Summary

Case processing time in the Dutch criminal justice system
Measuring processing time for different types of criminal cases

Introduction
This report describes the results of a research project on case processing times in the criminal justice system. The project has been commissioned by the Dutch Ministry of Security and Justice, and is embedded in a policy program that aims to redesign the criminal law enforcement chain in order to shorten case processing times. In this program, operational projects aimed at shortening case processing times are being developed as well. The goal of the research project is to gain insight in case processing times of criminal cases and to develop a methodology that can be used to determine case processing times for a number of different characteristics.

The research does not restrict its focus on case processing times for the entire criminal justice system, but also provides insight into case processing times for a number of organisations in the system and parts of the criminal justice process. The distinction between 'standard cases' and 'complex cases' is a central one made in this project. Standard cases comply with the following criteria:
- the case has been closed by the police, the prosecutor, a district court, or a criminal court with one judge;
- no preliminary inquiry has taken place;
- the suspect does not belong to the category of repeat offenders;
- neither party has appealed to a higher court.

Cases which do not comply with one or more of the above conditions are called complex cases. In addition to this distinction, cases involving adult and juvenile suspects are analysed separately. Also, the research tries to subdivide case processing times into treatment time, transfer time and waiting time due to legal requirements.

The time period in which case processing times are measured is chosen as follows: in order to obtain a picture as complete as possible, which implies selecting a time period in which most criminal cases have been completed, while using as recent data as possible, we have selected all criminal cases that have been handled by the prosecutor in the year 2008. In order to have some comparison of results, the year 2005 has been added. The results of these measurements can be regarded as a baseline, and the developed research methodology can be used to monitor case processing times in the future.

Methodology
In this research, a new methodology has been developed to measure case processing times. First, data from a number of organisations have been collected. Contrary to earlier research projects, the collected data consisted of micro data: instead of requesting aggregates about groups of cases, data from individual cases were collected. This has been done in order to be able to match data from one organisation to the data of other organisations. As a result, it was possible to gain insight into case processing times of individual cases as well as on several aggregation levels. The micro data of the organisations have been taken from a large number of different information systems, and have been merged into one analysis database. In order to relate data from the information systems to each other, in most cases a
unique case identifier (‘parketnummer’) has been used. The structure of the analysis database resembles a timeline: for each criminal case, it has been visualised when it was handled by which organisation, and when important decisions were made. Based on the analysis database, the results that are presented in this report have been computed. Different types of results can be distinguished:

- Case processing times of the entire case (global CPTs): how long does it take for the criminal justice system to close the case? According the definitions that were used in this report, the global CPT starts with the first hearing of the suspect by the police, and the case can end at different points, depending on the flux through the organisations.
- Case processing times per organisation (local CPTs): how long does it take to finish a specific part of the case flow? Five key organisations were chosen to investigate case processing times in more detail: the police, the prosecutor, the courts, the Child Care and Protection Board (‘RvdK’) and the Probation Service (‘3RO’).
- Norms: for how many per cent of the cases can a certain part of the case flow be completed within a predefined time limit?

**Results**

The results that are given below will be mainly presented as averages. This is done to make sure that every unit of case processing time is weighed evenly. However, the average is sometimes heavily influenced by outliers, and therefore medians are given as well.

**Global CPTs of standard criminal cases**

The operationalisation of the term ‘standard cases’ leads to a majority of the criminal cases being ‘standard’: 85 per cent of the criminal cases from research year 2008 with an adult suspect is a standard case according to this definition (90 per cent of the criminal cases with a juvenile suspect). The measurements show an average global CPT of 38 weeks for cases with an adult suspect (research year 2008). For standard cases with a juvenile suspect, the average is 25 weeks (research year 2008).

The label ‘standard case’ suggests a predictable case flow, within fixed bounds. The results indicate that this is not the case: the dispersion of global CPTs is large and can be mainly attributed to outliers that have CPTs (far) above the average. Consequently, the average is higher than the median. For criminal cases with an adult suspect, the median is 28 weeks. For standard cases with a juvenile suspect, the median is 20 weeks (both for research year 2008).

During the analysis, a number of breakdowns have been applied, in order to see how the global CPTs differ. The ultimate decision of the prosecutor (dismissal of the case, settlement or prosecution) influences the CPT: criminal cases that end with a settlement have a shorter CPT than cases that end with a dismissal or prosecution.

**Global CPTs of complex criminal cases**

Complex cases turn out to have higher average global CPTs than standard cases (2008): 69 weeks (adults) and 52 weeks (juveniles). The median was 58 weeks (adults) and 45 weeks (juveniles). Of the four conditions listed above, on the basis of which it can be decided that a criminal cases belongs to the group of complex cases, the condition concerning appeal turns out to be the most influential. Complex cases, in which either party has appealed to a higher court, have an average global CPT of 102 weeks (no appeal: 45 weeks). Comparable cases with a juvenile suspect have an average CPT of 73 weeks (no appeal: 42 weeks). On average, complex cases in which the suspect is a repeat offender have shorter CPTs than cases in
which the suspect is not a repeat offender. A preliminary inquiry and the treatment of the case by more than one judge have a higher global CPT as consequence.

Local CPTs of standard and complex criminal cases
A closer inspection of the organisations and their case flows revealed that the CPTs for individual process steps for standard cases and complex cases show remarkable similarities. The differences in global CPTs reported before can be explained by the fact that time-consuming process steps have to be completed more often for complex cases than for standard cases. The following time-consuming process steps were identified during the analysis: unsuccessful settlement proposals (standard cases: 13 weeks), making of the summons (standard and complex cases: 11 weeks), not handing down the verdict at the first hearing of the case (standard and complex cases: 27 weeks) and completing the appeal (complex cases: 65 weeks).

The shown results are applicable to research year 2008. The results for 2005 show a similar picture.

Each process step is labelled as either treatment time, transfer time or waiting time due to legal requirements. The results indicate that most of the time is spent on actual treatment time. Transfer time and waiting time due to legal requirements slow down the case flow at a limited number of points during the completion of the criminal case.

Norms on CPTs
The results from our measurements regarding the cumulative Kalsbeek norms (for cases with a juvenile suspect) largely matched those from previous studies: the CPTs passed none of the norms. However, some of the derivative Kalsbeek norms were passed.

Future
Since 2008, a number of changes have been implemented or are being implemented. These changes consist of the introduction of new information systems (GPS, BVH), changes to legislation and jurisprudence (introduction of ‘strafbeschikkingen’, influence of the Salduz case) and changes within organisations (ZSM, program ‘Redesign of the criminal justice system’). These changes are likely to influence CPTs within the criminal justice system. To monitor the influence of contemporary and future changes, it is important to measure CPTs periodically. This way, potential problems can be identified quickly. The methodology that has been developed in this research offers the possibility to execute this monitoring.