

Analysis of the Age of Pending Cases City of St. Louis

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Background

In recent months a great deal of media attention has focused on trends in the age of cases in the City of St. Louis. The purpose of this research brief is to explore reasons for this situation.

Significance of the Problem

Time standards set by Supreme Court Operating Rule 17, recommend that 98% of circuit felony cases be disposed within one year. On February 4, 2008, 356 people had been jailed in St. Louis for a year or longer while facing criminal charges.ⁱ

The City falls behind the rest of the state in disposing of felony criminal cases in a manner consistent with the time standards. In FY07 the City had the lowest proportion of cases disposed within the recommended time standard of any circuit in the state.ⁱⁱ The City of St. Louis disposed of 73% of its Circuit Felony Cases within 12 months. The state average was 90%. The City's efforts to dispose of older cases may partially explain their statistics for the year.

The age of case problem also has a cumulative aspect. As the following table shows, for every year except FY05, more cases have been filed than disposed, leaving an ever larger number of cases from previous years to process through the courts even as new cases are filed.

Circuit Felony Cases, City of St. Louis

	# cases filed	# cases disposed	difference
fy03	3504	2961	543
fy04	3946	3536	410
fy05	3617	3787	-170
fy06	3882	3755	127
fy07	4161	3427	734
total			1644

Source: Judicial Report Supplements, FY03-07

The issue also has individual implications. As of February 4, 2008, 2 individuals had been in jail over 4 years awaiting case disposition, an additional 8 had been in jail over 3 years, and 68 for over 2 years. A report generated by OSCA staff on February 2, 2008, indicates that 743 pending Circuit Felony Cases (combining the in-custody and community-based individuals) had a current case age of greater than 12 months.

Potential Sources of the Problem

To understand the sources of the problem one must examine the entire court process from arrest to sentencing. The number of cases filed is impacted by one set of factors and the number disposed by another. Along with actual criminal activity, the number of cases filed is impacted by the following:

- Changes in law enforcement organization and manpower increase

the likelihood that alleged criminals will be arrested and jailed.

- In recent years the City has received additional funds for prosecutorial services. The number of charges filed has risen significantly from FY05 to FY07.

Impacting the number of cases disposed include the following factors:

- Many more cases go to jury trial in the City of St. Louis than anywhere else in the state. These cases tend to take longer and require more legal resources than do cases disposed through early disposition or pleas.
- With more arrests and more charges filed, the demand for public defender services has increased but this demand has not been met by provision of more public defenders.

Several other short term changes in court management are also impacting the timeliness of case processing and number of cases disposed:

- In mid-2006 the City of St. Louis transitioned from a local court management system to the statewide Judicial Information System. The new system, unlike the previous one, does not track time in jail or allow for ordering of cases by time in jail.
- At the start of 2007, the City transitioned from centralized to individual docket scheduling. The effectiveness of this new approach to scheduling has been questioned and implicated by some in the wider array of problems.

A Closer Look at each Potential Problem Source

Arrests

The police department formed a new Crime Suppression Unit in January 2007 to address the increase in reported crime the previous year. After increasing 6% in 2006, reported crime dropped almost 15% in 2007.ⁱⁱⁱ This change is associated with the work of the new unit and with a crime mapping unit which pinpoints hotspots for

additional officer surveillance. The City of St. Louis passed a new business license fee in August 2006 that is providing funds to hire more police officers. An estimated 40 new officers^{iv} are being hired. An increase in arrests, cases filed, and in the in-custody population is a likely consequence of this addition in law enforcement resources.

Prosecution

Using funds from the same business license fee, the circuit attorney’s office developed a new Career Criminal Unit in the summer of 2007. The Unit is designed to target career criminals and is staffed with experienced attorneys. Even before this unit was formed, the City was experiencing an increase in charges filed. As a measure of prosecutor activity, the number of charges filed in criminal cases has increased significantly in each of the last three fiscal years with the largest increase coming in FY07.

Circuit Felony Charges Filed

Charge Level	FY05	FY06	FY07
F	659	825	938
FA	611	679	788
FB	675	579	776
FC	3141	3797	3997
FD	921	1055	1342
Total	6007	6935	7841

Source: Justice Information System

More charges filed may mean more people are being charged or more charges are being filed per case, both situations contributing to an increased need for legal representation as well as additional court processing time.

Trials

The City of St. Louis accounts for an unusually large proportion of all trial days in the state. In FY07, 33% of all trial days for the state were accounted for in this circuit. For criminal case trials, the City had 519 trial days compared to the next highest, Jackson County, which had 244. An oft cited reason for so many cases being disposed via a jury trial is the perception on

the part of defendants that they will receive a more favorable outcome. Juries in the City are perceived to be sympathetic to defendants. This perception is borne out by statistics. As the table below shows, compared to elsewhere a much lower proportion of trials in the City result in a guilty verdict.

Percent of Jury Trials with Guilty Verdict

	City of St. Louis	St. Louis County	Jackson County	Statewide
# cases Jan 2006 -Jun 2007	258	54	113	966
% Guilty Verdict	57%	77.8%	72.6%	67.2%

Source: Justice Information System

Public Defender Status

The American Council of Chief Defenders and the National Legal Aid & Defender Association recommend a caseload of 150 felonies/year^v. The City of St. Louis public defender office has the capacity for 23 public defenders to process felony cases (however with a high turnover rate the office is often not fully staffed, on 2/21/08 they had 20). Their capacity is 3,450 felony cases per year.^{vi}

The current public defender felony caseload is 3,157 cases pending as of 2/21/08.^{vii} With 20 public defenders covering these cases, they each have about 158 pending cases. While this number seems close to the 150 cases per year recommended as the standard, it does not reflect a full year of cases. Some cases have already been disposed and more will be assigned over the course of the 12 month period. Nor does the caseload standard account for local conditions. Of particular relevance in the City of St. Louis is the exceptionally high number of cases going to trial, cases which take more public defender resources than in an average circuit where fewer cases are disposed in this manner. The inadequate number of staff appears to be one reason why cases are not disposed at recommended levels.

Court Management Issues

Prioritizing by custody status

Under the City's former case management system, the age of case was tracked as well as the status of an individual as an in-custody or community based defendant. Case age and status could then be included as criteria in scheduling decisions. Once the City converted to the Justice Information System, it lost the ability to track how long an individual was in custody pending case disposition. In the near future, JIS will incorporate time in custody so it can be used as a case management tool once again.

Individual docket system

The individual docket system was implemented at the beginning of 2007. It is often mentioned as a reason for the backlog of cases. While it was designed to improve the efficacy of docketing, scheduling conflicts have been reported. For example, some attorneys are scheduled to appear in multiple courts at the same time. To avoid having court down time for cases disposed before they reach the trial stage, more cases are typically scheduled than can be handled in a day. As a result, cases often have to be rescheduled.

Despite these reported problems, the individual docket system seems to be working if one uses patterns of case disposition as a guide. Referring to the table below, in the period prior to implementation, July through December 2006, the number of cases disposed was significantly lower than for the two six month periods since implementation.

Circuit Felony Cases, City of St. Louis

	Filed	Disposed
July - Dec, 2006	2,026	1,536
Jan - June, 2007	2,134	2,039
July - Dec, 2007	1,948	2,151

Source: Justice Information System, Feb. 27, 2008

Implications of the Problem

If the timeliness of disposing cases could be enhanced, the City stands to experience significant cost savings. Housing 356 individuals in jail pending trial for extensive periods of time has cost the City a significant amount of money. Summing all days in excess of 365 for these 356 individuals amounts to a cost of \$4.14 million.^{viii}

In addition, many other individuals are in the community waiting for case disposition. When an extensive time lag exists between crime commission and case disposition, they may commit new crimes. Of the 4,161 Circuit Felony Cases filed in FY07, 276 cases/defendants had one or more subsequent Circuit Felony Cases filed against them before the 'first' case was disposed. Costs associated with these crimes could have been avoided or at least diminished if the original cases had been disposed more rapidly. For instance for a non-fatal assault resulting in hospitalization, lost productivity amounts to an estimated \$57,209 and medical care, \$24,353^{ix} plus criminal justice system costs.

Because of the seriousness of the charges against many individuals in the in-custody group, many will likely be sentenced to prison if found guilty (although if their cases go to jury trial, the probability is somewhat diminished given the trend in outcomes) and the costs of their custody will become the responsibility of the Department of Corrections. The cost burden could have been transferred sooner if their cases had been disposed more quickly.

Besides the cost issues, extensive time between crime commission and case disposition greatly reduces the deterrent effects of any sanctions and treatment.

While individuals may be aware that the increase in law enforcement may increase the likelihood that criminal behavior will be detected, the deterrent effect of this knowledge may be lessened by awareness that sanctions will not be timely.

Possible Solutions

In general, the resources of the entire court system need to be brought to the same level of functioning. An increase in law enforcement leads to more arrests. Additional prosecutors file more charges. These changes at the front end of the system increase the demand for jail space, defendant legal representation, court time, and jury trials.

The public defenders office needs additional resources to address staff turnover, retain a more experienced staff, and hire additional attorneys, either on staff or by contractual arrangement.

The court system needs a structure responsive to changes in one part of the system, whether it is an increase in criminal behavior, a drop in criminal cases going to trial, or anything else that impacts case filings and the manner in which they are disposed. The recent increase from six to nine judges who hear criminal matters in a week exemplifies this responsivity. If the public defenders office receives more resources, even more judges may need to hear criminal cases, at least until the backlog of cases is moved through the system.

As local court personnel become more proficient at using JIS and as it is adjusted to better meet their needs, flexible strategies informed by timely statistics will enable the City of St. Louis court system to better meet the needs of its citizens.



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ENDNOTES

ⁱ Chuck Croft (2008, Feb. 4). Calculated from information provided. 22nd Judicial Circuit.

ⁱⁱ Judicial Report Supplement FY07, Table 65

ⁱⁱⁱ Uniform Crime Report Statistics(2008, March 3). Missouri Uniform Crime Reporting Program. Accessed from the internet 3/3/08 at: http://www.mshp.dps.missouri.gov/MSHPWeb/SAC/data_and_statistics_ucr.html

^{iv} Belleville News-Democrat (2007, February 11). Public Defenders weak link in St. Louis crime crackdown. National Association of Criminal Defense Lawyers. Accessed from the internet 2/1/08 at www.nacdl.org/public.nsf

^v American Council of Chief Defenders. (2007, August 24). Statement on caseloads and workloads. National Legal Aid & Defender Association. Accessed from the internet 2/1/08 at:
http://www.nlada.org/DMS/Documents/1189179200.71/EDITEDFINALVERSIONACCD_CASELOADSTATEMENTsept6.pdf

^{vi} $23 \text{ pds} \times 150 \text{ cases/pd/yr} = 3,450$

^{vii} Cathy Kelly. (2008, Feb. 21). Personal communication. Missouri State Public Defender.

^{viii} 82,796 days x \$50/day. Paul Payne. (2008, Feb. 15). Personal communication. Cost per day in city jail. City of St. Louis, Acting Budget Director.

^{ix} Centers for Disease Control (2007). Cost of violence in the United States. Accessed from the web, 6/21/07, www.cdc.gov/ncipc/factsheets/CostOfViolenc...