

PERFORMANCE REPORT CARD: Fourth Quarter, FY20

Courts and Justice

ACTION PLAN

All criminal justice partners saw a sharp decrease in cases in the fourth quarter of FY20 due to the COVID-19 pandemic. Cases referred to district attorneys and cases accepted by public defenders decreased, and though jury trials resumed in all judicial districts by mid July, in-person jury trials were down about 75 percent for the final quarter of FY20. As the criminal justice system adapts to the public health crisis, there will likely be a significant increase in cases in FY21.

| | |
|--------------------------|-------------|
| Submitted by agency? | PDD and AOC |
| Timeline assigned? | PDD and AOC |
| Responsibility assigned? | PDD and AOC |

Since the district attorneys and the Public Defender Department joined the Administrative Office of the Courts (AOC) in a comprehensive report card format, the unequal reporting of data across the criminal justice system has become apparent. The courts have transitioned many measures to semi-annual reporting, reducing their reliability and value, and lack measures tracking benchmarks of a functioning criminal justice system, such as time to disposition. District attorneys lack critical performance measurements, and have not provided action plans where outcomes are poor. The Public Defender Department has improved dramatically in the quality and consistency of reporting for in-house attorneys but continues to struggle with contract attorney reporting and outcomes.

Courts

Administrative Support. AOC has effectively reduced costs in the Administrative Support program through centralized interpreter services and purchase of a new jury management tool that allows for uniform data collection. Though the average cost per juror remained below the target for FY20, the agency expects cost per juror to rise in the next fiscal year as the courts purchase masks, pens, and hand sanitizer to safely hold jury trials. The average interpreter cost per session fell dramatically in FY20, but that figure may be artificially low due to the drop in court hearings during the fourth quarter of FY20. According to agency reporting, courts held about 1/4th of the jury trials typically held in a quarter during the fourth quarter of FY20.

Budget: \$13,169.1 FTE: 49.8

| | FY18 Actual | FY19 Actual | FY20 Target | FY20 Actual | Rating |
|--------------------------------------|----------------|----------------|----------------|----------------|--------|
| Average cost per juror | \$44.65 | \$41.41 | \$50.00 | \$49.17 | G |
| Number of jury trials* | 902 | 955 | N/A | 725 | |
| Measure | | | | | |
| District* | 650 | 602 | N/A | 524 | |
| Magistrate* | 181 | 301 | N/A | 153 | |
| Metropolitan* | 71 | 52 | N/A | 48 | |
| Average interpreter cost per session | \$154.70 | \$157.47 | \$100.00 | \$117.07 | G |

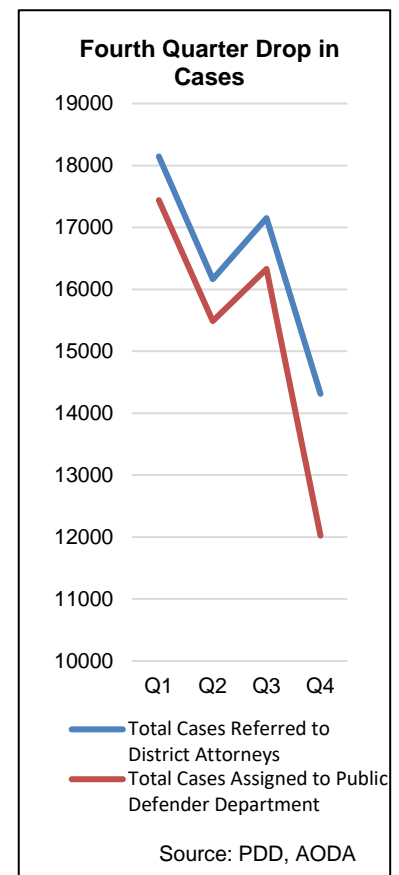
Program Rating

G

G

G

*Measure is classified as explanatory and does not have a target.



Additional performance measures suggested for the judiciary:

- Appearance rate: percentage of supervised defendants who make all scheduled court appearances.
- Reoffenders: number (or percentage) of supervised defendants who are not charged with a new offense during the pretrial stage.
- Release success rate: percentage of released defendants who don't violate conditions of their release, appear for all scheduled court appearances, and are not charged with a new offense during pretrial supervision.
- Pretrial detainee length of stay: average length of stay in jail for pretrial detainees who are eligible by statute for pretrial release.

Special Court Services. Graduation rates for drug court and DWI court participants improved from FY19 to FY20, but unfortunately recidivism rates for drug court participants also increased by four percent, and for DWI court participants by one percent over FY19. Program outcomes were only reported semi-annually in FY20 due to inconsistencies in data collection, case management, and filing practices across state courts. AOC received a \$400 thousand special appropriation during the 2020 legislative session to purchase drug court reporting software, which is now installed in 49 of the 53 special court programs, which will allow for better, more timely reporting in FY21.

Budget: \$13,416.3 FTE: 6.5

| | FY18 Actual | FY19 Actual | FY20 Target | FY20 Actual | Rating |
|---|-------------|-------------|-------------|-------------|----------|
| Cases to which CASA volunteers are assigned* | 2,668 | 2,413 | N/A | 1,050 | |
| Monthly supervised child visitations and exchanges conducted | 14,094 | 11,698 | 1,000 | 11,359 | G |
| Average time to completed disposition in abuse and neglect cases, in days.* | 84 | 85 | N/A | 61.5 | |
| Recidivism rate for drug-court participant | 21% | 14% | 12% | 18% | R |
| Recidivism rate for DWI-court participants | 6% | 6% | 12% | 7% | G |
| Graduation rate for drug-court participants* | 57% | 51% | N/A | 59% | |
| Graduation rate for DWI-court participants* | 70% | 76% | N/A | 81% | |
| Cost per client per day for all drug-court participants* | \$23.25 | \$25.39 | N/A | 25.38 | |
| Program Rating | Y | Y | | | Y |

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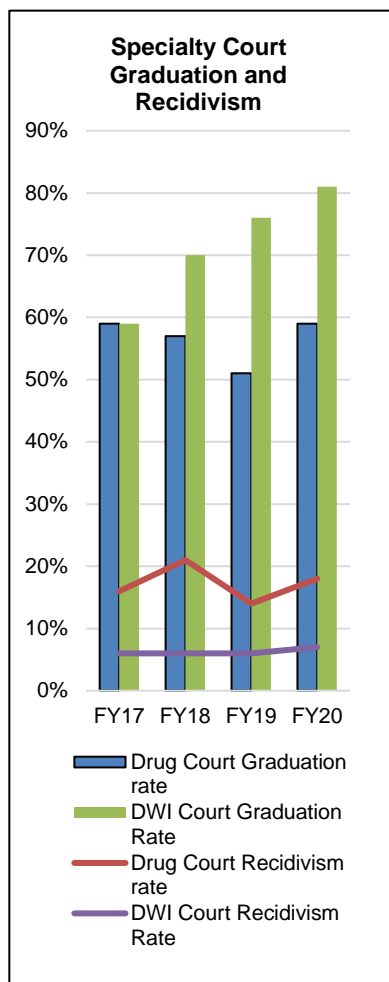
Statewide Judiciary Automation. AOC began reporting on new measures for the first quarter of FY20 to better gauge the success of the Statewide Judiciary Automation Program. Last year, complications with the Odyssey case management system caused times per service call to increase sharply. Previous targets, which measured call times in hours regardless of difficulty, were unattainable. The new measures track responses and resolutions to customer service requests in days, and AOC surpassed the targets for each quarter of FY20.

| | FY18 Actual | FY19 Actual | FY20 Target | FY20 Actual | Rating |
|---|-------------|-------------|-------------|-------------|----------|
| Average time to resolve calls for assistance, in days | NEW | NEW | 1 | 0.33 | G |
| Program Rating | | | | | G |

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District Attorneys

The district attorneys submitted a unified priorities budget for the 2019 legislative session, highlighting common needs in prosecution offices across the state, which the Legislature largely funded. Despite the previous year's success, the Association of District Attorneys chose not to submit a unified priorities budget for FY21, resulting in inconsistent requests across judicial districts. Additionally, the district attorneys were not able to validate four out of five total measures for FY20 in time for the publishing of this report card, further demonstrating the inability to cooperate with each other and the Administrative Office of the District Attorneys. The district attorneys adopted new performance measures for FY21 that examine elements of



the agency's work outside of prosecution, such as pretrial detention motions and referrals to alternative sentencing treatments. The new measures will allow the Legislature to track how criminal justice reform and innovation are being implemented, but only if the agencies are able to commit to timely and accurate reporting.

Budget: \$79,486.5 **FTE:**954

| | FY18 Actual | FY19 Actual | FY20 Target | FY20 Actual | Rating |
|---|----------------|----------------|----------------|----------------|----------|
| Cases prosecuted of all cases referred for screening* | 89% | 87% | N/A | No Report | R |
| Average cases handled per attorney | 312 | 264 | 185 | 205 | G |
| Average time from filing to disposition for juveniles, months | 4 | 4 | 1.75 | No Report | R |
| Average time from filing to disposition for adults, months | 7 | 7 | 8 | No Report | R |
| Average cases referred into pre-prosecution diversion programs* | NEW | 287 | N/A | No Report | R |
| Program Rating | Y | Y | | | R |

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Public Defender

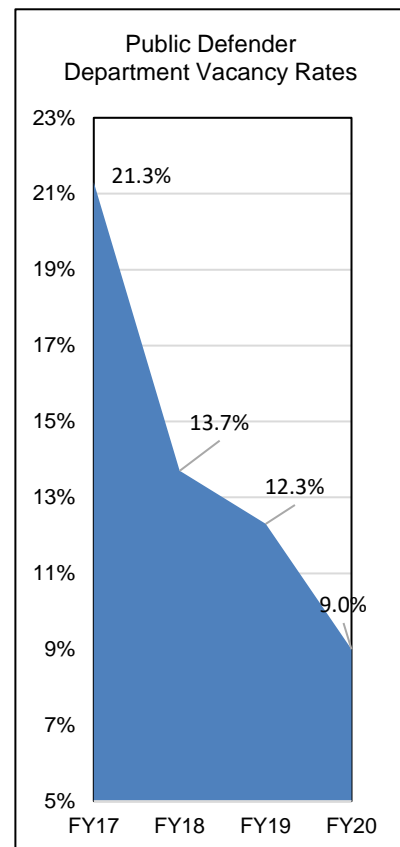
The Public Defender Department (PDD) transitioned to a new case management system at the end of FY19 that facilitates the production of robust quarterly reports, especially for in-house attorneys. Like other criminal justice partners, PDD has difficulties recruiting and retaining legal professionals in rural areas. PDD implemented geographical pay differentials and expanded recruitment tactics, significantly decreasing the agency vacancy rate from 21 percent in FY17 to 9 percent for the fourth quarter of FY20, the lowest vacancy rate in the last 10 years, significantly reducing attorney caseloads.

For the first year since FY17, PDD did not meet the target for total reduced charges in felony, misdemeanor, and juvenile cases. According to the agency, this is largely due to the dramatic change in how the criminal justice system operated during the COVID-19 pandemic, where limited in-person contact decreased the ability of attorneys to effectively communicate with clients and increased the likelihood that defendants accepted unfavorable plea deals for fear of contracting the virus in detention. Contract attorneys reduced originally filed charges in only 20 percent of assigned cases according to data provided by PDD, which may be in part due to poor reporting practices and overwhelming case loads.

PDD currently does not require contract attorneys to regularly close cases in the case management system, likely resulting in underreporting and contributing to low outcomes for contract attorneys. PDD began a pilot program in 2019 to compensate contract attorneys hourly on designated cases, receiving additional funds and flexibility to use the funds for the same purpose in the 2020 legislative session. Many of those early pilot cases will be resolved in FY21, and will provide data linking the compensation rate for contract attorneys and case outcomes. This data will be critical to the agency, as 18 counties with no public defender office rely solely on contract attorneys.

Performance Measures for District Attorneys beginning in FY21

- Detention motion success rate: proportion of pretrial detention motions granted.
- Detention motion rate: proportion of defendants who are motioned for detention.
- Detention motions: number of detention motions made.
- Conviction rate: proportion of cases that result in conviction of those that make it to trial.
- Alternative sentencing treatment: proportion of cases which are identified as eligible for alternative sentencing treatment.
- Alternative sentencing treatment offers: proportion of cases which are diverted to alternative sentencing treatment.



Budget: \$55,488 FTE: 439

| | FY18 Actual | FY19 Actual | FY20 Target | FY20 Actual | Rating |
|---|------------------------|------------------------|------------------------|------------------------|---------------|
| Felony, misdemeanor, and juvenile cases resulting in a reduction of original formally filed charges | 75% | 72% | 70% | 63% | Y |
| In-house attorneys | 83% | 84% | 70% | 78% | G |
| Contract attorneys | 43% | 31% | 70% | 21% | R |
| Felony, misdemeanor, and juvenile cases resulting in alternative sentencing treatment | 11,548 | 13,900 | 5,000 | 8,003 | G |
| In-house attorneys | 10,130 | 12,281 | 4000 | 6956 | G |
| Contract attorneys | 1,454 | 1,169 | 1000 | 1047 | G |
| Cases assigned to contract attorneys* | 31% | 34% | N/A | 35% | |
| Average time to disposition for felonies, in days* | 261 | 326 | N/A | 268 | |
| In-house attorneys* | 256 | 291 | N/A | 243 | |
| Contract attorneys* | 274 | 326 | N/A | 293 | |
| Cases opened by Public Defender Department * | 45,237 | 63,292 | N/A | 61,294 | |
| In-house attorneys* | 31,660 | 40,628 | N/A | 40,074 | |
| Contract attorneys* | 13,577 | 22,664 | N/A | 21,220 | |
| Program Rating | G | G | | | G |

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