AGENDA

Meeting Type:	WORKSHOP
Date	01/05/1998

City of Charlotte, City Clerk's Office

Mayor Patrick McCrory *Mayor Pro Tem Lynn Wheeler*

Rod Autrey
Charles Baker
Patrick Cannon
Malachi Greene
Mike Jackson
Nasif Rashad Majeed
Don Reid
Al Rousso
Tim Sellers
Sara Spencer

Council Agenda

CITY COUNCIL WORKSHOP

Monday, January 5, 1998

Dinner
Room 267

5.00 - 7 15 p m. Criminal Justice System Briefing

7 30 p.m Council Chambers

1 Citizens' Hearing

2 Request for Council Action Sale of Old Convention Center

The City Council approved an upset bid process for the Old Convention Center on December 8 The deadline for bids is December 22 The agenda item will be sent to Council in the Council-Manager Memo the week of December 29

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: Crime and the Criminal Justice System in Mecklenburg County

COUNCIL FOCUS AREA: Public Safety

KEY POINTS (Issues, Cost, Change in Policy):

This presentation will include an overview of the criminal justice system and the problems that are keeping the system from functioning effectively in Mecklenburg County Components of the presentation will include

- A brief overview of the individual agencies that comprise the criminal justice system in Mecklenburg County
- A summary of some of the major problems that make it difficult for the individual agencies in the system to function effectively as a system that delivers the timely and successful prosecution of criminal cases
- An exploration of solutions with Council interacting with a panel consisting of Chief Dennis Nowicki, District Attorney Peter Gilchrist, Chief Superior Court Judge Shirley Fulton, Chief District Court Judge Jim Lanning, and Sheriff Jim Pendergraph

COUNCIL DECISION OR DIRECTION REQUESTED: Council will have the opportunity for a full discussion of the issues and will then determine its priorities for changes in the system At their January 22 retreat, the County Commission will have a similar presentation and discussion After the Council and Commission discussions, staff will develop strategies to implement approved action steps

ATTACHMENTS:
1 Components of the Criminal Justice System
2 Criminal Justice System Flow Charts
3 A Tale of Two Offenders
4 Highlights of Previous Studies of the Criminal Justice System

ATTACHMENT ONE

COMPONENTS OF THE CRIMINAL JUSTICE SYSTEM

This section provides a brief overview of the agencies that comprise the criminal justice system in Mecklenburg County The descriptions of each agency include their major responsibilities, their principal official, the reporting relationship, the source of funding and the current resource allocation

CHARLOTTE-MECKLENBURG POLICE DEPARTMENT

ROLE AND RESPONSIBILITIES:

Provides a full range of law enforcement services to Charlotte and the unincorporated areas of Mecklenburg County These services include patrol, arrest of suspects in criminal cases; investigation of criminal cases, including forensic analysis of evidence, receipt and processing of all 911 calls as well as calls to the Non Emergency Police Services Section, provision of specialized youth services such as School Resource and DARE Officers, and provision of animal control services All police services provided by the Charlotte-Mecklenburg Police Department are delivered under the community problem oriented policing philosophy in which the Police Department forms partnerships with all segments of the community to address a wide variety of crime and quality of life concerns

PRINCIPAL OFFICIAL·

The Police Department is headed by the Chief of Police The Chief is appointed by the City Manager

REPORTING RELATIONSHIP:

The Police Chief reports directly to the City Manager

SOURCE OF FUNDING:

The Police Department is funded by the City of Charlotte The City Council sets the budget for the Police Department each year The current budget is $108,000,000 The department also has approximately 12 million dollars in federal grant funds

CURRENT RESOURCE LEVEL:

The Charlotte-Mecklenburg Police Department currently has 1,386 allocations for sworn officers and 424 allocations for non-sworn positions

COURT SERVICES

ROLE AND RESPONSIBILITIES:

Court Services is responsible for some components of the arrest processing function at the Central Intake Facility including the data entry of the arrest and operation of the automated fingerprint identification system for positive identification of arrestees They also conduct risk assessments of arrestees to determine those who are eligible for release without posting bond Court Services monitors released persons until final court disposition They also run the Structured Day Program which is one of the sentencing alternatives available under the Structured Sentencing Act Under this program, an individual reports for classes and other structured activities including community service, as opposed to actual incarceration Court Services is also involved in the administration of County funds which are allocated to the Criminal Justice System

PRINCIPAL OFFICIAL.

The Court Services Director is hired by the County

REPORTING RELATIONSHIPS:

The Court Services Director reports to an Assistant County Manager

SOURCE OF FUNDING:

Court Services is funded by the County

CURRENT RESOURCE ALLOCATION.

44 Court Services Analysts
6 Court Services Team Leaders
7 Administrative personnel
2 Support personnel

MAGISTRATE'S OFFICE

ROLE AND RESPONSIBILITIES:

In criminal cases, magistrates accept guilty pleas to minor misdemeanors and waivers of trial and guilty pleas in certain traffic and worthless check cases Magistrates issue arrest and search warrants after a law enforcement officer has established "probable cause" for the arrest or search Magistrates are also required to set bail for arrested persons under their jurisdiction

PRINCIPAL OFFICIAL:

The Chief Magistrate and all other magistrates are appointed by the Senior Resident Superior Court Judge after nomination by the Clerk of Superior Court

REPORTING RELATIONSHIPS.

The magistrates are supervised by the Chief District Court Judge in judicial matters

SOURCE OF FUNDING:

The Magistrate's Office is funded by the Administrative Office of the Courts

CURRENT RESOURCE ALLOCATION:

19 Criminal Magistrates

SHERIFF'S DEPARTMENT

ROLE AND RESPONSIBILITIES:

The Sheriff's Department is responsible for managing the Central Jail Facility and all satellite jail sites Currently, there are 1004 beds at the Central Facility, 200 at the Jail Annex 614 at the Jail North Facility, and 150 at the Work Release facility In November, voters approved bonds for 900 additional beds at the Central Facility

The Sheriff's Department is also responsible for security in all Mecklenburg County courtrooms and process service of summons and Orders for Arrest issued by the courts They are responsible for many of the functions at the Intake Center and escort arrested persons through intake processing

PRINCIPAL OFFICIAL·

The principal official is the Sheriff who is elected to a four year term

REPORTING RELATIONSHIPS:

The Sheriff has no direct reporting relationship

SOURCE OF FUNDING:

The Sheriff's Department is funded by the County

CURRENT RESOURCE ALLOCATION:

435 Detention Officers
345 Deputy Sheriffs
159 Non Sworn Personnel

DISTRICT ATTORNEY

ROLE AND RESPONSIBILITIES·

The District Attorney is responsible for the prosecution of all criminal cases in the District and Superior Courts of Mecklenburg County The District Attorney's Office is responsible for the preparation of the criminal trial docket and preparation of cases for appeal to the state Appellate Court Division The District Attorney's greatest discretionary power is exercised in the decision as to which cases to bring to trial, when to accept pleas of guilty to lesser offenses, and which cases to dismiss from the system

PRINCIPAL OFFICIAL·

The principal official is the District Attorney who is elected to a four year term

REPORTING RELATIONSHIPS·

The District Attorney reports to the Administrative Office of the Courts on budget and personnel issues

SOURCE OF FUNDING·

The District Attorney s Office is funded by the state through the Administrative Office of the Courts, with the exception of office space, furnishings, support staff and personal computers which are provided by the County

CURRENT RESOURCE LEVEL·

34 Assistant District Attorneys
1 Investigator
4 Assistant District Attorneys funded by the Drug Court Grant
1 Per Diem Assistant District Attorney
37 Support Staff, including 11 positions funded by the County and 3 by the City

The Police Department also provides one sergeant and seven police officers to assist in follow-up investigation of cases and contacts with victims and witnesses The Sheriff's Department has committed six deputies to be assigned to the District Attorney's office to deal with subpoenas, witnesses, and victims

PUBLIC DEFENDER

ROLE AND RESPONSIBILITIES:

The Public Defender's Office is charged with representing any criminal defendant who cannot afford an attorney

PRINCIPAL OFFICIAL:

The Public Defender is appointed by the Senior Resident Superior Court Judge

REPORTING RELATIONSHIP:

The Public Defender reports to the Administrative Office of the Courts on budgetary and administrative matters

SOURCE OF FUNDING.

The Public Defender's Office is funded by the Administrative Office of the Courts The budget includes funds to hire contract attorneys to meet caseload demands

CURRENT RESOURCE ALLOCATION.

27 Attorneys
5 Investigators
1 Jail Intake
1 Paralegal
11 Support/Secretarial
1 Administrative Assistant

TRIAL COURT ADMINISTRATOR

ROLE AND RESPONSIBILITIES:

The Trial Court Administrator s Office is responsible for the professional management of the courts The Trial Court Administrator identifies problems and recommends solutions that lead to improved effectiveness and efficiency of the court system Specific areas of involvement include development of local rules and administrative policies to facilitate calendaring and other administrative activities research and strategic planning case flow management jury management, budgeting personnel oversight facilities management coordination of alternative dispute resolution programs, oversight of the fine collection department and the custody mediation office, grant procurement and administration program development and project management

PRINCIPAL OFFICIAL

The Trial Court Administrator is appointed by the Chief Resident Superior Court Judge

REPORTING RELATIONSHIP

The Trial Court Administrator reports to the Chief Resident Superior Court Judge

SOURCE OF FUNDING·

The Trial Court Administrator's Office is funded by the Administrative Office of the Courts

CURRENT RESOURCE ALLOCATION·

The Trial Court Administrator's Office has 24 employees

CLERK OF SUPERIOR COURT

ROLE AND RESPONSIBILITIES:

The Clerk of Court has primary responsibility for record keeping in the criminal justice process including the disposition of all criminal cases and provides copies of legal documents to citizens and appropriate officials The Clerk's Office is also responsible for a variety of civil functions including the probate of wills and the administration of estates

PRINCIPAL OFFICIAL:

The Clerk of Court is elected to a four year term

REPORTING RELATIONSHIP:

The Clerk of Court reports to the Administrative Office of the Courts on budget and personnel matters

SOURCE OF FUNDING:

The Clerk of Court's Office is funded by the Administrative Office of the Courts

CURRENT RESOURCE ALLOCATION.

There are 126 Clerks assigned to the Clerk of Court's Office

DISTRICT COURT

ROLE AND RESPONSIBILITIES:

The District Court has exclusive jurisdiction over misdemeanors In regard to felonies, the District Court's responsibility is to hear evidence and determine whether there is probable cause to bind a defendant over to the Grand Jury The District Court has major jurisdiction over juvenile cases and domestic relations cases For youth under the age of 16, the court holds custody and support hearings as well as criminal and delinquency proceedings The court also has jurisdiction over a number of civil cases The Chief District Court Judge supervises the Magistrates's Office

PRINCIPAL OFFICIAL.

The District Court Judges are elected to four year terms by the voters in their judicial district One judge is appointed Chief District Court Judge by the Chief Justice of the State Supreme Court

REPORTING RELATIONSHIP:

The Chief District Court Judge works under the general supervision of the Chief Justice of the State Supreme Court

SOURCE OF FUNDING·

The District Court is funded by the Administrative Office of the Courts

CURRENT RESOURCE ALLOCATION:

14 Judges
2 Administrative Personnel

SUPERIOR COURT

ROLE AND RESPONSIBILITIES:

The Superior Court tries all felony cases and those misdemeanors which have been appealed from the District Court The Superior Court also has jurisdiction in civil cases over $10,000

PRINCIPAL OFFICIAL:

Superior Court Judges are elected to eight year terms by the voters in their judicial districts The Judge with the most seniority is appointed Chief Superior Court Judge

REPORTING RELATIONSHIP:

The Chief Superior Court Judge works under the general supervision of the Chief justice of the State Supreme Court

SOURCE OF FUNDING:

The Superior Court is funded by the Administrative Office of the Courts

CURRENT RESOURCE ALLOCATION:

6 Judges
1 Special Judge
2 Support Personnel

ADULT PROBATION AND PAROLE

ROLE AND RESPONSIBILITIES:

This agency is responsible for investigating and managing sentencing alternatives for individuals convicted of a criminal offense These sentencing options include probation for suspended sentences, deferred prosecution programs, electronic house arrest and intensive probation for convicted felons

PRINCIPAL OFFICIAL:

The Judicial District Manager for Adult Probation and Parole is hired by the State Department of Corrections, Adult Probation and Parole

REPORTING RELATIONSHIP:

The Judicial District Manager reports to the Division Chief in Asheville, North Carolina

SOURCE OF FUNDING:

Adult Probation and parole is funded by the State Department of Corrections

CURRENT RESOURCE ALLOCATION:

There are 158 Probation and Parole Officers, 35 of whom are assigned to the intensive probation function

ATTACHMENT TWO

CRIMINAL JUSTICE SYSTEM FLOW CHARTS

This section contains two flow charts of the criminal justice system One is a detailed process map with an accompanying table explaining each of the blocks The other is a simplified flow chart which illustrates the system but does not capture its complexity There is an additional chart , The Road to Justice, which shows the flow of cases into Drug Court and illustrates the small number of cases that actually go all the way to trial

December 17, 1997

MECKLENBURG COUNTY CRIMINAL JUSTICE SYSTEM

Process	Description	Responsibility
1	Officer has responded to a situation that requires a police assistance Go to process 2	----------
2	Encounter the suspect(s) associated with the incident and evaluate the situation Go to decision 3	Officer
3	Determine if there is probable cause to arrest the suspect(s) If probable cause exists, go to decision 4 If there is no probable cause to arrest the suspect, go to decision 7	Officer
4	Decide whether or not to make an on-scene arrest If the suspect is arrested at the scene, go to decision 7 If the suspect is not arrested at the scene, go to decision 6	Officer
5	Determine whether or not a Uniform Citation will be issued to the suspect If a citation is to be issued, go to decision 6 If no citation will be issued, go to decision 7	Officer
6	Complete the Uniform Citation and issue it to the suspect Go to decision 7	Officer
7	Determine if it is necessary to document the incident If documentation is appropriate, go to process 8 If a report is not needed, go to decision 9	Officer
8	Complete the incident report and any other reports necessary to document the incident Go to decision 9	Officer
9	Will the suspect be released from the scene or is he/she under arrest? If the suspect will be released, go decision 10 If the suspect is under arrest, go to process 14	Officer
10	Does the incident need to be papered with the District Attorney's office? If yes, go to process 11 If no, go to terminal 13, "Available for service "	Officer
11	Complete all forms necessary to paper the incident with the District Attorney's office Go to process 12	Officer
12	Paper the incident with the Assistant District Attorney Go to terminal 13, "Available for service "	Officer

13	Officer has completed the immediate tasks associated with the incident Officer clears from the incident and is available for dispatch	---------- -------
14	Complete all paperwork necessary to arrest the suspect Go to process 15	Officer
15	Transport the suspect to the Mecklenburg County Intake facility	Officer
16	Complete necessary paperwork, fingerprint and photograph the defendant Conduct any other activities necessary to process the defendant Go to process 17	Court Services
17	Interview the defendant and assess his/her eligibility to participate in the Court Services Release program Go to process 18	Court Services
18	Review the arrest affidavit in order to obtain an understanding of the arrest Go to decision 19	Magistrate
19	Did the officer have probable cause to arrest the defendant? If yes go to decision 22 If no, go to process 20	Magistrate
20	Dismiss the charges based on no probable cause to arrest the defendant Go to terminal 21, "Judicial process complete "	Magistrate
21	The Judicial process is complete	----------
22	Did the arresting officer charge the defendant with the appropriate charge(s)? If yes, go to process 27 If no, go to decision 23	Magistrate
23	Decide whether or not to change the incorrect charge(s) to the correct charge(s) If the incorrect charge(s) will not be corrected, go to process 20 If the charge(s) will be changed, go to process 24	Magistrate
24	Amend the incorrect charge(s) to the correct charge(s) Go to decision 25	Magistrate
25	Is it necessary to notify the arresting officer of the amended charge(s)? If yes, go to process 26 If no, go to process 27	Magistrate
26	Contact the arresting officer and inform him/her of the amended charge(s) Go to process 27	Magistrate

27	Review the defendant's file and set the appropriate bond Go to decision 28	Magistrate
28	Was the defendant able to post bond? If yes, go to process 29 If no, go to process 30	Magistrate
29	Release defendant from custody and inform him/her of the first court date Go to process 31	Magistrate
30	Detain defendant in the Mecklenburg County jail Go to process 31	Magistrate
31	Forward the defendant's arrest file to the District Attorney's office Go to process 32	Magistrate
32	Review the defendant's arrest file and identify those charges that will be accepted for further prosecution consideration Go to decision 33	Assistant District Attorney
33	Will the case be accepted for prosecution? If yes, go to process 34 If no, go to process 56	Assistant District Attorney
34	Defendant appears in District Court An administrative review of the case is conducted and the defendant indicates whether he/she will waive the right to an attorney, request that counsel be appointed by the State, or retain a private attorney The defendant's next court date is set Go to decision 35	District Court
35	Will the case be dismissed at this time? If yes, go to process 56 If no, go to decision 36	District Court
36	Has the defendant plead guilty at this time? If yes, go to process 60 If no, go to process 37	District Court
37	A bond hearing is conducted to determine if the current bond is appropriate Go to decision 38	District Court
38	Is the defendant's charge(s) a felony or a misdemeanor? If a felony, go to decision 41 If a misdemeanor, go to decision 39	Assistant District Attorney
39	Did the defendant plead guilty during the Administrative District Court session? If yes, go to process 60 If no, go to process 40	Assistant District Attorney
40	District Court judge conducts a misdemeanor trial court session in the Mecklenburg County Court House Go to decision 55	District Court

41	Has the arresting officer papered the case? If yes, go to process 42 If no, go to process 56	Assistant District Attorney
42	Review the defendant's case file and begin preparing it for prosecution Go to decision 43	Assistant District Attorney
43	Is additional information needed to prosecute the defendant? If yes, go to decision 44 If no, go to process 51	Assistant District Attorney
44	Will additional information be collected? If yes, go to process 45 If no, go to process 56	Officer
45	Document any additional information on the appropriate forms Go to decision 46	Officer
46	Is the additional information returned to the District Attorney's office? If yes, go to decision 47 If no, go to process 56	Officer
47	Are all prosecution documents present in the District Attorney's case file? If yes, go to decision 49 If no, go to decision 48	Assistant District Attorney
48	Based on the current lack of information in the District Attorney's case file, will the case be prosecuted? If yes, go to decision 43 If no, go to process 56	Assistant District Attorney
49	Did the defendant waive his/her probable cause hearing? If yes, go to process 67 If no, go to decision 50	Assistant District Attorney
50	If the defendant exercised his/her right to a probable cause hearing, will the District Attorney's office allow the hearing to take place? If yes, go to process 51 If no, go to decision 55	Assistant District Attorney
51	Conduct the probable cause hearing in court room 1101 Go to decision 52	District Court
52	Is the defendant eligible and does he/she have the desire to participate in the S T E P Drug Treatment program? If yes, go to process 53 If no, go to decision 55	District Court
53	Monitor the defendant's progress and compliance with the treatment program Go to decision 54	District Court

54	Has the defendant complied with the requirements of the drug treatment program? If yes, go to process 56 If no, go to process 67	District Court
55	What is the status of the defendant upon the completion of the probable cause hearing or the misdemeanor trial court session? If the charges against the defendant have been voluntarily dismissed, go to process 56 If the defendant pleads guilty to a misdemeanor, go to process 60 If the defendant's charge(s) has been dismissed to the Grand Jury, go to process 67 If the defendant pleads guilty as charged or to an amended charge(s), go to process 60 If the defendant is recommended to Deferred Prosecution, go to process 63 If the defendant was found to be not guilty at the misdemeanor court session, go to terminal 62, "Judicial process complete "	District Court
56	Conduct the appropriate actions necessary to dismiss the charge(s) against the defendant Go to decision 57	Assistant District Attorney
57	Is it necessary to inform the arresting officer of the dismissed charge(s)? If yes, go to process 58 If no, go to terminal 59, "Judicial process complete "	Assistant District Attorney
58	Send a letter to the arresting officer informing him/her that the charge(s) against the defendant was dismissed Go to terminal 59, "Judicial process complete "	Assistant District Attorney
59	The Judicial process is complete	---------- -
60	Sentence the defendant for the appropriate crime(s) Go to decision 61	District Court
61	Did the defendant appeal the judge's verdict/sentence? If yes, go to process 70 If no, go to terminal 59, "Judicial process complete "	District Court
62	The Judicial process is complete	- ----------
63	Review the defendant's application for eligibility criteria Go to decision 64	Deferred Prosecution

MECKLENBURG COUNTY CRIMINAL JUSTICE SYSTEM		
64	Is the defendant eligible to participate in the Deferred Prosecution program? If yes, go to process 65 If no, go to process 40	Deferred Prosecution
65	Monitor the defendant's compliance with the terms of his/her Deferred Prosecution contract Go to decision 66	Deferred Prosecution
66	Has the defendant successfully completed the program? If yes, go to process 56 If no, go to process 40	Deferred Prosecution
67	Listen to the testimony of the arresting officer and determine the facts of the case Go to decision 68	Grand Jury
68	Based on the arresting officer's testimony, should the defendant be indicted for the stated charge(s)? If yes, find a "True Bill", go to process 70 If no, find "No True Bill," go to process 69	Grand Jury
69	Dismiss the felony charge(s) against the defendant Go to terminal 78, "Judicial process complete "	Grand Jury
70	Arraign the defendant on the stated charge(s) Go to decision 71	Superior Court
71	What is the status of the defendant's charge(s) upon the conclusion of the arraignment? If the defendant pleads guilty as charged or guilty to an amended charge(s), go to process 75 If the defendant pleads not guilty, go to process 72 If the defendant's charge(s) has been dismissed, go to process 56 If the defendant decides to have his/her charge(s) remanded back to district Court, go to process 60	Superior Court
72	Conduct a Superior Court jury trial session Go to decision 73	Superior Court
73	What is the verdict of the Superior Court jury trial? If guilty go to process 75 If not guilty, go to terminal 78, "Judicial process complete " If the charge(s) was dismissed during the trial, go to process 56 If there was a "Hung Jury," go to decision 74	Superior Court
74	Assistant District Attorney must decide whether or not the defendant's charge(s) will be retried If the defendant will be retried on a later date for the same charge(s), go to process 72 If the defendant's charge(s) will not be retried, go to process 56	Superior Court

MECKLENBURG COUNTY CRIMINAL JUSTICE SYSTEM		
75	Sentence the defendant for the appropriate crime(s) Go to decision 76	Superior Court
76	Did the defendant appeal the jury's verdict or the judge's sentence? If yes, go to the start of the appellate review process, 77 If no, go to terminal 78, "Judicial process complete "	Superior Court
77	Begin the appellate review process of the defendant's charge(s)	Appellate Court
78	The Judicial process is complete	----------

ATTACHMENT THREE

A TALE OF TWO OFFENDERS

The two charts in this section trace two offenders as they enter the criminal justice system and commit additional crimes while awaiting adjudication of their original offense Each color on a chart represents one of the cases involving the offender

These case studies were selected to illustrate some of the problems that exist because of the inadequacy of the information systems available to all components of the criminal justice system This problem is most acute when a defendant enters the system multiple times Judges and other decision makers do not always have access to accurate and timely information in a useable form There is also little information available on any criminal activity committed in another jurisdiction

ATTACHMENT FOUR

HIGHLIGHTS OF PREVIOUS STUDIES OF THE CRIMINAL JUSTICE SYSTEM

This section contains highlights of four previous studies of the criminal justice system Many of the recommendations have remained the same over the last 15 years All of the studies have emphasized the inadequate resources in the District Attorney's Office and the fact that Mecklenburg County s share of the resources that the state allocates for criminal justice is disproportionate to its population, crime rate and criminal justice system caseload

TITLE: Follow-Up Report of the 1982 Report and Recommendations of The American University Study Team on the Charlotte-Mecklenburg Criminal Justice System

RESEARCHER: The American University Study Team

PREPARED FOR: Charlotte City Council and Mecklenburg County Commission

DATE: March, 1989

HIGHLIGHTS.

- Roughly a 50% increase in criminal caseload with only a 10% increase in overall resources and virtually no increase in resources for prosecution
- District Attorney has not had a staff increase since 1979 despite a 72% increase in overall crime a 141% increase in violent crimes and a 64% increase in property crimes
- The population in Mecklenburg County has increased 18%
- Arrests increased 36% between 1981-1987
- The City responded to the increase in crime with an 18% increase in police officers
- The state increased its support for indigent defense services by increasing the Public Defender s Office from 8 public defenders in 1978 to 19 in 1987
- Assigned counsel resources for the Public Defender's Office increased from $100 000 to $800,000 from 1978 to 1987
- This is the only jurisdiction that the study team is aware of where public spending for indigent defendants exceeds that for the prosecutor's office
- Statistics from the Administrative Office of the Courts indicate that 29% of the felony cases were dismissed during the last six months of 1988

RECOMMENDATIONS FROM THE 1982 STUDY

- Improve system operation and defendant flow from arrest to sentencing
- Improve the information flow between all the components of the system
- Improve public education and information about the court system
- Improve the mechanisms for ongoing system analysis and coordination
- Create a position for a Criminal Justice System Coordinator
- Upgrade the Magistrate s position, including training, to relieve the workload on District Court Judges

RECOMMENDATIONS FROM THE 1989 STUDY:

- Local appropriations for additional prosecutors or
- Much more extensive use of paralegals or
- Attain additional state funding for the District Attorney's Office
- Upgrade the Magistrate's position, including training, to relieve the workload of the District Court Judges

TITLE: Without Favor, Denial, or Delay

RESEARCHER: Commission for the Future of Justice and the Courts

PREPARED FOR: Chief Justice James Exum, N.C. Supreme Court

DATE: 1994

HIGHLIGHTS:

- North Carolina courts appear to handle one of the largest caseloads in the United States
- There were 2 5 million cases filed for a state with a population of seven million
- The greatest percentage of growth is in felonies and domestic cases
- Less than 3% of felonies go to trial each year

RECOMMENDATIONS OF STUDY:

- Provide for the appointment of district attorneys, judges, and clerks
- Establish a State Judicial Council
- Give the State Supreme Court the authority to set rules of trial procedure
- Merge Superior and District Courts
- Allow juries composed of as few as six people
- Grant the court system control over its budget
- Eliminate the right to trial by jury for petty misdemeanors
- Transfer prosecutors to a newly created Office of Solicitor General

TITLE: An Analysis of the North Carolina District Attorney's Resources

RESEARCHER: Jefferson Institute for Justice Studies

PREPARED FOR: North Carolina Conference of District Attorneys

DATE: February, 1996

HIGHLIGHTS:

- From 1981 to 1989, the formula for distribution of District Attorney positions was unweighted, in 1989 a weighted formula was adopted (54% population and 46% caseload)
- The average weighted workload by Assistant District Attorney ranked by judicial district indicates the relative need for new positions
- Expenditures for district attorneys have not kept up with inflation
- Present and past formulas for District Attorney resource allocations are too heavily weighted by population and give insufficient weight to felony caseloads which require the highest proportion of resources
- Arrests for Part 1 offenses are a good indicator for changes in workload for the District Attorney's Office
- Measuring workload by counting the number of defendants is more accurate than measuring filed charges and lends itself to comparisons among judicial districts
- Filed charges are easily manipulated
- The problems of a large urban district attorney bear little or no relation to the vast majority of district attorneys in North Carolina
- The median size for a district attorney's office in North Carolina is 6-7 district attorneys
- Charlotte, the largest District Attorney's Office in the state, has 23 state funded District Attorneys at the time of this study
- Charlotte needs 40 Assistant District Attorneys, a net gain of 17 positions

EFFECTS OF LACK OF RESOURCES·

- Median age of superior felony court cases increased from 83 days in 1986 to 97 days in 1992
- In 1984, North Carolina disposed of 67% of felonies within four months, by 1990, only 12 6% of felonies were disposed of within four months
- Felony cases disposed of by jury trials dropped from 7% in 1981, to 5 2% in 1985, to 2 4% in 1994

RECOMMENDATIONS OF STUDY:

- The mission of the Conference of District Attorneys should be expanded with the Conference granted the budgetary and administrative functions currently handled by the Administrative Office of the Courts, with the Conference given adequate personnel and resources as well as contracting authority
- The Conference of District Attorneys should be given the resources to
    - Increase training and technical assistance services
    - Conduct policy analyses of legislation
    - Perform management and organizational studies
    - Monitor space, facilities, and equipment needs of district attorneys
    - Support innovative experiments and programs to improve prosecution
- District Attorneys should work with local law enforcement to develop uniform crime reporting systems that support prosecutions
- District Attorneys should develop a system of pre-warrant screening of all felony and misdemeanor cases
- District Attorneys and Conference of District Attorneys should develop strategies that maximize the potential of district courts to increase early dispositions of some cases
- In 1995, the state should have 415 Assistant District Attorney positions to restore the workload to its 1985 level
- Ideally, the budget process should first set funding based on the volume of arrests and cases filed, then fund criminal courts based on the number of judges needed to handle the caseload