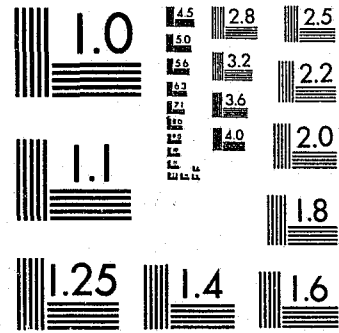


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11/14/86

**AN OFFENDER-BASED  
TRACKING SYSTEM STUDY  
OF THREE JUDICIAL DISTRICTS IN  
THE COMMONWEALTH OF KENTUCKY**

**RESEARCH REPORT SERIES  
NUMBER 4**

100826

**KENTUCKY  
CRIMINAL  
JUSTICE**



**STATISTICAL  
ANALYSIS  
CENTER**

DAVID L. ARMSTRONG  
ATTORNEY GENERAL

URBAN STUDIES CENTER  
UNIVERSITY OF LOUISVILLE

# KENTUCKY CRIMINAL JUSTICE STATISTICAL ANALYSIS CENTER

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The Kentucky Criminal Justice Statistical Analysis Center (SAC) was established in 1984 as a centralized clearinghouse for criminal justice statistics. A major objective of SAC is to gather concrete data about the criminal justice system in Kentucky and to disseminate that data statewide. With this information, policymakers will be better able to make criminal justice decisions.

## THE STAFF

Co-Directors: C. Bruce Traughber  
Office of the Attorney General  
Commonwealth of Kentucky

Knowlton W. Johnson, Ph.D.  
Urban Studies Center  
College of Urban & Public Affairs  
University of Louisville

Manager: Jack B. Ellis

University Faculty: Gordon S. Bonham, Ph.D.  
Gary W. Sykes, Ph.D.  
Gennaro F. Vito, Ph.D.  
Deborah G. Wilson, Ph.D.

Research Analyst: Linda Burgess

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The Kentucky Criminal Justice Statistical Analysis Center is housed in the Office of the Attorney General, Commonwealth of Kentucky, and operated by the Urban Studies Center--the policy research component of the College of Urban & Public Affairs--in cooperation with the U.S. Bureau of Justice Statistics.

SAC is available to assist you in meeting your data and information needs. For more information contact:

Mr. Jack B. Ellis  
Urban Studies Center  
College of Urban & Public Affairs  
University of Louisville  
Louisville, Kentucky 40292  
(502) 588-6626

## AN OFFENDER BASED TRACKING SYSTEM STUDY OF THREE JUDICIAL DISTRICTS IN THE COMMONWEALTH OF KENTUCKY

Research Report Series: Number 4

Conducted by  
Urban Studies Center  
College of Urban and Public Affairs  
University of Louisville

Gennaro F. Vito, Ph.D.  
Jack B. Ellis, M.S.

for  
Kentucky Criminal Justice Statistical Analysis Center

David L. Armstrong  
Attorney General

December 1985

NCJRS

JAN 20 1986

ACQUISITIONS

**AUTHORS' NOTES**

The research team for the OBTS feasibility study consisted of the following persons: Dr. Gennaro F. Vito, Mr. Jack B. Ellis, Mr. Doug Whitesides, Dr. Terry Cox, Mr. Brian Parr, Mr. Robert H. Rhea, Mr. Shannon Stoecker, Mr. Jim Erwin, and Mr. Dan Armeni. The team was responsible for the data collection on approximately 6,000 felony offenders who were arraigned in district court for an index crime offense in the year 1982. The data were collected from three counties and took a great deal of time and effort to collect. Mr. Whitesides served as the field service coordinator and helped to coordinate the collection and coding of the data. Dr. Vito, associate professor of the School of Justice Administration, College of Urban and Public Affairs, University of Louisville, and Mr. Ellis, SAC manager, directed all aspects of the study including development of the research design, development of the data collection instrument, analysis of the data and presentation at a statewide conference, and drafting of the final report.

This report is a product of the Kentucky Criminal Justice Statistical Analysis Center.

**Co-Directors**

Knowlton W. Johnson  
Urban Studies Center

C. Bruce Traugber  
Office of the Kentucky Attorney General

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COMMONWEALTH OF KENTUCKY  
**OFFICE OF THE ATTORNEY GENERAL**

DAVID L. ARMSTRONG  
ATTORNEY GENERAL

CAPITOL BUILDING  
FRANKFORT 40601

November 21, 1985

Dear Friend:

The Kentucky Criminal Justice Statistical Analysis Center is now one year old. This report is one of six work products developed by SAC in its first year of operation. Each of these reports validates, I believe, the hard work and effort that went into getting the SAC started.

I am firmly convinced that the lack of good data and analyses has contributed to the problems we face in the criminal justice system. The SAC staff and I are committed to overcoming this deficiency in our criminal justice system.

The entire SAC Team deserves to be acknowledged for their efforts. The SAC has also had strong support and encouragement from the Bureau of Justice Statistics, U.S. Department of Justice--especially from our grant coordinator, Mr. Don Manson.

Please take the time to study this research. We can all learn from it. If you have questions, please feel free to contact me or the SAC staff. Together, we can make a difference for criminal justice in Kentucky.

Sincerely,

DAVID L. ARMSTRONG  
Attorney General

DLA/mb



**U.S. Department of Justice  
National Institute of Justice**

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## EXECUTIVE SUMMARY

The offender based tracking system (OBTS) feasibility study collected and analyzed data from arraignment in district court through corrections for the population of offenders charged with a part one index crime (murder, rape, robbery, assault, burglary, larceny-theft, arson) in 1982 from the 6th (Daviness County), 14th (Bourbon, Scott and Woodford counties) and 30th (Jefferson County) judicial districts. The year 1982 was selected as the base year in order to permit follow-up of offenders released on probation, shock probation and parole. The three judicial districts were selected to approximate the Kentucky criminal justice system.

The focus of the study was to demonstrate the type of information which an OBTS can generate for the purpose of policy making and to determine the feasibility of implementing such a system on a statewide basis.

The following policy questions provided a basic framework for the analysis of the OBTS data and the following statements summarize the basic findings:

### **What Were the Systemwide Disposition Outcomes (Dismissal, Conviction, Incarceration) for Index Crime Offenders in 1982?**

- Overall, the systemwide dismissal rate was 37 percent. Unfortunately, the reason for dismissal (i.e., witness problems, insufficient evidence, absence of guilt) was not available. This finding indicates that OBTS is capable of highlighting systemwide problem areas. It is interesting to note that two crimes of violence, assault and rape, had the highest rate of dismissal while the most serious crime, murder, had the lowest dismissal rate.
- The conviction rate for index crime cases was 57 percent, ranging from a high of 69 percent for murder to a low of 48 percent for assault. This systemwide rate includes both lower (district) court and higher (circuit) court convictions and thus represents the combined conviction rates of both the county and commonwealth attorneys.
- The rate of imprisonment for index crime cases (felony and misdemeanor) was 24 percent. The highest rate of jail imprisonment (misdemeanor conviction) was for the crime of arson (12%) while the highest percentage of murder cases (39%) were sent to prison. Overall, the lowest rate of incarceration (both jail and prison) was recorded among assault offenders.

#### **What Was the Pattern of Disposition for Index Crime Offenders in 1982?**

- The majority of cases came from the 30th judicial district (Jefferson County).
- The largest category of cases was larceny-theft.
- The majority of murder, rape and arson cases were disposed of in circuit court.
- The majority of robbery, assault, burglary and larceny-theft cases were handled in district court.
- The predominant sentence in district court was probation, usually with some type of special condition.
- The grand jury typically indicted persons in accordance with their original charge.
- For every index crime except assault, the majority of offenders convicted in circuit court were incarcerated.
- Offenders sentenced to prison for burglary had the highest rate of parole while offenders sentenced for larceny-theft had the highest rate of shock probation.

#### **What Was the Average Sentence Length for Index Crime Offenders in 1982?**

- In circuit court, persons convicted of rape received the longest average sentence (160 months) while offenders convicted of larceny-theft received the lowest average sentence (42 months).
- Examining the median sentence (50th percentile), offenders convicted of murder, rape and robbery (approximately 120 months) and those sentenced for assault, burglary and arson (approximately 60 months) received roughly the same sentence, while offenders convicted of larceny-theft received a median sentence of 24 months.

#### **How Long Did It Take to Process an Index Crime Case?**

- Fifty percent of the cases disposed of in district court took 21 days to settle. The average time was 33 days.
- The median time from arrest to arraignment in district court was one day or less.
- The average time between arraignment in district court and indictment by the grand jury was 42 days. Violent crimes tended to make this trip more rapidly than other types of crime.
- The average circuit court case took seven months for disposition and 50 percent of the cases were handled in six months or less.

- The average time between disposition and sentencing in circuit court was 24 days.

#### **What Was the Recidivism Rate of Offenders Placed on Probation and Parole?**

- Shock probationers (released from prison after a period of incarceration of not more than 90 days) had the highest rate of rearrest, reconviction, and reincarceration.
- Felony probationers had a total reincarceration rate of 19 percent while parolees registered a rate of 13 percent. These rates include offenders reimprisoned for a new crime as well as those reincarcerated for a technical violation of the conditions of supervision.
- In terms of type of crime, most recidivists had committed a property crime.
- Overall, the rate of reincarceration for a technical violation (as a percentage of the number of violation hearings conducted) ranged from 85 percent for parolees to 67 percent for probationers.

It must be stressed that the OBTS study did not require the creation of new variables. Every variable contained in this study was (and is) collected by different agencies. We simply collected this information from each agency, merged it (using the offender as the unit of analysis), and conducted our analysis. In most cases, these data are already maintained in some type of shorthand summary format (i.e., circuit court "stepsheets") which can provide a wealth of information. In short, this study demonstrated that an offender based tracking system could be constructed using records which currently exist across the Kentucky criminal justice system.

The basic strength of the OBTS lies in its ability to unite data sets existing in various segments of the criminal justice system around a common unit of analysis--the offender. The feasibility study demonstrated only that it is possible to construct an OBTS in Kentucky which can generate valuable information.



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**ACKNOWLEDGEMENTS**

This feasibility study of an offender based tracking system (OBTS) in three judicial districts in the Commonwealth of Kentucky is one of six studies completed by the Kentucky Criminal Justice Statistical Analysis Center (SAC) during its first year of operation. Foremost, the OBTS study would not have been possible without funding from the Bureau of Justice Statistics (BJS), U.S. Department of Justice. Mr. Don Manson, who served as the BJS grant manager, provided his valuable insight and expertise on OBTS at several key junctures in the study. His assistance is particularly appreciated.

It is also important to acknowledge the contributions of Attorney General David L. Armstrong to the OBTS study. His previous experience as commonwealth attorney in Jefferson County included the development of a PROMIS information system in his office. As a result, Attorney General Armstrong was particularly aware of the potential benefits which an OBTS could generate. Mr. C. Bruce Traugher, executive assistant to the Kentucky attorney general and co-director of the Kentucky SAC, provided crucial support for this study, including the selection of research sites. Staff members in the Office of the Attorney General, Ms. Lisa Wright and Ms. Iris Lewis, also provided valuable support for this project.

In addition, the following staff members of the Urban Studies Center provided essential and vital services in the completion of this report. Ms. Betsy Jones printed and reprinted, often on a moment's notice, several thousand copies of the OBTS data collection instrument. Ms. Paige Gottlieb helped to enter and analyze the data set. Without the patient assistance of Mr. Tony Biggs, the data analysis could not have been conducted; he helped devise the computer programs to sort and analyze this complex data set. The production team, led by Mr. Vernon Smith and Ms. Barbara Farris, orchestrated a variety of services, including word processing, editing and printing. Mr. Al Nash produced several fine graphics for the SAC conference presentation. The many proofreaders who took the time to make sure this was a quality product deserve recognition with special thanks to Ms. Monica Bowles and Ms. Sharon Mader. In sum, the efforts of the Urban Studies Center staff greatly facilitated the creation and completion of this study.

We are all greatly indebted to the following individuals and the members of their organizations for their gracious participation in this study:

Karen Albaugh  
Hall of Justice  
Louisville, KY

Mary Alcock  
Courthouse  
Versailles, KY

Dorcas Davis  
Courthouse  
Paris, KY

Pat Hardesty  
City/County Building  
Owensboro, KY

Hon. Todd Hollenbach  
514 West Liberty  
Louisville, KY

Glenn Juett  
Courthouse  
Georgetown, KY

Hon. Robert Kirtley  
205 W. Second Street  
Owensboro, KY

Hon. James Lovell  
County Courthouse  
Paris, KY

John Mason  
District Court Archives  
Louisville, KY

Charlie Metzmeier  
Hall of Justice  
Louisville, KY

Hon. J. Bruce Miller  
621 West Main Street  
Louisville, KY

Paulie Miller  
Hall of Justice  
Louisville, KY

Hon. Gentry McCauley, Jr.  
137 North Main Street  
Versailles, KY

Hon. Mark E. McGormley  
County Courthouse  
Versailles, KY

Hon. Clay McKnight  
112 Court Street  
Georgetown, KY

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Probation and Parole Office  
Louisville, KY

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Hall of Justice  
Louisville, KY

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Probation and Parole Office  
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## THE STUDY



## BACKGROUND AND PURPOSE

Offender Based Tracking Systems (OBTS) represent an attempt to provide systemwide information on criminal justice operations and processes. The purpose of an OBTS is to produce data on how adult felony arrestees are processed through the criminal justice system (Bureau of Justice Statistics, 1983). This approach offers a number of distinct advantages over statistics which are routinely collected and reported by different criminal justice agencies. However accurately these traditional statistics may be, they fail to provide a "systems rate" perspective in favor of a more narrowly based agency perspective (Klein et.al., 1971).

There are many advantages associated with OBTS:

- It clearly demonstrates the rate of "system fallout" for cases (Adult Felony Arrest Dispositions in California, 1984). OBTS illustrates the number of individuals who exit the system at various points. For example, the Bureau of Justice Statistics (1983:3) reported that, on the basis of OBTS data from 4 states, 5 out of 100 felony arrestees were eventually convicted and sentenced to prison for more than one year.
- OBTS has the capability to provide information on the length of time it takes to process offenders at different stages of the criminal justice process.
- OBTS has the potential to track offenders as they exit from the system via probation or parole. In this fashion, the OBTS can provide information on recidivism rates and the effectiveness of criminal justice programs or policies.
- OBTS can provide data to assess the existence and extent of sentencing disparity and bias (Petersilia, 1983).
- The systemwide data provided by OBTS can serve as the basis for projections on the level of offenders received by the system in the future (i.e., to anticipate prison crowding).
- These data can lead to the production of specialized reports on crime specific analysis (i.e., examination of burglary offender characteristics, Pope, 1977) or specific sentencing dispositions (Pope, 1985, 1978). Through the use of such reports, decision makers can obtain sound data to guide policy making, rather than relying on "educated guesses" about system processing.
- OBTS provides a systemwide perspective on criminal justice processing. Therefore, it can identify problem areas which may require a system level approach and solution.

- Finally, and perhaps most importantly, an OBTS system can provide some measure of continuity of information across criminal justice agencies. For example, a police officer can determine, via computer, the status and disposition of an offender (his/her case) at later stages of the system.

In sum, OBTS has the capacity to produce information on case processing throughout the criminal justice system.

The OBTS feasibility study collected and analyzed disposition data from arraignment in district court (or direct indictment in circuit court) for the population of offenders charged with a part one index crime (from the Uniform Crime Report designation as classified for the Commonwealth by the Kentucky State Police: murder, rape, robbery, assault, burglary, larceny/theft, and arson) in the year 1982. Data were collected from the 6th (Davless County), 14th (Bourbon, Scott, and Woodford counties), and 30th (Jefferson County) judicial districts of Kentucky. The year 1982 was selected as the base year to permit follow-up of offenders placed on probation or parole. The judicial districts were selected to approximate the criminal justice system of the Commonwealth. The focus of the study was twofold. The first objective was to demonstrate the type of policy-relevant information which an OBTS can generate. The second objective was to determine the extent of difficulty in implementing such a system throughout the Commonwealth.

The following policy questions provided a basic framework for the analysis of the OBTS data:

- What were the systemwide disposition outcomes (dismissal, conviction, incarceration) for index crime offenders in 1982?
- What was the pattern of disposition for index crime offenders in 1982 (detailed description)?
- What was the average sentence length for index crime offenders in 1982?
- How long did it take to process an index crime case?
- What was the recidivism rate of offenders placed on probation and parole?

These questions guide the following analysis and presentation of the research findings.

## METHODS AND PROCEDURES

### Research Setting

The criminal justice system of Kentucky consists of numerous state and local government agencies. Law enforcement activities at the state level are directed by the secretary of the Justice Cabinet. The secretary reports directly to the Governor and is responsible for the operations of the state police, several law enforcement training programs and federal projects on victim assistance and juvenile justice. Other police officials are located at the local and county levels. In addition, each of Kentucky's 120 counties has a sheriff's department. There are 360 police agencies in the Commonwealth.

Elected to a four-year term, the Attorney General is the official state prosecutor. Some 200 attorneys and staff members assist the attorney general in the performance of duties. There is one commonwealth attorney's office in each of Kentucky's 56 judicial districts; they are elected to a six-year term. In addition, each county elects a county attorney who conducts the initial screening of felony cases and processes misdemeanor cases to their completion. Defendants are represented by private attorneys, the state's public advocates or appointed public defenders. In general, the large urban areas have a full time public defender's office while, in most Kentucky counties, the public advocate function is subcontracted to a private attorney.

The state court system is directed by the Administrative Office of the Courts (AOC) which has a central office in Frankfort and one in each of the 56 judicial districts. Pretrial Services is also under the authority of the AOC. Within each of the judicial districts, there is an elected circuit court clerk and an appointed staff responsible for administering the affairs of both district and circuit courts. The Kentucky Supreme Court consists of seven members and the Court of Appeals has fourteen judges. Within each judicial district, district court judges oversee the disposition of misdemeanor cases at their level and send felony cases to circuit court after a probable cause hearing. After the grand jury issues an indictment, felony cases are handled in circuit court. This screening process provides a basic focus for the OBTS.

The secretary of the Corrections Cabinet reports directly to the secretary of the Executive Cabinet. The Corrections Cabinet consists of an administrative division, a division of institutional care (including the personnel of the eight state prisons) and the Department of Community Services

and Facilities Management which includes probation and parole supervision. The parole board has five members, including the chairman, who are appointed by and report directly to the governor, not the secretary. Members of the parole board are appointed to a four-year term. In addition, each Kentucky county has a jailor who is elected to a four-year term. The jailor typically has a staff which provides booking, pretrial detention and contract institutional services.

Juvenile justice is handled on both the county and state levels. County officials determine if a juvenile has been involved in a crime. The Cabinet for Human Resources has one division located in the Department for Social Services which is responsible for the treatment of adjudicated youths. Also, Kentucky Youth Advocates, a private youth assistance organization, provides vital services.

Numerous governmental and private social support agencies also provide services for various clients (defendants, offenders, victims) of the criminal justice system. For example, the Cabinet for Human Resources provides social services on behalf of the victims of domestic violence. In many counties, private agencies also provide such services. The State Commission on Women and the Crime Victims Compensation Board also provide services for victims.

Finally, the Office of the Governor and the legislative branch of state government are responsible for key criminal justice decisions. In particular, the legislature has both House and Senate committees on criminal justice issues. These committees are staffed by members of the Legislative Research Commission (LRC). In sum, this broad outline provides a brief summary of Kentucky's criminal justice system.

### Data Collection and Agency Participation

Data for the OBTS feasibility study were collected from agencies' offices in the 6th, 14th and 30th judicial districts in Kentucky. In each judicial district, the starting point was the district court records for 1982. All offenders arraigned for an index offense were included in the study. For this reason, the OBTS group of offenders constitutes a population (rather than a sample) of all offenders in the three judicial districts who were arraigned for an index crime in 1982. However, this group of offenders was not representative of the statewide total of 1982 index felons due to the fact that our sample of judicial districts was not selected through probability

sampling. In an attempt to roughly approximate the criminal justice system of the Commonwealth, a large urban (30th district), a midsize (6th) and a rural (14th) district were selected for study. Therefore, any conclusions drawn from these data must be interpreted with extreme caution since the OBTS data do not technically represent felony case processing for Kentucky in 1982.

Offenders were then tracked as far as they progressed through the criminal justice system. If the offender was sent on to circuit court (as all felonies are in Kentucky), data were collected from circuit court files. In other words, all information on court processing was obtained from hardcopy files, records which were maintained in the respective counties. As previously stated, the use of 1982 as the base year permitted the follow-up of cases which were either sentenced to probation or released from prison on parole or shock probation. Our goal was to develop an OBTS which would not stop at sentencing but track the offender in the community and provide different measures of recidivism. Only felony probationers, parolees and shock probationers were tracked. The maximum follow-up period for a case was three years. The circuit court sentencing data usually indicated if an offender were granted probation or release from an institution on shock probation. In order to determine if a sentenced offender was released on parole, the computerized information system maintained by the Corrections Cabinet (ORION) was consulted. Once the cases were identified, probation and parole agency files constituted the source for information on recidivism.

Yet, it must be stressed that the OBTS study did not require the creation of new variables. Every variable contained in this study was (and is) collected by different agencies. We simply collected this information from each agency, merged it (using the offender as the unit of analysis), and conducted our analysis. In most cases, these data are already maintained in some type of shorthand summary format (i.e., circuit court "stepsheets") which provide a wealth of information. In short, this study demonstrated that an offender based tracking system could be constructed using records which currently exist across the Kentucky criminal justice system.

Table 1 on page 6 presents a breakdown of the cases collected for this study by type of offense and by judicial district. Overall, the bulk of index offenders (93%) came from the 30th judicial district, Jefferson County. This is the largest urban area in the state so it is natural that it contains the

Table 1  
Index Crimes by Judicial District

| <u>Index Crime</u> | <u>6th</u>    | <u>14th</u>   | <u>30th</u>      | <u>Total</u> |
|--------------------|---------------|---------------|------------------|--------------|
| Murder             | 9<br>(7.4%)   | 9<br>(7.4%)   | 104<br>(85.2%)   | 122          |
| Rape               | 10<br>(7.5%)  | 6<br>(4.5%)   | 117<br>(88.0%)   | 133          |
| Robbery            | 15<br>(2.5%)  | 8<br>(1.4%)   | 566<br>(96.1%)   | 589          |
| Assault            | 50<br>(3.4%)  | 37<br>(2.5%)  | 1,393<br>(94.1%) | 1,480        |
| Burglary           | 88<br>(5.9%)  | 39<br>(2.6%)  | 1,363<br>(91.5%) | 1,490        |
| Larceny/Theft      | 92<br>(5.6%)  | 29<br>(1.8%)  | 1,510<br>(92.6%) | 1,631        |
| Arson              | 6<br>(9.8%)   | 1<br>(1.6%)   | 54<br>(88.6%)    | 61           |
| TOTALS             | 270<br>(4.9%) | 129<br>(2.3%) | 5,107<br>(92.8%) | 5,506        |

greatest number of offenders for 1982. The Jefferson County offenders accounted for the overwhelming majority of each type of index crime. Within each judicial district, the patterns were distinctly similar. In the 6th judicial district (midsize county), offenders charged with larceny-theft (34% of the within group total) were the largest group followed closely by those charged with burglary (33%) and trailed by those charged with assault (19%). The group of offenders from the 14th judicial district (rural counties) was lead by those offenders charged with burglary (30%) followed by assault (29%) and larceny-theft (22%). Offenders from the 30th judicial district fell into the following pattern: larceny-theft (30%), assault (27%) and burglary (27%). Thus, while their order varied, offenders were most likely to be charged with larceny-theft, burglary or assault.

This group of offenders constituted the research population which was tracked through the Kentucky criminal justice system. For the purposes of this report, type of crime will remain as the major variable to determine groupings of offenders. In the recidivism study, type of case (felony probation, parole and shock probation) will define the offender groups through the follow-up period.

## RESULTS OF THE STUDY

### Examination of Systemwide Disposition Rates

As previously stated, one of the chief advantages of OBTS is that it can provide systemwide disposition rates. Such rates can provide an indication of the manner in which the criminal justice system is operating and provide broad symptoms of problem areas.

Table 2 on page 9 presents systemwide disposition rates for index crime offenders in the three Kentucky judicial districts in 1982. As in the Bureau of Justice Statistics publication (1983:3), four general categories are reported: dismissed, acquitted, other disposition, convicted. The category "other disposition" includes diversion programs, deceased defendants, adjudication not reported, and extraditions. These summary totals are based on the average disposition per 100 arrests. It must be noted here that Kentucky police officers do not have the discretionary power to dismiss a case before arraignment in district court. Therefore, the rates presented here appear to be higher than those from four other states previously published by the Bureau of Justice Statistics (1983:3). Finally, among convicted offenders, the rates are broken down into cases which were granted probation and those which were incarcerated. Of those imprisoned, the figures represent offenders who were sent to jail (misdemeanor conviction - sentence of one year or less) or to prison (felony conviction - sentence of one year or more).

The first column in Table 2 lists the total average disposition rates for index crime offenders. Across the system, 37 of the 100 index crime arrestees had their cases dismissed while 57 offenders were convicted. Of those convicted, 33 offenders were placed on probation and 24 were imprisoned. Of those imprisoned, six offenders were sentenced to one year or less (jail) and 18 offenders were sentenced to prison (one year or more).

### Systemwide Dismissal Rates

Naturally, these rates vary according to the type of crime. For example, the dismissal rate ranges from a low of 17% for murder cases to a high of 50% for assault cases. It is interesting to note that two crimes of violence, assault and rape, had the highest rate of dismissal while the most serious crime, murder, had the lowest dismissal rate.

Table 2  
Outcome for Index Crime Offenders in  
Three Kentucky Judicial Districts, 1982

| <u>Disposition</u>   | <u>Total</u> | <u>Murder</u> | <u>Rape</u> | <u>Robbery</u> | <u>Assault</u> | <u>Burglary</u> | <u>Theft</u> | <u>Arson</u> |
|----------------------|--------------|---------------|-------------|----------------|----------------|-----------------|--------------|--------------|
| for 100 Arrests:     |              |               |             |                |                |                 |              |              |
| Dismissed            | 37           | 17            | 46          | 40             | 50             | 35              | 42           | 23           |
| Acquitted            | 3            | 7             | 5           | 2              | 1              | 1               | 1            | 5            |
| Other Disposition    | 3            | 7             | 0           | 1              | 1              | 3               | 4            | 8            |
| Convicted            | 57           | 69            | 49          | 57             | 48             | 61              | 53           | 64           |
| of Those Convicted:  |              |               |             |                |                |                 |              |              |
| Probated             | 33           | 27            | 21          | 27             | 40             | 41              | 40           | 33           |
| Imprisoned           | 24           | 42            | 28          | 30             | 8              | 20              | 13           | 31           |
| of Those Imprisoned: |              |               |             |                |                |                 |              |              |
| A year or less       | 6            | 3             | 5           | 5              | 4              | 6               | 5            | 12           |
| More than a year     | 18           | 39            | 23          | 25             | 4              | 14              | 8            | 19           |

Again the overall rate of dismissal for index crime cases was 37%. Given this rate, it appears that the OBTS has indicated a problem area. A high dismissal rate signifies a potential waste of resources across the criminal justice system. For example, courts are backlogged and police officers may spend time waiting to testify in a case which will not take place. Similarly, victims may become frustrated with the criminal justice system due to the inability to bring a case to conclusion. Unfortunately, the OBTS did not capture the data on the reason for case dismissal. Without the reason for dismissal, it is impossible to determine why a case was eliminated. Possible explanations include witness and evidence problems and, of course, innocence of the accused. Further analysis of the reasons for dismissal through OBTS could lead to the development of programs (diversion, victim/witness assistance) and a possible reduction in the dismissal rate. Any reduction in this rate would lead to financial savings for the criminal justice system and a more efficient use of resources. Future expansion of the OBTS in Kentucky will include "reason for dismissal" as a key data element.

#### Systemwide Conviction Rate

Another important systemwide figure is the conviction rate. Overall, the conviction rate for index crime cases was 57 percent, ranging from a high of 69 percent for murder to a low of 48 percent for assault. The systemwide rate includes both lower (district) court and higher (circuit) court convictions and thus represents the combined conviction rates of both the county and commonwealth attorneys. It should be noted that the OBTS data set contains other information relevant to sentencing patterns which will be analyzed in the future.

#### Systemwide Incarceration Rate

Finally, Table 2 represents information concerning the systemwide incarceration rate. Here, the highest rate of probation (both misdemeanor and felony cases) was registered for burglary cases (41%) followed closely by assault (40%) and larceny/theft (40%). The highest rate of jail imprisonment (misdemeanor conviction) was for the crime of arson (12%) while the highest percentage of murder cases (39%) were sent to prison. Overall, the lowest rate of incarceration (both jail and prison) was recorded among assault offenders. Only eight percent of assault offenders were sentenced to jail or prison. Further analysis of assault cases using OBTS should identify some of the reasons behind this finding.

#### Disposition of Cases by Type of Index Crime

The following analysis presents a more detailed description of the disposition of cases by type of index crime. Due to the nature of Kentucky criminal law, it was not possible to separate motor vehicle theft cases from larceny-theft cases so auto theft cases may be included in the second category. For this reason, the present study follows offenders charged with seven, rather than eight, index crimes.

Table 3 on page 11 follows the disposition of murder cases within the three judicial districts. To be included as a murder case, the offender had to be charged with one of the following crimes under the Kentucky criminal code: murder, manslaughter I, manslaughter II, reckless homicide or attempted murder. In this study, an offender was included if he or she was charged with an index offense. In the case of multiple offenses, the most serious index crime became the key variable for classification purposes. In the murder



Table 3

Disposition of Murder Cases in  
Three Judicial Districts in 1982

| District Court:                  |                               | Arraigned<br>N = 122    |                                   |                            |
|----------------------------------|-------------------------------|-------------------------|-----------------------------------|----------------------------|
| *****                            |                               | *****                   |                                   |                            |
| Waived to<br>Grand Jury<br>60.6% | Direct<br>Indictment<br>18.9% | Pled<br>Guilty<br>9.8%  | Dismissed<br>10.7%                |                            |
| *****                            |                               | *****                   |                                   |                            |
|                                  |                               | Probation<br>100.0%     |                                   |                            |
| Circuit Court:                   |                               | to Grand Jury<br>N = 97 |                                   |                            |
| *****                            |                               | *****                   |                                   |                            |
| Original<br>73.2%                | Reduced<br>9.3%               | Dismissed<br>7.2%       | Remanded<br>2.1%                  | Other<br>8.2%              |
| *****                            |                               | *****                   |                                   |                            |
| Pled<br>Guilty<br>34.9%          | Alford<br>Plea<br>3.6%        | GBMI<br>1.2%            | Jury/Bench<br>Conviction<br>47.0% | Jury<br>Acquittal<br>10.9% |
| *****                            |                               | *****                   |                                   |                            |
| Incarcerated<br>68.9%            |                               | Probated<br>31.1%       |                                   |                            |
| *****                            |                               | *****                   |                                   |                            |
| Parole<br>19.6%                  | Shock Probation<br>17.6%      |                         |                                   |                            |

category, the majority of cases were sent from district court to the grand jury, either through waiver or direct indictment (80%). Dismissals accounted for 11 percent of the cases and the remaining cases (10%) were pled down to misdemeanors and disposed of in district court through probation.

In circuit court, the grand jury repeated the original charge in most cases (73%). Offenders whose original charge was reduced continued in circuit court (9%) while others were either dismissed, remanded to district court or failed to appear. At the disposition stage in circuit court, the majority of cases involving murder were convicted by jury or bench (47%) or via a plea (guilty, alford, or "guilty but mentally ill") (total = 40%). At sentencing, the majority of the convicted offenders were sentenced to prison (69%). Following their incarceration, 20 percent of the convicted offenders were released on parole and about 18 percent were placed on shock probation.

Offenders charged with either rape I, rape II or attempted rape were included in this category. As shown in Table 4 on page 13, the majority of cases were sent on to circuit court (64%) but a high percentage of cases were dismissed in district court (26%). Offenders who pled guilty to a lesser misdemeanor charge in district court were sentenced to probation (72%), a split sentence (14%) or jail (14%).

Continuing in circuit court, the majority of cases (78%) continued to the final disposition stage where they were convicted by jury or bench trials (26%) or their own plea (guilty - 47%, alford - 3%). Most of the convicted offenders were sentenced to prison (65%). Some were later released on parole (15%) or shock probation (9%) but, once again, most inmates (76%) were still incarcerated at the time of the study.

Table 5 on page 14 reveals the pattern of disposition for robbery offenders. This category included persons charged with robbery I and robbery II. Here, the majority of cases were disposed of in district court either via dismissal (33%) or a plea of guilty to a misdemeanor charge (20%). Of those who pled guilty, most offenders were placed on probation (81%).

At the circuit court level, the preponderance of cases were continued to the level of final disposition (90%). Once the cases reached this level, the overwhelming majority of offenders were convicted (86%). Most of the convicted offenders were sentenced to a prison term (71%). Of those incarcerated, some inmates were released via parole (30%), shock probation (6%) or maximum expiration of sentence (1%).

Table 4

Disposition of Rape Cases in  
Three Judicial Districts in 1982

| District Court:                  |                              | Arraigned<br>N = 133              |                            |                    |  |
|----------------------------------|------------------------------|-----------------------------------|----------------------------|--------------------|--|
| *****                            |                              |                                   |                            |                    |  |
| Waived to<br>Grand Jury<br>54.5% | Direct<br>Indictment<br>9.1% | Pled<br>Guilty<br>10.6%           | Dismissed<br>25.8%         |                    |  |
| *****                            |                              |                                   |                            |                    |  |
| Probation<br>71.4%               |                              | Split<br>Sentence<br>14.3%        | Jail<br>14.3%              |                    |  |
| *****                            |                              |                                   |                            |                    |  |
| Circuit Court:                   |                              | to Grand Jury<br>N = 86           |                            |                    |  |
| *****                            |                              |                                   |                            |                    |  |
| Original<br>66.3%                | Reduced<br>11.6%             | Dismissed<br>20.9%                | Other<br>1.2%              |                    |  |
| *****                            |                              |                                   |                            |                    |  |
| Pled<br>Guilty<br>47.0%          | Alford<br>Plea<br>3.0%       | Jury/Bench<br>Conviction<br>25.8% | Jury<br>Acquittal<br>10.6% | Dismissal<br>13.6% |  |
| *****                            |                              |                                   |                            |                    |  |
| Incarcerated<br>64.7%            |                              | Probated<br>35.3%                 |                            |                    |  |
| *****                            |                              |                                   |                            |                    |  |
| Parole<br>15.2%                  | Shock<br>9.1%                | Probation                         |                            |                    |  |

Table 5

Disposition of Robbery Cases in  
Three Judicial Districts in 1982

| District Court:                  |                              | Arraigned<br>N = 588       |                                   |                           |                                 |
|----------------------------------|------------------------------|----------------------------|-----------------------------------|---------------------------|---------------------------------|
| *****                            |                              |                            |                                   |                           |                                 |
| Waived to<br>Grand Jury<br>40.0% | Direct<br>Indictment<br>6.5% | Pled<br>Guilty<br>20.4%    | Dismissed<br>33.1%                |                           |                                 |
| *****                            |                              |                            |                                   |                           |                                 |
| Probation<br>80.6%               |                              | Split<br>Sentence<br>12.0% | Jail/<br>Shock<br>7.4%            |                           |                                 |
| *****                            |                              |                            |                                   |                           |                                 |
| Circuit Court:                   |                              | to Grand Jury<br>N = 257   |                                   |                           |                                 |
| *****                            |                              |                            |                                   |                           |                                 |
| Original<br>77.9%                | Reduced<br>11.8%             | Dismissed<br>6.6%          | Remanded & Other<br>3.7%          |                           |                                 |
| *****                            |                              |                            |                                   |                           |                                 |
| Pled<br>Guilty<br>66.9%          | Alford<br>Plea<br>6.1%       | GBMI<br>0.4%               | Jury/Bench<br>Conviction<br>12.1% | Jury<br>Acquittal<br>4.8% | Dismissal/<br>Hung Jury<br>9.7% |
| *****                            |                              |                            |                                   |                           |                                 |
| Incarcerated<br>70.9%            |                              | Probated<br>29.1%          |                                   |                           |                                 |
| *****                            |                              |                            |                                   |                           |                                 |
| Parole<br>29.5%                  | Shock<br>6.0%                | Probation                  |                                   | Max Out<br>1.3%           |                                 |

Table 6 on page 16 includes offenders charged with assault and wanton endangerment. Most of the offenders charged with assault had their cases terminated in district court, including a 45 percent rate of dismissal. Once again, probation was the predominant sentence given to offenders who pled guilty to misdemeanors in district court.

At the circuit court level, over 75 percent of the cases were continued to final court disposition. Approximately 86 percent of the offenders who reached final disposition were convicted and most of this group pled guilty. At sentencing, the previous felony pattern reversed itself and more offenders were probated than incarcerated. Of those sentenced to prison, 29 percent of the offenders were placed on parole, 16 percent were released on shock probation and nearly 2 percent were released outright due to maximum expiration of sentence.

Most of the burglary cases (Table 7 on page 17) were also handled in district court. Again, probation was the dominant disposition for offenders who pled guilty. In circuit court, the majority of burglary cases were continued by the grand jury. Most of these cases were disposed of through a plea of guilty. After conviction, most of the burglary offenders were sent to prison. Following incarceration, 42 percent of the convicted offenders were released on probation, the highest rate of any crime type.

As previously mentioned, the larceny-theft group (Table 8 on page 18) included those offenders charged with motor vehicle theft. Once again, most of these cases were handled in district court with an almost equal number of cases either dismissed or concluded with a plea of guilty. Similarly, the previous pattern of disposition repeated itself at the circuit court level as the majority of cases were continued by the grand jury (with the original charge) and most of the cases ending in a guilty plea. Most of the convicted offenders were incarcerated. Following incarceration, 40 percent of the offenders were paroled, 17 percent were shock probated and 4 percent were released due to maximum expiration of sentence.

Finally, offenders charged with arson were tracked, as shown in Table 9 on page 19. Only 61 offenders were charged with arson in the three judicial districts in 1982. Most of these cases were sent on to circuit court. There, the overwhelming majority of offenders saw their cases carried to final disposition. At this level, 75 percent of the offenders were convicted and

Table 6  
Disposition of Assault Cases in  
Three Judicial Districts in 1982

| District Court:                  |                              |                                   |                                 |                    | Arraigned<br>N = 1,480   |                           |              |   |   |
|----------------------------------|------------------------------|-----------------------------------|---------------------------------|--------------------|--------------------------|---------------------------|--------------|---|---|
| *****                            |                              |                                   |                                 |                    | *****                    |                           |              |   |   |
| *                                | *                            | *                                 | *                               | *                  | *                        | *                         | *            | * | * |
| Waived to<br>Grand Jury<br>15.3% | Direct<br>Indictment<br>2.7% | Pled<br>Guilty<br>36.5%           | Dismissed<br>44.9%              | Other<br>0.6%      |                          |                           |              |   |   |
| *****                            |                              |                                   |                                 |                    | *****                    |                           |              |   |   |
|                                  |                              |                                   |                                 |                    | *                        | *                         | *            | * | * |
|                                  |                              |                                   |                                 |                    | Probation<br>90.1%       | Split<br>Sentence<br>4.3% | Jail<br>5.6% |   |   |
| *****                            |                              |                                   |                                 |                    | *****                    |                           |              |   |   |
| Circuit Court:                   |                              |                                   |                                 |                    | to Grand Jury<br>N = 265 |                           |              |   |   |
| *****                            |                              |                                   |                                 |                    | *****                    |                           |              |   |   |
| *                                | *                            | *                                 | *                               | *                  | *                        | *                         | *            | * | * |
| Original<br>63.0%                | Reduced<br>13.2%             | Dismissed<br>18.9%                | Remanded<br>2.3%                | Other<br>2.6%      |                          |                           |              |   |   |
| *****                            |                              |                                   |                                 |                    | *****                    |                           |              |   |   |
| *                                | *                            | *                                 | *                               | *                  | *                        | *                         | *            | * | * |
| Pled<br>Guilty<br>62.5%          | Alford<br>Plea<br>2.9%       | Jury/Bench<br>Conviction<br>17.3% | Jury/Bench<br>Acquittal<br>5.8% | Dismissal<br>11.5% |                          |                           |              |   |   |
| *****                            |                              |                                   |                                 |                    | *****                    |                           |              |   |   |
|                                  |                              |                                   |                                 |                    | *                        | *                         | *            | * | * |
|                                  |                              |                                   |                                 |                    | Incarcerated<br>41.7%    | Probated<br>58.3%         |              |   |   |
| *****                            |                              |                                   |                                 |                    | *****                    |                           |              |   |   |
| *                                | *                            | *                                 | *                               | *                  | *                        | *                         | *            | * | * |
| Parole<br>29.4%                  | Shock<br>16.2%               | Probation<br>16.2%                | Max Out<br>1.5%                 |                    |                          |                           |              |   |   |

Table 7  
Disposition of Burglary Cases in  
Three Judicial Districts in 1982

| District Court:                  |                              | Arraigned<br>N = 1,490           |                           |                   |
|----------------------------------|------------------------------|----------------------------------|---------------------------|-------------------|
| *****                            |                              |                                  |                           |                   |
| Waived to<br>Grand Jury<br>26.4% | Direct<br>Indictment<br>5.2% | Pled<br>Guilty<br>36.8%          | Dismissed<br>29.7%        | Diversion<br>1.9% |
| *****                            |                              |                                  |                           |                   |
|                                  | Probation<br>86.8%           | Split<br>Sentence<br>7.5%        | Jail/<br>Shock<br>5.7%    |                   |
| Circuit Court:                   |                              | to Grand Jury<br>N = 463         |                           |                   |
| *****                            |                              |                                  |                           |                   |
| Original<br>74.3%                | Reduced<br>13.0%             | Dismissed<br>8.4%                | Remanded<br>1.7%          | Other<br>2.6%     |
| *****                            |                              |                                  |                           |                   |
| Pled<br>Guilty<br>74.9%          | Alford<br>Plea<br>2.7%       | Jury/Bench<br>Conviction<br>8.4% | Jury<br>Acquittal<br>4.1% | Dismissed<br>9.2% |
| *****                            |                              |                                  |                           |                   |
|                                  | Incarcerated<br>62.4%        | Probated<br>37.6%                |                           |                   |
| *****                            |                              |                                  |                           |                   |
| Parole<br>42.0%                  | Shock Probation<br>12.8%     | Max Out<br>0.5%                  |                           |                   |

Table 8  
Disposition of Larceny/Theft Cases in  
Three Judicial Districts in 1982

| District Court:                  |                              | Arraigned<br>N = 1,631           |                           |                             |
|----------------------------------|------------------------------|----------------------------------|---------------------------|-----------------------------|
| *****                            |                              |                                  |                           |                             |
| Waived to<br>Grand Jury<br>16.7% | Direct<br>Indictment<br>5.1% | Pled<br>Guilty<br>37.4%          | Dismissed<br>37.2%        | Diversion/<br>Other<br>3.6% |
| *****                            |                              |                                  |                           |                             |
|                                  | Probation<br>89.0%           | Split<br>Sentence<br>5.7%        | Jail/<br>Shock<br>5.3%    |                             |
| Circuit Court:                   |                              | to Grand Jury<br>N = 349         |                           |                             |
| *****                            |                              |                                  |                           |                             |
| Original<br>82.2%                | Reduced<br>3.7%              | Dismissed<br>11.7%               | Remanded<br>2.0%          | Other<br>0.4%               |
| *****                            |                              |                                  |                           |                             |
| Pled<br>Guilty<br>77.7%          | Alford/<br>GBMI<br>0.7%      | Jury/Bench<br>Conviction<br>7.1% | Jury<br>Acquittal<br>3.0% | Dismissal<br>11.5%          |
| *****                            |                              |                                  |                           |                             |
|                                  | Incarcerated<br>55.6%        | Probated<br>44.4%                |                           |                             |
| *****                            |                              |                                  |                           |                             |
| Parole<br>39.5%                  | Shock Probation<br>16.5%     | Max Out<br>3.6%                  |                           |                             |

Table 9  
Disposition of Arson Cases in  
Three Judicial Districts in 1982

| District Court:                  |                               |                                     |                           |                    |
|----------------------------------|-------------------------------|-------------------------------------|---------------------------|--------------------|
| Arraigned<br>N = 61              |                               |                                     |                           |                    |
| *****                            |                               |                                     |                           |                    |
| Waived to<br>Grand Jury<br>49.2% | Direct<br>Indictment<br>13.1% | Pled<br>Guilty<br>19.7%             | Dismissed<br>11.5%        | Diversion<br>6.5%  |
| *****                            |                               |                                     |                           |                    |
|                                  | Probation<br>66.7%            | Split<br>Sentence/<br>Jail<br>33.3% |                           |                    |
| Circuit Court:                   |                               |                                     |                           |                    |
| to Grand Jury<br>N = 37          |                               |                                     |                           |                    |
| *****                            |                               |                                     |                           |                    |
|                                  | Original<br>79.0%             | Reduced<br>18.2%                    | Dismissed<br>2.8%         |                    |
| *****                            |                               |                                     |                           |                    |
| Pled<br>Guilty<br>63.9%          | Alford<br>Plea<br>2.8%        | Jury<br>Conviction<br>8.3%          | Jury<br>Acquittal<br>8.3% | Dismissal<br>16.7% |
| *****                            |                               |                                     |                           |                    |
| Incarcerated<br>55.6%            | Probated<br>44.4%             |                                     |                           |                    |
| *****                            |                               |                                     |                           |                    |
| Parole<br>26.7%                  |                               |                                     |                           |                    |

more than half of them were sentenced to prison. Eventually, 27 percent of the arson inmates were paroled.

**Examination of Systemwide Dismissals**

One of the systemwide rates, which the use of an offender based tracking system makes possible to calculate, is dismissal rate. With OBTS, the rate of "system fallout" can be determined. Table 10 contains the rate of dismissal for the index crime cases. This percentage was calculated by adding the cases dismissed in district court to those dismissed in circuit court (by the grand jury and at final disposition). Unfortunately, our OBTS pilot system did not include "reason for dismissal" at any stage of the process. Such information could easily be included and would prove valuable to policymakers and citizens interested in the disposition of cases. This is but one example of how an OBTS system could lead to further analysis and study of a particular subprocess of the criminal justice system.

Table 10  
Systemwide Dismissal Rates

| Type of Crime | Dismissal Rate |
|---------------|----------------|
| Murder        | 13.1%          |
| Rape          | 45.9           |
| Robbery       | 40.1           |
| Assault       | 48.6           |
| Burglary      | 34.9           |
| Larceny-Theft | 41.6           |
| Arson         | 19.7           |

Without the reason for dismissal, it is impossible to determine why a case was eliminated. Possible explanations include witness and evidence problems and absence of guilt. Yet it is interesting to note that two crimes of violence, assault and rape, had the highest rate of dismissal while the most serious crime--murder--had the lowest dismissal rate.



**Time Between Stages of Disposition**

Another way to utilize OBTS data is to analyze the amount of time that it takes a defendant to go through the criminal justice system. As time periods are determined for different types of crimes, forecasting future resource needs can be better met. By using incarceration rates and the number of arrests the amount of time in the criminal justice system can further pinpoint when defendants will be incarcerated and/or placed on probation or otherwise leave the court system. Policymakers can better plan for future needs, and programs can be developed to meet existing criminal justice problems.

Data from 4,951 cases were utilized. Approximately three to four percent of the data needed to be "cleaned", that is, dates were checked for accuracy during data collection and data entry. These data were not used in the analysis due to negative values, inappropriate time spans and other questionable problems. The following maximum time spans were allowed for time periods being analyzed in this section:

|  |          |
|--|----------|
| Arrest to District Court Arraignment                     | 100 days |
| District Court Arraignment to District Court Disposition | 180 days |
| District Court Arraignment to Circuit Court Indictment   | 180 days |
| Circuit Court Indictment to Circuit Court Disposition    | 550 days |
| Circuit Court Disposition to Circuit Court Sentencing    | 60 days  |

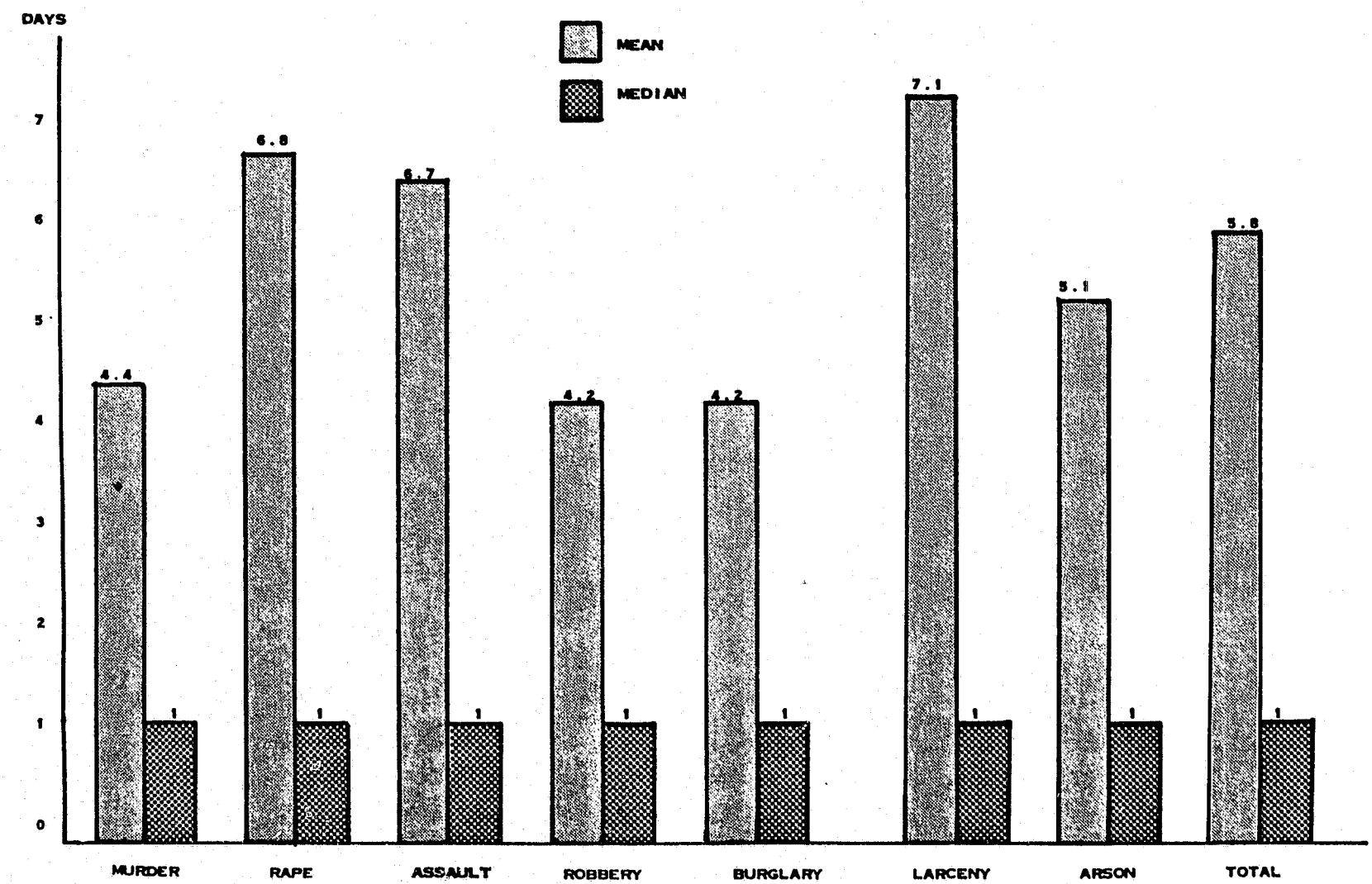
These time frames were selected as representative of system operations. Longer time frames from the data set were usually attributable to bench warrants, missing data, and data entry errors.

In the study the mean (arithmetic average of all values) tended to always be higher than the median (midpoint of all values). This occurred because of the skewness of a relatively few number of cases taking an inordinate amount of time in the system.

**Days from Arrest to District Court Arraignment**

From arrest to arraignment in district court the median for all part one felony cases was one day or less (Figure 1 on page 22). In 75 percent of the

FIGURE 1



DAYS FROM ARREST TO DISTRICT COURT ARRAIGNMENT

cases the median was only two days, except in the case of assaults. For murder and robbery charges the median was only 6 days for 90 percent of the cases. Arraignment schedules varied from jurisdiction to jurisdiction, and the mean for all cases was 5.8 days. For murder, robbery and burglary the mean registered a slightly lower rate of 4.2 to 4.4 days.

Although few cases are usually dismissed or otherwise settled at arraignment or before a pretrial conference, 10 percent of persons arrested for rape had their case disposed within one day or less of arraignment. Only 4 percent of the total cases were settled at arraignment.

#### **Days from District Court Arraignment to District Court Disposition**

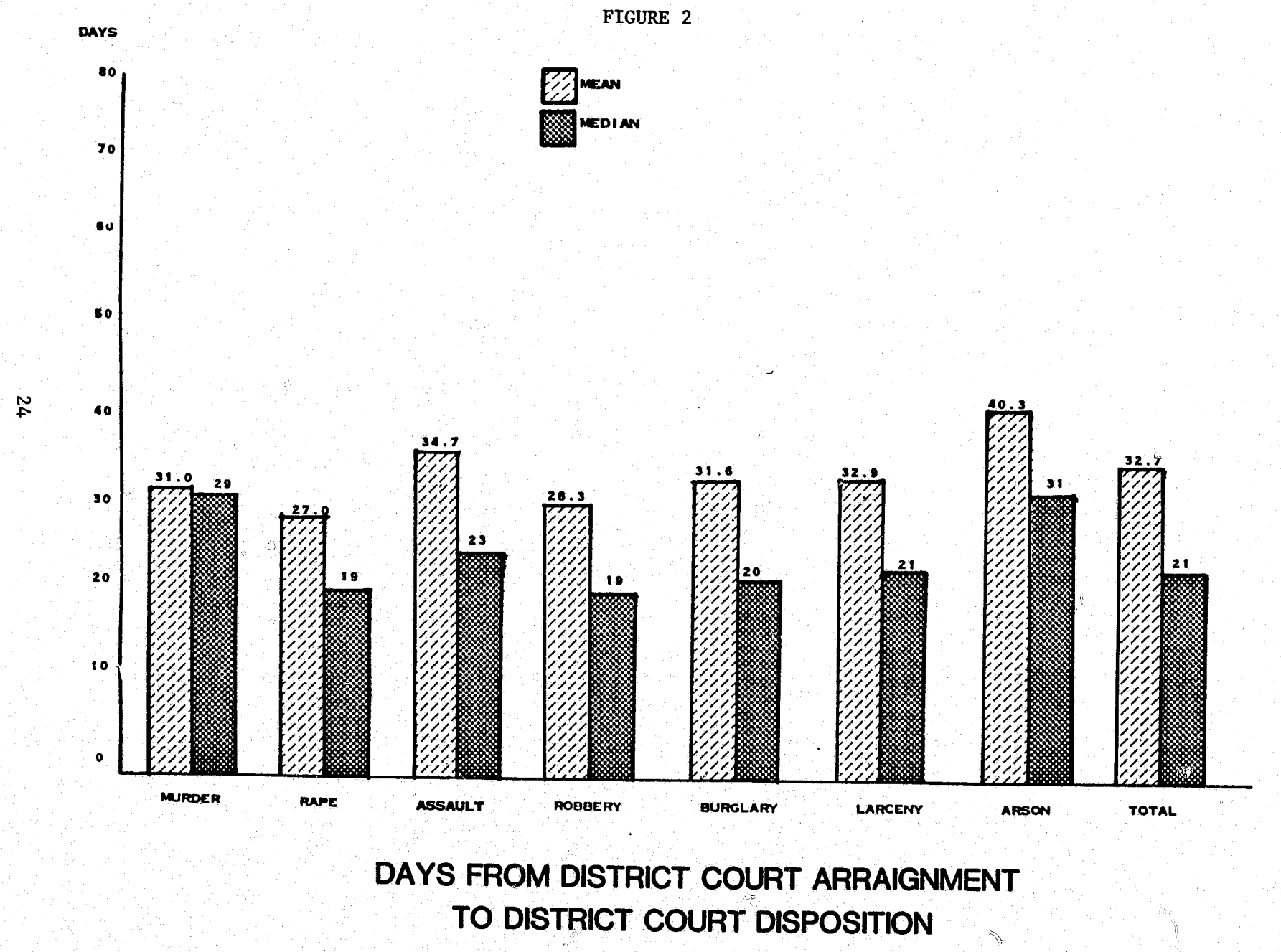
Of the 3,504 defendants included in this part of the study, the median for felony cases from arraignment to disposition in district court was 21 days while the mean was 32.7 days (Figure 2 on page 24). It should be noted that for felony charges to be disposed in the lower court they would have to be plea bargained to misdemeanors.

Nearly 75 percent of all cases in this part of the study were disposed in district court with burglaries mirroring the average. Assaults had the highest rate of 84 percent, and larceny cases also registered a rate slightly over 80 percent. The disposition rate for murder was just over 20 percent and rape 40 percent.

Of the cases settled in district court, rape and robbery charges had the quickest disposition period with a median of 19 days and a mean of 27 and 28 days, respectively. Paradoxically, these two categories took the longest to settle (with the exception of murder) once they reached circuit court. Burglary and theft (larceny) had negligibly higher medians of 20 and 21 days, respectively. Of the 22 cases of arson in the study, disposition in district court took 40 days.

#### **Days from District Court Arraignment to Circuit Court Indictment**

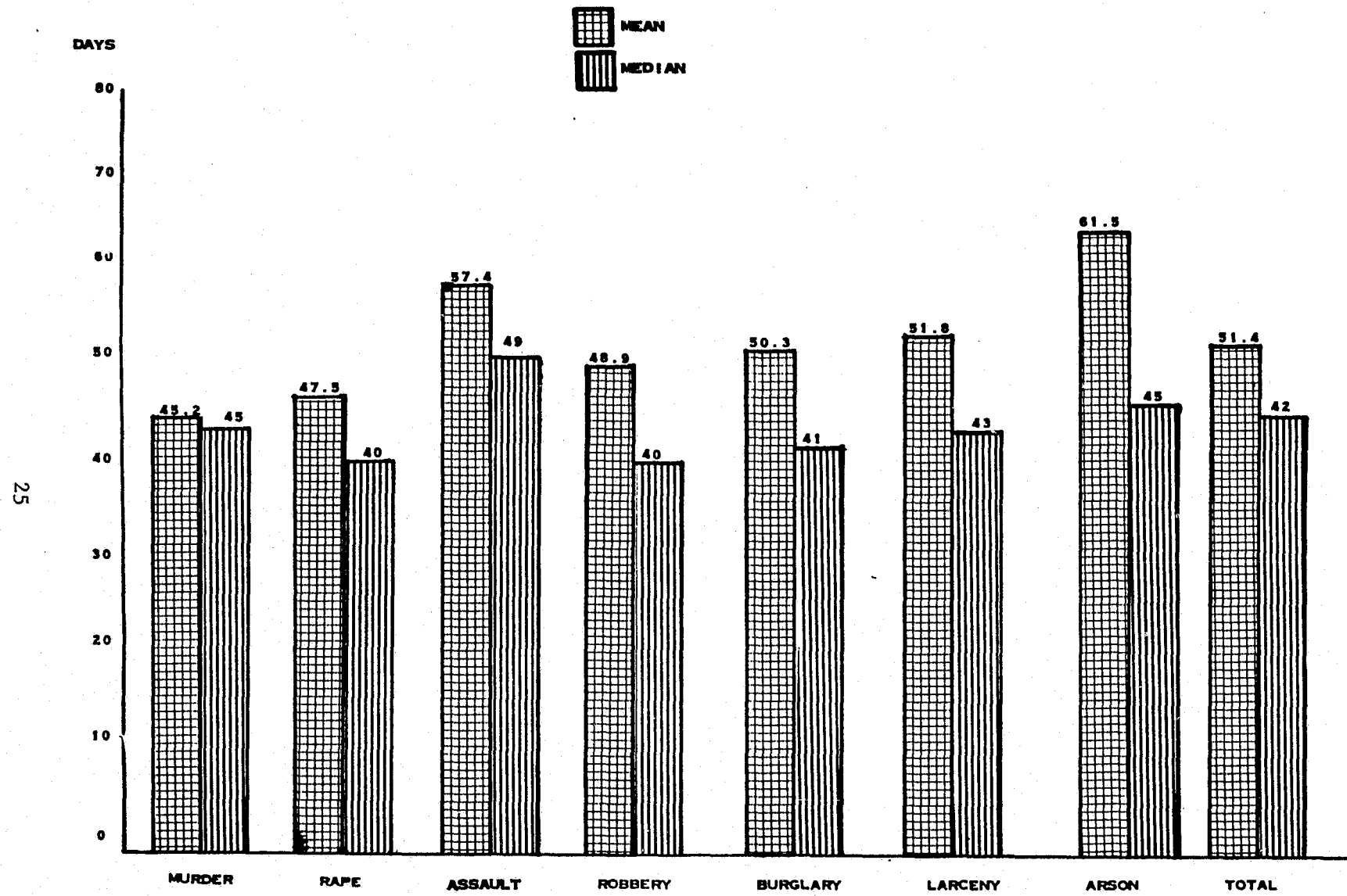
For cases that were waived to the grand jury and on to circuit court, the court process took 44 days for the average case to be indicted from the arrest date (Figure 3 on page 25). From arraignment to indictment, the process took 42 days, or three less than from arrest, and the mean for the same period was 51.4 days. Violent crimes (murder, rape and robbery) tended to average the shortest amount of time before indictment by the grand jury. Arson (61.5 days)



24



FIGURE 3



DAYS FROM DISTRICT COURT ARRAIGNMENT  
TO CIRCUIT COURT INDICTMENT



and assault (57.4 days) had the longest mean times between arraignment and indictment. Half of the rape and robbery cases took only 40 days and burglary cases just 41 days. Because of the need for medical documentation in all of the assault and murder cases, 50 percent of the assault cases took 49 days and murder cases 45 days. For murder cases mean and median tended to be closely poled for arraignment to disposition.

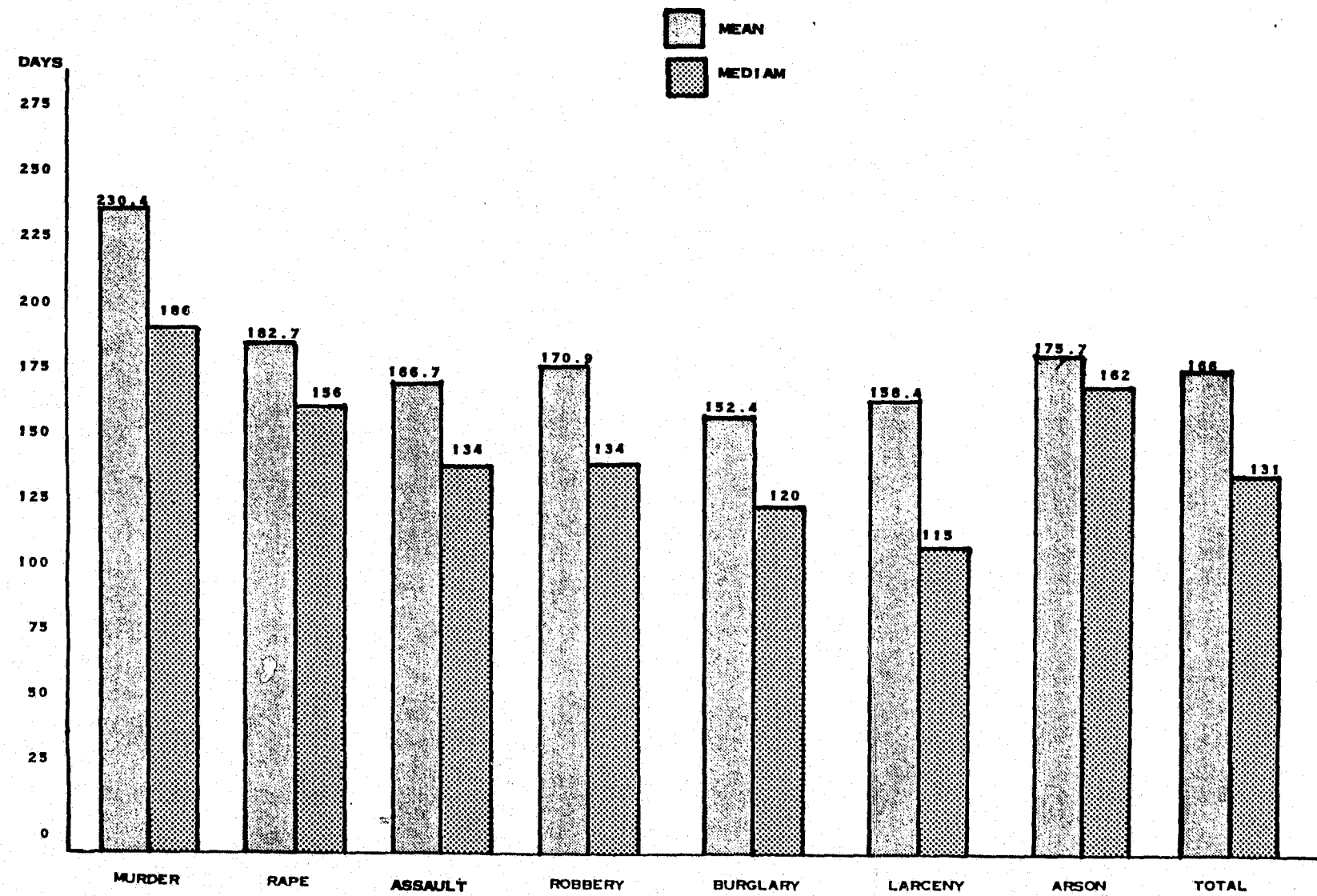
#### **Days from Circuit Court Indictment to Circuit Court Disposition**

Cases in this section include those that not only began as felony cases in district court, but also were indicted as felonies by the grand jury. The members of the grand jury serve for one month and hear cases presented by the commonwealth attorney's office. In Jefferson County, cases are readied for presentation by attorneys who confer with police officers and victims to ascertain the proper charges to be brought in the indictment. These charges can differ from those charges waived from district court. If a change occurs, usually the charges are reduced to misdemeanors or lesser felonies, but charges can also be increased.

To proceed to disposition of a case from district court arraignment to circuit court disposition required an average of 206 days compared to a median disposition time of six months or 180 days (Figure 4 on page 27). The average felony case remained in circuit court for 166 days and the median was over thirty days fewer (131).

Property crimes, burglary and theft, took the shortest amount of time to disposition of 152.4 and 158.4 days, respectively. Fifty percent of these cases took four months or less to settle. Most of the defendants pled to all or most of the charges in the indictment and therefore, did not go to trial. The case then spends much less time in the court system. Murder had the largest mean (230.4 days) and 50 percent of the cases took over 185 days. The difference occurs due to the complexity of preparing for a murder trial and the fact that a greater percentage of cases go to trial. However, most murder cases, as well as rape cases, were presented to the grand jury within two weeks of being waived from district court and had a mean and median of 45 days from district court arraignment. Rape and arson cases had substantially higher medians and means than the average case.

FIGURE 4



DAYS FROM CIRCUIT COURT INDICTMENT  
TO CIRCUIT COURT DISPOSITION

#### **Days from Circuit Court Disposition to Circuit Court Sentencing**

From arraignment to sentencing in circuit court cases that were disposed and sentenced had a mean age of 182 days and the median totaled 149 days (Figure 5 on page 29). Although sentencing usually occurs about 30 days after disposition, a mean of 24 days was recorded in the study. As in the case of all misdemeanors, no presentence investigation (PSI) is required and disposition/sentencing dates are synonymous. The difference appears because defendants are allowed to waive their PSI and can be sentenced on the plea/trial date. Of the 1,070 defendants included in this section of the study, 30.5 percent were sentenced on the disposition date. The amount of time from disposition to sentencing had a mean of 24 days and a median of 25 days.

The time period between disposition and sentencing for rape was considerably longer (30 days) than the mean for the average crime. Murder and robbery cases had a slightly higher than average sentencing period. Due to a number of assault cases being dismissed or settled as misdemeanors, 37 percent were sentenced on the date of disposition. Nearly 30 percent of the burglary and larceny cases were dismissed/sentenced on the disposition date.

#### **Circuit Court Conviction Rate**

Table 11 on page 30 presents information on the circuit court conviction rate for each type of index crime. These figures were calculated by dividing the number of convictions obtained (through plea or jury or bench trial) by the number of cases originally indicted by the grand jury for each index crime. Note that the denominator here is not the same one used in the previous discussion of systemwide dismissal rates. The analysis revealed that circuit court conviction rates ranged from a high of 87.8 percent for murder to a low of approximately 75 percent for rape and arson. It should be noted that the OBTS data set contains other information relevant to sentencing patterns which will be analyzed in the future.

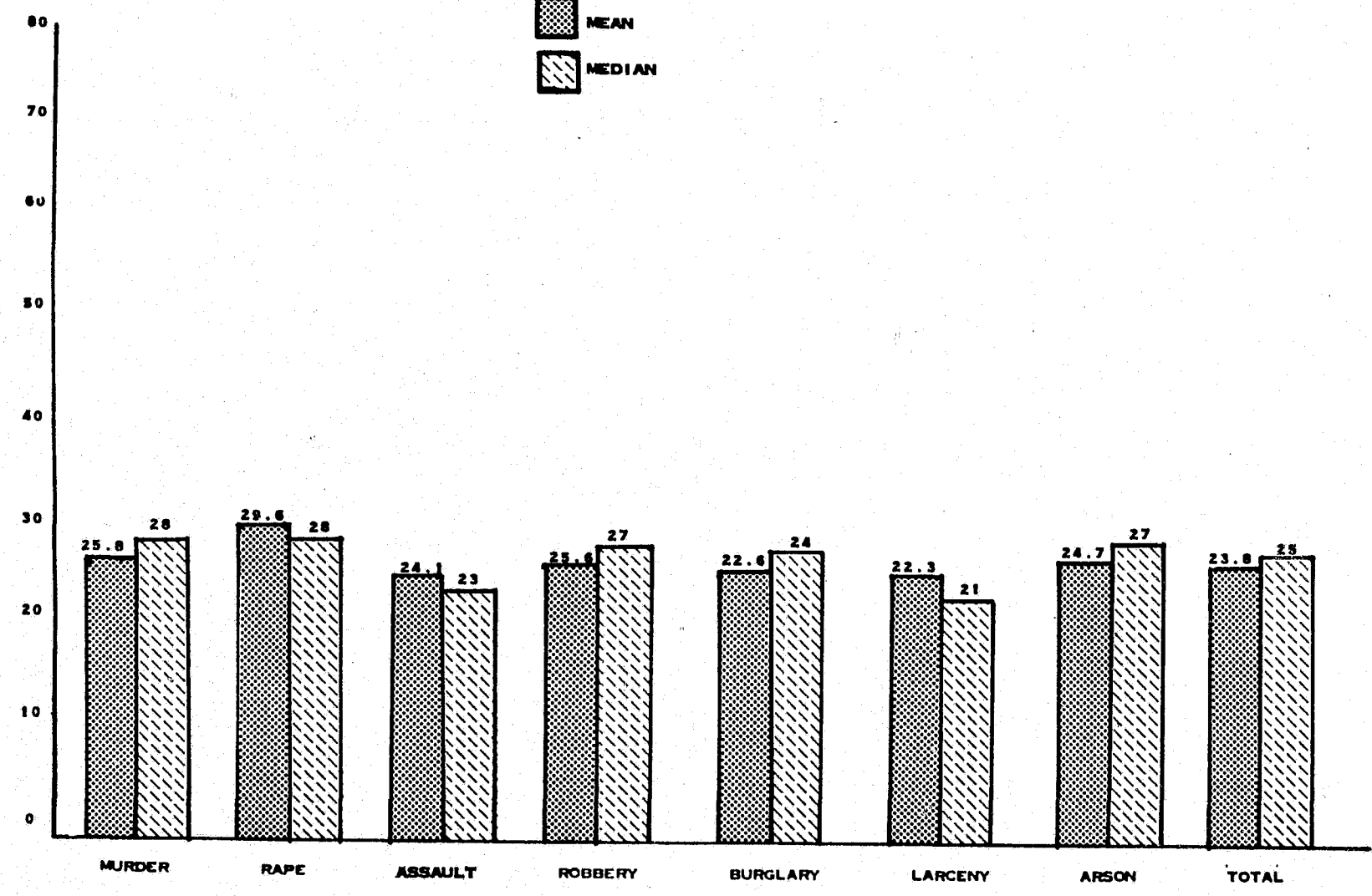
#### **Circuit Court Sentences**

Table 12 on page 30 contains data on the length of sentence given to offenders sentenced to prison. Cases granted probation and offenders under a life sentence or given the death penalty were excluded from this analysis. For each type of index crime, the mean (the average), median (the midpoint),

DAYS

FIGURE 5

MEAN  
MEDIAN



DAYS FROM CIRCUIT COURT DISPOSITION  
TO CIRCUIT COURT SENTENCING

29

Table 11

Circuit Court Conviction Rate

| Type of Crime | Conviction Rate |
|---------------|-----------------|
| Murder        | 87.8%           |
| Rape          | 75.8            |
| Robbery       | 85.5            |
| Assault       | 82.2            |
| Burglary      | 87.4            |
| Larceny-Theft | 85.5            |
| Arson         | 75.0            |

Table 12

Circuit Court Sentences in Months\*

| Type of Crime | Mean | Median | Mode |
|---------------|------|--------|------|
| Murder **     | 156  | 120    | 60   |
| Rape          | 160  | 114    | 20   |
| Robbery **    | 145  | 120    | 120  |
| Assault       | 61   | 60     | 60   |
| Burglary      | 77   | 60     | 60   |
| Larceny-Theft | 42   | 24     | 12   |
| Arson         | 95   | 66     | 120  |

\* Excludes cases granted probation  
 \*\* Excludes life sentences

and modal (most frequent) sentence is presented. In circuit court, persons convicted of rape received the longest average sentence (160 months) while offenders convicted of larceny-theft received the lowest average sentence (42 months). Since the mean is affected by extreme scores, the median sentence (50th percentile) is another useful basis for comparison across the crime types. It is interesting to note that the median sentence for the three most serious types of personal crime (murder, rape and robbery) are approximately equal, ranging from 114 to 120 months (ten years). Also, the median sentence for assault, burglary and arson is approximately 60 months (five years). Finally, the least serious of the index crimes, larceny-theft, drew a median sentence of 24 months (two years). Again, this brief examination of sentencing patterns is but a starting point for further analysis of sentencing dispositions. Of course, such analyses should prove valuable to policymakers who may be considering changes in sentencing laws to anticipate the effect of proposed changes upon the size of the prison population and other aspects of the criminal justice system.

Recidivism Analysis

In this presentation, the focus is placed upon the examination of the recidivism rates of felony probationers, shock probationers, and parolees. As Table 13 shows, the majority of the cases tracked in this area were felony probationers.

Table 13

Recidivism Rates of Felony Probationers, Shock Probationers, and Parolees

| Type of Case       | N   | %     |
|--------------------|-----|-------|
| Probationers       | 317 | 50.3  |
| Shock Probationers | 84  | 13.3  |
| Parolees           | 230 | 36.4  |
| TOTAL              | 631 | 100.0 |



Each category of recidivism (arrest, conviction, reincarceration) was considered and reincarceration was divided between those offenders returned on a conviction for a new crime versus those returned via a technical violation of the conditions of supervision. Again, the maximum length of the follow-up period was three years.

Beginning with felony probationers (Table 14 on page 33), arrestees accounted for 22.1 percent of the total group. A roughly equal number of probationers had either completed or were still under supervision at the time of the analysis. Of those who were arrested, 80 percent were convicted (18% of the total group). Almost 66 percent of the convicted probationers were incarcerated for a new offense (11.7% of the total). Overall, roughly 7 percent of all probationers were reincarcerated for a technical violation of the conditions of supervision. Therefore, the total reincarceration rate for felony probationers was 18.6 percent. This total was lower than that determined in a recent study of felony probationers in California by Petersilia and others (1985) (22%).

Table 15 on page 34 presents information on the type of crime committed by felony probation recidivists (excluding the technical violators). It is clear that misdemeanants and property felons account for the major portions of rearrests and reconvictions (approximately 70% each). However, in terms of reincarceration rates, felonies lead the way (total percentage of 65). This is the basic format which is followed in the recidivism analysis but, once again, it should be considered as only the starting point for further analysis. For example, further information could be provided by comparing the crime at conviction with the crime committed under supervision in an attempt to gain information about the crime patterns of recidivists. Future analysis of this data set will explore such relationships.

The performance of felons placed on shock probation is presented in Table 16 on page 35. Under Kentucky statute, an offender can be released on shock probation by the sentencing judge within 90 days of incarceration. Action can be taken upon a motion filed by the inmate, counsel for the inmate or on the initiative of the sentencing judge. Persons ineligible for regular probation (i.e., convicted of a felony involving a firearm) are also ineligible for release on shock probation.

Table 14  
Recidivism: Probationers in  
Three Judicial Districts in 1982

| Probationers<br>N = 378                            |                          |   |                         |
|--|--------------------------|---|-------------------------|
| Arrested   | Completed<br>Supervision | Still Under<br>Supervision  | Missing or<br>Absconded |
| 25.4%  | 33.3%                    | 36.8%   | 4.5%                    |
| Convicted<br>75.0%<br>(19.0%)                      |                          |   |                         |
| Incarcerated<br>for a New Crime<br>34.7%<br>(6.7%) |                          | Incarcerated<br>as a Violator<br>12.7%<br>(80.0% of the Hearings) |                         |
| Total Incarceration Rate<br>19.3%                  |                          |   |                         |

Table 15  
Probationers in 1982

| <u>Status</u> | <u>Property<br/>Felony</u> | <u>Personal<br/>Felony</u> | <u>Drugs</u> | <u>Misdemeanor</u> |
|---------------|----------------------------|----------------------------|--------------|--------------------|
| Arrested      | 28<br>(33.7%)              | 21<br>(25.3%)              | 4<br>(4.8%)  | 30<br>(36.2%)      |
| Convicted     | 19<br>(30.2%)              | 17<br>(27.0%)              | 2<br>(3.2%)  | 25<br>(39.6%)      |
| Incarcerated  | 8<br>(34.8%)               | 7<br>(30.4%)               | 2<br>(8.6%)  | 6<br>(26.2%)       |

Table 16  
Recidivism: Shock Probationers in  
Three Judicial Districts in 1982

Shock Probationers  
N = 84

| *****<br>*<br>*****   | *<br>*****               | *<br>*****  | *<br>*****              |
|---|--------------------------|---|-------------------------|
| Arrested  | Completed<br>Supervision | Still Under<br>Supervision  | Missing or<br>Absconded |
| 25.0%   | 43.5%                    | 30.4%   | 1.1%                    |
| *<br>Convicted<br>85.7%<br>(21.4%)<br>*                       |                          |   |                         |
| *<br>Incarcerated<br>for a New Crime<br>50.0%<br>(10.7%)<br>* |                          | *<br>Incarcerated<br>as a Violator<br>10.7%<br>(69.2% of the Hearings)<br>* |                         |
| *****<br>*<br>*****   |                          |   |                         |
| Total Incarceration Rate<br>21.4%                             |                          |   |                         |

Review of these data in comparison to the other three groups reveals that shock probationers registered the highest rate of conviction and reincarceration but also had the greatest percentage of cases successfully completing their period of supervision. Although the shock probationers registered the total highest reincarceration rate (21.4%), this percentage was not unexpected since it fell within the range of reincarceration established by other studies of shock probation by Faine and Bohlander in Kentucky (1977) (22.0%) and Vito and Allen (1981) (17%) in Ohio. Finally, as Table 17 on page 37 illustrates, property felonies lead all categories of recidivism.

Due to the fact that so many of the parolees were still under supervision at the time of the study (65.7%), it is difficult to conduct any constructive analysis of their recidivism rate (Table 18 on page 38). However, it is significant to note that a high percentage of parole violators (85.1%) are returned to prison on a technical violation. Once again, Table 19 on page 39 demonstrates that property crimes dominate the recidivism crime types.

Overall, it should be noted that the rate of reincarceration for a violation of the conditions of supervision was high; ranging from 85.1 percent for parolees to 66.7 percent for probationers. These percentages use the number of hearings conducted as the denominator. There are two possible explanations for this finding. First, it is probable, as a result of due process requirements, that hearings are not held frivolously and strong evidence of violation is brought to bear against the offender. Second, in Kentucky, revocation hearings are held before a judge who may be significantly impressed with the seriousness of the charges against the offender. In any event, the clear pattern is that the majority of revocation hearings result in the reincarceration of the offender.

Table 17  
Shock Probationers in 1982

| <u>Status</u> | <u>Property<br/>Felony</u> | <u>Personal<br/>Felony</u> | <u>Misdemeanor</u> |
|---------------|----------------------------|----------------------------|--------------------|
| Arrested      | 15<br>(71.4%)              | 4<br>(19.1%)               | 2<br>(9.5%)        |
| Convicted     | 12<br>(66.7%)              | 4<br>(22.2%)               | 2<br>(11.1%)       |
| Incarcerated  | 6<br>(66.7%)               | 2<br>(22.2%)               | 1<br>(11.1%)       |

Table 18  
 Recidivism: Parolees in  
 Three Judicial Districts in 1982

| Parolees<br>N = 230      |                                 |                            |                                  |
|--------------------------|---------------------------------|----------------------------|----------------------------------|
| *****                    |                                 |                            |                                  |
| Arrested                 | Completed<br>Supervision        | Still Under<br>Supervision | Missing or<br>Absconded          |
| 11.3%                    | 20.4%                           | 65.7%                      | 2.6%                             |
| *****                    |                                 |                            |                                  |
| Convicted                | Incarcerated<br>for a New Crime |                            | Incarcerated<br>as a Violator    |
| 84.6%<br>(9.6%)          | 27.2%<br>(2.6%)                 |                            | 10.0%<br>(85.1% of the Hearings) |
| *****                    |                                 |                            |                                  |
| Total Incarceration Rate |                                 |                            |                                  |
| 12.6%                    |                                 |                            |                                  |

Table 19  
 Parolees in 1982

| Status       | Property<br>Felony | Personal<br>Felony | Drugs        | Misdemeanor  |
|--------------|--------------------|--------------------|--------------|--------------|
| Arrested     | 11<br>(64.6%)      | 2<br>(11.8%)       | 2<br>(11.8%) | 2<br>(11.8%) |
| Convicted    | 9<br>(69.2%)       | 2<br>(15.4%)       | 1<br>(7.7%)  | 1<br>(7.7%)  |
| Incarcerated | 4<br>(80.0%)       | 1<br>(20.0%)       | 0            | 0            |

## CONCLUSIONS

This brief analysis reveals the wealth of policy-relevant data which an OBTS is capable of generating. The basic strength of the OBTS lies in its ability to unite data sets which exist in various segments of the criminal justice system around a common unit of analysis--the offender. The feasibility study demonstrated not only that it is possible to construct an OBTS in Kentucky but also the value of some of the information which it can generate.

The following significant issues will be considered by the SAC in the future:

- Expanding the OBTS across the Commonwealth
- Establishing efficient methods of data collection, storage, and retrieval
- Providing for analysis of OBTS data and thorough diffusion of research products and information

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**APPENDIX**

**APPENDIX A**

OBTS Data Collection Form

OBTS  
DATA COLLECTION FORM

Defendant's Name \_\_\_\_\_

District Court Case Number \_\_\_\_\_

|                                     |                            |       |
|-------------------------------------|----------------------------|-------|
| 1. Sample ID (See Codebook)         | _____                      | 1-6   |
| Record 1                            | <u>1</u>                   | 7     |
| 2. Judicial District (See Codebook) | <u>3</u> <u>0</u>          | 8-9   |
| 3. County (See Codebook)            | <u>0</u> <u>5</u> <u>6</u> | 10-12 |
| 4. Sex: (Circle One)                | <u>1</u> Male              | 13    |
|                                     | <u>2</u> Female            |       |
|                                     | <u>9</u> Missing           |       |
| 5. Race: (Circle One)               | <u>1</u> White             | 14    |
|                                     | <u>2</u> Black             |       |
|                                     | <u>3</u> Hispanic          |       |
|                                     | <u>4</u> Other             |       |
|                                     | <u>9</u> Missing           |       |
| 6. Date of Birth                    | ____ / ____ / ____         | 15-20 |
| 7. Social Security Number           | _____                      | 21-29 |
| 8. Date of Offense                  | ____ / ____ / ____         | 30-35 |
| 9. District Court Arraignment Date  | ____ / ____ / ____         | 36-41 |
| 10. Date of Arrest                  | ____ / ____ / ____         | 42-47 |

|  |   |       |
|--|---|-------|
| 11. Most Serious Felony Charge<br>(See Codebook)     | _____   | 48-50 |
| 12. 2nd Most Serious Felony Charge<br>(See Codebook) | _____   | 51-53 |
| 13. Number of Felony Charges                         | _____   | 54-56 |
| 14. Arresting Agency<br>(See Codebook)               | _____   | 57-63 |
| 15. District Court Bond (Circle One)                 | <u>1</u> Cash Bond                            | 64    |
|  | <u>2</u> 10% Appearance Bond                  |       |
|  | <u>3</u> Property Bond                        |       |
|  | <u>4</u> Surety Bond                          |       |
|  | <u>5</u> Unsecured Bond                       |       |
|  | <u>6</u> Release on Own<br>Recognizance (ROR) |       |
|  | <u>8</u> N/A                                  |       |
|  | <u>9</u> Missing                              |       |
| 16. District Court Bond Amount                       | \$ _____ , _____ , _____                      |       |
| 17. District Court Bond Posted                       | <u>1</u> Yes                                  | 72    |
|  | <u>2</u> No                                   |       |
|  | <u>8</u> N/A                                  |       |
|  | <u>9</u> Missing                              |       |

18. Type of Counsel

(Name: \_\_\_\_\_)

- 1 Private Attorney
- 2 Public Defender.
- 3 Assigned Counsel 73
- 4 Self
- 5 Other
- 9 Missing

19. D.C. Preliminary Hearing Outcome

- 1 Waived to Grand Jury
- 2 Direct Indictment
- 3 D.C. Trial Date Set
- 4 Pled Guilty
- 5 Dismissed 74
- 6 Bench Warrant
- 7 Diversion
- 8 N/A
- 9 Missing

Sample ID

\_\_\_\_\_  
\_\_\_\_\_ 1-6

Record 2

2 7

20. District Court Disposition Date

\_\_\_\_ / \_\_\_\_ / \_\_\_\_ 8-13

21. Final District Court Disposition  
(See Codebook)

\_\_\_\_  
\_\_\_\_ 14-15

22. D.C. Most Serious Disposed Offense  
(See Codebook)

\_\_\_\_\_  
\_\_\_\_\_ 16-18

23. Type of Probation Granted

- 1 Com. Treatment Center
- 2 Shock Probation
- 3 Split Sentence 19
- 4 Misd. Probation
- 5 Other
- 8 N/A
- 9 Missing

(List: \_\_\_\_\_)

24. Plea Negotiation  
(See Codebook)

\_\_\_\_  
\_\_\_\_ 20

25. Total Sentence Time (Months)

\_\_\_\_  
\_\_\_\_ 21-22

26. Actual Sentence Time Served (Months)

\_\_\_\_  
\_\_\_\_ 23-24

27. Class of Sentenced Offense (Circle One)  
(See Codebook)

- 1 A - Misdemeanor
- 2 B - Misdemeanor
- 3 Violation 25
- 8 N/A
- 9 Missing

28. Fine (Round to Nearest Dollar) \$ \_\_\_\_\_ , \_\_\_\_\_ 26-31

29. Restitution Ordered  
1 Yes  
2 No 32  
8 N/A  
9 Missing

30. Amount of Restitution Ordered \$ \_\_\_\_\_ , \_\_\_\_\_ 33-38

Defendant's Name \_\_\_\_\_

Circuit Court Case Number \_\_\_\_\_  
(See CATCH Master File Listing)

Sample ID \_\_\_\_\_ 1-6

Record 3 3 7

31. Date of Indictment \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ 8-13  
(See CATCH Master File Listing)

32. Type of Indictment (Circle One)  
1 Waived to Grand Jury  
2 Direct Indictment 14  
8 N/A  
9 Missing

33. Most Serious Charge Indicted \_\_\_\_\_ 15-17  
(See Codebook)

34. Grand Jury Disposition \_\_\_\_\_  
(See Codebook) (Circle One)  
1 Indictment to Original Charge  
2 Felony Charges Reduced  
3 Dismissed 18  
4 Remanded to District Court  
5 Other  
9 Missing

|  |                              |       |
|--|------------------------------|-------|
| Sample ID                                  | _____                        | 1-6   |
| Record 4                                   | <u>4</u>                     | 7     |
| 35. PFO Status (Circle One)                | <u>1</u> PFO I               |       |
|  | <u>2</u> PFO II              | 8     |
|  | <u>8</u> N/A                 |       |
|  | <u>9</u> Missing             |       |
| 36. Circuit Court Bond (Circle One)        | <u>1</u> Cash Bond           |       |
|  | <u>2</u> 10% Appearance Bond |       |
|  | <u>3</u> Property Bond       |       |
|  | <u>4</u> Surety Bond         |       |
|  | <u>5</u> Unsecured Bond      | 9     |
|  | <u>6</u> ROR                 |       |
|  | <u>7</u> Same Bond as D.C.   |       |
|  | <u>8</u> N/A                 |       |
|  | <u>9</u> Missing             |       |
| 37. Circuit Court Bond Amount              | \$ _____ , _____ , _____     | 10-16 |
| 38. Circuit Court Bond Posted (Circle One) | <u>1</u> Yes                 |       |
|  | <u>2</u> No                  | 17    |
|  | <u>8</u> N/A                 |       |
|  | <u>9</u> Missing             |       |
| 39. Circuit Court Arraignment Date         | ___ / ___ / ___              | 18-23 |

|   |                           |       |
|---|---------------------------|-------|
| 40. Type of Counsel (Circle One)                | <u>1</u> Private Attorney |       |
| (Name: _____)                                   | <u>2</u> Public Defender  |       |
|   | <u>3</u> Assigned Counsel |       |
|   | <u>4</u> Self             | 24    |
|   | <u>5</u> Other            |       |
|   | <u>8</u> N/A              |       |
|   | <u>9</u> Missing          |       |
| 41. Circuit Court Disposition Date              | ___ / ___ / ___           | 25-30 |
| 42. Final Circuit Court Disposition _____       | ___                       | 31-32 |
| 43. C.C. Most Serious Disposition Offense _____ | ___                       | 33-35 |
| (See Codebook)                                  |                           |       |
| 44. Plea Negotiation _____                      | ___                       | 36    |
| (See Codebook)                                  |                           |       |
| 45. PFO Disposition _____                       | ___                       | 37-38 |
| (See Codebook)                                  |                           |       |
| 46. PSI Ordered (Circle One)                    | <u>1</u> Yes              |       |
|   | <u>2</u> No               | 39    |
|   | <u>3</u> Waived           |       |
|   | <u>8</u> N/A              |       |
|   | <u>9</u> Missing          |       |
| 47. Sentencing Date                             | ___ / ___ / ___           | 40-45 |
| 48. Total Sentence Time (Months)                | _____                     | 46-49 |
| 49. Actual Sentence Time (Months)               | _____                     | 50-53 |
| (See Codebook)                                  |                           |       |

50. Class of Sentenced Offense (Circle One)

- 1 Death penalty
- 2 A - Felony
- 3 B - Felony
- 4 C - Felony
- 5 D - Felony
- 6 A - Misdemeanor
- 7 B - Misdemeanor
- 8 N/A
- 9 Missing

54

51. Sentencing Disposition (Circle One)

- 1 Concurrent
- 2 Consecutive
- 3 Both
- 8 N/A
- 9 Missing

55

52. Probation Granted (Circle One)

- 1 Yes
- 2 No
- 8 N/A
- 9 Missing

56

53. Fine (Round to nearest Dollar)

\$ \_\_\_\_\_ , \_\_\_\_\_

57-62

54. Restitution Ordered (Circle One)

- 1 Yes
- 2 No
- 8 N/A
- 9 Missing

63

55. Restitution Amount

\$ \_\_\_\_\_ , \_\_\_\_\_

67-69

Probation and Parole Outcome

Defendant's Name \_\_\_\_\_

Sample ID

\_\_\_\_\_

1-6

Record 5

5

7

56. Initial Date of Supervision

\_\_\_ / \_\_\_ / \_\_\_

8-13

57. Type of Case (Circle One)

- 1 Probation
- 2 Shock Probation
- 3 Parole
- 4 Maximum Expiration of Sentence

14

58. New Crime Committed by Offender (Circle One)

- 1 Yes
- 2 No
- 8 N/A
- 9 Missing

15

59. Seriousness of New Offense  
(See Seriousness Code: Use  
777 = Technical Violation,  
888 = N/A, 999 = Missing)

\_\_\_

16-18

60. Offender Arrested (Circle One)

- 1 Yes
- 2 No
- 9 Missing

19

61. Offender Convicted (Circle One)

- 1 Yes
- 2 No
- 9 Missing

20





**END**