

Technology, Coordination Improve Misdemeanor Case Processing

Mary Alice Robbins
Texas Lawyer
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Applying technology and improving coordination among prosecutors, defense counsel, courts and law enforcement can save counties money and result in arrestees spending less time in jail, according to a report released July 7.

The Texas A&M University Public Policy Research Institute, which conducted the study, examined the processing of misdemeanor cases in Bexar, El Paso and Harris counties in 2004 and 2005 to assess the impact that direct electronic filing has on the disposition of cases. As noted in the report, direct filing in the criminal justice arena is a case management strategy to automate the flow of information for the screening and filings of cases directly from law enforcement to prosecutors to the courts.

"The greatest impact of electronic processing is in the first three days after an arrest," says Dottie Carmichael, a Texas A&M research scientist who worked on the study.

Carmichael says the Washington, D.C.-based State Justice Institute, a federally funded agency, awarded a \$90,000 grant for the study, and the Texas Task Force on Indigent Defense provided \$50,000 in matching funds for the study. The Texas Legislature created the task force in 2001 as part of the Fair Defense Act, which is designed to improve the defense of indigents in criminal cases.

"Driven by empirical data, Texas counties now have an 'ideal' model on how to improve indigent defense outcomes and save money doing it — the end result being a better justice system," James Bethke, the task force's director, says of the report.

The report concludes that a direct electronic filing system results in efficient screening and prompt disposition of cases, elimination of law enforcement paper delays, better case quality, improved accuracy of charges, protection of defendants' rights and a better quality of legal defense for persons charged with crimes. Using an automated intake system also achieves substantial cost savings because prosecutors can screen out cases unsuitable for prosecution before arrestees are detained.

However, researchers recommend that the task force consider minimum requirements for counties to demonstrate they are complying with the Fair Defense Act's requirement for prompt appointment of counsel for indigents.

Bethke says urban counties have up to four days after an arrest to appoint a lawyer for an indigent defendant, while counties with populations of less than 250,000 people have six days to make appointments. Although researchers found there were delays in making appointments, particularly in El Paso County, they were unable to determine from electronic data when defendants requested appointed counsel, according to the report. As noted in the

report, Harris County is the only one of the study sites that has a fully integrated computerized system. Through the Justice Information Management System, case-related information is shared between various courts, law enforcement agencies and the public, researchers found.

On average, Harris County files misdemeanor cases within 10 hours after a person has been arrested, Carmichael says. Because filing occurs so quickly, she says, prosecutors dispose of 25 percent of the county's misdemeanor cases within three days of the arrests.

Lynne Parsons, intake division chief in the Harris County DA's Office, says an electronic filing system is a must for her county. In June, Harris County prosecutors filed 5,681 misdemeanor cases and 3,801 felony cases, Parsons says. "We could not function, because of our volume, if we didn't have this type of filing system," she says.

According to the report, a much slower disposition of cases occurs in Bexar County, which has efficient work practices but conveys information between departments primarily in paper reports. Carmichael says Bexar County disposed of only 15 cases within three days in 2004.

Cliff Herberg Jr., first assistant district attorney in Bexar County, says prosecutors there have upgraded their system and now can have a case ready for adjudication in court within three days after an arrest. But the county still cannot dispose of misdemeanor cases within three days, he says.

According to the report, the District Attorney's Information Management System (DIMS) in El Paso County allows law enforcement and prosecutors to share information.

Carmichael says El Paso police officers in the field are able to speak with prosecutors, who can make quick determinations about cases. Through that process, 19 percent of the cases in El Paso County did not result in an arrestee being detained, Carmichael says. "That's a pretty good savings right there," she says.

"What DIMS does is collapse the time it takes to make the prosecutorial decisions," says El Paso County District Attorney Jaime Esparza.

However, the El Paso Sheriff's Department does not utilize DIMS, which slows processing of cases involving persons arrested by sheriff's deputies. In El Paso's non-DIMS system, prosecutors receive reports from law enforcement in an average of 18.8 days, according to the July 7 report.

Another hitch in the DIMS program has been a dispute between Esparza and El Paso County Sheriff Leo Samaniego, who refuses to accept anyone in the county jail who has not first appeared before a magistrate. [See "*Liberty Bonds*," *Texas Lawyer*, May 1, 2006, page 1.]

Notes Esparza, "With the new requirement, it does slow our process down."