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Bureau of Justice Statistics

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State Court Processing Statistics

Felony Defendants in Large Urban Counties, 2009 - Statistical Tables

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Between 1990 and 2009, the average age of persons convicted of felonies in the 75 largest counties in the United States increased from 28 to 32 years. About 27% of convicted felons in 2009 were age 40 or older, compared to 10% in 1990 (**figure 1**).

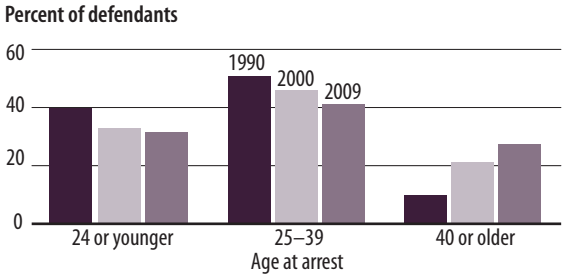
As the average age of convicted felons increased between 1990 and 2009, the severity of the criminal histories of these older offenders also increased. In 2009, about two-thirds (68%) of convicted felons age 40 or older had at least one prior felony conviction, compared to less than half (45%) in 1990 (**figure 2**). Defendants age 40 or older were the only age group with an increase in the probability of incarceration for a felony conviction between 1990 (71%) and 2009 (77%) (not shown in figure).

Due to the increased percentage of older offenders in felony courts and their greater likelihood of incarceration, 27% of those sentenced to incarceration after a felony conviction in 2009 were age 40 or older, compared to 9% in 1990 (**figure 3**). By 2009, 34% of state prison inmates were age 40 or older, compared to 18% in 1990.

In addition to these age-related trends, from 1990 to 2009—

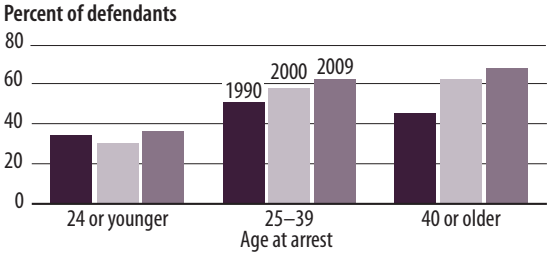
- The percentage of defendants charged with a public-order offense increased from 7% to 13%, while the percentage of property defendants dropped from 34% to 29%.
- The percentage of female defendants rose from 14% to 17%.
- The percentage of pretrial releases that included financial conditions climbed from 37% to 61%, including an increase from 24% to 49% in the use of surety bonds.

FIGURE 1
Age of defendants convicted of a felony in the 75 largest counties, 1990, 2000, and 2009



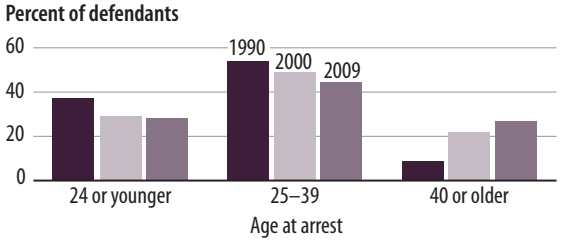
Source: Bureau of Justice Statistics, State Court Processing Statistics, 1990, 2000, and 2009.

FIGURE 2
Defendants convicted of a felony in the 75 largest counties who had at least 1 prior felony conviction, by age at arrest, 1990, 2000, and 2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 1990, 2000, and 2009.

FIGURE 3
Age of defendants convicted of a felony and sentenced to prison in the 75 largest counties, 1990, 2000, and 2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 1990, 2000, and 2009.

Bureau of Justice Statistics • **Statistical Tables**

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The findings in this report are based on data from the Bureau of Justice Statistics' (BJS) State Court Processing Statistics (SCPS) program. The SCPS program periodically tracks a sample of felony cases filed in the nation's 75 most populous counties. Data are collected on arrest charges, demographic characteristics, criminal histories, pretrial processing, adjudication, and sentencing. This report presents findings from the SCPS data collection that tracked cases filed in May 2009. In addition to the 2009 results, selected trends observed since 1990 are also presented.

Section 1: Arrest charges

- About 56,000 felony cases were filed in the 75 largest counties during May 2009. Drug defendants (33%) represented the largest category of felony defendants, followed by those charged with a property offense (29%) or a violent offense (25%) **(table 1)**.
- By specific offense, 18% of defendants were charged with nontrafficking drug offenses and 15% with drug trafficking. The next most frequent case types were assault (12%), burglary (9%), larceny/theft (8%), and robbery (7%) **(figure 4)**.
- The majority (55%) of felony defendants faced at least one additional charge. About 40% were charged with at least one additional felony, and 15% were charged with a misdemeanor in addition to the primary felony charge **(table 2)**.
- The majority of the defendants whose most serious arrest charge was rape (65%), murder (60%), burglary (56%), drug trafficking (55%), or robbery (54%) were charged with one or more additional felonies.
- Between 1990 and 2009, more than 3 in 5 felony defendants were charged with either a drug offense or property offense, and about 1 in 4 was charged with a violent offense **(figure 5)**.
- The percentage of defendants charged with a property offense declined from 34% in 1990 to 29% in 2009. The percentage of defendants charged with a public-order offense rose from 7% in 1990 to 13% in 2009.
- The percentage of defendants charged with a violent offense in 2009 (25%) approached that observed in 1990 (27%) after dropping to a low of 23% in 2004 and 2005.
- Drug defendants represented 33% of felony cases in both 1990 and 2009, but they accounted for 37% of cases between 1996 and 2006.

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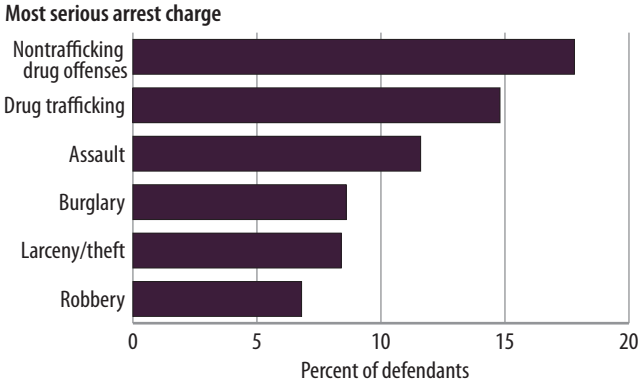
TABLE 1
Felony defendants in the 75 largest counties, by most serious arrest charge, 2009

Most serious arrest charge	Number	Percent
All offenses	55,902	100%
Violent offenses	13,938	24.9%
Murder	374	0.7
Rape	584	1.0
Robbery	3,782	6.8
Assault	6,469	11.6
Other violent	2,728	4.9
Property offenses	16,241	29.1%
Burglary	4,819	8.6
Larceny/theft	4,700	8.4
Motor vehicle theft	1,439	2.6
Forgery	1,458	2.6
Fraud	1,887	3.4
Other property	1,937	3.5
Drug offenses	18,220	32.6%
Trafficking	8,287	14.8
Other drug	9,933	17.8
Public-order offenses	7,504	13.4%
Weapons	2,052	3.7
Driving-related	2,324	4.2
Other public-order	3,128	5.6

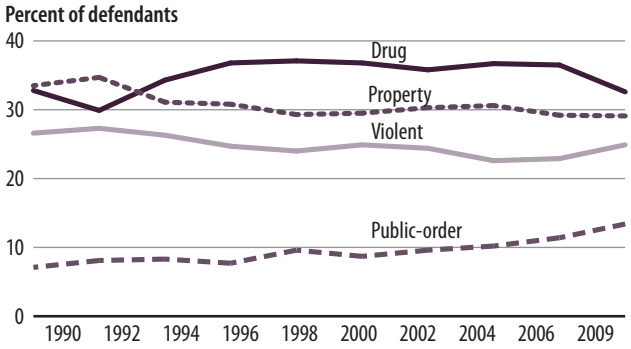
Note: Data for the specific arrest charge were available for 99.7% of all cases. Detail may not sum to total due to rounding.
Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

FIGURE 4
Most frequently charged offenses of felony defendants in the 75 largest counties, 2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

FIGURE 5
Most serious arrest charge category for felony defendants in the 75 largest counties, 1990–2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 1990–2009.

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TABLE 2

Level of second most serious charge for felony defendants in the 75 largest counties, by most serious arrest charge, 2009

			Most serious additional charge		
Most serious arrest charge	Total	No other charges	Total	Felony	Misdemeanor
All offenses	100%	45%	55%	40%	15%
Violent offenses	100%	37%	62%	49%	13%
Murder	100%	39	61	60	1
Rape	100%	32	68	65	3
Robbery	100%	39	61	54	7
Assault	100%	38	62	46	16
Other violent	100%	34	67	47	20
Property offenses	100%	47%	53%	42%	11%
Burglary	100%	33	67	56	11
Larceny/theft	100%	62	38	28	10
Motor vehicle theft	100%	48	52	44	8
Forgery	100%	38	62	51	11
Fraud	100%	44	56	49	7
Other property	100%	59	41	20	21
Drug offenses	100%	46%	54%	36%	18%
Trafficking	100%	33	67	55	12
Other drug	100%	56	44	21	23
Public-order offenses	100%	52%	47%	31%	16%
Weapons	100%	36	64	51	13
Driving-related	100%	52	48	32	16
Other public-order	100%	62	37	19	18

Note: Data for the second most serious arrest charge were available for 93.0% of all cases. Detail may not sum to total due to rounding.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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Section 2: Demographic characteristics

- In 2009, the overall average age at arrest for felony defendants in the 75 largest counties was 32 **(table 3)**. This was four years older than the average age of 28 observed in 1990.
- The average age at arrest for defendants charged with robbery in 2009 was 25, the youngest average age for any charged offense. Nearly half (46%) of robbery defendants were age 20 or younger, compared to 18% of defendants overall. Fifteen percent of robbery defendants were age 17 or younger, compared to 3% of defendants overall.
- Defendants charged with a driving-related offense had the oldest average age at arrest (37). Thirty-nine percent of defendants charged with a driving-related offense were age 40 or older, compared to 25% of defendants overall.
- The proportion of defendants age 40 or older has increased from about 1 in 10 in 1990 to about 1 in 4 since 2004. Since 1996, just over 3 in 10 defendants have been age 24 or younger, a smaller proportion than in 1990 and 1992, when about 4 in 10 defendants were in this age category **(figure 6)**.
- An estimated 17% of defendants were female in 2009. This was a slight increase compared to 1990, when females represented 14% of defendants **(table 4)**.
- In 2009, the most frequently charged offenses among female felony defendants were fraud (37%), forgery (34%), and larceny/theft (31%). Female felony defendants were least often charged with a weapons-related offense (4%).
- Nearly half (45%) of all defendants were non-Hispanic blacks in 2009. The highest percentages of black defendants were among those charged with robbery (62%), a weapons offense (61%), or murder (57%). The lowest percentages were among those charged with a driving-related offense (28%) or fraud (32%) **(table 5)**.
- Nearly a third of all defendants were non-Hispanic whites (30%). More than a third of the defendants charged with a driving-related offense (39%) or larceny/theft (37%) were white. About a quarter (24%) of all defendants were Hispanic, including nearly a third of defendants charged with a driving-related offense (31%), motor vehicle theft (30%), or murder (30%).
- Black males accounted for more than half (55%) of defendants age 17 or younger. Among defendants age 40 or older, 37% were black males, 28% were white males, and 16% were Hispanic males **(figure 7)**.

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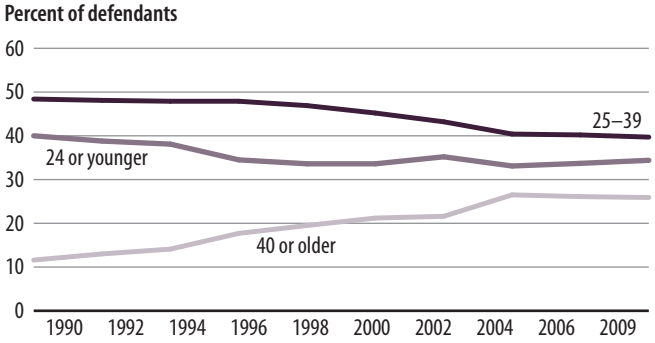
TABLE 3
Age at arrest of felony defendants in the 75 largest counties, by most serious arrest charge, 2009

Most serious arrest charge	Total	17 or younger	18–20	21–24	25–29	30–34	35–39	40-49	50 or older	Average age at arrest
All offenses	100%	3%	15%	17%	17%	13%	10%	17%	8%	32 yrs.
Violent offenses	100%	6%	18%	19%	15%	11%	9%	14%	7%	30 yrs.
Murder	100%	7	21	22	14	13	11	8	5	28
Rape	100%	3	14	13	17	19	7	14	14	33
Robbery	100%	15	31	20	11	5	6	8	3	25
Assault	100%	3	14	20	17	14	10	15	7	31
Other violent	100%	2	11	16	16	13	11	20	11	33
Property offenses	100%	2%	18%	16%	15%	12%	11%	17%	9%	31 yrs.
Burglary	100%	5	28	20	13	10	8	13	4	28
Larceny/theft	100%	1	14	15	14	11	11	21	13	34
Motor vehicle theft	100%	3	20	20	19	10	9	13	5	29
Forgery	100%	0	11	14	18	16	14	18	10	33
Fraud	100%	1	7	10	16	15	16	20	15	35
Other property	100%	2	16	19	19	14	12	13	6	30
Drug offenses	100%	1%	12%	17%	18%	14%	10%	20%	9%	33 yrs.
Trafficking	100%	1	14	18	19	14	9	17	7	31
Other drug	100%	1	10	15	18	14	11	22	10	34
Public-order offenses	100%	1%	10%	14%	18%	15%	12%	19%	10%	33 yrs.
Weapons	100%	3	17	21	21	14	10	11	4	29
Driving-related	100%	0	3	8	18	17	14	25	14	37
Other public-order	100%	1	12	14	16	14	12	20	11	34

Note: Data on age of defendants were available for 99.2% of all cases. Detail may not sum to total due to rounding. In many of the SPCS jurisdictions, all persons age 17 (and in some jurisdictions, all persons age 16) charged with a felony were legally classified as adults and were processed in an adult criminal court.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

FIGURE 6
Age at arrest of felony defendants in the 75 largest counties, 1990–2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 1990–2009.

TABLE 4
Sex of felony defendants in the 75 largest counties, by most serious arrest charge, 2009

Most serious arrest charge	Total	Male	Female
All offenses	100%	83%	17%
Violent offenses	100%	86%	14%
Murder	100%	91	9
Rape	100%	100*	--
Robbery	100%	90	10
Assault	100%	82	18
Other violent	100%	84	16
Property offenses	100%	77%	23%
Burglary	100%	89	11
Larceny/theft	100%	69	31
Motor vehicle theft	100%	84	16
Forgery	100%	66	34
Fraud	100%	63	37
Other property	100%	83	17
Drug offenses	100%	84%	16%
Trafficking	100%	88	12
Other drug	100%	81	19
Public-order offenses	100%	88%	12%
Weapons	100%	96	4
Driving-related	100%	88	12
Other public-order	100%	84	16

Note: Data on sex of defendants were available for 98.8% of all cases.

--Less than 0.5%.

*Rounded from 99.5%.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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TABLE 5

Race and Hispanic or Latino origin of felony defendants in the 75 largest counties, by most serious arrest charge, 2009

Most serious arrest charge	Total	White[a]	Black/African American[a]	Hispanic/Latino	Other[a,b]
All offenses	100%	30%	45%	24%	2%
Violent offenses	100%	24%	48%	26%	2%
Murder	100%	12	57	30	2
Rape	100%	29	42	26	3
Robbery	100%	15	62	22	1
Assault	100%	26	45	27	2
Other violent	100%	35	35	29	2
Property offenses	100%	34%	41%	22%	2%
Burglary	100%	30	42	26	1
Larceny/theft	100%	37	43	18	2
Motor vehicle theft	100%	28	40	30	2
Forgery	100%	30	50	19	1
Fraud	100%	43	32	21	4
Other property	100%	38	39	20	3
Drug offenses	100%	29%	45%	25%	1%
Trafficking	100%	22	53	23	1
Other drug	100%	34	39	26	1
Public-order offenses	100%	30%	44%	23%	2%
Weapons	100%	15	61	23	1
Driving-related	100%	39	28	31	3
Other public-order	100%	34	46	18	2

Note: Data on both race and Hispanic or Latino origin of defendants were available for 96.2% of all cases. Detail may not sum to total due to rounding.

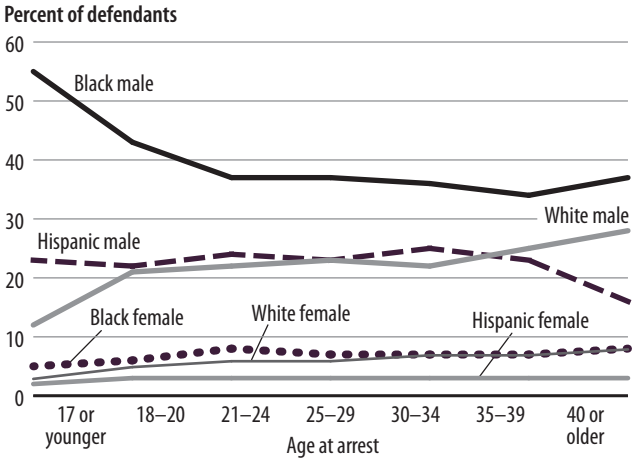
[a]Excludes persons of Hispanic or Latino origin.

[b]Includes persons identifying as American Indian or Alaska Native; Asian, Native Hawaiian, or other Pacific Islander; and persons identifying as two or more races.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

FIGURE 7

Race and Hispanic or Latino origin and sex of felony defendants in the 75 largest counties, by age at arrest, 2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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Section 3: Criminal history

- In 2009, 13% of felony defendants in the 75 largest counties were on probation at the time of arrest, down from a peak of 18% in 1990. Defendants charged with motor vehicle theft (18%) or burglary (17%) were the most likely to have been on probation when arrested on the current felony charge **(table 6)**.
- About 5% of defendants were on parole at the time of arrest in 2009, compared to 8% in years prior to 1996. In 2009, an estimated 8% of those charged with a weapons offense and 7% of those charged with rape were parolees at the time of arrest.
- About 3 in 4 defendants had been arrested at least once prior to the arrest on the current felony charge. Nearly all of the defendants with an arrest record had multiple prior arrest charges. About half (51%) of all defendants had five or more prior arrest charges, and more than a third (36%) had 10 or more **(table 7)**.
- Defendants whose most serious current arrest charge was a driving-related offense (88%) were the most likely to have been arrested previously. Those charged with fraud (60%) were the least likely to have one or more prior arrests.
- Defendants charged with motor vehicle theft (42%), drug trafficking (42%), other drug offense (41%), or a driving-related offense (41%) were the most likely to have 10 or more prior arrest charges. Those charged with rape (22%) were the least likely to have a prior arrest.
- In 2009, 61% of defendants age 17 or younger had no prior arrests, down from a high of 75% in 1994. In 2009, the majority of defendants age 25 or older had five or more prior arrest charges **(figure 8)**.
- About 3 in 5 defendants had been arrested previously on a felony charge. Drug (69%) and public-order (66%) defendants were more likely to have a prior felony arrest than those charged with a property (59%) or violent (55%) offense **(table 8)**.
- Among property defendants, those charged with burglary (66%) or motor vehicle theft (66%) were the most likely to have been previously arrested for a felony. Those charged with fraud (48%) were the least likely to have a felony arrest record.
- An estimated 17% of all defendants had 10 or more prior felony arrest charges, including 27% of those charged with motor vehicle theft. Rape (10%) and fraud (11%) defendants were the least likely to have 10 or more prior felony charges.
- Between 1990 and 2009, the percentage of defendants with at least one prior arrest increased from 68% to 75%. The proportion of defendants with multiple prior arrests rose from 59% to 68% during this period. The percentage of defendants who had 10 or more prior arrests increased from an estimated 22% in 1990 to 36% in 2009 **(figure 9)**.
- The percentage of defendants with a felony arrest record increased from about 55% prior to 1996 to more than 60% since 2002. The percentage with multiple prior felony arrests rose from 43% to 52% during the same period. The percentage with 10 or more prior felony arrests nearly doubled during this time, from 9% in 1990 to 17% in 2009.
- About 3 in 5 defendants had at least one prior conviction. The percentage of defendants with one or more prior convictions was highest among those charged with a driving-related offense (76%) and lowest among those charged with fraud (43%) **(table 9)**.
- An estimated 14% of all defendants had 10 or more prior convictions, including 17% of those charged with larceny/theft, motor vehicle theft, or drug trafficking.
- An estimated 43% of defendants had at least one prior felony conviction. About half of those charged with a drug offense (50%), a weapons offense (49%), or motor vehicle theft (48%) had a felony conviction record. Fraud defendants (30%) were the least likely to have a prior felony conviction **(table 10)**.
- Overall, 30% of defendants had multiple prior felony convictions, and 11% had five or more. An estimated 17% of defendants charged with motor vehicle theft and 15% of drug defendants had at least five prior felony convictions.
- For 13% of defendants in 2009, the most serious prior conviction was a violent felony. Fraud defendants (5%) were the least likely to have a prior conviction for a violent felony in 2009 **(table 11)**.

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- An estimated 17% of defendants in 2009 had a prior conviction record that consisted of only misdemeanors. About a third of defendants charged with a driving-related offense (33%) were in this category.
- Most defendants age 17 or younger (86%) or ages 18 to 20 (64%) had no prior convictions of any type. Among defendants age 25 or older, about a third had no prior convictions, and about half had a felony conviction record (**figure 10**).
- Between 1990 and 2009, the percentage of defendants with at least one prior conviction increased from 53% to 60%. The percentage of defendants with multiple prior convictions rose from 40% to 49% during this period (**figure 11**).
- The percentage of defendants with a felony conviction record increased from 36% in 1990 to 43% in 2009. The percentage with multiple prior felony convictions rose from 21% to 31% during the same period.

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TABLE 8. Number of prior felony arrest charges for felony defendants in the 75 largest counties, by most serious current arrest charge, 2009

FIGURE 9. Prior arrest record for felony defendants in the 75 largest counties, 1990–2009

TABLE 9. Number of prior convictions for felony defendants in the 75 largest counties, by most serious current arrest charge, 2009

TABLE 10. Number of prior felony convictions for felony defendants in the 75 largest counties, by most serious current arrest charge, 2009

TABLE 11. Most serious prior conviction for felony defendants in the 75 largest counties, by most serious current arrest charge, 2009

FIGURE 10. Most serious prior conviction for felony defendants in the 75 largest counties, by age at arrest, 2009

FIGURE 11. Prior conviction record for felony defendants in the 75 largest counties, 1990–2009

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TABLE 6

Felony defendants on probation or parole at time of arrest in the 75 largest counties, by most serious current arrest charge, 2009

Most serious current arrest charge	Parole	Probation
All offenses	5%	13%
Violent offenses	4%	11%
Murder	4	13
Rape	7	9
Robbery	5	13
Assault	4	10
Other violent	4	9
Property offenses	5%	14%
Burglary	6	17
Larceny/theft	5	12
Motor vehicle theft	6	18
Forgery	4	10
Fraud	3	10
Other property	3	12
Drug offenses	6%	13%
Trafficking	6	12
Other drug	6	15
Public-order offenses	5%	12%
Weapons	8	13
Driving-related	2	14
Other public-order	5	11

Note: Data on probation and parole status at time of arrest were available for 98.7% of all cases.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

TABLE 7

Number of prior arrest charges for felony defendants in the 75 largest counties, by most serious current arrest charge, 2009

Most serious current arrest charge	Total	Without prior arrest	With prior arrest				
			Total	Number of prior arrest charges			
				1	2–4	5–9	10 or more
All offenses	100%	25%	75%	7%	16%	15%	36%
Violent offenses	100%	31%	69%	8%	16%	15%	30%
Murder	100	34	66	3	15	14	33
Rape	100	34	66	8	18	19	22
Robbery	100	30	70	9	16	14	31
Assault	100	29	71	8	16	16	31
Other violent	100	38	62	8	16	13	25
Property offenses	100%	28%	72%	8%	15%	14%	36%
Burglary	100	23	77	6	15	17	39
Larceny/theft	100	30	70	8	13	12	37
Motor vehicle theft	100	22	78	8	13	15	42
Forgery	100	31	69	6	14	15	34
Fraud	100	40	60	8	18	12	22
Other property	100	26	74	9	16	15	34
Drug offenses	100%	20%	80%	6%	17%	16%	41%
Trafficking	100	22	78	6	16	14	42
Other drug	100	18	82	7	17	17	41
Public-order offenses	100%	20%	80%	6%	18%	18%	39%
Weapons	100	21	79	6	17	20	36
Driving-related	100	12	88	5	21	20	41
Other public-order	100	24	76	7	15	15	38

Note: Data on the number of prior arrest charges were available for 97.3% of all cases. Detail may not sum to total due to rounding.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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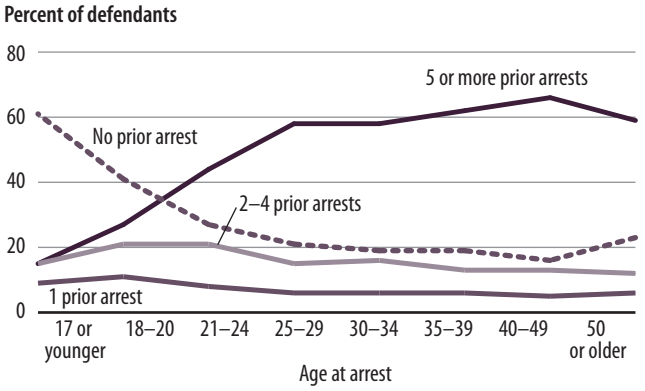
FIGURE 8

Number of prior arrest charges for felony defendants in the 75 largest counties, by age at arrest, 2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

TABLE 8

Number of prior felony arrest charges for felony defendants in the 75 largest counties, by most serious current arrest charge, 2009

		Without prior felony arrest			With prior felony arrest				
						Number of prior felony arrest charges			
Most serious current arrest charge	Total	Total	Nonfelony only	No prior arrests	Total	1	2–4	5–9	10 or more
All offenses	100%	38%	13%	25%	62%	10%	19%	15%	17%
Violent offenses	100%	45%	13%	31%	55%	10%	18%	14%	13%
Murder	100%	42	8	34	58	9	14	14	20
Rape	100%	46	12	34	54	9	23	13	10
Robbery	100%	42	12	30	58	11	18	16	14
Assault	100%	43	14	29	57	10	20	14	14
Other violent	100%	52	14	38	48	10	16	10	12
Property offenses	100%	41%	13%	28%	59%	9%	18%	14%	19%
Burglary	100%	34	10	23	66	10	21	15	21
Larceny/theft	100%	43	13	30	57	9	16	13	19
Motor vehicle theft	100%	34	13	22	66	6	19	14	27
Forgery	100%	43	12	31	57	11	14	12	19
Fraud	100%	52	13	40	48	9	14	13	11
Other property	100%	43	18	26	57	10	17	14	16
Drug offenses	100%	31%	11%	20%	69%	11%	21%	18%	20%
Trafficking	100%	32	10	22	68	10	20	18	21
Other drug	100%	30	12	18	70	12	21	18	19
Public-order offenses	100%	34%	15%	20%	66%	12%	21%	16%	16%
Weapons	100%	31	10	21	69	10	24	19	16
Driving-related	100%	37	24	12	63	14	21	13	16
Other public-order	100%	35	10	24	65	12	19	18	17

Note: Data on number of prior felony arrest charges were available for 97.3% of all cases. Detail may not sum to total due to rounding.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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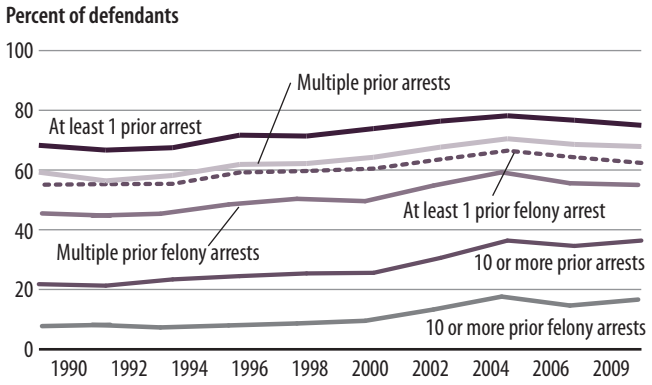
FIGURE 9

Prior arrest record for felony defendants in the 75 largest counties, 1990–2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 1990–2009.

TABLE 9

Number of prior convictions for felony defendants in the 75 largest counties, by most serious current arrest charge, 2009

			With prior conviction				
				Number of prior convictions			
Most serious current arrest charge	Total	Without prior conviction	Total	1	2–4	5–9	10 or more
All offenses	100%	40%	60%	11%	20%	15%	14%
Violent offenses	100%	47%	53%	12%	19%	12%	9%
Murder	100%	52	48	12	16	14	7
Rape	100%	49	51	12	19	12	8
Robbery	100%	48	52	14	17	12	10
Assault	100%	45	55	11	21	13	10
Other violent	100%	52	48	11	19	11	7
Property offenses	100%	44%	56%	11%	18%	13%	15%
Burglary	100%	39	61	11	19	15	15
Larceny/theft	100%	46	54	9	15	13	17
Motor vehicle theft	100%	38	62	12	20	14	17
Forgery	100%	43	57	12	18	13	14
Fraud	100%	57	43	10	16	9	9
Other property	100%	41	59	13	20	14	12
Drug offenses	100%	34%	66%	12%	21%	16%	16%
Trafficking	100%	37	63	11	20	15	17
Other drug	100%	32	68	12	22	18	16
Public-order offenses	100%	32%	68%	12%	24%	19%	13%
Weapons	100%	35	65	13	24	18	10
Driving-related	100%	24	76	13	30	21	12
Other public-order	100%	35	65	11	20	19	16

Note: Data on number of prior convictions were available for 99.3% of all cases. Detail may not sum to total due to rounding.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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TABLE 10

Number of prior felony convictions for felony defendants in the 75 largest counties, by most serious current arrest charge, 2009

		Without prior felony conviction			With prior felony conviction				
						Number of prior felony convictions			
Most serious current arrest charge	Total	Total	Nonfelony only	No prior conviction	Total	1	2–4	5–9	10 or more
All offenses	100%	57%	17%	40%	43%	13%	19%	9%	2%
Violent offenses	100%	64%	16%	47%	36%	13%	16%	6%	2%
Murder	100%	60	9	52	40	13	14	13	0
Rape	100%	63	15	49	37	14	12	8	2
Robbery	100%	61	13	48	39	13	17	7	2
Assault	100%	63	18	45	37	13	16	6	2
Other violent	100%	70	17	52	30	12	13	4	1
Property offenses	100%	59%	16%	44%	41%	11%	16%	9%	4%
Burglary	100%	56	17	39	44	13	18	8	5
Larceny/theft	100%	59	13	46	41	11	16	10	4
Motor vehicle theft	100%	52	14	38	48	11	20	13	4
Forgery	100%	60	17	43	40	13	13	9	5
Fraud	100%	70	13	57	30	9	13	5	4
Other property	100%	62	21	41	38	11	16	8	3
Drug offenses	100%	50%	16%	34%	50%	13%	22%	11%	4%
Trafficking	100%	51	13	37	49	13	22	11	4
Other drug	100%	50	18	32	50	14	22	11	4
Public-order offenses	100%	53%	21%	32%	47%	15%	22%	9%	2%
Weapons	100%	51	16	35	49	18	22	7	2
Driving-related	100%	57	33	24	43	15	20	6	1
Other public-order	100%	50	15	35	50	13	22	13	2

Note: Data on number of prior felony convictions were available for 99.5% of all cases. Detail may not sum to total due to rounding.
Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

TABLE 11

Most serious prior conviction for felony defendants in the 75 largest counties, by most serious current arrest charge, 2009

			Most serious prior conviction				
				Felony			
Most serious current arrest charge	Total	Without prior conviction	Total	Total	Violent	Nonviolent	Misdemeanor
All offenses	100%	40%	60%	43%	13%	31%	17%
Violent offenses	100%	47%	53%	36%	15%	21%	16%
Murder	100%	52	48	40	17	23	9
Rape	100%	49	51	37	13	24	15
Robbery	100%	48	52	39	17	22	13
Assault	100%	45	55	37	16	21	18
Other violent	100%	52	48	30	11	19	17
Property offenses	100%	44%	56%	41%	10%	31%	16%
Burglary	100%	39	61	44	12	32	17
Larceny/theft	100%	46	54	41	10	31	13
Motor vehicle theft	100%	38	62	48	12	36	14
Forgery	100%	43	57	40	9	31	17
Fraud	100%	57	43	30	5	25	13
Other property	100%	41	59	38	11	27	21
Drug offenses	100%	34%	66%	50%	12%	37%	16%
Trafficking	100%	37	63	49	12	37	13
Other drug	100%	32	68	50	12	37	18
Public-order offenses	100%	32%	68%	47%	15%	32%	21%
Weapons	100%	35	65	49	15	34	16
Driving-related	100%	24	76	43	10	33	33
Other public-order	100%	35	65	50	19	30	15

Note: Data on the most serious prior violent and nonviolent felony conviction were available for 99.5% of all cases. Detail may not sum to total due to rounding.
Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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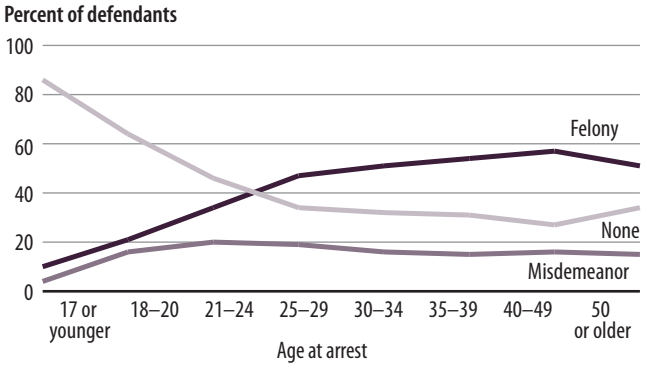
FIGURE 10

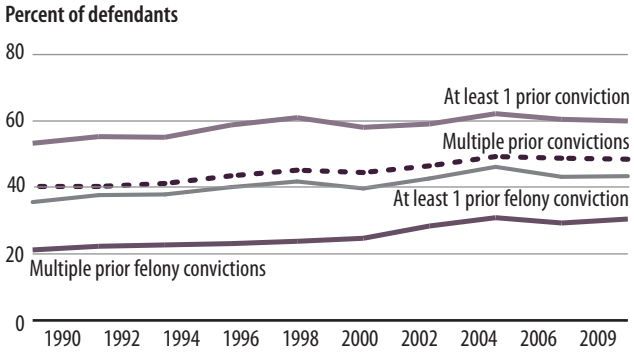
Most serious prior conviction for felony defendants in the 75 largest counties, by age at arrest, 2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

FIGURE 11

Prior conviction record for felony defendants in the 75 largest counties, 1990–2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 1990–2009.

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Section 4: Pretrial release and detention

- In 2009, 62% of felony defendants in the 75 largest counties were released prior to case disposition **(table 12)**. With the exception of 2004 (57%) and 2006 (58%), the percentage of defendants released has been in the 62% to 64% range in each SCPS study year.
- An estimated 38% of defendants were detained until case disposition in 2009. About 1 in 10 detained defendants (4% of defendants overall) was denied bail. Nearly half (45%) of murder defendants were denied bail, compared to 8% or less of defendants charged with other offenses.
- Defendants charged with a drug (65%), property (63%), or public-order (63%) offense in 2009 were more likely to be released prior to case disposition than defendants charged with a violent offense (55%).
- The release rate for defendants charged with a violent offense ranged from 18% for murder defendants to 63% for assault defendants. Roughly half of robbery (44%) and rape (52%) defendants were released prior to case disposition.
- Among property defendants, 49% of those charged with motor vehicle theft or burglary were released prior to case disposition. Considerably higher percentages of defendants charged with fraud (80%), forgery (71%), or larceny/theft (68%) were released.
- Defendants without a criminal justice status (68%) were much more likely to be released than defendants on probation (44%) or parole (31%). Likewise, defendants without a prior conviction (75%) were much more likely to be released than those with 10 or more prior convictions (41%) **(table 13)**.
- About half of released defendants were out of custody within 1 day of arrest and three-quarters were released within a week. Overall, 89% of releases occurred within 1 month of arrest; however, 41% of the releases of murder defendants occurred within 1 month **(table 14)**.
- About 3 in 5 pretrial releases in 2009 included financial conditions. About 4 in 5 financial releases, and about half (49%) of all releases, used private surety bonds, which was the most common method of pretrial release in 2009. Other types of financial release included deposit bond (7% of all releases) and full cash bond (5% of all releases) **(figure 12)**.
- About 2 in 5 pretrial releases were nonfinancial and did not require the posting of any type of financial bond. The most common type of nonfinancial release used in 2009 was release on recognizance (23% of all releases), followed by conditional release (10% of all releases) and unsecured bond (5% of all releases).
- About 9 in 10 detained defendants had a bail amount set but were unable to meet the financial conditions required to secure release. Those with a bail amount set under $5,000 (71%) were nearly 3 times as likely to secure release as defendants with a bail amount of $50,000 or more (27%) **(figure 13)**.
- For nearly half of forgery defendants (46%) and larceny/theft defendants (44%) with a set bail, the amount was less than $5,000. Nearly all murder defendants (95%) and more than half of rape (59%) and robbery (52%) defendants with a bail amount had it set at $50,000 or more **(table 15)**.
- Overall, detained defendants had a median bail amount of $25,000, compared to $6,000 for released defendants. Detained murder defendants had the highest median bail amount ($1,000,000), followed by detained rape defendants ($100,000) **(table 16)**.
- Between 1990 and 2009, the percentage of pretrial releases involving financial conditions rose from 37% to 61%. Nearly all of this increase was due to a rise in the use of surety bonds, which accounted for nearly twice the percentage of releases in 2009 (49%) as in 1990 (24%) **(figure 14)**.
- Among defendants who were released prior to case disposition, about 3 in 10 (29%) committed some type of misconduct while in a release status **(table 17)**. This a similar proportion to that recorded in previous SCPS studies.
- The percentage of defendants charged with pretrial misconduct was highest for drug (32%) and property (31%) defendants, and lowest for those released after being charged with a violent offense (23%).
- In 2009, 17% of released defendants missed a scheduled court appearance, resulting in a bench warrant being issued for their arrest **(table 18)**. This was about the same percentage as in 2006, but lower than the 24% rate observed prior to 1996 (not shown in table).
- In 2009, failure-to-appear rates were lowest for murder (5%) and rape (7%) defendants, and highest for those released after being charged with motor vehicle theft (28%).
- An estimated 16% of released defendants were rearrested for a new offense while in a pretrial release status **(table 19)**. This was within the 13% to 21% range observed across other SCPS study years.
- Rates of rearrest were highest among robbery (24%) and burglary (22%) defendants. About half of the rearrests in 2009 involved a new felony charge.

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TABLE 12

Felony defendants released before or detained until case disposition in the 75 largest counties, by most serious arrest charge, 2009

		Released before case disposition				Detained until case disposition		
Most serious arrest charge	Total	Total released	Financial release	Nonfinancial release	Emergency release	Total detained	Held on bail	Denied bail
All offenses	100%	62%	38%	24%	--	38%	34%	4%
Violent offenses	100%	55%	37%	19%	--	45%	39%	6%
Murder	100%	18	6	7	0	82	42	45
Rape	100%	52	32	8	0	48	55	5
Robbery	100%	44	28	18	--	56	48	6
Assault	100%	63	44	20	0	37	33	4
Other violent	100%	62	38	21	0	38	37	4
Property offenses	100%	63%	36%	27%	1%	37%	33%	3%
Burglary	100%	49	35	18	--	51	44	3
Larceny/theft	100%	68	39	30	1	32	28	2
Motor vehicle theft	100%	49	29	23	--	51	45	3
Forgery	100%	71	37	30	1	29	26	6
Fraud	100%	80	42	32	1	20	21	3
Other property	100%	71	29	39	1	29	28	3
Drug offenses	100%	65%	39%	26%	--	35%	31%	3%
Trafficking	100%	63	45	22	--	37	30	3
Other drug	100%	66	34	30	1	34	32	3
Public-order offenses	100%	63%	44%	19%	--	37%	32%	6%
Weapons	100%	65	46	17	0	35	34	3
Driving-related	100%	73	51	19	0	27	25	4
Other public-order	100%	61	37	20	0	39	35	8

Note: Data on detention or release outcome were available for 98.3% of all cases. Detail may not sum to total due to rounding.

-- Less than 0.5%.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

TABLE 13

Felony defendants released prior to case disposition in the 75 largest counties, by criminal history, 2009

		Released prior to case disposition			Detained until case disposition		
Criminal history	Number of defendants	Total released	Financial release	Nonfinancial release	Total	Held on bail	Denied bail
Criminal justice status							
None	40,674	68%	41%	27%	32%	28%	3%
On probation	7,107	44	28	16	56	50	6
On parole	2,801	31	19	11	69	63	7
Prior arrest record							
No prior arrests	13,453	75%	45%	31%	25%	20%	3%
Misdemeanor arrest only	6,851	74	44	30	26	24	2
Felony arrest	33,752	54	35	19	46	41	5
Number of prior convictions							
None	22,096	75%	45%	31%	25%	21%	3%
1	6,312	65	40	25	35	31	4
2–4	10,998	58	38	20	42	37	5
5–9	8,220	47	31	15	53	47	5
10 or more	7,530	41	24	16	59	55	4
Most serious prior conviction							
Any type of felony	23,935	47%	31%	16%	53%	47%	5%
Violent felony	7,128	43	27	15	57	51	6
Nonviolent felony	16,807	50	33	16	50	46	5
Misdemeanor	9,196	66	39	26	34	30	3

Note: Detail may not sum to total due to rounding.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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TABLE 14

Time from arrest to release for felony defendants released before case disposition in the 75 largest counties, by most serious arrest charge, 2009

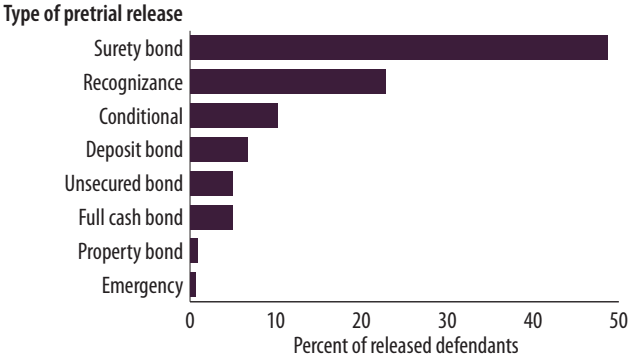
Most serious arrest charge	Number of defendants	Percent of released defendants who were released within— 1 day	1 week	1 month
All offenses	28,562	50%	75%	89%
Violent offenses	6,464	41%	67%	84%
Murder	40	26	26	41
Rape	215	38	64	75
Robbery	1,472	27	56	76
Assault	3,523	46	71	87
Other violent	1,212	46	69	86
Property offenses	8,647	55%	76%	89%
Burglary	2,072	38	64	82
Larceny/theft	2,703	61	82	91
Motor vehicle theft	619	46	70	89
Forgery	887	53	77	89
Fraud	1,232	66	80	90
Other property	1,135	66	85	92
Drug offenses	9,579	50%	79%	91%
Trafficking	4,333	44	74	89
Other drug	5,246	55	84	94
Public-order offenses	3,872	51%	76%	91%
Weapons	1,080	42	72	87
Driving-related	1,380	64	82	94
Other public-order	1,412	45	73	91

Note: Data on time from arrest to adjudication were available for 83.9% of all cases. Release data were collected for up to one year.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

FIGURE 12

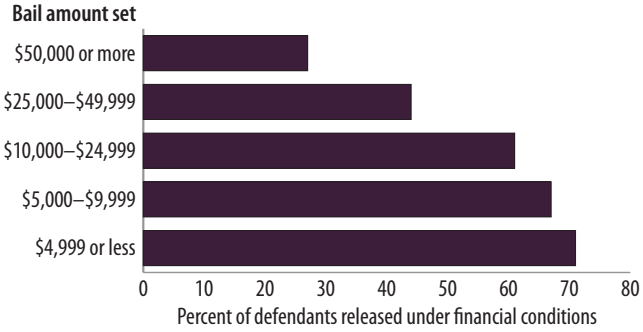
Type of pretrial release for felony defendants in the 75 largest counties, 2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

FIGURE 13

Pretrial release of felony defendants in the 75 largest counties, by bail amount, 2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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TABLE 15

Bail amount for felony defendants in the 75 largest counties, by most serious arrest charge, 2009

Most serious arrest charge	Number	Total	$4,999 or less	$5,000–$9,999	$10,000–$24,999	$25,000–$49,999	$50,000 or more
All offenses	36,036	100%	28%	15%	21%	12%	25%
Violent offenses	9,621	100%	17%	11%	19%	13%	40%
Murder	152	100%	3	0	0	3	95
Rape	450	100%	4	10	14	13	59
Robbery	2,543	100%	11	8	15	14	52
Assault	4,597	100%	22	13	22	13	30
Other violent	1,878	100%	17	13	18	12	41
Property offenses	10,044	100%	35%	17%	20%	10%	17%
Burglary	3,438	100%	23	16	23	13	25
Larceny/theft	2,788	100%	44	17	18	10	11
Motor vehicle theft	927	100%	35	16	18	11	21
Forgery	853	100%	46	16	23	6	8
Fraud	1,046	100%	38	19	18	7	17
Other property	992	100%	42	15	21	8	14
Drug offenses	11,326	100%	28%	15%	23%	14%	20%
Trafficking	5,423	100%	19	15	21	16	28
Other drug	5,903	100%	37	14	24	13	12
Public-order offenses	5,045	100%	31%	19%	21%	9%	20%
Weapons	1,458	100%	22	17	21	14	26
Driving-related	1,570	100%	40	21	20	5	14
Other public-order	2,017	100%	31	18	22	9	20

Note: Data on bail amount were available for 96.9% of defendants for whom a bail amount was set. Table excludes defendants given nonfinancial release. Detail may not sum to total due to rounding.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

TABLE 16

Median and mean bail amounts for felony defendants in the 75 largest counties, by pretrial release/detention outcome and most serious arrest charge, 2009

	Median bail amount			Mean bail amount		
Most serious arrest charge	Total	Released	Detained	Total	Released	Detained
All offenses	$10,000	$6,000	$25,000	$55,400	$19,600	$97,900
Violent offenses	$25,000	$10,000	$50,000	$115,000	$29,300	$199,200
Murder	1,000,000	125,000	1,000,000	1,195,900	219,200	1,096,400
Rape	50,000	25,000	100,000	173,800	52,300	1,353,900
Robbery	50,000	15,000	60,000	84,900	38,800	246,500
Assault	15,000	10,000	50,000	74,300	22,200	112,300
Other violent	25,000	10,000	50,000	153,700	31,100	146,000
Property offenses	$7,500	$5,000	$19,000	$33,200	$13,700	$55,600
Burglary	15,000	10,000	25,000	43,900	19,700	63,700
Larceny/theft	5,000	3,500	15,000	22,700	9,300	43,800
Motor vehicle theft	9,000	3,500	15,000	30,000	16,500	38,600
Forgery	5,000	4,000	7,500	19,000	8,900	33,900
Fraud	5,000	5,000	25,000	28,100	10,800	64,800
Other property	5,000	4,000	20,000	46,400	16,600	80,100
Drug offenses	$10,000	$7,500	$20,000	$34,200	$19,200	$53,700
Trafficking	20,000	10,000	30,000	45,200	28,200	72,000
Other drug	7,500	5,000	15,000	24,000	9,500	39,900
Public-order offenses	$10,000	$5,000	$20,000	$33,800	$15,600	$60,700
Weapons	11,100	7,950	35,000	47,800	21,900	85,900
Driving-related	5,000	5,000	10,000	20,000	11,200	39,600
Other public-order	10,000	5,000	15,000	34,400	15,100	55,800

Note: Data on bail amount were available for 96.9% of all defendants for whom a bail amount was set. Bail amounts have been rounded to the nearest hundred dollars. Table excludes defendants given nonfinancial release.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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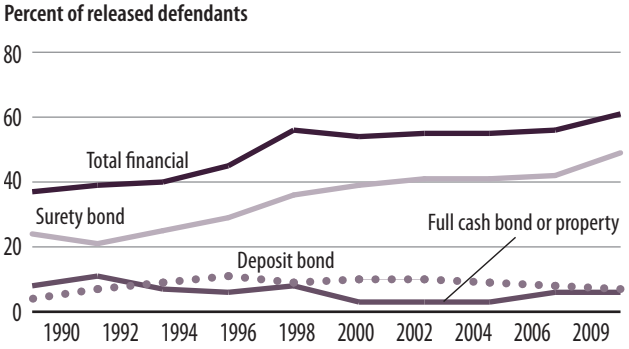
FIGURE 14

Use of financial conditions for pretrial release of felony defendants in the 75 largest counties, 1990–2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 1990–2009.

TABLE 17

Released felony defendants committing misconduct in the 75 largest counties, by most serious arrest charge, 2009

Most serious arrest charge	Number	Percent with any pretrial misconduct
All offenses	32,824	29%
Violent offenses	7,275	23%
Murder	46	15
Rape	229	19
Robbery	1,623	31
Assault	3,853	23
Other violent	1,524	17
Property offenses	9,812	31%
Burglary	2,391	35
Larceny/theft	3,091	27
Motor vehicle theft	718	41
Forgery	963	29
Fraud	1,377	26
Other property	1,272	33
Drug offenses	11,190	32%
Trafficking	5,141	33
Other drug	6,049	32
Public-order offenses	4,547	28%
Weapons	1,234	27
Driving-related	1,545	26
Other public-order	1,768	31

Note: Data on misconduct were available for 96.4% of all cases. Types of misconduct included failure to appear in court, rearrest for a new offense, or a technical violation of release conditions that resulted in the revocation of pretrial release. Data were collected for up to one year.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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TABLE 18

Released felony defendants who failed to make a scheduled court appearance in the 75 largest counties, by most serious arrest charge, 2009

Most serious arrest charge	Made all court appearances	Failed to appear in court		
		Total	Percent returned to court	Percent remained a fugitive
All offenses	83%	17%	13%	3%
Violent offenses	90%	10%	8%	2%
Murder	95%	5	0	5
Rape	93%	7	5	3
Robbery	90%	10	10	--
Assault	90%	10	7	2
Other violent	90%	10	7	2
Property offenses	81%	18%	14%	4%
Burglary	82%	18	15	3
Larceny/theft	83%	17	14	3
Motor vehicle theft	72%	28	22	5
Forgery	84%	16	10	5
Fraud	83%	17	12	5
Other property	79%	21	13	3
Drug offenses	79%	20%	17%	3%
Trafficking	82%	18	15	3
Other drug	78%	22	18	4
Public-order offenses	83%	16%	12%	4%
Weapons	87%	13	11	2
Driving-related	82%	18	11	5
Other public-order	82%	18	14	3

Note: Data on the court appearance record and fugitive status were available for 95.1% of cases involving a defendant released prior to disposition. All defendants who failed to appear in court and were not returned to the court during the 1-year study period were counted as fugitives. Some of these defendants may have been returned to the court at a later date. Detail may not sum to total due to rounding.

-- Less than 0.5%.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

TABLE 19

Released felony defendants rearrested prior to case disposition in the 75 largest counties, by most serious arrest charge, 2009

Most serious arrest charge	Total	Not rearrested	Rearrested		
			Total	Felony	Misdemeanor
All offenses	100%	84%	16%	8%	7%
Violent offenses	100%	85%	15%	6%	7%
Murder	100%	100	0	0	0
Rape	100%	86	14	3	8
Robbery	100%	76	24	11	11
Assault	100%	86	14	6	8
Other violent	100%	92	8	4	3
Property offenses	100%	83%	17%	8%	6%
Burglary	100%	78	22	12	7
Larceny/theft	100%	86	14	6	6
Motor vehicle theft	100%	81	19	12	6
Forgery	100%	83	17	8	7
Fraud	100%	88	12	5	1
Other property	100%	82	18	8	9
Drug offenses	100%	84%	16%	8%	6%
Trafficking	100%	82	18	10	8
Other drug	100%	86	14	7	5
Public-order offenses	100%	85%	15%	6%	7%
Weapons	100%	83	17	6	9
Driving-related	100%	89	11	5	5
Other public-order	100%	83	17	7	8

Note: Rearrest data were available for 95.1% of released defendants. Rearrest data were collected for 1 year. Rearrests occurring after the end of this 1-year study period were not included in the table. Information on rearrests occurring in jurisdictions other than the one granting the pretrial release were not always available. Detail may not sum to total due to rounding.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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Section 5: Adjudication

- The median time from arrest to adjudication for felony defendants in 2009 was 111 days **(table 20)**. This was the highest median recorded in any SCPS year and was about a month longer than the low of 79 days recorded in 1998.
- The median time from arrest to adjudication ranged from more than 1 year for murder to less than 3 months for motor vehicle theft and drug offenses other than trafficking. Overall, 85% were adjudicated within 1 year; however, a third of murder cases were adjudicated within 1 year.
- Overall, the median time from arrest to adjudication was shorter for detained defendants (68 days) than for those released prior to case disposition (163 days). The difference existed for all offenses, ranging from 40 days for robbery defendants to about 120 days for defendants charged with fraud, forgery, motor vehicle theft, or drug trafficking **(figure 15)**.
- Among cases that were adjudicated within the 1-year study period, 66% resulted in a conviction. Just over half (54%) of defendants were convicted of a felony and 12% were convicted of a misdemeanor. Nearly all convictions were the result of a guilty plea rather than a trial **(table 21)**.
- In most cases when a defendant was not convicted, it was because the charges against the defendant were dismissed. About a quarter of all cases ended in this manner. An estimated 9% of cases resulted in a deferred adjudication or diversion outcome.
- Defendants charged with assault (35%) were more than 3 times as likely to have their case dismissed as those charged with a driving-related offense (10%) and about twice as likely to have their case dismissed as those charged with drug trafficking (18%) or murder (17%).
- The percentage of convictions was highest for defendants charged with a driving-related offense (84%), followed by drug trafficking defendants (73%). The lowest conviction rate was for those charged with assault (56%) **(figure 16)**.
- The probability that a defendant would eventually be convicted of the original felony charge was highest for those charged with a driving-related offense (64%), murder (60%), or drug trafficking (55%). The lowest probability was for those charged with rape (35%) and assault (33%).
- Felony assaults accounted for 6% of SCPS convictions in 2009, compared to about 12% of the cases as originally charged (see table 1). Overall, an estimated 18% of the convictions for cases originally charged as felonies were at the misdemeanor level **(table 22)**.
- Conviction rates were higher for defendants who were detained until case disposition (77%) than for those who were released (59%). This was true across all offense categories **(figure 17)**.
- The percentage of felony defendants convicted in 2009 (66%) was within the range of the 64% to 68% observed in all other SCPS study years, except 1994 (72%). The felony conviction rate of 54% recorded in 2009 was in the middle of the 50% to 58% range observed in other SCPS study years **(figure 18)**.

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TABLE 21. Adjudication outcome for felony defendants in the 75 largest counties, by most serious arrest charge, 2009

FIGURE 16. Conviction percents for felony defendants in the 75 largest counties, by most serious arrest charge, 2009

TABLE 22. Felony defendants in the 75 largest counties, by most serious conviction offense, 2009

FIGURE 17. Adjudication outcome for felony defendants in the 75 largest counties, by detention-release outcome and most serious arrest charge category, 2009

FIGURE 18. Conviction rates for felony defendants in the 75 largest counties, 1990–2009

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TABLE 20

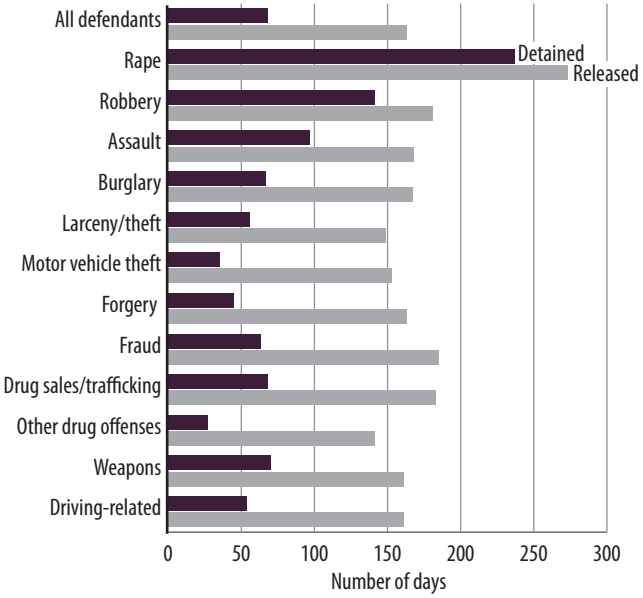
Time from arrest to adjudication for felony defendants in the 75 largest counties, by most serious arrest charge, 2009

Most serious arrest charge	Median time	Percent of cases adjudicated within— 1 week	1 month	3 months	6 months	1 year
All offenses	111 days	5%	21%	45%	67%	85%
Violent offenses	145 days	2%	12%	35%	58%	78%
Murder	*	1	2	6	11	33
Rape	247	2	6	17	36	72
Robbery	152	2	12	31	57	74
Assault	131	2	14	39	63	81
Other violent	140	2	12	37	60	80
Property offenses	101 days	4%	19%	48%	69%	83%
Burglary	101	4	19	47	69	82
Larceny/theft	98	4	17	48	69	84
Motor vehicle theft	76	7	30	57	78	88
Forgery	101	7	22	47	69	82
Fraud	124	3	15	41	62	75
Other property	106	4	20	46	68	81
Drug offenses	92 days	8%	29%	50%	71%	83%
Trafficking	123	4	19	41	64	79
Other drug	65	12	37	59	77	86
Public-order offenses	110 days	7%	20%	45%	67%	82%
Weapons	117	5	21	43	66	81
Driving-related	118	5	17	41	66	80
Other public-order	95	9	23	49	69	84

Note: Data on time from arrest to adjudication were available for 98% of all cases. Detail may not sum to total due to rounding.
*Median time was greater than 1 year.
Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

FIGURE 15

Median number of days from arrest to adjudication in the 75 largest counties, by detention-release outcome, 2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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TABLE 21
Adjudication outcome for felony defendants in the 75 largest counties, by most serious arrest charge, 2009

			Convicted									
			Felony			Misdemeanor			Not convicted			
Most serious arrest charge	Number of defendants	Total convicted	Total	Plea	Trial	Total	Plea	Trial	Total	Dismissed	Acquitted	Other outcome*
All offenses	48,939	66%	54%	53%	2%	12%	11%	--%	26%	25%	1%	9%
Violent offenses	11,601	61%	49%	46%	3%	13%	12%	1%	33%	31%	2%	6%
Murder	217	70	70	51	18	0	0	0	28	17	12	2
Rape	412	68	57	50	7	11	10	1	27	24	3	5
Robbery	3,217	66	59	57	2	7	7	--	29	28	1	5
Assault	5,484	56	39	37	2	16	15	1	37	35	2	7
Other violent	2,271	67	54	51	3	13	13	--	28	27	1	5
Property offenses	14,314	67%	55%	53%	2%	12%	12%	--%	24%	23%	--%	9%
Burglary	4,325	68	60	59	1	9	8	--	23	22	1	9
Larceny/theft	4,088	66	51	49	2	15	15	--	25	24	--	10
Motor vehicle theft	1,324	67	62	60	2	6	5	--	26	25	0	7
Forgery	1,281	71	57	55	1	15	14	--	20	19	1	10
Fraud	1,587	64	53	51	1	13	12	--	21	20	--	14
Other property	1,709	67	47	45	2	20	20	0	29	29	0	3
Drug offenses	16,456	66%	56%	56%	1%	9%	9%	--%	24%	23%	--%	11%
Trafficking	7,232	73	62	61	1	11	10	1	19	18	--	8
Other drug	9,224	60	52	51	--	8	8	--	27	27	--	13
Public-order offenses	6,568	73%	58%	57%	2%	14%	14%	--%	22%	21%	1%	6%
Weapons	1,798	67	57	57	1	9	9	--	27	26	1	6
Driving-related	2,063	84	69	67	2	15	15	0	10	10	0	6
Other public-order	2,708	68	51	49	2	17	16	--	27	27	--	5

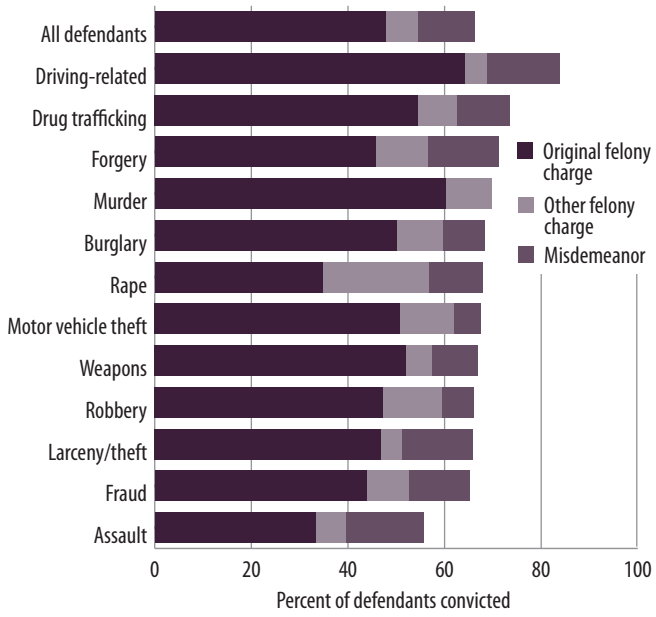
Note: Table excludes cases that were still pending adjudication at the end of the 1-year study period. Data on adjudication outcome were available for 99.9% of cases that had been adjudicated. Detail may not sum to total due to rounding.

--Less than 0.5%.

*Includes diversion and deferred adjudication. Murder cases were tracked for up to 2 years.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

FIGURE 16
Conviction percents for felony defendants in the 75 largest counties, by most serious arrest charge, 2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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TABLE 22

Felony defendants in the 75 largest counties, by most serious conviction offense, 2009

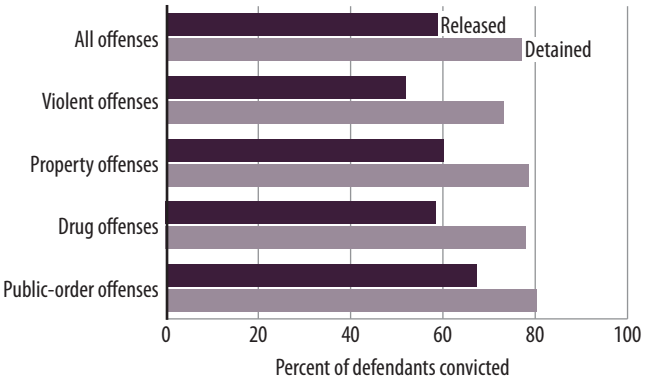
Most serious conviction offense	Number	Percent
All offenses	32,504	100%
All felonies	26,750	82.3%
Violent offenses	5,088	15.7%
Murder	134	0.4
Rape	153	0.5
Robbery	1,561	4.8
Assault	2,047	6.3
Other violent	1,194	3.7
Property offenses	8,156	25.1%
Burglary	2,331	7.2
Larceny/theft	2,394	7.4
Motor vehicle theft	735	2.3
Forgery	685	2.1
Fraud	851	2.6
Other property	1,160	3.6
Drug offenses	9,345	28.8%
Trafficking	4,113	12.7
Other drug	5,232	16.1
Public-order offenses	4,144	12.8%
Weapons	1,114	3.4
Driving-related	1,426	4.4
Other public-order	1,605	4.9
Misdemeanors	5,754	17.7%

Note: Data on most serious conviction charge were available for 99.5% of all cases. Total for all felonies includes cases that could not be classified into 1 of the 4 major offense categories. Detail may not sum to total due to rounding.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

FIGURE 17

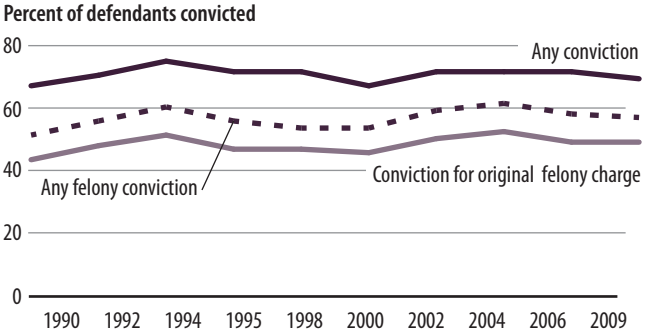
Adjudication outcome for felony defendants in the 75 largest counties, by detention-release outcome and most serious arrest charge category, 2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

FIGURE 18

Conviction rates for felony defendants in the 75 largest counties, 1990–2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 1990–2009.

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Section 6: Sentencing

- About two-thirds (65%) of convicted defendants in the 75 largest counties in 2009 received their sentence within 1 day of the conviction date. Sentences for misdemeanors (83%) were more likely than sentences for felonies (60%) to occur within 1 day. Overall, 93% of sentences were handed out within 2 months of the conviction date **(table 23)**.
- About 75% of the defendants convicted of a felony were sentenced to incarceration in a state prison or local jail, compared to 56% of those convicted of a misdemeanor. About 1 in 4 felony convictions and 1 in 3 misdemeanor convictions resulted in a probation sentence **(table 24)**.
- Convictions for murder (100%), rape (89%), or robbery (89%) were the most likely to result in a sentence to incarceration. Felony convictions were least likely to result in an incarceration sentence when they were for forgery (64%) or a nontrafficking drug offense (64%).
- Overall, incarceration sentences were almost evenly divided between prison (36%) and jail (37%) in 2009. Felony convictions were more likely to result in a sentence to prison (42%) than jail (33%). Nearly all incarceration sentences for misdemeanor convictions were to jail (53%) rather than prison (3%).
- Nearly all (98%) murder convictions resulted in a prison sentence, as did 84% of rape convictions. About half of the defendants convicted for weapons offenses (53%), burglary (53%), or assault (47%) were sentenced to prison.
- The percentage of defendants eventually convicted and sentenced to incarceration was highest for those originally charged with a driving-related offense (65%), murder (55%), motor vehicle theft (55%), or robbery (52%). The percentage was lowest for those charged with forgery (37%), assault (40%), fraud (42%), or larceny/theft (42%) **(figure 19)**.
- The mean length of prison sentences received for felony convictions in 2009 was 52 months and the median length was 30 months. These averages are about the same as in 2004 and 2006, but lower than those recorded in years prior to 1998. In 2009, the median prison sentence for violent offenses (48 months) was twice as long as for nonviolent offenses (24 months) **(table 25)**.
- Convictions for murder resulted in the longest median prison sentence (360 months). About 1 in 5 murderers received a life sentence. The next longest median sentences were for rape (120 months) and robbery (60 months). The median prison sentence for an assault, burglary, or drug trafficking conviction was 36 months.
- Overall, the mean jail sentence was 5 months and the median was 4 months. Four percent of jail sentences were for more than 1 year. Convictions for robbery (8%) or a weapons offense (8%) were the most likely to result in a jail term exceeding 1 year **(table 26)**.
- In 2009, the overall median length for probation sentences was 33 months, about the same as in past years. The median sentence was longer for felonies (30 months) than for misdemeanors (12 months). The median sentence for property-related felonies (24 months) was shorter than for other felony offense categories (36 months). About 1 in 4 sentences for violent and public-order offenses exceeded 36 months **(table 27)**.
- About 3 in 10 probation sentences included a fine, including 36% of those for drug offenses. Treatment was required in nearly 3 in 10 probation sentences, including nearly half (45%) of those for drug offenses. About 1 in 4 probation sentences required community service (23%), and 1 in 5 required restitution. More than a third of the probation sentences for property offenses required restitution **(table 28)**.
- Among defendants convicted of a violent felony, about 5 in 10 were sentenced to prison if they had no prior felony convictions. About 6 in 10 of those with a single prior felony and 7 in 10 of those with multiple prior felony convictions received a prison sentence **(figure 20)**.
- Among defendants convicted of a nonviolent felony, 55% of those with multiple prior felony convictions received a prison sentence, compared to 40% of those with a single prior felony conviction and 23% of those with no prior felony convictions.
- From 1990 to 2009, the percentage of felony convictions resulting in an incarceration sentence ranged from 71% to 77%, and the use of prison sentences ranged from 35% to 44%. Prior to 1996 and after 2004, more felony convictions resulted in a sentence to prison than to jail. In other years, the two types of sentences were used with about the same frequency **(figure 21)**.
- Between 1990 and 2009, the percentage of felony convictions resulting in an incarceration sentence remained the same for defendants under age 40. For defendants age 40 or older convicted of a felony, the percentage sentenced to incarceration increased from 71% in 1990 to 77% in 2009 **(figure 22)**.

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TABLE 26. Length of jail sentence received by convicted defendants in the 75 largest counties, by most serious conviction offense, 2009

TABLE 27. Length of probation sentence received by convicted defendants in the 75 largest counties, by most serious conviction offense, 2009

TABLE 28. Conditions of probation sentence received most often by convicted defendants in the 75 largest counties, by most serious conviction offense, 2009

FIGURE 20. Type of sentence received for a felony conviction in the 75 largest counties, by prior conviction record, 2009

FIGURE 21. Most severe type of sentence received by defendants convicted of a felony in the 75 largest counties, 1990–2009

FIGURE 22. Defendants convicted of a felony who were sentenced to incarceration in the 75 largest counties, by age at arrest, 1990, 2000, and 2009

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TABLE 23

Time from conviction to sentencing for convicted defendants in the 75 largest counties, by most serious conviction offense, 2009

Most serious conviction offense	Number of defendants	Percent of convicted defendants sentenced within—		
		1 day	1 month	2 months
All offenses	31,141	65%	82%	93%
All felonies	25,940	60%	78%	92%
Violent offenses	4,795	48%	74%	90%
Murder	117	31	68	83
Rape	137	37	68	87
Robbery	1,458	47	73	86
Assault	1,929	51	77	93
Other violent	1,155	48	71	91
Property offenses	7,869	62%	79%	92%
Burglary	2,245	61	79	93
Larceny/theft	2,314	71	84	95
Motor vehicle theft	725	58	82	94
Forgery	658	50	73	90
Fraud	809	52	69	90
Other property	1,118	66	83	94
Drug offenses	8,980	67%	83%	95%
Trafficking	3,939	61	78	92
Other drug	5,041	71	86	96
Public-order offenses	3,980	59%	78%	93%
Weapons	1,068	54	76	93
Driving-related	1,387	60	77	92
Other public-order	1,525	61	79	92
Misdemeanors	5,501	83%	90%	96%

Note: Data on time from conviction to sentencing were available for 96% of convicted defendants. Total for all felonies includes 17 cases that could not be classified into 1 of the 4 major offense categories.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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TABLE 24

Most severe type of sentence received by convicted defendants in the 75 largest counties, by most serious conviction offense, 2009

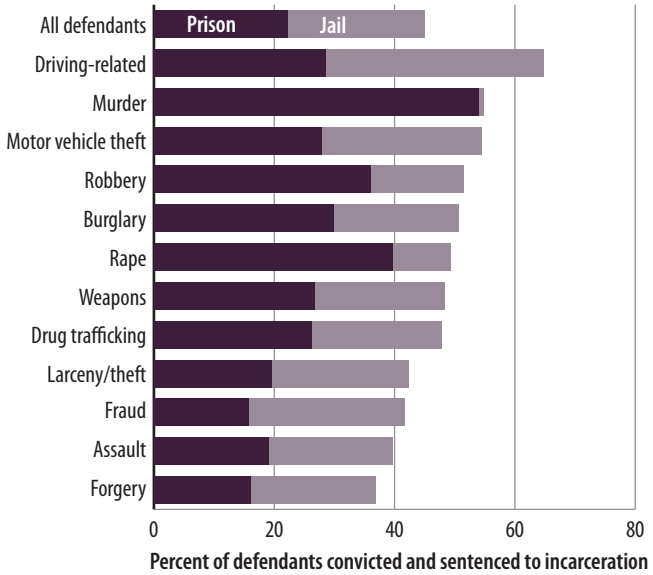
Most serious conviction offense	Percent of convicted defendants sentenced to—						
		Incarceration			Nonincarceration		
	Total	Total	Prison	Jail	Total	Probation	Other
All offenses	100%	73%	36%	37%	27%	25%	3%
All felonies	100%	75%	42%	33%	25%	24%	1%
Violent offenses	100%	83%	57%	27%	17%	16%	1%
Murder	100%	100	98	2	0	0	0
Rape	100%	89	84	5	11	8	3
Robbery	100%	89	71	18	11	10	1
Assault	100%	81	47	34	19	18	1
Other violent	100%	78	47	31	22	21	1
Property offenses	100%	75%	42%	33%	25%	25%	1%
Burglary	100%	79	53	26	21	20	1
Larceny/theft	100%	72	40	32	28	27	0
Motor vehicle theft	100%	77	46	31	23	21	2
Forgery	100%	64	29	34	36	36	0
Fraud	100%	71	33	38	29	29	0
Other property	100%	78	32	46	22	21	1
Drug offenses	100%	71%	34%	37%	29%	28%	1%
Trafficking	100%	80	45	35	20	19	1
Other drug	100%	64	26	39	36	35	1
Public-order offenses	100%	79%	46%	34%	21%	20%	1%
Weapons	100%	80	53	28	20	19	0
Driving-related	100%	83	44	39	17	16	1
Other public-order	100%	75	42	33	25	24	1
Misdemeanors	100%	56%	3%	53%	44%	31%	13%

Note: Data on type of sentence were available for 94.6% of convicted defendants. Sentences to incarceration that were wholly suspended were included under probation. Fifteen percent of prison sentences and 57% of jail sentences included a probation term. Sentences to incarceration or probation may include a fine, restitution, community service, treatment, or other court-ordered conditions. Other sentences may include fines, community service, restitution, and treatment. Total for all felonies includes 17 cases that could not be classified into 1 of the 4 major offense categories. Detail may not sum to total due to rounding.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

FIGURE 19

Felony defendants convicted and sentenced to incarceration in the 75 largest counties, by most serious arrest charge, 2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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TABLE 25

Length of prison sentence received by defendants convicted of a felony in the 75 largest counties, by most serious conviction offense, 2009

Most serious felony conviction offense	Number of defendants	Number of months		Percent receiving a maximum sentence length in months of—					
		Mean	Median	1–24	25–48	49–72	73–120	120 or more*	Life
All offenses	10,769	52 mo	30 mo	48%	24%	13%	8%	8%	--
Violent offenses	2,707	91 mo	48 mo	28%	24%	13%	15%	19%	--
Murder	111	373	360	0	0	8	2	70	20
Rape	115	142	120	6	19	9	24	42	0
Robbery	1,038	90	60	22	23	15	20	20	0
Assault	898	62	36	33	32	13	11	12	0
Other violent	546	75	36	40	20	11	14	15	0
Property offenses	3,236	40 mo	24 mo	52%	23%	14%	7%	3%	--
Burglary	1,191	52	36	42	25	16	11	6	--
Larceny/theft	901	31	24	61	21	13	5	1	0
Motor vehicle theft	329	34	24	61	20	10	7	2	0
Forgery	194	32	24	53	27	17	1	1	0
Fraud	256	47	36	44	29	15	5	7	0
Other property	365	29	24	61	21	17	1	0	0
Drug offenses	3,022	40 mo	24 mo	53%	25%	13%	5%	5%	0%
Trafficking	1,748	49	36	42	29	16	7	6	0
Other drug	1,275	29	18	68	19	8	1	3	0
Public-order offenses	1,799	31 mo	24 mo	62%	23%	10%	3%	2%	0%
Weapons	564	38	24	52	28	11	4	4	0
Driving-related	609	31	23	65	18	12	2	3	0
Other public-order	626	26	18	68	22	8	2	--	0

Note: Data on length of prison sentence were available for over 98.1% of all cases in which a defendant received a prison sentence. Fifteen percent of prison sentences included a probation term and 14% included a fine. Total for all offenses includes 5 cases that could not be classified into 1 of the 4 major offense categories. Detail may not sum to total due to rounding.

--Less than 0.5%.

*Excludes life sentences.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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TABLE 26

Length of jail sentence received by convicted defendants in the 75 largest counties, by most serious conviction offense, 2009

Most serious conviction offense	Number of defendants	Number of months		Percent receiving a maximum sentence in months of—					
		Mean	Median	1 or less	2–3	4–6	7–9	10–12	13 or more
All offenses	11,281	5 mo	4 mo	28%	21%	25%	8%	15%	4%
All felonies	8,526	5	4	26%	20%	26%	9%	15%	4%
Violent offenses	1,277	6	6	16%	19%	26%	13%	23%	3%
Robbery	264	9	9	5	13	19	21	34	8
Assault	644	6	6	17	20	29	14	18	3
Other violent	357	5	4	24	24	25	7	20	1
Property offenses	2,592	6	4	24%	21%	26%	9%	16%	5%
Burglary	591	7	6	13	20	26	10	24	7
Larceny/theft	740	6	4	22	24	23	8	15	7
Motor vehicle theft	222	7	6	8	10	44	16	16	5
Forgery	225	4	3	27	28	26	8	10	1
Fraud	299	5	3	26	29	26	11	5	3
Other property	515	4	2	43	13	22	5	15	2
Drug offenses	3,318	5	3	31%	21%	26%	7%	10%	3%
Trafficking	1,371	6	5	24	21	29	8	13	5
Other drug	1,946	4	3	37	22	24	7	8	2
Public-order offenses	1,335	5	4	27%	19%	27%	7%	17%	3%
Weapons	294	7	6	26	9	22	13	21	8
Driving-related	546	5	3	33	20	28	4	13	2
Other public-order	494	5	5	20	24	28	7	18	2
Misdemeanors	2,755	5	3	34%	25%	19%	4%	16%	3%

Note: Data on length of jail sentence were available for 98.8% of all cases in which a defendant received a jail sentence. Table excludes portions of sentences that were suspended. Fifty-seven percent of jail sentences included a probation term and 19% included a fine. Murder and rape have been excluded from the detail because too few convictions for these offenses resulted in a jail sentence. The overall total for violent offenses, however, does include these cases. Detail may not sum to total due to rounding.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

TABLE 27

Length of probation sentence received by convicted defendants in the 75 largest counties, by most serious conviction offense, 2009

Most serious conviction offense	Number of defendants	Number of months		Percent receiving a sentence in months of—				
		Mean	Median	1–12	13–24	25–36	37–60	61 or more
All offenses	7,586	31 mo	33 mo	22%	34%	29%	13%	2%
All felonies	6,009	33	30	15%	35%	32%	15%	2%
Violent offenses	750	35	36	14	33	28	21	4
Property offenses	1,946	32	24	14	39	28	18	1
Drug offenses	2,515	31	36	15	34	39	10	2
Public-order offenses	791	35	36	16	32	25	23	4
Misdemeanors	1,577	20	12	52%	29%	16%	1%	1%

Note: Data on length of probation sentence were available for 97.4% of all cases in which the most severe type of sentence a defendant received was probation. Eighteen percent of those sentenced to probation also received a fine. Total for felonies includes 7 cases that could not be classified into 1 of the 4 categories. Detail may not sum to total due to rounding.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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TABLE 28

Conditions of probation sentence received most often by convicted defendants in the 75 largest counties, by most serious conviction offense, 2009

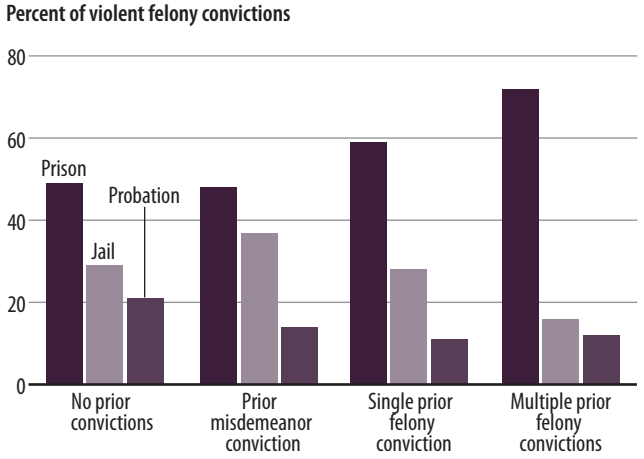
Most serious conviction offense	Number of defendants	Percent whose sentence to probation included— Fine	Treatment	Community service	Restitution
All offenses	7,454	28%	27%	23%	20%
All felonies	5,887	28	29	22	21
Violent offenses	712	26	29	27	22
Property offenses	1,916	19	18	23	37
Drug offenses	2,492	36	45	21	7
Public-order offenses	760	27	16	22	26
Misdemeanors	1,567	27	13	26	14

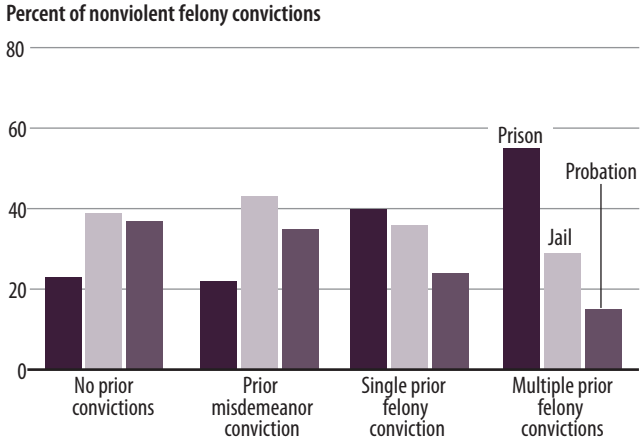
Note: Total for felonies includes 7 cases that could not be classified into 1 of the 4 felony offense categories. A defendant may have received more than one type of probation condition. Not all defendants sentenced to probation received probation conditions. Detail may not sum to total due to rounding.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

FIGURE 20

Type of sentence received for a felony conviction in the 75 largest counties, by prior conviction record, 2009

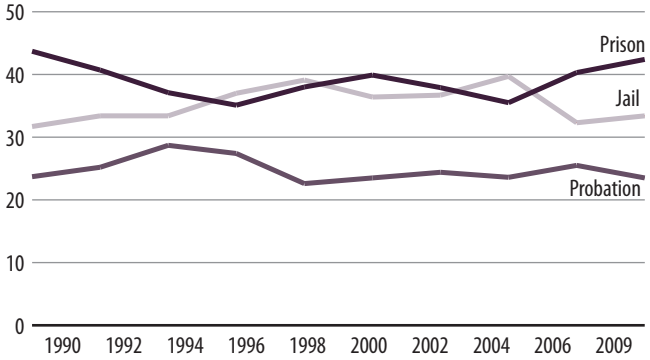




Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

FIGURE 21

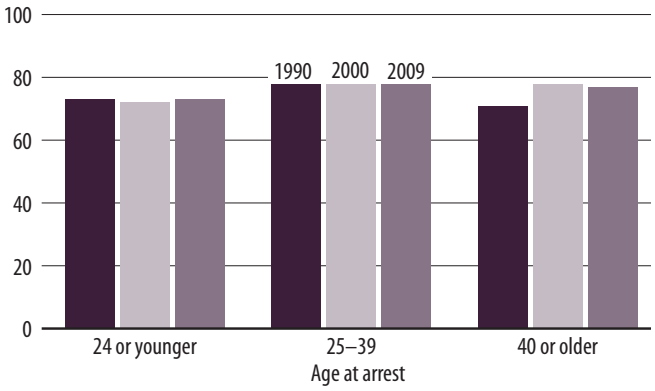
Most severe type of sentence received by defendants convicted of a felony in the 75 largest counties, 1990–2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 1990–2009.

FIGURE 22

Defendants convicted of a felony who were sentenced to incarceration in the 75 largest counties, by age at arrest, 1990, 2000, and 2009



Source: Bureau of Justice Statistics, State Court Processing Statistics, 1990, 2000, and 2009.

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Methodology

Sample design

The State Court Processing Statistics (SCPS) sample was designed and selected by U.S. Census Bureau staff. It is a two-stage stratified sample, with 40 of the nation's 75 largest counties selected at stage one and a systematic sample of state court felony filings (defendants) within each county selected at stage two.

The 40 counties were divided into four first-stage strata based on overall population, arrests, and felony filing information. The first stratum was designed to include 10 counties selected with certainty because of their large number of court filings; however, one of these counties (Clark County, Nevada) did not provide the requested data and was excluded from the final data file and analyses. Hence, the first-stage weight for stratum one counties was changed from 1.00 to 1.111. The remaining counties were allocated to the three noncertainty strata based on the variance of felony court filings, population, and arrest data.

SCPS first-stage design

	Number of counties		
Stratum	Sample	Universe	Weight
One	9	10	1.111
Two	7	12	1.714
Three	9	18	2.0
Four	14	35	2.5

The second-stage sampling (filings) was designed to represent all defendants who had felony cases filed with the court during the month of May 2009. The participating jurisdictions provided data for every felony case filed on selected days during that month. Depending on the first-stage stratum in which it had been placed, each jurisdiction provided filings data for 5, 10, or 20 selected business days in May 2009. Data from jurisdictions that were not required to provide a full month of filings were weighted to represent the full month.

SCPS second-stage design

Stratum	Number of days of filings provided	Weight
One	5.0	4.0
Two	10.0	2.0
Three	10.0	2.0
Four	20.0	1.0

See table 29 for county-by-county sampling information.

Once the sample lists were generated, the data on felony cases filed in the selected counties were collected from a variety of sources. These included court administrative files, pretrial case management systems, jail records, prosecutor offices, state criminal history record files, and other statistical agencies. In some counties, the required information was manually transferred from official records to a SCPS data collection form. In other counties, an electronic download of the requested SCPS data was provided by the county.

Special adjustment for Cook County

An issue arose with the data provided by Cook County, Illinois, a stratum one county. In 2009, BJS's data collection agent, Regional Justice Information Service (REJIS), received a data extract from the Cook County Circuit Court. The extract encompassed all felony cases that were filed or had an initial hearing in the Cook County Circuit Court for five randomly selected business days in May 2009. This approach differed from prior SCPS years for Cook County, in which the sample list covered felony cases filed in Cook County municipal courts and then tracked those cases as they were either disposed in the municipal courts or bound over to the circuit courts. Since the 2009 Cook County file contained only those felony cases processed in the Circuit Court, it did not include the municipal court component that had been covered in previous SCPS projects.

This issue was addressed through a two-step process. Previous data obtained for 248 cases disposed in Cook County municipal courts in 2006 were added to the 2009 data. The use of these data was based on the assumption that the types of cases filed and disposed in the municipal courts had not changed since 2006. This assumption was validated by examining municipal court dispositions in Cook County from 2000 through 2009. The addition of the 248 cases from 2006 brought the number of Cook County cases in the 2009 SCPS data file to 1,229 cases (i.e., 248 municipal or lower court cases and 981 circuit or upper court cases).

The new preliminary number of felony cases filed in Cook County was then adjusted to take into account declines in felony caseloads from 2006 to 2009. In 2009, 31,106 felony cases were filed in Cook County courts, which equates to about 598 felony cases filed per week. In 2006, 716 felony cases were filed in Cook County in a 1 week period. An adjustment was calculated to account for this overall decline in the Cook County caseload from 2006 to 2009 (598/716 = .83546). This adjustment was applied to the 2006 number of lower (248), upper (397), and pending (71) cases to generate an estimate of these cases in 2009 (i.e., 207, 332, and 59, respectively). The cases in the 2009 file were then weighted so that their totals would reflect these 2009 case type estimates.

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Data summary

The 2009 SCPS collected data for 16,694 defendants charged with a felony offense during May 2009 in 39 large counties. These cases were part of a sample that was representative of the estimated 56,083 felony defendants whose cases were processed in the nation's 75 largest counties during that month. Defendants charged with murder were tracked for up to 2 years and all other defendants were followed for up to 1 year.

This report is based on data collected from the following 39 counties: Arizona (Maricopa, Pima); California (Los Angeles, Orange, San Bernardino, Ventura); Connecticut (Hartford); Florida (Broward, Miami-Dade, Hillsborough; Orange); Hawaii (Honolulu); Illinois (Cook); Indiana (Marion); Maryland (Baltimore, Montgomery, Prince George's); Michigan (Oakland, Wayne); Missouri (Saint Louis); New Jersey (Essex, Middlesex); New York (Bronx, Kings, Nassau, New York, Suffolk); North Carolina (Wake); Ohio (Cuyahoga, Franklin, Hamilton); Tennessee (Shelby); Texas (Dallas, El Paso, Harris, Tarrant); Utah (Salt Lake City); Washington (King); and Wisconsin (Milwaukee).

Because the data come from a sample, a sampling error and confidence intervals are associated with each reported number. Confidence intervals and standard errors for several key variables in the SCPS database are reported in tables 30 and 31. These confidence intervals show where the reported SCPS numbers would fall 95% of the time under repeated sampling. For example, the confidence interval for the total number of felony defendants in the nation's 75 largest counties ranged from 51,723 to 60,081 defendants. In other words, if repeated sampling of felony case processing in the nation's 75 largest counties was undertaken, there is a 95% confidence that the number of felony defendants would fall between 51,723 and 60,081.

Offense categories

Felony offenses were classified into 16 categories for this report. They were further classified into the four major crime categories of violent, property, drug, and public-order. The following lists are a representative summary of the crimes 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 (classified as felony assault), negligent homicide, involuntary homicide, or vehicular manslaughter, which are classified as other violent offenses.

Rape—Includes forcible intercourse, sodomy, or penetration with a foreign object. Does not include statutory rape or nonforcible acts with a minor or someone unable to give legal consent, nonviolent sexual offenses, or commercialized sex offenses.

Robbery—Includes unlawful taking of anything of value by force or threat of force. Includes armed, unarmed, and aggravated robbery, carjacking, 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. This offense category does not include extortion, coercion, or intimidation.

Other violent offenses—Includes vehicular manslaughter, involuntary manslaughter, negligent or reckless homicide, nonviolent or nonforcible sexual assault, kidnapping, 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. Does not include possession of burglary tools, trespassing, or unlawful entry for which 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. This offense category does not include motor vehicle theft, receiving or buying stolen property, fraud, forgery, or deceit.

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

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Forgery—Includes forging of a driver's license, 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 for which the interest is unknown.

Drug offenses

Drug trafficking—Includes trafficking, sales, distribution, possession with intent to distribute or sell, manufacturing, and smuggling of controlled substances. This category does not include 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 offenses—Includes the unlawful sale, distribution, manufacture, alteration, transportation, possession, or use of a deadly weapon or accessory.

Driving-related offenses—Includes driving under the influence of drugs or alcohol, driving with a suspended or revoked license, and 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.

Pretrial release

Released defendant—Includes any defendant who was released from custody prior to the disposition of his or her case by the court. It also 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. The terms "on pretrial release" and "released pending disposition" are both used in this report to refer to all released defendants.

Detained defendant—Includes any defendant who remained in custody from the time of arrest until the disposition of his or her case by the court. This report also refers to detained defendants as "not released."

Failure to appear—Occurs when a court issues a bench warrant because the defendant failed to appear as scheduled.

Types of financial release

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 collateral from the defendant in addition to the fee.

Deposit bond—The defendant deposits a percentage (usually 10%) of the full bail amount with the court. The deposit 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 bail amount.

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.

Property bond—Involves an agreement made by the 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. It is also known as "collateral bond."

Types of nonfinancial release

Release on recognizance (ROR)—The court releases the defendant on a signed agreement that he or she will appear in court as required. In this report, the ROR category includes citation releases in which arrestees are released pending their first court appearance on a written order issued by law enforcement or jail personnel.

Unsecured bond—The defendant pays no money to the court but is liable for the full amount of bail upon failure to appear in court.

Conditional release—The defendant is released under specified conditions. A pretrial services agency usually conducts monitoring or supervision, if ordered for a defendant. 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.

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TABLE 29
Population, sampling weights, and number of cases, by SCPS jurisdiction, 2009

		Sampling weights			Number of cases	
County (state)	Population	Filings	County[a]	Total	Unweighted	Weighted
Total					16,694	56,089
Maricopa (AZ)	3,803,779	4	1.11	4.44	539	2,395
Pima (AZ)	975,580	1	2.50	2.50	545	1,363
Los Angeles (CA)	9,787,400	4	1.11	4.44	1,112	4,942
Orange (CA)	2,987,177	2	1.71	3.43	533	1,827
San Bernardino (CA)	2,013,960	4	1.11	4.44	339	1,507
Ventura (CA)	815,130	1	2.50	2.50	288	720
Hartford (CT)	891,667	2	2.00	4.00	455	1,820
Broward (FL)	1,733,310	2	1.71	3.43	829	2,842
Hillsborough (FL)	1,214,050	2	1.71	3.43	481	1,649
Miami-Dade (FL)	2,463,943	4	1.11	4.44	419	1,862
Orange (FL)	1,131,551	2	2.00	4.00	569	2,276
Honolulu (HI)	943,177	1	2.50	2.50	157	393
Cook (IL)	5,181,728	4	1.11	4.44[b]	1,229	2,658
Marion (IN)	898,394	2	1.71	3.43	528	1,810
Baltimore (MD)	801,808	1	2.50	2.50	328	820
Montgomery (MD)	959,013	1	2.50	2.50	305	763
Prince George's (MD)	856,161	1	2.50	2.50	415	1,038
Oakland (MI)	1,200,890	1	2.50	2.50	253	633
Wayne (MI)	1,837,536	4	1.11	4.44	290	1,289
Saint Louis (MO)	998,618	1	2.50	2.50	365	913
Essex (NJ)	781,943	4	1.11	4.44	217	964
Middlesex (NJ)	805,204	1	2.50	2.50	479	1,198
Bronx (NY)	1,376,261	2	1.71	3.43	346	1,186
Kings (NY)	2,487,751	2	2.00	4.00	319	1,276
New York (NY)	1,583,431	2	1.71	3.43	366	1,255
Suffolk (NY)	1,487,206	1	2.50	2.50	467	1,168
Wake (NC)	883,624	1	2.50	2.50	502	1,255
Cuyahoga (OH)	1,285,082	2	1.71	3.43	490	1,680
Franklin (OH)	1,155,408	2	2.00	4.00	128	512
Hamilton (OH)	802,149	2	2.00	4.00	243	972
Shelby (TN)	922,541	2	2.00	4.00	455	1,820
Dallas (TX)	2,346,378	4	1.11	4.44	100	444
El Paso (TX)	786,759	1	2.50	2.50	446	1,115
Harris (TX)	4,034,866	4	1.11	4.44	569	2,529
Tarrant (TX)	1,784,078	2	2.00	4.00	389	1,556
Salt Lake (UT)	1,016,795	2	2.00	4.00	160	640
Fairfax (VA)	1,065,142	1	2.50	2.50	437	1,093
King (WA)	1,912,012	2	2.00	4.00	267	1,068
Milwaukee (WI)	942,668	1	2.50	2.50	335	838

Note: In some of the 40 counties included in the 2009 SCPS study, prosecutors did not screen out any felony arrests before filing charges. In these counties, the SCPS sample cases are representative of all felony cases received by prosecutors and any cases subsequently screened out by the prosecutor are included in the SCPS dismissal category. In other counties, all felony arrests were reviewed by prosecutors before the decision to file felony charges was made. Weights are rounded to second decimal place. Populations are Census Bureau figures for July 1, 2009.

[a]Clark County (NV), a stratum one county, did not provide the requested data and was dropped from the study. This changed the first-stage weight for stratum one counties from 1.00 to 1.111.

[b]The sampling weight for Cook County was adjusted to 2.16. See *Methodology*, page 33, for more information.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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TABLE 30

Standard errors and confidence intervals for felony in defendants in the 75 largest counties, by most serious arrest charge, 2009

Most serious arrest charge	Estimate	Standard error	95% confidence interval Lower bound	Upper bound
Number of felony cases				
All offenses	55,902	2,132	51,723	60,081
Violent offenses	13,938	618	12,727	15,149
Murder	370	37	297	442
Rape	669	56	559	778
Robbery	3,451	234	2,992	3,910
Assault	6,386	352	5,696	7,076
Other violent	2,419	244	1,941	2,897
Property offenses	16,241	747	14,777	17,705
Burglary	4,495	303	3,901	5,089
Larceny/theft	5,268	340	4,601	5,934
Motor vehicle theft	1,661	121	1,424	1,898
Forgery	1,416	109	1,203	1,630
Fraud	2,128	167	1,801	2,455
Other property	1,980	203	1,582	2,378
Drug offenses	18,220	863	16,529	19,911
Trafficking	8,487	487	7,533	9,442
Other drug	12,745	668	11,435	14,054
Public-order offenses	7,504	423	6,675	8,333
Weapons	1,958	145	1,674	2,242
Driving-related	1,837	231	1,384	2,289
Other public-order	2,830	257	2,326	3,334

Note: Data for the specific arrest charge were available for 99.7% of all cases. Detail may not sum to total due to rounding.

Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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TABLE 31
Standard errors and confidence intervals for felony in defendants in the 75 largest counties, by selected characteristics, 2009

Most serious arrest charge	Estimate	Standard error	95% confidence interval Lower bound	Upper bound
Mean age at arrest				
17 or younger	2.8%	0.3%	2.2%	3.4%
18–20	14.9	0.4	14.1	15.7
21–24	16.9	0.3	16.3	17.5
25–29	16.6	0.3	16.0	17.2
30–34	12.9	0.3	12.3	13.5
35–39	10.4	0.3	9.8	11.0
40 or older	25.5	0.4	24.7	26.3
Sex				
Male	83.1%	0.4%	82.3%	83.9%
Female	16.9	0.4	16.1	17.7
Race/Hispanic origin				
White[a]	29.6%	1.4%	26.9%	32.3%
Black/African-American[a]	44.7	2.3	40.2	49.2
Hispanic/Latino	24.1	2.0	20.2	28.0
Other[a,b]	1.7	0.4	0.9	2.5
Criminal justice status at arrest				
None	74.1%	1.1%	71.9%	76.3%
Probation	14.1	1.0	12.1	16.1
Parole	5.1	0.5	4.1	6.1
Number of prior felony arrests				
No prior arrests	24.9%	1.1%	22.7%	27.1%
Nonfelony arrests only	12.6	0.6	11.4	13.8
1	10.4	0.4	9.6	11.2
2–4	19.2	0.5	18.2	20.2
5–9	15.4	0.4	14.6	16.2
10 or more	17.4	0.9	15.6	19.2
Number of prior felony convictions				
No prior convictions	40.0%	1.1%	37.8%	42.2%
Nonfelony convictions only	16.6	0.6	15.4	17.8
1	12.9	0.4	12.1	13.7
2–4	18.6	0.5	17.6	19.6
5–9	8.9	0.4	8.1	9.7
10 or more	3.1	0.3	2.5	3.7
Most serious prior conviction				
None	16.6%	0.6%	15.4%	17.8%
Misdemeanor	43.4	0.9	41.6	45.2
Felony	40.0	1.1	37.8	42.2
Released before case disposition				
Total released	61.8%	1.2%	59.4%	64.2%
Financial conditions	38.2%	1.9%	34.5%	41.9%
Surety bond	26.4	1.9	22.7	30.1
Deposit bond	4.0	0.7	2.6	5.4
Full cash bond	3.0	0.5	2.0	4.0
Property bond	0.6	0.2	0.2	1.0
Nonfinancial conditions	23.7%	1.7%	20.4%	27.0%
Recognizance	14.3	1.4	11.6	17.0
Conditional	6.4	0.8	4.8	8.0
Unsecured bond	3.2	0.7	1.8	4.6
Emergency release	0.4%	0.2%	0.0%	0.8%

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Table 31 (continued)
Standard errors and confidence intervals for felony in defendants in the 75 largest counties, by selected characteristics, 2009

Most serious arrest charge	Estimate	Standard error	95% confidence interval	
			Lower bound	Upper bound
Detained until case disposition				
Total detained	38.2%	1.2%	35.8%	40.6%
Held on bail	33.7	1.4	31.0	36.4
Denied bail	4.0	0.3	3.4	4.6
Mean bail amount				
Total	$55,679	$6,181	$43,564	$67,794
Released defendants	$19,650	$1,770	$16,181	$23,119
Detained defendants	$98,386	$10,544	$77,720	$119,052
Pretrial misconduct				
Total misconduct	29.2%	1.0%	27.2%	31.2%
Failure to appear	17.0	0.9	15.2	18.8
Rearrest	15.8	0.9	14.0	17.6
Adjudication outcome				
Convicted	66.0%	1.6%	62.9%	69.1%
Felony	54.5	1.8	51.0	58.0
Misdemeanor	11.7	1.0	9.7	13.7
Dismissal/acquittal	25.4	1.2	23.0	27.8
Other outcome	8.5	1.0	6.5	10.5
Most severe sentence type				
Prison	35.7%	1.0%	33.7%	37.7%
Jail	36.8	2.1	32.7	40.9
Probation	24.7	1.7	21.4	28.0
Other	2.8	0.5	1.8	3.8
Mean sentence length				
Prison	79.4 mo	11.1 mo	57.6 mo	101.1 mo
Jail	5.2	0.2	4.8	5.7
Probation	31.7	1.1	29.6	33.9

[a]Excludes persons of Hispanic or Latino origin.
[b]Includes persons identifying as American Indian or Alaska Native; Asian, Native Hawaiian, or other Pacific Islander; and persons identifying as two or more races.
Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

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The Bureau of Justice Statistics, located in the Office of Justice Programs, U.S. Department of Justice, collects, analyzes, and disseminates statistical information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government. William J. Sabol is acting director.

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