



Performance Audits

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To: Performance Audit Committee

From: Matt Temmel, Performance Audit Coordinator

A handwritten signature in blue ink, appearing to read "MT".

Re: Superior Court Issues

A. Reform of the Felony Case Process

In October 2007, Justice Management Institute (JMI) presented its report on felony case management. The report found a huge backlog of pending felony cases in Pierce County Superior Court, double the level of 2002, despite the addition of judicial positions and despite that felony case filings have not increased. Attachment A shows the long-term trend in filings and pending cases. The JMI report contained 21 recommendations that, in effect, called for overhaul of the felony case process.

Since the JMI report appeared last year, the Superior Court's "JMI Committee" of five judges has worked with prosecutors and the defense bar to revise the felony case process. Two documents prepared by Superior Court show the proposed changes:

- Attachment B is a large-font draft document negotiated in meetings between December and early February by representatives of the court, prosecutors, and public and private defense bar. The material is a working document and may need changes in format, wordsmithing, and perhaps substance before the proposals can be implemented. Implementation is scheduled for March 31, 2008.
- Attachment C is an effort by the court to present the reform proposal in the form of a revised Superior Court felony case protocol, which was last revised in 2004. Again, the document is a draft and may need clarification before implementation.

Judge Tom Larkin, Presiding Judge of Pierce County Superior Court, will attend our meeting on February 27 to discuss the reform proposal. It amounts to the court's "action plan" to implement the main recommendations of the JMI report.

B. Related Superior Court Issues

Committee members may be interested in other Superior Court issues. Some issues directly related to the JMI report are as follows:

- 1. As recommended by JMI, the 2008 budget adopted by the County Council provided funding for a Data Analyst for the Superior Court.**

Questions: What is the status of the court's plans for hiring a Data Analyst? What kind of work will the Data Analyst do that is not being done now, and how will this affect the quality of information available?

- 2. Ordinance No. 2007-104s, section 18, second part (Attachment D), requested that Superior Court, working with the Performance Audit Committee and Justice Management Institute, develop a Judicial Bench Activity report by April 1, 2008. The report is to show by judicial department how much time each judge spends in the courtroom and indicate the type of work (trials, motions, etc.).**

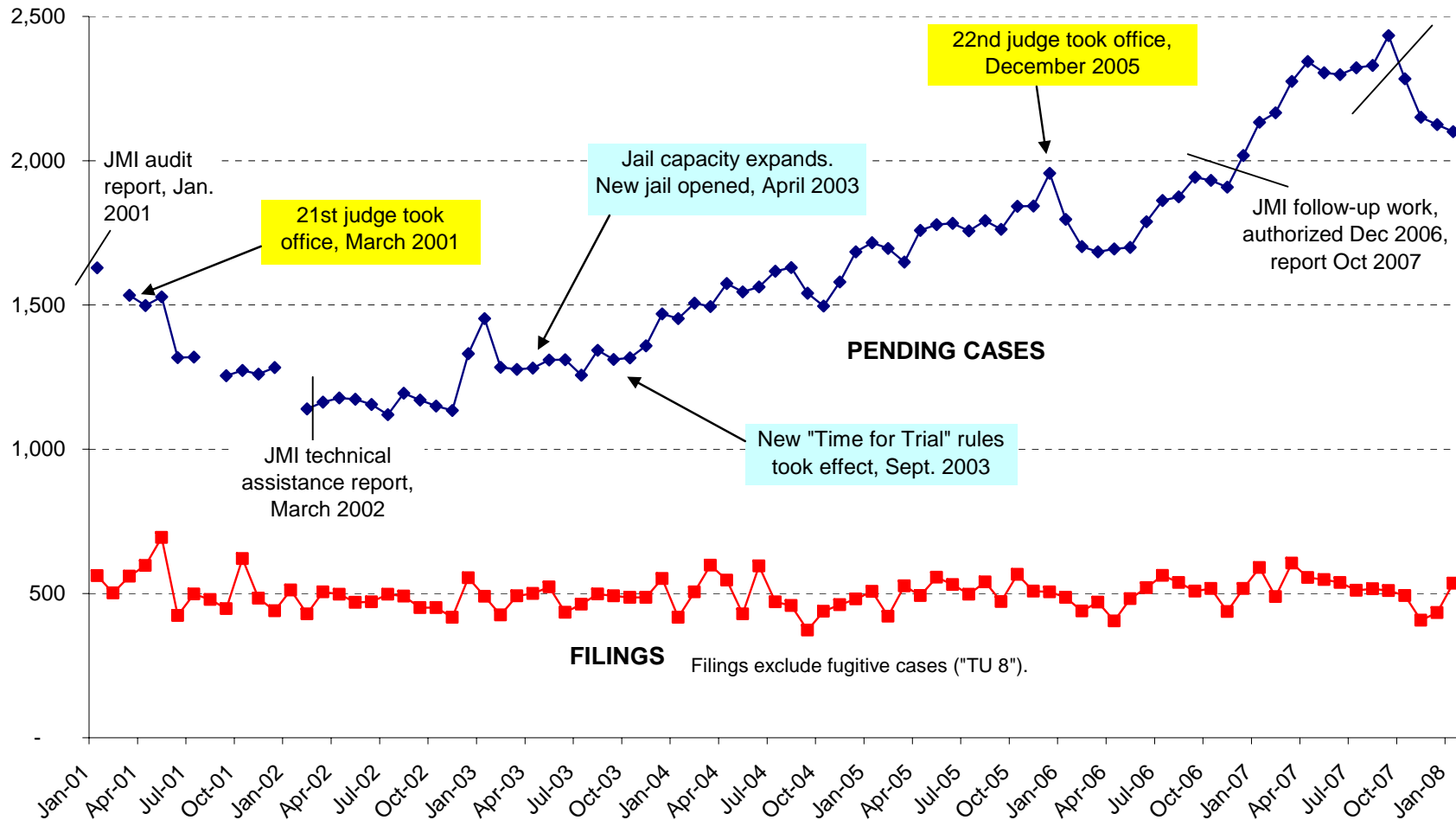
Questions: What is the status of the Judicial Bench Activity report? When will the court start work on the topic with the Performance Audit Committee and JMI? When will the data be available for formal review and action by the Performance Audit Committee, as specified in the ordinance?

- 3. The felony case backlog has had a huge impact on the length of stay in the Pierce County jail. The number of felony prisoners in pre-trial status grew from 47% of the total jail bed days in 2002 to 66% in 2007. The average length of stay for felony pre-trial prisoners has increased by approximately 50%.**

Questions: Does the court plan to begin regular on-going detailed analysis of the jail roster, with a view to determining how ready the oldest felony cases are for resolution? Will the court adopt performance measures that show the impact of the felony backlog on the length of stay in jail?

Attachments

Pierce County Superior Court Criminal Filings and Pending Cases since 2001 (ending January 2008)



Pending cases exclude bench warrant, Western State evaluation, Drug Court, criminal RALJ appeals, and fugitive ("TU 8") cases.

1 Section 18. PROVIDED, Superior Court is requested to maintain and report data
 2 on the Court's performance in felony case management that will track felony case
 3 backlog progress in relation to the findings in the October 2007 Justice Management
 4 Institute Report and Recommendations submitted to the Pierce County Performance
 5 Audit Committee and Pierce County Superior Court (JMI Report) on a quarterly basis to
 6 the Performance Audit Committee. The felony case management measures requested
 7 to be tracked are:

MEASURE	DESCRIPTION	FREQUENCY AND FORMAT	CALCULATION OF MEASURE
Pending Felony Caseload	Total number of felony cases pending trial at end of month	Monthly, add data to Chart 1 in JMI Report	Calculated and reported in the same manner as Chart 1 in the JMI Report
Felony Cases Filed	Total number of new felony cases filed in last month	Monthly, add data to Chart 1 of JMI Report	Calculated and reported in the same manner as Chart 1 in the JMI Report
Pending Felony Cases Over 9 Months Old	Total number of felony cases pending trial at end of month that are over 9 months	Monthly, add data to Chart 2 of JMI Report	Calculated and reported in the same manner as Chart 2 in the JMI Report
Firmness of Trial Dates	Number of trial date settings, continuances, and continuance rate	Complete the 2007 annual data in Table 5 in JMI Report, then report monthly in 2008	Calculated and reported in the same manner as Table 5 in the JMI Report

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 10 PROVIDED FURTHER; the Superior Court is further requested to collect,
 11 maintain, and report on a quarterly basis to the Performance Audit Committee beginning
 12 in April 1, 2008, information on Judicial Bench Activity, by Department, that will provide
 13 clear information on how much time each judge spends in court. The data are to be
 14 verifiable and include courtroom time on criminal versus civil trials, total recoupment
 15 orders and amounts levied by each department, motions, chamber activities with
 16 counsel present, and administrative activities performed by a judge (not a judicial
 17 assistant), such as trial settings and continuances. The Court is further requested to
 18 assist in the development, structure, and details of the Judicial Bench Activity report by
 19 working with Justice Management Institute and the Performance Audit Committee in
 20 January and February 2008. If the Performance Audit Committee, after detailed review
 21 and discussion, believes that the proposed reporting on Judicial Bench Activity will form
 22 a reasonable record of courtroom activities, and takes formal action that endorses the
 23 Court's plan, the Committee shall notify the Council to that effect.

