Pretrial Case Processing Procedures
in Selected Metropolitan Courts
[Survey conducted for Maricopa County (AZ)
Superior Court, Pretrial Services Agency]

TECHNICAL ASSISTANCE REPORT

Bureau of Justice Assistance
CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
A Joint Program of the Bureau of Justice Assistance, U.S. Department of Justice, and
American University School of Public Affairs
Criminal Courts Technical Assistance Project Report No.: 99-057

Pretrial Case Processing Procedures in Selected Metropolitan Courts
[Survey conducted for Maricopa County (AZ) Superior Court, Pretrial Services Agency]

CCTAP Staff:
Joseph A. Trotter, Jr., Project Director
Courtney R. Abbott, Judicial Systems Specialist
Memorandum

Date: April 10, 2001
To: Joseph Trotter, Project Director
From: Courtney Abbott, Research Assistant
Subj: CCTAP #99-057: Pretrial case processing procedures in selected Metropolitan Courts [Survey conducted for Maricopa County (AZ) Pre-Trial Services].

In January 2001, Penny Stinson, Chief Pretrial Services Officer of the Maricopa County (AZ) Superior Court, called on the BJA-sponsored Criminal Courts Technical Assistance Project (CCTAP) to provide assistance in obtaining comparative information on criminal case processing practices in other jurisdictions. The Superior Court of Maricopa County is currently considering revamping its initial appearance to make it an adversarial process, and is considering adding an additional case processing event shortly after initial appearance to review the bond status of detained defendants. In order to better evaluate the efficacy of the proposed changes, the Court requested assistance from CCTAP to sample a variety of large metropolitan courts to obtain information on how their initial appearance and bond review hearings are conducted. We have handled this request as an office-based TA assignment, to be conducted by staff.

Pursuant to this request, in early February, CCTAP staff prepared a survey instrument and mailed it to the court administration offices in 34 randomly selected metropolitan courts. Although the survey covers all phases of the criminal case process, it was designed to focus on the earlier stages of the process and the impact that attorney representation has in these earlier stages. (A copy of the survey instrument is attached.) Responses have been received from 25 of the 34 jurisdictions. The 25 jurisdictions which responded include:

Orange County, CA (Orange)  
Los Angeles, CA (L.A.)  
County of San Diego, CA (San Diego)  
Ventura County, CA (Ventura)  
San Bernardino, CA (SanBern)  
Lucas County, OH (Toledo)  
Hamilton County, OH (Cinn)  
Montgomery County, OH (Dayton)  
Essex County, NJ  
Harris County, TX  
Sarasota, FL (Sarasota)  
Lake County, OR  
Hartford, CT  
King County, WA  
Hennepin County, MN  
Sedgwick County, KS  
Philadelphia, PA  
Fulton County, GA  
Baltimore County, MD  
Baltimore City, MD (Balt.)  
Wayne County, MI  
District of Columbia  
Dade County, FL (Dade)  
Volusia County, FL (Volusia)  
Milwaukee County, WI

The present memorandum summarizes the responses received from the above-mentioned jurisdictions.

SCHOOL OF PUBLIC AFFAIRS
4400 MASSACHUSETTS AVENUE, NW WASHINGTON, DC 20016-8159 202-885-2875 FAX: 202-885-2885
E-MAIL: JUSTICE@AMERICAN.EDU WEB SITE: WWW.AMERICAN.EDU/JUSTICE
Pretrial Case Processing Procedures
in Selected Metropolitan Courts
[Survey conducted for Maricopa County (AZ)
Superior Court, Pretrial Services Agency]

CCTAP Staff:
Joseph A. Trotter, Jr., Project Director
Courtney R. Abbott, Judicial Systems Specialist
### BJA-American University
**Criminal Courts Technical Assistance Project**

#### Assignment Data Sheet

<table>
<thead>
<tr>
<th>Technical Assistance No.:</th>
<th>99-057</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requesting Jurisdiction:</td>
<td>Maricopa County, Arizona</td>
</tr>
<tr>
<td>Requesting Agency:</td>
<td>Maricopa County Superior Court, Pretrial Services Agency</td>
</tr>
<tr>
<td>Requesting Official:</td>
<td>Penny Stinson</td>
</tr>
<tr>
<td></td>
<td>Chief Pretrial Services Officer</td>
</tr>
<tr>
<td>Consultant(s) Assigned:</td>
<td>CCTAP Staff:</td>
</tr>
<tr>
<td></td>
<td>Courtney R. Abbott</td>
</tr>
<tr>
<td></td>
<td>Judicial Systems Specialist</td>
</tr>
<tr>
<td>CCTAP Staff Coordinator:</td>
<td>Joseph A. Trotter, Jr.</td>
</tr>
<tr>
<td></td>
<td>Project Director</td>
</tr>
<tr>
<td>Central Focus of Study:</td>
<td>Pretrial Case Processing Procedures in Selected Metropolitan Courts</td>
</tr>
</tbody>
</table>

---

This project was supported by Grant No. 97-DD-BX-0074, awarded to American University by the Bureau of Justice Assistance of the United States Department of Justice. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.
Memorandum

Date: April 10, 2001
To: Joseph Trotter, Project Director
From: Courtney Abbott, Research Assistant
Subj: CCTAP #99-057: Pretrial case processing procedures in selected Metropolitan Courts [Survey conducted for Maricopa County (AZ) Pre-Trial Services].

In January 2001, Penny Stinson, Chief Pretrial Services Officer of the Maricopa County (AZ) Superior Court, called on the BJA-sponsored Criminal Courts Technical Assistance Project (CCTAP) to provide assistance in obtaining comparative information on criminal case processing practices in other jurisdictions. The Superior Court of Maricopa County is currently considering revamping its initial appearance to make it an adversarial process, and is considering adding an additional case processing event shortly after initial appearance to review the bond status of detained defendants. In order to better evaluate the efficacy of the proposed changes, the Court requested assistance from CCTAP to sample a variety of large metropolitan courts to obtain information on how their initial appearance and bond review hearings are conducted. We have handled this request as an office-based TA assignment, to be conducted by staff.

Pursuant to this request, in early February, CCTAP staff prepared a survey instrument and mailed it to the court administration offices in 34 randomly selected metropolitan courts. Although the survey covers all phases of the criminal case process, it was designed to focus on the earlier stages of the process and the impact that attorney representation has in these earlier stages. (A copy of the survey instrument is attached.) Responses have been received from 25 of the 34 jurisdictions. The 25 jurisdictions which responded include:

Orange County, CA (Orange)
Los Angeles, CA (L.A.)
County of San Diego, CA (San Diego)
Ventura County, CA (Ventura)
San Bernadino, CA (SanBern)
Lucas County, OH (Toledo)
Hamilton County, OH (Cinn)
Montgomery County, OH (Dayton)
Essex County, NJ
Harris County, TX
Sarasota, FL (Sarasota)
Lane County, OR
Hartford, CT

King County, WA
Hennepin County, MN
Sedgwick County, KS
Philadelphia, PA
Fulton County, GA
Baltimore County, MD
Baltimore City, MD (Balt.)
Wayne County, MI
District of Columbia
Dade County, FL (Dade)
Volusia County, FL (Volusia)
Milwaukee County, WI

The present memorandum summarizes the responses received from the above-mentioned jurisdictions.
[Notes: (1) The term “Initial Appearance” refers to the first appearance (frequently called “arraignment”) of a defendant before a judicial officer following his or her failure to make bail after arrest, at which appearance the defendant is advised of the charges against him or her and, usually, at which indigency determinations are made for appointed counsel/public defender representation purposes.]

(2) The term Preliminary Hearing refers to the bind-over hearing for felony defendants.

(3) State abbreviations are used below to identify the individual respondent courts; however, in situations where there are multiple courts from a state represented, the city or county name is used.]

1. Is a Pretrial Services Agency Report available at Initial Appearance?
   - Yes: 19
   - Yes, if requested by the Court Commissioner: 1 (WI)
   - No: 4 (Orange, KS, GA, Balt.)
   - Not always: 1 (OR)

2. At what point in the process are lawyers first present?  
   At what point is an attorney for the defendant appointed?
   - Initial Appearance: 22
   - Sometime between Initial Appearance and the Preliminary Hearing: 1 (MI)
   - Preliminary Hearing: 1 (MD)
   - No answer: 1 (SanBern)

   At what point is an attorney present to represent the defendant?
   - Initial Appearance, but a permanent attorney is assigned to the case later: 11 (CT, WA, Orange, Toledo, L.A., Sarasota, Volusia, PA, Dayton, OR, GA)
   - Initial Appearance: 10 (MN, Cinn, San Diego, Dade, TX, NJ, DC, Ventura, WI, Balt.)
   - Preliminary Hearing: 3 (MD, MI, KS)
   - Initial Appearance if defendant retains counsel: 1 (SanBern)

3. At what point does discovery take place?
   - As soon as information is known and available: 1 (Balt.)
   - Made available at initial appearance in most cases: 2 (OR, SanBern)
   - Anytime after initial appearance: 4 (KS, MN, WA, San Diego)
   - Between initial appearance and preliminary hearing: 4 (Orange, MI, Sarasota, NJ)
   - 2-3 weeks after initial appearance: 1 (CT)
   - 30 days after initial appearance: 1 (MD)
   - Preliminary hearing: 4 (Cinn, Dade, DC, WI)
   - Must be complete 30 days before trial: 2 (L.A., Ventura)
   - Prior to criminal arraignment (25-30 days after arrest): 1 (Volusia)
   - Judge sets discovery: 1 (Toledo)
   - After arraignment in felony court: 1 (Dayton)
   - At least 10 days prior to trial: 1 (GA)
   - No answer provided: 2 (PA, TX)
4. At what point can pleas be taken?
Anytime at/after initial appearance: 9 (Orange, MI, CT, KS, Cinn, PA, Volusia, San Diego, Balt.)
Anytime after the case scheduling hearing (approx. 30 days after arrest): 1 (WA)
Anytime during/after preliminary hearing: 1 (Dade)
After an attorney is on record or the defendant has declared pro se: 1 (OR)
Omnibus Hearing: 1 (GA)
No answer provided: 1 (TX)

5. Is a bond review hearing a mandatory event in the case process for defendants who remain detained after initial appearance? If so, when? If not, at what phase of the case process can bond review motions be made?

Yes:
Initial Appearance: 7 (Toledo, Cinn, PA, MD, TX, NJ, Balt.)
Felony Court arraignment: 3 (Cinn, MD, TX)
Pretrial automatically reviews the detention population every night: 2 (Toledo, NJ)
Next court session following initial appearance: 1 (PA)

No:
Bond review can be requested anytime: 14 (MI, L.A., MN, WA, Orange, Sarasota, Volusia, Dayton, San Diego, Dade, DC, Ventura, OR, GA, SanBern, WI)
Must wait at least 21 days after arraignment: 1 (CT)
Before initial appearance and up to Case Mgmt.date: 1 (Sarasota)
Bond is reviewed at the Omnibus Hearing: 1 (GA)

(*Defendants being held under the preventive detention statute are given an automatic bond review hearing)
6. Does the jurisdiction have a Public Defender Office?

Yes: 24
No: 1 (TX - but a bill for statewide P.D. system is presently moving through the Legislature)

7. How would you assess the impact on the time to disposition, the level of pretrial detention, and the quality of the case process of having attorneys present at the earlier stages of case processing (as applicable in your jurisdiction)?

Reduces time to disposition: 13 (CT, L.A., WA, Cinn, PA, Orange, Volusia, Dayton, San Diego, NJ, OR, SanBern, WI)

Reduces the level of pretrial detention: 9 (L.A., CinOH, PA, Orange, Volusia, San Diego, NJ, DC, WI)

Improves the quality of the case process: 5 (Cinn, NJ, DC, OR, WI)

Allows the court to adhere to time standards: 1 (MI)

Enables the court to prioritize cases for disposition: 1 (MI)

Moves cases through the system faster: 3 (MD, Dade, Ventura)

No benefit of early representation: 1 (KS)

Don't know/no answer provided: 5 (MN, Toledo, Sarasota, TX, Balt.)

Reduces caseloads by getting cases out earlier 2 (Volusia, Dade)

Reduces costs and depletion 1 (NJ)

In addition to contacting the court administration offices in the jurisdictions surveyed, CCTAP staff completed telephone interviews with 15 public defenders and/or prosecuting attorneys from the jurisdictions that responded to the initial survey to obtain their thoughts on the initial stages of criminal case processing and the impact early representation has in those early stages.

In general, the public defenders' and prosecuting attorneys' description of the initial stages of criminal case processing were the same as provided by the court administrators. However, 10 of the 15 attorneys interviewed said that even though pleas may be taken after arrest or initial appearance, they rarely, if ever, are offered at that early stage in the criminal case process. When asked to assess the impact early representation has on criminal case processing the following responses were received:
Public Defenders (10):

- Critical for proper or meaningful representation
- Reduces the time to disposition
- Reduces the level of pretrial detention
- Helps to reduce the court’s workload
- Reduces costs
- Helps speed up case processing
- Needs to be more one-on-one contact between the attorney and client for early representation to be beneficial
- Has no effect

Prosecuting Attorneys (5):

- Has no effect on case processing
- Reduces the level of pretrial detention
- There is not enough information flow at that stage to be able to dispose of cases
- May have an effect on the bail determination

CONCLUSION

The majority of jurisdictions surveyed have attorneys present at the initial appearance. Even though the attorney at the initial appearance may not be the attorney assigned to the case, the attorney is there to represent the defendant and to make arguments for bail. Usually a bond determination is made, or if previously made, reviewed at this time by the sitting judge or magistrate. A pretrial services agency report is available in the majority of jurisdictions to assist the judge in making the bond determination. Although, a bond review hearing is not a mandatory event in most jurisdictions surveyed, defendants are given the opportunity for such a hearing at any time during the criminal case process. Also, most jurisdictions indicated that pleas may be offered at the initial appearance. However, this does not happen in most instances. Many of the public defenders and/or prosecuting attorneys interviewed suggested that there is simply not enough information at that time to offer a plea or to try to dispose of the case.
Most of the court administrators and public defenders who were interviewed felt that early representation of defendants has a significant impact on criminal case processing. As the responses suggest, early representation reduces the time to disposition, reduces the level of pretrial detentions, moves cases through the system faster, and provides for more meaningful representation. The few instances where interviewees stated that early representation has no effect on the process seemed to be based on the fact that there is not a sufficient amount of information flow between the court and attorneys at the initial appearance stage to have an effect on the case process. In those jurisdictions, if the initial appearance were a more interactive phase in the case disposition process, early representation would have more of an effect on the quantitative and qualitative aspects of the process.

END
February 21, 2001

Mr. John A. Clarke  
Executive Officer  
Los Angeles Superior Court  
111 N. Hill Street Room 105E  
Los Angeles, CA 90012  

RE: Comparative Information on Various Metropolitan Courts’ Criminal Case Processing Procedures  

Dear Mr. Clarke:

As you may be aware, the Bureau of Justice Assistance-sponsored Criminal Courts Technical Assistance Project (CCTAP) provides free on-site and office-based technical assistance services to criminal courts and related agencies. CCTAP recently received a TA request from the Maricopa County (AZ) Superior Court, which is considering implementing changes in its criminal case processing, for comparative information on practices in other jurisdictions.

The Superior Court is considering revamping the Initial Appearance to make it an adversarial process, and is considering adding an additional case processing event shortly after Initial Appearance to review the bond status of detained defendants. In order to better evaluate the efficacy of the proposed changes, the Court is interested in sampling a variety of large metropolitan courts to obtain information on their criminal case processing.

Enclosed is a brief survey which solicits the type of information the requesting agency is interested in receiving. Although the survey covers all phases of the criminal case process, we are particularly interested in the earlier stages of the process and your assessment of the impact attorney representation has in these earlier stages. It would be greatly appreciated if you could assist us in this assignment by providing the requested information for your jurisdiction within the next two weeks. We will share the results of our survey with all of the contributing courts. Survey responses may be mailed to: American University, Criminal Courts Technical Assistance Project, 4400 Massachusetts Avenue, NW, Brandywine 100, Washington, DC 20016. If it is more convenient to fax your response, our fax number is 202-885-2885.
If you have any questions, please do not hesitate to contact me or Project Director Joseph Trotter at 1-800-203-2671. Thank you in advance for your assistance in this matter.

Sincerely,

Courtney R. Abbott
Judicial Systems Specialist

Enclosure
cc: Joseph A. Trotter, Jr., Project Director
1. Describe the criminal case process from arrest to trial, include the length of time between each event. (A diagram of the process would be most helpful. Also, please note how the process and timelines differ for a defendant in custody vs. a defendant out of custody.)

2. What takes place at the defendant's initial appearance before a judge following arrest?

3. Is a Pretrial Services Agency Report available at Initial Appearance?

4. At what point in the process are lawyers first present?

5. At what point does discovery take place?

6. At what point can pleas be taken? What percentage of cases are pled out/settled at each event in the case process? [please indicate if you are providing an estimate]

7. Is a bond review hearing a mandatory event in the case process for defendants who remain detained after initial appearance? If so, when? If not, at what phase of the case process can bond review motions be made?

8. Does the jurisdiction have a Public Defender Office?

9. How would you assess the impact on the time to disposition, the level of pretrial detention, and the quality of the case process of having attorneys present at the earlier stages of case processing (as applicable in your jurisdiction)?

10. Please identify and provide contact information for a person from the Prosecuting Attorney's Office and the Public Defender's Office in your jurisdiction whom we may contact for additional information, if needed.

Thank you very much for your help.
ATTACHMENT II: List of Persons Surveyed
(* indicates those jurisdictions which responded)

Mr. John A. Clarke
Executive Officer
Los Angeles Superior Court
111 N. Hill Street Room 105E
Los Angeles, CA 90012

Ms. Jean Atkin
Court Administrator
Lucas County Common Pleas Court
700 Adams Street
Toledo, OH 43624-1678

Mr. Joseph Davis
Trial Court Administrator
Superior Court of New Jersey
595 Newark Avenue
Jersey City, NJ 07306

Mr. Collins E. Iljoma
Trial Court Administrator
Superior Court of New Jersey
50 W. Market Street, Room 514
Newark, NJ 07102

Mr. Peter J. Lally
Court Administrator
Baltimore County Circuit Court
County Courts Bldg.
401 Bosley Ave.
Towson, MD 21204

* Mr. Gordon Park-Li
Chief Executive Officer
San Francisco Superior Court
400 McAllister Street, Room 205
San Francisco, CA 94102

Mr. Mark A. Weinberg
Court Administrator
Seventh Judicial Circuit Court
Courthouse Annex
125 E. Orange Avenue, Suite 200
Daytona Beach, FL 32114-4492

*Mr. Ruben O. Carrerou
Court Administrator
Eleventh Judicial Circuit Court
73 W. Flagler Street, Rm. 911
Miami, FL 33130

*Ms. Judith Ann Cramer
Court Administrator
Fulton County Superior Court
136 Pryor Street, S.W., Suite C-640
Atlanta, GA 30303

*Mr. Louis J. Hentzen
District Court Administrator
Eighteenth Judicial District Court
525 N. Main
Wichita, KS 67203

*Ms. Tressa Sloan Kentner
Court Executive Officer
Superior Court of California
County of San Bernardino
172 W. Third Street, 2nd Floor
San Bernardino, CA 92415-0302

Ms. Karen Connolly Levey
Director of Communications
Ninth Judicial Circuit Court
425 North Orange Ave., Suite 2130
Orlando, FL 32801

*Mr. Walter Smith
Court Administrator
Twelfth Judicial Circuit
P.O. Box 48927
Sarasota, FL 34230

*Mr. Robert Wessels
Court Manager
County Criminal Courts at Law
1201 Franklin Street, 7th Floor
Houston, TX 77002
Ms. Janet M. Adams
Court Administrator
Denver District Court
2nd Judicial District
1437 Bannock Street
Denver, CO 80202

Mr. R. Clifton Berry, Jr.
Court Administrator
19th Judicial District Court
222 St. Louis Street
Baton Rouge, LA 70802

*Mr. Bruce M. Harvey
District Court Administrator
District Court
Courthouse, Room 609
Milwaukee, WI 53233

*Ms. Sheila Gonzalez
Executive Officer
Ventura Superior Court
800 S. Victoria Avenue
P.O. Box 6489
Ventura, CA 93006-6489

*Mr. David Factor
Trial Court Administrator
Lane County Circuit Court
125 E. 8th Avenue
Eugene, OR 97401

*Mr. Michael L. Walton
Court Administrator
Common Pleas & Municipal Center
Courthouse
1000 Main Street, Suite 410
Cincinnati, OH 45202

*Mr. Stephen Thunberg
Executive Officer
San Diego County Superior Court
220 West Broadway
San Diego, CA 92101

Mr. H. Britt Beasley
Court Administrator
Circuit Court, 4th Judicial Circuit
300 E. Bay Street
Jacksonville, FL 32202

*Mr. James W. Drubert
Court Administrator
Court of Common Pleas
Montgomery County
41 N. Perry Street
Dayton, OH 45422-2150

*Mr. Joseph A. Cairone
Court Administrator
Criminal Trial Division
Criminal Justice Center, Rm. 203
1301 Filbert Street
Philadelphia, PA 19107

Mr. William L. Danko
Court Administrator
Cuyahoga County Court of Common Pleas
Justice Center
1200 Ontario St, 11th Floor
Cleveland, OH 44113

Mr. Matthew M. McConville
Court Administrator
Denver County Court
City and County Building
Room 111C
Denver, CO 80253

*Mr. Alexander N. Luvall
Court Administrator
Wayne County Circuit Court
City-Court Building
Detroit, MI 48226

Ms. Agnes M. Miller
Court Administrator
Jefferson County Circuit Court
10th Judicial Circuit
801 N. 21st Street
Birmingham, AL 85203
*Ms. Anne Wicks
Executive Officer
Courts of the District of Columbia
500 Indiana Avenue, N.W., Room 1500
Washington, D.C. 20001

*Mr. Edward Brekke
22178 Bauhinia Court
Woodland Hills, CA 91367

*Leah Ennis
Criminal Case Manager
King County (WA) Superior Court

*Robyn Johnson
Hartford, CT

*Mary B. Widomski
Deputy Court Administration
Rm. 200 Courthouse East
111 N. Calvert Street
Baltimore, MD 21202

*Erin Rigby
Program Manager
Orange County (CA) Superior Court

*John Pederson
Office Administrator
Hennepin Co. Public Defender Office