

Workload Indicators for the SAO in the Circuit Court (FY19)

The following information was obtained through the Judicial Dialog system, based on information and docket entries transmitted to us by the Circuit Court. Under each category, a case was only counted once even if a particular event was scheduled more than once. In general, each of the events described require the presence of an ASA. All entries reflect entries from 7/1/2018 to 1/31/2019 (FY19 to date).

<i>EVENT (7/1/18-1/31/19)</i>	<i>TOTAL</i>
Number of court events CT cases - 7,054 CJ cases - 4,610 CA cases – 657	12, 321
Trials Scheduled CT cases – 2,314 CJ cases – 2,850 CA cases - 186	5,350
Motions Hearing	1,792
Sentencing Hearing	1,190
Status Conference	2,889
Juvenile Waiver Hearing	65
Violation of Probation Hearing	1,028
Bond Hearing (specially set)	219
Competency Hearing	57
Post-Conviction Hearing	76
Good Cause Hearing (specially set)	102
Reconsideration Hearing	181
Original Indictments	1032

Distribution of Events by Unit

- Guns and Drugs = 1,027
- Felony Trial Unit = 824
- Homicide = 210
- Special Victims Unit = 598
- Strategic Investigations Unit = 409

- Special Prosecutions/Public Integrity = 234

Trials Currently Scheduled in the Circuit Court

- As of January 31, 2019, there are 1,130 Criminal Trials scheduled in the Circuit Court. (This does not count any cases that have been sent up from the District Court on appeal or after a jury prayer. These are handled by District Court ASAs.)

Caseloads in the Circuit Court

Individual ASA caseloads in the Circuit Court vary greatly depending on the nature of the crimes prosecuted and the complexity of the cases. Within a unit, caseloads also vary depending on the specifics of the cases and the experience of the prosecutors involved.

- **Guns and Drugs** – The Guns and Drugs unit handles cases involving the wearing, transporting and carrying of guns and drug-related cases. It has a high volume of cases and attorneys in that unit are required to handle many more hearings and trials because the cases often involve searches and seizures. It is generally staff with younger attorneys and is one of the first Circuit Court trial units in our process of moving attorneys up in the office
- **Major Crimes Unit** – The Major Crimes Unit handles felony cases of a general nature. Average caseloads currently range from 23 to 61 for line attorneys.
- **Strategic Investigations Unit** – The Strategic Investigations Unit handles felony cases involving serious repeat offenders, gangs and other significant criminal enterprises. Caseloads for line attorneys average 25 cases per attorney, although the number can go up when attorneys leave the office and their cases have to be reassigned.
- **Homicide** – The Homicide Unit handles murders, homicides and manslaughters (other than those involving a vehicle). They also handle their own violations of probation, modification and reconsideration hearings, post-conviction hearings and other collateral matters. Each attorney in the unit carries from 10-15 charged homicides, as well as additional cases still in the investigatory stage. They are also personally called when a homicide occurs and frequently go to the scene of the crime. (The national average, by way of comparison, for homicide prosecutors is five.)
- **Special Victims Family Violence Unit** – The Special Victims Unit handles cases involving domestic violence, child abuse, and sexual offenses, including human trafficking. In December, the Unit was prosecuting or investigating a total of 436 cases. Of this number 204 had pending trial dates, 23 were awaiting sentencing and 207 were still in the investigation state. These are involved cases and require more work and attention than those handled by many other units. SVU ASAs actively participate in the investigation of cases. Given the sensitive nature of the cases, they also spend considerable time working with victims.

Workload Indicators for the District Court

The data for the District Court comes from the State Administrative Office for the Courts (AOCP), as brought into Judicial Dialog through our daily feed. We only get at present for criminal cases. This data does not include "must appear" traffic offenses, which are also handled by the District Court, as well as Municipal Infractions, DNR Citations, Metro Transit Citations and charges involving underage drinking. Unless indicated otherwise, data is based on the period of 7/1/2018 to 1/31/2019.

- Number of District Court trials scheduled = 27,111
- Citizen Complaints received and screening date set = 1,984
- As of 1/31/2019, number of District Court trials still pending = 4,556

Caseloads for District Court

In the District Court, cases are not assigned (with a few exceptions, especially in regards to matters of domestic violence) to particular ASAs. They are generally assigned to ASAs based on the courtroom that the ASA is scheduled to be in on a particular day.

District Court ASAs are scheduled for both morning and afternoon dockets two to three times a week, with other days set aside for office duty, screening, discovery, motions and case and trial preparation. Given the workload, ASAs generally are required to work late, take work home or work over the weekend to adequately prepare the large number of cases they have each week.

Generally, a typical daily District Court ASA docket includes 100 cases. The goal is one criminal docket (morning and afternoon) and either one or two traffic dockets, although the actual distribution of cases may vary considerably from that.

The number of cases assigned can also vary, usually by being higher. Cases are docketed by the State AOCP and the District Court, not by the SAO. When the court is shut down, as has happened recently, more cases are typically scheduled for each docket.

There are currently 14 District Court ASAs who handle criminal cases in general, plus two who focus on domestic violence cases.

One ASA in the District Court also handles Municipal Infractions for the counties towns and cities under a State mandate, as well as citations from the Park Police, DNR and civil citations for underage drinking. These average 70-80 on a docket three times a month. She also handles the Mental Health Court, with approximately 30 defendants two times a week.

District Court ASAs and staff also handle all cases referred from the District Court to the Circuit Court on an appeal or on a jury trial request. These are entitled to a *de novo* trial in the Circuit Court. These cases are scheduled on a CA/CJ Day in the Circuit Court, roughly every six weeks and individual attorneys usually have 10-15 cases on those days.

In addition, District Court ASAs handle all the violations of probation, reconsiderations and other matters that come up. These can arise on a regular docket or on a special docket.

As noted, District Court ASAs handle every traffic case where at least on issued citation involves the possibility of incarceration rather than just the payment of a fine. This includes all

DUIs and DWIs. The District Court handles an average of 2,780 DWI or DUI cases every year. These require considerably more preparation.

A large number of cases that go to the Circuit Court from the District Court are disposed of or resolved by Judge Femia at what is referred to as a "Status" hearing. These hearings are staffed by the District Court.

Workload Indicators for Juvenile Court

The Juvenile Court works on a different system and with different terminology and standards. In the past, cases were referred to the Department of Juvenile Services, which did a preliminary screening to determine if they would take the case for formal action or refer it elsewhere. If they took the case, they could handle it informally or send it to the State's Attorney's Office for the consideration of a Petition, which would bring the child into court for a possible adjudication. Any offense that would be a felony charge is required to be referred to the SAO.

DJS has informed us that they will stop doing the informal pre-screening and will expect the police and other law enforcement entities to perform that function. We do not find that acceptable in that many young offenders will end up in the juvenile justice system when there may be better alternatives. We are exploring the option of taking on this task.

In the Juvenile Court from July 1, 2018 to January 31, 2019, a total of 1,109 cases with some kind of event were entered into the Juvenile version of Judicial Dialog. During that period, 491 juvenile cases were opened. These are cases in which the SAO has filed a formal Petition charging the juvenile with an offense that will require them to appear in court.

Once a juvenile has been petitioned, which must occur within 30 days – or less if they are currently detained – the cases are handled by the juvenile ASAs much like cases in other units. There are motions and the need for discovery, plea offers and a possible trial, which is called a Merits Hearing in the Juvenile Court.

Diversion Results

The State's Attorney's Office is currently tracking more than 1,000 cases through six diversion programs. Although the programs differ, generally the participants are identified by District Court attorneys during the trial and pre-trial process. If the defendants agree to participate in a diversion program, their cases are placed on the Stet or inactive docket pending their completion of the program and any other terms set out in the Stet.

The defendants are then referred to an appropriate program and their participation and results are monitored. If they complete the program, their case is removed from the Stet docket and dismissed. If they do not complete, their case is taken off the Stet docket and set back in for trial. If appropriate, individuals can be referred for additional treatment.

The Diversion Coordinator evaluates potential programs and monitors their results to determine if they are acceptable. This is a new and emerging program and additional diversion programs and options are being actively explored.

<i>Diversion Program</i>	<i># Referred</i>
Anger Management	67
Batterers Intervention	42
Community Service	602
Drug Diversion Program	213
Mediation	12
Total Referrals	936

Factors Affecting Workloads

Turnover and the departure of prosecutors and other staff is the biggest determinant towards individual attorney caseload. When someone leaves, their cases have to be reassigned to attorneys who are often already stretched. This creates problems with the cases and with the courts as continuances are requested.

Beyond that, the State's Attorney's Office handles as many or more cases than any jurisdiction in the state and does it generally with less in the way of staff than comparable offices. The sheer volume of cases that come in each day, week and month, when matched against our workforce, stretch our available resources and necessitate the higher caseloads.

Pay scales are another problem as employees, particularly attorneys, have increasingly been recruited or had opportunities to apply for higher paying jobs with the federal government, private employers and even the Office of Law.

We are working on a variety of strategies to reduce turnover and lessen the stresses associated with being an ASA in our office. These include:

- Being clear in hiring what the workload is so that people do not have false expectations.
- Paying attention to the allocation of cases to ensure that they are fair and balanced, relative to the nature of the cases and what is involved.
- Working to develop a clear and transparent pay structure scale that rewards service and performance and that offers the promise of future rewards.
- More supervisory attention to the work in ways that identify problems, reward good results, and create a higher sense of morale. This has included one-on-one meetings between the State's Attorney and every employee in the office.
- Identifying opportunities for growth and progress. This includes changes in the "progression" plan for how new attorneys move in the office.
- Tracking retention, turnover and employee through surveys, interviews and other methods.

- Working to implement new technologies and new work processes that help alleviate the frustrations with trying to do too much with too little. This includes automation of routine functions and providing new and additional paralegal and professional support. Some of the technological changes will also allow us to better monitor workloads and attorney performance.

Collaboration with the Office of the Sheriff on Outdated Warrants

Some work continues on this, but additional attention, including the development of new technological approaches and alternative ways of determining whether a case is viable or worthy of prosecution is going to be required to make further gains.