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The Prosecution of Felony Arrests, 1980

By
Barbara Boland
Elizabeth Brady

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Steven R. Schlesinger
Director

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Contents

Introduction

The Prosecution of Felony Arrests, 1980 is the third report of a statistical series describing felony case processing in urban prosecutors' offices. The first two reports looked at felony prosecution in 13 and 14 jurisdictions and covered cases processed in 1977 and 1979, respectively.[1] This report includes 28 jurisdictions. In most instances the data analyzed refer to cases processed in 1980.[2] The series explains the role of the prosecutor in the felony disposition process and provides statistics that fill the gap in information on what happens to criminal cases between arrest and sentence to prison.

Each year the FBI publishes the Uniform Crime Reports containing detailed data on the number of defendants arrested for different types of crimes. But until the initiation of this series by the Bureau of Justice Statistics, no government agency had assumed responsibility for keeping track of what happens to a crime after the police make an arrest. No further counting was done until convicted defendants showed up at a State prison to serve a sentence of incarceration—a small fraction of those arrested.

The prosecutor, of course, is not the only law enforcement official responsible for the numerous decisions that determine the final outcomes of felony arrests, but he does exercise enormous power and discretion in determining arrest dispositions. In many jurisdictions the prosecutor alone has the authority to determine if court charges will be filed against a defendant and whether the court charge will be a felony or a less serious misdemeanor. Prosecutors decide whether to accept pleas to a reduced charge, to insist on pleas to the top charge or go to trial, and in some jurisdictions they can and do recommend specific sentences to judges.

The presentation and examination of case-processing statistics in a number of jurisdictions will contribute generally to the understanding of how State and local criminal justice systems operate and of the prosecutor's role in determining arrest dispositions. In addition, by identifying differences and similarities in these same statistics among jurisdictions, one can begin to understand both the extent to which differences in policy and operating procedures affect case outcomes and the extent to which certain outcomes may be beyond the control of criminal justice authorities.

Key findings that are beginning to emerge from this and previous editions of the series include (chapter titles, in parentheses, indicate where to look for details):

- Approximately 50% of all felony arrests the police make do not lead to a conviction but are rejected by the prosecutor before court charges are filed or are later dismissed in court (Case attrition).

- A high rate of case attrition is a problem that is common across jurisdictions. In jurisdictions where the dispositions of all felony arrests can be tracked, case attrition rates range between 38 and 52% (Case attrition).

- In all jurisdictions most convictions are the result of guilty pleas. Among the 28 jurisdictions the fraction of all plea and trial adjudications that are guilty pleas ranges between 78 and 97% (Guilty pleas and trials).

- How the plea process is handled, however, varies significantly among jurisdictions. Contrary to the popular assumption that all pleas are the result of "bargains," in some jurisdictions plea offers are routinely presented on a "take it or leave it" basis. Rigorous administrative controls are employed to restrict attorney discretion to "negotiate" pleas (Guilty pleas and trials).

- Of defendants arrested for a felony, jurisdictions, on average, sentence 10% to State prison. Of defendants arrested for a felony and convicted of a misdemeanor or felony charge, an average of 21% are sentenced to State prison (Sentencing).

- The speed with which defendants' cases are disposed by the courts also varies substantially among jurisdictions. The median case-processing time from arrest to final disposition for cases disposed in the felony trial courts ranges from 57 to 246 days (Length of time for case processing).

[1] Kathleen Brosi, A Cross-City Comparison of Felony Case Processing (Washington, DC: U.S. Government Printing Office, July 1979), and Barbara Boland et al., The Prosecution of Felony Arrests 1979 (Washington, DC: U.S. Government Printing Office, December 1983).

[2] Statistics were collected for 1981 in those jurisdictions for which 1980 data were incomplete or unavailable. In two jurisdictions 1982 data were used. Exact definitions of case load and data years are contained in Chapter II.

Chapter I

Overview

Almost everyone who studies crime points out that a major obstacle to understanding the problems and improving the work of police, prosecutors, and the courts is the lack of systematic data on the entire system of criminal justice. Despite the fact that the crime commissions of the early 20th century complained about the very same problem,[1] in most cities it is still difficult for anyone to say what happens to most criminal cases from the time an arrest is made on the street to the point of final disposition in the courts and commitment to prison.

From the FBI's Uniform Crime Reports it is known that the police made close to 1.5 million adult arrests for serious crimes in 1980.[2] At the other end of the system, National Prisoner Statistics data on new imprisonments show that 142,122 persons were committed by the court to State and Federal prisons. Very few felony arrests—less than 10 out of every 100—result in a defendant's being sent to prison. Statistics on what happens to the other 90 adult defendants after arrest (or more precisely to all defendants arrested for felony crimes) are the subject of the Prosecution of Felony Arrest series.

The data in this report were collected from the 28 jurisdictions listed in exhibit 1, which shows the type of urban areas represented and the population size of the legal jurisdictions served. The 28-jurisdiction sample very closely approximates a national picture of the four urban population groups that account for the vast majority of all reported crimes. Rural jurisdictions, which account for a small fraction of total crime, are not represented. According to FBI statistics, 85% of all crime occurs in urban areas. Further, 74% of all urban crime occurs in major cities and suburban areas and 26% in medium-size and small cities.[3] Nineteen, or 68%, of the 28 jurisdictions represent either major cities or suburban areas; 9, or 32% of the jurisdictions, represent medium-size and small cities. Overall these jurisdictions represent 10% of the total U.S. population and 14% of the population in urban areas.

Participating jurisdictions

Major cities in jurisdiction	Legal jurisdiction	Jurisdiction population 1980
Large cities		
Los Angeles, California	Los Angeles County	7,477,657
Detroit, Michigan	Wayne County	2,337,240
San Diego, California	San Diego County	1,861,846
Manhattan, New York	New York County	1,427,533
Rhode Island (Providence)	Rhode Island	947,154
Indianapolis, Indiana	Marion County	765,233
Louisville, Kentucky	Jefferson County	684,793
Washington, D.C.	Washington, D.C.	637,651
Kansas City, Missouri	Jackson County	629,180
Salt Lake City, Utah	Salt Lake County	619,066
Portland, Oregon	Multnomah County	562,640
New Orleans, Louisiana	Orleans Parish	557,482
St. Louis, Missouri	St. Louis City	453,085
Suburban areas		
Dedham, Massachusetts (Boston)	Norfolk County	606,587
Golden, Colorado (Denver)	1st Judicial District	374,182
Littleton, Colorado (Denver)	18th Judicial District	330,287
Cobb County, Georgia (Atlanta)	Cobb County	297,694
Geneva, Illinois (Chicago)	Kane County	278,405
Brighton, Colorado (Denver)	17th Judicial District	245,944
Medium cities		
Colorado Springs, Colorado	4th Judicial District	317,458
Des Moines, Iowa	Polk County	301,879
Lansing, Michigan	Ingham County	272,437
Davenport, Iowa	Scott County	157,000
Pueblo, Colorado	10th Judicial District	125,975
Small cities		
Kalamazoo, Michigan	Kalamazoo County	213,378
Tallahassee, Florida	2nd Judicial Circuit*	202,000
Fort Collins, Colorado	8th Judicial District	151,047
Greeley, Colorado	19th Judicial District	123,438

*Data available for Leon County only.
Note: The categorization of jurisdictions by large city, suburban area, medium city, and small city was designed to approximate the Uniform Crime Report's population group categories I-III and suburban areas. The categorization was based on the population of the major city in the jurisdiction.

Exhibit 1

Before it is possible to derive meaningful statistics on felony arrest dispositions and to make comparisons among jurisdictions, it is necessary to understand the arrangements that exist for processing of felony cases and how these arrangements vary across jurisdictions. At several points in the felony disposition process, statistical differences in outcomes among jurisdictions are just as likely to reflect differences in institutional arrangements as they are to reflect differences in substantive outcomes of felony cases. In this report particular attention is

[1] See, for example, Felix Frankfurter and Roscoe Pound, eds., Criminal Justice in Cleveland (1922, reprint ed., Montclair, NJ: Patterson Smith, 1968: VI).

[2] In 1980 the Uniform Crime Reports indicated that 2,338,600 persons were arrested for index crimes. An estimated 63% of those arrests were of persons 18 and older.

[3] Uniform Crime Reports for the United States, 1980 (Washington, DC: Federal Bureau of Investigation, 1981).

paid to describing these arrangements in the individual jurisdictions (see Appendix A) and to explaining their effect on the statistical measures presented in each chapter.

Most jurisdictions have a two-tier court structure for processing felony arrests. Initial proceedings in felony cases, such as arraignments, bond hearings, and preliminary hearings to determine that probable cause exists to proceed on a felony charge, are usually handled by the lower or misdemeanor court of the jurisdiction. These courts also handle felony arrests that are reduced to misdemeanors and original misdemeanor arrests.

The felony or upper court of a jurisdiction assumes responsibility for felony cases after a "bindover" decision at the lower court preliminary hearing or after a grand jury indictment on the felony charge. Almost all jurisdictions in the United States require at least one of these two "due process" proceedings before a prosecutor can proceed with a case to the felony court for a possible felony trial. Only the felony court has legal jurisdiction to accept pleas to felony charges or hear felony trials. In some jurisdictions both a preliminary hearing and a grand jury indictment are required before a case can be transferred to the felony court (Washington, D.C., is an example). In a few jurisdictions, the prosecutor can proceed directly from arrest to the felony court by filing a "bill of information" with the court clerk.

For the defendant, the first appearance in court is in the lower court. In all jurisdictions, defendants appear in court within a matter of hours after arrest for a bail/bond hearing. In many jurisdictions this is also the time at which the defendant is informed of the formal charges filed by the prosecutor against him or her. Many prosecutors thus must screen and make an initial charging decision within the short time period (in some jurisdictions as little as 20 hours) between arrest and the initial court appearance.

If the prosecutor decides to file a felony charge (he may alternatively file misdemeanor charges or reject the case and file no charges at all), the next major step in the felony disposition process is either a preliminary hearing in the lower court or presentation of the case to the grand jury. Legally these two proceedings operate very differently. Grand jury proceedings are secret, and the defendant and defense counsel are not present. Only the prosecutor's view of the crime is presented to a jury of lay persons, who then vote on whether the case should proceed to the felony trial court on the felony charge.

The preliminary hearing is an open court proceeding presided over by a judge. The defendant is present and both the prosecutor and defense may present evidence and question witnesses. The final decision on whether the case should be "bound over" to the felony trial court is made by the judge.

From the defendant's perspective, whichever proceeding is used, the critical fact is that a decision to indict or to bind over means that the case will be disposed in the felony court and the defendant potentially faces conviction and sentence on a felony charge. The indictment/bindover decision is also a critical one for the prosecutor. These cases include the most serious crimes; they also involve defendants the prosecutor has judged to be legally as well as factually guilty. They are, in short, the cases prosecutors think deserve the greatest attention. To prosecutors, a felony case most often means a case that is indicted or bound over and ultimately disposed in the felony court. Most felony arrests, however, are disposed either at screening or in the lower court and never reach the bindover or indictment stage of prosecution.

Among the jurisdictions in this report, the fraction of felony arrests indicted or bound over to the felony court for disposition ranges from a high of approximately 50% to a low of approximately 20%. With a few minor exceptions, felony arrests that are not indicted or bound over are either rejected by the prosecutor at screening, dismissed in the lower court, or convicted of a misdemeanor in the lower court. In some jurisdictions, preindictment dispositions are primarily rejections and dismissals and include very few misdemeanor convictions. These are typically jurisdictions in which a relatively high fraction of felony arrests are prosecuted in the felony court. In jurisdictions in which a relatively low fraction of arrests are prosecuted in the felony court, the preindictment dispositions include a substantial number of misdemeanor convictions.

The decision to pursue a misdemeanor versus a felony conviction may be made at the time of initial screening and charging, but it is also common for jurisdictions to initially file many felony arrests as felonies and for the reduction to a misdemeanor to occur at some later stage, such as when the case is reviewed for presentation at a preliminary hearing or to a grand jury.

Because of these differences among jurisdictions in the point of the court process at which key decisions are made and because the purpose of this report is to piece together an overall picture of what happens to felony arrests, in the chapters that follow disposition statistics will frequently be presented from several perspectives. In some instances disposition measures will reflect the outcomes of all arrests, in some instances the outcomes of initial court filings (referred to as cases filed), and in still other instances the outcomes of cases indicted or bound over to the felony court. Each measure presents a different view of the felony disposition process, but all are useful for explaining how prosecutors and courts dispose of felony arrests.

Exhibits 2 and 3, for example, present very different views of the felony disposition process. Exhibit 2 shows dispositions for all felony arrests and exhibit 3 shows dispositions only for cases disposed in the felony court.

Viewing the disposition process from the point of view of the felony court suggests that the vast majority of defendants either plead guilty or go to trial and are convicted. Among the 19 jurisdictions, an average (jurisdiction median) of 72% of felony court cases result in a guilty plea and 11% are settled by a court or jury trial. Of the cases settled by trial, 76% result in a finding of guilty.

This is quite different from the picture that emerges when the disposition process is viewed from the point of all felony arrests made by the police. The disposition statistics for the 10 jurisdictions in exhibit 2 suggest an average of 49% of all felony arrests are either rejected for prosecution or dismissed in court. The difference between the two sets of statistics reflects the fact that in the early pretrial stages of case processing prosecutors and the courts weed out the majority of nonconvictable arrests. Rejections occur before any court charges at all are filed and most dismissals occur in the lower courts before indictment or bind over to the felony court.

In the chapters that follow, data from the 28 jurisdictions will be used to focus on case outcomes at specific points in the flow of criminal cases. Chapter III addresses case attrition both at screening (rejections) and after cases have been accepted for prosecution (dismissals). Chapter IV describes the plea negotiation process and presents statistics on dispositions by plea and trial. Chapter V examines sentencing patterns and the role of the prosecutor in sentencing, which is traditionally viewed as a judicial function. Finally, Chapter VI looks at length of time required to dispose of cases and how disposition times vary by the method of disposition. Data from all 28 jurisdictions will not appear in every table or chapter. Limits on the extent to which data for each jurisdiction can be presented throughout the report reflect both differences among the jurisdictions in institutional and administrative arrangements and the availability of complete system data. These and other limitations are discussed in Chapter II on data sources, limitations, and definitions.

Dispositions of all felony arrests

Jurisdiction	Number of arrests disposed	Percent rejected	Percent dismissed	Percent rejected and dismissed	Percent guilty pleas	Percent trials	Percent other
Cobb County	3,778	*	51	**51**	37	2	10
Golden	2,279	19	23	**42**	47	3	8
Greeley	865	27	14	**41**	48	1	10
Lansing	2,403	39**	13**	**52****	39**	5**	4**
Los Angeles***	70,044	37	13	**50**	50	NA	0
Manhattan	27,386	4	34	**38**	60	2	0
New Orleans	7,095	45	6	**51**	36	8	6
Salt Lake	3,017	28	17	**45**	40	4	11
Tallahassee	1,465	5	43	**48**	41	6	5
Washington, D.C.	8,554	17	32	**49**	39	8	4
Jurisdiction median		23	20	**49**	41	5	6

*In Cobb County all felony arrests are filed by the police in the lower court before they are screened by the prosecutor. Cases on which the prosecutor does not wish to proceed are terminated by a dismissal.
**Estimated
***Derived using California Offender Based Transaction (OBTS) data. Data on total trials were unavailable. Trial convictions are included under guilty pleas and acquittals under dismissals.

Exhibit 2

Dispositions of felony indictments/bindovers in felony court

Jurisdiction	Number of felony court dispositions	All dispositions: Percent dismissed	All dispositions: Percent guilty pleas	All dispositions: Percent trials	Trials: Percent convicted	Trials: Percent acquitted
Cobb County	1,726	15	81	4	81	19
Dedham	366	18	64	15	83	17
Des Moines	1,222	10	74	16	76	24
Detroit	10,439	18	65	17	57	43
Golden	866	21	61	5	85	15
Indianapolis	2,591	20	66	12	81	19
Kalamazoo	933	15	78	7	61	39
Kansas City	1,649	23	63	10	69	31
Lansing	676	9	79	12	69	31
Los Angeles*	14,545	8	80	11	79	21
Louisville	1,547	12	61	18	75	25
Manhattan	5,906	15	75	10	79	21
New Orleans	3,502	11	72	17	61**	39**
Portland	3,641	24	61	15	88	12
Pueblo	173	31	58	2	NA	NA
Rhode Island	3,817	14	80	5	55	45
St. Louis	3,116	15	76	9	64	36
San Diego	4,205	9	80	11	78**	22
Washington, D.C.	2,678	14	67	19	71	29
Jurisdiction median		15	72	11	76	24

*OBTS data
**Estimated
Note: Percents in some jurisdictions do not add to 100 because of exclusion of "other" dispositions.

Exhibit 3

Chapter II

Data sources, limitations, and definitions

The primary data source for this report, and the two that preceded it, is a computer-based management information system called PROMIS (Prosecutors Management Information System) developed by INSLAW in the early 1970's under funding from the Law Enforcement Assistance Administration. PROMIS is a generalized tracking and management information system used by prosecutors and other justice agencies to monitor the movement of cases and defendants through intricate legal and administrative processes.

In 20 jurisdictions, PROMIS data tapes containing complete data files on all cases initiated in 1980 or 1981 were obtained from the jurisdictions and processed at INSLAW. In two jurisdictions (Tallahassee and Cobb County), tables were prepared by the jurisdictions in cooperation with INSLAW. In several jurisdictions, PROMIS data were supplemented by manual or other data sources. Six jurisdictions participated by making their manual statistics available to INSLAW. Manual statistics refer to cases disposed as opposed to cases initiated in 1980 or 1981. In two of the manual sites, Detroit and Kansas City, data refer to cases disposed in 1982. Data sources and data years for all jurisdictions are listed in exhibit 4. Exhibit 4 also provides case load definitions and case load size for each jurisdiction. In PROMIS jurisdictions, case load size represents the number of cases initiated in 1980 or 1981 and closed at the time the data tapes were prepared by the jurisdictions.

In each jurisdiction the counts of arrests or cases refer to the number of individual defendants processed as opposed to separate criminal incidents. A crime involving three defendants, for example, would be counted as three arrests or cases. Where data are presented by crime type, the most serious charge ever associated with the case is used to characterize the crime. As the seriousness of charges associated with criminal cases frequently declines from arrest to disposition, the crime types more accurately reflect charges at arrest rather than plea, dismissal, or trial.

Data sources and definitions

Jurisdiction	Legal jurisdiction felony/ misdemeanor	Data source	Data year	Felony case load definition	Case load size
Brighton, Colorado	F&M	PROMIS	1980*	Filings	1,142
Cobb County, Georgia	F	PROMIS	1981	Arrests	3,778
Colorado Springs, Colorado	F&M	PROMIS	1980*	Filings	1,484
Davenport, Iowa	F&M	PROMIS	1980	Filings	2,011
Dedham, Massachusetts	F&M	Manual	1980	Indictments	366
Des Moines, Iowa	F&M	Manual	1981	Filings	1,401
Detroit, Michigan	F&M	Manual	1982	Filings	12,365
Fort Collins, Colorado	F&M	PROMIS	1980*	Filings	776
Geneva, Illinois	F&M	PROMIS	1980	Filings	1,262
Golden, Colorado	F&M	PROMIS	1980*	Arrests	2,279
Greeley, Colorado	F&M	PROMIS	1981	Arrests	865
Indianapolis, Indiana	F&M	PROMIS	1980	Indictments	2,591
Kalamazoo, Michigan	F&M	Manual	1981	Indictments	933
Kansas City, Missouri	F&M	Manual	1982	Indictments	1,649
Lansing, Michigan	F&M	Manual	1981	Arrests	2,403
Littleton, Colorado	F&M	PROMIS	1980*	Filings	923
Los Angeles, California	F	PROMIS**	1980	Arrests	70,044**
Louisville, Kentucky	F	PROMIS	1980	Indictments	1,547
Manhattan, New York	F&M	PROMIS	1980	Arrests	27,386
New Orleans, Louisiana	F&M	PROMIS	1980	Arrests	7,095
Portland, Oregon	F&M	PROMIS	1981	Filings	3,894
Rhode Island	F	PROMIS	1980	Indictments	3,817
Pueblo, Colorado	F&M	PROMIS	1981	Filings	339
St. Louis, Missouri	F&M	PROMIS	1980	Filings	3,801
Salt Lake City, Utah	F&M	PROMIS	1980	Arrests	3,017
San Diego, California	F&M	PROMIS	1980	Filings	8,668
Tallahassee, Florida	F&M	PROMIS	1980	Arrests	1,465
Washington, D.C.	F&M	PROMIS	1980	Arrests	8,554

*In these jurisdictions, data year was July 1980 to June 1981.
**PROMIS data in Los Angeles were supplemented by California Offender Based Transaction Data (OBTS). Because the jurisdiction of the district attorney is limited to the felony court, felony arrests disposed as misdemeanors are not tracked by the district attorney's PROMIS system. Cases tracked by the OBTS system represent approximately 70 percent of the actual number of cases disposed. See Criminal Justice Profile 1980, Los Angeles County, Department of Statistics, State of California.

Exhibit 4

The statistics for each jurisdiction presented in the text and Appendix B summarize the outcomes of all defendants processed in each jurisdiction, and thus reflect the average outcome among defendants. The jurisdiction averages presented in the text, however, indicate how the "average jurisdiction" disposes of cases and not how "on average" arrestees in urban areas are handled. It also is important to point out that the urban areas in the 28-jurisdiction sample disproportionately represent urban areas in the West and North Central census regions; urban jurisdictions in the South and Northeast are underrepresented. Only eight, or 29%, of the jurisdictions are located in the South or Northeast, whereas these regions account for approximately 50% of reported crime.

Perhaps the most serious limitation of the data for deriving comparable cross-jurisdictional statistics is the differing definition of "felony cases" that jurisdictions use in designing their manual and automated case tracking systems. In some jurisdictions it is possible to track the dispositions of all felony arrests, including those rejected or filed as misdemeanors; in others only cases initially filed as felonies, but disposed as felonies or misdemeanors, are tracked; and in others, statistics are collected only for those cases ultimately indicted or

bound over to the felony court, and typically disposed as felonies.

Because of differing administrative arrangements for charging and weeding out cases in the preindictment/bindover stage, jurisdictions vary considerably in the fraction of felony arrests filed. Thus, dispositions measured from the point of filing show a great deal of variation primarily reflecting these differing administrative arrangements. Where appropriate the effect of these arrangements on the statistical measures is explained in the text. To assist the reader in understanding the administrative procedures necessary to process felony arrests, the definition of key terms is provided below.[1]

lower court—Lower courts are those having no felony trial jurisdiction, or trial jurisdiction limited to less than all felonies. In many jurisdictions the lower court is referred to as the misdemeanor court, but in addition to jurisdiction over misdemeanors these courts also handle initial proceedings in felony cases, such as arraignments, bail/bond hearings, and preliminary hearings.

upper court—Upper courts are those with trial jurisdiction over all felonies. Typically, they receive felony cases after indictment by a grand jury or a bindover decision by the lower court at a preliminary hearing. The upper court often is referred to as the felony or trial court.

filing—Filing is the initiation of a criminal case in a court by formal submission to the court of a charging document alleging that one or more named persons have committed one or more specified criminal offenses. In this report, case filing will be used to indicate the filing of a case in the lower court, the first court filing, as distinguished from the filing of the case in the upper court after indictment or bindover.

arraignment—Arraignments are hearings before a court having jurisdiction in a criminal case in which the identity of the defendant is established and the defendant is informed of the charges and of his or her rights. The usage of the term varies considerably among jurisdictions.

initial appearance—In this report the term arraignment is used to indicate the initial appearance or first appearance of a defendant in the first court having jurisdiction over his or her case.

arraignment on the indictment or information—The terms arraignment on the indictment or arraignment on the information refer to the first appearance in the upper or felony court subsequent to an indictment by a grand jury or a bindover decision by the lower court.

preliminary hearing—The preliminary hearing is a proceeding before a judicial officer in which three matters must be decided: whether a crime was committed; whether the crime occurred within the territorial jurisdiction of the court; and whether there are reasonable grounds to believe that the defendant committed the crime. In several states, the preliminary hearing, usually held in the lower court, is the point at which it is determined whether proceedings will continue in felony cases. If the court finds probable cause the defendant will be bound over or "held to answer" in the upper or felony court.

grand jury—A body of persons who have been selected according to law and sworn to hear evidence against accused persons and determine whether there is sufficient evidence to bring those persons to trial. In some States, all felony charges must be considered by a grand jury before filing in the trial court. The grand jury decides whether to indict or not indict.

bindover—The decision by the lower court requiring that a person charged with a felony appear for trial on that charge in the upper court as the result of a finding of probable cause at a preliminary hearing.

information—The information is the charging document filed by the prosecutor to initiate the trial stage of a felony case subsequent to a bindover decision in the lower court. In a few States an information may be filed without a preliminary hearing and bindover decision.

indictment—The indictment is the formal charging document which initiates the trial stage of a felony case after grand jury consideration.

[1] The definitions were derived from the Dictionary of Criminal Justice Data Terminology (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, second edition, 1981).

Chapter III

Case attrition

Over at least the last half century, criminal justice reformers, scholars, and the public have discovered and frequently rediscovered the problem of case attrition. A common (and often the only) response is a case study of prosecution and court dispositions in a single city at a single point in time. Such ad hoc studies have looked at the problem of case attrition in cities as diverse as Cleveland of the 1920's and New York and Los Angeles of the 1970's.[1] The results are remarkably similar. Most arrests, it is found, do not result in any conviction at all but drop out of the criminal justice system. The most common disposition for a felony arrest is a rejection or nolle by the prosecutor or a court dismissal.

The problem of attrition

At one time this finding was supposed to contrast with the public's view that most arrests lead to a conviction decided by a jury at trial. Now it is more likely to be cited as evidence that the criminal justice system has failed; in other words, for most criminals, when caught, "nothing" happens. How is it then that prosecutors and the courts can report that as many as 85 to 90% of the cases they handle result in a conviction?

As the first report in this series pointed out, the discrepancy is largely a matter of perspective.[2] Because the criminal justice system is not a system at all, but rather a loose confederation of independent agencies (including the police, prosecution, courts, and corrections), each agency views its performance from an agency rather than a systemwide perspective. Thus, in contrast to case attrition studies, which measure case dropout from the point of police arrest (a system perspective), prosecutors rarely measure their own performance on the basis of all arrests the police present to them for prosecution.

Police authority to arrest is based on the legal concept that "probable cause" exists to believe a crime has been committed and the defendant has committed the crime. The prosecutor's responsibility to convict rests on the much more stringent legal standard of "proof of guilt beyond a reasonable doubt." The prosecutor is supposed to "enforce the law" but is also supposed to protect the rights of the legally as well as the factually innocent. To obtain a conviction on all arrests the police present, from a legal perspective, could be (and has been) viewed as an abrogation of this duty.

Thus it is not surprising that prosecutors traditionally measure conviction rates not from arrest but from other points in the court system. The most common is from the point of indictment or bindover to the felony court. Indictment or bindover is a far more serious action against an individual than an arrest, and the decision reflects a much more careful assessment of the evidence than is possible by the police on the street. Although the formal legal standard is still probable cause, virtually all prosecutors apply a higher standard of proof. Most do not carry forward into the felony court cases for which they do not think the evidence is sufficient to support a conviction. Calculation of case attrition rates (or conversely conviction rates) from this point, however, means that cases that are dropped between arrest and indictment are not included in the calculation.

Prosecutors have valid reasons for paying special attention to indicted felony cases. Felony court cases are not only those for which the evidence has been judged legally sound, they also typically include the most serious crimes. The disadvantage of this narrow perspective, however, is that little systematic information or understanding has accumulated about why cases are dropped after arrest or what, if anything, can be done about it. Answers to the following questions, for example, are not routinely known. How many cases typically fall out? What types of cases are they? Could some have resulted in a conviction if police and prosecutors had treated them differently? Which ones? What actions might they have taken to enhance the probability of a conviction? In those instances in which the police and prosecutor have little or no control over conviction, how are such cases to be identified and weeded out of the court process in a fair and expeditious manner?

The broader system perspective adopted by this report, it is hoped, will promote a common understanding of case attrition and lay the groundwork for constructive investigations. Too often when the case attrition problem is "discovered" the response is for the prosecutor to blame the police for bringing "bad" cases and for the police to counter that the prosecutor does nothing with their "good" arrests.

How much attrition?

The findings of past studies that attempt to measure total case attrition from felony arrest to a final disposition, in the prosecutor's office or the court, are remarkably consistent; from 40 to 60% of cases initially charged as felonies by the police are dropped at some point after arrest. A 1971 study of 75,000 adult felony arrests made by the police in New York City found that 56% led to a conviction. Forty-four percent resulted in all police charges being dropped.[3] A more recent study of two cities, San Diego, California, and Jacksonville, Florida, in 1978 and 1979 similarly reported that in San Diego 48% and in Jacksonville 42% of robberies, burglaries, and

[1] See Felix Frankfurter and Roscoe Pound, eds., Criminal Justice in Cleveland (1922, reprint ed., Montclair, NJ: Patterson Smith, 1968: VI); Felony Arrests: Their Prosecution and Disposition in N.Y. City's Courts (New York: Vera Institute of Justice, 1977); and Peter Greenwood et al., The Prosecution of Adult Felony Arrests in Los Angeles County: A Police Perspective (Santa Monica, CA: Rand, 1973).

[2] Kathleen B. Brosi, A Cross-City Comparison of Felony Case Processing (Washington, DC: U.S. Government Printing Office, July 1979).

[3] See, Felony Arrests.

felony assault cases initiated by the police did not lead to a conviction.[4] And the California Criminal Justice Profile series, which in recent years has reported Statewide disposition statistics on adult felony arrests, reported Statewide attrition rates in 1978, 1979, and 1980 of 44%.[5] Nor do these recent measures of case attrition differ markedly from those reported by studies of court dispositions performed by the various crime commissions of the 1920's. The Wickersham Commission of 1931 reported an average attrition rate of 59% in the cities of New York, Chicago, Cleveland, and St. Louis (based on data collected during various years from 1919 to 1926).[6]

The last edition of this series (The Prosecution of Felony Arrests, 1979), which analyzed data for cases processed in 1979 reported total rates of attrition for five jurisdictions: Manhattan, Cobb County, Los Angeles, Washington, D.C., and New Orleans. The estimates of attrition ranged from 54% in New Orleans to 43% in Manhattan.[7] The mean attrition rate among these jurisdictions was 48%. Total rates of attrition for the jurisdictions in this report are shown in exhibit 5. Even though the data include a greater number of cities, the results are strikingly similar. The median rate of attrition among jurisdictions is 49%, and the range among cities is 38 to 52%.

Rates of attrition when consistently measured from arrest appear to be relatively stable both across cities and over time. And, more importantly, total rates of attrition are high. The finding that large numbers of arrests do not lead to a conviction is a problem common to all urban courts and prosecutors. In no jurisdiction does this study (or others) find total attrition rates to be substantially less than 40%.

Total attrition rate from police arrest

Jurisdiction	Percent of arrests dismissed or rejected for prosecution	Number of arrests disposed
Lansing	52*	2,403
Cobb County	51	3,778
New Orleans	51	7,095
Los Angeles**	50	70,044
Washington, D.C.	49	8,554
Tallahassee	48	1,465
Salt Lake	45	3,017
Golden	42	2,279
Greeley	41	865
Manhattan	38	27,386
Jurisdiction median	49	

*Estimated
**OBTS data

Exhibit 5

Definition of attrition

Case studies of attrition typically measure attrition from the point of felony arrest. Attrition is usually defined to include arrests the police do not present for prosecution, arrests declined for prosecution by the prosecutor, and arrests filed in court but later dismissed or acquitted at trial. Once cases are filed in court, all charges associated with a case must result in a dismissal or acquittal for a case to be counted as dropped. Conversely, felony arrests that lead to a conviction on the original felony charge or to a reduced felony or misdemeanor charge are counted as convictions.

This report uses a modified version of the above definition. Arrests referred to other courts or jurisdictions for prosecution or referred to diversion programs are not counted as dropped cases. Diversion programs represent a significant intrusion into defendants' lives and in some jurisdictions eligibility requires an informal or formal admission of guilt. Cases referred to other courts for prosecution may still result in a conviction.

Also, acquittals at trial are not counted in the measure of attrition. Studies of attrition often conclude or imply that some dropped cases could result in a conviction if only prosecutors or the police worked harder and did a better job. This view seems inappropriate for those cases the prosecutor pursues to trial.

Attrition rate from initial court filing

Jurisdiction	Percent of filed cases dismissed	Number of cases filed
Cobb County	51%	3,778
Geneva	45	1,262
Tallahassee	45	1,390
Washington, D.C.	39	7,101
Manhattan	35	26,298
Pueblo	34	339
Colorado Springs	32	1,484
Davenport	31	2,011
Detroit	31	12,365
Brighton	30	1,142
St. Louis	29	3,801
Golden	28	1,879
Salt Lake	25	1,996
Littleton	24	923
Lansing	23*	1,358
Portland	23	3,894
Des Moines	21	1,401
Los Angeles**	20	44,336
Fort Collins	19	776
Greeley	19	630
San Diego	18	8,668
New Orleans	11	3,502
Jurisdiction median	29	

*Estimated
**OBTS

Exhibit 6

The calculation of attrition rates after a court filing has occurred or after bindover to the felony trial courts, however, shows substantially lower rates. The attrition rates in exhibit 6 measure attrition from the point of initial court filing (typically in the lower court). The rates in exhibit 7 measure attrition after indictment by a grand jury or bindover to the felony court as a result of a preliminary hearing. After the initial case filing, the median rate of attrition among jurisdictions is 29%; and after bindover or indictment, 15%. This decline in attrition as cases advance through the various stages of the court has been interpreted as a continual process of identifying and eliminating weak and unprovable cases. By the time cases advance to the felony court stage, the question of guilt for the majority of defendants has to a large extent already been answered. One review of both old and new case attrition studies concluded that "our system of criminal courts is organized to deal with a situation in which police

[4] Derived from tables 10-1 and 10-2 in Floyd Feeney, Forrest Hill, and Adrienne Weir, Arrests Without Conviction: How Often and Why, Center on Administration of Criminal Justice (Davis: University of California, 1982).

[5] Criminal Justice Profile-1980 (State of California, Department of Justice).

[6] Wickersham Commission, Report on Criminal Statistics (1931, reprint ed., Montclair, NJ: Patterson Smith, 1968).

[7] Barbara Boland et al., The Prosecution of Felony Arrests, 1979 (Washington, DC: U.S. Government Printing Office, 1983).

Attrition rate from bindover to felony court

Jurisdiction	Percent of indicted/ bound-over cases dismissed	Number of cases indicted/ bound over
Pueblo	31%	173
Brighton	24	562
Portland	24	3,641
Kansas City	23	1,649
Golden	21	866
Indianapolis	20	2,591
Dedham	18	366
Detroit	18	10,439
Cobb County	15	1,726
Kalamazoo	15	933
Manhattan	15	5,906
St. Louis	15	3,116
Rhode Island	14	3,817
Washington, D.C.	14	2,678
Louisville	12	1,547
New Orleans	11	3,502
Des Moines	10	1,222
Lansing	9	676
San Diego	9	4,205
Los Angeles*	8	14,545
Jurisdiction median	15	

*OBTS data

Exhibit 7

and prosecutors screen out all but the most clearly guilty before involving the courts."[8]

The data from participating jurisdictions are consistent with this conclusion to the extent that,

[8]Edward Barret, "Police Practices and the Law—From Arrest to Release or Charge," California Law Review 50 (1962): 11, 45, 30.

Fraction of total attrition occurring before and after indictment/bindover

Jurisdiction	Percent of total attrition: Before indictment/ bindover	After indictment/ bindover
Los Angeles	97%	3%
Lansing	95	5
Manhattan	91	9
Washington, D.C.	91	9
New Orleans	89	11
Cobb County	87	13
Golden	81	19

Note: Derived from exhibits 5 and 7.

Exhibit 8

typically, prosecutors do not take forward to the felony court large numbers of cases that are not likely to result in a conviction. Exhibit 8 shows the fraction of total attrition that occurs before and after the indictment or bindover stage in those jurisdictions where it was possible to measure both total attrition and attrition in the felony court alone. In those jurisdictions 81 to 97% of all case attrition occurs before cases are formally charged in the felony court. In no jurisdiction does the fraction of total attrition occurring at the postindictment/bindover stage exceed 20%.

Jurisdictions do vary considerably, however, in how they handle the case attrition problem before cases reach the felony court. Some weed out large numbers of cases immediately after arrest, at the time of screening, before any court charges are filed at all. Others dismiss most of their nonconvictable cases after the court process has begun in the lower court (but before indictment or bindover), and some use both screening and the lower court preliminary proceedings to eliminate nonconvictable cases. These differences in the handling of the case attrition problem account for the large variation in attrition rates as measured from initial case filing in exhibit 6. The data in exhibit 6 appear to suggest that jurisdictions vary greatly in their ability to prevent case attrition after arrest (attrition rates vary from a low of 11% to a high of 51%). In fact, these data reflect differences in the institutional arrangements that exist for the screening and initiation of formal court charges, as well as differences in screening policies among jurisdictions.

To understand what these differences are and the extent to which substantive policy decisions are involved, it is first necessary to understand the mechanics of the screening and charging process and lower court proceedings.

Handling attrition: Screening, charging, and postfiling dismissals

The first task of the prosecutor in the processing of felony arrests is to screen cases and make a charging decision. After a defendant is arrested by the police, either the patrol officer who made the arrest or a detective who did follow-up work on the case prepares the paperwork necessary to present the case to the prosecutor. The attorney who screens the case reviews the written materials, usually interviews the police officer, and also may talk to victims and witnesses either in person or by telephone. Before filing a court charge against a defendant the prosecutor must determine, at a minimum, that all the elements of the crime are present and that evidence exists to link the defendant to the crime.

In addition, the screening attorney looks for and evaluates other factors related to the seriousness of the crime and strength of the evidence. In most jurisdictions, for example, a burglary of a residence is considered a more serious crime than a burglary of another type of building, such as a warehouse. The prosecutor usually is also interested in information about the victim's behavior at the time of the incident. A robbery precipitated by the victim's attempt to purchase drugs from the defendant may, for a number of reasons, turn out to be a "problem" case. Such victims frequently have criminal records, and their credibility as witnesses at trial thus may be subject to doubt. The victim's immediate account of the crime even may be internally inconsistent, or inconsistent with other facts presented by the police, suggesting that the issue of culpability is not clear.

The attorney also may consider the prior record of the defendant in charging. A number of prosecutors have special programs to handle cases involving career criminals, and in some jurisdictions formal legislative provisions exist for "enhanced charging" of career criminals. Also,

some prosecutors have initiated diversion programs for less serious categories of offenders, such as first-time shoplifters. Most studies of prosecutors' behavior, however, have found that strength of the evidence and seriousness of the crime tend to be much more important to the prosecutor's charging decision than a defendant's prior record.[9] And although most prosecutors try to have a defendant's criminal record available at the time of screening, they often are not able to obtain it until after the initial charging decision has been made.

However these and other factors are evaluated (and they may be evaluated differently in different jurisdictions or by different attorneys in a single jurisdiction), the prosecutor typically has several options at screening: He may decide that the police arrest charge is the proper charge and make no change from the initial police decision; that the police charge is inappropriate but a lesser felony or misdemeanor charge is warranted; that a more serious charge can be filed (this is rare); or that no charge at all is warranted and the case should be dropped from the court system.

Screening and the decision to charge

The decisions made at screening are obviously of enormous importance to the defendant. If the case is rejected or dropped, the defendant may be free shortly after being taken into custody by the police; if charged with a misdemeanor, the defendant's potential sentence in most states cannot exceed a term of 1 year in a local jail; but if charged and convicted of a felony, the defendant could spend a year or more in a State penitentiary.

In all jurisdictions included in this report, prosecutors screen cases and make a substantive charging decision roughly along the lines described above. A number of factors, however, can vary considerably. The most important include: the fraction of all felony arrests presented to the prosecutor for screening (in some jurisdictions the police prescreen and drop charges), the point in the court process at which screening occurs, and the time periods between arrest, screening, and court charging.

The most common screening/charging arrangement among the 28 sample jurisdictions is for all police arrests to be brought to the prosecutor for a charging decision within a matter of hours after an arrest and before charges are formally filed with the court. In Manhattan, Washington, D.C., Kansas City, and St. Louis, for example, all adult felony arrests are brought to the prosecutor for screening, and the prosecutor's charges are filed with the court within 24 hours. In St. Louis and Kansas City, Missouri State law specifies that felony arrests must be reviewed and charged within 20 hours of the time of arrest. In Washington, D.C., and Manhattan the laws are vague as to how quickly the prosecutor must screen and make a charging decision, indicating only that charges must be filed as soon as possible after arrest. As a matter of policy and local custom, both jurisdictions try to screen and file formal charges within a day of arrest.

The most important deviation from this typical pattern is for the initial court filing of charges in the lower court to be initiated not by the prosecutor, but by the police before the prosecutor has an opportunity to screen the case. In Cobb County, for example, arrests are presented to a locally elected justice of the peace, who virtually always approves the arrest by issuing a formal arrest warrant. The warrant charges are then automatically filed the next day in the State court (the lower court in Cobb County), and an arraignment and bond hearing are conducted by a court magistrate within 72 hours of arrest. Although the district attorney receives the warrant file shortly after arrest, the case is not formally screened until the arresting officer prepares and sends to the DA's office (usually within a week) a detailed written account of the crime.

Among the 28 prosecution agencies included in this report, only four (Louisville, Rhode Island, Dedham, and Cobb County) have a system in which cases are officially filed with the court before the prosecutor has an opportunity to screen and make a charging decision. Nationwide, however, this type of processing is more common than our sample jurisdictions suggest. A 1981 survey of police and prosecution agencies by the Georgetown University Law Center found that in only one-half of the surveyed jurisdictions with populations over 100,000 was the prosecutor solely responsible for screening and initial charging. Typically, the initial court filing was performed by the police.[10]

In jurisdictions with this system, rejection of cases by the prosecutor is technically not possible; instead, the prosecutor usually returns the case to the court for a dismissal. These jurisdictions, of course, have "screening policies," but the statistical results of those policies are masked by the institutional system of having police file arrests with the court. An especially significant aspect of such a system is the lessened time pressure on the prosecutor to screen and make a charging decision. In Cobb County, for example, the only time constraint on the district attorney's charging decision is the statute of limitations. This contrasts markedly with the due process requirements in other jurisdictions where, by law or local custom, the prosecutor's charges must be filed within a few days.

One way to deal with this time pressure (which represents yet another variation from the typical

[9] Joan Jacoby, Prosecutorial Decisionmaking: A National Study (Washington, DC: National Institute of Justice, 1981); Brian Forst and Kathleen Brosi, "A Theoretical and Empirical Analysis of the Prosecutor," Journal of Legal Studies 6 (1977): 177.

[10] William F. McDonald et al., Police-Prosecutor Relations in the United States, Institute of Law and Criminal Procedure (Washington, DC: Georgetown University Law Center, 1981).

screening-charging pattern) is to share the screening function with the police. In California, where the prosecutor must file charges within 48 to 72 hours of arrest, the authority of the police to prescreen certain types of arrests (generally the less serious property offenses) is formalized by California State law. In Los Angeles the district attorney's office has prepared, within the constraints of the California statutes, guidelines for the police to prescreen felony arrests. As a result, of the approximately 100,000 adult felony arrests made by police agencies in Los Angeles County, about 17% are dropped by the police and another 31% are referred by the police directly to city prosecutors for misdemeanor prosecution. The number of felony arrests the district attorney's office must screen thus is cut by almost half. In San Diego police prescreening activities are somewhat less extensive, but police screening, nevertheless, reduces the number of cases the district attorney must screen by about one-quarter.

In jurisdictions where the police either prescreen arrests or file court charges on their own before presenting cases to the prosecutor, measures of pre- and postfiling attrition obviously do not reflect accurately policy decisions of the prosecutor on how to handle case attrition. It is clear from the data, however, that even when these differing institutional arrangements are taken into account, jurisdictions vary greatly in the extent to which they eliminate (or reject) cases at screening or postpone the decision to drop cases until the postfiling stage of court processing.

Exhibit 9 shows the rate at which prosecutors reject felony arrests for prosecution at the time of screening in jurisdictions where the police do not file charges and police screening is either minimal or unmeasured.[11] Although the median rejection rate among all jurisdictions is 23%, the rates for individual jurisdictions vary from a low of 4 or 5% to a high of

Rejections at screening

Jurisdiction	Percent of arrests rejected	Number of arrests disposed
New Orleans	45%	7,095
Lansing	39	2,403
Los Angeles	37*	70,044*
Salt Lake	28	3,017
Greeley	27	865
Kansas City	23	3,527**
Golden	19	2,279
Washington, D.C.	17	8,554
Indianapolis	12	3,024***
Tallahassee	5	1,465
Manhattan	4	27,386

Jurisdiction median 23

*Includes police releases made according to written guidelines of the district attorney. OBTS data.
**Arrests presented by the Kansas City Police Department only.
***Partial count of arrests.

Exhibit 9

45%. These differences, when the screening practices of jurisdictions with exceptionally low or high rejection rates are examined in greater detail, do appear to reflect substantive differences in screening and charging policies (implicit or explicit) among jurisdictions.

In Manhattan, for example, where the rejection rate is 4%, a strenuous effort is made in the complaint room to identify the most serious felonies for which the evidence is sufficient to obtain a felony conviction in the Supreme Court (the felony court of New York). These cases are typically presented to the grand jury and indicted within 72 hours, and represent approximately 22% of all felony arrests. The remaining 74% of felony arrests are filed in the criminal court (the lower or misdemeanor court of New York), where they are eventually either disposed as misdemeanors or dismissed.

For all felony arrests at the time of screening, Manhattan attorneys question police officers, who are routinely present, about the facts and nature of the crimes, including the backgrounds of victims and the relationships between victims and and defendants. As in other jurisdictions, attorneys attempt to identify those case types that are known to fall apart frequently because of witness problems (for example, crimes involving domestic disputes, barroom fights, or out-of-town victims). Such cases, however, are not typically rejected but filed in the criminal court, where many are ultimately dismissed. As a result, 81% of all felony arrest attrition in Manhattan occurs in the lower court after formal court charges are filed.

In New Orleans, which has a high rejection rate at screening, a decision to file charges in a case is not made until witnesses have been contacted either by phone or in person and the screening attorney is convinced that the victim and witnesses are willing to proceed with the prosecution. In New Orleans the filing charge is also the office's plea position in a case, so the work of the screening unit is especially thorough. Eleven of the DA's approximately 60 attorneys work full time in the screening unit. They are also the most senior attorneys in the office. As a result, in New Orleans 89% of felony case attrition occurs before arrested defendants are formally charged.

The New Orleans system of screening is aided considerably by the fact that due process requirements in Louisiana do not require immediate filing of court charges. The local court standard and the DA's policy is to screen and file charges in 10 days. The lag between an arrest and the time the screening assistant contacts the victims and witnesses works to the screener's advantage in problem-witness cases. By the time witnesses are contacted many already have decided that they do not wish to proceed with the prosecution.

There are, however, other jurisdictions which both reject a high fraction of cases at screening and must make a charging decision within a matter of hours. In St. Louis, for example, where cases must be screened and charged within 20

[11] Only jurisdictions that screen before filing of court charges are included in exhibit 9.

hours, at least 30 to 40% of felony arrests are rejected.[12] To aid the early identification of problem-witness cases under such tight time constraints, the circuit attorney has a strict policy of not reviewing police arrests unless the victims and witnesses are brought by the police to the circuit attorney's screening room. There, victims and witnesses are carefully interviewed and the consequences of filing court charges thoroughly explained. This provides witnesses with an opportunity to indicate whether they are willing to proceed with prosecution before formal court charges are filed.

Rejection of cases at screening clearly represents a prosecutor's unilateral decision not to proceed with a case and is perhaps one of the most discretionary decisions the prosecutor makes about a case. It is not surprising that prosecutors themselves as well as legal scholars long have debated the potential for abuse of this discretionary power. Some have been concerned with the affirmative abuses of the prosecutor's power to bring charges; that is, the irreparable damage that an innocent individual might suffer when charges are brought against him or her and later dismissed.[13] Conversely, others point out that "what a prosecutor does negatively" (i.e., the decision not to charge certain persons or certain crimes) involves as much if not greater discretionary power.[14] In contrast to other decisions made by the prosecutor, the decision not to charge is rarely subject to court review, and court challenges to the exercise of this discretion virtually have always held that such decisions are immune from judicial review.[15] In contrast, after a case is filed it may be dismissed at the initiation of either the judge or the prosecutor, and the prosecutor's decision to drop a case at this point usually requires judicial approval.

Fraction of total attrition occurring at screening and after court charges are filed

Jurisdiction	Percent of total attrition: Rejections at screening	Post-filing dismissals
New Orleans	89%	11%
Lansing	75	25
Los Angeles	74	26
Greeley	66	34
Salt Lake	62	38
Golden	45	55
Washington, D.C.	35	65
Manhattan	11	89
Tallahassee	11	89

Note: Derived from exhibits 5 and 9.

Exhibit 10

Exhibit 10 shows how jurisdictions vary in the extent to which cases are dropped before or after court filing. Jurisdictions vary greatly in the extent to which nonconvictable cases are identified and dropped at the time of screening. In New Orleans, Lansing, and Los Angeles, 74% or more of all case attrition occurs at screening; in Manhattan and Tallahassee, only 11% of attrition occurs at this point.

Reasons for case attrition

With close to half of all felony arrests disposed either by rejection or dismissal, an obviously important question is why so many arrests fail to result in a conviction. Judges, prosecutors, and police need to know to what extent and in what ways their own actions (or inactions) contribute to case attrition. At the same time, the public needs to understand the extent to which the conviction of certain types of cases often is beyond the control of court officials.

Exhibit 11 shows the reasons for declination of felony arrests, as documented by the screening prosecutors in those jurisdictions where data were available. In all jurisdictions, witness problems and evidence-related deficiencies accounted for half or more of the rejections at screening. Witness problems are typically more common for crimes against persons than for crimes against property. This is even true for robberies, which are more likely than are assaults to involve defendants and victims who are strangers. Crimes involving theft of property, such as burglary and larceny, are more likely to involve problems of evidence. (See Appendix B.)

Patterns of dismissal reasons, presented in exhibit 12, are somewhat more varied and more reflective of specific jurisdictional practices than are reasons for rejections. Forty percent or more of the dismissals in Brighton, Colorado Springs, Fort Collins, and Pueblo, for example, are the result of "plea bargains." Plea bargains represent dismissals of cases for defendants with more than one active case. Typically, one case is dismissed, but a plea of guilty is obtained in another. In this situation a case is dismissed, but the defendant is still convicted.

Still in 10 of the 16 jurisdictions, witness and evidence problems together remain the most common reason for a dismissal. This pattern is the same as that reported in the two previous reports of this series using data for 1977 and 1979.

Evidence and witness problems

Recent, in-depth studies basically support the prosecutors' view that evidence and witness problems constitute the principal reason for case attrition. However, in seeking to identify the underlying causes of such problems, the studies present varying explanations.

Discussed in more detail below, these explanations generally emphasize three causes of evidence and

[12] The PROMIS data for St. Louis do not include cases rejected. The circuit attorney's office estimates that at least 30 to 40% of arrests are declined prosecution. That St. Louis has a high rejection rate was confirmed by an independent check with the St. Louis police department on the number of arrests presented for prosecution.

[13] Justice Jackson, Journal of the American Judicature Society 24 (1940): 18-19.

[14] Kenneth C. Davis, Discretionary Justice: A Preliminary Inquiry (Baton Rouge: Louisiana State University Press, 1969): 188-98, 207-14.

[15] See, for example, Powell v. Katzenback, 359 F. 2d 234 (P.C. Cir 1965).

Declination reasons at screening

Jurisdiction	Number of declined cases*	Percent distribution of cases declined by reason							
		Evidence	Witness	Lacks merit	Due process	Other prosecution	Diversion	Plea bargain	Other
Golden	41	59	27	5	2	2	2	2	0
Greeley	235	52	7	38	0	2	1	0	0
Indianapolis	433	44	10	28	0	18	0	0	0
Los Angeles	33,154	42	8	3	4	38	1	0	5
Manhattan	1,088	60	22	4	7	0	3	0	4
Salt Lake	1,021	57	13	9	1	16	1	0	2
Washington, D.C.	917	38	30	29	0	2	0	0	0

*Excludes cases where reasons are unknown.
Note: Declined cases include diversions and cases referred for other prosecution. These cases are excluded from counts of rejected cases in other tables.

Exhibit 11

Dismissal reasons (cases filed or indicted)

Jurisdiction	Number of dismissed cases*	Percent distribution of cases dismissed by reason							
		Evidence	Witness	Lacks merit	Due process	Other prosecution	Diversion	Plea bargain	Other
Brighton	443	16%	7%	10%	1%	2%	21%	43%	0%
Colorado Springs	675	13	11	3	2	14	16	40	0
Fort Collins	257	4	5	5	1	15	27	41	0
Geneva	567	13	23	17	4	5	10	25	2
Golden	709	14	14	7	1	9	17	38	0
Greeley	207	12	25	4	1	20	20	18	0
Indianapolis	573	27	13	31	2	8	1	10	9
Los Angeles	7,196	26	21	22	4	5	8	10	4
Louisville	202	28	25	20	8	7	11	0	0
Manhattan	9,265	20	30	9	7	0	1	5	28**
Portland	906	15	22	6	0	13	7	23	13
Pueblo	146	16	11	7	2	6	14	43	0
St. Louis	1,090	17	26	8	14	6	0	11	18
Salt Lake	654	11	17	4	2	19	5	28	16
San Diego	1,443	28	16	5	6	10	17	17	0
Washington, D.C.	2,992	21	26	7	3	2	7	9	25

*Excludes cases where reasons are unknown.
**Includes cases adjoined in contemplation of dismissal.
Note: Dismissed cases in this table include diversions and cases referred for other prosecution. These cases are excluded from counts of dismissed cases in other tables.

Exhibit 12

witness problems: factors associated with victim-witnesses and arrestees; police practices; and prosecutory procedures and policies.

Victim-arrestee relationship and victim-witness traits

In its study of New York City felony arrests in 1971, the Vera Institute of Justice reported that prior relationships between victims and defendants (such as those involving the victim and his or her spouse, neighbor, lover, customer, etc.) were often cited by prosecutors as their reason "for offering reduced charges and light sentences in return for a plea of guilty. Even more commonly, prior relationships led to dismissals."[16] The most frequently mentioned reason for such dismissals was lack of cooperation by the victim. Indeed, the reluctance of victims in prior-relationship cases to pursue prosecution accounted for a higher percentage of the dismissal rate than any other factor.

According to prosecutors cited in the Vera study, the explanation offered most often for noncooperation in such cases was reconciliation between victim and defendant: time passed, tempers cooled, mediation was attempted, restitution was made, etc. In some instances, however, defendants intimidated complainants.

Noting that criminal conduct is often the "explosive spillover from ruptured personal relations," the Vera study found that cases in which the victim and defendant were known to

[16] All references to the Vera study may be found on page 20, Felony Arrests.

Conviction rate, by victim-defendant relationship and crime group* (New Orleans)

Crime group	Family No. of arrests	Family Rate	Friend/acquaintance No. of arrests	Friend/acquaintance Rate	Stranger No. of arrests	Stranger Rate
Robbery	14	7%	142	21%	446	37%
Violent	200	16	616	19	456	35
Property	88	19	603	37	1,709	53
Victimless	18	72	107	56	367	52
All other	42	14	79	35	183	50
All offenses	362	19	1,547	30	3,161	48

Source: Brian Forst et al., Arrest Convictability as a Measure of Police Performance (Washington, DC: INSLAW, Inc. 1981).
*PROMIS data, 1977-78; includes only cases in which the relationship between victim and defendant was recorded in PROMIS.

Exhibit 13

each other constituted 83% of rape arrests and 39% of burglary arrests. Overall, 56% and 35%, respectively, of the violent crimes and property crimes analyzed involved a prior relationship between the victim and defendant.

Analyzing all cases of violent crime brought by police to the District of Columbia prosecutor during 1973, an INSLAW study documented that 53% of the decisions to decline prosecution were attributed to problems with the complaining witness, as were 40% of the decisions to dismiss before trial. Of the declinations, 61% involved cases involving a prior relationship (family, friends, acquaintances) between defendant and witness; this was so for 54% of the dismissals.[17]

Of 3,826 arrests for violent crime during 1973 in the District of Columbia, 13% involved family members; 44%, friends or acquaintances; and 43%, strangers. A prior relationship between victim and witness was particularly frequent in homicides (75%), assaults (75%), and sexual assaults (61%). Overall, 57% of the violent crime cases involved witnesses and arrestees who knew one another.[18]

A more recent INSLAW study, which encompassed the spectrum of crime types, found markedly lower rates of conviction when a prior relationship existed between arrestee and victim. Encompassing many of the jurisdictions included in this report, the study notes that prior-relationship cases ended in conviction only half as often as cases involving strangers. When a family relationship existed, cases resulted in conviction from "less than a quarter to just under half as often" as cases involving strangers.[19] The results of this analysis for various crimes in one sample jurisdiction—New Orleans—are shown in exhibit 13.

In addition to a prior relationship with arrestees, victims may possess certain negative traits or have engaged in certain activities that contribute to case attrition. Analyzing attrition of robbery, burglary, and felonious assault arrests made during 1978 and 1979 in Jacksonville, Florida, and in San Diego, California, a study by the Center on Administration of Criminal Justice at the University of California (Davis) noted that consistent with the findings of the other studies, cases with victim-witness problems have substantially lower conviction rates than those that do not have such problems. For example, in Jacksonville 59% of the robbery arrestees in cases not having victim-witness problems were convicted, while only 21% of arrestees in cases with such problems were convicted. The corresponding figures for burglary arrestees are 76% and 23%.[20]

By far the most frequent type of witness problem in each city was the existence of one or more traits or characteristics that reflected adversely on the witness's credibility or reliability. For example, in robbery cases some victims and witnesses were alcoholics, had been drinking, were seeking sex or drugs, possessed a criminal record, were afflicted with a physical disability (poor eyesight or hearing), or had a language problem (interpreter needed).[21]

The same study also noted that victims or witnesses themselves were sometimes engaged in criminal activity that made them culpable. This was true in about half the robbery cases, for instance. Not only does culpability cast doubt on the credibility of witnesses, it may ultimately discourage a witness-victim—fearing incrimination—from continuing to cooperate with prosecutors.

Another significant factor in case attrition in Jacksonville and San Diego was the unavailability of witnesses. Unavailability was primarily caused by military duties, out-of-town residency, and inability to locate. The problem of unavailability tended to be a general one rather than associated with a particular phase of the proceedings.

As noted earlier, the INSLAW study of violent crime in the District of Columbia also addressed how victim culpability and negative traits bear on case attrition. For example, in

[17] Kristen M. Williams, The Role of the Victim in the Prosecution of Violent Crimes (Washington, DC: Institute for Law and Social Research, 1978): 28. Over 60% of violent crime cases cleared by arrest were rejected by the prosecutor or subsequently dismissed (p. 35).

[18] Ibid: 22-23.

[19] Brian Forst et al., Arrest Convictability as a Measure of Police Performance (Washington, DC: Institute for Law and Social Research, 1981): 12.

[20] See, Arrests Without Conviction: 157-158.

[21] Ibid: 157, 161-162.

Proportion of arresting officers with high and low arrest convictability rates

Jurisdiction	Fraction with 50% of convictions	Fraction with no convictions
Cobb County	12%	29%
Indianapolis	17	37
Los Angeles	19	21
Manhattan	8	18
New Orleans	11	24
Salt Lake	14	25
Washington, D.C.	12	17

Source: Brian Forst et al., Arrest Convictability as a Measure of Police Performance (Washington, DC: INSLAW, Inc. 1981).

Exhibit 14

arrests involving victims who appeared to have provoked or participated in the alleged crime, prosecutors declined to prosecute slightly over 50% of such cases, in contrast to the 20% rejection rate associated with cases in which provocation or participation was not a factor.

Regarding the impact of victim traits on attrition, alcohol abuse appeared to have the most influence. Victims known to be chronic alcohol abusers were more than twice as likely as other victims to have their cases rejected at screening (49% versus 23%, respectively). The difference was not as great for the decision to dismiss before trial--61% and 41%, respectively.

Police as contributors to evidence and witness problems

When crimes are solved by an arrest,[22] it is usually because a witness calls the police and is able to provide them with sufficient information to identify a suspect soon after the crime has occurred.[23] Also, the best evidence for prosecuting a case is that gathered at the crime scene rather than as the result of investigative work.[24] Thus, the strength of a prosecutor's case is highly dependent on the police--on the evidence gathered and the witnesses identified by police at the scene of the crime.

In examining the police contribution to successful prosecution, an INSLAW study found that, regardless of the type of offense, having at least two witnesses significantly increased the chance of obtaining a conviction. The authors speculate that:

> ...the value of witnesses lies largely in their ability to corroborate the facts about the offense. The testimony of a single witness is not always enough to convict. Many cases that have only a single witness are deemed insufficient for prosecution and are rejected. One lay witness may cloud the facts, causing doubt in the minds of those evaluating the merits of the case. With two witnesses saying similar things, the element of corroboration is present, which enhances the probability both that the case will be prosecuted and that it will end in conviction.[25]

The study also found that cases in which physical evidence was recovered were more than two and one-half times as likely to result in a conviction and that "arrests made between 1 and 30 minutes of the offense were more likely to result in conviction than arrests made later (one-half to 24 hours)." The authors "inferred that time's influence on the conviction rate exists primarily because a shorter delay increases the probability of evidence recovery and, perhaps, because it enhances the probability of obtaining witnesses" (pp. 16-19).

The most interesting finding of the study was that in the jurisdictions analyzed a small fraction of the arresting officers--from 8 to 19%--accounted for 50% of the arrests that ended in a conviction. (Actual percentages are shown in exhibit 14.) This central finding, that a few officers appear to be better at producing convictable arrests, was confirmed even after such factors as officer assignment and the inherent convictability of arrest type were held constant.

Interviews with samples of high and low conviction rate officers in Manhattan and Washington, D.C., found that they generally responded similarly to most questions asked, with important exceptions. The high-conviction-rate officers indicated they took more steps to locate additional witnesses. They also were able to "list more procedures and techniques for obtaining evidence that proves a crime was committed and for proving that the victim was at the scene (or that the suspect and victim came in contact)" (p. 38).

While the above study, among others, suggests that there are a number of actions the police can take to prevent unnecessary case attrition, to conclude that attrition is primarily a police problem would be grossly misleading. Researchers emphasize that case attrition often results from the generally weak link between police and prosecutor. For instance, both the low- and high-conviction-rate officers interviewed in the INSLAW study said "they were interested in learning the outcome of their arrests, but that no formal procedures for learning outcomes existed" (p. 34).

Similarly, a study of police-prosecutor relations by the Georgetown University Law Center found that prosecutors frequently complain that the police provide them with too little information but also that prosecutors rarely make a systematic effort to provide feedback regarding case disposition or to educate the police about the specifics they need. Findings of the study

[22] See, Police-Prosecutor Relations: Part IV, Chapter 5.

[23] Albert J. Reiss, The Police and the Public (New Haven, CT: Yale University Press, 1971).

[24] Peter Greenwood, Jan M. Chaiken, and Joan Petersilia, The Criminal Investigation Process (Lexington, MA: D.C. Heath, 1977); Brian Forst, Judith Lucianovic, and Sarah Cox, What Happens After Arrest? (Washington, DC: Institute for Law and Social Research, 1977): 34-41.

[25] See, Arrest Convictability: 48.

suggest that "the communication breakdown" between police and prosecutors stems not from a basic difference between them regarding what general categories of information are relevant to prosecutory decision making but from different perceptions about the level of detail required.[26]

The authors developed a decision simulation study to determine the extent to which police and prosecutors differ in their perceptions of what is needed to make prosecutory decisions. In the simulation, senior police officers were told to imagine they were being asked by junior officers about what charging decision to recommend to a prosecutor in a robbery case. In advising the junior officer, the senior officer could select from a folder containing 44 index cards as many items of information (by title) as he thought he needed to make his recommendation. The same simulation was conducted with senior prosecutors, who were asked to advise hypothetical junior prosecutors. Analysis of the simulation results revealed that prosecutors required 40% more items of information than did police before a charging decision could be made.[27]

Another area in which police procedures may inadvertently create evidence and witness problems was noted in an INSLAW study of witness cooperation in the District of Columbia. The study found that 23% of 2,997 witnesses could not be located because they were not known at the address recorded by police, or the building at an existing address was vacant, or there was no such address. This, of course, effectively severed future communications. Analysis of why the bad-address problem was so extensive led to the conclusion that at the crime scene police were not routinely attempting to verify witnesses' orally supplied names and addresses, such as by requesting a driver's license or other identification documents.[28]

Summing up the issue of police-caused evidence and witness problems, the study conducted by the Center on Administration of Criminal Justice comments as follows:

> Because convictions require more evidence than arrests and the police are geared more to produce arrests than convictions, police do not now obtain all the evidence that could be gathered. Prosecutors could theoretically pick up the slack, but are not organized to do so. As a practical matter, therefore, if the evidentiary gap between the standard of probable cause needed to arrest and that of a reasonable doubt needed to convict is to be filled, it must be filled by police.[29]

Recommendations offered by the study to rectify this problem pertained primarily to measures that would improve police-prosecutor communication and coordination.

Prosecutor-caused evidence and witness problems

According to the study conducted by the Center on Administration of Criminal Justice, police and prosecutors both agreed that 80% or more of the suspects whose cases were dropped were guilty. The major problem with many of these cases pertained to the availability or willingness of the victim to prosecute. According to the study, "Earlier and greater efforts to secure cooperation and to gather other relevant evidence would likely pay off in a greater number of convictions" (p. 222).

The study also concluded that many cases could be salvaged through more risk-taking by prosecutors. For example, the authors stated that prosecutors generally take it as a truism that they cannot successfully prosecute a robbery case if they cannot produce the victim—even if they have other good witnesses. However, the study asserts that the few prosecutors who have tried such cases report a reasonably good success rate (pp. 221-23).

Noting that a high conviction rate could indicate that the prosecutor's office is achieving "less than it might in crime control by something like 'creaming' or 'skimming'" the solid cases, the authors note that an annual audit of a sample of cases not filed could help to indicate whether good prosecutory opportunities are being missed (p. 246).

The authors observe that one implication of their study is that police efforts to gather evidence and build strong cases can be facilitated if the prosecutor takes the initiative by providing much more feedback concerning the problems and outcomes of cases and by creating methods for two-way communication at the working level (p. 246).

The Center's study also suggested that, in many instances, both police and prosecutors appeared to have merely assumed that cooperation would not be forthcoming from certain victim-witnesses (p. 222). This observation also was made in the INSLAW study on witness cooperation, cited earlier. That study concluded that:

> ...prosecutors were apparently unable to cut through to the true intentions of 23% or more of those they regarded as uncooperative, and, therefore, recorded the existence of witness problems when these were premature judgments at best and incorrect decisions at worst.[30]

[26] See, Police-Prosecutor Relations: 53.

[27] Ibid: 40-59.

[28] Frank J. Cannavale, Jr. and William D. Falcon eds., Witness Cooperation (Lexington, MA: Lexington Books/Institute for Law and Social Research, 1976): Appendix A, 36, 52-53.

[29] See, Arrests Without Conviction: 244.

[30] See, Witness Cooperation: Part I, 84.

Two reasons were advanced for this apparent mislabeling by prosecutors of witnesses' true intentions. First, prosecutors indicated noncooperativeness not on the basis of perceived noncooperation in the case but in anticipation of it:

> The assumption was occasionally made that witnesses would not persevere in the prosecution of a friend or relative no matter how cooperative the witness initially seemed to be. Although this prediction may have proved true in some cases, it most likely was erroneous in others...[31]

Failure to communicate effectively with the witness was the second reason advanced to explain why prosecutors often misgauged witnesses' true intentions. By "failure to communicate" is meant not only failure by prosecutors to make contact with witnesses either orally or by mail, but also all those impediments that prevent witnesses, once contacted, from clearly understanding the communication or easily responding to what is communicated. As a result, the study found that several witnesses who were seemingly willing to cooperate were, unknown to themselves, classified by prosecutors as noncooperators.

[31] Ibid: Part II, 50.

Chapter IV

Guilty pleas and trials

The statistics presented in the chapter on case attrition show that many, if not most, felony arrests are disposed without a conviction. In those jurisdictions in which all felony arrests made by the police could be traced to a final disposition, close to 50% were either rejected by the prosecutor at screening or dismissed by the prosecutor or judge after filing. This chapter focuses on arrests that are carried forward and result in guilty pleas or trials.

Attrition and plea rates from police arrest

Jurisdiction	Percent of arrests dropped	Percent of arrests pled guilty	Total	Number of felony arrests disposed
Cobb County	51%	37%	88%	3,778
Golden	42	47	89	2,279
Greeley	41	48	89	865
Lansing	52*	39*	91*	2,403
Manhattan	38	60	98	27,386
New Orleans	51	36	87	7,095
Salt Lake	45	40	85	3,017
Tallahassee	48	41	89	1,465
Washington, D.C.	49	39	88	8,554
Jurisdiction median	48	40	89	

*Estimated

Exhibit 15

Prevalence of guilty pleas

The most common disposition of a felony arrest not rejected or dismissed is a plea of guilty. Exhibit 15 below shows the rate at which all felony arrests are disposed by a guilty plea, along with the rate of case attrition as measured in the chapter on case attrition. The table includes data only from those jurisdictions in which all felony arrests could be traced to a final disposition in either the felony or misdemeanor court, including cases pled as misdemeanors as well as felonies. The median plea rate among these jurisdictions is 40%. Together, guilty pleas and dropped cases account for 85 to 98% of all felony arrest dispositions. (The remaining 2 to 15% are primarily cases taken to trial and cases referred to diversion programs or to other agencies for prosecution.)

A more common way to look at the prevalence of guilty pleas is to calculate the percentage of all plea and trial adjudications resulting from a plea of guilty. This calculation is shown in exhibit 16. From this perspective the routine method for obtaining convictions clearly is through a guilty plea. Between 78 and 98% of all plea and trial adjudications are the result of a guilty plea.

Recognition of this fact--that the vast majority of convictions are the result of a guilty plea rather than a verdict of guilty—has, since the mid-1960's, fostered a vigorous national debate over the nature and propriety of the guilty plea process. At the center of this debate is the role the prosecutor plays in obtaining guilty pleas through plea bargaining.

The conventional view of plea bargaining holds that to avoid going to trial in the majority of cases prosecutors are willing to reduce the seriousness of charges against a defendant in exchange for a plea of guilty. A review of the guilty plea process in the jurisdictions included in this report indicates the process of obtaining convictions through pleas rather than trials is more varied and more complex than this view suggests.

Plea process in the jurisdictions

Often, reduced charges are not the result of negotiations between the prosecutor and defense counsel but rather reflect the unilateral decision on the part of the prosecutor that the appropriate conviction charge should be a less serious crime than the initial arrest or court charges. Often such unilateral decisions are made at screening or in the early prebindover stages of felony case processing, before the prosecutor has any opportunity to talk with defense counsel. The reduction of a felony charge to a misdemeanor, for example, most often reflects the prosecutor's decision not to carry certain types of cases forward to the felony court rather than being the result of a negotiated plea. That these unilateral decisions can affect the conviction outcomes of a substantial number of felony arrests is

Guilty pleas as percentage of guilty pleas and trials* (cases filed or indicted)

Jurisdiction	Percent pleas	Pleas and trials
Brighton	94%	699
Cobb County	96	1,456
Colorado Springs	92	809
Davenport	90	1,301
Dedham	81	288
Des Moines	82	1,100
Detroit	79	8,552
Fort Collins	95	519
Geneva	97	680
Golden	95	1,129
Greeley	98	423
Indianapolis	85	2,016
Kalamazoo	92	792
Kansas City	86	1,216
Lansing	89**	1,057**
Littleton	95	699
Los Angeles	90	18,491
Louisville	78	1,218
Manhattan	96	17,033
New Orleans	81	3,103
Portland	81	2,986
Pueblo	98	193
Rhode Island	94	3,250
St. Louis	90	2,711
Salt Lake	90	1,338
San Diego	93	6,631
Tallahassee	87	684
Washington, D.C.	83	4,024
Jurisdiction median	91	

*Trials include bench and jury trials.
**Estimated

Exhibit 16

illustrated by the data in exhibits 17, 18, and 19, which show the dispositions of felony arrests by the court of final disposition in Golden, Manhattan, and Washington, D.C.

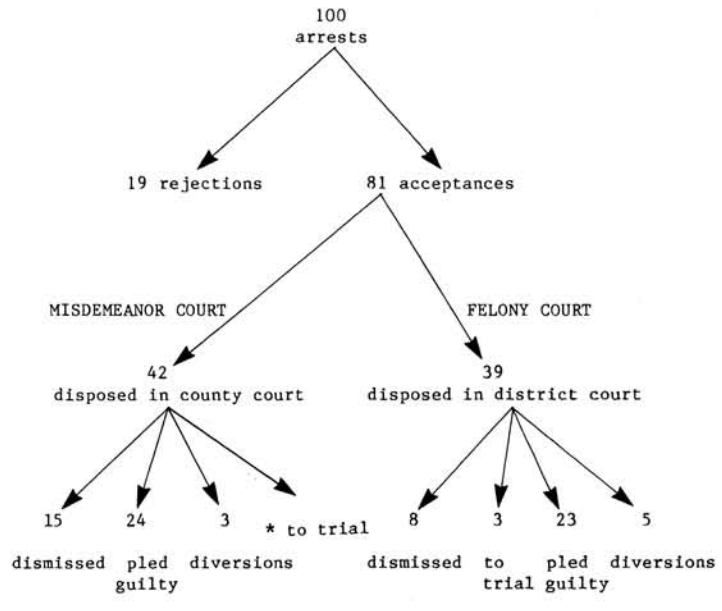
In Manhattan 22% of all felony arrests are carried forward to the felony court; in Washington, D.C., 31% of felony arrests are indicted and disposed by the felony trial division of the D.C. Superior Court; and in Golden 39% are disposed in the district court, the felony court in Colorado. Although many of the arrests not carried forward are either rejected or dismissed, a substantial fraction, 18 to 43%, are disposed as misdemeanor pleas in the misdemeanor courts. The end result is that many guilty pleas, from 46 to 72%, are to misdemeanors (exhibit 20).

The decision to dispose of felony arrests in the misdemeanor court often is made unilaterally before plea discussions with the defense. In Manhattan, the key decision point is at screening, before court charges have been filed and counsel appointed. In Washington, D.C., some felony arrests are reduced to misdemeanors in the complaint room, while others are reduced at the time attorneys review filed cases for presentation to the grand jury. It is at this stage that all the evidence is reviewed, witnesses are contacted, and evidentiary weaknesses not apparent in the complaint room are identified.

Rather than viewing the plea process from a total system perspective, most studies of plea bargaining have focused on the guilty plea process only in the felony court. But even after cases have been bound over to the felony court, the nature of the plea process is more varied than the notion of prosecutor and defense attorney negotiating charge reductions indicates.

A survey of plea bargaining in 30 jurisdictions by the Georgetown University Law Center found that in some jurisdictions judges play a key role, while in others they virtually

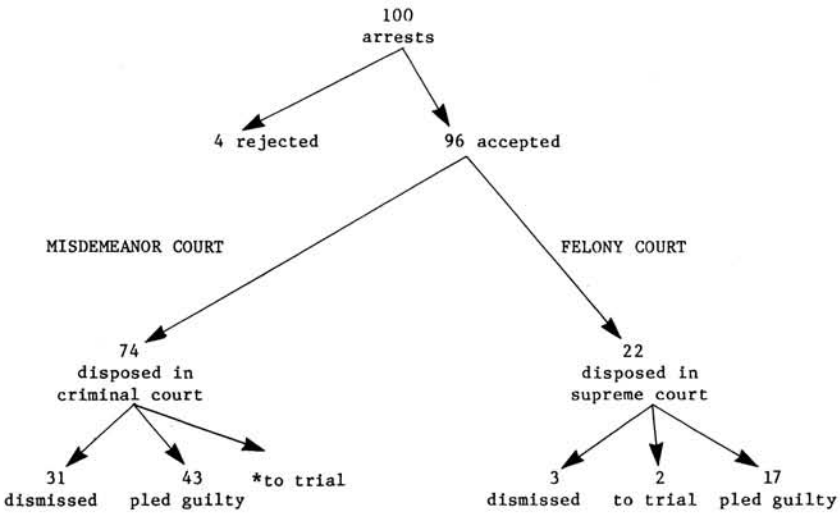
Golden: Felony arrest dispositions



*Less than 1%.

Exhibit 17

Manhattan: Felony arrest dispositions



*Less than 1%.

Exhibit 18

Washington, D.C.: Felony arrest dispositions

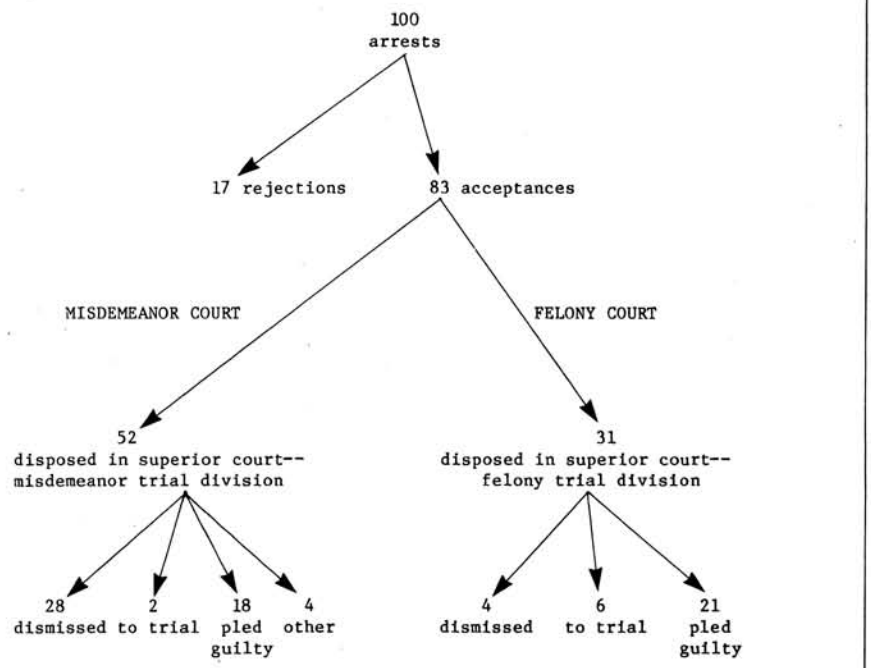


Exhibit 19

Guilty pleas by level of court

Jurisdiction	Percent of pleas in misdemeanor court	Percent of pleas in felony court	Total pleas as percent of all felony arrests
Golden	51%	49%	47%
Manhattan	72	28	60
Washington, D.C.	46	54	39

Exhibit 20

never or rarely participate in plea discussions. It also was reported that not all jurisdictions engage in what has been termed "explicit" bargaining. Explicit plea bargaining in the Georgetown study was defined as "overt negotiations between two or three actors (prosecutor, defense attorney, and judge) followed by an agreement on the terms of the bargain." Implicit bargaining, on the other hand, "involves an understanding by the defendant that a more severe sentence may be imposed for going to trial rather than pleading guilty." The kinds of concessions also were varied, including charge reduction by the prosecutor, agreements by the prosecutor as to what sentence to recommend (or merely an agreement to remain silent at sentencing or to keep the victim away from the sentencing hearing), promises by judges to impose specific sentences, and even judicial promises to sentence to particular institutions. As the authors noted, the variety of concessions offered appears to be limited only by the "imagination of the participants" involved.[1] But the results did suggest that it is possible, at least in some courts, to obtain many guilty pleas without negotiation. As one of the authors has noted, in some courts "there is nothing negotiable about pleading guilty." The defendant (or the defendant's attorney) is informed of the charges and evidence against him or her by the prosecutor or judge. If the evidence cannot be refuted, the defendant's choice is simple: plead guilty or go to trial.[2]

Exhibit 21 shows data from the jurisdictions on the percentage of guilty pleas pled to the top charge in the felony court. In most jurisdictions it appears that prosecutors obtain pleas in a high fraction of cases without charge reduction. In most jurisdictions, 75 to 89% of guilty pleas are "pled to the top charge." These statistics, however consistent with the Georgetown study results, mask a great deal of variation in the felony plea process among the jurisdictions. In some jurisdictions the substance of plea discussions is focused not on the charge but on the sentence. In several jurisdictions these discussions routinely include the judge. And even where charges are the subject of prosecutor-defense counsel discussions, the primary issue is not always the reduction of the top or lead charge but may be the dismissal of other included charges or another pending case.

In Manhattan and Rhode Island felony court judges routinely participate in plea discussions and are willing to indicate what sentence they will impose if the defendant pleads guilty. In Manhattan assistant prosecutors also routinely reduce the indictment charge by one count unless aggravating circumstances are present. Given the structure of New York's penal code, in many instances (particularly nonviolent thefts) the prosecutor's decision whether to insist on a plea to a top or reduced charge has little practical effect on the judge's sentencing discretion and therefore on the sentencing promise

[1] Herbert S. Miller, William F. McDonald, and James A. Cramer, Pleas Bargaining in the United States, National Institute of Law Enforcement and Criminal Justice, U.S. Department of Justice (Washington, DC: 1978).

[2] William F. McDonald, "From Plea Negotiation to Coercive Justice: Notes on the Respecification of a Concept," Law and Society Review 13, no. 2 (1979): 385.

Percentage of guilty pleas pled to top charge in felony court

Jurisdiction	Pled to top charge*	Pled to reduced charge	Number of pleas**
Des Moines	89%	11%	899
St. Louis	86	14	2,298
Kalamazoo	84	16	730
New Orleans	83	17	2,526
Los Angeles	82	18	15,192
Louisville	82	18	945
Indianapolis	81	19	1,705
Rhode Island	80	20	3,044
Kansas City	76	24	1,046
Portland	75	25	2,405
San Diego	75	25	3,357
Washington, D.C.	57	43	1,783
Lansing	38	62	533
Detroit	36	64	5,949
Manhattan	35	65	4,417
Golden	26	74	460

*Includes pleas to equivalent charges.
**Number of pleas for which complete disposition data were available.

Exhibit 21

the judge can make. This situation, however, has been changing in recent years with the passage of mandatory sentencing laws for habitual and violent felons. In such cases the prosecutor can insist on a plea to a charge for which the judge has no choice but to sentence according to the legislative mandate.

In both St. Louis and Louisville, plea offers concern the sentence recommendation the attorney will make to the judge. In Louisville individual attorneys are given the discretion to determine what this recommendation will be, and the recommendation itself may concern either the amount of time to be served or whether the sentence is to be incarceration or probation. Louisville judges vary in the extent to which they are willing to participate in plea discussions. In St. Louis the plea offers trial attorneys can make are tightly controlled by supervisors. All initial offers are reviewed by either the trial chief or the first assistant before they may be communicated to defense counsel, and any change from the initial offer requires supervisory approval. In all cases the circuit attorney's office recommends some amount of incarceration time. Whether the defendant should go to prison or be sentenced to probation, however, is considered the decision of the judge. In Missouri judges are prohibited by law from participating in explicit plea discussions.

Indianapolis, Detroit, and Lansing are all jurisdictions in which plea discussions can be characterized as between the prosecutor and defense counsel (judges, in other words, do not routinely participate), and the focus of the discussions is on charges. In Indianapolis the prosecuting attorney's policy is to try to get a plea to the lead charge, but attorneys are allowed to dismiss other included charges. Since judges rarely sentence consecutively, this type of bargaining, in practice, has little effect on a judge's sentencing discretion, and it is not clear that the defendant is "getting a break." In both Detroit and Lansing, office policy allows for the reduction of charges but not on all types of cases, and even reduced offers are controlled by supervisors. In Detroit, for example, only five senior docket attorneys who supervise the work in the five felony trial sections of Detroit's recorder's court are authorized to make or change plea offers. Only charge reductions are permitted, and the offers typically are presented to defense counsel on a take-it-or-leave-it basis.

What appears to distinguish jurisdictions in their approach to guilty pleas has less to do with an observed or expressed willingness to reduce charges than with managerial attempts to limit or control the amount of explicit "negotiation" that occurs between individual prosecutors and defense attorneys by controlling the discretion that assistant prosecutors may exercise in obtaining guilty pleas. In St. Louis and Detroit, for example, the substance of plea discussions is very different—sentences in St. Louis and charge reductions in Detroit—but both jurisdictions allow individual trial assistants limited discretion to determine or change initial plea offers.

One of the most tightly controlled guilty plea systems among the jurisdictions in this report is that initiated by the district attorney in New Orleans. The office plea position on each case is determined at the time of screening by one of the screening assistants, who are the most experienced attorneys in the office. Trial attorneys who handle cases after they are filed in court are not allowed to reduce charges or make sentence recommendations. If defendants do not plead to charges as filed, assistants are required to take the case to trial. Rigorous controls have been implemented to prevent reductions of charges after filing. Some defendants, of course, are allowed to plead to a reduced charge when new evidence indicates such a charge is warranted legally, but this is not common and requires a written explanation by the trial assistant. All reductions must be approved by a trial chief.

Defense attorneys in New Orleans are aware of these office policies. Thus, the formal criminal court arraignment on the charges filed is typically the official communication of the DA's plea position. If defense attorneys wish to discuss the charge with the trial assistants, they may ask to speak with them; trial assistants are not allowed to initiate discussions about the plea. Although

the district attorney's plea bargaining policy is circumvented by some judges, who actively negotiate with the defense over sentences, in many cases defendants plead without negotiation by the prosecutor or the judge.

The debate on plea bargaining

The most strident critics of plea bargaining have tended to equate justice with the adversariness associated with formal trials and have viewed the lack of trials in and of itself as evidence that defendants' constitutional rights are being denied. Conviction without trial has further been thought of as a relatively recent aberration. In the not too distant past, critics would contend, a better system prevailed in which defendants were routinely found guilty at public trials over which a judge presided and a jury determined guilt after hearing arguments as to the defendant's guilt or innocence.

The most common and popularly held explanation for the current predominance of guilty pleas stresses the pressure of heavy case loads that have accompanied the rise in urban crime over the last several decades. Given the enormous volume of cases with which the court must contend, it is argued that the only way to dispense any justice at all is by inducing the mass of defendants to plead guilty in return for a promise of leniency. If most defendants were not induced to plead guilty but instead were to demand a trial, the argument continues, the courts would be hopelessly jammed and the administration of justice would break down.[3]

Increasingly, however, the case load explanation and the view that plea bargaining is a recent aberration from a once ideal system are being seriously questioned. One study by Milton Heumann using data on court dispositions in Connecticut over a 75-year period, from 1880 to 1954, has presented evidence that suggests the ratio of trials to total convictions has not changed appreciably since the latter part of the 19th century. The percentage of convictions obtained by a trial from 1880 to 1910 was about 10%, about the same as that observed in the early 1950's. The 10 to 1 ratio is almost exactly the same as that frequently cited today and virtually the same as that calculated in this report. Heumann also compared, for the same period, the ratio of trials to convictions in three high-volume courts to that of three low-volume courts. Again, he found that in both the high- and low-volume courts the trial ratio varied little from the overall mean of 1 trial for every 10 dispositions of guilt.

[3]A review of the case load argument and its centrality to explanations of plea bargaining is contained in Milton Heumann, Plea Bargaining (Chicago: University of Chicago Press, 1978): 24-33. While the case load argument is critical to most explanations of plea bargaining, a number of other factors also have been advanced as important. Sociologists and political scientists, in particular, have argued that the situation is a result of the "bureaucratic" or "organizational" concerns of key court participants. One theory posits that attorneys (both prosecutors and defense attorneys) prefer the certainty of a conviction by plea as opposed to the uncertainty of a trial and to avoid trial--an event they cannot control--are willing to cooperate and accommodate one another. See Abraham S. Blumberg, Criminal Justice (New York: New Viewpoints, 1979). A variant of this argument is that participants in courtroom processes have a limited capacity for conflict (in other words adversariness and trials) and therefore develop cooperative routines for disposing of cases. See James Eisenstein and Herbert Jacobs, Felony Justice (Boston: Little, Brown and Co., 1977).

Consistent with the findings of Heumann in Connecticut, other investigations by legal historians suggest that at least by the late 19th century guilty pleas were a common method of case disposition in other parts of the United States.[4] Although there was a time when most criminal matters were settled by trial, this appears to have been as long ago as the 18th century. John H. Langbein, a professor of law at the University of Chicago who has studied the trials of this earlier era, suggests that they were vastly different from the trials of today. A jury trial of the early 18th century was a summary and not an adversary proceeding, and as many as 12 to 20 trials were completed per day in a single court. Ironically, Langbein believes it was the institution of adversarial reforms--most importantly, the common law of evidence, the exclusionary rule, and advent of counsel for the defense and state--that led to the decline of trials. In his view, trials gradually became such complex, protracted affairs that they "could no longer be used as the exclusive disposition proceedings for cases of serious crime."[5]

Another work that questions conventional notions about plea bargaining is Malcolm Feeley's study of guilty dispositions in New Haven, Connecticut. Feeley suggests that most pleas are not in fact true bargains; that is, that the major focus of plea discussions is not to obtain a concession for the defendant. Based on observation of plea discussions, the author typifies most so-called "negotiations" as informational discussions about the facts and circumstances surrounding the crime. Once the facts are "settled" (in other words, once an agreement on the crime committed is reached), the nature of the penalty is a foregone conclusion. Discussions regarding concessions in return for a plea are the exception rather than the rule.

[4]Lawrence M. Friedman, "Plea Bargaining in Historical Perspective," Law and Society Review 13, no. 2 (1979).

[5]John H. Langbein, "Understanding the Short History of Plea Bargaining," Law and Society Review 13, no. 2 (1979): 265.

Feeley argues, in effect, that plea bargaining as it is conventionally defined is not a sufficient explanation for how cases are resolved by the court.[6]

The issue of concessions is particularly important for it is this aspect of plea bargaining that has led many of its critics to characterize it as coercive. The National Advisory Commission on Criminal Justice Standards and Goals, for example, in calling for the abolition of plea bargaining to protect the constitutional rights of the defendant stated:

> ...negotiations between prosecutors and defendants—either personally or through their attorneys—concerning concessions to be made in return for guilty pleas should be prohibited.[7]

It is significant that the commission did not say that defendants should be prevented from entering pleas of guilty but objected to prosecutors' granting concessions in exchange for pleas.

Many members of the official legal community have taken a pragmatic view of plea bargaining and the problem of coercion. The American Bar Association (ABA) in its Standards Relating to Prosecution Function and the Defense Function did not ignore the dangers of plea bargaining but did recognize that it is a fact of life in almost all courts today and attempted to spell out the roles of prosecutors and defense in an effort to regulate but not eliminate plea bargaining.[8]

Several years ago the Federal Rules of Criminal Procedure were amended to eliminate the prior prohibition on plea bargaining via the so-called Rule 11. Rule 11 pays special attention to the issue of coercion, and, to ensure that pleas are voluntary, requires "addressing the defendant in open court, determining that the plea is voluntary and not the result of force or promises apart from a plea agreement."[9]

Despite the controversy that has surrounded the issue of concessions and the confidence with which the various positions have been stated, there has been relatively little empirical analyses on how sentence or charge concessions relate to the ability of the court to process cases, and relatively few attempts to measure the frequency and magnitude of the concessions extended to those who plead guilty. The analyses that do exist provide intriguing but conflicting results.

One attempt to gather empirical information on the relationships among plea bargaining, concessions, and case loads is the Alaska Judicial Council's evaluation of the ban on plea bargaining in the State of Alaska.[10] In August 1975 Alaska's attorney general instructed all of the State's district attorneys to cease to engage in plea bargaining in handling felony and misdemeanor cases. Specifically, the State's prosecutors were given written guidelines prohibiting the reduction in charges, dismissal of counts in multiple-count charges, and the recommendation of specific sentences. Before the institution of the ban, explicit sentence bargaining by prosecutors had been the standard practice throughout the State.

For a time after the ban was implemented, there was a shift by some prosecutors from the traditional sentence bargaining to charge bargaining. Also some judges circumvented the ban by making sentence commitments directly to defendants. Judicial participation was challenged and subsequently prohibited by a State Supreme Court decision (State v. Buckalew, 561 P.2d 289, 1977). The court ruled that judges should not participate in either sentence or charge bargaining.

Overall, the evaluators concluded that after the plea bargaining ban was implemented the frequency of explicit negotiations was drastically reduced. A statistical analysis of convicted cases in the first year after the ban showed that only 4 to 12% involved a sentence recommendation by prosecutors. Follow-up interviews in 1977 and 1978 indicated that explicit negotiation (by prosecutors and judges) had continued to decline and in effect had pretty much dried up.

Before the ban, opponents predicted that it would cause a "massive slowdown in the criminal docket" because defendants would refuse to plead guilty.[11] In fact, disposition times decreased from 192 days to 90 days. The evaluators did not attribute this decline to the plea bargaining ban, but rather to other administrative reforms instituted at the same time. It was significant, however, that the ban did not impede the intended effect of the administrative and calendar changes. The number of trials did increase, but the majority of defendants continued to plead guilty. Before the ban, 10% of convictions were obtained at trial; after the ban, 19% of convictions were the result of trial verdicts. Nor does the number of additional trials in Alaska's three major cities (an increase from 110 to 149) sound sufficiently large to create an administrative nightmare.[12]

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[6] Malcolm M. Feeley, The Process is the Punishment (New York: Russell Sage Foundation, 1979). Feeley's study was of the lower or misdemeanor court in New Haven, but it is common in many jurisdictions for as many as 80% of felony arrests to be disposed in the lower courts.

[7] National Advisory Commission on Criminal Justice Standards and Goals, Courts (Washington, DC: 1973): 42.

[8] American Bar Association, Standards for Criminal Justice, "Pleas of Guilty," Vol. 3, Ch. 14 (1980).

[9] Quoted in Conrad G. Brunk, "The Problem of Voluntariness and Coercion in the Negotiated Pleas," Law and Society Review 13, no. 2 (1979): 528.

[10] Michael L. Rubenstein and Teresa J. White, "Alaska's Ban on Plea Bargaining," Law and Society Review 13, no. 2 (1979).

[11] Ibid: 374.

[12] Stevens H. Clarke and Gary G. Koch, "The Effect of the Prohibition of Plea Bargaining on the Disposition of Felony Cases in Alaska," Criminal Courts: A Statistical Analysis (Alaska Judicial Council, 1978): Exhibit V.1.

On the issue of implicit penalties for going to trial, the evaluation results were somewhat less clear. A statistical analysis of sentences imposed on defendants who pled guilty and on those who were convicted at trial suggested that defendants who went to trial did fare worse, but this was true before as well as after the ban.[13] Further, the evaluators were unable to say whether this sentence differential was a true penalty for going to trial or due to a difference in the characteristics of the cases or the defendants who opted for trial.

Studies that have attempted to look systematically at the issue of a sentence penalty for trial, and that include statistical controls for the types of cases that go to trial, present conflicting results. An INSLAW study by Rhodes of pleas, trials, and sentences in the District of Columbia found that for burglary, larceny, and assault, defendants who pled guilty were sentenced no differently from those who went to trial. Robbery defendants, however, it appeared, were penalized. Forty-three percent of the robbery pleas resulted in sentences to probation, but only 24% of the robbery convictions by trial ended in probation. The difference remained even after controlling for seriousness of the offense and the defendant's prior record.[14] Another study, by Uhlman and Walker, of almost 30,000 guilty verdicts in an anonymous Eastern community, found that sentences were substantially more severe for defendants convicted at a jury trial than for those who pled guilty or were found guilty by a judge at a bench trial. Their analysis also controlled for severity of the criminal charges and the prior criminality of the defendant.[15]

[13] Ibid.

[14] William M. Rhodes, Plea Bargaining: Who Gains? Who Loses?, PROMIS Research Publication no. 14 (Institute for Law and Social Research, 1978).

[15] Thomas M. Uhlman and N. Darlene Walker, "He Takes Some of My Time; I Take Some of His: An Analysis of Sentencing Patterns in Jury Cases," Law and Society Review 14, no. 2 (1980).

Trials

Trials may occur before a jury or a judge. The latter are referred to as bench trials and in some jurisdictions they occur frequently. In Portland, for example, about half of all trials are bench trials. In most jurisdictions in this report, however, jury trials are the predominant form of trial. Exhibits 22, 23, and 24 show jury trials as a percentage of all arrests, all cases filed, and cases bound over and disposed in the felony court. As one would expect, the trial rate of cases disposed in the felony court is higher than the trial rate computed as a percentage of all arrests. An average (jurisdiction median) of 4 of every 100 arrests go to trial; of cases bound over to the felony court 8% (jurisdiction median) can be expected to end in a trial. Still, these data show that even in the felony trial courts, a jury trial is not a common method of adjudication.

Despite their lack of frequency, trials still play an important role in the work of the courts. The rules that govern trials set the standards for the evaluation of evidence in the many cases in which the defendant pleads guilty. And many attorneys believe that the most efficient way to manage their case loads (and obtain pleas) is to maintain a credible threat of trial on virtually all accepted felony cases. This means treating all cases in the early stages of case preparation as if they will go to trial even though it is known that most will eventually end in a plea of guilty.[16]

Also, for individual attorneys one of the major attractions of working in a prosecutor's office is the opportunity the job provides for gaining trial experience early in a legal career. In many large cities the typical assistant prosecutor joins the prosecutor's office shortly after graduation from law school, but expects to move on to another job after several years of trial experience.[17] The significance of trials to young assistants is illustrated by the following account of their career objectives provided by a former district attorney:

> ...a trial assistant in a felony court is among the most valued assignments a young prosecutor can secure. Most assistants serve a substantial apprenticeship--drafting complaints and indictments, trying misdemeanors and preliminary hearings, presenting cases to the grand jury, and perhaps briefing and arguing appeals--before they are given the opportunity to try felony cases. The competition for felony-court assignments is therefore keen, and trial assistants who have climbed the ladder of success sometimes fear that if they lose a significant number of cases, they will be replaced...the rumors to this effect are false; the District Attorney looks to much more than an assistant's batting average at trial in measuring his ability.

Jury trials (in lower or felony court) as a percentage of felony arrests

Jurisdiction	Percent of arrests resulting in trial	Number of arrests disposed
Washington, D.C.	7%	8,554
New Orleans	5	7,095
Tallahassee	5	1,465
Lansing	4*	2,403
Salt Lake	4	3,017
Cobb County	2	3,778
Golden	2	2,279
Manhattan	2	27,386
Greeley	1	865
Jurisdiction median	4	

*Estimated

Exhibit 22

[16] This view of handling cases is described in David W. Neubauer, Criminal Justice in Middle America (New York: General Learning Press, 1974): 117-118. It also came up repeatedly in our own interviews with attorneys.

[17] James J. Fishman, "The Social and Occupational Mobility of Prosecutors: New York City," in The Prosecutor, William F. McDonald, ed. (Beverly Hills, CA: Sage Publications, 1979). A notable exception to this pattern is Los Angeles, where many deputies are career prosecutors with 15 or more years of experience in the Los Angeles District Attorney's Office.

Jury trials (in lower or felony court) as percentage of cases filed

Jurisdiction	Percent of cases filed resulting in trial	Cases filed
New Orleans	10%	3,502
Washington, D.C.	9	7,101
Des Moines	8*	1,401
Lansing	7*	1,358
Portland	7	3,894
St. Louis	6	3,801
Salt Lake	6	1,996
Tallahassee	6	1,390
Detroit	5	12,365
San Diego	5	8,668
Brighton	4	1,142
Colorado Springs	4	1,484
Davenport	4*	2,011
Littleton	4	923
Fort Collins	3	776
Cobb County	2	3,778
Golden	2	1,879
Greeley	2	630
Manhattan	2	26,298
Geneva	1	1,262
Pueblo	1	339
Jurisdiction median	4	

*Estimated

Exhibit 23

Jury trials (in felony court) as percentage of cases indicted/bound over

Jurisdiction	Percent of felony court cases resulting in trial	Cases disposed
Washington, D.C.	18%	2,678
Dedham	15	366
Louisville	11	1,547
San Diego	11	4,205
Kansas City	10	1,649
Lansing	10	676
New Orleans	10	3,502
Des Moines	9*	1,222
Manhattan	9	5,906
Brighton	8	562
Kalamazoo	7	933
Portland	7	3,641
Detroit	6	10,439
Los Angeles**	6	14,545
St. Louis	6	3,072
Golden	5	866
Cobb County	4	1,726
Indianapolis	4	2,591
Rhode Island	4	3,817
Pueblo	2	173
Jurisdiction median	8	

*Estimated
**OBTS

Exhibit 24

Nevertheless, the rumors persist with undiminished force year after year.[18]

It is interesting that although a great deal of effort has been devoted to explaining why most cases end in a guilty plea, much less has been devoted to understanding the reverse: why some go to trial. It is clear that not all cases are equally likely to go to trial. Exhibit 25 shows trial rates in the felony court by crime type for some of the larger jurisdictions. Trial rates for violent crimes generally are higher than trial rates for property crime. In all but one jurisdiction, homicide is the most likely crime to be disposed by trial.

Mather, in Los Angeles, has performed one qualitative study of the circumstances that lead public defenders to recommend trial to their clients. Mather suggests that two aspects of a case are most critical to the defense counsel's decision. One is the strength of the evidence. The other is the seriousness of the case in terms of the heinousness of the current offense or the defendant's criminal record, either one of which will make a prison sentence on conviction a likely possibility. Based on the consideration of evidence and seriousness, Mather develops a typology of cases and identifies three types most likely to go to trial. In either a serious or nonserious case, if the evidence is sufficiently weak to suggest there is a reasonable doubt that the defendant was involved in the crime, the public defender will recommend a trial. If the evidence is strong, that is, if no conceivably credible explanation for the defendant's innocence can be devised (Mather uses the term "deadbang"), then a trial is not recommended unless the case is very serious. In a very serious case the defendant is likely to go to prison regardless of whether he pleads guilty or goes to trial and therefore has little to lose by going to trial and a small chance of a considerable gain—acquittal. (It is interesting that the public defenders Mather surveyed did not think judges in Los Angeles sentenced more harshly after trial.)

This analysis is consistent with the data presented here suggesting the most serious cases are more likely to go to trial, especially since the public defenders themselves report that most of the cases they deal with

[18] Quoted in Albert W. Alschuler, "The Prosecutor's Role in Plea Bargaining," University of Chicago Law Review 36 (1968): 110-111.

Percentage of felony court cases resulting in trial, by crime type*

Jurisdiction	Violent			Property		
	Homicide	Sexual assault	Robbery	Burglary	Larceny	Drugs
Indianapolis	36%	15%	13%	12%	8%	9%
Los Angeles**	23	15	9	6	3	8
Louisville	44	36	24	13	10	15
Manhattan	24	20	8	6	10	8
St. Louis**	41	18	14	4	5	4
San Diego	31	8	12	5	7	3
Washington, D.C.	41	45	25	14	10	9

*Jury and court trials.
**Rate is based on all cases presented for a preliminary hearing, a small number of which will not be bound over to the felony court.

Exhibit 25

are of the "deadbang" variety, in which questions of evidence usually involve the degree of involvement rather than guilt or innocence. As one attorney put it, "Most of the cases we get are pretty hopeless—really not much chance of acquittal."[19] This statement is supported by the rates of convictions at trial (exhibit 26). The median conviction rate at trial among jurisdictions is 69%.

[19] Lynn A. Mather, "Some Determinants of the Method of Case Disposition: Decision-Making by Public Defenders in Los Angeles," Law and Society Review 8 (Winter, 1973): 187-216.

Jury trial conviction rate

	Percent of jury trials resulting in conviction	Cases tried
Portland	85%	262
Davenport	83	124
Dedham	83	54
Indianapolis	83	111
Cobb County	81	63
San Diego	80*	459
Golden	79	42
Los Angeles	79	1,073
Manhattan	73	633
Salt Lake	73	113
Fort Collins	70	20
St. Louis	70	219
Kansas City	68	165
Tallahassee	68	77
Washington, D.C.	68	638
Lansing	66	64
Littleton	66	35
Colorado Springs	63	57
Louisville	63	172
Geneva	61	18**
Kalamazoo	61	62
New Orleans	61*	353
Detroit	57	669
Rhode Island	51	166
Jurisdiction median	69	

*Estimated
**Includes bench trials.

Exhibit 26

Chapter V

Sentencing

Whether a defendant pleads guilty or is convicted at trial, an additional court appearance is required before the judge formally imposes a sentence. A sentence hearing is usually held 2 or 3 weeks after conviction to allow time for a probation worker to conduct a presentence investigation and submit a written report to the court. The presentence report includes a description of the current offense, the defendant's criminal record, and data on such social and personal characteristics as family background, employment status, marital status, number of dependents, and evidence of drug or alcohol abuse. In some jurisdictions, probation officers also may include their personal assessment of a defendant's prospects for rehabilitation.

Sentencing is generally viewed as a judicial function, although in some areas of the country the responsibility (to a limited extent) is shared with juries. In St. Louis and Kansas City, for example, juries may impose sentences for defendants with no prior convictions who are convicted at trial. Where juries participate in sentencing, the division of authority between the judge and jury and the types of cases in which juries may sentence (capital crimes are most common) are specified by State statutes.

The trend, however, has been away from jury sentencing, and a number of groups have advocated its abolition. The American Bar Association has called for an end to jury sentencing on the grounds that it is unprofessional and likely to be arbitrary and subject to popular appeals to emotions.[1]

Opinions as to what role the prosecutor should play in sentencing vary considerably. Some believe prosecutors should not participate at all or play only a limited role. Others think the interests of the public are sacrificed if the prosecutor does not take an active position on appropriate sentences.[2] To some extent an aggressive prosecution stance on sentencing is viewed as a way to provide a judge with critical information on the nature of a crime. The prosecutor, especially when a case is plea bargained, has access to more information on the details of the criminal event than almost any other court participant.[3] The American Bar Association, in its standards on the role of the prosecutor at sentencing, maintains that prosecutors should participate in sentencing by making a sentence recommendation only when requested by a judge or as part of a plea negotiation arrangement.[4]

Practices regarding sentencing recommendations among the jurisdictions included in this report also vary considerably. Some prosecutors recommend sentences only under special circumstances. This is the case in New Orleans, where sentence statements are made in the relatively small number of cases for which charges are reduced. Prosecutors in other jurisdictions routinely make sentence recommendations but of a limited nature, such as in Los Angeles, where deputies indicate a preference only for probation or State prison or jail time. In still other jurisdictions specific recommendations of time are routine. In St. Louis specific sentences are indicated, although the decision regarding probation versus incarceration is considered the prerogative of the judge.

Percentage of arrests resulting in incarceration

Jurisdiction	Percent to State prison	Percent to local jail	Total percent incarcerated	Number of arrests disposed*
Golden	13%	20%	33%	2,279
New Orleans	11	8	19	7,095
Salt Lake	11	6	17	3,017
Manhattan	9	24	33	27,386
Los Angeles**	6	-	-	70,044
Jurisdiction mean	10	15	26	

*Note: Because of missing sentencing data, incarceration rates in this table were derived from the conditional probabilities of conviction given arrest and incarceration given conviction.
**OBTS data.

Exhibit 27

Sentencing patterns

One way to look at sentencing patterns among jurisdictions is to calculate the rate at which defendants are sentenced to periods of incarceration of more or less than 1 year. For the purposes of this report, incarceration sentences of 1 year or less are considered sentences to local jails; sentences of more than 1 year are considered sentences to State prison.

As with other aspects of the felony disposition process, rates of incarceration vary greatly depending on the point in the criminal justice system from which they are measured. Sentences to incarceration as a fraction of arrests, for example, appear infrequent. Exhibit 27 shows rates of incarceration to State prisons and local jails as a fraction of all felony arrests considered for prosecution. The rate of incarceration in State prisons ranges from 6 to 13 of every 100 adult arrests. In no jurisdiction do more than one-third of felony arrests lead to some form of incarceration, including sentences of a few days served in local jails. In contrast, the rates of incarceration

[1] American Bar Association, "Sentencing Alternatives and Procedures," Section 1.1 (approved draft, 1968).

[2] Earl J. Silbert, former U.S. Attorney for the District of Columbia, address before PROMIS Users Group, Los Angeles, California, April 21, 1977.

[3] James Eisenstein and Herbert Jacob, Felony Justice (Boston: Little, Brown and Co., 1977): 23.

[4] American Bar Association, "Sentencing Alternatives and Procedures," Section 5.3(b).

Percentage of felony court convictions resulting in incarceration in selected jurisdictions

Jurisdiction	Rate to State prison	Rate to local jail	Total incarceration rate	Number of convictions*
Louisville	49%	23%	72%	915
Manhattan	49	22	71	4,178
Indianapolis	48	8	56	1,957
San Diego	38	51	89	3,241
Washington, D.C.	38	15	53	1,041
Los Angeles	30	51	81	14,597
Jurisdiction mean	42	28	70	

*With complete sentencing data.

Exhibit 28

shown in exhibit 28 appear quite high. The reason is that the figures in exhibit 28 measure the rate of prison and jail sentences from conviction in the felony court of jurisdictions where the felony courts are used to dispose of only the most serious crimes. In these jurisdictions, approximately 20 to 30% of all felony arrests are indicted or bound over and the typical pattern is to obtain a felony conviction (i.e., very few cases are disposed as misdemeanors). In these felony courts, an average of 70% (jurisdiction mean) ended with a sentence of incarceration; 42% resulted in sentences to State prison.

The most useful statistic for comparing sentencing practices across jurisdictions is the rate of incarceration for felony arrests that result in a conviction for either a felony or a misdemeanor. This statistic is chosen as a comparative measure because only convicted defendants are subject to a potential sentence and because jurisdictions vary in the fraction of felony arrests carried forward to the felony court. The rates of incarceration for all felony and misdemeanor convictions resulting from felony arrests are shown in exhibit 29. The figures suggest that a great deal of variation exists among jurisdictions in the use of local jail sentences--from a high of 42% of all convicted cases (Golden) to a low of 13% (Fort Collins). The rates of incarceration to State prison show less variation, with most jurisdictions sentencing between 12 and 28% of convicted defendants to State prison. Still, these statistics suggest a substantial degree of variation among jurisdictions in the severity of sentences imposed on convicted defendants.

Almost all recent studies of sentencing show that type of crime is an important variable in explaining sentencing decisions. The most serious crimes generally receive the most severe sentences.[5] Exhibit 30 shows incarceration rates for the crimes of robbery, burglary, and larceny. Consistent with the findings of most sentencing studies, in each jurisdiction incarceration rates were higher for robbery, a crime of violence (frequently against strangers), than for burglary and larceny, crimes against property. The mean rate of incarceration to State prison for robbery among the jurisdictions was 54%; for burglary and larceny the comparable rates were 26% and 13%, respectively. Still, the figures in exhibit 30 suggest substantial variation among the jurisdictions in the severity of sentences, after controlling for type of crime.

Disparity in sentencing decisions

Over the last decade a major issue in the field of criminal justice has been the way judges make sentencing decisions and the underlying structure of sentencing laws that governs those decisions. In the early 20th century, the view that prisons should serve to rehabilitate rather than punish became the fundamental principle guiding correctional policy and sentencing. The idea that criminals were to be reformed rather than punished led logically to the view that the amount of time they should spend in prison should be determined primarily by the rehabilitation process rather than the nature of the crime committed. Sentences for a specific crime, therefore, were designed to vary from one defendant to another depending on each individual's capacity for rehabilitation.

To accommodate the rehabilitation goal of prisons, sentencing laws were written to allow a broad range of possible sentences for a given crime. Judges specify either a minimum or a maximum sentence (or both), and the decision as to the actual time served is made by correctional authorities or a parole board. The great discretion accorded judges and parole boards and the potential for disparity inherent in such a system of "indeterminant" sentences have been the focus of considerable controversy and efforts at reform. One of the most eloquent authorities on current sentencing practices, former Federal Judge Marvin E. Frankel, has criticized the "unchecked and sweeping powers we give to judges in the fashioning of sentences" and expressed deep concern that "our laws characteristically leave to the sentencing judge a range of choice that should be unthinkable in a "government of laws, not of men."[6] He maintains that "sentencing is today a wasteland in the law. It calls above all for regulation by law."[7]

A growing body of empirical evidence on the sentencing process does show that disparity in sentencing exists. Some of the most dramatic documentation that judges differ in

[5] Eisenstein and Jacob, Felony Justice: 263-287; Leslie Wilkins et al., Sentencing Guidelines, Structuring Judicial Discretion, LEAA (Washington, DC: Government Printing Office, 1978).

[6] Marvin E. Frankel, Criminal Sentences: Law Without Order (New York: Hill and Wang, 1973): 5.

[7] Quoted in Barbara L. Johnston et al., "Discretion in Felony Sentencing--A Study of Influencing Factors," Washington Law Review 48, no. 4 (1973): 880.

Percentage of felony or misdemeanor convictions resulting in incarceration

Jurisdiction	Rate to State prison	Rate to local jail	Total incarceration rate	Number of convictions*
New Orleans	28%	19%	47%	2,542
St. Louis	28	32	60	2,584
Golden	26	42	68	725
Portland	26	-	-	2,607
Salt Lake	26	14	40	1,119
Colorado Springs	23	16	39	569
Pueblo	23	21	44	131
Brighton	22	21	43	451
Fort Collins	18	13	31	351
Rhode Island	16	18	34	2,547
Manhattan	15	38	53	14,906
Los Angeles**	12	-	-	35,353
Geneva	9	24	33	516
Jurisdiction mean	21	23	45	

*With complete sentencing data.
**OBTS data.

Exhibit 29

Percentage of felony or misdemeanor convictions resulting in incarceration, by crime type*

	Robbery			Burglary			Larceny		
Jurisdiction	State prison	Local jail	Total	State prison	Local jail	Total	State prison	Local jail	Total
Brighton	54%	17%	71%	24%	23%	47%	11%	30%	41%
Colorado Springs	54	14	68	19	20	39	14	13	27
Geneva	39	29	68	12	28	40	6	25	31
Golden	81	19	100	36	42	78	12	43	55
Manhattan	34	31	65	16	45	61	4	50	54
New Orleans	68	10	78	36	19	55	14	29	43
Portland**	43	11	54	36	5	41	29	6	35
Rhode Island	64	7	71	24	20	44	10	17	27
St. Louis	64	13	77	27	38	65	16	39	55
Salt Lake	40	5	45	25	14	39	15	13	28
Jurisdiction mean	54	16	70	26	25	51	13	27	40

*For frequencies see Appendix B.
**Excludes probation sentences with jail time.

Exhibit 30

the way they sentence comes from simulation studies of sentencing decisions. Judges in a particular institution are given the same information for a group of hypothetical defendants and asked to determine a sentence for each. One such exercise, performed with Federal judges for 16 hypothetical defendants, found striking variations in sentences among judges for the same defendant. In 9 of the 16 cases, at least one judge recommended no prison at all at the same time that another recommended at least 20 years in prison.[8]

Other studies of sentencing decisions attempt to determine through sophisticated statistical analyses for large numbers of actual cases what factors judges do take into account in making sentencing decisions. An INSLAW study of sentencing in the District of Columbia found judicial decisions regarding prison versus probation or a suspended sentence were most strongly influenced by a defendant's criminal record and the seriousness of the current offense. The length of sentence was most influenced by the statutory maximum for the offense.[9] These findings are consistent with those reported for other jurisdictions—seriousness of the crime and a defendant's criminal record are invariably key factors.[10] Most such studies also find that these and other offense- and offender-related variables fail to explain fully all variation among sentences. From this, some researchers have inferred that sentencing attitudes of individual judges may account for at least some of the unexplained variation.

A number of legislative proposals have been devised, and in some places enacted, to limit the discretion of judges by making sentences more determinate. One proposal, termed the "flat-time" sentencing law, would allow judges only a very narrow, legislatively determined range of sentences from which to choose. In 1976 the California legislature adopted a version of this proposal. The California Uniform Determinate Sentencing Act allows three possible sentences for each crime. Unless mitigating or aggravating circumstances are present, the judge must choose the middle sentence. The basic sentence also may be enhanced if the defendant has a prior record or used a weapon in the current offense. Judges still maintain the discretion to decide whether to sentence a defendant to probation; in other words, prison sentences are not mandatory.

Another proposal to limit discretion is to develop sentencing guidelines. The recently defeated Federal Criminal Code Reform bill included

[8] INSLAW and Yankelovich, Skelley, and White, Inc., Federal Sentencing, FJRP-81/003 (U.S. Department of Justice, Office for Improvements in the Administration of Justice, May 1981).

[9] Terence Dungworth, An Empirical Assessment of Sentencing Practices in the Superior Court of the District of Columbia, PROMIS Research Publication no. 17 (INSLAW, unpublished draft, 1978).

[10] Eisenstein and Jacob, Felony Justice; Wilkins et al., Sentencing Guidelines.

a provision for the institution of a guidelines system for the Federal courts. Under the proposed scheme a Sentencing Commission of nine members would devise sentence guidelines that would specify a range of sentences for each Federal crime. Within this range individual sentences could vary according to certain specified circumstances associated with the offender and the offense. Judges would not, however, be bound by the guidelines.

Chapter VI

Length of time for case processing

A criminal defendant's right to a speedy trial is guaranteed by the Sixth Amendment to the Constitution. Determining when this right has been violated, however, is rarely a matter of simple objective fact. Because of the problem of defining what is and is not reasonable delay, considerable discretion is accorded judges in deciding on a case-by-case basis when a defendant's constitutional right has been denied. The key Supreme Court decision on the requirements of a speedy trial (Barker v. Wingo, 407 U.S. 514, 521 1972) spells out four considerations that a judge should weigh in making a decision. Length of delay is important but must be judged in light of the reasons for delay. Deliberate attempts to delay by the Government, for example, weigh more heavily in favor of the defendant than such factors as court congestion, which is more neutral. And certain reasons, such as absence of a key witness, are considered valid. The court also must take into account whether the defendant sufficiently asserted his or her right to a speedy trial and whether delay prejudiced the case against the defendant.

In recent years both State and Federal legislatures have passed new laws to further assure a defendant's right to a speedy trial. These laws, referred to as "speedy trial laws," attempt to supplement the imprecise definitions of the Sixth Amendment by introducing quantitative measures of unacceptable delay. The Federal Speedy Trial Act of 1974, passed by Congress in 1975, specifies time standards for each stage in the Federal court process. Thirty days are allowed from arrest to filing of indictment or information, 10 days between indictment and arraignment, and 60 days from arraignment to trial.[1] Certain time periods, such as those associated with defense-requested continuances, are considered excludable time. Several States have passed statutes modeled after the Federal law and the speedy trial standards of the American Bar Association. These laws differ in many respects, such as what kinds of events count as excludable time, but the major difference among them is in the amount of time they allow from arrest to trial. In New York State the time limit is 180 days; in Louisiana, the limit is 730 days, or 2 years, for noncapital offenses, and 1,095 days, or 3 years, for capital cases.[2]

The felony prosecution data allow us to look at this key aspect of speedy trial rules by calculating case-processing times from arrest to final disposition for cases that ended in pleas, dismissals, or trials.

In cases in which the arrest date was missing, the date the prosecutor screened and filed the case, the papering date, was substituted.

Case-processing times

The mean and median number of days from arrest to final disposition for filed cases in the jurisdictions are presented in exhibit 31. The definition of filed cases in exhibit 31 includes felony arrests disposed as misdemeanors in the lower court as well as cases bound over or indicted and disposed in the felony court. The calculations show that substantial variation in processing times exists among the jurisdictions for filed cases. In New Orleans and Portland, mean arrest to disposition times are 85 and 86 days, respectively; in Littleton, the mean disposition time for filed cases is 173 days. The average (jurisdiction median) among all jurisdictions is 130 days.

Exhibit 32 shows arrest to disposition times for those cases bound over or indicted and disposed in the felony courts. As one would expect, the average disposition time among jurisdictions (175 days) for this group of cases is longer than for all cases filed. Felony court cases typically require more due process hearings, such as preliminary hearings and grand jury presentations, than cases disposed as misdemeanors in the lower courts. Felony court cases also are viewed generally as more

Times from arrest to final disposition (all felony arrests filed)*

Jurisdiction	Mean number of days	Median number of days	Number of felony arrests filed*
New Orleans	85	57	3,183
Portland	86	65	3,757
Greeley	90	75	615
Manhattan	101	53	24,629
Geneva	108	79	1,247
Pueblo	114	102	327
Salt Lake	124	82	1,995
Washington, D.C.	130	82	6,937
Colorado Springs	131	105	1,423
Fort Collins	153	118	754
St. Louis	155	140	3,800
Brighton	161	131	996
Golden	162	127	1,804
San Diego	170	112	8,513
Littleton	173	137	694
Jurisdiction median	130	102	

*With complete data on time from arrest to disposition.

Exhibit 31

Times from arrest to final disposition (cases indicted or bound over)

Jurisdiction	Mean number of days	Median number of days	Number of cases indicted or bound over*
New Orleans	85	57	3,183
Portland	86	65	3,714**
Salt Lake	124	82	1,995**
Los Angeles	135	98	25,632**
Pueblo	139	133	159
Indianapolis	170	143	2,584
St. Louis	175	158	3,115
Golden	192	169	844
Manhattan	195	152	5,899
San Diego	199	150	4,000
Brighton	203	193	468
Washington, D.C.	218	192	2,673
Rhode Island	288	246	3,815
Jurisdiction median	175	149	

*With complete data on time from arrest to disposition.
**Includes cases dismissed at preliminary hearing.

Exhibit 32

[1] Jack Hausner and Michael Seidel, An Analysis of Case-Processing Time in the District of Columbia Superior Court (Washington, DC: INSLAW, 1981): 1-2.

[2] Thomas Church, Jr., Justice Delayed (Williamsburg, VA: National Center for State Courts, 1978): 48.

serious and worthy of greater attention and court resources than cases disposed in lower courts. Finally, the felony court is where most trials, the most time-consuming type of disposition, take place.

Exhibits 33 and 34 show disposition times by whether a case ended in a guilty plea, trial, or dismissal for all cases filed and for felony court cases only. In most jurisdictions, disposition times for trials are substantially longer than disposition times for guilty pleas. Dismissed cases also generally are disposed more rapidly than cases that go to trial. For felony court indictments and bind-overs (exhibit 34), the average disposition time among jurisdictions for trials is approximately 242 days, as compared with 166 days for guilty pleas and 147 days for dismissals.

Despite these differences in processing times by type of disposition, it is interesting to observe that certain jurisdictions are consistently fast or slow no matter what the disposition type. The felony courts in Portland and New Orleans show short disposition times for pleas, trials, and dismissals; Rhode Island shows relatively long times for all three disposition types.

In New Orleans the district attorney stresses moving cases rapidly and has an office policy of moving filed cases from arraignment to trial in 60 days. The district attorney is in an advantageous position to facilitate this policy, because Louisiana gives legal control of the court calendar to prosecutors. The district attorney's office also attempts to prevent cases from aging by reviewing the oldest cases on the docket each week. An emphasis on rapid dispositions also is apparent in Portland. The district attorney's office has a policy requiring plea offers to be made and communicated to defense attorneys shortly after screening to encourage an early decision on whether a case will be pled or go to trial. Also, when the court backlog reaches 500 cases, two judges are assigned to work full-time on criminal cases.

Arrest to disposition time by type of final disposition, all felony arrests filed (mean number of days)

Jurisdictions	Guilty pleas	Guilty trials	Acquittal trials	Dismissals	Total
Brighton	144	271	281	183	161
Colorado Springs	126	205	163	126	131
Fort Collins	151	280	335	141	153
Geneva	109	140	230	104	108
Golden	146	223	177	185	162
Greeley	87	161	123	92	90
Littleton	180	226	224	167	173
Manhattan	88	284	247	110	101
New Orleans	78	116	131	105	85
Portland	84	109	110	78	86
Pueblo	110	248	407	114	114
St. Louis	160	251*	251*	121	155
Salt Lake	121	213	205	113	124
San Diego	181	238	175	127	170
Washington, D.C.	127	278	245	101	130
Jurisdiction median	126	226	224	114	130

*Represents time for total trials. Separate data for acquittals and convictions not available.

Exhibit 33

Arrest to disposition time by final disposition, cases indicted or bound over (mean number of days)

Jurisdiction	Guilty pleas	Guilty trials	Acquittal trials	Dismissals	Total
Brighton	189	271	281	215	203
Golden	187	250	193	193	192
Indianapolis	166	216	200	160	170
Los Angeles	135	207	206	115*	135
Manhattan	177	305	278	215	195
New Orleans	78	116	131	105	85
Portland	84	109	110	78*	86
Pueblo	131	248	407	141	159
Rhode Island	275	397	454	310	288
St. Louis	162	251**	251**	197	175
Salt Lake	121	213	205	113*	124
San Diego	202	242	194	147	199
Washington, D.C.	186	302	302	256	218
Jurisdiction median	166	242	205	147	175

*Includes cases dismissed at preliminary hearing.
**Represents time for total trials. Separate data for acquittals and convictions not available.

Exhibit 34

Rhode Island has had a long-standing problem of case backlog and in the last decade has initiated a number of innovative programs to deal with the problem.[3] Beginning in 1976, several actions were taken to reduce the backlog (6,233 felonies and misdemeanors at the beginning of 1977). The court placed about one-third of the active backlog into an accelerated processing system. All single-defendant, private-attorney cases were scheduled for pretrial conferences to determine if the case was going to result in plea or trial and to schedule a definite time, date, and judge for that disposition. The court doubled the number of criminal trial

[3] John Paul Ryan et al., "Analyzing Court Delay-Reduction Programs: Why Do Some Succeed?" Judicature 65, no. 2 (1981).

judges to handle this program. (Only three of the eight judges handled the 1,546 backlog cases, however; the other five were assigned trials from a pool of about 200 more recent serious crimes.)

The results of that effort are apparent in a comparison of the mean case-processing times reported in the three editions of this series. In 1977 the mean time to disposition for felony cases in Rhode Island was 725 days, or almost 2 years. By 1979, the mean processing time had been reduced to 420 days, and in 1980 it had dropped further, to 288 days (see exhibit 32).

The role of continuances

Prominent among the explanations for lack of speedy dispositions is the role continuances play in increasing delay. Some continuance requests involve substantive legal motions that require a court hearing, which not only adds to the age of a case but also involves a substantial amount of court time. Other requests, such as those by the defense or prosecution for additional time for case preparation, contribute almost nothing in terms of additional court time, but add to the age of the case. Since control of continuances is normally the responsibility of judges, some studies of delay criticize loose continuance policies of judges as a contributor to delay. Although judges want to conserve court time, they also need to get through their daily dockets, and granting of nonsubstantive continuances is one way to achieve that goal.[4] Other critics even have contended that in addition to reducing delays, "more stringent control of continuances on the part of the court would yield both an increase in convictions and a reduction in costs in terms of police, witnesses, and court time."[5]

[4]Martin A. Levin, "Delay in Five Criminal Courts," Journal of Legal Studies IV, no. 1 (1975).

[5]Laura Banfield and C. David Anderson, "Continuances in the Cook County Criminal Courts," University of Chicago Law Review 35 (1968): 259.

Continuances and case-processing times (1979 data)

Jurisdiction	Number of continuances	Median time (months) from arrest to disposition
Cobb County	1.3	6.5
Kalamazoo	3.4	3.8
Washington, D.C.	3.4	2.7
New Orleans	3.5	1.6
Salt Lake	3.8	1.9
Golden	4.0	6.0
Milwaukee	4.2	3.0
St. Louis	4.3	5.0
Louisville	4.8	5.0
Geneva	4.9	1.8
Los Angeles	5.3	3.1
Rhode Island	5.4	10.0
Indianapolis	5.7	4.9
Jurisdiction median	4.2	3.8

Source: Barbara Boland et al., Prosecution of Felony Arrests, 1979 (BJS, 1983).

Exhibit 35

Exhibit 35, using data from cases disposed in 1979, shows the total number of continuances in 13 jurisdictions, along with case-processing times. Total continuances include those that are necessary to move a case through required court proceedings (such as arraignment, preliminary hearing, and the grand jury) and those that result from unscheduled requests or events, such as nonappearance of the defendant.

Clearly there is no simple relationship between continuances and disposition times. Cobb County has relatively long disposition times and very few continuances, and Los Angeles has a fairly high number of continuances and below average (jurisdiction median) disposition times. But still it is interesting to note that if Cobb County is excluded, the four jurisdictions with the lowest number of continuances have shorter than average (i.e., at or below the jurisdiction median) disposition times.

Other issues

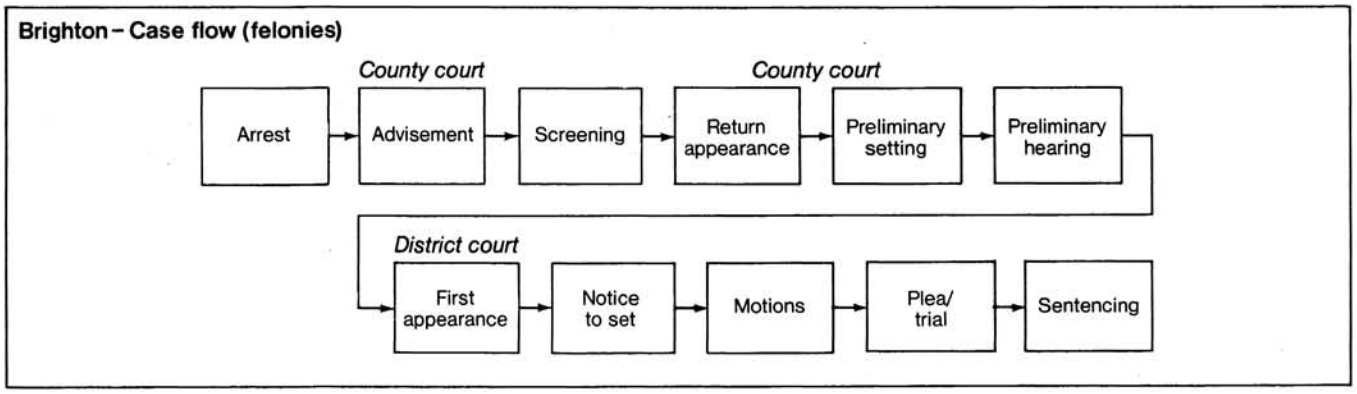
One of the few cross-jurisdictional studies of delay (in 21 urban courts) concluded that several of the key explanations for delay appear to have little or no relationship to the actual speed of dispositions. Specifically, case load per judge and the proportion of cases requiring trial did not appear to be related to case-disposition times. A major factor that was found to characterize faster courts was strong case management practices. Among the five courts in which case management practices were studied in depth, the faster courts were found to exert strong control over case movement shortly after filing. At arraignment a relatively firm trial date was set and a tough continuance policy ensured that most cases, if not settled before trial, commenced trial on or shortly after the date set for trial. Pressure to push cases to trial was generally a judicial function, although in one court (New Orleans) the dominant control over the calendar was exercised by the prosecutor. In the slower courts little effort was made to push cases to disposition until much later. Although relatively few cases in all the courts were settled by trial, practitioners indicated in interviews that it was the imminence of trials that caused many cases to be settled.[6]

[6]Church, Justice Delayed.

Appendix A

Jurisdictional characteristics

Brighton, Colorado (17th Judicial District)



Demographic characteristics and crime rate

Comprising one county, the jurisdiction had a 1980 population of 245,944, reflecting a 32% growth rate during the prior decade.

The jurisdiction's crime rate in 1980 was 7,489 per 100,000 population, with 718 as the violent crime component. Corresponding rates in 112 cities of comparable size are 8,742 and 812, respectively.

Criminal justice setting

The district attorney for the 17th Judicial District of Colorado has jurisdiction over misdemeanors and felonies arising in Adams County. Traffic, juvenile, and nonsupport cases also are prosecuted by the office.

Ten law enforcement agencies bring cases to the district attorney. About 20% of the case load is accounted for by the county sheriff's office.

As the lower court of the two-tiered judicial system, the county court is one of limited jurisdiction and handles traffic violations, misdemeanors, and initial felony proceedings (advisement, return appearance, and preliminary hearing). The county court also has jurisdiction over civil matters under $5,000. Four of the five county court judges hear criminal matters; the other, civil. During fiscal 1981, approximately 3,100 felonies and misdemeanors were filed in the county court.

The upper or district court handles felony bindovers, juvenile cases, and civil matters over $5,000. The court is staffed by six judges, two of whom hear criminal cases. Individual judges control their respective dockets.

District Attorney's Office: Size, organization, and procedures

Headquartered in Brighton, the office employs 58, 22 of whom are attorneys. Most prosecutors are assigned to one of two sections: the county court (misdemeanor and traffic cases), staffed by six attorneys, or the district court (felony cases), staffed by seven attorneys. The latter are the more experienced prosecutors and are organized into two teams of three attorneys each; the seventh prosecutor rotates as needed. Felony cases are assigned at the county court stage and are prosecuted on a vertical basis beginning with the county court preliminary hearing.

Other attorneys staff the appellate and juvenile divisions. The intake (screening) unit employs a former police officer, who serves as complaint officer. A senior district court attorney serves as the complaint deputy for a 6-month period. The complaint deputy reviews the complaint officer's decisions and signs official papers.

Flow of felony cases—arrest through sentencing

Referring to a bail/bond schedule, police may release arrestees prior to the initial court appearance, which is advisement in county court (see accompanying case flow chart). At the advisement, arrestees are informed of their rights, charges are read, public defenders are appointed, and return appearances are scheduled (within 48 hours).

Several hours prior to the return appearance, the district attorney's intake unit screens the case, which is presented by a police investigator, who has received reports and related papers from the arresting officer. Cases are filed, rejected, or diverted. Little, if any, prescreening by police occurs.

At the return appearance in county court, the complaint or information is read, the defendant is advised to obtain an attorney, bail status is reviewed, and a preliminary setting is scheduled. Occurring in county court about 10 days after the return appearance, the preliminary setting is a scheduling appearance. Defendants have the right to a preliminary hearing within 30 days; typically, they waive that right and agree to a date 2 or 3 months in the future. However, the preliminary hearing is scheduled within 30 days for defendants in custody.

Fewer than half of felony filings are bound over to the district court. Many of these have been settled as pleas prior to the preliminary hearing, in which event, the county court judge binds over defendants to district court for entry of plea and sentencing. Cases not settled at the preliminary hearing are scheduled for a district court first appearance within 2 to 3 weeks.

The information is read at the first appearance in district court and the judge asks defendants how they plead. If guilty, sentencing is set within 6 to 8 weeks. If the plea is not guilty, the judge sets a motions filing deadline of 30 days and schedules the notice to set. During the notice-to-set appearance, the judge schedules the motions hearing and

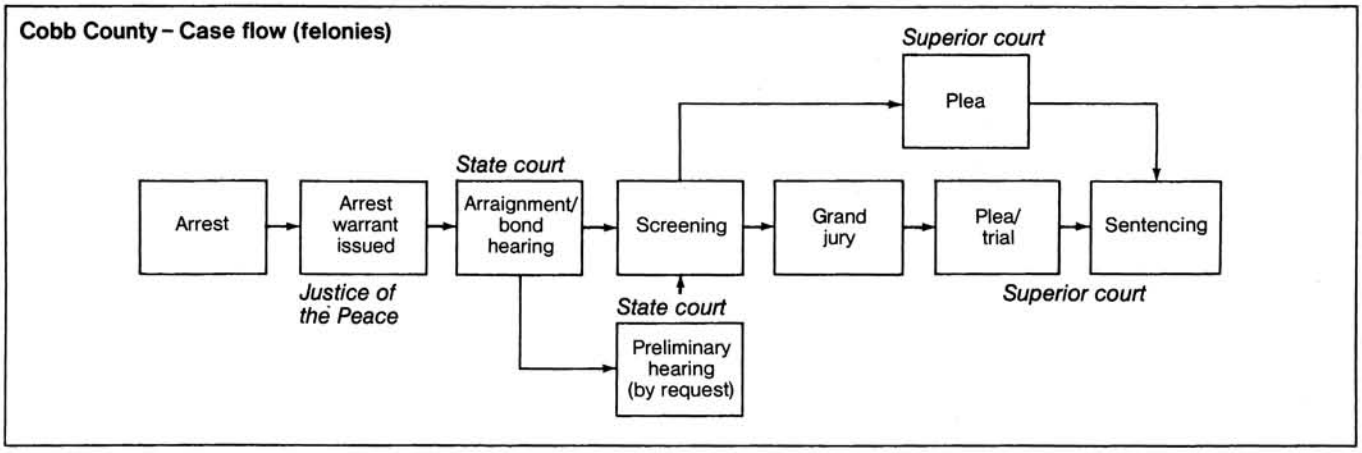
trial date. For defendants convicted at trial, a presentence investigation report is prepared, and sentencing occurs 6 to 8 weeks after trial.

At sentencing, the defense calls character witnesses but the prosecution usually does not call victims. The judge asks the defense and prosecuting attorneys for their sentencing recommendations.

In the vast majority of cases, the first plea offer is made a few minutes before the county court preliminary hearing. A second, revised offer may be made during the period between the preliminary and motions hearings. After the motions hearing, cases go to trial.

Typically, plea offers involve charge reductions—aggravated robbery reduced to robbery, for example. Some deputies put time limits on their offers. For Class I and II felonies, office guidelines specify that offers should be approved by a supervisor, should be to the top charge after the preliminary hearing, and should not involve sentence concessions. Judges are not directly involved in the plea negotiation process.

Cobb County, Georgia



Demographic characteristics and crime rate

Representing a 51% increase over the 1970 total, the county's 1980 population was 297,694. The jurisdiction is predominantly white (over 90%).

The 1980 combined crime rate in Marietta and Symrna, the two largest cities in the county, was 8,762 per 100,000 population, the violent crime component being 414.

Criminal justice setting

The Cobb County district attorney is responsible for the prosecution of all felony arrests within county boundaries. (All other cases, such as traffic, juvenile, and domestic cases, are handled by the State solicitor.)

Of the approximately 4,000 felony arrests presented annually to the district attorney, the majority are initiated by either the Cobb County, Marietta, or Smyrna police departments. The rest are brought by any one of 30 law enforcement departments with jurisdiction in the county.

The county has a two-tiered court system. The State court (lower court) is responsible for the initial arraignment and bail assignment of all felony cases and the disposition of all other cases. There also are about 20 elected justices of the peace located around the county who sign arrest warrants brought to them by the police, making the arrest official. The initial arraignment in felony cases will be held before one of the two magistrates in the State court.

The four-judge superior court (upper court) adjudicates felony cases and civil matters. Using an individual calendaring system, the judges schedule their own civil and criminal docket alternating weeks of jury and nonjury work.

District Attorney's Office: Size, organization, and procedures

The district attorney's staff comprises 10 attorneys including the DA, who reviews every felony case and assigns it to one of the assistant district attorneys in his office. The office is characterized by horizontal prosecution with each attorney screening, preparing, and prosecuting his own cases.

Flow of felony cases—arrest through sentencing

After defendants are taken into custody, the police officer obtains an arrest warrant from a justice of the peace, which leads to an automatic filing in State court. Within the next 72 hours, defendants must be arraigned before one of the two magistrates in State court. The magistrate informs the defendant of the charges against him and a bond decision is made. Defendants who are held on bond may demand a preliminary hearing in State court within 2 weeks of arrest.

The prosecutor's screening occurs after the case has been initiated in State court. The district attorney's office receives copies of arrest warrants on a daily basis. The district attorney reviews all warrants and assigns cases to individual attorneys for screening, which occurs about a week after arrest when attorneys receive written arrest

reports from police officers. If the assigned attorney feels that the case does not merit prosecution, he or she directs the case back to State court for dismissal. Very few of the cases that are redirected to State court are prosecuted as misdemeanors.

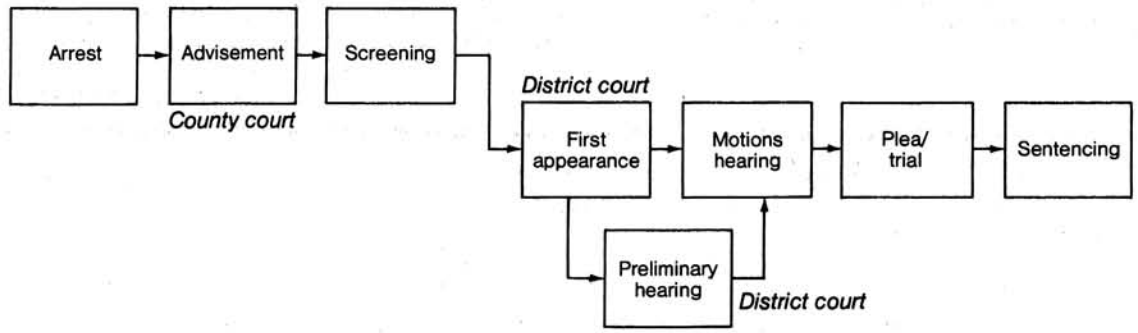
Cases carried forward as felonies are sent to the grand jury, which meets once each week. Most cases are presented and indicted within 2 to 3 months after arrest. The only exception to this process is for cases that are settled by plea negotiations prior to the grand jury hearing. These cases skip the grand jury and are directly assigned to a superior court judge for a plea and sentence hearing.

Indicted cases are randomly assigned to one of the four superior court judges, who designates a court-appointed attorney if necessary. An arraignment on the indictment is held 21 days after indictment. By this time, the prosecutor and defense have discussed the case and most defendants are ready to plead guilty. Defendants who plead guilty are immediately sentenced. If no guilty plea is entered the judge schedules and hears all other hearings, motions, and trial.

Plea negotiations are characterized by informal contact between the prosecution and defense attorneys; the judge is not involved. The substance of plea bargains concerns the sentence, including both the issues of prison versus probation and length of incarceration. Judges usually accept the recommendation of the plea agreement without changing the type of sentence; however, they occasionally alter the length. There is no formal review procedure of the bargains made; however, the small size of the office allows for informal control over such decisions.

Colorado Springs, Colorado (4th Judicial District)

Colorado Springs — Case flow (felonies)



Demographic characteristics and crime rate

This two-county jurisdiction's population in 1980 was 317,458, reflecting a 10-year increase of 31%. Whites comprised 79% of the population; Hispanics, 8%; and blacks, 6%.

With 214,914 residents, the city of Colorado Springs had a 1980 crime rate of 8,169 per 100,000 population, 571 being the violent crime component. Corresponding rates that year for 112 cities of comparable size averaged 8,742 and 812, respectively

Criminal justice setting

The district attorney for the 4th Judicial Circuit of Colorado prosecutes all misdemeanor and felony cases arising in El Paso and Teller Counties. Traffic violations, juvenile matters, family-support cases, and some civil litigation are also the responsibility of the office.

Approximately six law enforcement agencies bring arrests to the office. The Colorado Springs police department accounts for about 85% of the office's case load.

As the lower court of a two-tiered judicial system, the county court handles traffic violations, civil matters under $5,000, misdemeanors, and preliminary felony proceedings (advisement). Six judges share the criminal and civil work load.

The upper or district court handles juvenile (criminal), felony, and domestic relations cases, as well as civil matters over $5,000. The 10 judges hear both civil and criminal cases. Judges maintain complete control over their respective dockets.

About 10,400 felonies and misdemeanors were filed with the courts during a recent 12-month period. Felonies are filed directly in district court even though advisement is held in the lower court.

District Attorney's Office: Size, organization, and procedures

Most of the office's 32 attorneys are assigned to one of two sections of the criminal division: county court and district court.

In county court, seven deputies are responsible for prosecuting misdemeanors and representing the office at felony advisements. District court deputies are organized into three trial teams of four attorneys each. Other office assignments include three deputies in the juvenile section, two in consumer fraud, two in support and welfare, and one in appellate.

With the exception of the felony advisement in county court, all proceedings for a given felony case are handled by the same attorney.

Flow of felony cases—arrest through sentencing

Police may release arrestees on bail or bond prior to initial court appearance, which is felony advisement in county court, and which is held within 1 day of arrest (see accompanying case flow chart). At advisement, arrestees are read their rights, notified of police charges, and asked if they wish to be represented by a public defender. The judge reviews the arrestee's bail status and sets a return date of 1 to 10 working days for first appearance in district court.

Cases are screened by an experienced paralegal prior to the arrestee's first appearance. Arresting officers from the smaller agencies review their cases with the paralegal, usually within one day of arrest. For arrests made by the Colorado Springs police department, the paralegal goes to the department to review cases with detectives, not the arresting officers. Generally, the arrests will have occurred 2 or 3 days earlier. Police do not prescreen cases. One of two deputies reviews and signs the papers prepared by the paralegal. An estimated 90% of felony arrests are filed in the district court.

At the first appearance, the defendant is given a copy of the information, counsel is appointed, if necessary (if counsel has not been secured, the case is continued 1 week), discovery takes place, release status is reviewed, and a preliminary hearing date is set (must occur within 30 days).

Most cases are settled prior to the preliminary hearing; a guilty plea is entered at the hearing and sentencing is scheduled to occur about 8 weeks later. If a plea agreement has not been reached, the defendant goes to preliminary hearing or waives the preliminary hearing and a trial date is set.

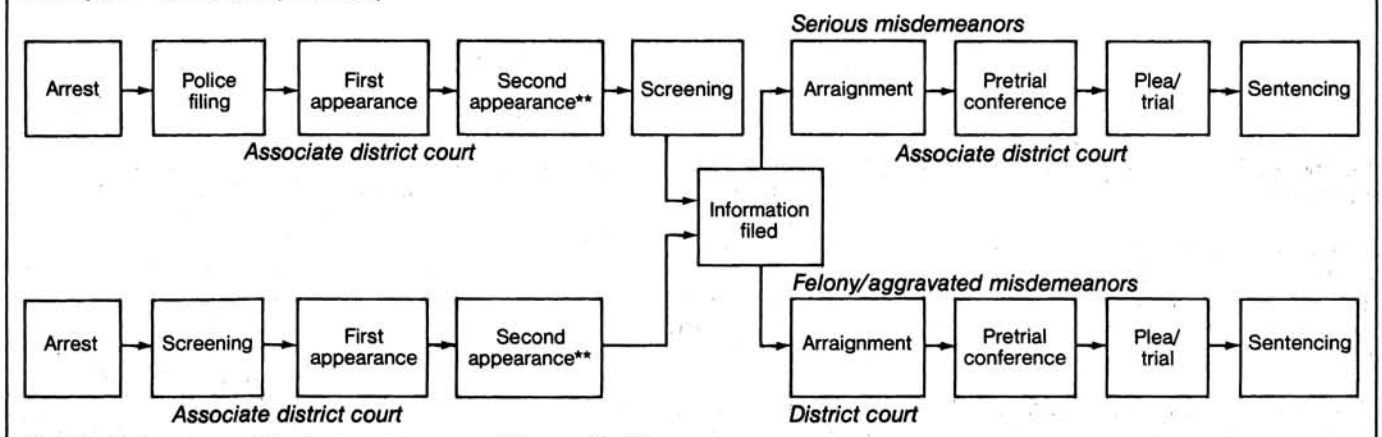
At the preliminary hearing, probable cause is established, defendants are asked how they plead (this triggers the 6-month speedy trial rule), and a trial date is set (within 2 or 3 months).

Following a motions hearing, trial occurs. Sentencing takes place 6 to 8 weeks after trial. Deputies do not normally present victims and witnesses at sentencing. Judges have the benefit of a presentence investigation report.

Plea negotiations begin a few days before the preliminary hearing and are usually initiated by prosecutors. Good until the hearing, offers may involve charge reductions, sentence concessions, and whether habitual offender charges will be filed. A second offer may be made after the preliminary hearing, but it is not supposed to be as favorable as the first. Judges are not directly involved in plea negotiations.

Davenport, Iowa (Scott County)

Davenport — Case flow (felonies*)



* *Includes felonies and aggravated and serious misdemeanors, which are punishable by a year in prison in Iowa.*

** *Defendants have a right to a preliminary hearing following second appearance, but it is always waived.*

Demographic characteristics and crime rate

With a 1980 population of 157,000, Scott County grew by about 10% during the 1970's, is an industrial area and is predominantly white (95%).

Davenport is the county seat and had a population of 103,000 in 1980. The city's crime rate that year was 8,375 per 100,000 population, the violent crime component being 892. Corresponding rates in 1980 for 112 cities of comparable size were 8,742 and 812, respectively.

Criminal justice setting

The county attorney for Scott County has jurisdiction over all felonies and misdemeanors occurring in the county, which includes Davenport, Bettendorf, and several smaller towns.

Eleven police agencies present an estimated 13,000 felony and misdemeanor arrests to the county attorney annually. The vast majority of arrests are presented by Davenport and Bettendorf police, the county sheriff, and State police.

Felonies and the two types of indictable misdemeanors (aggravated and serious) carry penalties of over 1 year in prison. In other States, indictable misdemeanors would generally be considered as less serious felonies and are so regarded for the purposes of this report. What are termed misdemeanors elsewhere are called simple misdemeanors in Iowa.

As part of a unified court system, the associate district court (lower court) adjudicates simple and serious misdemeanors. The court also handles the initial appearances for felonies and all types of misdemeanors.

The upper or district court handles arraignment and subsequent events for felonies and aggravated misdemeanors. Six of the district court's 10 judges are assigned to hear Scott County cases. (The district court serves other geographic areas in addition to Scott County.)

County Attorney's Office: Size, organization, and procedures

Two full-time attorneys and 14 part-time attorneys (including the county attorney) staff the office. Some are assigned to civil cases, others to juvenile matters, and still others to three teams specializing in felony and indictable misdemeanor cases. Though handling all types of cases, each team tends to specialize, such as in white-collar crime, violent crime, and child-abuse cases. Prosecution of felonies is vertical after screening.

Case flow: Felonies and indictable misdemeanors

In the past, the police typically filed all arrests directly in the associate district court before the prosecutor had a chance to screen and make a charging decision. The office is now trying to change this system and screen cases before they are presented to the associate district court. About half of arrests are now screened and the prosecutor's charge designated before the defendant's first appearance. For the other half, screening occurs after the initial police filing (and the defendant's first and second appearance in associate circuit court), but before a filing of the information.

In the associate district court, first appearance occurs within 24 hours of arrest, if the defendant is in custody and within 48 hours, if on release. At the initial appearance, bond is set, rights explained, and an attorney appointed.

The second appearance, also in associate district court, takes place 24 hours after the first if the defendant is still in custody and within 72 hours if on release. Persons charged with indictable misdemeanors can plead guilty at this point. Without exception, the preliminary hearing is waived. Arraignment on the information is scheduled to occur within 3 weeks. Informations are filed after the second appearance (automatic dismissal results if the filing does not occur within 45 days of arrest).

Arraignment on the information and subsequent court events for simple and serious misdemeanors occur in the associate district court; for felonies and aggravated misdemeanors, in the district court.

Pretrial conferences occur approximately 60 days after arraignment. Actually, there is no "conference": Cases not settled previously simply receive a trial date. Trial is held within 1 or 2 weeks. The speedy trial rule, which is almost always waived, requires trials to commence within 90 days from arraignment.

Sentences must be imposed within 15 days after the trial if the offender is in custody, otherwise, within a month. Those convicted of felonies must have a presentence investigation. Persons guilty of indictable misdemeanors usually waive the presentence investigation.

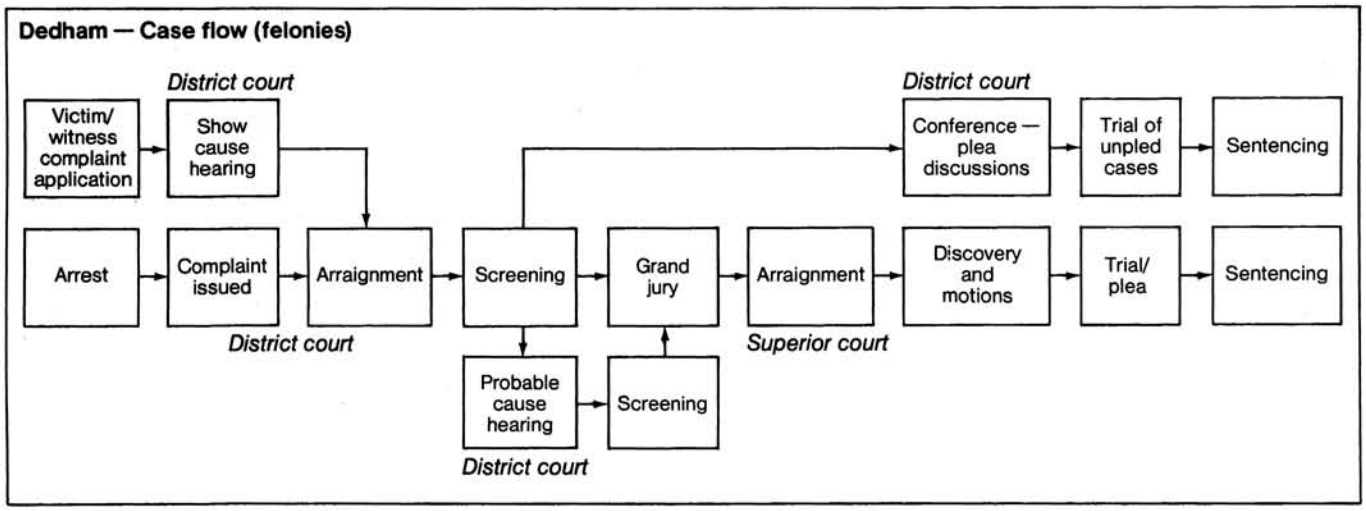
Plea negotiations generally involve adhering to the top charge, dismissing the others, and agreeing not to make sentence recommendations, except probation, on occasion. Since judges rarely, if ever, impose consecutive sentences, insisting on additional charges is not regarded as worthwhile.

Team members negotiate their own cases, but team leaders must approve the agreements, called Rule 9 memo agreements. Such agreements are rarely rejected by team leaders.

Judges almost always accept the Rule 9 agreement at the pretrial conference. If the judge rejects it, however, the defendant can withdraw his plea. Negotiations are conducted over the telephone by attorneys. Judges do not participate.

If a case is not settled at the pretrial conference, the only alternative to trial is the open plea. When the defendant decides on an open plea, all parties present arguments (on the record) before the judge, who decides the outcome.

Dedham, Massachusetts (Norfolk County)



Demographic characteristics and crime rate

Norfolk County is a predominantly white (97%), middle-class community on the outskirts of Boston. In 1980 its population was 606,587, just a few thousand more than in 1970. Of the 28 municipalities in the county, Quincy is the largest, followed by Weymouth and Brookline. Dedham is the county seat.

The 1980 combined crime rate in Quincy, Weymouth, and Brookline was 6,266 per 100,000 population, the violent crime component being 364.

Criminal justice setting

The district attorney for Norfolk County has jurisdiction over all criminal and some civil matters occurring in the county, including traffic violations, child support cases, city ordinance violations, and welfare fraud.

Each operating its own law enforcement agency, the county's 28 municipalities bring cases to the office. So also do the Massachusetts Department of Corrections, Massachusetts Sheriff's Department, Registry of Motor Vehicles, and the Department of Natural Resources.

As the lower court of the two-tiered court system, the district court adjudicates all juvenile matters, misdemeanors, and felonies punishable by 5 years or less in State prison. In addition, some felonies punishable by longer terms of incarceration may be adjudicated either in district court or in the upper court.

The superior court (upper court) adjudicates felonies punishable by more than 5 years in prison as well as misdemeanor appeals.

District Attorney's Office: Size, organization, and procedures

Of the 27 to 30 full-time attorneys, 9 to 10 are assigned to superior court and the balance to district court. In addition, about 27 law student interns conduct paralegal work for the office.

Although the office does not operate special prosecution units, particular types of cases are customarily assigned to certain attorneys. Screening is handled by two experienced prosecutors.

In felony cases over which the upper and lower courts have concurrent jurisdiction, the district attorney has absolute discretion to determine the court in which they will be prosecuted. For example, the district attorney will permit a case within superior court jurisdiction to be adjudicated in the district court if the character of the defendant, the severity of the crime, or the plea negotiation warrants a speedier disposition, a minimum jail term, and/or a closely supervised probation (district court probation officers have a less burdensome case load and are located in more municipalities than is true for their superior court counterparts).

Flow of felony cases—arrest through sentencing

As noted by the accompanying case flow chart, the two major ways a case may be initiated is either by arrest or by the victim or complaining witness applying for a complaint. In the former case, the defendant is brought before the clerk magistrate and the complaint is issued in district court; in the latter case a show-cause hearing is held prior to issuance of the complaint.

Soon after complaint issuance, the defendant is arraigned in district court. Only at this point does screening occur; unless rejected (few are), cases are assigned by screening attorneys to either district or superior court. In the busier district court, the next event is a conference at which the prosecutor and defense attorney meet to discuss the plea. (In the less busy courts the conference is omitted.) Following any conference, trial occurs, if needed.

About 90% of defendants plead guilty before their trial date in district court. Of those not pleading guilty, 90% request a bench trial.

Of those cases determined by screening attorneys to be serious enough to warrant prosecution in superior court, some will be scheduled for a probable cause hearing in district court 10 days after arraignment. If probable cause is found, the case is screened again and charges can be adjusted before presentment to the grand jury in 2 or 3 weeks. Other cases may skip the probable

cause hearing and proceed directly to the grand jury after district court arraignment. Subsequent to indictment, discovery and motions occur, then trial.

Under the state's speedy trial rule, an indictment or complaint must be tried within 1 year. Estimates of actual time from arrest to felony disposition in superior court range from 6 to 9 months; in district court 2 to 4 months.

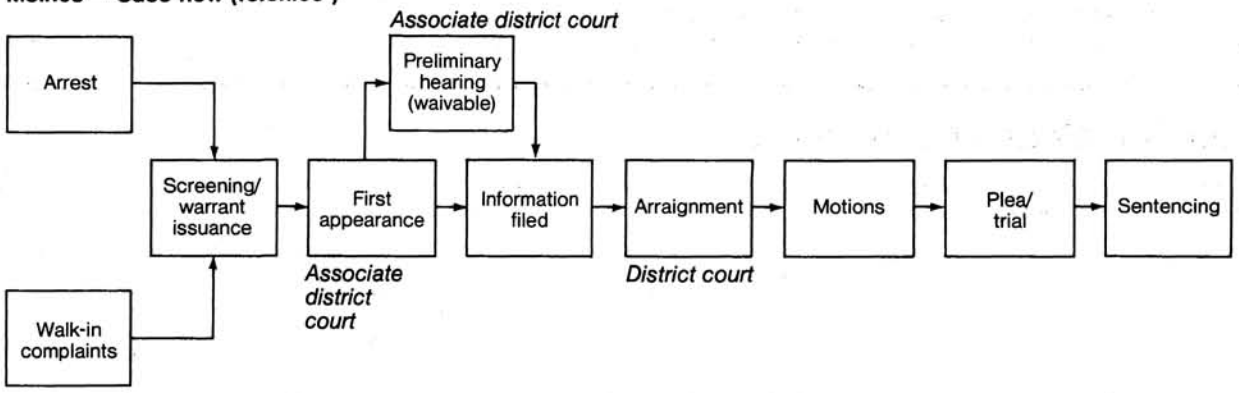
Sentencing is usually imposed without a presentence report. Judges set the minimum and maximum periods of incarceration. The Massachusetts Department of Corrections controls the actual duration of time served.

As for plea bargaining, in district court attorneys are closely supervised for the first 3 or 4 months on the job and all pleas are discussed with the district court chief. Even experienced district court attorneys consult the chief in serious or difficult cases. Attorneys in superior court are more experienced and are given flexibility regarding offers but, in difficult cases, the first assistant or the most experienced attorneys are consulted.

Plea negotiations generally center on the sentence rather than the charges. Judges either (1) do not commit themselves to plea offers but allow defendants to withdraw pleas if they do not like their sentences or (2) tend to involve themselves in plea offers (the defendant thus knows the sentence in advance) but do not allow defendants to withdraw their pleas (they must appeal).

Des Moines, Iowa (Polk County)

Des Moines — Case flow (felonies*)



* Includes felonies and aggravated and serious misdemeanors, which are punishable by a year in prison in Iowa.

Demographic characteristics and crime rate

Representing a 5% increase over the 1970 total, the county's 1980 population was 301,879. The jurisdiction is predominantly white (over 90%).

Des Moines, the county seat, had a 1980 population of 191,000 and a crime rate of 10,141 per 100,000 population, 571 being the violent crime component. Corresponding rates in 1980 for 112 cities of comparable size were 8,742 and 812, respectively.

Criminal justice setting

All felonies and misdemeanors arising within Polk County fall within the jurisdiction of the county attorney's office, which also handles juvenile and civil matters.

Thirteen police agencies present arrests to the county attorney; most are made by the Des Moines police department.

Felonies and the two types of indictable misdemeanors (aggravated and serious) in Iowa carry penalties of over 1 year in prison. In other States, indictable misdemeanors would generally be considered as less serious felonies and are so regarded in this report. What are termed misdemeanors elsewhere are called simple misdemeanors in Iowa.

As part of a unified court system, the associate district court (lower court) hears simple misdemeanors and also may take pleas to serious and aggravated misdemeanors. In addition, the court handles the initial appearance and preliminary hearing for felonies and serious and aggravated misdemeanors. The six judges assigned to Polk County's associate district court also hear juvenile, traffic, and small claims cases.

The district court (upper court) exercises jurisdiction over indictable offenses (felonies, aggravated and serious misdemeanors). Thirteen judges are assigned to this court: three are responsible for criminal cases, two for family court, and eight are on general assignment for civil cases and as backup for criminal matters.

County Attorney's Office: Size, organization, and procedures

Thirty assistant county attorneys staff the office. The office includes three bureaus: pretrial, trial, and major offender. Each bureau designates a lead attorney.

Prosecution is horizontal. The pretrial bureau is the intake/ screening unit for all cases. If a case is not pled out during the pretrial stage (before an information is filed), it is assigned to a trial

bureau attorney, who handles it through disposition. Major offenses (such as homicide), however, are handled by a single attorney from arrest to trial.

Case flow: Felonies and indictable misdemeanors

Arrests are either made immediately at the scene or on securing a warrant from the court. Without prescreening, police present arrests to the county attorney's pretrial bureau, which screens all cases before first appearance. The bureau also screens about 10 police-referred, walk-in citizen complaints per day. These complaints are the result of police actions that did not lead to an immediate arrest. Warrants are issued as appropriate.

First appearance occurs before an associate district court judge within 24 hours of arrest. (See accompanying case flow chart.) Bond is set, charges read, and an attorney appointed, if necessary. The preliminary hearing, which is usually waived, is scheduled within 1 week after the first appearance.

An information is filed within 45 days after arrest (statutory limit). A substantial majority of the felony and indictable misdemeanor arrests result in an information.

Arraignment on the information occurs in district court, usually 6 to 8 weeks after arrest. The information is read to the defendant and a trial date is set. Statute mandates that the trial be scheduled not later than 90 days after the information is filed.

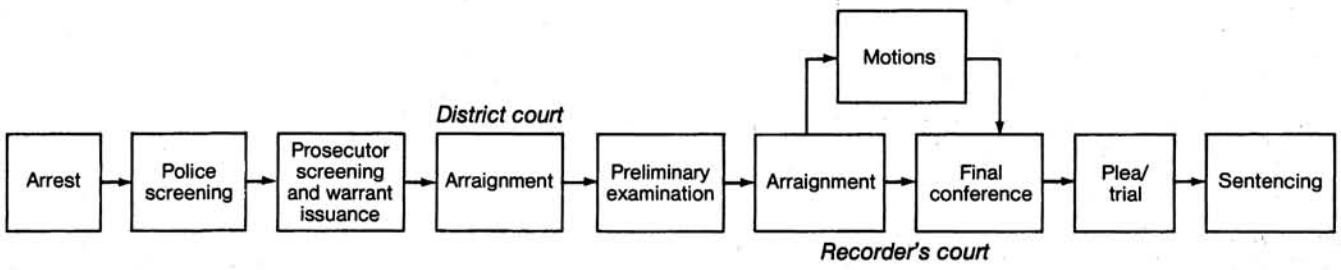
The presentence investigation is usually waived in indictable misdemeanor cases. Most felony defendants have presentence investigations, and sentencing occurs 4 to 6 weeks after a guilty finding or plea.

The county attorney has a policy of no plea bargaining. Those negotiations that do occur seem to center on dismissing multiple charges and counts or recommending probation for first offenders. Most routine is a plea to the top charge; all parties know from past experience what the sentence range will be. Generally, the county attorney makes recommendations about the length of incarceration for the most serious felonies only.

Negotiations by assistant county attorneys must be approved by the bureau head. Generally, judges do not participate in plea negotiations.

Detroit, Michigan (Wayne County)

Detroit — Case flow (felonies)



Demographic characteristics and crime rate

The 1980 population of Wayne County, including Detroit, was 2,337,240, a decrease of 12.5% from the 1970 figure. Wayne County is 60% white, 36% black.

Detroit, with 1,200,000 residents in 1980, experienced a 20% population decline during the 1970's. Its 1980 crime rate was 10,645 per 100,000 population; 1,946 being the violent crime component. Corresponding rates in 1980 for five cities of comparable size were 9,015 and 1,704, respectively.

Criminal justice setting

The Wayne County prosecutor's office has jurisdiction over all adult criminal cases arising within the county. Aside from administrative offices, the prosecutor's office is divided into two geographic divisions. One is responsible for all the criminal activity in the city of Detroit; the other, composed of the out-county offices, handles all other criminal activity in Wayne County. The courts are similarly separated. In 1981 close to 27,000 felony and misdemeanor arrests were presented for prosecution; over 70% of those arrests originated in Detroit. Most were made by the Detroit city police. The remainder of this report confines itself to procedures relating to the prosecution and adjudication of crimes occurring in Detroit.

As the lower court of the city's two-tiered court system, the district court hears misdemeanor and some traffic offenses; it also holds felony arraignments and preliminary examinations. There are 29 recorder's court (upper court) judges, who handle only felonies bound over by the district court. An executive judge, four or five other judges, and a docket clerk are located on each of the five floors of the courthouse where felony courtrooms are located. Executive judges preside over the arraignment on the information, take pleas, hear some motions, assign cases to the other judges, and also may conduct bench trials. The other judges, who maintain their own calendars, preside over all jury trials.

Prosecuting Attorney's Office: Size, organization, and procedures

The Wayne County prosecutor's office employs 120 attorneys; most work in the Detroit office. The Detroit office attorneys are assigned to four divisions: administrative (to which the rest report), screening and trial preparation, trials and dispositions, and appeals and special services.

The screening and trial preparation division works almost exclusively with the district court. Of 14 attorneys, 5 are assigned to issuing warrants and screening, 6 to preparing and conducting the preliminary examination, 2 to handling traffic cases, and 1 to prosecuting misdemeanor trials.

Six of the 41 attorneys staffing the trial and disposition division are assigned to the repeat offender bureau. The other 35 are felony trial attorneys, working at the recorder's court. Five are designated as docket attorneys, one for each floor where there are felony courtrooms. They are experienced trial attorneys and supervise four to six other trial attorneys assigned to each of the five floors.

The appeals and special services division comprises 14 trial attorneys, 18 juvenile-case attorneys, a few attorneys who conduct civil litigation for the county, and 3 attorneys who staff the organized crime task force.

Prosecution at the district court is horizontal, at the recorder's court, vertical.

Flow of felony cases—arrest through sentencing

The arresting officer submits his or her report to an investigator, who conducts additional interviews and decides whether to present the arrest to the prosecutor or to recommend dismissal. If the latter, a police supervisor must concur; if the former, the papers prepared by the arresting officer and investigator are submitted to a court officer, a police officer who acts as liaison between police and prosecutor. Accompanied by the complainant or victim, the court officer meets with a prosecutor in the warrant section to review the case, usually within 24 hours of arrest. (See accompanying felony case flow chart.)

The warrant section may issue a felony warrant on the charge recommended by the police department or on a different charge, issue a misdemeanor warrant, dismiss the case, or adjourn the case for up to 10 days to give the complainant cooling off time.

If a warrant is issued, the court officer takes it to the district court, where a judge signs it, making the arrest official. If the defendant is in custody, arraignment on the warrant occurs almost immediately; otherwise, the defendant is arrested on the warrant and arraigned in district court. At the arraignment, the accused is formally charged, an attorney is appointed, if necessary, and the preliminary examination is scheduled (usually within 10 days).

Plea offers are extended to the defense attorney at the arraignment on the information and expire on the date of the final conference; subsequent pleas must be to the count originally charged. The five docket attorneys are the only attorneys authorized to make or change plea offers. Plea offers are made according to written office policies and may involve only the reduction or dismissal of charges.

If probable cause is found at the preliminary examination, the case is bound over to the recorder's court for felony prosecution. Bound over cases are randomly assigned to one of the five executive judges. The docket attorney who works with that judge reviews the case, makes a plea, and assigns a trial attorney to the case.

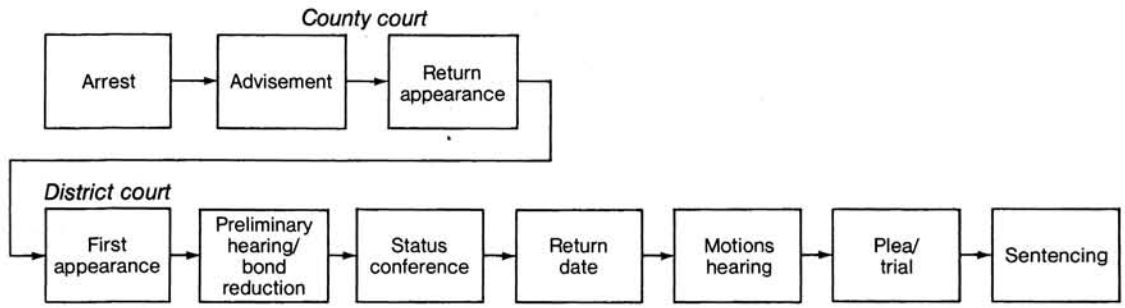
The first appearance in recorder's court, the arraignment on the information (actually a pretrial conference), occurs about 1 week after the preliminary hearing if the defendant is in custody; otherwise, in 2 weeks. At this appearance the final conference and trial dates are set. Motions may be heard until the conference, which is usually scheduled about 30 days after arraignment on the information.

Most defendants who go to trial waive their right to a jury trial in favor of a bench trial. One reason for this is that bench trials are presided over by executive judges, who are regarded as more lenient than trial judges. If the defendant is convicted at trial, a presentence investigation report is prepared, and the defendant appears before the judge for sentencing. Michigan juries do not make sentence recommendations; the judge sets the sentence and usually does not follow the prosecutor's recommendation, if any. When a case is settled through a plea of guilty, the same sentencing procedure applies, but the prosecutor does not routinely appear.

Office policy reflects the view that strong cases are pled out on strong charges, and weak cases are taken to trial rather than disposed of through lenient pleas. Under Michigan law those convicted of committing a felony while armed are subject to a mandatory sentence. No plea offers are extended to defendants who commit such crimes. Office policy further prohibits reductions for certain other felonies and sets the minimum that can be offered on still others.

Fort Collins, Colorado (8th Judicial District)

Fort Collins — Case flow (felonies)



Demographic characteristics and crime rate

With a 1980 population of 151,047, this two-county jurisdiction was 89% white. During the prior decade, the number of residents in the counties increased by about 66%.

Comprising 43% (65,000) of the jurisdiction's population, the city of Fort Collins had a crime rate in 1980 of 5,440 per 100,000 population, the violent crime component being 190. The corresponding rates for 280 cities of comparable size averaged 7,137 and 602, respectively.

Criminal justice setting

The district attorney for the 8th Judicial District of Colorado has jurisdiction over felonies and misdemeanors committed in Larimer and Jackson Counties. Traffic, juvenile, and nonsupport cases are also the responsibility of the office.

Approximately four law enforcement agencies bring cases to the office. The Fort Collins police department and Larimer County sheriff's office initiate most of the case load.

The three-judge county court is the lower court of the two-tiered judicial system. It handles traffic violations, civil matters under $5,000, misdemeanors, and felony preliminaries (advisement and return appearance).

Four judges staff the upper or district court. It hears felony, juvenile, nonsupport, and civil (over $5,000) cases, among others. One judge handles calendar work and the other three act as trial judges.

During a recent 12-month period, about 4,200 misdemeanors and felonies were filed. Felonies are filed directly in district court, even though preliminary felony proceedings occur in county court.

District Attorney's Office: Size, organization, and procedures

Of the office's 12 attorneys, 3 are county court deputies. These junior members of the staff handle misdemeanors and traffic offenses. Four attorneys handle felonies in district court.

The complaint (screening) deputy is a senior prosecutor. In addition to deciding whether and what to file, he handles felony advisements and return appearances.

Except for county court appearances, all proceedings for a given felony case are handled by one deputy (i.e., prosecution is essentially vertical).

Flow of felony cases—arrest through sentencing

Referring to a bail/bond schedule, police may release arrestees prior to their initial appearance in county court (advisement—see accompanying felony case flow chart). Held the day following arrest for those in custody, advisement involves the following: rights are read, defendants are notified of police charges; bond is set; and a return date of 2 working days is set for the return appearance.

The intake (screening) deputy reviews police papers the morning of the return appearance date. In making the filing decision, the deputy relies on the arresting and investigating officers' written reports, as well as interviews with investigating officers. About 90% of felony arrests are filed.

At return appearance, rights and the information are read and a return date of 2 or 3 days is set for first appearance in district court. During first appearance, the following occurs:

- Counsel is appointed or the defendant is informed about how to obtain representation.
- Request for a preliminary hearing is made if the defendant has counsel (such a request must be made within 10 days of the first appearance).
- Preliminary hearing is scheduled to occur in 2 or 3 weeks (must be set within 30 days of request). A bond reduction hearing also is set for the same date.

If a plea agreement is reached prior to the preliminary hearing, the parties go to court as scheduled and the judge either sets a sentencing date or imposes a sentence immediately. For defendants who have not negotiated a plea, the preliminary hearing establishes probable cause. A status review conference and return date are set.

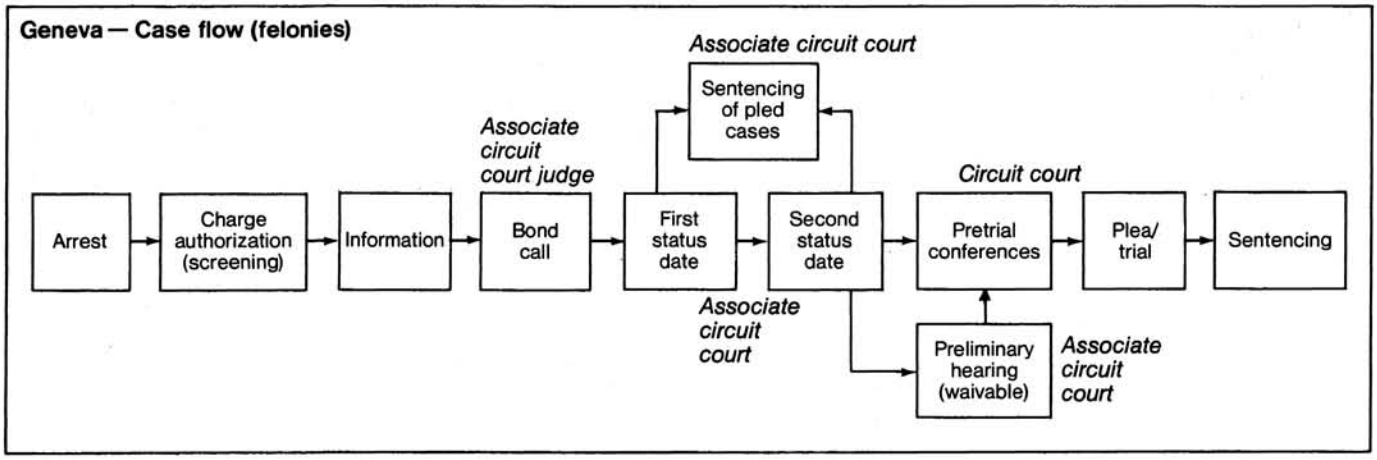
Three weeks after the preliminary hearing, the status review conference is held so that the defense and prosecutor can attempt to negotiate a plea. On the return date—1 week after the status review conference—

the judge wants to know if a plea agreement has been reached. If so, a sentencing date is set. If the defendant enters an open plea, the case is assigned to a trial judge for sentencing. If a plea has not been negotiated, the case is given a second return date before a trial judge.

At this second appearance, the trial judges sets a motions hearing and trial date if a plea agreement has not been reached; sentences are imposed 6 to 8 weeks after trial.

The plea negotiation process is conducted very informally. It begins 2 to 3 days prior to the preliminary hearing and can involve negotiations on charges, counts, and sentences. Prosecutors are permitted to dispose of their cases as they see fit. However, once a case has been set for trial and assigned a judge, plea negotiations are supposed to terminate.

Geneva, Illinois (Kane County)



Demographic characteristics and crime rate

Kane County's 1980 population, 81% white, was 278,405, an 11% increase over the 1970 figure. Hispanics and blacks composed 14% of the population.

With 116,000 residents, selected cities in the jurisdiction had a 1980 crime rate of 6,422 per 100,000 population, 386 being the violent crime component.

Criminal justice setting

The state's attorney for Kane County has jurisdiction over all criminal matters occurring in the county. The office also prosecutes civil, juvenile, and traffic cases for the county. In addition, several municipalities contract with the office to prosecute violations of city ordinances.

Seventeen police departments present an estimated 6,500 to 7,000 felony and misdemeanor arrests to the state's attorney annually; Aurora and Elgin bring the bulk of them.

Presiding over misdemeanor, traffic, small claims, child support, and divorce cases, the nine judges of the associate circuit court (lower court) also are responsible for felony preliminaries—bond, status, and preliminary hearings. In addition, one of the judges is empowered to take felony pleas.

The jurisdiction of the 13th Judicial Circuit Court, the upper court, extends to all of Kane County and part of DeKalb and Kendall Counties. Nine of the 11 judges are assigned to Kane County; two of them hear felony cases. They maintain individual calendars and hear all events associated with their respective cases.

State's Attorney's Office: Size, organization, and procedures

The state's attorney maintains offices in three cities (Aurora, Elgin, and Geneva) and a staff of 20 assistant state's attorneys. Eight attorneys prosecute felonies; six, misdemeanors and traffic offenses; and others handle civil and juvenile cases. All felony attorneys and experienced misdemeanor attorneys may screen cases (authorize charges). The office does not have special prosecution teams. Prosecution in both the lower and upper court is conducted on a vertical basis.

Flow of felony cases—arrest through sentencing

The state's attorney's office reviews all arrests, which may be brought by either the arresting officer or a detective. An attorney must authorize the charges (screening) within hours of arrest. (See accompanying felony case flow chart.) A clerk from the state's attorney's office is at the jail and types an information based on the authorized charges.

Within 24 hours of arrest, the information is issued and a bond call held before an associate circuit court judge in the Aurora, Elgin, or Geneva jail. During bond call, bail is set and the defendant advised of the charges and his or her rights.

The defendant's second appearance before a judge occurs in Geneva in the associate circuit court about 10 to 14 days after bond call. At that event, called the first status date, charges are read again and counsel appointed, if needed. A second status date is usually held. Those who plead guilty are sentenced immediately by the associate circuit court judge who took the plea. Of those who do not, half waive the preliminary hearing (usually scheduled 1 week after the second status

date) and their cases proceed to circuit court, as will the cases of those for whom probable cause is found at the preliminary hearing. Two weeks after the preliminary hearing, the first of two or three pretrial conferences is scheduled in circuit court. If a plea is entered, the defendant is sentenced the same day. Of the relatively few who do not plead, most request jury trials.

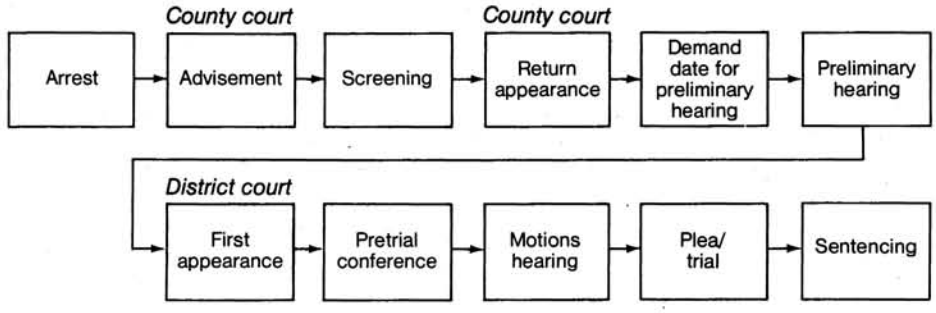
Defendants receive the best plea offer prior to the preliminary hearing. Thereafter, offers become more stringent. Plea bargains may involve charges (dropped or reduced), place of incarceration, or more commonly, sentence term.

Only attorneys participate in plea bargaining when it occurs at the associate circuit court. The judge merely accepts the offer. In circuit court, the judge may actively participate, although negotiations usually involve attorneys only. About 90% of the resulting plea bargains are accepted by circuit court judges.

Defendants who are found guilty at trial or who plead guilty without accepting an offer are sentenced 4 to 6 weeks later, following a presentence investigation.

Golden, Colorado (1st Judicial District)

Golden — Case flow (felonies)



Demographic characteristics and crime rate

Predominantly white (91%), this two-county jurisdiction had a 1980 population of 374,182, reflecting a growth rate of 58% over the previous 10 years.

The crime rate in 1980 for localities accounting for about 90,000 of the jurisdiction's population was 5,202 per 100,000 residents with 242 being the violent crime component. Corresponding rates in 1980 for 280 cities of comparable size were 7,137 and 602, respectively.

Criminal justice setting

Headquartered in Golden, the district attorney for the lst Judicial District of Colorado has jurisdiction over misdemeanor and felony offenses occurring in Gilpin and Jefferson Counties. Also prosecuted by the office are traffic, juvenile, and nonsupport cases.

Approximately nine law enforcement agencies bring an estimated 6,000 felony and misdemeanor cases to the office. The Lakewood police department accounts for 60% of the case load.

The five-judge county court (lower court of the two-tiered judicial system) handles traffic violations, civil matters under $5,000, misdemeanors, and preliminary felony proceedings (advisement, return appearance, preliminary hearing).

Seven of the eight judges in the upper or district court hear criminal cases, which requires about 80% of their time. Judges control their own calendars.

District Attorney's Office: Size, organization, and procedures

Of the 92 persons employed by the office, 31 are attorneys, most of whom are assigned to the county court, district court, preliminary hearing, and intake divisions of the office. County court deputies number five; district court, eight; preliminary hearing, three; and intake, three.

Prosecution proceeds on a horizontal basis. (The office plans to change to vertical prosecution soon.)

Flow of felony cases—arrest through sentencing

Many arrestees are released at the station house, with bail amounts conforming to a set schedule. Advisement in county court occurs within 2 days for releasees; the next day for those in custody (see accompanying felony case flow chart). For low-level felonies, an officer may issue a citation or field summons directing a person to appear in county court; in those instances, the filing decision rests with the officer.

Advisement is conducted through a video system; the prosecutor and public defender are at the jail and the judge is at county court. Arrestees are advised of their rights en masse and notified of police charges individually. Their bail status is reviewed and their return appearance is set for 2 days later.

Intake (screening) occurs on the day of or day before the return appearance. The investigating officer delivers the papers to the district attorney's office. Little prescreening by police occurs. A former police officer screens over 70% of the cases; a prosecutor reviews the screening decisions and signs the papers. Cases are then filed in county court.

At return appearance in county court, the complaint is read (unless waived), the defendant is asked if a

public defender is required, the date for filing a preliminary hearing request (10 days from return appearance) is set, and the demand date for the preliminary hearing is scheduled. On the demand date, defense counsel meets with the judge, who sets the preliminary hearing date.

The preliminary hearing division puts on as few witnesses as possible, consistent with establishing probable cause. About 41% of felony filings are bound over to district court. (If a felony plea has been arranged prior to the preliminary hearing, the hearing is waived and the case is bound over.)

Occurring about 2 weeks after the preliminary hearing, the first appearance in district court involves determination of whether a plea has been arranged. If it has, the defendant enters a guilty plea and is sentenced in 6 to 8 weeks. If a not-guilty plea is entered, the 6-month speedy trial rule goes into effect and the judge sets four dates:

- Pretrial conference, in 10-20 days.
- Motions filing date, in 30-40 days.
- Motions hearing, in 60-70 days.
- Trial, in 4-5 months.

At the pretrial conference, the merits of the case are discussed in an attempt to reach a plea agreement. At the motions hearing, the judge rules on previously filed motions.

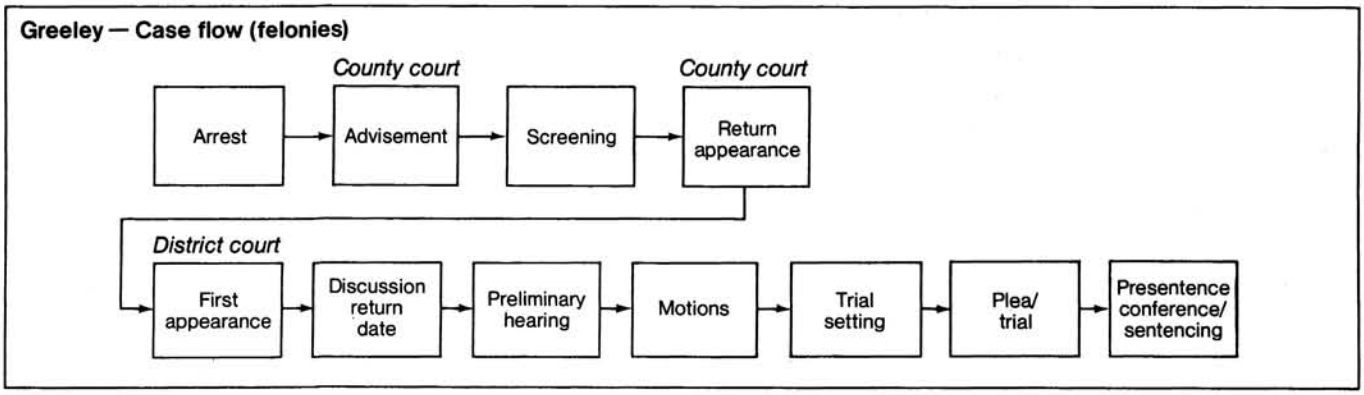
Sentencing occurs 6 to 8 weeks after trial. Judges have the benefit of presentence investigation reports, and prosecutors may make sentence recommendations.

As for plea negotiations, prosecutors have considerable freedom in settling cases. Conducted informally, negotiations commence about 4 days before the preliminary hearing and may involve charge reduction, dismissal of charges or cases in exchange for pleas in other matters, or, frequently, sentence concessions. The latter must be reviewed by the judge; district court judges are reluctant to accept such arrangements.

Plea agreements reached after the preliminary hearing are supposed to be to a felony. Time limits on plea offers may vary by deputy and by judge.

Offers made by district court deputies at the pretrial conference are independent of any prior ones and generally less favorable to the defendant. Judges are not directly involved in plea negotiations.

Greeley, Colorado (19th Judicial District)



Demographic characteristics and crime rate

This one-county jurisdiction had a population of 123,438, a 38% increase over the 1970 figure. Whites constituted 72% of the population; Hispanics, 17%.

The crime rate in Greeley (population 54,128) was 8,582 per 100,000 population in 1981, 417 being the violent crime component. Corresponding rates in 1980 for 280 cities of comparable size were 7,137 and 602, respectively.

Criminal justice setting

The district attorney for the 19th Judicial District of Colorado has jurisdiction over all misdemeanor and felony offenses occurring within Weld County. Juvenile, traffic, and nonsupport cases also are handled by the office.

Eighteen law enforcement agencies bring cases to the office. The Greeley police department accounts for over half of the arrests; a substantial number also are presented by the county sheriff's office.

The county court (lower court of the two-tiered judicial system) is one of limited jurisdiction, handling civil matters under $5,000, traffic violations, misdemeanors, and preliminary felony proceedings (advisement and return appearance). Hearing both civil and criminal cases, the three county court judges spend an estimated two-thirds of their time on criminal matters.

The upper or district court has jurisdiction over juvenile cases, felonies, and civil matters over $5,000. Two of the four judges handle the criminal docket. Felonies are filed directly with the district court even though preliminaries are handled by the county court. Judges operate under an individual calendar system. About 2,800 felonies and misdemeanors are filed with the courts annually.

District Attorney's Office: Size, organization, and procedures

The office employs about 30 persons, including 10 attorneys and 2 investigators. Most prosecutors are assigned to one of two sections: county court, staffed by three junior deputies; and district court, staffed by four experienced attorneys. A

midlevel deputy is responsible for intake (screening). Another is assigned to major crimes, and another to juvenile and consumer matters.

With the exception of the initial appearance in county court, once a case is filed in district court it is handled by the same deputy, who has complete discretion over its disposition.

Flow of felony cases—arrest through sentencing

Referring to a bail/bond schedule, police may release arrestees prior to their initial county court appearance (advisement). If a case is initiated by a warrant rather than an arrest, the person goes directly to district court for first appearance.

At advisement in county court (see accompanying felony case flow chart), arrestees are informed of their rights and notified of police charges. In addition, their release status is reviewed, and a return appearance is scheduled (within 48 hours if arrestee is in custody; 10 days if on release).

Prior to the return appearance, the complaint deputy screens cases and decides whether and what to file. In so doing, he reviews police reports and record checks but does not interview police officers or witnesses. Police do little prescreening. About 75% of felonies presented are filed.

The return appearance usually occurs 2 working days after the advisement. Defendants are informed that charges have been filed directly in district court. The judge sets a return date of 1 to 2 weeks for the first appearance in district court.

At first appearance, defendants are advised of the charges and their rights (often waived), given a copy of the information, and referred to the public defender's office, if necessary, to complete an application for attorney (in that event, the case is continued for 2 weeks). If the defendant has counsel, a discussion return date is scheduled 1 to 2 weeks later.

If a plea agreement has been negotiated, the defendant enters a plea on the discussion return date and is sentenced either immediately or 4 to 6 weeks later. If a plea agreement has not been reached, the judge sets a preliminary hearing; the defendant has a right to such a hearing within 30 days.

At the preliminary hearing, which is a mini-trial, probable cause is established, the defendant is asked how he or she pleads (this triggers the 6-month speedy trial rule), and a motions hearing is set for 2 weeks later. At the hearing the judge rules on filed motions and continues the case for 2 weeks for trial setting or disposition.

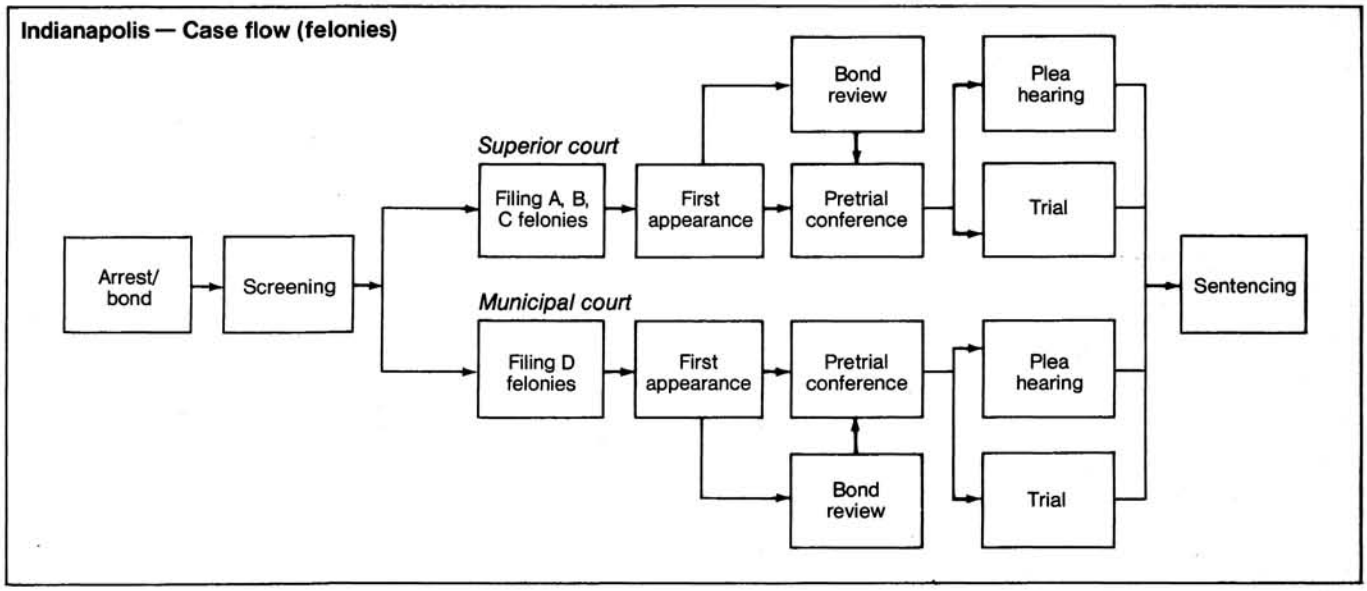
At trial setting, the judge inquires whether a plea agreement has been reached; if so, sentencing is scheduled. If not, trial is set to commence within 2 1/2 months. If the defendant is found guilty at trial, sentencing takes place within 4 weeks.

To learn of everyone's position on sentencing, the judge may hold a presentence conference immediately prior to sentencing. The deputy makes his recommendation known at sentencing. A presentence investigation report is available to the judge.

Plea negotiations are actively pursued during the 2-week period between the first appearance in district court and the discussion return date, at which time about half the defendants plead guilty. Often a deputy is the one who initiates plea negotiations, in person or over the phone. Generally, the office's best offer is made at this time, with or without a time limit.

Office policy dictates that if the defense insists on a preliminary hearing, subsequent plea offers are to be somewhat more severe. Deputies usually do not bargain on sentences; they want to maintain an independent position at sentencing. Judges are not directly involved in the plea negotiation process.

Indianapolis, Indiana (Marion County)



Demographic characteristics and crime rate

In 1980, the jurisdiction's population was 765,233 (20% black), which experienced a 3.6% decline during the previous decade.

The 1980 crime rate was 5,325 per 100,000 population, 637 being the violent crime component. Corresponding 1980 rates for 17 cities of comparable size were 9,106 and 1,162, respectively.

Criminal justice setting

The Marion County prosecuting attorney has jurisdiction over all felony and misdemeanor arrests occurring in the county, which is geographically identical to Indianapolis. Also handled by the office are the majority of traffic offenses and juvenile and family-support cases.

Several police departments—including those serving areas that were formally independent townships—present felony and misdemeanor arrests to the prosecuting attorney. The Indianapolis police department and the county sheriff's department account for the vast majority of arrests.

Marion County is served by two courts, both having civil and criminal jurisdiction. Of the 15 judges staffing the Marion County superior court (the upper court), 6 are assigned to the criminal division (locally referred to as the criminal court) and dispose of Class A, B, and C felonies, which are filed directly with the court (bypassing the lower court).

Nine of the 17 municipal court (lower court) judges staff a criminal division and dispose of Class D felonies, misdemeanors, and traffic cases. Two judges handle all D—felony cases.

Judges in both courts operate an individual calendar and hear all matters from initial appearance to trial.

Prosecuting Attorney's Office: Size, organization, procedures

The prosecuting attorney's office employs 58 attorneys (some part-time), who handle the bulk of felony and misdemeanor cases in two divisions: criminal (superior) court and municipal court, each of which is assigned about 23 attorneys. In addition, two attorneys are assigned to the grand jury, two to felony screening (misdemeanors are not screened), seven to child-support cases, six to juvenile matters, and eight to sex and narcotics cases. (Most attorneys hold more than one assignment.)

The criminal division is divided into six sections, one to work with each of the six criminal division judges of the superior court. Immediately after screening, attorneys are assigned cases, which remain their responsibility until final disposition.

The office's municipal court division has two sections—the D-felony section, comprising about 10 attorneys, who work with the 2 D-felony judges; and the 14-attorney misdemeanor section, which works with the 7 misdemeanor judges. Case processing in both sections is horizontal, and attorneys are assigned to judges by session, not by case. Each judge holds seven sessions weekly, during which attorneys are responsible for whatever cases and matters arise (e.g., initial appearances, pleas, trials).

Flow of felony cases—arrest through sentencing

Felonies are presented to the prosecuting attorney's office for screening shortly after arrest. By law, the prosecutor's charge must be filed "promptly," interpreted locally as meaning 24 hours, although statutes permit a filing delay of up to 72 hours under some circumstances. (See accompanying chart of felony case flow.)

Usually, cases are brought to screening attorneys by detectives, who submit a typed arrest form stating the charge, location, and time of the crime, and information about the defendant(s), victim(s), and witnesses. Screening attorneys encourage detectives, prior to presenting a case, to determine how cooperative witnesses will be and to interview defendants to obtain their side of the story.

Screening attorneys reject very few felony arrests. Many are filed as misdemeanors. The balance are filed (through an information) as Class A, B, or C felonies in the superior court, or as Class D felonies in the municipal court.

In both courts, the first appearance occurs the day after filing. At first appearance, defendants are informed of the charge and the finding of probable cause (a matter of paperwork, completed prior to first appearance), advised of their rights, and assigned public defenders, if necessary. Also, preliminary pleas of not guilty are entered for them (at this point, defendants usually have not had an opportunity to talk with a lawyer), and a date is set for a pretrial conference. Some judges also set the trial date, which must not be more than 140 days from first appearance. If, at the first appearance, a defendant requests a review of bond (initial bond is set by a commissioner at the jail), a hearing is held within 3 days.

In superior court, attorneys are usually assigned to cases prior to initial appearance, receive the case files within a week of arrest, and complete preliminaries (filing, initial appearance, bond review, voluntary discovery) within 7 to 14 days.

A decision about the plea position is made by the attorney handling the case, reviewed, and communicated to the defense well before the pretrial conference. The office's plea policy is to pursue the most serious charge but permit dismissal of lesser charges included in the information. Judges in Marion County rarely sentence consecutively, so this form of plea negotiation does not, as a practical matter, constrain the judges' sentencing discretion and gives defendants very little. The agreement can, but does not usually, include an agreement on a sentence recommendation. By statute, a formal plea agreement must eventually be drafted by the prosecutor and signed by the prosecutor and defense counsel.

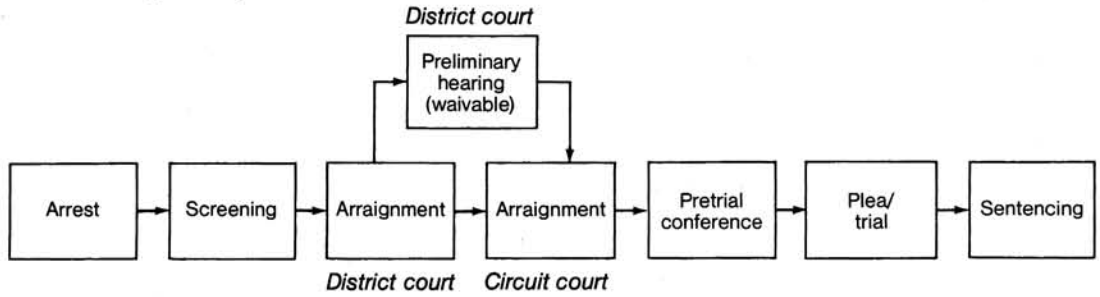
Judges rarely enter into substantive discussions relating to plea negotiations. Nor do they routinely indicate the sentence they will impose. Thus, the plea agreement is between the prosecutor and the defense counsel. By law, the judge must accept or reject the agreement reached and execute it as written, even if it contains a sentence agreement (subject to the outcome of a presentence investigation report).

If the defendant indicates that he or she is willing to plead at the pretrial conference, the plea hearing is held a few days later and sentencing occurs after the preparation of a presentence investigation report. Sentences are determinate for a given crime, but variations are allowed for specific aggravating or mitigating circumstances.

In municipal court, screening, filing, and first appearance for D-felony cases are essentially the same as for cases processed in superior court. About 2 weeks after initial appearance, a pretrial conference is held, at which time a prosecutor quickly reviews the case file and decides whether to make a plea offer. Office plea policy, the role of the judge, statutory requirements regarding pleas, and sentencing procedures are the same as those relating to superior court A-, B-, and C-felony cases.

Kalamazoo, Michigan (Kalamazoo County)

Kalamazoo — Case flow (felonies)



Demographic characteristics and crime rate

In 1980, 213,378 residents lived in Kalamazoo County, a 5% increase in population over 1970. About 7% of the population is black.

The total crime rate in the city of Kalamazoo in 1980 was 5,405 crimes per 100,000 population; the violent crime rate was 471. Corresponding rates in 1980 for 1,516 cities of comparable size were 5,411 and 352, respectively.

Criminal justice setting

The Kalamazoo County prosecuting attorney has jurisdiction over all State and county felonies and misdemeanors arising within the county.

In 1980, Kalamazoo County's 14 law enforcement agencies presented 6,148 felony and misdemeanor cases for prosecution. Of these, Kalamazoo police accounted for the majority.

The local district court, part of Michigan's lower court system, is responsible for the disposition of misdemeanors, traffic offenses, and certain civil matters. In felony

cases, the local district court also conducts initial arraignments, determines bail, assigns counsel for indigent defendants, and holds preliminary examinations.

The upper, or felony, court is the circuit court. It is responsible for felony cases after a finding of probable cause at the district court preliminary examination.

Seven judges staff the district court; five, the circuit court. In both courts, each judge operates as an individual court; that is, operates on an independent and individually scheduled calendar and handles all types of criminal cases and civil matters. Circuit court judges devote about 50 to 60% of their time to criminal cases.

Prosecuting Attorney's Office: Size, organization, and procedures

The Kalamazoo prosecutor's office comprises 22 attorneys, which staff the criminal trial unit, career criminal unit, juvenile prosecution unit, consumer and commercial fraud unit, and an appellate division. The criminal trial unit has the greatest number of attorneys (14) and handles the responsibilities of screening as well as investigating and trying cases.

Felony cases are prosecuted horizontally throughout the criminal justice process, with an average of five attorneys reviewing the case by the time it reaches the trial stage. After the preliminary examination in district court, the case is bound over to the circuit court for felony prosecution and is assigned to one of the circuit court judges in a blind draw. The prosecuting attorney's chief assistant is responsible for assigning cases to one of the assistant prosecuting attorneys for trial, and the result is that all the attorneys work with all the judges.

Other than trial, all assignments are distributed on a regular rotating basis.

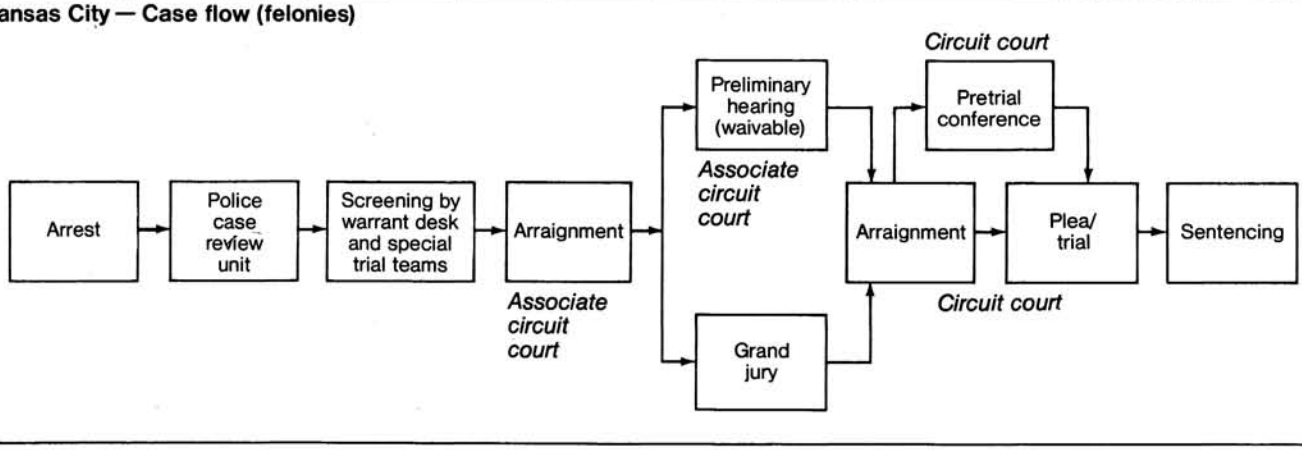
Flow of felony cases: Arrest through sentencing

Felony cases are presented to the screening prosecutor by either the arresting officer or a detective who is responsible for the felony investigation. The prosecutor reviews the arrest report and the defendant's criminal history and determines the charge. If the case merits prosecution, and the defendant is not eligible for diversion, the case is filed before a district court judge, who authorizes an arrest warrant. When the defendant is already in custody, arraignment occurs the same day and unless the preliminary examination is waived it will be scheduled within 12 days of arrest as mandated by law. Defendants bound over on felony charges then appear in circuit court.

The arraignment in circuit court is a perfunctory appearance dealing mostly with paperwork, and most defendants waive their right to appear. A date is set for motions and for a pretrial conference to discuss the motions and evidentiary matters. The trial judge sets these dates. Office policy on plea bargaining is to seldom offer bargains on charges; rather, the offer will be for a sentence recommendation. The office is tough on plea bargaining and as the trial date approaches the offers become even more stringent. Judges do not typically participate in plea discussions. After every trial conviction a presentence investigation is conducted; sentencing usually occurs 4 to 6 weeks after the trial. The prosecutor always appears at the sentencing hearing and usually makes a recommendation.

Kansas City, Missouri (Jackson County)

Kansas City — Case flow (felonies)



Demographic characteristics and crime rate

The jurisdiction's 1980 population of 629,180 (19% black) reflects a 3.8% decline during the prior decade.

Kansas City, with 446,865 of the county's residents in 1980, had a crime rate of 11,023 per 100,000 population, 1,569 being the violent crime component. Corresponding rates in 1980 for 34 cities of comparable size were 10,189 and 1,275, respectively.

Criminal justice setting

The prosecuting attorney for Jackson County has jurisdiction over all adult felony and serious misdemeanor arrests occurring in the county, which includes Kansas City. (All other misdemeanors, petty offenses,

and ordinance and traffic violations are handled by the city prosecutor for Kansas City.)

Of all felony and misdemeanor arrests presented annually to either the Kansas City or Independence office of the prosecuting attorney, most are brought by the Kansas City police department. The rest are presented by numerous other police and sheriffs' departments.

The county has a two-tiered judicial system. The associate circuit court (lower court) is responsible for disposing of misdemeanors, petty and traffic offenses, and ordinance violations and for conducting the initial arraignment and the preliminary hearing in felony cases. Six judges conduct felony preliminaries. Some are empowered to accept felony guilty pleas as well, but sentences are imposed by the upper court.

The 18-judge circuit court (upper court) adjudicates criminal (felonies), civil, domestic, juvenile, and other matters. Using an individual calendaring system, five judges hear criminal cases.

Prosecuting Attorney's Office: Size, organization, and procedures

The prosecuting attorney's staff comprises 35 attorneys, including 6 who work part-time. The office has two special trial teams, which target on sex crimes and career criminals, and two general trial teams, which prosecute those felonies not handled by the two special units. Six attorneys (one half-time) staff the special trial teams; 13 (one half-time) staff the two general trial teams, which handle most of the cases.

The other major unit is the warrant desk—the intake and screening unit—which is staffed by four full-time and two part-time attorneys in the Kansas City office and by three full-time attorneys and one part-time attorney in Independence. Screening for the two general trial teams is performed by the warrant desk, and cases are prosecuted horizontally until bindover to the circuit court. The two special trial teams screen their own cases and handle them through final disposition (vertical prosecution).

Flow of felony cases—arrest through sentencing

The case review unit of the Kansas City police department reviews each felony arrest before it is presented to the prosecuting attorney. (See accompanying chart of felony case flow.) When the review unit receives the arrest papers, the case is assigned to one of the unit's seven experienced detectives, who examines the various reports and interviews the investigating officer. If the detective determines that the arrest merits prosecution as a felony, a unit detective presents the case for screening to the prosecutor's warrant desk or to one of the two special trial teams, depending on the nature of the crime. When a warrant is issued by the prosecutor and signed by a judge, the arrest becomes official.

Missouri law states that if a suspect is being held in custody a charge must be filed within 20 hours of arrest (interpreted as meaning that the case must be presented to the prosecutor for screening within that period).

Once the case is filed by the screening attorney, arraignment in the associate circuit court follows quickly. At this hearing, charges are read, a bond decision is made if the defendant is held in custody, the preliminary hearing is scheduled, and counsel is appointed, if necessary. Held about 10 days after arraignment, the preliminary hearing (waivable by the defendant) is conducted to establish probable cause.

Cases bound over to the circuit court from the lower court amount to roughly one-third of the felony arrests presented by police for prosecution; the balance are pled out as misdemeanors, rejected, or dismissed. In relatively few instances, the grand jury is used to bindover cases (when this occurs the preliminary hearing in the associate circuit court is bypassed). Bound over cases are assigned to individual attorneys for prosecution in the circuit court.

Circuit court arraignment is perfunctory, amounting to little more than an attempt by defense counsel to have bail reduced for the accused. Pretrial conferences may be held but generally are not.

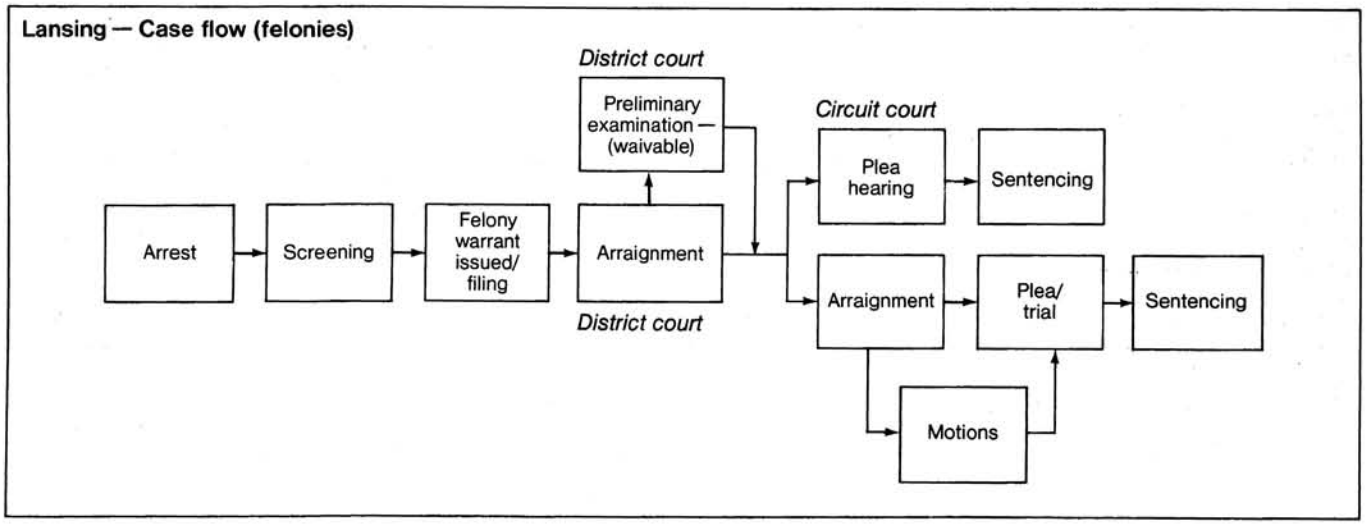
When a jury trial occurs for a first offender and a guilty verdict is reached, the jury must recommend a sentence. The prosecutor's recommendation never exceeds the jury's because the judge cannot impose a sentence more severe than the jury recommendation for first offenders. For repeat offenders, neither the prosecutor nor judge is constrained by the jury's sentence recommendation. The judge usually imposes sentences that are close to what the prosecutor advocates.

Regarding plea negotiations, the prosecutor's initial offer is made either before or at the preliminary hearing, and it usually involves a guilty plea in exchange for reduction of the felony to a misdemeanor if the offense is nonviolent and the accused is a first offender. Some attorneys extend open-ended offers; others do not. During preparation of the case after bindover, another plea offer is usually made informally, either by phone or during a chance meeting.

The substance of plea offers is left to the discretion of individual attorneys. Attorneys may bargain on charges and counts, the term of incarceration, probation, sentence suspension, and imposition of special conditions (restitution, attendance at drug abuse programs, etc.). However, trial team leaders do monitor the plea offers of younger, less experienced attorneys.

Although State law prohibits judges from becoming involved in the plea-bargaining process, some ask what the offer is.

Lansing, Michigan (Ingham County)



Demographic characteristics and crime rate

In 1980, 272,437 residents lived in the jurisdiction, a 4% increase over the 1970 figure.

Lansing, the jurisdiction's major city, had a 1980 population of 130,414 (14% black) and a crime rate of 6,291 per 100,000 population, the violent crime component being 448. Corresponding rates in 1980 for 112 cities of comparable size were 8,742 and 812, respectively.

Criminal justice setting

The Ingham County prosecuting attorney has jurisdiction over all State and county felonies, misdemeanors, juvenile delinquency petitions, family support cases, and ordinance violations (including traffic) arising within the county. However, city ordinance violations in the two largest cities of the county (Lansing and East Lansing) are prosecuted by city attorneys.

In 1981 Ingham County's 10 law enforcement agencies presented 5,290 felony and misdemeanor arrests for prosecution. Of these, Lansing police accounted for 60%.

The local district court, part of Michigan's lower court system, is responsible for the disposition of misdemeanors, traffic offenses, and certain civil matters. For felony cases, it also conducts initial arraignments, determines bail, assigns counsel for indigent defendants, and holds preliminary examinations.

The upper or felony court is the circuit court. It is responsible for felony cases after a finding of probable cause at the district court preliminary examination.

Nine judges staff the district court; seven, the circuit court. Both courts use an individual calendaring system, with each judge operating an individual court; each handles all types of criminal cases and civil matters. Circuit court judges devote about 50 to 60% of their time to criminal matters.

Prosecuting Attorney's Office: Size, organization, and procedures

Of the office's 54 employees, 26 are attorneys, including the prosecuting attorney, his chief assistant, and one investigator. The other 23 attorneys are assigned to four divisions: criminal (16), appellate (2), probate (i.e., juvenile) (3), and family support (2). Headed by a chief, the criminal division includes a priority prosecution unit, whose two attorneys handle career criminal cases only (circuit court). The division's 13 other attorneys are equally divided between district and circuit court assignments.

Felony cases are prosecuted horizontally from screening through preliminary examination in district court. After bindover to circuit court, they are prosecuted vertically by one of seven circuit court attorneys, each of whom is assigned to a judge for about 3 months. These attorneys, called docket attorneys, handle all criminal matters in that court, including setting the docket.

Screening and lower court arraignments and preliminary examinations are handled on a rotating basis.

Flow of felony cases: Arrest through sentencing

Frequently, the police officer who presents the case to the prosecutor for screening is a detective who did follow-up work on the street arrest made by a patrol officer. As noted on the accompanying exhibit of felony case flow, screening must occur before arraignment, the latter usually occurring within 24 hours of arrest.

Each week two assistants from the criminal division are assigned to screen all felonies and misdemeanors. They review information presented by the police (witnesses are rarely present or contacted at this point) to determine whether the evidence justifies filing the case (i.e., issuing a felony warrant) and, if so, whether to file it as a felony or misdemeanor. A substantial number (but less than a majority) of felony arrests are rejected, some are filed as misdemeanors or diverted, and the balance are filed as felonies.

At district court arraignment, the judge advises defendants of their right to counsel, makes a bail decision, and sets a date for the preliminary examination (unless waived), which by law, must be held within 12 days. In the interim, the judge appoints counsel for qualified defendants.

At a weekly case review session, the criminal division staff, prosecuting attorney, and chief assistant determine the plea offer to be made for each case scheduled for preliminary examination during the following week. At the district court preliminary hearing, a substantial fraction of filed felony cases are either disposed of as a plea to a misdemeanor (22%) or dismissed (15%). Usually, the preliminary examination is the first opportunity for anyone from the prosecutor's office to question witnesses directly; the results can significantly alter the office's assessment of the crime and related evidence. Cases not dismissed or pled at the preliminary hearing are bound over to the circuit court.

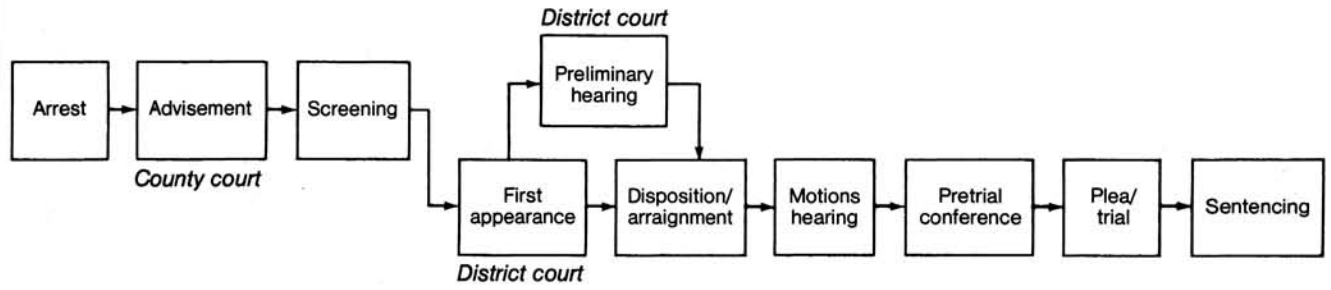
Among defendants bound over to the circuit court are many who waived the district court preliminary hearing because they decided to accept the prosecutor's felony plea offer, which must be taken in the circuit court. In such cases, the initial circuit court appearance is a plea hearing. For other bindovers, the first circuit court event is arraignment; most defendants waive their right to appear.

Unless the defense counsel decides to file motions, the next scheduled circuit court date is for trial, set 4 to 6 weeks after arraignment. Part of the office's strategy for encouraging settlements before trial is to maintain a credible threat that a large proportion of cases set for trial will be called as scheduled.

The office's plea policy varies by type of case. For murder, armed robbery, sex crimes, the most serious assaults, and residential burglary, reductions from the "provable" charge are not authorized. For other crimes, charge reductions may be authorized. Bottom-line plea offers are determined at the office's weekly case review sessions. Individual attorneys may take a tougher stance if they so choose; those who make a more lenient plea offer must provide a written explanation. Plea discussions do not usually concern the sentence, which is considered the domain of the judge. Only two of the six judges were described by attorneys as willing to engage in sentence discussions.

Littleton, Colorado (18th Judicial District)

Littleton — Case flow (felonies)



Demographic characteristics and crime rate

This four-county, predominantly white (91%) jurisdiction had a 1980 population of 330,287, an 81% increase over the 1970 figure. Arapahoe County is, by far, the largest of the four counties (population 293,621) and includes all the major cities of the jurisdiction.

The 1980 crime rate for municipalities accounting for about two-thirds of the jurisdiction's population was 8,389 per 100,000 population, the violent crime component being 726. Corresponding rates in 1980 for 112 cities of comparable size were 8,742 and 812, respectively.

Criminal justice setting

The district attorney for the 18th Judicial District of Colorado has jurisdiction over misdemeanors and felonies occurring in Arapahoe, Douglas, Elbert, and Lincoln Counties. Prosecution of traffic violations, juvenile matters, and nonsupport cases is also the office's responsibility.

Approximately 15 law enforcement agencies present cases to the office. The Aurora police department generates more than half the case load.

The county court (lower court of the two-tiered judicial system) handles traffic violations, civil matters under $5,000 misdemeanors, and preliminary felony proceedings (advisement). The court's five full-time and two part-time judges devote about 85% of their time to criminal matters.

The eight-judge upper or district court exercies jurisdiction over juvenile cases, felonies, and civil matters over $5,000. Five of the judges hear adult criminal cases. Judges control their own dockets.

Felonies are filed directly in the district court even though advisement is held in county court. In a recent year, an estimated 4,800 misdemeanors and felonies were filed.

District Attorney's Office: Size, organization, and procedures

Of the 112 persons employed by the office, 31 are attorneys, most of whom are assigned to either the county court or district court section of the criminal division. The nine deputies who cover the district court are more experienced.

Prosecution of felonies proceeds on a vertical basis, with the exception that advisement is handled by a county court deputy.

Flow of felony cases—arrest through sentencing

Referring to a bail/bond schedule, police may release arrestees prior to their county court appearance (advisement—see accompanying case flow chart). Those released are instructed to appear in county court within 1 week. Those not released usually appear in court the next working day.

At advisement, arrestees are informed of their rights and the nature of the police charges, bail is set, and a return date of 3 working days is set for district court.

Occurring after advisement and prior to first appearance in district court, screening is conducted by a former police officer, who is the complaint officer. Detectives from the various police agencies send the arresting officers' reports and any additional information to the complaint officer. Little prescreening is done by police. Filing decisions of the complaint officer are reviewed by a complaint deputy, who signs the papers. About 90% of felony arrests are filed in district court.

At the first appearance in district court, rights are read, as is the information (sometimes waived), and the defendant is asked if he or she needs an attorney. If the defendant is in custody, the judge is asked to hold an immediate, second bond hearing. A preliminary hearing date is also set at first appearance (held within 30 days for defendants in custody).

If a plea agreement has been reached prior to the preliminary hearing, the parties go to court on the hearing date, announce the agreement, and receive a date either for a disposition/arraignment (held 4 weeks later) or for sentencing. Lacking a plea agreement, the parties attend the preliminary hearing, where probable cause is determined and disposition/-arraignment is set.

On the disposition/arraignment date, which occurs about 1 month after the preliminary hearing, the judge schedules sentencing in 6 weeks for defendants who settled. For defendants who have not reached a plea agreement, the judge sets four dates: motions filing, motions hearing, pretrial conference, and trial.

During the motions hearing, testimony is taken, arguments made, and previously filed motions ruled on by the judge. At the pretrial conference, the judge determines whether discovery has been completed and whether everyone is ready for trial.

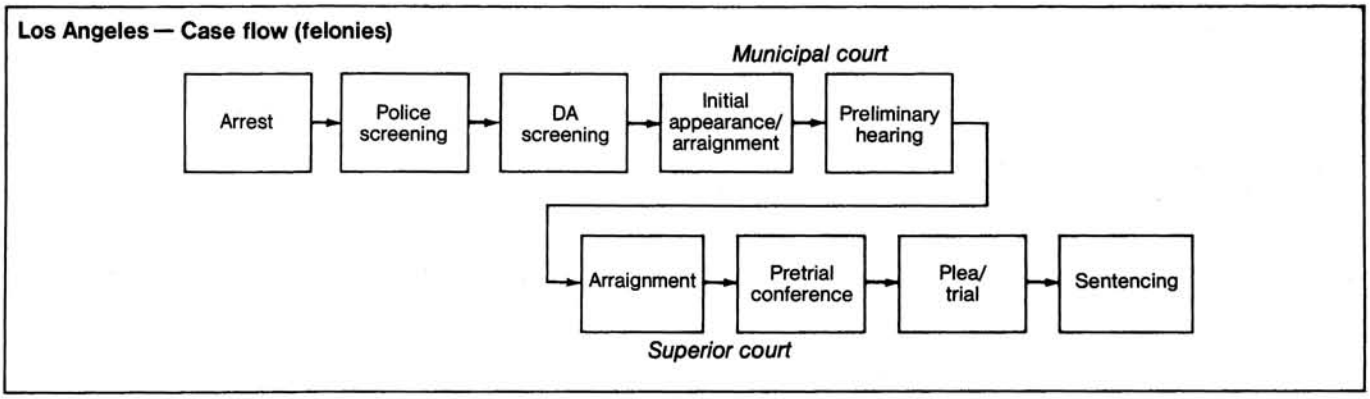
Six weeks following trial, guilty defendants are sentenced. Both prosecutor and defense counsel outline their respective sentencing positions. The judge takes their recommendations into account and is also guided by the presentence investigation report.

Plea negotiations are usually initiated by the prosecutor about a week before the preliminary hearing and are conducted informally. Judges are not directly involved. Bargaining may involve count and charge reductions, as well as sentence concessions. Usually, offers are good until the preliminary hearing, unless defendants waive their right to a preliminary hearing, in which case offers are open until arraignment.

Depending on what happens at the preliminary hearing, new offers may be made or old ones accepted. Similarly, a new round of negotiations may be initiated following rulings on motions.

Deputies do not require approval from a supervisor to settle a case, although junior attorneys often seek advice from their colleagues on how to handle the more complex cases.

Los Angeles, California (Los Angeles County)



Demographic characteristics and crime rate

In 1980, the population of Los Angeles County was 7,477,657, representing a 6.2% increase over the 1970 figure. The city of Los Angeles accounted for 40% of the total (2,966,438). Hispanics constituted about 28% of the county's population; blacks, 13%; whites, 40%.

The 1980 crime rate for the city of Los Angeles was 9,950 per 100,000 population, 1,742 being the rate for violent crime. This compares to an average crime rate in 1980 of 9,015 (1,704 being violent crimes) for five cities with 1 million or more residents.

Criminal justice setting

The district attorney for Los Angeles County has jurisdiction over all

felonies arising within the county and over those misdemeanors presented to the office from unincorporated areas of the county and from those cities that do not have city attorneys. Under contract, the office also prosecutes violations of local city ordinances for 58 communities.

Over 57 law enforcement agencies make a total of about 243,000 felony and misdemeanor arrests annually; about 100,000 are felonies. Not all felony arrests are presented to the district attorney. Some result in police releases and others are referred directly to city prosecutors for misdemeanor prosecution. The district attorney's office screens approximately 50,000 felony arrests a year. The Los Angeles police department and the Los Angeles County sheriff's department account for about 70% of the office's felony case load.

Los Angeles County has two separate court systems. The 166-judge municipal court (lower court) handles civil cases under $15,000, traffic offenses, misdemeanors, and preliminary felony proceedings (initial appearance/arraignment and the preliminary hearing). The municipal court's 24 judicial districts are independent of each other and of the upper court, the superior court of Los Angeles County.

Superior court handles civil cases in excess of $15,000, juvenile cases, family matters, and felony bindovers. Eleven superior court judicial districts use the services of 206 judges, 54 commissioners, and 18 referees.

District Attorney's Office: Size, organization, and procedures

The largest prosecutor's office in the nation, the Los Angeles County district attorney's office employs about 2,300, including some 550 attorneys who work in 23 separate offices around the county. By far the largest of the offices in the 4,000-square-mile county, the bureau of central operations has over 200 attorneys, most of whom are assigned to the complaints and trials divisions.

The complaints unit of central operations is staffed by approximately 12 deputies. The trials unit is composed of about 70 prosecutors, organized into three trial teams. Junior members of the teams handle lower court duties; the more senior members handle superior court prosecution of felony bindovers.

The bureau of branch and area operations is responsible for criminal prosecutions in the outlying parts of the county. Staffed by about 21 deputies, each of the eight branch offices handles all phases of felony prosecution, up to the appellate stage. In the 14 area offices, deputies conduct felony preliminaries and forward cases for trial to either a branch office or the main office.

Over 100 attorneys are assigned to the bureau of special operations, which is responsible for appellate, juvenile, major fraud, and other cases. Seven deputies are assigned to the career criminal unit.

Flow of felony cases—arrest through sentencing

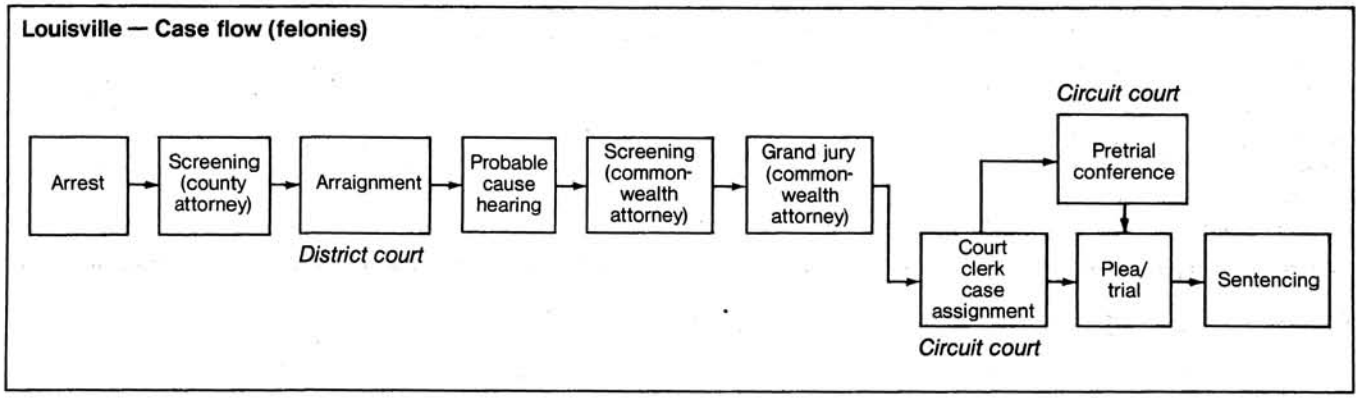
After making an arrest, police review the case and decide whether to present the arrest to the district attorney, refer the case to a city prosecutor for misdemeanor prosecution or terminate it. Slightly more than half of all felony arrests are presented to the district attorney. Some arrestees are released on bail at the station house. Those remaining in custody must appear in municipal court within 2 working days. (See accompanying felony case flow chart.)

Prior to the initial appearance in municipal court, the detective responsible for reviewing the case presents it to one of the complaint unit prosecutors, who reviews the case with the police officer. When making a filing decision, the deputy relies on clearly defined office policies, which are patterned after the uniform crime charging guidelines developed by the California District Attorneys' Association.

Within 24 hours of filing, the initial appearance/arraignment is held in municipal court. The defendant is arraigned on the prosecutor's charges, counsel is appointed, bail is set, and a preliminary hearing is scheduled. At the preliminary hearing—held 9 days after initial appearance—probable cause is established and a superior court arraignment date is set. During superior court arraignment, the defendant is given a copy of the information and a transcript of the preliminary hearing. Four to six weeks later the pretrial conference is held, at which the judge inquires whether the case can be settled. If so, a guilty plea is entered and sentencing occurs 4 weeks later. If a trial is required, it is held within 60 days of the superior court arraignment. Four weeks after a guilty verdict, sentence is imposed by the judge, who refers to a presentence report prepared by the probation department.

The office has a written case settlement policy, which serves as a guide for deputies during plea negotiations. As a general rule, a felony defendant must plead to the crime charged unless the evidence, as required by law, is insufficient for conviction. Generally, too, deputies are not to settle a case by making sentence representations or commitments except under certain specified circumstances. Only the most senior deputies are allowed the discretion to make sentence commitments.

Louisville, Kentucky (Jefferson County)



Demographic characteristics and crime rate

Jefferson County's 1980 population of 684,793 (16% black) reflected a decline of 2% over the decade.

Accounting for 298,313 of the jurisdiction's residents, Louisville experienced a 1980 crime rate of 6,713 per 100,000 population, with 934 being the violent crime component. Corresponding rates in 1980 for 112 cities of comparable size were 8,742 and 812, respectively.

Criminal justice setting

The commonwealth's attorney for Jefferson County is responsible for the prosecution of all adult felony arrests that occur in the county and have been bound over to the grand jury. All other criminal offenses—felony arrests up to bindover, felonies reduced to misdemeanors, misdemeanor arrests, traffic and juvenile cases—are handled by the county attorney.

Approximately 137,000 arrests are brought to the commonwealth's attorney annually. Fewer than 10% are felonies. About 2,000 felony cases a year are carried forward to the commonwealth's attorney's office for presentment to the grand jury. Over 90% of all felony arrests are made by Jefferson County police and the Louisville police department.

Jefferson County has a two-tiered court system. The district court (lower court) exercises jurisdiction over traffic, ordinance, petty, and misdemeanor offenses and conducts felony arraignments and preliminary hearings. Four of the district court's 23 judges are assigned to handle felony preliminaries.

The circuit court (upper court) adjudicates both civil and criminal (felony) matters. It is staffed by 16 judges, each permanently assigned to a specific courtroom, who maintain individual calendars. Up to one-third of the judges' time is devoted to felony cases.

Commonwealth's Attorney's Office: Size, organization, and procedures

The commonwealth's attorney's office employs 28 prosecuting attorneys. The office maintains two trial divisions, each staffed by seven prosecutors. Other attorneys are assigned to the career criminal bureau, economic crime unit, or the screening unit. The screening unit receives felony cases bound over from the district court and is responsible for grand jury presentment. After indictment, cases are prosecuted on a vertical basis.

Flow of felony cases—arrest through sentencing

A police officer or complaining civilian witness may bypass the district court by taking a case directly to the commonwealth's attorney's screening unit and requesting a grand jury presentment. (See accompanying chart of felony case flow.)

However, the vast majority of the felony case load presented for indictment is bound over from the district court. For these cases, screening by the commonwealth's attorney's office and arraignment occur by the next working day following arrest. At arraignment, defendants are informed of the charges and their rights, bail is set and is entered, and the probable cause hearing is scheduled.

For defendants remaining in custody, the probable cause hearing must be held within 10 days, otherwise within 20 days. Prior to the hearing, an attorney from the commonwealth's attorney's office reviews the arrest report and witness information and asks either the arresting officer or the most important witness to testify at the hearing, which also serves as discovery for the defense.

Of the felony arrests presented to the commonwealth's attorney, about 20% are bound over to the grand jury, at which point the commonwealth's attorney assumes responsibility. Each case bound over is assigned to an attorney in the office's screening unit. The attorney prepares a presentment memo and may recommend any of the following to the grand jury: dismiss the case, remand it to district court for misdemeanor prosecution, or indict on a felony charge, which may be from the bindover charge. Indictments result about 85% of the time.

An indicted case is randomly assigned by the circuit court clerk to one of the 16 judges and is turned over to a trial division chief, who appoints an attorney to handle the case from pretrial conference through trial and sentencing.

The first plea offer is usually made prior to the probable cause hearing in district court by the commonwealth's attorney (at least 50% of the defendants negotiate a plea of guilty to a misdemeanor charge). The next offer, if any, is made after indictment, usually at the circuit court pretrial conference or, if one is not held, whenever the opportunity presents itself.

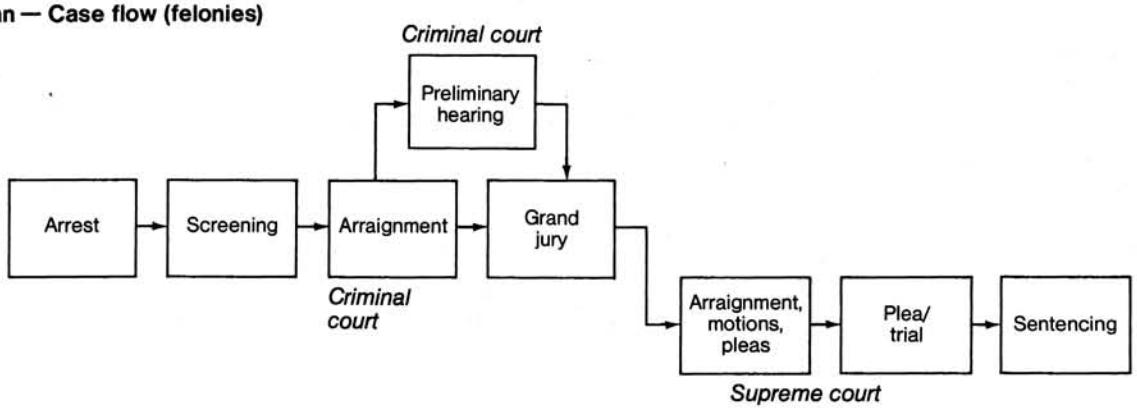
Offers do not change in severity as the trial date approaches. Attorneys are not permitted to change or bargain the charge, except in rare instances and then only with approval of supervisors. However, attorneys may use discretion by making plea offers involving the sentence. Offers may pertain to sentence duration or to sentence suspension.

In cases involving a jury conviction, the judge may suspend the sentence recommended by the jury or impose a shorter (but not a longer) one. The jury's recommendation will be taken into account by the prosecutor, whose recommendations the judge usually accepts.

Judge participation in plea negotiation varies. Some judges ask at the pretrial conference what the offer will be. Others want the offer to be made prior to the pretrial conference. Still others do not want to be involved at all. Judges rarely explicitly agree to the offer, yet some express disapproval if they believe an inappropriate offer has been made.

Manhattan, New York (New York County)

Manhattan — Case flow (felonies)



Demographic characteristics and crime rate

Declining 7% during the 1970's, Manhattan's 1980 population was 1,427,533. About 35% of its residents in 1980 were white; 24%, Hispanic; and 22%, black.

The city's crime rate in 1980 was 13,816 per 100,000 population, 2,992 being the violent crime component. Corresponding rates for five cities of comparable size were 9,015 and 1,704, respectively.

Criminal justice setting

The New York County district attorney's office prosecutes felony, misdemeanor, and violation arrests of persons over 16 that occur in the county, which is geographically identical to the borough of Manhattan. Though arrests are presented by a number of law enforcement agencies, such as the transit authority and housing police, the overwhelming majority of cases are generated by the New York City police department. In 1980, 75,000 criminal matters were brought to the district attorney.

New York's lower court, called the criminal court, is responsible for the disposition of violations and misdemeanors, as well as for felony arrests that the district attorney determines should be charged as misdemeanors. The criminal court also conducts initial arraignments and determines bail for all cases, including felonies; when necessary, it holds preliminary hearings for felony cases before they are sent to the grand jury.

The criminal court consists of 21 court parts (courtrooms): 4 arraignment parts, 6 calendar parts, 1 jury calendar part, and 10 jury trial parts. The number of sitting judges fluctuates but tends to approximate the number of available court parts.

The supreme court—New York's felony court—disposes of felony cases after a grand jury has returned an indictment on felony charges. Staffed by 39 sitting judges, the supreme court consists of 32 parts. Six supreme court calendar judges dispose of the bulk of the felony court cases. The calendar judges conduct arraignments, hear motions, take pleas, and determine sentences in guilty-plea cases. Only those cases for which trials are necessary are sent to the backup courts and trial judges for resolution.

District Attorney's Office: Size, organization, and procedures

The district attorney's office employed 450 support staff and 265 attorneys in 1980. Attorneys are assigned to one of three divisions: trial (most misdemeanor and felony arrests), investigation (major fraud and racket cases), and appeals. About two-thirds of the attorneys are assigned to the trial division, which includes six trial bureaus and three special units (career crime, sex offenses, and certain juvenile crimes). The majority of the office's case load is handled by the six trial bureaus. Each trial bureau handles both criminal court and supreme court cases.

The office prosecutes supreme court (felony) cases vertically, from complaint room screening to final disposition. Such cases remain the responsibility of the bureau and individual attorney who screened it and determined the filing charge. To facilitate this system of vertical prosecution, each of the six trial

bureaus is associated with one of six supreme court units, consisting of one calendar part and four or five backup jury parts.

Criminal court cases are prosecuted horizontally at arraignment and first calendar appearance. A case not settled at this point is assigned to an assistant district attorney, who prosecutes it on a vertical basis thereafter.

Flow of felony cases: Arrest through sentencing

After arrest, felony defendants are held at central booking while the arresting officers prepare the necessary paperwork and take the cases to the district attorney's complaint room for screening. (See accompanying felony case flow chart.) Prescreening by police is minimal. The goal of the office is to screen defendants and have them arraigned within 24 hours of arrest.

The police officers' felony complaints are quickly reviewed by the complaint room supervisor, who separates cases obviously not indictable from those requiring more careful screening by a senior supreme court assistant district attorney, who, in turn, decides whether cases should be presented to the grand jury, prosecuted in criminal court as misdemeanors, or investigated further before an indictment decision is made. Very few cases are rejected for prosecution at screening.

The first court appearance is criminal court arraignment, where bail is determined and counsel appointed for indigent defendants. Most felony cases skip a criminal court preliminary hearing and go directly to the grand jury. Under New York State law, cases may proceed directly to the grand jury if presented within 72 hours of arrest. The vast majority of cases presented to the grand jury are indicted. About 20% of all felony arrests screened by the office lead to an indictment.

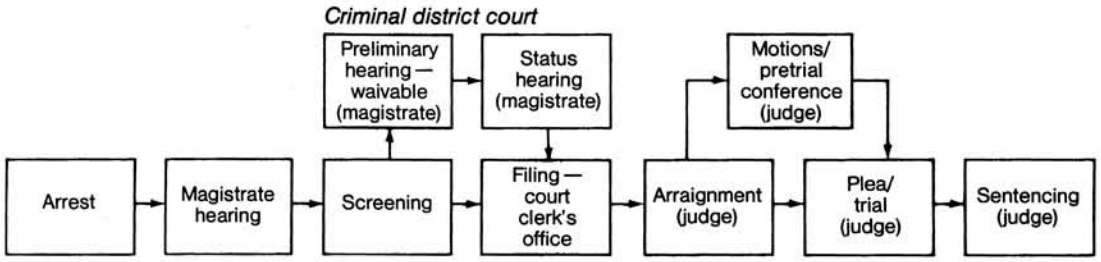
After indictment defendants are arraigned (approximately 2 weeks after grand jury presentation) "on the indictment" in supreme court before a calendar judge. This calendar judge keeps each case on his or her docket until the defendant pleads guilty, the case is dismissed, or the case is sent to a trial judge for trial.

Plea discussions often are initiated at arraignment, with the judge an active participant. Individual attorneys exercise considerable discretion in determining plea offers. Implicit office policy is to reduce the initial charge by one count unless certain aggravating circumstances are present.

In most cases, as a practical matter, the plea position of the office has little effect on the judge's sentencing discretion. Because judges routinely indicate the sentence they will impose if the defendant pleads guilty, the focus of the plea discussion is therefore on the sentence, and the most important participants are the judge and the defense attorney.

New Orleans, Louisiana (Orleans Parish)

New Orleans — Case flow (felonies)



Demographic characteristics and crime rate

Declining 6% during the 1970's, the jurisdiction's population was 557,482 (55% black) in 1980.

The 1980 crime rate was 9,601 per 100,000 population, 1,465 being the violent crime rate. Corresponding crime rates in 1980 for 17 cities of comparable size were 9,106 and 1,162, respectively.

Criminal justice setting

The district attorney for New Orleans has jurisdiction over all State felonies and misdemeanors occurring in Orleans Parish, an area geographically identical to the city of New Orleans. In addition, the office is responsible for handling juvenile and child-support cases.

In 1980, police (New Orleans police department) presented approximately 12,000 felonies and misdemeanors; the district attorney rejected slightly more than half. Police screening of adult felony arrests is minimal. However, police do exercise discretion by referring less serious misdemeanors to the city attorney, whose jurisdiction over misdemeanors overlaps that of the district attorney.

A unified court, the criminal district court, adjudicates all felony and misdemeanor cases under the district attorney's jurisdiction. Once filed

with the clerk's office, misdemeanors are randomly assigned to the court's 10 judges and 5 magistrates. Magistrates are empowered to take misdemeanor pleas and to hear misdemeanor nonjury trials. They also conduct initial bond hearings, preliminary hearings for felony cases (upon defendant's request), and status hearings.

Felony cases are randomly assigned to the 10 judges. Each presides in his or her courtroom, operates on an individual calendar basis, and schedules felony and misdemeanor cases according to individual preference.

District Attorney's Office: Size, organization, and procedures

About half of the 120 persons employed by the district attorney's office are attorneys. Most are assigned to either the magistrate, screening, or trial divisions. Together, these three divisions handle misdemeanor and felony cases on a horizontal basis. (The remaining attorneys work on juvenile, child-support, appeals, and economic-crime cases.)

The magistrate division, staffed by a chief and five of the most recently hired assistants, works with the magistrate's section of the court to dispose of misdemeanors and conduct felony preliminaries.

A chief and nine of the most senior assistants compose the screening division. These assistants not only determine which cases to accept but also play a key role in implementing the office's rigorous charging and no-plea-bargaining policies.

The trial division, with two co-chiefs supervising 20 to 22 assistants, is responsible for felony and misdemeanor cases assigned to the 10 criminal court judges. Two attorneys—one junior, the other more experienced—are assigned to each judge.

Flow of felony cases: Arrest through sentencing

After arrest the accused are transported to a central lockup and booked. Very little police screening occurs. Within hours, arrestees appear before a magistrate, who informs them of the arrest charges, advises them of their right to a lawyer and preliminary hearing, schedules preliminary and status hearings, and sets bond. (See accompanying exhibit of case flow.) After reviewing the accused's arrest and local rap sheets, an assistant from the office's magistrate division makes bond recommendations.

Preliminary hearings are held within a few days and status hearings in about 10 days (sooner for jailed defendants). Status hearings determine whether the district attorney has formally filed charges and are continuously rescheduled until filing occurs.

Shortly after arrest, the screening division receives a copy of the arrest report and rap sheets. When the written police report arrives, the case is assigned to an assistant. Five of the nine screening assistants receive cases on a rotating basis. All arrests occurring on a given day are assigned to one of the five—except for homicides, robberies, rapes, and narcotics cases, which are screened by four special assistants (one screens homicides; another, robberies; etc.).

For each assigned case, the screening assistant gathers and evaluates evidence—including locating and interviewing witnessess—and determines what charge the office could prove at trial. The screening division rejects more than 50% of the felony cases presented by police. Few felony arrests are filed as misdemeanors; they are either rejected or filed as felonies.

The average time from arrest to completion of screening and filing of charges is estimated at 15 days, although the office strives to file formal charges within 10 days. The Louisiana Criminal Code permits 60 days for filing felony cases if the accused is jailed, and longer if on release. The office files each felony case by submitting a "bill of information" to the court clerk's office, which assigns cases randomly among the 10 criminal court judges.

The charge is officially communicated to the defendant and defense attorney at arraignment. Trial assistants are permitted to discuss pleas only if such conversations are initiated by defense attorneys. Typically, a substantial percentage of defendants, but not a majority, plead at arraignment. If a defendant does not plead, the case either goes directly to trial or proceeds through the intermediate steps of motions and pretrial conference.

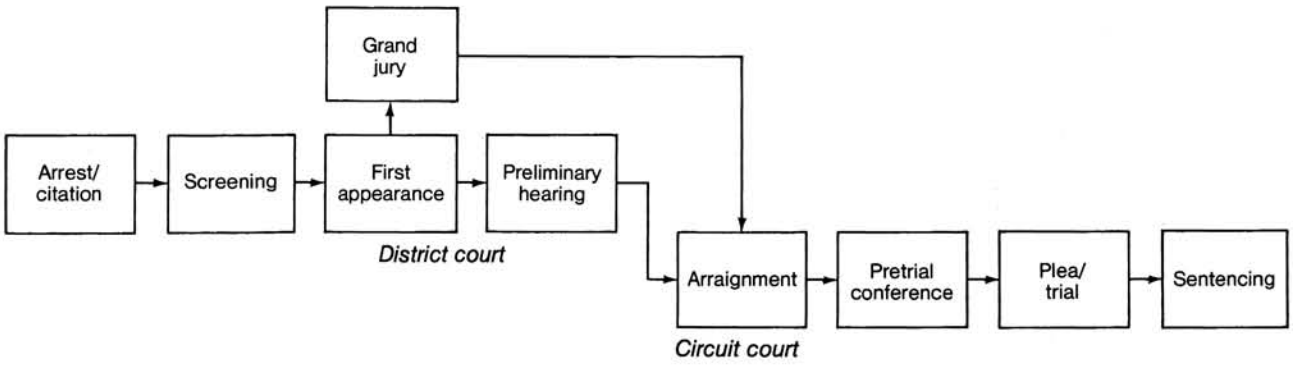
Trial assistants do not make sentence recommendations, but they orally inform the judge about facts pertinent to the sentencing decision and invoke legislative provisions calling for enhanced sentences for career criminals.

Noted earlier, the plea policy of the office is rigorous. The plea position for a given case is determined by the screening division. If defendants do not plead to charges as filed by the division, assistants must take the cases to trial. Charge reductions are permitted infrequently—only after an assistant prepares a memorandum stating the reasons for the proposed reduction and submits it to, and secures approval from, a trial division co-chief. A similar procedure governs assistants' discretion to dismiss cases. Adherence to the office's plea and dismissal policies is closely monitored.

Most judges participate in the plea process by at least indicating the sentence they will impose. But major differences exist among judges regarding sentence severity and the extent to which they will actively negotiate. As a result, judicial policies largely determine how soon defendants plead, how many go to trial, and what path cases follow after arraignment.

Portland, Oregon (Multnomah County)

Portland —Case flow (felonies)



Demographic characteristics and crime rate

Predominantly white (92%), the 1980 population of the jurisdicton was 562,640, reflecting a slight decline (less than 1%) during the prior decade.

Approximately 366,383 people resided in Portland in 1980, when the city's crime rate was 11,218 per 100,000 population, 1,362 being the violent crime component. Corresponding rates in 1980 for 34 cities of comparable size were 10,189 and 1,275.

Criminal justice setting

The district attorney of Multnomah County has jurisdiction over all traffic, misdemeanor, and felony offenses occurring within the county. Juvenile matters and child-support enforcement also are handled by the office.

About eight law enforcement agencies brought over 22,000 felony and misdemeanor arrests to the office in 1981. The Portland police department accounted for over 70% of the office's total case load.

Serving as the lower court of the county's two-tiered judicial system, the district court is a court of limited jurisdiction. It handles civil cases involving claims under $3,000 and criminal cases carrying maximum penalties of less than a year in jail and/or a $1,000 fine. The district court also conducts the initial appearance and preliminary hearing in felony cases. About 9 of the 14 judges handle criminal matters, one of whom is empowered to act as a circuit court judge to hold arraignments and to accept pleas in felony cases.

A trial court of general jurisdiction, the upper or circuit court handles the more serious felonies and civil matters. Of the 19 judges, one is the presiding judge and 13 are general trial judges who hear both civil and criminal cases. These judges handle calendar work on a 2-month rotating basis. If a case goes to trial, the presiding judge assigns a trial judge.

When a backlog of felony cases exists (500 or more pending cases), a "fast track" system is triggered, whereby two judges' calendars are reserved for criminal matters only. Average time from arrest to trial is reported as 60 days.

District Attorney's Office: Size, organization, and procedures

About 60 of the office's 140 employees are attorneys, most of whom are assigned to either the district court or circuit court section.

The 17 district court deputies are the most junior attorneys and are responsible for misdemeanor and traffic dockets as well as for felony initial appearances and preliminary hearings.

The 35 or so circuit court attorneys are organized into eight teams, five of which are trial teams and one a pretrial unit. Two other teams handle juvenile matters and child-support cases, respectively. Felony trial teams consist of one team leader and two-to-five deputies. Each team is responsible for the prosecution of particular crimes. The pretrial unit handles arraignments and motions.

Felonies are prosecuted vertically. Felony screening duties are shared by trial deputies and once a deputy issues a complaint, he or she is responsible for that case. Deputies either directly handle the case in court or issue written directions to attorneys who will represent the office at court proceedings, such as at lower court events.

Flow of felony cases—arrest through sentencing

Arrestees may be released at the station house by meeting bond requirements, which have been established by the local judiciary.

Screening occurs within a day or so of arrest. If police believe the case is a misdemeanor, the arresting officer presents it for screening to an attorney assigned to the intake unit of the police's district court section. If the case is not rejected, it may be accepted as a misdemeanor or upgraded to a felony. If the latter, the case is screened by a circuit court deputy.

When the arresting officer books an individual on felony charges, the paperwork is given to a detective, who presents the case to a deputy in the circuit court section of the district attorney's office for screening on the morning of the initial court appearance. In addition to determining the charge, the screening deputy makes the following decisions about accepted cases: bail amount, plea offer, and presentment to the

grand jury or determination of probable cause at a preliminary hearing.

Initial appearance in district court is scheduled within 36 hours of arrest (see accompanying felony case flow chart). However, for those low-level felonies for which police may issue citations in lieu of taking the person into custody, defendants are directed to appear in court in one or two weeks (screening occurs as noted above). At the initial appearance, the judge verifies the defendant's true name, advises the defendant of charges, appoints counsel, determines defendant's release status (bail, recognizance, etc.), oversees discovery, and schedules the preliminary hearing.

If the defendant remains in custody, the district court preliminary hearing occurs within 5 working days of the initial appearance, otherwise within 7 or 8 days. The preliminary hearing operates as a mini-trial. Many cases originally scheduled for the hearing are presented to the grand jury prior to the preliminary hearing date. If a true bill is returned, the case is dismissed in lower court and bound over to circuit court for arraignment.

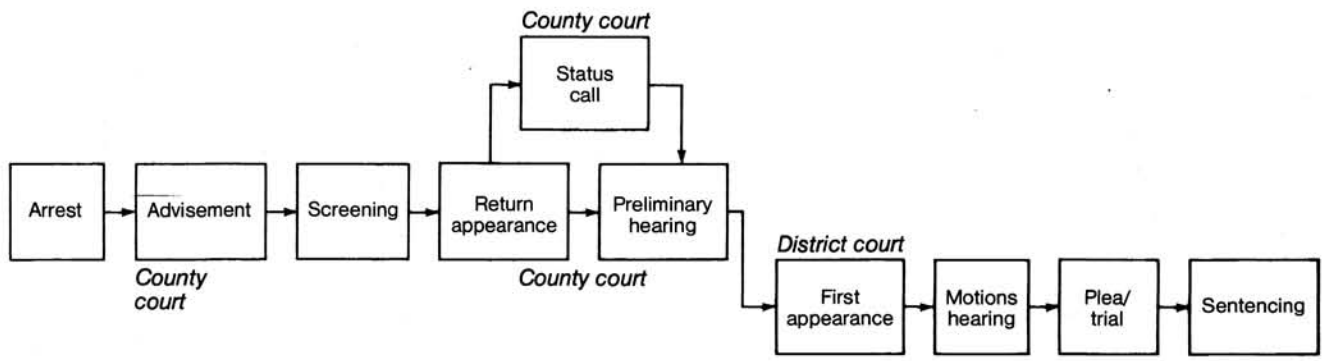
At arraignment, the indictment or information is read to the defendant, who enters a plea. A pretrial conference, scheduled about one month after the arraignment, is held to discuss plea offers. Judges do not participate. Trials are relatively infrequent. Sentencing is handled by the trial judge, who is guided by the presentence investigation report.

Generally, the deputy issuing the felony complaint makes an offer, which is given to defense counsel at first appearance and remains in effect through the preliminary hearing. Subsequent offers are not as favorable. Most cases settled by plea are settled at the circuit court level.

Plea negotiations may involve sentence recommendations and charge and count reduction. With the exception of certain cases for which charges cannot be reduced or for which charges may be reduced only with written permission, deputies settle cases as they see fit.

Pueblo, Colorado (10th Judicial District)

Pueblo — Case flow (felonies)



Demographic characteristics and crime rate

Hispanics constituted 33% of the jurisdiction's 1980 population of 125,975, which reflected a 6.5% increase over the 1970 figure.

The city of Pueblo accounted for 81% of the jurisdiction's residents in 1980. Pueblo's crime rate at that time was 7,678 per 100,000 population, the violent crime component being 787. Corresponding rates in 1980 for 112 cities of comparable size were 8,742 and 812, respectively.

Criminal justice setting

The district attorney for the 10th Judicial District of Colorado exercises jurisdiction over misdemeanor and felony offenses occurring in Pueblo County. Juvenile, family-support, and traffic cases are also the responsibility of the office.

About six law enforcement agencies present close to 5,000 felony and misdemeanor arrests to the district attorney annually. Approximately 90% of the office's case load is generated by the Pueblo police department.

The lower court of the two-tiered judicial system is the county court, which handles traffic violations, civil matters under $5,000, misdemeanors, and all initial felony proceedings (advisement, return appearance, preliminary hearing). The court's three judges spend about 75% of their time on criminal cases.

Staffed by six judges, the upper or district court hears felony, juvenile, and civil cases ($5,000 and over). Four of the six judges allocate about 60% of their time to felonies. Judges maintain complete control over the docket. (Cases may be filed directly in district court if the office wants to expedite prosecution, such as for murders and heinous crimes.)

District Attorney's Office: Size, organization, and procedures

Of the 40 persons employed by the office, 14 are attorneys and 5 are investigators. The attorneys are assigned to three sections: district court, county court, or juvenile. Four attorneys are assigned to each court section; one to juvenile. The more experienced deputies work in district court.

District court deputies screen felonies. Except for the first two county court appearances, all proceedings for a felony are handled by the district court deputy who screened the case; prosecution is essentially vertical.

Flow of felony cases—arrest through sentencing

Referring to a bail/bond schedule, police may release arrestees prior to initial court appearance, which is advisement in county court (see accompanying case flow chart). For low-level felonies, an officer may issue a citation or field summons directing a person to appear in county court; in those instances, the filing decision rests with the police officer.

At advisement, which is held either the day of or day after arrest, arrestees are read their rights, notified of the nature of police charges, and have their release status reviewed. The judge sets two dates: return appearance (filing of charges) in 72 hours and status call in 10 days.

Between advisement and the return appearance, police (who do little screening) present cases to the deputies, usually within a day of the arrest. Felony deputies screen cases by reviewing written material submitted by police. Police are interviewed only occasionally.

At return appearance, charges are filed, the defendant is advised to retain an attorney, if he or she has not yet secured one, and either a preliminary hearing is set (if the defendant has an attorney who has requested it) or a status call is scheduled (if the defendant has not yet obtained representation).

When a status call is required, the judge asks if counsel has been retained. If the defendant has secured an attorney, a preliminary hearing is scheduled on request. The defendant is entitled to such a hearing within 30 days of the request. If the defendant has not yet retained counsel, the judge advises him to do so and continues the case.

By the preliminary hearing, over half the cases will have been settled. Those who have worked out felony pleas so inform the judge conducting the preliminary hearing and waive their right to the hearing. The judge binds the case over to district court for the plea.

Preliminary hearings are mini-trials at which probable cause is established and the first appearance in district court is scheduled (within 1 to 2 weeks). At the first appearance, the information and defendant's rights are read (unless waived), and further proceedings are set. (Cases for which pleas were arranged prior to the preliminary hearing are now set for disposition within 2 to 3 weeks.)

About 4 weeks after first appearance, a motions hearing is conducted; at this time the judge rules on previously filed motions, takes the defendant's plea, and sets the case for trial within 3 to 6 months.

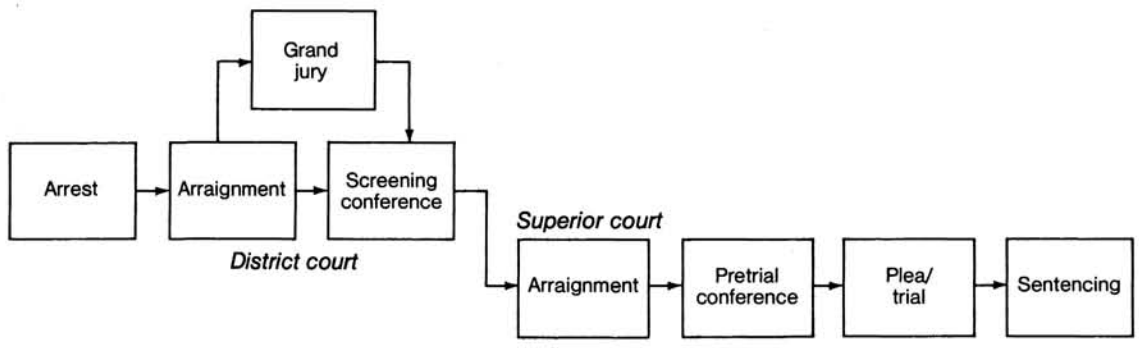
Unless a plea agreement has been reached subsequent to the motions hearing, the trial occurs and lasts approximately 3 days. At sentencing, the judge has the benefit of a presentence report. Deputies may or may not make a sentence recommendation and do not normally bring victims to the hearing.

Regarding plea negotiations, the first offer is usually made within 10 days of the preliminary hearing and may involve anything from charge and count reduction to sentence concessions. If the judge rules in the state's favor at the motions hearing, the prosecutor may stiffen his offer; if the ruling is against the state, he may make a more lenient offer.

Deputies are encouraged to avoid taking misdemeanor pleas after bindover and to conclude negotiations at least 20 days prior to trial. Judges are not directly involved in the plea negotiation process but do exert influence by indicating what types of plea offers they will accept.

Rhode Island

Rhode Island — Case flow (felonies)



Demographic characteristics and crime rate

Predominantly white (89%), Rhode Island's 1980 population was 947,154, a slight decrease (less than 1%) from the 1970 total.

Accounting for 156,519 of the jurisdiction's 1980 population, Providence experienced a crime rate of 9,119 per 100,000 residents, 922 being the violent crime component. Corresponding rates in 1980 for 112 cities of comparable size were 8,742 and 812, respectively.

Criminal justice setting

The attorney general of Rhode Island is responsible for prosecuting all adult felony offenses occurring within the State. Juveniles committing violent felony offenses are prosecuted in family court by a special unit of the office. Misdemeanors, with the exception of those brought by a State or Federal agency and those attached to a felony offense, are prosecuted by the county solicitor, as are ordinance violations.

Forty-one law enforcement agencies present between 6,500 and 7,500 felony arrests for prosecution annually. About 50 to 60% are brought by the Providence police department.

The lower court of Rhode Island's two-tiered court structure is the district court. It is responsible for the initial arraignment and screening hearing in felony cases and for the adjudication of misdemeanor offenses.

The 20-judge upper court, called the superior court, conducts the second arraignment and subsequent court events for felonies. Approximately half the judges hear criminal cases, at least on a part-time basis; the balance handle civil case loads. A master calendaring system is used. Trials are by jury only.

Attorney General's Office: Size, organization, and procedures

Most of the office's 25 criminal prosecutors are located in Providence. The intake and grand jury unit is staffed by three attorneys in Providence and a few attorneys in "out county" offices. The trial unit is staffed by 12 prosecutors (2 are primarily investigators), and the juvenile unit by 4. The major violators unit prosecutes cases involving organized crime and on-going criminal enterprises. Prosecution proceeds on a horizontal basis.

Flow of felony cases—arrest through sentencing

Within 48 hours of arrest, arraignment occurs in district court (see accompanying felony case flow chart). Bail is set, a screening hearing is scheduled (usually 10 to 15 days later), and if necessary court-appointed counsel is granted the defendant until arraignment on the information (superior court), when claims of indigency are investigated. The district court arraignment is on police charges because the office has not yet screened the case and filed formal charges.

During the period between arraignment and the screening hearing or conference, police prepare a screening package for the prosecutor (e.g., witness statements, arresting officer's narrative, investigative reports, and test results). Present at the screening conference are an intake unit prosecutor (who presides), defense attorney or public defender, and a detective from the police department presenting the arrest. Frequently, the defendant is encouraged to attend. The prosecutor may choose to accept police charges without changes, reject the charges and substitute new ones, remand the case to district court for misdemeanor prosecution, remand the case to the police for further investigation, or dismiss the case altogether. The only cases not scheduled for a screening conference are those that go to the grand jury. The grand jury must be used in capital cases.

If the prosecutor elects to charge the case as a felony and a bill of information is filed in the superior court, a date is set for the appearance of the defendant at the arraignment on the information, which usually occurs about 4 weeks after screening for defendants in custody, and 6 weeks for those on release.

A substantial fraction of felony arrests are bound over to superior court for arraignment on the information, where the defendant is advised of the charges, bail requirements are reviewed, and a pretrial conference is scheduled (in about 4 weeks).

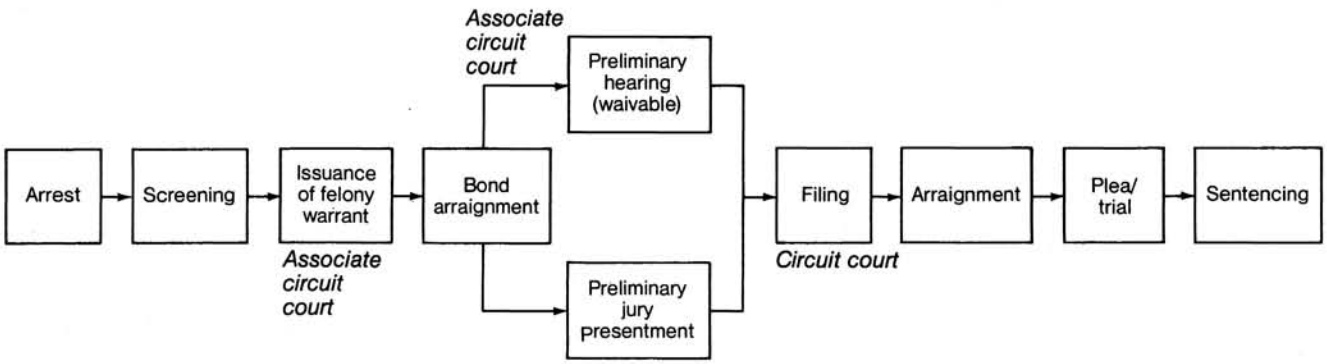
At the pretrial conference, the vast majority of cases are disposed of by plea negotiations. Cases in which defendants refuse plea offers are scheduled for trial. For defendants convicted at trial, the prosecutor almost always makes a sentence recommendation based on the sentencing guidelines adopted by the State's supreme court.

Prosecutors may make a plea offer at the screening conference if the case is routine. Generally, however, plea offers occur at the pretrial conference, which may be continued several times before the case is disposed of or set for trial. Defendants will not receive more advantageous offers than those advanced by the prosecutor at the pretrial conference. However, this offer is not given with a definite expiration date.

The plea agreement is reached among the prosecutor, judge, and defense counsel in chambers. It is fully understood to be binding on all parties. Characterized by sentence bargaining, the plea negotiation process is constrained by the State supreme court's sentencing guidelines, which limit the latitude of prosecutor and judge in most instances.

St. Louis, Missouri

St. Louis — Case flow (felonies)



Demographic characteristics and crime rate

About 46% black, the St. Louis population in 1980 was 453,085, reflecting a 27% decline over the previous decade.

The city's 1980 crime rate was 14,331 per 100,000 population, 2,435 being the violent crime component. Corresponding rates in 1980 for 34 cities of comparable size were 10,189 and 1,275, respectively.

Criminal justice setting

The St. Louis circuit attorney prosecutes State traffic, misdemeanor, and felony arrests of persons 17 and over occurring in the city of St. Louis. The office is also responsible for child-support cases.

Annually, the circuit attorney screens between 20,000 and 25,000 felony and misdemeanor arrests, all presented by the St. Louis police department. Police refer city ordinance offenses, which include minor misdemeanors, to the St. Louis city counselor, who prosecutes them in the local city court.

The St. Louis circuit court, a unified court, exercises jurisdiction over civil matters and adjudicates misdemeanors and felonies brought by the circuit attorney. The court is divided into two sections—associate circuit court and circuit court.

Three of the associate circuit court's seven judges handle criminal matters. They issue warrants (discussed later) and conduct initial bond arraignments for all cases; handle misdemeanor pleas and trials (bench and jury); and, for felonies, hold preliminary hearings.

Of the circuit court section's 22 judges, 9 are assigned to handle felony cases after bindover (probable cause having been found at a preliminary hearing) or after an indictment by a grand jury. One judge handles the less serious felonies, as designated by the circuit attorney. Most of these less serious cases end in a plea. The more serious felony cases are handled by a circuit court assignment judge until the defense and prosecution indicate they are ready to settle or go to trial. Cases are then randomly assigned (on a space-available basis) to other judges, who take pleas and conduct trials.

Circuit Attorney's Office: Size, organization, and procedures (1980)

Of the office's 120 employees, 45 are attorneys. Five of the 45 handle child-support cases; the remainder (including 5 part-time attorneys) are responsible for the misdemeanor and felony case load. The office deals with felony cases on a vertical basis: senior attorneys screen felony cases on a rotating basis and are responsible for all cases they screen after bindover or indictment. (Less experienced attorneys screen misdemeanors.)

In the circuit court, 2 attorneys prosecute the less serious felonies, and 20 of the most experienced attorneys prosecute the more serious ones. Felony proceedings (bond arraignments, preliminary hearings, grand jury presentments) in the associate circuit court section are conducted by three attorneys, on a horizontal basis. Two other associate circuit court attorneys handle misdemeanors.

Staff holding administrative positions include the circuit attorney, first assistant, chief trial counsel, and the chief warrant (screening) officer.

Flow of felony cases: Arrest through sentencing (pre-1982)

Within 20 hours, arrests must be presented by police to the circuit attorney's warrant office, screened, and charges filed. (See accompanying exhibit of felony case flow.) If the arrest is approved by the office, the associate circuit court issues a warrant. Only at this point is the arrest official. The attorneys who screen felonies for which warrants are subsequently issued are usually assigned those cases for circuit court prosecution on bindover or indictment.

At screening, attorneys read the police report and interview the arresting officer. Also interviewed are the victims and witnesses, who are required to be present during screening of felony cases so that the extent of their cooperation can be determined.

A large number of felony cases are rejected; most of the remainder are filed as felonies, very few as misdemeanors. After an associate circuit court judge signs felony warrants for cases accepted by screening attorneys, the latter decide whether to schedule them for preliminary hearing or to present them to the grand jury.

The first court appearance is a bond arraignment held a day or two after arrest for jailed defendants and in 10 days to 2 weeks for those on release. At bond arraignment, the defendant is informed of the charges, arrangements for counsel are made, and a date (2 to 6 weeks hence) for the preliminary hearing or grand jury presentment is set.

Cases bound over at the preliminary hearing or indicted by the grand jury are subsequently filed (within 1 or 2 days) with the circuit court section, which holds an initial felony arraignment. At this point discovery occurs and a trial date is set.

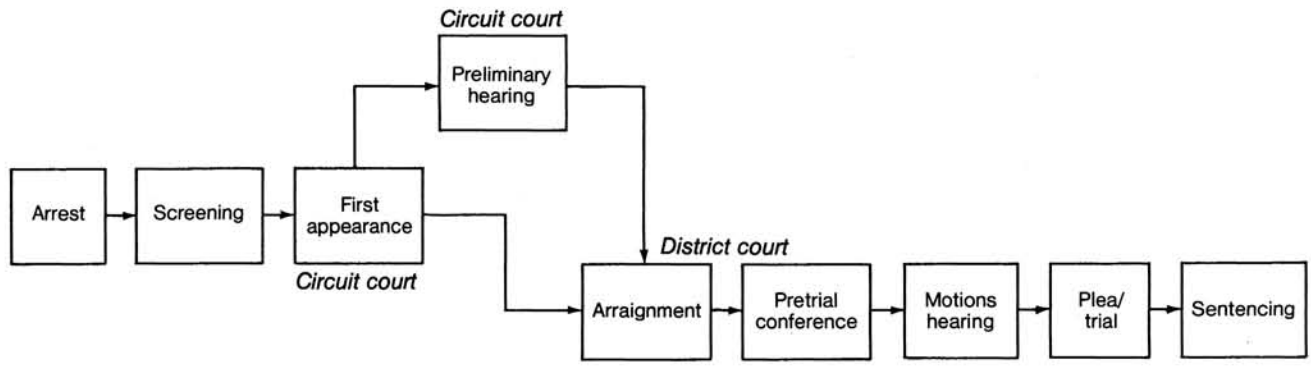
After bindover but prior to arraignment, the office's chief trial assistant determines whether cases should be tried in the court division handling less serious felonies or the division adjudicating the more serious cases. The assignment judge generally approves this decision of the chief trial assistant, who proceeds to assign cases to individual attorneys. Also prior to arraignment, civilian and police witnesses are contacted by the office, informed when and where to appear, and rated according to their availability and willingness to cooperate.

Office plea policy is such that defendants are generally required to plead to the top charge, unless new information is revealed by the defense attorney. The most important aspect of the plea offer concerns the sentence recommendation the attorney makes to the judge. These recommendations are tightly controlled and must be approved by the first assistant, the chief trial assistant, or the chief trial counsel before they are communicated to the defense. Deviation from the original sentence recommendation also must be approved.

Attorneys always recommend incarceration; the "offer" relates to the term of incarceration. By law, judges are not to engage in sentence or charge bargaining. However, if defendants receive more severe sentences than those recommended by the office, they may withdraw their pleas.

Salt Lake City, Utah (Salt Lake County)

Salt Lake City — Case flow (felonies)



Demographic characteristics and crime rate

Predominantly white (69%), the 1980 population of Salt Lake County was 619,066, a 35% increase over the 1970 figure. About 26% of the jurisdiction's total, Salt Lake City's 1980 population was 163,033.

The 1980 crime rate for Salt Lake City was 11,709 per 100,000 population, 694 reported as violent crimes. This compares to an average crime rate in 1980 of 8,742 (812 being the violent crime component) for 112 cities of comparable size.

Criminal justice setting

The county attorney for Salt Lake County functions as the State's attorney and is responsible for prosecuting all violations of the State criminal code occurring in the county. The county attorney is also responsible for certain civil matters.

Approximately nine law enforcement agencies bring arrests to the office. About 7,000 to 10,000 felonies and misdemeanors are presented annually. The Salt Lake city police department and the Salt Lake County sheriff's office bring the large majority of the office's cases.

The lower court of the two-tiered judicial system, the circuit court, handles misdemeanors, infractions, civil matters under $5,000, and initial felony proceedings (first appearance and preliminary hearing). Each of the circuit court's nine judges hear both civil and criminal matters.

The upper or district court has jurisdiction over felony bindovers, civil cases over $5,000, and domestic and juvenile matters. Fourteen judges, three of whom hear criminal cases, preside in the 3rd Judicial District, which includes Salt Lake and two other counties.

County Attorney's Office: Size, organization, and procedures

Of the 124 employed by the office, 57 are attorneys who are assigned to the civil, recovery, and justice divisions.

Four teams, each with four attorneys, staff the civil division.

Employing nine attorneys, the recovery division provides legal counsel and litigation services to units of county government and is divided

into three sections—family support enforcement, fines, and civil collections.

The justice (criminal) division is organized into six units. The felony unit is composed of five trial teams, each with three or four deputies. These teams handle cases involving child abuse, arson and major fraud, general felony crimes and traffic violations, major offenders, and drugs. Two or three prosecutors from the trial teams are assigned to screening on a daily basis. Prosecution proceeds on a horizontal basis.

Flow of felony cases—arrest through sentencing

After arrest, police may release the accused on bond. An investigating officer or detective from the arresting agency presents the case to a screening deputy, who reviews the police materials. The deputy may ask for more information, reject the case, or issue a complaint. Charges must be filed within 72 hours of arrest.

A day or two after charges are filed, first appearance is held in circuit court (see accompanying case flow chart). Charges are read, counsel is assigned, bail is established, and a preliminary hearing is scheduled (within 10 days for defendants in custody; 30 days, if on release).

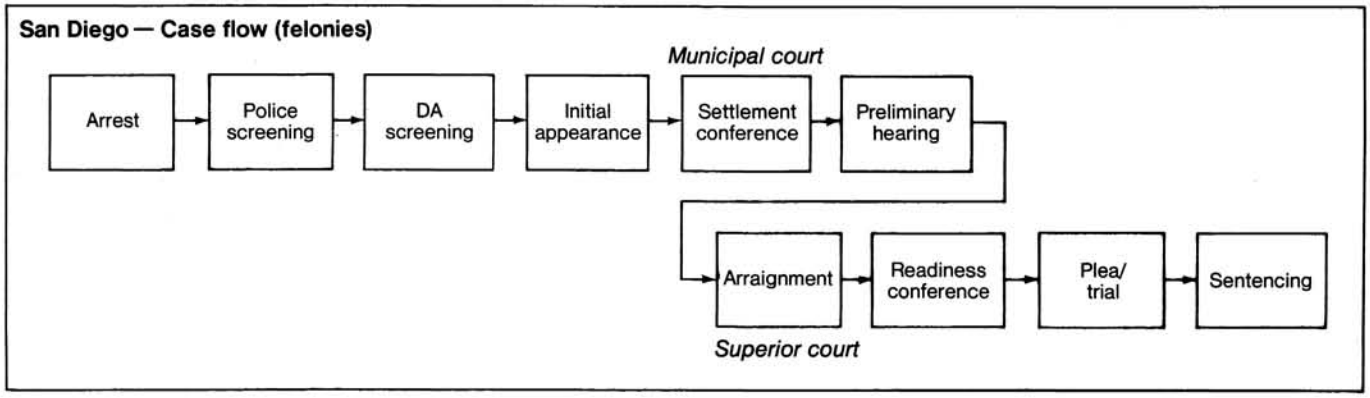
If both parties agree that the case will be settled by a plea, the defendant waives his right to the preliminary hearing and a district court arraignment is scheduled. Of those cases for which a preliminary hearing (probable cause) is held, most are bound over for arraignment, which occurs a week later.

At district court arraignment, charges are read and a plea is entered. If the defendant pleads guilty, the judge orders a presentence investigation and continues the case 1 month for sentencing. If the defendant enters a plea of not guilty, a pretrial conference is scheduled within 3 weeks in an attempt to settle the case prior to trial. If the case is not settled, the judge sets three dates at the pretrial conference: motions filing and hearing deadlines and a trial date. At sentencing, the prosecutor usually makes a statement or recommendation.

Pleas to reduced charges in serious cases may be offered only under specified circumstances and only with the approval of a team leader or assistant division chief. In other cases, deputies may, among other options, dismiss multiple counts in favor of a plea to the top charge or dismiss pending cases in favor of a plea to the top charge in the current case. Prosecutors are told never to agree to remain silent at sentencing.

Written plea offers are made shortly after the preliminary hearing or are communicated to defense counsel at arraignment. Plea negotiation centers on charge reductions; offers are open until trial. Judges may schedule a hearing to review proposed offers and to indicate their opinion of them. However, judges are unwilling to commit themselves on the issue of prison time.

San Diego, California (San Diego County)



Demographic characteristics and crime rate

San Diego County, with a 1980 population of 1,861,846, is predominantly white (67%) but has a large Hispanic community (15%). Between 1970 and 1980, the county's population increased by about 37%.

The city of San Diego (875,133 residents) accounted for 47% of the jurisdiction's 1980 population. That year the city's crime rate was 8,058 per 100,000 population, the violent crime component being 607. The corresponding rates for 17 cities of comparable size averaged 9,106 and 1,162, respectively.

Criminal justice setting

The district attorney for San Diego County has jurisdiction over all felonies occurring within the county and over misdemeanors and traffic offenses presented to the office from the unincorporated areas of the county.

Over 37 law enforcement agencies make close to 80,000 felony and misdemeanor arrests annually. These agencies are authorized to release felony and misdemeanor arrestees, thereby terminating the cases. Cases not terminated by the police are presented to the district attorney's office for screening. The San Diego police department accounts for more of the office's case load than does any other agency.

The county has two separate court systems. As the lower court, the municipal court handles civil cases (under $15,000), traffic offenses,

misdemeanors, and preliminary felony proceedings (initial appearance and preliminary hearing). On an experimental basis, the lower court judges also are empowered to take felony pleas and impose sentences in such cases.

Four municipal court judicial districts are within the county. Each is independent of the other and of the upper court, which is the superior court of San Diego County.

The superior court (upper court) handles felony cases bound over by municipal court preliminary hearings. In addition to bindovers, the upper court hears civil matters over $15,000.

District Attorney's Office: Size, organization, and procedures

Most of the office's 135 attorneys (all career prosecutors) are assigned to the various sections of the criminal division. Deputies working in the municipal court section handle the misdemeanor and traffic dockets as well as felony arraignments and preliminary hearings. These prosecutors are closely supervised and their discretion severely limited.

The superior court deputies, organized into 5-member teams, dispose of the bindovers. Like their lower court counterparts, their discretion is circumscribed: a panel of senior attorneys reviews each bindover and suggests a disposition before the superior court division chief assigns a case to a deputy. Major deviations from the panel's decisions must be authorized.

Other office assignments include 2 attorneys in intake, 11 in juvenile, 7 in appeals, 6 in the major violators' unit, and 8 in the fraud unit.

Except for homicides, sexual assaults, and career criminal cases, prosecution is conducted on a horizontal basis.

Flow of felony cases—arrest through sentencing

After arrests, police screen the cases and release about 20% of the arrestees. Those not screened out may post bond at the station house. If so, such arrestees are told to appear in municipal court in 5 to 10 days (see accompanying felony case flow chart). Arrestees in custody must be brought before a magistrate within three working days.

Prior to the initial appearance in municipal court, one of two experienced deputies reviews the case, primarily on the basis of written materials submitted by a detective. (However, homicide, sexual assault, and career criminal cases are immediately assigned to a superior court deputy for vertical prosecution.) Whether the intake deputies accept or reject cases, their decisions are reviewed by the chief deputy of the complaint unit.

At first appearance in municipal court, the defendant is notified of the prosecutor's charges, is advised of his or her rights, is appointed counsel if necessary, and is asked for a plea (always not guilty). In addition, the judge reviews the defendant's release status and sets two dates, one for a settlement conference (if requested by the defense) and the other for the preliminary hearing.

About one-half of defendants opt for a settlement conference. At the conference, the judge wants to know if a plea agreement has been reached. If so, the case is continued for sentencing. If not, the judge reminds the parties of the preliminary hearing date.

In each case for which probable cause was found at the preliminary hearing, a worksheet is prepared, which is reviewed by a panel of senior deputies, who indicate acceptable dispositions.

In superior court, the defendant is arraigned on the information. The judge sets a readiness conference date (2 weeks before trial date) and a trial date (within 60 days of the filing of the information).

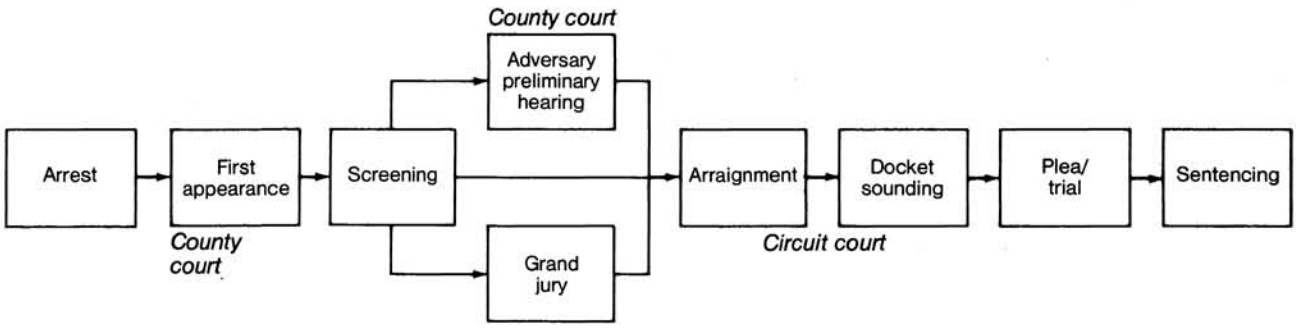
At the readiness conference, the judge inquires whether a plea agreement has been reached. If not, the case is sent to the presiding judge for assignment to a trial judge. Sentencing is scheduled approximately 1 month after trial.

Plea negotiations commence prior to the settlement conference. Offers issued by the prosecutor must be approved by a supervisor. The office has a fairly tough plea policy, including several review procedures. The office discourages sentence concessions, and deputies are held accountable for their plea decisions.

The judge may become involved in the negotiation process during the settlement conference by informing the attorneys of his view. Once the readiness conference has been concluded, plea negotiations are supposed to cease.

Tallahassee, Florida (2nd Judicial Circuit)

Tallahassee — Case flow (felonies)



Demographic characteristics and crime rate

This six-county jurisdiction had a 1980 population of about 202,000. Approximately 83,725 residents (74% white, 24% black) lived in Tallahassee at that time, a 15% increase over the 1970 figure.

Tallahassee's crime rate was 11,970 per 100,000 population in 1980, the violent crime component being 1,149. The corresponding rates for 280 cities of comparable size averaged 7,137 and 602, respectively.

Criminal justice setting

The state's attorney for the 2nd Judicial District has jurisdiction over misdemeanors arising in the district, which includes the counties of Leon, Jefferson, Gadsen, Liberty, Franklin, and Wakulla. Jurisdiction also extends to child-support cases, URESA hearings (involuntary hospitalization for alcohol, drug, or mental-health-related conditions), juvenile matters, and probation violations.

In 1980, 28 law enforcement agencies presented an estimated 11,000 felony and misdemeanor arrests to the office. About 70% of the office's case load is from Leon County, the Tallahassee police department and Leon County department being the major law enforcement agencies.

The eight-judge county court (lower court) has jurisdiction over misdemeanors, felony first appearances, and felony adversary preliminary hearings.

Serving as the upper court, the circuit court has jurisdiction over felonies, among other matters. Three criminal division judges hear all felony cases in the 2nd Circuit, one on a full-time basis and two handling civil cases as well.

State's Attorney's Office: Size, organization, and procedures

The office employs approximately 25 attorneys. In Leon County, 10 assistants handle felonies; 4, misdemeanors; 2, traffic violations; 1, juvenile matters; and 1, worthless check cases. Assistants in the outlying counties prosecute all cases arising in their respective counties. The office also employs six investigators.

All cases are screened by the first assistant. After arraignment on the information (circuit court), a given case is prosecuted by one attorney until disposition.

Flow of felony cases—arrest through sentencing

After arrest, the officer completes a state's attorney information worksheet (SAIW), a primary document used by the office. A law enforcement screening officer assigns the charges. The SAIW is taken to county court, where a complaint and probable cause are filed.

First appearance in county court occurs within 24 hours of arrest unless the defendant has already posted bond. At first appearance, the judge reads the complaint to the defendant, advises him of his rights, appoints an attorney if necessary, sets bail, and routinely finds probable cause.

After first appearance, the first assistant screens the case. He notes the probable-cause affidavit, the SAIW, complaint, offense report, and he may have the defendant's rap sheet. If the case is a capital offense, potentially controversial, or weak, the first assistant may present it to a grand jury.

Following screening, an information is filed in circuit court, where the defendant's first appearance is arraignment on the information, approximately 2 weeks after first appearance in county court. If an information is not filed within 21 days, the defendant is entitled to an adversary preliminary hearing (county court) and may call witnesses and obtain discovery. Such hearings are rare.

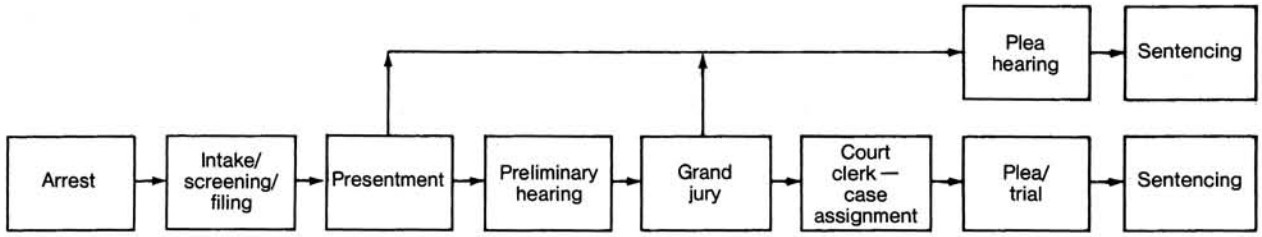
Approximately 90 to 95% of felony arrests are brought to circuit court for arraignment, which is the first appearance for defendants who were released on bond prior to the probable cause hearing in county court. At arraignment, the information is read and a trial date set. For those defendants making their first court appearance, their rights are read and a public defender is appointed, as appropriate.

The trial date is usually set 6 to 8 weeks after arraignment. Florida's speedy trial rule requires that felonies be disposed of within 180 days from the date of arrest. Prior to trial, "docket sounding" occurs. The prosecutor and public defender alert the judge to what is likely to happen in the case. At this point, the judge can push the attorneys to dispose of the case by not granting continuances or encouraging them to negotiate a plea.

The office encourages prosecutors to obtain pleas to the lead charge, but the primary focus of plea negotiations is on the terms of the sentence or agreement by the State to remain silent at sentencing. If a plea agreement is reached, sentencing usually occurs about 6 weeks after the plea is taken.

Washington, D.C.

Washington, D.C. — Case flow (felonies)



Demographic characteristics and crime rate

In 1980, Washington's population was 637,651 (70% black), 16% under the 1970 total.

The 1980 crime rate was 10,026 per 100,000 population, 2,011 being the violent crime component. Corresponding rates in 1980 for 17 cities of comparable size were 9,106 and 1,162, respectively.

Criminal justice setting

The superior court division of the United States Attorney's Office (USAO) for the District of Columbia has jurisdiction over non-Federal misdemeanors and felonies committed in Washington, D.C. Traffic and petty offenses, ordinance violations, and juvenile cases are handled by the District's corporation counsel.

Most of the non-Federal misdemeanors and felonies brought to the USAO (22,000 annually) are presented by the D.C. metropolitan police department, although other law enforcement agencies also bring cases to the U.S. Attorney.

Part of a unified court system, the superior court of the District of Columbia (equivalent to a State court of general jurisdiction) exercises jurisdiction over non-Federal misdemeanors and felonies. (The Federal district court adjudicates Federal and dual-jurisdiction crimes.) Twelve judges staff the superior court's felony trial division; eight staff the misdemeanor trial division. The judges maintain individual calendars.

Three of the felony judges handle cases involving first degree murder, rape, or cases with more than four co-defendants (Felony I cases). Other felonies are assigned to one of the eight Felony II judges, except cases being handled by the vertical prosecution team (pilot project), which has its own felony judge.

Felony presentment and preliminary hearings are conducted by two commissioners. Another commissioner handles misdemeanor arraignments.

USAO, Superior Court Division: Size, organization, procedures

The superior court division of the USAO employs 121 attorneys, assigned among six sections: grand jury (incorporates intake and screening), felony trial, misdemeanor trial, and such small sections as the vertical prosecution pilot project, witness assistance, and career criminal units. With the exception of cases assigned to the vertical prosecution unit and, to some extent, the career criminal unit, cases are prosecuted horizontally through indictment. After indictment cases are assigned to individual attorneys.

About 21 attorneys staff the grand jury section; 40 (divided into 7 teams) the misdemeanor trial section; and 36 (12 teams) the felony trial section. Each of the misdemeanor and felony trial teams always prosecutes cases before its own judge.

Flow of felony cases—arrest through sentencing

Arrestees taken into custody have their cases screened within a day of arrest. (See accompanying chart of felony case flow.) Police take their arrest reports to the intake unit at superior court, where any criminal history information pertaining to the accused is retrieved from various data bases. The screening unit supervisor decides whether the case should be pursued as a felony. If so, a staff attorney from the grand jury section, who is working intake that week, reviews the arrest report and evidence to determine the merits of the case; charge and bond recommendations are made, and the case is filed.

For defendants in custody, felony presentment occurs on the same day

as filing; otherwise, presentment is usually scheduled 3 days after arrest. Charges may be read (usually waived by the defense), bond established, and dates set for the preliminary hearing (normally in 10-20 days) and grand jury (within 30 days after preliminary hearing).

Most cases for which probable cause is not found at the preliminary hearing are appealed to the grand jury as grand jury originals. Cases not indicted are almost always dismissed. Indicted cases are randomly assigned to a felony trial judge by the clerk of the superior court. After indictment, the chief of the trial section assigns prosecution of the case to a member of the trial team assigned to that judge.

If a plea bargain is to be offered by the prosecutor, a form letter outlining the offer is prepared at screening and given to the defense attorney at presentment. The offer expires on the date of the preliminary hearing. However, very few cases plead out prior to indictment.

Routinely, another plea offer is made after indictment, but it is usually less generous than the one extended at screening. All plea offers must be approved by a supervisor. Although counts and charges are normally included in the plea negotiation process, the substance of the offer concerns the right to speak at the sentence hearing. The office does not bargain on incarceration or nonincarceration recommendations; that decision is considered the sole domain of the judge. The routine recommendation is for "a substantial period" of incarceration (but not actual amounts of time). The most substantial concession an attorney can make to the defense is to waive the right to speak at the sentence hearing. Judges do not participate in the plea bargaining process.

Appendix B

Case-processing statistics by crime type

Introduction

Six types of tables showing case-processing statistics by crime type are included in this appendix:

- Results at screening
- Reasons for rejections and other screening decisions
- Dispositions from filing through trial
- Reasons for nolles and dismissals
- Case-processing time
- Incarceration rates given conviction

Tables for each jurisdiction are presented in this sequence except when data for all six tables were not available. The term nolle is used in many jurisdictions to distinguish prosecutor initiated dismissals from dismissals initiated by the court. In this report these two types of dismissals have been combined into one category. Crime type represents the most serious charge at the time of arrest or initial charging. (See Chapter II, Data sources, limitations, and definitions.) In some jurisdictions the number of cases for certain crimes is too small in any one year to make valid generalizations about how such cases are typically handled. Generally, this statement applies when the number of cases is less than 30.

Table 1
Brighton, Colorado
Dispositions from filing through trial

Crime	Closed cases N	Guilty pleas	Trial convictions*	Total guilty	Dismissals/ nolles	Acquittals*	Other
Homicide							
Frequency	12	4	4	8	3	0	1
Percent		33	33	67	25	0	8
Sexual assault							
Frequency	55	27	1	28	20	6	1
Percent		49	2	51	36	11	2
Robbery							
Frequency	63	49	0	49	12	0	2
Percent		78	0	78	19	0	3
Burglary							
Frequency	281	176	2	178	96	3	4
Percent		63	1	63	34	1	1
Assault							
Frequency	131	76	5	81	45	5	0
Percent		58	4	62	34	4	0
Larceny							
Frequency	174	75	2	77	89	5	3
Percent		43	1	44	51	3	2
Weapons							
Frequency	8	7	0	7	1	0	0
Percent		88	0	88	13	0	0
Drugs							
Frequency	89	56	1	57	31	1	0
Percent		63	1	64	35	1	0

*Trial data are incomplete.

Table 2
Brighton, Colorado
Reasons for nolles and dismissals

Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Diversion	Other prosecution	Other
Homicide									
Frequency	3	1	0	0	0	2	0	0	0
Percent		33	0	0	0	67	0	0	0
Sexual assault									
Frequency	20	2	4	0	3	6	5	0	0
Percent		10	20	0	15	30	25	0	0
Robbery									
Frequency	12	2	2	0	1	5	1	1	0
Percent		17	17	0	8	42	8	8	0
Burglary									
Frequency	96	15	14	2	9	42	13	1	0
Percent		16	15	2	9	44	14	1	0
Assault									
Frequency	45	13	6	0	3	13	9	1	0
Percent		29	13	0	7	29	20	2	0
Larceny									
Frequency	89	13	1	2	7	36	29	1	0
Percent		15	1	2	8	40	33	1	0
Weapons									
Frequency	1	0	0	1	0	0	0	0	0
Percent		0	0	100	0	0	0	0	0
Drugs									
Frequency	31	1	1	1	0	23	3	2	0
Percent		3	3	3	0	74	10	6	0

Table 3
Brighton, Colorado
Case-processing time*

Disposition	Homicide	Sexual assault	Robbery	Burglary	Assault	Larceny	Weapons	Drugs
Guilty pleas								
(f)	4	27	49	174	75	74	7	56
Mean	176	142	177	129	140	174	87	135
Median	173	131	162	103	106	120	43	115
Trial conviction**								
(f)	4	1	0	2	5	2	0	1
Mean	250	410	0	310	246	215	0	244
Median	246	410	0	310	218	215	0	244
Acquittals**								
(f)	0	6	0	3	5	5	0	1
Mean	0	283	0	362	282	273	0	233
Median	0	260	0	381	303	262	0	233
Dismissals/nolles								
(f)	1	14	11	69	21	55	1	27
Mean	330	185	135	173	179	226	141	219
Median	330	197	116	151	155	221	141	221
Other								
(f)	0	0	0	0	0	0	0	0
Mean	0	0	0	0	0	0	0	0
Median	0	0	0	0	0	0	0	0

*Calculated in days from arrest or papering date.
**Trial data are incomplete.

Table 4
Brighton, Colorado
Incarceration rates given conviction

Crime	Guilty*	Incarcerated	Sent to State prison
Homicide			
Frequency	7	5	4
Percent		71	57
Sexual assault			
Frequency	25	14	9
Percent		56	36
Robbery			
Frequency	48	34	26
Percent		71	54
Burglary			
Frequency	169	79	40
Percent		47	24
Assault			
Frequency	77	22	10
Percent		29	13
Larceny			
Frequency	66	27	7
Percent		41	11
Weapons			
Frequency	6	2	0
Percent		33	0
Drugs			
Frequency	55	12	2
Percent		22	4

*Includes only cases with known sentencing data.

Table 5
Colorado Springs, Colorado
Dispositions from filing through trial

Crime	Closed cases N	Guilty pleas	Trial convictions	Total guilty	Dismissals/ nolles	Acquittals	Other
Homicide							
Frequency	22	15	4	19	3	0	0
Percent		68	18	86	14	0	0
Sexual assault							
Frequency	97	47	6	53	36	8	0
Percent		48	6	55	37	8	0
Robbery							
Frequency	121	50	8	58	50	6	7
Percent		41	7	48	41	5	6
Burglary							
Frequency	319	183	9	192	122	3	2
Percent		57	3	60	38	1	1
Assault							
Frequency	196	91	8	99	90	4	3
Percent		41	4	45	41	2	1
Larceny							
Frequency	215	112	2	114	99	1	1
Percent		52	1	53	46	*	*
Weapons							
Frequency	10	7	0	7	2	0	1
Percent		70	0	70	20	0	10
Drugs							
Frequency	83	47	2	49	32	0	2
Percent		57	2	59	39	0	2

*Less than .5%.

Table 6
Colorado Springs, Colorado
Reasons for nolles and dismissals

Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Diversion	Other prosecution	Other
Homicide									
Frequency	3	1	0	0	0	2	0	0	0
Percent		33	0	0	0	67	0	0	0
Sexual assault									
Frequency	36	8	9	0	2	10	7	0	0
Percent		22	25	0	6	28	19	0	0
Robbery									
Frequency	50	6	5	1	2	35	0	1	0
Percent		12	10	2	4	70	0	2	0
Burglary									
Frequency	122	15	12	2	2	86	1	4	0
Percent		12	10	2	2	70	1	3	0
Assault									
Frequency	90	11	28	0	7	26	15	3	0
Percent		12	31	0	8	29	17	3	0
Larceny									
Frequency	99	14	5	2	4	37	35	2	0
Percent		14	5	2	4	37	35	2	0
Weapons									
Frequency	2	0	0	0	0	1	1	0	0
Percent		0	0	0	0	50	50	0	0
Drugs									
Frequency	32	3	0	5	0	15	8	1	0
Percent		9	0	16	0	47	25	3	0

Table 7
Colorado Springs, Colorado
Case-processing time*

Disposition	Homicide	Sexual assault	Robbery	Burglary	Assault	Larceny	Weapons	Drugs
Guilty pleas								
(f)	15	44	50	177	87	108	5	45
Mean	178	133	102	121	114	143	110	131
Median	188	110	82	105	103	114	117	105
Trial convictions								
(f)	4	6	7	9	8	2	0	2
Mean	280	245	232	133	208	290	0	90
Median	291	205	170	151	217	290	0	90
Acquittals								
(f)	0	8	5	3	4	1	0	0
Mean	0	169	153	138	157	323	0	0
Median	0	149	130	162	146	323	0	0
Dismissals/nolles								
(f)	1	35	48	119	85	93	2	31
Mean	576	136	156	142	115	158	200	144
Median	576	126	147	113	104	119	200	148
Other								
(f)	0	0	0	0	0	0	0	0
Mean	0	0	0	0	0	0	0	0
Median	0	0	0	0	0	0	0	0

*Calculated in days from arrest or papering date.

Table 8
Colorado Springs, Colorado
Incarceration rates given conviction

Crime	Guilty*	Incarcerated	Sent to State prison
Homicide			
Frequency	17	12	11
Percent		71	65
Sexual assault			
Frequency	50	24	18
Percent		48	36
Robbery			
Frequency	56	38	30
Percent		68	54
Burglary			
Frequency	185	73	36
Percent		39	19
Assault			
Frequency	93	24	8
Percent		26	9
Larceny			
Frequency	114	31	16
Percent		27	14
Weapons			
Frequency	5	4	2
Percent		80	40
Drugs			
Frequency	49	15	10
Percent		31	20

*Includes only cases with known sentencing data.

Table 9
Fort Collins, Colorado
Dispositions from filing through trial

Crime	Closed cases N	Guilty pleas	Trial convictions	Total guilty	Dismissals/ nolles	Acquittals	Other
Homicide							
Frequency	9	3	2	5	2	2	0
Percent		33	22	56	22	22	0
Sexual assault							
Frequency	26	20	0	20	4	2	0
Percent		77	0	77	15	8	0
Robbery							
Frequency	9	7	1	8	1	0	0
Percent		78	11	89	11	0	0
Burglary							
Frequency	150	118	1	119	30	0	1
Percent		79	1	79	20	0	1
Assault							
Frequency	93	69	3	72	19	0	2
Percent		74	3	77	20	0	2
Larceny							
Frequency	199	122	4	126	68	3	2
Percent		61	2	63	34	2	1
Weapons							
Frequency	1	1	0	1	0	0	0
Percent		100	0	100	0	0	0
Drugs							
Frequency	47	33	1	34	13	0	0
Percent		70	2	72	28	0	0

Table 10
Fort Collins, Colorado
Reasons for nolles and dismissals

Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Diversion	Other prosecution	Other
Homicide									
Frequency	2	1	0	0	0	1	0	0	0
Percent		50	0	0	0	50	0	0	0
Sexual assault									
Frequency	4	0	1	0	1	1	1	0	0
Percent		0	25	0	25	25	25	0	0
Robbery									
Frequency	1	0	0	0	0	1	0	0	0
Percent		0	0	0	0	100	0	0	0
Burglary									
Frequency	30	2	5	0	1	15	7	0	0
Percent		7	17	0	3	50	23	0	0
Assault									
Frequency	19	2	3	0	1	6	6	1	0
Percent		11	16	0	5	32	32	5	0
Larceny									
Frequency	68	3	1	2	4	22	34	2	0
Percent		4	1	3	6	32	50	3	0
Weapons									
Frequency	0	0	0	0	0	0	0	0	0
Percent		0	0	0	0	0	0	0	0
Drugs									
Frequency	13	1	1	0	2	4	4	1	0
Percent		8	8	0	15	31	31	8	0

Table 11
Fort Collins, Colorado
Case-processing time*

Disposition	Homicide	Sexual assault	Robbery	Burglary	Assault	Larceny	Weapons	Drugs
Guilty pleas								
(f)	3	19	7	117	66	120	1	32
Mean	289	227	183	120	165	151	192	181
Median	282	233	73	90	141	123	192	157
Trial convictions								
(f)	2	0	1	1	3	4	0	1
Mean	263	0	285	321	229	287	0	403
Median	263	0	285	321	229	232	0	403
Acquittals								
(f)	2	2	0	0	0	3	0	0
Mean	314	257	0	0	0	482	0	0
Median	314	257	0	0	0	497	0	0
Dismissals/nolles								
(f)	1	4	1	30	17	62	0	12
Mean	282	170	75	166	132	162	0	190
Median	282	161	75	144	105	144	0	170
Other								
(f)	0	0	0	0	0	0	0	0
Mean	0	0	0	0	0	0	0	0
Median	0	0	0	0	0	0	0	0

*Calculated in days from arrest or papering date.

Table 12
Fort Collins, Colorado
Incarceration rates given conviction

Crime	Guilty*	Incarcerated	Sent to State prison
Homicide			
Frequency	4	4	3
Percent		100	75
Sexual assault			
Frequency	17	7	5
Percent		41	29
Robbery			
Frequency	8	5	4
Percent		63	50
Burglary			
Frequency	114	43	27
Percent		38	24
Assault			
Frequency	66	13	5
Percent		20	8
Larceny			
Frequency	111	26	15
Percent		23	14
Weapons			
Frequency	1	0	0
Percent		0	0
Drugs			
Frequency	30	11	5
Percent		37	17

*Includes only cases with known sentencing data.

Table 13
Geneva, Illinois
Dispositions from filing through trial

Crime	Closed cases N	Guilty pleas	Trial convictions	Total guilty	Dismissals/ nolles	Acquittals	Other
Homicide							
Frequency	13	10	0	10	3	0	0
Percent		77	0	77	23	0	0
Sexual assault							
Frequency	48	20	1	21	24	2	1
Percent		42	2	44	50	4	2
Robbery							
Frequency	71	37	1	38	29	1	3
Percent		52	1	54	41	1	4
Burglary							
Frequency	274	154	2	156	117	0	1
Percent		56	1	57	43	0	*
Assault							
Frequency	146	67	1	68	76	2	0
Percent		46	1	47	52	1	0
Larceny							
Frequency	262	118	1	119	137	0	6
Percent		45	*	45	52	0	2
Weapons							
Frequency	21	16	0	16	5	0	0
Percent		76	0	76	24	0	0
Drugs							
Frequency	177	121	4	125	50	1	1
Percent		68	2	71	28	1	1

*Less than .5%.

Table 14
Geneva, Illinois
Reasons for nolles and dismissals

Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Diversion	Other prosecution	Other
Homicide									
Frequency	3	0	1	0	0	1	1	0	0
Percent		0	33	0	0	33	33	0	0
Sexual assault									
Frequency	24	4	11	0	3	3	0	1	2
Percent		17	46	0	13	13	0	4	8
Robbery									
Frequency	29	7	11	0	4	0	2	1	4
Percent		24	38	0	14	0	7	3	14
Burglary									
Frequency	117	8	26	6	19	32	20	3	3
Percent		7	22	5	16	27	17	3	3
Assault									
Frequency	76	3	45	2	7	14	1	4	0
Percent		4	59	3	9	18	1	5	0
Larceny									
Frequency	137	20	22	8	25	38	19	2	3
Percent		15	16	6	18	28	14	1	2
Weapons									
Frequency	5	1	0	2	0	0	0	0	2
Percent		20	0	40	0	0	0	0	40
Drugs									
Frequency	50	18	5	4	10	10	1	0	2
Percent		36	10	8	20	20	2	0	4

Table 15
Geneva, Illinois
Case-processing time*

Disposition	Homicide	Sexual assault	Robbery	Burglary	Assault	Larceny	Weapons	Drugs
Guilty pleas								
(f)	10	20	37	154	67	118	16	121
Mean	133	164	219	110	79	104	70	100
Median	134	149	109	91	53	82	64	88
Trial convictions								
(f)	0	1	1	2	1	1	0	4
Mean	0	146	112	108	221	42	0	182
Median	0	146	112	108	221	42	0	205
Acquittals								
(f)	0	2	1	0	2	0	0	1
Mean	0	210	152	0	179	0	0	525
Median	0	210	152	0	179	0	0	525
Dismissals/nolles								
(f)	3	24	29	117	76	137	5	50
Mean	71	85	87	104	72	125	69	95
Median	67	66	68	77	50	83	74	73
Other								
(f)	0	0	2	1	0	6	0	1
Mean	0	0	92	7	0	18	0	4
Median	0	0	92	7	0	1	0	4

*Calculated in days from arrest or papering date.

Table 16
Geneva, Illinois
Incarceration rates given conviction

Crime	Guilty*	Incarcerated	Sent to State prison
Homicide			
Frequency	10	7	4
Percent		70	40
Sexual assault			
Frequency	19	10	1
Percent		53	5
Robbery			
Frequency	38	26	15
Percent		68	39
Burglary			
Frequency	142	57	12
Percent		40	12
Assault			
Frequency	62	11	0
Percent		18	0
Larceny			
Frequency	108	33	7
Percent		31	6
Weapons			
Frequency	15	1	0
Percent		7	0
Drugs			
Frequency	122	26	6
Percent		21	5

*Includes only cases with known sentencing data.

Table 17
Golden, Colorado
Dispositions from filing through trial

Crime	Closed cases N	Guilty pleas	Trial convictions	Total guilty	Dismissals/ nolles	Acquittals	Other
Homicide							
Frequency	21	9	6	15	4	2	0
Percent		43	29	71	19	10	0
Sexual assault							
Frequency	59	39	2	41	15	1	2
Percent		66	3	69	25	2	3
Robbery							
Frequency	65	27	8	35	26	0	4
Percent		42	12	54	40	0	6
Burglary							
Frequency	427	277	11	288	130	3	6
Percent		65	3	67	30	1	1
Assault							
Frequency	219	141	10	151	64	0	4
Percent		64	5	69	29	0	2
Larceny							
Frequency	379	216	0	216	157	3	3
Percent		57	0	57	41	1	1
Weapons							
Frequency	3	2	0	2	1	0	0
Percent		67	0	67	33	0	0
Drugs							
Frequency	160	105	4	109	46	1	4
Percent		66	3	68	29	1	3

Table 18
Golden, Colorado
Reasons for nolles and dismissals

Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Diversion	Other prosecution	Other
Homicide									
Frequency	4	0	0	0	1	2	1	0	0
Percent		0	0	0	25	75	25	0	0
Sexual assault									
Frequency	15	3	1	0	2	6	3	0	0
Percent		20	7	0	13	40	20	0	0
Robbery									
Frequency	26	4	4	4	1	13	0	0	0
Percent		15	15	15	4	50	0	0	0
Burglary									
Frequency	130	20	14	2	8	72	12	2	0
Percent		15	11	2	6	55	9	2	0
Assault									
Frequency	64	9	32	0	4	15	4	0	0
Percent		14	50	0	6	23	6	0	0
Larceny									
Frequency	157	26	12	1	13	67	37	1	0
Percent		17	8	1	8	43	24	1	0
Weapons									
Frequency	1	1	0	0	0	0	0	0	0
Percent		100	0	0	0	0	0	0	0
Drugs									
Frequency	46	6	0	0	3	27	8	2	0
Percent		13	0	0	7	59	17	4	0

Table 19
Golden, Colorado
Case-processing time*

Disposition	Homicide	Sexual assault	Robbery	Burglary	Assault	Larceny	Weapons	Drugs
Guilty pleas								
(f)	9	37	27	273	139	213	2	103
Mean	193	133	159	151	123	151	231	154
Median	162	96	133	114	102	121	231	139
Trial convictions								
(f)	6	2	8	11	10	0	0	4
Mean	209	206	191	290	204	0	0	189
Median	215	206	181	272	222	0	0	205
Acquittals								
(f)	2	1	0	3	0	3	0	1
Mean	215	104	0	188	0	238	0	70
Median	215	104	0	160	0	296	0	70
Dismissals/nolles								
(f)	4	14	26	124	57	140	0	43
Mean	220	166	177	227	128	230	0	235
Median	203	141	149	190	71	184	0	231
Other								
(f)	0	0	0	0	0	0	0	0
Mean	0	0	0	0	0	0	0	0
Median	0	0	0	0	0	0	0	0

*Calculated in days from arrest or papering date.

Table 20
Golden, Colorado
Incarceration rates given conviction

Crime	Guilty*	Incarcerated	Sent to State prison
Homicide			
Frequency	15	14	6
Percent		93	40
Sexual assault			
Frequency	29	24	14
Percent		83	48
Robbery			
Frequency	31	31	25
Percent		100	81
Burglary			
Frequency	229	178	83
Percent		78	36
Assault			
Frequency	134	84	20
Percent		63	15
Larceny			
Frequency	193	107	23
Percent		55	12
Weapons			
Frequency	2	0	0
Percent		0	0
Drugs			
Frequency	92	54	21
Percent		59	23

*Includes only cases with known sentencing data.

Table 21
Greeley, Colorado
Results at screening

Crime	Cases presented	Filed	Rejected	Other screening decision*
Homicide				
Frequency	11	10	1	0
Percent		91	9	0
Sexual assault				
Frequency	66	53	13	0
Percent		80	20	0
Robbery				
Frequency	12	8	4	0
Percent		67	33	0
Burglary				
Frequency	198	160	38	0
Percent		81	19	0
Assault				
Frequency	200	155	41	4
Percent		78	21	2
Larceny				
Frequency	138	109	29	0
Percent		79	21	0
Weapons				
Frequency	4	2	2	0
Percent		50	50	0
Drugs				
Frequency	28	23	5	0
Percent		82	18	0

*Includes cases referred to other agencies for prosecution.

Table 22
Greeley, Colorado
Reasons for rejections and other screening decisions

Crime	N	Rejections						Other screening decisions	
		Evidence	Witness	Due process	Lacks merit	Plea bargain	Other	Diversion	Other prosecution
Homicide									
Frequency	1	0	0	0	1	0	0	0	0
Percent		0	0	0	100	0	0	0	0
Sexual assault									
Frequency	13	8	1	0	4	0	0	0	0
Percent		62	8	0	31	0	0	0	0
Robbery									
Frequency	4	3	0	0	1	0	0	0	0
Percent		75	0	0	25	0	0	0	0
Burglary									
Frequency	38	24	5	0	9	0	0	0	0
Percent		63	13	0	24	0	0	0	0
Assault									
Frequency	45	21	5	0	15	0	0	1	3
Percent		47	11	0	33	0	0	2	7
Larceny									
Frequency	29	17	0	0	12	0	0	0	0
Percent		59	0	0	41	0	0	0	0
Weapons									
Frequency	2	1	0	0	1	0	0	0	0
Percent		50	0	0	50	0	0	0	0
Drugs									
Frequency	5	1	0	0	4	0	0	0	0
Percent		20	0	0	80	0	0	0	0

Table 23
Greeley, Colorado
Dispositions from filing through trial

Crime	Closed cases N	Guilty pleas	Trial convictions*	Total guilty*	Dismissals/ nolles	Acquittals*	Other
Homicide							
Frequency	7	4	2	6	1	0	0
Percent		57	29	86	14	0	0
Sexual assault							
Frequency	44	24	1	25	19	0	0
Percent		55	2	57	43	0	0
Robbery							
Frequency	7	5	0	5	2	0	0
Percent		71	0	71	29	0	0
Burglary							
Frequency	143	105	2	107	34	2	0
Percent		73	1	75	24	1	0
Assault							
Frequency	147	101	3	104	43	0	0
Percent		69	2	71	29	0	0
Larceny							
Frequency	85	56	0	56	29	0	0
Percent		66	0	66	34	0	0
Weapons							
Frequency	2	1	0	1	1	0	0
Percent		50	0	50	50	0	0
Drugs							
Frequency	21	17	0	17	4	0	0
Percent		81	0	81	19	0	0

*These statistics undercount the number of trials.

Table 24
Greeley, Colorado
Reasons for nolles and dismissals

Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Diversion	Other prosecution	Other
Homicide									
Frequency	1	0	0	0	0	1	0	0	0
Percent		0	0	0	0	100	0	0	0
Sexual assault									
Frequency	19	3	9	0	1	3	3	0	0
Percent		16	47	0	5	16	16	0	0
Robbery									
Frequency	2	0	2	0	0	0	0	0	0
Percent		0	100	0	0	0	0	0	0
Burglary									
Frequency	34	8	7	0	0	6	12	1	0
Percent		24	21	0	0	18	35	3	0
Assault									
Frequency	43	4	24	0	2	8	1	4	0
Percent		9	56	0	5	19	2	9	0
Larceny									
Frequency	29	3	2	0	3	1	16	4	0
Percent		10	7	0	10	3	55	14	0
Weapons									
Frequency	1	0	0	0	0	1	0	0	0
Percent		0	0	0	0	100	0	0	0
Drugs									
Frequency	4	1	0	0	0	1	1	1	0
Percent		25	0	0	0	25	25	25	0

Table 25
Greeley, Colorado
Case-processing time*

Disposition	Homicide	Sexual assault	Robbery	Burglary	Assault	Larceny	Weapons	Drugs
Guilty pleas								
(f)	4	24	5	105	101	55	1	17
Mean	130	99	85	85	76	88	99	129
Median	129	75	98	67	64	82	99	103
Trial convictions								
(f)	2	1	0	2	3	0	0	0
Mean	156	261	0	202	104	0	0	0
Median	156	261	0	202	103	0	0	0
Acquittals								
(f)	0	0	0	2	0	0	0	0
Mean	0	0	0	123	0	0	0	0
Median	0	0	0	123	0	0	0	0
Dismissals/nolles								
(f)	1	18	2	32	39	28	1	4
Mean	85	100	63	108	73	107	14	117
Median	85	81	63	82	56	95	14	100
Other								
(f)	0	0	0	0	0	0	0	0
Mean	0	0	0	0	0	0	0	0
Median	0	0	0	0	0	0	0	0

*Calculated in days from arrest or papering date.

Table 26
Indianapolis, Indiana
Results at screening***

Crime	Cases presented	Filed	Rejected	Other screening decision*
Homicide				
Frequency	217	193	23	1
Percent		89	11	**
Sexual assault				
Frequency	236	216	19	1
Percent		92	8	**
Robbery				
Frequency	520	498	21	1
Percent		96	4	**
Burglary				
Frequency	748	654	94	0
Percent		87	13	0
Assault				
Frequency	170	105	59	6
Percent		62	35	4
Larceny				
Frequency	893	853	19	21
Percent		96	2	2
Weapons				
Frequency	21	18	2	1
Percent		86	10	5
Drugs				
Frequency	642	641	0	1
Percent		99	0	**

*Includes cases referred to other agencies for prosecution.
**Less than .5%.
***Cases presented exclude a number of felony arrests presented but filed as misdemeanors.

Table 27
Indianapolis, Indiana
Reasons for rejections and other screening decisions

		Rejections						Other screening decisions	
Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Other	Diversion	Other prosecution
Homicide									
Frequency	24	18	3	0	2	0	0	0	1
Percent		75	13	0	8	0	0	0	4
Sexual assault									
Frequency	20	5	5	0	9	0	0	0	1
Percent		25	25	0	45	0	0	0	5
Robbery									
Frequency	22	15	3	0	2	1	0	0	1
Percent		68	14	0	9	5	0	0	5
Burglary									
Frequency	94	48	9	0	37	0	0	0	0
Percent		51	10	0	39	0	0	0	0
Assault									
Frequency	65	23	12	0	24	0	0	0	6
Percent		35	18	0	37	0	0	0	9
Larceny									
Frequency	40	9	2	0	8	0	0	0	21
Percent		23	5	0	20	0	0	0	53
Weapons									
Frequency	3	0	1	0	1	0	0	0	1
Percent		0	33	0	33	0	0	0	33
Drugs									
Frequency	1	0	0	0	0	0	0	0	1
Percent		0	0	0	0	0	0	0	100

Table 28
Indianapolis, Indiana
Dispositions from filing through trial*

Crime	Closed cases N	Guilty pleas	Trial convictions	Total guilty	Dismissals/ nolles	Acquittals	Other
Homicide							
Frequency	122	52	41	93	27	2	0
Percent		43	34	76	22	2	0
Sexual assault							
Frequency	159	94	22	116	40	2	1
Percent		59	14	73	25	1	1
Robbery							
Frequency	376	228	38	266	98	12	0
Percent		61	10	71	26	3	0
Burglary							
Frequency	475	371	51	422	48	5	0
Percent		78	11	89	10	1	0
Assault							
Frequency	68	41	8	49	16	3	0
Percent		60	11	72	24	4	0
Larceny							
Frequency	612	417	39	456	144	12	0
Percent		68	6	75	24	2	0
Weapons							
Frequency	11	10	1	11	0	0	0
Percent		91	9	100	0	0	0
Drugs							
Frequency	401	278	27	305	86	9	1
Percent		69	7	76	21	2	**

*Represents indicted cases only.
**Less than .5%.

Table 29
Indianapolis, Indiana
Reasons for nolles and dismissals

Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Diversion	Other prosecution	Other
Homicide									
Frequency	27	16	4	0	1	0	1	1	4
Percent		59	15	0	4	0	4	4	15
Sexual assault									
Frequency	40	12	13	2	6	4	2	0	1
Percent		30	33	5	15	10	5	0	3
Robbery									
Frequency	98	62	16	3	7	8	0	0	2
Percent		63	16	3	7	8	0	0	2
Burglary									
Frequency	48	23	10	0	8	4	0	0	3
Percent		48	21	0	17	8	0	0	6
Assault									
Frequency	16	1	4	1	3	2	0	3	2
Percent		6	25	6	19	13	0	19	13
Larceny									
Frequency	144	11	18	0	69	15	1	0	30
Percent		8	13	0	48	10	1	0	21
Weapons									
Frequency	0	0	0	0	0	0	0	0	0
Percent		0	0	0	0	0	0	0	0
Drugs									
Frequency	86	11	4	3	38	9	1	0	20
Percent		13	5	3	44	10	1	0	23

Table 30
Indianapolis, Indiana
Case-processing time*

Disposition	Homicide	Sexual assault	Robbery	Burglary	Assault	Larceny	Weapons	Drugs
Guilty pleas								
(f)	52	94	228	371	41	416	10	278
Mean	223	199	183	158	151	136	104	190
Median	199	169	159	122	135	108	73	163
Trial convictions								
(f)	41	22	38	51	8	36	1	27
Mean	248	207	204	201	197	191	171	263
Median	197	188	217	177	181	176	171	227
Acquittals								
(f)	2	2	12	5	3	12	0	9
Mean	133	197	200	173	242	133	0	283
Median	133	197	137	121	244	125	0	232
Dismissals/nolles								
(f)	27	40	97	48	16	144	0	86
Mean	139	135	146	134	138	164	0	200
Median	118	112	90	104	120	145	0	184
Other								
(f)	0	1	0	0	0	0	0	1
Mean	0	28	0	0	0	0	0	149
Median	0	28	0	0	0	0	0	149

*Calculated in days from arrest or papering date. Represents indicted cases only.

Table 31
Indianapolis, Indiana
Incarceration rates given conviction**

Crime	Guilty*	Incarcerated	Sent to State prison
Homicide			
Frequency	93	85	82
Percent		91	88
Sexual assault			
Frequency	116	94	83
Percent		81	72
Robbery			
Frequency	266	226	219
Percent		85	82
Burglary			
Frequency	422	256	231
Percent		61	55
Assault			
Frequency	49	33	27
Percent		67	55
Larceny			
Frequency	456	189	145
Percent		41	32
Weapons			
Frequency	11	5	3
Percent		45	27
Drugs			
Frequency	305	105	78
Percent		34	26

*Includes only cases with known sentencing data.
** Represents indicted cases only.

Table 32
Los Angeles, California
Results at screening

Crime	Cases presented	Filed	Rejected	Other screening decision*
Homicide				
Frequency	1,682	1,238	372	72
Percent		74	22	4
Sexual assault				
Frequency	3,267	1,492	1,250	525
Percent		46	38	16
Robbery				
Frequency	7,595	4,616	2,418	561
Percent		61	32	7
Burglary				
Frequency	10,585	6,259	2,277	2,049
Percent		59	22	19
Assault				
Frequency	7,624	2,225	3,186	2,213
Percent		29	42	29
Larceny				
Frequency	6,406	2,895	1,779	1,732
Percent		45	28	27
Weapons				
Frequency	1,482	590	449	443
Percent		40	30	29
Drugs				
Frequency	13,667	6,849	3,960	2,858
Percent		50	29	21

*Includes cases referred to other agencies for prosecution. In Los Angeles, a substantial number of felony arrests are referred to city prosecutors for misdemeanor prosecution in municipal courts. The disposition of these cases is not tracked in PROMIS.

Table 33
Los Angeles, California
Reasons for rejections and other screening decisions

		Rejections						Other screening decisions	
Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Other	Diversion	Other prosecution
Homicide									
Frequency	444	331	11	1	27	1	1	0	72
Percent		75	2	*	6	*	*	0	16
Sexual assault									
Frequency	1,775	877	323	2	34	9	5	0	525
Percent		49	18	*	2	1	*	0	30
Robbery									
Frequency	2,979	1,932	416	8	28	25	9	0	561
Percent		65	14	*	1	1	*	0	19
Burglary									
Frequency	4,326	1,945	163	91	35	24	19	0	2,409
Percent		45	4	2	1	1	*	0	47
Assault									
Frequency	5,399	1,708	1,034	7	150	35	252	0	2,213
Percent		32	19	*	3	1	5	0	41
Larceny									
Frequency	3,511	1,442	162	28	63	62	22	0	1,732
Percent		41	5	1	2	2	1	0	49
Weapons									
Frequency	892	331	5	67	34	11	1	0	443
Percent		37	1	8	4	1	*	0	50
Drugs									
Frequency	6,818	2,838	35	884	158	44	1	0	2,858
Percent		42	1	13	2	1	*	0	42

*Less than .5%.

Table 34
Los Angeles, California
Dispositions from filing through trial*

Crime	Closed cases N	Guilty pleas	Trial convictions	Total guilty	Dismissals/ nolles	Acquittals	Other
Homicide							
Frequency	927	490	180	670	215	42	0
Percent		53	19	72	23	5	0
Sexual assault							
Frequency	1,298	793	133	926	313	59	0
Percent		61	10	72	24	5	0
Robbery							
Frequency	4,187	2,759	284	3,043	1,063	81	0
Percent		66	7	73	25	2	0
Burglary							
Frequency	5,602	4,192	191	4,383	1,157	62	0
Percent		75	3	78	21	1	0
Assault							
Frequency	1,953	1,094	147	1,241	613	99	0
Percent		56	8	64	31	5	0
Larceny							
Frequency	2,296	1,648	56	1,704	570	22	0
Percent		72	2	74	25	1	0
Weapons							
Frequency	502	324	13	337	156	9	0
Percent		65	3	67	31	2	0
Drugs							
Frequency	5,375	3,082	213	3,295	2,006	74	0
Percent		57	4	61	37	1	0

*Data exclude a substantial number of felony arrests filed as misdemeanors and prosecuted by city prosecutors.

Table 35
Los Angeles, California
Reasons for nolles and dismissals

Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Diversion	Other prosecution	Other
Homicide									
Frequency	215	84	30	6	53	2	0	1	39
Percent		39	14	3	25	1	0	*	18
Sexual assault									
Frequency	313	56	89	12	93	12	0	1	50
Percent		18	28	4	30	4	0	*	16
Robbery									
Frequency	1,063	295	324	36	242	22	0	9	135
Percent		28	30	3	23	2	0	1	13
Burglary									
Frequency	1,157	282	297	38	251	55	0	33	201
Percent		24	26	3	22	5	0	3	17
Assault									
Frequency	613	132	202	20	170	15	0	3	71
Percent		22	33	3	28	2	0	*	12
Larceny									
Frequency	570	134	145	30	142	30	0	6	83
Percent		24	25	5	25	5	0	1	15
Weapons									
Frequency	156	54	23	7	44	4	0	2	22
Percent		35	15	4	28	3	0	1	14
Drugs									
Frequency	2,006	635	224	79	342	37	544	12	133
Percent		32	11	4	17	2	27	1	7

*Less than .5%.

Table 36
Los Angeles, California
Case-processing time*

Disposition	Homicide	Sexual assault	Robbery	Burglary	Assault	Larceny	Weapons	Drugs
Guilty pleas								
(f)	490	793	2,579	4,191	1,094	1,647	324	3,081
Mean	194	162	119	106	140	138	131	174
Median	172	132	89	80	111	103	98	143
Trial convictions								
(f)	180	133	284	191	147	56	13	213
Mean	260	216	179	179	199	225	231	222
Median	246	190	151	159	163	195	197	197
Acquittals								
(f)	42	59	81	62	99	22	9	74
Mean	280	213	182	168	189	206	178	237
Median	261	211	148	149	165	186	139	230
Dismissals/nolles								
(f)	215	312	1,062	1,153	612	570	156	2,004
Mean	116	85	72	81	86	112	123	184
Median	60	52	34	39	43	66	75	147
Other								
(f)	0	0	0	0	0	0	0	0
Mean	0	0	0	0	0	0	0	0
Median	0	0	0	0	0	0	0	0

*Calculated in days from arrest or papering date. Data exclude a substantial number of felony arrests filed as misdemeanors and prosecuted by city prosecutors.

Table 37
Los Angeles, California
Incarceration rates given conviction

Crime	Guilty*	Incarcerated	Sent to State prison
Homicide			
Frequency	603	519	417
Percent		86	69
Sexual assault			
Frequency	856	663	385
Percent		77	45
Robbery			
Frequency	2,869	2,429	1,369
Percent		85	48
Burglary			
Frequency	4,143	3,522	1,125
Percent		85	27
Assault			
Frequency	1,151	907	272
Percent		79	24
Larceny			
Frequency	1,583	1,266	322
Percent		80	20
Weapons			
Frequency	318	239	71
Percent		75	22
Drugs			
Frequency	3,074	2,260	369
Percent		74	12

*Includes only cases with known sentencing data. Excludes a substantial number of felony arrests filed as misdemeanors and prosecuted by city prosecutors.

Table 38
Louisville, Kentucky
Dispositions from filing through trial*

Crime	Closed cases N	Guilty pleas	Trial convictions	Total guilty	Dismissals/ nolles	Acquittals	Other
Homicide							
Frequency	80	34	33	67	10	3	0
Percent		43	41	84	13	4	0
Sexual assault							
Frequency	104	54	23	77	13	14	0
Percent		52	22	74	13	13	0
Robbery							
Frequency	239	147	45	192	31	12	4
Percent		62	19	80	13	5	2
Burglary							
Frequency	239	182	28	210	17	4	8
Percent		76	12	88	7	2	3
Assault							
Frequency	144	88	22	110	19	11	4
Percent		61	15	76	13	8	3
Larceny							
Frequency	169	115	9	124	30	7	8
Percent		68	5	73	18	4	5
Weapons							
Frequency	13	6	5	11	1	0	1
Percent		46	39	85	8	0	8
Drugs							
Frequency	150	113	20	133	12	2	3
Percent		75	13	89	8	1	2

*Represents indicted cases only.

Table 40
Louisville, Kentucky
Incarceration rates given conviction**

Crime	Guilty*	Incarcerated	Sent to State prison
Homicide			
Frequency	65	56	51
Percent		86	78
Sexual assault			
Frequency	77	63	39
Percent		82	51
Robbery			
Frequency	191	161	141
Percent		84	74
Burglary			
Frequency	209	147	113
Percent		70	54
Assault			
Frequency	106	55	25
Percent		52	24
Larceny			
Frequency	124	101	36
Percent		81	29
Weapons			
Frequency	11	8	4
Percent		73	36
Drugs			
Frequency	132	71	43
Percent		54	33

*Includes only cases with known sentencing data.
**Represents indicted cases only.

Table 39
Louisville, Kentucky
Reasons for nolles and dismissals*

Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Diversion	Other prosecution	Other
Homicide									
Frequency	10	2	1	1	2	0	0	1	3
Percent		20	10	10	20	0	0	10	30
Sexual assault									
Frequency	13	4	7	0	0	0	0	0	2
Percent		31	54	0	0	0	0	0	15
Robbery									
Frequency	31	9	9	4	6	0	0	2	1
Percent		29	29	13	19	0	0	6	3
Burglary									
Frequency	17	5	4	2	3	0	3	0	0
Percent		29	24	12	18	0	18	0	0
Assault									
Frequency	19	5	4	0	7	0	0	3	0
Percent		26	21	0	37	0	0	16	0
Larceny									
Frequency	30	10	7	1	6	0	5	1	0
Percent		33	23	3	20	0	17	3	0
Weapons									
Frequency	1	0	0	1	0	0	0	0	0
Percent		0	0	100	0	0	0	0	0
Drugs									
Frequency	12	2	0	3	3	0	2	2	0
Percent		17	0	25	25	0	17	17	0

*Represents indicted cases only.

Table 41
Manhattan, New York
Results at screening

Crime	Cases presented	Filed	Rejected	Other screening decision*
Homicide				
Frequency	760	739	21	0
Percent		97	3	0
Sexual assault				
Frequency	348	333	13	2
Percent		96	4	1
Robbery				
Frequency	5,348	5,111	210	27
Percent		96	4	1
Burglary				
Frequency	3,746	3,628	116	2
Percent		97	3	**
Assault				
Frequency	3,415	3,344	68	3
Percent		98	2	**
Larceny				
Frequency	6,138	5,914	224	0
Percent		96	4	0
Weapons				
Frequency	1,503	1,414	89	0
Percent		94	6	0
Drugs				
Frequency	5,210	5,100	110	0
Percent		98	2	0

*Includes cases referred to other agencies for prosecution.
**Less than .5%.

Table 42
Manhattan, New York
Reasons for rejections and other screening decisions

Crime	N	Rejections						Other screening decisions	
		Evidence	Witness	Due process	Lacks merit	Plea bargain	Other	Diversion	Other prosecution
Homicide									
Frequency	21	18	1	0	0	0	2	0	0
Percent		86	5	0	0	0	10	0	0
Sexual assault									
Frequency	15	6	6	0	0	0	1	0	2
Percent		40	40	0	0	0	7	0	13
Robbery									
Frequency	237	135	60	1	7	0	7	0	27
Percent		57	25	*	3	0	3	0	11
Burglary									
Frequency	118	77	22	7	4	0	6	1	1
Percent		65	19	6	3	0	5	1	1
Assault									
Frequency	71	35	25	2	3	0	3	2	1
Percent		49	35	3	4	0	4	3	1
Larceny									
Frequency	224	142	57	6	5	0	14	0	0
Percent		63	25	3	2	0	6	0	0
Weapons									
Frequency	89	56	7	21	0	0	5	0	0
Percent		63	8	24	0	0	6	0	0
Drugs									
Frequency	110	70	6	14	13	0	7	0	0
Percent		64	5	13	12	0	6	0	0

*Less than .5%.

Table 43
Manhattan, New York
Dispositions from filing through trial

Crime	Closed cases N	Guilty pleas	Trial convictions	Total guilty	Dismissals/ nolles	Acquittals	Other
Homicide							
Frequency	635	266	86	352	257	24	2
Percent		42	14	55	40	4	*
Sexual assault							
Frequency	301	80	14	94	205	2	0
Percent		27	5	31	68	1	0
Robbery							
Frequency	4,578	2,605	135	2,740	1,790	48	0
Percent		57	3	60	39	1	0
Burglary							
Frequency	3,321	2,345	55	2,400	916	4	1
Percent		71	2	72	28	*	*
Assault							
Frequency	3,043	1,324	50	1,374	1,637	32	0
Percent		44	2	45	54	1	0
Larceny							
Frequency	5,283	3,930	52	3,982	1,285	16	0
Percent		74	1	75	24	*	0
Weapons							
Frequency	1,204	578	32	610	581	13	0
Percent		48	3	51	48	1	0
Drugs							
Frequency	4,393	2,821	58	2,879	1,499	15	0
Percent		64	1	66	34	*	0

*Less than .5%.

Table 44
Manhattan, New York
Reasons for nolles and dismissals

Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Diversion**	Other prosecution	Other
Homicide									
Frequency	257	48	55	26	33	28	12	5	50
Percent		19	21	10	13	11	5	2	19
Sexual assault									
Frequency	205	19	113	12	12	5	25	5	14
Percent		10	55	6	6	2	12	2	7
Robbery									
Frequency	1,790	309	740	157	119	102	119	52	192
Percent		17	41	9	7	6	7	3	11
Burglary									
Frequency	916	131	245	53	107	54	210	10	106
Percent		14	27	6	12	6	23	1	12
Assault									
Frequency	1,637	104	883	82	133	22	259	17	137
Percent		6	54	5	8	1	16	1	8
Larceny									
Frequency	1,285	190	332	63	111	80	382	17	110
Percent		15	26	5	9	6	30	1	9
Weapons									
Frequency	581	197	87	71	56	23	37	8	102
Percent		34	15	12	10	4	6	1	18
Drugs									
Frequency	1,499	675	84	136	144	95	143	6	216
Percent		45	6	9	10	6	10	*	14

*Less than .5%.
**Includes cases adjoined in contemplation of dismissal.

Table 45
Manhattan, New York
Case-processing time*

Disposition	Homicide	Sexual assault	Robbery	Burglary	Assault	Larceny	Weapons	Drugs
Guilty pleas								
(f)	265	79	2,502	2,057	1,173	3,470	563	2,722
Mean	248	137	113	73	77	61	140	105
Median	228	79	74	29	34	14	104	32
Trial convictions								
(f)	80	14	128	49	42	42	28	51
Mean	353	287	253	243	271	242	271	368
Median	344	277	227	214	250	190	249	328
Acquittals								
(f)	24	2	48	4	32	16	13	15
Mean	311	301	201	261	219	167	241	399
Median	308	301	205	224	213	150	232	369
Dismissals/nolles								
(f)	257	199	1,769	904	1,570	1,260	553	1,478
Mean	130	81	96	115	102	133	114	100
Median	75	48	56	90	60	115	71	53
Other								
(f)	0	0	0	0	0	0	0	0
Mean	0	0	0	0	0	0	0	0
Median	0	0	0	0	0	0	0	0

*Calculated in days from arrest or papering date.

Table 46
Manhattan, New York
Incarceration rates given conviction

Crime	Guilty*	Incarcerated	Sent to State prison
Homicide			
Frequency	286	239	217
Percent		84	76
Sexual assault			
Frequency	81	59	38
Percent		73	47
Robbery			
Frequency	2,460	1,606	835
Percent		65	34
Burglary			
Frequency	2,182	1,326	360
Percent		61	16
Assault			
Frequency	1,249	523	89
Percent		42	7
Larceny			
Frequency	3,587	1,935	130
Percent		54	4
Weapons			
Frequency	525	235	112
Percent		45	21
Drugs			
Frequency	2,424	1,188	319
Percent		49	13

*Includes only cases with known sentencing data.

Table 47
New Orleans, Louisiana
Results at screening

Crime	Cases presented	Filed	Rejected	Other screening decision*
Homicide				
Frequency	386	224	114	48
Percent		58	30	12
Sexual assault				
Frequency	246	117	106	23
Percent		48	43	9
Robbery				
Frequency	836	363	449	24
Percent		43	54	3
Burglary				
Frequency	1,285	817	420	48
Percent		64	33	4
Assault				
Frequency	636	175	366	95
Percent		28	58	15
Larceny				
Frequency	1,083	717	304	62
Percent		66	28	6
Weapons				
Frequency	345	163	170	12
Percent		47	49	3
Drugs				
Frequency	1,334	639	676	19
Percent		48	51	1

*Includes cases referred to other agencies for prosecution.

Table 48
New Orleans, Louisiana
Dispositions from filing through trial

Crime	Closed cases N	Guilty pleas	Trial convictions*	Total guilty	Dismissals/ nolles	Acquittals*	Other
Homicide							
Frequency	139	90	19	109	17	13	0
Percent		65	14	78	12	9	0
Sexual assault							
Frequency	82	60	7	67	7	8	0
Percent		73	9	82	9	10	0
Robbery							
Frequency	282	213	40	253	23	6	0
Percent		76	14	90	8	2	0
Burglary							
Frequency	688	580	24	604	70	14	0
Percent		84	3	88	10	2	0
Assault							
Frequency	144	115	4	119	16	9	0
Percent		80	3	83	11	6	0
Larceny							
Frequency	589	496	23	519	51	19	0
Percent		84	4	88	9	3	0
Weapons							
Frequency	124	89	7	96	25	3	0
Percent		72	6	77	20	2	0
Drugs							
Frequency	510	367	14	381	110	19	0
Percent		72	3	75	22	4	0

*Trial data are incomplete.

Table 49
New Orleans, Louisiana
Case-processing time*

Disposition	Homicide	Sexual assault	Robbery	Burglary	Assault	Larceny	Weapons	Drugs
Guilty pleas								
(f)	90	60	213	580	115	496	89	367
Mean	100	130	80	59	73	81	70	79
Median	82	98	61	42	52	49	52	56
Trial convictions								
(f)	19	7	40	24	4	23	7	14
Mean	165	153	116	114	81	91	122	114
Median	131	138	108	91	78	72	74	96
Acquittals								
(f)	13	8	6	14	9	19	3	19
Mean	161	195	78	120	114	108	208	109
Median	128	229	74	79	119	79	202	91
Dismissals/ nolles								
(f)	17	7	23	70	16	51	25	110
Mean	159	153	126	77	91	89	104	92
Median	131	149	95	55	73	71	104	78
Other								
(f)	0	0	0	0	0	0	0	0
Mean	0	0	0	0	0	0	0	0
Median	0	0	0	0	0	0	0	0

*Calculated in days from arrest or papering date.

Table 50
New Orleans, Louisiana
Incarceration rates given conviction

Crime	Guilty*	Incarcerated	Sent to State prison
Homicide			
Frequency	91	57	51
Percent		63	56
Sexual assault			
Frequency	60	46	41
Percent		77	68
Robbery			
Frequency	235	183	159
Percent		78	68
Burglary			
Frequency	581	317	209
Percent		55	36
Assault			
Frequency	113	36	20
Percent		32	18
Larceny			
Frequency	503	218	69
Percent		43	14
Weapons			
Frequency	95	48	32
Percent		51	34
Drugs			
Frequency	345	88	45
Percent		26	13

*Includes only cases with known sentencing data.

Table 51
Portland, Oregon
Dispositions from filing through trial

Crime	Closed cases N	Guilty pleas	Trial convictions	Total guilty	Dismissals/ nolles	Acquittals	Other
Homicide							
Frequency	65	35	17	53	10	2	2
Percent		54	26	82	15	3	2
Sexual assault							
Frequency	232	96	45	142	78	12	1
Percent		41	19	61	34	5	*
Robbery							
Frequency	392	190	79	276	107	8	8
Percent		48	20	70	27	2	2
Burglary							
Frequency	572	362	109	477	92	3	6
Percent		63	19	83	16	1	1
Assault							
Frequency	201	96	14	112	81	8	2
Percent		48	7	56	40	4	1
Larceny							
Frequency	624	363	95	459	151	14	1
Percent		58	15	74	24	2	*
Weapons							
Frequency	67	42	10	52	14	1	0
Percent		63	15	78	21	1	0
Drugs							
Frequency	527	408	37	445	79	3	0
Percent		77	7	84	15	1	0

*Less than .5%.

Table 52
Portland, Oregon
Reasons for nolles and dismissals

Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Diversion	Other prosecution	Other
Homicide									
Frequency	10	3	3	0	2	0	0	0	2
Percent		30	30	0	20	0	0	0	20
Sexual assault									
Frequency	78	9	19	0	3	22	0	1	24
Percent		12	24	0	4	28	0	1	31
Robbery									
Frequency	107	22	49	1	4	10	5	1	15
Percent		21	46	1	4	9	5	1	14
Burglary									
Frequency	92	19	17	1	6	20	10	2	17
Percent		21	18	1	7	22	11	2	18
Assault									
Frequency	81	11	41	0	0	4	11	1	13
Percent		14	51	0	0	5	14	1	16
Larceny									
Frequency	151	30	19	1	7	70	14	1	9
Percent		20	13	1	5	46	9	1	6
Weapons									
Frequency	14	3	1	0	2	2	0	2	4
Percent		21	7	0	14	14	0	14	29
Drugs									
Frequency	79	13	4	0	15	37	0	2	8
Percent		16	5	0	19	47	0	3	10

Table 53
Portland, Oregon
Case-processing time*

Disposition	Homicide	Sexual assault	Robbery	Burglary	Assault	Larceny	Weapons	Drugs
Guilty pleas								
(f)	35	91	179	350	96	358	42	382
Mean	90	85	85	76	99	99	92	72
Median	74	73	64	57	74	75	69	53
Trial convictions								
(f)	17	45	79	109	14	95	10	37
Mean	125	124	100	92	106	130	133	123
Median	104	94	87	78	94	114	100	97
Acquittals								
(f)	2	12	8	3	8	14	1	3
Mean	102	116	102	101	79	150	98	75
Median	102	111	85	104	73	114	98	74
Dismissals/nolles								
(f)	10	77	107	92	80	151	14	78
Mean	65	79	51	49	52	130	84	120
Median	58	77	8	21	10	106	52	88
Other								
(f)	1	1	7	6	2	1	0	0
Mean	115	76	93	89	146	101	0	0
Median	115	76	71	91	146	101	0	0

*Calculated in days from arrest or papering date.

Table 54
Portland, Oregon
Incarceration rates given conviction

Crime	Guilty*	Incarcerated**	Sent to State prison
Homicide			
Frequency	45	30	30
Percent		67	67
Sexual assault			
Frequency	119	46	43
Percent		39	36
Robbery			
Frequency	259	140	111
Percent		54	43
Burglary			
Frequency	452	182	162
Percent		40	36
Assault			
Frequency	94	28	13
Percent		30	14
Larceny			
Frequency	420	145	121
Percent		35	29
Weapons			
Frequency	50	16	9
Percent		32	18
Drugs			
Frequency	407	58	37
Percent		14	9

*Includes only cases with known sentencing data.
**Excludes probation sentences with jail time.

Table 55
Pueblo, Colorado
Dispositions from filing through trial

Crime	Closed cases N	Guilty pleas	Trial convictions	Total guilty	Dismissals/ nolles	Acquittals	Other
Homicide							
Frequency	2	0	0	0	2	0	0
Percent		0	0	0	100	0	0
Sexual assault							
Frequency	16	10	0	10	6	0	0
Percent		63	0	63	38	0	0
Robbery							
Frequency	18	11	0	11	7	0	0
Percent		61	0	61	39	0	0
Burglary							
Frequency	105	62	0	62	40	0	3
Percent		59	0	59	38	0	3
Assault							
Frequency	35	20	1	21	13	1	0
Percent		57	3	60	37	3	0
Larceny							
Frequency	53	27	0	27	25	1	0
Percent		51	0	51	47	2	0
Weapons							
Frequency	2	2	0	2	0	0	0
Percent		100	0	100	0	0	0
Drugs							
Frequency	32	20	0	20	12	0	0
Percent		63	0	63	38	0	0

Table 56
Pueblo, Colorado
Reasons for nolles and dismissals

Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Diversion	Other prosecution	Other
Homicide									
Frequency	2	2	0	0	0	0	0	0	0
Percent		100	0	0	0	0	0	0	0
Sexual assault									
Frequency	6	1	3	0	0	1	1	0	0
Percent		17	50	0	0	17	17	0	0
Robbery									
Frequency	7	1	1	0	1	3	0	1	0
Percent		14	14	0	14	43	0	14	0
Burglary									
Frequency	40	7	3	1	3	25	1	0	0
Percent		18	8	3	8	63	3	0	0
Assault									
Frequency	13	3	3	0	1	6	0	0	0
Percent		23	23	0	8	46	0	0	0
Larceny									
Frequency	25	2	3	1	1	12	5	1	0
Percent		8	12	4	4	48	20	4	0
Weapons									
Frequency	0	0	0	0	0	0	0	0	0
Percent		0	0	0	0	0	0	0	0
Drugs									
Frequency	12	3	3	2	0	1	3	0	0
Percent		25	25	17	0	8	25	0	0

Table 57
Pueblo, Colorado
Case-processing time*

Disposition	Homicide	Sexual assault	Robbery	Burglary	Assault	Larceny	Weapons	Drugs
Guilty pleas								
(f)	0	9	11	60	20	27	2	20
Mean	0	140	111	104	150	86	39	94
Median	0	155	89	101	112	76	39	94
Trial convictions								
(f)	0	0	0	0	1	0	0	0
Mean	0	0	0	0	248	0	0	0
Median	0	0	0	0	248	0	0	0
Acquittals								
(f)	0	0	0	0	1	1	0	0
Mean	0	0	0	0	442	371	0	0
Median	0	0	0	0	442	371	0	0
Dismissals/nolles								
(f)	1	6	5	39	8	23	0	11
Mean	46	79	88	124	127	124	0	103
Median	46	78	58	129	114	132	0	101
Other								
(f)	0	0	0	0	0	0	0	0
Mean	0	0	0	0	0	0	0	0
Median	0	0	0	0	0	0	0	0

*Calculated in days from arrest or papering date.

Table 58
Pueblo, Colorado
Incarceration rates given conviction

Crime	Guilty*	Incarcerated	Sent to State prison
Homicide			
Frequency	0	0	0
Percent		0	0
Sexual assault			
Frequency	9	3	1
Percent		33	11
Robbery			
Frequency	10	8	7
Percent		80	70
Burglary			
Frequency	53	32	19
Percent		60	36
Assault			
Frequency	17	6	2
Percent		35	12
Larceny			
Frequency	23	6	1
Percent		26	4
Weapons			
Frequency	2	1	0
Percent		50	0
Drugs			
Frequency	17	2	0
Percent		12	0

*Includes only cases with known sentencing data.

Table 59
Rhode Island
Dispositions from filing through trial*

Crime	Closed cases N	Guilty pleas	Trial convictions	Total guilty	Dismissals/ nolles	Acquittals	Other
Homicide							
Frequency	46	20	15	35	6	5	0
Percent		43	33	76	13	11	0
Sexual assault							
Frequency	80	46	7	53	17	10	0
Percent		58	9	67	21	13	0
Robbery							
Frequency	193	163	9	172	12	9	0
Percent		84	5	89	6	5	0
Burglary							
Frequency	806	734	5	739	64	3	0
Percent		91	1	92	8	**	0
Assault							
Frequency	497	401	12	413	69	15	0
Percent		81	2	83	14	3	0
Larceny							
Frequency	300	251	7	257	40	2	0
Percent		84	2	86	13	1	0
Weapons							
Frequency	106	96	0	96	10	0	0
Percent		91	0	91	9	0	0
Drugs							
Frequency	494	427	6	433	56	5	0
Percent		86	1	87	11	1	0

*Represents indicted cases only.
**Less than .5%.

Table 60
Rhode Island
Case-processing time*

Disposition	Homicide	Sexual assault	Robbery	Burglary	Assault	Larceny	Weapons	Drugs
Guilty pleas								
(f)	20	46	163	733	401	251	96	427
Mean	360	292	262	292	272	294	226	270
Median	297	302	212	262	235	268	208	240
Trials**								
(f)	20	17	18	8	27	9	0	11
Mean	343	287	307	359	348	376	0	237
Median	338	325	296	360	347	465	0	229
Dismissals/nolles								
(f)	6	17	12	64	69	40	10	56
Mean	467	331	287	309	270	353	269	355
Median	570	299	219	270	228	340	210	346
Other								
(f)	0	0	0	0	0	0	0	0
Mean	0	0	0	0	0	0	0	0
Median	0	0	0	0	0	0	0	0

*Calculated in days from arrest or papering date. Represents indicted cases only.
**Separate data for trial convictions and acquittals not available.

Table 61
Rhode Island
Incarceration rates given conviction*

Crime	Guilty**	Incarcerated	Sent to State prison
Homicide			
Frequency	32	22	21
Percent		69	66
Sexual assault			
Frequency	46	22	22
Percent		48	48
Robbery			
Frequency	163	115	105
Percent		71	64
Burglary			
Frequency	682	302	163
Percent		44	24
Assault			
Frequency	311	83	29
Percent		27	9
Larceny			
Frequency	216	58	22
Percent		27	10
Weapons			
Frequency	81	10	3
Percent		12	4
Drugs			
Frequency	364	83	13
Percent		23	4

*Represents indicted cases only, but in Rhode Island all convictions resulting from a felony arrest occur in the felony court.
**Includes only cases with known sentencing data.

Table 62
St. Louis, Missouri
Dispositions from filing through trial

Crime	Closed cases N	Guilty pleas	Trial convictions	Total guilty	Dismissals/ nolles	Acquittals	Other
Homicide							
Frequency	136	35	37	72	54	10	0
Percent		26	27	53	40	7	0
Sexual assault							
Frequency	165	66	13	79	75	11	0
Percent		40	8	48	45	7	0
Robbery							
Frequency	437	263	30	293	121	23	0
Percent		60	7	67	28	5	0
Burglary							
Frequency	910	671	19	690	212	8	0
Percent		74	2	76	23	1	0
Assault							
Frequency	266	121	21	142	109	15	0
Percent		45	8	53	41	6	0
Larceny							
Frequency	483	327	12	339	136	8	0
Percent		68	2	70	28	2	0
Weapons							
Frequency	454	299	17	316	134	4	0
Percent		66	4	70	30	1	0
Drugs							
Frequency	533	401	12	413	115	5	0
Percent		75	2	77	22	1	0

Table 63
St. Louis, Missouri
Reasons for nolles and dismissals

Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Diversion	Other prosecution	Other
Homicide									
Frequency	54	9	16	2	4	14	0	1	8
Percent		17	30	4	7	26	0	2	15
Sexual assault									
Frequency	75	13	23	6	2	12	1	0	18
Percent		17	31	8	3	16	1	0	24
Robbery									
Frequency	121	26	43	7	9	6	0	5	25
Percent		21	36	6	7	5	0	4	21
Burglary									
Frequency	212	34	64	11	11	23	0	18	51
Percent		16	30	5	5	11	0	8	24
Assault									
Frequency	109	16	45	7	11	3	0	3	24
Percent		15	41	6	10	3	0	3	22
Larceny									
Frequency	136	22	42	18	8	9	0	16	21
Percent		16	31	13	6	7	0	12	15
Weapons									
Frequency	134	30	18	44	13	13	0	5	11
Percent		22	13	33	10	10	0	4	8
Drugs									
Frequency	115	22	5	42	12	18	0	11	5
Percent		19	4	37	10	16	0	10	4

Table 64
St. Louis, Missouri
Case-processing time*

Disposition	Homicide	Sexual assault	Robbery	Burglary	Assault	Larceny	Weapons	Drugs
Guilty pleas								
(f)	35	66	263	670	121	327	299	401
Mean	236	216	190	145	184	141	157	155
Median	221	195	172	126	177	122	140	137
Trials**								
(f)	47	24	53	27	36	20	21	17
Mean	317	278	226	214	261	236	176	276
Median	275	251	212	212	236	237	176	278
Dismissals/nolles								
(f)	54	75	121	212	109	136	134	115
Mean	166	107	107	113	112	111	116	142
Median	175	84	59	74	77	59	82	110
Other								
(f)	0	0	0	0	0	0	0	0
Mean	0	0	0	0	0	0	0	0
Median	0	0	0	0	0	0	0	0

*Calculated in days from arrest or papering date.
**Separate data for trial convictions and acquittals not available.

Table 65
St. Louis, Missouri
Incarceration rates given conviction

Crime	Guilty*	Incarcerated	Sent to State prison
Homicide			
Frequency	70	59	55
Percent		84	79
Sexual assault			
Frequency	79	63	51
Percent		80	65
Robbery			
Frequency	291	224	186
Percent		77	64
Burglary			
Frequency	685	443	185
Percent		65	27
Assault			
Frequency	142	76	47
Percent		54	33
Larceny			
Frequency	333	184	54
Percent		55	16
Weapons			
Frequency	309	150	39
Percent		49	13
Drugs			
Frequency	407	203	43
Percent		50	11

*Includes only cases with known sentencing data.

Table 66
Salt Lake, Utah
Results at screening

Crime	Cases presented	Filed	Rejected	Other screening decision*
Homicide				
Frequency	34	32	2	0
Percent		94	6	0
Sexual assault				
Frequency	167	123	38	6
Percent		74	23	4
Robbery				
Frequency	262	186	69	7
Percent		71	26	3
Burglary				
Frequency	606	443	141	22
Percent		73	23	4
Assault				
Frequency	325	121	186	18
Percent		37	57	6
Larceny				
Frequency	384	260	95	29
Percent		68	25	8
Weapons				
Frequency	78	46	27	5
Percent		59	35	6
Drugs				
Frequency	380	323	48	9
Percent		85	13	2

*Includes cases referred to other agencies for prosecution.

Table 67
Salt Lake, Utah
Reasons for rejections and other screening decisions

Crime	N	Rejections						Other screening decisions	
		Evidence	Witness	Due process	Lacks merit	Plea bargain	Other	Diversion	Other prosecution
Homicide									
Frequency	2	2	0	0	0	0	0	0	0
Percent		100	0	0	0	0	0	0	0
Sexual assault									
Frequency	44	20	15	0	3	0	0	2	4
Percent		45	34	0	7	0	0	5	9
Robbery									
Frequency	76	41	20	0	5	0	3	0	7
Percent		54	26	0	7	0	4	0	9
Burglary									
Frequency	163	102	24	1	12	0	2	0	22
Percent		63	15	1	7	0	1	0	13
Assault									
Frequency	204	117	42	0	24	0	3	0	18
Percent		57	21	0	12	0	1	0	9
Larceny									
Frequency	124	70	10	1	11	0	3	0	29
Percent		56	8	1	9	0	2	0	23
Weapons									
Frequency	32	14	0	5	5	0	0	3	5
Percent		44	0	16	16	0	0	9	16
Drugs									
Frequency	57	42	2	2	1	0	1	0	9
Percent		74	4	4	2	0	2	0	16

Table 68
Salt Lake, Utah
Dispositions from filing through trial

Crime	Closed cases N	Guilty pleas	Trial convictions	Total guilty	Dismissals/ nolles	Acquittals	Other
Homicide							
Frequency	26	17	8	25	0	1	0
Percent		65	31	96	0	4	0
Sexual assault							
Frequency	106	59	11	70	32	4	0
Percent		56	10	66	30	4	0
Robbery							
Frequency	166	101	10	111	50	4	1
Percent		61	6	67	30	2	1
Burglary							
Frequency	391	270	22	292	92	7	0
Percent		69	6	75	24	2	0
Assault							
Frequency	113	61	12	73	35	5	0
Percent		54	11	65	31	4	0
Larceny							
Frequency	211	151	10	161	47	3	0
Percent		72	5	76	22	1	0
Weapons							
Frequency	40	29	2	31	7	2	0
Percent		73	5	78	18	5	0
Drugs							
Frequency	258	176	3	179	79	0	0
Percent		68	1	69	31	0	0

Table 69
Salt Lake, Utah
Reasons for nolles and dismissals

Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Diversion	Other prosecution	Other
Homicide									
Frequency	0	0	0	0	0	0	0	0	0
Percent	0	0	0	0	0	0	0	0	0
Sexual assault									
Frequency	32	7	14	0	0	7	2	0	2
Percent		22	44	0	0	22	6	0	6
Robbery									
Frequency	50	9	15	2	1	13	0	3	7
Percent		18	30	4	2	26	0	6	14
Burglary									
Frequency	92	9	15	2	5	42	1	5	13
Percent		10	16	2	5	46	1	5	14
Assault									
Frequency	35	2	18	0	6	6	0	0	3
Percent		6	51	0	17	17	0	0	9
Larceny									
Frequency	47	9	8	0	1	14	7	1	7
Percent		19	17	0	2	30	15	2	15
Weapons									
Frequency	7	2	1	0	0	2	0	0	2
Percent		29	14	0	0	29	0	0	29
Drugs									
Frequency	79	9	13	1	6	33	3	0	14
Percent		11	16	1	8	42	4	0	18

Table 70
Salt Lake, Utah
Case-processing time*

Disposition	Homicide	Sexual assault	Robbery	Burglary	Assault	Larceny	Weapons	Drugs
Guilty pleas								
(f)	17	59	101	270	61	151	29	176
Mean	193	133	100	107	112	122	75	135
Median	201	95	64	74	87	96	40	107
Trial convictions								
(f)	8	11	10	22	12	10	2	3
Mean	231	257	231	222	207	162	132	228
Median	226	215	196	149	153	133	132	222
Acquittals								
(f)	1	4	4	7	5	3	2	0
Mean	250	252	211	162	217	117	359	0
Median	250	241	166	91	206	73	359	0
Dismissals/nolles								
(f)	0	32	50	92	34	47	7	79
Mean	0	163	82	123	125	142	78	122
Median	0	79	27	87	98	89	68	65
Other								
(f)	0	0	1	0	0	0	0	0
Mean	0	0	147	0	0	0	0	0
Median	0	0	147	0	0	0	0	0

*Calculated in days from arrest or papering date.

Table 71
Salt Lake, Utah
Incarceration rates given conviction

Crime	Guilty*	Incarcerated	Sent to State prison
Homicide			
Frequency	22	17	15
Percent		77	68
Sexual assault			
Frequency	66	35	27
Percent		53	41
Robbery			
Frequency	101	45	40
Percent		45	40
Burglary			
Frequency	259	101	65
Percent		39	25
Assault			
Frequency	62	39	19
Percent		63	31
Larceny			
Frequency	127	35	19
Percent		28	15
Weapons			
Frequency	23	9	5
Percent		39	22
Drugs			
Frequency	143	24	7
Percent		17	5

*Includes only cases with known sentencing data.

Table 72
San Diego, California
Dispositions from filing through trial

Crime	Closed cases N	Guilty pleas	Trial convictions	Total guilty	Dismissals/ nolles	Acquittals	Other
Homicide							
Frequency	83	50	19	69	10	4	0
Percent		60	23	83	12	5	0
Sexual assault							
Frequency	172	145	7	152	16	4	0
Percent		84	4	88	9	2	0
Robbery							
Frequency	774	529	61	590	170	9	5
Percent		68	8	76	22	1	1
Burglary							
Frequency	1,864	1,488	47	1,535	296	20	13
Percent		80	3	82	16	1	1
Assault							
Frequency	599	438	36	474	118	6	1
Percent		73	6	79	20	1	*
Larceny							
Frequency	728	564	23	587	130	8	3
Percent		77	3	81	18	1	*
Weapons							
Frequency	26	16	1	17	9	0	0
Percent		62	4	65	35	0	0
Drugs							
Frequency	1,413	924	20	944	450	7	12
Percent		65	1	67	32	*	1

*Less than .5%.

Table 73
San Diego, California
Reasons for nolles and dismissals

Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Diversion	Other prosecution	Other
Homicide									
Frequency	9	4	1	0	2	1	0	0	1
Percent		44	11	0	22	11	0	0	11
Sexual assault									
Frequency	14	5	1	2	2	2	0	0	2
Percent		36	7	14	14	14	0	0	14
Robbery									
Frequency	149	51	46	6	8	18	0	2	18
Percent		34	31	4	5	12	0	1	12
Burglary									
Frequency	244	76	44	19	8	63	2	0	32
Percent		31	18	8	3	26	1	0	13
Assault									
Frequency	107	34	45	1	3	12	2	0	10
Percent		32	42	1	3	11	2	0	9
Larceny									
Frequency	110	31	19	4	5	25	14	2	10
Percent		28	17	4	5	23	13	2	9
Weapons									
Frequency	6	1	0	1	1	1	2	0	0
Percent		17	0	17	17	17	33	0	0
Drugs									
Frequency	430	83	30	31	11	46	199	5	25
Percent		19	7	7	3	11	46	1	6

Table 74
San Diego, California
Case-processing time*

Disposition	Homicide	Sexual assault	Robbery	Burglary	Assault	Larceny	Weapons	Drugs
Guilty pleas								
(f)	49	145	529	1,487	436	564	16	922
Mean	188	187	192	173	174	223	192	167
Median	172	132	133	112	131	116	90	116
Trial convictions								
(f)	19	7	61	47	36	23	1	20
Mean	251	253	215	235	244	281	324	236
Median	214	212	164	179	197	233	324	240
Acquittals								
(f)	4	4	9	20	6	8	0	9
Mean	250	186	160	172	195	172	0	176
Median	248	212	107	164	213	135	0	137
Dismissals/nolles								
(f)	10	16	170	296	118	129	9	449
Mean	41	123	66	92	83	102	166	208
Median	21	88	30	65	61	69	110	209
Other								
(f)	0	0	0	0	0	0	0	0
Mean	0	0	0	0	0	0	0	0
Median	0	0	0	0	0	0	0	0

*Calculated in days from arrest or papering date.

Table 75
San Diego, California
Incarceration rates given conviction

Crime	Guilty*	Incarcerated	Sent to State prison
Homicide			
Frequency	67	64	58
Percent		96	87
Sexual assault			
Frequency	100	71	31
Percent		71	31
Robbery			
Frequency	469	447	283
Percent		95	60
Burglary			
Frequency	918	830	359
Percent		90	39
Assault			
Frequency	268	225	84
Percent		84	31
Larceny			
Frequency	258	228	92
Percent		88	36
Weapons			
Frequency	-	-	-
Percent		-	-
Drugs			
Frequency	376	311	72
Percent		83	19

*Includes only felony court cases with known sentencing data. Felony court cases in San Diego are defined as cases disposed in superior court and felony pleas taken in municipal court.

Table 76
Tallahassee, Florida
Results at screening

Crime	Cases presented	Filed	Rejected*	Other screening decision**
Homicide				
Frequency	19	19	0	0
Percent		100	0	0
Sexual assault				
Frequency	46	46	0	0
Percent		100	0	0
Robbery				
Frequency	100	99	1	0
Percent		99	1	0
Burglary				
Frequency	390	378	12	0
Percent		97	3	0
Assault				
Frequency	221	203	18	0
Percent		92	8	0
Larceny				
Frequency	332	310	22	0
Percent		93	7	0
Weapons				
Frequency	29	28	1	0
Percent		97	3	0
Drugs				
Frequency	147	145	2	0
Percent		99	1	0

*Reason for rejection unknown.
**Includes cases referred to other agencies for prosecution.

Table 77
Tallahassee, Florida
Dispositions from filing through trial

Crime	Closed cases N	Guilty pleas	Trial convictions	Total guilty	Dismissals/ nolles	Acquittals	Other
Homicide							
Frequency	19	6	9	15	1	0	3
Percent		32	47	79	5	0	16
Sexual assault							
Frequency	44	7	10	17	22	2	3
Percent		16	23	39	50	5	7
Robbery							
Frequency	94	37	4	41	51	1	1
Percent		39	4	44	54	1	1
Burglary							
Frequency	360	134	9	143	208	7	2
Percent		37	3	40	58	2	1
Assault							
Frequency	197	61	7	68	117	10	2
Percent		31	4	35	59	5	1
Larceny							
Frequency	248	101	4	105	139	3	1
Percent		41	2	42	56	1	*
Weapons							
Frequency	27	16	0	16	9	2	0
Percent		59	0	59	33	7	0
Drugs							
Frequency	137	31	4	35	101	0	1
Percent		23	3	26	74	0	1

*Less than .5%.

Table 78
Washington, D.C.
Results at screening

Crime	Cases presented	Filed	Rejected	Other screening decision*
Homicide				
Frequency	176	172	4	0
Percent		98	2	0
Sexual assault				
Frequency	289	243	45	1
Percent		84	16	**
Robbery				
Frequency	1,799	1,563	234	2
Percent		87	13	**
Burglary				
Frequency	1,315	1,195	118	2
Percent		91	9	**
Assault				
Frequency	1,688	1,258	428	2
Percent		75	25	**
Larceny				
Frequency	945	859	83	3
Percent		91	9	**
Weapons				
Frequency	195	179	16	0
Percent		92	8	0
Drugs				
Frequency	398	367	30	1
Percent		92	8	**

*Includes cases referred to other agencies for prosecution.
**Less than .5%.

Table 79
Washington, D.C.
Reasons for rejections and other screening decisions

		Rejections						Other screening decisions	
Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Other	Diversion	Other prosecution
Homicide									
Frequency	4	0	0	0	2	0	2	0	0
Percent		0	0	0	50	0	50	0	0
Sexual assault									
Frequency	46	9	13	0	10	0	13	0	1
Percent		20	28	0	22	0	28	0	2
Robbery									
Frequency	236	41	78	0	43	0	72	0	2
Percent		17	33	0	18	0	31	0	1
Burglary									
Frequency	120	37	17	0	15	0	49	0	2
Percent		31	14	0	13	0	41	0	2
Assault									
Frequency	430	29	115	1	93	0	190	0	2
Percent		7	27	*	22	0	44	0	*
Larceny									
Frequency	86	24	12	0	16	0	31	0	3
Percent		28	14	0	19	0	36	0	3
Weapons									
Frequency	16	6	0	0	1	0	9	0	0
Percent		38	0	0	6	0	56	0	0
Drugs									
Frequency	31	8	0	3	4	0	15	0	1
Percent		26	0	10	13	0	48	0	3

*Less than .5%.

Table 80
Washington, D.C.
Dispositions from filing through trial

Crime	Closed cases N	Guilty pleas	Trial convictions	Total guilty	Dismissals/ nolles	Acquittals	Other
Homicide							
Frequency	148	63	35	98	43	5	2
Percent		43	24	66	29	3	1
Sexual assault							
Frequency	229	73	39	112	95	15	7
Percent		32	17	49	41	7	3
Robbery							
Frequency	1,520	658	143	801	640	59	20
Percent		43	9	53	42	4	1
Burglary							
Frequency	1,164	648	68	716	414	23	11
Percent		56	6	62	36	2	1
Assault							
Frequency	1,214	405	83	488	645	75	6
Percent		33	7	40	53	6	*
Larceny							
Frequency	825	408	25	433	360	29	3
Percent		49	3	52	44	4	*
Weapons							
Frequency	168	96	13	109	50	9	0
Percent		57	8	65	30	5	0
Drugs							
Frequency	358	198	15	213	136	8	1
Percent		55	4	59	38	2	*

*Less than .5%.

Table 81
Washington, D.C.
Reasons for nolles and dismissals

Crime	N	Evidence	Witness	Due process	Lacks merit	Plea bargain	Diversion	Other prosecution	Other
Homicide									
Frequency	43	12	12	0	4	1	0	6	8
Percent		28	28	0	9	2	0	14	19
Sexual assault									
Frequency	95	20	35	0	5	11	8	0	16
Percent		21	37	0	5	12	8	0	17
Robbery									
Frequency	640	199	240	0	42	35	5	4	115
Percent		31	38	0	7	5	1	1	18
Burglary									
Frequency	414	120	91	0	22	40	25	4	112
Percent		29	22	0	5	10	6	1	27
Assault									
Frequency	645	46	242	0	32	34	36	2	253
Percent		7	38	0	5	5	6	*	38
Larceny									
Frequency	360	32	44	0	13	62	74	7	128
Percent		9	12	0	4	17	21	2	36
Weapons									
Frequency	50	14	2	6	6	13	0	0	9
Percent		28	4	12	12	26	0	0	18
Drugs									
Frequency	136	49	10	14	6	26	3	5	23
Percent		36	7	10	4	19	2	4	17

*Less than .5%.

Table 82
Washington, D.C.
Case-processing time*

Disposition	Homicide	Sexual assault	Robbery	Burglary	Assault	Larceny	Weapons	Drugs
Guilty pleas								
(f)	63	73	658	647	405	408	95	198
Mean	241	204	168	133	121	107	145	134
Median	225	145	144	98	72	70	111	95
Trial convictions								
(f)	35	39	143	68	83	25	13	15
Mean	336	310	325	272	231	227	209	243
Median	321	293	321	255	226	222	189	194
Acquittals								
(f)	5	15	59	23	75	29	9	8
Mean	373	333	289	230	193	217	255	315
Median	358	343	262	214	161	200	218	438
Dismissals/nolles								
(f)	42	95	621	403	624	346	48	136
Mean	110	70	92	110	99	119	109	160
Median	58	37	43	57	62	92	65	118
Other								
(f)	2	7	19	11	6	3	0	1
Mean	181	89	84	84	55	26	0	4
Median	181	52	53	60	38	36	0	4

*Calculated in days from arrest or papering date.

Table 83
Washington, D.C.
Incarceration rates given conviction**

Crime	Guilty*	Incarcerated	Sent to State prison
Homicide			
Frequency	20	19	17
Percent		95	85
Sexual assault			
Frequency	36	21	18
Percent		58	50
Robbery			
Frequency	270	140	132
Percent		52	49
Burglary			
Frequency	214	90	66
Percent		42	31
Assault			
Frequency	87	48	33
Percent		55	38
Larceny			
Frequency	109	48	30
Percent		44	28
Weapons			
Frequency	39	29	20
Percent		74	51
Drugs			
Frequency	72	50	21
Percent		69	29

*Includes only cases with known sentencing data.
**Data are for indicted cases only.