

NICS System

2019 SEARCH Symposium

July 23, 2019

National Center for State Courts (NCSC)

- Provides leadership for challenges facing the state courts
- Strengthens the rule of law throughout the world
- Serves as national voice for the needs and interests of state courts
- Provides knowledge and information about judicial administration
- www.ncsc.org, (800) 616-6164



State Courts

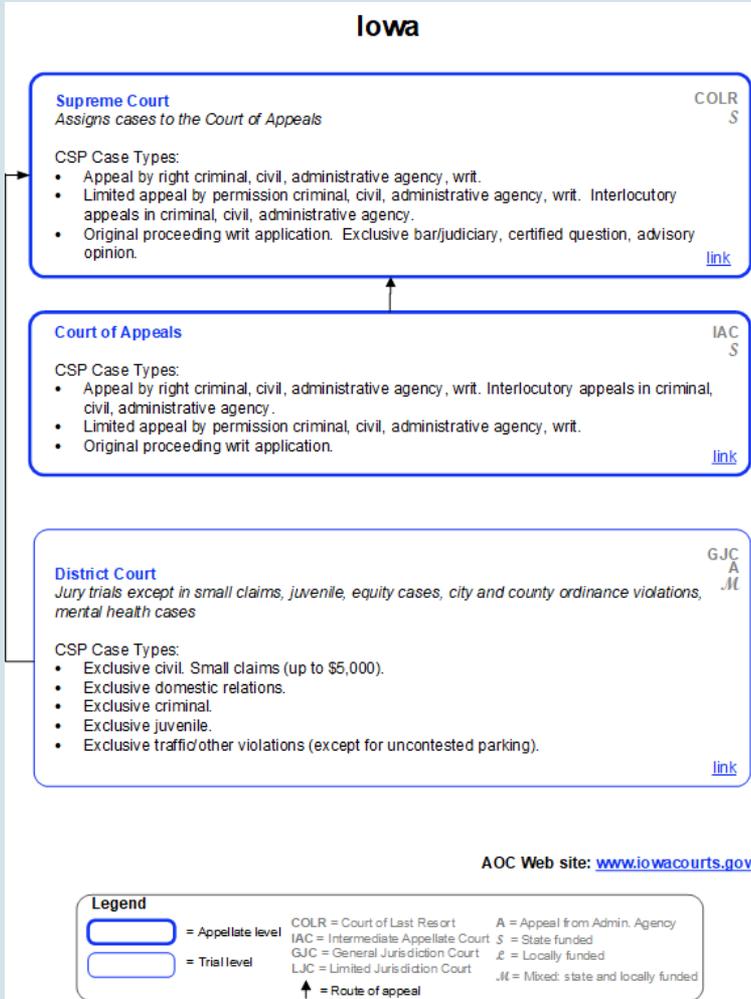
- Unlike federal courts, state courts draw their powers from two constitutional systems: the U.S. Constitution and their respective state constitutions.
 - State courts share concurrent jurisdiction with federal courts over many federal matters arising within their jurisdictions.
 - Exercise final authority with regards to state law and state constitutional matters.
 - Handle 97% of all judicial proceedings in the U.S. as the nation's general jurisdiction courts, over 83m in 2017.
- Criminal, civil, traffic, probate, juvenile, family, small claims, landlord tenant, CPO, etc.

State Courts

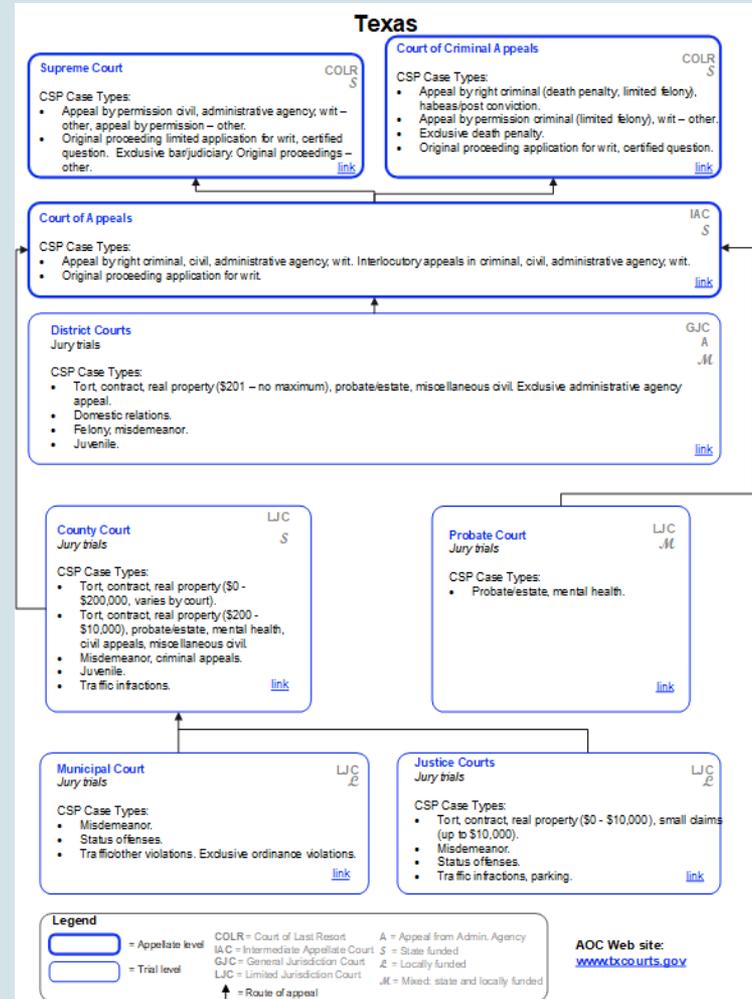
- State court structures are highly variable.
 - Highly unified such as South Dakota's UJS.
 - Quasi-centralized or quasi-unified like Missouri.
 - High decentralized like Ohio.
- Each state is free to structure its court system, which means that both funding and areas of responsibility can be diffuse.
 - Funding may be split between state and local governments, *e.g.*, state funds judges' salaries, local government funds everything else.
- Management responsibilities can be split between the court and separately elected clerks over which courts exercise limited authority.
 - Texas law directs that clerks send family violence protection orders and emergency protection **NO LATER THAN NEXT BUSINESS DAY** after the order is entered.

State Court Structures

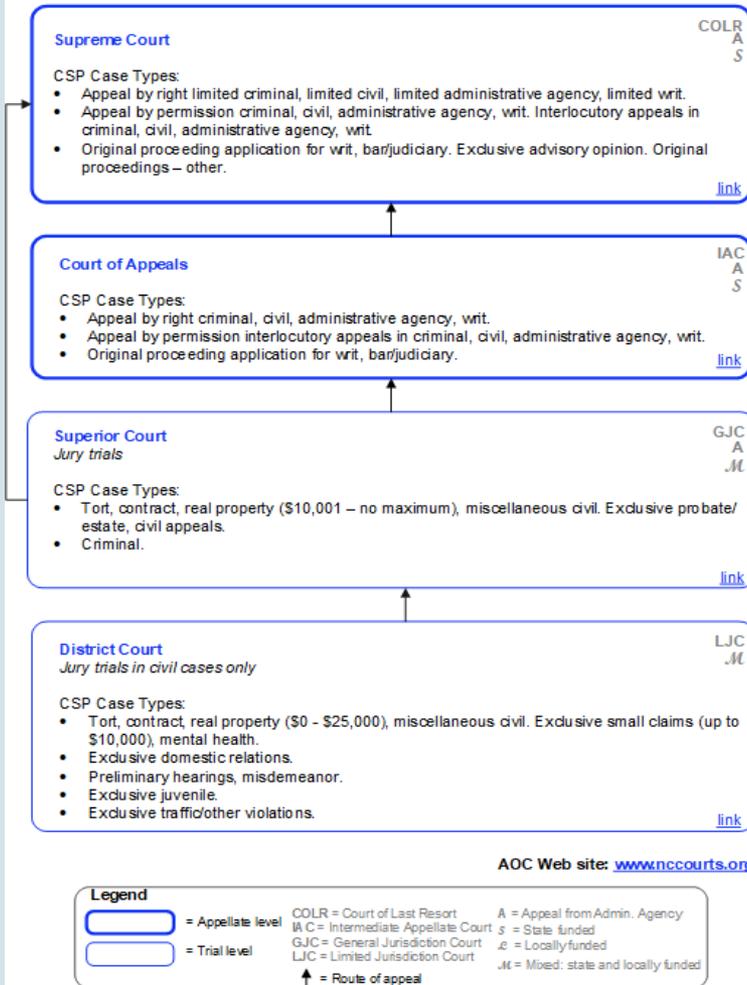
Iowa



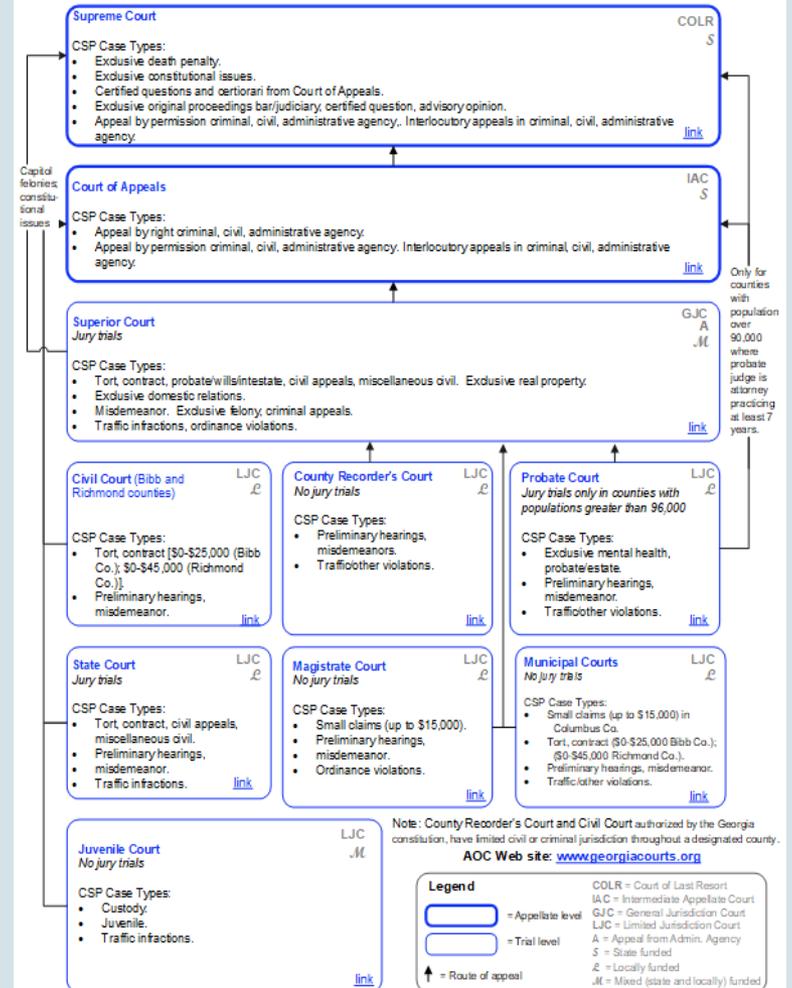
Texas



North Carolina



Georgia



Utah

Supreme Court

COLR
S

CSP Case Types:

- Appeal by right limited criminal (first degree felony, death penalty), civil, administrative agency, limited writ, appeal by right – other.
- Appeal by permission criminal, civil, administrative agency, writ, appeal by permission – other. Interlocutory appeals in criminal, civil, administrative agency, writ.
- Exclusive death penalty.
- Original proceeding application for writ. Exclusive bar/judiciary, certified question, advisory opinion. Original proceedings – other.

[link](#)

Court of Appeals

IAC
S

CSP Case Types:

- Appeal by right criminal, limited civil (domestic relations), administrative agency, writ, appeal by right – other.
- Appeal by permission interlocutory appeals in criminal, civil, administrative agency, writ. Appeal by permission – other.
- Cases transferred from Supreme Court.
- Original proceeding application for writ. Original proceedings – other.

[link](#)

District Court

Jury trials in most cases

GJC
A
M

CSP Case Types:

- Exclusive tort, contract, real property, probate/estate, mental health, civil appeals, miscellaneous civil.
- Exclusive domestic relations.
- Misdemeanor. Exclusive felony, criminal appeals.
- Traffic/other violations.

[link](#)

Juvenile Court

No jury trials

LJC
M

CSP Case Types:

- Exclusive juvenile.

[link](#)

Justice Court

Jury trials in some case types

LJC
L

CSP Case Types:

- Small claims (up to \$10,000).
- Misdemeanor.
- Traffic/other violations.

[link](#)

AOC Web site: www.utcourts.gov

Legend

- = Appellate level
- = Trial level

COLR = Court of Last Resort
IAC = Intermediate Appellate Court
GJC = General Jurisdiction Court
LJC = Limited Jurisdiction Court
M = Mixed: state and locally funded

↑ = Route of appeal

New York

Court of Appeals

COLR
S

CSP Case Types:

- Appeal by right limited criminal, limited civil, limited administrative agency, appeal by right – other. Interlocutory appeals by right in limited criminal, limited civil, limited administrative agency.
- Appeal by permission criminal, civil, administrative agency. Interlocutory appeals in criminal, civil, administrative agency. Appeal by permission – other.
- Original proceeding bar admission, lawyer discipline/eligibility, judicial discipline/qualification, certified question, original proceedings – other.

[link](#)

Appellate Divisions of Supreme Court

IAC
A
S

CSP Case Types:

- Appeal by right (matters originating in Supreme and County courts) criminal, civil, administrative agency, writ. Interlocutory appeals in criminal, civil, administrative agency, writ.
- Appeal by permission (matters originating in other courts) criminal, civil, administrative agency, writ. Interlocutory appeals in criminal, civil, administrative agency, writ.
- Original proceedings application for writ, bar/judiciary, original proceedings – other.

[link](#)

Appellate Terms of Supreme Court

IAC
S

CSP Case Types:

- Appeal by right criminal, civil, administrative agency, writ, appeal by right – other. Interlocutory appeals in criminal, civil, administrative agency, writ.
- Appeal by permission criminal, civil, administrative agency, writ, appeal by permission – other. Interlocutory appeals in criminal, civil, administrative agency, writ.

[link](#)

Supreme Court

Jury trials

GJC
A
S

CSP Case Types:

- Tort, contract, real property, miscellaneous civil.
- Exclusive marriage dissolution.
- Felony, misdemeanor.

[link](#)

County Court

Jury trials

GJC
S

CSP Case Types:

- Tort, contract, real property (\$0 - \$25,000), civil appeals, miscellaneous civil.
- Criminal.

[link](#)

Court of Claims

No jury trials

LJC
S

CSP Case Types:

- Tort, contract, real property.

[link](#)

Family Court

No jury trials

LJC
S

CSP Case Types:

- Guardianship.
- Support, paternity, adoption.
- Exclusive domestic violence.
- Exclusive juvenile.

[link](#)

District Court

Jury trials except in traffic

LJC
S

CSP Case Types:

- Tort, contract, real property (\$0 - \$15,000), small claims (up to \$5,000)
- Felony, preliminary hearings, misdemeanor.
- Traffic infractions, ordinance violations.

[link](#)

City Court

Jury trials for highest level misdemeanor

LJC
S

CSP Case Types:

- Tort, contract, real property (\$0 - \$15,000), small claims (up to \$5,000)
- Felony, preliminary hearings, misdemeanor.
- Traffic infractions, ordinance violations.

[link](#)

Civil Court of the City of New York

Jury trials

LJC
S

CSP Case Types:

- Tort, contract, real property (\$0 - \$25,000), small claims, (up to \$5,000), miscellaneous civil.

[link](#)

Criminal Court of the City of New York

Jury trials for highest level misdemeanor

LJC
S

CSP Case Types:

- Preliminary hearings, misdemeanor.
- Traffic infractions, ordinance violations.

[link](#)

Town and Village Justice Court

Jury trials in most cases

LJC
M

CSP Case Types:

- Tort, contract, real property (\$0 - \$3,000), small claims (up to \$3,000)
- Preliminary hearings, misdemeanor.
- Traffic/other violations.

[link](#)

Surrogates' Court

Jury trials in probate/estate

LJC
S

CSP Case Types:

- Probate/estate.
- Adoption.

[link](#)

Legend

- = Appellate level
- = Trial level

COLR = Court of Last Resort
IAC = Intermediate Appellate Court
GJC = General Jurisdiction Court
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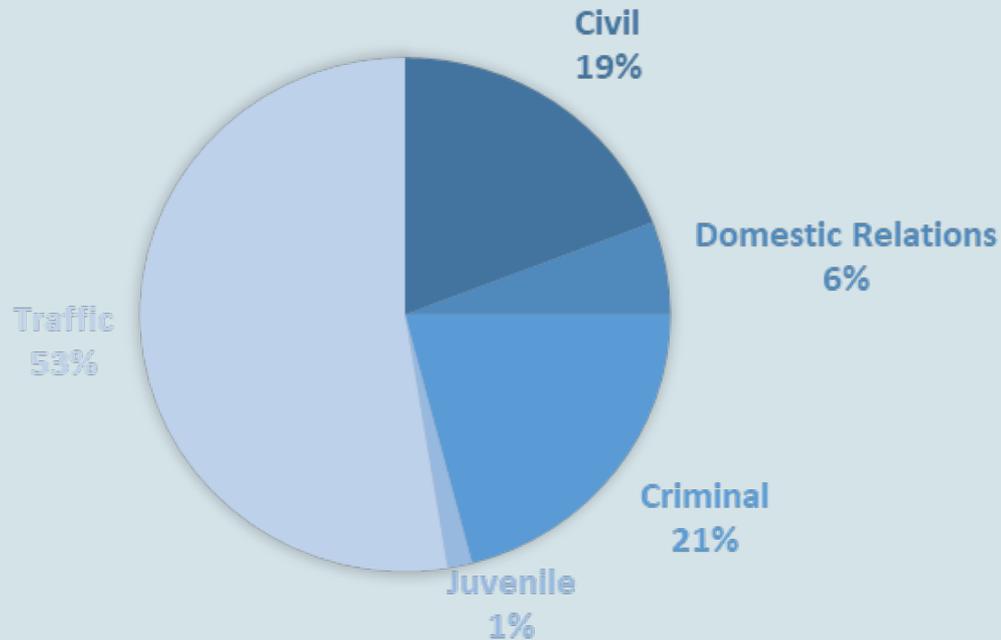
↑ = Route of appeal

AOC Web site: www.courts.state.ny.us

National State Court Caseloads

TOTAL INCOMING CASELOAD COMPOSITION, 2017

**83.2 Million
Cases**



Cases by Category and Tier

Number of Incoming Cases by Case Category and Tier, 2017 (in Millions)

Case Category	Single	Two Tier		Total	Percent of Total
		General	Limited		
Traffic/Violations	8.3	2.5	32.9	43.7	52.6%
Criminal	2.2	3.3	11.9	17.4	20.9%
Civil	2.2	5.2	8.5	15.9	19.2%
Domestic Relations	0.8	3.4	0.7	4.9	5.8%
Juvenile	0.2	0.9	0.2	1.2	1.5%
Total Incoming	13.7	15.3	54.2	83.2	100.0%
Number of States*	11	42	53		
Population (in Millions) ¹	75.0	254.2	329.2		
Percent of Population	23%	77%	100%		

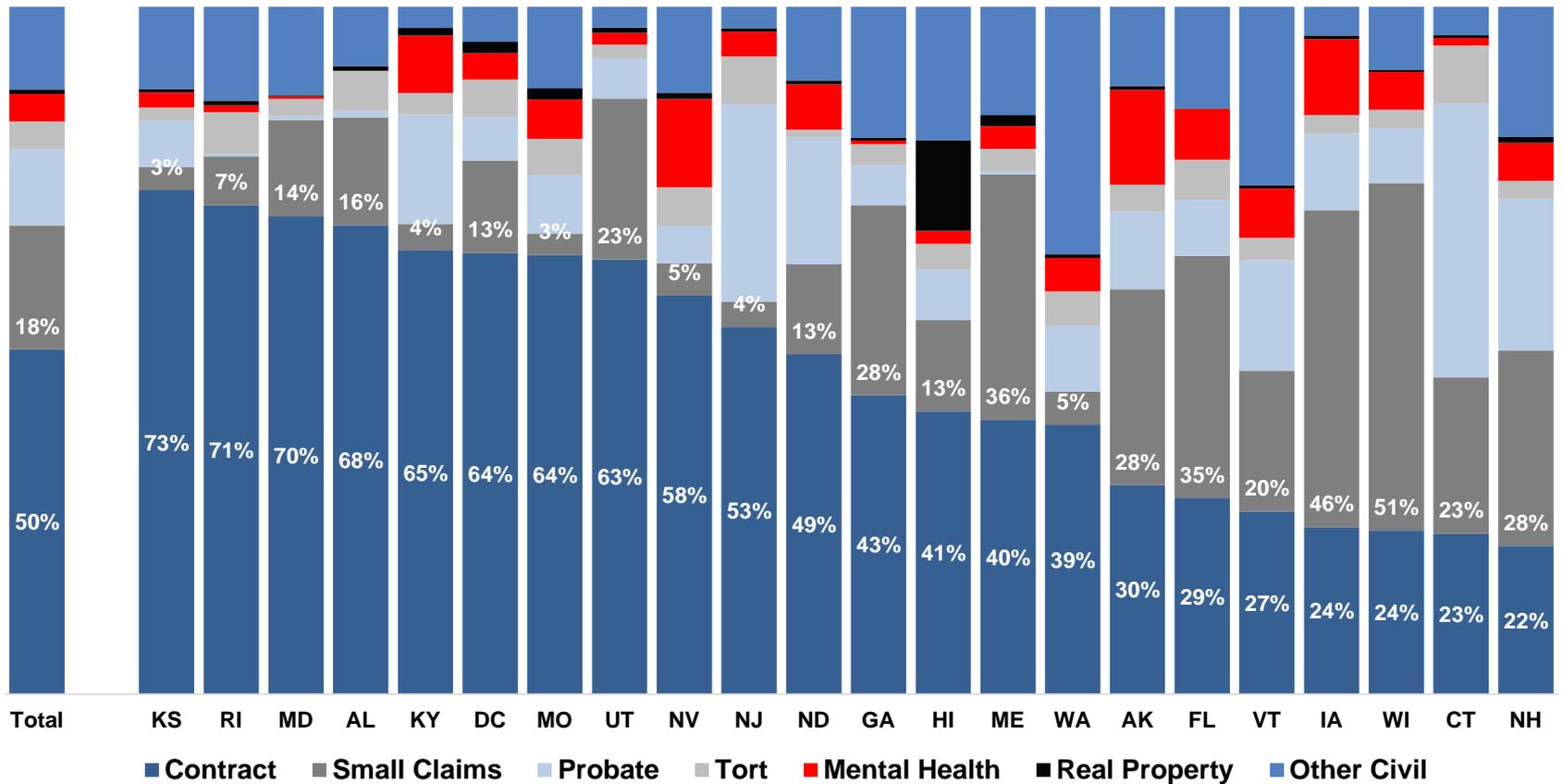
* Includes District of Columbia, Guam, and Puerto Rico

¹ Source: U.S. Census Bureau

Note: Single-tier states include CA, DC, GU, ID, IL, IA, ME, MN, MO, PR, VT

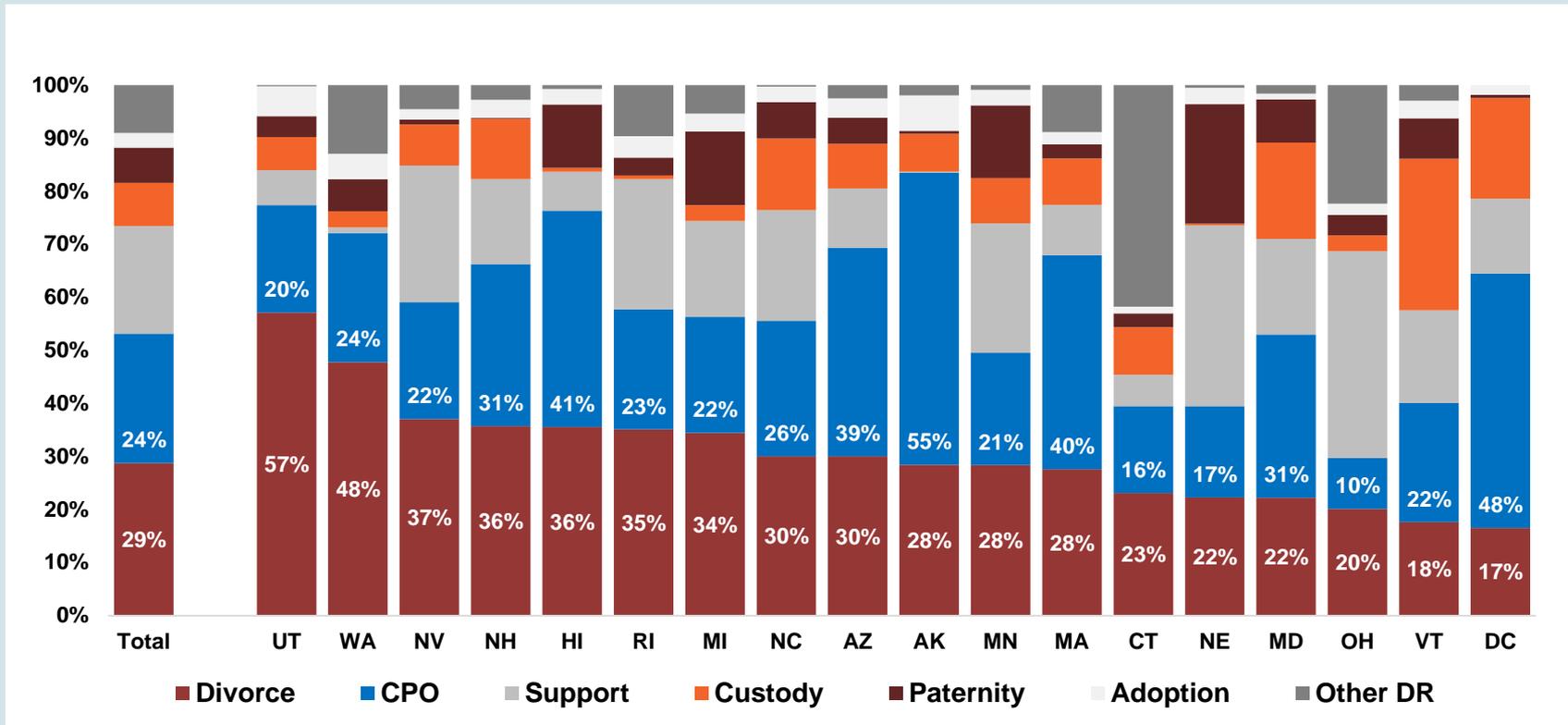
Civil Caseload

Selected States



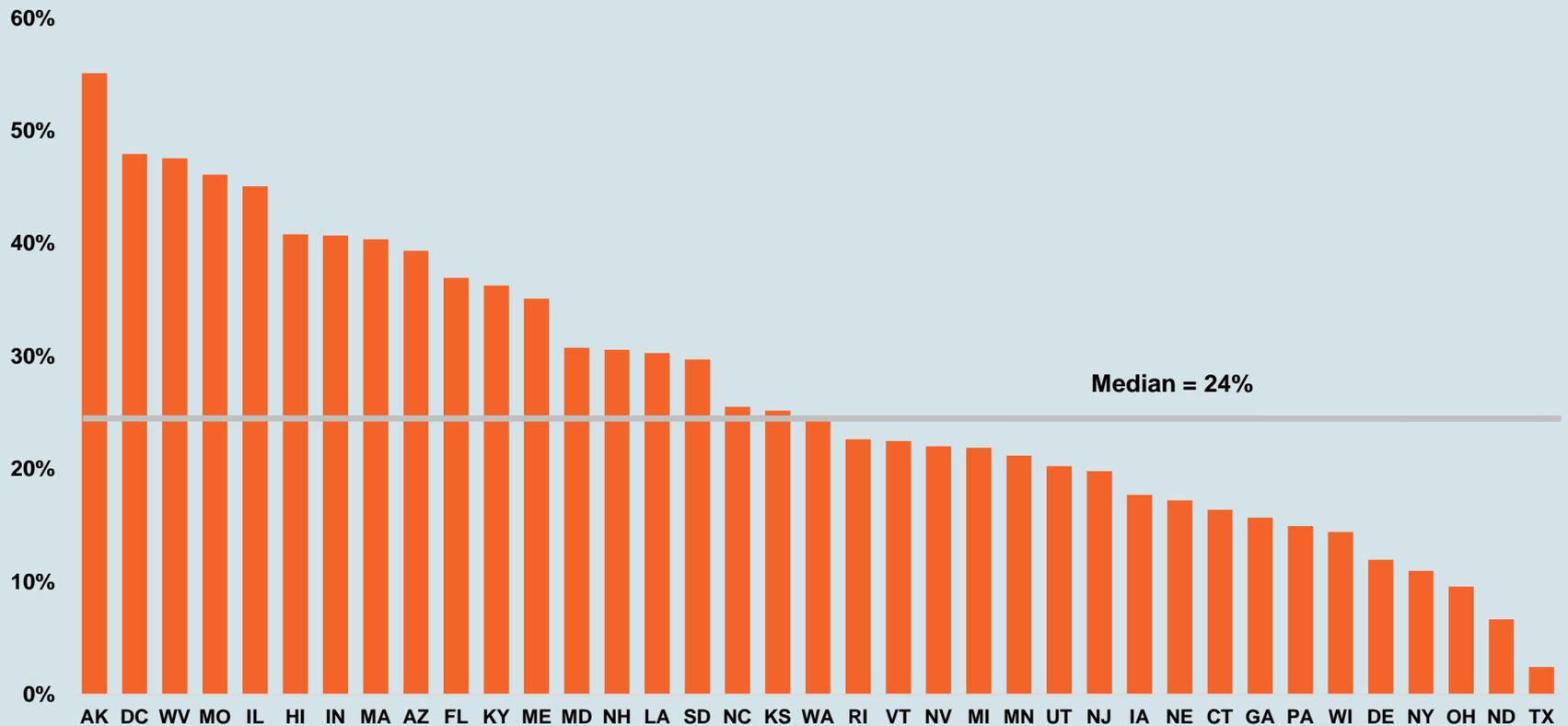
Domestic Relations Caseload

Domestic Relations Caseload Composition in 18 States 2017

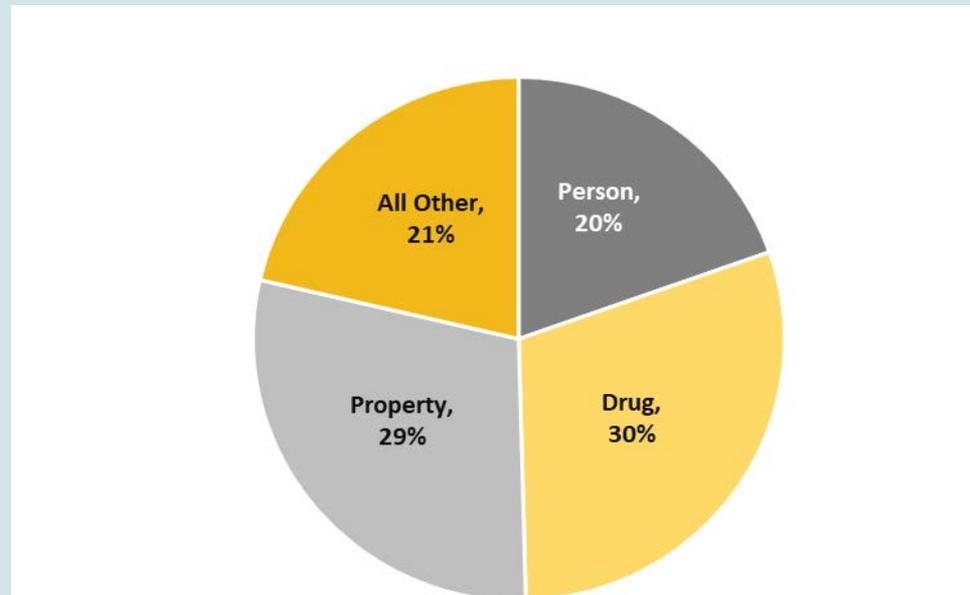


Civil Protection Orders

Percentage of Domestic Relations Caseload

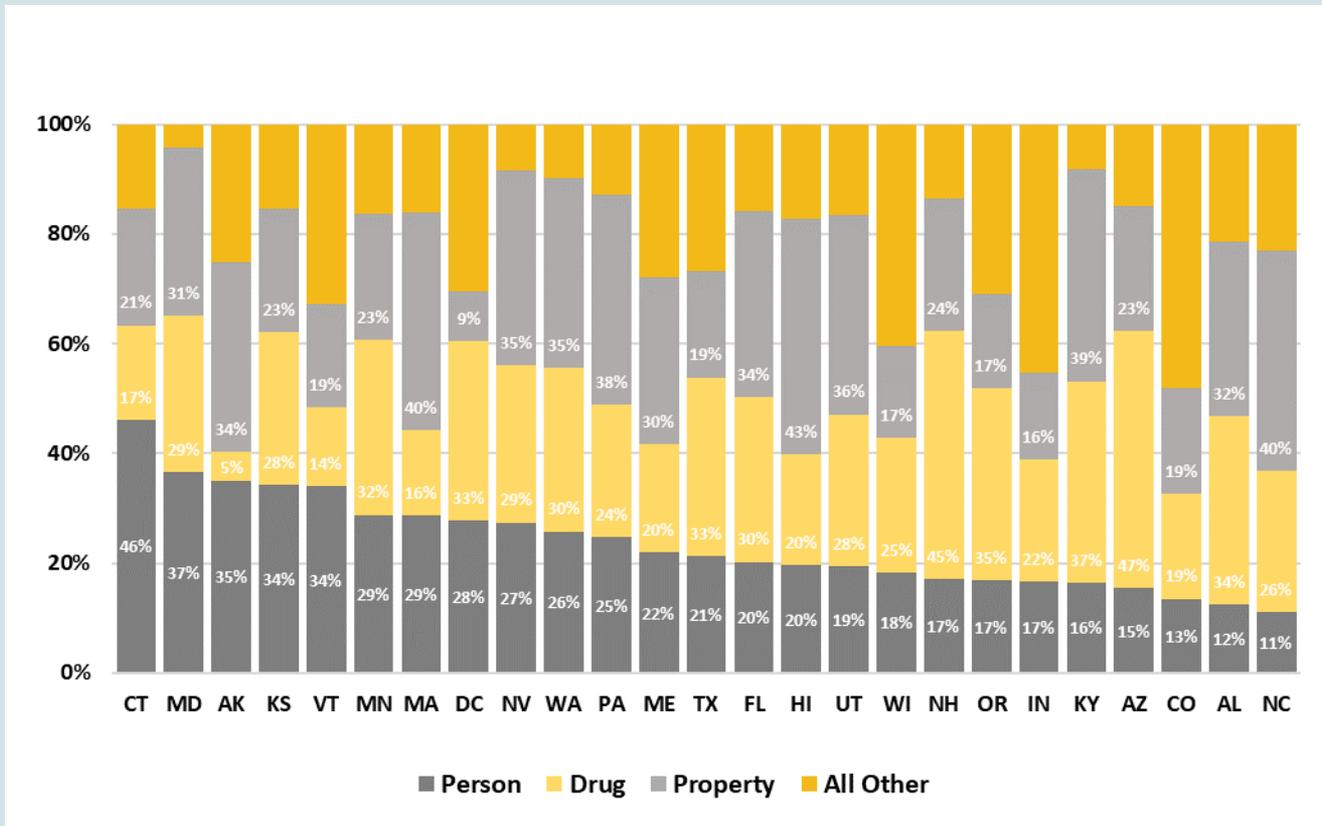


Felony Caseload Composition



Felony Caseload Composition

Selected States



What Records Do State Courts Report to NICS?

- State courts contribute records to NICS through their state repository. They do not control the state repositories, which are frequently under the authority of a state law enforcement agency.
- Examples of events to be reported to the state repository by state courts include:
 - Felony convictions.
 - Active indictments.
 - Active warrants.
 - Mental health adjudications.
 - Protection orders.
 - Unlawful controlled substances use and/or possession adjudications.
 - Misdemeanor convictions for crimes of domestic violence.

The Major Challenges

- Court information systems were not designed to identify and share cases of interest, *e.g.*, internal case management systems.
- One court can have multiple data systems.
- Divisions of responsibilities can complicate matters, *e.g.*, elected clerk, record reporting, repository.
- Mapping intersecting points for data sharing requires vast cooperation and a willingness to think systemically – by everyone.
- Modernizing court data systems will be time consuming and expensive.
- Lack of digital records (especially for older cases) prevents automated sharing, retrieval, and searching.
- Inconsistency between law enforcement records and case records, *e.g.*, multiple or missing ITNs.

- Final reporting often rests on other agencies taking action, *e.g.*, conviction records but no corresponding arrest record.
- Diffusion of responsibilities or lack of collaborative process leads to finger pointing between agencies and the courts, and between state and federal authorities.
- Criminal justice process itself is very complex with multiple actors exercising high discretion, *e.g.*, police arrest reports, prosecutorial charging decisions, plea agreements, court decisions, can all lead to mismatched information not easily be reconciled.
- Duplicative efforts result in redundancy and inconsistency in the data reported making it difficult to report the correct information.
- FBI's information systems do not always align with those of the state courts or state repositories in terms of unit of count and the limits of historical records lead to very different "counts" of the number of records submitted.

State Success Stories

- Arizona: Funding from BJS helped set up the Arizona NICS Taskforce. Identified missing dispositions as problem
- Illinois: Distinguishing involuntary commitments (prohibitor) from voluntary ones. Solved.
- Nebraska: Transitioned from paper-based reports to an automated, internet-based reporting of mental health disqualifications
- Texas: Hired staffer to work with court clerks and report eligible mental health records to databases. 69% increase in these records (NARIP grant)

Some Recommendations

- If the goal is to make the system more seamless, then:
 - Many court case management systems will need to be changed states to provide for real-time reporting of critical information to state repositories.
 - More collaborative and cooperative approach to intra-state governance of reporting systems.
 - Define more clearly responsibilities for information collection and reporting.
 - Enable courts to apply directly to DOJ for funding to make necessary system changes. (State courts are generally ineligible to apply directly to many DOJ programs.)
 - Fully fund NICS.

Questions?

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