



# MEASURES FOR JUSTICE

The Measures for Justice

Developed by the Research Department at Measures for Justice.



Welcome to the Measures for Justice: a set of performance measures that address how cases are being handled by local criminal justice systems.

The Measures are six years in the making and are designed to provide people working in the system with better information and a more comprehensive picture of the data that support the entire criminal justice system across counties from arrest to post-conviction.

Not every Measure is available in every state, and the Measures themselves are but one piece of a larger project to bring more tools and transparency to the criminal justice system. While each Measure shines a light on specific corners of local criminal justice systems, they are best assessed together and with county context in mind. All of which can be accomplished on MFJ's Data Portal, an easy-to-use, one-stop online tool for sharing data and eliciting insights, which will go live this year. The Data Portal will offer up data about how county justice systems operate, which can provide new insights and enable productive conversations around evidence-based needs.

We are very grateful for the input we've received from all corners of the justice system and look forward to continued collaboration with county leaders and members of the courts. More detailed information on our advisory boards and contributors is available on the website.

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## A STARTING POINT

Our Measures are meant to be a starting point for a conversation about the criminal justice system that addresses what's working well and what needs further attention. The aim is to create transparency.

### USER NOTES:

When viewing the measures, please keep the following in mind:

- ADULT CRIMINAL CASES

Our system measures only the performance of counties on the processing of adult criminal cases. Therefore, we do not measure how juvenile, family, civil, and other cases may fare. Nonetheless, our Measures can be filtered by the age group of the defendant, including those under 18 (juvenile defendants who were waived to adult court).

- FILTERS

Our Measures can be filtered by defendant characteristics (race/ethnicity, indigent status, sex, and age) and by case characteristics (offense type, offense severity, court type, attorney type, and drug type--only for drug-specific Measures). We encourage users to explore the Measures using these filters. Some filters calculate disparities between two groups. However, we don't test the statistical significance of such disparities.

- DATA QUALITY

Measures for Justice (MFJ) works with data extracted from administrative case management systems. These data were originally collected by the sources for the purpose of tracking the processing of individual cases and not necessarily for the purpose of measurement. Nevertheless, they are suitable for measurement provided they are handled correctly. Often, these data are reliable. Just as often, they can be entered incorrectly or not at all, may be subject to errors at any stage of the recording and collection process, and may not be standardized across counties. MFJ has taken steps to account and adjust for these problems but cannot correct entirely for errors in data entry. For these reasons, and because jurisdictions use a variety of calculation methods, we encourage examining overall patterns instead of exact percentages when comparing to reports produced by local agencies.

- CAUSATION

MFJ's research is descriptive and does not, by definition, tell us why things happen. As such, we do not test hypotheses about the reasons for the patterns the data reveal. When our Measures show differences between states, counties, or groups (e.g., in medians, percentages, or rates), we make no claim about the reasons for these differences, and do not test their statistical significance using inferential statistics tests.

- CASE DEFINITION

Criminal justice agencies use different methods to record cases. Some jurisdictions file all charges against a defendant under the same docket number and sometimes they do so even when the charges stemmed from different incidents. Others file each charge under separate docket numbers even when the charges are for the same incident. To standardize the definition of case across jurisdictions, we count all charges associated with the same defendant that were filed (or referred for prosecution, in the case of declinations) on the same date as a single case. We assume that when a prosecutor files multiple charges together, even when they originated from different incidents, they intend to resolve these charges simultaneously. Since the focus of our Measures is case processing, not case clearance, we believe this approach is currently the best way to standardize case definition across jurisdictions.

- CASE SERIOUSNESS

Because cases often involve multiple charges of differing severities, we define cases based on the most serious charge, according to the state's offense severity classification, that was present at each stage of the case processing, respectively referral, filing, and conviction.

- CONTEXT

Each Measure sheds light on a corner of a local criminal justice system, but to evaluate the health of that system in a more comprehensive way, all available Measures should be assessed together and interpreted with county context in mind.

- COUNTY

We measure criminal justice performance at the county level because it is usually at this level that charging, disposition, and sentencing decisions are made.

- MORE DATA

MFJ continues to seek out more data—especially law enforcement data—as part of our effort to measure all corners of the criminal justice system.

- TIMELINE

If you've given us data and don't see them represented in the Portal yet, it's because we are still working on them to ensure accuracy. Thank you for your participation and patience.

## Measures

### Core Measures

#### 1. Non-Custodial Promise to Appear Instead of Custodial Arrest

**Goals:** Fair Process, Fiscal Responsibility

Measures the percentage of 2009-2013 nonviolent misdemeanors for which the police issued a non-custodial promise to appear (often called citation, appearance ticket, or summons, depending on the jurisdiction) instead of making a custodial arrest.

Most states allow law enforcement officers to issue a non-custodial promise to appear instead of arresting and taking into custody individuals charged with nonviolent misdemeanors. As such, the use of non-custodial promises to appear with individuals who pose little risk to public safety and are likely to appear in court saves police departments the costs associated with an arrest; helps reduce jail populations; and does not result in an arrest on the suspect's criminal record.

The Presidential Task Force on 21st Century Policing has recommended the adoption of non-custodial promises to appear in lieu of custodial arrest for minor offenses as a "least harm" policing strategy that could improve police-community relations.<sup>1</sup>

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 nonviolent misdemeanors receiving non-custodial promises to appear divided by the total number of 2009-2013 nonviolent misdemeanors receiving a non-custodial promise to appear or a custodial arrest referred to the prosecutor's office.

**Exclusions:** Felonies, violent misdemeanors, and misdemeanor DUI referrals. Referrals initiated by a sworn complaint or any other action not involving a direct interaction between a law enforcement officer and a suspect.

**Notes:**

1. President's Task Force on 21st Century Policing (2015). Final Report of the President's Task Force on 21st Century Policing. Washington, DC: Office of Community Oriented Policing Services. Retrieved from [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf) in October 2016.

#### 2. Cases Not Prosecuted

**Goals:** Fair Process, Fiscal Responsibility

Measures the percentage of 2009-2013 cases referred to the prosecutor's office by law enforcement or by a complainant for which prosecution was declined.<sup>1</sup>

Prosecutors can decline to bring charges to court for a number of reasons, e.g., because a decision to prosecute would not serve the public interest or because there is not enough evidence to prosecute successfully. Research shows that, in addition to legal factors (the strength of the evidence, the type and seriousness of the offense, and a defendant's culpability), a prosecutor's decision to pursue or not pursue a case may also be influenced by quasi-legal factors (the defendant's relationship to the victim, the victim's age, and the defendant's age), extra-legal factors (the defendant's and victim's race, ethnicity, and gender), and by organizational constraints (caseloads and inter-agency relationships).<sup>2</sup>

We recommend interpreting this measure together with "Cases Dismissed." We also recommend exploring this measure using the offense severity, offense type, race/ethnicity, indigent status, age, and sex filters.



There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 cases referred to the prosecutor for which prosecution was declined divided by number of 2009-2013 cases referred to the prosecutor.

**Exclusions:** Cases transferred to another jurisdiction.

**Notes:**

1. Includes only cases for which charges were formally referred to the prosecutor.
2. Frederick, B. & D. Stemen (2012). *The Anatomy of Discretion: An Analysis of Prosecutorial Decision Making*. Final Report to the National Institute of Justice. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/240334.pdf> in November 2016.

**Companion Measure: Cases Resulting in Conviction**

Measures the percentage of 2009-2013 cases filed in court that resulted in conviction.

Cases can result in a conviction either when the defendant enters a guilty plea, usually as the outcome of plea negotiations, or, less frequently, when a jury (or a judge, in the case of bench trials) finds the defendant guilty beyond reasonable doubt.

**Calculation:** Number of 2009-2013 cases that resulted in conviction divided by number of 2009-2013 cases filed in court by the prosecutor.

**Exclusions:** Cases declined for prosecution, open cases or cases with unknown disposition at the time of data extraction, and cases transferred to another jurisdiction.

**3. Resisting Arrest Cases**

**Goal:** Fair Process

Measures the percentage of 2009-2013 misdemeanor referrals that involved resisting arrest as the only charge.

Resisting arrest can be broadly defined as when someone interferes with an attempt by a law enforcement officer to conduct an arrest. Resisting arrest charges are often brought together with other charges based on the alleged contact that led to the initial attempt to arrest. However, it is not uncommon for law enforcement in some jurisdictions to charge individuals solely with resisting arrest, without any other supporting charges. Research suggests that many resisting arrest charges could be prevented by training law enforcement officers on how to use de-escalation techniques.<sup>1</sup>

We recommend interpreting this Measure together with "Resisting Arrest Cases Not Prosecuted."

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 referrals with misdemeanor resisting arrest as the only charge divided by number of 2009-2013 misdemeanor referrals.

**Exclusions:** Felony referrals.

**Notes:**

1. Walker, S., G. Alpert & D. Kenney (2001). Early Warning Systems: Responding to the Problem Police Officer. Washington, D.C.: Department of Justice, National Institute of Justice. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/188565.pdf> in November 2016.

**Companion Measure: Resisting Arrest Cases per 100,000 Residents**

Measures the number of cases in 2009-2013 per 100,000 residents in which misdemeanor resisting arrest was the only charge.

Resisting arrest can be broadly defined as when someone interferes with an attempt by a law enforcement officer to conduct an arrest. Resisting arrest charges are often brought together with other charges based on the alleged contact that led to the initial attempt to arrest. However, it is not uncommon for law enforcement in some jurisdictions to charge individuals solely with resisting arrest, without any other supporting charges. Research suggests that many resisting arrest charges could be prevented by training law enforcement officers on how to use de-escalation techniques.<sup>1</sup>

**Calculation:** Number of 2009-2013 cases in which misdemeanor resisting arrest is the only charge divided by the total population of the jurisdiction, multiplied by 100,000.

**Exclusions:** Felony referrals, and misdemeanor referrals with charges other than resisting arrest or with multiple charges of any kind.

**Notes:**

1. Walker, S., G. Alpert & D. Kenney (2001). Early Warning Systems: Responding to the Problem Police Officer. Washington, D.C.: Department of Justice, National Institute of Justice. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/188565.pdf> in November 2016.

**4. Resisting Arrest Cases Not Prosecuted**

**Goal:** Fair Process

Measures the percentage of 2009-2013 misdemeanor referrals with resisting arrest as the only charge that were declined for prosecution.

Resisting arrest can be broadly defined as when someone interferes with an attempt by a law enforcement officer to conduct an arrest. It is not uncommon for law enforcement in some jurisdictions to charge individuals solely with resisting arrest. In general, to convict a defendant accused of resisting arrest, the prosecutor has to provide evidence that the defendant intended to prevent a law enforcement officer from conducting an arrest, that the law enforcement officer was lawfully discharging his official duties, and that the means used by the defendant to prevent the arrest involved risk of physical injury to the officer or anyone else.<sup>1</sup> Prosecutors may decline to pursue a resisting arrest case in court when these criteria are not met.

We recommend interpreting this Measure together with "Resisting Arrest Cases."

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 referrals with misdemeanor resisting arrest as the only charge declined by prosecutor divided by total number of 2009-2013 referrals with misdemeanor resisting arrest as the only charge.

**Exclusions:** Felony referrals, and misdemeanor referrals with charges other than resisting arrest or with multiple charges of any kind.

**Notes:**

1. Richelsoph, R. & J. Roth (2007). When is Resisting NOT Resisting? The Ins and Outs of Resisting Arrest. for The Defense. Training Newsletter of the Maricopa County Public Defender's Office 17(9):5. Retrieved from <https://www.maricopa.gov/DocumentCenter/View/2636> in February 2017.

**Companion Measure: Resisting Arrest Cases per 100,000 Residents**

Measures the number of cases in 2009-2013 per 100,000 residents in which misdemeanor resisting arrest was the only charge.

Resisting arrest can be broadly defined as when someone interferes with an attempt by a law enforcement officer to conduct an arrest. Resisting arrest charges are often brought together with other charges based on the alleged contact that led to the initial attempt to arrest. However, it is not uncommon for law enforcement in some jurisdictions to charge individuals solely with resisting arrest, without any other supporting charges. Research suggests that many resisting arrest charges could be prevented by training law enforcement officers on how to use de-escalation techniques.<sup>1</sup>

**Calculation:** Number of 2009-2013 cases in which misdemeanor resisting arrest is the only charge divided by the total population of the jurisdiction, multiplied by 100,000.

**Exclusions:** Felony referrals, and misdemeanor referrals with charges other than resisting arrest or with multiple charges of any kind.

**Notes:**

1. Walker, S., G. Alpert & D. Kenney (2001). Early Warning Systems: Responding to the Problem Police Officer. Washington, D.C.: Department of Justice, National Institute of Justice. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/188565.pdf> in November 2016.

**5. Time to Initial Appearance**

**Goals:** Foundational, Fair Process

Measures the median<sup>1</sup> number of days between arrest and initial appearance<sup>2</sup> for cases initiated in 2009-2013.

Defendants have the right to be arraigned within a reasonable amount of time after arrest. Unreasonable delays violate the right to a speedy trial protected by the Sixth Amendment. Although there is no single standard regarding what constitutes an "unreasonable delay," and the circumstances causing the delay are usually studied on a case-by-case basis, court rulings and state laws typically require that defendants be brought to court to hear the charges against them and learn about their legal rights within 72 hours (or three days) of arrest.<sup>3</sup>

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Middle point in the distribution of days between arrest and initial appearance for cases initiated in 2009-2013.

**Exclusions:** Cases declined for prosecution and open cases or cases with unknown disposition at the time of data extraction.

**Notes:**

1. The median is the middle point of a distribution. This means that 50% of cases fall above and 50% of cases fall below the median score.

2. When using the term "initial appearance," we are referring to the first appearance in court when defendants learn about the charges against them and their legal rights. However, terminology varies across states. "Arraignment" is another term commonly used to refer to the initial appearance.
3. Van Duizend, R., D. Steelman & L. Suskin (2011). Model Time Standards for State Trial Courts. National Center for State Courts. Retrieved from <http://www.ncsc.org/Services-and-Experts/Technology-tools/~media/Files/PDF/CourtMD/Model-Time-Standards-for-State-Trial-Courts.ashx> in November 2016.

## 6. Nonviolent Misdemeanor Cases with Nonmonetary Release (ROR)

**Goals:** Foundational, Fair Process, Fiscal Responsibility

Measures the percentage of 2012-2013 cases with nonmonetary release<sup>1</sup> that involved only nonviolent<sup>2</sup> misdemeanor charges and defendants who did not have violent convictions in that state within the prior three years.<sup>3</sup>

To ensure that defendants show up to all court proceedings, the judge must decide whether to release them while they await the resolution of their cases. This decision is based on an assessment of their flight risk and the potential danger they may pose to the community.<sup>4</sup> Nonviolent misdemeanor defendants who do not have a history of violent crime or of failing to appear in court in previous cases are often considered to be low risk and tend to be released on their own recognizance (ROR), provided they promise, in writing, to appear in court for all future hearings and not to engage in any new offenses. Research suggests that low ROR rates indicate a risk-averse system that favors the use of monetary bail even for low-risk defendants.<sup>5</sup>

We recommend interpreting this Measure together with "Failure to Pay Low Monetary Bail," "Monetary Bail Reductions," and "Pretrial Release Violations."

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2012-2013 cases with nonmonetary release that involved only nonviolent misdemeanor charges and defendants who did not have violent convictions in that state in the prior three years divided by number of 2012-2013 cases that involved only nonviolent misdemeanor charges and defendants who did not have violent convictions in that state in the prior three years.

**Exclusions:** Cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases filed in 2009, 2010 and 2011; felonies; violent misdemeanors; and cases involving defendants with violent convictions in the prior three years.

### Notes:

1. Includes release on recognizance with unsecured financial conditions.
2. We use the offense classification system devised by the Bureau of Justice Statistics for its National Corrections Reporting Program. Violent offenses include: murder, unspecified homicide, voluntary/non-negligent manslaughter, manslaughter - non-vehicular, kidnapping, rape - force, rape - statutory - no force, sexual assault - other, lewd act with children, armed robbery, unarmed robbery, forcible sodomy, aggravated assault, simple assault, assaulting public officer, blackmail/extortion/intimidation, hit and run driving, child abuse, and violent offense - other. Nonviolent offenses are defined as any other offenses not included in this list. The full BJS NCRP offense crosswalk is available on the [NACJD website.](<http://www.icpsr.umich.edu/icpsrweb/content/NACJD/guides/ncrp.html>)
3. Pretrial diversion, pretrial release, and sentencing decisions take into account all the prior convictions in a defendant's criminal history. However, due to the difficulty of collecting data on prior records across all states, "prior convictions" in this measure refer only to those recorded in the court data, within the same state, and in the prior three years.

4. Many jurisdictions use risk assessment tools to aid the judge in the pretrial release decision-making process.
5. McCoy, C. (2007). Caleb Was Right: Pretrial Decisions Determine Mostly Everything. *Berkeley Journal of Criminal Law* 12(2):135. Retrieved from <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1009&context=bjcl> in November 2016.

## 7. Failure to Pay Low Monetary Bail

**Goals:** Foundational, Fair Process, Fiscal Responsibility

Measures the percentage of 2009-2013 cases involving defendants who failed to pay monetary bail amounts equivalent to \$500 or less.<sup>1</sup>

Monetary bail is typically set for defendants who are thought to pose a moderate flight risk or danger to the community.<sup>2</sup> The monetary bail amount is often determined by a bail schedule that takes into account the nature and seriousness of the offense, as well as the economic situation of the defendant. There is great variation in the rules that govern bail schedules across counties. Some counties require that defendants pay only 10% of the set amount to be released; others require the full amount. Courts often assess low monetary bail amounts when defendants pose a minor risk of flight and have caused minimal harm to the community. Defendants who fail to post monetary bail are incarcerated until they can pay or their cases are resolved, whichever comes first. A report by Human Rights Watch (2010) on bail and pretrial detention in New York City found that in 2008, 87% of nonfelony defendants with monetary bail set at \$1,000 or less were unable to pay and were thus incarcerated pending trial. Three quarters of these defendants were accused of nonviolent crimes.<sup>3</sup>

We recommend interpreting this Measure together with "Nonviolent Misdemeanor Cases with Nonmonetary Release," "Monetary Bail Reductions," and "Pretrial Release Violations."

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 cases involving defendants who failed to pay monetary bail equivalent to \$500 or less divided by total number of 2009-2013 cases involving defendants who failed to pay monetary bail.

**Exclusions:** Cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases involving defendants released on recognizance or because they paid monetary bail; and cases involving defendants held in jail without the possibility of monetary bail.

### Notes:

1. Many jurisdictions allow defendants to post a fraction, usually 10%, of the total monetary bail amount imposed. This is taken into account in the calculation of the Measure, whenever the information is available. Therefore, the Measure is calculated based on the amount defendants would have to post to be released.
2. Many jurisdictions use risk assessment tools to aid the judge in the pretrial release decision-making process.
3. Human Rights Watch (2010). *The Price of Freedom: Bail and Pretrial Detention of Low Income Nonfelony Defendants in New York City*. Retrieved from <https://www.hrw.org/report/2010/12/02/price-freedom/bail-and-pretrial-detention-low-income-nonfelony-defendants-new-york> in December 2016.

### Companion Measure: Cases with Monetary Bail Equivalent to \$500 or Less

Measures the number of cases in 2009-2013 with monetary bail equivalent to \$500 or less.

Monetary bail is typically set for defendants who are thought to pose no more than a moderate risk of flight or danger to the community. The monetary bail amount is often determined by a bail schedule that takes into ac-

count the nature and seriousness of the offense, though judges have the discretion to reduce the amount of monetary bail recommended by the schedule.<sup>1</sup>

**Calculation:** Number of 2009-2013 prosecuted cases with a monetary bail equivalent to \$500 or less divided by the total number of 2009-2013 prosecuted cases with monetary bail imposed.

**Exclusions:** Cases declined for prosecution, open cases or cases with unknown disposition at the time of data extraction, cases where the defendant was released on recognizance, and cases where the defendant was held in jail without the possibility of monetary bail.

**Notes:**

1. Many jurisdictions allow defendants to post a fraction, usually 10%, of the total monetary bail amount imposed. This is taken into account in the calculation of the Measure, whenever the information is available. Therefore, the Measure is calculated based on the amount defendants would have to post to be released.

**Companion Measure: Monetary Bail Amount**

Measures the median monetary bail amount in cases filed in 2009-2013.

Monetary bail is typically set for defendants who are thought to pose no more than a moderate risk of flight or danger to the community. The monetary bail amount is often determined by a bail schedule that takes into account the nature and seriousness of the offense, though judges have the discretion to reduce the amount of monetary bail recommended by the schedule.<sup>1</sup>

**Calculation:** Middle point of the distribution of monetary bail defendants had to pay in cases filed in 2009-2013.

**Exclusions:** Cases declined for prosecution, open cases or cases with unknown disposition at the time of data extraction, cases where the defendant was released on recognizance, and cases where the defendant was held in jail without the possibility of monetary bail.

**Notes:**

1. Many jurisdictions allow defendants to post a fraction, usually 10%, of the total monetary bail amount imposed. This is taken into account in the calculation of the Measure, whenever the information is available. Therefore, the Measure is calculated based on the amount defendants would have to post to be released.

**8. Pretrial Diversion of Nonviolent Misdemeanors**

**Goal:** Fiscal Responsibility

Measures the percentage of 2012-2013 nonviolent<sup>1</sup> misdemeanor cases that were diverted from traditional case processing where the defendant did not have any convictions in that state within the prior three years.<sup>2 3</sup>

Pretrial diversion offers certain types of defendants--usually those who committed nonviolent misdemeanors and first-time offenders--an alternative to traditional criminal justice processing. In addition to addressing criminogenic needs (e.g., mental health, substance use), pretrial diversion allows for the dismissal of cases upon successful completion of the program. Pretrial diversion programs go by different names, including deferred prosecution, deferred adjudication, pretrial intervention, problem-solving courts, etc. There is some evidence that pretrial diversion is cost-effective as it may reduce the clogging of court dockets and result in better defendant outcomes, such as avoidance of a criminal conviction and the associated legal and extralegal collateral consequences, reduction in mental health and substance abuse problems, and a lower likelihood of recidivism.<sup>4</sup>

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.



**Calculation:** Number of 2012-2013 cases with pretrial diversion that had only nonviolent misdemeanor charges and involved defendants without convictions in that state in the prior three years divided by the number of 2012-2013 cases with only nonviolent misdemeanor charges involving defendants without convictions in that state in the prior three years.<sup>5</sup>

**Exclusions:** Cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases disposed of in 2009, 2010 and 2011; felonies; violent misdemeanors; cases involving defendants with convictions in the prior three years; and post-conviction diversions.

**Notes:**

1. We use the offense classification system devised by the Bureau of Justice Statistics for its National Corrections Reporting Program. Violent offenses include: murder, unspecified homicide, voluntary/non-negligent manslaughter, manslaughter - non-vehicular, kidnapping, rape - force, rape - statutory - no force, sexual assault - other, lewd act with children, armed robbery, unarmed robbery, forcible sodomy, aggravated assault, simple assault, assaulting public officer, blackmail/extortion/intimidation, hit and run driving, child abuse, and violent offense - other. Nonviolent offenses are defined as any other offenses not included in this list. The full BJS NCRP offense crosswalk is available on the [NACJD website.](<http://www.icpsr.umich.edu/icpsrweb/content/NACJD/guides/ncrp.html>)
2. Based only on cases resolved in 2012-2013 to control for prior pretrial diversion cases that might have been expunged during the study period.
3. Pretrial diversion, pretrial release, and sentencing decisions take into account all the prior convictions in a defendant's criminal history. However, due to the difficulty of collecting data on prior records across all states, "prior convictions" in this measure refer only to those recorded in the court data, within the same state, and in the prior three years.
4. Camilletti, C. (2010). Pretrial Diversion Programs: Research Summary. Washington, D.C.: Department of Justice, Bureau of Justice Assistance. Retrieved from <https://www.bja.gov/Publications/PretrialDiversionResearchSummary.pdf> in November 2016.
5. Includes only diversions that took place before case disposition. However, pre-charge diversions may not be captured in the court data.

**Companion Measure: Misdemeanor Cases**

Measures the number of misdemeanor cases filed in court in 2009-2013.

Misdemeanors are crimes that are usually punishable by a year or less in jail. Misdemeanors are less serious than felonies and can include a range of offenses from petty theft and disorderly conduct to drug possession and assault.

**Calculation:** Number of misdemeanor cases filed in court in 2009-2013 divided by the total number of cases filed in court in 2009-2013.

**Exclusions:** Felonies, cases declined for prosecution, and open cases or cases with unknown disposition at the time of data extraction.

**Companion Measure: Problem-solving Courts**

Measures the number of problem-solving courts available in the state in 2012.

Problem-solving courts started appearing in the United States in the late 1980s. These courts are meant to address criminogenic factors that increase the likelihood of becoming a repeat user of the criminal justice system, such

as mental health issues, substance abuse, homelessness, domestic violence, and prostitution, but also the challenges posed by community supervision and reentry.<sup>1</sup> These courts usually divert defendants from traditional prosecution, incarceration, or other common criminal justice outcomes.<sup>2</sup> According to a 2012 census conducted by the Bureau of Justice Statistics, more than half of problem-solving courts' clients successfully completed the program, with 61% of successful cases resulting in a dismissal and 40% in a suspended sentence.<sup>3</sup> There were 4,368 problem-solving courts in the United States in 2014, and drug courts were by far the most common among them (70%), followed by mental health courts (9%), truancy courts (7%), and domestic violence courts (5%).<sup>4</sup>

**Calculation:** Measures the number of problem-solving courts available in the state in 2012.

**Source:** Strong, S.M. & T. Kyckelhahn (2016). Census of Problem-Solving Courts, 2012. Retrieved from: <https://www.bjs.gov/content/pub/pdf/cpsc12.pdf>. U.S. Department of Justice, Bureau of Justice Statistics in March 2017.

**Notes:**

1. Huddleston, C.W III, D.B. Marlowe & R. Casebolt (2008). Painting the Current Picture: A National Report Card on Drug Courts and Other Problem-Solving Court Programs in the United States II(1). National Drug Court Institute. Retrieved from [http://www.nadcp.org/sites/default/files/ndci/PCPII1\\_web%5B1%5D.pdf](http://www.nadcp.org/sites/default/files/ndci/PCPII1_web%5B1%5D.pdf) in March 2017.
2. Strong, S.M. & T. Kyckelhahn (2016). Census of Problem-Solving Courts, 2012. U.S. Department of Justice, Bureau of Justice Statistics. Retrieved from <https://www.bjs.gov/content/pub/pdf/cpsc12.pdf> in March 2017.
3. Ibid.
4. Marlowe, D.B., C.D. Hardin & C.L Fox (2016). Painting the Current Picture: A National Report on Drug Courts and Other Problem-Solving Courts in the United States. National Drug Court Institute. Retrieved from <https://www.ndci.org/wp-content/uploads/2016/05/Painting-the-Current-Picture-2016.pdf> in March 2017.

## 9. Monetary Bail Reductions

**Goal:** Fair Process

Measures the percentage of 2009-2013 cases with monetary bail imposed that received a reduction (either as a reduction in the monetary conditions or a reduction to release on recognizance).

Monetary bail is typically imposed on defendants who are thought to pose no more than a moderate risk of flight or danger to the community.<sup>1</sup> The monetary bail amount is often determined by a bail schedule that takes into account the nature and seriousness of the offense, as well as the economic situation of the defendant. When defendants fail to pay monetary bail, they end up incarcerated until they can pay or until the case is resolved, whichever happens first. Defendants can request that the court reduce the monetary conditions of their bond, and judges have the discretion to grant adjustments to the amount of monetary bail set by the schedule or to reduce it to a release on recognizance bond.

We recommend exploring this Measure using the "Indigent Status" filter. We also suggest interpreting this Measure together with "Nonviolent Misdemeanor Cases with Nonmonetary Release," "Failure to Pay Low Monetary Bail," and "Pretrial Release Violations."

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 cases where monetary bail was not posted that had a bail reduction divided by number of 2009-2013 cases where monetary bail was not posted.

**Exclusions:** Cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases involving defendants released on recognizance or because they paid monetary bail; and cases involving defendants held in jail without the possibility of monetary bail.



**Notes:**

1. Many jurisdictions use risk assessment tools to aid the judge in the pretrial release decision-making process.

**Companion Measure: Monetary Bail Amount**

Measures the median monetary bail amount in cases filed in 2009-2013.

Monetary bail is typically set for defendants who are thought to pose no more than a moderate risk of flight or danger to the community. The monetary bail amount is often determined by a bail schedule that takes into account the nature and seriousness of the offense, though judges have the discretion to reduce the amount of monetary bail recommended by the schedule.<sup>1</sup>

**Calculation:** Middle point of the distribution of monetary bail defendants had to pay in cases filed in 2009-2013.

**Exclusions:** Cases declined for prosecution, open cases or cases with unknown disposition at the time of data extraction, cases where the defendant was released on recognizance, and cases where the defendant was held in jail without the possibility of monetary bail.

**Notes:**

1. Many jurisdictions allow defendants to post a fraction, usually 10%, of the total monetary bail amount imposed. This is taken into account in the calculation of the Measure, whenever the information is available. Therefore, the Measure is calculated based on the amount defendants would have to post to be released.

**10. Pretrial Release Violations****Goal:** Public Safety

Measures the percentage of 2009-2013 cases in which defendants who were released on their own recognizance or on paid monetary bail had one or more recorded instances of violating any condition of release.

Pretrial release decisions are made based on the court's assessment of the level of risk a defendant may pose in terms of flight and potential harm to the public. Low and moderate risk defendants are released on recognizance or on monetary bail, respectively. Pretrial release may be revoked when a defendant fails to appear in court, gets arrested for a new offense, or violates any other condition of pretrial release (e.g., contacting the victim).

We recommend interpreting this Measure together with "Nonviolent Misdemeanor Cases with Nonmonetary Release," and "Monetary Bail Reductions."

There are many factors that could affect a county's results on this measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 cases where the defendant was released on ROR or on monetary bail and had one or more recorded instances of violating any pretrial release condition divided by total number of 2009-2013 cases where the defendant was released on ROR or on monetary bail.

**Exclusions:** Cases declined for prosecution, open cases or cases with unknown disposition at the time of data extraction, and cases involving defendants held in jail without the possibility of monetary bail or because they failed to pay monetary bail.

**Companion Measure: Monetary Bail Amount**

Measures the median monetary bail amount in cases filed in 2009-2013.

Monetary bail is typically set for defendants who are thought to pose no more than a moderate risk of flight or danger to the community. The monetary bail amount is often determined by a bail schedule that takes into account the nature and seriousness of the offense, though judges have the discretion to reduce the amount of monetary bail recommended by the schedule.<sup>1</sup>

**Calculation:** Middle point of the distribution of monetary bail defendants had to pay in cases filed in 2009-2013.

**Exclusions:** Cases declined for prosecution, open cases or cases with unknown disposition at the time of data extraction, cases where the defendant was released on recognizance, and cases where the defendant was held in jail without the possibility of monetary bail.

**Notes:**

1. Many jurisdictions allow defendants to post a fraction, usually 10%, of the total monetary bail amount imposed. This is taken into account in the calculation of the Measure, whenever the information is available. Therefore, the Measure is calculated based on the amount defendants would have to post to be released.

## 11. Attorney Withdrawals

**Goals:** Foundational, Fair Process

Measures the percentage of 2009-2013 cases that had at least one attorney withdrawal.

Defense attorneys may request or be directed by their clients to withdraw from a case for multiple reasons including conflicts of interest, excessive caseloads that may impair diligent representation, or poor attorney-client relationships. Regardless of the reason, attorney withdrawals may affect the consistency of defense strategies and the timelines of case resolutions. Indigent defendants who do not have the luxury of hiring a new attorney of their choosing may be especially impacted by attorney withdrawals. The ABA's seventh principle of public defense states that the same attorney should continuously represent the client until case completion, since having multiple attorneys through the life of a case diffuses accountability and increases the risk of substandard representation.<sup>1</sup> Ultimately, judges must approve all attorney withdrawals.

We recommend exploring this Measure using the "Indigent Status" and "Attorney Type" filters.

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 cases with at least one attorney withdrawal divided by number of 2009-2013 cases filed for prosecution.

**Exclusions:** Cases declined for prosecution and open cases or cases with unknown disposition at the time of data extraction.

**Notes:**

1. American Bar Association (2002). Ten Principles of a Public Defense Delivery System. Retrieved from [http://www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/ls\\_sclaid\\_def\\_tenprinciplesbooklet.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_def_tenprinciplesbooklet.authcheckdam.pdf) in November 2016.

## 12. Guilty Plea Without Attorney in Felony Cases

**Goals:** Foundational, Fair Process

Measures the percentage of 2009-2013 felony cases in which defendants entered a guilty plea without retained or appointed legal counsel.<sup>1</sup>

Due process requires that guilty pleas be made "knowingly and intelligently," which means defendants understand the charges against them, their legal rights, and the legal and extralegal consequences of a guilty plea. Before defendants enter a guilty plea, judges must inform them of the rights they would be giving up, including the right to court-appointed counsel if they are indigent, the right to a jury trial, the right not to self-incriminate, and the right to confront and cross-examine their accusers, among others.<sup>2</sup> However, it is the responsibility of the defense attorney to explain the consequences of a guilty plea to their clients. When defendants appear in court without a lawyer, they have the option of asking a courtroom attorney to explain to them what the consequences of a guilty plea would be. A quick conference, often lasting no more than five minutes, with an attorney who is only superficially familiar with the case and the defendant, is unlikely to result in reasonably competent counsel. Thus, defendants who enter guilty pleas without retaining an attorney or having one appointed by the court may be doing so without fully comprehending the ramifications of such a decision, which may be quite serious in felony cases. Ultimately, judges must determine the factual basis for a plea before entering judgment.<sup>3</sup>

We recommend that you explore this Measure using the "Indigent Status" filter. We also suggest interpreting it together with "Guilty Plea Without Attorney in Misdemeanor Cases."

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 felony cases in which defendants entered a guilty plea without retained or appointed legal counsel divided by 2009-2013 felony cases with a guilty plea.

**Exclusions:** Misdemeanors; cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases with pretrial diversion; cases dismissed; cases where the defendant was acquitted at trial; cases where the defendant was found guilty at trial; cases where the defendant was guilty but the method of disposition (i.e. plea or trial) is unknown; and cases transferred to another jurisdiction.

**Notes:**

1. Legal counsel may be privately retained, appointed by the court, or fully waived by the defendant.
2. Federal Rules of Criminal Procedure, Title IV, Rule 11(b)(1) and (2). Legal Information Institute. Retrieved from [https://www.law.cornell.edu/rules/frcrmp/rule\\_11](https://www.law.cornell.edu/rules/frcrmp/rule_11) in November 2016.
3. Federal Rules of Criminal Procedure, Title IV, Rule 11(b)(3) and (c)(3)(4)(5). Legal Information Institute. Retrieved from [https://www.law.cornell.edu/rules/frcrmp/rule\\_11](https://www.law.cornell.edu/rules/frcrmp/rule_11) in March 2017.

**Companion Measure: Convictions with Unknown Disposition Method**

Measures the percentage of 2009-2013 convictions (guilty judgments) for which the disposition method (plea vs. trial) is not known.

Some court case management systems may record dispositions using separate fields for the judgment (e.g., guilty, not guilty, dismissed) and the method of disposition (e.g., plea, trial). When the judgment of guilt is provided but not the method, it is impossible to know whether the disposition was achieved via guilty plea or trial.

**Calculation:** Number of 2009-2013 convictions with unknown disposition method divided by total number of 2009-2013 convictions.

**Exclusions:** Cases declined for prosecution, open cases or cases with unknown disposition at the time of data extraction, cases dismissed, cases with pretrial diversion, cases where the defendant was acquitted at trial, and cases transferred to another jurisdiction.

### 13. Guilty Plea Without Attorney in Misdemeanor Cases

**Goals:** Foundational, Fair Process

Measures the percentage of 2009-2013 misdemeanor cases in which defendants entered a guilty plea without retained or appointed legal counsel.<sup>1</sup>

Due process requires that guilty pleas be made "knowingly and intelligently," which means defendants understand the charges against them, their legal rights, and the legal and extralegal consequences of a guilty plea. Before defendants enter a guilty plea, judges must inform them of the rights they would be giving up, including the right to a jury trial, the right not to self-incriminate, the right to confront and cross-examine their accusers, the right to a court-appointed attorney if they are indigent, among others.<sup>2</sup> However, state courts are not required to appoint counsel for indigent defendants "charged with a statutory offense for which imprisonment upon conviction is authorized but not actually imposed upon the defendant."<sup>3</sup> Misdemeanor charges are the most common type of offense tried in American criminal courts<sup>4</sup> and the inclusion of misdemeanor offenses in state criminal codes has increased dramatically over the last few decades. According to a 2009 study, the volume of misdemeanor cases in state courts grew from 5 million in 1972 to 10.5 million in 2006.<sup>5</sup> Most misdemeanor charges are quickly resolved with a guilty plea at initial appearance,<sup>6</sup> often without the assistance of retained or appointed counsel. Misdemeanors are widely perceived by the general public as not having very serious consequences, but a misdemeanor conviction may negatively impact housing, employment, and educational prospects.<sup>7</sup> When defendants appear in court without a lawyer, they have the option of asking a courtroom attorney to explain to them what the consequences of a guilty plea would be. A quick conference, often lasting no more than five minutes, with an attorney who is only superficially familiar with the case and the defendant, is unlikely to result in reasonably competent counsel. Thus, defendants who enter guilty pleas without retaining an attorney or having one appointed by the court may be doing so without fully comprehending the ramifications of such a decision. Ultimately, judges must determine the factual basis for a plea before entering judgment.<sup>8</sup>

We recommend that you explore this Measure using the "Indigent Status" and "Attorney Type" filters. We also suggest viewing it together with "Guilty Plea Without Attorney in Felony Cases."

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 misdemeanor cases in which defendants entered a guilty plea without retained or appointed legal counsel divided by number of 2009-2013 misdemeanor cases with a guilty plea.

**Exclusions:** Felonies; cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases with pretrial diversion; cases dismissed; cases where the defendant was acquitted at trial; cases where the defendant was found guilty at trial; cases where the defendant was guilty but the method of disposition (i.e. plea or trial) is unknown; and cases transferred to another jurisdiction.

**Notes:**

1. Legal counsel may be privately retained, appointed by the court, or fully waived by the defendant.
2. Federal Rules of Criminal Procedure, Title IV, Rule 11(b)(1) and (2). Legal Information Institute. Retrieved from [https://www.law.cornell.edu/rules/frcrmp/rule\\_11](https://www.law.cornell.edu/rules/frcrmp/rule_11) in November 2016.
3. *Scott v. Illinois*, 440 U.S. 367 (1979). Retrieved from <https://supreme.justia.com/cases/federal/us/440/367/case.html> in March 2017.
4. In 2015, misdemeanors represented between 44 and 93 percent (with a median of 77 percent) of cases being processed by criminal courts in 34 states surveyed by the National Center for State Courts. (See [http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP\\_Criminal](http://www.ncsc.org/Sitecore/Content/Microsites/PopUp/Home/CSP/CSP_Criminal))
5. Boruchowitz, R.C., M.N. Brink & M. Dimino (2009). *Minor Crimes, Massive Waste: The Terrible Toll of America's Broken Misdemeanor Courts*. Washington, D.C.: National Association of Criminal Defense Lawyers.

Retrieved from <https://www.nacdl.org/reports/misdemeanor/> in March 2017.

6. Roberts, J. (2013). Crashing the Misdemeanor System. *Washington and Lee Law Review* 70(2):1089. Retrieved from <http://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=4329&context=wlulr> in March 2017.
7. Ibid.
8. Federal Rules of Criminal Procedure, Title IV, Rule 11(b)(3) and (c)(3)(4)(5). Legal Information Institute. Retrieved from [https://www.law.cornell.edu/rules/frcrmp/rule\\_11](https://www.law.cornell.edu/rules/frcrmp/rule_11) in March 2017.

### Companion Measure: Convictions with Unknown Disposition Method

Measures the percentage of 2009-2013 convictions (guilty judgments) for which the disposition method (plea vs. trial) is not known.

Some court case management systems may record dispositions using separate fields for the judgment (e.g., guilty, not guilty, dismissed) and the method of disposition (e.g., plea, trial). When the judgment of guilt is provided but not the method, it is impossible to know whether the disposition was achieved via guilty plea or trial.

**Calculation:** Number of 2009-2013 convictions with unknown disposition method divided by total number of 2009-2013 convictions.

**Exclusions:** Cases declined for prosecution, open cases or cases with unknown disposition at the time of data extraction, cases dismissed, cases with pretrial diversion, cases where the defendant was acquitted at trial, and cases transferred to another jurisdiction.

## 14. Charge Reductions

**Goal:** Fair Process

Measures the percentage of 2009-2013 guilty plea cases for which the severity of the most serious conviction charge was less than the severity of the most serious filing charge.

According to the ABA Standards for the Prosecution Function, prosecutors should file charges at the level of severity that can reasonably be supported with evidence at trial and that is necessary to fairly reflect the gravity of the offense.<sup>1</sup> The severity level (e.g., Class A Felony, Class 2 Misdemeanor) determines the level of punishment defendants may face if they are convicted. During plea negotiations, prosecutors may offer defendants the chance to enter a plea of guilty instead of having their cases go to trial in return for a less severe conviction.<sup>2</sup> In cases with one charge, defendants may plead guilty to a less severe form of that charge (e.g., trespassing instead of burglary), and in cases with multiple charges, defendants may plead guilty to one of the less severe charges filed against them in return for the dismissal of other more serious charges.<sup>3 4</sup> Prosecutors may also have to reduce charges when victims and witnesses recant and the evidence available to them no longer sustains the more severe form of the charges.

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation

**Calculation:** Number of 2009-2013 guilty plea cases for which the severity of the most serious conviction charge was less than the severity of the most serious filing charge divided by number of 2009-2013 guilty plea cases.

**Exclusions:** Cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases with pretrial diversion; cases dismissed; cases where the defendant was acquitted at trial; cases where the defendant was found guilty at trial; cases where the defendant was guilty but the method of disposition (i.e. plea or trial) is unknown; and cases transferred to another jurisdiction.

**Notes:**

1. American Bar Association (2015). Standards for Criminal Justice Prosecution Function and Defense Function. 4th Edition. Retrieved from [http://www.americanbar.org/groups/criminal\\_justice/standards/ProsecutionFunctionFourthEdition.html](http://www.americanbar.org/groups/criminal_justice/standards/ProsecutionFunctionFourthEdition.html) in February 2017.
2. Albonetti, C. (1992). Charge Reduction: An Analysis of Prosecutorial Discretion in Burglary and Robbery Cases. *Journal of Quantitative Criminology*, 8(3), 317-333.
3. Wright, R.F. (2012). Charging and Plea Bargaining as Forms of Sentencing Discretion. In J. Petersilia & Reitz, K.R., *The Oxford Handbook of Sentencing and Corrections*. New York, NY: Oxford University Press, p.p. 247-269
4. Prosecutors may use other strategies in plea negotiations. For instance, they may offer to convict on fewer charges than were filed if the defendant pleads guilty (Alschuler (1968). *The Prosecutor's Role in the Plea Bargaining*. *University of Chicago Law Review* 36:50) or they could indicate that they can recommend a less severe sentence to the judge in exchange for a guilty plea (Hagan & Bernstein (1979). *The Sentence Bargaining of Uppperworld and Underworld Crime in Ten Federal District Courts*. *Law & Society Review* 13(2):467).

**Companion Measure: Convictions with Unknown Disposition Method**

Measures the percentage of 2009-2013 convictions (guilty judgments) for which the disposition method (plea vs. trial) is not known.

Some court case management systems may record dispositions using separate fields for the judgment (e.g., guilty, not guilty, dismissed) and the method of disposition (e.g., plea, trial). When the judgment of guilt is provided but not the method, it is impossible to know whether the disposition was achieved via guilty plea or trial.

**Calculation:** Number of 2009-2013 convictions with unknown disposition method divided by total number of 2009-2013 convictions.

**Exclusions:** Cases declined for prosecution, open cases or cases with unknown disposition at the time of data extraction, cases dismissed, cases with pretrial diversion, cases where the defendant was acquitted at trial, and cases transferred to another jurisdiction.

**Companion Measure: Cases Involving a Guilty Plea as Charged**

Measures the percentage of 2009-2013 cases where the defendant pleaded guilty to all the charges filed by the prosecutor.

Plea negotiations usually result in the defendant pleading to a less serious charge or to fewer charges than those originally filed by the prosecutor. However, plea bargaining may also result in the defendant pleading guilty to all charges in exchange for the prosecutor recommending that the judge impose a less severe sentence than warranted by the charges. The judge has the discretion to accept or reject the prosecutor's sentencing recommendation.<sup>1</sup>

**Calculation:** Number of cases where the defendant pleaded guilty to all the charges filed by the prosecutor divided by number of cases disposed of by a guilty plea.

**Exclusions:** Cases declined for prosecution, open cases or cases with unknown disposition at the time of data extraction, cases with pretrial diversion, cases dismissed, cases where the defendant was acquitted at trial, cases where the defendant was found guilty at trial, cases where the defendant was guilty but the method of disposition (i.e. plea or trial) is unknown, and cases transferred to another jurisdiction.



**Notes:**

1. American Bar Association. How Courts Work: Steps in a Trial, Plea Bargaining. Retrieved from [http://www.americanbar.org/groups/public\\_education/resources/law\\_related\\_education\\_network/how\\_courts\\_work/pleabargaining.html](http://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/pleabargaining.html) in March 2017.

**15. Cases Dismissed**

**Goals:** Fair Process, Fiscal Responsibility

Measures the percentage of 2009-2013 cases filed in court that were dismissed.<sup>1</sup>

Cases can be dismissed for multiple reasons including a lack of probable cause, lack of adequate evidence, a faulty charging document, an illegal stop or search, loss of crucial evidence, loss of a crucial witness, violation of a defendant's right to a speedy trial, or as a result of plea negotiations in a separate case<sup>2</sup>, among other things.

We recommend interpreting this Measure together with "Cases Not Prosecuted."

There are many factors that could affect a county's results on this measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 cases dismissed divided by number of 2009-2013 cases filed in court by the prosecutor.

**Exclusions:** Cases declined for prosecution, open cases or cases with unknown disposition at the time of data extraction.

**Notes:**

1. Dismissals that took place before charging are not captured by the data.
2. When defendants are facing charges in multiple cases, the prosecutor may offer to dismiss all charges in one case in return for a guilty plea in the case in which conviction is considered the most likely to serve the interests of justice and the public.

**Companion Measure: Cases Resulting in Conviction**

Measures the percentage of 2009-2013 cases filed in court that resulted in conviction.

Cases can result in a conviction either when the defendant enters a guilty plea, usually as the outcome of plea negotiations, or, less frequently, when a jury (or a judge, in the case of bench trials) finds the defendant guilty beyond reasonable doubt.

**Calculation:** Number of 2009-2013 cases that resulted in conviction divided by number of 2009-2013 cases filed in court by the prosecutor.

**Exclusions:** Cases declined for prosecution, open cases or cases with unknown disposition at the time of data extraction, and cases transferred to another jurisdiction.

**16. Felony Cases Resolved at Trial**

**Goals:** Foundational, Fair Process

Measures the percentage of 2009-2013 felony cases resolved at trial.<sup>1</sup>

The Sixth Amendment affords a person charged with a serious criminal offense the right to a jury trial. The Supreme Court has ruled that the right to a jury trial applies only when defendants face charges for serious offenses, defined as those that can result in a sentence of more than six months' imprisonment. Although some misdemeanors are included in the Court's definition of seriousness, the stakes are higher in felony cases where potential sentences range from more than one year's imprisonment to life in prison or even death, depending on the jurisdiction. Even so, only a small percentage of felony cases are resolved at trial, and many of those do not involve a jury. In non-jury trials, the judge makes the final decision. The overwhelming majority of criminal cases are resolved out of court through plea agreements between the defense and the prosecution.

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 felony cases resolved at trial divided by number of 2009-2013 felonies resolved at trial or by guilty plea.

**Exclusions:** Misdemeanors; cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases with pretrial diversion; cases dismissed; cases where the defendant was guilty but the method of disposition (i.e. plea or trial) is unknown; and cases transferred to another jurisdiction.

**Notes:**

1. Includes both jury and nonjury (also referred to as bench) trials.

## 17. Felony Cases Resolved within One Year

**Goals:** Foundational, Fair Process

Measures the percentage of 2009-2013 felony cases that were resolved within 365 days of filing in court.

The time from case filing to case closure is affected by multiple factors including the availability of evidence and witnesses, the need for additional investigation, and the caseloads of judges, prosecutors, and defense attorneys. Due to their more serious nature, felony cases tend to take longer to be resolved than misdemeanor cases. Model standards proposed by the National Center for State Courts suggest that courts should be able to dispose of most felony cases within 365 days of filing.<sup>1</sup>

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 felony cases resolved within 365 days of case filing divided by total number of 2009-2013 felony cases resolved.<sup>2</sup>

**Exclusions:** Misdemeanors, homicides, cases declined for prosecution, and open cases or cases with unknown disposition at the time of data extraction.

**Notes:**

1. Van Duizend, R., D. Steelman & L. Suskin (2011). Model Time Standards for State Trial Courts. National Center for State Courts. Retrieved from <http://www.ncsc.org/Services-and-Experts/Technology-tools/~media/Files/PDF/CourtMD/Model-Time-Standards-for-State-Trial-Courts.aspx> in November 2016.
2. Filing dates in the data may reflect the date when the court clerk entered the information in the system (referred to as "docket day" in some jurisdictions), not necessarily when the case was actually filed in court. Therefore, the percentage of felony cases resolved within one year of filing may be overestimated.



### Companion Measure: Time to Disposition for Felonies

Measures the median number of days from case filing to case closure for felonies filed in 2009-2013.

The time to disposition is affected by multiple factors including the availability of evidence and witnesses, the need for additional investigation, and the caseloads of judges, prosecutors, and defense attorneys.

**Calculation:** Middle point in the distribution of days from case filing to closure for all 2009-2013 felony cases.

**Exclusions:** Misdemeanors, homicides, cases declined for prosecution, and open cases or cases with unknown disposition at the time of data extraction.

## 18. Misdemeanor Cases Resolved within Six Months

**Goals:** Foundational, Fair Process

Measures the percentage of 2009-2013 misdemeanor cases that were resolved within 180 days of filing in court.

The time from case filing to case closure is affected by multiple factors including the availability of evidence and witnesses, the need for additional investigation, and the caseloads of judges, prosecutors, and defense attorneys. Misdemeanor cases are by definition less serious than those involving a felony offense and thus tend to be resolved faster. Model standards proposed by the National Center for State Courts suggest that courts should be able to dispose of most misdemeanor cases within 180 days of filing.<sup>1</sup>

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 misdemeanor cases resolved within 180 days of case filing divided by total number of 2009-2013 misdemeanor cases resolved.<sup>2</sup>

**Exclusions:** Felonies, cases declined for prosecution, and open cases or cases with unknown disposition at the time of data extraction.

### Notes:

1. Van Duizend, R., D. Steelman & L. Suskin (2011). Model Time Standards for State Trial Courts. National Center for State Courts. Retrieved from <http://www.ncsc.org/Services-and-Experts/Technology-tools/~media/Files/PDF/CourtMD/Model-Time-Standards-for-State-Trial-Courts.ashx> in November 2016.
2. Filing dates in the data may reflect the date when the court clerk entered the information in the system (referred to as "docket day" in some jurisdictions), not necessarily when the case was actually filed in court. Therefore, the percentage of misdemeanor cases resolved within six months of filing may be overestimated.

### Companion Measure: Time to Disposition for Misdemeanors

Measures the median number of days from case filing to case closure for misdemeanors filed in 2009-2013.

The time to disposition is affected by multiple factors including the availability of evidence and witnesses, the need for additional investigation, and the caseloads of judges, prosecutors, and defense attorneys.

**Calculation:** Middle point in the distribution of days from case filing to closure for all 2009-2013 misdemeanor cases.

**Exclusions:** Felonies, cases declined for prosecution, and open cases or cases with unknown disposition at the time of data extraction.

## 19. Time Served Sentences for Misdemeanor Convictions

**Goals:** Fair Process, Fiscal Responsibility

Measures the percentage of 2009-2013 misdemeanor convictions that resulted in a time served sentence.

Courts in the United States credit defendants with the amount of time they spend in pretrial detention (i.e., time served) by subtracting it from the sentence imposed upon conviction. The convicted defendant then serves only the balance after subtraction. A time served sentence means that the defendant did not have any time balance left to serve after conviction, even if he/she was still mandated to pay a fine, restitution, or another type of non-custodial sentence. Nonetheless there are other reasons why a judge may impose a time served sentence, including cases where the defendant was incarcerated on separate charges at the time of sentencing. Time served sentences are more common in misdemeanor than felony cases.

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 misdemeanor convictions with a time served sentence divided by total number of 2009-2013 misdemeanor convictions.

**Exclusions:** Felonies; cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases dismissed; cases with pretrial diversion; cases where the defendant was acquitted at trial; and cases transferred to another jurisdiction.

### Companion Measure: Time Served Sentences for Felony Convictions

Measures the percentage of 2009-2013 felony convictions that resulted in a time served sentence.

Courts in the United States credit defendants with the amount of time they spend in pretrial detention (i.e. time served) by subtracting it from the sentence imposed upon conviction. The convicted defendant then serves only the balance after subtraction. A time served sentence means that the defendant did not have any time balance left to serve after conviction, even if he/she was still mandated to pay a fine, restitution, or another type of non-custodial sentence. Nonetheless there are other reasons why a judge may impose a time served sentence, including cases where the defendant was incarcerated on separate charges at the time of sentencing. While time served sentences are more common in misdemeanor than felony cases, it is possible for this to occur.

There are many factors that could affect a county's results on this measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 felony convictions with a time served sentence divided by total number of 2009-2013 felony convictions.

**Exclusions:** Misdemeanors; cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases dismissed; cases with pretrial diversion; cases where the defendant was acquitted at trial; and cases transferred to another jurisdiction.

## 20. Nonviolent Felonies Sentenced to Prison

**Goal:** Fiscal Responsibility

Measures the percentage of 2012-2013 nonviolent<sup>1</sup> felony convictions involving a defendant with no violent convictions in that state in the prior three years<sup>2</sup> that resulted in a prison sentence.<sup>3</sup>

The United States has experienced an unprecedented rise in incarceration rates in the past 40 years. On any given day, one out of every 100 adults in the United States is in prison or jail. Moreover, the U.S. holds about 25% of the world's prisoners but accounts for only 5% of the world's population.<sup>4</sup> This makes the United States the largest

incarcerator in the world. Experts have identified a number of reasons for this rise in prison populations including a significant increase in sentence lengths, a focus on punishing drug offenses harshly, and required prison time for minor offenses.<sup>5</sup> Indeed, 47% of inmates in state prisons are incarcerated for nonviolent offenses.<sup>6</sup> The high cost of incarceration coupled with scant evidence that imprisonment prevents future criminal behavior<sup>7</sup> has led reformers from both sides of the aisle to start considering strategies to reduce prison populations including the use of alternatives to prison for nonviolent offenders.

We recommend interpreting this Measure together with "Length of Imposed Prison Sentence: Nonviolent Felonies," and "Nonviolent Misdemeanors Sentenced to Jail."

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2012-2013 nonviolent felony convictions involving a defendant with no violent convictions in that state in the prior three years that resulted in a prison sentence divided by number of 2012-2013 nonviolent felony convictions involving a defendant with no violent convictions in that state in the prior three years.

**Exclusions:** Misdemeanors; violent felonies; cases filed in 2009, 2010 and 2011; cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases dismissed; cases with pretrial diversion; cases where the defendant was acquitted at trial; cases transferred to another jurisdiction; cases involving defendants with violent convictions in the prior three years; and cases where the defendant was sentenced to prison but received time served credit for the full length of the prison sentence imposed.

**Notes:**

1. We use the offense classification system devised by the Bureau of Justice Statistics for its National Corrections Reporting Program. Violent offenses include: murder, unspecified homicide, voluntary / non-negligent manslaughter, manslaughter - non-vehicular, kidnapping, rape - force, rape - statutory - no force, sexual assault - other, lewd act with children, armed robbery, unarmed robbery, forcible sodomy, aggravated assault, simple assault, assaulting public officer, blackmail/extortion/intimidation, hit and run driving, child abuse, and violent offense - other. Nonviolent offenses are defined as any other offenses not included in this list. The full BJS NCRP offense crosswalk is available on the [NACJD website.](<http://www.icpsr.umich.edu/icpsrweb/content/NACJD/guides/ncrp.html>)
2. Pretrial diversion, pretrial release, and sentencing decisions take into account all the prior convictions in a defendant's criminal history. However, due to the difficulty of collecting data on prior records across all states, "prior convictions" in this measure refer only to those recorded in the court data, within the same state, and in the prior three years.
3. Includes split sentences (also referred to as bifurcated sentences or extended supervision).
4. Travis, J., B. Western & S. Redburn (Eds.) (2014). *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. Washington, D.C.: The National Academies Press. Retrieved from [http://johnjay.jjay.cuny.edu/nrc/NAS\\_report\\_on\\_incarceration.pdf](http://johnjay.jjay.cuny.edu/nrc/NAS_report_on_incarceration.pdf) in November 2016.
5. Ibid.
6. Carson, E. A. (2015). *Prisoners in 2014*. Washington, D.C.: Department of Justice, Bureau of Justice Statistics. Retrieved from <http://www.bjs.gov/content/pub/pdf/p14.pdf> in November 2016.
7. Travis et al (2014). Ibid.

## 21. Length of Imposed Prison Sentence: Nonviolent Felonies

### Goal: Fiscal Responsibility

Measures the median<sup>1</sup> prison sentence length (in months) imposed for nonviolent<sup>2</sup> felony cases in 2012-2013 for which the defendant did not have violent convictions in the prior three years.<sup>3 4 5</sup>

The United States has experienced an unprecedented rise in incarceration rates in the past 40 years. On any given day, one out of every 100 adults in the United States is in prison or jail.<sup>6</sup> Experts have identified a number of reasons for this rise in prison populations including a focus on punishing drug offenses harshly, required prison time for minor offenses, and significant increases in sentence lengths.<sup>7</sup> In fact, a study by the Pew Charitable Trusts found that the length of a prison stay increased by 36% between 1990 and 2009 across the states. The report found that the additional time spent in prison cost taxpayers over \$10 billion dollars, more than half of which was for nonviolent offenders, with little to no return in terms of public safety.<sup>8</sup> The high cost of incarceration coupled with scant evidence that imprisonment prevents future criminal behavior<sup>9</sup> has led reformers from both sides of the aisle to start considering strategies to reduce prison populations including shortening prison terms for low-risk nonviolent offenders.

We recommend interpreting this measure together with "Nonviolent Felonies Sentenced to Prison" and "Length of Imposed Jail Sentence: Nonviolent Misdemeanors."

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Middle point in the distribution of prison sentences (in months) imposed on nonviolent felony cases in 2012-2013 where the defendant did not have a violent conviction in that state in the prior three years.

**Exclusions:** Misdemeanors; violent felonies; cases filed in 2009, 2010 and 2011; cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases dismissed; cases with pretrial diversion; cases where the defendant was acquitted at trial; cases transferred to another jurisdiction; cases involving defendants with violent convictions in the prior three years; cases where the most severe sentence did not include prison; and cases where the defendant was sentenced to prison but received time served credit for the full length of the prison sentence imposed.

### Notes:

1. The median is the middle point of a distribution. This means that 50% of cases fall above and 50% of cases fall below the median score.
2. We use the offense classification system devised by the Bureau of Justice Statistics for its National Corrections Reporting Program. Violent offenses include: murder, unspecified homicide, voluntary/non-negligent manslaughter, manslaughter - non-vehicular, kidnapping, rape - force, rape - statutory - no force, sexual assault - other, lewd act with children, armed robbery, unarmed robbery, forcible sodomy, aggravated assault, simple assault, assaulting public officer, blackmail/extortion/intimidation, hit and run driving, child abuse, and violent offense - other. Nonviolent offenses are defined as any other offenses not included in this list. The full BJS NCRP offense crosswalk is available on the [NACJD website.](<http://www.icpsr.umich.edu/icpsrweb/content/NACJD/guides/ncrp.html>)
3. Pretrial diversion, pretrial release, and sentencing decisions take into account all the prior convictions in a defendant's criminal history. However, due to the difficulty of collecting data on prior records across all states, "prior convictions" in this measure refer only to those recorded in the court data, within the same state, and in the prior three years.
4. Includes the prison portion of split sentences (also referred to as bifurcated sentence or extended supervision). Excludes cases sentenced to prison that received time served.
5. Sentences to life in prison were coded as receiving a 1200-month (or 100-year) term.

6. Travis, J., B. Western & S. Redburn (Eds.) (2014). *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. Washington, D.C.: The National Academies Press. Retrieved from [http://johnjay.jjay.cuny.edu/nrc/NAS\\_report\\_on\\_incarceration.pdf](http://johnjay.jjay.cuny.edu/nrc/NAS_report_on_incarceration.pdf) in November 2016.
7. Ibid.
8. The Pew Charitable Trusts (2012). *Length of Stay for Drug and Violent Crimes Grows at Nearly Same Rate*. Retrieved from <http://www.pewtrusts.org/en/about/news-room/press-releases/0001/01/01/new-pew-study-finds-36-percent-increase-in-prison-time-served> in November 2016.
9. Travis et al (2014). Ibid.

## 22. Nonviolent Misdemeanors Sentenced to Jail

### Goal: Fiscal Responsibility

Measures the percentage of 2012-2013 nonviolent<sup>1</sup> misdemeanor convictions involving a defendant with no violent convictions in that state in the prior three years that resulted in a jail sentence.<sup>2 3</sup>

Despite steady declines in crime rates, jail incarceration rates in the United States have grown more than four times since 1970.<sup>4</sup> With nearly 12 million annual jail admissions,<sup>5 6</sup> jails represent a third of all people behind bars in the U.S.<sup>7</sup> As a consequence, spending on local jails has increased four times in the last three decades, to the point that local jails cost American taxpayers \$22.2 billion in 2011.<sup>8</sup> Moreover, nonviolent offenders make up 78% of the convicted jail population.<sup>9</sup> Given the high cost of jails, multiple jurisdictions across the United States have started to devise strategies to divert low-risk offenders from jails both pretrial and after conviction.

We recommend interpreting this Measure together with "Length of Imposed Jail Sentence: Nonviolent Misdemeanors" and "Nonviolent Felonies Sentenced to Prison."

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2012-2013 nonviolent misdemeanor convictions involving a defendant with no violent convictions in that state in the prior three years that resulted in a jail sentence to prison divided by number of 2012-2013 nonviolent misdemeanor convictions involving a defendant with no violent convictions in that state in the prior three years.

**Exclusions:** Felonies; violent misdemeanors; cases filed in 2009, 2010 and 2011; cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases dismissed; cases with pretrial diversion; cases where the defendant was acquitted at trial; cases transferred to another jurisdiction; cases involving defendants with violent convictions in the prior three years; cases where the defendant was sentenced to jail but received time served credit for the full length of the jail sentence imposed; and probation holds where the data allow for their identification.

### Notes:

1. We use the offense classification system devised by the Bureau of Justice Statistics for its National Corrections Reporting Program. Violent offenses include: murder, unspecified homicide, voluntary/non-negligent manslaughter, manslaughter - non-vehicular, kidnapping, rape - force, rape - statutory - no force, sexual assault - other, lewd act with children, armed robbery, unarmed robbery, forcible sodomy, aggravated assault, simple assault, assaulting public officer, blackmail/extortion/intimidation, hit and run driving, child abuse, and violent offense - other. Nonviolent offenses are defined as any other offenses not included in this list. The full BJS NCRP offense crosswalk is available on the [NACJD website.](<http://www.icpsr.umich.edu/icpsrweb/content/NACJD/guides/ncrp.html>)

2. Pretrial diversion, pretrial release, and sentencing decisions take into account all the prior convictions in a defendant's criminal history. However, due to the difficulty of collecting data on prior records across all states, "prior convictions" in this measure refer only to those recorded in the court data, within the same state, and in the prior three years.
3. Includes split sentences (also referred to as bifurcated sentence or extended supervision).
4. Subramanian, R., C. Henrichson & J. Kang-Brown (2015). In Our Own Backyard: Confronting Growth and Disparities in American Jails. Vera Institute of Justice. Retrieved from <http://www.vera.org/sites/default/files/resources/downloads/incarceration-trends-in-our-own-backyard.pdf> in November 2016.
5. The Safety and Justice Challenge. [www.safetyandjusticechallenge.org](http://www.safetyandjusticechallenge.org)
6. The same person can have multiple jail admissions in a single year.
7. Subramanian et al (2015). Ibid.
8. Ibid.
9. Wager, P. & B. Rabuy (2016). Mass Incarceration: The Whole Pie 2016. Prison Policy Initiative. Retrieved from <http://www.prisonpolicy.org/reports/pie2016.html> in November 2016.

### 23. Length of Imposed Jail Sentence: Nonviolent Misdemeanors

#### Goal: Fiscal Responsibility

Measures the median<sup>1</sup> jail sentence length (in days) imposed on nonviolent<sup>2</sup> misdemeanor cases in 2012-2013 for which the defendant did not have violent convictions in the prior three years.<sup>3 4</sup>

Despite steady declines in crime rates, jail incarceration rates in the United States have grown more than four times since 1970.<sup>5</sup> Increases in both jail admissions and sentence lengths are responsible for this steep increase. However, the overall growth in jail admissions has been slower than the increase in average daily populations and, therefore, it has been argued that the main source of high jail incarceration rates is the fact that people are spending more time behind bars,<sup>6</sup> which is the direct outcome of longer jail sentences and restrictions on early release practices. Given the high cost of jails (\$22.2 billion in 2011)<sup>7</sup>, stakeholders across the political spectrum are starting to consider reducing the length of jail sentences for nonviolent offenders.

We recommend interpreting this Measure together with "Nonviolent Misdemeanors Sentenced to Jail" and "Length of Imposed Jail Sentence: Nonviolent Felonies."

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Middle point in the distribution of jail sentence lengths (in days) imposed on nonviolent misdemeanor cases in 2012-2013 where the defendant did not have violent convictions in that state in the prior three years.

**Exclusions:** Felonies; violent misdemeanors; cases filed in 2009, 2010 and 2011; cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases dismissed; cases with pretrial diversion; cases where the defendant was acquitted at trial; cases transferred to another jurisdiction; cases involving defendants with violent convictions in the prior three years; cases where the most severe sentence did not include jail; and cases where the defendant was sentenced to jail but received time served credit for the full length of the jail sentence imposed.

#### Notes:

1. The median is the middle point of a distribution. This means that 50% of cases fall above and 50% of cases fall below the median score.



2. We use the offense classification system devised by the Bureau of Justice Statistics for its National Corrections Reporting Program. Violent offenses include: murder, unspecified homicide, voluntary/non-negligent manslaughter, manslaughter - non-vehicular, kidnapping, rape - force, rape - statutory - no force, sexual assault - other, lewd act with children, armed robbery, unarmed robbery, forcible sodomy, aggravated assault, simple assault, assaulting public officer, blackmail/extortion/intimidation, hit and run driving, child abuse, and violent offense - other. Nonviolent offenses are defined as any other offenses not included in this list. The full BJS NCRP offense crosswalk is available on the [NACJD website.](<http://www.icpsr.umich.edu/icpsrweb/content/NACJD/guides/ncrp.html>)
3. Pretrial diversion, pretrial release, and sentencing decisions take into account all the prior convictions in a defendant's criminal history. However, due to the difficulty of collecting data on prior records across all states, "prior convictions" in this measure refer only to those recorded in the court data, within the same state, and in the prior three years.
4. Includes the jail portion of split sentences (also referred to as bifurcated sentence or extended supervision).
5. Subramanian, R., C. Henrichson & J. Kang-Brown (2015). In Our Own Backyard: Confronting Growth and Disparities in American Jails. Vera Institute of Justice. Retrieved from <http://www.vera.org/sites/default/files/resources/downloads/incarceration-trends-in-our-own-backyard.pdf> in November 2016.
6. Ibid.
7. Ibid.

## 24. Drug Possession Convictions Sentenced to Prison

**Goals:** Fiscal Responsibility, Fair Process

Measures the percentage of 2012-2013 drug possession cases that received a prison sentence involving defendants who had no violent convictions in that state in the prior three years.<sup>1 2 3</sup>

The United States has experienced an unprecedented rise in incarceration rates in the past 40 years. On any given day, one out of every 100 adults in the United States is in prison or jail. Experts have identified a number of reasons for this trend including a significant increase in sentence lengths, required prison time for minor offenses, and a focus on punishing drug offenses harshly.<sup>4</sup> In 2013, drug offenders comprised 16% of the state prison population in the U.S., of which nearly a quarter (23%) were convicted for drug possession offenses.<sup>5</sup> The high cost of incarceration coupled with scant evidence that imprisonment prevents future criminal behavior<sup>6</sup> has led reformers from both sides of the aisle to start considering strategies to reduce incarceration rates, including the use of alternatives to prison for low-level drug offenders whose crimes are more related to substance use problems than to drug dealing or violence.

We recommend interpreting this Measure together with "Drug Possession Convictions Sentenced to Jail." We also recommend exploring this Measure using the "Drug Type" and "Race/Ethnicity" filters.

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2012-2013 drug possession convictions involving defendants with no violent convictions in that state in the prior three years that received a prison sentence divided by number of 2012-2013 drug possession convictions involving defendants with no violent convictions in that state in the prior three years.

**Exclusions:** Cases for which the top conviction charge was not drug possession; cases for which the top conviction charge was possession with intent to sell or distribute; cases filed in 2009, 2010 and 2011; cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases dismissed; cases with pretrial diversion; cases where the defendant was acquitted at trial; cases transferred to another jurisdiction;

cases involving defendants with violent convictions in the prior three years; and cases where the defendant was sentenced to prison but received time served credit for the full length of the prison sentence imposed.

**Notes:**

1. Pretrial diversion, pretrial release, and sentencing decisions take into account all the prior convictions in a defendant's criminal history. However, due to the difficulty of collecting data on prior records across all states, "prior convictions" in this measure refer only to those recorded in the court data, within the same state, and in the prior three years.
2. Includes split sentences (also referred to as bifurcated sentences or extended supervision).
3. Drug possession is defined as simple possession and it excludes possession with intent to sell or distribute.
4. Travis, J., B. Western & S. Redburn (Eds.) (2014). *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. Washington, D.C.: The National Academies Press. Retrieved from [http://johnjay.jjay.cuny.edu/nrc/NAS\\_report\\_on\\_incarceration.pdf](http://johnjay.jjay.cuny.edu/nrc/NAS_report_on_incarceration.pdf) in November 2016.
5. Carson, E. A. (2015). *Prisoners in 2014*. Washington, D.C.: Department of Justice, Bureau of Justice Statistics. Retrieved from <http://www.bjs.gov/content/pub/pdf/p14.pdf> in November 2016.
6. Travis et al (2014). *Ibid.*

**Companion Measure: Drug Courts**

Measures the number of drug and hybrid DWI/drug courts available in the state in 2012.

Drug courts provide a holistic approach to handling drug offenses that combines supervision by the justice system with substance abuse treatment for offenders who are identified as having substance abuse problems. Defendants diverted to drug courts receive an intensive regime of substance abuse and mental health treatment, drug testing, and community supervision while attending court hearings to report to a specialized judge.<sup>1</sup> Once a defendant completes the treatment program, the court may dismiss the charges, reduce or withhold a sentence, offer a less severe penalty, or offer a combination of these options.<sup>2</sup> In 2014, there were over 3,000 drug courts distributed across 56% of counties in the United States.<sup>3</sup> Drug courts have been shown to significantly reduce recidivism, particularly for non-violent adult offenders.<sup>4</sup> In recent years, hybrid DWI/drug courts, which address issues of repeat impaired driving in addition to substance abuse, have also proliferated under the premise that the drug court model would serve the DWI population better than traditional prosecution. Since 2007, the number of hybrid DWI/drug courts has increased by 42%.<sup>5</sup>

**Calculation:** Number of drug and hybrid DWI/drug courts in the state.

**Source:** Strong, S.M. & T. Kyckelhahn (2016). *Census of Problem-Solving Courts, 2012*. Retrieved from: <https://www.bjs.gov/content/pub/pdf/cpsc12.pdf>. U.S. Department of Justice, Bureau of Justice Statistics in March 2017.

**Notes:**

1. Huddleston, C.W III, D.B. Marlowe & R. Casebolt (2008). *Painting the Current Picture: A National Report Card on Drug Courts and Other Problem-Solving Court Programs in the United States II(1)*. National Drug Court Institute. Retrieved from [http://www.nadcp.org/sites/default/files/ndci/PCPII1\\_web%5B1%5D.pdf](http://www.nadcp.org/sites/default/files/ndci/PCPII1_web%5B1%5D.pdf) in March 2017.
2. The National Association of Drug Court Professionals (1997). *Defining Drug Courts: The Key Components*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Drug Courts Program Office. Retrieved from <https://www.ndci.org/wp-content/uploads/2016/05/Defining-Drug-Courts-The-Key-Components.pdf> in March 2017.



3. Marlowe, D.B., C.D. Hardin & C.L Fox (2016). *Painting the Current Picture: A National Report on Drug Courts and Other Problem-Solving Courts in the United States*. National Drug Court Institute. Retrieved from <https://www.ndci.org/wp-content/uploads/2016/05/Painting-the-Current-Picture-2016.pdf> in March 2017.
4. Mitchell, O.M., D.B. Wilson, A. Eggers & D.L. Mackenzie (2012). Assessing the Effectiveness of Drug Courts on Recidivism: A Meta-Analytic Review of Traditional and Non-traditional Drug Courts. *Journal of Criminal Justice* 40(1):60. DOI: 10.1016/j.jcrimjus.2011.11.009.
5. Estimated from figures reported by Huddleston et al. (2008) and Marlowe et al. (2016).

## 25. Drug Possession Convictions Sentenced to Jail

**Goals:** Fiscal Responsibility, Fair Process

Measures the percentage of 2012-2013 drug possession cases that received a jail sentence involving defendants with no violent convictions in that state in the prior three years.<sup>1 2 3</sup>

The United States has experienced an unprecedented rise in incarceration rates in the past 40 years. On any given day, one out of every 100 adults in the United States is in prison or jail. Experts have identified a number of reasons for this trend including a significant increase in sentence lengths, required prison time for minor offenses, and a focus on punishing drug offenses harshly.<sup>4</sup> In 2013, drug offenders comprised 16% of the state prison population in the U.S., of which nearly a quarter (23%) were convicted for drug possession offenses.<sup>5</sup> Unfortunately, there are no recent nationwide data on the proportion of jail inmates who were convicted of drug possession charges. The last Survey of Inmates in Local Jails conducted by the Bureau of Justice Statistics in 2002, indicated that 10% of the convicted population in local jails was convicted of drug possession charges at the time.<sup>6</sup> The high cost of incarceration coupled with scant evidence that imprisonment prevents future criminal behavior<sup>7</sup> has led reformers from both sides of the aisle to start considering strategies to reduce incarceration rates, including the use of alternatives to jail for low-level drug offenders whose crimes are more related to substance use problems than to drug dealing or violence.

We recommend interpreting this Measure together with "Drug Possession Convictions Sentenced to Prison." We also recommend exploring this Measure using the "Drug Type" and "Race/Ethnicity" filters.

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2012-2013 drug possession convictions involving defendants with no violent convictions in that state in the prior three years that received a jail sentence divided by number of 2012-2013 drug possession convictions involving defendants with no violent convictions in that state in the prior three years.

**Exclusions:** Cases for which the top conviction charge was not drug possession; cases for which the top conviction charge was possession with intent to sell or distribute; cases filed in 2009, 2010 and 2011; cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases dismissed; cases with pretrial diversion; cases where the defendant was acquitted at trial; cases transferred to another jurisdiction; cases involving defendants with violent convictions in the prior three years; and cases where the defendant was sentenced to jail but received time served credit for the full length of the jail sentence imposed.

### Notes:

1. Pretrial diversion, pretrial release, and sentencing decisions take into account all the prior convictions in a defendant's criminal history. However, due to the difficulty of collecting data on prior records across all states, "prior convictions" in this measure refer only to those recorded in the court data, within the same state, and in the prior three years.
2. Includes split sentences (also referred to as bifurcated sentences or extended supervision).

3. Drug possession is defined as simple possession and it excludes possession with intent to sell or distribute.
4. Travis, J., B. Western & S. Redburn (Eds.) (2014). *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. Washington, D.C.: The National Academies Press. Retrieved from [http://johnjay.jjay.cuny.edu/nrc/NAS\\_report\\_on\\_incarceration.pdf](http://johnjay.jjay.cuny.edu/nrc/NAS_report_on_incarceration.pdf) in November 2016.
5. Carson, E. A. (2015). *Prisoners in 2014*. Washington, D.C.: Department of Justice, Bureau of Justice Statistics. Retrieved from <http://www.bjs.gov/content/pub/pdf/p14.pdf> in November 2016.
6. James, D.J. (2004). *Most Serious Offense of Jail Inmates, 2002 and 1996. Survey of Inmates in Local Jails*. Washington D.C.: Department of Justice, Bureau of Justice Statistics. Retrieved from <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=1693> in March 2017.
7. Travis et al (2014). *Ibid.*

### Companion Measure: Drug Courts

Measures the number of drug and hybrid DWI/drug courts available in the state in 2012.

Drug courts provide a holistic approach to handling drug offenses that combines supervision by the justice system with substance abuse treatment for offenders who are identified as having substance abuse problems. Defendants diverted to drug courts receive an intensive regime of substance abuse and mental health treatment, drug testing, and community supervision while attending court hearings to report to a specialized judge.<sup>1</sup> Once a defendant completes the treatment program, the court may dismiss the charges, reduce or withhold a sentence, offer a less severe penalty, or offer a combination of these options.<sup>2</sup> In 2014, there were over 3,000 drug courts distributed across 56% of counties in the United States.<sup>3</sup> Drug courts have been shown to significantly reduce recidivism, particularly for non-violent adult offenders.<sup>4</sup> In recent years, hybrid DWI/drug courts, which address issues of repeat impaired driving in addition to substance abuse, have also proliferated under the premise that the drug court model would serve the DWI population better than traditional prosecution. Since 2007, the number of hybrid DWI/drug courts has increased by 42%.<sup>5</sup>

**Calculation:** Number of drug and hybrid DWI/drug courts in the state.

**Source:** Strong, S.M. & T. Kyckelhahn (2016). *Census of Problem-Solving Courts, 2012*. Retrieved from: <https://www.bjs.gov/content/pub/pdf/cpsc12.pdf>. U.S. Department of Justice, Bureau of Justice Statistics in March 2017.

#### Notes:

1. Huddleston, C.W III, D.B. Marlowe & R. Casebolt (2008). *Painting the Current Picture: A National Report Card on Drug Courts and Other Problem-Solving Court Programs in the United States II(1)*. National Drug Court Institute. Retrieved from [http://www.nadcp.org/sites/default/files/ndci/PCPII1\\_web%5B1%5D.pdf](http://www.nadcp.org/sites/default/files/ndci/PCPII1_web%5B1%5D.pdf) in March 2017.
2. The National Association of Drug Court Professionals (1997). *Defining Drug Courts: The Key Components*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Drug Courts Program Office. Retrieved from <https://www.ndci.org/wp-content/uploads/2016/05/Defining-Drug-Courts-The-Key-Components.pdf> in March 2017.
3. Marlowe, D.B., C.D. Hardin & C.L Fox (2016). *Painting the Current Picture: A National Report on Drug Courts and Other Problem-Solving Courts in the United States*. National Drug Court Institute. Retrieved from <https://www.ndci.org/wp-content/uploads/2016/05/Painting-the-Current-Picture-2016.pdf> in March 2017.
4. Mitchell, O.M., D.B. Wilson, A. Eggers & D.L. Mackenzie (2012). *Assessing the Effectiveness of Drug Courts on Recidivism: A Meta-Analytic Review of Traditional and Non-traditional Drug Courts*. *Journal of Criminal Justice* 40(1):60. DOI: 10.1016/j.jcrimjus.2011.11.009.
5. Estimated from figures reported by Huddleston et al. (2008) and Marlowe et al. (2016).

## 26. Jail Capacity Utilization

**Goals:** Public Safety, Fair Process

Measures the average daily jail population per jail capacity of the county's facility with the most annual admissions that reported to the BJS Census of Jails in 2013<sup>1</sup>.

Crime rates, zero tolerance policing, high monetary bail amounts, long times to disposition, long sentences, state prisons reallocating inmates, and the closure of mental health facilities all contribute to jails being filled beyond capacity. Jails that are over capacity limit the quality of life of inmates, increase the likelihood of violence in the facility,<sup>2</sup> come at a high price to taxpayers, and strain county budgets. For example, the Vera Institute found that counties that divert convicted and nonconvicted defendants away from jail save millions of dollars annually in jail costs while still reducing crime and recidivism rates.<sup>3</sup>

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Average daily number of jail inmates in 2013 divided by number of jail beds.<sup>4</sup>

**Exclusions:** Jail beds located in separate temporary holding areas.

**Notes:**

1. Data in a few jurisdictions was obtained from a different source.
2. Farrington, D. & C. Nutall (1980). Prison Size, Overcrowding, Prison Violence, and Recidivism. *Journal of Criminal Justice* 8(4):221. doi: 10.1016/0047-2352(80)90002-1.
3. Henrichson, C., J. Rinaldi & R. Delaney (2015). The Price of Jails: Measuring the Taxpayer Cost of Local Incarceration. Vera Institute of Justice. Retrieved from [https://storage.googleapis.com/vera-web-assets/downloads/Publications/the-price-of-jails-measuring-the-taxpayer-cost-of-local-incarceration/legacy\\_downloads/price-of-jails.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/the-price-of-jails-measuring-the-taxpayer-cost-of-local-incarceration/legacy_downloads/price-of-jails.pdf) in November 2016.
4. The number of jail beds refers to rated jail beds, which is defined by the Bureau of Justice Statistics as the "maximum number of beds assigned by a rating official to a facility, excluding separate temporary holding areas." (Minton, T.D. & Z. Zeng (2016). Jail Inmates in 2015. Washington, D.C.: Department of Justice, Bureau of Justice Statistics, p.2. Retrieved from <https://www.bjs.gov/content/pub/pdf/ji15.pdf> in December 2016.)

### Companion Measure: Pretrial Jail Population

Measures the percentage of jail inmates who were awaiting disposition of their cases and housed in the county's facility with the most annual admissions that reported to the BJS Census of Jails in 2013.<sup>1 2</sup>

Jails in the United States primarily hold defendants awaiting the resolution of their cases. According to the Bureau of Justice Statistics (2014), between 2009 and 2013 this group represented more than 60% of the jail population in the United States.<sup>3</sup> Research shows that pretrial detention increases the likelihood of negative outcomes for the defendant, including the likelihood of entering a guilty plea, longer sentences, and the likelihood of rearrest.<sup>4</sup>

**Calculation:** Number of 2013 pretrial jail inmates divided by the total jail population at year end.

**Exclusions:** None.

**Notes:**

1. This number is based on a snapshot of the confinement population on December 31st, 2013.
2. Data in a few jurisdictions was obtained from a different source.

3. Minton, T. & D. Gollinelli (2014). Jail Inmates at Midyear 2013 - Statistical Tables. Washington, D.C.: Department of Justice, Bureau of Justice Statistics. Retrieved from <http://www.bjs.gov/content/pub/pdf/jim13st.pdf> in December 2016.
4. Safety and Justice Challenge: About Jails. Retrieved from <http://www.safetyandjusticechallenge.org/about-jails/> in November 2016.

### Companion Measure: Pre-sentence Jail Population

Measures the percentage of jail inmates who were convicted, awaiting sentencing, and housed in the county's facility with the most annual admissions that reported to the BJS Census of Jails in 2013.<sup>1 2</sup>

Jail populations in the United States comprise mainly defendants awaiting the resolution of their cases. Indeed, pretrial detainees represent over 60% of all inmates.<sup>3</sup> The remainder is made out of several groups, including convicted defendants awaiting sentencing, people sentenced to short terms in jail, people awaiting transfer to state prison after sentencing, prison inmates assigned to serve their sentence in jail to alleviate prison overcrowding, people held at the request of a federal agency (i.e., Bureau of Prisons, and Immigration and Customs Enforcement), and people who violated probation or parole and are awaiting a hearing.<sup>4</sup>

**Calculation:** Number of 2013 pre-sentence jail inmates divided by the total jail population at year end.

**Exclusions:** None.

#### Notes:

1. This number is based on a snapshot of the confinement population on December 31st, 2013.
2. Data in a few jurisdictions was obtained from a different source.
3. Minton, T. & D. Gollinelli (2014). Jail Inmates at Midyear 2013 - Statistical Tables. Washington, D.C.: Department of Justice, Bureau of Justice Statistics. Retrieved from <http://www.bjs.gov/content/pub/pdf/jim13st.pdf> in December 2016.
4. Subramanian, R., C. Henrichson & J. Kang-Brown (2015). In Our Own Backyard: Confronting Growth and Disparities in American Jails. Vera Institute of Justice. Retrieved from <http://www.vera.org/sites/default/files/resources/downloads/incarceration-trends-in-our-own-backyard.pdf> in November 2016.

### Companion Measure: Post-sentence Jail Population

Measures the percentage of jail inmates sentenced and housed in the county's facility with the most annual admissions that reported to the BJS Census of Jails in 2013.<sup>1 2</sup>

Jail populations in the United States comprise mainly defendants awaiting the resolution of their cases. Indeed, pretrial detainees represent over 60% of all inmates.<sup>3</sup> The remainder is made out of several groups, including convicted defendants awaiting sentencing, people sentenced to short terms in jail, people awaiting transfer to state prison after sentencing, prison inmates assigned to serve their sentence in jail to alleviate prison overcrowding, people held at the request of a federal agency (i.e. Bureau of Prisons, and Immigration and Customs Enforcement), and people who violated probation or parole and are awaiting a hearing.<sup>4</sup>

**Calculation:** Number of 2013 post-sentence inmates divided by the total jail population at year end.

**Exclusions:** None.

#### Notes:

1. This number is based on a snapshot of the confinement population on December 31st, 2013.
2. Data in a few jurisdictions was obtained from a different source.

3. Minton, T. & D. Gollinelli (2014). Jail Inmates at Midyear 2013 - Statistical Tables. Washington, D.C.: Department of Justice, Bureau of Justice Statistics. Retrieved from <http://www.bjs.gov/content/pub/pdf/jim13st.pdf> in December 2016.
4. Subramanian, R., C. Henrichson & J. Kang-Brown (2015). In Our Own Backyard: Confronting Growth and Disparities in American Jails. Vera Institute of Justice. Retrieved from <http://www.vera.org/sites/default/files/resources/downloads/incarceration-trends-in-our-own-backyard.pdf> in November 2016.

### Companion Measure: Federal and State Inmates Held in Jail

Measures the percentage of jail inmates under state and federal jurisdiction that were housed in the county's facility with the most annual admissions that reported to the BJS Census of Jails in 2013.<sup>1 2</sup>

Jail populations in the United States comprise mainly defendants awaiting the resolution of their cases. Indeed, pretrial detainees represent over 60% of all inmates.<sup>3</sup> The remainder is made out of several groups, including convicted defendants awaiting sentencing, people sentenced to short terms in jail, people awaiting transfer to state prison after sentencing, prison inmates assigned to serve their sentence in jail to alleviate prison overcrowding, people who violated probation or parole and are awaiting a hearing, and people held at the request of a state or federal agency (i.e. Bureau of Prisons, and Immigration and Customs Enforcement).<sup>4</sup>

**Calculation:** Number of 2013 state prison, Federal Bureau of Prisons, and Immigration and Customs Enforcement inmates housed in the jail divided by the total jail population at year end.

**Exclusions:** None.

#### Notes:

1. This number is based on a snapshot of the confinement population on December 31st, 2013.
2. Data in a few jurisdictions was obtained from a different source.
3. Minton, T. & D. Gollinelli (2014). Jail Inmates at Midyear 2013 - Statistical Tables. Washington, D.C.: Department of Justice, Bureau of Justice Statistics. Retrieved from <http://www.bjs.gov/content/pub/pdf/jim13st.pdf> in December 2016.
4. Subramanian, R., C. Henrichson & J. Kang-Brown (2015). In Our Own Backyard: Confronting Growth and Disparities in American Jails. Vera Institute of Justice. Retrieved from <http://www.vera.org/sites/default/files/resources/downloads/incarceration-trends-in-our-own-backyard.pdf> in November 2016.

### Companion Measure: Jail Name

Name of the facility reporting the most annual admissions in the county.

**Calculation:** Name of the jail that had the most annual admissions in the county and that reported to the BJS Census of Jails in 2013.

## 27. Court Fees and Fines

**Goal:** Fair Process

Measures the median<sup>1</sup> amount of court fees and fines assessed to convicted defendants in 2009-2013.<sup>2</sup>

Monetary sanctions have been used to punish criminal behavior in the United States since colonial times. Today, fines are considered as an intermediate sanction that can be imposed alone or, more commonly, in combination with other sentences such as incarceration, probation, or restitution. Court fees, on the other hand, are generally

meant to pay for criminal justice costs including electronic monitoring, DNA and drug testing, legal representation, pretrial supervision, probation, room and board for jail and prison stays, among other things,<sup>3</sup> but they can also be imposed as criminal sanctions in some states. Most fees and fines are ordered at the discretion of judges, usually in addition to other criminal sentences, and not necessarily based on an assessment of the defendant's income or employment status.<sup>4</sup> Cash-strapped jurisdictions have been relying more on court fees and fines since the 1970s, when a tough-on-crime philosophy significantly increased the number of cases being processed by the criminal justice system while tax cuts created budgetary constraints for local governments.<sup>5</sup>

We recommend interpreting this Measure together with "Failure to Pay Court Fees and Fines." We also suggest exploring it using the the "Indigent Status" filter.

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Middle point in the distribution of the amount of court fees and fines assessed to convicted defendants in 2009-2013.

**Exclusions:** Cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases dismissed; cases with pretrial diversion; cases where the defendant was acquitted at trial; cases transferred to another jurisdiction; cases where the defendant was not ordered to pay court fees or fines; and cases where the defendant was ordered to pay court fees or fines but those fees or fines were waived or adjusted to 0.

**Notes:**

1. The median is the middle point of a distribution. This means that 50% of cases fall above and 50% of cases fall below the median score.
2. This Measure does not account for surcharges not included in the total court fees and fines assessment provided by the source.
3. Shapiro, J. (2014). *As Court Fees Rise, The Poor Are Paying the Price*. National Public Radio. Retrieved from <http://www.npr.org/2014/05/19/312158516/increasing-court-fees-punish-the-poor> in November 2016.
4. Beckett, K. & A. Harris (2011). *On Cash and Conviction: Monetary Sanctions As Misguided Policy*. *Criminology & Public Policy* 10(3):509. DOI:10.1111/j.1745-9133.2011.0726.x
5. Shapiro (2014). *Ibid*.

**Companion Measure: Convicted Defendants with Court Fees and Fines**

Measures the percentage of 2009-2013 cases for which convicted defendants were ordered to pay court fees and fines.<sup>1</sup>

Convicted defendants are often mandated to pay court fees and fines, which are imposed at the discretion of judges, usually in addition to other sentences (e.g., incarceration, probation, restitution), and are not necessarily based on an assessment of the defendant's income or employment status.<sup>2</sup> Cash-strapped jurisdictions have been relying more on fees and fines since the 1970s, when a tough-on-crime philosophy significantly increased the number of cases being processed by the criminal justice system while tax cuts created budgetary constraints for local governments.<sup>3</sup> A recent report found that 48 states have increased court fees or added new ones (or both) since the 2008 recession.<sup>4</sup> Court fees and fines often entrap poor defendants (more than 80% of felony defendants are indigent)<sup>5</sup> in a cycle of debt, incarceration, joblessness, and even homelessness.<sup>6</sup>

**Calculation:** Number of 2009-2013 cases for which convicted defendants were ordered to pay court fees and fines divided by the total number of 2009-2013 cases with a conviction.

**Exclusions:** Cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases dismissed; cases with pretrial diversion; cases where the defendant was acquitted at trial; and cases transferred to another jurisdiction.



**Notes:**

1. Since restitution is usually paid to victims and does not go to the state or county government, we do not include it in this measure.
2. Beckett, K. & A. Harris (2011). On Cash and Conviction: Monetary Sanctions As Misguided Policy. *Criminology & Public Policy* 10(3):509. DOI:10.1111/j.1745-9133.2011.0726.x
3. Shapiro (2014). Ibid.
4. Ibid.
5. Harlow, C.W. (2000). *Defense Counsel in Criminal Cases*. Washington, D.C.: Department of Justice, Bureau of Justice Statistics. Retrieved from <http://www.bjs.gov/content/pub/pdf/dccc.pdf> in November 2016.
6. Shapiro (2014). Ibid.

**Companion Measure: Court Fees**

Measures the median<sup>1</sup> amount of court fees assessed to convicted defendants who were mandated to pay in 2009-2013.<sup>2 3</sup>

In addition to facing their punishments, which can include financial obligations such as fines and restitution, convicted defendants are often also mandated to pay court fees. These fees are charged to pay for things like electronic monitoring, DNA and drug testing, legal costs, pretrial supervision, probation, and room and board for jail and prison stays.<sup>4</sup>

**Calculation:** Middle point in the distribution of court fees assessed to convicted defendants in 2009-2013.

**Exclusions:** Cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases dismissed; cases with pretrial diversion; cases where the defendant was acquitted at trial; cases transferred to another jurisdiction; and cases where the defendant was not ordered to pay court fees.

**Notes:**

1. The median is the middle point of a distribution. This means that 50% of cases fall above and 50% of cases fall below the median score.
2. This Measure does not account for surcharges not included in the total court fees and fines assessment provided by the source.
3. Since restitution is usually paid to victims and does not go to the state or county government, we do not include it in this measure.
4. Shapiro, J. (2014). *As Court Fees Rise, The Poor Are Paying the Price*. National Public Radio. Retrieved from <http://www.npr.org/2014/05/19/312158516/increasing-court-fees-punish-the-poor> in November 2016.

**Companion Measure: Fines**

Measures the median<sup>1</sup> amount of fines assessed to convicted defendants who were mandated to pay in 2009-2013.<sup>2</sup>

Monetary sanctions have been used to punish criminal behavior in the United States since colonial times. Today, fines are considered as an intermediate sanction that can be imposed alone or, more commonly, in combination with other sentences such as incarceration, probation, or restitution.

**Calculation:** Middle point in the distribution of fines assessed to convicted defendants in 2009-2013.

**Exclusions:** Cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases dismissed; cases with pretrial diversion; cases where the defendant was acquitted at trial; cases transferred to another jurisdiction; and cases where the defendant was not ordered to pay fines.

**Notes:**

1. The median is the middle point of a distribution. This means that 50% of cases fall above and 50% of cases fall below the median score.
2. Since restitution is usually paid to victims and does not go to the state or county government, we do not include it in this measure.

## 28. Failure to Pay Court Fees and Fines

**Goal:** Fair Process

Measures the percentage of 2009-2013 convictions where the defendant was mandated to pay court fees and fines and failed to do so.<sup>1</sup>

Most jurisdictions in the United States mandate convicted defendants to pay legal financial obligations, such as court fees and fines, in addition to other penalties that may have been imposed at the time of sentencing (e.g., prison, jail, probation, restitution). These fees and fines have been used to help fund the functioning of the court system in most localities since the 1970s, when a tough-on-crime philosophy significantly increased the number of cases being processed by the criminal justice system while tax cuts created budgetary constraints for local governments.<sup>2</sup> A recent report found that 48 states have increased court fees, added new ones, or both since the 2008 recession.<sup>3</sup> The U.S. Supreme Court has stated in multiple cases<sup>4</sup> that extending imprisonment and revoking probation for failing to pay fees and fines without first assessing the person's ability to pay is a violation of the equal protection clause of the Fourteenth Amendment.<sup>5</sup> Nonetheless, in addition to high interest rates, non-payment of fees and fines may incur both civil and criminal penalties such as jail time, loss of indigent representation rights, additional fines, and driver's license suspension. Nonpayment may also restrict the restoration of civil rights, including voting, for people with felony convictions in many states.<sup>6</sup> Furthermore, in some states, community supervision agencies are in charge of collecting legal financial obligations and failure to pay may lead to revocation or extension of probation and parole.<sup>7</sup> Poor defendants (more than 80% of felony defendants are indigent<sup>8</sup>) are the most affected by the imposition of court fees and fines as they are often entrapped in a cycle of debt, incarceration, joblessness, and even homelessness.<sup>9</sup>

We recommend interpreting this Measure together with "Court Fees and Fines." We also suggest exploring it using the "Indigent Disparity" filter.

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 convictions where the defendant was mandated to pay court fees and fines and failed to do so divided by number of 2009-2013 convictions with court fees and fines.

**Exclusions:** Cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases dismissed; cases with pretrial diversion; cases where the defendant was acquitted at trial; cases transferred to another jurisdiction; cases where the defendant was not ordered to pay court fees or fines and cases where the defendant was ordered to pay court fees or fines but those fees or fines were waived or adjusted to 0.

**Notes:**

1. Courts often offer payment plans so that convicted defendants can pay their court fees in multiple installments. As such, failure to pay is defined as not having made any payments to the court as of the date of data extraction. Since payment plans could take a few months to enter into effect, we excluded cases that were convicted within three months of data extraction.



2. Shapiro, J. (2014). As Court Fees Rise, The Poor Are Paying the Price. National Public Radio. Retrieved from <http://www.npr.org/2014/05/19/312158516/increasing-court-fees-punish-the-poor> in November 2016.
3. Ibid.
4. Williams v. Illinois, 399 U.S. 235 (1970). Retrieved from <https://supreme.justia.com/cases/federal/us/399/235/> in March 2017. Tate v. Short, 401 U.S. 395 (1971). Retrieved from <https://supreme.justia.com/cases/federal/us/401/395/case.html> in March 2017. Bearden v. Georgia, 461 U.S. 660 (1983). Retrieved from <https://supreme.justia.com/cases/federal/us/461/660/> in March 2017.
5. Bannon, A., M. Nagrecha & R. Diller (2010). Criminal Justice Debt: A Barrier to Reentry. Brennan Center for Justice at New York University School of Law. Retrieved from <http://www.brennancenter.org/sites/default/files/legacy/Fees%20and%20Fines%20FINAL.pdf> in March 2017.
6. Beckett, K. & A. Harris (2011). On Cash and Conviction: Monetary Sanctions As Misguided Policy. *Criminology & Public Policy* 10(3):509. DOI:10.1111/j.1745-9133.2011.0726.x
7. Ibid.
8. Harlow, C.W. (2000). Defense Counsel in Criminal Cases. Washington, D.C.: Department of Justice, Bureau of Justice Statistics. Retrieved from <http://www.bjs.gov/content/pub/pdf/dccc.pdf> in November 2016.
9. Shapiro (2014). Ibid.

### Companion Measure: Convicted Defendants with Court Fees and Fines

Measures the percentage of 2009-2013 cases for which convicted defendants were ordered to pay court fees and fines.<sup>1</sup>

Convicted defendants are often mandated to pay court fees and fines, which are imposed at the discretion of judges, usually in addition to other sentences (e.g., incarceration, probation, restitution), and are not necessarily based on an assessment of the defendant's income or employment status.<sup>2</sup> Cash-strapped jurisdictions have been relying more on fees and fines since the 1970s, when a tough-on-crime philosophy significantly increased the number of cases being processed by the criminal justice system while tax cuts created budgetary constraints for local governments.<sup>3</sup> A recent report found that 48 states have increased court fees or added new ones (or both) since the 2008 recession.<sup>4</sup> Court fees and fines often entrap poor defendants (more than 80% of felony defendants are indigent)<sup>5</sup> in a cycle of debt, incarceration, joblessness, and even homelessness.<sup>6</sup>

**Calculation:** Number of 2009-2013 cases for which convicted defendants were ordered to pay court fees and fines divided by the total number of 2009-2013 cases with a conviction.

**Exclusions:** Cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases dismissed; cases with pretrial diversion; cases where the defendant was acquitted at trial; and cases transferred to another jurisdiction.

#### Notes:

1. Since restitution is usually paid to victims and does not go to the state or county government, we do not include it in this measure.
2. Beckett, K. & A. Harris (2011). On Cash and Conviction: Monetary Sanctions As Misguided Policy. *Criminology & Public Policy* 10(3):509. DOI:10.1111/j.1745-9133.2011.0726.x
3. Shapiro (2014). Ibid.
4. Ibid.
5. Harlow, C.W. (2000). Defense Counsel in Criminal Cases. Washington, D.C.: Department of Justice, Bureau of Justice Statistics. Retrieved from <http://www.bjs.gov/content/pub/pdf/dccc.pdf> in November 2016.

6. Shapiro (2014). Ibid.

## 29. Driver's License Suspension

**Goal:** Fair Process

Measures the percentage of 2009-2013 cases with a driver's license revocation or suspension sentence<sup>1</sup> and that did not involve DUI, drugs, or criminal traffic charges.

The suspension or revocation of a convicted defendant's driver's license is a commonly used sentence across the United States. Some offenders may warrant such suspension for public safety reasons, such as DUI, drug, and criminal traffic offenses. But in some cases, licenses are suspended simply as a form of punishment even though the case was unrelated to the defendant's ability to drive. For instance, in some states any felony conviction could lead to a mandatory driver's license revocation, and crimes involving child support, fraud and misdemeanors could lead to a discretionary driver's license suspension.<sup>2</sup> In most of the country, where public transportation is lacking, restricting the use of a driver's license impairs a defendant's ability to maintain employment and meet childcare needs, among other things.

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of 2009-2013 cases for which driver's license was revoked or suspended for offenses other than DUI, drugs, and criminal traffic divided by the total number of 2009-2013 cases where driver's license was revoked or suspended.

**Exclusions:** Cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases dismissed; cases with pretrial diversion; cases where the defendant was acquitted at trial; cases transferred to another jurisdiction; and cases where the sentence did not include the revocation or suspension of the defendant's driver license.

**Notes:**

1. This also includes sentencing provisions such as "ordered not to drive."
2. American Bar Association. National Inventory of the Collateral Consequences of Conviction. Retrieved from <http://www.abacollateralconsequences.org/> in November 2016.

## Companion Measure: Average Commute Minutes

Measures the average number of minutes residents report commuting to work.

**Calculation:** Total number of minutes residents report commuting to work divided by the number of residents in the labor force.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).

## 30. Reconviction Rate: Probation

**Goal:** Public Safety

Measures the percentage of cases in which individuals were sentenced to probation in 2009 and 2010 who had a new conviction in the same state within three years.<sup>1</sup>

Probation is an alternative to incarceration that provides offenders with the chance to serve their sentences in the community. Restrictions are placed on the probationer to prevent further offending, and some jurisdictions also

connect probationers to services that address criminogenic factors (e.g., substance use, mental health, vocational skills) to reduce the risk of recidivism.

We suggest looking at this rate in conjunction with "Probation Technical Revocations."

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of defendants sentenced to probation in 2009 and 2010 who were convicted of a new offense in the same state within three years divided by number of defendants sentenced to probation in 2009 and 2010.

**Exclusions:** Cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases dismissed; cases with pretrial diversion; cases where the defendant was acquitted at trial; cases transferred to another jurisdiction; cases sentenced in 2011, 2012, and 2013; cases where the most severe sentence was a split sentence; and cases where the most severe sentence was not probation.

**Notes:**

1. Defendants are counted in the county where their case was filed.

### 31. Probation Technical Revocations

**Goals:** Fiscal Responsibility, Fair Process

Measures the percentage of 2009-2011 cases in which probationers had their probation revoked for technical reasons not related to a new offense.

Probation is an alternative to incarceration that provides offenders with the chance to serve their sentences in the community. Probationers are expected not only to refrain from further criminal activity but also to comply with a number of conditions (e.g., reporting regularly to a probation officer, abstaining from using drugs or alcohol, avoiding known criminal associates, maintaining employment) while on supervision. When a probationer fails to comply with these conditions, more stringent conditions may be imposed or the probation sentence may be revoked and the offender may spend the remainder of their sentence in prison or jail, even if they did not commit a new offense. This practice is known as "technical revocation" and it contributes to overall incarceration rates.<sup>1</sup> There is no evidence that technical revocations prevent crime and thus their effect on public safety is negligible. Experts have recommended "graduated problem-solving responses" to deal with technical misconduct through controls implemented while the probationer remains in the community.<sup>2</sup>

We recommend looking at this Measure in conjunction with "Reconviction Rate: Probation."

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of defendants sentenced to one to two years' probation in 2009-2011 who had probation revoked due to technical violations divided by number of defendants sentenced to one to two years' probation in 2009-2011.

**Exclusions:** Cases declined for prosecution; open cases or cases with unknown disposition at the time of data extraction; cases dismissed; cases with pretrial diversion; cases where the defendant was acquitted at trial; cases transferred to another jurisdiction; cases where the most severe sentence was not probation; and cases with a sentence of less than one year or more than two years' probation.

**Notes:**

1. Clear, T. & J. Austin (2009). Reducing Mass Incarceration: Implications for the Iron Law of Prison Populations. Harvard Law & Policy Review 3:307. Retrieved from [http://www.hlpronline.com/Vol3-2\\_ClearAustin\\_HLPR.pdf](http://www.hlpronline.com/Vol3-2_ClearAustin_HLPR.pdf) in November 2016.

2. Ibid.

### 32. Reconviction Rate: Prison

**Goal:** Public Safety

Measures the percentage of cases in which individuals were released from prison in 2009 and 2010 who had a new conviction within three years of release.

Incarceration as a punishment has at least three general goals, not all of which are sought simultaneously. (1) Deterrence: the deprivation of freedom seeks to deter the defendant and others from engaging in future crime. (2) Rehabilitation: the deprivation of freedom is used as an opportunity to provide some kind of treatment to offenders (e.g., mental health, substance use, vocational skills). (3) Retribution: the deprivation of freedom is seen as just deserts and doesn't seek to change the behavior of offenders but simply to punish it.<sup>1</sup>

There are many factors that could affect a county's results on this Measure. The data presented here are intended to show general patterns and to highlight areas that might need further investigation.

**Calculation:** Number of individuals released from prison in 2009 and 2010 who were convicted of a new offense within three years divided by total number of individuals released from prison in 2009 and 2010.

**Exclusions:** None.

**Notes:**

1. Alschuler, A. (2003). The Changing Purposes of Criminal Punishment: A Retrospective on the Past Century and Some Thoughts about the Next. *The University of Chicago Law Review* 70(1):1. Retrieved from [http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1893&context=journal\\_articles](http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1893&context=journal_articles) in November 2016.

## Contextual Measures

### 1. Population

Measures the total population of the jurisdiction.

**Calculation:** Number of people residing in the jurisdiction.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).

### 2. Urban Population

Measures the percentage of residents living in urban areas.<sup>1</sup>

**Calculation:** Number of residents living in urban areas divided by the total population of the jurisdiction.<sup>2</sup>

**Source:** U.S. Census Bureau, Decennial Census (2010).

**Notes:**

1. The Census Bureau defines urban areas as those comprising densely developed territory, encompassing residential, commercial, and other non-residential urban land uses. To be classified as an urban area, the territory must have at least 2,500 residents, with at least 1,500 residing outside institutional group quarters. (U.S. Department of Commerce (2011). *Federal Register* 76(164) Part II:53030. Retrieved from <http://www2.census.gov/geo/pdfs/reference/fedreg/fedregv76n164.pdf> in February 2017.)

2. Estimates of urban and rural populations are provided only from a one-year, representative sample of residents. As such, totals may not add to the exact total population derived from the American Community Survey 5-Year estimate.

### 3. Rural Population

Measures the percentage of residents living in rural areas.<sup>1</sup>

**Calculation:** Number of residents living in rural areas divided by the total population of the jurisdiction.<sup>2</sup>

**Source:** U.S. Census Bureau, Decennial Census (2010).

**Notes:**

1. The Census Bureau defines rural areas as those encompassing all population, housing, and territory not included within an urban area. (U.S. Department of Commerce (2011). Federal Register 76(164) Part II:53030. Retrieved from <http://www2.census.gov/geo/pdfs/reference/fedreg/fedregv76n164.pdf> in February 2017.)
2. Estimates of urban and rural populations are provided only from a one-year, representative sample of residents. As such, totals may not add to the exact total population derived from the American Community Survey 5-Year estimate.

### 4. White Population

Measures the percentage of residents who identify their race/ethnicity as non-Hispanic, white.

**Calculation:** Number of residents who identify as non-Hispanic, white divided by the total population of the jurisdiction.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).

### 5. African American Population

Measures the percentage of residents who identify their race/ethnicity as non-Hispanic, African-American.

**Calculation:** Number of residents who identify as non-Hispanic, African American divided by the total population of the jurisdiction.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).

### 6. Hispanic or Latino Population

Measures the percentage of residents who identify their ethnicity as Hispanic or Latino.

**Calculation:** Number of residents who identify as Hispanic or Latino divided by the total population of the jurisdiction.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).

## 7. Native American Population

Measures the percentage of residents who identify their race/ethnicity as American Indian or Alaskan Native.

**Calculation:** Number of residents who identify as Native American divided by the total population of the jurisdiction.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).

## 8. Asian Population

Measures the percentage of residents who identify their race/ethnicity as non-Hispanic, Asian.

**Calculation:** Number of residents who identify as non-Hispanic, Asian divided by the total population of the jurisdiction.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).

## 9. Other Race Population

Measures the percentage of residents who identify their race/ethnicity as other (includes those identifying as multiracial).

**Calculation:** Number of residents who identify as other race/ethnicity divided by the total population of the jurisdiction.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).

## 10. Young Males Population

Measures the percentage of residents who are males aged 15 to 24.

**Calculation:** Number of residents who are males aged 15 to 24 divided by the total population for the jurisdiction.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).

## 11. Largest Municipality Population

The population of the largest municipality in the jurisdiction.

**Calculation:** Total number of residents in the largest municipality.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).

## 12. Largest Municipality

The name of the largest municipality in the jurisdiction.

**Calculation:** Municipality name.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).

### 13. Property Crime Rate

Measures the number of property index crimes reported to law enforcement per 100,000 residents.

**Calculation:** Number of property index crimes<sup>1</sup> reported to law enforcement divided by the total population of the jurisdiction, multiplied by 100,000.<sup>2</sup>

**Source:** FBI, Uniform Crime Reporting Program (2009-2012).

**Notes:**

1. Property crimes include theft, burglary, robbery, vandalism, and arson.
2. Averaged across four years: 2009-2012.

### 14. Violent Crime Rate

Measures the number of violent index crimes reported to law enforcement per 100,000 residents.

**Calculation:** Number of violent index crimes<sup>1</sup> reported to law enforcement divided by the total population of the jurisdiction, multiplied by 100,000.<sup>2</sup>

**Source:** FBI, Uniform Crime Reporting Program (2009-2012).

**Notes:**

1. Violent crime comprises four offenses: murder and nonnegligent manslaughter, rape, robbery, and aggravated assault. Violent crimes are defined by the FBI's Uniform Crime Reporting Program as those offenses that involve force or threat of force.
2. Averaged across four years: 2009-2012.

### 15. Arrest Rate for Property Offenses

Measures the number of arrests for property offenses, per 100,000 residents.

**Calculation:** Number of arrests for property offenses<sup>1</sup> divided by the total population for the jurisdiction, multiplied by 100,000.<sup>2</sup>

**Source:** FBI, Uniform Crime Reporting Program (2009-2012).

**Notes:**

1. Property crimes include theft, burglary, robbery, vandalism, and arson.
2. Averaged across four years: 2009-2012.

### 16. Arrest Rate for Violent Offenses

Measures the number of arrests for violent offenses, per 100,000 residents.

**Calculation:** Number of arrests for violent offenses<sup>1</sup> divided by the total population for the jurisdiction, multiplied by 100,000.<sup>2</sup>

**Source:** FBI, Uniform Crime Reporting Program (2009-2012).



**Notes:**

1. Violent crime comprises four offenses: murder and nonnegligent manslaughter, rape, robbery, and aggravated assault. Violent crimes are defined by the FBI's Uniform Crime Reporting Program as those offenses that involve force or threat of force.
2. Averaged across four years: 2009-2012.

**17. Clearance Rate for Property Offenses**

Measures the percentage of property index crime cases cleared (or closed) by law enforcement.

**Calculation:** Number of property index crimes<sup>1</sup> cleared<sup>2 3</sup> by law enforcement divided by the total number of property offenses reported to law enforcement.<sup>4</sup>

**Source:** FBI, Uniform Crime Reporting Program (2009-2012).

**Notes:**

1. Property crimes include theft, burglary, robbery, vandalism, and arson.
2. The measurement of clearance rates varies by jurisdiction and may sometimes include cases cleared by means other than arrest. (See FBI UCR Website. Retrieved from <https://ucr.fbi.gov/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/clearances> in November 2016.)
3. Clearance rates can be greater than 100% when cases from previous years are "cleared" in the year being measured.
4. Averaged across four years: 2009-2012.

**18. Clearance Rate for Violent Offenses**

Measures the percentage of violent index crime cases cleared (or closed) by law enforcement.

**Calculation:** Number of violent index crimes<sup>1</sup> cleared<sup>2 3</sup> by law enforcement divided by the total number of violent offenses reported to law enforcement.<sup>4</sup>

**Source:** FBI, Uniform Crime Reporting Program (2009-2012).

**Notes:**

1. Violent crime comprises four offenses: murder and nonnegligent manslaughter, rape, robbery, and aggravated assault. Violent crimes are defined by the FBI's Uniform Crime Reporting Program as those offenses that involve force or threat of force.
2. The measurement of clearance rates varies by jurisdiction and may sometimes include cases cleared by means other than arrest. (See FBI UCR Website. Retrieved from <https://ucr.fbi.gov/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/clearances> in November 2016.)
3. Clearance rates can be greater than 100% when cases from previous years are "cleared" in the year being measured.
4. Averaged across four years: 2009-2012.

### 19. Number of Criminal Court Judges

Measures the total number of judges, magistrates or their equivalent involved in the processing of criminal cases in the jurisdiction.

**Calculation:** Total number of criminal court judges.

### 20. Number of Full-Time Prosecutors

Measures the number of full-time prosecuting attorneys for adult criminal cases in the jurisdiction.

**Calculation:** Total number of full-time prosecutors for adult criminal cases.

### 21. Number of Part-Time Prosecutors

Measures the number of part-time prosecuting attorneys for adult criminal cases in the jurisdiction.

**Calculation:** Total number of part-time prosecutors for adult criminal cases.

### 22. Number of Full-time Public Defenders

Measures the number of full-time public defenders for adult criminal cases in the jurisdiction.<sup>1</sup>

**Calculation:** Total number of full-time public defenders for adult criminal cases.

**Notes:**

1. Some counties may contract with attorneys from the private bar as needed to provide indigent defense, rather than employ public defenders on a permanent basis. These private attorneys are not included in the values for this measure.

### 23. Number of Part-time Public Defenders

Measures the number of part-time public defenders for adult criminal cases in the jurisdiction.<sup>1</sup>

**Calculation:** Total number of part-time public defenders for adult criminal cases.

**Notes:**

1. Some counties may contract with attorneys from the private bar as needed to provide indigent defense, rather than employ public defenders on a permanent basis. These private attorneys are not included in the values for this measure.

### 24. Law Enforcement Agencies Reporting to UCR

Measures the percentage of law enforcement agencies within the jurisdiction reporting index crimes to the FBI's Uniform Crime Reporting Program.

**Calculation:** Number of law enforcement agencies reporting to the UCR divided by the total number of law enforcement agencies in the jurisdiction, averaged across four years: 2009-2012.

**Source:** FBI, Uniform Crime Reporting Program (2009-2012).

## 25. Total Number of Law Enforcement Agencies

Measures the total number of law enforcement agencies operating within the jurisdiction.

**Calculation:** Number of law enforcement agencies operating within the jurisdiction.<sup>1</sup>

**Notes:**

1. Totals do not include college and university agencies, airport agencies, or Native American tribal agencies.

## 26. Number of Full-Time Sworn Law Enforcement Officers

Measures the number of full-time sworn law enforcement officers in the jurisdiction.

**Calculation:** Number of full-time, sworn law enforcement officers.<sup>1</sup>

**Source:** U.S. Bureau of Justice Statistics, Census of State and Local Law Enforcement Agencies (2008).

**Notes:**

1. Averaged across four years: 2009-2012.

## 27. Police Officers per 100,000 Residents

Measures the number of full-time sworn police officers per 100,000 residents

**Calculation:** Number of full-time sworn police officers divided by the total population of the jurisdiction, multiplied by 100,000.

**Sources:**

- U.S. Census Bureau, American Community Survey 5-Year estimate (2013).
- U.S. Bureau of Justice Statistics, Census of State and Local Law Enforcement Agencies (2008).

## 28. Median Household Income

Measures the median income of households within the jurisdiction.

**Calculation:** Middle point in the distribution of income for all households within the jurisdiction.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).

## 29. Unemployment Rate

Measures the percentage of residents 16 years old and older who are unemployed.

**Calculation:** Number of residents 16 years old and older who are unemployed divided by the number of residents 16 years old and older.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).

### 30. Below Poverty Line

Measures the percentage of residents living below the poverty line.

**Calculation:** Number of residents living below the poverty line divided by the total population of the jurisdiction.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).

### 31. Single Female-Headed Households with Children

Measures the percentage of households headed by a woman with dependent children under 18.

**Calculation:** Number of households headed by a woman with dependent children under 18 divided by the total number of households in the jurisdiction.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).

### 32. High School Graduates

Measures the percentage of residents 18 years old and older who have completed high school.

**Calculation:** Number of residents 18 and older who have completed high school divided by the number of residents 18 and older.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).

### 33. Voted Democrat in 2012

Measures the percentage of votes for the Democratic candidate in the 2012 presidential election.

**Calculation:** Number of votes for the Democratic candidate divided by the total number of votes in the 2012 presidential election.

**Source:** The Guardian. Full US 2012 Election County-Level Results to Download. Retrieved from: <https://www.theguardian.com/news/datablog/2012/nov/07/us-2012-election-county-results-download#data> in November 2016.

### 34. Voted Republican in 2012

Measures the percentage of votes for the Republican candidate in the 2012 presidential election.

**Calculation:** Number of votes for the Republican candidate divided by the total number of votes in the 2012 presidential election.

**Source:** The Guardian. Full US 2012 Election County-Level Results to Download. Retrieved from: <https://www.theguardian.com/news/datablog/2012/nov/07/us-2012-election-county-results-download#data> in November 2016.

### 35. Drug Hospitalization Rate

Measures the number of drug-related hospitalizations per 100,000 residents.

**Calculation:** Number of drug-related hospitalizations divided by the total population for the jurisdiction, multiplied by 100,000.

**36. Non-Citizens**

Measures the percentage of residents who are not U.S. citizens.

**Calculation:** Number of residents who are not U.S. Citizens divided by the total population of the jurisdiction.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).

**37. Residential Mobility**

Measures the percentage of residents who changed their place of residence (within the same jurisdiction or from a different one) in the previous year.

**Calculation:** Number of residents who moved to a different place of residence within the previous year divided by the total population for the jurisdiction.

**Source:** U.S. Census Bureau, American Community Survey 5-Year estimate (2013).