



Bureau of Justice Statistics Bulletin

Tracking Offenders

November 1983

How many criminals go to prison for their crimes? This basic question is one of the first that must be addressed in any attempt to understand crime and the efforts of society to control it. Yet the answer to this question is just beginning to emerge after years of planning and development of OBTS on the part of Federal, State, and local authorities.

No one goes to prison for crimes of which the authorities are not aware. Yet a substantial number of crimes go unreported each year, including more than half of all violent crimes. Even when a crime is reported to the police, it is not always possible to make an arrest. Homicides are closed by arrest in three of every four cases, but for other crimes the figure is much lower. Consequently, a large number of criminals—those whose crimes are never reported and those who escape detection—do not enter the Offender-Based Transaction System.

What happens to a person after being arrested for a crime—from a statistical perspective—is often impossible to determine. With great effort, one can determine what happened to a particular offender arrested for a specific crime at a specific time in a specific place. This requires tracking that particular case through the various stages of the criminal justice system. But to find out what happened to all offenders arrested for that crime throughout the United States during a specified period—say a particular year—is currently impossible. How many were charged? How many were released? How many were prosecuted? How many had their charges dropped? How many of those prosecuted pleaded guilty or were tried and found guilty? How many were acquitted? For those found guilty, how many were fined, placed on probation, sent to prison, or given some other sentence? None of the answers is known on a national level.

Why is it so hard to track offenders through the criminal justice system? As has often been stated, the criminal justice system in the United States is not one but

This bulletin presents the first statistics on the processing of persons through the criminal justice system to be compiled from information furnished to the Bureau of Justice Statistics by individual States.

In 1973, the predecessor of BJS (the National Criminal Justice Information and Statistics Service) established the Comprehensive Data Systems (CDS) program to assist States in developing operational and statistical information systems to improve the criminal justice process. One of the components of the CDS program, Computerized Criminal Histories/Offender-Based Transaction Statistics (CCH/OBTS), focused on the arrested individual. CCH was designed to provide information on the individual's prior criminal activities and the criminal justice response. OBTS provided information on the criminal justice process and the time needed to complete various steps within that process.

CCH had a high development priority within the States. Not until 1981 was BJS able to direct the States' attention to implementing OBTS. With State assistance, BJS examined and redefined OBTS data elements and began a seven-State effort to collect OBTS data for national aggregation. Three of the States, because of budget reductions or other unforeseen problems, halted

their efforts before completing this project. The statistics in this bulletin are those obtained from the remaining four.

These States agreed to provide these initial data only if they were not cited by name in any publication. Their concerns were that the data had not been thoroughly verified and that they wished to avoid premature speculation and interpretation before they themselves published their findings. Therefore, even though these data must be viewed as illustrative, they demonstrate the powerful tool offender-based transaction statistics can be.

In fiscal year 1984, BJS expects to add another 4 to 8 States to the national OBTS program and an additional 10 States in 1985. Future reports will identify each of these States by name. The Bureau encourages all States to participate in OBTS and stands ready to provide information and technical assistance to them.

The development of an Offender-Based Transaction System for these States, and subsequently for the Nation as a whole, will permit citizens, legislators, policymakers, and practitioners alike to understand the criminal justice process more fully and to make informed decisions about it.

Steven R. Schlesinger
Director

many systems. Each State, the District of Columbia, and the Federal Government and its territories have criminal justice systems that are independent of each other and, while broadly similar, have their own distinguishing characteristics. Furthermore, within the States, criminal justice agencies that cooperate closely with each other in the administration of

justice have not, for the most part, developed information systems capable of interfacing to provide statistics on the flow of offenders through the system.

Prosecutor's data

Attempts to develop an information system that could measure the flow as

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well as provide statistical data at specific points in the process were first sponsored by LEAA in the early 1970's. Under the Prosecutor's Management Information System (PROMIS) program, certain cities undertook to trace all cases handled by the prosecutor's office from arrest to final disposition. The statistics produced by PROMIS in each of these cities dramatically illustrated what is sometimes termed the funnel effect.

The "funnel" is produced by the attrition that occurs at every stage of the criminal justice process. There is a steady reduction in the number of offenders from the point of arrest to the point of imprisonment (figure 1). Sometimes this reduction can be quite substantial. In New Orleans, one of the PROMIS cities, for every 100 felony cases handed over to the prosecutors, only 43 ended in guilty verdicts or guilty pleas.* In Manhattan, 59 of 100 felony cases resulted in guilty verdicts or pleas. There are, no doubt, cities with both lower and higher conviction rates.

Furthermore, examining only the two ends of the funnel doesn't tell very much about its shape between these two points. For example, of the 100 cases turned over to New Orleans prosecutors, only 53 had charges filed. In Manhattan charges were filed in 92 cases. Therefore, the proportion of convictions arising out of those cases where charges were filed is higher in New Orleans than in Manhattan. In both cases there were very few trials—most offenders pleaded guilty. The trials that were held were much more likely to result in guilty verdicts than acquittals. The pattern for Washington, D.C., fits somewhere between New Orleans and Manhattan with 83 charges filed and 47 convictions for every 100 felonies presented to the prosecutor.

What do the statistics for these three cities say about the criminal justice system? First, they affirm with precise statistics what criminal justice practitioners know from daily experience: The overwhelming proportion of cases that are prosecuted are disposed of by plea bargaining. In those few cases that do go to trial, acquittal is unlikely. Secondly, they give the cities an opportunity to compare their case processing with that of other cities and to examine those procedures and practices, formal and informal, that account for their individual patterns. Finally, they suggest what a powerful analytical tool such information would be on a statewide and ultimately on a nationwide basis.

The development of PROMIS in these cities has not been quick or easy. Agencies within a given jurisdiction had to agree on standard data definitions, internal record-keeping systems had to be totally revamped, interagency linkages established, automated systems developed, and the entire staff trained in each

*Felonies are those crimes for which the maximum sentence is typically more than a year.

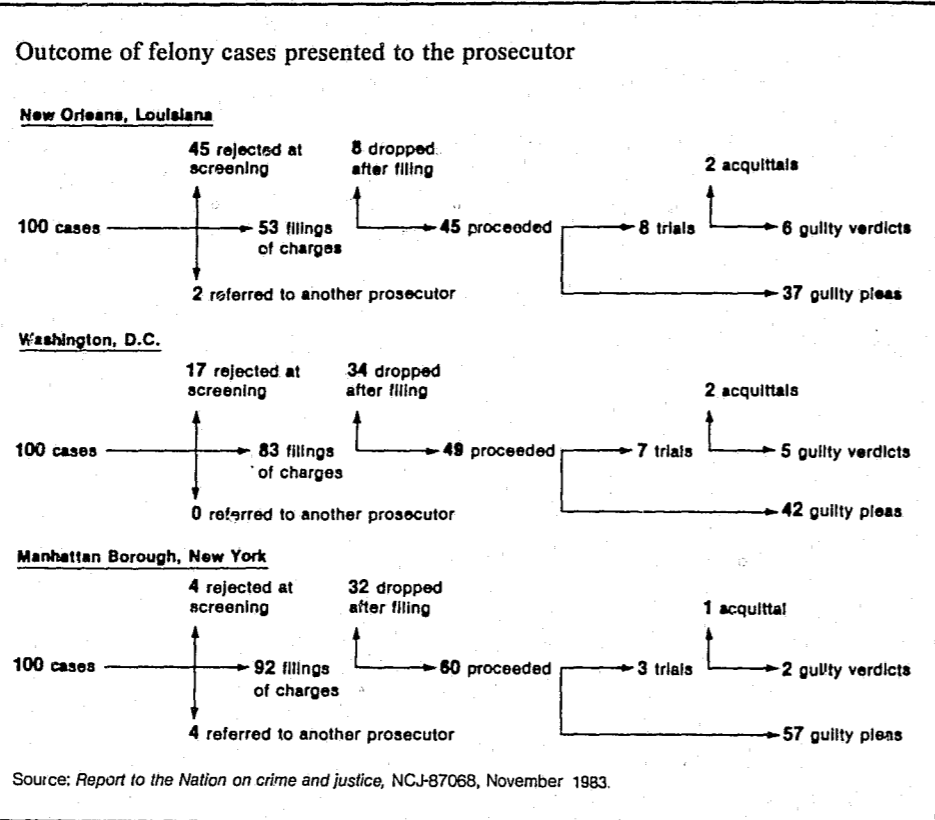


Figure 1

agency. This process took several years and hundreds of thousands of dollars to accomplish.

OBTs

If data that track offenders through a single city's criminal justice system are difficult to obtain, data for entire States are all the more so. The State must adjust not only to different practices within its cities but also to the additional requirement that all statistics collected in each State must conform to a specified set of nationwide definitions. Conformity with standard data element definition is essential to permit both comparisons among the States and compilation of national totals. All of these difficulties can be overcome, however, as the initial data from four States illustrate.

Compiling data for four States

Two of the four States have populations of less than 10 million and two have larger populations. Each State is from a different part of the country. They represent the East, the West, the Mid-Atlantic and the North Central regions.

Each State submitted data for a 12-month period, but the period differed. One State provided data for calendar year 1979 and another for calendar year 1981. The third and fourth States submitted data for fiscal years beginning July 1, 1980, and July 1, 1981, respectively. It would have been preferable for each State to provide data for the same period. This would have eliminated any bias that might have arisen

during the 3 1/2 years spanned by the data. Such a bias could be quite pronounced if any of the States had made any significant changes in their criminal justice procedures during that time. However, the States reported no such changes.

Three States extracted their data from census-type files, that is, the total data bank maintained by the State on all persons within its criminal justice process. One State conducted a sample survey because the State files were incomplete. Each State reported that its data have not yet been verified. The data, therefore, cannot be viewed as an accurate reflection of the criminal justice process within the States.

The data submitted by the four States are considerably richer and more detailed than those used in the three-city example (figure 1). They capture slightly more of the criminal justice process starting with the arrest and carrying through to confinement. They provide information on individual felonies, including the personal crimes of homicide, forcible rape, robbery, and aggravated assault, and the property crimes of burglary, larceny, auto theft, and arson, as well as a group of miscellaneous felonies. For total felonies and personal felonies, the age, sex, and race of the arrestee were provided. The median amount of time that elapsed from arrest to judicial decision was also reported for these categories.

Data were obtained on arrest disposition, the judicial decision, incarceration,

and length of sentence (more or less than a year). Of course, the flexibility of OBTs allows other more detailed data to be collected, such as time lapses at each stage of the process, the number of cases plea bargained, reasons for failure to prosecute or for court-ordered dismissals, the sentences given to offenders not imprisoned, where imprisoned offenders served their time (prison, jail, halfway house, etc.), and the specific lengths of their sentences. For this report, the categories were kept fairly broad to facilitate State collection and reporting.

Not all of the States could provide a specific reason as to why an individual was released after arrest, so the arrest disposition category is limited to prosecuted or not prosecuted. Also, one State has a law mandating that arrestees, except under limited circumstances, have a preliminary court hearing to determine whether the arrestee should be prosecuted further. This study defined that action as a form of prosecution. Another State, because of its sampling methods, is not certain if the arrest disposition is truly reflective of the State's experiences.

For the judicial decision, four general categories were reported—dismissed, acquitted, convicted, or other dis-

position. Those cases where adjudication was withheld on the presumption of no further offenses being committed were treated as convicted because they most closely resemble suspended sentences. Other disposition includes deceased defendants, extraditions, persons judged mentally incompetent, adjudication not reported, and other reasons not appropriate to other judicial decisions. The convicted category also includes a conviction for less than the original offense charged.

The four States provide information on a total of 400,000 persons arrested within their States. To simplify the tables and make for ease of comparison, all absolute levels were converted into percentages. Progress through the criminal justice system in each category is based on an initial 100 felony arrests.

Examining data for four States

Given the limitations of the data stated above, it would be unwise to draw any firm conclusions from the data. The data can, however, illustrate the types of analysis to which they lend themselves and present a few broad patterns. For example, the funnel effect is clearly present for each group of offenders, for each

felony, and for each State. Furthermore, there appears to be some deviation in the shape of the funnel for females and for nonwhites (table 1).

Acquittals are rare regardless of age, sex, or race. However, acquittal for personal crimes is somewhat higher than for property crimes. In almost all personal crimes, offenders sentenced to prison received sentences of more than a year, a typical felony sentence. The opposite is true for property crimes and miscellaneous felonies (table 2).

Persons receiving sentences of less than a year, whether for personal, property, or miscellaneous crimes, may have plea-bargained their charges down to misdemeanors. Such plea-bargaining may be difficult to accomplish when original charges are rape, homicide, robbery, or aggravated assault. Homicide, the best reported crime and the crime most likely to be cleared by arrest, is also the crime overwhelmingly most likely to be prosecuted and to result in a prison sentence of more than a year.

When the four States are examined separately, some of the diversity of the States that is masked in the earlier tables becomes apparent (table 3). Given the

Table 1. Outcome for felony offenders in four States, by race, sex, age, and average time from arrest to disposition

Disposition for all felonies	Four-State total	Race		Sex		Age					Average days after arrest
		White	Other	Male	Female	19 or less	20-24	25-29	30-39	40+	
For 100 arrests:											
Not prosecuted	52	66	21	49	65	56	48	50	51	54	
Prosecuted	48	34	79	51	35	44	52	50	49	46	
Of those prosecuted:											
Dismissed	15	9	28	16	12	14	15	15	16	16	95
Acquitted	1	1	2	1	1	1	1	1	1	1	230
Other disposition	1	1	1	1	1	1	1	1	1	1	193
Convicted	31	23	48	33	21	28	35	33	31	28	119
Of those convicted:											
Not imprisoned	19	15	27	20	16	18	21	19	18	19	
Imprisoned	12	8	21	13	5	10	14	14	13	9	
Of those imprisoned:											
A year or less	7	4	12	7	4	6	7	8	7	5	
More than a year	5	4	9	6	1	4	7	6	6	4	
Disposition for personal offenses*											
For 100 arrests:											
Not prosecuted	16	25	9	16	17	16	16	16	16	15	
Prosecuted	84	75	91	84	83	84	84	84	84	85	
Of those prosecuted:											
Dismissed	33	26	39	33	41	32	31	33	36	40	80
Acquitted	3	3	3	3	2	2	3	3	4	4	235
Other disposition	1	1	1	1	1	1	1	1	1	1	208
Convicted	47	45	48	47	39	49	49	47	43	40	137
Of those convicted:											
Not imprisoned	24	25	23	23	27	26	23	22	22	25	
Imprisoned	23	20	25	24	12	23	26	25	21	15	
Of those imprisoned:											
A year or less	8	7	9	8	6	8	9	9	8	6	
More than a year	15	13	16	16	6	15	17	16	13	9	

*Homicide, forcible rape, robbery, and aggravated assault.

Table 2. Outcome for felony offenders in four States, by offense

Disposition	Four-State total	Part I personal	Part I property	All other felonies	Part I personal offenses				Part I property offenses			
					Homicide	Rape	Robbery	Assault	Burglary	Larceny	Auto theft	Arson
For 100 arrests:												
Not prosecuted	52	16	38	70	9	15	11	20	21	51	32	32
Prosecuted	48	84	62	30	91	85	89	80	79	49	68	68
Of those prosecuted:												
Dismissed	15	33	17	8	23	35	31	36	21	13	24	21
Acquitted	1	3	1	1	6	6	3	2	1	1	1	3
Other disposition	1	1	1	1	1	1	1	1	1	1	1	1
Convicted	31	47	43	20	61	43	54	41	56	34	42	43
Of those convicted:												
Not imprisoned	19	24	26	14	18	19	20	29	30	23	25	24
Imprisoned	12	23	17	6	43	24	34	12	26	11	17	19
Of those imprisoned:												
A year or less	7	8	11	4	8	7	10	8	15	8	14	7
More than a year	5	15	6	2	35	17	24	4	11	3	3	12

caveats attached to these data by the four States, strict comparisons are not appropriate. If comparisons could be made, one would certainly wish to examine the almost reverse proportions of prosecuted and not prosecuted arrestees that the Eastern and Western States show. These States are clearly engaged in different practices, with the greatest difference for property crimes and for other felonies. One would also wish to examine why the

mid-Atlantic State has a higher proportion of its felony arrestees receiving a sentence of more than a year than the other three States, regardless of the type of offense. Other interesting questions about the differences in State data will undoubtedly occur to the reader. It is easy to see, then, what a rich source of information accurate data for a large number of States would be.

For the criminal justice administrator, slightly different questions would arise, for example—

- What actions can be taken to reduce the number of no-court-action releases? Should increased training be provided or should a reasonable arrest be more clearly defined? What procedures should be implemented to ensure that all arrested

Table 3. Outcome for felony offenders in four States, by State location

Disposition	Four-State total	State location				Four-State total	State location			
		East	Mid-Atlantic	North Central	West		East	Mid-Atlantic	North Central	West
For 100 arrests:										
Not prosecuted	52	3	23	30	92	16	4	22	35	73
Prosecuted	48	97	77	70	8	84	96	78	65	27
Of those prosecuted:										
Dismissed	15	38	16	6	1	33	46	14	5	8
Acquitted	1	1	4	1	1	3	2	8	1	1
Other disposition	1	1	0	2	1	1	1	0	1	1
Convicted	31	57	57	61	5	47	47	56	58	17
Of those convicted:										
Not imprisoned	19	33	39	29	3	24	24	32	19	9
Imprisoned	12	24	18	32	2	23	23	24	39	8
Of those imprisoned:										
A year or less	7	16	4	25	1	8	13	2	20	1
More than a year	5	8	14	7	1	15	10	22	19	7
Property offenses**										
Not prosecuted	38	2	18	29	91	70	2	28	30	94
Prosecuted	62	98	82	62	9	30	98	72	70	6
Of those prosecuted:										
Dismissed	17	33	14	5	1	8	33	19	7	1
Acquitted	1	1	3	1	1	1	1	2	1	0
Other disposition	1	1	0	1	1	1	1	0	4	1
Convicted	43	63	65	64	6	20	63	51	58	4
Of those convicted:										
Not imprisoned	26	36	44	28	4	14	42	39	32	2
Imprisoned	17	27	21	36	2	6	21	12	26	2
Of those imprisoned:										
A year or less	11	21	5	30	1	4	16	4	23	1
More than a year	6	6	16	6	1	2	5	8	3	1

*Homicide, forcible rape, robbery, and aggravated assault.

**Burglary, larceny, auto theft, and arson.

persons (regardless of race, sex, or age) are treated equally under the law?

• What are the reasons behind dismissals and what can be done to reduce the number?

• How will increasing the number of imprisonments or increasing the sentence length affect prison facilities?

OBTS can be used to analyze the criminal justice process, to develop new programs, to measure the impact of programs on crime processing activities, to establish accurate performance measures, and to forecast future resource needs. As OBTS expands throughout the States, it brings closer the day when the data can answer the question: How many criminals go to prison for their crimes?

Further OBTS developments

BJS plans to produce OBTS reports periodically. They will be based on the BJS OBTS standards. Six States have

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agreed to extract data from their systems for national aggregation based on the standards. The data will be for calendar years 1980 and 1981. The data are to be submitted by December 1983, and special reports on these data will be produced during calendar year 1984.

If you are interested in learning more about OBTS or this series of reports, please write or call the Bureau of Justice Statistics, 202/724-7770.

Further reading

Copies of the following are or will be available from the National Criminal Justice Reference Service, Box 6000, Rockville, Md. 20850 (use NCJ number to order).

- A cross-city comparison of felony case processing (1977), NCJ-55171, July 1979.
- Report to the Nation on crime and justice, NCJ-87068, November 1983.
- The prosecution of felony arrests, 1979, NCJ-86483 (forthcoming January 1984).

Bureau of Justice Statistics reports (revised October 1983)

Single copies are available free from the National Criminal Justice Reference Service, Box 6000, Rockville, Md. 20850 (use NCJ number to order). Postage and handling are charged for multiple copies (301/251-5500).

Public-use tapes of BJS data sets and other criminal justice data are available from the Criminal Justice Archive and Information Network, P.O. Box 1248, Ann Arbor, Mich. 48106, (313/764-5199).

National Crime Survey

Criminal victimization in the U.S.:
1973-82 trends, NCJ-90541, 9/83

1980 (final report), NCJ-84015, 4/83
1979 (final report), NCJ-76710, 12/81

BJS bulletins:

Households touched by crime 1982, NCJ-86671, 6/83
Violent crime by strangers, NCJ-80829, 4/82
Crime and the elderly, NCJ-79614, 1/82
Measuring crime, NCJ-75710, 2/81

The National Crime Survey: Working papers, vol. I. Current and historical perspectives, NCJ-75374, 8/82

Crime against the elderly in 26 cities, NCJ-76706, 1/82

The Hispanic victim, NCJ-69261, 11/81
Issues in the measurement of crime, NCJ-74682, 10/81

Criminal victimization of California residents, 1974-77, NCJ-70944, 6/81

Restitution to victims of personal and household crimes, NCJ-72770, 5/81

Criminal victimization of New York State residents, 1974-77, NCJ-70944, 9/80

The cost of negligence: Losses from preventable household burglaries, NCJ-53527, 12/79
Rape victimization in 26 American cities, NCJ-55878, 8/79

Criminal victimization in urban schools, NCJ-56396, 8/79

Crime against persons in urban, suburban, and rural areas, NCJ-53551, 7/79

An introduction to the National Crime Survey, NCJ-43732, 4/78

Local victim surveys: A review of the issues, NCJ-39973, 8/77

National Prisoner Statistics

BJS bulletins:

Prisoners at midyear 1983, NCJ-91034, 10/83
Capital punishment 1982, NCJ-89395, 7/83
Prisoners in 1982, NCJ-87933, 4/83
Prisoners 1925-81, NCJ-85861, 12/82

Prisoners in State and Federal institutions on December 31, 1981 (final report), NCJ-86485, 7/83

Capital punishment 1981 (final report), NCJ-86484, 5/83

1979 survey of inmates of State correctional facilities and 1979 census of State correctional facilities
Career patterns in crime (BJS special report), NCJ-88672, 6/83

BJS bulletins:

Prisoners and drugs, NCJ-87575, 3/83
Prisoners and alcohol, NCJ-86223, 1/83
Prisons and prisoners, NCJ-80697, 2/82
Veterans in prison, NCJ-79632, 11/81

Census of jails and survey of jail inmates: Jail inmates 1982 (BJS bulletin), NCJ-87161, 2/83
Census of jails, 1978: Data for individual jails, vols. I-IV, Northeast, North Central, South, West, NCJ-72279-72282, 12/81

Profile of jail inmates, 1978, NCJ-65412, 2/81
Census of jails and survey of jail inmates, 1978, preliminary report, NCJ-55172, 5/79

Parole and probation

BJS bulletins:

Probation and parole 1982, NCJ-89874, 9/83

Setting prison terms, NCJ-76218, 8/83

Characteristics of persons entering parole during 1978 and 1979, NCJ-87243, 5/83

Characteristics of the parole population, 1978, NCJ-66479, 4/81

Parole in the U.S., 1979, NCJ-69562, 3/81

Courts

State court caseload statistics:

1977 and 1981 (BJS special report), NCJ-87587, 2/83

State court organization 1980, NCJ-76711, 7/82

State court model statistical dictionary, NCJ-62320, 9/80

A cross-city comparison of felony case processing, NCJ-55171, 7/79

Federal criminal sentencing: Perspectives of analysis and a design for research, NCJ-33683, 10/78

Variations in Federal criminal sentences, NCJ-33684, 10/78

Federal sentencing patterns: A study of geographical variations, NCJ-33685, 10/78

Predicting sentences in Federal courts: The feasibility of a national sentencing policy, NCJ-33686, 10/78

State and local prosecution and civil attorney systems, NCJ-41334, 7/78

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