The effects of simpler and faster criminal procedure on criminal case outcomes: Evidence from Czech district courts

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Abstract

The paper estimates the effects of a simpler and faster criminal procedure on the duration of criminal cases and the probabilities that the defendant is charged and convicted. I exploit a criminal procedure reform in the Czech Republic as a quasi-natural experiment. The reform allowed less serious offenses to be prosecuted via a simplified (fast-track) procedure. The share of cases actually prosecuted via the fast-track varied substantially across districts and offenses, which provides the basis for the identification strategy. I find that the fast-track procedure reduced the total case duration by 47 to 107 days for the offenses that were predominantly prosecuted via the fast-track. It also increased the probability that the suspect is charged by several percentage points. The fast-track procedure allowed more resources to be spent on prosecuting other crimes; I therefore investigate for possible spillover effects. I find that it reduced the duration for several serious offenses, and it increased the probability that the suspect is charged in robbery and rape cases.

JEL classification: K14, K41, K42

1 Introduction

The design of the criminal procedure has to strike a delicate trade-off between competing objectives: assuring that the guilty defendants are convicted; assuring that innocent defendants are acquitted; economizing on the costs of police, prosecutors, judges, defendants, and attorneys; and minimizing the duration of the procedure from the commission of the crime till the actual imposition of the punishment.

The trade-off between the first two objectives has been studied extensively in the theoretical law and economics literature. Most papers (e.g. Andreoni 1991, Rizzolli 2011, Kaplow 2012) search for the optimal standard of proof, that is, the level of evidence required to convict a defendant while the evidence available in a given case is exogenous. However, collecting the evidence and reaching a final verdict requires a substantial input of time and other resources of the policemen, prosecutors, judges, attorneys, and defendant themselves. The rules of the criminal procedure guide and constrain the actions of the enforcement officials. The possible rules vary in their complexity and the degree of procedural rights granted to the defendants. Wider rights and more complex rules may lead to more precise verdicts; on the other hand, they may lead to

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very expensive and lengthy criminal trials. Lenghty and complex procedure may also negatively affect the probability of punishment.[1]

Court delays are a serious problem in most countries, and they have many undesirable consequences, including the effects on crime (Pellegrina 2008). Many countries take policy measures to reduce the duration of the court cases. There are two broad approaches to doing so:

- Hiring more policemen, prosecutors and judges – i.e., using more inputs to produce more court output, holding the production technology constant
- Simplifying the procedure – i.e., changing the production technology, therefore allowing more court output to be produced with the same amount of input.

Recent studies on the efficacy of the first approach include Beenstock and Hiatovsky (2004), Dimitrova-Grajzl et al (2012) who investigate the effects of hiring more judges (in Israel and Slovenia, respectively) on the number of cases that are resolved. Both find that an increase in the number of judges has a very small effect on the number of cases resolved and the pending caseload, the extra manpower being largely offset by a reduced productivity per judge and by increased number of cases filed. Huang (2011) investigates the reverse case, when the caseload of two U.S. federal courts of appeals increased suddenly by 40 percent due to a flood of immigration cases. This had an effect on the outcomes of non-immigration cases, where the courts were more likely to dismiss the cases before reaching the decision on merits, and in the cases that proceeded to the decision on merits, they were less likely to reverse or remand. Soares and Sviatchi (2010) evaluate the effects of a technological modernization in Costa Rican courts, finding an increase in clearance rates and a reduction in administrative costs per case.

The economics literature on the effects the second approach has been centered around plea bargaining, a distinctly American procedure. The standard economic argument favors plea bargaining because it achieves convictions of the offenders who do plead guilty in short time and at low cost. It therefore frees up resources that can be used to prosecute the remaining cases.[2] These cases can then be also resolved in a shorter time and with a higher probability of conviction at trial. Plea bargaining thus produces an important "spillover effect" on other cases.

Boari and Fiorentini (2001) is a rare empirical assessment of the effects of plea bargaining, exploting the transplantation of plea bargaining in Italy. To my best knowledge, there is no study investigating empirically the effects of a procedural simplification within the standard civil law prosecutor-trial framework on the criminal justice process.[3]

This paper fills this gap in the literature. It exploits a criminal procedure reform in the Czech Republic as a "quasi-natural experiment" to test the effects of a shorter and simpler criminal procedure on the criminal case outcomes, namely the case duration, the probability that an identified suspect is charged with the court, and the probability that a charged suspect is convicted at trial. The reform was adopted in 2002. It allowed less serious crimes that meet the eligibility criteria to be prosecuted via a "fast-track" procedure. The fast-track procedure got away with several procedural steps and substantially simplified the paperwork. The main eligibility criteria are that the maximum statutory punishment cannot exceed three years and that the offender was identified quickly enough and the evidence is clear enough such that the prosecutor can

[1] As the time passes, the quality of the evidence deteriorates or the defendant is more likely to turn fugitive. Complex procedure with many procedural steps increases the probability that the defendant exploits a procedural loophole or witnesses modify their original testimonies.

[2] Easterbrook (1983). In contrast Garoupa and Stephen (2008) give a more moderate view.

[3] A related question is studied by Bridges (1982) who investigates the effects of the Speedy Trial Act on the duration of criminal cases. The Act, however, did not simplify the procedure per se but rather administratively imposed strict time limits.

complete the case and charge the defendat with court within two weeks. The stated objectives of the reform were to save resources in the enforcement of less serious crimes and to free up resources for the enforcement of serious crimes.[4] In this sense, the introduction of the fast-track procedure is economically similar to introducing a plea bargaining, although only for a limited fraction of cases.

The number of cases in a given offense category that are actually prosecuted via the fast-track depends on the number of cases that meet the eligibility criteria and on a discretionary decision of the police officer to prosecute the case via the fast track. In practice, the implementation of the fast-track was gradual and varied substantially across offenses and districts. The fast-track became used most intensively for thefts and for offenses related to driving (driving under influence or with a suspended license) because these are exactly the offenses where the offender is caught on the spot and proving the guilt is straightforward. In the previous research (Dusek 2012), I document that the share of thefts prosecuted via the fast-track was 20 percent on average, while it varied from 7 to 39 percent across districts. Similar variation is observed for all offenses, and it persisted over time. Based on interviews conducted with the police officials and prosecutors, the variation across districts is largely due to "local law" – administrative and ideological preferences of police officers and prosecutors. Importantly, the intensity of fast-track adoption was not related to the pre-reform trends in the case duration or crime rates in a district.[5]

The variation across districts is exploited to estimate its effects on the criminal case outcomes in a difference-in-differences framework. The dataset is a panel of 79 Czech districts and 19 offenses covering 1999-2008. It contains basic crime statistics (number of offenses and clearance rates) and detailed information on the criminal justice process: number of cases handled by the prosecutor, number of cases prosecuted via the fast-track or conventional procedure, fraction of defendants that were charged and eventually convicted. It also contains detailed information on durations (e.g. average time from offense to accusation, charges, and final adjudication) and average characteristics of the offender and the case.. The measures of outcomes and case characteristics refer to the year when the offense was committed (not the year when the case processed by the court or the prosecutors).

The reform could affect the criminal case outcomes through two distinct effects: 1) A direct effect, that is, how more intensive use of fast-track for a given offense affects outcomes for that offense. 2) A "spillover" effect, that is, how more intensive use of fast-track across all offenses affects the outcomes for offenses that are rarely prosecuted via the fast-track. Both the direct and the spillover effects were the desired objectives of the reform, and I estimate both effects.[6]

The direct effect is estimated on the subsample of offense categories with above-median share of fast-track cases (covered offenses). I regress the case outcome on the share of fast-track cases, average case and district characteristics, and district and year dummies, separately for each offense. I find large and statistically significant effects on the case durations. A 10 percentage point increase in the share of fast-track cases translates into a reduction in total case duration by 15 to 32 days for most offenses. The case durations were declining throughout the post-reform period, from 415 to 285 days on average. The estimates imply that the fast-track procedure, as actually implemented, contributed between 47 to 107 days to this decline, depending on the offense. I also estimate the direct effect separately for the police/prosecutor phase of the procedure (from offense to charges) and the court phase (from charges to final adjudication). Most of the direct effect is concentrated at the police/prosecutor phase.

I also find large positive direct effects on the probability that the identified suspect is eventually

[4] Ministry of Justice of the Czech Republic (2001).

[5] Dusek (2012). The adoption was, however, somewhat related to the pre-reform crime *levels*.

[6] Due to data limitations, however, I am not able to estimate, the "treatment on the treated", i.e. the effect on the particular cases that were actually prosecuted via the fast track.

prosecuted, which was 64 percent on average before the reform. A 10 percentage point increase in the fast-track share translates into an increase in this probability by 2 to 3.8 percentage points, depending on the offense.

The spillover effect is estimated on the subsample of offenses that are only sporadically prosecuted via the fast-track procedure. The regression specification is the same as for the direct effect except that I include the share of fast-track cases among the *covered* offenses. I find statistically and economically significant spillover effects on the case duration for four out of twelve offenses, on the order of 35-46 days. I also find a large spillover effect on the probability of charges for the two very serious crimes, robbery and rape. I find, however, no evidence of a spillover effect on the probability of conviction at trial.

These findings give some empirical insights into the economics of plea bargaining: Freeing up enforcement resources from a subset of cases appears to improve the prosecution of the remaining - and more serious - cases, but not to the extent that it would significantly increase the probability of conviction at trial.[7] From the policy perspective, the findings also show that criminal justice systems that are burdened with court delays can significantly reduce them by simplifying the criminal procedure without unduly abridging the defendant rights.

2 Institutional background

Prior to the 2002 reform the Czech Criminal Procedure Code prescribed a unified procedure applicable to all crimes. Practitioners generally agreed that the procedure was unnecessarily burdensome, lengthy and expensive for less serious crimes and for crimes where the evidence clearly indicated guilt. The reform[8] introduced a so-called fast-track criminal procedure[9]. The fast-track procedure can be applied only to cases that meet eligibility criteria:

1) They fall into the jurisdiction of the district court (i.e., the lowest court level).

2) The maximum punishment set by the Criminal Code does not exceed three years of imprisonment.

3) The suspect was either identified while committing the crime or immediately after, or the evidence revealed in the early stage of the investigation is sufficient to prosecute the suspect and there is a reasonable chance that the suspect can be brought to trial in two weeks.

The fast-tract procedure reduced the paperwork, eliminated several procedural steps carried out by the prosecutor or the court, and imposed stricter deadlines. Under the conventional procedure, the police, upon identifying the suspect based on the collected evidence, would formally accuse the defendant. From that point on, the police would essentially repeat the collection of evidence (e.g., interrogating witnesses again) while the suspect has broad procedural rights (e.g., to read and comment on the testimonies provided by the witnesses). The case would then be bound over to the state attorney who would review it and charge the defendant at court. The court could hold a preliminary hearing; then, at trial, the evidence would be re-presented again and assessed by the judge. The deadlines faced by the law enforcers are fairly flexible.[10]

Under the fast-track procedure, the police accuses the defendant, hands the case over to the state attorney who reviews the case and charges the defendant at court. The text of the prosecution is simpler (contains the description of the case and the proposed punishment, but not the legal

[7] Subject to the inevitable caveat about the context-specifity of the findings.

[8] Legislated by the Act No. 265/2001.

[9] *"Zkrácené přípravné řízení"* in Czech.

[10] For example, the police are supposed to hand over the less serious cases to the prosecutor within 2 months. However, if they fail to meet the deadline, they have to merely justify that to the prosecutor who sets a new deadline.

justification and the description of the evidence). The trial is also simplified: with the consent of the defendant, the judge may declare certain facts of the case indisputable and hence the evidence need not be presented at trial; there are no closing speeches etc. The deadlines are far stricter; the police have to hand over the case to the prosecutor in two weeks since the crime was reported. The prosecutor may, upon request, prolong the deadline by ten days at most; if the deadline is missed, the case reverts to the conventional procedure. The risk of reverting the case to the time-consuming conventional procedure gives the law enforcers strong incentives to meet the deadlines.[11]

The decision whether to initiate the fast-track or conventional procedure rests with the district-level state police officer[12], although the prosecutor may reverse that decision. In practice, the two typically discuss each case informally and but reversals of the initial police officer's decisions are rare. The letter of the legislation prescribes that all eligible cases should be prosecuted via the fast-track. In reality, the officers exercise discretion and cases that are eligible for fast-track may be prosecuted via the conventional procedure. Once set, the procedure "sticks" with the case. The court has to adjudicate the case through the procedure that was submitted by the prosecutor.

The reform also made some changes to the conventional procedure. For example, it enhanced the powers of the prosecutor vis-a-vis the police, introduced some adversarial features, and shifted the burden of assessing the evidence from the police to the courts.

The reform was well received by the police and prosecutors. As the main advantages, they report that the fast-track significantly shortened the procedure, reduced the case backlog, and allowed investigative officers to focus on more complicated serious cases.[13] It allowed police officers at the local level to handle far more criminal cases. These police officers emphasized their satisfaction from handling criminal cases from the first contact with the crime all the way through the prosecution; under the conventional procedure they would have to pass the case to a higher-level investigative officer without seeing the final result. There has been no serious proposal to reverse the reform.[14]

The reform appears to have had an effect on the crime rates. In a related paper (Dusek 2012) I estimate its effects on crime rates, exploiting the variation in adoption across districts like in this paper. The fast-track led to a small reduction in some less serious crimes, namely burglary, embezzlement, theft and minor violent crimes. It also lead to a substantial increase in offenses related to driving and other crimes that are discovered and recorded mainly through the police's enforcement effort. The last finding is best rationalized as the reallocation of the police enforcement efforts towards crimes that became "cheaper" to prosecute.

3 Empirical methodology

3.1 Data and summary statistics

The dataset used in the analysis covers three years before the procedural reform (1999-2001) and 7 years afterward (2002-2008). The unit of observation is a police district and an offense.

[11] According to the conversations with the practitioners, the fast-track cases are typically handed over to the court either in a day or two, or at the two-week deadline.

[12] Only the state police officers can handle criminal cases. Many cities have a city police, but its authority is limited to minor violations punishable by fines (e.g., traffic violations, loitering, graffiti). When the city police discovers an act that should be prosectued and punished according to the Criminal Code, it passes the case to the state police.

[13] Zeman et al (2008), our own interviews with police offcers.

[14] Quite the contrary, a new law that came into force in 2009 expanded the range of offenses that can be prosecuted via the fast-track but also somewhat de-incentivized the police officers to process the cases quickly.

There are 79 police districts with a population of about 125,000 on average[15] and 19 broader offense categories which I constructed by aggregating from about 170 detailed offense categories recorded in the police statistics.[16] The dataset was combined from two sources:

1) The statistical records of the Police of the Czech Republic, provided at the district-year-offense level. They report the number of crimes reported to the police, the number of cases when the suspect of identified, the number of prosecutions via the conventional and fast-track procedure, and the number of policemen employed in crime enforcement.

2) The administrative database of prosecutorial and court cases provided by the Ministry of Justice. The database records every criminal procedure that reached the final decision by the police/prosecutor phase of the procedure or at the court phase (including possible appeals). The databases contain the following information about the cases:

- the date when the crime was committed, the police accused the defendant, the prosecutor charged the defendant (or closed the case differently), the date when the case was received by the court, and the date of final adjudication outcome
- the legal definition of the offenses (the section of the Czech Criminal Code, which I again aggregate to 19 broader offense categories)
- the final verdicts of the prosecutor (charging, dropping the charges, etc) and the court (guilt, acquittal, the type and severity of punishment)
- basic characteristics of the offender (gender, age, number of prior convictions)
- for cases tried after the reform, an indicator whether the case was prosecuted via the conventional or fast-track procedure

I constructed the following variables at the level of the district-year-offense, where year indicates the year when the offense was committed[17]:

- the share of cases prosecuted via the fast-track
- case durations: the average duration in days from offense to charges (when the prosecutor binds over the case to the court), duration from charges to final adjudication, and total duration
- case outcomes: the probability of charges (the fraction of accused offenders who were ultimately charged), the conditional probablity of convictoin (the fraction of charged offenders who were ultimately convicted)
- offender characteristics: the average number of offenses per cases (many offenders are tried for several offenses), the average age and gender of the offender, the share of foreigners among offenders, and the average number of prior convictions

[15] The boundaries of the police districts that circle the capital city (Prague) changed several times during the sample period. I therefore merged those districts into a single district to achieve consistency over time. Likewise, Prague originally had 10 police districts but they were consolidated into 4 districts in 2004. Again, I merge the original smaller Prague districts into 4 new districts to achieve consistency over time. The analysis-ready dataset therefore has 79 districts.

[16] I also drop some obscure or rare offenses (e.g. military offenses, briberies involving public officials, but also murders because of their very small number and specific procedural rules). The list of offense categories actually used is given in Table 7 in the appendix.

[17] E.g., the probability of conviction in year t is measured as the fraction of offenders who commited the offense in year t and were eventually convicted in the future. (As opposed to the fraction of offenders who were convicted in year t out of the offenders who committed the offense in year t which is common in the traditional deterrence literature).

The case durations potentially depend on the caseload; I therefore construct the total number of cases handled by the prosecutor and court in the district and the total number of crimes per police officer.

Table 1 shows the average characteristics of cases, divided into the cases before the reform, cases after the reform prosecuted via the conventional procedure, and the cases after the reform prosecuted via the fast-track procedure. The top row shows that the total duration of the case, from the offense till the final adjudication, was 607 days on average before the reform. After the reform, this duration was reduced to 541 days in "conventional " cases and to 243 days in fast-track cases. The next three rows decompose the total duration. Before the reform, the average time from offense to charges was 353 days, of which 106 the case spent in the police/prosecutor phase, from the time when the offender was identified and accused to the time when he was charged. The reform produced the most visible reduction in duration here, whereby the fast-track cases take mere 10 days from accusation to charges, and the conventional cases 87 days. The duration of the court phase was also reduced, although not as substantially.

The fast-track cases exhibit very high probabilies of success (from the perspective of the prosecutor) in every procedural step. The overall probability of conviction, conditional on being accused, is 82% in fast-track cases, which is far higher than the corresponding probability in conventional cases (58%) which in turn is still higher than the average probability of conviction before the reform.

The next panel of the table demonstrates that the fast-track and conventional cases do not markedly differ in offender and case characteristics. (The only exception is the share of defendants in pretrial detention, which is 8% in conventional cases but mere 2% in fast-track cases.) During the post-reform period, 15% of all cases were prosecuted via the fast-track.

Figures 1 through 4 show the evolution of the outcomes of interest, averaged at the national level. The offenses are divided into "covered" and "other" depending on whether they had above-median or below-median share of the fast-track procedures at by the end of the sample period. Note that the "covered " offenses still contain a large fraction of individual cases that are prosecuted via the conventional procedure, and the "other " offenses contain some cases that are prosecuted via the fast-track; the two offense types differ in the intensity of the actual use of the fast-track. The duration figures show substantial declines in duration for both covered and other offenses. The duration from offense to charges declined by almost one half since the reform, from 200 days to slightly above 100 days for covered offenses. For other offenses, it declined by less than a third from the pre-reform duration of 500 days. The duration of the procedure in court (Figure 2) declined by approximately 100 days for both covered and other offense types.

The concurrent changes in durations in covered and other offenses have two candidate explanations: 1) Unobserved factors affecting both covered and other offenses (such as other features of the reform). 2) The fast-track procedure had the desired spillover effect on other cases. For these reasons, my estimation strategy relies only on the between-district variation in the intensity of the fast-track adoption. I refrain from the natual inclination to use the other offenses as the control group because they were quite likely affected by the fast-track. Instead, I attempt to estimate the spillover effects on the other offenses.

Figure 3 plots the conditinal probability of charges. It is defined as the probability that the prosecutor eventually charges the defendant in court, conditional on the police identifying and officially accusing the suspect. It is a measure of the "productivity" of the police and prosecutor - how well they are able to collect evidence and process the formalities such that the prosecutor can take the prosecution to the court. The reform lead to an immidiate jump in the probability of charges for the covered offenses from 64 to 75 percent; the probability of charges continued to grow throughout the post-reform period until reaching 85 percent. For other offenses, the

probability of charges rose only slightly with the reform and then levelled off.

Finally, we can observe the trends in the probability of conviction at court, conditional on being charged (Figure 4). For covered offenses, it rose gradually by 7 percentage points (to almost 90 percent) since, the reform, reversing the prior downward trend. The probability of conviction rose also for other offenses, but by a smaller amount.

3.2 Identifying variation

The actual adoption of the fast-track procedure was gradual and varied widely across offenses and districts. The main reasons for such variation are the differenced among offenses in the share of cases that are eligible for the fast-track, and differences between districts in exercising the discretion to prosecute cases via the fast-track. This variation allows identifying the effects of the faster procedure.

Table 2 shows the mean, standard deviation, and the 5th and 95th percentiles of the share of fast-track prosecutions for the covered offenses in 2002 (the first post-reform year) and in 2008 (the last year in our data) at the district level. The fast-track procedure became used relatively heavily in prosecuting aggravated assault, trespass, burglary, thefts, other property crimes[18], embezzlement, illegal possession of a banking card[19], obstruction of an official order, vandalism, and driving under influence. The share of the fast-track is highest for offenses that are typically discovered and recorded by capturing the offender, when the identity of the offender is immediately known. In particular, obstruction of an official order had a 55% fast-track share already in the first post-reform year - it is an administratively simple offense and the evidence is usually straightforward.

The 5th and 95th percentiles in Table 2 demonstrate the varation in adoption. The share of fast-track in obstructions of an official order, while 55 percent on average, was 27 percent in the 5th percentile district and 77 percent in the 95th percentile district. For theft, the initial share of the fast-track prosecutions was 21 percent, varying from 7 percent in the 5th percentile to 39 percent in the 95th percentile. Six years later, there is an overall increase in the share of the fast-track procedure, but it occurs mainly through an even higher usage among the districts at the top of the distribution. E.g.,the share of fast-track theft cases increased by 13 percentage points both on average and at the 95th percentile, but only by 8 percentage points at the 5th percentile. The share of fast-track prosecutions was still zero in the districts at the 5th percentile for many offenses six years since the reform.

Endogeneity of adoption presents a concern. The law enforcers choose whether to prosecute cases via the fast-track procedure. Naturally, one may suspect that the districts experiencing higher crime levels, rising crime trends, heavy case backlog, or long case durations may adopt the fast-track procedure more intensively as a measure to cut crime. They may also adopt other measures aimed at cutting case durations, introducing an omitted variable bias.

I interviewed several Ministry of Interior, Police, and State Attorney officials to collect anecdotal

[18] Damaging someone else's property, unauthorized use of a vehicle, among others.

[19] Unauthorized possession of a banking card (Sec 249b of the Czech Criminal Code 140/1964) is committed by malevolently possessing an ATM card or similar payment instrument that belongs to someone else, without necessarily spending money from it. While admittedly narrow, it is treated here as a separate category among the police-reported offenses. It typically appears in police statistics when a thief is caught with a wallet, and a wallet contains also an ATM card. Depending on the amount of money in the wallet, the police may drop the charges, charge with theft only, charge with an unauthorized possession of the banking card, or with both. The unauthorized possession of a banking card can therefore be used as a substitute charge againts a thief who would have otherwise escaped punishment, or as an add-on charge to punish a thief more harshly. There is some legal ambiguity over which uses constitute an unauthorized possession, which further enhances the police's discretion. (It is also a relatively frequent offense with a crime rate of 75 offenses per 100,000 in 2008.)

evidence about the causes of the large variation across districts. In their view the differences between districts were driven first and foremost by bureaucratic inertia and ideological preferences - certain police chiefs and prosecutors being more willing to experiment with new methods than others. To a secondary degree, they were a by-product of internal guidelines divide tasks and case types between various police subunits. Certain officers (e.g. patrol officers) can only prosecute a case via a fast-track while others (investigative) have discretion. The share of fast-track cases in a district is then in part determined by the share of less serious crimes that "land on the desk" of the investigative vs patrol officers.[20] The investigative units generally disdain the fast-track procedure as a matter of their professional culture. In districts where the guidelines allocate more petty crimes to the investigative units, the share of fast-track prosecutions is lower. Many factors determine the allocation of labor in the guidelines other than the concerns about the use of the fast-track procedure; the resulting share of fast-track prosecutions is ancillary to those factors. There was also no political pressure from the central or regional governments to adopt the fast-track procedure intensively in specific districts; the police districts were actually different from the political districts at the time of the reform and the police chiefs did not have counterparts in elected political officials.[21]

According to the narrative evidence, the differences in the adoption were partially driven by the relative overload of the police officers and prosecutors. Police officers in districts with higher case load tended to adopt the fast-track more intensively in order to put more cases "off the table". In districts with low case load, the officers reported that there was no pressure to spend time and effort to learn and adopt the new procedure. The last explanation posits a relationship between the adoption intensity and the number of crimes per police officers. Excessive length of the criminal procedure was not mentioned as a factor influencing adoption. Importantly for the identification strategy, none of the anecdotal explanations posits a relationship between the adoption intensity and the *trends* case durations or other outcome variables.

I check for potential determinants of the fast-track adoption. I use the share of fast-track cases among covered offenses in the first post-adoption year (2002) as a measure of adoption intensity in a district. Figure 5 plots this measure against the duration from offense to charges, duration from charges to final adjudication, and caseload (crimes per police officer) in the last pre-adoption year. It indicates that adoption is positively but very weakly related to the duration of the court phase of the procedure and to the caseload per police officer. The relationship with load is driven by a five outliers (four Prague districts and Pilsen) that have very high caseload and were above-average (but not the highest) adopters. Figure 6 shows that the fast-track adoption was not related to the percentage changes in durations and load during the three years preceding the adoption.

A preview of the effects of the fast-track procedure is shown in Figures 7 through 10. They plot the changes in outcomes in each district over the post-reform years (2001-2008) against the share of fast-track cases that each district reached by 2008, separately for each covered offense. They essentially provide a graphical representation of the difference-in-differences estimator, only without controling for changes in other factors. There is a highly visible strong negative correlation between fast-track adoption and the change in the duration of the police/prosecutorial phase of the case for almost all offfenses (Figure 7). Districts that adopted the fast-track most intensively experienced by far the largest reduction in this duration. On the other hand, the change in the duration of the court phase does not appear to be related to the share of fast-track

[20] Some general guidelines are issued centrally, more detailed guidelines are issued at the regional and district level and they do vary.

[21] The police/court regions and districts correspond to the system of political regions and districts that existed under the communist regime. The political reforms during the 1990s divided the regional and local administration into 14 regions and about 6200 municipalities, while the police and courts remained organized along the old boundaries. By 2010, the police and courts were reorganized such that their regions correspond with the political regions; this period, however, is not covered by the data.

cases (Figure 8). In Figure 9, one can see a positive correlation between the change in the probability of charges and the fast-track for several offense types, namely tresspass, burglary, theft, and embezzlement. On the othe hand, the change in the probability of conviction, conditional on the case reaching the court, exhibits no such correlation. These cursory results are generally confirmed in the regression estimates.

3.3 Estimation

The variation between districts naturally calls for the difference-in-differences estimator. To estimate the direct effects on the covered offenses, I estimate the following equation for each offense category:

$$y_{oit} = \beta_o s_{oit} + \gamma_o X_{oit} + \delta_o log X_{it} + \lambda_{oi} + \lambda_{ot} + \epsilon_{oit} \tag{1}$$

where y_{oit} is the outcome rate (average duration or average probability of conviction for offense o in district i in year t), s_{oit} is the share of fast-track cases in that offense, district, and year, X_{oit} denotes several average characteristics of cases[22] and X_{it} denotes several characteristics of the criminal justice system in the district[23]. λ_{oi} and λ_{ot} are the district and year fixed effects, and ϵ_{oit} is the error term. β_o is the parameter of interest and, according to the predictions, it should be negative when the outcome variable is duration but positive when the outcome is the probability of charges or conviction. Equation 1 assumes that the effect of the fast-track procedures is specific to each offense, and it also assumes a common underlying trend for each offense. The parameter of interest is identified from comparing the change in the outcome variable in high-adoption districts with the change in the outcomes in low-adoption districts. Standard errors are clustered by district.

The estimates of the spillover effects on the other offenses are based on the idea that the magnitude of the spillover is determined by the total amount of time and other resources that were released by the fast-track. That in turn is determined by the overall share of the fast-track cases in the district, not the the share for the particular offense. I therefore estimate the following diff-in-diff regression for other (non-covered) offense types:

$$y_{oit} = \beta_{so}\overline{s_{it}} + \beta_o s_{oit} + \gamma_o X_{oit} + \delta_o log X_{it} + \lambda_{oi} + \lambda_{ot} + \epsilon_{oit} \tag{2}$$

where $\overline{s_{it}}$ is the average share of the fast-track case across all covered offenses (and is therefore the same for all offenses in the district). β_s is the parameter of interest and captures the spillover effect. The offense-specific share of the fast-track cases, s_{oit}, is also included. (A small fraction of cases in the non-covered offenses categories is prosecuted via the fast-track. The direct effect, however small, may be present, and $\overline{s_{it}}$ is correlated with s_{oit}.)

NOTE: More sophisticated identification strategy is under construction (using the pre-treatment caseloads or duration as the instrument for the initial adoption).

[22] Number of charges per case, share of women and foreigners among defendants, defendant age and number of prior convictions, and the share of defendants in pre-trial detention.

[23] Number of cases processed by the district court and prosecutor, number of crimes, number of police officers, and district population.

4 Results

4.1 Direct effects

The estimates of the direct effects are presented in Tables 3 (durations) and 4 (probabilities). To save on space, the rows of the tables show estimates of β_o from separete regressions, while the coefficients on the control variables are not reported.[24] The first row of Table 3 shows the effects on total duration, from committing the offense till final adjudication. All estimated direct effects are negative, significant at 5%, and for 9 out of 10 offenses they exceed 100 in magnitude. The interpretation of the size of the coefficient for, say, theft (-306) is that an increase in the share of fast-track cases by 10 percentage points is associated with a reduction in total duration by 30.6 days. In a similar vein, a 10% increase in the share of fast-track cases is associated with a reduction in total duration by 21 days for tresspass, 29 days for burglary, 31 days for other property crimes, 25 days for obstruction of an official order, or 31 days for vandalism.

The next two rows decomose the direct effect on total duration into the effect on the durations from offense to charges and from charges to adjudication. All estimated effects on the duration from offense to charges are also negative and significant at 5%. The estimated effects on the duration from charges to final adjudication are smaller by an order of magnitude; they are significant at 5% only for three offenses (trespass, theft, and obstruction). The magnitude implies, that, e.g., a 10 percentage point increase in the share of fast-track theft cases reduces the duration of the court proceedings by 7 days, as opposed to 26 days reduction in the duration of the police/prosecutor procedings.

The first row of Table 4 reports the estimated effects on the probability that the defendant is charged, conditional on being identified as suspect and accused. The estimates are positive, significant at 5% for 9 out of 10 offenses, and large in magnitude. A 10% increase in the share of fast-track cases is associated with an increase in the probability of charges by 3.8 percentage points for aggrevated assault, 3.3 percentage points for burglary, 2 percentage points for theft, 3.9 percentage points for other property crimes, or 2.3 percentage points for obstruction, just to name the most importat effects. On the other hand, the estimated direct effects on the probability of conviction are insignificant (with the exception of other property crimes) and also very small in magnitude.

The results show that the fast-track procedure indeed had a statistically and economically significant effects on the case duration and deterrence probabilities across almost all offenses. The effects are mostly concentrated on the pre-trial phase of the procedure. The fast-track significantly cut the time from the offense to charges and significantly increased the probability that a suspect is charged.

4.2 Spillover effects

The estimates of the spillover effects on the duration of other, non-covered offenses are presented in Tables 5. They show statistically and economically significant spillover effects on four offense types, namely intentional injury, other violent crimes, drug offenses, and failure to support. In terms of magnitude, the coefficients imply that a 10 percentage points increase in the share of fast-track cases among covered offenses leads to a reduction in the duration of by 35 days for intentional injury cases or by 46 days for other violent crimes. Decomposing the effect into the pre-trial and trial durations (next two rows) reveals that the spillover effect is present only during the pre-trial phase. The duration of both phases of the procedure was falling for non-covered crimes during the post-reform period. The estimates reveal, though, that only the reduction in

[24] Detailed results are availabel upon request.

the pre-trial phase can be in part attributed to the spread of the fast-track procedure while the reduction in the trial phase cannot not.

The estimated spillover effects on the deterrence probabilities (6) provide rather limited evidence of such spillovers. The spillover effects on the probability of charges are statistically significant at 5% only for two offenses - robbery and rape. While only two, these are also by far the most serious offenses. These findings are consistent with the story that the additional resources that were made available by the fast-track were concentrated towards the prosecution of just the few most serious offenses. Such concentration produced a result in an increase in the probability that the suspect is eventually prosecuted. The magnitude of the spillover effects on robbery and rape is comparable to the direct effects on covered crimes. A 10 percentage point increase in the fast-track share among covered offenses increases the probability of charges by 1.7 perentage points for robbery and 4.4. percentage points for rape.

No such spillovers are found for the probability that the defendant is convicted at trial. All the estimates are statistically insignificant and generally very small. Still the two sets of estimates together imply a positive spillover on the overall probability of conviction for robbery and rape, because a higher fraction of offenders is charged and of those the same fraction is convicted.

5 Conclusions

The paper provided evidence that introducing a faster and simpler criminal procedure has some important effects on the outcomes of criminal cases. In the Czech context, the new procedure was implemented on a non-negligible fraction of less serious crime cases. The main finding is a reduction in the duration of the criminal procedure for the offenses that were most affected by the reform. The estimated direct effects on these offenses are economically significant. For example, the total duration of burglary cases declined after the reform from 403 to 293 days, that is, by 110 days. By the end of the sample period, 29 percent of burglary cases were prosecuted via the fast-track on average. The coefficient of -286 (first row in Table 3) implies that the fast-track, as actually implemented, contributed 83 days to this reduction. It therefore accounts for full 75 percent of the decline in duration during the 2002-2008 period. In a similar vain, the estimates imply that the fast-track account for 93% of the decline in duration of theft cases (which declined from 401 to 287 days) or 34% of the decline in the duration of DUI cases (which declined from 266 to 125 days).

The second main finding is a direct effect on the probability that the accused defendant is eventually charged with court. The fast-track procedure can therefore be thought of as a "technological improvement" that allowed the police and prosecutors to successfully complete a higher fraction of cases all the way tchargin the defendant at court. As for the economic significance, the estimates imply that the fast-track incresaed the probability of charges by 9 percentage points for burglary and by 7 percentage points for theft. The actual probabilities rose from 62 to 73 and 65 to 82 percent, respectively, over the post-reform period. The fast-track procedure was therefore a major factor behind this increase.

Last, I find important spillover effect on other crimes. The districts that implemented the fast track more vigorously experienced tha largest reduction in case duration also for offenses where fast-track is used only sporadically. Also, in such districts the probability of charges increased most at least for the two most serious offenses, robbery and rape.

The particular findings are of course context-specific to the Czech criminal procedure and its reform. However, they provide insights into some general questions in the economics of criminal procedure. On the policy side, the reform demonstrates that countries burdened with overly lengthy criminal justice process do not necessarily have to hire more judges and prosecutors.

The court delays can be reduced by simplifying the procedure as well.

Second, the reform saved enforcement resources in a subset of cases. In this sense, it was conceptually similar to introducing plea bargaining. The estimated spillover effects on durations and the probability of charges are consistent with the economic argument that the resources released allow prosecuting the remaining cases in less time and more vigorously.

Last, I find essentially no effects (direct or spillover) on the probability that the defendant is convicted at trial. This finding does not support the other plea bargaining argument, that by concentrating resources onto fewer cases, the defendants face a higher probability of conviction at trial. From the policy perspective, though, it provides an interesting perspective on the trade-off between the length and cost of the procedure on one hand and the defendants' rights on the other. A large increase in the probability of conviction at trial would indicate that the improvements in duration were accomplished at the expense of the rights of the defendant, who are in turn more likely to be convicted, some of them perhaps innocently. The absense of such a finding suggests that this trade-off need not be present, at least in situations when the criminal procedure is overly complex and lengthy to begin with.

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Figure 1: Average duration from offense to charges, by offense types

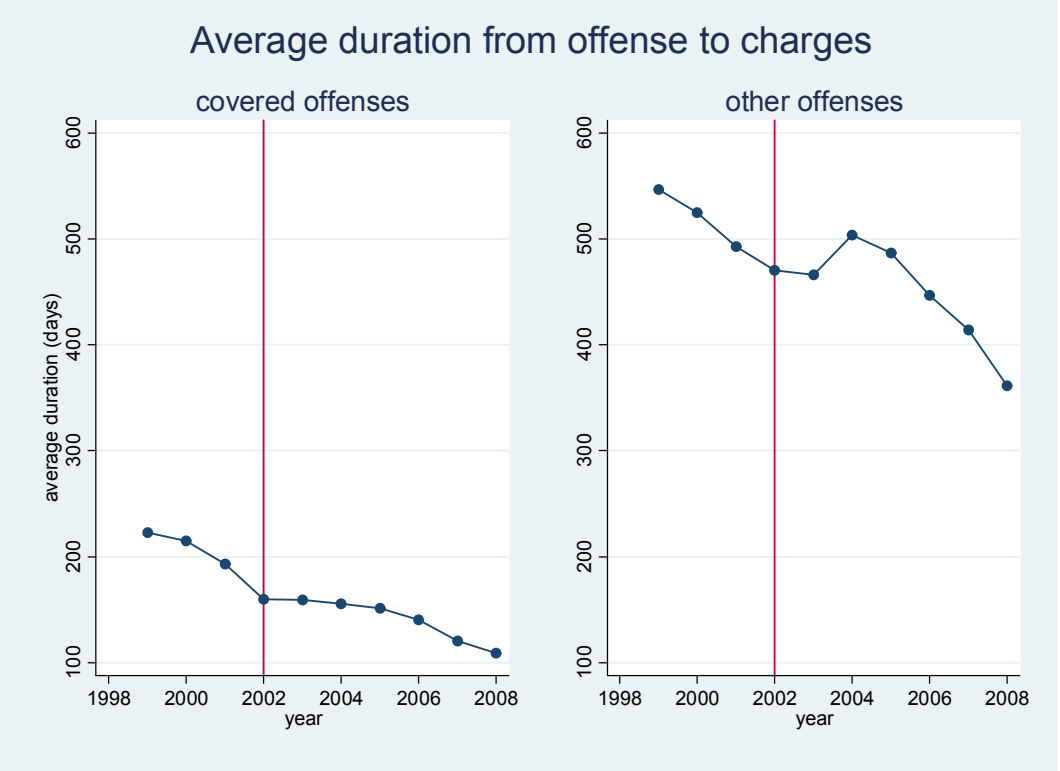

Figure 2: Average duration from charges to final adjudication, by offense types

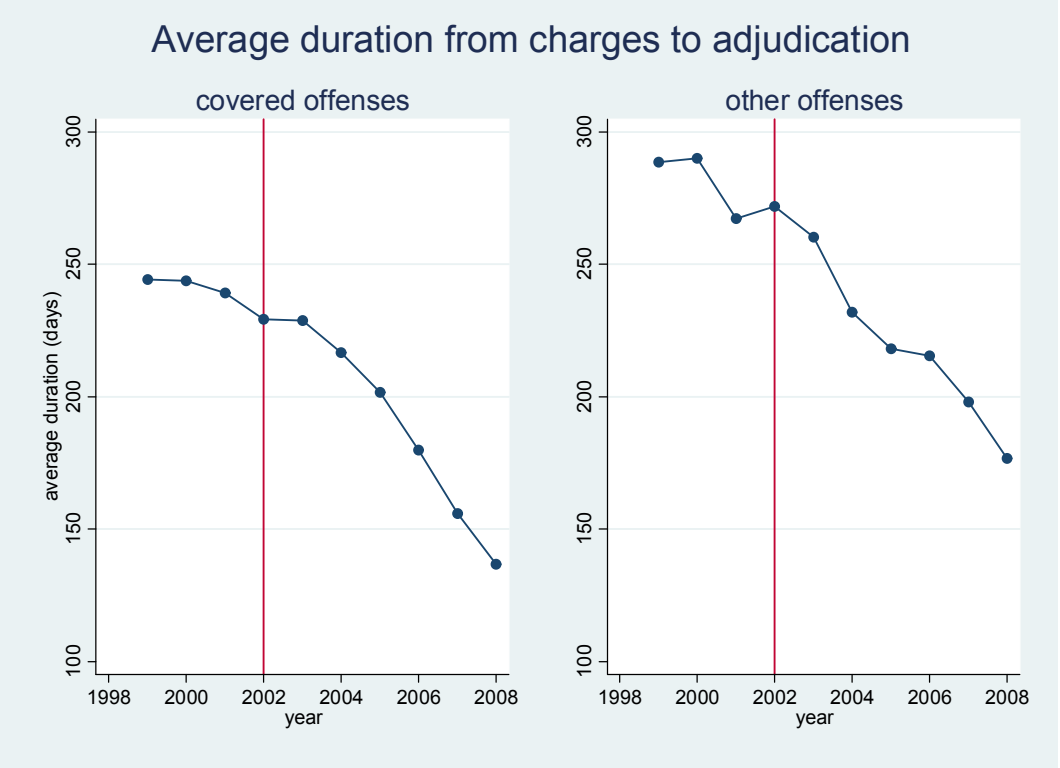

Figure 3: Average probability of charges, by offense types

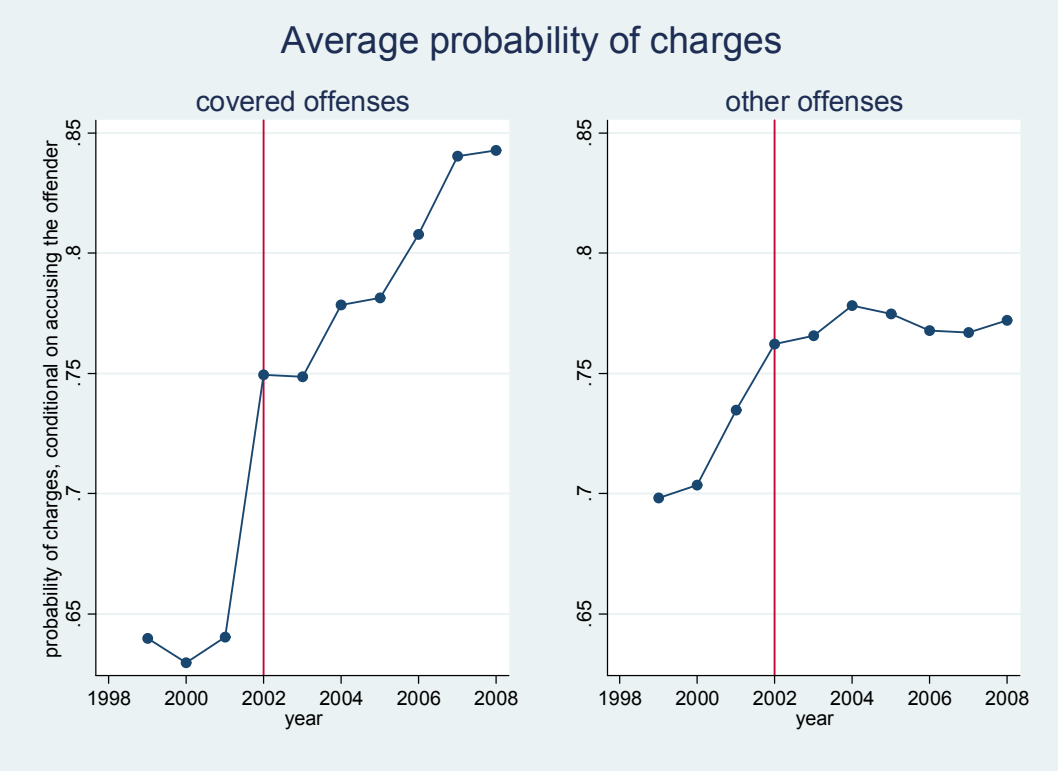

Figure 4: Average probability of conviction, by offense types

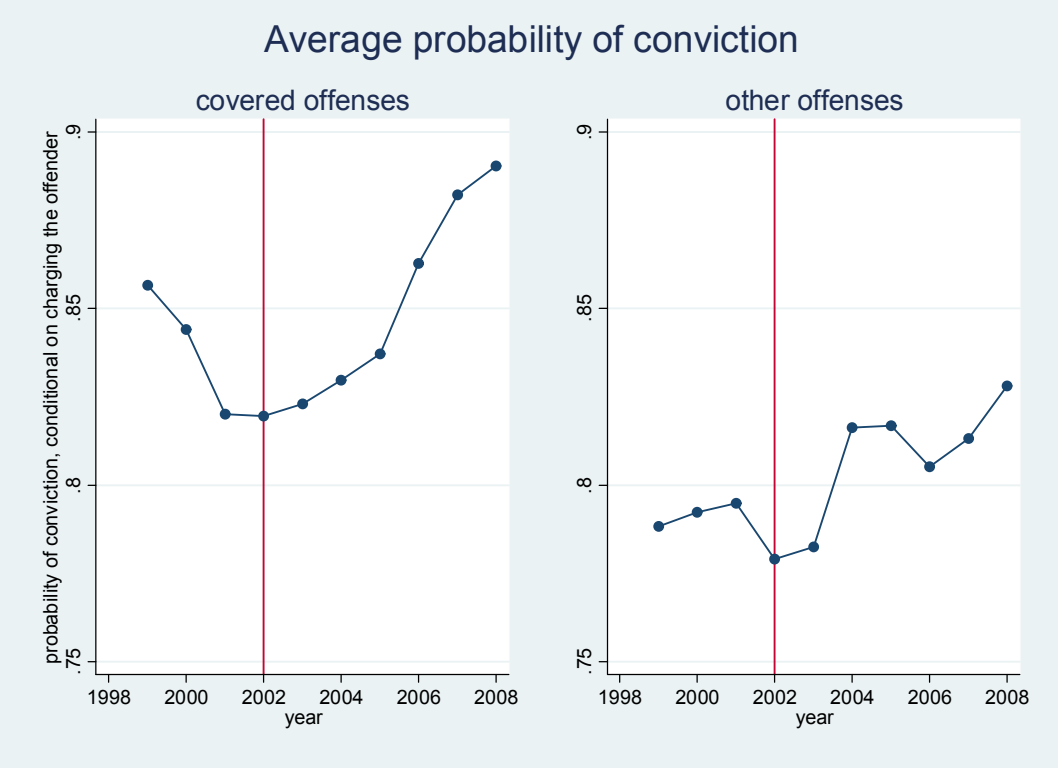

Figure 5: Endogeneity of fast-track adoption: levels

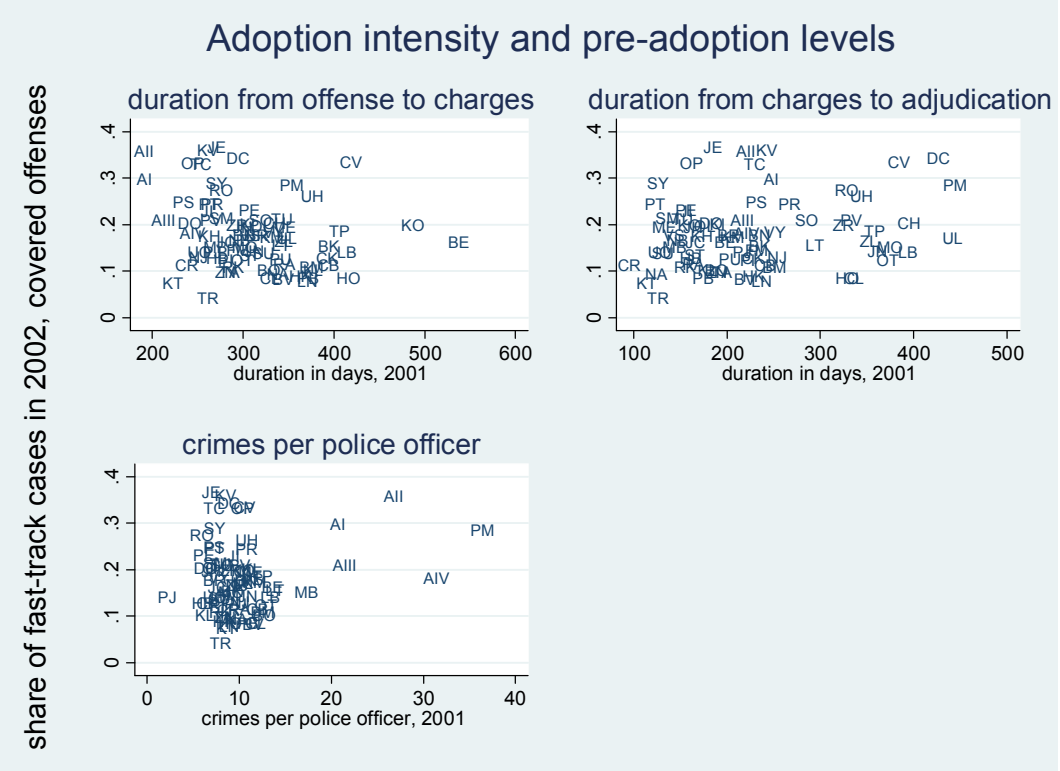

Figure 6: Endogeneity of fast-track adoption: trends

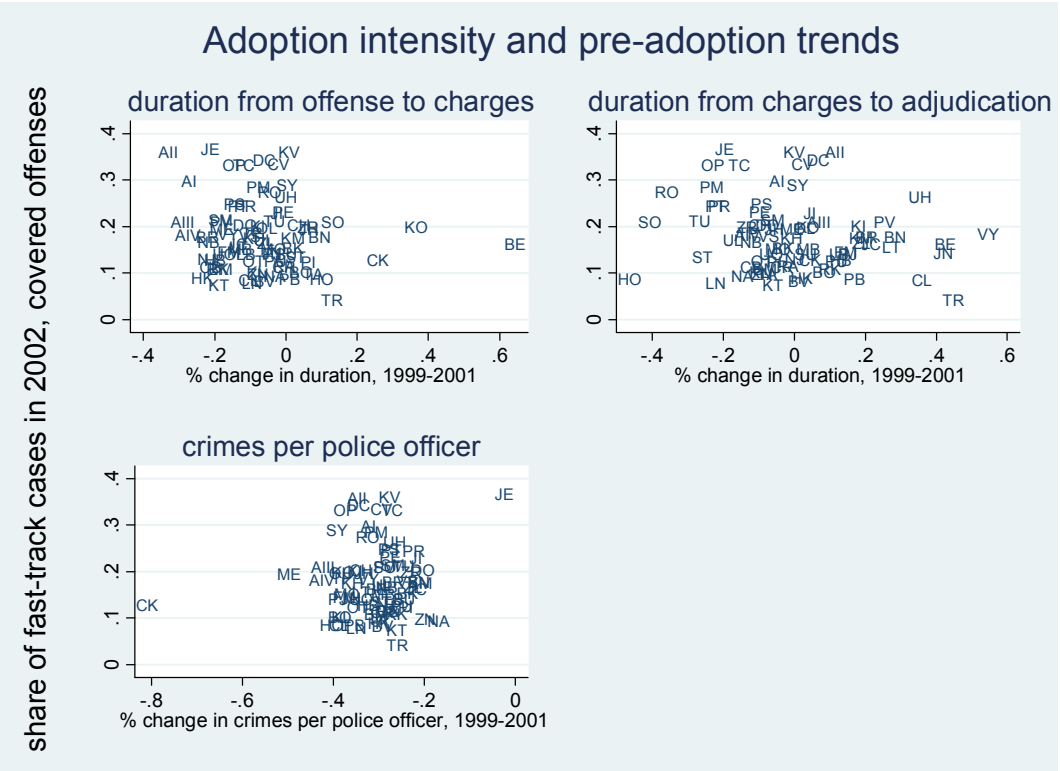

Figure 7: Fast-track adoption and changes in outcomes: duration from offense to charges

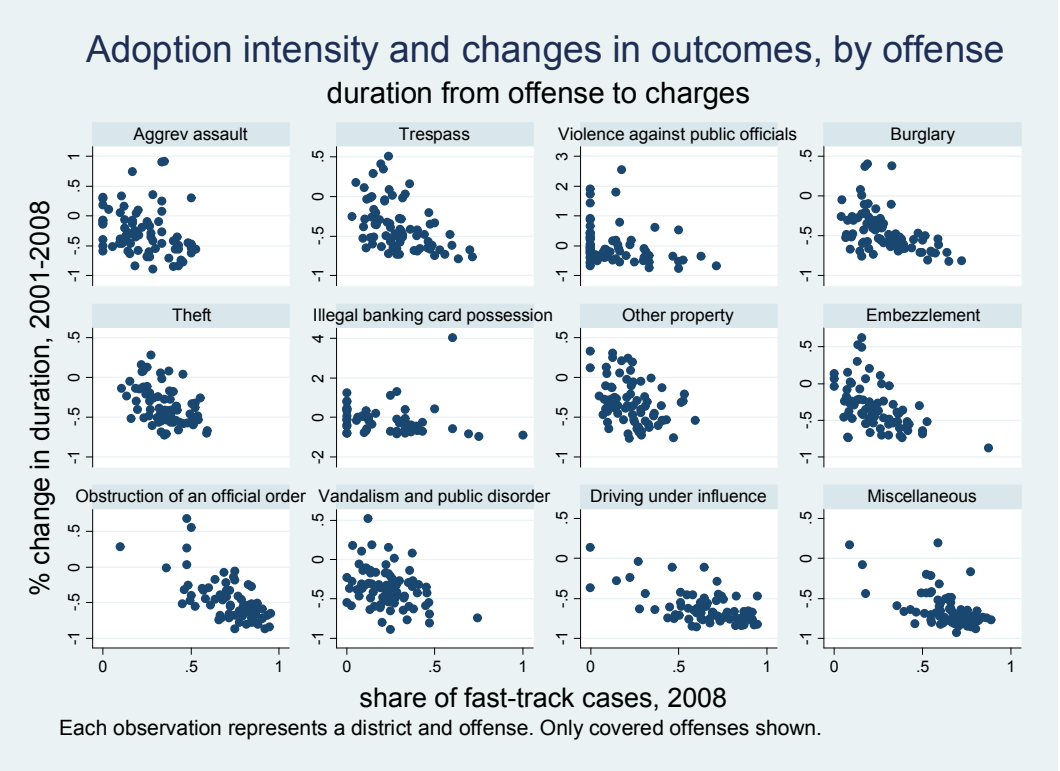

Figure 8: Fast-track adoption and changes in outcomes: duration from charges to adjudication

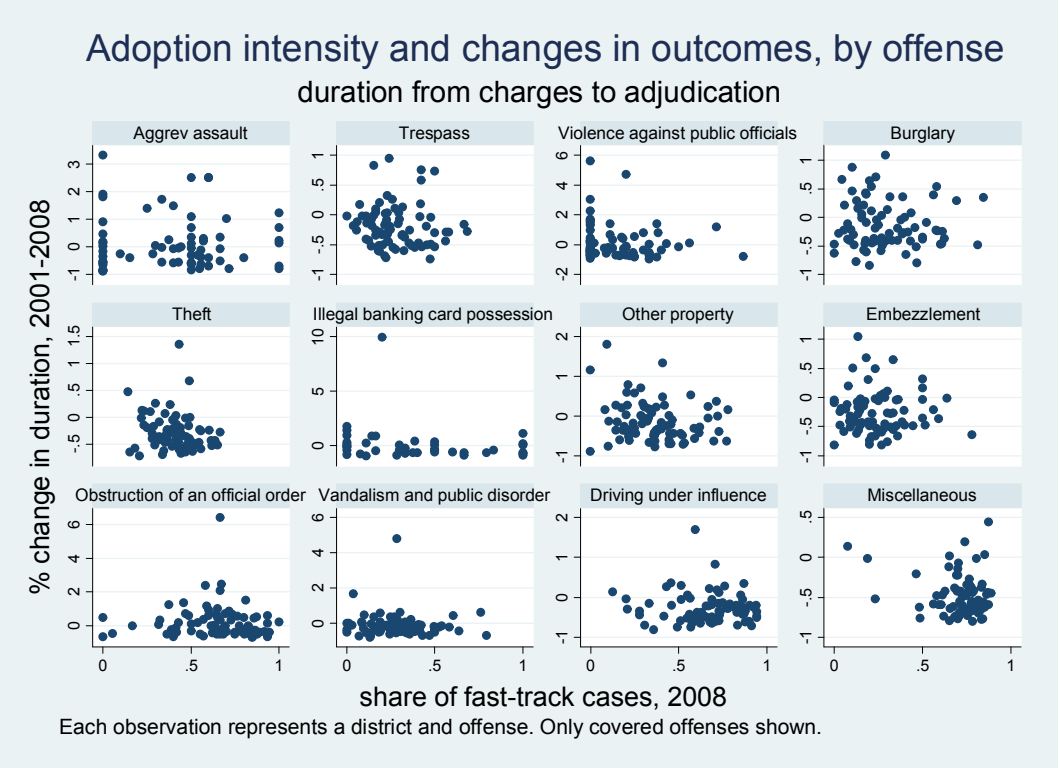

Figure 9: Fast-track adoption and changes in outcomes: probability of charges

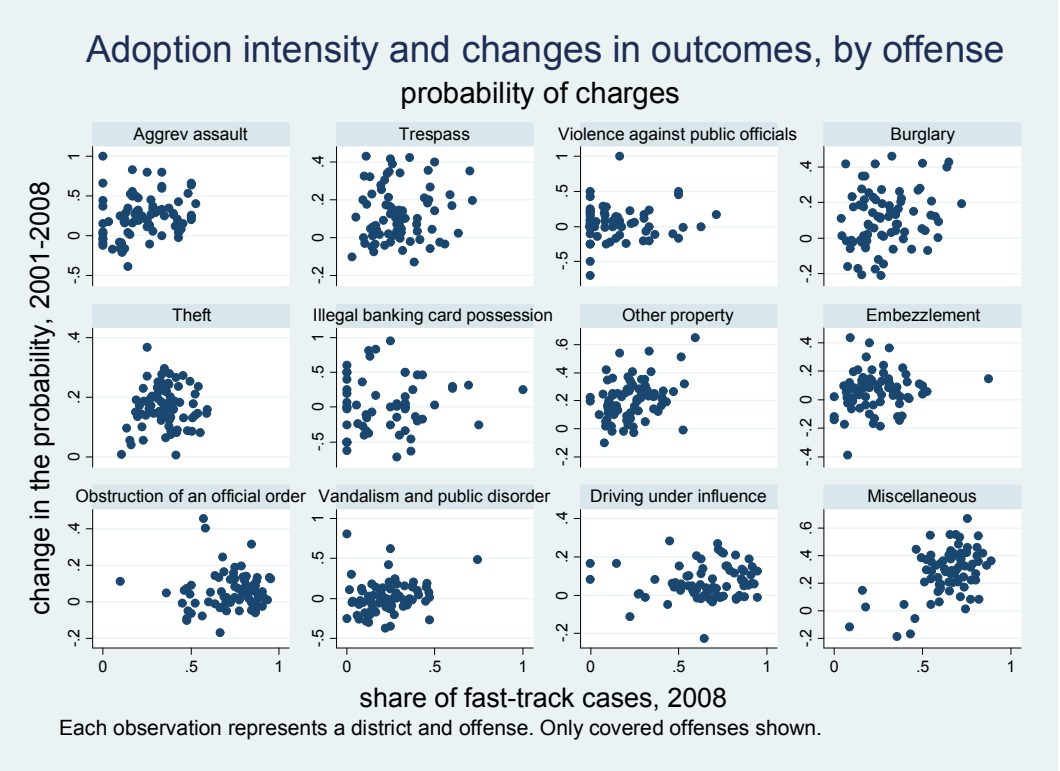

Figure 10: Fast-track adoption and changes in outcomes: probability of conviction

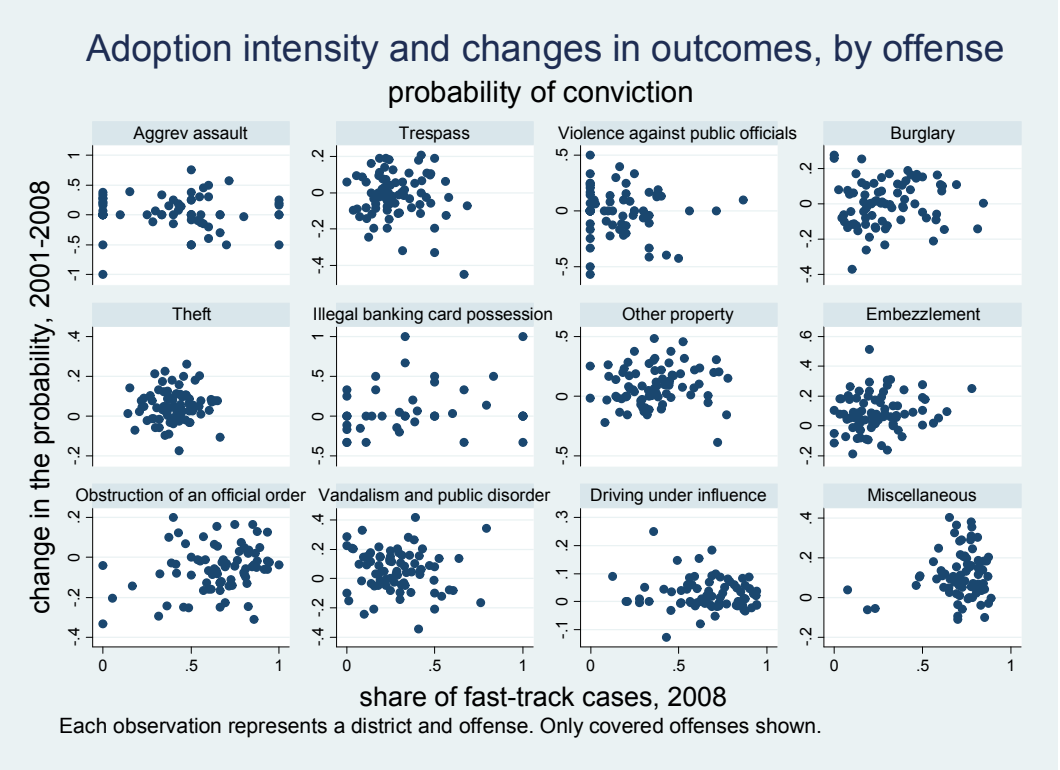

Table 1: Summary statistics

	before reform (1999-2001) conventional procedure (all cases)		after reform (2002-2008) conventional procedure		after reform (2002-2008) fast-track procedure	
	mean	st.dev.	mean	st.dev.	mean	st.dev.
total duration (days)	607	428	541	350	243	295
duration from offense to charges	353	339	323	294	132	330
duration from accusation to charges	106	77	87	65	10	4
duration from charges to final adjudication	259	210	221	165	139	146
probability of conviction conditional on accusation	0.55	0.23	0.58	0.23	0.82	0.23
probability of charges conditional on accusation	0.66	0.23	0.71	0.23	0.93	0.18
probability of conviction conditional on charges	0.81	0.19	0.80	0.19	0.86	0.22
number of charges per case	1.33	0.35	1.36	0.36	1.24	0.34
share of female defendants	0.10	0.12	0.12	0.13	0.11	0.21
share of foreign defendants	0.05	0.10	0.05	0.10	0.07	0.19
age of the defendant	30.95	6.54	31.80	6.91	32.52	7.42
share of defendants in pretrial detention	0.12	0.18	0.08	0.16	0.02	0.09
number of prior convictions	1.84	1.31	2.23	1.51	2.57	2.21

	before reform all cases		after reform all cases	
	mean	st.dev.	mean	st.dev.
share of fast-track cases	0.00	0.00	0.14	0.21
crimerate (offenses per 100,000)	135.70	395.28	118.85	347.15
total crimes per police officer in a district	12.91	7.28	10.06	5.35

Table 2: Variation in the use of fast-track procedure across districts

Share of fast-track prosecutions in 2002 (%)

offense type	mean	s.d.	5th percentile	95th percentile	crime rate
Aggrev assault	20	17	0	57	27
Trespass	24	15	4	53	34
Violence against public officials	14	19	0	56	12
Burglary	9	6	1	20	704
Theft	21	9	7	39	1600
Illegal banking card possession	17	21	0	60	23
Other property	19	15	0	45	96
Embezzlement	6	7	0	21	78
Obstruction of an official order	55	16	27	77	81
Driving under influence	17	22	0	62	7
Vandalism and public disorder	19	14	0	43	54
Negligent accidents and injuries	1	5	0	6	79
Miscellaneous	7	7	0	20	60

Share of fast-track prosecutions in 2008 (%)

offense type	mean	s.d.	5th percentile	95th percentile	crime rate
Aggrev assault	33	24	0	71	17
Trespass	40	21	10	78	24
Violence against public officials	15	19	0	43	9
Burglary	15	10	3	35	510
Theft	34	11	15	52	1410
Illegal banking card possession	17	20	0	50	75
Other property	28	16	0	51	122
Embezzlement	11	9	0	30	44
Obstruction of an official order	54	26	8	93	51
Driving under influence	81	15	38	96	110
Vandalism and public disorder	30	18	6	60	67

Table 3: Direct effects on covered offenses: Case durations

outcome variable: prosecutions	(1) aggrevated assault	(2) trespass	(3) burglary	(4) theft	(5) illegal banking card poss.	(6) other property	(7) embezzl.	(8) obstruction of order	(9) vandalism and public disorder	(10) driving under influence
total duration	-206.5***	-317.0***	-286.0***	-306.6***	-168.8***	-307.2***	-307.7***	-247.6***	-312.6***	-69.52***
	(66.34)	(74.53)	(78.62)	(65.62)	(46.22)	(65.89)	(98.00)	(70.51)	(60.89)	(22.37)
duration from offense	-69.66***	-65.87***	-136.6***	-122.1***	-68.34***	-125.4***	-62.49***	-46.50***	-76.12***	-22.58***
to charges	(12.78)	(9.922)	(37.11)	(30.08)	(10.42)	(21.66)	(14.46)	(10.18)	(13.01)	(7.535)
duration from charges	-42.48	-70.73**	-25.54	-69.47**	18.04	-49.87*	-49.99	-38.54**	-50.02*	12.27
to final adjudication	(28.53)	(29.39)	(30.44)	(34.76)	(30.58)	(25.35)	(39.96)	(17.50)	(25.14)	(16.31)

The tables report the coefficients on the share of fast-track cases and their standard errors. The unit of observation is district, year, and offense.
All regressions include district and year fixed effects.
All regressions include the following controls for the average characteristics of the cases and districts: number of charges per case, share of women and foreigners among defendants, defendant age and number of prior convictions, share of defendants in pre-trial detention, number of cases processed by the district court and prosecutor, number of crimes, number of police officers, and district population.
*** p<0.01, ** p<0.05, * p<0.1

Table 4: Direct effects on covered offenses: Probabilities

outcome variable: prosecutions	(1) aggrevated assault	(2) trespass	(3) burglary	(4) theft	(5) illegal banking card poss.	(6) other property	(7) embezzl.	(8) obstruction of order	(9) vandalism and public disorder	(10) driving under influence
probability of charges	0.381***	0.285***	0.335***	0.202***	0.357***	0.390***	0.0841	0.229***	0.255***	0.0691***
	(0.0615)	(0.0446)	(0.0680)	(0.0298)	(0.0488)	(0.0493)	(0.0565)	(0.0444)	(0.0638)	(0.0237)
probability of conviction	-0.0578	-0.0124	0.0343	0.0522*	0.0545	0.101**	0.0474	0.0312	0.0400	0.00286
	(0.0600)	(0.0350)	(0.0316)	(0.0300)	(0.0528)	(0.0387)	(0.0518)	(0.0265)	(0.0395)	(0.0151)

The tables report the coefficients on the share of fast-track cases and their standard errors. The unit of observation is district, year, and offense.
All regressions include district and year fixed effects.
All regressions include the following controls for the average characteristics of the cases and districts: number of charges per case, share of women and foreigners among defendants, defendant age and number of prior convictions, share of defendants in pre-trial detention, number of cases processed by the district court and prosecutor, number of crimes, number of police officers, and district population.
*** p<0.01, ** p<0.05, * p<0.1

Table 5: Spillover effects on other offenses: Case durations

outcome variable:	(1) robbery	(2) int. injury	(3) other violent	(4) rape	(5) other sex	(6) fraud	(7) white-collar private	(8) illegal drug commerce	(9) failure to support
total duration									
average share of fast-track	-199.0*	-340.9**	-457.4***	-346.1	-325.5*	-185.5*	760.9***	-615.2***	-283.3***
in the district	(108.4)	(138.2)	(172.0)	(209.9)	(172.2)	(110.4)	(267.8)	(132.2)	(98.62)
offense specific share	941.7	-24.06	-272.6**	-18.05	382.3	-106.2	216.7	23.82	62.32
of fast-track	(833.5)	(145.6)	(122.1)	(669.6)	(253.8)	(111.4)	(225.8)	(477.6)	(54.87)
duration from offense to charges									
average share of fast-track	-100.4*	-116.8***	-143.9**	-108.5***	-56.64**	-57.51***	6.599	-88.31***	-7.195
in the district	(56.64)	(35.56)	(55.50)	(32.89)	(22.15)	(18.91)	(101.6)	(33.27)	(8.993)
offense specific share	281.1*	7.373	-44.57**	203.4*	7.757	-59.39***	-78.43***	-140.6*	-36.70***
of fast-track	(146.6)	(44.20)	(21.01)	(108.6)	(32.96)	(18.26)	(24.93)	(81.62)	(6.583)
duration from charges to final adjudication									
average share of fast-track	20.99	-28.90	105.4	21.31	24.62	41.56	182.6	-27.88	29.78
in the district	(64.50)	(54.13)	(80.42)	(158.9)	(47.83)	(47.69)	(199.9)	(75.31)	(30.81)
offense specific share	-669.8	-40.15	-257.8***	305.7	148.6	-41.19	-150.1**	-262.7	10.33
of fast-track	(551.0)	(69.92)	(88.49)	(471.4)	(103.0)	(58.96)	(72.71)	(197.7)	(26.47)

The tables report the coefficients on the share of fast-track cases and their standard errors. The unit of observation is district, year, and offense.
All regressions include district and year fixed effects.
All regressions include the following controls for the average characteristics of the cases and districts: number of charges per case, share of women and foreigners among defendants, defendant age and number of prior convictions, share of defendants in pre-trial detention, number of cases processed by the district court and prosecutor, number of crimes, number of police officers, and district population.
*** p<0.01, ** p<0.05, * p<0.1

Table 6: Spillover effects on other offenses: Probabilities

outcome variable:	(1) robbery	(2) int. injury	(3) other violent	(4) rape	(5) other sex	(6) fraud	(7) white-collar private	(8) illegal drug commerce	(9) failure to support
probability of charges									
average share of fast-track	0.172**	0.0522	0.0856	0.439***	-0.117	-0.0185	0.00958	-0.0195	0.0197
in the district	(0.0719)	(0.0641)	(0.0786)	(0.153)	(0.108)	(0.0473)	(0.157)	(0.105)	(0.0216)
offense specific share	0.0752	0.372***	0.182**	0.509	0.423**	0.0627	0.346***	-0.561***	0.116***
of fast-track	(0.272)	(0.0822)	(0.0732)	(0.641)	(0.163)	(0.0596)	(0.108)	(0.142)	(0.0179)
probability of conviction									
average share of fast-track	-0.0132	-0.0328	-0.149	0.0179	-0.0107	-0.0277	-0.385	-0.00682	0.00599
in the district	(0.0801)	(0.0659)	(0.0955)	(0.216)	(0.0623)	(0.0994)	(0.264)	(0.0892)	(0.0408)
offense specific share	0.563**	0.0168	0.251**	0.991*	-0.106	0.183***	0.345**	0.330	-0.0219
of fast-track	(0.248)	(0.0841)	(0.0953)	(0.527)	(0.144)	(0.0613)	(0.131)	(0.249)	(0.0420)

The tables report the coefficients on the share of fast-track cases and their standard errors. The unit of observation is district, year, and offense.
All regressions include district and year fixed effects.
All regressions include the following controls for the average characteristics of the cases and districts: number of charges per case, share of women and foreigners among defendants, defendant age and number of prior convictions, share of defendants in pre-trial detention, number of cases processed by the district court and prosecutor, number of crimes, number of police officers, and district population.
*** p<0.01, ** p<0.05, * p<0.1

Table 7: Classification of offenses

broad crime category	offense category	covered offense (above-median fast-track share)
violent	robbery	no
	intentional injury	no
	rape	no
	other violent offenses	no
	other sex offenses	no
	aggrevated assault	yes
	trespass	yes
property	burglary	yes
	theft	yes
	other property offenses	yes
	illegal banking card possession	yes
white-collar	fraud	no
	other white-collar	no
	embezzlement	yes
other	failure to support	no
	illegal drug commerce	no
	obstruction of official order	yes
	driving under influence	yes