

TRIAL COURT FACT SHEET

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Judicial Workload Measured In Adult Drug Courts

Since 2000, the Supreme Court has utilized a weighted caseload system for determining the need for additional trial court judgeships in Florida. This weighted caseload system was developed at the request of the Florida Legislature as a measurement of optimum judicial caseloads for twenty-six trial court case types.

To develop the weighted caseload system, a study was conducted by the National Center for State Courts (NCSC) and the OSCA. The Supreme Court also established a policy committee, comprised of 41 circuit and county judges, to direct the study. The policy committee adopted a "reasonableness" case weight standard to define a reasonable caseload. A *reasonable caseload* was defined as the number of weighted cases that allow the sufficient number of minutes for a judge to dispose of the average case in a satisfactory and timely manner.

A critical piece of developing weights involved an examination of the actual judicial time needed to process each type of case. There was an examination of judicial time in three major categories: 1) preliminary proceedings/case-related administration, 2) bench and jury trials, and 3) post judgment activity.

Following the examination, the policy committee believed there was insufficient information available to accurately assess judicial time needed for certain case types. One such example was the felony drug case type. The weight assigned to felony drug cases was 38 minutes. The 38 minutes included: 29 minutes for preliminary proceedings/case-related administration, 6 minutes for bench and jury trials, and 3 minutes for post-judgment activity. However, the policy committee recognized that the impact of treatment-based drug court programs on the judicial time spent in felony drug cases was not completely known. Thus, it was recommended that the OSCA assess the judicial time associated

with these specific cases when more resources were available to undertake such an endeavor.

Examining Adult Treatment-Based Drug Courts

An OSCA assessment of adult treatment-based drug courts was initiated in the spring of 2003. The first step in assessing judicial time expended for adult treatment-based drug court cases was to identify the events that actually occur in these cases. Throughout Florida there is significant variation in how treatment-based drug court cases are processed. For instance, offenders may enter a treatment-based drug court program during the pretrial stage of a case, or alternatively, offenders may enter a program following conviction. Approximately half of Florida's adult treatment-based drug court programs handle pre-trial diversion cases while the other half handle post-conviction cases. Some programs handle both. The following table provides a distribution of programs operational as of January 2003.

Table 1
Adult Treatment-Based Drug Court Programs
Operational as of January 2003

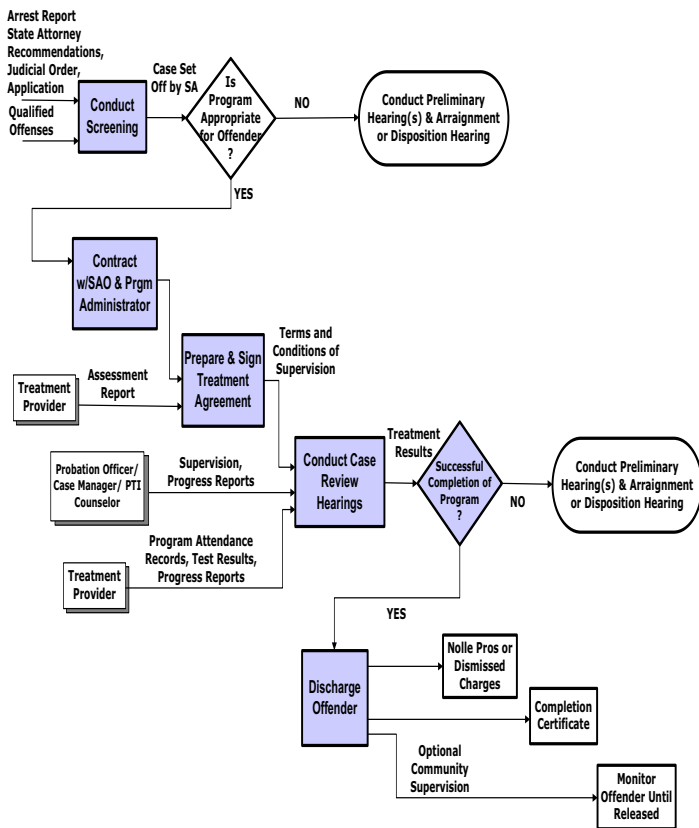
County Name (Judicial Circuit)	Program Start Date	County Name (Judicial Circuit)	Program Start Date
Alachua (8)	Mar 1994	Leon (2)	Jan 1994
Bay (14)	Jan 1997	Manatee (12)	Mar 1997
Brevard (18)	Oct 1994	Marion (5)	Apr 1997
Broward (17)	Jul 1991	Martin (19)	Jan 2001
Charlotte (20)	Apr 2000	Monroe (16)	Oct 1993
Citrus (5)	Jun 2000	Okaloosa (1)	Oct 1993
Clay (4)	Feb 2001	Orange (9)	Aug 2000
Collier (20)	Sep 1999	Osceola (9)	Jan 2000
Dade (11)	Jun 1989	Palm Beach (15)	Nov 2000
Duval (4)	Oct 1994	Pinellas (6)	Jan 2001
Escambia (1)	Jun 1993	Polk (10)	Jan 1995
Glades (20)	Oct 1999	Putnam (7)	Jan 2002
Hendry (20)	Oct 1999	St. Johns (7)	Oct 2002
Hernando (5)	Oct 2001	St. Lucie (19)	Oct 2001
Hillsborough (13)	Jun 1992	Sarasota (12)	Mar 1997
Indian River (19)	May 2002	Seminole (18)	Jul 2001
Jackson (14)	Nov 2002	Volusia (7)	Jul 1997
Lee (20)	May 2000		

Despite procedural variations, generally the events that take place in pretrial diversion drug court programs are as follows:

- Arrest
- Drug court program screening
- Enter into contract with State Attorney and Drug Court Program Administrator
- Treatment with periodic judicial monitoring
- Successful completion of treatment program (offenders who fail to complete program return to normal judicial process)
- Discharge offender and close case

Diagram 1 below, provides a detailed illustration of this process.

Diagram 1
Adult Treatment-Based Drug Court
Pre-Trial Diversion



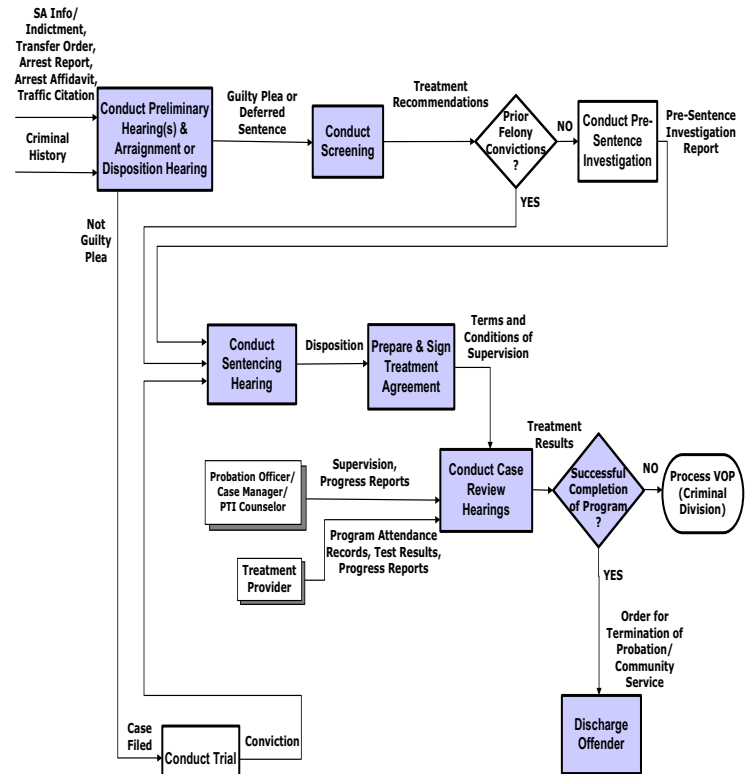
Generally, the events that take place in post-conviction drug court programs are as follows:

- Arrest
- Preliminary hearing(s)/arraignment/disposition hearing (plea or deferred sentence)
- Drug court program screening
- Sentencing hearing, Public Defender and Judge explain treatment program (enter into contract with State Attorney and Drug Court Program Administrator)
- Treatment with periodic judicial monitoring

- Successful completion of treatment program (failure to complete program is processed as a violation of probation)
- Discharge offender and close case

Diagram 2 below, provides a detailed illustration of this process.

Diagram 2
Adult Treatment-Based Drug Court
Post-Conviction



Assessing Judicial Workload in Adult Treatment-Based Drug Courts

Traditionally, the judge's role in a felony drug case is to preside over the trial proceedings and/or determine innocence or guilt and impose a sentence, when appropriate. The judge's work usually ends after the sentence is imposed, unless post-judgment activity occurs on a case (violation of probation). The purpose of treatment-based drug court programs is to divert offenders from reentering the judicial system, whether it be as a violation of probation or a new criminal case. According to a national recidivism study conducted by the National Institute of Justice, the rate of recidivism for drug cases handled in a traditional method was found to be 43.5% after one year and 58.6% after two years. For graduates of drug court programs, the study revealed a rate of recidivism of only 16.4% after one year and 27.5% after two years.

A judge presiding over a treatment-based drug court case oversees all aspects of the treatment and supervision of the defendant. In fact, a drug court

program judge manages a case both in and outside of the courtroom several times up until an offender graduates from the program (an average of 12 to 18 months).

The more formal role of a drug court program judge is to preside over status review hearings. These hearings are held frequently when a defendant begins the program (as often as once a week for the first month). The frequency of status hearings tapers off (usually to once a month) as the defendant progresses further into treatment. During the hearings, the judge often communicates with the defendant regarding the defendant's health, housing, family, job, and feelings about treatment and drug usage.

Prior to each status review hearing, meetings in the judge's chambers, commonly referred to as "case staffings" are held. Case staffings are held prior to each hearing in order to discuss the status of a case. They may be attended by the judge, the program coordinator, case managers, counselors, state attorneys, public defenders, probation officers, and others involved in monitoring cases. In addition to case staffings, other activities performed in-chambers by the judge may include, but are not limited to, case file reviews and phone calls with treatment providers.

Assessment Methodology

In order to capture the judicial time spent on treatment-based drug court cases, two sources of information were utilized. The first source was clerk of court files and/or drug court program case tracking systems. Case file information was utilized for gathering case specific information on the total number of "in-court hearings" that occur during the life of a case and also to collect case outcomes (i.e., successful completion) for program admissions. The second source was court event observations. These observations were used for gathering summary information on the amount of time expended directly by judges during "in court hearings" and "in-chamber case-related events."

Overall, data collection for the assessment was performed by drug court program judges and drug court program coordinators in twenty-seven of the thirty-nine total adult treatment-based drug court programs in Florida. In other words, 69 percent of all programs participated in the assessment. The assessment also included the participation of 73 percent of adult treatment-based drug court judges in Florida.

Florida: A Drug Court Pioneer

Florida was the first state in the nation to develop and initiate the treatment-based drug court concept. This concept stemmed from the need to comply with a federal mandate to reduce inmate populations, failure of which would have resulted in the loss of federal funding. Recognizing the severity of the situation, the Supreme Court of Florida directed Judge Herbert Klein of Dade County to research the problem.

Through his research, Judge Klein determined that a large majority of criminal inmates had been incarcerated because of drug charges. He also discovered that this same inmate population continued to revolve in and out of the criminal justice system because of their underlying problems with drug addiction. With these findings, it was decided that a component for providing drug treatment services should be partnered with other components of the criminal justice system. Also recognized was the need for strong judicial leadership and collaboration with community programs in order to provide this new treatment-based component in Florida's court system.

The first treatment-based drug court program was created in Dade County in 1989. Currently, Florida has 88 operational drug courts including adult, juvenile, and dependency programs. The adult drug court programs alone manage over 10,000 cases each year.

For further information about Florida's drug court programs, you may contact the Office of Court Improvement at (850) 414-1507 or access the State Courts System web site at www.flcourts.org.

Data were collected from clerk case files or program tracking systems on a total of 1,885 adult treatment-based drug court cases (that involved a felony offense) in which a defendant was accepted into a program during calendar year 2001. During a two month time frame (April and May of 2003), data were also collected on 16,621 in-court hearings and 9,596 in-chamber events that took place for active adult treatment-based drug court cases (involving a felony offense).

Assessment Analysis

Analysis of the data entailed a series of complex calculations. A summary of the calculation steps is provided below.

- Determine the number of “in-court hearings” held for each case disposed in the data collection sample.
- Determine the number of “in-chamber case-related events” for cases disposed in the data collection sample.
- Determine the judicial time spent for each “in-court hearing” and “in-chamber case-related event” for the two month time period. Calculate the average amount of judicial time spent during the two months.
- Extrapolate the number of hearings/events for cases disposed in the data collection sample and calculate the average number of hearings/events for the disposed cases.
- Calculate the number of minutes associated with case activity by multiplying the average number of hearings/events held by the average amount of judicial time spent.

Assessment Results

The assessment analysis indicated that the number of hearings/events held, on average, for an adult treatment-based drug court case is 23. The average length of a hearing/event was found to be 2.9 minutes. Consequently, the average amount of judicial time expended per adult treatment-based drug court case was found to be **66.7 minutes** (23 multiplied by 2.9).

Since adult treatment-based drug court activity takes place as an intervention to or following the disposition of a case, the average time of 67 minutes was factored into the post-judgment

category to determine the weight for these cases. As may be observed in Table 2 below, the ensuing case weight for an adult treatment-based drug court case totals **102 minutes**.

Table 2
Comparison of Case Weights
Drug Case vs. Treatment-Based Drug Court Case

Weight Category	Drug Case Minutes	Treatment-Based Drug Court Case Minutes
Preliminary Proceedings/ Case-Related Administration	29	29
Bench and Jury Trials	6	6
Post Judgment Activity	3	67
Overall Case Weight	38	102

The Bottom Line

Treatment-based drug court programs are designed to curtail recidivism in the criminal justice system by directly addressing one of the leading causes of crime, drug addiction. In fact, according to the National Institute of Justice, these programs may reduce recidivism by as much as 31% thereby reducing the time a judge has to deal with repeat offenders.

The findings of this assessment provide a more detailed analysis of the impact of treatment-based drug court programs on judicial workload. The weight identified by the previous caseload study, while reasonable for a typical drug offense, did not fully capture the level of judicial activity associated with an average treatment-based drug court case. Moreover, despite the additional judicial workload involved, these findings illustrate the commitment of drug court program judges to end the cycle of drug addiction and its impact on crime in Florida.

If you would like more detailed information related to the assessment, you may contact the Court Services Unit of the Office of the State Courts Administrator at (850) 922-5094.

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