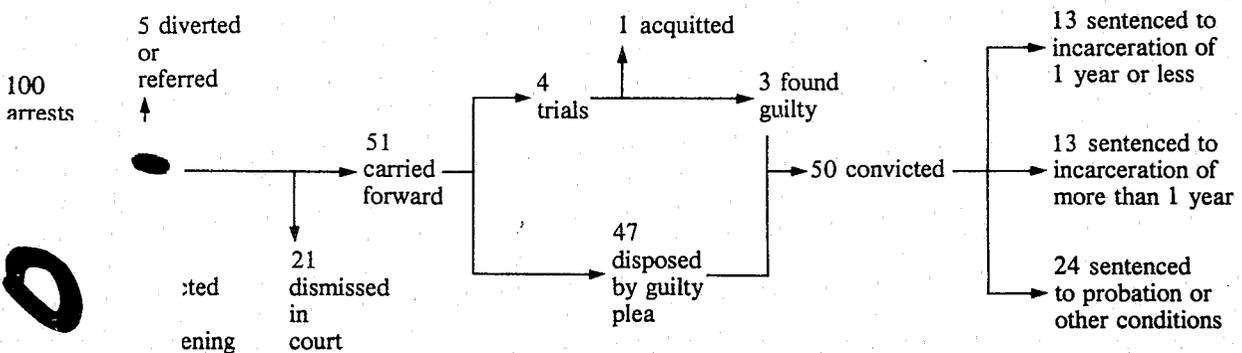


The Prosecution of Felony Arrests, 1982

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



106990



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U.S. Department of Justice
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The Prosecution of Felony Arrests, 1982

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Manhattan, New York 1982			
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2b	20	7d	47
3d	25	8b	51
4a	29	9d	60
5d	37		
Portland, Oregon 1982			
1b	17	6b	43
2c	21	7e	48
3e	26	8c	52
4b	30	9e	61
5e	38		
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2d	21	7f	48
3f	26	8d	53
5f	39	9f	62
6c	44		
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Introduction

The Prosecution of Felony Arrests is a statistical series describing the prosecution of adult felony arrests in urban prosecutors' offices. This report includes 37 jurisdictions and focuses on cases processed in 1982. In several jurisdictions 1982 data were unavailable, and 1983 data were substituted.¹

The series provides statistics on what happens to criminal cases between arrest and incarceration and explains the role of the prosecutor in the felony disposition process.

¹See table 8 for a list of data years and data sources for each jurisdiction. The previous editions of the series are: Kathleen Brosi, A Cross-City Comparison of Felony Case Processing (Washington, D.C.: USGPO, 1979); Barbara Boland et al., The Prosecution of Felony Arrests, 1979 (Washington, D.C.: USGPO, 1983); Barbara Boland and Elizabeth Brady, The Prosecution of Felony Arrests, 1980 (Washington, D.C.: USGPO, 1985); and Barbara Boland and Ronald Sones, The Prosecution of Felony Arrests, 1981 (Washington, D.C.: USGPO, 1986).

The Prosecution of Felony Arrests series was initiated by the Bureau of Justice Statistics in the mid-1970's to provide information on how prosecutors and courts handle serious crimes. 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 National Prisoner Statistics series provides data on defendants sentenced to prison. This series addresses the question of what happens between arrest and admission to prison.

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. Appendix B provides descriptions of the felony disposition process in each of the 37 participating jurisdictions.

Overview

In 1982 the FBI reported that the police arrested close to 1.8 million adults for serious crimes.¹ According to National Prisoner Statistics on new imprisonments, in 1982 judges sentenced 177,109 adults to State and Federal prisons.² Very few serious arrests--about 10 out of every 100--result in a defendant's being sent to prison.

What happens to the other 90 defendants after arrest, or more precisely to all adults arrested 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 adults arrested for a felony crime, 50 will not be convicted (figure 1). Of those not convicted--

- 5 will be referred to diversion programs or to other courts for prosecution;
- 23 will have their cases rejected for prosecution at screening, before court charges are filed;
- 21 will have their cases dismissed in court; and
- 1 will be acquitted at trial.

Of every 100 adults arrested for a felony 50 will be convicted of either a felony or a misdemeanor. Of those 50--

- 47 will plead guilty; and
- 3 will be found guilty at trial.

Of the 50 defendants who are convicted 26 will receive a sentence of incarceration, either in a county jail or a State prison--

- 13 will be sentenced for a period of 1 year or less; and
- 13 will be sentenced for a term of more than 1 year.

¹Crime in the United States 1982, Federal Bureau of Investigation, U.S. Department of Justice (Washington, D.C.: USGPO, 1982).

²Prisoners in State and Federal Institutions on December 31, 1982, National Prisoner Statistics series, Bureau of Justice Statistics, U.S. Department of Justice (Washington, D.C.: USGPO, 1982).

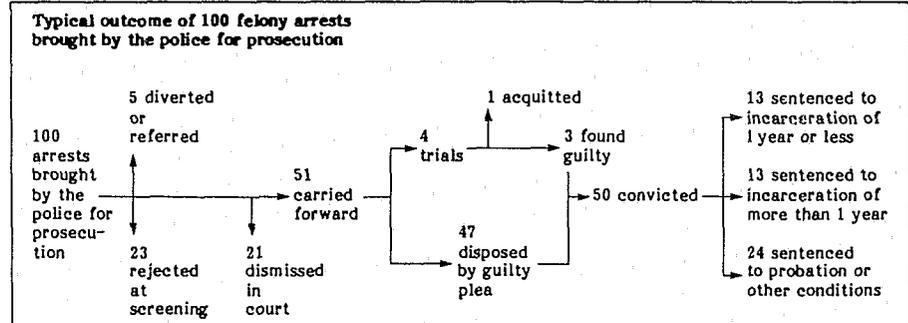


Figure 1

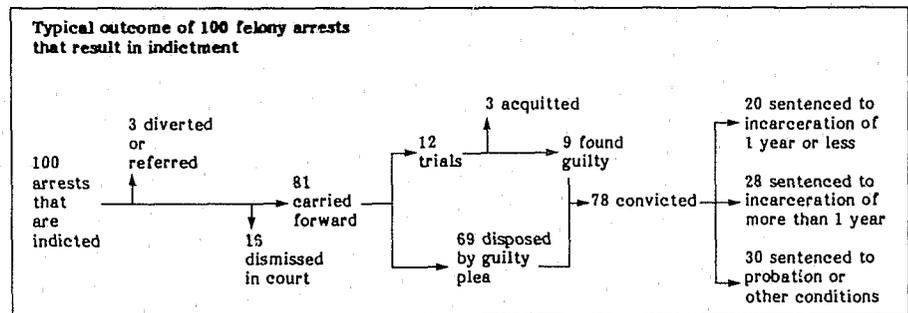


Figure 2

Typically, 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 preindictment 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 relatively few end in a dismissal; most end in a guilty plea or trial. Moreover, the majority of defendants convicted in the felony court are sentenced to incarceration.

For every 100 felony arrests disposed in the felony court, 16 are dismissed, 3 are diverted or referred, 69 result in a guilty plea, and 12 go to trial (figure 2). Nine of the 12 trials end in conviction.

Of the 78 convictions close to two-thirds (48) end in a sentence of incarceration. Of the 48--

- 20 result in a sentence of 1 year or less; and
- 28 in a sentence of more than 1 year.

These findings are based on data provided by 37 urban prosecutors

The 37 prosecutors' offices included in this report are not representative of all prosecutors' offices; they 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).

For the 37 jurisdictions 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.

Table 1. Participating jurisdictions

Major city in jurisdiction	Legal jurisdiction	1980 population of legal jurisdiction
Large cities		
Los Angeles, California	Los Angeles County	7,477,657
Chicago, Illinois	Cook County	5,253,190
Detroit, Michigan	Wayne County	2,337,240
San Diego, California	San Diego County	1,861,846
Philadelphia, Pennsylvania	Philadelphia County	1,688,210
Miami, Florida	11th Judicial Circuit	1,625,979
Dallas, Texas	Dallas County	1,556,549
Manhattan, New York	New York County	1,427,533
Seattle, Washington	King County	1,269,749
Buffalo, New York	Erie County	1,015,472
Rhode Island (Providence)	Rhode Island	947,154
Minneapolis, Minnesota	Hennepin County	941,411
Indianapolis, Indiana	Marion County	765,233
Louisville, Kentucky	Jefferson County	684,793
Boston, Massachusetts	Suffolk County	650,142
Washington, D.C.	Washington, D.C.	637,651
Kansas City, Missouri	Jackson County	629,180
Salt Lake City, Utah	Salt Lake County	619,066
Portland, Oregon	Multnomah County	562,640
New Orleans, Louisiana	Orleans Parish	557,482
St. Louis, Missouri	St. Louis City	453,085
Suburban areas		
Dedham, Massachusetts (Boston)	Norfolk County	606,587
Montgomery County, Maryland (Washington, D.C.)	Montgomery County	579,053
Golden, Colorado (Denver)	1st Judicial District	374,182
Littleton, Colorado (Denver)	18th Judicial District	330,287
Cobb County, Georgia (Atlanta)	Cobb County	297,694
Geneva, Illinois (Chicago)	Kane County	278,405
Brighton, Colorado (Denver)	17th Judicial District	245,944
Medium-sized cities		
Colorado Springs, Colorado	4th Judicial District	317,458
Des Moines, Iowa	Polk County	303,170
Lansing, Michigan	Ingham County	272,437
Davenport, Iowa	Scott County	160,022
Pueblo, Colorado	10th Judicial District	125,972
Small cities		
Kalamazoo, Michigan	Kalamazoo County	212,378
Tallahassee, Florida*	2nd Judicial Circuit	223,731
Fort Collins, Colorado	8th Judicial District	151,047
Greeley, Colorado	19th Judicial District	123,438

*Data available from Leon County only.

Source: Population figures are from The World

Almanac and Book of Facts 1983 (New York: Newspaper Enterprise Association, 1983).

The sample of urban prosecutors

The 37-jurisdiction sample includes urban areas from each of the four urban population groups that account for the vast majority of all reported crimes. Rural jurisdictions, which account for a small fraction of total crime, are not represented.

According to crime data collected by the FBI, 85% of all crime occurs in four types of urban areas:

- large cities, population of 250,000 or more;
- medium-sized cities, population of 100,000 to 250,000;
- small cities, population of 50,000 to 100,000; and
- suburban areas outside the core cities of metropolitan areas.

Further, 74% of all urban crime occurs in major cities and suburban areas and 26% in medium-sized and small cities.** Twenty-eight, or 76%, of the 37 jurisdictions represent either major cities or suburban areas; 9, or 24%, of the jurisdictions represent medium-sized and small cities. Overall, these jurisdictions include 17% of the total U.S. population in urban areas.

**Crime in the United States 1980, Federal Bureau of Investigation, U.S. Department of Justice (Washington, D.C.: USGPO, 1980).

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.

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

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.

Overview

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

Constitutional protections require 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.

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 considerations

(treatment of first offenders, for example). 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 judged 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. The points at which cases are dropped and convictions obtained, however, vary considerably among the jurisdictions studied.

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 then dropped after filing; post-filing dismissal rates may be as low as 10-15%. In other jurisdictions nearly all arrests result in initial charges being filed with the court. In these jurisdictions rates of post-filing dismissals may be as high as 50%, although most of the dismissals occur in the lower court.

Jurisdiction	Number of arrests	Percent of felony arrests resulting in:							Percent of trials resulting in:	
		Diversion or referral	Rejection or dismissal			Guilty plea	Trial	Conviction	Acquittal	
			Rejection	Dismissal	Total					
Cobb County ^a	2,879	11%	0%	49%	49%	39%	2%	80%	20%	
Dallas ^b	18,285		23	15	38	55	6	77	23	
Los Angeles ^c	81,584		40	11	51	49	..	..	..
Manhattan	34,652	1	3	30	33	64	3	68	32	
Miami	32,468	2	32	18	50	46	2	..	..
Minneapolis ^d	3,609	6	34	12	46	44	4	76	24	
New Orleans ^e	7,321	4	47	5	52	37	6	76	24	
Portland ^f	7,118	6	28	13	41	44	8	85	15	
Salt Lake City	3,591	7	22	19	41	48	4	72	28	
San Diego	17,089	6	22	13	35	56	3	77	23	
Tallahassee	3,108	6	7	37	44	47	4	75	25	
Washington, D.C.	11,185	3	16	32	48	42	8	70	30	
Jurisdiction mean		5%	23%	21%	44%	47%	4%	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.
^bIn Cobb County pre-filing rejections do not occur because of police filing directly with the court. Data for Cobb County represent cases disposed in the first 8 months of 1982.
^cIn Dallas, rejections are grand jury not true bills.
^dTrial convictions are included with guilty pleas and acquittals are included with dismissals. OBTS data; see table 8.
^eRejections in Minneapolis include some arrests referred to the city prosecutor for misdemeanor prosecution.
^fEstimated. See note in table 8.
^gIn 1982 Portland computer data contained partial counts of declined cases. The rejection rate and number of arrests in this table have been estimated from computer data on cases filed and Portland manual statistics on felony arrests declined.

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. In some jurisdictions, virtually all convictions resulting from felony arrests are disposed in the felony court on felony charges. Other jurisdictions routinely reduce felony cases to misdemeanors; as many as two-thirds of felony arrest convictions may be disposed 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).

In all jurisdictions many arrests are dropped, but prosecutors vary in whether they drop felony charges before or after court charges are filed

Of all felony arrests presented by the police for prosecution, on average, 44% are either rejected for prosecution at screening or are later dismissed (table 2). While there are differences among jurisdictions in the percentage of arrests that are dropped, in the 12 jurisdictions for which data are available it is 33% or more. In 10 of the jurisdictions rejections and dismissals account for close to 40% or more of all arrest dispositions.

These data do not control for differences among jurisdictions in such factors as prior police screening or State definitions of felony crimes, which might account for some of the observed variation in the fraction of cases dropped. Still, two-thirds of the 12 jurisdictions reject or dismiss approximately 40-50% of all felony arrests brought by the police.

Table 2. Disposition of all felony arrests presented for prosecution

Jurisdiction	Number of arrests	Percent of felony arrests resulting in:						Percent of trials resulting in:	
		Diversion or referral	Rejection or dismissal			Guilty plea	Trial	Conviction	Acquittal
			Rejection	Dismissal	Total				
Cobb County ^a	2,879	11%	0%	49%	49%	39%	2%	80%	20%
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New Orleans ^e	7,321	4	47	5	52	37	6	76	24
Portland ^f	7,118	6	28	13	41	44	8	85	15
Salt Lake City	3,591	7	22	19	41	48	4	72	28
San Diego	17,089	6	22	13	35	56	3	77	23
Tallahassee	3,108	6	7	37	44	47	4	75	25
Washington, D.C.	11,185	3	16	32	48	42	8	70	30
Jurisdiction mean		5%	23%	21%	44%	47%	4%	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.

..Data not available.

^aIn Cobb County pre-filing rejections do not occur because of police filing directly with the court. Data for Cobb County represent cases disposed in the first 8 months of 1982.

^bIn Dallas, rejections are grand jury not true bills.

^cTrial convictions are included with guilty pleas and acquittals are included with dismissals. OBTS data; see table 8.

^dRejections in Minneapolis include some arrests referred to the city prosecutor for misdemeanor prosecution.

^eEstimated. See note in table 8.

^fIn 1982 Portland computer data contained partial counts of declined cases. The rejection rate and number of arrests in this table have been estimated from computer data on cases filed and Portland manual statistics on felony arrests declined.

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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).

In all jurisdictions many arrests are dropped, but prosecutors vary in whether they drop felony charges before or after court charges are filed

Of all felony arrests presented by the police for prosecution, on average, 44% are either rejected for prosecution at screening or are later dismissed (table 2). While there are differences among jurisdictions in the percentage of arrests that are dropped, in the 12 jurisdictions for which data are available it is 33% or more. In 10 of the jurisdictions rejections and dismissals account for close to 40% or more of all arrest dispositions.

These data do not control for differences among jurisdictions in such factors as prior police screening or State definitions of felony crimes, which might account for some of the observed variation in the fraction of cases dropped. Still, two-thirds of the 12 jurisdictions reject or dismiss approximately 40-50% of all felony arrests brought by the police.

Overview

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 12 jurisdictions there is a great deal of variation in the percentage of arrests rejected at screening. In Cobb County 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 Cobb County, the percentage rejected varies from 3% in Manhattan to 47% in New Orleans.

In general, 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 wide range of dismissal rates (table 3). In New Orleans 11% of all cases filed are dismissed. At the other extreme, in Cobb County 49% of cases filed result in a dismissal. These dismissal rates are a direct result of the screening arrangements in the two jurisdictions. In Cobb County, automatic police filing precludes pre-filing rejections. In New Orleans the prosecutor's office has a rigorous policy of dropping nonconvictable cases before court charges are filed.

In general, the jurisdictions with post-filing dismissal rates of 40% or more drop few if any arrests prior to the initial filing of a court charge.

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

Jurisdiction	Number of cases filed	Percent of cases filed resulting in:				Percent of trials resulting in:	
		Diversion or referral	Dismissal	Guilty plea	Trial	Conviction	Acquittal
Brighton	1,252	6%	19%	69%	6%	64%	36%
Chicago	35,528		45	41	14	60	40
Cobb County ^a	2,879	11	49	39	2	80	20
Colorado Springs	2,421	13	33	50	4	74	26
Dallas	14,784		20	72	8	77	23
Davenport	1,312		32	60	8	..	..
Des Moines	1,479		19	71	10	85	15
Fort Collins	943	24	19	55	2	-	-
Geneva	1,263		37	58	5	75	25
Golden	2,092	19	25	53	3	82	18
Greeley	866	14	23	62	2	-	-
Lansing	1,129		25	66	9	67	33
Littleton ^b	1,665	18	21	58	3	86	14
Los Angeles ^b	48,820		19	81	..	..	..
Manhattan	33,731	1	30	66	3	68	32
Miami	21,413	-	27	70	3	..	..
Minneapolis	2,364	9	18	66	6	76	24
New Orleans ^c	3,551	-	11	77	12	76	24
Philadelphia	13,796	4	33	26	37	70	30
Portland	5,110	8	19	62	12	85	15
Pueblo	594	10	30	57	3	-	-
St. Louis	3,617	1	25	67	7	70	30
Salt Lake City	2,632	4	27	65	5	72	28
San Diego	12,902	4	18	75	4	77	23
Seattle	3,653		14	71	15	77	23
Tallahassee	2,879	6	40	50	4	75	25
Washington, D.C.	9,373	3	38	50	10	70	30
Jurisdiction mean		8%	27%	61%	8%	75%	25%

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.
^cBecause the police automatically file all felony arrests with the court, cases filed and all arrests are the same. Data for Cobb County represent cases disposed in the first 8 months of 1982.
^dTrial convictions are included with guilty pleas and acquittals with dismissals. OBTS data; see table 8.
^eEstimated. See note in table 8.

Post-indictment dismissal rates in almost all jurisdictions are relatively low. Even though jurisdictions vary in the extent to which they drop felony arrests before any court charges are filed, very few carry forward to the felony court large numbers of cases that are not likely to result in a conviction. In other words, if non-convictable cases are not rejected at screening they will most likely be dropped later in the lower court. As a consequence the percentage of cases dropped in the felony court is typically low.

There are exceptions to this pattern. Tallahassee, for example, dismisses 40% of the cases carried forward to the felony court. Case processing in Tallahassee, however, differs from the typical, three-stage pattern in that felony arrests are not processed through the lower court but are filed directly in the felony court after screening.

Among the 30 jurisdictions reporting on the disposition of indicted cases, over half have felony court dismissal rates of 16% 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 percentage of all felony arrests that are carried forward to the felony court (table 5). In Tallahassee and Dallas, for example, over 80% of all arrests are disposed in the felony court. In Manhattan, Washington, D.C., and Los Angeles, less than 30% go on to the felony court.

Because between 40% and 50% of all felony arrests result in a conviction, in jurisdictions that indict only 25% or 30% of all felony arrests a number of felony arrests end up being convicted in the lower court on a misdemeanor charge. In Los Angeles and Manhattan, for example, 56% and 64%, respectively, of all convictions

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

Jurisdiction	Number of cases indicted	Percent of cases indicted resulting in:				Percent of trials resulting in:	
		Diversion or referral	Dismissal	Guilty plea	Trial	Conviction	Acquittal
Boston	1,298	0%	14%	64%	22%	67%	23%
Brighton	812	4	15	72	10	64	36
Buffalo	1,227		16	67	17	69	31
Chicago	23,287		16	63	21	60	40
Cobb County ^a	1,424	0	18	79	3	80	20
Dallas ^b	14,784		20	72	8	77	23
Dedham	172	0	16	74	10	82	18
Des Moines	1,329		10	79	11	85	15
Detroit	10,439		18	65	17	57	43
Golden	1,121	19	19	57	5	87	13
Indianapolis	3,737	-	16	75	9	73	27
Kalamazoo	1,022		16	77	7	66	34
Kansas City	1,649	3	23	63	10	69	31
Lansing	736		7	79	14	67	33
Los Angeles	18,623	1	10	78	10	72	28
Louisville	1,950	3	19	63	14	72	28
Manhattan	10,184	-	16	75	9	72	28
Miami	16,898	-	27	69	4	..	..
Montgomery County	1,079		21	63	16	80	20
New Orleans ^{b,c}	3,551	-	11	77	12	76	24
Philadelphia	9,784	2	14	35	49	71	29
Portland	5,085	8	19	62	12	85	15
Pueblo	298	10	22	62	6	-	-
Rhode Island ^c	4,005	3	11	82	4	..	..
St. Louis	2,915	1	10	80	9	70	30
Salt Lake City	1,602	1	16	75	7	71	29
San Diego	5,330	-	5	88	7	80	20
Seattle ^b	3,653		14	71	15	77	23
Tallahassee ^b	2,879	6	40	50	4	75	25
Washington, D.C.	3,213	-	13	69	18	75	25
Jurisdiction mean		3%	16%	69%	12%	73%	27%

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

-Insufficient data to calculate.
^aData for Cobb County represent cases disposed in the first 8 months of 1982.
^bCases filed and cases indicted are the same.
^cEstimated. See note in table 8.

resulting from a felony arrest are to misdemeanors in the lower court. In contrast, in Dallas and Tallahassee all convictions resulting from a felony arrest occur in the felony court.

Table 5. Percent of all felony arrests indicted

Jurisdiction	Percent indicted
Tallahassee	93%
Dallas	81
Portland	71
Miami	52
Cobb County	49
New Orleans	49
Salt Lake City	45
San Diego	31
Manhattan	29
Washington, D.C.	29
Los Angeles	23
Jurisdiction mean	50%

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 52% lead to a sentence of incarceration and 25% to incarceration of more than 1 year. Incarceration rates in the felony court alone are higher: 62% of those convicted are sentenced to incarceration, and 36% are sentenced to terms of more than 1 year.

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

In interpreting sentencing statistics across jurisdictions one must take into account the differing use of the felony trial courts. The data suggest, for example, that both Los Angeles and Manhattan sentence a higher fraction of convicted defendants to terms of more than 1 year than does New Orleans. In Los Angeles 39% and in Manhattan 45% of defendants convicted in felony court receive sentences of more than 1 year. In New Orleans 36% receive such long-term sentences in felony court. The lower rate in New Orleans, however, is explained by the fact that felony court convictions in New Orleans include all convictions resulting from a felony arrest, but in Los Angeles and Manhattan they represent a subset of serious felony arrest convictions.

Table 6. Incarceration rates for cases that result in conviction

Jurisdiction	Number of convictions ^a	Percent of convictions resulting in incarceration:		
		Any incarceration	More than 1 year	Exactly 1 year
Cases filed and convicted in felony or misdemeanor court				
Brighton	897	44%	26%	3%
Colorado Springs	1,218	54	27	3
Fort Collins	508	44	22	2
Golden	1,112	51	28	4
Littleton	894	50	31	7
Los Angeles ^b	39,685	..	16	..
Manhattan	21,420	55	16	7
New Orleans ^{c,d}	3,049	66	36	7
Portland	3,630	36	29	3
Pueblo	341	56	29	6
Rhode Island ^{c,d}	3,378	25	17	4
St. Louis	2,571	64	35	8
Salt Lake City	1,399	40	22	11
San Diego ^d	9,697	74	13	6
Seattle	2,895	74	21	..
Jurisdiction mean		52%	25%	5%
Cases indicted and convicted in felony court				
Brighton	621	50%	36%	4%
Golden	665	60	45	6
Indianapolis	2,940	55	37	7
Kalamazoo	736	73	22	..
Los Angeles	15,114	88	39	16
Louisville	1,296	61	47	12
Manhattan	7,715	68	45	13
Miami ^e	12,167	80	56	9
New Orleans ^{c,d}	3,049	66	36	7
Portland	3,613	36	29	3
Pueblo	187	67	53	5
Rhode Island ^{c,d}	3,378	25	17	4
St. Louis	2,507	64	36	8
Salt Lake City	1,196	42	26	12
San Diego	4,919	81	26	11
Seattle ^d	2,895	74	21	..
Jurisdiction mean		62%	36%	8%
.. Data not available.		based on sample estimates; see table 8.		
^a Number of convictions for which sentence data were available.		^d Cases filed and cases indicted are the same in New Orleans and Seattle. In Rhode Island for both cases filed and cases indicted all convictions occur in the felony court.		
^b OBTs data; see table 8.				
^c Number of convictions and sentences				

When comparisons among the three jurisdictions are made on the basis of all convictions, a different picture emerges. Los Angeles and Manhattan each sentence 16% of all convicted defendants to a year or more of incarceration, compared with 36% in New Orleans.

Among the jurisdictions reporting, long-term rates of incarceration are on average 25% of all convictions but 36% of all indicted cases that end in conviction.

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.

Finally, the time from arrest to final court disposition varies substantially across jurisdictions

The median time from arrest to disposition for cases in which an initial court charge is filed ranges from 56 days in Manhattan to 185 days in Littleton. The average among all jurisdictions is 113 days (table 7). Arrest-to-disposition times for only those cases bound over or indicted and disposed in the felony court are longer. The average disposition time among the jurisdictions is 164 days. But similar to the measure for cases filed there exists substantial variation across jurisdictions. In Portland the median arrest-to-disposition time for the cases disposed in the felony court is 59 days, whereas in Washington, D.C. felony court cases require a median time of 237 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 more serious and worthy of greater attention and court resources than cases disposed in lower courts. Finally, the felony court is where most trials, the most time-consuming type of disposition, take place.

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 approximately 220 days--about 7 months--from the time of arrest. The trial times for cases filed and cases indicted are virtually identical (214 and 217 days, respectively). This reflects the fact that most, or in some jurisdictions practically all, trials take place in the felony court. Across jurisdictions, the time from arrest to disposition by trial in the felony court ranges from 81 days (about 3 months) in Portland to 359 days (12 months) in Washington, D.C.

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 dispositions ^a	Dismissal	Plea	Trial
Cases filed				
Manhattan	56 days	72 days	39 days	263 days
Salt Lake City	58	49	56	148
Portland	59	56	55	81
Greeley	95	91	94	-
Los Angeles ^b	99	66	104	175
San Diego	103	79	105	163
Pueblo	112	101	118	-
Colorado Springs	115	137	101	177
Washington, D.C.	116	106	99	288
St. Louis	151	57	160	237
Brighton	155	153	145	268
Golden	161	196	142	249
Littleton	185	163	188	301
Jurisdiction mean	113 days	102 days	108 days	214 days
Cases indicted				
Portland	59 days	56 days	56 days	81 days
Salt Lake City	78	79	70	148
Los Angeles	126	155	118	175
Indianapolis	128	138	123	158
San Diego	136	108	134	184
St. Louis	174	192	163	237
Manhattan	184	202	167	290
Pueblo	207	174	213	-
Brighton	212	215	198	268
Louisville	212	224	202	248
Golden	217	301	196	248
Washington, D.C.	237	281	197	359
Jurisdiction mean	164 days	177 days	153 days	217 days
^a Insufficient data to calculate.		^b Excludes a number of felony arrests filed as misdemeanors and handled by municipal prosecutors.		
^a Includes only cases for which time data were available.				

Because 70-80% 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 among cases indicted for cases convicted by trial rather than plea is close to 2 months. For individual jurisdictions, the additional time ranges from 1 month in Portland and Indianapolis to close to 5 months in Washington, D.C.

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.

Data sources, limitations, and definitions

The primary data source for this report and those that preceded it is a computer-based management information system called PROMIS¹ (Prosecutor's Management Information System) developed by the Institute for Law and Social Research in the early 1970's with funding from the Law Enforcement Assistance Administration. PROMIS is a generalized tracking and management information system used by prosecutors and other justice agencies to monitor the movement of cases and defendants through intricate legal and administrative processes.

As the series has been expanded to include a greater number of jurisdictions, primarily those serving large cities, the requirement that participants have an operating PROMIS system has been relaxed. Thus, this edition includes a number of jurisdictions that provided data from a variety of other sources.

Data sources in the 37 jurisdictions

Sixteen of the participating jurisdictions provided data tapes containing PROMIS data files, which were processed by Abt staff. In all 16 jurisdictions the cases analyzed are those initiated in calendar year 1982 and closed at the time the data tapes were prepared by the jurisdictions. All tapes were prepared at least 2 years after the case initiation date. In all jurisdictions 90% or more of all cases initiated were closed by the date the computer tape was prepared.

In two jurisdictions, Buffalo and Cobb County, the prosecutor provided computer printouts from the PROMIS system. In both of these jurisdictions the data refer to cases disposed. In Buffalo the data are for 1983 and in Cobb County for the first 8 months of 1982.

In the jurisdictions that provided data from their PROMIS systems, each arrest or case represents a separate arrest for an individual defendant. A crime involving three

defendants, for example, would be counted as three arrests or cases. Similarly, three arrests involving one defendant but three separate criminal incidents would be counted separately. In addition, where data are presented by crime type, the most serious charge ever associated with the case is used to characterize the crime. Because the seriousness of the charges associated with criminal cases frequently declines from arrest to disposition, the crime types more accurately reflect charges at arrest or initial court filing than at plea, dismissal, or trial.

In addition to the jurisdictions that provided PROMIS data, 19 jurisdictions participated in the study by providing aggregate statistics from the prosecutor's or court's records. In some of these jurisdictions the data were from manual recordkeeping systems and in others, from computerized systems. In 17 jurisdictions the recordkeeping systems provided statistics on a "cases disposed" basis. In two jurisdictions, New Orleans and Rhode Island, data refer to "cases initiated."

In Miami, disposition data reported separately on case outcomes at screening, in the lower court, and in the felony court were used to derive outcomes for all felony arrests, for cases filed, and for cases indicted. Similarly, in Philadelphia, data reported separately on case outcomes in the lower court and in the felony court were used to derive the outcomes of all cases filed.

In Minneapolis, data on the declination rate at screening and actual counts of case dispositions for cases filed were used to derive the number of felony arrests presented and the dispositions of all felony arrests. The declination rate at screening was based on counts of felony and gross misdemeanor arrests; cases declined include cases referred to the city prosecutor for misdemeanor prosecution. Both of these factors may result in an overestimate of the rejection rate in Minneapolis relative to that in other jurisdictions.

In both New Orleans and Rhode Island, case disposition and incarceration rates were estimated from manual samples. The sample size in New Orleans was 180 defendant cases; in Rhode Island, 198 defendant cases. In both jurisdictions the manual sample results were combined with prosecutor or court records to estimate the number of cases processed. In Miami sentences were estimated from a manual sample of 46 convicted cases. Similarly, the sample results were combined with prosecutor records to estimate the total number of convictions.

In seven jurisdictions, recordkeeping systems tracked cases rather than individual defendants and therefore may undercount the number of defendants' dispositions. The seven jurisdictions are Dallas, Davenport, Des Moines, Kalamazoo, Kansas City, Minneapolis, and Seattle. Among the 19 jurisdictions the data year covered was primarily 1982. In two jurisdictions the data year was 1983.

Data sources and data years for all jurisdictions are listed in table 8. The table also provides caseload definitions and the caseload size for each jurisdiction. In several jurisdictions certain anomalies occur in caseload definitions because of the unique administrative systems devised for processing cases. In Cobb County the police automatically file all felony arrests in the lower court; thus all arrests and cases filed are the same. In Dallas, New Orleans, Seattle, and Tallahassee the prosecutor either rejects a felony arrest or files it directly in the felony court. Thus in these four jurisdictions, 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.

¹PROMIS is a trademark.

The statistics for each jurisdiction presented in the text and in appendix 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 the average arrestee in urban areas is handled.

Limitations

The principal problem in deriving comparable cross-jurisdictional statistics 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 pre-filing screening and charging arrangements in the jurisdictions.

Table 8. Caseload definitions and data sources

Jurisdiction	Data year	Felony case definition and caseload size			Data source(s)
		All arrests	Cases filed	Cases indicted	
Boston	1982			1,298	Prosecutor records
Brighton	1982		1,252	812	PROMIS* tape
Buffalo	1983			1,227	PROMIS*
Chicago	1982		35,528	23,287	Court records
Cobb County ^{a,b}	1982	2,879	2,879	1,424	PROMIS*
Colorado Springs	1982		2,421		PROMIS* tape
Dallas ^c	1982	18,285	14,784	14,784	Prosecutor and court records
Davenport ^d	1982		1,312		Court records
Dedham	1982			172	Prosecutor records
Des Moines	1982		1,479	1,329	Prosecutor records
Detroit	1982			10,439	Prosecutor and court records
Fort Collins	1982		943		PROMIS* tape
Geneva	1982		1,263		Court records
Golden	1982		2,092	1,121	PROMIS* tape
Greeley	1982		866		PROMIS* tape
Indianapolis	1982			3,737	PROMIS* tape
Kalamazoo	1982			1,022	Prosecutor records
Kansas City	1982			1,649	Prosecutor and court records
Lansing	1982		1,129	736	Prosecutor records
Littleton	1982		1,665		PROMIS* tape
Los Angeles ^e	1982	81,584	48,820	18,623	PROMIS* tape and OBTS
Louisville	1982			1,950	PROMIS* tape
Manhattan	1982	34,652	33,731	10,184	PROMIS* tape
Miami	1982	32,468	21,413	16,898	Prosecutor and court records
Minneapolis	1982	3,609	2,364		Prosecutor and court records
Montgomery County	1983			1,079	Prosecutor records
New Orleans ^{e,f}	1983	7,321	3,551	3,551	Prosecutor records
Philadelphia	1982		13,796	9,784	Prosecutor and court records
Portland ^g	1982	7,118	5,110	5,085	PROMIS* tape
Pueblo	1982		594	298	PROMIS* tape
Rhode Island ^h	1982			4,005	Court records
St. Louis	1982		3,617	2,915	PROMIS* tape
Salt Lake City	1982	3,591	2,632	1,602	PROMIS* tape
San Diego	1982	17,089	12,902	5,330	PROMIS* tape
Seattle ^e	1982		3,653	3,653	Prosecutor records
Tallahassee ^{e,g}	1982	3,108	2,879	2,879	Court records
Washington, D.C.	1982	11,185	9,373	3,213	PROMIS* tape

*PROMIS is a trademark.

^aCobb County data represent defendant cases disposed in the first 8 months of 1982.

^bArrests and cases filed are the same.

^cCases filed and cases indicted are the same.

^dFiscal year data.

^ePROMIS 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 PROMIS system. All arrests, and in most tables cases filed, are OBTS statistics. Cases indicted are from PROMIS. In appendix A, cases filed are from PROMIS but they include only felony arrests

filed on a felony charge. Cases tracked by the OBTS system represent approximately 65% of the actual cases disposed. See State of California, Department of Justice, Criminal Justice Profile 1982, Los Angeles County.

^fCaseload statistics in New Orleans (n=180) and Rhode Island (n=198) were estimated from prosecutor and court manual statistics and from hand-collected data for a sample of cases. The total number of arrests in Portland were estimated from PROMIS data on cases filed and prosecutor manual statistics on felony arrests declined.

^gThe legal jurisdiction of the prosecutor is the 2nd Judicial Circuit, but the data reported are for Leon County only.

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 20% to approximately 90% 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 to 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.²

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.

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.

²The 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).

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 the case in the felony court after indictment or bindover.

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.

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.

Dismissals--The decision to drop cases after formal court charges have been filed. Counts of dismissals in the Overview tables have been adjusted to exclude diversions and referrals for other prosecution. This adjustment was not made in Appendix A tables.

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: bench/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.

Appendix A

Case-processing statistics by crime type

Appendix A provides statistics on felony arrest outcomes by crime type for nine 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 include cases rejected, on which no further action will be taken, and other pre-filing dispositions, such as referral to diversion programs.

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.

These three measures are designed to 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 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. The most common deviations are for all arrests to be filed in court, in which event all arrests are equal to cases filed, or for all cases filed to be indicted, so that cases filed are equal to cases indicted. These deviations are explained below in the

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

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

Indianapolis	St. Louis
Los Angeles	Salt Lake City
Louisville	San Diego
Manhattan	Washington, D.C.
Portland	

The data refer to felony arrests presented for prosecution in 1982.

The 12 crime type categories are:

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

The crime types described below differ from those used to classify crimes reported in past volumes in this series. The crime types used in this volume are in accord with current BJS crime definitions so as to permit the comparison of these data with data in other BJS statistical series. The crime types 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 cate-

gory excludes conspiracy to commit murder, solicitation of murder, and attempted murder but includes accessory to murder, aiding and abetting murder, and facilitating murder.

Manslaughter (nonnegligent)--The intentional death of another without legal justification, but with provocation that a reasonable person would find extreme. The category 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.

Rape--Forcible intercourse or sodomy with any person, including acts involving usage of a foreign object.

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 10, for example) are included in the definition of rape. This is done because in a number of States 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.

The definition used in this report adds to the above BJS definition 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, non-forceful 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 were apparent among the respective substantive definitions across States. As noted, when such variations occurred with regularity, we integrated them into the BJS crime type definitions. Among less serious crime types, such as drug offenses, larceny, and stolen property, however, more variation existed among substantive definitions. No attempt was made to

accommodate this considerable variation in the crime type definitions; definitions for such crimes are therefore more general in nature.

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 cases filed).

The data were obtained from PROMIS* (Prosecutor's Management Information System), which tracks the arrests of individual defendants

The data in this appendix were extracted from PROMIS data tapes obtained from each of the nine jurisdictions. PROMIS is a computer-based management information system developed by the Institute for Law and Social Research (INSLAW) in the early 1970's with funding from the Law Enforcement Assistance Administration. The system is designed to track criminal cases from arrest to final disposition and sentencing in the courts.

In PROMIS each case represents a separate arrest for an individual defendant. Two arrests involving one defendant but two separate

*PROMIS is a trademark.

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 need to be kept in mind

It was not possible to produce all nine tables for all jurisdictions. In some jurisdictions certain data elements are not consistently recorded. For example, in Washington, D.C., sentences are not recorded. Other jurisdictions 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.

Among the nine jurisdictions included in this year's edition of appendix A, these two types of case-processing systems are not represented. The above explanation, however, does apply to a number of the jurisdictions included in the Overview summary tables.

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

Indianapolis

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

The data in the tables refer to cases indicted.

Los Angeles

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

The data in the tables refer to cases filed and cases indicted. In Los Angeles, cases filed exclude a substantial fraction of felony arrests filed as misdemeanors and prosecuted by city prosecutors in the lower court. This definition of cases filed differs from that used in other jurisdictions and from that used for most text exhibits, in which the Los Angeles PROMIS 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.

Louisville

The commonwealth's attorney in Jefferson County has jurisdiction over felony cases after they have been bound over to the grand jury at a lower court preliminary hearing. Municipal prosecutors handle felony cases from arrest through the lower court preliminary hearing.

The data in the tables refer to cases indicted.

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.

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. Virtually all filed cases are bound over to the felony court.

In 1982 the Portland data tape contained a partial count of cases declined. Text tables have been adjusted to reflect the actual declination rate. Appendix A tables have not been adjusted and thus undercount the total number of declinations.

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.

Salt Lake

The county attorney for Salt Lake County has jurisdiction over felonies and serious misdemeanors.

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

Cases filed exclude a very small percentage of felony arrests filed as misdemeanors. If a felony arrest is not rejected, a felony charge is almost always filed.

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 (excluding police releases), cases filed (excluding misdemeanor filings referred to municipal prosecutors), and cases indicted.

Washington, D.C.

The United States 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.

Appendix A tables in sequence

1. Disposition of all felony arrests presented for prosecution	17
2. Disposition of felony arrests filed in court as felonies or misdemeanors	20
3. Disposition of felony arrests that result in felony indictment	24
4. Reasons why felony arrests are declined for prosecution	29
5. Reasons why cases are dismissed after filing or indictment	34
6. Incarceration rates for filed cases that result in a conviction in felony or misdemeanor court	43
7. Incarceration rates for indicted cases that result in a conviction in felony court	46
8. Case-processing time for cases filed	50
9. Case-processing time for cases indicted	57

Appendix A tables by jurisdiction

Indianapolis, Indiana 1982			
3a	24	7a	46
5a	34	9a	57
Los Angeles, California 1982			
2a	20	7b	46
3b	24	8a	50
5b	35	9b	58
Louisville, Kentucky 1982			
3c	25	7c	47
5c	36	9c	59
Manhattan, New York 1982			
1a	17	6a	43
2b	20	7d	47
3d	25	8b	51
4a	29	9d	60
5d	37		
Portland, Oregon 1982			
1b	17	6b	43
2c	21	7e	48
3e	26	8c	52
4b	30	9e	61
5e	38		
St. Louis, Missouri 1982			
2d	21	7f	48
3f	26	8d	53
5f	39	9f	62
6c	44		
Salt Lake City, Utah 1982			
1c	18	6d	44
2e	22	7g	49
3g	27	8e	54
4e	31	9g	63
5g	40		
San Diego, California 1982			
1d	18	6e	45
2f	22	7h	49
3h	27	8f	55
4d	32	9h	64
5h	41		
Washington, D.C. 1982			
1e	19	5i	42
2g	23	8g	56
3i	28	9i	65
4e	33		

Table 1. Disposition of all felony arrests presented for prosecution

- a. Manhattan, New York 1982
- b. Portland, Oregon 1982
- c. Salt Lake City, Utah 1982
- d. San Diego, California 1982
- e. Washington, D.C. 1982

a. Manhattan, New York 1982

Most serious charge	Total	Arrests resulting in:				
		Declination*	Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of felony arrests	100%	3%	30%	64%	2%	1%
Murder and manslaughter	100	1	25	45	23	6
Rape	100	1	67	25	4	3
Robbery	100	4	34	56	4	2
Aggravated assault	100	2	44	50	3	2
Burglary	100	3	21	73	3	1
Larceny	100	3	19	76	1	1
Stolen property	100	5	25	69	1	0
Fraud	100	3	21	75	1	0
Drug trafficking	100	1	31	67	1	0
Drug possession	100	2	18	79	0	0
Weapons	100	3	44	50	2	1
Other	100	2	24	72	1	1
Number of felony arrests	34,652	921	10,364	22,283	741	343
Murder and manslaughter	376	5	94	169	85	23
Rape	405	4	271	103	16	11
Robbery	5,892	233	1,994	3,327	237	101
Aggravated assault	3,764	79	1,647	1,872	95	71
Burglary	3,299	111	678	2,402	84	24
Larceny	5,715	187	1,107	4,315	70	36
Stolen property	1,805	94	449	1,247	10	5
Fraud	748	21	154	560	10	3
Drug trafficking	8,202	83	2,533	5,493	66	27
Drug possession	261	6	48	207	0	0
Weapons	1,917	59	843	949	40	26
Other	2,268	39	546	1,639	28	16

b. Portland, Oregon 1982

Most serious charge	Total	Arrests resulting in:				
		Declination*	Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of felony arrests	100%	17%	22%	51%	8%	1%
Murder and manslaughter	100	3	11	35	41	11
Rape	100	9	30	40	16	4
Robbery	100	16	17	48	16	2
Aggravated assault	100	27	26	37	5	4
Burglary	100	17	18	54	11	1
Larceny	100	14	29	50	6	1
Stolen property	0	0	0	0	0	0
Fraud	100	11	17	64	6	1
Drug trafficking	100	7	22	67	4	0
Drug possession	100	31	9	55	5	0
Weapons	100	14	23	43	16	4
Other	100	17	26	49	7	1
Number of felony arrests	6,146	1,036	1,363	3,159	501	87
Murder and manslaughter	37	1	4	13	15	4
Rape	169	16	51	68	27	7
Robbery	467	76	80	224	76	11
Aggravated assault	225	60	59	84	12	10
Burglary	864	148	152	465	92	7
Larceny	856	121	246	432	50	7
Stolen property	0	0	0	0	0	0
Fraud	368	41	64	237	21	5
Drug trafficking	341	23	75	230	12	1
Drug possession	540	168	48	296	26	2
Weapons	74	10	17	32	12	3
Other	2,205	372	567	1,078	158	30

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

Note: Appendix tables for Portland undercount the total number of declinations. Adjusted counts are provided in the Overview tables.

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

c. Salt Lake City, Utah 1982

Most serious charge	Total	Arrests resulting in:				
		Declination*	Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of felony arrests	100%	27%	22%	48%	3%	1%
Murder and manslaughter	100	23	8	42	23	4
Rape	100	31	19	44	2	3
Robbery	100	21	28	39	8	2
Aggravated assault	100	50	17	31	2	1
Burglary	100	23	19	55	3	1
Larceny	100	34	18	46	2	1
Stolen property	100	54	19	23	4	0
Fraud	100	18	28	52	1	1
Drug trafficking	100	7	12	77	3	1
Drug possession	0	0	0	0	0	0
Weapons	100	45	28	21	3	3
Other	100	23	29	47	1	1
Number of felony arrests	3,591	959	792	1,713	92	35
Murder and manslaughter	26	6	2	11	6	1
Rape	88	27	17	39	2	3
Robbery	299	64	85	118	25	7
Aggravated assault	335	167	56	104	6	2
Burglary	669	153	124	368	18	6
Larceny	727	245	131	335	12	4
Stolen property	26	14	5	6	1	0
Fraud	386	71	107	200	4	4
Drug trafficking	182	13	21	141	6	1
Drug possession	0	0	0	0	0	0
Weapons	29	13	8	6	1	1
Other	824	186	236	385	11	6

d. San Diego, California 1982

Most serious charge	Total	Arrests resulting in:				
		Declination*	Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of felony arrests	100%	25%	16%	56%	2%	1%
Murder and manslaughter	100	22	1	51	22	4
Rape	100	36	10	46	6	2
Robbery	100	19	16	58	6	1
Aggravated assault	100	37	13	43	5	2
Burglary	100	16	13	68	2	1
Larceny	100	25	14	60	1	0
Stolen property	100	33	17	49	1	1
Fraud	100	25	15	60	0	0
Drug trafficking	100	26	16	56	2	0
Drug possession	100	23	25	50	1	0
Weapons	100	13	14	72	1	0
Other	100	29	21	47	2	1
Number of felony arrests	17,089	4,187	2,771	9,621	395	115
Murder and manslaughter	125	28	1	64	27	5
Rape	385	138	39	177	25	6
Robbery	1,064	207	166	614	65	12
Aggravated assault	1,327	495	171	577	60	24
Burglary	2,992	464	393	2,047	64	24
Larceny	1,969	484	277	1,176	26	6
Stolen property	1,000	328	165	486	14	7
Fraud	1,117	280	166	666	3	2
Drug trafficking	1,719	454	268	961	31	5
Drug possession	1,348	314	342	673	16	3
Weapons	1,080	141	146	774	15	4
Other	2,963	854	637	1,406	49	17

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

e. Washington, D.C. 1982

Most serious charge	Total	Arrests resulting in:				
		Declination*	Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of felony arrests	100%	16%	34%	42%	6%	2%
Murder and manslaughter	100	3	25	39	26	7
Rape	100	16	41	30	8	5
Robbery	100	14	33	43	8	3
Aggravated assault	100	31	38	24	4	3
Burglary	100	12	32	48	5	2
Larceny	100	12	38	45	3	2
Stolen property	100	25	40	30	4	1
Fraud	100	8	38	52	2	1
Drug trafficking	100	5	34	53	6	2
Drug possession	0	0	0	0	0	0
Weapons	100	9	31	44	12	3
Other	100	27	31	37	3	2
Number of felony arrests	11,185	1,812	3,802	4,672	628	271
Murder and manslaughter	199	6	50	77	52	14
Rape	244	39	100	73	20	12
Robbery	1,837	254	614	781	140	48
Aggravated assault	1,602	496	603	392	70	41
Burglary	1,348	165	438	646	74	25
Larceny	760	88	286	345	24	17
Stolen property	134	34	54	40	5	1
Fraud	400	30	152	207	7	4
Drug trafficking	2,368	122	800	1,244	145	57
Drug possession	0	0	0	0	0	0
Weapons	211	20	66	92	26	7
Other	2,082	558	639	775	65	45

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

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

- a. Los Angeles, California 1982
- b. Manhattan, New York 1982
- c. Portland, Oregon 1982
- d. St. Louis, Missouri 1982
- e. Salt Lake City, Utah 1982
- f. San Diego, California 1982
- g. Washington, D.C. 1982

a. Los Angeles, California 1982

Most serious charge	Total	Cases filed resulting in:			
		Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of cases filed	100%	29%	65%	5%	2%
Murder and manslaughter	100	24	54	18	5
Rape	100	23	58	12	6
Robbery	100	26	65	7	3
Aggravated assault	100	29	63	8	5
Burglary	100	19	76	3	1
Larceny	100	23	74	2	1
Stolen property	100	34	63	2	2
Fraud	100	18	80	1	1
Drug trafficking	100	27	67	5	1
Drug possession	100	53	46	1	0
Weapons	100	31	64	2	2
Other	100	44	52	3	1
Number of cases filed	31,641	9,107	20,427	1,495	612
Murder and manslaughter	1,260	299	675	223	63
Rape	985	230	572	122	61
Robbery	4,681	1,194	3,032	311	144
Aggravated assault	2,058	597	1,201	165	95
Burglary	6,138	1,165	4,691	197	85
Larceny	2,815	650	2,083	53	29
Stolen property	757	255	476	12	14
Fraud	802	148	641	6	7
Drug trafficking	5,409	1,455	3,643	266	45
Drug possession	2,533	1,330	1,160	31	12
Weapons	505	157	324	12	12
Other	3,698	1,627	1,929	97	45

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.

b. Manhattan, New York 1982

Most serious charge	Total	Cases filed resulting in:			
		Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of cases filed	100%	31%	66%	2%	1%
Murder and manslaughter	100	25	46	23	6
Rape	100	68	26	4	3
Robbery	100	35	59	4	2
Aggravated assault	100	45	51	3	2
Burglary	100	21	75	3	1
Larceny	100	20	78	1	1
Stolen property	100	26	73	1	0
Fraud	100	21	77	1	0
Drug trafficking	100	31	68	1	0
Drug possession	100	19	81	0	0
Weapons	100	45	51	2	1
Other	100	24	74	1	1
Number of cases filed	33,731	10,364	22,283	741	343
Murder and manslaughter	371	94	169	85	23
Rape	401	271	103	16	11
Robbery	5,659	1,994	3,327	237	101
Aggravated assault	3,685	1,647	1,872	95	71
Burglary	3,188	678	2,402	84	24
Larceny	5,528	1,107	4,315	70	36
Stolen property	1,711	449	1,247	10	5
Fraud	727	154	560	10	3
Drug trafficking	8,119	2,533	5,493	66	27
Drug possession	255	48	207	0	0
Weapons	1,858	843	949	40	26
Other	2,229	546	1,639	28	16

*Dismissals include diversions and referrals for other prosecution.

c. Portland, Oregon 1982

Most serious charge	Total	Cases filed resulting in:			
		Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of cases filed	100%	27%	62%	10%	2%
Murder and manslaughter	100	11	36	42	11
Rape	100	33	44	18	5
Robbery	100	20	57	19	3
Aggravated assault	100	36	51	7	6
Burglary	100	21	65	13	1
Larceny	100	33	59	7	1
Stolen property	0	0	0	0	0
Fraud	100	20	72	6	2
Drug trafficking	100	24	72	4	0
Drug possession	100	13	80	7	1
Weapons	100	27	50	19	5
Other	100	31	59	9	2
Number of cases filed	5,110	1,363	3,159	501	87
Murder and manslaughter	36	4	13	15	4
Rape	153	51	68	27	7
Robbery	391	80	224	76	11
Aggravated assault	165	59	84	12	10
Burglary	716	152	465	92	7
Larceny	735	246	432	50	7
Stolen property	0	0	0	0	0
Fraud	327	64	237	21	5
Drug trafficking	318	75	230	12	1
Drug possession	372	48	296	26	2
Weapons	64	17	32	12	3
Other	1,833	567	1,078	158	30

d. St. Louis, Missouri 1982

Most serious charge	Total	Cases filed resulting in:			
		Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of cases filed	100%	26%	67%	5%	2%
Murder and manslaughter	100	38	43	14	4
Rape	100	28	52	13	7
Robbery	100	31	55	11	3
Aggravated assault	100	42	48	6	5
Burglary	100	19	77	3	1
Larceny	100	27	68	4	1
Stolen property	100	26	70	2	2
Fraud	100	33	63	2	1
Drug trafficking	100	3	91	4	1
Drug possession	100	23	72	3	2
Weapons	100	25	69	4	2
Other	100	30	62	6	2
Number of cases filed	3,617	948	2,407	184	78
Murder and manslaughter	134	51	58	19	6
Rape	75	21	39	10	5
Robbery	392	123	216	42	11
Aggravated assault	211	88	101	12	10
Burglary	833	155	642	24	12
Larceny	507	138	343	21	5
Stolen property	82	21	57	2	2
Fraud	141	47	89	3	2
Drug trafficking	93	3	85	4	1
Drug possession	439	102	317	12	8
Weapons	302	76	208	11	7
Other	408	123	252	24	9

*Dismissals include diversions and referrals for other prosecution.

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

e. Salt Lake City, Utah 1982

Most serious charge	Total	Cases filed resulting in:			
		Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of cases filed	100%	30%	65%	3%	1%
Murder and manslaughter	100	10	55	30	5
Rape	100	28	64	3	5
Robbery	100	36	50	11	3
Aggravated assault	100	33	62	4	1
Burglary	100	24	71	3	1
Larceny	100	27	70	2	1
Stolen property	100	42	50	8	0
Fraud	100	34	63	1	1
Drug trafficking	100	12	83	4	1
Drug possession	0	0	0	0	0
Weapons	100	50	38	6	6
Other	100	37	60	2	1
Number of cases filed	2,632	792	1,713	92	35
Murder and manslaughter	20	2	11	6	1
Rape	61	17	39	2	3
Robbery	235	85	118	25	7
Aggravated assault	168	56	104	6	2
Burglary	516	124	368	18	6
Larceny	482	131	335	12	4
Stolen property	12	5	6	1	0
Fraud	315	107	200	4	4
Drug trafficking	169	21	141	6	1
Drug possession	0	0	0	0	0
Weapons	16	8	6	1	1
Other	638	236	385	11	6

f. San Diego, California 1982

Most serious charge	Total	Cases filed resulting in:			
		Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of cases filed	100%	21%	75%	3%	1%
Murder and manslaughter	100	1	66	28	5
Rape	100	16	72	10	2
Robbery	100	19	72	8	1
Aggravated assault	100	21	69	7	3
Burglary	100	16	81	3	1
Larceny	100	19	79	2	0
Stolen property	100	25	72	2	1
Fraud	100	20	80	0	0
Drug trafficking	100	21	76	2	0
Drug possession	100	33	65	2	0
Weapons	100	16	82	2	0
Other	100	30	67	2	1
Number of cases filed	12,902	2,771	9,621	395	115
Murder and manslaughter	97	1	64	27	5
Rape	247	39	177	25	6
Robbery	857	166	614	65	12
Aggravated assault	832	171	577	60	24
Burglary	2,528	393	2,047	64	24
Larceny	1,485	277	1,176	26	6
Stolen property	672	165	486	14	7
Fraud	837	166	666	3	2
Drug trafficking	1,265	268	961	31	5
Drug possession	1,034	342	673	16	3
Weapons	939	146	774	15	4
Other	2,109	637	1,406	49	17

*Dismissals include diversions and referrals for other prosecution.

g. Washington, D.C. 1982

<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>	<u>Trial acquittal</u>
Percent of cases filed	100%	41%	50%	7%	3%
Murder and manslaughter	100	26	40	27	7
Rape	100	49	36	10	6
Robbery	100	39	49	9	3
Aggravated assault	100	55	35	6	4
Burglary	100	37	55	6	2
Larceny	100	43	51	4	3
Stolen property	100	54	40	5	1
Fraud	100	41	56	2	1
Drug trafficking	100	36	55	6	3
Drug possession	0	0	0	0	0
Weapons	100	35	48	14	4
Other	100	42	51	4	3
Number of cases filed	9,373	3,802	4,672	628	271
Murder and manslaughter	193	50	77	52	14
Rape	205	100	73	20	12
Robbery	1,583	614	781	140	48
Aggravated assault	1,106	603	392	70	41
Burglary	1,183	438	646	74	25
Larceny	672	286	345	24	17
Stolen property	100	54	40	5	1
Fraud	370	152	207	7	4
Drug trafficking	2,246	800	1,244	145	57
Drug possession	0	0	0	0	0
Weapons	191	66	92	26	7
Other	1,524	639	775	65	45

*Dismissals include diversions and referrals for other prosecution.

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

- a. Indianapolis, Indiana 1982
- b. Los Angeles, California 1982
- c. Louisville, Kentucky 1982
- d. Manhattan, New York 1982
- e. Portland, Oregon 1982
- f. St. Louis, Missouri 1982
- g. Salt Lake City, Utah 1982
- h. San Diego, California 1982
- i. Washington, D.C. 1982

a. Indianapolis, Indiana 1982

Most serious charge	Total	Cases indicted* resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	16%	75%	7%	2%
Murder and manslaughter	100	23	57	14	6
Rape	100	16	64	15	4
Robbery	100	22	66	9	3
Aggravated assault	100	21	63	13	4
Burglary	100	9	82	8	1
Larceny	100	15	78	4	3
Stolen property	0	0	0	0	0
Fraud	100	14	77	3	6
Drug trafficking	100	13	80	6	1
Drug possession	100	25	69	4	2
Weapons	100	19	76	3	3
Other	100	14	78	6	2
Number of cases indicted	3,737	593	2,810	244	90
Murder and manslaughter	69	16	39	10	4
Rape	97	16	62	15	4
Robbery	385	84	254	36	11
Aggravated assault	112	23	71	14	4
Burglary	545	47	446	44	8
Larceny	999	147	783	42	27
Stolen property	0	0	0	0	0
Fraud	35	5	27	1	2
Drug trafficking	150	20	120	9	1
Drug possession	419	103	291	17	8
Weapons	80	15	61	2	2
Other	846	117	656	54	19

b. Los Angeles, California 1982

Most serious charge	Total	Cases indicted* resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	11%	78%	7%	3%
Murder and manslaughter	100	11	61	22	6
Rape	100	12	65	16	7
Robbery	100	11	77	8	4
Aggravated assault	100	11	71	11	7
Burglary	100	8	86	4	2
Larceny	100	9	85	3	2
Stolen property	100	17	77	3	4
Fraud	100	11	86	1	2
Drug trafficking	100	13	78	8	1
Drug possession	100	23	74	3	1
Weapons	100	14	79	4	4
Other	100	12	78	7	3
Number of cases indicted	18,623	2,091	14,595	1,386	551
Murder and manslaughter	934	101	571	207	55
Rape	695	84	453	109	49
Robbery	3,346	364	2,564	283	135
Aggravated assault	1,357	153	959	156	89
Burglary	4,163	317	3,584	186	76
Larceny	1,536	139	1,320	49	28
Stolen property	393	68	301	10	14
Fraud	433	47	374	5	7
Drug trafficking	3,245	408	2,541	254	42
Drug possession	1,012	228	748	27	9
Weapons	286	39	225	11	11
Other	1,223	143	955	89	36

*The term "indicted" is used here to include cases that reach felony court by a grand jury indictment or by a finding of probable cause at a preliminary hearing.
 **Dismissals include diversions and referrals for other prosecution.

c. Louisville, Kentucky 1982

Most serious charge	Total	Cases indicted* resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	23%	63%	10%	4%
Murder and manslaughter	100	4	36	51	9
Rape	100	25	48	20	7
Robbery	100	16	62	18	4
Aggravated assault	100	18	56	21	5
Burglary	100	14	73	9	3
Larceny	100	28	63	7	3
Stolen property	100	24	69	4	4
Fraud	100	23	71	4	2
Drug trafficking	100	36	59	3	1
Drug possession	100	30	60	8	3
Weapons	100	27	60	10	3
Other	100	22	62	7	9
Number of cases indicted	1,950	443	1,229	201	77
Murder and manslaughter	47	2	17	24	4
Rape	87	22	42	17	6
Robbery	238	39	147	42	10
Aggravated assault	130	24	73	27	6
Burglary	334	48	244	31	11
Larceny	296	82	185	20	9
Stolen property	85	20	59	3	3
Fraud	180	42	127	8	3
Drug trafficking	256	93	152	8	3
Drug possession	40	12	24	3	1
Weapons	30	8	18	3	1
Other	227	51	141	15	20

d. Manhattan, New York 1982

Most serious charge	Total	Cases indicted* resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	16%	75%	6%	2%
Murder and manslaughter	100	17	50	26	7
Rape	100	34	51	11	4
Robbery	100	14	76	7	3
Aggravated assault	100	19	63	12	6
Burglary	100	10	82	6	2
Larceny	100	10	81	7	1
Stolen property	100	17	80	2	0
Fraud	100	17	74	9	0
Drug trafficking	100	14	82	3	1
Drug possession	100	33	67	0	0
Weapons	100	29	65	3	2
Other	100	19	72	6	3
Number of cases indicted	10,184	1,615	7,660	658	251
Murder and manslaughter	331	56	167	85	23
Rape	137	46	70	15	6
Robbery	3,137	424	2,391	228	94
Aggravated assault	603	114	382	71	36
Burglary	1,144	114	939	73	18
Larceny	668	67	544	47	10
Stolen property	201	35	161	4	1
Fraud	110	19	81	10	0
Drug trafficking	2,308	324	1,895	63	26
Drug possession	3	1	2	0	0
Weapons	1,173	344	763	40	26
Other	369	71	265	22	11

*The term "indicted" is used here to include cases that reach felony court by a grand jury indictment or by a finding of probable cause at a preliminary hearing.
 **Dismissals include diversions and referrals for other prosecution.

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

e. Portland, Oregon 1982

Most serious charge	Total	Cases indicted* resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	27%	62%	10%	2%
Murder and manslaughter	100	11	36	42	11
Rape	100	33	44	18	5
Robbery	100	20	57	20	3
Aggravated assault	100	36	51	7	6
Burglary	100	21	65	13	1
Larceny	100	34	59	7	1
Stolen property	0	0	0	0	0
Fraud	100	20	72	6	2
Drug trafficking	100	24	72	4	0
Drug possession	100	13	80	7	1
Weapons	100	27	50	19	5
Other	100	31	59	9	2
Number of cases indicted	5,085	1,355	3,142	501	87
Murder and manslaughter	36	4	13	15	4
Rape	153	51	68	27	7
Robbery	385	77	221	76	11
Aggravated assault	162	58	82	12	10
Burglary	712	152	461	92	7
Larceny	734	246	431	50	7
Stolen property	0	0	0	0	0
Fraud	327	64	237	21	5
Drug trafficking	318	75	230	12	1
Drug possession	370	47	295	26	2
Weapons	64	17	32	12	3
Other	1,824	564	1,072	158	30

f. St. Louis, Missouri 1982

Most serious charge	Total	Cases indicted* resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	11%	80%	6%	3%
Murder and manslaughter	100	19	56	18	6
Rape	100	16	61	16	8
Robbery	100	15	69	13	4
Aggravated assault	100	16	69	8	7
Burglary	100	5	90	3	2
Larceny	100	9	84	5	1
Stolen property	100	10	84	3	3
Fraud	100	10	85	3	2
Drug trafficking	100	1	93	4	1
Drug possession	100	12	82	3	2
Weapons	100	13	80	4	3
Other	100	15	75	7	3
Number of cases indicted	2,915	312	2,343	182	78
Murder and manslaughter	103	20	58	19	6
Rape	64	10	39	10	5
Robbery	313	46	215	41	11
Aggravated assault	145	23	100	12	10
Burglary	708	37	635	24	12
Larceny	389	36	328	20	5
Stolen property	68	7	57	2	2
Fraud	100	10	85	3	2
Drug trafficking	91	1	85	4	1
Drug possession	365	44	301	12	8
Weapons	247	31	198	11	7
Other	322	47	242	24	9

*The term "indicted" is used here to include cases that reach felony court by a grand jury indictment or by a finding of probable cause at a preliminary hearing.
 **Dismissals include diversions and referrals for other prosecution.

g. Salt Lake City, Utah 1982

Most serious charge	Total	Cases indicted* resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	17%	75%	5%	2%
Murder and manslaughter	100	6	56	33	6
Rape	100	16	75	4	6
Robbery	100	22	62	12	4
Aggravated assault	100	14	77	7	2
Burglary	100	17	76	5	2
Larceny	100	19	76	4	1
Stolen property	100	50	38	13	0
Fraud	100	25	71	2	2
Drug trafficking	100	9	85	5	1
Drug possession	0	0	0	0	0
Weapons	100	50	33	8	8
Other	100	11	85	2	2
Number of cases indicted	1,602	276	1,207	85	34
Murder and manslaughter	18	1	10	6	1
Rape	51	8	38	2	3
Robbery	180	40	111	22	7
Aggravated assault	86	12	66	6	2
Burglary	348	60	264	18	6
Larceny	274	51	207	12	4
Stolen property	8	4	3	1	0
Fraud	209	52	149	4	4
Drug trafficking	114	10	97	6	1
Drug possession	0	0	0	0	0
Weapons	12	6	4	1	1
Other	302	32	258	7	5

h. San Diego, California 1982

Most serious charge	Total	Cases indicted* resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	5%	88%	5%	1%
Murder and manslaughter	100	1	65	28	5
Rape	100	6	79	12	3
Robbery	100	5	83	10	2
Aggravated assault	100	5	80	11	4
Burglary	100	5	90	4	1
Larceny	100	6	91	3	0
Stolen property	100	8	87	4	1
Fraud	100	3	96	0	0
Drug trafficking	100	4	93	2	1
Drug possession	100	9	86	5	0
Weapons	100	6	89	4	1
Other	100	5	90	5	1
Number of cases indicted	5,330	263	4,712	283	72
Murder and manslaughter	95	1	62	27	5
Rape	203	13	160	24	6
Robbery	649	33	541	63	12
Aggravated assault	366	20	291	41	14
Burglary	1,368	66	1,236	48	18
Larceny	517	32	469	14	2
Stolen property	170	14	148	7	1
Fraud	312	10	300	1	1
Drug trafficking	750	29	701	16	4
Drug possession	56	5	48	3	0
Weapons	71	4	63	3	1
Other	773	36	693	36	8

*The term "indicted" is used here to include cases that reach felony court by a grand jury indictment or by a finding of probable cause at a preliminary hearing.
 **Dismissals include diversions and referrals for other prosecution.

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

i. Washington, D.C. 1982

Most serious charge	Total	Cases indicted* resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	13%	69%	14%	5%
Murder and manslaughter	100	7	45	37	10
Rape	100	5	60	22	13
Robbery	100	13	65	16	6
Aggravated assault	100	16	62	16	6
Burglary	100	8	76	12	4
Larceny	100	8	76	13	2
Stolen property	100	13	81	6	0
Fraud	100	10	79	10	2
Drug trafficking	100	17	74	7	2
Drug possession	0	0	0	0	0
Weapons	100	25	50	19	5
Other	100	11	77	9	3
Number of cases indicted	3,213	417	2,215	435	146
Murder and manslaughter	137	10	62	51	14
Rape	92	5	55	20	12
Robbery	852	113	552	139	48
Aggravated assault	228	36	141	37	14
Burglary	430	35	325	53	17
Larceny	85	7	65	11	2
Stolen property	16	2	13	1	0
Fraud	52	5	41	5	1
Drug trafficking	727	120	537	52	18
Drug possession	0	0	0	0	0
Weapons	130	33	65	25	7
Other	464	51	359	41	13

*The term "indicted" is used here to include cases that reach felony court by a grand jury indictment or by a finding of probable cause at a preliminary hearing.
 **Dismissals include diversions and referrals for other prosecution.

Table 4. Reasons why felony arrests are declined for prosecution

- a. Manhattan, New York 1982
- b. Portland, Oregon 1982
- c. Salt Lake City, Utah 1982
- d. San Diego, California 1982
- e. Washington, D.C. 1982

a. Manhattan, New York 1982

Most serious charge	Total	Arrests declined due to:							Other
		Insufficient evidence	Witness problems	Due process problems	Interest of justice	Covered by other case	Referral to diversion	Referral for other prosecution	
Percent of declinations	100%	64%	25%	3%	2%	0%	0%	3%	2%
Murder and manslaughter	100	80	0	0	0	0	0	0	20
Rape	100	25	75	0	0	0	0	0	0
Robbery	100	61	26	0	2	0	0	9	2
Aggravated assault	100	34	53	1	1	0	3	1	6
Burglary	100	68	27	1	1	0	0	3	0
Larceny	100	62	31	4	1	0	0	1	1
Stolen property	100	65	16	9	4	0	0	2	4
Fraud	100	71	29	0	0	0	0	0	0
Drug trafficking	100	82	0	10	7	0	0	0	1
Drug possession	100	33	0	50	17	0	0	0	0
Weapons	100	83	7	5	0	0	0	0	5
Other	100	67	26	0	3	0	0	0	5
Number of declinations	921	587	229	31	21	0	2	28	23
Murder and manslaughter	5	4	0	0	0	0	0	0	1
Rape	4	1	3	0	0	0	0	0	0
Robbery	233	142	61	0	5	0	0	20	5
Aggravated assault	79	27	42	1	1	0	2	1	5
Burglary	111	76	30	1	1	0	0	3	0
Larceny	187	116	58	7	2	0	0	2	2
Stolen property	94	61	15	8	4	0	0	2	4
Fraud	21	15	6	0	0	0	0	0	0
Drug trafficking	83	68	0	8	6	0	0	0	1
Drug possession	6	2	0	3	1	0	0	0	0
Weapons	59	49	4	3	0	0	0	0	3
Other	39	26	10	0	1	0	0	0	2

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

b. Portland, Oregon 1982

Most serious charge	Total	Arrests declined due to:							Other
		Insuf- ficient evidence	Witness prob- lems	Due process prob- lems	Inter- est of justice	Cov- ered by other case	Re- ferral to di- version	Referral for other prose- cution	
Percent of declinations	100%	52%	16%	8%	7%	1%	0%	0%	15%
Murder and manslaughter	100	0	0	0	100	0	0	0	0
Rape	100	38	50	0	0	0	0	0	13
Robbery	100	47	28	1	5	5	0	3	11
Aggravated assault	100	17	42	5	10	0	0	0	27
Burglary	100	56	20	3	5	2	1	1	13
Larceny	100	50	11	9	4	0	0	1	25
Stolen property	0	0	0	0	0	0	0	0	0
Fraud	100	39	10	2	7	12	0	0	29
Drug trafficking	100	70	0	9	13	0	0	0	9
Drug possession	100	84	1	13	3	0	0	0	0
Weapons	100	60	0	10	10	0	0	0	20
Other	100	45	17	10	9	1	0	0	18
Number of declinations	1,036	542	163	81	70	15	1	5	159
Murder and manslaughter	1	0	0	0	1	0	0	0	0
Rape	16	6	8	0	0	0	0	0	2
Robbery	76	36	21	1	4	4	0	2	8
Aggravated assault	60	10	25	3	6	0	0	0	16
Burglary	148	83	29	5	7	3	1	1	19
Larceny	121	61	13	11	5	0	0	1	30
Stolen property	0	0	0	0	0	0	0	0	0
Fraud	41	16	4	1	3	5	0	0	12
Drug trafficking	23	16	0	2	3	0	0	0	2
Drug possession	168	141	1	21	5	0	0	0	0
Weapons	10	6	0	1	1	0	0	0	2
Other	372	167	62	36	35	3	0	1	68

Note: Appendix tables for Portland undercount the total number of declinations. Adjusted counts are provided in the Overview tables.

c. Salt Lake City, Utah 1982

Most serious charge	Total	Arrests declined due to:							
		Insuf- ficient evidence	Witness prob- lems	Due process prob- lems	Inter- est of justice	Cov- ered by other case	Re- ferral to di- version	Referral for other prose- cution	Other
Percent of declinations	100%	56%	16%	0%	8%	1%	1%	16%	1%
Murder and manslaughter	100	83	0	0	17	0	0	0	0
Rape	100	48	37	0	7	4	0	4	0
Robbery	100	39	34	0	6	3	0	17	0
Aggravated assault	100	50	29	1	12	0	0	9	0
Burglary	100	70	10	0	8	3	1	8	0
Larceny	100	51	15	0	4	1	0	28	1
Stolen property	100	29	29	0	7	0	0	36	0
Fraud	100	63	7	0	7	0	1	20	1
Drug trafficking	100	77	0	0	0	0	0	15	8
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	100	54	8	0	8	8	8	15	0
Other	100	62	9	1	10	0	2	15	1
Number of declinations	959	541	158	4	74	11	7	158	6
Murder and manslaughter	6	5	0	0	1	0	0	0	0
Rape	27	13	10	0	2	1	0	1	0
Robbery	64	25	22	0	4	2	0	11	0
Aggravated assault	167	83	48	1	20	0	0	15	0
Burglary	153	107	15	0	13	5	1	12	0
Larceny	245	126	36	1	9	2	1	68	2
Stolen property	14	4	4	0	1	0	0	5	0
Fraud	71	45	5	0	5	0	1	14	1
Drug trafficking	13	10	0	0	0	0	0	2	1
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	13	7	1	0	1	1	1	2	0
Other	186	116	17	2	18	0	3	28	2

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

d. San Diego, California 1982

Most serious charge	Total	Arrests declined due to:							
		Insuf- ficient evidence	Witness prob- lems	Due process prob- lems	Inter- est of justice	Cov- ered by other case	Re- ferral to di- version	Referral for other prose- cution	Other
Percent of declinations	100%	54%	16%	10%	4%	3%	0%	10%	2%
Murder and manslaughter	100	82	4	4	7	0	0	0	4
Rape	100	38	55	1	3	0	1	1	1
Robbery	100	64	21	3	1	1	0	8	0
Aggravated assault	100	44	38	2	5	1	0	8	2
Burglary	100	61	12	6	3	3	0	12	2
Larceny	100	54	15	4	4	4	1	16	2
Stolen property	100	65	8	10	2	4	0	9	1
Fraud	100	60	7	6	7	8	0	8	4
Drug trafficking	100	47	4	30	3	6	0	10	1
Drug possession	100	53	1	29	5	3	0	8	1
Weapons	100	52	2	23	9	3	0	11	0
Other	100	54	21	3	6	2	0	12	1
Number of declinations	4,187	2,261	688	405	188	133	9	436	67
Murder and manslaughter	28	23	1	1	2	0	0	0	1
Rape	138	52	76	2	4	0	1	1	2
Robbery	207	133	44	6	3	3	0	17	1
Aggravated assault	495	218	188	9	24	4	0	42	10
Burglary	464	282	57	28	15	14	1	57	10
Larceny	484	263	71	18	19	19	3	79	12
Stolen property	328	213	26	34	7	12	1	31	4
Fraud	280	169	19	16	20	22	1	21	12
Drug trafficking	454	213	16	138	12	27	0	44	4
Drug possession	314	165	4	91	16	10	0	26	2
Weapons	141	73	3	33	13	4	0	15	0
Other	854	457	183	29	53	18	2	103	9

e. Washington, D.C. 1982

Arrests declined due to:

Most serious charge	Arrests declined due to:								
	Total	Insuf- ficient evidence	Witness prob- lems	Due process prob- lems	Inter- est of justice	Cov- ered by other case	Re- ferral to di- version	Referral for other prose- cution	Other
Percent of declinations	100%	31%	20%	1%	20%	4%	0%	3%	21%
Murder and manslaughter	100	0	0	0	0	67	0	0	33
Rape	100	8	56	0	3	8	0	0	26
Robbery	100	29	37	0	11	4	0	0	19
Aggravated assault	100	7	30	0	39	2	0	0	21
Burglary	100	40	14	0	21	2	0	2	21
Larceny	100	41	19	0	11	2	1	6	19
Stolen property	100	26	3	0	9	12	0	26	24
Fraud	100	10	27	0	13	13	0	20	17
Drug trafficking	100	59	3	7	1	0	0	4	25
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	100	60	0	0	0	10	0	10	20
Other	100	44	9	0	16	5	0	5	21
Number of declinations	1,812	558	367	10	361	74	1	62	379
Murder and manslaughter	6	0	0	0	0	4	0	0	2
Rape	39	3	22	0	1	3	0	0	10
Robbery	254	73	93	1	27	11	0	1	48
Aggravated assault	496	36	151	0	192	12	0	0	105
Burglary	165	66	23	0	34	4	0	4	34
Larceny	88	36	17	0	10	2	1	5	17
Stolen property	34	9	1	0	3	4	0	9	8
Fraud	30	3	8	0	4	4	0	6	5
Drug trafficking	122	72	4	9	1	0	0	5	31
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	20	12	0	0	0	2	0	2	4
Other	558	248	48	0	89	28	0	30	115

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

- a. Indianapolis, Indiana 1982
- b. Los Angeles, California 1982
- c. Louisville, Kentucky 1982
- d. Manhattan, New York 1982
- e. Portland, Oregon 1982
- f. St. Louis, Missouri 1982
- g. Salt Lake City, Utah 1982
- h. San Diego, California 1982
- i. Washington, D.C. 1982

a. Indianapolis, Indiana 1982

Most serious charge	Total	Arrests dismissed due to:							
		Insuf- ficient evidence	Witness prob- lems	Due process prob- lems	Inter- est of justice	Cov- ered by other case	Re- ferral to di- version	Referral for other prose- cution	Other
Percent of dismissals	100%	24%	19%	1%	39%	11%	0%	2%	5%
Murder and manslaughter	100	31	0	0	44	0	0	0	25
Rape	100	38	25	0	19	6	0	0	13
Robbery	100	40	12	2	26	14	0	1	4
Aggravated assault	100	26	30	0	22	4	0	4	13
Burglary	100	36	26	0	28	9	0	2	0
Larceny	100	16	25	1	42	12	1	2	1
Stolen property	0	0	0	0	0	0	0	0	0
Fraud	100	20	0	0	20	40	0	0	20
Drug trafficking	100	30	20	5	20	20	0	5	0
Drug possession	100	20	9	0	54	11	0	3	3
Weapons	100	7	33	0	47	13	0	0	0
Other	100	16	22	0	45	8	0	0	9
Number of dismissals	593	140	114	5	233	63	1	10	27
Murder and manslaughter	16	5	0	0	7	0	0	0	4
Rape	16	6	4	0	3	1	0	0	2
Robbery	84	34	10	2	22	12	0	1	3
Aggravated assault	23	6	7	0	5	1	0	1	3
Burglary	47	17	12	0	13	4	0	1	0
Larceny	147	24	37	2	62	17	1	3	1
Stolen property	0	0	0	0	0	0	0	0	0
Fraud	5	1	0	0	1	2	0	0	1
Drug trafficking	20	6	4	1	4	4	0	1	0
Drug possession	103	21	9	0	56	11	0	3	3
Weapons	15	1	5	0	7	2	0	0	0
Other	117	19	26	0	53	9	0	0	10

Note: In Indianapolis dismissal reasons are for cases indicted.

b. Los Angeles, California 1982

Most serious charge	Arrests dismissed due to:								
	Total	Insuf- ficient evidence	Witness prob- lems	Due process prob- lems	Inter- est of justice	Cov- ered by other case	Re- ferral to di- version	Referral for other prose- cution	Other
Percent of dismissals	100%	2%	12%	3%	16%	8%	9%	16%	7%
Murder and manslaughter	100	29	15	4	26	15	0	1	10
Rape	100	31	22	3	23	12	0	0	10
Robbery	100	33	19	4	20	11	0	3	9
Aggravated assault	100	28	22	4	23	7	0	6	9
Burglary	100	34	15	4	17	11	0	13	6
Larceny	100	27	16	4	16	13	0	14	9
Stolen property	100	33	17	3	20	6	1	9	11
Fraud	100	28	12	3	20	24	1	10	2
Drug trafficking	100	41	8	3	17	7	12	3	9
Drug possession	100	26	6	1	10	5	46	1	4
Weapons	100	47	12	3	17	7	2	6	6
Other	100	13	6	2	9	3	1	64	3
Number of dismissals	9,107	2,632	1,099	263	1,446	749	802	1,484	632
Murder and manslaughter	299	86	45	11	79	46	0	3	29
Rape	230	71	51	6	52	27	0	1	22
Robbery	1,194	391	225	49	237	137	3	40	112
Aggravated assault	597	165	134	26	138	42	1	36	55
Burglary	1,165	395	173	42	203	127	0	153	72
Larceny	650	176	105	26	103	85	2	94	59
Stolen property	255	84	43	8	52	15	2	23	28
Fraud	148	41	18	4	29	36	2	15	3
Drug trafficking	1,455	603	114	40	244	101	168	47	138
Drug possession	1,330	342	79	16	134	71	612	19	57
Weapons	157	74	19	4	27	11	3	10	9
Other	1,627	204	93	31	148	51	9	1,043	48

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

c. Louisville, Kentucky 1982

Most serious charge	Total	Arrests dismissed due to:							Other
		Insuf- ficient evidence	Witness prob- lems	Due process prob- lems	Inter- est of justice	Cov- ered by other case	Re- ferral to di- version	Referral for other prose- cution	
Percent of dismissals	100%	7%	24%	4%	17%	7%	11%	4%	25%
Murder and manslaughter	100	0	0	0	50	0	0	0	50
Rape	100	18	23	0	14	5	0	0	41
Robbery	100	8	18	3	44	3	0	5	21
Aggravated assault	100	8	21	0	17	4	4	4	42
Burglary	100	8	13	2	23	2	8	4	40
Larceny	100	5	11	0	12	15	23	6	28
Stolen property	100	0	30	15	15	15	5	5	15
Fraud	100	10	10	7	17	7	31	0	19
Drug trafficking	100	8	51	9	9	5	1	3	15
Drug possession	100	8	0	17	8	8	50	0	8
Weapons	100	0	13	0	13	13	0	25	38
Other	100	6	35	0	18	6	6	6	24
Number of dismissals	443	32	108	18	75	32	48	19	111
Murder and manslaughter	2	0	0	0	1	0	0	0	1
Rape	22	4	5	0	3	1	0	0	9
Robbery	39	3	7	1	17	1	0	2	8
Aggravated assault	24	2	5	0	4	1	1	1	10
Burglary	48	4	6	1	11	1	4	2	19
Larceny	82	4	9	0	10	12	19	5	23
Stolen property	20	0	6	3	3	3	1	1	3
Fraud	42	4	4	3	7	3	13	0	8
Drug trafficking	93	7	47	8	8	5	1	3	14
Drug possession	12	1	0	2	1	1	6	0	1
Weapons	8	0	1	0	1	1	0	2	3
Other	51	3	18	0	9	3	3	3	12

Note: In Louisville dismissal reasons are for cases indicted.

d. Manhattan, New York 1982

Most serious charge	Arrests dismissed due to:								
	Total	Insuf- ficient evidence	Witness prob- lems	Due process prob- lems	Inter- est of justice	Cov- ered by other case	Re- ferral to di- version	Referral for other prose- cution	Other
Percent of dismissals	100%	25%	24%	1%	11%	7%	1%	1%	30%
Murder and manslaughter	100	34	6	0	5	18	0	0	36
Rape	100	10	60	0	5	1	1	4	19
Robbery	100	19	39	0	5	7	0	2	28
Aggravated assault	100	9	50	0	16	3	1	1	19
Burglary	100	18	21	0	16	8	1	1	35
Larceny	100	22	23	0	19	7	1	1	26
Stolen property	100	33	13	0	18	8	0	2	26
Fraud	100	21	7	0	29	8	0	3	32
Drug trafficking	100	42	2	3	5	9	0	0	39
Drug possession	100	29	2	2	58	0	0	2	6
Weapons	100	42	7	4	5	8	0	0	34
Other	100	14	27	0	19	8	1	2	28
Number of dismissals	10,364	2,635	2,498	113	1,125	726	57	123	3,087
Murder and manslaughter	94	32	6	0	5	17	0	0	34
Rape	271	28	163	0	14	3	2	10	51
Robbery	1,994	386	773	0	95	133	2	45	560
Aggravated assault	1,647	147	831	2	260	49	23	15	320
Burglary	678	119	143	2	110	55	5	10	234
Larceny	1,107	243	259	3	212	73	14	14	289
Stolen property	449	148	58	1	80	35	1	9	117
Fraud	154	32	11	0	44	13	0	4	50
Drug trafficking	2,533	1,052	50	70	133	236	2	4	986
Drug possession	48	14	1	1	28	0	0	1	3
Weapons	843	357	58	33	38	66	0	2	289
Other	546	77	145	1	106	46	8	9	154

Note: In Manhattan dismissal reasons are for cases filed.

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

e. Portland, Oregon 1982

Most serious charge	Total	Arrests dismissed due to:							
		Insuf- ficient evidence	Witness prob- lems	Due process prob- lems	Inter- est of justice	Cov- ered by other case	Re- ferral to di- version	Referral for other prose- cution	Other
Percent of dismissals	100%	15%	12%	1%	4%	28%	7%	23%	9%
Murder and manslaughter	100	25	0	0	0	0	0	0	75
Rape	100	18	29	0	6	16	0	0	31
Robbery	100	19	33	3	5	23	5	0	14
Aggravated assault	100	15	37	0	3	7	8	0	29
Burglary	100	20	18	3	9	32	9	1	9
Larceny	100	23	7	2	4	50	6	2	6
Stolen property	0	0	0	0	0	0	0	0	0
Fraud	100	11	8	3	3	58	9	0	8
Drug trafficking	100	4	3	1	3	80	0	1	8
Drug possession	100	40	8	2	10	23	2	0	15
Weapons	100	35	6	0	6	29	0	0	24
Other	100	8	9	1	3	12	10	53	5
Number of dismissals	1,363	200	168	17	59	384	100	311	124
Murder and manslaughter	4	1	0	0	0	0	0	0	3
Rape	51	9	15	0	3	8	0	0	16
Robbery	80	15	26	2	4	18	4	0	11
Aggravated assault	59	9	22	0	2	4	5	0	17
Burglary	152	30	27	4	13	49	13	2	14
Larceny	246	56	17	4	10	124	15	5	15
Stolen property	0	0	0	0	0	0	0	0	0
Fraud	64	7	5	2	2	37	6	0	5
Drug trafficking	75	3	2	1	2	60	0	1	6
Drug possession	48	19	4	1	5	11	1	0	7
Weapons	17	6	1	0	1	5	0	0	4
Other	567	45	49	3	17	68	56	303	26

Note: In Portland dismissal reasons are for cases filed.

f. St. Louis, Missouri 1982

Most serious charge	Total	Arrests dismissed due to:							
		Insufficient evidence	Witness problems	Due process problems	Interest of justice	Covered by other case	Referral to diversion	Referral for other prosecution	Other
Percent of dismissals	100%	10%	15%	1%	5%	23%	1%	2%	44%
Murder and manslaughter	100	10	8	0	4	41	0	0	37
Rape	100	5	29	0	0	14	5	5	43
Robbery	100	15	19	0	3	19	0	2	43
Aggravated assault	100	6	26	0	3	19	0	0	45
Burglary	100	12	14	0	5	25	0	1	45
Larceny	100	8	17	0	4	27	0	1	43
Stolen property	100	14	5	5	5	33	5	0	33
Fraud	100	2	17	0	11	21	9	2	38
Drug trafficking	100	33	33	0	0	0	0	0	33
Drug possession	100	12	3	1	6	18	1	8	52
Weapons	100	11	9	3	11	9	0	0	58
Other	100	8	14	1	7	28	0	5	37
Number of dismissals	948	93	138	5	51	216	7	20	418
Murder and manslaughter	51	5	4	0	2	21	0	0	19
Rape	21	1	6	0	0	3	1	1	9
Robbery	123	18	23	0	4	23	0	2	53
Aggravated assault	88	5	23	0	3	17	0	0	40
Burglary	155	18	21	0	7	39	0	1	69
Larceny	138	11	24	0	6	37	0	1	59
Stolen property	21	3	1	1	1	7	1	0	7
Fraud	47	1	8	0	5	10	4	1	18
Drug trafficking	3	1	1	0	0	0	0	0	1
Drug possession	102	12	3	1	6	18	1	8	53
Weapons	76	8	7	2	8	7	0	0	44
Other	123	10	17	1	9	34	0	6	46

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

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

g. Salt Lake City, Utah 1982

Most serious charge	Total	Arrests dismissed due to:							Other
		Insuf- ficient evidence	Witness prob- lems	Due process prob- lems	Inter- est of justice	Cov- ered by other case	Re- ferral to di- version	Referral for other prose- cution	
Percent of dismissals	100%	14%	16%	1%	4%	34%	2%	10%	20%
Murder and manslaughter	100	50	0	0	0	50	0	0	0
Rape	100	35	29	0	6	24	0	6	0
Robbery	100	25	11	0	1	47	0	2	14
Aggravated assault	100	11	61	0	2	14	5	0	7
Burglary	100	18	14	1	3	53	1	2	8
Larceny	100	23	24	0	5	27	1	7	12
Stolen property	100	0	0	0	0	40	0	0	60
Fraud	100	8	11	0	3	51	5	1	21
Drug trafficking	100	10	10	0	14	48	0	5	14
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	100	25	0	13	0	25	0	13	25
Other	100	5	5	2	5	18	1	26	38
Number of dismissals	792	111	123	6	31	267	13	80	161
Murder and manslaughter	2	1	0	0	0	1	0	0	0
Rape	17	6	5	0	1	4	0	1	0
Robbery	85	21	9	0	1	40	0	2	12
Aggravated assault	56	6	34	0	1	8	3	0	4
Burglary	124	22	17	1	4	66	1	3	10
Larceny	131	30	32	0	7	36	1	9	16
Stolen property	5	0	0	0	0	2	0	0	3
Fraud	107	9	12	0	3	55	5	1	22
Drug trafficking	21	2	2	0	3	10	0	1	3
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	8	2	0	1	0	2	0	1	2
Other	236	12	12	4	11	43	3	62	89

Note: In Salt Lake City dismissal reasons are for cases filed.

h. San Diego, California 1982

Most serious charge	Arrests dismissed due to:								
	Total	Insuf- ficient evidence	Witness prob- lems	Due process prob- lems	Inter- est of justice	Cov- ered by other case	Re- ferral to di- version	Referral for other prose- cution	Other
Percent of dismissals	100%	22%	17%	3%	8%	18%	9%	9%	13%
Murder and manslaughter	100	0	0	0	0	0	0	0	100
Rape	100	33	28	0	8	23	3	0	5
Robbery	100	32	30	2	5	15	0	2	14
Aggravated assault	100	29	43	0	4	13	2	3	6
Burglary	100	27	26	2	2	27	4	3	10
Larceny	100	25	14	2	15	24	4	1	14
Stolen property	100	24	16	2	16	22	2	2	15
Fraud	100	20	19	1	13	33	7	0	9
Drug trafficking	100	22	13	6	3	23	24	1	7
Drug possession	100	17	8	6	12	8	35	0	13
Weapons	100	28	13	8	15	14	3	1	17
Other	100	15	8	2	8	10	2	35	20
Number of dismissals	2,771	622	467	85	235	490	251	255	366
Murder and manslaughter	1	0	0	0	0	0	0	0	1
Rape	39	13	11	0	3	9	1	0	2
Robbery	166	53	49	4	9	25	0	3	23
Aggravated assault	171	50	74	0	6	22	4	5	10
Burglary	393	107	101	9	6	106	15	10	39
Larceny	277	70	39	6	41	66	12	3	40
Stolen property	165	40	27	3	27	37	4	3	24
Fraud	166	33	31	1	21	54	11	0	15
Drug trafficking	268	60	36	17	9	62	64	2	18
Drug possession	342	58	28	22	42	27	121	1	43
Weapons	146	41	19	12	22	20	5	2	25
Other	637	97	52	11	49	62	14	226	126

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

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

i. Washington, D.C. 1982

Most serious charge	Total	Arrests dismissed due to:							Other
		Insuf- ficient evidence	Witness prob- lems	Due process prob- lems	Inter- est of justice	Cov- ered by other case	Re- ferral to di- version	Referral for other prose- cution	
Percent of dismissals	100%	16%	11%	1%	2%	16%	6%	1%	48%
Murder and manslaughter	100	56	2	8	2	2	0	0	30
Rape	100	29	36	1	1	5	11	2	15
Robbery	100	33	27	2	3	9	0	0	26
Aggravated assault	100	12	19	0	2	5	2	0	59
Burglary	100	20	9	1	2	13	10	0	46
Larceny	100	5	3	0	1	16	15	0	60
Stolen property	100	15	4	0	0	13	11	4	54
Fraud	100	13	2	1	2	10	17	2	53
Drug trafficking	100	6	2	1	1	36	0	1	53
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	100	30	5	2	0	12	0	2	50
Other	100	16	6	1	1	13	10	1	51
Number of dismissals	3,802	624	430	38	65	595	216	25	1,809
Murder and manslaughter	50	28	1	4	1	1	0	0	15
Rape	100	29	36	1	1	5	11	2	15
Robbery	614	200	164	13	21	53	2	3	158
Aggravated assault	603	72	116	1	12	33	15	1	353
Burglary	438	88	40	5	7	56	42	0	200
Larceny	286	13	8	0	3	45	44	0	173
Stolen property	54	8	2	0	0	7	6	2	29
Fraud	152	20	3	1	3	15	26	3	81
Drug trafficking	800	46	17	5	9	291	3	5	424
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	66	20	3	1	0	8	0	1	33
Other	639	100	40	7	8	81	67	8	328

Note: In Washington, D.C., dismissal reasons are for cases filed.

Table 6. Incarceration rates for filed cases that result in a conviction in felony or misdemeanor court

- a. Manhattan, New York 1982
- b. Portland, Oregon 1982
- c. St. Louis, Missouri 1982
- d. Salt Lake City, Utah 1982
- e. San Diego, California 1982

a. Manhattan, New York 1982

Most serious charge	Total	Convictions* resulting in a sentence to incarceration			
		Any	Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	55%	32%	7%	16%
Murder and manslaughter	100	91	3	5	83
Rape	100	76	16	8	52
Robbery	100	68	17	10	41
Aggravated assault	100	45	31	3	12
Burglary	100	64	32	12	20
Larceny	100	58	48	6	4
Stolen property	100	52	42	5	4
Fraud	100	40	29	5	6
Drug trafficking	100	51	32	5	13
Drug possession	100	29	29	1	0
Weapons	100	43	11	13	20
Other	100	38	28	2	8
Number of convictions	21,420	11,720	6,773	1,432	3,515
Murder and manslaughter	244	221	8	11	202
Rape	112	85	18	9	58
Robbery	3,344	2,265	555	340	1,370
Aggravated assault	1,872	847	578	52	217
Burglary	2,353	1,500	758	272	470
Larceny	4,150	2,388	1,992	232	164
Stolen property	1,193	620	507	62	51
Fraud	518	205	152	24	29
Drug trafficking	5,072	2,588	1,648	278	662
Drug possession	188	55	54	1	0
Weapons	917	398	98	118	182
Other	1,457	548	405	33	110

b. Portland, Oregon 1982

Most serious charge	Total	Convictions* resulting in a sentence to incarceration			
		Any	Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	36%	4%	3%	29%
Murder and manslaughter	100	100	4	0	96
Rape	100	54	1	1	52
Robbery	100	64	5	1	59
Aggravated assault	100	28	6	2	19
Burglary	100	49	2	2	45
Larceny	100	35	4	1	30
Stolen property	0	0	0	0	0
Fraud	100	34	0	2	32
Drug trafficking	100	15	1	2	12
Drug possession	100	14	4	1	10
Weapons	100	51	0	5	47
Other	100	30	6	5	19
Number of convictions	3,630	1,292	145	98	1,049
Murder and manslaughter	28	28	1	0	27
Rape	93	50	1	1	48
Robbery	298	192	14	2	176
Aggravated assault	94	26	6	2	18
Burglary	552	270	12	10	248
Larceny	480	168	20	5	143
Stolen property	0	0	0	0	0
Fraud	257	87	1	5	81
Drug trafficking	242	36	3	5	28
Drug possession	319	46	13	2	31
Weapons	43	22	0	2	20
Other	1,224	367	74	64	229

*Includes only cases with known sentencing data.

Table 6. Continued
Incarceration rates for filed cases that result
in a conviction in felony or misdemeanor court

c. St. Louis, Missouri 1982

Most serious charge	Total	Convictions* resulting in a sentence to incarceration			
		Any	Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	64%	22%	8%	35%
Murder and manslaughter	100	87	0	4	83
Rape	100	76	2	4	69
Robbery	100	80	5	3	71
Aggravated assault	100	64	19	10	35
Burglary	100	71	23	9	39
Larceny	100	59	25	9	25
Stolen property	100	52	14	12	26
Fraud	100	52	27	9	17
Drug trafficking	100	45	17	6	23
Drug possession	100	61	34	7	20
Weapons	100	48	20	7	20
Other	100	61	26	8	27
Number of convictions	2,571	1,649	553	196	900
Murder and manslaughter	77	67	0	3	64
Rape	49	37	1	2	34
Robbery	258	206	14	9	183
Aggravated assault	113	72	21	11	40
Burglary	663	471	154	59	258
Larceny	360	211	89	33	89
Stolen property	58	30	8	7	15
Fraud	90	47	24	8	15
Drug trafficking	88	40	15	5	20
Drug possession	325	198	112	22	64
Weapons	216	103	43	16	44
Other	274	167	72	21	74

d. Salt Lake City, Utah 1982

Most serious charge	Total	Convictions* resulting in a sentence to incarceration			
		Any	Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	40%	7%	11%	22%
Murder and manslaughter	100	73	0	27	47
Rape	100	51	5	15	31
Robbery	100	68	5	27	36
Aggravated assault	100	35	8	5	21
Burglary	100	39	7	13	20
Larceny	100	30	9	9	12
Stolen property	100	50	17	0	33
Fraud	100	33	4	15	15
Drug trafficking	100	24	7	3	14
Drug possession	0	0	0	0	0
Weapons	100	50	0	33	17
Other	100	45	6	7	32
Number of convictions	1,399	563	91	160	312
Murder and manslaughter	15	11	0	4	7
Rape	39	20	2	6	12
Robbery	132	90	6	36	48
Aggravated assault	84	29	7	4	18
Burglary	312	123	22	39	62
Larceny	247	74	22	22	30
Stolen property	6	3	1	0	2
Fraud	157	52	6	23	23
Drug trafficking	108	26	8	3	15
Drug possession	0	0	0	0	0
Weapons	6	3	0	2	1
Other	293	132	17	21	94

*Includes only cases with known sentencing data.

e. San Diego, California 1982

<u>Most serious charge</u>	<u>Total</u>	<u>Convictions* resulting in a sentence to incarceration</u>			
		<u>Any</u>	<u>Less than 1 year</u>	<u>Exactly 1 year</u>	<u>More than 1 year</u>
Percent of convictions	100%	74%	54%	6%	13%
Murder and manslaughter	100	90	5	10	75
Rape	100	79	27	10	42
Robbery	100	86	32	14	40
Aggravated assault	110	75	53	8	13
Burglary	100	81	53	9	20
Larceny	100	77	62	6	8
Stolen property	100	73	63	4	6
Fraud	100	71	56	7	7
Drug trafficking	100	74	62	4	8
Drug possession	100	52	49	2	1
Weapons	100	62	59	2	1
Other	100	71	57	6	8
Number of convictions	9,697	7,160	5,228	623	1,309
Murder and manslaughter	91	82	5	9	68
Rape	198	157	54	19	84
Robbery	663	567	211	91	265
Aggravated assault	620	462	331	48	83
Burglary	2,052	1,672	1,079	176	417
Larceny	1,169	896	726	71	99
Stolen property	474	347	300	17	30
Fraud	658	464	370	46	48
Drug trafficking	954	709	592	40	77
Drug possession	639	330	312	10	8
Weapons	755	466	443	12	11
Other	1,424	1,008	805	84	119

*Includes only cases with known sentencing data.

Table 7. Incarceration rates for indicted cases that result in a conviction in felony court

- a. Indianapolis, Indiana 1982
- b. Los Angeles, California 1982
- c. Louisville, Kentucky 1982
- d. Manhattan, New York 1982
- e. Portland, Oregon 1982
- f. St. Louis, Missouri 1982
- g. Salt Lake City, Utah 1982
- h. San Diego, California 1982

a. Indianapolis, Indiana 1982

Most serious charge	Total	Convictions* resulting in a sentence to incarceration			
		Any	Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	55%	11%	7%	37%
Murder and manslaughter	100	98	2	4	91
Rape	100	83	1	5	76
Robbery	100	81	5	4	72
Aggravated assault	100	60	18	5	37
Burglary	100	60	3	4	52
Larceny	100	46	7	9	30
Stolen property	0	0	0	0	0
Fraud	100	67	0	0	67
Drug trafficking	100	48	5	6	38
Drug possession	100	19	8	7	5
Weapons	100	51	8	15	27
Other	100	62	29	8	26
Number of convictions	2,940	1,627	335	204	1,088
Murder and manslaughter	47	46	1	2	43
Rape	76	63	1	4	58
Robbery	279	227	15	12	200
Aggravated assault	83	50	15	4	31
Burglary	475	284	16	19	249
Larceny	796	368	57	75	236
Stolen property	0	0	0	0	0
Fraud	27	18	0	0	18
Drug trafficking	126	61	6	7	48
Drug possession	290	56	22	20	14
Weapons	59	30	5	9	16
Other	682	424	197	52	175

b. Los Angeles, California 1982

Most serious charge	Total	Convictions* resulting in a sentence to incarceration			
		Any	Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	88%	33%	16%	39%
Murder and manslaughter	100	94	7	11	76
Rape	100	90	17	10	64
Robbery	100	95	21	16	58
Aggravated assault	100	86	35	18	33
Burglary	100	93	32	18	42
Larceny	100	85	37	19	29
Stolen property	100	75	37	19	20
Fraud	100	83	31	15	37
Drug trafficking	100	80	48	15	17
Drug possession	100	80	47	15	19
Weapons	100	87	35	19	34
Other	100	83	38	17	28
Number of convictions	15,114	13,274	4,965	2,458	5,851
Murder and manslaughter	708	668	51	76	541
Rape	532	480	89	51	340
Robbery	2,743	2,600	571	440	1,589
Aggravated assault	1,051	903	365	191	347
Burglary	3,633	3361	1,174	643	1,544
Larceny	1,280	1,090	474	241	375
Stolen property	293	221	107	55	59
Fraud	355	294	111	52	131
Drug trafficking	2,586	2,063	1,232	394	437
Drug possession	735	588	344	108	136
Weapons	228	199	79	43	77
Other	970	807	368	164	275

*includes only cases with known sentencing data.

c. Louisville, Kentucky 1982

Most serious charge	Total	Convictions* resulting in a sentence to incarceration			
		Any	Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	61%	2%	12%	47%
Murder and manslaughter	100	95	0	3	92
Rape	100	75	2	6	67
Robbery	100	75	2	1	72
Aggravated assault	100	51	7	8	36
Burglary	100	66	2	10	54
Larceny	100	66	3	24	40
Stolen property	100	42	2	9	31
Fraud	100	61	1	13	48
Drug trafficking	100	52	1	14	38
Drug possession	100	40	0	15	25
Weapons	100	72	6	44	22
Other	100	33	2	9	22
Number of convictions	1,296	790	27	151	612
Murder and manslaughter	39	37	0	1	36
Rape	52	39	1	3	35
Robbery	174	131	3	2	126
Aggravated assault	89	45	6	7	32
Burglary	258	171	5	27	139
Larceny	197	131	5	48	78
Stolen property	55	23	1	5	17
Fraud	122	75	1	16	58
Drug trafficking	140	73	1	19	53
Drug possession	20	8	0	3	5
Weapons	18	13	1	8	4
Other	132	44	3	12	29

d. Manhattan, New York 1982

Most serious charge	Total	Convictions* resulting in a sentence to incarceration			
		Any	Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	68%	10%	13%	45%
Murder and manslaughter	100	91	3	5	83
Rape	100	88	10	6	72
Robbery	100	74	6	11	56
Aggravated assault	100	73	14	9	50
Burglary	100	78	9	19	50
Larceny	100	62	14	19	29
Stolen property	100	68	12	23	34
Fraud	100	62	11	14	37
Drug trafficking	100	63	13	13	37
Drug possession	100	0	0	0	0
Weapons	100	47	7	15	24
Other	100	68	18	9	40
Number of convictions	7,715	5,274	762	1,012	3,500
Murder and manslaughter	242	220	7	11	202
Rape	81	71	8	5	58
Robbery	2,439	1,793	157	269	1,367
Aggravated assault	427	313	59	40	214
Burglary	941	734	88	177	469
Larceny	555	342	76	103	163
Stolen property	151	103	18	34	51
Fraud	79	49	9	11	29
Drug trafficking	1,778	1,116	238	223	655
Drug possession	2	0	0	0	0
Weapons	748	349	52	115	182
Other	272	184	50	24	110

*Includes only cases with known sentencing data.

Table 7. Continued
Incarceration rates for indicted cases that result
in a conviction in felony court

e. Portland, Oregon 1982

<u>Most serious charge</u>	<u>Total</u>	<u>Convictions* resulting in a sentence to incarceration</u>			
		<u>Any</u>	<u>Less than 1 year</u>	<u>Exactly 1 year</u>	<u>More than 1 year</u>
Percent of convictions	100%	36%	4%	3%	29%
Murder and manslaughter	100	100	4	0	96
Rape	100	54	1	1	52
Robbery	100	65	5	1	60
Aggravated assault	100	27	5	2	20
Burglary	100	49	2	2	45
Larceny	100	35	4	1	30
Stolen property	0	0	0	0	0
Fraud	100	34	0	2	32
Drug trafficking	100	15	1	2	12
Drug possession	100	14	4	1	10
Weapons	100	51	0	5	47
Other	100	30	6	5	19
Number of convictions	3,613	1,289	143	98	1,048
Murder and manslaughter	28	28	1	0	27
Rape	93	50	1	1	48
Robbery	295	192	14	2	176
Aggravated assault	92	25	5	2	18
Burglary	548	270	12	10	248
Larceny	479	168	20	5	143
Stolen property	0	0	0	0	0
Fraud	257	87	1	5	81
Drug trafficking	242	36	3	5	28
Drug possession	318	46	13	2	31
Weapons	43	22	0	2	20
Other	1,218	365	73	64	228

f. St. Louis, Missouri 1982

<u>Most serious charge</u>	<u>Total</u>	<u>Convictions* resulting in a sentence to incarceration</u>			
		<u>Any</u>	<u>Less than 1 year</u>	<u>Exactly 1 year</u>	<u>More than 1 year</u>
Percent of convictions	100%	64%	21%	8%	36%
Murder and manslaughter	100	87	0	4	83
Rape	100	76	2	4	69
Robbery	100	80	5	4	71
Aggravated assault	100	63	18	10	36
Burglary	100	71	23	9	39
Larceny	100	58	24	9	25
Stolen property	100	52	14	12	26
Fraud	100	53	26	9	17
Drug trafficking	100	45	17	6	23
Drug possession	100	60	33	7	20
Weapons	100	48	19	7	21
Other	100	61	25	8	28
Number of convictions	2,507	1,605	523	192	890
Murder and manslaughter	77	67	0	3	64
Rape	49	37	1	2	34
Robbery	256	204	14	9	181
Aggravated assault	112	71	20	11	40
Burglary	656	466	153	58	255
Larceny	344	201	83	31	87
Stolen property	58	30	8	7	15
Fraud	87	46	23	8	15
Drug trafficking	88	40	15	5	20
Drug possession	310	185	101	22	62
Weapons	206	98	40	15	43
Other	264	160	65	21	74

*Includes only cases with known sentencing data.

g. Salt Lake City, Utah 1982

Most serious charge	Total	Convictions* resulting in a sentence to incarceration			
		Any	Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	42%	5%	12%	26%
Murder and manslaughter	100	73	0	27	47
Rape	100	53	5	16	32
Robbery	100	68	4	27	37
Aggravated assault	100	38	5	6	28
Burglary	100	41	5	13	23
Larceny	100	31	6	9	15
Stolen property	100	50	0	0	50
Fraud	100	34	2	15	17
Drug trafficking	100	23	4	3	16
Drug possession	0	0	0	0	0
Weapons	100	60	0	40	20
Other	100	50	5	8	37
Number of convictions	1,196	507	55	147	305
Murder and manslaughter	15	11	0	4	7
Rape	38	20	2	6	12
Robbery	123	84	5	33	46
Aggravated assault	65	25	3	4	18
Burglary	265	108	13	35	60
Larceny	202	62	13	19	30
Stolen property	4	2	0	0	2
Fraud	139	47	3	21	23
Drug trafficking	94	22	4	3	15
Drug possession	0	0	0	0	0
Weapons	5	3	0	2	1
Other	246	123	12	20	91

h. San Diego, California 1982

Most serious charge	Total	Convictions* resulting in a sentence to incarceration			
		Any	Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	81%	44%	11%	26%
Murder and manslaughter	100	90	6	10	74
Rape	100	82	27	10	45
Robbery	100	86	26	15	45
Aggravated assault	100	79	43	12	25
Burglary	100	83	39	12	32
Larceny	100	80	47	12	20
Stolen property	100	77	50	9	19
Fraud	100	78	49	14	15
Drug trafficking	100	78	62	5	11
Drug possession	100	75	43	16	16
Weapons	100	85	59	11	15
Other	100	78	53	9	16
Number of convictions	4,919	3,980	2,168	534	1,278
Murder and manslaughter	89	80	5	9	66
Rape	181	148	48	18	82
Robbery	591	508	155	89	264
Aggravated assault	330	262	141	39	82
Burglary	1,266	1,055	500	149	406
Larceny	478	382	227	58	97
Stolen property	151	116	75	13	28
Fraud	298	233	146	41	46
Drug trafficking	693	538	427	36	75
Drug possession	51	38	22	8	8
Weapons	66	56	39	7	10
Other	725	564	383	67	114

*Includes only cases with known sentencing data.

Table 8. Case-processing time for cases filed

- a. Los Angeles, California 1982
- b. Manhattan, New York 1982
- c. Portland, Oregon 1982
- d. St. Louis, Missouri 1982
- e. Salt Lake City, Utah 1982
- f. San Diego, California 1982
- g. Washington, D.C. 1982

a. Los Angeles, California 1982

Most serious charge	All cases filed*	Processing time for cases disposed of by:		
		Dismissal	Guilty plea	Trial
Median time from arrest to disposition	99 days	66 days	104 days	175 days
Murder and manslaughter	175	69	176	259
Rape	144	77	152	225
Robbery	91	38	98	131
Aggravated assault	103	52	110	173
Burglary	79	47	79	133
Larceny	98	71	104	228
Stolen property	101	91	106	265
Fraud	107	87	107	210
Drug trafficking	117	100	120	148
Drug possession	199	233	171	251
Weapons	93	57	99	164
Other	74	31	102	226
Mean time from arrest to disposition	141 days	123 days	142 days	209 days
Murder and manslaughter	204	119	211	278
Rape	174	114	179	235
Robbery	121	81	130	169
Aggravated assault	139	99	147	199
Burglary	106	88	106	179
Larceny	143	122	145	246
Stolen property	144	131	144	281
Fraud	147	137	147	244
Drug trafficking	158	152	158	189
Drug possession	214	226	199	256
Weapons	133	103	143	204
Other	117	78	141	240
Number of cases filed	31,624	9,098	20,420	2,106
Murder and manslaughter	1,259	299	674	286
Rape	985	230	572	183
Robbery	4,680	1,193	3,032	455
Aggravated assault	2,058	597	1,201	260
Burglary	6,132	1,163	4,687	282
Larceny	2,814	649	2,083	82
Stolen property	754	253	475	26
Fraud	802	148	641	13
Drug trafficking	5,407	1,455	3,642	310
Drug possession	2,531	1,328	1,160	43
Weapons	505	157	324	24
Other	3,697	1,626	1,929	142

*Includes only cases for which time data were available.

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.

b. Manhattan, New York 1982

Most serious charge	All cases filed*	Processing time for cases disposed of by:		
		Dismissal	Guilty plea	Trial
Median time from arrest to disposition	56 days	72 days	39 days	263 days
Murder and manslaughter	262	118	253	354
Rape	74	56	141	303
Robbery	90	64	100	232
Aggravated assault	56	68	29	280
Burglary	53	92	34	227
Larceny	24	92	10	175
Stolen property	31	71	15	199
Fraud	34	135	14	495
Drug trafficking	59	64	53	356
Drug possession	6	214	2	0
Weapons	116	91	127	278
Other	23	81	5	312
Mean time from arrest to disposition	120 days	132 days	106 days	304 days
Murder and manslaughter	291	190	281	394
Rape	132	93	190	304
Robbery	140	117	141	270
Aggravated assault	112	115	91	315
Burglary	109	153	90	253
Larceny	85	145	66	226
Stolen property	91	126	76	263
Fraud	105	177	77	448
Drug trafficking	132	131	129	392
Drug possession	74	223	40	0
Weapons	177	166	176	329
Other	96	134	77	362
Number of cases filed	33,692	10,360	22,248	1,084
Murder and manslaughter	371	94	169	108
Rape	401	271	103	27
Robbery	5,652	1,994	3,320	338
Aggravated assault	3,681	1,646	1,869	166
Burglary	3,184	678	2,398	108
Larceny	5,521	1,107	4,308	106
Stolen property	1,709	448	1,246	15
Fraud	726	154	559	13
Drug trafficking	8,113	2,532	5,488	93
Drug possession	255	48	207	0
Weapons	1,854	842	946	66
Other	2,225	546	1,635	44

*Includes only cases for which time data were available.

Table 8. Continued
Case-processing time for cases filed

c. Portland, Oregon 1982

<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	59 days	56 days	55 days	81 days
Murder and manslaughter	81	17	56	93
Rape	74	48	68	117
Robbery	61	29	59	75
Aggravated assault	66	10	72	91
Burglary	60	57	58	75
Larceny	62	78	55	64
Stolen property	0	0	0	0
Fraud	63	97	60	87
Drug trafficking	61	96	51	111
Drug possession	45	72	38	89
Weapons	76	35	77	112
Other	54	34	55	80
Mean time from arrest to disposition	89 days	91 days	83 days	114 days
Murder and manslaughter	86	33	68	110
Rape	101	76	100	142
Robbery	80	77	73	99
Aggravated assault	90	58	110	96
Burglary	87	95	83	94
Larceny	101	122	88	104
Stolen property	0	0	0	0
Fraud	116	188	95	124
Drug trafficking	95	100	91	141
Drug possession	78	89	61	238
Weapons	166	261	138	117
Other	79	66	81	110
Number of cases filed	5,110	1,363	3,159	588
Murder and manslaughter	36	4	13	19
Rape	153	51	68	34
Robbery	391	80	224	87
Aggravated assault	165	59	84	22
Burglary	716	152	465	99
Larceny	735	246	432	57
Stolen property	0	0	0	0
Fraud	327	64	237	26
Drug trafficking	318	75	230	13
Drug possession	372	48	296	28
Weapons	64	17	32	15
Other	1,833	567	1,078	188

*Includes only cases for which time data were available.

d. St. Louis, Missouri 1982

<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	151 days	57 days	160 days	237 days
Murder and manslaughter	196	64	217	244
Rape	192	74	211	272
Robbery	189	48	205	236
Aggravated assault	153	57	192	230
Burglary	134	48	143	222
Larceny	125	38	142	228
Stolen property	141	86	150	211
Fraud	102	39	125	256
Drug trafficking	159	35	153	237
Drug possession	155	95	159	248
Weapons	153	89	157	218
Other	156	61	168	266
Mean time from arrest to disposition	161 days	104 days	173 days	255 days
Murder and manslaughter	198	126	227	277
Rape	209	96	246	271
Robbery	187	107	215	259
Aggravated assault	153	82	197	238
Burglary	151	91	161	229
Larceny	146	94	158	263
Stolen property	155	111	168	216
Fraud	131	89	147	246
Drug trafficking	168	102	166	245
Drug possession	164	137	167	264
Weapons	160	123	164	256
Other	165	102	183	261
Number of cases filed	3,615	946	2,407	262
Murder and manslaughter	134	51	58	25
Rape	75	21	39	15
Robbery	391	122	216	53
Aggravated assault	211	88	101	22
Burglary	833	155	642	36
Larceny	507	138	343	26
Stolen property	82	21	57	4
Fraud	141	47	89	5
Drug trafficking	93	3	85	5
Drug possession	439	102	317	20
Weapons	302	76	208	18
Other	407	122	252	33

*Includes only cases for which time data were available.

Table 8. Continued
Case-processing time for cases filed

e. Salt Lake City, Utah 1982

<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	58 days	49 days	56 days	148 days
Murder and manslaughter	215	114	209	307
Rape	102	26	109	260
Robbery	64	41	64	134
Aggravated assault	55	38	57	217
Burglary	45	41	43	121
Larceny	56	61	49	133
Stolen property	64	69	52	188
Fraud	67	72	62	189
Drug trafficking	78	75	73	214
Drug possession	0	0	0	0
Weapons	88	97	55	116
Other	54	42	61	159
Mean time from arrest to disposition	95 days	92 days	91 days	177 days
Murder and manslaughter	251	114	228	326
Rape	134	85	140	257
Robbery	94	87	88	138
Aggravated assault	95	80	94	208
Burglary	81	79	77	154
Larceny	98	116	89	152
Stolen property	80	91	54	188
Fraud	107	130	91	198
Drug trafficking	109	131	101	226
Drug possession	0	0	0	0
Weapons	115	125	101	116
Other	86	67	92	189
Number of cases filed	2,627	788	1,713	126
Murder and manslaughter	20	2	11	7
Rape	61	17	39	5
Robbery	235	85	118	32
Aggravated assault	168	56	104	8
Burglary	514	122	368	24
Larceny	482	131	335	16
Stolen property	12	5	6	1
Fraud	314	106	200	8
Drug trafficking	168	21	141	6
Drug possession	0	0	0	0
Weapons	16	8	6	2
Other	637	235	385	17

*Includes only cases for which time data were available.

f. San Diego, California 1982

Most serious charge	All cases filed*	Processing time for cases disposed of by:		
		Dismissal	Guilty plea	Trial
Median time from arrest to disposition	103 days	79 days	105 days	163 days
Murder and manslaughter	168	154	159	201
Rape	135	36	135	196
Robbery	108	27	118	137
Aggravated assault	109	50	120	168
Burglary	97	69	100	144
Larceny	107	112	103	191
Stolen property	93	95	89	165
Fraud	114	119	113	162
Drug trafficking	117	115	118	121
Drug possession	118	216	93	101
Weapons	58	112	51	154
Other	97	42	119	191
Mean time from arrest to disposition	147 days	133 days	149 days	185 days
Murder and manslaughter	198	154	185	224
Rape	173	94	183	212
Robbery	138	57	156	168
Aggravated assault	144	92	155	177
Burglary	145	111	150	186
Larceny	158	165	155	192
Stolen property	135	140	132	174
Fraud	161	153	163	167
Drug trafficking	161	176	156	170
Drug possession	172	230	144	128
Weapons	101	161	88	191
Other	139	81	162	207
Number of cases filed	12,858	2,764	9,584	510
Murder and manslaughter	97	1	64	32
Rape	246	39	176	31
Robbery	850	165	608	77
Aggravated assault	828	171	573	84
Burglary	2,521	393	2,040	88
Larceny	1,480	277	1,171	32
Stolen property	670	165	484	21
Fraud	835	165	665	5
Drug trafficking	1,261	267	958	36
Drug possession	1,032	342	671	19
Weapons	938	146	773	19
Other	2,100	633	1,401	66

*Includes only cases for which time data were available.

Table 8. Continued
Case-processing time for cases filed

g. Washington, D.C. 1982

<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	116 days	106 days	99 days	288 days
Murder and manslaughter	280	272	254	398
Rape	132	76	169	304
Robbery	146	67	163	387
Aggravated assault	104	88	99	254
Burglary	134	121	126	273
Larceny	106	123	64	163
Stolen property	128	158	84	149
Fraud	104	139	55	374
Drug trafficking	114	112	95	225
Drug possession	0	0	0	0
Weapons	215	161	163	288
Other	77	101	58	241
Mean time from arrest to disposition	171 days	151 days	158 days	321 days
Murder and manslaughter	317	256	277	408
Rape	179	102	212	342
Robbery	202	131	209	402
Aggravated assault	163	140	164	290
Burglary	184	157	181	317
Larceny	140	155	116	229
Stolen property	177	191	153	216
Fraud	152	182	115	447
Drug trafficking	160	155	147	267
Drug possession	0	0	0	0
Weapons	246	230	223	340
Other	136	148	106	278
Number of cases filed	9,364	3,796	4,669	899
Murder and manslaughter	193	50	77	66
Rape	205	100	73	32
Robbery	1,580	611	781	188
Aggravated assault	1,106	603	392	111
Burglary	1,180	436	645	99
Larceny	672	286	345	41
Stolen property	100	54	40	6
Fraud	369	152	206	11
Drug trafficking	2,245	799	1,244	202
Drug possession	0	0	0	0
Weapons	191	66	92	33
Other	1,523	639	774	110

*Includes only cases for which time data were available.

Table 9. Case-processing time for cases indicted

- a. Indianapolis, Indiana 1982
- b. Los Angeles, California 1982
- c. Louisville, Kentucky 1982
- d. Manhattan, New York 1982
- e. Portland, Oregon 1982
- f. St. Louis, Missouri 1982
- g. Salt Lake City, Utah 1982
- h. San Diego, California 1982
- i. Washington, D.C. 1982

a. Indianapolis, Indiana 1982

<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	128 days	138 days	123 days	158 days
Murder and manslaughter	183	161	183	223
Rape	151	118	147	190
Robbery	119	134	109	141
Aggravated assault	152	163	159	123
Burglary	109	120	104	143
Larceny	120	153	115	144
Stolen property	0	0	0	0
Fraud	139	84	139	208
Drug trafficking	188	212	181	269
Drug possession	116	120	112	164
Weapons	122	122	118	124
Other	147	128	147	158
Mean time from arrest to disposition	169 days	194 days	162 days	189 days
Murder and manslaughter	198	168	194	244
Rape	184	177	163	259
Robbery	164	207	149	171
Aggravated assault	196	199	197	190
Burglary	139	160	132	178
Larceny	166	212	158	166
Stolen property	0	0	0	0
Fraud	180	168	180	208
Drug trafficking	221	238	213	290
Drug possession	156	176	148	171
Weapons	150	172	144	142
Other	186	196	184	194
Number of cases indicted	3,684	577	2,775	332
Murder and manslaughter	69	16	39	14
Rape	96	15	62	19
Robbery	383	82	254	47
Aggravated assault	110	22	70	18
Burglary	544	47	445	52
Larceny	973	140	764	69
Stolen property	0	0	0	0
Fraud	34	5	27	2
Drug trafficking	148	20	118	10
Drug possession	407	100	283	24
Weapons	80	15	61	4
Other	840	115	652	73

*Includes only cases for which time data were available.

Table 9. Continued
Case-processing time for cases indicted

b. Los Angeles, California 1982

<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	126 days	155 days	118 days	173 days
Murder and manslaughter	202	174	189	261
Rape	174	150	160	227
Robbery	111	112	106	131
Aggravated assault	136	133	126	173
Burglary	91	116	86	132
Larceny	132	161	124	218
Stolen property	137	179	123	265
Fraud	131	175	123	219
Drug trafficking	150	193	145	147
Drug possession	196	217	188	236
Weapons	123	127	120	164
Other	149	182	138	216
Mean time from arrest to disposition	166 days	189 days	157 days	208 days
Murder and manslaughter	233	192	220	278
Rape	198	174	189	236
Robbery	143	149	138	168
Aggravated assault	170	182	161	197
Burglary	124	147	118	177
Larceny	170	196	163	238
Stolen property	178	203	164	282
Fraud	165	174	161	248
Drug trafficking	187	219	181	188
Drug possession	227	256	217	257
Weapons	167	165	164	206
Other	184	200	175	237
Number of cases indicted	18,617	2,089	14,592	1,936
Murder and manslaughter	933	101	570	262
Rape	695	84	453	158
Robbery	3,345	363	2,564	418
Aggravated assault	1,357	153	959	245
Burglary	4,161	316	3,583	262
Larceny	1,536	139	1,320	77
Stolen property	392	68	300	24
Fraud	433	47	374	12
Drug trafficking	3,244	408	2,541	295
Drug possession	1,012	228	748	36
Weapons	286	39	225	22
Other	1,223	143	955	125

*Includes only cases for which time data were available.

c. Louisville, Kentucky 1982

<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	212 days	224 days	202 days	248 days
Murder and manslaughter	291	149	360	284
Rape	251	269	248	250
Robbery	222	249	204	233
Aggravated assault	249	332	227	277
Burglary	203	300	186	241
Larceny	192	260	182	210
Stolen property	203	216	201	271
Fraud	200	281	165	259
Drug trafficking	192	181	210	251
Drug possession	305	369	271	352
Weapons	224	158	224	357
Other	228	197	254	238
Mean time from arrest to disposition	250 days	270 days	238 days	273 days
Murder and manslaughter	319	149	337	320
Rape	272	301	256	273
Robbery	245	276	231	260
Aggravated assault	274	323	253	284
Burglary	243	304	227	272
Larceny	241	287	222	235
Stolen property	237	235	236	259
Fraud	236	293	211	297
Drug trafficking	233	226	235	280
Drug possession	330	366	307	361
Weapons	274	258	263	359
Other	258	226	271	253
Number of cases indicted	1,948	443	1,227	278
Murder and manslaughter	47	2	17	28
Rape	87	22	42	23
Robbery	237	39	146	52
Aggravated assault	130	24	73	33
Burglary	334	48	244	42
Larceny	295	82	184	29
Stolen property	85	20	59	6
Fraud	180	42	127	11
Drug trafficking	256	93	152	11
Drug possession	40	12	24	4
Weapons	30	8	18	4
Other	227	51	141	35

*Includes only cases for which time data were available.

Table 9. Continued
Case-processing time for cases indicted

d. Manhattan, New York 1982

<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	184 days	202 days	167 days	290 days
Murder and manslaughter	287	235	253	354
Rape	198	143	197	303
Robbery	157	159	140	236
Aggravated assault	216	183	191	349
Burglary	142	178	126	250
Larceny	158	238	129	253
Stolen property	180	190	169	306
Fraud	224	308	173	553
Drug trafficking	243	293	230	371
Drug possession	212	214	126	0
Weapons	181	234	148	278
Other	268	184	244	319
Mean time from arrest to disposition	233 days	266 days	214 days	329 days
Murder and manslaughter	314	260	281	394
Rape	242	196	245	335
Robbery	193	223	176	277
Aggravated assault	258	257	227	371
Burglary	179	253	161	275
Larceny	208	308	185	308
Stolen property	216	259	205	284
Fraud	278	316	237	536
Drug trafficking	291	315	282	403
Drug possession	155	214	126	0
Weapons	230	277	201	329
Other	300	273	294	400
Number of cases indicted	10,169	1,615	7,645	909
Murder and manslaughter	331	56	167	108
Rape	137	46	70	21
Robbery	3,132	424	2,386	322
Aggravated assault	602	114	381	107
Burglary	1,140	114	935	91
Larceny	666	67	542	57
Stolen property	201	35	161	5
Fraud	110	19	81	10
Drug trafficking	2,307	324	1,894	89
Drug possession	3	1	2	0
Weapons	1,171	344	761	66
Other	369	71	265	33

*Includes only cases for which time data were available.

e. Portland, Oregon 1982

<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	59 days	56 days	56 days	81 days
Murder and manslaughter	81	17	56	93
Rape	74	48	68	117
Robbery	61	26	59	75
Aggravated assault	66	10	72	91
Burglary	61	57	58	75
Larceny	63	78	55	64
Stolen property	0	0	0	0
Fraud	63	97	60	87
Drug trafficking	61	96	51	111
Drug possession	45	72	38	89
Weapons	76	35	77	112
Other	54	34	55	80
Mean time from arrest to disposition	89 days	91 days	83 days	114 days
Murder and manslaughter	86	33	68	110
Rape	101	76	100	142
Robbery	80	75	74	99
Aggravated assault	89	59	109	96
Burglary	87	95	83	94
Larceny	101	122	88	104
Stolen property	0	0	0	0
Fraud	116	188	95	124
Drug trafficking	95	100	91	141
Drug possession	78	90	61	238
Weapons	166	261	138	117
Other	79	66	81	110
Number of cases indicted	5,085	1,355	3,142	588
Murder and manslaughter	36	4	13	19
Rape	153	51	68	34
Robbery	385	77	221	87
Aggravated assault	162	58	32	22
Burglary	712	152	461	99
Larceny	734	246	431	57
Stolen property	0	0	0	0
Fraud	327	64	237	26
Drug trafficking	318	75	230	13
Drug possession	370	47	295	28
Weapons	64	17	32	15
Other	1,824	564	1,072	188

*Includes only cases for which time data were available.

Table 9. Continued
Case-processing time for cases indicted

f. St. Louis, Missouri 1982

<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	174 days	192 days	163 days	237 days
Murder and manslaughter	227	245	217	244
Rape	216	137	211	272
Robbery	213	202	206	235
Aggravated assault	192	167	192	230
Burglary	152	190	144	222
Larceny	157	160	147	229
Stolen property	163	202	150	211
Fraud	146	231	125	256
Drug trafficking	159	5	153	237
Drug possession	175	224	164	248
Weapons	174	202	163	218
Other	178	181	174	266
Mean time from arrest to disposition	187 days	211 days	176 days	256 days
Murder and manslaughter	242	240	227	277
Rape	240	171	246	271
Robbery	222	211	216	257
Aggravated assault	201	174	199	238
Burglary	169	215	162	229
Larceny	174	211	163	271
Stolen property	176	222	168	216
Fraud	164	239	150	246
Drug trafficking	168	5	166	245
Drug possession	185	237	172	264
Weapons	182	217	170	256
Other	194	188	187	261
Number of cases indicted	2,915	312	2,343	260
Murder and manslaughter	103	20	58	25
Rape	64	10	39	15
Robbery	313	46	215	52
Aggravated assault	145	23	100	22
Burglary	708	37	635	36
Larceny	389	36	328	25
Stolen property	68	7	57	4
Fraud	100	10	85	5
Drug trafficking	91	1	85	5
Drug possession	365	44	301	20
Weapons	247	31	198	18
Other	322	47	242	33

*Includes only cases for which time data were available.

g. Salt Lake City, Utah 1982

Most serious charge	All cases indicted*	Processing time for cases disposed of by:		
		Dismissal	Guilty plea	Trial
Median time from arrest to disposition	78 days	79 days	70 days	148 days
Murder and manslaughter	215	155	197	307
Rape	113	103	110	260
Robbery	77	44	64	134
Aggravated assault	102	126	92	217
Burglary	59	73	52	121
Larceny	81	140	65	133
Stolen property	71	85	46	188
Fraud	71	72	69	189
Drug trafficking	98	46	98	214
Drug possession	0	0	0	0
Weapons	98	97	139	116
Other	88	115	85	204
Mean time from arrest to disposition	116 days	129 days	106 days	180 days
Murder and manslaughter	254	155	213	326
Rape	155	151	143	257
Robbery	100	102	90	137
Aggravated assault	135	147	124	208
Burglary	97	102	91	154
Larceny	125	163	114	152
Stolen property	96	110	47	188
Fraud	111	128	101	198
Drug trafficking	124	179	113	226
Drug possession	0	0	0	0
Weapons	136	139	140	116
Other	117	136	110	218
Number of cases indicted	1,601	276	1,207	118
Murder and manslaughter	18	1	10	7
Rape	51	8	38	5
Robbery	180	40	111	29
Aggravated assault	86	12	66	8
Burglary	348	60	264	24
Larceny	274	51	207	16
Stolen property	8	4	3	1
Fraud	209	52	149	8
Drug trafficking	113	10	97	6
Drug possession	0	0	0	0
Weapons	12	6	4	2
Other	302	32	258	12

*Includes only cases for which time data were available.

Table 9. Continued
Case-processing time for cases indicted

h. San Diego, California 1982

<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	136 days	108 days	134 days	184 days
Murder and manslaughter	173	154	159	201
Rape	143	92	136	196
Robbery	124	104	124	137
Aggravated assault	154	91	145	182
Burglary	125	98	124	155
Larceny	133	107	133	196
Stolen property	112	112	111	180
Fraud	144	135	146	173
Drug trafficking	133	141	129	248
Drug possession	151	83	160	141
Weapons	154	106	157	304
Other	154	138	149	260
Mean time from arrest to disposition	180 days	151 days	180 days	208 days
Murder and manslaughter	201	154	190	224
Rape	188	160	186	214
Robbery	161	125	162	170
Aggravated assault	184	149	184	198
Burglary	175	139	175	197
Larceny	198	157	201	214
Stolen property	156	114	158	207
Fraud	188	185	188	173
Drug trafficking	171	192	167	269
Drug possession	190	149	195	169
Weapons	213	105	214	298
Other	196	170	193	254
Number of cases indicted	5,303	262	4,686	355
Murder and manslaughter	95	1	62	32
Rape	202	13	159	30
Robbery	643	33	535	75
Aggravated assault	364	20	289	55
Burglary	1,364	66	1,232	66
Larceny	513	32	465	16
Stolen property	169	14	147	8
Fraud	310	9	299	2
Drug trafficking	747	29	698	20
Drug possession	55	5	47	3
Weapons	71	4	63	4
Other	770	36	690	44

*Includes only cases for which time data were available.

i. Washington, D.C. 1982

Most serious charge	All cases indicted*	Processing time for cases disposed of by:		
		Dismissal	Guilty plea	Trial
Median time from arrest to disposition	237 days	281 days	197 days	359 days
Murder and manslaughter	363	521	322	399
Rape	240	191	217	304
Robbery	272	311	227	390
Aggravated assault	332	401	263	387
Burglary	271	358	244	311
Larceny	223	406	213	290
Stolen property	305	448	258	322
Fraud	234	441	184	593
Drug trafficking	196	224	175	339
Drug possession	0	0	0	0
Weapons	275	292	240	305
Other	96	174	77	360
Mean time from arrest to disposition	277 days	317 days	242 days	383 days
Murder and manslaughter	381	533	323	412
Rape	278	189	248	342
Robbery	306	341	266	404
Aggravated assault	350	406	315	409
Burglary	313	407	290	375
Larceny	286	419	274	275
Stolen property	350	448	337	322
Fraud	272	417	213	555
Drug trafficking	238	265	217	358
Drug possession	0	0	0	0
Weapons	309	342	273	348
Other	170	188	141	345
Number of cases indicted	3,210	416	2,213	581
Murder and manslaughter	137	10	62	65
Rape	92	5	55	32
Robbery	851	112	552	187
Aggravated assault	228	36	141	51
Burglary	429	35	324	70
Larceny	85	7	65	13
Stolen property	16	2	13	1
Fraud	52	5	41	6
Drug trafficking	727	120	537	70
Drug possession	0	0	0	0
Weapons	130	33	65	32
Other	463	51	358	54

*Includes only cases for which time data were available.

Appendix B

Jurisdictional characteristics

NOTE: The jurisdictional descriptions in this appendix were taken from the 1981 edition of this series. The descriptions have not been updated for this edition.

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 37 participating jurisdictions. This information was collected through onsite interviews conducted in each jurisdiction between 1982 and 1984. The information reported for each jurisdiction refers to the procedures in place at the time of the onsite interviews.

Because of the varied legal and administrative systems jurisdictions have developed for processing felony arrests, a detailed understanding of each jurisdiction's system is necessary to determine the appropriate felony case definitions (felony arrests, cases filed, or cases indicted) to attach to the statistics collected from each jurisdiction. The jurisdiction information is provided here to assist users in interpreting the data reported and as a resource for gaining understanding of the felony disposition process.

Each jurisdiction description also includes population and crime rate statistics. The population data are from the 1980 census, as reported in The World Almanac and Book of Facts 1983, Newspaper Enterprise Association, New York, New York. For all jurisdictions except Manhattan, the crime rate data are from the 1980 or 1981 Crime in the United States, Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. The Manhattan crime rates are from Crime and Justice 1982, Annual Report of the New York State Division of Criminal Justice Services. The crime rates reported are based on the FBI's reports of index offenses, which include the violent crimes of murder, rape, aggravated assault, and robbery and the property crimes of burglary, auto theft, and larceny.

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Boston, Massachusetts (Suffolk County)

Demographic characteristics and crime rate

Suffolk County had a population of 650,142 in 1980. The city of Boston accounted for approximately 87% (562,994) of the jurisdiction's population.

Boston had a crime rate in 1981 of 14,054 index crimes per 100,000 population. The violent crime rate was 2,483 per 100,000. Corresponding rates in 18 cities of comparable size were 9,464 and 1,211, respectively.

Criminal justice setting

The office of the district attorney for Suffolk County has jurisdiction over all felonies and misdemeanors occurring in the county. The office also handles criminal traffic cases, juvenile crimes, and child-support cases.

A number of law enforcement agencies bring cases to the office, including university police. The single largest agency is the Boston police department, which accounts for about 75% of the district attorney's felony caseload.

The county has a two-tiered court system. Both the lower and upper court hear civil and criminal cases. The district (lower) court is responsible for the disposition of all misdemeanors and some lesser felonies (maximum sentence of 5 years or less). The maximum sentence that can be imposed by the district court, however, is 2.5 years in prison. District attorneys in Massachusetts have the discretion to determine whether lesser felonies are disposed in the lower or upper court.

The district court also is responsible for the initial felony hearings (initial arraignment, bail setting, and preliminary hearings) for serious felonies (maximum sentence of more than 5 years in prison). There are nine district courts, each located in the district it serves. The district court has 35 judges, who rotate civil and criminal responsibilities.

The superior (upper) court prosecutes all serious felonies. Superior court jurisdiction begins after bindover at a district court preliminary hearing and indictment by the grand jury.

Nine superior court judges hear criminal cases at any one time. In each court session approximately 1-month long, one judge works the first session, or calendar court. This judge handles superior court arraignments, pleas prior to the day of trial, and other routine appearances. One or two judges may be assigned to hear trials for specialized cases, such as homicides or drug-related crimes. The other judges are assigned trials on an as-available basis.

District attorney's office: Size, organization, procedures

The district attorney's office employs 120 attorneys. Felony cases are handled by attorneys in the district court, grand jury, and superior court divisions. Each of nine district court divisions has a minimum of 1 attorney; the largest division (for the Boston municipal court) has 15 attorneys. District court attorneys are responsible for screening all cases presented, disposing of misdemeanors and lesser felonies, and handling serious felonies through the preliminary hearing.

The grand jury division consists of two attorneys, who handle all grand jury presentments with the exception of homicide cases and direct indictments.

Superior court attorneys, divided into nine trial teams, handle serious felony cases after indictment by the grand jury. Each team consists of four attorneys and a team leader. Five of the trial teams prosecute general felonies and are estimated to handle 80 to 90% of the caseload. The other four teams specialize in the prosecution of cases involving homicide, organized crime, drugs, and economic crimes.

The prosecution of most serious felonies is horizontal. Cases are handled by the district court assistants through the preliminary hearing, then by the grand jury division, and finally by the trial team. Repeat offender cases are filed through direct indictment to the superior court and are handled vertically from screening. Lesser felonies are assigned after screening to a single attorney for disposition in the district court.

Flow of felony cases—arrest through sentencing

When an arrest is made, the defendant is booked at the local police station, where the arresting officer prepares an arrest affidavit. The affidavit is used at the district court screening the following day. At screening an assistant district attorney reviews the affidavit to determine what the charges should be and prepares an application for a complaint. The complaint is then filed by the police officer with the clerk of the district court. The primary function of screening is to ensure that defendants are accurately charged; arrests are rarely rejected for prosecution.

Defendants are arraigned the day after arrest in district court, at which time they are formally notified of the charges, an attorney is appointed (if needed), bail is established, and a date is set for the next appearance. The next scheduled appearance for misdemeanors and lesser felonies is a trial in district court. The first trial in district court is a bench trial before a judge. Defendants convicted at the bench trial have the right to request a second trial (a *de novo* jury trial), at which a jury of six decides guilt or innocence.

For defendants charged with serious felonies, the next scheduled appearance after arraignment is the district court preliminary hearing, held within 10 days of arrest if the defendant is in custody and within 2 to 3 weeks for defendants on release. The attorney assigned to the case after screening conducts the preliminary hearing; this is usually a perfunctory proceeding at which probable cause is established. The case is then sent to the grand jury for indictment.

After indictment, general felony cases are assigned evenly among the five general trial teams by the chief trial assistant. Special cases are assigned to the appropriate special team. Superior court arraignment is held before the first session judge (the calendar judge) within 2 to 3 weeks of indictment. Within 21 days of the arraignment in superior court, a pretrial conference is held, again

in the first session court, to set forth motions demanding discovery and scheduling the date of trial.

On the set trial day the defense counsel and prosecutor appear before the first session judge to be assigned a trial judge and courtroom. If no judges are available the case is rescheduled within 60 days or held on the schedule on a day-by-day basis.

The district attorney has no formal plea policy. Assistants generally have the discretion to determine plea offers for their cases, but plea offers are made only at the request of the defense attorney. Sentence recommendations are the primary focus of offers. Some offers (cases involving rape, robbery, breaking and entering a dwelling at night) require prior approval of the first assistant

or trial chief if the offer does not involve some incarceration. Judges do not typically participate in plea discussions.

When a plea offer is made victims are usually informed of the offer. If victims object strongly to the offer, the offer must be withdrawn.

Brighton, Colorado (17th Judicial District)

Demographic characteristics and crime rate

The 17th Judicial District comprises Adams County. The jurisdiction had a population of 245,944 in 1980, a 32% increase over the prior decade.

The cities of Aurora, Northglenn, and Thornton accounted for 93% (228,778) of the jurisdiction's 1980 population. In 1981 the three cities had a combined crime rate of 7,335 index crimes per 100,000 population. The violent crime rate was 731 per 100,000.

Criminal justice setting

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

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 the five county court judges hear criminal matters and the other, civil. During fiscal 1981 approximately 3,100 felonies and misdemeanors were filed in the county court.

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. Judges operate individual calendars.

District attorney's office: Size, organization, procedures

The district attorney's office is headquartered in Brighton. The office employs 22 attorneys, most of whom are assigned to one of two sections: the county court (misdemeanor and traffic cases) section, which is staffed by 6 attorneys, and the district court (felony cases) section, which is staffed by 7 attorneys. Attorneys in the latter section are the more experienced prosecutors and are organized into two teams of three attorneys each; the seventh attorney rotates as needed. Felony cases are assigned at the county court stage and are prosecuted on a vertical basis, beginning with the county court preliminary hearing.

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

Flow of felony cases—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 48 hours).

Several hours prior to the return appearance, the district attorney's intake unit screens the case, which is presented by a police investigator who has 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.

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 the date for a preliminary hearing is set. Defendants have the right to a preliminary hearing within 30 days; typically, they waive that right and agree to a preliminary hearing 2 to 3 months later. However, the preliminary hearing is scheduled within 30 days for defendants in custody.

By the time of the preliminary hearing, most cases are settled. Only about half of the felony filings result in bindover to the district court. The others are either dismissed or convicted 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 charges, in which event the county court judge binds over the defendant to district court for entry of the plea and sentencing. Of the cases not settled by the time of the preliminary hearing most are bound over to district court, and a first appearance in that court is scheduled 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 6 to 8 weeks. If the plea is "not guilty," the judge sets a motions filing deadline of 30 days and schedules the notice to set. During the notice-to-set appearance the judge schedules

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

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

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

Typically, plea offers involve charge reductions—aggravated robbery reduced to robbery, for example.

Some deputies put time limits on their offers. For Class I and II felonies (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. Judges are not directly involved in the plea negotiation process.

Buffalo, New York (Erie County)

Demographic characteristics and crime rate

Erie County had a population of 1,015,472 in 1980. The city of Buffalo, the most densely populated section of the county, had a population of 357,870.

Buffalo had a crime rate of 8,138 index crimes per 100,000 population in 1980. The violent crime rate was 1,073 per 100,000. Corresponding rates in 32 cities of comparable size were 10,044 and 1,286, respectively.

Criminal justice setting

The district attorney for Erie County is responsible for the prosecution of all adult misdemeanor and felony arrests. Offenses are brought to the district attorney by a number of local police departments and the Erie County sheriff's department. The Buffalo police department is the single largest police agency.

All felonies are filed in court by the police, prior to screening by the district attorney. Approximately 5,000 to 6,000 felony arrests are made in Erie County annually.

Erie County has a two-tiered court structure. A "justice court," or lower court, is located in each town or city and is responsible for the prosecution of misdemeanors and for initial arraignments, bail hearings, and preliminary hearings in felony cases. There are 40 justice courts in the county. In Buffalo the justice court, known as the city court, is composed of 10 judicial parts, each of which has a permanently assigned judge.

The superior (felony) court handles felony arrests after indictment by the grand jury. One of the 12 superior court judges, called a special term judge, handles arraignments, court assignments, and preindictment pleas. Indicted cases are randomly assigned to 1 of the 11 other judges at a postindictment arraignment. Judges maintain individual calendars once cases have been assigned.

The jurisdiction of both the justice and superior courts is limited to adult criminal cases.

District attorney's office: Size, organization, procedures

The district attorney's office has 75 attorneys, who are organized into seven divisions: executive (5), appeals (6), special investigations (7), city court (10; Buffalo only), grand jury (10), justice court (11; excludes Buffalo), and superior court (26). The superior court division includes two special prosecution teams, major offenders program and major violent offenders unit, which handle cases vertically after the initial police filing. All other cases are handled horizontally, first by the city or justice court division, then by the grand jury division, and finally by the superior court division.

Most superior court assistants are assigned to specific judges. Each of the 11 judges has two assigned assistants, at least one of whom has considerable trial experience.

Flow of felony cases—arrest through sentencing

When an arrest is made, the defendant is booked at the local police station and an accusatory document

is filed directly in the lower court by the police. Cases are not screened by the district attorney prior to filing in the lower court.

By statute, lower court arraignment must follow with all due haste; routinely this is interpreted to mean within 72 hours of arrest. For felony cases arraignment is a preliminary hearing, held for the purpose of binding over cases to the grand jury. About 2,000 cases are bound over to the grand jury annually.

After the initial police filing felony cases are reviewed by the justice court bureau chief, who determines the charges to be presented at the preliminary hearing in justice court. The bureau chief may also decide to reduce charges to misdemeanors or to dismiss all charges and drop the case. Cases bound over at the preliminary hearing are assigned to the grand jury division.

In the grand jury division cases are randomly assigned to assistants. An assistant reviews the facts of the case; contacts victims, witnesses, and the investigating officer; and establishes an initial plea offer. This plea offer, if not accepted, expires on the day of the grand jury hearing.

Grand jury hearings occur approximately 45 days after the preliminary hearing. About half the cases bound over to the grand jury result in an indictment, 30% are settled by a plea prior to indictment, and another 20% are dropped or returned to the lower court for disposition.

Defendants who agree to a guilty plea prior to indictment waive the grand jury hearing and plead guilty at the first superior court

appearance. Indicted defendants appear before the superior court special term judge for arraignment. At arraignment cases are randomly assigned among the 11 other superior court judges. Superior court arraignment occurs approximately 6 days after indictment.

After indictment felony cases are turned over to the chief of the superior court division, who reviews each case and establishes a new plea offer. Cases then go to the trial assistants working with the judge to whom the case has been assigned.

A trial assistant, in turn, reviews the case and the established plea offer and informs victims and witnesses of the offer. The plea offer is con-

veyed to the defense attorney, defendant, and the trial judge at the pretrial conference, which is held several weeks after arraignment. An expiration date of approximately 2 weeks is put on the plea offer. Cases not settled by plea are scheduled for trial.

Trials are almost exclusively jury trials and last about 1 week. If the defendant is convicted a presentence investigation report is ordered and a sentencing hearing is set for about 4 to 6 weeks after trial.

There is no formal plea policy in the office; elements of an offer might include charges, counts, or sentence recommendations. Most offers, however, involve the reduction of charges. Plea offers extended prior to the grand jury hearing are generally more lenient than postindictment offers. Postindictment offers, determined by the chief of the superior court division, cannot be changed by the assistants without the approval of a supervisor.

Judges may participate in plea bargaining when the offer involves the sentence. However, the degree of involvement depends on the particular judge.

Chicago, Illinois (Cook County)

Demographic characteristics and crime rate

Cook County, one of the largest counties in the country, had a population of 5,253,190 in 1980. Chicago, with 3,005,072 residents, accounts for 57% of the county's population.

The crime rate for Chicago in 1981 was 5,753 index crimes per 100,000 population. The violent crime rate was 850 per 100,000. Corresponding rates in five cities of comparable size were 9,065 and 1,727, respectively.

Criminal justice setting

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 some civil matters and for providing legal advice to county officials. Within the city of Chicago, certain traffic and petty offenses are handled by a city prosecutor; outside the city, those offenses are prosecuted by the state's attorney's office.

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. An estimated 40,000 felonies and 370,000 misdemeanors are filed annually.

Misdemeanor arrests are filed directly in court by the police. Felonies are also filed by the police but only after review and approval by the state's attorney's office. The state's attorney's office can and does reject cases for prosecution prior to court filing.

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 felony cases from initial filing through preliminary hearing and misdemeanors from filing to final disposition. The municipal division is divided into six districts. Twenty-five judges serve District 1 (Chicago) and another 10 serve the five 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. In addition 11 felony trial judges handle felony cases in the suburban areas.

State's attorney's office: Size, organization, procedures

The state's attorney's office employs 550 to 570 attorneys. The office is organized into an executive staff and six bureaus: criminal prosecutions, civil actions, special prosecutions, public interest, investigations, and legal support. The vast majority of criminal cases are handled by the criminal prosecutions bureau.

The criminal prosecutions bureau has two main divisions: municipal and felony trial. The municipal division, in turn, consists of felony review, preliminary hearing, first municipal, and suburban municipal sections. The felony trial division consists of the grand jury and information section and three felony trial sections, two of which serve the city and one the suburban areas. Approximately 400 attorneys are assigned to the criminal prosecutions bureau (including the juvenile, appeals, and traffic divisions). About 200 attorneys handle adult felony and misdemeanor cases arising in the city of Chicago.

The majority of cases in Chicago are disposed in the 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.

The Chicago felony review section consists of 28 attorneys and 2 supervisors, who are available for screening on a 24-hour basis. At any one time there are six attorneys at three locations to approve or reject police arrests.

After review, cases go to the preliminary hearing section. Eighteen assistants and four supervisors work in five preliminary hearing courtrooms. The preliminary hearing section will either dismiss a case, send it to the grand jury for indictment, or hold a preliminary hearing. The grand jury and information section conducts grand jury proceedings and files the information for cases bound over at preliminary hearings.

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

Flow of felony cases—arrest through sentencing

Although police actually do the initial filing of felony charges all cases, except narcotics cases, must first be approved by the felony review unit of the state's attorney's office. 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.

The standard procedure is for police to have witnesses available at the preliminary hearing courtroom the morning after the suspect is arrested. The prosecution's intention is to dispose of the case that day by working out a plea or having 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 substantial number of dismissals and nolle prosequis also occur at the preliminary hearing. Many of these are cases in which the victim and defendant resolve the problem 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.

The state's attorney uses both preliminary hearings and grand jury indictments to get cases to the felony trial stage. About half of the cases carried forward result from grand jury indictments and half 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 randomly 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 will have to prepare 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 will have been settled. For more complex and serious cases dates may be set at the third appearance for motions. Depending on the judge, immediately after the motions hearing the case may go to trial or a trial date will be set.

Office policy regarding plea negotiations is that the defense usually initiates 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 broad 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 request a new trial judge.

Cobb County, Georgia

Demographic characteristics and crime rate

Cobb County's population in 1980 was 297,694, a 51% increase since 1970. Marietta and Smyrna, the two largest cities in the county, accounted for 17% (51,117) of the population.

The combined crime rate in Marietta and Smyrna in 1980 was 11,197 index crimes per 100,000 population. The violent crime rate was 823 per 100,000.

Criminal justice setting

The Cobb County district attorney is responsible for the prosecution of all felony arrests within the county. All other cases, including misdemeanor, traffic, juvenile, and domestic relations, are handled by the State solicitor.

Approximately 4,000 felony arrests are presented annually to the district attorney, the majority of which are initiated by the Cobb County, Marietta, and Smyrna police departments. The rest are brought by 30 law enforcement departments with jurisdiction in the county. There are about 20 elected justices of the peace in the county, who sign arrest warrants brought to them by the police. All felony arrests must be presented to a justice of the peace and be based on a signed warrant to be official. Charges are then automatically filed in court, prior to screening by the district attorney.

The county has a two-tiered court system. The State (lower) court is responsible for the initial arraignment and release decision for all felony cases and the disposition of

all other cases. Felony arraignments and release decisions are handled by two State court magistrates.

The four-judge superior (felony) court adjudicates indicted felony cases and civil matters. Judges maintain individual calendars, alternating weeks of trial and nontrial work.

District attorney's office: Size, organization, procedures

The district attorney's staff consists of nine attorneys. The district attorney reviews each felony case and assigns it to one of the assistant district attorneys. Prosecution is vertical: each attorney screens, prepares, and prosecutes assigned cases.

Flow of felony cases—arrest through sentencing

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

Assistant prosecutors screen cases after they have been initiated in State court. The district attorney receives copies of arrest warrants daily and reviews all warrants before assigning cases to individual attorneys. Typically, screening occurs about a week after arrest, when the

office has received written arrest reports from police officers. Cases that do not merit prosecution are returned to State court for dismissal or, occasionally, for prosecution as misdemeanors.

Cases carried forward as felonies are sent to the grand jury, which meets once a week. The grand jury decides most cases within 2 to 3 months of arrest. If a case is settled by plea negotiations prior to the grand jury hearing, the grand jury proceeding is waived, and the case is assigned directly to a superior court judge for a plea and sentence hearing.

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

Plea negotiations are characterized by informal contact between the prosecuting and defense attorneys; the judge is not involved. The substance of plea bargains concerns the sentence, including type (prison versus probation) and length. There is no formal review of the bargains made, but the small size of the district attorney's office allows for informal control over such decisions. Judges generally do not change the type of sentence recommended in the plea agreement, but they occasionally alter the length.

Colorado Springs, Colorado (4th Judicial District)

Demographic characteristics and crime rate

The 4th Judicial District comprises the counties of El Paso and Teller. The jurisdiction's population in 1980 was 317,458. The city of Colorado Springs accounted for 68% (215,150) of the population.

Colorado Springs had a crime rate in 1981 of 8,841 index crimes per 100,000 population. The violent crime rate was 687 per 100,000. Corresponding rates that year for 112 cities of comparable size were 8,771 and 826, respectively.

Criminal justice setting

The office of the district attorney for the 4th Judicial District prosecutes all misdemeanor and felony cases arising in El Paso and Teller Counties. The office is also responsible for traffic violations, juvenile matters, family-support cases, and some civil litigation.

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

The county court, the lower court of a two-tiered court system, handles traffic violations, civil matters under \$5,000, misdemeanors, and first appearances in felony cases (advisement). Six judges share the criminal and civil work load.

The district (felony) court handles juvenile (criminal), felony, and domestic relations cases, as well as civil matters involving \$5,000 or more. Ten judges hear both civil and criminal cases. Judges maintain individual calendars.

About 10,000 felonies and misdemeanors are filed with the court annually. Felonies are filed directly in district court even though advisement is held in the county court.

District attorney's office: Size, organization, procedures

The district attorney's office has 32 attorneys, most of whom are assigned to either the county or district court sections of the criminal division.

In the county court section seven deputies are responsible for prosecuting misdemeanors and representing the office at felony advisements. In the district court section deputies are organized into three trial teams of four attorneys each. In addition, three deputies work in the juvenile section, two in consumer

fraud, two in support and welfare, and one in the appellate section.

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

Flow of felony cases—arrest through sentencing

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

Cases are screened by a paralegal in the district attorney's office prior to the arrestee's first appearance in district court. Arresting officers from the smaller agencies bring their cases to the paralegal for review, usually within 1 day of arrest. For arrests made by the Colorado Springs police department, a paralegal goes to the department to review cases with detectives, not the arresting officers. Generally the arrests will have occurred 2 or 3 days earlier. Police do not prescreen cases. One of two deputy district attorneys reviews and signs the papers prepared by the paralegal. An estimated 90% of felony arrests are filed in the district court.

The first appearance in district court is a procedural one. The defendant is given a copy of the information, counsel is appointed if necessary, discovery takes place, the defendant's release status is reviewed, and a preliminary hearing date is set (must occur within 30 days).

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

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

Following a motions hearing, trial occurs. Sentencing takes place 6 to 8 weeks after trial, during which a presentence investigation report is prepared for the judge. Prosecutors do not usually present victims and witnesses at sentencing.

Plea negotiations begin a few days before the preliminary hearing and are usually initiated by the prosecutor. Plea offers, which are good until the hearing, may involve charge reductions, sentence concessions, and habitual offender charges. Most routine offers involve charge reductions. A second offer may be made after the preliminary hearing, but it is not usually as favorable as the first. Judges are not directly involved in plea negotiations.

Dallas, Texas (Dallas County)

Demographic characteristics and crime rate

Dallas County had a population of 1,556,549 in 1980. Dallas, the central city in the county, made up 58% (904,078) of the jurisdiction's population.

The crime rate in the city of Dallas in 1981 was 11,905 index crimes per 100,000 population. The violent crime rate was 1,360 per 100,000. Corresponding rates in 18 cities of comparable size were 9,464 and 1,211, respectively.

Criminal justice setting

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

Thirty law enforcement agencies present 18,000 to 20,000 felony arrests to the district attorney's office annually. The Dallas city police department accounts for about 80% of the office's annual caseload. The Dallas police department routinely screens all

felony arrests, which reduces the number of cases presented by the department by about 10%.

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 two 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.

District attorney's office: Size, organization, procedures

The district attorney's office employs 150 attorneys. Felony arrests are handled horizontally by three divisions: intake (4 attorneys), grand jury (2 attorneys), and felony trial (46 attorneys). Two special prosecution units, career criminals and specialized crimes (each with four attorneys), handle cases vertically after intake. Thirty attorneys handle misdemeanor cases in the district court.

At intake cases are assigned circuit court docket numbers and are provisionally assigned randomly to 1 of the 14 circuit court judges. Three felony trial attorneys are assigned to work with each judge and handle the cases designated for that judge after indictment.

Flow of felony cases—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. All felony offenses are taken before the grand jury for indictment.

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 then formally assigned to a circuit court judge and case files are sent to the three-member trial team that works with the designated judge. The first trial assistant, the most experienced member of the trial team, 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. The "second setting" is known as an announcement setting, at which accepted pleas are entered on the record. The "third setting" is a bench or jury trial.

Plea offers focus primarily on the prosecutor's sentence recommendation. Judges typically do not participate in plea discussions and accept the prosecutor's recommendation.

Davenport, Iowa (Scott County)

Demographic characteristics and crime rate

Scott County had a population of 160,022 in 1980. The city of Davenport, the county seat, had a population of 103,264.

Davenport's crime rate in 1981 was 8,058 index crimes per 100,000 population. The violent crime rate was 834 per 100,000. Corresponding rates in 1981 for 112 cities of comparable size were 8,771 and 826, respectively.

Criminal justice setting

The county attorney for Scott County has jurisdiction over all felonies and misdemeanors occurring in the county and is also responsible

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

In Iowa felonies and two types of indictable misdemeanors (serious and aggravated) carry penalties of over 1 year in prison. Indictable misdemeanors can be disposed in either the associate district court (the lower court) or the district court (upper court) at the discretion of the chief district court judge.

In Scott County serious misdemeanors are disposed in the associate district court, which is also responsible for simple misdemeanors, juvenile offenses, traffic violations, small claims, and the initial hearings for aggravated misdemeanors and felonies. The associate district court is staffed by three judges, five magistrates, and one juvenile referee.

The district court is responsible for the disposition of aggravated misdemeanors and felonies after the filing of an information. The 7th Judicial District Court serves several other counties in addition to Scott County. Six of the district court's 10 judges are assigned to hear civil and criminal cases for Scott County.

County attorney's office: Size, organization, procedures

The county attorney's office has a staff of 2 full-time attorneys and 14 part-time attorneys (including the county attorney). All criminal cases (felonies, indictable misdemeanors, and simple misdemeanors) are handled by three teams of four attorneys each. Screening is handled by eight senior attorneys, including the county attorney, on a daily rotating basis. After screening, cases go to team leaders, who assign them to individual attorneys. Each team gets an equivalent mix and number of cases. Team leaders consider experience and specialization in assigning cases to attorneys. Prosecution of all cases is vertical after screening. Calendar duties are shared on a rotating basis.

Case flow: Indictable misdemeanors and felonies

In the past the police typically filed all arrests directly with the associate district court, before the prosecutor had a chance to screen the arrest and make a charging decision. The office is now attempting to screen cases before they are filed in the associate district court. About half of all arrests (those requiring an arrest warrant) are now screened and the prosecutor's charge designated before court filing. For the other half (summary arrests), screening occurs after the initial police filing but before a filing of the information.

In the associate district court first appearance occurs within 24 hours of arrest if the defendant is in custody

and within 48 hours otherwise. At the first appearance the defendant is informed of the charges and bond is set; the defendant's rights also are explained, but defendants are not usually represented by counsel at this point.

The second appearance in associate district court takes place 24 hours after the first if the defendant is still in custody and within 72 hours if on release. At this point defendants are represented by counsel; bond may be reviewed and a preliminary hearing demanded. In most instances, however, the preliminary hearing is waived and an arraignment on the information is scheduled for 3 weeks later. The county attorney's office files an information within 10 days of second appearance. Automatic dismissal results if the information is not filed within 45 days.

Arraignment on the information and subsequent court events for simple and serious misdemeanors occur in the associate district court and for aggravated misdemeanors and felonies, in the district court. After the arraignment on the information the prosecution prepares a plea offer, according to written office guidelines, and communicates the offer to the defense.

Pretrial conferences (actually status hearings) occur approximately 60 days after arraignment. Cases not settled by this time are scheduled for trial, usually within 1 to 2 weeks. The speedy trial rule, which is almost always waived by defendants, requires trials to commence within 90 days of arraignment.

Sentences must be imposed within 15 days of trial if the defendant is in custody and within 30 days otherwise. Presentence investigations must be conducted for those convicted of felonies. Persons guilty of indictable misdemeanors usually waive the presentence investigation.

Plea negotiations generally involve adhering to the top charge, dismissing other charges, and making a sentence recommendation regarding incarceration. Because judges rarely, if ever, impose consecutive sentences, insisting on additional charges is not regarded as worthwhile.

Team members negotiate their own plea agreements, but team leaders must approve the agreements, called Rule 9 memo agreements. Team leaders rarely reject plea agreements.

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

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

Dedham, Massachusetts (Norfolk County)**Demographic characteristics and crime rate**

Norfolk County, located on the outskirts of Boston, comprises 28 municipalities. The county's population in 1980 was 606,587. Quincy (84,743) is the largest city, followed by Weymouth (55,651) and Brookline (55,062). Dedham is the county seat.

The combined crime rate for Quincy, Weymouth, and Brookline in 1981 was 5,309 index crimes per 100,000

population. The violent crime rate was 349 per 100,000.

Criminal justice setting

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

Law enforcement agencies representing each of the county's 28

municipalities bring cases to the district attorney. Cases are also presented by the Massachusetts Department of Corrections, Massachusetts Sheriff's Department, Registry of Motor Vehicles, and the Department of Natural Resources.

The district (lower) court has jurisdiction over juvenile matters, misdemeanors, and lesser felonies (punishable by 5 years or less in prison). The maximum punishment that can be imposed by the district court, however, is 2.5 years in

prison. District attorneys in Massachusetts have the discretion to determine whether lesser felonies are disposed in the lower or upper court. The district court also handles initial arraignment, bail setting, and preliminary hearings for serious felonies (punishable by more than 5 years in prison). The county has five district courts, which are staffed by 13 judges.

The superior (upper) court has jurisdiction over misdemeanor appeals and serious felonies after indictment by the grand jury. It also has concurrent jurisdiction on all matters processed in the district court. Both courts have civil responsibilities.

The superior court has three judges. One judge, the assignment judge, works on criminal cases full time, performing both calendar and trial duties. The other two judges rotate criminal trials and civil work roughly on a monthly basis.

District attorney's office: Size, organization, procedures

The district attorney's office has about 30 full-time attorneys. Fourteen handle superior court cases after grand jury indictment. Nine attorneys handle district court work, including initial appearances and probable cause (bindover) hearings for serious felonies, and pleas and bench trials for misdemeanors and lesser felonies. Five attorneys handle district court cases in which the defendant requests a jury trial either in lieu of a bench trial or after conviction at a bench trial (de novo jury trial). These trials are held before a jury of six members. Although held in the district court such trials are technically under the jurisdiction of the superior court.

The chief of the district court section screens cases after a complaint is issued in district court, determines the court of final disposition, and assigns the case to a

district court attorney for disposition in the district court or for a preliminary hearing. If a case is bound over a senior superior court assistant reviews the case, in particular the charges to be presented to the grand jury, and then assigns the case to a superior court deputy for final disposition. Most grand jury presentments are handled by one senior deputy. Special units prosecute drug cases, white collar crimes, sexual assaults, and rapes.

Flow of felony cases—arrest through sentencing

When the police make an arrest the defendant is brought before a magistrate and a complaint is filed in district court. The defendant is then immediately arraigned on the complaint in district court.

The district attorney does not screen cases until after the initial filing of the complaint in district court. The chief of the district court reviews all felony cases and determines the court of jurisdiction (few arrests are rejected). District court felonies are assigned to a district court attorney to handle to final disposition. In the busier district courts the next event is a conference, at which the prosecutor and defense attorney discuss the plea. If the defendant does not agree to plead guilty the next event is trial. In the less busy courts the plea conference is omitted and the next event after arraignment is trial.

About 90% of district court defendants plead guilty before their trial date. Defendants who do not plead may choose a bench trial or a jury trial. Defendants may also request a jury trial (de novo jury trial) after being convicted at a bench trial.

For felony cases designated for prosecution in superior court a probable cause hearing is scheduled in district court 10 days after arraignment. If probable cause is found the case is screened again and charges can be adjusted before pre-

sentment to the grand jury (2 to 3 weeks later). Indicted cases are assigned to a superior court attorney for disposition. Subsequent to indictment, discovery and motions occur, then trial.

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

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

Plea offers in district court are closely supervised for the first 3 or 4 months an attorney is on the job. All plea offers must be discussed with the district court chief during this time. Even experienced district court attorneys consult the chief in serious or difficult cases. Attorneys in the superior court section are more experienced and have more flexibility regarding plea offers, but in difficult cases they consult the first assistant or another experienced attorney.

Plea negotiations generally center on the sentence rather than the charges. Typically, a sentence recommendation is worked out between the defense attorney and the prosecutor and the judge goes along with the recommendation, although the judge is not bound by the prosecutor's plea agreement. Some judges will indicate prior to the formal plea how they will sentence, but others will not. If judges do not follow the prosecutor's recommendation, they do not have to let the defendant withdraw his or her plea, but the defense attorney can appeal.

Des Moines, Iowa (Polk County)

Demographic characteristics and crime rate

Polk County had a population of 303,170 in 1980. Des Moines, the county seat, accounted for 63% of the population (191,003).

Des Moines had a crime rate in 1981 of 10,501 index crimes per 100,000 population. The violent crime rate was 546 per 100,000. Corresponding rates in 1981 for 112 cities of comparable size were 8,771 and 826, respectively.

Criminal justice setting

All felonies and misdemeanors arising within Polk County fall within the jurisdiction of the county attorney's office, which also handles juvenile and civil matters. Thirteen police agencies present arrests to the county attorney; most are made by the Des Moines police department.

In Iowa felonies and two types of indictable misdemeanors (serious and aggravated) carry penalties of over 1 year in prison. Indictable misdemeanors can be disposed in either the associate district court (lower court) or the district court (upper court) at the discretion of the chief district court judge.

In Polk County both serious and aggravated misdemeanors are handled in the associate district (lower) court. The associate district court is also responsible for the disposition of simple misdemeanors and the initial hearings in felony cases. The six judges assigned to

Polk County's associate district court also hear juvenile, traffic, and small claims cases.

The district (upper) court is responsible for the disposition of felonies after the filing of an information or indictment. The 5th Judicial District Court serves a number of counties in addition to Polk County. Thirteen judges are assigned to Polk County cases. Three are responsible for criminal cases, two for family court, and eight are on general assignment for civil cases and as back-up for criminal matters. One of the three criminal judges does calendar work and takes pleas; the other two hear motions and trials.

County attorney's office: Size, organization, procedures

The county attorney's office employs 25 to 30 attorneys. Most are assigned to the criminal division, which has three bureaus: pretrial (6 attorneys), trial (10 attorneys), and major offenders (4 attorneys).

The prosecution of felonies and indictable misdemeanors is horizontal. Two attorneys in the pretrial division screen and file initial charges for indictable cases. Cases are then routed to a third attorney, who reviews the charges and prepares a plea offer in accordance with office guidelines. Offers are communicated to defense attorneys soon after filing to facilitate early pleas. If a plea is not negotiated within 2 weeks the case is assigned to a trial bureau attorney, who files an information and handles the case to disposition. Major offenses (such as homicide), however, are handled

by a single attorney from arrest to trial.

Case flow: Indictable misdemeanors and felonies

Arrests are made either immediately at the scene or on securing a warrant from the court. Police present arrests to the county attorney's pretrial bureau, which screens all cases before initial charges are filed with the court. The bureau also screens about 10 police-referred, walk-in citizen complaints per day. These complaints are the result of police actions that did not lead to an immediate arrest. Warrants are issued as appropriate.

The defendant's first appearance in court occurs before an associate district court judge within 24 hours of arrest. Bond is set, charges are read, and an attorney is appointed, if necessary. Defendants are entitled to a preliminary hearing, but they routinely waive that right.

Between the initial arraignment and the filing of the information in district court the defendant, through counsel, is informed of the office plea offer. If the offer is accepted a plea hearing is scheduled in associate district court (indictable misdemeanors) or in district court (felonies). If the offer is not accepted within 2 weeks the case is assigned to a trial attorney, who prepares an information and becomes responsible for the case to final disposition. Cases may also be charged by grand jury indictment, but the vast majority are filed by information. The information or indictment must be filed within 45 days of arrest.

Arraignment on the information or indictment usually occurs 6 to 8 weeks after arrest. The information is read to the defendant and a trial date is set. Statute mandates that the trial be scheduled no later than 90 days after the information is filed. The original plea offer made by the pretrial bureau does not change. Defendants are expected to

accept the original offer or go to trial.

Defendants convicted of indictable misdemeanors usually waive the presentence investigation, but most felony defendants do not. Sentencing occurs 4 to 6 weeks after a guilty finding or plea.

Plea offers are made according to written guidelines. Typically, defendants are required to plead to the top charge. The major focus of the plea offer is whether the prosecutor will recommend probation or incarceration. Changes in plea offers by assistant county attorneys must be approved by the bureau head. Generally, judges do not participate in plea negotiations.

Detroit, Michigan (Wayne County)

Demographic characteristics and crime rate

The population of Wayne County was 2,337,240 in 1980. The city of Detroit accounted for just over half (1,203,339) of the county's population.

Detroit's crime rate in 1981 was 11,987 index crimes per 100,000 population. The violent crime rate was 1,941. Corresponding rates in 1981 for five cities of comparable size were 9,064 and 1,727, respectively.

Criminal justice setting

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.

In 1981 close to 27,000 adult felony and misdemeanor arrests were presented for prosecution. Over 70% of those arrests originated in Detroit, and most were made by the Detroit city police.

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. The remainder of this description refers primarily to the processing of felony cases in the city of Detroit.

In Detroit the district court hears misdemeanors and some traffic offenses and holds felony 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.

Prosecuting attorney's office: Size, organization, procedures

The Wayne County prosecutor's office employs 130 attorneys; most work in the Detroit office. Attorneys in the Detroit office are assigned to one of four divisions: administrative, screening and trial preparation, trials and dispositions, and appeals and special services.

The screening and trial preparation division works almost exclusively with the district court. Of 16 attorneys 5 are assigned to issuing warrants and screening cases, 5 to preparing and conducting the preliminary examination, 2 to handling traffic cases, 2 to prosecuting misdemeanor trials, and 2 to pretrial diversion.

Eight of the 47 attorneys staffing the trial and disposition division are assigned to the repeat offender bureau. The other 39 are felony trial attorneys, who work in the recorder's 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 four to six other trial attorneys assigned to each of the five floors.

The appeals and special services division comprises 14 trial attorneys, 18 attorneys who handle juvenile

cases, a few attorneys who conduct civil litigation for the county, and 3 attorneys who staff the organized crime task force.

Prosecution of felony cases in the district court is horizontal; after cases are bound over to recorder's court, prosecution is vertical.

Flow of felony cases—arrest through sentencing

The arresting officer submits an arrest report to an 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 papers prepared by the arresting officer and investigator to a court officer, a police officer who acts as liaison between police and prosecutor. Accompanied by the complainant or victim, the court officer meets with a prosecutor in the warrant section to review the case, usually within 24 hours of arrest.

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

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 necessary, 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. 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, in 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 date of the final conference. Subsequent pleas must be to the count

originally charged. The five docket attorneys are the only attorneys authorized to make or change plea offers. Plea offers are made according to written office policies and involve only the reduction or dismissal of charges.

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

Fort Collins, Colorado (8th Judicial District)

Demographic characteristics and crime rate

The 8th Judicial District comprises Jackson and Larimer Counties. The jurisdiction's population in 1980 was 151,047.

The cities of Fort Collins, population 64,632, and Loveland, population 30,244, accounted for 63% of the district's population in 1980. The two cities had a combined crime rate in 1981 of 5,907 index crimes per 100,000 population. The violent crime rate was 271 per 100,000.

Criminal justice setting

The district attorney for the 8th Judicial District has jurisdiction over felonies, misdemeanors, traffic violations, juvenile matters, and non-support cases. Approximately four law enforcement agencies bring cases to the office. The Fort Collins police department and the Larimer County sheriff's office initiate most of the caseload.

County court is the lower court of the district's two-tiered court system. Three county court judges handle traffic violations, civil matters under \$5,000, misdemeanors, and initial appearances in felony cases (advisement and return appearance).

The district (felony) court hears felony, juvenile, nonsupport, and

civil (\$5,000 or more) cases. One judge handles all the criminal calendar work and three judges handle criminal trials and civil cases.

About 4,000 misdemeanors and felonies are filed annually. In addition, the office handles 3,000 driving-under-the-influence cases and 12,000 traffic cases. Felonies are filed directly in district court even though initial felony appearances occur in county court.

District attorney's office: Size, organization, procedures

The district attorney's office has 12 attorneys. Three attorneys handle misdemeanor and traffic offenses in county court, and five handle felonies in district court. A senior prosecutor, the complaint deputy, screens cases to determine what charges will be filed and handles felony advisements and return appearances in county court.

Except for county court appearances, all proceedings for a felony case are handled by one deputy, that is, prosecution is essentially vertical.

Flow of felony cases—arrest through sentencing

Police may release arrestees on bail or bond prior to their first appearance in county court (advisement). At advisement, held the day following arrest for those in custody,

defendants are notified of police charges and advised of their rights, bond is set, and a return appearance is scheduled for 3 working days later. By the time of the return appearance the district attorney must file formal court charges.

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

At return appearance, defendants are advised of their rights and the formal court charges. A return date of 2 or 3 days is set for first appearance in district court, and counsel is appointed or the defendant is told how to obtain representation. Once the defendant has counsel, a request for a preliminary hearing is made (such a request must be made within 10 days of the first appearance). A preliminary hearing is then scheduled to occur in 2 to 3 weeks (must be set within 30 days of request). A bond reduction hearing is also set for the same date.

Plea discussions between the prosecutor and the defense attorney typically occur before the preliminary hearing. If a plea agreement is reached the parties go to court as scheduled and the judge either sets a

sentencing date or imposes a sentence immediately.

For defendants who have not negotiated a plea the preliminary hearing is held to establish probable cause. A status review conference and return date are then set. Three weeks after the preliminary hearing a status review conference is held so that the defense attorney and prosecutor can attempt to negotiate a plea. On the return date—1 week after the status review conference—

the judge asks whether a plea agreement has been reached. If so, the sentencing date is set. If the defendant enters an open plea the case is assigned to a trial judge for sentencing. If a plea has not been negotiated the defendant is given a second return date. At the second appearance the trial judge sets a motions hearing and trial date if a plea agreement still has not been reached. Sentences are imposed 6 to 8 weeks after trial.

Plea negotiations are conducted very informally. The process begins 2 or 3 days prior to the preliminary hearing and can involve negotiations on charges, counts, and sentences. Prosecutors are permitted to dispose of their cases as they see fit. Regularly scheduled staff meetings are held to discuss possible dispositions and to ensure consistency in case handling. Once a case has been set for trial and a judge assigned, plea negotiations are supposed to terminate.

Geneva, Illinois (Kane County)

Demographic characteristics and crime rate

Kane County's population was 278,405 in 1980. Two cities, Aurora, population 81,293, and Elgin, population 63,798, accounted for just over 50% of the jurisdiction's population.

The combined crime rate in Aurora and Elgin in 1981 was 8,058 index crimes per 100,000 population. The violent crime rate was 593 per 100,000.

Criminal justice setting

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 to prosecute violations of city ordinances.

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

Kane County is served by the 16th Judicial Circuit Court of Illinois, which also serves part of Dekalb 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. Nine associate circuit court judges are assigned to Kane County.

The circuit (felony) hears felony cases after bindover at a preliminary hearing. Nine circuit court judges are assigned to Kane County; two hear felony cases. Judges maintain individual calendars and hear all events associated with their respective cases.

State's attorney's office: Size, organization, procedures

The state's attorney maintains offices in three cities (Aurora, Elgin, and Geneva) and a staff of 20 assistant state's attorneys. Eight attorneys prosecute felonies and six misdemeanors and traffic offenses. Others handle 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 conducted on a vertical basis.

Flow of felony cases—arrest through sentencing

The state's attorney's office reviews all arrests, which may be brought by either the arresting officer or a

detective. An attorney must authorize the charges 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 actively participate, although negotiations usually involve attorneys only. About 90% of the resulting plea bargains are accepted by circuit court judges.

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

Golden, Colorado (1st Judicial District)

Demographic characteristics and crime rate

The 1st Judicial District comprises Gilpin and Jefferson Counties. The district's population in 1980 was 374,182.

Four cities—Arvada, Golden, Lakewood, and Wheatridge—account for about 65% (239,954) of the district's population. Their combined crime rate in 1981 was 6,705 index crimes per 100,000 population. The violent crime rate was 370 per 100,000.

Criminal justice setting

The district attorney for the 1st Judicial District (headquartered in Golden) has jurisdiction over misdemeanors, felonies, traffic violations, juvenile matters, and nonsupport cases. Approximately nine law enforcement agencies bring an estimated 6,000 felony and misdemeanor cases to the district attorney's office annually. The Lakewood police department accounts for 60% of the caseload.

The county court is the lower court of a two-tiered court system. Five county court judges handle traffic violations, civil matters under \$5,000, misdemeanors, and initial felony appearances (advisement, return appearance and preliminary hearing).

The district (felony) court is responsible for felony cases after bindover from the county court. The eight district court judges handle adult felony cases and civil matters involving claims of \$5,000 or more. About 80% of their time is devoted to criminal work. The judges maintain individual calendars.

District attorney's office: Size, organization, procedures

Thirty attorneys are employed in the district attorney's office. Most are assigned to the county court, district court, preliminary hearing, or intake division. Five deputies are assigned to the county court division, eight to district court, three to preliminary hearing, and three to intake.

Prosecution proceeds on a horizontal basis. (At the time this report was written, the office was preparing to change to vertical prosecution.)

Flow of felony cases—arrest through sentencing

Many arrestees are released on bond or bail by police at the station house. Advisement in county court occurs within 2 days of arrest for defendants who are released and the next day for those in custody.

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

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

At return appearance in county court the complaint is read, the defendant is asked if a public defender is required, the date for filing a preliminary hearing request (10 days from return appearance) is set, and the demand date for the preliminary hearing is scheduled. On the demand date defense counsel meets with the judge, who sets the preliminary hearing date.

At the preliminary hearing, as few witnesses as possible are called, consistent with establishing probable cause. Forty to 50% of felony filings are bound over to district court. If a felony plea has been arranged prior to the preliminary hearing the hearing is waived and the case is bound over for plea and sentence hearings. If a misdemeanor plea has been worked out the defendant may be sentenced immediately or a sentencing date is set for county court. If a plea has not been arranged a preliminary hearing is held and in most instances the case is bound over to the district court for disposition.

The first appearance in district court occurs about 2 weeks after the preliminary hearing. The judge asks whether a plea has been arranged. If it has the defendant enters a guilty plea, and the judge sets sentencing for 6 to 8 weeks later. If a plea of not guilty is entered the 6-month speedy trial rule goes into effect and the judge sets four dates: pretrial conference (10 to 20 days), motions filing date (30 to 40 days), motions hearing (60 to 70 days), and trial (4 to 5 months).

At the pretrial conference the merits of the case are discussed by the attorneys in an attempt to reach

a plea agreement. At the motions hearing the judge rules on previously filed motions. Sentencing occurs 6 to 8 weeks after trial. Judges have the benefit of presentence investigation reports, and prosecutors may make sentence recommendations.

Prosecutors have considerable discretion in negotiating pleas. Negotiations, which start about 4

days before the preliminary hearing, may involve charge reductions, dismissal of charges or cases in exchange for pleas in other matters, or occasionally, sentence concessions. The latter must be reviewed by the judge, and district court judges are reluctant to accept such arrangements.

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

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

Greeley, Colorado (19th Judicial District)

Demographic characteristics and crime rate

The 19th Judicial District comprises Weld County. The district's population in 1980 was 123,438. The city of Greeley (population 53,006) accounted for about 43% of the district's population.

The crime rate in Greeley in 1981 was 8,582 index crimes per 100,000 population. The violent crime rate was 418 per 100,000. Corresponding rates in 1981 for 272 cities of comparable size were 6,954 and 584, respectively.

Criminal justice setting

The district attorney for the 19th Judicial District has jurisdiction over all misdemeanors, felonies, juvenile matters, traffic violations, and nonsupport cases arising in Weld County. Eighteen law enforcement agencies bring cases to the district attorney's office. The Greeley police department accounts for over half of the arrests; a substantial number are also presented by the county sheriff's office.

The county court, the lower court of a two-tiered court system, handles civil matters under \$5,000, traffic violations, misdemeanors, and initial felony appearances (advisement and return appearance). Three county court judges spend an estimated two-thirds of their time on criminal matters.

The district (felony) court has jurisdiction over juvenile cases, felonies, and civil matters involving \$5,000 or more. Two of the four district court judges handle the criminal docket. Felonies are filed directly with the district court even though initial appearances are

handled by the county court. Judges operate individual calendars. About 2,800 felonies and misdemeanors are filed with the courts annually.

District attorney's office: Size, organization, procedures

The district attorney's office employs 10 attorneys. Most attorneys are assigned to one of two sections: county court, staffed by three junior deputies, and district court, staffed by four experienced attorneys. A midlevel deputy is responsible for intake (screening). Another deputy is assigned to major crimes, and another to juvenile and consumer matters.

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

Flow of felony cases—arrest through sentencing

Police may release arrestees on bail or bond prior to their first county court appearance (advisement). At advisement, held within 1 or 2 days of arrest, arrestees are informed of their rights and notified of police charges. In addition their release status is reviewed, and a return appearance is scheduled (within 48 hours if the arrestee is in custody; in 10 days if on release).

Prior to the defendant's return appearance the complaint deputy screens the case and decides what (if any) charges will be filed. The deputy reviews police reports and checks records but does not interview police officers or witnesses. Police do little prescreening. About 75% of felony arrests presented by police are filed.

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

At first appearance in district court defendants are advised of the charges and their rights, given a copy of the information, and referred to the public defender's office if necessary. If a public defender is to be appointed the case is continued for 2 weeks. If the defendant has counsel a discussion return date is scheduled for 1 to 2 weeks later.

Plea discussions between the prosecutor and the defense attorney typically take place between the first appearance in district court and the discussion return date. If a plea agreement has been negotiated the defendant enters a plea on the discussion return date and is sentenced either immediately or 4 to 6 weeks later. If a plea agreement has not been reached the judge sets a preliminary hearing date. The defendant has a right to such a hearing within 30 days of his request.

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

At trial setting the judge inquires whether a plea agreement has been reached. If so, sentencing is scheduled. If not, trial is set for 2 to 3 months later. If the defendant is found guilty at trial sentencing takes place within 4 weeks.

To learn of everyone's position on sentencing, the judge may hold a presentence conference immediately prior to sentencing. A presentence investigation report is also available to the judge.

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

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

Indianapolis, Indiana (Marion County)

Demographic characteristics and crime rate

Marion County, which is almost contiguous with the city of Indianapolis, had a population of 765,233 in 1980.

That part of Indianapolis served by the Indianapolis police department (population 461,820) had a crime rate in 1981 of 7,340 index crimes per 100,000 population. The violent crime rate was 983 per 100,000. Corresponding rates in 1981 for 32 cities comparable in size to the Indianapolis police department's service area were 10,044 and 1,286, respectively.

Criminal justice setting

The Marion County prosecuting attorney has jurisdiction over all felony and misdemeanor arrests, traffic offenses, and juvenile and family-support cases. Several police departments—including those serving areas that were formerly independent townships—present felony and misdemeanor arrests to the prosecuting attorney. The Indianapolis police department and the county sheriff's department account for the vast majority of arrests.

Marion County is served by two courts, both of which have civil and criminal jurisdiction. In the municipal (lower) court 9 of 17 judges staff a criminal division and dispose of Class D felonies (least serious), misdemeanors, and traffic cases. Two judges handle all D-felony cases.

In the superior (felony) court 6 of 15 judges are assigned to the criminal division (locally referred to as the criminal court). The criminal divi-

sion handles Class A, B, and C felonies, which are filed directly with superior court (bypassing the lower court). Cases are assigned to individual judges on a rotating schedule immediately after screening by the district attorney's office.

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

Prosecuting attorney's office: Size, organization, procedures

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

The criminal division is organized into six sections, one for each of the six criminal division judges of the superior court. Immediately after screening, cases are assigned to attorneys, who maintain responsibility for them until final disposition.

The office's municipal court division has two sections—the D-felony section, comprising about 10 attorneys, who work with the two D-felony judges, and the 14-attorney misdemeanor section, which works with the seven misdemeanor judges. Case processing in both sections is horizontal, and attorneys are assigned to judges by session, not by case. Each

judge holds seven sessions weekly, during which attorneys are responsible for whatever cases and matters arise (for example, initial appearances, pleas, trials).

Flow of felony cases—arrest through sentencing

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

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

For A, B, and C felonies first appearance in superior 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 necessary. 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 not be more than 140 days from first appearance. Defendants may also request a review of their bond status (initial bond is set by a commissioner at the jail), which must be held within 3 days.

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

If the defendant indicates that he or she is willing to plead guilty at the pretrial conference the plea hearing is held a few days later and sentencing occurs after the preparation of a presentence investigation report.

Sentences are determinate for a given crime but variations are allowed for specific aggravating or mitigating circumstances.

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 charges included in the information. Judges in Marion County rarely sentence consecutively, so this form of plea negotiation does not constrain the judge's sentencing discretion and gives defendants very little. The agreement does not usually involve a sentence recommendation. By statute, a formal plea agreement must eventually be drafted by the prosecutor and signed by the prosecutor and defense attorney.

Judges rarely enter into substantive discussions relating to plea negoti-

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

In municipal court screening, filing, and first appearance for D-felony cases are handled essentially the same as for cases processed in superior court. About 2 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 superior court A, B, and C felony cases.

Kalamazoo, Michigan (Kalamazoo County)

Demographic characteristics and crime rate

Kalamazoo County had a population of 212,378 in 1980. The city of Kalamazoo (population 79,722) accounted for 38% of the county's population in 1980.

The crime rate in the city of Kalamazoo in 1981 was 11,077 index crimes per 100,000 population. The violent crime rate was 1,411 per 100,000. Corresponding rates in 1981 for 272 cities of comparable size were 6,954 and 584, respectively.

Criminal justice setting

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

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

The district (lower) court is responsible for the disposition of misdemeanors, traffic offenses, and

certain civil matters and for initial felony proceedings (arraignment through preliminary examination).

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

Seven judges staff the district court and five the circuit court. In both courts each judge operates an individual calendar and handles all types of criminal cases and civil matters. Circuit court judges devote 50 to 60% of their time to criminal cases.

Prosecuting attorney's office: Size, organization, procedures

The Kalamazoo prosecutor's office employs 22 attorneys, organized into five units—criminal trial, career criminal, juvenile prosecution, family support, and consumer and commercial fraud—and an appellate division. The criminal trial unit has the greatest number of attorneys (14).

Felony cases are prosecuted horizontally; different attorneys handle screening, preliminary hearings, motions, pretrial conferences, and trials. An average of five attorneys

will work on a case by the time it reaches the trial stage. The prosecuting attorney's chief assistant is responsible for assigning cases to one of the assistant prosecuting attorneys for trial. Other than trial all assignments are made on a rotating basis.

Flow of felony cases—arrest through sentencing

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

After the preliminary examination in district court cases bound over on felony charges proceed to the circuit court for prosecution. Cases are assigned to one of the circuit court judges in a blind draw.

Arrestment in circuit court is a perfunctory appearance (involving mostly paper work) and most defendants waive their right to appear. The trial judge sets dates for motions and for a pretrial conference to discuss the motions and evidentiary matters.

After every trial conviction a pre-sentence investigation is conducted; sentencing usually occurs 4 to 6 weeks after the trial. The prosecutor always appears at the sentencing hearing and usually makes a recommendation.

Office policy on plea bargaining is to negotiate the sentence recommendation. Charges are rarely reduced. As the trial date approaches plea offers become more stringent. Judges do not typically participate in plea discussions.

Kansas City, Missouri (Jackson County)

Demographic characteristics and crime rate

Jackson County had a population of 629,180 in 1980. Kansas City accounted for just over 70% (448,159) of the county's population.

Kansas City had a crime rate in 1981 of 11,329 index crimes per 100,000 population. The violent crime rate was 1,713 per 100,000. Corresponding rates in 1981 for 32 cities of comparable size were 10,044 and 1,286, respectively.

Criminal justice setting

The prosecuting attorney for Jackson County has jurisdiction over all adult felony and serious misdemeanor arrests occurring in the county. The majority of misdemeanors, all petty offenses, and all ordinance and traffic violations are handled by city prosecutors.

Most of the felony and misdemeanor arrests presented to the prosecuting attorney are brought by the Kansas City police department. The remainder are presented by numerous other police and sheriffs' departments.

The county has a two-tiered court system. The associate circuit (lower) court is responsible for disposing of misdemeanors, petty offenses, and traffic and ordinance violations, and for conducting the initial arraignment and the preliminary hearing in felony cases. Seven judges handle felony appearances. Some are empowered to accept felony guilty pleas.

The 18-judge circuit (felony) court adjudicates criminal, civil, domestic, juvenile, and other matters. Five judges hear criminal cases. The judges maintain individual calendars.

Prosecuting attorney's office: Size, organization, procedures

The prosecuting attorney's staff includes 34 attorneys, 3 of whom work part time; the staff operates offices in Kansas City and Independence. The office has a special trial team, which prosecutes sex crimes, one prosecutor who handles arson cases, and four general trial teams, which prosecute all other felonies. Three attorneys staff the special trial team, and 14 staff the four general trial teams.

Another major unit of the prosecuting attorney's office is the warrant desk—the intake and screening unit, which is staffed by four full-time attorneys and one part-time attorney in the Kansas City office, and by three full-time attorneys and one part-time attorney in Independence. Warrant desk attorneys screen cases for the general trial teams and handle the cases until bindover to the circuit court. The special trial team and the arson prosecutor screen their own cases and handle them through final disposition.

Flow of felony cases—arrest through sentencing

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

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

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

About a third of the felony arrests presented for prosecution are bound over to the circuit court from the lower court. The remaining felony arrests are disposed by misdemeanor plea, rejected, or dismissed. In a few instances the grand jury is used to bind over cases (when this occurs the preliminary hearing in the associate circuit court is bypassed). Bound-over cases are assigned to individual attorneys for prosecution in the circuit court.

Circuit court arraignment is perfunctory; defense counsel generally attempts to have bail reduced for the accused at this point. Pretrial conferences may be held, but generally are not.

The prosecutor's initial plea offer is made either before or at the preliminary hearing in associate circuit court, and it usually involves a guilty plea in exchange for reduction of the felony to a misdemeanor if the offense is nonviolent and the accused is a first offender. Some attorneys extend open-ended offers; others do not. After bindover, another plea offer is made.

One attorney reviews all cases that are bound over and determines a plea offer. This offer is extended for a period of 60 days following bind-over. If the offer is not accepted further plea negotiations are left to the discretion of the individual trial attorney with the restriction that subsequent offers must be harsher than the first offer. The substance of plea offers may involve charges and counts, the term of incarceration, probation, sentence suspension,

and imposition of special conditions (restitution, attendance at drug abuse programs). State law prohibits judges from becoming involved in the plea-bargaining process.

When a jury trial occurs for a first offender and a guilty verdict is reached the jury must recommend a sentence. The prosecutor's recommendation never exceeds the jury's in this instance because the judge cannot impose a sentence more

severe than the jury recommendation for first offenders. For repeat offenders neither the prosecutor nor judge is constrained by the jury's sentence recommendation. The judge usually imposes a sentence that is close to what the prosecutor advocates.

Lansing, Michigan (Ingham County)

Demographic characteristics and crime rate

Ingham County had a population of 272,437 in 1980. Almost 50% (130,414) of the residents were located in the city of Lansing.

Lansing had a crime rate of 7,980 index crimes per 100,000 population in 1981. The violent crime rate was 712 per 100,000. Corresponding rates in 1981 for 112 cities of comparable size were 8,771 and 826, respectively.

Criminal justice setting

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

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

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

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

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

Prosecuting attorney's office: Size, organization, procedures

The prosecuting attorney's office employs 26 attorneys, including the prosecuting attorney, his chief assistant, and one investigator. The 23 other attorneys are assigned to four divisions: criminal (16), appellate (2), probate (juvenile); 3), and family support (2). The criminal division consists of a division chief; a priority prosecution unit, whose two attorneys handle career criminal cases only (circuit court); and 13 attorneys assigned to the district and circuit court units.

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

Flow of felony cases—arrest through sentencing

Screening must occur before the initial court arraignment, which typically takes place within 24 hours of arrest. The police officer who presents the case to the prosecutor

for screening is often a detective who did follow-up work on the street arrest made by a patrol officer.

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

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

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

Many of the cases bound over to the circuit court involve defendants who have accepted the prosecutor's felony plea offer, which must be taken in the circuit court. In such cases the district court preliminary hearing is usually waived, and the initial circuit court appearance is a plea hearing. For other bindovers, the first circuit court event is arraignment; most defendants waive their right to appear.

Unless the defense counsel decides to file motions the next scheduled circuit court date is the trial, set 4

to 6 weeks after arraignment. Part of the office's strategy for encouraging settlements before trial is to maintain a credible threat that a large proportion of cases set for trial will be called as scheduled.

The office's plea policy varies by type of case. For murder, armed robbery, sex crimes, the most serious assaults, and residential burglary, reductions from the "provable" charge are not authorized. For other crimes, charge reductions may be authorized. Bottom-line plea offers

are determined at the office's weekly case review sessions. Individual attorneys may take a tougher stance if they so choose, but those who make a more lenient plea offer must provide a written explanation. Plea discussions do not usually concern the sentence, which is considered the domain of the judge. Only two of the six judges sitting when this report was prepared were described as being willing to engage in sentence discussions.

Littleton, Colorado (18th Judicial District)

Demographic characteristics and crime rate

The 18th Judicial District encompasses four counties: Arapahoe, Douglas, Elbert, and Lincoln. The district's population in 1980 was 330,287. Arapahoe County is, by far, the largest of the four counties and includes all the major cities of the jurisdiction.

In 1981, the cities of Aurora, Englewood, and Littleton (population 223,071) had a combined crime rate of 8,022 index crimes per 100,000 population. The violent crime rate was 773 per 100,000.

Criminal justice setting

The district attorney for the 18th Judicial District has jurisdiction over misdemeanors, felonies, traffic violations, juvenile matters, and non-support cases. Approximately 20 law enforcement agencies bring cases to the district attorney's office. The Aurora police department generates more than half the caseload.

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

The district (felony) court exercises jurisdiction over juvenile cases, felonies, and civil matters involving \$5,000 or more. Five of the eight judges hear adult criminal cases. Judges operate individual calendars.

Felonies are filed directly in the district court even though advisement is held in county court. Approximately 4,800 misdemeanors and felonies are filed annually.

District attorney's office: Size, organization, procedures

The district attorney's staff includes 26 attorneys, most of whom are assigned to either the county court or district court section of the criminal division. Nine deputies, the more experienced attorneys in the office, handle district court cases.

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

Flow of felony cases—arrest through sentencing

Police may release arrestees prior to advisement in county court. Those who are released are scheduled to appear for advisement within 1 week. Those not released usually appear in court the next working day.

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

After advisement and prior to first appearance in district court, 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 papers. About 10% of felony arrests are rejected; the other 90% are filed in district court.

At the first appearance in district court, defendants are advised of their rights and the charges in the information (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. Defendants who remain in custody must have a preliminary hearing within 30 days.

If a plea agreement has been reached prior to the preliminary hearing, the parties go to court on the hearing date, announce the agreement, and receive a date 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 disposition/arraignment date is set.

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

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

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

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

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

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

Los Angeles, California (Los Angeles County)

Demographic characteristics and crime rate

In 1980 Los Angeles County had a population of 7,477,657. The city of Los Angeles accounted for 40% (2,966,763) of the total.

The crime rate for the city of Los Angeles in 1981 was 10,033 index crimes per 100,000 population. The violent crime rate was 1,743 per 100,000. This compares with an average crime rate in 1981 of 9,065 and 1,727, respectively, for five cities with 1 million or more residents.

Criminal justice setting

The district attorney for Los Angeles County has jurisdiction over all felonies arising within the county. Most misdemeanors in the county are prosecuted by city attorneys. The district attorney handles only those misdemeanors arising in unincorporated areas of the county and in cities that do not have city attorneys.

More than 57 law enforcement agencies make about 243,000 felony and misdemeanor arrests annually; about 100,000 are felonies. 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 50,000 felony arrests a year. The Los Angeles police department and the Los Angeles County sheriff's department account for about 70% of the office's felony caseload.

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

Superior court handles civil cases involving \$15,000 or more, juvenile cases, family matters, and felony bindovers. Superior court has 11 judicial districts, 206 judges, 54 commissioners, and 18 referees.

In downtown Los Angeles there are 10 municipal court judges who handle felony cases. One judge does arraignments and nine hold preliminary hearings. In the downtown superior court 25 judges handle felony cases after bindover.

District attorney's office: Size, organization, procedures

The Los Angeles County district attorney's office is the largest prosecutor's office in the nation. About 630 attorneys work in 23 offices around the county. By far the largest of the offices is the bureau of central operations, which has over 100 attorneys, most of whom are assigned to the complaints and trials divisions.

The complaints unit of central operations is staffed by approximately 14 deputies. The trials unit has about 70 prosecutors, 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, staffed by about 21 deputies each, handle all phases of felony prosecution, up to the appellate stage. In 14 area offices deputies conduct initial felony proceedings in municipal court; after bindover, cases are forwarded to either a branch office or the main office for disposition in the superior court.

More than 100 attorneys are assigned to the bureau of special operations, which is responsible for appeals and cases involving consumer fraud, juveniles, major fraud, hardcore gangs, and other special cases. In addition 18 deputies are assigned to the career criminal unit.

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

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.

Flow of felony cases—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 half of all felony arrests are presented to the district attorney. Some arrestees are released on bail at the station house. Those remaining in custody must have an appearance in municipal court within 2 working 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.

Within 24 hours of filing, the initial appearance/arraignment is held in municipal court. The defendant is arraigned on the prosecutor's charges, counsel is appointed if needed, bail is set, and a preliminary

hearing is scheduled. After arraignment in municipal court cases are assigned to 1 of the 9 preliminary hearing judges and to 1 of the 25 superior court judges. Each preliminary hearing court is linked to three superior court judges, who handle that court's cases after bindover.

Each superior court judge is also associated with a three-attorney trial team. The calendar deputy, the supervisor for each team, receives felony cases shortly after the municipal court arraignment. The calendar deputy assigns a member of his or her 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 the superior court arraignment the defendant is given a copy of the

information and a transcript of the preliminary hearing. Four to six weeks later the pretrial conference is held, at which the judge inquires whether the case can be settled. If so, a guilty plea is entered and sentencing occurs 4 weeks later. 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. 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 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. Calendar deputies are allowed limited discretion to make sentence commitments.

Louisville, Kentucky (Jefferson County)

Demographic characteristics and crime rate

Jefferson County had a population of 684,793 in 1980. The city of Louisville's population (298,451) accounted for almost 45% of the county total.

Louisville had a crime rate in 1981 of 7,043 index crimes per 100,000 population. The violent crime rate was 911 per 100,000. Corresponding rates in 1981 for 32 cities of comparable size were 10,044 and 1,286, respectively.

Criminal justice setting

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

About 2,000 felony cases a year are carried forward to the commonwealth's attorney's office for presentment to the grand jury. Over

90% of all felony arrests are made by the Jefferson County and Louisville police departments.

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

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

Commonwealth's attorney's office: Size, organization, procedures

The commonwealth's attorney's office employs 28 prosecuting attorneys. The office maintains two trial divisions, each staffed by seven prosecutors. Other attorneys are assigned to the career criminal bureau, economic crime unit, or the

screening unit. The screening unit receives felony cases bound over from the district court and is responsible for grand jury presentment. After indictment cases are prosecuted on a vertical basis.

Flow of felony cases—arrest through sentencing

A police officer or complaining civilian witness may bypass the district court by taking a case directly to the commonwealth's attorney's screening unit and requesting a grand jury presentment. The vast majority of the felony cases presented for indictment, however, are bound over from the district court.

Felony cases are filed in district court by the police or on the basis of a citizen's warrant. Arraignment in district court occurs on the next working day following arrest. At arraignment, defendants are informed of the charges and their rights, bail is set, an automatic plea of not guilty is entered, and the probable cause hearing is scheduled.

For defendants remaining in custody, the probable cause hearing must be held within 10 days and within 20

days otherwise. Prior to the hearing, an attorney from the county attorney's office reviews the arrest report and witness information and asks either the arresting officer or the most important witness to testify at the hearing, which also serves as discovery for the defense.

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

An indicted case is randomly assigned by the circuit court clerk to 1 of the 16 judges and is turned over to a trial division chief, who appoints an attorney to handle the case from pretrial conference through trial and sentencing.

The first plea offer is usually made by the county attorney prior to the probable cause hearing in district court (a substantial fraction of the defendants negotiate a plea of guilty to a misdemeanor charge). For cases carried forward to the circuit court, the next plea offer is usually made at the circuit court pretrial conference or, if one is not held, whenever an opportunity arises.

Offers do not change in severity as the trial date approaches. Attorneys are not permitted to bargain the charge, except in rare instances and then only with the approval of a

supervisor. However, attorneys may make plea offers involving the sentence. Offers may pertain to sentence duration or to sentence suspension.

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

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

Manhattan, New York (New York County)

Demographic characteristics and crime rate

New York County, which is geographically identical to the borough of Manhattan, had a population of 1,427,533 in 1980.

The county's crime rate in 1981 was 16,293 per 100,000 population. The violent crime rate was 3,433 per 100,000. Corresponding rates for five cities of comparable size were 9,065 and 1,727, respectively.

Criminal justice setting

The New York County district attorney's office prosecutes felonies, misdemeanors, and violations committed by persons over age 16. Arrests are presented by a number of law enforcement agencies, but the overwhelming majority are generated by the New York City police department. In 1980, 75,000 criminal matters were brought to the district attorney's office.

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 21 court parts (courtrooms): 4 arraignment parts, 6 calendar parts, 1 jury calendar part, and 10 jury trial parts. 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 39 sitting judges, the supreme court consists of 32 parts organized into six units. Each unit consists of a calendar judge and four or five 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. Only those cases for which trials are necessary are sent to the trial judges for resolution.

District attorney's office: Size, organization, procedures

The district attorney's office employed 265 attorneys in 1980. Most attorneys are assigned to one of three divisions: trial (most misdemeanor and felony arrests),

investigation (major fraud and racketeering cases), and appeals. About two-thirds of the attorneys are assigned to the trial division, which includes six trial bureaus and three special units (career 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 court and supreme court cases. Within each bureau less experienced attorneys are assigned to criminal court, more experienced attorneys to supreme court.

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

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.

Flow of felony cases—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. This attorney 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.

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 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 arraignment or be released on personal recognizance. The vast majority of cases presented to the grand jury are indicted. In 1980 about 20% of all felony arrests screened by the office led to an indictment.

Approximately 2 weeks after indictment defendants are arraigned on the indictment in supreme court

before a calendar judge, who keeps each case on the docket until the defendant pleads guilty, the case is dismissed, or the case goes to trial.

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, for example, a defendant is a repeat offender or the crime is serious. Otherwise the plea offer is to one 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.

Miami, Florida (11th Judicial Circuit)

Demographic characteristics and crime rate

The 11th Judicial Circuit, which encompasses the same geographic area as Dade County, had a population of 1,625,979 in 1980. Miami, with 346,931 residents, accounted for 21% of the jurisdiction's population.

The crime rate in Miami in 1981 was 14,832 index crimes per 100,000 population. The violent crime rate was 3,143 per 100,000. Corresponding rates in 32 cities of comparable size were 10,044 and 1,286, respectively.

Criminal justice setting

The state's attorney for the 11th Judicial Circuit prosecutes all criminal matters (felonies, misdemeanors, city and county ordinance violations, and criminal traffic offenses), juvenile offenses, and child-support cases occurring in Dade County.

Twenty-seven police departments and the Dade County sheriff's office bring approximately 30,000 adult felony and 55,000 misdemeanor arrests to the state's attorney annually. The Miami city police department and the Dade County

sheriff's office account for the majority of the cases.

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. Judges working in branch offices of the county court handle misdemeanors, violations, and traffic offenses. In downtown Miami five judges handle misdemeanor cases and hear initial felony appearances on a rotating basis. The five judges maintain individual calendars.

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

The circuit (upper) court, located in Miami, is responsible for felonies after bindover and civil matters involving claims of \$2,500 or more. Seventeen judges are assigned full time to hear criminal cases.

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

State's attorney's office: Size, organization, procedures

The state's attorney's staff includes 177 attorneys. About 72 attorneys are assigned to the felony trial division, which handles the bulk of the felony cases. The felony trial division is organized into 17 units of three or four attorneys and a unit chief. Each unit works with one of the 17 circuit court judges.

Thirteen attorneys are assigned to the major crimes division, which prosecutes capital cases, homicides, and sexual assaults. Another 30 attorneys are assigned to five special units, which prosecute the more serious crimes, for example, narcotics trafficking, organized crime, consumer fraud, robbery, and arson. Eight attorneys are assigned to handle misdemeanor cases in county court.

The work of felony trial attorneys in each unit is organized on a rotating schedule (1 week for screening, 1 for trial preparation, and 1 for trials) so that a third of the group is working on each task at any one time. Prosecution of felony cases is vertical. Felony trial attorneys screen their own cases before filing and are responsible for the final disposition of the cases they file as felonies.

Flow of felony cases—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's attorney's office and the only major issue is the release decision.

Copies of the arrest report are sent to the state's attorney's office and to the court clerk. The court clerk randomly assigns the case to 1 of the 17 circuit court judges and sets an arraignment date in 21 days.

The state's attorney is supposed to file charges within 21 days of arrest. If charges are not filed within that time the defendant may request a preliminary hearing to determine if the case should be bound over to the felony court. The decision is almost always made within 21 days, and preliminary hearings are rare.

Felony cases are screened by a trial attorney at a pre-filing conference, which is attended by victims and

witnesses. By law in Florida, attorneys must take the deposition of witnesses before filing an information. At the pre-filing conference the case may be "no actioned," referred for diversion, filed as a misdemeanor, or filed in the felony court.

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

Florida has a speedy trial rule requiring that cases go to trial within 180 calendar days of arrest. Trials are typically set 6 to 8 weeks from arraignment.

Plea negotiations usually occur on an informal basis prior to the scheduled trial date. Typically, at the time of the trial the defense and the assistant state's 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.

Prior to October 1983, when sentencing guidelines were established by the State legislature, the office followed written policies on sentence recommendations—the substance of plea offers—for the more serious crimes and career criminals. Attorneys at that time could only exercise discretion on lower level thefts. Office plea policies are now in flux because of the institution of sentencing guidelines. All plea offers, however, must still 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 typed, narrative explanation of the case disposition. "No actions," nollees, and plea offers that deviate from office policy must be approved by a supervisor.

Minneapolis, Minnesota (Hennepin County)

Demographic characteristics and crime rate

Hennepin County had a population of 941,411 in 1980. Minneapolis (370,951 residents) accounted for 39% of the jurisdiction's population.

In 1981 the crime rate in Minneapolis was 10,251 index crimes per 100,000 population. The violent crime rate was 1,042 per 100,000. Corresponding rates in 32 cities of comparable size were 10,044 and 1,286, respectively.

Criminal justice setting

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. Approximately 4,000 adult felony arrests are presented annually.

Hennepin County has a two-tiered court structure. Misdemeanors and ordinance and traffic violations are handled by the city attorney in the municipal (lower) court. Felonies are processed exclusively in the district (felony) court, except for the initial release decision.

The district court has 22 judges. Five 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.

County attorney's office: Size, organization, procedures

The county attorney's office employs close to 100 attorneys; approximate-

ly a third work in the criminal division. The criminal division consists of the division chief, a calendar assistant, and five trial teams of four or five attorneys each and a team leader. Two of the trial teams specialize in sexual assault and economic crime cases. The three other teams handle all other types of cases. The regular trial teams rotate screening duty daily. Sexual assaults and economic crime cases, however, are screened by members of the specialized teams. Prosecution of all cases is vertical from screening through trial.

Flow of felony cases—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. If the defendant is released the case must be filed within 10 days of arrest. The initial release decision is made in municipal court 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, and a defense attorney is appointed if needed. 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 preliminary hearing, held 2 weeks after arraignment. At the preliminary hearing the complaint is formally reviewed by the judge and probable cause is determined. At the request of the defense attorney, the preliminary 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 60 days.

Plea offers are not normally made until after the preliminary 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 bargain 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.

Montgomery County, Maryland

Demographic characteristics and crime rate

Montgomery County had a population of 579,053 in 1980. The cities of Rockville, Silver Spring, and Wheaton, the largest cities in the county, accounted for about 30% of the 1980 population.

In 1981 Montgomery County had a crime rate of 5,103 index crimes per 100,000 population. The violent crime rate was 296 per 100,000.

Criminal justice setting

The state's attorney for Montgomery County prosecutes all criminal offenses occurring within the county, including felonies, misdemeanors, juvenile offenses, and criminal traffic offenses. The office disposes of 15,000 to 16,000 adult felony and misdemeanor cases annually.

The Montgomery County police department accounts for 90% of the arrests brought to the state's attorney's office. The remaining arrests are generated by Rockville city police and the Maryland State police. All arrests are filed directly in court by the police.

The district (lower) court in Montgomery County is responsible for the disposition of misdemeanors, criminal traffic offenses, and less serious felonies, as well as the initial filing, bond review, and preliminary hearings for serious felonies. The district court also handles civil cases. There are four district courts in the county, each staffed by two judges. Judges rotate criminal and civil assignments monthly. At any one time five judges are assigned to criminal cases, including traffic.

The circuit (upper) court is responsible for the disposition of serious felonies after grand jury indictment and has concurrent jurisdiction with the district court over less serious felonies. The state's attorney decides on the court of disposition for less serious felonies. Office policy is to take to the circuit court only those felony cases that are likely to result in incarceration terms of at least 2.5 years.

Of the 12 circuit court judges 2 are assigned each month to hear felony trials. Pleas may be entered before any of the 12 judges. The circuit court also handles civil cases.

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 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.

State's attorney's office: Size, organization, procedures

The state's attorney's office employs 29 attorneys. The district court division (10 assistant state's attorneys) and the circuit court division (15 assistant state's attorneys) handle all adult criminal cases.

Attorneys in the district court division are assigned to particular courtrooms rather than cases. On a monthly basis, attorneys rotate through specific criminal and traffic courts. Attorneys handle all cases

that come before their assigned court that month.

The circuit court division comprises three teams of five attorneys each. One of the teams handles violent repeat offenders; the other two, all other indicted felonies. The repeat offender unit handles cases vertically. The unit is notified by the police when a violent repeat offender is arrested, and an attorney is assigned to the case beginning with the police investigation. Other circuit court felonies are handled horizontally. Cases are not assigned to individual attorneys until they are approaching trial.

Flow of felony cases—arrest through sentencing

Once an arrest is made, the police file charges with the district court and the defendant appears before the bail commissioner at the police station. The bail commissioner makes a release decision and provides the defendant with the police charging document, including an addendum that advises the defendant of his or her rights. No arraignment is held in district court. The bail commis-

sioner also sets a date for a preliminary hearing in district court, to be held within 30 days of arrest if a case has not yet been indicted. Defendants who are not released by the bail commissioner appear before a district court judge the morning after arrest for bond review.

After charges are filed in district court a police investigator files an arrest report with a legal assistant in the state's attorney's office. The legal assistant reviews the arrest report, puts together the necessary papers, and prepares a synopsis of the case for presentation at a weekly felony review meeting of all circuit court attorneys. The attorneys decide whether a case will be sent to the grand jury. Cases not sent to the grand jury are referred to the district court for dismissal or for prosecution as lesser felonies or misdemeanors.

Most cases are reviewed within 1 or 2 weeks of arrest. The felony review meeting is held every Wednesday; cases designated for circuit court handling are presented to the grand jury the following Friday. Indicted defendants are arraigned in circuit court in about 1 week.

After indictment by the grand jury the case is assigned to one of the two trial teams depending on where the offense occurred. The trial team leader reviews the case and prepares an initial plea offer.

The plea offer is conveyed to the defense attorney by letter, and the defense attorney has 3 to 4 weeks to respond. If no agreement is reached within that time the team leader assigns the case to one of the assistants on his trial team on a no-reduced-plea basis. The case then belongs to the attorney for preparation for trial. Subsequent plea negotiations must be approved by the team leader and are normally more stringent than the initial offer.

The typical plea offer involves the reduction of charges to lesser felony charges. The prosecutor also routinely offers a choice of judges to hear the plea and determine the sentence. The choice of the judge is one of the bargaining points in plea negotiations. Judges do not participate in the negotiations, and they typically accept the negotiated plea agreement.

New Orleans, Louisiana (Orleans Parish)

Demographic characteristics and crime rate

Orleans Parish, an area geographically identical to the city of New Orleans, had a population of 557,482 in 1980.

The crime rate in New Orleans in 1981 was 9,122 index crimes per 100,000 population. The violent crime rate was 1,420 per 100,000. Corresponding crime rates in 1981 for 18 cities of comparable size were 9,464 and 1,211, respectively.

Criminal justice setting

The district attorney for New Orleans has jurisdiction over all State felonies and misdemeanors occurring in Orleans Parish. In addition the office is responsible for handling juvenile and child-support cases.

In 1980 the New Orleans police department presented approximately 12,000 felonies and misdemeanors to

the district attorney, slightly more than half of which were rejected. Police screening of adult felony arrests is minimal. However, police do exercise discretion by referring less serious misdemeanors to the city attorney, whose jurisdiction over misdemeanors overlaps that of the district attorney.

A unified court, the criminal district court, adjudicates all felony and misdemeanor cases under the district attorney's jurisdiction. Once filed with the 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. Each operates an individual calendar and schedules felony and misdemeanor cases according to individual preference.

District attorney's office: Size, organization, procedures

The district attorney's office employs about 60 attorneys. Most are assigned to either the magistrate, screening, or trial divisions. Together, these three divisions handle misdemeanor and felony cases on a horizontal basis. The remaining attorneys handle juvenile, child-support, appeals, and economic-crime 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.

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

The trial division, made up of 2 co-chiefs and 20 to 22 other 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.

Flow of felony cases—arrest through sentencing

After arrest the accused are transported to a central lock-up 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 (to determine probable cause to bind over for a felony trial), schedules preliminary and status hearings, 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.

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

Shortly after an arrest the screening division 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 (one screens homicides, another screens robberies, and so on).

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

The average time from arrest to completion of screening and filing of charges is estimated at 15 days, although the office strives to file formal charges within 10 days. The Louisiana Criminal Code permits 60 days for filing felony cases if the accused is jailed, longer if the accused is on release. The office files each felony case by submitting a "bill of information" to the court clerk's office. The defendant is then arraigned in district court about 2 weeks later.

The office has an exceptionally rigorous no-plea-bargaining policy. If defendants do not plead to the charges as filed, assistants are required to take the case to trial. Thus the official communication of the district attorney's plea position is the formal reading of charges at arraignment.

Trial assistants are permitted to discuss pleas only if such conversations are initiated by defense attorneys. Typically, a substantial percentage of defendants, but not a majority plead 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.

Charge reductions are permitted only if warranted by new evidence—and only after an assistant prepares a memorandum stating the reasons for the proposed reduction and submits it to, and secures approval from, a trial division co-chief. A similar procedure governs assistants' discretion to 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. But major differences exist among judges regarding sentence severity and the extent to which they will actively negotiate. As a result, judicial policies largely determine how soon defendants plead, how many go to trial, and what path cases follow after arraignment.

Philadelphia, Pennsylvania (Philadelphia County)

Demographic characteristics and crime rate

The city and county of Philadelphia, geographically identical areas, had a population of 1,688,210 in 1980.

The 1981 crime rate in Philadelphia was 5,963 index crimes per 100,000 population. The violent crime rate was 1,044 per 100,000. Corresponding rates in five cities of comparable size were 9,065 and 1,727, respectively.

Criminal justice setting

The Philadelphia district attorney prosecutes all felony and misde-

meanor crimes (adult and juvenile) committed in the city of Philadelphia. City ordinance violations are handled by a city solicitor.

The Philadelphia police department accounts for virtually all arrests processed by the district attorney. Between 40,000 and 45,000 adult felony and misdemeanor arrests are brought to the district attorney's office annually.

The municipal (lower) court of Philadelphia has jurisdiction over civil matters under \$1,000 and misdemeanors, which in the State of Pennsylvania include all criminal offenses with 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 to 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.

District attorney's office: Size, organization, procedures

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 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 is handled by the waiver unit (17 attorneys), the jury trial unit (35 attorneys), and four 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 essentially vertical after screening.

Flow of felony cases—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 (17%) or remanded to municipal court for misdemeanor prosecution (7%) by the preliminary hearing judge. 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, according to office guidelines, to the appropriate trial program (homicide, major trial, and waiver). Defendants assigned to the waiver program may object and demand assignment to the major trial program. Judges in the waiver program are viewed as the most lenient sentencers, so defendants rarely exercise that right. Within each program cases are assigned randomly to judges or courtrooms. 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 convicted in the waiver program either go to trial before a judge (50%) or agree to an open plea (40%). 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 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 (34%) or open plea (24%).

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.

Portland, Oregon (Multnomah County)

Demographic characteristics and crime rate

The population of Multnomah County in 1980 was 562,640. The city of Portland had 366,383 residents, 65% of the county's population.

Portland's crime rate in 1981 was 13,648 per 100,000 population. The violent crime rate was 1,746 per 100,000. Corresponding rates in 1981 for 32 cities of comparable size were 10,044 and 1,286, respectively.

Criminal justice setting

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

About eight law enforcement agencies brought over 22,000 felony and misdemeanor arrests to the district attorney in 1981. The Portland police department accounted for over 70% of the total caseload.

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

The circuit (felony) court is a trial court of general jurisdiction. This court handles felonies and civil matters involving claims of \$3,000 or more. Of the 19 circuit court judges, one is the presiding judge and 13 are general trial judges, who hear both civil and criminal cases. The other five judges handle family and probate cases. 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 reported as 60 days.

District attorney's office: Size, organization, procedures

The district attorney's office employs 53 attorneys. Most are assigned to either the district court (17 attorneys) or circuit court (about 35 attorneys) section.

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

The circuit court attorneys are organized into eight teams: five trial teams, a pretrial unit, a juvenile unit, and a child-support unit. Felony trial teams consist of a team leader and 2 to 5 deputies. Each team is responsible for the prosecution of particular crimes. The pretrial unit handles arraignments and motions.

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

Flow of felony cases—arrest through sentencing

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

Screening occurs about a day after arrest. If the police believe the case is a misdemeanor the arresting officer presents it for screening to the intake unit of the office's district court section. When the arresting officer books an individual on felony charges, the arrest papers are given to a detective, who presents the case to a deputy in the circuit court section of the district attorney's office for screening on the morning of the initial court appear-

ance. In addition to determining the charge the screening deputy makes the following decisions about accepted cases: bail amount, plea offer, and presentment to the grand jury or determination of probable cause at a preliminary hearing.

Initial appearance in district court is scheduled within 36 hours of arrest. 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 (bail, recognizance, and so on), oversees discovery, and schedules the preliminary hearing.

If the defendant remains in custody the district court preliminary hearing occurs within 5 working days of the initial appearance, otherwise within 7 or 8 days. The preliminary hearing is a minitrial. Cases in which probable cause is found are bound over to the circuit court on an information. Many cases originally scheduled for a preliminary hearing are presented to the grand jury prior to the hearing date. If a true bill is returned by the grand jury the case is dismissed in lower court and bound over to circuit court for arraignment.

At arraignment the indictment or information is read to the defendant, who enters a plea. A pretrial conference, scheduled about 1 month after the arraignment, is held to discuss plea offers. Judges do not participate in plea negotiations. Most cases are disposed by pleas before the calendar judge. 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 the preliminary hearing. Subsequent offers are not as favorable. Most pleas are to felony charges and are disposed in the circuit court.

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

Pueblo, Colorado (10th Judicial District)

Demographic characteristics and crime rate

The 10th Judicial District, which comprises Pueblo County, had a population of 125,972 in 1980. The city of Pueblo, population 101,686, accounted for 80% of the jurisdiction's residents.

Pueblo's crime rate in 1981 was 7,503 index crimes per 100,000 population. The violent crime rate was 788 per 100,000. Corresponding rates in 1981 for 112 cities of comparable size were 8,771 and 826, respectively.

Criminal justice setting

The district attorney for the 10th Judicial District exercises jurisdiction over misdemeanor, felony, juvenile, family-support, and traffic cases arising in Pueblo County.

About six law enforcement agencies present close to 5,000 felony and misdemeanor arrests to the district attorney annually. Approximately 90% of the cases are brought by the Pueblo police department.

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

The district (felony) court hears felony, juvenile, and civil cases (\$5,000 and over). Four of the six district court judges allocate about 60% of their time to felonies. The judges operate individual calendars.

District attorney's office: Size, organization, procedures

The district attorney's office employs 14 attorneys and 5 investigators. Most attorneys are assigned to one of three sections: district court, county court, or juvenile. Four attorneys are assigned to each court section and three to the juvenile section. The more experienced deputies work in the district court section.

All district court deputies screen felonies. Except for the first two felony appearances in county court, all proceedings for a felony are handled by the district court deputy who screened the case.

Flow of felony cases—arrest through sentencing

Police may release arrestees prior to their initial court appearance, which is advisement in county court. At advisement, which is held within a day of arrest, arrestees are advised of their rights and the nature of the police charges, and their release status is reviewed. The judge sets two dates: return appearance (filing of charges) in 72 hours and status call in 10 days.

Between advisement and the return appearance police present cases to deputy district attorneys. Felony deputies screen cases by reviewing written material submitted by police. Police are interviewed only occasionally.

At return appearance charges are filed and a preliminary hearing is set if one is requested by the defendant. The defendant is entitled to a preliminary hearing within 30 days of the request. If the defendant has not yet retained counsel the judge advises him to do so and schedules a status call.

By the preliminary hearing over half the cases will have been settled. If a plea to a misdemeanor has been negotiated a plea and sentence hearing is scheduled in county court. In those cases in which felony pleas have been worked out defendants waive their right to the hearing and the judge binds the case over to district court for the plea. If a plea has not been worked out the preliminary hearing is held.

Preliminary hearings are minitrials at which probable cause is established. If the judge finds probable cause the case is bound over to district court and the first appearance in that court is scheduled within 1 to 2 weeks. At the first appearance the information and defendant's rights are read (unless waived), and further proceedings are set.

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

Unless a plea agreement has been reached subsequent to the motions hearing, the trial occurs. Most trials take approximately 3 days. At sentencing the judge has the benefit of a presentence investigation report. Deputies may make a sentence recommendation; they do not usually bring victims to the hearing.

The first plea offer is usually made by the prosecutor before the preliminary hearing. Offers may involve anything from charge and count reduction to sentence concessions. If the judge rules in the State's favor at the motions hearing, the prosecutor may stiffen the offer; if the ruling is against the State the prosecutor may make a more lenient offer.

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

Rhode Island

Demographic characteristics and crime rate

The State of Rhode Island had a population of 947,154 in 1980. The city of Providence (156,804 residents) accounted for 16% of the State's population.

Providence had a crime rate in 1981 of 9,869 index crimes per 100,000 residents. The violent crime rate was 1,067 per 100,000. Corresponding rates in 1981 for 112 cities of comparable size were 8,771 and 826, respectively.

Criminal justice setting

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

Forty-one law enforcement agencies present between 5,000 and 6,000 felony arrests for prosecution annually. About 50 to 60% are brought by the Providence police department.

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 20 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. Trials are by jury only.

Attorney general's office: Size, organization, procedures

The attorney general's office employs 25 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 12 prosecutors (2 are primarily investigators), and a juvenile unit by 4. A major violators unit prosecutes cases involving organized crime and on-going criminal enterprises. Prosecution proceeds on a horizontal basis.

Flow of felony cases—arrest through sentencing

Within 48 hours of arrest defendants are arraigned in district court. Bail is set, a screening conference is scheduled (usually 10 to 15 days later), and if necessary, court-appointed counsel is granted the defendant until arraignment on the information (superior court), when claims of indigency are investigated. The district court arraignment is on charges filed by the police in district court. The attorney general's office has not yet screened the case.

During the period between district court arraignment and the screening conference police prepare a screening package for the prosecutor, including witness statements, arresting officer's narrative, investigative reports, and test results. The screening conference is attended by the intake unit prosecutor (who presides), 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 (infrequent), or drop the case altogether. Dropped cases are sent back to the district court for dismissal. 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 after 6 weeks for those on release.

More than half of all felony arrests are bound over to superior court for arraignment on the information, at which the defendant is advised of the charges, bail requirements are reviewed, and a pretrial conference is scheduled, for about 4 weeks later.

At the pretrial conference the vast majority of cases are disposed by plea. Cases in which defendants refuse plea offers are scheduled for trial. All cases are handled by a single calendar attorney from arraignment through the pretrial conference. Cases are assigned to individual trial attorneys when a trial date has been set. For defendants convicted at trial the prosecutor almost always makes a sentence recommendation based on the sentencing guidelines adopted by the State's supreme court.

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

The plea agreement is reached among the prosecutor, judge, and defense counsel in chambers. It is fully understood to be binding on all parties. 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.

St. Louis, Missouri

Demographic characteristics and crime rate

The jurisdiction of the city of St. Louis had a population of 453,085 in 1980. The city's crime rate in 1981 was 13,795 index crimes per 100,000 population. The violent crime rate was 2,282 per 100,000. Corresponding rates in 1981 for 32 cities of comparable size were 10,044 and 1,286, respectively.

Criminal justice setting

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

Annually, the circuit attorney screens between 20,000 and 25,000 felony and misdemeanor arrests, all presented by the St. Louis 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 St. Louis circuit court, a unified court, exercises jurisdiction over civil matters and adjudicates 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 22 judges are assigned to handle felony cases after bindover by a preliminary hearing or after an indictment by a grand jury. 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.

Circuit attorney's office: Size, organization, procedures

The circuit attorney's office employs 45 attorneys (including 5 part-time attorneys). Five of the attorneys handle child-support cases; the remainder are usually responsible for misdemeanor and felony cases. Felony cases are prosecuted vertically: senior attorneys screen felony cases on a rotating basis and are usually responsible for all cases they screen after bindover or indictment. Less experienced attorneys screen misdemeanors.

In the circuit 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 court section are conducted by three attorneys, on a horizontal basis. Two other associate circuit court attorneys handle misdemeanors.

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

Flow of felony cases—arrest through sentencing

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

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

Many felony cases 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 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.

After bindover or indictment but prior to felony arraignment the chief trial assistant determines whether cases should be disposed in the court section handling less serious felonies or the section handling the more serious cases. The assignment judge generally approves the decision of the chief trial assistant, who proceeds to assign cases to individual attorneys.

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

Attorneys always recommend incarceration; the "offer" relates to the term of incarceration. By law, judges are not to engage in sentence or charge bargaining. However, if the judge imposes a more severe sentence than that recommended by the prosecuting attorney the defendant may withdraw his plea.

Salt Lake City, Utah (Salt Lake County)

Demographic characteristics and crime rate

Salt Lake County had a population of 619,066 in 1980. Salt Lake City's population (163,033) accounted for about 26% of the jurisdiction total.

The crime rate for Salt Lake City in 1981 was 12,309 index crimes per 100,000 population. The violent crime rate was 749 per 100,000. Corresponding crime rates in 1981 for 112 cities of comparable size were 8,771 and 826, respectively.

Criminal justice setting

The county attorney's office for Salt Lake County is responsible for prosecuting all State felonies and misdemeanors occurring in the county. The office is also responsible for certain civil matters. City ordinance violations are prosecuted by city prosecutors (there is some overlap with State misdemeanors).

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

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

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

County attorney's office: Size, organization, procedures

The county attorney's office employs 57 attorneys, who are assigned to the civil, recovery, and justice divisions.

Four teams, each with four attorneys, staff the civil division. This division provides legal counsel and litigation services to units of county government.

The recovery division is divided into three sections: family-support enforcement, fines, and civil collections.

The justice (criminal) division is organized into six units. Most attorneys are assigned to the juvenile, misdemeanor, or felony units. The felony unit is composed of four trial teams, each with three or four attorneys. These trial teams handle, respectively, cases involving child abuse, arson, and major fraud; general felony crimes and traffic violations; major offenders; and drugs. Two or three prosecutors from the trial teams are assigned to screening on a daily basis. Prosecution proceeds on a vertical basis and attorneys are responsible for the cases they screen.

Flow of felony cases—arrest through sentencing

Arrestees may be released on bond by bail commissioners before charges are filed. An investigating officer or detective from the arresting agency presents arrests to the deputy assigned to screening for the day. The deputy may ask for more information, reject the case, or issue a complaint. Charges must be filed within 72 hours of arrest.

A day or two after charges are filed first appearance is held in circuit court. Charges are read, counsel is assigned if needed by the defendant, bail is considered for defendants in custody, and a preliminary (probable cause) hearing is scheduled (within 10 days for defendants in custody, within 30 days for defendants on release).

If both parties agree that the case will be settled by a plea the defendant waives his right to the preliminary hearing and a district court arraignment is scheduled. Of those cases for which a preliminary hearing is held most are bound over for arraignment, which occurs 1 week later.

At district court arraignment charges are read and a plea is entered. If the defendant pleads guilty the judge orders a presentence investigation and continues the case 1 month for sentencing. If the defendant enters a plea of not guilty the judge may schedule a pretrial conference (within 3 weeks) in an effort to settle the case prior to trial. If the case is not settled the judge sets three dates: motions filing, hearing deadlines, and a trial date.

Written plea offers are made shortly after the preliminary hearing or are communicated to the defense counsel at district court arraignment. Plea negotiations center on charge reductions and are open until trial. Judges may schedule a hearing to review proposed offers and to indicate their opinion of them. However, judges are unwilling to commit themselves on the issue of prison time.

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

San Diego, California (San Diego County)

Demographic characteristics and crime rate

San Diego County had a population of 1,861,846 in 1980. The city of San Diego (875,504 residents) accounted for 47% of the jurisdiction's population.

In 1981 San Diego's crime rate was 7,362 index crimes per 100,000 population. The violent crime rate was 734 per 100,000. The corresponding rates for 18 cities of comparable size were 9,464 and 1,211, respectively.

Criminal justice setting

The district attorney for San Diego County has jurisdiction over all felonies occurring within the county and over misdemeanors and traffic offenses presented to the office from the unincorporated areas of the county. In areas of the county served by a city attorney misdemeanors and traffic offenses are prosecuted by city attorneys.

More than 37 law enforcement agencies make close to 80,000 felony and misdemeanor arrests annually. Those agencies are authorized to drop felony and misdemeanor arrests, thereby terminating the cases. Felony arrests not terminated by the police are presented to the district attorney's office for screening. The San Diego city police department is the single largest police agency.

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 appearance and preliminary hearing). On an experimental basis the lower court judges are also empowered to take felony pleas and impose felony sentences.

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. In addition to bindovers the court hears civil matters involving \$15,000 or more.

Both the municipal and superior courts operate physically separate courts at several locations around the county. The largest courts are those located in downtown San Diego. The downtown municipal court has 23 judges. All hear both civil and criminal cases. The downtown superior court has 35 judges. Three judges handle family matters, two handle only civil matters, eight handle only criminal, and the remainder hear both civil and criminal cases. A master calendaring system is used to process criminal cases. One judge handles felony arraignments and another readiness conferences. After the readiness conference the presiding judge assigns cases to trial judges.

District attorney's office: Size, organization, procedures

The district attorney's office has 147 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 the misdemeanor and traffic dockets and initial felony proceedings. These prosecutors are closely supervised and their discretion limited.

The superior court deputies, organized into five-member teams, handle cases that are bound over. 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, sexual assaults, and career criminal cases, prosecution is conducted on a horizontal basis.

In the downtown office 13 deputies work in the municipal court division and 24 in the superior court division. About 43 attorneys are assigned to branch offices, which serve the outlying municipal and superior courts in those locations.

Other office assignments include intake (two attorneys), juvenile matters (one), appeals (seven), major violators unit (six), and the fraud unit (eight).

Flow of felony cases—arrest through sentencing

Police prescreen arrests before they are presented to the prosecutor. About 20% of felony arrests are dropped by police. Arrestees not screened out may post bond at the station house. If so they must appear in municipal court in 5 to 10 days. Arrestees in custody are formally charged within 3 working days.

Prior to the initial appearance in municipal court, one of two experienced deputies in the intake unit reviews the case, primarily on the basis of written materials submitted by a detective. Whether the intake deputies accept or reject cases their decisions are reviewed by the chief deputy of the intake unit. (Homicide, sexual assault, and career criminal 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 the other 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. All dispositions of felony cases in municipal court are 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.

If a case is not settled by plea agreement the next event is the preliminary hearing. 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 up to the

preliminary hearing. 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. If not the case is sent to the presiding judge for assignment to a trial judge. Sentencing is scheduled approximately 1 month after trial.

Plea negotiations are initiated prior to the settlement conference in municipal court. Offers issued by the prosecutor must be approved by a supervisor. The office has a fairly

tough plea policy, which includes several review procedures. The office discourages sentence concessions, and deputies are held accountable for their plea decisions.

The judge may become involved in the negotiation process during the settlement conference by informing the attorneys of his views. Once the readiness conference has been concluded plea negotiations are supposed to cease.

Seattle, Washington (King County)

Demographic characteristics and crime rate

King County had a population of 1,269,749 in 1980. Seattle, the largest city in the county, had a population of 493,846 residents.

Seattle had a crime rate in 1981 of 11,071 index crimes per 100,000 population. The violent crime rate was 1,075 per 100,000. Corresponding rates for 32 cities of comparable size were 10,044 and 1,286, respectively.

Criminal justice setting

The prosecuting attorney for King County is responsible for all criminal offenses, including juvenile offenses, occurring in the county and some civil matters. Approximately 25 law enforcement agencies bring close to 5,000 adult felony arrests annually to the office. The vast majority of these cases are brought by the King County sheriff's department and the Seattle and Bellevue police departments.

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 (felony) court handles the disposition of felony offenses and juvenile cases. Thirty-nine judges staff the superior court; 10 are assigned to hear criminal cases. Of the 10 judges who hear criminal cases 1 is responsible for arraignments, pretrial conferences, setting trial dates, and conducting omnibus (case status) hearings; another hears pretrial motions, sentences, and pleas; and the remaining 8 conduct trials. Judges are rotated annually

on a staggered basis to hear criminal cases.

Prosecuting attorney's office: Size, organization, procedures

There are approximately 100 attorneys in the prosecuting attorney's office; about half are assigned to criminal work and half to civil duties. The majority of attorneys in the criminal division are assigned to the superior court filing unit (nine attorneys), one of two regular trial teams (seven or eight attorneys each), or a senior trial team (three attorneys). Other attorneys assigned to the criminal division are responsible for the prosecution of misdemeanors and traffic offenses (district court) and juvenile cases (superior court).

Felony prosecution is 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 filing 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.

If a case is rejected by the felony filing unit the matter goes back to the police department. It is up to the police to decide if the case should be presented to the district court division for misdemeanor prosecution. There are no direct referrals of felony arrests for misdemeanor prosecution by the filing unit.

Flow of felony cases—arrest through sentencing

If the defendant is in custody the prosecutor's office has 72 hours to make a decision on filing charges. If the defendant is not being held the filing deadline is 10 days after arrest. The initial release decision is made by the police or by a district court judge before the prosecuting attorney files charges.

The majority of arrests are brought to the office by the investigating detective. Some cases from outlying police departments may be mailed in if the defendant is not in custody. Victims are not typically contacted prior to filing. The screening decision is based primarily on the police arrest reports, the defendant's criminal history, and the screening attorney's interview with the investigating detective. Accepted cases are filed directly in superior court by information; there is no grand jury in the State of Washington and preliminary hearings are rare. The filing unit attorney who screens and files the case also determines the plea offer.

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 on release. At arraignment, the defense attorney is given a written plea offer, which expires on the date of the next scheduled hearing, the omnibus hearing, in about 4 to 6 weeks. Also at arraignment a sentencing judge is assigned. This judge will hear a guilty plea if the defendant accepts the plea offer prior to the date of the omnibus hearing. The sentencing judge is assigned at random from

among the 39 superior court judges, including those not currently assigned to the criminal docket.

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 (about 80% of the pleas occur before that date) the trial date is set. The case is then assigned to a trial attorney, and the trial routinely commences in about 6 weeks. The goal of the trial teams is for each attorney to try two cases per week.

If the defendant decides to plead guilty after the omnibus hearing and

prior to trial a new sentencing judge is assigned through a second blind draw from among the 39 superior court judges. Regardless of the method of conviction, plea or trial, a presentence investigation report is 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 prior criminal history. The guidelines are routinely followed by the filing unit attor-

neys. The lower end of the sentence range is the offer for a plea prior to the omnibus hearing. At the omnibus hearing the offer is changed to the high end of the range and that will be the recommendation 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 participate in the plea process. Although they do not as a rule differ greatly with the prosecutor in the sentences imposed, neither are they known for blindly accepting the prosecutor's recommendation.

Tallahassee, Florida (2nd Judicial Circuit)

Demographic characteristics and crime rate

The 2nd Judicial Circuit encompasses six counties: Franklin, Gadsden, Jefferson, Leon, Liberty, and Wakula. The jurisdiction's population in 1980 was 223,731. Tallahassee, population 81,548, accounted for 36% of the jurisdiction's residents.

Tallahassee's crime rate in 1981 was 11,400 index crimes per 100,000 population. The violent crime rate was 1,180 per 100,000. Corresponding rates for 272 cities of comparable size were 6,954 and 584, respectively.

Criminal justice setting

The state's attorney for the 2nd Judicial District has jurisdiction over all felonies and misdemeanors arising in the circuit. Jurisdiction also extends to child-support cases, juvenile matters, and probation violations.

In 1980 28 law enforcement agencies presented an estimated 11,000 felony and misdemeanor arrests to the state's attorney's office. About 70% of the cases were from Leon County. The Tallahassee police department and Leon County sheriff's department are the largest law enforcement agencies.

The eight-judge county court (lower court) has jurisdiction over misdemeanors, felony first appearances, and felony adversary preliminary hearings.

The circuit (felony) court has jurisdiction over felonies, among other matters. Five criminal division judges hear all felony cases in the 2nd Circuit, two on a full-time basis. The other judges handle civil cases as well.

State's attorney's office: Size, organization, procedures

The state's attorney's office employs approximately 27 attorneys. In Leon County, 10 assistants handle felonies; 4, misdemeanors; 2, traffic violations; 1, juvenile matters; and 1, worthless check cases. Assistants in the outlying counties prosecute all cases arising in their respective counties. The office also employs six investigators.

All cases are screened by a trial division supervisor. After arraignment on the information (circuit court) a case is prosecuted by one attorney until disposition.

Flow of felony cases—arrest through sentencing

After arrest the police officer completes a state's attorney information worksheet (SAIW), a primary document used by prosecutors, and a screening officer assigns the charges. The SAIW is then taken

to county court, where a complaint and probable cause affidavit are filed. (This is not the filing of formal court charges, which occurs later in circuit court.)

First appearance in county court occurs within 24 hours of arrest unless the defendant has already posted bond. At first appearance the judge reads the complaint to defendants, advises them of their rights, appoints attorneys if necessary, sets bail, and routinely finds probable cause.

After first appearance a trial division supervisor reviews the case, including the probable cause affidavit, the SAIW, complaint, offense report, and the defendant's rap sheet, if available. If the case is a capital offense the chief assistant may present it to a grand jury.

Following screening an information is filed in circuit court (the formal filing of court charges), where the defendant's first appearance is arraignment on the information, approximately 2 weeks after first appearance in county court. If an information is not filed within 21 days the defendant is entitled to an adversarial preliminary hearing (county court) and may call witnesses and obtain discovery. Such hearings are rare.

About 95% of felony arrests are brought to circuit court for arraignment. This is the first appearance for defendants who were

released on bond prior to the probable cause hearing in county court. At arraignment, the information is read and a trial date is set. For those defendants making their first court appearance, rights are read and a public defender is appointed if needed.

The trial date is usually set 6 to 8 weeks after arraignment. Florida's

speedy trial rule requires that felonies be disposed within 180 days of the date of arrest. Prior to trial, "docket sounding" occurs; that is, the prosecutor and public defender alert the judge to what is likely to happen in the case. At this point the judge can push the attorneys to dispose the case by not granting continuances or by encouraging them to negotiate a plea.

The office encourages prosecutors to obtain pleas to the lead charge; but the primary focus of plea negotiations is the term of the sentence or agreement by the State to remain silent at sentencing. If a plea agreement is reached sentencing usually occurs about 6 weeks after the plea is taken.

Washington, D.C.

Demographic characteristics and crime rate

The District of Columbia had a population of 637,651 in 1980. The crime rate in 1981 was 10,678 index crimes per 100,000 population. The violent crime rate was 2,275 per 100,000. Corresponding rates in 1981 for 18 cities of comparable size were 9,464 and 1,211, respectively.

Criminal justice setting

The superior court division of the U.S. Attorney's Office (USAO) for the District of Columbia has jurisdiction over local (non-Federal) misdemeanors and felonies committed in Washington, D.C. Traffic and petty offenses, ordinance violations, and juvenile cases are handled by the District's corporation counsel.

Most of the local misdemeanors and felonies brought to the USAO (22,000 annually) are presented by the D.C. metropolitan police department, although other law enforcement agencies also bring cases to the U.S. Attorney.

A unified court system, the superior court of the District of Columbia (equivalent to a State court of general jurisdiction) exercises jurisdiction over local misdemeanors and felonies. (The Federal district court adjudicates Federal and concurrent jurisdiction crimes.) Twelve judges staff the superior court's felony trial division; 8 staff the misdemeanor trial division. The judges maintain individual calendars.

Three of the felony judges handle cases involving first degree murder, more than four co-defendants, or rape (Felony I cases). Other felonies are assigned to one of the eight Felony II judges, except cases being handled by a vertical prosecution pilot project, which has its own felony judge.

Felony presentment (initial arraignment) and preliminary hearings are conducted by two commissioners. Another commissioner handles misdemeanor arraignments.

USAO, superior court division: Size, organization, procedures

The superior court division of the USAO employs 121 attorneys. Most are assigned to the grand jury (incorporates intake and screening), felony trial, and misdemeanor trial sections. The office also has a vertical prosecution pilot project and a career criminal unit. With the exception of cases assigned to the vertical prosecution unit and, to some extent, the career criminal unit, cases are prosecuted horizontally through indictment. After indictment, cases are assigned to individual attorneys.

About 21 attorneys staff the grand jury section; 40 (divided into seven teams), the misdemeanor trial section; and 36 (12 teams, including vertical prosecution), the felony trial section. Each of the misdemeanor and felony trial teams always prosecutes cases before its own judge.

Flow of felony cases—arrest through sentencing

Arrestees taken into custody have their cases screened within a day of arrest. Police take their arrest reports to the intake unit at superior court, where any criminal history information pertaining to the accused is retrieved from various data bases. The screening unit supervisor decides whether the case should be pursued as a felony. If so, a staff attorney from the grand jury section who is assigned to intake that week reviews the arrest report and evidence to determine charges and bond recommendations, and the case is filed. At intake 15 to 20% of felony arrests are rejected for prosecution, and a number of others are filed as misdemeanors.

For defendants in custody, felony presentment occurs on the same day as filing; otherwise, presentment is usually scheduled 3 days after arrest. Charges may be read (usually waived by the defense), bond is established, and dates are set for the preliminary hearing (usually in 10 to 20 days) and grand jury hearing (within 30 days of the preliminary hearing).

Between the preliminary hearing and the grand jury date, the grand jury section thoroughly reviews all felony cases. A number of cases scheduled for a grand jury hearing are dismissed or reduced to misdemeanors before the hearing takes place. Approximately 40% of all felony arrests filed, including those filed as misdemeanors, ultimately lead to an indictment.

Indicted cases are randomly assigned to a felony trial judge by the clerk of

the superior court. After indictment the chief of the trial section assigns prosecution of the case to a member of the trial team assigned to that judge.

If a plea bargain is to be offered by the prosecutor, a form letter outlining the offer is prepared at screening and given to the defense attorney at presentment. The offer

expires on the date of the preliminary hearing. 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. Although counts and charges are normally included in the plea negotiation process, the substance of the offer concerns the right to speak at the sentence hear-

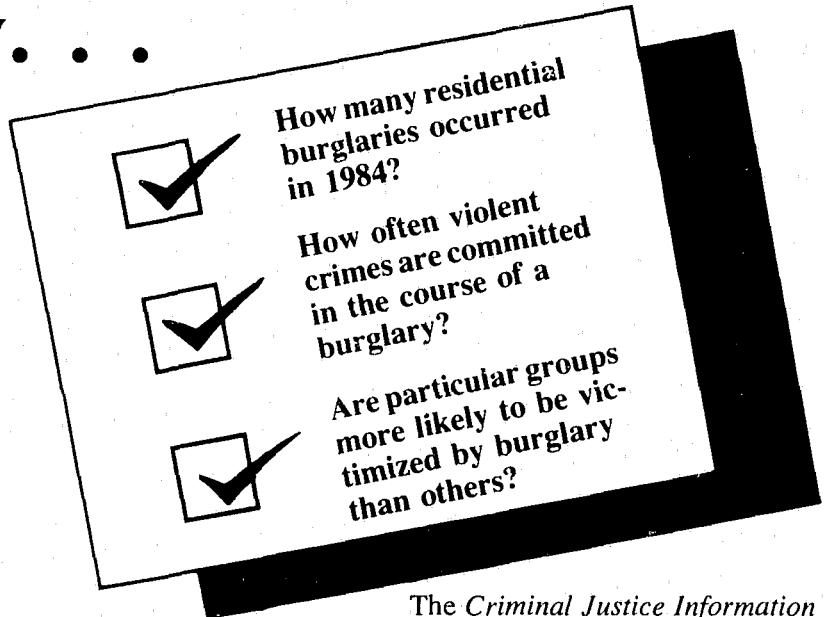
ing. The office does not bargain on incarceration or nonincarceration recommendations; that decision is considered the domain of the judge. The routine recommendation is for "a substantial period" of incarceration (but not actual amounts of time). The most substantial concession an attorney can make to the defense is to waive the right to speak at the sentence hearing. Judges do not participate in the plea-bargaining process.

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Information Package

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Bureau of Justice Statistics reports

(revised May 1988)

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Public-use tapes of BJS data sets and other criminal justice data are available from the Criminal Justice Archive and Information Network, P.O. Box 1248, Ann Arbor, MI 48106 (313-763-5010).

National Crime Survey

Criminal victimization in the U.S.:

- 1985 (final report), NCJ-104273, 5/87
- 1984 (final report), NCJ-100435, 5/86
- 1983 (final report), NCJ-96459, 10/85

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