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Report of Technical Assistance To Differentiated
Case Management (DCM) Planning Efforts
in the Second Circuit Court District
of Mississippi

School of Public Affairs ● Justice Programs Office

Technical Assistance Assignment No. 1-023

Report of Technical Assistance To Differentiated Case Management (DCM) Planning Efforts in the Second Circuit Court District of Mississippi

May 1996

Consultant

Thomas F. Lane

ADJUDICATION TECHNICAL ASSISTANCE PROJECT
ASSIGNMENT DATA SHEET

Technical Assistance No.   ATAP #1-023

Requesting Jurisdiction: Gulfport, Mississippi

Requesting Agency: Second Circuit Court District

Requesting Official: Cono Caranna, District Attorney

Dates of On-Site Study: May 1, 1996 - May 3, 1996

Consultant Assigned: Thomas F. Lane

ATAP Staff Coordinator: Joseph A. Trotter, Jr.

Central Focus of Study: Differentiated Case Management (DCM)

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> **Differentiated Case Management (DCM) Planning**
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I. Purpose of the Technical Assistance

1. To provide assistance in the development of a DCM Plan, and in the

2. Definition of automated supported requirements.

II. Background

The District Attorney for the Second Circuit Court District serves a three-county area with a population of 220,000 and four circuit court judges who ride the circuit. He prosecutes all felonies in Harrison, Hancock and Stone counties, which included more than 1400 indictments last year, 80% of which were in Harrison County, encompassing the cities of Gulfport and Biloxi. The District Attorney has nine assistant district attorneys, seven of whom work in Gulfport. In lieu of a public defender, a panel of approximately 20 contract defense counsel are used. The criminal caseload dominates the circuit court docket.

In response to the request for technical assistance, the consultant made an on-site visit (5/1/96-5/3/96) to Gulfport to interview the District attorney, circuit court judges, automation staff and others. Circuit Court Judge Whitfield was unavailable during the visit and the County and Chancery Courts were not included in the scope of this effort, although they are participants in the automation project.

III. Findings

► The District Attorney is interested in developing specialization by type of case or charge for his staff attorneys, but is unable to assign cases by specialization because of the

scheduling conflicts it would create.

- A new system for assigning cases, conflict-free, has recently been implemented that assigns two assistant district attorneys and four contract defense counsel to one of two judicial dockets, each with two judges. Cases are then randomly assigned to each docket. This should avoid scheduling conflicts and insure an even distribution of cases for the judges--an especially difficult problem as the judges ride the circuit, with the result that the Gulfport courthouse has 80% of the cases and 50% of the judge time.

- The District Attorney's Office schedules criminal cases, and has developed a LAN-based system, using FoxPro, for tracking cases/defendants from arrest through disposition. Initial data, including an offense number, are downloaded from the Sheriff's system on the county AS400.

- The Circuit Court is currently operating with an older Wang-based system that was externally imposed and is not covered by a vendor maintenance agreement. Changes have not been made to keep the system current and responsive to court needs. The software and hardware need to be replaced. Harrison County has appropriated funds for a shared court automation project and a Task Force has been assembled.

- As part of the Court Automation Task Force project, a county systems analysis is working out of the Clerk's Office to define automation requirements for the courts (circuit, county, and chancery) and assist in the selection and implementation of a solution. The Systems Development Life Cycle (SDLC) methodology is being used and the project is in the requirements definition stage. The intention is to review several vendors' products and then issue a request for proposals (RFP). The D.A. is a member of the Court Automation Task Force working towards definition and acquisition of a Harrison County Unified Court Information System to replace the aging Wang-based system that cannot be maintained. The D.A. would like to share his LAN-based automated information with the Circuit Court in order to reduce duplicate data entry and improve the quality of information available to all.

- The D.A. recognizes the need for comprehensive, coordinated, automated support for all the justice agencies and is concerned that in addition to the County effort, similar automation projects are taking place at the state level by the Administrative Office of the

Courts, and the Department of Public Safety. He is concerned that all this automation may not be coordinated to the extent possible and that the operational needs of courts and prosecution will be overlooked.

► The Senior Circuit Judge, Judge Vlahos, is uncommitted but is interested in exploring DCM, and in response to my descriptions of various programs, requested additional materials on ABA pleas[1] and DCM implementation planning. The Judge's administrative responsibility for the calendar, and the fact that the time-consuming Monday morning docket call is still used to ascertain trial readiness, may provide grounds for an initial DCM program upon which to build.

IV. Conclusions

Although the responsibilities of the many participants are diverse, they do not appear unified in their efforts at administration and automation. The process of developing a DCM program can provide a mechanism for establishing common goals, uniform procedures and a forum for evaluation and feedback. The shared goals can be a unifying influence in the pursuit of a more efficient and effective justice system.

The seemingly uncoordinated automation efforts raise many questions and would benefit from articulations of purpose. What are the goals and constituencies of those proposed systems? What is the extent of planned information sharing, if any? Where could they and should they be integrated?

The support staff are highly fragmented, making system-wide, administrative support difficult. A project orientation with a single purpose and project leader, to define and implement the automated case tracking system, could be used to pull support staff together resulting in more productive effort.

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[1] Authority for ABA Plea: Maryland rules do not require a judge to be bound by a plea agreement between prosecution and defense as to sentencing. However if the judge does not accept the sentencing agreeement, then the defendant is not bound by the plea entered and is free to change it.

The automation efforts would benefit from articulated, measurable goals. There will be no satisfactory way to compare different vendor systems, or to ascertain how much money should be spent and on what purposes, without, first, an agreement on system and project goals. Management information and clerical productivity may be competing goals. One agency's data entry efforts may produce benefits to another agency.

The multi-court, multi-jurisdictional scope of the Automation Task Force will stretch resources. To conserve effort and add short-run capability, the system developed by the D.A. should be used, both to express detailed requirements and as an interim solution to criminal information processing needs. As part of the review of that system, any recommendations for additional edits or procedural coding to ease data entry navigation should be considered.

V.   Recommendations

There are three recommendations in this report; two are direct results of the requested technical assistance and the third is the result of the Consultant's on-site visit and observation, as well as experience with court management and automation.

1.   DCM Project

A differentiated case management program can produce a number of beneficial side effects from the problem description and solution definition process itself. Additional benefits can arise from the convocation of a DCM committee, representing the bench, bar and others as appropriate, with the objectives of: (1) developing a common solution to a well-defined problem, and the involvement commitment that results; (2) the articulation of goals and measurable objectives for achieving those goals; and (3) the monitoring and evaluation of performance and acting on opportunities for correction and fine tuning that are presented. These are organizationally healthy activities that provide support for judicial administration. Therefore, it is recommended the Court and District Attorney begin development of a set of goals for their DCM program and assemble a representative committee to provide input, assistance and review for the program. One goal might be the elimination of time-consuming docket calls and its replacement

with date-certain trial scheduling. The DCM Implementation Guidelines, can provide detailed procedural suggestions.[2]

2.   *Systems Consolidation*

DCM programs are information intensive, and while a manual information system is conceptually possible, the reality is that a flexible, automated system is required. The present environment reflects a mix of systems and development efforts that need to be consolidated into a unified, well-directed project. Specifically, the Court Automation Task Force needs to meet and establish design objectives (scope and purpose) for their project. The current approach, System Development Life Cycle (SDLC), is an ordered methodology, but one that needs direction if it is to do more than automate existing processes. The SDLC methodology places an emphasis on processes in defining requirements. In the court environment, all activities are recorded on paper with the result that classical document analysis continues to be a valid tool. This analysis, however, will define only what is currently done and not what ought to be done in addition. It is unlikely that SDLC will result in, for example, DCM Tracking Reports (see Appendix B) in the absence of that as a specific design objective.

The design team intends to rely on the availability of functionality in vendor packages to determine system requirements. A more robust approach might be to issue a request for information (RFI) to vendors, stating mandatory and desirable functions and asking for cost estimates to add missing or inadequate functionality to their packages. The resultant information could be used in a negotiated procurement--with more flexibility in both design development and the negotiation of maintenance contracts.

In criminal case processing the design team needs to incorporate the requirements of the District Attorney, reviewing his present automation and planned enhancements. The proposed

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[2] DCM Implementation Guidelines have been sent separately by the American University.

architecture (probably based on a courthouse LAN) should incorporate the D.A.'s present capabilities and share information rather than duplicating data entry. Migration of capabilities to a physically shared database can be considered as a subsequent phase of the project if that later proves desirable. Sharing information will provide for better coordination of activities.

The design team should not limit system requirements to what appears to be available in current software packages. Requirements can be grouped into mandatory and desirable, and vendors asked to provide additional pricing information to provide the desirable features if not currently available. In this regard, the Team might want to consider issuing a Request for Information (RFI) which is similar in content to a Request for Proposal (RFP), and then negotiating a contract with the vendor(s) submitting the most promising responses to the RFI. At this stage, the Mississippi Technology Transfer Center could provide helpful technical review. They could also provide assistance as a technical advisor during the project, helping to keep the selected vendor on a short leash.

3.   *Administrative Support*

The administrative functions to support a DCM Plan involve case processing, including scheduling, monitoring and evaluation. The monitoring function, collecting and reviewing performance statistics and processing exception reports (lists of cases exceeding time and other goals), must be coupled with the authority to make changes. DCM operations involve fairly continuous change, as people and systems adjust, creating a demand for an administrative support structure that can process information, recommend change, and then support the revised procedures. An administrative support team for each DCM program should be designated, together with a team leader, using personnel from all the involved organizational units. The team leader can report to the supervising judge/other official as appropriate and prepare periodic reports for the DCM Committee. The DCM Track Reports, described in Appendix B, provide a generic example.

For the automation project, a second wave of review of the documentation developed to define system requirements, both SDLC and others, ought to be made with the goal of process re-engineering. This is the current jargon for analyzing procedures and asking how we can do something better and cheaper. Again, the articulation of goals for the project will provide guidance for this analysis of procedures.

Finally, an analysis of case processing procedures should take a system-wide perspective, seeking to produce benefits on a larger, enterprise scale, even if the results suggest a realignment of support staff. It is well to remember that over a five-year period, typically the major costs in operating a system are, in order of importance: (1) data entry (clerical effort), (2) software maintenance, (3) software costs, and (4) hardware costs. We tend to think in reverse when installing a new system, fixating on the more tangible hardware and ignoring the potential benefits from increased clerical and professional productivity.

Appendices

A.   List of Persons Interviewed

B.   Specifications for DCM Reports.

APPENDIX A.   Person Interviewed

Cono Caranna, District Attorney

Kosta N. Vlahos, Circuit Judge

John Terry, Circuit Judge

Robert Walker, Circuit Judge

Becky Payne, Court Administrator

Janice Malley, Court Administrator

Mary Mobley, Systems Analyst (courts automation project)

Richard Wheat, Programmer Analyst (District Attorney system)

APPENDIX B. Sample DCM Reporting Specifications

Types of DCM Reports Required

For Evaluation

By Track:

- Number of cases assigned to track, number disposed, methods of disposition with average age, number, and percent.
- Time intervals between events (actual vs goal) with number (and %) cases meeting goals, number (%) exceeding goals and average (or other distribution) of time beyond goal.
- Same as above, but varying by case-type or other attributes.
- Age at disposition for specially/individually assigned cases.

Scheduling

- A docket analysis indicating for each type of calendar (*e.g.* status conference, trial) the number of cases set, number of hearings held, number not held with reasons (usually for continuances, but also dispositions prior to hearing (number of days before also useful).
- Overall (all docket types) comparison of judicial resources available with dispositions obtained per unit of bench time.

Bench Line Data

For before - after comparisons, some data on pre DCM operations is necessary. Collect it now if you do not have the capability to look backwards after the fact.. Sometimes (although rarely) closed cases can be pushed through the new system to produce *ex post facto* statistics.

For Monitoring

By Track

- Information similar to that required for evaluation, but with pending case totals (& %) at each interval, and length of time in interval. The status of all pending cases (snapshot as of given date).
- Capability to break-out (drill down) each track by case-type/subtype and case attribute to compare pending ages and status.
- Exception reports listing cases exceeding time limits by nn days for manual inspection of case files for problems (case specific or systemic).

Sample Generic Track Report　　　　　　For Period nn/nn/nn　　to　　nn/nn/nn

Cases			TRACKS			
	1	2	3	4	5	Totals
Pending at beginning of period	nn	nn	nn	nn	nn	nnn
Filed during the period	nn	nn	nn	nn	nn	nnn
Disposed during the period	nn	nn	nn	nn	nn	nnn
Pending at end of period	nn	nn	nn	nn	nn	nnn
Average age of pending	nnn	nnn	nnn	nnn	nnn	nnn
Method of disposition						
Plea/settle	nn	nn	nn	nn	nn	nnn
age	nnn	nnn	nnn	nnn	nnn	nnnn
...						
Trial	nn	nn	nn	nn	nn	nnn
age	nnn	nnn	nnn	nnn	nnn	nnn