



Data on Adjudication of Misdemeanor Offenses: Results from a Feasibility Study

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The Bureau of Justice Statistics (BJS) undertook a feasibility study to assess the availability and quality of case-level data on misdemeanor charges filed in state, county, and municipal courts. BJS will use the findings of this study to help determine whether a more extensive data collection would yield national estimates.

By focusing on misdemeanors, BJS is addressing a substantial gap in criminal justice statistics, as very little empirical information exists about misdemeanor charges filed in state, county, and municipal courts. The United States House of Representatives Committee on Appropriations, in its report accompanying the fiscal year 2020 appropriation for the Department of Justice, stated that:

“The Committee is concerned with the lack of reliable data from States and local jurisdictions on the processing of misdemeanor arrests. As the largest aspect of our criminal system, it is vitally important to ensure justice is being administered in a fair and equitable manner. In recognition of limited resources, the Committee therefore urges the BJS to collect demographic data from a select number of large metropolitan jurisdictions that includes information on the race, ethnicity, and gender, as well as key socioeconomic factors, of each misdemeanor defendant, the type of offense charged, and the sentence imposed.”¹

Prior research demonstrates gaps regarding the most basic statistic—the number of misdemeanor cases filed in state courts. The National Center for State Courts (NCSC) collects aggregate data from states each year, but the NCSC’s most recent tally (9.9 million misdemeanor cases filed in 2020) was based on data from the 44 states that provided misdemeanor data

to the NCSC’s Court Statistics Project for 2020.² Alexandra Natapoff developed the first national estimate (13 million in 2015), combining NCSC data, responses from staff at various state administrative offices of the court, and other public sources.³

Sandra Mayson and Megan Stevenson conducted the first multijurisdiction analysis of the characteristics of misdemeanor charges filed in state courts. They obtained case-level data from eight jurisdictions, demonstrating that it was possible to collect case-level data in at least some jurisdictions.⁴ Their analysis highlighted how data varied significantly across the eight sites. Measures for Justice has also collected case-level misdemeanor data as part of their mission to advocate for criminal justice reform, as has the University of Michigan’s Criminal Justice Administrative Records System.⁵

The goal of the BJS study, summarized in this report, was to survey the data available on adjudication of misdemeanor cases, focusing on large metropolitan jurisdictions. Key measures include the availability of data, the willingness of courts to provide those data, and the quality of the data provided. This report describes the study’s key design decisions, tasks, and key findings. It includes tabulations that illustrate some findings of the nature of offenses, dispositions, and demographics of those prosecuted for misdemeanor offenses from the courts that provided data.

²S. Gibson, B. Harris, N. Waters, K. Genthon, M. Hamilton, & D. Robinson, eds. Last updated 6 January 2022, CSP STAT accessed 17 March 2022 at www.courtstatistics.org.

³Alexandra Natapoff, *Punishment Without Crime* (New York: Basic Books, 2018).

⁴Sandra G. Mayson and Megan T. Stevenson, “Misdemeanors by the Numbers,” *Boston College Law Review* Volume 61, Issue 3 (2020).

⁵See Measures for Justice. (2022). *Measures for Justice Data Portal* (Data Release: 3.11.0). Retrieved from <https://measuresforjustice.org/portal> on August 8, 2022 and <https://cjars.isr.umich.edu>.

¹House Committee on Appropriations Report 116-101, accompanying the Consolidated Appropriations Act, 2020 (P.L. 116-93).

Study Design

The initial study design decision focused on which data elements to collect for each misdemeanor case. BJS developed an initial list that attempted both to respond to Congress's request for information and to inform a range of criminal justice policy discussions. The draft list was then reviewed at a July 2020 advisory panel meeting attended by BJS staff, Abt staff, and six researchers whose expertise includes misdemeanors. The final list of data elements is in [table 1](#). Data elements include both defendant and case characteristics. They focus on key time markers in the lifecycle of a case (offense, arrest, case filing, bail determination, pretrial release decision, disposition, sentencing) and outcomes of key decisions and events (pretrial release or detention, disposition, sentencing).

BJS selected 27 cities for the feasibility study and contacted court officials to assess data availability and make formal requests for data. BJS considered several factors in the site selection, including city population; region of the country; number of annual misdemeanor arrests; percentage change in arrests since 2010; whether the jurisdiction had a single (unitary) or two-tiered county, district, or circuit court system; and whether the city also had a separate municipal court system. BJS also selected cities that are the single major population center within a county.

In each of the 27 cities, multiple agencies are involved in the arrest-to-case-disposition process and therefore potentially could have one or more of the data elements listed in [table 1](#). For example, in Houston, seven agencies are involved in this process:

- Houston Police Department officers make arrests and issue citations for misdemeanor offenses.⁶
- Harris County sheriff's deputies detain persons charged with crimes while they are awaiting an initial court appearance or if they are unable to secure pretrial release after their initial appearances.
- Prosecutors with the Harris County District Attorney's Office review arrests made by the Houston Police Department and other arresting officers and decide whether to dismiss the charges or file a formal complaint in court.

⁶Other law enforcement agencies, such as Harris County sheriff's deputies and constables, also can make arrests within the Houston city limits. See Collaborations and Overlapping Services in Harris County Law Enforcement, <https://rice.app.box.com/s/2y3mdjh8pl70d0o3ha2ovfrgnuxx7xo8>.

- The Harris County Public Defender's Office, along with private court-appointed attorneys, represent indigent persons charged in Harris County courts.
- The Harris County District Courts have jurisdiction over all felonies and certain misdemeanors involving official misconduct.⁷
- The Harris County Courts at Law have jurisdiction over all Class A and B misdemeanors.⁸
- Harris County Pretrial Services officers provide information to assist the judicial officers in Harris County with making informed pretrial release decisions. Pretrial Services officers also supervise defendants released on bond.

In the end, BJS decided to limit the scope of the study to contacting only courts in order to determine whether a "courts only" data collection could yield data sufficient to meet BJS's objectives.

Definitions

The study required a definition of a "misdemeanor," a term for which there is no standard definition across the country. At the federal level, 18 U.S.C. § 3559 defines Class A, B, and C misdemeanors as offenses that have a maximum prison term of, respectively, 1 year, 6 months, and 30 days. An "infraction" has a maximum prison term of 5 days. Class A thru E felonies all have a maximum prison sentence of more than 1 year. BJS's National Prisoner Statistics survey focuses on those inmates with a total maximum sentence of more than 1 year; a crime with a sentence of more than 1 year is called a felony in most states.

At the state level, the line between "felony" and "misdemeanor"—and the corresponding jurisdictional boundaries of state trial courts—is blurred in some jurisdictions. Fourteen states have no general classification scheme for felonies and misdemeanors.⁹ Some states designate a crime punishable by

⁷<https://statutes.capitol.texas.gov/docs/pe/htm/pe.39.htm>.

⁸The maximum jail sentence for Class A and B misdemeanors are 1 year and 180 days, respectively. Class C misdemeanors do not carry jail terms and are punishable by a fine not to exceed \$500. <https://statutes.capitol.texas.gov/docs/pe/htm/pe.12.htm>.

⁹For example, see American Law Institute Model Penal Code: Sentencing reporter's commentary to § 6.01 (Proposed Final Draft 2017) ("The 14 states with no general classification scheme for felonies and misdemeanors [are] . . . California, Georgia, Idaho, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Oklahoma, Rhode Island, Vermont, and West Virginia.").

TABLE 1
Case-level misdemeanor data elements

Category	Name	Definition
General Case Information	Court name	The name of the court where the case was filed, or its disposition occurred
	Case number	The unique identifier for this case in the court (i.e., case #, cause #, or docket #)
Defendant Information	Unique defendant identifier	A unique number that identifies a defendant within the court or within a state or federal criminal justice agency (e.g., a state ID or FBI #)
	Name	The defendant's name
	Date of birth	The defendant's date of birth
	Sex	The defendant's biological sex
	Race	The defendant's race
	Hispanic origin	Whether the defendant is of Hispanic origin
	Citizenship / immigration status	Whether the defendant is a citizen of the U.S. If not a U.S. citizen, the defendant's immigration status
Initial Appearance and Charges	Initiating action	What action initiated the court case (i.e., arrest by a law enforcement officer without a charging document, arrest by a law enforcement officer pursuant to a warrant or charging document, or a summons issued by a court)
	Offense date	The date the alleged offense occurred
	Arrest date	The date the defendant was arrested if an arrest occurred (as opposed to appearing in court pursuant to a summons)
	Prior criminal history	Indicators of the defendant's prior arrests, prior convictions, detainers, outstanding warrants, and probation or parole status at time of arrest
	Charge filing date	Date a charging document was initially filed in court
	Initial appearance date	Date the defendant first appeared before a judge or judicial officer in the court
	Filing charges and charge severity	The charge(s) that appeared on the initial charging document and the severity category (e.g., Class 1, 2, or 3)
	Counsel at initial appearance	Whether the court appointed counsel for the defendant at the initial court appearance (regardless of whether counsel appeared along with the defendant) or whether defendant had retained counsel
Pretrial Release	Pretrial release decision and date	Whether the court ordered the defendant released from custody (assuming the defendant had previously been arrested) and, if so, when
	Bond/bail amount and type	The type of bail/bond ordered by the court (e.g., cash bail, surety bond, release on own recognizance); if a cash bail or surety bond was ordered, the amount of the bond/bail
	Date the bond/bail was paid	If the defendant or a surety satisfied the bond/bail and the defendant was released from custody, the date that the bond/bail was satisfied
	Pretrial services supervision indicator	Whether the court ordered that the defendant be placed on community supervision by a pretrial services officer prior to the case disposition
	Pretrial detention dates	The start and end dates of when the defendant was in pretrial custody
	Pretrial misconduct	Indicators of whether pretrial misconduct occurred leading to revocation of an order of release and the type of misconduct (e.g., new criminal conduct, technical violation)
	Bond/bail revocation date and reason	The date(s) and reason(s) the defendant's bond/bail was revoked
Disposition and Sentencing (if the case has been disposed)*	Counsel representation at disposition or sentencing	Whether the defendant was represented by counsel at disposition or sentencing; the type of attorney (appointed or retained); and, if not represented, the reason no counsel was present (i.e., waiver of the right to counsel or the court's refusal to appoint counsel)
	Charges at adjudication and charge severity	The charge(s) that were the basis of the disposition and the severity category (e.g., Class 1, 2, or 3).
	Disposition date and type	The date and type of case disposition (e.g., dismissal, acquittal, conviction, deferred adjudication, or diversion to an alternative-to-incarceration program); in a case with multiple charges, the disposition for each charge
	Sentence date and type	The date and type of sentence imposed by the court for each charge resulting in a conviction
	Deferred adjudication or diversion type, outcome, and ultimate disposition date	If the case disposition is deferred adjudication or diversion, the type, outcome (e.g., charges dismissed or reinstated), and date of dismissal or reinstatement

*A "disposed" case is one in which there has been a judicial order that (1) dismisses the charge, (2) acquits the defendant, (3) convicts the defendant, (4) defers adjudication of the defendant under a deferred-adjudication rule or statute, or (5) diverts a defendant into a diversion program.

imprisonment in the state’s “penitentiary” or “prison” to be a “felony,” while a misdemeanor is punishable in a “jail” or other facility besides a “prison” or “penitentiary.”¹⁰ While the most common maximum sentence of incarceration for a misdemeanor offense across the states is 1 year, in eight states the maximum sentence is 9 months or less.¹¹ In other states, the maximum sentence for a “misdemeanor” is substantially longer than 1 year. For example:

- In Massachusetts, a crime punishable by death or imprisonment in the state prison is a felony. All other crimes are misdemeanors (Mass. General Laws 274 § 1). Several offenses not labeled as “felonies” are punishable by incarceration in excess of one year, however, not in a state prison but in a local “house of correction” or “jail.” See, e.g., Mass. Gen. Laws 265 § 13A (2 1/2 year maximum sentence in “house of correction” for assault); Mass. Gen. Laws 266 § 127 (2 1/2 year maximum sentence in “jail” for wanton destruction of property).
- In Maryland, the legislature can designate a crime as either a misdemeanor or a felony, regardless of the sentence imposed. For instance, sex trafficking is a “misdemeanor” that carries a 10-year maximum sentence (Md. Code, Criminal Law, § 3-1102).

Of particular importance for any study on misdemeanors are the maximum punishments for persons convicted of “traffic offenses” such as driving without a valid license, drag racing, and reckless driving. At least some traffic offenses are punishable by imprisonment in all the states included in this study.¹²

For this feasibility study, BJS defined a misdemeanor as any offense that has a maximum sentence of incarceration between 1 day and 1 year in jail. This definition focuses exclusively on offenses for which a jail term might be imposed, regardless of what the

jurisdiction calls those offenses (e.g., misdemeanors, infractions, or city or county ordinance violations).¹³

BJS also adopted the following definitions for the study:

- A “case” includes all charges against a single defendant arising out of one incident or a series of related incidents, so long as such multiple charges all are assigned the same case or cause number. Separate charges with different case or cause numbers are treated as separate cases unless they are consolidated into a single case.
- A “disposed case” is one in which there has been a judicial order that (1) dismisses the charge, (2) acquits the defendant, (3) convicts the defendant, (4) defers adjudication of the defendant under a deferred-adjudication rule or statute, or (5) diverts a defendant into a diversion program. Although some of these dispositions are nonfinal (e.g., a defendant deferred or diverted may later be subject to continued prosecution in the event of subsequent misconduct), a case reflecting any of these dispositions is considered “disposed” absent any subsequent judicial order changing the disposition. In some jurisdictions, no judicial order is required after a prosecutor files a dismissal (e.g., a *nolle prosequi*) for the case to be dismissed. In those jurisdictions, such a prosecutorial filing alone is sufficient to dismiss the case.

If a single case number included multiple defendants, which is allowed in all but two of the 27 cities studied, BJS created multiple cases for that single case number and multiple records, one for each defendant.

In addition to excluding cases that were not misdemeanors, cases that included at least one felony charge were also excluded, under the principle that a case is defined by its most serious charge. BJS investigated whether cases involving both misdemeanor and felony charges must (or can) be bifurcated into two separate cases, with the felony charges tried in a higher court and the misdemeanor charges tried in a lower court.¹⁴ Of 16 states that were investigated, only one required bifurcation between felony and misdemeanor charges

¹⁰Ibid.

¹¹See <https://www.ncsl.org/research/civil-and-criminal-justice/misdemeanor-sentencing-trends.aspx>. The National Conference of State Legislatures’ 50-state analysis of misdemeanor sentences lists eight states where the maximum sentence for a misdemeanor is less than one year in jail: Arizona (6 months), California (6 months), Idaho (6 months), Michigan (3 months), North Carolina (6 months), Ohio (6 months), Wisconsin (9 months), and Wyoming (6 months).

¹²In light of the volume of traffic offenses compared to other types of offenses, Mayson and Stevenson (see footnote 4) elected to exclude traffic offenses from their analysis.

¹³As part of this study, state penal codes and city or county ordinance codes (many of which included ordinance violations that met our definition of misdemeanor) were also examined.

¹⁴For example, a defendant is arrested for driving while intoxicated (a misdemeanor), but the arresting officer finds a felony amount of heroin in the defendant’s car.

arising from the same crime. In the other 15 states, such bifurcation was not required because in all of those jurisdictions, felony and misdemeanor charges arising from the same criminal episode may be included together in the same charging instrument and resolved by the “felony” court. For this reason, when looking at counts of cases (or making comparisons, like per capita filings), analysis should account for the possibility of bifurcation.

This study excluded two other types of misdemeanor cases: appeals to a higher-level trial court not involving a *trial de novo* and juvenile court cases, except if a juvenile was certified to be tried by the adult court and transferred to the adult court for disposition.

Data Collection

The first step in the data collection process involved determining which courts in the 27 cities had jurisdiction over misdemeanors and then determining what courts maintain case-level data on cases filed in those courts.¹⁵ A mix of state-, county-, and city-level courts maintain case-level misdemeanor data.

Once BJS determined where the data were maintained, BJS tried to identify which of the desired data elements were available and whether the court was willing and able to share those data. For this task, BJS developed an interview guide that focused on data availability and obstacles (legal, technical, or resource) to obtaining case-level data. BJS had varied success in interviewing persons with detailed knowledge of what data elements were available. In the end, BJS determined the availability of individual data elements from a combination of interview responses, what data elements were included in a data submission, and what data elements are shown on public-access case query websites.

BJS made formal data requests in 26 of the 27 cities.¹⁶ Some requests were made pursuant to a defined process for requesting bulk data. Other requests occurred after a discussion of available data elements. From these discussions, it was apparent some courts had never received such a data request before and had no existing process for responding to bulk data requests. Data for

¹⁵Henceforth, the term “courts” will be used to refer to any agency that maintains case-level data. In particular, a “court” includes the state-level Administrative Office of the Courts.

¹⁶The exception was one jurisdiction that required a formal approval from the Chief Administrative Judge, which BJS was not able to obtain.

one of the 26 cities was available for downloading from a public website, albeit with no point of contact for assistance in interpreting the data. BJS was able to obtain case-level data from 16 of the 27 cities.

Three steps in the data assembly process merit mention because they highlight challenges a national collection would face.

- **Offense standardization.** The most time-consuming data processing task was converting the charge description in the submitted data files into a standardize list of offenses. BJS decided to crosswalk charge descriptions in the misdemeanor case data sets to one of the BJS National Corrections Reporting Program (NCRP) offense codes. The NCRP offense codes are ordered numerically by seriousness. The number of distinct charges reported by the courts ranged from 136 to 2,379, and each had to be crosswalked to one of the BJS NCRP offense codes. For example, the charge “Theft-less than \$50” was crosswalked to “240/Petty Larceny – Theft under \$200.” An automated parser used for NCRP offense classification assigned an initial NCRP offense code based on keywords that the parser recognized; the results of that effort were manually reviewed and NCRP codes were assigned to offenses that the parser could not categorize.
- **Conversion to a case-level file.** Several courts submitted charge-level data files (i.e., one record for each charge filed). Each charge had its own disposition (and together were often a mix of dismissals and convictions) and sentence (for convictions, often a mix of fines, probation, and jail sentence). In these instances, the case disposition and case sentence were set to the disposition and sentence associated with the most serious charge, based on the assigned NCRP offense code.
- **Exclusion of nonmisdemeanors.** Another processing step was determining which of the cases in the submitted files involved misdemeanors. For all but one dataset, this task was straightforward because courts included a “charge degree” field in their submission—for example, the code “MA” for Misdemeanor Class A, MB for Misdemeanor Class B, and MC for Misdemeanor Class C—and each charge degree had a specific maximum sentence. One court did not provide a charge degree. To resolve this, the state and city criminal codes were consulted to determine the maximum sentence.

Sources of Case-Level Misdemeanor Data

BJS identified the sources of the case-level data on misdemeanor offenses occurring in the 27 cities by first determining which courts have jurisdiction over misdemeanors and then determining where case-level data for cases at those courts are maintained. **Table 2** shows which courts in the 27 cities have jurisdiction over misdemeanors. Not included in this list are courts: (1) with jurisdiction over only misdemeanors that could not result in incarceration, which is the case with some municipal courts; (2) with jurisdiction over both felony and misdemeanor charges, and that only adjudicate misdemeanor charges in cases with concurrent felony charges; (3) that only adjudicate misdemeanor cases that are appealed from a lower court; (4) that only adjudicate misdemeanor cases that have a maximum jail sentence

that exceeds one year; and (5) that rarely adjudicate misdemeanors that can carry a jail sentence (e.g., only if the defendant demands a jury trial in a misdemeanor case or if the court only adjudicates one specialized type of misdemeanor).¹⁷

Key findings from table 2 include:

- Applying the above court selection criteria, 24 of the 27 cities have a single misdemeanor court. Atlanta, Oklahoma City, and Salt Lake City each have two.¹⁸

¹⁷For example, the study excluded Texas District Courts because they have jurisdiction over only “official misconduct” misdemeanors, and excluded Maryland Circuit Courts because they only adjudicate misdemeanor cases when a defendant has requested a jury trial in Maryland District Court.

¹⁸However, case-level data for Salt Lake City’s two courts are both available from the state Administrative Office of the Courts.

TABLE 2
Sources of case-level misdemeanor data, by city

City	Court(s) with Jurisdiction over BJS Misdemeanors	Source of Case-Level Data
Atlanta	Fulton County State Court Atlanta Municipal Court	Fulton County State Court Atlanta Municipal Court
Baltimore City	Baltimore City District Court	Maryland Judiciary Administrative Office of the Courts*
Boston	Boston Municipal Court	Executive Office of the Massachusetts Trial Court*
Buffalo	Buffalo City Court	New York State Office of Court Administration*
Charlotte	Mecklenburg County District Court	North Carolina Administrative Office of the Courts*
Chicago	First Municipal District of the Circuit Court of Cook County	First Municipal District of the Circuit Court of Cook County
Columbus	Municipal Court of Franklin County	Municipal Court of Franklin County
Dallas	Dallas County Court at Law	Dallas County Court at Law
Denver	Denver County Court	Denver County Court
Detroit	36th District Court	36th District Court
Grand Rapids	61st District Court	61st District Court
Hartford	Hartford Superior Court	Hartford Superior Court
Houston	Harris County Court at Law	Harris County Court at Law
Los Angeles	Superior Court for Los Angeles County	Superior Court for Los Angeles County
Louisville	Jefferson County District Court	Kentucky Administrative Office of the Courts*
Memphis	Shelby County General Sessions Court	Shelby County General Sessions Court
Miami	Dade County Court	Dade County Court
Oakland	Superior Court for Alameda County	Superior Court for Alameda County
Oklahoma City	Oklahoma County District Court Oklahoma City Municipal Criminal Court of Record	Oklahoma Administrative Office of the Courts* Oklahoma City Municipal Criminal Court of Record
Portland (OR)	Multnomah County Circuit Court	Multnomah County District Attorney’s Office
Providence	Rhode Island District Court	Rhode Island Judiciary*
Sacramento	Superior Court for Sacramento County	Superior Court for Sacramento County
Salt Lake City	District Court of Salt Lake City Justice Court of Salt Lake City	Utah Administrative Office of the Courts* Utah Administrative Office of the Courts*
San Antonio	Bexar County Court at Law	Bexar County Court at Law
Tampa	Hillsborough County Court	Hillsborough County Court
Tucson	Tucson City Court	Arizona Administrative Office of the Courts*
Virginia Beach	Virginia Beach District Court	Office of the Executive Secretary, Supreme Court of Virginia*

*State-level data sources.

- Nine of the 27 cities have a single misdemeanor court whose jurisdiction is limited to the city.¹⁹ The other 18 cities have either a single court with county-wide jurisdiction or two courts, one with city-wide jurisdiction and one with county-wide jurisdiction. As a result, city-level statistics (e.g., case-filing rates per capita within a city) can be estimated in only one-third of the cities.
- Case-level data in 9 of the 27 cities are maintained at the state level, where the data resides with data from other courts in the state.²⁰ For 16 cities, data are maintained at a single city- or county-level court.²¹ To obtain complete case-level data from the other two cities (Atlanta and Oklahoma City), data must be obtained from two different courts.

Availability of Individual Data Elements

For the purposes of this study, a data element was determined to be “available” if (1) a court official in the city indicated that they had the data element and could share it with BJS, (2) a court included it in a data submission, or (3) the court displays the data element on a public-access case query website. Under this definition, the number of courts with an available data element is larger than the number provided during this study but is a reasonable estimate of what could be obtained in an ongoing national collection, as opposed to a feasibility study.

Data elements in [table 3](#) are sorted by the number of courts²² where the element is available:

- Case number and filing charges are the two most widely available data elements. Only two courts would not provide case numbers and filing charges. The “unknown” court is in Chicago (BJS was not able to obtain any information on what data elements are available).

¹⁹Baltimore, Boston, Buffalo, Chicago, Denver, Detroit, Grand Rapids, Tucson, and Virginia Beach.

²⁰Oklahoma City is not included in this group. Even though District Court data are maintained at the state’s Administrative Office of the Courts, data for the Oklahoma City Municipal Court are not maintained there.

²¹With one exception, the city- or county-level sources are courts. In Portland, the Multnomah County Circuit Court refers bulk data requests to the Multnomah County District Attorney’s Office.

²²There are 29 courts maintaining case-level data in the 27 cities (Atlanta and Oklahoma City each have two courts).

- The most basic set of defendant and case characteristics—case number; defendant date of birth, sex, race, and Hispanic origin; filing date and charges; and disposition date and type—are all available from 20 of the 29 courts.
- No more than half the courts had information on the defendant’s bail, including the amount and type (13 courts), the date the bail was paid (9 courts), and the bond revocation date and reason (5 courts).
- The defendant’s prior criminal history was available in seven courts but was limited to prior arrests or convictions in the court’s geographic area of jurisdiction.²³
- No more than four courts had data on the defendant’s pre-trial experience, including the pretrial release decision and date (four courts), pretrial detention days (three courts), pretrial supervision indicator (three courts), and an indicator of pretrial misconduct (one court).

Data Provided to BJS

BJS requested case-level data on all cases filed or disposed in calendar year 2019 from the courts identified in [table 2](#). BJS received case-level data from 16 courts. Four courts agreed to submit data but did not do so within the study period despite extensive follow-up. Data requests were denied in nine courts.

The reasons courts gave for denying data requests included:

- **Resource limitations.** Four courts cited the level of effort required to assemble the data.
- **Technical limitations.** Two courts said they lacked technical capacity to submit structured data, and one was not accepting bulk data requests during a period when they were upgrading their case information management system.
- **Legal restrictions.** One court cited a policy directive prohibiting fulfilling bulk data requests.

Each of the 16 courts included a subset of the requested data elements; the most data elements provided by one

²³A single county for six cities and the state of Rhode Island for the court in Providence.

TABLE 3
Data element availability

Data Element	Available	Not Available	Unknown
Case number	26	2	1
Filing charges and charge severity	26	2	1
Disposition type	25	3	1
Charge filing date	24	4	1
Sex	23	3	3
Race	23	3	3
Disposition date	23	5	1
Name	21	6	2
Date of birth	20	6	3
Hispanic origin	20	5	4
Sentence type	20	8	1
Offense date	18	8	3
Sentence date	17	11	1
Unique defendant identifier	16	9	4
Arrest date	13	12	4
Bond/bail amount and type	13	11	5
Charges at adjudication and charge severity	13	12	4
Initiating action	11	12	6
Initial appearance date	9	15	5
Date the bond/bail was paid	9	15	5
Counsel at any stage	8	6	2
Prior criminal history	7	15	7
Pretrial release decision and date	5	19	5
Bond/bail revocation date and reason	5	19	5
Counsel representation at disposition or sentencing	4	18	7
Deferred adjudication or diversion type, outcome, and ultimate disposition date	4	18	7
Counsel at initial appearance	3	19	7
Pretrial services supervision indicator	3	20	6
Pretrial detention dates	3	21	5
Citizenship/immigration status	2	20	7
Pretrial misconduct	1	23	5

Note: N=29 data sources. There are 29 courts maintaining case-level data in the 27 cities (Atlanta and Oklahoma City each have two courts).

court was 24; the fewest was 8 (two courts). [Table 4](#) shows the number of courts including each data element in their submission.²⁴ The frequency with which each variable was included in submissions largely mirrors the overall availability of data elements among all courts, those submitting and not submitting.

Only one data element (the filing charges) was included in all 16 data submissions. All but one court included the

case number, sex, race, Hispanic origin, and disposition type. Seven of the 16 did not provide a unique defendant identifier, which limits the ability to link records to other datasets. Data on the defendant’s pretrial experience was submitted by three courts, including pretrial detention dates (three), pretrial release decision and date (two), pretrial supervision indicator (two), and pretrial misconduct (one).

Among the 13 data elements submitted by at least half the courts, the average missingness rate across the courts was 1% or less for nine of the variables. Defendant date of birth, defendant sex, filing date

²⁴If a city provided a data element but it was not usable or interpretable, it was counted as “not submitted,” including data provided in a proprietary format that the vendor was not willing to explain.

TABLE 4
Number of Courts Submitting Case Data Elements and Rates of Missingness for those Elements

	Number of Cities Providing	Distribution of Percent of Cases Missing Data Element		
		Minimum	Mean	Maximum
Filing charges and charge severity	16	0.0%	0.0%	0.0%
Case number	15	0.0	0.0	0.0
Sex	15	0.0	0.9	7.0
Race	15	1.2	12.1	65.4
Hispanic origin	15	0.0	22.0	99.3
Disposition type	15	0.0	10.5	23.0
Charge filing date	13	0.0	0.0	0.1
Disposition date	13	0.0	0.4	3.0
Name	11	0.0	0.2	3.4
Date of birth	11	0.0	0.4	3.4
Sentence type ^a	11	0.0	11.6	56.6
Unique defendant identifier	9	0.0	1.0	13.8
Offense date	9	0.0	0.0	0.1
Bond/bail amount and type ^b	8	0.0	34.0	92.3
Counsel at any stage	8	0.0	12.8	45.3
Sentence date ^a	8	0.0	8.0	27.4
Date the bond/bail was paid ^c	6	~	~	~
Initiating action	5	0.0	0.7	2.7
Prior criminal history	5	0.0	0.0	0.0
Charges at adjudication and charge severity	5	0.0	0.0	0.0
Arrest date ^d	4	0.5	0.2	0.5
Pretrial detention dates	3	7.0	66.0	96.3
Citizenship/immigration status	2	12.7	27.3	41.9
Initial appearance date	2	2.7	14.0	25.3
Pretrial release decision and date	2	0.0	0.7	1.4
Pretrial services supervision indicator	2	0.0	45.9	91.7
Bond/bail revocation date and reason	2	75.1	86.5	97.8
Counsel at initial appearance	1	0.0	0.0	0.0
Pretrial misconduct	1	0.0	0.0	0.0
Counsel representation at disposition or sentencing ^e	1	0.0	0.0	0.0
Deferred adjudication or diversion type, outcome, and ultimate disposition date	0	~	~	~

~Not applicable.

^aIncludes only cases terminated by conviction.

^bIncludes only cases where disposition date is at least 1 day after the case filing date.

^cMissingness not provided, due to there not being a definitive way to determine if the value should have been provided but was missing.

^dIncludes only cases initiated by arrest.

^eBased on values in Filed Cases file.

and charges, and disposition date had an average missingness percentage of 1% or less. Race (12.1%), Hispanic origin (22.0%), and disposition type (10.5%) had an average missingness rate over 10%.

An additional measure of data quality is the extent to which date variables—including date of birth, offense, arrest, case filing, disposition, and sentencing date—are in a logical (i.e., chronological) order.²⁵ In 18 of 22 datasets, 99% or higher of the date variables are in the correct chronological order. Only one dataset had fewer than 90% of the records in the correct chronological order.

Selected Findings

This section contains tabulations of defendant and case characteristics in the misdemeanor dataset. To avoid double counting defendants or cases from courts that submitted both a filed and disposed case file, the tabulations below are based on only disposed cases, except for the six courts that only submitted a dataset of cases filed.

Sex and age distributions are similar to what Mayson and Stevenson²⁶ found in their analysis; in the seven jurisdictions for which they had data, the percentage of cases with male defendants ranged from 67% to 77%, compared to a range of 62% to 82% in the courts from which BJS received data (table 5). The average

²⁵For this tabulation, a record does not have the date variables in a logical order if any of the following are true: the birth date is not the earliest date, offense date is later than any date other than date of birth, arrest date is later than disposition or sentencing, case filing is later than disposition or sentencing, or disposition date is later than sentencing date.

²⁶See footnote 4.

TABLE 5
Range of values for defendant sex and age

Defendant Characteristic	Minimum Value	Mean Value	Maximum Value
Male	61.5%	71.7%	81.7%
Age at case filing	32.0 years	34.8 years	37.1 years

age of defendants in the seven jurisdictions Mayson and Stevenson had data from ranged from 31 to 35, compared to between 32 and 37 in the courts from which BJS received data.

Table 6 compares the race and Hispanic origin of defendants in the misdemeanor data set to the general population of the region where the misdemeanor court has jurisdiction. In each data submission, the percentage of defendants who are white is smaller than the general population, while the percentage of defendants who are black is larger than the general population.

TABLE 6
Comparison of defendant and regional race and Hispanic origin

City	Difference Between Study Dataset and Regional Population		
	White	Black	Hispanic
City 1	-25.6	25.5	--
City 2	-16.0	20.4	--
City 3	-29.7	22.1	-1.5
City 4	-21.4	24.8	-6.0
City 5	-6.9	14.6	-26.8
City 6	-34.2	32.8	-5.8
City 7	-13.8	20.4	--
City 8	-18.7	22.6	0.3
City 9	-20.3	16.9	--
City 10	-17.9	18.9	--
City 11	-16.4	16.0	-1.8
City 12	--	--	--
City 13	--	--	--
City 14	--	--	-29.3
City 15	-19.0	16.8	-23.8
City 16	-15.6	23.6	-6.2

Note: Values indicate difference between percentage of cases with a defendant of a given race/Hispanic origin and the percentage of people in the court's jurisdiction with that race/Hispanic origin. Positive values indicate over-representation in the study dataset.

--Cities with more than 20% of values missing on race/Hispanic origin in the study dataset.

Source: Regional demographic percentages from U.S. Census Bureau Quick Facts, <https://www.census.gov/quickfacts/fact/table/US/PST045222>, accessed July 1, 2022.

The differences between the Hispanic origin percentage in the dataset and the overall region are of two types.

- In three cities, the percentages are within two percentage points. Two of these cities reported race and Hispanic origin as separate variables.²⁷
- In the other seven cities, the study dataset percentage ranged between 6 and 29 percentage points lower than the regional percentage. Six of these seven cities reported race and Hispanic origin in their submission as a single variable; one reported race and Hispanic origin as separate variables.

BJS did not ask responding courts how they assign race and Hispanic origin—self-report, official documents, or visual inspection by a criminal justice official. Seven of the 16 courts did not have data on Hispanic origin, and 6 more reported Hispanic origin in the same variable as race. Combined with the variability across the cities between the percentage in the study dataset and in the general population who are of Hispanic origin, the reliability of this variable may be inadequate for reliable statistical analysis.

As noted, charges in the submitted datasets were crosswalked to one of the NCRP offense codes, then aggregated into one of five broad offense categories: violent, property, drug, traffic/DUI, and other public order. The five categories include those used in NCRP

²⁷When race and Hispanic origin are reported as a single variable, BJS followed the NCRP convention of assuming that all non-Hispanic values in the single reported variable are assigned a “no” for the created Hispanic variable.

TABLE 7
Distribution of Charges in Misdemeanor Courts Across 16 Courts

Charge Type	Minimum Value	Mean Value	Maximum Value
Violent	3.7%	13.0%	23.4%
Property	8.4	20.8	47.2
Drug	0.1	8.8	22.6
Traffic/DUI	14.3	39.0	72.4
Other public order	6.5	18.5	38.9

Note: N=16 cities. If the dataset included multiple charges, the table reflects the most serious charge, using the numerical ordering of the NCRP offense list (available at <https://www.icpsr.umich.edu/web/pages/NACJD/guides/ncrp.html>).

(violent, property, drug, and public order) but separates DUI (and other traffic offenses) from public order given the number of these offenses adjudicated as misdemeanors.²⁸ Table 7 shows the wide variability in the charge distribution across the courts. Differences are, in part, due to which offenses—particularly traffic/DUI offenses—have a maximum punishment of between 1 day and 1 year in jail. Across the courts, traffic/DUI offenses represented the largest category of misdemeanors for which a sentence of incarceration was possible, followed by other public order offenses (including weapons offenses). Violent offenses accounted for between 4% and 23% of the offenses adjudicated as misdemeanors.

Disposition data was available for eight courts and varied widely across those courts, due at least in part to the widely varying charge distribution. Dismissals and convictions represent most dispositions, ranging from 75% to 99% (table 8).

Sentencing data was available for nine courts, but for four of those courts, more than 20% of cases were missing sentencing data. For the remaining five courts, the average percentage of cases resulting in a sentence of imprisonment was 50%, with a range of 16% to 82% (not shown in tables). The average court ordered probation in 25% of cases (ranging from 6% to 39%) and a fine in 36% of cases (ranging from 0% to 53%).

²⁸Traffic offenses include moving violations (e.g., speeding), DUIs, reckless driving, driving without a valid license, and other vehicle-related offenses that do not involve bodily injury or death (e.g., drag racing).

TABLE 8
Distribution of Dispositions in Misdemeanor Courts Across 8 Courts

Disposition	Minimum Value	Mean Value	Maximum Value
Dismissal	32.5%	58.0%	92.8%
Acquittal	0.0	0.5	1.5
Conviction	4.3	33.3	59.9
Deferred adjudication	0.0	5.1	20.1
Diverted	0.0	1.2	4.2
Transfer	0.0	0.3	1.9
Other	0.0	0.5	4.1

Note: N=8 cities. Excludes cities that only submitted a cases filed dataset and cities that submitted a cases disposed dataset with more than 20% of dispositions missing.

Conclusions

This feasibility study sought to determine the availability and quality of data elements describing the defendant and case characteristics for misdemeanor cases, including the key time markers in the lifecycle of a case (offense, arrest, case filing, bail determination, pretrial release decision, disposition, sentencing) and outcomes of key decisions and events (pretrial release or detention, disposition, sentencing). BJS obtained and processed case-level data from 16 of the 27 cities included in the study. Tabulations in this report are based on a particular definition of a misdemeanor (i.e., any offense that has a maximum sentence of incarceration between 1 day and 1 year in jail).

Key findings of the study include:

- Using the study's definition of a misdemeanor, 25 of the 27 cities maintain case-level data at a single source. Obtaining complete case-level data from two cities (Atlanta and Oklahoma City) required obtaining data from two different sources.
- Case-level data for 9 of the 27 cities are maintained at the state level.
- Data element availability varied widely. While a core set of variables (defendant date of birth, sex, race, and Hispanic origin; filing date and charges; and disposition date and type) are available in 20 of 27 cities, only 4 cities had any data on the defendant's pretrial experience, including the pretrial release decision and date, pretrial detention days, pretrial supervision indicator, and an indicator of pretrial misconduct.
- Sixteen of 27 cities submitted datasets.
- Most defendant and case characteristics varied widely across the cities submitting data, with the exceptions

of the defendant's sex and age at case filing. Significant differences in charges filed, dispositions, and sentences are at least, in part, the result of which minor offenses are and are not subject to imprisonment in a city.

A national collection of misdemeanor data would likely only include a limited set of data elements that are maintained by courts and would use case-level data that is maintained at both the state and county level. Planning steps for such a collection would involve determining how many of the 29 states not included in this feasibility study maintain case-level data at a state-level agency, typically the state Administrative Office of the Courts, and developing a sampling plan for counties in the states without case-level data at the state level.

In this study, BJS focused its efforts on large, urban jurisdictions. In states where there is no statewide case-level data, BJS may find that courts in less populous jurisdictions encounter different challenges in providing data to BJS. Additional study of a variety of jurisdictions in states without statewide data repositories may be needed before more definitive conclusions can be reached about a national collection of misdemeanor court data.

To properly analyze misdemeanor data, BJS would also need to revise its standard list of offenses and offense categories. The offense list used in this feasibility study was developed for the NCRP collection and as a result focuses primarily on felony offenses.

One path forward would be for BJS to extend its existing courts data collections—Criminal Cases in State Courts and the National Pretrial Reporting Program—to include misdemeanor offenses. BJS will consider this and other options.

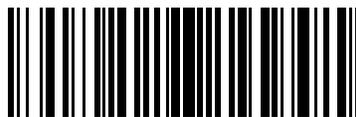


The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Alexis R. Piquero, PhD, is the director.

This report was written by Tom Rich of Abt Associates and Kevin M. Scott, PhD, Statistician, Bureau of Justice Statistics. Kevin M. Scott verified this report. Lianne Brown, Brianna Fadden, Miranda Hines, Seri Irazola, Rebecca Ivester, and Elyse Yarmosky, all of Abt Associates, assisted in this study. Brent Newton conducted legal analyses for the study team. The study's advisory panel consisted of Sandra Mayson, Alexandra Natapoff, Mikaela Rabinowitz, Alisa Smith, Megan Stevenson, and Alissa Worden.

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