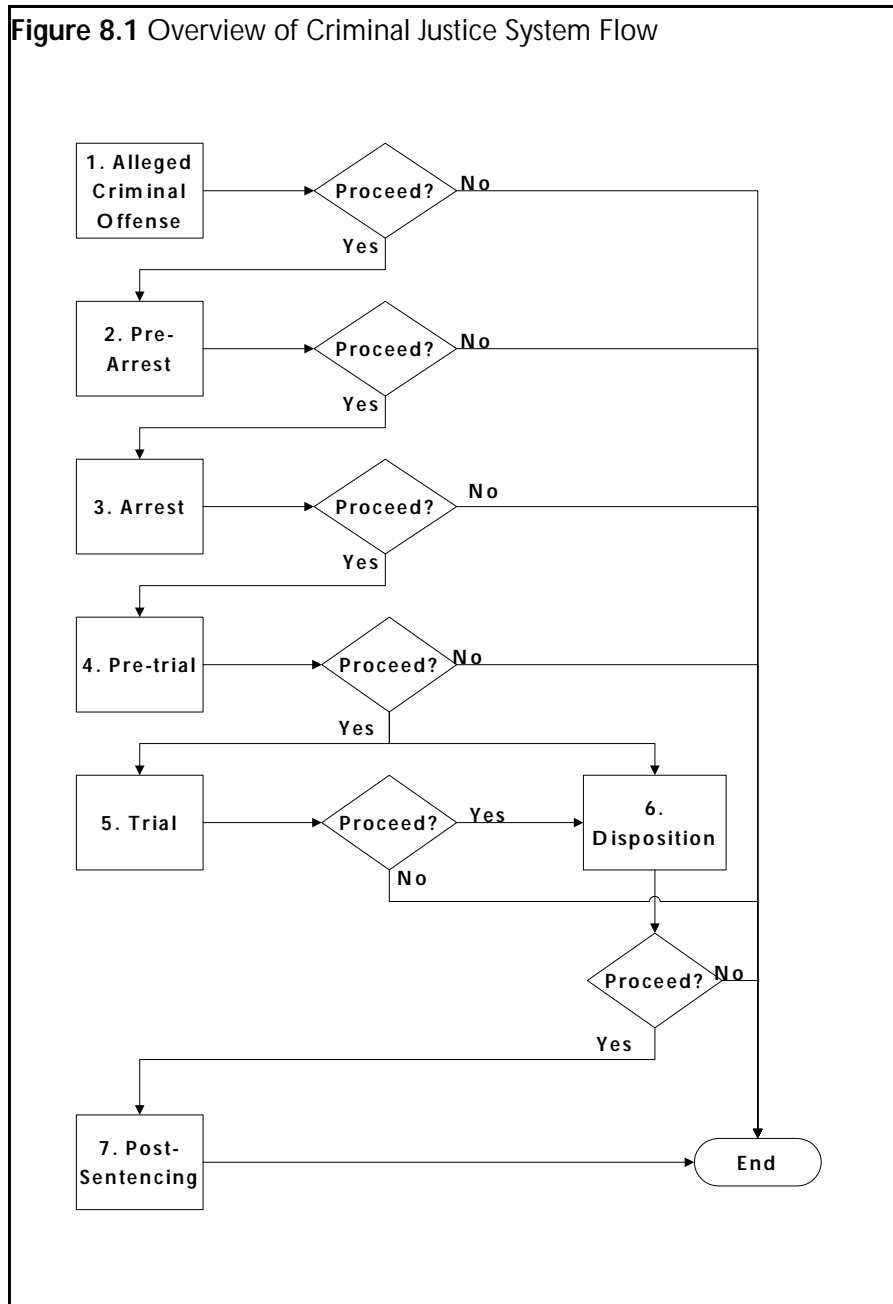


## Section 8. Scott County Justice System Analysis

### Introduction

Sections 3, 4 and 5 provide an overview of the workload and behavior of agencies in the Scott County criminal justice system; Sections 6 and 7 provide a description of the alternatives to traditional incarceration which have been developed and programs which have been developed within the jail. This section documents the flow of cases through the justice system and identifies the decision points at which these alternatives are used.

Figure 8.1 Overview of Criminal Justice System Flow



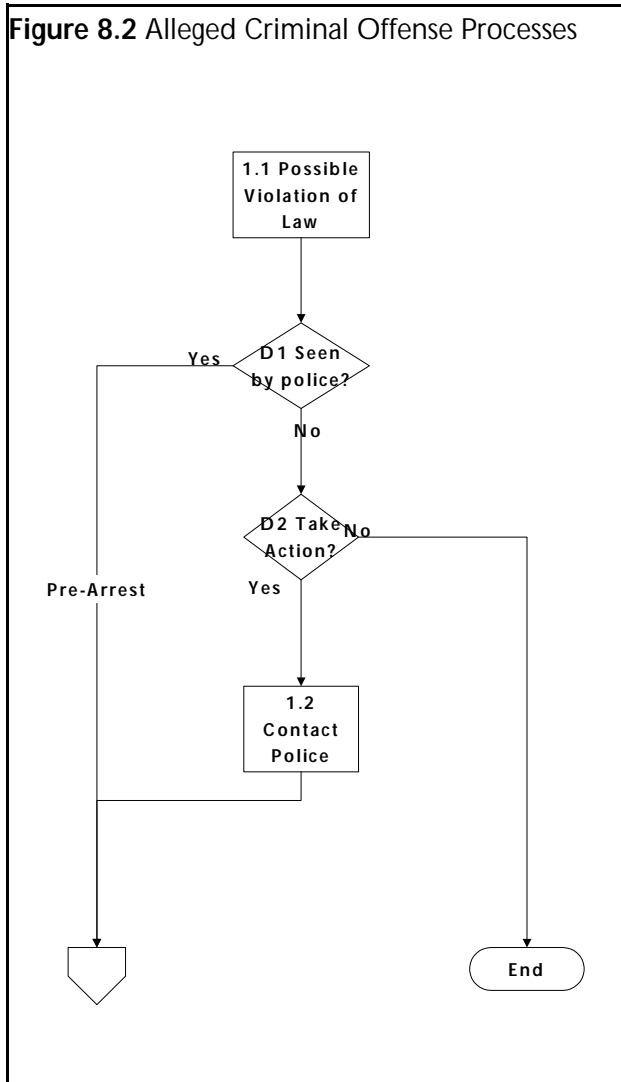
### Overview

The sections noted above provide information about seven basic steps in the flow of cases and defendants through the criminal justice system. This systems analysis does not intend to reflect the level of detail which occurs in each step of the process, and it does not show the specific variations which can and do occur based on all circumstances.

Each of the steps in this process is also analyzed in a general way. Each step in each of the processes shown here could be broken down into more finite steps, and each could be modified to reflect the intricacies of a specific case or situation.

## Process 1. Alleged Criminal Offense

Figure 8.2 Alleged Criminal Offense Processes



### Description

*P1.1 Possible Violation of the Law.* This process triggers all of the steps which follow.

*D1. Seen by the Police?* If the possible violation is seen by the police, the pre-arrest process follows. If not, P1.2 occurs.

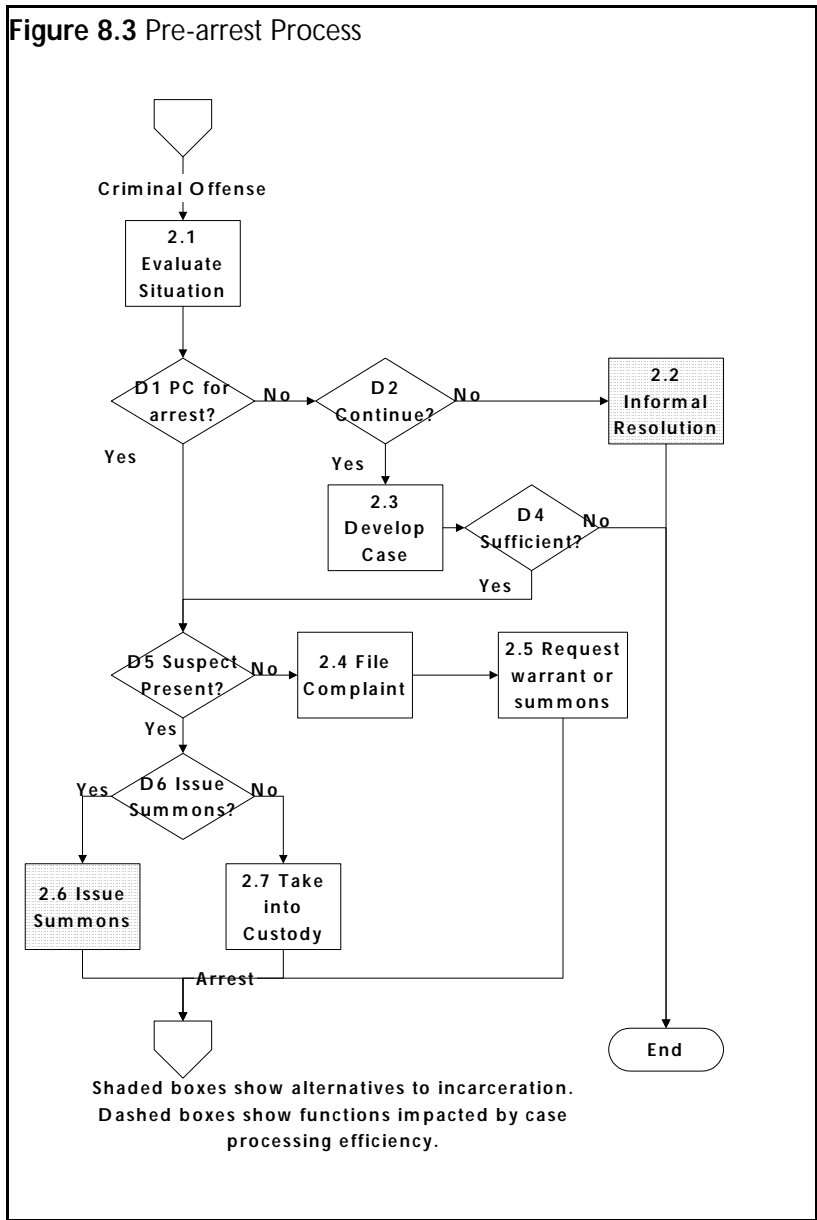
*P1.2 Contact the Police.* A complainant or witnesses contacts the police, who then initiate the pre-arrest process.

### Volume and Flow

In 1999, there were 18,123 Group A offenses (See Section 3, Table 3.2 for information about these offenses). These offenses represent only a portion of the offenses which occurred in Scott County because they do not consider Group B offenses, OWI, and many simple misdemeanors.

Process 2. Pre-arrest

Figure 8.3 Pre-arrest Process



Description

This process basically determines if the incident will be taken into the criminal justice system and at what level.

*P2.1 Evaluate Situation.* The police officer evaluates the situation and the information received to determine if there is reason to believe that a criminal offense may have occurred.

*D1. Is there Probable Cause for an Arrest?* If the officer believes that there is probably cause for an arrest, D5 occurs. If not, D2 follows.

*D2. Should the Matter Continue?* If, consistent with law and Departmental policy, the officer determines that the matter should not be pursued, P2.2 occurs. If not P2.3 occurs.

*P2.2 Information Resolution.* This process is the first point at which alternatives to incarceration are noted. Information resolution is most common in minor offenses, such as a traffic violation in which an officer decides to issue a warning rather than write a citation.

However, in some types of offenses, particularly juvenile offenses, information resolution may include a police based diversion program. Following the information resolution, the case ends.

*P2.3 Develop Case.* In this process, the officer and other law enforcement personnel work to develop the case. This is a very variable process ranging from a relatively minor series of activities to very complex investigations.

*D4. Is the Case Now Sufficient to Show Probable Cause for an Arrest?* This decision point following development of the case. If the case is not sufficient, it ultimately will be closed, resulting in the end of

**Scott County Community Jail and Alternatives Phase One Study**  
**Section 8. Scott County Justice System Analysis**

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system action on this case. In serious cases, new information or evidence may be developed to allow the case to be re-opened. If the case is sufficient, D5 now follows.

*D5 Is the Suspect Present?* This decision also follows D1 directly. If the suspect is not present P2.4 occurs. If the suspect is, D6 occurs.

*P2.4 File Complaint.* If the suspect is not present, but there is enough information to proceed, the officer takes a statement and initiates the paperwork to file a complaint. Information is approved within the Police Department before paperwork leaves the Department and is forwarded to the Prosecutor's Office and/or Court Clerk.

*P2.5 Request Warrant or Summons.* Some action has to be taken to bring the defendant before the court. The police officer may request either a warrant or a summons requiring the defendant to appear in court to answer the complaint.

*D6 Issue Summons?* If the decision is to issue a summons, P2.6 follows. If the decision is to take the suspect into custody, P2.7 occurs.

*P2.6 Issue Summons.* This is the second point at which alternatives to incarceration occur. The Police Officer writes a summons. If the offense is a criminal offense or a non-scheduled traffic offense, the individual must appear in court. If the offense is a scheduled traffic offense, court appearance can be waived by payment of a fine.

*P2.7 Take into Custody.* The Police Officer takes the individual into custody and transports him or her to the jail for booking.

### **Volume and Flow**

There is considerable evidence that citations are commonly used by all of the Police Departments in Scott County. In 1999, there were 5,044 bookings at the Scott County Jail; the City of Davenport operated a holding facility at that time. Information provided by the Davenport Police Department from their holding facility evaluation for the first six months of 1999 showed that they had 1,368 bookings. This would result in approximately 2,738 additional bookings for the year, a total of 7,780 bookings.

In 1999, all of the police agencies in Scott County reported a total of 10,707 arrests for Group A, Group B, OWI and domestic violence cases. Assuming that the 7,780 bookings are stemmed from these arrests, this would suggest that perhaps 2,000 non-traffic citations were issued.

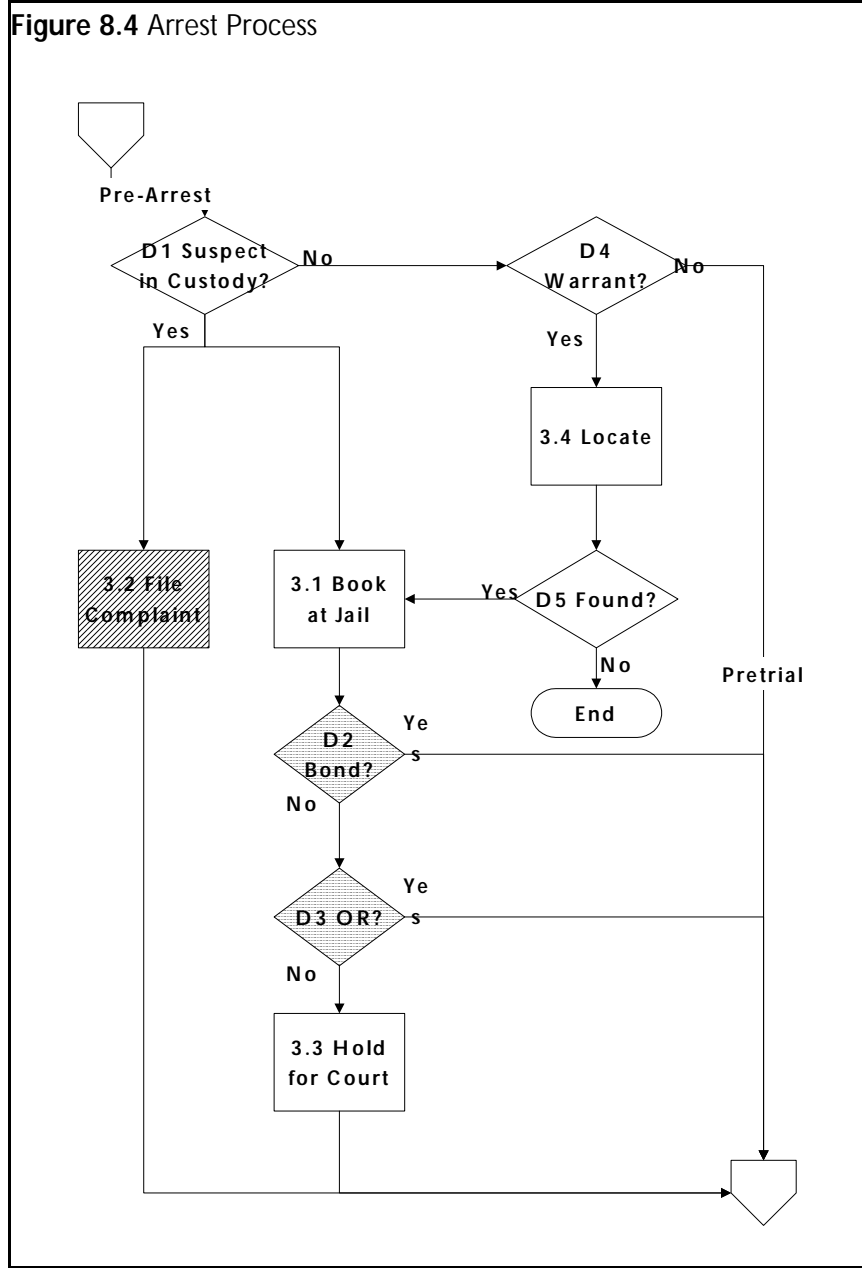
For FY 99-2000, the prosecutor's office reported filing 5,700 felonies and aggravated and serious misdemeanor cases. The majority of these cases would have resulted in a booking. In 2000, each individual booked had an average of 1.3 bookings that year. If the same general batter holds true, the 5,700 filed cases represented about 4,400 bookings.

That same year, there were 45,000 simple misdemeanor charges . Each case can have multiple charges. In 2000, each individual booked at the jail had an average of 1.6 charges per case. If the same generalization can be made about all offenders, this would suggest that the 45,000 simple misdemeanor charges occurred in about 28,125 events or cases. This in turn would result in about 21,600 people

**Scott County Community Jail and Alternatives Phase One Study**  
**Section 8. Scott County Justice System Analysis**

processed in the course of a year. Clearly citations are widely used - primarily for traffic offenses, although there is clear evidence in the analysis of long-term offenders that petty offenses, such as simple assault, theft 5<sup>th</sup> and criminal mischief 5<sup>th</sup> are often brought into court via a citation.

**Process 3. Arrest**



**Description**

*D1 Is the Suspect in Custody?*  
 If the suspect is in custody, processes 3.1 and 3.2 occur. If the suspect is not in custody, D4 occurs.

*P3.1 Book at Jail.* The Police Officer transports the individual to the jail and books him or her into the facility.

*P3.2 File Complaint.* The Police Officer files a complaint and any additional paperwork required to bring the case forward for prosecution. Within each police agency, there is a process for internal review of cases before they are taken forward to the Prosecutor. This moves the case to the Prosecutor for legal action. This process (and all others with dashed lines) is time sensitive. It is through managing the time between these processes that system efficiency has been increased.

*D2 Bond?* All pretrial detainees, except those charged with a few very serious offenses have a right to bond. If the individual does

make bond, he or she remains in the community pending an appearance in court. If not, D3 occurs.

*D3 Release on Recognizance?* If an individual does not choose or is not able to be released on a cash or surety bond, pretrial release is an option. Pretrial release interviews persons detained to determine the

**Scott County Community Jail and Alternatives Phase One Study**  
**Section 8. Scott County Justice System Analysis**

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degree of risk of non-appearance as well as potential risk to the community and makes a recommendation to the court regarding release at the time of first appearance. If the decision is to release on recognizance, pre-trial processing begins while he or she is in the community. If the decision is against ROR, P3.3 occurs.

*P3.3 Hold for Court.* The defendant remains in custody pending further court action. During this period cash and surety bond continue to be options for release, and pre-trial release will monitor potential bond reductions throughout the pretrial process.

*D4. Obtain Warrant?* If the defendant has been issued a summons or if other arrangements have been made to bring the individual before the court, it may not be necessary to obtain a warrant. In that case pretrial processing begins. If it is not possible to bring the individual before the court voluntarily, the Police Officer requests a warrant and P3.4 occurs.

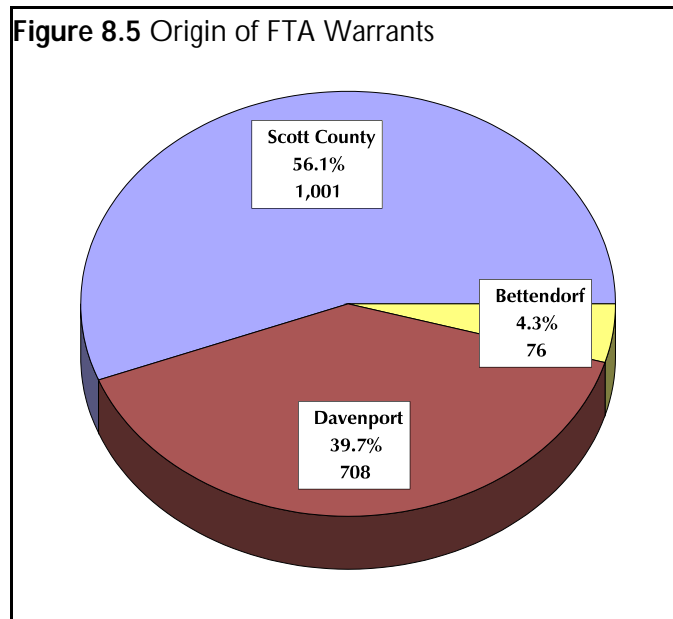
*P3.4 Locate.* The Police Officer attempts to locate the individual to serve the warrant and arrest the individual.

*D5 Has the Individual been Found?* If the individual is found, the Police Officer books him or her at the Jail (Process 3.1). If not, eventually the case will be closed and the warrant vacated, ending the matter.

**Volume and Flow**

*Arrests*

Arrest volumes have been discussed earlier in this section.



*Warrants*

This is the first process in which there is the potential for the development of a significant backlog of system activity can occur. While cases may be pending a long time before an arrest, their influence is generally on the law enforcement agency rather than the system as a whole. Warrants provide some assessment of the immediate potential of future volume.

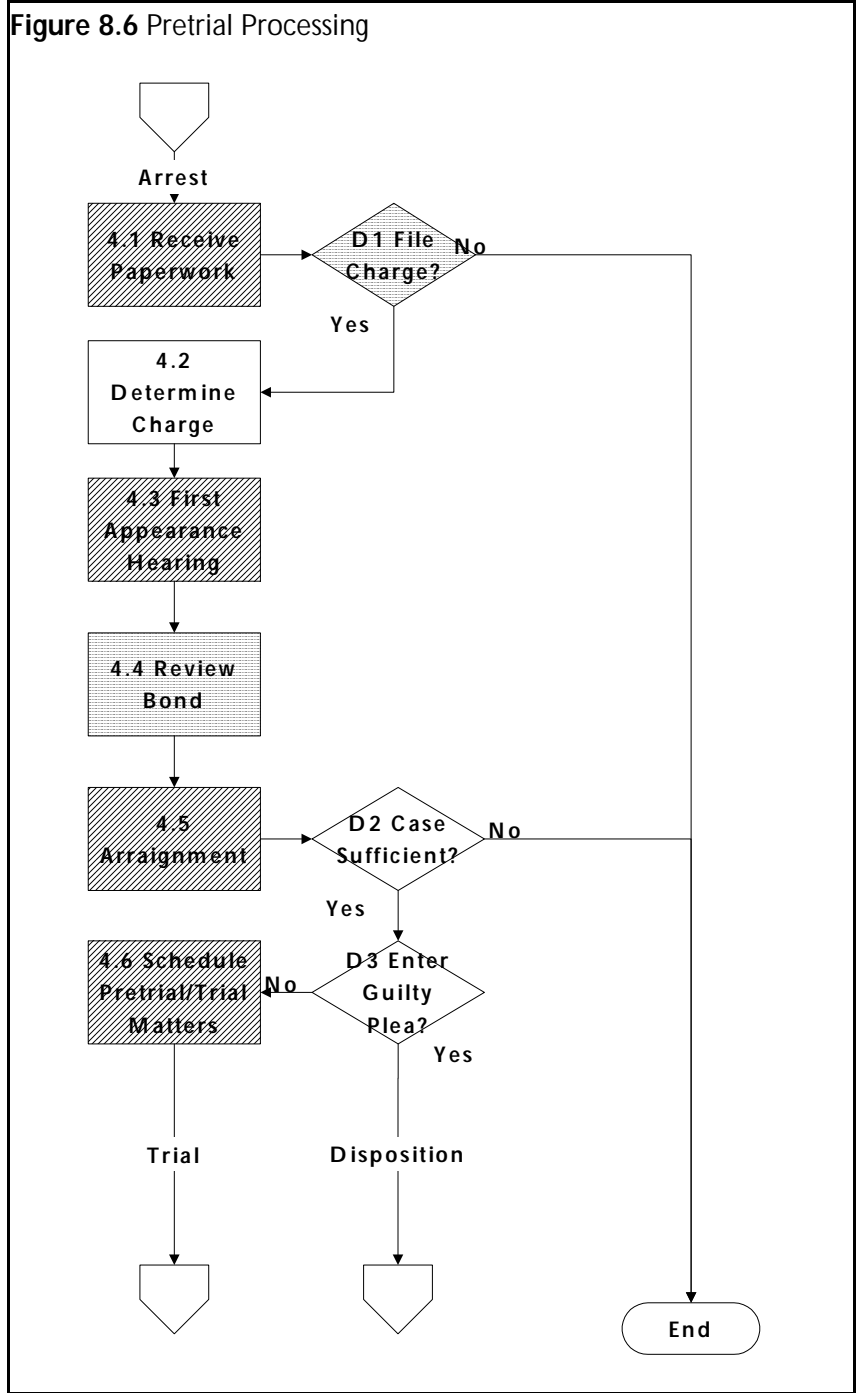
As of June 5, 2001, according to Lt. Chase of the Davenport Police Department, there were 2,691 active warrants in their computer system. 1,785 (66%) were for failure to appear. The remainder would be warrants in which a complaint has been filed but the individual has not been located or the individual has failed to comply with the directives

of the court in either a criminal or civil matter. As of May 24, 2001, the Sheriff's Department reported a total of 1,401 active warrants; 865 were for failure to appear and 55 were for probation violations. One

third (481) were for all other charges. The most common reason for non-FTA warrants was larceny (380 warrants).

### Process 4. Pretrial Processing

**Figure 8.6** Pretrial Processing



### Description

*P4.1 Receive Paperwork.* The pretrial process begins with the Prosecutor (in all but scheduled traffic matters) receiving paperwork. In scheduled traffic matters, paperwork goes directly to the Clerk of Court.

*D1. File Charges?* The Prosecutor determines if a charge will be filed. If the decision is made that no charge can be filed, theoretically the matter could end here. In reality, the case might be sent back to the law enforcement agency for additional investigation. If the decision is made to file charges, P4.2 occurs.

*P4.2 Determine Charge.* The Prosecutor reviews the case materials and determines what charge is to be filed. Although this step is not an alternative to incarceration per se, there is considerable potential for influencing future system behavior and outcomes within this process.

*P4.3 First Appearance Hearing.* The first appearance in court is for advisement of rights, the nature of the charge, and appointment of counsel. These court appearances are held

every day by video.

**Scott County Community Jail and Alternatives Phase One Study**  
**Section 8. Scott County Justice System Analysis**

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*P4.4 Review Bond.* At this or any subsequent pre-trial hearing, an in-custody defendant may have bond reduced, may be released on recognizance, or could be released directly by court order.

*P4.5 Arraignment.* In this hearing, a plea is entered and the facts of the case are reviewed to determine if there is sufficient evidence to bring the case forward to trial.

*D2. Case Sufficient?* If the case is not sufficient, the charges are dismissed and the matter is ended. If the case is sufficient, the defendant is required to enter a plea.

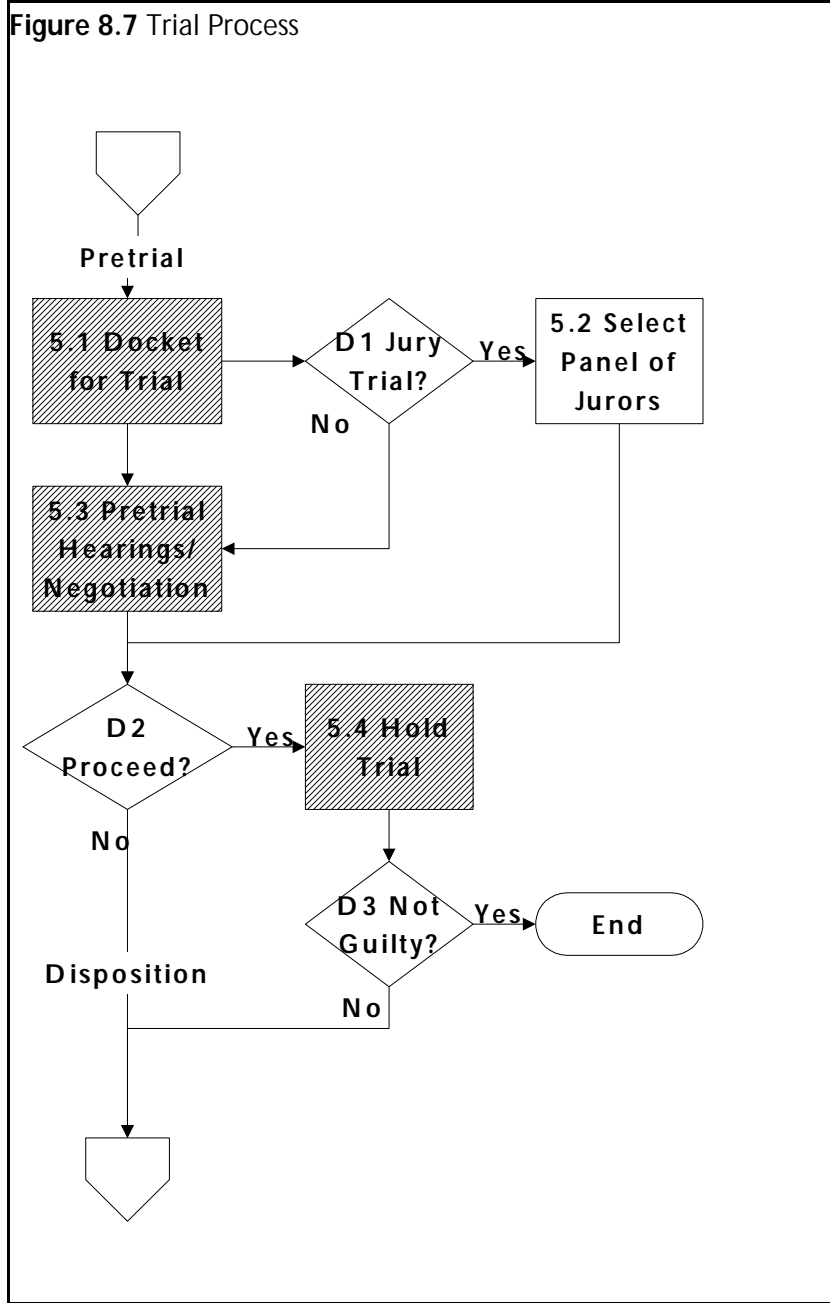
*D3. Did the Defendant Enter a Guilty or "No Contest" Plea?* If the defendant enters a guilty or no contest plea, the case moves to disposition. If not, P4.6 occurs.

*P4.6 Schedule Pretrial/Trial Matters.* Any pretrial or motions hearings are scheduled and the case is docketed for trial. Following this process, the trial process occurs.

**Volume and Flow**

Most cases in Scott County are disposed in this process going to without trial. Some of these dispositions occur at this stage, while others occur after arraignment prior to trial. Of the 7,391 criminal cases (felonies and aggravated and serious misdemeanors) filed in 1999, there were 66 jury trials (less than 1% of cases filed). This is a typical pattern in an efficient justice system. Jury trials use a great deal of time and system resources. There were 2,636 dismissals and transfers in 1999. However, this number includes a large number of old cases and warrants which had accumulated over the years. Prior to the time when the Clerks Office initiated an effort to dispose of old cases and warrants, dismissals and transfers had accounted for less than 10% of cases. In 2000, only 6 of the individuals booked at the jail had cases dismissed. The time from first appearance to arraignment varies from 10 to 30 days depending on the complexity of the matter and the ability of both prosecution and defense to proceed.

Process 5. Trial



**Description**

*P5.1 Docket for Trial.* The Clerk of Court places the matter on the docket for trial. At present, the clerk uses a docketing system which allows multiple trials to be docketed at the same time. Approximately 16 cases are scheduled for the same time period; typically 2 or less are heard.

*D1. Is this a Jury Trial?* If it is, P2 occurs. If not P3 occurs.

*P5.2 Select Panel of Jurors.* The Clerk of Court is responsible for selection of an adequate number of jurors for jury selection.

*P5.3 Pretrial Hearings/Negotiation.* A variety of pretrial hearings occur during this period.

*D2. Proceed?* Many more trials are scheduled than actually occur. If the matter is not going to proceed to trial, the case moves to the disposition phase. If it does proceed to trial, P5.4 occurs.

*P5.4 Hold Trial.* The jury or bench trial is held.

*D3 Is the Defendant Not Guilty?*

If the defendant is found not guilty, the matter is ended. If not, the case moves to disposition.

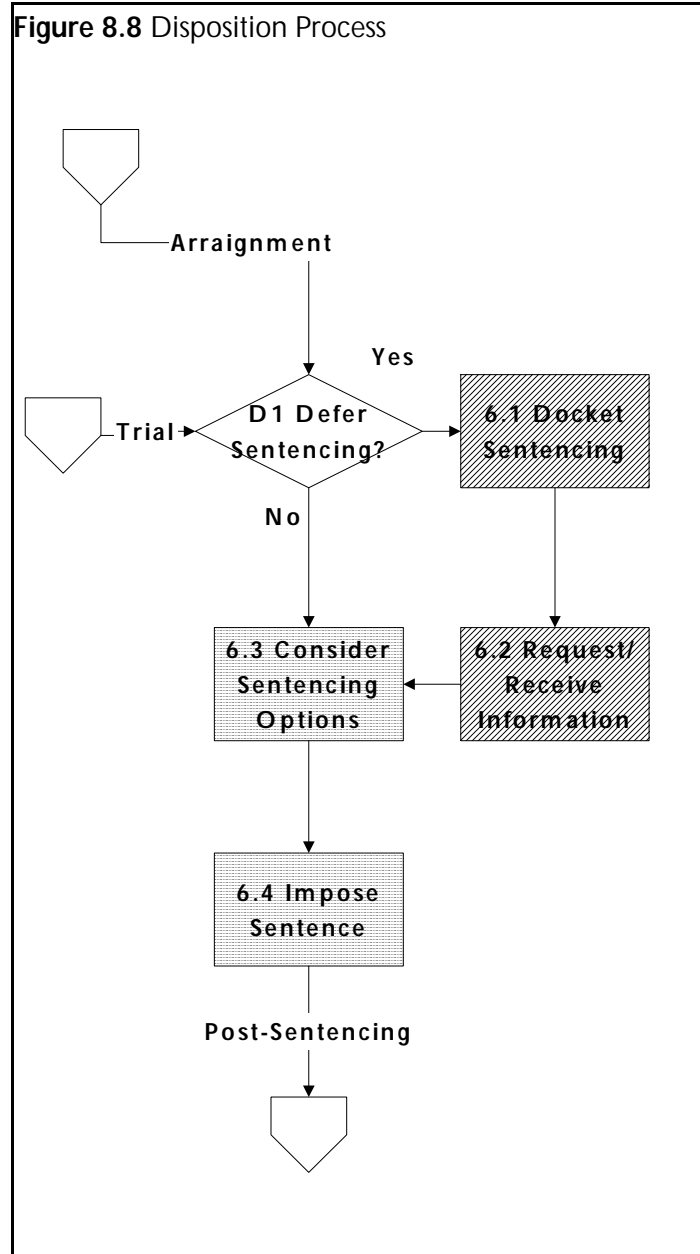
**Volume and Flow**

The number of cases which actually go to trial was discussed earlier in this section. A number of subprocesses are time sensitive. If the individual is in custody, 60 days are allowed from arrest to trial. In Iowa, the "speedy trial" requirements are to conduct trials within 90 days of the date trial information

**Scott County Community Jail and Alternatives Phase One Study**  
**Section 8. Scott County Justice System Analysis**

was filed. Through changes in the courts, prosecution and defense bars, Scott County has been able to move cases to trial more quickly.

**Process 6. Disposition**



**Description**

Cases come to this process in two ways:

- If a guilty or no contest plea was entered at arraignment,
- If the individual was found guilty at trial.

*D1 Should Sentencing be Deferred?* In either situation, the sentencing may be deferred to provide additional information for the court. If this occurs, P6.1 follows. If not P6.3 occurs.

*P6.1 Docket for Sentencing.* The Clerk of Court puts the case on the docket for sentencing.

*P6.2 Request/Receive Information.* The Court receives an additional information required. This may include a pre-sentence investigation and/or other type of evaluation ordered by the court.

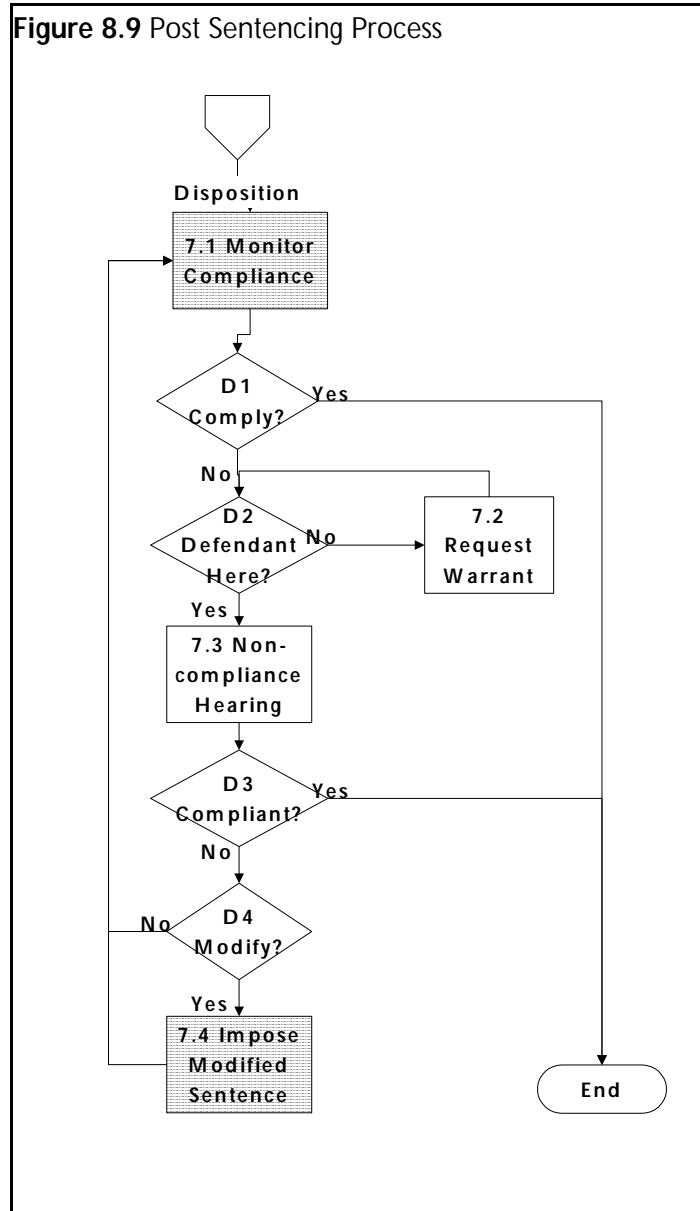
*P6.3 Consider Sentencing Options.* The process (as well as P6.2 preceding it) is critical because this is the point at which sanctions are imposed. These sanctions vary widely and are well documented in this report. It is important to note that the parameters within which judicial discretion occurs are defined by both law and local practice.

*P6.4 Impose Sentence.* The court imposes a sentence based on the integration of P6.2 and P6.3. The court may impose a sentence in full or suspend a part of the sentence.

**Volume and Flow**

The profile of jail inmates provided later in this report showed that in 2000 993 bookings resulted in some jail time and that 241 resulted in some prison time. While this is likely to involve individuals whose cases actually began earlier than 1999 and includes some individuals whose cases were filed in 2000, it suggests that a relatively small proportion of cases result in jail or prison time. Leaving simple misdemeanors out of the analysis (although they do result in some jail sentences - most commonly when non-compliance occurs), jail sentences would represent 13% of all criminal cases and prison sentences would represent 3% of all criminal cases.

**Process 7. Post-Sentencing**



**Description**

*P7.1 Monitor Compliance.* The organization responsible for ensuring that the sanction imposed by the court is carried out monitors the defendant's compliance.

*D1. Does the Defendant Comply with All Sentencing Conditions?* If yes, the matter is resolved. If not, D2 occurs.

*D2. Is the Defendant Available?* If no, P7.2 occurs. If not, P8.3 occurs.

*P7.2 Request Warrant.* If the defendant is not available, he or she may have violated the terms of his or her sentence. The organization responsible for monitoring compliance requests a warrant to bring the individual back before the court.

*P7.3 Non-compliance Hearing.* The defendant has an administrative or judicial hearing to determine if he or she has been non-compliant and, if so, what the appropriate course of action might be. These hearings include, but are not limited to, probation violations.

*D3 Is the Defendant Compliant?* If the outcome of the hearing is that the defendant was in fact compliant, then the matter is terminated. If the outcome is that the individual has not been compliant, D4 occurs.

**Scott County Community Jail and Alternatives Phase One Study**  
**Section 8. Scott County Justice System Analysis**

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*D4 Modify Original Sentence?* The administrative or judicial hearing may result in a modification of the original sentence.

*P7.4 Impose Modified Sentence.* The modified sentence is imposed and monitoring resumes until the sentence is successfully completed.

### **Volume and Flow**

In this process, issues regarding non-compliance take shape. The profile of inmates booked at the jail in 2000 indicate that 17% of jail admissions (984 bookings) were for failures to appear. While this is a very small percentage of all criminal and simple misdemeanor cases filed in Scott County, it has a large impact on the jail and the other justice agencies.

### **Other Potential Alternatives**

#### **Book and Release Processing**

One potential alternative which might reduce movement into and out of the booking room is the development of a "book and release" or "station-house citation" process. In this process, the individual is arrested and taken into custody - primarily for purposes of identification (fingerprints and photos) and to get the individual into the system. Once these have been completed, the individual is issued a summons to appear in court. Although this alternative would not reduce the jail population in any significant way, because the individuals who would be appropriate for this type of release are already released quickly, it might be a way to reduce congestion in the booking room.

#### **Dispositional Options**

There are a wide variety of sanctions available to the court, from traditional institutional placements and probation to innovative programs such as the court compliance program. System efficiency has increased through the combined efforts of individuals within the system to expedite and move cases. In interview with CJAAC members, common themes of needed alternatives focused on the specific needs of individuals with substance abuse and mental health problems. The expansion of programs within the jail was as important as development of additional alternatives outside of the jail.

### **Conclusions**

1. The Scott County criminal justice system is operating efficiently; there is considerable evidence that the system has a long-term track record of efficient case handling. This efficiency has only been improved by the population management efforts of system members in the last three years.
2. The Scott County justice system has an effective continuum of sanctions available to it.
3. Like many other jurisdictions, the Scott County justice system deals well with people who, once within the system, comply with its sanctions. However, like all other justice systems, people who fail to comply create problems for this system.