National Pretrial Reporting Program

NATIONAL REPORT

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Acknowledgments

The data for this project were collected by existing local criminal justice agency personnel, predominantly court employees, with no remuneration from the project. In many instances these dedicated people were already facing steadily increasing workloads and crises such as jail crowding that required their immediate attention. Still they made the time to gather the data for the project and to ensure its accuracy before submitting it to the Resource Center. Without their dedication and cooperation, this report would not have been possible.

We must also thank the court administrators in the participating counties. When we originally contacted them and asked them to provide staff to collect the necessary data, and that (sometime in the future) we would provide them with a report of our findings, we were always impressed when they graciously agreed. The level of cooperation and professionalism we encountered in our dealings with them gave us renewed enthusiasm for this project and the task that lay ahead.

We were greatly assisted in our work by our project Advisory Board: Stanley R. Collis, John A. Clarke, Judith A. Cramer, Dean Ernest Friesen, Gordon M. Griller, Barry Mahoney, Gerald P. Monks, J. Denis Moran, and the Honorable William Schwarzer. Their guidance and advice kept this project on the right course.

Thanks go to our training consultants: Steve Belenko, David Bennett, Donna Bishop, Charles Frazier, and Charles Worzella. They criss-crossed the country with us so that we could accomplish the training in the 47 sites in one month.

Introduction

The feasibility of a national pretrial data collection project has been demonstrated with the culmination of Phase III of the National Pretrial Reporting Program (NPRP). From the beginning in 1983, when the Pretrial Services Resource Center began to develop the project with the Bureau of Justice Statistics (BJS), each phase has taken the program closer to its goal of providing BJS with reliable and valid data on the movement of defendants through the criminal court system. While not without its caveats, the data contained in this report provide, for the first time, a picture of felony defendants' movements through the criminal courts and what happens during the course of their journey.

This report presents data from 39 urban counties, sampled from the 75 most populous counties in the country. The 11,063 sample felony cases from these 39 jurisdictions in turn are weighted to represent over 47,000 cases filed during the month of February, 1988 in the 75 most populous counties.

Data were also collected from an additional eight counties: one had been part of the original sample but was unable to complete the data collection; and seven other counties that had participated in an earlier phase of the project and indicated a desire to participate again. Their analyses will be provided in separate reports to BJS.

In all, a total of 47 jurisdictions participated in the project, including the most populous county in the country (Los Angeles, CA) as well as four of the five counties which make up the City of New York (New York, Kings, Bronx and

Queens) and the Nation's largest geographical county (over 20,000 square miles), San Bernardino, CA.

This report is organized into four sections: (1) Background; (2) Phase III; (3) Caveats and Limitations; and (4) Data Analysis. The Background section discusses how the project began and evolved into the current phase labeled "Phase III"--the third phase of design and collection of data for the project. The Phase III section discusses the work that was undertaken during that phase. The Caveats and Limitations section outlines the caveats and provides information about the data which the reader should consider when interpreting the data. The Data Analysis section provides the findings from the Phase III data collection and is organized in five parts: (1) sample characteristics; (2) pretrial release/detention decisions; (3) court appearances and rearrest; (4) adjudication and sentencing; and (5) event intervals.

Background

On November 10, 1983, BJS funded a cooperative agreement with the Pretrial
Services Resource Center to undertake the feasibility of developing a national
pretrial data base (Award No. 84-BJ-CX-K003). Specifically, the study was to
determine "...whether accurate and comprehensive pretrial data can be collected
at the local level and subsequently aggregated at the state and federal levels."

The Bureau of Justice Statistics undertook this project as a means of fulfilling a
part of its mandate to regularly compile and disseminate criminal justice statis-
tics. Before this project began, there was no national system for regularly track-
ing information on persons and cases from the point they entered the local court
system until they were adjudicated and sentenced, nor was it clear that such a
system could be established.

The first phase of the project, though limited to three jurisdictions, demonstrated
the promise that baseline data could be collected to describe how criminal defen-
dants are processed through the courts. With the agreement and funding of
BJS, the Pretrial Services Resource Center began a more ambitious project--
Phase II--to revise the type of data collected in the sites, expand the number of
sites to approximately 20, test various collection methodologies, and collect and
analyze the data. The Phase II project not only focused on the collection and
analyses of the data, but was also concerned with the procedural methods
necessary to devise a national baseline data collection project. Thus, the Phase
II project was in fact a pretest of sorts, examining various ways to structure a Na-
tional Pretrial Reporting Program.

The procedural work in Phase II concentrated on several different issues:

- the best way to identify and gain the cooperation of jurisdictions;
- identifying the criminal justice agency best equipped to collect the data (since the data needs normally spanned a variety of sources);
- how to undertake the training necessary for the people collecting the data on-site;
- whether a periodic sampling method or an ongoing data collection method would work the best; and
- the extent of manual, automated and combination data collection systems available from which to gather the necessary information.

State court administrators in every state were contacted and asked to select jurisdictions within their state to participate in the Phase II project. A geographic mix as well as a mix of urban, suburban and rural jurisdictions was sought. Twenty sites were chosen to begin the project, ranging from large courts in Houston and Detroit to smaller courts such as Missoula, Montana and Somerset County, NJ. Three of the sites dropped out of the project as Phase II progressed so that the final data analyses were based on a sample of felony and misdemeanor defendants in 17 jurisdictions.

Phase II of the project generated some interesting findings concerning criminal defendant processing through the courts, though not generalizable beyond the participating sites. Although there were problems encountered and lessons learned in Phase II, the findings confirmed that a national effort could be undertaken. The Pretrial Services Resource Center outlined its recommendations for the future of the National Pretrial Reporting Program in the Phase II final report to BJS. In the summer of 1987, BJS provided continued funding for the Pretrial Services Resource Center to develop and undertake Phase III of the National Pretrial Reporting Program.

Phase III

Changes incorporated in Phase III were a direct result of the lessons learned from Phase II, with the goal of achieving a more accurate and representative database. To accomplish this, significant changes were made, particularly in four areas: site selection, defendant sampling, site personnel training and targeted charge. A more ambitious project was envisioned as well, with the project targeting 40 jurisdictions for data collection.

Site Selection

Whereas jurisdictions were selected in Phase II on the basis of size, geographic representation and a willingness to participate, site selection in Phase III focused on the Nation's most populous 75 counties: counties with 1985 populations ranging from 580,000 in Fresno County, CA to 8,108,700 in Los Angeles County, CA. The Bureau of the Census identified a sample of 40 of these 75 counties to be contacted by the NPRP staff and asked to participate. The Census Bureau further divided these 40 counties into four strata, with the first stratum of the largest counties designated as "certainty," i.e., no substitutions could be made in this stratum. These 40 counties were designed to be statistically representative of the 75 most populous counties in the Nation. The 75 most populous counties account for almost half of all reported crimes in the U.S., however, they are not necessarily the 75 counties with the largest number of felony filings. (See Appendix B for a more extensive discussion of the sampling methods employed in Phase III.)

Of the original 40 counties contacted by the NPRP staff, all of the counties in the first stratum agreed to participate. Of the remaining 26 counties, 22 agreed to participate and four declined. Five substitutions were needed to fill those remaining four slots with substitutions being made by the Census Bureau.

In addition to these 40 counties, an invitation to participate was issued to each of the 17 counties that had taken part in Phase II. Of these 17 counties, five had already been selected as part of the sample of the 75 largest counties, and seven others expressed their desire to participate in Phase III. Thus, Phase III work was undertaken in a total of 47 counties.

In contrast to Phase II, initial contact with the potential Phase III sites was through the local court administrator for the general jurisdiction (felony) court since, in most instances, the court administrator was the person who could authorize the site's participation in the project. Other times, coordination among a number of criminal justice agencies was necessary and all had to agree to the terms of the project.

Defendant Sampling

Significant changes were also made in the ways in which defendants were sampled. In Phase II, defendants having cases filed in court were selected until a predetermined sample size was obtained. No attempt was made to represent a particular time period. In Phase III, defendants were selected to represent all felony defendants having cases filed during the month of February, 1988. Instead of sampling a proportion of defendants from all days of the month in every county, specific days were systematically selected for each county and all defen-

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dants who had cases initiated on those days were included in the sample. Sampling rates were associated with the stratum level in which the county fell. Counties in the highest stratum level had five sample days chosen for them. Counties in strata two and three sampled defendants on every other filing day (ten days total with a randomly assigned start day), and counties in the lowest stratum sampled defendants on every filing day in February.

Site Personnel Training

In the Phase II project, training of NPRP participants was conducted in four regional workshops. Although this method seemed to be sufficient, site-by-site idiosyncracies which ultimately affected data collection often did not surface until it was too late to provide corrective measures. As a result, project staff determined that a more effective way to train sites in the data collection process was to do on-site training. Because of the travel required to provide training in all 40 sample sites plus the seven "alumni" sites, the Resource Center contracted with five consultants to assist with the training. A one-day training of consultants took place on December 14, 1987.

Since data collection was to begin on February 1, 1988, on-site training was provided to all 40 selected sites during January 1988, so that the training could occur as close as possible to the start of data collection. Trainers met with criminal justice representatives from each site, reviewed the data form with the data collectors, and ascertained where and how the required data elements would be gathered. In addition, consultants prepared site reports for staff to refer to as the project progressed.

To assist sites with their data collection responsibilities, a User's Guide was prepared, updating the User's Guide used in Phase II. The guide provided background information on the project, explained reporting procedures, provided a detailed explanation of each item to be collected on the data form, and included a copy of the data collection form.

Sites were encouraged to call project staff during the course of the project as questions arose. Project staff also regularly phoned the site to check on the progress of the project and potential problems.

Charge Targeting

Another major change in Phase III concerned the decision to target felony defendants only. In Phase II, both felons and misdemeanants were sampled with felons oversampled at a ratio of 3:2. However, in meetings with BJS officials to plan Phase III, a consensus developed that the project should limit its inquiry to felony defendants, since many of the ongoing BJS projects were limited to felony defendants.

Caveats and Limitations

Two types of information are provided in this section: (1) potential problems which limit the reliability and validity of the data; and (2) caveats which may affect the interpretation of the findings.

Differences in the way in which defendants are processed through the criminal justice system in the sample sites are reflected in our findings. For example, sites vary in their: (a) ratio of judges, prosecutors, defenders, etc. to defendants; (b) filing and review procedures; (c) court structure; and/or (d) extent of pretrial release options available.

Participating jurisdictions were provided with days in February, 1988 on which to sample all defendants who had felony charges filed on those days. The number of days were either 5, 10, or 20 depending on the stratum of the county. Jurisdictions that did not select a full month of filings were weighted to represent the full month. As such, any unusual event, such as a massive drug sweep, that coincided with one of the sampling days would tend to distort the overall monthly filings accordingly.

Two counties, Erie, NY and Suffolk, MA, were unable to sample defendants at the lower court level because of procedural problems associated with the coordination of court recordkeeping. Although the data from these two counties are felt to be reliable for the analyses concerning whether the defendant was released and the type of pretrial release, pretrial release dates were unreliable and these two counties were excluded from the analyses containing that variable.

Other caveats to the analyses can best be summarized according to the categories of information requested for the National Pretrial Reporting Program: case information; prior record information; pretrial release information; court appearance information; adjudication and sentencing information; and pretrial rearrest information. Appendix A contains a copy of the data collection foi m.

Case Information

If jurisdictions were unable to determine an arrest date, the date the case was filed in the lower court was substituted. In jurisdictions where the offense date was unknown, the arrest date was substituted. In addition, where an offense occurred over time, the earliest offense date was recorded.

Prior Record Information

The availability of prior record information varied by jurisdiction. Some jurisdictions had access to FBI rap sheets, state criminal histories, and local record checks, while others were limited to local and/or state records. As in Phase II, this was a difficult area of information for the participating jurisdictions to gather, although the extent of missing data on the variable asking whether the defendant had a prior record of arrests or convictions was much smaller (6.3 percent) than in Phase II.

The data contained in the variable referring to the number of arrests or convictions refer to the number of charges involved, not the act of being arrested or

convicted. For example, if a defendant is arrested for murder and kidnapping, that would count as two felony arrests, not one. In addition, one prior conviction on two charges would count as two convictions, not one.

Pretrial Release Information

Defendants whose cases were disposed, dismissed, declined, etc., in such a short time as to have no opportunity for pretrial release were coded as being not released pretrial. For example, if the court or prosecutor found "no probable cause" for the defendant's case and dismissed the case on the same date as he was arrested, the defendant was coded as not being released pretrial with an adjudication of dismissal on the same day as the arrest date. The amount of missing data for pretrial release outcome and method is 4.8 percent.

Court Appearance Information

Court appearance data are complete with less than one percent (0.8) missing. Data on whether the defendant remained a fugitive are also complete, though the date when the defendant returned to court is not exact in some jurisdictions. For example, where a defendant returned voluntarily and the bench warrant was either withdrawn or executed, the return date may be recorded as the next appearance date rather than the date of execution or withdrawal.

Adjudication and Sentencing

The variable "Custody at Adjudication" refers to the defendant's being in custody at the time he was adjudicated, not whether he received a custodial sentence at adjudication. This included all defendants not released pretrial as well as defendants whose release was revoked while the case was pending.

Pleas of "no contest" or "nolo contendere" were coded as guilty pleas and "nolle prosequi" was coded as a dismissal.

Charge level at adjudication (felony or misdemeanor) included violations as misdemeanors where the most serious charge at adjudication was a violation.

Where sentences of incarceration were provided as minimum and maximum, the minimum amount was entered. The goal was to closely approximate the time to be served. Two exceptions to this were: (1) in Philadelphia where the sentence was "time in" to a certain number of months (for example, "time in to 24 months"), the defendant was coded as time served since the defendant is in fact released from incarceration at the point of sentencing; and (2) in Salt Lake in cases where a sentence was "0 to 12 months" the defendant was coded as having a sentence of 12 months, since he was to be incarcerated for an indeterminate time up to 12 months.

Pretrial Rearrest Information

Although every effort was made to obtain pretrial rearrest information, it remains the most problematic of all the categories covered in this project. In many sites, rearrest data (like prior record data) was limited to the county. If the sites knew of a rearrest, the data on rearrest charge, re-release, etc. was complete.

A presumption was made that if a site did not know whether or not a defendant was rearrested, the defendant was not rearrested, since they had no way to code "not known."

Data Analysis

As a result of an understanding with the sites, no identification of counties will be provided in this report on specific findings to eliminate the possibility of comparisons between jurisdictions.

Sample Characteristics

A total of 11,063 defendants were included in the sample of 39 jurisdictions. Table 1 displays the participating counties and their weighted and unweighted sample sizes. Los Angeles County was the most populous county participating and also had the largest sample size. In fact, Los Angeles, the four counties of New York City and Cook County, IL account for just over one-third of the entire sample. The six counties from California represent about a fifth of the sample, as do the six counties from New York state. Florida's six counties account for another 15 percent.

Sex and Age

Eighty-six percent of the defendants were males (see Figure 1). The average (mean) age of defendants at the time of their sample offense was 28; the median age was 26. More than two-thirds of the defendants were age 30 or younger (see Figure 2). One-fourth of the defendants were age 21 or younger. Only 9 percent were age 41 or older. The youngest defendant was age 13; the oldest was 83.

Table 1
Participating Sites

MARICOPA AZ	
Unweighted Count	278
Weighted Count	1112
Column Percent	2.4%
LOS ANGELES CA	
Unweighted Count	1239
Weighted Count	4956
Column Percent	10.5%
ORANGE CA	
Unweighted Count	138
Weighted Count	552
Column Percent	1.2%
SACRAMENTO CA	
Unweighted Count	306
Weighted Count	1224
Column Percent	2.6%
SAN BERNARDINO CA	
Unweighted Count	145
Weighted Count	580
Column Percent	1.2%
SAN DIEGO CA	
Unweighted Count	126
Weighted Count	630
Column Percent	1.3%
SANTA CLARA CA	
Unweighted Count	266
Weighted Count	1330
Column Percent	2.8%
WASHINGTON DC	
Unweighted Count	180
Weighted Count	900
Column Percent	1.9%
BROWARD FL	
Unweighted Count	225
Weighted Count	900
Column Percent	1.9%
DADE FL	
Unweighted Count	489
Weighted Count	1956
Column Percent	4.1%
DUVAL FL	

Table 1
Participating Sites

Unweighted Count	237
Weighted Count	1185
Column Percent	2.5%
HILLSBOROUGH FL	
Unweighted Count	234
Weighted Count	1170
Column Percent	2.5%
PALM BEACH FL	
Unweighted Count	138
Weighted Count	552
Column Percent	1.2%
PINELLAS FL	
Unweighted Count	334
Weighted Count	1336
Column Percent	2.8%
FULTON GA	
Unweighted Count	93
Weighted Count	372
Column Percent	.8%
HONOLULU HI	
Unweighted Count	123
Weighted Count	478
Column Percent	1.0%
COOK IL	
Unweighted Count	601
Weighted Count	2404
Column Percent	5.1%
SUFFOLK MA	
Unweighted Count	115
Weighted Count	447
Column Percent	.9%
WAYNE MI	
Unweighted Count	198
Weighted Count	792
Column Percent	1.7%
ST LOUIS MO	
Unweighted Count	230
Weighted Count	894
Column Percent	1.9%
ESSEX NJ	
Unweighted Count	241
Weighted Count	1928

Table 1
Participating Sites

Column Percent	4.1%
BRONX NY	
Unweighted Count	440
Weighted Count	1760
Column Percent	3.7%
ERIE NY	
Unweighted Count	153
Weighted Count	595
Column Percent	1.3%
KINGS NY	
Unweighted Count	595
Weighted Count	2380
Column Percent	5.0%
MONROE NY	
Unweighted Count	203
Weighted Count	789
Column Percent	1.7%
NEW YORK NY	
Unweighted Count	678
Weighted Count	2712
Column Percent	5.7%
QUEENS NY	
Unweighted Count	346
Weighted Count	1730
Column Percent	3.7%
HAMILTON OH	
Unweighted Count	196
Weighted Count	784
Column Percent	1.7%
ALLEGHENY PA	
Unweighted Count	73
Weighted Count	292
Column Percent	.6%
MONTGOMERY PA	
Unweighted Count	49
Weighted Count	191
Column Percent	.4%
PHILADELPHIA PA	
Unweighted Count	328
Weighted Count	1640
Column Percent	3.5%

Table 1
Participating Sites

SHELBY TN	
Unweighted Count	286
Weighted Count	1144
Column Percent	2.4%
DALLAS TX	
Unweighted Count	365
Weighted Count	1460
Column Percent	3.1%
HARRIS TX	
Unweighted Count	337
Weighted Count	1348
Column Percent	2.9%
TARRANT TX	
Unweighted Count	165
Weighted Count	825
Column Percent	1.7%
SALT LAKE UT	
Unweighted Count	234
Weighted Count	910
Column Percent	1.9%
FAIRFAX VA	
Unweighted Count	285
Weighted Count	1108
Column Percent	2.3%
KING WA	
Unweighted Count	95
Weighted Count	760
Column Percent	1.6%
MILWAUKEE WI	
Unweighted Count	299
Weighted Count	1163
Column Percent	2.5%
Total Cases	
Unweighted Count	11063
Weighted Count	47290
Column Percent	100.0%

Figure 1
Sex of Defendant

Female
14%

Male
86%

(N=47,141)

Figure 2
Age

22-25
21%

18 -21
22%

Less than 18
4%

Over 40
9%

26-30
21%

31-40
23%
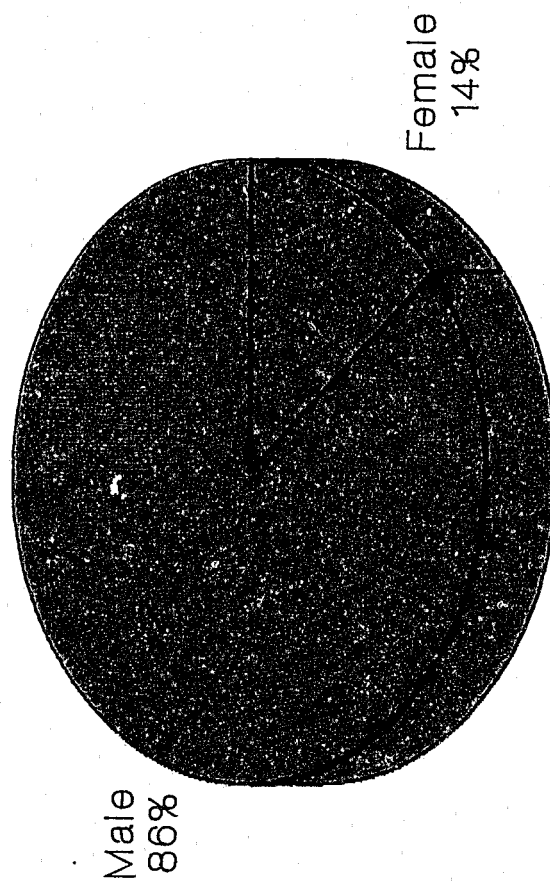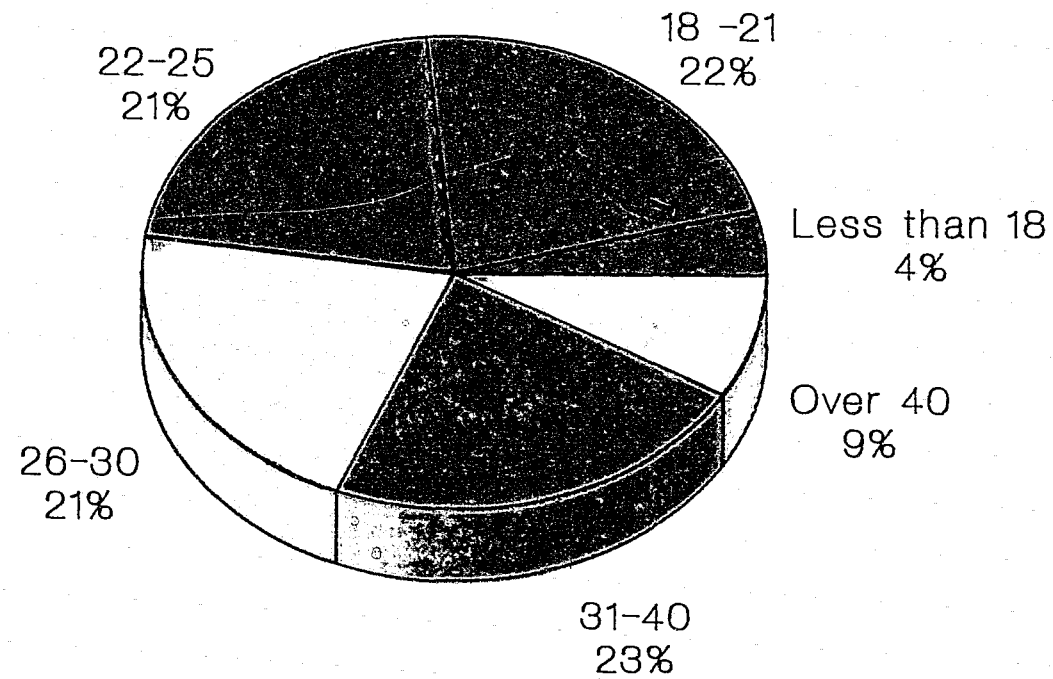
(N=46,380)

Prior record

Prior record information was obtained for 94 percent of the sample. Of defendants for whom prior record information was available, 71 percent had a record of at least one prior adult arrest (see Figure 3).

Of defendants who had a prior criminal record, 20 percent had no prior felony arrests and 21 percent had no prior misdemeanor arrests. Ten percent had 11 or more prior felony arrests, while 11 percent had 11 or more prior misdemeanor arrests (see Table 2).

Of defendants who had a prior criminal record, 51 percent had no prior felony convictions, 22 had one prior felony conviction, 12 percent had two prior felony convictions, and 15 percent had three or more prior felony convictions. Eighty-four percent had no prior convictions for a violent felony offense; 11 percent had one prior violent felony conviction; and 5 percent had two or more prior violent felony convictions. [1]

Forty-three percent had no prior misdemeanor convictions, 20 percent had one, 12 percent had two, and 25 percent had three or more prior misdemeanor convictions.

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1   The data on felony arrests, misdemeanor arrests and violent felony convictions exclude New York, Bronx, Queens and Kings Counties in New York state.

Figure 3
Did the Defendant Have a Record of Prior Arrests?

YES
71%

NO
29%
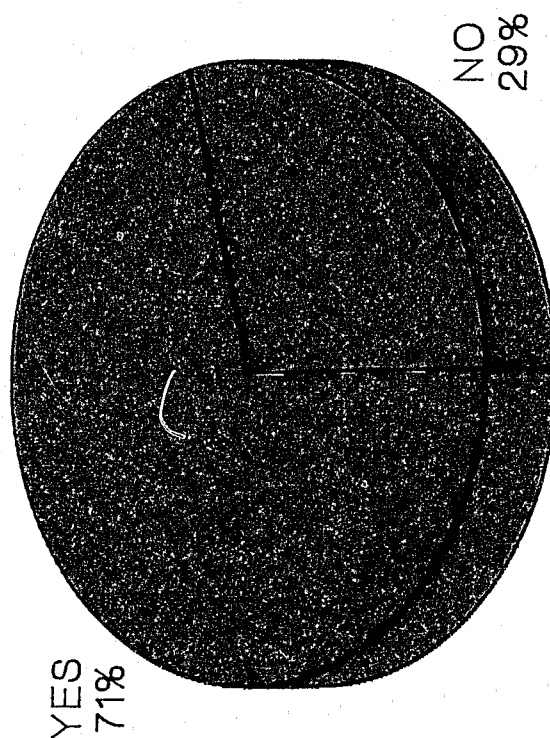
(N=44,318)

TABLE 2

Number of Prior Arrests and Convictions[1]

	Felony Convictions	Felony Arrests	Misdemeanor Convictions	Misdemeanor Arrests	Violent Fel. Convictions
0	51.1%	20.5%	42.7%	21.3%	84.0%
1	21.6%	18.6%	20.2%	18.9%	10.7%
2	11.8%	13.6%	12.2%	13.8%	3.1%
3-5	11.4%	22.6%	15.4%	21.3%	1.7%
6-10	3.4%	14.4%	6.7%	14.2%	.4%
11 or more	.8%	10.3%	2.8%	10.6%	0.0%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

[1]The data for felony arrests, misdemeanor arrests and violent felony convictions exclude Bronx, New York, Kings, and Queens Counties in New York State.

Relationship to criminal justice system

The variable "relationship to the criminal justice system" refers to any form of criminal justice or correctional supervision that existed at the time of the sample offense. One out of three defendants had some sort of relationship to the criminal justice system. Eleven percent were on pretrial release for a pending case; 13 percent were on probation; 4 percent were on parole; 2 percent had some combination of the above relationships; and 2 percent had some other relationship to the criminal justice system (see Figure 4).

Most serious charge

The most serious charge at the time of filing was a felony for all sample defendants: a violent crime for 19 percent of the defendants, a property crime for 35 percent, a drug offense for 35 percent, and some other offense for 11 percent of the sample. Specifically, as shown in Figure 5: 1 percent of the sample were charged with murder, 2 percent with rape, 8 percent with robbery, 8 percent with felony assault, 2 percent with other crimes against persons, 11 percent with burglary, 14 percent with theft, 10 percent with other property crimes, 14 percent with drug sales, distribution, or trafficking, 21 percent with other drug offenses, 6 percent with public order offenses, and 2 percent with felony traffic/dwi. (See Appendix C for definitions of crime categories.)

Figure 4
Relationship to the Criminal
Justice System at Time of Offense

None
68%

Combination
2%

On Parole
4%

On Probation
13%

Other Status
2%

On Pretrial Release
11%

(N=32,661)

25
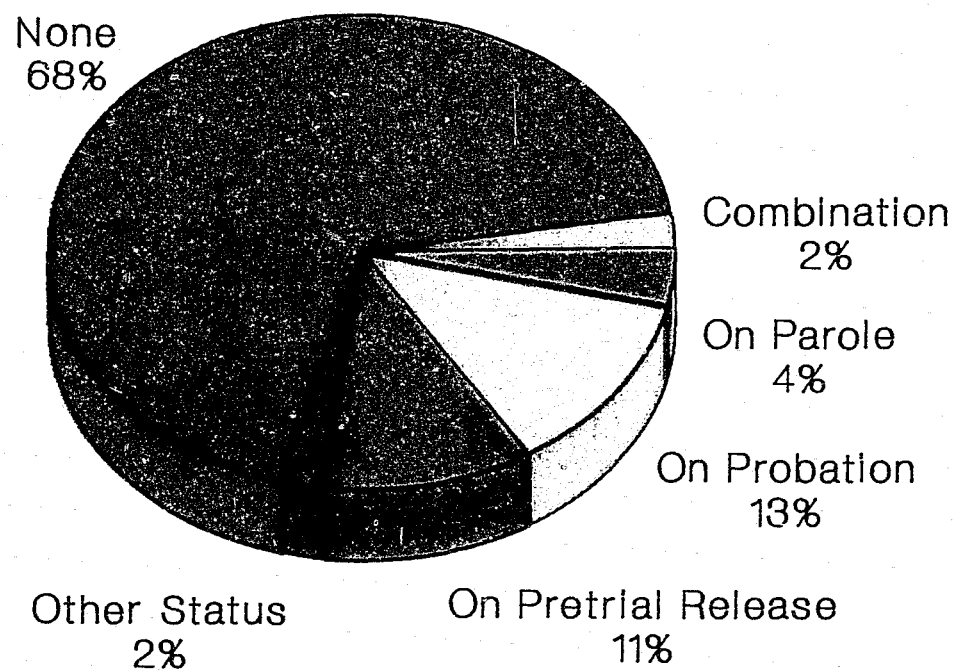
Figure 5
Most Serious Initial Charge

Charge	Percent
Murder	1.4
Rape	1.7
Robbery	7.9
Felony Assault	7.8
Burglary	11.3
Theft	13.9
Drug Sale/Traf/Dist	13.8
Other Drug	20.9
Other Crime/Person	2.3
Other Property	10.3
Public Order	6.2
Felony Traffic	1.8
Other Felony	0.8

Percent

(N=47, 290)
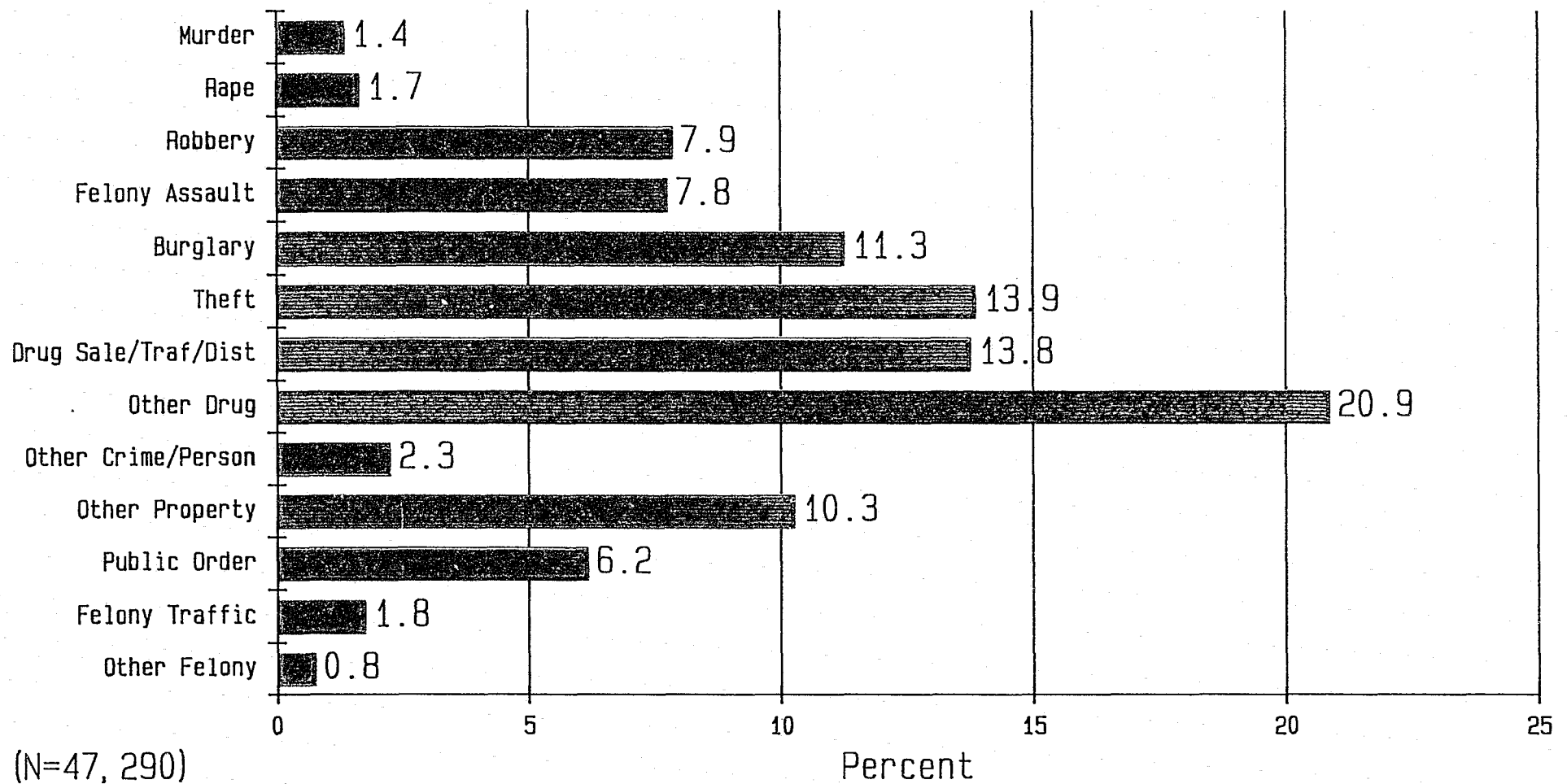
Pretrial Release-Detention Decisions

Two-thirds of all defendants were released at some point pending the disposition of their case (see Figure 6). The release rate ranged from 30 percent to 90 percent for individual counties (see Table 3). Of those released, 53 percent were released on nonfinancial supervision. This ranged from 7 percent to 86 percent for individual counties (see Table 4). Forty-four percent were released on their own recognizance or on citation release and 9 percent were released on unsecured bail. Forty-seven percent were released on financial conditions: 9 percent on deposit bail, 24 percent on surety bail, 13 percent on cash bail, and 2 percent on property or some other financial bail (see Figure 7).

As expected, detention rates also varied by the seriousness of the charge. Defendants charged with murder had the highest pretrial detention rate of 55 percent. Defendants charged with a felony traffic/dwi offense had the lowest rate of 14 percent (see Table 5).

Where defendants were released, financial conditions of release were used most often for defendants charged with the most serious offenses. Eighty-two percent of released defendants charged with murder were released on financial conditions, followed by 59 percent of released defendants charged with rape and 56 percent of defendants charged with robbery. Financial conditions were least often used for released defendants charged with property crimes: 40 percent for persons charged with theft, 42 percent for persons charged with burglary, and 42 percent for persons charged with other property offenses (see Table 6).

Figure 6
Release–Detention Outcome

Released
66%
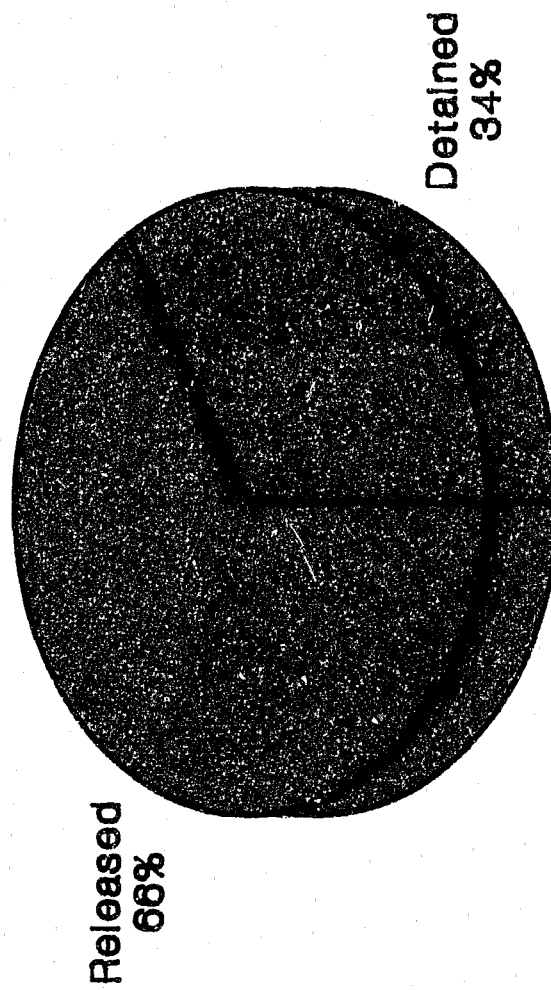
Detained
34%

(N=45,849)

Table 3

Variations in Release-Detention Outcomes Among Jurisdictions[1]

	Release-Detention Outcome			TOTAL
	Released	Detained	Not Known	
County 1	90.2%	9.1%	0.6%	100.0%
County 2	84.8%	15.2%	0.0%	100.0%
County 3	84.2%	15.3%	0.5%	100.0%
County 4	81.5%	18.5%	0.0%	100.0%
County 5	79.6%	20.4%	0.0%	100.0%
County 6	76.6%	23.4%	0.0%	100.0%
County 7	74.8%	24.5%	0.7%	100.0%
County 8	74.7%	7.1%	18.3%	100.0%
County 9	74.0%	26.0%	0.0%	100.0%
County 10	73.6%	24.1%	2.3%	100.0%
County 11	73.2%	17.0%	9.8%	100.0%
County 12	72.8%	26.7%	0.6%	100.0%
County 13	71.8%	27.7%	0.4%	100.0%
County 14	71.0%	28.6%	0.4%	100.0%
County 15	70.3%	29.7%	0.0%	100.0%
County 16	69.6%	26.9%	3.5%	100.0%
County 17	69.4%	30.6%	0.0%	100.0%
County 18	69.2%	30.8%	0.0%	100.0%
County 19	67.9%	22.3%	9.8%	100.0%
County 20	66.7%	26.8%	6.5%	100.0%
County 21	66.2%	33.8%	0.0%	100.0%
County 22	66.1%	33.0%	0.9%	100.0%
County 23	65.8%	33.8%	0.4%	100.0%
County 24	64.1%	35.9%	0.0%	100.0%
County 25	63.0%	32.9%	4.1%	100.0%
County 26	62.4%	37.6%	0.0%	100.0%
County 27	60.2%	36.5%	3.4%	100.0%
County 28	60.0%	37.5%	2.5%	100.0%
County 29	54.2%	44.9%	0.8%	100.0%
County 30	54.0%	46.0%	0.0%	100.0%
County 31	53.7%	46.3%	0.0%	100.0%
County 32	51.3%	47.4%	1.3%	100.0%
County 33	50.2%	48.9%	0.9%	100.0%
County 34	43.4%	55.2%	1.4%	100.0%
County 35	43.0%	57.0%	0.0%	100.0%
County 36	42.5%	43.3%	14.1%	100.0%
County 37	36.2%	63.0%	0.7%	100.0%
County 38	35.9%	63.8%	0.3%	100.0%
County 39	30.1%	68.8%	1.1%	100.0%

[1]Although counties have not been identified by name in any of the analyses, they have been numbered for comparison purposes on some variables. The counties for this table were numbered from 1 to 39 after being ordered from high to low for percentage released. The counties retain their number for Tables 4, 7, and 8.
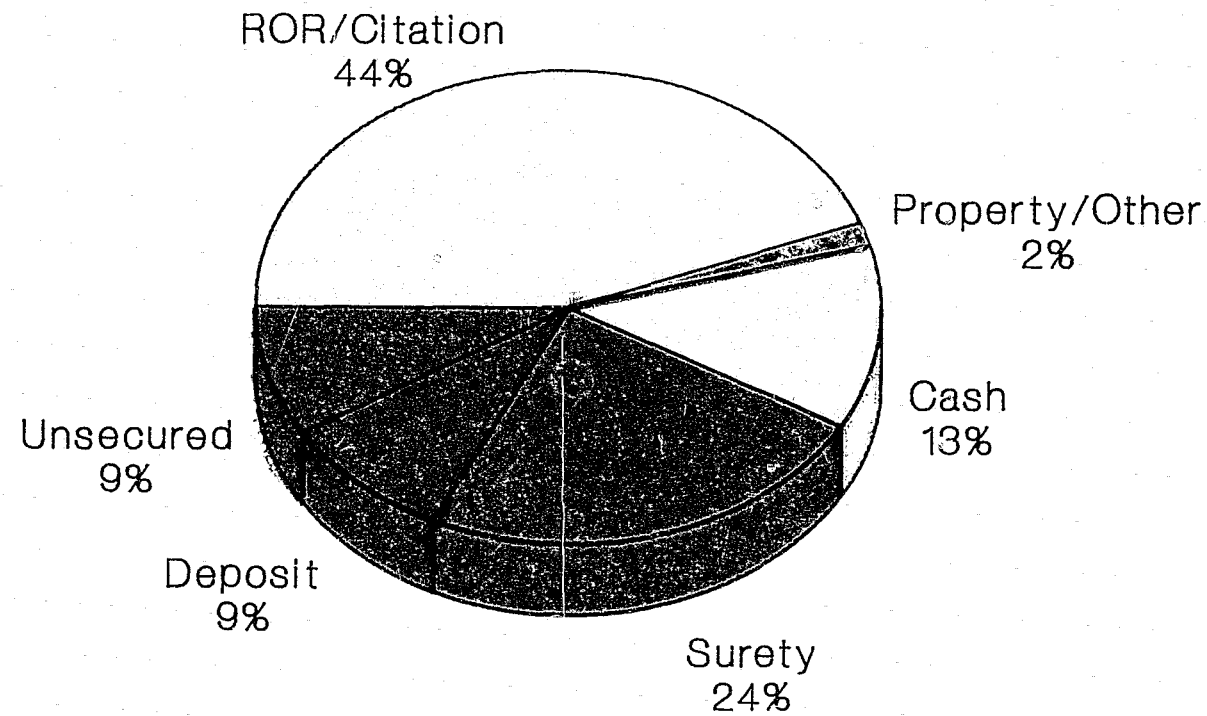
Table 4

Variations in Release Method Among Jurisdictions

	Release Method		TOTAL
	Nonfinancial[1]	Financial[2]	
County 31	86.3%	13.7%	100.0%
County 24	83.3%	16.7%	100.0%
County 3	80.7%	19.3%	100.0%
County 17	78.6%	21.4%	100.0%
County 7	77.3%	22.7%	100.0%
County 13	75.8%	24.2%	100.0%
County 27	75.0%	25.0%	100.0%
County 5	74.4%	25.6%	100.0%
County 14	72.6%	27.4%	100.0%
County 6	72.1%	27.9%	100.0%
County 12	71.8%	28.2%	100.0%
County 37	68.0%	32.0%	100.0%
County 10	64.5%	35.5%	100.0%
County 34	58.7%	41.3%	100.0%
County 18	58.2%	41.8%	100.0%
County 9	57.2%	42.8%	100.0%
County 25	55.6%	44.4%	100.0%
County 32	53.5%	46.5%	100.0%
County 21	52.0%	48.0%	100.0%
County 30	50.8%	49.2%	100.0%
County 4	50.4%	49.6%	100.0%
County 16	48.2%	51.8%	100.0%
County 19	47.1%	52.9%	100.0%
County 23	41.6%	58.4%	100.0%
County 11	41.1%	58.9%	100.0%
County 2	41.0%	59.0%	100.0%
County 15	39.2%	60.8%	100.0%
County 33	36.3%	63.7%	100.0%
County 36	36.1%	63.9%	100.0%
County 8	33.1%	66.9%	100.0%
County 38	31.4%	68.6%	100.0%
County 28	31.2%	68.8%	100.0%
County 22	27.6%	72.4%	100.0%
County 1	25.8%	74.2%	100.0%
County 35	24.5%	75.5%	100.0%
County 20	21.3%	78.8%	100.0%
County 29	15.8%	84.2%	100.0%
County 26	9.7%	90.3%	100.0%
County 39	7.1%	92.9%	100.0%

[1]Nonfinancial release includes release on recognizance, citation release, and unsecured bail.

[2]Financial releases includes deposit bail, surety bail, cash bail, property bail and other financial methods.

Figure 7
Type of Pretrial Release

ROR/Citation
44%

Property/Other
2%

Cash
13%

Surety
24%

Deposit
9%

Unsecured
9%

(N=29,648)

Table 5

Release-Detention Outcome by Charge Type

	Release-Detention Outcome			Total	
	Detained	Released	Not Known	Percent	Number
Most Serious Initial Charge					
MURDER	55.3%	35.2%	9.5%	100.0%	641
RAPE	41.2%	50.1%	8.7%	100.0%	842
ROBBERY	46.6%	49.6%	3.8%	100.0%	3,743
FELONY ASSAULT	29.1%	65.6%	5.2%	100.0%	3,688
BURGLARY	44.9%	50.9%	4.2%	100.0%	5,333
THEFT	34.9%	61.7%	3.4%	100.0%	6,579
DRUG SALE/TRAFFIC/DISTRIB.	28.9%	65.0%	6.1%	100.0%	6,503
OTHER DRUG	24.3%	71.1%	4.6%	100.0%	9,866
OTHER CRIMES AGAINST PERSONS	31.3%	61.0%	7.7%	100.0%	1,088
OTHER PROPERTY	28.8%	66.5%	4.7%	100.0%	4,880
PUBLIC ORDER	33.1%	63.1%	3.8%	100.0%	2,909
FELONY TRAFFIC/DWI	13.8%	84.8%	1.4%	100.0%	864
OTHER FELONY	19.7%	65.1%	15.2%	100.0%	369

Table 6
Type of Release by Initial Charge
(Released Defendants Only)

|	Release Method: Financial/Nonfinancial		Total
	Nonfin'l	Financial	
Most Serious Initial Charge			
MURDER	18.1%	81.9%	100.0%
Count	41	185	226
RAPE	40.8%	59.2%	100.0%
Count	169	245	415
ROBBERY	44.3%	55.7%	100.0%
Count	822	1035	1857
FEL ASSLT	49.0%	51.0%	100.0%
Count	1185	1234	2420
BURGLARY	58.3%	41.7%	100.0%
Count	1582	1130	2712
THEFT	60.4%	39.6%	100.0%
Count	2453	1607	4060
DRUG SALE/TRAF/DIST	45.8%	54.2%	100.0%
Count	1936	2293	4228
OTHER DRUG	52.9%	47.1%	100.0%
Count	3711	3301	7012
OTHER CR-PERS	54.4%	45.6%	100.0%
Count	361	302	663
OTHER PROPERTY	58.3%	41.7%	100.0%
Count	1891	1356	3247
PUBLIC ORDER	56.3%	43.7%	100.0%
Count	1033	801	1835
FELONY TRAFFIC	54.4%	45.6%	100.0%
Count	399	334	733
OTHER FELONY	49.9%	50.1%	100.0%
Count	120	120	240

33

Court Appearances and Rearrest

Overall, 76 percent of the defendants released prior to the disposition of their case made all their court appearances (see Figure 8). Defendants whose cases were still pending on February 1, 1989 are included in this analysis with their appearance history recorded. The failure-to-appear (FTA) rate ranged from 0 percent to 46 percent (see Table 7). For this project, an FTA is measured by the issuance of a bench warrant.

The FTA rate did not vary much by release method. Twenty-five percent of defendants released on nonfinancial conditions (ROR, citation, or unsecured bail) failed to make a court appearance compared to 27 percent released on deposit bail, 26 percent released on cash bail, 20 percent released on surety bail, and 14 percent released by some other method (see Figure 9).

Of defendants who failed to make a court appearance, 36 percent remained fugitives at the end of the study period (see Figure 10).

Of persons who were released pretrial, 17 percent were rearrested at least once for a felony or misdemeanor charge allegedly committed while on pretrial release (see Figure 11). This rate ranged from 0 percent to 32 percent for individual counties (see Table 8). The percentage of defendants rearrested pretrial did not vary by release method: 17 percent of defendants released on nonfinancial conditions were rearrested compared to 15 percent released on deposit bail, 21 percent of defendants released on cash bail, 15 percent released on surety bail, and 12 percent released by some other method (see Figure 12).

Figure 8
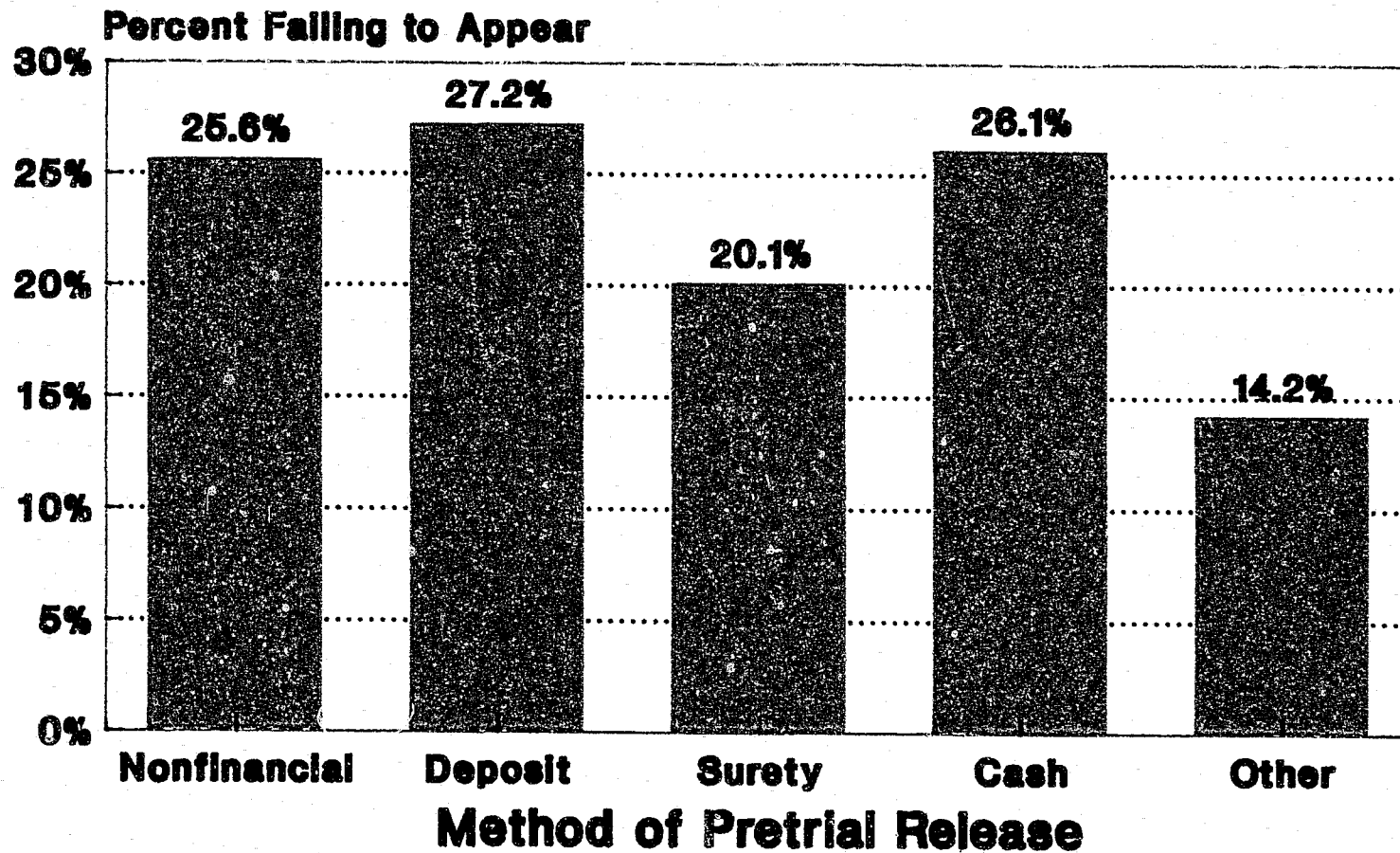## Did the Defendant Make All Court Appearances?

Yes
76%

No
24%
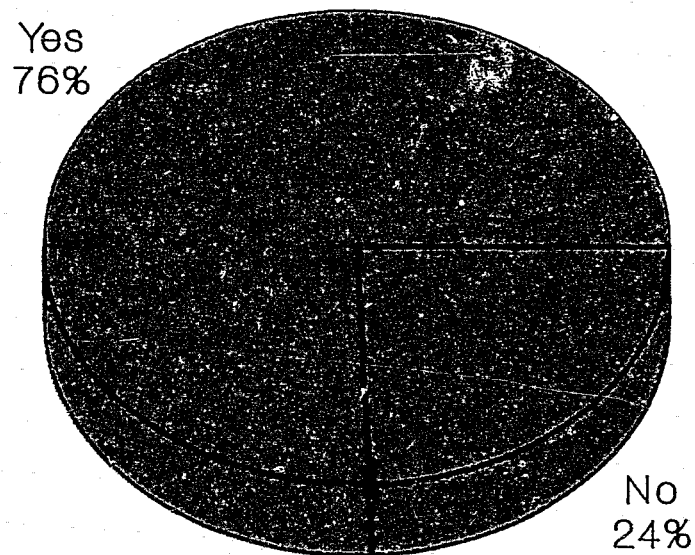
(N=29,404 released defendants only)

Table 7

### Variations in Failure to Appear Rates Among Jurisdictions

	Did the Defendant Make All Court Appearances?		TOTAL
	YES	NO	
County 11	99.1%	0.9%	100.0%
County 25	97.8%	2.2%	100.0%
County 5	97.4%	2.6%	100.0%
County 9	94.5%	5.5%	100.0%
County 35	92.2%	7.8%	100.0%
County 2	90.8%	9.2%	100.0%
County 38	90.1%	9.9%	100.0%
County 21	87.8%	12.2%	100.0%
County 23	84.4%	15.6%	100.0%
County 24	83.3%	16.7%	100.0%
County 3	83.0%	17.0%	100.0%
County 16	82.4%	17.6%	100.0%
County 26	81.6%	18.4%	100.0%
County 28	80.7%	19.3%	100.0%
County 20	80.5%	19.5%	100.0%
County 7	79.3%	20.7%	100.0%
County 32	79.0%	21.0%	100.0%
County 4	78.4%	21.6%	100.0%
County 34	77.8%	22.2%	100.0%
County 10	77.3%	22.7%	100.0%
County 14	76.1%	23.9%	100.0%
County 19	75.4%	22.1%	97.5%
County 15	75.3%	24.7%	100.0%
County 37	74.0%	26.0%	100.0%
County 29	74.0%	26.0%	100.0%
County 33	72.6%	27.4%	100.0%
County 31	72.5%	27.5%	100.0%
County 22	72.4%	27.6%	100.0%
County 8	72.2%	27.8%	100.0%
County 27	70.6%	29.4%	100.0%
County 6	70.6%	29.4%	100.0%
County 12	67.9%	32.1%	100.0%
County 18	66.4%	33.6%	100.0%
County 1	64.4%	35.6%	100.0%
County 30	60.3%	39.7%	100.0%
County 17	60.0%	40.0%	100.0%
County 13	58.5%	41.5%	100.0%
County 36	57.3%	32.4%	89.8%
County 39	53.6%	46.4%	100.0%

Figure 9
Failure to Appear, by Method of
of Pretrial Release

Percent Failing to Appear

Method	%
Nonfinancial	25.6%
Deposit	27.2%
Surety	20.1%
Cash	26.1%
Other	14.2%

Method of Pretrial Release

(N=29,404)

Figure 10
Did the Defendant Remain a Fugitive?
(Those Who Failed to Appear Only)

NO
64%

YES
36%
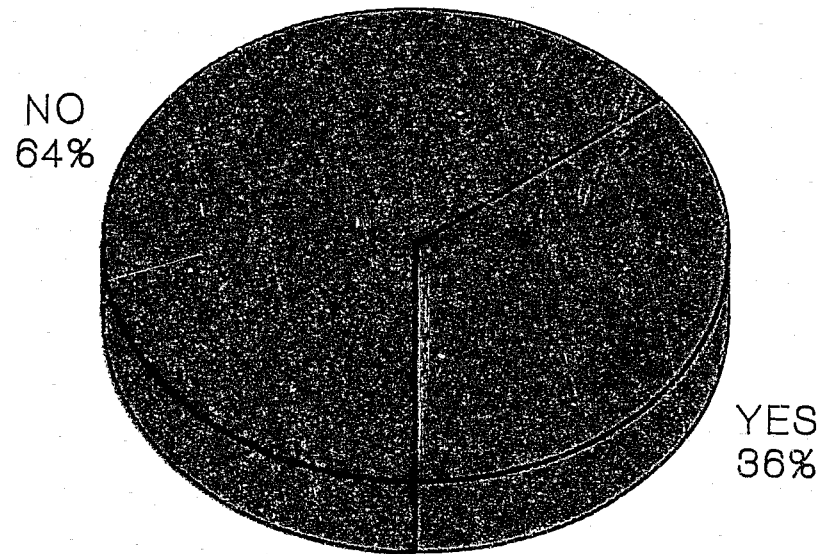
(N=7,608)

Figure 11
Was the Defendant Rearrested?

Yes
17%

No
83%
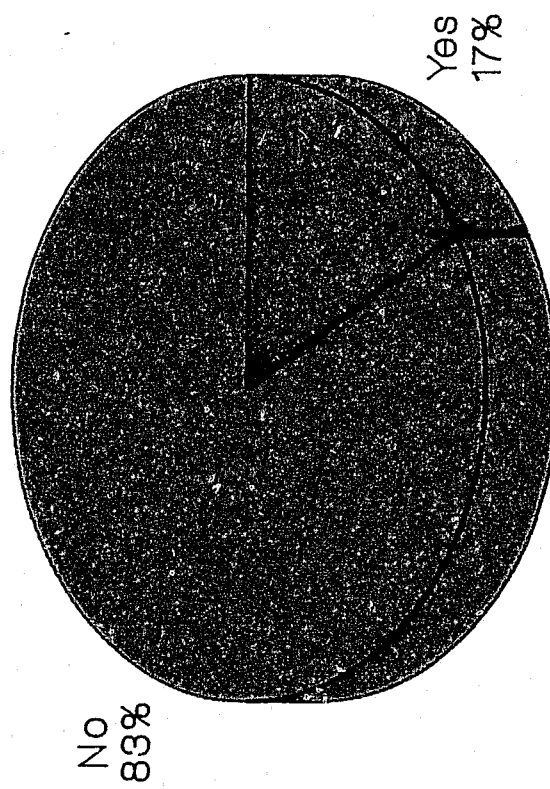
(N=29,648)

Table 8

Variations in Rearrest Rates Among Jurisdictions

| | Was the Defendant Rearrested? | | TOTAL |
	NO	YES	
County 11	100.0%	0.0%	100.0%
County 34	98.4%	1.6%	100.0%
County 20	97.6%	2.4%	100.0%
County 5	97.4%	2.6%	100.0%
County 24	97.3%	2.7%	100.0%
County 35	97.1%	2.9%	100.0%
County 7	97.1%	2.9%	100.0%
County 18	97.1%	2.9%	100.0%
County 33	96.5%	3.5%	100.0%
County 31	96.1%	3.9%	100.0%
County 22	96.1%	3.9%	100.0%
County 38	95.9%	4.1%	100.0%
County 39	92.9%	7.1%	100.0%
County 19	92.3%	7.7%	100.0%
County 37	92.0%	8.0%	100.0%
County 14	91.6%	8.4%	100.0%
County 25	91.3%	8.7%	100.0%
County 30	90.5%	9.5%	100.0%
County 36	89.6%	10.4%	100.0%
County 28	89.5%	10.5%	100.0%
County 32	89.2%	10.8%	100.0%
County 21	86.4%	13.6%	100.0%
County 9	85.5%	14.5%	100.0%
County 29	85.2%	14.8%	100.0%
County 10	85.0%	15.0%	100.0%
County 23	83.1%	16.9%	100.0%
County 1	80.3%	19.7%	100.0%
County 2	77.9%	22.1%	100.0%
County 6	76.0%	24.0%	100.0%
County 3	76.0%	24.0%	100.0%
County 15	75.3%	24.7%	100.0%
County 4	75.2%	24.8%	100.0%
County 12	74.8%	25.2%	100.0%
County 16	73.4%	26.6%	100.0%
County 26	72.8%	27.2%	100.0%
County 17	71.4%	28.6%	100.0%
County 13	70.4%	29.6%	100.0%
County 27	67.5%	32.5%	100.0%
County 8	60.6%	39.4%	100.0%

Figure 12
Pretrial Rearrest, by Method of Pretrial Release

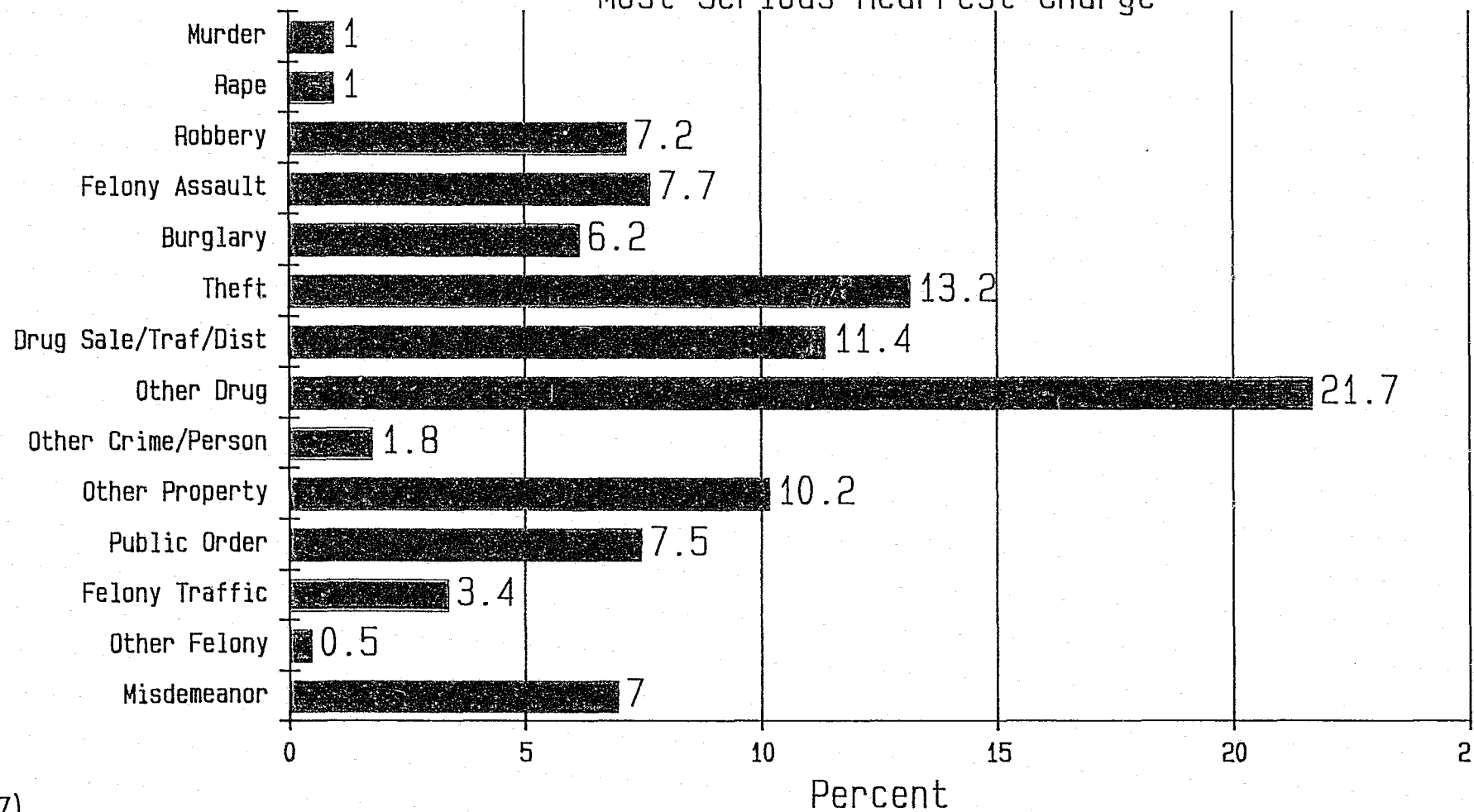**Percent Rearrested**

Method of Pretrial Release
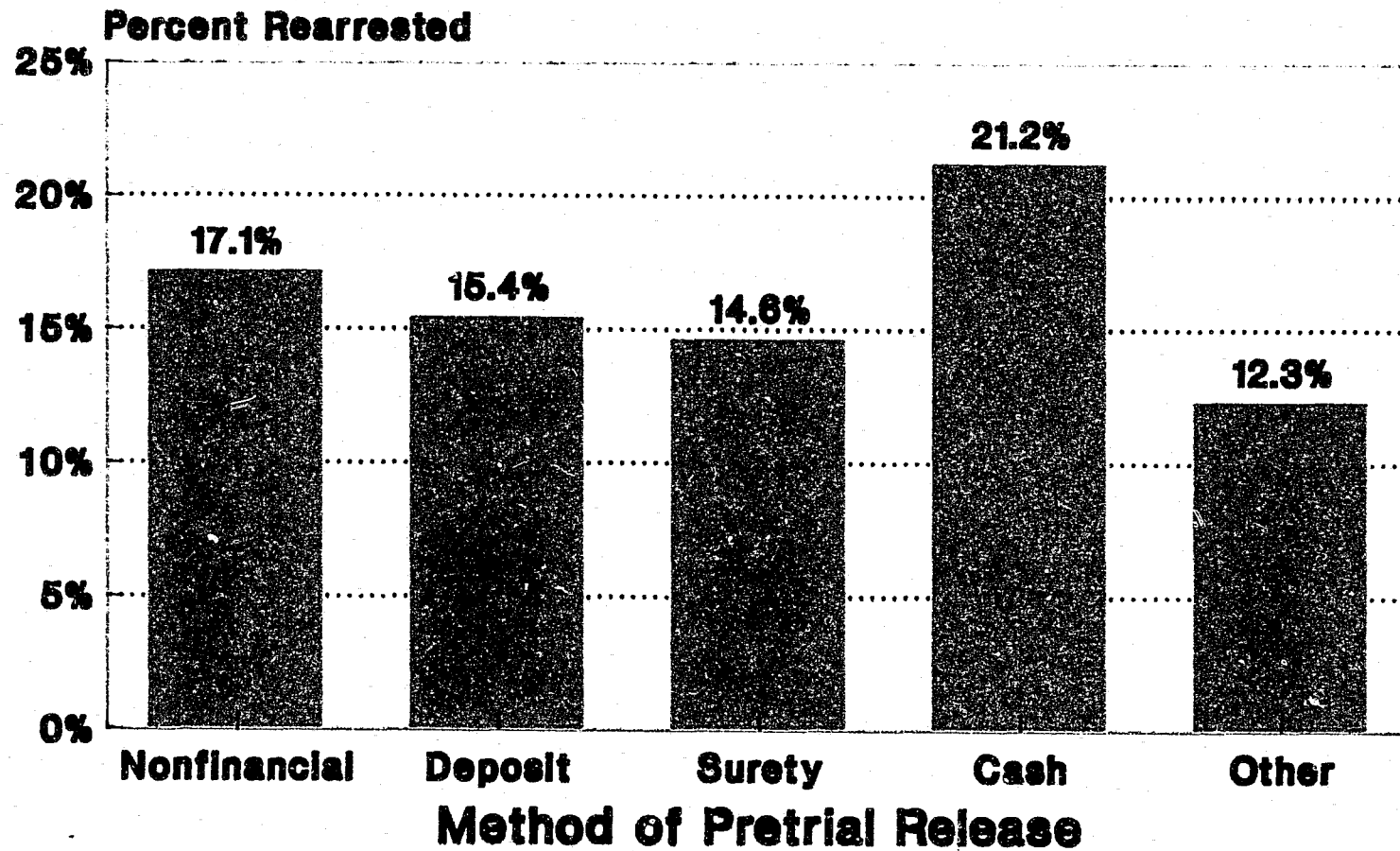
(N=29,648)

The most frequent rearrest offense was a felony non-sales drug offense (22 percent of the time), followed by theft (13 percent). The least often committed offenses were murder (1 percent) and rape (1 percent). Seven percent of the rearrest offenses were for misdemeanors (see Figure 13).

Defendants who were rearrested for an offense while on pretrial release tended to be arrested for a similar type of offense as their initial sample arrest. Of rearrested persons initially charged with a violent crime, 39 percent were rearrested for a violent offense. Of rearrested property defendants, 57 percent were charged with a property offense. Of drug rearrestees, 58 percent were charged with a drug offense. Of rearrested drug offenders, 10 percent were charged with a violent crime (see Table 9).

Of the defendants who were rearrested, 64 percent were released again (see Figure 14). Of those rereleased, 46 percent were arrested for another offense (see Figure 15).

Figure 13
Most Serious Rearrest Charge

Charge	Percent
Murder	1
Rape	1
Robbery	7.2
Felony Assault	7.7
Burglary	6.2
Theft	13.2
Drug Sale/Traf/Dist	11.4
Other Drug	21.7
Other Crime/Person	1.8
Other Property	10.2
Public Order	7.5
Felony Traffic	3.4
Other Felony	0.5
Misdemeanor	7

Percent

(N=4,777)

43

Table 9 - Most Serious Arrest Charge, by Initial Charge

Most serious Rearrest Charge[1]

| Most Serious Initial Charge	Violent	Prop.	Drug	Other Felony	Misd.	TOTAL %	TOTAL Number
Violent	39.3%	23.2%	17.6%	13.5%	6.3%	100%	805
Property	13.1%	57.4%	13.1%	9.0%	7.3%	100%	1600
Drug	9.9%	20.6%	57.6%	5.0%	6.9%	100%	2042
Other Felony	28.8%	10.9%	17.9%	33.1%	9.3%	100%	302

[1]Violent = Murder, rape, robbery, felony assault

Property = Burglary, theft, other property

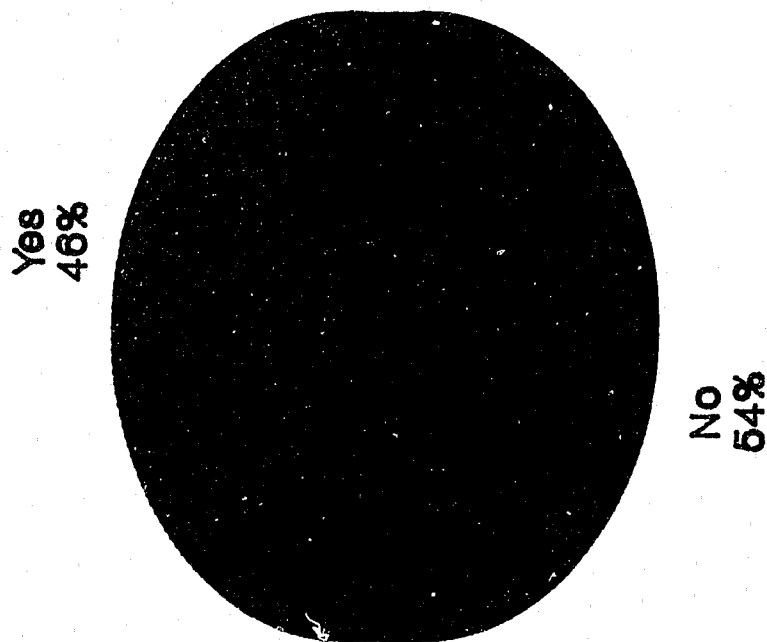Drug = Drug sales/trafficking, and other drug offenses including possession

Other felony = Public order, other crimes against persons, felony traffic/ DUI, and other felonies

Figure 14
If Rearrested, Was Defendant Released Again?

Yes
64%

No
36%
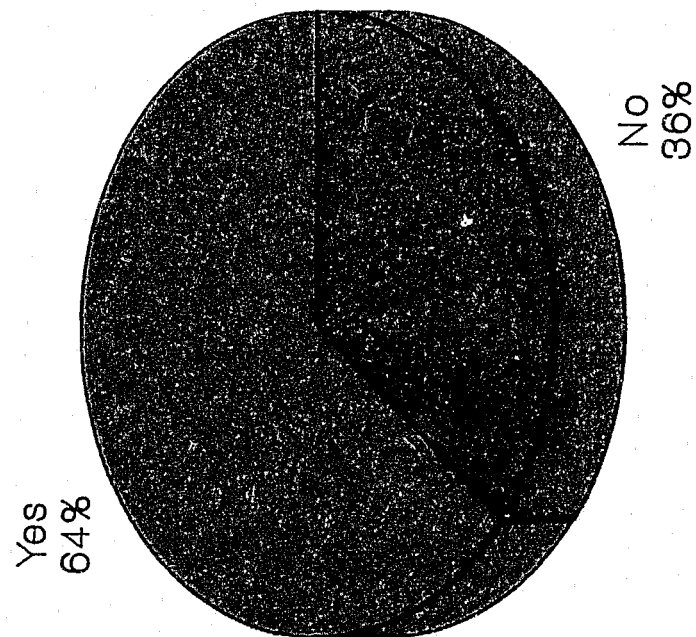
(N=5,040)

Figure 15

If Rearrested and Rereleased, Was Defendant Rearrested More Than Once?

Yes
46%

No
54%

(N=3,286)

Adjudication and Sentencing

Adjudication

At the end of the data collection period, 13 percent of the cases were still pending adjudication (see Figure 16). Of defendants adjudicated, 23 percent were dismissed or acquitted, 65 percent were disposed by a guilty plea, 5 percent resulted in a finding of guilty by a bench or jury trial, 4 percent resulted in diversion or deferred adjudication, and 2 percent were disposed of in another way (see Figure 17).

In 52 percent of the cases, the defendant was not in custody at the time the case was adjudicated (see Figure 18). This figure is lower than the 66 percent pretrial release rate reported earlier, reflecting instances where a defendant's release was revoked due to failure to comply with release conditions, a failure to appear, or a pretrial rearrest.

The most serious charge at adjudication was a felony in 78 percent of the cases and a misdemeanor in 22 percent of the cases (see Figure 19).

Figure 16
Pending Case Status as of 1/31/89

Pending Adjudication
13%

Not Pending
87%
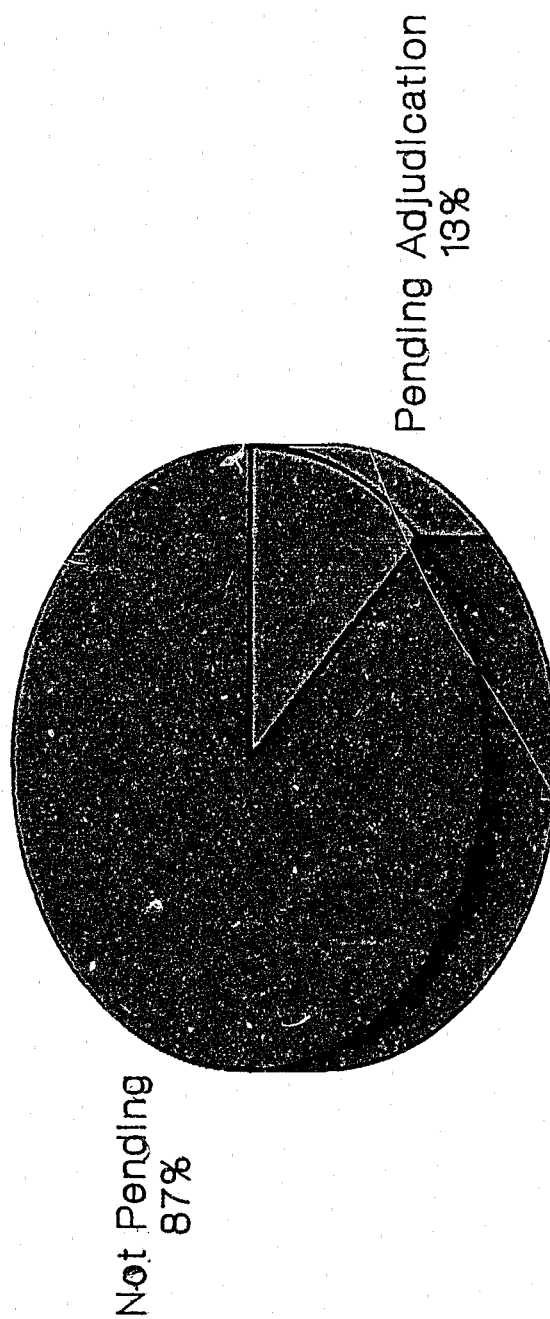
(N=47,280)

Figure 17
Type of Adjudication

Other
2%

Dismiss/Acqult
23%

Pleas
65%

Trials
5%

Defrd adj
4%
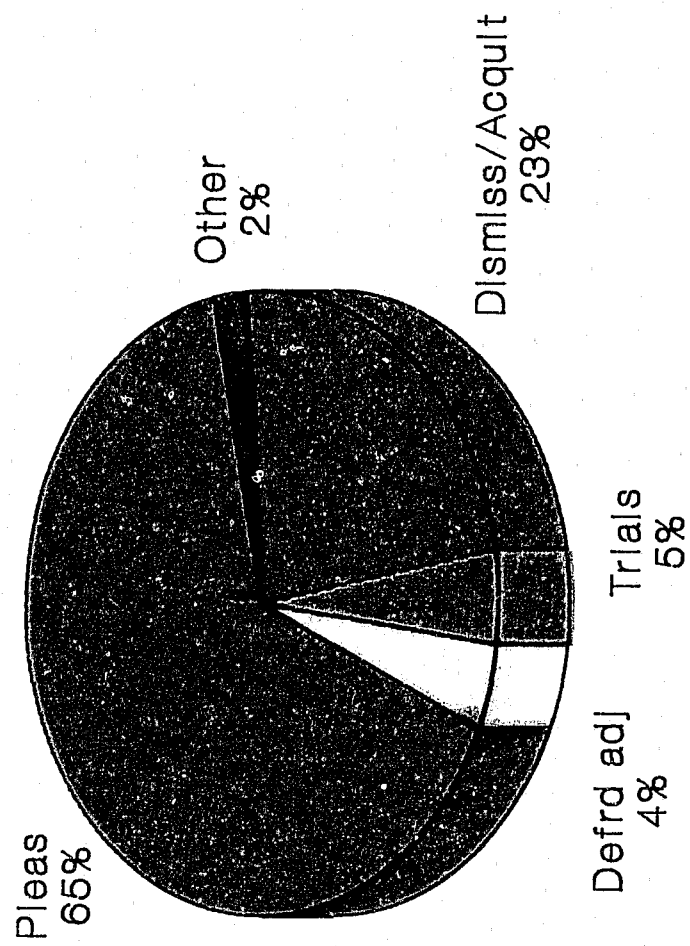
(N=39,874)

Figure 18
Was Defendant in Custody
at the Time of Adjudication?

No
52%

Yes
48%
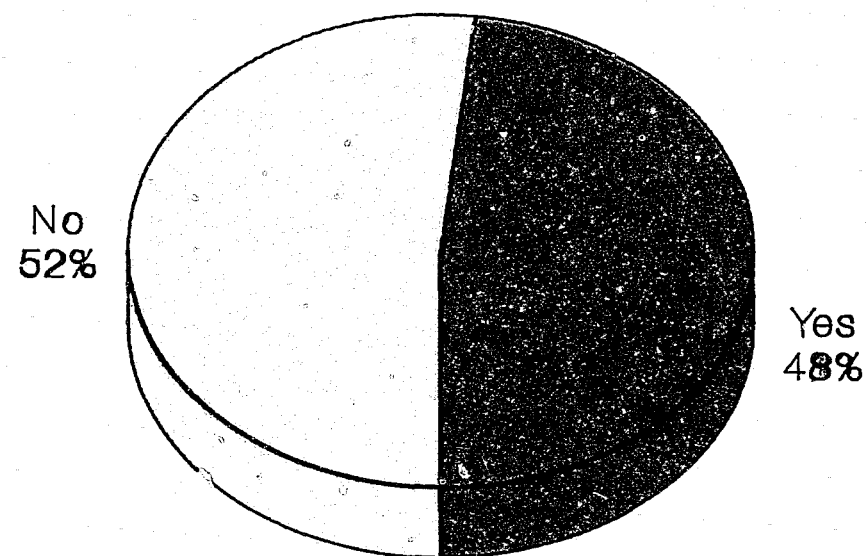
Figure 19
Adjudication Charge Level

Felony
78%

Misdemeanor
22%

(N=40,696)

Sentence

In cases where there was a finding or plea of guilt, 32 percent of defendants were sentenced to prison, 32 percent to straight probation, 18 percent to jail and probation, 14 percent to jail, and 3 percent to a fine only (see Figure 20).[2]

As expected, the most serious sentences were associated with the more serious charge types (see Figure 21). Ninety-five percent of convicted murderers received a prison sentence as did 69 percent of convicted rapists, 65 percent of convicted robbers, 32 percent of the sample convicted of felony assault, 46 percent of convicted burglars, 30 percent of those convicted of theft, 39 percent of those convicted of drug sales/trafficking/distribution, 24 percent of those convicted of other drug offenses, 28 percent of those convicted of other crimes against persons, 22 percent of those convicted of other property crimes, 31 percent of those convicted of public order crimes, 26 percent of those convicted of felony traffic offenses, 31 percent of those convicted of other felony offenses, and only 2 percent of those convicted of a misdemeanor. Probation-only sentences ranged from 3.5 percent (murder) to 42 percent (other property crimes). If probation plus some jail time is added to the probation-only sentences, the high range is 61 percent (felony traffic). Over half of the sample convicted of misdemeanor offenses were sentenced to jail (41 percent) or probation and jail (10 percent).

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2   These sentences may include persons who in addition were fined, sentenced to community service, or required to pay restitution.
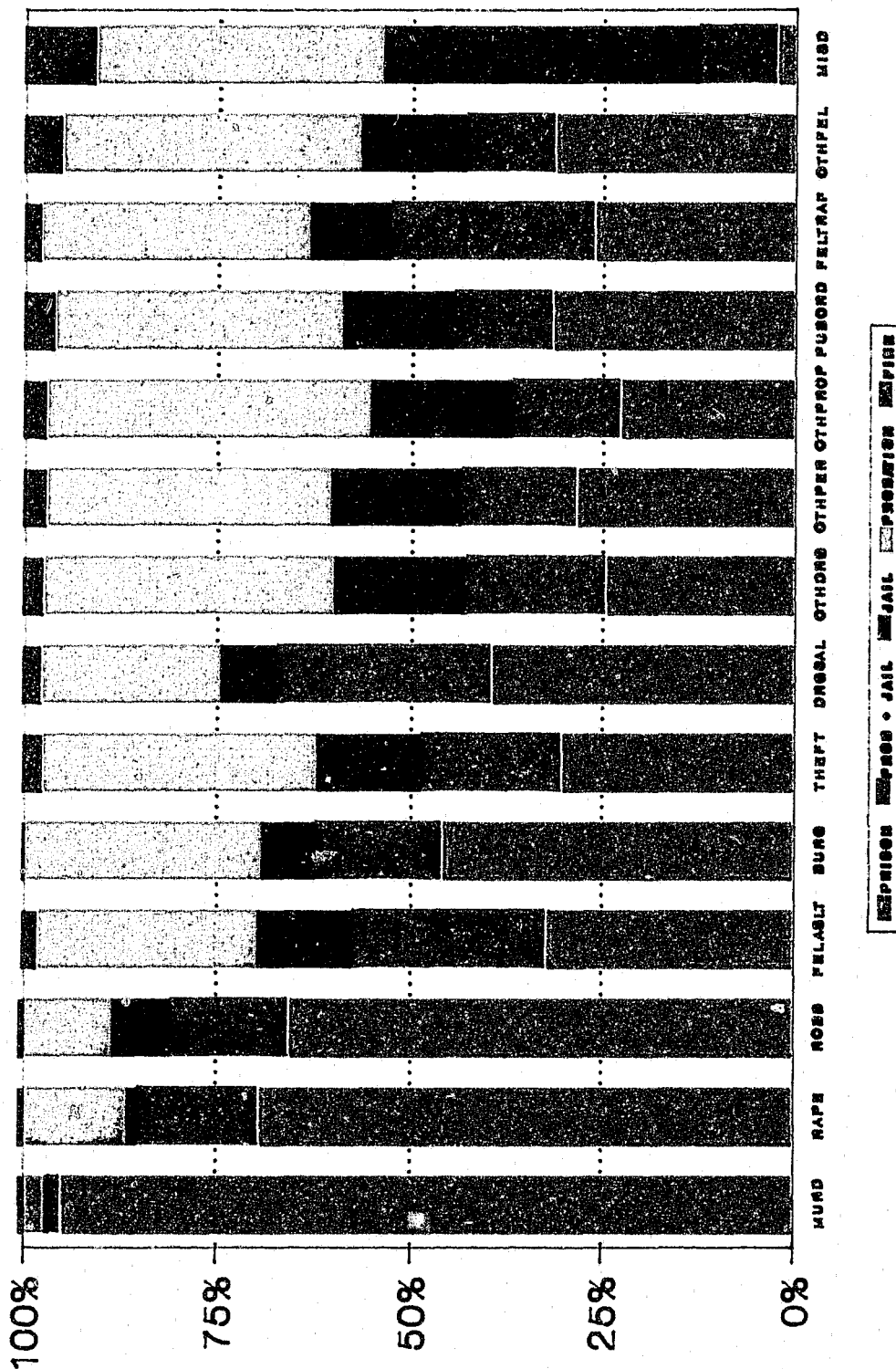
Figure 20
Sentence Received
(Dismissals/Acquittals Removed)

PROBATION
32%

JAIL
14%

FINE ONLY
3%

JAIL/PROB
18%

PRISON
32%
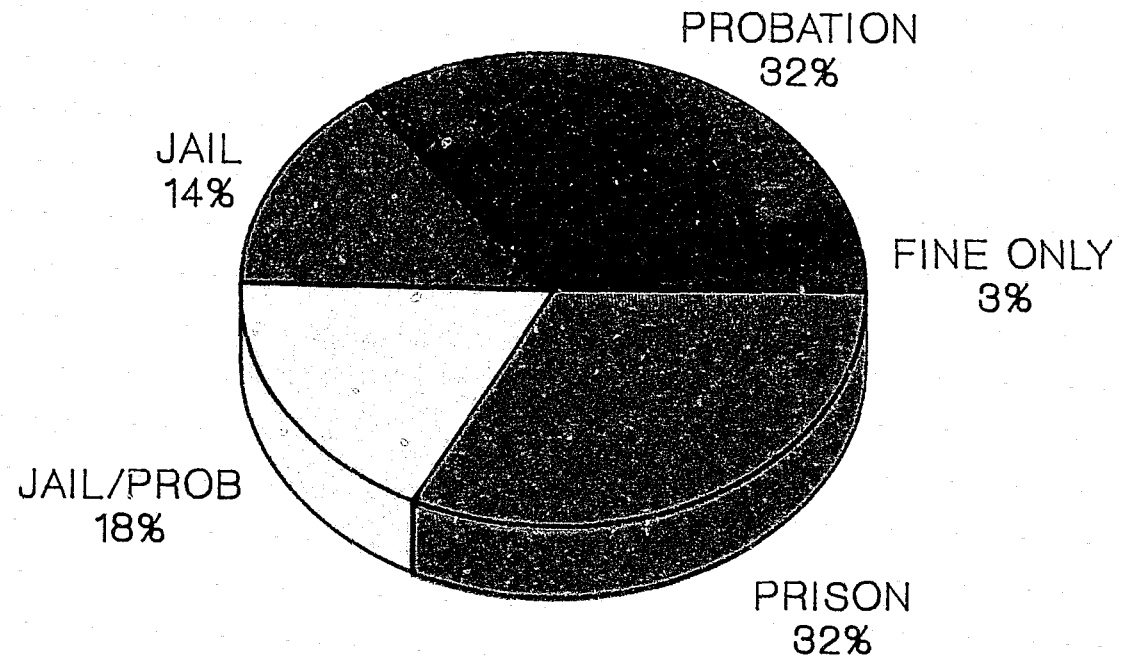
(N=25,125)

Figure 21

Sentence Received by Type of Charge

(N=84,169)

54

Event Intervals

Time From Arrest to Pretrial Release

Two-thirds of defendants who were released pretrial were released within three days of their arrest. Sixteen percent of defendants were released between four and 10 days, 10 percent between 11 and 30 days, and 7 percent after 30 days detention (see Figure 22). [3] Defendants released on nonfinancial conditions (ROR, citation release, or unsecured bail) were released more quickly than defendants released on financial conditions (see Table 10). Of defendants released on nonfinancial conditions, 73 percent were released in less than four days, compared to 59 percent of defendants released on financial conditions. Seven percent of defendants released on nonfinancial conditions were released after 31 days, compared to 10 percent of defendants released on financial conditions.

Time From Pretrial Release to FTA

For defendants who failed to appear for a court appearance, Figure 23 shows the length of time defendants were on pretrial release before the failure to appear occurred. Eighteen percent failed to appear within 10 days of their release, 31 percent failed between 11 and 40 days, 23 percent between 41 and 90 days, and 28 percent failed to appear after 90 days of pretrial release. [4]

---

3   This analysis excludes Erie and Suffolk Counties, since their pretrial release dates often reflect the date a pretrial release decision was continued in the upper court, rather than the original date it was set in the lower court.

4   Ibid.

Figure 22
Time From Arrest to Pretrial Release

1-3 days
67%

31+ days
7%

11-30 days
10%
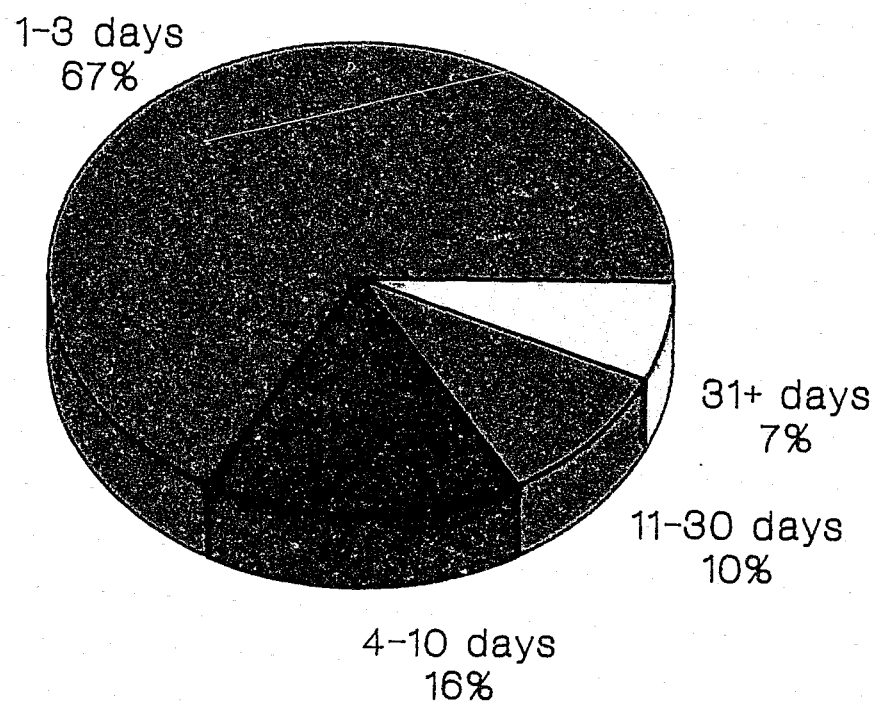
4-10 days
16%

(N=28,916, excluding Erie and Suffolk)

Table 10
Time from Arrest to Release by Release Method

	Time from Arrest to Pretrial Release			
	1-3 days	4-10 days	11-31 days	31+ days
Release Method: Nonfinancial Count	72.6% 11398	13.1% 2059	7.8% 1221	6.5% 1025
Financial Count	58.9% 8217	19.3% 2691	11.8% 1652	9.9% 1384

(continued)

Table 10
Time from Arrest to Release by Release Method

	Total
Release Method: Nonfinancial Count	100.0% 15704
Financial Count	100.0% 13944

Figure 23
Time From Release to FTA

11-40 days
31%

1-10 days
18%

41-90 days
23%

91+ days
28%
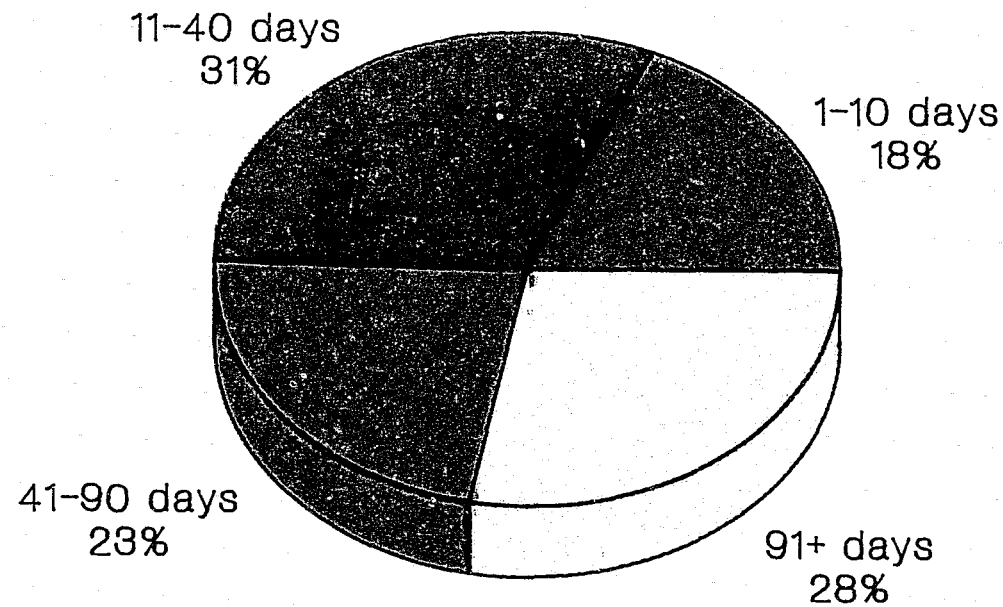
(N=7,539, excluding Erie and Suffolk)

Time From FTA to Return

Of defendants who failed to make a court appearance but subsequently were returned to court, 24 percent were returned in 10 days or less. Twenty-four percent returned between 11 and 30 days of their FTA, 30 percent returned between one and three months later, and 22 percent returned after three months after their FTA (see Figure 24).

Time From Pretrial Release to Rearrest Offense

For the 17 percent of rearrested defendants, 12 percent of the rearrest offenses occurred within 10 days of pretrial release. Twenty-seven percent occurred between 11 and 40 days, 25 percent between 41 and 90 days, and 36 percent occurred after 90 days on pretrial release (see Figure 25). [5]

---

5   Ibid.

Figure 24
Time from FTA to Return

11-30 days
24%

10 days or less
24%

1-3 mths
30%

Over 3 mths
22%
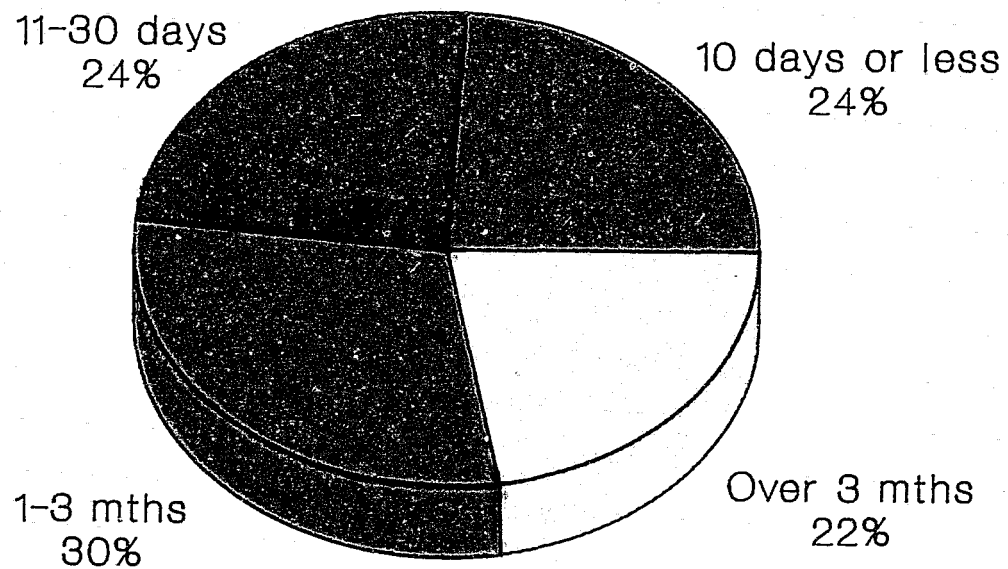
(N=4,885)

Figure 25
Time From Pretrial Release to Rearrest

11-40 days
27%

1-10 days
12%

41-90 days
25%

91+ days
36%
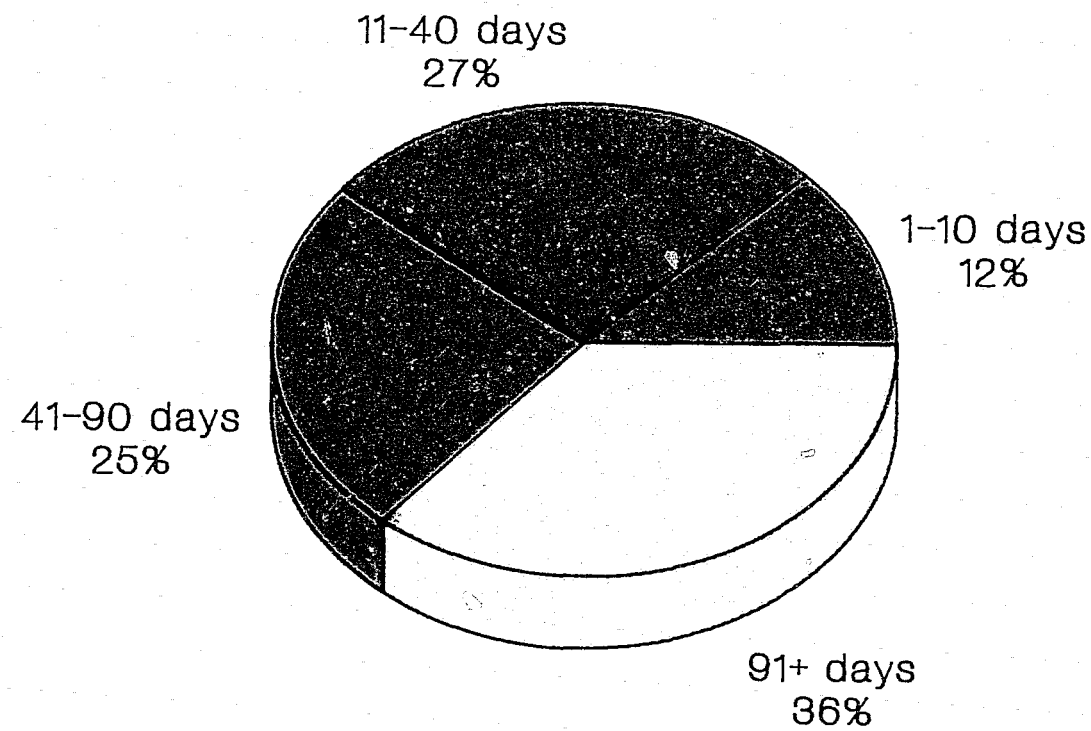
(N=4,753, excluding Erie and Suffolk)

51

Time From Rearrest Offense to Rerelease

Of defendants who were rearrested while on pretrial release and then released again, one-fourth were released the same day as their offense. Thirty-eight percent were released between two and five days later, 24 percent between six and 30 days, and 13 percent after 30 days (see Figure 26). [6]

Time From Arrest to Adjudication

Of defendants adjudicated, 9 percent of cases were adjudicated within 10 days of the defendant's arrest. Twenty-one percent were adjudicated between 11 and 31 days of arrest, 18 percent between 32 and 60 days, 13 percent between 61 and 90 days, 24 percent between 91 and 183 days, 15 percent between 184 days and one year, and 1 percent more than a year after the arrest (see Figure 27).

---

6   Because of interest in knowing how quickly defendants commit new crimes after their initial pretrial release, data were gathered on the date of the alleged offense resulting in the rearrest, rather than the rearrest date. Since in some cases the rearrest date may have been after the offense date, the percentage of defendants rereleased on the same day may actually be higher. The percentage in the other categories may change slightly as well.

Figure 26
Time from Rearrest to Re-release

Same day
25%

2-5 days
38%

30+ days
13%

6-30 days
24%
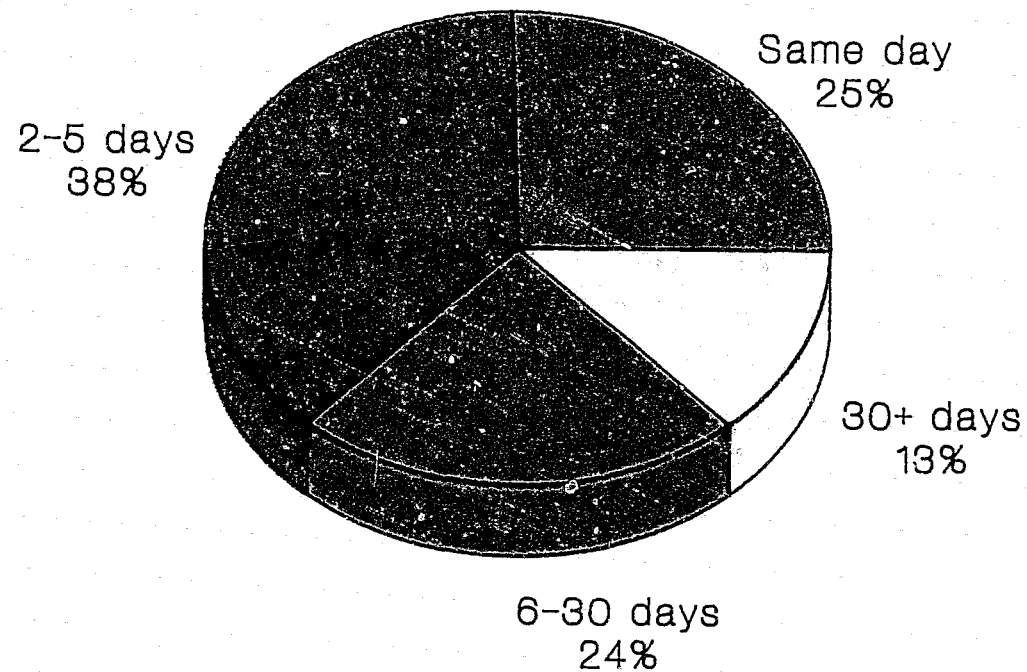
(N=3,334)

Figure 27
Time from Arrest to Adjudication

11-31 days
21%

32-60 days
18%

10 days or less
9%

More than 1 year
1%

61-90 days
13%

184-365 days
15%

91-183 days
24%
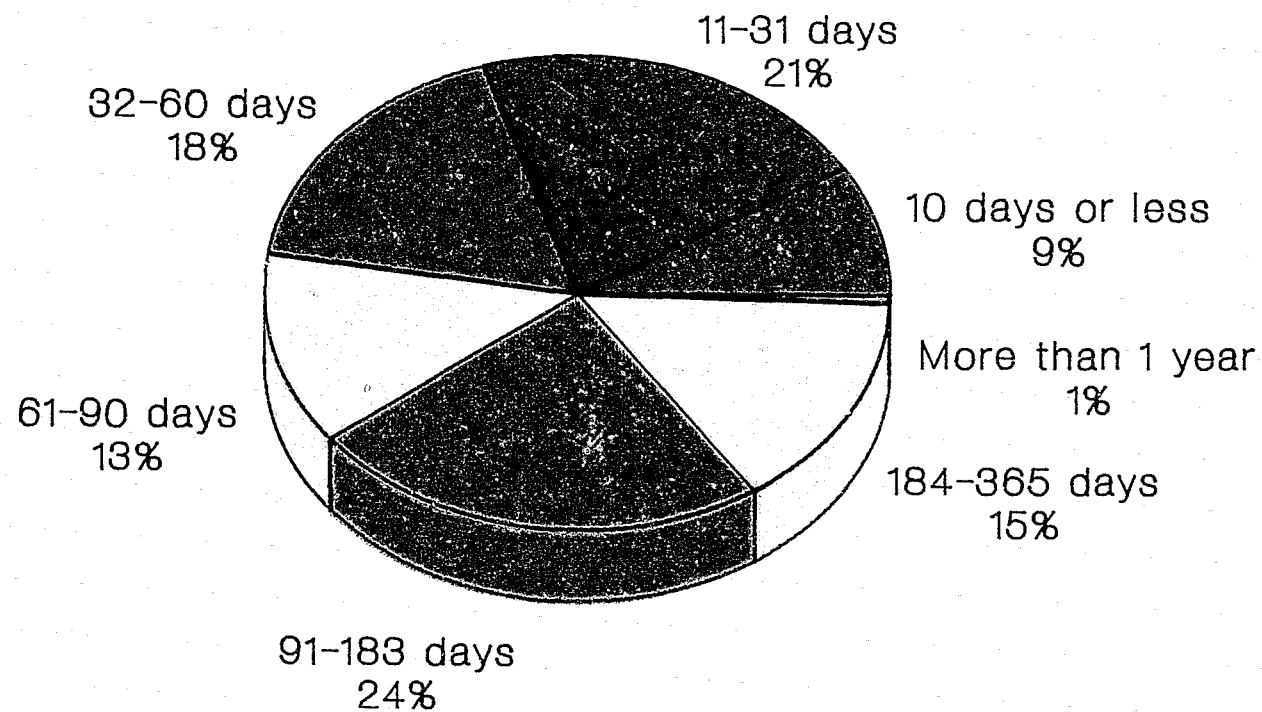
(N=39,371)

Time From Adjudication to Sentencing

Of defendants who were found guilty and sentenced, 55 percent of defendants were sentenced on the same day. Four percent were sentenced between two and 20 days after adjudication, 22 percent between 21 and 40 days later, 10 percent between 41 and 60 days later, and 8 percent 61 or more days after adjudication (see Figure 28).

Time From Arrest to Sentencing

For 21 percent of sentenced defendants, the length of time from arrest to sentencing was longer than six months (see Figure 29). Fifteen percent of defendants were sentenced in less than one month of their arrest, 33 percent between one and three months, and 30 percent between three and six months.

Figure 28
Time from Adjudication to Sentencing

Same Day
55%

2-20 days
4%

More than 60 days
8%

41-60 days
10%

21-40 days
22%
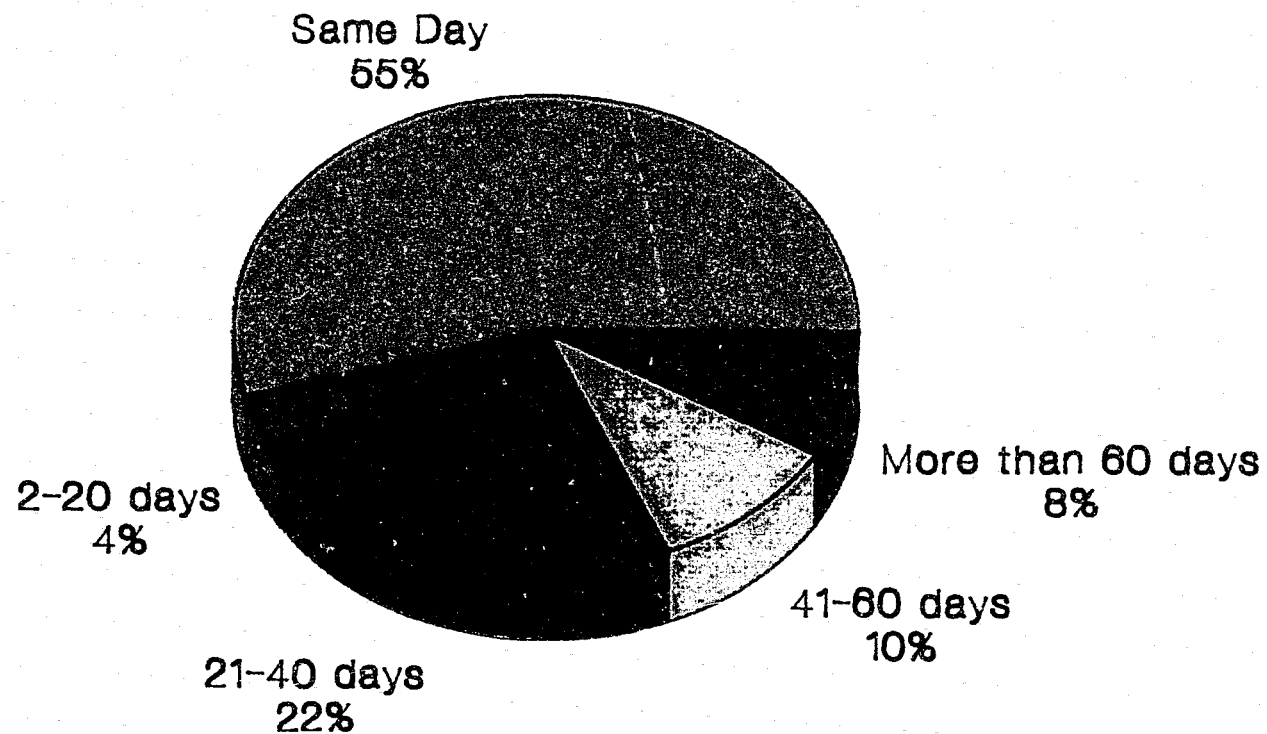
(N=25,079)

Figure 29
Time from Arrest to Sentencing

32–60 days
18%

61–90 days
15%

11–31 days
11%

10 days or less
4%

More than 1 year
1%

184–365 days
20%

91–183 days
30%
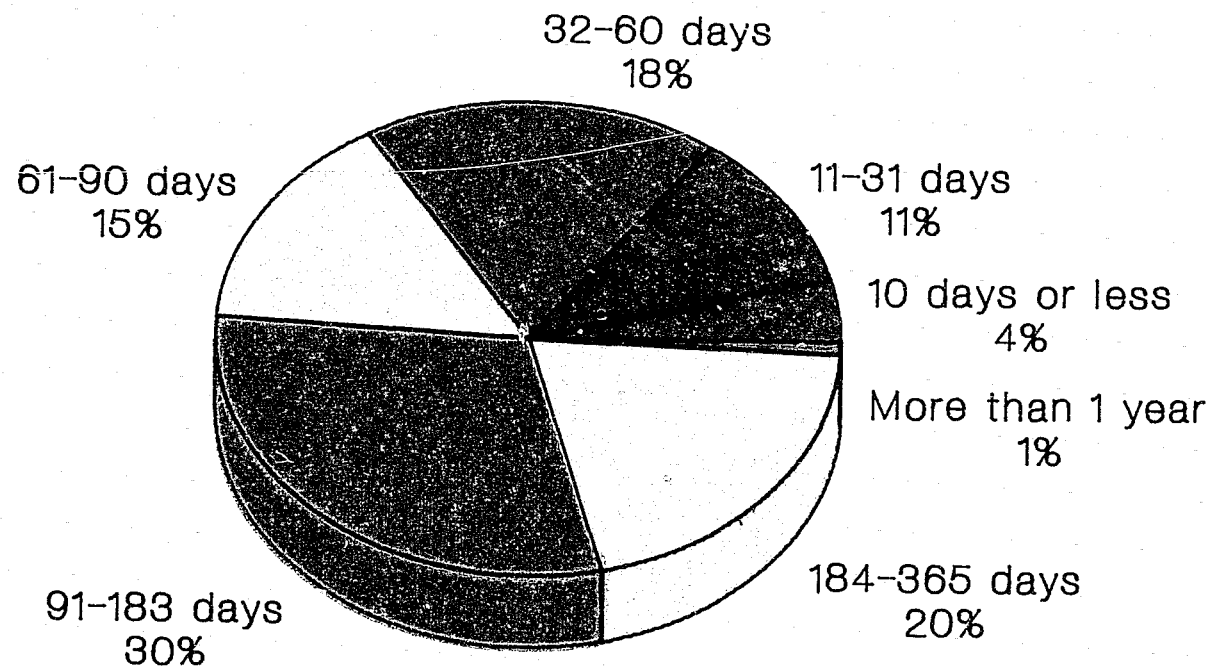
(N=24,848)

APPENDIX A

DATA FORM

PRETRIAL SERVICES RESOURCE CENTER
acting as the collection agent for the
U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE STATISTICS
NATIONAL PRETRIAL REPORTING PROGRAM

Sequence Number **17460**

County Code ☐☐☐☐☐

State Code ☐☐

CASE INFORMATION

1. Case Number
   Lower Court _____
   Upper Court _____
2. Arresting Agency's Defendant Identification No.
   ☐☐☐☐☐☐☐☐☐☐☐
3. Date of Offense ☐☐☐☐☐☐
4. Date of Arrest ☐☐☐☐☐☐
5. Most Serious Charge
   (a) Statute Number _____
   (b) Offense Name _____
6. Second Most Serious Charge
   No Second Charge (Proceed to Item 7)
   (a) Statute Number _____
   (b) Offense Name _____
7. Total Number of Charges ☐
   (Include counts as separate charges)
   (8 - Eight or more charges)
8. Relationship to Criminal Justice System at Time of Offense
   (Check all that apply)
   1. ☐ None
   2. ☐ On Pretrial Release for Pending Case
   3. ☐ On Probation
   4. ☐ On Parole
   8. ☐ Other _____
   9. ☐ Not Known

DEFENDANT INFORMATION

9. Defendant's Date of Birth
   ☐☐☐☐☐☐
10. Defendant's Sex
    1. ☐ Male   2. ☐ Female

PRIOR RECORD INFORMATION

11. Does the Defendant Have Prior Adult Arrests or Convictions?
    1. ☐ Yes (Please answer Items 12 — 16)
    2. ☐ No (Proceed to Items 17)
    9. ☐ Not Known
12. Number of Prior Adult Felony:
    (a) ☐☐ Convictions
    (b) ☐☐ Arrest Charges
13. Number of Prior Adult Misdemeanor:
    (a) ☐☐ Convictions
    (b) ☐☐ Arrest Charges
14. Number of Prior Adult **Violent** Felony Convictions ☐☐
15. Has the Defendant Ever Failed to Make a Court Appearance?
    1. ☐ Yes   2. ☐ No   9. ☐ Don't Know
16. Was Prior Record Information Known by the Pretrial Decisionmaking Official?
    1. ☐ Yes — all known
    2. ☐ Yes — some known
    3. ☐ No
    9. ☐ Don't Know

PRETRIAL RELEASE INFORMATION

17. Type of Release Conditions Set on Current Charges
    (Check all that apply)
    1. ☐ Nonfinancial Conditions
    2. ☐ Financial Conditions
       (a) ☐ Unsecured Appearance Bail Option
       (b) ☐ Deposit Bail Option
       (c) ☐ Surety Bail Option
       (d) ☐ Full Cash Bail Option
       (e) ☐ Property Bail Option
       (f) ☐ Other _____
    3. ☐ Held Without Bail
    8. ☐ Other _____
    9. ☐ Not Known
18. If Financial Conditions Set, Indicate Dollar Amount
    $ _____
19. If Financial Conditions Set, Indicate Method of Pretrial Release on Current Charges
    1. ☐ Defendant Not Released Pretrial (Proceed to Item 21)
    2. ☐ Unsecured Bail
    3. ☐ Deposit with Court
    4. ☐ Private Surety Company
    5. ☐ Private Bail Fund
    6. ☐ Full Cash Bail Posted
    7. ☐ Property Posted
    8. ☐ Other _____
    9. ☐ Not Known
20. Date of Pretrial Release on Current Charges
    ☐☐☐☐☐☐
21. If Released, Was the Defendant's Release Revoked?
    1. ☐ Yes   2. ☐ No   9. ☐ Don't Know

COURT APPEARANCE INFORMATION

22. Did the Defendant Make all Court Appearances?
    1. ☐ Yes (Proceed to Item 26)
    2. ☐ No (Please answer Items 23 - 25)
23. Date of First Failure to Appear in Court on Current Charges ☐☐☐☐☐☐
24. Did the Defendant Remain a Fugitive?
    1. ☐ Yes
    2. ☐ No (Please answer Item 25)
25. Date Defendant Was Returned to Court
    ☐☐☐☐☐☐

ADJUDICATION INFORMATION

26. Date of Adjudication on Current Charges
    ☐☐☐☐☐☐
27. Was the Defendant in Pretrial Custody on the Date of Adjudication of the Current Charges?
    1. ☐ Yes   2. ☐ No
28. Type of Adjudication
    1. ☐ Dismissal
    2. ☐ Guilty - Bench Trial
    3. ☐ Guilty - Jury Trial
    4. ☐ Guilty - Plea
    5. ☐ Not Guilty - Acquittal
    8. ☐ Other _____
    9. ☐ Not Known

29. Most Serious Charge at Adjudication
    (a) Statute Number _____
    (b) Offense Name _____
    (c) ☐ Felony   ☐ Misdemeanor
30. Date of Sentencing
    ☐☐☐☐☐☐
    (888888 - Defendant Not Sentenced)
31. Sentence Imposed on Current Charges
    (Check all that apply)
    1. ☐ Acquitted/Dismissed
    2. ☐ Fine $ _____
       (Amount in whole dollars)
    3. ☐ Restitution/Community Service
    4. ☐ Probation _____
       (number of months)
    5. ☐ Jail Time _____
       (number of months)
    6. ☐ Prison Time _____
       (number of months)
    8. ☐ Other _____
    9. ☐ Not Known

PRETRIAL REARREST INFORMATION

32. Was the Defendant Rearrested Pretrial?
    1. ☐ Yes (Please answer Items 33 - 39)
    2. ☐ No (Do not answer Items 33 - 39)
33. Date of Subsequent Offense
    ☐☐☐☐☐☐
34. Most Serious Rearrest Charge
    (a) Statute Number _____
    (b) Offense Name _____
35. Total Number of Charges at First Pretrial Rearrest ☐
    (8 - Eight or More)
36. Pretrial Release Conditions Set on Subsequent Offense
    (Check all that apply)
    1. ☐ Nonfinancial Conditions
    2. ☐ Financial Conditions
       (a) ☐ Unsecured Appearance Bail Option
       (b) ☐ Deposit Bail Option
       (c) ☐ Surety Bail Option
       (d) ☐ Full Cash Bail Option
       (e) ☐ Property Bail Option
       (f) ☐ Other _____
    3. ☐ Held Without Bail
    8. ☐ Other _____
    9. ☐ Not Known
37. Was the Defendant Re-Released?
    1. ☐ Yes (Please answer items 38 and 39)
    2. ☐ No
38. Date of Re-Release
    ☐☐☐☐☐☐
39. Was the Defendant Rearrested More Than Once?
    1. ☐ Yes   2. ☐ No   9. ☐ Not Known

APPENDIX B

SAMPLING AND WEIGHTING

APPENDIX B

PHASE III SAMPLING AND WEIGHTING

The sampling procedures used in Phase III were designed to represent felony court filings during the month of February 1988 in the 75 most populous counties in the United States. These 75 counties account for approximately half of all the reported crime in the United States. The sampling procedures were designed and the sample of 40 sites was selected by the U.S. Bureau of the Census. A pre-determined limit of 40 sites was agreed to by BJS.

The sample is a two-stage stratified sample:

- The first stage is a stratified sample to select 40 of the 75 most populous counties to be included in the study;

- The second stage is a systematic sample of felony filings (defendants) within each selected county.

Stage 1: Site selection

Sites were divided into four strata, based on initial court filing information. This information was obtained from a telephone survey conducted by the Resource Center in the fall of 1987 to determine the number of initial felony filings in each of the 75 largest counties in February 1987. This information was not obtained in five counties. For these counties, the number of lower court filings was es-

timated by a regression equation using available upper court filing information, since there was a strong relationship between the known number of lower court filings and upper court filings.

Stratum 1 included counties which were to be included "with certainty", i.e., all counties in Stratum 1 had to be included in the sample because of their large number of lower court filings.

The following formula was applied to determine the number of sites which should be included with certainty:

$$\frac{\text{total \# of lower court filings in all 75 counties}}{\text{the desired sample size}} * \quad 80\%$$

or

$$\frac{705{,}928}{40} * 80\% = 14118.$$

Thus all counties with 14,100 (rounded) or more lower court filings were deemed to be included in the sample with certainty. This formula yielded a total of 13 counties. (A 14th county--Fulton County--was subsequently included in Stratum

1 to minimize the standard error, because of its disproportionately large number of felony court dispositions.)

The remaining 26 counties were allocated to the three non-certainty strata based on the variance of felony court dispositions. This was achieved by applying the following formula:

$$26 * \frac{NhSh}{summ(NhSh)} = \text{the number of sites to select}$$

where,
Nh = the number of jurisdictions in stratum h
Sh = standard error for the estimate of dispositions for stratum h

As a result, Stratum 2 consisted of 10 counties with at least 10,000 but less than 14,100 filings, of which eight were selected. Stratum 3 consisted of 16 counties with over 6000 but less than 10,000 filings, of which eight were selected. Stratum 4 consisted of 35 counties with fewer than 6000 filings, of which 10 were selected. Before the sites were selected within the strata, counties were ordered within the strata by regions as defined by the Census Bureau and within region by decreasing lower court filings.

To estimate the standard error, variances needed to be calculated on a variable other than the one being stratified on; they were calculated on the number of upper court felony dispositions in each county. (This information was made avail-

able by the Bureau of Justice Statistics, based on information obtained from a mail survey conducted in 1985.) The relative standard error achieved on upper court dispositions was .03.

The sampling procedure resulted in the following selection of sites by stratum:

Stratum 1 (Certainty sites):

Los Angeles, CA	Allegheny, PA
Cook, IL	Bronx, NY
Dade, FL	Maricopa, AZ
Kings, NY	Broward, FL
New York, NY	Palm Beach, FL
Harris, TX	Wayne, MI
Dallas, TX	Fulton, GA

Stratum 2:

Queens, NY	Tarrant, TX
Philadelphia, PA	Washington, D.C.
Hillsborough, FL	San Diego, CA
Duval, FL	Santa Clara, CA

Stratum 3:

Essex, NJ	San Bernardino, CA
Hamilton, OH	Sacramento, CA
Pinellas, FL	Orange, CA
Shelby, TN	King, WA

Stratum 4:

Erie, NY	Fairfax, VA
Salt Lake, UT	Montgomery, PA
Monroe, NY	Suffolk, MA
Milwaukee, WI	Honolulu, HI
St. Louis, MO	Essex, MA

Stage 2: Defendant sampling procedures

The procedure for selecting defendants was designed to reflect all defendants who had felony cases filed with the court during February 1988. To accomplish this, participating jurisdictions selected every defendant who had a felony charge filed on pre-selected days during that month.

The days on which defendants entered the sample varied by site depending on its stratum. This variation was to ensure a minimum number of cases in each site, but also without overburdening the larger sites.

For Stratum 1 sites, defendants representing one week's worth of filings were selected. This was achieved by randomly selecting a starting date between the 1st and the 5th, and then selecting every 4th day. This procedure produced a sample that represented felony filings on each day of the week, distributed throughout the month. The same procedure as above was used for sites in stratum 2. For sites in stratum 3, two weeks of defendants representing filings were selected. For this group, a random start date between the 1st and 3rd was selected and then every other business day was selected. For sites in stratum 4, all felony filings during the month of February were included.

Weighting Procedures

Weighting of the data, where the weight equals the inverse of the probability of selection in the sample, was done in two stages. The first stage addressed the probability of a site being selected in the sample. All cases from counties in Stratum 1 had a first-stage weight of 1.000 (since all counties in the stratum were selected for the sample). All cases from counties in Stratum 2 had a weight of 1.250; Stratum 3 were weighted by 2.000; Stratum 4 were weighted by 3.889. (Footnote: Although 10 of 35 sites were selected for the sample in Stratum 4, Essex County, MA had to be excluded from the sample late in the study, at which point no site could any longer be substituted for it. As a result, only 9 of 35 sites in Stratum 4 were included in the study and the original weight of 3.500 was changed to 3.889.)

The next stage of weighting addressed the probability of a defendant being selected from each site during February 1988. For counties in Strata 1 and 2, defendants with felony filings on every 4th working day in February 1988 were included in the sample, resulting in a weight of 4.0. For Stratum 3 counties, defendants were included every other day, thus their defendant weight was 2.0. For the Stratum 4 counties, where every defendant was selected, the weight was 1.0.

The final weight used in the analyses is the site weight multiplied by the defendant weight. Thus, the final weight was 4.000 for cases in Stratum 1 sites, 5.000 for Stratum 2 sites, 4.000 for Stratum 3 sites, and 3.889 for Stratum 4 sites.

There were two exceptions to this weighting procedure. Because of problems which developed late in the project, sample sizes were reduced by half for Essex County, NJ and King County, WA, both in Stratum 3. For cases from those counties, the final weight was doubled to 8.000.

See Table 1 for unweighted and weighted sample sizes for each county in the sample.

APPENDIX C

CRIME CATEGORY DEFINITIONS

CRIME CATEGORY DEFINITIONS

Offenses were recoded into 14 broad categories, conforming to the Bureau of Justice Statistics crime definitions. All offenses include attempts and conspiracies to commit, except murder.

The list below is meant to served as an example of the types of crimes included in each category. It is not an exhaustive list.

Murder
Includes homicide, nonnegligent manslaughter, and voluntary homicide. Excludes attempted murder (which is classified as felony assault), negligent homicide, involuntary homicide, and vehicular manslaughter (which are classified as other crimes against persons).

Rape
Includes forcible intercourse, sodomy, or penetration with a foreign object. Excludes statutory rape or nonforcible acts with a minor or someone unable to give legal consent, nonviolent sexual offenses, and commercialized sex offenses.

Robbery
Includes the unlawful taking of property by force or threat of force.

Felony Assault
Includes aggravated assault, aggravated battery, attempted murder, assault with a deadly weapon, felony assault or battery on a law enforcement officer, or other felony assaults. Excludes extortion, coercion, or intimidation.

Burglary
Includes any type of entry to a residence, industry, or business with or without the use of force with the intent to commit a felony or theft, such as forcible entry and breaking and entering. Excludes possession of burglary tools, trespassing, and unlawful entry where the intent is not known.

Theft
Includes grand theft, grand larceny, motor vehicle theft, or any other felony theft. Excludes receiving or dealing stolen property, fraud, forgery, or deceit.

Drug trafficking/sales
Includes trafficking of controlled substances, sales, distribution, possession with intent to distribute or sell, manufacturing, or smuggling. Excludes possession of controlled substances.

Other drug offenses
Possession of controlled substances, prescription violations, possession of drug paraphernalia, and other drug law violations.

Other crimes against persons
Includes vehicular manslaughter, involuntary manslaughter, negligent or reckless homicide, nonviolent or nonforcible sexual assault, kidnapping, unlawful imprisonment, child or spouse abuse, cruelty to child, reckless endangerment, hit and run with bodily injury, intimidation, and extortion.

Other property crimes
Includes receiving or buying stolen property, forgery, fraud, embezzlement, arson, reckless burning, damage to property, criminal mischief, vandalism, bad checks, counterfeiting, criminal trespassing, and unlawful entry.

Public order
Includes flight/escape, parole or probation violations, prison contraband, habitual offender, obstruction of justice, rioting, libel and slander, weapons offenses, treason, perjury, prostitution/pandering, bribery, and tax law violations.

Felony traffic violations
Includes driving under the influence of drugs or alcohol, driving with a suspended or revoked license, or any other felony in the motor vehicle code.

Other Felony
Includes any felony offense which, due to incomplete information, could not be classified into one of the above categories, e.g., conspiracy to commit a felony.

Misdemeanor
Includes all misdemeanor crimes.

APPENDIX D

DATA ENTRY AND ANALYSIS NOTES

APPENDIX D

DATA ENTRY AND ANALYSIS NOTES

The National Pretrial Reporting Program collected information on 12,049 cases from the 47 counties that participated in the study. From the beginning, we tried to stress flexibility in devising ways of gathering the data while ensuring accuracy. To that end, we suggested three ways in which sites could provide us the data:

- pre-printed forms which could be filled out by hand and sent back to the Resource Center;
- a compiled data entry software program which could be run on any IBM or compatible microcomputer; or
- they could supply us with a mainframe tape which contained the data.

Of the three methods, the most common was for jurisdictions to hand-complete the pre-printed forms. Three jurisdictions used our data entry software: Los Angeles County, CA; Shelby County, TN; and Milwaukee County, WI. Two others, Monroe County, NY and Multnomah County, OR, indicated a desire to use the software but then ran into limited computer availability. Data for the four counties in New York City which were part of our sample (New York, Kings, Bronx and Queens) was provided via an SPSS^X mainframe file which contained most of the data we needed as well as many other data elements. In Montgomery County, PA and Pinellas County, FL, two counties which had criminal justice system-wide automated systems, NPRP staff accessed these systems through dial-up from our computers in Washington, D.C. In Montgomery County, the Management Information System department had selected the sample for us and provided a printout of the case processing information for each defendant. We supplemented this information through the dial-up procedures. In Pinellas Coun-

ty, the NPRP project occurred during a transformation of the county's automated system. We had used the dial-up procedures in the old system during Phase II but the Phase III work kept being put off until the MIS department had completed their change over to the new system. Unfortunately for the project, time was running out and the existing dial-up procedures were very slow. Our attempts at dialing into their system were generally met with lots of frustration and very little data. We finally traveled to the county and used terminals on-site to complete the data collection.

Site visits for NPRP staff to collect the data were necessary in six other jurisdictions: King County, WA; Sacramento County, CA; Essex County, NJ; Palm Beach County, FL; Fulton County, GA and Dallas County, TX. In King, Sacramento, Essex and Fulton counties, the site participants were not able to complete the data collection without NPRP staff assistance. In Dallas County, the forms had been lost by the court and, once found, staffing limitations did not allow them to finish the project. In Palm Beach County, the court did not have information on prior record and pretrial rearrests though they had completed the rest of the data forms. NPRP staff contacted the County State's Attorney who allowed us access to his records to complete the data collection.

A combination of software packages was used to enter the data and perform the analyses. To enter the data, we used our compiled data entry program, which was written in Rbase for DOS. The data was analyzed using SPSS/PC+ along with Harvard Graphics for the charts.

Charge information was gathered using both the state statute number and a name. All charges for every defendant were then recoded into 14 categories, following the categorizations developed by BJS, using each state's felony crime

statutes. The recode program took 21.5 hours to run using SPSS/PC+ on a IBM compatible 386-24 Mhz microcomputer.

APPENDIX E

NPRP ADVISORY BOARD

NPRP Advisory Board

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