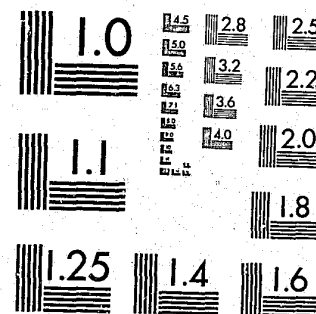


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9/29/83

What Happens After Arrest In Oregon ?

A REPORT

WHAT HAPPENS AFTER ARREST IN OREGON?

A Report on the Disposition of Part I Felony Arrests
for 1979

Prepared by the
OREGON LAW ENFORCEMENT COUNCIL
August, 1982

U.S. Department of Justice
National Institute of Justice

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WHAT HAPPENS AFTER ARREST IN OREGON?

A Report on the Disposition of Part I Felony Arrests
for 1979

by

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EXECUTIVE SUMMARY

This report attempts to answer a number of questions about what happens to people who had been arrested for serious (Part I) felony crimes in Oregon in 1979. It is based on research which utilizes a statistical approach to the analysis of computerized criminal history (CCH) data known as the offender based transaction statistics (OBTS) approach. The report introduces the reader to the concept and utility of offender based transaction statistics and outlines the results of using the OBTS approach to track people¹ arrested in order to describe what happened to them in terms of arrest, court disposition, and sentencing patterns. It also contains information on how long it takes to dispose of various cases in the courts (i.e., time to disposition). This report represents the second time such an effort has been made to gather and analyze offender based transaction statistics on a statewide basis. An earlier report (published by the Oregon Law Enforcement Council last year) examines the disposition and sentencing of serious felony (Part I crime) arrests from calendar year 1977. While based on data from arrests made in 1979, the report here makes a number of comparisons between results obtained in each year. Calendar Year 1979 was selected for this statewide OBTS study to allow a sufficient period of followup time for tracking post-arrest decisions related to court disposition and sentencing.

Having introduced the general topic area of this report, we can now turn our attention in this summary to a brief outline of the general research questions posed and the major findings (referenced by table and page numbers) in the body of this report as follows:

¹For this report we can talk about individuals in that for analysis purposes we counted only one arrest charge and one judicial

1. How Comparable are the 1977 and 1979 OBTS Study Arrests? (See Table 2 and pp. 10-12.)

Taking into account the addition of arson as a Part I offense in 1979, we tracked the disposition and sentencing of 5,807 statewide Part I felony arrests (excluding arson) in 1977 and 7,451 such arrests (including first and second degree arson) in 1979. Omitting the 99 arson arrests reported in 1979, Table 2 (p. 12) reveals that the two distributions are quite similar in terms of the frequency of individual Part I felony charges. There is only a slight difference in that the ratio of violent to property offense arrests varies somewhat. In 1977 violent offenses accounted for 29.2 percent of the Part I felony arrests compared to 26.1 percent in 1979 (excluding arson for both years).

2. What Happens After Arrest? What do the Initial Findings Show When Examining Case Outcome and Attrition or Fall Out for all Arrests in 1979? (See Figures 1 and 2, Table 3, and pp. 13-22.)

The data analyses from our 1979 OBTS study show that about three quarters (73.2%) of all (7,451) arrests here resulted in the filing of charges in court and about half (49.3% or 3,674) of the arrests resulted in conviction on some charge. Excluding completely suspended incarceration sentences, less than one-quarter (21.7%) of all the arrests resulted in a sentence requiring some period of incarceration in jail or prison. For the 1,777 arrests (or arrestees) with court filed charges but no conviction, the majority (about 60%) resulted in dismissal. (See Table 3.) Of the remainder, most of them (32%) were released without further complaint. Only 154 (or roughly 9%) resulted in acquittal. In slightly over half of all the convictions (53.7% or 1,973 of 3,674), conviction was on the arrest charge with the remainder on other or reduced charges.

3. How Many Unique Individuals Accounted for the 1979 Arrests Studied Here? (See footnote 1 on p. 10.)

An examination of the arrest data here indicates that a total of 6,699 unique individuals accounted for the 7,451 Part I arrests. This leads to the conclusion that the overwhelming majority of these 6,699 individuals accounted for only one reported arrest each in 1979. The range of arrests per individual went from one to a maximum of five with only two individuals having exactly five reported arrests.

4. How Serious Were the Sentences for Those Arrestees Convicted on Some Charge? (See Figures 2 and 3, and pp. 18-22.)

Seriousness of sentence imposed can be analyzed in terms of the extent to which each type of sentence penalty incapacitates or in some way limits one's freedom of choice or movement and in terms of the likelihood of receipt of multiple penalties. In the first sense, incarceration is obviously the most severe sentence followed in order by probation and fines presumably.

Excluding completely suspended incarceration sentences, 1,614 (21.7%) of the 7,451 arrests had some term of incarceration as the most serious

penalty. For 1,682 (or 22.6%), probation was the most serious penalty received and for 189 (or 2.5%) a fine was the most serious penalty received.

In terms of multiple penalties, sentences specifying a single type of penalty are more common than sentences with multiple penalties. Including cases with completely suspended incarceration, 68.6 percent of the convictions (2,520 of 3,674 in Figure 3) result in a single type of sentence penalty.

5. Are There Significant Differences in What Happens After Arrest When We Consider

In most of the instances where the arrest charge was modified, a higher conviction rate and a somewhat less severe sentence was the result (at least in terms of the probability of receiving an incarceration sentence). For all arrests with court filing of charges, the conviction rate is 54.4 percent for the situation where arrest and disposition charges are the same and 93.2 percent where they are different.

Additional data in the report indicates that the probability of receiving a more severe sentence (i.e., incarceration) varies according to whether or not charge modification occurs. In general, it appears that incarceration is a more likely sentence outcome following conviction where the arrest and disposition charges are the same as opposed to where they are different. These differences are slightly more noticeable where the original arrest charge was for a violent crime as compared to a property crime.

8. What Patterns Emerge in Examining the Probability of Different Dispositional Outcomes for Arrests With Charges Filed in Court? (Table 8 and pp. 42-44.)

Without exception the majority of all arrests in each arrest charge category (and subcategory) have charges filed in court. Of all those arrests with court filings across these arrest charge categories, conviction is the most likely disposition. For all these categories at least half or more of the arrests with court filings result in conviction.

The proportions with dismissals across the same categories vary from 12.7 percent for criminal homicide to 42.8 percent for motor vehicle theft. Generally, high conviction rates are associated with low dismissal rates and vice versa.

Acquittal rates do not vary as dramatically ranging from 9.3 percent for forcible rape in the first degree to 1.7 percent for all burglary charges combined. In general, the acquittal rates are somewhat higher for violent crimes (with the exception of robbery) and lower for property crimes (with the exception of arson). Acquittal rates also appear to vary according to the degree to which it seems possible to prove the arrest charge with such crimes as homicide, forcible rape, and arson generating the highest acquittal rates.

9. What Patterns Emerge in Examining Sentencing Outcomes Following Conviction? (Table 9 and pp. 45-47.)

In looking at our eight major Part I felony arrest categories, it appears that arrests for violent crimes as a whole resulted in the greatest likelihood that conviction would result in some incarceration sentence. All together, nearly three-quarters (72.0%) of the convictions for violent crimes resulted in an incarceration sentence of some length contrasted to a little over one-half (56.3%) of the property crime convictions resulting in such sentences.

When examining suspended incarceration sentences it is interesting to note that in general, the violent crimes (which have a higher incarceration rate) have a lower suspension of incarceration sentence rate compared to the higher suspended sentence rates of the property crimes (which have a lower proportion receiving incarceration sentences).

Probation as a penalty is used frequently for property crimes where 64.8 percent of the convictions resulted in probation and is less often used for violent crime where as a group 42.5 percent of the convictions lead to the use of probation. It is also of interest that sentences of probation without incarceration are far more common than sentences of incarceration with probation.

As one might expect, fines tend to be more common for convictions where the arrest charges were for property crimes than for violent crimes. An exception here is the noticeable use of fines for the group with arrest charges for criminally negligent homicide.

10. What Patterns in the Data Emerge From an Analysis of Elapsed Time (in days) From Date of Arrest to Date of Court Disposition? (See Tables 10 and 11 and pp. 48-52.)

In 1979 the greatest average number of days to disposition was for those cases or arrests ending in conviction. Acquittal outcomes produced the next largest average followed by dismissals. In comparing our 1977 to our 1979 OBTS data, it appears that it took longer for the dispositions of dismissal or conviction to occur in 1

pleteness of reporting are issues which may surface in different forms and to different degrees for each separate county examined in our research.

For example, the results of our initial analysis of OBTS/CCH data for Clackamas County may have been distorted because of a unique situation in the county. In Clackamas County many 1979 felony arrests were routed first through the district court where an "information of felony" was introduced. The outcome for many felony cases at this point was to have the district attorney dismiss the case at the district court level in order to present it to the grand jury at the circuit court level to seek indictment and further processing. Ultimately, the final judicial disposition of the case usually was determined at the circuit court level, but this disposition may or may not be reflected in the CCH system coding of information. While all additional data and analyses are not yet available to test our ideas here, it is conceivable that the CCH system simply may pick up a "dismissal" at the lower district court level and never receive information on the ultimate disposition of the case at the higher circuit court level. At least, this appears possible in a number of cases involving 1979 arrests in Clackamas County.

With court case backlogs and shortages of clerks in many county courts it is conceivable that final CCH case disposition reporting may not be uniform from county to county. Any county, therefore, that has difficulty in routing in complete and timely fashion CCH disposition cards to the Oregon State Police Bureau of Criminal Identification may have its offender based transaction statistics severely altered, thereby distorting the picture presented of case dispositional patterns. In particular, the computation of conviction, dismissal, and other critical rates could be adversely affected.

For these and other reasons we have elected to publish analyses of the OBTS data for the larger counties separate from this report. This will give us the opportunity to recheck our OBTS data analysis results in Clackamas County and to disseminate our county findings with appropriate qualifying statements.

The last section of the report utilizes the above findings and additional policy research questions to draw out the implications of the OBTS research reported on in this report. In general, the OBTS data base and the statistics which can be generated from it are viewed in dynamic terms. Our investment in offender based transaction statistics yields a number of findings about the performance, workload, and operation of Oregon's criminal justice system. Examples of the policy questions which can be addressed by offender based transaction statistics and the potential for using the answers to help shape important policy decisions and guidelines are given here also.

1. INTRODUCTION

Early last year, the Oregon Law Enforcement Council (OLEC) released its offender-based transaction statistics (OBTS) report entitled, "What Happens After Arrest in Oregon?." Publication of this report marked the first statewide attempt in Oregon to trace the disposition of certain types of serious felony arrests of offenders using the OBTS methodology of tracking offenders and specific offense incidences/arrests through various decision points in the criminal justice system (CJS). This 1981 report was based on a special computerized criminal history (CCH) tape which contained all Part I felony arrests¹ of adults² for 1977.

The publication you have in hand represents our second attempt to develop a statewide OBTS report which addresses the general research question of what happens after arrest in Oregon on charges involving Part I felony offenses. While the current report here replicates (in a sense) the earlier study using 1979 rather than 1977 CCH data, the purposes of this second report go beyond those of the earlier report.

The Purposes of This Report

As with the earlier report, this report is designed to describe (in part) the processing of felony offenders arrested in Oregon during a single calendar year--1979 in this instance. Specifically, it tracks people arrested for

¹Part I felony offenses in 1977 included the seven (7) major offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft

Part I felonies in 1979 and describes what happened to them with regard to judicial dispositions and sentences.¹ It also examines time to disposition as an important variable in describing court processing of cases and seeks to examine variation or differences between several arrest offense groupings in court filing and conviction rates.

The data in last year's report covering arrests reported in 1977 included all known Part I felony arrests for the whole state, as well as provided breakdowns for the larger counties of Clackamas, Multnomah, and Washington in the Portland tri-county metropolitan area and for Marion and Lane counties which encompass Salem and Eugene, respectively. For this report data is provided for all known Part I felony arrests (including arson) for the whole state for 1979 with individual county data available on a request only basis for Jackson County, as well as the five previously listed large counties included in the earlier report.

The information for this report was obtained from the Computerized Criminal History (CCH) file maintained by the Oregon State Police. The CCH system is an on-line computerized file of individuals' arrest, disposition, and custody records, sometimes referred to as "rap sheets." All arresting agencies in Oregon are required to file a CCH fingerprint card for any person arrested for a felony or for a misdemeanor involving a drug or sex offense.

Originally, the CCH file was not considered usable for statistical analysis due to the low rate of disposition reporting by the courts and also due to the fact that the file was not originally designed for the compilation and analysis of aggregate statistics. However, since January of 1977, the assumption is that arrest disposition reporting has substantially improved. A new fingerprint card should have facilitated reporting and the Supreme Court now sends reminder notices to courts with past due dispositions. In addition, Mr.

¹Calendar year 1979 was used because this is the most optimum period for OBTS data analysis in that it is a fairly recent year yet still allows a sufficient amount of time for following up on the disposition of the arrests from the arrest year. As the 1979 CCH computer tape for this study was constructed in late May of 1981, 1979 arrests could be tracked for a minimum of 17 months up to a maximum of 29 months. Given delays in court and the pace of judicial proceedings, this follow-up period should be of adequate length to trace the disposition of most (if not all) of the felony arrests reported in 1979.

Table 1
Comparison Between the Traditional and the
OBTS Approaches to Criminal Justice System Statistics

Element Compared	Approach Compared	
	Traditional	OBTS
Unit of analysis for counting and computing purposes	Varies with agency. Examples include reported offenses and arrests; court cases; number of probationers, parolees, and inmates; etc.	The offender and the associated offenses(s) and arrest(s) by which he or she can be tracked through the various system components: police, courts, and corrections.
Analytical focus for comparison purposes	Agency specific focus. While different agencies focus on different kinds of data and analyses, most concentrate on descriptions of agency-wide workloads and volume of clients and referrals.	The focus here is on system processing--especially the movement of the offender through the system. For example caseflow and case attrition during the processing of cases between point of arrest and final court disposition merits considerable attention.
Time base for comparisons	Generally, the calendar or fiscal year or the time interval coinciding with the appropriate planning and budgetary cycles are used for analysis.	The main interest is in the time interval between decisions involving offenders as they move through the criminal justice system.

In several very important aspects, the OBTS approach to data analysis provides a means of capturing in a more systemic and useful way information on the dynamic nature and inter-relatedness of criminal justice system processes and structures. Carl E. Pope¹ views the OBTS approach to data collection and analysis as being particularly useful in obtaining information about time variation in the processing of offenders, the recirculation of offenders through the system, and the relationship between inputs at one stage and outputs at a later point in time.

Friel² likewise sees the advantages of the OBTS approach in these terms--especially in two generic areas of utility. First, he notes a primary advantage of the OBTS approach is that it can provide mortality information or indices of the degree of "fallout" from the criminal justice system. As disparities begin to accumulate between the original number of arrests or cases examined and those reaching certain disposition points (court filing, conviction, and various sentencing options); we can begin to entertain various hypotheses or explanations to explain selective case attrition. The role of court backlog, plea bargaining, prison overcrowding, community attitudes, etc. all enter into these attempts to explain differential attrition of cases as we track case flow using the OBTS approach.

The second major advantage of the OBTS concept is that of providing information on the amount of time it takes to process offenders from one point in the system to another. The OBTS approach offers information and statistics on average time between events such as between arrest and indictment or the length of time in jail awaiting trial, on probation, or in court. Temporal information drawn from an analysis of the time-flow of offenders through the system permits examination of many of the policy issues concerned with system effectiveness and efficiency.

Unlike the OBTS approach, traditional summary tabulations and data provide no basis for the provision of mortality information, that is, information and

¹Carl E. Pope, "Offender-Based Transaction Statistics: New Directions in Data Collection and Reporting," Research Report No. 6, Utilization of Criminal Justice Statistics Project, Criminal Justice Research Center, Latham, New York, 1975, pp. 13-14.

²Charles M. Friel, Ibid., p. 45.

statistics on the number of individuals who exit the criminal justice system at various points.

As Friel indicates, the OBTS concept can in contrast:

"...provide a breakdown of the percentage of individuals who exit the criminal justice system throughout all levels. Such information is vital for criminal justice planning since it allows us to anticipate increases in the number of offenders at various levels as a function of increases in the number of individuals arrested, dismissed, incarcerated, etc."¹

In the absence of OBTS data we are left with data collection that is often segmental and discontinuous and limited to only specific agency use at only specific stages of criminal justice system processing.

This report will deal with the use of OBTS data in examining in a number of refined ways mortality and temporal information on the CJS processing of Part I felony arrests in Oregon in 1979. The value of this information for both research and policy will be emphasized throughout the report.

Study Methodology

Traditionally, analyses of reported crime gathered via Oregon's Uniform Crime Reporting (OUCR) program have focused on what are considered more serious, major crimes such as the OUCR program's modified Index Crimes (1. murder and nonnegligent manslaughter, 2. forcible rape, 3. robbery, 4. aggravated assault, 5. burglary, 6. larceny-theft, 7. motor vehicle theft, and 8. arson)² or the group of major offenses known as Part I offenses.³

Despite some criticism of over reliance on this FBI based crime index and the limitations of UCR reported crime data in general,⁴ it would appear that

¹Ibid., p. 45.

²We use the term "modified" Index Crimes here to reflect the FBI's addition in 1979 of arson to the Index Crime classification.

carry the same ORS numbers in the CCH system, we have no way (short of additional and expensive computer programming) of separating them in our analyses of these data. The addition of attempts in such categories as murder, aggravated assault, and forcible rape may give an inflated appearance to our data and can affect our results in certain subtle ways. For example, we report more arrests for murder in Oregon than does any other source. Also, since we do not distinguish between arrests for attempted murder and murder arrests, we cannot provide separate analyses of dispositional and sentencing patterns.

OUCR PART I OFFENSES		ORS NO.
V I O L E N T C R I M E S P R O P E R T Y C R I M E S	1. <u>HOMICIDE</u>	
	Murder	163.115
	1st Degree Manslaughter	163.118
	2nd Degree Manslaughter	163.125
	Criminally Negligent Homicide	163.145
	2. <u>FORCIBLE RAPE</u>	
	1st Degree Rape	163.375
	3. <u>ROBBERY</u>	
	1st Degree Robbery	164.415
	2nd Degree Robbery	164.405
	3rd Degree Robbery	164.395
	4. <u>AGGRAVATED ASSAULT</u>	

arrest. More likely, he or she will be convicted on one and the rest will be dismissed. Additionally, when conviction does occur on several charges, the charges are often combined for sentencing purposes. Consequently, selecting the most serious charge at each stage is reasonably reflective of what happened to a given offender.¹

A Note on the Comparability of the 1977 and 1979
OBTS Study Arrest Populations

In our 1977 study we tracked the disposition and sentencing of 5,807 statewide Part I felony arrests (excluding Arson I and II). Due partly to the addition of arson to the Part I category in 1979 and due also to the larger volume of all Part I arrests in 1979 as compared to 1977, there were 7,451 arrests tracked for disposition and sentencing in the current report which examines CCH/OBTS data for 1979.²

Besides noting the obvious increase in the total number of arrests studied from each report period, it should be of some interest to the reader to compare the 1977 and 1979 arrest populations in terms of frequencies or distributions across the various categories and sub-categories of Part I felony offenses. Table 2 presents the data of interest here.

¹Throughout this report we have assumed that the basic unit of count most appropriate for OBTS research is the individual arrest incident (and by inference) the individual person regardless of whether or not the arrest on a specific date involves multiple offenses (and/or multiple counts of single offenses). Some support for this focus comes from data which indicates the relationship between the Part I felony arrests studied and the number of unique individuals who accounted for these arrests recorded for 1979. An examination of these data indicate that a total of 6,699 unique individuals accounted for the 7,451 Part I felony arrests (from 1979) which were tracked and studied in this report. The large number of individuals in proportion to the number of arrests means that the overwhelming majority of these 6,699 individuals accounted for only one reported arrest in 1979. The range of arrests per individual went from 1 to 5 with only two individuals having exactly five (5) reported arrests and the majority only one arrest.

²Better Computerized Criminal History (CCH) system reporting of ORS

Table 2

Comparison Between 1977 and 1979 OBTS Report
Results on the Distribution of Arrest Charge Offenses

Arrest Charge	ORS No.	Number of Arrests*		Percent of total		Percentage Difference 1977 to 1979
		CY 1977	CY 1979	CY 1977	CY 1979	
Murder	163.115	125	176	2.1	2.4	+ .3
1st Degree Manslaughter	163.118	10	23	.2	.3	+ .1
2nd Degree Manslaughter	163.125	27	35	.5	.5	0.0
Crim. Negligent Homicide	163.145	21	31	.4	.4	0.0
Subtotal <u>HOMICIDE</u>		<u>183</u>	<u>265</u>	<u>3.2</u>	<u>3.6</u>	<u>+ .4</u>
1st Degree <u>RAPE</u>	163.375	<u>231</u>	<u>338</u>	<u>4.0</u>	<u>4.6</u>	<u>+ .6</u>
1st Degree Robbery	164.415	3				

Suspended sentences, however, figure heavily into the final sentence actually given. For 368 of those 1,440 with one year or more of incarceration, all of the incarceration part of the sentence was suspended and for 21 others there was partial suspension. This means that in terms of final sentence disposition, only 1,072 of the original 7,451 persons with Part I felony arrests (or 14.4%) were actually sentenced to a year or more of incarceration.¹

Figure 2 presents a flowchart which can be used to trace in more graphic and detailed terms the flow of arrests toward final court disposition. In addition to the case flow and mortality or case attrition information already given and repeated here, Figure 2 presents information on the sentencing outcomes or disposition in terms of the most serious type of sentence. Excluding 177 cases where sentence disposition was not known because it was not coded on the CCH/OBTS tape printout, there were 3,497 cases where the arrestees were convicted and the sentences were known. Of these 3,497 cases, 1,614 had incarceration for some length of time as the most serious sentence alternative.² These 1,614 cases represented 21.7 percent of the total of 7,451 Part I felony arrests studied here.

The next sentencing disposition of interest is probation. In 1,682 cases (or 22.6% of the total), probation was the most serious sentence disposition. Finally, in only 189 cases (or 2.5% of the total), a fine was the most serious sentence imposed.³

¹It should be noted that we have included with these 1,072 cases the 21 cases mentioned above who were sentenced to over a year of incarceration but had part of their incarceration sentence suspended. We assume that even with part of the sentence suspended most, if not all, of these cases will still have been sentenced to over one year of incarceration.

²Excluded from these 1,614 cases were the 485 cases where all of the incarceration sentence was suspended.

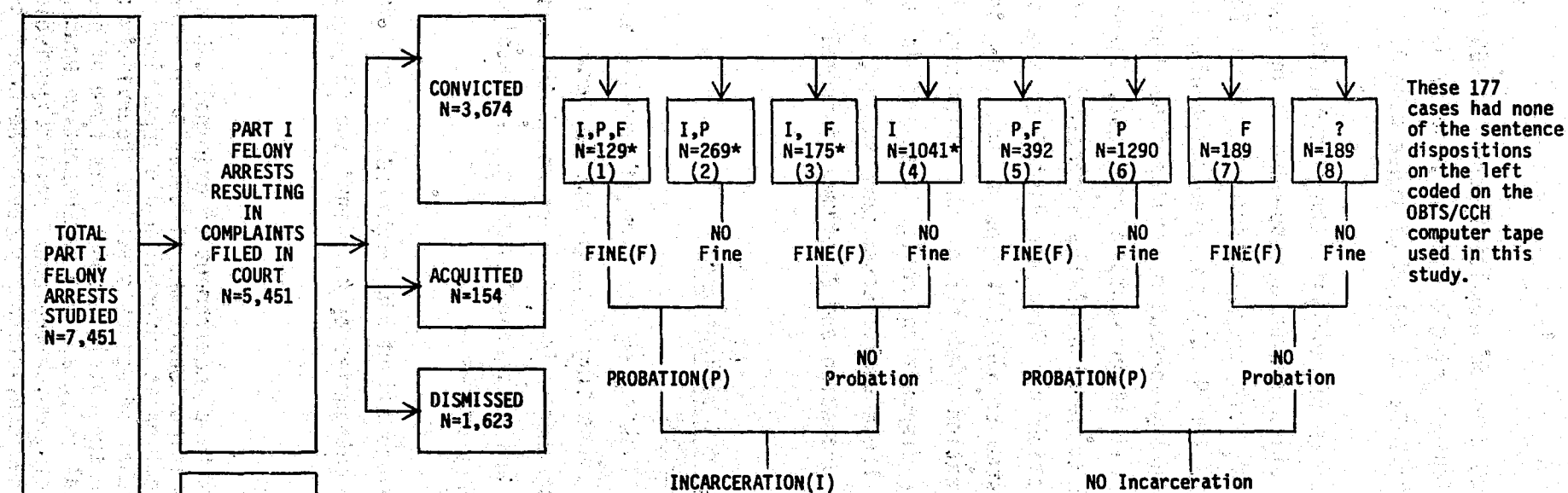
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While "most serious" sentence imposed is useful information for describing sentencing dispositions here in this research, it is not the only information of interest. Another important way to describe sentencing is in terms of combinations or configurations of sentence options imposed as a result of conviction. Figure 3 presents the data of interest here to examine case flow of arrests toward certain combinations of sentences.

Beginning with those cases with convictions (including those 485 with fully suspended incarceration sentences), we have 3,674 cases on which to examine sentences. Each of the eight (8) cells or small boxes to the right of the large "convicted" subpopulation box contain cases having a certain combination of sentence penalties imposed. Using a single letter notation system to represent a sentence penalty (I=incarceration, P=probation, and F=fine), one can determine which penalties were imposed together in the sentence disposition. Starting with cell #1, there were 129 convicted cases where the sentence included some term of incarceration and probation and the imposition of a fine. Cell #2 includes sentences of incarceration and probation but no fine.¹ Cell #3 indicates 175 cases had sentences where incarceration and a fine constituted the major penalties. In cell #4 incarceration alone is the sentence penalty for 1,041 cases. (NOTE: The footnotes at the bottom of Figure 3 indicate the numbers of partially and completely suspended incarceration sentences identified for each of these first four (4) cells.) Cells 5 through 8 contain cases with the remaining sentence possibilities or penalty combinations. (Here again, we should point out that while the 189 cases in cell #8 have no incarceration, probation, or fines indicated; it is still possible that some other sentencing dispositions may have been imposed. The primary possibilities here include community service, restitution, and some form of informal supervision or diversion. Return to probation or parole is also a possibility here. It is also possible in some cases that the CCH tape simply was not updated here to reflect the actual sentencing disposition which followed conviction.

¹The combinations of incarceration and probation in cells 1 and 2 probably indicates what is sometimes termed a "split sentence." This term refers to a sentence which explicitly requires the convicted person to serve a period of confinement in a local jail or state or federal prison followed by a period of probation. The term "shock probation" is sometimes used interchangeably with the term split sentence.

Figure 3 - CASE FLOW OF PART I FELONY OFFENDERS
(Statewide, 1979)



While multiple sentencing dispositions or penalties occur in 965 (or 26.3%) of these 3,674 cases with convictions, a single type of penalty is the modal or most common outcome (at least for 2,520 or 68.6% of these cases).

Before moving on to our next area of analysis the distribution of the 485 cases with all of the incarceration sentence suspended is of some interest. Of these 485 cases (all of which were excluded from the first four sentence disposition cells or boxes), 473 (or 97.5%) involved suspending incarceration only in cases where another penalty--probation and/or fine--was part of the sentencing disposition. Only cell #4 presents a contrast. Here we have 12 cases excluded due to complete suspension of the incarceration sentence when incarceration and neither probation nor fine was listed as the type of sentence. If incarceration is listed on the CCH tape as the only sentence penalty and we also find an indication that all of this incarceration sentence was suspended, what sentencing disposition really resulted in these twelve (12) cases? In all probability these twelve cases were subject to what is variously termed bench or court probation and sometimes "informal" or "unsupervised" probation.¹

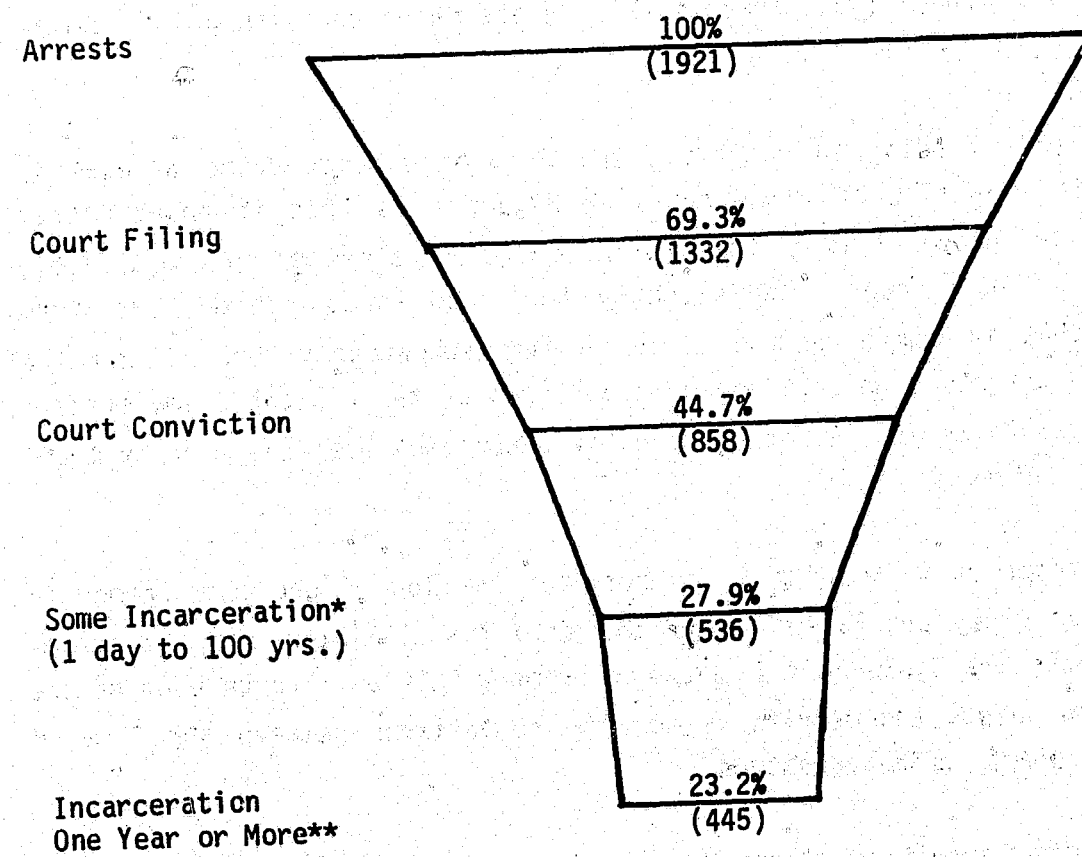
What Happens After Arrest for Part I Violent and Property Crimes Considered Separately

Up to this point we have been looking at the flow of arrests and subsequent patterns of case attrition and sentencing dispositions in terms of all Part I arrests for 1979 considered together. In this section of the report we will examine case flow, attrition, and sentencing patterns separately for Part I violent crimes and Part I property crimes.

In Table 2 of the report we divided all of the eight (8) general categories of Part I crime into the two major categories of "violent" and "property" crimes.

¹Bench or court probation refers to a requirement of criminal courts that the convicted offender fulfill specified conditions of behavior in lieu of a sentence to confinement. The probation is informal and unsupervised in that there is no assignment to a probation agency's active supervisory caseload. While the case is inactive in a supervision sense, this form of probation is not the same as an unconditional release. The incarceration sentence has

Figure 4a
CRIMINAL JUSTICE FUNNELING EFFECTS
 Part I Felonies - Violent Crimes
 (Statewide 1979)



*Excludes 66 cases where all of the incarceration sentence was suspended.
 **Excludes 53 cases where all of the incarceration sentence (for one year or over) was suspended.

Figure 4b
CRIMINAL JUSTICE FUNNELING EFFECTS
 Part I Felonies - Property Crimes
 (Statewide 1979)

calculated four different conviction rates for each of the eight (8) major categories of Part I felony arrests.

First, in column 1 we examine the percentage of arrests which resulted in conviction on any charge (not necessarily the arrest charge). From this perspective, those arrested on homicide, burglary, theft, and arson charges all have conviction rates of 50 percent or more. The higher conviction rates for these arrest charges--especially homicide (59.2%) and arson (61.6%)--suggest that some importance is placed on the prosecution of these arrests by the criminal justice system. One measure of the importance of a class of arrests for prosecution is the rate at which charges are filed in court. When we examine all 16 categories and sub-categories of Part I felony arrest charges, there appears to be a relationship between the proportion of arrests resulting in court filing of charges (the court filing rate) and the conviction rate. The data of interest here can be presented as follows:

NOTE TO THE READER

The reader should be cautioned against drawing inferences from percentages or means or other statistics in the tables in this report which are based on small cell sizes or subsample sizes. Where possible, we have avoided making such inferences in the report narrative. Because the report is mainly descriptive in format, we do compute percentages for all table entries, however.

¹Consult columns 4a and 4b in Table 4 to locate the source of these data.

	Offense Charged at Arrest	Court Filing Rate	Conviction Rate (any Charge)
1.	Murder	72.2%	52.3%
2.	Manslaughter I	65.2%	65.2%
3.	Manslaughter II	85.7%	80.0%
4.	Crim.Neg.Homicide	80.6%	7

rates in an area. Programs in other parts of the country have been able to improve conviction rates through better witness handling techniques and through training of various criminal justice system personnel--especially arresting officers and prosecutor office staff. It also seems likely that more resources would help, too. Of course, enhancement of conviction rates implies some concurrent examination of workload demands in other components of the criminal justice system. Any jurisdiction interested in improving its felony arrest conviction rate should first determine whether or not its local system is prepared to handle a likely increase in jail commitments and probation cases.

In the same vein the question of whether or not plea bargaining influences conviction rates also can be entertained. While our research here does not examine plea bargaining per se, our study does show that modification of charges (between arrest and disposition) more often than not results in a greater conviction rate and somewhat less severe sentences. To the extent that charge modification implies at least some plea bargaining it would be logical to assume that elimination of plea bargaining would result in lower conviction rates and more severe sentences.¹

More than any other type of data base and kind of analysis, the OBTS system offers a dynamic means of keeping up with the issues of criminal justice system performance. In keeping with the emerging and changing information needs of the criminal justice system, offender based transaction statistics offer policy makers and others a means of answering important policy questions and shaping solutions to criminal justice problems.

¹It also is possible that the elimination of plea bargaining may not necessarily result in lower conviction rates and more severe sentences. A study of the elimination of plea bargaining in Alaska revealed no change in the conviction rate and more severe sentences for only some offenders (i.e., those arrested for less serious offenses and those with few prior convictions). Although the court process in Alaska did not bog down, the trial rate increased substantially. Again, any jurisdiction which desires to experiment with the elimination of plea bargaining must monitor and study the consequences of change and be prepared to handle the impact. See "Alaska Bans Plea Bargaining," U.S. Government Printing Office, Washington, D.C.

APPENDICES

