



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-101

For business meeting on September 20, 2024

Title

Trial Courts: Standard 2.2 Diversion Reporting

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Stds. Jud. Admin., std. 2.2

Recommended by

Court Executives Advisory Committee
David H. Yamasaki, Chair
Judicial Branch Statistical Information System (JBSIS) Subcommittee
Jake Chatters, Chair

Agenda Item Type

Action Required

Effective Date

January 1, 2025

Date of Report

August 20, 2024

Contact

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Executive Summary

The Court Executives Advisory Committee recommends amending standard 2.2 of the California Standards of Judicial Administration, which gives guidance to trial courts on the types of matters that remove a case from court control for purposes of calculating computation of time related to case disposition time goals. Standard 2.2(m)(2)(C) specifies that felony or misdemeanor cases in diversion programs under Penal Code section 1000 et seq. should be excluded from time computation, but the standard is unclear as to whether only drug diversion or all diversion programs under the Penal Code should be excluded. Revising the language in the standard is intended to increase clarity, ensure consistent data reporting, and support council goals related to operational efficiency and improved caseflow management.

Recommendation

The Court Executives Advisory Committee recommends that the Judicial Council, effective January 1, 2025, amend standard 2.2(m)(2)(C) to ensure consistent data reporting across all cases in diversion programs.

The standard, with the proposed language change, appears at page 4 of this report.

Relevant Previous Council Action

Under the Trial Court Delay Reduction Act (Gov. Code, §§ 68603–68620), the Judicial Council established the Trial Court Case Disposition Time Goals with the intention of reducing the time from filing to disposition of civil and criminal cases. Effective January 1, 2004, the Judicial Council adopted standard 2.1(n), which lists in detail the matters that remove a case from a court’s control and excludes the period a case is removed from the court’s control from the case disposition time standards. Standard 2.1(n) is the predecessor to standard 2.2(m).¹

Analysis/Rationale

Standard 2.2 provides guidance on trial court case disposition time goals that are “intended to improve the administration of justice by encouraging prompt disposition of all matters coming before the courts.” (Cal. Stds. Jud. Admin., std. 2.2(b).) Adherence to the standard is based on the computation of time elapsed for case processing and is based on calculations of when cases enter, leave, or are restored to the court’s control. The definitions contained in standard 2.2 ensure that courts are reporting time data correctly and consistently. Standard 2.2(m) outlines the matters that remove a case from the court’s control, which affect the time calculations that are used in determining a court’s adherence to case disposition time goals.

Standard 2.2(m)(2)(C) specifies removal of a felony or misdemeanor case from the court’s control pending completion of “diversion under Penal Code section 1000 et seq.” However, the current language is unclear as to whether “section 1000 et seq.” encompasses just the drug diversion programs in sections 1000–1000.65 or all subsequent sections of the Penal Code that describe other nondrug diversion programs.

Over time, the number and types of diversion programs have increased. After discussion, the JBSIS Subcommittee agreed that standard 2.2(m)(2)(C) should be written to apply to *all* diversion programs, not just drug diversion programs. It, therefore, recommended that subparagraph (C) be amended to read: “Pendency of completion of any diversion program under part 2 of title 6 of the Penal Code (commencing with section 1000).” The Court Executives Advisory Committee concurred with the subcommittee’s analysis and recommends approval of the proposal as circulated for comment.

Policy implications

Time to disposition is a nationally recognized metric of court caseload management and helps courts assess the length of time it takes to bring cases to disposition. Updating the language of standard 2.2(m)(2)(C) will align the standard with its implied intent: to recognize that cases in a

¹ In 2006, the Judicial Council adopted a proposal to revise and reorganize the rules of court. A global change was made to standard 2.1, Trial court case disposition time standards, to replace the word “standards” with “goals.” Also, as part of a broader reorganization of the Standards of Judicial Administration, standard 2.1(n) was renumbered as standard 2.2(n). Both changes became effective January 1, 2007. In 2023, standard 2.2(m) was repealed, and standard 2.2(n) was relettered as standard 2.2(m), effective January 1, 2024.

diversion status should not be included in measures of time elapsed. The updated standard will lead to more accurate information on the amount of time that felony and misdemeanor cases take to reach disposition.

Comments

This proposal was circulated for public comment between March 29 and May 3, 2024, as part of the regular spring invitation-to-comment cycle. Two trial courts and one county bar association agreed with the proposal. A chart with the full text of those comments is attached at page 5.

Alternatives considered

The Court Executives Advisory Committee considered the implications of maintaining the current language of standard 2.2(m)(2)(C): “Pendency of completion of diversion under Penal Code section 1000 et seq.” Maintaining the current language could be read to mean that only drug-related diversion cases are eligible for removal from the court’s control and computation of time to disposition. The committee believed that the authors of the standard did not intend to treat drug diversion cases differently from how cases in other types of diversion programs are treated and that the standard should be applied uniformly to all types of diversion programs.

Fiscal and Operational Impacts

Amendment of the standard would have no major fiscal or operational impacts. If amended, courts would need to validate their data reporting to ensure that the change is implemented.

Attachments and Links

1. Cal. Stds. Jud. Admin., std. 2.2, at page 4
2. Chart of comments, at page 5

Standard 2.2 of the California Standards of Judicial Administration is amended, effective January 1, 2025, to read:

1 **Standard 2.2. Trial court case disposition time goals**

2

3 **(a)–(l) * * ***

4

5 **(m) Cases removed from court’s control excluded from computation of time**

6

7 If a case is removed the court’s control, the period of time until the case is restored to court
8 control should be excluded from the case disposition time goals. The matters that remove a
9 case from the court’s control for the purposes of this section include:

10

11 (1) * * *

12

13 (2) Felony or misdemeanor cases:

14

15 (A)–(B) * * *

16

17 (C) Pendency of completion of any diversion program under part 2 of title 6 of the
18 Penal Code (commencing with section 1000)~~et seq.~~;

19

20 (D)–(J) * * *

21

22 **(n) * * ***

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Trials Courts: Standard 2.2 Diversion Reporting (amend Cal. Stds. Jud. Admin., std. 2.2)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Superior Court of Los Angeles County by Bryan Borys, Director of Research and Data Management	A	The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. The Court supports this proposal. It provides needed clarification, and it will allow trial courts to better assess the impact of the full range of diversion programs.	The committee thanks the commenter for this information.
2.	Superior Court of Orange County by Elizabeth Flores, Operations Analyst	A	The JBSIS Analyst has reviewed the proposal and has confirmed the proposal has minimal impact to our court. All of the drug diversions are currently programmed to remove the case from the court’s control. If calculation is to stop for non-drug diversions, the CMS logic would need to be amended to resume the case aging calculations until disposition. Does the proposal appropriately address the stated purpose? - Yes, the proposal appropriately addresses the stated purpose. What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? - We are currently in compliance and would likely not be affected by the proposal. If there is impact, the JBSIS analyst would work with our tech team to have the program logic amended. There would be no impact to staff. Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? - Yes, 3 to 6 months depending on Court Management System modifications.	The committee thanks the commenter for this information.
3.	Orange Court Bar Association by Christina Zabat-Fran, President	A	The proposed rule is appropriate and collecting the data is appropriate.	The committee thanks the commenter for this information.