

INTENSIVE CASE MANAGEMENT
Circuit Court of Lake County
Status Report - 2012

INTENSIVE CASE MANAGEMENT
FELONY DIVISION
CIRCUIT COURT OF LAKE COUNTY

OVERVIEW:

Intensive Case Management (**ICM**) for felony cases combines rigorous case management techniques with computer technology to speed the flow of felony cases through the Felony Division of the Circuit Court of Lake County. The underlying philosophy is that all felony cases should not be managed the same. Cases are assigned to categories based on their complexity. Each category requires a specific number of docket settings with strict timeframes enforced by the judges. **ICM** needs to use technology extensively to categorize cases according to complexity as expedited, standard or complex; notice generation to all stakeholders and criminal justice partners; event reminders and robust calendaring/scheduling features. This robust use of technology is needed to address deeply embedded past practices in the county's legal culture. The results of the **ICM** efforts have been slowed due to a number of factors – appropriate technology being the largest barrier that is being dealt with at the current time.

Timeliness and the quality of justice are not mutually exclusive either in theory or in fact. Expedient criminal case resolution is found to be associated with court systems in which the conditions also promote effective advocacy. Because effective advocacy underlies due process and equal protection of the law, it is an integral aspect of the broader concept of quality case processing. Efficiency within the context of case resolution means to use resources in their most productive fashion to produce the most of what a court system values. Therefore, to be efficient, sufficient time must be devoted to determine and clarify what the court values – fair and equal justice.

Before the adoption of **ICM**, each felony court operated as a team with a certain level of autonomy, sometimes employing different processes and policies for continuances. Each court worked diligently to dispose of cases set before it but the lack of cohesiveness in applied processes and procedures influenced the division-wide outcomes. Information technology is central to **ICM** to process criminal felony cases, to increase the efficient use of court time and resources and to standardize the practice of docketing among all of the felony division courtrooms. The goal of this process is to create an efficient and fair system for the disposition of felony cases taking into consideration such diverse factors as jail population, judicial discretion and the individual interests of the various participants in the criminal justice system.

The Circuit Court of Lake County and the Lake County Board share a common goal concerning court operations: to operate as efficiently as possible while providing access to justice to the citizens. How should that efficiency be determined? Case processing time goals provide for a common means by which to provide a measure of performance. They help to temper unrealistic expectations for the management of cases by providing a basis of comparison. In the current economic climate the Circuit Court is more starved for funds/resources to accomplish its mission (e.g., treatment resources,

placement funds, to name a few). Standards provide an argument for the judicial branch to show the need for funds/resources.

By providing goals for judges and other key participants in the court process to meet in managing caseloads, case processing time goals play an important role in achieving the purposes of courts in Lake County. Yet, the mere promulgation of time standards is not sufficient to assure that the judicial system will provide prompt and affordable justice. It is important for leaders to create circumstances that will promote the likelihood of success.

Case processing time goals provide a yardstick for measuring court performance and management effectiveness. Serving as benchmarks for determining whether the pace of proceedings is acceptable, case processing time goals are useful only if judges and other participants in the court process receive information on the extent to which they are being achieved. Ultimately, case processing goals should lead to the development of systems for monitoring caseload status and progress toward overall caseflow management goals.

Moreover, case processing time goals provide a starting point for developing practices and procedures to meet the goals they set forth. These involve the exercise of early and continuous court control of case progress through the application of caseflow management principles and techniques. Success in such an effort requires attention to two separate levels of concern. First, it is important that all judges set the tone and provide means to promote compliance. Second, it is critical that prompt and affordable justice be a matter of court policy and not be subject to any substantial differences among individual judges. The policy should be reflected in a published caseflow management plan.

Adoption and implementation of case processing time goals is also likely to have an effect on the use of available resources and the level of resource needs for judges, prosecutors, public defenders, law enforcement and jail personnel, and administrative support personnel. Research has shown that there is more efficient use of the time of judges, lawyers and support staff when courts take effective steps to meet time standards in criminal cases. Moreover, taking management steps to reduce wasted time for case participants can affirmatively reduce pressure for more resources. Yet even fast courts can reach a "saturation point," at which they cannot absorb and process more cases without additional judicial or non-judicial staff resources. In a setting where the court is managing its caseflow, time standards help to highlight the level of its judicial and non-judicial personnel needs.

The following paragraphs provide an outline of the various steps taken thus far in the implementation of **ICM**.

What is Intensive Case Management? Intensive Case Management (**ICM**) simply put is a workflow management strategy that allows the Circuit Court of Lake County to more effectively and efficiently manage the cases filed in the Criminal Justice System and provide for the most expeditious path to disposition for each case type. The statement "the same or better justice sooner" accurately identifies the strategy behind which **ICM** is built. The Circuit Court of Lake County is implementing **ICM** to provide litigants the most expeditious path to a fair and just disposition of their case based on the circumstances of each individual case.

All cases are not the same. The cornerstone to **ICM** is the notion that all cases are unique and therefore have differing requirements of the Court, not the least of which is a varying demand for judicial attention and court time. While it is critical to provide equal treatment to all litigants in the court system, **ICM** strives to assess early in the process the most appropriate allocation of attorney and judicial time for each case type without sacrificing essential due process.

What is the intended result of Intensive Case Management? Implementation of **ICM** in the Circuit Court of Lake County is designed to resolve cases more efficiently and expeditiously through the use of consistent case management policies, procedures and practices. In the court context, judicial or courtroom time is the most limited and valuable resource to the disposition of cases. **ICM** is designed to leverage that available time with more precision and direction with the aim of increasing the efficiency of the system as a whole. The more efficiently court time is used and the more predictable the court system becomes, the better the system as a whole will function.

HISTORY

The precursor to **ICM** in Lake County was based on an internal review of the disposition process in Bond Court undertaken by the Judiciary, the State's Attorney's Office and the Office of the Public Defender in 2007. This process review was in direct response to what had become a consistent issue of overcrowding at the Lake County Jail. This workgroup identified opportunities to expedite the disposition of certain case types through a systematic approach of case identification, evaluation and processing that afforded the litigants fair and due process while effectively reducing the number of jail bed days occupied by these litigants. Through this process review, it was determined that Lake County's Justice Partners could assist in managing jail population while providing for the expedited disposition of certain case types based on the merits of the individual cases. Since its inception in Lake County, this expedited disposition process has brought about real change in the time in which certain case types are disposed of and has relieved a significant portion of the burden of population overcrowding at the Lake County Jail.

Building on this success, Lake County, in cooperation with its Justice Partners, launched a study to better understand the opportunities for operational improvements throughout the Criminal Justice System in 2009. This study, more commonly known as Phase 1 of the Justice System Operations Plan in Lake County, was completed in July of 2010. Some key milestones related to the development of Lake County's Intensive Case Management process are as follows:

January 2010: Case Management Committee members agree to a pilot project setting of case processing time standards for internal purposes only. Monthly judge activity reports are to be redesigned to incorporate the piloted goals and distributed to each judge effective March 2010.

August 2010: The Judicial Facilities Review Committee considers the recommendations of the Phase I report from Justice Served. Implementation begins for the In-Custody Arraignment call to address bullpen overcrowding concerns.

January 2011: The Judicial Facilities Review Committee reviews the Phase 3 action item recommendations offered by Justice Served and agrees to further investigate and consider implementation of Intensive Case Management Pilot Program.

January 2011: Three work-groups were created to review the various aspects of **ICM** and to bring together options to the Circuit Bench for consideration. These workgroups are comprised of various members of the Lake County Justice Partners including the Chief Judge, judicial representatives from the Felony Division, the Public Defender's Office, the Office of the State's Attorney and the Administrative Office of the 19th Circuit.

August 2011: Circuit Court of Lake County makes a presentation to the Law and Judicial Committee outlining the principals, process and strategy that support the implementation of **ICM** in Lake County.

September 2011: **ICM** Workgroup makes an introductory presentation to the Lake County Bar Association Criminal Law Committee on the concepts, procedures and implementation of **ICM**. The presentation was designed to raise awareness of **ICM** concepts and solicit input from key stakeholders in the local legal community.

Intensive Case Management – Action Plan

VISION OF THE FUTURE

The Criminal Justice System of Lake County will provide equal treatment of all litigants while ensuring the timely disposition to criminal matters consistent with the circumstances of individual cases and to enhance the quality of the litigation process that will support public trust and confidence. In summary:

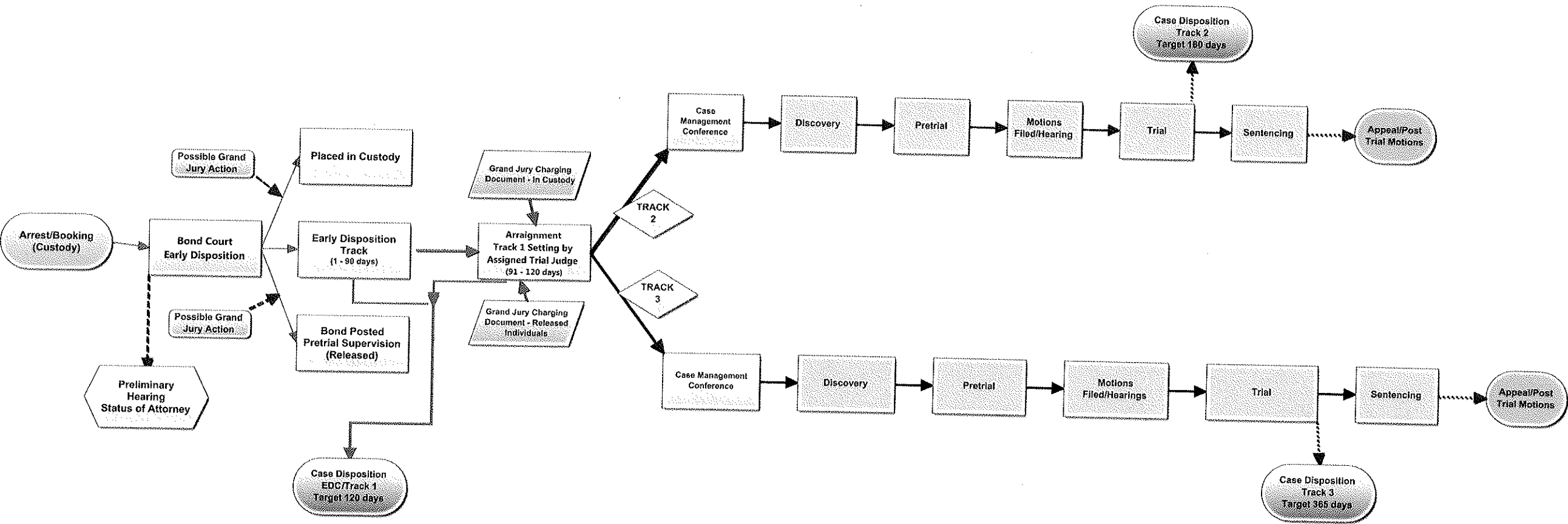
- ♦ Equal treatment of all litigants by the court
- ♦ Timely dispositions consistent with the circumstances of individual cases
- ♦ Enhancement of the quality of the litigation process
- ♦ Public confidence in the court as an institution

GOALS OF INTENSIVE CASE MANAGEMENT

The premise of Intensive Case Management for the Circuit Court of Lake County is to develop a defined process that allows cases to be resolved effectively and efficiently by using consistent and simplified policies, procedures and practices recognizing that all cases do not need the same amount of court time or attention. This process strives to define the appropriate level of attention based on the circumstances of individual cases to bring them to a fair and just disposition. Below are the stated goals of the Intensive Case Management Program initiated by the Circuit Court of Lake County:

- ♦ Giving every case individual attention
- ♦ Treating cases proportionally
- ♦ Demonstrating procedural justice
- ♦ Exercising judicial control over the court process

Felony Case Process -- Intensive Case Management (ICM)



Note 1 ABA = 98% of Felonies Disposed Within 365
65% of cases filed fall within Track 1 Target = 120 days
30% of cases filed fall within Track 2 Target = 180 days
5% of cases filed fall within Track 3 Target = 365 days

Note 2: CRIMS cannot support disposition trial time.
AOIC calculates disposition at time of sentencing which is in conflict with ABA Guidelines
CRIMS does not/cannot account for periods of inactivity which is in conflict with ABA Guidelines

By reducing the time to disposition for a majority of case types through a fair and just process, Intensive Case Management not only allows for a more efficient use of court time but will assist Lake County in managing the Jail Population through a reduction in the number of jail bed days required by in-custody litigants awaiting disposition.

INTENSIVE CASE MANAGEMENT CASEFLOW PRINCIPLES

As previously identified in this report, the goal for implementing Intensive Case Management in the Circuit Court of Lake County is that this management tool can contribute to increased productivity in the justice system without sacrificing quality and will assist in managing the population of the Lake County Jail by reducing the time to disposition thereby reducing the jail bed days occupied by litigants being held in custody. To make this process work, it is crucial that all participants in the justice system commit to working together to support the changes in the process by which cases are handled. Some key caseflow principles relating to **ICM** are as follows:

Early and continuous court control of case progress – Early control means that the court uses policies, procedures and technology to monitor case progress from initiation of each case. Continuous control dictates that each case always has a next scheduled event.

Meaningful events and realistic schedules – While maintaining continuous control over cases is critical, efficiency within the system cannot be achieved unless the scheduled events are both meaningful and realistic. As each case is unique, setting up expectations for timing of schedules becomes a critical element in the successful implementation of **ICM**.

Firm and credible trial dates – A critical outcome of achieving meaningful events and realistic schedules is creating predictability in the litigation process and thereby establishing firm and credible trial dates. **ICM** strives to create a culture within the local legal community that when a trial date is set, it is both assumed and expected that the trial date is firm and all pre-trial activities must be complete in order to accommodate that date. As case resolution is often encouraged by the proximity of a trial date, establishing firm and credible trial dates is critical to the timely and fair disposition of cases.

Trial Management – One cornerstone of the **ICM** process is to efficiently use the available time of both the Judge and the Courtroom. As it is statistically known that only 3-5% of all cases actually result in a trial, the management of that trial date becomes crucial to effectively using the resources of the court. Through the process of controlling caseflow, creating meaningful dates, realistic scheduled and credible trial dates, the **ICM** process is designed to result in only those cases likely to go to trial get scheduled for trial.

The objective of these principles is to assure that each case is resolved at the earliest appropriate point in the process.

INTENSIVE CASE MANAGEMENT POLICIES AND PROCEDURES

The caseflow principles of **ICM** require that policies and procedures be set in place to assist in determining the appropriate level of attention and most likely timeframe required to bring each case to a

fair and just disposition. To this end, the Circuit Court of Lake County has identified Intensive Case Management policies and procedures for cases filed in the felony court system. The following is a brief summary of these policies and procedures – in **DRAFT** form:

Establish logical, practical procedures for processing felony cases.

The first step in the Intensive Case Management process is to provide for identification procedures for cases entering the felony caseload process. As previously identified, early control of cases is a significant contributor to the success of the Intensive Case Management process and the efficient disposition of cases within the system. The following is a description of the three distinct case groupings, known as Case Track Designations, that have been identified through the development of Intensive Case Management in the Circuit Court of Lake County.

Offender Initiative Program (730 ILCS 5/5-6-3.3) Effective January 1, 2013

The process of structuring and implementing this program needs to be fully discussed and vetted by a workgroup before any impact and/or relationship to ICM is determined.

Track I – Expedited Cases – These cases are generally identified as Class 3 or Class 4 felonies but may also include cases involving parole holds. A large proportion of these cases contain charges relating to Driver's License / Permits, Unlawful Possession of a Controlled Substance, Felony DUI and Theft. This case track has been established with a target for time to disposition of between 0-120 days. Since all cases are not alike, the goal for Expedited Cases is to dispose of 90% of these cases within the 120 day period identified above understanding that some cases in this track will have characteristics that make it unrealistic to reach disposition within the target range. Historically, this case track designation represents approximately 65% of the felony caseload.

Track II – Standard Cases – These cases can be generally identified as Class 1 and Class 2 felonies. A large proportion of these cases contain charges relating to Aggravated Battery, Burglary, Criminal Sexual Assault and Delivery of a Controlled Substance. This case track has been established with a target time for disposition of between 121-180 days. The goal for Standard Cases is to dispose of 90% of these cases within the 121-180 day period identified above understanding that the unique circumstances of some cases will require a longer time to disposition. However, for all cases where the defendant remains in custody, the Court is bound by the speedy trial statute (725 ILCS 5/103-5) which states that every person taken into custody shall be tried within 120 days from the date of being taken into custody. Historically, this case track designation represents approximately 30% of the felony caseload.

Track III – Complex Cases – These cases can be generally identified as Class M and Class X felonies. A large proportion of these cases contain charges relating to Murder, Predatory Criminal Sexual Assault, Armed Violence, and cases where the charge of Delivery of a Controlled Substance involves a substantial amount of illegal drugs. These cases may also include DNA evidence issues and generally do not have speedy trial concerns. This case track has been established with a target time for disposition of between 181-365 days. The goal for Complex Cases is to dispose of 90% of these cases within the 181-365 day period identified above understanding that the serious circumstances of these cases may of some cases require a longer time to disposition. Historically, this case track designation represents approximately 5% of the felony caseload. See flowchart on following page.

To support the Case Track Designation process, the ICM workgroup has developed a standardized form (DRAFT), known as the “fact sheet”, to be used at the inception of each felony case. This “fact sheet” contains general information about the case and includes a section that establishes the Initial Track Recommendation which will be used to define the process moving forward for each felony case filed in the Circuit Court of Lake County. A copy of this form is included as Exhibit A.

Create a series of events with established tasks to be accomplished at each event.

A critical element to managing any process requires that a path be established that all participants in the process can rely on to track responsibilities and progress. Intensive Case Management is no different. In an effort to better define the events and schedule in each case, the Circuit Court of Lake County will implement the use of a Case Management Conference to formalize the events required for each individual case and set reasonable dates and deadlines for each required event through the process. The Case Management Conference will be a standard order in each case identified as Track II or Track III to coordinate all parties and events required to bring the case to resolution. Topics of review at the Case Management Conference will include: issues and timing of discovery; pretrial motions; issues of conflict concerning representation; substance abuse or mental health issues; filing deadlines; scheduling pretrial conference and; trial date along with any other issue that may affect the timely resolution of any given case. A DRAFT of the Order Setting Case Management Conference is included as Exhibit B.

Establish consistent expectations for participants in the process for each event.

In order to effectively establish a caseload process, that process must be perceived as reasonable and credible setting an expectation for all participants in the process that these events will be occurring as scheduled and thus the appropriate level of preparation is required for each scheduled event. A key aspect of credibility comes with consistency. If the system consistently requires the participants to be prepared for scheduled events, it becomes predictable and sets the expectations and ensures the actions occur when they need to occur. In an effort to improve this consistency within the system, the Circuit Court of Lake County will implement the use of court orders to set expectations for scheduled events throughout the process. Two examples of these orders include a Case Management Order and a Pretrial Conference Order. These orders will set the expectations for all participants in the process and set a schedule of events for the ultimate disposition of each case. A DRAFT of the Case Management Order and the Pretrial Conference Order are included as Exhibit C and Exhibit D. Two other examples of current orders in use include the Reciprocal Discovery orders entered at the time of arraignment. Once entered, these orders provide dates for discovery compliance and shall be reviewed during the Case Management Conference to ensure that a meaningful exchange of discovery has been occurring throughout the case. See Exhibit E and Exhibit F.

Develop Data Fields for Proper Evaluation and Monitoring

Proper evaluation and monitoring of Intensive Case Management will require the development of additional data fields and management reports for use in the Case Record Information Management System (CRIMS). Essential data fields may include: Current Track Assignment; Date of Current Track Assignment; Previous Track Assignment; Date of Previous Assignment, Pretrial Date; and Date Trial Started. The use of these data elements will provide the Court with a snapshot of case processing times amongst the different track designations and they will aid in identifying cases that have not been assigned to a track designation. A summary of the data shortfall is contained in Exhibit G.

ICM Next Steps

INTENSIVE CASE MANAGEMENT IMPLEMENTATION

As evidenced throughout this report, the Circuit Court of Lake County has made great strides in the implementation of their Intensive Case Management program. In addition to those accomplishments already attained, the Circuit Court of Lake County has identified the following steps to complete the implementation and assure the success of Intensive Case Management in Lake County.

External Outreach

A presentation has been scheduled for the fall of 2012 to present the implementation plans for Lake County's Intensive Case Management program to the Lake County Bar Association Criminal Law Committee (LCBA-CLC). The concepts behind the Intensive Case Management program were introduced to the LCBA-CLC at a presentation in September, 2011. The purpose of this presentation will be to introduce the LCBA-CLC to the policies and procedures that will be set in place for the further implementation of **ICM**. The presentation will serve to solicit review and input from the Lake County Bar Association committee on the process for change within the criminal court system in Lake County. It is expected that a 30 day review and comment period will follow the presentation to allow for input from these participants in the system.

Internal Implementation Process

A meeting of the Circuit Judges of Lake County will be set to review, consider and make a recommendation for the implementation of Intensive Case Management in the Circuit Court of Lake County. At this meeting, it is anticipated that the steps to implementation will be formalized including the identification of milestone dates in the implementation process which will include:

Local Court Rule – A Local Court Rule of the Nineteenth Judicial Circuit will be issued regarding the implementation of Intensive Case Management in Lake County which will include the process for implementation as defined at the meeting of the Circuit Judges.

Internal Training – Training dates will be established for all Justice Agencies to provide practical training relating to the implementation of **ICM**. Training will be required for all participants in the process to assist in understanding the process, procedures and policies of **ICM**. Each Justice Partner will provide specialized training within their division or agency to assure participants understand the forms, procedures and expectations of the Circuit Court of Lake County.

External Training – Training dates will be established through the Lake County Criminal Law Committee to provide practical training relating to the implementation of **ICM**. Training will be designed to assist in understanding the process, procedures, forms, orders and policies of **ICM** to set expectations for all Criminal Law participants.

Forms Implementation – A date will be established whereby the Circuit Court of Lake County will start using the **ICM** Fact Sheet in a fashion consistent with the **ICM**

Workgroup's recommendations at which time it will be a routine process in Criminal Caseflow Management.

Orders Implementation – A date will be established whereby the Circuit Court of Lake County will begin using the Order Setting a Case Management Conference, the Case Management Order and the Pretrial Conference Order in a fashion consistent with the ICM Workgroup's recommendations at which time these orders will become a routine process in the Criminal Court System.

Technology Update and Implementation – Concurrent with implementation of the Fact Sheet, additional case management data fields will have to be developed, installed and tested for use in CRIMS so that the Court can effectively monitor the progress of ICM.

Periodic program review

Internal Review Structure – A structure will be set for the on-going review and evaluation of the Intensive Case Management program in the Circuit Court of Lake County in a fashion consistent with the ICM Workgroup's recommendations. It is anticipated that the ICM workgroup will provide continuing review and support of the ICM process by providing as needed and milestone reviews of the process to assure the successful implementation and continued success of ICM in the Circuit Court of Lake County. It is anticipated that the ICM Workgroup will provide a more intensive review cycle in the first year of full implementation and then move to a semi-annual review process with as-needed reviews for "hot button" issues as they arise.

External Review Structure – A structure will be set for external outreach and reporting on ICM through the Lake County Criminal Law Committee. This structure and schedule will be set based on the recommendations of the ICM Workgroup but shall include at least an annual review of the process and procedures with the LCBA-CLC or equivalent public committee to assure participants from the private bar have a venue to provide input in the system on an on-going basis.

MAJOR TASKS/HURDLES REQUIRING DISCUSSION AND RESOLUTION

While great strides towards the implementation of ICM have occurred over the past year, there are still a few, but very important, issues and topics that need further discussion, review and resolution before full implementation can be complete.

Most importantly, judicial resources will need to be adjusted to better support the efforts of Early Disposition Court or Expedited Track of the Intensive Case Management System once the a new criminal courthouse is completed. The efforts of the current team have been impressive, statistically speaking, however, in order to achieve better time and resource management an additional judge should be assigned to this function so that there are two (2) EDCs serving the Lake County Criminal Justice System.

The current Bond Court judge performs the following functions:

1. Conducts Initial Appearances and establishes conditions of release (if applicable) and determines bond.

- a. Nearly 8,000 cases had an initial bond hearing in C-120 during 2011.
2. Conducts Preliminary Hearings.
 - a. Approximate, 2,300 cases had a preliminary hearing in 2011.
3. Conducts hearings related to Status of Attorney or Review of Bond.
 - a. Nearly 3,800 hearings on status of attorney and review of bond were conducted in 2011.
4. Issuance and return of Search Warrants.
 - a. In 2011 there were 257 search warrants issued.
5. Issuance of Overhear Applications.
6. Issuance of all Emergency Orders of Protection occurring after regular business hours.
7. Presides over the Early Disposition Court.
 - a. This relates to approximately 1,500 case dispositions per year.

Generally the first three tasks performed by the Bond Court Judge are understood by funding authorities and individuals involved in the criminal justice system. The fourth task is relatively new and the following will set the framework of the EDC.

What is Early Disposition Court (EDC)?

Early Disposition Court, or EDC, is a court session separate from traditional court sessions. EDC attempts to bring criminal cases to resolution with the fewest possible court appearances. The goal is to make the criminal justice system more efficient; but still protect the rights of all parties involved. All parts of the criminal justice system work together and share information as much as possible.

How does EDC work?

After the Initial Appearance, the State's Attorney decides if a case should go to EDC. If the case is right for EDC, it is set for court at an EDC session. At that EDC session, the defendant is arraigned, and a plea agreement is offered by the State's Attorney. If the defendant accepts the plea agreement, sentencing will occur that day. If the defendant does not accept the offered plea agreement, there are two options. More time is allowed to reach a plea agreement by the next EDC session; or the case is set for a traditional court session.

Why would a case go to EDC?

If the attorneys believe a case can be resolved more quickly, and the rights of all parties will not be compromised, the case may be sent to Early Disposition Court.

What's in it for me?

➤ The Community/Taxpayers

EDC saves resources. It saves time and tax dollars. Part of these savings also includes reducing the costs related to the jail by prioritizing those cases involving individuals in custody and on parole holds. Cases in EDC are typically resolved in a single hearing. When a case goes to traditional court it may take a minimum of three months to resolve. In addition, when a case is resolved in EDC, there is no need for a Grand Jury indictment. Moreover, if a defendant is placed on probation, it is important to get the defendant under probation supervision as soon as possible. If a case goes through traditional court, the defendant may stay in jail an extra 10 days until arraignment. During that time, the defendant may lose employment, housing, and other support that can help a person be successful in the community. EDC helps

keep these supports in place by getting the defendant back in the community under probation supervision more quickly. This makes it more likely the defendant can be successful and less likely the defendant will commit more crimes.

➤ The Victim

Just like traditional court, victims in EDC have the opportunity to be heard and to provide input. When a case goes to EDC, fewer court hearings means fewer trips to the courthouse. If the defendant is put on probation, getting this done faster means a better chance at getting victim restitution paid more quickly.

➤ The Defendant

EDC usually means fewer trips to the courthouse for hearings and quicker case resolution. If the sentence is to be probation, going into EDC may also mean getting out of custody sooner. That in turn may mean keeping or finding a job, and getting needed help (like counseling) sooner.

In order for the criminal justice system and the citizens of Lake County to fully realize the benefit of the EDC concept, a second courtroom with at least a 0.5 FTE Judge (based on today's level of case activity) needs to be assigned to relieve the pressure point that is currently building for the one (1) judge that is performing four (4) distinct functions.

An additional task to be considered is the development of a plea cut-off policy. Other courts that have implemented successful caseload management programs have also incorporated plea cut-off policies as a part of their system. More importantly, the plea cut-off strategy is not unfamiliar to the Circuit Court of Lake County. In the past, several judges have adopted this type of policy for the management of their individual caseloads and it was met with success in those courtrooms.

Other tasks and topics that need to be addressed in this process include:

Automation

Proper evaluation and measurement of any caseload management program relies on accurate data management. Our current case management system would require significant updates, data field development and reporting development in order to properly support Intensive Case Management. See Exhibit G.

Trial Continuance Policy

Trial date certainty is the core of all successful caseload management programs. In order to achieve trial date certainty, a court must adopt and adhere to a trial continuance policy that addresses all aspects of a motion to continue trial and ensures compliance with 725 ILCS 5/114-4. Examples of policies and forms are attached in Exhibit H and Exhibit I.

Track Setting Criteria and Characteristics

Intensive Case Management is currently operating without the benefit of a formal set of case characteristics and criteria to guide the process. See Exhibit J.

Rules, Resolutions and Operational Statements

New business practices, processes and procedures will require new business rules to govern these actions. See Exhibit K for example.

External Outreach and Informational Documents

The Circuit Court of Lake County has encountered several operational changes in the past year to meet the demands of our caseload shifts and physical space constraints. Each set of change has called for input from our justice system partners and we shall continue in that tradition as we formally develop and refine Intensive Case Management. In addition, as mentioned earlier in this document, during consideration of **ICM**, a review of the Court's pilot standards for criminal felony cases in comparison to suggested goals was performed. That document dated January 26, 2011 is included. See Exhibit L for all examples.

EXHIBIT A

DRAFT Fact Sheet

"To support the Case Track Designation process, the ICM workgroup has developed a standardized form (DRAFT), known as the "fact sheet", to be used at the inception of each felony case. This "fact sheet" contains general information about the case and includes a section that establishes the Initial Track Recommendation which will be used to define the process moving forward for each felony case filed in the Circuit Court of Lake County. A copy of this form is included as Exhibit A."

Action Steps Pending:

- ☐ Final Draft Approved
- ☐ Start Date Selected
- ☐ AO to Implement

Issues:

- ◆ Data will only be available manually initially
- ◆ Data sharing among justice system partners not fully established

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

People v. _____ Case No.: _____

Offense date: ____/____/____ Date filed: ____/____/____

DOB ____/____/____ Most serious charge: _____

Bond / Parole / LC Jail Class: _____

Interpreter or special needs? Y / N Related cases: _____

_____ Co-defs: _____

Fitness / Psychological needed? Y / N Lab results required? Y / N

Addiction – TIM Court Referral? Y / N Specify type: ☐ Drug/Alcohol ☐ DNA ☐ Forensic

Veteran Court Referral? Y / N Lab used: _____

Jury: Y / N Number of Witnesses: _____ State _____ Defense _____

Background: _____

Sentence: _____

Victim(s): _____ Restitution? Y / N \$ _____

Experts needed? Y / N List: _____

Motions: _____

Initial Track Recommendation: ☐ I ☐ II ☐ III

EXHIBIT B

DRAFT Order Setting Case Management Conference

"Create a series of events with established tasks to be accomplished at each event. A critical element to managing any process requires that a path be established that all participants in the process can rely on to track responsibilities and progress. Intensive Case Management is no different. In an effort to better define the events and schedule in each case, the Circuit Court of Lake County will implement the use of a Case Management Conference to formalize the events required for each individual case and set reasonable dates and deadlines for each required event through the process. The Case Management Conference will be a standard order in each case identified as Track II or Track III to coordinate all parties and events required to bring the case to resolution. Topics of review at the Case Management Conference will include: issues and timing of discovery; pretrial motions; issues of conflict concerning representation; substance abuse or mental health issues; filing deadlines; scheduling pretrial conference and; trial date along with any other issue that may affect the timely resolution of any given case. A DRAFT of the Order Setting Case Management Conference is included as Exhibit B."

Action Steps Pending:

- ☐ Final Draft Approved
- ☐ Start Date Selected
- ☐ AO to Implement

Issues:

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)

vs.)

CASE NO. _____

ORDER SETTING CASE MANAGEMENT CONFERENCE

The Court after review of the court file **HEREBY ORDERS:**

That Defendant, Defendant's counsel of record, and the Assistant State's Attorney assigned to the case, appear for a case management conference on

_____, at _____ a.m./p.m., in C _____.

IT IS FURTHER ORDERED that counsel be prepared to discuss all aspects of case management and scheduling, to include, without limitation, the following:

1. Discovery, including initial discovery disclosure, reciprocal discovery, depositions, expert witness issues, and discovery issues requiring a motion to compel or an order to show cause.
2. Any pretrial motions pending or contemplated, to include scheduling issues related to such motions. This would include suppression motions, child hearsay motions.
3. Any conflict issues concerning representation.
4. Any substance abuse issues
5. Any fitness/mental health issues
6. Trial date and expected length of trial
7. Pretrial Conference date.
8. Plea cut-off date or plea change track.
9. Restitution experts.
10. Motions, filing deadline(s) and scheduling.
11. Discovery deadline.
12. Schedule additional case management conferences if necessary.
13. Any other issues affecting a timely resolution of this case.

ENTER:

JUDGE

Dated this _____ day of _____, 20____

EXHIBIT C

DRAFT Pretrial Conference Order

*In order to effectively establish a caseload process, that process must be perceived as reasonable and credible setting an expectation for all participants in the process that these events will be occurring as scheduled and thus the appropriate level of preparation is required for each scheduled event. A key aspect of credibility comes with consistency. If the system consistently requires the participants to be prepared for scheduled events, it becomes predictable and sets the expectations and ensures the actions occur when they need to occur. In an effort to improve this consistency within the system, the Circuit Court of Lake County will implement the use of court orders and/or reports to set expectations for scheduled events throughout the process. Two examples of these orders include a Case Management Order and a Pretrial Conference Order. These orders will set the expectations for all participants in the process and set a schedule of events for the ultimate disposition of each case. A **DRAFT** of the Case Management Order and the Pretrial Conference Order are included as Exhibit C and Exhibit D. Two examples of these suggested reports include a **DRAFT** Pretrial Discovery Reports for both the State and the Defense and are included as Exhibit E and Exhibit F.*

Action Steps Pending:

- ☐ Final Draft Approved
- ☐ Start Date Selected
- ☐ AO to Implement

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)	
)	
vs.)	CASE NO. _____
)	
_____)	

PRETRIAL CONFERENCE ORDER

This matter comes before the court for pretrial, all parties being present and the court being fully advised in the premises,
IT IS HEREBY ORDERED:

That the case is set for Bench / Jury trial on: ____ / ____ / ____ and the case is expected to last ____ days.

That all motions in limine are to be filed on or before: ____ / ____ / ____

That all jury instructions are to be tendered on or before: ____ / ____ / ____

That hearing on all motions in limine shall be set for: ____ / ____ / ____ at ____ a.m. / p.m. in C-____

Trial Needs:

- ☐ Interpreter (language): _____
- ☐ NOMAD system
- ☐ Other (specify) _____

ENTER:

Dated this ____ day of _____, 20____

_____ JUDGE

EXHIBIT D

DRAFT Case

Management Order

*In order to effectively establish a caseload process, that process must be perceived as reasonable and credible setting an expectation for all participants in the process that these events will be occurring as scheduled and thus the appropriate level of preparation is required for each scheduled event. A key aspect of credibility comes with consistency. If the system consistently requires the participants to be prepared for scheduled events, it becomes predictable and sets the expectations and ensures the actions occur when they need to occur. In an effort to improve this consistency within the system, the Circuit Court of Lake County will implement the use of court orders and/or reports to set expectations for scheduled events throughout the process. Two examples of these orders include a Case Management Order and a Pretrial Conference Order. These orders will set the expectations for all participants in the process and set a schedule of events for the ultimate disposition of each case. A **DRAFT** of the Case Management Order and the Pretrial Conference Order are included as Exhibit C and Exhibit D. Two examples of these suggested reports include a **DRAFT** Pretrial Discovery Reports for both the State and the Defense and are included as Exhibit E and Exhibit F.*

Action Steps Pending:

- ☐ Final Draft Approved
- ☐ Start Date Selected
- ☐ AO to Implement

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS)

vs.)

CASE NO. _____)

CASE MANAGEMENT ORDER

Speedy Trial Demand: Y / N

Track: ☐ I ☐ II ☐ III

Interpreter: Y / N Language: _____ Discovery Complete: Y / N Tender by: ____ / ____ / ____

Evidence: ☐ DNA ☐ Photos ☐ Diagrams ☐ DVD/Video ☐ Lab results ☐ Other _____

Experts:

Name			
Area of Expertise			

Restitution: _____ Conflicts: _____

Defendant Issues/Concerns:

☐ Mental Health ☐ Substance Abuse ☐ Fitness Evaluation(s) Ordered: Y / N Complete by: ____ / ____ / ____TIM Court candidate: ☐ Drug ☐ Mental Health ☐ Veteran's

High Profile/Security Issues: _____

Pretrial Motions:

Motion	File By	Hearing Date	Time

Trial Date: ____ / ____ / ____

Pretrial Date ____ / ____ / ____

☐ Bench ☐ Jury Estimated length of trial: _____

ENTER:

Dated this ____ day of _____, 20____

JUDGE

EXHIBIT E

Reciprocal Discovery Order - State

*"In order to effectively establish a caseflow process, that process must be perceived as reasonable and credible setting an expectation for all participants in the process that these events will be occurring as scheduled and thus the appropriate level of preparation is required for each scheduled event. A key aspect of credibility comes with consistency. If the system consistently requires the participants to be prepared for scheduled events, it becomes predictable and sets the expectations and ensures the actions occur when they need to occur. In an effort to improve this consistency within the system, the Circuit Court of Lake County will implement the use of court orders to set expectations for scheduled events throughout the process. Two examples of these orders include a Case Management Order and a Pretrial Conference Order. These orders will set the expectations for all participants in the process and set a schedule of events for the ultimate disposition of each case. A **DRAFT** of the Case Management Order and the Pretrial Conference Order are included as Exhibit C and Exhibit D. Two other examples of current orders in use include the Reciprocal Discovery orders entered at the time of arraignment. Once entered, these orders provide dates for discovery compliance and shall be reviewed during the Case Management Conference to ensure that a meaningful exchange of discovery has been occurring throughout the case. See Exhibit E and Exhibit F."*

Action Steps Pending:

- ☐ Final Draft Approved
- ☐ Start Date Selected
- ☐ AO to Implement

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)

vs)

Gen. No. _____

ORDER

Upon motion of _____, the attorney for the
defendant _____,

It is hereby ordered that the state shall disclose to defense counsel for above named defendant the following material and information within its possession or control:

1. The names and last known addresses of persons whom the State intends to call as witnesses, together with their relevant written or recorded statements, memoranda containing substantially verbatim reports of their oral statements, and a list of memoranda reporting or summarizing their oral statements which the state does not consider substantially verbatim. Any such memoranda which the State does not disclose to defense counsel shall be submitted to the Court for examination in camera and disclosure to defense counsel if found to be substantially verbatim reports.

2. Any written or recorded statements and the substance of any oral statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgment of such statements.

3. If the Grand Jury minutes were recorded by a court reporter, a transcript of those portions of said minutes containing testimony of the accused and relevant testimony of persons whom the State intends to call as witnesses.

4. Any reports or statements of experts, made in connection with this case, including results of physical or mental examination and of scientific tests, experiments or comparisons and a statement of qualification of the expert; oral reports or statements of experts shall be reduced to writing by said experts.

5. Any books, papers, documents, photographs or tangible objects which the State intends to use as evidence or which were obtained from or belong to the said defendant.

6. Any record of prior criminal convictions which may be used for impeachment of persons which the State intends to call as witnesses.

7. Any material or information within its possession or control which tends to negate the guilt of the said defendant as to the offense charged, or would tend to reduce his punishment therefor.

8. If there has been any electronic surveillance (including wire tapping) of the conversation to which the accused was a party or of his premises.

It is further ordered that the State shall comply with the aforesaid order within _____ days hereof at a time and a place and in a manner mutually agreeable to itself and defense counsel whereby the material and information may be inspected, obtained tested, copied or photographed. If the parties cannot agree upon a time, place and manner of compliance with this order, the State will proceed in accordance with Supreme Court Rule 412 (e), subparagraphs (i) and (ii) (effective October 1, 1971).

It is further ordered that if the State obtains from the said defendant pursuant to an order of this court, information regarding the defense the accused intends to make, It shall promptly provide, but not less than seven (7) days prior to the date of trial or hearing, to the defendant's attorney the names and addresses of witnesses the State intends to call in rebuttal together with information required to be disclosed in connection with other witnesses by paragraphs 1, 3 and 6 of this order and a specific statement as to the substance of the testimony such witnesses will give at the trial of the cause.

It is further ordered that if subsequent to compliance with the above order, the State discovers additional material or information which is subject to disclosure under the terms of this order, it shall promptly disclose such material or information to counsel for defendant and also notify the court of its existence.

JUDGE

Dated at Waukegan, Illinois this

_____ day of _____, 20_____.

EXHIBIT F

Reciprocal Discovery Order - Defense

*"In order to effectively establish a caseflow process, that process must be perceived as reasonable and credible setting an expectation for all participants in the process that these events will be occurring as scheduled and thus the appropriate level of preparation is required for each scheduled event. A key aspect of credibility comes with consistency. If the system consistently requires the participants to be prepared for scheduled events, it becomes predictable and sets the expectations and ensures the actions occur when they need to occur. In an effort to improve this consistency within the system, the Circuit Court of Lake County will implement the use of court orders to set expectations for scheduled events throughout the process. Two examples of these orders include a Case Management Order and a Pretrial Conference Order. These orders will set the expectations for all participants in the process and set a schedule of events for the ultimate disposition of each case. A **DRAFT** of the Case Management Order and the Pretrial Conference Order are included as Exhibit C and Exhibit D. Two other examples of current orders in use include the Reciprocal Discovery orders entered at the time of arraignment. Once entered, these orders provide dates for discovery compliance and shall be reviewed during the Case Management Conference to ensure that a meaningful exchange of discovery has been occurring throughout the case. See Exhibit E and Exhibit F."*

Action Steps Pending:

- ☐ Final Draft Approved
- ☐ Start Date Selected
- ☐ AO to Implement

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
)
 vs) GEN. NO.
)
)

ORDER

Upon Motion of the State,

It is hereby ordered that defense counsel for the defendant
_____ shall inform the State's
Attorney of Lake County of any defenses which the defendant intends to make at
a hearing or trial, including affirmative defenses, non-affirmative defenses,
alternative and inconsistent defenses.

It is further ordered that said defense counsel shall furnish the
State's Attorney with the following materials and information within his
possession or control or within the possession or control of the defendant:

1. The names and last known addresses of persons he intends to call
as witnesses, together with their relevant written or recorded statements,
including memoranda reporting or summarizing their oral statements and any
record of prior criminal convictions of said witnesses known to the defendant
or his defense counsel.

2. Any written or recorded statements, including memoranda reporting
or summarizing the oral statements of any persons listed by the State as
potential witnesses.

3. Any books, documents, photographs or tangible objects he intends
to use as evidence or for impeachment.

4. Any reports or statements of experts, made in connection with this
case, including results of physical or mental examinations, and of scientific
tests, experiments or comparisons, except that those portions of reports
containing statements made by the defendant may be withheld if defense counsel
does not intend to use any of the material contained in the report at a
hearing or trial; oral reports or statements of experts shall be reduced to
writing by said experts.

It is further ordered that if said defendant intends to prove an alibi,
he shall disclose to the State's Attorney specific information as to the place
where he maintains he was at the time of the alleged offense.

It is further ordered that said defendant counsel shall comply with the
aforesaid order within _____ days hereof at a time and place and in a

manner mutually agreeable to said defense counsel and the State's Attorney whereby said material and information may be inspected, obtained, tested, copies or photographed. If the parties cannot agree on a time, place and manner of compliance with this order, defense counsel shall notify the State's Attorney that the aforesaid material and information may be inspected, obtained, tested, copied or photographed during specified reasonable times and at places reasonably accessible to the State's Attorney.

It is further ordered that if subsequent to compliance with the above order, the defendant discovers additional material or information which is subject to disclosure under the terms of this order, it shall promptly disclose such information or material to the State's Attorney and also notify the court of its existence.

ENTERED:

JUDGE

DATED at Waukegan, Illinois this
_____ day of _____, A.D. _____.

EXHIBIT G

ICM Data/Information Technology Support

Proper evaluation and monitoring of Intensive Case Management will require the development of additional data fields and management reports for use in the Case Record Information Management System (CRIMS). Essential data fields may include: Current Track Assignment; Date of Current Track Assignment; Previous Track Assignment; Date of Previous Assignment, Pretrial Date; and Date Trial Started. The use of these data elements will provide the Court with a snapshot of case processing times amongst the different track designations and they will aid in identifying cases that have not been assigned to a track designation. A summary of the data shortfall is contained in Exhibit G.

ICM – Data/Information Technology Support

One of the issues facing the successful implementation of the “full” ICM Program in the Circuit Court of Lake County is the capabilities of CRIMS. The following is a high-level assessment of support that ICM would need from CRIMS

Objective: Prompt creation of a case record to facilitate monitoring of case progress and overall case management performance.

Use of the data/information system to:

- ❖ Monitor case progress by track
- ❖ Generate notices, calendars and statistical reports
- ❖ Permit periodic analysis of system performance

Assessment Criteria:

- ❖ Case information, track assignment and deadlines entered into the data base as they happen.
- ❖ The information produced by the system enables judges and 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 set by the court.
- ❖ Performance of cases on each track can be evaluated, by track and by judge
- ❖ The system can respond to ad hoc inquiries.
- ❖ The system provides information to determine whether the ICM program is meeting goals and objectives established by the court.
- ❖ Notices and calendars are generated promptly.

Assessment Guidelines:

- ❖ Is the track assignment promptly entered into the case management system data base?
- ❖ Is the data available to support day-to-day case management for the judges?
- ❖ Is the track assignment promptly communicated to the parties involved along with the schedule for subsequent case processing events?
- ❖ Is the information needed to determine whether modifications need to be made in the ICM program routinely collected and readily available?
- ❖ Is the information needed to measure the success of the ICM program routinely collected and readily available?
- ❖ To whom is this information communicated?
- ❖ Does the information system routinely provide information by track and judge regarding:
 - Case inventory by age, case type and event?
 - Compliance with event and track deadlines?
 - Frequency, reason for and effect of continuances?
 - Case disposition by age, track and type of disposition?
 - Event/timeframe at which the case disposition is occurring?

EXHIBIT H

SAMPLE Docket Control

Procedures

"Trial date certainty is the core of all successful caseload management programs. In order to achieve trial date certainty, a court must adopt and adhere to a trial continuance policy that addresses all aspects of a motion to continue trial and ensures compliance with 725 ILCS 5/114-4. Examples of policies and forms are attached in Exhibit H and Exhibit I."

Docket Control Procedures Regarding Continuances

It is the policy of the Circuit Court of Lake County criminal courts to promote resolution of felony cases without unnecessary delay. To this end, in order to preserve scheduled trial dates, the Court shall only consider requests to continue trial which are supported by statute (725 ILCS 5/114-4) or for good cause shown.

The court system will maintain information about each requested continuance in the court file, identifying the party requesting the continuance, the reason or reasons given, whether the continuance was granted, and the delay incurred because of the granting of the continuance. Every six months, the Presiding Judge shall report to the Chief Judge on the number of continuances requested and granted during the previous period as it relates to the application of this policy. As necessary, the court shall work with representatives of the criminal bar to seek resolution of any organizational or systemic problems which cause cases to be continued.

DRAFT

EXHIBIT I

SAMPLE Trial

Continuance Order

"Trial date certainty is the core of all successful caseload management programs. In order to achieve trial date certainty, a court must adopt and adhere to a trial continuance policy that addresses all aspects of a motion to continue trial and ensures compliance with 725 ILCS 5/114-4. Examples of policies and forms are attached in Exhibit H and Exhibit I."

Action Steps Pending:

- ☐ Pursue development of management report
- ☐ Review and Approve continuance reasons selected

Issues:

Not all divisions uniformly use order despite AO

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT,
LAKE COUNTY, ILLINOIS

Exhibit I

Plaintiff(s)
vs. _____
Defendant(s)

General No. _____

TRIAL CONTINUANCE ORDER

This cause coming to be heard on _____'s _____
Party Role (e.g., Plaintiff, Defendant, State) Party Name by
_____ Motion to Continue Trial for the following reasons; (check all that apply)
Moving Attorney Name

- | | | |
|--|---|---|
| <input type="checkbox"/> Illness: Client/Witness | <input type="checkbox"/> Attorney Unavailable | <input type="checkbox"/> Discovery Not Complete |
| <input type="checkbox"/> Illness: Attorney | <input type="checkbox"/> Judge Unavailable | <input type="checkbox"/> Unresolved Rule 213 Issues |
| <input type="checkbox"/> Witness Unavailable | <input type="checkbox"/> Service Not Complete | <input type="checkbox"/> Scientific Evidence Not Complete |
| <input type="checkbox"/> Client Unavailable | <input type="checkbox"/> Motions Pending | <input type="checkbox"/> Not Reached on the Trial Call |
| <input type="checkbox"/> Other (SPECIFY) _____ | | |

IT IS HEREBY ORDERED that the Motion to Continue Trial is ☐ granted ☐ denied. Said cause is hereby removed
from the _____ trial call and reset to the _____, 20_____,
trial call at _____ A.M. / P.M. in C-_____ without further notice.

The attached is the current version
Of the Trial Continuance Order (4/2011)

No decision has been made as of this date
regarding the expenditure of funds to
develop a management report that would
provide a frequency rate by "reason". Not
that this is critical, but developing trends
would help the policy makers develop stronger
guidelines relating to continuances.

JUDGE

The following is an example of such a report.

Continuance Requester/Reason (may be more than one per case):

- | | |
|--|---|
| 1. Stipulated by Attorneys (19) | |
| 2. Requests by Prosecution Attorney | |
| a. Witness issue (10) | b. Discovery (2) |
| 3. Requests by Defense Attorney | |
| a. Attorney Unavailability (30) | g. Attorney conflict (2) |
| b. Negotiations in progress (16) | h. Co-defendant severance motion (1) |
| c. Motions pending (11) | i. Difficulty communicating with client (1) |
| d. Defendant absent (5) | j. Interpreter needed (1) |
| e. Conflict/change of counsel (4) | k. Need evidence view (1) |
| f. Discovery (4) | l. Witness issue (1) |
| 4. Requestor not specified | |
| a. Attorney unavailable (1) | c. Expert unavailable (1) |
| b. Defendant indicted on new charges (1) | |

EXHIBIT J

DRAFT Felony ICM

Tracking Criteria

Intensive Case Management is currently operating without the benefit of a formal set of case characteristics and criteria to guide the process. See Exhibit J.

Action Steps Pending:

- ☐ Review/Update language of Draft form
- ☐ Final Draft Approved
- ☐ Start Date Selected
- ☐ AO to Implement

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

vs.

CASE NO. _____

CRITERIA WORKSHEET FOR DETERMINING FELONY ICM TRACK I, II OR III

Suggested Track: _____

Track I: Expedited Cases - 0-120 Days

- ☐ In custody
- ☐ Single defendant
- ☐ No suppression issues or pretrial motions
- ☐ Simple analysis of drugs required
- ☐ Minor criminal sanctions involved

Track II **Standard Cases – 121-180 Days**

_____ Out of custody

_____ Defendant has prior felony convictions

_____ Drug cases with stop/search issues

_____ Search warrant with small amount of drugs – No search/seizure issues or deliveries

Track III Complex Cases – 181 – 365 Days

- _____ Multiple defendants
- _____ Search warrants
- _____ Conspiracies
- _____ Complex suppression issues or pretrial hearings
- _____ Ongoing related investigation
- _____ Amount of drugs which involve extensive testing
- _____ Serious potential prison sentence possible

ATTORNEY: _____

EXHIBIT K

PROPOSED ICM

Operational Statement

New business practices will require new business rules to govern these actions. See Exhibit K for example.

Action Steps Pending:

- ☐ Final Draft Approved
- ☐ Start Date Selected
- ☐ AO to Implement

Issues:

PROPOSED ICM OPERATIONAL STATEMENT

The Nineteenth Judicial Circuit, Lake County State's Attorney and Office of Public Defender are committed to ensuring that the requirements of due process are met in every criminal case while reducing unnecessary delay.

ENDORSEMENT

The Nineteenth Judicial Circuit, Lake County State's Attorney and Office of Public Defender endorse the following propositions:

- A. Unnecessary delay in the criminal justice system undermines due process and the fair resolution of criminal cases;
- B. Unnecessary rescheduling of criminal court hearings interferes with the prudent use of resources and employee time, and undermines the mission of each criminal justice agency;
- C. Production of discovery at the earliest reasonable opportunity is necessary to provide adequate information for informed pleas, to promote credible trial dates, and to ensure due process;
- D. Continuances that promote fair and timely resolution of cases and ensure that the requirements of due process are met in every case are necessary to establishing and maintaining the credibility of the criminal justice system and achieving the ideals contemplated by the criminal justice system of Lake County.

AGREEMENT

The Nineteenth Judicial Circuit, Lake County State's Attorney and Office of Public Defender agree to work towards achieving the following objectives:

- A. To reduce and avoid unnecessary delay through criminal backlog reduction;
- B. To reduce and avoid unnecessary court settings required to proceed to the fair resolution of criminal cases;
- C. To reduce the number of continuances required for discovery purposes and other foreseeable reasons;
- D. To improve the certainty of trial dates;
- E. To identify and implement procedures that will promote these goals, while ensuring that the requirements of due process are met in every case.

EXHIBIT L

DRAFT Outreach and Informational Documents

"The Circuit Court of Lake County has encountered several operational changes in the past year to meet the demands of our caseload shifts and physical space constraints. Each set of change has called for input from our justice system partners and we shall continue in that tradition as we formally develop and refine Intensive Case Management. In addition, as mentioned earlier in this document, during consideration of ICM, a review of the Court's pilot standards for criminal felony cases in comparison to suggested goals was performed. That document dated January 26, 2011 is included. See Exhibit L for all examples."

AREAS OF POSSIBLE COST SAVING

AREA	COSTING UNIT	QUANTITATIVE UNIT
Jail detention	Costs of jail day, prisoner transportation trips	Number of jail days saved, trips saved
Petit jury	Cost of juror day	Juror days saved
Issuance and service of process	Cost of issuing and delivering; a bench warrant subpoena, or notice	Number of processing events saved
Police witness court appearance	Cost of a police day in court, adjusted for overtime	Police days saved
Indigent defense (assigned counsel)	Cost of assigned defender days, adjusted for court and non-court time	Savings resulting from reduction in number of motions
Discovery motions	Cost of processing motions and motions hearings	Savings resulting from reduction in number of motions
Court appearances	Cost of a court appearance for trial (attorney time, judge time—court personnel time)	Savings resulting from fewer court appearances
Judge “down time”	Cost of a judge-day	Savings resulting from reduction in “down time” of judges



NINETEENTH JUDICIAL CIRCUIT

2010 Criminal Felony Dispositions: Time Standards, Goals and Differentiated Case Management

January 2011: As the Court moves towards the implementation of Differentiated Case Management (DCM) for its criminal felony cases, how have the past year's dispositions compared to our own pilot standards and goals and the suggested goals under the proposed DCM plan.

Patrice L. Evans, Business Process Analyst

January 26, 2011

NINETEENTH JUDICIAL CIRCUIT

2010 Criminal Felony Dispositions: Time Standards, Goals and Differentiated Case Management

BACKGROUND

- October 2009: The Court and County embark on a Justice System Operations Plan in association with Justice Served that will serve to implement the priority initiatives targeted by the Judicial Facilities Review Committee.
- January 2010: Case Management Committee members agree to a piloted set of case processing time standards for internal purposes only. Monthly judge activity reports are to be redesigned to incorporate the piloted goals and distributed to each judge effective March 2010.
- August 2010: The Judicial Facilities Review Committee considers the recommendations of the Phase I report from Justice Served. Implementation begins for the In-Custody Arraignment call to address bullpen overcrowding concerns.
- January 2011: The Judicial Facilities Review Committee reviews the Phase 3 action item recommendations offered by Justice Served and agrees to further investigate and consider implementation of Differentiated Case Management.

DISPOSITION DATA

Through the use of Query Management Facility (QMF), outlined below are the criminal felony dispositions captured for year 2010.

- Total Dispositions Captured: 3,887
- Average Age in Days: 238 days
- **Median Age in Days: 123 days**
- Total Cases Disposed by Trial: 91 (2%)

Age in Days Compared to Pilot Standard:

	0-90	91-120	121-180	181-270	271-365	366+	Mear	Median
Felony cases closed	1,536	375	562	476	287	651	238	123
Cumulative Percent	40%	49%	64%	76%	83%	17%		
Pilot Standard	40%	60%	75%	95%	98%	<=2%		



Lee County, Florida time standard:

Track	2009 Goal 80% Disposed	2010 Goal 90% Disposed
Expedited	120 days	120 days
Standard	180 days	180 days
Complex	300 days	240 days

CASE TRACK DESIGNATIONS

For purposes of illustration and to present a comparison to the Lee County, Florida model that is being considered, the sections below provide a more detailed analysis of the 2010 felony case dispositions. Using the three-track system, the criminal felony cases were grouped according to the charging class of the most serious offense charged in each case at the time of filing.

This grouping method is simply charge based and does not take into consideration any other complicating case related factors such as: co-defendants, mental health status of defendant, requirement of lab results, etc., and merely serves as an illustrative comparison of how current caseload dispositions could rank in a three track system.

COMPLEX CASES

Class M and Class X cases

These cases typically contain the charges of: Murder, Predatory Criminal Sexual Assault, Armed Violence and cases where the charge of Delivery of Controlled Substance involves a substantial amount of illegal drugs. Many of these cases also involve mandatory minimum sentences.

- Total 2010 Cases Disposed: 380
- Average Age in Days: 375 days
- **Median Age in Days: 216 days**
- 229 (60%) of dispositions in this "track" occurred within 300 days.
- 31 cases (8%) disposed by either bench or jury trial.

Subtype	Number of Cases Disposed	Average Age in Days
Aggravated Battery	23	271
Armed Violence	16	250
Armed Robbery	30	455
Arson	3	208
Battery	3	603
Cannabis	5	376
Controlled Substance	159	317

Subtype	Number of Cases Disposed	Average Age in Days
Felony DUI	16	180
Finance	1	442
Identity Theft	2	282
Kidnapping	3	298
Murder	28	1,186
Other*	31	146
Robbery	5	222
Sex Crime	16	497
Sexual Assault/Predatory	22	507
Theft	1	117
Weapons Charge	16	265

*Charges include various levels of Home Invasion offenses.

STANDARD CASES

Class 1 and Class 2 cases

A large proportion of these cases typically contain the charges of: Aggravated Battery, Burglary, Criminal Sexual Abuse and Delivery of Controlled Substance.

- Total 2010 Cases Disposed: 1,249
- Average Age in Days: 216 days
- **Median Age in Days: 126 days**
- 814 (65%) of dispositions in this "track" occurred within 180 days.
- 34 cases (3%) disposed by either bench or jury trial.

Subtype	Number of Cases Disposed	Average Age in Days
Accident	5	218
Aggravated Battery	53	177
Armed Robbery	3	84
Arson	2	89
Battery (Domestic)	25	258
Bribery	1	180
Burglary	416	136
Cannabis	12	169
Child or Minor	1	279
Damage	1	189
Driver's License/Permit	13	237
Controlled Substance	168	271
Felony DUI	193	206
Escape	7	175



Subtype	Number of Cases Disposed	Average Age in Days
Fraud	3	326
Hijacking	2	74
Identity Theft	28	245
Kidnapping	4	184
Other*	14	462
Registration	4	391
Robbery	58	162
Sex Crime	100	410
Sexual Assault/Predatory	1	357
Stolen Vehicle	34	143
Theft/Possess Stolen Prop	46	429
Trespass	1	571
Weapons Charge	54	214

*Charges include: Vehicular Endangerment, Harass Witness, and Remove/Alter Manufacturer ID.

EXPEDITED CASES

Class 3 and Class 4 cases

A large proportion of these cases contain the charges of: Driver's License/Permit, Unlawful Possession of Controlled Substance, Felony DUI and Theft.

- Total 2010 Cases Disposed: 2,258
- Average Age in Days: 226 days
- **Median Age in Days: 112 days**
- 1,191 (53%) of dispositions in this "track" occurred within 120 days.
- 26 cases (1%) disposed by either bench or jury trial.

Subtype	Number of Cases Disposed	Average Age in Days
Accident	6	204
Aggravated Battery	140	173
Animals	2	260
Armed Violence	1	42
Assault	1	20
Battery (Domestic)	76	131
Burglary	22	200
Cannabis	75	158
Child or Minor	9	257
Child Pornography	1	430
Credit Card	50	267

Subtype	Number of Cases Disposed	Average Age in Days
Damage	40	309
Deception	65	321
Disorderly Conduct	13	209
Driver's License/Permit	285	213
Controlled Substance	344	214
Felony DUI	124	303
Escape	28	218
Flee or Leave	23	164
Forgery	143	286
Fraud	11	752
Hate Crime	1	109
Identification	32	202
Identity Theft	63	141
Kidnapping	6	185
Miscellaneous**	1	4,653
Mob Action	10	117
Obstruct	67	300
Order of Protection	25	126
Other	29	157
OUI	1	400
Penal Institution	1	25
Perjury	5	72
Phone Harassment	5	150
Prostitution/Pandering	2	68
Registration	2	26
Reckless Driving	1	72
Reckless Homicide	3	274
Resisting/Obstructing	7	112
Robbery	3	223
Safety	1	543
Sex Crime	95	251
Stalking	8	103
Theft	354	223
Trespass	19	123
Video	1	100
Weapons Charge	57	248

*Charges include: Destroy/Desecrate Human Remains, Threaten Public Official and Home Repair Fraud.

**Charge is Unlawful Restraint.



OBSERVATIONS

The trial rate for the 2010 felony dispositions (less than 3%) is consistent with other courts nationwide.

Disposition data does not remove periods of inactivity. As a result, time spent on warrant status is calculated into the overall age of the case at time of disposition. A thorough review of our 2006 disposition data revealed that approximately 20% of dispositions captured contained a period of inactivity due to a case being on warrant status. The median amount of days a case was in warrant status was 127 days.

A total of 28 murder cases were disposed in 2010, however only five cases were disposed by trial and none of those five cases were death penalty matters.

Dispositions involving Class 3 and Class 4 charges, (the Expedited Track) took on average ten days longer to resolve than cases categorized within the Standard Track.

How do we compare to the Lee County, Florida model?

Track	Lee County Target	Lake County Actual	Difference
Expedited	80% within 120 days	53% within 120 days	-27%
Standard	80% within 180 days	65% within 180 days	-15%
Complex	80% within 300 days	60% within 300 days	-20%

In contrast, looking at our own goal set, how did we measure up?

	Lake County Pilot Target	2010 Actual Results	Difference
All Felony Cases	98% within 365 days	83% within 365 days	-15%

However, if we had set our own first attempt target at 80%, how much did we achieve?

	Lake County Pilot Target	2010 Actual Results	Difference
All Felony Cases	80% within 365 days	83% within 365 days	+3%



