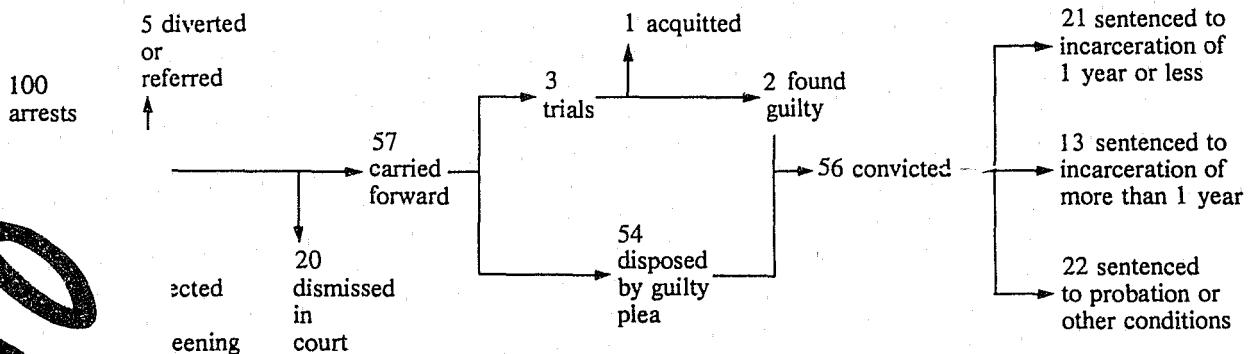




The Prosecution of Felony Arrests, 1987

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



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The Prosecution of Felony Arrests, 1987

**By Barbara Boland
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August 1990, NCJ-124140

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The Prosecution of Felony Arrests, 1987 is the seventh in a series of statistical reports describing the prosecution of adult felony arrests in urban prosecutors' offices. This report includes information on 35 jurisdictions and presents data on cases disposed in 1987.*

The 1987 edition of the series marks the second year of the implementation of a new jurisdictional sample. Ultimately the new sample, which will include approximately 50 jurisdictions, will be nationally representative of the largest 200 prosecutors' offices. This report includes 27 jurisdictions that participated in the 1986 edition and 8 new jurisdictions.

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. 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, 1983); 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); and Barbara Boland et al., The Prosecution of Felony Arrests, 1986 (Washington, D.C.: USGPO, 1989).

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 and defendant characteristics for selected jurisdictions. Appendix B provides descriptions of the felony disposition process in each of the 35 participating jurisdictions.

Chapter I

Overview

In 1987 the FBI reported that the police arrested 1.9 million adults for serious crimes. According to National Prisoner Statistics on new imprisonments, in 1987 judges sentenced 225,627 adults to State and Federal 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, 56 will result in a conviction to either a felony or a misdemeanor (figure 1). Of those 56—

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

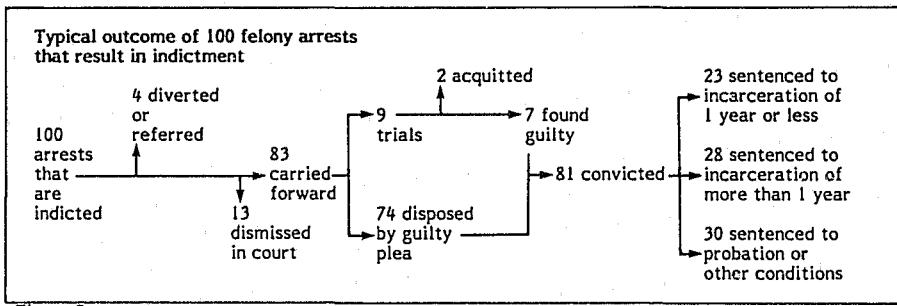
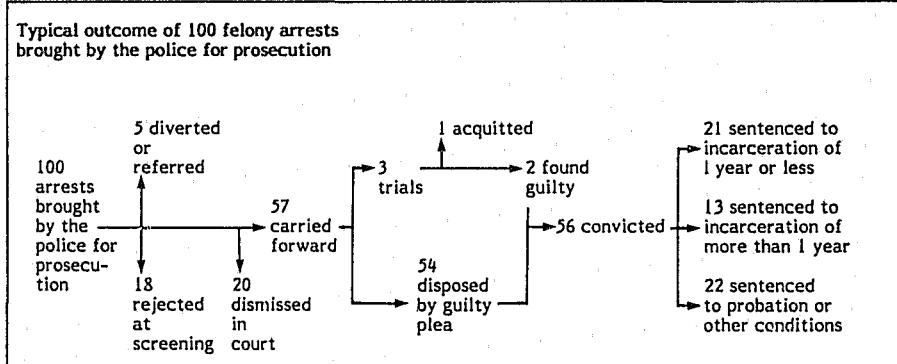
Of the 56 arrests resulting in conviction, 34 will lead to a sentence of incarceration—

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

Of the 44 arrests that do not result in conviction—

- 5 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,
- 20 will be dismissed in court, and
- 1 will result in an acquittal at trial.

*Crime in the United States 1987, Federal Bureau of Investigation, U.S. Department of Justice (Washington, D.C.: USGPO, 1988). Prisoners in State and Federal Institutions on December 31, 1987, National Prisoner Statistics series, Bureau of Justice Statistics, U.S. Department of Justice (Washington, D.C.: USGPO, forthcoming).



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, 4 are diverted or referred, 74 result in a guilty plea, and 9 go to trial (figure 2). Seven of the 9 trials end in a conviction. Of the 81 convictions, approximately two-thirds end

in a sentence of incarceration—

- 23 result in a sentence of 1 year or less, and
- 28 result in a sentence of more than 1 year.

The participating jurisdictions

The 35 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 I. Participating jurisdictions

Major city in jurisdiction	Legal jurisdiction	1987 population of legal jurisdiction	1987 crime rate per 100,000	1987 violent crime rate per 100,000
Los Angeles, California	Los Angeles County	8,305,597	6,784	1,352
Chicago, Illinois ^a	Cook County	5,279,096	7,337	1,420
Brooklyn, New York ^b	Kings County	2,287,276	8,175	2,333
San Diego, California	San Diego County	2,256,942	6,990	721
Detroit, Michigan	Wayne County	2,185,620	9,390	1,552
Queens, New York ^b	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 ^b	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	7,442	942
Dayton, Ohio	Montgomery County	504,541	6,673	750
Albuquerque, New Mexico	2nd Judicial District	480,876	8,922	933
St. Louis, Missouri ^c	St. Louis City	429,414	12,670	2,277
Annapolis, Maryland	Anne Arundel County	412,522	4,420	316
Springfield, Massachusetts	Hampden County	391,023	4,709	774
Littleton, Colorado	18th Judicial District	386,940	6,724	696
Virginia Beach, Virginia	Virginia Beach City	340,158	5,498	211
Manchester, New Hampshire	Hillsborough County	319,438	3,708	127
Geneva, Illinois	Kane County	301,680	5,125	310
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

^aFigures for Chicago are from *Crime in Illinois 1987* (Illinois Department of State Police, 1987).

^bFigures 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).

^cCrime 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 hearings to determine whether probable

The sample of urban jurisdictions

This edition of the series continues with the 1986 edition's implementation of a new jurisdictional sample. The sample is designed to be nationally representative 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.

Ultimately, the sample will include about 50 jurisdictions. This report includes 27 jurisdictions that participated in the 1986 edition and 8 new jurisdictions. Over the next year another 12 to 14 new jurisdictions will be added to the series reports.

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.

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.

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. Bind-over 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 con-

siderations (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	
			Rejection	Dismissal	Total				Acquittal
Brooklyn	31,816		4%	35%	39%	58%	3%	65%	35%
Dallas ^a	24,732		18	11	29	67	4	67	33
Los Angeles ^b	103,919		35	10	45	55
Manhattan	39,688	-	2	40	42	55	3	71	29
Miami ^c	38,237	10%	33	8	41	47	2	65	35
Minneapolis ^d	3,943	7	31	12	42	46	3	79	21
Portland	8,912	6	26	15	41	44	9	87	13
Queens	17,442		2	32	34	61	5	77	23
Rhode Island	7,039		0	39	39	58	3	57	43
Riverside	10,337		26	18	44	55	1	87	13
San Diego	26,728	10	20	11	31	57	2	88	12
Seattle	8,498	5	21	11	32	55	8	84	16
Washington, D.C.	16,766	1	16	29	45	49	5	69	31
Jurisdiction mean		5%	18%	20%	38%	54%	3%	75%	25%

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

^aIn Dallas, rejections are grand jury no true bills.
^bTrial convictions are included with guilty pleas, and acquittals are included with dismissals. OBTS data; see table 10.

^cIn Miami, diversions or referrals include pretrial diversions, restitution cases, transfers to other jurisdictions, and miscellaneous dispositions.
^dRejections 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.

Among the 13 jurisdictions in table 2 there is a substantial difference in

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

Jurisdiction	Number of cases filed	Percentage of cases filed resulting in:				Percentage of trials resulting in:		
		Diversion or referral	Dismissal	Guilty plea	Trial	Conviction		Acquittal
Bakersfield	5,887		18%	74%	8%	90%	10%	
Brighton	1,417		16	80	4	68	32	
Brooklyn	30,691		37	60	3	65	35	
Dallas	20,368		14	81	5	67	33	
Denver	3,210	3%	15	78	4	82	18	
Geneva	1,086	7	27	62	4	76	24	
Lincoln	698	23	14	57	6	90	10	
Littleton	2,004		12	86	2	71	29	
Los Angeles ^a	67,307		16	84	
Manhattan	38,932	-	41	56	3	71	29	
Miami ^b	25,635	15	12	70	3	65	35	
Minneapolis	2,705	11	17	67	5	79	21	
New Orleans	3,936	-	15	72	13	71	29	
Pittsburgh ^c	3,579	7	14	63	15	81	19	
Portland	6,638	8	21	59	13	87	13	
Queens	17,089		32	63	5	77	23	
Rhode Island	7,039		39	58	3	57	43	
Riverside ^d	7,673		25	74	2	87	13	
St. Louis	4,625	1	34	60	5	71	29	
San Diego	20,762	10	15	73	2	88	12	
Seattle	6,365	1	15	74	11	84	16	
Virginia Beach	1,611	3	20	66	11	80	20	
Washington, D.C.	14,017	2	34	58	6	69	31	
Jurisdiction mean		6%	21%	68%	6%	76%	24%	

Note: In jurisdictions in which diversions and referrals are not reported as such, cases diverted or referred are included with rejections and dismissals.
^aData not available.
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^aIn Miami, diversions or referrals include pretrial diversions, restitution cases, transfers to other jurisdictions, and miscellaneous dispositions.
^bNumber of cases filed excludes thefts due to inability to distinguish felonies from misdemeanors.
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Overview

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Seattle	8,498	5	21	11	32	55	8	84 16	
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Queens	17,089		32	63	5	77	23	
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Riverside ^d	7,673		25	74	2	87	13	
St. Louis	4,625	1	34	60	5	71	29	
San Diego	20,762	10	15	73	2	88	12	
Seattle	6,365	1	15	74	11	84	16	
Virginia Beach	1,611	3	20	66	11	80	20	
Washington, D.C.	14,017	2	34	58	6	69	31	
Jurisdiction mean		6%	21%	68%	6%	76%	24%	

Note: In jurisdictions in which diversions and referrals are not reported as such, cases diverted or referred are included with dismissals.
^aData not available.
^bInsufficient data to calculate.
^cTrial convictions are included with guilty pleas and acquittals with dismissals. OBTS data; see table 10.

^dIn Miami, diversions or referrals include pretrial diversions, restitution cases, transfers to other jurisdictions, and miscellaneous dispositions.
^eNumber of cases filed excludes thefts due to inability to distinguish felonies from misdemeanors.
^fDisposition 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.

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% in Manhattan and Queens to 35% 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 41% 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 31 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 Dallas and Rhode Island, for example, over 70% of all arrests are disposed in the felony court. In Los Angeles, 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 Los Angeles is approximately 45%. In contrast, in Dallas and 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	Percentage of cases indicted resulting in:			Percentage of trials resulting in:		
		Diversion or referral	Dismissal	Guilty plea	Trial	Conviction	Acquittal
Albuquerque	1,987		31%	65%	4%	83%	17%
Annapolis	1,425	9%	15	65	11	72	28
Bakersfield	1,683		6	84	10	80	20
Boise	812	14	20	61	5	68	32
Brooklyn	8,544		9	81	10	71	29
Chattanooga	1,341		14	79	7
Chicago	24,809		25	60	15	66	34
Columbus	4,727	5	25	66	4	63	37
Dallas ^a	20,368		14	81	5	67	33
Dayton	1,710	1	10	77	12	83	17
Denver	2,574	3	13	79	5	82	18
Detroit	12,758	14	12	51	23	73	27
Indianapolis	3,751	1	20	69	10	78	22
Lincoln	492	4	10	77	9	90	10
Los Angeles	28,856	1	8	84	7	76	24
Manchester ^b	1,418	1	14	84	1
Manhattan	13,511		13	80	7	73	27
Miami ^c	22,304	15	12	70	3	65	35
New Orleans ^a	3,936	-	15	72	13	71	29
Philadelphia	13,156	6	16	47	31	72	28
Pittsburgh ^d	3,160		11	72	17	81	19
Portland	5,497	2	13	69	15	88	12
Queens	7,554		7	82	11	79	21
Rhode Island	5,227		18	78	4	57	43
Riverside	2,253		4	90	6	87	13
St. Louis	3,267	1	8	84	7	71	29
San Diego	9,079	1	3	91	5	90	10
Seattle	5,114	-	10	79	11	82	18
Springfield	822	9	8	77	6	64	36
Virginia Beach	1,220	3	9	75	13	76	24
Washington, D.C.	8,394	-	18	75	7	77	23
Jurisdiction mean		4%	13%	74%	9%	75%	25%

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

^bData not available.

^cInsufficient data to calculate.

^aCases filed and cases indicted are the same.

^bEstimated; see note in table 10.

^cIn Miami, diversions or referrals include pretrial diversions, restitution cases, transfers to other jurisdictions, and miscellaneous dispositions.

^dNumber of cases indicted excludes thefts due to inability to distinguish felonies from misdemeanors.

Table 5. Percent of all felony arrests indicted

Jurisdiction	Percentage indicted
Dallas	82%
Rhode Island	74
Portland	62
Seattle	59
Miami	58
Washington, D.C.	50
Queens	43
San Diego	34
Manhattan	34
Los Angeles	28
Brooklyn	27
Riverside	22
Jurisdiction mean	48%

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, 60% lead to a sentence of incarceration and 24% to incarceration of more than 1 year. Incarceration rates in the felony court alone are higher; 63% of those convicted are sentenced to incarceration, and 34% 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, Manhattan, New Orleans, and St. Louis all sentence approximately 40% of convicted

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 ^a	Percentage of convictions resulting in incarceration		
		Any incarceration	More than 1 year	Exactly 1 year
Cases filed and convicted in felony or misdemeanor court				
Bakersfield	4,786	90%	15%	..
Brooklyn ^b	19,125	51	20	..
Geneva ^c	707	51	21	..
Lincoln	437	75	32	16%
Los Angeles ^c	56,720	..	20	..
Manhattan	21,648	66	21	7
Minneapolis	1,925	68	25	..
New Orleans ^d	3,129	56	37	6
Portland	4,495	38	33	2
Queens	11,355	59	29	..
Rhode Island ^d	4,186	24	11	3
St. Louis	2,906	50	38	7
San Diego	14,826	84	16	9
Seattle	5,137	76	16	3
Virginia Beach	1,205	49	20	12
Jurisdiction mean		60%	24%	7%
Cases indicted and convicted in felony court				
Albuquerque	1,357	57%	21%	18%
Bakersfield	1,552	93	45	..
Boise ^b	526	34	29	..
Brooklyn	7,533	80	50	..
Chattanooga ^e	1,126	76	57	8
Columbus	3,236	53	26	14
Indianapolis	2,865	61	42	11
Lincoln	418	78	38	17
Los Angeles	24,685	95	42	12
Manchester	1,205	41	16	12
Manhattan	11,004	76	42	11
New Orleans ^d	3,129	56	37	6
Portland	4,415	38	34	2
Queens	6,845	74	48	..
Rhode Island ^d	4,186	24	11	3
St. Louis	2,882	49	38	7
San Diego	8,136	91	30	14
Seattle	4,415	85	18	3
Springfield	668	50	34	6
Virginia Beach	1,037	53	24	13
Jurisdiction mean		63%	34%	10%

^aData not available.

^bNumber of convictions for which sentencing data were available.

^cIncarcerations of exactly 1 year are included with incarcerations of more than 1 year.

^dOBTS data; see table 10.

^eCases 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.

^fThe incarceration percentages were calculated from a sample of 80 convictions in felony court.

defendants to terms of more than one year. 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. St. Louis and New Orleans 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 about twice the rate as Los Angeles and Manhattan. New Orleans and St. Louis sentence approximately 37% of all convicted defendants to more than 1 year of incarceration. Comparable rates in Los Angeles and Manhattan are 20% and 21%, 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 180 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 126 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 70 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 7 months from the time of arrest. Across jurisdictions, the time from arrest to disposition by trial in the felony court ranges from 122 days, or about 4 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	Median time from arrest to disposition for:			
	All dis-positions ^a	Dismissal	Plea	Trial
Cases filed				
San Diego	72 days	102 days	65 days	161 days
Washington, D.C.	87	97	77	188
Manhattan	89	117	46	220
Los Angeles ^b	95	118	86	216
Portland	97	69	98	122
Seattle	107	107	103	137
New Orleans	110	120	100	170
Denver	112	89	110	268
St. Louis	132	51	153	261
Rhode Island	147	63	175	467
Littleton	172	180	165	371
Brighton	180	151	173	321
Jurisdiction mean	117 days	105 days	113 days	242 days
Cases indicted				
San Diego	70 days	112 days	66 days	164 days
Washington, D.C.	102	141	85	216
Manhattan	101	169	81	228
Portland	108	150	98	122
Seattle	109	148	99	142
New Orleans	110	120	100	170
Los Angeles	118	184	105	212
Denver	140	133	135	268
St. Louis	162	194	153	261
Indianapolis	171	199	162	211
Rhode Island	194	363	175	467
Jurisdiction mean	126 days	174 days	114 days	224 days

^aIncludes only cases for which time data were available.

^bExcludes 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.

Overview

Drug arrests resulting in indictment, conviction, and sentences to long-term incarceration show marked increases from 1982 to 1987

Table 8 shows the changes in drug caseloads between 1982 and 1987 in seven jurisdictions. While nationally the rate of police arrests for drug offenses per 100,000 population increased by 37% from 1982 to 1987, these seven urban jurisdictions recorded an average increase of 118% in the rate of felony drug arrests.

Each of the seven jurisdictions has responded to a substantial percentage increase in felony drug arrests by sending a higher proportion of arrested drug offenders to prison. However, the increases and responses in four high drug volume jurisdictions are particularly striking. Specifically Los Angeles, Manhattan, San Diego, and Washington, D.C. are notable for the sheer number of cases involved and the high fraction of all felony arrests that are now drug cases.

From 1982 to 1987, the total number of felony drug arrests presented by the police for prosecution increased from 11,952 to 33,794 in Los Angeles, from 8,463 to 12,532 in Manhattan, from 2,368 to 7,788 in Washington, D.C., and from 3,067 to 7,045 in San Diego.

The prosecutors in these four jurisdictions have all responded to heavy drug caseloads by indicting a higher fraction of felony drug offenders than in the recent past (table 9). Consequently they are obtaining a disproportionately greater number of drug convictions to felony charges. Once convictions occur in the felony court, judges are either maintaining prior rates of imprisonment or are sentencing an even higher fraction of defendants to prison. The result is that while

Table 8. Trends in felony drug caseloads, 1982-1987

	Felony drug arrests per 100,000 population		Percentage of total felony arrest caseload	
	1982	1987	1982	1987
Felony trafficking and possession arrests presented for prosecution				
Washington, D.C. ^a	380	1,250	21%	46%
Manhattan	585	866	24	32
Los Angeles ^b	150	432	21	40
San Diego	150	345	18	26
Portland	156	319	14	20
Rhode Island ^c	96	139	17	19
Indianapolis	77	133	13	10
Jurisdiction mean	228	498	18%	28%
Felony trafficking arrests presented for prosecution				
Washington, D.C. ^a	380	1,250	21%	46%
Manhattan	567	860	24	31
Los Angeles ^b	95	191	13	18
San Diego	84	167	10	13
Portland	60	98	6	6
Rhode Island ^c	39	57	7	8
Indianapolis	21	37	3	3
Jurisdiction mean	178	380	12%	18%

^aData for Washington, D.C., are for trafficking arrests only; drug possession offenses are classified as misdemeanors in the District.

^bExcludes a substantial number of felony

drug arrests dropped by the police or presented to municipal prosecutors for misdemeanor prosecution.

^c1980 data.

Table 9. Trends in indictment, felony conviction, and incarceration rates for felony drug arrests, 1982-1987

Jurisdiction	Percentage of drug arrests indicted		Percentage of drug arrests convicted in felony court		Percentage of drug arrests resulting in a year or more of incarceration	
	1982	1987	1982	1987	1982	1987
Washington, D.C.*	31%	73%	25%	60%
Manhattan	28	52	24	45	10%	19%
Los Angeles	43	54	37	49	13	27
San Diego	44	53	44	50	7	18
Jurisdiction mean	37%	58%	33%	51%	10%	21%

..Data not available

*Data for Washington, D.C., are for trafficking arrests only; drug possession

offenses are classified as misdemeanors in the District.

felony drug arrests increased by over 100% from 1982 to 1987, the number of imprisonments increased by slightly more than 300%. The

chance that a defendant arrested on felony drug charges will end up in prison, in other words, has roughly doubled.

Chapter II

Data sources, limitations, and definitions

Data sources in the 35 jurisdictions

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 and the form of the data collected for all jurisdictions are listed in table 10. 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

Table 10. Caseload definitions and data sources

Jurisdiction	Felony case definition and caseload size			Data source(s)
	All arrests	Cases filed	Cases indicted	
Albuquerque			1,987	Prosecutor MIS, case list
Annapolis			1,425	Court MIS, aggregate
Bakersfield	5,887		1,683	Prosecutor and court MIS and OBTS, aggregate
Boise			812	Criminal justice MIS, case list
Brighton		1,417		Prosecutor MIS, tape
Brooklyn	31,816	30,691	8,544	OBTS, aggregate
Chattanooga			1,341	Prosecutor and court records, hand sample
Chicago			24,809	Court records, aggregate
Columbus			4,727	Court MIS, case list
Dallas ^a	24,732	20,368	20,368	Prosecutor and court records, aggregate
Dayton			1,710	Prosecutor MIS, aggregate
Denver		3,210	2,574	Prosecutor MIS, tape
Detroit			12,758	Prosecutor and court MIS, aggregate
Geneva		1,086		Court records, case list
Indianapolis			3,751	Prosecutor MIS, tape
Lincoln		698	492	Prosecutor MIS, case list
Littleton		2,004		Prosecutor MIS, tape
Los Angeles ^b	103,919	67,307	28,856	Prosecutor MIS and OBTS, tape and aggregate
Manchester ^c			1,418	Prosecutor and court records, hand sample
Manhattan	39,688	38,932	13,511	Prosecutor MIS, tape
Miami	38,237	25,635	22,304	Prosecutor and court records, aggregate
Minneapolis	3,943	2,705		Prosecutor MIS, aggregate
New Orleans ^a		3,936	3,936	Prosecutor MIS, tape
Philadelphia			13,156	Court MIS and prosecutor records, aggregate
Pittsburgh ^d		3,579	3,160	Court MIS, aggregate
Portland	8,912	6,638	5,497	Prosecutor MIS, tape
Queens	17,442	17,089	7,554	OBTS, aggregate
Rhode Island	7,039	7,039	5,227	Court MIS, tape
Riverside	10,337	7,673	2,253	Prosecutor MIS and OBTS, aggregate
St. Louis		4,625	3,267	Prosecutor MIS, tape
San Diego	26,728	20,762	9,079	Prosecutor MIS, tape
Seattle	8,498	6,365	5,114	Prosecutor MIS, tape
Springfield			822	Probation records, case list
Virginia Beach		1,611	1,220	Prosecutor MIS, case list
Washington, D.C.	16,766	14,017	8,394	Prosecutor MIS, tape

^aCases filed and cases indicted are the same.

^bProsecutor'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 67% of the actual cases disposed. See Criminal Justice Profile 1987, Los Angeles County (California Department of Justice).

^cCaseload statistics in Manchester were estimated from court manual statistics and from hand-collected data for a sample of cases (n = 72).

^dData exclude thefts due to inability to distinguish felonies from misdemeanors.

A summarize the outcomes for defendants processed in each jurisdiction 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 not made in the disposition tables in appendix A but can be derived from the declination and dismissal reasons in appendix A tables 4 and 5.

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" for eight of the jurisdictions included in this report.

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 and defendant characteristics

This appendix provides statistics on felony arrest outcomes by crime type and defendant characteristics for 13 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 ex-

pained 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	Rhode Island
Indianapolis	St. Louis
Littleton	San Diego
Los Angeles	Seattle
Manhattan	Washington, D.C.
New Orleans	

The data refer to felony arrests disposed in 1987.

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 and defendant characteristics

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 nonnegligent 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.

This 1987 edition includes disposition and sentencing information by defendant characteristics (tables 10 through 14). The jurisdictions for which statistics are presented regarding defendants' age, race, and sex are

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

For the defendant characteristics tables, the crime types have been organized according to the following scheme:

Violent Crimes

1. Murder/manslaughter
2. Rape
3. Robbery
4. Aggravated assault

Property Crimes

5. Burglary
6. Larceny

Other Crimes

7. Drug trafficking
8. Forgery/fraud
9. Weapons
10. Stolen property
11. Drug possession
12. Other

The above categories are comparable to the crime type distinctions made by the FBI in the Uniform Crime Reports.

The categories for race in the defendant characteristics tables have been constructed so that the "white" category includes people of Hispanic origin. The "other" category includes Filipinos, American Indians, Japanese, Chinese, Koreans, and others. In Manhattan the "black" category includes black Hispanics; the reporting systems for race in other jurisdictions preclude such a distinction.

In this appendix the tabulations of declinations and dismissals have not been adjusted to exclude diversions and referrals for other prosecution

In the Overview, the counts of cases declined and dismissed have been adjusted to exclude 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.

This adjustment has not been made in the appendix tables, but it can be derived for all arrests and for cases filed by subtracting the number of cases that were diverted or referred, as reported in tables 4 and 5 (declination and dismissal reasons), from the total number of declinations and dismissals, as reported in tables 1 and 2 (disposition of all arrests and of cases filed).

The statistics on declination and dismissal reasons in this appendix also 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 13 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 14 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, and in Rhode Island detailed reasons for case dismissals are not entered. 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. In 1987, data on sentences and detailed dismissal reasons were not available.

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. In 1987, data on sentences were not available.

Indianapolis

The prosecuting attorney has legal jurisdiction over all felonies and misdemeanors in Marion County.

The data in the tables refer to cases indicted. In Indianapolis the definition of cases indicted includes all felonies disposed in the criminal (felony) court as well as class D felonies disposed in the municipal (lower) court, which has jurisdiction over less serious felony crimes.

Littleton

The district attorney for the 18th Judicial District of Colorado has jurisdiction over felonies and misdemeanors in Arapahoe, Douglas, Elbert, and Lincoln counties. The

Case-processing statistics by crime type and defendant characteristics

data in the tables refer to cases filed. In 1987, data on sentences and detailed dismissal reasons were not available.

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). Demographic data are not available.

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.

Rhode Island

The attorney general for Rhode Island has jurisdiction over all felonies committed in the State. The data in the tables refer to all arrests, cases filed, and cases indicted.

In Rhode Island the police automatically file all felony arrests with the lower court before they are screened by the attorney general's office. Felony arrests are screened after the lower court filing. The attorney general's office either files a felony arrest with the felony court or returns the case to the lower court for dismissal. Other than a dismissal, it is rare for a felony arrest to be disposed in the lower court. Because of this unique processing arrangement, pre-filing declinations do not occur and the number of arrests and cases filed are the same (tables 1 and 2). Similarly, because pleas and trials do not occur in the lower court, the number of sentences for all convictions and for felony court convictions are the same (tables 6 and 7). The data do not include detailed dismissal reasons nor demographic characteristics of defendants.

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.

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Rhode Island 1987			
1c	21	7f	59
2h	27	8h	69
3g	33	9g	80
6d	53		
St. Louis, Missouri 1987			
2i	28	9h	81
3h	33	11g	96
5g	47	12f	105
6e	54	13c	111
7g	60	14e	118
8i	70		
San Diego, California 1987			
1d	21	8j	71
2j	28	9i	82
3i	34	10c	87
4c	38	11h	97
5h	48	12g	106
6f	54	13d	112
7h	60	14f	119
Seattle, Washington 1987			
1e	22	8k	72
2k	29	9j	83
3j	34	10d	88
4d	39	11i	98
5i	49	12h	107
6g	55	13e	113
7i	61	14g	120
Washington, D.C. 1987			
1f	23	8l	73
2l	29	9k	84
3k	35	10e	89
4e	40	11j	99
5j	50	12i	108
Portland, Oregon 1987			
1b	20	8g	68
2g	27	9f	79
3f	32	10b	86
4b	37	11f	95
5f	46	12e	104
6c	52	13b	110
7e	58	14d	117

Table 1. Disposition of felony arrests presented for prosecution

a. Manhattan
 b. Portland
 c. Rhode Island
 d. San Diego
 e. Seattle
 f. Washington, D.C.

a. Manhattan, New York 1987

<u>Most serious charge</u>	Total	Arrests resulting in:			
		Declination*	Dismissal*	Guilty plea	Trial conviction
Percent of felony arrests	100%	2%	40%	55%	2%
Murder and manslaughter	100	0	25	45	23
Rape	100	3	73	21	3
Robbery	100	2	50	43	3
Aggravated assault	100	1	61	34	2
Burglary	100	1	29	67	3
Larceny	100	4	35	59	1
Stolen property	100	5	35	59	1
Fraud	100	3	29	67	1
Drug trafficking	100	1	32	65	1
Drug possession	100	2	47	51	0
Weapons	100	4	47	45	2
Other	100	1	32	64	3
Number of felony arrests	39,688	756	15,968	21,794	836
Murder and manslaughter	289	1	71	130	67
Rape	433	11	314	91	14
Robbery	6,968	159	3,493	2,998	223
Aggravated assault	5,390	70	3,308	1,857	97
Burglary	2,773	37	795	1,854	71
Larceny	6,112	234	2,151	3,602	87
Stolen property	987	45	347	586	7
Fraud	599	20	171	404	3
Drug trafficking	12,447	112	3,954	8,151	180
Drug possession	85	2	40	43	0
Weapons	1,175	50	548	531	21
Other	2,430	15	776	1,547	66

b. Portland, Oregon 1987

<u>Most serious charge</u>	Total	Arrests resulting in:			
		Declination*	Dismissal*	Guilty plea	Trial conviction
Percent of felony arrests	100%	26%	21%	44%	8%
Murder and manslaughter	100	6	16	36	40
Rape	100	47	10	28	7
Robbery	100	26	21	37	14
Aggravated assault	100	32	25	30	13
Burglary	100	17	17	56	9
Larceny	100	21	24	46	8
Stolen property	100	0	25	75	0
Fraud	100	18	19	59	4
Drug trafficking	100	15	15	52	17
Drug possession	100	38	15	37	9
Weapons	100	39	22	24	14
Other	100	25	26	43	5
Number of felony arrests	8,912	2,274	1,894	3,890	746
Murder and manslaughter	70	4	11	25	28
Rape	219	102	36	62	15
Robbery	642	170	137	239	88
Aggravated assault	322	102	79	95	42
Burglary	1,006	166	172	568	86
Larceny	935	196	227	427	74
Stolen property	4	0	1	3	0
Fraud	501	90	94	295	20
Drug trafficking	556	83	83	287	92
Drug possession	1,252	482	185	458	117
Weapons	125	49	27	30	17
Other	3,280	830	842	1,401	167

*Declinations and dismissals include diversions and referrals for other prosecution.

c. Rhode Island 1987

<u>Most serious charge</u>	<u>Total</u>	Arrests resulting in:				
		Decli-nation*	Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of felony arrests	100%	0%	39%	58%	2%	1%
Murder and manslaughter	100	0	9	48	36	6
Rape	100	0	9	72	9	9
Robbery	100	0	22	71	7	1
Aggravated assault	100	0	48	48	1	2
Burglary	100	0	30	69	1	0
Larceny	100	0	27	72	1	0
Stolen property	100	0	35	64	1	0
Fraud	100	0	33	66	1	0
Drug trafficking	100	0	37	62	1	0
Drug possession	100	0	44	56	0	0
Weapons	100	0	28	72	0	0
Other	100	0	43	53	2	2
Number of felony arrests	7,039	0	2,753	4,100	106	80
Murder and manslaughter	33	0	3	16	12	2
Rape	54	0	5	39	5	5
Robbery	134	0	29	95	9	1
Aggravated assault	693	0	331	336	10	16
Burglary	866	0	257	599	7	3
Larceny	277	0	75	199	2	1
Stolen property	107	0	37	69	1	0
Fraud	438	0	144	291	3	0
Drug trafficking	546	0	204	337	4	1
Drug possession	791	0	345	443	2	1
Weapons	123	0	35	88	0	0
Other	2,977	0	1,288	1,588	51	50

Note: In Rhode Island, the police file felony arrests with the lower court prior to screening by the prosecutor. Thus, felony arrests and cases filed are the same, and declinations by the prosecutor prior to lower court filing do not occur.

d. San Diego, California 1987

<u>Most serious charge</u>	<u>Total</u>	Arrests resulting in:				
		Decli-nation*	Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of felony arrests	100%	22%	19%	57%	2%	0%
Murder and manslaughter	100	9	6	67	17	1
Rape	100	39	7	49	5	1
Robbery	100	16	16	62	5	1
Aggravated assault	100	32	16	49	3	1
Burglary	100	12	12	74	2	0
Larceny	100	17	14	67	1	0
Stolen property	100	27	19	53	1	0
Fraud	100	14	22	63	1	0
Drug trafficking	100	23	16	59	2	0
Drug possession	100	26	31	43	0	0
Weapons	100	18	18	64	1	0
Other	100	31	25	42	1	0
Number of felony arrests	26,728	5,966	5,127	15,152	424	59
Murder and manslaughter	132	12	8	89	22	1
Rape	482	186	33	238	22	3
Robbery	1,137	182	183	706	60	6
Aggravated assault	1,684	534	265	830	45	10
Burglary	4,123	502	504	3,047	64	6
Larceny	2,374	408	338	1,598	28	2
Stolen property	2,177	590	412	1,158	14	3
Fraud	1,707	237	375	1,070	21	4
Drug trafficking	3,418	776	551	2,021	62	8
Drug possession	3,627	947	1,116	1,544	18	2
Weapons	1,786	313	315	1,140	13	5
Other	4,081	1,279	1,027	1,711	55	9

*Declinations and dismissals include diversions and referrals for other prosecution.

Table 1. Continued
Disposition of felony arrests presented for prosecution

e. Seattle, Washington 1987

<u>Most serious charge</u>	<u>Total</u>	Arrests resulting in:			
		<u>Declination*</u>	<u>Dismissal*</u>	<u>Guilty plea</u>	<u>Trial conviction</u>
Percent of felony arrests	100%	25%	12%	55%	7%
Murder and manslaughter	100	13	5	36	42
Rape	100	48	9	29	10
Robbery	100	19	9	62	7
Aggravated assault	100	31	7	48	11
Burglary	100	19	6	69	6
Larceny	100	18	7	72	2
Stolen property	100	37	7	52	3
Fraud	100	14	6	78	2
Drug trafficking	100	0	12	73	14
Drug possession	100	46	8	43	3
Weapons	100	31	13	38	13
Other	100	28	25	37	8
Number of felony arrests	8,498	2,133	993	4,697	569
Murder and manslaughter	76	10	4	27	32
Rape	254	121	24	73	26
Robbery	526	99	46	328	38
Aggravated assault	632	193	43	306	67
Burglary	1,132	212	65	777	67
Larceny	1,224	220	90	880	27
Stolen property	304	112	22	159	8
Fraud	496	68	30	389	9
Drug trafficking	697	0	83	510	95
Drug possession	1,150	529	90	500	29
Weapons	16	5	2	6	2
Other	1,991	564	494	742	169

*Declinations and dismissals include diversions and referrals for other prosecution.

Note: Drug possession and drug trafficking charges can not 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.

F G

f. Washington, D.C. 1987

<u>Most serious charge</u>	<u>Total</u>	Arrests resulting in:			
		<u>Declination*</u>	<u>Dismissal*</u>	<u>Guilty plea</u>	<u>Trial conviction</u>
Percent of felony arrests	100%	16%	30%	49%	3%
Murder and manslaughter	100	2	31	40	18
Rape	100	15	51	26	6
Robbery	100	15	39	38	6
Aggravated assault	100	31	42	20	3
Burglary	100	16	37	43	3
Larceny	100	9	35	52	2
Stolen property	100	8	28	59	2
Fraud	100	11	36	52	1
Drug trafficking	100	9	23	64	3
Drug possession	0	0	0	0	0
Weapons	100	8	37	49	4
Other	100	34	30	32	2
Number of felony arrests	16,766	2,749	5,033	8,187	547
Murder and manslaughter	126	3	39	50	23
Rape	261	40	133	67	15
Robbery	1,209	182	467	456	77
Aggravated assault	1,974	620	837	396	66
Burglary	844	137	311	364	22
Larceny	895	85	316	468	16
Stolen property	469	39	132	278	9
Fraud	324	35	116	168	4
Drug trafficking	7,788	664	1,795	4,984	265
Drug possession	0	0	0	0	0
Weapons	168	13	62	82	7
Other	2,708	931	825	874	43
					35

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

*Declinations and dismissals include diversions and referrals for other prosecution.

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

a. Brighton
 b. Denver
 c. Littleton
 d. Los Angeles
 e. Manhattan
 f. New Orleans
 g. Portland
 h. Rhode Island
 i. St. Louis
 j. San Diego
 k. Seattle
 l. Washington, D.C.

a. Brighton, Colorado 1987

<u>Most serious charge</u>	<u>Total</u>	Cases filed resulting in:			
		Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of cases filed	100%	16%	80%	3%	1%
Murder and manslaughter	100	29	14	43	14
Rape	100	25	75	0	0
Robbery	100	26	68	6	0
Aggravated assault	100	21	71	6	2
Burglary	100	15	81	3	1
Larceny	100	13	82	4	1
Stolen property	100	17	78	6	0
Fraud	100	15	84	1	1
Drug trafficking	100	6	94	0	0
Drug possession	100	12	88	0	0
Weapons	100	18	82	0	0
Other	100	18	79	1	2
Number of cases filed	1,417	230	1,131	38	18
Murder and manslaughter	14	4	2	6	2
Rape	12	3	9	0	0
Robbery	81	21	55	5	0
Aggravated assault	131	27	93	8	3
Burglary	188	29	153	5	1
Larceny	193	25	159	8	1
Stolen property	18	3	14	1	0
Fraud	200	29	168	1	2
Drug trafficking	81	5	76	0	0
Drug possession	75	9	66	0	0
Weapons	11	2	9	0	0
Other	413	73	327	4	9

b. Denver, Colorado 1987

<u>Most serious charge</u>	<u>Total</u>	Cases filed resulting in:			
		Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of cases filed	100%	18%	78%	3%	1%
Murder and manslaughter	100	5	64	32	0
Rape	100	29	59	8	3
Robbery	100	23	72	5	0
Aggravated assault	100	27	69	3	1
Burglary	100	11	86	3	0
Larceny	100	19	79	2	0
Stolen property	100	18	82	0	0
Fraud	100	13	87	1	0
Drug trafficking	100	9	90	1	1
Drug possession	100	39	56	3	2
Weapons	100	6	94	0	0
Other	100	18	77	3	1
Number of cases filed	3,210	582	2,509	97	22
Murder and manslaughter	66	3	42	21	0
Rape	59	17	35	5	2
Robbery	286	66	206	13	1
Aggravated assault	375	101	258	13	3
Burglary	510	57	439	13	1
Larceny	432	82	342	7	1
Stolen property	39	7	32	0	0
Fraud	359	45	312	2	0
Drug trafficking	403	36	361	3	3
Drug possession	222	86	125	6	5
Weapons	16	1	15	0	0
Other	443	81	342	14	6

*Dismissals include diversions and referrals for other prosecution.

Note: Absolute number of cases represents an undercount of trials. Actual number of trials in 1987 was 161.

c. Littleton, Colorado 1987

<u>Most serious charge</u>	<u>Total</u>	Cases filed resulting in:			<u>Trial acquittal</u>
		<u>Dismissal*</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	
Percent of cases filed	100%	12%	86%	1%	1%
Murder and manslaughter	100	0	89	11	0
Rape	100	29	50	14	7
Robbery	100	11	85	3	0
Aggravated assault	100	9	86	4	1
Burglary	100	10	88	2	0
Larceny	100	11	88	0	0
Stolen property	100	19	81	0	0
Fraud	100	19	80	1	0
Drug trafficking	100	4	95	0	1
Drug possession	100	7	92	1	1
Weapons	100	6	88	6	0
Other	100	15	82	2	2
Number of cases filed	2,004	243	1,719	30	12
Murder and manslaughter	9	0	8	1	0
Rape	14	4	7	2	1
Robbery	61	7	52	2	0
Aggravated assault	122	11	105	5	1
Burglary	323	31	284	8	0
Larceny	491	53	434	2	2
Stolen property	16	3	13	0	0
Fraud	330	63	265	2	0
Drug trafficking	101	4	96	0	1
Drug possession	138	9	127	1	1
Weapons	17	1	15	1	0
Other	382	57	313	6	6

d. Los Angeles, California 1987

<u>Most serious charge</u>	<u>Total</u>	Cases filed resulting in:			<u>Trial acquittal</u>
		<u>Dismissal*</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	
Percent of cases filed	100%	27%	69%	3%	1%
Murder and manslaughter	100	18	59	20	3
Rape	100	20	65	10	4
Robbery	100	23	71	5	1
Aggravated assault	100	28	64	6	3
Burglary	100	16	81	2	1
Larceny	100	17	81	1	1
Stolen property	100	25	73	1	1
Fraud	100	19	79	1	0
Drug trafficking	100	17	79	3	1
Drug possession	100	42	56	1	0
Weapons	100	26	71	2	1
Other	100	39	57	3	1
Number of cases filed	56,519	15,281	38,970	1,726	542
Murder and manslaughter	1,485	268	876	298	43
Rape	917	187	600	96	34
Robbery	4,862	1,120	3,431	243	68
Aggravated assault	2,385	664	1,521	133	67
Burglary	6,461	1,022	5,229	156	54
Larceny	4,189	726	3,376	61	26
Stolen property	947	234	696	9	8
Fraud	862	167	682	10	3
Drug trafficking	13,356	2,287	10,514	431	124
Drug possession	15,127	6,427	8,540	118	42
Weapons	859	221	609	21	8
Other	5,069	1,958	2,896	150	65

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.

*Dismissals include diversions and referrals for other prosecution.

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

e. Manhattan, New York 1987

<u>Most serious charge</u>	<u>Total</u>	<u>Cases filed resulting in:</u>		
		<u>Dismissal*</u>	<u>Guilty plea</u>	<u>Trial conviction</u>
Percent of cases filed	100%	41%	56%	2%
Murder and manslaughter	100	25	45	23
Rape	100	74	22	3
Robbery	100	51	44	3
Aggravated assault	100	62	35	2
Burglary	100	29	68	3
Larceny	100	37	61	1
Stolen property	100	37	62	1
Fraud	100	30	70	0
Drug trafficking	100	32	66	1
Drug possession	100	48	52	0
Weapons	100	49	47	2
Other	100	32	64	1
Number of cases filed	38,932	15,968	21,794	836
Murder and manslaughter	288	71	130	67
Rape	422	314	91	14
Robbery	6,809	3,493	2,998	223
Aggravated assault	5,320	3,308	1,857	97
Burglary	2,736	795	1,854	71
Larceny	5,878	2,151	3,602	87
Stolen property	942	347	586	7
Fraud	579	171	404	3
Drug trafficking	12,335	3,954	8,151	180
Drug possession	83	40	43	0
Weapons	1,125	548	531	21
Other	2,415	776	1,547	66

f. New Orleans, Louisiana 1987

<u>Most serious charge</u>	<u>Total</u>	<u>Cases filed resulting in:</u>		
		<u>Dismissal*</u>	<u>Guilty plea</u>	<u>Trial conviction</u>
Percent of cases filed	100%	15%	72%	9%
Murder and manslaughter	100	13	38	35
Rape	100	18	42	32
Robbery	100	11	59	22
Aggravated assault	100	12	62	17
Burglary	100	4	85	9
Larceny	100	5	85	7
Stolen property	100	12	78	8
Fraud	100	39	54	4
Drug trafficking	100	30	54	12
Drug possession	100	18	77	3
Weapons	100	12	73	11
Other	100	12	78	7
Number of cases filed	3,936	584	2,832	370
Murder and manslaughter	71	6	27	25
Rape	74	13	31	24
Robbery	266	29	158	58
Aggravated assault	133	16	82	23
Burglary	439	19	371	39
Larceny	650	24	384	31
Stolen property	297	35	231	23
Fraud	213	83	115	9
Drug trafficking	442	132	238	52
Drug possession	729	128	558	25
Weapons	138	17	101	15
Other	684	79	536	46

*Dismissals include diversions and referrals for other prosecution.

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

g. Portland, Oregon 1987

<u>Most serious charge</u>	<u>Total</u>	Cases filed resulting in:			
		<u>Dismissal*</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	<u>Trial acquittal</u>
Percent of cases filed	100%	29%	59%	11%	2%
Murder and manslaughter	100	17	38	42	3
Rape	100	31	53	13	3
Robbery	100	29	51	19	2
Aggravated assault	100	36	43	19	2
Burglary	100	20	68	10	2
Larceny	100	31	58	10	1
Stolen property	100	25	75	0	0
Fraud	100	23	72	5	0
Drug trafficking	100	18	61	19	2
Drug possession	100	24	59	15	1
Weapons	100	36	39	22	3
Other	100	34	57	7	2
Number of cases filed	6,638	1,894	3,890	746	108
Murder and manslaughter	66	11	25	28	2
Rape	117	36	62	15	4
Robbery	472	137	239	88	8
Aggravated assault	220	79	95	42	4
Burglary	840	172	568	86	14
Larceny	739	227	427	74	11
Stolen property	4	1	3	0	0
Fraud	411	94	295	20	2
Drug trafficking	473	83	287	92	11
Drug possession	770	185	458	117	10
Weapons	76	27	30	17	2
Other	2,450	842	1,401	167	40

h. Rhode Island 1987

<u>Most serious charge</u>	<u>Total</u>	Cases filed resulting in:			
		<u>Dismissal*</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	<u>Trial acquittal</u>
Percent of cases filed	100%	39%	58%	2%	1%
Murder and manslaughter	100	9	48	36	6
Rape	100	9	72	9	9
Robbery	100	22	71	7	1
Aggravated assault	100	48	48	1	2
Burglary	100	30	69	1	0
Larceny	100	27	72	1	0
Stolen property	100	35	64	1	0
Fraud	100	0	33	66	10
Drug trafficking	100	37	62	1	0
Drug possession	100	44	56	0	0
Weapons	100	28	72	0	0
Other	100	43	53	2	2
Number of cases filed	7,039	2,753	4,100	106	80
Murder and manslaughter	33	3	16	12	2
Rape	54	5	39	5	5
Robbery	134	29	95	9	1
Aggravated assault	693	331	336	10	16
Burglary	866	257	599	7	3
Larceny	277	75	199	2	1
Stolen property	107	37	69	1	0
Fraud	438	144	291	3	0
Drug trafficking	546	204	337	4	1
Drug possession	791	345	443	2	1
Weapons	123	35	88	0	0
Other	2,977	1,288	1,588	51	50

Note: In Rhode Island the police file felony arrests with the lower court prior to screening by the prosecutor. Thus, felony arrests and cases filed are the same.

*Dismissals include diversions and referrals for other prosecution.

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

i. St. Louis, Missouri 1987

<u>Most serious charge</u>	<u>Total</u>	Cases filed resulting in:		
		<u>Dismissal*</u>	<u>Guilty plea</u>	<u>Trial conviction</u>
Percent of cases filed	100%	35%	60%	3%
Murder and manslaughter	100	43	32	21
Rape	100	48	42	7
Robbery	100	49	41	7
Aggravated assault	100	44	48	5
Burglary	100	30	65	4
Larceny	100	35	62	1
Stolen property	100	31	68	0
Fraud	100	41	59	0
Drug trafficking	100	56	43	1
Drug possession	100	26	71	1
Weapons	100	31	66	1
Other	100	41	55	1
Number of cases filed	4,625	1,638	2,774	151
Murder and manslaughter	147	63	47	31
Rape	119	57	50	8
Robbery	283	140	116	21
Aggravated assault	249	110	119	13
Burglary	551	166	357	20
Larceny	633	223	391	11
Stolen property	75	23	51	0
Fraud	242	99	142	0
Drug trafficking	109	61	47	1
Drug possession	1,013	268	720	15
Weapons	645	198	428	14
Other	559	230	306	16

j. San Diego, California 1987

<u>Most serious charge</u>	<u>Total</u>	Cases filed resulting in:		
		<u>Dismissal*</u>	<u>Guilty plea</u>	<u>Trial conviction</u>
Percent of cases filed	100%	25%	73%	2%
Murder and manslaughter	100	7	74	18
Rape	100	11	80	7
Robbery	100	19	74	6
Aggravated assault	100	23	72	4
Burglary	100	14	84	2
Larceny	100	17	81	1
Stolen property	100	26	73	1
Fraud	100	26	73	0
Drug trafficking	100	21	76	2
Drug possession	100	42	58	1
Weapons	100	21	77	1
Other	100	37	61	2
Number of cases filed	20,762	5,127	15,152	424
Murder and manslaughter	120	8	89	22
Rape	296	33	238	22
Robbery	955	183	706	60
Aggravated assault	1,150	265	830	45
Burglary	3,621	504	3,047	64
Larceny	1,966	338	1,598	28
Stolen property	1,587	412	1,158	14
Fraud	1,470	375	1,070	21
Drug trafficking	2,642	551	2,021	62
Drug possession	2,680	1,116	1,544	18
Weapons	1,473	315	1,140	13
Other	2,802	1,027	1,711	55

*Dismissals include diversions and referrals for other prosecution.

k. Seattle, Washington 1987

<u>Most serious charge</u>	<u>Total</u>	Cases filed resulting in:			<u>Trial acquittal</u>
		<u>Dismissal*</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	
Percent of cases filed	100	16	74	9	2
Murder and manslaughter	100	6	41	48	5
Rape	100	18	55	20	8
Robbery	100	11	77	9	4
Aggravated assault	100	10	70	15	5
Burglary	100	7	84	7	1
Larceny	100	9	88	3	1
Stolen property	100	11	83	4	2
Fraud	100	7	91	2	0
Drug trafficking	100	12	73	14	1
Drug possession	100	14	81	5	0
Weapons	100	18	55	18	9
Other	100	35	52	12	2
Number of cases filed	6,365	993	4,697	569	106
Murder and manslaughter	66	4	27	32	3
Rape	133	24	73	26	10
Robbery	427	46	328	38	15
Aggravated assault	439	43	306	67	23
Burglary	920	65	777	67	11
Larceny	1,004	90	880	27	7
Stolen property	192	22	159	8	3
Fraud	428	30	389	9	0
Drug trafficking	697	83	510	95	9
Drug possession	621	90	500	29	2
Weapons	11	2	6	2	1
Other	1,427	494	742	169	22

1. Washington, D.C. 1987

<u>Most serious charge</u>	<u>Total</u>	Cases filed resulting in:			<u>Trial acquittal</u>
		<u>Dismissal*</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	
Percent of cases filed	100%	36%	58%	4%	2%
Murder and manslaughter	100	32	41	19	9
Rape	100	60	30	7	3
Robbery	100	45	44	7	3
Aggravated assault	100	62	29	5	4
Burglary	100	44	51	3	1
Larceny	100	39	58	2	1
Stolen property	100	31	65	2	3
Fraud	100	40	58	1	0
Drug trafficking	100	25	70	4	1
Drug possession	0	0	0	0	0
Weapons	100	40	53	5	3
Other	100	46	49	2	2
Number of cases filed	14,017	5,033	8,187	547	250
Murder and manslaughter	123	39	50	23	11
Rape	221	133	67	15	6
Robbery	1,027	467	456	77	27
Aggravated assault	1,354	837	396	66	55
Burglary	707	311	364	22	10
Larceny	810	316	468	16	10
Stolen property	430	132	278	9	11
Fraud	289	116	168	4	1
Drug trafficking	7,124	1,795	4,984	265	80
Drug possession	0	0	0	0	0
Weapons	155	62	82	7	4
Other	1,777	825	874	43	35

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

*Dismissals include diversions and referrals for other prosecution.

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

- a. Denver
- b. Indianapolis
- c. Los Angeles
- d. Manhattan
- e. New Orleans
- f. Portland
- g. Rhode Island
- h. St. Louis
- i. San Diego
- j. Seattle
- k. Washington, D.C.

a. Denver, Colorado 1987

<u>Most serious charge</u>	Total*	Cases indicted resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	17%	79%	4%	1%
Murder and manslaughter	100	5	64	32	0
Rape	100	22	65	10	4
Robbery	100	20	74	5	0
Aggravated assault	100	18	76	5	1
Burglary	100	8	89	3	0
Larceny	100	18	79	2	0
Stolen property	100	20	80	0	0
Fraud	100	16	83	1	0
Drug trafficking	100	9	90	1	1
Drug possession	100	41	53	3	3
Weapons	100	7	93	0	0
Other	100	19	75	4	2
Number of cases indicted	2,574	426	2,029	97	22
Murder and manslaughter	66	3	42	21	0
Rape	51	11	33	5	2
Robbery	253	51	188	13	1
Aggravated assault	245	44	185	13	3
Burglary	459	37	408	13	1
Larceny	319	59	252	7	1
Stolen property	30	6	24	0	0
Fraud	223	35	186	2	0
Drug trafficking	387	34	347	3	3
Drug possession	198	82	105	6	5
Weapons	14	1	13	0	0
Other	329	63	246	14	6

Note: Absolute number of cases represents an undercount of trials. Actual number of trials in 1987 was 161.

b. Indianapolis, Indiana 1987

<u>Most serious charge</u>	Total*	Cases indicted resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	21%	69%	8%	2%
Murder and manslaughter	100	19	53	25	3
Rape	100	23	63	12	2
Robbery	100	19	67	12	3
Aggravated assault	100	21	59	18	1
Burglary	100	12	77	9	2
Larceny	100	22	71	4	2
Stolen property	100	0	100	0	0
Fraud	100	31	69	0	0
Drug trafficking	100	22	70	7	1
Drug possession	100	25	72	2	0
Weapons	100	23	65	7	5
Other	100	21	68	8	3
Number of cases indicted	3,751	775	2,605	288	83
Murder and manslaughter	72	14	38	18	2
Rape	107	25	67	13	2
Robbery	228	43	152	27	6
Aggravated assault	136	29	80	25	2
Burglary	457	54	352	42	9
Larceny	1,050	233	750	46	21
Stolen property	2	0	2	0	0
Fraud	52	16	36	0	0
Drug trafficking	204	45	142	14	3
Drug possession	233	59	168	5	1
Weapons	130	30	84	9	7
Other	1,080	227	734	89	30

*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.

**Dismissals include diversions and referrals for other prosecution.

c. Los Angeles, California 1987

<u>Most serious charge</u>	Total*	Cases indicted resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	9%	84%	5%	2%
Murder and manslaughter	100	8	63	25	4
Rape	100	14	64	16	5
Robbery	100	7	83	7	2
Aggravated assault	100	9	78	9	4
Burglary	100	6	89	4	1
Larceny	100	7	89	3	1
Stolen property	100	11	85	2	2
Fraud	100	12	85	3	1
Drug trafficking	100	8	85	5	1
Drug possession	100	13	85	2	1
Weapons	100	11	82	4	2
Other	100	10	79	8	3
Number of cases indicted	28,856	2,623	24,155	1,574	504
Murder and manslaughter	1,001	83	630	247	41
Rape	471	67	303	77	24
Robbery	3,124	226	2,597	234	67
Aggravated assault	1,427	135	1,107	124	61
Burglary	3,747	221	3,326	148	52
Larceny	1,900	132	1,692	54	22
Stolen property	447	50	380	9	8
Fraud	315	37	267	9	2
Drug trafficking	8,232	691	7,018	402	121
Drug possession	6,022	762	5,104	114	42
Weapons	445	50	367	20	8
Other	1,725	169	1,364	136	56

d. Manhattan, New York 1987

<u>Most serious charge</u>	Total*	Cases indicted resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	13%	80%	5%	2%
Murder and manslaughter	100	17	50	26	8
Rape	100	24	64	12	1
Robbery	100	11	78	8	3
Aggravated assault	100	19	66	10	5
Burglary	100	6	86	6	1
Larceny	100	6	87	5	2
Stolen property	100	14	79	6	2
Fraud	100	13	84	3	1
Drug trafficking	100	13	83	3	1
Drug possession	0	0	0	0	0
Weapons	100	24	70	3	4
Other	100	19	70	8	3
Number of cases indicted	13,511	1,728	10,825	704	254
Murder and manslaughter	260	44	129	67	20
Rape	119	28	76	14	1
Robbery	2,698	300	2,093	215	90
Aggravated assault	569	107	375	59	28
Burglary	1,015	65	872	63	15
Larceny	1,193	74	1,035	63	21
Stolen property	118	16	93	7	2
Fraud	110	14	92	3	1
Drug trafficking	6,488	870	5,404	171	43
Drug possession	0	0	0	0	0
Weapons	596	144	415	15	22
Other	345	66	241	27	11

*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.
 **Dismissals include diversions and referrals for other prosecution.

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

e. New Orleans, Louisiana 1987

<u>Most serious charge</u>	Total*	Cases indicted resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	15%	72%	9%	4%
Murder and manslaughter	100	13	38	35	14
Rape	100	18	42	32	8
Robbery	100	11	59	22	8
Aggravated assault	100	12	62	17	9
Burglary	100	4	85	9	2
Larceny	100	5	85	7	2
Stolen property	100	12	78	8	3
Fraud	100	39	54	4	3
Drug trafficking	100	30	54	12	5
Drug possession	100	18	77	3	2
Weapons	100	12	73	11	4
Other	100	12	78	7	3
Number of cases indicted	3,936	584	2,832	370	150
Murder and manslaughter	71	9	27	25	10
Rape	74	13	31	24	6
Robbery	266	29	158	58	21
Aggravated assault	133	16	82	23	12
Burglary	439	19	371	39	10
Larceny	450	24	384	31	11
Stolen property	297	35	231	23	8
Fraud	213	83	115	9	6
Drug trafficking	442	132	238	52	20
Drug possession	729	128	558	25	18
Weapons	138	17	101	15	5
Other	684	79	536	46	23

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

f. Portland, Oregon 1987

<u>Most serious charge</u>	Total*	Cases indicted resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	15%	69%	13%	2%
Murder and manslaughter	100	7	42	47	3
Rape	100	14	66	16	4
Robbery	100	11	63	24	2
Aggravated assault	100	10	61	27	3
Burglary	100	10	76	12	2
Larceny	100	24	63	11	2
Stolen property	100	0	100	0	0
Fraud	100	16	78	5	1
Drug trafficking	100	11	66	21	2
Drug possession	100	17	65	17	1
Weapons	100	19	49	29	3
Other	100	16	73	9	2
Number of cases indicted	5,497	840	3,812	742	103
Murder and manslaughter	59	4	25	28	2
Rape	94	13	62	15	4
Robbery	361	40	226	87	8
Aggravated assault	155	15	94	42	4
Burglary	713	69	545	86	13
Larceny	662	162	415	74	11
Stolen property	3	0	3	0	0
Fraud	374	61	291	20	2
Drug trafficking	436	47	287	92	10
Drug possession	701	120	454	117	10
Weapons	59	11	29	17	2
Other	1,880	298	1,381	164	37

*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.

**Dismissals include diversions and referrals for other prosecution.

g. Rhode Island 1987

<u>Most serious charge</u>	<u>Total*</u>	Cases indicted resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	18%	78%	2%	2%
Murder and manslaughter	100	9	48	36	6
Rape	100	9	72	9	9
Robbery	100	21	71	7	1
Aggravated assault	100	25	70	2	3
Burglary	100	12	87	1	0
Larceny	100	9	89	1	0
Stolen property	100	15	84	1	0
Fraud	100	13	87	1	0
Drug trafficking	100	8	90	1	0
Drug possession	100	13	87	0	0
Weapons	100	8	92	0	0
Other	100	24	72	2	2
Number of cases indicted	5,227	941	4,100	106	80
Murder and manslaughter	33	3	16	12	2
Rape	54	5	39	5	5
Robbery	133	28	95	9	1
Aggravated assault	480	118	336	10	16
Burglary	691	82	599	7	3
Larceny	223	21	199	2	1
Stolen property	82	12	69	1	0
Fraud	336	42	291	3	0
Drug trafficking	373	31	337	4	1
Drug possession	511	65	443	2	1
Weapons	96	8	88	0	0
Other	2,215	526	1,588	51	50

h. St. Louis, Missouri 1987

<u>Most serious charge</u>	<u>Total*</u>	Cases indicted resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	9%	84%	5%	2%
Murder and manslaughter	100	12	49	33	6
Rape	100	18	66	11	5
Robbery	100	18	66	12	3
Aggravated assault	100	19	69	8	4
Burglary	100	8	85	5	2
Larceny	100	7	88	3	2
Stolen property	100	9	89	2	0
Fraud	100	7	92	0	1
Drug trafficking	100	6	92	2	0
Drug possession	100	6	91	2	1
Weapons	100	10	86	3	1
Other	100	9	85	5	2
Number of cases indicted	3,267	304	2,750	151	62
Murder and manslaughter	95	11	47	31	6
Rape	74	13	49	8	4
Robbery	175	32	116	21	6
Aggravated assault	170	33	117	13	7
Burglary	417	35	354	20	8
Larceny	439	32	388	11	8
Stolen property	57	5	51	1	0
Fraud	152	11	140	0	1
Drug trafficking	51	3	47	1	0
Drug possession	189	47	717	15	10
Weapons	493	51	423	14	5
Other	355	31	301	16	7

*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.
**Dismissals include diversions and referrals for other prosecution.

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

i. San Diego, California 1987

<u>Most serious charge</u>	<u>Total*</u>	Cases indicted resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	5%	91%	4%	0%
Murder and manslaughter	100	2	77	21	0
Rape	100	3	88	8	1
Robbery	100	4	87	8	1
Aggravated assault	100	5	87	7	2
Burglary	100	6	91	3	0
Larceny	100	4	94	2	0
Stolen property	100	5	93	2	0
Fraud	100	3	95	2	0
Drug trafficking	100	5	91	3	0
Drug possession	100	5	93	2	0
Weapons	100	8	90	2	1
Other	100	5	91	4	0
Number of cases indicted	9,079	435	8,264	342	38
Murder and manslaughter	106	2	82	22	0
Rape	260	8	228	22	2
Robbery	733	32	635	60	6
Aggravated assault	497	24	431	34	8
Burglary	2,067	116	1,889	57	5
Larceny	844	33	790	21	0
Stolen property	635	31	590	11	3
Fraud	566	16	538	10	2
Drug trafficking	1,816	90	1,658	60	8
Drug possession	435	22	405	8	0
Weapons	191	16	171	3	1
Other	929	45	847	34	3

j. Seattle, Washington 1987

<u>Most serious charge</u>	<u>Total*</u>	Cases indicted resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	10%	79%	9%	2%
Murder and manslaughter	100	6	41	48	5
Rape	100	18	55	20	8
Robbery	100	10	77	9	4
Aggravated assault	100	10	70	15	5
Burglary	100	7	85	7	1
Larceny	100	9	87	3	1
Stolen property	100	10	83	5	2
Fraud	100	8	90	2	0
Drug trafficking	100	12	73	14	1
Drug possession	100	17	77	6	1
Weapons	100	20	60	10	10
Other	100	10	77	11	2
Number of cases indicted	5,114	517	4,032	466	99
Murder and manslaughter	66	4	27	32	3
Rape	133	24	73	26	10
Robbery	425	44	328	38	15
Aggravated assault	434	42	302	67	23
Burglary	912	63	771	67	11
Larceny	858	78	748	25	7
Stolen property	155	16	128	8	3
Fraud	335	27	302	6	0
Drug trafficking	688	82	502	95	9
Drug possession	359	60	276	21	2
Weapons	10	2	6	1	1
Other	739	75	569	80	15

*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.

**Dismissals include diversions and referrals for other prosecution.

k. Washington, D.C. 1987

<u>Most serious charge</u>	Total*	Cases indicted resulting in:		
		Dismissal**	Guilty plea	Trial conviction
Percent of cases indicted	100%	18%	75%	5%
Murder and manslaughter	100	9	52	27
Rape	100	16	52	23
Robbery	100	17	61	16
Aggravated assault	100	25	56	13
Burglary	100	17	72	9
Larceny	100	26	70	3
Stolen property	100	25	70	2
Fraud	100	20	73	7
Drug trafficking	100	17	78	4
Drug possession	0	0	0	0
Weapons	100	23	68	5
Other	100	22	73	4
Number of cases indicted	8,394	1,549	6,268	442
Murder and manslaughter	85	8	44	23
Rape	61	10	32	14
Robbery	422	73	258	66
Aggravated assault	278	70	156	36
Burglary	199	34	144	17
Larceny	342	90	241	9
Stolen property	381	97	266	9
Fraud	30	6	22	2
Drug trafficking	5,703	966	4,461	230
Drug possession	0	0	0	0
Weapons	100	23	68	5
Other	793	172	576	31

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.
**Dismissals include diversions and referrals for other prosecution.

Table 4. Reasons why felony arrests are declined for prosecution

a. Manhattan
 b. Portland
 c. San Diego
 d. Seattle
 e. Washington, D.C.

a. Manhattan, New York 1987

	Most serious charge	Total	Arrests declined due to:						
			Insufficient evidence	Witness prob-lems	Due process prob-lems	Inter-est of justice	Cover-ed by other	Re-ferral to di-vision	Referral for other prose-cution
Percent of declinations	100%	65% 23% 2% 3% 0% 0% 3% 4%							
Murder and manslaughter	100	0 0 0 0 0 0 0 100							
Rape	100	55 45 0 0 0 0 0 0							
Robbery	100	55 30 1 1 0 0 0 8							6
Aggravated assault	100	29 57 1 3 0 1 4 4							
Burglary	100	70 11 8 0 0 0 3 8							
Larceny	100	68 25 0 3 0 0 0 0							3
Stolen property	100	71 22 2 0 0 0 2 2							
Fraud	100	90 10 0 0 0 0 0 0							
Drug trafficking	100	75 1 5 12 0 0 2 5							
Drug possession	100	100 0 0 0 0 0 0 0							
Weapons	100	92 4 0 2 0 0 2 0							
Other	100	67 27 7 0 0 0 0 0							
Number of declinations	756	491 173 13 24 0 2 21 32							
Murder and manslaughter	1	0 0 0 0 0 0 0 1							
Rape	11	6 5 0 0 0 0 0 0							
Robbery	159	87 47 1 2 0 0 12 10							
Aggravated assault	70	20 40 1 2 0 1 3 3							
Burglary	37	26 4 3 0 0 0 1 3							
Larceny	234	160 58 0 6 0 1 1 8							
Stolen property	45	32 10 1 0 0 0 1 1							
Fraud	20	18 2 0 0 0 0 0 0							
Drug trafficking	112	84 1 6 13 0 0 2 6							
Drug possession	2	2 0 0 0 0 0 0 0							
Weapons	50	46 2 0 1 0 0 1 0							
Other	15	10 4 1 0 0 0 0 0							

b. Portland, Oregon 1987

Most serious charge	Total	Arrests declined due to:							
		Insuf- ficient evidence	Witness prob- lems	Due process	Inter- est of justice	Cover- ed by other	Re- ferred to di- version	Re- ferred for other prose- cution	Referral Other
Percent of declinations	100%	47%	14%	9%	7%	4%	0%	1%	17%
Murder and manslaughter	100	25	25	0	0	0	0	0	50
Rape	100	39	35	0	3	1	0	1	21
Robbery	100	41	32	2	6	3	0	1	15
Aggravated assault	100	27	31	0	14	4	0	0	24
Burglary	100	50	20	2	10	4	0	0	14
Larceny	100	36	18	3	8	7	0	1	28
Stolen property	100	20	23	0	7	9	0	3	38
Fraud	0	0	0	0	0	0	0	0	0
Drug trafficking	100	55	5	14	4	0	0	2	19
Drug possession	100	57	2	29	3	2	0	0	8
Weapons	100	59	10	14	4	2	0	0	10
Other	100	49	11	5	10	6	0	1	18
Number of declinations	2,274	1,067	327	207	167	95	0	16	395
Murder and manslaughter	4	1	1	0	0	0	0	0	2
Rape	102	40	36	0	3	1	0	1	21
Robbery	170	70	55	3	11	5	0	1	25
Aggravated assault	102	28	32	0	14	4	0	0	24
Burglary	166	83	33	3	16	7	0	0	24
Larceny	196	71	35	5	15	13	0	2	55
Stolen property	90	18	21	0	6	8	0	3	34
Fraud	0	0	0	0	0	0	0	0	0
Drug trafficking	83	46	4	12	3	0	0	2	16
Drug possession	482	273	10	138	15	8	0	0	38
Weapons	49	29	5	7	2	1	0	0	5
Other	830	408	95	39	82	48	0	7	151

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

c. San Diego, California 1987

<u>Most serious charge</u>	<u>Total</u>	Arrests declined due to:								
		<u>Insufficient evidence</u>	<u>Witness prob-blems</u>	<u>Due process prob-blems</u>	<u>Interest of justice</u>	<u>Covered by other</u>	<u>Referred to diversion</u>	<u>Referral for other prosecution</u>	<u>Other</u>	<u>Percent of declinations</u>
Murder and manslaughter	100	83	0	0	0	0	0	0	17	40%
Rape	100	31	56	1	8	0	0	0	4	18%
Robbery	100	44	30	4	10	1	0	0	7	17%
Aggravated assault	100	28	49	2	9	0	0	7	4	17%
Burglary	100	52	10	11	6	3	0	14	5	40%
Larceny	100	52	10	5	9	2	0	16	6	18%
Stolen property	100	55	9	10	8	2	0	8	7	17%
Fraud	100	43	6	11	11	7	0	10	11	17%
Drug trafficking	100	46	2	32	6	1	0	9	4	40%
Drug possession	100	26	1	48	10	0	0	12	4	18%
Weapons	100	30	5	35	8	0	0	14	8	17%
Other	100	37	36	4	8	1	1	10	4	17%
Number of declinations	5,966	2,368	1,078	1,040	484	77	11	605	303	
Murder and manslaughter	12	10	0	0	0	0	0	0	2	
Rape	186	58	104	1	14	0	0	1	8	
Robbery	182	80	55	7	19	1	0	8	12	
Aggravated assault	534	150	262	10	50	2	0	38	22	
Burglary	502	261	49	53	28	16	0	72	23	
Larceny	408	213	41	20	36	8	2	65	23	
Stolen property	590	327	53	61	48	14	1	47	39	
Fraud	237	102	14	27	27	16	1	24	26	
Drug trafficking	776	357	18	249	47	6	0	67	32	
Drug possession	947	243	7	457	91	2	0	109	38	
Weapons	313	93	17	108	24	0	0	45	26	
Other	1,279	474	458	47	100	12	7	129	52	

d. Seattle, Washington 1987

<u>Most serious charge</u>	<u>Total</u>	Arrests declined due to:							
		Insuf- ficient evidence	Witness prob- lems	Due process	Inter- est of justice	Cover- ed by other	Re- ferral to di- version	Referral for other prose- cution	Other
Percent of declinations	100%	56%	0%	0%	0%	0%	0%	17%	27%
Murder and manslaughter	100	90	0	0	0	0	0	0	10
Rape	100	59	0	0	0	0	0	2	40
Robbery	100	37	0	0	0	0	0	14	48
Aggravated assault	100	41	0	0	0	0	0	31	27
Burglary	100	40	0	0	0	0	0	41	19
Larceny	100	54	0	0	0	0	0	21	25
Stolen property	100	62	0	0	0	0	0	16	22
Fraud	100	47	0	0	0	0	0	7	46
Drug trafficking	0	0	0	0	0	0	0	0	0
Drug possession	100	73	0	0	0	0	0	5	22
Weapons	100	40	0	0	0	0	0	0	60
Other	100	53	0	0	0	0	0	19	28
Number of declinations	2,133	1,189	0	0	0	0	0	363	581
Murder and manslaughter	10	9	0	0	0	0	0	0	1
Rape	121	71	0	0	0	0	0	2	48
Robbery	99	37	0	0	0	0	0	14	48
Aggravated assault	193	80	0	0	0	0	0	60	53
Burglary	212	85	0	0	0	0	0	86	41
Larceny	220	119	0	0	0	0	0	47	54
Stolen property	112	69	0	0	0	0	0	18	25
Fraud	68	32	0	0	0	0	0	5	31
Drug trafficking	0	0	0	0	0	0	0	0	0
Drug possession	529	386	0	0	0	0	0	24	119
Weapons	5	2	0	0	0	0	0	0	3
Other	564	299	0	0	0	0	0	107	158

Note: In Seattle only three declination reasons are recorded in the prosecutor's MIS. Drug possession and drug trafficking charges can not 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.

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

e. Washington, D.C. 1987

Most serious charge	Total	Arrests declined due to:							
		Insuf- ficient evidence	Witness prob- lems	Due process	Inter- est of justice	Cover- ed by other case	Re- ferred to di- vision	Referral for other prose- cution	Other
Percent of declinations	100%	33%	17%	3%	27%	1%	0%	1%	18%
Murder and manslaughter	100	0	0	0	33	0	0	0	67
Rape	100	18	23	0	43	0	0	0	18
Robbery	100	20	45	0	21	2	0	0	13
Aggravated assault	100	8	35	0	42	0	0	0	14
Burglary	100	33	25	0	26	3	0	0	14
Larceny	100	27	26	0	29	1	0	0	16
Stolen property	100	44	8	0	26	5	0	0	18
Fraud	100	17	11	0	46	3	0	0	23
Drug trafficking	100	57	2	10	15	1	0	0	14
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	100	77	0	8	8	0	0	0	8
Other	100	34	9	0	26	1	1	3	25
Number of declinations	2,749	896	468	72	753	30	7	33	490
Murder and manslaughter	3	0	0	0	1	0	0	0	2
Rape	40	7	9	0	17	0	0	0	7
Robbery	182	36	82	0	38	3	0	0	23
Aggravated assault	620	51	216	1	263	1	0	1	87
Burglary	137	45	34	0	35	4	0	0	19
Larceny	85	23	22	0	25	1	0	0	14
Stolen property	39	17	3	0	10	2	0	0	7
Fraud	35	6	4	0	16	1	0	0	8
Drug trafficking	664	380	12	67	102	7	0	3	93
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	13	10	0	1	1	0	0	0	1
Other	931	321	86	3	245	11	7	29	229

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

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

- a. Denver
- b. Indianapolis
- c. Los Angeles
- d. Manhattan
- e. New Orleans
- f. Portland
- g. St. Louis
- h. San Diego
- i. Seattle
- j. Washington, D.C.

a. Denver, Colorado 1987

Most serious charge	Total	Cases dismissed due to:								
		Insuf- ficient evidence	Witness prob- lems	Due process	Inter- est of justice	Cover- ed by other case	Re- ferred to di- prose- cution	Referral for other case	Other	
Percent of dismissals	100%	28%	16%	6%	5%	20%	13%	1%	11%	
Murder and manslaughter	100	100	0	0	0	0	0	0	0	
Rape	100	41	29	0	0	6	0	0	24	
Robbery	100	39	11	0	0	39	2	0	9	
Aggravated assault	100	26	50	1	3	6	5	1	8	
Burglary	100	16	14	2	12	33	12	5	5	
Larceny	100	24	7	4	7	16	20	1	21	
Stolen property	100	43	0	0	0	43	14	0	0	
Fraud	100	9	4	0	13	40	27	0	7	
Drug trafficking	100	39	0	6	3	19	6	0	28	
Drug possession	100	38	2	26	5	12	9	0	8	
Weapons	100	0	0	0	0	100	0	0	0	
Other	100	25	17	5	2	14	32	0	5	
Number of dismissals	582	165	95	33	29	115	78	5	62	
Murder and manslaughter	3	3	0	0	0	0	0	0	0	
Rape	17	7	5	0	0	1	0	0	4	
Robbery	66	26	7	0	0	26	1	0	6	
Aggravated assault	101	26	51	1	3	6	5	1	8	
Burglary	57	9	8	1	7	19	7	3	3	
Larceny	82	20	6	3	6	13	16	1	17	
Stolen property	7	3	0	0	0	3	1	0	0	
Fraud	45	4	2	0	6	18	12	0	3	
Drug trafficking	36	14	0	2	1	7	2	0	10	
Drug possession	86	33	2	22	4	10	8	0	7	
Weapons	1	0	0	0	0	1	0	0	0	
Other	81	20	14	4	2	11	26	0	4	

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

b. Indianapolis, Indiana 1987

<u>Most serious charge</u>	<u>Total</u>	Cases dismissed due to:							
		Insuf- ficient evidence	Witness prob- lems	Due process	Inter- est of justice	Cover- ed by other	Re- ferred to di- version	Referral for other prose- cution	Other
Percent of dismissals	100%	19%	18%	2%	8%	9%	1%	5%	39%
Murder and manslaughter	100	50	0	0	21	14	0	14	0
Rape	100	4	76	0	0	12	0	0	8
Robbery	100	40	23	0	12	9	0	0	16
Aggravated assault	100	17	31	0	14	7	0	7	24
Burglary	100	30	15	0	7	11	2	6	30
Larceny	100	12	13	1	6	9	1	3	54
Stolen property	0	0	0	0	0	0	0	0	0
Fraud	100	63	0	0	6	6	0	0	25
Drug trafficking	100	27	11	0	7	13	0	0	42
Drug possession	100	19	7	8	12	8	0	3	42
Weapons	100	13	17	0	13	7	0	10	40
Other	100	15	23	2	7	9	2	7	36
Number of dismissals	775	144	143	12	62	72	7	35	300
Murder and manslaughter	14	7	0	0	3	2	0	2	0
Rape	25	1	19	0	0	3	0	0	2
Robbery	43	17	10	0	5	4	0	0	7
Aggravated assault	29	5	9	0	4	2	0	2	7
Burglary	54	16	8	0	4	6	1	3	16
Larceny	233	27	31	3	15	21	2	8	126
Stolen property	0	0	0	0	0	0	0	0	0
Fraud	16	10	0	0	1	1	0	0	4
Drug trafficking	45	12	5	0	3	6	0	0	19
Drug possession	59	11	4	5	7	5	0	2	25
Weapons	30	4	5	0	4	2	0	3	12
Other	227	34	52	4	16	20	4	15	82

Note: In Indianapolis dismissal reasons are for cases indicted.

c. Los Angeles, California 1987

Most serious charge	Total	Cases dismissed due to:							
		Insuf- ficient evidence	Witness prob- lems	Due process prob- lems	Inter- est of justice	Cover- ed by other	Re- ferral to di- version	Referral for other prose- cution	Other
Percent of dismissals	100%	18%	14%	7%	23%	6%	24%	1%	6%
Murder and manslaughter	100	31	16	12	18	13	0	1	9
Rape	100	21	21	16	24	5	4	0	10
Robbery	100	22	25	13	22	6	0	2	10
Aggravated assault	100	24	30	9	19	7	1	1	10
Burglary	100	25	24	11	21	9	0	2	9
Larceny	100	21	20	11	25	12	1	1	9
Stolen property	100	32	24	8	20	8	0	0	9
Fraud	100	14	10	15	24	21	2	1	14
Drug trafficking	100	25	15	11	19	8	11	2	8
Drug possession	100	15	10	4	10	4	53	1	4
Weapons	100	27	17	11	18	5	9	1	11
Other	100	8	5	5	72	4	1	1	4
Number of dismissals	15,281	2,769	2,148	1,104	3,487	912	3,725	176	960
Murder and manslaughter	268	83	44	33	47	36	0	2	23
Rape	187	40	39	29	44	10	7	0	18
Robbery	1,120	247	280	144	248	68	3	20	110
Aggravated assault	664	158	200	60	124	46	4	6	66
Burglary	1,022	251	247	109	211	96	1	17	90
Larceny	726	153	144	77	183	86	6	9	68
Stolen property	234	74	55	18	46	19	1	1	20
Fraud	167	23	17	25	40	35	3	1	23
Drug trafficking	2,287	578	353	259	433	180	258	52	174
Drug possession	6,427	937	626	228	669	250	3,412	41	264
Weapons	221	60	38	25	40	12	20	2	24
Other	1,958	165	105	97	1,402	74	10	25	80

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.

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

d. Manhattan, New York 1987

Most serious charge	Total	Cases dismissed due to:							
		Insufficient evidence	Witness problems	Due process problems	Interest of justice	Other	Covered by ferral to diversion	Referred for other prosecution	Referral for other
Percent of dismissals	100%	26%	19%	0%	9%	8%	0%	0%	38%
Murder and manslaughter	100	37	1	0	0	14	4	0	44
Rape	100	22	44	0	3	2	1	0	27
Robbery	100	26	28	0	2	4	0	0	39
Aggravated assault	100	17	32	0	11	2	1	0	36
Burglary	100	22	16	0	8	10	0	0	43
Larceny	100	22	19	0	9	7	0	0	42
Stolen property	100	22	11	0	12	8	0	0	46
Fraud	100	23	9	0	9	4	0	0	54
Drug trafficking	100	35	1	0	13	16	0	0	35
Drug possession	100	15	0	0	65	3	0	0	18
Weapons	100	46	6	1	4	4	0	0	38
Other	100	27	14	1	13	6	1	0	39
Number of dismissals	15,968	4,184	2,956	28	1,439	1,222	49	17	6,073
Murder and manslaughter	71	26	1	0	0	10	3	0	31
Rape	314	70	139	0	9	6	4	0	86
Robbery	3,493	923	965	2	83	155	8	5	1,352
Aggravated assault	3,308	564	1,071	0	377	79	22	0	1,195
Burglary	795	176	130	0	66	76	3	0	344
Larceny	2,151	475	408	4	204	150	1	4	905
Stolen property	347	77	39	0	40	29	1	1	160
Fraud	171	40	15	0	16	7	0	0	93
Drug trafficking	3,934	1,368	41	13	495	642	1	6	1,388
Drug possession	40	6	0	0	26	1	0	0	7
Weapons	548	253	35	5	24	20	2	0	209
Other	776	206	112	4	99	47	4	1	303

Note: In Manhattan dismissal reasons are for cases filed.

e. New Orleans, Louisiana 1987

Most serious charge	Total	Cases dismissed due to:							
		Insufficient evidence	Witness prob-blems	Due process prob-blems	Inter- est of justice	Cover- ed by other	Re- ferral to di- version	Referral for other prose- cution	Other
Percent of dismissals	100%	33%	14%	17%	7%	15%	3%	1%	10%
Murder and manslaughter	100	44	33	0	22	0	0	0	0
Rape	100	23	23	8	8	31	0	0	8
Robbery	100	28	17	0	7	34	0	0	14
Aggravated assault	100	19	44	0	0	38	0	0	0
Burglary	100	16	58	0	0	16	5	0	5
Larceny	100	50	25	17	4	0	0	0	4
Stolen property	100	69	9	6	9	9	0	0	0
Fraud	100	5	5	2	0	35	1	1	51
Drug trafficking	100	45	2	24	11	11	2	1	3
Drug possession	100	42	6	36	6	5	2	1	2
Weapons	100	35	24	24	6	0	6	0	6
Other	100	18	33	9	13	13	10	0	5
Number of dismissals	584	195	83	98	42	87	16	3	60
Murder and manslaughter	9	4	3	0	2	0	0	0	0
Rape	13	3	3	1	1	4	0	0	1
Robbery	29	8	5	0	2	10	0	0	4
Aggravated assault	16	3	7	0	0	6	0	0	0
Burglary	19	3	11	0	0	3	1	0	1
Larceny	24	12	6	4	1	0	0	0	1
Stolen property	35	24	3	2	3	3	0	0	0
Fraud	83	4	4	2	0	29	1	1	42
Drug trafficking	132	60	3	32	14	15	3	1	4
Drug possession	128	54	8	46	8	7	2	1	2
Weapons	17	6	4	4	1	0	1	0	1
Other	79	14	26	7	10	10	8	0	4

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

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

f. Portland, Oregon 1987

<u>Most serious charge</u>	<u>Total</u>	Cases dismissed due to:								
		Insuf- ficient evidence	Witness prob- lems	Due process prob- lems	Inter- est of justice	Cover- ed by other case	Re- ferral to di- version	Referral for other prose- cution	Other	
Percent of dismissals	100%	29%	8%	1%	9%	23%	5%	22%	3%	
Murder and manslaughter	100	36	0	0	27	9	0	9	18	
Rape	100	53	17	0	11	11	0	0	8	
Robbery	100	64	20	1	1	10	1	0	1	
Aggravated assault	100	48	32	1	0	11	1	1	5	
Burglary	100	43	12	1	7	25	6	1	5	
Larceny	100	19	7	0	15	39	17	0	2	
Stolen property	100	0	100	0	0	0	0	0	0	
Fraud	100	21	11	0	18	27	18	2	3	
Drug trafficking	100	58	4	4	14	14	0	2	4	
Drug possession	100	46	5	3	13	30	0	1	2	
Weapons	100	56	15	0	0	22	0	0	7	
Other	100	14	4	0	7	21	3	49	2	
Number of dismissals	1,894	555	157	16	164	432	98	422	50	
Murder and manslaughter	11	4	0	0	3	1	0	1	2	
Rape	36	19	6	0	4	4	0	0	3	
Robbery	137	88	28	2	2	14	1	0	2	
Aggravated assault	79	38	25	1	0	9	1	1	4	
Burglary	172	74	20	1	12	43	11	2	9	
Larceny	227	44	16	0	34	88	39	1	5	
Stolen property	1	0	1	0	0	0	0	0	0	
Fraud	94	20	10	0	17	25	17	2	3	
Drug trafficking	83	48	3	3	12	12	0	2	3	
Drug possession	185	85	10	5	24	56	0	2	3	
Weapons	27	15	4	0	0	6	0	0	2	
Other	842	120	34	4	56	174	29	411	14	

Note: In Portland dismissal reasons are for cases filed.

g. St. Louis, Missouri 1987

Most serious charge	Total	Cases dismissed due to:							
		Insufficient evidence	Witness prob-blems	Due process prob-blems	Inter-est of justice	Cover-ed by other case	Re-ferral to di-version	Referral for other prose-cution	Other
Percent of dismissals	100%	17%	5%	0%	2%	57%	2%	1%	16%
Murder and manslaughter	100	19	10	0	5	57	0	0	10
Rape	100	5	11	0	2	63	4	2	14
Robbery	100	12	5	0	2	71	0	1	9
Aggravated assault	100	9	13	0	3	64	1	0	11
Burglary	100	17	7	0	1	61	2	1	10
Larceny	100	13	5	0	1	65	1	0	14
Stolen property	100	17	9	0	0	43	0	0	30
Fraud	100	3	2	0	2	77	6	0	10
Drug trafficking	100	3	0	0	0	92	0	2	3
Drug possession	100	29	0	1	3	42	1	0	24
Weapons	100	34	2	0	3	26	0	7	29
Other	100	9	5	1	2	65	3	1	14
Number of dismissals	1,638	275	74	5	35	941	25	22	261
Murder and manslaughter	63	12	6	0	3	36	0	0	6
Rape	57	3	6	0	1	36	2	1	8
Robbery	140	17	7	0	3	99	0	1	13
Aggravated assault	110	10	14	0	3	70	1	0	12
Burglary	166	29	11	0	1	102	4	2	17
Larceny	223	30	11	1	3	144	3	0	31
Stolen property	23	4	2	0	0	10	0	0	7
Fraud	99	3	2	0	2	76	6	0	10
Drug trafficking	61	2	0	0	0	56	0	1	2
Drug possession	268	77	1	2	9	112	2	1	64
Weapons	198	67	3	0	5	51	0	14	58
Other	230	21	11	2	5	149	7	2	33

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

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

h. San Diego, California 1987

Most serious charge	Total	Cases dismissed due to:							
		Insuf- ficient evidence	Witness prob- lems	Due process	Inter- est of justice	Cover- ed by other	Re- ferral to di- vision	Re- ferral for other prose- cution	Other
Percent of dismissals	100%	13%	7%	0%	10%	11%	14%	27%	18%
Murder and manslaughter	100	25	13	0	13	13	13	0	25
Rape	100	18	27	0	21	12	3	6	12
Robbery	100	24	27	0	9	7	1	14	19
Aggravated assault	100	14	26	0	7	6	4	30	12
Burglary	100	16	9	0	4	16	1	32	21
Larceny	100	9	6	0	14	16	2	26	27
Stolen property	100	18	9	0	9	13	2	33	15
Fraud	100	11	2	0	28	9	4	21	23
Drug trafficking	100	19	4	0	8	13	27	14	14
Drug possession	100	11	2	1	9	13	41	10	13
Weapons	100	11	3	1	15	14	5	21	30
Other	100	7	7	0	6	6	3	53	17
Number of dismissals	5,127	658	359	16	516	582	708	1,373	915
Murder and manslaughter	8	2	1	0	1	1	1	0	2
Rape	33	6	9	0	7	4	1	2	4
Robbery	183	44	49	0	16	12	1	26	35
Aggravated assault	265	37	70	0	19	17	11	79	32
Burglary	504	83	44	0	22	81	6	162	106
Larceny	338	32	20	0	46	53	8	89	90
Stolen property	412	74	38	0	39	55	7	137	62
Fraud	375	43	8	0	106	34	16	80	88
Drug trafficking	551	105	22	2	43	73	151	78	77
Drug possession	1,116	125	18	9	105	145	454	110	150
Weapons	315	36	10	3	47	43	17	66	93
Other	1,027	71	70	2	65	64	35	544	176

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

i. Seattle, Washington 1987

Most serious charge	Total	Cases dismissed due to:							
		Insuf- ficient evidence	Witness prob- lems	Due process	Inter- est of justice	Cover- ed by other case	Re- ferred to di- vision	Referral for other prose- cution	Other
Percent of dismissals	100%	11%	12%	1%	1%	8%	0%	5%	61%
Murder and manslaughter	100	25	0	0	0	0	0	0	75
Rape	100	8	38	0	0	0	0	0	54
Robbery	100	13	43	0	2	2	0	2	37
Aggravated assault	100	9	56	0	5	5	0	0	26
Burglary	100	17	12	2	2	14	0	2	52
Larceny	100	17	9	0	0	17	0	7	51
Stolen property	100	14	9	0	0	23	0	5	50
Fraud	100	13	7	3	0	20	0	13	43
Drug trafficking	100	25	0	2	0	8	0	0	64
Drug possession	100	17	0	0	0	21	0	1	61
Weapons	100	0	50	0	0	0	0	0	50
Other	100	5	10	2	1	4	0	7	71
Number of dismissals	993	107	122	14	11	83	0	50	606
Murder and manslaughter	4	1	0	0	0	0	0	0	3
Rape	24	2	9	0	0	0	0	0	13
Robbery	46	6	20	0	1	1	0	1	17
Aggravated assault	43	4	24	0	2	2	0	0	11
Burglary	65	11	8	1	1	9	0	1	34
Larceny	90	15	8	0	0	15	0	6	46
Stolen property	22	3	2	0	0	5	0	1	11
Fraud	30	4	2	1	0	6	0	4	13
Drug trafficking	83	21	0	2	0	7	0	0	53
Drug possession	90	15	0	0	0	19	0	1	55
Weapons	2	0	1	0	0	0	0	0	1
Other	494	25	48	10	7	19	0	36	349

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

j. Washington, D.C. 1987

<u>Most serious charge</u>	Total	Cases dismissed due to:							
		Insuf- ficient evidence	Witness prob- lems	Due process	Inter- est of justice	Cover- ed by other case	Re- ferred to di- version	Referral for other prose- cution	Other
Percent of dismissals	100%	10%	19%	3%	4%	7%	3%	2%	52%
Murder and manslaughter	100	13	5	13	8	38	0	0	23
Rape	100	9	17	1	0	11	14	0	47
Robbery	100	14	36	4	5	11	1	0	28
Aggravated assault	100	7	37	2	5	4	4	1	39
Burglary	100	12	26	5	4	7	6	0	40
Larceny	100	5	14	1	4	5	10	1	59
Stolen property	100	4	9	2	1	3	2	2	78
Fraud	100	20	15	3	7	14	9	3	28
Drug trafficking	100	10	8	2	3	5	0	3	68
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	100	15	11	10	3	10	0	3	48
Other	100	13	17	4	4	8	4	2	47
Number of dismissals	5,033	522	951	150	204	334	159	90	2,623
Murder and manslaughter	39	5	2	5	3	15	0	0	9
Rape	133	12	23	1	0	15	19	0	63
Robbery	467	67	169	17	22	53	4	2	133
Aggravated assault	837	59	313	20	45	37	34	5	324
Burglary	311	37	80	15	12	22	19	1	125
Larceny	316	17	44	3	14	15	32	3	188
Stolen property	132	5	12	3	1	4	2	2	103
Fraud	116	23	17	4	8	16	11	4	33
Drug trafficking	1,795	181	147	42	60	81	6	52	1,226
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	62	9	7	6	2	6	0	2	30
Other	825	107	137	34	37	70	32	19	389

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

- a. Manhattan
- b. New Orleans
- c. Portland
- d. Rhode Island
- e. St. Louis
- f. San Diego
- g. Seattle

a. Manhattan, New York 1987

<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%	33%	38%	7%	21%
Murder and manslaughter	100	4	4	1	91
Rape	100	20	17	4	58
Robbery	100	21	27	11	41
Aggravated assault	100	43	43	3	11
Burglary	100	22	43	9	26
Larceny	100	34	49	7	10
Stolen property	100	36	53	3	8
Fraud	100	56	35	2	7
Drug trafficking	100	30	40	7	22
Drug possession	100	29	71	0	0
Weapons	100	57	15	11	18
Other	100	62	29	2	7
Number of convictions	21,648	7,203	8,330	1,515	4,600
Murder and manslaughter	194	8	8	2	176
Rape	103	21	18	4	60
Robbery	3,102	664	834	340	1,264
Aggravated assault	1,876	804	805	52	215
Burglary	1,869	408	795	173	493
Larceny	3,506	1,187	1,706	262	351
Stolen property	568	206	302	17	43
Fraud	382	213	134	9	26
Drug trafficking	7,937	2,420	3,173	574	1,770
Drug possession	41	12	29	0	0
Weapons	532	301	78	57	96
Other	1,538	959	448	25	106

b. New Orleans, Louisiana 1987

<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%	44%	12%	6%	37%
Murder and manslaughter	100	12	0	2	86
Rape	100	9	0	0	91
Robbery	100	14	3	3	80
Aggravated assault	100	42	7	8	44
Burglary	100	29	4	10	57
Larceny	100	57	19	9	16
Stolen property	100	49	11	4	36
Fraud	100	57	8	2	33
Drug trafficking	100	53	7	3	37
Drug possession	100	68	6	3	23
Weapons	100	23	5	4	67
Other	100	36	33	8	23
Number of convictions	3,129	1,387	391	178	1,173
Murder and manslaughter	49	6	0	1	42
Rape	54	5	0	0	49
Robbery	216	30	6	7	173
Aggravated assault	101	42	7	8	44
Burglary	405	119	16	40	230
Larceny	405	229	76	36	64
Stolen property	251	122	28	11	90
Fraud	123	70	10	2	41
Drug trafficking	282	150	21	8	103
Drug possession	573	387	36	18	132
Weapons	115	27	6	5	77
Other	555	200	185	42	128

*Includes only cases with known sentencing data.

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

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

c. Portland, Oregon 1987

<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%	62%	3%	2%	33%
Murder and manslaughter	100	20	0	0	80
Rape	100	55	0	1	44
Robbery	100	29	2	1	68
Aggravated assault	100	58	3	2	37
Burglary	100	51	3	2	44
Larceny	100	65	3	1	31
Stolen property	100	33	0	0	67
Fraud	100	72	2	1	25
Drug trafficking	100	67	1	1	31
Drug possession	100	68	2	2	29
Weapons	100	29	5	7	60
Other	100	70	5	4	22
Number of convictions	4,495	2,781	130	104	1,480
Murder and manslaughter	50	10	0	0	40
Rape	77	42	0	1	34
Robbery	311	89	6	3	213
Aggravated assault	134	78	4	3	49
Burglary	624	320	16	15	273
Larceny	489	316	13	7	153
Stolen property	3	1	0	0	2
Fraud	305	219	6	3	77
Drug trafficking	372	251	2	4	115
Drug possession	559	379	11	9	160
Weapons	42	12	2	3	25
Other	1,529	1,064	70	56	339

*Includes only cases with known sentencing data.

d. Rhode Island 1987

<u>Most serious charge</u>	<u>Total*</u>	<u>No incarceration</u>	<u>Percentage of convictions resulting in incarceration for:</u>		
			<u>Less than 1 year</u>	<u>Exactly 1 year</u>	<u>More than 1 year</u>
Percent of convictions	100%	75%	10%	3%	11%
Murder and manslaughter	100	11	0	0	89
Rape	100	40	0	2	57
Robbery	100	26	6	4	64
Aggravated assault	100	74	8	4	15
Burglary	100	61	15	4	19
Larceny	100	70	15	3	11
Stolen property	100	74	14	4	7
Fraud	100	84	9	1	6
Drug trafficking	100	74	9	6	11
Drug possession	100	89	6	3	2
Weapons	100	84	6	1	9
Other	100	81	11	3	5
Number of convictions	4,186	3,146	426	145	469
Murder and manslaughter	27	3	0	0	24
Rape	42	17	0	1	24
Robbery	104	27	6	4	67
Aggravated assault	346	256	26	13	51
Burglary	605	372	90	26	117
Larceny	201	141	30	7	23
Stolen property	69	51	10	3	5
Fraud	293	246	26	2	19
Drug trafficking	339	252	30	20	37
Drug possession	444	395	28	14	7
Weapons	88	74	5	1	8
Other	1,628	1,312	175	54	87

Note: In Rhode Island all felony arrest convictions occur in the felony court. Dispositions of filed cases in the lower court are all dismissals. This case-processing arrangement results in the same incarceration rates for filed and indicted cases.

*Includes only cases with known sentencing data.

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

e. St. Louis, Missouri 1987

<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%	51%	5%	7%	38%
Murder and manslaughter	100	6	0	0	94
Rape	100	21	2	2	76
Robbery	100	17	1	1	82
Aggravated assault	100	50	4	5	41
Burglary	100	42	5	6	48
Larceny	100	57	5	6	31
Stolen property	100	58	10	8	25
Fraud	100	74	4	8	14
Drug trafficking	100	67	0	0	33
Drug possession	100	54	4	8	34
Weapons	100	64	6	8	22
Other	100	43	8	11	38
Number of convictions	2,906	1,474	132	200	1,100
Murder and manslaughter	78	5	0	0	73
Rape	58	12	1	1	44
Robbery	137	23	1	1	112
Aggravated assault	127	64	5	6	52
Burglary	373	157	17	21	178
Larceny	400	229	21	25	125
Stolen property	52	30	5	4	13
Fraud	142	105	6	11	20
Drug trafficking	48	32	0	0	16
Drug possession	731	397	26	62	246
Weapons	440	283	26	33	98
Other	320	137	24	36	123

f. San Diego, California 1987

<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%	16%	59%	9%	16%
Murder and manslaughter	100	10	10	8	71
Rape	100	13	33	12	42
Robbery	100	7	33	16	45
Aggravated assault	100	21	54	9	16
Burglary	100	8	58	11	23
Larceny	100	14	64	10	13
Stolen property	100	10	69	9	13
Fraud	100	18	73	3	6
Drug trafficking	100	12	57	12	19
Drug possession	100	23	67	5	5
Weapons	100	39	53	3	4
Other	100	18	62	8	12
Number of convictions	14,826	2,337	8,745	1,314	2,430
Murder and manslaughter	105	11	11	8	75
Rape	246	33	80	30	103
Robbery	732	48	240	118	326
Aggravated assault	821	171	442	76	132
Burglary	2,987	243	1,721	326	697
Larceny	1,567	221	998	152	196
Stolen property	1,134	114	781	97	142
Fraud	1,008	180	737	35	56
Drug trafficking	1,960	232	1,119	232	377
Drug possession	1,479	344	991	70	74
Weapons	1,110	434	593	34	49
Other	1,677	306	1,032	136	203

*Includes only cases with known sentencing data.

g. Seattle, Washington 1987

<u>Most serious charge</u>	<u>Total*</u>	<u>No incar-</u> <u>ceration</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%	24%	57%	3%	16%
Murder and manslaughter	100	7	5	5	82
Rape	100	10	42	3	45
Robbery	100	3	53	4	40
Aggravated assault	100	10	66	3	21
Burglary	100	14	65	3	18
Larceny	100	33	62	1	4
Stolen property	100	35	62	1	2
Fraud	100	36	58	3	3
Drug trafficking	100	18	56	3	22
Drug possession	100	49	47	2	2
Weapons	100	13	50	13	25
Other	100	26	53	4	17
Number of convictions	5,137	1,256	2,934	142	805
Murder and manslaughter	57	4	3	3	47
Rape	98	10	41	3	44
Robbery	362	11	193	15	143
Aggravated assault	368	38	242	10	78
Burglary	822	112	538	26	146
Larceny	890	293	548	9	35
Stolen property	160	56	99	2	3
Fraud	391	141	227	12	11
Drug trafficking	597	109	335	19	134
Drug possession	503	248	236	9	10
Weapons	8	1	4	1	2
Other	881	228	468	33	152

*Includes only cases with known sentencing data.

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

- a. Indianapolis
- b. Los Angeles
- c. Manhattan
- d. New Orleans
- e. Portland
- f. Rhode Island
- g. St. Louis
- h. San Diego
- i. Seattle

a. Indianapolis, Indiana 1987

<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%	39%	8%	11%	42%
Murder and manslaughter	100	4	2	2	93
Rape	100	24	9	3	65
Robbery	100	16	5	5	74
Aggravated assault	100	28	8	5	60
Burglary	100	42	4	5	49
Larceny	100	47	9	13	32
Stolen property	100	100	0	0	0
Fraud	100	53	6	0	42
Drug trafficking	100	43	2	5	50
Drug possession	100	66	9	12	13
Weapons	100	40	15	13	32
Other	100	34	11	15	40
Number of convictions	2,865	1,122	233	302	1,208
Murder and manslaughter	56	2	1	1	52
Rape	80	19	7	2	52
Robbery	177	28	9	9	131
Aggravated assault	105	29	8	5	63
Burglary	391	165	16	19	191
Larceny	792	370	70	101	251
Stolen property	2	2	0	0	0
Fraud	36	19	2	0	15
Drug trafficking	153	66	3	8	76
Drug possession	171	113	16	20	22
Weapons	92	37	14	12	29
Other	810	272	87	125	326

b. Los Angeles, California 1987

<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%	5%	41%	12%	42%
Murder and manslaughter	100	1	5	4	89
Rape	100	8	16	10	66
Robbery	100	1	20	15	64
Aggravated assault	100	7	33	18	42
Burglary	100	2	26	13	59
Larceny	100	8	37	14	42
Stolen property	100	8	43	11	38
Fraud	100	12	36	13	40
Drug trafficking	100	4	54	12	30
Drug possession	100	5	57	10	28
Weapons	100	8	36	12	45
Other	100	10	35	12	42
Number of convictions	24,685	1,127	10,092	3,024	10,442
Murder and manslaughter	812	9	43	35	725
Rape	364	28	59	37	240
Robbery	2,725	36	534	401	1,754
Aggravated assault	1,180	81	392	209	498
Burglary	3,374	68	872	443	1,991
Larceny	1,691	128	621	237	705
Stolen property	372	31	160	40	141
Fraud	269	31	96	35	107
Drug trafficking	7,069	289	3,836	843	2,10..
Drug possession	5,016	249	2,838	524	1,405
Weapons	380	29	136	45	170
Other	1,433	148	505	175	605

*Includes only cases with known sentencing data.

c. Manhattan, New York 1987

<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%	24%	23%	11%	42%
Murder and manslaughter	100	4	4	1	91
Rape	100	16	11	5	68
Robbery	100	18	12	13	57
Aggravated assault	100	23	18	8	51
Burglary	100	15	17	14	54
Larceny	100	26	26	14	33
Stolen property	100	26	22	6	45
Fraud	100	49	16	6	30
Drug trafficking	100	25	31	10	34
Drug possession	0	0	0	0	0
Weapons	100	53	11	13	23
Other	100	35	16	8	41
Number of convictions	11,004	2,630	2,562	1,221	4,591
Murder and manslaughter	193	8	8	1	176
Rape	88	14	10	4	60
Robbery	2,214	396	265	291	1,262
Aggravated assault	419	95	77	34	213
Burglary	907	133	154	128	492
Larceny	1,052	273	278	151	350
Stolen property	95	25	21	6	43
Fraud	88	43	14	5	26
Drug trafficking	5,275	1,334	1,648	525	1,768
Drug possession	0	0	0	0	0
Weapons	416	219	45	56	96
Other	257	90	42	20	105

d. New Orleans, Louisiana 1987

<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%	44%	12%	6%	37%
Murder and manslaughter	100	12	0	2	86
Rape	100	9	0	0	91
Robbery	100	14	3	3	80
Aggravated assault	100	42	7	8	44
Burglary	100	29	4	10	57
Larceny	100	57	19	9	16
Stolen property	100	49	11	4	36
Fraud	100	57	8	2	33
Drug trafficking	100	53	7	3	37
Drug possession	100	68	6	3	23
Weapons	100	23	5	4	67
Other	100	36	33	8	23
Number of convictions	3,129	1,387	391	178	1,173
Murder and manslaughter	49	6	0	1	42
Rape	54	5	0	0	49
Robbery	216	30	6	7	173
Aggravated assault	101	42	7	8	44
Burglary	405	119	16	40	230
Larceny	405	229	76	36	64
Stolen property	251	122	28	11	90
Fraud	123	70	10	2	41
Drug trafficking	282	150	21	8	103
Drug possession	573	387	36	18	132
Weapons	115	27	6	5	77
Other	555	200	185	42	128

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

*Includes only cases with known sentencing data.

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

e. Portland, Oregon 1987

<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%	62%	2%	2%	34%
Murder and manslaughter	100	20	0	0	80
Rape	100	55	0	1	44
Robbery	100	27	1	1	71
Aggravated assault	100	58	3	2	37
Burglary	100	50	2	2	45
Larceny	100	65	2	1	32
Stolen property	100	33	0	0	67
Fraud	100	72	2	1	26
Drug trafficking	100	67	1	1	31
Drug possession	100	68	2	2	29
Weapons	100	29	2	7	61
Other	100	70	4	4	23
Number of convictions	4,415	2,724	107	104	1,480
Murder and manslaughter	50	10	0	0	40
Rape	77	42	0	1	34
Robbery	298	79	3	3	213
Aggravated assault	133	77	4	3	49
Burglary	602	303	11	15	273
Larceny	477	308	9	7	153
Stolen property	3	1	0	0	2
Fraud	301	216	5	3	77
Drug trafficking	372	251	2	4	115
Drug possession	555	377	9	9	160
Weapons	41	12	1	3	25
Other	1,506	1,048	63	56	339

*Includes only cases with known sentencing data.

f. Rhode Island 1987

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%	75%	10%	3%	11%
Murder and manslaughter	100	11	0	0	89
Rape	100	40	0	2	57
Robbery	100	26	6	4	64
Aggravated assault	100	74	8	4	15
Burglary	100	61	15	4	19
Larceny	100	70	15	3	11
Stolen property	100	74	14	4	7
Fraud	100	84	9	1	6
Drug trafficking	100	74	9	6	11
Drug possession	100	89	6	3	2
Weapons	100	84	6	1	9
Other	100	81	11	3	5
Number of convictions	4,186	3,146	426	145	469
Murder and manslaughter	27	3	0	0	24
Rape	42	17	0	1	24
Robbery	104	27	6	4	67
Aggravated assault	346	256	26	13	51
Burglary	605	372	90	26	117
Larceny	201	141	30	7	23
Stolen property	69	51	10	3	5
Fraud	293	246	26	2	19
Drug trafficking	339	252	30	20	37
Drug possession	444	395	28	14	7
Weapons	88	74	5	1	8
Other	1,628	1,312	175	54	87

Note: In Rhode Island all felony arrest convictions occur in the felony court. Dispositions of filed cases in the lower court are all dismissals. This case-processing arrangement results in the same incarceration rates for filed and indicted cases.

*Includes only cases with known sentencing data.

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

g. St. Louis, Missouri 1987

<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%	51%	4%	7%	38%
Murder and manslaughter	100	6	0	0	94
Rape	100	19	2	2	77
Robbery	100	17	1	1	82
Aggravated assault	100	51	3	5	41
Burglary	100	42	5	6	48
Larceny	100	58	5	6	31
Stolen property	100	58	10	8	25
Fraud	100	74	4	8	14
Drug trafficking	100	67	0	0	33
Drug possession	100	54	4	9	34
Weapons	100	64	6	8	22
Other	100	43	7	11	39
Number of convictions	2,882	1,463	129	199	1,091
Murder and manslaughter	78	5	0	0	73
Rape	57	11	1	1	44
Robbery	137	23	1	1	112
Aggravated assault	125	64	4	6	51
Burglary	370	156	17	21	176
Larceny	397	229	21	24	123
Stolen property	52	30	5	4	13
Fraud	140	103	6	11	20
Drug trafficking	48	32	0	0	16
Drug possession	728	395	26	62	245
Weapons	435	280	26	33	96
Other	315	135	22	36	122

h. San Diego, California 1987

<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%	9%	47%	14%	30%
Murder and manslaughter	100	9	8	8	74
Rape	100	14	30	13	44
Robbery	100	6	27	18	49
Aggravated assault	100	13	39	17	31
Burglary	100	7	40	16	37
Larceny	100	12	46	17	25
Stolen property	100	6	56	14	25
Fraud	100	11	74	4	11
Drug trafficking	100	10	53	14	23
Drug possession	100	8	60	13	19
Weapons	100	7	47	16	30
Other	100	11	49	15	25
Number of convictions	8,136	751	3,797	1,172	2,416
Murder and manslaughter	98	9	8	8	73
Rape	236	33	70	30	103
Robbery	662	41	180	117	324
Aggravated assault	424	57	166	70	131
Burglary	1,858	129	738	299	692
Larceny	775	93	356	131	195
Stolen property	572	33	319	79	141
Fraud	521	59	386	21	55
Drug trafficking	1,617	159	858	223	377
Drug possession	390	32	235	49	74
Weapons	161	12	75	25	49
Other	822	94	406	120	202

*Includes only cases with known sentencing data.

i. Seattle, Washington 1987

Most serious charge	Total*	No incar- ceration	Percentage of convictions resulting in incarceration for:		
			Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	15%	64%	3%	18%
Murder and manslaughter	100	7	5	5	82
Rape	100	10	42	3	45
Robbery	100	3	53	4	40
Aggravated assault	100	10	66	3	21
Burglary	100	13	66	3	18
Larceny	100	24	71	1	5
Stolen property	100	23	73	2	2
Fraud	100	19	74	4	4
Drug trafficking	100	17	57	3	23
Drug possession	100	19	74	3	3
Weapons	100	0	57	14	29
Other	100	13	61	-	24
Number of convictions	4,415	672	2,817	121	805
Murder and manslaughter	57	4	3	3	47
Rape	98	10	41	3	44
Robbery	362	11	193	15	143
Aggravated assault	364	35	241	10	78
Burglary	816	106	538	26	146
Larceny	761	181	538	7	35
Stolen property	132	30	97	2	3
Fraud	303	58	223	11	11
Drug trafficking	589	102	334	19	134
Drug possession	286	55	213	8	10
Weapons	7	0	4	1	2
Other	640	80	392	16	152

*Includes only cases with known sentencing data.

Table 8. Case-processing time for cases filed

a. Brighton
 b. Denver
 c. Littleton
 d. Los Angeles
 e. Manhattan
 f. New Orleans
 g. Portland
 h. Rhode Island
 i. St. Louis
 j. San Diego
 k. Seattle
 l. Washington, D.C.

a. Brighton, Colorado 1987

Most serious charge	All cases filed*	Processing time for cases disposed of by:		
		Dismissal	Guilty plea	Trial
Median time from arrest to disposition	180 days	151 days	173 days	321 days
Murder and manslaughter	328	244	183	343
Rape	213	252	184	0
Robbery	187	151	196	197
Aggravated assault	191	169	167	270
Burglary	196	196	196	344
Larceny	244	317	214	385
Stolen property	231	74	231	259
Fraud	188	172	188	329
Drug trafficking	183	200	183	0
Drug possession	156	147	156	0
Weapons	121	68	121	0
Other	134	98	139	283
Mean time from arrest to disposition	248 days	249 days	243 days	341 days
Murder and manslaughter	313	284	183	340
Rape	266	291	258	0
Robbery	244	246	230	386
Aggravated assault	245	260	237	273
Burglary	264	261	261	343
Larceny	334	488	302	443
Stolen property	311	241	331	259
Fraud	283	265	285	362
Drug trafficking	230	249	228	0
Drug possession	206	194	207	0
Weapons	121	68	137	0
Other	195	160	199	309
Number of cases filed	1,374	223	1,096	55
Murder and manslaughter	12	3	1	8
Rape	12	3	9	0
Robbery	80	21	54	5
Aggravated assault	128	25	92	11
Burglary	178	29	143	6
Larceny	187	25	153	9
Stolen property	17	3	13	1
Fraud	194	27	164	3
Drug trafficking	80	5	75	0
Drug possession	73	8	65	0
Weapons	9	2	7	0
Other	404	72	320	12

*Includes only cases for which time data were available.

b. Denver, Colorado 1987

<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	112 days	89 days	110 days	268 days
Murder and manslaughter	218	166	180	290
Rape	211	148	211	296
Robbery	136	79	140	189
Aggravated assault	129	82	134	394
Burglary	89	84	86	226
Larceny	99	92	100	265
Stolen property	101	65	105	0
Fraud	78	78	78	609
Drug trafficking	139	174	132	326
Drug possession	108	68	126	287
Weapons	102	112	102	0
Other	133	135	114	267
Mean time from arrest to disposition	169 days	156 days	164 days	327 days
Murder and manslaughter	281	196	233	390
Rape	225	181	235	271
Robbery	153	125	154	266
Aggravated assault	167	122	170	393
Burglary	140	138	136	299
Larceny	187	191	183	330
Stolen property	175	115	189	0
Fraud	154	171	148	609
Drug trafficking	181	210	176	347
Drug possession	158	136	162	285
Weapons	109	112	108	0
Other	178	188	169	277
Number of cases filed	3,195	580	2,496	119
Murder and manslaughter	66	3	42	21
Rape	58	16	35	7
Robbery	286	66	206	14
Aggravated assault	373	100	257	16
Burglary	510	57	439	14
Larceny	430	82	340	8
Stolen property	39	7	32	0
Fraud	349	45	302	2
Drug trafficking	403	36	361	6
Drug possession	222	86	125	11
Weapons	16	1	15	0
Other	443	81	342	20

Note: Absolute number of cases represents an undercount of trials. Actual number of trials in 1987 was 161.

*Includes only cases for which time data were available.

Table 8. Continued
Case-processing time for cases filed

c. Littleton, Colorado 1987

<u>Most serious charge</u>	All cases filed*	Processing time for cases disposed of by:		
		Dismissal	Guilty plea	Trial
Median time from arrest to disposition	172 days	180 days	165 days	371 days
Murder and manslaughter	244	0	244	0
Rape	241	142	244	315
Robbery	225	104	229	348
Aggravated assault	162	120	150	246
Burglary	187	114	190	292
Larceny	189	227	179	334
Stolen property	519	771	238	0
Fraud	175	193	169	512
Drug trafficking	162	569	144	554
Drug possession	157	177	153	703
Weapons	126	209	126	400
Other	142	149	136	486
Mean time from arrest to disposition	286 days	274 days	285 days	410 days
Murder and manslaughter	256	0	256	0
Rape	339	198	433	308
Robbery	346	178	369	348
Aggravated assault	208	163	208	280
Burglary	281	204	287	353
Larceny	362	401	357	400
Stolen property	650	771	621	0
Fraud	266	266	264	512
Drug trafficking	349	500	341	554
Drug possession	227	176	223	703
Weapons	185	209	169	400
Other	219	216	209	476
Number of cases filed	1,997	243	1,713	41
Murder and manslaughter	8	0	8	0
Rape	14	4	7	3
Robbery	61	7	52	2
Aggravated assault	122	11	105	6
Burglary	319	31	280	8
Larceny	491	53	434	4
Stolen property	16	3	13	0
Fraud	330	63	265	2
Drug trafficking	101	4	96	1
Drug possession	138	9	127	2
Weapons	17	1	15	1
Other	380	57	311	12

*Includes only cases for which time data were available.

d. Los Angeles, California 1987

<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	95 days	118 days	86 days	216 days
Murder and manslaughter	231	118	212	387
Rape	139	132	117	278
Robbery	78	21	82	149
Aggravated assault	99	49	101	213
Burglary	60	33	61	143
Larceny	82	89	79	234
Stolen property	78	52	82	168
Fraud	104	265	86	297
Drug trafficking	87	108	81	210
Drug possession	180	265	113	193
Weapons	88	87	84	205
Other	72	21	97	221
Mean time from arrest to disposition	188 days	248 days	159 days	288 days
Murder and manslaughter	331	235	303	480
Rape	225	305	177	326
Robbery	137	130	133	208
Aggravated assault	179	172	173	254
Burglary	125	172	113	199
Larceny	199	363	160	374
Stolen property	154	177	144	232
Fraud	326	862	195	327
Drug trafficking	169	233	151	262
Drug possession	241	311	188	219
Weapons	158	177	145	283
Other	148	111	163	281
Number of cases filed	56,512	15,279	38,965	2,268
Murder and manslaughter	1,485	268	876	341
Rape	917	187	600	130
Robbery	4,862	1,120	3,431	311
Aggravated assault	2,385	664	1,521	200
Burglary	6,460	1,022	5,228	210
Larceny	4,188	725	3,376	87
Stolen property	947	234	696	17
Fraud	862	167	682	13
Drug trafficking	13,355	2,287	10,513	555
Drug possession	15,123	6,426	8,537	160
Weapons	859	221	609	29
Other	5,069	1,958	2,896	215

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

e. Manhattan, New York 1987

<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	89 days	117 days	46 days	220 days
Murder and manslaughter	232	164	195	297
Rape	107	95	133	280
Robbery	96	102	71	218
Aggravated assault	104	115	61	228
Burglary	64	129	36	177
Larceny	83	148	36	175
Stolen property	81	153	28	124
Fraud	58	179	23	238
Drug trafficking	62	105	36	244
Drug possession	75	366	3	0
Weapons	118	115	106	233
Other	85	143	40	237
Mean time from arrest to disposition	153 days	205 days	109 days	250 days
Murder and manslaughter	312	293	297	351
Rape	158	144	183	314
Robbery	149	163	122	242
Aggravated assault	163	184	117	262
Burglary	145	250	97	198
Larceny	169	276	104	196
Stolen property	181	323	98	167
Fraud	153	305	83	226
Drug trafficking	133	189	102	263
Drug possession	195	353	48	0
Weapons	228	234	219	259
Other	151	243	96	269
Number of cases filed	38,031	15,784	21,158	1,089
Murder and manslaughter	263	66	122	75
Rape	412	313	85	14
Robbery	6,675	3,480	2,885	310
Aggravated assault	5,305	3,308	1,845	152
Burglary	2,715	793	1,836	86
Larceny	5,818	2,140	3,557	121
Stolen property	934	344	581	9
Fraud	544	167	373	4
Drug trafficking	11,906	3,847	7,867	192
Drug possession	83	40	43	0
Weapons	1,110	543	521	46
Other	2,266	743	1,443	80

*Includes only cases for which time data were available.

f. New Orleans, Louisiana 1987

<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	110 days	120 days	100 days	170 days
Murder and manslaughter	214	258	170	274
Rape	185	343	167	208
Robbery	145	235	118	192
Aggravated assault	163	204	150	208
Burglary	118	305	105	180
Larceny	98	185	95	125
Stolen property	108	127	100	143
Fraud	101	105	97	217
Drug trafficking	115	55	118	174
Drug possession	106	130	98	173
Weapons	117	169	107	165
Other	84	98	77	114
Mean time from arrest to disposition	168 days	185 days	152 days	238 days
Murder and manslaughter	332	257	389	302
Rape	263	376	236	240
Robbery	209	261	171	266
Aggravated assault	220	276	175	304
Burglary	154	271	135	246
Larceny	154	322	141	181
Stolen property	155	165	153	153
Fraud	175	174	167	241
Drug trafficking	191	131	201	268
Drug possession	156	162	151	211
Weapons	155	231	134	190
Other	138	178	124	198
Number of cases filed	3,855	569	2,783	503
Murder and manslaughter	68	7	27	34
Rape	72	13	31	28
Robbery	259	27	155	77
Aggravated assault	132	16	82	34
Burglary	433	18	366	49
Larceny	438	23	374	41
Stolen property	287	35	223	29
Fraud	212	83	115	14
Drug trafficking	435	129	234	72
Drug possession	718	126	552	40
Weapons	132	17	95	20
Other	669	75	529	65

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

g. Portland, Oregon 1987

<u>Most serious charge</u>	All cases filed*	Processing time for cases disposed of by:		
		Dismissal	Guilty plea	Trial
Median time from arrest to disposition	97 days	69 days	98 days	122 days
Murder and manslaughter	130	15	145	140
Rape	87	17	89	128
Robbery	73	10	77	91
Aggravated assault	74	9	84	125
Burglary	87	39	87	118
Larceny	121	121	113	142
Stolen property	96	35	99	0
Fraud	113	176	104	125
Drug trafficking	113	88	113	133
Drug possession	124	123	119	147
Weapons	105	25	129	103
Other	84	52	88	109
Mean time from arrest to disposition	163 days	192 days	148 days	167 days
Murder and manslaughter	145	45	172	158
Rape	188	122	220	205
Robbery	133	160	119	130
Aggravated assault	113	49	143	163
Burglary	138	164	122	189
Larceny	237	378	172	186
Stolen property	92	35	111	0
Fraud	215	433	150	156
Drug trafficking	165	204	157	159
Drug possession	178	221	164	168
Weapons	146	115	171	152
Other	145	139	146	168
Number of cases filed	6,637	1,893	3,890	854
Murder and manslaughter	66	11	25	30
Rape	117	36	62	19
Robbery	472	137	239	96
Aggravated assault	220	79	95	46
Burglary	840	172	568	100
Larceny	739	227	427	85
Stolen property	4	1	3	0
Fraud	411	94	295	22
Drug trafficking	473	83	287	103
Drug possession	770	185	458	127
Weapons	76	27	30	19
Other	2,449	841	1,401	207

*Includes only cases for which time data were available.

h. Rhode Island 1987

<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	147 days	63 days	175 days	467 days
Murder and manslaughter	626	812	619	595
Rape	486	557	479	508
Robbery	371	435	329	395
Aggravated assault	143	49	190	509
Burglary	135	54	148	393
Larceny	143	69	171	495
Stolen property	157	54	174	499
Fraud	181	92	195	462
Drug trafficking	133	52	171	790
Drug possession	156	68	181	259
Weapons	119	45	141	0
Other	144	69	175	432
Mean time from arrest to disposition	382 days	230 days	336 days	607 days
Murder and manslaughter	775	735	718	848
Rape	491	552	485	483
Robbery	552	640	524	569
Aggravated assault	305	219	355	763
Burglary	282	207	308	611
Larceny	251	212	261	552
Stolen property	427	248	519	499
Fraud	360	314	381	576
Drug trafficking	254	147	312	718
Drug possession	249	226	268	285
Weapons	324	148	394	0
Other	301	234	339	556
Number of cases filed	7,029	2,751	4,092	186
Murder and manslaughter	33	3	16	14
Rape	54	5	39	10
Robbery	134	29	95	10
Aggravated assault	693	331	336	26
Burglary	865	256	599	10
Larceny	277	75	199	3
Stolen property	106	36	69	1
Fraud	438	144	291	3
Drug trafficking	545	204	336	5
Drug possession	790	345	442	3
Weapons	123	35	88	0
Other	2,971	1,288	1,582	101

*Includes only cases for which time data were available.

Table 8. Continued
Case-processing time for cases filed

i. St. Louis, Missouri 1987

<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	132 days	51 days	153 days	261 days
Murder and manslaughter	268	53	305	321
Rape	183	36	231	286
Robbery	175	56	240	258
Aggravated assault	161	58	197	294
Burglary	132	51	148	235
Larceny	119	44	140	216
Stolen property	143	69	161	790
Fraud	112	47	140	384
Drug trafficking	121	70	148	168
Drug possession	131	55	147	235
Weapons	136	59	153	239
Other	113	45	138	244
Mean time from arrest to disposition	166 days	111 days	189 days	294 days
Murder and manslaughter	269	176	327	354
Rape	194	99	278	296
Robbery	195	116	261	324
Aggravated assault	212	166	237	316
Burglary	164	97	186	286
Larceny	161	117	182	248
Stolen property	174	151	172	790
Fraud	164	86	217	384
Drug trafficking	182	140	237	168
Drug possession	151	93	169	260
Weapons	162	106	184	258
Other	133	95	154	242
Number of cases filed	4,625	1,638	2,774	213
Murder and manslaughter	147	63	47	37
Rape	119	57	50	12
Robbery	283	140	116	27
Aggravated assault	249	110	119	20
Burglary	551	166	357	28
Larceny	633	223	391	19
Stolen property	75	23	51	1
Fraud	242	99	142	1
Drug trafficking	109	61	47	1
Drug possession	1,013	268	720	25
Weapons	645	198	428	19
Other	559	230	306	23

*Includes only cases for which time data were available.

j. San Diego, California 1987

<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	102 days	65 days	161 days
Murder and manslaughter	165	211	156	200
Rape	77	76	65	206
Robbery	67	45	66	158
Aggravated assault	76	83	72	137
Burglary	48	66	44	114
Larceny	63	159	55	139
Stolen property	56	83	50	132
Fraud	102	288	77	1,890
Drug trafficking	87	126	79	178
Drug possession	124	250	89	211
Weapons	81	212	68	161
Other	61	37	70	161
Mean time from arrest to disposition	193 days	357 days	135 days	273 days
Murder and manslaughter	244	346	216	319
Rape	115	205	91	226
Robbery	151	231	121	253
Aggravated assault	144	223	118	168
Burglary	128	274	102	184
Larceny	205	588	125	212
Stolen property	151	286	103	161
Fraud	437	847	270	1,437
Drug trafficking	162	292	124	219
Drug possession	268	396	176	261
Weapons	188	450	116	164
Other	163	198	142	182
Number of cases filed	20,752	5,120	15,150	482
Murder and manslaughter	120	8	89	23
Rape	296	33	238	25
Robbery	954	183	706	65
Aggravated assault	1,150	265	830	55
Burglary	3,620	504	3,046	70
Larceny	1,963	335	1,598	30
Stolen property	1,587	412	1,158	17
Fraud	1,469	374	1,070	25
Drug trafficking	2,642	551	2,021	70
Drug possession	2,678	1,114	1,544	20
Weapons	1,472	314	1,140	18
Other	2,801	1,027	1,710	64

*Includes only cases for which time data were available.

Table 8. Continued
Case-processing time for cases filed

k. Seattle, Washington 1987

<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	107 days	107 days	103 days	137 days
Murder and manslaughter	132	147	94	154
Rape	105	118	101	106
Robbery	71	78	64	80
Aggravated assault	98	110	84	138
Burglary	85	131	79	121
Larceny	94	161	85	151
Stolen property	134	280	122	144
Fraud	111	192	106	148
Drug trafficking	176	161	172	206
Drug possession	184	193	180	213
Weapons	88	91	67	108
Other	78	64	79	104
Mean time from arrest to disposition	170 days	223 days	156 days	186 days
Murder and manslaughter	165	179	126	192
Rape	184	167	184	197
Robbery	110	203	94	120
Aggravated assault	142	187	121	190
Burglary	151	250	140	166
Larceny	180	470	146	233
Stolen property	221	481	182	179
Fraud	204	436	188	175
Drug trafficking	209	206	205	231
Drug possession	222	285	207	252
Weapons	130	91	113	186
Other	146	153	136	165
Number of cases filed	5,931	968	4,316	647
Murder and manslaughter	63	4	25	34
Rape	118	23	62	33
Robbery	399	46	303	50
Aggravated assault	407	42	280	85
Burglary	876	64	739	73
Larceny	923	87	803	33
Stolen property	170	22	138	10
Fraud	385	26	351	8
Drug trafficking	678	81	495	102
Drug possession	549	86	432	31
Weapons	10	2	5	3
Other	1,353	485	683	185

*Includes only cases for which time data were available.

1. Washington, D.C. 1987

Most serious charge	All cases filed*	Processing time for cases disposed of by:		
		Dismissal	Guilty plea	Trial
Median time from arrest to disposition	87 days	97 days	77 days	188 days
Murder and manslaughter	298	274	349	400
Rape	168	149	168	390
Robbery	99	78	101	199
Aggravated assault	101	85	108	198
Burglary	92	86	89	203
Larceny	91	119	76	165
Stolen property	102	139	86	149
Fraud	76	113	62	445
Drug trafficking	85	104	76	177
Drug possession	0	0	0	0
Weapons	126	138	123	134
Other	64	69	57	185
Mean time from arrest to disposition	131 days	141 days	116 days	226 days
Murder and manslaughter	426	272	499	496
Rape	218	194	202	417
Robbery	159	151	153	222
Aggravated assault	157	146	162	219
Burglary	140	140	132	233
Larceny	140	160	124	189
Stolen property	138	165	123	179
Fraud	121	141	101	326
Drug trafficking	117	133	106	197
Drug possession	0	0	0	0
Weapons	170	160	167	244
Other	110	119	91	220
Number of cases filed	14,006	5,027	8,182	797
Murder and manslaughter	123	39	50	34
Rape	221	133	67	21
Robbery	1,024	465	455	104
Aggravated assault	1,354	837	396	121
Burglary	707	311	364	32
Larceny	809	315	468	26
Stolen property	430	132	278	20
Fraud	287	116	166	5
Drug trafficking	7,123	1,795	4,983	345
Drug possession	0	0	0	0
Weapons	155	62	82	11
Other	1,773	822	873	78

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

*Includes only cases for which time data were available.

Table 9. Case-processing time for cases indicted

a. Denver b. Indianapolis c. Los Angeles d. Manhattan e. New Orleans f. Portland g. Rhode Island h. St. Louis i. San Diego j. Seattle k. Washington, D.C.	a. Denver, Colorado 1987		Processing time for cases disposed of by:		
	<u>Most serious charge</u>	<u>All cases indicted*</u>	<u>Dismissal</u>	<u>Guilty plea</u>	<u>Trial</u>
	Median time from arrest to disposition	140 days	133 days	135 days	268 days
	Murder and manslaughter	218	166	180	290
	Rape	224	261	211	296
	Robbery	153	116	152	189
	Aggravated assault	169	185	168	394
	Burglary	94	128	89	226
	Larceny	138	130	137	265
	Stolen property	124	85	141	0
	Fraud	109	118	104	609
	Drug trafficking	151	188	138	326
	Drug possession	127	68	141	287
	Weapons	107	112	102	0
	Other	166	173	155	267
	Mean time from arrest to disposition	190 days	179 days	184 days	327 days
	Murder and manslaughter	281	196	233	390
	Rape	247	253	240	271
	Robbery	167	148	165	266
	Aggravated assault	219	204	208	393
	Burglary	149	184	141	299
	Larceny	213	170	219	330
	Stolen property	193	130	208	0
	Fraud	198	209	192	609
	Drug trafficking	185	221	179	347
	Drug possession	171	140	183	285
	Weapons	119	112	119	0
	Other	208	200	204	277
	Number of cases indicted	2,573	425	2,029	119
	Murder and manslaughter	66	3	42	21
	Rape	50	10	33	7
	Robbery	253	51	188	14
	Aggravated assault	245	44	185	16
	Burglary	459	37	408	14
	Larceny	319	59	252	8
	Stolen property	30	6	24	0
	Fraud	223	35	186	2
	Drug trafficking	387	34	347	6
	Drug possession	198	82	105	11
	Weapons	14	1	13	0
	Other	329	63	246	20

*Includes only cases for which time data were available.

Note: Absolute number of cases represents an undercount of trials. Actual number of trials in 1987 was 161.

b. Indianapolis, Indiana 1987

<u>Most serious charge</u>	<u>All cases indicted*</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	171 days	199 days	162 days	211 days
Murder and manslaughter	274	158	243	329
Rape	249	216	248	278
Robbery	134	118	130	182
Aggravated assault	209	190	217	209
Burglary	138	194	123	190
Larceny	160	209	142	189
Stolen property	126	0	126	0
Fraud	212	971	163	0
Drug trafficking	221	210	221	379
Drug possession	147	203	134	193
Weapons	168	157	171	169
Other	193	199	182	224
Mean time from arrest to disposition	313 days	553 days	248 days	272 days
Murder and manslaughter	268	196	262	328
Rape	276	280	260	339
Robbery	222	316	196	219
Aggravated assault	306	295	329	249
Burglary	213	510	162	256
Larceny	319	560	251	241
Stolen property	126	0	126	0
Fraud	539	1,333	186	0
Drug trafficking	338	542	261	439
Drug possession	490	729	403	567
Weapons	270	363	247	219
Other	330	613	253	265
Number of cases indicted	3,730	770	2,591	369
Murder and manslaughter	72	14	38	20
Rape	107	25	67	15
Robbery	227	42	152	33
Aggravated assault	136	29	80	27
Burglary	456	54	351	51
Larceny	1,043	232	744	67
Stolen property	2	0	2	0
Fraud	52	16	36	0
Drug trafficking	204	45	142	17
Drug possession	233	59	168	6
Weapons	130	30	84	16
Other	1,068	224	727	117

*Includes only cases for which time data were available.

Table 9. Continued
Case-processing time for cases indicted

c. Los Angeles, California 1987

<u>Most serious charge</u>	<u>All cases indicted*</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	118 days	184 days	105 days	212 days
Murder and manslaughter	261	254	230	379
Rape	200	229	153	279
Robbery	101	119	93	150
Aggravated assault	139	188	118	215
Burglary	83	119	79	145
Larceny	105	185	94	232
Stolen property	112	181	103	168
Fraud	135	322	122	297
Drug trafficking	114	186	104	208
Drug possession	133	252	122	192
Weapons	122	174	117	195
Other	151	170	139	221
Mean time from arrest to disposition	199 days	321 days	179 days	275 days
Murder and manslaughter	358	333	319	451
Rape	268	363	229	321
Robbery	164	257	152	205
Aggravated assault	207	285	190	254
Burglary	150	344	134	199
Larceny	204	328	188	353
Stolen property	186	229	178	232
Fraud	285	773	217	276
Drug trafficking	194	316	177	252
Drug possession	210	326	192	218
Weapons	200	262	186	282
Other	221	329	200	274
Number of cases indicted	28,854	2,623	24,153	2,078
Murder and manslaughter	1,001	83	630	288
Rape	471	67	303	101
Robbery	3,124	226	2,597	301
Aggravated assault	1,427	135	1,107	185
Burglary	3,747	221	3,326	200
Larceny	1,900	132	1,692	76
Stolen property	447	50	380	17
Fraud	315	37	267	11
Drug trafficking	8,232	691	7,018	523
Drug possession	6,020	762	5,102	156
Weapons	445	50	367	28
Other	1,725	169	1,364	192

*Includes only cases for which time data were available.

d. Manhattan, New York 1987

<u>Most serious charge</u>	<u>All cases indicted*</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	101 days	169 days	81 days	228 days
Murder and manslaughter	244	252	196	297
Rape	172	214	139	280
Robbery	113	189	92	218
Aggravated assault	155	209	121	248
Burglary	72	168	60	182
Larceny	87	170	76	203
Stolen property	130	233	126	124
Fraud	119	394	60	238
Drug trafficking	84	141	68	249
Drug possession	0	0	0	0
Weapons	142	242	114	251
Other	169	268	142	315
Mean time from arrest to disposition	164 days	295 days	136 days	260 days
Murder and manslaughter	331	388	299	351
Rape	244	335	196	319
Robbery	170	289	141	242
Aggravated assault	224	357	167	301
Burglary	148	410	123	202
Larceny	148	335	131	220
Stolen property	205	459	172	167
Fraud	201	637	127	226
Drug trafficking	140	241	120	267
Drug possession	0	0	0	0
Weapons	282	400	242	263
Other	235	332	194	325
Number of cases indicted	12,621	1,552	10,192	877
Murder and manslaughter	235	39	121	75
Rape	109	27	70	12
Robbery	2,566	289	1,980	297
Aggravated assault	554	107	363	84
Burglary	994	63	854	77
Larceny	1,137	65	992	80
Stolen property	110	13	88	9
Fraud	75	10	61	4
Drug trafficking	6,061	765	5,120	176
Drug possession	0	0	0	0
Weapons	583	141	405	37
Other	197	33	138	26

*Includes only cases for which time data were available.

Table 9. Continued
Case-processing time for cases indicted

e. New Orleans, Louisiana 1987

<u>Most serious charge</u>	<u>All cases indicted*</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	110 days	120 days	100 days	170 days
Murder and manslaughter	214	258	170	274
Rape	185	343	167	208
Robbery	145	235	118	192
Aggravated assault	163	204	150	208
Burglary	118	305	105	180
Larceny	98	185	95	125
Stolen property	108	127	100	143
Fraud	101	105	97	217
Drug trafficking	115	55	118	174
Drug possession	106	130	98	173
Weapons	117	169	107	165
Other	84	98	77	114
Mean time from arrest to disposition	168 days	185 days	152 days	238 days
Murder and manslaughter	332	257	389	302
Rape	263	376	236	240
Robbery	209	261	171	266
Aggravated assault	220	276	175	304
Burglary	154	271	135	246
Larceny	154	322	141	181
Stolen property	155	165	153	153
Fraud	175	174	167	241
Drug trafficking	191	131	201	268
Drug possession	156	162	151	211
Weapons	155	231	134	190
Other	138	178	124	198
Number of cases indicted	3,855	569	2,783	503
Murder and manslaughter	68	7	27	34
Rape	72	13	31	28
Robbery	259	27	155	77
Aggravated assault	132	16	82	34
Burglary	433	18	366	49
Larceny	438	23	374	41
Stolen property	287	35	223	29
Fraud	212	83	115	14
Drug trafficking	435	129	234	72
Drug possession	718	126	552	40
Weapons	132	17	95	20
Other	669	75	529	65

*Includes only cases for which time data were available.

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

f. Portland, Oregon 1987

<u>Most serious charge</u>	<u>All cases indicted*</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	198 days	150 days	98 days	122 days
Murder and manslaughter	142	82	145	140
Rape	112	146	89	128
Robbery	86	115	79	99
Aggravated assault	97	105	85	125
Burglary	94	164	85	117
Larceny	125	141	114	142
Stolen property	99	0	99	0
Fraud	119	203	105	125
Drug trafficking	122	145	113	134
Drug possession	131	155	119	147
Weapons	114	132	144	103
Other	99	149	88	112
Mean time from arrest to disposition	170 days	269 days	149 days	167 days
Murder and manslaughter	159	78	172	158
Rape	224	269	220	205
Robbery	127	147	123	129
Aggravated assault	151	156	145	163
Burglary	140	220	121	188
Larceny	218	353	172	186
Stolen property	111	0	111	0
Fraud	201	456	151	156
Drug trafficking	162	200	157	160
Drug possession	176	228	164	168
Weapons	163	154	174	152
Other	166	253	146	171
Number of cases indicted	5,496	839	3,812	845
Murder and manslaughter	59	4	25	30
Rape	94	13	62	19
Robbery	361	40	226	95
Aggravated assault	155	15	94	46
Burglary	713	69	545	99
Larceny	662	162	415	85
Stolen property	3	0	3	0
Fraud	374	61	291	22
Drug trafficking	436	47	287	102
Drug possession	701	120	454	127
Weapons	59	11	29	19
Other	1,879	297	1,381	201

*Incl. only cases for which time data was available.

Table 9. Continued
Case-processing time for cases indicted

g. Rhode Island 1987

<u>Most serious charge</u>	<u>All cases indicted*</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	194 days	363 days	175 days	467 days
Murder and manslaughter	626	812	619	595
Rape	486	557	479	508
Robbery	375	456	329	395
Aggravated assault	232	374	190	509
Burglary	153	259	148	393
Larceny	187	245	171	495
Stolen property	189	680	174	499
Fraud	232	439	195	462
Drug trafficking	173	224	171	790
Drug possession	186	403	181	259
Weapons	147	408	141	0
Other	199	347	175	432
Mean time from arrest to disposition	379 days	520 days	336 days	607 days
Murder and manslaughter	775	735	718	848
Rape	491	552	485	483
Robbery	556	661	524	569
Aggravated assault	422	539	355	763
Burglary	333	484	308	611
Larceny	291	543	261	552
Stolen property	530	604	519	499
Fraud	424	715	381	576
Drug trafficking	341	592	312	718
Drug possession	315	636	268	285
Weapons	400	472	394	0
Other	381	476	339	556
Number of cases indicted	5,217	939	4,092	186
Murder and manslaughter	33	3	16	14
Rape	54	5	39	10
Robbery	133	28	95	10
Aggravated assault	480	118	336	26
Burglary	690	81	599	10
Larceny	223	21	199	3
Stolen property	81	11	69	1
Fraud	336	42	291	3
Drug trafficking	372	31	336	5
Drug possession	510	65	442	3
Weapons	96	8	88	0
Other	2,209	526	1,582	101

*Includes only cases for which time data were available.

h. St. Louis, Missouri 1987

<u>Most serious charge</u>	<u>All cases indicted*</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	162 days	194 days	153 days	261 days
Murder and manslaughter	314	287	305	321
Rape	250	253	231	286
Robbery	235	211	240	258
Aggravated assault	207	163	199	294
Burglary	158	166	150	235
Larceny	147	184	140	216
Stolen property	163	196	161	790
Fraud	143	189	141	384
Drug trafficking	159	953	148	168
Drug possession	152	196	147	235
Weapons	155	205	153	239
Other	146	228	138	244
Mean time from arrest to disposition	202 days	247 days	190 days	294 days
Murder and manslaughter	333	283	327	354
Rape	282	268	283	296
Robbery	265	228	261	324
Aggravated assault	253	263	240	316
Burglary	200	262	187	286
Larceny	186	196	182	248
Stolen property	189	237	172	790
Fraud	217	171	220	384
Drug trafficking	272	866	237	168
Drug possession	177	244	169	260
Weapons	192	226	185	258
Other	171	272	155	242
Number of cases indicted	3,267	304	2,750	213
Murder and manslaughter	95	11	47	37
Rape	74	13	49	12
Robbery	175	32	116	27
Aggravated assault	170	33	117	20
Burglary	417	35	354	28
Larceny	439	32	388	19
Stolen property	57	5	51	1
Fraud	152	11	140	1
Drug trafficking	51	3	47	1
Drug possession	789	47	717	25
Weapons	493	51	423	19
Other	355	31	301	23

*Includes only cases for which time data were available.

Table 9. Continued
Case-processing time for cases indicted

i. San Diego, California 1987

<u>Most serious charge</u>	<u>All cases indicted*</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	70 days	112 days	66 days	164 days
Murder and manslaughter	176	835	156	202
Rape	80	167	66	221
Robbery	74	127	66	158
Aggravated assault	91	196	83	148
Burglary	56	69	50	119
Larceny	60	75	58	136
Stolen property	59	86	52	155
Fraud	74	283	70	244
Drug trafficking	89	144	82	178
Drug possession	66	165	64	122
Weapons	76	145	68	147
Other	77	124	72	176
Mean time from arrest to disposition	132 days	219 days	123 days	234 days
Murder and manslaughter	229	835	188	330
Rape	108	212	92	231
Robbery	141	409	117	253
Aggravated assault	145	251	135	186
Burglary	111	136	107	193
Larceny	128	174	124	223
Stolen property	86	114	82	180
Fraud	195	475	176	678
Drug trafficking	133	212	125	222
Drug possession	127	179	123	182
Weapons	116	182	109	159
Other	161	315	151	196
Number of cases indicted	9,076	435	8,262	379
Murder and manslaughter	106	2	82	22
Rape	260	8	228	24
Robbery	732	32	635	65
Aggravated assault	497	24	431	42
Burglary	2,066	116	1,888	62
Larceny	844	33	790	21
Stolen property	635	31	590	14
Fraud	566	16	538	12
Drug trafficking	1,816	90	1,658	68
Drug possession	435	22	405	8
Weapons	191	16	171	4
Other	928	45	846	37

*Includes only cases for which time data were available.

j. Seattle, Washington 1987

<u>Most serious charge</u>	<u>All cases indicted*</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	109 days	148 days	99 days	142 days
Murder and manslaughter	132	147	94	154
Rape	105	118	101	106
Robbery	71	65	64	80
Aggravated assault	97	105	83	138
Burglary	84	128	79	121
Larceny	91	177	82	151
Stolen property	124	280	106	144
Fraud	105	190	100	119
Drug trafficking	176	162	171	206
Drug possession	177	193	172	217
Weapons	67	91	67	225
Other	104	150	92	134
Mean time from arrest to disposition	169 days	286 days	151 days	194 days
Murder and manslaughter	165	179	126	192
Rape	184	167	184	197
Robbery	110	207	94	120
Aggravated assault	138	163	118	190
Burglary	150	253	139	166
Larceny	177	471	143	243
Stolen property	182	429	149	179
Fraud	197	424	180	160
Drug trafficking	208	207	203	231
Drug possession	215	317	188	258
Weapons	133	91	113	225
Other	161	278	139	192
Number of cases indicted	4,865	503	3,823	539
Murder and manslaughter	63	4	25	34
Rape	118	23	62	33
Robbery	397	44	303	50
Aggravated assault	403	41	277	85
Burglary	868	62	733	73
Larceny	829	75	723	31
Stolen property	146	16	120	10
Fraud	323	23	295	5
Drug trafficking	671	80	489	102
Drug possession	346	59	264	23
Weapons	9	2	5	2
Other	692	74	527	91

*Includes only cases for which time data were available.

Table 9. Continued
Case-processing time for cases indicted

k. Washington, D.C. 1987

<u>Most serious charge</u>	All cases indicted*	<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	102 days	141 days	85 days	216 days
Murder and manslaughter	378	381	360	410
Rape	320	362	249	393
Robbery	204	286	174	207
Aggravated assault	259	310	221	287
Burglary	185	285	162	275
Larceny	135	193	113	252
Stolen property	105	151	87	149
Fraud	301	323	278	501
Drug trafficking	90	126	78	189
Drug possession	0	0	0	0
Weapons	152	195	136	219
Other	65	87	56	222
Mean time from arrest to disposition	150 days	197 days	129 days	259 days
Murder and manslaughter	529	544	546	504
Rape	367	512	280	438
Robbery	261	442	217	239
Aggravated assault	313	379	283	316
Burglary	253	373	222	268
Larceny	199	243	176	338
Stolen property	144	189	125	187
Fraud	328	338	309	501
Drug trafficking	122	152	110	212
Drug possession	0	0	0	0
Weapons	215	259	192	283
Other	119	167	94	258
Number of cases indicted	8,394	1,549	6,268	577
Murder and manslaughter	85	8	44	33
Rape	61	10	32	19
Robbery	422	73	258	91
Aggravated assault	278	70	156	52
Burglary	199	34	144	21
Larceny	342	90	241	11
Stolen property	381	97	266	18
Fraud	30	6	22	2
Drug trafficking	5,703	966	4,461	276
Drug possession	0	0	0	0
Weapons	100	23	68	9
Other	793	172	576	45

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

*Includes only cases for which time data were available.

Table 10. Disposition of felony arrests presented for prosecution,
by defendant characteristics and crime type

a. Manhattan
b. Portland
c. San Diego
d. Seattle
e. Washington, D.C.

a. Manhattan, New York 1987

	<u>Number of arrests*</u>	<u>Declination**</u>	<u>Dismissal**</u>	<u>Percentage of arrests resulting in:</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	<u>Trial acquittal</u>
All crimes	39,688	2%	40%	55%	2%	1%	
Male	32,295	2	40	55	2	1	
Female	4,437	3	41	54	1	1	
White	14,431	2	37	58	2	1	
Black	21,714	2	42	53	2	1	
Other	523	3	54	40	2	1	
Less than 18 yrs.	2,823	4	45	50	0	1	
18-24	12,517	3	40	55	2	1	
25-29	8,191	2	40	56	2	1	
30-34	5,879	1	39	56	3	1	
35-39	3,393	2	40	55	2	1	
40-49	2,788	1	42	53	3	1	
Over 50	1,182	1	44	51	2	1	
Violent crimes	13,080	2	55	39	3	1	
Male	10,941	2	55	39	3	1	
Female	1,376	3	61	34	1	1	
White	3,642	2	54	40	3	1	
Black	8,422	2	56	38	3	1	
Other	232	2	66	28	2	2	
Less than 18 yrs.	1,286	5	55	38	1	1	
18-24	4,476	2	51	43	3	1	
25-29	2,578	2	55	39	3	1	
30-34	1,722	1	55	38	4	1	
35-39	984	1	63	32	4	1	
40-49	887	1	67	28	2	1	
Over 50	398	2	66	27	3	2	
Property crimes	8,885	3	33	61	2	1	
Male	7,400	3	33	62	2	1	
Female	977	5	36	58	1	0	
White	3,035	3	34	61	1	1	
Black	5,223	3	32	62	2	1	
Other	108	3	53	42	2	1	
Less than 18 yrs.	726	3	38	58	1	1	
18-24	3,014	4	33	61	1	0	
25-29	1,885	3	32	62	2	1	
30-34	1,374	2	31	63	3	1	
35-39	733	3	28	67	1	1	
40-49	497	3	33	61	3	1	
Over 50	157	3	43	50	4	0	
Other crimes	17,723	1	33	64	2	1	
Male	13,954	1	33	63	1	1	
Female	2,084	2	31	66	1	1	
White	7,754	1	31	66	1	0	
Black	8,069	2	35	61	1	1	
Other	183	4	39	55	1	1	
Less than 18 yrs.	811	3	35	62	0	0	
18-24	5,027	2	34	62	1	0	
25-29	3,728	1	33	64	1	1	
30-34	2,783	1	33	63	2	1	
35-39	1,676	1	33	64	2	1	
40-49	1,404	1	29	67	3	1	
Over 50	627	1	30	67	1	1	

*Includes only cases for which demographic data were available.

**Declinations and dismissals include diversions and referrals for other prosecution.

Table 10. Continued
Disposition of felony arrests presented for prosecution,
by defendant characteristics and crime type

b. Portland, Oregon 1987

	Number of arrests*	Percentage of arrests resulting in:			
		Declination**	Dismissal**	Guilty plea	Trial conviction
All crimes	8,912	26%	21%	44%	8%
Male	7,063	26	19	45	9
Female	1,265	25	21	46	7
White	5,795	26	19	46	8
Black	2,241	26	20	43	9
Other	173	27	26	38	9
Less than 18 yrs.	36	28	25	31	14
18-24	2,905	26	21	44	7
25-29	2,077	27	20	44	8
30-34	1,623	26	20	45	9
35-39	1,041	22	23	44	10
40-49	685	26	22	41	9
Over 50	304	22	19	47	11
Violent crimes	1,253	30	21	34	14
Male	1,103	30	21	34	14
Female	104	36	22	34	9
White	674	31	19	35	13
Black	479	29	23	32	15
Other	32	25	41	25	9
Less than 18 yrs.	19	11	32	32	26
18-24	440	28	22	34	15
25-29	284	32	21	33	12
30-34	191	31	22	32	14
35-39	147	33	20	34	11
40-49	96	31	18	36	14
Over 50	46	35	24	30	11
Property crimes	1,941	19	21	51	8
Male	1,523	19	19	51	9
Female	337	14	26	54	6
White	1,283	19	20	50	9
Black	532	17	20	57	7
Other	26	23	27	38	8
Less than 18 yrs.	3	33	33	33	0
18-24	740	18	19	53	9
25-29	418	22	20	49	8
30-34	336	18	18	55	8
35-39	215	15	20	56	8
40-49	114	20	24	41	7
Over 50	62	15	31	47	6
Other crimes	5,718	27	22	43	7
Male	4,443	28	19	45	8
Female	824	28	19	44	7
White	3,838	28	18	46	7
Black	1,230	28	20	42	8
Other	115	28	22	41	9
Less than 18 yrs.	14	50	14	29	0
18-24	1,725	29	22	43	5
25-29	1,375	27	20	45	7
30-34	1,096	27	20	44	8
35-39	679	23	24	42	10
40-49	475	27	22	41	8
Over 50	196	22	15	51	12

*Includes only cases for which demographic data were available.

**Declinations and dismissals include diversions and referrals for other prosecution.

c. San Diego, California 1987

	<u>Number of arrests*</u>	Percentage of arrests resulting in:				
		<u>Declination**</u>	<u>Dismissal**</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	<u>Trial acquittal</u>
All crimes	26,728	22%	19%	57%	2%	0%
Male	22,114	23	19	57	2	0
Female	4,576	21	21	57	1	0
White	20,106	21	20	57	1	0
Black	4,839	24	16	57	3	0
Other	719	25	20	54	1	0
Less than 18 yrs.	79	13	27	59	0	1
18-24	10,576	22	19	58	1	0
25-29	6,781	22	20	56	2	0
30-34	4,588	22	19	58	2	0
35-39	2,484	24	19	55	2	0
40-49	1,574	24	21	52	3	0
Over 50	527	23	18	56	3	1
Violent crimes	3,435	27	14	54	4	1
Male	3,148	26	14	55	5	1
Female	285	35	12	51	1	0
White	2,193	26	14	55	4	1
Black	973	25	14	54	6	0
Other	133	31	14	53	1	1
Less than 18 yrs.	19	5	21	68	0	5
18-24	1,260	26	13	57	4	0
25-29	882	26	15	53	6	0
30-34	573	28	14	54	3	1
35-39	323	26	14	54	5	1
40-49	229	29	17	49	4	1
Over 50	131	24	13	54	7	2
Property crimes	6,497	14	13	71	1	0
Male	5,264	14	13	71	2	0
Female	1,228	14	12	73	1	0
White	4,863	13	13	72	1	0
Black	1,255	14	12	71	2	0
Other	152	13	14	72	1	0
Less than 18 yrs.	24	4	21	75	0	0
18-24	2,689	13	13	73	1	0
25-29	1,513	15	13	70	1	0
30-34	1,152	14	12	73	2	0
35-39	624	17	12	69	1	0
40-49	352	15	13	68	3	0
Over 50	114	13	13	71	3	0
Other crimes	16,796	25	23	51	1	0
Male	13,702	25	22	52	1	0
Female	3,063	22	26	51	1	0
White	13,050	24	23	52	1	0
Black	2,611	28	19	51	2	0
Other	434	27	24	48	0	0
Less than 18 yrs.	36	22	33	44	0	0
18-24	6,627	25	22	52	1	0
25-29	4,386	24	23	52	1	0
30-34	2,863	24	22	53	1	0
35-39	1,537	26	23	50	1	0
40-49	993	27	24	46	2	0
Over 50	282	26	22	50	1	0

*Includes only cases for which demographic data were available.
**Declinations and dismissals include diversions and referrals for other prosecution.

Table 10. Continued
Disposition of felony arrests presented for prosecution,
by defendant characteristics and crime type

d. Seattle, Washington 1987

	<u>Number of arrests*</u>	<u>Declination**</u>	<u>Dismissal**</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	<u>Trial acquittal</u>
All crimes	8,498	25%	12%	55%	7%	1%
Male	7,144	25	12	55	7	1
Female	1,351	26	12	58	4	1
White	5,547	25	12	56	6	1
Black	2,606	26	11	53	7	2
Other	270	21	13	59	6	1
Less than 18 yrs.	60	30	18	42	10	0
18-24	3,182	24	9	61	5	1
25-29	1,788	23	13	55	7	2
30-34	1,470	24	12	55	7	1
35-39	901	28	15	47	8	1
40-49	713	28	15	48	9	1
Over 50	323	32	10	48	9	2
Violent crimes	1,488	28	8	49	11	3
Male	1,310	28	8	49	12	4
Female	178	32	8	51	7	2
White	842	29	6	50	11	4
Black	562	29	10	48	11	3
Other	68	22	10	54	12	1
Less than 18 yrs.	18	17	0	61	22	0
18-24	513	29	6	55	8	2
25-29	332	27	9	48	12	4
30-34	258	29	6	49	12	4
35-39	180	31	11	39	14	4
40-49	126	23	13	48	13	2
Over 50	49	31	2	45	12	10
Property crimes	2,356	18	7	70	4	1
Male	1,963	19	7	70	4	1
Female	391	16	6	74	3	0
White	1,594	19	6	70	4	1
Black	665	18	7	69	5	1
Other	77	12	8	71	5	4
Less than 18 yrs.	14	36	0	57	7	0
18-24	1,153	20	5	71	3	1
25-29	471	17	7	69	5	2
30-34	356	15	8	72	5	1
35-39	185	18	11	68	3	0
40-49	122	13	8	73	6	0
Over 50	41	20	5	68	7	0
Other crimes	4,654	27	15	50	7	1
Male	3,871	27	15	49	7	1
Female	782	29	16	51	3	1
White	3,111	27	16	50	7	1
Black	1,379	29	14	48	7	1
Other	125	27	17	53	3	0
Less than 18 yrs.	28	36	39	21	4	0
18-24	1,516	25	13	55	6	1
25-29	985	25	17	51	6	1
30-34	856	27	16	50	7	1
35-39	536	31	17	43	8	1
40-49	435	33	17	41	9	0
Over 50	233	34	12	45	8	0

*Includes only cases for which demographic data were available.

**Declinations and dismissals include diversions and referrals for other prosecution.

e. Washington, D.C. 1987

	<u>Number of arrests*</u>	<u>Declination**</u>	<u>Percentage of arrests resulting in:</u>			
			<u>Dismissal**</u>	<u>Guilty plea</u>	<u>Trial conviction</u>	<u>Trial acquittal</u>
All crimes	16,766	16%	30%	49%	3%	1%
Male	14,652	16	30	49	3	2
Female	2,114	21	31	45	2	1
White	796	21	41	35	2	1
Black	15,788	16	29	50	3	2
Other	20	10	35	50	0	5
Less than 18 yrs.	63	8	49	33	8	2
18-24	6,911	16	28	51	3	1
25-29	3,829	16	31	48	4	1
30-34	2,808	16	31	49	3	1
35-39	1,591	17	30	48	4	2
40-49	1,027	17	36	43	3	2
Over 50	361	22	39	34	4	2
Violent crimes	3,570	24	41	27	5	3
Male	3,096	22	42	28	5	3
Female	474	37	39	19	3	3
White	258	18	48	29	3	2
Black	3,249	24	41	27	5	3
Other	6	0	50	33	0	17
Less than 18 yrs.	41	5	61	22	12	0
18-24	1,264	22	43	29	4	2
25-29	874	23	40	27	7	3
30-34	549	26	42	26	4	2
35-39	363	25	38	28	5	4
40-49	287	24	43	25	4	5
Over 50	153	29	41	19	7	4
Property crimes	1,739	13	36	48	2	1
Male	1,549	13	36	48	2	1
Female	190	12	35	48	3	2
White	162	15	43	40	2	0
Black	1,553	13	35	49	2	1
Other	4	0	0	100	0	0
Less than 18 yrs.	3	0	67	33	0	0
18-24	653	11	36	51	1	1
25-29	431	12	37	47	3	0
30-34	340	14	37	45	3	2
35-39	165	14	29	51	4	2
40-49	109	17	40	40	1	1
Over 50	22	27	41	27	0	5
Other crimes	11,457	15	26	56	3	1
Male	10,007	14	25	56	3	1
Female	1,450	17	28	53	2	1
White	376	25	35	38	1	1
Black	10,986	14	25	56	3	1
Other	10	20	40	40	0	0
Less than 18 yrs.	19	16	21	58	0	5
18-24	4,994	16	23	57	3	1
25-29	2,524	14	26	55	3	1
30-34	1,919	13	27	56	2	1
35-39	1,063	14	27	54	3	2
40-49	631	13	32	51	3	1
Over 50	186	15	36	47	2	0

*Includes only cases for which demographic data were available.

**Declinations and dismissals include diversions and referrals for other prosecution.

Table 11. Disposition of felony arrests filed in court as felonies or misdemeanors, by defendant characteristics and crime type

		Number of cases filed*	Percentage of cases filed resulting in:			
			Dismissal**	Guilty plea	Trial conviction	Trial acquittal
a. Brighton	All crimes	1,417	16%	80%	3%	1%
b. Denver	Male	1,230	16	80	3	1
c. Littleton	Female	177	15	83	2	0
d. Los Angeles	White	1,211	15	80	3	1
e. Manhattan	Black	171	15	82	1	1
f. Portland	Other	7	29	71	0	0
g. St. Louis	Less than 18 yrs.	9	33	67	0	0
h. San Diego	18-24	581	14	82	3	2
i. Seattle	25-29	313	16	81	3	0
j. Washington, D.C.	30-34	213	18	79	2	1
	35-39	132	23	72	2	2
	40-49	119	14	80	4	2
	Over 50	41	20	76	2	2
	Violent crimes	238	23	67	8	2
	Male	221	24	67	7	2
	Female	17	18	65	18	0
	White	196	22	66	9	3
	Black	39	26	72	3	0
	Other	2	50	50	0	0
	Less than 18 yrs.	4	25	75	0	0
	18-24	83	16	71	8	5
	25-29	52	23	71	6	0
	30-34	39	28	59	10	3
	35-39	36	39	56	6	0
	40-49	17	12	76	12	0
	Over 50	7	29	57	14	0
	Property crimes	381	14	82	3	1
	Male	343	14	82	4	1
	Female	38	16	84	0	0
	White	336	15	81	4	0
	Black	40	10	88	0	3
	Other	1	0	100	0	0
	Less than 18 yrs.	3	0	100	0	0
	18-24	232	14	84	2	0
	25-29	64	11	78	11	0
	30-34	37	19	81	0	0
	35-39	14	21	64	7	7
	40-49	24	17	79	4	0
	Over 50	3	0	100	0	0
	Other crimes	798	15	83	1	1
	Male	666	14	83	1	2
	Female	122	14	85	1	0
	White	679	14	84	1	1
	Black	92	13	85	1	1
	Other	4	25	75	0	0
	Less than 18 yrs.	2	100	0	0	0
	18-24	266	14	83	2	2
	25-29	197	15	84	0	1
	30-34	137	15	85	0	1
	35-39	82	17	80	0	2
	40-49	78	14	81	3	3
	Over 50	31	19	77	0	3

*Includes only cases for which demographic data were available.

**Dismissals include diversions and referral for other prosecution.

b. Denver, Colorado 1987

	<u>Number of cases filed*</u>	<u>Percentage of cases filed resulting in:</u>		
		<u>Dismissal**</u>	<u>Guilty plea</u>	<u>Trial conviction</u>
All crimes	3,210	18%	78%	3%
Male	2,726	17	79	3
Female	483	23	75	1
White	1,958	16	81	3
Black	1,202	22	73	4
Other	43	26	72	2
Less than 18 yrs.	18	28	72	0
18-24	1,245	16	81	2
25-29	747	18	78	2
30-34	505	18	77	5
35-39	318	21	75	3
40-49	268	21	72	6
Over 50	89	24	70	6
Violent crimes	786	24	69	7
Male	709	24	69	7
Female	77	25	69	5
White	392	20	75	5
Black	379	26	64	8
Other	13	69	23	8
Less than 18 yrs.	6	33	67	0
18-24	279	19	74	6
25-29	194	23	72	4
30-34	124	29	63	8
35-39	86	33	60	5
40-49	70	23	60	17
Over 50	22	23	68	5
Property crimes	942	15	83	2
Male	851	14	84	2
Female	90	21	77	1
White	619	15	83	2
Black	300	15	82	2
Other	21	10	90	0
Less than 18 yrs.	10	20	80	0
18-24	488	15	84	1
25-29	186	12	83	5
30-34	127	13	83	3
35-39	71	15	85	0
40-49	49	20	76	2
Over 50	10	30	50	20
Other crimes	1,482	17	80	2
Male	1,166	16	81	2
Female	316	23	77	1
White	947	15	83	2
Black	523	22	75	2
Other	9	0	100	0
Less than 18 yrs.	2	50	50	0
18-24	478	16	82	1
25-29	367	19	79	1
30-34	254	14	81	4
35-39	161	18	78	2
40-49	149	21	77	2
Over 50	57	23	74	4

Note: Absolute number of cases represents an undercount of trials. Actual number of trials in 1987 was 161.

*Includes only cases for which demographic data were available.

**Dismissals include diversions and referrals for other prosecution.

Table 11. Continued
Disposition of felony arrests filed in court as felonies
or misdemeanors, by defendant characteristics and crime type

c. Littleton, Colorado 1987

	Number of cases filed*	Percentage of cases filed resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	2,004	12%	86%	1%	1%
Male	1,655	12	85	2	1
Female	348	12	88	0	0
White	1,547	13	86	1	1
Black	418	11	85	3	1
Other	3	33	67	0	0
Less than 18 yrs.	0	0	0	0	0
18-24	907	10	89	1	0
25-29	409	14	85	1	1
30-34	283	15	82	2	1
35-39	192	17	81	2	1
40-49	156	10	86	3	1
Over 50	45	16	82	2	0
Violent crimes	206	11	83	5	1
Male	188	10	84	5	1
Female	18	17	83	0	0
White	146	10	85	4	1
Black	57	12	79	7	2
Other	0	0	0	0	0
Less than 18 yrs.	0	0	0	0	0
18-24	89	14	83	3	1
25-29	40	13	83	3	3
30-34	32	13	81	6	0
35-39	22	0	95	5	0
40-49	23	9	74	17	0
Over 50	9	0	100	0	0
Property crimes	814	10	88	1	0
Male	668	11	87	1	0
Female	145	7	92	1	0
White	591	12	88	1	0
Black	200	7	90	3	1
Other	2	50	50	0	0
Less than 18 yrs.	0	0	0	0	0
18-24	440	8	90	1	0
25-29	142	13	86	1	1
30-34	94	14	84	2	0
35-39	73	16	81	1	1
40-49	46	7	93	0	0
Over 50	13	15	85	0	0
Other crimes	984	14	84	1	1
Male	799	14	84	1	1
Female	185	16	84	0	0
White	810	14	85	1	1
Black	161	15	82	2	1
Other	1	0	100	0	0
Less than 18 yrs.	0	0	0	0	0
18-24	387	11	88	1	1
25-29	227	15	84	1	0
30-34	157	17	81	1	2
35-39	97	21	77	2	0
40-49	87	11	85	1	2
Over 50	23	22	74	4	0

*Includes only cases for which demographic data were available.

**Dismissals include diversions and referrals for other prosecution.

d. Los Angeles, California 1987

	<u>Number of cases filed*</u>	<u>Percentage of cases filed resulting in:</u>		
		<u>Dismissal**</u>	<u>Guilty plea</u>	<u>Trial conviction</u>
All crimes	56,519	27%	69%	3%
Male	50,165	27	69	3
Female	6,353	29	68	2
White	29,353	26	70	3
Black	24,083	28	67	4
Other	1,055	34	60	5
Less than 18 yrs.	234	28	62	9
18-24	23,063	27	70	3
25-29	13,700	26	70	3
30-34	8,730	27	68	3
35-39	4,908	28	67	4
40-49	3,734	29	66	4
Over 50	1,324	26	68	5
Violent crimes	9,649	23	67	8
Male	9,051	23	67	8
Female	598	26	66	6
White	4,573	20	70	7
Black	4,636	26	63	8
Other	221	24	58	16
Less than 18 yrs.	153	27	59	12
18-24	4,096	24	68	7
25-29	2,205	23	67	8
30-34	1,409	22	66	10
35-39	763	23	65	9
40-49	636	22	64	11
Over 50	255	23	64	11
Property crimes	10,650	16	81	2
Male	9,422	16	81	2
Female	1,228	16	81	2
White	6,462	15	83	2
Black	3,741	19	78	2
Other	220	21	75	3
Less than 18 yrs.	17	18	82	0
18-24	4,074	16	82	2
25-29	2,668	16	81	2
30-34	1,806	16	81	2
35-39	992	16	81	3
40-49	724	19	78	2
Over 50	217	20	75	4
Other crimes	36,220	31	66	2
Male	33,692	31	66	2
Female	4,527	33	65	2
White	18,318	32	66	2
Black	15,706	31	66	2
Other	614	42	56	2
Less than 18 yrs.	64	34	63	3
18-24	14,893	30	67	2
25-29	8,827	30	67	2
30-34	5,515	32	65	2
35-39	3,153	34	63	2
40-49	2,374	33	63	3
Over 50	852	28	67	4

Note: Cases filed in Los Angeles exclude numerous felony arrests filed as misdemeanors.

*Includes only cases for which demographic data were available.

**Dismissals include diversions and referrals for other prosecution.

Table 11. Continued
Disposition of felony arrests filed in court as felonies
or misdemeanors, by defendant characteristics and crime type

e. Manhattan, New York 1987

	Number of cases filed*	Percentage of cases filed resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	38,932	41%	56%	2%	1%
Male	31,674	41	56	2	1
Female	4,302	43	56	1	1
White	14,154	38	60	2	1
Black	21,250	43	54	2	1
Other	508	56	41	2	1
Less than 18 yrs.	2,715	47	52	0	1
18-24	12,203	41	56	2	1
25-29	8,056	40	57	2	1
30-34	5,791	40	57	3	1
35-39	3,336	41	56	2	1
40-49	2,750	42	54	3	1
Over 50	1,166	45	52	2	1
Violent crimes	12,839	56	40	3	1
Male	10,736	56	40	3	1
Female	1,340	63	35	1	1
White	3,573	55	41	3	1
Black	8,254	57	39	3	1
Other	228	68	29	2	2
Less than 18 yrs.	1,225	58	40	1	1
18-24	4,383	52	44	3	2
25-29	2,537	56	40	3	1
30-34	1,702	56	38	5	1
35-39	974	63	32	4	1
40-49	878	68	28	2	1
Over 50	391	67	28	3	2
Property crimes	8,614	34	63	2	1
Male	7,182	34	64	2	1
Female	924	38	61	1	0
White	2,936	35	63	1	1
Black	5,054	33	64	2	1
Other	105	54	43	2	1
Less than 18 yrs.	702	39	60	1	1
18-24	2,892	35	63	1	0
25-29	1,831	33	64	2	1
30-34	1,345	32	64	3	1
35-39	711	29	69	1	1
40-49	482	34	62	3	1
Over 50	152	45	51	4	0
Other crimes	17,479	33	64	2	1
Male	13,756	34	64	2	1
Female	2,038	31	67	1	1
White	7,645	31	67	1	0
Black	7,942	35	62	1	1
Other	175	41	57	1	1
Less than 18 yrs.	788	36	64	0	0
18-24	4,928	35	64	1	1
25-29	3,688	34	64	1	1
30-34	2,744	33	64	2	1
35-39	1,651	33	65	2	1
40-49	1,390	29	68	3	1
Over 50	623	30	67	1	1

*Includes only cases for which demographic data were available.

**Dismissals include diversions and referrals for other prosecution.

f. Portland, Oregon 1987

	Number of cases filed*	Percentage of cases filed resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	6,638	29%	59%	11%	2%
Male	5,213	26	60	12	2
Female	946	28	61	9	1
White	4,276	25	62	11	2
Black	1,666	27	58	13	2
Other	127	35	51	12	2
Less than 18 yrs.	26	35	42	19	4
18-24	2,148	29	60	10	2
25-29	1,526	28	60	11	2
30-34	1,207	27	60	12	1
35-39	807	29	57	12	2
40-49	505	30	55	12	3
Over 50	236	25	60	14	1
Violent crimes	875	30	48	20	2
Male	774	30	48	20	2
Female	67	34	52	13	0
White	466	28	51	19	3
Black	338	32	45	21	2
Other	24	54	33	13	0
Less than 18 yrs.	17	35	35	29	0
18-24	317	30	47	21	3
25-29	193	31	49	18	2
30-34	131	32	47	20	2
35-39	99	29	51	16	4
40-49	66	26	53	20	2
Over 50	30	37	47	17	0
Property crimes	1,579	25	63	10	2
Male	1,228	24	63	11	2
Female	289	30	63	7	1
White	1,037	25	62	11	2
Black	444	23	68	8	1
Other	20	35	50	10	5
Less than 18 yrs.	2	50	50	0	0
18-24	606	24	65	10	1
25-29	325	25	62	11	2
30-34	277	22	66	10	1
35-39	183	23	66	10	1
40-49	91	30	52	9	10
Over 50	53	36	55	8	2
Other crimes	4,184	29	59	10	2
Male	3,211	26	62	10	2
Female	590	26	62	10	2
White	2,773	25	64	10	1
Black	884	28	58	12	2
Other	83	30	57	12	1
Less than 18 yrs.	7	29	57	0	14
18-24	1,225	31	60	7	2
25-29	1,008	28	61	10	1
30-34	799	28	60	11	1
35-39	525	31	54	13	2
40-49	348	30	56	11	2
Over 50	153	19	65	15	1

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

Table 11. Continued
Disposition of felony arrests filed in court as felonies or misdemeanors, by defendant characteristics and crime type

g. St. Louis, Missouri 1987

	Number of cases filed*	Percentage of cases filed resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	4,625	35%	60%	3%	1%
Male	4,192	36	59	3	1
Female	433	32	65	2	1
White	997	44	52	3	1
Black	3,625	33	62	3	1
Other	2	100	0	0	0
Less than 18 yrs.	306	33	66	1	0
18-24	1,722	31	65	3	1
25-29	1,089	35	60	4	1
30-34	689	37	59	3	2
35-39	379	40	55	3	3
40-49	302	50	45	3	2
Over 50	135	45	47	7	1
Violent crimes	798	46	42	9	3
Male	757	46	41	9	3
Female	41	44	44	12	0
White	199	48	41	9	2
Black	598	46	42	9	3
Other	0	0	0	0	0
Less than 18 yrs.	48	48	50	2	0
18-24	324	48	45	6	2
25-29	196	46	37	14	4
30-34	102	38	43	10	7
35-39	47	47	45	6	2
40-49	37	57	30	11	3
Over 50	43	47	30	23	0
Property crimes	1,184	33	63	3	1
Male	1,068	33	63	3	1
Female	116	31	68	1	0
White	341	39	58	3	0
Black	843	30	65	3	2
Other	0	0	0	0	0
Less than 18 yrs.	138	35	65	0	0
18-24	456	28	68	4	1
25-29	225	32	67	2	0
30-34	157	31	64	3	2
35-39	103	38	53	5	4
40-49	82	56	37	2	5
Over 50	23	43	57	0	0
Other crimes	2,643	33	64	2	1
Male	2,367	34	64	2	1
Female	276	31	67	1	1
White	457	46	52	1	1
Black	2,184	31	67	2	1
Other	2	100	0	0	0
Less than 18 yrs.	120	26	73	1	0
18-24	942	28	70	2	1
25-29	668	32	64	3	1
30-34	430	38	60	1	0
35-39	229	39	57	1	2
40-49	183	45	52	2	1
Over 50	69	45	54	0	1

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

h. San Diego, California 1987

	<u>Number of cases filed*</u>	<u>Percentage of cases filed resulting in:</u>		
		<u>Dismissal**</u>	<u>Guilty plea</u>	<u>Trial conviction</u>
All crimes	20,762	25%	73%	2%
Male	17,104	24	73	2
Female	3,631	27	72	1
White	15,809	25	73	2
Black	3,687	21	75	3
Other	539	27	72	1
Less than 18 yrs.	69	30	68	0
18-24	8,264	24	74	2
25-29	5,283	25	72	2
30-34	3,588	24	74	2
35-39	1,898	25	72	2
40-49	1,189	28	68	4
Over 50	406	23	72	4
Violent crimes	2,521	19	74	6
Male	2,337	19	74	6
Female	184	19	79	2
White	1,618	19	75	5
Black	728	19	73	8
Other	92	21	77	1
Less than 18 yrs.	18	22	72	0
18-24	931	18	77	5
25-29	651	21	72	8
30-34	412	20	75	4
35-39	239	19	73	7
40-49	163	23	69	6
Over 50	99	17	72	9
Property crimes	5,587	15	83	2
Male	4,529	15	83	2
Female	1,054	14	85	1
White	4,230	15	83	2
Black	1,075	14	83	2
Other	132	16	83	2
Less than 18 yrs.	23	22	78	0
18-24	2,349	15	84	1
25-29	1,289	16	82	2
30-34	996	13	84	2
35-39	518	15	83	2
40-49	298	15	81	4
Over 50	99	15	82	3
Other crimes	12,654	30	68	1
Male	10,238	29	69	1
Female	2,393	33	65	1
White	9,961	30	68	1
Black	1,884	27	71	2
Other	315	33	66	1
Less than 18 yrs.	28	43	57	0
18-24	4,984	30	69	1
25-29	3,343	30	69	2
30-34	2,180	29	69	2
35-39	1,141	30	67	2
40-49	728	33	63	3
Over 50	208	30	68	1

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

Table 11. Continued
Disposition of felony arrests filed in court as felonies
or misdemeanors, by defendant characteristics and crime type

i. Seattle, Washington 1987

	Number of cases filed*	Percentage of cases filed resulting in:		
		Dismissal**	Guilty plea	Trial conviction
All crimes	6,365	16%	74%	9%
Male	5,357	15	73	10
Female	1,005	17	78	5
White	4,174	16	74	9
Black	1,920	16	72	10
Other	212	16	75	8
Less than 18 yrs.	42	26	60	14
18-24	2,423	12	80	7
25-29	1,370	17	72	9
30-34	1,110	16	73	10
35-39	646	21	66	11
40-49	515	21	66	12
Over 50	221	14	71	13
Violent crimes	1,065	11	69	15
Male	944	11	68	16
Female	121	12	75	10
White	597	9	71	15
Black	401	13	67	16
Other	53	13	70	15
Less than 18 yrs.	15	0	73	27
18-24	363	9	77	11
25-29	242	13	65	17
30-34	182	9	69	16
35-39	125	16	57	21
40-49	97	18	63	16
Over 50	34	3	65	18
Property crimes	1,924	8	86	5
Male	1,595	8	86	5
Female	327	8	89	4
White	1,293	8	87	4
Black	545	8	85	6
Other	68	9	81	6
Less than 18 yrs.	9	0	89	11
18-24	923	7	89	4
25-29	389	8	84	6
30-34	304	9	84	6
35-39	151	13	83	4
40-49	106	9	84	7
Over 50	33	6	85	9
Other crimes	3,376	21	68	9
Male	2,818	21	68	10
Female	557	23	72	5
White	2,284	22	68	9
Black	974	20	68	10
Other	91	23	73	4
Less than 18 yrs.	18	61	33	6
18-24	1,137	18	73	8
25-29	739	23	68	8
30-34	624	22	68	9
35-39	370	25	62	11
40-49	312	26	61	13
Over 50	154	19	69	12

*Includes only cases for which demographic data were available.

**Dismissals include diversions and referrals for other prosecution.

j. Washington, D.C. 1987

	Number of cases filed*	Percentage of cases filed resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	14,017	36%	58%	4%	2%
Male	12,349	35	59	4	2
Female	1,668	39	57	2	2
White	630	51	45	3	1
Black	13,244	35	59	4	2
Other	18	39	56	0	6
Less than 18 yrs.	58	53	36	9	2
18-24	5,774	33	62	4	2
25-29	3,212	37	57	5	2
30-34	2,361	37	58	3	1
35-39	1,326	36	57	4	3
40-49	855	43	51	3	2
Over 50	283	49	43	5	2
Violent crimes	2,725	54	36	7	4
Male	2,426	53	36	7	4
Female	299	62	30	4	4
White	212	58	36	4	2
Black	2,467	54	36	7	4
Other	6	50	33	0	17
Less than 18 yrs.	39	64	23	13	0
18-24	988	55	37	6	2
25-29	672	52	35	8	4
30-34	405	56	35	6	3
35-39	271	51	37	7	5
40-49	217	56	33	5	6
Over 50	109	58	27	10	6
Property crimes	1,517	41	55	3	1
Male	1,350	42	55	2	1
Female	167	40	55	3	2
White	137	50	47	3	0
Black	1,358	41	56	2	1
Other	4	0	100	0	0
Less than 18 yrs.	3	67	33	0	0
18-24	580	40	58	1	1
25-29	378	42	54	3	1
30-34	294	43	52	3	2
35-39	142	34	59	5	2
40-49	90	49	49	1	1
Over 50	16	56	38	0	6
Other crimes	9,775	30	65	3	1
Male	8,573	29	66	4	1
Female	1,202	33	64	2	1
White	281	47	50	1	1
Black	9,419	29	66	3	1
Other	8	50	50	0	0
Less than 18 yrs.	16	25	69	0	6
18-24	4,206	27	68	3	1
25-29	2,162	31	64	4	1
30-34	1,662	31	65	3	1
35-39	913	31	63	4	2
40-49	548	37	59	3	1
Over 50	158	42	56	2	0

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

Table 12. Disposition of felony arrests that result in felony indictment, by defendant characteristics and crime type

		a. Denver, Colorado 1987					
		Number of cases indicted*	Percentage of cases indicted resulting in:				Dismissal**
			17%	79%	4%	1%	
a. Denver	All crimes	2,574					
b. Indianapolis			17%	79%	4%	1%	
c. Los Angeles							
d. Manhattan							
e. Portland							
f. St. Louis							
g. San Diego							
h. Seattle							
i. Washington, D.C.							
Male	Male	2,201	15	80	4	1	
Female	Female	372	23	75	2	1	
White	White	1,534	14	82	3	1	
Black	Black	1,003	20	74	5	1	
Other	Other	31	16	81	3	0	
Less than 18 yrs.	Less than 18 yrs.	18	28	72	0	0	
18-24	18-24	1,014	15	81	3	1	
25-29	25-29	605	17	80	3	1	
30-34	30-34	409	15	78	6	0	
35-39	35-39	240	20	75	3	2	
40-49	40-49	207	17	74	8	1	
Over 50	Over 50	77	23	69	6	1	
Violent crimes	Violent crimes	615	18	73	8	1	
Male	Male	567	18	73	8	1	
Female	Female	48	15	75	8	2	
White	White	295	15	79	6	0	
Black	Black	311	20	68	10	2	
Other	Other	7	43	43	14	0	
Less than 18 yrs.	Less than 18 yrs.	6	33	67	0	0	
18-24	18-24	244	17	75	7	0	
25-29	25-29	150	17	77	5	1	
30-34	30-34	96	21	69	10	0	
35-39	35-39	60	23	67	7	3	
40-49	40-49	44	9	64	27	0	
Over 50	Over 50	14	21	64	7	7	
Property crimes	Property crimes	778	12	85	3	0	
Male	Male	701	12	85	3	0	
Female	Female	76	17	80	1	1	
White	White	499	12	85	3	0	
Black	Black	259	13	84	2	1	
Other	Other	18	11	89	0	0	
Less than 18 yrs.	Less than 18 yrs.	10	20	80	0	0	
18-24	18-24	416	13	86	1	0	
25-29	25-29	159	9	86	6	0	
30-34	30-34	97	9	87	4	0	
35-39	35-39	50	16	84	0	0	
40-49	40-49	38	16	79	3	3	
Over 50	Over 50	8	38	38	25	0	
Other crimes	Other crimes	1,181	19	78	2	1	
Male	Male	933	17	79	2	2	
Female	Female	248	26	73	1	0	
White	White	740	15	81	2	1	
Black	Black	433	25	72	2	1	
Other	Other	6	0	100	0	0	
Less than 18 yrs.	Less than 18 yrs.	2	50	50	0	0	
18-24	18-24	354	17	81	1	1	
25-29	25-29	296	21	77	1	1	
30-34	30-34	216	16	79	5	1	
35-39	35-39	130	20	75	3	2	
40-49	40-49	125	21	76	2	1	
Over 50	Over 50	55	22	75	4	0	

*Includes only cases for which demographic data were available.

**Dismissals include diversions and referrals for other prosecution.

Note: Absolute number of cases represents an undercount of trials. Actual number of trials in 1987 was 161.

b. Indianapolis, Indiana 1987

	Number of cases indicted*	Percentage of cases indicted resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	3,751	21%	69%	8%	2%
Male	3,281	21	69	8	2
Female	470	20	73	5	1
White	1,972	19	72	7	2
Black	1,754	22	67	9	2
Other	13	15	77	8	0
Less than 18 yrs.	73	16	73	8	3
18-24	1,416	18	73	6	2
25-29	782	20	71	7	2
30-34	546	23	65	8	3
35-39	360	24	64	9	2
40-49	275	18	66	12	3
Over 50	209	25	64	10	1
Violent crimes	543	20	62	15	2
Male	512	20	63	15	2
Female	31	26	52	19	3
White	225	17	67	16	1
Black	315	23	58	15	3
Other	1	0	100	0	0
Less than 18 yrs.	28	18	61	18	4
18-24	219	21	66	11	2
25-29	112	20	63	17	1
30-34	69	25	54	14	7
35-39	52	17	65	15	2
40-49	32	22	47	31	0
Over 50	19	21	47	32	0
Property crimes	1,507	19	73	6	2
Male	1,303	19	72	6	2
Female	204	17	80	2	0
White	720	18	75	5	2
Black	777	20	71	7	2
Other	6	33	67	0	0
Less than 18 yrs.	29	14	83	3	0
18-24	769	16	78	5	2
25-29	266	22	69	7	2
30-34	189	22	68	7	3
35-39	104	19	63	12	6
40-49	70	17	73	7	3
Over 50	44	36	59	5	0
Other crimes	1,701	22	69	7	2
Male	1,466	22	68	7	
Female	235	23	70	6	
White	1,027	21	71	6	2
Black	662	24	65	8	3
Other	6	0	83	17	0
Less than 18 yrs.	16	19	75	0	6
18-24	428	21	69	7	2
25-29	404	19	75	4	2
30-34	288	24	65	8	3
35-39	204	29	64	7	0
40-49	173	18	67	11	4
Over 50	146	23	68	8	1

*Includes only cases for which demographic data were available.

**Dismissals include diversions and referrals for other prosecution.

Table 12. Continued
Disposition of felony arrests that result in felony indictment,
by defendant characteristics and crime type

c. Los Angeles, California 1987

	Number of cases indicted*	Percentage of cases indicted resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	28,856	9%	84%	5%	2%
Male	25,995	9	84	6	2
Female	2,861	10	84	4	2
White	14,485	9	85	5	1
Black	12,944	9	83	6	2
Other	459	11	77	10	2
Less than 18 yrs.	119	10	76	12	3
18-24	11,680	9	85	5	1
25-29	7,035	8	85	5	2
30-34	4,394	9	83	6	2
35-39	2,550	11	81	6	2
40-49	1,953	11	79	7	2
Over 50	714	14	74	9	2
Violent crimes	6,023	8	77	11	3
Male	5,662	8	77	12	3
Female	361	9	80	8	4
White	2,876	8	79	10	3
Black	2,863	9	76	12	4
Other	145	10	66	21	3
Less than 18 yrs.	71	13	66	17	4
18-24	2,507	8	80	9	3
25-29	1,392	8	78	11	3
30-34	909	8	75	14	3
35-39	482	10	73	13	4
40-49	413	9	72	15	5
Over 50	163	15	65	17	3
Property crimes	5,647	6	89	4	1
Male	5,051	6	89	4	1
Female	596	7	89	3	2
White	3,469	6	89	3	1
Black	1,976	6	88	4	1
Other	94	9	84	6	1
Less than 18 yrs.	11	9	91	0	0
18-24	2,134	6	90	3	1
25-29	1,443	6	90	4	1
30-34	935	5	90	4	1
35-39	557	8	86	4	1
40-49	369	9	85	4	1
Over 50	120	13	79	6	3
Other crimes	17,186	10	84	4	1
Male	15,282	10	85	4	1
Female	1,904	12	83	4	1
White	8,140	10	85	4	1
Black	8,105	10	84	4	2
Other	220	12	81	4	2
Less than 18 yrs.	37	5	89	5	0
18-24	7,039	10	86	3	1
25-29	4,200	10	85	4	1
30-34	2,550	10	84	4	2
35-39	1,511	12	81	5	2
40-49	1,171	13	80	6	2
Over 50	431	14	77	7	2

*Includes only cases for which demographic data were available.

**Dismissals include diversions and referrals for other prosecution.

d. Manhattan, New York 1987

	Number of cases indicted*	Percentage of cases indicted resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	13,511	13%	80%	5%	2%
Male	10,672	12	81	5	2
Female	1,180	12	83	3	2
White	5,111	12	84	4	1
Black	6,625	13	79	6	2
Other	99	14	79	4	3
Less than 18 yrs.	871	8	90	1	1
18-24	4,242	11	83	4	2
25-29	2,728	12	80	5	2
30-34	1,941	13	78	7	2
35-39	1,038	15	78	5	2
40-49	789	12	80	7	2
Over 50	247	19	70	8	3
Violent crimes	3,646	13	73	10	4
Male	3,065	13	73	10	4
Female	215	11	77	7	5
White	959	14	75	8	3
Black	2,288	13	73	10	4
Other	29	21	66	3	10
Less than 18 yrs.	389	6	89	2	3
18-24	1,362	12	76	8	4
25-29	686	16	71	10	3
30-34	430	13	67	16	3
35-39	199	19	64	15	3
40-49	152	18	66	11	5
Over 50	63	25	51	14	10
Property crimes	2,208	6	86	6	2
Male	1,826	6	87	6	2
Female	198	7	87	4	2
White	713	6	89	3	1
Black	1,284	6	85	7	2
Other	25	8	84	8	0
Less than 18 yrs.	143	6	92	2	1
18-24	722	6	90	4	1
25-29	471	4	87	7	2
30-34	356	6	82	8	3
35-39	193	6	88	4	3
40-49	109	9	78	12	1
Over 50	29	10	72	17	0
Other crimes	7,657	14	82	3	1
Male	5,781	14	83	3	1
Female	767	14	84	1	1
White	3,439	12	85	2	1
Black	3,053	15	81	3	1
Other	45	13	84	2	0
Less than 18 yrs.	339	10	90	0	0
18-24	2,158	13	85	1	1
25-29	1,571	13	82	3	1
30-34	1,155	15	80	4	1
35-39	646	17	79	3	1
40-49	528	11	84	5	1
Over 50	155	19	77	4	1

*Includes only cases for which demographic data were available.

**Dismissals include diversions and referrals for other prosecution.

Table 12. Continued
Disposition of felony arrests that result in felony indictment,
by defendant characteristics and crime type

e. Portland, Oregon 1987

	Number of cases indicted*	Percentage of cases indicted resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	5,497	15%	69%	13%	2%
Male	4,454	15	69	14	2
Female	810	18	70	11	2
White	3,706	15	70	13	2
Black	1,387	15	68	15	2
Other	97	15	67	15	2
Less than 18 yrs.	19	11	58	26	5
18-24	1,758	15	71	12	2
25-29	1,277	15	70	13	2
30-34	1,007	15	70	14	1
35-39	667	16	67	15	2
40-49	422	17	65	14	4
Over 50	208	15	68	15	1
Violent crimes	669	11	61	26	3
Male	595	11	61	26	3
Female	50	14	68	18	0
White	363	9	63	24	3
Black	257	13	57	27	2
Other	13	15	62	23	0
Less than 18 yrs.	13	15	46	38	0
18-24	239	10	60	27	3
25-29	152	13	62	23	2
30-34	98	12	59	27	2
35-39	75	9	64	21	5
40-49	51	8	65	25	2
Over 50	22	18	64	18	0
Property crimes	1,375	17	70	12	2
Male	1,068	15	70	13	2
Female	257	25	67	7	1
White	923	19	67	12	2
Black	373	12	78	9	1
Other	16	19	63	13	6
Less than 18 yrs.	1	0	100	0	0
18-24	523	14	73	12	1
25-29	287	18	68	12	2
30-34	237	14	73	12	1
35-39	158	15	73	11	1
40-49	81	23	56	10	11
Over 50	49	31	59	8	2
Other crimes	3,453	16	71	12	2
Male	2,791	16	71	12	2
Female	503	15	71	12	2
White	2,420	15	72	11	1
Black	757	17	67	13	3
Other	68	15	69	15	1
Less than 18 yrs.	5	0	80	0	20
18-24	996	17	73	9	2
25-29	838	14	73	12	2
30-34	672	15	71	13	1
35-39	434	18	65	15	2
40-49	290	17	68	14	2
Over 50	137	9	72	17	1

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

f. St. Louis, Missouri 1987

	Number of cases indicted*	Percentage of cases indicted resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	3,267	9%	84%	5%	2%
Male	2,964	10	83	5	2
Female	303	4	92	3	1
White	635	13	80	5	1
Black	2,632	8	85	4	2
Other	0	0	0	0	0
Less than 18 yrs.	222	9	90	1	0
18-24	1,271	8	87	4	1
25-29	772	9	83	6	2
30-34	487	11	82	4	2
35-39	249	9	83	4	4
40-49	177	14	77	5	4
Over 50	88	16	72	11	1
Violent crimes	514	17	64	14	4
Male	490	18	63	14	5
Female	24	4	75	21	0
White	126	19	64	14	2
Black	388	17	64	14	5
Other	0	0	0	0	0
Less than 18 yrs.	28	11	86	4	0
18-24	204	18	70	9	3
25-29	127	17	57	21	6
30-34	77	18	60	13	9
35-39	31	19	68	10	3
40-49	20	20	55	20	5
Over 50	27	15	48	37	0
Property crimes	856	8	87	4	2
Male	775	8	86	4	2
Female	81	2	96	1	0
White	233	11	85	4	0
Black	623	7	87	4	2
Other	0	0	0	0	0
Less than 18 yrs.	105	14	86	0	0
18-24	344	5	89	5	1
25-29	166	8	89	2	0
30-34	113	4	89	4	3
35-39	67	4	82	7	6
40-49	45	20	67	4	9
Over 50	16	19	81	0	0
Other crimes	1,897	8	89	2	1
Male	1,699	8	88	3	1
Female	198	5	92	2	2
White	276	12	84	2	2
Black	1,621	7	89	3	1
Other	0	0	0	0	0
Less than 18 yrs.	89	2	97	1	0
18-24	723	7	90	2	1
25-29	479	7	88	4	1
30-34	297	12	86	2	1
35-39	151	9	86	2	3
40-49	112	11	85	3	2
Over 50	45	16	82	0	2

*Includes only cases for which demographic data were available.

**Dismissals include diversions and referrals for other prosecution.

Table 12. Continued
Disposition of felony arrests that result in felony indictment,
by defendant characteristics and crime type

g. San Diego, California 1987

	Number of cases indicted*	Percentage of cases indicted resulting in:		
		Dismissal**	Guilty plea	Trial conviction
All crimes	9,079	5%	91%	4%
Male	7,738	5	91	4
Female	1,333	4	94	2
White	6,527	5	91	3
Black	2,105	4	90	5
Other	207	5	93	2
Less than 18 yrs.	37	3	95	0
18-24	3,483	5	92	3
25-29	2,331	5	91	4
30-34	1,602	4	92	3
35-39	874	6	89	4
40-49	524	5	87	6
Over 50	208	4	89	6
Violent crimes	1,596	4	86	9
Male	1,507	4	86	9
Female	89	0	97	2
White	985	4	87	8
Black	524	5	84	11
Other	46	0	96	2
Less than 18 yrs.	13	0	92	0
18-24	583	4	88	7
25-29	403	3	86	11
30-34	270	4	88	7
35-39	166	7	83	9
40-49	93	9	80	9
Over 50	64	2	83	13
Property crimes	2,911	5	92	3
Male	2,487	5	92	3
Female	423	5	93	2
White	2,166	5	92	2
Black	631	5	91	3
Other	58	5	91	3
Less than 18 yrs.	15	7	93	0
18-24	1,206	6	92	2
25-29	668	6	91	3
30-34	530	4	93	3
35-39	266	5	92	3
40-49	163	2	91	6
Over 50	57	4	93	4
Other crimes	4,572	5	92	3
Male	3,744	5	92	3
Female	821	4	94	2
White	3,376	5	92	2
Black	950	4	92	4
Other	103	7	92	1
Less than 18 yrs.	9	0	100	0
18-24	1,694	4	93	2
25-29	1,260	5	93	2
30-34	802	5	92	2
35-39	442	6	90	3
40-49	268	5	88	6
Over 50	87	6	92	2

*Includes only cases for which demographic data were available.

**Dismissals include diversions and referrals for other prosecution.

h. Seattle, Washington 1987

	<u>Number of cases indicted*</u>	<u>Percentage of cases indicted resulting in:</u>		
		<u>Dismissal**</u>	<u>Guilty plea</u>	<u>Trial conviction</u>
All crimes	5,114	10%	79%	9%
Male	4,363	9	79	10
Female	749	14	80	5
White	3,291	10	80	9
Black	1,607	11	77	10
Other	175	13	78	7
Less than 18 yrs.	29	7	72	21
18-24	1,954	7	84	7
25-29	1,103	11	77	9
30-34	913	11	77	10
35-39	502	13	73	12
40-49	408	15	72	12
Over 50	179	12	72	13
Violent crimes	1,058	11	69	15
Male	938	11	68	16
Female	120	12	75	10
White	594	9	71	15
Black	398	14	66	16
Other	53	13	70	15
Less than 18 yrs.	15	0	73	27
18-24	359	8	78	11
25-29	241	12	66	17
30-34	182	9	69	16
35-39	124	16	56	21
40-49	96	18	63	17
Over 50	34	3	65	18
Property crimes	1,770	8	86	5
Male	1,501	8	86	5
Female	267	9	87	4
White	1,188	8	86	5
Black	505	8	85	7
Other	61	10	79	7
Less than 18 yrs.	9	0	89	11
18-24	840	7	89	4
25-29	358	8	83	7
30-34	287	9	84	6
35-39	143	13	83	4
40-49	94	11	83	6
Over 50	30	7	83	10
Other crimes	2,286	11	78	9
Male	1,924	10	78	10
Female	362	19	76	4
White	1,509	11	78	9
Black	704	12	76	10
Other	61	15	84	2
Less than 18 yrs.	5	40	40	20
18-24	755	8	83	8
25-29	504	12	79	8
30-34	444	14	76	9
35-39	235	11	76	11
40-49	218	16	71	12
Over 50	115	17	71	12

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

Table 12. Continued
Disposition of felony arrests that result in felony indictment,
by defendant characteristics and crime type

i. Washington, D.C. 1987

	Number of cases indicted*	Percentage of cases indicted resulting in:		
		Dismissal**	Guilty plea	Trial conviction
All crimes	8,394	18%	75%	5%
Male	7,490	18	75	6
Female	904	20	76	3
White	195	19	72	7
Black	8,130	18	75	5
Other	2	0	100	0
Less than 18 yrs.	32	25	56	16
18-24	3,630	17	78	4
25-29	1,906	20	72	7
30-34	1,421	20	74	4
35-39	759	18	74	6
40-49	446	22	70	5
Over 50	120	23	66	9
Violent crimes	846	19	58	16
Male	778	18	58	17
Female	68	26	60	10
White	48	19	65	13
Black	785	19	57	17
Other	1	0	100	0
Less than 18 yrs.	17	35	35	29
18-24	309	17	65	13
25-29	206	18	52	22
30-34	129	22	58	14
35-39	85	18	56	15
40-49	60	22	57	13
Over 50	33	21	45	27
Property crimes	541	23	71	5
Male	490	23	71	4
Female	51	18	73	8
White	31	16	71	13
Black	501	23	71	4
Other	0	0	0	0
Less than 18 yrs.	3	67	33	0
18-24	229	21	75	2
25-29	122	22	71	7
30-34	101	29	62	7
35-39	49	14	76	10
40-49	25	32	60	4
Over 50	5	20	80	0
Other crimes	7,007	18	77	4
Male	6,222	18	77	4
Female	785	20	77	2
White	116	20	76	3
Black	6,844	18	77	4
Other	1	0	100	0
Less than 18 yrs.	12	0	92	0
18-24	3,092	16	79	4
25-29	1,578	20	74	5
30-34	1,191	19	77	3
35-39	625	18	76	4
40-49	361	22	73	4
Over 50	82	24	73	2

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

Table 13. Incarceration rates for filed cases convicted in felony or misdemeanor court, by defendant characteristics and crime type

a. Manhattan
b. Portland
c. St. Louis
d. San Diego
e. Seattle

a. Manhattan, New York 1987

	<u>Number of convictions*</u>	<u>No incarceration</u>	<u>Percentage of convictions resulting in incarceration for:</u>		
			<u>Less than 1 year</u>	<u>Exactly 1 year</u>	<u>More than 1 year</u>
All crimes	21,648	33%	38%	7%	21%
Male	17,575	32	40	7	21
Female	2,306	45	40	6	10
White	8,249	39	36	7	19
Black	11,405	30	43	8	20
Other	206	57	27	4	13
Less than 18 yrs.	1,362	58	25	6	10
18-24	6,771	33	39	8	20
25-29	4,526	27	44	7	22
30-34	3,295	29	42	8	21
35-39	1,850	31	45	6	18
40-49	1,496	39	36	6	19
Over 50	608	58	27	3	12
Violent crimes	5,275	28	32	8	33
Male	4,432	28	32	8	32
Female	466	38	42	6	14
White	1,498	38	28	6	29
Black	3,325	25	35	9	31
Other	67	54	25	3	18
Less than 18 yrs.	472	51	22	7	19
18-24	1,960	27	32	9	33
25-29	1,059	23	36	9	32
30-34	700	26	35	7	32
35-39	339	29	39	4	28
40-49	258	31	36	6	28
Over 50	116	49	26	3	22
Property crimes	5,375	30	47	8	16
Male	4,530	28	48	9	16
Female	542	40	45	6	9
White	1,793	35	43	7	15
Black	3,233	26	50	9	16
Other	43	53	26	9	12
Less than 18 yrs.	405	61	25	6	8
18-24	1,785	30	46	9	15
25-29	1,164	23	52	8	17
30-34	870	24	52	8	16
35-39	469	24	51	9	15
40-49	304	28	47	7	19
Over 50	81	40	40	5	16
Other crimes	10,998	37	38	6	19
Male	8,613	37	39	6	17
Female	1,298	49	36	6	9
White	4,958	41	35	7	17
Black	4,847	36	43	6	15
Other	96	60	28	2	9
Less than 18 yrs.	485	63	28	5	4
18-24	3,026	39	38	7	16
25-29	2,303	31	44	6	19
30-34	1,725	34	40	7	19
35-39	1,042	34	44	6	16
40-49	934	45	33	6	16
Over 50	411	65	25	2	8

*Includes only cases for which demographic and sentencing data were available.

Table 13. Continued
Incarceration rates for filed cases convicted in felony or
misdemeanor court, by defendant characteristics and crime type

b. Portland, Oregon 1987

	Number of convictions*	No incarceration	Percentage of convictions resulting in incarceration for:		
			Less than 1 year	Exactly 1 year	More than 1 year
All crimes	4,495	62%	3%	2%	33%
Male	3,664	59	3	2	35
Female	641	74	2	2	22
White	3,037	65	2	2	30
Black	1,134	50	4	2	44
Other	79	75	10	1	14
Less than 18 yrs.	14	71	7	0	21
18-24	1,448	62	3	2	32
25-29	1,045	63	3	2	33
30-34	846	62	2	2	34
35-39	539	57	2	3	38
40-49	332	61	3	3	32
Over 50	169	68	2	4	26
Violent crimes	572	38	2	1	59
Male	509	37	2	1	60
Female	41	56	2	0	41
White	316	39	2	1	58
Black	211	33	2	2	63
Other	11	82	0	9	9
Less than 18 yrs.	9	67	0	0	33
18-24	206	39	2	2	57
25-29	123	40	3	0	57
30-34	84	25	0	2	73
35-39	63	40	0	2	59
40-49	48	33	4	0	63
Over 50	19	68	0	0	32
Property crimes	1,113	57	3	2	38
Male	879	54	3	2	41
Female	192	70	1	2	27
White	730	60	2	2	37
Black	321	49	4	3	44
Other	12	67	17	0	17
Less than 18 yrs.	1	100	0	0	0
18-24	435	61	3	2	34
25-29	234	51	3	1	45
30-34	208	59	2	2	38
35-39	133	53	2	2	43
40-49	53	51	4	8	38
Over 50	31	55	3	0	42
Other crimes	2,810	69	3	3	26
Male	2,276	66	3	3	28
Female	408	78	2	2	18
White	1,991	71	3	3	23
Black	602	57	4	2	37
Other	56	75	11	0	14
Less than 18 yrs.	4	75	25	0	0
18-24	807	68	4	3	25
25-29	688	71	3	2	24
30-34	554	69	2	2	27
35-39	343	62	3	3	32
40-49	231	70	3	3	25
Over 50	119	71	3	5	21

*Includes only cases for which demographic and sentencing data were available.

c. St. Louis, Missouri 1987

	<u>Number of convictions*</u>	<u>No incarceration</u>	<u>Percentage of convictions resulting in incarceration for:</u>		
			<u>Less than 1 year</u>	<u>Exactly 1 year</u>	<u>More than 1 year</u>
All crimes	2,906	51%	5%	7%	38%
Male	2,619	48	5	7	40
Female	287	74	3	7	16
White	545	60	4	2	34
Black	2,361	49	5	8	39
Other	0	0	0	0	0
Less than 18 yrs.	204	59	4	6	31
18-24	1,156	51	4	7	38
25-29	693	49	5	8	39
30-34	420	53	4	7	36
35-39	215	47	7	7	40
40-49	144	49	5	5	41
Over 50	73	52	3	4	41
Violent crimes	400	26	2	2	70
Male	379	25	2	2	71
Female	21	38	0	10	52
White	98	35	2	1	62
Black	302	23	2	2	73
Other	0	0	0	0	0
Less than 18 yrs.	25	32	0	0	68
18-24	162	28	2	1	69
25-29	96	22	2	1	75
30-34	55	25	0	7	67
35-39	24	29	4	4	63
40-49	15	7	0	0	93
Over 50	23	35	0	0	65
Property crimes	773	50	5	6	39
Male	693	47	5	6	42
Female	80	71	4	9	16
White	207	62	3	3	32
Black	566	46	5	7	42
Other	0	0	0	0	0
Less than 18 yrs.	90	66	2	4	28
18-24	321	50	4	8	38
25-29	154	44	7	3	46
30-34	104	56	4	5	36
35-39	59	39	7	7	47
40-49	32	41	6	6	47
Over 50	13	54	8	8	31
Other crimes	1,733	57	5	8	30
Male	1,547	54	5	9	32
Female	186	78	4	6	11
White	240	68	5	2	25
Black	1,493	55	5	9	31
Other	0	0	0	0	0
Less than 18 yrs.	89	60	7	10	24
18-24	673	57	5	8	31
25-29	443	56	5	10	29
30-34	261	57	5	8	30
35-39	132	53	8	7	33
40-49	97	59	5	5	31
Over 50	37	62	3	5	30

*Includes only cases for which demographic and sentencing data were available.

Table 13. Continued
Incarceration rates for filed cases convicted in felony or
misdemeanor court, by defendant characteristics and crime type

d. San Diego, California 1987

		Percentage of convictions resulting in incarceration for:			
	Number of convictions*	No incar- ceration	Less than 1 year	Exactly 1 year	More than 1 year
All crimes	14,826	16%	59%	9%	16%
Male	12,298	15	57	10	18
Female	2,516	19	68	6	7
White	11,231	17	60	8	15
Black	2,750	11	54	12	23
Other	375	21	59	6	13
Less than 18 yrs.	42	19	48	2	31
18-24	5,947	15	62	9	14
25-29	3,766	15	58	9	18
30-34	2,579	16	58	8	17
35-39	1,349	15	56	10	18
40-49	812	19	56	9	17
Over 50	294	23	48	9	21
Violent crimes	1,904	14	41	12	33
Male	1,762	13	39	12	35
Female	142	19	56	8	16
White	1,216	15	43	11	31
Black	565	9	34	15	42
Other	71	17	48	11	24
Less than 18 yrs.	12	8	17	0	75
18-24	718	12	42	14	33
25-29	488	12	42	12	34
30-34	312	15	40	12	33
35-39	178	15	39	10	36
40-49	115	21	36	13	30
Over 50	76	24	36	9	32
Property crimes	4,554	10	60	10	20
Male	3,675	9	58	11	22
Female	876	15	67	8	9
White	3,447	11	60	10	19
Black	882	7	57	14	23
Other	107	16	67	7	10
Less than 18 yrs.	16	19	63	0	19
18-24	1,911	9	64	10	17
25-29	1,042	11	56	11	21
30-34	826	11	56	10	22
35-39	428	10	59	11	19
40-49	244	12	57	10	21
Over 50	78	18	51	6	24
Other crimes	8,368	19	63	7	11
Male	6,861	19	61	8	12
Female	1,498	21	70	4	5
White	6,568	20	63	7	10
Black	1,303	14	62	9	15
Other	197	26	59	5	10
Less than 18 yrs.	14	29	57	7	7
18-24	3,318	19	65	7	8
25-29	2,236	18	62	7	13
30-34	1,441	19	62	7	11
35-39	743	19	59	9	14
40-49	453	22	60	7	12
Over 50	140	25	53	9	13

*Includes only cases for which demographic and sentencing data were available.

e. Seattle, Washington 1987

	Number of convictions*	No incarceration	Percentage of convictions resulting in incarceration for:		
			Less than 1 year	Exactly 1 year	More than 1 year
All crimes	5,137	24%	57%	3%	16%
Male	4,321	21	58	3	17
Female	814	40	50	2	7
White	3,385	28	55	3	14
Black	1,538	17	62	3	19
Other	168	21	55	3	20
Less than 18 yrs.	31	29	39	0	32
18-24	2,047	26	59	2	12
25-29	1,085	24	57	3	16
30-34	890	20	59	3	18
35-39	484	25	56	3	17
40-49	396	24	51	4	21
Over 50	176	28	45	4	23
Violent crimes	885	7	54	4	35
Male	783	7	53	3	37
Female	102	10	62	8	21
White	503	9	53	4	34
Black	327	5	55	3	37
Other	44	5	59	2	34
Less than 18 yrs.	15	7	33	0	60
18-24	317	5	56	3	36
25-29	197	6	53	4	38
30-34	153	8	49	7	36
35-39	95	9	56	2	33
40-49	77	14	55	4	27
Over 50	27	4	70	0	26
Property crimes	1,712	24	63	2	11
Male	1,412	20	66	2	12
Female	298	45	49	0	6
White	1,156	27	62	2	10
Black	482	17	67	3	13
Other	56	27	63	2	9
Less than 18 yrs.	9	44	56	0	0
18-24	834	24	65	2	9
25-29	338	23	62	2	13
30-34	269	19	65	1	15
35-39	129	22	68	1	9
40-49	96	32	52	4	11
Over 50	30	47	40	7	7
Other crimes	2,540	31	54	3	12
Male	2,126	28	55	3	14
Female	414	44	48	2	5
White	1,726	35	51	3	11
Black	729	22	61	3	14
Other	68	28	47	4	21
Less than 18 yrs.	7	57	29	0	14
18-24	896	35	55	2	8
25-29	550	31	56	3	10
30-34	468	24	58	3	14
35-39	260	32	50	4	15
40-49	223	25	49	3	23
Over 50	119	29	40	4	27

*Includes only cases for which demographic and sentencing data were available.

Table 14. Incarceration rates for indicted cases convicted in felony court, by defendant characteristics and crime type

a. Indianapolis
 b. Los Angeles
 c. Manhattan
 d. Portland
 e. St. Louis
 f. San Diego
 g. Seattle

a. Indianapolis, Indiana 1987

	Number of convictions*	No incarceration	Percentage of convictions resulting in incarceration for:		
			Less than 1 year	Exactly 1 year	More than 1 year
All crimes	2,865	39%	8%	11%	42%
Male	2,502	36	8	11	45
Female	363	58	8	9	25
White	1,539	45	8	10	37
Black	1,310	32	8	12	48
Other	11	36	18	0	45
Less than 18 yrs.	59	12	3	12	73
18-24	1,120	44	9	10	37
25-29	606	34	8	12	45
30-34	399	32	8	14	47
35-39	264	35	8	9	48
40-49	208	37	10	8	45
Over 50	149	52	5	7	36
Violent crimes	418	19	6	4	71
Male	396	16	6	4	73
Female	22	59	5	0	36
White	184	26	7	3	65
Black	231	13	5	5	77
Other	1	0	0	0	100
Less than 18 yrs.	22	9	0	9	82
18-24	169	25	6	2	67
25-29	88	14	5	9	73
30-34	47	6	11	4	79
35-39	42	12	5	2	81
40-49	25	24	12	4	60
Over 50	15	33	0	0	67
Property crimes	1,183	45	7	10	37
Male	1,015	43	8	11	39
Female	168	61	5	7	27
White	576	52	7	7	34
Black	602	39	8	13	41
Other	4	50	25	0	25
Less than 18 yrs.	25	12	8	16	64
18-24	630	50	8	10	32
25-29	202	36	7	12	45
30-34	141	35	7	11	46
35-39	78	41	8	6	45
40-49	56	46	7	2	45
Over 50	26	65	0	12	23
Other crimes	1,264	40	10	13	37
Male	1,091	38	9	13	40
Female	173	56	11	13	20
White	779	44	10	13	33
Black	477	34	9	13	43
Other	6	33	17	0	50
Less than 18 yrs.	12	17	0	8	75
18-24	321	44	12	13	31
25-29	316	39	10	13	38
30-34	211	35	7	18	40
35-39	144	39	8	13	40
40-49	127	35	10	12	43
Over 50	108	52	6	6	35

*Includes only cases for which demographic and sentencing data were available.

b. Los Angeles, California 1987

	Number of convictions*	No incarceration	Percentage of convictions resulting in incarceration for:		
			Less than 1 year	Exactly 1 year	More than 1 year
All crimes	24,685	5%	41%	12%	42%
Male	22,266	4	40	12	44
Female	2,419	9	52	11	28
White	12,486	5	40	13	42
Black	10,996	4	41	12	43
Other	379	8	38	11	42
Less than 18 yrs.	91	3	23	7	67
18-24	10,092	4	44	13	39
25-29	6,097	3	38	12	46
30-34	3,750	5	40	11	44
35-39	2,142	5	39	12	44
40-49	1,599	7	37	13	43
Over 50	560	12	41	9	38
Violent crimes	5,081	3	20	13	63
Male	4,777	3	20	13	64
Female	304	6	28	14	51
White	2,471	4	21	13	62
Black	2,371	2	19	14	64
Other	119	6	27	4	63
Less than 18 yrs.	51	0	6	10	84
18-24	2,139	2	22	14	62
25-29	1,194	2	17	13	68
30-34	760	4	20	12	64
35-39	406	4	20	13	63
40-49	336	7	20	15	58
Over 50	123	7	29	13	50
Property crimes	5,065	4	29	13	53
Male	4,537	3	29	14	55
Female	528	9	37	12	42
White	3,122	4	28	14	54
Black	1,765	3	31	13	54
Other	82	6	49	17	28
Less than 18 yrs.	9	0	44	11	44
18-24	1,933	4	35	15	47
25-29	1,311	2	26	14	58
30-34	831	5	25	12	59
35-39	488	3	27	12	58
40-49	321	6	27	14	53
Over 50	99	10	33	10	46
Other crimes	14,539	5	52	11	31
Male	12,952	5	51	12	33
Female	1,587	10	61	10	19
White	6,893	6	53	12	29
Black	6,860	5	52	10	33
Other	178	11	40	13	35
Less than 18 yrs.	31	10	45	0	45
18-24	6,020	5	55	11	29
25-29	3,592	4	49	12	34
30-34	2,159	6	52	11	31
35-39	1,248	6	50	12	32
40-49	942	7	47	11	34
Over 50	338	15	47	7	31

*Includes only cases for which demographic and sentencing data were available.

Table 14. Continued
Incarceration rates for indicted cases convicted in felony court, by defendant characteristics and crime type

c. Manhattan, New York 1987

	<u>Number of convictions*</u>	<u>No incarceration</u>	<u>Percentage of convictions resulting in incarceration for:</u>		
			<u>Less than 1 year</u>	<u>Exactly 1 year</u>	<u>More than 1 year</u>
All crimes	11,004	24%	23%	11%	42%
Male	8,766	23	23	12	41
Female	947	34	30	13	24
White	4,211	27	25	11	37
Black	5,411	22	24	13	42
Other	80	46	16	5	33
Less than 18 yrs.	743	51	19	11	19
18-24	3,518	25	23	13	39
25-29	2,230	18	26	12	44
30-34	1,569	20	24	12	44
35-39	820	22	27	10	40
40-49	653	24	23	10	43
Over 50	185	34	21	5	39
Violent crimes	2,914	18	12	11	59
Male	2,450	18	13	12	58
Female	173	28	21	14	36
White	765	22	13	9	56
Black	1,836	17	13	13	57
Other	20	30	5	5	60
Less than 18 yrs.	329	47	15	10	28
18-24	1,103	16	14	12	58
25-29	541	12	10	15	63
30-34	345	12	11	13	64
35-39	152	14	18	7	62
40-49	113	12	16	10	63
Over 50	41	22	7	7	63
Property crimes	1,959	21	22	14	43
Male	1,630	18	22	15	44
Female	175	34	25	13	29
White	629	26	19	13	42
Black	1,152	16	24	16	44
Other	22	50	18	9	23
Less than 18 yrs.	127	39	17	19	24
18-24	650	20	22	18	40
25-29	428	15	25	12	47
30-34	312	18	24	13	45
35-39	169	20	22	15	42
40-49	94	17	15	7	61
Over 50	25	28	16	4	52
Other crimes	6,131	28	29	10	33
Male	4,686	28	30	11	32
Female	599	36	34	12	18
White	2,817	29	29	11	30
Black	2,423	28	31	11	30
Other	38	53	21	3	24
Less than 18 yrs.	287	60	25	8	7
18-24	1,765	32	30	12	27
25-29	1,261	21	34	10	35
30-34	912	24	28	12	36
35-39	499	25	32	10	33
40-49	446	28	27	11	34
Over 50	119	39	27	5	29

*Includes only cases for which demographic and sentencing data were available.

d. Portland, Oregon 1987

	Number of convictions*	No incarceration	Percentage of convictions resulting in incarceration for:		
			Less than 1 year	Exactly 1 year	More than 1 year
All crimes	4,415	62%	2%	2%	34%
Male	3,604	59	3	2	36
Female	624	74	1	2	23
White	2,985	65	2	2	31
Black	1,110	50	3	2	45
Other	79	75	10	1	14
Less than 18 yrs.	14	71	7	0	21
18-24	1,419	61	3	3	33
25-29	1,030	63	2	2	33
30-34	827	62	2	2	35
35-39	527	57	2	3	39
40-49	329	61	3	3	33
Over 50	168	68	2	4	26
Violent crimes	558	37	1	1	60
Male	497	36	1	1	62
Female	40	55	3	0	43
White	308	38	2	1	60
Black	206	33	1	2	65
Other	11	82	0	9	9
Less than 18 yrs.	9	67	0	0	33
18-24	202	38	1	2	58
25-29	122	40	2	0	57
30-34	81	22	0	2	75
35-39	61	38	0	2	61
40-49	46	33	2	0	65
Over 50	18	67	0	0	33
Property crimes	1,079	57	2	2	39
Male	857	53	2	2	42
Female	182	69	0	2	29
White	707	59	1	2	38
Black	312	49	3	3	45
Other	12	67	17	0	17
Less than 18 yrs.	1	100	0	0	0
18-24	424	61	2	2	35
25-29	227	51	2	1	46
30-34	198	58	1	2	39
35-39	128	52	1	2	45
40-49	52	50	4	8	38
Over 50	31	55	3	0	42
Other crimes	2,778	69	3	3	26
Male	2,250	66	3	3	28
Female	402	78	2	2	18
White	1,970	71	2	3	24
Black	592	57	3	2	38
Other	56	75	11	0	14
Less than 18 yrs.	4	75	25	0	0
18-24	793	68	4	3	26
25-29	681	71	2	2	24
30-34	548	69	2	2	27
35-39	338	62	2	3	32
40-49	231	70	3	3	25
Over 50	119	71	3	5	21

*Includes only cases for which demographic and sentencing data were available.

Table 14. Continued
Incarceration rates for indicted cases convicted in felony court, by defendant characteristics and crime type

e. St. Louis, Missouri 1987

	<u>Number of convictions*</u>	<u>No incarceration</u>	<u>Percentage of convictions resulting in incarceration for:</u>		
			<u>Less than 1 year</u>	<u>Exactly 1 year</u>	<u>More than 1 year</u>
All crimes	2,882	51%	4%	7%	38%
Male	2,598	48	5	7	40
Female	284	74	4	7	16
White	539	59	4	2	35
Black	2,343	49	5	8	39
Other	0	0	0	0	0
Less than 18 yrs.	202	58	4	6	31
18-24	1,144	51	4	7	38
25-29	687	49	5	7	39
30-34	417	53	4	7	36
35-39	214	46	7	7	40
40-49	144	49	5	5	41
Over 50	73	52	3	4	41
Violent crimes	397	26	2	2	71
Male	376	25	2	2	72
Female	21	38	0	10	52
White	97	34	2	1	63
Black	300	23	1	2	73
Other	0	0	0	0	0
Less than 18 yrs.	25	32	0	0	68
18-24	159	28	2	1	69
25-29	96	22	2	1	75
30-34	55	25	0	7	67
35-39	24	29	4	4	63
40-49	15	7	0	0	93
Over 50	23	35	0	0	65
Property crimes	767	50	5	6	39
Male	688	48	5	6	42
Female	79	72	4	8	16
White	206	62	3	3	32
Black	561	46	6	7	42
Other	0	0	0	0	0
Less than 18 yrs.	90	66	2	4	28
18-24	317	50	4	8	38
25-29	152	44	7	3	46
30-34	104	56	4	5	36
35-39	59	39	7	7	47
40-49	32	41	6	6	47
Over 50	13	54	8	8	31
Other crimes	1,718	57	5	8	30
Male	1,534	54	5	9	32
Female	184	78	4	7	11
White	236	68	5	2	25
Black	1,482	55	5	10	30
Other	0	0	0	0	0
Less than 18 yrs.	87	59	7	10	24
18-24	668	57	4	8	31
25-29	439	56	5	10	29
30-34	258	57	5	8	29
35-39	131	53	8	7	33
40-49	97	59	5	5	31
Over 50	37	62	3	5	30

*Includes only cases for which demographic and sentencing data were available.

f. San Diego, California 1987

	<u>Number of convictions*</u>	<u>No incarceration</u>	<u>Percentage of convictions resulting in incarceration for:</u>		
			<u>Less than 1 year</u>	<u>Exactly 1 year</u>	<u>More than 1 year</u>
All crimes	8,136	9%	47%	14%	30%
Male	6,917	8	44	15	32
Female	1,213	15	60	10	15
White	5,833	10	47	14	29
Black	1,910	7	44	16	33
Other	184	14	48	11	26
Less than 18 yrs.	30	13	40	3	43
18-24	3,134	8	51	15	27
25-29	2,104	9	45	14	32
30-34	1,432	11	44	13	31
35-39	768	10	42	16	32
40-49	464	12	44	14	30
Over 50	186	15	41	12	33
Violent crimes	1,420	10	30	16	44
Male	1,336	10	29	16	46
Female	84	14	45	13	27
White	864	11	31	15	43
Black	478	7	27	18	49
Other	44	9	36	16	39
Less than 18 yrs.	11	9	9	0	82
18-24	521	7	30	18	44
25-29	369	8	32	15	45
30-34	241	13	30	15	41
35-39	140	11	30	13	46
40-49	77	17	21	17	45
Over 50	57	16	32	11	42
Property crimes	2,633	8	42	16	34
Male	2,247	7	41	16	36
Female	385	16	47	16	21
White	1,952	9	41	16	34
Black	574	5	40	19	35
Other	53	21	47	11	21
Less than 18 yrs.	12	17	58	0	25
18-24	1,085	7	47	16	30
25-29	601	9	36	17	37
30-34	486	10	37	15	37
35-39	242	10	37	19	34
40-49	151	9	41	15	34
Over 50	50	12	40	10	38
Other crimes	4,083	10	56	13	22
Male	3,334	8	53	14	25
Female	744	15	68	7	11
White	3,017	10	56	13	22
Black	858	7	57	13	23
Other	87	13	55	9	23
Less than 18 yrs.	7	14	57	14	14
18-24	1,528	8	61	13	18
25-29	1,134	9	54	12	25
30-34	705	12	53	11	23
35-39	386	10	49	15	26
40-49	236	12	54	12	22
Over 50	79	15	48	14	23

*Includes only cases for which demographic and sentencing data were available.

Table 14. Continued

Incarceration rates for indicted cases convicted in felony court, by defendant characteristics and crime type

g. Seattle, Washington 1987

	<u>Number of convictions*</u>	<u>No incarceration</u>	<u>Percentage of convictions resulting in incarceration for:</u>		
			<u>Less than 1 year</u>	<u>Exactly 1 year</u>	<u>More than 1 year</u>
All crimes	4,415	15%	64%	3%	18%
Male	3,781	13	64	3	20
Female	632	27	62	2	9
White	2,866	18	63	3	17
Black	1,366	9	67	3	21
Other	145	13	61	2	23
Less than 18 yrs.	27	22	41	0	37
18-24	1,749	16	67	2	14
25-29	940	15	63	3	18
30-34	776	12	64	3	21
35-39	416	16	63	2	19
40-49	339	16	55	4	24
Over 50	147	20	48	5	28
Violent crimes	881	7	54	4	35
Male	780	7	53	3	37
Female	101	9	62	8	21
White	502	9	53	4	34
Black	324	5	56	3	37
Other	44	5	59	2	34
Less than 18 yrs.	15	7	33	0	60
18-24	315	5	56	3	36
25-29	197	6	53	4	38
30-34	153	8	49	7	36
35-39	94	9	56	2	33
40-49	76	14	54	4	28
Over 50	27	4	70	0	26
Property crimes	1,577	18	68	2	11
Male	1,334	16	70	2	12
Female	241	33	60	0	7
White	1,061	21	67	2	11
Black	450	12	71	3	14
Other	50	20	68	2	10
Less than 18 yrs.	9	44	56	0	0
18-24	761	17	71	2	9
25-29	313	18	66	2	14
30-34	254	16	68	0	16
35-39	122	18	72	0	10
40-49	84	25	57	5	13
Over 50	27	41	44	7	7
Other crimes	1,957	17	65	3	16
Male	1,667	15	65	3	17
Female	290	28	63	2	8
White	1,303	20	63	3	15
Black	592	10	69	3	18
Other	51	14	57	2	27
Less than 18 yrs.	3	33	33	0	33
18-24	673	19	69	2	10
25-29	430	18	66	3	13
30-34	369	11	68	3	18
35-39	200	18	61	3	19
40-49	179	13	55	3	28
Over 50	93	18	42	5	34

*Includes only cases for which demographic and sentencing data were available.

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 reported for the eight new jurisdictions added for the 1987 edition of the series (Albuquerque, New Mexico; Bakersfield, California; Brooklyn, New York; Chattanooga, Tennessee; Dayton, Ohio; Denver, Colorado; Queens, New York; Seattle, Washington) refers to the procedures in place at the time of interviews conducted in early 1989. The information for all other participating jurisdictions is the same as that reported in the 1986 edition and is based on interviews conducted in late 1987 and early 1988.

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.

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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 pre-trial 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 defen-

dants who request jury trials are sent to the circuit court for trial.

The circuit court is staffed by nine judges, who handle a mixed case-load. 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.

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.

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 case-

load 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 bind-over 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 either dismissed or bound over on misdemeanor charges in county court. Many of the 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 pre-sentence 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 dis-

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 au-

thorized 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 misdemeanors, 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 account for 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 stationhouse 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 courtrooms. 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 nonviolent 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 occurring 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 nonconvictable cases prior to the filing of formal charges. The grand jury declines to indict 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 designated 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. When the jury imposes the sentence, it hears recommendations from the prosecutor and defense, whereas 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. The 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 for the judge. The presentence report includes information from the victim, the prosecutor, the police, and the defense attorney. The commission also reviews the defendant's past 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's results.

Montgomery County offers a diversion program to first-time offenders in nonviolent felony cases. The defendant must admit guilt and must pay restitution. It is usually a 1-year period consisting of a probation-like program of community service, urine testing, etc. 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 a minimum of 60 days in jail. With this new 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 the time of 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.

Approximately 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 pre-sentence 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 bind-over, 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.

Flow of felony cases—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 the district court, where a judge signs it, making the arrest official. If the defendant is in custody, arraignment on the warrant occurs almost immediately 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 count originally charged. 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 as-

sistant 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 pre-sentence 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 incorporated 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 nonviolent 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 pre-sentence 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 I 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 I felony.

At the first appearance in county court (or district court for class I 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 bind-over, 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 bind-over.

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. Presentence 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 with-

draw 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. Prescreening 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 the defendant 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 in-

formed 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, other-

wise 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 pretrial 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 (Philadelphia County)

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 sentenceers, 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 cases are prosecuted vertically. Felony screening duties are shared by trial deputies, and once a deputy issues a complaint, he or she is responsible for that case. Deputies either 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 divi-

sions. 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 presentment. Prior to the preliminary hearing or grand jury presentment, 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. Deviations 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 supervisor. 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 inde-

pendent 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 arraignments, 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 accel-

erated 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. Routinely, 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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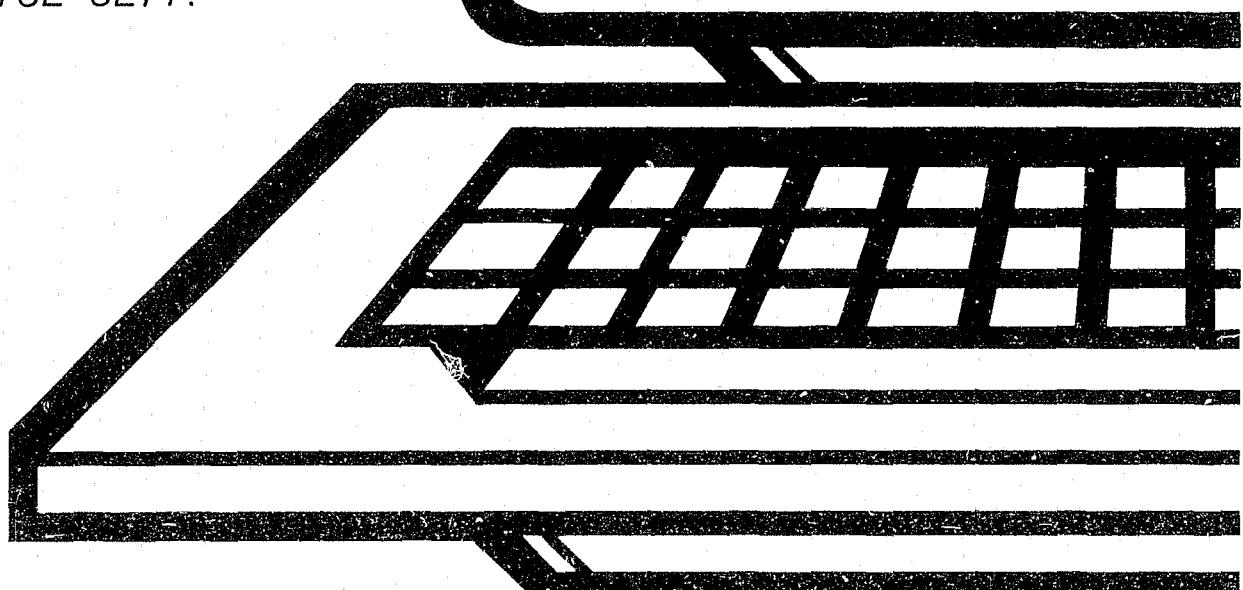
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