

Colorado Replication
of the 1990
National Prosecutors Survey

September 1992

Office of Research and Statistics
Division of Criminal Justice
Colorado Department of Public Safety

143494

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National Prosecutors Survey

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September 1992

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Funded by Grant 91-BJ-CX-K032 from the Bureau of Justice Statistics

**U.S. Department of Justice
National Institute of Justice**

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ACKNOWLEDGMENTS

Our sincere thanks to the members of the Colorado District Attorneys Council for their participation in and support of this project. We are particularly grateful for the assistance provided by District Attorney Bob Gallagher, President of the Council, and by Bonnie Wright-Benedetti, Council Administrator. Their cooperation has made our task lighter and our efforts more rewarding.

We would also like to express our appreciation to the following district attorneys and assistant district attorneys for their willingness to serve as an advisory committee for this project: District Attorney Victor Reichman, Sixth Judicial District; District Attorney A. M. Dominguez, Jr., Nineteenth Judicial District; James S. Whitmire, Assistant District Attorney, Tenth Judicial District; and Assistant District Attorney Roger Allott, Eighteenth Judicial District. To all those already mentioned and to those mentioned below, we express our gratitude for their complete and timely response to our questionnaire:

*Assistant District Attorney Charles W. Heim, First Judicial District;
Assistant District Attorney Chuck Lepley, Second Judicial District;
District Attorney Jon Neil Barclay, Third Judicial District;
Assistant District Attorney Jeanne M. Smith, Fourth Judicial District;
District Attorney Peter F. Michaelson, Fifth Judicial District
District Attorney Michael C. Stern, Seventh Judicial District
Assistant District Attorney Loren B. Schall, Eighth Judicial District
District Attorney Milton K. Blakey, Ninth Judicial District
District Attorney Edward J. Rogers, III, Eleventh Judicial District
District Attorney Douglas F. Primavera, Twelfth Judicial District
District Attorney Jon M. Bailey, Thirteenth Judicial District
Assistant District Attorney Paul McLimans, Fourteenth Judicial District
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District Attorney Gary M. Stork, Sixteenth Judicial District
Assistant District Attorney Robert S. Grant, Seventeenth Judicial District
Assistant District Attorney William C. Wise, Twentieth Judicial District
District Attorney Stephen K. ErkenBrack, Twenty-first Judicial District
District Attorney George Buck, Twenty-second Judicial District*

Finally, we would like to express our sincere thanks to the Bureau of Justice Statistics and to our project monitor, John Jones, for their continuing support, through the years, of our SAC II research projects.

Colorado Replication of the 1990 National Prosecutors Survey

EXECUTIVE SUMMARY

In 1974, and again in 1990, the Bureau of Justice Statistics (BJS) conducted a national survey of a random sample of prosecutors' offices for the purpose of describing policies, procedures, and factors influencing sentencing.

The findings of these surveys were not generalizable to any of the individual states, so the 1990 national survey was replicated for Colorado by the Division of Criminal Justice with funding from BJS.

Overall, the study found that prosecutorial practices and policies were generally similar and consistent across Colorado's 22 judicial districts in 1990. We also found that profiles of offenders handled in the various districts in the state were generally similar.

Comparing the Colorado data with the national survey, some interesting differences were detected. First, Colorado's prosecutors served a median population twice the size of the national sample: 67,000 citizens compared to 35,000. However, by statute, all prosecutors in our state are full-time while, nationwide, half the prosecutors sampled served in half-time positions. Additionally, reflecting Colorado's attempt to include the victim in the criminal justice process, all presentence investigation reports contain victim impact information compared to 70% nationwide.

Methods

Two sources of data were used in the study reported here. First, the Colorado Prosecutor's Survey data were obtained from chief prosecutors in each of the state's 22 judicial districts. The district attorney completed a questionnaire targeting policies and procedures used in 1990. These data are compared to findings from the 1990 national survey undertaken by the Bureau of Justice Statistics. Second, information was collected directly from Colorado district court files by Division of Criminal Justice researchers. We collected data from the files of nearly all felonies sentenced in nine judicial districts.

Findings: Comparisons Across Colorado

The most significant finding from the analysis of 1990 court case data collected by DCJ in the nine judicial districts is: urban and nonurban statistics are generally very similar.¹ Major findings are presented below.

- Offender profiles. Offender profile data show a significant difference in the percent of black offenders in urban (29%) and nonurban (7%) judicial districts. However, there is either no difference or very little difference in the percent of urban and nonurban offenders in the profile categories of gender, marital status, education, and employment at arrest.
- Offender needs. The percent of urban and nonurban offenders with mental health, alcohol, and drug problems is very similar.
- Criminal history scores. Statistical differences were found between criminal history scores² of felons sentenced in urban and nonurban prosecutorial districts. For example, 50% of offenders sentenced in urban and a little more than half (56%) sentenced in nonurban jurisdictions had a criminal history score of 0. The percent of urban and nonurban sentenced offenders with scores of 1, 2, 3, and 4 is identical or varies no more than 3%.
- Status at arrest. At least three-fourths (75%, urban; 80%, nonurban) of offenders sentenced in urban and nonurban districts were not in any type of custody at arrest for the sentenced case. The proportion of urban and nonurban sentenced offenders who were on probation or parole is identical (9%, probation; 3% parole). Slightly fewer nonurban than urban offenders were in community corrections (6% urban; 3% nonurban), prison, or on escape status (1% urban, prison and escape; less than 1% nonurban, prison and escape).

¹The four most populous of the nine judicial districts are designated as "urban"; the remaining five as "nonurban."

²Criminal history score is a behavior severity index. A value is derived from a weighted combination of six measures. The number of occurrences for each item is multiplied (x) by the weight (in parentheses) totaled and then collapsed into scores of 0 through four. The measures are (1) number of juvenile adjudications (.5); (2) number of placements in the Department of Institutions (1); (3) number of adult prior felony convictions (1); (4) number of adult prior violent arrests (1.5); (5) number of adult probation revocations (.75); and (6) number of adult parole revocations (2).

- Most serious charge and conviction offense. A larger percent of urban than nonurban offenders (47% urban; 39% nonurban) were charged with a Class 3 felony as their most serious offense. The percents of urban and nonurban offenders convicted of a Class 1, 2, or 3 felony are identical (less than 1% for Class 1 and 2; 13% for Class 3). A slightly larger percent of nonurban offenders were charged with Class 4, 5, and 6 felonies as their most serious offense; slightly fewer urban than nonurban were *convicted* of Class 4, 5, and 6 felonies as their most serious offense.
- Cocaine offenses. A slightly larger proportion of urban (17%) than nonurban (15%) offenders were charged with a cocaine offense, while a slightly smaller proportion of urban (8%) than nonurban (9%) were convicted of a cocaine crime as their most serious conviction offense. Differences were not statistically significant.
- Placement. Slightly fewer urban (53%) than nonurban (60%) offenders were placed on probation; more urban (36%) than nonurban (29%) were sentenced to prison; and the same proportion of urban and nonurban (11%) offenders were sentenced to community corrections. When controlled for criminal history score the proportion of urban and nonurban offenders sentenced to probation, community corrections, or prison is the same or differs no more than 5%.
- Sentence lengths. The median sentence length for urban offenders placed on probation or sentenced to community corrections was 24 months compared to 36 months for nonurban offenders. However, median sentence lengths for both urban and nonurban offenders sentenced to prison were the same: 48 months.
- Career criminal units. In all the above categories, findings were generally similar in judicial districts that do and do not operate career criminal units. Jurisdictions with criminal career units have a larger proportion of white offenders (61% compared to 51% in districts without career criminal units) and a smaller proportion of Hispanic offenders (11% compared to 27% in districts without career criminal units).

Findings: Comparing Colorado to the Nation

The method of filling the office of chief prosecutor: All Colorado and almost all (97%) nationally surveyed chief prosecutors are elected by the voters in their jurisdictions. Other similar findings are listed below.

- Responsibility for non-felony matters. All Colorado and National Survey chief prosecutors are responsible for some non-felony matters. A comparison of national and Colorado survey responses show the greatest degree of similarity in the matter of extradition: all Colorado district attorneys are responsible for extradition matters compared to almost all (97%) of the 1990 National Survey prosecutors.
- Grand Juries. A little less than half of Colorado's district attorneys and a little more than half of chief prosecutors in the National Survey use grand juries.
- Sentencing recommendations. More than three-fourths of both Colorado and nationally surveyed chief prosecutors report they are affected by mandatory minimum incarceration laws.

A major difference found was in the number of full-time prosecutors. While all Colorado district attorneys are by statute full-time chief prosecutors, only half of the national districts had full-time chief prosecutors.³ Other significant differences were found in the following areas:

- Population served. In 1990, Colorado's chief prosecutors served a median population of 67,000. The median population served by prosecutors responding to the national survey was 35,000.
- Type of staff. All Colorado district attorneys employed one or more full-time assistants in 1990 compared to half of the national chief prosecutors. However, the proportion (41%) of national chief prosecutors employing one or more part-time assistants is almost double that of Colorado district attorneys (23%).
- Public defender services. In Colorado, public defender services are provided by all prosecutorial districts. Nationally, a little more than half had public defender offices.

³For the 1990 national survey, prosecutorial districts of the 290 randomly selected chief prosecutors encompassed 514 counties and independent cities. Colorado's sample consisted of the elected district attorney in each of the state's 22 judicial districts.

- Career criminal units. Almost twice as many Colorado as national districts operate a career criminal unit (Colorado, 14%; National Survey, 8%).

INTRODUCTION TO THE REPORT

In 1990, the National Prosecutor Survey Program of the Bureau of Justice Statistics (BJS), U.S. Department of Justice, conducted the first national survey of prosecutors since 1974.¹ The objective of both the 1974 and the 1990 surveys was to describe prosecutorial practices across the nation and to gain a better understanding of sentencing patterns. Because the findings of the 1990 national survey were not generalizable to any of the participating states, a replication survey was conducted for Colorado by the research staff of the Colorado Division of Criminal Justice (DCJ).²

The objective of the surveys was to describe prosecutorial practices across the nation and to gain a better understanding of sentencing patterns.

The replication survey is the first statewide study of Colorado's prosecutorial services to be conducted with the cooperation and participation of the Colorado District Attorneys Council. In this study, the findings of Colorado's replication study are compared with those of the 1990 national survey to help us better understand the problems, responsibilities, and routine functioning of district attorneys and their assistants in the state's 22 judicial districts.

The replication survey is the first statewide study of Colorado's prosecutorial services to be conducted with the cooperation and participation of the Colorado District Attorneys Council.

In addition, the Colorado study has analyzed data collected from a sample of felony cases processed in nine of the study districts. This additional analysis makes possible a comparison of practices and findings across jurisdiction sub-groups, thus providing DCJ researchers with a unique opportunity to ask questions not addressed in the national survey.

¹The National District Attorneys Association (NDAA) polled over 1,100 chief prosecutor offices in 1974.

²For the 1990 national survey, prosecutorial districts of the 290 randomly selected chief prosecutors encompassed 514 counties and independent cities. Fiscal year 1989-90, hereafter referred to as 1990, was the reference year. Colorado's sample consisted of the elected district attorney in each of the state's 22 judicial districts. Since the Colorado project was a replication, survey questions and reference year were the same as those of the national study (see Appendix A).

The study report is organized as follows:

Chapter One presents a comparison of findings from the Colorado replication with those of the 1990 National Prosecutors Survey and includes a summary of Colorado's prosecutorial practices.

Chapter Two reports information collected from 1990 court files by Division of Criminal Justice research staff.

Appendix One describes the methods and procedures used to develop and conduct the Replication Survey and to analyze the data on which the findings of this report are based.

CHAPTER ONE

COMPARISON OF FINDINGS

COLORADO REPLICATION AND 1990 NATIONAL PROSECUTORS SURVEY

Chief prosecutors, their staffs and workload

As defined in the March 1992 BJS Bulletin report, "Prosecutors in State Courts, 1990," a *chief prosecutor* is the attorney "who advocates for the public in felony cases, as well as in a variety of other cases." This 1990 national prosecutors survey report describes a prosecutorial district as following county lines and typically consisting of a single county. However, in Colorado the jurisdiction of only six (27%) judicial districts is limited to the boundaries of just one county. The number of counties in the remaining sixteen judicial districts ranges from two to seven, as shown in Figure 1.

The chief prosecutor in each of Colorado's 22 judicial districts is the elected district attorney who may, like chief prosecutors in other states, be supported by assistant and/or deputy prosecutors and investigators who do much of the actual case work. Approximately 50 percent of the 290 (289 responded) prosecutors surveyed in 1990 by BJS had the title of district attorney or county attorney. Colorado's district attorneys appear on behalf of the state, the people, or any county in the district in all indictments, actions and proceedings filed in district court.³

All Colorado district attorneys are elected for four-year terms. Around the nation, most chief prosecutors in fiscal 1990 were locally elected (97%), and while their terms of office ranged from one to eight years, 86% of chief prosecutors nationwide also served four-year terms. Table 1 shows the percent of chief prosecutors whose terms are 2, 4, 5, 6, or 8 years.⁴

Colorado district attorneys are elected for four-year terms, compared to 86% of chief prosecutors nationwide.

³Report on Crime and Justice in Colorado 1985, p.47.

⁴The national sample of 290 chief prosecutors represented all states except Vermont, which by chance did not enter the sample.

Figure 1

Judicial Districts of Colorado

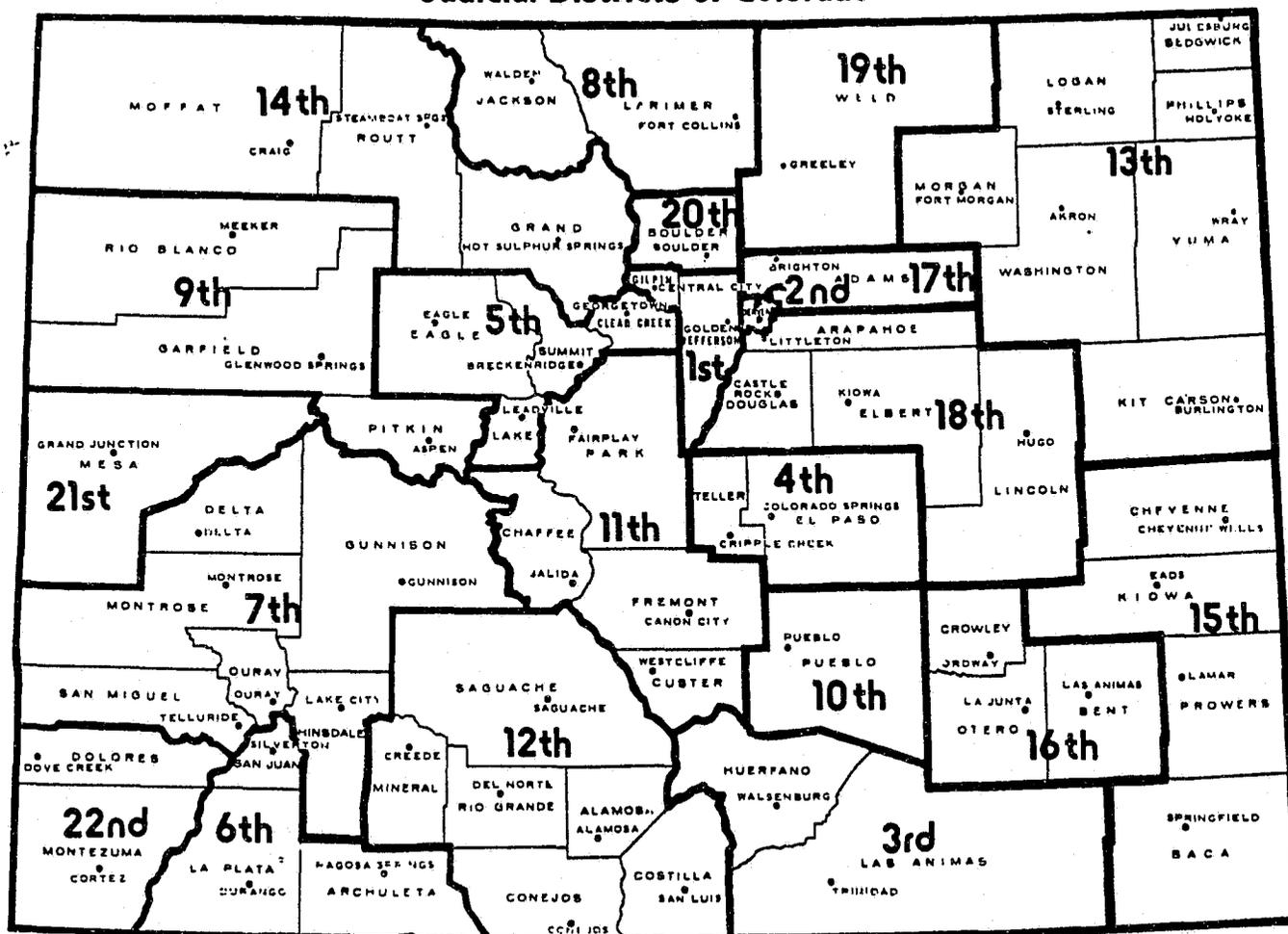


TABLE 1
Term of Office for Chief Prosecutors, FY 1989-1990
1990 National Survey Data

Term of Office	Percent of Chief Prosecutors
2 years	5
4 years*	86
5 years	1
6 years	6
8 years	2
Total	100
National Mean = 4.1 years	

*This is the term length for Colorado prosecutors.

Responsibility for nonfelony matters

The questionnaires used in the Colorado and national surveys presented chief prosecutors with a list of nonfelony matters and asked them to check those for which they had responsibility or jurisdiction. Table 2 compares the percent of chief Colorado prosecutors with the national sample in terms of responsibility for each of the nonfelony matters.

Table 2
Prosecutorial Responsibility for Nonfelony Matters:
Colorado Replication and 1990 National Survey

Type of Nonfelony Matter	Percent of Chief Prosecutors	
	Colorado	National
Juveniles	96	84
Family/domestic relations	23	54
Mental commitments	55	65
Paternity	18	67
Citizen Complaints	96	87
Consumer protection	91	52
Environmental protection	82	62
Noncriminal cases (injunctions/suits for damages)	59	37
Uniform Reciprocal Support Act	23	69
Nonsupport	41	73
Traffic	100	86
Suits for collection of taxes	18	46
Public nuisance	96	69
Condemnation	0	42
Extradition	100	97
Other	5	10

Prosecutorial employment
and population served

In Colorado, 100% of its district attorneys are full-time, and all employ one or more full-time assistants. Total state prosecutorial line staff, in 1990, included 337 full-time assistant/deputy attorneys, 7 part-time deputy attorneys, 97 full-time investigators, and 3 part-time investigators. During 1990 reference year, state prosecutorial services were available to more than 3.3 million (est. 3,327,306) Colorado citizens, a little more than half of whom (54%) resided in just 4 of the state's 22 judicial districts.⁵

Nationally, in fiscal 1990, 53% of the districts had a full-time chief prosecutor. Fifty percent of these chief prosecutors employed one or more assistants. In 1988, according to the most recent data available, 91% of those employed by chief prosecutors and other legal services worked full-time.⁶

Table 3 provides comparison data for Colorado and 1990 national employment of assistant prosecutors. Table 4 compares full-time employment of chief prosecutors and population served by their jurisdictions.

⁵These populous districts are Judicial District 1, 2, 4, and 18 (see map on page 9)

⁶Justice Expenditure and Employment, 1988, BJS Report, NCJ-124132, July 1990.

Table 3
Employment of Assistant Prosecutors
Colorado Replication and
1990 National Survey

	Colorado	National
Total number of assistant prosecutors	434	20,000
Full-time		
Percent of chief prosecutors employing one or more full-time assistants	100	50
Percent of chief prosecutors employing more than two full-time assistants	91	37
Mean number of full-time assistants per chief prosecutor	20	8
Part-time		
Percent of chief prosecutors employing one or more part-time assistants	23	41
Percent of chief prosecutors employing more than two part-time assistants	5	11
Mean number of part-time assistants per chief prosecutor	<1	1

Table 4
Jurisdictional Population Served and Employment
Status of Chief Prosecutors: Colorado
Replication and 1990 National Survey

	Chief Prosecutor	
	Colorado	National
Population served (in 1000s)		
Mean	151	111
Median	67	35
Percent of chief prosecutors		
Mean	100	53
Median	73	20

Prosecutorial workload

Colorado workload data presented in Table 5 are based on fiscal year 1990 felony case filings.⁷ The report of national findings did not present workload by felony case filings; therefore no comparison with national workload data is presented here.⁸

Table 5
1990 Colorado Prosecutorial Workload by
Felony Filings and Population Served

	Colorado
Average number of felony case filings per chief prosecutor	957
Median number of felony cases	440
Felony case filings per 1,000 population served	6
Ratio of filings to total number of prosecuting attorneys	59

Although the fiscal 1990 median number of felony cases filed in Colorado was 440, more than 2,000 cases were filed in each of the state's four most populous judicial districts.

⁷Statistical Supplement, Colorado Judicial Department Annual Report, July 1, 1989 - June 30, 1990.

⁸National prosecutorial workload is reported in "Prosecutors in State Courts, 1990," (BJS Bulletin NCJ-134500, p.3) by average number of felony *convictions* per chief prosecutor (mean = 292; median = 49). The same source reports felony convictions per 1,000 population as 3; ratio of conviction to total number of prosecuting attorneys as 29.

Career criminal units

Identifying and isolating the career criminal has long been a desirable goal of the criminal justice system. The need to break the career pattern of repeat offenders has led to the creation of special career criminal units in the offices of many chief prosecutors. Working in collaboration with law enforcement agencies, the assistant prosecutors assigned to career criminal units seek to identify, prosecute, and incapacitate those offenders who, because of their recidivist behavior, are responsible for a disproportionate number of crimes against property and persons. In 1990, career criminal units were operating in three (14%) of Colorado's judicial districts. Only one of these is located in one of the four most populous judicial districts. By comparison, 8% of chief prosecutors in the nation as a whole had career criminal units. However, 61% of the chief prosecutors in the 75 largest districts of the nation, compared to 25% of the most populous districts in Colorado, had such units.

61% of the chief prosecutors in the 75 largest districts of the nation had career criminal units compared to 25% in Colorado.

Policies and practices related to the stages of felony prosecutions

Point of the prosecutor's first involvement

Most criminal cases, particularly those involving felony offenses, are initiated by arrest. In 1990, just over 75 percent of Colorado's district attorneys were notified within 24 hours of a felony arrest made by law enforcement agencies in their jurisdictions. In the remaining districts, all felony arrests were reported within one week. On the national level, approximately two-thirds (66%) of chief prosecutors were notified within a day of a felony arrest.

Over 75% of Colorado's district attorneys were notified within 24 hours of a felony arrest. On the national level, approximately two-thirds (66%) of chief prosecutors were notified within a day of a felony arrest.

In Colorado and nationally, 95% of surveyed prosecutors received felony cases from three or more arresting agencies. Slightly more than one-fourth (26%) of Colorado's arresting agencies are sheriff departments. Municipal and campus police departments account for most of the other arresting agencies. In most cases, immediately following notification of a felony arrest, the prosecutor becomes involved

and reviews the evidence and circumstances of the offense to determine whether to prosecute and what charges to file.⁹

The 1990 national findings show that since the 1974 survey was conducted the percent of prosecutors reviewing cases before filing has dropped from 80% to 47%. In 1990, twenty (91%) of Colorado's 22 district attorneys screened 100% of felony arrests before filing charges in court. In another judicial district, 99% of felony arrests were reviewed by the district attorney before filing, and grand jury indictment was accepted as screening for the remaining 1%. The district attorney in the remaining judicial district reported that, in his jurisdiction, 30% of felony arrests were reviewed before charges were filed in court, and 70% of initial case reviews were conducted after charges had been filed, but before an arrest had been made.¹⁰

Assigning prosecutors to cases

After felony charges have been filed, the chief prosecutor usually assigns the case to one or more staff attorneys. If one attorney handles all phases of a criminal case, the process is known as a "vertical" case assignment. However, if a case requires the services of attorney assistants who specialize in different phases of casework, a "horizontal" assignment is made. Vertical assignment is especially desirable in specialized units that target selected types of cases or offenders. In Colorado, 46% of the district attorney offices assign *all* cases on a vertical basis, 41% assign *most* cases on a vertical basis, and slightly fewer than 14% (13.6%) assign *some* cases on a vertical basis. In Colorado's four most populous judicial districts, all cases are assigned on a vertical basis. Table 6 compares case assignment and other pretrial procedure involvement of Colorado's chief prosecutors with those included in the 1990 national survey.

In Colorado's four most populous judicial districts, all cases are assigned on a vertical basis.

⁹From the 1990 national survey report: "Some prosecutors are notified only after the arresting agency has filed papers in a special or 'lower' court. This court conducts necessary pretrial events, such as informing the accused person of the charges, setting bail, and assigning defense counsel," (p.4).

¹⁰When filing of a case occurs before arrest, there may have been sufficient evidence to file, but the suspect, particularly if a transient, may have left the jurisdiction in which the offense was committed.

Table 6
Involvement of Chief Prosecutors in Pretrial Procedures
Colorado Replication and 1990 National Survey

Percent of chief prosecutors	Colorado %	National Survey %
Notified within 24 hours of felony arrest	77	63
Reviewing all felony cases before filing	91	47

Percent of cases assigned on a vertical basis	Colorado %	National Survey %
None	0	12
Some	14	18
Most or all	86	70

Providing legal counsel for indigent defendants

Colorado's 20 public defender offices and, as needed, private attorneys assigned or contracted by the court, ensure that any defendant in a criminal case "shall...have the assistance of counsel for his defence," as guaranteed by the U. S. Constitution.¹¹ The national findings indicate that 57% of the prosecutorial districts included in the 1990 survey had public defender offices, and in 58% of the surveyed districts, private attorneys were assigned as defense counsel "in some or all cases of indigent defendants." If no public defender is available, if there is a conflict of interest, or co-defendants involved in the same offense, it may be necessary for the court to appoint a private attorney or to contract with an individual private attorney or with a law firm to ensure that an indigent offender is represented by a defense attorney. Table 7 shows the percent of Colorado and nationally surveyed prosecutorial districts providing three different types of defense delivery systems for indigent defendants.

¹¹Article VI, U. S. Constitution: Rights of the Accused.

Table 7
Prosecutorial Districts Providing Three Types
of Defense Delivery for Indigent Defendants
Colorado and 1990 National Survey

Defense Delivery System	Colorado %	National Survey %
Public Defender Offices	100*	57
Court-assigned private attorneys	86	58
Court-contracted individual private attorneys, law firms, or local bar associations	5	20

**Public defenders are provided for all of Colorado's 63 counties by 20 public defender offices, each of which may serve from one to eight counties.*

Three of Colorado's four most populous judicial districts provide all three types of defense delivery systems. The remaining most populous district provides public defender and contract attorneys.

Formal commencement of
felony case in court

A felony court case begins in Colorado with (1) a grand jury indictment, (2) filing of a felony complaint in county court, or (3) a filing of an "information" document in district court. If, after a preliminary hearing, the county court complaint is bound over to district court (2 above), the complaint document fulfills the requirement to file an "information" which, in accordance with Rule 7 of Colorado Rules of Criminal Procedure, "shall be a written statement, signed by the prosecutor and filed in the court having jurisdiction over the offense charged, alleging that a person committed the criminal offense described therein" (p.95). The defendant must be named "or described as a person whose name is unknown to the informant" (p.95), and the offense must be described "with such degree of certainty that the court may pronounce judgment upon a conviction" (p.96).¹²

A felony court case begins in Colorado with (1) a grand jury indictment, (2) filing of a felony complaint in county court, or (3) a filing of an "information" document in district court.

¹²Rule 7, "Colorado Rules of Criminal Procedure." Colorado Revised Statutes, Vol. 7B, 1991 Cumulative Supplement, pp. 95-96.

Colorado and national findings reveal that in 1990 approximately two-thirds of felony cases began with information filed by the chief prosecutor (2 and 3 above). Very few Colorado cases were initiated by grand jury indictment: 64% of the 22 judicial districts filed no cases by indictment, and no judicial district filed more than 3% of cases by indictment. Sixty-four percent (64%) of the judicial districts filed 100% of their cases by *information*, and no Colorado judicial district filed less than 97% of its cases by information (data not presented).

Colorado and national findings reveal that in 1990 approximately two-thirds of felony cases began with information filed by the chief prosecutor.

Use of grand juries

Although the Constitutional right of the accused to have a grand jury decide whether to prosecute is not protected in state courts, half of the states, including Colorado, have laws or state constitutional provisions allowing or requiring the use of grand juries in felony matters. Colorado is among the 25 states where grand jury indictment is optional. Four other states require indictment for all crimes; six states require it for capital crimes only; fifteen states require indictment for all felonies; and, in one state grand juries are used but do not have the authority to indict. Nationally, in some jurisdictions an indictment may be required in felony cases. However, except in capital cases, the accused may choose to waive the right to indictment and instead accept the service of an information for the crime.¹³ In Colorado as in half of the national prosecutorial districts surveyed, no indictment could be filed in felony court without the chief prosecutor's signature.

Colorado is among the 25 states where grand jury indictment is optional.

Because use of a grand jury is optional and occurs infrequently in Colorado, district attorneys were not asked whether they had a grand jury as a *regular* part of the criminal justice system. When the state's district attorneys were asked how often their jurisdictions make use of a grand jury, 59% responded, "not at all." The remaining 41% noted only occasional use, defined on the survey as less than half of their caseload.

Nearly 60% of district attorneys reported they do not use grand juries.

¹³Report to the Nation on Crime and Justice. Second Edition, 1988. BJS NCJ-105506, p.94.

Although the district attorneys are entitled by Colorado law to appear before a grand jury, they assign a deputy to appear for them unless the case is very serious or complex. There is no routine determination of probable cause by the judiciary or the district attorney before submission of a felony matter to a grand jury. A preliminary hearing is held by request of the defendant or the prosecution after indictment or filing of a complaint. Table 8 compares Colorado and national use of grand juries.

Table 8
Prosecutorial Districts Using Grand Juries
Colorado and 1990 National Survey

	Colorado		National Survey	
	Total %	4 Largest %	Total %	75 Largest %
Districts using grand juries	41*	100*	58	82
Districts having grand juries that indicted misdemeanors	27	50	55	60
Where prosecutor				
Appeared before grand jury	9	0	58	65
Signed all indictments before filing	100	100	29	60
Where judge determined probable cause before case submission to grand jury	0	0	44	38

**No judicial district used a grand jury for more than 3% of caseload. Use was 1% of caseload in each of the 4 largest districts.*

Use of criminal history data

As stated in a 1989 BJS report, "The criminal history record, widely considered the most vital record used in the criminal justice system, is relied upon at virtually every stage of the criminal justice process."¹⁴ The Colorado and national surveys found that, indeed, criminal history data are widely used by prosecutors. Both surveys asked chief prosecutors about the value of criminal history to them, what sources they use for obtaining such data; at what stages in the prosecution process the data are used, and what kinds of problems they encounter in acquiring it.

All (100%) respondents to the Colorado survey agreed that criminal history data normally are of practical value to them in felony prosecutions, and all (100%) relied on a variety of sources for their data. A variety of sources was used by over 70% of the nationally surveyed respondents. The following three tables present Colorado findings pertaining to criminal history data and, where possible, compare them to national response data.

Table 9 shows the percent of respondents to the Colorado and national surveys using the following information sources: the prosecutor's own record system, FBI and state criminal history repositories, and local police records.

Table 9
Chief Prosecutors Using Each of Four Criminal History Sources
Colorado and 1990 National Survey

Source	Colorado %	National Survey %
Prosecutor's own record system	72	91
FBI	81	96
State criminal history depository	72	96
Local Police	76	91

One Colorado respondent noted that the municipal court in the region where the defendant resides is another source of criminal history information; two others named the Colorado District Attorneys Council computer file as an additional criminal history source.

¹⁴Strategies for Improving Data Quality, BJS Report, NCJ-111458, April 1989, p.1.

In addition to listing the Colorado Bureau of Investigation as the state criminal history repository, the Colorado survey included the presentence investigation report (PSIR) as an option in the question format related to criminal history information sources. The PSIR is prepared by probation officers for consideration by the judge before he/she determines the type and length of sentence. A copy is also submitted to the defense counsel and prosecuting attorney prior to sentencing.

Much of the PSIR information is self-reported by the defendant to a probation officer during a required interview. A probation investigator then verifies as much of the self-report information as time allows. Because "information as to the defendant's family background, educational history, employment record, and past criminal record" is part of its required content,¹⁵ the PSIR is particularly useful as a source for an overall profile of a defendant.

Criminal history information is used at various stages during the processing of a case. Over 90% of Colorado's district attorneys reported using criminal history information during each of the following case processing phases: bail hearings (96%), pretrial negotiations (91%), and sentencing (96%). The use of criminal history information for trial and sentencing is not included in the report of national survey findings. Therefore, these case processing stages are not included in Table 10.

Table 10
Chief Prosecutors Using Criminal History Information
at Four Stages of Case Processing
Colorado and 1990 National Survey

Case processing stages	Colorado %	National Survey %
Bail Hearings	96	76
Preliminary Hearings	50	30
When filing charges	77	63
Pretrial negotiations	91	80

¹⁵Rule 32(a)(2), "Colorado Rules of Criminal Procedure." Colorado Revised Statutes, Vol. 7B, pp. 390-391.

As an *other* category, two Colorado respondents specified using criminal history information for motions to reduce sentences; two other district attorneys specifically noted the use of such information for habitual criminal charges. If convicted as an habitual criminal, an offender's sentence is enhanced according to the provisions of Colorado's habitual criminal statute.¹⁶

Analysis of Colorado and national findings regarding the use of criminal history information revealed that respondents to both surveys found that the data they needed were not always complete or current. To identify major problems with criminal history data, the Colorado questionnaire asked about selected problems with each of the criminal history sources included on Table 9, plus the presentence investigation report. The national survey, however, asked about types of problems in general. Although the national survey's total percents for the four different types of problems--timeliness, completeness, accuracy, private restrictions--and Colorado's percents for problems with each criminal history source cannot be directly compared, the data presented in Table 11 reveal that many chief prosecutors nationwide and in Colorado find that lack of timeliness and completeness of state and federal rap sheet information are significant problems.

Analysis of Colorado and national findings regarding the use of criminal history information revealed that respondents to both surveys found that the data they needed were not always complete or current.

¹⁶16-13-101, Colorado Revised Statutes states that a person convicted of two felonies "upon charges separately brought and tried," within ten years prior to the date of the current offense and providing penalty for current offense exceeds five years, "shall be adjudged an habitual criminal and shall be punished by confinement in a correctional facility for a term of not less than twenty-five years nor more than fifty years." Additionally, "any person convicted...of any felony, who has been three times previously convicted,...shall be adjudged an habitual criminal and shall be punished by imprisonment...for the term of his or her natural life."

Table 11
Major Problems with Criminal History Data
Colorado and 1990 National Survey

Problem	Percent of Chief Prosecutors	
	Colorado	National Survey
Incompleteness		68
Prosecutor's own agency	14	
FBI	64	
CBI	55	
PSIR	5	
Local police	23	
Lack of timeliness		47
Prosecutor's own agency	5	
FBI	36	
CBI	27	
PSIR	5	
Local Police	0	
	0	
Inaccuracy		39
Prosecutor's own agency	9	
FBI	32	
CBI	36	
PSIR	18	
Local police	18	
Privacy restrictions		11
Prosecutor's own agency	14	
FBI	18	
CBI	23	
PSIR	18	
Local police	18	

Plea negotiations

Colorado's district attorneys are statutorily authorized to conduct plea discussions and reach plea agreements "where it appears that the effective administration of criminal justice will thereby be served."¹⁷ As also provided by statute, the district attorney may agree to one or more of the following, depending on the circumstances of the individual case:

To make or not oppose favorable recommendations concerning the sentence to be imposed for a plea of guilty or no contest (nolo contendere);

To seek or not to oppose the dismissal of an offense charged for a plea of guilty or no contest to another offense reasonably related to the defendant's conduct;

To seek or not to oppose the dismissal of other charges or potential charges for a plea of guilty or no contest;

To consent to deferred prosecution;

To consent to deferred sentencing.¹⁸

In 1990, an estimated 97% of felony defendants pled guilty to an original or lesser charge.¹⁹ Analysis of a sample of 1990 court cases indicates that most pleas were to the same family of crimes, and few were from violent to nonviolent crimes. No 1990 data for number or percent of guilty pleas are provided by the national report. However, the report does cite a BJS Bulletin as the source for its statement that "in a vast majority (91%) of felony convictions, the defendant

Analysis of a sample of 1990 court cases indicates that most pleas were to the same family of crimes, and few were from violent to nonviolent crimes.

¹⁷16-7-301(1), Colorado Revised Statutes, Vol 8A, 1991, p.107.

¹⁸Excerpted from C.R.S. 16-7-301(2)(a)(b)(c)(d) in Report on Crime and Justice in Colorado and Denver 1985, p. 57.

¹⁹From 1990 Division of Criminal Justice court data collected in nine judicial districts representing 78% of statewide felony case filings and 85% of Colorado's total population.

pleads guilty rather than requests a trial.²⁰ The national report also notes that "when a felony case does not result in a dismissal or a guilty plea, but instead goes to trial, the chances are 5 in 6 that the defendant will be convicted."²¹

Prosecutors and courts in Colorado and other states may place time limits on plea negotiations. Although, as mentioned in the national report, the high conviction rate for cases going to trial might be a strong incentive for prosecutors to end negotiations once a case is ready to be tried, the national survey found that approximately three-fourths (73%) of the chief prosecutors who responded to the national questionnaire had no time-limit policy. A majority (60%) of 1990 nationally surveyed respondents who did have such a policy required that plea negotiations be concluded by a set period of time before trial date or before consideration of pretrial motions had been completed.

When asked whether they had a policy limiting the time for plea negotiations, 55% of Colorado's district attorneys said "no." Of the 45% of district attorneys who said they did have a policy limiting the time for plea negotiations, 50% set "prior to the preliminary hearing" as the limit; 20% required plea negotiations to be concluded before pretrial motions; another 20% set 30 days before trial as the limit; and the remaining 10% accepted plea discussions up to "several days before trial." Most district attorneys having a time limit policy noted that such limits were flexible if unusual circumstances existed. Table 12 compares 1990 Colorado time limits to control plea negotiations with those reported by the National Prosecutor's Survey Program.

Most district attorneys having a time limit policy noted that such limits were flexible if unusual circumstances existed.

²⁰Felony Sentences in State Courts, 1988, BJS NCJ-126923, December 1990, Table 10, p.6.

²¹Source cited in the national report is Felony Defendants in Large Urban Counties, 1988, BJS Report, NCJ-122385, April 1990, Table 13, p.12.

Table 12
Limits in Prosecutorial Districts to Control Plea Negotiations
Colorado and 1990 National Survey

Prosecutorial districts with:	Colorado %	National Survey %
Explicit criteria controlling plea negotiations	45	36
Policy limiting time for plea negotiations	46	27
Continuances on trial day to permit more time for plea negotiations	18	23

In Colorado, as elsewhere in the nation, the court may receive requests for more time to negotiate plea agreements as late in the processing of a case as the day of the trial. Responses to Colorado's survey show that judges discouraged such motions in 82% of the state judicial districts. In 31% of these districts, trial-day motions for delay were discouraged for jury trials only; in the remaining 69%, they were discouraged for both jury and bench trials.

Judges in 86% of the districts responding to the 1990 national survey also discouraged last-minute requests for extension of plea negotiation time limits. In 23% of those districts, the no-delay policy applied only to scheduled jury trials.

Speedy trial requirements

The Colorado Constitution's Bill of Rights reaffirms a defendant's right to a speedy trial as established by the sixth amendment of the U.S. Constitution. However, "speedy" is not defined in the U.S. or the state Bill of Rights. In Colorado, a trial must be held no later than six months after the not guilty plea. Colorado's speedy trial requirements apply whether a defendant is held in custody or is released on bail, and all district attorneys must comply unless one or more circumstances enumerated in Colorado's court rules cause a court-approved delay in the scheduled trial date.

Although, in 1990, Colorado's district attorneys had an average of two felony case dismissals for noncompliance with speedy trial requirements, there were no speedy trial noncompliance dismissals in 76% of the judicial districts. Another 14% dismissed only one felony case for noncompliance, and 10% dismissed between 20 and 25 cases. Across the nation, as stated in the report of the national survey,

"Prosecutors in State Courts, 1990," (p.7.), "Chief prosecutors in counties with speedy trial rules [emphasis added] experienced an annual average of 16 dismissals for noncompliance with speedy trials," and "such dismissals accounted for less than a third of 1% of all felony cases in the Nation."²²

According to the national report, among all prosecutors in the nation an annual average of one felony case was dismissed as a result of noncompliance with speedy trial requirements.

According to findings presented in the national report, among all prosecutors in the nation an annual average of one felony case was dismissed as a result of noncompliance with speedy trial requirements.

Jury trial

Colorado law provides that "Every person accused of a felony has the right to be tried by a jury of twelve whose verdict shall be unanimous."²³ The court, with the consent of the district attorney, may approve a defendant's request to waive this right except in cases involving a Class 1 felony (first degree murder, first degree kidnap, and certain other repeated violent offenses). If a waiver of jury trial is granted, the trial will be by the court. The defendant may also, except in class 1 felony cases and with the approval of the court, choose to be tried by fewer than 12 jurors. The verdict of the jury must be unanimous. Of the 21,574 criminal cases terminated in Colorado's district courts during fiscal 1990, 3% were tried by jury and less than 1% by the court.

Of the criminal cases terminated in Colorado's district courts during fiscal 1990, 3% were tried by jury and less than 1% by the court.

In Colorado, according to statute, "the right of a person who is accused of an offense other than a noncriminal traffic infraction or offense, or other than a municipal charter or ordinance violation...to have a trial by jury is inviolate as distinguished from one of 'practice and procedure'," and the prosecutor (the people) "shall also have the right to refuse to consent to a waiver of a trial by jury in all cases in which the accused has the right to request a trial by jury."²⁴ As stated in the reported findings

²²Calculation is based on National Pretrial Reporting Program estimate of 47,000 felony cases filed in the 75 largest counties in February 1988, as reported in Pretrial Release of Felony Defendants, 1988, BJS Bulletin, NCJ-127202, February 1991, p.2. $(47,000 \times 12) / (75 \times 16) =$ annualized estimate of 0.2% of cases dismissed for speedy trial noncompliance.

²³18-1-406, Colorado Revised Statutes, Vol. 8B, p.40.

²⁴16-10-101, Colorado Revised Statutes, Vol. 8A Cumulative Supplement, p.31.

of the national survey, "in some jurisdictions the prosecutor also has the right to have a felony case tried by a jury even if the defendant prefers a judge trial."²⁵

Two-thirds (68%) of Colorado's district attorneys reported that both the court and attorneys conduct voir dire examinations of prospective jurors; the remaining one-third (32%) reported only attorneys.²⁶ In Colorado, the number of peremptory challenges permitted to prosecuting and defense attorneys varies according to capital or noncapital offense, possible imprisonment, and number of defendants. In capital cases with one defendant, for example, the prosecution and defense are each entitled to ten peremptory challenges. In non-capital cases involving one defendant and imprisonment as a possible punishment, the prosecution and defense are entitled to five peremptory challenges and, in all other cases, to three peremptory challenges. The number of additional peremptory challenges to which prosecution and defense attorneys are entitled when there is more than one defendant are similarly specified in statute.²⁷

In non-capital cases involving one defendant and imprisonment as a possible punishment, the prosecution and defense are entitled to five peremptory.

Policies and practices after trial

Across Colorado, jurisdiction over convicted criminal offenders remains with the court through sentencing. However, in 56% of the prosecutorial districts participating in the 1990 national survey, court jurisdiction was retained even after a defendant had been sentenced to the department of corrections. Routinely, 50% of Colorado's district attorneys and 67% of the chief prosecutors surveyed nationally received official notification of the release of confined offenders who had been convicted in their districts.

In 56% of the prosecutorial districts participating in the 1990 national survey, court jurisdiction was retained even after a defendant had been sentenced to the department of corrections.

²⁵Bureau of Justice Statistics, "Prosecutors in State Courts, 1990," Bulletin, p. 7.

²⁶Voir dire (to speak the truth) denotes the preliminary examination which the court and attorneys make of prospective jurors to determine their qualification and suitability to serve as jurors.

²⁷The survey question regarding number of peremptory challenges was not formatted specifically enough to accommodate all possible responses; therefore, these data are not included in this report.

Information used in deciding on a sentence

Colorado statute mandates that between conviction or plea of guilty and sentencing of a defendant, "the probation officer shall make an investigation and written report to the court....[which] shall include, but not be limited to, information as to the defendant's family background, educational history, employment record, and past criminal record...." In addition, the probation officer is required to include an evaluation of placement alternatives available to the defendant, a victim impact statement and other information that may be required by the court.²⁸ When asked by the Colorado questionnaire whether the judge orders a presentence investigation report (PSIR) in most felony convictions, 100% of the state's district attorneys said "yes." In the districts included in the national survey, responses indicated that 84% of the judges "requested" a PSIR.

Colorado Rules of Criminal Procedure require that "within a reasonable time prior to sentencing, copies of the presentence report,...shall be furnished to the prosecuting attorney and defense counsel or to the defendant if he is unrepresented."²⁹ The national survey report states that, in 1990, 96% of chief prosecutors questioned had a right to see presentence reports.

Judges requested victim information in 82% of Colorado's judicial districts and in 84% of the districts surveyed nationally. Victim impact information was provided in the PSIR to 100% of the Colorado judges requesting it and also in the PSIR to 70% of national survey judges desiring this information. Prosecutors provided victim information to another 23% of those national survey judges who requested it.

Victim impact information was provided in the PSIR to 100% of the Colorado judges compared to 70% of judges nationwide.

Prosecutors' recommended sentences

District attorneys in Colorado usually assign a staff attorney to represent them at the sentencing hearing unless the case is an exceptional one. The prosecutor handling the case does have an opportunity between conviction and sentencing to recommend for the court's consideration what he or she believes is an appropriate

²⁸16-11-102, Colorado Revised Statutes, Vol. 8A, pp. 182-183.

²⁹Rule 32(a)(1), "Colorado Rules of Criminal Procedure." Colorado Revised Statutes, Vol. 7B Cumulative Supplement, pp. 395-396.

placement and length of sentence. Colorado survey findings reveal that 96% of criminal case prosecutors normally recommended a type or duration of sentence to be imposed. Most (88%) of the chief prosecutors responding to the national survey also said they normally recommended a type or duration of sentence.

When considering a sentence recommendation, the prosecutor's choice is often substantially influenced by a number of factors. The following are included on the national and Colorado survey questionnaires presented in Table 14. Presumptive sentencing ranges and mandatory minimum incarceration for certain crimes and types of offenders are mandated by Colorado statute.³⁰

Colorado has no state mandated ban on plea negotiation, nor does it have state mandated sentencing guidelines. However, sentencing recommendation choices are influenced to different degrees by the above factors because of policies set by district attorneys in various judicial districts. Table 13 shows the percent of all Colorado district attorneys who reported that they were affected by one or more of the above factors when they recommended a sentence.³¹

Table 13
Colorado Sentence Recommendations Affected by Various
Mandated and Voluntary Policies and Practices

Colorado district attorneys affected by:	Percent
Voluntary sentencing guidelines	20
Presumptive sentencing guidelines	71
Mandatory minimum incarceration	81
Probation policies and practices	95
Parole policies and practices	56
Plea bargain bans	40
Appellate sentence review	17
Sentencing policies or practices in other jurisdictions	24

³⁰18-1-105, Colorado Revised Statutes, Vol. 8A, pp.7-12.

³¹National and Colorado data cannot be compared: national survey findings showed the percent of those chief prosecutors affected in states or jurisdictions *having laws or policies related to the affecting factor*, while Colorado data show the percent of *all* chief prosecutors so affected.

Percents of national survey respondents affected by presumptive sentencing guidelines, probation policies and practices, and sentencing policies in other jurisdictions were not reported in

In 74% of states, parole boards decide how much time prisoners actually serve.

the national survey. Of particular interest, however, are the findings that 77% of the nationally surveyed prosecutors were in states that required a mandatory jail or prison term for certain crimes or types of defendants, 74% were in states where parole boards decide how much time prisoners actually serve, and 52% were in places where prosecutors were not permitted to negotiate a plea in exchange for a charging decision or sentence recommendation. Additionally, 54% were in states where guidelines required a judge to impose a particular sentence unless reasons were stated for choosing a different sentence, and 39% were in states with voluntary sentencing guidelines for judges.

Role of prosecutors in criminal appeals

In Colorado and all other states, a defendant may appeal his or her conviction to a higher court. The Colorado Constitution guarantees the right of appellate review by the Colorado Supreme Court of "every final judgment of the district courts."³² Colorado also has a State Court of Appeals which reviews and renders a judgment on appeals from district court. This court's judgments may be appealed to the State Supreme Court. Appeals must be filed by convicted felons "within forty-five days after the entry of judgment or order appealed from."³³ Colorado's district attorneys also have the right of appeal from felony case rulings on motions, sentences, and determination of guilt or innocence.³⁴ Approximately one-fifth (18%) of the district attorneys surveyed said they or a staff attorney were normally involved in appellate work during 1990. Table 14 compares the percent of Colorado and nationally surveyed chief prosecutors normally involved in appellate work by type of appeals court.

³²Constitution of the State of Colorado, Article VI, Section 2(1)(2).

³³Rule 4(b)(1), "Colorado Appellate Rules." Colorado Revised Statutes, Vol. 7B, p.586.

³⁴16-12-102, Colorado Revised Statutes, Vol. 8A, 224.

Table 14
Participation of Chief Prosecutors in Felony Case Appeals
Colorado and 1990 National Survey

Type of appeals court	Percent of Chief Prosecutors			
	Filing Briefs		Making Oral Arguments	
	Colorado	National Survey	Colorado	National Survey
Highest state court of appeals	50	43	50	39
Federal court	25	18	25	17
Other state court	50	38	50	30

Prosecutors' contact with parties interested in case

Those persons with a vested interest in felony cases include witnesses, victims, and police officers and, depending on circumstances, any of these persons may be subpoenaed to testify in court for the prosecution. All Colorado district attorneys are responsible for informing witnesses when to appear in court. In recent years the general public has become more vocal about the rights of victims. According to the BJS report, "Prosecutors in State Courts, 1990" (p.8), the increase since the 1974 national survey in the percentage (77% to 95%) of chief prosecutors who notified interested parties when to appear in court is a possible reflection of "recent State laws intended to benefit victims and witness in felony prosecutions." Table 15 presents the Colorado replication and 1990 national survey findings regarding prosecutorial notification of interested parties in felony cases.

In recent years the general public has become more vocal about the rights of victims.

Table 15
Prosecutorial Notification of Interested Parties in Felony Cases
Colorado and 1990 National Survey

	Percent of Chief Prosecutors	
	Colorado	National Survey
Notify witnesses to appear in court	100	95
Notify of disposition:		
Police	96	93
Victim	100	93
Witness	36	45

SUMMARY OF COMPARISON OF FINDINGS
COLORADO REPLICATION AND
1990 NATIONAL PROSECUTORS SURVEY

All Colorado district attorneys are elected by the citizens of their jurisdictions for four-year, full-time terms; nationally, in 1990, almost all chief prosecutors (97%) were locally elected for a mean number of 4.1 years. A little more than half of the national districts had *full-time* prosecutors.

The percent of Colorado district attorneys (100%) employing one or more full-time assistants was twice that of nationally surveyed chief prosecutors. However, part-time assistants were employed by only 23% of Colorado's chief prosecutors compared to 41% percent of nationally surveyed chief prosecutors.

All Colorado district attorneys are responsible for the nonfelony matters of traffic and extradition, and more than 95% are also responsible for the following nonfelony matters: juveniles, citizen and environmental complaints, and public nuisance cases. In 1990, nearly all of national chief prosecutors (97%) were responsible for extradition matters, and between 80% and 90% were responsible for matters involving juveniles, citizen complaints, and traffic.

The median population served by Colorado's chief prosecutors in 1990 was 67,000; for national survey chief prosecutors, the median population served was 35,000. In Colorado, approximately three-fourths of the district attorneys served more than one county; nationally, less than one-fourth of the chief prosecutors had more than one county in their jurisdiction. Average caseload in Colorado, measured by 1990 *filings*, was 957 per district attorney; median number of cases was 440.

The percent of *all* of Colorado's judicial districts operating career criminal units was almost double that of *all* districts in the national survey (Colorado, 14%; National Survey, 8%). However, only 25% of Colorado's most populous districts operated career criminal units compared to 61% of the 75 largest districts in the national survey.

The percent of Colorado district attorneys who reviewed all felony cases before filing was also almost double that of the 1990 nationally surveyed chief prosecutors (Colorado, 91%; National Survey, 47%). In addition, three-fourths of Colorado's district attorneys, compared to two-thirds of nationally surveyed chief prosecutors, were notified within 24 hours of felony arrest.

In Colorado, all judicial districts provide public defender services to indigent offenders, compared to a little more than half of the districts in the national survey.

Grand juries are used in less than half of Colorado prosecutorial districts; and, in 1990, Colorado's four most populous districts used grand juries for less than 3% of their caseload. A little more than half of the nationally surveyed districts used grand juries in 1990.

Each of four criminal history sources were used by approximately three-fourths of Colorado's chief prosecutors and by almost all of the national survey districts. The four sources are the (1) prosecutor's own record system, (2) FBI, (3) state criminal history repository, (4) local police. Incompleteness was cited by two-thirds of both Colorado and national districts as a problem with criminal history data. Other problems noted by respondents included lack of timeliness, inaccuracy, and privacy restrictions.

In 1990, some policies to control plea bargaining existed in all Colorado and national survey districts. Explicit criteria were set by policy in half of the Colorado prosecutorial districts and in a little more than one-third of the national districts.

In both Colorado and the nation, more than three-fourths of the chief prosecutors reported that they were affected in their sentencing recommendations by mandatory minimum incarceration laws. In Colorado, probation policies and practices were also cited by almost all district attorneys as affecting sentencing recommendations. Other mandated and voluntary policies and practices noted by both Colorado and national chief prosecutors as affecting sentencing recommendations were parole discretion, plea bargain bans, and mandatory and voluntary sentencing guidelines.

All Colorado district attorneys and almost all nationally surveyed chief prosecutors notified witnesses to appear in court. All, or almost all, also notified the police and victims of the disposition of a case. Witnesses were notified of case disposition by a little more than one-third of Colorado and almost half of national survey chief prosecutors.

CHAPTER TWO

A COMPARISON OF CASES PROSECUTED IN A SAMPLE OF JUDICIAL DISTRICTS

Introduction

The nine judicial districts included in the DCJ's 1990 court case analysis include Colorado's four most populous prosecutorial jurisdictions and represent 78% of the state-wide felony filings and 85% of the state-wide population for that calendar year. The data collected enable us to profile convicted felons in these districts and to compare data gathered from the four most populous districts with that from the other five court data districts. In this chapter, the four most populous judicial districts will be referred to as "urban" and the remaining districts will be identified as "nonurban."

In this chapter, the four most populous judicial districts will be referred to as "urban" and the remaining districts will be identified as "nonurban."

Data describing offender needs, criminal history scores, status at arrest, charge and conviction offenses, most serious drug charge and conviction, placement, sentence lengths, and career criminal unit jurisdictions are presented in this chapter.

Offender profiles

Table 16 compares sentenced felons in urban districts with those in the five nonurban districts by gender, ethnicity, marital status, education, and employment at arrest.

Table 16
Urban and Nonurban Offender Profiles in Nine Judicial Districts
Included in the 1990 Court Data File

Gender	Urban % n = 5575	Nonurban % n = 2715
Male	83	86
Female	17	14
Total %	100	100
Ethnicity	Urban % n = 5230	Nonurban % n = 2672
White	48	62
Black	29	7
Hispanic	22	30
American Indian	<1	1
Other	<1	0
Total %	100	100
Marital Status	Urban % n = 5297	Nonurban % n = 2550
Single	50	46
Married	18	19
Common Law	7	11
Sep./Divorced	24	23
Widowed	1	1
Total %	100	100
Education	Urban % n = 5218	Nonurban % n = 2457
H.S./GED	58	56
No H.S./GED	42	44
Total %	100	100
Employment at Arrest	Urban % n = 5269	Nonurban % n = 2547
Full-time	33	36
Part-time	9	8
Unemployed	51	49
Sporadic	7	7
Total %	100	100

As shown in Table 16, in both urban and nonurban judicial districts, more than 80% of the offenders sentenced in 1990 were male. About half (48%) of offenders sentenced in urban districts were white while in nonurban districts, almost two-thirds (62%) were white. Reflecting demographic differences found in the area, there was a greater difference in the percent of sentenced offenders who were black in urban and nonurban districts: more than one-fourth (29%) in urban districts and less than one-tenth (7%) in nonurban jurisdictions. Hispanic offenders represented about one-fourth (22%) of those sentenced in urban and almost one-third (30%) of those sentenced in nonurban judicial districts. One percent or less of those sentenced in either urban or nonurban districts were American Indian or "other." The "other" category was comprised of Asian and Middle Eastern nationalities. As the table shows, there was very little difference in education and employment for urban and nonurban offenders at the time of arrest.

Offender needs and problem areas

More than half (58% urban; 55% nonurban) of the offenders sentenced in 1990 in both the urban and nonurban judicial districts had no serious mental health needs documented in the court file. However, the data show that severe disruption of functioning because of mental health needs was experienced by one-fifth (20%) of the urban and one-fourth (25%) of the nonurban offenders. Between 40% and 50% of offenders sentenced in both urban and nonurban judicial districts experienced serious disruption in functioning because of substance abuse. Table 17 presents offender needs data in four levels of seriousness.

Table 17
Mental Health, Alcohol, and Drug Needs of Offenders Sentenced
in Urban and Nonurban Judicial Districts

Seriousness of Need	Mental Health		Alcohol		Drugs	
	Urban % n=4798	Nonurban % n=2259	Urban % n=4819	Nonurban % n=2258	Urban % n=4873	Nonurban % n=2266
None, Not Serious	58	55	26	21	27	30
No Interference with Functioning	9	8	15	13	12	14
Some Disruption with Functioning	13	12	16	17	12	11
Severe Disruption with Functioning	20	25	43	49	49	45
Total	100	100	100	100	100	100

**Data presented here and in subsequent tables were collected and coded from district court files by DCJ research staff.*

Criminal history scores

Colorado judicial districts show insignificant differences between the criminal history scores of felons sentenced in urban and nonurban prosecutorial jurisdictions. These findings are presented in Table 18.

Table 18
Criminal History Scores* of Offenders Sentenced
in Urban and Nonurban Judicial Districts
(n = 8071 Cases)

Criminal History Score	Urban % n = 5419	Nonurban % n = 2652
0	50	56
1	16	13
2	11	10
3	8	8
4	15	13
Total %	100	100

**Criminal History Score is a behavior severity index calculated as follows:*

A value is derived from a weighted combination of six measures defined below. The number of occurrences for each item is multiplied (x) by the weight (in parentheses) totaled and then collapsed into scores of 0 through four.

- Number of juvenile adjudications x (.5)*
- Number of placements in the Department of Institutions x (1)*
- Number of adult prior felony convictions x (1)*
- Number of adult prior violent arrests x (1.5)*
- Number of adult probation revocations x (.75)*
- Number of adult parole revocation x (2)*

Status at arrest

At least three-fourths (75% in urban; 80% in nonurban districts) of cases sentenced in urban and nonurban judicial districts were not in any type of custody at arrest for the current case. Table 19 compares urban and nonurban status-at-arrest data.

Table 19
Status At Arrest in Urban and Nonurban
Judicial Districts
(n = 8251 Cases)

Custody Status	Status at Arrest	
	Urban % n = 5551	Nonurban % n = 2700
None	75	80
Bond	5	4
Probation/Deferred Sentence	9	9
Parole	3	3
Community Corrections	6	3
Prison	1	<1
Escape	1	<1
Total	100	100

Most serious charge and conviction offense

Another way of looking at sentenced felons in the 1990 court data file is to view them in light of their most serious offense charged and most serious offense at conviction. Tables 20 and 21 present comparison data for sentenced offenders prosecuted in urban and nonurban judicial districts.

Table 20
Most Serious Charge by Felony Class in
Urban and Nonurban Judicial Districts
(n = 8292 Cases)

Felony Class	Urban % n = 5575	Nonurban % n = 2717
1	<1	<1
2	3	1
3	47	39
4	36	40
5	13	17
6	<1	2
Mandatory Sentence	0	<1
Total %	100	100

Table 21
Most Serious Conviction Offense by Felony Class in
Urban and Nonurban Judicial Districts
(n = 8292 Cases)

Felony Class	Urban % n = 5575	Nonurban % n = 2717
1	<1	<1
2	<1	<1
3	13	13
4	35	37
5	46	43
6	5	6
Total	100	100

Most serious drug charge

Of those whose most serious offense was a drug crime (25% of the cases in both urban and nonurban districts), cocaine was the drug most often involved. Table 22 presents most serious drug charge percentages for urban and nonurban offenders.

Table 22
Drug Offense as Most Serious Charge in
Urban and Nonurban Judicial Districts
(n = 8291 Cases)

Drug Charge	Urban % n = 5574	Nonurban % n = 2717
None	75	76
Cocaine	17	15
Cannabis	3	5
Hallucinogen	1	<1
Stimulant	3	3
Depressant	<1	<1
Opiate	<1	<1
Other	<1	<1
Total	100	100

Table 23 presents percentages for drug offenses as the most serious conviction in urban and nonurban districts.

Table 23
Drug Offense as Most Serious Conviction in
Urban and Nonurban Judicial Districts
(n = 8291 Cases)

Drug Conviction	Urban % n = 5574	Nonurban % n = 2717
None	76	77
Cocaine	8	9
Cannabis	2	5
Hallucinogen	4	4
Stimulant	2	2
Depressant	7	3
Opiate	<1	<1
Other	<1	<1
Total	100	100

Note: The higher percentage in the Table 24 "none" category compared to that in Table 23 may be explained by court data which show that some offenders charged with a drug offense as the most serious charge were convicted of a non-drug-related offense as the most serious conviction. Court data also show that some offenders were convicted of drug offenses with a lower felony class than that of the most serious drug charge. This may explain higher charge than conviction percentages for some of the drugs listed in Table 24.

Placement and median sentence length

A little more than half (52%) of the felons sentenced in 1990 in the four most populous judicial districts were placed on probation. In the other five districts, 60% were placed on probation. As Table 24 shows, there was no real difference in the number of urban and nonurban felons sentenced to community corrections and prison.

Table 24
Placements in Urban and Nonurban
Judicial Districts
(n = 8249 Cases)

Placement	Urban % n = 5541	Nonurban % n = 2708
Probation	53	60
Community Corrections	11	11
Prison	36	29
Total %	100	100

As Table 25 indicates, there also is very little difference in the percentage between urban and nonurban offenders placed on probation, in community corrections, and in prison by criminal history scores. For example, almost three-fourths of those sentenced to probation (72% in urban; 74% in nonurban districts) in 1990 had criminal history scores of 0, and of those sentenced to prison in urban districts, 20% had criminal history scores of 0. In nonurban districts, 21% had 0 scores. (See note to Table 19 for a definition of Criminal History Score.)

Table 25
Placement by Criminal History Score* in
Urban and Nonurban Judicial Districts
(n = 8035 Cases)

Probation Criminal History Score	Urban % n = 2902	Nonurban % n = 1632
0	72	74
1	14	11
2	7	8
3	4	4
4	3	3
Total		

Community Corrections Criminal History Score	Urban % n = 626	Nonurban % n = 307
0	38	38
1	17	17
2	18	17
3	12	17
4	15	11
Total	100	100

Prison Criminal History Score	Urban % n = 1860	Nonurban % n = 708
0	20	21
1	19	15
2	13	13
3	13	14
4	35	37
Total	100	100

**This severity index, defined in the note to Table 19, was calculated on offenders who received these placements in 1990.*

Once again, as Table 26 indicates, there is little difference between urban and nonurban placement decisions for offenders convicted of violent and nonviolent crimes.

Table 26
Placement by Violent* and Nonviolent Convictions in
Urban and Nonurban Judicial Districts
(n = 8292 Cases)

	Urban % n = 2902	Nonurban % n = 1632
Probation		
Violent	16	18
Nonviolent	84	82
Total	100	100
	Urban % n = 626	Nonurban % n = 307
Community Corrections		
Violent	10	12
Nonviolent	90	88
Total	100	100
	Urban % n = 2013	Nonurban % n = 769
Prison		
Violent	23	24
Nonviolent	77	76
Total	100	100

**Violent crimes include: 1st^o and 2nd^o murder, unlawful sexual behavior, robbery, kidnapping, assaults, criminal extortion, 1st^o burglary, 1st^o arson, crime against an elderly or handicapped person; and, accessory, attempt, conspiracy, and solicitation to violent offenses.*

Median sentence lengths for felons sentenced in 1990 were 12 months longer in nonurban judicial districts than in urban for those sentenced to probation and to community corrections. However, as shown in Table 27, the median prison sentence length imposed was the same (48 months) in both urban and nonurban districts.

Table 27
Median Sentence Length by Placement in
Urban and Nonurban Judicial Districts
 (n = 8272 Cases)

Placement	Median Sentence Length in Months	
	Urban n = 5536	Nonurban n = 2736
Probation	24	36
Community Corrections	36	48
Prison	48	48

Career criminal units

Three Colorado district attorneys reported that their office had a career criminal unit. Two of these units are in districts included among the nine from which 1990 court data was collected. Approximately one-fifth (19%) of the cases sentenced in the court data file districts were prosecuted in the two career criminal career criminal unit districts. The following seven tables (Tables 28 through 34) profile felons sentenced in 1990 in these districts and present offense, criminal history, placement, and sentence length data.

Table 28
Profile of Offenders Sentenced in Judicial Districts
with Career Criminal Units

	Career Criminal Unit	
Gender	Yes (%) n = 1583	No (%) n = 6707
Male	80	85
Female	20	15
Total	100	100
Ethnicity	Yes (%) n = 1583	No (%) n = 6707
White	61	51
Black	26	21
Hispanic	11	27
American Indian	1	<1
Other	1	<1
Total	100	100
Marital Status	Yes (%) n = 1464	No (%) n = 6383
Single	50	49
Married	19	18
Common Law	7	9
Separated/Divorced	23	23
Widowed	1	1
Total	100	100
Education	Yes (%) n = 1469	No (%) n = 6206
High School/GED	61	56
No High School/GED	39	44
Total	100	100
Employment at Arrest	Yes (%) n = 1453	No (%) n = 6363
Full-time	34	34
Part-time	9	9
Sporadic	7	6
Unemployed	50	51
Total	100	100

Table 29
Criminal History Scores* in Judicial Districts
with Career Criminal Units
(n = 8071 Cases)

Criminal History Score	Career Criminal Unit	
	Yes (%) n = 1549	No (%) n = 6522
0	51	52
1	14	15
2	11	10
3	9	8
4	15	15
Total	100	100

**See note to Table 19 for a definition of Criminal History Scores.*

Table 30
Most Serious Charge Offense by Felony Class in
Judicial Districts with Career Criminal Units
(n = 8292 Cases)

Felony Class	Career Criminal Unit	
	Yes (%) n = 1583	No (%) n = 6709
1	<1	<1
2	2	2
3	39	46
4	45	35
5	13	15
6	<1	1
Total	100	100

Table 31
Most Serious Conviction Offense by Felony Class
in Judicial Districts with Career Criminal Units
(n = 8292 Cases)

Felony Class	Career Criminal Unit	
	Yes (%) n = 1583	No (%) n = 6709
1	<1	<1
2	<1	<1
3	11	13
4	37	35
5	48	45
6	3	6
Total	100	100

Table 32
Type of Disposition* in Judicial Districts
with Career Criminal Units
(n = 8292 Cases)

Disposition Type	Career Criminal Unit	
	Yes (%) n = 1583	No (%) n = 6709
Deferred Judgment	18	13
Guilty or Nolo Plea	78	83
Trial/Court Conviction	4	4
Total	100	100

**Note: Only sentenced cases were included in the 1990 court data sample.*

Table 33
Placement of Offenders in Judicial Districts
with Career Criminal Units
(n = 8249 Cases)

Placement	Career Criminal Unit	
	Yes (%) n = 1577	No (%) n = 6672
Probation	52	56
Community Corrections	12	11
Prison	36	33
Total	100	100

Table 34
Median Sentence Length in Months by Placement in
Judicial Districts with Career Criminal Units

Placement	Career Criminal Unit	
	Yes n = 1561	No n = 6570
Probation	24 months	36 months
Community Corrections	48 months	42 months
Prison	48 months	48 months

APPENDIX ONE

APPENDIX ONE

METHODS AND PROCEDURES

Data Sources

Two sources of data were used to explore prosecutorial activity in Colorado: (1) a self-administered questionnaire identical to that used in the 1990 National Prosecutors Survey, and (2) data collected by DCJ researchers from court files of felony cases sentenced in 1990.¹

Survey Design

Colorado's replication survey strategy and procedures were designed to gather information about state prosecutorial services delivered to the citizens of 63 counties by the offices and staffs of elected district attorneys who are the chief prosecutors in a court system consisting of 22 judicial districts. Because sixteen of these districts contain more than one county, district-wide data were requested. The replication survey form contained 34 multi-part questions identical to those included on the 1990 national prosecutors questionnaire, structured to obtain general information such as judicial district descriptions; office organization and size; office responsibilities, attorneys' caseloads, attorneys' workloads, and office policies and practices.

Data Collection

To ensure full response to the replication questionnaire, the support, cooperation, and participation of the Colorado District Attorneys Council (CCDAC) was sought and was granted. In a presentation to the Council at one of its monthly meetings, DCJ researchers described the design and purpose of the replication survey. Support demonstrated by the Council at that meeting made it possible to administer the survey at a later meeting rather than by mail as originally planned. Eighteen district attorneys were present at the time the survey was administered. The four remaining district attorneys, contacted by telephone and faxed copies of the questionnaire, responded within a few days, providing a 100% response.

The data source for the comparison of prosecutorial services and client profiles was the DCJ 1990 court data file. This file, initiated in 1982, consists of felony court

¹Those questions which are answered by Colorado statute or the Judicial Department's Court Rules and Regulations and applicable to all district attorneys were omitted on the Colorado questionnaire.

processing information currently collected from nine judicial districts that are representative of Colorado as a whole. Data include demographic profiles of offenders, offenses charged and convicted, sentencing placements, and sentence lengths. The judicial districts included in the file are the First, Second, Fourth, Eighth, Tenth, Seventeenth, Eighteenth, Nineteenth, and the Twenty-first.

Data Entry and Analysis

Colorado replication data were entered in an SPSSPC file, and univariate and bivariate analyses compared Colorado with National Survey findings. 1990 data from the DCJ court data file were also analyzed for comparisons between urban and nonurban Colorado prosecutorial districts on many variables similar to those of the Colorado replication survey.

All survey questions are addressed to the elected district attorney. Reference year: Cases filed in FY 1989-90.

Section A: General Information

1. Name of person completing the questionnaire

2. Title

3. Telephone

Area Code Number Extension

4. How many of the following types of staff members are employed in your judicial district?

a. Attorneys (including the district attorney)

	Full-time	Part-time
a. Attorneys (including the district attorney)		
b. Investigators		

b. Investigators

5. How much of your felony caseload do you assign on a vertical basis? ("Vertical" means attorney stays with case through all phases, as distinguished from "horizontal," meaning different phases may be handled by different attorneys.)

1 None

2 Some

3 Most

4 All

Do you have a

"career criminal"

prosecution unit?

1 No

2 Yes

6. In criminal cases involving both State and Federal jurisdiction, would you or an assigned staff attorney ordinarily be cross-designated to represent the prosecution in both courts? Mark (X) only one.

1 Yes, district attorney - complete a. and b. below

2 Yes, assigned staff attorney - complete a. and b. below

3 No - if no, skip to Question 7

a. In your jurisdiction, were there any such cases during the reference year? (Cases filed in FY 1989-90.)

1 Yes

2 No

b. Were there any such cases in which you or an assigned staff attorney participated in the prosecution in Federal court?

1 Yes, district attorney

2 Yes, assigned staff attorney

3 No

7. Is the State's Attorney General entitled to try cases in your jurisdiction's felony court?

1 Yes - Complete a and b below 2 No

a. Did that official do so during the reference year?

1 Yes

2 No

b. Would you or an assigned staff attorney normally enter an appearance in such a case? Mark (X) only one.

1 Yes, district attorney

2 Yes, assigned staff attorney

3 No

8. In other than felony matters do you have responsibility for or jurisdiction over any of the following?

Mark (X) for Yes or No for each of the following

	Yes	No
a. Juveniles	1 <input type="checkbox"/>	2 <input type="checkbox"/>
b. Family and domestic relations	1 <input type="checkbox"/>	2 <input type="checkbox"/>
c. Mental commitments	1 <input type="checkbox"/>	2 <input type="checkbox"/>
d. Paternity	1 <input type="checkbox"/>	2 <input type="checkbox"/>
e. Citizen complaints	1 <input type="checkbox"/>	2 <input type="checkbox"/>
f. Consumer protection	1 <input type="checkbox"/>	2 <input type="checkbox"/>
g. Environmental protection	1 <input type="checkbox"/>	2 <input type="checkbox"/>
h. Non-criminal cases (injunctions and suits for damages)	1 <input type="checkbox"/>	2 <input type="checkbox"/>
i. Uniform Reciprocal Enforcement Support Act (URES A)	1 <input type="checkbox"/>	2 <input type="checkbox"/>
j. Non-support	1 <input type="checkbox"/>	2 <input type="checkbox"/>
k. Traffic	1 <input type="checkbox"/>	2 <input type="checkbox"/>
l. Suits for collection of taxes	1 <input type="checkbox"/>	2 <input type="checkbox"/>
m. Public nuisance	1 <input type="checkbox"/>	2 <input type="checkbox"/>
n. Condemnation	1 <input type="checkbox"/>	2 <input type="checkbox"/>
o. Extradition	1 <input type="checkbox"/>	2 <input type="checkbox"/>
p. Forfeitures	1 <input type="checkbox"/>	2 <input type="checkbox"/>
q. Bad Checks	1 <input type="checkbox"/>	2 <input type="checkbox"/>
r. Ordinances other than above	1 <input type="checkbox"/>	2 <input type="checkbox"/>
s. Other - Specify	1 <input type="checkbox"/>	2 <input type="checkbox"/>

9. How many law enforcement agencies bring arrests into court in your jurisdiction?

Number _____

10. During the reference year, were any felony defendants in your jurisdiction provided an attorney on grounds of indigency?

1 Yes - Which type of defense delivery system was used?
Mark (X) all that apply.

- 1 Assigned counsel
- 2 Public defender
- 3 Contract with individual private attorneys, private firms, or local bar associations
- 4 Other - Specify _____

2 No

11. In most cases of adult felons sentenced to probation in your jurisdiction, who supervises the probationer?

- 1 Probation Agency
- 2 Other - Specify _____

12. Is criminal history data normally of practical value to you in felony prosecutions?

- 1 Yes - if yes, complete a. and b. below
- 2 No - if no, complete b. below

a. Criminal history -

Mark (X) all that apply.

1. Kind(s) of information used?

- 1 Arrests
- 2 Dispositions

2. Source(s) of information used?

- 1 Your Agency
- 2 FBI
- 3 CBI
- 4 Probation (presentence investigation report)
- 5 Local police
- 6 Other - Specify - _____

3. Stage(s) when used

- 1 Bail hearings
- 2 Preliminary hearings
- 3 Filing charges
- 4 Pretrial negotiations
- 5 Trial
- 6 Sentencing
- 7 Other - Specify - _____

b. Please indicate major problems with any of the above sources or kinds of information.

Mark (X) all that apply.

Information Sources

	Your Agency	FBI	CBI	PSIR	Police
1 Timeliness					
2 Completeness					
3 Accuracy					
4 Privacy restrictions					
5 Other - Specify - _____					

Section B: Information about the Pre-filing Phase of Felony Prosecution.

13. In most cases, when are you officially notified of persons arrested for a felony?

- 1 Within 24 hours
- 2 Within a week
- 3 Longer than a week

14. Please give a percentage breakdown of felony arrests in your jurisdiction according to type of screening.

	Percent
a. Prosecutor reviews felony arrests before charges are filed in court to determine if court charges should be filed and what the proper charges should be	_____ %
b. Initial review by prosecutor of felony arrests that occur after charges have already been filed in court	_____ %
c. Other - Specify - _____	_____ %
d. Total (must equal 100%)	<u>100%</u>

15. In most cases, where does felony case screening take place? Mark (X) only one.

- 1 Courtroom
- 2 Police station
- 3 Prosecutor's office
- 4 Other - Specify - _____

16. How often does your jurisdiction make use of a grand jury as a part of its case processing system?

- 1 Not at all - if "not at all," skip to Section C.
- 2 Occasionally - for less than half of the caseload
- 3 Frequently - for more than half of the caseload
- 4 Always

a. During the reference year, did the DA personally appear before the grand jury in a majority of cases in which felony indictments were returned?

- 1 Yes
- 2 No

b. During the reference year, were there any indictments of misdemeanors (versus felonies)?

- 1 Yes
- 2 No

Section C: Questions about Filing and Pre-trial Stages

17. What percent of felony case filings in your court were -

a. By grand jury indictment or presentment? _____%

b. By information? _____%

TOTAL (must equal 100%) 100%

18. Do you have explicit criteria for the extent to which your staff attorneys may engage in plea negotiations?

1 Yes

2 No

19. Do you have a policy limiting the time for plea negotiations?

1 Yes - Please describe that policy

2 No

20. What percent of felony cases in your jurisdiction during the reference year were:

a. Processed entirely within a court of general jurisdiction that handles all cases of record (civil, criminal, equitable, etc.)? _____ Percent

b. Probable cause determined in county court and later bound over to district court? _____%

c. Other - Specify - _____%

d. TOTAL (must equal 100%) 100%

Section D: Questions about the Trial Phase of Felony Prosecution

21. Does your felony court discourage motions on trial date that would delay trial?

1 Yes - in which type of trial?

1 Jury trial only

2 Bench trial only

3 Both jury and bench trials

2 No

22. Will your felony court normally grant a continuance on trial date to permit additional time for plea negotiations?

1 Yes - in which type of trial?

1 Jury trial only

2 Bench trial only

3 Both jury and bench trials

2 No

3 N/A

23. Do you routinely receive information about prospective jurors in advance of voir dire examination?

1 Yes - What does this information consist of?

Mark (X) all that apply

1 Name

2 Address

3 Occupation

4 Age

5 Marital status

6 Spouse name

7 Spouse occupation

8 Education level

9 Other - Specify - _____

2 No

24. In most felony cases, who conducts voir dire examination of prospective jurors? Mark (X) all that apply.

1 Court

2 Attorneys

3 Other - Specify - _____

25. How many peremptory challenges are permitted in non-capital felony cases?

Number

a. For prosecution _____

b. For defense _____

26. All other things being equal, are guilty plea felony cases normally disposed of faster (from arrest to conviction) than bench trials that result in felony conviction?

1 Yes

2 No

27. In your jurisdiction, how many cases were dismissed during the reference year because of failure to meet the limit on time allowed to commence trial?

Number of Cases

Section E: Questions Concerning Felony Sentencing

28. In most felony convictions does the judge order a presentence report?

- 1 Yes - Does the prosecutor have a right to see it?
 1 Yes
 2 No
 2 No

29. In most felony cases involving victims, is victim information:

a. Requested by the court?

- 1 Yes - How is it requested? Mark (X) all that apply.
 1 In presentence investigation report
 2 By prosecutor
 3 Other - Specify - _____
 2 No

b. Provided to the court?

- 1 Yes - How is it provided? Mark (X) only one.
 1 In presentence investigation report
 2 By prosecutor
 3 Other - Specify - _____
 2 No

30. In felony cases in your jurisdiction, does the prosecutor normally recommend a type or duration of sentence to be imposed?

- 1 Yes - Is a choice of recommendation substantially influenced by any of the following?
 (N/A means not applicable to your jurisdiction.)
 Mark (X) all that apply.

- a. Voluntary sentencing guidelines
- b. Presumptive sentencing guidelines
- c. Mandatory minimum incarceration
- d. Probation policies or practices
- e. Parole policies or practices
- f. Plea bargain bans
- g. Appellate sentence review
- h. Sentencing policies or practices in other jurisdictions

Yes	No	N/A

2 No

31. Please list any sentence types, other than prison, jail, or probation, imposed by the court in felony cases in your jurisdiction during the last 12 months (e.g., restitution, fine, house arrest, electronic monitoring, community diversion).

32. Do you routinely notify the following of disposition of felony cases?

	Yes	No
Police		
Victim(s)		
Witnesses		

33. Do you routinely receive official notification of the release of an incarcerated felon who was convicted in your jurisdiction?

- 1 Yes
 2 No

34. When criminal convictions are appealed by defendants, are you or an assigned staff attorney normally involved in any of the following types of appellate work?

Mark (X) all that apply.

- 1 Yes, district attorney - complete a. and b. below
 2 Yes, assigned staff attorney - complete a. and b. below
 3 No

	Federal Court (any level)	Highest State court of appeals	Other State Court
a. Filing briefs			
b. Oral Arguments			

Notes