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**UP-DATE
'THREE STRIKES, YOU'RE OUT'**

**WORKLOAD IN PROCESS WITHIN THE
JUSTICE SYSTEM IN
SANTA CLARA COUNTY
CALIFORNIA**

Prepared for
Santa Clara County Three-Strikes Committee

NCJRS

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ACQUISITIONS

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Office of the County Executive
Santa Clara County, California**

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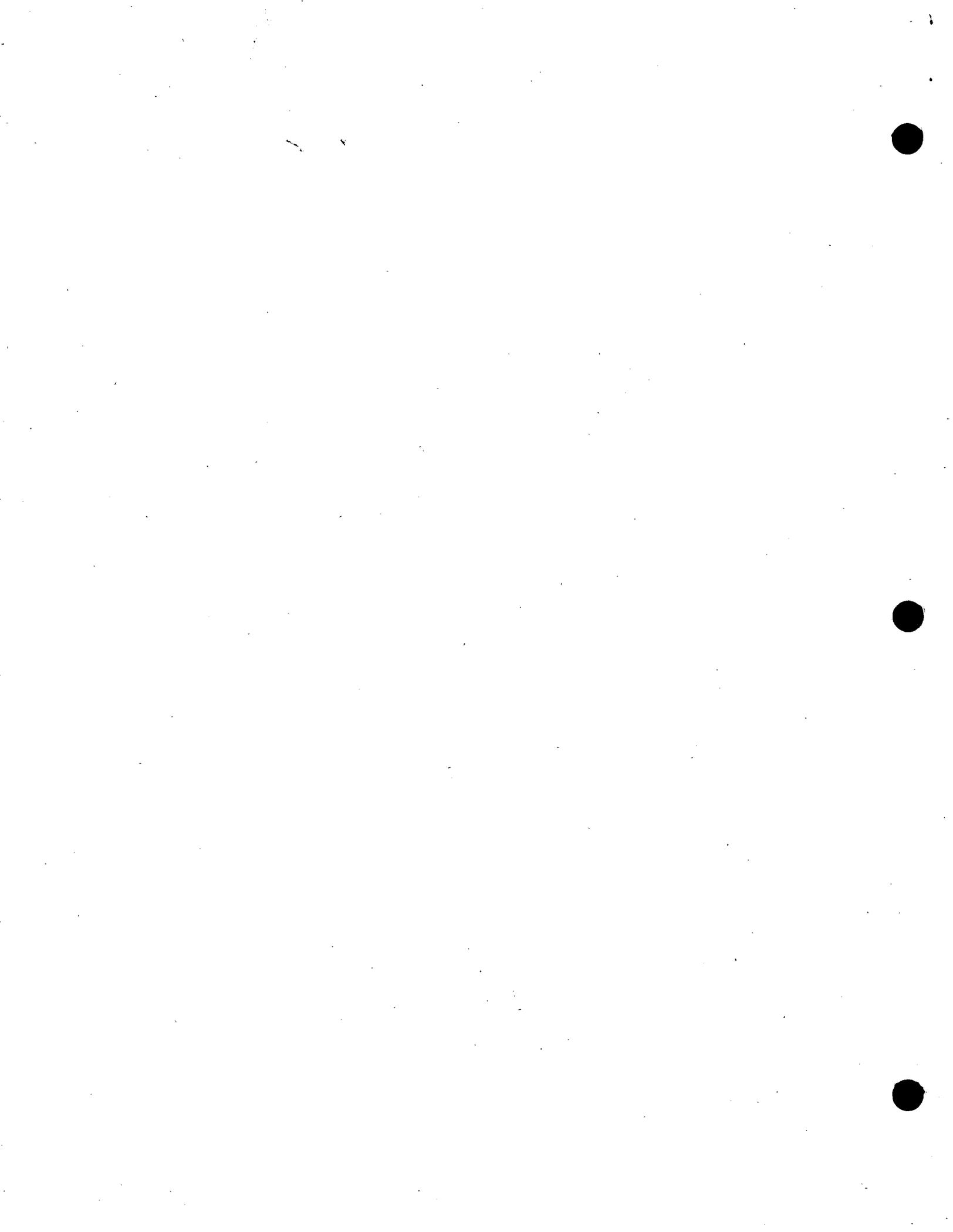




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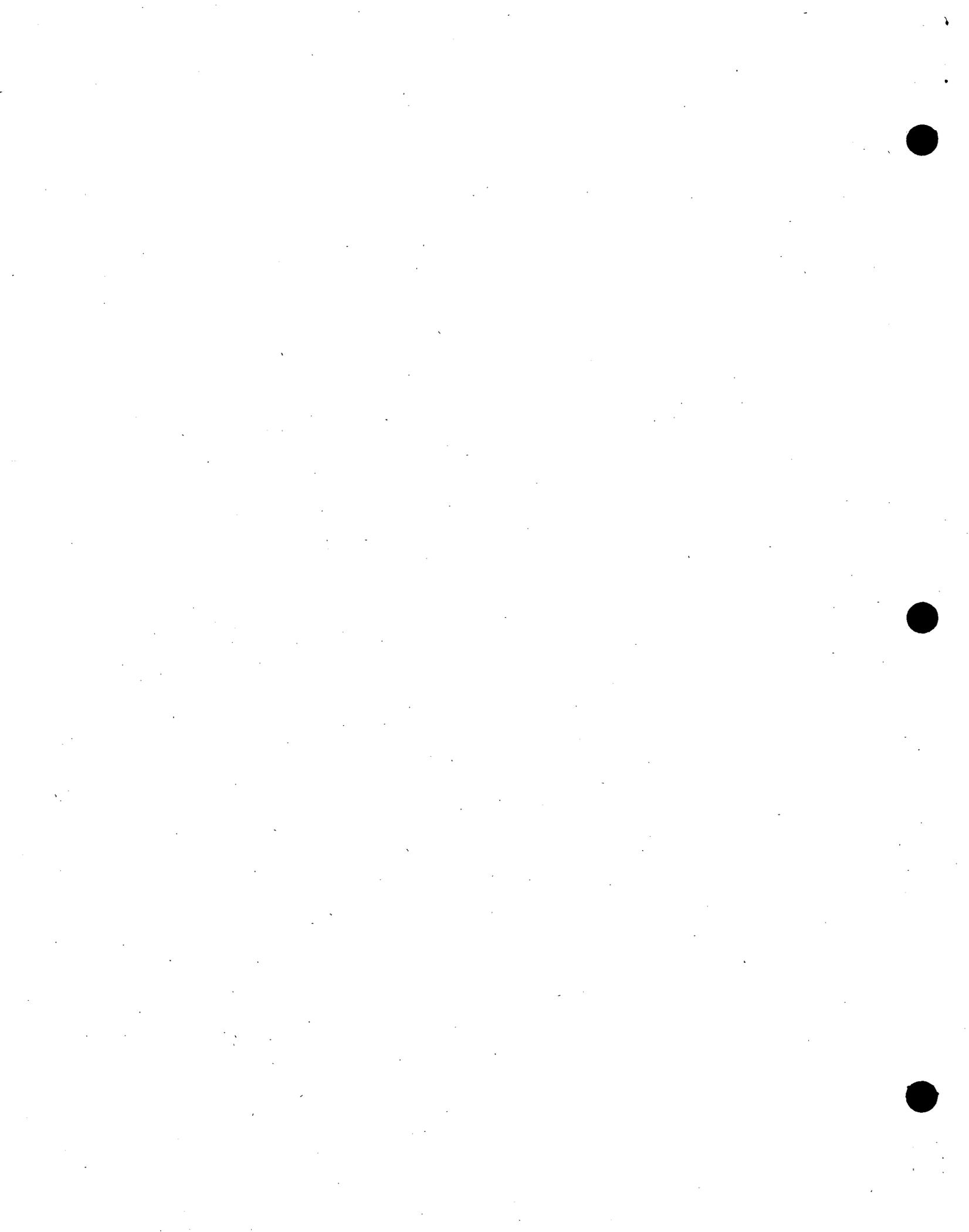
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EXECUTIVE SUMMARY

This report provides an up-to-date summary of the strike workload in process within the Santa Clara County justice system.

The current state of affairs is that the number of two and three-strike filings has been less than projected, and the full impact of the cases that have been filed has been much slower in developing than expected. More traditional, gross measures are not yet detecting the emerging workload because the **number** of strike cases is small in comparison to total felony filings and dispositions. But the volume of work required by this relatively small number of cases is so substantial that more specific and more sensitive indicators are clearly signaling a growing backlog in both courts, at the jail, and within related justice departments.

The focus on strike-related workload in this report is not intended to diminish or ignore other sources of workload challenge to the Santa Clara County Justice System. The strike legislation is a high-profile piece of a much larger field of forces that is creating more work for the justice system.

Management of the emerging workload can theoretically be achieved through three approaches: modification of existing justice policies, initiation of improved business practices, or added resources.

As of January 27, 1995 a total of 559 two and three-strike cases had been filed in Municipal Court. A total of 404 two and three-strike cases had been filed in Superior Court.

It is early yet. Over half of all pending felony cases are still in process somewhere in the justice system more than 365 days from arrest.

Strike cases will have lengthy processing times. Signs include:

- As of December 31, 1994 the weekly report produced by CJIC presented a record of twenty-four closed cases that were originally filed as three-strike cases.
- The combined total of the number of two and three-strike cases that have closed in Superior Court only amounted to 148 cases as of January 27, 1995.
- Only 96 of the 269 three-strike cases filed by the District Attorney (through 2/6/95) are active at the Superior Court level.
- Few have gone to trial. As a result, the number of juries sworn and the number of jury or bench trials taking place in Superior Court do not yet show any increases. Gross, general measures of Superior Court workload do not show any signs of increases in case aging or lengthening of case processing times.

In contrast, there are other signs indicating a heavy current workload. For example, Public Defender, District Attorney, CJIC and court information all show in excess of 430 two and three-strike cases were open and being processed as of mid-January.

A growing backlog is developing in Municipal Court

The total number of defendants with open felony cases in Municipal Court - that is, strike and non-strike cases - has been growing, not only since the passage of the strike legislation, but throughout 1993. Case aging information and other measures to confirm this crude measure of detecting backlogs are not available.



A strike-case processing backlog is also developing in the Municipal Court

The percent of filed two and three-strike cases that remain open each week has gradually been worked down to 34%, but the raw number of open strike cases is growing at about 3% per week, so this ability to keep the percentage of filed cases that remain open at the 34% level is not sustainable.

The District Attorney has announced a policy of presenting certain three-strike cases to the Grand Jury. This is believed to reduce the combined strike-related workload of the Municipal and Superior Courts. Through February 6, 1995, about 17% of the 269 three-strike cases issued by the District Attorney's Office were presented to the Grand Jury.

A growing case backlog is developing in the Superior Court

Using the beginning of 1993 as a starting point, 211 defendants accumulated as open cases during calendar 1993; another 148 defendants with open cases were added during 1994.

End of the month statistics kept by the Superior Court show the caseload has been growing, increasing each month since March 1994, when the strike legislation became effective.

The number of cases set for trial has been increasing steadily. The 1994 monthly average was 513 cases, but this average has been exceeded in each month since June.

A growing strike-case backlog is also developing in the Superior Court

The CJIC weekly report shows there were 404 two and three-strike cases filed and 148 two and three-strike cases disposed of through January

27, 1995. This filing rate translates into a monthly rate of 36.7 cases per week, or 441 cases per year.

The Three-Strike Workshop projected that 1,240 two and three-strike cases would be convicted during a year, so, unless the filing rate increases dramatically, the workshop projections were high, or the system has accommodated and made changes to somehow reduce the number of two and three-strike cases.

The strike legislation appears to have produced the increased number of appearances for two and three-strike cases that were projected during the Three-Strike Workshop.

Despite the reduced number of expected filings, the number of open two and three-strike cases has gradually increased and, as of January 27, 1995, stood at 249 cases.

The court has gradually worked down the weekly percentage of filed cases that remain open to 62%, but the number of open cases keeps rising. As with the Municipal Court, this rate of closing the same percentage of a larger and larger number of open cases cannot be sustained.

A line-by-line review of the December 31, 1994 CJIC report produced a total of 152 two and three-strike cases set for trial - 30% of the total cases awaiting trial in Superior Court

The jail population is increasing

The number of unsentenced felony-charged male jail inmates has increased dramatically since March, 1994. The increase is almost totally due to increases in the length of stay, increasing from 81 days in January, 1994 to 94 days in July, 1994 and 114 days in January, 1995.



INTRODUCTION

This report has been prepared on behalf of the Three-Strikes Committee to report the current status of strike case processing in the Santa Clara County justice system.

The report makes use of data provided by the Departments which make up the Three-Strikes Committee, and by CJIC, which provides a weekly report listing the number of filed, open and closed two and three-strike cases.

Dispositions in Municipal Court

A felony case processing backlog is developing in the Municipal Court. This backlog is most easily detected by counting up the rise in the number of defendants with "open" cases; that is, the inventory that is created as new cases are initiated and old cases are closed.

Using the beginning of 1993 as a base-line, the number of defendants with open cases which had accumulated by the end of 1994 (3,570) equaled 28% of the total felony filings for 1994.

Table 1A displays data for 1993. It shows that a backlog of 1,178 felony cases developed in 1993, even before any expected impact from the 3-strikes legislation.

Table 1A: Felony Defendants Accused, Dispositions and Accumulation of Defendants with Open Cases in Municipal Court, 1993

Month/1993	Number of Defendants Accused	Dispositions	Cumulative Open Defendants
January	920	838	82
February	999	734	347
March	1,181	1,043	485
April	1,031	986	530
May	906	947	489
June	990	871	608
July	861	1,356	113
August	996	794	315
September	884	843	356
October	1,045	878	523
November	1,039	828	734
December	1,207	763	1,178



Table 1B provides data for 1994 and continues calculation of the number of defendants with open cases carried over from 1993.

During 1994, the number of defendants with open cases increased to 1,928 in March when the 3-strikes legislation became effective, and escalated rapidly to 3,570 defendants, or 85%, between the beginning of March and the end of December, 1994.

Table 1B: Continuation of Table 1A Through 1994, Carrying Forward the Backlogged Accumulation of Defendants with Open Cases Created in 1993

Month/1994	Case Filings	Case Dispositions	Cumulative Open Cases
January	909	765	1,322
February	1,007	714	1,615
March	1,327	1,014	1,928
April	941	880	1,989
May	1,078	1,076	1,991
June	1,005	910	2,086
July	1,148	957	2,277
August	1,157	818	2,616
September	1,036	831	2,821
October	906	768	2,959
November	939	763	3,135
December	1,157	722	3,570

Table 1C shows that during 1994, the number of felony filings increased over 1993 (about 5%) and felony dispositions decreased over 1993 (about 6%).

Table 1C: Total Felony Defendants Accused, Dispositions and Accumulation of Open Defendants in Municipal Court, 1993 and 1994

Year Totals	Total Case Filings	Total Case Dispositions	Total Cumulative Open Cases
Total 1993	12,059	10,881	1,178
Total 1994	12,610	10,218	2,392
Total 1993 & 1994	24,669	21,099	3,570



Strike Case Filings and Dispositions in Municipal Court

Basic processing information about two and three-strike cases has been produced periodically by CJIC since October, 1994. Basic information appears in Table 2.

Table 2: Two and Three-Strike Cases Filed, Disposed of and Open In Municipal Court - Year to Date Filed With Percent of Cases Still Open

Month	Strike Cases Filed	Strike Cases Closed	Strike Cases Open	% YTD Filed Cases Open
1994				
March 7-September 30	302	137	165	55%
October 1-October 31	65	58	172	47%
November 1-November 6	7	13	166	44%
November 7-November 13	13	14	164	42%
November 14-November 20	6	23	148	38%
November 21-November 27	8	11	144	36%
November 28-December 2	12	16	143	34%
December 3-December 9	10	7	151	35%
December 10-December 16	22	16	160	35%
December 17-December 31	25	26	161	33%

Table 2: Two and Three-Strike Cases Filed, Disposed of and Open In Municipal Court - Year to Date Filed With Percent of Cases Still Open (Continued)

Month	Strike Cases Filed	Strike Cases Closed	Strike Cases Open	% YTD Filed Cases Open
1995				
January 1-January 6	23	8	181	36%
January 7-January 13	12	15	182	35%
January 14-January 20	13	13	183	34%
January 21-January 27	19	11	194	35%
Total March 7, 1994-January 27, 1995	559	374	194	35%

This reporting shows a total of 559 two and three-strike cases had been filed in Municipal Court by January 27, 1995. Of these, 374 were closed, leaving 194 cases, or 35% still open.

(Note to the reader: There are minor errors in the weekly counts of filed, closed and open cases so the addition of filed cases to the number of open cases for the previous week will not add properly in Table 2. These are minor counting problems.)

The accumulation of open two and three-strike cases at the Municipal Court level was worked down to a low of 143 cases during the week of November 28th - December 2nd. The percent of



filed cases that remain open was worked down to the 34% level during that same week. It has remained at 34%-35% since that time, despite the steady increase in the number of open cases since that time.

Thus, the number of open felony cases at the Municipal Court level stood at 194 as of January, 27, 1995, up 36% from the low of 143 cases two months ago. This presents a condition which is not sustainable; it will be difficult for the Municipal Court to maintain this 34%-35% level when the number of cases that are open keeps rising.

This growing backlog of 2 and 3-strike cases could escalate even more rapidly if either the number of felony strike filings increases, or the percentage of filings being closed begins to drop. The emergence of either of these conditions can be easily detected by close monitoring of the CJIC data.

Two and Three-Strike Cases As a Percent of Total Felony Filings and Dispositions in Municipal Court

Another indicator of the impact of the strike legislation on the Municipal Court can be developed by comparing the number of strike defendant accused dispositions since the strike legislation took effect with the total number of felony case dispositions in Municipal Court. Data is available through December, 1994, and is displayed in Tables 3 and 4.

Table 3 shows that the number of two and three-strike felony filings creates a ratio of about 5% of the felony defendants accused in Municipal Court. This is a reminder that the number of strike cases may remain a small portion of total filings, but these cases are capable of absorbing a large share of justice system resources. (There is

no current information about the number of one and one-plus strike cases but, if they were included, they would certainly add to this percentage.)

Table 3: Two and Three-Strike Filings - Percent of Total Felony Filings in Municipal Court

Month/ 1994	Number of Defendants Accused Municipal Court Felony	2&3-Strike Felony Filings	2&3-Strike Filings as Percent of Total Defendants Accused
March thru October	7,894	367	5%
November thru December	2,246	119	5%
Total - March thru December	10,140	486	5%



Table 4 shows that the two and three-strike dispositions create a ratio of about 4% to the total number of felony defendants disposed of in Municipal Court. The low percentage of dispositions during the early part of the year (March through October - 3%) contrasts with the 8% percent for November and December. Of course it takes a certain amount of time for a strike case to move through the system and a low percentage would be expected for the early months. It is too early to tell whether the 8% ratio of two and three-strike case dispositions to total felony defendant dispositions will be typical.

Table 4: Two and Three-Strike Dispositions Percent of Total Felony Defendants Disposed of in Municipal Court

Month/ 1994	Municipal Court Felony Dispositions	2& 3-Strike Felony Dispositions	2&3 Strike Dispositions as Percent of Total Dispositions
March thru October	7,718	195	3%
November & December	1,591	131	8%
Total - March thru December	9,309	326	4%

Number of Appearances in Municipal Court

Table 5 presents comparisons of estimated, projected and actual numbers of appearances of 2 and 3-strike cases in Municipal Court. It shows that the approximate average number of additional appearances that were projected at the Municipal Court workshop are, in fact, being required.

Table 5: Number of Appearances in Municipal Court - Comparison of 1992 Sample With Actual Experience Through January 27, 1995

Number of Strikes	Average Number of Appearances - 1992 Sample	Average Number of Appearances Projected at Workshop	Average Number of Appearances - March 7, 1994 thru January 27, 1995
2-Strikes	5.7	7.7	8.2
3-Strikes	7.9	9.9	8.3
2&3-Strikes	6.1	8.1	8.2

In 1992, what would have been 2-strike cases had an average number of 5.7 appearances in Municipal Court; what would have been 3-strike cases had an average of 7.9 appearances.

The third column in Table 5 shows the estimates that were made during the Municipal Court workshop exercise. The workshop exercise produced estimates that the 2-strike cases would require 7.7 appearances and the 3-strike cases would require 9.9 appearances.

The last column of Table 5 shows the actual number of appearances for the accumulation of cases that have been closed in the Municipal Court as of January 27, 1995.

It shows the 2-strike cases had an average number of 8.2 appearances; the 3-strike cases had an average of 8.3 appearances.



Combined averages which total the 2 and 3-strike cases also appear in the table. These may be important because many of the two and three-strike filings change status during processing; for example, a three-strike case can become a two-strike case. This is something that was anticipated at the workshop.

Number of Preliminary Hearings

In 1992, 730 or 59%, of the 2 and 3-strike cases had a preliminary hearing. Workshop projections estimated that 992, or 80% of the two and three-strike cases would require preliminary hearings. Determining if these changes have occurred is difficult due to limitations in available data.

Case Processing Times

The Municipal Court has had no reliable automated case processing time data. It is not possible to assess the extent to which changes in case processing time have been taking place without a special CJIC data run. However, since the number of filings has been increasing slowly, the rapidly growing backlog of open cases is most likely due to a lengthening out of case processing time.

Superior Court Filings and Dispositions

Several indicators of change in the workload of the Superior Court were reviewed.

- **Filings and Disposition**

The first set of indicators examined the gradual accumulation of work created when filings outnumber dispositions. See Table 6A thru 6C.

Table 6A: Number of Defendants Accused, Dispositions and Accumulation of Defendants with Open Criminal Cases in Superior Court, 1993

Month/1993	Number of Defendants Accused	Dispositions	Open (Number Accused less Dispositions)
January	611	606	5
February	811	738	78
March	1,002	897	183
April	713	695	201
May	917	808	310
June	643	658	295
July	631	680	246
August	758	814	190
September	651	701	140
October	640	630	150
November	923	838	235
December	625	649	211
Total 1993	8,925	8,714	211



Table 6A shows 211 defendants accumulated as "open" during 1993. Carrying forward the difference between the number accused and the number disposed of in 1994 added another 148 open cases, for a total 359 backlogged defendants, accumulated since January 1, 1993. (See Table 6B)

The number of dispositions decreased from 8,714 in 1993 to 8,268, in 1994 or by 5%, while the number of filings decreased from 8,925 to 8,627, or by about 3%. (Table 6C)

Table 6B: Continuation of Table 6A Through 1994, Carrying Forward the Backlogged Inventory of Accumulated Open Defendants Created in 1993

Table 6C: Total Felony Defendants Accused Dispositions and Accumulation on Defendants with Open Cases in Superior Court, 1993 and 1994

Month/1994	Number of Defendants Accused	Dispositions	Open (Number Accused less Dispositions)
January	667	669	209
February	626	589	246
March	678	769	155
April	695	662	188
May	897	860	225
June	691	649	267
July	684	634	317
August	846	797	366
September	665	606	425
October	819	734	510
November	682	655	537
December	677	644	570
Total 1994	8,627	8,268	570

Year Totals	Total Defendants Accused	Total Dispositions	Total Cumulative Defendants with Open Cases
Total 1993	8,925	8,714	211
Total 1994	8,627	8,268	359
Total 1993 & 1994	17,552	16,982	570



• **End of The Month Caseload**

Another set of indicators examined data kept by the court to indicate the end of the month caseload. This is a case count, not a defendant count. It shows the end of the month caseload has been growing. This information appears in Table 7.

Table 7: End of the Month Criminal Caseload, Superior Court, 1993 and 1994

Month/1993	End of Month Caseload	Month/1994	End of Month Caseload
January	581	January	529
February	592	February	574
March	594	March	587
April	621	April	552
May	670	May	559
June	873	June	622
July	647	July	674
August	587	August	699
September	523	September	726
October	538	October	711
November	582	November	711
December	556	December	711
Total 1993	556	Total 1994	711

During 1993, the end of the month caseload increased to as high as 873 (June, 1993), then subsided to 556 by year end, slightly lower than at the beginning of the year. For 1994, the

monthly average was 579 cases. The end of the year caseload figure was much higher than at the start of the year. Note the end of the month caseload has increased steadily since the implementation of the strike legislation (March, 1994).

• **Inventory of Cases Set for Trial**

A third set of indicators examined the 1994 weekly inventory of criminal cases ready for trial. This information shows a steadily growing number of cases in the trial readiness inventory. The average for the year was 513 cases, but this average has been exceeded in each month since June, and the recent months show a rising trend. See Table 8.

Table 8: Average Monthly Inventory of Cases Set for Trial, Superior Court, 1994

Month/1994	Average Monthly Case Inventory
January	492
February	481
March	483
April	480
May	480
June	531
July	555
August	592
September	629
October	660
November	625
December	630



• **Jury Trial Activity**

The August, 1994 report projected a large increase in jury trials in Superior Court, especially for two and three-strike defendants. Therefore, on-going examination of changes in the number of criminal trials in Superior Court should detect increased workload as it reaches the trial stage.

Table 9: Number of Juries Sworn, Number of Criminal Trials by Jury or Bench, Superior Court 1993

Month/1993	Juries Sworn	Total Trials	Jury Trials	Bench Trials
January	18	20	19	1
February	11	12	10	2
March	25	21	19	2
April	25	22	17	5
May	20	18	15	3
June	19	26	23	3
July	21	28	26	2
August	14	15	13	2
September	18	14	12	2
October	16	20	19	1
November	13	12	10	2
December	12	14	12	2
Total 1993	212	222	195	27

This workload has not yet developed. See Tables 9 and 10. The number of monthly juries sworn in 1994 (230) has increased only slightly over 1993 (212).

Table 10: Number of Juries Sworn, Number of Criminal Trials by Jury or Bench, Superior Court, 1994

Month/1994	Juries Sworn	Total Trials	Jury Trials	Bench Trials
January	20	12	11	1
February	21	11	9	2
March	24	33	26	7
April	17	18	16	2
May	19	23	23	0
June	21	17	16	1
July	15	19	17	2
August	27	18	12	6
September	21	16	12	4
October	16	20	17	3
November	15	9	9	0
December	14	16	14	2
Total 1994	230	212	182	30



• **Case Processing Time**

A fourth set of indicators involved the examination of case processing times. Three case processing times are reported by the Superior Court: Age of Cases from 1) Arrest; 2) First appearance in Municipal Court; and 3) First Appearance in Superior Court. These indicators are reported for pending as well as for criminal defendants whose cases have been disposed of. Data for the first eleven months of 1994 was examined.

Examination of the number and percent of defendants whose cases were either disposed of or pending do not show change in the percentage of defendants in each case processing category.

Tables 11 and 12 present data for January and November, 1994, the last period for which data is available.

Table 11: Defendants Disposed of - Percent by Case Aging Category, Superior Court, January Compared to November, 1994

Dispositions Case Age Category in Days	Age of Cases From:					
	Arrests		First Appearance in:			
			Municipal Court		Superior Court	
	Percent Number of Total Defendants Jan 1994	Percent Number of Total Defendants Nov 1994	Percent Number of Total Defendants Jan 1994	Percent Number of Total Defendants Nov 1994	Percent Number of Total Defendants Jan 1994	Percent Number of Total Defendants Nov 1994
0 - 30	2%	1%	4%	2%	55%	55%
30+ -60	23%	19%	25%	23%	14%	15%
60+ - 120	30%	32%	33%	33%	19%	19%
120+ - 180	19%	22%	17%	21%	6%	5%
180+ - 365	20%	21%	18%	18%	5%	4%
365+	6%	6%	4%	4%	1%	2%
Total Percent	100%	100%	100%	100%	100%	100%
Total Cases	679	667	679	667	679	667



Table 12: Defendants Case Pending - Percent by Case Aging Category, Superior Court, January Compared to November, 1994

Pending Case Age Category in Days	Age of Cases From:					
	Arrests		First Appearance in:			
			Municipal Court		Superior Court	
Percent Number of Total Defendants Jan 1994	Percent Number of Total Defendants Nov 1994	Percent Number of Total Defendants Jan 1994	Percent Number of Total Defendants Nov 1994	Percent Number of Total Defendants Jan 1994	Percent Number of Total Defendants Nov 1994	
0 to 30	0%	0%	1%	0%	13%	15%
30+,-60	5%	3%	5%	4%	9%	8%
60+ - 120	10%	12%	12%	13%	14%	11%
120+ - 180	11%	11%	10%	11%	6%	7%
180+ - 365	22%	21%	21%	19%	14%	12%
365+	52%	53%	51%	53%	44%	46%
Total Percent	100%	100%	100%	100%	100%	100%
Total Cases	1,631	2,065	1,631	2,065	1,631	2,065



Strike Case Processing in Superior Court

The CJIC report shows there were 404 two and three-strike cases filed and 148 two and three-strike cases disposed of through January 27, 1995.

Table 13: Two and Three-Strike Cases Filed, Disposed of or Open in Superior Court - Year to Date Filed with Percent of Cases Still Open

Month	Strike Cases Filed	Strike Cases Closed	Strike Cases Open	% YTD Filed Cases Open
1994				
March 7 - September 30	214	72	142	66%
October 1 - October 31	56	13	189	70%
November 1 - November 6	0	1	188	70%
November 7 - November 13	7	2	191	69%
November 14 - November 20	11	4	196	68%
November 21 - November 27	9	1	202	68%
November 28 - December 2	19	2	215	68%
December 3 - December 9	12	1	226	68%
December 10 - December 16	7	3	226	67%
December 17 - December 31	22	6	236	65%

Table 13: Two and Three-Strike Cases Filed, Disposed of or Open in Superior Court - Year to Date Filed with Percent of Cases Still Open (Continued)

Month	Strike Cases Filed	Strike Cases Closed	Strike Cases Open	% YTD Filed Cases Open
1995				
January 1 - January 6	13	2	245	66%
January 7 - January 13	3	5	234	64%
January 14 - January 20	14	2	247	63%
January 21 - January 27	11	6	249	62%
Total March 7, 1994 - January 27, 1995	404	148	249	62%

Table 13 presents the rate and time periods of these filings and case closings, along with the year to date percentage of filed cases that remain open. The number of cases that are open has gradually increased and, as of January 27, 1995 stood at 249 cases.

Despite the growing number of open cases the percentage has been gradually worked down to 62%.

The decline in the percentage of filed cases that remain open is unsustainable in the face of a steadily rising number of open cases.



A line by line review of the December 31, 1994 CJIC report produced a total of 152 two and three-strike cases set for trial (87 two-strike cases and 65 three-strike cases). These 152 cases represent 30% of the cases awaiting trial.

District Attorney Report on Disposition of Three-Strike Cases

The District Attorney's Office reports 269 three-strike cases (defendants) have been issued as of February 6, 1995. To put this in perspective, the District Attorney's Office reports it issued 11,135 felony cases in 1994. (This count is for cases, not defendants.) While it is awkward to compare case counts with defendant counts, a general sense of the relative size of the three-strike pool can be expressed by the ratio of 269 three-strike defendants to the 11,135 felony cases - about 2%.

The status of the individual defendants as of February 6, 1995 is presented in Table 14.

The data shows few cases have reached disposition. Only 96, or 36% are currently active at the Superior Court level. The ratio of reduced (81) to filed (269) cases is 30% but it is too early to assume this percentage will remain stable.

Presentation of Three-Strike Cases to the Grand Jury

The District Attorney has established a policy of presenting certain three-strike cases to the Grand Jury. Though not all of them were three-strike cases, a total of seventy-five cases were presented to the Grand Jury for the period March 1, 1994 through January 31, 1995. This compares to 17 cases for the same period last year. Forty-five of the seventy-five cases presented between March 1, 1994 and January 31, 1995, or 60%, were three-strike cases. The other thirty cases includes cases which were presented and resulted in no indictments.

The 45 cases presented to the Grand Jury through January 31, 1995 is about 17% of the 269 three-strike cases issued by the District Attorney's Office through February 6, 1995.

Table 14: Status of Three-Strike Defendants as of February 6, 1995

Status of Three-strike Defendants 2/6/95	Number of Defendants
Total Issued	269
Active in Municipal Court	73
Active in Superior Court	96
Reduced	81
Diverted	4
Dismissed	11
Convicted	4



Three-Strike Cases According to the CJIC Report

Representatives of the Superior Court and District Attorney's Office met to do a case by case review of the twenty-four cases which appear on the December 31, 1994 CJIC report of closed three-strike cases. Remember that at this time there was no provision to show changes in the classification of these cases from three-strike to two-strike cases.

Table 15 presents the more detailed results of this analysis.

Two of the twenty-six cases on the print-out were never charged as three-strike cases. They were removed from the list. Fourteen of the remaining 24 cases were disposed of as three-strike matters. The other ten cases had been re-classified to two-strike status at some time during their processing. Half of these cases (5) pled guilty, no contest in Superior Court.

Table 15: Detailed Examination of the Status of Cases Reported as Closed Three-Strike Cases on the CJIC Report as of December 31, 1994

Three-Strike Status 12/31/94	Re-Classified as Two-Strike	Remaining Three-Strike	Total
Jury Mistrial - Dismissed	1	1	2
Jury Trial - Found Guilty	0	2	2
Guilty Pleas, No Contest, Superior Court	5	0	5
Guilty Plea, No Contest, Municipal Court	3	3	6
Dismissed, Superior Court	1	6	7
Remanded to Municipal Court - Misd Guilty	0	1	1
Consolidated with another case	0	1	1
Totals	10	14	24



Public Defender Strike Data

The Public Defender's Office provided summary data from their in-house system for recording the case status of their two and three-strike cases. This information is presented in Tables 16 and 17.

Table 16 presents information about open cases. It shows a total of 261 open two-strike cases and 169 open three-strike cases, or a total of 430 open cases as of mid January, 1995. (This compares to 443 open cases in Municipal and Superior Courts contained in the CJIC report of December 31, 1994.)

Table 16: Open Cases: Public Defender - Two and Three-Strike Case Status - Mid January, 1995

Current Case Status	Two-Strike	Three-Strike	Total
Open Cases			
No Change in Status	244	129	373
Trigger Charge Reduced to Misdemeanor	0	0	0
Trigger Charge Dismissed	3	1	4
3rd Strike becomes 2nd	1	35	36
Each strike stricken	12	2	14
To Private Attorney	0	0	0
Conflict Declared	1	1	1
Other	0	1	1
Total Open Cases	261	169	430

Fifty-four of the 159 closed cases, or 34%, are identified as three-strike cases; 169 of the 430, or 39% of the open cases are identified as three-strike cases. (Table 17)

A conflict has been declared in 5 two-strike and 15 three-strike cases.; twenty-two of the cases have retained private counsel. (Table 17)

Table 17: Closed Cases: Public Defender - Two and Three-Strike Case Status - Mid January, 1995

Current Case Status	Two-Strike	Three-Strike	Total
Closed Cases			
No Change in Status	42	2	44
Trigger Charge Reduced to Misdemeanor	4	3	7
Trigger Charge Dismissed	12	5	17
3rd Strike becomes 2nd	1	17	18
Each strike stricken	27	2	29
To Private Attorney	12	10	22
Conflict Declared	4	14	18
Other	3	1	4
Total Closed Cases	105	54	159



Department of Correction

The jail population has been increasing, especially the felony-charged, unsentenced male inmate population. The proportion of this workload that is related to strike cases versus other factors is not clear.

The total jail population in January 1994 was 3,857. By January 1995, it had reached 4,190, a 9% increase. Population projections take the total jail population over capacity of 4,963 in July 1995.

Bookings in 1994 (60,005) were 3% below the number of bookings in 1993 (61,924); thus, the increase in jail population is being totally created by increases in the length of inmate stay.

The unsentenced male felony-charged population increased from 1,793 in January 1994 to 1,985 in January 1995; thus, if all other prisoner groups in the jail population remained unchanged during this time, it is possible that 192, or 58% of the 333 total population increase can be attributed to the growth in unsentenced felony-charged males.

The average length of stay of the felony-charged unsentenced population increased from approximately 81 days in January 1994 (about the same length of stay as in January 1993) to 94 days in July 1994 and 114 days in January 1995. The dramatic increase in the length of stay begins in March, 1994 when the strike legislation became effective.

And finally, the average daily population of unsentenced three-strike prisoners has increased from 27 in May 1994 to 148 in January 1995.

The CJIC Reporting System

CJIC has been providing the departments with basic listings and counts of two and three-strike cases that are filed, open and closed. This report was designed and implemented quickly in response to departmental operational requirements.

On January 1, 1995, the District Attorney's Office began identifying one and one+ strike cases for entry by Municipal Court so the CJIC reporting system could include these cases.

Effective this same date, changes to strike designations were also to be identified where operationally possible, for example, when a 3-strike case becomes a 2-strike case. These changes have been implemented slowly due to the number of department staff involved. By January 27, 1995, for example, only 9 one strike cases had been identified and entered into the system.

Periodic verification of the accuracy of the data in the CJIC weekly report is needed to keep errors from accumulating. Quality control within entering departments to make sure all strike case filings and dispositions are being properly recorded will also make the data report more reliable and more useful.