



## Early Case Resolution – “Same Justice Sooner”

**What is an Early Case Resolution Program (ECR)?** The purpose of an ECR program is to expedite case resolution for misdemeanor and lower level felony cases, thereby freeing up resources for more serious cases and reducing the delays and court hearings that create larger jail populations. An ECR program generally involves the assignment of one judge to cover the ECR docket, and a team of prosecutors and defenders who review all new arrests daily and attempt to expedite the resolution of as many misdemeanor and lower level felonies as possible.

According to the County’s consultant, David Bennett, who conducted a broad assessment of the local criminal justice system in 2007, some of the hallmarks of an ECR Program are:

- Immediate case review;
- A mechanism for early entry and negotiation of pleas;
- Assignment of experienced prosecutors and defense counsel to the ECR team;
- Policies regarding quick resolution of specified cases; and
- Improved information sharing.

Bennett strongly recommended, based on Spokane County’s case processing times, that the County adopt an ECR program.

**What are Spokane City and County Doing Now?** The Spokane County Superior Court has one ECR docket for class C felonies (class C’s are the least serious class of felonies). One judge, 4 defense lawyers, 2 prosecutors, paralegals and pretrial services make up the ECR team. The goal, according the Superior Court, is to resolve the fairly straightforward class C felonies within 30 days of arrest, or at least before the time that a trial continuance would be required.

### What are Other Cities and Counties Doing?

- Orange County, Florida implemented an ECR program in response to jail crowding in 2003 and quickly saw a 15% reduction in average daily jail population.
- Washoe County, Nevada’s ECR program resulted in jail population reductions and allowed for the negotiation of 41% of felony cases within 72 hours of arrest.
- Monroe County, New York saved 4,319 jail bed days in one year by expediting the completion of pre-sentence investigations.
- Washington County, Oregon saw immediate results after implementing an ECR program; within 6 months, approximately 15-20% of all cases were being resolved at the time of arraignment (cases that typically would have taken months to resolve).

**How Can Spokane City and County Improve?** Create an official ECR docket in Spokane County District Court and City of Spokane Municipal Court. Continue to support and expand the current Superior Court ECR program.

## **How will Spokane City and County Benefit by Implementing These Changes?**

ECR reduces the number of times a defendant has to appear in court, which saves the system time and money and reduces jail population. Many people are held in the Spokane County Jail simply because they missed one of the many mandated pre-trial court appearances. When a defendant “fails to appear” for court, the judge issues a warrant, the police find and arrest the person, and the person is held in jail until their case is resolved (sometimes for longer than they would ever be sentenced). This is expensive and does nothing to increase public safety. With an effective ECR program in place, however, low-level offenders can be expedited through the system. This reserves resources and jail beds for more serious, violent offenders and ensures that low-level offenders are given *immediate* sanctions for their unlawful behavior, which is more likely to change behavior than a delayed sanction and sends the right message to victims and witnesses.

### ***Benefits of ECR, According to David Bennett, County Consultant***

The principle benefits of ECR are as follows:

- Relieves crowded dockets
- Reduces case processing time
- Reduces number of pre-trial defendants
- Reduces average length of stay
- Frees up more time for more serious cases
- Reduces impact on jail”

“An ECR Program results in jail bed day savings through the timely resolution of cases. Significant reductions in jail impact have been measured in counties that have adopted this approach.”

“An ECR program can save the system time and money. The lack of such a program can be seen in failure-to-appear and re-arrest rates, reflecting the time it takes to resolve cases for those released from custody.”

“[Case] processing delay sends the wrong message to defendants (as well as victims and witnesses of crime).”

### **Sources of Information:**

David Bennett and Donna Lattin, "Spokane County Corrections Needs Assessment Master Plan Draft," February 14, 2008, Chap. 4, pp. 14-21.

[http://www.spokanecounty.org/data/countysheriff/jep/Needs%20Assessment%20\(5Mb\).pdf](http://www.spokanecounty.org/data/countysheriff/jep/Needs%20Assessment%20(5Mb).pdf)

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