

1996

The Impact of the Three Strikes Law on Superior and Municipal Courts

Judicial Council of California

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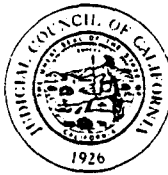
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All Executive Officers and Court Administrators

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DATE: September 23, 1996

SUBJECT: The Impact of the Three Strikes Law on Superior and Municipal Courts

In March 1996, all superior and municipal courts received a follow-up survey to obtain information on the impact of the "three strikes" law on the courts. The results of this second survey, covering July through December 1995, are largely consistent with the results from the first survey, covering January through June 1995. The second survey, though, paints a more complete picture due to the excellent response rate (e.g., 100 percent of the superior courts responded), an additional six months of experience with the "three strikes" law, and supplemental information provided by some responding courts.

Generally, the results of the second survey show:

- Superior courts tend to report a larger impact of the "three strikes" law on their overall judicial workload if they are in the Central Valley, are large, or have a relatively high proportion of two- and three-strike filings.
- Municipal courts tend to report a larger impact of the "three strikes" law on their judicial workload for felony cases if they are in Los Angeles or have a relatively high proportion of two- and three-strike filings.
- Trial rates and preliminary hearing rates are substantially higher for strike cases than for nonstrike cases.
- The resources to process strike cases are being shifted from civil cases.

We appreciate the cooperation of all responding courts and plan to survey the superior and municipal courts again in approximately six months.

T H R E E S T R I K E S

The Impact of the Three Strikes Law on Superior and Municipal Courts

Survey #2
July-December 1995

Research and Planning
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Introduction

This report summarizes the results of the most recent survey of the impact of the "three strikes" law on California courts. It also includes information provided on the survey, supplemental information that courts supplied with the survey, and information from follow-up phone calls to nearly 50 of the responding courts. Conducted in March 1996, this is the second survey of trial courts by the Administrative Office of the Courts as part of its continuing effort to measure the effects of the "three strikes" law on California trial courts. Filing and disposition data in this survey are from July through December 1995.¹

Response rate: One hundred percent of the 58 superior courts responded to the second survey. In addition, 53 of 109 municipal courts responded.² Similar to the previous survey, not every court responded to every question. In particular, many courts were not able to respond to the quantitative data portion of the survey.³

Judicial discretion to strike priors: Due to the time frame, this survey does not reflect any effects from the Supreme Court decision in *Romero*.⁴ Courts will be surveyed again in approximately six months, after the courts gain some experience in the new environment created by this case. Possible effects of the decision are a short-term workload increase to handle petitions for habeas corpus filed by prison inmates sentenced to two- or three-strike terms, and a long-term reduction in the effects of the "three strikes" law as judges utilize their discretion to strike prior convictions in some strike cases.

Coordination: Separate surveys were conducted for superior and municipal courts; therefore, the survey results in this report are divided by superior and municipal courts. The presentation of the results does not represent the way coordinated courts are currently doing business, but instead allows for a comparable presentation of responses from both coordinated and noncoordinated jurisdictions alike.

¹ The first survey was conducted in August 1995, covering filing and disposition data from January through June 1995.

² Twenty-six superior courts and 44 municipal courts were represented in the first survey.

³ Some courts do not electronically track second- and third-strike cases.

⁴ *People v. Superior Court (Romero)* (1996), 13 Cal.4th 497, 53 Cal.Rptr.2d 789. Pen. Code, § 1385(a) permits a court acting on its own motion to strike a prior felony conviction allegation in a case brought under the "three strikes" law.

Summary of Principal Findings

Overall workload: Nine superior courts (17% of the responding courts) reported a greater than 10 percent increase in overall judicial workload. These nine jurisdictions accounted for 46 percent of statewide felony filings in fiscal year 1994–95. Eight municipal courts (20% of the responding courts) reported a greater than 10 percent increase in overall judicial workload.

Criminal/felony workload: Fifteen superior courts (28% of the responding courts) reported a greater than 10 percent increase in judicial workload for criminal cases. These 15 jurisdictions accounted for 58 percent of statewide felony filings in fiscal year 1994–95. Eighteen municipal courts (39% of the responding courts) reported a greater than 10 percent increase in judicial workload for felony cases.

Factors influencing the impact of the "three strikes" law: Superior courts tend to attribute larger increases of judicial workload to the "three strikes" law if they:

- are located in the Central Valley;
- are large jurisdictions; or
- have relatively high proportions of two- and three-strike filings.

Municipal courts tend to attribute larger increases of judicial workload to the "three strikes" law if they:

- are located in Los Angeles County; or
- have relatively high proportions of two- and three-strike filings.

Trial rates: Superior courts report higher trial rates for strike cases than for nonstrike cases. The median trial rate was 4 percent for nonstrike cases; 9 percent for two-strike cases; and 41 percent for three-strike cases.

Preliminary hearing rates: Municipal courts report higher preliminary hearing rates for strike cases than for nonstrike cases. The median preliminary hearing rate was 37 percent for nonstrike cases; 67 percent for two-strike cases; and 79 percent for three-strike cases.

Judicial resources: Half the responding courts reported at least 13 percent increases in the proportion of judicial resources allocated to criminal cases from February 1994 to February 1996. Half the responding courts reported at least 8 percent decreases in the proportion of judicial resources allocated to general civil cases over the same period.

Principal Findings for Superior Courts

Increased workloads: Of the 52 superior courts that responded to the question, "Estimate the impact of the three strikes law on the judicial workload in your court since the law's enactment in March 1994":

- Twenty-three courts (44%) reported a greater than 5 percent increase in overall workload.⁵
- Nine courts (17%) reported a greater than 10 percent increase in overall workload.⁶ This figure is lower than reported in the first survey because small jurisdictions tend to report smaller impacts and were underrepresented in the last survey. Also, follow-up telephone calls were made to each court that reported a smaller impact in the second survey than in the first survey. These courts indicated that there has been no decrease in workload. The most common reason cited for lower estimates in the second survey was that the estimate in the first survey was too high due to the uncertainty of the impact at the time the first survey was conducted.

Central Valley: Out of nine courts reporting a greater than 10 percent increase in overall judicial workload, seven courts were from the Central Valley.⁷

Court size: As in the first survey, larger courts tended to attribute larger increases in judicial workload to the "three strikes" law. This was demonstrated by the nine courts that reported increases of over 10 percent. These nine courts alone accounted for 52 percent of 1994–95 felony filings.⁸ (See Figures 1A and 1B for more detailed depictions of the relationship between court size and judicial workload.)

Several measures of jurisdiction size (e.g., population and number of judges) can be used to show that larger courts tended to report larger impacts. However, *felony filings* was the measure of size that was most closely correlated with reported increases in overall judicial workload.

Distribution of filings: Courts with higher proportions of two- and three-strike filings tended to report higher increases in judicial workload for criminal cases.

⁵ Table 1, page 11, shows the responses for each superior court.

⁶ These nine courts are Fresno, Kern, Kings, Los Angeles, Merced, San Joaquin, Santa Clara, Stanislaus, and Tulare.

⁷ For the purposes of this analysis, the Central Valley is defined to include the following jurisdictions: Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern.

⁸ This percentage is based on 52 courts that responded to the survey question. The nine courts also account for 46% of the 1994–95 statewide felony filings from all 58 superior courts. Court size is based on the number of defendants charged with felonies in the jurisdiction in 1994–95.

Eight courts reported that 10 percent or more of their criminal filings (July-December 1995) consisted of two- and three-strike cases. Six of these eight courts reported a 10 percent or higher increase in criminal-related judicial workload due to the "three strikes" law. Conversely, seven of the ten courts where less than 10 percent of total criminal filings are two- or three-strike cases reported a less than 10 percent increase. (See Figure 2, page 15, for a more detailed description of the relationship between the number of second- and third-strike filings and reported increases in judicial workload.) For half of the reporting courts, at least 8 percent of the total filings were two-strike cases, and for half the reporting courts, at least 3 percent of the total filings were three-strike cases (Table 2, page 16).

Trial rates: As in the first survey, courts reported a higher rate of trials for strike cases than for nonstrike cases. The median⁹ trial rate was 4 percent for nonstrike cases; 9 percent for two-strike cases; and 41 percent for three-strike cases for the responding superior courts (Table 3, page 17). These statistics demonstrate that, typically, a three-strike case requires substantially more judicial resources than a two-strike case, and a two-strike case requires substantially more judicial resources than a nonstrike case.

The trial rates for nonstrike and three-strike cases from July through December 1995 are similar to the percentages reported in the first survey. The trial rate for two-strike cases is lower in the second survey; this could be due to a different mix of reporting courts.

Anecdotal evidence, including but not limited to follow-up phone conversations for the purpose of conducting this survey, suggest that district attorney policies play an important role in the impact of the "three strikes" law on judicial workload. That is, the number of strike cases that go to trial depends on how often district attorneys exercise their discretion to dismiss strikes (prior convictions of serious or violent felonies). However, there was no indication that courts with higher trial rates for two- and three-strike cases reported larger increases in judicial workload.

Interaction of factors: The above sections identify three factors that tend to influence the reported increases in superior court judicial workload caused by the "three strikes" law: geography (Central Valley), court size (larger), and filing distribution (proportion of criminal filings that are two- or three-strike cases). A logical question is whether these factors independently affect reported increases in

⁹ Given a collection of numbers sorted from lowest to highest, the median is the number in the middle. For example, given the numbers 1, 2, and 100, the median is 2. The median is used because it is not unduly affected by the magnitude of extreme values on either end of the spectrum.

judicial workload or whether one factor must interact with a second or third factor in order to have an impact on increases in judicial workload.

Central Valley jurisdictions are large relative to the rest of the state. We were able to determine that the higher increases in judicial workload reported by Central Valley jurisdictions are due to more than the size of these jurisdictions. We were also able to determine that the higher increases in judicial workload reported by large jurisdictions are due to more than geographic location. Therefore, both court size and geographical location independently affect reported increases in judicial workload.

There was not enough filing distribution data (i.e., proportion of criminal filings that are two- and three-strike cases) to use in this analysis of factors.

Uneven impact: As in the first survey, it appears that the impact of the "three strikes" law varies considerably from county to county. While some of the previous items listed in this report attribute this variation to specific factors (e.g., court size), there are exceptions to every factor. For example, Sacramento Superior Court is in the Central Valley, is one of the 10 largest jurisdictions, and has one of the highest reported rates of two- and three-strike filings—yet its reported increase of overall judicial workload (0–5%) and reported increase in the judicial workload for criminal cases (5–10%) are not particularly high compared to responses from other courts.

Court operations: Thirty-seven superior courts (64%) indicated that the "three strikes" law has noticeably increased the number of criminal trials and pretrial appearances (Figure 3, page 18). Respondents attributed increased pretrial appearances to more continuances, more vigorous defenses in strike cases, more challenges to the validity of prior convictions, and more Marsden motions.¹⁰ Twenty-two courts (38%) reported an increased backlog of criminal cases, and 17 courts (29%) reported an increased backlog of general civil cases due to the "three strikes" law.

Other areas of court operations cited on the survey as being affected by the "three strikes" law were (1) increases in probation revocation hearings; (2) inadequate security for criminal proceedings; (3) increased jury deliberation time for strike cases; and (4) increased pretrial discovery time necessary to investigate priors.

As a supplement to their survey response, the Riverside Consolidated Courts provided an analysis of their operational expenses to estimate the cost of the

"three strikes" law and other "tough on crime" measures implemented in the past few years. They concluded that the annual cost of these measures to their courts is

¹⁰ A Marsden motion is a hearing brought by the defendant requesting a new appointed attorney, alleging that counsel is not providing an adequate defense.

approximately \$1.9 million, with 85 percent of this cost being attributed to nonjudicial salaries, court reporter transcripts, interpreter fees, and jury fees.

Administrative workload: Twenty-six courts (45%) reported that the "three strikes" law has noticeably increased their administrative workload (Figure 3, page 18). Courts attributed this additional workload to preparation and certification of records of conviction, collection and assessment of statistical data to measure and manage two- and three-strike cases, and preparation of more trial records for appeals. Riverside Consolidated Courts reported two additional full-time employees to prepare and certify records of conviction because of the "three strikes" law. San Joaquin Superior Court reported using one additional employee for this function.

Length of trial: Twenty-three courts (40%) reported longer criminal trials (Figure 3, page 18). Respondents attributed this change to increased jury selection time and additional trial time to prove the priors in strike cases.

Juvenile workload: Only three courts responding to the first survey reported an increase in judicial resources required for juvenile cases due to the "three strikes" law. This increased to 14 courts (24%) in the second survey. Ventura County Courts attributed the increase in juvenile workload to a substantial increase in fitness hearings.¹¹ Subsequently, Ventura has increased the number of judges hearing juvenile delinquency matters from one to two.

Jury panels: Ten courts (17%) responded that the "three strikes" law has affected juror availability—that is, more jury trials and more jurors required per trial (Figure 3, page 18). Some courts indicated that juror availability is not a problem but that the "three strikes" law has increased the number of jurors required in their court, which is an added expense to the court. Half of the responding superior courts reported at least a 12 percent increase in the average size of criminal jury panels from February 1994 to February 1996 (Table 4, page 19).

Judicial resources: Half of the responding courts reported at least a 13 percent increase in the proportion of judicial resources allocated to criminal cases from February 1994 to February 1996 (Table 5, page 20). There was a median decrease of 8 percent of judicial resources allocated to general civil cases (i.e., judicial resources were shifted from civil cases to criminal cases).

Special measures to process three-strike cases: Several courts reported instituting new procedures in response to the increased workload caused by the "three strikes" law. These measures include diversion of resources, increased monitoring of two- and three-strike cases, judicial caseloads, specific measures for three-strike cases, and general case-management procedures designed for all criminal cases.

¹¹ A fitness hearing is a hearing brought by the district attorney at which the juvenile court decides whether to transfer the minor to adult court.

Most courts that reported diverting resources to criminal cases indicated that judges in civil departments were being asked to preside over more criminal proceedings. Kern Superior Court reported adding a commissioner, holding "double trial sessions" with the second session lasting from late afternoon to evening, and utilizing the presiding judge to hear trials.

The only reported measures specific to three-strike cases were the centralization of arraignments for three-strike defendants in Los Angeles Superior Court and the use of a dedicated pool of judges, prosecutors, and defense attorneys to hear three-strike cases in San Diego Superior Court. The program in San Diego was discontinued after the *Romero* decision.

San Joaquin Superior Court reported conducting a five-week "trial blitz" from January 29 through March 1, 1996. The court compared the results of this blitz to a five-week business-as-usual period from September 5 through October 5, 1995. The results of this blitz were remarkable, yet relied on a concentration of resources that is not sustainable. These resources included additional facilities; increased use of civil, retired, and municipal court judges to hear criminal matters; and limited vacations for all employees. In addition, the trial blitz required a high degree of cooperation between the court, district attorney, public defender, and county officials. The blitz seemed to demonstrate that if enough resources are available to try cases, many of these cases will be resolved sooner. The following table summarizes the results of the trial blitz.

	Trial Blitz 1/29/96 – 3/1/96	Business as Usual 9/5/95 – 10/5/95
Total cases set for jury trial at beginning of period	147	125
Guilty pleas during period	85 (58%)	26 (21%)
Assigned for trial	26 (18%)	21 (17%)
Other dispositions	17 (12%)	5 (4%)
Reset for trial	19 (13%)	73 (58%)

Principal Findings for Municipal Courts

Increased overall workload: Forty municipal courts responded to the question, "Estimate the impact of the three strikes law on the judicial workload in your court since the law's enactment in March 1994":

- Twenty-two courts (55%) reported a greater than 5 percent increase in overall workload.¹²
- Eight courts (20%) reported a greater than 10 percent increase in overall workload.

The number of courts estimating an increase of more than 10 percent in overall judicial workload is lower than reported in the first survey. Follow-up telephone calls were made to each court that reported less of an impact on the second survey than on the first survey. Similar to superior courts, these municipal courts indicated that there has been no decrease in workload. The main reason for lower second-survey estimates was that the estimate for the first survey was too high due to the uncertainty of the impact of the "three strikes" law at the time the first survey was conducted.

Los Angeles felony workload: Municipal courts in Los Angeles County reported higher increases in judicial workload for felony cases than municipal courts in other counties (Figure 4B, page 24). The 19 responding Los Angeles municipal courts accounted for all five of the reported increases of more than 25 percent in felony workload. Fifty-three percent (10 of 19) of the responding Los Angeles municipal courts reported increases of more than 10 percent in felony workload compared to 30 percent (8 of 27) of all other municipal courts.

Court size: Unlike superior courts, jurisdiction size, as measured by the number of defendants charged with felonies in 1994–95, did not have any effect on the municipal courts' reported impacts.

Distribution of filings: Courts with higher proportions of two- and three-strike filings tended to report higher increases in judicial workload for felony cases. Fourteen courts reported that 10 percent or more of their felony filings (July–December 1995) consisted of two- and three-strike cases. Thirteen of these 14 courts reported a greater than 5 percent increase in felony-related judicial workload due to the "three strikes" law. Conversely, 6 of the 11 courts where less than 10 percent of felony filings are two- or three-strike cases reported a less than 5 percent increase. (See Figure 5 for a more detailed description of the relationship between the number of second- and third-strike filings and reported increases in judicial workload.) For half of the reporting courts, at least 8 percent

¹² Table 6, page 21, shows the responses for each municipal court.

Municipal Courts (continued)

of the total filings were two-strike cases and, for half the reporting courts, at least 3 percent of the total filings were three-strike cases (Table 7, page 26). These percentages are similar to those reported in the first survey.

Preliminary hearings: Similar to the first survey, municipal courts reported higher preliminary hearing rates for strike cases than nonstrike cases. The median preliminary hearing rates were 37 percent for nonstrike cases; 67 percent for two-strike cases; and 79 percent for three-strike cases for the responding municipal courts (Table 8, page 27). These rates are similar to the percentages reported in the first survey. Similar to trial rates for superior courts, preliminary hearing rates for two- and three-strike cases had no effect on reported increases in judicial workload.

Court operations: Impact of the "three strikes" law on seven areas of court operations is summarized below (and in Figure 6, page 28):

Number of preliminary hearings. Thirty-five municipal courts (67%) indicated that the "three strikes" law has noticeably increased the number of preliminary hearings.

Length of preliminary hearings. Twenty-four courts (46%) reported longer preliminary hearings. One court attributed this to the relative inexperience of defense attorneys at handling cases where their client faces a life sentence.

Number of pre-preliminary hearing appearances. Twenty-one courts (40%) reported more pre-preliminary hearing appearances. Respondents attributed this to more continuances and more vigorous defenses in strike cases.

Administrative workload. Twenty-one courts (40%) reported an increase in administrative workload. Courts attributed this additional workload to increased monitoring to ensure adequacy of resources, and to the collection and assessment of statistical data to measure and manage two- and three-strike cases.

Judicial assignments to superior court. Fifteen municipal courts (29%) reported increased judicial assignments to superior court (i.e., municipal court judges hearing superior court cases) due to the "three strikes" law.

Backlog of felony cases. Ten courts (19%) reported an increased backlog of felony cases.

Backlog of general civil cases. Only three courts (6%) reported an increased backlog of civil cases.

Limitations of Survey

- Many of the results in this report (e.g., increase in judicial workload) are estimates provided by the courts that are not necessarily based on empirical data.
- Survey respondents may not be representative of all California trial courts. Specifically, the results from the municipal court portion of the survey should not be extrapolated to the state as a whole. It is possible that courts most affected by the new "three strikes" law were more likely to respond to the survey. For example, 92 percent (22 of 24) of the municipal courts in Los Angeles County responded to the survey compared to 36 percent (31 of 85) of municipal courts in other counties.
- These results do not measure the impact of, or compare, district attorney policies from county to county. Anecdotal evidence suggests that district attorney policies regarding dismissing prior convictions are an important factor that could explain differences in the "three strikes" law's impact among the courts.
- Survey respondents were asked to provide jury panel size and judicial resource allocation data for three 1-month periods (February 1994, February 1995, and February 1996). Large changes in jury panel sizes and allocation of judicial resources in Tables 4 and 5, respectively, may be the result of random variation from the use of these one-month periods and may not be due to the "three strikes" law. For example, Santa Barbara Superior Court criminal jury panel data is only based on one or two trials in each of the three one-month periods.
- This summary does not account for inconsistent interpretations of survey questions. One example was the question about the impact of "three strikes" on felony and general civil case processing times. Some courts interpreted "case processing time" to mean the number of days from filing to disposition, and some interpreted it as clerical time necessary to process cases. Responses to these questions are not included in the results, but there may be other instances of respondents having inconsistent interpretations that were not recognized.

* * *

**Table 1: Impact on Judicial Workload and Court Operations
Three Strikes Survey #2 - Superior Courts**

Superior Court	WORKLOAD		COURT OPERATIONS							
	Overall (A)	Criminal (B)	More Trials (C)	Longer Trials (D)	More Pretrial (E)	Criminal Backlog (F)	Civil Backlog (G)	Administrative (H)	Juvenile (I)	Jurors (J)
Alameda	5-10%	-	N	Y	Y	Y	Y	Y	Y	Y
Alpine	None	None	N	N	N	N	N	N	N	N
Amador	None	0-5%	N	N	Y	N	N	N	N	Y
Butte	5-10%	5-10%	Y	N	Y	N	N	N	N	N
Calaveras	5-10%	11-25%	Y	Y	N	N	Y	Y	N	-
Colusa	None	0-5%	N	N	N	N	N	N	N	N
Contra Costa	-	-	N	Y	Y	N	N	N	N	-
Del Norte	5-10%	5-10%	N	N	Y	Y	N	Y	N	N
El Dorado	5-10%	5-10%	Y	Y	Y	N	N	Y	Y	Y
Fresno	11-25%	11-25%	Y	Y	Y	N	Y	Y	Y	Y
Glenn	None	0-5%	Y	N	Y	N	N	Y	Y	N
Humboldt	0-5%	0-5%	N	N	N	N	N	N	N	N
Imperial	-	5-10%	N	N	Y	Y	N	N	N	N
Inyo	None	None	N	N	N	N	N	N	N	N
Kern	11-25%	25%+	Y	N	Y	Y	Y	Y	N	N
Kings	11-25%	25%+	Y	Y	Y	Y	Y	N	N	N
Lake	5-10%	11-25%	Y	Y	Y	Y	Y	N	N	N
Lassen	-	11-25%	Y	N	N	Y	Y	Y	N	N
Los Angeles	11-25%	11-25%	Y	Y	Y	Y	Y	Y	Y	Y
Madera	0-5%	0-5%	Y	N	Y	Y	N	N	Y	N
Marin	0-5%	5-10%	Y	Y	Y	Y	Y	Y	N	N
Mariposa	None	5-10%	Y	N	Y	N	N	N	N	N
Mendocino	None	None	N	N	N	N	N	N	N	N
Merced	25%+	25%+	Y	Y	Y	Y	Y	Y	Y	N
Modoc	None	None	N	N	N	N	N	N	N	N
Mono	5-10%	5-10%	Y	N	Y	N	N	N	N	N
Monterey	0-5%	11-25%	Y	N	N	N	N	N	Y	N
Napa	5-10%	5-10%	Y	N	N	N	N	N	N	N
Nevada	0-5%	5-10%	Y	Y	N	N	N	N	N	N
Orange	0-5%	5-10%	Y	N	N	N	N	Y	N	N
Placer	0-5%	5-10%	Y	Y	Y	N	N	N	Y	N
Plumas	None	None	N	N	N	N	N	N	N	N
Riverside	5-10%	11-25%	Y	Y	Y	Y	-	Y	Y	N
Sacramento	0-5%	5-10%	Y	Y	Y	Y	Y	Y	N	Y
San Benito	None	-	N	N	N	N	N	N	N	N
San Bernardino	5-10%	5-10%	Y	Y	Y	Y	N	Y	Y	N
San Diego	-	25%+	Y	N	Y	Y	N	Y	N	Y
San Francisco	0-5%	5-10%	-	N	Y	Y	N	N	Y	N
San Joaquin	25%+	25%+	Y	Y	Y	Y	Y	Y	N	N
San Luis Obispo	None	0-5%	N	N	N	N	N	N	N	N
San Mateo	5-10%	5-10%	Y	Y	Y	N	N	Y	N	N
Santa Barbara	0-5%	0-5%	Y	Y	Y	N	Y	Y	N	Y
Santa Clara	11-25%	25%+	Y	Y	Y	Y	Y	Y	N	Y
Santa Cruz	0-5%	0-5%	N	N	Y	N	N	N	N	N
Shasta	-	5-10%	Y	Y	Y	N	N	Y	Y	-
Sierra	None	None	N	N	N	N	N	N	N	N

**Table 1 (continued): Impact on Judicial Workload and Court Operations
Three Strikes Survey #2 - Superior Courts**

Superior Court	WORKLOAD		COURT OPERATIONS							
	Overall (A)	Criminal (B)	More Trials (C)	Longer Trials (D)	More Pretrial (E)	Criminal Backlog (F)	Civil Backlog (G)	Admin-istrative (H)	Juvenile (I)	Jurors (J)
Siskiyou	0-5%	0-5%	N	N	N	N	N	Y	N	N
Solano	5-10%	5-10%	Y	-	-	N	Y	N	N	N
Sonoma	0-5%	0-5%	N	N	N	Y	N	N	N	N
Stanislaus	11-25%	-	N	Y	Y	N	Y	Y	N	N
Sutter	0-5%	0-5%	N	N	Y	N	N	N	N	N
Tehama	0-5%	5-10%	Y	N	Y	N	N	N	N	N
Trinity	5-10%	5-10%	Y	N	Y	N	N	N	N	N
Tulare	11-25%	11-25%	Y	Y	Y	Y	N	Y	N	N
Tuolumne	0-5%	0-5%	Y	N	N	N	N	N	N	Y
Ventura	-	11-25%	Y	Y	Y	Y	Y	Y	Y	N
Yolo	5-10%	5-10%	Y	N	Y	Y	N	Y	N	N
Yuba	0-5%	0-5%	Y	N	N	N	N	N	N	N

(A), (B) Based on the question "Estimate the impact of the three strikes law on the judicial workload in your court since the law's enactment in March 1994."

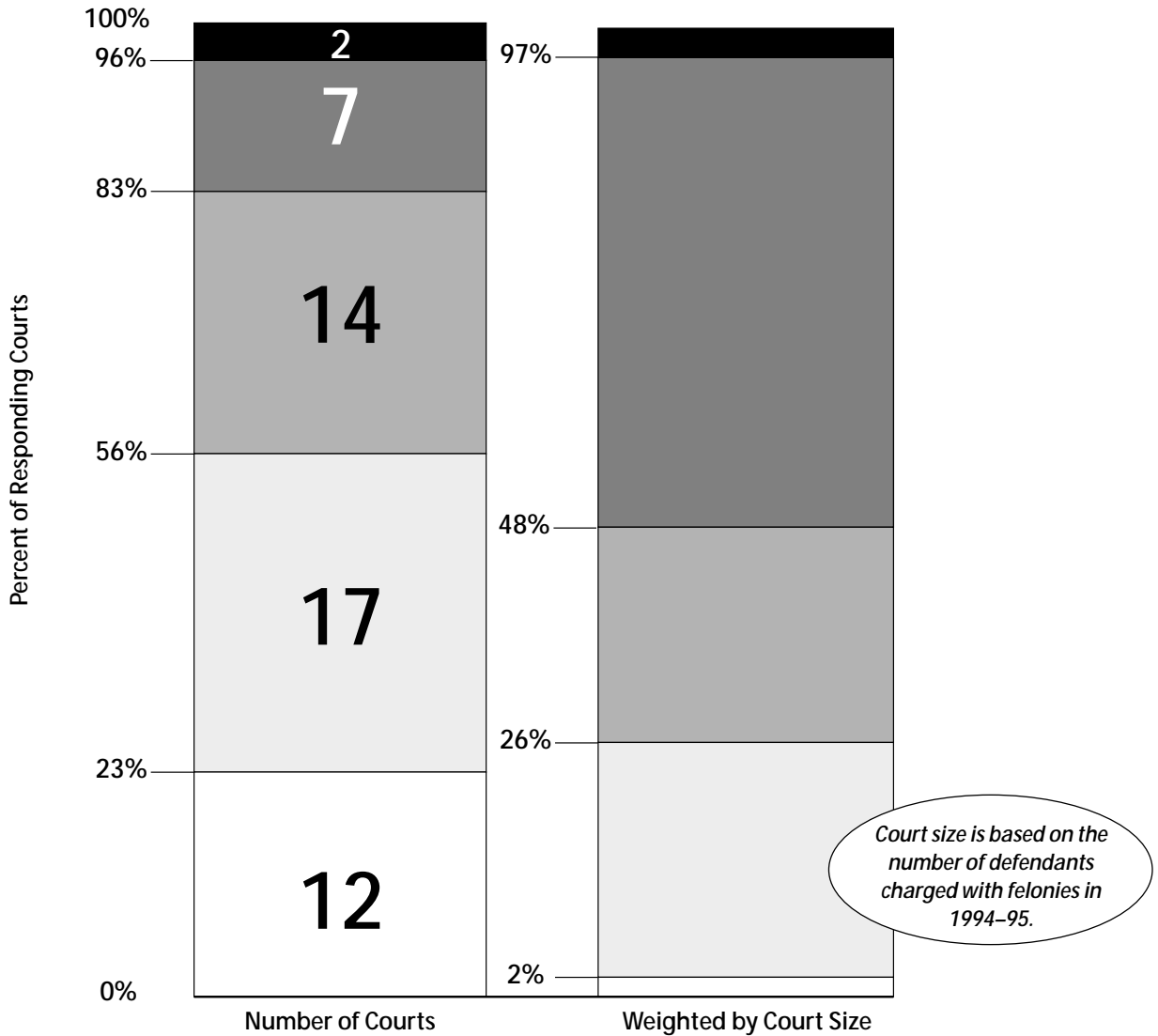
(C)-(J) Based on the question "Has the three strikes law had a noticeable impact on any of the following areas of court operation?"

- (C) More criminal trials
- (D) Longer criminal trials
- (E) More pretrial appearances
- (F) Increased backlog of criminal cases
- (G) Increased backlog of general civil cases
- (H) Increased administrative workload
- (I) Increased judicial workload for juvenile cases
- (J) Inadequate number of available jurors

Results for "increased case processing time for criminal cases" and "increased case processing time for general civil cases" are not included because of conflicting interpretations by respondents. Some respondents interpreted case processing time as the elapsed time from filing to disposition while others interpreted it as the clerical time necessary to process the cases. Future surveys will be reworded to avoid this problem.

Figure 1A: Larger Courts Report Higher Impact of Three Strikes on Overall Judicial Workload

Three Strikes Survey #2 – Superior Courts



Nine courts reported increases of more than 10% to overall judicial workload (the left column shows that two courts reported increases of more than 25% and seven reported increases of 11-25%).

The nine courts reporting workload increases of more than 10% accounted for 52% of 1994-95 felony filings (as shown by the top two sections of the right column).

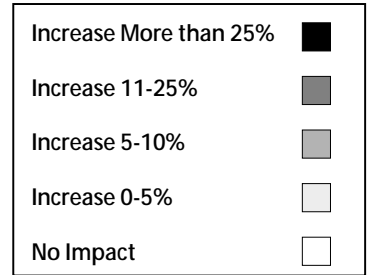
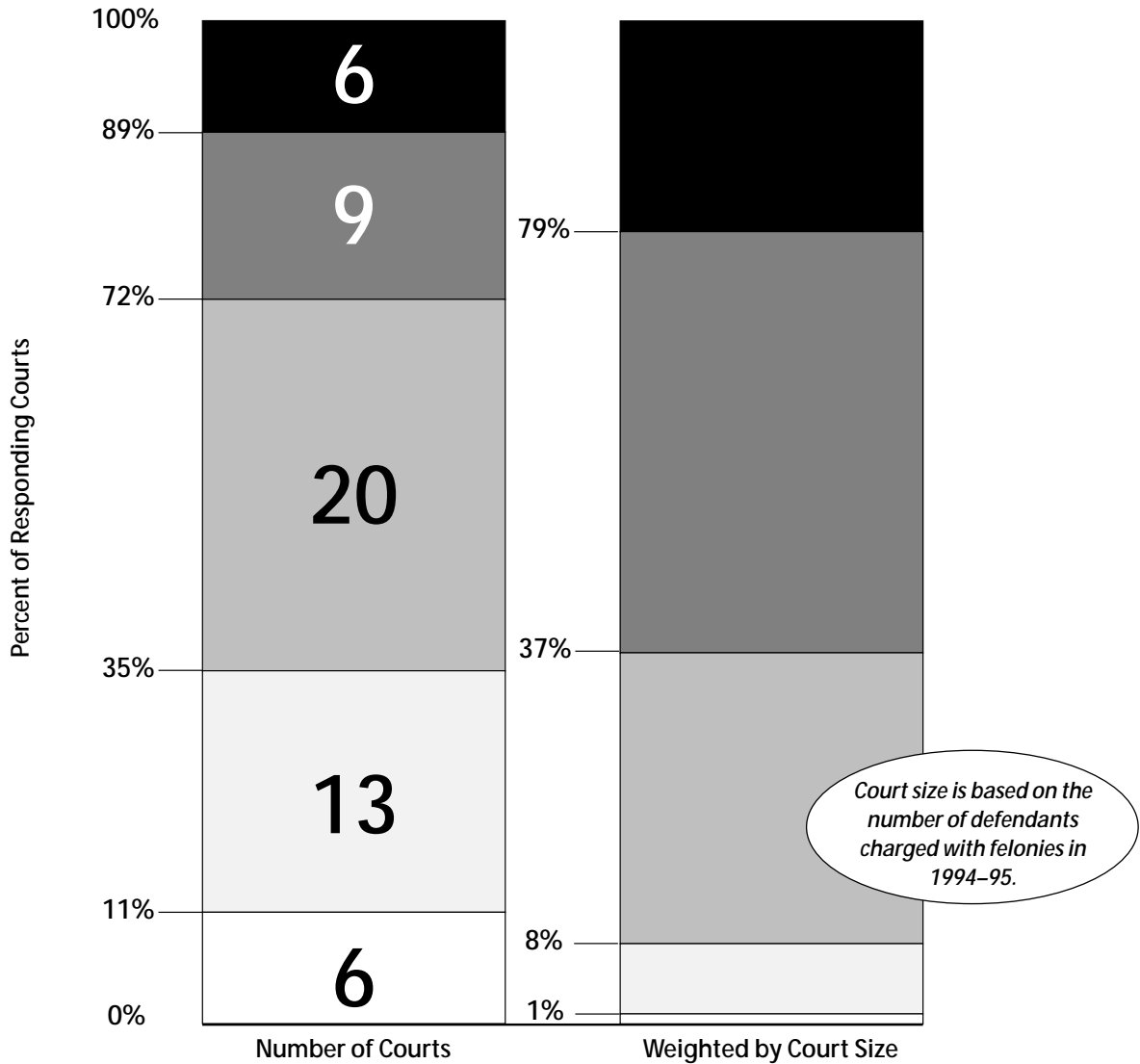


Figure 1B: Larger Courts Report Higher Impact of Three Strikes on Criminal Judicial Workload

Three Strikes Survey #2 – Superior Courts



Fifteen courts reported increases of more than 10% to criminal judicial workload (the left column shows that six courts reported increases of more than 25% and nine reported increases of 11-25%).

The 15 courts reporting workload increases of more than 10% accounted for 63% of 1994-95 felony filings (as shown by the top two sections of the right column).

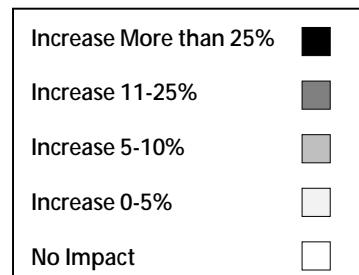
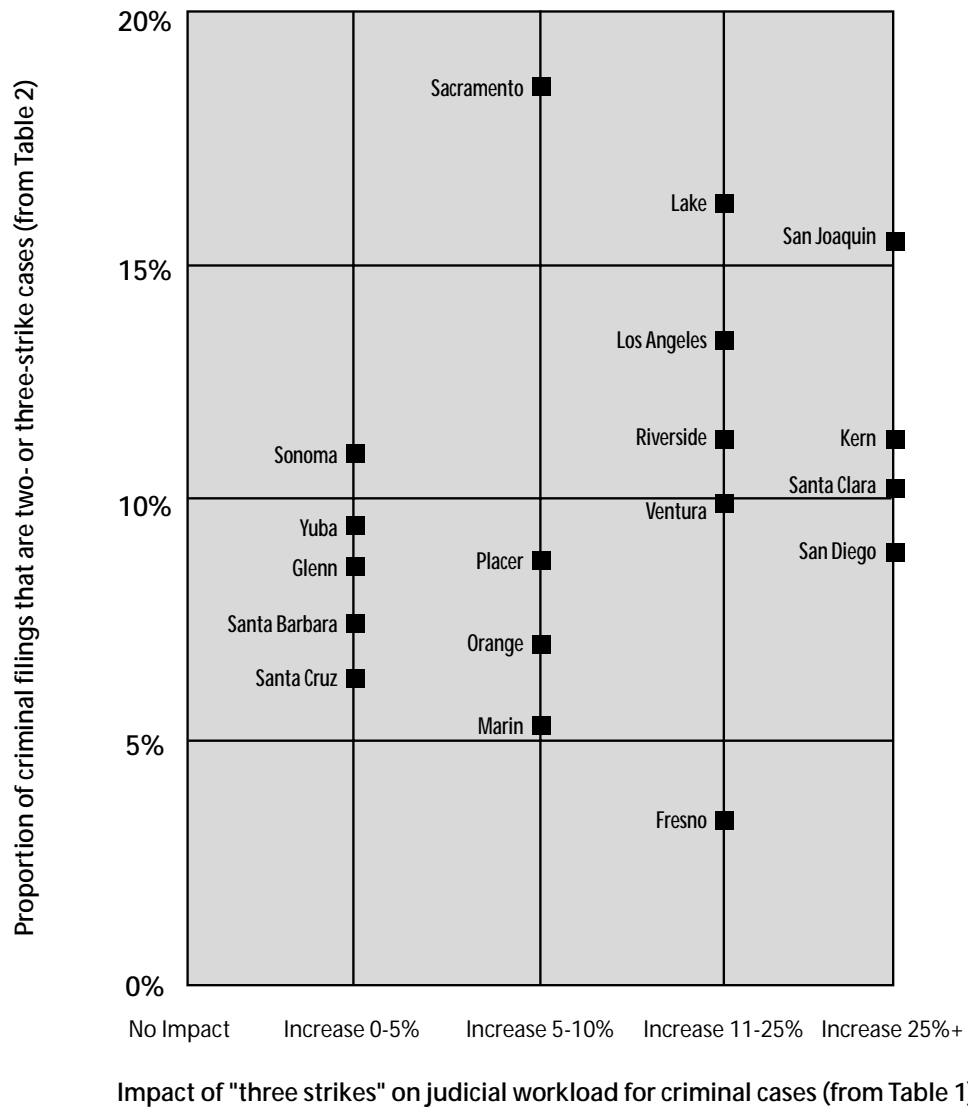


Figure 2: Filing Distributions – Courts with Higher Proportions of Strike Filings Report Higher Impact of Three Strikes on Judicial Workload for Criminal Cases *Three Strikes Survey #2 – Superior Courts*



Courts with higher proportions of strike filings report higher impact of "three strikes." Eight courts reported that 10% or more of their criminal filings consisted of two- and three-strike cases (the top half of the figure). Six of these eight courts reported a 10% or higher increase in criminal-related judicial workload due to the "three strikes" law (the two columns on the right of the figure).

Courts with lower proportions of strike filings report lower impacts of "three strikes." Ten courts reported that less than 10% of their criminal filings consisted of two- and three-strike cases (the lower half of the figure). Seven of these 10 courts reported a less than 10% increase in criminal-related judicial workload due to the "three strikes" law (the middle and left two columns on the figure).

**Table 2: Filing Distributions - July through December 1995
Three Strikes Survey #2 - Superior Courts**

Superior Court	Distribution of Filings			Number of Filings		
	Nonstrike (A)	2 Strike (B)	3 Strike (C)	Nonstrike (D)	2 Strike (E)	3 Strike (F)
Alameda	0.94	0.05	0.01	2,357	123	37
Contra Costa	0.74	0.16	0.10	767	161	104
Fresno	0.97	0.02	0.01	2,330	47	24
Glenn	0.91	0.06	0.02	75	5	2
Kern	0.89	0.08	0.03	2,159	194	72
Lake	0.84	0.08	0.08	62	6	6
Los Angeles	0.87	0.09	0.04	22,109	2,361	974
Marin	0.95	0.03	0.03	264	8	7
Orange	0.93	0.05	0.02	4,385	219	112
Placer	0.91	0.08	0.01	210	18	2
Riverside	0.89	-	-	2,672	-	-
Sacramento	0.81	0.13	0.06	2,219	351	156
San Diego	0.91	0.07	0.02	7,128	512	176
San Joaquin	0.85	0.09	0.06	784	87	55
Santa Barbara	0.93	0.06	0.01	783	49	12
Santa Clara	0.90	0.08	0.03	3,770	315	109
Santa Cruz	0.94	0.05	0.01	213	12	2
Sonoma	0.89	0.08	0.03	545	51	16
Stanislaus	0.83	0.11	0.06	442	59	34
Tehama	0.97	-	0.03	142	-	5
Trinity	1.00	-	0.00	25	-	0
Ventura	0.90	0.08	0.01	774	73	12
Yuba	0.91	0.04	0.05	116	5	7
MEDIAN	0.91	0.08	0.03	-	-	-

Columns (A), (B), and (C) show the percentage of filings that are nonstrike, second-strike, and third-strike cases in each of the responding courts. The medians indicate that for half the responding courts, at least 91% (0.91) of total filings were nonstrike cases. Similarly, half of the responding courts indicated that two-strike cases represented at least 8% (0.08) of total filings and half the responding courts indicated that three-strike cases represented at least 3% (0.03) of total filings.

**Table 3: Trial Rates - July through December 1995
Three Strikes Survey #2 - Superior Courts**

Superior Court	Percent Disposed of After Trial			Number of Trials			Number of Dispositions		
	Nonstrike (A)	2 Strike (B)	3 Strike (C)	Nonstrike (D)	2 Strike (E)	3 Strike (F)	Nonstrike (G)	2 Strike (H)	3 Strike (I)
Alameda	0.03	0.06	0.29	60	13	5	2,184	223	17
Glenn	0.03	0.00	1.00	2	0	2	75	5	2
Lake	0.08	0.14	0.75	4	1	3	51	7	4
Los Angeles	0.05	0.14	0.44	1,072	279	378	23,024	1,986	863
Marin	0.06	0.27	0.30	16	4	3	258	15	10
Mariposa	-	0.00	-	-	0	0	-	3	0
Orange	0.02	0.08	0.33	79	24	27	3,353	284	82
Placer	0.04	0.00	1.00	8	0	1	220	13	1
Riverside	0.06	-	-	134	-	-	2,295	-	-
Sacramento	0.04	0.05	0.10	119	18	18	2,721	369	174
San Diego	0.03	0.11	0.48	183	48	63	7,167	456	131
San Joaquin	-	0.19	0.41	-	6	7	474	32	17
San Mateo	-	0.11	0.40	-	9	14	-	80	35
Santa Barbara	0.01	-	0.71	11	-	12	795	44	17
Santa Clara	0.04	0.06	0.35	163	7	27	3,762	118	78
Santa Cruz	0.05	0.00	0.00	11	0	0	203	9	1
Sonoma	0.06	0.16	0.40	29	11	4	491	67	10
Stanislaus	-	0.39	0.56	-	14	9	-	36	16
Ventura	0.06	-	1.00	51	-	7	910	-	7
MEDIAN	0.04	0.09	0.41	-	-	-	-	-	-

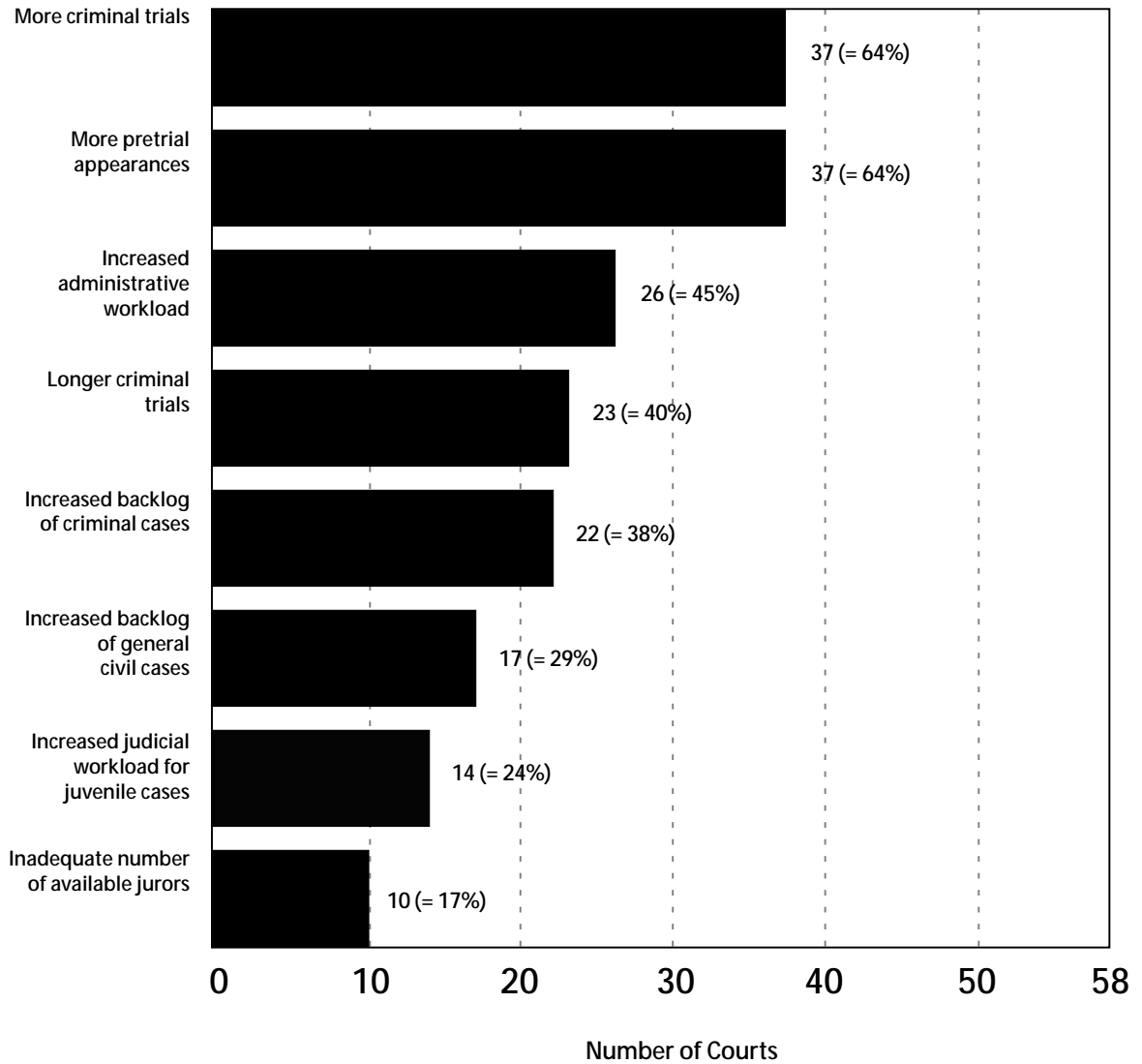
For most of the responding courts, two-strike cases are more likely to go to trial than nonstrike cases, and three-strike cases are far more likely to go to trial than two-strike cases. The average case that goes to trial requires substantially more resources than the average case that is not tried. Therefore, two- and three-strike cases consume a higher proportion of court resources than indicated by the filing distributions in Table 2. For example, a court in which 3% of criminal filings are three-strike cases will need to devote more than 3% of its resources to those cases.

The medians in columns (B) and (C) indicate that half the responding courts reported trial rates of at least 9% (0.09) for two-strike cases and half the responding courts reported trial rates of at least 41% (0.41) for three-strike cases.

Percent Disposed of After Trial [Columns (A)-(C)] = Number of Trials [Columns (D)-(F)] / Number of Dispositions [Columns (G)-(I)].

Two-strike dispositions in Column (H) include defendants initially charged with a second strike where the qualifying strike was ultimately dismissed resulting in a nonstrike case at disposition. Similarly, three-strike dispositions in Column (I) include defendants initially charged with a third strike where one or more qualifying strikes were ultimately dismissed resulting in a two-strike or nonstrike case at disposition.

Figure 3: Impact of Three Strikes on Court Operations
Three Strikes Survey #2 – Superior Courts



Courts responding "yes" to the question, "Has the three strikes law had a noticeable impact on any of the following areas of court operation?" All 58 superior courts responded to this question. (See Table 1.)

**Table 4: Average Number of Jurors Sent to One Criminal Jury Panel
Three Strikes Survey #2 - Superior Courts**

Superior Court	Change in Average Size		Size of Average Criminal Jury Panel		
	From Feb '94 to Feb '96 (A) = (E) / (C)	From Feb '94 to Feb '95 (B) = (E) / (D)	Feb '94 (C)	Feb '95 (D)	Feb '96 (E)
Alameda	1.06	1.05	72.4	76.0	77.0
Fresno	1.18	1.18	51.0	60.0	60.0
Glenn	1.00	1.00	55.0	55.0	55.0
Kern	1.29	1.25	39.9	49.8	51.3
Lake	1.75	1.00	40.0	40.0	70.0
Los Angeles	1.12	1.06	49.1	52.1	55.0
Madera	1.20	1.00	50.0	50.0	60.0
Mariposa	1.38	1.23	65.0	80.0	90.0
Mendocino	0.75	1.00	60.0	60.0	45.0
Merced	1.33	1.00	45.0	45.0	60.0
Orange	1.69	1.00	45.0	45.0	76.0
Placer	1.21	1.17	52.0	61.0	63.0
Plumas	1.00	1.00	80.0	80.0	80.0
Riverside	1.28	1.11	45.0	50.0	57.5
Sacramento	1.11	1.11	45.0	50.0	50.0
San Diego	1.42	1.09	32.0	35.0	45.4
San Joaquin	0.73	0.99	96.0	95.0	70.0
San Mateo	0.88	1.01	50.1	50.7	44.0
Santa Barbara	0.94	0.77	83.0	64.0	78.0
Santa Clara	1.42	1.06	62.0	66.0	88.0
Santa Cruz	1.00	1.00	40.0	40.0	40.0
Shasta	-	-	-	-	40.0
Sonoma	1.00	1.00	40.0	40.0	40.0
Stanislaus	0.96	0.98	46.0	45.0	44.0
Tehama	1.09	1.09	55.0	60.0	60.0
Tulare	1.40	1.40	37.5	52.5	52.5
Ventura	1.26	1.00	38.0	38.0	48.0
Yolo	1.00	0.98	47.0	46.0	47.0
MEDIAN	1.12	1.00	49.1	50.7	56.3

Some courts report larger criminal jury panels since the advent of "three strikes."

The median in Column (A) shows that half the responding courts reported an increase of at least 12% (1.12) in the average number of jurors required for a criminal jury panel from February 1994 (before the enactment of the "three strikes" law) to February 1996 (after the "three strikes" law had been in effect for almost two years).

This table applies to all criminal trials, including nonstrike cases.

Some of the large changes reported in Columns (A) and (B) are due to chance variations caused by a small number of criminal trials occurring in the one-month periods. This is particularly true for small jurisdictions.

**Table 5: Allocation of Judicial Resources
Three Strikes Survey #2 - Superior Courts**

Superior Court	Change in Percent of Judicial Resources Allocated to Criminal Cases		Percent of Judicial Resources Allocated to Criminal Cases			Change in Percent of Judicial Resources Feb '94 to Feb '96	
	From Feb '94 to Feb '96 (A) = (E) / (C)	From Feb '94 to Feb '95 (B) = (E) / (D)	Feb '94 (C)	Feb '95 (D)	Feb '96 (E)	General Civil (F)	Other (G)
Alameda	1.00	1.00	38.0	38.0	38.0	1.00	1.00
Fresno	1.39	1.41	46.0	65.0	64.0	0.77	0.54
Glenn	1.20	1.20	25.0	30.0	30.0	0.83	1.00
Kern	1.15	1.00	53.0	53.0	61.0	0.94	0.76
Lake	2.75	1.21	28.0	34.0	77.0	-	-
Los Angeles	1.23	1.09	32.4	35.3	40.0	0.82	1.00
Madera	1.00	1.00	40.0	40.0	40.0	1.00	1.00
Marin	1.25	1.50	25.0	37.5	31.3	0.91	0.92
Mariposa	2.00	2.00	25.0	50.0	50.0	0.62	1.00
Mendocino	1.00	1.00	34.0	34.0	34.0	1.00	1.00
Merced	1.50	1.20	50.0	60.0	75.0	0.67	0.43
Orange	1.13	1.04	23.0	24.0	26.0	0.90	1.08
Placer	1.03	1.11	38.0	42.0	39.0	0.87	1.31
Plumas	-	1.00	-	50.0	50.0	-	-
Riverside	1.17	1.09	47.0	51.0	55.0	0.71	1.00
Sacramento	1.00	1.00	85.0	85.0	85.0	1.00	1.00
San Diego	1.07	1.07	42.0	45.0	45.0	0.93	1.00
San Francisco	1.00	1.00	20.0	20.0	20.0	1.00	1.00
San Joaquin	1.30	1.20	50.0	60.0	65.0	0.34	3.33
San Mateo	0.72	0.66	53.0	35.0	38.0	1.48	1.19
Santa Barbara	0.77	0.85	39.0	33.0	30.0	1.26	0.95
Santa Clara	1.26	1.31	39.0	51.0	49.0	0.81	0.85
Santa Cruz	1.00	1.00	23.0	23.0	23.0	1.00	1.00
Shasta	1.38	1.25	40.0	50.0	55.0	0.75	0.75
Sonoma	1.00	1.00	40.0	40.0	40.0	1.00	1.00
Tehama	1.20	1.00	50.0	50.0	60.0	0.75	0.83
Trinity	0.90	0.90	50.0	45.0	45.0	1.13	1.00
Tulare	1.14	1.14	44.0	50.0	50.0	0.73	1.00
Ventura	0.87	0.97	35.3	34.3	30.8	1.02	1.12
Yolo	1.00	1.00	75.0	75.0	75.0	1.00	1.00
MEDIAN	1.13	1.02	40.0	43.5	45.0	0.92	1.00

Some courts are diverting judicial resources from civil to criminal cases since the advent of three strikes.

The median in Column (A) shows that half the responding courts reported an increase of at least 13% (1.13) in the proportion of judicial resources allocated to criminal cases from February 1994 (before the enactment of the "three strikes" law) to February 1996 (after the law had been in effect for almost two years). The median in Column (F) shows a corresponding 8% (0.92) decrease in the proportion of judicial resources allocated to general civil cases over the same period.

Some of the large changes in judicial resource allocation from year to year are unrelated to the "three strikes" law. For example, San Mateo had an unusually high number of capital trials in 1994, which caused an abnormally high allocation of judicial resources to criminal cases in that year. Therefore, the reported decrease in criminal judicial resources since 1994 in San Mateo is due to fewer capital cases, not the "three strikes" law.

**Table 6: Impact on Judicial Workload and Court Operations
Three Strikes Survey #2 - Municipal Courts**

County	Municipal Court	WORKLOAD		COURT OPERATIONS						
		Overall (A)	Felony (B)	More Prelim. (C)	Longer Prelim. (D)	More Pre-Prelim. (E)	Felony Back-log (F)	Civil Back-log (G)	Admin. (H)	Superior Assign. (I)
Alameda	Berkeley	5-10%	5-10%	Y	N	Y	N	N	N	N
Alameda	Fremont	-	-	Y	Y	N	N	N	N	N
Alameda	Livermore	0-5%	0-5%	N	N	N	N	N	N	N
Alameda	San Leandro	5-10%	5-10%	N	N	N	N	N	Y	Y
Del Norte	Del Norte	5-10%	5-10%	-	-	Y	-	-	-	Y
Fresno	Fresno	None	0-5%	Y	N	N	N	N	N	Y
Imperial	Imperial	-	5-10%	Y	Y	Y	Y	N	Y	N
Inyo	Inyo	None	None	N	N	N	N	N	N	N
Kern	Bakersfield	None	11-25%	Y	-	Y	N	N	Y	Y
Kern	South Kern	0-5%	5-10%	Y	N	N	N	N	Y	N
Lake	Lake	11-25%	11-25%	Y	Y	N	N	Y	Y	Y
Lassen	Lassen	5-10%	-	Y	N	N	Y	N	Y	Y
Los Angeles	Alhambra	-	5-10%	N	N	N	N	N	N	N
Los Angeles	Antelope	None	None	N	N	N	N	N	N	N
Los Angeles	Beverly Hills	0-5%	11-25%	Y	-	-	-	-	-	Y
Los Angeles	Compton	-	25%+	Y	Y	Y	Y	Y	-	-
Los Angeles	Culver	-	5-10%	Y	N	N	N	N	Y	N
Los Angeles	Downey	5-10%	25%+	Y	Y	N	N	N	Y	N
Los Angeles	East L.A.	0-5%	0-5%	Y	Y	Y	N	N	N	N
Los Angeles	Glendale	5-10%	0-5%	N	N	N	N	N	N	N
Los Angeles	Inglewood	5-10%	5-10%	Y	Y	Y	N	N	N	N
Los Angeles	Long Beach	5-10%	25%+	Y	Y	Y	Y	N	Y	Y
Los Angeles	Los Angeles	None	0-5%	N	N	N	N	N	N	Y
Los Angeles	Los Cerritos	5-10%	-	Y	Y	Y	N	N	N	N
Los Angeles	Malibu	0-5%	11-25%	N	Y	Y	N	N	N	N
Los Angeles	Newhall	-	5-10%	N	N	N	N	N	N	N
Los Angeles	Pomona	0-5%	-	N	N	N	N	N	N	N
Los Angeles	Rio Hondo	-	11-25%	Y	Y	N	Y	Y	Y	Y
Los Angeles	Santa Anita	5-10%	5-10%	Y	N	Y	N	N	N	N
Los Angeles	Santa Monica	25%+	25%+	Y	Y	Y	Y	N	N	N
Los Angeles	South Bay	5-10%	25%+	Y	Y	Y	Y	N	Y	N
Los Angeles	Southeast	11-25%	11-25%	N	N	N	N	N	N	N
Los Angeles	Whittier	-	11-25%	Y	N	Y	N	N	Y	N
Merced	Merced	0-5%	0-5%	N	N	N	N	N	N	N
Orange	North Orange	-	11-25%	Y	Y	Y	Y	N	Y	N
Orange	South Orange	11-25%	11-25%	Y	Y	Y	N	N	N	N
Plumas	Plumas	None	None	N	N	N	N	N	N	N
San Diego	El Cajon	11-25%	11-25%	Y	Y	N	N	N	Y	Y
San Diego	North County	5-10%	-	Y	N	N	N	N	N	N
San Diego	San Diego	5-10%	5-10%	Y	N	N	N	N	Y	Y
San Diego	South Bay	25%+	-	N	N	-	N	N	Y	Y
San Francisco	San Francisco	-	5-10%	Y	Y	Y	N	N	N	N
San Joaquin	Lodi	None	None	Y	Y	N	N	N	Y	N
San Joaquin	Stockton	0-5%	0-5%	Y	Y	Y	N	N	N	N
San Luis Obispo	San Luis Obispo	11-25%	11-25%	Y	N	N	N	N	Y	N

**Table 6 (continued): Impact on Judicial Workload and Court Operations
Three Strikes Survey #2 - Municipal Courts**

County	Municipal Court	WORKLOAD		COURT OPERATIONS						
		Overall (A)	Felony (B)	More Prelim. (C)	Longer Prelim. (D)	More Pre- Prelim. (E)	Felony Back- log (F)	Civil Back- log (G)	Admin. (H)	Super- rior Assign. (I)
San Mateo	San Mateo	0-5%	0-5%	Y	Y	Y	N	N	Y	Y
Santa Barbara	North San. Barb.	5-10%	11-25%	Y	Y	Y	N	N	N	N
Santa Cruz	Santa Cruz	0-5%	0-5%	Y	Y	N	N	N	N	N
Shasta	Shasta	-	5-10%	Y	Y	Y	Y	N	Y	N
Siskiyou	Siskiyou	None	None	N	N	N	N	N	N	N
Ventura	Ventura	-	None	N	N	N	N	-	N	-
Yolo	Yolo	11-25%	11-25%	Y	Y	N	Y	N	Y	Y

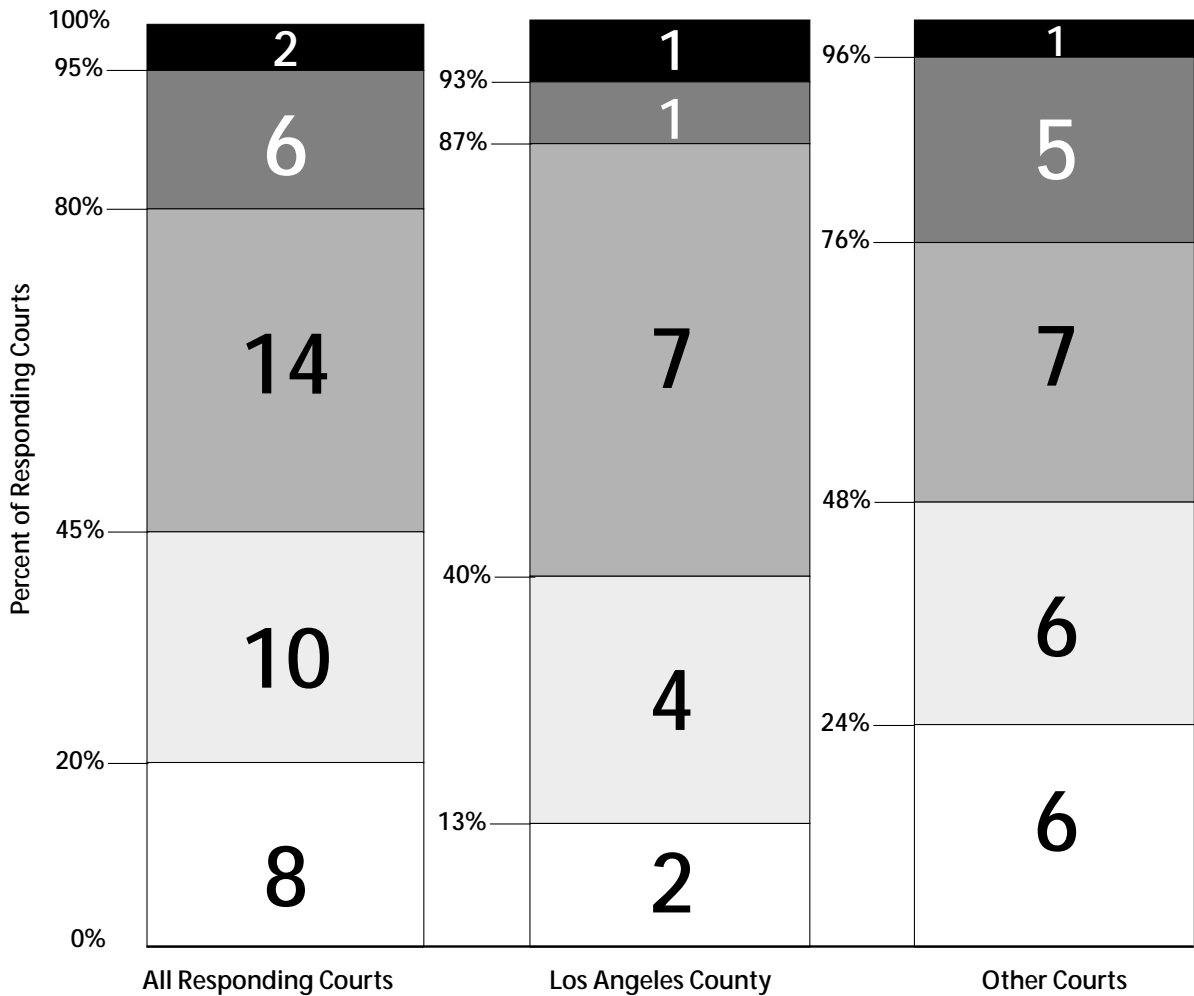
(A), (B) Based on the question "Estimate the impact of the three strikes law on the judicial workload in your court since the law's enactment in March 1994."

(C)-(I) Based on the question "Has the three strikes law had a noticeable impact on any of the following areas of court operation?"

- (C) More preliminary hearings
- (D) Longer preliminary hearings
- (E) More pre-preliminary hearing appearances
- (F) Increased backlog of felony cases
- (G) Increased backlog of general civil cases
- (H) Increased administrative workload
- (I) Increased judicial assignments for superior court

Results for "increased case processing time for felony cases" and "increased case processing time for general civil cases" are not included because of conflicting interpretations by respondents. Some respondents interpreted case processing time as the elapsed time from filing to disposition while others interpreted it as the clerical time necessary to process the cases. Future surveys will be reworded to avoid this problem.

Figure 4A: Impact of Three Strikes on Overall Judicial Workload Comparison of Los Angeles to Other Counties



There is no statistically significant difference between Los Angeles and municipal courts in other counties in the reported impact of "three strikes" on overall judicial workload.

Twenty-two courts, 55% of responding municipal courts, reported increases in overall workload of more than 5% (the left column shows that two courts reported increases of more than 25%, six courts reported increases of 11-25%, and 14 courts reported workload increases of 5-10%; the middle column shows that 9 of the 15 responding Los Angeles municipal courts reported workload increases of more than 5%; the right column shows that 13 of the 25 municipal courts from other counties reported workload increases of more than 5%).

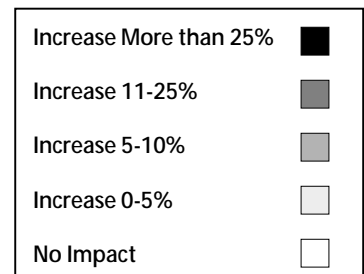
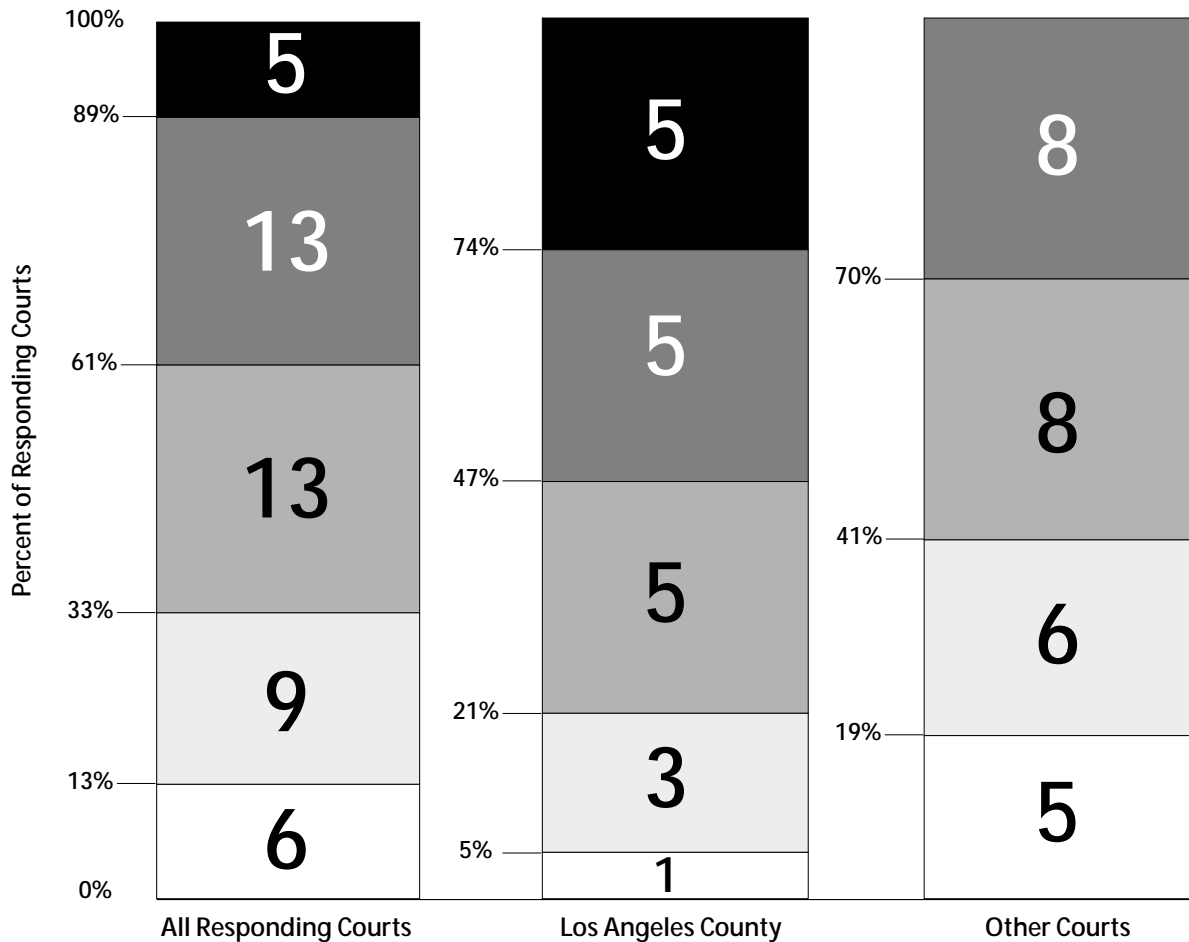


Figure 4B: Impact of Three Strikes on Felony Judicial Workload Comparison of Los Angeles to Other Counties



Municipal courts in Los Angeles County reported higher increases in judicial workload for felony cases than municipal courts in other counties.

Los Angeles municipal courts accounted for all five of the reported increases of more than 25% in felony workload (as shown by the top sections of the left and middle columns).

Fifty-three percent (10 of 19) of the Los Angeles municipal courts reported increases in felony workload of more than 10% compared to 30% (8 of 27) from other counties (the top two sections of the middle column show that five Los Angeles courts reported increases of more than 25% and five courts reported increases of 11-25%; the top section of the right column shows that eight courts from other counties reported increases of 11-25%).

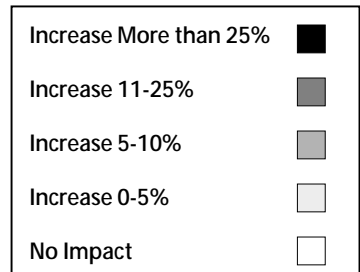
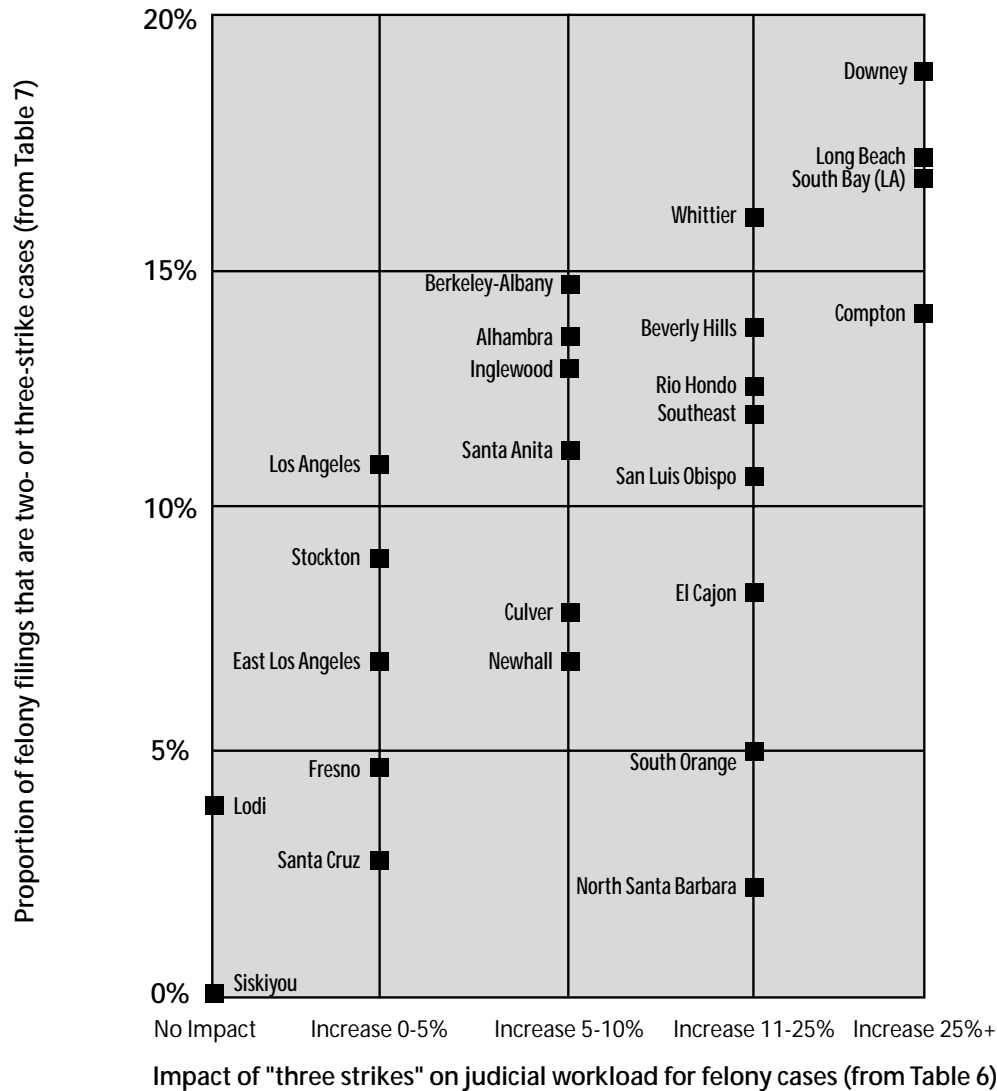


Figure 5: Courts with Higher Proportions of Strike Filings Report Higher Impact of Three Strikes on Judicial Workload for Felony Cases

Three Strikes Survey #2 – Municipal Courts



Courts with higher proportions of strike filings report higher impact of "three strikes." Fourteen courts reported that 10% or more of their felony filings consisted of two- and three-strike cases (the top half of the figure). Thirteen of these 14 courts reported a 5% or higher increase in felony-related judicial workload due to the "three strikes" law (the middle and right two columns of the figure).

Courts with lower proportions of strike filings report lower impacts of "three strikes." Eleven courts reported that less than 10% of their felony filings consisted of two- and three-strike cases (the lower half of the figure). Six of these 11 courts reported a less than 5% increase in felony-related judicial workload due to the "three strikes" law (the two columns on the left of the figure).

**Table 7: Filing Distributions - July through December 1995
Three Strikes Survey #2 - Municipal Courts**

County	Municipal Court	Distribution of Filings			Number of Filings		
		Nonstrike (A)	2 Strike (B)	3 Strike (C)	Nonstrike (D)	2 Strike (E)	3 Strike (F)
Alameda	Berkeley	0.85	0.11	0.03	230	31	9
Alameda	San Leandro	0.54	0.36	0.10	320	213	59
Fresno	Fresno	0.95	0.04	0.01	3,854	151	34
Los Angeles	Alhambra	0.86	0.11	0.02	385	50	11
Los Angeles	Beverly Hills	0.86	0.11	0.03	231	29	8
Los Angeles	Citrus	0.86	0.09	0.04	902	97	47
Los Angeles	Compton	0.86	0.10	0.04	2,537	298	119
Los Angeles	Culver	0.92	0.05	0.03	356	20	10
Los Angeles	Downey	0.81	0.16	0.03	417	81	16
Los Angeles	East L.A.	0.93	0.04	0.02	647	31	16
Los Angeles	Glendale	0.88	0.10	0.02	427	46	11
Los Angeles	Inglewood	0.87	0.09	0.04	1,395	143	68
Los Angeles	Long Beach	0.83	0.12	0.05	1,453	205	95
Los Angeles	Los Angeles	0.89	0.08	0.03	15,211	1,326	531
Los Angeles	Los Cerritos	0.79	0.17	0.04	415	87	23
Los Angeles	Newhall	0.93	0.06	0.01	385	24	4
Los Angeles	Pomona	0.85	0.09	0.06	631	68	41
Los Angeles	Rio Hondo	0.87	0.09	0.04	989	97	48
Los Angeles	Santa Anita	0.89	0.08	0.03	310	29	10
Los Angeles	South Bay	0.83	0.10	0.07	797	96	68
Los Angeles	Southeast	0.88	0.09	0.04	870	85	37
Los Angeles	Whittier	0.84	0.12	0.04	553	78	29
Orange	South Orange	0.95	0.04	0.01	550	22	7
San Diego	El Cajon	0.92	0.06	0.03	789	51	22
San Diego	North County	0.95	0.05	0.01	1,852	89	16
San Diego	South Bay	0.94	0.05	0.01	1,465	76	18
San Joaquin	Lodi	0.96	0.03	0.01	362	12	3
San Joaquin	Stockton	0.91	0.06	0.03	1,585	110	44
San Luis Obispo	San Luis Obispo	0.89	0.07	0.04	543	42	22
Santa Barbara	North San. Barb.	0.98	0.01	0.01	401	3	6
Santa Cruz	Santa Cruz	0.97	0.02	0.00	1,040	25	4
Siskiyou	Siskiyou	1.00	0.00	0.00	303	0	0
MEDIAN		0.89	0.08	0.03	-	-	-

Columns (A), (B), and (C) show the percentage of filings that are nonstrike, second-strike, and third-strike cases in each of the responding courts. The medians indicate that for half the responding courts, at least 89% (0.89) of total filings were nonstrike cases. Similarly, half of the responding courts indicated that two-strike cases represented at least 8% (0.08) of total filings and half the responding courts indicated that three-strike cases represented at least 3% (0.03) of total filings.

**Table 8: Preliminary Hearing Rates - July through December 1995
Three Strikes Survey #2 - Municipal Courts**

County	Municipal Court	Percent Disposed of After Preliminary Hear.			Number of Preliminary Hearings			Number of Dispositions		
		Non-strike (A)	Two Strike (B)	Three Strike (C)	Non-strike (D)	Two Strike (E)	Three Strike (F)	Non-strike (G)	Two Strike (H)	Three Strike (I)
Alameda	Berkeley	0.21	0.21	0.43	45	7	3	217	33	7
Alameda	San Leandro	0.22	0.25	0.25	80	54	15	364	213	59
Fresno	Fresno	0.17	0.42	0.61	481	56	19	2,792	134	31
Los Angeles	Alhambra	0.36	1.00	0.86	100	17	50	275	17	58
Los Angeles	Beverly Hills	0.56	0.68	0.83	127	19	5	226	28	6
Los Angeles	Citrus	0.41	0.77	0.93	291	103	54	718	134	58
Los Angeles	Compton	0.28	0.76	0.69	697	305	117	2,450	401	169
Los Angeles	Culver	0.42	0.67	0.89	140	12	8	332	18	9
Los Angeles	Downey	0.77	0.90	0.88	300	95	21	389	106	24
Los Angeles	East L.A.	0.58	0.64	0.79	350	30	11	601	47	14
Los Angeles	Glendale	0.52	0.90	0.92	188	37	12	362	41	13
Los Angeles	Inglewood	0.45	0.72	0.72	544	91	51	1,222	127	71
Los Angeles	Long Beach	0.25	0.62	0.87	342	165	139	1,358	266	159
Los Angeles	Los Angeles	0.46	0.69	0.81	5,871	1,080	500	12,889	1,555	618
Los Angeles	Los Cerritos	0.73	0.88	0.82	263	92	28	361	105	34
Los Angeles	Newhall	0.37	0.64	0.75	146	16	3	391	25	4
Los Angeles	Pomona	0.37	0.71	0.87	224	65	48	609	92	55
Los Angeles	Rio Hondo	0.53	0.75	0.94	508	69	45	956	92	48
Los Angeles	Santa Anita	0.50	0.82	0.83	143	28	10	285	34	12
Los Angeles	South Bay	0.25	0.47	0.72	183	45	43	743	96	60
Los Angeles	Southeast	0.48	0.63	0.90	377	51	26	793	81	29
Los Angeles	Whittier	0.50	0.79	0.74	237	84	26	477	107	35
Orange	South Orange	0.15	0.19	0.25	46	6	2	312	31	8
San Diego	El Cajon	0.28	0.58	0.67	205	28	14	734	48	21
San Diego	South Bay	0.14	0.30	0.67	178	13	2	1,239	44	3
San Joaquin	Lodi	0.33	0.67	0.33	76	8	1	229	12	3
San Luis Obispo	San Luis Obispo	0.35	0.46	0.74	147	17	17	423	37	23
Santa Barbara	North San. Barb.	0.21	0.33	1.00	84	1	5	402	3	5
Santa Cruz	Santa Cruz	0.29	0.52	0.50	217	11	2	750	21	4
Siskiyou	Siskiyou	0.30	-	-	100	0	0	332	0	0
MEDIAN		0.37	0.67	0.79	-	-	-	-	-	-

For most of the responding courts, two-strike cases are far more likely to have preliminary hearings than nonstrike cases, and three-strike cases are more likely to have preliminary hearings than two-strike cases.

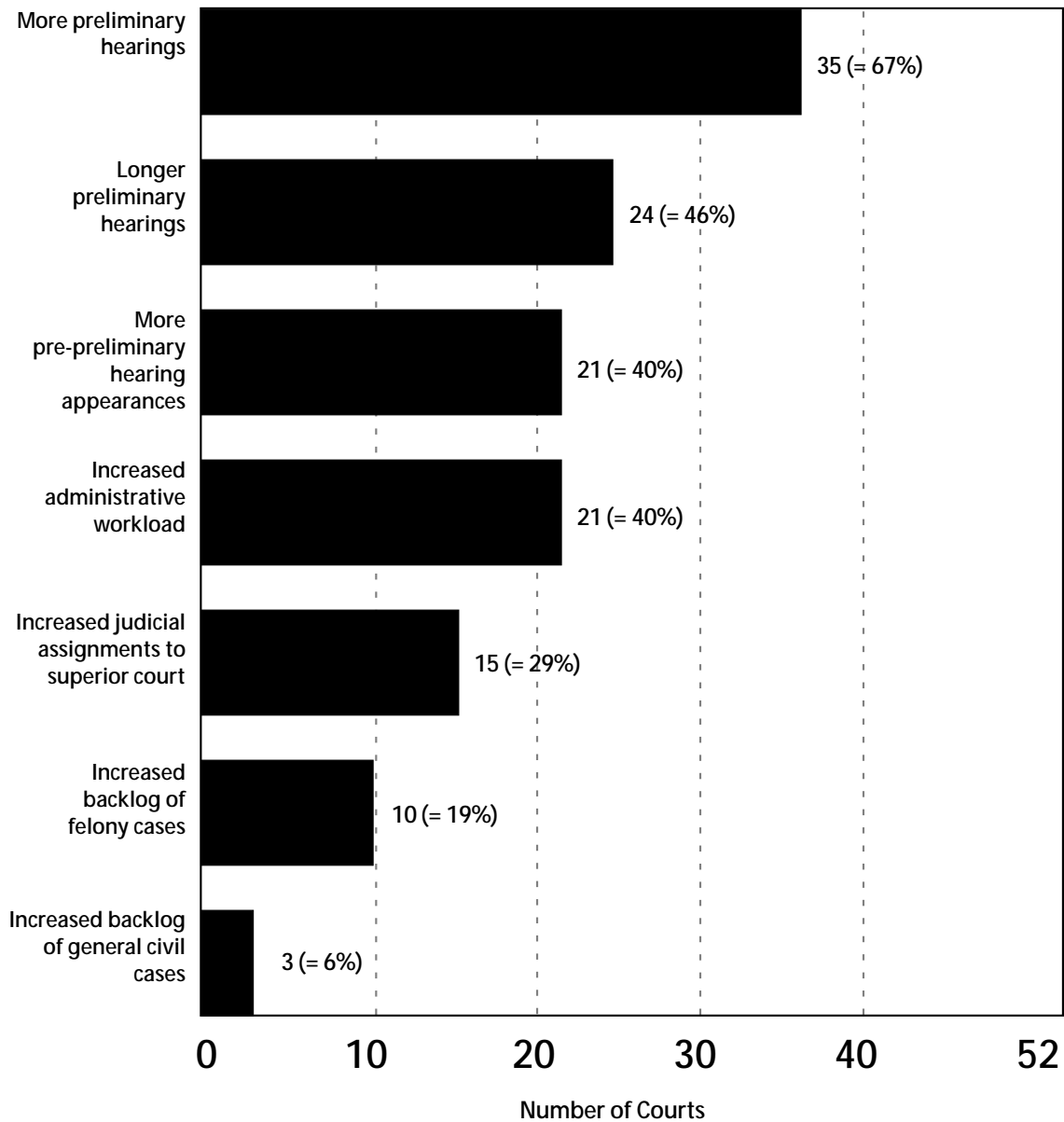
The average case that goes to trial requires substantially more resources than the average case that is not tried. Therefore, two- and three-strike cases consume a higher proportion of court resources than indicated by the filing distributions in Table 7. For example, a court in which 3% of criminal filings are three-strike cases will need to devote more than 3% of its resources to those cases.

The medians in columns (A), (B), and (C) indicate that half the responding courts reported preliminary hearing rates of at least 37% (0.37) for nonstrike cases, 67% (0.67) for two-strike cases, and 79% (0.79) for three-strike cases.

Percent Disposed of After Preliminary Hearing [Columns (A)-(C)] =
 Number of Preliminary Hearings [Columns (D)-(F)] / Number of Dispositions [Columns (G)-(I)].

Number of dispositions in Columns (G)-(I) include defendants held to answer. Two-strike dispositions in Column (H) include defendants initially charged with a second strike where the qualifying strike was ultimately dismissed resulting in a nonstrike case at disposition. Similarly, three-strike dispositions in Column (I) include defendants initially charged with a third strike where one or more qualifying strikes were ultimately dismissed resulting in a two-strike or nonstrike case at disposition.

Figure 6: Impact of Three Strikes on Court Operations
Three Strikes Survey #2 – Municipal Courts



Courts responding "yes" to the question, "Has the three strikes law had a noticeable impact on any of the following areas of court operation?" Fifty-two municipal courts responded to this question. (See Table 6.)

**THREE STRIKES SURVEY - MAILED MARCH 1996
SUPERIOR COURT PAGE 1**

- (1) SUPERIOR COURT NAME:
- (2) NAME AND TITLE OF PERSON FILLING OUT SURVEY:
- (3) PHONE NUMBER OF PERSON FILLING OUT SURVEY:

(4) Estimate the impact of the three strikes law on the judicial workload in your court since the law's enactment in March 1994.

	Overall	Criminal
Increase more than 25%	<input type="checkbox"/>	<input type="checkbox"/>
Increase 11% -25%	<input type="checkbox"/>	<input type="checkbox"/>
Increase 5% -10%	<input type="checkbox"/>	<input type="checkbox"/>
Increase less than 5%	<input type="checkbox"/>	<input type="checkbox"/>
No Impact	<input type="checkbox"/>	<input type="checkbox"/>
Decrease	<input type="checkbox"/>	<input type="checkbox"/>

(5) Has the three strikes law had a noticeable impact on any of the following areas of court operation?

	YES	NO
(a) More criminal trials	<input type="checkbox"/>	<input type="checkbox"/>
(b) Longer criminal trials	<input type="checkbox"/>	<input type="checkbox"/>
(c) More pretrial appearances	<input type="checkbox"/>	<input type="checkbox"/>
(d) Increased backlog of criminal cases	<input type="checkbox"/>	<input type="checkbox"/>
(e) Increased case processing time for criminal cases	<input type="checkbox"/>	<input type="checkbox"/>
(f) Increased backlog of general civil cases	<input type="checkbox"/>	<input type="checkbox"/>
(g) Increased case processing time for general civil cases	<input type="checkbox"/>	<input type="checkbox"/>
(h) Increased administrative workload	<input type="checkbox"/>	<input type="checkbox"/>
(i) Increased judicial workload for juvenile cases	<input type="checkbox"/>	<input type="checkbox"/>
(j) Inadequate number of available jurors	<input type="checkbox"/>	<input type="checkbox"/>

(k) For "Yes" responses, please describe how the three strikes law has affected court operations and include any statistics that help quantify the impact. Attach additional pages if necessary.

(6) Has your court taken special measures to process three strikes cases?

	YES	NO
(a) If yes, please describe the kinds of measures that your court has taken. Attach additional pages if necessary.	<input type="checkbox"/>	<input type="checkbox"/>

**THREE STRIKES SURVEY - MAILED MARCH 1996
SUPERIOR COURT PAGE 2**

- (1) SUPERIOR COURT NAME:
 (2) NAME AND TITLE OF PERSON FILLING OUT SURVEY:
 (3) PHONE NUMBER OF PERSON FILLING OUT SURVEY:

	Number of prior strikes alleged at filing		
	None	One (2nd Strike)	Two or more (3rd Strike)
(4) Criminal filings from July 1 to December 31, 1995; count filings by defendants, not cases			

	Number of prior strikes alleged at filing		
	None	One (2nd Strike)	Two or more (3rd Strike)
(5) Criminal dispositions from July 1 to December 31, 1995, including cases filed prior to July 1 (see note I)			
(a) Guilty pleas before start of trial			
(b) Other before start of trial			
(c) After start of jury trial			
(d) After start of court trial			

(6) Average (not total) number of jurors sent to one criminal jury panel	
(a) February 1994 (see note III)	
(b) February 1995 (see note III)	
(c) February 1996	

(7) Estimated allocation of judicial resources (See note II)	Criminal	General Civil	Other	Total
(a) February 1994 (see note III)	%	%	%	100%
(b) February 1995 (see note III)	%	%	%	100%
(c) February 1996	%	%	%	100%

Notes

- I. Include dispositions of cases where the defendant was charged before the enactment of the three strikes law in the column labeled "none."
 II. Judicial resources include sitting judges, assigned judges, commissioners, and referees.
 III. There is no need to provide information from February 1994 and February 1995 if this information was provided in the last survey.

**THREE STRIKES SURVEY - MAILED MARCH 1996
MUNICIPAL COURT PAGE 1**

(1) MUNICIPAL COURT NAME:

(2) NAME AND TITLE OF PERSON FILLING OUT SURVEY:

(3) PHONE NUMBER OF PERSON FILLING OUT SURVEY:

(4) Estimate the impact of the three strikes law on the judicial workload in your court since the law's enactment in March 1994.		
	Overall	Felony
Increase more than 25%	<input type="checkbox"/>	<input type="checkbox"/>
Increase 11%-25%	<input type="checkbox"/>	<input type="checkbox"/>
Increase 5%-10%	<input type="checkbox"/>	<input type="checkbox"/>
Increase less than 5%	<input type="checkbox"/>	<input type="checkbox"/>
No Impact	<input type="checkbox"/>	<input type="checkbox"/>
Decrease	<input type="checkbox"/>	<input type="checkbox"/>

(5) Has the three strikes law had a noticeable impact on any of the following areas of court operation?		
	YES	NO
(a) More preliminary hearings	<input type="checkbox"/>	<input type="checkbox"/>
(b) Longer preliminary hearings	<input type="checkbox"/>	<input type="checkbox"/>
(c) More pre preliminary hearing appearances	<input type="checkbox"/>	<input type="checkbox"/>
(d) Increased backlog of felony cases	<input type="checkbox"/>	<input type="checkbox"/>
(e) Increased case processing time for felony cases	<input type="checkbox"/>	<input type="checkbox"/>
(f) Increased backlog of general civil cases	<input type="checkbox"/>	<input type="checkbox"/>
(g) Increased case processing time for general civil cases	<input type="checkbox"/>	<input type="checkbox"/>
(h) Increased administrative workload	<input type="checkbox"/>	<input type="checkbox"/>
(i) Increased judicial assignments to Superior Court	<input type="checkbox"/>	<input type="checkbox"/>
(j) For "Yes" responses, please describe how the three strikes law has affected court operations and include any statistics that help quantify the impact. Attach additional pages if necessary.		

(6) Has your court taken special measures to process three strikes cases?		
	YES	NO
	<input type="checkbox"/>	<input type="checkbox"/>
(a) If yes, please describe the kinds of measures that your court has taken. Attach additional pages if necessary.		

**THREE STRIKES SURVEY - MAILED MARCH 1996
MUNICIPAL COURT PAGE 2**

- (1) MUNICIPAL COURT NAME:
 (2) NAME AND TITLE OF PERSON FILLING OUT SURVEY:
 (3) PHONE NUMBER OF PERSON FILLING OUT SURVEY:

	Number of prior strikes alleged at filing		
	None	One (2nd Strike)	Two or more (3rd Strike)
(4) Felony filings from July 1 to December 31, 1995; count filings by defendants, not cases			

	Number of prior strikes alleged at filing		
	None	One (2nd Strike)	Two or more (3rd Strike)
(5) Felony dispositions from July 1 to December 31, 1995, including cases filed prior to July 1 (see note I)			
(a) Guilty pleas before start of hearing			
(b) Other before start of hearing			
(c) After preliminary hearing			

Notes

- I. Include dispositions of cases where the defendant was charged before the enactment of the three strikes law in the column labeled "none."