of the judges who oversee cases in the FJC were interviewed, to obtain their perspectives as a comparison to staff. Finally, approximately half of all of the case files for the two fiscal years under examination were reviewed (chosen at random) to investigate reasons for delay in case processing.

The results of the data collection indicated some key areas where inefficiencies exist, such as the issuance of summonses, continuance inconsistencies and monitoring, and substantial delays before the defendant's first court appearance. The recommended goals for improving overall time to disposition and thereby meeting the requirements set by the AOC include:

1. Streamline the summons issuance process for clerks and creating written policies to enforce much faster timeframes
2. Improve the tracking of total continuances per case, and adhere to policy to ensure a

judge is reviewing repeated requests for continuances. Use this information to eliminate unnecessary delays and force action on the part of case participants

3. Increase communication and coordination between law enforcement and court staff so that the case filings are timely and contain all necessary information to begin proceedings as soon as calendaring permits

The FJC has the potential to improve their caseload processing of DUIs by prioritizing the meeting of the state standards and looking closely at the above identified areas. The aforementioned recommendations can help to minimize the impact of the current bottlenecks and allow the court to more closely monitor these proceedings so they have a greater understanding of the impacts of each delay.

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## Appendix A: Survey to Court Staff

**1. Please check the box below that corresponds to your years of service at the court:**

- Less than 1 year
- More than 1 year but less than 5
- Between 5 and 10
- More than 10 years

**2. Please rate your familiarity with the Flagstaff Justice Court’s continuance policy for DUI Cases:**

1	2	3	4	5
Not At All Familiar	Somewhat Familiar	Moderately Familiar	Very Familiar	Intimately Familiar

**3. Please rate your familiarity with the DUI case processing time standards adopted by the Administrative Office of the Courts:**

1	2	3	4	5
Not At All Familiar	Somewhat Familiar	Moderately Familiar	Very Familiar	Intimately Familiar

**4. Do you have a copy of the standards or know where you can go to view them?**

- Yes
- No

**Please rate the following groups in the court on a scale 1-5 with 1 being “Not At All Familiar” and 5 being “Intimately Familiar” as to their familiarity with the DUI case-processing time standards:**

	Not At All Familiar	Somewhat Familiar	Moderately Familiar	Very Familiar	Intimately Familiar
<b>5. Attorneys</b>	1	2	3	4	5
<b>6. Court/Clerk Staff</b>	1	2	3	4	5
<b>7. Court Managers</b>	1	2	3	4	5
<b>8. Judges</b>	1	2	3	4	5

**9. Please rate the degree of difficulty an attorney would face when attempting to obtain a continuance on a DUI case:**

1	2	3	4	5
Almost Impossible	Difficult	Neither Easy Or Difficult	Easy	Almost Guaranteed Approval

**10. Please rate your opinion as to whether you feel DUI cases are being disposed of within the time standards:**

1	2	3	4	5
No (or Almost/ Practically) Cases Are Meeting The Standards	Few Cases Are Meeting The Standards	About Half Of Cases Are Meeting The Standards	Most Cases Are Meeting The Standards	All (or nearly all) Cases Are Meeting The Standards

**11. How easy or hard is it for staff to track pending cases and alert the judge(s) to cases that have gone past time standards?**

1	2	3	4	5
Very Difficult	Difficult	Neither Easy nor Difficult	Easy	Very Easy

**12. Who do you believe is the most responsible for conforming cases to the time standards?**

- Prosecutor
- Defense Attorney
- Court Staff
- Judge
- \_\_\_\_\_

**13. Please list the top 5 reasons (based on your experience) you suspect cases would not be processed within the timeframes outlined by AOC.**

- a.
- b.
- c.
- d.
- e.

**14. Based on your above 5 reasons, what suggestions do you have for each as to how the time to disposition could be reduced or eliminated.**

- a.
- b.
- c.
- d.
- e.

## Appendix B: Cover Letter to Court Staff

September 18, 2013

Dear Flagstaff Justice Court Staff,

I am currently in a fellowship program with the National Center for State Courts. This is the highest certification one can receive in Court Administration. As a part of the program, a research project must be completed. I am completing my research project on DUI case processing in the Flagstaff Justice Court.

Part of my research includes a survey to court staff on DUI case processing. Participation in this survey is entirely voluntary however, I am dependent on receiving a high percentage of completed surveys in order to complete my research project.

If you decide to participate, you may withdraw from the survey or skip questions at any time. There is a total of 15 questions and will take approximately 10 to 20 minutes to fill out. Your responses to the survey will be grouped with other responses for analysis so that all answers remain anonymous.

Please return the surveys to me by no later than **Monday, September 30, 2013.**

If you have any questions or concerns in regards to the survey or my research project please feel free to contact me anytime at 928-679-7545.

I hope you find the time to participate and thank you in advance for your consideration.

Sincerely,

Sharon Yates  
Deputy Court Administrator  
Superior Court in Coconino County

### Appendix C: Interview Questions for Judges

1. Please rate your familiarity with the DUI case processing time standards adopted by the Administrative Office of the Courts:

1	2	3	4	5
Not At All Familiar	Somewhat Familiar	Moderately Familiar	Very Familiar	Intimately Familiar

2. Please rate the degree of difficulty an attorney would face when attempting to obtain a continuance on a DUI case

1	2	3	4	5
Impossible	Difficult	Neither Easy Or Difficult	Easy	Guaranteed Approval

3. How easy or hard is it for staff to track pending cases and alert the judge(s) to cases that have gone past time standards?

1	2	3	4	5
Very Difficult	Difficult	Neither Easy nor Difficult	Easy	Very Easy

4. Please rate your opinion as to whether you feel DUI cases are being disposed of within the time standards:

1	2	3	4	5
No Cases Are Meeting The Standards	Few Cases Are Meeting The Standards	About Half Of Cases Are Meeting The Standards	Most Cases Are Meeting The Standards	All (or nearly all) Cases Are Meeting The Standards

5. Without researching, what do you estimate the courts clearance rate to be for DUI's on an annual basis? (clearance is calculated by dividing # of cases disposed by the # of cases filed.)

1	2	3	4	5
Less than 25%	More than 25% But less 75%	Approximately 50%	More than 50% but less than 75%	More than 75%

6. Taking into account the legitimate reasons for delays, how many continuances do you feel is reasonable on average per DUI case?

- Zero (0)
- One (1)
- Two (2)
- Three or More (3+)

7. Do you believe you are responsible for the timeliness of cases?

- Yes
- No

8. How often do you schedule a "next action" date with DUI cases?

1	2	3	4	5
Never	Occasionally	Half of the Time	Frequently	Every Time

9. What do you do to help ensure cases are being disposed of timely?

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10. Please list the top 5 reasons (based on your experience) you suspect cases would not be processed within the timeframes outlined by AOC

- a.
- b.
- c.
- d.
- e.

11. Based on your above 5 reasons, make a suggestion for each as to how the time to disposition could be reduced or eliminated.

- a.
- b.
- c.
- d.
- e.

12. Is there anything else you would like to let me know on DUI Case Processing?

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**Appendix D: Case File Review Data Collection Sheet**

Case Number: \_\_\_\_\_ Defendant's Last Name/First: \_\_\_\_\_

Date Filed \_\_\_\_\_ Disposition Date \_\_\_\_\_

If summons mailed, what date: \_\_\_\_\_ # of Charges: \_\_\_\_\_

Charges: \_\_\_\_\_

Were charges amended, if so to what? \_\_\_\_\_

Type of Disposition: (Guilty Plea) (Guilty, Bench Trial) (Guilty, Jury Trial) (Dismissed)

Victim: Yes No

DUI Type: Drug Alcohol

Accident: Yes No

Attorney Type: (Public Defender) (Legal Defender) (Private) (Self Representation)

Date of First Continuance: \_\_\_\_\_ Signed by Judge: Yes No

Reason for First Continuance: \_\_\_\_\_

Date of Second Continuance: \_\_\_\_\_ Signed by Judge: Yes No

Reason for Second Continuance: \_\_\_\_\_

Date of Third Continuance: \_\_\_\_\_ Signed by Judge: Yes No

Reason for Third Continuance: \_\_\_\_\_

Date of Fourth Continuance: \_\_\_\_\_ Signed by Judge: Yes No

Reason for Fourth Continuance: \_\_\_\_\_

Date of Fifth Continuance: \_\_\_\_\_ Signed by Judge: Yes No

Reason for Fifth Continuance: \_\_\_\_\_

Date of Sixth Continuance: \_\_\_\_\_ Signed by Judge: Yes No

Reason for Sixth Continuance: \_\_\_\_\_

Date of Seventh Continuance: \_\_\_\_\_ Signed by Judge: Yes No

Reason for Seventh Continuance: \_\_\_\_\_

Date of Eighth Continuance: \_\_\_\_\_ Signed by Judge: Yes No

Reason for Eighth Continuance: \_\_\_\_\_

Additional Continuance detail if necessary

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_