



State Court Processing Statistics: Background, Current Findings, and Future Directions

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State Court Processing Statistics (SCPS)

- **State Court Processing Statistics (SCPS) project primary data collection program for examining felony case processing in state courts.**
- **SCPS provides individualized case processing data on defendants charged with a felony in a sample of 40 of the nation's 75 most populous counties.**
- **SCPS data collection has occurred every two years from 1988 – 2006.**
- **SCPS data are collected through a variety of agencies including courts, pretrial offices, local jails, and state criminal history data files.**

State Court Processing Statistics (SCPS) – Sampling Framework

- **State Court Processing Statistics (SCPS) uses a two stage stratified sampling strategy.**
 - **1st stage: 40 of the nation's 75 most populous counties are selected to participate in the study.**
 - **2nd stage: Counties provide data for defendants brought into court on a felony charge on randomly selected business days in May.**
- **Felony defendants are tracked from May of every even numbered year until May 31st of the following year.**
- **For 2006, data collected on 16,211 felony defendants were weighted to represent 58,100 felony defendants in the nation's 75 most populous counties.**

State Court Processing Statistics (SCPS) data elements

Data elements collected through SCPS include:

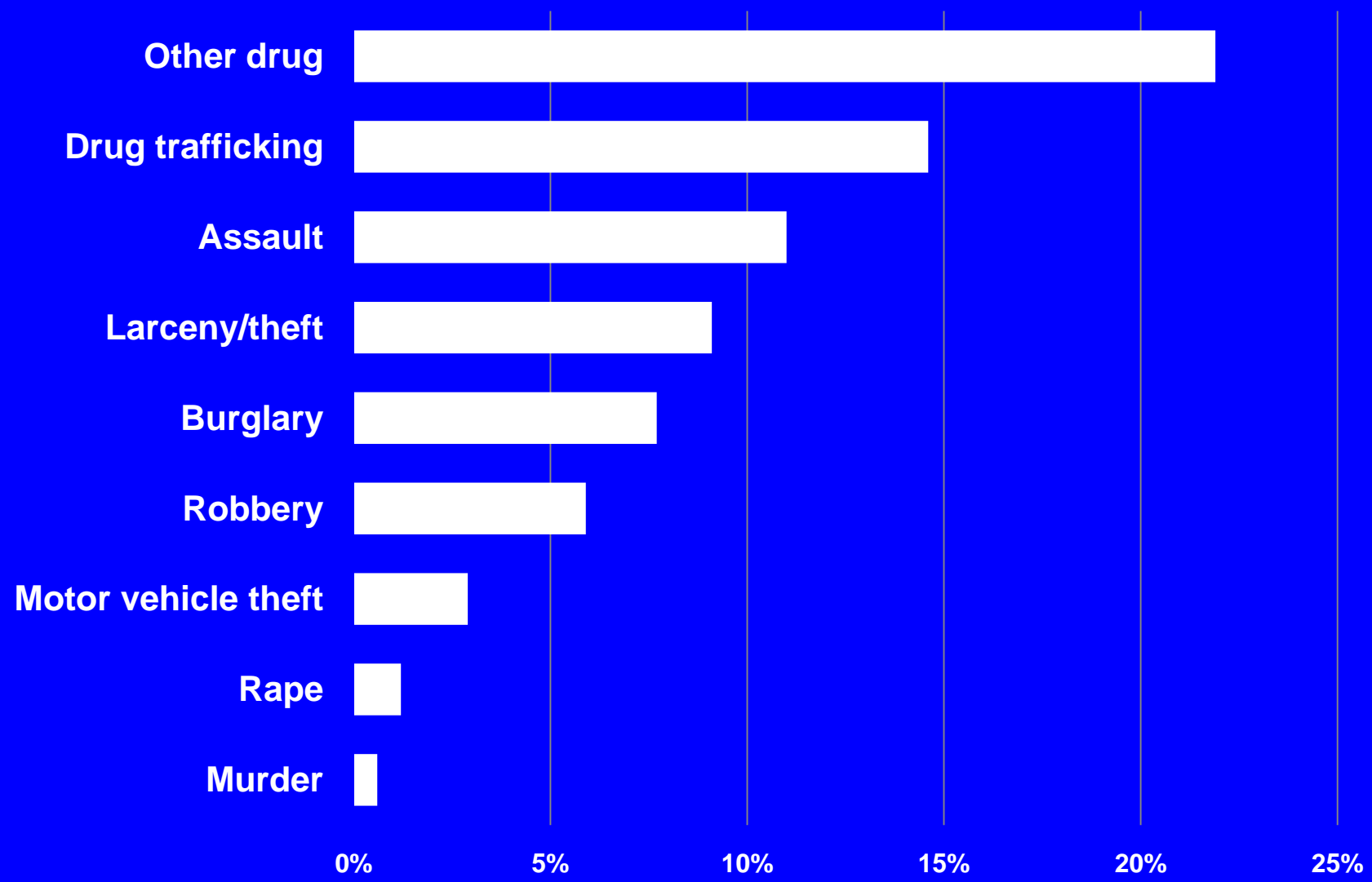
- Current arrest charges (number, type)
- Demographic characteristics (gender, race/ethnicity, age)
- Criminal history (prior arrests, prior convictions, prior FTAs)
- Pretrial release (type of release, bail amounts)
- Pretrial misconduct (failure to appear, re-arrest)
- Adjudication outcomes (method of conviction, conviction offense)
- Sentencing outcomes (type and length of prison, jail, or probation sentence)

Primary reports published from SCPS data collection include

- **Reports summarizing SCPS data**
 - **Felony Defendants in Large Urban Counties**
- **Topical reports using SCPS data**
 - **Pretrial Release of Felony Defendants in State Courts**
 - **Violent Felons in Large Urban Counties**
 - **Defense Counsel in Criminal Cases**
- **SCPS spin-offs**
 - **State Court Processing of Domestic Violence Cases**
 - **Juvenile Felony Defendants in State Courts**
- **BJS reports can be accessed at <http://bjs.ojp.usdoj.gov/>**

Drug trafficking, other drug , and assault are the most common offenses; less than 5% charged with rape or murder

Most serious charges for felony defendants, 2006



N = 58,100

Percent of felony defendants * Not all categories shown

Nearly 80% of all felony defendants have prior arrest record and 60% have prior conviction record; rape defendants have less substantial criminal histories

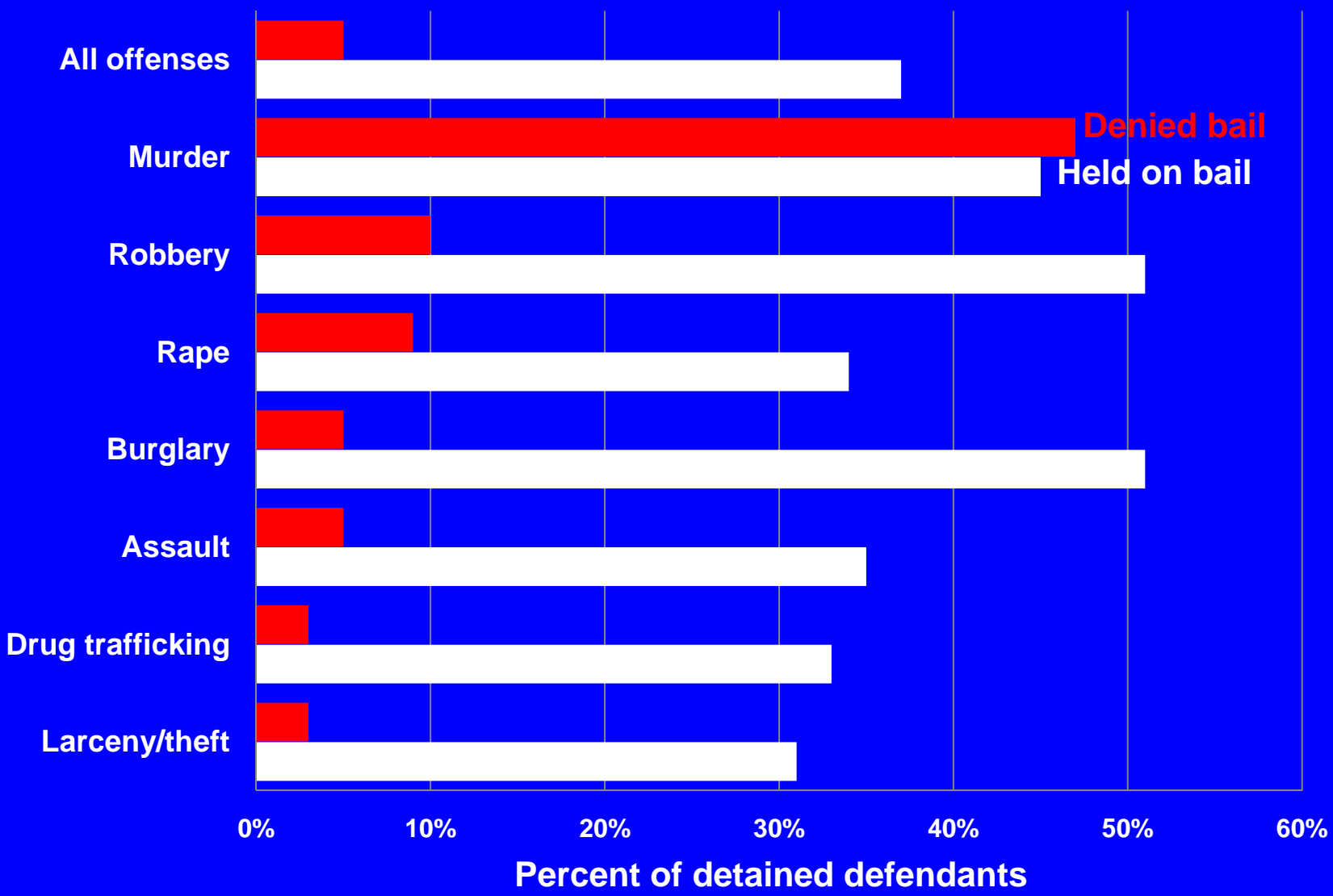
Most serious arrest charge	Percent of felony defendants with—	
	At least one prior arrest	At least one prior conviction
All offenses	77 %	61 %
Violent	71 %	53 %
Assault	74	56
Robbery	73	54
Rape	56	31
Property	74 %	58 %
Drug	81 %	66 %
Public-order	81 %	66 %

Nearly 60% of defendants were released pretrial; pretrial release less common for violent than other offense types

Most serious arrest charge	Defendants released pretrial, 2006	
	Released	Detained
All offenses	58 %	42 %
Violent	52 %	48 %
Robbery	39	61
Rape	57	43
Assault	59	41
Property	59 %	41 %
Drug	60 %	40 %
Public-order	62 %	38 %

Half of detained murder defendants denied bail; Majority of other detained defendants couldn't make bail

Pretrial detention of felony defendants, 2006



Median bail amounts five times higher for released compared to detained felony defendants

Most serious arrest charge	Median bail amounts set	
	Released	Detained
All offenses	\$5,000	\$25,000
Violent	\$9,500	\$50,000
Rape	20,000	100,000
Robbery	10,000	50,000
Assault	7,500	39,500
Property	\$5,000	\$15,000
Drug	\$5,000	\$20,000
Public-order	\$5,000	\$20,000

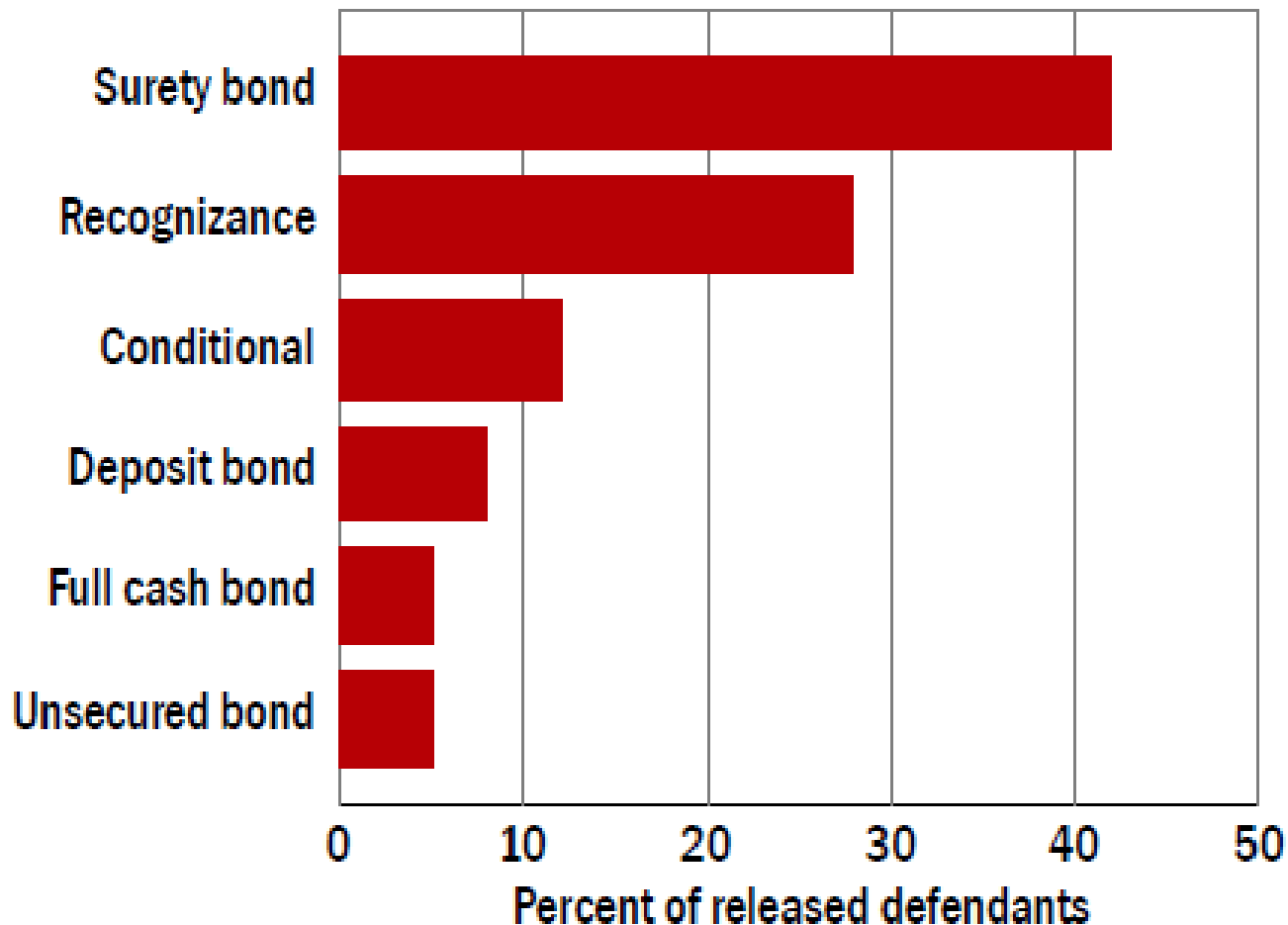
Defendants with more serious criminal histories are less likely to be released

<u>Criminal history</u>	<u>Percent of felony defendants</u>	
	<u>Released</u>	<u>Detained</u>
Criminal justice status		
No active status	65 %	35 %
On pretrial release	53	47
On probation	34	66
On parole	14	86
Court arrest & appearance history		
No prior arrests	75 %	25 %
Prior arrest record without FTA	61	39
Prior arrest record with FTA	51	49
Number of prior convictions		
No prior convictions	74 %	26 %
1	61	39
2 - 4	52	48
5 or more	39	61

Surety bond and release on own recognizance are the most common types of pretrial release

Pretrial release of felony defendants in the 75 largest counties, 2006

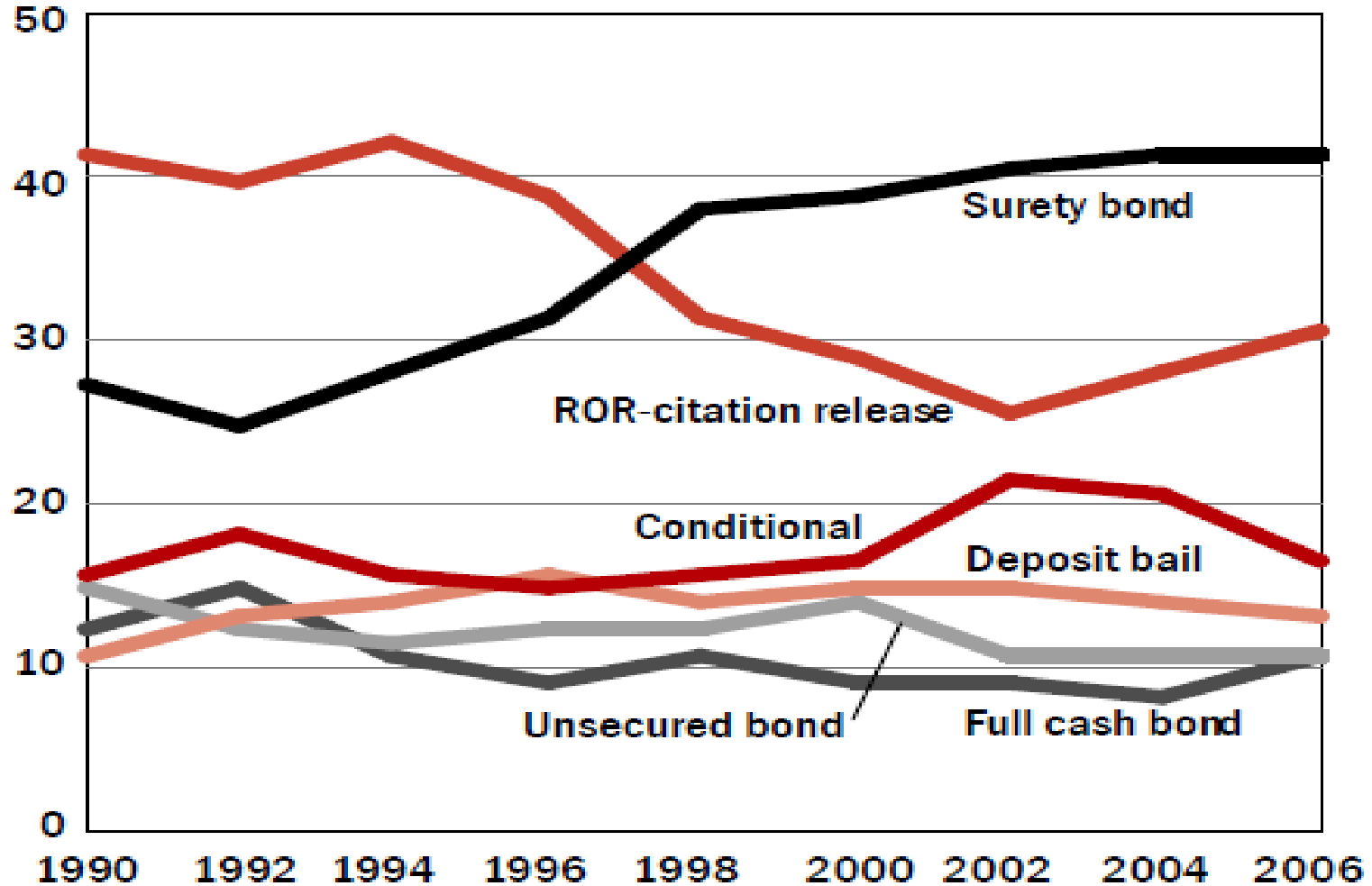
Type of pretrial release



From 1996 through 1998, surety bond surpasses release on recognizance as the most common form of release

Type of pretrial release of felony defendants in the 75 largest counties, 1990 to 2006

Percent of defendants



With exception of robbery, pretrial misconduct less common among defendants charged with violent offenses

Most serious arrest charge	Percent with pretrial misconduct
All offenses	33 %
Violent	26 %
Robbery	39
Assault	25
Rape	20
Property	35 %
Drug	37 %
Public-order	31 %

Violent defendants more likely to make court appearances than property or drug defendants; re-arrest rates similar for violent and property defendants

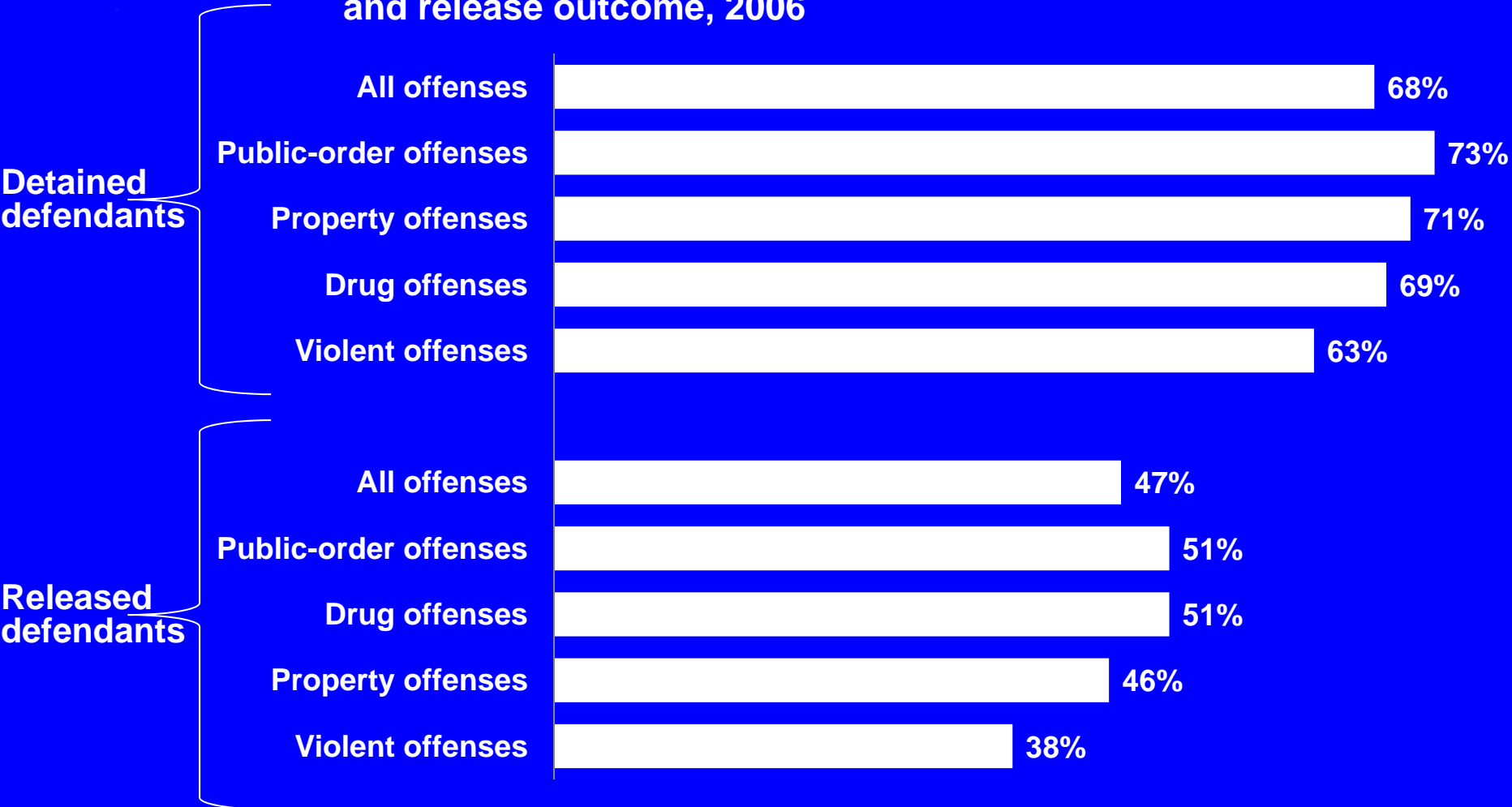
Most serious arrest charge	Percent of released defendants who	
	Failed to appear	Rearrest
All offenses	18 %	18 %
Violent	11 %	16 %
Robbery	16	27
Assault	10	15
Rape	6	9
Property	20 %	18 %
Drug	21 %	20 %
Public-order	16 %	15 %

Defendants released on surety bond failed to appear less frequently compared to those released on ROR; no difference in re-arrest for defendants released on surety bond or ROR

Types of pretrial release	Percent of released defendants who -	
	Failed to appear	Rearrest
Release on recognizance	26 %	17 %
Conditional release	22	15
Deposit bond	22	14
Full cash bond	20	15
Surety bond	18	16

Detained felony defendants convicted at higher rates compared to released felony defendants

Percentage of defendants convicted of a felony, by detention and release outcome, 2006

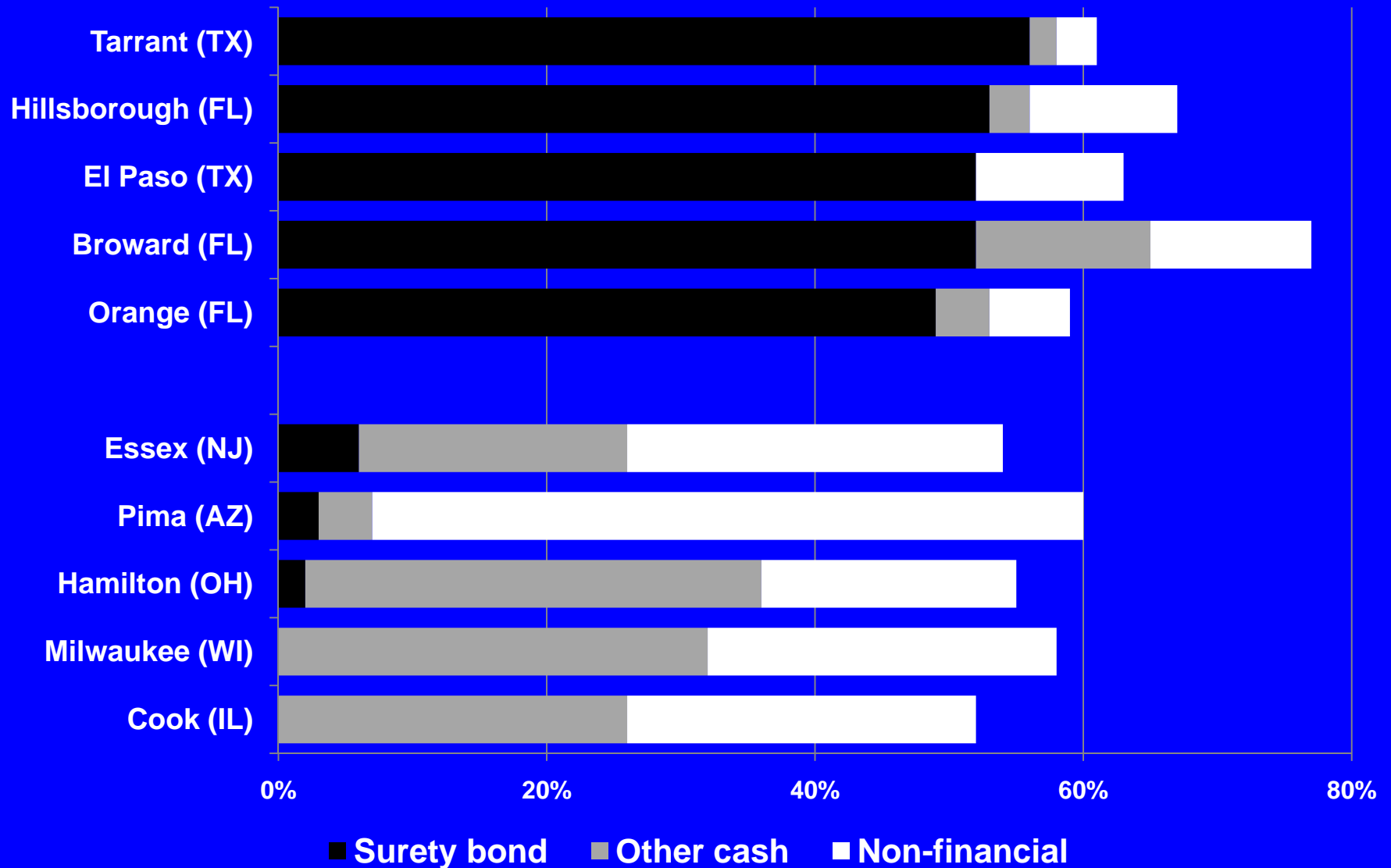


Pretrial release rates differ among the counties selected to participate in SCPS, 2006

County (State)	Percentage of felony defendants released by selected SCPS counties, 2006
Kings (NY)	83 %
Bronx (NY)	79
Broward (FL)	76
Saint Louis (MO)	73
Baltimore County (MD)	72
Dallas (TX)	45 %
Ventura (CA)	41
Harris (TX)	37
Orange (CA)	32
Los Angeles (CA)	31

Some SCPS counties rely primarily on surety bond; while others utilize deposit, conditional, and ROR release methods

Type of pretrial release among selected SCPS counties, 2006



SCPS limitations

- **SCPS provides estimates only of FELONY case processing in the nation's 75 most populous counties.**
- **Data not collected on a variety of defendant characteristics that could influence pretrial phase:**
 - **Community ties**
 - **Employment status**
 - **Marital status**
 - **Income levels**
 - **Residency**
 - **Drug, alcohol, or mental health history**
 - **Illegal immigrant status**
- **No information on how a defendant is returned to court**
 - **Returned through voluntary surrender, law enforcement agent, or bail bondsmen**

SCPS county profile survey

- **County profile survey will attempt to:**
 - **Assess county capacity to provide electronic data.**
 - **Evaluate expansion of SCPS beyond the current sample.**
 - **Estimate possibility of obtaining misdemeanor data.**
- **County profile survey will attempt to assess potential for collecting more information on pretrial release.**
 - **Determine capacities for collecting details from pretrial intake interviews.**
 - **Evaluate conditions attached to pretrial release decisions.**
 - **Measure how defendants are released.**
 - **Assess how defendants are brought back to court.**

Contact information

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