



Bureau of Justice Assistance

# **Differentiated Case Management**

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**IMPLEMENTATION MANUAL**

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# CRITICAL ELEMENTS OF A DCM PROGRAM AND ASSESSMENT GUIDELINES

Here are the essential elements of a DCM program along with the objectives they support and the criteria and guidelines for assessing the effectiveness with which they function.

## A. Case Differentiation Criteria

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**Objective:** *Identification of the factors that determine the level of preparation and court intervention required to achieve a timely and just resolution in each case.*

### Assessment Criteria:

- Policymakers have agreed on the factors that meaningfully differentiate cases.
- These factors are the basis for formal criteria used to define the number and nature of case processing tracks in the DCM system.
- Track criteria are unambiguous and easily used.
- Track criteria are clearly understood by all, including the bar.

### Assessment Guidelines:

- Do the track criteria for the DCM program provide a meaningful guideline for categorizing cases according to the time and tasks required for their fair disposition?
- Are the track criteria clearly defined and capable of easy, unambiguous application?

## B. Case Processing Tracks and Procedures

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**Objectives:** *Creation of sufficient processing tracks to facilitate timely disposition.*

**Scheduling of case events consistent with the needs of each case.**

### Assessment Criteria:

- Each of the DCM tracks is used with sufficient frequency to justify its existence.
- No DCM track has so high a percentage of cases assigned that it defeats the purpose of case differentiation.
- Each event on the track and its timing meaningfully contributes to timely case preparation, disposition, or both.
- The time and processing characteristics of each track accommodate the range of management/processing needs of the caseload.
- Track reassignment is easily accomplished when justified.
- Track reassignment occurs infrequently.

### Assessment Guidelines:

- Do the distinguishing processing characteristics of the tracks in the DCM system reflect the range of management needs of the cases filed?
- Do the time and processing characteristics of each track permit flexibility to accommodate the range of management/processing needs of the individual cases assigned?
- Is the time between events individualized to reflect the management needs of each case?
- Are all of the tracks established being used frequently enough to make them useful?
- What percentage of cases are assigned to each track? What percentage of cases were anticipated to be assigned to each track? [If the actual percentage of cases assigned to the tracks differs significantly from the anticipated percentages, are there any special issues that need to be addressed, such as

possible need for refinement of the track criteria?  
creation of subtracks? etc.]

- Are the tracks serving the purposes for which they were established?
- How are cases warranting track reassignment identified?
- What criteria are used to determine whether or not reassignment is necessary?
- What procedures are used to reassign a case to another track?

### C. Case Screening Process and Track Determination

**Objective:** *Screening of each case as soon as possible after filing and assignment to the appropriate track.*

#### Assessment Criteria:

- Suitable forms and procedures exist for obtaining necessary information about each case at the time of filing for the purpose of track determination.
- Case differentiation criteria are applied shortly after each case is filed.
- Track assignment is communicated promptly to attorneys and appropriate court staff.
- Deadlines imposed as a result of track determination are communicated promptly to those who need them.
- The track assignment and associated deadlines are recorded in the permanent case record.

#### Assessment Guidelines:

- Does the court review the pleadings in each case shortly after filing (i.e., after charges are filed in criminal cases and after issue is joined in civil cases), using the criteria established for each track, to determine the track assignment for each case and the timeframe appropriate for its disposition?
- Is there adequate information available to make the track assignment at the time of this review? If not,

what additional information is needed for track determination and how soon can it be obtained?

- How are the results of the case review recorded and communicated to attorneys and court staff?
- How much time elapses between the time of filing and the track assignment? Can this time period reasonably be reduced? What case disposition activity is occurring during this period?

### D. Court Control of Case Progress and Deadlines

**Objective:** *Assurance that cases proceed to disposition in accordance with the procedures and deadlines for the track to which they have been assigned.*

#### Assessment Criteria:

- Hearings or other court events occur on the scheduled date.
- The court can identify cases that are in danger of exceeding deadlines and take action to assure that they stay on schedule.
- Extensions of deadlines occur infrequently and are granted by the court only for exceptional cause.
- Requests for extensions are recorded and their frequency monitored.
- Patterns of requests for continuances are examined to determine whether modifications in the DCM system may be necessary.
- Consequences are imposed for noncompliance with established deadlines.

#### Assessment Guidelines:

- Are cases heard when scheduled for pretrial events? For trial?
- What mechanisms are used to monitor compliance with case processing deadlines?
- Can the court identify cases in danger of noncompliance with these deadlines? Who identifies these cases? What action is taken on them?

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■ How and when are cases identified that have exceeded deadlines? Who identifies these cases? What action is taken on them?

■ What mechanisms are used to monitor the frequency and reasons for motions to extend deadlines?

- How frequently, by track, are such motions filed?
- By track, what action is taken on these motions?

■ Are continuance requests made for any special category of cases or for any specific events with such frequency as to suggest that existing DCM time-frames are unrealistic or that resources are not adequate to achieve case processing objectives?

■ What mechanisms exist to monitor the frequency and circumstances of motions to compel compliance with discovery requests by track? By case type?

■ How frequently are such motions filed by track? By case type?

■ What action is taken on these motions?

## E. Information Support

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**Objectives:** *Prompt creation of a case record to facilitate monitoring of case progress and overall system performance.*

*Use of the information system to:*

- *monitor case progress.*
- *generate notices, calendars, and statistical reports.*
- *permit periodic analysis of system performance.*

### Assessment Criteria:

■ Case information, track assignment, and deadlines are entered promptly into a data base.

■ The information produced by the system enables court personnel to monitor case progress and the condition of the caseload.

■ Information about the current status of each case is readily available.

■ The system flags cases in danger of exceeding time standards.

■ Performance of cases on each track can be evaluated, by track.

■ The system can respond to ad hoc inquiries.

■ The system provides information to determine whether the DCM system is meeting goals and objectives.

■ Notices and calendars are generated promptly.

### Assessment Guideline:

■ Is the track decision promptly entered into a data base?

■ Is this information subsequently used for day-to-day case management?

■ Is the track assignment promptly communicated to the parties involved along with the schedule for subsequent case processing events?

■ Is the information needed to manage and monitor your DCM program routinely collected?

■ Is the information needed to determine whether modifications need to be made in the DCM program routinely collected and readily available?

■ How is this information obtained and what is done with the information after it is obtained? (i.e., to whom is the information communicated?)

■ Is the information needed to measure the success of your DCM program routinely collected and readily available?

■ How is this information obtained and to whom is it communicated?

■ Does the information system routinely provide information by track regarding:

- case inventory by age, case type, and event?
- compliance with event and track deadlines?
- frequency, reason for, and effect of continuances?
- case dispositions by age, track, and type of disposition?

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## F. Judicial System Leadership

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**Objectives:** *A key judge to assume responsibility for overseeing the DCM program, meet regularly with officials of the agencies involved, review case management reports, address problems disclosed by these reports, and meet periodically with the DCM policy board and implementation task force.*

*The court has adopted policies that articulate the DCM goals and policies clearly.*

### Assessment Criteria:

- The court has published policies that clearly articulate the goals and procedures of the DCM program.
- There is evident judicial leadership of the DCM system.
- There is frequent, open consultation between the court and each agency involved with the DCM system.

### Assessment Guidelines:

- Has the court clearly publicized the goals and procedures of the DCM program to attorneys and others involved in the caseload process?
- Has one judge been designated with administrative responsibility for monitoring and managing the DCM program and assuring that goals and procedures are achieved?
- Does he or she meet regularly with other judges and officials in other agencies involved in the DCM program to address the operation of the program?

- Does he or she have authority to adopt/revise procedures to address operational problems that occur?

- Have mechanisms been established to assure that all judges adhere to DCM policies and procedures?

## G. Mechanisms for Interagency Coordination

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**Objective:** *Establishment of mechanisms for ongoing communication among all agencies involved in the DCM process.*

### Assessment Criteria:

- Representatives of the agencies involved meet regularly concerning system operation.
- Operational problems are addressed and resolved in a collegial manner.

### Assessment Guidelines:

- Do representatives from each of the agencies involved in the operation of the DCM program meet regularly to discuss the DCM program from the perspective of their respective offices?
- Are operational problems relating to interagency coordination promptly identified and addressed?
- Is the information needed to measure the impact of the DCM program routinely collected?
- What actions are taken as a result of having this information?