

Appendix 13

State Court Processing Statistics

Methodology, definitions of terms, and crimes within offense categories

Note: The following information has been excerpted from U.S. Department of Justice, Bureau of Justice Statistics, *Felony Defendants in Large Urban Counties, 2000*, NCJ 202021, pp. 1, 37, 38; *2002*, NCJ 210818, pp. 1, 37, 38 (Washington, DC: U.S. Department of Justice); *2004 Statistical Tables*, NCJ 221374 [Online]. Available: <http://www.ojp.usdoj.gov/bjs/pub/html/fdluc/2004/fdluc04st.htm#methodology>. Non-substantive editorial adaptations have been made.

Methodology

Since 1988, the Bureau of Justice Statistics has sponsored a biennial data collection on the processing of felony defendants in the State courts of the Nation's 75 most populous counties. Previously known as the National Pretrial Reporting Program, this data collection series was renamed the State Court Processing Statistics (SCPS) program in 1994 to better reflect the wide range of data elements collected. The SCPS program collects data on the demographic characteristics, criminal history, pretrial processing, adjudication, and sentencing of felony defendants. The SCPS data do not include Federal defendants.

In 2000 and 2002, the 75 largest counties accounted for about 37% of the Nation's population. In 2000 and 2002, these jurisdictions accounted for 49% and 50%, respectively, of all reported serious violent crimes, and 39% and 42%, respectively, of all reported serious property crimes.

In 2004, the 75 largest counties accounted for 38% of the Nation's population. These jurisdictions accounted for 45% of all reported serious violent crimes in the United States, including 43% of murders and non-negligent manslaughters, 34% of rapes, 53% of robberies, and 43% of aggravated assaults.

The SCPS sample was designed and selected by the U.S. Census Bureau. It is a two-stage stratified sample with 40 of the 75 most populous counties selected at the first stage, and a systematic sample of State court felony filings (defendants) within each county selected at the second stage.

The 40 counties were divided into 4 first-stage strata based on court filing information. Ten counties were included in the sample with certainty because of their large number of court filings. The remaining counties were allocated to the three noncertainty strata based on the variance of felony court dispositions.

The second-stage sampling was designed to represent all defendants who had felony cases filed with the court during the month of May. The participating jurisdictions provided data for every felony case filed on selected days during that month. The number of days selected depended on the stage-one stratum in which the county had been placed. Each jurisdiction provided felony case filings for 5, 10, or 20 randomly selected business days for the month of May. Data from jurisdictions that were not required to provide a full month of filings were weighted to represent the full month.

For 2000, data on 14,877 sample felony cases were collected from the 40 sampled jurisdictions. These cases represented the estimated 54,590 felony cases filed during the month of May 2000 in the 75 most populous counties. For 2002, data on 15,358 sample felony cases were collected from the 40 sampled jurisdictions, representing the estimated 56,146 felony cases filed during May 2002. A small number of weighted cases (162 for 2000 and 93 for 2002) were omitted from the analyses because they could not be classified into one of the four major crime categories (violent, property, drug, public-order). For 2004, data on 15,761 sample felony cases were collected from the 40 sampled jurisdictions, representing the estimated 57,497 felony cases filed during May 2004.

For the 2000 sample, data were collected from the following counties: Alabama (Jefferson); Arizona (Maricopa, Pima); California (Alameda, Contra Costa, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Mateo, Santa Clara); Connecticut (New Haven); Florida (Broward, Miami-Dade, Palm Beach, Pinellas); Georgia (Fulton); Hawaii (Honolulu); Illinois (Cook); Indiana (Marion); Maryland (Baltimore, Montgomery); Michigan (Macomb, Wayne); New Jersey (Essex); New York (Bronx, Kings, Nassau, Westchester); Ohio (Franklin); Pennsylvania (Philadelphia); Tennessee (Shelby); Texas (Dallas, El Paso, Harris, Tarrant, Travis); Utah (Salt Lake City); and Virginia (Fairfax).

The same counties comprised the 2002 and 2004 samples with the following exceptions: Connecticut (New Haven) was omitted and Pennsylvania (Montgomery) was added. Additionally, for the 2004 sample, Michigan (Macomb) was omitted and New York (Queens) was added.

Definitions of terms

Terms relating to pretrial release

Released defendant--Any defendant who was released from custody prior to the disposition of his or her case by the court. Includes defendants who were detained for some period of time before being released and defendants who were returned to custody after being released because of a violation of the conditions of pretrial release.

Detained defendant--Any defendant who remained in custody from the time of arrest until the disposition of his or her case by the court.

Failure to appear--A court issues a bench warrant for a defendant's arrest because he or she has missed a scheduled court appearance.

Types of financial release

Full cash bond--The defendant posts the full bail amount in cash with the court. If the defendant makes all court appearances, the cash is returned. If the defendant fails to appear in court, the bond is forfeited.

Deposit bond--The defendant deposits a percentage (usually 10%) of the full bail amount with the court. This percentage of the bail is returned after the disposition of the case, but the court often retains a small portion for administrative costs. If the defendant fails to appear in court, he or she is liable to the court for the full amount of the bail.

Surety bond--A bail bond company signs a promissory note to the court for the full bail amount and charges the defendant a fee for the service (usually 10% of the full bail amount). If the defendant fails to appear, the bond company is liable to the court for the full bail amount. Frequently the bond company requires the defendant to post collateral in addition to the fee.

Property bond--Also known as collateral bond, involves an agreement made by a defendant as a condition of pretrial release requiring that property valued at the full bail amount be posted as an assurance of his or her appearance in court. If the defendant fails to appear in court, the property is forfeited.

Types of nonfinancial release

Unsecured bond--The defendant pays no money to the court but is liable for the full amount of bail should he or she fail to appear in court.

Release on recognizance--The court releases the defendant on a signed agreement that he or she will appear in court as required. This category also includes citation releases in which arrestees are released pending their first court appearance on a written order issued by law enforcement or jail personnel.

Conditional release--Defendants are released under specified conditions. If monitoring or supervision is required, this usually is done by a pretrial services agency. In some cases, such as those involving a third-party custodian or drug monitoring and treatment, another agency may be involved in the supervision of the defendant. Conditional release sometimes includes an unsecured bond.

Other type of release

Emergency release--Defendants are released in response to a court order placing limits on a jail's population.

Offense categories

Felony offenses were classified into 16 categories. These were further divided into the four major crime categories of violent, property, drug, and public-order offenses. The following offense categories contain a representative summary of most of the crimes contained in each category; however, these lists are not meant to be exhaustive. All offenses, except murder, include attempts and conspiracies to commit.

Violent offenses

Murder--Includes homicide, nonnegligent manslaughter, and voluntary homicide. Excludes attempted murder (which is classified as felony assault), negligent homicide, involuntary homicide, and vehicular manslaughter (which are classified as "other violent offenses").

Rape--Includes forcible intercourse, sodomy, or penetration with a foreign object. Excludes statutory rape or nonforcible acts with a minor or someone unable to give legal consent, nonviolent sexual offenses, and commercialized sex offenses.

Robbery--Includes the unlawful taking of anything of value by force or threat of force. Includes armed, unarmed, and aggravated robbery, car-jacking, armed burglary, and armed mugging.

Assault--Includes aggravated assault, aggravated battery, attempted murder, assault with a deadly weapon, felony assault or battery on a law enforcement officer, and other felony assaults. Does not include extortion, coercion, or intimidation.

Other violent offenses--Includes vehicular manslaughter, involuntary manslaughter, negligent or reckless homicide, nonviolent or nonforcible sexual assault, kidnaping, unlawful imprisonment, child or spouse abuse, cruelty to a child, reckless endangerment, hit and run with bodily injury, intimidation, and extortion.

Property offenses

Burglary--Includes any type of entry into a residence, industry, or business with or without the use of force with the intent to commit a felony or theft. Excludes possession of burglary tools, trespassing, and unlawful entry where the intent is not known.

Larceny/theft--Includes grand theft, grand larceny, and any other felony theft, including burglary from an automobile, theft of rental property, and mail theft. Excludes motor vehicle theft, receiving or buying stolen property, fraud, forgery, and deceit.

Motor vehicle theft--Includes auto theft, conversion of an automobile, receiving and transferring an automobile, unauthorized use of a vehicle, possession of a stolen vehicle, larceny or taking of an automobile.

Forgery--Includes forging a driver's license, forging official seals, notes, money orders, credit or access cards or names of such cards or any other documents with fraudulent intent, uttering a forged instrument, counterfeiting, and forgery.

Fraud--Includes possession and passing of worthless checks or money orders, possession of false documents or identification, embezzlement, obtaining money by false pretenses, credit card fraud, welfare fraud, Medicare fraud, insurance claim fraud, fraud, swindling, stealing a thing of value by deceit, and larceny by check.

Other property offenses--Includes receiving or buying stolen property, arson, reckless burning, damage to property, criminal mischief, vandalism, criminal trespassing, possession of burglary tools, and unlawful entry where the intent is not known.

Drug offenses

Drug trafficking--Includes trafficking, sales, distribution, possession with intent to distribute or sell, manufacturing, and smuggling of controlled substances. Excludes possession of controlled substances.

Other drug offenses--Includes possession of controlled substances, prescription violations, possession of drug paraphernalia, and other drug law violations.

Public-order offenses

Weapons--Includes the unlawful sale, distribution, manufacture, alteration, transportation, possession, or use of a deadly weapon or accessory.

Driving-related--Includes driving under the influence of drugs or alcohol, driving with a suspended or revoked license, or any other felony in the motor vehicle code.

Other public-order offenses--Includes flight/escape, parole or probation violations, prison contraband, habitual offender, obstruction of justice, rioting, libel, slander, treason, perjury, prostitution, pandering, bribery, and tax law violations.