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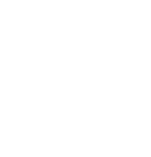
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STUDYING CASELOADS AND WORKLOADS: Benefits for Prosecutor Management and Funding

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THE NATIONAL BEST PRACTICES COMMITTEE

Prosecutors' Center for Excellence's National Best Practices Committee (NBP) brings prosecutors together to share ideas, discuss challenges, and develop guidance on today's prosecution best practices.

The NBP includes experienced prosecutors from large and small offices in 29 states. The committee meets on a regular basis to collaborate on creating a vision for the prosecutor's office of the future and issuing papers related to that topic. This is the fourth NBP paper.

The mission of the NBP is to improve the criminal justice system by providing support, guidance, and considerations for prosecutors. The NBP addresses the challenging issues impacting victims, witnesses, the accused, and the community. The guiding principles for NBP's work are a commitment to justice, integrity, ethics, fairness, and equity for all.

See our work and our members at: [National Best Practices Committee Webpage](#)



STUDYING CASELOADS AND WORKLOADS: Benefits for Prosecutor Management and Funding

INTRODUCTION

In our first paper on caseloads, “The Importance of Prosecutor Caseloads and the Challenges of Research” ([Read](#)), we examined caseload and workload as the fundamental measures of how a prosecutor office functions. *Caseload* refers to the volume of cases an office files or disposes of annually. *Workload* includes these case duties, plus the other non-case responsibilities of a prosecutor’s office. Without national standards, each office must calculate its own caseload and workload, and determine whether it has sufficient resources to competently meet these demands. Time studies, sufficiency studies, and comparative analyses are effective methods for undertaking these assessments.

We continue this discussion by looking at additional methods for analyzing caseload and workload, as well as how this analysis can be used for management and to persuade funders when additional financial support is needed.

WEIGHTING CASES FOR ACCURATE CASELOAD ASSESSMENT

Prosecutor caseloads are difficult to measure because every case is not equal. The resources required to prosecute a single homicide case, for example, are exponentially greater than for a simple theft case. A prosecutor assigned ten complex cases might have the same amount of work to do as a prosecutor with a caseload of 100 low-level crimes. In other words, measuring caseloads simply by the numbers does not provide an accurate assessment.

Sufficiency and Case Weighting

As discussed in our first paper, a time/sufficiency study can help prosecutors quantify the actual time and effort needed to sufficiently prosecute different types of cases. With this information, an office can more accurately evaluate its overall caseload, and the corresponding budget, staffing, and resource needs.

Offices can also use sufficiency information to create a weighted scale of case types for managing individual attorney’s caseloads. High-effort case types are assigned more points on the scale than simple ones. These case weights, whether given actual points or simply designated as high-effort cases, can then be integrated into the office’s case management process (whether



electronic or paper-based) to ensure attorneys' caseloads are appropriate in terms of case weight, not just case numbers.

High-Weight Cases

Certain case types require prosecutors to address complex legal and procedural issues, and therefore demand more time and effort from office staff for a sufficient prosecution. These cases typically would receive a higher designation in a weighted caseload analysis. Some inherently complex case types include:

- *Homicides* – Specialized work includes engagement with the victim's family and civilian witnesses, handling a wide array of digital evidence, collaboration on all aspects of the police investigation, community engagement, and the use of medical, DNA, forensic, and autopsy evidence.

See, [Video presentation of Linda Ford, Deputy Director of Legal Training, New York County District Attorney's Office, New York.](#)

- *Sex crimes* – Specialized work includes trauma-informed interviewing, DNA evidence, toxicology evidence, domestic violence issues, forensic nursing evidence, and procedures for child sex offenses.

See, [Video presentation of Shannon Wilson, Chief of the General Criminal Trial Division, Sedgwick County District Attorney's Office, Kansas.](#)

- *Vehicular crimes* – Specialized work includes scientific testing and analysis of impairing substances, collision reconstruction evidence, training on these technical subjects, on-call duties responding to crime scenes, and victim engagement.

See, [Video presentation of Aaron Harder, Bureau Chief Vehicular Crimes, Maricopa County Attorney's Office, Arizona.](#)

- *Narcotics trafficking investigations* – Specialized work includes the protection of confidential witnesses and information, deconfliction with other investigations, the use of wiretaps, substance identification through scientific analysis and expert opinion, and anticipation of defenses such as lack of criminal knowledge and duress.

See, [Video presentation of James Fontaine, Major Narcotics Division Chief, San Diego County District Attorney's Office, California.](#)

- *Domestic Violence* – Specialized work includes timely collection and assessment of crime scene evidence, informed interviewing of domestic violence victims, use of medical evidence, procedures involving protection orders, providing social services, and handling cases with recanting victims.



See, [Video presentation of Greg Peacock, Supervising Assistant Prosecutor, and Devorah Pasternak, Assistant Prosecutor, Summit County Prosecutor's Office, Ohio.](#)

- *Identity Theft and Financial Crimes* – Specialized work includes the extensive use and analysis of financial and communication records, complex jurisdiction and charging analysis, use of pre-arrest charging procedures, and multi-jurisdictional investigation/arrest scenarios.

See, [Video presentation of Antonia Merzon, Senior Attorney, PCE – formerly Chief of the Identity Theft/Cyber Crime Unit, New York County District Attorney's Office, New York.](#)

PROSECUTOR WORKLOAD: THE WORK NOT INCLUDED IN CASELOAD COUNTS

Prosecutors have many duties that are not reflected in their caseload assignments. In some offices, there are prosecutors with no caseloads who are entirely focused on non-case tasks. In many offices, prosecutors must make time for non-case tasks in addition to their caseloads.

Some of the major categories of non-caseload work are:

- Supervisory tasks
- Review of not-filed cases and assistance on investigative cases
- On-call duties
- Post-conviction investigations
- Alternative disposition and support initiatives
- Human resource tasks
- Training
- Policy tasks
- Law enforcement/laboratory collaboration
- Community outreach and community partner collaboration
- Public presentations and meetings
- Data analysis
- Safety and wellness initiatives
- Legislative tasks

For a detailed list of the numerous responsibilities within each category, see [Prosecutor Work Not Included in Caseload Counts](#). This list may provide a useful task breakdown for offices conducting a time/sufficiency study, or for offices creating non-caseload assignments within a case management system (see next section).



USING CASE MANAGEMENT TOOLS FOR CASELOAD AND WORKLOAD MEASUREMENT

Many prosecutor offices are using electronic case management systems to organize and track information about the cases they handle. Features of these systems can be used to measure the caseload and workload of the office as a whole, as well as to assign appropriate caseloads to individual attorneys.

Data Entry

Case management systems are data tools that allow numerous case details to be captured and categorized. The systems then present this data to users in helpful formats for prosecuting cases and supervising staff. As with any data tool, case management systems are only effective if data is entered accurately and consistently.

For prosecutor offices, it is recommended that attorneys be tasked with entering the data relevant to their cases – especially charging decisions, court actions, case dispositions, and sentencing information. Assigning this job to support staff can result in inaccurate data entry if these staff members do not have firsthand knowledge of the case. Some offices evaluate their attorneys' diligence with data entry during annual performance reviews to emphasize the importance of this job function. Another effective method of data entry is to assign trained support staff to sit in court and enter data in real time.

Caseload Assessment

With accurate data, case management systems provide supervising prosecutors with a number of functions to assess and manage caseloads. Depending on the system, these functions may give prosecutors the opportunity to:

- Track the number of open cases assigned to each attorney
- Track the number of open cases assigned to each office unit
- Monitor attorneys' work queues for progress or stagnation
- Create attorney qualification categories to indicate what kinds of cases or charges an attorney is qualified to be assigned (for example, misdemeanors, felonies, or domestic violence cases)
- Weight types of cases based on the time and effort they require. Higher-effort cases (such as homicides) can receive a greater weight designation than lower-effort cases (such as simple theft) within the case management system
- Create "complication" flags to identify cases with additional factors affecting the time and effort they will require (such as cases involving domestic violence)
- Set parameters for how many cases individual attorneys should be assigned based on number, weight and complicating factors



- Assign cases automatically based on attorney qualifications and the office's weighted caseload parameters

Workload Assessment and Time Studies

Some case management systems allow categories to be created for non-case-related work, such as trainings or community engagement activities. By viewing and weighting these categories alongside case assignments, supervisors can have an accurate view of an attorney's entire workload. This information can help supervisors effectively distribute both case and non-case tasks.

Some case management systems also allow attorneys to enter the amount of time they are spending on their various case and non-case tasks. This tool provides an easy way to engage in a time study of the office's workload, as described in our first paper.

See, [Video presentation of Jeff Karpel, CEO, Karpel Solutions.](#)

USING WORKLOAD INFORMATION TO MAKE THE CASE FOR MORE RESOURCES

When workloads become excessive, prosecutor offices typically require more attorneys, support staff, and other resources to provide the quality of representation that their communities deserve. Collecting and analyzing data about workloads and caseloads can help offices make the case for this much-needed funding. See, [Presentation by Deputy Chief District Attorney Nell Christensen \(2023\).](#)

An effective approach to marshalling these arguments might include these steps:

Determine What Resources the Office Needs

Workload studies and comparative analyses can help offices understand and specify the resources needed to address excessive caseloads. The results may point to the need for additional attorneys and support staff. Technology improvements, physical space, and other non-personnel resources also may be identified as ways to increase the efficiency of the office.

Use Studies and Case Management Data to Demonstrate Needs

Caseload and workload data, whether produced through time/sufficiency studies or a case management system, can greatly bolster prosecutors' appeals for greater resources. Caseload data can provide clear evidence of the number and weight of the office's cases, and help prosecutors spell out what is needed to handle them sufficiently. Workload data allows prosecutors to explain to funding sources the breadth of their non-case responsibilities. All of this data can be displayed in graphical formats that clearly demonstrate current office burdens and resource gaps.



See, [Video presentation of David Baker, Director of Data and Analytics, King County Prosecuting Attorney's Office, Washington.](#)

Use Research to Support Resource Requests

Workload studies and comparative analyses also can provide compelling arguments for increased prosecutor resources by pinpointing the reasons behind an office's excessive workloads and methods for alleviating them. For example, an office might develop data about a rise in certain crimes requiring high-effort prosecution, or ongoing attrition among office staff. The impact of these trends can be bolstered with articles, academic studies, and other expert support that describe these phenomena and the negative outcomes of excessive prosecutor workloads.

See page 2 of NBP publication, [The Importance of Prosecutor Caseloads and the Challenges of Research.](#)

Get Funders Invested in Helping

County commissioners, state legislators, and other officials who control funding allocations may know little about the day-to-day functions and needs of a prosecutor office. Engaging with these leaders, and improving their understanding of prosecutors' work, is a persuasive method for generating interest and investment in reducing office workload. The following are some helpful ways to seek out funder engagement:

- Open lines of communication. Instead of waiting for the yearly budget meeting to make the case for more resources, develop ongoing relationships with funders. Scheduling a series of one-on-one conversations and meetings well before budget hearings take place allows the office to explain its needs over time, and in a more personal environment.
- Develop a clear pitch. Once an office has done the work to determine what it needs, create a pitch to funders that is clear and easy to follow. If the funding request is high, consider breaking it up into a multi-year plan with well-defined needs and goals for each year of funding. Presentations and handouts that explain why funding is needed, and the arguments in favor, can help officials understand and support budget increases.
- Let officials see what prosecutors do. Inviting funding officials to tour the office, shadow an attorney or watch a trial can let them see firsthand the importance of prosecutors' work, and the obstacles they face. These experiences can establish the practical need for resources while building connections with state and local leaders.
- Explain the negative impacts of excessive prosecutor workloads. Funding officials may not be aware that prosecutor understaffing, and under-resourcing can lead to costly injustices. For example, an office with excessive workloads may process cases slowly, thereby increasing county expenditures for pre-trial jail time. In the worst-case scenario, excessive workloads might lead to wrongful convictions. The negative results of excessive prosecutor workloads, including the fiscal costs, present highly convincing arguments for increased prosecutor resources.
- Identify common goals with funding officials. The office's workload goals may align well with the policy priorities of funders, and highlighting this common ground can be



persuasive. For fiscally prudent funders, prosecutor offices can demonstrate the cost savings of lower workloads in terms of faster case processing and reduced jail populations. For funders interested in criminal justice reform, offices can show that improved resources allow prosecutors to expand diversion programs, community outreach, and lower the risk of constitutional violations. For funders concerned about public safety, offices can point to the risk of low plea bargains and higher levels of re-offense when prosecutors have excessive caseloads. Offices also can underscore the need to address public safety concerns in the community, such as gun crimes.

- Not a tug-of-war with public defenders. In some counties and states, funding requests by prosecutors are automatically pitted against those from public defenders, and vice versa. Reframing funding arguments as independent from the very different needs of public defender offices may make officials more comfortable in assessing a prosecutor's request based on the prosecutor-specific issues it outlines.

CONCLUSION

Accurate assessments of caseload and workload are incredibly helpful tools for prosecutors. Caseload data provides an office with a clear picture of both the number and weight of the cases it is handling, and insight into better processes for case management and assignment. Workload data offers a definitive measurement of prosecutors' numerous non-case responsibilities. Prosecutors can use all this information to make cogent, fact-based arguments to their funding sources for the resources necessary to sufficiently conduct all of their case and non-case work.