

W.S.A.

VANVACTOR William A

To: B/CC
Cc: HARCLEROAD Doug
Subject: FILE NOTE-Workload study District Attorneys office

Agenda Date April 28, 2004

This file note will come as no surprise to Doug. We met early in the process with John Arnold and Kent Mortimore. I explained to Doug my skepticism about this sort of study. In the Mid 1980's the Oregon Department of Revenue conducted a complete review of the Lane County Department of Assessment and Taxation. They concluded the county needed to dramatically increase the staff in the department. Then like now we were fiscally constrained and there was no ability to implement the recommendations. I was concerned that any study which concluded the office needed greater staffing would have little chance of implementation and would just collect dust on a shelf.

One of the difficulties I have with this sort of study is its isolation. It is my observation that many Lane County departments, particularly those funded by general funds, are understaffed. For example if we wanted to conduct a similar study for Lane County Counsels office we could take a look at Washington County and Clackamas County which have larger County Counsel staffs and conclude that Lane County Counsel is understaffed by 20- 60%. Just looking at staffing levels in other offices does not tell the whole story. What is the financial base of the comparable counties? What is the crime rate? What are the corrections, parole and probation an treatment service levels in those other counties? Without looking at many interrelated issues, just looking at staffing does not look at the whole picture.

Another concern is balance within the Criminal Justice system. As I have heard it expressed several times, does it make sense to prosecute someone if there is no correction capacity, parole and probation staff and or treatment staff to address community protection and rehabilitation? A study that looked at the whole criminal justice system, perhaps in a report to our citizens, might be helpful.

I did appreciate the candor of the reports author when she noted on page 15 that of the 70 offices they have studied, "usually, offices are short by 2-6 attorneys". The fact that the office is understaffed by about seven attorneys shows all in all, Lane County is close to the norm. Likewise, the hours worked per week 46.3 including time management or 40.6 when it is eliminated does not seem that exceptional when compared to the many salaried county employees who also work much more than the standard 40 hour week.

I do not mean to totally reject this study. It appears to be very well done and clearly shows that the County's Deputy District Attorneys work very hard and provide great service. One area of interest is the information indicates that 15% of in court time is spent waiting. Is it possible to work with the Circuit court and reduce this? The report also recommends the office implement a plan to reduce the negative impact of the factors that increase processing time. Hopefully these sort of suggestions can be implemented without the need for additional resources.

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AGENDA COVER MEMORANDUM

Agenda Date: April 28, 2004
To: Board of County Commissioners
Department: District Attorney
Presented By: Doug Harclerod, District Attorney
Elaine Nugent, APRI Director, Office of Research & Evaluation

Agenda Item Title: **IN THE MATTER OF DISCUSSION/PRESENTATION OF APRI, LANE COUNTY, OREGON COMPREHENSIVE WORKLOAD AND RESOURCE ALLOCATION ASSESSMENT FINAL REPORT: STUDY FINDINGS.**

I. DISCUSSION/PRESENTATION

In an effort to provide better criminal justice services to the citizens of Lane County, and in an effort to provide the District Attorney, Commissioners and Budget Committee members an independent analysis of workload in the Lane County District Attorney's Office, the Lane County District Attorney and Criminal Division lawyers participated in a workload study conducted by American Prosecutors Research Institute (APRI). The study began on February 4, 2004 and concluded on March 16, 2004. This is a presentation of the study findings.

II. ATTACHMENTS

1. APRI, Lane County, Oregon Comprehensive Workload and Resource Allocation Assessment Final Report: Study Findings



APRI

**LANE COUNTY, OREGON
COMPREHENSIVE WORKLOAD AND RESOURCE ALLOCATION
ASSESSMENT**

FINAL REPORT: STUDY FINDINGS

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I. INTRODUCTION

In an effort to provide better criminal justice services to the citizens of Lane County, the Lane County District Attorney's Office wanted to investigate the time required to process cases in the criminal justice system and the staffing resources needed by the prosecutor's office to handle their caseload. In response, the American Prosecutors Research Institute (APRI) conducted a comprehensive workload assessment that quantified the time and activities associated with case processing by Lane County prosecutors, as well as their non-case related activities. The project culminated in a formula-based projection of prosecutor staffing needs in the Lane County District Attorney's Office.

1.1 THE SEARCH FOR CASELOAD STANDARDS

Until recently, both prosecutors and government agencies lacked an objective and empirically based method for determining how many staff persons of various kinds are needed within a prosecutor's office. Assessments of prosecutor caseload and workload varied widely in method and rigor. Many assessments attempted to establish caseload standards based on changes in population and crime rate. Others examined the frequency with which certain activities occurred, such as number of motions, resolution discussions, and trials. Still others employed a "Delphi" method to build consensus among prosecutors on the amount of time needed to process cases. Yet none of these methods resulted in reliable and valid standards that could be employed at different levels. One key reason for this is that these methods typically only consider a relatively narrow range of a prosecutor's complete professional responsibilities.

As a result, APRI developed an objective, systematic, and quantitative method for assessing workload that can be used as a management tool for making decisions regarding staffing allocations, assigning cases, and identifying resource needs. In addition, the workload assessment produces a formula that can be used to project resource needs into the future.

1.2 OVERVIEW OF STUDY METHODOLOGY

Based on input from a national advisory group of prosecutors and an extensive review of case weighting and workload assessment methodologies used in the United States, APRI developed a disposition-based method for assessing prosecutorial workloads. APRI's case weighting and workload assessment methodology takes into account various factors that can influence both caseload (the volume of cases and the amount of time needed to handle them) and workload (caseload plus time associated with non-case related activities such as office management and community outreach). The disposition-based method used by APRI examines the amount of time required, on average, to bring cases to conclusion, while at the same time taking into consideration the kinds of cases worked on and other prosecutorial responsibilities.

A recurring and fundamental challenge in workload studies is how a "case" is defined. In many of the workload studies APRI has conducted, the beginning point of a case varies in part because of the complex role prosecutors play in the criminal justice system. As a result, APRI uses the following working definition of a case: *A case is defined as any information on a criminal matter that comes to the office requiring prosecutor activity and the assignment of a unique identifier, regardless of whether or not charges have been approved.*

Related to this conundrum of how cases are defined is the fact that prosecutors' offices have different policies and practices for how cases are handled and thus counted. To ensure consistency in case counting, APRI developed the following rules:

- Each case is defined by the individual accused and by incident.
- Cases that involve multiple accused are counted and recorded with separate entries for each accused.
- Cases that involve multiple charges or counts, arising out of the same incident, are recorded with the highest charge as the case type (based on the severity of the sentence for the crime).

In a disposition-based assessment, the average amount of time spent bringing a case to disposition is calculated for different types of cases in order to develop relative weights for each case type, which represent the average case processing time (case weights). For example, murder cases typically require the concentrated time and attention of more than one attorney over a lengthy period of time. These cases often involve extensive follow-up investigation, provision of services to victims' families, numerous pre-trial hearings and motions, and a jury or bench trial. On average, these cases require more prosecutor time and staff resources than a theft case, for example, which may plead out prior to trial. The amount of time spent on cases and the number of dispositions¹ obtained are then used as part of the input to calculate the average number of cases an attorney can handle in a year (workload measures).

1.3 DATA COLLECTION PROCEDURES

The accuracy and reliability of data collection procedures are essential to any research study. To increase the reliability of the data, APRI solicited input from staff in the Lane County District Attorney's office in the design of the data collection instrument, called the Daily Time & Activity Sheet (DTAS).² The DTAS was used for the collection of key data elements related to how prosecutors spend their time. In addition, APRI conducted a pilot test of the DTAS with staff to ensure the timesheets would produce reliable information. APRI also conducted in-depth telephone training sessions on the use of the DTAS.³ The training helps participants to understand how to complete the timesheets, provides an opportunity for study participants to work through "real" daily scenarios and ask questions, and then fill out an actual DTAS. This ensures that all participants are completing the DTAS in a consistent and uniform manner.

Participants were asked to complete an electronic version of the DTAS via the Internet.⁴ Specifically, prosecutors were asked to self-report the following information on a daily basis for a seven week period beginning on February 4, 2004 and concluding on March 19, 2004:

- The types of activities being performed;
- The types of cases worked on;

¹ The dispositions for each case type were provided by the Lane County District Attorney's Office from the data maintained in their internal case management system.

² Please refer to Appendix A for a hard copy of the PDF version of the DTAS.

³ For those study participants not able to attend training, detailed instructions were provided, which included instructions outlining how to access, complete, and submit timesheets using an Internet-based system. Please refer to Appendix B for Attorney Instructions.

⁴ To ensure confidentiality, each participant received a unique username and password to access the system. All timesheet data collected for this report was analyzed and reported in aggregate form only. Participant identifying information (i.e., usernames) was used for tracking purposes only.

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- The amount of time each activity took; and
 - Factors that might influence the amount of time spent conducting an activity, which APRI calls “enhancers.”

APRI monitored data submissions on a weekly basis, checking to make sure all prosecutors were completing and submitting timesheets and reviewing the data for accuracy. APRI research staff reviewed submitted timesheets for reporting errors, data omissions, and discrepancies. Upon completion of the data review, APRI followed-up individually with participants if they were missing activity sheets or to clarify any reporting errors, omissions, or discrepancies in the entries.

The information provided to APRI, which represents a “snapshot” of activity from which annual extrapolations can be made, was used to assess how much time is spent by prosecutors on a day-to-day basis, calculate average case processing times, and develop workload measures. APRI used the workload measures, along with the case disposition information reported by the District Attorney’s office, to project the number of full-time equivalent (FTE) attorneys that are required to handle the office’s caseload and workload.

The total sample consisted of all 25 full-time Lane County prosecutors, as well as 1 part-time prosecutor, who were employed at the time of the study. At the end of the data collection period, the total response rate for the study was calculated using the total number of employees participating from the beginning of the study to its completion. The overall response rate in the study was 100 percent.

Types of Activities

A key element of the data collection process was to capture all attorneys’ work-related activities. Thus, APRI’s methodology was designed in a manner that would capture all the work performed by a prosecutor in any of three general categories: 1) *Out-of-Court Case related activities*, includes all work not performed in court that can be attributed to a case; 2) *In-Court Case related activities*, includes all work performed in the courtroom; and 3) *Non-case related activities*, includes all work performed by a prosecutor that can not be attributed to a case.

The specific activities within each of the major categories were defined in a manner that makes these categories mutually exclusive in order to ensure that staff report the type of activity on which they were working in the same manner. The specific activities that were used are as follows:⁵

Case Related Activities

Out-of-Court Case Related Activities

- Case screening/initiation (time spent prior to the filing of charges);
- Case preparation (time spent after charges have been filed);
- Post-adjudication activities (time spent after adjudication); and
- Case-related administration (time spent on general case related activities)

⁵ Please refer to Appendix C for a complete list of the code definitions for each activity.

In-Court Case Related Activities

- Grand Jury proceedings (time spent in Grand Jury proceedings);
- Pre-trial hearings/motions (time spent in court for arraignments and motions);
- Bench trial (time spent in Bench trials);
- Jury trial (time spent in Jury trials);
- Post-adjudication trials/hearings (time spent in court for appeals and sentencing hearings);
- In-court waiting (idle time spent in the courtroom or courthouse waiting for a case to be called); and
- Juvenile proceedings (time spent in Juvenile Court)

Non-Case Related Activities

- Non-case administration (time spent on general office and administrative tasks);
- Community/outreach (time spent interacting with the public not on specific cases);
- Law enforcement coordination (time spent working with law enforcement not on specific cases);
- Professional development (time spent pursuing continuing legal education and conferences);
- Public record requests (time spent on public record requests);
- Travel (time spent traveling for work); and
- Lunch/personal time (time spent during work hours on personal business)

Case Types

APRI worked closely with staff of the District Attorney's Office to ensure that APRI's case type definitions accurately reflect the experiences and case type priorities of the Lane County District Attorney's Office. For the purposes of this study, the case types were comprised of 10 categories of felony offenses, 3 categories of misdemeanor offenses, 3 categories of juvenile offenses, and individual categories for non-offense cases, civil commitments, and firearm offenses.⁶ Later these 19 categories were collapsed for analytic purposes into 11 categories.⁷ The final analyzed case types were:

- Criminal homicide;
- Felony assault;
- Other violent felonies (including rape/sexual offenses, robbery, and kidnapping);
- Burglary/theft/forgery (including motor vehicle);
- Felony drug;
- Other miscellaneous felonies (including felony vehicular offenses, excluding motor vehicle theft; firearm offenses; arson; and other felonies not captured in the prior categories);
- Misdemeanor DUII;
- Misdemeanor domestic violence;
- Misdemeanor other;
- Juvenile (including delinquency, dependency, and juvenile other); and
- Non-offense cases (including civil commitments).

⁶ Please refer to Appendix C for case type code definitions.

⁷ For certain case types, either too few dispositions or no dispositions were reported. In such cases, APRI was unable to develop reliable case weights. Therefore the time associated with those specific case types was combined with other case types to form broader categories. However, APRI analyzed criminal homicide separately, despite reporting only 2 dispositions, because of the unique nature of the crime.

Elapsed Time

As previously stated, attorneys participating in the study were asked to keep track of and self-report time spent conducting various activities throughout the workday. Recognizing that a standard 40 hour work week is usually the exception rather than the norm, attorneys were asked to maintain a record of all time spent on work-related activities for the entire 24-hour period in a given day. Thus, for the purposes of the study, APRI defined a day as beginning at 12:01 a.m. and ending at 12:00 a.m. (midnight). Similarly, a workday was defined as any day in which work is performed and thus could include Saturdays, Sundays, and holidays. A workweek was defined as Saturday to Friday.⁸ All staff were asked to record their work activities at natural breakpoints throughout the day, or when they completed a major piece of work.

Factors that Affect Case Processing Time

Experienced lawyers know that certain cases are more difficult to prosecute and require more time and effort than others. APRI refers to the factors that make cases more complex or time-consuming as “enhancers.” Enhancers alter case weights and workload measures based on their degree of impact on the timeliness with which cases are processed and disposed. Lane County prosecutors could choose from a list of 19 common or important enhancers that affect how attorneys handle and dispose of cases.⁹ Participants in the study were cautioned to use the case enhancers *only* if the enhancer affected the amount of time spent on the activity/case. For example, prosecutors who work on child abuse cases routinely work with young victims and witnesses, and the fact that a child is involved in a given case may not by itself influence the amount of time they spend on a case. On the other hand, a prosecutor who routinely handles fraud cases and is assigned a particularly complex case may spend significantly more time on the case than usual due to the large number of financial records. For any given activity, attorneys could list up to two enhancers as having affected how quickly the activity was completed.

⁸ A week was defined in this manner as a function of the data collection process. Because staff were asked to submit their completed forms each Friday, Saturday became the beginning of the “work” week.

⁹ The enhancers were drawn from a standard set developed by APRI over the years however some enhancers were modified or added to reflect the specific conditions operating within Lane County. Please refer to Appendix C for a complete list of attorney case enhancer code definitions.

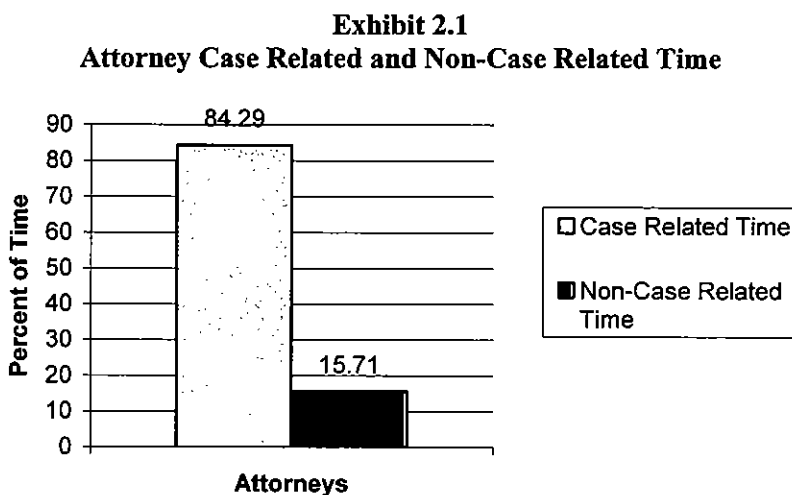
II. STUDY FINDINGS

APRI's workload assessments produce four major categories of findings: 1) time spent on different types of activities; 2) types of cases processed; 3) average case processing time (the case weight); and 4) the number of cases of specific types an individual can handle in a year (the workload measure). The following sections summarize each category of findings.

2.1 TIME SPENT ON DIFFERENT TYPES OF ACTIVITIES

During the 7-week study period, full-time attorneys in the Lane County District Attorney's Office reported nearly 6,698 work hours, which equates to 46.3 hours per week and 9.25 hours per day for every attorney, when vacation/sick time, holidays, and weekends are taken into consideration.¹⁰

Exhibit 2.1 below shows the time spent on case related and non-case related activities by Lane County prosecutors. The time study revealed that prosecutors spent 84.29 percent of their work time on case related activities. The balance of 15.71 percent was directed towards non-case related activities. In comparison to other jurisdictions studied by APRI, Lane County prosecutors spend slightly more time than their colleagues in other offices, on case related activities.

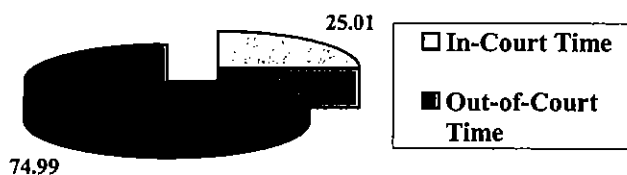


Case Related Activities

APRI defines case related activities as occurring along a continuum—from initial case screening through final adjudication and post-sentencing activities. These activities can be further sorted into two major categories: 1) activities that occur outside of the courtroom and 2) activities that occur in the courtroom. As noted earlier, out-of-court activities include case screening/initiation, case preparation, post-adjudication activities, and case related administration. In-court activities include all court proceedings (hearings, motions, and trials) as well as time spent waiting for cases to be called. Exhibit 2.2, on the following page, shows the average time attorneys spent involved in out-of-court and in-court activities.

¹⁰ Another method of performing this calculation would be to calculate the total number of work days in the study divided by the total number of hours reported. This calculation yields a 40.6 hour work week and 8.1 hour day per attorney, when weekends and holidays are taken into account. Using either calculation, prosecutors in the Lane County District Attorney's Office are working more than 40 hours per week.

Exhibit 2.2
Case Related Activities: Percent of Attorneys' In-Court and Out-of-Court Time



As expected, most case related time was spent on tasks completed outside the courtroom. Nearly three-quarters (74.99%) of attorneys' time was spent outside of the courtroom. The remaining quarter (25.01%) of their time was spent on in-courtroom activities. These findings are consistent with other comparable jurisdictions studied by APRI.

Out-of-Court Activities

Exhibit 2.3 breaks down the percentage of time attorneys' spent on specific out-of-court activities. Case preparation accounted for 47.12 percent of out-of-court case related time, followed by case screening and initiation, and then case related administration. Column three shows the distribution of attorneys' time across all case-related time reported (both out-of-court and in-court).

Exhibit 2.3
Attorneys Out-of-Court Case Related Activity

Out-of-Court Activity	Percent of Out-of-Court Case Related Time	Percent of Total Case Related Time (Out-of-Court & In-Court)
Case screening /initiation	26.67%	20.00%
Case preparation	47.12%	35.33%
Post-adjudication activities	9.72%	7.29%
Case-related administration	16.49%	12.37%
TOTAL:	100%	74.99%

In-Court Activities

Exhibit 2.4, on the following page, shows time spent on in-court activities for prosecutors. The majority of attorney in-court time is spent on pre-trial hearings and motions, followed closely by jury trials, and post-adjudication hearings and motions. Percentages in column three, which represent the percentage of time dedicated to case related activities, are low since attorneys spent more of their total case related time (both in and out of court) out of court. Interestingly, slightly more than 15 percent of in-court time was spent waiting for cases to be called. Although the amount of in-court waiting is not the highest seen by APRI, it is higher than average.

Exhibit 2.4
Attorneys In-Court Case Related Activity

In-court Activities	Percent of In-Court Case Related Time	Percent of Total Case Related Time (Out-of-Court & In-Court)
Grand jury proceedings	12.42%	3.11%
Pre-trial hearings/motions	26.07%	6.52%
Bench trial	2.57%	0.64%
Jury trial	24.32%	6.08%
Post-adjudication trials/hearings	17.62%	4.41%
In-court waiting	15.62%	3.91%
Juvenile proceedings	1.38%	0.35%
TOTAL:	100%	25.02%*

*Total percentage does not sum to 25.01 percent, as presented in Exhibit 2.2, due to rounding.

Non-Case Related Activities

Typically, prosecutors are tasked with a variety of activities that are not related specifically to the processing of criminal cases but are, nonetheless, essential to the overall operations of the office. Therefore, APRI also includes non-case related activities to capture all activities prosecutors participate in throughout the day.

As noted earlier, attorneys spent only 15.71 percent of their time conducting non-case related activities overall. Of the non-case related activities, attorneys spent the majority of their time on non-case related administration. (See Exhibit 2.7). Moreover, 18.38 percent of their non-case related time was spent on professional development. Community outreach activities and law enforcement coordination activities accounted for 14.18 percent and 13.03 percent of non-case related time, respectively.

Exhibit 2.7
Attorney Non-case Related Activity

Non-case Related Activity	Percent of Non-case Related Time	Percent of Total Time Reported
Non-case related administration	44.30%	6.96%
Community/outreach activities	14.18%	2.23%
Law enforcement coordination activities	13.03%	2.05%
Professional development	18.38%	2.89%
Public records requests	0.05%	0.01%
Travel*	10.07%	1.58%
TOTAL:	100.01%**	15.72%***

*Travel includes all time spent going to and from court and all other work related travel.

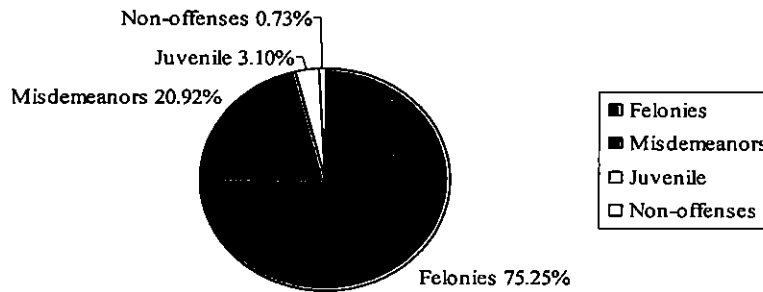
**Total percentage does not sum to 100 percent due to rounding.

***Total percentage does not sum to 15.71 percent, as presented in Exhibit 2.1, due to rounding.

2.2 TYPES OF CASES PROCESSED

Exhibit 2.8 describes how case processing time was apportioned across the 10 case types. The 5 felony categories collectively accounted for 75.25 percent of attorney time. Misdemeanors represented another 20.92 percent of the total. Juvenile crimes represented 3.10 percent of attorney time and less than one percent of case-related time was associated with non-offense cases (0.73%).

Exhibit 2.8
Percentage of Total Attorney Case-Related Time by
Felony, Misdemeanor, Juvenile, and Non-offense Case Types



Of the felony case types listed in Exhibit 2.9, other violent felonies cases required the most case processing time (20.10%); followed closely by burglary, theft, and forgery; and felony drug cases. The remaining case types represent 45.92 percent of the total case processing time. It is important to emphasize that these figures only depict the distribution of time among the various case types, and do not represent on an absolute basis how much time each case type requires to process.

Exhibit 2.9
Case Processing: Percentage of Total Attorney
Case Related Time by Case Type

Case Type	Percent of Time
Criminal homicide	4.72%
Other violent felonies	20.10%
Felony assault	8.91%
Burglary/theft/forgery (including motor vehicle)	18.16%
Felony drug	15.83%
Other miscellaneous felonies	7.54%
Misdemeanor DUII	7.88%
Misdemeanor domestic violence	4.42%
Misdemeanor other	8.62%
Juvenile	3.10%
Non-offense cases	0.73%
TOTAL:	100.01%*

*Total percentage does not sum to 100 percent due to rounding.

As noted earlier, cases run along a continuum—from case screening/initiation (prior to charge approval) to post-sentencing and appeal actions. To accurately assess the types of cases processed, it is imperative that this continuum be considered. To achieve this, APRI examined the number of dispositions obtained at different points by case type. Exhibit 2.10 shows the number of dispositions during the study period by type of case and point of disposition.¹¹ A total of 1,512 dispositions were reported during the study period.

Overall, 46.30 percent of all dispositions reported were for felony cases, 45.63 percent were for misdemeanor cases, and 4.03 percent each for juvenile and non-offense cases. In addition, 64.88 percent of all cases in Lane County were disposed of prior to trial (pre-trial disposition). Another 26.32 percent were disposed of during the screening process, prior to the filing of charges. The proportion of dispositions achieved at trial (5.16%) is consistent with national statistics on the percent of cases disposed by bench or jury trial. The “other” disposition category, which included dispositions not captured in any other category represented less than 1 percent of the total number of dispositions. The remaining 3.5 percent of dispositions were associated with juvenile cases.¹²

Exhibit 2.10
Number of Dispositions During the Study Period
by Type of Case and by Point of Disposition

Case Type	Pre-Charge Disposition	Pre-Trial Disposition	Trial Disposition	Other Disposition	Juvenile Disposition	Total Disposition
Criminal homicide	1		1			2
Other violent felonies	24	23	6			53
Felony assault	24	19	3			46
Burglary/theft/forgery (including motor vehicle)	84	133	10			227
Felony drug	54	156	30			240
Other miscellaneous felonies	46	82	4			13
Felony Subtotal	233	413	54	0		700
Misdemeanor DUII	15	172	5			192
Misdemeanor domestic violence	23	27	1			51
Misdemeanor other	104	333	10			447
Misdemeanor Subtotal	142	532	16	0		690
Juvenile		8			53	61
Non-offense cases	23	28	8	2		61
TOTAL:	398	981	78	2	53	1512

In reviewing the felony case types, drug cases accounted for the majority of felony dispositions (34.29%), and represented the largest share of cases that were taken to trial and disposed of prior to trial. Burglary, theft, and forgery followed, representing 32.43 percent of the total felony dispositions. Criminal homicide, felony assault, and other violent felonies represented small percentages of the dispositions. (But as will be discussed later, these cases

¹¹ APRI collapsed the 18 categories of dispositions reported during the study period from the Lane County internal case management system into four broad disposition categories: pre-charge, pretrial, trial, and other. In addition, the juvenile cases were analyzed separately.

¹² Lane County prosecutors do not distinguish between different points of dispositions for juvenile cases; therefore all dispositions for juvenile cases were simply recorded as juvenile dispositions.

require relatively more case processing time.) As expected, the misdemeanor other case type accounted for the majority of misdemeanors cases (64.78%). This category included any misdemeanor charge that did not fall into either the misdemeanor DUII or domestic violence case types. Misdemeanor DUII cases represented a little over a quarter of dispositions and the remaining 7.39 percent accounted for domestic violence cases. During the study period a total of 130 domestic violence cases came to disposition, including felony and misdemeanor charges, and violations of restraining orders.¹³ An additional 68 counts were not categorized as domestic violence cases in Exhibit 2.10 because of the manner in which APRI defines cases.¹⁴ Moreover, APRI was unable to calculate the number of on-going domestic violence cases the Lane County District Attorney’s Office handles. Non-offense cases represent approximately 4 percent of dispositions reported and the majority are disposed of before trial (83.61%).

2.3 CASE WEIGHTS: AVERAGE CASE PROCESSING TIME

Case weights represent the average case processing time overall. Simply stated, case weights are calculated by dividing all case processing time associated with different types of cases by the number of dispositions for each case type. However, many factors can influence the average case processing time. Among the many possibilities are the case enhancers. As discussed previously, there were 19 possible enhancers listed on the DTAS. For any given case-related activity, if a prosecutor believed that an enhancer affected the amount of time the activity required, the attorney could use the appropriate enhancer code to so indicate on the time sheet. These enhancers were included in a series of analyses (conducted separately for each case type) intended to identify which enhancers had statistically reliable effects on aggregate case processing times.

Only three of the 19 possible enhancers produced significant effects on attorneys’ case processing times and only for three categories of offenses, as shown in Exhibit 2.11. For the other violent felony case type, there were three enhancers that displayed a significant impact on case processing times. It is interesting to note that the enhancer “complex evidence/investigation” alone produced significant effects for all three case types.¹⁵

Exhibit 2.11
Case Enhancers by Case Type

Case Type	Case Enhancer
Other violent felonies	<ul style="list-style-type: none"> • Difficult defense counsel • Complex evidence/investigation • Media attention
Burglary/theft/forgery (including motor vehicle)	<ul style="list-style-type: none"> • Complex evidence/investigation
Felony drug	<ul style="list-style-type: none"> • Complex evidence/investigation

¹³ This number was determined through a review of the disposition data provided by Lane County.

¹⁴ APRI defines a case by individual accused, incident, and highest charge. These 68 represent lower charges in already counted cases.

¹⁵ Though their degree of impact varied, all of the significant enhancer effects served to increase case processing times. This is worth mentioning because APRI has, on occasion, witnessed enhancers that produced *negative* effects (i.e., they *decreased* case processing times).

Based on the statistical analyses of the enhancers, APRI derived a set of weighting factors for each case type that reflected the relatively greater processing times required when the significant enhancers were present. Because of the significant enhancer effects, the statistical weights more accurately depict the amount of time required by attorneys to process cases.

The case weights represent the *average* number of hours it takes a prosecutor to handle specific types of cases—from the beginning of the case until final disposition of the case.¹⁶ As expected, more serious crimes against persons take longer to process, on average, than misdemeanor offenses. Exhibit 2.12 reports both the unweighted and the enhancer-weighted case weights for each case type, as well as for the overall data. For example, the unweighted case weight for other violent felonies indicates that it requires an average of 26 hours to arrive at a disposition for such cases. The weighted case weights reflect the amount of time required to dispose of a given case type, once adjustments have been made due to the impact of enhancers. When the enhancers (difficult defense counsel, complex evidence/investigation, and media attention) are taken into account for other violent felonies, the average case processing time increases by 5 hours, more accurately reflecting the amount of time a prosecutor takes to handle that kind of case.

Exhibit 2.12
Overall Case Weights (Unweighted and Weighted) for Prosecutors:
Average Case Processing Time in Hours

Case Type	Unweighted Case Weight	Enhancer-Weighted Case Weight
Criminal homicide*	160.00	160.00
Other violent felonies	25.72	30.83
Felony assault	13.13	13.13
Burglary/theft/forgery (including motor vehicle)	5.43	5.60
Felony drug	4.47	5.29
Other miscellaneous felonies	3.87	3.87
Misdemeanor DUII	2.78	2.78
Misdemeanor domestic violence	5.88	5.88
Misdemeanor other	1.31	1.31
Juvenile	3.44	3.44
Non-offense cases	0.82	0.82
TOTAL:	226.85	232.95

* NOTE: The weight for criminal homicide is based on only 2 dispositions, which may make the average case processing time unreliable. For this reason, based on conversations with the DA's Office, APRI grouped the time and dispositions for criminal homicide and felony assaults together. All subsequent analysis were conducted using the combined category of criminal homicide/felony assault.

The case weights shown in Exhibit 2.12 serve as the basis for the workload measures, which are discussed in the following section.

¹⁶ The case weights are computed by aggregating across all disposition categories.

2.4 WORKLOAD MEASURES

A workload measure defines how many cases of a specific type a single person can handle in a given year, if he or she only works on that type of case. To obtain the workload measure, APRI divides the number of hours available for work each year (the “year value”) by the case weight for each type of case. The year value is based on the total number of workdays in a year, minus average vacation leave, sick leave, holidays, and mandatory training hours required. The year value for attorneys in Lane County is 1785.29 hours of availability per year, based on the following assumptions:

- 2080 base hours per year;
- 207.7 hours of annual leave;
- 72 hours for holidays; and
- 15 hours of continuing legal education.

As shown in Exhibit 2.13, the workload measures vary by case type. This variation is a direct result of the level of effort associated with case processing and the average case processing time. As shown in the Exhibit 2.12 felony cases on average take more time to process than misdemeanor crimes, therefore lowering the number of felony cases attorneys can handle in a given year. As a specific example, on average a prosecutor will spend approximately 31 hours in handling a violent felony case that does not involve criminal homicide and assault. The corresponding workload measure indicates the prosecutor could handle almost 58 such cases in a given year. On the other hand, a theft case takes substantially less time to prosecute on average, and as a result, an attorney can handle nearly 319 theft cases per year.

Exhibit 2.13
Workload Measures: Number of Cases Per Person Per Year

Case Type	Workload Measures
Criminal homicide/felony assault	92.74
Other violent felonies	57.89
Burglary/theft/forgery (including motor vehicle)	318.68
Felony drug	337.45
Other miscellaneous felonies	461.028
Misdemeanor DUII	641.40
Misdemeanor domestic violence	303.66
Misdemeanor other	1,365.07
Juvenile	518.25
Non-offense cases	2,185.29

III. RESOURCE NEEDS

3.1 FORMULA FOR DETERMINING RESOURCE NEEDS

The workload assessment makes use of an objective and quantitative formula that can be used to project resource needs. The formula is based on the workload measures, discussed in the previous section, and the annual number of dispositions extrapolated from the disposition information collected during the time study. The final formula for projecting resource needs is as follows:

$$\text{Annual Case Dispositions} \div [\text{Workload Measure}] = \text{Number of FTE Positions Needed}$$

3.2 PROJECTED STAFFING NEEDS

To determine the resource needs, the formula is applied to each case type to obtain the full-time equivalent (FTE) positions needed to handle each type of case exclusively. To determine the total office resource needs the formula is applied to the aggregate data. Thus, the application of the formula not only indicates the overall number of needed attorneys, but also indicates how many attorneys are needed to handle the different types of cases.

Exhibit 3.1 contains the projected prosecutor resource needs for the Criminal Division of the Lane County District Attorney's Office (excluding the Family Law Division). Based on the study results, APRI projects that a total of 32.17 FTE prosecutors are needed to handle the current workload, indicating that the Lane County District Attorney's Office is understaffed by approximately 7 FTE attorneys. Specifically, the projections suggest that approximately 7 prosecutors are needed to process violent felonies, such as rape, sexual offenses, robbery, and kidnapping cases. Roughly 5.5 FTE prosecutors are needed to process the burglary/theft/forgery and 5.5 FTE prosecutors for felony drug cases. Criminal homicide and felony assault project as requiring 4 FTE prosecutors. Other miscellaneous felonies need approximately 2 FTE prosecutors. Overall, misdemeanor cases are projected as requiring 6.26 FTE prosecutors. The remaining cases (juvenile and non-offense cases) require a total of about 1 FTE prosecutor.

Exhibit 3.1
Lane County Prosecutor Staffing Projections

Case Types	Projected FTE Positions
Criminal homicide/felony assault	4.08
Other violent felonies	7.21
Burglary/theft/forgery (including motor vehicle)	5.61
Felony drug	5.60
Other miscellaneous felonies	2.26
Misdemeanor DUII	2.36
Misdemeanor domestic violence	1.32
Misdemeanor other	2.58
Juvenile	0.93
Non-offense cases	0.22
Total Across All Cases	32.17

3.3 CONCLUSION

Based on the amount of time required to process cases and to handle other prosecutorial responsibilities, APRI projects that the Lane County District Attorney's Office needs an additional 7 FTE attorneys. This degree of understaffing is close to the typical range APRI has noted in more than 70 other workload assessments conducted in the past 6 years. Usually, offices are short by 2 to 6 attorneys, though APRI has seen offices that were understaffed by as many as 25 positions, where as other offices were overstaffed. Being understaffed by 7 attorneys in an office the size of the Lane County District Attorney's Office represents a fairly significant shortfall in staffing levels needed to adequately handle cases and achieve a truly effective criminal justice system in Lane County.

APRI recommends that Lane County adopt the workload measures that resulted from this study as a tool for making resource projections and allocating staff positions. Because the workload measures are empirically based and provide an objective assessment of staffing needs, the measures can be used to project staffing needs into the future. Projections can be made based on actual dispositions recorded at the end of the year or by estimating the number of dispositions in future years. To estimate dispositions, the rate of change should be calculated (i.e., whether or not dispositions are increasing or decreasing in frequency over time) and the current number of dispositions should be multiplied by the calculated increase or decrease to obtain a projected number. For example, in 2004, the Lane County District Attorney's Office is projected as disposing of 1891 felony drug cases, which means that 5.6 FTE attorneys are needed to handle the felony drug workload (1891 annual dispositions/337, the workload measure). If the number of projected felony drug case dispositions increases to 2,175 cases for 2005, the number of FTE attorneys needed would increase to 6.5 (2175/337).

The study found that certain factors increase case processing time for particular case types. These factors include difficult defense counsel, complex evidence/investigation, and media attention. APRI recommends that the Lane County District Attorney's Office implement a plan to assist prosecutors in their work related to these factors. In addition to the impact on projected prosecutor staffing needs, identifying the effects of the enhancers can aid in effective management and resource allocation to ensure the efficiency of the office in years to come.

Finally, it should be noted that this study did not evaluate the adequacy of resources for other staff employed in the Lane County District Attorney's Office. Therefore, APRI can not address whether the staffing levels are appropriate for these employee groups. However, in past studies APRI has observed that non-attorney employees are a major factor in the office's overall efficiency. In fact, without such support, given that the office is understaffed, it would take much longer on average to bring cases to disposition. APRI recommends that officials consider how adding attorneys will affect staffing needs in other areas. At a minimum, the office should strive to keep a balanced ratio of attorneys to other staff, in keeping with the national averages.¹⁷

<u>Staff Positions</u>	<u>National Ratio of Attorneys to Other Staff</u>	<u>Projections of Staff Based on the National Ratio</u>
Criminal Investigators	3.6:1	8.94
Victim Advocates	5.9:1	5.45
Support Staff	1.1:1	29.25

¹⁷ National ratios were calculated from DeFrances, Carol S., *Prosecutors in State Courts*, 2001, Research Bulletin, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, July 2001, NCJ19344.1.

APPENDIX A:
THE DAILY TIME & ACTIVITY SHEET

APPENDIX B:
DAILY TIME & ACTIVITY SHEET INSTRUCTIONS

LANE COUNTY CRIMINAL PROSECUTION CASELOAD AND WORKLOAD ASSESSMENT

DAILY TIME & ACTIVITY SHEET INSTRUCTIONS FOR ATTORNEYS

INTRODUCTION

The following material provides general and specific instructions for prosecutors who will be participating in the Lane County Caseload and Workload Assessment Project. The overall purpose of this project is to understand the resource needs of Lane County prosecutors. The first phase of this effort is to collect workload information related to case processing. Ideally, the data collection instrument or the Daily Time Activity Sheet should be as simple as possible for prosecutors to complete.

The instrument, or the Daily Time & Activity Sheet, will capture critical information about the work of prosecutors. Specifically, prosecutors will record four types of information each day during the data collection period:

- 1) the type of activity being performed;
- 2) the type of case;
- 3) the amount of time each activity takes; and
- 4) any special circumstances that enhance the complexity of the case.

This information will be collected in sufficient detail to permit an analysis of the average time needed by prosecutors to process different types of cases.

Descriptions of each component of the Daily Time & Activity Sheet, as well as general and specific instructions for completing the sheet are provided below. Definitions and codes for what constitutes a case, each activity, type of case, and case enhancers are included at the end of these instructions.

For the most accurate and detailed recording, the Daily Time & Activity Sheet should be completed *contemporaneously*, with entries made throughout the day as activities change. APRI recognizes that contemporaneous recording is not always possible, but encourages that entries be made at least once or twice a day depending on the activity. While this additional work is burdensome for prosecutors, consistent accurate reporting will provide the most reliable information and will thus lay the foundation for an accurate depiction of the work conducted by Lane County prosecutors.


Please review all the instructions below before you begin to record your time. We appreciate your cooperation with this study. If you have any questions during the study about how to complete the forms, please contact Delene Bromirski at APRI 703-518-4397 or delene.bromirski@ndaa-apri.org, or Elaine Nugent at APRI 703-549-4253 or elaine.nugent@ndaa-apri.org. Thank you.

ACCESSING & SUBMITTING COMPLETED TIME & ACTIVITY SHEETS

To access the Daily Time & Activity Sheet you should click on the following link:

https://www.ndaa-apri.org/lane/apri_survey.php

In the first box that appears please type your username and in the following box the password assigned to you by APRI, then click on Log In. **Please Note: The program is case sensitive.**



American Prosecutors Research Institute
APRI Information Gathering System

Welcome to the APRI Information Gathering System.

Please enter the username and password you were given to fill out your form.

<input style="width: 90%; height: 20px;" type="text"/> Username	<input style="width: 90%; height: 20px;" type="password"/> Password
<input style="width: 100px; height: 20px;" type="button" value="Log In"/>	

The Attorney Daily Time & Activity Sheet should appear on your screen. Please fill in the sheet as directed. You may tab through the form, or using the mouse, click on the appropriate box. Each box contains the appropriate codes for that particular column. When you are finished entering your time, please press the “Submit Time Sheet” key at the **bottom** center of the form.

GENERAL INSTRUCTIONS

A Daily Time & Activity Sheet will be used each day by prosecutors to record all work performed during the study period. Work-related activities include both case-related (e.g., appearing in-court for an arraignment) and non-case related (e.g., a training session for law enforcement officers) activities. Record **all** work time (including lunch, breaks, and personal time) on the Time & Activity Sheet, using the activity codes and case type codes to describe the type of activity conducted. **Work activity conducted outside the normal office hours, including time spent at home, and on the weekends should also be reported.** If necessary, use a second Time & Activity sheet to record additional work performed during one day. **Do not record more than one days’ work per Time & Activity Sheet. Each day gets a separate sheet.** For the purposes of the study, a day begins at 12:01 a.m. and ends at 11:50 PM.

Make an entry on the Daily Time & Activity Sheet as specifically possible, but at least to the nearest 10-minute interval each time an activity commences and ends. Every effort should be made to record your time contemporaneously. APRI recognizes the difficulty

in contemporaneous recording and provides guidance throughout these instructions to make this task less cumbersome.

FILLING OUT THE TIMESHEET

If you are submitting multiple sheets for the same day, make sure to fill in all the identifying information at the top of the page (date and time period for which you are recording your work) for each form that you complete and submit. The identifying information section of the timesheet is shown below.

Name – Attorney Daily Time & Activity Sheet			
Time & Activity Log			
Date:	2004	February	04
From:	8:00 AM	To:	5:00 PM

The information to be recorded each day on the Time & Activity Sheet includes the following:

- Date: The date the attorney is actually performing and recording the work, including the time when the attorneys' workday began and ended.
- Activity Code: The code used to represent the type of work being performed.
- Case Type Code: The code used to represent the type of case for which the specific activity is being performed.
- Elapsed Time: A record of the time spent on the specific activity and case type.
- Case Enhancer: The code used to indicate whether or not certain elements exist in the case that causes the case to be more complex.

In this study, each case is defined by individual defendant and by the highest charge or count that is being handled at the time. Cases that involve multiple defendants should be counted and recorded with separate entries for each defendant. Cases that involve multiple charges/counts should be recorded with the highest charge as the case type.

Personnel Number

APRI has assigned a unique number to each attorney who is participating in the study. The attorney number will be used by the study team to ensure that 1) all attorneys are participating in the study actively and consistently, and 2) the study team can follow-up on any unclear information reported on the Time & Activity Sheet. Please note that your password and personnel number are the same. *This is not a study of attorney*

performance. Attorneys will not be compared to each other and no information will be reported to supervisors.

Date and Start/End Time

For each Time & Activity Sheet completed, enter the date that work is being performed and recorded. If additional space is needed to record all the work for that day, use a second Time & Activity Sheet.

Start and end times should be recorded to the nearest 10-minute interval. For example, if you start work at 8:27 AM, your start time should be 8:30.

Examples:

1. *Sam Smith starts work at 8:40 a.m. and leaves the office at 6:10 p.m. He completes one Time & Activity Sheet for February 4, 2004. The date and start/end time should be completed as follows:*

**Sam Smith - Attorneys Daily
Time & Activity Sheet**



[log out](#)

Time & Activity Log

Date: 2004 February 04
From: 8:40 AM To: 6:10 PM

2. *Sam Smith works past 12:00 midnight on February 4, 2004, and needs to complete two Time & Activity Sheets. He was preparing for a trial and had to cover court for his colleague who had the flu. He arrived at the office at 7:00 a.m. and left the office at 1:25 a.m. the next morning. The date and start/end times on the first Time & Activity Sheet would be completed as follows:*

**Sam Smith - Attorneys Daily
Time & Activity Sheet**



[log out](#)

Time & Activity Log

Date: 2004 February 04
From: 7:00 AM To: 12:00 AM

The second Time & Activity Sheet should be completed as follows:

**Sam Smith - Attorneys Daily
Time & Activity Sheet**



[log out](#)

Time & Activity Log

Date: 2004 February 05
From: 12:00 AM **To:** 1:30 AM

To record the time worked after midnight, a new Time & Activity Sheet should be started for February 5th and the start is recorded as 12:00 a.m. In this way the time interval from 12:00 a.m. to 1:25 a.m. for February 5th is recorded on the next day's sheet.

Time & Activity Log

The time & activity log (shown below) is the section on the timesheet where lawyers will enter all information related to work for each day of the study period.

Time & Activity Log

Row #	Activity Code	Case Type Code	Elapsed Time	Case Enhancer 1	Case Enhancer 2
1	Select Code	-	-	-	-

Information is entered from **left to right**. All information in a row will relate to the activity for which time is being recorded. When recording activity, type of case being worked on, and case enhancer, the number code for each is recorded in the appropriate column. A listing of each code is presented below. **The complete definitions for all codes (activity, case type, and enhancers) are provided as an e-mail attachment and are also available online.**

Record information in each column of the Time & Activity Sheet as follows:

Column 1: Activity

All work-related activities that prosecutors perform have been divided into three categories: case-related activities that are not performed in court, in-court activities, and non-case related activities. When filling in the Time & Activity Sheet, enter the appropriate code for each activity that is performed. *You may record only one activity per row.*

Activity Codes

Case-Related Activities

- | | |
|-------------------------------|----------------------------------|
| 20. Case screening/initiation | 22. Post-adjudication activities |
| 21. Case preparation | 23. Case-related administration |

In-Court Activities

- | | |
|--|--------------------------------------|
| 30. Grand jury proceedings | 34. Post-adjudication trial/hearings |
| 31. Preliminary/Pre-trial hearings/motions | 35. In-court waiting |
| 32. Bench trial | 36. Juvenile proceedings |
| 33. Jury trial | |

Non-Case related Activities

- | | |
|---|--|
| 50. Non-case administration | 54. Public record requests |
| 51. Community/Outreach activities | 55. Travel |
| 52. Law enforcement coordination activities | 56. Lunch/personal time away from the office |
| 53. Professional development | |

Record activity information in Column 1 as follows:

Example:

Mary Holt is preparing a case for trial. Record the activity code that corresponds to case preparation — 21. The time & activity log should be completed as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Case Enhancer 1	Case Enhancer 2
1	21 - Case preparation	-	-	-	-

Column 2: Case Type

All types of cases that prosecutors work on have been divided into 1 of 18 categories. The code for each of these categories is presented below:

Case Type Code

- | | |
|---|-----------------------------------|
| 1. Criminal Homicide | 10. Other Miscellaneous Felony |
| 2. Rape/Sexual Offenses | 11. Misdemeanor DUII |
| 3. Robbery | 12. Misdemeanor Domestic Violence |
| 4. Felony Assault | 13. Misdemeanor Other |
| 5. Burglary/Theft (including motor vehicle) | 14. Juvenile Dependency |
| 6. Arson | 15. Juvenile Delinquency |
| 7. Kidnapping | 16. Juvenile Other |
| 8. Felony Drug | 17. Non-Offense Cases |
| 9. Felony Vehicular Offenses | 18. Civil Commitments |
| | 19. Firearm Offenses |

After each activity that involves either in-court or out-of-court case-related activity, record the case type code that corresponds to the type of case for which the activity is being conducted.

Example:

Sam is making a direct presentment to a grand jury for an attempted murder case. The activity code is recorded as 30 (grand jury proceedings) and the case type code that corresponds to the charge is 1—Criminal Homicide. The Time & Activity Sheet should be completed as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Case Enhancer 1	Case Enhancer 2
1	30 - Grand Jury proceedings	1	-	-	-

For the purposes of this study, a case is defined:

- by individual defendant
- by incident **and**
- by the most serious felony charge or count associated with an incident.

Cases that involve multiple charges/counts for one defendant arising from a single incident should be recorded on one line with the most serious felony charge as the case type. If a case involves more than one incident, record the most serious felony charge/count associated with each on a separate line. Cases that involve multiple defendants should be counted and recorded with separate entries for each defendant.

Example 1:

A direct presentment is being made to a grand jury on a defendant who is charged with kidnapping and rape as part of a single incident. The Time & Activity Sheet should be completed as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Case Enhancer 1	Case Enhancer 2
1	30 - Grand Jury Proceedings	2	-	-	-

Example 2:

If kidnapping and rape charges stem from two different incidents, the Time & Activity Sheet would be completed as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Case Enhancer 1	Case Enhancer 2
1	30 - Grand Jury Proceedings	7	-	-	-
2	30 - Grand Jury Proceedings	2	-	-	-

Most case-related and in-court activities should have a case type. Exceptions include case-related administration, in-court waiting time, and case screening/initiation. For case screening/initiation, record the case type if the charge is known. **Do not record case type for non-case related activities.**

Column 3: Elapsed Time

In Column 3, enter the total amount of time that the activity took. Time should be recorded in 10 minute intervals. Incorporate short breaks of less than 10 minutes into the elapsed time of the last activity performed.

Example 1:

Steve Jones is in Court, from 8:30 a.m. until 11:50 a.m. handling preliminary hearings for felony drug cases. The Time & Activity Sheet should be completed as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Case Enhancer 1	Case Enhancer 2
1	31 - Preliminary/Pre-Trial Hea	8	3h 20m	-	-

Example 2:

Bryant Johnson is away from the office from 8:30 a.m. until 3:30 p.m. at an elementary school, giving a law-related education talk to 5th and 6th graders. Every 45 minutes, he has a 5-minute break while students change classes, and a one-hour break at 12:00 p.m. During the 5-minute breaks, he talks to teachers and students. During the one-hour break, he makes calls to the office to check his messages (about 10 minutes on a number of different cases) and returns a case-related phone call to a defense attorney on an arson case that is in plea negotiations (about 20 minutes). Then he eats lunch in the school cafeteria. The Time & Activity Sheet should be completed as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Case Enhancer 1	Case Enhancer 2
1	51 - Community/outreach activi	-	6 hr	-	-
2	23 - Case-Related Administrati	-	10 min	-	-
3	21 - Case preparation	6	20 min	-	-
4	56 - Lunch/Personal Time	-	30 min	-	-

Columns 4 & 5: Case Enhancer

There are certain factors that make a case complex. APRI recognizes this, so Columns 4 and 5 have been included to record whether or not any of these factors are applicable to the case for which time is being reported. The case enhancers are as follows:

- | | |
|---|-------------------------------------|
| 90. Child Victim/Witness | 97. Multiple Defense Attorneys |
| 91. Senior Victim/Witness | 98. Domestic Violence |
| 92. Victim/Witness w/ a Disability | 99. Out-of-state Victim/Witness |
| 93. Defense by Reason of Insanity | 100. Uncooperative Victim/Witness |
| 94. Language Barrier/Cultural Diversity | 101. Complex Evidence/Investigation |
| 95. Capitol Offense | 102. Media Attention |
| 96. Difficult Defense Counsel | 103. Family Offenses |

You may list up to 2 enhancers that apply to a case.

Example 1:

Sally McKay is representing the State in a bench trial involving the kidnapping, robbery and attempted murder of a 10 year old. She is in court for 2 hours doing opening statements. She would record her time as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Case Enhancer 1	Case Enhancer 2
1	32 - Bench trial	1	2 hr	90	-

If you are recording multiple cases of same type (e.g., 5 defendants charged with assault) and different case enhancers apply to different cases, a new row must be used for each enhanced case.

Example 2:

Jack is conducting follow up investigations on 5 different felony assault cases. (All cases have been charged.) One victim does not speak English and in two of the other cases the assault was by their spouse. There are no enhancers for the remaining 2 cases. He spends 30 minutes on each case. He would record his time as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Case Enhancer 1	Case Enhancer 2
1	21 - Case preparation	4	30 min	94	-
2	21 - Case preparation	4	1 hr	98	-
3	21 - Case preparation	4	1 hr	-	-

ADDITIONAL DISCUSSION AND EXAMPLES

While at the courthouse, attorneys may have in-court waiting time that may be spent working on other cases, handling non-case related matters, or used as “free” time. If the in-court waiting time is less than 10 minutes, incorporate the time into the on-going in-court activity.

If in-court waiting time exceeds 10 minutes, the following rules apply:

- If work is performed on another case during the waiting time, record the time spent on a separate line with the appropriate case-related activity code and case type code.
- If non-case related matters are handled during the waiting time, record the time spent on a separate line with the appropriate non-case related activity code.
- If no other work is performed during the waiting time, record the time spent as in-court waiting (35). **Do not enter a case type for in-court waiting.**

Example:

Bryant is prosecuting a multiple felony jury trial in Superior Court all day. The defendant is charged with a robbery and a felony assault on a blind senior victim. In the morning, a juror becomes ill and the judge orders a short recess, which lasts about 40 minutes. During this time, Bryant is unable to do any other case-related work. The time & activity log should be completed as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Case Enhancer 1	Case Enhancer 2
1	33 - Jury trial	4	6 hr	91	92
2	35 - In-court waiting	-	40 min	-	-

Example:

Between 9:30 a.m. and 10:30 a.m., Mary returned case-related phone messages on 10 different cases from the previous day. Each phone call lasted less than 10 minutes. She records the time & activity log as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Case Enhancer 1	Case Enhancer 2
1	23 - Case-related administrati	-	1 hr	-	-

Note that no case type is required for case-related administration unless the series of activities is related to a specific case (e.g., phone calls to witnesses on one case). When the activity is related to a specific case, the appropriate case type code should be recorded on the time & activity sheet.

.....

Congratulations! You've finished the instructions and are ready to participate in the study.

Please review all the instructions below before you begin to record your time. We appreciate your cooperation with this study. If you have any questions during the study about how to complete the forms, please contact Delene Bromirski at APRI 703-518-4397 or delene.bromirski@ndaa-apri.org , or Elaine Nugent at APRI 703-549-4253 or elaine.nugent@ndaa-apri.org . Thank you.

APPENDIX C:
GENERAL DEFINITIONS AND CODE DEFINITIONS FOR
THE DAILY TIME & ACTIVITY SHEET

LANE COUNTY CRIMINAL PROSECUTION CASELOAD AND WORKLOAD ASSESSMENT

GENERAL DEFINITIONS AND CODE DEFINITIONS FOR THE DAILY TIME & ACTIVITY SHEET INSTRUCTIONS FOR: ATTORNEYS

GENERAL DEFINITIONS

In this study the following **Case Definitions** apply:

- **Each case is defined as any information that comes to a prosecutor's office requiring prosecutor activity and the assignment of a unique identifier.**
- **Cases are counted by individual defendant, by incident, and by the most serious charge or count that is being handled at the time.**
- **Cases that involve multiple defendants should be counted and recorded with separate entries for each defendant.**
- **Cases that involve multiple charges/counts associated with a single incident should be recorded with the most serious charge as the case type.**

ACTIVITY CODE DEFINITIONS

CASE-RELATED ACTIVITIES

20. Case Screening/Initiation – includes all time associated with the following activities, *prior to the filing of charges*: responding to a law enforcement/public inquiry whether or not a charge is authorized; working with law enforcement task forces on case development; screening potential cases/warrants; interviewing victim/witnesses; conducting investigations at a crime scene or viewing evidence; preparing and issuing warrants, complaints, affidavits, or indictments; preparing for direct presentment to the grand jury; collecting, reading, and reviewing preliminary reports; legal research on a specific case; legal advice to law enforcement officers; and pre-charge case discussions with law enforcement, prosecution colleagues, defense counsel, etc.

21. Case Preparation — includes time spent on a case *after a case/warrant has been issued, charge has been filed, or no true finding* associated with the following activities: continuing investigations; interviewing victims; preparing witnesses (e.g., sexual assault victims); preparing and responding for pre-trial hearings and motions; conducting legal research for specific cases; researching local databases; gathering 911 records; preparing witness lists; obtaining prior convictions and DMV reports; reviewing original complaints; adding additional counts; preparing plea negotiations/settlements; preparing subpoenas, jury instructions, and trial notebooks; requesting for out of state conviction reports; and diversion activities.

22. Post-Adjudication Activities — includes time spent responding to victim inquiries or requests and subsequent victim contact, preparing sentencing memoranda, preparing for post-adjudication trials/hearings and appeals, and responding to parole review board requests, also includes time spent out of court on a probation revocation for violation of a case that has previously been adjudicated, writs of habeas corpus, and responding to case dismissals requests after the completion of probation.

23. Case-Related Administration — includes time spent on case-related work that cannot be allocated in 10-minute increments to any one case, discussions with a supervisor about the handling of a number of cases, supervision of law students on case specific activities, brief conversations with counsel, a brief review of multiple files, additional activities preparing for an appeal, round table discussions, or preparing out of state prior conviction “turn around” forms.

In-Court Activities

30. Grand Jury Proceedings – includes time spent making direct presentments to a grand jury, managing or preparing witnesses during grand jury proceedings, conducting or monitoring proceedings, and providing guidance to the grand jury.

31. Preliminary/Pre-Trial Hearings/Motions – includes the time spent in court for release hearings; arraignments; motions; diversion activities; and dispositional hearings such as dismissals, guilty pleas.

32. Bench Trial – includes the time spent in court from when the judge takes the bench until he/she reaches a decision. This category also includes civil commitment hearings. However, a contested motion or hearing is not included.

33. Jury Trial – includes the time spent in court for a jury trial from when the judge takes the bench to the rendering of the verdict. This includes selecting a jury and waiting for the jury to return if waiting time is less than one hour AND no other chargeable work was performed. If chargeable work is performed during this waiting period, it should be allocated to the appropriate category as a separate entry.

34. Post-Adjudication Trials/Hearings – includes time spent in court for sentencing hearings, probation revocation, restitution hearings, and post-conviction relief.

35. In-Court Waiting – includes idle time spent in the courtroom or within the courthouse waiting for your case to be called. It does not include time spent waiting for the jury to return. If the waiting time is spent conducting another activity, e.g., conferring with colleagues on another case, or working on another case, the time should be recorded as a separate case-related activity.

36. Juvenile Proceedings – includes time spent for delinquency, dependency, and status offense proceedings and dispositional hearings including waiver hearings. This category does not include criminal court proceedings involving juveniles who have been waived to adult court.

Non-Case Related Activities

50. Non-Case Administration – includes time spent doing legal research that cannot be attributed to a specific case, supervising law students on non-case specific activities, staff meetings, drafting possible legislation, and general office and administrative tasks.

51. Community/Outreach Activities — includes time spent fielding phone calls from the public (unrelated to the initiation of a case) and making referrals; responding to media inquiries; attending community meetings; conducting liaison activities with community organizations, victims groups, and service providers; crime prevention activities; mock trials; school presentations; and other various civic activities performed for work.

52. Law Enforcement Coordination Activities — includes time spent conducting law enforcement in-service training and time spent participating in a general or an administrative capacity in various Federal, state, or local law enforcement task forces; does *not* include working with law enforcement organizations or task forces on case investigation or development.

53. Professional Development – includes time spent attending state and local prosecutor association committee meetings, participating in continuing legal education and training, and attending professional conferences or seminars as well as “in-house” trainings.

54. Public Record Requests – includes all public records requests.

55. Travel – the amount of time spent traveling from the office to court or other work-related places (e.g., crime scene). **Do not include time spent commuting between home and office.**

56. Lunch/Personal Time — includes time spent during normal office hours (8:00 a.m. to 5:00 p.m.) on break, at lunch, or away from the office on personal business (e.g., vacation, sick leave, holidays).

CASE TYPE CODE DEFINITIONS

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| 1. Criminal Homicide | includes aggravated murder, murder, attempted murder, and negligent homicide. |
| 2. Rape/Sexual Offenses | includes all felony rape crimes including felony spousal and statutory rape, felony sexual assault, and felony molest. |
| 3. Robbery | includes all degrees of felony robbery, but NOT felony burglary. |
| 4. Felony Assault | includes Assault I, II, III, and (felony) IV. Also includes the assault of public safety officers. |
| 5. Burglary/Theft/Forgery (including motor vehicle) | includes the felonious breaking and entering of a dwelling or motor vehicle of another with the intention of committing a felony of theft there in. Also includes the felonious theft of property from another, including embezzlement, and all other felony thefts and forgeries. Includes auto theft. |
| 6. Arson | includes the malicious, felonious and unlawful burning of property. |
| 7. Kidnapping | includes the felonious holding of a person or persons against their will and/or by force. |
| 8. Felony Drug | includes felony charges related to the possession; procurement; distribution; or conspiracy to distribute, sell, or use of any criminally scheduled narcotic. Also, includes the manufacturing of narcotics. |
| 9. Felony Vehicular Offenses | Includes all felony vehicular offenses (except motor vehicle theft) such as felony DUII, evading, vehicular assault, etc. |
| 10. Other Miscellaneous Felony | includes any other type of felony criminal charge which does not fit into one of the other categories listed above. |
| 11. Misdemeanor DUII | includes all misdemeanor driving under the influence of intoxicants offenses. |
| 12. Misdemeanor Domestic Violence | includes all misdemeanor cases designated as domestic violence offenses. |
| 13. Misdemeanor Other | includes all other misdemeanor offenses. |
| 14. Juvenile Dependency | includes all juvenile dependency cases. |
| 15. Juvenile Delinquency | includes all juvenile delinquency cases. |
| 16. Juvenile Other | includes all other juvenile cases (e.g., juvenile waivers before transfer to adult court). |
| 17. Non-Offense Cases | includes cases not derived from a criminal offense such as applications for firearms prohibitions, forfeiture of property, |

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| | violations of restraining orders (RVOs), extraditions, expungements, etc. |
| 18. Civil Commitments | includes all cases of civil commitment. |
| 19. Firearm Offenses | includes all offenses where a firearm is used. |

CASE ENHANCERS

Certain factors that affect case complexity and increase the amount of time necessary to process the case are called an “enhancers.” Case enhancers are defined as follows:

90. **Child Victim/Witness** – includes a victim or witness under the age of 16 years.
91. **Senior Victim/Witness** – includes a victim or witness over the age of 65 years as defined by the U.S. Department of Health and Human Services.
92. **Victim/Witness with Disability** – includes a victim or witness with a physical or mental disability as defined by the Americans with Disabilities Act.
93. **Defense by Reason of Insanity** – includes the defense of not guilty due to a defect of reason produced by a disease of the mind which caused an inability to know right from wrong, or to cause an irresistible impulse to act in a criminal manner.
94. **Language Barriers/Cultural Diversity** – includes the inability to communicate with victim, witness or defendant due to the presence of a language or custom different from that used by a preponderance of society, and which makes assistance difficult or requires additional resources.
95. **Capital Offense** – includes cases in which the prosecutor considers or files notice of intent to seek the death penalty.
96. **Difficult Defense Counsel** - includes cases in which the defendant is represented by a particularly difficult defense counsel (e.g., one who makes numerous, unnecessary, or onerous demands of the prosecutor through motions, discovery, etc.)
97. **Multiple Defense Attorneys** - includes cases in which multiple defense attorneys are assigned to one defendant or multiple co-defendants.
98. **Domestic Violence** - includes cases that involve the commission of a violent person crime between spouses, significant others/partners, or parents and children including stalking and terroristic threats.
99. **Out-of-State Victim/Witness** - includes cases that involve defendants, victims, or witnesses that have fled to or reside in another state or country.
100. **Uncooperative Victim/Witness** – includes cases in which a victim or witness is unwilling to participate in in-court and out-of-court proceedings.
101. **Complex Evidence/Investigation** - includes cases that involve complex evidence, scientific evidence, or DNA. Investigations include wire taps, extensive surveillance, etc. (e.g. major narcotic vendors).
102. **Media Attention** – includes cases that have received extensive and sensational media (newspaper, television, radio, or internet) coverage.
103. **Family Offenses** - includes child abduction, multiple orders (custody), child/spousal support, order violations, and other family court issues (does not include domestic violence cases).