

## Section 5. Scott County Prosecutorial and Judicial Trends

### Introduction

This section examines Scott County trends in cases which are prosecuted and adjudicated through the courts. It is important to recognize at the outset that one individual may have multiple cases, and each case may have multiple charges. As a result, these statistics represent a fewer people than the numbers presented below. Sections 9 and 10 provide information about the number of charges and cases per individual. It is also important to note that charge levels can vary from one part of the criminal justice system to another as each organization completes their part of the work. The charge on which an individual is arrested is not necessarily the same as the charge filed (based on the prosecution's assessment of the elements of the case developed by the police), and the charge filed may be different from the charge on which the individual is convicted or enters a plea. This is neither unusual nor inappropriate.

### Cases Filed for Prosecution

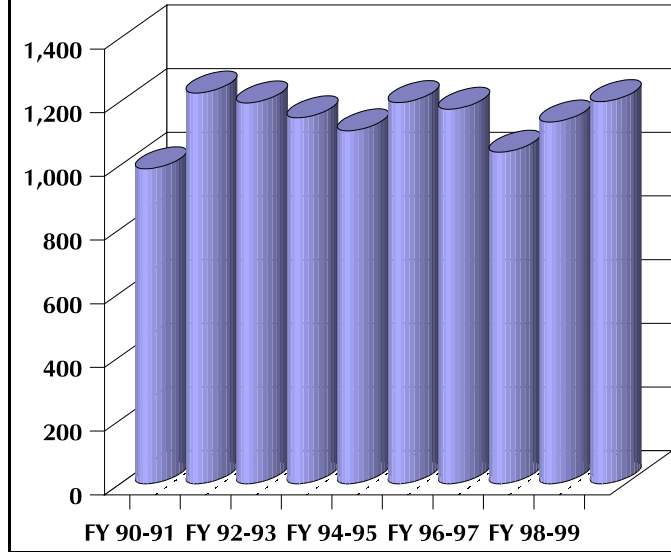
**Table 5.1** Cases Filed for Prosecution by Fiscal Year (FY90 - 91 through FY 99-00)

	Performance Indicator	FY 90-91	FY 91-92	FY 92-93	FY 93-94	FY 94-95	FY 95-96	FY 96-97	FY 97-98	FY 98-99	FY 99-00
De- mand	New felony	989	1,227	1,196	1,149	1,108	1,197	1,176	1,041	1,136	1,200
	New aggravated & serious misdemeanor cases	3,053	2,825	2,816	3,036	3,234	4,265	4,551	4,146	4,309	4,500
	New simple misdemeanor cases filed	8,362	9,441	7,894	5,829	15,000	24,918	45,305	45,591	40,986	45,000
	Juvenile petitions filed	852	726	840	1,014	1,050	812	977	896	801	1,000
	Average open indictable cases	2,164	2,160	2,000	1,800	2,100	3,050	2,908	3,132	3,150	3,000
Wor kload	Trials held - indictable offenses	101	130	154	202	153	154	179	202	127	200
	Trials set - non-indictable	2,117	1,668	1,748	1,748	1,569	1,586	1,554	1,415	1,550	1,800
	Cases disposed of - indictable	2,076	3,868	4,238	5,278	4,180	5,200	7,379	7,068	7,317	7,500
	Cases disposed of non-indictable	6,570	9,638	8,068	6,521	13,910	25,000	39,764	45,079	44,852	45,000
	Uncontested juvenile hearings		446	570	796	710	536	489	1,991		
	Evidentiary juvenile hearings		223	252	299	253	327	284	444		

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New Felony Prosecutions

Figure 5.1 Trend in New Felony Prosecutions (FY 90-91 to FY 99-00)

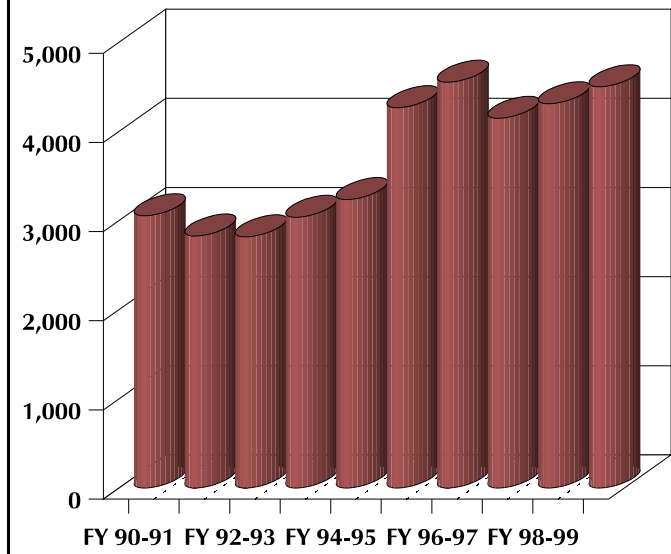


New felony prosecutions have varied from a low of 989 in FY 90-91 to a high of 1,227 in FY 91-92. This trend appears to be somewhat cyclical.

New Aggravated and Serious Misdemeanor Prosecutions

New aggravated and serious misdemeanor prosecutions have varied from a low of 2,816 in FY 92-93 to a high of 4,551 in FY 96-97. This trend shows an overall increase of 41% between FY 90-91 and FY 98-99 (the last year for which actuals are available). This trend is increasing ( $r^2 = .79$ ), which means that 79% of the variation in the trend is explained by time alone; the trend is quite linear.

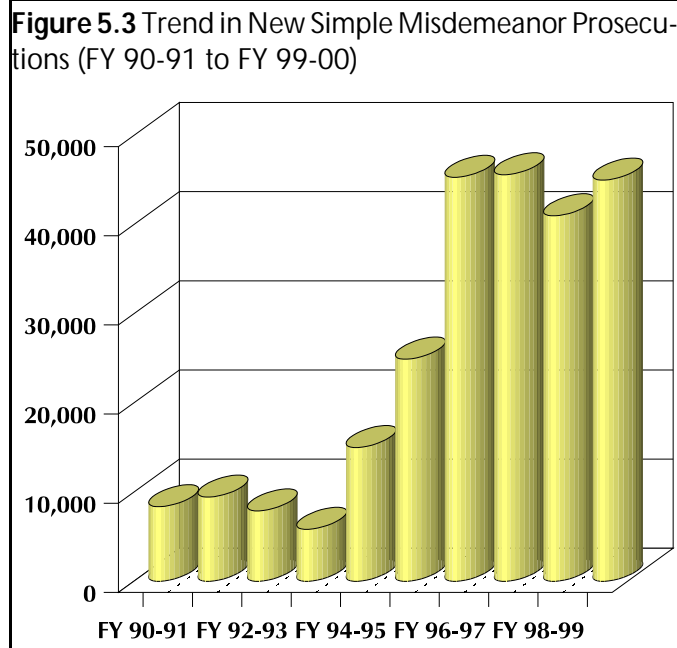
Figure 5.2 Trend in New Aggravated and Serious Misdemeanor Prosecutions (FY 90-91 to FY 99-00)



CJAAC members see this as a trend which has a significant impact on the criminal justice system. The most significant factors are the number of offenses which can result in driving while barred (an aggravated misdemeanor) or suspended (a simple misdemeanor). There are now more than 30 reasons for which an individual will lose a driver's license - not all of which are associated with traffic violations. In spite of these suspensions/bars, individuals often continue to drive - for a variety of reasons. This puts them at risk of re-arrest. When this occurs, after a number of suspensions, the courts need to take action - which can result in some jail time. These penalties are also cumulative - which results in an individual losing driving privileges for a long period of time. CJAAC members believe that this trend will continue.

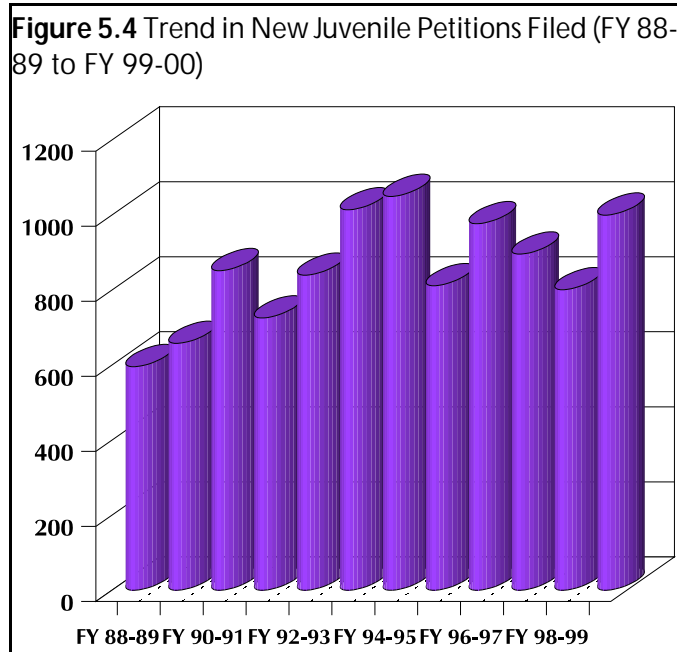
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New Simple Misdemeanor Prosecutions



Beginning in FY96-97, a new trend emerged; there is some possibility that the trend actually began in FY 94-95. New simple misdemeanor prosecutions increased 390% from 8,362 in FY 90-91 to 40,896 in FY 98-99, the last year for which actuals are available. Changes of this magnitude often come from changes in what is included. Two things are at work here. Until FY 95-96, Scott County counted people not cases in this category. This resulted in inconsistencies in the automated information system that all state courts use. As a result, this practice changed resulting in what appears to be a significant increase. At the same time, it appears that there is a real increase which began in FY 94-95.

New Juvenile Petitions Filed

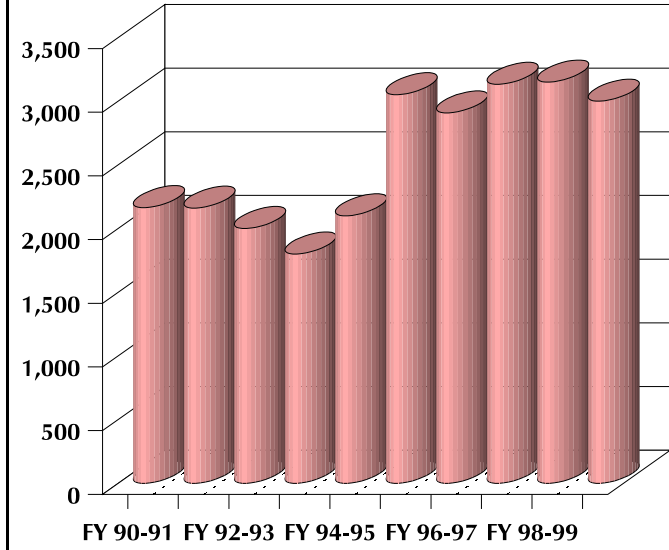


New juvenile petitions filed have varied from a low of 596 in FY 88-89 to a high of FY 1,050 in FY94-95. This trend is more variable, but there does appear to be an consistent increase. CJAAC members report that there have been a number of serious juvenile offenses in the last two or three years. These offenses impact both the juvenile and adult justice systems.

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Average Open Indictable Cases

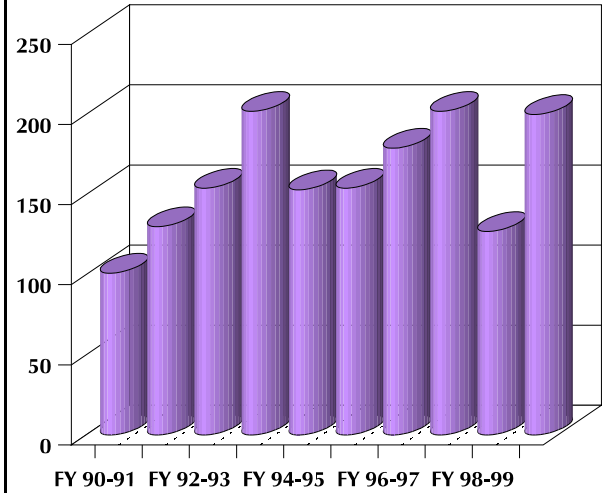
**Figure 5.5** Trend in the Average Number of Open Indictable Cases (FY 90-91 to FY 99-00)



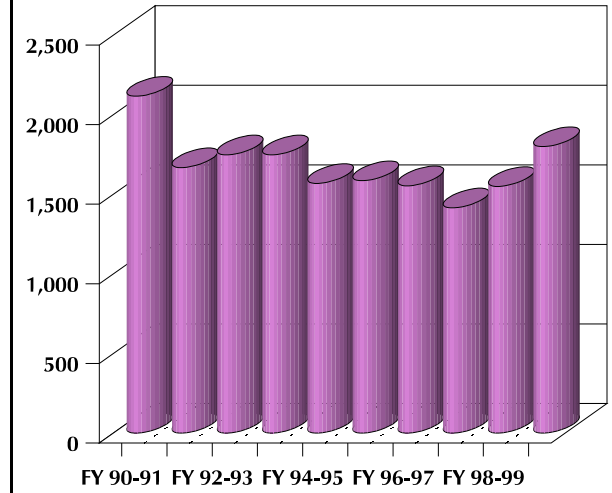
The average number of open indictable cases (felonies, aggravated and serious misdemeanors) shows a significant increase in FY 95-96 when these cases increased to an average number of 3,050, up 45% from 2,100 the previous year. Open indictable cases have continued at the higher level in subsequent years. CJAAC members believe that this chart also reflects the changes in counting practices noted earlier (movement away from counting people to counting cases).

Trials Held (Indictable Offenses) and Trials Set (Non-indictable Offenses)

**Figure 5.6** Trend in Trials Held - Indictable Offenses (FY 90-91 to FY 99-00)



**Figure 5.7** Trend in Trials Set - Non-indictable Offenses (FY 90-91 to FY 99-00)



The number of trials held for indictable offenses has ranged from a low of 101 in FY 90-91 to a high of 202 in FY 93-94 and FY 97-98. These charts represent a substantial time investment for both prosecution and the courts. Overall the trend in trials held for indictable offenses seems to be increasing. Although the number of trials is relatively small, it is important to understand that jury trials have a very significant impact on the justice system. People who request jury trials tend to be charged with relatively serious

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offenses which often means that they are not good candidates for release. They use more resources in the courts and in prosecution. They also often result in overtime for law enforcement personnel. The number of trials set for non-indictable offenses has varied from a high of 2,117 in FY 90-91 to a low of 1,415 in FY 97-98. The number of trials set for non-indictable offenses represents a relatively small proportion of these cases. Many of these trials may not actually occur, because they are settled. After a period of relative stability, the number of trials set seems to be increasing again.

### **Cases Filed in Court**

Information in this section is taken from the Iowa Court Information System. Courts process criminal matters (felonies, aggravated and serious misdemeanors) civil matters , simple misdemeanors and small claims. For reporting purposes, civil matters are divided into the following categories: dissolution, uniform support matters, domestic abuse cases, other equity and law cases, appeals and small claims. Criminal matters are divided into OWI (1<sup>st</sup> and 2<sup>nd</sup>), other indictable misdemeanors, OWI 3<sup>rd</sup>, felony, and appeals of simple misdemeanors. Table 5.2 on the following page shows the trends in the number of cases filed in each of these categories.

#### **Civil**

This report has not focused on civil offenses, although they do have an impact on both courts and prosecution. Some types of civil matters at the District Court level can result in an individual being held in contempt; individuals can be jailed as a result of contempt charges. Detailed information about civil case load is provided in Appendix F.

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**Table 5.2** Trend in Scott County Case Filings (1984 - 2000)

Case Type	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	2000
<b>Civil Cases</b>																	
Subtotal Civil	3,684	3,744	3,595	3,819	3,535	3,656	3,817	3,516	5,135	5,008	5,751	5,049	5,386	5,348	4,839	4,785	4,918
<b>Criminal Cases</b>																	
OWI (1st/2nd)	1,435	1,368	1,444	1,053	1,032	1,237	1,335	1,121	1,027	1,001	1,269	786	963	834	704	696	900
other indictable misdemeanors	919	1,185	1,376	1,337	1,325	1,480	1,571	1,696	2,053	1,888	3,948	3,546	4,112	4,688	4,965	4,556	3,189
OWI (3rd+)												80	56	51	93	70	88
felony	578	591	552	694	664	766	799	857	903	1,190	2,052	1,635	1,809	1,362	1,445	2,068	1,936
appeals/simple misdemeanors	3	2	6	0	0	0	1	0	2	0	0	1	1	2	3	1	2
Subtotal Criminal	2,935	3,146	3,378	3,084	3,021	3,483	3,706	3,674	3,985	4,079	7,269	6,048	6,941	6,937	7,210	7,391	6,115
Simple Misdemeanors	8,699	8,499	8,739	9,458	8,448	8,703	8,236	8,930	8,982	5,877	18,926	25,140	43,472	45,639	41,075	42,302	42,520
Small Claims	3,743	3,800	3,787	3,707	3,967	4,325	5,309	4,620	4,219	4,549	5,014	5,014	4,648	5,252	5,237	5,447	6,114
Total Caseload	19,061	19,189	19,499	20,068	18,971	20,167	21,068	20,740	22,321	19,513	36,960	41,251	60,447	63,176	58,361	59,925	59,667

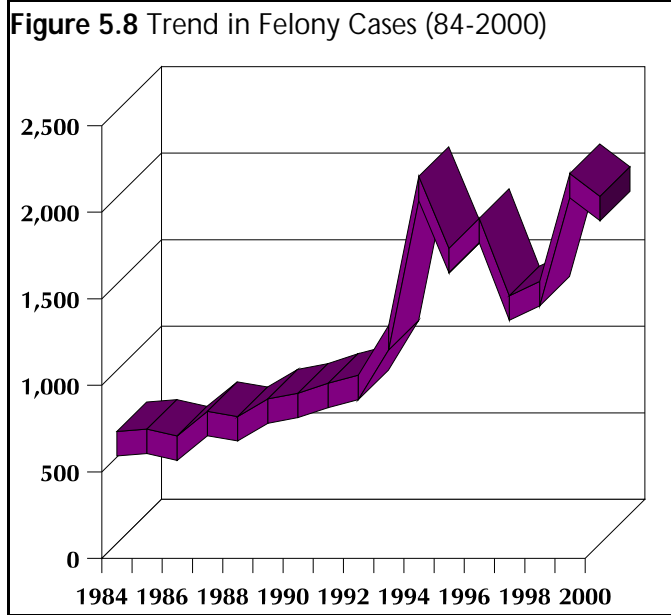
Several trends are noteworthy.

- Changes in domestic abuse arrest and prosecution began in 1991. There has been a significant increase in the prosecution of this type of offense.
- The development of an OWI (3<sup>rd</sup>) with a 12 year window for determination of the number of prior OWI charges occurred in 1995.
- In 1994, the Governor's Traffic Safety initiative authorized the use of grants and overtime for traffic enforcement. This resulted in a significant increase in simple misdemeanor cases.
- In 1996, ICIS (the Iowa Crime Information System) began to count charges rather than people, resulting in the very significant increase seen in that year.

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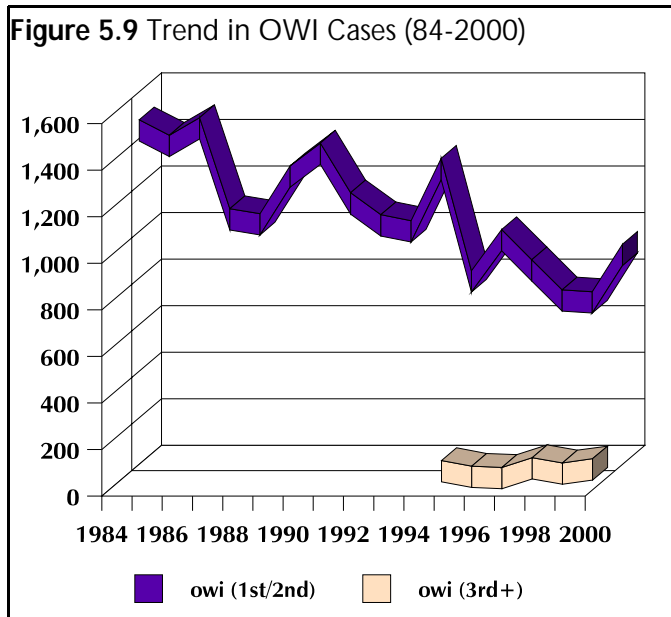
**Criminal Cases**

*Felony Cases*



Between 1984 and 2000, the number of felony cases filed has varied from a low of 578 in 1984 to a high of 2,068 in 1999. This is a 235% increase in felony cases. The trend increased relatively gradually until 1994 when there was a significant increase. During this period Scott County experienced the impact of both crack and gangs. In response, a law enforcement task force focusing on these offenses was formed. This task force has been active. After peaking in 1994 at 2,052, this trend decreased until a new peak of 2,068 was reached in 1999. Many felony cases impact the jail because they are likely to result in some period of pretrial detention; if the individual is not sent to prison after conviction, they are likely to have a sanction of some type which will involve community corrections, if not the jail.

*Indictable Misdemeanors*



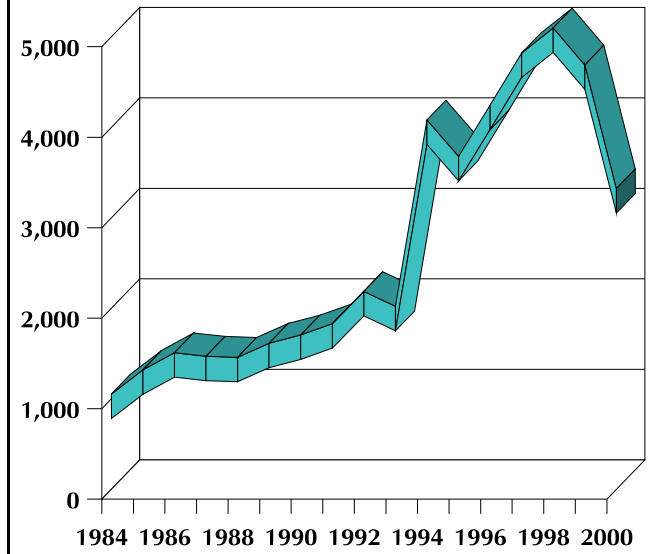
OWI cases are one type of indictable misdemeanor which is tracked separately. Between 1984 and 2000, OWI 1<sup>st</sup> and 2<sup>nd</sup> cases have varied from a high of 1,444 in 1986 to a low of 696 in 1999. Overall, there has been a 37% decrease in the number of OWI 1<sup>st</sup> and 2<sup>nd</sup> cases. It does appear that there are several interacting factors:

1. Targeted OWI enforcement (over and above normal enforcement activity) is often an over-time or grant activity for law enforcement. As a result, OWI numbers can vary from year to year based on grant or over-time funding.
2. There is some evidence, at least nationally, that behavior regarding drinking and driving is changing.

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Beginning in 1995, OWI 3<sup>rd</sup> (or higher) cases were tracked separately. Each year, there have been less than 100 cases of this type. Initially, this type of offense was not frequently prosecuted. Because of the way in which the number of priors are counted, this charge has been phased in. As a result, increases here are slower, but are now likely to continue.

**Figure 5.10** Trend in Other Indictable Misdemeanor Cases (84-2000)

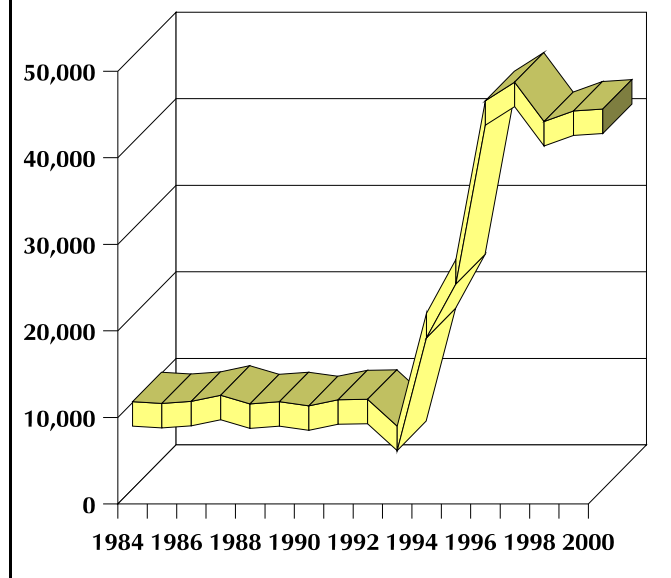


Between 1984 and 2000, there has been a 247% increase in the number of indictable misdemeanor cases. This trend showed gradual increase between 1984 and 1993. However, in 1994, the number of other indictable misdemeanors increased substantially from 1,888 in 1993 to 3,948 in 1994. This trend has now decreased again to 3,189 in 2000. While this trend also has been impacted by counting issues, the increasing pattern was clearly established prior to 1994. One of the most common charges in this group is driving while barred.

*Simple Misdemeanors*

Simple misdemeanors include those offenses for which an individual could not be sentenced to prison time. The trend in simple misdemeanor cases was relatively stable between 1984 and 1993. However, in 1994, there was a significant increase in the number of cases of this type. Overall, there was a 389% increase during this period. Since 1996, simple misdemeanor cases have ranged from a low of 41,075 in 1998 to a high of 45,649 in 1997. While the impact of counting changes (beginning in 1995-1996) is clear here, it is worth noting that the change actually began earlier with increased traffic enforcement efforts. It is likely that these trends are now relatively stable.

**Figure 5.11** Trend in Simple Misdemeanor Cases (84-2000)



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**Conclusions**

1. While felony prosecutions have varied within a range from a low of 989 to a high of 1,227, indictable misdemeanors have increased.
2. Simple misdemeanors have also increased although the apparent “jump” in the number of this type of offenses reflects changes in how these are entered into the Iowa State Court Information System.
3. The current level of felony prosecution seems to relate to increase law enforcement efforts against gangs and associated drug behavior.

**Case Dispositions**

Criminal cases include OWI 1<sup>st</sup> and 2<sup>nd</sup>, other indictable misdemeanors, OWI 3<sup>rd</sup> and other felonies. Appeals to simple misdemeanors are also reported, but are so small as to be not significant. Simple misdemeanors are not included as a criminal offense, but they do form a substantial part of the work of the court and associated agencies.

**Table 5.2 Criminal and Simple Misdemeanor Dispositions**

Year	Pending beginning of month	Filed/assigned during month	Jury trial	Court trial	Guilty Plea/Default	Dismissed/transferred
<b><i>OWI(1st/2nd)</i></b>						
1990	856	1,335	5	2	1,495	87
1991	602	1,121	10	2	1,056	75
1992	580	1,027	9	2	966	117
1993	513	1,001	5	0	1,024	106
1994	379	1,269	0	2	828	113
1995	705	786	8	0	672	42
1996	769	963	0	3	864	43
1997	822	834	6	1	816	70
1998	763	704	5	1	758	91
1999	612	696	5	0	545	77
2000	681	900	8	2	715	213
Change	-20.4%	-32.6%	60.0%	0.0%	-52.2%	144.8%
<b><i>Other Indictable Misdemeanors</i></b>						
1990	1,309	1,571	5	2	1,312	156
1991	1,401	1,696	13	7	1,356	397
1992	1,424	2,053	19	4	1,870	287
1993	1,297	3,001	26	6	2,945	303
1994	1,018	3,948	29	12	2,361	615
1995	1,949	3,546	20	0	2,341	932
1996	2,202	4,112	19	18	2,833	1,305
1997	2,139	4,688	21	22	2,899	1,487
1998	2,398	4,965	28	29	3,196	1,735
1999	2,375	4,556	15	24	2,669	1,573
2000	2,650	3,189	15	15	2,159	1,015

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Year	Pending beginning of month	Filed/assigned during month	Jury trial	Court trial	Guilty Plea/Default	Dismissed/transferred
Change	102.4%	103.0%	200.0%	650.0%	64.6%	550.6%
<b><i>OWI (3rd)</i></b>						
1990	10	44	2	0	39	3
1991	10	66	0	0	58	6
1992	12	51	0	0	48	6
1993	9	58	0	1	54	2
1994	10	83	0	5	43	21
1995	24	80	2	0	33	11
1996	58	56	0	1	44	7
1997	62	51	0	1	31	15
1998	66	93	5	0	29	15
1999	110	70	1	0	26	6
2000	147	88	0	0	57	18
Change	1370.0%	100.0%	-100.0%		46.2%	500.0%
<b><i>Other Felonies</i></b>						
1990	88	756	61	4	524	150
1991	104	791	51	7	614	115
1992	108	852	61	1	625	118
1993	155	1,985	64	3	1,673	147
1994	253	1,969	51	5	1,146	418
1995	602	1,635	39	0	898	992
1996	308	1,809	65	5	858	903
1997	286	1,362	32	1	548	640
1998	427	1,445	49	9	749	844
1999	221	2,068	45	5	916	980
2000	343	1,936	45	4	1,056	1,062
Change	289.8%	156.1%	-26.2%	0.0%	101.5%	608.0%
<b><i>Appeals Simple Misdemeanors</i></b>						
1990	0	1	0	0	1	0
1991	0	0	0	0	0	0
1992	0	2	0	1	1	0
1993	0	0	0	0	0	0
1994	0	0	0	0	0	0
1995	0	1	0	0	0	0
1996	1	1	0	0	1	1
1997	0	2	0	0	2	0
1998	0	3	0	1	2	0
1999	0	1	0	1	0	0
2000	0	2	0	0	0	2

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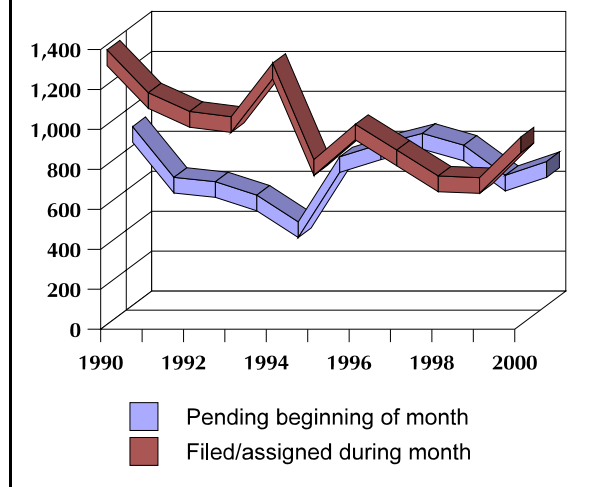
Year	Pending beginning of month	Filed/assigned during month	Jury trial	Court trial	Guilty Plea/Default	Dismissed/transferred
<b>Total Criminal</b>						
1990	2,263	3,707	73	8	3,371	396
1991	2,117	3,674	74	16	3,084	593
1992	2,124	3,985	89	8	3,510	528
1993	1,974	6,045	95	10	5,696	558
1994	1,660	7,269	80	24	4,378	1,167
1995	3,280	6,048	69	0	3,944	1,977
1996	3,338	6,941	84	27	4,600	2,259
1997	3,309	6,937	59	25	4,296	2,212
1998	3,654	7,210	87	40	4,734	2,685
1999	3,318	7,391	66	30	4,156	2,636
2000	3,821	6,115	68	21	3,987	2,310
Change	68.8%	65.0%	-6.8%	162.5%	18.3%	483.3%
<b>Total Simple Misdemeanors</b>						
1990	2,972	8,236	3	271	6,518	1,834
1991	2,582	8,930	2	514	6,758	2,083
1992	2,155	8,982	3	565	6,890	1,522
1993	2,157	11,811	4	579	10,917	1,073
1994	1,395	18,926	5	278	10,665	1,159
1995	8,214	25,140	2	1,028	20,592	2,819
1996	8,913	43,472	0	1,848	33,205	6,766
1997	10,566	45,639	2	1,518	16,572	25,574
1998	12,539	41,075	4	1,080	13,031	26,064
1999	13,435	42,302	5	1,400	10,430	32,057
2000	11,845	42,520	2	529	9,575	34,595
Change	298.6%	416.3%	-33.3%	95.2%	46.9%	1786.3%
<b>Total Criminal and Simple Misdemeanors</b>						
1990	5,235	11,943	76	279	9,889	2,230
1991	4,699	12,604	76	530	9,842	2,676
1992	4,279	12,967	92	573	10,400	2,050
1993	4,131	17,856	99	589	16,613	1,631
1994	3,055	26,195	85	302	15,043	2,326
1995	11,494	31,188	71	1,028	24,536	4,796
1996	12,251	50,413	84	1,875	37,805	9,025
1997	13,875	52,576	61	1,543	20,868	27,786
1998	16,193	48,285	91	1,120	17,765	28,749
1999	16,753	49,693	71	1,430	14,586	34,693
2000	15,666	48,635	70	550	13,562	36,905
Change	199.3%	307.2%	-7.9%	97.1%	37.1%	1554.9%

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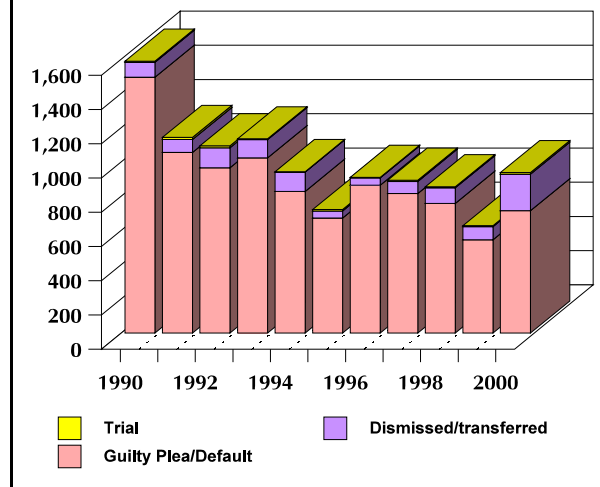
Information in Table 5.2 comes from ICIS and is input from court records. While there is little question about the accuracy of cases pending and filed, there are a number of questions which should be noted regarding the other categories. While CJAAC members believe that the record of jury trials held is quite accurate, the record of court trials is far less certain. It is likely that a number of court trials which were held may not have been noted. Increases in dismissals and transfers beginning in the mid 1990's actually reflect efforts on the part of the Clerk's Office to clear out old cases and warrants which had been ignored for some time.

*OWI 1<sup>st</sup> and OWI 2<sup>nd</sup>*

**Figure 5.12** OWI 1<sup>st</sup> and 2<sup>nd</sup> Cases Pending at Beginning of Month and Cases Assigned During the Month



**Figure 5.13** OWI 1<sup>st</sup> and 2<sup>nd</sup> Case Disposition

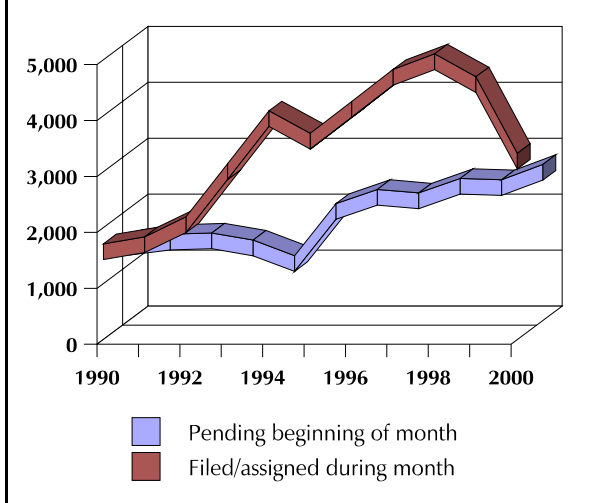


The number of OWI 1<sup>st</sup> and 2<sup>nd</sup> cases which are pending at the beginning of the month has decreased 20% since 1990. Cases filed or assigned has also decreased 33% during this period. Most OWI 1<sup>st</sup> and OWI 2<sup>nd</sup> cases are resolved by entry of a plea or default. The number of jury and court trials for this type of offense did not exceed 12 in any year during the period studied. However, the number of cases dismissed or transferred has increased 145% during this period, while the number of cases for which a plea is entered or a default judgment occurs has decreased 52%.

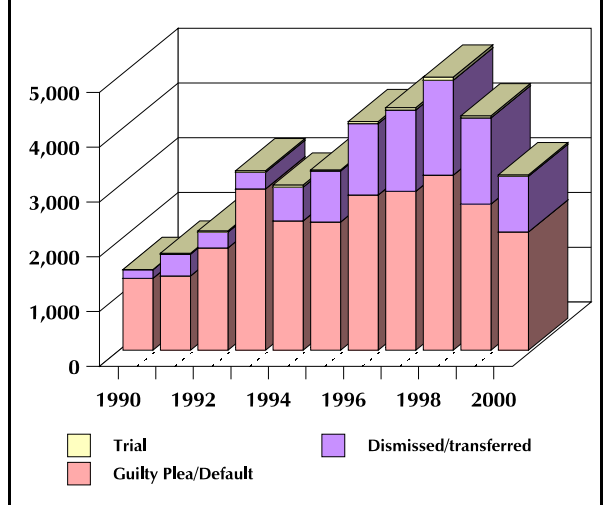
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*Other Indictable Misdemeanors*

**Figure 5.14** Other Indictable Misdemeanors Pending at Beginning of Month and Cases Assigned During the Month



**Figure 5.15** Other Indictable Misdemeanors Case Disposition

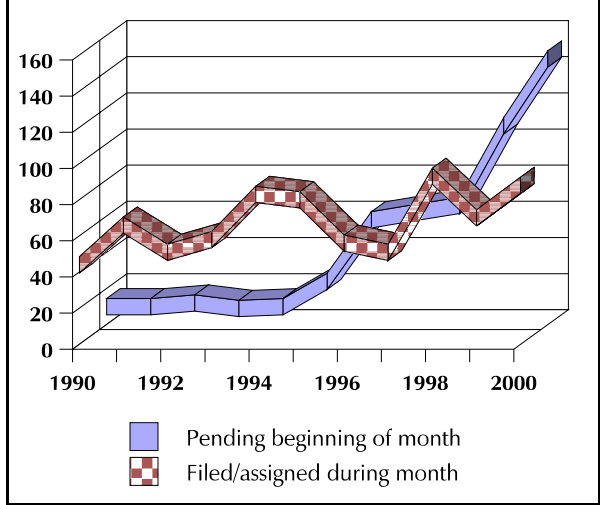


The number of indictable misdemeanors (other than OWI 1<sup>st</sup> and OWI 2<sup>nd</sup>) pending at the beginning of the month has increased 102% since 1990. Much of this increase has come since 1995. During this same period, the number of cases filed or assigned during the month accelerated rapidly until 1999 when the number of assignments of this type of case declined sharply. Most other indictable misdemeanors are disposed through a guilty plea or default judgment. The number of jury or court trials has not exceeded 60 in any year between 1990 and 2000. The number of cases that are disposed by plea or default judgment has increased 64% while the number of cases dismissed or transferred has increased 550%. This appears to reflect the large number of old cases that were resolved through the effort of the Clerk's Office.

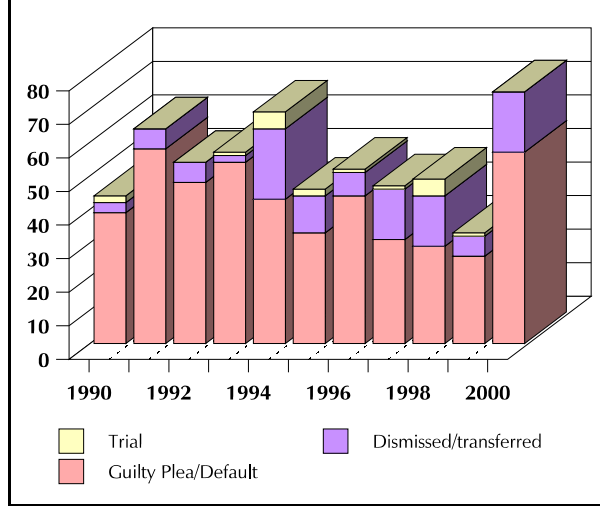
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*OWI 3<sup>rd</sup>*

**Figure 5.16** OWI 3<sup>rd</sup> Cases Pending at Beginning of Month and Filed/Assigned During the Month



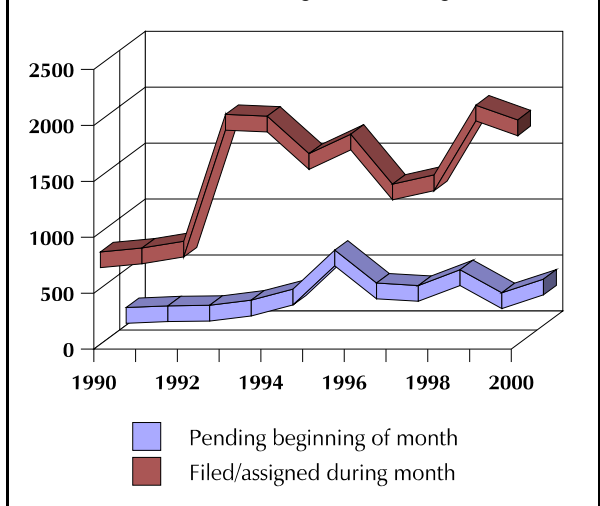
**Figure 5.17** Disposition of OWI 3<sup>rd</sup> Cases



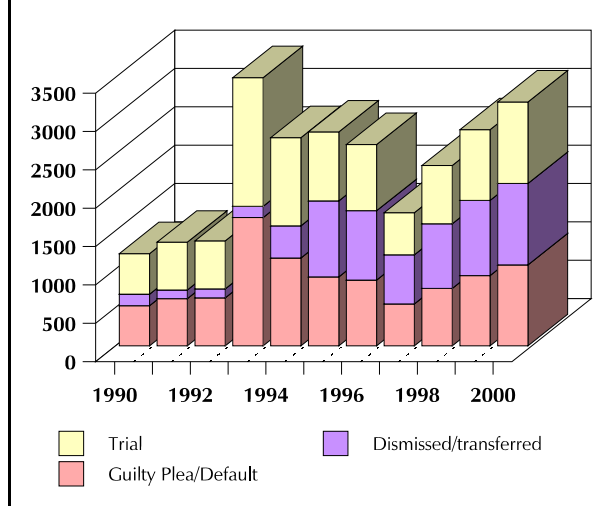
The number of OWI 3<sup>rd</sup> cases pending at the beginning of the month has increased 1,370% since 1990. While this is a relatively small number of cases, which means that large percentage changes are to be anticipated, this is still a very large change - particularly since much of it has occurred in the last two years. The number of cases filed/assigned during the month has increased 100%. It is possible that the increased penalties associated with this offense have resulted in the longer processing time. Very few of these cases are actually tried. Pleas and default judgments have increased about 45%, but dismissals and transfers have increased 500%.

*Other Felony Offenses*

**Figure 5.18** Other Felonies Pending at Beginning of Month and Filed/Assigned During Month



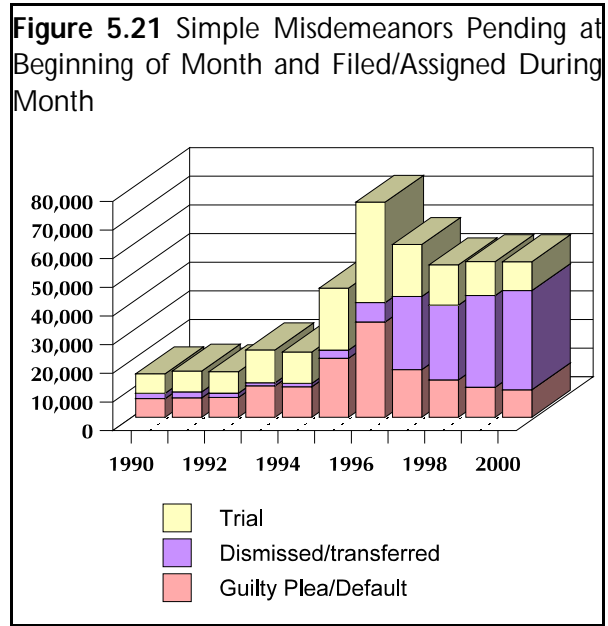
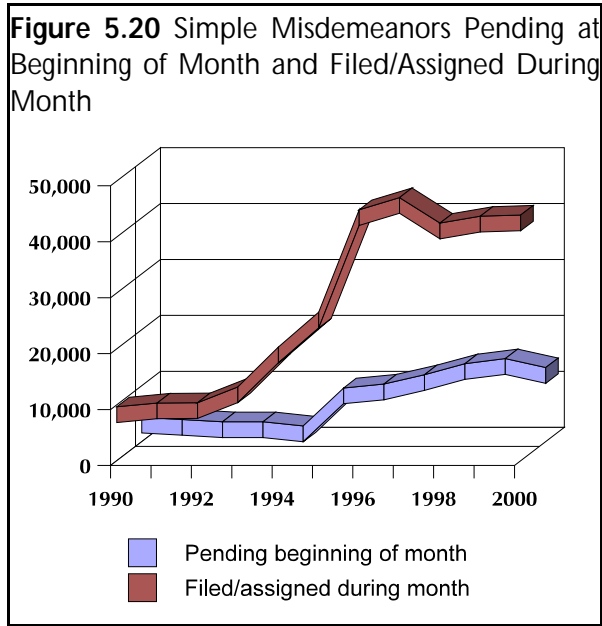
**Figure 5.19** Disposition of Other Felonies



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Between 1990 and 2000 the number of other felony cases pending at the beginning of the month has increased 290% from a low of 88 in 1990 to 343 in 2000. Cases pending in this category peaked in 1998 at 427. The number of cases filed/assigned during this period has increased 156% from 756 in 1990 to 1,936 in 2000. Most of these cases are disposed by entry of a guilty plea or a default judgment. These dispositions have increased 102% during the period. Beginning in 1995, the number of cases dismissed or transferred began to increase. In the early 1990's, this category varied between 100 and 150 cases per year. In 2000, there were 1,062 dismissals or transfers, a 608% increase.

*Simple Misdemeanors*



Between 1990 and 2000, the number of simple misdemeanor cases pending at the beginning of the month increased 299% from 2,972 in 1990 to 11,845 in 2000. The number of simple misdemeanor cases pending peaked in 1999 at 13,435. During this period the number of simple misdemeanor cases filed or assigned increased 416% during this period, with much of the increase occurring in 1996 and 1997.

**Case Pendency**

Case pendency documents how long it takes to process cases. It measures the degree to which the criminal justice system processes cases quickly. Detailed data regarding case pendency is provided in Appendix G.

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*OWI 1<sup>st</sup> and 2<sup>nd</sup>*

**Figure 5.22** OWI 1<sup>st</sup> and 2<sup>nd</sup> Case Pendency

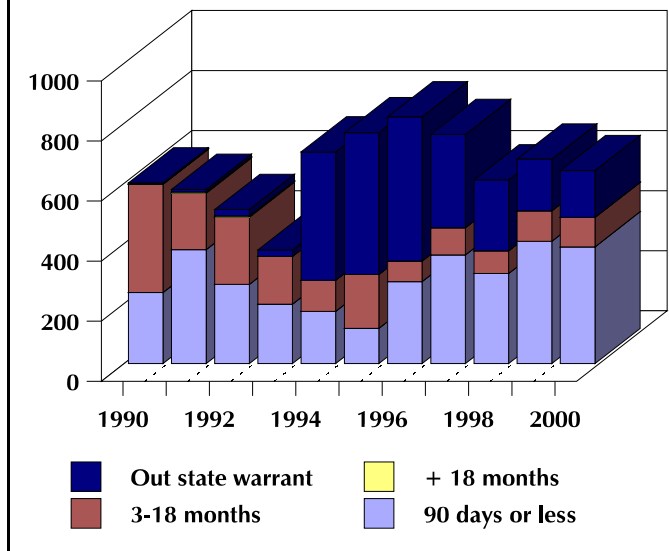
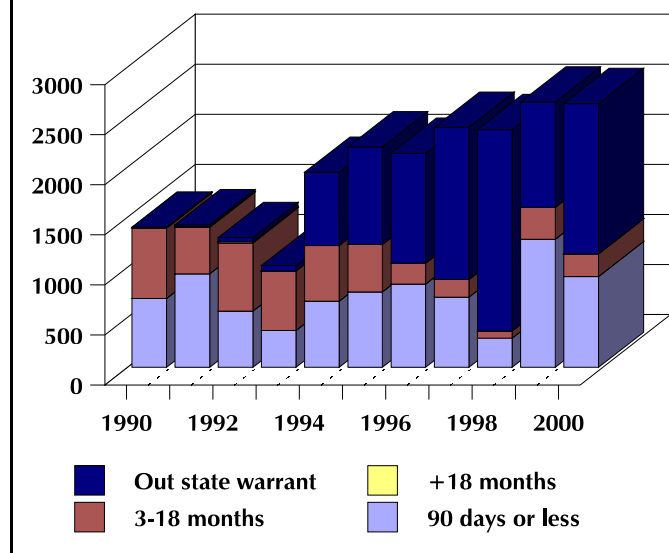


Figure 5.22 shows that the proportion of cases which have been pending 90 days or less has increased since 1997 and the proportion of OWI 1<sup>st</sup> and OWI 2<sup>nd</sup> cases which have been pending between 3 and 18 months has decreased. Perhaps the most noteworthy change is the increased proportion of pending OWI 1<sup>st</sup> and OWI 2<sup>nd</sup> cases which involve an out of state warrant. This may relate to increased processing time for this type of offender.

*Other Indictable Misdemeanors*

Figure 5.23 shows the large proportion of other indictable misdemeanor cases which involve an out of state warrant. The proportion of cases which have been pending 90 days or less has also increased in the last two years.

**Figure 5.23** Case Pendency of Other Indictable Misdemeanors



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*OWI 3<sup>rd</sup>*

**Figure 5.24 OWI 3<sup>rd</sup> Case Pendency**

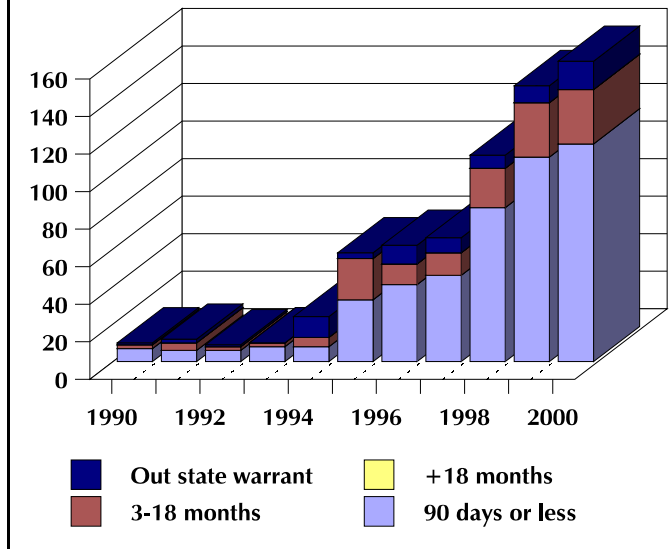
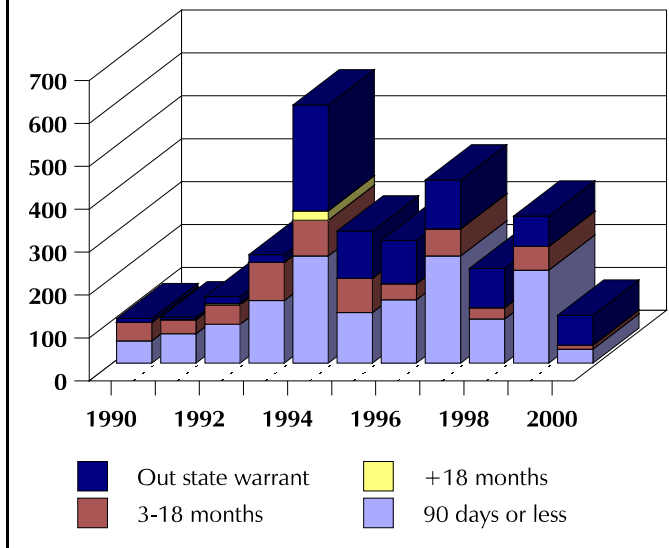


Figure 5.24 clearly shows the increase in the number of OWI 3<sup>rd</sup> cases beginning in 1995. During this period about 75% of all cases have been pending less than 90 days.

*Other Felonies*

Figure 5.25 clearly shows the peaks in pending other felony cases in 1994 and 1997. Proportionately, pending felonies of this type which involve an out of state warrant have varied from a low of 6% to a high of 63%. The rate at which these cases are being processed also appears to be increasing.

**Figure 5.25 Other Felony Case Pendency**

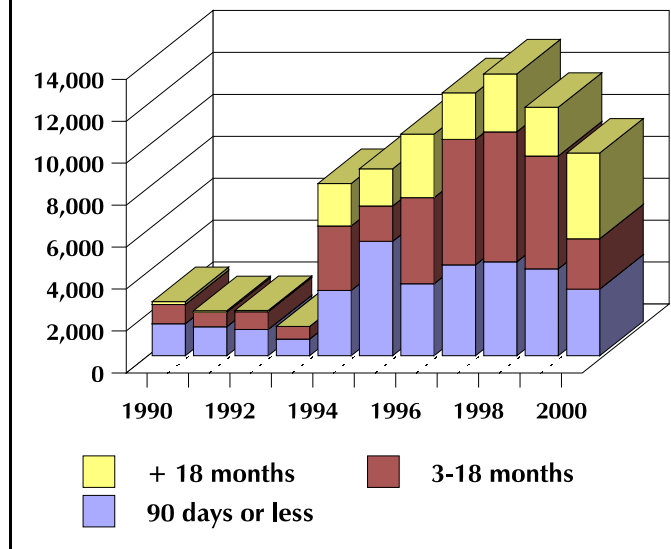


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*Simple Misdemeanors*

**Figure 5.26** Case Pendency of Simple Misdemeanors



Unlike the previous categories, there are no cases shown as out of state warrants. There appear to be some difference in the distribution of these cases. Prior to 1994, 50% - 65% of these cases were pending less than 90 days. Since 1994, only about one-third of these cases have been pending less than 90 days. During the entire period, the number of cases which had been pending from 3 - 18 months varied from a low of 32% to a high of 48% (with the exception of one year, 1995, when this group accounted for 19% of cases). Prior to 1994, less than 5% of these cases had been pending more than 18 months. During the last six years, the proportion of cases which fall into this category has increased to somewhere between 18% and 29%, except for 2000 when this group of cases accounted

for 42% of cases pending. While the large increase in 1995 appears to be related to the changes in counting practices noted earlier, the increased proportion of cases which pend for a longer period results from real changes in the system's ability to process these cases quickly.

## Conclusions

1. More OWI 1<sup>st</sup> and 2<sup>nd</sup> cases are resolved by entry of plea than are resolved by a trial; this pattern holds true for other indictable misdemeanors.
2. A greater proportion of felony cases go to trial. However, the vast majority of these cases are also disposed by entry of a plea.
3. Between 1990 and 2000, criminal cases pending at the beginning of the month have increased 68%. Total simple misdemeanors pending at the beginning of the month have increased 199%.
4. Cases are now pending for longer periods; some of this may relate to the proportion of cases which involve individuals from out of state. It is also possible that the resources of the criminal justice system have, of necessity, focused on the moving cases of in custody inmates. Because there are many more cases of individuals who are in the community, overall, it may take longer to process the cases of individuals who are out of custody.
5. While felony prosecutions are cyclical, serious and aggravated misdemeanors (such as driving while barred) are increasing. These impact the jail.