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National Pretrial Reporting Program

Pretrial Release of Felony Defendants, 1992

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An estimated 63% of the defendants who had State felony charges filed against them in the Nation's 75 most populous counties during May 1992 were released by the court prior to the disposition of their case. About a third of these released defendants were either rearrested for a new offense, failed to appear in court as scheduled, or committed some other violation that resulted in the revocation of their pretrial release. Of the 25% of released defendants who had a bench warrant issued for their arrest because they did not appear in court as scheduled, about a third, representing 8% of all released defendants, were still fugitives after 1 year.

These findings are drawn from a sample of felony cases filed in State courts during May 1992. The cases were followed for up to 1 year as part of the National Pretrial Reporting Program (NPRP) sponsored by the Bureau of Justice Statistics.

Highlights

- Murder defendants (24%) were the least likely to be released prior to case disposition, followed by defendants whose most serious arrest charge was rape (48%), robbery (50%), or burglary (51%).
- A sixth of the defendants detained until case disposition were held without bail. Defendants held without bail comprised 6% of all felony defendants, with defendants charged with murder (40%) the most likely to be denied bail.
- Among defendants already on pretrial release for a prior case when arrested on the current felony charges, 56% were released again. Thirty-two percent of those arrested while on parole and 44% of those already on probation were released.
- Twenty-seven percent of released defendants had at least one prior felony conviction, including 9% with a prior conviction for a violent felony. Among detained defendants, 57% had a prior conviction, including 21% with at least one prior conviction for a violent felony.
- Among released defendants who had failed to appear in court at least once on a previous charge, 38% had a bench warrant issued because they failed to appear during the current case. This was about twice the failure-to-appear rate of other released defendants (20%).
- About 14% of all released defendants were rearrested while on pretrial release, 10% for a felony. Released defendants with at least one prior conviction (19%) were about twice as likely to be rearrested as those with no prior convictions (9%). Twenty-nine percent of released defendants with five or more prior convictions were rearrested while on pretrial release.
- The overall pretrial release rate of 63% recorded by the 1992 NPRP was similar to that found in 1990 (65%) and 1988 (66%). Failure-to-appear rates have also remained constant at about a fourth of those released. The 1992 rearrest rate of 14% for defendants on pretrial release represented a slight decrease from the 18% rate recorded in 1988 and 1990.

Table 1. Felony defendants released before or detained until case disposition, by the most serious arrest charge, 1992

Most serious arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties:		
		Total	Released before case disposition	Detained until case disposition
All offenses	51,002	100%	63%	37%
Violent offenses	13,638	100%	58%	42%
Murder	570	100	24	76
Rape	724	100	48	52
Robbery	4,467	100	50	50
Assault	6,509	100	68	32
Other violent	1,368	100	59	41
Property offenses	17,647	100%	63%	37%
Burglary	6,176	100	51	49
Theft	6,434	100	67	33
Other property	5,037	100	71	29
Drug offenses	15,469	100%	68%	32%
Sales/trafficking	8,517	100	66	34
Other drug	6,952	100	71	29
Public-order offenses	4,248	100%	65%	35%
Weapons	1,437	100	71	29
Driving-related	645	100	73	27
Other public-order	2,167	100	58	42

Note: Data on detention/release outcome were available for 92% of all cases. Detail may not add to total because of rounding.

National Pretrial Reporting Program

The Bureau of Justice Statistics (BJS) initiated the biennial National Pretrial Reporting Program (NPRP) in 1988. The NPRP collects detailed information about the criminal history, pretrial processing, adjudication, and sentencing of felony defendants in State courts in large urban counties. The NPRP data do not include Federal defendants.

The 1992 NPRP collected data for 13,206 felony cases filed in 40 counties during May 1992. These cases were part of a 2-stage sample that was representative of the estimated 55,246 felony cases filed in the Nation's 75 most populous counties during that month. (In 1990, the 75 largest counties accounted for about 37% of the U.S. population and nearly 50% of all crimes reported to law enforcement agencies.) Cases were tracked for up to 1 year.

Table 2. Type of pretrial release or detention of felony defendants, by the most serious arrest charge, 1992

Most serious arrest charge	Total	Percent of felony defendants in the 75 largest counties:											
		Released before case disposition							Detained until case disposition				
		Financial release				Nonfinancial release			Total non-financial release		Emergency release		
		Total financial release	Surety bond	Full cash bond	Deposit bond	Property bond	Total non-financial release	Recognition	Con- ditional	Unse- cured bond	Emer- gency release	Held on bail	Held without bail
All offenses	100%	25%	13%	6%	5%	1%	37%	24%	8%	4%	2%	30%	6%
Violent offenses	100%	25%	11%	7%	7%	--	33%	25%	5%	3%	--	34%	8%
Murder	100	13	7	6	1	0	10	5	2	3	0	37	40
Rape	100	24	12	4	6	1	22	11	9	2	2	49	3
Robbery	100	21	4	9	7	--	29	23	3	3	--	43	7
Assault	100	29	15	6	8	1	39	31	5	2	--	26	6
Other violent	100	27	14	7	5	1	32	20	9	3	--	33	8
Property offenses	100%	21%	13%	4%	3%	1%	40%	25%	8%	6%	2%	32%	6%
Burglary	100	16	8	3	3	1	34	22	7	5	1	43	6
Theft	100	21	14	4	2	1	42	26	10	6	4	27	6
Other property	100	26	17	5	4	1	43	28	9	7	2	23	5
Drug offenses	100%	27%	15%	7%	5%	1%	39%	23%	11%	5%	2%	27%	5%
Sales/trafficking	100	29	15	8	5	1	36	23	8	5	1	30	5
Other drug	100	26	16	5	4	--	42	22	16	4	3	23	6
Public-order offenses	100%	33%	17%	11%	5%	1%	30%	21%	7%	2%	1%	29%	6%
Weapons	100	42	13	21	8	1	28	18	7	3	1	25	4
Driving-related	100	42	37	5	1	0	31	20	9	2	0	22	5
Other public-order	100	25	14	5	5	1	31	23	6	2	1	34	9

Note: Data on type of pretrial release or detention were available for 92% of all cases. See table 1 for number of defendants in each offense category. Detail may not add to total because of rounding. --Less than 0.5%.

Types of pretrial release

Nonfinancial release

Among the 63% of felony defendants in the 75 largest counties who were released prior to case disposition, about 3 in 5 were released on nonfinancial terms that required no posting of bail (table 1). (In this report, "pretrial release" and "released prior to case disposition" are used interchangeably. See *Methodology* on pages 15 and 16 for definitions.)

Release on recognizance, granted to 24% of all defendants and to 38% of all released defendants, was the most common type of pretrial release (table 2). About two-thirds of all nonfinancial releases involved the release of a defendant on his or her own recognizance. The only condition placed on the defendant under this type of release is a written agreement to appear in court as scheduled. Generally, the recognizance release category used in this report refers to a decision made by the court; however, citation releases made by law enforcement personnel (2% of the recognizance releases) are also included.

Approximately 13% of all pretrial releases in the 75 largest counties (23% of nonfinancial releases) were on conditional release. About a fourth of conditional releases included an unsecured bail amount to be forfeited should the defendant fail to appear in court as scheduled. About two-thirds of conditional releases included an agreement by the defendant to maintain regular contact with a pretrial program through telephone calls and/or personal visits. Fifteen percent of conditional releases involved regular drug monitoring or treatment, and 6% included a third party custody agreement.

Most defendants placed on conditional release were supervised by a pretrial release program. Such programs, which also interview arrestees and provide information to judicial officers, were operating in all but 2 (Suffolk, Massachusetts; and Montgomery, Pennsylvania) of the 40 NPRP counties during 1992.

Releases on unsecured bond comprised 4% of the NPRP cases. About 12% of nonfinancial releases (7% of releases overall) involved this type of release. Although this type of release does not require financial payment, it does specify a bail amount to be forfeited if the defendant does not appear in court as scheduled.

Financial release

Overall, about 2 in 5 defendants released before case disposition received that release through financial terms involving a surety, full cash, deposit, or property bond. Deposit, full cash, and property bonds are posted directly with the court, while surety bonds involve the services of a bail bond company.

Defendants must post the full bail amount in cash or collateral to be released on full cash or property bond. The cash or property is forfeited if the defendants do not appear in court as required. Typically, a defendant must provide 10% of the full bail amount to be released on deposit or surety bond. Either the defendant (deposit bond) or the bail bond company (surety bond) are liable to the court for the full bail amount if the defendant does not appear in court as required.

Release on surety bond, the second most common type of pretrial release for felony defendants, was used in 54% of all financial releases and in 21% of all pretrial releases. Surety bond was used in 31 of the 40 NPRP counties surveyed.

Ten percent of all pretrial releases, including 25% of financial releases, were on full cash bond. Full cash bond was used in 33 of the 40 NPRP counties surveyed.

A deposit bond secured release for about 8% of all released defendants, including 19% of defendants placed on financial release. Deposit bond was used for pretrial release in 17 NPRP counties.

Emergency release

Overall, about 2% of felony defendants were released as part of an emergency release ordered because of jail crowding. Generally, these emergency releases did not involve the use of any of the financial or nonfinancial release conditions discussed above. Emergency releases occurred in 8 of the 40 NPRP counties, with 3 counties (Hamilton, Ohio; Cook, Illinois; and Wayne, Michigan) accounting for more than 95% of all emergency releases recorded by NPRP.

Factors affecting probability of pretrial release

Overall, 37% of the felony defendants included in the NPRP sample were detained until the court disposed of their case, roughly the same percentage as in NPRP studies for 1988 (34%) and 1990 (35%). Five out of six detainees from the 1992 study had a bail amount set but did not post the money required to secure release. The remainder, representing 17% of detained defendants and 6% of all defendants, were ordered held without bail.

While denial of bail provides the court with an absolute assurance that a defendant will not be released prior to case disposition, the NPRP data also show that when a defendant is required to post bail, the probability of

release decreases as bail amounts increase. When bail was set at \$20,000 or more, 18% of the defendants were eventually released (table 3). When the bail amount was between \$10,000 and \$19,999, 38% of the defendants secured release; from \$2,500 to \$9,999, 52% of the defendants; and under \$2,500, 66%.

The effect of bail amount on the likelihood of a defendant's being released varied according to the type of arrest charge. For example, when the bail amount was set at \$20,000 or more, drug defendants (29%) secured release more often than defendants charged with a public-order offense (18%), violent offense (17%), or property offense (11%). Defendants charged with a property offense were

less likely to be released than other defendants in all four bail amount categories.

Defendants released on deposit bond had higher average bail amounts than other defendants released on bond, a median of \$7,500 and a mean of \$15,200. Defendants released on surety bond had a median bail amount of \$5,000 and a mean bail amount of \$7,100. Defendants released on surety or deposit bond typically had to post 10% of the full bail amount to secure release: a mean of \$1,520 for deposit bond and \$710 for surety bond.

Defendants released on full cash bond posted the full bail amount to secure release; a median of \$1,000 and a mean of \$3,300. Defendants released

on unsecured bond did not post any money to secure release but were liable for the full bail amount, a median of \$5,000 and a mean of \$10,100, if they did not appear in court. Among defendants who had a bail amount set but were unable to secure release, the mean bail amount was \$39,800, and the median was \$10,000.

Type of release bond	Bail amount	
	Median	Mean
Surety	\$5,000	\$7,100
Deposit	7,500	15,200
Full cash	1,000	3,300
Property	5,000	10,900
Unsecured	5,000	10,100
Not released	\$10,000	\$39,800

Court decisions about bail are primarily based on the judgment of whether the accused will appear in court as scheduled and the potential danger to the community from crimes that a defendant may commit while on release. Many jurisdictions have established specific criteria that must be considered when setting bail. Examples of such criteria are personal character and mental condition, employment and financial resources, family and community ties, offense seriousness, criminal justice status at the time of arrest, prior criminal record, prior court appearance record, the weight of the evidence against the defendant, and the sentence that may be imposed upon conviction.

While the NPRP does not provide data on all of these factors, it does provide information on the seriousness of the current offense, criminal justice status at the time of arrest, prior court appearance record, and prior criminal record. The NPRP data illustrate how the bail system is used in conjunction with these factors to affect the probability of release.

Table 3. Felony defendants released before or detained until case disposition, by bail amount set and the most serious arrest charge, 1992

Bail amount set and the most serious arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties with a bail amount set:		
		Total	Released before case disposition	Detained until case disposition
\$20,000 or more				
All offenses	6,083	100%	18%	82%
Violent offenses	2,740	100	17	83
Property offenses	1,500	100	11	89
Drug offenses	1,298	100	29	71
Public-order offenses	544	100	18	82
\$10,000 to \$19,999				
All offenses	5,373	100%	38%	62%
Violent offenses	1,580	100	44	56
Property offenses	1,657	100	24	76
Drug offenses	1,790	100	46	54
Public-order offenses	344	100	34	66
\$2,500 to \$9,999				
All offenses	9,752	100%	52%	48%
Violent offenses	2,078	100	57	43
Property offenses	3,499	100	44	56
Drug offenses	3,395	100	54	46
Public-order offenses	780	100	60	40
Under \$2,500				
All offenses	6,780	100%	66%	34%
Violent offenses	1,597	100	68	32
Property offenses	2,463	100	61	39
Drug offenses	1,768	100	66	34
Public-order offenses	951	100	76	24

Note: Data on bail amount were available for 99% of all defendants for whom a bail amount was set. Table excludes defendants given nonfinancial release. Detail may not add to total because of rounding.

Seriousness of offense

The NPRP data indicate that defendants charged with murder were the least likely of all felony defendants to be released prior to case disposition (24%) (table 1). While about a fourth of murder defendants were released, about half of defendants charged with rape, robbery, or burglary were released, as were about two-thirds of assault, theft, or drug trafficking defendants.

Murder defendants had the lowest release rate, mainly because they were the most likely to be denied bail or to have a high bail amount. Forty percent of murder defendants were denied bail, compared to 9% or less for other defendants. Among murder defendants who had a bail amount set, about three-fourths had a bail amount of \$20,000 or more (table 4).

Defendants charged with rape (57%) were the next most likely to have bail set at \$20,000 or more. Robbery defendants (41%) were the only other group for which more than a third of the defendants with a bail amount had it set by the court at \$20,000 or more. Overall, defendants whose most serious arrest charge involved a violent offense (34%) were about twice as likely as drug (16%) and property (16%) defendants to have a bail of \$20,000 or more.

Among defendants who were held on bail, the median bail amount that had been set by the court was \$10,000 (table 5). The median bail amount was higher for detained defendants charged with murder (\$100,000), rape (\$25,000), or robbery (\$20,000). Released defendants had a median bail amount of \$3,500, with a higher median bail amount for released defendants charged with murder (\$10,000) or rape (\$10,000).

Table 4. Bail amount set for felony defendants, by the most serious arrest charge, 1992

Most serious arrest charge	Number of defendants	Total	Percent of felony defendants in the 75 largest counties with a bail amount of:			
			Under \$2,500	\$2,500-\$9,999	\$10,000-\$19,999	\$20,000 or more
All offenses	27,987	100%	24%	35%	19%	22%
Violent offenses	7,996	100%	20%	26%	20%	34%
Murder	284	100	5	7	10	78
Rape	527	100	9	14	20	57
Robbery	2,830	100	17	22	21	41
Assault	3,551	100	26	33	19	22
Other violent	805	100	17	24	26	33
Property offenses	9,120	100%	27%	38%	18%	16%
Burglary	3,595	100	16	39	21	23
Theft	3,056	100	35	37	16	12
Other property	2,470	100	33	39	16	12
Drug offenses	8,252	100%	21%	41%	22%	16%
Sales/trafficking	4,918	100	22	34	26	18
Other drug	3,334	100	21	51	16	12
Public-order offenses	2,620	100%	36%	30%	13%	21%
Weapons	966	100	38	35	11	16
Driving-related	414	100	52	25	15	8
Other public-order	1,241	100	30	27	15	29

Note: Data on bail amount were available for 99% of all defendants for whom a bail amount was set. Table excludes defendants given nonfinancial release. Detail may not add to total because of rounding.

Table 5. Median bail amount set for felony defendants, by pretrial detention/release outcome and the most serious arrest charge, 1992

Most serious arrest charge	Felony defendants in the 75 largest counties		
	Total	Released	Detained
All offenses	\$5,000	\$3,500	\$10,000
Violent offenses	\$10,000	\$5,000	\$17,000
Murder	75,000	10,000	100,000
Rape	23,500	10,000	25,000
Robbery	10,000	5,000	20,000
Assault	5,000	5,000	10,000
Other violent	10,000	5,000	20,000
Property offenses	\$5,000	\$2,500	\$7,500
Burglary	5,000	5,000	10,000
Theft	4,000	2,000	5,000
Other property	4,000	2,500	5,000
Drug offenses	\$5,000	\$5,000	\$6,000
Sales/trafficking	5,000	5,000	10,000
Other drug	5,000	4,300	5,000
Public-order offenses	\$4,000	\$2,000	\$10,000
Weapons	3,000	2,000	10,000
Driving-related	2,000	2,000	4,000
Other public-order	5,000	2,500	15,000

Note: Data on bail amount were available for 99% of all defendants for whom a bail amount was set. Bail amounts have been rounded to the nearest 100 dollars. Table excludes defendants given nonfinancial release.

Table 6. Felony defendants released before or detained until case disposition, by criminal justice status at the time of offense, 1992

Criminal justice status at time of offense	Number of defendants	Percent of felony defendants in the 75 largest counties							
		Total	Released				Detained		
			Total released	Financial	Non-financial	Emergency release	Total detained	Held on bail	Held without bail
On parole	2,957	100%	32%	17%	14%	1%	68%	53%	14%
On probation	6,081	100	44	21	22	1	56	45	11
On pretrial release	4,804	100	56	24	30	2	44	32	12
None	25,228	100	72	30	40	2	28	25	3

Note: Data on both criminal justice status at the time of offense and detention/release outcome were available for 74% of all cases. Defendants who had more than 1 type of criminal justice status at the time of offense are excluded from the table. Detail may not add to total because of rounding.

Table 7. Felony defendants released before or detained until case disposition, by court appearance history, 1992

Court appearance history	Number of defendants	Percent of felony defendants in the 75 largest counties							
		Total	Released				Detained		
			Total released	Financial	Non-financial	Emergency release	Total detained	Held on bail	Held without bail
With prior arrests	25,954	100%	54%	21%	32%	2%	46%	39%	7%
Failed to appear one or more times	11,378	100	51	17	31	3	49	44	5
Made all court appearances	14,576	100	57	23	32	1	43	35	8
No prior arrests	15,116	100	81	30	50	1	19	16	3

Note: Data on both court appearance history and detention/release outcome were available for 74% of all cases. Detail may not add to total because of rounding.

Table 8. Felony defendants released before or detained until case disposition, by prior conviction record, 1992

Prior conviction record	Number of defendants	Percent of felony defendants in the 75 largest counties							
		Total	Released				Detained		
			Total released	Financial	Non-financial	Emergency release	Total detained	Held on bail	Held without bail
Number of prior convictions*									
5 or more	9,191	100%	43%	18%	24%	2%	57%	49%	8%
2-4	9,630	100	50	23	26	2	50	42	8
1	6,849	100	61	27	32	2	39	30	9
None	20,293	100	79	30	48	1	21	17	3
Most serious prior conviction									
Violent felony	6,293	100%	43%	18%	24%	1%	57%	45%	12%
Nonviolent felony	11,616	100	46	20	23	2	54	45	9
Misdemeanor	8,221	100	63	27	34	1	37	33	4
None	20,293	100	79	30	48	1	21	17	3

Note: Data on both prior conviction record and detention/release outcome were available for 84% of all cases. Detail may not add to total because of rounding. *The number of convictions refers to the number of charges.

Criminal justice status

The NPRP data indicate that a defendant's criminal justice status at the time of arrest is also related to the probability of pretrial release. Among felony defendants without an active criminal justice status at the time of arrest, 72% were released before case disposition (table 6). In contrast, just 32% of defendants on parole and 44% of defendants on probation at the time of the current arrest were released. Among defendants who were already on pretrial release for a pending case when arrested, 56% were released pending disposition of the current charge. Defendants on parole (14%), probation (11%), or pretrial release (12%), were about 4 times as likely to be denied bail as those with no criminal justice status at the time of the offense (3%).

Court appearance history

The court is also likely to consider a defendant's court appearance history when setting bail and the terms of release for the current felony charge. About two-thirds of the defendants included in the NPRP study had previously been arrested and required to appear in court. Among defendants who made all scheduled court appearances related to prior arrests, 57% were released prior to disposition of the current case (table 7). The probability of release was somewhat lower for defendants who had failed to appear in court previously (51%). Overall, the release rate for defendants who had been previously arrested was 54%, two-thirds the rate among defendants with no prior arrests (81%).

Prior conviction record

Defendants with more than one prior conviction or with a felony conviction record were less likely than other defendants to await disposition of their case outside jail. Just under half were released prior to case disposition (table 8). About 3 in 5 defendants with a single prior conviction or only misdemeanor convictions were able to obtain release, while 4 in 5 defendants with no prior convictions were released.

About 10% of defendants who had a prior felony conviction were denied bail, compared to 3% of other defendants.

Time from arrest to pretrial release

Fifty-two percent of all pretrial releases occurred either on the day of arrest or on the following day, and 91% occurred within 1 month of arrest (table 9). The time from arrest to release varied by factors that included the type of release conditions imposed, the bail amount set (if any), and the type of arrest charge.

About two-thirds of defendants released on unsecured bond, conditional release, or emergency release were discharged on the day of arrest or on the following day, compared to a third of those who were eventually released on deposit or full cash bond. About half of those released on recognizance, surety bond, or property bond were released within a day of their arrest. Overall, about 2 in 5 financial releases occurred within a day of arrest compared to 3 in 5 nonfinancial releases.

When the defendant was required to post money to secure release (surety, full cash, or deposit bond), the time from arrest to pretrial release increased as the bail amount did. When the bail amount was \$10,000 or more, 1 in 3 defendants secured release within a day. Nearly 1 in 2 did so when the bail amount was under \$2,500.

Defendants charged with violent offenses (46%) were slightly less likely than those charged with drug (51%), public-order (53%), or property (56%) offenses to be released on the day of arrest or the following day.

Criminal history of released versus detained defendants

Three-fourths of detained defendants had at least 1 prior conviction compared to just under half of released defendants (table 10). Among

Table 9. Time from arrest to release for felony defendants released before case disposition, by type of release, bail amount set, and the most serious current arrest charge, 1992

Type of release, bail amount set, and the most serious arrest charge	Number of defendants	Percent of released felony defendants in the 75 largest counties who were released within:		
		1 day	1 week	1 month
All released defendants	31,562	52%	77%	91%
Type of release				
Financial release	12,189	41%	71%	89%
Surety bond	6,762	48	76	93
Full cash bond	2,951	31	68	87
Deposit bond	2,151	34	59	82
Property bond	325	49	74	88
Nonfinancial release	18,577	59%	81%	93%
Recognizance	12,107	55	80	92
Conditional	4,221	65	85	93
Unsecured bond	2,249	68	80	94
Emergency release	796	69%	84%	93%
Bail amount set*				
\$20,000 or more	885	33%	61%	83%
\$10,000-\$19,999	1,863	33	62	82
\$2,500-\$9,999	4,809	41	72	91
Under \$2,500	4,241	46	76	91
Most serious arrest charge				
Violent offenses	7,873	46%	72%	87%
Property offenses	11,104	56	79	94
Drug offenses	10,740	51	79	93
Public-order offenses	2,834	53	76	90

Note: Data on time from arrest to pretrial release were available for 98% of all cases involving a defendant who was released prior to case disposition. Release data were collected for 1 year. Defendants released after the 1-year study period are excluded from the table.

*Includes defendants released on deposit, surety, or full cash bond.

Table 10. Number of prior convictions of released and detained felony defendants, by the most serious current arrest charge, 1992

Most serious current arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties						
		Total with	Number of prior convictions*					
		Total	No prior convictions	Prior convictions	1	2-4	5-9	10 or more
Released defendants								
All offenses	29,138	100%	55%	45%	14%	17%	9%	5%
Violent offenses	7,163	25	14	10	3	4	2	1
Property offenses	9,829	34	19	15	5	5	3	2
Drug offenses	9,667	33	17	16	5	6	3	1
Public-order offenses	2,479	9	5	4	1	2	1	--
Detained defendants								
All offenses	16,826	100%	25%	75%	16%	28%	19%	12%
Violent offenses	5,171	31	10	21	4	9	5	3
Property offenses	5,873	35	7	28	5	10	8	5
Drug offenses	4,426	26	7	19	5	7	4	3
Public-order offenses	1,356	8	1	7	2	3	2	1

Note: Data on both number of prior convictions and detention/release outcome were available for 83% of all cases. Detail may not add to total because of rounding.

*Number of convictions refers to number of charges.

-- Less than 0.5%.

released defendants, 31% had more than 1 prior conviction, and 5% had 10 or more. Among detained defendants, 59% had more than 1 prior conviction, and 12% had 10 or more.

Detained defendants (57%) were about twice as likely to have at least one prior felony conviction as defendants who received pretrial release (27%) (table 11) (figure 1). About 1 in 5

detained defendants had at least 1 prior conviction for a violent felony compared to 1 in 11 released defendants. About 8% of detained defendants and 3% of released defendants were under a current charge for a violent felony and had at least one prior conviction for a violent felony.

Among released defendants, 47% had not been previously arrested, com-

pared with 20% of detained defendants (table 12). Of those released 22% had been previously arrested and failed to appear in court at least once, while 32% had made all scheduled court appearances resulting from prior arrests. About half of detained defendants who had been previously arrested, representing 38% of all detained defendants, had failed to appear in court at least once during a previous case.

Table 11. The most serious prior conviction of released and detained felony defendants, by the most serious current arrest charge, 1992

Most serious current arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties:						
		Total with		Most serious prior conviction				
		Total	No prior convictions	Prior convictions	Total	Felony Violent	Nonviolent	Misde-meanor
Released defendants								
All offenses	29,368	100%	55%	45%	27%	9%	18%	18%
Violent offenses	7,175	24	14	10	6	3	3	4
Property offenses	9,942	34	19	15	9	3	6	6
Drug offenses	9,749	33	17	16	10	2	7	6
Public-order offenses	2,503	9	5	4	2	1	1	2
Detained defendants								
All offenses	17,055	100%	25%	75%	57%	21%	37%	18%
Violent offenses	5,230	31	10	21	16	8	8	5
Property offenses	5,972	35	7	28	22	7	15	6
Drug offenses	4,474	26	7	19	14	4	11	5
Public-order offenses	1,379	8	1	7	5	2	3	2

Note: Data on both most serious prior conviction and detention/release outcome were available for 84% of all cases. Detail may not add to total because of rounding.

Table 12. Court appearance history of released and detained felony defendants, by the most serious current arrest charge, 1992

Most serious current arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties:		
		Court appearance history		
		Failed to appear at least once	Made all court appearances	Had no prior arrests
Released defendants				
All offenses	26,225	22%	32%	47%
Violent offenses	6,283	5	7	12
Property offenses	9,157	8	10	16
Drug offenses	8,652	7	11	14
Public-order offenses	2,134	1	3	4
Detained defendants				
All offenses	14,846	38%	42%	20%
Violent offenses	4,508	10	12	8
Property offenses	5,171	15	14	5
Drug offenses	3,979	9	13	5
Public-order offenses	1,189	4	3	1

Note: Data on both detention/release outcome and court appearance history were available for 74% of all defendants. Detail may not add to total because of rounding.

Criminal history of released and detained felony defendants, 1992

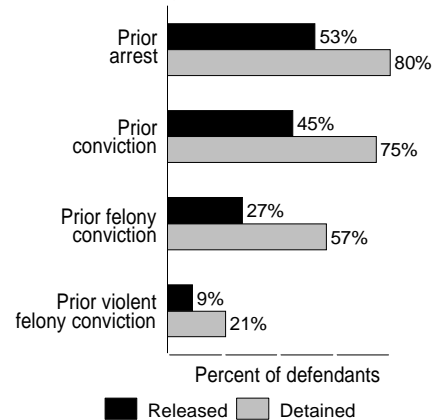


Figure 1

Defendant characteristics by type of pretrial release

Defendants charged with a violent offense comprised the largest percentage among those released on deposit bond (39%), while defendants released under emergency conditions were the least likely to be facing charges for a violent offense (5%) (table 13).

Among the categories of released defendants, those on full cash bond (92%) or deposit bond (90%) had the highest percentage of males. Defendants released on surety bond or emergency release (18%) were less likely to be under age 21 than defendants released under other methods.

Without consideration of Hispanic origin, black defendants comprised the largest percentages among defendants released on deposit bond (71%) or emergency release (70%). Black defendants accounted for about half of surety bond and conditional releases, and a significant majority of other types of releases. When Hispanic origin is included in the racial distribution, blacks accounted for a majority of those released on emergency release (70%), deposit bond (64%), and unsecured bond (57%).

Among types of financial release, full cash bond (33%) had the largest proportion of Hispanic defendants. Non-Hispanic blacks comprised a larger percentage of defendants released on deposit bond (64%) than either surety bond (44%) or full cash bond (43%). Non-Hispanic whites comprised about a third of the defendants released on surety bond, compared to about a fourth of those released on deposit bond or full cash bond.

Among the types of nonfinancial release, unsecured bond (57%) had the highest percentage of non-Hispanic blacks. Hispanic defendants (12%) were less prevalent among this group than among defendants released on recognizance (28%) or conditional release (20%). Non-Hispanic whites accounted for a slightly higher percentage of defendants released on con-

ditional release (31%) or unsecured bond (30%) compared to those released on recognizance (24%).

About half of the defendants released on surety, deposit, or full cash bond had a prior conviction for either a misdemeanor or a felony. Slightly lower percentages of defendants given nonfinancial types of release had a conviction record. Among financial releases, the percentage of defendants with one or more prior felony convictions was higher among those released on deposit bond (39%) than among those

released on surety bond (25%). Among nonfinancial releases, more defendants released on unsecured bond (35%) had a felony conviction record than other defendants (24%).

About 3 in 5 defendants placed on emergency release had a prior conviction and nearly half had more than one prior conviction. Defendants released on emergency release (21%), deposit bond (18%), or unsecured bond (18%) were slightly more likely than other released defendants to have five or more prior convictions.

Table 13. Selected characteristics of felony defendants released before case disposition, by type of pretrial release, 1992

Defendant characteristic	Percent of released felony defendants in the 75 largest counties:						
	Financial release			Nonfinancial release			
	Surety bond	Full cash bond	Deposit bond	Recognizance	Conditional	Unsecured bond	Emergency release
Most serious arrest charge							
Violent offenses	21%	30%	39%	28%	16%	16%	5%
Property offenses	33	22	21	36	35	47	54
Drug offenses	35	33	31	29	42	32	36
Public-order offenses	11	14	9	7	7	4	6
Sex							
Male	80%	92%	90%	82%	81%	86%	80%
Female	20	8	10	18	19	14	20
Race							
Black	49%	58%	71%	61%	52%	63%	70%
White	49	41	28	38	46	37	30
Other	2	2	--	1	2	--	0
Race/Hispanic origin*							
Non-Hispanic							
Black	44%	43%	64%	47%	47%	57%	70%
White	34	22	25	24	31	30	26
Other	3	2	--	1	2	1	0
Hispanic, any race	19	33	11	28	20	12	5
Age at arrest							
Under 21	18%	25%	26%	26%	24%	23%	18%
21-34	56	55	55	51	53	55	53
35 or older	25	20	19	22	24	22	29
Number of prior convictions							
5 or more	13%	14%	18%	13%	11%	18%	21%
2-4	18	21	17	15	15	13	23
1	17	15	13	13	16	9	15
None	52	50	51	58	58	60	41
Most serious prior conviction							
Felony	25%	34%	39%	24%	24%	35%	46%
Misdemeanor	24	16	10	18	19	6	14
None	52	50	51	58	58	60	41
Court appearance history							
Failed to appear	16%	22%	25%	21%	19%	35%	44%
Made all appearances	37	38	23	32	32	17	26
Had no prior arrests	47	40	51	47	48	48	30

Note: Table is based on the following number of defendants for each type of release: surety bond, 6,823; full cash bond, 3,129; deposit bond, 2,411; recognizance, 12,274; conditional, 4,229; unsecured bond, 2,264; and emergency release, 800.

*See *Methodology* on page 15 for a discussion of underreporting of Hispanic origin.

--Less than 0.5%.

Nearly half of the defendants placed on emergency release (44%) and about a third of the defendants released on unsecured bond (35%) had missed at least 1 court appearance during a previous case. Lower percentages of defendants released on surety bond (16%), conditional release (19%), recognizance (21%), full cash bond (22%), or deposit bond (25%) had previously missed a court appearance.

Misconduct by defendants placed on pretrial release

Failure to appear in court

A primary goal of any pretrial release decision by the court is to ensure the defendant's appearance in court as scheduled. Among those felony defendants who were released prior to case disposition, 3 out of 4 made all scheduled court appearances. A bench

warrant was issued for the arrest of the remaining 25% because they had missed one or more court dates (table 14). Two-thirds of these defendants had been returned to the court by the end of the 1-year study period, while a third of them, 8% of all released defendants, remained fugitives.

The percentage of defendants who failed to appear varied somewhat by the type of arrest charge. Bench warrants for failure to appear were issued more often for released property defendants (29%) and drug defendants (27%) than for defendants charged with public-order offenses (18%) or violent offenses (17%).

Rates of failure to appear varied little by sex or age. By race, failure-to-appear rates ranged from 27% for black defendants to 21% for whites and 15% for defendants of other races. When Hispanic origin was considered, failure-to-appear rates were higher for Hispanics (30%) and non-Hispanic blacks (28%) than for other defendants.

A defendant's court appearance history for previous arrests was related to the probability of failing to appear on the current charges. For those who had missed one or more court dates in the past, about 38% failed to make a scheduled court appearance during the current case, nearly twice the failure-to-appear rate of defendants who had made all court appearances related to prior arrests (22%) or had no prior arrests (20%).

By type of release, defendants on emergency release (49%) were the most likely to have a bench warrant issued because they failed to appear in court, although in 7 out of 10 such cases they were returned to the court. The next highest failure-to-appear rate was for defendants released on unsecured bond (42%). Bench warrants for failure to appear were less likely to be issued for defendants released on surety bond (15%), conditional release (19%), deposit bond (21%), full cash bond (22%), or personal recognizance (26%).

Table 14. Released felony defendants who failed to make a scheduled court appearance, by selected defendant characteristics, 1992

Defendant characteristic	Number of defendants	Percent of released felony defendants in the 75 largest counties:				
		Total	Made all court appearances	Failed to appear in court		
				Total	Returned to court	Remained a fugitive
All released defendants	33,484	100%	75%	25%	17%	8%
Most serious arrest charge						
Violent offenses	8,159	100%	83%	17%	11%	6%
Property offenses	11,449	100	71	29	20	10
Drug offenses	10,958	100	73	27	19	8
Public-order offenses	2,918	100	82	18	13	6
Sex						
Male	27,700	100%	75%	25%	17%	8%
Female	5,696	100	78	22	14	8
Race						
Black	17,701	100%	73%	27%	19%	9%
White	12,525	100	79	21	14	7
Other	395	100	85	15	10	5
Race/Hispanic origin*						
Non-Hispanic						
Black	12,566	100%	72%	28%	19%	8%
White	7,166	100	81	19	13	6
Other	391	100	86	14	9	5
Hispanic, any race	5,885	100	70	30	17	13
Age at arrest						
Under 21	7,628	100%	78%	22%	15%	6%
21-24	6,110	100	77	23	16	7
25-29	6,264	100	73	27	18	9
30-34	5,319	100	73	27	18	9
35 or older	7,482	100	75	25	17	8
Court appearance history						
Failed to appear	5,967	100%	62%	38%	28%	11%
Made all appearances	8,396	100	78	22	18	5
Had no prior arrests	12,586	100	80	20	11	9
Type of release						
Recognizance	12,054	100%	74%	26%	18%	9%
Surety bond	6,764	100	85	15	12	3
Conditional	4,205	100	81	19	14	5
Full cash bond	3,115	100	78	22	14	8
Deposit bond	2,403	100	79	21	15	6
Unsecured bond	2,249	100	58	42	23	19
Emergency	796	100	51	49	36	13

Note: Data on the court appearance record for the current case were available for 99% of cases involving a defendant released prior to case disposition. All defendants who failed to appear in court and were not returned to the court within the 1-year study period are counted as fugitives. Some of these defendants may have been returned to the court at a later date. Detail may not add to total because of rounding.

*Based on defendants with known race and Hispanic origin. See *Methodology* on page 15 for a discussion of underreporting of Hispanic origin.

When a defendant missed a court date and a bench warrant was issued, the failure to appear occurred within 1 week of release in 12% of the cases, within 1 month of release in 35% of the cases, and within 3 months in 74% of the cases. For all defendants failing to appear in court, the median time between pretrial release and the initial missed court date was 46 days.

Time from release to failure to appear	Percent of defendants
1 week	12%
1 month	35
3 months	74
6 months	94
1 year	100
Median	46 days

Return of fugitive defendants to the court

Overall, about 1 in 13 released felony defendants had failed to appear in court as scheduled and were still fugitives at the end of the year-long study. The percentage of defendants who were fugitives at the end of the study was higher when the method of release was unsecured bond (19%) or emergency release (13%) than when some other type of release was used.

About a third of the defendants for whom a bench warrant was issued were returned to the court within 1 month of their failure to appear, and about half had been returned after 3 months. At the end of the 1-year study period, about two-thirds of all defendants who had failed to appear had been returned to the court.* The remaining third were still fugitives.

Time from failure to appear to return	Percent of defendants
1 week	14%
1 month	34
3 months	51
6 months	59
1 year	68
Median	29 days
Not returned within 1 year	32%

*Some defendants returned to the court voluntarily, and the bench warrant for their arrest was withdrawn.

Among those defendants who failed to appear, the percentage who were still fugitives at the end of the study was highest for those who had been

released on unsecured bond (44%). Less than a third of the defendants for whom a bench warrant had been issued remained fugitives when they

Table 15. Released felony defendants who were rearrested while on pretrial release, by selected defendant characteristics, 1992

Defendant characteristic	Number of defendants	Not rearrested	Percent of released felony defendants in the 75 largest counties: Rearrested		
			Total	Felony	Misdemeanor
All released defendants	30,051	86%	14%	10%	3%
Most serious original arrest charge					
Violent offenses	6,991	88%	12%	8%	3%
Property offenses	10,147	86	14	11	4
Drug offenses	10,146	84	16	13	4
Public-order offenses	2,765	91	9	7	2
Sex					
Male	24,839	85%	15%	11%	3%
Female	5,164	91	9	6	3
Race					
Black	15,830	85%	15%	12%	4%
White	11,329	89	11	8	3
Other	365	95	5	5	0
Race/Hispanic origin*					
Non-Hispanic					
Black	11,292	85%	15%	11%	4%
White	6,313	91	9	7	3
Other	361	94	6	6	0
Hispanic, any race	5,126	84	16	12	4
Age at arrest					
Under 21	7,008	84%	16%	12%	4%
21-34	15,907	86	14	11	3
35 or older	6,730	89	11	9	2
Type of release					
Financial release	11,877	88%	12%	9%	3%
Surety bond	6,611	91	9	6	3
Full cash bond	2,697	84	16	13	4
Deposit bond	2,275	84	16	14	3
Property bond	294	91	9	3	6
Nonfinancial release	16,089	86%	14%	11%	3%
Recognizance	9,785	85	15	11	4
Conditional	4,075	88	10	7	2
Unsecured bond	2,228	88	16	15	1
Emergency release	776	82%	18%	12%	6%
Number of prior convictions					
10 or more	1,154	62%	38%	27%	11%
5-9	2,393	74	26	19	7
2-4	4,691	82	18	14	4
1	4,122	86	14	10	4
None	15,670	91	9	7	2
Most serious prior conviction					
Felony	7,684	76%	24%	19%	5%
Misdemeanor	4,948	86	14	8	6
None	15,642	91	9	7	2

Note: Rearrest data were collected for 1 year. Rearrests occurring after the end of this 1-year study period are not included in the table. Information on rearrests in jurisdictions other than the one granting the pretrial release was not always available. Rearrest data were available for 94% of released defendants. Detail may not add to total because of rounding.
*Based on defendants with known race and Hispanic origin. See *Methodology* on page 15 for a discussion of underreporting of Hispanic origin.

had been released on surety bond (21%), conditional release (27%), emergency release (27%), or deposit bond (28%).

Type of pretrial release	Percent of fugitive defendants not returned within 1 year
All types	32%
Surety bond	21%
Conditional	27
Emergency	27
Deposit bond	28
Recognizance	33
Full cash bond	37
Unsecured bond	44

Rearrest for a new offense

In addition to considering the likelihood that a released defendant may not return for scheduled court appearances, courts in most States also assess the risk of crimes being committed by a defendant who is not held in jail. Rearrest data collected during the 1-year study indicated that 14% of released defendants were rearrested for an offense allegedly committed while on pretrial release (table 15). By original arrest offense, public-order defendants had a slightly lower rearrest rate (9%) than other defendants. Among those arrested for a new felony following pretrial release (10%), about 3 in 5 were rearrested for the same type of offense as the original charge that preceded their release.

Although the misdemeanor rearrest rate (3%) did not vary by sex, the felony rearrest rate for males (11%) was higher than for females (6%). About 15% of black defendants were rearrested, as were 11% of white defendants and 6% of defendants of other races. Hispanic defendants had a rearrest rate of 16%. Defendants under age 21 (16%) had a slightly higher rearrest rate than those age 35 or older (11%).

Released defendants with 10 or more prior convictions had a rearrest rate of 38%, 4 times that of defendants who had no prior convictions (9%). About 19% of defendants whose most serious prior conviction was a felony were

rearrested for a felony, more than twice the percentage for defendants with no prior felony convictions (7%). For rearrested defendants, the median time from pretrial release to the alleged commission of a new offense was 48 days. About 8% of the new charged offenses occurred within a week of pretrial release, 37% occurred within 1 month, and 71% occurred within 3 months of the defendant's release.

Percent of released and rearrested defendants who were charged with committing a new offense within:

1 week	8%
1 month	37
3 months	71
6 months	91
Median	48 days

About 63% of the released defendants who were rearrested were again granted pretrial release. Re-release was more likely to occur if the rearrest offense was a misdemeanor (70%) than if it was a felony (61%). Among defendants rearrested for a felony, re-release was slightly less likely if the rearrest was for a drug offense or a violent offense (59%).

Rearrest offense	Percent of rearrested defendants who were re-released
Total	63%
Felony	61%
Violent	59
Property	63
Drug	59
Public-order	66
Misdemeanor	70%

Overall rates of misconduct

Overall, 1 in 3 released felony defendants were charged with some type of misconduct committed while on pretrial release (table 16). This may have been in the form of a failure to appear in court as scheduled, a new offense allegedly committed while on pretrial release, or some other violation of release conditions that resulted in the revocation of the defendant's pretrial release. In some instances, defendants committed more than one type of pretrial misconduct.

Table 16. Released felony defendants charged with misconduct while on pretrial release, by selected characteristics, 1992

Defendant characteristic	Released felony defendants in the 75 largest counties	
	Number	Percent charged with misconduct
All released defendants	33,857	33%
Most serious original arrest charge		
Violent offenses	8,271	24%
Property offenses	11,598	36
Drug offenses	11,055	37
Public-order offenses	2,933	25
Sex		
Male	28,025	34%
Female	5,744	27
Race		
Black	17,884	35%
White	12,689	28
Other	395	20
Race/ Hispanic origin*		
Non-Hispanic		
Black	12,721	35%
White	7,267	25
Other	391	19
Hispanic, any race	5,961	38
Age at arrest		
Under 21	7,778	31%
21-34	17,836	34
35 or older	7,554	31
Type of release		
Financial release	12,688	27%
Surety bond	6,823	23
Full cash bond	3,129	32
Deposit bond	2,411	32
Property bond	325	33
Nonfinancial release	18,767	33%
Recognizance	12,274	33
Conditional	4,229	26
Unsecured bond	3,450	47
Emergency release	800	56%
Number of prior convictions		
10 or more	1,464	54%
5-9	2,685	45
2-4	5,111	39
1	4,350	31
None	16,789	27
Most serious prior conviction		
Felony	8,544	45%
Misdemeanor	5,356	31
None	16,817	27
Court appearance history		
Failed to appear	6,043	49%
Made all appearances	8,497	32
Had no prior arrests	12,695	24

Note: Misconduct may have been a new charged offense, failure to appear in court, or a technical violation of release conditions that resulted in the revocation of a defendant's pretrial release. Data were collected for a maximum of 1 year.

*Based on defendants with known race and Hispanic origin. See *Methodology* on page 15.

The 33% misconduct rate was similar to that found in the two previous NPRP studies based on filings in 1988 (35%) and 1990 (34%) (figure 2). The failure-to-appear rate has remained constant at about a fourth of all released defendants. In 1988 and 1990 about 1 in 6 released defendants were charged with a new offense that they had allegedly committed while on pretrial release. In 1992 about 1 in 7 released defendants were charged with such an offense.

About 3 in 8 released drug and property defendants were charged with some type of pretrial misconduct as were 2 in 8 defendants facing violent or public-order charges (table 16). Defendants who were male (34%), black (35%), or Hispanic (38%) had somewhat higher pretrial misconduct rates than other defendants.

By type of pretrial release, defendants with the highest overall misconduct rates were those placed on emergency release (56%). Aside from those released under emergency conditions, the misconduct rates for other types of pretrial release were lowest for surety bond (23%) and conditional release (26%) and highest for unsecured bond (47%). Overall, defendants released on financial bond (27%) had a slightly lower misconduct rate than those released under nonfinancial conditions (33%).

Defendants with multiple prior convictions, or with at least 1 prior felony

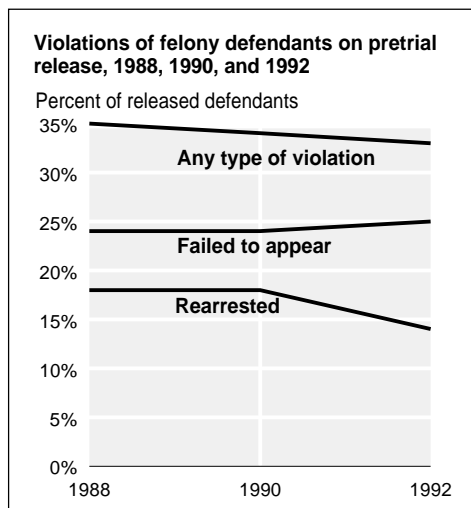


Figure 2

conviction, had higher than average rates of pretrial misconduct. Defendants with 10 or more prior convictions (54%) were twice as likely to be charged with some type of pretrial misconduct as defendants with no prior convictions (27%).

Half of the defendants with at least one prior missed court appearance were charged with some type of pretrial misconduct during the current case, compared to about a third of those who had made all court appearances related to prior arrests, and about a fourth of those who had no prior arrests.

Adjudication

The median time from the original felony arrest to adjudication of that charge was greater for released defendants (118 days) than for those who had remained in detention (46 days) (table 17). A month after arrest, detained defendants (39%) were about 3 times as likely as released defendants (14%) to have been adjudicated on their felony arrest charges. By the end of 1 year, 96% of the cases of de-

tained defendants and 86% of the cases of released defendants had been adjudicated (figure 3).

Among detained defendants, those charged with a violent offense (92%) were less likely than others (98%) to have their case adjudicated within a year of their arrest. This finding was especially true for detained murder defendants, about a third of whom were still awaiting adjudication of their case at the end of 1 year.

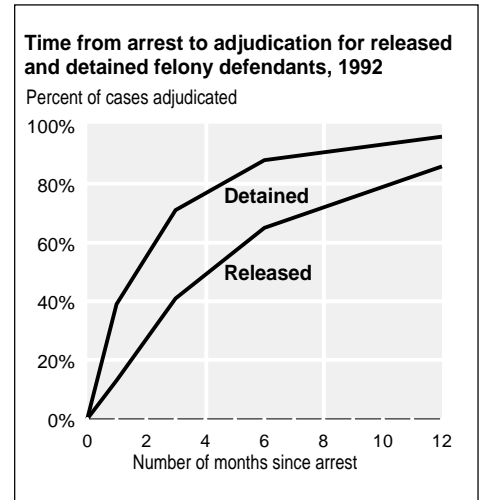


Figure 3

Table 17. Time from arrest to adjudication for released and detained defendants, by the most serious original arrest charge, 1992

Most serious original arrest charge	Felony defendants in the 75 largest counties							
	Number of defendants	Median number of days	Percent of cases adjudicated within:					Percent not adjudicated within 1 year
			1 week	1 month	3 months	6 months	1 year	
Released defendants								
All offenses	31,743	118	2%	14%	42%	66%	86%	14%
Violent offenses	7,742	126	2	12	39	65	86	14
Property offenses	10,868	112	1	13	43	67	86	14
Drug offenses	10,442	119	3	14	42	64	85	15
Public-order offenses	2,690	101	4	18	46	73	90	10
Detained defendants								
All offenses	18,695	46	8%	39%	71%	88%	96%	4%
Violent offenses	5,699	85	4	26	53	77	92	8
Property offenses	6,569	40	7	42	80	93	98	2
Drug offenses	4,932	33	12	47	79	91	98	2
Public-order offenses	1,494	36	12	43	74	93	99	1

Note: Data on time from arrest to adjudication were available for 97% of all adjudicated cases. Because of violation of the conditions of pretrial release, 6% of the defendants who were granted pretrial release had their release revoked and were in custody at the time of adjudication. These defendants are included under "released." The median time from arrest to adjudication includes cases still pending at the end of the 1-year study period. Knowing the exact date of adjudication for these cases would not change the medians reported.

Overall, a higher percentage of detained defendants (79%) than released defendants (61%) were convicted (table 18). The lowest conviction rate was for released defendants who were charged with a violent offense (47%).

The felony conviction rate among detained defendants was 70%, compared to 45% for released defendants. Among released defendants, 54% of those charged with a drug offense or public-order offense were convicted

of a felony, a higher percentage than for those charged with a property offense (44%) or a violent offense (33%). Among defendants detained until case disposition, about two-thirds of those who had been originally charged with a violent offense were convicted of a felony, compared with about three-fourths of those who had been charged with a nonviolent offense.

Table 18. Adjudication outcome for released and detained felony defendants, by the most serious original arrest charge, 1992

Most serious original felony arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties:						
		Total	Convicted			Not convicted		
			Total convicted	Felony	Misdemeanor	Total not convicted	Dis-missed/acquitted	Other nonconviction
Released defendants								
All offenses	27,212	100%	61%	45%	16%	39%	31%	7%
Violent offenses	6,567	100	47	33	15	53	48	5
Property offenses	9,420	100	65	44	21	35	28	7
Drug offenses	8,853	100	65	54	11	35	24	11
Public-order offenses	2,371	100	69	54	15	31	27	4
Detained defendants								
All offenses	17,985	100%	79%	70%	9%	21%	20%	1%
Violent offenses	5,217	100	72	64	8	28	28	1
Property offenses	6,447	100	83	72	11	17	16	1
Drug offenses	4,852	100	81	73	8	19	16	3
Public-order offenses	1,469	100	79	70	9	21	20	1

Note: Ten percent of all cases were still awaiting adjudication at the conclusion of the 1-year study period. Information on adjudication was available for 90% of all cases that were adjudicated within 1 year. Convictions for local ordinance violations are included under the misdemeanor category. Detail may not add to total because of rounding.

Table 19. Most severe type of sentence received by convicted felony defendants, by whether released or detained, and by the most serious original arrest charge, 1992

Most serious original felony arrest charge	Number of defendants	Percent of convicted defendants in the 75 largest counties:						
		Total	Sentenced to incarceration			Not sentenced to incarceration		
			Total	Prison	Jail	Total	Probation	Other
Released defendants								
All offenses	15,372	100%	51%	19%	32%	49%	44%	5%
Violent offenses	2,641	100	53	20	33	47	44	3
Property offenses	5,841	100	49	17	32	51	45	5
Drug offenses	5,387	100	54	22	32	46	41	4
Public-order offenses	1,504	100	45	14	32	55	46	9
Detained defendants								
All offenses	13,943	100%	87%	50%	38%	13%	12%	1%
Violent offenses	3,597	100	87	55	32	13	12	1
Property offenses	5,275	100	88	46	41	12	12	1
Drug offenses	3,912	100	87	50	37	13	11	2
Public-order offenses	1,159	100	89	47	41	11	11	--

Note: Information on type of sentence received was available for 95% of all cases involving a conviction that was adjudicated within 1 year of arrest. Sentences to incarceration may have also included probation. Sentences to incarceration or probation may have also included a fine, restitution, and/or community service. "Other" category includes fines, restitution, and community service. Conviction was for a misdemeanor in some cases. Detail may add to total because of rounding. --Less than 0.05%.

Sentencing

Upon conviction, 87% of detained defendants were sentenced to incarceration, with 50% receiving a prison sentence and 38% a jail term (table 19). Fifty-one percent of the released defendants who were convicted were sentenced to incarceration, with more receiving a jail sentence (32%) than a prison sentence (19%). Convicted defendants who were detained until case disposition (50%) were more than twice as likely as released defendants to receive a State prison sentence. More than 90% of both released and detained defendants who were convicted but not sentenced to incarceration received a probation sentence.

Among defendants who were detained until case disposition, 67% were convicted and sentenced to incarceration, compared to 29% of those who were released (figure 4).

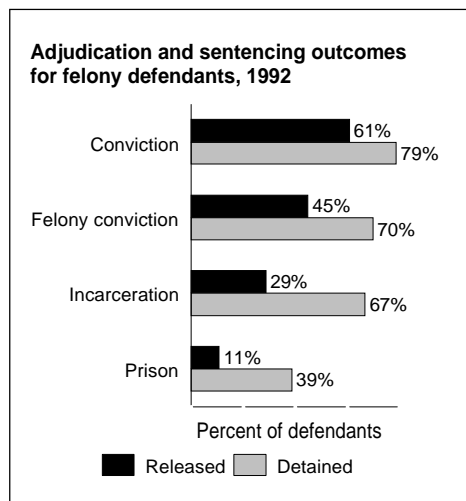


Figure 4

Detained defendants (39%) were nearly 4 times as likely as released defendants (11%) to be convicted and sentenced to State prison. These differences can be attributed mainly to the fact that some of the factors that affect sentencing decisions, such as seriousness of offense and prior criminal record, also affect pretrial release decisions.

Methodology

The NPRP sample was designed and selected by the U.S. Bureau of the Census under BJS supervision. It is a 2-stage stratified sample with 40 of the 75 most populous counties selected at the first stage and a systematic sample of State court felony filings (defendants) within each county selected at the second stage. The 40 counties were divided into 4 first-stage strata based on court filing information obtained through a telephone survey. Fourteen counties were included in the sample with certainty because of their large number of court filings. The remaining counties were allocated to the three noncertainty strata based on the variance of felony court dispositions.

The second stage sampling (filings) was designed to represent all defendants who had felony cases filed with the court during the month of May 1992. 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 data for 1, 2, or 4 weeks' worth of filings in May 1992. Data from jurisdictions that were not required to provide a full month of filings were weighted to represent the full month.

Data on 13,206 sample felony cases were collected from the 40 sampled jurisdictions. This sample represented 55,246 weighted cases filed during the month of May 1992 in the 75 most populous counties. Cases that could not be classified into one of the four major crime categories (violent, property, drug, public-order) because of incomplete information were omitted

from the analysis. Cases that were disposed of too quickly to allow time for a pretrial release decision were also excluded. The data collection was supervised by the Pretrial Services Resource Center of Washington, D.C.

This report is based on data collected from the following jurisdictions: Arizona (Maricopa); California (Los Angeles, Sacramento, San Bernardino, San Diego, San Francisco, Santa Clara); District of Columbia; Florida (Broward, Dade, Duval, Hillsborough, Palm Beach, Pinellas); Georgia (Fulton); Illinois (Cook); Maryland (Montgomery); Massachusetts (Essex, Suffolk); Michigan (Wayne); Missouri (St. Louis); New Jersey (Essex); New York (Bronx, Erie, Kings, Monroe, New York, Queens); Ohio (Hamilton); Pennsylvania (Allegheny, Montgomery, Philadelphia); Tennessee (Shelby); Texas (Dallas, Harris, Tarrant); Utah (Salt Lake); Virginia (Fairfax); Washington (King); and Wisconsin (Milwaukee).

Because the data came from a sample, a sampling error (standard error) is associated with each reported number. In general, if the difference between two numbers is greater than twice the standard error for that difference, we can say that we are 95% confident of a real difference and that the apparent difference is not simply the result of using a sample rather than the entire population. All differences discussed in this report were statistically significant at or above the 95-percent confidence level.

Race/Hispanic origin

Several jurisdictions did not provide complete reporting for defendants' Hispanic origin. As a result, the overall reporting level for race combined with Hispanic origin was 77% compared to 91% for race alone. Because of this underreporting, the categories of race alone account for more defendants in tables 13 through 16 than the categories that include both race and Hispanic origin. A large preponderance of the persons with a Hispanic origin were

white, although the category includes all races.

Offense categories

Felony offenses were classified into 13 categories for this report. These categories were further divided into the four major crime categories of violent, property, drug, and public-order offenses. The following listings contain a representative summary of most of the crimes contained in each category; however, these lists are not meant to be exhaustive. All offenses, except for murder, include attempts and conspiracies to commit.

Violent offenses

Murder— Includes homicide, nonnegligent manslaughter, and voluntary homicide. Does not include attempted murder, classified as felony assault or negligent homicide, and involuntary homicide and 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, and commercialized sex offenses.

Robbery— Includes the unlawful taking of anything of value by force or threat of force.

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

Other violent offenses— Includes vehicular manslaughter, involuntary manslaughter, negligent or reckless homicide, nonviolent or nonforcible sexual assault, kidnaping, unlawful imprisonment, child or spouse abuse, cruelty to 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, such as forcible entry and breaking and entering. Does not include possession of burglary tools, trespassing, and unlawful entry where the intent is not known.

Theft— Includes grand theft, grand larceny, motor vehicle theft, or any other felony theft. Does not include receiving or buying stolen property, fraud, forgery, or deceit.

Other property offenses— Includes receiving or buying stolen property, forgery, fraud, embezzlement, arson, reckless burning, damage to property, criminal mischief, vandalism, bad checks, counterfeiting, criminal trespassing, possession of burglary tools, and unlawful entry.

Drug offenses

Drug sales/trafficking— Includes trafficking, sales, distribution, possession with intent to distribute or sell, manufacturing, or smuggling of controlled substances. 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

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

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

Other public-order offenses— Includes flight/escape, parole or probation violations, prison contraband, habitual offender, obstruction of justice,

rioting, libel and slander, weapons offenses, treason, perjury, prostitution/pandering, bribery, and tax law violations.

Terms related to pretrial release

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

Detained defendant— 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 for a defendant's arrest because he or she has missed a scheduled court appearance.

Types of financial release

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

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

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

company requires the defendant to post collateral in addition to the fee.

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

Types of nonfinancial release

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

Release on recognizance— The court releases the defendant on the promise that he or she will appear in court as required.

Citation release— Arrestees are released pending their first court appearance on a written order issued by law enforcement personnel. Citation release is included in the recognizance release category in this report.

Conditional release— Defendants are released under conditions and are usually supervised by a pretrial services agency. In some cases an unsecured bond is included. This type of release is also known as supervised release.

Other type of release

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

Brian A. Reaves and Jacob Perez wrote this report. Pheny Z. Smith provided statistical review. Tom Hester edited the report, assisted by Rhonda Keith, who did the page layout. Marilyn Marbrook produced the final report, assisted by Jayne Robinson and Yvonne Boston.

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