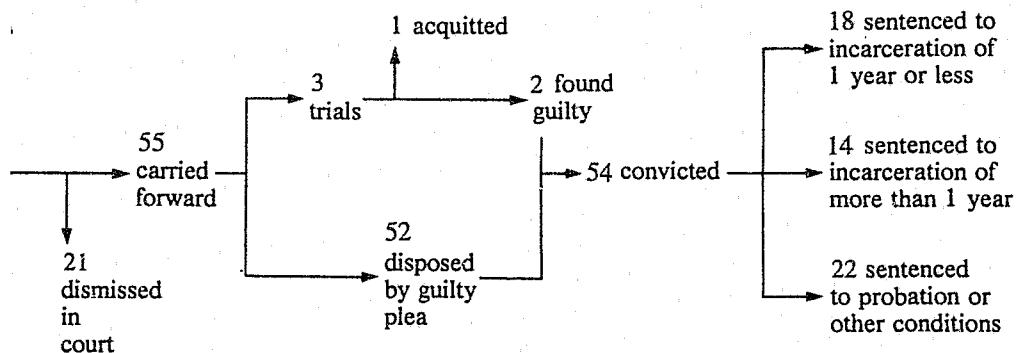




# The Prosecution of Felony Arrests, 1988

Typical outcome of 100 felony arrests  
brought by the police for prosecution



130-774

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U.S. Department of Justice  
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# The Prosecution of Felony Arrests, 1988

NCJRS

MAR 4 1992

ACQUISITIONS

By  
Barbara Boland  
Paul Mahanna  
and Ronald Sones

February 1992, NCJ- 130914

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3b	30	8c	59
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## Introduction

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The Prosecution of Felony Arrests, 1988 is the eighth in a series of statistical reports describing the prosecution of adult felony arrests in urban prosecutors' offices. This report includes information on 30 jurisdictions and focuses on cases disposed in 1988.

When jurisdiction-level data for 1988 were unavailable, 1987 data were substituted.\*

This series of reports provides statistics on what happens to criminal cases between arrest and incarceration and explains the role of the prosecutor in the felony disposition process. The FBI's Uniform Crime Reports record the number of serious crimes reported to the police and the number of serious crimes for which an arrest is made. The Bureau of Justice Statistics' National Judicial Reporting Program provides information on the sentences of defendants convicted of felony crimes, and its National Prisoner Statistics series provides data on defendants sentenced to prison. The *Prosecution of Felony Arrests* reports address the question of what happens to defendants arrested for felony crimes at each stage of case processing from the screening of arrests by the prosecutor to final outcomes in either the felony or misdemeanor court.

---

\*See table 1 for a list of participating jurisdictions. Table 8 indicates the data year for each jurisdiction. The previous editions of the series are: Kathleen Brosi, *A Cross-City Comparison of Felony Case Processing* (Washington, D.C.: USGPO, 1979); Barbara Boland et al., *The Prosecution of Felony Arrests, 1979* (Washington, D.C.: USGPO, 1983); Barbara Boland and Elizabeth Brady, *The Prosecution of Felony Arrests, 1980* (Washington, D.C.: USGPO, 1985); Barbara Boland and Ronald Sones, *The Prosecution of Felony Arrests, 1981* (Washington, D.C.: USGPO, 1986); Barbara Boland et al., *The Prosecution of Felony Arrests, 1982* (Washington, D.C.: USGPO, 1988); Barbara Boland et al., *The Prosecution of Felony Arrests, 1986* (Washington, D.C.: USGPO, 1989); and Barbara Boland et al., *The Prosecution of Felony Arrests, 1987* (Washington, D.C.: USGPO, 1990).

## **Introduction**

In this report, statistics are presented on--

- declinations by the prosecutor,
- dismissals in court,
- convictions by guilty plea or trial,
- acquittals at trial,
- sentences to incarceration, and
- elapsed time from arrest to disposition.

- Appendix A provides case-processing statistics by crime type for selected jurisdictions. Appendix B provides descriptions of the felony disposition process in each of the participating jurisdictions.

# Chapter 1

## Overview

In 1988 the FBI reported that the police arrested 2.1 million adults for serious crimes. According to National Prisoner Statistics on new imprisonments, in 1988 judges sentenced 245,310 adults to State prisons.\* Very few serious arrests—it appears 12 out of every 100—result in the defendants' being sent to prison.

What happens to the other 88 arrests, or more precisely to all adult arrests for felony crimes, is the subject of the *Prosecution of Felony Arrests* series.

### What happens to felony arrests?

The data collected for this report indicate that for every 100 adult arrests for a felony, 54 will result in a conviction to either a felony or a misdemeanor (figure 1). Of those 54—

- 52 will be guilty pleas, and
- 2 will be convictions at trial.

Of the 54 arrests resulting in conviction, 32 will lead to a sentence of incarceration—

- 18 will result in a sentence of 1 year or less, and
- 14 will result in a sentence of more than 1 year.

Of the 46 arrests that do not result in conviction—

- 6 will result in the defendants' being referred to diversion programs or to other courts for prosecution,
- 18 will be rejected for prosecution at screening, before court charges are filed,
- 21 will be dismissed in court, and
- 1 will result in an acquittal at trial.

\**Crime in the United States 1988*, Federal Bureau of Investigation, U.S. Department of Justice (Washington, D.C.: USGPO, 1989). *Correctional Populations in the U.S., 1988*, Bureau of Justice Statistics, U.S. Department of Justice (Washington, D.C.: USGPO, 1990).

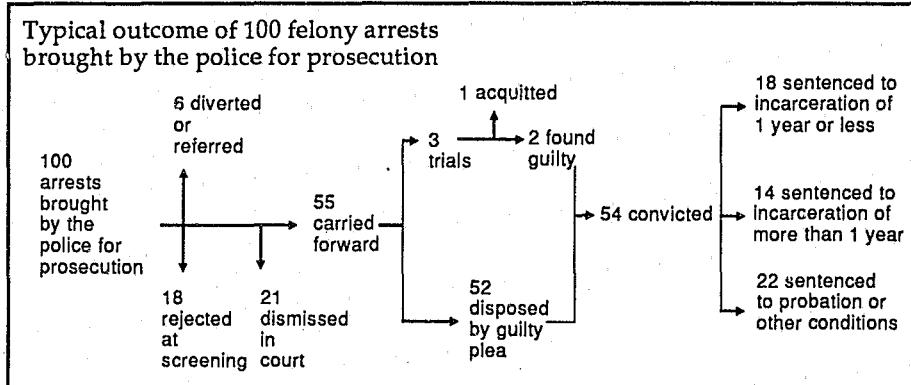


Figure 1

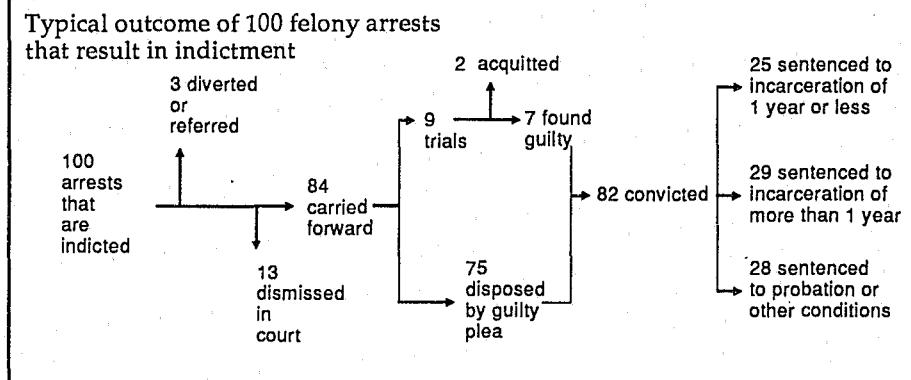


Figure 2

The majority of felony arrests are disposed before they reach the felony court

In some jurisdictions as many as three-quarters of all felony arrests are disposed prior to indictment or bindover to the felony court. These pre-indictment or pre-bindover dispositions include rejections at screening, before any court charges have been filed, and dispositions in the lower (or misdemeanor) court either by a dismissal or a misdemeanor conviction. Of the arrests that are carried forward to the felony court, most end in a guilty plea or trial.

For every 100 felony arrests disposed in the felony court, 13 are dismissed, 3 are diverted or referred, 75 result in a guilty plea, and 9 go to trial (figure 2). Seven of the 9 trials end in a conviction. Of the 82 convictions, approximately two-thirds end in a sentence of

incarceration—

- 25 result in a sentence of 1 year or less, and
- 29 result in a sentence of more than 1 year.

### The participating jurisdictions

The 30 prosecutors' offices included in this report represent urban areas, where most crimes are committed. In most of the participating jurisdictions one or two cities account for the majority of cases presented for prosecution, although the legal jurisdiction typically covers an entire county (table 1).

In this report felony arrest outcomes are reported for three measures:

All felony arrests, which includes arrests declined for prosecution as well as arrests filed with the court and disposed in either the felony court or the lower (misdemeanor) court.

## Overview

**Table 1. Participating jurisdictions**

Major city in jurisdiction	Legal jurisdiction	Population of legal jurisdiction	Crime rate per 100,000	Violent crime rate per 100,000
Los Angeles, California	Los Angeles County	8,505,597	6,784	1,352
Chicago, Illinois <sup>a</sup>	Cook County	5,279,096	7,337	1,420
Brooklyn, New York <sup>b</sup>	Kings County	2,287,276	8,175	2,333
San Diego, California	San Diego County	2,256,942	6,990	721
Queens, New York <sup>b</sup>	Queens County	1,944,913	7,386	1,250
Dallas, Texas	Dallas County	1,837,250	12,666	1,281
Miami, Florida	11th Judicial Circuit	1,822,255	12,386	1,814
Philadelphia, Pennsylvania	Philadelphia County	1,649,364	5,738	1,055
Manhattan, New York <sup>b</sup>	New York County	1,478,716	14,386	2,738
Seattle, Washington	King County	1,383,466	9,302	658
Pittsburgh, Pennsylvania	5th Judicial District	1,346,961	3,445	430
Minneapolis, Minnesota	Hennepin County	994,906	7,552	660
Rhode Island	Rhode Island	980,831	5,469	378
Riverside, California	Riverside County	883,789	7,953	1,101
Columbus, Ohio	Franklin County	871,814	7,754	729
Indianapolis, Indiana	Marion County	775,631	6,298	694
Washington, D.C.	Washington, D.C.	622,000	8,451	1,610
Portland, Oregon	Multnomah County	572,486	13,020	1,666
New Orleans, Louisiana	Orleans Parish	549,536	9,280	1,397
Denver, Colorado	2nd Judicial District	509,529	9,239	756
Bakersfield, California	Kern County	506,692	7,443	942
Dayton, Ohio	Montgomery County	504,541	6,673	750
Albuquerque, New Mexico	2nd Judicial District	480,876	8,922	933
St. Louis, Missouri <sup>c</sup>	St. Louis City	429,414	12,670	2,277
Annapolis, Maryland	Anne Arundel County	412,522	4,420	316
Virginia Beach, Virginia	Virginia Beach City	340,158	5,498	211
Chattanooga, Tennessee	Hamilton County	287,384	6,313	623
Brighton, Colorado	17th Judicial District	280,796	7,069	515
Lincoln, Nebraska	Lancaster County	205,610	6,776	363
Boise, Idaho	Ada County	192,932	5,477	305

<sup>a</sup>Figures for Chicago are from *Crime in Illinois 1987* (Illinois Department of State Police, 1987).

<sup>b</sup>Figures for Brooklyn, Queens, and Manhattan are from *New York State Crime and Justice Annual Report 1987* (New York State Division of Criminal Justice Services, 1987).

<sup>c</sup>Crime rates for St. Louis are from Federal

Bureau of Investigation, *Crime in the United States, 1987*, U.S. Department of Justice (Washington, D.C.: USGPO, 1988). Source: Population figures and crime rates (with exceptions noted) are from a 1987 Uniform Crime Report county-level file provided by the Inter-University Consortium for Political and Social Research.

**Cases filed**, which includes felony arrests for which an initial court charge is filed, usually with the lower court, and disposed in the felony or the lower court. Cases filed includes felony arrests filed as misdemeanors as well as those filed as felonies.

**Cases indicted**, which includes felony arrests indicted or bound over to the felony trial court for disposition. In jurisdictions where the lower court has jurisdiction over less serious felonies, such cases, when possible, are included in the definition of cases indicted.

These three measures capture arrest dispositions at the three primary stages of felony prosecution: Screening, initial processing in the lower court, and disposition in the felony court

Typically, prosecutors screen felony arrests before they are filed in court to determine if court charges should be filed and what the proper charges should be. Filed cases are then processed through a two-tiered court system. Initial proceedings in felony cases, such as arraignments, bail/bond hearings, and preliminary

### The sample of urban jurisdictions

The jurisdictions in this report were selected from a list of the largest 200 prosecutors' offices. These 200 offices correspond, with a few exceptions, to the 200 largest counties in the United States, and they account for approximately two-thirds of all serious crimes and arrests. The largest offices are defined in terms of the number of serious arrests occurring in the jurisdiction. Because crime is highly concentrated in very large urban areas, jurisdictions containing large cities are disproportionately represented.

The 200 largest offices were identified from the 1984 Uniform Crime Report county-level file on Part I crimes and arrests, which was prepared for the Bureau of Justice Statistics by the Inter-University Consortium for Political and Social Research.

hearings to determine whether probable cause exists to proceed on a felony charge, are handled by the lower court of the jurisdiction. The lower court also disposes of felony arrests that are reduced to misdemeanors and original misdemeanor arrests.

The felony court 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.

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**At screening the prosecutor may decide to decline a felony arrest for prosecution, file misdemeanor charges, or file the arrest as a felony**

A declination usually means that the screening attorney has determined that the evidence is not sufficient to obtain a conviction and therefore does not warrant filing a court charge. The case is, in other words, rejected for prosecution, and no further official action is taken against the defendant. With some declinations, however, the case is referred to another court for prosecution, or the defendant is referred to a diversion program. In such cases further action against the defendant is possible at a later date.

If the decision at screening is to file a court charge, the prosecutor must determine whether to file the case as a felony or to reduce the police charges and file the case as a misdemeanor.

Whether a felony arrest is filed as a felony or a misdemeanor, the initial court filing and initial court proceedings typically take place in the lower court.

**In the lower court felony arrests may be dismissed, disposed as misdemeanors, or bound over to the felony court**

The Constitution requires that arrested defendants be brought to court within a matter of hours after arrest for a bail/bond hearing or be released. 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.

If the defendant is charged with a misdemeanor, the case will be disposed and sentenced in the lower court. If the defendant is charged with a felony, the next step is either a preliminary hearing in the lower court or presentation of the case to the grand jury. In all but a few States all felony defendants have a right to 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.

A preliminary hearing is an open court proceeding presided over by a judge. The defendant is present and both the prosecutor and defense counsel 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.

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.

In some jurisdictions both a preliminary hearing and a grand jury indictment are required before a case can be transferred to the felony court. 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. The defendant, however, will usually still appear in the lower court for the initial bail/bond hearing.

It is uncommon for large numbers of cases to be dismissed by judges at the preliminary hearing or to be "no true billed" by grand juries. Bindover and indictment rates are usually 90% or more of the cases presented. It is quite common, however, for felony arrests to be disposed in the lower court before a preliminary hearing or grand jury presentment takes place.

In the period between the initial court filing and the preliminary hearing or the grand jury presentment (typically 2 weeks to 1 month), the prosecutor may dismiss a number of felony cases or reduce the charges to misdemeanors. Dismissals primarily represent cases with evidence problems. Reductions to misdemeanors may represent a unilateral decision on the part of the prosecutor to reduce charges based on

either evidentiary or policy considerations (e.g., treatment of first offenders). Reductions to misdemeanors may also be the result of active plea negotiations undertaken to settle cases outside the felony court.

**Once cases reach the felony court, relatively few are dismissed: Most end in a guilty plea or trial**

By the time cases reach the felony court, the evidence has been carefully screened and the majority of cases that are not likely to end in conviction have been dropped either at screening or in the lower court.

Felony court cases involve defendants the prosecutor has determined to be legally as well as factually guilty. They are, in short, the cases prosecutors think are most likely to end in a conviction. To prosecutors, a felony case most often means a case that has been indicted or bound over to the felony court for disposition.

**Prosecutors differ in how they handle felony arrests at the three stages of felony prosecution**

Data from this and previous reports in the series indicate that in most jurisdictions approximately half of all felony arrests are dropped at some point in the disposition process and about half will result in conviction. At what point cases are dropped and where convictions are obtained, however, vary considerably.

In some jurisdictions the vast majority of cases that do not result in a conviction are rejected for prosecution before court charges are filed. Very few cases are dropped after filing; post-filing dismissal rates may be as low as 10 to 15%. In other jurisdictions nearly all arrests result in initial charges being filed with the court. In these jurisdictions rates of post-filing dismissals are much higher, although most of the dismissals occur in the lower court.

## Overview

**Table 2. Disposition of all felony arrests presented for prosecution**

Jurisdiction	Number of arrests	Diversion or referral	Percentage of felony arrests resulting in				Percentage of trials resulting in:		
			Rejection or dismissal			Guilty plea	Trial	Conviction	Acquittal
			Rejection	Dismissal	Total				
Brooklyn	35,816		3%	38%	41%	56%	2%	60%	40%
Los Angeles <sup>a</sup>	89,302		36	10	46	54	..	..	..
Manhattan	38,601	-	2	42	44	54	3	70	30
Miami <sup>b</sup>	41,181	5%	30	6	36	56	2	63	37
Minneapolis <sup>c</sup>	3,943	7	31	12	42	46	3	79	21
Portland	10,281	6	28	15	43	42	10	87	13
Queens	19,122		1	32	33	63	3	77	23
Rhode Island	7,039		0	39	39	58	3	57	43
Riverside	11,751		25	17	42	56	1	80	20
San Diego	30,234	10	21	10	31	57	2	82	18
Seattle	9,368	4	20	11	31	57	8	85	15
Washington, D.C.	15,283	2	18	26	44	49	6	70	30
Jurisdiction mean		6%	18%	21%	39%	52%	3%	74%	26%

Note: In jurisdictions in which diversions and referrals are not reported as such, cases diverted or referred are included with rejections and dismissals.  
..Data not available.  
-Insufficient data to calculate.

<sup>a</sup>Trial convictions are included with guilty pleas, and acquittals are included with dismissals. OBTS data; see table 8. OBTS dispositions represent 50% of arrests made by the police.

<sup>b</sup>In Miami, diversions or referrals include pre-trial diversions, restitution cases, transfers to other jurisdictions, and miscellaneous dispositions.

<sup>c</sup>Rejections in Minneapolis include some arrests referred to the city prosecutor for misdemeanor prosecution.

Prosecutors' offices also differ greatly in the extent to which felony arrests are convicted in the felony court on felony charges or reduced to misdemeanors and convicted in the misdemeanor court. Some jurisdictions obtain virtually all convictions resulting from a felony arrest in the felony court and to felony charges. Others routinely reduce felony cases to misdemeanors; well over one-half of felony arrest convictions may be obtained in the misdemeanor court.

Data from individual jurisdictions on felony arrest dispositions, as measured from police arrest, initial court filing, and indictment or bindover to the felony court, illustrate the differences and similarities among jurisdictions in the handling of felony arrests (tables 2, 3, and 4).

Prosecutors vary in whether they drop felony charges before or after court charges are filed

A high rate of rejections at screening is the result of a conscious policy on the part of the prosecutor to weed out weak cases before they enter the court system.

**Table 3. Disposition of felony arrests filed in court as misdemeanors or felonies**

Jurisdiction	Number of cases filed	Diversion or referral	Percentage of cases filed resulting in:				Percentage of trials resulting in:	
			Dismissal	Guilty plea	Trial	Conviction	Acquittal	
			Rejection					
Brighton	1,652		8%	12%	77%	4%	73%	27%
Brooklyn	34,662		40	58	2	60	40	
Dallas	21,413		13	81	6	69	31	
Denver	3,397	5	15	77	4	78	22	
Lincoln	698	23	14	57	6	90	10	
Los Angeles <sup>a</sup>	57,276		16	84	..	..	..	..
Manhattan	37,799	-	42	55	3	70	30	
Miami <sup>b</sup>	28,715	7	9	82	2	63	37	
Minneapolis	2,705	11	17	67	5	79	21	
New Orleans	4,551	2	14	72	12	77	23	
Pittsburgh <sup>c</sup>	3,579	7	14	63	15	81	19	
Portland	7,394	7	21	58	14	87	13	
Queens	18,890		33	64	3	77	23	
Rhode Island	7,039		39	58	3	57	43	
Riverside <sup>d</sup>	8,776		23	75	2	80	20	
St. Louis	4,702	1	33	61	5	63	37	
San Diego	23,756	12	12	73	2	82	18	
Seattle	7,136	1	14	75	11	85	15	
Virginia Beach	1,611	3	20	66	11	80	20	
Washington, D.C.	12,504	2	31	60	8	70	30	
Jurisdiction mean		6%	21%	67%	6%	75%	25%	

Note: In jurisdictions in which diversions and referrals are not reported as such, cases diverted or referred are included with dismissals.  
..Data not available.  
-Insufficient data to calculate.

<sup>a</sup>Trial convictions are included with guilty pleas and acquittals with dismissals. OBTS data; see table 8.

<sup>b</sup>In Miami, diversions or referrals include pre-trial diversions, restitution cases, transfers to other jurisdictions, and miscellaneous dispositions.

<sup>c</sup>Number of cases filed excludes thefts due to inability to distinguish felonies from misdemeanors.

<sup>d</sup>Disposition of cases filed as misdemeanors was estimated from OBTS data on cases convicted versus not convicted in lower court. Separate counts of misdemeanor trials not available.

Among the 12 jurisdictions in table 2 there is a substantial difference in the fraction of arrests rejected at screening. In Rhode Island the police automatically file all felony arrests with the lower court before the prosecutor has an opportunity to screen, so pre-filing rejections cannot occur. But even after excluding Rhode Island, the rejection rate varies from 2% or less in Manhattan and Queens to 36% in Los Angeles.

Such pre-filing screening arrangements are a critical factor in determining post-filing dismissal rates for cases filed with the court.

The dispositions of cases filed show a substantial range of dismissal rates (table 3). In Los Angeles, for example, 16% of all cases filed are dismissed.

At the other extreme, in Manhattan 42% of cases filed result in a dismissal. These dismissal rates are a direct result of the screening arrangements in the two jurisdictions. In Los Angeles the prosecutor's office has a rigorous policy of dropping nonconvictable cases before court charges are filed. In Manhattan nonconvictable cases are dismissed in the lower court prior to indictment.

Post-indictment dismissal rates in most jurisdictions are relatively low. Even though jurisdictions vary in the extent to which they drop felony arrests before any court charges are filed, most do not carry forward to the felony court large numbers of cases that are not likely to result in a conviction. In other words, if nonconvictable cases are not rejected at

screening they will most likely be dropped later in the lower court. As a consequence the fraction of cases dropped in the felony court is typically low.

Among the 28 jurisdictions reporting on the disposition of indicted cases, over two-thirds have felony court dismissal rates of 15% or less (table 4).

#### Jurisdictions also vary in the extent to which they use the felony courts for the conviction of felony arrests

The data also illustrate the differences among jurisdictions in the fraction of all felony arrests that are carried forward to the felony court (table 5). In Rhode Island, for example, over 70% of all arrests are disposed in the felony court. In Brooklyn and Riverside, less than 30% go on to the felony court.

Because about half of all felony arrests result in a conviction, in jurisdictions that indict 25 or 30% of all felony arrests a number of felony arrests end up being convicted in the lower court on a misdemeanor charge. The fraction in Brooklyn is approximately 62%. In contrast, in Rhode Island all convictions resulting from a felony arrest occur in the felony court.

Table 4. Disposition of felony arrests that result in felony indictment

Jurisdiction	Number of cases indicted	Diversion or referral	Percentage of cases indicted resulting in:			Percentage of trials resulting in:	
			Dismissal	Guilty plea	Trial	Conviction	Acquittal
Albuquerque	1,987		31%	65%	4%	83%	17%
Annapolis	1,425	9%	15	65	11	72	28
Bakersfield <sup>a</sup>	2,088		7	93	..	..	..
Boise	812	14	20	61	5	68	32
Brooklyn	9,090		12	80	8	55	35
Chattanooga	1,341		14	79	7	..	..
Chicago	24,809		25	60	15	66	34
Columbus	4,727	5	25	66	4	63	37
Dallas <sup>b</sup>	21,413		13	81	6	69	31
Dayton	1,710	1	10	77	12	83	17
Denver	2,923	6	12	78	5	78	22
Indianapolis	3,751	1	20	69	10	78	22
Lincoln	492	4	10	77	9	90	10
Los Angeles	29,257	1	8	84	8	77	23
Manhattan	12,508	-	11	81	7	71	29
Miami <sup>c</sup>	26,201	7	9	82	2	63	37
New Orleans <sup>b</sup>	4,551	2	14	72	12	77	23
Philadelphia	13,156	6	16	47	31	72	28
Pittsburgh <sup>d</sup>	3,160		11	72	17	81	19
Portland	6,205	1	15	68	16	87	13
Queens	8,336		7	86	8	79	21
Rhode Island	5,227		18	78	4	57	43
Riverside	2,911		5	90	5	80	20
St. Louis	3,402	1	9	83	6	63	37
San Diego	11,020	1	3	92	5	87	13
Seattle	5,806	1	9	79	11	84	16
Virginia Beach	1,220	3	9	75	13	76	24
Washington, D.C.	7,515	-	16	75	8	71	29
Jurisdiction mean		3%	13%	75%	9%	75%	25%

Note: In jurisdictions in which diversions and referrals are not reported as such, cases diverted or referred are included with dismissals.

<sup>a</sup>Data not available.

<sup>b</sup>Insufficient data to calculate.

<sup>c</sup>Trial convictions are included with guilty pleas and acquittals are included with dismissals.

<sup>b</sup>Cases filed and cases indicted are the same.

<sup>c</sup>In Miami, diversions or referrals include pretrial diversions, restitution cases, transfers to other jurisdictions, and miscellaneous dispositions.

<sup>d</sup>Number of cases indicted excludes thefts due to inability to distinguish felonies from misdemeanors.

Table 5. Percent of all felony arrests indicted

Jurisdiction	Percentage indicted
Rhode Island	74%
Miami	64
Seattle	62
Portland	60
Washington, D.C.	49
Queens	44
San Diego	36
Los Angeles	32
Manhattan	32
Brooklyn	25
Riverside	25
Jurisdiction mean	46%

## Overview

Where cases are convicted has important implications for the severity of sentences

The data in table 6 measure incarceration sentences in two ways. For cases filed, incarceration sentences are measured as a fraction of all convictions resulting from a felony arrest. These convictions and sentences may occur in either the lower court or the felony court. For cases indicted, incarceration rates refer to convictions and sentences in the felony court only.

Of all convictions resulting from a felony arrest, 59% lead to a sentence of incarceration and 26% to incarceration of more than 1 year. Incarceration rates in the felony court alone are higher; 66% of those convicted are sentenced to incarceration, and 36% are sentenced to terms of more than 1 year.

The more severe sentences in the felony court follow from the fact that some jurisdictions utilize the felony trial courts for the disposition of only the most serious felony crimes. Less serious felonies are disposed in the lower court as misdemeanors.

The data on felony court sentences suggest, for example, that Los Angeles and Manhattan sentence a higher fraction of convicted defendants to terms of more than one year than do

### Definition of incarceration sentences

In most States sentences of more than 1 year are served in prison, and sentences of a year or less are served in local jails. The distinction between prison and jail sentences, however, varies across States and among jurisdictions. In this report sentences of more than 1 year are used as a measure of long-term incarceration regardless of the type of institution in which the sentence is served. Also, where possible, sentences of exactly 1 year are tabulated separately.

Table 6. Incarceration rates for cases that result in conviction

Jurisdiction	Number of convictions <sup>a</sup>	Percentage of convictions resulting in incarceration		
		Any incarceration	More than 1 year	Exactly 1 year
<b>Cases filed and convicted in felony or misdemeanor court</b>				
Brighton	1,188	69%	36%	4%
Brooklyn	20,603	53	19	..
Denver	2,541	67	44	6
Lincoln	437	75	32	16
Los Angeles <sup>c</sup>	48,301	..	21	..
Manhattan	20,086	68	23	6
Minneapolis	1,925	68	25	..
New Orleans <sup>d</sup>	3,574	52	35	6
Portland	5,005	34	30	2
Queens	12,559	61	27	..
Rhode Island <sup>d</sup>	4,186	24	11	3
St. Louis	2,980	46	37	6
San Diego	16,631	87	18	9
Seattle	5,702	78	18	3
Virginia Beach	1,205	49	20	12
Jurisdiction mean		59%	26%	7%
<b>Cases indicted and convicted in felony court</b>				
Albuquerque	1,357	57%	21%	18%
Bakersfield	1,939	96	45	..
Boise <sup>b</sup>	526	34	29	..
Brooklyn	7,762	81	49	..
Chattanooga <sup>e</sup>	1,126	76	57	8
Columbus	3,236	53	26	14
Denver	2,245	74	50	4
Indianapolis	2,865	61	42	11
Lincoln	418	78	38	17
Los Angeles	25,630	93	44	11
Manhattan	10,074	77	45	10
New Orleans <sup>d</sup>	3,574	52	35	6
Portland	4,923	34	30	2
Queens	7,644	75	45	..
Rhode Island <sup>d</sup>	4,186	24	11	3
St. Louis	2,960	46	37	6
San Diego	9,769	94	30	14
Seattle	4,964	88	21	3
Virginia Beach	1,037	53	24	13
Jurisdiction mean		66%	36%	9%

<sup>a</sup>Data not available.

<sup>b</sup>Number of convictions for which sentencing data were available.

<sup>c</sup>Incarcerations of exactly 1 year are included with incarcerations of more than 1 year.

<sup>d</sup>OBTS data; see table 8.

<sup>e</sup>Cases filed and cases indicted are the same in New Orleans. In Rhode Island for both cases filed and cases indicted all convictions occur in the felony court.

<sup>f</sup>The incarceration percentages were calculated from a sample of 80 convictions in felony court.

New Orleans and St. Louis. But Manhattan and Los Angeles are jurisdictions that traditionally indict about one-third of all felony arrests and utilize the misdemeanor courts extensively to obtain misdemeanor convictions for cases that begin as a felony arrest. New Orleans and St. Louis on the other hand are jurisdictions that obtain virtually all felony arrest convictions in the felony court.

Data from the four jurisdictions regarding all convictions provide a different comparison. New Orleans and St. Louis both sentence convicted defendants to periods of long-term incarceration at a higher rate than do Los Angeles and Manhattan. New Orleans and St. Louis sentence 35 to 37% of all convicted defendants to more than 1 year of incarceration. Comparable rates in Los Angeles and Manhattan are 21% and 23%, respectively.

**The time from arrest to final court disposition varies substantially across jurisdictions**

In table 7 case-processing times from arrest to final disposition are presented for all felony arrests for which an initial court charge is filed—cases filed—and for those felony arrests that are indicted or bound over to the felony court for disposition—cases indicted.

The median time from arrest to disposition for cases filed ranges from 72 days in San Diego to 175 days in Brighton. The average among all jurisdictions is 117 days. Average arrest-to-disposition time for only those cases bound over or indicted and disposed in the felony court is 133 days. Similar to the measure for cases filed, substantial variation exists across jurisdictions. In San Diego the median arrest-to-disposition time for the cases disposed in the felony court is 72 days, whereas in Rhode Island the felony court cases require a median time of 194 days for disposition. Felony court cases typically take longer to process than cases disposed in the lower court because they require more due-process hearings, such as preliminary hearings and grand jury presentations, than cases disposed as misdemeanors. Felony court cases are viewed generally as 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.

**In all jurisdictions disposition times vary by whether a case ends in a dismissal, guilty plea, or trial; trials require the longest disposition times**

On average, trial dispositions take about 8 months from the time of arrest. Across jurisdictions, the time from arrest to disposition by trial in the felony court ranges from 149 days, or about 5 months, in Portland to 467 days, or 15 months, in Rhode Island.

**Table 7. Case-processing time for cases filed and cases indicted, by type of final disposition**

Jurisdiction	All dis-positions*	Median time from arrest to disposition for:		
		Dismissal	Plea	Trial
<b>Cases filed</b>				
San Diego	72 days	112 days	62 days	159 days
Washington, D.C.	86	92	76	182
Manhattan	88	125	44	234
Los Angeles <sup>b</sup>	92	128	83	212
New Orleans	105	85	97	182
Seattle	117	104	113	142
Portland	119	83	121	149
Denver	138	121	137	298
Rhode Island	147	63	175	467
St. Louis	148	71	168	294
Brighton	175	137	176	334
Jurisdiction mean	117 days	102 days	114 days	241 days
<b>Cases indicted</b>				
San Diego	72 days	125 days	64 days	166 days
Manhattan	104	189	79	241
New Orleans	105	85	97	182
Washington, D.C.	108	162	85	226
Los Angeles	117	170	106	202
Seattle	117	155	106	151
Portland	133	163	121	149
Denver	160	153	153	298
Indianapolis	171	199	162	211
St. Louis	178	209	168	294
Rhode Island	194	363	175	467
Jurisdiction mean	133 days	179 days	120 days	235 days

\*Includes only cases for which time data were available.

<sup>b</sup>Excludes a number of felony arrests filed as misdemeanors and handled by municipal prosecutors.

Because 70 to 80% of trials typically result in a conviction, comparison of disposition times for trials and guilty pleas provides an approximate measure of the additional time required for those cases convicted by trial rather than by plea. On average, for cases convicted in the felony court the additional disposition time for cases convicted by trial rather than plea is close to 4 months. For individual jurisdictions, the additional time ranges from less than 1 month in Portland to close to 10 months in Rhode Island (table 7, cases indicted).

**Definition of case-processing time**

The time from arrest to final disposition was determined by calculating the number of days between the date of arrest, or the papering date if the arrest date was missing, and the date a case was dismissed in court or the defendant pleaded guilty or was convicted or acquitted at trial. No adjustments were made for periods considered excludable time according to the various State speedy trial rules. The disposition times calculated, in other words, represent the elapsed calendar time from arrest to final court disposition.

## Chapter II

### Data sources, limitations, and definitions

#### Data sources

The primary data source for this report was the computerized management information system (MIS) used by the prosecutor, court, or other criminal justice agency to track the cases of individual defendants from arrest or court filing until final disposition and sentence. Data from these systems were obtained from tapes provided by the jurisdictions, from computer printouts listing dispositions on a case-by-case basis, and from aggregate statistical reports prepared by the jurisdictions or by criminal justice statistical agencies. Where computerized data were not available, aggregate or case-by-case data were obtained from a variety of manual data collection systems. Where necessary, manual data systems were supplemented by small samples of hand-collected data. In all jurisdictions the counts of cases are individual defendant-cases.

Data sources, data year, and the form of the data collected for all jurisdictions are listed in table 8. The table also provides caseload definitions and the caseload size for each jurisdiction. In several jurisdictions certain anomalies occur in caseload definitions because of the unique administrative systems devised for processing cases. In Rhode Island the police automatically file all felony arrests in the lower court; thus, all arrests and cases filed are the same. In Dallas and New Orleans, the prosecutor either rejects a felony arrest or files it directly in the felony court; thus, cases filed and cases indicted are the same. In instances in which one set of data fits the procedural definition of two separate data sets, the data are presented twice to assist users in assembling procedurally similar data sets across jurisdictions.

The statistics for each jurisdiction presented in the text and in appendix A summarize the outcomes for defendants processed in each jurisdiction

Table 8. Caseload definitions and data sources

Jurisdiction	Data year	Felony case definition and caseload size			Data source(s)
		All arrests	Cases filed	Cases indicted	
Albuquerque	1987			1,987	Prosecutor MIS, case list
Annapolis	1987			1,425	Court MIS, aggregate
Bakersfield	1988			2,088	Prosecutor and court MIS and OBTS, aggregate
Boise	1987			812	Criminal justice MIS, case list
Brighton	1988		1,652		Prosecutor MIS, tape
Brooklyn	1988	35,816	34,622	9,090	OBTS, tape
Chattanooga	1987			1,341	Prosecutor and court records, hand sample
Chicago	1987			24,809	Court records, aggregate
Columbus	1987			4,727	Court MIS, case list
Dallas <sup>a</sup>	1988			21,413	Prosecutor and court records, aggregate
Dayton	1987			1,710	Prosecutor MIS, aggregate
Denver	1988		3,397	2,923	Prosecutor MIS, tape
Indianapolis	1987			3,751	Prosecutor MIS, tape
Lincoln	1987		698	492	Prosecutor MIS, case list
Los Angeles <sup>b</sup>	1988	89,302	57,276	29,257	Prosecutor MIS and OBTS, tape and aggregate
Manhattan	1988	38,601	37,799	12,508	Prosecutor MIS, tape
Miami	1988	41,181	28,715	26,201	Prosecutor and court records, aggregate
Minneapolis	1987	3,943	2,705		Prosecutor MIS, aggregate
New Orleans <sup>a</sup>	1988		4,551		Prosecutor MIS, tape
Philadelphia	1987			13,156	Court MIS and prosecutor records, aggregate
Pittsburgh <sup>c</sup>	1987		3,579	3,160	Court MIS, aggregate
Portland	1988	10,281	7,394	6,205	Prosecutor MIS, tape
Queens	1988	19,122	18,890	8,336	OBTS, tape
Rhode Island	1987	7,039	7,039	5,227	Court MIS, tape
Riverside	1988	11,751	8,776	2,911	Prosecutor MIS and OBTS, aggregate
St. Louis	1988		4,702	3,402	Prosecutor MIS, tape
San Diego	1988	30,234	23,756	11,020	Prosecutor MIS, tape
Seattle	1988	9,368	7,136	5,806	Prosecutor MIS, tape
Virginia Beach	1987		1,611	1,220	Prosecutor MIS, case list
Washington, D.C.	1988	15,283	12,504	7,515	Prosecutor MIS, tape

<sup>a</sup>Cases filed and cases indicted are the same.

<sup>b</sup>Prosecutor's MIS data were supplemented by Offender-Based Transaction Statistics (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 MIS system. All arrests and, in most tables, cases filed are OBTS statistics. Cases indicted are from the prosecutor's MIS.

In appendix A, cases filed are from the MIS but they include only felony arrests filed on a felony charge. Cases tracked by the OBTS system represent approximately 50% of the actual cases disposed. See *Criminal Justice Profile 1988, Los Angeles County* (California Department of Justice).

<sup>c</sup>Data exclude thefts due to inability to distinguish felonies from misdemeanors.

and thus reflect the average outcome among defendants within that jurisdiction. 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.

## Data sources, limitations, and definitions

### Limitations

The principal problem in deriving comparable cross-jurisdictional statistics of felony arrest dispositions is the differing definitions of "felony cases" that arise because of the differing statutory and administrative systems jurisdictions have devised for processing felony arrests. These differing definitions are reflected in their manual and automated case-tracking systems.

In some jurisdictions it is possible to track the disposition of all felony arrests, including those rejected or filed as misdemeanors; in others, only those felony arrests that result in an initial court filing are tracked; and in still others, dispositions are tracked only for those arrests ultimately indicted or bound over to the felony court. Thus, in some jurisdictions the definition of felony cases is all arrests; in others, cases filed; and in still others, cases indicted. In addition, even when it is possible to identify procedurally comparable sets of felony cases across jurisdictions (such as cases filed and cases indicted), one cannot assume that the resulting data are analytically comparable for the purpose of making statistical comparisons across jurisdictions. Because of differing administrative arrangements for charging and weeding out cases prior to court filing, jurisdictions vary considerably in the fraction of felony arrests filed. Thus, dispositions measured from the point of filing vary a great deal. This variation is primarily a reflection of the differing screening and charging arrangements in the jurisdictions.

Jurisdictions also vary in the extent to which they utilize the felony courts for the disposition of felony arrests: Among the jurisdictions in this report the fraction of felony arrests disposed in the felony court ranged from approximately 80% to 20% of all arrests. Felony courts, therefore, can represent a widely differing mix of case types and case dispositions. The effect of these arrangements on statistical measures is discussed throughout the text. A major goal of this series is to define procedurally comparable sets of felony cases across jurisdictions and from those data sets identify analytically comparable statistics that can be used for comparative study of the felony disposition process both across jurisdictions and over time.

### Definition of key terms

To assist the reader in understanding the administrative procedures necessary to process felony arrests, key terms are defined below.\*

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

**Felony court**--Felony 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 felony court is often referred to as the upper or trial court. In recent years a number of jurisdictions have granted felony jurisdiction to the lower court for certain less serious felony crimes. In this report, where possible, these lower court felonies are included in the counts of felony court cases.

**Filing**--A criminal case is initiated 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 is used to indicate the initiation of a case in the lower court, the first court filing, as distinguished from the filing of a case in the felony court after indictment or bindover.

\*The definitions were derived from the *Dictionary of Criminal Justice Data Terminology*, 2nd ed., Bureau of Justice Statistics (Washington, D.C.: U.S. Department of Justice, 1981).

**Arraignment**--Arraignments are hearings (before the court having jurisdiction in a criminal case) at 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. There are two kinds of arraignment:

- **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 and arraignment on the information refer to the first appearance in the felony court subsequent to an indictment by a grand jury or a bindover decision by the lower court.

**Preliminary hearing**--This 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 (probable cause) to believe that the defendant committed the crime. In a number of 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 felony court.

**Grand jury**--A body of lay 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 they are filed in the felony trial court. The grand jury decides whether to indict or not indict.

**Bindover**--The decision by the lower court that a person charged with a felony must appear for trial on that charge in the felony court as the result of a finding of probable cause at a preliminary hearing. In some jurisdictions the bindover decision is more limited, involving only the bindover of a case to the grand jury. In these jurisdictions prosecution in the felony court requires both a finding of probable cause at a preliminary hearing and a grand jury vote to indict. In this report the term bindover is used interchangeably with the term indictment to refer to the ultimate decision to carry a case forward to the felony court for prosecution.

**Information**--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 or bindover decision.

**Indictment**--The formal charging document that initiates the trial stage of a felony case after grand jury consideration. In this report the terms bindover and indictment are used interchangeably to refer to cases carried forward to the felony court.

**Declination and rejection for prosecution**--In this report the term declination is used to refer to all arrests for which the prosecutor does not file a court charge. Declinations include arrests on which no further official action will be taken, as well as arrests referred to diversion programs or to other courts for prosecution. Official action against the defendant may still be taken for cases diverted and those referred for other prosecution. The term rejection is used to refer to those declinations on which no further official action of any kind will be taken. Rejections, in other words, represent a final termination of an arrest by the prosecutor.

**Dismissals**--The decision to drop cases after formal court charges have been filed. Counts of dismissals (and declinations) in the Overview tables have been adjusted to exclude diversions and referrals for other prosecution. Cases that are diverted or referred may still result in prosecution and conviction and therefore do not represent a final rejection or dismissal. This adjustment was also made in the disposition tables in appendix A.

Dismissals in most jurisdictions (and in some instances declinations) also include a number of cases in which one case against a defendant is dropped but prosecution is pursued on another case. Such dropped cases primarily refer to situations in which the defendant is prosecuted on another case either through a plea arrangement or by the combination of two cases into a single case. Thus, although one case against a defendant is dropped, the defendant is ultimately found guilty. Tables 4 and 5 in appendix A provide counts of dropped cases that were "covered by another case".

**Guilty pleas**--Guilty pleas include cases in which a guilty party pleads to the top or lesser charge. Pleas to lesser charges include pleas to misdemeanors as well as lesser felony crimes.

**Trials**--Trials assume two forms: court and jury. In court trials (also called bench trials) there is no jury and the issue of guilt or innocence is determined by the judge. The counts of trials in this report include both court and jury trials.

## Appendix A

### Case-processing statistics by crime type

This appendix provides statistics on felony arrest outcomes by crime type for 10 large, urban jurisdictions. Arrest outcomes are presented for three sets of felony cases:

All felony arrests: defined as all felony arrests presented by the police for prosecution. All felony arrests includes felony arrests disposed in either the felony or lower court, as well as arrests declined for prosecution prior to the filing of a court charge. Declined arrests includes cases rejected, on which no further action will be taken, and other pre-filing dispositions, such as referral to diversion programs or to other agencies for prosecution.

Cases filed: defined as felony arrests for which an initial court charge is filed, usually with the lower court, and disposed in the felony or lower court. Except where noted, cases filed includes felony arrests filed as misdemeanors or felonies.

Cases indicted: defined as felony arrests indicted or bound over to the felony trial court for disposition. In jurisdictions where the lower court has legal authority to adjudicate certain felony crimes (usually less serious felonies), such cases are included in the definition of cases indicted.

These three measures capture the outcomes of felony arrests at the three primary stages of felony prosecution: at screening, before cases are filed in court; during the initial post-filing phase of case processing in the lower court; and after bindover to the felony court through grand jury indictment or a finding of probable cause at a preliminary hearing.

All three measures are not always available for all jurisdictions. Also, because case-processing procedures in some jurisdictions differ from this typical three-stage pattern, certain anomalies arise in the definitions of arrests, cases filed, and cases indicted. These deviations are explained below in the

section on caveats and jurisdictional definitions. Further explanation of the felony disposition process can be found in the Overview.

The jurisdictions for which case-processing statistics are presented in this appendix are

Brighton	Portland
Denver	St. Louis
Los Angeles	San Diego
Manhattan	Seattle
New Orleans	Washington, D.C.

The data refer to felony arrests disposed in 1988.

The 12 crime type categories are

Murder and manslaughter	Fraud
Rape	Drug trafficking
Robbery	Drug possession
Aggravated assault	Weapons
Burglary	Other
Larceny	
Stolen property	

"Crime type" represents the most serious charge ever associated with a case. Typically, the most serious charge is the lead or top charge at the time of arrest or initial court filing. The crime type, in other words, represents the type of crime with which the defendant is charged in the early stages of a felony case. The arrest or initial court charge may or may not be the type of crime for which a defendant is later indicted, convicted, or sentenced.

Typically, defendants are charged with more than one crime in a case involving a single arrest. In the crime type tables the most serious crime charged is used to characterize the case.

The seriousness hierarchy used to determine the most serious charge in a case is as follows:

#### Violent Crimes

1. Murder
2. Manslaughter
3. Kidnaping\*
4. Rape
5. Robbery
6. Attempted murder
7. Aggravated assault
8. Negligent manslaughter\*
9. Other sexual assaults\*

#### Property Crimes, Drugs, and Weapons

10. Arson\*
11. Drug trafficking
12. Burglary
13. Larceny
14. Fraud
15. Weapons
16. Stolen property
17. Drug possession

Crimes marked with an asterisk are not tabulated separately but are included in the "other" crime type category.

Beginning with the 1982 edition of the series, the crime type definitions were revised from those used in earlier reports to reflect more closely State statutory definitions of felony crimes. The crime types used in this edition and in others published since the 1982 edition agree with current BJS crime definitions (see below) and thus permit the comparison of these data with data in other BJS statistical reports. Where it was necessary to deviate from the standard BJS definition, the deviation is explained in a note. The crime type definitions are as follows.

**Murder:** Involves either (1) the intentional death of another without extreme provocation or legal justification or (2) the death of another while committing or attempting to commit another crime. The category excludes conspiracy to commit murder, solicitation of murder, and attempted murder but includes accessory to murder, aiding and abetting murder, and facilitating murder.

## Case-processing statistics by crime type

**Manslaughter (Nonnegligent):** The intentional death of another without legal justification, but with provocation that a reasonable person would find extreme. The category also includes those homicides characterized by an "extreme indifference to human life" but excludes homicides of an involuntary nature, such as negligent manslaughter or vehicular manslaughter. This distinction is consistent with State statutory definitions of non-negligent manslaughter.

**Rape:** Forcible intercourse or sodomy with a person, including acts involving use of a foreign object.

**NOTE:** The BJS definition of rape excludes all statutory rapes. In this report statutory rapes committed under certain extreme circumstances, such as against very young children (under age 10, for example) are included in the statistics on rape. This is done because in a number of State statutes it is not possible to distinguish such statutory rapes from forcible rape.

**Robbery:** The unlawful taking of property that is in the immediate possession of another, by force or the threat of force.

**Aggravated assault:** Assaults involving (1) serious bodily injury with or without a deadly weapon but with intent and (2) the attempt or threat to cause bodily injury, regardless of the degree of injury if any, with a deadly or dangerous weapon. This category includes attempted murders.

**NOTE:** BJS guidelines for designating assault crimes as aggravated allow the inclusion of any assaults classified as felonies in State statutes. In this report aggravated assaults include the following: (1) assaults involving serious bodily injury without intent and (2) assaults involving the use of a deadly weapon without serious bodily injury but with depraved indifference to its occurrence. All jurisdictions included in this report classified such assaults as serious felony offenses.

**Burglary:** The unlawful entry of a structure, with or without the use of force, with intent to commit a felony or theft.

**Larceny:** The unlawful taking of property from another by stealth, without force or deceit. The category includes pickpocketing, nonforcible purse snatching, and auto theft.

**Stolen property:** The unlawful reception, transportation, possession, concealment, or sale of stolen property. The category includes crimes involving stolen automobiles.

**Fraud:** False and illegal representations by an individual designed to obtain material gain. The category includes embezzlements and thefts by deception.

**Drug trafficking:** The manufacture, distribution, sale, or transportation of illegal drugs or "possession with intent to sell" such substances.

**Drug possession:** Possession or use of any illegal drug.

**Weapons:** The unlawful sale, distribution, manufacture, alteration, transportation, possession, or use of a deadly or dangerous weapon or accessory.

**Other:** Combines all other felony offenses, including kidnaping, morals offenses, arson, unknown, and miscellaneous other felonies.

The BJS definitions are based on definitions of the major crime types found in State criminal codes. Among the more serious crimes of murder/manslaughter, rape, robbery, burglary, and aggravated assault, only minor variations are apparent in the substantive definitions across States. Among the less serious crime types (drug and weapons offenses, larceny, and stolen property), however, more variation exists among substantive definitions. No attempt has been made to accommodate this considerable variation in the crime type definitions among State statutes. Thus, these

crime categories may include differing types of criminal behavior across jurisdictions.

**In this appendix the tabulations of declinations and dismissals have been adjusted to count separately diversions and referrals for other prosecution**

In the Overview, the counts of cases declined and dismissed have been adjusted to count separately cases referred to diversion programs or to other agencies for prosecution; this provides a more accurate count of cases dropped for prosecution. Cases that are diverted or referred may still result in prosecution and conviction and therefore do not represent a final rejection or dismissal.

A similar adjustment has been made in the appendix disposition tables. In tables 1, 2, 3, 4, and 5, diversions and referrals for other prosecution are tabulated separately. Rejections, in table 1, represent final dispositions. Similarly, final dismissals in tables 1, 2, and 3 exclude diversions and referrals and therefore represent a final disposition of dismissal.

In addition, the statistics on declination and dismissal reasons in this appendix enable one to determine the number of declinations and dismissals in which one case against a defendant was dropped but prosecution was pursued on another case. The count of cases included under "covered by another case" (tables 4 and 5) primarily refers to those situations in which the defendant was either found guilty on another case through a plea arrangement or prosecution was pursued by combining two cases into a single case. Thus, although one case against a defendant was dropped, the defendant does not necessarily go free.

**The data were obtained from computerized information systems used to track the arrests of individual defendants**

The data in this appendix were extracted from computerized data tapes

obtained from each of the 10 jurisdictions. The information systems from which the data were derived are designed to track criminal cases from arrest to final disposition and sentencing in the courts.

In all jurisdictions, each case represents a separate arrest for an individual defendant. Two arrests involving one defendant but two separate criminal incidents would be entered and counted as two separate cases. Similarly, two defendants arrested for a single criminal incident would be entered and counted separately.

**In interpreting the data certain caveats and jurisdictional definitions should be kept in mind**

It was not possible to produce all nine tables for all jurisdictions. In some jurisdictions certain data elements are not consistently recorded in the prosecutor's computer system. In Washington, D.C., for example, sentences are not recorded. Further, some jurisdictions track cases from arrest but others do not begin tracking cases until filing or indictment. This may reflect an administrative decision or the prosecutor's legal jurisdiction.

Certain other anomalies occur due to the unique administrative systems devised for processing cases. Most jurisdictions screen arrests prior to court filing and process felonies through the lower court before indictment or bindover to the felony court. In jurisdictions where the case-processing procedures differ from this typical pattern, the definitions of arrests, cases filed, and cases indicted require additional explanation. In some jurisdictions, for example, the police file all arrests directly in the lower court before the prosecutor reviews the arrest. Thus, arrests and cases filed are the same and declinations do not occur. In others, felony arrests are either rejected for prosecution or prosecuted as felonies in the felony court. In such jurisdictions, therefore, no distinction exists between cases filed and cases indicted.

In instances in which one set of data fits the procedural definition of two tables, the data are presented twice to assist users in assembling procedurally similar data sets across jurisdictions.

The jurisdictional descriptions below describe the legal jurisdiction of the prosecutor, the data sets included in the tables, and any anomalies or peculiarities of the data.

**Brighton**

The district attorney for the 17th Judicial District of Colorado has jurisdiction over felonies and misdemeanors in Adams County. The data in the tables refer to cases filed.

**Denver**

The district attorney for the 2nd Judicial District of Colorado has jurisdiction over felonies and misdemeanors in Denver County, which is geographically identical to the city of Denver. The data in the tables refer to cases filed and cases indicted.

**Los Angeles**

The district attorney has jurisdiction over felonies in Los Angeles County and misdemeanors in unincorporated areas of the county. Municipal prosecutors handle most misdemeanors occurring in the county.

The data in the tables refer to cases filed and cases indicted. In Los Angeles, cases filed exclude a substantial fraction of felony arrests filed as misdemeanors and prosecuted by city prosecutors in the lower court. This definition of cases filed differs from that used in other jurisdictions and from that used for most text exhibits, in which the Los Angeles district attorney's computerized data have been supplemented by Offender-Based Transaction Statistics (OBTS)

collected by the State of California. The OBTS data permit tracking outcomes of all felony arrests, including those dropped before filing of court charges and those filed as misdemeanors. The OBTS data, however, are not available by crime type and thus are not reflected in the appendix tables.

**Manhattan**

The district attorney has jurisdiction over felonies and misdemeanors in New York County (Manhattan). The data in the tables refer to all arrests, cases filed, and cases indicted.

**New Orleans**

The district attorney has jurisdiction over felonies and misdemeanors in Orleans Parish.

The data in the tables refer to cases filed and cases indicted.

Due to the district attorney's rigorous charging policies, cases are declined for prosecution or they are filed and prosecuted as felonies in a unified court, which handles felonies and misdemeanors. Filing is by information. Thus, cases filed and cases indicted are identical and the numbers are the same in tables 2 and 3 (dispositions for cases filed and cases indicted), tables 6 and 7 (sentences for all convictions and for felony court convictions), and tables 8 and 9 (case-processing time for cases filed and cases indicted).

**Portland**

The district attorney for Multnomah County has jurisdiction over felonies and misdemeanors. The data in the tables refer to all arrests, cases filed, and cases indicted.

## **Case-processing statistics by crime type**

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### **St. Louis**

The circuit attorney for St. Louis has jurisdiction over felonies and serious misdemeanors committed within the city of St. Louis.

The data in the tables refer to cases filed and cases indicted. Cases filed exclude a very small percentage of felony arrests filed as misdemeanors.

### **San Diego**

The district attorney for San Diego County has jurisdiction over all felonies in the county and misdemeanors in unincorporated areas of the county.

The data in the tables refer to all arrests, cases filed, and cases indicted.

### **Seattle**

The prosecuting attorney for King County is responsible for felonies and misdemeanors occurring in the county. The data in the tables refer to all arrests, cases filed, and cases indicted.

### **Washington, D.C.**

The U. S. Attorney for the District of Columbia has jurisdiction over all felonies and misdemeanors in the District of Columbia.

The data in the tables refer to all arrests, cases filed, and cases indicted. Sentencing data are not recorded in the U.S. Attorney's computerized information system.



**Table 1. Disposition of felony arrests presented for prosecution**

a. Manhattan b. Portland c. San Diego d. Seattle e. Washington, D.C.	<b>a. Manhattan, New York 1988</b>							
	<b>Most serious charge</b>	<b>Total</b>	<b>Arrests resulting in:</b>					
			<b>Diversion/ referral*</b>	<b>Rejection</b>	<b>Final dismissal</b>	<b>Guilty plea</b>	<b>Trial conviction</b>	<b>Trial acquittal</b>
	Percent of felony arrests	100%	0%	2%	42%	54%	2%	1%
	Murder and manslaughter	100	4	3	25	47	18	4
	Rape	100	0	3	73	19	4	2
	Robbery	100	0	2	48	45	3	2
	Aggravated assault	100	0	2	61	34	1	1
	Burglary	100	0	1	30	66	2	0
	Larceny	100	0	3	36	58	1	1
	Stolen property	100	1	4	37	57	1	0
	Fraud	100	0	2	35	62	1	0
	Drug trafficking	100	0	1	35	62	1	0
	Drug possession	100	0	2	43	55	0	0
	Weapons	100	0	4	49	45	2	1
	Other	100	0	2	38	58	2	1
	Number of felony arrests	38,601	117	779	16,062	20,669	679	295
	Murder and manslaughter	302	11	8	76	142	54	11
	Rape	371	1	10	271	70	13	6
	Robbery	6,682	30	148	3,198	2,993	197	116
	Aggravated assault	5,439	26	85	3,342	1,873	74	39
	Burglary	2,947	4	29	892	1,950	60	12
	Larceny	5,777	13	196	2,102	3,350	83	33
	Stolen property	940	6	39	346	539	6	4
	Fraud	504	1	11	176	311	3	2
	Drug trafficking	12,006	12	165	4,160	7,498	131	40
	Drug possession	51	0	1	22	28	0	0
	Weapons	1,144	1	41	558	510	18	16
	Other	2,438	12	46	919	1,405	40	16
	<b>b. Portland, Oregon 1988</b>							
	<b>Most serious charge</b>	<b>Total</b>	<b>Arrests resulting in:</b>					
			<b>Diversion/ referral*</b>	<b>Rejection</b>	<b>Final dismissal</b>	<b>Guilty plea</b>	<b>Trial conviction</b>	<b>Trial acquittal</b>
	Percent of felony arrests	100%	6%	28%	15%	42%	9%	1%
	Murder and manslaughter	100	0	8	8	45	33	6
	Rape	100	1	26	17	39	14	4
	Robbery	100	1	21	22	42	13	1
	Aggravated assault	100	1	26	27	33	9	3
	Burglary	100	1	24	15	51	8	1
	Larceny	100	4	24	20	42	8	2
	Stolen property	100	0	13	25	63	0	0
	Fraud	100	5	33	13	45	5	0
	Drug trafficking	100	1	22	12	46	16	2
	Drug possession	100	0	37	16	35	11	1
	Weapons	100	0	32	17	34	16	2
	Other	100	13	28	12	42	4	1
	Number of felony arrests	10,281	581	2,849	1,543	4,283	893	132
	Murder and manslaughter	49	0	4	4	22	16	3
	Rape	184	1	47	32	71	26	7
	Robbery	678	9	141	150	283	90	5
	Aggravated assault	326	4	84	88	109	30	11
	Burglary	978	8	233	148	499	81	9
	Larceny	757	32	181	154	318	59	13
	Stolen property	8	0	1	2	5	0	0
	Fraud	423	21	138	54	190	20	0
	Drug trafficking	1,089	16	241	134	503	177	18
	Drug possession	1,898	5	703	298	655	218	19
	Weapons	133	0	42	23	45	21	2
	Other	3,758	485	1,034	456	1,583	155	45

\*Diversions/referrals include cases declined or dismissed due to referral to diversion programs or for other prosecution. Divisions/referrals are not final dispositions.

**c. San Diego, California 1988**

Most serious charge	Total	Arrests resulting in:					
		Diversion/ referral*	Rejection	Final dismissal	Guilty plea	Trial conviction	Trial acquittal
Percent of felony arrests	100%	10%	21%	10%	57%	2%	0%
Murder and manslaughter	100	1	18	5	57	19	0
Rape	100	1	33	9	52	3	1
Robbery	100	4	15	13	62	4	1
Aggravated assault	100	8	30	11	47	3	1
Burglary	100	5	11	7	75	2	0
Larceny	100	7	16	9	68	1	0
Stolen property	100	8	29	9	53	1	0
Fraud	100	7	14	17	62	0	0
Drug trafficking	100	9	21	8	60	2	0
Drug possession	100	17	26	12	45	0	0
Weapons	100	8	14	10	66	1	0
Other	100	16	31	10	42	1	0
Number of felony arrests	30,234	2,951	6,478	2,943	17,285	476	101
Murder and manslaughter	167	2	30	8	95	32	0
Rape	497	7	166	44	260	15	5
Robbery	1,050	47	160	134	651	46	12
Aggravated assault	1,985	164	588	220	932	58	23
Burglary	4,757	246	522	336	3,545	97	11
Larceny	2,469	178	390	214	1,667	13	7
Stolen property	2,933	232	838	270	1,558	28	7
Fraud	1,673	122	226	277	1,038	7	3
Drug trafficking	4,349	378	895	350	2,625	91	10
Drug possession	4,060	705	1,040	477	1,819	15	4
Weapons	1,886	148	272	192	1,246	21	7
Other	4,408	722	1,351	421	1,849	53	12

\*Diversions/referrals include cases declined or dismissed due to referral to diversion programs or for other prosecution. Divisions/referrals are not final dispositions.

**Table 1. Continued**  
**Disposition of felony arrests presented for prosecution**

**d. Seattle, Washington 1988**

<u>Most serious charge</u>	<u>Total</u>	Arrests resulting in:					
		<u>Diversion/ referral*</u>	<u>Rejection</u>	<u>Final dismissal</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	<u>Trial acquittal</u>
Percent of felony arrests	100%	4%	20%	11%	57%	7%	1%
Murder and manslaughter	100	6	18	8	32	26	9
Rape	100	1	42	9	29	13	7
Robbery	100	3	13	8	62	13	2
Aggravated assault	100	13	21	7	45	11	3
Burglary	100	7	15	4	67	6	1
Larceny	100	3	15	5	72	4	1
Stolen property	100	9	45	4	41	2	1
Fraud	100	3	15	6	75	1	0
Drug trafficking	100	0	0	8	79	12	0
Drug possession	100	2	33	8	53	3	0
Weapons	100	11	39	6	33	11	0
Other	100	5	18	28	40	7	2
Number of felony arrests	9,368	401	1,886	1,003	5,356	613	109
Murder and manslaughter	87	5	16	7	28	23	8
Rape	244	2	103	22	70	31	16
Robbery	480	15	61	36	299	61	8
Aggravated assault	656	88	139	46	295	71	17
Burglary	1,017	69	148	43	686	63	8
Larceny	1,432	36	221	76	1,032	54	13
Stolen property	328	28	146	13	133	6	2
Fraud	528	14	80	31	398	4	1
Drug trafficking	834	4	0	66	660	102	2
Drug possession	1,933	47	630	163	1,025	63	5
Weapons	18	2	7	1	6	2	0
Other	1,811	91	335	499	724	133	29

\*Divisions/referrals include cases declined or dismissed due to referral to diversion programs or for other prosecution.  
 Divisions/referrals are not final dispositions.

Note: Drug possession and drug trafficking charges cannot be distinguished at the screening stage in Seattle. Police drug arrest charges fall under a generic narcotics statute. All declined drug arrests are included in the drug possession category.

e. Washington, D.C. 1988

Most serious charge	Total	Arrests resulting in:					
		Diversion/ referral*	Rejection	Final dismissal	Guilty plea	Trial conviction	Trial acquittal
Percent of felony arrests	100%	2%	18%	26%	49%	4%	2%
Murder and manslaughter	100	0	4	29	32	27	7
Rape	100	6	21	40	23	6	4
Robbery	100	1	16	37	37	7	3
Aggravated assault	100	1	30	41	21	4	3
Burglary	100	2	16	33	43	4	2
Larceny	100	5	9	30	52	3	1
Stolen property	100	1	6	25	62	3	2
Fraud	100	6	10	29	55	0	0
Drug trafficking	100	1	11	18	63	5	2
Drug possession	0	0	0	0	0	0	0
Weapons	100	2	20	28	43	5	1
Other	100	4	32	23	38	2	1
Number of felony arrests	15,283	278	2,723	3,903	7,465	637	277
Murder and manslaughter	185	0	8	54	60	50	13
Rape	155	10	32	62	35	10	6
Robbery	1,058	7	173	391	388	69	30
Aggravated assault	1,685	20	503	691	352	75	44
Burglary	856	16	139	279	372	31	19
Larceny	885	40	81	266	459	27	12
Stolen property	519	7	29	131	323	18	11
Fraud	340	21	34	98	187	0	0
Drug trafficking	6,404	40	717	1,178	4,052	301	116
Drug possession	0	0	0	0	0	0	0
Weapons	183	4	37	51	79	10	2
Other	3,013	113	970	702	1,158	46	24

\*Diversions/referrals include cases declined or dismissed due to referral to diversion programs or for other prosecution. Divisions/referrals are not final dispositions.

Note: Drug possession offenses are classified as misdemeanors in Washington, D.C.

**Table 2. Disposition of felony arrests filed in court as felonies or misdemeanors**

<b>a. Brighton, Colorado 1988</b>						
	<b>Most serious charge</b>	<b>Total</b>	<b>Cases filed resulting in:</b>			
			<b>Diversion/ referral*</b>	<b>Final dismissal</b>	<b>Guilty plea</b>	<b>Trial conviction</b>
a. Brighton	Percent of cases filed	100%	8%	12%	77%	3%
b. Denver						1%
c. Los Angeles	Murder and manslaughter	100	0	0	13	75
d. Manhattan	Rape	100	0	23	62	15
e. New Orleans	Robbery	100	0	9	90	1
f. Portland	Aggravated assault	100	0	12	79	6
g. St. Louis	Burglary	100	2	14	81	2
h. San Diego	Larceny	100	7	10	81	1
i. Seattle	Stolen property	100	7	7	87	0
j. Washington, D.C.	Fraud	100	7	16	77	1
	Drug trafficking	100	2	9	88	1
	Drug possession	100	4	15	81	0
	Weapons	100	0	0	86	7
	Other	100	18	12	68	2
	Number of cases filed	1,652	126	198	1,269	43
	Murder and manslaughter	8	0	0	1	6
	Rape	26	0	6	16	4
	Robbery	81	0	7	73	1
	Aggravated assault	201	1	24	158	12
	Burglary	168	3	24	136	4
	Larceny	205	14	21	166	3
	Stolen property	15	1	1	13	0
	Fraud	209	14	33	160	2
	Drug trafficking	162	4	14	142	2
	Drug possession	72	3	11	58	0
	Weapons	14	0	0	12	1
	Other	491	86	57	334	8
	Number of cases filed	3,397	169	495	2,599	104
	Murder and manslaughter	47	1	4	25	16
	Rape	53	1	8	33	9
	Robbery	303	1	84	194	17
	Aggravated assault	320	8	71	228	9
	Burglary	505	11	53	434	4
	Larceny	490	48	40	396	4
	Stolen property	67	20	5	35	7
	Fraud	257	25	29	201	2
	Drug trafficking	549	4	33	508	3
	Drug possession	350	24	89	208	22
	Weapons	19	0	3	15	0
	Other	437	26	76	322	11

\*Diversions/referrals include cases dismissed due to referral to diversion programs or for other prosecution. Divisions/referrals are not final dispositions.

**c. Los Angeles, California 1988**

<u>Most serious charge</u>	<u>Total</u>	Cases filed resulting in:				
		<u>Diversion/ referral*</u>	<u>Final dismissal</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	<u>Trial acquittal</u>
Percent of felony arrests	100%	7%	18%	71%	3%	1%
Murder and manslaughter	100	1	20	58	19	3
Rape	100	0	17	67	11	5
Robbery	100	1	23	70	5	1
Aggravated assault	100	1	29	62	5	3
Burglary	100	0	15	81	3	1
Larceny	100	1	16	80	2	1
Stolen property	100	1	22	74	1	1
Fraud	100	1	16	81	2	0
Drug trafficking	100	2	14	80	3	1
Drug possession	100	20	20	58	1	0
Weapons	100	2	22	73	3	1
Other	100	1	19	75	4	1
Number of felony arrests	58,947	3,962	10,874	41,781	1,795	535
Murder and manslaughter	1,515	8	299	883	282	43
Rape	868	1	150	578	94	45
Robbery	4,783	43	1,096	3,339	240	65
Aggravated assault	2,383	12	698	1,470	131	72
Burglary	6,499	28	993	5,251	177	50
Larceny	4,326	26	713	3,474	83	30
Stolen property	1,099	13	246	814	14	12
Fraud	886	8	140	717	18	3
Drug trafficking	14,430	302	2,070	11,569	396	93
Drug possession	16,976	3,459	3,466	9,835	155	61
Weapons	1,042	17	229	756	31	9
Other	4,140	45	774	3,095	174	52

Note: A substantial number of felony arrests filed as misdemeanors in Los Angeles are handled by municipal prosecutors and thus are not included in the Los Angeles district attorney's case-tracking system.

\*Divisions/referrals include cases dismissed due to referral to diversion programs or for other prosecution. Divisions/referrals are not final dispositions.

**Table 2. Continued**  
**Disposition of felony arrests filed in court as felonies or misdemeanors**

**d. Manhattan, New York 1988**

<u>Most serious charge</u>	<u>Total</u>	Cases filed resulting in:				
		<u>Diversion/ referral*</u>	<u>Final dismissal</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	<u>Trial acquittal</u>
Percent of felony arrests	100%	0%	42%	55%	2%	1%
Murder and manslaughter	100	4	26	48	18	4
Rape	100	0	75	19	4	2
Robbery	100	0	49	46	3	2
Aggravated assault	100	0	62	35	1	1
Burglary	100	0	31	67	2	0
Larceny	100	0	38	60	1	1
Stolen property	100	1	38	60	1	0
Fraud	100	0	36	63	1	0
Drug trafficking	100	0	35	63	1	0
Drug possession	100	0	44	56	0	0
Weapons	100	0	51	46	2	1
Other	100	0	38	59	2	1
Number of felony arrests	37,799	94	16,062	20,669	679	295
Murder and manslaughter	294	11	76	142	54	11
Rape	361	1	271	70	13	6
Robbery	6,521	17	3,198	2,993	197	116
Aggravated assault	5,351	23	3,342	1,873	74	39
Burglary	2,918	4	892	1,950	60	12
Larceny	5,579	11	2,102	3,350	83	33
Stolen property	900	5	346	539	6	4
Fraud	493	1	176	311	3	2
Drug trafficking	11,839	10	4,160	7,498	131	40
Drug possession	50	0	22	28	0	0
Weapons	1,103	1	558	510	18	16
Other	2,390	10	919	1,405	40	16

**e. New Orleans, Louisiana 1988**

<u>Most serious charge</u>	<u>Total</u>	Cases filed resulting in:				
		<u>Diversion/ referral*</u>	<u>Final dismissal</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	<u>Trial acquittal</u>
Percent of cases filed	100%	2%	14%	72%	9%	3%
Murder and manslaughter	100	0	22	27	40	10
Rape	100	0	14	63	14	9
Robbery	100	0	12	60	21	6
Aggravated assault	100	0	22	59	14	6
Burglary	100	0	11	77	9	2
Larceny	100	0	11	82	5	2
Stolen property	100	0	7	84	8	1
Fraud	100	0	46	49	4	1
Drug trafficking	100	0	17	70	11	1
Drug possession	100	0	9	83	6	2
Weapons	100	1	17	66	7	9
Other	100	9	8	73	7	2
Number of cases filed	4,551	73	633	3,299	423	123
Murder and manslaughter	89	0	20	24	36	9
Rape	64	0	9	40	9	6
Robbery	258	0	32	156	55	15
Aggravated assault	162	0	35	95	22	10
Burglary	515	0	59	399	45	12
Larceny	438	1	47	360	23	7
Stolen property	324	0	23	272	25	4
Fraud	263	0	122	128	10	3
Drug trafficking	796	0	133	561	91	11
Drug possession	757	3	69	626	45	14
Weapons	151	1	26	99	11	14
Other	734	68	58	539	51	18

\*Diversions/referrals include cases dismissed due to referral to diversion programs or for other prosecution. Divisions/referrals are not final dispositions.

Note: In New Orleans felony arrests filed and felony arrests indicted are the same.

### f. Portland, Oregon 1988

<u>Most serious charge</u>	<u>Total</u>	Cases filed resulting in:				
		<u>Diversion/referral*</u>	<u>Final dismissal</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	<u>Trial acquittal</u>
Percent of cases filed	100%	7%	21%	58%	12%	2%
Murder and manslaughter	100	0	9	49	36	7
Rape	100	0	24	52	19	5
Robbery	100	1	28	53	17	1
Aggravated assault	100	0	37	46	13	5
Burglary	100	1	20	67	11	1
Larceny	100	4	27	56	10	2
Stolen property	100	0	29	71	0	0
Fraud	100	7	19	67	7	0
Drug trafficking	100	2	16	60	21	2
Drug possession	100	0	25	55	18	2
Weapons	100	0	25	49	23	2
Other	100	17	17	58	6	2
Number of cases filed	7,394	543	1,543	4,283	893	132
Murder and manslaughter	45	0	4	22	16	3
Rape	136	0	32	71	26	7
Robbery	533	5	150	283	90	5
Aggravated assault	239	1	88	109	30	11
Burglary	744	7	148	499	81	9
Larceny	567	23	154	318	59	13
Stolen property	7	0	2	5	0	0
Fraud	283	19	54	190	20	0
Drug trafficking	845	13	134	503	177	18
Drug possession	1,195	5	298	655	218	19
Weapons	91	0	23	45	21	2
Other	2,709	470	456	1,583	155	45

### g. St. Louis, Missouri 1988

<u>Most serious charge</u>	<u>Total</u>	Cases filed resulting in:				
		<u>Diversion/referral*</u>	<u>Final dismissal</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	<u>Trial acquittal</u>
Percent of felony arrests	100%	1%	33%	61%	3%	2%
Murder and manslaughter	100	0	51	22	23	4
Rape	100	2	44	33	17	4
Robbery	100	0	35	52	9	3
Aggravated assault	100	0	54	37	5	3
Burglary	100	0	27	68	3	2
Larceny	100	1	31	67	1	1
Stolen property	100	3	49	47	1	0
Fraud	100	2	34	63	1	0
Drug trafficking	100	1	50	44	3	2
Drug possession	100	1	27	70	1	1
Weapons	100	3	29	65	1	2
Other	100	1	40	54	2	3
Number of felony arrests	4,702	54	1,560	2,859	145	84
Murder and manslaughter	105	0	54	23	24	4
Rape	122	2	54	40	21	5
Robbery	244	1	86	127	23	7
Aggravated assault	220	1	119	82	12	6
Burglary	494	2	131	334	16	11
Larceny	560	4	171	375	7	3
Stolen property	100	3	49	47	1	0
Fraud	228	4	77	144	3	0
Drug trafficking	117	1	59	52	3	2
Drug possession	1,293	10	343	911	15	14
Weapons	606	19	174	392	7	14
Other	613	7	243	332	13	18

\*Diversions/referrals include cases dismissed due to referral to diversion programs or for other prosecution. Divisions/referrals are not final dispositions.

**Table 2. Continued**  
**Disposition of felony arrests filed in court as felonies or misdemeanors**

**h. San Diego, California 1988**

Most serious charge	Total	Cases filed resulting in:				
		Diversion/ referral*	Final dismissal	Guilty plea	Trial conviction	Trial acquittal
Percent of felony arrests	100%	12%	12%	73%	2%	0%
Murder and manslaughter	100	1	6	69	23	0
Rape	100	2	13	79	5	2
Robbery	100	5	15	73	5	1
Aggravated assault	100	12	16	67	4	2
Burglary	100	6	8	84	2	0
Larceny	100	9	10	80	1	0
Stolen property	100	11	13	74	1	0
Fraud	100	8	19	72	0	0
Drug trafficking	100	11	10	76	3	0
Drug possession	100	23	16	60	0	0
Weapons	100	9	12	77	1	0
Other	100	24	14	60	2	0
Number of felony arrests	23,756	2,951	2,943	17,285	476	101
Murder and manslaughter	137	2	8	95	32	0
Rape	331	7	44	260	15	5
Robbery	890	47	134	651	46	12
Aggravated assault	1,397	164	220	932	58	23
Burglary	4,235	246	336	3,545	97	11
Larceny	2,079	178	214	1,667	13	7
Stolen property	2,095	232	270	1,558	28	7
Fraud	1,447	122	277	1,038	7	3
Drug trafficking	3,454	378	350	2,625	91	10
Drug possession	3,020	705	477	1,819	15	4
Weapons	1,614	148	192	1,246	21	7
Other	3,057	722	421	1,849	53	12

**i. Seattle, Washington 1988**

Most serious charge	Total	Cases filed resulting in:				
		Diversion/ referral*	Final dismissal	Guilty plea	Trial conviction	Trial acquittal
Percent of cases filed	100%	1%	14%	75%	9%	2%
Murder and manslaughter	100	4	10	41	33	12
Rape	100	0	16	50	22	12
Robbery	100	0	9	74	15	2
Aggravated assault	100	1	11	68	16	4
Burglary	100	0	5	86	8	1
Larceny	100	0	6	88	5	1
Stolen property	100	0	8	86	4	1
Fraud	100	1	7	90	1	0
Drug trafficking	100	0	8	79	12	0
Drug possession	100	1	13	81	5	0
Weapons	100	0	11	67	22	0
Other	100	1	35	51	9	2
Number of cases filed	7,136	55	1,003	5,356	613	109
Murder and manslaughter	69	3	7	28	23	8
Rape	139	0	22	70	31	16
Robbery	406	2	36	299	61	8
Aggravated assault	432	3	46	295	71	17
Burglary	801	1	43	686	63	8
Larceny	1,179	4	76	1,032	54	13
Stolen property	154	0	13	133	6	2
Fraud	440	6	31	398	4	1
Drug trafficking	834	4	66	660	102	2
Drug possession	1,267	11	163	1,025	63	5
Weapons	9	0	1	6	2	0
Other	1,406	21	499	724	133	29

\*Diversions/referrals include cases dismissed due to referral to diversion programs or for other prosecution. Diversions/referrals are not final dispositions.

**j. Washington, D.C. 1988**

<u>Most serious charge</u>	<u>Total</u>	Cases filed resulting in:				
		<u>Diversion/ referral *</u>	<u>Final dismissal</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	<u>Trial acquittal</u>
Percent of cases filed	100%	2%	31%	60%	5%	2%
Murder and manslaughter	100	0	31	34	28	7
Rape	100	8	50	28	8	5
Robbery	100	1	44	44	8	3
Aggravated assault	100	1	59	30	6	4
Burglary	100	2	39	52	4	3
Larceny	100	4	33	58	3	2
Stolen property	100	1	27	66	4	2
Fraud	100	6	32	62	0	0
Drug trafficking	100	1	21	71	5	2
Drug possession	0	0	0	0	0	0
Weapons	100	3	35	54	7	1
Other	100	4	35	58	2	1
Number of cases filed	12,504	222	3,903	7,465	637	277
Murder and manslaughter	177	0	54	60	50	13
Rape	123	10	62	35	10	6
Robbery	884	6	391	388	69	30
Aggravated assault	1,178	16	691	352	75	44
Burglary	714	13	279	372	31	19
Larceny	798	34	266	459	27	12
Stolen property	483	5	131	323	18	11
Fraud	304	19	98	187	0	0
Drug trafficking	5,683	36	1,178	4,052	301	116
Drug possession	0	0	0	0	0	0
Weapons	146	4	51	79	10	2
Other	2,009	79	702	1,158	46	24

Note: Drug possession offenses are classified as misdemeanors in Washington, D.C.

\*Diversions/referrals include cases dismissed due to referral to diversion programs or for other prosecution. Divisions/referrals are not final dispositions.

**Table 3. Disposition of felony arrests that result in felony indictment**

<b>a. Denver, Colorado 1988</b>						
	<u>Most serious charge</u>	Total*	Cases indicted resulting in:			
			Diversion/ referral**	Final dismissal	Guilty plea	Trial conviction
	Percent of cases indicted	100%	6%	12%	78%	4%
	Murder and manslaughter	100	2	4	56	36
	Rape	100	2	10	65	18
	Robbery	100	0	23	68	6
	Aggravated assault	100	3	13	78	4
	Burglary	100	2	10	86	1
	Larceny	100	12	6	81	1
	Stolen property	100	31	8	51	11
	Fraud	100	12	8	79	1
	Drug trafficking	100	1	6	93	1
	Drug possession	100	8	19	63	7
	Weapons	100	0	6	88	0
	Other	100	7	17	72	3
	Number of cases indicted	2,923	164	342	2,283	104
	Murder and manslaughter	45	1	2	25	16
	Rape	49	1	5	32	9
	Robbery	277	1	65	187	17
	Aggravated assault	234	8	31	182	9
	Burglary	476	11	49	409	4
	Larceny	399	46	25	322	4
	Stolen property	65	20	5	33	7
	Fraud	199	24	15	158	2
	Drug trafficking	530	3	31	492	3
	Drug possession	296	24	56	187	22
	Weapons	17	0	1	15	0
	Others	336	25	57	241	11
	Number of cases indicted	29,257	359	2,225	24,566	1,619
	Murder and manslaughter	978	0	80	638	220
	Rape	430	0	40	283	76
	Robbery	2,956	7	222	2,434	230
	Aggravated assault	1,299	0	128	977	125
	Burglary	3,546	1	201	3,128	169
	Larceny	1,775	1	112	1,557	77
	Stolen property	510	1	44	442	11
	Fraud	309	1	24	265	16
	Drug trafficking	8,240	74	581	7,130	366
	Drug possession	6,831	266	571	5,792	146
	Weapons	489	3	57	391	29
	Others	1,894	5	165	1,529	154

\*Includes all cases that reach felony court by a grand jury indictment, by a finding of probable cause at a preliminary hearing, or by a filing of an information without a preliminary hearing.

\*\*Divisions/referrals include cases dismissed due to referral to diversion programs or for other prosecution.

Divisions/referrals are not final dispositions.

**c. Manhattan, New York 1988**

<u>Most serious charge</u>	Cases indicted resulting in:					
	Total*	Diversion/ referral**	Final dismissal	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	0%	11%	81%	5%	2%
Murder and manslaughter	100	4	13	57	22	4
Rape	100	1	28	52	13	6
Robbery	100	0	9	79	7	4
Aggravated assault	100	2	15	72	9	3
Burglary	100	0	5	88	6	1
Larceny	100	0	7	84	6	2
Stolen property	100	1	11	83	2	3
Fraud	100	0	10	90	0	0
Drug trafficking	100	0	13	85	2	1
Drug possession	0	0	0	0	0	0
Weapons	100	0	23	72	3	3
Other	100	1	11	79	6	3
Number of cases indicted	12,508	48	1,422	10,193	597	248
Murder and manslaughter	249	10	33	141	54	11
Rape	97	1	27	50	13	6
Robbery	2,667	12	238	2,109	194	114
Aggravated assault	556	11	81	398	50	16
Burglary	961	2	51	843	54	11
Larceny	1,099	2	81	918	71	27
Stolen property	115	1	13	95	2	4
Fraud	98	0	10	88	0	0
Drug trafficking	5,824	6	728	4,928	125	37
Drug possession	0	0	0	0	0	0
Weapons	565	0	130	404	16	15
Others	277	3	30	219	18	7

**d. New Orleans, Louisiana 1988**

<u>Most serious charge</u>	Cases indicted resulting in:					
	Total*	Diversion/ referral**	Final dismissal	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	2%	14%	72%	9%	3%
Murder and manslaughter	100	0	22	27	40	10
Rape	100	0	14	63	14	9
Robbery	100	0	12	60	21	6
Aggravated assault	100	0	22	59	14	6
Burglary	100	0	11	77	9	2
Larceny	100	0	11	82	5	2
Stolen property	100	0	7	84	8	1
Fraud	100	0	46	49	4	1
Drug trafficking	100	0	17	70	11	1
Drug possession	100	0	9	83	6	2
Weapons	100	1	17	66	7	9
Other	100	9	8	73	7	2
Number of cases indicted	4,551	73	633	3,299	423	123
Murder and manslaughter	89	0	20	24	36	9
Rape	64	0	9	40	9	6
Robbery	258	0	32	156	55	15
Aggravated assault	162	0	35	95	22	10
Burglary	515	0	59	399	45	12
Larceny	438	1	47	360	23	7
Stolen property	324	0	23	272	25	4
Fraud	263	0	122	128	10	3
Drug trafficking	796	0	133	561	91	11
Drug possession	757	3	69	626	45	14
Weapons	151	1	26	99	11	14
Other	734	68	58	539	51	18

Note: In New Orleans, felony arrests filed and felony arrests indicted are the same.

\*Includes all cases that reach felony court by a grand jury indictment, by a finding of probable cause at a preliminary hearing, or by a filing of an information without a preliminary hearing.  
 \*\*Diversion/referrals include cases dismissed due to referral to diversion programs or for other prosecution. Diversions/referrals are not final dispositions.

**Table 3. Continued**  
**Disposition of felony arrests that result in felony indictment**

**e. Portland, Oregon 1988**

<u>Most serious charge</u>	<u>Total*</u>	Cases indicted resulting in:				
		<u>Diversion/ referral**</u>	<u>Final dismissal</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	<u>Trial acquittal</u>
Percent of cases indicted	100%	1%	15%	68%	14%	2%
Murder and manslaughter	100	0	5	51	37	7
Rape	100	0	14	59	21	6
Robbery	100	1	13	64	21	1
Aggravated assault	100	1	12	64	18	6
Burglary	100	1	11	75	12	1
Larceny	100	4	23	59	11	3
Stolen property	100	0	0	100	0	0
Fraud	100	7	12	73	8	0
Drug trafficking	100	2	11	63	22	2
Drug possession	100	0	17	61	20	2
Weapons	100	0	16	56	26	2
Other	100	1	15	75	7	2
Number of cases indicted	6,205	83	904	4,210	879	129
Murder and manslaughter	43	0	2	22	16	3
Rape	121	0	17	71	26	7
Robbery	422	3	55	272	87	5
Aggravated assault	168	1	20	107	30	10
Burglary	640	5	70	477	79	9
Larceny	516	21	119	307	56	13
Stolen property	5	0	0	5	0	0
Fraud	257	19	30	188	20	0
Drug trafficking	797	13	88	502	176	18
Drug possession	1,069	4	177	651	218	19
Weapons	81	0	13	45	21	2
Others	2,086	17	313	1,563	150	43

**f. St. Louis, Missouri 1988**

<u>Most serious charge</u>	<u>Total*</u>	Cases indicted resulting in:				
		<u>Diversion/ referral**</u>	<u>Final dismissal</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	<u>Trial acquittal</u>
Percent of cases indicted	100%	1%	9%	83%	4%	2%
Murder and manslaughter	100	0	16	38	39	7
Rape	100	3	12	52	27	6
Robbery	100	1	9	73	13	4
Aggravated assault	100	1	23	63	9	5
Burglary	100	1	7	86	4	3
Larceny	100	1	7	90	2	1
Stolen property	100	0	15	84	2	0
Fraud	100	1	6	91	2	0
Drug trafficking	100	0	7	85	5	3
Drug possession	100	0	8	89	1	1
Weapons	100	3	11	82	1	3
Other	100	1	7	84	3	5
Number of cases indicted	3,402	31	303	2,840	144	84
Murder and manslaughter	61	0	10	23	24	4
Rape	77	2	9	40	21	5
Robbery	172	1	16	126	22	7
Aggravated assault	131	1	30	82	12	6
Burglary	389	2	26	334	16	11
Larceny	412	4	29	369	7	3
Stolen property	55	0	8	46	1	0
Fraud	159	2	10	144	3	0
Drug trafficking	61	0	4	52	3	2
Drug possession	1,021	4	82	906	15	14
Weapons	475	13	51	390	7	14
Others	389	2	28	328	13	18

\*Includes all cases that reach felony court by a grand jury indictment, by a finding of probable cause at a preliminary hearing, or by a filing of an information without a preliminary hearing.

\*\*Divisions/referrals include cases dismissed due to referral to diversion programs or for other prosecution.

Divisions/referrals are not final dispositions.

### g. San Diego, California 1988

Most serious charge	Total*	Cases indicted resulting in:				
		Diversion/ referral**	Final dismissal	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	1%	3%	92%	4%	1%
Murder and manslaughter	100	1	2	71	26	0
Rape	100	0	3	89	5	2
Robbery	100	0	4	88	7	2
Aggravated assault	100	1	5	84	8	2
Burglary	100	1	2	93	4	0
Larceny	100	0	3	95	1	1
Stolen property	100	0	4	93	2	1
Fraud	100	1	3	96	0	0
Drug trafficking	100	0	3	92	4	0
Drug possession	100	0	5	93	1	0
Weapons	100	0	4	91	4	1
Other	100	1	3	93	4	0
Number of cases indicted	11,020	60	362	10,116	421	61
Murder and manslaughter	122	1	2	87	32	0
Rape	275	0	9	246	15	5
Robbery	665	2	24	583	46	10
Aggravated assault	599	5	30	504	49	11
Burglary	2,370	20	57	2,196	90	7
Larceny	969	2	26	923	13	5
Stolen property	989	3	42	916	23	5
Fraud	622	4	17	597	3	1
Drug trafficking	2,413	11	84	2,220	88	10
Drug possession	647	3	32	601	9	2
Weapons	289	1	12	262	12	2
Others	1,060	8	27	981	41	3

### h. Seattle, Washington 1988

Most serious charge	Total*	Cases indicted resulting in:				
		Diversion/ referral**	Final dismissal	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	1%	9%	79%	9%	2%
Murder and manslaughter	100	4	10	41	33	12
Rape	100	0	16	50	22	12
Robbery	100	0	9	74	15	2
Aggravated assault	100	1	10	69	17	4
Burglary	100	0	5	86	8	1
Larceny	100	0	7	86	5	1
Stolen property	100	0	9	85	5	2
Fraud	100	1	7	90	1	0
Drug trafficking	100	0	8	79	12	0
Drug possession	100	1	14	78	7	1
Weapons	100	0	13	63	25	0
Other	100	0	10	78	9	3
Number of cases indicted	5,806	32	515	4,608	548	103
Murder and manslaughter	69	3	7	28	23	8
Rape	138	0	22	69	31	16
Robbery	403	2	35	297	61	8
Aggravated assault	430	3	45	295	71	16
Burglary	794	1	41	681	63	8
Larceny	975	3	64	842	53	13
Stolen property	129	0	11	110	6	2
Fraud	334	5	25	300	3	1
Drug trafficking	824	4	65	651	102	2
Drug possession	917	8	124	719	61	5
Weapons	8	0	1	5	2	0
Other	785	3	75	611	72	24

\*Includes all cases that reach felony court by a grand jury indictment, by a finding of probable cause at a preliminary hearing, or by a filing of an information without a preliminary hearing.

\*\*Divisions/referrals include cases dismissed due to referral to diversion programs or for other prosecution. Divisions/referrals are not final dispositions.

**Table 3. Continued**  
**Disposition of felony arrests that result in felony indictment**

**i. Washington, D.C. 1988**

Most serious charge	Total*	Cases indicted resulting in:				
		Diversion/ referral**	Final dismissal	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	0%	16%	75%	6%	2%
Murder and manslaughter	100	0	9	38	42	11
Rape	100	0	17	47	22	14
Robbery	100	0	16	59	16	8
Aggravated assault	100	0	21	56	14	8
Burglary	100	0	13	75	8	3
Larceny	100	0	22	74	3	1
Stolen property	100	0	23	71	4	3
Fraud	100	0	18	82	0	0
Drug trafficking	100	0	15	78	5	2
Drug possession	0	0	0	0	0	0
Weapons	100	0	16	73	8	3
Other	100	0	15	81	3	1
Number of cases indicted	7,515	7	1,199	5,657	466	186
Murder and manslaughter	117	0	10	45	49	13
Rape	36	0	6	17	8	5
Robbery	335	1	53	198	55	28
Aggravated assault	225	1	47	127	31	19
Burglary	173	0	23	130	14	6
Larceny	328	1	72	242	9	4
Stolen property	432	0	99	305	17	11
Fraud	38	0	7	31	0	0
Drug trafficking	4,653	3	704	3,612	248	86
Drug possession	0	0	0	0	0	0
Weapons	79	0	13	58	6	2
Others	1,099	1	165	892	29	12

Note: Drug possession offenses are classified as misdemeanors in Washington, D.C.

\*Includes all cases that reach felony court by a grand jury indictment, by a finding of probable cause at a preliminary hearing, or by a filing of an information without a preliminary hearing.

\*\*Diversion/referrals include cases dismissed due to referral to diversion programs or for other prosecution.

Diversion/referrals are not final dispositions.

**Table 4. Reasons why felony arrests are declined for prosecution**

a. Manhattan b. Portland c. San Diego d. Seattle e. Washington, D.C.	<b>a. Manhattan, New York 1988</b>									
	Arrests declined due to:									
<u>Most serious charge</u>	Total	Diversion	Other prosecu-tion	Evidence	Witness	Due process	Interest of justice	Covered by other case	Other	
Percent of declinations	100%	0%	3%	61%	18%	2%	10%	0%	6%	
Murder and manslaughter	100	0	0	75	25	0	0	0	0	
Rape	100	0	0	30	40	0	30	0	0	
Robbery	100	0	8	63	22	0	3	0	4	
Aggravated assault	100	0	3	33	40	0	13	0	11	
Burglary	100	0	0	79	21	0	0	0	0	
Larceny	100	0	1	69	19	0	7	0	4	
Stolen property	100	0	3	52	18	0	8	0	20	
Fraud	100	0	0	73	18	0	9	0	0	
Drug trafficking	100	0	1	62	1	10	17	0	8	
Drug possession	100	0	0	0	0	0	100	0	0	
Weapons	100	0	0	68	12	0	20	0	0	
Other	100	2	2	54	10	2	21	0	8	
Number of declinations	802	1	22	486	141	18	84	0	50	
Murder and manslaughter	8	0	0	6	2	0	0	0	0	
Rape	10	0	0	3	4	0	3	0	0	
Robbery	161	0	13	101	35	0	5	0	7	
Aggravated assault	88	0	3	29	35	0	11	0	10	
Burglary	29	0	0	23	6	0	0	0	0	
Larceny	198	0	2	137	38	0	13	0	8	
Stolen property	40	0	1	21	7	0	3	0	8	
Fraud	11	0	0	8	2	0	1	0	0	
Drug trafficking	167	0	2	104	2	17	29	0	13	
Drug possession	1	0	0	0	0	0	1	0	0	
Weapons	41	0	0	28	5	0	8	0	0	
Other	48	1	1	26	5	1	10	0	4	

**Table 4. Continued**  
**Reasons why felony arrests are declined for prosecution**

**b. Portland, Oregon 1988**

<u>Most serious charge</u>	Arrests declined due to:								
	Total	Diversion	Other prosecution	Evidence	Witness	Due process	Interest of justice	Covered by other case	Other
<b>Percent of declinations</b>	100%	0%	1%	35%	10%	17%	7%	6%	23%
Murder and manslaughter	100	0	0	25	0	0	50	0	25
Rape	100	0	2	38	44	0	4	2	10
Robbery	100	0	3	30	31	1	3	3	28
Aggravated assault	100	0	3	26	22	0	22	9	17
Burglary	100	0	0	37	17	4	10	4	27
Larceny	100	0	5	36	15	9	1	5	29
Stolen property	100	0	0	100	0	0	0	0	0
Fraud	100	0	1	29	13	5	8	1	43
Drug trafficking	100	0	1	32	3	35	3	5	31
Drug possession	100	0	0	39	2	40	4	4	11
Weapons	100	0	0	40	14	12	7	0	26
Other	100	0	1	33	10	8	10	10	27
<b>Number of declinations</b>	2,887	0	38	1,003	298	497	210	178	663
Murder and manslaughter	4	0	0	1	0	0	2	0	1
Rape	48	0	1	18	21	0	2	1	5
Robbery	145	0	4	42	45	2	5	4	41
Aggravated assault	87	0	3	23	19	0	19	8	15
Burglary	234	0	1	87	40	9	24	9	64
Larceny	190	0	9	68	28	18	2	9	56
Stolen property	1	0	0	1	0	0	0	0	0
Fraud	140	0	2	41	18	7	11	1	60
Drug trafficking	244	0	3	79	7	85	7	11	52
Drug possession	703	0	0	277	11	282	28	25	80
Weapons	42	0	0	17	6	5	3	0	11
Other	1,049	0	15	347	103	89	107	110	278

**c. San Diego, California 1988**

**Arrests declined due to:**

<u>Most serious charge</u>	<u>Total</u>	<u>Diversion</u>	<u>Other prosecution</u>	<u>Evidence</u>	<u>Witness</u>	<u>Due process</u>	<u>Interest of justice</u>	<u>Covered by other case</u>	<u>Other</u>
<b>Percent of declinations</b>	100%	0%	0%	51%	19%	13%	11%	3%	4%
Murder and manslaughter	100	0	0	50	3	0	30	0	17
Rape	100	0	0	30	60	0	8	1	2
Robbery	100	0	0	49	36	1	6	0	7
Aggravated assault	100	0	0	39	46	2	9	1	3
Burglary	100	0	0	59	15	8	8	5	5
Larceny	100	0	0	56	13	6	16	4	5
Stolen property	100	0	0	68	11	7	9	2	4
Fraud	100	0	0	49	9	12	16	8	6
Drug trafficking	100	0	0	54	3	24	12	5	3
Drug possession	100	0	0	51	1	32	11	1	3
Weapons	100	0	0	44	5	29	11	3	8
Other	100	0	0	42	38	4	11	1	4
<b>Number of declinations</b>	<b>6,478</b>	<b>0</b>	<b>0</b>	<b>3,272</b>	<b>1,227</b>	<b>851</b>	<b>704</b>	<b>165</b>	<b>259</b>
Murder and manslaughter	30	0	0	15	1	0	9	0	5
Rape	166	0	0	49	100	0	13	1	3
Robbery	160	0	0	79	58	2	10	0	11
Aggravated assault	588	0	0	231	271	9	55	5	17
Burglary	522	0	0	306	79	42	43	27	25
Larceny	390	0	0	218	49	24	63	16	20
Stolen property	838	0	0	566	89	61	75	16	31
Fraud	226	0	0	111	20	26	37	18	14
Drug trafficking	895	0	0	480	24	213	109	45	24
Drug possession	1,040	0	0	528	12	337	114	13	36
Weapons	272	0	0	120	13	79	30	7	23
Other	1,351	0	0	569	511	58	146	17	50

**Table 4. Continued**  
**Reasons why felony arrests are declined for prosecution**

**d. Seattle, Washington 1988**

Most serious charge	Arrests declined due to:								
	Total	Diversion	Other prosecution	Evidence	Witness	Due process	Interest of justice	Covered by other case	Other
Percent of declinations	100%	0%	16%	57%	0%	0%	0%	0%	28%
Murder and manslaughter	100	0	11	83	0	0	0	0	6
Rape	100	0	2	70	0	0	0	0	28
Robbery	100	0	18	57	0	0	0	0	26
Aggravated assault	100	0	38	40	0	0	0	0	22
Burglary	100	0	31	43	0	0	0	0	25
Larceny	100	0	13	60	0	0	0	0	27
Stolen property	100	0	16	56	0	0	0	0	28
Fraud	100	0	9	52	0	0	0	0	39
Drug trafficking	0	0	0	0	0	0	0	0	0
Drug possession	100	0	5	64	0	0	0	0	31
Weapons	100	0	22	67	0	0	0	0	11
Other	100	0	17	57	0	0	0	0	26
Number of declinations	2,232	0	346	1,269	0	0	0	0	617
Murder and manslaughter	18	0	2	15	0	0	0	0	1
Rape	105	0	2	74	0	0	0	0	29
Robbery	74	0	13	42	0	0	0	0	19
Aggravated assault	224	0	85	90	0	0	0	0	49
Burglary	216	0	68	93	0	0	0	0	55
Larceny	253	0	32	152	0	0	0	0	69
Stolen property	174	0	28	98	0	0	0	0	48
Fraud	88	0	8	46	0	0	0	0	34
Drug trafficking	0	0	0	0	0	0	0	0	0
Drug possession	666	0	36	423	0	0	0	0	207
Weapons	9	0	2	6	0	0	0	0	1
Other	405	0	70	230	0	0	0	0	105

Note: In Seattle only three declination reasons are recorded in the prosecutor's management information system. In addition, drug possession and drug trafficking charges cannot be distinguished at the screening stage in Seattle. Police drug arrest charges fall under a generic narcotics statute. All declined drug arrests are included in the drug possession category.

e. Washington, D.C. 1988

Most serious charge	Arrests declined due to:								
	Total	Diversion	Other prosecution	Evidence	Witness	Due process	Interest of justice	Covered by other case	Other
Percent of declinations	100%	0%	2%	41%	13%	2%	26%	1%	15%
Murder and manslaughter	100	0	0	0	0	0	63	0	38
Rape	100	0	0	22	19	0	44	0	16
Robbery	100	0	1	28	30	0	18	1	22
Aggravated assault	100	0	1	13	30	0	44	0	11
Burglary	100	0	2	20	15	0	46	1	17
Larceny	100	1	6	30	21	1	29	2	10
Stolen property	100	0	6	42	3	0	29	6	13
Fraud	100	0	6	11	31	0	33	3	17
Drug trafficking	100	0	1	65	2	5	13	0	14
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	100	0	0	73	3	3	14	0	8
Other	100	0	3	45	9	0	25	2	16
Number of declinations	2,779	2	54	1,139	366	42	730	30	416
Murder and manslaughter	8	0	0	0	0	0	5	0	3
Rape	32	0	0	7	6	0	14	0	5
Robbery	174	0	1	49	53	0	32	1	38
Aggravated assault	507	1	3	67	153	1	223	1	58
Burglary	142	0	3	28	21	0	65	1	24
Larceny	87	1	5	26	18	1	25	2	9
Stolen property	31	0	2	13	1	0	9	2	4
Fraud	36	0	2	4	11	0	12	1	6
Drug trafficking	721	0	4	469	15	37	92	3	101
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	37	0	0	27	1	1	5	0	3
Other	1,004	0	34	449	87	2	248	19	165

Note: Drug possession offenses are classified as misdemeanors in Washington, D.C.

**Table 5. Reasons why cases are dismissed after filing or indictment**

	<b>a. Brighton, Colorado 1988</b>	Cases dismissed due to:								
		Total	Diversion	Other prosecution	Evidence	Witness	Due process	Interest of justice	Covered by other case	Other
a. Brighton	Percent of dismissals	100%	0%	0%	5%	10%	6%	13%	43%	23%
b. Denver	Murder and manslaughter	0	0	0	0	0	0	0	0	0
c. Los Angeles	Rape	100	0	0	0	0	0	0	33	67
d. Manhattan	Robbery	100	0	0	0	14	29	0	14	43
e. Portland	Aggravated assault	100	0	0	13	17	0	8	29	33
f. St. Louis	Burglary	100	0	0	4	25	4	21	21	25
g. San Diego	Larceny	100	0	0	0	14	19	19	38	10
h. Seattle	Stolen property	100	0	0	0	0	0	0	100	0
i. Washington, D.C.	Fraud	100	0	0	3	0	0	27	70	0
	Drug trafficking	100	0	0	7	0	0	21	50	21
	Drug possession	100	0	0	0	0	9	0	64	27
	Weapons	0	0	0	0	0	0	0	0	0
	Other	100	0	0	5	11	7	5	42	30
	Number of dismissals	198	0	0	9	20	12	26	85	46
	Murder and manslaughter	0	0	0	0	0	0	0	0	0
	Rape	6	0	0	0	0	0	0	2	4
	Robbery	7	0	0	0	1	2	0	1	3
	Aggravated assault	24	0	0	3	4	0	2	7	8
	Burglary	24	0	0	1	6	1	5	5	6
	Larceny	21	0	0	0	3	4	4	8	2
	Stolen property	1	0	0	0	0	0	0	1	0
	Fraud	33	0	0	1	0	0	9	23	0
	Drug trafficking	14	0	0	1	0	0	3	7	3
	Drug possession	11	0	0	0	0	1	0	7	3
	Weapons	0	0	0	0	0	0	0	0	0
	Other	57	0	0	3	6	4	3	24	17

Note: In Brighton dismissal reasons are for cases filed.

**b. Denver, Colorado 1988**

Cases dismissed due to:

<u>Most serious charge</u>	<u>Total</u>	<u>Diversion</u>	<u>Other prosecution</u>	<u>Evidence</u>	<u>Witness</u>	<u>Due process</u>	<u>Interest of justice</u>	<u>Covered by other case</u>	<u>Other</u>
Percent of dismissals	100%	0%	0%	27%	18%	3%	6%	26%	19%
Murder and manslaughter	100	0	0	50	0	0	25	0	25
Rape	100	0	0	25	50	0	13	0	13
Robbery	100	0	0	14	27	0	6	36	17
Aggravated assault	100	0	0	17	49	4	3	7	20
Burglary	100	0	0	19	9	6	8	58	0
Larceny	100	0	0	28	8	0	10	35	20
Stolen property	100	0	0	0	20	0	0	40	40
Fraud	100	0	0	28	7	17	7	34	7
Drug trafficking	100	0	0	45	9	3	6	12	24
Drug possession	100	0	0	56	2	2	2	13	24
Weapons	100	0	0	33	0	0	33	33	0
Other	100	0	0	14	14	4	8	29	30
Number of dismissals	495	0	0	134	89	17	30	131	94
Murder and manslaughter	4	0	0	2	0	0	1	0	1
Rape	8	0	0	2	4	0	1	0	1
Robbery	84	0	0	12	23	0	5	30	14
Aggravated assault	71	0	0	12	35	3	2	5	14
Burglary	53	0	0	10	5	3	4	31	0
Larceny	40	0	0	11	3	0	4	14	8
Stolen property	5	0	0	0	1	0	0	2	2
Fraud	29	0	0	8	2	5	2	10	2
Drug trafficking	33	0	0	15	3	1	2	4	8
Drug possession	89	0	0	50	2	2	2	12	21
Weapons	3	0	0	1	0	0	1	1	0
Other	76	0	0	11	11	3	6	22	23

Note: In Denver dismissal reasons are for cases filed.

**Table 5. Continued**  
**Reasons why cases are dismissed after filing or indictment**

**c. Los Angeles, California 1988**

Most serious charge	Cases dismissed due to:								
	Total	Diversion	Other prosecution	Evidence	Witness	Due process	Interest of justice	Covered by other case	Other
Percent of dismissals	100%	26%	1%	20%	15%	8%	15%	7%	10%
Murder and manslaughter	100	2	1	30	14	13	16	15	8
Rape	100	0	1	22	19	13	23	12	11
Robbery	100	2	2	23	25	11	20	6	11
Aggravated assault	100	1	1	21	28	10	20	8	10
Burglary	100	2	1	24	22	9	17	11	14
Larceny	100	3	1	21	17	10	21	10	17
Stolen property	100	3	2	22	20	11	16	8	18
Fraud	100	5	1	15	11	10	30	16	13
Drug trafficking	100	10	3	24	13	9	20	8	12
Drug possession	100	49	1	15	10	5	9	4	7
Weapons	100	7	0	31	19	12	15	9	8
Other	100	5	1	24	14	9	24	11	11
Number of dismissals	14,836	3,795	167	2,916	2,176	1,119	2,210	995	1,458
Murder and manslaughter	307	6	2	92	44	41	49	47	26
Rape	151	0	1	33	28	19	35	18	17
Robbery	1,139	22	21	266	280	129	228	67	126
Aggravated assault	710	7	5	152	198	74	140	60	74
Burglary	1,021	16	12	250	221	96	177	110	139
Larceny	739	19	7	153	127	77	156	72	128
Stolen property	259	7	6	56	53	29	41	21	46
Fraud	148	7	1	22	16	15	44	24	19
Drug trafficking	2,372	236	66	565	320	217	478	200	290
Drug possession	6,925	3,422	37	1,052	726	316	630	261	481
Weapons	246	16	1	77	47	29	36	21	19
Other	819	37	8	198	116	77	196	94	93

Note: In Los Angeles dismissal reasons are for cases filed, but they exclude a substantial number of felony arrests that are filed as misdemeanors and handled by municipal prosecutors.

**d. Manhattan, New York 1988**

**Cases dismissed due to:**

<b>Most serious charge</b>	<b>Total</b>	<b>Diversion</b>	<b>Other prosecution</b>	<b>Evidence</b>	<b>Witness</b>	<b>Due process</b>	<b>Interest of justice</b>	<b>Covered by other case</b>	<b>Other</b>
Percent of dismissals	100%	0%	0%	19%	14%	0%	10%	6%	51%
Murder and manslaughter	100	11	1	17	15	0	2	14	39
Rape	100	0	0	13	33	0	4	3	47
Robbery	100	0	0	18	21	0	4	4	53
Aggravated assault	100	1	0	10	26	0	13	3	48
Burglary	100	0	0	15	11	0	13	6	54
Larceny	100	0	0	15	13	0	9	5	58
Stolen property	100	0	1	19	8	1	11	5	55
Fraud	100	0	1	10	8	0	25	6	50
Drug trafficking	100	0	0	30	1	0	13	11	44
Drug possession	100	0	0	9	0	0	59	5	27
Weapons	100	0	0	25	4	0	6	3	61
Other	100	1	1	13	13	0	11	4	57
Number of dismissals	16,156	53	41	3,028	2,259	12	1,660	941	8,162
Murder and manslaughter	87	10	1	15	13	0	2	12	34
Rape	272	1	0	34	91	0	10	7	129
Robbery	3,215	12	5	571	684	0	119	130	1,694
Aggravated assault	3,365	18	5	345	861	0	434	101	1,601
Burglary	896	2	2	138	102	0	114	55	483
Larceny	2,113	1	10	318	269	1	189	107	1,218
Stolen property	351	0	5	65	28	3	39	17	194
Fraud	177	0	1	18	14	0	44	11	89
Drug trafficking	4,170	4	6	1,256	50	7	559	445	1,843
Drug possession	22	0	0	2	0	0	13	1	6
Weapons	559	0	1	141	24	0	35	18	340
Other	929	5	5	125	123	1	102	37	531

Note: In Manhattan dismissal reasons are for cases filed.

**Table 5. Continued**  
**Reasons why cases are dismissed after filing or indictment**

**e. Portland, Oregon 1988**

Most serious charge	Cases dismissed due to:								
	Total	Diversion	Other prosecution	Evidence	Witness	Due process	Interest of justice	Covered by other case	Other
Percent of dismissals	100%	3%	23%	33%	8%	1%	6%	23%	2%
Murder and manslaughter	100	0	0	75	25	0	0	0	0
Rape	100	0	0	50	28	0	13	9	0
Robbery	100	1	2	57	16	2	1	18	3
Aggravated assault	100	1	0	60	28	0	1	6	4
Burglary	100	3	1	37	11	1	5	34	7
Larceny	100	12	1	18	12	1	8	46	2
Stolen property	100	0	0	100	0	0	0	0	0
Fraud	100	25	1	30	11	1	10	19	3
Drug trafficking	100	0	9	47	5	2	9	24	4
Drug possession	100	0	1	59	4	3	6	24	3
Weapons	100	0	0	83	0	4	0	9	4
Other	100	2	49	16	4	1	6	20	1
Number of dismissals	2,086	68	475	690	167	27	125	482	52
Murder and manslaughter	4	0	0	3	1	0	0	0	0
Rape	32	0	0	16	9	0	4	3	0
Robbery	155	2	3	88	25	3	1	28	5
Aggravated assault	89	1	0	53	25	0	1	5	4
Burglary	155	5	2	58	17	2	8	52	11
Larceny	177	22	1	32	22	1	14	81	4
Stolen property	2	0	0	2	0	0	0	0	0
Fraud	73	18	1	22	8	1	7	14	2
Drug trafficking	147	0	13	69	7	3	13	36	6
Drug possession	303	1	4	180	12	8	18	72	8
Weapons	23	0	0	19	0	1	0	2	1
Other	926	19	451	148	41	8	59	189	11

Note: In Portland dismissal reasons are for cases filed.

**f. St. Louis, Missouri 1988**

<u>Most serious charge</u>	Cases dismissed due to:								
	Total	Diversion	Other prosecution	Evidence	Witness	Due process	Interest of justice	Covered by other case	Other
Percent of dismissals	100%	1%	2%	11%	7%	0%	2%	56%	21%
Murder and manslaughter	100	0	0	11	9	0	2	70	7
Rape	100	4	0	9	13	0	4	70	2
Robbery	100	1	0	9	13	0	0	56	21
Aggravated assault	100	1	0	7	18	1	2	53	19
Burglary	100	1	1	7	5	0	2	51	34
Larceny	100	1	1	6	10	0	2	64	15
Stolen property	100	0	6	8	4	2	0	62	19
Fraud	100	5	0	4	7	0	2	78	4
Drug trafficking	100	0	2	2	2	2	3	83	7
Drug possession	100	0	3	16	3	0	2	48	29
Weapons	100	0	10	23	4	1	4	25	33
Other	100	2	0	6	6	0	2	71	12
Number of dismissals	1,614	17	37	172	109	6	33	909	331
Murder and manslaughter	54	0	0	6	5	0	1	38	4
Rape	56	2	0	5	7	0	2	39	1
Robbery	87	1	0	8	11	0	0	49	18
Aggravated assault	120	1	0	8	21	1	2	64	23
Burglary	133	1	1	9	7	0	2	68	45
Larceny	175	2	2	11	18	0	3	112	27
Stolen property	52	0	3	4	2	1	0	32	10
Fraud	81	4	0	3	6	0	2	63	3
Drug trafficking	60	0	1	1	1	1	2	50	4
Drug possession	353	0	10	56	10	1	7	168	101
Weapons	193	0	19	45	7	2	8	48	64
Other	250	6	1	16	14	0	4	178	31

Note: In St. Louis dismissal reasons are for cases filed.

**Table 5. Continued**  
**Reasons why cases are dismissed after filing or indictment**

**g. San Diego, California 1988**

<u>Most serious charge</u>	Cases dismissed due to:									
	Total	Diversion	Other prosecution	Evidence	Witness	Due process	Interest of justice	Covered by other case	Other	
Percent of dismissals	100%	11%	27%	14%	6%	0%	7%	10%	25%	
Murder and manslaughter	100	0	20	20	0	0	30	0	30	
Rape	100	0	4	22	22	0	31	4	18	
Robbery	100	0	17	27	27	1	4	3	22	
Aggravated assault	100	2	26	21	17	0	5	5	23	
Burglary	100	2	25	12	10	0	6	13	32	
Larceny	100	1	27	13	5	0	6	14	34	
Stolen property	100	2	33	18	7	0	4	12	23	
Fraud	100	3	19	12	2	0	16	7	41	
Drug trafficking	100	21	19	12	4	1	9	9	26	
Drug possession	100	36	14	11	1	0	5	16	16	
Weapons	100	5	25	15	2	1	10	18	25	
Other	100	2	49	11	5	0	6	4	24	
Number of dismissals	5,894	658	1,571	802	360	12	416	600	1,475	
Murder and manslaughter	10	0	2	2	0	0	3	0	3	
Rape	51	0	2	11	11	0	16	2	9	
Robbery	181	0	31	48	48	1	8	6	39	
Aggravated assault	384	8	100	81	64	1	21	20	89	
Burglary	582	13	143	71	59	0	34	78	184	
Larceny	392	6	106	52	21	0	22	55	133	
Stolen property	502	10	164	92	35	2	22	60	117	
Fraud	399	11	75	48	8	0	65	28	164	
Drug trafficking	728	150	137	90	30	4	64	64	189	
Drug possession	1,182	420	171	130	17	2	65	184	193	
Weapons	340	16	84	51	7	2	33	62	85	
Other	1,143	27	556	126	60	0	63	41	270	

Note: In San Diego dismissal reasons are for cases filed.

## h. Seattle, Washington 1988

<u>Most serious charge</u>	Cases dismissed due to:							
	<u>Total</u>	<u>Diversion</u>	<u>Other prosecution</u>	<u>Evidence</u>	<u>Witness</u>	<u>Due process</u>	<u>Interest of justice</u>	<u>Covered by other case</u>
Percent of dismissals	100%	0%	5%	15%	8%	2%	1%	8%
Murder and manslaughter	100	0	30	30	0	0	0	0
Rape	100	0	0	14	18	5	5	5
Robbery	100	0	5	13	24	8	3	5
Aggravated assault	100	0	6	18	29	4	4	6
Burglary	100	0	2	25	5	5	0	16
Larceny	100	0	5	11	8	1	1	16
Stolen property	100	0	0	8	8	0	0	31
Fraud	100	0	16	11	3	5	0	16
Drug trafficking	100	0	6	20	1	0	0	10
Drug possession	100	0	6	20	1	1	1	20
Weapons	100	0	0	0	0	0	0	100
Other	100	0	4	12	9	1	1	1
Number of dismissals	1,058	0	55	154	86	20	13	86
Murder and manslaughter	10	0	3	3	0	0	0	0
Rape	22	0	0	3	4	1	1	12
Robbery	38	0	2	5	9	3	1	2
Aggravated assault	49	0	3	9	14	2	2	3
Burglary	44	0	1	11	2	2	0	7
Larceny	80	0	4	9	6	1	1	13
Stolen property	13	0	0	1	1	0	0	4
Fraud	37	0	6	4	1	2	0	6
Drug trafficking	70	0	4	14	1	0	0	7
Drug possession	174	0	11	35	1	2	1	35
Weapons	1	0	0	0	0	0	0	1
Other	520	0	21	60	47	7	7	7

Note: In Seattle dismissal reasons are for cases filed.

**Table 5. Continued**  
**Reasons why cases are dismissed after filing or indictment**

i. Washington, D.C. 1988

Most serious charge	Cases dismissed due to:									
	Total	Diversion	Other prosecution	Evidence	Witness	Due process	Interest of justice	Covered by other case	5%	48% Other
Percent of dismissals	100%	3%	2%	12%	21%	4%	4%			
Murder and manslaughter	100	0	0	17	2	4	11	17	50	
Rape	100	14	0	10	13	1	4	6	53	
Robbery	100	1	1	19	43	5	2	9	20	
Aggravated assault	100	2	0	9	43	2	5	3	36	
Burglary	100	4	0	12	24	9	2	10	39	
Larceny	100	11	0	10	15	3	4	4	52	
Stolen property	100	1	2	7	13	4	2	1	69	
Fraud	100	10	6	19	17	7	8	7	26	
Drug trafficking	100	0	3	11	9	4	4	3	66	
Drug possession	0	0	0	0	0	0	0	0	0	
Weapons	100	0	7	16	11	11	7	5	42	
Other	100	4	6	15	15	5	5	7	43	
Number of dismissals	4,125	125	97	514	871	179	171	208	1,960	
Murder and manslaughter	54	0	0	9	1	2	6	9	27	
Rape	72	10	0	7	9	1	3	4	38	
Robbery	397	2	4	77	172	19	8	34	81	
Aggravated assault	707	15	1	62	307	16	32	21	253	
Burglary	292	12	1	34	69	27	7	29	113	
Larceny	300	33	1	30	46	9	12	12	157	
Stolen property	136	2	3	9	18	6	3	1	94	
Fraud	117	12	7	22	20	8	9	8	31	
Drug trafficking	1,214	4	32	136	107	49	45	35	806	
Drug possession	0	0	0	0	0	0	0	0	0	
Weapons	55	0	4	9	6	6	4	3	23	
Other	781	35	44	119	116	36	42	52	337	

Note: In Washington, D.C., dismissal reasons are for cases filed. Drug possession offenses are classified as misdemeanors in Washington, D.C.

**Table 6. Incarceration rates for filed cases convicted in felony or misdemeanor court**

	<b>a. Brighton, Colorado 1988</b>	<b>Most serious charge</b>	<b>Total*</b>	<b>Percentage of convictions resulting in incarceration for:</b>		
				<b>No incarceration</b>	<b>Less than 1 year</b>	<b>Exactly 1 year</b>
		Percent of convictions	100%	31%	29%	4%
		Murder and manslaughter	100	0	0	0
		Rape	100	11	0	0
		Robbery	100	9	14	0
		Aggravated assault	100	38	31	4
		Burglary	100	21	25	2
		Larceny	100	36	21	1
		Stolen property	100	27	27	9
		Fraud	100	36	27	4
		Drug trafficking	100	41	25	4
		Drug possession	100	52	33	4
		Weapons	100	9	9	27
		Other	100	26	42	8
		Number of convictions	1,188	364	344	52
		Murder and manslaughter	7	0	0	0
		Rape	19	2	0	0
		Robbery	74	7	10	0
		Aggravated assault	144	55	45	6
		Burglary	130	27	32	2
		Larceny	146	53	30	2
		Stolen property	11	3	3	1
		Fraud	143	52	38	6
		Drug trafficking	134	55	34	6
		Drug possession	54	28	18	2
		Weapons	11	1	1	3
		Other	315	81	133	24
						77
	<b>b. Denver, Colorado 1988</b>					
				<b>Percentage of convictions resulting in incarceration for:</b>		
		<b>Most serious charge</b>	<b>Total*</b>	<b>No incarceration</b>	<b>Less than 1 year</b>	<b>Exactly 1 year</b>
		Percent of convictions	100%	33%	18%	6%
		Murder and manslaughter	100	20	2	0
		Rape	100	23	10	5
		Robbery	100	8	6	0
		Aggravated assault	100	33	26	8
		Burglary	100	28	12	2
		Larceny	100	43	21	10
		Stolen property	100	68	18	5
		Fraud	100	37	21	11
		Drug trafficking	100	40	11	2
		Drug possession	100	35	20	7
		Weapons	100	18	18	18
		Other	100	27	30	9
		Number of convictions	2,541	833	445	147
		Murder and manslaughter	41	8	1	0
		Rape	40	9	4	2
		Robbery	206	16	13	1
		Aggravated assault	224	74	58	19
		Burglary	414	117	49	9
		Larceny	375	162	78	38
		Stolen property	38	26	7	2
		Fraud	190	71	39	20
		Drug trafficking	463	186	52	10
		Drug possession	220	76	45	15
		Weapons	11	2	2	2
		Other	319	86	97	29
						107

\*Includes only cases with known sentencing data.

**Table 6. Continued**  
**Incarceration rates for filed cases convicted in felony or misdemeanor court**

**c. Manhattan, New York 1988**

<u>Most serious charge</u>	<u>Total*</u>	<u>No incarceration</u>	Percentage of convictions resulting in incarceration for:		
			<u>Less than 1 year</u>	<u>Exactly 1 year</u>	<u>More than 1 year</u>
Percent of convictions	100%	32%	39%	6%	23%
Murder and manslaughter	100	4	0	4	92
Rape	100	38	9	7	46
Robbery	100	21	27	9	43
Aggravated assault	100	40	46	3	11
Burglary	100	21	46	9	25
Larceny	100	35	48	6	11
Stolen property	100	29	61	4	6
Fraud	100	51	32	3	14
Drug trafficking	100	30	39	7	25
Drug possession	100	59	41	0	0
Weapons	100	57	16	9	18
Other	100	58	37	1	4
Number of convictions	20,086	6,410	7,841	1,265	4,570
Murder and manslaughter	190	7	0	8	175
Rape	76	29	7	5	35
Robbery	3,043	654	811	283	1,295
Aggravated assault	1,865	737	865	52	211
Burglary	1,936	407	884	169	476
Larceny	3,243	1,144	1,552	187	360
Stolen property	522	153	316	23	30
Fraud	284	144	92	8	40
Drug trafficking	7,230	2,153	2,795	470	1,812
Drug possession	27	16	11	0	0
Weapons	495	282	78	47	88
Other	1,175	684	430	13	48

**d. New Orleans, Louisiana 1988**

<u>Most serious charge</u>	<u>Total*</u>	<u>No incarceration</u>	Percentage of convictions resulting in incarceration for:		
			<u>Less than 1 year</u>	<u>Exactly 1 year</u>	<u>More than 1 year</u>
Percent of convictions	100%	48%	11%	6%	35%
Murder and manslaughter	100	12	2	2	84
Rape	100	13	8	6	73
Robbery	100	13	6	2	79
Aggravated assault	100	49	13	6	32
Burglary	100	32	5	7	56
Larceny	100	62	16	7	15
Stolen property	100	48	8	7	37
Fraud	100	62	11	7	21
Drug trafficking	100	60	6	3	32
Drug possession	100	70	4	5	20
Weapons	100	17	11	3	69
Other	100	37	32	8	23
Number of convictions	3,574	1,731	402	198	1,243
Murder and manslaughter	50	6	1	1	42
Rape	48	6	4	3	35
Robbery	199	26	12	4	157
Aggravated assault	112	55	14	7	36
Burglary	433	139	21	29	244
Larceny	373	231	60	26	56
Stolen property	289	139	24	19	107
Fraud	130	80	14	9	27
Drug trafficking	629	375	35	17	202
Drug possession	646	450	29	35	132
Weapons	108	18	12	3	75
Other	557	206	176	45	130

\*Includes only cases with known sentencing data.

Note: In New Orleans cases filed and cases indicted are the same.

**e. Portland, Oregon 1988**

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for:		
			Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	66%	3%	2%	30%
Murder and manslaughter	100	21	0	0	79
Rape	100	55	0	1	44
Robbery	100	45	2	1	52
Aggravated assault	100	67	1	4	28
Burglary	100	47	3	1	49
Larceny	100	67	3	1	28
Stolen property	100	60	0	20	20
Fraud	100	72	1	1	25
Drug trafficking	100	69	0	2	28
Drug possession	100	74	1	2	23
Weapons	100	38	5	0	57
Other	100	73	5	2	20
Number of convictions	5,005	3,306	130	89	1,480
Murder and manslaughter	34	7	0	0	27
Rape	87	48	0	1	38
Robbery	366	164	8	3	191
Aggravated assault	132	89	1	5	37
Burglary	549	260	15	4	270
Larceny	359	242	11	4	102
Stolen property	5	3	0	1	1
Fraud	201	145	3	2	51
Drug trafficking	663	458	3	15	187
Drug possession	848	631	9	13	195
Weapons	63	24	3	0	36
Other	1,698	1,235	77	41	345

**f. St. Louis, Missouri 1988**

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for:		
			Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	54%	4%	6%	37%
Murder and manslaughter	100	15	0	0	85
Rape	100	16	2	5	77
Robbery	100	20	3	2	75
Aggravated assault	100	44	3	5	48
Burglary	100	48	4	4	44
Larceny	100	56	6	8	30
Stolen property	100	69	8	6	17
Fraud	100	69	3	3	24
Drug trafficking	100	59	0	4	37
Drug possession	100	62	3	5	30
Weapons	100	66	5	6	23
Other	100	42	6	8	43
Number of convictions	2,980	1,604	121	164	1,091
Murder and manslaughter	47	7	0	0	40
Rape	61	10	1	3	47
Robbery	148	29	5	3	111
Aggravated assault	94	41	3	5	45
Burglary	345	164	14	14	153
Larceny	379	212	23	32	112
Stolen property	48	33	4	3	8
Fraud	143	99	5	5	34
Drug trafficking	54	32	0	2	20
Drug possession	923	572	25	46	280
Weapons	396	262	19	22	93
Other	342	143	22	29	148

\*Includes only cases with known sentencing data.

**Table 6. Continued**  
**Incarceration rates for filed cases convicted in felony or misdemeanor court**

**g. San Diego, California 1988**

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for:		
			Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	13%	60%	9%	18%
Murder and manslaughter	100	8	13	6	74
Rape	100	10	30	18	42
Robbery	100	5	34	17	45
Aggravated assault	100	14	59	9	18
Burglary	100	9	57	10	24
Larceny	100	12	64	8	16
Stolen property	100	9	65	10	16
Fraud	100	19	71	4	6
Drug trafficking	100	9	60	11	20
Drug possession	100	18	69	6	7
Weapons	100	36	53	3	7
Other	100	15	63	10	13
Number of convictions	16,631	2,234	9,921	1,496	2,980
Murder and manslaughter	120	9	15	7	89
Rape	245	24	74	44	103
Robbery	640	30	215	107	288
Aggravated assault	923	129	541	86	167
Burglary	3,454	295	1,967	354	838
Larceny	1,595	187	1,021	133	254
Stolen property	1,489	141	964	147	237
Fraud	971	181	688	39	63
Drug trafficking	2,482	232	1,496	264	490
Drug possession	1,722	308	1,182	106	126
Weapons	1,202	436	640	36	90
Other	1,788	262	1,118	173	235

**h. Seattle, Washington 1988**

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for:		
			Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	22%	57%	3%	18%
Murder and manslaughter	100	16	2	0	82
Rape	100	3	33	6	57
Robbery	100	3	47	2	48
Aggravated assault	100	11	59	4	25
Burglary	100	9	65	3	23
Larceny	100	33	61	2	5
Stolen property	100	24	73	1	3
Fraud	100	35	58	1	5
Drug trafficking	100	12	47	8	32
Drug possession	100	33	61	2	4
Weapons	100	13	75	0	13
Other	100	22	55	2	21
Number of convictions	5,702	1,240	3,252	173	1,037
Murder and manslaughter	50	8	1	0	41
Rape	96	3	32	6	55
Robbery	348	10	164	6	168
Aggravated assault	350	39	208	15	88
Burglary	716	62	467	20	167
Larceny	1,041	339	632	20	50
Stolen property	135	32	98	1	4
Fraud	382	135	222	4	21
Drug trafficking	738	91	347	62	238
Drug possession	1,032	345	629	20	38
Weapons	8	1	6	0	1
Other	806	175	446	19	166

\*Includes only cases with known sentencing data.

**Table 7. Incarceration rates for indicted cases convicted in felony court**

a. Denver, Colorado 1988						
						Percentage of convictions resulting in incarceration for:
		Total*	No incarceration	Less than 1 year	Exactly 1 year	More than 1 year
a. Denver	Most serious charge					
b. Los Angeles	Percent of convictions	100%	36%	11%	4%	50%
c. Manhattan	Murder and manslaughter	100	20	2	0	78
d. New Orleans	Rape	100	23	10	3	64
e. Portland	Robbery	100	8	4	0	88
f. St. Louis	Aggravated assault	100	39	17	4	40
g. San Diego	Burglary	100	30	8	2	61
h. Seattle	Larceny	100	49	12	8	32
	Stolen property	100	70	16	5	8
	Fraud	100	44	10	6	40
	Drug trafficking	100	41	10	2	48
	Drug possession	100	38	14	6	42
	Weapons	100	18	18	18	45
	Other	100	34	15	7	44
	Number of convictions	2,245	802	240	91	1,112
	Murder and manslaughter	41	8	1	0	32
	Rape	39	9	4	1	25
	Robbery	199	15	8	0	176
	Aggravated assault	180	70	30	8	72
	Burglary	391	116	32	6	237
	Larceny	304	149	35	23	97
	Stolen property	37	26	6	2	3
	Fraud	147	64	15	9	59
	Drug trafficking	450	183	43	9	215
	Drug possession	201	76	28	13	84
	Weapons	11	2	2	2	5
	Other	245	84	36	18	107

**b. Los Angeles, California 1988**

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for:		
			Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	7%	39%	11%	44%
Murder and manslaughter	100	2	6	5	87
Rape	100	5	20	10	65
Robbery	100	4	19	11	66
Aggravated assault	100	9	33	16	42
Burglary	100	4	25	11	61
Larceny	100	10	35	13	42
Stolen property	100	9	40	11	40
Fraud	100	14	38	12	36
Drug trafficking	100	5	49	11	35
Drug possession	100	10	50	10	30
Weapons	100	7	37	8	48
Other	100	8	37	11	44
Number of convictions	25,630	1,681	9,887	2,744	11,318
Murder and manslaughter	826	15	51	43	717
Rape	354	19	72	34	229
Robbery	2,615	95	496	300	1,724
Aggravated assault	1,091	97	358	174	462
Burglary	3,256	122	810	350	1,974
Larceny	1,613	158	569	205	681
Stolen property	447	41	178	51	177
Fraud	273	39	103	33	98
Drug trafficking	7,279	364	3,548	790	2,577
Drug possession	5,834	570	2,940	558	1,766
Weapons	407	30	149	33	195
Other	1,635	131	613	173	718

<sup>a</sup>Includes only cases with known sentencing data.

**Table 7. Continued**  
**Incarceration rates for indicted cases convicted in felony court**

**c. Manhattan, New York 1988**

<u>Most serious charge</u>	Total*	No incarceration	Percentage of convictions resulting in incarceration for:		
			Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	23%	22%	10%	45%
Murder and manslaughter	100	4	0	4	92
Rape	100	30	7	7	57
Robbery	100	18	12	11	59
Aggravated assault	100	24	15	10	50
Burglary	100	14	18	12	55
Larceny	100	27	20	13	39
Stolen property	100	24	29	15	32
Fraud	100	29	14	5	51
Drug trafficking	100	23	30	9	38
Drug possession	0	0	0	0	0
Weapons	100	56	10	11	22
Other	100	45	15	6	34
Number of convictions	10,074	2,288	2,198	1,021	4,567
Murder and manslaughter	189	7	0	8	174
Rape	61	18	4	4	35
Robbery	2,188	395	257	241	1,295
Aggravated assault	421	103	65	42	211
Burglary	859	124	152	107	476
Larceny	914	245	187	122	360
Stolen property	93	22	27	14	30
Fraud	78	23	11	4	40
Drug trafficking	4,739	1,067	1,435	426	1,811
Drug possession	0	0	0	0	0
Weapons	395	223	39	45	88
Other	137	61	21	8	47

**d. New Orleans, Louisiana 1988**

<u>Most serious charge</u>	Total*	No incarceration	Percentage of convictions resulting in incarceration for:		
			Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	48%	11%	6%	35%
Murder and manslaughter	100	12	2	2	84
Rape	100	13	8	6	73
Robbery	100	13	6	2	79
Aggravated assault	100	49	13	6	32
Burglary	100	32	5	7	56
Larceny	100	62	16	7	15
Stolen property	100	48	8	7	37
Fraud	100	62	11	7	21
Drug trafficking	100	60	6	3	32
Drug possession	100	70	4	5	20
Weapons	100	17	11	3	69
Other	100	37	32	8	23
Number of convictions	3,574	1,731	402	198	1,243
Murder and manslaughter	50	6	1	1	42
Rape	48	6	4	3	35
Robbery	199	26	12	4	157
Aggravated assault	112	55	14	7	36
Burglary	433	139	21	29	244
Larceny	373	231	60	26	56
Stolen property	289	139	24	19	107
Fraud	130	80	14	9	27
Drug trafficking	629	375	35	17	202
Drug possession	646	450	29	35	132
Weapons	108	18	12	3	75
Other	557	206	176	45	130

\*Includes only cases with known sentencing data.

Note: In New Orleans cases filed and cases indicted are the same.

e. Portland, Oregon 1988

Most serious charge	Total*	Percentage of convictions resulting in incarceration for:		
		No incarceration	Less than 1 year	Exactly 1 year
Percent of convictions	100%	66%	2%	2%
Murder and manslaughter	100	21	0	0
Rape	100	55	0	1
Robbery	100	44	1	1
Aggravated assault	100	68	0	4
Burglary	100	47	2	1
Larceny	100	68	2	1
Stolen property	100	60	0	20
Fraud	100	72	1	1
Drug trafficking	100	69	0	2
Drug possession	100	74	1	2
Weapons	100	38	5	0
Other	100	73	4	2
Number of convictions	4,923	3,257	101	85
Murder and manslaughter	34	7	0	0
Rape	87	48	0	1
Robbery	354	156	5	2
Aggravated assault	130	88	0	5
Burglary	526	245	8	3
Larceny	346	234	6	4
Stolen property	5	3	0	1
Fraud	199	144	2	2
Drug trafficking	661	456	3	15
Drug possession	844	628	8	13
Weapons	63	24	3	0
Other	1,674	1,224	66	39
				1,480

f. St. Louis, Missouri 1988

Most serious charge	Total*	Percentage of convictions resulting in incarceration for:		
		No incarceration	Less than 1 year	Exactly 1 year
Percent of convictions	100%	54%	4%	6%
Murder and manslaughter	100	15	0	0
Rape	100	16	2	5
Robbery	100	20	3	2
Aggravated assault	100	44	3	5
Burglary	100	48	4	4
Larceny	100	57	6	9
Stolen property	100	70	6	6
Fraud	100	69	3	3
Drug trafficking	100	59	0	4
Drug possession	100	62	3	5
Weapons	100	66	5	6
Other	100	42	7	9
Number of convictions	2,960	1,597	117	163
Murder and manslaughter	47	7	0	0
Rape	61	10	1	3
Robbery	146	29	4	3
Aggravated assault	94	41	3	5
Burglary	345	164	14	14
Larceny	373	211	21	32
Stolen property	47	33	3	3
Fraud	143	99	5	5
Drug trafficking	54	32	0	2
Drug possession	918	568	25	45
Weapons	394	261	19	22
Other	338	142	22	29
				1,083

\*Includes only cases with known sentencing data.

**Table 7. Continued**  
**Incarceration rates for indicted cases convicted in felony court**

**g. San Diego, California 1988**

<u>Most serious charge</u>	Total*	No incarceration	Percentage of convictions resulting in incarceration for:		
			Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	6%	50%	14%	30%
Murder and manslaughter	100	7	9	5	79
Rape	100	8	29	19	45
Robbery	100	4	28	18	50
Aggravated assault	100	7	45	15	33
Burglary	100	5	41	15	39
Larceny	100	7	51	13	29
Stolen property	100	4	54	14	27
Fraud	100	11	72	5	11
Drug trafficking	100	7	58	12	23
Drug possession	100	3	63	13	21
Weapons	100	4	48	12	36
Other	100	6	52	17	25
Number of convictions	9,769	571	4,867	1,357	2,974
Murder and manslaughter	113	8	10	6	89
Rape	231	18	66	44	103
Robbery	576	22	161	105	288
Aggravated assault	508	35	229	78	166
Burglary	2,147	99	879	331	838
Larceny	877	60	449	115	253
Stolen property	871	36	473	126	236
Fraud	556	61	402	30	63
Drug trafficking	2,105	145	1,213	257	490
Drug possession	589	16	369	78	126
Weapons	251	10	121	30	90
Other	945	61	495	157	232

**h. Seattle, Washington 1988**

<u>Most serious charge</u>	Total*	No incarceration	Percentage of convictions resulting in incarceration for:		
			Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	12%	64%	3%	21%
Murder and manslaughter	100	16	2	0	82
Rape	100	3	33	6	58
Robbery	100	2	47	2	49
Aggravated assault	100	11	59	4	25
Burglary	100	8	65	3	23
Larceny	100	20	72	2	6
Stolen property	100	10	86	1	4
Fraud	100	18	74	1	7
Drug trafficking	100	11	48	8	33
Drug possession	100	12	81	2	5
Weapons	100	0	86	0	14
Other	100	10	63	3	25
Number of convictions	4,964	588	3,177	163	1,036
Murder and manslaughter	50	8	1	0	41
Rape	95	3	31	6	55
Robbery	346	8	164	6	168
Aggravated assault	350	39	208	15	88
Burglary	711	59	465	20	167
Larceny	863	173	621	19	50
Stolen property	112	11	96	1	4
Fraud	293	53	217	2	21
Drug trafficking	729	83	347	61	238
Drug possession	746	87	606	16	37
Weapons	7	0	6	0	1
Other	662	64	415	17	166

\*Includes only cases with known sentencing data.

**Table 8. Case-processing time for cases filed**

<b>a. Brighton, Colorado 1988</b>		<b>Processing time for cases disposed of by:</b>		
<u>Most serious charge</u>	<u>All cases filed*</u>	<u>Dismissal</u>	<u>Guilty plea</u>	<u>Trial</u>
Median time from arrest to disposition	175 days	137 days	176 days	334 days
Murder and manslaughter	306	0	119	311
Rape	234	313	210	296
Robbery	208	246	197	243
Aggravated assault	190	133	174	276
Burglary	196	159	194	321
Larceny	225	251	213	608
Stolen property	189	104	198	0
Fraud	209	204	208	515
Drug trafficking	171	192	165	512
Drug possession	155	193	143	0
Weapons	213	0	205	260
Other	128	90	138	353
Mean time from arrest to disposition	276 days	290 days	269 days	352 days
Murder and manslaughter	278	0	119	301
Rape	294	336	281	281
Robbery	254	267	253	243
Aggravated assault	257	180	262	319
Burglary	305	396	286	345
Larceny	384	550	346	532
Stolen property	288	104	316	0
Fraud	391	583	333	515
Drug trafficking	274	449	249	512
Drug possession	216	235	211	0
Weapons	340	0	354	260
Other	192	120	216	367
Number of cases filed	1,644	322	1,263	59
Murder and manslaughter	8	0	1	7
Rape	26	6	16	4
Robbery	81	7	73	1
Aggravated assault	200	25	157	18
Burglary	167	26	136	5
Larceny	204	35	165	4
Stolen property	15	2	13	0
Fraud	207	46	159	2
Drug trafficking	162	18	142	2
Drug possession	72	14	58	0
Weapons	13	0	11	2
Other	489	143	332	14

\*Includes only cases for which time data were available.

**Table 8. Continued**  
**Case-processing time for cases filed**

**b. Denver, Colorado 1988**

<u>Most serious charge</u>	<u>All cases filed*</u>	Processing time for cases disposed of by:		
		<u>Dismissal</u>	<u>Guilty plea</u>	<u>Trial</u>
Median time from arrest to disposition	138 days	121 days	137 days	298 days
Murder and manslaughter	267	43	236	316
Rape	215	345	180	260
Robbery	185	215	176	318
Aggravated assault	159	96	168	441
Burglary	133	145	130	210
Larceny	110	87	116	297
Stolen property	167	123	167	539
Fraud	121	94	130	198
Drug trafficking	137	133	138	315
Drug possession	154	98	165	259
Weapons	170	34	170	248
Other	125	126	120	218
Mean time from arrest to disposition	197 days	176 days	195 days	329 days
Murder and manslaughter	297	199	312	303
Rape	261	388	209	314
Robbery	220	212	203	378
Aggravated assault	216	170	218	454
Burglary	200	187	200	320
Larceny	207	150	218	324
Stolen property	221	168	206	482
Fraud	177	164	181	198
Drug trafficking	187	160	188	304
Drug possession	169	139	175	240
Weapons	193	160	195	248
Other	176	204	162	313
Number of cases filed	3,390	661	2,595	134
Murder and manslaughter	47	5	25	17
Rape	53	9	33	11
Robbery	303	85	194	24
Aggravated assault	319	79	227	13
Burglary	505	64	434	7
Larceny	487	86	395	6
Stolen property	67	25	35	7
Fraud	257	54	201	2
Drug trafficking	548	36	508	4
Drug possession	350	113	208	29
Weapons	19	3	15	1
Other	435	102	320	13

\*Includes only cases for which time data were available.

**c. Los Angeles, California 1988**

<u>Most serious charge</u>	<u>All cases filed*</u>	<u>Processing time for cases disposed of by:</u>		
		<u>Dismissal</u>	<u>Guilty plea</u>	<u>Trial</u>
Median time from arrest to disposition	92 days	128 days	83 days	212 days
Murder and manslaughter	227	100	223	363
Rape	140	90	125	241
Robbery	76	20	80	135
Aggravated assault	95	48	102	206
Burglary	58	28	58	141
Larceny	70	63	69	251
Stolen property	70	43	72	172
Fraud	105	168	95	363
Drug trafficking	80	83	76	207
Drug possession	162	279	108	174
Weapons	75	68	72	161
Other	100	87	97	242
Mean time from arrest to disposition	193 days	258 days	164 days	289 days
Murder and manslaughter	338	256	314	482
Rape	234	260	211	300
Robbery	141	119	142	212
Aggravated assault	180	153	182	262
Burglary	121	156	110	218
Larceny	174	298	142	332
Stolen property	139	118	143	219
Fraud	290	621	220	364
Drug trafficking	168	212	155	262
Drug possession	249	320	200	218
Weapons	144	142	141	206
Other	188	251	161	327
Number of cases filed	58,919	14,827	41,764	2,328
Murder and manslaughter	1,514	306	883	325
Rape	868	151	578	139
Robbery	4,781	1,139	3,337	305
Aggravated assault	2,382	709	1,470	203
Burglary	6,496	1,020	5,249	227
Larceny	4,325	739	3,473	113
Stolen property	1,099	259	814	26
Fraud	885	147	717	21
Drug trafficking	14,419	2,371	11,560	488
Drug possession	16,973	6,924	9,834	215
Weapons	1,040	245	755	40
Other	4,137	817	3,094	226

Note: A substantial number of felony arrests filed as misdemeanors in Los Angeles are handled by municipal prosecutors and thus are not included in the Los Angeles district attorney's case-tracking system.

\*Includes only cases for which time data were available.

**Table 8. Continued**  
**Case-processing time for cases filed**

**d. Manhattan, New York 1988**

<u>Most serious charge</u>	All cases filed*	Processing time for cases disposed of by:		
		<u>Dismissal</u>	<u>Guilty plea</u>	<u>Trial</u>
Median time from arrest to disposition	88 days	125 days	44 days	234 days
Murder and manslaughter	220	184	192	333
Rape	151	145	138	298
Robbery	107	123	79	233
Aggravated assault	111	131	67	252
Burglary	62	146	27	213
Larceny	87	160	40	192
Stolen property	64	143	20	162
Fraud	88	184	40	330
Drug trafficking	49	94	24	240
Drug possession	119	366	3	0
Weapons	118	121	109	230
Other	92	153	44	220
Mean time from arrest to disposition	153 days	202 days	109 days	271 days
Murder and manslaughter	315	296	277	424
Rape	212	205	208	321
Robbery	162	184	129	258
Aggravated assault	165	183	128	270
Burglary	134	235	83	251
Larceny	167	251	111	218
Stolen property	159	235	108	200
Fraud	182	305	110	334
Drug trafficking	131	187	96	267
Drug possession	245	487	55	0
Weapons	201	208	186	294
Other	142	203	96	293
Number of cases filed	37,785	16,152	20,661	972
Murder and manslaughter	291	86	140	65
Rape	361	272	70	19
Robbery	6,518	3,213	2,992	313
Aggravated assault	5,349	3,365	1,872	112
Burglary	2,918	896	1,950	72
Larceny	5,579	2,113	3,350	116
Stolen property	899	351	538	10
Fraud	493	177	311	5
Drug trafficking	11,837	4,170	7,497	170
Drug possession	50	22	28	0
Weapons	1,103	559	510	34
Other	2,387	928	1,403	56

\*Includes only cases for which time data were available.

e. New Orleans, Louisiana 1988

Most serious charge	Processing time for cases disposed of by:			
	All cases filed*	Dismissal	Guilty plea	Trial
Median time from arrest to disposition	105 days	85 days	97 days	182 days
Murder and manslaughter	182	180	170	202
Rape	208	244	195	259
Robbery	134	93	112	187
Aggravated assault	143	86	139	168
Burglary	104	102	100	162
Larceny	95	115	89	167
Stolen property	110	179	104	157
Fraud	53	34	98	231
Drug trafficking	97	36	96	206
Drug possession	103	153	94	199
Weapons	132	139	104	199
Other	99	155	78	137
Mean time from arrest to disposition	156 days	160 days	140 days	255 days
Murder and manslaughter	262	287	178	300
Rape	268	275	250	318
Robbery	176	146	144	270
Aggravated assault	195	173	173	283
Burglary	152	197	134	228
Larceny	160	231	143	244
Stolen property	145	191	134	210
Fraud	122	49	172	329
Drug trafficking	151	111	139	279
Drug possession	154	215	137	262
Weapons	172	251	131	249
Other	143	197	125	187
Number of cases filed	4,434	685	3,230	519
Murder and manslaughter	84	18	24	42
Rape	61	9	39	13
Robbery	243	30	151	62
Aggravated assault	154	31	92	31
Burglary	508	57	394	57
Larceny	424	48	348	28
Stolen property	321	22	270	29
Fraud	258	121	124	13
Drug trafficking	762	132	538	92
Drug possession	754	71	624	59
Weapons	148	26	97	25
Other	717	120	529	68

Note: In New Orleans cases filed and cases indicted are the same.

\*Includes only cases for which time data were available.

**Table 8. Continued**  
**Case-processing time for cases filed**

**f. Portland, Oregon 1988**

<u>Most serious charge</u>	<u>All cases filed*</u>	Processing time for cases disposed of by:		
		<u>Dismissal</u>	<u>Guilty plea</u>	<u>Trial</u>
Median time from arrest to disposition	119 days	83 days	121 days	149 days
Murder and manslaughter	156	63	143	228
Rape	119	81	113	176
Robbery	104	25	102	145
Aggravated assault	93	11	105	145
Burglary	118	86	121	139
Larceny	187	211	174	190
Stolen property	114	40	137	0
Fraud	149	133	152	179
Drug trafficking	129	120	125	149
Drug possession	134	110	134	151
Weapons	136	113	144	158
Other	96	57	103	147
Mean time from arrest to disposition	179 days	175 days	176 days	199 days
Murder and manslaughter	224	203	227	226
Rape	238	116	255	318
Robbery	148	138	144	175
Aggravated assault	132	96	148	171
Burglary	180	207	172	178
Larceny	308	461	229	282
Stolen property	102	40	127	0
Fraud	235	311	210	195
Drug trafficking	173	177	164	194
Drug possession	176	150	184	185
Weapons	220	259	214	192
Other	154	126	166	199
Number of cases filed	7,389	2,084	4,282	1,023
Murder and manslaughter	45	4	22	19
Rape	136	32	71	33
Robbery	533	155	283	95
Aggravated assault	238	89	109	40
Burglary	744	155	499	90
Larceny	566	177	318	71
Stolen property	7	2	5	0
Fraud	283	73	190	20
Drug trafficking	844	147	502	195
Drug possession	1,195	303	655	237
Weapons	91	23	45	23
Other	2,707	924	1,583	200

\*Includes only cases for which time data were available.

**g. St. Louis, Missouri 1988**

<u>Most serious charge</u>	<u>All cases filed*</u>	Processing time for cases disposed of by:		
		<u>Dismissal</u>	<u>Guilty plea</u>	<u>Trial</u>
Median time from arrest to disposition	148 days	71 days	168 days	294 days
Murder and manslaughter	250	99	274	340
Rape	208	58	227	313
Robbery	202	71	240	292
Aggravated assault	169	85	220	270
Burglary	142	62	160	274
Larceny	138	66	155	302
Stolen property	126	68	160	344
Fraud	140	72	156	242
Drug trafficking	173	110	188	383
Drug possession	153	74	167	290
Weapons	145	83	155	299
Other	132	55	170	309
Mean time from arrest to disposition	186 days	139 days	200 days	347 days
Murder and manslaughter	298	162	336	529
Rape	238	153	305	316
Robbery	225	113	271	352
Aggravated assault	204	174	233	274
Burglary	179	128	188	305
Larceny	182	143	197	311
Stolen property	177	170	182	344
Fraud	232	254	221	228
Drug trafficking	238	233	204	643
Drug possession	172	123	187	288
Weapons	173	126	188	328
Other	163	95	198	329
Number of cases filed	4,702	1,614	2,859	229
Murder and manslaughter	105	54	23	28
Rape	122	56	40	26
Robbery	244	87	127	30
Aggravated assault	220	120	82	18
Burglary	494	133	334	27
Larceny	560	175	375	10
Stolen property	100	52	47	1
Fraud	228	81	144	3
Drug trafficking	117	60	52	5
Drug possession	1,293	353	911	29
Weapons	606	193	392	21
Other	613	250	332	31

\*Includes only cases for which time data were available.

**Table 8. Continued**  
**Case-processing time for cases filed**

**h. San Diego, California 1988**

<u>Most serious charge</u>	<u>All cases filed*</u>	<u>Processing time for cases disposed of by:</u>		
		<u>Dismissal</u>	<u>Guilty plea</u>	<u>Trial</u>
Median time from arrest to disposition	72 days	112 days	62 days	159 days
Murder and manslaughter	173	122	153	302
Rape	70	72	61	259
Robbery	67	44	63	143
Aggravated assault	73	81	67	149
Burglary	44	97	37	135
Larceny	64	147	54	207
Stolen property	55	84	47	122
Fraud	106	250	87	1,784
Drug trafficking	82	140	75	180
Drug possession	108	188	83	141
Weapons	75	126	68	124
Other	70	60	71	180
Mean time from arrest to disposition	168 days	336 days	116 days	246 days
Murder and manslaughter	261	489	194	386
Rape	126	129	111	305
Robbery	108	163	88	169
Aggravated assault	133	201	104	187
Burglary	117	337	82	250
Larceny	171	463	114	238
Stolen property	130	249	95	155
Fraud	389	878	204	1,865
Drug trafficking	159	328	115	228
Drug possession	231	353	160	154
Weapons	158	333	117	150
Other	150	204	120	190
Number of cases filed	23,028	5,171	17,280	577
Murder and manslaughter	137	10	95	32
Rape	326	46	260	20
Robbery	874	165	651	58
Aggravated assault	1,341	328	932	81
Burglary	4,144	492	3,544	108
Larceny	2,009	323	1,666	20
Stolen property	2,037	444	1,558	35
Fraud	1,410	363	1,037	10
Drug trafficking	3,362	637	2,624	101
Drug possession	2,905	1,067	1,819	19
Weapons	1,566	292	1,246	28
Other	2,917	1,004	1,848	65

\*Includes only cases for which time data were available.

## i. Seattle, Washington 1988

Most serious charge	All cases filed*	Processing time for cases disposed of by:		
		Dismissal	Guilty plea	Trial
Median time from arrest to disposition	117 days	104 days	113 days	142 days
Murder and manslaughter	117	64	96	142
Rape	109	118	118	105
Robbery	66	86	58	96
Aggravated assault	99	90	90	125
Burglary	81	115	71	131
Larceny	95	172	84	143
Stolen property	129	171	106	186
Fraud	124	247	118	150
Drug trafficking	197	253	184	245
Drug possession	208	226	203	233
Weapons	48	47	43	345
Other	77	61	81	123
Mean time from arrest to disposition	188 days	258 days	174 days	189 days
Murder and manslaughter	140	87	118	174
Rape	164	252	151	143
Robbery	130	214	110	166
Aggravated assault	132	118	126	161
Burglary	157	383	141	169
Larceny	176	451	154	180
Stolen property	303	936	246	189
Fraud	218	571	187	153
Drug trafficking	238	286	231	250
Drug possession	244	353	227	227
Weapons	142	47	91	345
Other	152	163	137	185
Number of cases filed	6,910	1,029	5,177	704
Murder and manslaughter	63	8	26	29
Rape	130	21	65	44
Robbery	395	38	289	68
Aggravated assault	413	45	283	83
Burglary	779	43	666	70
Larceny	1,142	78	998	66
Stolen property	150	13	129	8
Fraud	421	34	382	5
Drug trafficking	815	66	647	102
Drug possession	1,232	170	994	68
Weapons	9	1	6	2
Other	1,361	512	692	157

\*Includes only cases for which time data were available.

**Table 8. Continued**  
**Case-processing time for cases filed**

**j. Washington, D.C. 1988**

<u>Most serious charge</u>	<u>All cases filed*</u>	Processing time for cases disposed of by:		
		<u>Dismissal</u>	<u>Guilty plea</u>	<u>Trial</u>
Median time from arrest to disposition	86 days	92 days	76 days	182 days
Murder and manslaughter	293	273	332	430
Rape	128	122	143	180
Robbery	89	63	91	181
Aggravated assault	94	87	95	155
Burglary	73	62	67	156
Larceny	97	110	84	104
Stolen property	106	141	92	194
Fraud	71	109	66	0
Drug trafficking	92	121	78	182
Drug possession	0	0	0	0
Weapons	114	89	122	164
Other	57	53	55	147
Mean time from arrest to disposition	138 days	142 days	125 days	234 days
Murder and manslaughter	399	236	447	493
Rape	216	207	221	242
Robbery	149	129	147	234
Aggravated assault	151	137	163	201
Burglary	127	123	122	186
Larceny	139	139	139	139
Stolen property	159	174	147	211
Fraud	132	142	127	0
Drug trafficking	136	160	120	218
Drug possession	0	0	0	0
Weapons	151	129	159	193
Other	104	114	88	254
Number of cases filed	12,486	4,117	7,456	913
Murder and manslaughter	177	54	60	63
Rape	123	72	35	16
Robbery	880	395	386	99
Aggravated assault	1,176	705	352	119
Burglary	713	292	371	50
Larceny	798	300	459	39
Stolen property	486	135	322	29
Fraud	302	116	186	0
Drug trafficking	5,678	1,212	4,050	416
Drug possession	0	0	0	0
Weapons	146	55	79	12
Other	2,007	781	1,156	70

\*Includes only cases for which time data were available.

Note: Drug possession offenses are classified as misdemeanors in Washington, D.C.

**Table 9. Case-processing time for cases indicted**

<b>a. Denver, Colorado 1988</b>		Processing time for cases disposed of by:		
	<b>Most serious charge</b>	All cases indicted*	Dismissal	Guilty plea
	Median time from arrest to disposition	160 days	153 days	298 days
	Murder and manslaughter	292	329	236
	Rape	224	490	177
	Robbery	210	302	179
	Aggravated assault	208	193	190
	Burglary	136	145	133
	Larceny	129	103	132
	Stolen property	184	123	184
	Fraud	133	116	137
	Drug trafficking	147	133	147
	Drug possession	170	132	173
	Weapons	170	429	170
	Other	149	197	136
	Mean time from arrest to disposition	214 days	213 days	208 days
	Murder and manslaughter	308	303	312
	Rape	277	568	210
	Robbery	236	263	209
	Aggravated assault	271	291	253
	Burglary	207	191	207
	Larceny	217	170	225
	Stolen property	226	168	216
	Fraud	205	202	205
	Drug trafficking	191	171	192
	Drug possession	190	177	187
	Weapons	212	429	195
	Other	205	228	192
	Number of cases indicted	2,919	503	2,282
	Murder and manslaughter	45	3	25
	Rape	49	6	32
	Robbery	277	66	187
	Aggravated assault	234	39	182
	Burglary	476	60	409
	Larceny	396	69	321
	Stolen property	65	25	33
	Fraud	199	39	158
	Drug trafficking	529	33	492
	Drug possession	296	80	187
	Weapons	17	1	15
	Other	336	82	241

\*Includes only cases for which time data were available.

**Table 9. Continued**  
**Case-processing time for cases indicted**

**b. Los Angeles, California 1988**

<u>Most serious charge</u>	<u>All cases indicted*</u>	Processing time for cases disposed of by:		
		<u>Dismissal</u>	<u>Guilty plea</u>	<u>Trial</u>
Median time from arrest to disposition	117 days	170 days	106 days	202 days
Murder and manslaughter	249	198	228	340
Rape	186	189	160	255
Robbery	99	117	93	135
Aggravated assault	145	183	131	216
Burglary	84	99	80	140
Larceny	98	122	92	245
Stolen property	104	122	96	166
Fraud	168	211	159	363
Drug trafficking	110	180	101	204
Drug possession	132	251	124	175
Weapons	116	125	108	161
Other	141	166	129	225
Mean time from arrest to disposition	203 days	273 days	189 days	279 days
Murder and manslaughter	362	364	320	467
Rape	283	262	274	316
Robbery	169	193	161	213
Aggravated assault	229	263	217	268
Burglary	142	173	135	212
Larceny	190	279	174	319
Stolen property	171	182	168	214
Fraud	291	322	283	352
Drug trafficking	196	271	185	256
Drug possession	225	315	212	215
Weapons	182	192	178	209
Other	217	310	195	310
Number of cases indicted	29,247	2,582	24,560	2,105
Murder and manslaughter	978	80	638	260
Rape	430	40	283	107
Robbery	2,956	229	2,434	293
Aggravated assault	1,299	128	977	194
Burglary	3,546	202	3,128	216
Larceny	1,774	113	1,556	105
Stolen property	510	45	442	23
Fraud	309	25	265	19
Drug trafficking	8,235	655	7,126	454
Drug possession	6,828	836	5,791	201
Weapons	489	60	391	38
Other	1,893	169	1,529	195

\*Includes only cases for which time data were available.

**c. Manhattan, New York 1988**

Most serious charge	All cases indicted*	Processing time for cases disposed of by:		
		Dismissal	Guilty plea	Trial
Median time from arrest to disposition	104 days	189 days	79 days	241 days
Murder and manslaughter	242	280	192	333
Rape	190	245	144	298
Robbery	125	239	103	234
Aggravated assault	160	164	135	285
Burglary	80	133	69	226
Larceny	109	199	91	195
Stolen property	153	162	127	215
Fraud	102	379	93	0
Drug trafficking	75	188	51	241
Drug possession	0	0	0	0
Weapons	136	201	115	233
Other	116	111	96	321
Mean time from arrest to disposition	171 days	324 days	140 days	280 days
Murder and manslaughter	344	434	279	424
Rape	260	263	236	321
Robbery	183	370	150	257
Aggravated assault	228	254	210	301
Burglary	143	318	122	267
Larceny	174	375	150	226
Stolen property	195	187	192	272
Fraud	222	652	173	0
Drug trafficking	148	314	119	270
Drug possession	0	0	0	0
Weapons	225	298	196	299
Other	197	241	167	399
Number of cases indicted	12,499	1,469	10,187	843
Murder and manslaughter	247	43	139	65
Rape	97	28	50	19
Robbery	2,666	250	2,108	308
Aggravated assault	555	92	398	65
Burglary	961	53	843	65
Larceny	1,099	83	918	98
Stolen property	114	14	94	6
Fraud	98	10	88	0
Drug trafficking	5,822	734	4,927	161
Drug possession	0	0	0	0
Weapons	565	130	404	31
Other	275	32	218	25

\*Includes only cases for which time data were available.

**Table 9. Continued**  
**Case-processing time for cases indicted**

**d. New Orleans, Louisiana 1988**

<u>Most serious charge</u>	<u>All cases indicted*</u>	Processing time for cases disposed of by:		
		<u>Dismissal</u>	<u>Guilty plea</u>	<u>Trial</u>
Median time from arrest to disposition	105 days	85 days	97 days	182 days
Murder and manslaughter	182	180	170	202
Rape	208	244	195	259
Robbery	134	93	112	187
Aggravated assault	143	86	139	168
Burglary	104	102	100	162
Larceny	95	115	89	167
Stolen property	110	179	104	157
Fraud	53	34	98	231
Drug trafficking	97	36	96	206
Drug possession	103	153	94	199
Weapons	132	139	104	199
Other	99	155	78	137
Mean time from arrest to disposition	156 days	160 days	140 days	255 days
Murder and manslaughter	262	287	178	300
Rape	268	275	250	318
Robbery	176	146	144	270
Aggravated assault	195	173	173	283
Burglary	152	197	134	228
Larceny	160	231	143	244
Stolen property	145	191	134	210
Fraud	122	49	172	329
Drug trafficking	151	111	139	279
Drug possession	154	215	137	262
Weapons	172	251	131	249
Other	143	197	125	187
Number of cases indicted	4,434	685	3,230	519
Murder and manslaughter	84	18	24	42
Rape	61	9	39	13
Robbery	243	30	151	62
Aggravated assault	154	31	92	31
Burglary	508	57	394	57
Larceny	424	48	348	28
Stolen property	321	22	270	29
Fraud	258	121	124	13
Drug trafficking	762	132	538	92
Drug possession	754	71	624	59
Weapons	148	26	97	25
Other	717	120	529	68

\*Includes only cases for which time data were available.

Note: In New Orleans cases filed and cases indicted are the same.

e. Portland, Oregon 1988

Most serious charge	All cases indicted*	Processing time for cases disposed of by:		
		Dismissal	Guilty plea	Trial
Median time from arrest to disposition	133 days	163 days	121 days	149 days
Murder and manslaughter	162	398	143	228
Rape	135	166	113	176
Robbery	124	151	102	141
Aggravated assault	118	159	105	145
Burglary	131	221	122	137
Larceny	197	277	178	185
Stolen property	137	0	137	0
Fraud	167	209	155	179
Drug trafficking	133	148	125	150
Drug possession	145	163	135	151
Weapons	151	151	144	158
Other	112	145	102	148
Mean time from arrest to disposition	200 days	305 days	176 days	199 days
Murder and manslaughter	234	398	227	226
Rape	263	191	255	318
Robbery	174	312	146	171
Aggravated assault	167	339	132	171
Burglary	191	331	172	178
Larceny	328	560	233	276
Stolen property	127	0	127	0
Fraud	243	383	211	195
Drug trafficking	181	236	164	194
Drug possession	192	227	185	185
Weapons	242	429	214	192
Other	180	239	165	198
Number of cases indicted	6,201	985	4,209	1,007
Murder and manslaughter	43	2	22	19
Rape	121	17	71	33
Robbery	422	58	272	92
Aggravated assault	168	21	107	40
Burglary	640	75	477	88
Larceny	515	140	307	68
Stolen property	5	0	5	0
Fraud	257	49	188	20
Drug trafficking	796	101	501	194
Drug possession	1,069	181	651	237
Weapons	81	13	45	23
Other	2,084	328	1,563	193

\*Includes only cases for which time data were available.

**Table 9. Continued**  
**Case-processing time for cases indicted**

**f. St. Louis, Missouri 1988**

<u>Most serious charge</u>	<u>All cases indicted*</u>	Processing time for cases disposed of by:		
		<u>Dismissal</u>	<u>Guilty plea</u>	<u>Trial</u>
Median time from arrest to disposition	178 days	209 days	168 days	294 days
Murder and manslaughter	289	273	274	340
Rape	279	336	227	313
Robbery	244	227	239	299
Aggravated assault	236	259	220	270
Burglary	167	229	160	274
Larceny	161	274	155	302
Stolen property	166	230	158	344
Fraud	159	305	156	242
Drug trafficking	191	176	188	383
Drug possession	171	202	167	290
Weapons	160	166	155	299
Other	188	211	171	309
Mean time from arrest to disposition	219 days	287 days	200 days	349 days
Murder and manslaughter	414	272	336	529
Rape	316	360	305	316
Robbery	288	283	271	363
Aggravated assault	281	412	233	274
Burglary	208	353	188	305
Larceny	207	292	197	311
Stolen property	198	276	181	344
Fraud	255	670	221	228
Drug trafficking	238	168	204	643
Drug possession	195	245	187	288
Weapons	197	204	189	328
Other	213	237	200	329
Number of cases indicted	3,402	334	2,840	228
Murder and manslaughter	61	10	23	28
Rape	77	11	40	26
Robbery	172	17	126	29
Aggravated assault	131	31	82	18
Burglary	389	28	334	27
Larceny	412	33	369	10
Stolen property	55	8	46	1
Fraud	159	12	144	3
Drug trafficking	61	4	52	5
Drug possession	1,021	86	906	29
Weapons	475	64	390	21
Other	389	30	328	31

\*Includes only cases for which time data were available.

**g. San Diego, California 1988**

<u>Most serious charge</u>	<u>All cases indicted*</u>	Processing time for cases disposed of by:		
		<u>Dismissal</u>	<u>Guilty plea</u>	<u>Trial</u>
Median time from arrest to disposition	72 days	125 days	64 days	166 days
Murder and manslaughter	182	126	156	302
Rape	70	167	60	259
Robbery	75	92	69	146
Aggravated assault	90	118	79	176
Burglary	47	91	39	135
Larceny	55	116	50	220
Stolen property	54	95	47	123
Fraud	88	131	84	150
Drug trafficking	79	181	75	187
Drug possession	63	126	53	147
Weapons	77	116	74	129
Other	78	134	74	194
Mean time from arrest to disposition	116 days	211 days	106 days	232 days
Murder and manslaughter	249	186	201	386
Rape	127	203	110	305
Robbery	98	114	91	173
Aggravated assault	125	161	112	211
Burglary	94	166	84	262
Larceny	112	226	105	251
Stolen property	90	155	85	166
Fraud	165	332	160	139
Drug trafficking	125	283	114	232
Drug possession	120	217	113	178
Weapons	108	269	98	153
Other	128	202	122	204
Number of cases indicted	11,017	422	10,113	482
Murder and manslaughter	122	3	87	32
Rape	275	9	246	20
Robbery	665	26	583	56
Aggravated assault	599	35	504	60
Burglary	2,369	77	2,195	97
Larceny	969	28	923	18
Stolen property	989	45	916	28
Fraud	622	21	597	4
Drug trafficking	2,412	95	2,219	98
Drug possession	647	35	601	11
Weapons	289	13	262	14
Other	1,059	35	980	44

\*Includes only cases for which time data were available.

**Table 9. Continued**  
**Case-processing time for cases indicted**

**h. Seattle, Washington 1988**

<u>Most serious charge</u>	<u>All cases indicted*</u>	Processing time for cases disposed of by:		
		<u>Dismissal</u>	<u>Guilty plea</u>	<u>Trial</u>
Median time from arrest to disposition	117 days	155 days	106 days	151 days
Murder and manslaughter	117	64	96	142
Rape	112	118	119	105
Robbery	66	84	58	96
Aggravated assault	98	89	90	126
Burglary	81	106	70	131
Larceny	88	168	78	142
Stolen property	115	140	99	186
Fraud	111	238	104	148
Drug trafficking	197	250	184	245
Drug possession	192	219	181	233
Weapons	48	47	38	345
Other	105	137	85	164
Mean time from arrest to disposition	186 days	346 days	166 days	197 days
Murder and manslaughter	140	87	118	174
Rape	166	252	153	143
Robbery	127	183	111	166
Aggravated assault	131	106	126	162
Burglary	153	342	140	169
Larceny	175	464	152	180
Stolen property	268	690	231	189
Fraud	204	577	171	147
Drug trafficking	233	283	225	250
Drug possession	226	345	204	226
Weapons	128	47	58	345
Other	184	451	141	239
Number of cases indicted	5,633	522	4,477	634
Murder and manslaughter	63	8	26	29
Rape	129	21	64	44
Robbery	392	37	287	68
Aggravated assault	411	44	283	84
Burglary	773	41	662	70
Larceny	953	65	823	65
Stolen property	127	11	108	8
Fraud	326	27	295	4
Drug trafficking	805	65	638	102
Drug possession	896	128	702	66
Weapons	8	1	5	2
Other	750	74	584	92

\*Includes only cases for which time data were available.

### i. Washington, D.C. 1988

<u>Most serious charge</u>	All cases indicted*	Processing time for cases disposed of by:		
		Dismissal	Guilty plea	Trial
Median time from arrest to disposition	108 days	162 days	85 days	226 days
Murder and manslaughter	406	381	382	433
Rape	302	665	309	284
Robbery	193	242	170	205
Aggravated assault	260	263	218	294
Burglary	196	309	175	202
Larceny	137	155	123	208
Stolen property	114	162	93	196
Fraud	304	388	290	0
Drug trafficking	100	159	81	202
Drug possession	0	0	0	0
Weapons	157	229	135	204
Other	60	106	54	267
Mean time from arrest to disposition	165 days	223 days	140 days	281 days
Murder and manslaughter	514	392	564	498
Rape	409	889	339	278
Robbery	267	394	232	266
Aggravated assault	328	423	295	322
Burglary	245	382	220	250
Larceny	190	183	189	241
Stolen property	168	209	151	218
Fraud	403	377	409	0
Drug trafficking	145	197	126	239
Drug possession	0	0	0	0
Weapons	189	223	180	205
Other	112	183	87	360
Number of cases indicted	7,512	1,206	5,655	651
Murder and manslaughter	117	10	45	62
Rape	36	6	17	13
Robbery	334	54	197	83
Aggravated assault	225	48	127	50
Burglary	173	23	130	20
Larceny	328	73	242	13
Stolen property	432	99	305	28
Fraud	38	7	31	0
Drug trafficking	4,651	707	3,611	333
Drug possession	0	0	0	0
Weapons	79	13	58	8
Other	1,099	166	892	41

\*Includes only cases for which time data were available.

Note: Drug possession offenses are classified as misdemeanors in Washington, D.C.

## Appendix B

### Jurisdictional characteristics

This appendix describes the local law enforcement and court systems, the organization of the prosecutor's office, and the procedures for handling felony cases from arrest through sentencing in each of the participating jurisdictions. This information was collected through onsite interviews conducted in each jurisdiction. The information is based on interviews conducted in late 1987, 1988, and early 1989.

The jurisdictional information in this appendix is a resource for understanding the felony disposition process and interpreting the data reported. Jurisdictions have developed varied legal and administrative systems for processing felony arrests. A detailed understanding of each jurisdiction's case-processing system is necessary to interpret the disposition statistics collected and to develop comparative data.

The descriptions focus on the path an indicted felony follows from arrest to sentencing. Where appropriate, the narrative also indicates how other felony arrests are disposed along this path. A major goal is to describe the process by which cases are weeded out or carried forward in individual jurisdictions. The disposition statistics in the text and appendix A tables do this within the context of the definitions derived to facilitate cross-jurisdictional comparisons (i.e., all arrests, cases filed, and cases indicted). This appendix describes the disposition process within the context of the intricate administrative processes that are unique to individual jurisdictions.

Note: This appendix includes description for five jurisdictions for which data are not included in other parts of the report (Detroit, Michigan; Geneva, Illinois; Littleton, Colorado; Manchester, New Hampshire; and Springfield, Massachusetts). All five jurisdictions participated in prior editions of the series.

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## Albuquerque, New Mexico (2nd Judicial District)

### District attorney's office

The district attorney's office for the 2nd Judicial District has jurisdiction over all misdemeanors and felonies arising within Bernalillo County. Civil responsibilities include mental health commitments. The county attorney's office handles county violations; traffic cases are handled by the police departments. The Albuquerque police department accounts for approximately 80% of the felony arrests presented to the office, and the Bernalillo County sheriff's department presents most of the rest.

A total of 49 attorneys staff the office. Over half staff the various felony divisions: property/narcotics has 12 attorneys; violent crime, 8; economic/white collar, 6; family crime, 5; and repeat offender/probation revocation, 3. Each unit is overseen by a supervisor. Attorneys in the property/narcotics division are organized into trial teams of two or three attorneys each. Teams are assigned to district court judges.

Nine attorneys handle all misdemeanor cases, including appeals, as well as initial appearances for felonies. Four others are responsible for juvenile cases. One attorney handles the mental health commitments, and one handles the Medicaid fraud unit. Felony appeals are handled by the state attorney general's office.

The district attorney's office has two police investigators in the violent crime division; one investigates domestic violence and child abuse cases and one economic crimes. Additionally, four officers and one lieutenant from the Albuquerque police department staff the police liaison office, which is responsible for determining if arrests and police investigations will be presented to the district attorney.

Violent crime and family cases are prosecuted vertically after screening, and property/narcotics and economic crimes are prosecuted vertically after indictment.

### Court system

The metropolitan court, the lower court of a two-tiered system, handles all misdemeanors, traffic offenses, civil cases under \$5,000, and initial appearances for felony arrests. The court also has jurisdiction over felony preliminary hearings, but these are rarely held. The court is staffed by 13 judges, 1 of whom is responsible for felony initial appearances each week.

The district court handles all felonies after indictment, civil cases in excess of \$5,000, and juvenile and domestic cases. Six district court judges hear criminal cases. One of these judges presides over the grand jury panels. Another six judges have civil dockets. Three judges hear domestic relations cases, and two preside over children's court cases, which are handled at the Juvenile Justice Center.

Felony cases are randomly assigned to one of the six criminal district court judges by the clerk's office. The same judge is responsible for all court proceedings after arraignment. Arraignments, pleas, and sentencing occur on Mondays and Fridays.

### Felony case processing--arrest through sentencing

Felony cases can either be initiated as arrests or as police investigations presented to the grand jury before an arrest is made. About half of the felonies presented to the district attorney's office are initiated as arrests. All Albuquerque police department arrests are brought to the police liaison office, where the case is either no charged, dismissed pending further investigation, or presented to the district attorney's office. Other police agencies bring arrests directly to the district attorney, and juvenile arrests go directly to the Juvenile Justice Center. The vast majority of the arrest cases are for property/narcotics and violent offenses.

Each morning the property/narcotics division supervisor screens the arrests presented by the liaison office and determines whether a case should be dismissed, diverted, or prosecuted as a

misdemeanor or a felony. If the arrest is going to be prosecuted as a felony, an initial appearance must be held in metropolitan court, where charges are read, bail is set, and counsel is appointed, if necessary. This appearance is usually held within 24 hours of arrest.

A small portion of cases are diverted out of the system at, or immediately following, initial appearance. The diverted cases involve nonviolent first-time offenders, whose cases are dismissed after successful completion of a probationary program.

Arrests involving violence are filed as complaints in metropolitan court by staff in the district attorney's records office before the case is sent to the appropriate felony division for screening. These cases, together with the property/narcotics cases that have not been dismissed after preliminary hearing, typically constitute the group known as "10-day" cases. The district attorney has 10 days within which to present a case to the grand jury if the defendant remains in custody.

Felony cases initiated as police investigations are presented to the office's police liaisons and then funneled to the appropriate divisions for screening. These cases are designated for hearings by the grand jury prior to arrest.

All felonies must be presented to the grand jury, which determines if there is probable cause. All grand jury proceedings are taped. The defense, which is usually not present at grand jury hearings, typically requests a recording of the proceedings. Very few of the grand jury cases are secret indictments, and most of the cases presented to the grand jury are true billed.

The property/narcotics division employs two paralegals, who prepare the cases for the grand jury. Either the supervisor or the assistant supervisor presents the case to the grand jury, and if a true bill is handed down, one of the trial teams in the division is assigned to the case. In the economic/white collar division, any attorney can present cases to the grand

jury. If the case is true billed, an assistant district attorney is assigned by the supervisor. In the violent and family crime divisions, cases are presented by the attorneys assigned at screening.

After an arrest case is true billed, the defendant must be arraigned in district court within 10 days. If an investigation is true billed, a bench warrant is typically requested.

At arraignment the defendant hears the charges and usually enters a not guilty plea. The judge establishes the condition of release and sets deadlines for various motions. The case must be tried within 6 months of arraignment for defendants in custody. The supreme court can grant extensions for trial, and does so in about 30 to 40% of the cases. Felony trials are almost always trials by jury.

Between felony arraignment and trial, a number of pretrial motions are submitted, notices are sent to witnesses, and plea negotiations are conducted. Plea negotiations can begin at any point in the process. Usually the district attorney assigned to the case sends a letter to the defense attorney outlining the plea position. The offer is almost always stated by the time of the pretrial conference. Offers are reviewed by the supervisor of each division, and positions that change significantly during the course of negotiations are approved by the supervisor informally. Office policy requires that negotiations not result in a less severe penalty than would have resulted at trial. Judges often participate in the plea process by inquiring as to the status of plea negotiations.

For crimes that involve a victim, the plea letter is reviewed by the police liaison, who is also responsible for discussing the office's plea position with

the victim. However, neither the liaison nor the victim can veto the attorney's plea position.

Most cases are disposed by plea. Once a plea agreement has been negotiated, a date is set for the plea to be entered in court. The day the plea is entered the judge almost always requests a presentence report and sets a date for sentencing. Trial convictions are frequently sentenced on the day of conviction, but judges can request presentence reports for these cases as well.

Assistant district attorneys are present at sentencing hearings. Often the judge will ask both parties to make a statement to the court. However, because the judge usually relies on the presentence report prepared by the probation department, the assistant district attorney frequently declines to make a statement.

## Annapolis, Maryland (Anne Arundel County)

### State's attorney's office

The State's attorney for Anne Arundel County has jurisdiction over the prosecution of all misdemeanors, felonies, juvenile cases, domestic relations offenses, and county code violations arising within the county. The Anne Arundel county police department accounts for about 75% of the office's caseload.

The office is staffed by 29 attorneys, who are located in 3 offices in the county. The main office in Annapolis is headquarters for 2 attorneys who specialize in prosecuting domestic relations cases and 21 attorneys who are in the circuit (felony) court division. Six attorneys in the district (lower) court division are divided equally between two satellite offices.

District court attorneys are responsible for the screening and prosecution of all misdemeanors and a select group of felonies that may be tried in the district court. They also conduct initial felony proceedings for serious felonies.

All of the circuit court attorneys serve as trial attorneys, although five primarily screen cases. One of the five screens only juvenile cases, and another screens only cases involving sexual abuse.

All felonies are prosecuted vertically following initial appearance in the circuit court.

### Court system

Anne Arundel county has a two-tiered court system. The district court handles all misdemeanors, traffic offenses, civil cases under \$10,000, and most felonies involving theft, bad checks, and credit card fraud. The six district court judges also preside at felony bond hearings and at preliminary hearings for felonies that may only be tried in the circuit court.

The circuit court, a court of general jurisdiction, handles serious felonies, juvenile matters, civil cases over \$10,000, and appeals. It is also the only court that can hold jury trials.

District court cases involving defendants who request jury trials are sent to the circuit court for trial.

The circuit court is staffed by nine judges, who handle a mixed caseload. All judges maintain a felony trial calendar, and usually two hear felony trials each week. Juvenile matters are handled almost exclusively by three juvenile masters. Once a week one judge presides at initial appearances.

In Maryland the lower courts have jurisdiction over a number of crimes that in other States are considered felonies. A number of misdemeanor crimes are punishable by 1 year or more in prison, and many less serious felonies disposed in lower court may also result in sentences to prison. The penalties for less serious felonies are the same regardless of the court of final disposition. Thus, the felony crimes disposed in circuit court are a relatively small subset of the crimes typically considered felonies in other jurisdictions.

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### Felony case processing--arrest through sentencing

Within 24 hours of an arrest, police file a complaint with a district court commissioner, who reviews the statement of charges for probable cause and determines whether to set bail. A closed-circuit television located in the jail is used so that defendants who remain in custody may have their release status reviewed by a district court judge within a day of the commissioner's bond decision.

Defendants have 10 days following their appearance before a commissioner to request a preliminary hearing to determine probable cause. After that time they waive their right to a hearing. Most preliminary hearings are waived due to the defendant's inaction, and the cases are considered bound over to the circuit court for further action by the state's attorney.

The state's attorney's office has 30 days from bindover to file an information or seek an indictment. If the office does not act within that time, the case is dismissed by the district court, but it may be reopened if the office files an indictment at a later date.

Within 48 hours of the filing of charges with the district court, the

state's attorney's office receives the statement of charges for all felonies that will be tried in the circuit court. A detailed police report is usually provided within the next week, but it is usually not available before preliminary hearings are scheduled to occur. Once the police report is available, a screening prosecutor reviews the case to determine whether to reject the case, file the case as a misdemeanor, or file an information or seek an indictment. For cases charged as felonies, the screening prosecutor prepares a charging document and assigns a trial attorney to the case. Trial assignments are based on the screening attorney's assessment of a particular attorney's experience and availability.

An initial appearance is scheduled by the circuit court clerk within 2 weeks of the filing of an information or indictment. Initial appearances are held once a week, and attorneys from the circuit court division take turns appearing at initial appearances. The primary purpose of the initial appearance is to determine whether the defendant is represented by counsel, but bail may also be reviewed. No guilty pleas are entered at the initial appearance.

Following initial appearance the case is handled by the trial attorney to whom it has been assigned. That attorney schedules the trial date, usually

within 8 weeks of the initial appearance. The State's speedy trial law requires that all cases be tried within 180 days of initial appearance in circuit court or the assignment of counsel, whichever occurs first.

The day before the trial date, the state's attorney's office delivers to the circuit court a list of trials scheduled for the next day. Based on availability, a judge is assigned to each case by the court assignment officer.

Most guilty pleas are entered on the day of trial. Each trial attorney determines the appropriate plea for a case. Except in drug cases, for which sentences are never negotiated, both charges and sentences may be discussed during negotiations. The unofficial office policy is to seek a guilty finding for the charge that most closely reflects the nature of the offense and to negotiate other charges as necessary. The prosecutor may also agree to recommend a cap on the sentence or not to speak at sentencing. Judges are not involved in negotiations.

Trial prosecutors are always present at sentencing but generally refrain from speaking.

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## Bakersfield, California (Kern County)

### District attorney's office

The district attorney for Kern County has jurisdiction over the prosecution of all felony and misdemeanor offenses arising in the county. Juvenile matters and family support enforcement are also handled by the district attorney. The Kern County sheriff's department and the Bakersfield city police department account for nearly 90% of the arrests presented for prosecution.

There are approximately 72 attorneys in the office, including the district attorney, the assistant district attorney, and the chief deputy district attorney.

Four attorneys are assigned to the family support division. The remaining attorneys are assigned to the criminal division, as follows: the general felony section, 14 attorneys; special prosecution, 9; narcotics, 10; career criminal, 3; consumer fraud, 3; complaint desk, 4; misdemeanor section, 12; juvenile, 2; and prison prosecution, 2. All of these sections operate out of the main office in Bakersfield. Each section is directed by a supervisor.

There are six branch offices, with one attorney in each branch. One supervisor oversees all of the branch offices. Attorneys in the branch offices are responsible for processing misdemeanors from initial appearance through

sentencing and for handling most felonies occurring within their jurisdiction through preliminary hearing. The main office handles all felonies bound over from the municipal (lower) courts.

Cases are prosecuted vertically in the special prosecution unit, which handles cases involving sexual assault, homicide, and child molestation. Attorneys from the special prosecution unit travel to the court of original jurisdiction to conduct the preliminary hearing. Whenever possible, other cases are also prosecuted vertically; however, caseload constraints sometimes warrant cases being prosecuted horizontally.

## Court system

The justice court is the lowest court of the county's three-tiered court system. Four justice courts hear misdemeanor cases and handle felonies through preliminary hearing. Because they are located in outlying areas, justice courts have special municipal court powers to handle felony offenses arising in those areas. Each justice court has one judge.

Two municipal courts, staffed by 11 judges and 1 commissioner, have jurisdiction over civil cases under \$25,000, small claims, misdemeanors, and felony processing through preliminary hearing. Nine of the 11 municipal court judges are located in the city of Bakersfield and 2 are in East Kern. In Bakersfield up to 8 municipal court judges are available at any one time to handle preliminary hearings.

The superior (upper) court hears all felonies after bindover, civil cases in excess of \$25,000, juvenile cases, and family law cases. The superior court is staffed by 15 judges and 1 commissioner. One of the 15 judges is the presiding criminal judge, who assigns felony cases randomly to the criminal trial judges. The position of presiding judge is rotated annually. The criminal calendar judge, also a superior court judge, presides over all superior court arraignments as well as sentencing in cases resulting in a guilty plea at the justice or municipal court level. The calendar judge usually serves a 6-month term. Superior court judges hear both civil and criminal cases; however, the majority of their cases are criminal matters.

## Felony case processing--arrest through sentencing

Law enforcement officers have the authority to screen incoming arrests. They reject approximately 5% of all felony arrests. The rest are brought to the district attorney's office by a liaison officer from the police department, except for homicide, child molestation, and other complicated cases, which are brought by the police investigator assigned to the case. All felony arrests presented to the district attorney's office are screened prior to initial appearance by a deputy district attorney assigned to the complaint desk. On average, 3% of all felony arrests are denied by the complaint

desk, 43% are filed as felonies, and 49% are filed as misdemeanors.

An initial appearance occurs within 2 court days after arrest, for those in custody, and within 3 weeks for released defendants. In Bakersfield the initial appearance is held before an arraignment judge in municipal court. If the offense occurred in an outlying area, the initial appearance will occur in either a justice or municipal court. At the initial appearance charges are presented, bond is reviewed, and counsel is assigned. A supervising deputy district attorney appears at the initial appearance.

The preliminary hearing is scheduled within 10 court days of the initial appearance. The supervising deputy district attorney who appeared at the initial appearance assigns a deputy district attorney to the preliminary hearing. At the preliminary hearing, probable cause is established and pleas are accepted.

Approximately 25% of all felony arrests are bound over to superior court. Defendants who plead guilty in the justice or municipal court are scheduled for sentencing by the criminal calendar judge in superior court. Felonies bound over for trial are scheduled for superior court arraignment, which usually occurs within 15 days of preliminary hearing. The criminal calendar judge hears all felony arraignments. A deputy district attorney from the complaint desk represents the office at felony arraignment, at which time motion, readiness, and trial dates are set. The chief criminal deputy district attorney assigns a trial deputy. If schedules permit, the chief criminal deputy district attorney will assign the deputy who appears at preliminary hearing to act as the trial deputy.

Two weeks before the trial date, a readiness conference, equivalent to a pretrial conference, is scheduled. At the readiness conference the presiding criminal judge, the defense attorney, the defendant, and the supervising deputy district attorney are present. The purpose of the readiness conference is to tell the presiding judge which cases are ready for trial and

which will be subject to a motion to continue and, if possible, to negotiate a plea. If a plea is not reached the case proceeds to trial.

Settlement offers are made initially at the preliminary hearing by the deputy district attorney--under the aegis of the supervising deputy district attorney. One other plea offer is made at the readiness conference. In theory, the best plea offer is given at the preliminary hearing and the offer becomes more severe with time. In practice, however, judges actively participate in the settlement process, which affects the offer's severity. Pleas are not taken after readiness unless evidence or witness problems occur. Generally, plea negotiations center on whether the defendant will receive the low, middle, or high end of the incarceration times specified in California's statutory sentencing guidelines.

Every convicted defendant is evaluated by the probation department, which produces a presentence investigation report and recommends a sentence to the judge. The trial judge, the trial deputy, the defendant, and the defense attorney are present for sentencing, which occurs within 28 days of conviction. The trial deputy usually recommends a sentence.

## **Boise, Idaho (Ada County)**

### **Prosecuting attorney's office**

The prosecuting attorney is responsible for adult felonies, all juvenile cases, and civil matters, including family support, arising in Ada County. The office also handles misdemeanors occurring in unincorporated areas of the county and, by contract, in some cities. All other misdemeanors are handled by city prosecutors. The prosecuting attorney also represents the State in traffic infraction cases in which the defendant pleads not guilty. The vast majority of felony arrests are brought by the Boise city police and the Ada County sheriff.

The office employs 22 attorneys, including the prosecuting attorney. Six attorneys are assigned to the civil division and 15 to the criminal division. Within the criminal division 3 attorneys handle misdemeanor and traffic duties, 1 handles juvenile cases, and the 11 others handle felony trials. One senior trial attorney supervises the juvenile caseload and heads the sexual assault unit, which handles sexual assault, domestic violence, and child-abuse cases. That attorney is assisted by one full-time and five part-time attorneys. Two attorneys from the civil division assist with child-protection orders and termination cases, and three criminal division attorneys assist with both civil and criminal actions handled by the sexual assault unit.

The chief deputy screens all felonies and misdemeanor cases involving defendants in custody. Other misdemeanors under the prosecuting attorney's jurisdiction are screened by an investigator. After screening all standard felony cases go to the prosecuting attorney for assignment to individual attorneys. Sexual assault cases are assigned by the unit chief. Attorney assignment is based on caseload, skill, and experience. Prosecution is vertical after case screening.

### **Court system**

The district courts of the 4th Judicial Circuit of Idaho serve Ada, Elmore, Boise, and Valley Counties. Ninety percent of the felony caseload is generated by Ada County. The district

court in Ada adjudicates only Ada County cases. The Ada district court has a magistrate division (lower court) and a district court division (felony court). The court is staffed by 10 magistrates and 7 district court judges. Both have civil and criminal responsibilities.

The magistrates handle all initial arraignments for felony and misdemeanor cases, felony preliminary hearings, and the adjudication of traffic and misdemeanor cases. They also handle civil lawsuits under \$10,000, probates, family court matters, and child-support cases. The magistrates rotate criminal and civil responsibilities approximately every 6 months. In each 6-month period eight magistrates are assigned to criminal duties.

The seven district court judges are responsible for felonies after bindover from a preliminary hearing. The civil duties of district court judges include lawsuits over \$10,000, appeals from magistrate court, and all appeals from boards and commissions in the county. Cases are randomly assigned by the court clerk. Judges maintain individual calendars and handle mixed criminal and civil dockets. Approximately half of each judge's caseload is criminal. All felony trial attorneys work with all seven judges.

### **Felony case processing--arrest through sentencing**

If a felony case originates as a street arrest, the defendant is held by the police while the case is screened by the chief deputy. The prosecutor's office has 24 hours to file charges. Within that time the chief deputy must prepare a probable cause warrant and have it signed by a magistrate. The defendant is then arraigned on the warrant charges before a magistrate, who sets bond and a preliminary hearing date. A substantial number of arrests (e.g., forgeries, bad checks, drugs) are based on police warrants. The police request an arrest warrant from the chief deputy. An estimated one-quarter of warrant requests are declined. A lower fraction of summary arrests

are rejected for prosecution. At screening it is also common for minor "technical felonies" (e.g., thefts of a "marginal felony" amount) to be referred for misdemeanor prosecution.

The day after filing cases are assigned to individual attorneys. Most attorneys handle a mix of cases, but occasionally the prosecuting attorney institutes specialization in specific problem areas to ensure consistency. At the time of the site visit all felony drug cases, for example, were being handled by two attorneys.

Attorneys receive cases by the second or third day after arrest to prepare for the preliminary hearing. Hearings for defendants in custody occur within 7 to 14 days (by statute they must occur within 14 days). Hearings for defendants on release are held within 2 to 3 weeks. In this period subpoenas are sent to civilian witnesses and a member of the support staff interviews the victim, usually by telephone. If the case is significant, the assigned attorney will go to the victim's home for an interview. This is one of a number of the prosecuting attorney's policies to aid victims.

By the time of the preliminary hearing the prosecutor and the public defender will typically have had a discussion regarding the disposition of routine cases. The office generally has open and frequent discussions with the public defender's staff. Cases in which incarceration is not an issue are usually settled by the date of the preliminary hearing either by a plea to a misdemeanor, which will be disposed in the magistrate division, or by a plea to a felony with an agreement to waive the preliminary hearing. Formal pleas and sentencing for the felony waiver cases occur before a district court judge. If a settlement has not been reached, the preliminary hearing is held, and the case is bound over to the district court for trial. Cases are then randomly assigned to district court judges for an arraignment on the information, which must occur within 14 days of the preliminary hearing.

At the discretion of the prosecuting attorney cases may be presented to a grand jury rather than a preliminary hearing. This option is exercised in 5% of the cases carried forward to the district court. Grand juries are used in complex narcotics cases and cases involving vulnerable victims, such as children. About half of all the felony cases filed are ultimately carried forward to the district court for disposition.

At the district court arraignment the judge sets a trial date within 2 to

6 months. Cases must be brought to trial within 6 months. Plea discussions in the district court occur on a continuing basis between the time of arraignment and trial. Attorneys have a great deal of autonomy in working out their own plea agreements. The chief deputy and two other senior trial attorneys are available to assist the less experienced attorneys. The ultimate focus of plea discussions is the sentence outcome, but negotiations involve a mix of arrangements, including reduced or dropped charges and sentence recommendations.

Restitution is a common agreement for first-time property offenders.

Judges generally accept the prosecutors' plea agreements and rarely participate in plea discussions. According to State supreme court Rule 11 the defense can ask a judge prior to pleading if the agreement will be rejected because a plea cannot be retracted if the judge does not accept it. District court judges are not required to indicate in advance what their position will be, however, and some refuse to do so.

## Brighton, Colorado (17th Judicial District)

### District attorney's office

The district attorney for the 17th Judicial District has jurisdiction over misdemeanors, felonies, traffic, and juvenile cases in Adams County. Eleven law enforcement agencies bring cases to the district attorney. About 20% of the caseload is accounted for by the county sheriff's office.

The district attorney's office is headquartered in Brighton. The office employs 27 attorneys, most of whom are assigned to 1 of 2 sections: the county court (misdemeanor and traffic cases) section, which is staffed by 6 attorneys, or the district court (felony cases) section, which is staffed by 9 attorneys. Each section is supervised by a chief trial deputy.

Attorneys in the district court section are the more experienced prosecutors and are organized into two teams of four attorneys each; a ninth attorney rotates as needed. Two district court attorneys, rotating weekly, manage the preliminary hearings for felony cases. Once cases are assigned for preliminary hearing they are prosecuted vertically.

Other attorneys staff the appellate and juvenile divisions. An experienced deputy district attorney is the permanent complaint officer in the intake (screening) unit. Senior district court attorneys rotate as a second complaint deputy for a 6-month period and review the complaint officer's decisions and sign official papers.

### Court system

The county court, the lower court of a two-tiered court system, 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 five county court judges hear criminal matters and the other, civil.

The district (felony) court handles felony bindovers, juvenile cases, and civil matters involving \$5,000 or more. The court is staffed by six judges, two of whom hear criminal cases. Even-numbered criminal cases are assigned to one judge and odd-numbered cases to the other. Judges operate individual calendars.

### Felony case processing--arrest through sentencing

Police may release arrestees on bail or bond prior to their initial court appearance, which is advisement in county court. At the advisement, arrestees are informed of their rights, charges are read, and return appearances are scheduled (within 72 hours).

Several hours prior to the return appearance (second advisement), the district attorney's intake unit screens the case, which is presented by a police investigator, who has obtained reports and related papers from the arresting officer.

The police do little if any pre-screening. The intake unit files, rejects, or diverts the case. About 7% of

the cases are filed as misdemeanors, about 13% are diverted, and 17% are rejected.

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 (for about 10 days later) in county court. The preliminary setting is a scheduling appearance at which a preliminary hearing date is set. Defendants have the right to a preliminary hearing within 30 days; typically, defendants who have met bail waive that right and agree to a preliminary hearing 2 to 3 months later. The preliminary hearing is scheduled within 30 days for defendants in custody.

About 95% of the felony filings result in bindover to the district court. The others are dismissed or bound over on misdemeanor charges in county court. Many cases that are bound over are actually settled prior to the preliminary hearing by an agreement to plea to felony or misdemeanor charges. In that event the county court judge binds over the defendant to district court for entry of the plea and sentencing. A presentence investigation report is usually requested by the judge before sentencing.

Cases that are bound over without a plea agreement are scheduled for a first appearance in district court within 2 to 3 weeks. At the first appearance in district court the information is read and defendants are asked how they plead. If the plea is "guilty," sentencing is set within 8 to 10 weeks, and a presentence investigation report

is prepared. If the plea is "not guilty," the judge sets a motions filing deadline of 30 days and schedules the notice to set and a trial date. At the notice-to-set appearance the judge schedules the motions hearing. For defendants convicted at trial, sentencing occurs 8 to 10 weeks after trial, within which period a presentence investigation report is completed.

At sentencing for negotiated pleas and guilty findings, the judge asks the defense and prosecuting attorneys for their sentence 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. The offer is made orally as well as in writing. Typically, plea offers involve charge reductions.

Most deputies put time limits on their plea offers. For class I and II felonies (the most serious), office guidelines specify that plea offers must be

approved by a supervisor, must be to the top charge after the preliminary hearing, and must not involve sentence concessions. The chief trial deputy conducts weekly meetings with all trial deputies to discuss schedules and plea offers for other felonies.

Judges are not directly involved in the plea negotiation process. The defense attorney, however, sometimes requests a pre-plea conference, at which the judge will indicate a sentence range. The outcome of the conference is not binding on either party.

## Brooklyn, New York (Kings County)

### District attorney's office

The Kings County district attorney's office is responsible for handling all felonies and misdemeanors arising in the county, as well as a select group of juvenile matters that are processed in the family court. The New York City police department accounts for all of the felony arrests presented for prosecution.

The office is staffed by about 400 attorneys, who are organized into five major bureaus responsible for handling case screening, investigations, criminal (lower) court processing, felony trials, and appeals. The screening bureau is staffed by approximately 25 attorneys from the criminal court and felony trial bureaus, who are rotated periodically to screen cases, prepare complaints, and represent the office at initial appearances in the criminal court. The criminal court bureau, staffed by about 45 attorneys, handles all cases that originate as misdemeanors as well as any felonies reduced to misdemeanors.

The felony trial bureau, with more than 150 attorneys, is the largest in the office. In addition to handling initial appearances in criminal court, felony trial attorneys screen cases following initial appearance and before presentation to the grand jury and handle the processing of all felonies following indictment. The bureau comprises a supreme (upper) court division, responsible for typical felony matters, and seven specialized divisions, which handle felony cases involving homicide, narcotics, economic crimes, special victims (e.g., sex crimes or family

violence cases), environmental offenses, racketeering, and transportation offenses (e.g., drunk driving cases). Some of the specialized divisions (e.g., narcotics and special victims) also process misdemeanors. Cases handled by the specialized divisions are frequently processed vertically following initial appearance in criminal court.

### Court system

The criminal court in Kings County is responsible for processing all misdemeanors and conducting initial felony proceedings (initial appearances/arraignments, indictment waivers, and preliminary hearings). With a staff of 14 judges, the court operates 7 days per week, both day and night. During the week, four court parts handle initial appearances for all defendants: two convene during the day and two at night. On weekends one judge hears initial appearances during the day and two are available at night. Judges who handle initial appearances are assigned by the administrative judge and are rotated frequently. One other criminal court judge doubles as a supreme court judge when defendants charged with drug-related felonies waive their right to indictment and plead guilty. Another handles felonies pending indictment, assigning cases to a supreme court conference part when defendants waive their right to indictment or overseeing the occasional felony pretrial hearing. The remaining criminal court parts handle misdemeanor dispositions.

The supreme court, which hears cases 5 days per week, has both felony and

civil responsibilities. Of the 41 supreme court judges with felony responsibilities, 38 are trial judges, who process felonies following indictment. Some are general trial judges; others function according to offense type (e.g., homicide or narcotics). One judge handles felony arraignments, and two serve as conference judges, disposing of cases in which defendants have waived indictment or negotiating pretrial settlement of indicted felonies.

### Felony case processing--arrest through sentencing

In a majority of situations involving felony arrest, law enforcement officers will arrest and book a felony defendant and then present the case to a screening attorney in the district attorney's complaint room within hours of the arrest. The screening bureau is staffed 7 days a week, 24 hours a day. In situations involving serious felonies, such as homicide, a "riding D.A." contacted by the police shortly after an arrest has occurred, goes to the crime scene to review evidence and interrogate witnesses. Part of the office's investigations bureau, "riding D.A.s" are on call 24 hours a day to assist with preparing search warrants, taking statements from victims and witnesses, handling lineups, and videotaping the defendant's statement before the case is presented to a screening attorney.

Felony case screening, known as early case assessment, is guided by a written office policy and the experience of senior attorneys in the office. With guidance from a supervising attorney,

complaint room attorneys classify cases according to the seriousness of the offense and the strength of the case. The most serious cases (e.g., those involving homicide or large drug transactions) are classified as "A" cases and result in a speedy indictment and a recommendation for pretrial detention. The next most serious cases are rated "B" felonies, meaning an indictment will be sought and bail may be recommended depending on the strength of the defendant's community ties. Felonies designated "C up" and "C" may ultimately result in a misdemeanor charge and a bail recommendation, but office policy requires that they not be negotiated at initial appearance in criminal court. "C down" and "D" felonies are handled as misdemeanors at initial appearance. A large portion of the "D" felonies may also be disposed with a recommendation from the district attorney's office for adjournment in contemplation of dismissal (ACD). ACD cases are held for 6 months in lieu of judgment and dismissed if the defendant completes the probationary time successfully. In a few cases screening assistants will defer judgment pending additional information or reject felonies before initial appearance.

Complaints are prepared and filed either by paralegals or one of the nine criminal court attorneys serving a rotation in the screening bureau. Approximately 24 hours after arrest, screening assistants from the felony trial bureau represent the office at initial appearances. They are authorized to negotiate settlements in "C down" and "D" felonies and are present to review charges and discuss bail in all felony cases.

Felonies not disposed at initial appearance are assigned to one of two criminal court parts pending indictment. Cases involving narcotics are handled in one part; the remainder are processed in the other part. Pending indictment, cases become the responsibility of attorneys in either the supreme court division or one of the

specialized divisions within the supreme court bureau. The screening assistant who handles the initial appearance forwards the case for further screening to either the intake deputy in the supreme court division or a senior deputy in one of the specialized divisions.

The supreme court intake deputy reviews the screening bureau's classification of the case, and depending on such things as the severity of the charges, the relationship of the parties in the case, the defendant's record, the status of any pending charges, and the strengths and weaknesses of the case, determines charges and a settlement offer. Some cases are dismissed or reduced to misdemeanors. Felonies that do not warrant negotiated settlement are sent immediately to the grand jury. For others a plea offer is made before indictment. These offers, which are generally the most lenient ones the office will make, usually focus on charge or count, rather than sentence, reductions. If a defendant agrees to the offer, he or she must waive the right to indictment by the grand jury by filing a superior court information in the criminal court. The case is then assigned to one of the two supreme court conference parts for disposition. Intake assistants from the supreme court division are then present for disposition. The procedure for handling cases involving the specialized divisions is essentially the same, but each division sets its own screening and settlement standards.

If a case is not resolved prior to indictment, it is presented to the grand jury. Preliminary hearings occur rarely. State law requires that if a felony defendant is detained he or she must be indicted within 6 days of arrest. Most cases involving detainees are indicted within the 6-day time period.

Felonies that proceed to the grand jury are the responsibility of grand jury assistants in the supreme court division or the designated attorneys in the specialized divisions. All attorneys in the supreme court division

serve as grand jury attorneys for at least 6 months before being assigned to handle felony trials. At any one time about 15 attorneys in the supreme court division serve as grand jury assistants. There are six grand juries: three handle only narcotics cases and three handle everything else.

Indicted felonies are assigned to the supreme court part designated to conduct felony arraignments. At felony arraignment the indictment is presented, bail is set, and the case is assigned to a conference part for pretrial settlement. No pleas are accepted at felony arraignment. In the typical felony case the district attorney's office is represented at felony arraignment by an assistant from the felony intake section of the supreme court division. That attorney also represents the office when the case is later reviewed in one of the two conference parts.

At the conference hearing (and there may be more than one in order to resolve the case prior to trial), pleas are accepted. Supervising attorneys review indicted cases again prior to a hearing in the supreme court conference part and generally recommend settlements that are more severe than those offered before indictment. Conference judges actively participate in these settlement discussions.

If no settlement is reached, the case is assigned to a trial judge by the conference judge according to a formula determined by the judiciary. Trial assistants are assigned to work with one of five trial judge clusters. Within each cluster there are both general trial and offense-specific judges. Once the case is assigned for trial a series of motions and discovery hearings occur. On average it may take 11 months for a case to proceed from indictment to trial.

At sentencing trial assistants are expected to represent the office. Although there is no written office policy regarding what will be discussed, assistants usually make a sentencing recommendation.

## Chattanooga, Tennessee (Hamilton County)

### District attorney general's office

The district attorney general's office in Chattanooga is responsible for all mis-

demeanors, felonies, juvenile matters, and county ordinance violations arising within Hamilton County. The Chattanooga city police department

accounts for 75% of the felony arrests made in the county. Other municipal police departments and the county sheriff's office process the remainder.

The office is staffed by 14 attorneys, including the district attorney general. Two assistants handle preliminary hearings, another assists with grand jury matters, seven are trial attorneys, two specialize in cases involving driving under the influence, and one handles only child abuse cases. One of the attorneys responsible for preliminary hearings also handles juvenile matters as necessary. Depending on attorney availability and experience, processing of cases involving driving under the influence and child abuse may be prosecuted vertically from preliminary hearing forward.

#### Court system

The county court system is two-tiered. The lower courts consist of the city court, which is located in the city of Chattanooga, one general sessions court for the county, and six municipal courts with general sessions jurisdiction. These courts are responsible for hearing traffic offenses, misdemeanors, ordinance violations, civil matters with losses under \$10,000, and felonies through preliminary hearing. There are two full-time city court judges, three full-time general sessions judges, and six municipal court judges with part-time general sessions responsibilities. The city court in Chattanooga processes about 75% of the felony arrests.

The circuit court is the upper court in the county. Located in the city of Chattanooga and staffed by seven judges, it comprises criminal and civil courts. Three judges work exclusively on criminal cases, handling grand jury issues, misdemeanor and felony arraignments, trials, and sentencing. Because all persons charged with misdemeanors are entitled to a hearing by the grand jury and a trial by jury, criminal court judges hear a combination of misdemeanor and felony cases. A shift toward mandatory jail sentences for persons convicted of driving under the influence has greatly increased the number of persons requesting jury trials. Misdemeanors now make up approximately 35% of the caseload in the criminal courts.

#### Felony case processing--arrest through sentencing

Although a small percentage of the felony caseload (e.g., cases involving sexual abuse of children and major murder cases) are initiated directly with the district attorney general's office, most cases come to the office's attention after an arrest has been made. Following arrest law enforcement officers bring defendants to the station-house and make bail decisions based on a bond schedule set by the judiciary. Law enforcement officers are also responsible for filing charges in either the city or general sessions court. Initial appearances are scheduled only for detained arrestees. Within 48 hours of arrest, the detainee and a judge review the bond that has been set, but no one from the district attorney general's office is present.

One week after arrest a preliminary hearing is scheduled. Preliminary hearings occur twice a day in the city court and the county general sessions court. They occur intermittently in the municipal courts with general sessions responsibilities. The preliminary hearing docket is a mixture of ordinance and traffic violations, misdemeanors, and felonies. For felonies and misdemeanors in which defendants request trial by jury, the preliminary hearing serves as a probable cause hearing. One assistant is assigned for 1 year to handle preliminary hearings in the city court; another is present at preliminary hearings in the general sessions court. The preliminary hearing marks the first time that anyone from the district attorney general's office sees arrest information. The assistant in charge is responsible for reviewing and modifying charges in misdemeanor and felony cases, interviewing witnesses, negotiating misdemeanor settlements, and deciding whether to dismiss arrests. Generally, only the most experienced attorneys in the office are assigned responsibility for preliminary hearings.

Felony arrests that are not disposed at the preliminary hearing, along with a considerable number of misdemeanors for which defendants request jury trials, are forwarded to the grand jury. One assistant works with the grand jury and is responsible for

preparing felony and misdemeanor cases for presentation, overseeing the paperwork, acting as a liaison with law enforcement agencies, and appearing before the grand jury about two and one-half days a week. Each criminal court judge is assigned grand jury responsibilities for a third of the year. The grand jury returns true bills in nearly all cases presented.

Each Monday indicted cases are arraigned in all three criminal court-rooms. Cases are assigned for arraignment and trial by the clerk's office according to a formula determined by the judiciary. Trial attorneys are assigned in teams of two to work in particular criminal courtrooms for a period of 1 year. One of the two in each courtroom is then present at arraignment.

At arraignment in the criminal court, which ordinarily occurs 3 weeks after arrest, charges are reviewed, defendants may request counsel, pleas are accepted, and barring a guilty plea, a settlement date for a pretrial conference is set. In cases involving detained defendants, a trial date is also scheduled.

Settlement conferences are scheduled to encourage negotiated settlement of a case. In most instances the nature of the plea is determined by individual trial assistants. In cases involving sexual assault, child abuse, or vehicular homicide, there is the presumption that cases will proceed to trial. In drug cases defendants are expected to plead as charged. Negotiation almost always centers on a reduction in the sentence range and rarely on reduction of charges. Settlements offered at the conference may be more severe than those offered at arraignment, depending largely on the nature and quality of a case. Judges never participate in plea negotiations.

Trials are usually set within 6 weeks of arrest. Despite efforts to negotiate early case settlements, a majority of pleas are entered on the first day of trial. When they occur, trials almost exclusively involve juries and last an average of 3 days.

Defendants are sentenced within 30 days of conviction. Presentence investigation reports are prepared in most cases. The trial attorney always makes a sentencing recommendation, requesting the top penalty whenever appropriate.

## Chicago, Illinois (Cook County)

### State's attorney's office

The Cook County state's attorney has legal jurisdiction over all felonies and misdemeanors, including juvenile offenses, occurring within the county. In addition the state's attorney is responsible for representing the county in civil matters and for providing legal advice to county officials. Minor traffic and petty offenses are handled by municipal prosecutors.

Over 100 police agencies bring cases to the state's attorney's office. The single largest agency is the Chicago police department, which accounts for 75% of filed felony cases.

The state's attorney's office employs more than 600 attorneys. The office is organized into an executive staff and six bureaus. The vast majority of criminal cases are handled by the criminal prosecutions bureau, which employs approximately 400 attorneys; about 250 handle cases arising in the city of Chicago.

The majority of cases in Chicago are disposed in the circuit court courtrooms located at 26th and California streets, south of downtown. The remainder of this description refers primarily to case handling in those courtrooms.

Prior to bindover, felony cases are handled horizontally by the felony review, preliminary hearing, and grand jury and information sections. After bindover felony cases are handled by the felony trial section. Misdemeanors are handled by a municipal section.

The felony review section consists of 32 attorneys and 3 supervisors, who are available for screening on a 24-hour basis. Two attorneys are always on duty at each of three locations to approve or reject police arrests. Approved arrests are filed in court by the police.

The preliminary hearing section consists of 18 assistants and 4 supervisors, who work in 5 preliminary hearing courtrooms. The preliminary hearing section either dismisses a case, sends it to the grand jury for indictment, or holds a preliminary

hearing. The grand jury and information section, consisting of four attorneys, conducts grand jury proceedings and files the information for cases bound over at preliminary hearings.

After indictment or bindover, cases are randomly assigned among 30 felony trial judges handling cases at the 26th and California Street location. From this point cases are handled vertically. Three assistants are assigned to work with each judge. Trial assistants in each courtroom report to one of five supervisors.

### Court system

The Cook County circuit court handles virtually all legal matters arising in the county, including civil, criminal, juvenile, domestic relations, and traffic cases. The circuit court is a unified court with a two-tiered structure.

The municipal division of the circuit court handles all misdemeanor cases and felony cases from initial filing through preliminary hearing. The municipal division is divided into six districts. Twenty-five judges serve district 1 (Chicago) and another 10 serve 5 suburban districts. In Chicago 5 to 10 municipal division judges handle only initial hearings in felony cases. In the suburban areas felony pleas and trials can be handled by the municipal division.

The criminal division, referred to locally as the "criminal court," handles felony cases after filing of an information or indictment. The criminal division has a presiding judge and 39 other judges, who sit at three locations within the city of Chicago. Five felony courtrooms are devoted exclusively to narcotics cases during evening hours. In addition, 11 felony trial judges handle felony cases in the suburban areas. In the California Street courts, cases are randomly assigned to judges by the arraignment judge.

### Felony case processing--arrest through sentencing

Misdemeanor arrests are filed directly in court by the police. All felonies, except narcotics cases, are also filed by

the police but only after review and approval by the state's attorney's office. As this report goes to publication, the office is seeking to create a narcotics felony review unit so that these cases would also be screened before filing in court. The office can and does reject cases for prosecution prior to court filing. Most of the cases filed are filed as felonies.

If charges are approved the police initiate the charging process by filing a "complaint for a preliminary hearing" in the municipal division of the circuit court. Narcotics cases are filed directly in municipal court by the police without being screened by the state's attorney's office. Preliminary hearings typically occur the day after an arrest.

Police usually have witnesses available at the preliminary hearing courtroom the morning after the suspect is arrested. The prosecutor's intention is to proceed with the case that day by working out a plea or establishing probable cause through a preliminary or grand jury hearing. Most plea offers at this point involve sentences of probation, but the pleas are to felonies. Office policy does not allow reductions to misdemeanors. Preliminary hearing judges may take felony pleas and decide sentences for those cases. Technically, however, an information is still filed with the criminal division and the case is recorded as a criminal division disposition.

A number of dismissals and nolles also occur at the preliminary hearing. Many of these are cases in which the victim decides not to pursue prosecution or in which witnesses fail to appear. Cases not dismissed or settled by plea at the preliminary hearing are carried forward to the criminal division. About 60 to 70% of the felony cases initially filed are disposed in the criminal division, including pleas taken at preliminary hearing.

The state's attorney uses both preliminary hearings and grand jury indictments to move cases to the felony trial stage. The majority of the cases carried forward result from findings of probable cause at the preliminary hearing. The state's attorney has

30 days from arrest to obtain an indictment or file an information if the defendant is in custody, 60 days if the defendant is on release.

After a finding of probable cause or an indictment, cases are scheduled for arraignment in 3 weeks before the criminal division arraignment judge, who simultaneously assigns cases to trial judges. Typically, a first appearance (first call) before the criminal division trial judge also occurs the same day as arraignment. At first call discovery dates are set and the defense may ask for a bond review. At this point trial assistants have not yet received the case files so discussions of substantive matters are not common.

Once cases are assigned to judges the prosecutor's case files are sent to the attorneys working with the assigned judge. The most senior of the three assistants, called the first chair, is responsible for all cases in that courtroom and for case assignments. Early in the case the assistant assigned to that case prepares an answer to the defense motion for discovery, to be presented at

the second criminal court appearance. At the second appearance the case is continued for the defense to answer the prosecutor's discovery motion. By the third appearance most routine felonies are ready for trial. For more complex and serious cases dates may be set at the third appearance for motions. Immediately after the motions hearing the case goes to trial or a trial date is set, depending on the practices of the judge. About 90% of the trials are bench trials.

Office policy regarding plea negotiations is that the defense should usually initiate the discussions. The substance of plea offers is the sentence recommendation. Assistants are not allowed to reduce charges without a supervisor's approval; however, they have discretion within the statutes on sentence recommendations.

Judges vary in the extent to which they actively participate in the plea negotiation process. Some only want to be informed of agreements after they have been worked out by the prosecutor and the defense; others are

willing to discuss sentences directly with defense attorneys.

Virtually all judges participate in plea conferences, in accordance with Illinois Supreme Court Rule 402. In essence, Rule 402 states that if the defense and prosecutor are not in agreement, but the difference is not "substantial," the defense may ask for a conference with the judge. At the conference the judge basically mediates between the prosecutor and the defense. The judge may side with the prosecutor or with the defense or make a new offer, but all have to agree. If the prosecutor disagrees with the judge's decision that fact goes on the record, and the judge is supposed to order a presentence investigation report if the sentence is below the prosecutor's offer. If the defendant rejects the judge's decision, he or she goes to trial before that judge. The defendant does not have the right to an automatic substitution of the trial judge, but always has the right to show cause as to why a new trial judge is necessary.

## Columbus, Ohio (Franklin County)

### Prosecuting attorney's office

The Franklin County prosecuting attorney's office has jurisdiction over all felonies arising within the county. The office also processes civil matters and juvenile cases. All misdemeanors are handled by city prosecutors. The Columbus city police department accounts for about 90% of the felony arrests presented.

About 50 attorneys staff the office, which is divided into a criminal division, which comprises a grand jury intake section staffed by 8 attorneys and a trial section with 21 attorneys, an appeals division staffed by 4 attorneys, a juvenile division with 10, and a civil division with 7 attorneys.

Most felony cases are prosecuted horizontally. In rare instances cases are prosecuted vertically following indictment.

### Court system

Franklin County has two separate court systems. The municipal court

handles all misdemeanors, traffic offenses, civil cases under \$10,000, and felony arrests and summonses through preliminary hearing. The court is staffed by 14 judges, 1 of whom conducts daily preliminary hearings for felony defendants in custody and 1 of whom conducts hearings for released persons.

The court of common pleas handles all felonies after indictment, civil cases in excess of \$10,000, juvenile and domestic matters, and probate cases. Fourteen of the common pleas judges handle combined criminal and civil caseloads. At any one time six judges are available to handle criminal cases and eight are available to handle civil matters. Criminal arraignments are handled on a rotating basis.

### Felony case processing--arrest through sentencing

About half of the felonies presented to the prosecuting attorney's office are first processed through the municipal court. These cases originate as felony

arrests or summonses. In some instances police make felony arrests and file complaints directly with the municipal court. They are responsible for determining whether the arrests will be filed as felonies or misdemeanors. In other instances a victim's complaint to the police or the court results in the issuance of a felony summons. Summonses are typically reserved for non-violent crimes and/or defendants with minimal records of criminal activity.

The other half of the office's cases originate as police requests to bypass the municipal court system and proceed directly to the grand jury. In these cases police present felonies directly to attorneys in the grand jury intake section. Direct indictments are usually requested in serious felony cases, and individual attorneys decide which cases to file directly.

All summons and arrest cases are scheduled for an initial appearance in municipal court. At initial appearance, which in arrest cases is held

within 48 hours of arrest, the defendant is advised of the charges against him or her, bond is reviewed, and counsel is assigned.

Preliminary hearings are scheduled within 10 days of the initial appearance for persons in custody and within 15 days of the initial appearance for released defendants. One attorney from the grand jury intake section is present in each of the preliminary hearing courtrooms. On the morning of the preliminary hearing, the attorneys receive the police reports for the cases scheduled for hearing. They are authorized to dismiss cases, handle waivers and bindovers, and negotiate pleas. Only pleas to misdemeanors may be entered in municipal court, however, and it is rare for felonies to be pled as misdemeanors at this point.

In theory the preliminary hearing is a mini-trial at which the facts of the case are reviewed and witnesses are questioned. In practice preliminary hearings are rarely held. Generally, either prosecutors dismiss cases in the municipal court and file them directly with the grand jury or defendants waive their right to a preliminary hearing and their cases are bound over to the grand jury. A small portion of cases are diverted out of the system at, or immediately following, preliminary hearing. Typically, diverted cases involve first-time, nonviolent, adult offenders. The charges against these defendants are dismissed if they successfully complete an 18-month diversion program.

All cases must be reviewed by the grand jury before action in the court of common pleas. One attorney from the

grand jury intake section appears before the grand jury each day. The attorney presents each case, verifies, signs, and files the true bills, and oversees the issuance of subpoenas and warrants. Cases that have been brought to the prosecuting attorney's office for direct indictment and approved by one of the attorneys in the grand jury intake section are presented at this point. Cases that have been bound over by the municipal court or dismissed in the municipal court pending filing with the grand jury are also presented by the attorney assigned to the grand jury.

Felony arraignment in the court of common pleas follows the filing of an indictment. The release status of the defendant usually determines when a case will be scheduled for arraignment--detained persons receive earlier dates than released defendants. A prosecutor from the trial section is present at arraignment. The defendant is served a copy of the indictment, informed of the charges against him or her, and questioned regarding the availability of counsel. Because about half of all indicted cases are the result of direct indictments, many defendants do not have counsel when they first appear in common pleas court. No pleas are accepted at arraignment because only trial judges may accept pleas.

After arraignment a judge is assigned randomly by the assignment commissioner in common pleas court. Common pleas judges manage their own calendars, but they are very mindful of Ohio's speedy trial statute, which allows only 90 calendar days

from arrest to trial for persons in custody and 270 days for released persons.

Following the court's determination of a trial date, the assistant prosecuting attorney in charge of the trial section makes trial assignments on the basis of the availability of assistants and the complexity of the case. Cases involving homicide, rape, or the sexual abuse of a child take precedence over all others. Such cases are often assigned to one assistant for vertical prosecution through trial and sentencing.

Since pleas are not accepted at arraignment, pretrial conferences are not held routinely and all pleas in common pleas court are entered either on the first day of trial or later. Generally, on the morning of trial individual trial attorneys discuss pleas informally with defense counsel. There is no formal office policy regarding plea negotiation; each attorney makes his or her own decisions. Informal policy, however, requires that negotiations not result in a less severe penalty than would have resulted at trial. Discussions center first on the nature of the charges and then on sentencing recommendations. Most of the time sentence agreements are discussed with the judge in chambers, and the plea agreed to there is formalized in court.

Staff attorneys of the prosecuting attorney's office are present at sentencing hearings. However, because the probation department's presentence reports are comprehensive, the prosecuting attorney rarely is requested to make a statement to the court.

## Dallas, Texas (Dallas County)

### District attorney's office

The Dallas County district attorney has jurisdiction over all felonies, misdemeanors, juvenile offenses, and child-support cases in the county.

The Dallas city police department accounts for about 80% of the office's annual caseload, and about 30 other law enforcement agencies present the rest. The Dallas police department routinely screens all felony arrests, which

reduces the number of cases presented by the department by about 10%.

The district attorney's office employs about 170 attorneys. Felony arrests are handled horizontally by 3 divisions: intake (10 attorneys), grand jury (9 attorneys), and felony trial (70 attorneys). Felony trial attorneys assigned to the specialized crime unit, however, handle cases vertically after intake. Fifty attorneys handle misdemeanor cases in the district court.

At intake cases are assigned circuit (felony) court docket numbers and are provisionally assigned randomly to 1 of 14 circuit court judges. Three felony trial attorneys, including a supervisor known as the chief of the court, are assigned to work with each judge and handle the cases designated for that judge after indictment. Several other attorneys supervise the three-attorney teams.

## Court system

Dallas County has a two-tiered court structure. The district (lower) court handles misdemeanors and initial appearances in felony cases. The district court system has 2 types of officers: magistrates, who handle initial arraignments and bond settings for felony cases, and judges, who dispose of misdemeanor arrests in the 10 district courts.

The circuit (felony) court handles only criminal matters. Cases are sent to the circuit court after a grand jury indictment. There are 14 full-time circuit court judges, who are elected every 4 years. Felony cases are randomly assigned to the judges, who operate individual calendars.

### Felony case processing--arrest through sentencing

Defendants arrested for a felony offense are booked at the county jail and appear before a magistrate in district court shortly after arrest for arraignment. At arraignment the defendant is formally notified of the police charges, a warrant is issued, and bond is set. For defendants who were

unable to make bond at the initial arraignment, an "examining trial" occurs the following day in district court to determine if probable cause exists to hold the defendant. Both of these appearances typically occur before cases are presented to the district attorney. Cases usually reach the intake division of the district attorney's office 3 or 4 days after arrest. In the intake division cases are given a brief review (arrest reports are checked for completeness and accuracy). Cases are then sent to the grand jury division. Virtually all felony arrests are presented to the grand jury.

The first substantive screening of cases is done by an assistant assigned to the grand jury division. The grand jury proceeding is used to weed out non-convictable cases prior to the filing of formal charges. The grand jury declines about 25 to 30% of the cases presented and, therefore, is an effective screening tool for the district attorney. Most cases are presented to the grand jury within 2 to 3 weeks of arrest.

Indicted cases are formally assigned to a circuit court judge and case files are sent to the three-attorney trial team that works with the judge. The most experienced member of the trial team,

the chief of the court, is responsible for case assignment within the team.

The first appearance of the defendant in circuit court is the "first setting." The first setting occurs 2 to 3 weeks after indictment and is substantively a pretrial conference, at which the prosecution presents a plea offer to the defense. At the "second setting," called an announcement setting, accepted pleas are entered on the record. Pleas are occasionally entered at the "third setting," which is a bench or jury trial.

Due to a bifurcated trial system, a defendant who requests a jury trial must state prior to the trial whether the judge or the jury will impose the sentence if a guilty verdict is returned. If the jury imposes the sentence, it hears recommendations from the prosecutor and defense; the judge hears recommendations from the prosecutor only.

Plea offers focus primarily on the prosecutor's sentence recommendation. Supervisors must review all plea offers and attorneys must prepare written summaries of the negotiations for cases disposed by pleas. Judges typically do not participate in plea discussions and accept the prosecutor's recommendation.

## Dayton, Ohio (Montgomery County)

### Prosecuting attorney's office

The Montgomery County prosecuting attorney's office has jurisdiction over all felonies arising within the county. The office also processes civil matters and juvenile cases. All misdemeanors are handled by part-time assistant municipal prosecutors located in the townships and the city of Dayton. The city of Dayton police department handles roughly 60% of all felony arrests.

About 55 attorneys staff the office, including the prosecuting attorney and the first assistant. The office is divided into seven units, the largest of which is the trial unit. This unit has 22 attorneys, who handle cases directly after indictment. The unit is divided into three teams, each with a team leader. Other units are as follows: major crimes, 3 attorneys; career criminal unit, 1; intake (which is

responsible for both grand jury and preliminary hearings), 6; consumer fraud, 2; appellate, 4; juvenile, 6; child support, 5; and paternity, 5.

Most cases are prosecuted horizontally, with the exception of cases involving homicide, sexual assault, or drugs. Those cases are handled vertically immediately following the filing of charges. In 1983 the Montgomery County prosecuting attorney's office instituted a system of pre-indictment case assignment, which means that felony cases are assigned at filing to one of the nine felony trial judges in the court of common pleas (upper court). Two trial attorneys, from the trial unit, are assigned to work with each of these judges. Theoretically, all cases could be handled vertically, but because of time constraints, the trial attorneys supervise intake attorneys, who handle felony proceedings prior to indictment. Trial attorneys generally handle cases following indictment.

### Court system

Montgomery County has a two-tiered court system for processing felony arrests. The municipal (lower) court handles all misdemeanors, traffic offenses, and felony arrests through preliminary hearing. The municipal court is staffed by eight full-time judges and one part-time judge. One judge is designated to handle central arraignments. He presides over initial appearances, arraignments, and preliminary hearings.

The court of common pleas handles all felonies after bindover and civil, juvenile, and domestic matters. The grand jury is in session every Tuesday and Thursday morning. One judge presides over the grand jury and is rotated every 3 to 4 months. Nine judges hear both criminal and civil cases in the court of common pleas. At any time there are approximately four judges handling felony matters.

## Felony case processing--arrest through sentencing

About half of all felonies are processed by means of a direct indictment. Those types of cases generally involve nonviolent offenders and/or defendants with minimal records of criminal activity. The defendants have not been arrested, and in most cases, there is no real urgency to detain them. The cases are brought directly to the grand jury by the prosecuting attorney's office. The grand jury hands down indictments and issues summonses and warrants for arrests. After each indictment is handed down, a felony arraignment is scheduled in the court of common pleas.

The other half of the office's cases originate as felony arrests. Within 24 hours after a felony arrest has been made, an assistant prosecuting attorney from the intake unit screens the arrest and files approved felony charges. An initial appearance is held generally within 48 hours after arrest. At the initial appearance an assistant prosecuting attorney from the intake unit presents the defendant with the charges against him or her, bond is reviewed, and counsel is assigned.

Following the initial appearance a preliminary hearing is scheduled within 10 days for those incarcerated and 15 days for those not in custody. At the preliminary hearing an assistant prosecuting attorney from the intake unit is present and, with the advice of the trial attorney assigned to the case, is allowed to dismiss the case, handle waivers, initiate bindover, and negotiate a plea.

A preliminary hearing is held to examine probable cause. The facts in the case are reviewed and witnesses are questioned. If probable cause is shown the case is bound over to the grand jury (upper court). If no probable cause is shown one of three things happens. One is that the municipal court dismisses the case, but the assistant prosecuting attorney subsequently files it with the grand jury. The majority of cases dismissed at the

preliminary hearing fall into this category. A second possibility is that with the consent of the prosecuting attorney, the case is dismissed. And a third option is that the municipal court will reduce the charges from a felony to a misdemeanor. Approximately 5% of the cases are processed this way. About half of all defendants waive their right to a preliminary hearing, at which point the case is automatically bound over to the grand jury.

The grand jury also reviews probable cause and initiates indictments. An assistant prosecuting attorney from the grand jury intake section presents each case, verifies, signs and files the true bills, and oversees the issuance of subpoenas and warrants. Cases that have been brought to the prosecuting attorney's office for direct indictment and are approved by one of the attorneys in the grand jury intake section are presented at this point. Cases that have been bound over by the municipal court or dismissed in the municipal court pending filing with the grand jury are also presented by one of the attorneys in the grand jury intake section. The grand jury, on average, indicts about 88% of the cases brought before it.

A felony arraignment occurs 7 to 10 days after indictment. At arraignment the defendant is served a copy of the indictment, informed of charges, and questioned regarding the availability of counsel. Because approximately half of all indicted cases are the result of direct indictments, many defendants do not have counsel when they first appear in common pleas court.

Indicted cases are then forwarded to the trial courtroom that was designated when the case was filed. In accordance with Ohio law, defendants in custody must be scheduled for a trial within 90 calendar days of arrest. Persons not incarcerated must be granted a trial within 270 days of arrest.

Prior to the trial date a number of meetings between defense counsel and the trial attorney occur. At a pretrial conference, plea offers are finalized.

Then, a scheduling conference is held in open court in the presence of the assigned trial judge, the trial attorney, the defendant, and the defense attorney. At this time the defendant must respond to the formal plea offer. Plea offers are in writing and are read aloud in open court.

There is no formal plea policy in the office. Plea negotiations can occur at any time after the assignment of a trial attorney. Generally, pleas are granted on the approval of the team leader and/or first assistant. Plea negotiations can involve reductions in charges, counts, and length of sentence. Judges are not directly involved in the plea negotiation process.

The felony judges in Montgomery County rely on the sentencing commission to recommend a defendant's prison term. Sentencing takes place 6 to 8 weeks after trial, during which a presentence investigation report is prepared. The presentence report includes information from the victim, the prosecutor, the police, and the defense attorney. The commission also reviews the defendant's record and then makes its recommendation. The trial judge, the docket attorney, the defendant, and the defense attorney are present for sentencing. The trial attorney usually concurs with the commission.

Montgomery County offers a diversion program to first-time offenders in nonviolent felony cases. The defendant must admit guilt and pay restitution. It is usually a 1-year period consisting of a probation-like program such as community service, or urine testing. If the defendant successfully completes the program, the case is ultimately dismissed. If not, the case goes directly to the grand jury for further prosecution. Due to a large increase in drug offenses the prosecuting attorney's office has established a new diversion program for first-time drug offenders. The defendant must admit guilt to a misdemeanor drug charge and serve at least 60 days in jail. With this program drug cases go from arrest to grand jury within 7 to 10 days, bypassing the preliminary hearing.

## Denver, Colorado (2nd Judicial District)

### District attorney's office

The district attorney for the 2nd Judicial District has jurisdiction over all State felonies, misdemeanors, and juvenile offenses in the city and county of Denver. There is some overlap in jurisdiction with the city attorney, and some arrests are referred to the city attorney for prosecution on city charges. The Denver police department accounts for virtually all cases presented to the district attorney.

The district attorney employs 52 attorneys, most of whom work in the following divisions: felony trial, 21; county court, 9; juvenile, 4; appeals, 3; consumer fraud, 1; white-collar crime, 2; and domestic violence, 4. Felony cases are handled by the felony complaints and trial divisions. Cases are handled vertically after screening.

Case assignment to individual trial attorneys is predetermined by the court's random assignment of cases. Three felony trial attorneys are assigned to each district court judge and are responsible for cases assigned to that judge. The three attorneys rotate through the complaints division as well as through preliminary hearing assignments for cases assigned to their judge. The attorney who handles the preliminary hearing for a case is responsible for that case to final disposition.

### Court system

Denver has a two-tiered court structure. The county (lower) court handles State and city misdemeanors, lower civil matters, and initial felony appearances (advisements and preliminary hearings). The county court has five full-time judges who handle State misdemeanors. Two additional judges handle advisements and preliminary hearings for felony cases.

The district court, the court of general jurisdiction, handles felonies bound over from county court and more complex civil matters. Six judges work full time on felony cases. Cases are assigned randomly to each district court division (judge) at initial filing in county court, prior to the preliminary hearing and bindover. District court judges maintain individual calendars.

### Felony case processing--arrest through sentencing

The day after an arrest is made, and before the district attorney screens the case, the defendant appears in county court for the first advisement hearing, at which he or she is informed of the charges under investigation. Bond is determined at the jail according to a schedule provided by the court.

Rotating complaint deputies work at the police station and are available to advise detectives who prepare the follow-up investigation. Obvious rejections are identified early; for other cases, detectives prepare a report to be presented at screening. About 8,000 adult felony arrests are presented for screening annually. Another 10,000 to 20,000 misdemeanor arrests, including drunk driving cases, are filed with the court by the police. Witnesses are not usually interviewed by attorneys at screening. The district attorney has 72 hours in which to file charges if the defendant is in custody and 10 days if the defendant was released.

After charges have been filed, defendants appear for the second advisement hearing, held within 72 hours of arrest for defendants in custody. At the hearing the defendant is informed of the charges filed and a public defender is appointed if necessary. In Colorado, preliminary hearings are not automatic; they must be requested by the defendant. Defendants routinely request a preliminary hearing at this second appearance, and the hearing date is set for about 1 month later.

The court clerk then assigns the case to a district court division, sets the hearing date, and sends the case to the predetermined trial courtroom. Typically, the assigned attorney receives the case file a few weeks before the preliminary hearing. In a serious case, witnesses are likely to be met for an in-person interview. In other cases witnesses are interviewed on the day of the preliminary hearing or over the phone.

The legal issue at the preliminary hearing is whether probable cause exists to bind the defendant over to the district court. An additional issue is whether

a plea can be worked out. Typical office practice is to try to get pleas early to facilitate maintaining a realistic trial docket in district court. The technical (but flexible) rule is to make a realistic offer at the preliminary hearing.

If a plea is worked out at the preliminary hearing, the defendant waives the hearing and the case is bound over to the district court, where the first appearance will be an arraignment and plea hearing. If no disposition is worked out, the preliminary hearing is usually held and, in most instances, the case is bound over for trial.

Defendants bound over to district court for trial first appear at an arraignment ("plea and setting"), which occurs 2 weeks after the preliminary hearing. Defendants who have not agreed to a plea offer by this hearing plead not guilty, and a trial date is set within 90 days. All convicted defendants appear at a sentencing hearing after a presentence investigation report has been prepared.

There is no formal office policy regarding plea negotiations, and trial attorneys have a great deal of discretion in deciding what offer to make. The substance of routine offers concerns reducing charges by one class. (There are six classes of felonies in Colorado; in addition, class 1 and 2 misdemeanors carry penalties of up to 2 and 1 year of incarceration, respectively.) An alternative offer for first-time nonviolent offenders (excluding drug and burglary offenders) can be a deferred judgment. In this instance, the defendant pleads guilty to the top charge but sentencing is deferred for a year or two. If the defendant is not rearrested during that period the charge is dismissed. Generally, office practice is not to sentence bargain.

Judges do not routinely become involved in the plea negotiation process. They consider plea negotiations the task of the prosecutor and also do not like to be locked into specific sentences. According to Colorado case law the defendant may withdraw the plea if the judge does not accept the prosecutor's sentence recommendation.

## Detroit, Michigan (Wayne County)

### County prosecutor's office

The Wayne County prosecutor's office has jurisdiction over all adult criminal cases arising within the county. The office also handles juvenile cases and some civil matters for the county. The majority of felony arrests presented for prosecution originate in Detroit with the Detroit city police.

The Wayne County prosecutor's office employs about 140 attorneys; most work in the Detroit office. About 10 attorneys in the "out county" offices are responsible for criminal cases within the county but outside Detroit. The remainder of this description refers primarily to the processing of felony arrests in the city of Detroit.

Attorneys are assigned to one of four divisions: screening and district court, trials and dispositions, special services, and research, training, and appeals. The screening and district court division and the trials and dispositions division handle most of the adult criminal cases.

The 30 attorneys in the screening and district court division handle the following assignments: warrants and case screening, preliminary examinations, traffic cases, misdemeanor trials, and pretrial diversion.

Most of the 54 attorneys in the trials and dispositions division are felony trial attorneys who work in the felony trial court. Five are designated as docket attorneys, one for each floor of the courthouse on which there are felony courtrooms. They are experienced trial attorneys and supervise five to seven other trial attorneys assigned to each of the five floors. Assignments to courtrooms rotate every 4 months. Other attorneys in the trials and dispositions division are assigned to the repeat offender bureau, and four to five attorneys handle special assignments on a rotating basis.

Prosecution of felony cases before bindover is horizontal; after bindover, prosecution is vertical.

### Court system

Wayne County has a two-tiered court structure: the district (lower) court and the circuit (felony trial) court.

Physically separate courts process cases arising in Detroit and in areas in the county outside the city. In the city of Detroit the circuit court is called the recorder's court.

In Detroit the district court hears misdemeanors and some traffic offenses and holds felony arraignments and preliminary examinations. Six or seven judges handle the arraignments and preliminary examinations. The recorder's court is responsible for the disposition of felony cases after bindover at the preliminary hearing.

There are 29 recorder's court judges. An executive judge, four or five other judges, and a docket clerk are located on each of the five floors of the courthouse on which felony courtrooms are located. Executive judges preside over the arraignment on the information, take pleas, hear some motions, assign cases to the other judges for trial, and sometimes conduct bench trials. The other judges preside over all jury trials.

### Felony case processing--arrest through sentencing

When the police arrest a defendant for a felony, the arresting officer submits an arrest report to a police department investigator, who conducts additional interviews and decides whether the evidence is sufficient to present the arrest to the prosecutor. If the investigator decides to send the case to the prosecutor, he submits the arrest report 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 of the county prosecutor's office to review the case, usually within 24 hours of arrest.

The warrant section may issue a felony or misdemeanor warrant, refuse the case, divert the case, or adjourn the case for additional investigation.

About 10% of the cases are refused. If a warrant is issued, the court officer takes it to district court, where a judge signs it, making the arrest official. If the defendant is in custody, arraignment on the warrant occurs almost immediately unless the case has been referred for diversion. At the arraignment the accused is formally charged, an attorney is appointed if needed,

and the preliminary examination is scheduled (usually within 10 days).

If probable cause is found at the preliminary examination, the case is bound over to the recorder's court for felony prosecution. Typically, 85% of the cases filed as felonies are bound over. 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 decision, 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, about 2 weeks otherwise. At this appearance the final conference and trial dates are set. Motions may be heard until the final 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. 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. The judge is bound to follow sentencing guidelines mandated by the Michigan Supreme Court. When a case is settled through a plea of guilty, the same sentencing procedure applies.

Plea offers are extended to the defense attorney at the arraignment on the information and expire on the day of the final conference. Subsequent pleas must be to the original charge. Only the five docket attorneys are authorized to make or change plea offers. All plea offers are based on written office policies and involve only the reduction or dismissal of charges.

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 charge reductions for certain other felonies, such as murders and drug offenses, and sets the minimum that can be offered on still others.

## **Geneva, Illinois (Kane County)**

### **State's attorney's office**

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

Seventeen police departments present felony and misdemeanor arrests to the state's attorney annually. The Aurora and Elgin police departments bring most of the arrests.

The state's attorney maintains offices in 3 cities (Aurora, Elgin, and Geneva) and a staff of 20 assistant state's attorneys. Seven attorneys prosecute felonies, and eight handle misdemeanors and traffic offenses. Others prosecute civil and juvenile cases. All felony attorneys and experienced misdemeanor attorneys screen cases. The office does not have special prosecution teams. Prosecution in both the lower and the felony court is vertical after preliminary hearing. One attorney handles all preliminary hearings for felonies.

### **Court system**

Kane County is served by the 16th Judicial Circuit Court of Illinois, which also serves part of De Kalb and Kendall counties. Associate circuit (lower) court judges handle misdemeanors, small claims, child-support, and divorce cases. They are also responsible for initial felony appearances--bond, status, and preliminary hearings. One associate circuit court judge has the authority to hear felony pleas. Ten associate circuit court judges are assigned to Kane County.

The circuit (felony) court hears felony cases after bindover at a preliminary hearing. Eight circuit court judges are assigned to Kane County; two of the three judges who hear misdemeanors handle felony preliminary hearings and another two hear felony cases after the preliminary hearing. Judges maintain individual calendars and hear all events associated with their respective cases. Cases are assigned to the two felony judges on an odd/even basis.

### **Felony case processing--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 before they are filed in court. A clerk from the state's attorney's office is at the jail and prepares an information based on the authorized charges.

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

The defendant's second appearance before a judge occurs in the associate circuit court in Geneva, about 10 to 14 days after bond call. At that event, called the first status date, charges are read again and counsel is appointed if needed.

A second status date is usually held. Those who plead guilty at that time are sentenced immediately by the associate circuit court judge who took the

plea. Pleas at this point may be to misdemeanors or felonies. Of those who do not plead guilty, half waive the preliminary hearing (usually scheduled 1 week after the second status date) and their cases proceed to circuit court, as do cases in which 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 at one of these conferences, the defendant is sentenced the same day. Of the relatively few defendants who do not plead guilty, 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, length of sentence.

Judges do not participate in plea bargaining at the associate circuit court level. They merely accept the prosecutor's recommendation. In circuit court the judge may 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 a plea offer are sentenced 4 to 6 weeks later, following a presentence investigation.

## **Indianapolis, Indiana (Marion County)**

### **Prosecuting attorney's office**

The prosecuting attorney of Marion County has jurisdiction over all felony and misdemeanor arrests, traffic offenses, and juvenile and family-support cases. Since January 1, 1970, when suburban areas were incorpo-

rated into the city, Marion County and the city of Indianapolis cover an identical geographic area. Several police departments--including those serving areas that were formerly independent cities, including the original city of Indianapolis--present felony and misdemeanor arrests to the prosecuting

attorney. The Indianapolis police and the county sheriff's department account for the vast majority of arrests.

The prosecuting attorney's office employs 72 attorneys (some part-time). All felony and misdemeanor cases are handled in one of two divisions: the

criminal (felony) court division or municipal (lower) court division. The criminal division employs the majority of attorneys; about five attorneys are assigned to each of six divisions—one for each criminal court judge. In addition, two attorneys are assigned to the grand jury section, five to screening, seven to child-support cases, and six to juvenile matters.

Seven attorneys deal exclusively with sex cases, and seven handle narcotics cases. Most attorneys, however, hold more than one assignment. Prosecution in the criminal division is vertical after screening. Case assignment is based on the random assignment of cases to criminal court judges.

The municipal court division has two sections: the D-felony (least serious felonies) section, which consists of 9 attorneys, who work with both of the 2 D-felony judges, and the 13-attorney misdemeanor section, which works with the 6 misdemeanor judges. Case processing in the misdemeanor section is horizontal, and attorneys are assigned to judges by session, not by case. Each judge holds 10 sessions weekly, during which attorneys are responsible for whatever cases and matters arise (e.g., initial appearances, pleas, trials). All D felonies are assigned on a random basis; attorneys receive cases on the basis of assignment numbers and courts receive cases in random lots. The D felonies are prosecuted vertically after screening.

#### Court system

Marion County is served by a two-tiered court system encompassing both civil and criminal jurisdiction. In the municipal (lower) court, 9 of 17 judges staff a criminal division and dispose of D felonies, misdemeanors, and traffic cases. Two judges handle all D felonies.

In the superior (felony) court, 6 of 15 judges are assigned to the criminal division (locally referred to as the criminal court). The criminal court handles class A, B, and C felonies, which are filed directly with the criminal court. Cases are assigned to individual judges on a random basis immediately after screening by the prosecuting attorney's office.

Judges in both courts operate individual calendars and hear all matters from first appearance to trial.

#### Felony case processing--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 within 24 hours, although statutes permit a filing delay of up to 72 hours under some circumstances.

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

Screening attorneys reject approximately a third of all felony arrests presented and another quarter are referred for prosecution as misdemeanors. The remainder are filed (through an information) as class A, B, or C felonies in the criminal court or as class D felonies in the municipal court.

For A, B, and C felonies the first appearance in criminal court occurs the day after filing. At first appearance defendants are informed of the charge and the finding of probable cause (a matter of paper work, completed prior to first appearance), advised of their rights, and assigned public defenders if needed. Also at this point preliminary pleas of not guilty are entered for defendants (most have not yet 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 be within 140 days of the first appearance. Defendants may also request a review of their bond status (initial bond is set by a commissioner at the jail).

In the criminal court division, attorneys usually receive cases prior to first appearance. Initial proceedings (first appearance, bond review, and voluntary discovery) are completed within 7 to 14 days.

The attorney handling the case decides on a plea offer and communicates it to the defense attorney well

before the pretrial conference. The office's plea policy is to pursue the most serious charge but to permit dismissal of lesser included charges in the information. The agreement does not usually involve a sentence recommendation. According to statute a formal plea agreement must eventually be drafted by the prosecutor and signed by both the prosecutor and defense attorney; the victim must also be notified of the agreement. Supervisory review of recommendations is not required except for special cases; general policy directives guide all other recommendations.

Judges never enter into substantive discussions relating to plea negotiations. Nor do they 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 and, if accepted, execute it as written, even if it contains a sentence agreement (subject to the outcome of a presentence investigation report). Sentencing for cases convicted by plea or trial 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.

Procedures for the screening, filing, and first appearance of D-felony cases in municipal court are essentially the same as for those cases processed in criminal court. About 3 weeks after first 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 A, B, and C felonies in superior court.

## **Lincoln, Nebraska (Lancaster County)**

### **County attorney's office**

The county attorney has jurisdiction over all adult and juvenile criminal cases arising in Lancaster County. The office prosecutes any misdemeanors from the towns in the county, as well as those misdemeanors originating in Lincoln that are not duplicated in comprehensive municipal ordinances. Violations of Lincoln municipal ordinances, which carry penalties of up to 6 months in jail, are prosecuted by the city attorney.

The Lincoln police department, one of the four agencies presenting arrests to the county attorney, brings the majority of complaints. Police determine at the time of arrest if the case should be brought to the city or county prosecutor.

Nineteen attorneys work in the office. Assignments are made on the basis of the type of crime committed as opposed to felony or misdemeanor categorizations. As a general rule the attorneys prosecute only felonies, and 10 student members of a law clinic, under the supervision of an attorney, prosecute the bulk of the misdemeanors. Three attorneys prosecute violent crimes, three prosecute property crimes, two handle forgery/fraud cases, two are in charge of narcotics cases, and one handles white collar crime. Other assignments include traffic, bad check, juvenile, and child-support cases. Two deputy attorneys are cross-designated as assistant U.S. attorneys to prosecute drug cases in Federal court. Prosecution is vertical.

### **Court system**

The lower court of the two-tiered judicial system is the county court, where misdemeanors and initial felony proceedings are handled. There are five county court judges.

The six judges in district (felony) court are assigned to courtrooms on a yearly basis. Two of the courtrooms are reserved for criminal cases, three for civil cases (including probate), and one for traffic and drunk driving cases. The county clerk assigns all cases. Criminal cases with even-numbered dockets are assigned to one of

the criminal courtrooms, and odd-numbered cases to the other.

One judge presides over the cases in juvenile court.

### **Felony case processing--arrest through sentencing**

Police department complaints are usually brought to the county attorney's office the day after arrests are made. The chief deputy is responsible for assigning the cases on the basis of the type of crime that was committed and the specializations of the deputy attorneys. The attorney assigned to the case reviews the police charges and determines the charges, if any, to be filed. Attorneys usually inform the chief deputy when they decide not to file cases. The attorney must file a case with the clerk's office by 2:00 p.m., at which time initial appearance is held. The filing attorney handles all subsequent proceedings.

At initial appearance the defendant is brought to county court, the charges are read, bond is set, and based on an interview conducted by the judge, defense counsel may be appointed.

After initial appearance in county court the defendant may be notified of eligibility for pretrial diversion and instructed to make an appointment with a diversion counselor. The program is open to defendants who have no prior record and who are charged with non-violent crimes. The program could consist of restitution, community service, or rehabilitative counseling, depending on the crime. Generally, a defendant is no longer eligible for the program after the case has been bound over.

A docket call is held on the Monday following initial appearance. Defense counsel appears to inform the court if the defendant is going to waive the preliminary hearing in order to proceed directly to district court. The defense will frequently waive the preliminary hearing in exchange for police reports and reciprocal discovery.

If the defendant opts for a preliminary hearing, it occurs within 2 to 4 weeks of docket call. The defendant may

still waive the hearing on the day it is supposed to occur. Preliminary hearings are used to determine if there is probable cause to bind over the case to district court. The hearings are often simulated trials, at which the State presents considerable evidence. About 65% of the cases are bound over.

Arraignments in district court, which are scheduled for Wednesdays, take place about 3 weeks after a probable cause determination or preliminary hearing waiver. The charges in the information are read and the defendant almost always responds by pleading not guilty. Occasionally, a bond review will take place.

After a case is bound over at preliminary hearing but before arraignment, the defense often files a plea in abatement, alleging that there was insufficient evidence to bind over the case to district court. At a hearing a district court judge reviews the probable cause finding, and if the lower court decision is upheld the case proceeds to arraignment.

After arraignment the case is put on the next jury list. There are 10 jury terms (2 weeks) a year. About 10 days before the jury session a district court docket call occurs, at which the defendant indicates if a guilty plea will be entered or if the case will proceed to trial. If the defendant is going to plead guilty, a date is set within about a week for entry of the plea. If the defendant opts for a trial, the judge indicates whether the case is likely to be heard at the impending session, which depends on the age of the case. Most trials are by jury. Although every case is included on the jury list, about 50 cases are disposed during a 2-week term, in the order of oldest case first. In accordance with the speedy trial rule, cases are disposed within 6 months of arraignment in district court.

Motions are filed between arraignment and the time of trial. Although plea negotiations can be initiated by either party at any point in the process, they usually occur after arraignment. About 60% of the cases are guilty pleas and all negotiations revolve

around the charge. The office's plea policy manual contains explicit guidelines for all prosecutors conducting plea negotiations. In general, the prosecutor cannot agree to reduce the charge by more than two degrees without obtaining approval from either the county attorney or the chief deputy. Prosecutors are also required to apprise victims of the plea status. The

chief deputy periodically reviews cases disposed to verify that the guidelines are being followed. Generally, judges do not take an active role in plea negotiations.

Once a guilty plea or conviction is entered, the judge orders a presentence investigation. Within 60 to 90 days the probation department completes

the report, which includes a sentence recommendation. Judges have no sentencing guidelines aside from statutory requirements. At sentencing prosecutors might discuss the severity of the crime or clarify a misleading representation made by defense, but they do not make a sentence recommendation.

## **Littleton, Colorado (18th Judicial District)**

### **District attorney's office**

The district attorney for the 18th Judicial District has jurisdiction over misdemeanors, felonies, traffic violations, juvenile matters, non-support cases, public nuisance abatements, and contraband forfeitures. The counties in the district attorney's jurisdiction are Arapahoe, Douglas, Elbert, and Lincoln. Approximately 20 law enforcement agencies bring cases to the district attorney's office. The Aurora city police department generates almost half the caseload.

The district attorney's staff includes about 35 attorneys, victim/witness assistants, 11 investigators, a complaint officer, and support staff, including several interns. About 16 attorneys are assigned to the county (lower) court section and 19 to the district (felony) court section. Several interns are assigned to the county court section, and under Colorado law they may act as prosecutors, under the supervision of a deputy district attorney. Only experienced attorneys in the office handle district court cases.

Prosecution of felonies proceeds mostly on a vertical basis; attorneys are assigned to a particular case after filing and are responsible for all subsequent proceedings. However, another deputy may be assigned to handle the preliminary hearing and matters of course (advisements, bond settings, etc.) in the county court if scheduling conflicts arise. Deputies also review filing decisions on a rotating basis for 6-month periods.

The chronic offender program (COP) is a newly instituted program designed to deal with criminal defendants with a history of felonies involving burglary or violence. Special consideration is also given to individuals

with extensive juvenile records for violent crimes. One experienced deputy is responsible for the prosecution of the cases assigned to the program.

### **Court system**

The county court, the lower court of the two-tiered court system, handles traffic offenses, civil matters under \$5,000, misdemeanors, initial felony advisements, and felony preliminary hearings. County court judges have authority to issue arrest and search warrants upon affidavit. The court's six full-time judges devote most of their time to traffic and misdemeanor matters. However, each judge completes a 1-week civil rotation and a 1-week felony rotation every 6 weeks. Two referees hear traffic infractions and some civil cases.

The district (felony) court exercises jurisdiction over public nuisance abatements, juvenile cases, felonies, and civil matters involving \$5,000 or more. Contraband forfeitures, which are treated as civil matters, are also within the district court's jurisdiction regardless of the value of the property sought for forfeiture. In addition, the district court serves as the reviewing court for appeals from the county and municipal courts. Five of the eight judges hear civil matters and criminal cases, and two judges hear criminal cases exclusively. One judge hears both adult and juvenile cases. Two referees share the rest of the juvenile caseload. Additionally, visiting judges hear adult criminal cases on an as-needed basis. Judges operate individual calendars.

Felony cases may be filed through a felony complaint in the county court or by a direct information in the district court. By local rule, however, only class 1 felonies (e.g., first-degree

murder, kidnaping involving bodily injury or death) are filed by information in the district court.

### **Felony case processing--arrest through sentencing**

Police may release arrestees prior to advisement in county court. Those who are released are scheduled to appear for advisement within 1 week of arrest. 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 is set for within 3 working days for first appearance in county court.

After advisement and prior to first appearance, cases are screened in the prosecutor's office by the complaint officer, a former police 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. The filing decisions of the complaint officer are reviewed by a complaint deputy, who signs the charging documents. About 10% of felony arrests are rejected; the other 90% are filed in the county court, or the district court if the case is a class 1 felony.

At the first appearance in county court (or district court for class 1 felonies) defendants are advised of their rights and the formal charges in the felony complaint or information. (Formal advisement of the charges is sometimes waived.) Defense counsel is appointed if needed, and a preliminary hearing date is set. If the defendant is in custody, the judge is asked to hold an immediate, second hearing to set bond. A preliminary hearing must be held within 30 days of the request for

the preliminary hearing unless the defendant waives the 30-day period.

If a plea agreement has been reached prior to the preliminary hearing, the parties appear on the hearing date, announce the agreement, and receive a date for a disposition/arraignment, at which time the defendant formally enters a guilty plea. If a plea agreement has not been reached, the parties attend the preliminary hearing, at which probable cause is determined and a date is set for disposition/arraignment.

On the disposition/arraignment date, which occurs about 1 month after the preliminary hearing if the defendant enters a plea of guilty, the judge schedules sentencing in about 6 weeks. For defendants who do not plead guilty, the judge sets four dates: a date by which all motions must be filed, motions hearing, pretrial conference, and trial.

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

Defendants found guilty at trial are sentenced about 6 weeks after the judgment of conviction is entered on the guilty verdict. Both prosecutor and defense counsel outline their sentencing positions, which are taken into account by the judge. The judge is also guided by the presentence investigation report. A deferred-sentence procedure is available and used in appropriate cases. (On rare occasions a deferred prosecution is allowed by the prosecutor.)

Plea negotiations are usually initiated about a week before the preliminary hearing and are conducted informally.

Judges are not directly involved. The bargaining usually involves charge reductions but may include sentence bargains. Plea bargaining occurs in all types of cases. Usually, offers are good until the preliminary hearing, unless defendants waive their right to a preliminary hearing, in which case offers are open until the disposition/arraignment date.

Depending on the outcome of the preliminary hearing or disposition/arraignment, new plea offers may be made or old ones accepted. Similarly, additional negotiations may take place following rulings on motions.

Deputies are not required to seek formal approval from a supervisor before settling routine cases. All attorneys seek approval from their supervisors on the disposition of cases of major concern to the office.

## Los Angeles, California (Los Angeles County)

### District attorney's office

The district attorney for Los Angeles County has jurisdiction over all felonies arising within the county. About half the misdemeanors are prosecuted by city attorneys. The district attorney handles those misdemeanors arising in unincorporated areas and in cities without city attorneys.

The Los Angeles police department and the Los Angeles County sheriff's department account for about 70% of the office's felony caseload. Not all felony arrests are presented to the district attorney. Police release some arrestees and refer others directly to city prosecutors for misdemeanor prosecution. The district attorney's office screens approximately 50% of all arrests made by the police.

The Los Angeles County district attorney's office is the largest prosecutor's office in the nation. More than 800 attorneys work in 23 offices around the county. By far the largest of the offices is the bureau of central operations, which has nearly 200 attorneys, most of whom are assigned to the complaints or trials unit.

The complaints unit of central operations is staffed by approximately 17 deputies. The trials unit has about 90 deputies, organized into trial teams of 3 attorneys each.

The bureau of branch and area operations is responsible for criminal prosecutions in the outlying parts of the county. Eight branch offices, each staffed by an average of 27 deputies, handle all phases of felony prosecution up to the appellate stage. In 14 area offices deputies conduct initial felony proceedings in municipal (lower) court; after bindover, cases are forwarded to either a branch office or the main office for disposition in the superior (felony) court.

The bureau of central operations is responsible for appeals and cases involving consumer fraud, juveniles, major fraud, hardcore gangs, and other special cases. In addition 10 deputies are assigned to the career criminal unit.

Most felony cases are prosecuted horizontally. In some of the special units prosecution is vertical.

### Court system

Los Angeles County has two separate court systems. The municipal court handles civil cases under \$25,000, traffic offenses, misdemeanors, and initial felony proceedings (initial appearance/arraignment and the preliminary hearing). Staffed by 165 judges and 65 commissioners, the municipal court is divided into 24 judicial districts, which are independent of each other and of the superior court of Los Angeles County.

Superior court handles civil cases involving \$25,000 or more, juvenile cases, family matters, and felony bindovers. Superior court has 11 judicial districts, 216 judges, 55 commissioners, and 9 referees.

In downtown Los Angeles 14 municipal court judges handle felony cases during the day and 3 conduct preliminary hearings at night. One of the judges in the day court conducts arraignments and assigns cases for preliminary hearings before the other day and night court judges.

During the day in the downtown superior court, 25 judges handle felony

cases after bindover. At night four superior court judges handle bindovers. Attorneys from the district attorney's bureau of central operations work in the downtown courts.

The remainder of this description refers to the handling of felony arrests in the bureau of central operations, which accounts for about 35% of the total office caseload.

#### Felony case processing--arrest through sentencing

After making an arrest, police review the case and decide whether to drop the arrest, present the arrest to the district attorney, or refer the case to a city prosecutor for misdemeanor prosecution. Slightly more than 50% of all felony arrests are presented to the district attorney. Using a standardized bail schedule police release some arrestees at the station house. Those remaining in custody must have an appearance in municipal court within 2 court days.

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 and decides whether to file charges in court. The office has clearly defined screening policies, which are patterned after the uniform crime charging guidelines developed by the California District Attorneys' Association.

The initial appearance is held in municipal court within 24 hours of filing for those in custody, and within a week for those on bail. The defendant is arraigned on the prosecutor's charges, counsel is appointed if

needed, bail is set, and a preliminary hearing is scheduled. After arraignment in municipal court cases are assigned to 1 of the 16 preliminary hearing judges and, using a hybrid calendaring system, to 1 of the 29 superior court judges. Each preliminary hearing court is linked to a set of superior court judges, who handle that court's cases after bindover.

Each superior court judge is also associated with a three-attorney trial team. The calendar deputy, the supervisor for each team, receives felony cases shortly after the municipal court arraignment. The calendar deputy assigns a member of the team to handle the preliminary hearing, handles all plea discussions, and assigns cases for trial if the defendant does not plead guilty.

At the preliminary hearing--held within 10 court days of initial appearance--probable cause is established and a superior court arraignment date is set. At 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. The superior court arraignment and all substantive plea discussions are handled by the calendar deputy.

If a trial is required it is held within 60 days of the superior court arraignment, provided the defendant has not waived his right to a speedy trial. Four weeks after a guilty verdict, sentence is imposed by the judge. Pre-sentence investigation reports are prepared by the probation department.

The district attorney's written policy requires that a prosecutor, preferably the trial attorney, be present at sentencing. The prosecutor is expected to take a position regarding the sentence, justify that position, and ensure the appearance of the victim, who is allowed to speak at the hearing.

The district attorney's 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. In addition cases that fall under Proposition 8, an amendment to the State constitution that disallows discussion in serious felony cases unless exceptional circumstances exist, may not be bargained after the filing of the information in superior court. Calendar deputies are allowed limited discretion to make sentence commitments. Generally, charges and counts are reviewed, but only to determine how sentence length may be reduced.

Sentence adjustments can be significant if pleas occur early in processing, because by local court rule defendants who plead early may choose any sentencing judge on whom both defense counsel and the prosecutor agree. Also, provisions in the sentencing statutes allow judges to consider early pleading a mitigating factor in sentencing. Judges usually participate in settlement discussions regarding nonviolent offenses by encouraging each side to reach a plea decision. Under certain circumstances judges may also participate in discussions involving the serious felonies restricted under Proposition 8.

## Manchester, New Hampshire (Hillsborough County)

#### County attorney's office

The primary responsibility of the county attorney is the prosecution of all felony cases arising in Hillsborough County. First-degree murders, however, are prosecuted by the State attorney general. The county attorney's office also handles civil complaints filed against the county, reciprocal child-support actions, and

misdemeanor appeals that are entitled to trial in superior court. Local prosecutors handle misdemeanor cases originating in the towns in the county, and the city solicitor's office handles the misdemeanors from Manchester.

The police departments of Nashua and Manchester, the county's largest cities, account for the majority of the

arrests that are presented to the county attorney. Twenty-seven other police departments bring the remainder.

Twelve attorneys work in the county attorney's office. Cases are assigned to prosecutors according to geographic area: three attorneys handle Nashua's felony cases, two attorneys prosecute Manchester's felonies, and one attorney is responsible for cases

originating in the smaller towns. The two least experienced attorneys are assigned the child-support cases and misdemeanor appeals. Other appeals are handled by one prosecutor, and civil cases are the responsibility of another. All repeat offender cases and most of the grand jury proceedings are the responsibility of one of the most experienced attorneys in the office. Prosecution is vertical after indictment.

#### Court system

Hillsborough County has a two-tiered judicial system. Misdemeanors, arraignments, and probable cause hearings for felonies are handled in the 10 district courts throughout the county.

New Hampshire has 25 superior court judges, who are supposed to ride circuit to the courts throughout the State. Most of the time the same five judges preside at Hillsborough superior court in Manchester, where all felonies occurring in the county are processed. The superior court facility in Nashua is limited to civil duties.

On an experimental basis a group of cases are being assigned after indictment to two judges, who handle all subsequent proceedings. The rest of the caseload is assigned according to a master calendaring system. Four trial judges, who handle all types of proceedings except motions, and one motions judge rotate courtroom assignments weekly. A clerk announces each morning where the day's proceedings will occur. About 75% of each judge's docket is criminal and the remainder civil.

#### Felony case processing--arrest through sentencing

Upon arrest the offender is brought to the police station and booked. The next morning arraignment on the complaint presented by the police occurs in district court. At arraignment the charges are read, a bail determination is made, and a date is set for a probable cause hearing, often more than 6 weeks later. Cases have not been reviewed by the county attorney at this point.

The probable cause hearing is usually superceded by a grand jury indictment or no true bill, because according to a State supreme court finding, all defendants must be indicted within 60 days of arrest. The probable cause hearing in district court is suspended once the grand jury hears a case. If the probable cause hearing occurs before the grand jury date, the court decides to bind over the case or dismiss it based on hearsay testimony. Should a judge at a probable cause hearing not find sufficient evidence to bind over the case, the county attorney may still proceed with the grand jury.

Felony complaints are brought to the county attorney's office by a police liaison after arraignment and assigned to attorneys according to the geographic area in which the crime occurred. The assigned prosecutor reviews the case, contacts the arresting police officer if necessary, and drafts an indictment to be presented to the grand jury.

The grand jury consists of 23 members of the community, who deliberate a few days each month for 3-month periods. One prosecutor presents all cases to the grand jury with the exception of rape cases, which are usually handled by the assigned prosecutor. Proceedings before the grand jury are conducted in secret without a court reporter. As in the probable cause hearing, formal rules of evidence do not apply. About 80% of the cases that go through grand jury are initiated by arrest; the remainder are secret indictments based on police investigations. There are no district court proceedings for cases that enter the system on a secret indictment.

The majority of cases presented to the grand jury are true billed. All true bills are given to the court clerk, who files them and sets an arraignment date for superior court. At arraignment, between 2 and 4 weeks after a true bill, the charges are read, counsel is appointed if needed, bail is reviewed, and the defendant responds to the charges, almost always with a not guilty plea. Sometimes the defense waives superior court arraignment if the parties can agree to bail.

After arraignment attorneys receive by mail a structuring notice that indicates the start date for calculating the

speedy trial deadline for the case, the open-file discovery deadline, a date by which all pretrial motions must be submitted, and a structuring conference date (4 to 6 weeks after arraignment). At the structuring conference, the attorneys inform the judge of the discovery status, and a trial date and plea negotiation deadline are scheduled. The plea negotiation deadline can vary substantially in relation to the trial date, but it is rarely enforced. According to the speedy trial rule, defendants in jail must be tried within 4 months of indictment, and defendants not incarcerated must be tried within 6 months. These times are often extended.

Preliminary plea discussions often occur at the structuring conference, although they can begin anywhere in the process. Prosecutors formulate their own plea positions in accordance with general office practices. Judges do not routinely participate in plea negotiations. Most plea negotiations revolve around the sentence. A negotiated plea entails an agreement by defense counsel and the prosecutor as to the sentence the prosecutor will recommend in return for a guilty plea. The judge usually accepts the terms. If the judge rejects the negotiated agreement, the defendant can withdraw the plea and request a trial. With a ceiling or cap plea, the State recommends a sentence that is less than what the statutory maximum would be in return for a guilty plea. If the defendant decides to plead "naked," that is, without an agreement, defense and the prosecutor make independent sentence recommendations and the judge makes a determination that cannot exceed the statutory maximum.

About 90% of the cases are disposed by negotiated plea. Almost all trials are by jury. About 30 days after a guilty disposition, a sentencing hearing occurs. Presentence investigations are completed by the probation department for use at sentencing. At sentencing hearings on nonnegotiated pleas or trial convictions, the prosecutor can and does recommend a sentence and might present testimony from the victim.

## **Manhattan, New York (New York County)**

### **District attorney's office**

The New York County district attorney's office prosecutes felonies, misdemeanors, and violations committed by persons age 16 and over in New York County, which covers a geographic area identical to the borough of Manhattan. Juveniles 13-, 14-, and 15-years old are prosecuted as adults for the commission of violent felonies. Arrests are presented by a number of law enforcement agencies, but the majority are generated by the New York City police department.

The office employs close to 450 attorneys. Most attorneys are assigned to one of four divisions: trial (most misdemeanor and felony arrests), investigation (major fraud and racketeering cases), narcotics, and appeals. About two-thirds of the attorneys are assigned to the trial division, which includes six trial bureaus and three special units (career criminals, sex offenses, and certain juvenile crimes). The majority of the office's caseload is handled by the six trial bureaus. Each trial bureau handles both criminal (lower) and supreme (felony) court cases. Within each bureau less experienced attorneys are assigned to criminal court, more experienced attorneys to supreme court.

The office prosecutes supreme court cases vertically, from complaint room screening to final disposition. Screening duties are shared among the six trial bureaus on a 6-day rotating schedule. Cases remain the responsibility of the bureau and the attorney who screened the case and determined the filing charge(s). To facilitate this system of vertical prosecution, two of the six trial bureaus are associated with each of the three supreme court units. Felony arrests carried forward to the supreme court are assigned to the supreme court unit associated with the trial bureau that screened the case.

The most serious criminal court cases are also prosecuted vertically from the complaint room screening stage. The remainder are assigned to assistant attorneys for trial if they are not disposed by the first calendar appearance after arraignment.

### **Court system**

New York City's criminal (lower) court is responsible for the disposition of violations, misdemeanors, and those felony arrests the district attorney determines should be charged as misdemeanors. The criminal court also conducts initial arraignments and determines bail for felony cases. When necessary, the court holds preliminary hearings for felony cases before they are sent to the grand jury.

The criminal court consists of 28 parts (courtrooms): 6 arraignment parts, 6 calendar parts, 11 jury trial parts, 2 bench trial parts, 2 summons parts, and 1 part for the disposition of felony narcotics complaints. The number of sitting judges tends to approximate the number of available court parts.

The supreme court--the felony court in New York State--disposes of felony cases after a grand jury has returned an indictment on felony charges. Staffed by 43 judges, the supreme court consists of 42 parts organized into three units. Each unit consists of a calendar judge and approximately 13 trial judges. The calendar judges dispose of the bulk of the felony court cases; they conduct felony arraignments, take pleas, and determine sentences in cases disposed by plea. If not disposed within 2 weeks, cases are sent to the trial judges for resolution by plea or trial.

### **Felony case processing--arrest through sentencing**

After arrest felony defendants are held at central booking while the arresting officer prepares the necessary papers and presents the case to the district attorney's complaint room for screening. The goal of the office is to screen defendants and have them arraigned within 24 hours of arrest. Pre-screening by police is minimal.

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. The latter decides whether cases should be presented to the grand jury and prosecuted in supreme

court, prosecuted in criminal court as misdemeanors, or investigated further before an indictment decision is made. Very few cases are rejected for prosecution at screening. About a quarter of all felony arrests are ultimately indicted; the remainder are disposed in the criminal court.

The first court appearance is criminal court arraignment, at which bail is determined and counsel is appointed for indigent defendants. Cases designated for supreme court prosecution go directly to the grand jury within a few days after arraignment in criminal court. Under New York State law a defendant who is detained prior to trial must have a preliminary hearing or a true bill vote within 5 days of arrest or be released on personal recognizance. The vast majority of cases designated for supreme court prosecution are presented to the grand jury within this time period and all but a small number of those presented are indicted.

Approximately 2 weeks after indictment defendants are arraigned on the indictment before a calendar judge in supreme court. The case is then reassigned to a trial judge for pretrial motions, hearings, plea, or trial in the event the case is not disposed at arraignment.

Plea discussions are often initiated at supreme court arraignment, and the judge is an active participant. Individual attorneys exercise considerable discretion in determining plea offers. Implicit office policy is to insist on pleas to the top count if certain aggravating circumstances exist (e.g., a defendant is a repeat offender or the crime is serious). Otherwise the plea offer is to a count lower than the top count.

Judges routinely indicate the sentence they will impose if the defendant pleads guilty. Hence the focus of the plea discussion tends to be the sentence. Sentencing in New York State is indeterminate. Defendants must serve the minimum term of their sentence before they are eligible for parole.

## Miami, Florida (11th Judicial Circuit)

### State attorney's office

The state attorney for the 11th Judicial Circuit prosecutes all felonies, misdemeanors, municipal and county ordinance violations, and criminal traffic offenses occurring in Dade County. The office is also responsible for juvenile offenses and child-support cases.

The city of Miami police department and the Dade County sheriff's office (the Metro-Dade police department) account for nearly three-quarters of the arrests presented.

Misdemeanors are filed in the county court by the police. The state attorney's office does not screen misdemeanors prior to court filing.

The state attorney's staff includes about 200 attorneys and certified legal interns. About one-third of the attorneys are assigned to the felony trial division, which handles the bulk of the felony cases. The felony trial division is organized into 19 units of 3 or 4 attorneys plus a unit chief. Each unit works with 1 of the 19 circuit (felony) court judges.

In addition, nine attorneys are assigned to the major crime division, which primarily prosecutes capital cases and homicides. Another 30 attorneys are assigned to 8 special units, which prosecute specific serious crimes, such as arson, domestic crime, economic crime, narcotics, organized crime, robbery, sexual battery, and child abuse, and undertake special prosecutions. Twenty attorneys are assigned to handle drunken driving cases, misdemeanors, and other cases in county court.

The prosecution of the majority of felony cases is vertical after screening. New cases are screened in the felony screening unit (17 attorneys), where a determination is made whether to file. Cases that are filed are assigned to the felony trial attorneys, who are responsible for final disposition of the cases. Cases assigned to the special units, however, are prosecuted vertically from screening.

### Court system

The county court, the lower court of a two-tiered court system, handles misdemeanors, ordinance violations, traffic offenses, initial appearances for felonies, and civil matters under \$2,500. Nine judges working in branch offices of the county court handle misdemeanors, ordinance violations, and traffic offenses. In downtown Miami five judges handle misdemeanor cases and hold initial felony appearances and another four hear drunken driving and criminal traffic cases.

The circuit (felony) court, located in Miami, is responsible for felonies after the initial appearance and for civil matters involving claims of \$2,500 or more. Nineteen judges are assigned full time to hear felony cases.

Felony arrests are randomly assigned to circuit court judges prior to screening and charging by the state attorney. Felony cases that are rejected or reduced to misdemeanors are removed from the circuit court calendar. Circuit court judges operate individual calendars.

### Felony case processing--arrest through sentencing

Once an arrest is made the defendant is booked at the Dade County jail and the arresting officer prepares an arrest report. Within 24 hours the defendant appears before a county court judge. At this point the case has not been screened by the state attorney's office and the only major issue is the release decision.

Copies of the arrest report are sent to the state attorney's office and to the court clerk. The court clerk randomly assigns the case to one of the circuit court judges and sets an arraignment date in 21 days.

If the state attorney does not file charges within 21 days, the defendant is entitled to a release on his own recognizance or may request an adversarial preliminary hearing if the state requests that he remain incarcerated. The decision to file is normally made within 21 days, and adversarial preliminary hearings are rare.

Felony cases are screened by an attorney in the felony screening unit at a pre-filing conference, which is attended by victims and witnesses. By law in Florida, attorneys must take sworn testimony from material witnesses before filing an information. At the pre-filing conference the case may be "no actioned" (not filed), referred for diversion, filed as a misdemeanor, or filed as a felony.

If the decision is to file felony charges, an information is filed with the circuit court and the defendant is arraigned on the date originally set by the court clerk. At the arraignment the defendant is informed of the charges, counsel is appointed if needed, discovery documents are provided to the defense attorney, and dates are set for motions and trial. Capital cases (first-degree murder), however, must be presented to the grand jury.

Florida's speedy trial rule entitles the defendant to request that the trial be held within 175 days of arrest. After that date, the defendant can petition the court to have the case dismissed. The State then has 10 days in which to prosecute the case.

Plea negotiations usually occur on an informal basis prior to the scheduled trial date. Typically, at the time of the trial defense counsel and the assistant state attorney indicate if a plea has been worked out and inform the judge of the offer. Some judges routinely accept the State's offer, but others routinely make their own offers.

All attorneys must follow the guidelines in the office's plea policy manual when negotiating with defense counsel. Attorneys can exercise some discretion with less serious felonies; cases that involve violence, weapons, or crimes that have statutory mandatory minimum sentences are more closely supervised. The substance of a plea offer is usually the sentence recommendation. Sentences for career criminals and defendants charged with first-degree murder are not generally bargained.

All plea offers must be discussed with the victims, usually at the time of the pre-filing conference. If a victim objects to a proposed plea offer, the case cannot be negotiated without the approval of a supervisor.

To ensure that office policies are followed, a disposition sheet must be filled out for every case and signed by two supervisors. All disposition sheets must contain a narrative explanation of the case disposition. "No

actions," nolles, and plea offers that deviate from office policy must be approved by a supervisor.

## Minneapolis, Minnesota (Hennepin County)

### County attorney's office

The county attorney for Hennepin County has jurisdiction over all felony, juvenile, domestic, and civil cases occurring within the county. Misdemeanor offenses and violations are handled by a city attorney. Thirty-six police departments and the Hennepin County sheriff's department bring cases to the county attorney; the Minneapolis police department accounts for more than 50% of all arrests presented.

The county attorney's office employs about 100 attorneys; approximately half work in the criminal division. The criminal division consists of the division chief, a calendar assistant, and seven trial teams of four or five attorneys each, plus a team leader. Four of the trial teams specialize in sexual assault, economic crime, child-abuse, and special prosecution cases. Although the specialized units handle some other felonies, the three other teams handle most of the other felony cases. The regular trial teams rotate screening duty daily. Members of the specialized units screen the cases assigned to those units. Prosecution of all cases is vertical from screening through trial.

### Court system

Hennepin County has a unified court structure, known as the district court. Five of the 25 district court judges are assigned to the criminal docket for a period of 4 months. Trials are assigned to judges on the basis of availability on the day set for trial. Judges rotate calendar work weekly.

### Felony case processing--arrest through sentencing

When an arrest is made the defendant is first processed in the local jail of the municipality where the arrest

occurred. Defendants are later transferred to the Hennepin County jail, when the police report is completed. If the defendant remains in custody, the case must be filed in district court within 36 hours, otherwise within 10 days of arrest. The initial release decision is made before screening by the county attorney.

Arrest reports are brought to the county attorney's office by the detective who did the follow-up investigation. The case is recorded, issued a docket number, and assigned to one of the assistants responsible for screening that day's cases. The assistant reviews the written report, interviews the detective, and accepts or rejects the case. About a third of the arrests presented are rejected, some of which are referred to the city attorney for misdemeanor prosecution. If a case is accepted, the assistant prepares a complaint that is then delivered to the clerk of the district court, where it is formally filed.

The initial appearance in district court occurs on the day following filing of the formal complaint. At this appearance the defendant is advised of the charges, bail is set, a defense attorney is appointed if needed, and a date for a probable cause hearing is scheduled. The second appearance is typically a continuance of the first to allow the defense attorney time to review the case. The third routine hearing is the probable cause hearing, held within 28 days of arraignment.

At the hearing the complaint is formally reviewed by the judge and probable cause is determined. At the request of the defense attorney, the hearing can be an adversarial proceeding involving the questioning and cross-examination of witnesses. If probable cause is found, a trial date is set in approximately 30 days.

At the probable cause hearing for cases that are not likely to involve a sentence to prison, the judge will set a pretrial conference date for 2 weeks before the trial date. At pretrial conference the prosecutor and defense attorney will try to negotiate a settlement. Supervising attorneys handle the pretrial conference negotiations.

Plea offers are not normally made until after the probable cause hearing. Defendants may enter a plea before the calendar judge any time prior to trial. Once the case is assigned for trial, the trial judge hears any plea.

On the day of trial a trial judge is assigned on the basis of availability. Cases not assigned are rescheduled for trial within 30 to 60 days. Trials normally last 3 to 4 days, inclusive of time for motions, hearings, and jury selection. Almost all trials are jury trials.

Routine plea offers involve the sentence and are based on the Minnesota sentencing guidelines, which allow trial assistants only a few options. For less serious felonies, assistants can negotiate on the amount of time to be spent in county jail or recommend diversion for first offenders. In some instances charges may be dismissed or reduced. Plea offers that fall outside the recommended guidelines must be approved by the trial team leader. Judges do not routinely deny plea agreements once reached, nor do they become involved in plea negotiations.

## New Orleans, Louisiana (Orleans Parish)

### District attorney's office

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. The New Orleans police department presents the majority of arrests for prosecution.

The district attorney's office employs about 70 attorneys. Most are assigned to either the magistrate, screening, or trial division. Together, these three divisions handle misdemeanor and felony cases on a horizontal basis. The remaining attorneys handle juvenile, child-support, appeals, and narcotics cases.

The magistrate division, staffed by a chief and five of the most recently hired attorneys, works with the magistrate's section of the court to dispose of misdemeanors and conduct initial proceedings in felony cases.

A chief and nine of the most senior assistants work in the screening division. They determine which cases to accept and play a key role in implementing the office's rigorous charging and no-plea-bargaining policies.

The trial division, made up of 2 co-chiefs and 20 to 22 staff attorneys, is responsible for the felony and misdemeanor cases assigned to the 10 criminal court judges. Two attorneys—one junior, the other more experienced—are assigned to each judge.

### Court system

The criminal district court, a unified court, adjudicates all felony and misdemeanor cases under the district attorney's jurisdiction. Once filed with the court clerk's office, misdemeanors are randomly assigned among 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 felony

proceedings—bond hearings, preliminary hearings (on defendant's request), and status hearings.

Felony cases are randomly assigned among the 10 judges by the court clerk after charges are filed. The district attorney's office is legally empowered to schedule both misdemeanor and felony cases.

### Felony case processing--arrest through sentencing

Police screening of adult felony arrests is minimal. After arrest the accused are transported to a central lockup and booked. Within hours they appear before a magistrate, who informs them of the arrest charges, advises them of their right to a lawyer and a preliminary hearing, schedules a status hearing, and sets bond. An assistant district attorney from the magistrate division reviews the accused's arrest report and local rap sheet and makes a bond recommendation to the magistrate.

The screening division simultaneously receives a copy of the arrest report and rap sheet, at which point the case is assigned to an assistant. Five of the nine screening assistants review cases on a rotating basis. All arrests occurring on a given day are assigned to one of the five assistants—except for homicides, robberies, rapes, and narcotics cases, which are screened by four special assistants.

The screening assistant gathers and evaluates evidence for each assigned case, including locating and interviewing witnesses, and determines what charge the office can prove at trial. The screening division rejects somewhat less than 50% of the felony cases presented by police. Virtually all of the cases filed are filed as felonies.

Preliminary hearings to determine probable cause to bind over for a felony trial are held within a few days of the first appearance if requested by the defendant (rare); 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.

The office files each felony case by submitting a "bill of information" to the court clerk's office. The Louisiana Criminal Code permits 60 days for filing felony cases if the accused is jailed, longer if the accused is on release. On average the time from arrest to completion of screening and filing of charges is closer to 15 days. Once filing occurs the defendant is arraigned in district court within about 2 weeks.

The office has an exceptionally rigorous no-plea-bargaining policy. Assistants are required to take the case to trial if defendants do not plead to the charges as filed. Thus the official communication of the district attorney's plea position is the formal reading of charges at arraignment.

Trial assistants are not permitted to discuss pleas unless defense attorneys initiate the conversation. Despite the absence of plea discussions, typically 30% of defendants plead guilty at arraignment. If a defendant does not plead guilty, the case either goes directly to trial or proceeds through the intermediate steps of motions and pre-trial conference.

Most pleas are to the top charge. Charge reductions are permitted only if warranted by new evidence. The trial assistant must prepare a memorandum stating the reasons for the proposed reduction, submit it to a trial division co-chief, and secure approval for it. A similar procedure governs assistants' discretion to nolle cases. Adherence to the office's plea and nolle policies is closely monitored.

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.

Most judges participate in the plea process by at least indicating the sentence they will impose. However, judges differ significantly in the severity of sentences they will impose and the extent to which they will actively negotiate.

The district attorney stresses moving cases rapidly and for a number of years has had an office policy of moving filed cases from arraignment to

trial in 60 days. The office prevents cases from aging by reviewing the oldest cases on the docket each week.

## Philadelphia, Pennsylvania

### District attorney's office

The Philadelphia district attorney prosecutes all felony and misdemeanor crimes (adult and juvenile) committed in the county of Philadelphia, an area geographically identical to the city. City ordinance violations are handled by a city solicitor.

The Philadelphia police department accounts for virtually all arrests processed by the district attorney.

The district attorney's office employs approximately 215 attorneys. Adult felonies and misdemeanors are handled by eight units in the pretrial and trial divisions. The charging unit (10 attorneys) screens both felonies and misdemeanors prior to court filing. The municipal (lower) court unit (25 attorneys) is responsible for the disposition of misdemeanors and the initial arraignment and preliminary hearing for most felony cases. The disposition of felony cases in the court of common pleas (felony court) is handled by the waiver unit (17 attorneys), the jury trial unit (35 attorneys), and 4 special prosecution units: homicide (24 attorneys), rape (8 attorneys), career criminal (6 attorneys), and child abuse (4 attorneys).

Municipal court attorneys are rotated on a weekly basis among the preliminary hearing and municipal courtrooms. The waiver unit attorneys are also assigned to courtrooms on a weekly basis, although the office attempts to keep the same attorneys in the same courtroom for longer periods. In the jury trial unit cases are assigned to attorneys after bindover from municipal court. Prosecution in the homicide, career criminal, and other special units is vertical after screening.

### Court system

The municipal (lower) court of Philadelphia has jurisdiction over civil matters under \$1,000 and misdemeanors, which in Pennsylvania include all criminal offenses that carry a maximum sentence of 5 years or less of incarceration. The municipal court also handles initial arraignments and preliminary hearings for felony crimes. The municipal court has 22 judges, 13 of whom are assigned to criminal work. Criminal judges are rotated weekly among 10 courtrooms (2 for bench warrants and 8 for misdemeanor dispositions) and 5 preliminary hearing rooms (located in police districts). Cases in municipal court are assigned to courtrooms rather than judges.

The Philadelphia court of common pleas (the felony court) has jurisdiction over civil cases of any amount and criminal offenses that carry a penalty of more than 5 years of incarceration (felonies in Pennsylvania). There are 81 common pleas judges; approximately 45 are assigned to criminal cases. Within the criminal system of the common pleas court, there are three programs for disposing of felony cases: homicide, major (jury) trial, and waiver trial. Thirteen judges are assigned to the homicide program, 22 to major trials, and 9 to waiver trials.

The major trial program handles cases in which the defendant may demand a jury trial, and the waiver trial program handles cases in which the right to a jury trial is waived, although many cases are disposed at a bench trial before a judge. In the homicide and major trial programs cases are assigned randomly by calendar judges to other judges after bindover from municipal court. Waiver trial cases are assigned randomly to courtrooms,

although judges are assigned to courtrooms for considerable periods of time and are rotated only on an ad hoc basis.

### Felony case processing--arrest through sentencing

When an arrest is made the defendant is taken to police central booking in downtown Philadelphia. The police prepare a complaint fact sheet for the district attorney's charging unit, which determines the charges to be filed in municipal court. Very few felony arrests are rejected for prosecution. Typically, by the day after arrest the defendant appears before a municipal court judge for arraignment. The defendant is informed of the charges, bail is set, counsel is appointed if needed, and a preliminary hearing is scheduled for 8 to 10 days later.

All defendants arrested on felony charges appear at a preliminary hearing. Many cases are dismissed or remanded to municipal court for misdemeanor prosecution by the preliminary hearing judge. In homicide and rape cases, vertical prosecution assignments are made as the cases have preliminary hearings. Cases bound over are filed in the court of common pleas and defendants are scheduled for an arraignment on the information in 2 to 3 weeks (typically handled by a trial coordinator rather than a judge).

After the filing of the information a paralegal in the district attorney's office assigns cases, based on office guidelines, to the appropriate trial program (major trial or waiver). In homicide cases, the chief or assistant chief of the district attorney's homicide unit appears daily before the homicide calendar judge to handle arraignments and random assignment of cases to the homicide program judges as they become available for new case assignments. Defendants assigned to the

waiver program may object and demand assignment to the major trial program. Judges in the waiver program are viewed as the most lenient sentencers, so defendants rarely request reassignment. The court schedules a "first listing" (the next appearance in common pleas court) on the first available date: the time period depends on the court backlog.

In the waiver program the first listing is the first trial date. Attorneys receive cases the day before trial and contact witnesses the afternoon before the trial date. About half of the waiver program cases are disposed at the first listing. If witnesses fail to appear twice, the case is dismissed.

Waiver unit attorneys have relatively little discretion in negotiating pleas. Attorneys can agree to dismiss lesser charges if the defendant agrees to an

open plea (no sentence agreement) before the court. Other negotiations require the approval of a supervisor. Most defendants in the waiver program either go to trial before a judge or agree to an open plea. Pennsylvania's rules of criminal procedure prohibit judges from participating in plea discussions.

In the major trial program cases are assigned to attorneys after arraignment in the court of common pleas. The first listing is a pretrial conference involving an informal exchange of information and discovery. The second listing (trial) can take from 2 to 3 months to a year depending on court congestion (a legitimate reason for delay in Pennsylvania if the State files notification). Typically, defense attorneys will contact the prosecutor to discuss the terms of a plea. The focus of discussions is the sentence recommendation.

Prosecutors rarely agree to pleas to lesser charges. All assistant district attorneys rely heavily on the State's sentencing guidelines in developing plea offers. All negotiated pleas require the approval of a supervisor. Similar to the waiver program, most pleas are open pleas. Over half of all dispositions in the major trial unit are by waiver trial or open plea. Generally, judges agree with negotiated plea recommendations that are consistent with the sentencing guidelines.

After conviction sentencing is usually deferred to allow time for the probation department to prepare a presentence investigation report for the judge. Sentences of less than 2 years are usually served in a county institution; sentences of 2 or more years are served in a State prison.

## Pittsburgh, Pennsylvania (5th Judicial District)

### District attorney's office

The district attorney for the 5th Judicial District has jurisdiction over all adult and juvenile criminal cases arising in Allegheny County. The office is also responsible for moving violations and summary appeals from the magistrate court. The county solicitor's office handles all civil matters for the county, except for Federal habeas corpus cases.

The county includes about 130 municipalities, most of which have their own police forces. The majority of the arrests brought to the district attorney's office are presented by the Pittsburgh police department, however.

Seventy-five attorneys work in the district attorney's office. Six attorneys in the pretrial screening unit prepare all felony and misdemeanor informations and assign cases to the other units. The largest of the other units is the general trial unit; its 32 attorneys prosecute the bulk of the misdemeanor cases. Two of the attorneys in this unit handle juvenile cases and eight handle preliminary hearings for most felonies. The majority of felony cases are assigned to the crimes against person (seven attorneys), theft (six attorneys), narcotics (six attorneys), or

homicide (one attorney) units. Other units in the office handle appeals and habeas corpus cases (10 attorneys), white collar crime investigations (2 attorneys work with 17 investigators), and grand jury matters (2 attorneys). The grand jury is used only for its investigative powers, not to indict cases.

Most felony cases are prosecuted vertically after the preliminary hearing, but frequently in very serious cases an attorney will be assigned to handle the case from arrest.

### Court system

The court of common pleas (18 judges) is a unified judicial system whose criminal division processes all felony and misdemeanor violations occurring in Allegheny County. The court also has civil, family, and orphan's court divisions.

Local magistrates, 63 of whom are located throughout the county, handle all civil cases up to \$3,000 and any criminal cases that carry penalties or fines up to \$300 or jail terms up to 90 days. They also hold preliminary arraignments and preliminary hearings for misdemeanors and felonies. The magistrate's office in Pittsburgh

is called city court. The county coroner handles preliminary proceedings for murder cases.

Once cases have been held for court (bound over to the court of common pleas) by a magistrate, the criminal division's administrative judge, elected by his peers, assigns a mix of felonies and misdemeanors to the 17 other judges. The criminal judges maintain their own calendars.

### Felony case processing--arrest through sentencing

Preliminary arraignments for misdemeanors occur within 6 hours of arrest at the office of the magistrate who has geographic jurisdiction over the offense. If the offense is a felony, the offender is brought to city court in Pittsburgh for the initial proceedings, also within 6 hours. City court operates on a 24-hour schedule, and misdemeanor offenders arrested in outlying localities at night are also brought to Pittsburgh for arraignment.

At preliminary arraignment the magistrate advises the defendant of the charges in the police complaint, sets bond, and schedules a preliminary hearing date for between 3 and 10 days later. Typically, the district

attorney's office is not represented at preliminary arraignment. Released defendants have 72 hours to seek an indigency determination. A public defender assesses the eligibility of detained defendants during an interview in jail.

The preliminary hearing is the first adversarial proceeding, at which the magistrate determines if there is a *prima facie* case against the defendant. Usually the arresting police officer and the victim, if there was one, will testify at the hearing. Court reporters are employed for the more serious cases. Eight regional prosecutors from the general trial unit ride circuit to the area magistrates' offices and are responsible for the preliminary hearings. These attorneys are among the least experienced in the office and are very closely supervised. Part of their responsibility is to dismiss cases that clearly lack prosecutive merit.

If the case is bound over for court, an attorney in the pretrial screening unit assesses the case based on reports collected by a paralegal and interviews the arresting officer and the victim. All attorneys in the unit have had trial experience, and they decide what the charges in the information should be and to what unit the case should be

assigned. About 12% of the cases are nolle prossed at this point. The unit also decides if a case should be diverted to the accelerated rehabilitative disposition (ARD) program, which is an option for first-time, nonviolent offenders only. The screening supervisor reviews all the decisions made by the unit.

Formal arraignment in the court of common pleas is set for 45 days after the preliminary hearing, and cases must be screened within that time. Once the screening attorney files the information, the administrative judge assigns the case to one of the criminal judges. The attorney assigned to the case follows the case to the assigned judge.

The court's calendar control office is responsible for the formal arraignment, which is conducted in jail if the defendant has not made bond. Usually only the defendant and a calendar control officer are present. The defendant is read the charges as they appear in the district attorney's information, given the name of the judge assigned to the case, and given a subpoena with a pretrial conference date on it. The defendant must indicate counsel's name at this point.

Pretrial conferences are scheduled for every other Monday. Before the conference, defense counsel will have retrieved all discovery materials. The defendant and counsel, the prosecutor, and the judge are present at the conference, at which the defendant indicates whether a plea will be entered or a jury or bench trial will be requested. Pleas are usually scheduled within a few weeks, and trials are between a few weeks and a few months later. According to the speedy trial rule, defendants in custody must be tried within 180 days of filing of the information, and defendants not in custody must be tried within 365 days.

After a guilty plea or a conviction the judge orders a presentence investigation report if the defendant can be sentenced to more than 2 years of incarceration. Sentencing usually takes place 6 to 10 weeks after disposition. Generally, the prosecutor will only recommend that the judge impose a sentence in line with the State's sentencing guidelines.

For the most part, the office does not plea bargain. A prosecutor may only engage in plea negotiations when a defendant is cooperating in the prosecution of another offender, or when the victim in a very sensitive case is reluctant to endure a trial.

## Portland, Oregon (Multnomah County)

### District attorney's office

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 are also handled by the district attorney. The Portland police department accounts for about 73% of the arrests presented.

The district attorney's office employs 67 attorneys. Most are assigned to either the district court (17 attorneys) or circuit court (about 35 attorneys) section.

The district (lower) court deputies, the most junior attorneys, are responsible for misdemeanor and traffic dockets and for initial appearances.

The circuit (felony) court attorneys are organized into six teams: five trial

teams and a pretrial unit. The felony trial teams consist of a team leader and two to five deputies. Each team is responsible for the prosecution of particular crimes. The pretrial unit handles arraignments and motions. A family justice division is responsible for juvenile prosecutions, child-support cases, civil commitments, and domestic violence cases.

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 handle the case directly in court or issue written directives to attorneys who represent the office at court proceedings, such as lower court events.

### Court system

The district court is the lower court of the county's two-tiered court system.

It handles civil cases involving claims under \$10,000 and criminal cases carrying maximum penalties of less than a year in jail and/or a \$1,000 fine (misdemeanors). The district court also conducts initial appearances. The 14 district court judges handle criminal matters and may try felony matters on occasion.

The circuit court is a trial court of general jurisdiction. This court handles felonies and civil matters involving claims of \$10,000 or more. Of the 19 circuit court judges, 1 is the presiding judge and 18 are general trial judges, who hear both civil and criminal cases. Five of the 18 judges rotate to handle family and probate cases for approximately 2 months each year. One general trial judge handles criminal 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 for all cases is about 60 days.

#### Felony case processing--arrest through sentencing

Arrestees may be released at the station house by meeting bond requirements, which have been established by the local judiciary. Initial appearance in district court is scheduled within 36 hours of arrest.

Screening occurs about a day after arrest and before the initial district court appearance. When the arresting officer books an individual on felony charges, the arrest papers are given to a detective, who presents the case to a screening deputy in the circuit court section of the district attorney's office on the morning of the initial court appearance. In addition to determining

the charge the screening deputy makes decisions about plea offers.

At the initial appearance the judge verifies the defendant's true name, advises the defendant of charges, appoints counsel if needed, determines the defendant's release status, oversees discovery, and schedules a date for a district court report proceeding. At that proceeding the defendant and/or counsel is informed of the status of the case. All cases are presented to the grand jury. If a true bill is returned, the defendant is so informed at the district court report proceeding and the case is scheduled for a circuit court arraignment. If the defendant remains in custody, the district court report proceeding occurs within 5 working days of the initial appearance, otherwise within 7 or 8 days.

At arraignment the true bill is read to the defendant, who enters a plea. A pretrial conference, scheduled about 1 month after the arraignment, is held to

discuss plea offers. Most cases are disposed by pleas before the calendar judge, who hands down the sentence. If a defendant does not plead guilty, the presiding judge assigns a judge for trial. Generally, the deputy issuing the felony complaint makes a plea offer, which is given to defense counsel at first appearance in district court and remains in effect through indictment. Subsequent offers are not so favorable. Most pleas are to felony charges and are disposed in the circuit court. Judges do not participate in plea negotiations.

Plea negotiations may involve sentence recommendations and charge and count reductions. Generally, the top charge is not reduced. 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 within the guidelines of charge-specific policies established by the office.

## Queens, New York (Queens County)

#### District attorney's office

The Queens County district attorney's office is responsible for all felonies and misdemeanors arising in the county, as well as a select group of juvenile matters that are processed in the family court. The New York City police department accounts for the majority of the felony arrests presented for prosecution.

Approximately 260 attorneys staff the district attorney's office. The office is organized into four divisions: case processing, investigation, trials, and administration. The two largest divisions are case processing and trials, each staffed by about 90 attorneys. The case-processing division is responsible for case screening, misdemeanor processing, and all felonies through negotiation of early pleas or grand jury hearings. The trials division includes a forensic bureau for handling cases involving mental incapacity, a homicide trial bureau, several supreme (upper) court trial bureaus, and an appeals bureau.

Although most cases are prosecuted horizontally, those involving arson,

economic crime, narcotics, special victims (e.g., victims of sex offenses), rackets, bias-related crimes, or violations of the public trust, all of which are handled by the office's investigation division, are frequently prosecuted vertically from the time of grand jury hearing forward. In these types of cases the decision to prosecute vertically is determined on the basis of attorney availability.

#### Court system

Queens County has a two-tiered court system. The criminal (lower) court handles all misdemeanors and initial felony proceedings (initial appearance/arraignment and the preliminary hearing). Staffed by 15 judges the criminal court is divided into several parts. Two parts—one in session during the day, the other at night—hold felony and misdemeanor arraignments during the week and on weekends. Two others double as supreme court parts when defendants waive their right to indictment and enter guilty pleas. One of these parts handles only narcotics cases. The remaining criminal court parts handle arraignments in summons cases,

misdemeanor pleas and trials, and the occasional felony pretrial hearing.

The supreme court has both criminal and civil responsibilities. Thirty-four judges handle felonies on a full-time basis. As noted above, two judges have dual appointments to the criminal and supreme court benches. There are supreme courts in Kew Gardens, Jamaica, and Long Island City. One of the court parts in Kew Gardens holds felony arraignments and conferences during the day and in the evenings, on both weekdays and weekends. The remainder are trial court parts.

#### Felony case processing--arrest through sentencing

Although some felonies are initiated directly with the grand jury by the district attorney's office, most are brought to the office after an arrest has been made. Immediately following the arrest and booking of a defendant, one of two procedures is followed. In one, the arresting officer takes the defendant to the complaint room in the intake bureau of the district attorney's office. Following a

review of the case by an assistant district attorney, the assistant in charge of preparing complaints writes a formal complaint. Alternatively, in some cases, the arresting officer drafts the court papers with the help of the police legal division and thereafter sends the papers to a prosecutor, who can request revisions if necessary. This process is called court affidavit preparation system (CAPS). Usually within 24 hours of arrest, the complaint is filed and an initial appearance is held in the criminal court. One of the two arraignment assistants on duty is present at the initial appearance, at which defendants are notified of the charges against them, advised of their rights, and have their bail status reviewed. The assistant district attorney present at the initial appearance will also notify the defendant of the grand jury date and may make a plea offer at this time.

Prior to an indictment, a plea offer may be recommended by a panel that meets daily. The panel is directed by one executive assistant district attorney and includes various bureau chiefs. Following an indictment a second plea offer may be recommended by a post-indictment plea panel, which is also directed by one executive assistant district attorney and includes various bureau chiefs. This panel meets twice a week. After studying the severity of the offense, the quality of the case, and the defendant's prior record, the panels recommend charge and/or sentence modifications with the least serious penalties that can reasonably be offered under the circumstances. Decisions are also made regarding the presentation of charges to the grand jury, reduction of charges for criminal court prosecution, and dismissal. Prior to indictment judges have little involvement with the negotiation process.

Following initial appearance in the criminal court, felony defendants are assigned to one of the two criminal court parts that can accept pre-indictment felony pleas. At that point the cases become the responsibility of the felony waiver bureau of the district attorney's office.

Pending indictment, the bureau chief or deputy in the felony waiver bureau reviews cases and attempts to expedite as many as possible. Some cases are reduced to a misdemeanor as a result of plea negotiation or reconsideration of the facts. Probably due to the rapid case-screening process, only a

few felony arrests are rejected for prosecution or filed as misdemeanors. However, a number are reduced to misdemeanors at initial appearance or, more frequently, while cases are awaiting indictment. A number of other cases are disposed as felonies through the use of superior court informations. When a defendant waives his or her right to a hearing by the grand jury, he or she signs a superior court information stating that fact and is then allowed to plead guilty. When a superior court information is introduced in the criminal court, the judges in the two criminal court parts to which felonies are assigned pending indictment become supreme court judges in order to accept pleas.

When a felony defendant is detained, State law requires that a preliminary hearing be held or a grand jury indictment obtained within 120 hours of arrest (or 144 hours when a weekend intervenes). Generally, the statutory requirement is satisfied by indictment. Detained defendants may also waive their right to indictment and enter a plea using superior court informations. Preliminary hearings occur rarely, but when they do they are handled by criminal court assistants who typically process misdemeanor cases.

Felonies that proceed to the grand jury become the responsibility of the assistant district attorneys in the indictment bureau. About 50% of all disposed felony arrests are indicted. Indictment bureau assistants give priority to processing cases involving detained defendants. Indeed, cases involving detained defendants are assigned simultaneously to a criminal court part and to the indictment bureau to ensure that the 120-hour processing requirement is met.

In general the indictment assistants are responsible for setting the grand jury calendar, notifying witnesses and defense counsel of the grand jury date, interviewing all witnesses, appearing before the grand jury, and handling all paperwork associated with indictments. Grand jury teams consist of six indictment assistants each. One team handles only the serious cases involving detained defendants. Another team handles only cases involving released defendants. The third team handles minor felonies that may involve detainees or situations in which witnesses are considered unlikely to testify.

Four grand juries meet during the day and one special grand jury convenes at night. Once a defendant is indicted by the grand jury, an assistant district attorney prepares the indictment, sends it to the clerk of the grand jury for signature, and files the indictment with the supreme court judge assigned to handle grand jury matters. The clerk of the supreme court then schedules the case for a felony arraignment, giving precedence to detained defendants.

Felony arraignments are usually held within 7 weeks of indictment. One supreme court judge and one trial assistant handle all arraignments. At the arraignment the defendant's bail status is reviewed, guilty pleas may be entered, and those cases not disposed are set for trial. Prior to arraignment, cases are reviewed by the office's post-indictment plea panels. One reviews all cases not involving murder; the other reviews only murder cases. The panels reconsider each case and prepare plea offers that are presented by or before arraignment. In general the offers made after indictment are more severe than the ones made prior to indictment.

Trial judges are assigned by the arraignment judge on the basis of availability. Thereafter, judges are responsible for setting their own calendars. Trial assistants from the district attorney's office are assigned in teams of two to each of the trial court parts. Hence, unless a case is especially complex, the assignment of trial attorneys is determined by the assignment of a trial court.

With some exceptions State law requires that the time from arrest to readiness for trial not exceed 6 months. Most cases meet that standard. Following arraignment the defense and prosecution have 45 days to file motions. Usually at least three motions hearings occur before the trial date. Plea offers are also discussed during that time. Any modification of the offers made at felony arraignment is the responsibility of bureau chiefs. Supreme court judges are active in the plea process at this point and attempt to secure pleas before the trial date. Nonetheless, guilty pleas are often entered on the day of trial.

Trial assistants are expected to appear at sentencing hearings, and they always make sentence recommendations.

# Rhode Island

## Attorney general's office

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 attorney general's office. Misdemeanors and ordinance violations are prosecuted by county solicitors.

The attorney general's office employs approximately 40 criminal prosecutors, most of whom are located in Providence. An intake and grand jury unit is staffed by three attorneys in Providence and a few attorneys in "out county" offices. A trial unit is staffed by approximately 28 prosecutors, and a juvenile unit by 5. A major violators unit prosecutes cases involving organized crime and ongoing criminal enterprises. One attorney handles all pretrial conferences. Prosecution is horizontal.

Forty-one law enforcement agencies present felony arrests for prosecution annually; about 50 to 60% are brought by the Providence police department.

## Court system

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

The superior (felony) court conducts the second arraignment (arraignment on the information) and subsequent court events for felonies. Approximately half of the 27 superior court judges hear criminal cases, at least on a part-time basis. The remaining judges handle civil cases. A master calendaring system is used. One judge handles all cases on the pre-trial calendar; cases that are not settled during the pretrial stage are assigned to the trial judges. Trials are by jury only.

## Felony case processing--arrest through sentencing

Defendants are arraigned in district court within 48 hours of arrest. Bail is set, a screening conference is scheduled (usually 10 to 15 days later), and if needed, counsel is appointed for the defendant until arraignment on the information in superior court, when claims of indigency are investigated. The district court arraignment is on charges filed by the police in district court. The attorney general's office screens cases after the initial court filing.

Between district court arraignment and the screening conference, police prepare a screening package for the prosecutor, including witness statements, arresting officer's report, investigative reports, and test results. The intake unit prosecutor presides over the screening conference, which is attended by the 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 file new ones, remand the case to district court for misdemeanor prosecution, or drop the case altogether. Dropped cases are sent back to the district court for dismissal. At screening about 20% of the felony arrests are dropped and the remainder are sent to the superior court for felony prosecution. Misdemeanor prosecution is infrequent. 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, a bill of information is filed in the superior court and a date is set for the appearance of the defendant at an arraignment on the information. The arraignment usually occurs about 4 weeks after screening for defendants in custody and in 6 weeks for those on release.

At arraignment on the information in superior court the defendant is advised of the charges, bail requirements are reviewed, and a pretrial conference is scheduled for about 1 month later. All cases are handled by a single calendar attorney from arraignment through the pretrial conference.

Prosecutors may make a plea offer at the screening conference if the case is routine. Generally, however, plea offers are made by the calendar attorney at the pretrial conference, which may be continued several times before the case is disposed or set for trial. Defendants who plead later do not receive a more advantageous offer than that made by the calendar prosecutor.

Plea offers are not given with a definite expiration date, however.

At the pretrial conference the vast majority of cases are disposed by plea. The plea agreement is reached among the prosecutor, judge, and defense counsel in chambers. It is fully binding on all parties. The plea negotiation process, which generally focuses on the sentence, is constrained by the State supreme court's sentencing guidelines, which limit the latitude of the prosecutor and judge in most instances.

Cases in which defendants refuse plea offers are scheduled for trial. Cases are assigned to individual trial attorneys when a trial date has been set. A conference is frequently held before the trial date for a second round of plea negotiations. If the second plea negotiation is unsuccessful, the case proceeds to 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.

## Riverside, California (Riverside County)

### District attorney's office

The district attorney for Riverside County has jurisdiction over the prosecution of all felony and misdemeanor offenses arising in the county. County ordinance violations, juvenile matters, and family-support enforcement are also handled by the district attorney. City attorneys prosecute city ordinance violations. The Riverside sheriff's department and the Riverside city police department account for nearly 70% of the arrests presented for prosecution.

The district attorney's office has two criminal divisions: The western division handles approximately two-thirds of the felony caseload, and the eastern division prosecutes the remainder. The western division has four branch offices, which are responsible for processing misdemeanors and felonies (through preliminary hearing) in their area. The main office in Riverside handles all misdemeanors and felonies within Riverside, and all felonies bound over from municipal (lower) courts in the western division branch locations. The eastern division has two branch offices and a main office in Indio, which handles all misdemeanors and felonies within Indio and all felony bindovers from the branch offices.

The western division is organized into a juvenile section, a criminal branch, and an economic crime section. The criminal branch, which handles most of the adult felony arrests, has four divisions: filings and preliminary hearings, misdemeanor and branch operations, superior (felony) court, and special prosecution. Cases are prosecuted vertically in the special prosecution unit, which handles sexual assault, career criminal, and major narcotics prosecutions. All other cases are prosecuted horizontally.

The eastern criminal branch has municipal and superior court divisions. A special juvenile section reports to the superior court division there.

Approximately 80 attorneys staff the two criminal divisions. Nearly 70% are located in the western division--

about 6 attorneys are assigned to filings and preliminary hearings, 15 to misdemeanor and branch operations, 13 to superior court, 8 to special prosecutions, 4 to juvenile cases, and 4 to economic crimes. Each section is directed by a supervisor. In the eastern division five attorneys are located in branch offices, five are assigned to municipal court, seven to superior court, one to the juvenile section, and one deputy is in charge of the administration of the division.

### Court system

The municipal court is the lower court of the county's two-tiered court system. It has jurisdiction over civil cases under \$25,000, small claims, misdemeanors, and felonies through preliminary hearing. Sixteen judges and three commissioners staff the municipal courts. In the city of Riverside, one judge handles preliminary hearings. In the branches of the western division eight judges (two in each) rotate this responsibility. In the eastern division preliminary hearings are held once a week.

The superior courts hear all felonies after bindover, civil cases over \$25,000, juvenile cases, and family-law cases. The superior courts are staffed by 21 judges and 4 commissioners. In the western division there are six criminal trial judges and a calendar judge, who handles felony arraignments. Six superior court judges in the eastern division split criminal and civil responsibilities. Calendar judges in each superior court assign felonies randomly to the criminal trial judges.

Except as noted, the remainder of this description refers to procedures in the western division, which processes most of the felony cases.

### Felony case processing--arrest through sentencing

Following an arrest law enforcement officers use a standardized bail schedule to determine and set bail. If they set a bail amount higher than the scheduled amount, they must file a petition with the municipal court.

Prior to the initial appearance in municipal court the arresting officer or a liaison officer presents the case to the office's filing and preliminary hearing section for felony screening. Most filing decisions are made by individual deputies and guided by the uniform crime charging standards developed by the California District Attorneys' Association. Homicide arrests are reviewed collectively by the supervising deputies in the office. At screening approximately 24% of all felony arrests are rejected and more than 30% are filed as misdemeanors.

Initial appearance before a municipal court judge occurs within 3 working days of arrest for arrestees in custody and within 3 weeks for released defendants. The charges are reviewed and a preliminary hearing is scheduled. Prosecutors are not present at initial appearance.

For cases prosecuted horizontally, the deputy district attorney assigned to each municipal court represents the office at the preliminary hearing, which occurs within 10 court days of the initial appearance for persons in custody and within 60 calendar days for released defendants. Cases prosecuted vertically are represented by the deputy assigned to the case at filing. At the hearing probable cause is established, misdemeanor and felony pleas are accepted (although persons pleading to felonies in municipal court must be sentenced in superior court), and superior court arraignment dates are assigned. In the city of Riverside the supervising deputy reviews all plea offers and prepares the necessary documentation if a case is to be bound over to superior court. In the branches the municipal court deputy is also the supervisor, who files and negotiates cases. Ultimate review of events at the preliminary hearing is the responsibility of the deputy in charge of all municipal and branch operations.

Close to 30% of all felony arrests are bound over to the superior court. At arraignment, which occurs within 15 days of the preliminary hearing, pleas are accepted or, if necessary, trial court assignments are set. For all cases prosecuted horizontally, the

head arraignment deputy reviews the preliminary hearing memorandum prepared by the deputy in charge of preliminary hearings and directs preparation of the information. The arraignment deputy is the only one who can sign informations or negotiate pleas at that point. For cases processed vertically by the special prosecution unit, the deputy assigned at screening is in charge of filing informations and negotiating pleas at superior court arraignment.

Superior court arraignment is the point at which final plea offers are made; if a case cannot be resolved by plea at this point, it is considered trial bound. Three trial teams assigned to the superior court handle cases prosecuted horizontally. Each is supervised by a head deputy. Cases are assigned to specific prosecutors for trial following assignment of a trial court. The head deputies of the three teams meet with the arraignment deputy, who has a major role in recommending a particular attorney for trial.

Following superior court arraignment a trial readiness calendar (TRC), equivalent to a pretrial conference, occurs. At the superior court TRC only the trial status of the case is discussed; it is not a time for accepting guilty pleas. Trials follow the TRC, usually within 60 days of arraignment.

At sentencing prosecutors usually speak, but they generally refrain from recommending a ceiling on the sentence unless a previous arrangement has been made with the judge.

Plea bargains in Riverside are called case settlements. The first offer is made before preliminary hearing by the supervising deputy in the branch or main office. That offer is withdrawn as soon as the first witness is called. Any offer made after the preliminary hearing takes into account the assessment of the case by the preliminary hearing deputy, but theoretically, it is less generous than the earlier offer.

The arraignment deputies in the main offices are responsible for authorizing offers made at superior court arraignment. Technically, felonies that are covered under Proposition 8, a constitutional amendment that disallows discussion in serious felony cases unless exceptional circumstances exist, cannot be bargained after filing of the information in superior court.

Case settlement discussions generally focus on sentencing. Discussions of incarceration time concern whether the defendant will receive the low, middle, or high end of the incarceration time specified for the offense in the State's statutory sentencing guidelines. Judges actively participate in sentencing discussions by indicating the sentence they are likely to give. The superior court arraignment judge in Riverside will continue cases in an effort to encourage pleading.

## St. Louis, Missouri

### Circuit attorney's office

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. Felony arrests are presented by the St. Louis city 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 circuit attorney's office employs 39 attorneys (including 1 part-time attorney). Three of the attorneys handle child-support cases; the remainder are responsible for misdemeanor and felony cases. Felony cases are prosecuted vertically: attorneys screen felony cases on a rotating basis (weekly) and are responsible for the cases they screen after bindover or indictment. Less experienced attorneys screen misdemeanors.

In the circuit (felony) court section 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 (lower) 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.

### Court system

The St. Louis circuit court, a unified court, has jurisdiction over civil matters and misdemeanors and felonies brought by the circuit attorney. The associate circuit (lower) court section is responsible for misdemeanors and initial proceedings in felony cases. The circuit (felony) court section handles felony cases after bindover or indictment.

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

In the circuit court section 9 of 21 judges are assigned to handle felony cases after bindover or indictment. One judge handles the less serious felonies, as designated by the circuit attorney. The more serious felony cases are handled by a circuit court assignment judge until the defense and prosecution indicate they are ready to settle the case or go to trial. Cases are then randomly assigned to other judges, who take pleas and conduct trials.

### Felony case processing--arrest through sentencing

Arrests must be presented by police to the circuit attorney's warrant office for screening and filing of charges

within 20 hours. If the arrest is approved by the screening attorney, the associate circuit court issues a warrant, at which point the arrest is official. The attorneys who screen felonies for which warrants are subsequently issued are typically assigned those cases for circuit court prosecution on bindover or indictment.

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

Half or more of the felony arrests presented are rejected; most of the remainder are filed as felonies. Very few felonies are filed as misdemeanors. After felony warrants have been obtained in court, the screening attorneys decide whether to schedule cases for a 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. At bond arraignment the defendant is informed of the charges, arrangements for counsel are made, and a date is set (2 to 6 weeks later) for the preliminary hearing or grand jury presentation. Prior to the preliminary hearing or grand jury presentation, 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.

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. Approximately 70% of initial felony filings are bound over to the circuit court section for disposition.

After bindover or indictment but prior to felony arraignment, the chief trial assistant determines whether cases should be disposed in the court section handling the less serious felonies or

the section handling more serious cases. The assignment judge generally approves the decision of the chief trial assistant, who then assigns cases to individual attorneys. Office plea policy requires that defendants 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. Such 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. If the judge imposes a more severe sentence than that recommended by the prosecuting attorney, the defendant may withdraw the plea.

## San Diego, California (San Diego County)

### District attorney's office

The district attorney for San Diego County has jurisdiction over all felonies occurring within the county and over misdemeanors in the unincorporated areas of the county. The San Diego city attorney handles misdemeanors and traffic offenses occurring in San Diego.

More than 37 law enforcement agencies present arrests to the district attorney; the San Diego city police department accounts for most of them.

The district attorney's office has 190 attorneys (all career prosecutors), most of whom are assigned to the various sections of the criminal division. Deputies working in the municipal court section handle misdemeanors and initial felony proceedings in the outlying district courts. These prosecutors are closely supervised and their discretion limited.

The superior court deputies, organized into five-member teams, handle cases that are bound over for felony

prosecution. 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 the case to a deputy. Major deviations from the panel's decisions must be authorized. Except for homicides and sexual assaults, prosecution is horizontal.

In the downtown office 11 deputies work on initial felony proceedings in the municipal court and 30 work in the superior court division. About 61 attorneys are assigned to three branch offices, which serve the outlying municipal and superior courts in those locations.

Other office assignments include intake (5 attorneys), juvenile matters (18), pretrial litigation and misdemeanor appeals (10), career criminal unit (6), the fraud unit (10), child-abuse cases (8), family support (10), narcotics unit (5), gang prosecution (4), special operations (8), and training (2).

### Court system

The county has two separate court systems. The municipal (lower) court handles civil cases (under \$15,000), traffic offenses, misdemeanors, and initial felony proceedings (initial appearances, bail hearings, and preliminary hearings). The lower court judges are also empowered to take felony pleas, impose felony sentences, and sit as superior court judges (by assignment) to conduct felony trials.

Four municipal court judicial districts serve the county. Each is independent of the other and of the superior court, which is the felony court of San Diego County.

The superior court handles felony cases bound over by municipal court preliminary hearings. The court also hears civil matters involving \$15,000 or more.

Both the municipal and superior courts operate physically separate courts at several locations around the

county. About 26 municipal court judges and 16 superior court judges serve in the outlying areas. The largest courts are those located in downtown San Diego. The downtown municipal court has 24 judges, who hear both civil and criminal cases. The downtown superior court has 41 judges. Two judges handle only civil matters, eight handle only criminal, and the remainder hear both civil and criminal cases. Six judges hear family matters on a rotating basis. A master calendaring system is used to process criminal cases. One judge handles felony arraignments and other readiness conferences. After the readiness conference the presiding judge, who is elected annually by the other judges, assigns cases to trial judges.

#### Felony case processing--arrest through sentencing

Police prescreen arrests before they present them to the prosecutor. According to California Offender-Based Transaction Statistics, about 20% of felony arrests are dropped by police. Arrestees not screened out may post bond at the jail. Defendants who make bail must appear in municipal court on a given date, usually within a few weeks. Arrestees in custody are formally charged within 3 working days.

Prior to the initial appearance in municipal court, a deputy in the intake unit reviews the case, primarily on the basis of written materials submitted by

a detective. All decisions made by the intake deputies are reviewed by the chief deputy of the intake unit. (Homicide and sexual assault cases are immediately assigned to a superior court deputy for screening and vertical prosecution.)

At the initial appearance in municipal court the defendant is notified of the prosecutor's charges, advised of his or her rights, assigned counsel if needed, and 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 one for the preliminary hearing. After the initial appearance the chief deputy of the municipal court reviews all cases and assigns them to municipal court deputies. About 60% of the felony caseload is disposed in municipal court, and all of the dispositions are either specified or approved by the chief deputy.

About half of the defendants request a settlement conference. At the conference the judge asks whether a plea agreement has been reached. If so the case is continued for sentencing. Pleas in municipal court may be to misdemeanors or felonies.

Plea negotiations are initiated prior to the settlement conference in municipal court. The office has a rigorous plea policy, which includes several review procedures. Offers issued by the prosecutor must be approved by a super-

visor. 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 views.

If a case is not settled by plea agreement, the preliminary hearing occurs. In each case for which probable cause is found at the preliminary hearing, the preliminary hearing deputy prepares a worksheet that summarizes the facts and the evidence and provides a history of plea negotiations. The worksheet is reviewed by a panel of senior deputies, who indicate acceptable dispositions in superior court. The case is then assigned to a superior court deputy for disposition.

In superior court the defendant is arraigned on the information. The judge sets a readiness conference date (2 weeks before the 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. (After the readiness conference plea negotiations are supposed to cease.) If the defendant pleads, the case is assigned to a judge for sentencing. If no plea is entered, the case is sent to the presiding judge for assignment to a trial judge. In the event of a conviction, sentencing is scheduled approximately 1 month after trial. Sentences are determinate.

## Seattle, Washington (King County)

#### Prosecuting attorney's office

The prosecuting attorney for King County is responsible for prosecuting all criminal offenses occurring in the county, including juvenile offenses, and represents the county in some civil matters. Of the 33 law enforcement agencies that bring adult felony arrests to the office, the vast majority are brought by the King County sheriff and the Seattle police department.

There are approximately 130 attorneys in the prosecuting attorney's office; 85 are assigned to criminal work, 35 to civil duties, and 10 to the fraud division. Most attorneys in the criminal

division are assigned to the superior (felony) court filing unit (10 attorneys), a regular felony trial team (12 attorneys), or a senior trial team (3 attorneys). The division has two special units: the special assault unit and the special drug unit. The special assault unit (11 attorneys) handles adult sexual assaults, domestic violence cases, and child physical and sexual assaults. Drug cases are filed and prosecuted by the special drug unit (18 attorneys). Other attorneys assigned to the criminal division are responsible for the prosecution of misdemeanors and traffic offenses (district court), juvenile cases (superior court), and appeals.

Felony prosecution is primarily horizontal. Attorneys in the filing unit determine whether a case will be filed or rejected, what the filed charges will be, and the plea offer. The unit is responsible for cases up to the omnibus hearing (a case status hearing in superior court). Cases not settled by the time of the omnibus hearing are set for trial and assigned to a trial attorney on one of the superior court trial teams. The special assault unit uses a vertical prosecution approach.

#### Court system

The district court, the lower court of a two-tiered court system, handles the

initial release decision for felony cases and the prosecution of misdemeanor and traffic offenses.

The superior court handles the disposition of felony offenses and juvenile cases. Forty-five judges staff the superior court. One judge serves as criminal department presiding judge and is responsible for conducting omnibus hearings and setting trial dates. Another judge is assigned to criminal motions and is also responsible for holding arraignments. Trials are assigned by the presiding judge of the superior court criminal department according to a master calendar system.

#### Felony case processing--arrest through sentencing

If the defendant is in custody the prosecutor's office has 72 hours to make a decision on filing charges. The initial pretrial release decision is made by the police or by a district court judge before the prosecuting attorney files charges.

If a case is rejected by the felony filing unit, the matter goes back to the police department for either further investigation and resubmittal or as a case declined for felony prosecution. If the case is declined in favor of misdemeanor prosecution, it is up to the police to decide if the case should be presented to a municipal or district court for misdemeanor prosecution.

The filing decision is based primarily on the police reports, the defendant's criminal history, and the screening

attorney's interview with the investigating detective. Generally, victims are not contacted prior to filing. However, victims in special assault unit cases are typically interviewed prior to case filing. Approximately 25% of felony arrests are declined at screening.

Accepted cases are filed directly in superior court by information. There is no grand jury in Washington State and preliminary hearings in King County are rare. The filing unit attorney who screens and files the case also determines the plea offer according to published office policies and Washington's presumptive determinate sentencing law.

The defendant's first appearance in superior court is the superior court arraignment, which occurs the first court day after filing for defendants in custody, and about 1 week after filing for defendants not in custody. At the time of assignment of counsel, the defense attorney may obtain discovery and a written plea offer. The offer expires once the omnibus hearing has concluded. More than 50% of all defendants plead guilty at the omnibus hearing stage.

The omnibus hearing is actually a case status conference, not a substantive hearing. If the defendant has not agreed to plead guilty by the time of the omnibus hearing, the trial date is set. The case is then assigned to a trial attorney, and the trial routinely commences in about 6 weeks.

Also at arraignment a sentencing judge is assigned at random from among the superior court judges. This judge conducts the sentencing hearing if the defendant pleads guilty prior to being assigned to a trial court. Regardless of the method of conviction, plea or trial, a presentence investigation report is normally prepared prior to sentencing.

The plea process in Seattle is highly structured. In virtually all cases the recommended plea offer, which concerns the prosecutor's sentence recommendation, is taken from published guidelines. The guidelines provide a range for the sentence recommendation based on the crime and the defendant's criminal history. The guidelines are routinely followed. In a nonaggravated case, the lower end of the sentence range is the offer for a plea at the omnibus hearing. If a trial date is set at the omnibus hearing, the offer is usually changed to the high end of the range and that becomes the recommendation thereafter whether the case is disposed by plea or trial. All plea offers are reviewed by a senior deputy and any changes must be approved.

Judges do not ordinarily participate in the plea discussion process. They do not as a general rule vary often outside the presumptive sentence range set by Washington's Sentencing Reform Act (enacted in 1981 and effective as of 1984).

## Springfield, Massachusetts (Hampden County)

### District attorney's office

The district attorney exercises jurisdiction over all adult and juvenile felony cases occurring in Hampden County. Civil responsibilities include forfeitures.

Each of the 23 towns in the county employs a local prosecutor to handle misdemeanors in the local district (lower) courts. Assistant district attorneys work primarily in the Springfield district court, but they routinely travel to the satellite courts to handle the more serious misdemeanor cases and preliminary felony proceedings.

Each of the towns in the county has at least a part-time police officer, but the Springfield department presents the majority of arrests to the office. A special State police unit is assigned to the district attorney's office to conduct independent investigations and assist smaller towns with investigations in serious cases.

Approximately 45 attorneys work in the office; roughly half are assigned to district court and the others to superior (felony) court. Attorneys in the district court division rotate two-week assignments to screening and arraign-

ments, bench trials and motions, conferences, jury-of-six trials, and juvenile cases. The division also has three attorneys who cover child-support cases and two attorneys who are assigned child-abuse cases, which are often prosecuted in superior court.

Superior court attorneys for the most part are not assigned to specialized units. Two attorneys usually handle all grand jury proceedings, except when another attorney has done extensive investigation on a case. After indictment prosecution is vertical.

## Court system

The lower court of Hampden County's two-tiered judicial system, the district court, has jurisdiction over initial felony proceedings and misdemeanor and felony offenses that involve a penalty of up to 30 months in the House of Correction. The Springfield district court handles offenses originating in the city and in several nearby towns. It is the busiest district court in the county. Four other district courts are responsible for offenses occurring in the remaining towns in the county. The Springfield district court's schedule is maintained by the clerk's office.

One superior court has jurisdiction over all felonies and misdemeanors occurring in Hampden County. Usually, however, misdemeanors are processed in district court unless the defendant has a case pending in superior court.

The superior court judges, like the district court judges, ride circuit primarily in the western part of the State. There are six courtrooms in Hampden County superior court--one for civil motions, one for civil trials, and two or three for felony trials and other felony proceedings. Judges are assigned to courtrooms for month-long sessions. The judge in courtroom 1 assigns cases on the basis of the trial list prepared by the district attorney's list manager. The assignment judge often sits for a 3-month period.

## Felony case processing--arrest through sentencing

After arrest the defendant is booked and arraigned in district court on the charges in the complaint. Arraignment usually occurs the day after arrest, but if an arrest occurs on the weekend and the defendant can make bail as set by a magistrate at the jail, arraignment occurs on Monday.

Every morning before arraignment Springfield district court prosecutors review all arrests made the previous day in the city. Screening attorneys frequently amend the arresting charges before filing a complaint with the clerk's office. They also decide whether to bring a case to the grand jury or prosecute it in the district court. Serious cases are usually

brought immediately to the attention of the grand jury unit in order to expedite the indictment process.

At arraignment, charges are read and bond is set. The defendant is usually interviewed by a probation officer on the day of arraignment to determine if defense counsel should be appointed.

After district court arraignment a conference date occurs 10 days later if the defendant is in custody or about 2 months later if the defendant is on bail. If the case is within the jurisdiction of the district court and the prosecutor does not request a probable cause hearing, the defendant will either enter a guilty plea or opt for a jury-of-six or bench trial. The majority of defendants choose jury trials. Until recently, the county had a trial de novo system, whereby defendants could first request a bench trial and if dissatisfied with the disposition request a jury-of-six trial. The de novo system has been eliminated on an experimental basis.

Cases outside the district court's jurisdiction are automatically scheduled for a probable cause hearing. If a felony case is within the district court's jurisdiction, the prosecutor must request a probable cause hearing to bind it over to superior court. By law, any defendant in custody must appear in court every 10 days, so the probable cause hearing will be scheduled within 10 days of the conference. Otherwise it will occur within 2 months. If the judge determines that the case should be bound over to the superior court, the case proceeds to the grand jury. The few defendants who waive grand jury after a probable cause finding are scheduled for arraignment in superior court.

The attorneys assigned to the grand jury often present more inclusive charges to the grand jury than those in the district court complaint. The grand jury consists of 23 people who sit for 3 months, about 2 weeks at a time. A stenographer is present and all testimony is later transcribed. A case can be scheduled for grand jury while the defendant is awaiting the probable cause hearing, which is cancelled if the grand jury acts before the probable cause date.

Indicted cases are assigned a superior court number and a superior court arraignment date is set for a Wednesday

4 to 6 weeks later. Once a case has been indicted by the grand jury, the district attorney assigns it to a superior court prosecutor.

At arraignment charges are read and a court conference date is scheduled for about 7 weeks later. Several attorneys' conferences may occur between the time of the arraignment and court conference to complete discovery and file motions. Defendants need not be present at attorneys' conferences, but they must appear at the court conference. If a guilty plea is not entered at conference, a trial date is set for within 30 to 90 days. If the defendant later decides to enter a guilty plea, a disposition date is set. Usually 8 to 10 months elapse between arraignment and disposition. Defendants have to be tried within 1 year of the superior court arraignment date according to the speedy trial rule.

Plea negotiations almost always focus on what sentence the prosecutor will recommend in return for a guilty plea. The office does not have a formal plea policy, but in general defendants who are charged with serious offenses, are in violation of parole or probation, or have long records will not be able to negotiate with a prosecutor. Negotiations can begin at any point in the process, but they usually occur after the first superior court conference. Prosecutors are required to verify that victims approve of any plea agreement reached. Judges do not routinely participate in plea negotiations, but they usually abide by negotiated agreements.

At sentencing, after a presentence investigation report has been completed by the probation department, the prosecutor and defense will recommend a sentence if no negotiated plea has been reached. Judges almost always sentence within the parameters of the voluntary superior court guidelines, and they provide written explanations for sentences that fall outside the guideline range.

## Virginia Beach, Virginia

### Commonwealth's attorney's office

The commonwealth's attorney prosecutes all adult felonies occurring within the city of Virginia Beach. The office also handles all juvenile, welfare fraud, and support cases and certain target misdemeanors involving business thefts, bad checks, and shoplifting. The commonwealth's attorney has legal jurisdiction over all misdemeanors, but as a matter of policy most are handled by the police in the general district (lower) court. The office will intervene upon police request and is responsible for misdemeanor appeals to the circuit (felony) court. Virtually all arrests are made by the Virginia Beach city police.

The office employs a total of 16 attorneys, including the commonwealth's attorney and 3 division deputies, who head 3 trial divisions of 4 attorneys each. Trial division A handles general felony cases, targeted misdemeanors, and misdemeanor appeals; B handles general felonies and career criminal cases; and C handles juvenile and welfare fraud cases. The commonwealth's attorney and the three division deputies also handle their own general felony caseloads.

Screening duty rotates daily among all attorneys, except the commonwealth's attorney. Except for specialized cases, such as career criminal, cases are typically assigned to the "duty" attorney who initially screened the case. Prior to final assignment, however, all accepted cases are reviewed by the commonwealth's attorney and the division deputies, who may reassign cases to balance attorney caseloads and distribute the challenging cases.

### Court system

The city of Virginia Beach is served by the courts of the 2nd Judicial Circuit of Virginia. In addition to Virginia Beach the 2nd Circuit comprises the counties of Accomack and Northampton. About 80% of the courts' caseload is generated by Virginia Beach. The 2nd Circuit comprises three separate courts staffed by judges and magistrates for the adjudication of criminal and civil cases.

The general district court (a traditional lower court) handles all bond and preliminary hearings for felony cases and is responsible for the disposition of misdemeanors, traffic cases, and civil claims of \$1,000 to \$7,000. The police file felony cases directly with the court prior to screening by the commonwealth's attorney, and magistrates hold the initial bond hearing. One of five general district court judges handles only criminal matters on a rotating basis (approximately 9 months). The criminal judge spends about 2 days a week on felony cases, including preliminary hearings and the disposition and sentencing of felony arrests disposed as misdemeanors, and 3 days on original misdemeanor cases.

The juvenile and domestic relations court, in addition to traditional juvenile responsibilities, functions as a lower court for felony crimes in which the victim is a juvenile or the victim and defendant are immediate family members. Initial appearances, felony preliminary hearings, and the misdemeanor disposition of the specified crimes are handled in this court. Four judges handle a mixed docket of juvenile and criminal cases, adult preliminary hearings, and civil cases involving juveniles. About half their time is spent on criminal matters.

The circuit (felony) court is responsible for felony cases after preliminary hearing and indictment by the grand jury. Cases can be brought to the circuit court by direct indictment, but the majority proceed through both preliminary hearing and grand jury. The court also has de novo appellate jurisdiction over all appeals from both district courts. Civil responsibilities include concurrent jurisdiction with the general district court over claims of \$1,000 to \$7,000 and sole jurisdiction over claims greater than \$7,000. All six circuit court judges handle criminal and civil dockets; on any given day three judges work on criminal and three on civil matters. Court dockets are prepared by the commonwealth's attorney's office. The deputy court clerk assigns judges on a per event basis the day before each scheduled event. Jury trial and sentencing

are the only two events that stay with the same judge.

### Felony case processing--arrest through sentencing

Once a defendant is arrested for a felony crime, the police file charges in the appropriate district court within a matter of hours and a magistrate sets bond. For defendants who are not released, the bond decision is reviewed the next day by a district court judge. For all defendants a "determination" date is set within 2 weeks of arrest to allow time for defendants to obtain counsel. At the determination date, a preliminary hearing date is set within 3 or 4 weeks for defendants in jail and within 2 or 3 months for defendants on bond. By local interpretation of State statute there is no constraint on the time between arrest and preliminary hearing.

After the initial court filing by the police, the commonwealth's attorney's office screens all felony cases. According to office policy, police present all cases for screening within 72 hours of arrest. At screening the duty attorney determines whether a case should be dropped or if the office will proceed with a felony prosecution. The vast majority of cases that are dropped are identified at screening. Cases to be dropped are nolle prossed in the district court; in some instances the commonwealth's attorney may recommend that the police and victim pursue the case as a misdemeanor. If the decision is to proceed with felony prosecution, the duty attorney decides what the charges will be. Formal changes in the charges filed by the police, however, are not made until the preliminary hearing, which is the first court appearance involving the prosecutor. After screening all case files go to the commonwealth's attorney and then to the three division chiefs, who review the screening decision and finalize case assignments. Typically, cases are assigned to the attorney who screened the case. The screening attorney will usually get the case file back about a month after screening to begin preparing for the preliminary hearing.

Plea offers are made on most routine felonies by the preliminary hearing date. Offers on serious violent crimes, however, are rarely made at this point. At the preliminary hearing some less serious property crimes may be reduced to misdemeanors, especially if the witness indicates an unwillingness to proceed with a felony prosecution. Routine felony offers are either "plea to a felony with suspended time" or "plea to a felony with time." A substantial number of cases are worked out by the time of the preliminary hearing. For the most part these cases involve no question of guilt or substantial punishment. If a plea agreement is worked out, the defendant may waive the preliminary hearing and the grand jury. The formal plea and sentencing occur in the circuit court.

If no plea agreement is reached, the preliminary hearing is held. Cases certified at the preliminary hearing are then presented to the next grand jury, which meets the first Monday of each month. The afternoon after indictment a docket call is held in circuit

court to set a trial date. Trial dates are usually informally determined by the prosecutor and the defense attorney at the time of the preliminary hearing. By State statute a case must go to trial within 5 months of the preliminary hearing if the defendant is in custody and within 9 months if on bond. By local court rule, trials are to be concluded within 90 days of the date of indictment. Defendants do not appear in court until the time of plea or trial. Arraignment on the indictment occurs immediately before plea or trial.

The primary focus of plea discussions is the sentence recommendation. The commonwealth's attorney's policy is that defendants should plead to charges that can be proven, but it allows individual attorneys considerable discretion to work out specific sentence recommendations. If the recommendation is for jail or prison time the prosecutor's recommendation usually specifies the amount of time to be served. In Virginia sentences are indeterminate and provide wide ranges in the time a judge can impose for a

specific crime. Thus, defendants are not likely to plead guilty without some information as to the likely sentence. By Virginia supreme court rule, plea agreements are to be worked out by the prosecutor and the defense, and the judge cannot participate. Judges must accept or reject agreements. If an agreement is rejected, the defendant can withdraw the plea and the case is assigned to another judge for trial.

All cases that go to a jury trial are sentenced by the jury. Because the defendant's criminal record cannot be entered as evidence at trial, juries sentence without knowledge of a defendant's criminal history. Defendants who have a long record but whose current offense is a property crime can often receive a more lenient sentence by going to trial than by entering a guilty plea or choosing a bench trial. Nevertheless, the commonwealth's attorney encourages attorneys to persevere with offers they think are appropriate and not worry about the risk of losing at trial.

## Washington, D.C.

### United States Attorney's Office, Superior Court Division

The superior court division of the U.S. Attorney's Office for the District of Columbia has jurisdiction over local misdemeanors and felonies committed by adults in Washington, D.C. Traffic and petty offenses, ordinance violations, and juvenile cases are handled by the District's corporation counsel. The D.C. metropolitan police department accounts for the vast majority of arrests brought to the office.

The superior court division employs about 100 attorneys. Most are assigned to three sections: grand jury intake section (35 attorneys), felony trial section (49 attorneys), and misdemeanor trial section (30 attorneys). Depending on the nature of the case, attorneys either prosecute cases individually or in teams. In the trial sections, there are 7 misdemeanor and 12 felony II teams of 2 to 3 attorneys each. In addition the felony trial section has 10 attorneys assigned to felony I cases and 6 to chronic offender cases.

Felony I cases, which include first-degree murders, rapes, child sexual abuse cases, and other protracted cases, and cases assigned to the chronic offender unit are prosecuted vertically from the point of arrest. Felony II cases are prosecuted horizontally through indictment and then assigned to individual attorneys. Felony II teams work with specific judges for periods of about 9 months.

### Court system

The superior court of the District of Columbia, a unified court, exercises jurisdiction over local misdemeanors and felonies. Sixteen judges staff the superior court's felony branch; 7 staff the misdemeanor branch. All judges maintain individual calendars.

Two of the felony judges handle felony I cases. Two other judges are responsible for cases on the accelerated felony trial calendar (AFTC), defined as cases involving a violent charge and a defendant with a record of violent offenses (primarily chronic

offender cases). The felony II cases are assigned to 1 of the 12 felony II judges.

Felony presentment (initial arraignment) and preliminary hearings are conducted by two commissioners. A third commissioner handles misdemeanor arraignments.

### Felony case processing--arrest through sentencing

Arrestees taken into custody have their cases screened and filed within a day of arrest. Screening supervisors in one of three units decide whether the case should be no papered, filed as a misdemeanor, or filed as a felony. If law enforcement officers charge a case as a felony I, it is screened by one of the three supervisors in the felony trial division and assigned to an assistant for investigation, indictment, and trial. If the case is charged as a felony II, it will either be reviewed by a staff attorney from the grand jury intake section or, if it is a chronic offender case, by a supervisor in the chronic

offender unit. At intake 15 to 20% of felony arrests are rejected for prosecution, and a substantial fraction are filed as misdemeanors.

Felony presentment occurs on the same day as filing. At presentment the commissioner sets bond and schedules the preliminary hearing date (within 10 days for persons in custody and within 20 days for released persons). The assistant prosecutor responsible for the case schedules the grand jury hearing.

Not all cases receive a preliminary hearing. If an indictment is returned before the preliminary hearing date, which happens frequently in uncomplicated cases, the defendant is not entitled to a preliminary hearing. In addition a number of cases scheduled for a grand jury hearing are dismissed or reduced to misdemeanors before that hearing takes place. Approximately 46% of all felony arrests presented by the police ultimately lead to an indictment.

Immediately following the filing of charges, felony I and AFTC cases are

assigned randomly to one of the superior court judges who handles those cases and a pre-indictment status conference is scheduled. The conference is used as a forum for expediting guilty pleas. Once indicted, felony II cases are randomly assigned to a felony trial judge by the clerk of the superior court. After judicial assignment the two deputies in the felony trial section assign prosecution of the felony II cases to a member of the felony trial team assigned to that judge.

Following an indictment the defendant is arraigned on the felony charges. After arraignment a status hearing is held to determine the attorneys' progress on the case. Often a plea is entered at this point; if not, the judge usually schedules the trial date. Cases that result in conviction are sentenced within 6 weeks, following the preparation of a presentence investigation report.

If the screening prosecutor decides to offer a plea, a form letter outlining the offer may be prepared at screening and given to the defense attorney at presentment. The offer expires on the date of the preliminary hearing. Rou-

tinely, another plea offer is made after indictment, but it is usually less generous than the one prepared at screening. All plea offers must be approved by a supervisor.

Counts and charges are usually included in the plea negotiation process, but the substance of the offer concerns the extent to which the prosecutor will speak at the sentence hearing. Offers usually cover some of the following issues: whether the government will take a position on the need to confine the defendant pending sentencing, whether the prosecutor will oppose a sentence to probation, and (if applicable) whether the prosecutor will oppose incarceration under the Youth Corrections Act. The most substantial concession an attorney can make to the defense is to waive the right to speak at the sentence hearing. The office does not bargain on sentence lengths, which are considered the domain of the judge. The routine recommendation is for "a substantial period" of incarceration (but not actual amounts of time). Judges do not participate in the plea-bargaining process.

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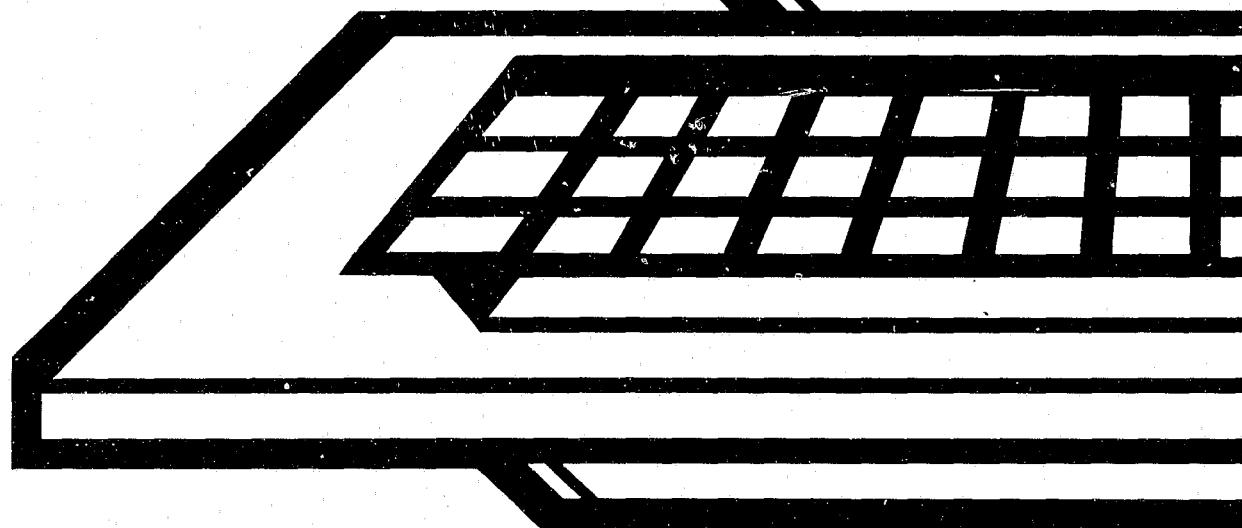
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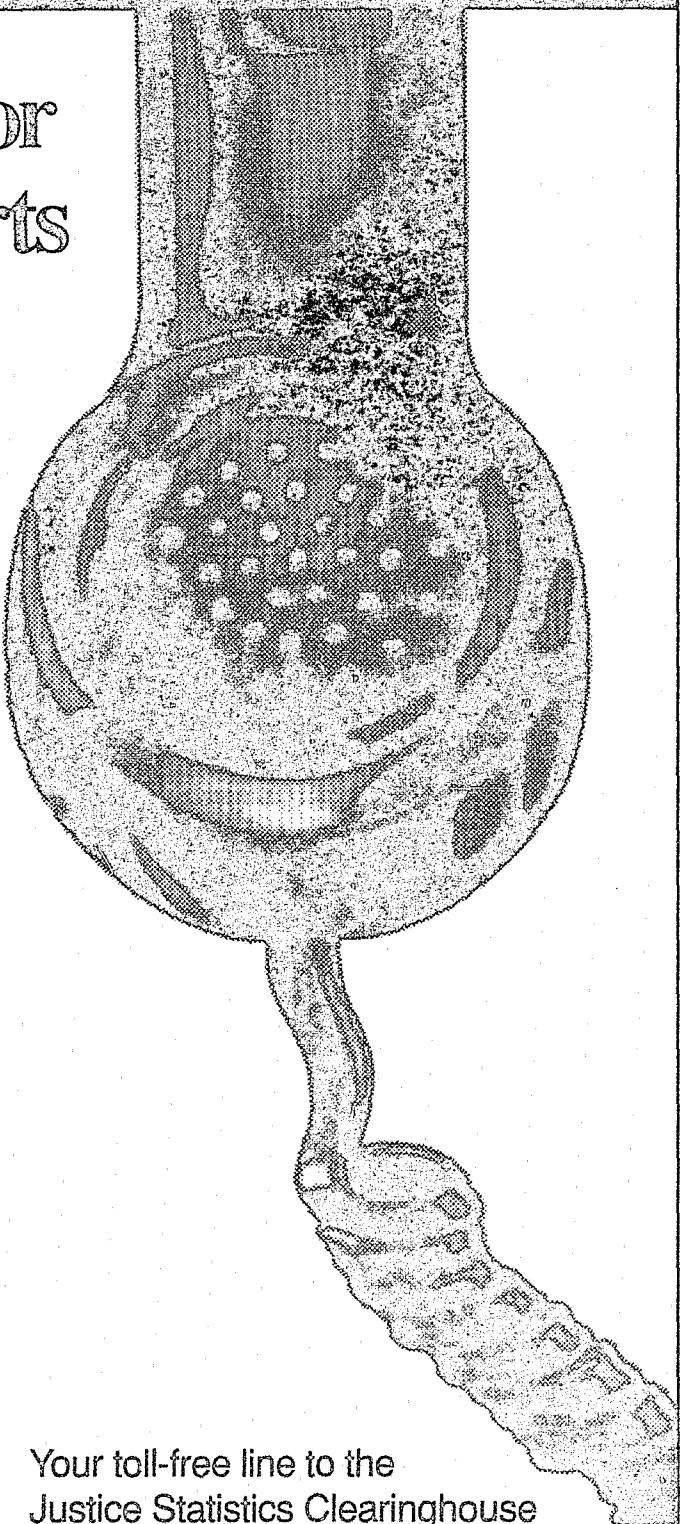
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