

Evaluation of Early Case Resolution (ECR)

**Year 1 Report
February 2013**



THE UNIVERSITY OF UTAH

Utah Criminal Justice Center

COLLEGE OF SOCIAL WORK
COLLEGE OF SOCIAL & BEHAVIORAL SCIENCES
UTAH COMMISSION ON CRIMINAL & JUVENILE JUSTICE
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Year 1 Report**

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Background and Introduction

In 2011, the Salt Lake County District Attorney's (DA's) Office led a collaborative effort to implement an Early Case Resolution (ECR) Court in Third District Court. ECR is an example of an adjudication partnership involving multiple agencies in an effort to improve the operation and effectiveness of the criminal justice system (Sigmon, Nugent, Goerd, & Wallace, 1999). According to the grant application, the two main goals of ECR were to: 1) "reallocate criminal justice and human services resources to create a more effective and efficient criminal justice process"; and 2) "increase public safety and better protect victims by reducing recidivism rates in the County" (Salt Lake County District Attorney's Office, 2010). In order to meet these goals, the ECR team set a number of specific benchmarks:

- **Information from Law Enforcement:** Within 2 business days of booking into the Salt Lake County Jail, Law Enforcement Agencies (LEA) will electronically submit their cases to the DA's Office for review
- **DA Screening:** Within the same two (2) business days, DA's Office will screen and file cases with the Court
- **Case Filing:** 85% of felony arrests will be filed with the Court within 72 hours of the jail booking
- **Offender Risk Assessments:** Risk/needs assessments will be performed on 100% of ECR participants prior to initial hearing
- **Initial Court Appearance:** Initial court appearance will occur within 10-14 days of the jail booking
- **Offender Accountability:** Reduce Failures to Appear (FTA) to 25% and reduce number of warrants issued to 2,000 (approximately 70% reduction)
- **Expedited Processing:** Resolve 30% of all felony and Class A Misdemeanor cases through the ECR Court process within 30 days of arrest
- **Number of Hearings:** Resolve a portion of cases at defendants' initial court appearance
- **Appropriate Sentences:** Get 100% of convicted ECR offenders into appropriate sentencing/treatment programs within 30 days of arrest and booking
- **Caseloads:** Reduce average prosecutor/defense attorney caseloads to levels allowing for more time investment in each individual case (160 cases per prosecutor, TBD for defense attorneys)

The goals defined for Salt Lake County's ECR Court appear to be directly in line with the American Bar Association's (ABA) main goals for time standards: "1) to effectuate the right of the accused to a speedy trial; 2) to further the interests of the public, including victims and witnesses, in the fair, accurate, and timely resolution of criminal cases; and 3) to ensure the effective utilization of resources" (ABA, 2006). The ABA (2006) has specifically identified the need for a "systems approach" that acknowledges the numerous individuals and agencies that play major roles in the criminal justice system and recognizes the importance of stakeholder input and support to successful implementation of these standards. When jurisdictions begin implementing these standards, it is important that efforts be made to ensure that agencies have the resources they need in order to make the necessary changes (ABA, 2006).

A 2011 legislative audit of the Utah Courts reported that most District Courts fell short of meeting the stringent ABA Standards for the time to disposition for criminal cases (Office of the Legislative Auditor General, 2011). For instance, the auditors found that 80% of Third District felony criminal cases were disposed within 180 days, compared to the ABA standard, which recommends that 98% of these cases should be resolved within this timeframe. Similarly, ABA standards indicate that 90% of criminal misdemeanor cases should be resolved within 90 days; however, only 57% of Third District misdemeanor cases were resolved within this timeframe.

In 2011, a new set of standards for case processing was approved by the Conference of State Court Administrators (COSCA) and the Conference of Chief Justices (Duizend, Steelman, & Suskin, 2011). These Model Standards were developed based on the examination of years of court data and were perceived by many to be more realistic than previously released standards (i.e., ABA time standards). In 2011, the Utah Judicial Council established an advisory group to examine the feasibility of implementing these newly approved Model Standards in Utah District, Juvenile, and Justice Courts (Utah AOC, 2013).

Programs similar to Salt Lake County's ECR have been proposed and/or begun in a number of other jurisdictions, including: Spokane, WA; Sonoma and Los Angeles County, CA; Orange County, FL; Washoe County, NV; and Washington County, OR (Integrus, 2008; David Bennett Consulting, 2010; Sigmon et. al, 1999; Washington County Circuit Court, 2008). Although a number of locations have implemented similar programs, there are currently no known comprehensive evaluations of systemic criminal justice system changes similar to ECR. However, many of the criminal justice principles that are key elements of ECR have been researched and recommended by criminal justice experts. Research supports the importance of swift and certain sanctions in response to violations (Kleiman & Hawken, 2008; Warren, 2008). Research also strongly supports the need to appropriately assess offenders' risk factors and incorporate those results into treatment plans in order to reduce recidivism (Andrews, 2007). Warren (2009) suggests that risk/needs assessments can be used to inform a variety of decisions including: setting appropriate probation conditions (i.e., levels of treatment and supervision) and identifying appropriate sanctions for non-compliance with court orders.

At the request of the ECR partnering agencies¹, UCJC is conducting a three (3) year evaluation of ECR to determine if the process and outcome goals of ECR are being met and if the implementation of ECR has impacted non-ECR cases moving through the system. This first year report describes the various study samples, case characteristics, case processing timelines, and provides a few preliminary case outcomes (warrants and dispositions). In addition to updating the information provided in this report with longer follow-up periods, the second year report will also provide a more thorough description of case sentencing, post-disposition timelines, compliance with court orders, and an examination of one-year recidivism rates. The final report will be completed in Year 3 and will re-examine recidivism rates for a two-year period.

¹ Utah Administrative Office of the Courts (AOC), Commission on Criminal and Juvenile Justice (CCJJ), Utah Department of Corrections (UDC), Criminal Justice Advisory Council (CJAC), Criminal Justice Services (CJS), District Attorney's (DA's) Office, and Legal Defender Association (LDA)

Methods

Sample Selection and Data Sources

Data for this report were obtained from three (3) agencies (see Table 1). The starting sample for case inclusion was a random sample of Class A and Felony bookings at the Adult Detention Center (ADC) during the two(2) study periods: Pre-ECR (Calendar Year 2010) and During ECR (October 1, 2011 through September 30, 2012). The Pre-ECR year was selected based on a time period that ended before the implementation of ECR during early 2011. The During ECR year for the study was set as October 1st to exclude the time period when ECR was in its infancy and experiencing more frequent fluctuations in operations.

Table 1 Data Sources

Data Source	Description
Salt Lake County Sheriff's Office – Adult Detention Center (AOC)	
OMS/JEMS	Booking history for Salt Lake County Adult Detention Center, which includes booking and release dates and types, offense descriptions, and some court case information.
Administrative Office of the Courts (AOC)	
CORIS	Primary source for court data, including case types and degrees, hearings, judge assignments, warrants, dispositions, and sentences.
XChange	Online database of court dockets used to look up court case numbers when missing from jail records, verify information across data systems, and fill in missing information.
District Attorney's Office	
PIMS	Case processing data for DA's cases, including case type and degree information, dates received, screened, and filed/declined, as well as ECR eligibility flags.

Potential bookings for study inclusion were limited to Class A and Felony bookings for new charges and warrants (not commitments or holds), as these are the types of cases typically processed through District Court. As shown in Table 2, approximately 17,000 bookings per year met these criteria. From those, a random sample of 1,500 bookings during the Pre-ECR year and 4,000 from the During ECR year (1,000 per quarter) were selected. Because court case numbers on most of the new charges within these bookings had to be gathered manually, a manageable, yet representative, random sample was flagged.

Through the process of manually collecting and verifying court case numbers, some additional cases were removed from the sample: those that were not yet filed and those that we would not be tracking through District Court (see Table 2 for details). The cases that were not yet filed (n = 491) were examined against the DA's Office records. Eleven percent (11%) failed to match with PIMS records, while 72% were in the initiation and screening phases at the DA's Office. These cases will be re-examined in the Year 2 report to determine if they have been filed and are eligible for

inclusion in the study. The DA declined prosecution on 17% of these cases, resulting in their removal from the study.

Court cases that were duplicate from previous bookings in the random sample were also removed. This means that if a court case was associated with more than one (1) booking in the random sample, the first booking was selected as the Qualifying Booking (QB) for study inclusion and the subsequent one(s) were removed. Those resulting court case numbers were sent to the AOC for a match with the CORIS database. A few cases were removed from the sample when they failed to match with CORIS records. Those cases that were identified in CORIS as being processed outside of Salt Lake County were also removed from the sample. Although these cases were booked into the Salt Lake County ADC, they were cases from other districts (e.g., Tooele, Utah, and Davis counties). This resulted in a final sample of 5,652 court cases (Pre-ECR = 1,641; During ECR = 4,011).

Table 2 Case Selection Steps

	Pre		During	
	Bookings	Court Cases	Bookings	Court Cases
Total Bookings at ADC	32,388		32,588	
Felony & Class A Misdemeanor New Charge/Warrant Bookings	17,257		16,978	
Selected Random Sample	1,500		4,000	
Removed Not Yet Filed ¹ and Inappropriate ² Cases	1,351		3,529	
Removed Court Cases that were duplicate from previous bookings in sample	1,319	1,731	3,319	4,311
Removed Court Cases that were not matched with CORIS	1,308	1,719	3,282	4,261
Removed Court Cases that were processed outside of Salt Lake City District Court	1,291	1,641	3,232	4,011

¹Cases not yet filed (no court case number) were checked against DA records

²Inappropriate cases were those that would not be tracked through District Court for case outcomes, such as those filed at a lower level in Justice Court or higher level in Federal Court, protective order violations without case numbers, and some AP&P and BP&P holds

Data from all three (3) sources were cleaned and merged for the final 5,652 court cases to create variables describing the case types and locations, processing timelines, and preliminary outcomes. Cases were examined by court location, prosecutor, and disposition status in relation to their QB to determine which cases would be included in the final analyses in this Year 1 report.

As shown in Table 3, cases that were included in the analyses in this report are primarily DA cases from the Salt Lake City (Matheson) Courthouse. In addition, data were examined for the same time periods for West Jordan District and City Prosecuted (at Matheson) cases in order to examine the impact, if any, of ECR on these groups (see Appendix B and C). Table 3 also specifies which cases will not be included in the final analyses. Cases that have not yet been disposed (3% of Pre-ECR; 10% of During ECR) were removed and will be re-examined in the Year 2 report. These cases were removed because cases that were not disposed could not be identified as either ECR Resolved or Non-ECR cases. Cases that were post-disposition at the QB were also removed and will be examined in the Year 2 report. These cases represent post-dispositional outcomes, compliance, and case processing and, therefore, more closely fit the outcomes to be examined for all cases in the Year 2

report. The few cases that were prosecuted by the Attorney General or a non-Salt Lake County entity were also removed, as were cases from the Pre-ECR period that were eventually ECR Resolved (1%).

Table 3 Cases Included in Year 1 Report

	Pre		During	
	n	%	n	%
Original Total - Cases Tracked	1641	100%	4011	100%
Cases for Year 1 Study				
Full Report:				
DA Prosecuted Cases	723	44%	1819	45%
Brief Reports (see Appendix B and C):				
West Jordan District Cases	370	23%	641	16%
City Prosecuted Cases (WVC, SLC)	127	8%	251	6%
Cases for Year 2 Study				
Post-Disposition Cases ¹	327	20%	868	22%
Cases Not Yet Disposed	57	3%	402	10%
Removed from Study				
Attorney General/Non-SLC Prosecuted	19	1%	30	1%
ECR Resolved	18	1%		
¹ See Appendix A for variable definitions				

Analyses

Analyses were limited to descriptive analyses (e.g., medians, percents) for the groups examined in this report. No tests of statistical significance were conducted due to varying lengths of follow-up for the groups, as well as varying percents of cases still “open” (e.g., not yet disposed, see Table 3) that will be added to the analyses in subsequent reports. For descriptive statistics on ratio variables (e.g., days between events in the timeline), medians (Md), rather than means (Mn), were used because the data were skewed. Means would show much longer timelines due to the few outlier cases that are extremely slow in their processing. When appropriate, tests of statistical significance between the various groups will be conducted in the Year 2 report.

Results

Case Descriptions

The cases included in this section are District Attorney (DA) cases from the Salt Lake City (Matheson) Courthouse (see Appendix C for a report on City Prosecuted cases). For the remainder of this report DA cases will be compared from Pre-ECR to During ECR, as well as within the During ECR year, between Non-ECR and ECR Resolved.

As shown in Table 4, over half of the DA Prosecuted cases in the During ECR year were ECR Resolved (1016/1819; 56%; see Appendix D for the percent of ECR Resolved cases out of total

cases tracked). Cases were flagged as ECR Resolved if the case was assigned to an ECR judge at the time of its disposition (see Appendix A for variable definitions). Of the cases that were eventually resolved in ECR, 97% were flagged as ECR Eligible by the DA's office at some point. One-third (32%) of Non-ECR cases had also been flagged as ECR Eligible by the DA's Office at some point. Pre-ECR and During ECR cases did not differ much on the type of defendants (e.g., gender, race/ethnicity, age). However, within the During ECR year, ECR Resolved cases had more female, White, and slightly younger defendants than the Non-ECR cases. In the During ECR year, fewer cases had a person offense as their primary charge (15%, compared to 24% Pre-ECR), and within those, even fewer person cases were ECR Resolved. A majority (80%) of cases resolved in ECR had a property or drug offense as their primary charge. ECR Resolved cases were also somewhat less likely to be 1st or 2nd degree felonies. In the During ECR year, more defendants were released from jail with no supervision conditions specified (usually own recognizance (OR)). ECR Resolved cases were less likely than Non-ECR cases to be released on bail/bond (see Table 4).

Table 4 Defendant and Cases Characteristics

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Total Sample (N)	723	1819	803	1016
ECR Eligible by DA (%) ^{1,2}		68	32	97
Defendant				
Gender (%)				
Male	77	74	78	72
Female	23	26	22	28
Race/Ethnicity (%)				
White	61	65	58	69
Hispanic	23	21	23	19
African American	9	8	11	6
Asian	2	2	2	2
Pacific Islander	3	2	3	1
Native American/Alaskan	2	2	3	2
Age at QB (Mn (SD))	33 (10)	33 (11)	34 (11)	33 (10)
Primary Charge				
Type at Filing (%)				
Person	24	15	31	3
Property	31	35	29	39
Drug	28	33	24	41
DUI	3	3	4	2
Escape	3	3	1	5
Other	11	11	11	10
Severity at Filing (%)				
Misdemeanor	15	18	20	17
3rd Degree Felony	54	56	50	62
2nd Degree Felony	22	21	22	19
1st Degree Felony	9	5	8	2

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Release Type from Qualifying Booking (QB) (%)				
No Conditions Specified	33	47	44	50
Bail/Bond/Cash/Fine	22	16	21	12
CJS Supervision	24	21	22	20
Other Authority ³	21	16	13	18

¹DA data (PIMS) was available for 99% of Pre-ECR and Non-ECR cases and 92% of ECR Resolved

² See Appendix A for variable definitions

³ Other authority includes releases to AP&P, other counties and states

Case Processing Timelines

Of the District Attorney (DA) cases included in this report, some were filed prior to the qualifying booking (QB), some were filed during the QB, and some were filed after release from the QB (see Table 5). The remainder of this section is split according to these three (3) designations, as the types of cases within each group vary on their timelines for case processing. For example, cases that have been filed prior to the QB (although not yet disposed) would be “older” cases and, therefore, would be expected to have more days between filing and disposition. The relationship between filing date and QB was used to create the categorical designations in Table 5, since QB was the event that was the starting point for cases included in the ECR study. For both the Pre-ECR and During ECR years, just under half of DA Prosecuted cases were already filed at the time of their QB, while approximately one-third were filed while in jail, and approximately one-quarter were filed after release (see Table 5). In the During ECR period, cases resolved in ECR were more frequently filed during or after the QB, than cases handled outside of ECR. The majority of cases were disposed after the defendant was released from jail on their QB, although ECR Resolved cases had the highest percent of cases that were disposed (48%) while the person was still in jail.

Table 5 Filing and Disposition Times

Table 3 Timing and Disposition Times				
	Pre	During		
		Combined	Non-ECR	ECR Resolved
Case Filed (n (%))				
Pre-QB	347 (48)	725 (40)	382 (48)	343 (34)
During QB	211 (29)	628 (34)	252 (31)	376 (37)
Post-QB	165 (23)	466 (26)	169 (21)	297 (29)
Disposition (n (%))				
During QB	266 (37)	821 (45)	334 (42)	487 (48)
Post-QB	457 (63)	998 (55)	469 (58)	529 (52)

Cases Filed Pre-QB

Of the cases that were filed prior to the QB, just under half of the During ECR Cases (47%; 343/725) were resolved in ECR Court. There was usually more than a month between the offense and when the case was filed with the court (see Table 6). This length of time did not vary widely between Pre-ECR and During ECR years, nor did it differ much between Non-ECR and ECR Resolved cases. However, once cases were filed with the court, the time between filing and disposition was substantially less for ECR Resolved cases (Md = 62 days), as well as Non-ECR cases (149 days), compared to Pre-ECR cases (198 days). This suggests that the timeline for case processing has been reduced for all cases in the During ECR period, regardless of whether or not the cases are ECR Resolved. Defendants with ECR Resolved cases also had a shorter average length of stay at their QB (Md = 6 days vs. 22 days for Non-ECR and 17 days for Pre-ECR).

Table 6 Timelines for Cases Filed Pre-QB –Number of Days

Table 6 Timelines for Cases Filed Pre-QB – Number of Days				
	Pre	During		
		Combined	Non-ECR	ECR Resolved
Court Case Timelines (Md)				
Offense to Filing ¹	35	36	37	35
Offense until DA receives LEA info ^{1 2}	9	15	15	15
DA receives LEA info to File Decision ^{1 2}	9	8	8	8
Filing to Disposition	198	108	149	62
Offense to Disposition	282	180	225	125
Qualifying Booking (QB) Timelines (Md)				
Offense to QB	134	108	122	96
Length of stay in Jail	17	11	22	6

¹See Appendix A for variable definitions

²DA data (PIMS) was available for 99% of Pre-ECR and Non-ECR cases and 92% of ECR Resolved

¹See Appendix A for variable definitions

²DA data (PIMS) was available for 99% of Pre-ECR and Non-ECR cases and 92% of ECR Resolved

Table 7 provides further detail on case processing timelines for cases that were filed prior to the QB. The majority of cases were not filed until more than 30 days after the offense. This did not vary much by timeframe or ECR status.

Table 7 Timelines for Cases Filed Pre-QB – Percent of Cases

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Offense to Filing (%)				
within 15 days	24	23	24	22
16 – 30 days	20	21	19	23
> 30 days	56	55	56	54
Filing to Disposition (%)				
within 30 days	2	13	2	26
31 – 60 days	10	18	13	23
> 60 days	88	69	85	51

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Offense to Disposition (%)				
within 30 days	1	3	0	6
31 – 90 days	9	21	14	30
91-180 days	20	26	25	26
> 180 days	70	50	61	38
Disposition (%)				
During QB	37	49	42	55
Post-QB	63	51	58	45

The percent of cases that were disposed within 30 days of the offense increased from almost no cases Pre-ECR to 6% of the ECR Resolved cases (see Table 7). The percent of cases that were disposed within 90 days of offense also increased from Pre-ECR to During ECR. The percent of cases that were disposed while the defendant was in jail on the QB was higher for ECR Resolved cases (55%) than Non-ECR (42%) or Pre-ECR (37%).

Table 8 provides details on hearings for cases filed prior to the QB. The average number of days between filing and the first hearing was just over two (2) weeks, regardless of group. Similarly, there was not much difference in the time from the QB until the first subsequent hearing, regardless of group. The number of hearings prior to the disposition, however, was substantially lower for the ECR Resolved cases (Md = 1), compared to the Non-ECR (Md = 5) and Pre-ECR (Md = 6) cases.

Table 8 Hearing Details for Cases Filed Pre-QB

Table 6 Hearing Details for Cases Filed Pre-QB				
	Pre	During		
		Combined	Non-ECR	ECR Resolved
Filing to 1 st Hearing				
Occurring within (%):				
0 - 7 days	22	24	27	20
8 - 15 days	25	25	23	29
16 – 30 days	18	17	20	13
> 30 days	35	34	31	38
Md (# of days)	17	16	16	16
Qualifying Booking (QB) to 1 st Hearing				
Occurring within (%):				
0 - 7 days	63	65	60	70
8 - 15 days	20	22	25	19
16 – 30 days	12	12	13	10
> 30 days	5	1	2	1
Md (# of days)	5	5	6	5
Total # of Pre-Disposition Hearings ¹				
Mn	9	5	7	2
Md	6	3	5	1

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Quartiles:				
25	3	1	3	1
50	6	3	5	2
75	10	5	8	3

¹See Appendix A for variable definitions

Cases Filed During QB

Of the cases that were filed during the QB, over half of the During ECR Cases (60%; 376/628) were ECR Resolved. There was a median of six (6) days between offense to filing for Pre-ECR cases and a median of five (5) days for During ECR cases (this did not vary by ECR Resolved status; see Table 9). The median time from filing to disposition was much shorter for ECR Resolved cases (9 days), compared to Pre-ECR cases (52 days) and Non-ECR cases (66 days). Although the time between offense and filing did not vary much between the Pre-ECR and the Non-ECR cases, the time from offense to disposition was slightly longer for Non-ECR cases, when compared to the Pre-ECR period.

Table 9 Timelines for Cases Filed During QB –Number of Days

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Court Case Timelines (Md)				
Offense to Filing ¹	6	5	5	5
Offense to DA receives LEA info ¹²	4	3	3	3
DA receives LEA info to File Decision ¹²	1	1	1	1
Filing to Disposition	52	21	66	9
Offense to Disposition	81	37	86	18
Qualifying Booking (QB) Timelines (Md)				
Offense to QB	0	0	0	0
Length of stay in Jail	71	48	73	33
QB to Disposition	64	31	75	17
QB to 1 st During QB Hearing	8	8	8	8
QB Release to 1 st Post-QB Hearing	21	13	14	9

¹See Appendix A for variable definitions

²DA data (PIMS) was available for 99% of Pre-ECR and Non-ECR cases and 92% of ECR Resolved

The median time of zero (0) days from offense to QB in Table 9 illustrates that most of these cases were for new charges that were booked into the jail on the day that the offense occurred. The average length of stay in the jail was more than 30 days for all groups and more than double that for the Pre-ECR and Non-ECR groups. This may be due to defendants remaining in jail while the cases are being processed or because defendants were sentenced to a jail term. This difference will be explored further in the Year 2 report that examines sentencing and post-dispositional outcomes. For those cases that had their first hearing while still in jail, there was a median of eight (8) days between being booked into jail and the first hearing on that case (this did not vary between Pre-

ECR and During ECR). For those who also had hearings after release from jail, there was a median of nine (9) days between jail release and the first hearing for ECR Resolved cases, compared to 14 days for Non-ECR and 21 days for Pre-ECR.

Table 10 provides further detail on case processing timelines for cases that were filed during the QB. Not surprisingly, most were filed within 15 days of the offense. The ECR Resolved cases had the highest percent that were disposed within 30 days of filing (87%), compared to only 31% of Pre-ECR cases and 18% of Non-ECR cases. ECR Resolved cases also had the highest percent that were disposed within 30 days of the offense (68%). As a result of faster case processing, ECR Resolved cases were also more likely to be disposed while the defendant was still in jail (79%).

Table 10 Timelines for Cases Filed During QB – Percent of Cases

		Percent of Cases		
	Pre	During		
		Combined	Non-ECR	ECR Resolved
Offense to Filing				
within 15 days	70	79	77	80
16 – 30 days	10	6	6	6
> 30 days	20	15	17	14
Filing to Disposition				
within 30 days	31	60	18	87
31 – 60 days	26	15	27	8
> 60 days	43	25	55	5
Offense to Disposition				
within 30 days	18	44	8	68
31 – 90 days	35	33	46	24
91-180 days	24	16	32	6
> 180 days	23	7	14	2
Disposition (%)				
During QB	65	75	68	79
Post-QB	35	25	32	21

Table 11 (on the following page) provides details on hearings for cases filed during the QB. Nearly all of these cases had their first hearing within a week of being filed. Pre-ECR cases had the shortest median time from filing to hearing (2 days, compared to Non-ECR and ECR Resolved cases (Md = 4 days). Likewise, slightly more cases in the Pre-ECR year had their first hearing within a week of being booked (46%, compared to 36% for Non-ECR and 38% for ECR Resolved).

ECR Resolved cases, however, had the fewest median pre-disposition hearings (1 hearing), compared to three (3) for Pre-ECR cases and four (4) for Non-ECR cases. One-quarter of ECR Resolved cases had no hearings prior to their disposition (Quartile 25 = 0 in Table 11). This indicates that 25% of ECR Resolved cases were disposed on their first hearing and half were disposed within two (2) hearings (Pre-Dispositional Hearings Quartile 50 = 1 in Table 11).

Table 11 Hearing Details for Cases Filed During QB

Table 11 Hearing Details for Cases Filed During QB				
	Pre	During		
		Combined	Non-ECR	ECR Resolved
Filing to 1 st Hearing (%)				
Occurring within (%):				
0 - 7 days	92	96	96	96
8 - 15 days	6	2	2	2
16 – 30 days	1	1	1	1
> 30 days	1	1	1	1
Md (# of days)	2	4	4	4
Qualifying Booking (QB) to 1 st Hearing				
Occurring within (%):				
0 - 7 days	46	37	36	38
8 - 15 days	30	44	45	43
16 – 30 days	11	11	10	11
> 30 days	13	8	9	8
Md (# of days)	8	8	8	8
Total # of Pre-Disposition Hearings ¹				
Mn	6	3	5	1
Md	3	2	4	1
Quartiles:				
25	2	1	2	0
50	3	2	4	1
75	7	4	6	2

¹See Appendix A for variable definitions

¹See Appendix A for variable definitions

Cases Filed Post-QB

The cases that were filed after release from the QB had the highest proportion of ECR Resolved cases (64%; 297/466). As shown in Table 12, the median time from offense to filing was similar for ECR Resolved (16 days) and Non-ECR cases (18 days), but substantially longer for Pre-ECR cases (30 days). ECR Resolved cases also had the shortest median time from filing to disposition (28 days), followed by Non-ECR cases (94 days) and then Pre-ECR cases (122 days).

Table 12 Timelines for Cases Filed Post-QB –Number of Days

Table 12: Timelines for Cases Filed Post-Q3 - Number of Days				
	Pre	During		
		Combined	Non-ECR	ECR Resolved
Court Case Timelines (Md)				
Offense to Filing ¹	30	17	18	16
Offense to DA receives LEA info ^{1 2}	6	6	6	6
DA receives LEA info to File Decision ^{1 2}	12	6	7	6
Filing to Disposition	122	42	94	28
Offense to Disposition	165	70	116	49

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Qualifying Booking (QB) Timelines (Md)				
Offense to QB	0	0	0	0
QB to Filing	29	17	17	16
Length of stay in Jail	3	3	3	2
QB to Disposition	164	70	113	49
QB Release to 1 st Post-QB Hearing	42	21	21	21
¹ See Appendix A for variable definitions				
² DA data (PIMS) was available for 99% of Pre-ECR and Non-ECR cases and 92% of ECR Resolved				

The median time of zero (0) days from offense to the QB in Table 12 illustrates that most of these cases were for new charges that were booked into the jail on the day that the offense occurred. Not surprisingly, the median time from QB to filing was similar to the median time from offense to filing. The median length of stay on the QB was similar for all groups two (2) days for ECR Resolved, three (3) days for Non-ECR and Pre-ECR. Both ECR Resolved and Non-ECR cases had their first hearing after release from jail in half the time (Md = 21 days) of Pre-ECR cases (Md = 42 days).

Table 13 provides further detail on case processing timelines for cases that were filed after release from the QB. Nearly half (48%) of ECR Resolved cases were filed within 15 days of the offense and more than half (56%) were disposed within 30 days of being filed.

Table 13 Timelines for Cases Filed Post-QB – Percent of Cases

Table 15: Timelines for Cases Filed Post-QB – Percent of Cases				
	Pre	During		
		Combined	Non-ECR	ECR Resolved
Offense to Filing				
Occurring within (%):				
0 – 15 days	30	46	42	48
16 – 30 days	23	30	32	29
> 30 days	47	24	26	23
Filed within 17 days of QB release ¹	37	61	60	61
Filing to Disposition				
Occurring within (%):				
0 – 30 days	7	38	6	56
31 – 60 days	14	23	24	23
> 60 days	79	39	70	21
Offense to Disposition				
Occurring within (%):				
0 – 30 days	1	14	1	22
31 – 90 days	19	46	29	55
91-180 days	35	28	52	15
> 180 days	45	12	18	8

¹ This measure was used to estimate the % of cases that were filed by the Notice to Appear (NTA) date. See Appendix A for more detail.

As shown in Table 13 on the previous page, an additional measure (“Filed within 17 days of QB release”) was added as a proxy for identifying cases that met the “notice to appear” (NTA) criteria for ECR Court. During the ECR year, defendants whose cases had not yet been filed were given a “notice to appear” date when they were released from the jail. Defendants were told to appear in ECR Court on the date that was listed on their NTA form. The NTA date was set out approximately two (2) weeks from the release date, but was slightly longer for releases occurring on the weekends because defendants that were released on Sundays were told to appear two weeks from the next Wednesday (17 days later). As such, 17 days was used as the most conservative timeline. If a case was not filed by the NTA date, no court information would be available to share with the defendant if they appeared in court as instructed. As shown in Table 13, the percent of cases that were filed within 17 days of release from jail was 61% for ECR Resolved and 60% for Non-ECR, compared to 37% for the Pre-ECR period. Although this represents a huge improvement in the speed of case filing, this leaves around 40% of cases that were not filed by the NTA date.

The percent of ECR Resolved cases that were disposed within 30 days of filing (56%) was dramatically higher than Pre-ECR cases (7%) and Non-ECR cases (6%) (see Table 13). Similarly, the percent of ECR Resolved cases that were disposed within 30 days of the offense was substantially higher (22%) than Non-ECR (1%) or Pre-ECR (1%) cases.

Table 14 provides details on hearings for cases filed after release from the QB. The percent of cases that had their first hearing within seven (7) days of filing increased dramatically from Pre-ECR to During ECR. The median number of days from filing to the first hearing was lowest for Non-ECR cases (7 days), followed by ECR Resolved (10 days), and Pre-ECR (14 days). Although ECR Resolved cases did not have the shortest median time from filing to their first hearing, they did have the fewest pre-disposition hearings, with a median of one (1) pre-disposition hearing, compared to four (4) for Non-ECR and Pre-ECR.

Table 14 Hearing Details for Cases Filed Post-QB

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Filing to 1 st Hearing				
Occurring within (%):				
0 - 7 days	10	43	50	38
8 - 15 days	55	47	41	50
16 – 30 days	21	7	7	7
> 30 days	14	4	2	5
Md (# of days)	14	9	7	10
Qualifying Booking (QB) to 1 st Hearing				
Occurring within (%):				
0 - 7 days	1	0	1	0
8 - 15 days	5	9	8	9
16 – 30 days	19	50	48	51
> 30 days	75	41	43	40
Md (# of days)	45	24	24	24

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Total # of Pre-Disposition Hearings ¹				
Mn	6	3	5	2
Md	4	2	4	1
Quartiles:				
25	2	1	3	1
50	4	2	4	1
75	8	4	7	2

¹See Appendix A for variable definitions

Preliminary Case Outcomes

Although this report primarily describes the samples, case characteristics, and case processing timelines, the following section provides some preliminary case outcome measures by examining warrants and case dispositions. In addition to re-examining the data presented in this report using a longer follow-up period, the Year 2 report will provide an in-depth view of sentences and post-sentence compliance measures (e.g., one (1) year recidivism, warrants, probation, program referrals, treatment usage and completion, restitution).

Warrants

The use of Probable Cause (PC) warrants for DA Prosecuted cases has gone down from Pre-ECR to During ECR (52% of cases vs. 33%), and is even lower among ECR Resolved cases (27%) than Non-ECR cases (41%) (see Table 15 on the following page). Cases filed prior to the QB had the highest percent with PC warrants, followed by cases filed after the QB. Not surprisingly, cases filed during the QB had the lowest percent of cases with a PC warrant.

As a preliminary measure of non-compliance, warrants issued by the court for failing to appear (FTA) or failing to comply (FTC) with a court order were examined. As shown in Table 15, the ECR Resolved group had a slightly higher percent of cases with at least one FTA or FTC warrant issued three (3) and six (6) months post-filing, as well as three (3) months post-disposition, when compared to the Non-ECR and Pre-ECR groups. These percents were only calculated out of those cases that had these follow-up periods (see top of Table 15) and a closer examination with complete samples in the Year 2 report should shed additional light on this issue.

When the timeframe was restricted to only include warrants that were issued prior to or at disposition, the ECR Resolved group had fewer cases with any FTA/FTC warrants (23%) than Non-ECR (26%) and Pre-ECR (31%) (see Table 15). It is important to note, however, that ECR Resolved cases had a much shorter median time from filing to disposition (25 days), compared to 101 days for Non-ECR cases and 130 days for Pre-ECR cases. As such, it would be expected that ECR Resolved cases would have fewer warrants prior to or at the disposition since they had a substantially shorter timeframe to accrue them.

Table 15 Warrants Issued

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Total Sample (N)	723	1819	803	1016
Percent with follow-up periods (%):				
3mo post-Filing	100	95	96	94
6mo post- Filing	100	76	80	74
3mo post-Disposition	99	79	70	86
Probable Cause Warrants				
Percent of cases with (%):	52	33	41	27
Of Cases Filed:				
Pre-QB	76	68	74	62
During QB	10	3	2	3
Post-QB	52	20	25	17
FTA/FTC Warrants				
Percent of cases with (%):				
3 month post-Filing	19	24	19	28
6 month post-Filing	29	33	29	36
Prior to or at Disposition ¹	31	25	26	23
3mo post-Disposition	8	12	10	13

¹This timeframe varied by group. Median days from Filing to Disposition was 130 days Pre-ECR, 52 days During ECR, 101 days Non-ECR, 25 days ECR Resolved

Dispositions

As part of the ECR process, the DA's Office identifies cases that are eligible for ECR and comes to the initial arraignment with a sentence offer. As such, it is not surprising that a much smaller percent of cases that are ECR Resolved have their Primary Charge or all charges dismissed (see Table 16). Although fewer ECR Resolved cases have their case dismissed, significantly more have their Primary Charge degree reduced (ECR Resolved, 53%; Non-ECR, 31%; Pre-ECR, 39%). A vast majority of these charges were reduced by one degree in both the Pre and During ECR time periods (Not shown in table: Pre-ECR, 83%; Non-ECR, 87%; ECR Resolved, 88%). In addition, approximately 70% of cases have more than one offense. ECR Resolved cases were equally likely as the other groups to have all of their Subsequent Charges dismissed (see Table 16).

Table 16 Case Dispositions

Table 16 Case Dispositions				
	Pre	During		
		Combined	Non-ECR	ECR Resolved
Primary Charge				
% of cases with Primary Charge:				
Dismissed	35	24	36	15
Degree Reduced	39	43	31	53
Guilty/Not Reduced	26	32	32	31
Other Judgment ¹	0	1	1	1

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Subsequent Charges				
% of cases with multiple charges	69	69	71	68
% with Subsequent Charges dismissed:				
None	13	10	12	9
Some	24	23	24	23
All	63	66	64	68
All Charges within a Case ²				
% with Charges dismissed:				
None	27	28	24	31
Some	46	54	48	59
All	27	18	28	10

¹Other judgment includes extradited, diverted, or had other judgments.

²Includes Primary Charge and any Subsequent Charges

ECR Professionals Survey

As part of the first year of the Early Case Resolution (ECR) evaluation, the Utah Criminal Justice Center (UCJC) developed and administered a survey to gauge professionals' opinions about the ECR process, how it had affected their work, and its perceived benefits and challenges. The survey was a voluntary, anonymous web-based survey. This section describes the survey respondents and their answers to quantitative satisfaction items as well as qualitative comments and suggestions.

Survey Methods

The ECR Professional Survey distribution list was created in consultation with the ECR partnering agencies in Spring 2012. Table 17 lists the agencies that were invited to participate in the survey. A key contact person was identified for each agency. These individuals pre-tested the survey prior to its release and forwarded the invitations to participate to the specified groups within their agencies. The survey invitation was sent on 7/30/12, with a reminder sent on 8/7/12. The survey was closed to respondents on 8/14/12.

Table 17 Survey Distribution List

Agency	Description	% of Invitations
3rd District Court/Administrative Office of the Courts (AOC)	Judges, Clerks, Case Managers, Administrators, Interpreters	32
Criminal Justice Services (CJS)	Pretrial Jail, Pretrial Supervision, DRC, Court Screeners, Specialty Groups (Felony Drug Court, Mental Health Court, etc.), Administrators	9
District Attorney's Office (DA)	Prosecutors, Support Staff (Clerical/Screening Unit, Legal Aides)	21

Agency	Description	% of Invitations
Salt Lake County Sheriff's Office	Transportation Unit, Protective Services	7
Legal Defender Association (LDA)	Defense Attorneys, Clerical staff, Social Workers	5
SLC Prosecutor's Office	Prosecutors	1
Salt Lake County Division of Behavioral Health: Substance Use Disorder (SUD) and Mental Health (MH) Providers	Treatment providers who self-identify as having clients in ECR	*
Adult Probation & Parole (AP&P)/ Utah Department of Corrections (UDC)	Region 3 Agents, Supervisors, Clerical Staff, Support Staff, and Administrators	15
WVC Prosecutor's Office	Prosecutors	< 1
WVC Public Defender	Attorneys	1
Private Defenders (UACDL)	Attorneys who self-identify as having experience with ECR	*
Valley Police Alliance (VPA) Members	Unified, University of Utah, South Jordan, Draper, Sandy, West Jordan, Cottonwood Heights, South Salt Lake, and Murray police departments ¹	9

*No sample size was estimated for these groups. Invitation to participate was sent to large distribution lists with instructions to participate in the survey only if the professional had some experience with ECR.

¹These agencies agreed to distribute the survey to their detectives/officers who file cases with the DA

Survey Results

Quantitative Results

Respondents

Surveys were completed by 370 participants. It was estimated that the survey was forwarded to over 700 professionals, for an approximate response rate of 50%. As shown in Figure 1 on the following page, the largest percent of respondents indicated that they were from the DA's Office, AP&P/UDC, or the Courts. Those three agencies also comprised the largest percent of survey invitees. Most respondents self-identified as attorneys, clerical staff, or probation/parole (see Figure 2 on the following page).

Figure 1 Respondents by Organization

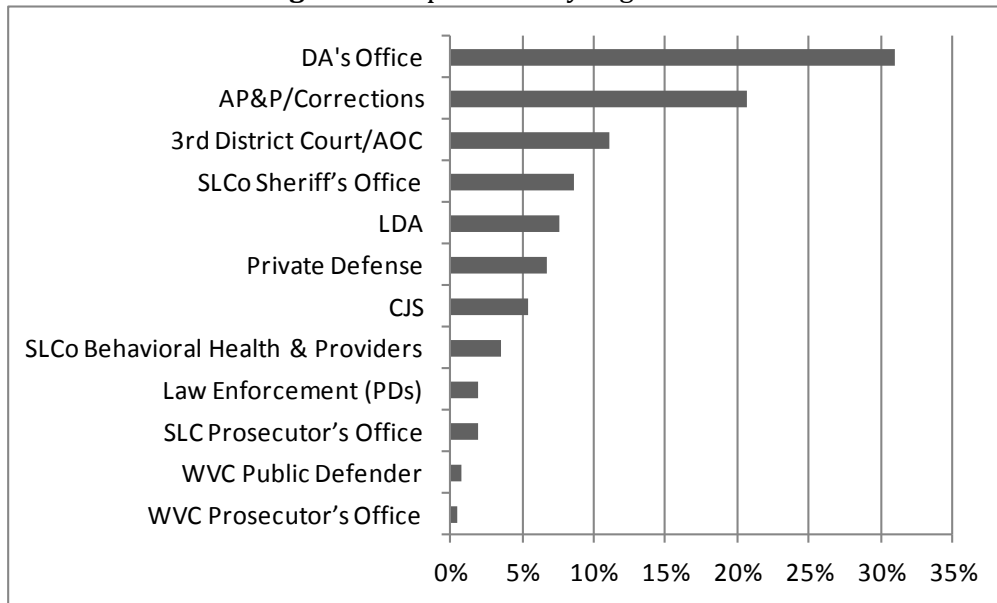
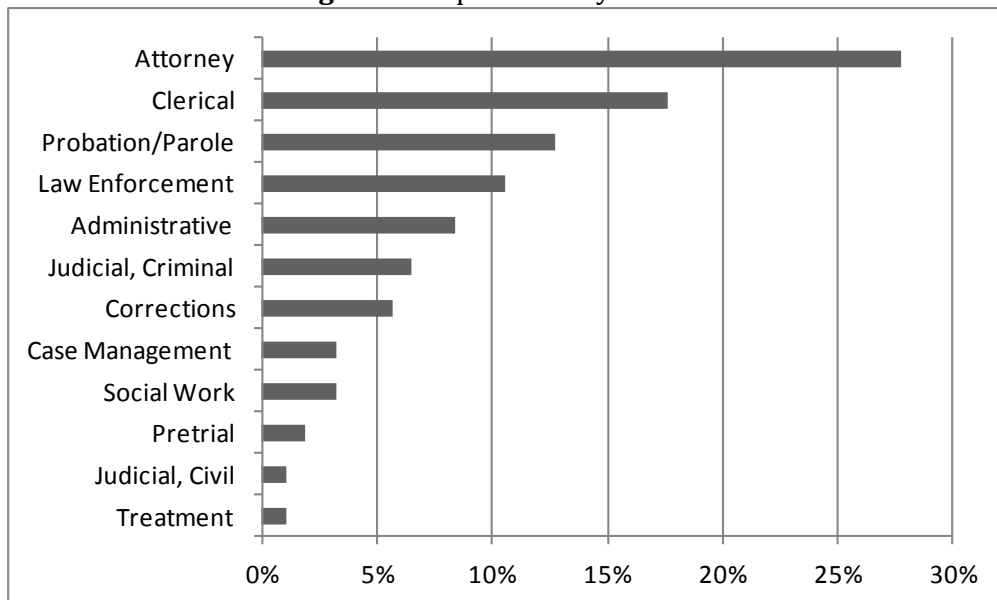


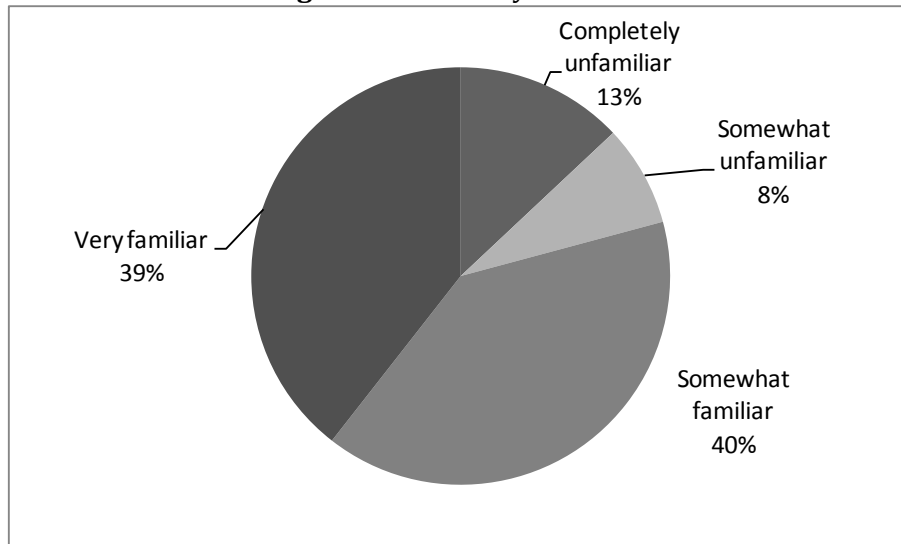
Figure 2 Respondents by Position



Involvement and familiarity

When asked “How familiar are you with ECR?” most respondents indicated some level of familiarity (see Figure 3 on the following page). In fact, half (50%) of the respondents said that they are directly involved with ECR (48% answered “no”, 2% skipped item). Of those who are directly involved, the largest group (41%) indicated that they have been involved with ECR for longer than 18 months or “since the beginning.”

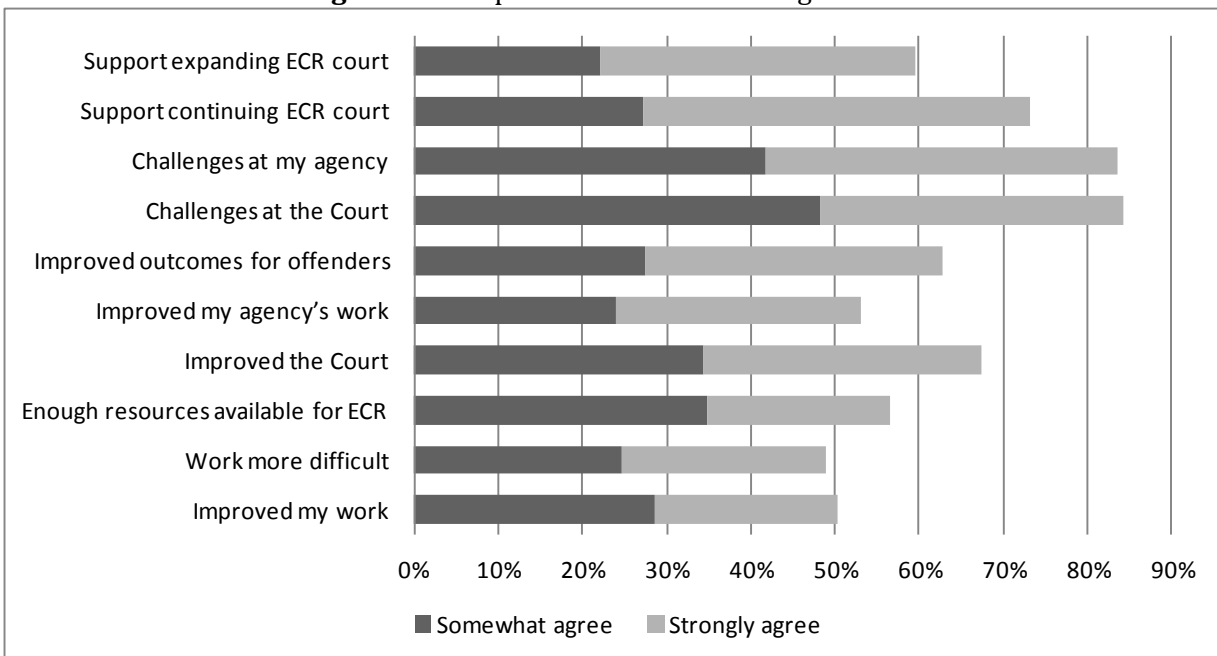
Figure 3 Familiarity with ECR



Perceptions

Those who indicated that they were “completely unfamiliar” with ECR (13%) were excluded from the remainder of the survey items. The total potential sample size for the remainder of the items presented here is 322. Participants were asked how much they agreed (strongly, somewhat) or disagreed (strongly, somewhat) with the following ten statements, but were given an option to indicate that they did not know. The items with the largest percent of respondents indicating that they “don’t know” were the items indicating challenges at the Court (28%), improvements at the Court (23%), improved outcomes for offenders (22%), and sufficiency of resources (22%). For those that answered these items, Figure 4 displays how strongly the respondents agreed with those statements.

Figure 4 Perceptions of ECR: Percent Agreement



Over 80% of those answering the items thought that ECR had resulted in challenges at their agencies and the Court; however, over 70% supported the continuance of ECR, and nearly 60% supported the expansion (see Figure 4). Similarly, over 60% of respondents felt that ECR had improved the Court and outcomes for offenders.

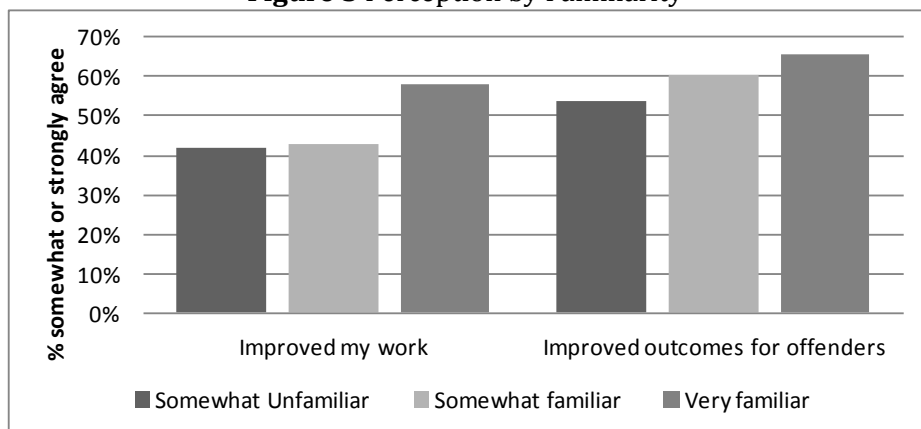
Perception by involvement

Agreement with those ten (10) items (see Figure 4) was compared between those who indicated they were directly involved with ECR and those who said they were not. The two groups differed by more than 10% on only two of the ten (10) items. Two-thirds (66%) of those directly involved support continuing ECR, while 82% of those who are not directly involved support continuing ECR (difference was statistically significant). Fewer of those who are directly involved (51%) agreed that “there are enough resources available...” than those who are not directly involved (65%).

Perception by familiarity

Respondents who were more familiar with ECR, regardless of whether or not they are directly involved with ECR, were statistically significantly more likely to report that ECR improved their work and outcomes for offenders (see Figure 5). Responses to the other eight items did not differ significantly by familiarity level.

Figure 5 Perception by Familiarity



Perception by group

The vast majority of respondents who worked for the Court, the Salt Lake County Sheriff's Office, and the District Attorney's Office, as well as the vast majority of administrators, clerical staff, and case managers who responded were supportive of ECR. Over half of respondents who worked for Criminal Justice Services, as well as the majority of attorneys and corrections officers were supportive of ECR. The judges who responded to the survey were evenly split with regard to their support for the continuation or expansion of ECR. Less than half of Adult Probation & Parole (AP&P) probation officers and staff were supportive of the continuation and/or expansion of ECR.

Perception correlations

The relationships between the ten (10) perception items were examined. Not surprisingly, there was a strong relationship between agreeing that ECR has improved one's agency and agreeing that

ECR has improved one's work and the Court in general (Pearson $r > 0.80$). Supporting the expansion of ECR was strongly related to the belief that it improved one's work, agency, and the Court ($r > 0.70$). Support for continuing ECR was also strongly related to those three items, as well as the belief that ECR improves offender outcomes.

Qualitative Results

Answers to the qualitative survey items were analyzed using Grounded Theory Analysis. This type of analysis is conducted by classifying qualitative responses into themes that comprehensively represent all responses to every question; those themes are then organized into families that are related in terms of topic (Strauss & Corbin, 1998).

ECR Mission and Expectations

As part of this survey, respondents were asked to describe their initial expectations of ECR and to identify what they saw as its mission. Responses to these questions fell broadly into the following four (4) categories, which are not mutually exclusive: benefit the criminal justice system, benefit defendants, benefit the public, and benefit individual agencies. Overwhelmingly, respondents ($n = 211$) felt that the mission of ECR was to create positive change throughout the entire criminal justice system and many (133) felt that the mission was being met. The remaining respondents were unsure whether or not the mission was being met (54), felt the mission was not being met (43), or felt that the mission was being met but that the mission itself was problematic (7). One such respondent provided an explanation for his/her concern with the mission of ECR, stating:

Judge: As presently functioning, the primary mission of the ECR court appears to be an adjunct to the Jail's overcrowding release program. It does not dispense justice, it does not protect the public, nor does it foster any likely rehabilitation of the criminal defendant.

Respondents who were supportive of ECR most frequently cited the following missions of ECR: faster processing, improved functioning of the criminal justice system, and better outcomes for offenders in terms of access to treatment and success on supervision. Initial expectations of ECR were high among many respondents and suggested a possible cascade of positive impacts on defendants, criminal justice professionals, and the overall functioning of the criminal justice system:

Administration: 1. To expedite and resolve cases quicker. 2. Lessen or eliminate the hearing continuances. 3. Free up space at the jail for more serious defendants by getting defendants with less severe charges booked and out of jail more efficiently. 4. Bringing all agencies together for common goals as stated above.

Although many respondents were optimistic that ECR would result in a number of positive changes, this feeling was not unanimous. For instance, 14 respondents indicated that their initial expectation of ECR was that it would not be successful.

Expedited Case Processing

By far, the largest number of respondents indicated that they expected ECR to expedite the time it would take to process cases through the criminal justice system (126) and that they saw this as the primary mission of ECR (166). Respondents listed a variety of expectations in terms of the effects of expedited processing, including the hope that court calendars would be cleared so that more time

and attention could be devoted to complex cases (30). These respondents envisioned ECR as a reallocation of resources that would allow the overall system to function more efficiently:

Judge: Thus, cases could resolve earlier allowing for several things: Defendants not having to wait in jail for weeks for an offer; defendants knowing their sentence recommendation along with the offer allowing for more informed pleas, and cutting down on the case load for the regular system.

Attorney: Make the judicial system more efficient by identifying and adjudicating these low-impact cases sooner rather than later so court resources could be better allocated to focus on high-risk offenders.

Many respondents (30) noted that by expediting a portion of cases through ECR, the overall system had experienced a “de-cluttering” that allowed agencies to attend to other work responsibilities:

Clerical: Results were immediate; law and motion calendars have been reduced by half, cases assigned to teams have been cut by a third or more, and case files that have been settled in ECR court are closed immediately resulting in data entry staff to assume other responsibilities that were badly in need of attention.

Pretrial: The ECR court has helped to expedite the flow of newly charged defendants toward resolution of their judicial situation. That flow has reduced the number of prisoners at the jail and helped reduce the number of those released as OCR from 700 to 800 per month to an average now below 50.

Managing Workloads

While some respondents explicitly stated the expectation that ECR would allow for more focused attention on certain cases, without an overall reduction in workload, a larger number of respondents (48) only referenced the expectation that ECR would have more targeted impacts and lighten the caseloads for specific agencies. Many of these respondents felt that ECR had unexpectedly created more work for them:

Attorney: I don't know if it is a failure of ECR or if it is because of other factors (e.g., loss of other attorneys throughout the office, unrelated to ECR), but my caseload has substantially increased since the inception of ECR, as well as having a higher proportion of cases that require more time.

Some respondents who did not endorse the continuation or expansion of ECR still felt that ECR had been successful in its mission to expedite cases through the court system. For some of these respondents (14), however, the benefits of faster processing were offset by the additional work created at other points in the criminal justice system. Although many of these respondents initially expected ECR to redistribute work equitably, they felt that in practice, ECR was systematically benefiting entities who handled cases early in the process while creating more work for those handling cases later in the process:

Probation: ECR may have eliminated some of the work flow for the court, District Attorney, and Legal Defender Association, but what was saved on the front end, creates double the work on the back end for Adult Probation & Parole. Yes, it has reduced the number of pre-

sentence reports for Adult Probation & Parole, but the agents supervising the cases are the ones that are carrying the load.

Appropriate Cases

Some respondents also expressed a concern that the expedited process of ECR was resulting in less informed sentencing practices and that in some cases, inappropriate cases were being handled in ECR, including those involving: repeat offenders, felons, and offenders with a history of violence. According to respondents, this was largely due to fewer risk and needs assessments being conducted, resulting in less information to consider at sentencing. For instance, many respondents who were not supportive of ECR felt that the lack of pre-sentence reports (PSRs) meant that “career” criminals were being allowed into ECR and given lighter sentences than they would otherwise receive:

Administration: The Courts are sentencing too many felony offenders without sufficient information to make the dispositions possible . . . Deals are made and sentences given based on minimal RNA [Risk Needs Assessment] principles.

Probation: The effectiveness of the criminal justice system is based on the proper assessment of the offender and the appropriate supervision of said offender, with the necessary consequences and resources. The proper conviction of said offenders determines the necessary assessments in conjunction with the proper consequences will lead to the reduction of recidivism and crime in general. The use of ECR causes a misrepresentation of the criminal behavior due to the plea negotiation reducing the crime to levels which require legal fiction to justify the deal. The consequences do not meet the appropriate criminal behavior because invalidating the original crime does not support the behavior exhibited at the time of the crime. AP&P must now re-investigate the crime to determine the behavior and how to address said behavior and which additional resources of the supervision are needed.

One of the most frequently cited suggestions for improving ECR was to establish and follow strict guidelines about the types of defendants and cases handled in ECR (29). In particular, respondents felt that ECR should not accept: defendants with a previous criminal history, including any current or previous court supervision; offenders with a history of failure on probation/parole; violent offenders; felons; or those who are currently on AP&P probation on a non-ECR case. While the majority of these responses came from respondents who did not support the continuation and/or expansion of ECR (25), both groups felt that ECR needed a better process for assessing defendants’ criminal history and believed that this information should be considered when making sentencing decisions.

Probation: Have a better screening process which assesses the risk the person is to the community and the likelihood of them committing a new offense within 12 months. If a person is at high risk to the public or to reoffend, ECR should be stricter on sentencing the person, which should reflect more of outcome if they were in regular court.

Attorney: I think a more thorough check of the defendant is necessary (particularly a check of all pending cases in all jurisdictions) before passing them through the ECR program. I have noticed a few offenders slip through ECR with favorable resolutions, which they likely do not deserve.

Law Enforcement: I do think it is helping with what it is intending. The problem is at AP&P's level it is causing a bottle neck. The cases should be more thoroughly screened to see if they qualify for ECR. For example, if the defendant is already on AP&P probation when he committed this crime he/she should not be eligible for ECR.

Respondents generally agreed that ECR should only be used for certain types of cases and defendants; a large number of respondents (50) specifically cited the identification of appropriate cases as part of the mission. Many respondents (44) were under the initial impression and supported the idea that ECR would only process first-time offenders with low-level offenses.

Post-Adjudication

Some respondents expressed the concern that defendants handled in ECR were actually receiving harsher punishments for post-adjudication non-compliance:

Attorney: While more defendants spend less time in jail prior to adjudication, they seem to face harsher consequences and more jail time post-adjudication. They seem to be punished more severely because prosecutors and judges feel as if they were given a "gift" to begin with. The underlying problems that face these defendants are not being addressed. Many people who should qualify for ECR do not qualify for ECR because of the way they are branded by the prosecutor's office. Defendants in similarly situated circumstances with similar criminal histories are not treated similarly. The plea offers in ECR are not good . . . The prosecutor's policy to refuse to extend the same offer that was made in ECR is ridiculous. It does not take into account drug addiction issues and mental health issues. Many defendants are not getting the treatment that they need and are caught in a revolving door.

Many respondents (32) expressed a range of concerns over the handling of probation violations within ECR, including the lack of supervision for offenders on court probation (5) and increased number of order to show cause (OSC) hearings (12). Seven (7) respondents felt that because ECR gave offenders more lenient sentences, the sanctions for violating the conditions of probation should be greater when compared to offenders who were not in ECR:

Law Enforcement: Increase the sanctions for failing to comply with the conditions on ECR and probation. Ensure the repercussions are swift and appropriate.

Judge: Make sure that defendants who are placed on probation receive a maximum suspended sentence, so that the judge who adjudicates the OSC will have the unfettered ability to address probation violations.

In contrast, a similar number of respondents (6) felt that the purpose of ECR was to help offenders do well on probation and that increased sanctions for violations was not in concert with that goal. As such, these respondents suggested that ECR should avoid harsh sanctions in favor of an individualized response that would facilitate rehabilitative goals:

Attorney: Educate judges and prosecutors so that they implement smarter sentencing and graduated sanctions. As of now, it seems that the District Attorneys, judges, and parole officers want to close cases out with jail time if there is a probation violation, rather than assessing the client to see if probation terms can be changed so that compliance and treatment goals can be met.

Attorney: I would limit ECR to those cases in which smarter sentencing principles apply. At least one of the ECR courts has simply taken long jail sentences from the front end of cases and moved them to the back end when probation is violated the very first time...ECR court should operate on more of a specialty-court model (i.e. graduated sanctions for violations with an emphasis on continued treatment and access to treatment resources.)

Another respondent suggested a centralized assessment and supervision model, as a means for creating both consistency and flexibility in responding to probation violations:

Attorney: There is a need for a supervision model for misdemeanor offenses and pleas in abeyance. Currently we use a variety of resources including court probation and referrals to private agencies. I believe the best method would be to refer all such cases to one agency for assessment and supervision. The agency could then place the person in the appropriate level of supervision. If we applied also a principle of graduated sanctions to that model, then persons could be moved up and down the ladder of supervision according to their needs and progress. I believe the addition of that component would have the most immediate effect on recidivism.

A number of respondents (6), identified specific problems with court probation, and described detrimental impacts for both defendants and the larger criminal justice system:

Clerical: Giving defendants court probation has created a whole new set of problems since they are unsupervised. Order to Show Cause hearings are becoming unmanageable. Unsupervised probation is an invitation to failure for most defendants.

Attorney: Defendants placed on court probation need to be monitored somehow. Order to Show Cause hearings are done in bulk and most times only after the case has gone to debt collection for failure to pay fines. I don't believe anyone is tracking the cases where the fines/fees have been paid but other probation conditions have not been met.

Overarching Principles

After analyzing responses, three (3) different principles of ECR emerged among the criminal justice professionals who completed the survey: Same Justice Sooner, Smart Sentencing, and Incentivized Participation.

Same Justice Sooner. Twenty-five (25) respondents noted that their initial expectation was that ECR would produce similar outcomes as traditional court in terms of offender accountability and reduced recidivism. From this perspective, offender accountability and reduced recidivism were a central component of the ECR mission. Respondents often used the term "same justice sooner" to describe this expectation.

Pretrial: To expedite an early resolution of the criminal charges for appropriate defendants in sufficient numbers to justify the investment and with successful outcomes equal to or better than the traditional practices.

A number of respondents noted that they did not feel that the expediency of ECR was a worthwhile goal if it could only be achieved by offering plea deals and lighter sentences in order to incentivize

participation in the Court. This concern reflects an expectation that ECR should produce the “same justice,” or consistent sentences, as traditional court.

Smart Sentencing. In contrast, another 25 respondents stated that the purpose of expedited processing should be to benefit defendants, by producing faster access to treatment, increased chances of success while on supervision, fewer hearings, and sentences that were commensurate with the crime. Respondents often used the term “smart sentencing” to describe this expectation.

Attorney: The goal is to allow clients to know what their charges are, be offered a plea negotiation and have an agreed upon sanction, which is directly connected to their behavior. It also allows treatment to begin at an earlier stage than the traditional calendar would provide.

Incentivized Participation. Ten (10) respondents noted that they had initially expected that defendants who were processed through ECR would receive better plea offers than those handled in traditional court. For these respondents, the mission of ECR included a reciprocal relationship with both defendants and the Courts benefiting from the process. From this perspective, participation in ECR should be incentivized through more lenient sentences:

Attorney: I expected to see better and more reasonable offers made in an attempt to get more cases resolved.

Attorney: ...in initial meetings with the District Attorney's Office, the defense bar was told to expect favorable offers in order to encourage early resolution of cases and one or two of the prosecutors attempt to do that, but most of the plea offers are very similar to what I see in other courts, and do not provide a strong incentive to resolve the case quickly.

Although some respondents were supportive of more lenient sentences in ECR, many respondents who were not supportive of ECR expressed the concern that the faster processing of cases actually came at the expense of community safety and offender accountability. For instance, 24 respondents felt that high-risk offenders were receiving more lenient sentences in ECR than they would in traditional court:

Judge: While ECR expedites the resolution of cases and reduces incarceration rates at the Adult Detention Center, it has the following downsides: 1. Defendants often receive more favorable plea offers than they would otherwise receive; 2. Defendants often don't get the benefit of treatment programs they would otherwise receive; 3. Expedited justice may minimize the seriousness of criminal behavior to defendants; 4. I suspect the recidivism rate is higher out of ECR.

Moving Forward

Respondents were asked about their support for the continuation and/or expansion of ECR. Of the respondents who supported the continuation and/or expansion of ECR, most (109) felt that ECR had met its mission and 37 were unsure. Of the respondents who did not support the continuation and/or expansion of ECR, 34 felt that the program had not met its mission, 28 felt that it had, 17 were unsure, and three (3) felt that it had met a mission that was problematic.

Both those who were supportive of ECR and those who were not agreed that ECR would benefit from better coordination between criminal justice entities (21) and faster case processing (16). A

number of respondents who were supportive of ECR specifically identified the lack of support from individuals and other entities as an impediment to its success:

Attorney: I've had a positive experience with ECR, the main obstacles to improvement I see are: (1) a lack of resources for offenders to make informed sentencing recommendations, and; (2) a reluctance of certain judges and attorneys (including prosecutors), to support the ECR concept. Obviously, ECR is not the ideal solution for every case, but for the vast majority of low-level drug and property crimes, ECR is providing better outcomes for offenders and victims while reducing caseloads for judges, prosecutors, and public defenders so they may focus their attention on more significant cases. I believe this will enhance the credibility and transparency of the judicial system in the long run.

Twenty-five (25) respondents felt that ECR needed more resources in order to make improvements; the majority of those responses (18) came from respondents who were supportive of ECR. The most frequently cited suggestions for additional resources included: additional clerical staff, updated information systems, more treatment resources, more Legal Defender Association attorneys, and more resources for supervising offenders in the community.

Discussion and Next Steps

Researchers have suggested that in today's fast-paced world, there is a substantial disconnect between the public's perception of how long court processes should take and reality (Duizend, Steelman, & Suskin, 2011). A recent survey of Utah adults found that nearly half (47%) of respondents identified the length of time that it takes for a court decision as a barrier that had kept or might keep them from going to court (Opinion Works, 2012). These results suggest that there is a public desire for more efficient case processing. In keeping with these sentiments, the vast majority of criminal justice professionals surveyed in the current study felt that the primary mission of ECR was to expedite the time it takes for a case to be resolved in the court system. The data presented in this report suggest that ECR has, for the most part, met that mission.

The District Attorney's ECR grant benchmark of reducing hearings was met. Among all ECR Resolved cases, there were fewer pre-disposition hearings, with the median number of hearings dropping from as many as six (6) hearings in the Pre-ECR period (for pre-QB filed cases) to a median of one (1) for all ECR Resolved cases (regardless of when they were filed). Furthermore, more than 25% of ECR Resolved cases that were filed during the QB were resolved in a single hearing. The benchmark of having the initial court appearance within 10-14 days of the QB was also met for the vast majority of ECR Resolved cases that were filed prior to the QB (89%) and during the QB (81%). However, this did not represent a substantial change in case processing from Pre-ECR (83% of pre-QB filed cases had first hearing within 15 days of QB; 76% of during-QB filed cases). For cases that were filed after the defendant was released from jail, only 9% of ECR Resolved cases had their first hearing within 15 days of the QB, which was similar to the 6% for Pre-ECR cases.

For all District Attorney prosecuted cases in the During ECR year, one-fifth (20%) were disposed within 30 days of the offense, which is under the benchmark of 30% of all felony and Class A Misdemeanor cases resolved within 30 days of arrest. Approximately one-third of ECR Resolved cases were disposed within 30 days of the offense (34%), compared to 6% Pre-ECR and 3% Non-ECR. When separated into three groups based on when the case was filed, only ECR Resolved cases

filed during the QB met the benchmark (68% disposed within 30 days of offense vs. 6% of pre-QB filed cases and 22% of post-QB filed cases).

While the implementation of ECR appears to shorten the overall time between offense and disposition, it did not have a substantial impact on the grant benchmarks of having only two (2) days between QB and Law Enforcement Agency (LEA) submission of the case to the DA or between the DA's receipt of the case and the decision to file charges. For cases where charges were filed post-QB, the median number of days between the offense and the DA's receipt of a case remained stable, with the process taking nearly a week (six days). The number of days between the DA's receipt of the case and the decision to file charges dropped from 12 to six (6) days; however this timeframe falls far short of the grant benchmark of two days. The expedited processing within the DA's office, combined with the stability of the timeframe for LEA to submit the case to the DA, suggests that: 1) the benchmark itself may be unrealistic; and 2) LEAs may need additional resources in order to reduce the amount of time it takes to submit cases to the DA.

Given current limitations of the data in terms of the length of follow-up periods, there is limited information on the impact of ECR on warrants and dispositions. Preliminary analyses, however, indicate that ECR is producing the expected results: there were fewer Probable Cause (PC) warrants issued for all cases, regardless of when they were filed. The post-QB cases, in particular, saw a drop from more than half (52%) of Pre-ECR cases with PC warrants issued to less than one-fifth (17%) of ECR Resolved.

As expected by a significant portion of criminal justice professionals who participated in the qualitative survey, ECR appears to create a forum for negotiating case resolutions that benefit defendants and the criminal justice system. One indication of this reciprocal exchange is the fact that ECR Resolved cases are dismissed less frequently than Pre-ECR or Non-ECR cases; however, they have a larger proportion of cases where the Primary Charge is reduced. These numbers most likely reflect the expectation that defendants who participate in ECR accept some responsibility for their actions. This data appears to partially address, and refute, the concern expressed in the survey that ECR is lenient with offenders. However, the Year 2 report will further explore the sentencing in ECR compared to traditional courts.

In addition to faster case processing, the American Bar Association (ABA, 2006) specifically suggests that systems be put in place to allow for the early identification of less complex cases that can be quickly resolved without going to trial, while allowing for limited court resources to be directed toward more complex and/or serious cases. The results of this study suggest that ECR is targeting specific types of cases, and particularly that ECR Resolved cases are more frequently drug and property offenses rather than person crimes. Results from the qualitative portion of this study showed that criminal justice professionals felt that faster processing of certain cases has allowed for the redistribution of resources to more complex cases. Nevertheless, survey results also indicated that some criminal justice professionals felt that the redistribution of resources was not uniform across the system and that some agencies have more work as a result of ECR.

Overall, the criminal justice community appears to agree that ECR has sped up the Court and that expedited processing is, in general, a benefit to the entire system. Even when there is disagreement regarding the positive and negative impacts of ECR, criminal justice professionals tended to describe similar concerns and suggestions for improvement, as demonstrated in the following comments:

Attorney: This is a strong program and while there have been some snags along the way, for the most part it has achieved its goal. All participants could do a better job in understanding the critical issues involved--for instance, the prosecutors involved need to pay a little more attention to prior criminal history before agreeing to a resolution, especially when an offender is still on probation or subject to the conditions of a Plea in Abeyance.

Probation: I like and agree with the concept. Implementation however has been a struggle. We are getting way more class A Misdemeanor cases with little or no conditions, i.e., Pay a fine of "fill in the blank" and 20 hours of community service, with probation being 12 months. This is a significant amount of resources put out for a probation case that should never be on to AP&P probation. AP&P should be supervising felony cases only, and Misdemeanors only if it involves a sex offense or violence.

Judge: Our old system was so flawed with continuances and weekly rotating judges that never took responsibility until the case moved past preliminary stages and finally went to the assigned judge. Our jails were full and people were being turned away even though a judge ordered their commitment. ECR has been challenging and will continue to be until we get all the problems worked out and get the support of all judges, but in my opinion it has been very successful and did what was expected of the ECR mission. I believe it has made the court more efficient as well as the other agencies. I believe it has helped defendants pay their debt to society and then move on with their lives more expeditiously. I'm actually proud of what we've accomplished in ECR. If we eliminate ECR, the judges better have another plan, going back to the old way would be devastating and totally inefficient.

Next Steps

Year two of the ECR evaluation will track the Pre-ECR and During ECR cases identified in this report for a longer period of time to determine if the initial finding of expedited case processing during the ECR year continues when additional cases are disposed and added to the sample. Furthermore, the early trend of ECR Resolved cases having slightly higher Failure to Appear (FTA) and Failure to Comply (FTC) warrants will be re-examined with the additional cases and longer follow-up periods.

The next report will also examine court cases that were already disposed at the time of the qualifying booking (QB). These cases may or may not have expedited processing through ECR on their post-dispositional hearings. Regardless, it is important to examine if the implementation of ECR in Third District Court had some secondary impact on case processing timelines for post-dispositional cases which are a substantial proportion of cases in the county (approximately 20% of cases in the initial random sample).

Lastly, the Year 2 report will examine post-dispositional recidivism rates and other measures of sentence compliance, including access to and completion of substance abuse and mental health treatment and supervision compliance. The findings in this year's report have demonstrated that the first goal from the District Attorney's ECR grant for a more "efficient criminal justice process" has been met. Post-dispositional outcomes in the Year 2 report will examine if the second goal of the grant "reducing recidivism rates" has also been met.

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Appendix A Variable Definitions

DA receives LEA info to File Decision	The days between the District Attorney's (DA) receipt of information about a new case from LEA (Law Enforcement Agency) in their screening unit until the decision is made whether to file or decline the case (<i>source PIMS</i>)
Disposition During ECR	True Disposition Date was the measure used (<i>source CORIS</i>) The year selected to represent the During ECR time period: 10/1/11 – 9/30/12. ECR processes began in early 2011. October 1 st was selected as starting point because changes in ECR operations and data collection were more frequent prior to that date
ECR Eligible	Cases flagged as potentially eligible for ECR processing/resolution by the DA's Office. Having an ECR date was the measure used, regardless of when the ECR flag was applied or if it was subsequently removed (<i>source PIMS</i>)
ECR Resolved	Cases were identified as ECR Resolved if their True Disposition Date fell within a date range when the case was assigned to an ECR judge (<i>source CORIS</i>)
File Decision Date	Date when the DA decides to file or decline a case after screening the case (<i>source PIMS</i>)
Filed within 17 days of QB Release	This timeline was used as a proxy for the Notice to Appear (NTA) process implemented during ECR Court. Defendants who were released from the jail prior to their case being filed were given an NTA date of approximately two (2) weeks after their release. When accounting for weekend releases, the maximum NTA date was 17 days following release
Filing Date	The date the case was filed with the court (<i>source CORIS</i>)
Non-ECR	Cases were identified as Non-ECR if they were NOT assigned to an ECR judge on their True Disposition Date (<i>source CORIS</i>)
Notice to Appear (NTA)	During the ECR year, defendants who were released from the jail prior to their case being filed were given an NTA date. Defendants were told to appear in ECR Court on the date that was listed on their NTA form. The NTA date was set out approximately two weeks from the jail release date
Offense to DA receives LEA Information	Days from offense date (<i>source CORIS</i>) to when DA received information about a new case from LEA (Law Enforcement Agency) in their screening unit (<i>source PIMS</i>)
Offense to Filing	Days from offense date to when the case was filed with the Court (<i>source CORIS</i>)
Post-Disposition Cases	Cases that were already disposed (<i>source CORIS</i>) at the QB (<i>source OMS</i>). These cases will be tracked for post-disposition case processing timelines and subsequent sentencing in the Year Two (2) report

Pre-ECR	The year selected to represent the Pre-ECR processing time period: 1/1/10-12/31/10. Calendar Year 2010 was selected because the entire time period immediately preceded the implementation of ECR in early 2011.
Primary Charge	The most severe charge for a court case. Sequence 1 was the measure used (<i>source CORIS</i>)
Qualifying Booking (QB)	Randomly selected jail bookings for Class A Misdemeanor or Felony (new offense or warrants only). This was the starting point for inclusion in the study (<i>source OMS</i>)
QB Release to 1 st Post-QB Hearing	Days from QB release from jail (<i>source OMS</i>) to the first hearing that occurred following release (<i>source CORIS</i>)
QB to 1 st During QB Hearing	Days from QB into jail (<i>source OMS</i>) to the first hearing that occurred during that jail stay (<i>source CORIS</i>)
Subsequent Charge(s)	Additional charge(s), after the primary charge, that are part of a court case. Sequence > 1 was the measure used (<i>source CORIS</i>)
Total # of Pre-Disposition Hearings	Total number of hearings prior to the True Disposition Date. If the first hearing was the disposition date, the value in this variable would be 0 (<i>source CORIS</i>)

Appendix B West Jordan Cases

As shown in Table 3 on page 5 of the report, 1011 cases were processed in West Jordan and removed from the main body of the report (370 in Pre-ECR year, 23% of Pre-ECR year cases; 641 in During ECR year, 16% of During ECR year cases). Those cases are presented in the table below (Table 1) and separated according to when they were disposed in relation to the qualifying booking (QB) that flagged them for initial inclusion in the ECR study. Although the volume of Salt Lake County cases that were processed at West Jordan decreased from Pre-ECR to During ECR (23% to 16%), the proportion that were already disposed at their QB increased (39% vs. 29%) while the proportion that were disposed after the QB decreased (23% vs. 45%). This may represent the fact that many “new” (not yet disposed) cases were flowing through ECR Court in Salt Lake City in the During ECR year and were more likely to be disposed in Salt Lake City District Court, rather than transferred back to West Jordan.

Table 1 Disposition Times for all West Jordan Cases

	Pre-ECR	During ECR
Total Sample (N)	370	641
Disposition (n (%))		
Pre-QB ¹	106 (29)	249 (39)
During QB ²	78 (21)	93 (14)
Post-QB ²	167 (45)	144 (23)
Not Yet Disposed ¹	19 (5)	155 (24)

¹Cases disposed prior to the qualifying booking and cases not yet disposed are not included in the following tables and timeline descriptions

² Cases disposed during and after the QB are further detailed in the timeline descriptions below

Of those West Jordan cases included in the following timeline measures (cases disposed during or after the QB, see Table 2), there does not appear to be a significant difference in when cases were filed or disposed in relation to their QB between the Pre-ECR year and the During ECR year. Most of the cases were filed prior to the booking and disposed after release from the booking.

Table 2 Filing and Disposition Times for Cases Disposed During or Post-QB

	Pre-ECR	During ECR
Total Sample (N)	245	237
Case Filed (%)		
Pre-QB	57	48
During QB	28	36
Post-QB	15	16
Disposition (%)		
During QB	32	39
Post-QB	68	61

As shown in the final table (Table 3), the time from offense to filing appears to be substantially longer for During ECR cases (Md = 48 days) than Pre-ECR (Md = 26 days). However, the median time from filing to the first hearing (about 2 weeks) appears to be similar for Pre-ECR and During ECR West Jordan cases. The median time from filing to the disposition was similar for the two (2) groups, but was slightly longer for the Pre-ECR group (4.4 months) than During ECR (3.7 months).

Table 3 Case Processing Timelines

	Pre-ECR	During ECR
Offense to Filing		
Occurring within (%):		
0 - 7 days	32	15
16 – 30 days	23	15
> 30 days	45	70
Md (# of days)	26	48
Filing to 1st Hearing		
Occurring within (%):		
0 - 7 days	39	25
8 – 15 days	18	29
16 – 30 days	15	16
> 30 days	28	30
Md (# of days)	12	14
Filing to Disposition		
Occurring within (%):		
0 - 30 days	10	16
31 – 60 days	13	16
> 60 days	77	68
Md (# of days)	132	111
Total # of Pre-Disposition Hearings		
Mn	7	5
Md	5	4
Quartiles:	3	2
25	5	4
50	9	6

Appendix C City Prosecuted Cases

As shown in Table 3 on page 5 of the report, 378 cases were prosecuted by city attorneys (Salt Lake City and West Valley City) and removed from the main body of the report (127 in Pre-ECR year, 8% of Pre-ECR year cases; 251 in During ECR year, 6% of During ECR year cases). Most of the variables that were created and examined for District Attorney (DA) prosecuted cases in Salt Lake City (Matheson) District Court in the main report were also examined for City Prosecuted cases. This appendix details how City Prosecuted cases flowed through Salt Lake District Court in the Pre-ECR and During ECR years, as well as how those that were ECR Resolved differed from those that were Non-ECR.

Case Descriptions

As shown in Table 1, over half of the City Prosecuted cases in the During ECR year were ECR Resolved (159/251; 63%). Pre-ECR and During ECR cases did not differ much on the type of defendants (e.g., gender, race/ethnicity, age); however, within the During ECR year, ECR Resolved cases had significantly more female, White, and younger defendants than the Non-ECR cases. Interestingly, the same trends were observed among DA Prosecuted cases in the During ECR year. The percent of cases with a person offense as their Primary Charge in the During ECR year was slightly lower than Pre-ECR, but the percent of person cases handled in ECR was roughly half that of the non-ECR cases (24% vs. 42%). Over half (55%) of all cases resolved in ECR had a property or obstruction of law enforcement offense as their Primary Charge. Obstruction of law enforcement offenses included giving false information to police and evading arrest. Similar to DA Prosecuted cases, defendants with City Prosecuted cases were most often released from jail with no supervision conditions specified (usually own recognizance (OR)). However, significantly more ECR Resolved cases were released to under CJS Supervision than Non-ECR cases (32% vs. 13%).

Table 1 Defendant and Cases Characteristics

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Total Sample (N)	127	251	92	159
Defendant				
Gender (%)				
Male	74	78	82	77
Female	26	22	18	23
Race/Ethnicity (%)				
White	55	55	41	64
Minority	45	45	59	36
Age at QB (Mn (SD))	33 (11)	32 (10)	34 (10)	30 (9)
Primary Charge				
Type at Filing (%)				
Person	34	31	42	24
Property	24	25	17	29
Obstruct Law Enforcement	18	23	17	26

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Drug	8	4	4	4
Other	16	17	20	17
Release Type from Qualifying Booking (QB) (%)				
No Conditions Specified	47	46	50	44
Bail/Bond/Cash/Fine	21	21	31	15
CJS Supervision	16	25	13	32
Other Authority ¹	16	8	6	9
¹ Other authority includes releases to AP&P, other counties and states				

Case Processing Timelines

This section describes case processing timelines for City Prosecuted cases. As shown in Table 2, a large percentage of these cases were filed prior to the qualifying booking (QB; 51% of Pre-ECR cases, 45% of During ECR), while the majority were disposed after the defendant had been released from jail (71% Pre-ECR cases, 61% of During-ECR). Due to the small number of City Prosecuted cases, timelines were *not* separated into separate sections based on when the case was filed in relation to the QB.

Table 2 Filing and Disposition Times

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Total Sample (N)	127	251	92	159
Case Filed (n (%))				
Pre-QB	65 (51)	113 (45)	46 (50)	67 (42)
During QB	26 (21)	57 (23)	26 (28)	31 (20)
Post-QB	36 (28)	81 (32)	20 (22)	61 (38)
Disposition (n (%))				
During QB	37 (29)	97 (39)	37 (40)	60 (38)
Post-QB	90 (71)	154 (61)	55 (60)	99 (62)

Table 3 on the following page displays the case processing timelines for City Prosecuted cases. The percent of cases that were filed within seven (7) days of the offense increased from Pre-ECR (17%) to During ECR (31%). There was also a higher percent of cases that had their first hearing within seven (7) days of filing for During ECR cases (39%) compared to Pre-ECR (18%). During ECR cases were also more likely to have their case disposed within 30 days of filing (32%) compared to Pre-ECR cases (10%). Similarly, timelines from offense to disposition were shorter for During ECR City Prosecuted cases compared to Pre-ECR and Non-ECR cases. In general, During ECR City Prosecuted cases had an expedited timeline compared to Pre-ECR cases. However, there does not appear to be a large difference in case processing timelines between ECR Resolved and Non-ECR cases.

Table 3 Case Processing Timelines

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Offense to Filing				
Occurring within (%):				
0 - 7 days	17	31	34	29
16 – 30 days	25	29	25	31
> 30 days	58	40	41	40
Md (# of days)	34	25	25	25
Filing to 1 st Hearing				
Occurring within (%):				
0 - 7 days	18	39	44	37
8 – 15 days	34	14	12	16
16 – 30 days	23	27	28	26
> 30 days	25	20	16	22
Md (# of days)	15	14	14	14
Filing to Disposition				
Occurring within (%):				
0 - 30 days	10	32	34	29
31 – 60 days	14	18	25	31
> 60 days	76	50	41	40
Md (# of days)	151	61	94	35
Offense to Disposition				
Occurring within (%):				
0 – 30 days	3	13	3	20
31 – 90 days	21	37	27	42
91-180 days	22	24	34	18
> 180 days	54	26	36	20
Md (# of days)	214	88	128	71
Total # of Pre-Disposition Hearings				
Mn	4	2	4	1
Md	3	2	3	1
Quartiles:				
25	2	0	2	0
50	3	2	3	1
75	6	3	5	2

City Prosecuted cases resolved in ECR Court had the fewest median pre-disposition hearings (1 hearing), compared to three (3) for Pre-ECR cases and Non-ECR cases (see Table 3). One-quarter of ECR Resolved cases had no hearings prior to their disposition (Quartile 25 = 0). This indicates that 25% of ECR Resolved cases were disposed on their first hearing and half were disposed within two (2) hearings (Pre-Disposition Hearings Quartile 50 = 1 in Table 3).

Preliminary Case Outcomes

Although this report primarily describes the samples, case characteristics, and case processing timelines, the following section provides some preliminary case outcome measures by examining warrants and case dispositions.

Warrants

As shown in Table 4, the use of Probable Cause (PC) warrants has gone down from Pre-ECR (58% of cases) to During ECR (36%), but is slightly higher among ECR Resolved City cases (38%) than Non-ECR cases (32%). Warrants issued by the court for failing to appear (FTA) or failing to comply (FTC) with a court order were also examined for City Prosecuted cases. There was very little variation in the percent of ECR Resolved (31%) and Non-ECR (33%) cases with an FTA/FTC warrant three months post-filing; however, the Pre-ECR group was higher (38%) than both During ECR groups. Warrants (FTA/FTC) were slightly lower for ECR Resolved cases within six (6) months of filing and substantially lower when the timeframe was restricted to only include warrants that were issued prior to or at disposition. It is important to note that ECR Resolved cases had a shorter median time from filing to disposition (35 days), compared to 94 days for Non-ECR cases and 151 days for Pre-ECR cases. As such, it would be expected that ECR Resolved cases would have fewer warrants prior to or at the disposition since they have a shorter time frame to accrue them.

Table 4 Warrants Issued

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Total Sample (N)	127	251	92	159
Percent with follow-up periods (%):				
3mo post-Filing	100	94	98	92
6mo post- Filing	100	78	79	77
3mo post-Disposition	99	83	83	84
Probable Cause (PC) Warrants				
% of cases with PC Warrant	58	36	32	38
FTA/FTC Warrant(s)				
Percent of cases with (%):				
3 month post-Filing	38	32	33	31
6 month post-Filing	44	41	44	39
Prior to or at Disposition ¹	50	34	46	27
3mo post-Disposition	8	8	7	9

¹This time frame varied by group. Median days from Filing to Disposition was 151 days Pre-ECR, 61 days During ECR combined, 94 days Non-ECR, 35 days ECR Resolved

Dispositions

As shown in Table 5, cases processed through ECR were significantly less likely to have their Primary Charge dismissed (11% ECR Resolved, 48% Non-ECR, 32% Pre-ECR). Approximately 60% of City Prosecuted cases had more than one charge. Of those, ECR Resolved cases were twice as likely as Non-ECR cases to have some of their subsequent charges dismissed, but less likely to have

all subsequent charges dismissed (55% ECR Resolved, 74% Non-ECR, 60% Pre-ECR). Likewise, ECR Resolved City Prosecuted cases were significantly more likely to have some charges dismissed, but were also significantly less likely to have all charges dismissed.

Table 5 Case Dispositions

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Primary Charge				
% of cases with Charge:				
Dismissed	32	25	48	11
Degree Reduced	17	14	10	16
Guilty/Not Reduced	51	61	42	72
Subsequent Charges				
% of cases with multiple charges	58	65	63	67
% with Subsequent Charges dismissed:				
None	5	14	12	15
Some	35	24	14	30
All	60	61	74	55
All Charges within a Case ¹				
% with Charges dismissed:				
None	32	33	26	37
Some	47	51	34	60
All	21	16	40	3

¹Includes Primary Charge and any Subsequent Charges

Appendix D ECR Resolved out of Total Cases

The following table shows the percent of cases currently identified as ECR Resolved out of the total cases in the study. Twenty-nine percent (29%) of the total random sample of During ECR Year cases were ECR Resolved (25% DA Prosecuted plus 4% City Prosecuted at Matheson). Some of the cases that will be examined in the Year 2 study (22% post-disposition cases and 10% not yet disposed) may be ECR Resolved and will be categorized as such when they are further examined. Thirty-eight percent (38%) of the During ECR Year cases are definitively Non-ECR resolved (20% DA prosecuted cases in Matheson plus 16% of West Jordan cases plus 2% of City Prosecuted cases in Matheson).

	Pre		During	
	n	%	n	%
Original Total - Cases Tracked	1641	100%	4011	100%
Cases for Year 1 Study				
Full Report:				
DA Prosecuted Cases	723	44%	1819	45%
<i>Non-ECR</i>			803	20%
<i>ECR Resolved</i>			1016	25%
Brief Reports (see Appendix B and C):				
West Jordan District Cases	370	23%	641	16%
City Prosecuted Cases (WVC, SLC)	127	8%	251	6%
<i>Non-ECR</i>			92	2%
<i>ECR Resolved</i>			159	4%
Cases for Year 2 Study				
Post-Disposition Cases ¹	327	20%	868	22%
Cases Not Yet Disposed	57	3%	402	10%
Removed from Study				
Attorney General/Non-SLC Prosecuted	19	1%	30	1%
ECR Resolved	18	1%		
¹ See Appendix A for variable definitions				