



# **BJS Court Related Statistical Programs Presentation**

**7<sup>th</sup> Annual Conference of Empirical Legal  
Studies**

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# **Conceptualizing BJS courts and adjudications research**

- **Data collections focused on case processing**
  - **State Court Processing Statistics\***
  - **National Judicial Reporting Program\***
  - **Civil Justice Survey of State Courts**
  - **Federal Justice Statistics Program\***
- **Data collections focused on organizational structure of courts or court related agencies**
  - **Census of State Court Organization\***
  - **Census of Public Defender Offices\***
  - **Survey/Census of Prosecutor Offices\***
- **Upcoming data collection projects**

# **State Court Processing Statistics (SCPS)**

- **SCPS provides individualized case processing data on defendants charged with a felony in a sample of 40 of the nation's 75 most populous counties.**
- **SCPS data collection has occurred every two years from 1988 – 2006.**
- **SCPS data are collected through a variety of agencies including courts, pretrial offices, local jails, and state criminal history data files.**
- **SCPS data collection currently underway for 2009.**

# **State Court Processing Statistics (SCPS) – Sampling Framework**

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



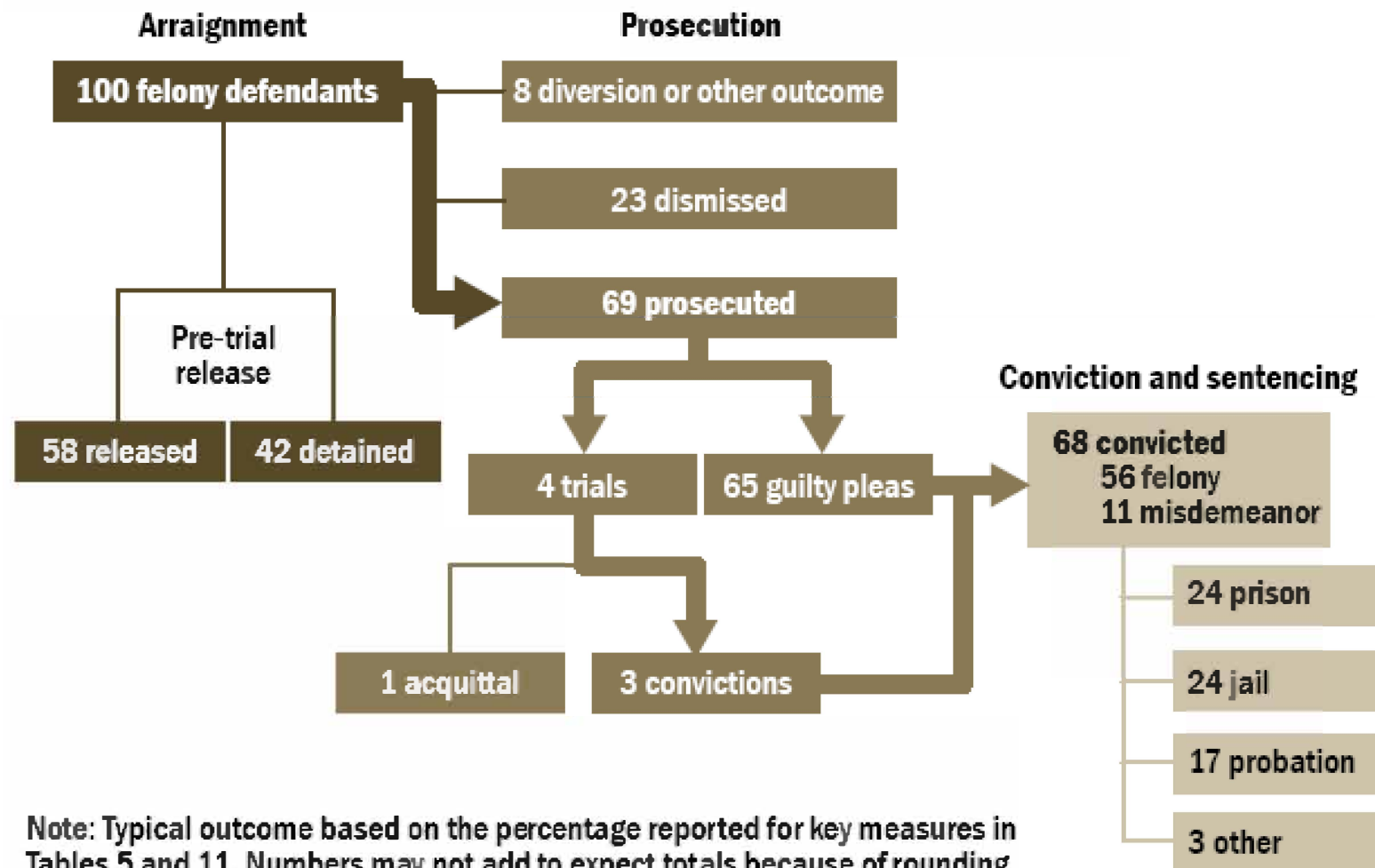
# State Court Processing Statistics (SCPS) data elements

## Data elements collected through SCPS include:

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

# For every 100 felony defendants, 68 are convicted and 24 are sentenced to prison

## Typical outcome of 100 felony defendants arraigned in state courts in the 75 largest counties, May 2006



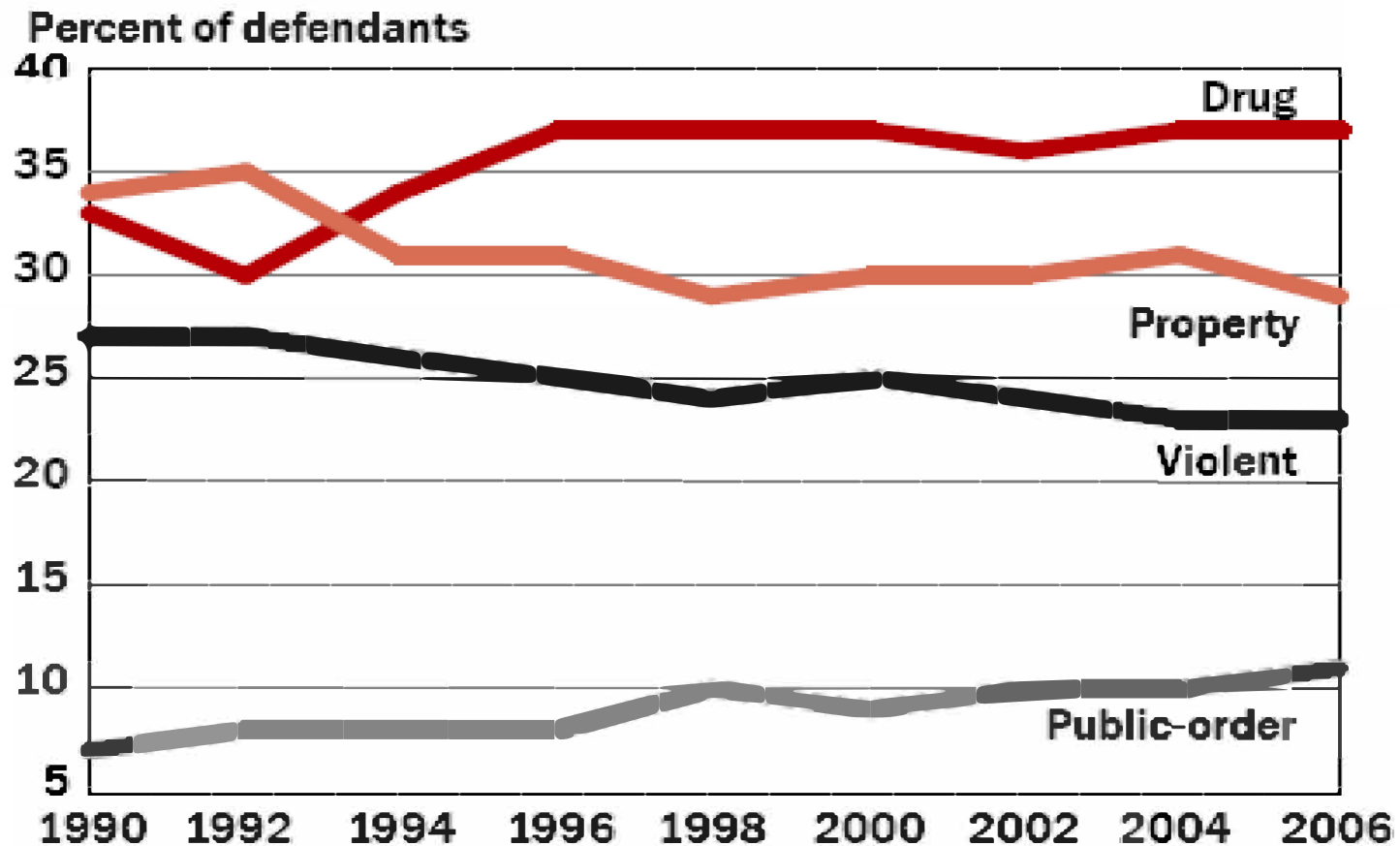
# Quarter of felony defendants charged with violent offenses; less than 5% charged with murder or rape

<u>Most serious arrest charge</u>	<u>Percent of felony defendants</u>
<b>Violent offenses</b>	<b>22.9 %</b>
Murder	0.6
Rape	1.2
Other violent	4.2
Robbery	5.9
Assault	11.0
<b>Property offenses</b>	<b>29.2 %</b>
Burglary	7.7
Larceny/theft	9.1
Other property	12.4
<b>Drug offenses</b>	<b>36.5 %</b>
Trafficking	14.6
Other drug	21.9
<b>Public-order offenses</b>	<b>11.4 %</b>
Weapons	3.4
Driving-related	3.2
Other public-order	4.9

N = 58,100 defendants

**From 1990 through 2006, about two-thirds of felony defendants charged with drug or property offenses**

**Most serious arrest charge of felony defendants in the 75 largest counties, 1990 to 2006**



# Nearly 60% of felony defendants were released pretrial

Most serious arrest charge	Defendants released pretrial	
	Released	Detained
All offenses	58 %	42 %
Violent offenses	52 %	48 %
Murder	8	92
Robbery	39	61
Rape	57	43
Assault	59	41
Property offenses	59 %	41 %
Burglary	44	56
Motor vehicle theft	44	56
Larceny/theft	66	34
Fraud	74	26
Drug offenses	60 %	40 %
Public-order offenses	62 %	38 %
Weapons	56	44
Driving-related	72	28

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

<b>Most serious arrest charge</b>	<b>Median bail amounts set</b>	
	<b>Released</b>	<b>Detained</b>
<b>All offenses</b>	<b>\$5,000</b>	<b>\$25,000</b>
<b>Violent offenses</b>	<b>\$9,500</b>	<b>\$50,000</b>
<b>Murder</b>	<b>100,000</b>	<b>1,000,000</b>
<b>Rape</b>	<b>20,000</b>	<b>100,000</b>
<b>Robbery</b>	<b>10,000</b>	<b>50,000</b>
<b>Assault</b>	<b>7,500</b>	<b>39,500</b>
<b>Property offenses</b>	<b>\$5,000</b>	<b>\$15,000</b>
<b>Burglary</b>	<b>7,500</b>	<b>20,000</b>
<b>Larceny/theft</b>	<b>4,000</b>	<b>15,000</b>
<b>Motor vehicle theft</b>	<b>2,600</b>	<b>15,000</b>
<b>Drug offenses</b>	<b>\$5,000</b>	<b>\$20,000</b>
<b>Public-order offenses</b>	<b>\$5,000</b>	<b>\$20,000</b>

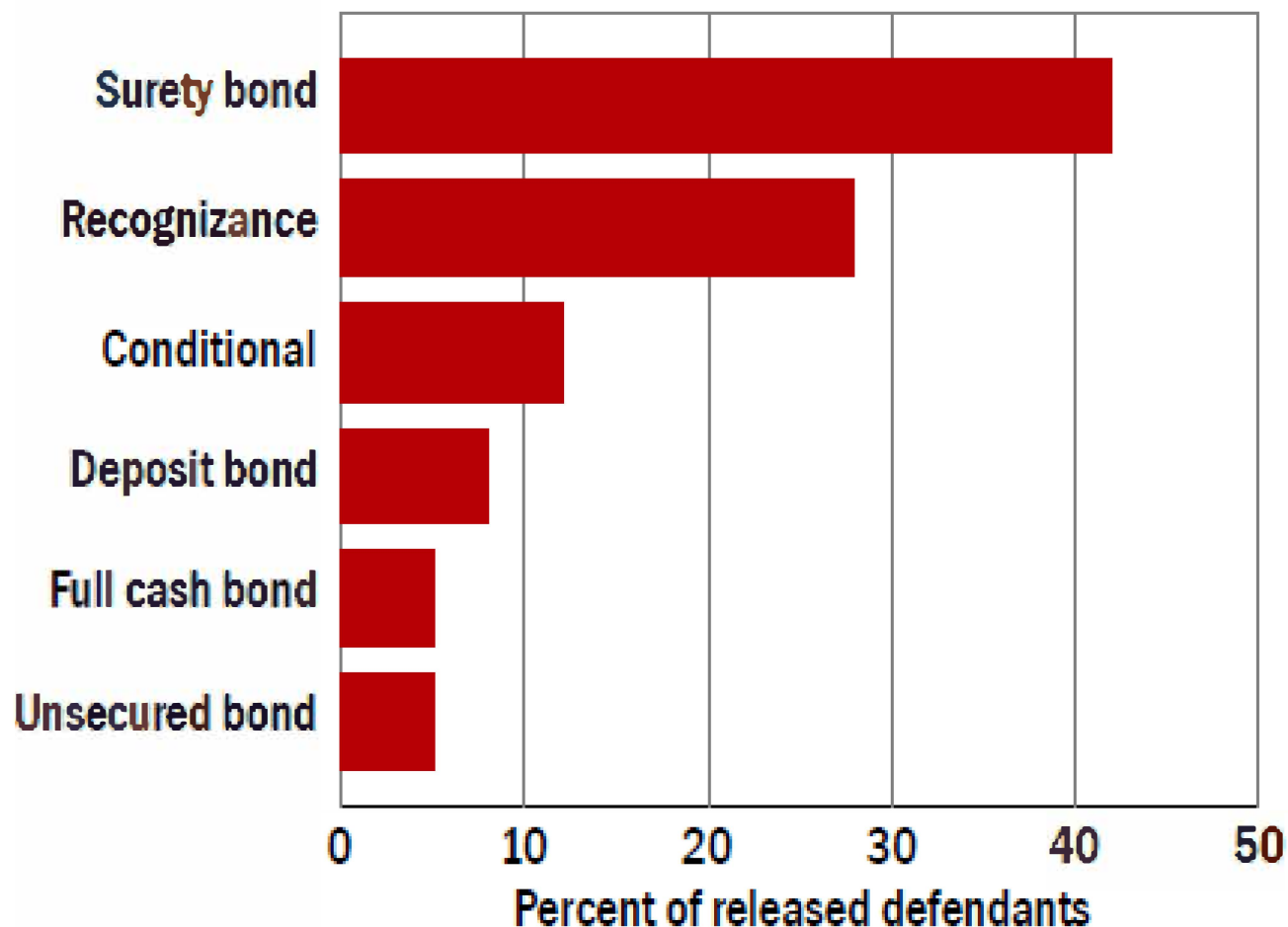
# Defendants with more serious criminal histories are less likely to be released

<u>Criminal history</u>	<u>Percent of felony defendants</u>	
	Released	Detained
<b>Criminal justice status at arrest</b>		
No active status	70 %	30 %
Released on pending case	61	39
On probation	43	57
On parole	26	74
<b>Prior arrest and court appearance</b>		
No prior arrests	79 %	21 %
Prior arrest record without FTA	59	41
Prior arrest record with FTA	50	50
<b>Most serious prior conviction</b>		
No prior convictions	77 %	23 %
Misdemeanor	63	37
Felony	46	54

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

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

Type of pretrial release

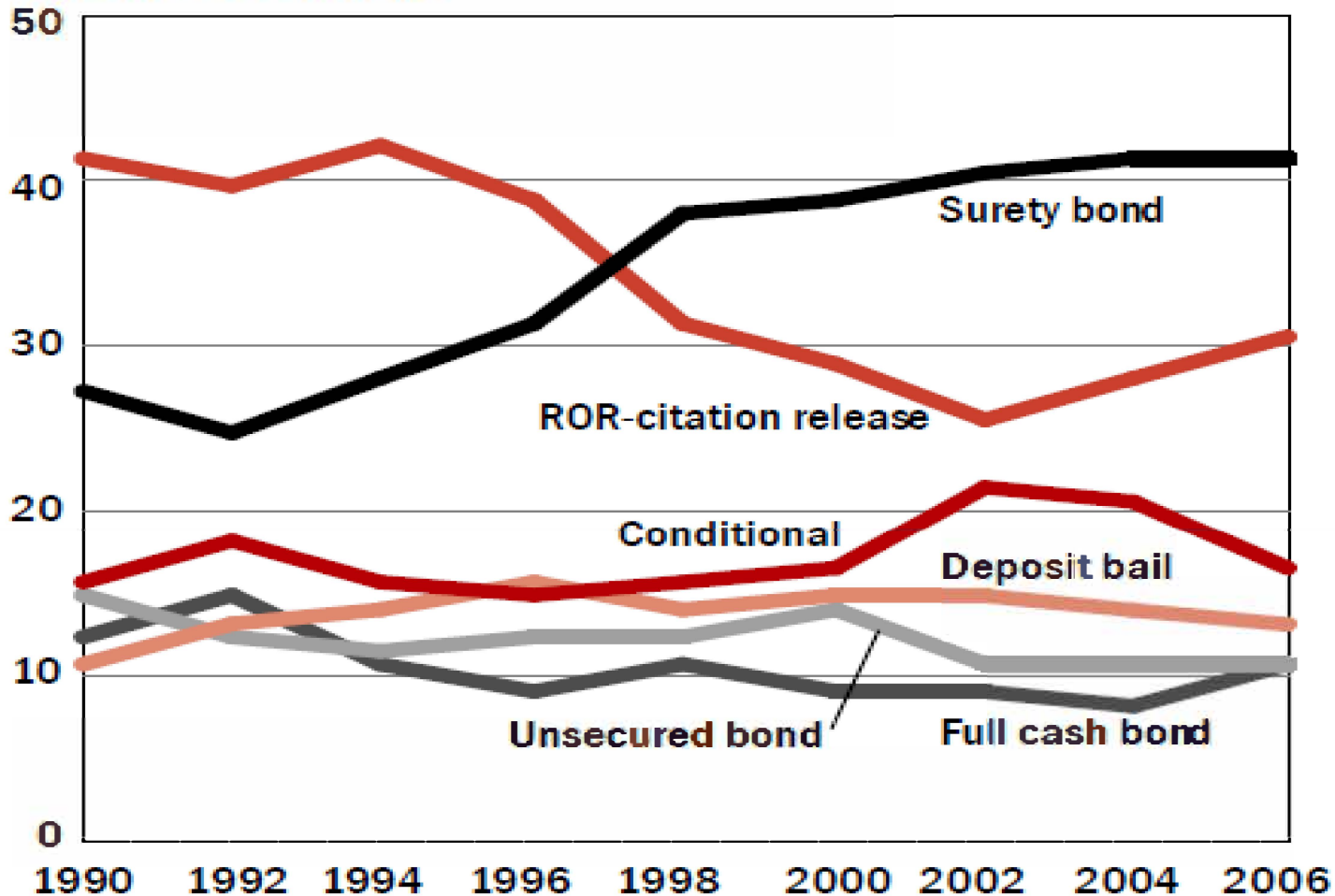




# From 1996 through 1998, surety bond surpasses release on recognizance as the most common form of release

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

Percent of defendants



**Defendants released on surety or property bond engaged in pretrial misconduct less frequently than defendants released on own recognizance**

Type of pretrial release	Percent of released defendants charged with pretrial misconduct			
	Any type	Failure to appear	Fugitive	Rearrest
Unsecured bond	36 %	30 %	10 %	14 %
Release on recognizance	34	26	8	17
Conditional release	32	22	6	15
Deposit bond	30	22	7	14
Full cash bond	30	20	7	15
Surety bond	29	18	3	16
Property bond	27	14	4	17

# **National Judicial Reporting Program (NJRP)**

- **NJRP obtains nationwide estimates on sentencing outcomes in state courts by surveying a sample of convicted felons in about 300 urban, suburban, and rural counties.**
  - **Sample includes**
    - **58 of the nation's 75 most populous counties**
    - **242 of the nation's 3,030 counties**
- **Data collected includes:**
  - **Demographic characteristics**
  - **Conviction offenses**
  - **Conviction types – guilty pleas, jury & bench trials**
  - **Types of sentences imposed – prison, jail, probation**
  - **Sentence length**
- **NJRP data collection has occurred every two years from 1986 – 2006. NJRP currently being redesigned.**

# In 2006 state courts convicted an estimated 1.3 million adults of a felony, 37% more than in 1990

## Number and rate of persons sentenced for a felony in state courts

	Estimated number	Rate per 100,000 residents age 18 or older
1990	829,340	447
1994	872,220	448
1998	927,720	454
2002	1,051,000	489
2006	1,132,290	503

Note: See *Methodology* for source of resident population estimates.

# Nearly 70% of convicted felons received an incarceration sentence with 41% sentenced to state prison and 28% to local jail

Most serious conviction	Percent of felons sentenced to—			
	Incarceration			Non - incarceration
	Total	Prison	Jail	
All offenses	69 %	41 %	28 %	31 %
Violent	77 %	54 %	23 %	23 %
Murder	95	93	2	5
Robbery	85	71	14	15
Sexual assault	81	64	18	19
Assault	72	43	30	28
Weapon	73 %	45 %	28 %	27 %
Property	67 %	38 %	29 %	33 %
Drug	65 %	38 %	28 %	35 %

**Convicted felons received median sentences of 3 years state prison; convicted felons sentenced to jail received median sentences of 5 months**

Most serious conviction	Median sentence length for felons sentenced to—		
	Incarceration		
	Prison	Jail	Probation
All offenses	36 mo.	5 mo.	36 mo.
Violent	60 mo.	6 mo.	36 mo.
Murder	267	12	60
Sexual assault	84	6	48
Robbery	72	9	60
Assault	42	6	36
Weapon	36 mo.	6 mo.	36 mo.
Property	32 mo.	6 mo.	36 mo.
Drug	36 mo.	4 mo.	36 mo.

**Federal courts accounted for nearly 20% of felony weapons convictions; federal drugs and weapons offenses generated sentences almost 3 times longer than their state counterparts**

Most serious conviction	Federal felony convictions as percent of total	Mean sentence for felons sentenced to prison or jail–	
		State	Federal
All offenses	6 %	38 mo.	65 mo.
Weapon	19 %	32 mo.	88 mo.
Drug	7 %	31 mo.	87 mo.
Property	3 %	30 mo.	29 mo.
Violent	1 %	71 mo.	108 mo.
Murder	2	244	124
Sexual assault	1	106	176
Robbery	3	87	105
Assault	1	41	53

Nearly 95% of convictions occurred through guilty plea; about 40% of murder felons convicted by jury or bench trial

Most serious conviction	Guilty Plea	Trial		
		Total	Jury	Bench
All offenses	94 %	6 %	4 %	2 %
Violent	90 %	10 %	8 %	2 %
Assault	92	8	5	3
Robbery	89	11	9	2
Sexual assault	88	12	10	2
Murder	61	39	36	2
Weapon	93 %	7 %	5 %	2 %
Property	95 %	5 %	3 %	2 %
Drug	96 %	4 %	3 %	2 %



## **Background – BJS civil justice statistics program**

- **Civil justice statistics program initiated in 1992. Civil justice data also collected in 1996, 2001, and 2005.**
- **1992 data collection: Data on all general civil cases (tort, contract, and real property) disposed in a sample of the nation's 75 most populous counties.**
  - **Supplemental survey of case outcomes for civil jury trials.**
- **1996 and 2001 data collection: Data on general civil cases disposed of by bench or jury trial in a sample of the nation's 75 most populous counties.**
- **2005 data collection: Nationwide sample of general civil cases disposed of by bench or jury trial.**
  - **Civil trials followed through appeals process.**

# **Civil Justice Survey of State Courts collects detailed information on civil trial litigation in state courts**

- **Information collected by Civil Justice Survey of State Courts:**
  - Overall civil trial rate
  - Types of cases disposed of by trial
  - Characteristics of litigants
  - Who wins
  - Monetary damages awarded to plaintiff winners
  - Punitive damages
  - Case processing times
  - Post-trial litigation & civil appeals
  - Differences between bench and jury trials
  - Trends in general civil trials, 1992 – 2005
  - Civil appeals
- **What's not covered by CJSSC**
  - Settlements
  - Other non-trial dispositions (e.g. dismissals, defaults)
  - Utilization of motions or discovery

# **An estimated 3% of all tort, contract, and real property cases disposed of by bench or jury trial**

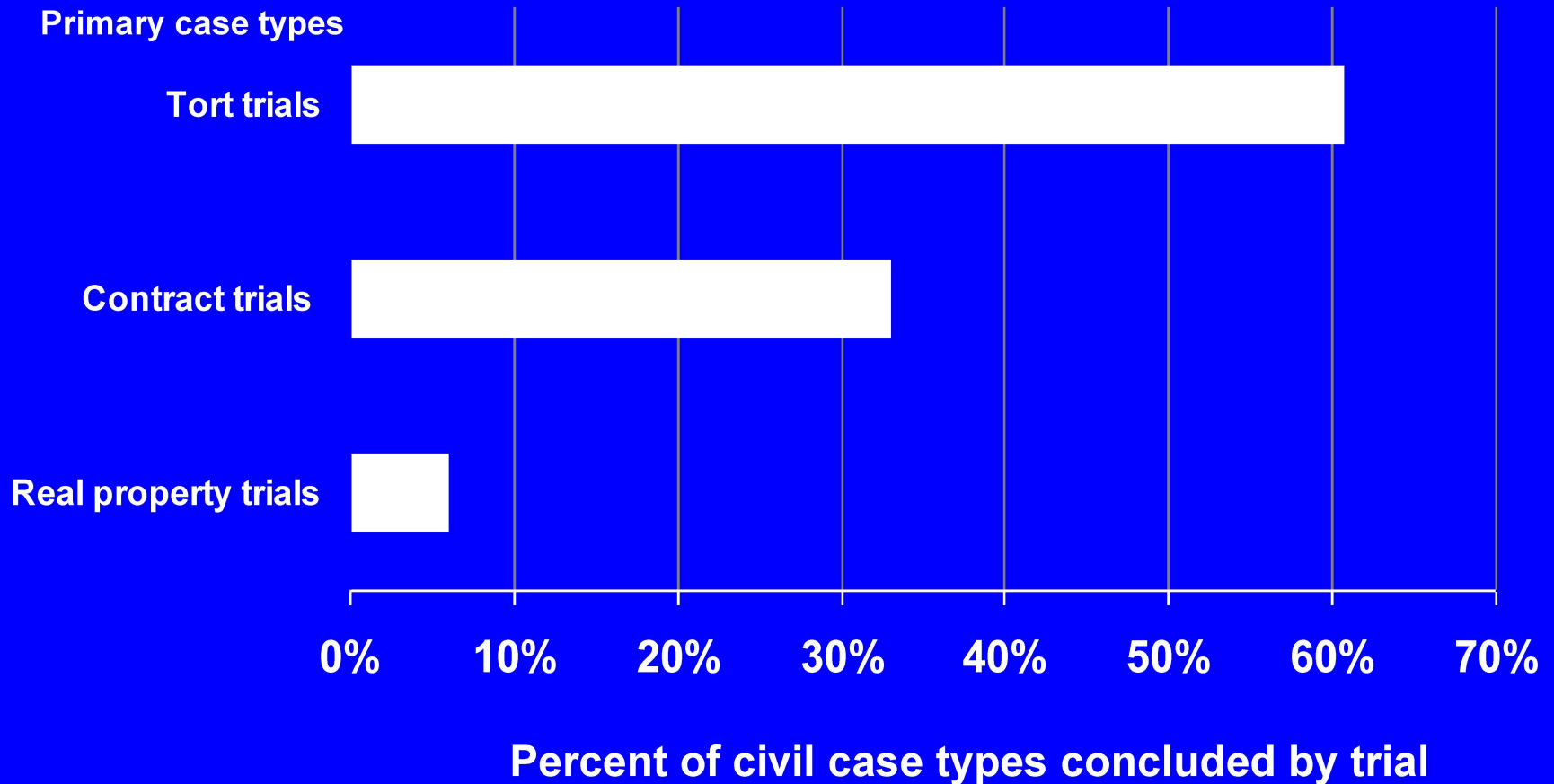
## **Civil trials as a percent of total civil cases disposed, 2005**

<b>Case type</b>	<b>Civil trials as percent of total civil dispositions*</b>
<b>All civil cases</b>	<b>3 %</b>
<b>Tort cases</b>	<b>4 %</b>
<b>Contract cases</b>	<b>2</b>
<b>Real property cases</b>	<b>5</b>

**\* Trial rate data not computed from total sample**

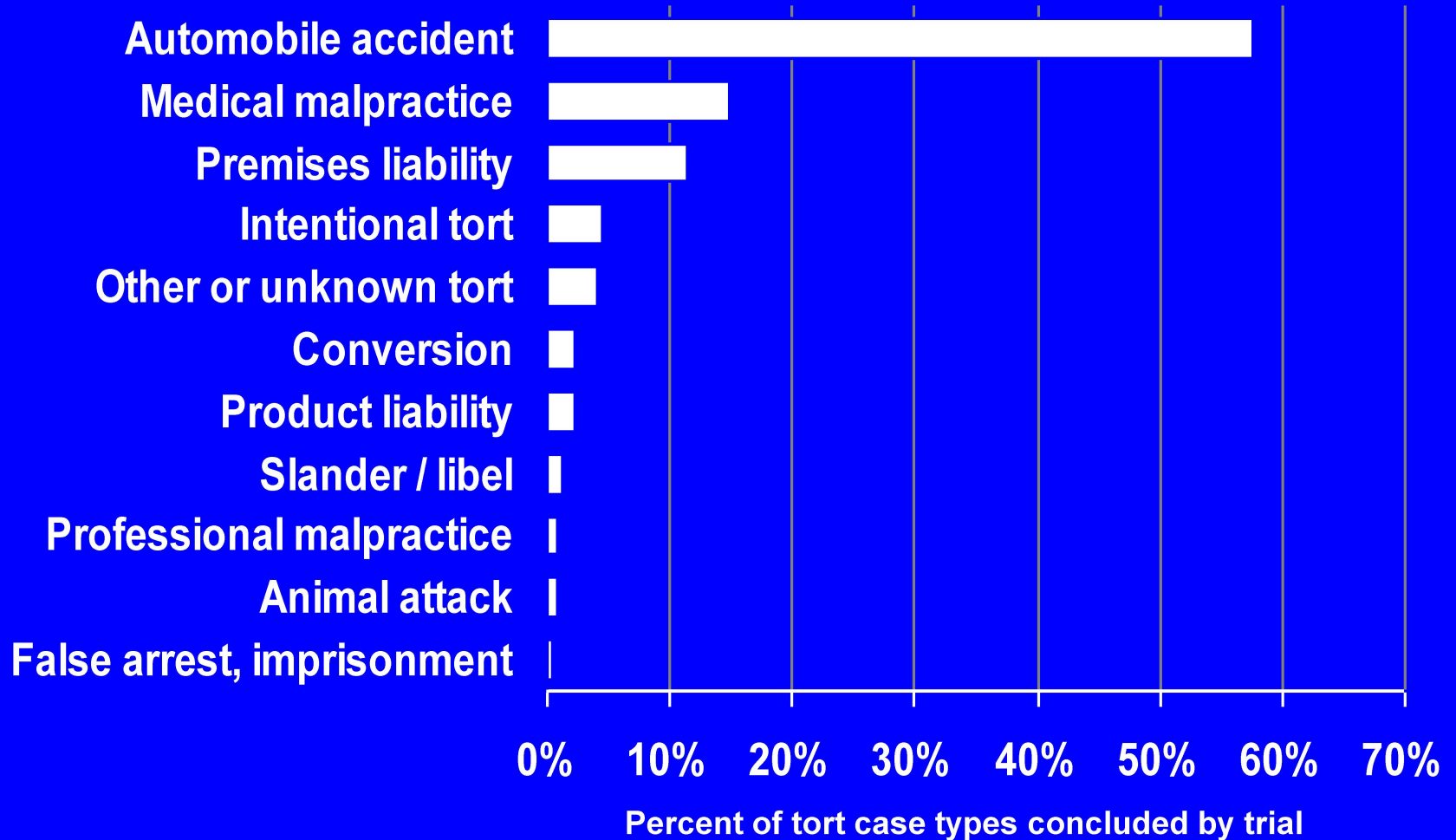
# Of the nearly 27,000 civil trials disposed throughout the nation in 2005, an estimated 60% were tort cases

Types of general civil cases concluded by trial in state courts, 2005



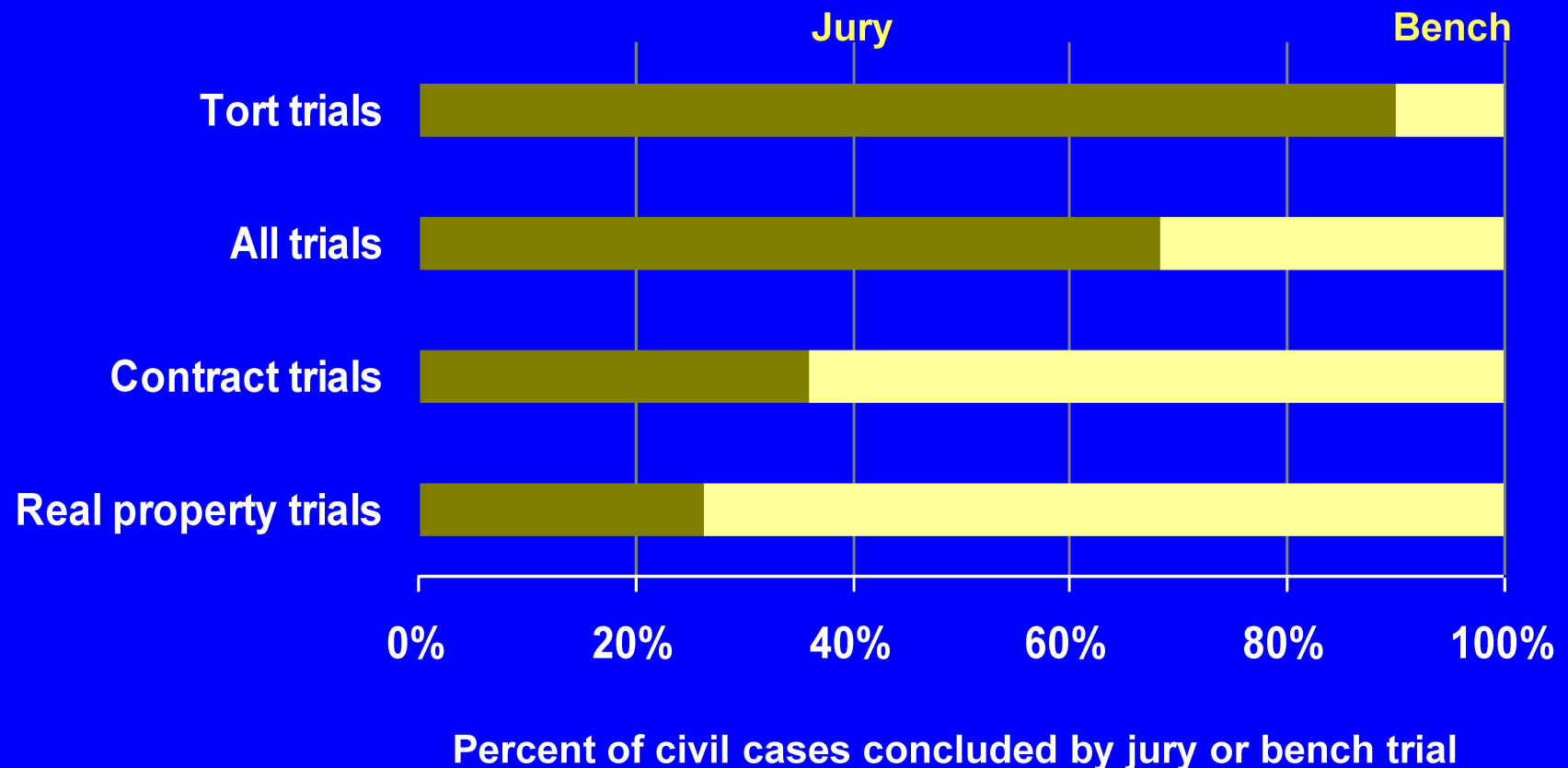
# Of the estimated 16,400 tort trials disposed in state courts, nearly 60% were automobile accident cases

Types of tort cases concluded by trial in state courts, 2005



# Juries disposed of personal injury torts, while judges handled business related contract litigation

Tort, contract, and real property cases disposed by bench or jury trial in state courts, 2005



**Over 95% of plaintiffs in tort trials were individuals; businesses comprised over 40% of plaintiffs in contract trials**

**Primary litigants in civil trials in state courts, by case type, 2005**

<b>Litigant by case type</b>	<b>Primary litigant</b>			
	<b>Individual</b>	<b>Business</b>	<b>Government</b>	<b>Hospital</b>
<b>Tort cases</b>				
<b>Plaintiff</b>	<b>96 %</b>	<b>4 %</b>	<b>0 %</b>	<b>0 %</b>
<b>Defendant</b>	<b>55</b>	<b>29</b>	<b>7</b>	<b>9</b>
<b>Contract cases</b>				
<b>Plaintiff</b>	<b>55 %</b>	<b>43 %</b>	<b>1 %</b>	<b>0 %</b>
<b>Defendant</b>	<b>37</b>	<b>58</b>	<b>3</b>	<b>1</b>

# Over half of plaintiffs prevailed in tort trials and less than 25% won in medical malpractice trials

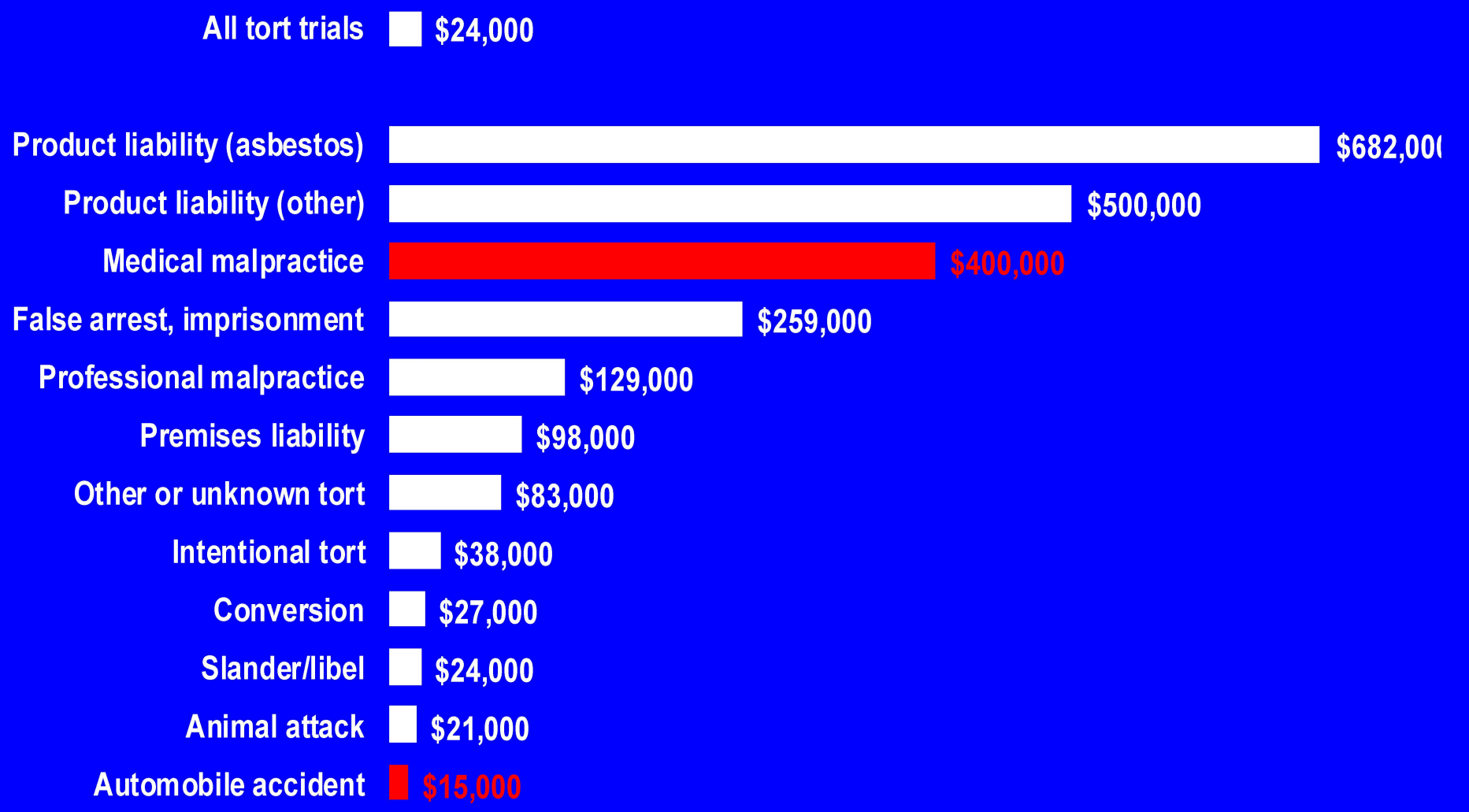
Percent of plaintiff winners in tort trials in state courts, by case type, 2005

<u>Primary case types</u>	<u>Percentage of tort trials with prevailing plaintiffs</u>
<b>All tort trials</b>	<b>52 %</b>
Animal attack	75 %
Automobile accident	64
Product liability (asbestos)	55
Intentional tort	52
Conversion	48
Other or unknown tort	41
Slander / libel	39
Professional malpractice	39
Premises liability	38
<b>Medical malpractice</b>	<b>23</b>
Product liability (other)	20
False arrest, imprisonment	16



# Median awards in medical malpractice trials were 27 times higher than in automobile accident trials

Median damages awarded to plaintiff winners in tort trials in state courts, 2005



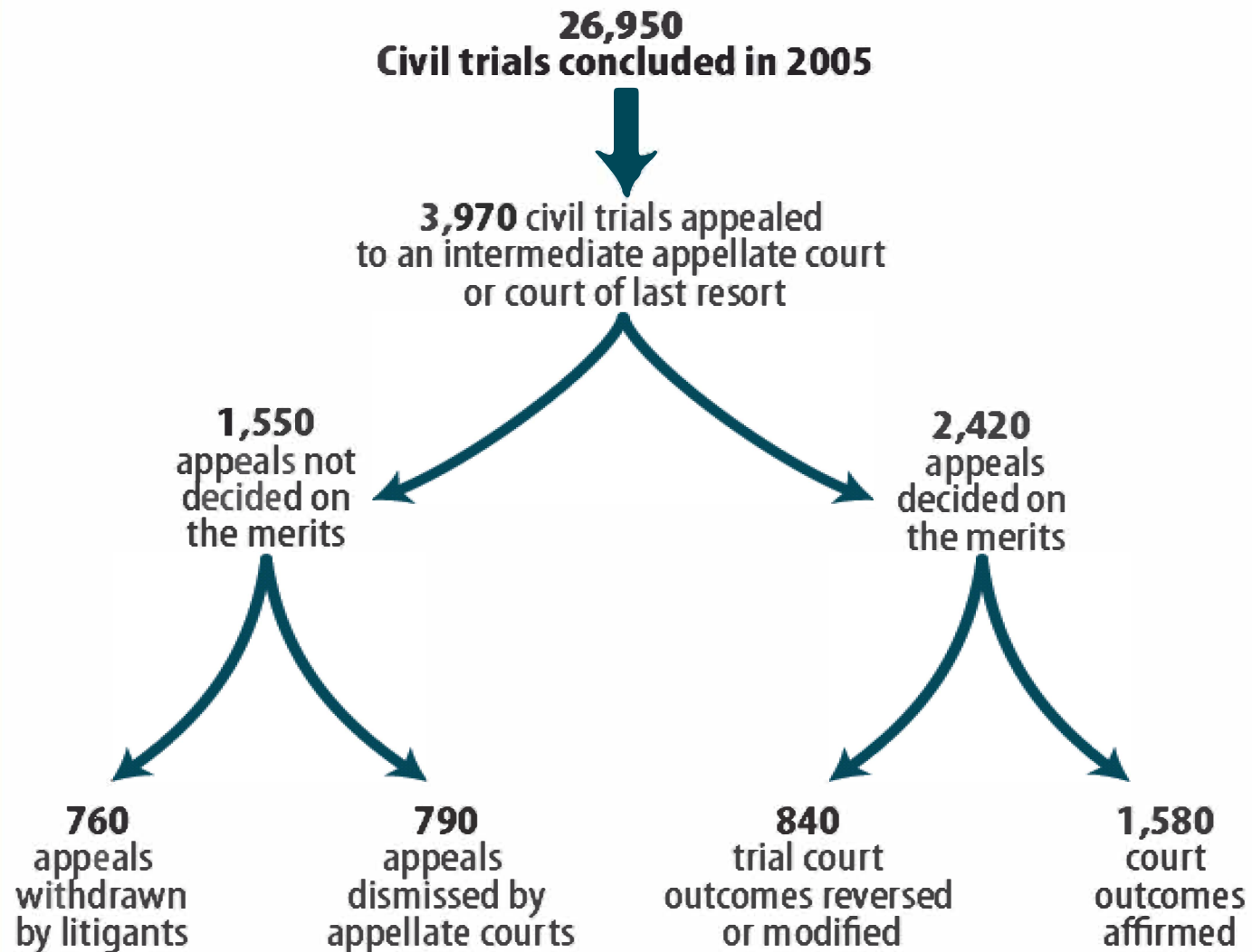
# **Punitive damages awarded to 5% of plaintiff winners; nearly a third of plaintiff winners awarded punitive damages for some case types**

**Plaintiff winners awarded punitive damages in civil trials in :  
by selected case types, 2005**

<b>Primary case types</b>	<b>Percent of plaintiff winners awarded punitive damages</b>
<b>All civil trials</b>	<b>5 %</b>
<b>All tort trials</b>	<b>3 %</b>
<b>Intentional tort</b>	<b>30</b>
<b>Automobile accident</b>	<b>1</b>
<b>Medical malpractice</b>	<b>1</b>
<b>All contract trials</b>	<b>8 %</b>
<b>Fraud</b>	<b>23</b>
<b>Employment</b>	<b>22</b>
<b>Buyer plaintiff</b>	<b>8</b>

# **Litigants appealed 15% of civil trials; 3% of civil trials concluded in 2005 were reversed in full or part on appeal**

**Civil trials concluded in 2005 appealed to an intermediate appellate court or court of last resort**



# **State Court Organization (SCO)**

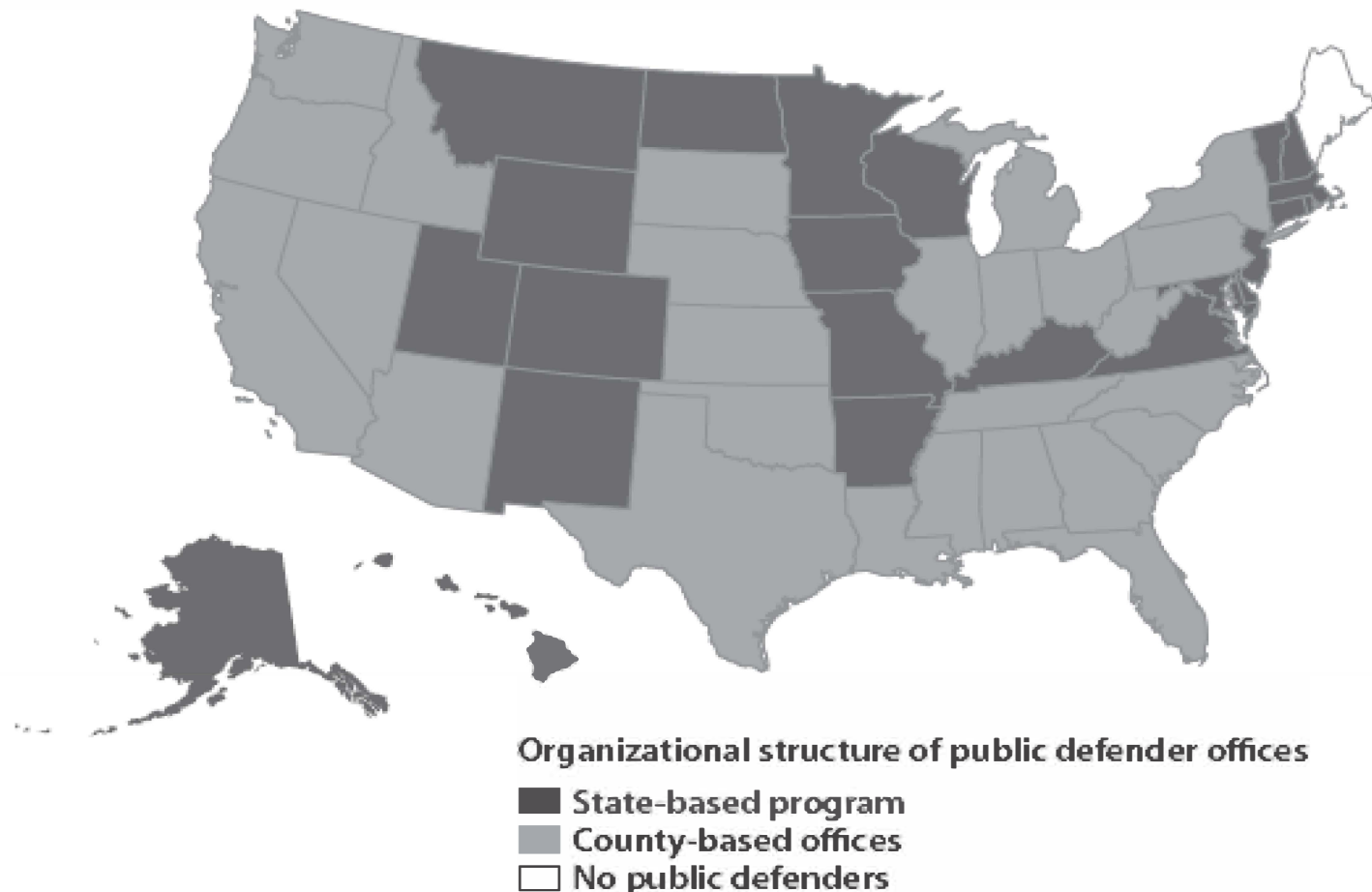
- **SCO obtains detailed comparative data on the organizational structure of the nation's state courts.**
- **Data collected includes:**
  - **Number of courts and judges**
  - **Process for judicial selection**
  - **Governance of state court systems**
  - **Judicial funding, administration, staffing, and procedures**
  - **Court structure diagrams**
- **SCO data collections occurred in 1980, 1987, 1993, 1998, and 2004.**
- **SCO data currently being collected to examine the organizational structure of courts in 2011.**

# **Census of Public Defenders Offices (CPDO), 2007**

- **CPDO is first time census of state and locally funded public defender offices.**
- **CPDO collected office level data from 957 publicly funded public defender offices located in 49 states and the District of Columbia (Maine excluded because it has no public defender office).**
- **Core CPDO data elements included:**
  - **Operations**
  - **Caseloads**
  - **Staffing levels**
  - **Policies**
  - **Budgets**
- **CPDO only examined public defender offices. No information on contract, assigned, or privately retained defense attorneys.**

# Census of Public Defenders Offices: Twenty-two states have state based public defender systems

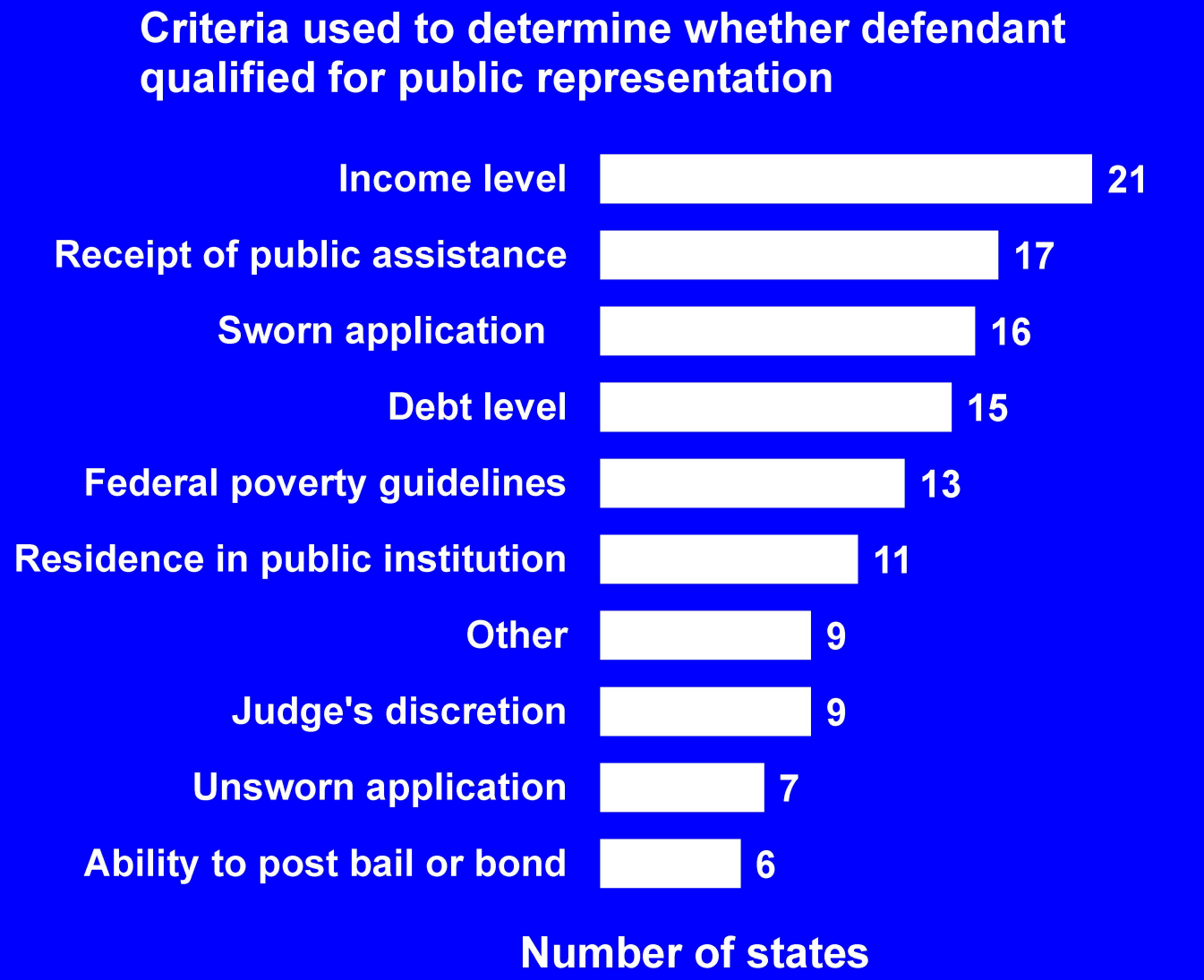
Twenty-two states had state public defender programs in 2007



# **State programs spent more than \$830 million representing indigent defendants, which was about 14% of total state expenditures for all judicial functions**

<b>General characteristics of state public defender programs</b>	<b>Total</b>	<b>Median</b>
<b>Number of offices</b>	<b>427</b>	<b>19</b>
<b>Number of cases received</b>	<b>1,491,420</b>	<b>72,740</b>
<b>FTE litigating attorneys</b>	<b>4,321</b>	<b>163</b>
<b>Total expenditures</b>	<b>\$833 million</b>	<b>\$33 million</b>
<b>Public defender expenditures as percent of judicial expenditures</b>	<b>14 %</b>	<b>15 %</b>
<b>Number of states</b>	<b>22</b>	

# Nearly all state funded public defender programs used income levels to determine whether defendant qualified for public defender representation





# Half of states required defendants to pay attorney costs for public defender representation



**Misdemeanor and ordinance violations accounted for the largest share (43%) of cases received by public defender programs**

Types of cases received	Percent of cases received	Median cases per state
Misdemeanor/violation	43%	25,840
Felony non-capital	25	11,420
Juvenile-related	14	7,610
Unknown	14	--
Civil	3	280
Appeals	1	100
Felony capital	0.03	2

# State public defender programs reported median of 2 managerial attorneys to supervise 10 assistant public defenders

Types of full & part-time public defenders	Total attorneys	Median attorneys per state
Total FTE litigating attorneys	4,321	163
Chief public defender	369	12
Managing attorneys	62	0
Supervisory attorneys	336	5
Assistant public defenders	3,508	125
Total part-time attorneys	345	3
Number of FTE managerial attorneys per 10 FTE assistant public defenders	1.2	2.2

# Clerical and administrative support staff accounted for more than half of non-attorney support staff

Types of non-attorney staff	Percent of non-attorney staff	Median non-attorney staff per state
All states	--	85
Clerical	33%	11
Investigators	24	25
Administrative	23	32
Social workers	6	4
Paralegals	4	2
Other	4	0
Indigency screeners	4	0
Interns	3	0
Training	0.5	1

**State public defender salaries ranged from \$58,000 for entry level to nearly \$78,000 for those with 6 years or more of service**

**Maximum salaries for assistant public defenders**

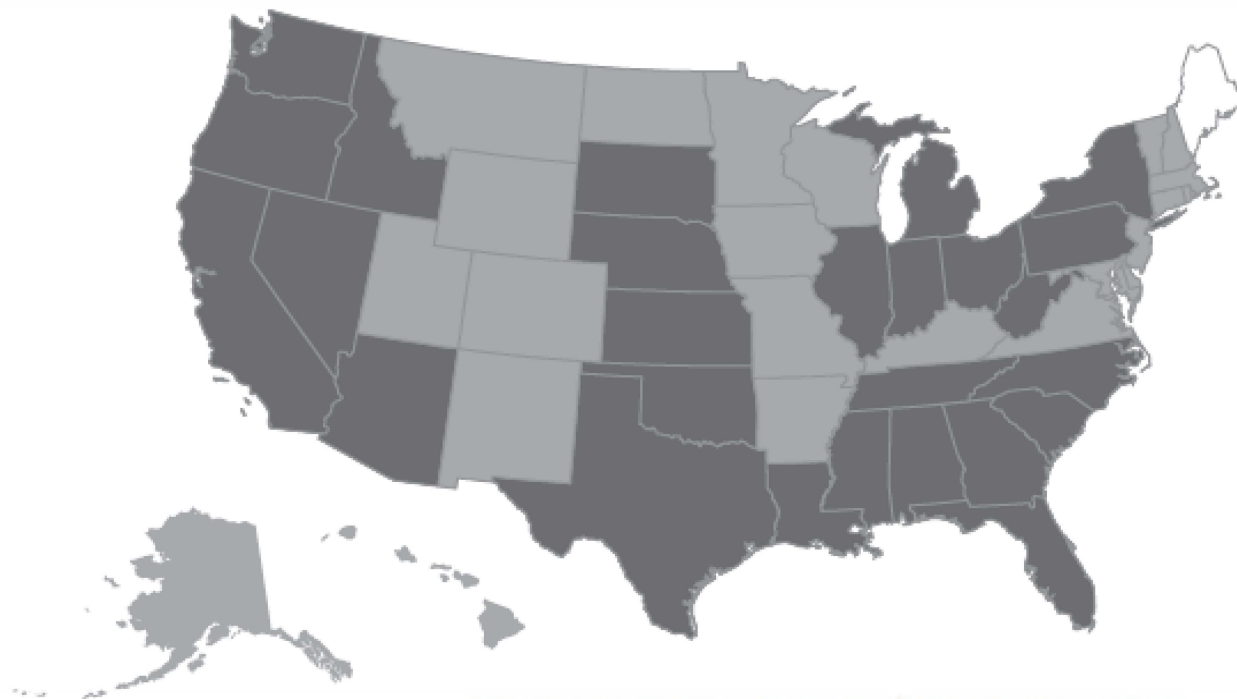
<b>Entry level</b>	<b>\$58,400</b>
<b>5 years or less</b>	<b>\$64,900</b>
<b>6 years or more</b>	<b>\$77,700</b>

**Mean years of service** **9**

**Attrition rate** **10 %**

# 27 state and the District of Columbia administered indigent defense at the local level

Counties or local jurisdictions funded and administered public defender offices in 27 states and the District of Columbia in 2007



Organizational structure of public defender offices

- County-based offices
- State-based program
- No public defenders

# **Census of Public Defenders Offices – primary findings about county based programs in 2007**

- **County-based public defender offices received more than 4 million cases and spent nearly \$1.5 billion in operating expenditures.**
- **Offices providing county-based public defender services in 25 states with death penalty statutes spent a combined total of nearly \$30 million for capital case representation.**
- **Misdemeanors and ordinance violations accounted for the largest share (56%) of cases received by county-based public defender offices.**
- **The attrition rate of attorneys in county-based offices was less than 1%.**

# **National Census of State Court Prosecutors Offices (NCSP)**

- **NCSP obtains administrative information from the approximately 2,300 prosecutors' offices operating throughout the nation.**
- **Data collected includes:**
  - **Staffing levels**
  - **Office budgets**
  - **Caseloads**
  - **Utilization of DNA evidence**
  - **Threats directed against prosecutor offices**
  - **Prosecutions involving high profile crimes**
- **NCSP data collection has occurred periodically between 1992 through 2007.**
- **NCSP findings disseminated in early 2012.**



# **Federal Justice Statistics Program provides comprehensive information about the federal justice system's processing of criminal cases**

**Seven stages of federal criminal case processing are within the scope of the FJSP including:**

- **Arrests - U.S. Marshals Service\***
- **Prosecution – Executive Office of U.S. Attorneys\***
- **Pretrial – U.S. Probation and Pretrial Services System**
- **Adjudication – Administrative Office of U.S. Courts (AOUSC)\***
- **Sentencing – United States Sentencing Commission\***
- **Appeals – AOUSC; U.S. Courts of Appeal**
- **Corrections – Bureau of Prisons\*, no probation or parole data**

**\* Denotes included in linked file**

# Research agenda for Prosecution and Adjudications

## Data collections currently underway

- Survey of criminal appeals in state intermediate appellate courts and courts of last resort, 2011
- Census of problem solving courts, 2012
- State Court Processing Statistics, 2009
- State Court Organization, 2011

## Projects recently funded

- National census of tribal court systems
- National census of indigent defense systems
- Revised national judicial reporting program
- National Pretrial Reporting Program
- Survey of prosecutor offices
- Survey of State Attorney General Offices

## New ICPSR protocols for downloading BJS data

## Contact information

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