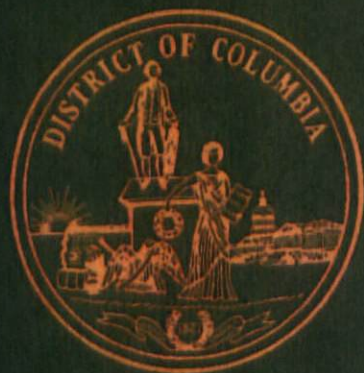


THE PRETRIAL OFFENDER IN THE DISTRICT OF COLUMBIA

A Report on the Characteristics
and Processing of 1975 Defendants



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PREFACE

The undertaking of as broad a study as has been accomplished here has been talked about for years. For years the separate entities that make up our criminal justice system have sought answers to the problems posed by rising crime rates. For years the system has attacked the problems not with a unity of purpose but from the individual perspectives represented in their separate fiefdoms. Any problem that must be met by a combined effort of the three separate branches of government must defer for its solution to the reality of political expediency. Certainly no problem as significant as crime control can be even addressed without accurate, relevant, and most important, comparable data.

The data produced in this report transcend the perspectives of individual components of the system and make available information that is equally useful to practitioners, planners, and policy makers alike. The information presented has been gathered and analyzed jointly by the Statistical Analysis Center and the District of Columbia Bail Agency. Our intention in making the data public is to permit the reader to analyze the demographics of crime as reflected in the individuals processed by the District of Columbia criminal justice system.

When the study commenced the primary underlying goal was to gather and display for analysis by anyone interested personal background information about those charged with crime. It was our hope

to be able to identify characteristics of age, sex, education, employment, ethnicity, etc. and link those factors to specific crime indicators. It was also our intention to ignore traditional statistical formats used by the courts, prosecutors, police, etc. to enable accurate tracking and comparisons. It is our belief that we have accomplished our objectives.

Finally, it is our hope that the data will be used to improve the methods by which we analyze crime and project the answers to meet new (and old) problems. After all, the focal point of crime is the offender. A better understanding of the offender is the first step in understanding the problems posed by criminal behavior. We hope that the first step has been taken.

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Director
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Director
Statistical Analysis Center

ACKNOWLEDGMENTS

As is often the case in research, many people have been instrumental in the preparation and publication of this report. We wish to gratefully acknowledge their cooperation in this effort.

Under the original project design, each agency was jointly responsible for the work accomplished. Project Directors Ronald J. Nolfi, Director of the Statistical Analysis Center, and John A. Carver, Deputy Director of the D. C. Bail Agency provided guidance throughout the project. Both permitted the project staff the flexibility and independence necessary to meet the diverse needs of each agency.

Sarah Dalton-Blackman, formerly with the Statistical Analysis Center, played an important role in designing and initiating the study. Karen Drew assisted in the training and supervision of data coders and participated in the data analysis phase. Dennis Komarinski and Barbara Lambourne were instrumental in the actual data collection effort and the tracking of missing information.

We wish to thank John Worthy of the Statistical Analysis Center staff who was most cooperative in coordinating and conducting the data processing functions. From the Office of Criminal Justice Plans and Analysis, Clarence Drew also lent helpful guidance in performing computer analyses, and Marie Shepard provided valuable comments and suggestions on the presentation of study data.

Bruce Beaudin, Director of the D. C. Bail Agency, gave support and assistance throughout, and this report benefited from his remarks on previous drafts. Special thanks to the staff members of the Bail Agency for their cooperation and assistance in facilitating our data collection efforts. They provided numerous suggestions which aided in the tracking of cases and retrieval of missing data. Lois Exter of the administrative staff of the Bail Agency was of great help in coordinating the typing of the report and preparing the final draft for publication.

To those people who spent time reviewing and critiquing the manuscript as it progressed, we are most grateful. At the same time, the authors accept total responsibility for the contents of the report and any deficiencies which may be found therein.

EXECUTIVE SUMMARY

Higher costs and decreasing revenues available to all sectors of the criminal justice system require that funds be funneled into areas that impact most on the control of crime in the District of Columbia. Without systematic documentation of processes and offender groups, however, informed decision-making will be difficult at best.

This report takes an initial step by presenting a wide variety of information on the pretrial offender who was processed through the District of Columbia's court systems in 1975. By focusing on the pretrial process, this research provides empirical data on the characteristics of a very large offender group that impinges on the operations of every component in the system. Information covers demographic and socio-economic characteristics of the offender, type and seriousness of the offenses filed against the accused, criminal justice status of the defendant at the time of arrest, initial bail determination imposed, and information on the final outcome of the case.

In 1975, over 20,000 persons were arrested for offenses that ranged from FBI index crimes to less serious misdemeanors such as possession of marijuana and soliciting for prostitution. Nine out of ten persons arrested in the District of Columbia were brought before a judicial officer in the court of local jurisdiction, D.C. Superior Court, while the remainder were processed through the U.S. District Court for possible violation of a federal offense. Five general offense categories account for

57 percent of the total cases processed by the courts in 1975: drug, larceny, assault, robbery and burglary offenses. One out of every four persons was charged with an offense that, in this jurisdiction, is classified as violent in nature.

One out of every two persons charged with a crime in the District of Columbia in 1975 was under the age of twenty-five. Eighty-five percent of the total population were male, and ninety percent were black. Women tended to be slightly younger than males at the time of arrest. Overall, the pretrial offender population are predominantly lifetime residents of the Washington metropolitan area.

Forty-six percent of the pretrial population were unemployed at the time of arrest, with the jobless rate highest among those under the age of twenty-five. The levels of unemployment reported were largest among blacks and women. Seventy percent of the unemployed gave their major source of support as either family or a government assistance program. Data on the employed population do not reveal strong employment ties: less than half of those employed had worked at their current job for more than one year. Persons employed were more likely to be working in occupations of an unskilled nature and reported salary levels reflect this finding: 50 percent of those employed earned less than three dollars per hour.

The educational achievement level of the pretrial population is low, particularly among those defendants who are unemployed.

Fifty-seven percent of the pretrial population as a whole had not attained a twelfth grade education or its equivalent. Of the unemployed, two out of three had not advanced beyond the eleventh grade.

Fifty-two percent of the pretrial population had no history of adult convictions or current supervisory ties with the criminal justice system at the time of arrest. Fourteen percent did have a prior record but no ties with the system. Finally, thirty-three percent were on some form of conditional release when arrested. Defendants in this category were on some form of pretrial release, probation, parole or on work-release status at the time of arrest. Persons on conditional release were on the average charged with more serious crimes than those with no current ties to the system. From another perspective, 37 percent of all 1975 papered cases involved defendants who entered the judicial process two or more times in the year of study.

Seventy percent of the pretrial population who had formal charges filed with the courts in 1975 were released into the community on some form of non-financial conditions pending trial. A comparison of the release conditions imposed by the two courts found that persons processed through the U. S. District Court were released non-financially more often than those initially brought to D. C. Superior Court.

Defendants charged with less serious crimes, those with fewer convictions, and those not on some form of conditional release received non-financial conditions of pretrial release

more often than other offenders. Conversely, persons on some form of conditional release, those who had violated a criminal justice order, or those with extensive records of prior convictions and/or failures to appear were more likely to receive some form of financial conditions of release or were held without bond in some manner.

In 1975, one out of every five persons whose cases were brought before the court had no charges filed against them by the government at the initial hearing. Of the cases "papered" by the courts, 55 percent did not lead to a conviction. A significantly higher proportion of defendants were found not guilty in Superior Court (57 percent) than in District Court (34 percent). Sentencing outcomes for 1975 defendants who were ultimately convicted disclose that 51 percent were placed on probation, 32 percent were sentenced to a period of incarceration, and 17 percent received a suspended sentence or fine. The average length of time from arrest through final disposition for all 1975 cases was 84 days or 12 weeks.

I.

INTRODUCTION

In Washington, D.C. as in most large cities, the problem of crime is of major concern to citizens. A recent polling of inner-city residents indicates that crime in the community ranks among the top three concerns of District residents.¹ The fear of crime has been well documented in the last decade. Polls conducted in the early 70's indicate that one out of every two of those residing in large cities fear walking alone at night. Citizen concern about crime and its control is reflected in the increased attention paid to it by the media, elected officials, social scientists, and public policy analysts.

Even as editorials decry the level of crime, as politicians campaign on platforms which declare war on criminals, and as commissions and task forces are established to study the issues involved, the incidence of crime, as reported in official law enforcement statistics, continues to grow. Despite wide-spread public and professional attention and the infusion of vast human and economic resources into the criminal justice system, a major obstacle has hindered progress toward the goal of controlling crime -- the lack of accurate and reliable data with which to analyze systematically the nature of crime and the effectiveness

¹ Findings from the survey are reported by the Washington Urban League, Inc., SOS '76 -- Speak Out for Survival!: Priorities and Problems of Low Income Area Residents of Washington, D.C. (Washington, D.C.: June 1976). High cost of goods and services, and housing, were found to be the first and second most pressing problems to residents living in Washington's inner city.

of those resources developed to combat it.

It has been recognized for some time that official statistics compiled by criminal justice agencies are fragmentary, unreliable, and often misleading. Since there is no single point or agency in the District that systematically maintains information on all individuals processed by the jurisdiction's criminal justice system, data collection efforts have, of necessity, been segmental. While individual agencies collect and report their own summary tabulations, the unit of count changes depending upon the structure and informational needs of each organization. Thus the police record arrests, the courts record cases, and the corrections institutions tabulate inmates, thereby frustrating attempts to analyze the interrelationships among agencies or examine the individual offender being processed.

Higher costs and decreasing revenues available to all sectors of the system require that funds be funneled into areas that impact most on the control of crime in the District. Without systematic documentation of processes and offender groups, however, informed decision-making will be difficult at best.

The pretrial stage of the criminal process is generally defined as the period between a defendant's arrest and the time at which he either goes to trial, pleads guilty or has the charges against him dropped. It is during this period that the prosecutor determines what charges will be formally lodged against the defendant, a judge determines what conditions will be placed upon the defendant's release from custody pending trial, and the defense attorney

develops a strategy for responding to the charges achieving the² most favorable possible disposition for his client.

Except for initial arrest, more persons are affected by the pretrial period than any other phase of the criminal justice process. It is during this period that the defendant comes into contact with many diverse actors in the system; it is here that many of his attitudes and perceptions of justice and fairness are shaped. It is at this point that officials are required to make daily decisions that impact the community, the defendant and his family, and the system as a whole. As important as the pretrial phase is and despite the large numbers of individuals processed, little information portraying the characteristics of the population has been collected and publicized.

Purpose of Report

The principal objective in undertaking this study was to bridge the informational gap on crime and offenders in the District of Columbia with a descriptive analysis of the pretrial population processed by the courts in 1975. This task was not undertaken with the goal of evaluating the effectiveness of the pretrial process in the District but with the objective of providing

² National Center for State Courts, An Evaluation of Policy Related Research On The Effectiveness Of Pretrial Release Programs (Denver: National Center for State Courts, Pub. No. R0016, October, 1975), p.1.

better empirical information for policy-determination and planning by criminal justice decision-makers in the jurisdiction. The by-product of this effort has been the development of an extensive and reliable automated data base that has permitted a feasibility test for the development of an Offender Based Transaction³ Statistics (OBTS) System in the District.

The OBTS approach, an innovative and comprehensive information system, utilizes a transaction format in which relevant information is compiled on each offender as he/she passes through the various processing stages of the criminal justice system. The individual is the unit of count and, as such, provides the mechanism for linking together the various segments of the system. An OBTS system emphasizes transactions--events that occur between two segments of the process, or between an individual and a component of the criminal justice system. For example, a police arrest resulting in charges filed with the prosecutor constitutes a transaction between the police and the prosecutor. A key aim of the OBTS concept is the production of statistics about transactions and events such as these. The concept is system oriented in that it assumes that meaningful assessments of the criminal justice system must examine the impact of transactions on the various segments of the system and the relationships among them.

³ The Information Systems and Statistics Division (ISSD) of the Office of Criminal Justice Plans and Analysis is responsible for coordinating the development and implementation of the OBTS system for the District. OBTS is funded by the Law Enforcement Assistance Administration as part of the Comprehensive Data Systems program. The Washington system is expected to be operational in the near future.

Thus the statistics produced by the OBTS approach provide a comprehensive view of the system that is lacking when such data are viewed solely from an individual agency's perspective.

II.

METHODOLOGY

The study presented here provides data on the District's pretrial defendant population of 1975, expressing in quantitative terms a large number of variables characteristic of this population. This chapter describes the research methodology employed in this endeavor.

Research Design

In an effort to assemble a comprehensive file of defendant information susceptible to a wide variety of possible analyses, the study is based on the document analysis of 20,109 defendant records contained in the files of the D. C. Bail Agency. Although it is principally a descriptive study providing aggregate statistics on the pretrial universe, the project's unit of analysis is the case for each individual defendant.⁴ This approach allows for the tracking of these individuals as they proceed through the various processing stages of the criminal justice system. Since the defendant provides the linkage among the various components of the system, offender-based transaction statistics (OBTS) may be generated. Utilizing a census-type survey, the goal is to achieve a high level

⁴ The use of archival records such as these has become an acceptable method in obtaining criminal justice data. As non-reactive research, it provides data on target population in aggregate terms that would be impractical using more traditional survey methods. See generally Eugene J. Webb, et. al., Unobstructive Measures: Nonreactive Research in the Social Sciences (Chicago: Rand McNally & Co., 1971) and Carl E. Pope, "Offender-Based Transaction Statistics: New Directions in Data Collection and Reporting" U.S. Department of Justice, Utilization of Criminal Justice Statistics, Analytic Report 5 (Washington, D.C.: U.S. Government Printing Office, 1975).

of accuracy in the profile of the pretrial population presented and to provide as large a data base as possible for preliminary investigations into the utility of offender-based transaction statistics in the District.

Population Examined

In 1975 the Bail Agency files contained more than 26,000 records of defendants processed in the District of Columbia. Because of the large volume it was decided that only those cases of defendants charged with a serious misdemeanor or felony would be included in the study. Individuals charged with either a traffic offense or violations of the D.C. Code and who were prosecuted by the Corporation Counsel were excluded from the investigation. Similarly juveniles processed through the Juvenile Branch of the Superior Court are outside the scope of this report; however, those juveniles charged as adults are included. Persons with cases originating in previous years and or awaiting an appellate decision are not covered. Thus for purposes of this report, the pretrial population is defined as those defendants charged as an adult in either court with a serious misdemeanor or felony and interviewed by the Bail Agency in 1975.

⁵ Although the D.C. Bail Agency does not maintain records on every defendant processed in the District, it is one of the few organizations in the system that uniformly provides services for both the D.C. Superior Court and the U.S. District Court. In its role as the information arm of the courts in the initial bail determination, the Agency interviews arrestees brought before the court, evaluates their potential for pretrial release, as measured by their community ties and prior criminal involvement, and submits reports with recommendations to the bail-setting magistrates. As a pretrial fact-finding agency, it has a unique set of demographic and criminal history information on the offender population that is unavailable for such a large population anywhere else in the system. For this reason the Bail Agency records were selected as the "universe" in the examination of the pretrial offender in the District.

The Bail Agency file is conceptually compatible with the OBTS system. While most previous data collection techniques have not provided a link between the various stages of the criminal process, the 1975 pretrial offender file is designed to include key identifiers such as the police identification number and court case number to allow the tracking of offenders through all stages of the criminal justice system. This built-in linkage capability will make possible the expansion and updating of this file through the processes of extraction and merging with other automated computer files in the District: Metropolitan Police Department (WALES), U.S. Attorney's Office for the District (PROMIS), and the D.C. Department of Corrections (CRISYS). The final product of this automated effort will be a complete computerized criminal processing file for all persons charged with a felony or serious misdemeanor in 1975. In addition, the system will be compatible with already formulated research files that have been developed by such groups as the Institute for Law and Social Research.

Examination of Data

The Bail Agency record system contains detailed information regarding pretrial defendants. Each case record was examined to collect initial information amounting to 40 descriptive variables which relate to the individual's age, race, and sex, and other demographic and socio-economic characteristics. The records also contain information relating to numerous other variables, such as the type of offense with which defendants are charged, data concerning current and previous contact with the criminal justice system, and

EXHIBIT 1:

ORIGINAL VARIABLES LIST

CASE INFORMATION

Bail Agency Identification Number
Charge Codes
Court Docket Number
Date of Initial Interview with Bail Agency
Degree of Charge (Misdemeanor or Felony)
Final Disposition and Sentence
Disposition Date

DEMOGRAPHIC INFORMATION

Date of Birth
Race
Sex
Indications of Physical Problems
Prior Hospitalization In A Mental Hospital
Use of Narcotics
Alcohol Abuse
Employment Status
Type of Employment
Length of Time Employed or Unemployed
Indication of Prior Employment
Present Salary
Type of Support
Indication of "Off and On" Employment
Education

CRIMINAL HISTORY

Number of Prior Convictions
Number of Prior Failures to Appear
Current Bond Status
Post-Conviction Supervision Status

BAIL INFORMATION

Bail Agency Recommendation
Initial Bail Determination
Conditions of Release
Additional Third Party Custody
Report to Bail Agency Periodically
Report to Drug Facility for Testing and Treatment

information on the courts' determination of conditions of release prior to trial. Finally, final disposition as well as sentencing data are available. Exhibit 1 contains a listing of the major data elements extracted from the Bail Agency records and Appendix A contains the data collection instrument used in the study and a description of the collection and processing of data.

In addition to the variables initially collected, the age of each defendant at the time of his arraignment was computed. An element was included that calculates the number of days which elapsed between the time of the initial bail determination and final disposition of the case. In addition, a recidivist variable was developed and assigned to each defendant to count the number of times the individual was arrested between January 1, 1975 and December 31, 1975. The range of this variable is one through twelve, with one indicating that the individual was arrested only one time during the year under study, and three indicating that the individual was re-arrested on new charges twice during that time span.

The categorization of most of the descriptive variables in this study can be easily determined from the tables discussed; the classification of offense data and the measurement of severity of offense, however, require explanations.⁶

⁶ A Data Element Dictionary providing detailed definitions and descriptions of all the data elements may be found in Appendix B.

Classification of Offenses

In the project design careful consideration was given to the development of an offense classification scheme which would allow an in-depth examination and analysis of the relationships among the various socio-demographic and criminal history variables compiled on each defendant, the offense with which he was initially charged, the type of release at presentment and the final disposition of his case. In order that the data might be assembled and analyzed in a wide variety of ways, specific offenses were recoded into several types of classifications and a severity code was developed and assigned to indicate the seriousness of the charges against the defendant. While any classification scheme is bound to be arbitrary in some respects, the classification modes which follow seem adequate for our analytic needs. The offense data used in this study are based on the original charge at presentment. It has been argued that a major advantage of using such initial charge information rather than conviction offenses is that the latter often bear little resemblance to the act actually committed due to the exchange of guilty pleas to reduced charges in return for sentence leniency.⁷

⁷ For a more detailed discussion, see Carl E. Pope, "The Sentencing of California Felony Offenders," Analytic Report No. 6 in the LEAA Utilization of Criminal Justice Statistics Project.

During the initial coding effort, the following offense data was collected for each defendant: four digit numeric codes corresponding to the Metropolitan Police Department charge codes specified the two most serious offenses, and a one-digit code indicated whether the case was a misdemeanor or felony. If more than one charge was found on the Bail Agency folder, the most serious offense was entered first on the coding form. If either of the two charges was papered as a felony, the case was considered a felony. Similarly, if both charges were no papered and at least one of the no papered charges was a felony, the case was considered as a felony. For purposes of analysis this report will utilize only the reclassification data on the most serious offense with which the defendant was charged. In other words, if the individual is charged with robbery and assault, the person was treated as one charged with robbery.⁸

Using the more than 100 specific offense codes as a point of departure, the charges were reclassified into 24 general categories based on the nature of the alleged offense in order to facilitate analysis. These categories consist of the following:

⁸ It should be noted that while data on the less serious offense is not reported here, such data has been collected and is available.

| | | |
|-----------------|------------------------|-----------------------|
| Arson | Flight-Escape | Procedural Violations |
| Assault | Forgery | Robbery |
| Bribery | Fraud | Sexual Assault |
| Burglary | Gambling | Sex Offenses |
| Commercial Sex | Homicide | Stolen Property |
| Dangerous Drugs | Kidnapping | Stolen Vehicles |
| Embezzlement | Larceny | Weapons |
| Extortion | Obstruction of Justice | Miscellaneous |

Beyond these general offense groupings, the charges in the original data set were also reclassified into several types of categories containing descriptive information on the type of offense charged. First, a code was assigned to each offense indicating whether it was a crime against person, property, morals and decency, public order, or if it was neutral.⁹ Certain charges included elements of two or more categories. Robbery, as an example, is both a crime against person and property. In such cases, the groupings were ranked from most serious to least serious with crimes against persons first, crimes against property second, then morals and decency, followed by public order violations. Thus robbery would be classified as a crime against persons.

Secondly, a code was developed to indicate whether a specific offense was considered violent and/or dangerous as defined in Sec. 23-1331 (3 and 4) of the Bail Reform Act:

⁹ See Appendix C for a listing of the specific offenses contained in each category.

Crimes of Violence

Murder, forcible rape, carnal knowledge of female under the age of sixteen, taking or attempting to take immoral, improper or indecent liberties with a child under sixteen years, mayhem, kidnapping, robbery, burglary, voluntary manslaughter, extortion, or blackmail accompanied by threats of violence, arson, assault with intent to commit any offense, assault with a dangerous weapon, attempt or conspiracy to commit any of the foregoing offenses as defined by any Act of Congress or any state law if offense punishable by imprisonment for more than one year.

Dangerous Crimes:

- . Taking or attempting to take property from another by force or threat of force
- . Unlawfully entering or attempting to enter any premises adapted for overnight accommodations of persons or for carrying on business, with intent to commit an offense therein
- . Arson or attempted arson of any premises adapted for overnight accommodation of persons or for carrying on business
- . Rape, carnal knowledge of a female under age of sixteen, assault with intent to commit either of the foregoing offense, or taking or attempting to take immoral, improper or indecent liberties with a child under the age of sixteen
- . Unlawful sale or distribution of a narcotic or depressant or stimulant drug, as defined by any Act of Congress and if the offense is punishable by imprisonment for more than one year.

Each specific offense in the original data file was assigned a code indicating whether it was a crime of violence and a separate code was utilized to indicate whether the offense charged was a dangerous crime.

Another classification scheme was developed to allow the researchers to examine the relationships between crime and unemployment focusing on such variables as the defendant's employment history, length and type of employment, income and type of offense charged. Specific offenses were classified into one of three groupings: those involving economic gains, those not involving economic profit, and a neutral category for those offenses where not enough information was available to make a determination.

In addition to the descriptive information provided in the classification schemes just described, a severity code was developed to rate the seriousness of the offense charged. The severity code, an internally computed score, was derived by utilizing the penalties prescribed by law as a measure of the seriousness ascribed to the various offenses. The offense code for severity ranking consisted of a six-field column, a composite number which identifies the specific offense, the court where the case is initially papered, and whether the case is a misdemeanor or felony. Use of this composite code allowed for flexibility in distinguishing penalties for similar offenses in D.C. Superior Court and the U. S. District Court.

Calculation of severity involved consideration and computation of not only the maximum possible time for the specific offense but also minimum time and any applicable fine. Those

offenses with the highest overall penalty were considered most severe. A severity scale was produced with a range of 1 through 135, with '1' designating the most severe offense. When two or more offenses were determined to be equal in severity, an additive was assigned to the next most serious offense. Appendix D contains a display of the rank order by severity of all offenses prosecuted in the District of Columbia.

As described above, the various classification schemes developed for analytic purposes in the study considerably expanded the original charge information found on the defendant's folder. An example of the resulting composite description of the most serious offense as found in each defendant's file is shown in Exhibit 2.

Analysis and Presentation of Data

As was indicated, this report is based on a descriptive study of the records of arrestees processed through the court systems of the District of Columbia. In administering the research design, a great volume and variety of data has been amassed.

Tabulation routines were prepared which summarize the data on individual descriptive variables as they appeared on the data collection form. In addition, bi-variate and multi-variate analyses were prepared for selected items in the data base to elicit patterns existing in the data. Throughout the analysis, relevant control variables were introduced.

EXHIBIT 2

COMPOSITE DESCRIPTION OF OFFENSE DATA
CONTAINED IN DEFENDANT RECORD

| SPECIFIC OFFENSE CODE | COURT | MISDEMEANOR OR FELONY | GENERAL OFFENSE CATEGORY | OFFENSE TYPE | VIOLENT OFFENSE | DANGEROUS OFFENSE | ECONOMIC OFFENSE | PENALTY | | | SEVERITY CODE |
|---------------------------------------|---------------------------|--------------------------|-----------------------------|------------------------|--------------------|----------------------|---------------------|---|-----------------|-------|---|
| | | | | | | | | MINIMUM TIME | MAXIMUM TIME | FINE | |
| 1800 | 2 | 2 | 6 | 3 | 2 | 1 | 1 | 0000 | 1500 | 25000 | 24 |
| CSA CONTROLLED SUBSTANCE ACT | U.S. DISTRICT COURT | FELONY | DRUG OFFENSE | MORTALS & DECECY | NO | YES | YES | PENALTY FOR THIS OFFENSE IS UP TO 15 YEARS AND/OR A \$25,000 FINE | | | RANKS 24th IN SERIOUSNESS OF ALL OFFENSES CLASSIFIED |

Since the study examines the pretrial universe for an entire year and the data base contains more than 20,000 case records, tests of significance (used with probability sampling techniques) were not employed. Even where a very small relationship exists, the size of the population would indicate a significant relationship. In analyzing the data, a ten percent difference was utilized as an indication of a strong association. In other words, if a percentage difference is equal to or greater than 10 percent the relationship was considered to be substantial.¹⁰ Although as much pertinent information as possible has been presented, the examination of the data collected is not exhaustive. Clearly additional in-depth analyses of selected areas of concern would be appropriate.

Limitations

As was stated, the Bail Agency record system is the major source of data for this report. Although Agency Reports are designed to provide the courts with information to aid in the determination of what type of release might be appropriate for a defendant pending trial and not expressly for research purposes, the information recorded therein provides the researcher with a wealth of data on the pretrial population. Yet there are a number of limitations which must be discussed prior to any presentation of such data.

¹⁰ Although the designation of a ten percent difference as indicative of substantial relationship is arbitrary, differences of this magnitude have been recommended by many scholars. For example, see Barney G. Glaser and Anselm L. Strauss, The Discovery of Grounded Theory (Chicago: Aldine Publishing Co., 1967), pp. 201-202.

As stated at the beginning of this chapter, the pretrial population has been defined to include those defendants charged as adults (in either court) with serious misdemeanors or felonies and interviewed by the Bail Agency in 1975. Due to the various points of entry into the court system, not every individual processed by the courts during that year came to the attention of the Bail Agency.¹¹ Thus our pretrial "universe" is undoubtedly incomplete. Information from the U.S. Attorney's Office, however, indicates that the difference between Superior Court and Bail Agency files for 1975 is less than one percent. The District Court volume is somewhat more difficult to estimate because the number of criminal cases processed by the U.S. Magistrates are not clearly separated from other types of duties they perform. Overall, the Bail Agency record system accounts for over 95 percent of the total pretrial population for the District according to the best estimates.

¹¹ As the criminal process now operates, there is no single organization that systematically maintains information on the entire pretrial population processed by the District's two court systems. The Metropolitan Police Department is in charge of all booking operations in this jurisdiction, and it is here that all arrestees are fingerprinted, identified and assigned the critical identification number (PDID). This number is critical because it identifies uniquely an arrestee and remains with the defendant as a lifetime identifier for all future contacts with the police. Even though all arrestees are required to be booked in this manner, it is possible for a person arrested by one of the several other law enforcement agencies in Washington to be brought directly to court thereby bypassing the booking process. If released that same day, the defendant could remain unknown to the other actors in the system. Similarly, a person indicted by the Grand Jury in either court could be summoned to appear and subsequently released on his own recognizance without the knowledge of other criminal justice agencies. (These two examples are presented so that the reader can more fully appreciate the complexity of the system and the variety of entry points through which defendants can be brought to court.)

The demographic data included in this report are based on interview responses to the Bail Agency staff. While the interviewers are trained to record on the folder the defendant's exact response to the questions posed, not all information is subsequently verified. No effort was made to limit the study to verified data. As this was not a controlled experiment design, it is also possible that the way in which an interviewer phrased a question could affect a defendant's response. Encouragingly, however, a recent study conducted in the District found that defendant responses to the Bail Agency were accurate and for the most part were not attempts at misrepresentation.¹² The truthfulness of the defendant population may well be due to the deterrent effect of explaining that the information given will be verified and that no positive recommendation for non-financial release can be made without verifying the subject's responses. The same study found that interviewer characteristics did not display any important pattern of consequences or biases.

The reader will note that in some tables the number of missing responses to questions posed is higher than would

¹² Lewin & Associates, Inc., Evaluation of Third Party Custody Programs. Submitted to Office of Criminal Justice Plans & Analysis, October 24, 1975, p. 33.

normally be found utilizing other research designs. One of the major disadvantages of using archival data such as the Bail Agency records is that they are not consistently complete and there is rarely any way to recapture the missing information. Among the possible explanations for a missing response are the refusal of a defendant to answer a particular question or the failure of an interviewer to pose it at all. Thus many pieces of information that were supposed to be contained in the original records were missing and could neither be located nor reconstructed.

Due to the large volume of cases, it was decided from the outset that demographic information on defendants whose cases were "no papered" would be excluded from analysis. Therefore, the data gathered on "no papered" cases is limited to case and offense information and precludes the possibility of comparing the characteristics of the "papered" and "no-papered" populations.

Despite the extensive reliability and validity measures built into all phases of the research design, certain data elements are subject to inaccuracies in classification, response, and processing. Every effort has been made to keep errors at a minimum through extensive examination, editing, verification procedures, and the use of follow-up procedures to classify inadequate and inconsistently coded responses. Throughout the body of the report, the reader will be informed of the unique limitations of the individual variables analyzed.

Caution is advised in interpreting associations and correlations presented in the report since such relationships in no way imply causation. While we are able to present a comprehensive profile of the defendant population, interpretation of court action at the initial bail hearing and final outcome of the case are severely limited by our inability to capture information such as strength of evidence, charge reduction, changes in bail determination, type of attorney, and method of disposition. Any analysis of the data presented here must be tempered by an awareness of these limitations.

Concern for accuracy and timeliness of data was the overriding principle which guided the development and implementation of the research methodology described in this chapter. A major objective of this project is to produce a report that is not only useful to researchers but also to policy makers and others involved in the administration of justice in the District. Thoroughness and accuracy were the principal goals in recognition of the fact that data is useful only to the extent that it is reliable. We have documented here a number of limitations encountered in the data collection effort, yet we have a high degree of confidence with respect to the data reported in the report and feel that it provides an accurate and comprehensive profile of defendant information relevant to a wide variety of possible analyses.

III.

OVERVIEW: THE PROCESSING OF THE PRETRIAL OFFENDER

While numerous law enforcement agencies of limited jurisdiction exist within the District, the Metropolitan Police Department maintains primary responsibility for law enforcement and public safety activities for the city. Although arrest procedures vary somewhat depending on place of arrest and charge, most arrestees are initially brought to the local police stationhouse in the district where the arrest occurred. It is there that the paperwork process begins and the defendant is usually given his first opportunity to secure his release. The detainee may elect to call a bondsman and post what is known as "stationhouse bond," the exact monetary amount determined by an approved bond schedule posted in the stationhouse.

If the detainee is not charged with a felony and not arrested on a warrant, he may qualify at this point for a citation release. A citation (or summons as it may be called) is a procedure which permits the release of an arrestee by the police after booking, on his personal promise to appear in court at a later date. In some jurisdictions the release may occur prior to booking (summons) and without benefit of any verified community tie information. In the District of Columbia, the "citation" program, operated jointly by the Metropolitan

Police Department and the Bail Agency, provides for release only after a full interview and verification has been completed by telephone with the Bail Agency. The defendant may be released by the police from the stationhouse. In 1975, more than 5,000 defendants charged with serious misdemeanors were released in this manner.

If the arrestee does not secure release in either of these ways, he is usually transported to the central cellblock of the Main Police Headquarters until the next arraignment court session. In the morning of the court arraignment he is again transported to the cellblock of either the D.C. Superior Court or that of the U.S. District Court depending on the offense with which he is charged.¹³

During the morning hours the detainee is interviewed by a number of organizations. A Bail Agency interviewer records information on residence, employment and prior court contact. A representative of the Criminal Justice Act Office inquires about the arrestee's financial status to determine eligibility for court-appointed counsel. Later in the morning defense

¹³ The D.C. Superior Court acts as the court of local jurisdiction and has full authority to handle all "state" type crimes (e.g. Robbery, Burglary, etc.) while the U.S. District Court for the District of Columbia may only handle federal violations (e.g. Bank Robbery, Controlled Substance Act violators, etc.).

counsel interviews the defendant in the cellblock. Representatives from various third party custody organizations interview some defendants who may not otherwise qualify for release. Representatives from the Narcotics Treatment Administration collect urine samples from all detainees and perform urinalyses to help identify narcotics users. This determination will influence decisions with regard to release conditions, as well as eligibility for the Narcotics Pre-Trial Diversion Project¹⁴ and even pretrial detention.

During the same time period, an Assistant U. S. Attorney, known as the "reviewing assistant," is discussing the facts of each case with the arresting officer during a screening process that determines whether the case merits prosecution. In 1975, over 18 percent of the total serious misdemeanor and felony arrests within this jurisdiction were dropped or "no papered" at this stage by the prosecutor. Those defendants charged with violations of police and municipal ordinances and penal statutes where the maximum punishment is a fine or imprisonment not exceeding one year are screened in a similar process at the Office of the Corporation Counsel.

¹⁴ The Narcotics Pre-Trial Diversion Project is a program which provides certain carefully selected individuals with the option of an alternative to traditional criminal justice processing. In return for "good behavior" during a specified pretrial period, together with full cooperation in complying with specified program conditions, the charges levied in court are ultimately dismissed.

In the afternoon those arrestees who are in "lock-up" are brought in for their initial court appearance called presentment or arraignment depending on the degree of the charge. The hearing is brief and has as its main purpose the setting of bail and the scheduling of the next court date. The court considers matters such as the nature and circumstances of the offense charged, the weight of the evidence against the defendant, family ties, employment, financial resources, character and mental condition, past conduct, length of residence in the community, record of convictions, and any record of appearance or non-appearance at court proceedings in making its decision. The range of release alternatives available to the judge includes release on personal recognizance without conditions, conditional release under the supervision of the Bail Agency, the placing of the defendant in the custody of a private party or Third Party Custodian, the setting of a financial bond or the setting of a preventive detention hearing. While most defendants are granted some form of conditional release at the presentment hearing, the specific conditions vary from one defendant to another. Compliance or non-compliance with the conditions as set may affect releasee lifestyles during the pretrial period and may drastically affect sentence outcome should the defendant be convicted.

IV.

CRIME IN THE DISTRICT OF COLUMBIA

Serious crime in the District of Columbia, as reflected in the Uniform Crime Statistics reported by the Metropolitan Police Department increased slightly in 1975. The total reported crime index for Washington rose by one percent in 1975 compared to 1974, a gain significantly lower than that registered in cities of similar size across the nation. As may be seen in Table 1, the average increase in the total crime index for twenty-one cities with populations of 500,000 to 1,000,000 was 9 percent.

Although crimes against property substantially increased in cities of comparable size, the rate of property crime in the District declined. Violent crime which involves those offenses which most concern the public increased almost 10 percent in 1975 and is nearly twice that reported for other cities of similar size to the District. Robbery showed the most dramatic rate of growth as robberies in Washington increased at twice the rate reported for other cities and at three times the average rate of increase for the nation as a whole. As the crime index rose slightly, arrests of juveniles for index offenses increased by more than 8 percent while adult index arrests decreased by more than 6 percent.

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Table 1

Comparison of Percent Change In Index
Crimes In the District of Columbia,
21 Cities of Similar Size, and the
United States, 1974-1975.

| Offense | Percent Change: 1974-1975 | | |
|------------------------|---------------------------|--|------------------|
| | District of Columbia | 21 Cities of 500,000 to 1,000,000 population | United States |
| Murder | -13.4 | -5.0 | -1.0 |
| Forcible Rape | - 6.6 | 1.0 | 1.0 |
| Robbery | 15.1 | 7.0 | 5.0 |
| Aggravated Assault | * | 2.0 | 5.0 |
| Burglary | - 6.8 | 4.0 | 7.0 |
| Larceny-Theft | 3.6 | 15.0 | 12.0 |
| Motor Vehicle Theft | -13.4 | 3.0 | 2.0 |
| Violent Crimes | 9.7 | 5.0 | 5.0 |
| Property Crimes | - 1.4 | 9.0 | 9.0 |
| Total Crime Index | 1.0 | 9.0 | 9.0 |

* Increased less than one-half of one percent.

¹⁵ Dorothy F. Berg, Dimensions of Crime and Delinquency In the District of Columbia, Vol. I of the Comprehensive Plan for Law Enforcement and Criminal Justice (Washington, Office of Criminal Justice Plans and Analysis, 1976), p.4. Data on 21 Cities and the United States were obtained from "Uniform Crime Reports", 1975 Preliminary Release, FBI March 25, 1976.

Cases Processed By The Courts

In 1975, over 26,000 adults arrested for offenses ranging from FBI index crimes to traffic violations were interviewed by the D.C. Bail Agency. Descriptive data on the types of offenses with which defendants were charged is included in this section. For purposes of analysis this study excludes from consideration the 5,864 cases of individuals charged with D.C. municipal and traffic violations.

Initial presentment or arraignment hearings for more than 9 out of 10 defendants in 1975 took place in D.C. Superior Court with the remainder in U.S. District Court. Fifty-four percent of the total arrestees interviewed were charged with misdemeanors, 41 percent with felonies and the remaining 5 percent with other types of charges.¹⁶ Distribution of cases by court may be seen below:

Table 2¹⁷

Distribution Of All Cases By Degree Of Charge and Court

| Type Of Offense | Superior Court | District Court | Total |
|-----------------------------|-------------------|-------------------|------------------|
| Misdemeanor | 58% (10,787) | 1% (12) | 54% (10,799) |
| Felony | 37% (6,913) | 92% (1,342) | 41% (8,255) |
| Other | 5% (945) | 7% (110) | 5% (1,055) |
| Total | 100% (18,645) | 100% (1,464) | 100% (20,109) |
| Number of Missing Cases = 0 | | | |

¹⁶ Other charges include Probation, Parole and Work Release Violations, Fugitives from Justice, Removals to Other Jurisdictions and Bond Defaults.
¹⁷ In this table all cases are presented which includes cases that were "no papered" at the initial court hearing.

In Chapter II we discussed the classification of the 135 identified offenses into twenty-four general offense categories. Exhibit 3 ranks these groups according to the frequency of occurrence. As can be seen, drug offenses rank first and comprise over 16 percent of the cases processed by the system in 1975. This category is followed by larceny (13 percent), assault (10 percent, robbery (9 percent), burglary (9 percent), and flight-escape (9 percent). These six general offense categories account for over two-thirds of the cases processed by the courts in 1975.

Individual charge leaders within these general categories were Uniform Narcotics Act violations (possession of an illegal drug for personal use), Petit Larceny (theft of property under \$100), Soliciting for Prostitution, Burglary II (entering an unoccupied business or dwelling), and Armed Robbery.¹⁸ These individual charges comprise almost 40 percent of the papered cases.

In Superior Court, simple drug possession, larceny, assault, burglary, and robbery are the offenses with which 60 percent of the defendants were charged. One out of every three District Court cases involved the sale or intent to distribute a dangerous drug. Drug crimes combined with forgery, weapons, larceny, and flight-escape offenses account for three-fourths of all cases listed at the time of the initial bail hearing in the Federal Court.

¹⁸ All attempted offenses discussed in this report are included within the individual charge category. The degree of charge, however, differs when appropriate.

EXHIBIT 3

RANKING OF THE GENERAL OFFENSE CATEGORIES WITH DATA ON INDIVIDUAL OFFENSES THAT OCCURRED MOST OFTEN^a

| OFFENSES THAT OCCURRED MOST OFTEN | | | TOTAL | | |
|-----------------------------------|--|---------------|--------|----------------------|-------|
| | | Papered Cases | Number | Percent Distribution | |
| 1. | DRUG OFFENSES | | 2,836 | 3,356 | 16.7% |
| | Uniform Narcotics Act | (1,999) | | | |
| | Controlled Substance Act | (444) | | | |
| | Dangerous Drug Act | (393) | | | |
| 2. | LARCENY | | 2,283 | 2,664 | 13.2% |
| | Petit Larceny | (1,860) | | | |
| | Grand Larceny | (248) | | | |
| | Theft of U.S. Mail | (83) | | | |
| | Other | (92) | | | |
| 3. | ASSAULT | | 1,339 | 1,979 | 9.8% |
| | Assault with a Deadly Weapon | (562) | | | |
| | Simple Assault | (573) | | | |
| | Assault on a Police Officer | (106) | | | |
| | Assault with Intent to Kill | (81) | | | |
| | Other | (17) | | | |
| 4. | ROBBERY | | 1,719 | 1,887 | 9.4% |
| | Armed Robbery | (809) | | | |
| | Robbery | (383) | | | |
| | Force & Violence | (225) | | | |
| | Assault to Commit Robbery | (118) | | | |
| | Bank Robbery | (76) | | | |
| | Other | (108) | | | |
| 5. | BURGLARY | | 1,569 | 1,868 | 9.3% |
| | Burglary II | (924) | | | |
| | Unlawful Entry | (450) | | | |
| | Burglary I | (162) | | | |
| | Other | (33) | | | |
| 6. | FLIGHT-ESCAPE | | 1,400 | 1,825 | 9.1% |
| | Fugitive | (694) | | | |
| | Bench Warrant - Failure to Appear | (591) | | | |
| | Prison Breach | (25) | | | |
| | Other | (90) | | | |
| 7. | WEAPONS | | 1,176 | 1,357 | 6.7% |
| | Carrying a Deadly Weapon | (434) | | | |
| | Carrying Pistol Without A License | (390) | | | |
| | Possession of a Prohibitive Weapon | (210) | | | |
| | National Firearms Act | (139) | | | |
| | Other | (3) | | | |
| 8. | COMMERCIAL SEX | | 1,101 | 1,158 | 5.8% |
| | Soliciting for Prostitution | (931) | | | |
| | Soliciting for Lewd & Immoral Purposes | (133) | | | |
| | Other | (37) | | | |

^aIndividual Charges in parenthesis represent papered offenses only.

| | | | | |
|-----------------------------------|-------|--------|--------|--------|
| 9. STOLEN PROPERTY | | 764 | 946 | 4.7% |
| Destroying Stolen Property | (377) | | | |
| Receiving Stolen Property | (357) | | | |
| Other | (30) | | | |
| 10. STOLEN VEHICLES | | 407 | 559 | 2.8% |
| Unauthorized Use of a Vehicle | (376) | | | |
| Other | (31) | | | |
| 11. FORGERY (Forgery & Uttering) | | 413 | 436 | 2.2% |
| 12. FRAUD | | 237 | 279 | 1.4% |
| False Pretenses | (167) | | | |
| Violation of Bad Check Law | (43) | | | |
| Other | (27) | | | |
| 13. SEXUAL ASSAULT | | 205 | 278 | 1.4% |
| Rape | (141) | | | |
| Assault with Intent to Rape | (22) | | | |
| Indecent Act on a Minor | (23) | | | |
| Carnal Knowledge | (19) | | | |
| 14. HOMICIDE | | 252 | 267 | 1.3% |
| Murder I | (95) | | | |
| Murder II | (86) | | | |
| Manslaughter | (18) | | | |
| Negligent Homicide | (9) | | | |
| Felony (Unspecified) | (44) | | | |
| 15. PROCEDURAL VIOLATION | | 221 | 241 | 1.2% |
| Parole Violation | (171) | | | |
| Probation Violation | (50) | | | |
| 16. GAMBLING | | 131 | 146 | .7% |
| Possession of Numbers Slips | (69) | | | |
| Gambling | (49) | | | |
| Other | (13) | | | |
| 17. EMBEZZLEMENT | | 98 | 100 | .5% |
| 18. EXTORTION | | 48 | 85 | .4% |
| Threats | (42) | | | |
| Other | (6) | | | |
| 19. ARSON | | 48 | 58 | .3% |
| 20. OBSTRUCTION OF JUSTICE | | 47 | 58 | .3% |
| Obstruction of Justice | (42) | | | |
| Other | (5) | | | |
| 21. SEX OFFENSES | | 22 | 35 | .2% |
| Sodomy | (21) | | | |
| Other | (1) | | | |
| 22. KIDNAPPING | | 23 | 33 | .2% |
| 23. BRIBERY | | 9 | 9 | * |
| 24. MISCELLANEOUS OFFENSES | | 384 | 484 | 2.4% |
| Possession of Implements of Crime | (228) | | | |
| Conspiracy | (10) | | | |
| Other | (146) | | | |
| TOTAL | | 16,732 | 20,109 | 100.0% |

* Less than 0.05 percent.

Papering Of Cases

The U.S. Attorney's Office for the District of Columbia has the prosecutorial discretion to file charges with the courts for persons arrested in Washington. This decision-making process can profoundly affect the way in which cases are disposed and in particular can affect such strategies as diversion, discovery and plea bargaining.

Overall the prosecutor's office chose to paper 83 percent of the cases brought before the courts in 1975. For the general offense categories with the highest rate of papering at the initial court hearing, Embezzlement (98 percent), Commercial Sex and Forgery (95 percent), Homicide (94 percent), and Procedural Violations (92 percent) were the leaders. Individual offenses with high rates of papering include: Bank Robbery (96 percent), Soliciting for Prostitution and Carrying a Pistol Without a License (95 percent), Armed Robbery (93 percent), and Burglary II (91 percent).

Of the general offense categories with a high rate of no papering, assault-type offenses led all categories with 32 percent, followed by Stolen Vehicles (27 percent), Kidnapping (30 percent), and Sexual Assault (26 percent). Individual types of charges with high no papering rates were Threats (47 percent), Assault with a deadly weapon (40 percent), Bench Warrants for failure to appear (38 percent), Rape (32 percent), and Unlawful Entry and Simple Assault (each with 29 percent).

Further examination of the charges lodged against defendants in 1975 reveals that one out of five defendants was charged with a dangerous crime and nearly one out of every four with a crime of violence as defined in Section 23-1331 of the Court Reform and Criminal Procedures Act of 1970. Economic crimes accounted for 41 percent of the total offenses with larceny, robbery and burglary offenses comprising nearly one-third of all charges brought against the defendants interviewed.

V.

PROFILE OF THE OFFENDER

In this chapter the demographic characteristics of age, sex, and race are examined for the pretrial population that was processed by the courts in 1975. In addition, offense information is discussed in relationship with these demographic variables. The reader is reminded that this information is based on only those cases that were papered by the prosecutor's office. Conclusions should be tempered with the realization that the pretrial population was accused of these charges at the initial hearing and in many instances no guilt was in fact determined. While the courts processed over 20,000 cases involving persons interviewed by the Bail Agency, eighteen percent of these cases were "no papered" at the initial court hearing. The total number of papered cases examined is 16,732. The population sizes in the discussion vary from section to section because of missing information.

Age, Sex, and Race

In 1966 the President's Commission on Crime cited the average age of the adult offender as 29. The Commission predicted that this average age would continue to decrease until 1980 when the post-World War II baby boom's effect should diminish. Findings in the District are consistent with the predicted national decline. In 1975 the median age for the pretrial population was twenty-four-years-of-age. Eighteen and 19 year-olds were the most frequently processed individuals.

As shown in Table 3, the largest proportion of pretrial defendants are in the 18-21 year old group, comprising 30 percent of the total population. If this group is combined with those juveniles charged as adults and with the 22-24 age category, one out of every two defendants prosecuted in the District of Columbia as an adult is under the age of twenty-five. The twenty-five to twenty-nine year old group comprises 22 percent of the population while better than one out of four defendants in Washington¹⁹ is over the age of thirty.

TABLE 3
Distribution of Pretrial
Population By Age At Time Of Arrest

| Age Group | Number of Cases | Percent | Cumulative Percent |
|-------------------------------|-----------------|---------|--------------------|
| Under 18 | 180 | 1% | 1% |
| 18-21 | 4,829 | 31% | 32% |
| 22-24 | 3,135 | 20% | 52% |
| 25-29 | 3,502 | 22% | 74% |
| 30-34 | 1,774 | 11% | 85% |
| 35-39 | 1,005 | 6% | 91% |
| 40-44 | 721 | 5% | 96% |
| 50 & Over | 655 | 4% | 100% |
| Total | 15, 801 | 100% | |
| Number of Missing Cases = 931 | | | |

¹⁹ The Stanford Research Institute found in sampling court statistics on persons processed in 1964-65 that 41 percent of the population was in the 18-24 age group; 32 percent were between the ages of 25-34; ten percent were between 35 and 44 years old; and 7 percent were 45 years of age or older. Comparison of the two populations show an 8 percent increase in the size of the 18-24 age group of the 1975 population over those processed in 1965. See, Report of the President's Commission on Crime in the District of Columbia, Appendices, p. 519 (1966).

The fact that minorities are disproportionately represented in court statistics is well known and the data indicate that the District does not deviate from this pattern. The information secured from the Bail Agency files indicate that blacks comprise 89 percent of the pretrial population. Whites account for 10 percent of the group. "Others", a residual ethnic category, were under represented and include only one percent of the pretrial population.

The data further show that eighty-five percent of the pretrial population are male. The proportion of men to women processed by the District's criminal justice system is consistent with national trends and with previous research conducted in the District of Columbia. Table 4 presents the composition of the population studied based on race and sex.

Table 4
Distribution of Population
By Race and Sex

| | <u>Males</u> | <u>Females</u> | <u>Total</u> |
|-------------------------------|------------------|-----------------|------------------|
| Black | 90% (12,306) | 82% (2,028) | 89% (14,334) |
| White | 9% (1,215) | 17% (413) | 10% (1,628) |
| Others | 1% (90) | 1% (32) | 1% (122) |
| Total | 100% (13,611) | 100% (2,473) | 100% (16,084) |
| Number of missing cases = 648 | | | |

Black males comprise over three-fourths of the entire population examined. Black females account for thirteen percent. Non-black males and females ranked third and fourth with 8 percent and 3 percent respectively. The distribution of males and females within the two race classifications differs markedly. Among black defendants, females accounted for only 14 percent, while women comprise over one-fourth of the non-black pretrial population.

Recent literature on the female offender suggests that national trends indicate that women are entering the system at an earlier age than in the past and their median age is beginning to approximate that of men who are similarly processed. While no data is available on when the population first came into contact with the criminal justice system, Table 5 shows that women entering the courts in 1975 are slightly younger than their male counterparts. In particular, non-black women have the lowest median age of any of the groups examined. Non-black males, on the other hand, have a substantially higher proportion of their number in the over-thirty age group.

Offense Data By Age, Sex, And Race

Chapter IV presented a picture of the volume and types of offenses allegedly committed by the pretrial population and handled by each court. The defendant population was then examined for age, race and sex characteristics. Here offense data is examined in relationship to those demographic variables. For comparative purposes only data on the eight charge categories handled most often by the courts in 1975 is presented. The of-

TABLE 5

DISTRIBUTION OF THE PRETRIAL POPULATION
BY AGE, RACE AND SEX

| Age Group | Males | | | Females | | | Total Population |
|-------------|-------------------------|------------------------|-------------------------|------------------------|----------------------|------------------------|-------------------------|
| | Black | Other | Total | Black | Other | Total | |
| Under 25 | 50% | 43% | 49% | 55% | 58% | 55% | 50% |
| 25 to 30 | 24% | 22% | 24% | 26% | 21% | 25% | 24% |
| 31 and Over | 26% | 35% | 27% | 19% | 21% | 20% | 26% |
| | <u>100%</u> (12,072) | <u>100%</u> (1,269) | <u>100%</u> (13,710) | <u>100%</u> (2,002) | <u>100%</u> (435) | <u>100%</u> (2,521) | <u>100%</u> (15,778) |
| Median | 24.5 | 25.9 | 24.7 | 23.9 | 23.4 | 23.9 | 24.5 |
| Mean | 27.3 | 29.6 | 27.5 | 26.2 | 26.9 | 26.4 | 27.3 |
| Mode | 18 | 22 | 18 | 20 | 19 | 20 | 18 |

Number of Missing Cases = 954

fense categories discussed vary according to the race and sex of the group analyzed. It should be noted that individual charges within the eight categories constitute 80 percent of the total cases processed by the system in 1975. Table 6 presents the offense breakdown by sex and race characteristics and should be used as a reference for the discussion which follows.

Drug offenses constituted the largest category for which males were prosecuted in the court system in 1975. Eighteen percent of the male defendant population were charged with possession and/or sale of some form of illegal drug substance. While race did not appear to be a significant factor with respect to this largest category, the rank order of other offense categories varied between black and non-black males.

Among black men, drug offenses were followed by larceny and robbery, each comprising 13 percent of the total charges on which they were papered. While burglary accounted for 10 percent of the total, assault and simple possession of some form of weapon each comprised 8 percent. Age distribution within the offense categories is meaningful to note. While 50 percent of the black male defendant population as a whole were under the age of twenty-five, nearly 75 percent of those charged with robbery and 60 percent of those charged with burglary were 25 years-of-age or younger. Two other charge categories varied from the norm. Black males charged with either assault or a weapons offense were significantly older than those charged with other crimes. Nearly 70 percent of the defendants charged with assault and 67 percent of those prosecuted for weapons offenses were 25 years-of-age or older.

TABLE 6

COMPARISON OF EIGHT LARGEST GENERAL OFFENSE
CATEGORIES FOR MALES AND FEMALES

| MALES | | | | FEMALES | | | | TOTAL POPULATION | |
|------------------|------------|------------------|------------|------------------|------------|------------------|------------|---------------------|------------|
| Black | | Other | | Black | | Other | | | |
| Drug Offenses | 18% | Drug Offenses | 18% | Commercial Sex | 23% | Commercial Sex | 33% | Drug Offenses | 17% |
| Larceny | 13% | Commercial Sex | 15% | Larceny | 20% | Larceny | 20% | Larceny | 13% |
| Robbery | 13% | Burglary | 13% | Drugs | 13% | Drug Offenses | 10% | Assault | 10% |
| Burglary | 10% | Larceny | 11% | Assault | 7% | Burglary | 9% | Robbery | 9% |
| Assault | 8% | Assault | 7% | Flight/Escape | 7% | Flight/Escape | 8% | Burglary | 9% |
| Weapons | 8% | Flight/Escape | 7% | Forgery | 6% | Fraud | 3% | Flight/Escape | 9% |
| Flight/Escape | 7% | Weapons | 7% | Robbery | 4% | Assault | 2% | Weapons | 7% |
| Stolen Property | 5% | Stolen Property | 6% | Burglary | 3% | Embezzlement | 2% | Commercial Sex | 6% |
| Other Categories | <u>18%</u> | Other Categories | <u>16%</u> | Other Categories | <u>17%</u> | Other Categories | <u>13%</u> | Other Categories | <u>20%</u> |
| Total | 100% | | 100% | | 100% | | 100% | | 100% |
| | (12,071) | | (1,269) | | (2,002) | | (435) | | (15,777) |

Number of Missing Cases = 955

Examination of the data on non-black males discloses that commercial sex was the second largest offense category, accounting for 15 percent of the charges brought against this group. In 1975 the Metropolitan Police Department instituted a campaign not only to crack down on women soliciting for prostitution but also to arrest men seeking female companionship for a price. The high ranking of this offense category among non-black males is undoubtedly a result of this law enforcement initiative. Burglary and larceny ranked third and fourth as the charges most frequently brought against this population, accounting for 13 percent and 11 percent respectively. For the white and other male population, 43 percent were below the age of 25. Similar to black males, nearly 70 percent of those charged with a weapons offense were 25 years old or above. For those charged with commercial sex, nearly three out of four were in this older age bracket.

Commercial sex violations comprised the largest category for which females were processed in the District's court systems in 1975. Nearly one out of four black women and one-third of the non-black women prosecuted were charged with commercial sex. Larceny and drug offenses followed as the charges most frequently brought against women. One out of five women was charged with some form of larceny. 13 percent of the black female defendants were charged with a drug offense, as were 10 percent of the other females. While race did not appear to be a factor with respect to the frequency of these three largest categories, Table 6 reveals that there were slight variations in the rank order of other offense

categories for black and non-black women.

Women over the age of 24 were more often charged with serious offenses than were younger women, particularly among black defendants. Forty-one percent of the black female defendants 25 years-of-age and above were charged with felonies in contrast to 25 percent of the youthful population. Whereas younger women are more likely to be charged with non-violent economic crimes such as soliciting for prostitution and petit larceny, older women are more frequently charged with assault type offenses.

Overall, the arraignment charges of female defendants tend to be less severe than those of their male counterparts. Only 29 percent of the female pretrial population were charged with felonies in contrast to 43 percent of the males. Similarly, the average offense severity code for males (69) was considerably higher than that for women (92).²⁰

As shown in Table 7 there are significant differences in the seriousness of the charges papered when examining the male and female population by age and race. For the youthful population, those under the age of 25, the proportion of black males charged with felonies is more than double that for the rest of the population. Among males, irrespective of age, the average

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The severity code used in this study is based on a scale of 1 through 135 with 1 being the most severe offense. For a more thorough discussion of this severity scale see pages 16-17.

severity of papered charges for blacks (65) is substantially greater than that for other males (89). Examining offenders 25 year-of-age and above, black males and female defendants are proportionately more likely to be arraigned on felony charges than are their non-black counterparts.

Table 7
Severity of Charges by Age, Race and Sex

| | MALES | | | | FEMALES | | | | Total Population | |
|---------------------------------|----------|-------------|----------|-------------|----------|-------------|----------|-------------|------------------|-------------|
| | Black | | Other | | Black | | Other | | | |
| | Under 25 | 25 and Over | Under 25 | 25 and Over | Under 25 | 25 and Over | Under 25 | 25 and Over | Under 25 | 25 and Over |
| MISDEMEANOR | 49% | 54% | 77% | 74% | 75% | 59% | 82% | 77% | 56% | 57% |
| FELONY | 51% | 46% | 23% | 26% | 25% | 41% | 18% | 23% | 44% | 43% |
| AVERAGE (Mean) SEVERITY CODE | 63 | 69 | 89 | 90 | 97 | 80 | 106 | 97 | 71 | 73 |

VI

COMMUNITY TIES

This section examines the strength of community ties for the pretrial population. Data on length of residence in the Washington metropolitan area, length of time at present address and information indicating with whom the defendant was living at the time of arrest are reported here. The residence information represents the defendants' responses during the initial Bail Agency interview. They are of critical importance for two reasons: Community tie information is a critical consideration in the determination of pretrial conditions of release. Furthermore, accurate residence information is essential if the Bail Agency and third-party custodians are to fulfill their functions in supervising releasees, particularly in ensuring return to court.

Verification is a process essential to positive release recommendations and effective follow-up services. In most cases the present address of a defendant is verified by a relative, friend or employer. In 1975, the Bail Agency was unable to make a release recommendation for fewer than 10 percent of all cases due to either unverified or conflicting information. It should be noted that some defendants have misled the Bail Agency by providing incorrect information that was subsequently supported by a verifier. Research studies (most notably the Lewin Report) indicate, however, that defendants will not generally mislead the interviewer at the time information is being taken when they know an attempt

will be made to verify it.

Residence in the Metropolitan Area

Research in the early sixties found that a substantial amount of urban crime was caused by persons with shorter ties to the area than the majority of the residents. Much of this group was believed to have migrated from the South to the industrial areas of the North seeking higher paying employment. In 1966 the President's Commission on Crime for the District of Columbia found that this trend had been reversed in Washington and that a majority of the persons studied had longer ties to this area than in the past. Over 38 percent of the population examined in 1965 were born in this area, with 76 percent of the population residing in the area for at least 5 years.²²

The pretrial population of 1975 continues this trend with 54 percent indicating life-time residency in the Washington metropolitan area. Overall, 84 percent of the population had resided in this area for at least five years. In fact the accused population's length of time in the area is now longer than that reported for adult residents of the District based on the 1970 census data. Forty-five percent of the city's population

²¹ Third Party Custody Study, Supra Note 12, page 33.

²² Commission Report, Supra note 19, page 554.

responded that they were lifetime residents and 73 percent had
resided in the area for at least five years.²³

When area residence is examined in terms of the age of the offender, it is seen that the youthful population (those under 25) has stronger ties to the area than the older age group. In terms of race, blacks tend to have stronger area ties than whites or other minorities which again patterns the trend found for the general population. Eighty-five percent of the black population had lived in the area for at least five years as opposed to only 55 percent of the others. In particular, non-black women had the shortest area ties with only 46 percent of this group residing in the area for more than a five-year period.

Seven percent of the pretrial population told the Bail Agency that they had resided in the area for less than one year, 3 percent were classified as non-residents and 4 percent were living in the area for less than a year when arrested. These latter findings are not inconsistent with the distributions reported in previous studies.

Length of Time At Present Address

While the pretrial population of 1975 has strong area ties in the metropolitan area, this pattern changes when examining length of time at a current address. Over 30 percent of the population

²³ U.S. Bureau of Census, Census of Population: 1970 General Social and Economic Characteristics. Final Report PC (1)-C10 District of Columbia p. 69.

told the Bail Agency they had lived at their address for less than one year. Another two percent indicated they had no fixed or permanent address. Thirty-three percent lived at an address for a year or more but less than 5 years, while 34 percent were living at their residence for at least a five year period.

Black males had substantially longer current ties at an address than any of the other groups. Non-black females again had the poorest ties with over 60 percent living at an address for less than one year. Overall, the data points to the fact that the pretrial population is significantly more mobile and transient in the Washington area than the general population.

Living Relationship At Current Address

D.C. Bail Agency records reflect that 63 percent of the pre-trial population said that they lived with at least one member of their immediate family.²⁴ In addition, seven percent responded that they lived with other relatives. In other words, seven out of ten defendants resided with some member of their family at the time of their arrest. By contrast, census data for 1970 reveals that 90 percent of the residents of the District of Columbia lived with at least one family member.²⁵ Of the remaining population, nearly 12 percent responded that they lived alone and nearly 18 percent said they lived with at least one non-family member.

²⁴ In the context of this report, immediate family is defined as father, mother, wife, husband, and children.

²⁵ Census Report, Supra note 23, page 65.

Defendants living with family had longer ties to the community. Eighty percent of the defendants who lived with family had resided in the area for over 10 years. The reverse is true for defendants who did not live with family. Only 40 percent had lived in the area for over 10 years. The same pattern emerges when comparing the relationship of the person with whom the defendant lived and the length of time at the present address. Almost three out of every four defendants who did not live with family had resided at a current address for one year or less. Again, non-blacks are more likely to live alone or with friends than are blacks. Non-black women in particular are least likely to live with family members. Males are more likely to live with family members than females, and black males report the highest proportion living with family members.

VII.

DRUG USAGE, ALCOHOLIC ABUSE, PHYSICAL AND MENTAL DISORDERS

In this section data is reported on the responses of defendants to a number of health-related questions including drug and alcohol usage, treatment for physical problems and hospitalization for mental disorders.

Drug Usage

One out of every four cases papered in the District in 1975 involved persons who admitted having current or past involvement with illegal drugs (marijuana excluded). Examining the under-25 age category, it was found that the proportion of drug users among non-black males is significantly lower than for all other population groups. For the population as a whole, the proportion of self-reported drug usage increases with age. Among defendants 25 years and above, the percentage of drug usage by blacks is significantly higher for both men and women.

Of those admitting use of narcotics, over 50 percent were charged with economic crimes. Illegal drug involvement varied according to specific offense category. Four charge classifications accounted for nearly three out of five charges lodged against defendants admitting current or prior drug involvement: Drug Offenses (21%), Larceny (15%), Robbery (12%), and Burglary (10%).

Alcohol Abuse

Five percent of the 1975 pretrial population admitted that a drinking problem existed. Reported alcohol problems did not

vary significantly according to race or sex. In examining alcoholic abuse by age, however, defendants over the age of 30 are nearly six times more likely to admit having a drinking problem as are all other defendants.

Examination of reported alcoholism by offense category reveals that larceny, burglary and assault charges accounted for 50 percent of all offenses lodged against defendants who admitted drinking problems.

Physical and Mental Disorders

Data on physical disorders discloses the percentage of defendants with physical conditions requiring medication or treatment and those who were disabled or handicapped in some manner. One out of every ten cases papered in 1975 involved an individual undergoing medical treatment or suffering from a physical handicap. Defendants over the age of 30 were more likely to report such problems.

Data on mental disorders indicates that 7 percent of the 1975 pretrial population reported either being hospitalized in a psychiatric facility within the past ten years or experiencing current problems.²⁶ Characteristics of defendants reporting such disorders did not vary significantly by age, race or sex although the percentage increased slightly with age.

²⁶ Those persons indicating prior hospitalization for psychiatric problems were not necessarily in need of treatment. Routinely the courts order defendants to St. Elizabeth's Hospital for a 60-day period to undergo mental observation often because of the nature of the offense or circumstances surrounding the events of the alleged crime.

Table 8

Percentage Of Population Who Admitted
 Illegal Drug Usage, Alcoholic Abuse,
 Physical Problems, and Hospitalization
 For Possible Mental Disorders

| | MALES | | FEMALES | | TOTAL |
|--|-----------------|----------------------|-----------------|----------------------|----------------|
| | <u>Under 25</u> | <u>25 & Over</u> | <u>Under 25</u> | <u>25 & Over</u> | |
| Percentage Who Admit Current Or Previous Illegal Drug Usage (Marijuana Excluded). | 20% (1,299) | 27% (1,804) | 18% (247) | 27% (289) | 24% (3,727) |
| Percentage Who Admit To A Drinking Problem | 1% (93) | 9% (585) | -- (5) | 4% (46) | 5% (746) |
| Percentage Who Report Physical Disorders | 6% (392) | 13% (876) | 10% (134) | 20% (211) | 10% (1,644) |
| Percentage Who Report Hospitalization For Possible Mental Dis- orders | 5% (340) | 8% (553) | 4% (60) | 7% (79) | 7% (1,062) |

IX

EDUCATION AND EMPLOYMENT

This section explores data relevant to the educational level and employment status of the pretrial population. As indicated earlier, the study results are dependent on defendant responses recorded by the Bail Agency. Since this is an ex-post facto study of defendant records, no control over the uniformity of certain data elements was possible. Before presenting the findings, a number of limitations and procedures used should be addressed.

In the area of education those defendants who may have dropped out of high school while in the twelfth grade were grouped together with high school graduates. The defendant during the interview with the Bail Agency is typically asked: "How far did you get in school?" When the person's response was twelfth grade, the interviewer did not always determine whether the defendant had actually graduated. Similarly, individuals who dropped out of school and subsequently received a high school equivalency or G.E.D. are also in this category because in many instances there was no indication of the last year of school completed.

In the area of employment, the single most difficult variable to classify was salary. The interviewer records the exact response of the defendant, often without differentiating between

gross and net income. All income data used in this study were converted into hourly wages which are based on a gross dollar amount. Accordingly therefore, classification of income is not entirely valid in all instances. In addition, the Bail Agency only reports income from employment so that no information concerning income derived from other sources such as unemployment compensation, welfare payments or support from family or friends was available. There is also some indication of interview bias for those defendants living at home whose primary occupation would be classified as that of homemaker. The way that the Bail Agency interview is structured, there is the possibility that persons who in actuality were homemakers would be categorized as unemployed. This is due mainly to the fact that the first question asked in this portion of the interview is whether the defendant is employed. If the defendant's response is negative, the interviewer would then ask how the defendant is supported. If the defendant responds "family," for example, the report to the judge indicates "unemployed and supported by family" unless the defendant specifically indicated that he or she is a homemaker.

One type of work in particular was difficult to classify. If a defendant responded that he worked odd jobs, he was coded as employed but classified as "off and on." If the defendant responded that he was unemployed and then when asked how supported indicated odd jobs, he would be classified as unemployed but again there would be an indication that he worked "off and on." Although

this determination may seem arbitrary, our assumption is that the defendant in his or her mind thought of himself or herself as employed in the first instance and unemployed in the second.

Classification of the types of employment requires special mention. Employment was divided into ten general categories as used by the Department of Labor. (See Appendix E). Each category was further broken down into approximately 10 sub-divisions. Although the Department of Labor scheme in some instances seems rather arbitrary, it was felt that utilizing an accepted scheme was more important for future replication and developing trends than designing a scheme for this study alone.

Finally, the low level of employment reported by the pre-trial population may in fact be inflated. Although the response to the Bail Agency is remarkably good (considering the small amount of conflicting information discovered) defendants feel that a poor employment record may be detrimental when release conditions are determined. Therefore, some defendants have a tendency to overstate their length of employment, their salary and even the fact that they have a job at all. Thus, while less than half of the pretrial population claimed employment at the time of the interview, in reality this proportion may well be overstated.

Education

Examination of data collected on the number of years spent in school by 1975 defendants discloses that the educational attainment of the pretrial population is low. Fifty-seven percent

of the pretrial population had not attained a 12th grade education or its equivalent.²⁷ A comparison of educational level by age reveals that of those who did not go beyond 8th grade, 50 percent were over the age of 30. Defendants between the ages of 25 and 30 appeared to be the most highly educated; better than half of those in this age group had achieved a 12th grade education or its equivalent, and among those pursuing a post high school education, over 40 percent were in this age range.

TABLE 9 : Educational Attainment By Age

| Level Reached | Under 25 | 25 and Over | Total |
|-----------------------------------|-------------|-------------|-------------|
| Up to 8th Grade | 8% | 15% | 11% |
| Grades 9 - 11 | 54% | 38% | 46% |
| 12th Grade, H.S. Grad., or G.E.D. | 29% | 30% | 30% |
| Post High School | 9% | 17% | 13% |
| | <u>100%</u> | <u>100%</u> | <u>100%</u> |
| | (7,810) | (7,628) | (15,438) |
| Number of Missing Cases: | 1,294 | | |

A comparison of educational attainment by race and sex indicates that blacks report significantly lower educational levels than the rest of the pretrial population. Sixty-two percent of the black males had not reached the 12th grade. Non-black males reported the highest educational attainment with 72 percent having reached the 12th grade and/or pursuing a post high school education. For the female

²⁷ The Washington Urban League in their study of inner-city residents interviewed in 1975 that 54 percent of the respondents had not graduated from high school. See S.O.S. Study, Supra note 1, page 33.

pretrial population, the educational level of non-blacks was significantly above that of black women with 62 percent of the former having reached 12th grade or above as compared with 47 percent of the latter.

Employment Status

Employment status, as defined in this report, is divided into four categories according to how the defendant population responded when interviewed by the Bail Agency. Forty-six percent of the pretrial population said that they were employed at the time of arrest. Of this group, 92 percent were employed full-time while the remainder worked part-time or had some form of temporary employment. Another 46 percent said they were unemployed at the time of the interview. Full-time students comprised five percent of the papered pretrial population. Non-members of the work force which includes homemakers, retirees, disabled and others similarly situated accounted for three percent.

In examining the population by demographic characteristics, no significant differences for persons classified as full-time students or as non-members of the work force were found. However in the area of employment, substantial differences were found based on age, sex, and race of the offender. Overall, youthful offenders (those under 25 years of age) were more likely to be unemployed

²⁸ Ibid. For comparative purposes the S.O.S. Study of inner-city residents interviewed in 1975 found that 57 percent of the persons were employed, 13 percent were receiving welfare payments, 14 percent were receiving social security, and 12 percent indicated support by other means.

TABLE 10
EMPLOYMENT STATUS
BY AGE, RACE AND SEX

| Type of Status | MALES | | | | FEMALES | | | | TOTAL POPULATION | | |
|---------------------------------|-----------------|------------------|-----------------|------------------|-----------------|------------------|-----------------|------------------|------------------|-----------------|------------------|
| | Black | | Other | | Black | | Other | | Under 25 | 25 & Over | All Cases |
| Unemployed | Under 25 48% | 25 & Over 39% | Under 25 30% | 25 & Over 26% | Under 25 70% | 25 & Over 61% | Under 25 67% | 25 & Over 52% | 50% | 41% | 46% |
| Employed | 43% | 55% | 58% | 70% | 20% | 29% | 25% | 34% | 40% | 53% | 46% |
| Student | 8% | 2% | 12% | 2% | 7% | 2% | 7% | 4% | 8% | 2% | 5% |
| Non-Member of Work Force | 1% | 4% | - | 2% | 3% | 8% | 1% | 9% | 1% | 4% | 3% |
| Total | 100% (5,865) | 100% (5,873) | 100% (531) | 100% (679) | 100% (1,090) | 100% (876) | 100% (245) | 100% (174) | 100% (7,883) | 100% (7,763) | 100% (15,686) |
| Number of Missing Cases = 1,046 | | | | | | | | | | | |

than those in the older age group. In terms of sex, women were far more likely to be unemployed than men, and blacks were more often unemployed than non-blacks.

Forty-three percent of the black male population processed in 1975 responded that they were unemployed at the time of arrest, while only 28 percent of the non-black male population indicated unemployment. For females, the proportion unemployed was even greater. Sixty-six percent of the black females told the Bail Agency that they were unemployed at the time of arrest. Other women reported unemployment rates at a 61 percent rate.

The large proportion of unemployed pretrial defendants far exceeds the reported rates of unemployment for the District. In 1975 the annual unemployment rate for the District's general population was 7.6 percent. For males it was 9.1 percent as compared to females at 6.7 percent. For the general population, blacks were more often unemployed than whites, with blacks at 8.5 percent and whites with 5.2 percent.²⁹

Employment Status and Education

In comparing educational attainment with the employment status of 1975 defendants, it appears that the unemployed pretrial population

²⁹ See generally Bureau of Labor Statistics, D.O.L. Geographic Profile of Employment and Unemployment 1975 481 (1976).

has a significantly lower educational level than those defendants who are members of the labor force. In particular, defendants under the age of 25, the population most likely to be unemployed, report low educational achievement. The data on the youthful population show that nearly two-thirds of those unemployed did not go beyond the 11th grade. Of those employed and under the age of 25, 44 percent had achieved at least a 12th grade education or its equivalent.

TABLE 11

EDUCATIONAL ATTAINMENT BY EMPLOYMENT STATUS AND AGE

| Years Of School | Under 25 | | 25 and Over | | Total | |
|--------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | Unemployed | Employed | Unemployed | Employed | Unemployed | Employed |
| Up to 8th | 10% | 6% | 16% | 13% | 13% | 10% |
| 9 to 11 | 57% | 50% | 43% | 36% | 51% | 42% |
| 12 H.S. Grad & G.E.D. | 27% | 35% | 30% | 32% | 28% | 33% |
| Post High School | 6% | 9% | 11% | 19% | 8% | 14% |
| | <u>100%</u> | <u>100%</u> | <u>100%</u> | <u>100%</u> | <u>100%</u> | <u>100%</u> |
| | (3,855) | (3,049) | (3,043) | (3,936) | (6,898) | (6,985) |

Number of Missing Cases = 2,849

While defendants 25 years of age and above reported higher overall educational levels than the youthful population, there was again a significant difference between employed and unemployed persons. For the older age group, only 41 percent of the unemployed had gained a 12th grade education or its equivalent compared with 51 percent of

the employed population. Thus it would appear that while the educational attainment of the pretrial population as a whole is low, those defendants who are unemployed report significantly lower levels of educational achievement than those employed.

Employment Status And Criminal History

The level of unemployment for defendants with criminal records did not vary significantly from the rest of the pretrial population. The jobless rate for first offenders (e.g., those with no prior convictions and no current ties to the criminal justice system) was 41 percent compared to 46 percent for persons with at least one prior conviction. The unemployment rate reported for defendants on some form of post-conviction supervision such as probation and parole was 47 percent. Participation in the labor force was lowest among individuals on some form of pretrial release at the time of arrest in the instant case. Fifty-five percent of this population claimed joblessness. Of the defendants who were both on bond and under sentence at the time of their arraignment, an unemployment rate of 50 percent existed.

Employment Status And Crime

Table 12 presents the relationship between the employment status of the pretrial population and the type of offense the offender group allegedly committed. In the table, the eight charge categories most frequently handled by the courts in 1975 are compared with employment status.

TABLE 12

Comparison of Eight Largest General
Offense Categories By Employment Status

| Offense Category | <u>EMPLOYMENT STATUS</u> | | | |
|---------------------------------|--------------------------|----------|---------|------------|
| | Unemployed | Employed | Student | Non-Member |
| Drug Offenses (2,749) | 36% | 55% | 6% | 2% |
| Larceny (2,200) | 49% | 40% | 6% | 2% |
| Robbery (1,665) | 50% | 40% | 8% | 1% |
| Burglary (1,489) | 53% | 40% | 6% | 1% |
| Assault (1,289) | 41% | 50% | 4% | 6% |
| Flight-Escape (1,118) | 51% | 43% | 3% | 2% |
| Weapons (1,141) | 34% | 58% | 4% | 4% |
| Commercial Sex (1,075) | 57% | 39% | 3% | 1% |
| All Cases (15,686) | 46% | 46% | 5% | 3% |
| Number of Missing Cases = 1,046 | | | | |

In the categories where economic gain may be an incentive (e.g., larceny, robbery and burglary) the proportion of those unemployed is significantly higher than for other charge categories. Similarly, the commercial sex category has the single highest percentage of unemployed, 57 percent, for any of the major charge categories. (82 percent of the women in this group were unemployed as compared to only 23 percent of the men).

The relatively low unemployment level among pretrial offenders charged with drug offenses is particularly surprising. Drug abuse literature has suggested a direct relationship between illicit drug usage and unemployment. Study findings, at least with respect to this offender group, seem to contradict this concept. It should be noted, however, that within this drug category are those persons charged with simple possession of marijuana. In fact, the majority of all drug charges were for non-narcotic possession of an illegal substance. The lower level of unemployment may well be due to this group.

The other charge groups that show a significant relationship to employment status are the assault and weapons categories. For persons charged with these offenses, the percentage employed was much higher than for the other major offense categories. Persons charged with some form of assault had 50 percent of their number employed. Those charged with some form of weapons possession have the highest proportion employed with almost 60 percent included in the labor force.

Tables 1 through 4 in Appendix F display the employment status for men and women by race for the offense categories on which they were most frequently arraigned. As shown in the tables, the level of unemployment varies significantly for each sub-population with respect to specific charges. While black males charged with burglary report the highest rate of unemployment, the proportion outside the labor force for other men is greatest among those charged

with flight-escape offenses. For women, the data show that a significantly high percentage charged with commercial sex are unemployed (82 percent).

Unemployed Population

Information about the unemployed pretrial population was approached from two perspectives: What is the duration of the joblessness reported and what are the major types of support for the unemployed offender?

Sixty-three percent of the unemployed population indicated that they had been unemployed for less than one year, of which 47 percent responded that they had been out of work for less than 6 months. Ninety percent of this unemployed population indicated that they had prior employment before becoming unemployed.

Nearly 40 percent of the unemployed indicated to the Bail Agency that they were supported by a family member. A large proportion of this group are young and do in fact live at home with parents or other family members. Thirty percent of the unemployed receive some form of government support such as welfare, unemployment compensation, retirement pensions, and veterans benefits. Twenty-two percent of the group stated they were self supported in some manner; the main portion (67 percent) is composed of persons who indicated that they worked "off and on" for short periods. A smaller number responded that they supported themselves by savings. Finally, one out of every ten indicated that they had other means of support. The majority within this group responded that they received support from friends.

In general, Table 13 shows that the length of time unemployed is related to the type of support a pretrial offender receives. Persons unemployed for extended periods of time were more likely to receive government support while persons out of work for relatively short periods of time tended to receive some form of support from family members.

TABLE 13

Source Of Support For Unemployed Population
Compared With Duration Of Time Unemployed

| Source of Support | Length Of Time Unemployed | | | Total |
|---------------------------------|---------------------------|------------------------|------------------------|------------------------|
| | Less Than Six Months | Six Months To One Year | One Year And Over | |
| Self-Supported | 26% | 20% | 17% | 22% |
| Family | 42% | 37% | 33% | 37% |
| Government | 22% | 32% | 38% | 30% |
| Other | 10% | 11% | 12% | 11% |
| Total | <u>100%</u> (1,965) | <u>100%</u> (657) | <u>100%</u> (1,565) | <u>100%</u> (4,187) |
| Number of Missing Cases = 2,980 | | | | |

Employed Population

In examining the employed population a number of questions were considered: What are the major types of employment for the population?

What levels of salary are reported, and how long had the population been employed at their job when entering the pre-trial process?

As discussed earlier, types of employment reported by this pretrial group were classified into major categories that are used nationally by the Department of Labor. Within each of these major categories a number of sub-divisions are utilized to more specifically show the types of employment for this pretrial offender group. For a listing of specific examples of types of jobs classified within each category, see Appendix E. Table 14 presents the distribution of the pretrial population among the major occupational classifications:

TABLE 14

Distribution Of Employed Pretrial
Population By Major Occupational
Classifications

| <u>Occupation</u> | <u>Number</u> | <u>Percent</u> |
|-------------------------------|---------------|----------------|
| Professionals | 334 | 4.5 |
| Managers | 320 | 4.3 |
| Sales Persons | 399 | 5.4 |
| Clerical Workers | 908 | 12.2 |
| Craftsmen | 1,141 | 15.4 |
| Operatives | 343 | 4.6 |
| Transportation Workers | 511 | 6.9 |
| Laborers | 1,459 | 19.6 |
| Service Workers | 1,584 | 21.3 |
| Miscellaneous | 429 | 5.8 |
| TOTAL | 7,428 | 100.0% |
| Number of Missing Cases = 937 | | |

The largest group, service workers, comprises 21 percent of the employed pretrial population. This category includes persons working as custodians, busboys, dishwashers, security guards, community aides, dental assistants, etc. The second largest group, laborers, consists of persons working primarily in unskilled, physical-related activities such as construction labor, warehousemen, trash collectors and car washers. These two occupational categories, for the most part unskilled, account for forty percent of the employed pretrial population.

The third category, craftsmen, comprises 15 percent of the total. Workers in this group include carpenters, cement finishers, foremen, heavy machine operators, mechanics and repairmen. Clerical workers make up the next category and comprise 12 percent of the labor force. They include bank tellers, postal clerks, typists, shipping clerks and file clerks. These four major categories comprise nearly 80 percent of the working defendant population and are followed in descending order by transportation workers (7 percent), operatives, professionals and sales persons each with 5 percent, and finally managers with 4 percent.

While it was impossible to code each individual occupation, Exhibit 4 contains a list in descending order of the major subgroups within the identified employment categories. Although there are a number of jobs or types of occupations within each sub-division, the groupings are more compatible with each employment code. Again, for a listing of actual jobs within each of these

Exhibit 4

Rank Order Of Major Types Of Employment For Pretrial Population (Over 100 Responses)

| Employment Classification | Type of Occupation | Responses | Percent |
|------------------------------|-------------------------------|-----------|---------|
| 80 | Cleaning Service Workers | 694 | 9.3% |
| 70 | Construction Laborers | 535 | 7.2% |
| 81 | Food Service Workers | 426 | 5.7% |
| 37 | Construction Craftsmen | 390 | 5.3% |
| 29 | Office Workers | 344 | 4.6% |
| 62 | Truck Drivers & Deliverymen | 339 | 4.6% |
| 71 | Freight & Material Handlers | 285 | 3.8% |
| 77 | Laborers (Miscellaneous) | 281 | 3.8% |
| 20 | Retail Sales | 218 | 2.9% |
| 27 | Mail Handlers | 168 | 2.3% |
| 46 | Mechanics & Repairmen | 158 | 2.1% |
| 85 | Personal Service Workers | 134 | 1.8% |
| 84 | Personal Service Workers | 129 | 1.7% |
| 31 | Shipping & Receiving Clerks | 125 | 1.7% |
| 75 | Laborers in Non-Manufacturing | | |
| 54 | Industries | 124 | 1.7% |
| 8 | Professionals (Miscellaneous) | 119 | 1.6% |
| 98 | Vocational Training Program | 113 | 1.5% |
| 36 | Retail Craftsmen | 112 | 1.5% |
| 87 | Protective Service Workers | 108 | 1.5% |
| 50 | Mechanics & Repairmen (Misc.) | 104 | 1.4% |
| 94 | Military Enlisted Persons | 104 | 1.4% |
| Sub-Total | | 5,010 | 67.4% |
| Other Occupations | | 2,418 | 32.6% |
| Total | | 7,428 | 100.0% |

groups, use the appropriate employment code that is indexed within the major categories in Appendix E.

Table 15 compares salary levels with the various major classifications of employment for those claiming full or part-time employment at the time of arrest. For the entire population, half³⁰ earned below \$3 per hour and half earned \$3 or more an hour. The salary range varies considerably for the different occupations and there are some noteworthy discrepancies when examining by race and sex.

Non-black males have a significantly larger proportion (69 percent) earning salaries in the upper income bracket (earning over three dollars per hour). Black males and non-black women are evenly distributed by income while black females as a group are disproportionately distributed among the lower income level with only 39 percent earning at least \$3 an hour. Overall, males are more likely to earn a larger salary than are women.

Examination of the major labor classifications discloses that income level varied considerably for two of the categories. For service workers, over 70 percent responded that they earned less than \$3 per hour as compared to the average of 50 percent for the entire population. Craftsmen reported income above the norm with almost three-fourths of those so classified earning at least \$3

³⁰ The reader is reminded that salary levels are based on defendants' responses to the Bail Agency. The data reflects gross income, net income, hourly rates, etc. Responses were converted into hourly rates without controlling for any one level of measurement.

TABLE 15

Comparison Of Employment Classification By
Salary Level For The Employed Pretrial Population

| Classification of Employment | MALES | | | FEMALES | | | TOTAL POPULATION Under \$3 \$3 & Over |
|---------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|---|
| | Black Under \$3 \$3 & Over | Other Under \$3 \$3 & Over | Other Under \$3 \$3 & Over | Black Under \$3 \$3 & Over | Other Under \$3 \$3 & Over | Other Under \$3 \$3 & Over | |
| Professionals | 23% | 77% | 12% | 88% | 31% | 69% | 15% |
| Managers | 30% | 70% | 13% | 87% | 50% | 50% | 27% |
| Sales | 60% | 40% | 27% | 73% | 68% | 32% | 57% |
| Clerical | 53% | 47% | 45% | 55% | 56% | 44% | 52% |
| Craftsmen | 29% | 71% | 14% | 86% | - | - | 27% |
| Operatives | 52% | 48% | 45% | 55% | 44% | 56% | 50% |
| Transportation | 44% | 56% | 44% | 56% | - | - | 44% |
| Laborers | 50% | 50% | 47% | 53% | - | - | 50% |
| Service Workers | 70% | 30% | 74% | 27% | 80% | 20% | 71% |
| All Groups | 51% | 49% | 34% | 66% | 61% | 39% | 50% |
| Number of Missing Cases = 2,609 | (2,369) | (2,243) | (197) | (378) | (237) | (149) | (2,899) (2,857) |

an hour. For the relatively small white collar categories, professionals and managers had a proportionately higher percentage within the upper income level.

Examination of the duration of employment for those defendants in the labor force does not reveal particularly strong employment ties. One out of every three employed persons had worked at their current job for 6 months or less. Fewer than 50 percent of the employed population had held their present job for at least one year.

IX.

CRIMINAL HISTORY

In the past year much concern has been expressed in the District by citizens and criminal justice officials alike about crimes committed by offenders already known to the system. The data presented in this section focus on the criminal history, both past and present, of the 1975 defendant population. Prior convictions are reported as is information on whether the defendant was under sentence at the time of arrest. A discussion of bond status provides data on how many defendants were on some form of pretrial release when their cases were papered. Data is also provided on the prior court appearance record of 1975 defendants. Throughout the discussion which follows, references are made to Table 16 on page 78.

Prior Convictions

With respect to the defendant's criminal record, the Bail Agency report provides information concerning the number of prior adult convictions for serious misdemeanors and felonies. Sixty percent of the pretrial population processed by the courts in 1975 (papered cases only) had no record of previous convictions. Examining those cases involving defendants with a prior record, it was found that 18 percent of the pretrial population had one former conviction, while 22 percent had two or more convictions upon entering the system in 1975.

Conviction history varied according to type of charge. One-third of those prosecuted as misdemeanants and nearly one-half of

Table 16

Criminal History of Pretrial Population
With Papered Cases For the Major Offense
Categories

| | Drug Offenses | Larceny | Assault | Robbery | Burglary | Flight/ Escape | Weapons | Commercial Sex | All Categories |
|--|------------------|--------------|--------------|--------------|--------------|-------------------|--------------|-------------------|-------------------|
| Percentage of Cases With Prior Adult Convictions | 34% (951) | 42% (927) | 39% (512) | 42% (694) | 43% (642) | 54% (599) | 39% (499) | 26% (280) | 40% (6,218) |
| (One) | (16%) | (17%) | (19%) | (20%) | (20%) | (25%) | (19%) | (15%) | (18%) |
| (Two or More) | (18%) | (25%) | (20%) | (22%) | (23%) | (29%) | (20%) | (11%) | (22%) |
| Percentage of Cases on Post-Conviction Supervision | 17% (464) | 20% (448) | 15% (199) | 26% (432) | 23% (350) | 32% (363) | 18% (211) | 8% (90) | 21% (3,195) |
| (Probation) | (9%) | (12%) | (9%) | (13%) | (12%) | (17%) | (8%) | (7%) | (10%) |
| (Parole) | (8%) | (7%) | (5%) | (12%) | (10%) | (13%) | (10%) | (1%) | (9%) |
| Percentage of Cases on Some Form of Pre- Trial Release | 15% (403) | 22% (490) | 12% (157) | 28% (465) | 24% (364) | 55% (610) | 11% (126) | 13% (139) | 21% (3,342) |
| (Non-Financial) | (9%) | (13%) | (8%) | (17%) | (15%) | (35%) | (8%) | (8%) | (13%) |
| (Financial) | (3%) | (4%) | (2%) | (5%) | (3%) | (8%) | (2%) | (3%) | (4%) |
| (More than 1 case Pending) | (3%) | (5%) | (2%) | (6%) | (6%) | (12%) | (1%) | (1%) | (4%) |

those prosecuted as felons had one or more prior convictions. Among the major offense categories handled by the system, the flight-escape category (e.g., persons arrested with outstanding warrants) had a significantly higher proportion of defendants with a conviction history (54 percent). Table 16 presents the percentage of cases with prior adult convictions for the eight major charge categories.

Prior conviction data analyzed by demographic characteristics discloses that persons 25 years of age and above are significantly more likely to have an adult conviction record (51 percent) as compared with the youthful defendant population (28 percent).

Drug charges comprise the single largest offense category with which males were charged in 1975. Examination of conviction data for the defendants reveal that proportionately twice as many blacks were found to have at least one prior conviction as other males. For larceny, the second most common offense group for men, 50 percent of the black defendants had an adult conviction record in contrast to 23 percent for other males.

Regarding the offense category for which the largest number of women were prosecuted, commercial sex, approximately one out of every three females had at least one prior conviction. Larceny and drug charges ranked second and third as the most common offenses on which women were arraigned. For these two latter categories, significant differences between racial groups is evident. For larceny charges, the proportion of women with adult convictions is nearly four times greater among blacks. For drug offenses, the

Table 17

**Criminal History of the Papered Pretrial Population
By Age, Race And Sex**

| | MALES | | | | FEMALES | | | | Total Population | |
|--|----------------|----------------|-------------|--------------|--------------|--------------|-------------|-------------|------------------|----------------|
| | Black | | Other | | Black | | Other | | Total Population | |
| | Under 25 | 25 & Over | Under 25 | 25 & Over | Under 25 | 25 & Over | Under 25 | 25 & Over | Under 25 | 25 & Over |
| Percentage of Cases With One or More Prior Adult Convictions | 31% (1,826) | 57% (3,305) | 14% (73) | 26% (178) | 21% (236) | 39% (339) | 25% (62) | 26% (46) | 28% (2,197) | 51% (3,868) |
| Percentage of Cases on Post-Conviction Supervision | 20% (1,203) | 25% (1,487) | 8% (42) | 10% (69) | 10% (110) | 11% (100) | 10% (24) | 7% (12) | 18% (1,379) | 22% (1,680) |
| Percentage of Cases on Some Form of Pretrial Release | 24% (1,427) | 22% (1,273) | 10% (53) | 9% (59) | 17% (187) | 20% (176) | 16% (41) | 16% (28) | 22% (1,708) | 20% (1,536) |
| Percentage of Cases With Previous History of Failing to Appear for Court Dates | 10% (578) | 14% (824) | 5% (25) | 4% (26) | 9% (102) | 12% (108) | 10% (24) | 10% (18) | 9% (729) | 13% (976) |

percentage of black women with prior convictions is twice that reported for other women.

Under Sentence

Four out of ten cases in which misdemeanor and felony prosecutions were initiated in 1975 involved defendants with prior convictions. Twenty percent of the pretrial population were on probation, parole, work-release or some other form of post-conviction status for one of these prior convictions at the time of their arrest. Fourteen percent of the defendants arraigned on misdemeanor charges and twenty-five percent of those prosecuted on felony counts were under sentence or on some other form of post-conviction status. One-fourth of the prosecutions for violent and dangerous offenses were brought against individuals under sentence. Among the major offense categories (See Table 16), flight-escape and robbery have the highest percentage of defendants under sentence with 32 percent and 26 percent, respectively.

Examination of the sentence status of the 1975 population by demographic characteristics discloses that the proportion of black males on some form of post-conviction status was more than double that for the rest of the population.

Examining larceny offenses for male defendants, blacks were proportionately four times more likely to be under sentence. Data on women reveal that the percentage of blacks serving some type of sentence at the time of arrest was approximately three times that of other females with respect to drug and larceny charges.

Black males arrested while under sentence are evenly divided between probation and parole while the rest of the population is much more likely to be on probation.

Bond Status

In 1975, twenty-one percent of the cases which the U.S. Attorney chose to prosecute involved an individual who had at least one case pending at the time of arrest. Seventeen percent of the cases prosecuted as misdemeanors and 26 percent of the felonies involved defendants at liberty on some form of pretrial release when their cases were papered. One out of four cases papered on violent and dangerous crimes involved individuals already on pretrial release.

Of this rearrested population 63 percent were on some form of non-financial release on a prior offense; 16 percent were on a financial bond; while 21 percent (686 cases) had more than one case pending at the time of papering. Similar to the findings for post-conviction supervision status, flight-escape and robbery were the offense categories with the largest percentages of defendants on some form of pretrial release.

Status of the Defendant At Papering

The criminal history, both past and present has been examined from a number of perspectives in order to describe the pretrial population. To understand more fully the implications of the findings the pretrial population has been stratified into five groups to show the criminal justice status at the time of papering.

The criteria for this division are as follows:

- . Group 1: consists of persons processed by the system with no current system ties and no record of convictions at the time of papering.
- . Group 2: comprises persons with no current system ties to the system but, with a prior history of convictions at the time of papering.
- . Group 3: comprises persons only on some form of pretrial release at the time of papering.
- . Group 4: consists of persons only on some form of post-conviction supervision (e.g., probation, parole, work-release) at the time of papering.
- . Group 5: contains persons on both pretrial release and some form of post-conviction status at the time of papering.

Group 1, the first offender population, accounts for 52 percent of the entire pretrial population for 1975 and ranks number one in terms of the largest group of persons processed by the system.³¹ Group 2, the ex-offender population, consists of 14 percent of the cases papered in the year of study. Groups 3 through 5, comprised of persons with current system ties, account for 33 percent of the cases processed in 1975 and each group respectively accounts for 15 percent, 13 percent, and five percent. Exhibit 5 compares key differences among the five groups.

³¹ Group 1, in the context of this report, is viewed as the first offender population, however it should be noted that many of the persons in this group do in fact have a prior arrest record or have convictions for traffic and minor violations of local ordinances. They also may have had system exposure as a juvenile. Therefore, in many instances persons in this group have had previous contact with the system.

EXHIBIT 5

A Comparison of the Pretrial Population
By the Criminal Justice Status At the
Time of Papering

| CHARACTERISTICS | Group 1 First Offenders | Group 2 Ex-Offenders With No Ties | Group 3 On Bond Only | Group 4 Only Under Sentence | Group 5 On Bond & Under Sentence | All Cases |
|---|-------------------------------|---|----------------------------|-----------------------------------|--|-----------|
| Percentage of Males Within Each Group | 81% | 86% | 85% | 92% | 92% | 85% |
| Percentage of the Popu- lation Under 25 Years of Age | 58% | 26% | 55% | 45% | 47% | 50% |
| Percentage of the Popu- lation Charged With a Felony | 34% | 49% | 53% | 56% | 58% | 46% |
| Percentage of the Popu- lation Charged With a Crime of Violence | 21% | 26% | 27% | 30% | 27% | 24% |
| Average Index Of Severity Of Offense For Group | 81 | 67 | 65 | 59 | 58 | 72 |
| Percentage Of Group With Prior Record Of Failing To Appear | 2% | 4% | 33% | 12% | 29% | 11% |

Upon comparing the different groups it is seen that first offenders (Group 1) are predominantly youthful and have the largest proportion of female defendants. The other groups which have had more contact with the system (when contact is measured by prior record and current status) are older in age and the proportion of women decreases slightly for those defendants on some form of post-conviction supervision.

First offenders are charged with less serious offenses. Over 66 percent of this group were charged with misdemeanors. This percentage is substantially higher than for any of the other classes of defendants. Persons on some form of post-conviction supervision (Groups 4 and 5) are more likely to be charged with felonies. Although there is no substantial increase in crimes of violence by these groups, when compared with the other populations there is a considerable increase in the average (mean) severity of the offenses. That is, these persons are charged with more serious offenses that carry more severe penalties.

When charge data is further examined by class of offense, the largest offense categories for Groups 1 and 2 are drug and larceny. The charges that occur most often for Group 3 (persons already on pretrial release) are robbery and offenses that fall in the flight-escape category. (Flight-escape is for the most part due to failure to appear for a previous court date in the pending case.) The leading offenses for Group 4 are drug-related followed by robbery and larceny. Persons on bond and under

post-conviction supervision were most often charged with larceny, some type of drug offense, or for burglary.

While major offense types vary from group to group according to the current status of the defendant, all the offense categories indicated above, with the exception of the flight-escape category, are in fact the four most frequent types of offenses that all defendants were prosecuted for in 1975. Thus, while the severity of the offense varied from group to group based on both percentage of felony charges papered and the average index of severity, no particular offense pattern emerges for any of the groups studied.

With respect to missed court dates in previous cases, those persons on some form of pretrial release (Groups 3 and 5) have substantially higher proportions than the other groups. Group 3 has 33 percent with a record of missing a previous court date, followed by Group 5 with 29 percent of the population.

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The substantial difference for prior records of failing to appear among the groups is partly accounted for by the record-keeping systems available for this determination. For persons on bond (Groups 3 and 5) internal records of the Bail Agency can generate this information based on accurate information supplied by the courts. FTA data for the other defendant groups is only available from police records. Experience has shown that police records of this information are not as accurately maintained as their internally generated information on arrest histories.

THE ADMINISTRATION OF BAIL

The problems posed by the pretrial release decision have been a subject of heated debate in this jurisdiction. At issue are complex and diverse dichotomies -- to release or detain an individual who allegedly commits a crime, but as to whom no determination of guilt has yet been made by a court. The primary purpose of bail is to insure reappearances in court but numerous other factors affect its administration and application. ³³

In the early sixties opponents of the traditional bail system argued that the indiscriminate use of money bail needlessly forced the poor and disadvantaged to remain in jail, while persons with greater financial resources were able to obtain release. It was shown by the Vera Institute of Justice in New York and later by the D. C. Bail Project in Washington that the use of non-financial release based on strong community ties would insure the return to court of those released at the same rate as those supervised by bailbondsmen. The findings of these projects led to more widely accepted use of non-financial release in the District. ³⁴

³³ For a more complete discussion of the problems surrounding the administration of bail see generally Paul B. Wice, Bail and Its Reform: A National Survey (Ph.D. Dissertation, University of Illinois at Champaign-Urbana, 1972)

³⁴ For a discussion of the bail project operated in New York City by the Vera Institute of Justice see Charles Ares and others, "The Manhattan Bail Project: An Interim Report on the Use of Pretrial Parole," New York University Law Review, Vol. 38 (1963), pp. 67-83. For a discussion of the District's early success see Committee on the Administration of Bail of the Junior Bar Section of the Bar Association of the District of Columbia, The Bail System of the District of Columbia (1963 Report) and Bail Reform in the Nation's Capitol: Final Report of the D.C. Bail Project, Georgetown University (1966).

In the late 60's the debate centered on the inability of the District's judicial officers to hold persons without bond who posed a danger or threat to the community. The high incidence of reported crime during that period led to the restructuring of the bail law in existence and the enactment of preventive detention legislation. Under the new Court Reform and Criminal Procedure Act of 1970³⁵ the Superior Court of the District of Columbia was permitted to detain a person without bond after a preventive detention hearing. However, the U.S. District Court continues to operate under the more liberal Bail Reform Act of 1966.³⁶

Today the community is particularly alarmed by the high incidence of violent crime perpetrated by persons within the cognizance of law enforcement or criminal justice agencies. Many within the system argue that the safeguards built into the detention law are too unwieldy to be used on a regular basis. As in the past the bail laws applicable in the District of Columbia are under attack. At issue is the fundamental problem of what types of release/custody conditions should be set for persons to ensure reappearance for trial while at the same time preventing the likelihood of further crime in the community.

Numerous factors must be considered by the courts when imposing appropriate conditions of release -- some a product of statutory

³⁵ Pub. L. No. 91-358, D.C. Code §11-101 et. seq. (1970).

³⁶ 18 U.S.C. §3146 (1966).

provision and others due to operational realities. In terms of legislation, the bail laws in the District guarantee that persons charged with non-capital offenses have the right to bail and since the removal of the death penalty, everyone now qualifies for release. The laws further state that financial bonds may not be used when considering dangerousness -- only in terms of whether or not the person will reappear for future court dates. The Eighth Amendment provides that bail may not be excessive although local jurisdiction have the right to interpret what can be construed as excessive. Finally our legal system operates under a presumption of innocence for accused and this presumption, when applied to the pretrial release decision, argues in favor of a presumption of release.

Operational realities, however, may influence the decision as much as statutory guidelines. A judicial officer who feels that a person poses a serious threat to the community yet has strong community ties and little likelihood of fleeing the jurisdiction may receive a high money bond that results in "de facto" detention. On the other hand, a person with some possibility of failing to appear may be released non-financially because pretrial detention may cause a loss of employment, damage family unity, and prevent the accused from assisting his attorney in preparing an adequate defense. While speedy trial is a desired goal of the judicial process, persons wishing to have a trial may have to wait extended periods due to court backlogs. Pretrial incarceration in this instance could be construed as cruel and unusual punishment. Jail conditions may

affect the decision depending on the size of the population being housed. Overcrowded jail facilities may lead to violence and inhumane treatment in a pretrial detention area. Finally, release options vary in cost. Persons released non-financially cost the system less than persons who have to be detained for even short periods of time. In a period when the entire criminal justice system is being forced to evaluate its operations for cost effectiveness, the courts are required to seek alternative less costly methods that impact on the pretrial release decision.

While the arguments for release are persuasive there are of course trade-offs. Crimes committed by those pending trial not only affect the community but call into question the efficacy of the entire judicial process. Release may pose a threat to witnesses and victims alike. Non-appearance by defendants places an additional burden on system resources and cause additional hardships for witnesses required to give testimony.

Criteria Used to Determine Release

The Court Reform and Criminal Procedures Act of 1970 (governing D.C. Superior Court) for the most part was modeled after the Bail Reform Act of 1966 (used by federal courts), and the standards for release are essentially the same. Judicial officers are instructed to release on personal recognizance or upon the execution of an unsecured appearance bond all persons who appear likely to return to court. In addition if the courts have some doubt, they may impose any one or combination of the following conditions:

(1) Place the person in the custody of a designated person or organization agreeing to supervise him.

(2) Place restrictions on the travel, association, or place of abode of the person during the period of release.

(3) Require the execution of an appearance bond in a specified amount and the deposit in the registry of the court, in cash or other security as directed, of a sum not to exceed 10 percentum of the amount of the bond, such deposit to be returned upon the performance of the conditions of release.

(4) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof.

(5) Impose any other condition, including a condition requiring that the person return to custody after specified hours of release for employment or other limited purposes.³⁷

The key difference in the two laws is found in the act governing Superior Court. There, the conditions cited above may also be used when determining whether or not a person poses a threat to the "... safety of any other person or the community." If the government feels that none of these conditions will deter the person from committing violent crime, they may request that the court hold a preventive detention hearing. If the person is found to be a danger to the community he may be held without bond pending trial. This act also specifies that a judge in Superior Court may not set any type of financial bond as a condition of release when considering the defendant's possible threat to the community.

Regardless of the difference in the two bail laws, there is one clause common to both that causes differences of interpretation

³⁷ 18 U.S.C. §3146 and D.C. Code §1321.

EXHIBIT 6

Comparison Of The Bail Reform Act Governing The U.S. District Court With The Court Reform And Criminal Procedure Act Applicable In The D. C. Superior Court

| | District Court | Superior Court |
|--|-------------------|-------------------|
| Purpose of the Bail Determination: | | |
| To insure reappearace at all hearings. | YES | YES |
| Safety of any other person or the community. | NO | YES |
| Criteria Used In Decision: | | |
| 1. Nature and circumstances of offense charged; | YES | YES |
| 2. Weight of evidence against the accused; | YES | YES |
| 3. Accused's family ties; | YES | YES |
| 4. Length of residence in the community; | YES | YES |
| 5. Employment; | YES | YES |
| 6. Character and mental condition; | YES | YES |
| 7. Past conduct; | NO | YES |
| 8. Record of convictions; | YES | YES |
| 9. Record of appearance or non-appearance | YES | YES |
| 10. Record of flight to avoid prosecution; | YES | YES |
| 11. Narcotics Usage ³⁸ | NO | YES |

³⁸ The Bail Reform Act does not specifically mention narcotics usage as a criteria for determining conditions of release. Since 1970, both courts have used results from a urinalysis test, requested from each defendant before appearance in court. This information may only be used in setting release conditions and may not be introduced as evidence for the determination of guilt.

and application. The clause states that all defendants should be released non-financially "... unless the officer determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required [and in the case of Superior Court] or the safety of any other person or the community.³⁹ The appropriate release condition set is a product of judicial discretion and subject to the very individualized impressions of the judicial officer. Accordingly, the type of conditions used vary from judge to judge and even court to court in this jurisdiction.

BAIL DETERMINATION OPTIONS AVAILABLE IN THE DISTRICT OF COLUMBIA

Citation Release: All persons arrested in the District of Columbia and not charged with a felony are eligible for non-financial release at the local police station. This procedure permits the arrestee to be released directly by the arresting officer on his own promise to appear on a specified date. The police officer receives an oral recommendation by the Bail Agency after the Agency has interviewed and verified information from the defendant. No one is permitted release who has an outstanding warrant or detainer.

Stationhouse Bond: May be secured by an arrestee at the police station if the person is able to obtain a bondsman willing to post the amount. The dollar amount is predetermined and is listed on a bond schedule that is set by the court.

³⁹ 18 U.S.C. §3146 and D.C. Code §1321.

Personal Recognizance (PR): PR refers to the release of a defendant on his/her personal promise to appear at all scheduled hearings, trials, or otherwise as required by the courts. No monetary bail or other special conditions of release are set.

Personal Recognizance with Conditions: The defendant who is conditionally released agrees to abide by court ordered conditions in addition to the requirements listed under PR. Such conditions may include reporting to the Bail Agency by telephone or in person, maintaining or finding employment, living at a specified address, staying away from a complaining witness, reporting for treatment at a drug facility, etc. The use of conditions may be added to any form of release, although in most cases it is in conjunction with personal recognizance.

Third Party Custody: Custody release is a form of PR with conditions which requires an organization or designated person to supervise conditions of release and insure the defendant's appearance in court. The custodian has the additional responsibility of notifying the Bail Agency of any violation of conditions set by the court.

Unsecured Appearance Bond: This method of release differs from personal recognizance only in that the defendant is subject to paying a monetary amount to the court if the person fails to appear as required.

Cash Bond: The setting of cash bail requires the defendant to post an amount specified by the Judge or Magistrate with the Court. The total amount is recoverable if the court determines that the defendant conformed to the conditions of release.

The courts have the option of requesting, in lieu of the total amount, a percentage of the bond which can not exceed ten percent. This form of bail is commonly referred to as percentage bond.

Surety Bond: Under the traditional bail system the defendant is required to obtain a court approved bail bondsman to post the amount specified by the judge or magistrate. Under this form of release the bondsman charges a non-refundable amount (10 percent) for this service, regardless of case outcome or appearance in court. The bail bondsman in this instance has the responsibility of insuring the defendant's appearance.

Mental Observation: Either court may commit a defendant to the local mental institution (St. Elizabeth's John Howard Pavilion) for a sixty day observation. During this time the facility is required to determine if the defendant is mentally competent to stand trial.

Rehabilitation Center for Alcoholics (RCA): The courts have the option of referring a defendant to RCA for alcoholic treatment in Occaquan, Va. while the case is pending.

Five Day Hold: A probationer arrested on a new charge or a warrant may be held without bond in Superior Court for a period not longer than 5 days to determine if the judge who sentenced the probationer wishes to revoke this status, or in the case of parolees to determine if the Parole Board wishes to rescind the parole status of the person.

Held Without Bond: In District Court, a judge or magistrate may hold a defendant without bond if the person has been convicted of an offense and is awaiting sentence, and feels that no one or more conditions of release will reasonably insure that the person will not flee or pose a danger to any other person or the community. In Superior Court a defendant may be held without bond under conditions described below.

Preventive Detention Hold: In Superior Court, the United States Attorney's Office may request that a defendant be held without bond for a period not to exceed five days, if the defendant falls within the criteria established in the statute and "there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community." At the end of this five day period a hearing is held in which the government must show that the defendant is in fact a threat. If such a finding occurs the defendant may be "preventively detained" without bond.

Returned Voluntarily to the Demanding State (RVTDS): Fugitives arrested in the District have the right to contest extradition or removal through the normal court process. If the individual wishes to return voluntarily, the case in this jurisdiction is removed from the docket.

No Paper: After the Police arrest a defendant, the United States Attorney's Office has the option of not pressing formal charges. In this instance the charges are dropped and the defendant is released. The government does have the option to re-charge the defendant at a later date by sending the information to the Grand Jury and having that body return an indictment.

PRETRIAL RELEASE

The previous section discussed the complexity of the bail choice, criteria used in the decision, and release/detention options available in the District of Columbia. Here data are presented on the use of these options at the initial bail decision-making point during the pretrial process. Discussion focuses on the bail determination for two classes of arrestees: individuals who secure early release by means of the Citation Program and those persons held for court. These two groups of offenders comprise the vast majority of the pretrial population processed through the courts in this jurisdiction. ⁴⁰

The information discussed covers only the initial bail determination. The volume of cases precluded any follow-up effort to determine whether or not original conditions of release were modified. Persons may have conditions of release changed during the pre-trial period, after conviction, or when conditions of release are violated. Finally, no information is available on whether persons having financial conditions of release set were able to post the amount and secure release.

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There are two additional classes of offenders that are not represented in this discussion. In some instances the government will seek an indictment on an individual before arrest. If indicted, the person may be ordered to appear for felony arraignment without being arrested and booked by the police. When appearing in court the person will have conditions of release set but the information is not always forwarded to the Bail Agency. In the second instance a person arrested may be able to secure station-house release by having a surety bond posted with the police. Again, this person would also avoid the normal process and may go undetected by the Bail Agency. While no information is available on the number in either of these groups it is known that proportionately they are very small when compared to the volume discussed in this report.

Citation Released Population

In 1975, the Bail Agency interviewed over 11,000 arrestees who were referred by the police for possible citation release. Approximately half of this number were charged with violation of municipal ordinances and traffic codes (cases processed through the D. C. Corporation Counsel's Office) and are not included in this analysis.

The Citation Program is designed to divert from the initial arrest-detention process those individuals charged with a misdemeanor offense that have no outstanding warrants or detainers and possess strong community ties to this metropolitan area. As such this class of offenders is charged with crimes of a less serious nature than those processed through the court's holding facilities before appearing in one of the arraignment courts. Over 80 percent of this group was charged with offenses that fall into four general offense categories: drug offenses (35 percent), larceny (23 percent), commercial sex (13 percent), and weapons offenses (10 percent).⁴¹

The criteria used to determine eligibility for citation release are far more rigid than those used by the courts since the

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Within these general offense categories, the offenses that allegedly occurred most often were violations of the Uniform Narcotics Act (simple possession of marijuana or a narcotic), Petit Larceny (theft of property valued under \$100, Soliciting for Prostitution, and Carrying a Dangerous Weapon (usually a gun or knife).

person is released before seeing a judicial officer. The decision is based on whether or not the arrestee is likely to appear for the initial court hearing. In order to qualify for release a person may first be interviewed by the Bail Agency at which time he is evaluated in terms of the strength of his ties to the metropolitan area. The person receives "points" for strong community ties that can be verified by the Agency interviewer. Points are accrued for factors such as length of time in the area, length of time at a current address, and whether or not the defendant is working or in school. Points are subtracted for prior convictions, current drug or alcoholic abuse, pending charges, and any type of current post-conviction status. An arrestee must obtain a minimum of four points in order to qualify for positive recommendation for release by the Bail Agency.

Over 5,000 persons arrested and charged with a serious misdemeanor were interviewed for possible citation release. Of this group, approximately eighty percent were issued a citation by the police and ordered to appear in court. The population not released was transported to one of the police detention facilities and was processed with other arrestees. Of the group released, 3,479 persons had charges against them "papered" by the courts. This citation-released population represents 22 percent of the entire pretrial population that had charges filed with the courts in 1975. Only two of the papered cases were processed by the

EXHIBIT 7

Comparison of Major Release Conditions Set
By Variables That Influence the Decision

| Selected System Related Variables | Citation Release | Personal Recognizance | Third Party Custody | Financial Bond | Other Action | Total Population |
|--|---------------------|--------------------------|------------------------|-------------------|--------------|------------------|
| Percentage of Cases that were Felony | - | 52% | 54% | 57% | 48% | 42% |
| Percentage of Cases that were defined as violent | - | 25% | 37% | 35% | 31% | 24% |
| Average Severity Code Index for Release Mode | 109 | 67 | 61 | 58 | 53 | 72 |
| Percentage With Previous Convictions | 13% | 40% | 46% | 59% | 77% | 39% |
| Percentage That Previously Failed To Appear | - | 7% | 12% | 26% | 19% | 11% |
| Percentage That Were On Bond At The Time of Papering | 3% | 13% | 25% | 46% | 33% | 21% |
| Percentage That Were On Some Form of System Supervision at the Time of Arrest | 4% | 15% | 22% | 33% | 55% | 20% |

United States District Court.

As might be expected, the citation released population as a group exhibited stronger and more stable community ties than the rest of the pretrial population processed through the courts in 1975. In addition, this group had far less contact with the criminal justice system measured in terms of prior convictions, pending cases, and post-conviction status. For a comparison of the characteristics of this population with those receiving some other form of conditions of release, see Exhibit 7, Bail Determination At Initial Hearing

The data secured from the D. C. Bail Agency contain information regarding the bail determination for 12,832 persons processed through the District of Columbia's two court systems in 1975.⁴³ Table 18 shows that 62 percent of the defendant population who had charges filed with the courts were released on some form of non-financial conditions at the initial bail hearing. The majority of these persons received personal recognizance (44 percent) with

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The low number of citation releasees referred to the U.S. District Court reflects the fact that there are very few federal misdemeanors. Some of the charges include unlawful entry of federal or foreign property, receiving stolen federal property valued under \$100, and embezzlement of federal monies again under \$100. In addition, many of the persons charged with these types of crimes will be processed through the court of local jurisdiction, in this case D.C. Superior Court, or will be arrested by law enforcement agencies during the daytime and brought directly to court while it is in session.

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Persons initially released on citation or cases that were "no papered" at the initial court hearing are excluded from analysis in this section.

Table 18

A Comparison Of The Release Options
Used By Superior Court And The U.S.
District Court For 1975 Papered Cases
At The Initial Hearing

| Action Taken | Superior Court | | Total | U.S. District Court | Total |
|-------------------------------|----------------|---------|----------|---------------------|----------|
| | Misdemeanor | Felony | | | |
| Personal Recognizance | 48% | 38% | 42% | 62% | 44% |
| Third Party Custody | 19% | 21% | 19% | 10% | 18% |
| Cash Bond Set | 11% | 9% | 10% | 8% | 10% |
| Surety Bond Set | 16% | 25% | 21% | 14% | 21% |
| Held Without Bond | 1% | 4% | 3% | 1% | 2% |
| Other ⁴⁴ | 5% | 3% | 5% | 5% | 5% |
| Total | 100% | 100% | 100% | 100% | 100% |
| | (5,257) | (5,649) | (11,523) | (1,309) | (12,832) |
| Number of Missing Cases = 421 | | | | | |

⁴⁴ The "Other" category includes persons who were turned over to another judge or court for further action; referred for mental observation or treatment for an alcoholic problem; and persons who pled guilty at arraignment or were placed in a work-release setting while awaiting trial.

the remainder receiving some form of third party custody release (18 percent). Of this non-financially released group, over 90 percent received additional conditions of release. Conditions imposed included reporting to the Bail Agency periodically by telephone or in person, reporting for testing and/or treatment at a narcotics treatment facility, residing at a specific address, maintaining or finding employment, and staying away from a complaining witness.

Thirty-one percent of the pretrial population had financial conditions of release imposed by the courts. Ten percent of the entire population had a cash or percentage bond set (amount must be posted with the courts), while 21 percent of the population had a surety condition set (specified amount must be posted by a court-approved bail bondsman). Although both bail laws applicable to the District of Columbia allow utilization of unsecured appearance bonds when appropriate, only 45 cases received this option in 1975. For these cases, defendants would be subject to paying a specified amount upon failure to appear for a scheduled court appearance.

Two percent of the pretrial population were detained without bond being set at the initial court hearing. Included in this group are persons placed on 5-day holds for possible revocation of parole or probation, persons already convicted but pending sentence, and persons charged in Superior Court with a dangerous

or violent crime and held for a preventive detention hearing.

Finally, five percent of the pretrial population received some other form of action where conditions of release were not set. Persons in this category were arrested on a warrant and turned over to another judge or court in the jurisdiction for further action, returned to another jurisdiction after waiving the right to an extradition hearing, referred to St. Elizabeth's Hospital for mental observation, referred to the Rehabilitation Center for Alcoholics (RCA), pled guilty at the initial hearing, or were placed in a work-release setting pending trial.

Table 18 also shows that conditions of release set in Superior Court vary according to the degree of the offense (misdemeanor versus felony charges) and that overall the bail determination differs between the two courts in this jurisdiction. In D.C. Superior Court, 67 percent of the persons charged with misdemeanor offenses were released non-financially as compared to 59 percent of the felony population. When comparing the two courts, it is seen that the U. S. District Court was far more liberal in releasing persons on some form of personal recognizance than the court of local jurisdiction. Sixty-two percent of the Superior Court cases were released, while 72 percent of the persons processed in the federal court received some form of non-financial conditions of release.

Since only a small number of the federal cases represented misdemeanor offenses, a comparison of the felony population

in the two courts show even more striking differences.⁴⁵ Fifty-nine percent of the felony population in D.C. Superior Court were released as compared to 72 percent of the population in District Court. In other words, Superior Court judges in 1975 were far more likely to initially detain a defendant (through the setting of financial conditions of release or using other forms of action) than the U.S. Magistrates who are charged with setting bond at the initial presentment in District Court.

Bail Determination For Total Population

In the preceding sections the citation population and those persons processed through the courts' detention facilities were examined. Overall, misdemeanants are released non-financially more often than felony cases. In 1975 eighty percent of the misdemeanor cases were released on citation, personal recognizance, or in the custody of a third party. By comparison, 62 percent of the felony population was so released. Over twice as many felony cases (32 percent) had some form of financial bond set as compared to misdemeanants (16 percent). For other types of action no significant difference was found when examining by the degree of offense. For the entire pretrial population

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Bail Agency records reflect that the U.S. District Court only processed 11 misdemeanor cases in 1975; accordingly, these cases are combined with the felony population for purposes of discussion.

that had cases "filed" with the courts, 70 percent were released non-financially, twenty-four percent of those accused had some form of financial bond set at the initial court hearing, and the remaining six percent of the pretrial population received some other form of action.

The two bail laws applicable in the District of Columbia provide numerous criteria that may be considered when determining conditions of release for the accused. The remainder of this chapter is devoted to factors that influence to varying degrees the bail determination decision.

Release Decision By Offense Information

In 1975, one-fourth of the pretrial population was charged with a crime of violence as defined in the Court Reform and Criminal Procedure Act of 1970.⁴⁶ Persons charged with these crimes received conditions of release similar to those of defendants charged with non-violent felony offenses. Fifty-nine percent of those charged with crimes of violence were released non-financially as compared to 62 percent of the non-violent felony population. Although little difference was found in terms of the proportion receiving financial bonds, those in the violent category were slightly more likely to be held initially without bond.

Charge data was further analyzed in terms of the seriousness of the offense. Seriousness is based on the possible

⁴⁶ See page of this report for a listing of the type of offenses that fall into this category.
See page 15.

maximum penalty a person would face if found guilty of the charges. While little difference was found in initial action based on whether or not the person was charged with a crime of violence, the overall seriousness of the offense is related to the types of conditions set by the courts. In general, those charged with more serious offenses were more likely to be held without bond in some manner or receive a financial bond than

TABLE 19

Comparison Of The Average (Mean) Index
Of Seriousness Of Offense For The Major
Types Of Release Conditions Imposed

| Action Taken | Average Index of Seriousness ⁴⁷ | | |
|----------------------------|--|---------|------------------|
| | Males | Females | Total Population |
| Citation | 106 | 118 | 109 |
| Personal Recognizance | 66 | 77 | 67 |
| Third Party Custody | 57 | 81 | 61 |
| Financial Bond Set | 53 | 92 | 58 |
| Other Action ⁴⁸ | 52 | 66 | 53 |
| Average | 68 | 92 | 72 |
| | (12,408) | (2,213) | (16,301) |

Number of Missing Cases = 431

⁴⁷The index of seriousness ranges from a score of "1" to "135". Options with lower average scores indicate that the defendant group was charged with offenses that carry longer possible maximum sentences than those with a higher average score.

⁴⁸This category includes persons held without bond, on a 5-day hold, referred for mental observation or alcoholic treatment, etc.

were those charged with less serious offenses. Conversely, those charged with the least serious crimes were much more likely to receive a non-financial form of release.

While overall the severity of the offense affects the release option set, different patterns emerge when controlling for the sex of the defendant. Men receiving some form of financial bond or some other form of action were charged with more serious crimes than those released on non-financial bond. For women the pattern was more complex. Females released on personal recognizance or third party custody were charged with more serious crimes than those receiving a financial bond. Those women receiving some other form of court action were on the average charged with more serious crimes than those women who had any type of bond set.

Although there has been little empirical research on how severity of the offense affects court appearance rates, a study conducted in New York City found an inverse relationship. While there was a wide variation in failure to appear rates for different types of crimes, those charged with relatively minor misdemeanors had a higher FTA rate than those charged with serious felonies.

Examination of those persons charged with crimes that fall into one of the eight largest general offense categories show

⁴⁹ See S. Andrew Schaffer, "Bail and Parole Jumping in Manhattan in 1967". (New York: Vera Institute of Justice, 1970). pp. 25-28.

TABLE 20

Comparison of Release Conditions Set For
Persons Charged With Offenses That Fall
Into One Of The Eight Largest General Of-
fense Categories Processed By The Courts
in 1975

| Charge Category | Initial Action | | |
|----------------------------|--------------------------|-----------------------|-----------------|
| | Non-Financial Release | Financial Bond Set | Other Action |
| Drug Offenses (2,813) | 87% | 11% | 2% |
| Larceny (2,254) | 78% | 20% | 2% |
| Robbery (1,701) | 56% | 37% | 7% |
| Burglary (1,554) | 65% | 28% | 7% |
| Assault (1,331) | 77% | 18% | 5% |
| Flight/Escape (1,126) | 33% | 54% | 13% |
| Weapons Charges (1,166) | 81% | 17% | 2% |
| Commerical Sex (1,089) | 75% | 23% | 2% |
| TOTAL (6,300) | 70% | 24% | 6% |

Number Of Missing Cases = 432

that the conditions of release imposed vary according to the type of offense allegedly committed. Table 20 shows that there was a wide disparity in the release conditions set based on offense category. Persons charged with drug or weapons offenses received some form of non-financial release more often than those charged with offenses falling into other categories. Persons charged with violating a criminal justice order (e.g., failing to appear for a scheduled court date) were more likely to be held initially through a financial bond or some other form of action. Finally, of the major offense categories processed by the system in 1975, the courts tended to set financial bonds most often for persons charged with flight-escape offenses, robbery and burglary-related crimes.

Other Criteria Used in Decision

The fact that a defendant has a prior record of convictions influences the types of release conditions set. Those persons with records of convictions were treated differently than those with no record. The non-financially released population had proportionately fewer persons with prior convictions than those who received some form of financial bond or other forms of action. Only thirteen percent of those released on citation had been convicted, followed by those placed on personal recognizance and third party custody, 40 percent and 46 percent respectively. By

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The use of non-financial release with other general offense categories worth noting were: Homicide (41 percent), Gambling (82 percent), Sexual Assault (53 percent), Embezzlement (91 percent), and Stolen Vehicles (66 percent).

comparison 59 percent of those having a financial bond set had at least one prior conviction. Finally those held without bond or receiving some other form of action included 77 percent who had been convicted in the past.

For those with a prior history of failing to appear, the pattern that emerged was somewhat similar to conviction history. Of the persons released on citation less than one percent had a prior record of failing to appear as compared to the PR population with 7 percent and the third party custody group at 12 percent. Of the group who had financial bonds set, the rate jumped to 26 percent. Finally, those in the "other" category decreased somewhat to 19 percent. For comparative purposes the prior record of failing to appear for the entire pretrial population was 11 percent in 1975.

There were a number of non-system related variables that vary when examined in terms of the conditions of release set. In the area of employment, persons having a financial bond set had the highest rate of unemployment (56 percent) followed closely by those released to a custodian or receiving some other form of action, (55 percent and 53 percent) respectively. Finally, the citation and personal recognizance groups had the lowest levels at 32 percent and 43 percent respectively.

The level of admitted narcotics usage, whether current or prior, differed among the various release options used by the system. The highest reported usage among any of the groups was 34 percent for those persons who had some form of financial bond set at the initial bail hearing. Similarly,

those released into third party custody had the second highest level of usage at 31 percent. Those released on citation or on PR had the lowest proportionate usage at 9 percent and 22 percent respectively.

Finally, both bail laws suggest that the strength and stability of community ties should be considered when determining conditions of release. In order to analyze information on this area, an index was constructed consisting of the following variables: length of time in the metropolitan area, length of time at a current address, and whether or not the defendant lived with family members. Index scores reflected that there was little difference between those released non-financially as compared to those who had some form of money bond set at the initial hearing. Surprisingly, persons held without bond tended to have stronger community ties to the Washington area than persons having any type of conditions of release set.

Release Decision By Criminal Justice Status

In Chapter IX, the pretrial population's involvement, both past and present, with the criminal justice system was examined from a number of perspectives: prior record of convictions, missed court appearances, bail and post-conviction status at the time of arrest. The population was stratified into five groups according to the criminal justice status of the accused at the time of arrest. Here these five groups are again examined to show how the status of the offender can affect the type of release conditions imposed. Many of

the variables already discussed in this chapter are again examined in the context of their relationship with the status of the offender. The groups consist of defendants with the following characteristics at the time of arrest:

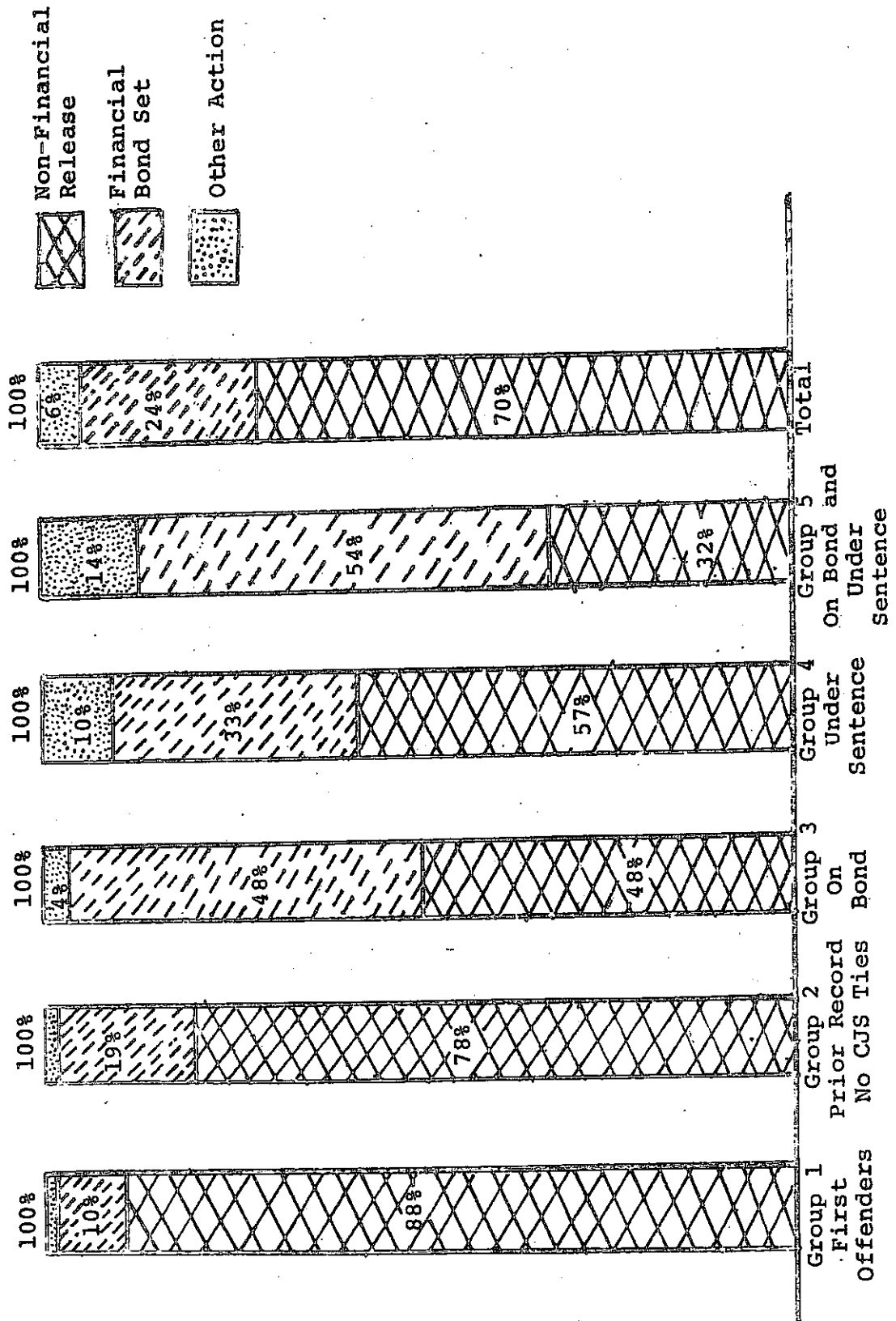
- o Group 1 -- Persons with no system ties and no record of adult convictions. (51 percent of the population)
- o Group 2 -- Persons with no current system ties but with a prior record of adult convictions. (14 percent of the population)
- o Group 3 -- Consists of persons only on some form of pretrial release at the time of arrest. (15 percent)
- o Group 4 -- Consists of persons only under some form of post-conviction supervision, e.g., probation, parole, work-release. (14 percent)
- o Group 5 -- Persons on both pretrial release from a previous case and on some form of post-conviction status. (6 percent)

Group 1, composed of the first offender population, accounts for over half of the pretrial population. Group 2, consisting of ex-offenders, comprises 13 percent of the pretrial population, while persons with some form of system tie account for one-third of the cases handled by both courts in 1975.

Exhibit 8 shows the types of release action granted according to the criminal justice status of the accused at the time of papering. Overall it is seen that persons with system ties were likely to receive more stringent conditions (financial bond or some other form of action) than those persons with no current ties to the system.

EXHIBIT 8

INITIAL RELEASE DECISION BY CRIMINAL JUSTICE STATUS AT TIME OF PAPERING



For the first offender population with no record of prior convictions, 88 percent were released on non-financial conditions. This group has the largest proportion of cases released on some form of personal recognizance and because of its size (51 percent of the pretrial population), represents the largest block of pretrial defendants handled by the system in 1975. In addition, this group comprises the vast majority of those persons released by the police on citation. Overall, this group was charged with the less severe offenses and had the highest proportion charged with some form of misdemeanor offense.

Cases in Group 2 (persons with prior records of convictions but no current system status) follow a similar release trend as those persons found in the first group. The increase (nine percent) in financial bonds set when compared with Group 1 is due mainly to those persons with more than one previous conviction. Persons with only one prior conviction were released in a pattern similar to the first offender group, while those with extended records of convictions were more likely to receive a surety or cash bond at the initial court appearance.

Group 3 (comprised of persons on bond from a prior case) is the first of the groups to have some form of current system tie, and as the exhibit shows, the release pattern differs substantially from the previous groups. This group of persons is almost equally divided between financial and non-financial release. Along with more stringent conditions of release, this group was also charged with crimes of a more

serious nature, more than half were charged with felony offenses. Though the average index of seriousness increased for this group over Groups 1 and 2, the percentage of persons charged with crimes of violence did not increase. The substantial increase in financial bonds set is partly influenced by the group's compliance with the conditions of release for the previous case. Forty percent of the persons arraigned in this group had in some manner violated a system requirement. Examples include violation of conditions of release, outstanding warrant or detainer and failure to appear for a previous case. An additional ten percent of this population was not recommended by the Bail Agency due to problems relating to community ties (e.g., poor community ties, unverified information and conflicting information).

This group also has the highest unemployment rate (55 percent) of any of the groups analyzed. One out of every three persons in Group 3 has a previous record of failing to appear for court dates. Finally, the release conditions varied for this group depending on the number of prior convictions. Persons with no history of convictions or persons with only one prior conviction were more likely to be released non-financially than those persons with two or more convictions who were much more likely to have a financial bond set.

Examination of Group 4 (persons on post-conviction supervision) reveals that the courts were more likely to set non-financial conditions of release than with persons in Group 3.

While 48 percent of Group 3 were released on non-financial conditions of release, almost 10 percent more of the persons in Group 4 were able to secure release at the initial bail hearing. The decreased use of financial conditions among this group was partly accounted for by a six percent increase in the "other" action category. To a large degree, this reflects probationers and parolees placed on a 5-day hold to determine if their status should be revoked. A significant reason for the increased use of non-financial release was found to be that these persons were less likely to be in violation of a criminal justice order than those persons in Group 3.⁵¹

Parolees, who account for 41 percent of this group, were far more likely to receive some form of financial conditions than probationers.

Group 5 consisting of persons on both pretrial release and under post-conviction supervision at the time of arrest, are the class of offenders that were least likely to receive some form of non-financial release at the initial court appearance. Only 32 percent of this group were released

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Whether or not persons under post-conviction supervision are more likely to be rearrested than persons on pretrial release is difficult to ascertain and measure. However, it is known that the criteria for violation of conditions of release are far more strict than those used by some of the post-conviction supervision agencies. For example, non-financial releasees, with a condition to report weekly to the D. C. Bail Agency, when missing three weeks would be considered in violation and if rearrested would not be recommended for non-financial release. By comparison persons on probation generally are required to report monthly to the probation officer. Thus, a probationer who had no contact with the probation officer in the same three week period would probably be recommended for release if no violation of other conditions of probation is reported.

on some form of personal recognizance. In other words, two out of every three persons received a money bond or some other form of action. In addition to being on bond and under some form of sentence, 59 percent of this group were in violation of a criminal justice order (e.g., violation of release conditions, failure to appear for a court date with the pending case, or violating post-conviction conditions established by the sentencing judge, the Parole Board, or the requirements of a work-release program). Additionally, as with persons on bond (Group 3), this group had a high proportion (29 percent) of defendants with a previous record of failing to appear for a court date.

* * * * *

Seventy percent of the pretrial population were released at the initial court hearing or were able to secure citation release at the time of arrest. Analysis of a variety of criteria used in the determination of conditions of release indicates that the philosophic approach to the release decision in the District of Columbia seems to operate on a presumption of release. The combination of certain negative information (legally relevant variables as opposed to personal attributes of offenders), however, tend to influence the courts to oppose non-financial release.

Persons on some form of conditional release (e.g., bond, probation, parole, work-release) were more likely to initially

be detained through the use of financial conditions or other action by the court. In particular, those persons who had violated a criminal justice order (failure to appear for a court date or violation of conditions of pretrial release, probation or parole) had a high probability of being detained. Defendants with extensive records of prior convictions are also likely to have more severe conditions of release imposed. Although individuals charged with serious offenses were likely to receive more severe conditions of release pending trial, the data indicate that the legal variables discussed above exerted a greater influence on the severity of offense.

XII.

FINAL OUTCOME OF CASE

In this section final dispositions accorded 1975 defendants in the District of Columbia at both the Superior and District Court levels are examined. The types of dispositions these defendants received are discussed with respect to the average length of time between initial arraignment and date of final disposition. Case outcome is cross-tabulated with the descriptive variables used throughout the body of the report and include offense information, criminal history data, age, race and sex. Analysis of case outcome is made possible through the utilization of data collection techniques which provided a link between police, court and correctional stages in criminal processing.

Case Outcome By Court and Type of Charge

Of the total misdemeanor and felony cases within Washington in 1975, nearly two-thirds (65 percent) did not lead to a conviction.⁵² One out of every five cases in the District was "no papered." This means that at the pre-trial screening stage, a decision was made by an Assistant United States Attorney not to prosecute those cases which face a low probability of conviction. The data reveal that nineteen percent of all cases in Superior Court were dismissed prior to trial, compared to eleven percent of those in District Court.

⁵² This figure was computed based on those cases where a final disposition was available. Excluded are those cases still pending due to continuances and/or outstanding bench warrants.

TABLE 21
CASE OUTCOME BY DEGREE OF CHARGE

| FINAL DISPOSITION | SUPERIOR COURT | | | DISTRICT COURT ⁵³ | TOTAL |
|----------------------|----------------|-------------|-------------|---------------------------------|-------------|
| | MISDEMEANOR | FELONY | TOTAL | | |
| No Papers | 19% | 19% | 19% | 11% | 18% |
| Not Guilty | 35% | 42% | 38% | 29% | 38% |
| Probation | 18% | 9% | 15% | 34% | 15% |
| Incarceration | 6% | 15% | 9% | 20% | 10% |
| Other ⁵⁴ | 8% | 2% | 5% | 3% | 5% |
| Continued | 14% | 13% | 14% | 3% | 13% |
| | <u>100%</u> | <u>100%</u> | <u>100%</u> | <u>100%</u> | <u>100%</u> |
| | (10,388) | (6,301) | (17,012) | (1,139) | (18,151) |

Number of Missing Cases = 1,958

As may be seen in Table 22, case outcome varies considerably according to type of charge. Of the major offense groups, assault cases ranked first among charges most frequently papered (38 percent), and the percentage of defendants determined to be not guilty was highest among those charged with robbery (53 percent). Defendants initially charged with commercial sex and weapons offenses were most likely to ultimately be convicted and sentenced. Fifty percent of the cases involving the former and forty-eight percent of the latter resulted in a conviction in contrast to thirty-seven percent of all 1975 cases.

The average length of time from arrest through final disposition for all 1975 cases was 84 days or 12 weeks. ⁵⁵ Cases involving misdemeanors

⁵³ Nearly all cases adjudicated in District Court are felonies. Only 11 District Court cases included in the study were initially papered as misdemeanors.

⁵⁴ Other = Suspended sentence and fine.

⁵⁵ Figure computed based on elapsed time from initial arraignment through the official court continuance date.

TABLE 22
CASE OUTCOME FOR EIGHT LARGEST OFFENSE CATEGORIES^a

| Final Outcome | Drug | Larceny | Assault | Robbery | Burglary | Flight-Escape | Weapons | Commercial Sex | Total Cases |
|---------------------------------|-------------|-------------|-------------|-------------|-------------|---------------|-------------|----------------|-------------|
| No Papers | 18% | 18% | 38% | 12% | 20% | 26% | 16% | 6% | 22% |
| Not Guilty | 41% | 45% | 39% | 53% | 43% | 30% | 36% | 44% | 43% |
| Probation | 26% | 23% | 13% | 9% | 19% | 5% | 30% | 29% | 18% |
| Incarceration | 8% | 12% | 7% | 23% | 15% | 6% | 12% | 5% | 11% |
| Other ^{b/} | 7% | 2% | 3% | 3% | 3% | 33% | 6% | 16% | 6% |
| | <u>100%</u> | <u>100%</u> | <u>100%</u> | <u>100%</u> | <u>100%</u> | <u>100%</u> | <u>100%</u> | <u>100%</u> | <u>100%</u> |
| | (2,854) | (2,108) | (1,697) | (1,445) | (1,497) | (1,621) | (1,124) | (945) | (15,790) |
| Number of Missing Cases = 1,959 | | | | | | | | | |

^a Excluded from analysis are those cases still pending due to continuances and/or bench warrants still outstanding and those cases where the disposition is unknown.

^b Other= Suspended sentence and fine.

averaged 82 days as compared with 96 days for felonies.

Final Dispositions For Papered Cases

Of those cases held for prosecution in 1975, more than half did not lead to a conviction. Charges were dismissed and/or the defendant was determined to be not guilty in 53 percent of all misdemeanor cases and 57 percent of all cases involving felony charges. A significantly higher proportion of defendants were found not guilty in Superior Court (57 percent) than in District Court (34 percent). In those (papered) cases where no determination of guilt was made, the average time from initial court appearance through final disposition was 85 days or about 12 weeks. Misdemeanor cases averaged approximately one month more than those involving a felony.

TABLE 23
CASE OUTCOME BY DEGREE OF CHARGE FOR
PAPERED CASES

| FINAL DISPOSITION | SUPERIOR COURT | | | DISTRICT COURT | TOTAL |
|----------------------|------------------------|------------------------|-------------------------|----------------------|-------------------------|
| | MISDEMEANOR | FELONY | TOTAL | | |
| Not Guilty | 53% | 62% | 57% | 34% | 55% |
| Probation | 27% | 14% | 21% | 40% | 23% |
| Incarceration | 9% | 21% | 14% | 23% | 14% |
| Other | 11% | 3% | 8% | 3% | 8% |
| Total | <u>100%</u> (6,883) | <u>100%</u> (4,304) | <u>100%</u> (11,427) | <u>100%</u> (986) | <u>100%</u> (12,413) |

Number of missing cases=1,959

In analyzing case outcome, discussion is limited to a profile of defendants who were eventually convicted. Thus data on the characteristics of offenders whose cases did not lead to a conviction and those cases which were pending at the completion of our data collection efforts are excluded. As of July 1976, 15 percent of all the cases originating during the previous year were still open due to continuances and/or outstanding bench warrants. The percentage of (papered) cases still open in District Court (3 percent) was significantly less than that in Superior Court (14 percent). Nearly two-thirds of the total cases pending involved defendants who were initially arraigned on misdemeanor charges.⁵⁶

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The Convicted Population

For those defendants who were convicted, the possible sentence options have been collapsed into three major categories: probation, incarceration, and "other." "Incarceration" includes those offenders

⁵⁶ In those cases where no final disposition had yet been arrived at, the average case processing time was 284 days or 41 weeks. The average process time for continued cases in District Court (248 days) is approximately 6 weeks less than that for felony cases in Superior Court (288 days).

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Readers are reminded that offense information is limited to the charge at initial arraignment. Due to occurrences such as plea bargaining, charge reduction and the combination of (multiple) cases, it is very probable that the sentencing information reported for a 1975 defendant may not correspond to the specific offense for which (s)he was initially arrested and prosecuted. As an example, a defendant initially charged with armed robbery may be sentenced for the crime of carrying a deadly weapon. This limitation should be kept in mind when interpreting the data presented here.

receiving a straight jail or prison term or a combination of jail and fine or jail and a probation sentence. "Other" serves as a residual classification and includes fine and suspended sentence. Discussion will be restricted to sentence outcome without consideration of the actual length of time the offender was sentenced to probation or incarceration.⁵⁸

Sentencing outcomes for 1975 defendants who were ultimately convicted disclose that 51 percent were placed on probation, 32 percent were sentenced to a period of incarceration, and 17 percent received other dispositions. In Superior Court, 57 percent of those initially arraigned on misdemeanor charges received probation sentence in contrast to 36 percent of those charged with felonies. With respect to cases involving felony charges, there is a noticeable disparity in sentence outcomes between the two courts. Fifty-six percent of the defendants initially arraigned on felony charges in Superior Court received an incarceration term as compared to 36 percent of those processed in District Court.

TABLE 24
SENTENCING DISPOSITION OF OFFENDERS
IN SUPERIOR AND DISTRICT COURTS

| FINAL DISPOSITION | SUPERIOR COURT | | | DISTRICT COURT | TOTAL |
|----------------------|----------------|-------------|-------------|-------------------|-------------|
| | MISDEMEANOR | FELONY | TOTAL | | |
| Probation | 57% | 36% | 50% | 60% | 51% |
| Incarceration | 19% | 56% | 31% | 36% | 32% |
| Other | 24% | 8% | 19% | 4% | 17% |
| | <u>100%</u> | <u>100%</u> | <u>100%</u> | <u>100%</u> | <u>100%</u> |
| Total | (3,271) | (1,632) | (4,927) | (651) | (5,578) |

⁵⁸ For those readers interested in the severity of the probation and incarceration sentences imposed on 1975 defendants, a breakdown of sentence durations for misdemeanor and felony offenders may be found in Appendix

For those cases in which there was an ultimate determination of guilt, a comparison of the processing of felonies in Superior Court and District Court reveals that the average time consumed in obtaining a final disposition is significantly less in the federal court. Of the cases resulting in the offender's being placed on probation, the average time between initial presentment and sentencing was 26 weeks in Superior Court and 15 weeks in District Court. Where the final outcome was incarceration, the processing of a felony case in Superior Court (33 weeks) averaged nearly three months more than in District Court (21 weeks). These disparities are undoubtedly due to the far greater volume of cases handled by the former. Within Superior Court itself, examination of the data reveals that the processing time for felony cases is considerably longer than that for misdemeanor cases.

TABLE 25

AVERAGE LENGTH OF TIME FROM INITIAL
COURT APPEARANCE THROUGH FINAL DISPOSITION
(Calendar Days)

| FINAL DISPOSITION | SUPERIOR COURT | | | DISTRICT COURT | TOTAL |
|----------------------|----------------|--------|-------|-------------------|-------|
| | MISDEMEANOR | FELONY | TOTAL | | |
| Probation | 114 | 186 | 131 | 108 | 128 |
| Incarceration | 141 | 237 | 197 | 152 | 191 |
| Other | 83 | 123 | 58 | 13 | 55 |

Examination of sentencing data with respect to the age, race and sex of 1975 defendants reveals that the youthful offender population (those under the age of twenty-five) were more likely to be

placed on probation. As shown in Table 26, sentence outcome appears to vary according to race and sex. Interpretation of this data must be supplemented by information on the concomitant disparities in the types of offenses committed by the various offender groups. As an example, the data show that among youthful offenders black males are proportionately more likely to receive a term of incarceration than are black females. Rather than conclude that females are dealt with more leniently than males, consider the average severity of the crimes with which these two offender groups are initially charged. The average seriousness of the crimes with which black males were charged (60) is considerably greater than that for black females (98). (Based on a severity scale of 1 through 135, with 1 being the most severe.)

Examination of the convicted pretrial population according to the criminal justice status (at the time of papering) reveals that persons with some form of tie to the system were more likely to receive a more severe sentence than were other classes of offenders. As Exhibit 9 shows, two-thirds of the first offender population convicted were placed on some form of probation, while only 15 percent of this same group were incarcerated. At the other end of the spectrum, in Group 5 (persons on bond and under post-conviction supervision), 21 percent of this population received probation on the instant case, while over 60 percent were sentenced to a period of incarceration.

TABLE 26
SENTENCING DISPOSITION OF CONVICTED OFFENDERS BY AGE, RACE AND SEX

| TYPE OF SENTENCE | MALES | | | | FEMALES | | | | TOTAL POPULATION | |
|--------------------------------------|----------|---------|----------|-----------|----------|---------|----------|-----------|------------------|-----------|
| | BLACK | | OTHER | | BLACK | | OTHER | | Under 25 | 25 & Over |
| | Under 25 | 25&Over | Under 25 | 25 & Over | Under 25 | 25&Over | Under 25 | 25 & Over | | |
| PROBATION | 47% | 41% | 54% | 48% | 62% | 61% | 55% | 60% | 50% | 44% |
| INCARCERATION | 34% | 34% | 9% | 15% | 11% | 19% | 5% | 12% | 28% | 31% |
| OTHER | 19% | 25% | 37% | 37% | 27% | 20% | 40% | 28% | 22% | 25% |
| TOTAL | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| | (2,137) | (2,280) | (183) | (244) | (471) | (349) | (96) | (57) | (2,975) | (3,038) |
| AVERAGE SEVERITY OF OFFENSES CHARGED | 60 | 66 | 84 | 81 | 98 | 83 | 107 | 98 | 68 | 69 |

It is interesting to note that individuals in Group 3 (those on some form of pretrial release) were more apt to receive a financial bond than those on some form of post-conviction supervision. In terms of sentencing, however, the courts were more likely to be more severe with persons already under supervision than those who had a pending charge.

Disposition By Initial Release Decision

Finally, the initial pretrial release status of this group was compared with information on final outcome. Defendants released on their own recognizance, particularly those released through the citation program, are most likely to be placed on probation upon determination of guilt. Defendants receiving financial conditions of pretrial release are proportionately over-represented among those sentenced to an incarceration term. While interpretation of this data is limited by inability to capture such key variables as strength of evidence, availability of witnesses, etc., the information suggests that individuals charged with severe offenses are more likely to receive financial conditions of release initially and are also more likely to receive a sentence of incarceration upon determination of guilt.

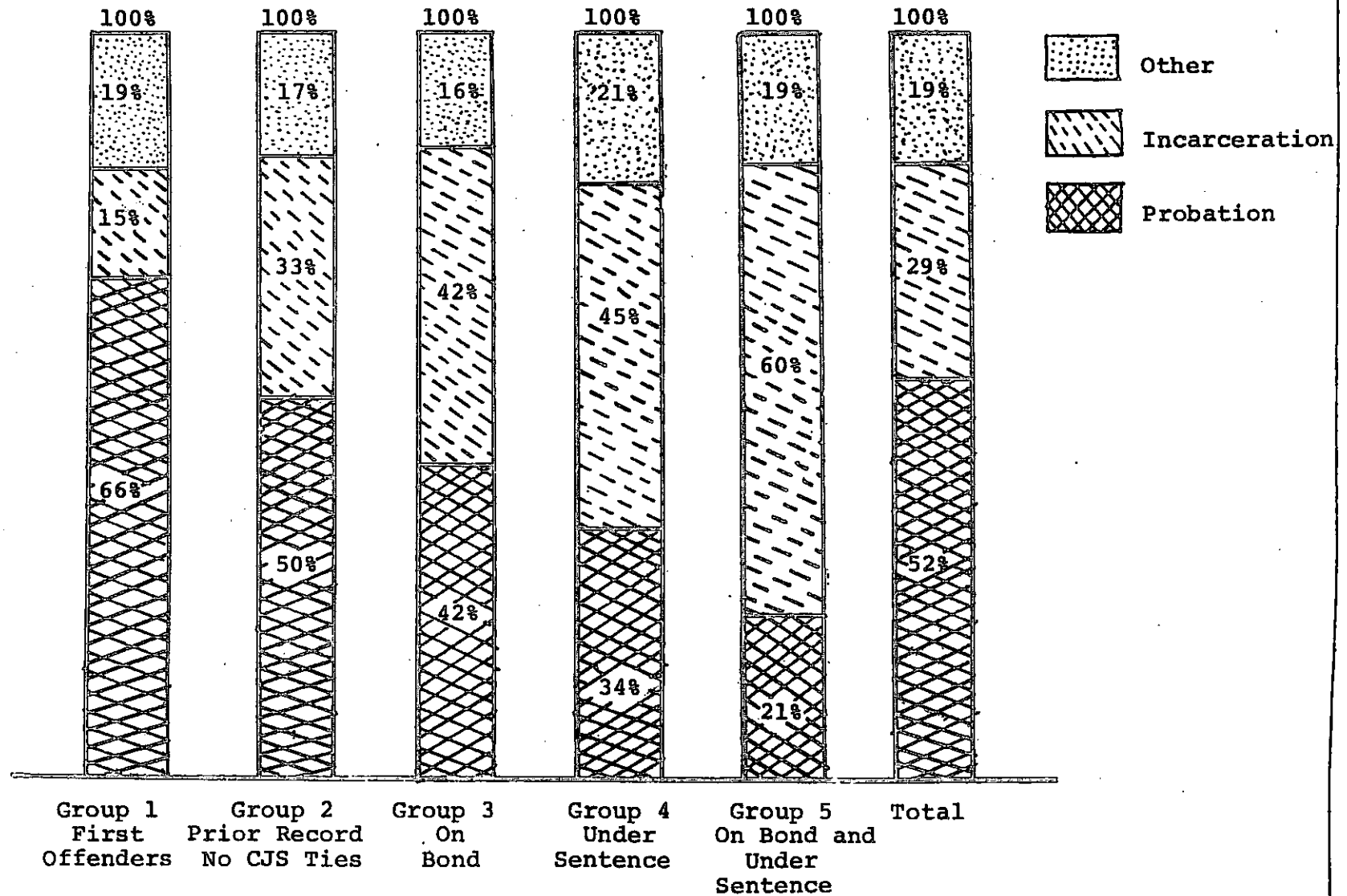
TABLE 27
SENTENCE OUTCOME BY INITIAL RELEASE

| TYPE OF SENTENCE | CITATION | PERSONAL RECOGNIZANCE | FINANCIAL BOND | OTHER 59 ACTION | TOTAL |
|------------------|-------------|-----------------------|----------------|-----------------|-------------|
| Probation | 62% | 56% | 29% | 13% | 48% |
| Incarceration | 8% | 28% | 50% | 31% | 30% |
| Other | 30% | 16% | 21% | 56% | 22% |
| Total | <u>100%</u> | <u>100%</u> | <u>100%</u> | <u>100%</u> | <u>100%</u> |
| | (1,236) | (2,796) | (1,535) | (388) | (5,955) |

59 Other Action includes: Held without Bond, MO, and RCA.

EXHIBIT 9

SENTENCING DISPOSITION OF CONVICTED OFFENDERS BY CRIMINAL JUSTICE STATUS AT THE TIME OF PAPERING



XIII.

THE REPEAT OFFENDER

Perhaps the most controversial issue facing the criminal justice system today is that of evaluating the risk of possible future crime by persons already known to the system. Whether this determination occurs during the pretrial period, at sentencing, or after a period of incarceration, the decision is no less easy. In an atmosphere of growing citizen concern and increased media attention to the issue of recidivism, little information existed until recently to quantify the magnitude of the problem or detail the attributes of the repeat offender in the District of Columbia. The scope of this report is too broad to present an in-depth study of this problem. Information is provided that discusses the magnitude of the problem from the courts' perspective and touches on some of the characteristics of the repeat offender processed by the system in 1975.

For purposes of this discussion the repeat offender is defined as a person charged with a crime in 1975 and subsequently recharged (a new case was "papered" by the government) for a separate offense during the year. Thus persons who entered the judicial process two or more times in the year of study are examined.

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⁶⁰ In undertaking this analysis a new data file was created that is defendant-based. The individual becomes the unit of count rather than the case that was filed with the court. Each record contains personal information on the characteristics of the offender with supporting socio-economic variables discussed in this report followed by system information relative to each case a person had in 1975. For example, a person processed twice would have information on conditions of release set for each case along with disposition outcome for both charges. Only "papered" cases are included in this analysis. If a person was arrested once in 1975 and no charges were filed at the initial hearing, no record is available. The file is structured so that persons who came through the system the same number of times are grouped together. Six sub-populations were created, the first group consists of persons with two separate cases. The other groups follow this criteria with the sixth group comprising individuals having six or more cases during the twelve month period.

The statistics presented only measure the size of the repeat offender problem in terms of the courts' workload in 1975. As such, projections on the magnitude of recidivism, in its broadest sense, committed by the pretrial population studied are understated. In particular, persons have unequal risk-exposure time during the year.⁶¹ That is, persons have different potential periods of time to be arrested for the commission of other crimes. Persons arrested in the latter portion of 1975 have less of a chance to re-enter the court process with a new offense than those initially arrested in the beginning of the year. Similarly persons receiving a citation or other form of non-financial release have a greater chance to recidivate than those initially detained by the courts at the first court appearance. Finally, as with most studies of recidivism, only adult arrest information in the District of Columbia is available. Statistics do not take into account cases outside of the jurisdiction, or the case of juveniles charged as an adult who were also charged with juvenile offenses in 1975. Finally, the data presented in no way estimate the commission of crimes where an individual was not apprehended.

Characteristics of the Repeat Offender

Previous chapters of this report have dealt with 16,732 "papered" cases. As Table 28 shows these cases translate into 12,923 individuals that the U.S. District Court and D.C. Superior Court processed in 1975. The population is grouped according to the number of times persons were handled by the courts and the

⁶¹ For a discussion of the problems of unequal exposure time when measuring recidivism see generally J.W. Locke, etc. al., Compilation and Use of Criminal Court Data in Relation to Pre-Trial Release of Defendants: Pilot Study. National Bureau of Standards Technical Note 535 (Washington, D.C.: U.S. Department of Commerce, 1970).

proportionate amount of cases attributable to the repeat offender population.

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Table 28

The Number Of Times Persons
Were Processed Through The Courts
In 1975 With The Proportion Of Cases
Accounted For By The Repeat Offender

| Number Of Times Processed Through System | Percentage Of Persons | Percentage Of Cases |
|--|--------------------------|------------------------|
| At least one case | 100.0% | 100.0% |
| At least two cases | 19.7% | 37.1% |
| At least three cases | 5.5% | 14.8% |
| At least four cases | 1.5% | 5.7% |
| At least five cases | .5% | 2.2% |
| At least six or more cases | .2% | .9% |
| Number Of Missing Cases = 241 | (12,923) | (16,491) |

The data indicate that 37 percent of the cases filed with the courts were accounted for by the repeat offender population. This group only accounts for 20 percent of the persons that made up the pretrial population in 1975. Of this group, 72 percent had two cases while 709 individuals had three or more cases filed with the courts during the twelve month period. Conversely 80 per-

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In the context of this report a repeat offender is defined as a person who had two or more cases filed with the courts in 1975.

cent of the persons arraigned in court only one time accounted for only 63 percent of the total cases processed.

In examining the characteristics of the individuals processed by the District's court systems in 1975, a number of differences between the repeat offender group and those processed only one time emerged. Defendants having more than one case during the year were slightly younger. Fifty-five percent of the repeat offender group were under the age of twenty-five in contrast to 48 percent of those processed only one time. Women under twenty-five, regardless of race, were disproportionately represented in the repeat offender population. For males no significant pattern was found. The personal characteristic which appeared to be the most highly correlated with recidivist group was drug usage. Nearly a third of this group admitted past or current use of narcotics as compared to only 18 percent of those processed one time.

There were no significant differences found between the groups in terms of community tie data with respect to: residency, length of time in the D.C. area, time at present address, and living relationship of the person. Analysis of employment data, on the other hand, reveals that the repeat offender was significantly more likely to be unemployed: Fifty-three percent of the persons with two or more cases were not working at the time of the first arrest as compared to 41 percent of the persons who had one case. The repeat offender group was also less educated than the other group, with sixty-four percent of the former not having reached the 12th grade in contrast to 55 percent of the latter.

Criminal history data reveals that persons rearrested in

EXHIBIT 10

Characteristics Of The Recidivist
Population With Those Persons Who
Only Appeared One Time In 1975

| Characteristic | Recidivist Group (2,551) | Non-Recidivist Group (10,372) |
|---|--------------------------------|-------------------------------------|
| % Of Population Under the Age of 25: | 55% | 48% |
| % Of the Population Male: | 85% | 85% |
| % Of the Population Black: | 93% | 87% |
| % Who Indicated Narcotics Usage: | 32% | 18% |
| % Who Indicated a Drinking Problem: | 4% | 5% |
| % Of Population Unemployed: | 53% | 41% |
| % Of Persons Who Did Not Reach the Twelfth Grade: | 64% | 55% |
| % Of Persons Living With At Least One Family Member | 70% | 69% |
| % Of Persons With A Prior Record Of Convictions: | 47% | 33% |
| % Of Persons With Current System Ties: | 34% | 22% |
| % Of Persons Initially Charged With A Crime Of Violence: | 26% | 24% |
| % Of Persons Initially Charged With A Felony: | 44% | 40% |

1975 were significantly more likely to have an adult criminal record of convictions and to have current ties with the system. Previous convictions were reported for 47 percent of the recidivist population in contrast to 33 percent of those who were not rearrested in 1975. While 34 percent of the recidivists were on some form of pretrial release and/or post-conviction supervision at the time of arraignment in their initial 1975 case, only 22 percent of the non-recidivists were reported to be on a similar form of conditional release.

Examining the charges for which the pretrial population was prosecuted in 1975, no distinct patterns of offenses emerged in comparing the initial 1975 charges of recidivists and non-recidivists. There was no significant difference between the two groups when examining for felony or violent crime prosecutions. Though not judged as significant, the recidivist group was slightly more likely to be charged with burglary, robbery and larceny offenses than those in the non-recidivist population. Individuals arrested and charged only once in the year of study, on the other hand, were slightly more likely to be prosecuted for assault, drug charges and weapons offenses.

XIV.

CASE PROCESSING SUMMARY

This study was undertaken with the goal of bridging the informational gap on crime and offenders in the District of Columbia. Analysis focused on those defendants originally arrested on misdemeanor or felony offenses and processed in either the D.C. Superior Court or the United States District Court in 1975. The total data set examined consists of 20,109 arrestees interviewed by the D. C. Bail Agency during this twelve month period.

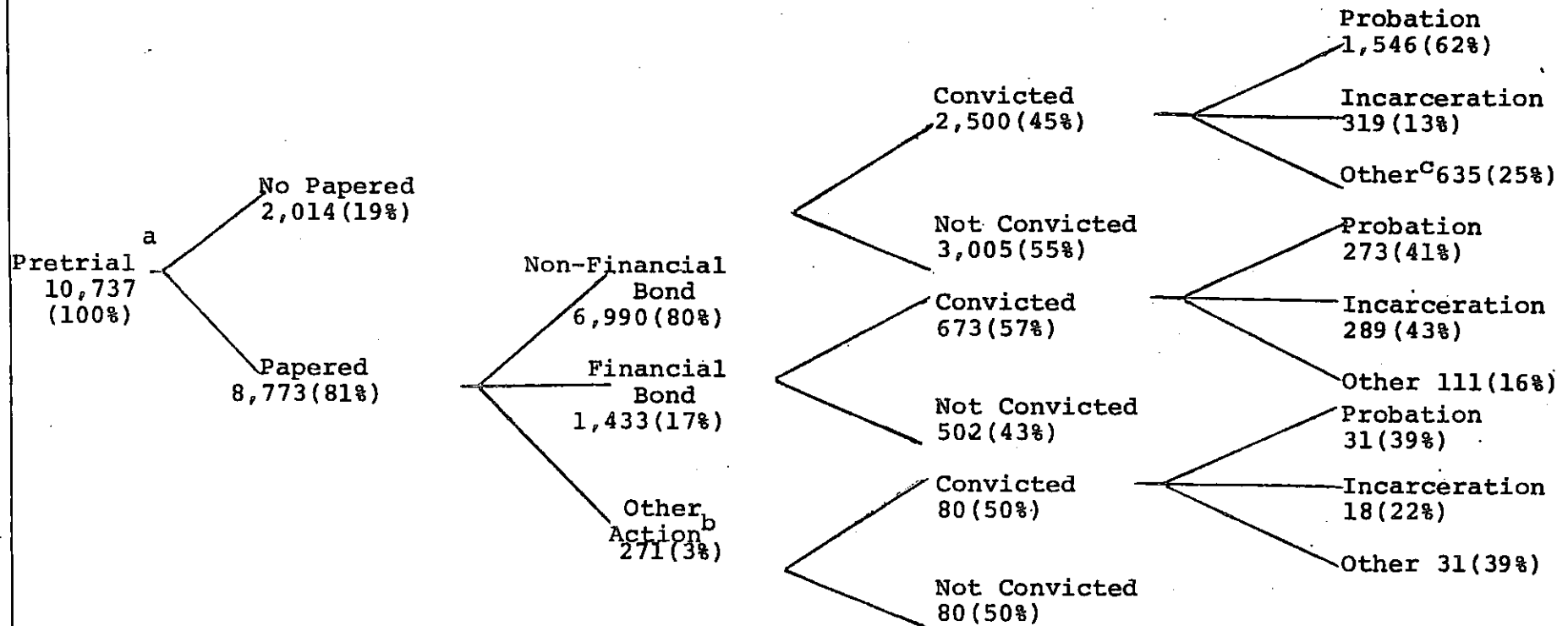
Three flow charts are presented in this final chapter which show the movement of the pretrial population through several of the major transaction points in the criminal justice system: Arrest, arrest disposition (i.e., whether the case was held for further processing), the pretrial release status of the defendant, determination of guilt, and sentence outcome for convicted offenders. The charts and statistics presented therein demonstrate the utility of the system-oriented OBTS (Offender Based Transaction Statistics) model which strives to relate actions taken in one component of the system to those in another. The OBTS system, regarded as the prospective focal point for systems and statistics coordination in the District, attempts to gain a comprehensive view of offender-processing that is lacking in the vantage point of any individual agency's perspective.

Misdemeanor Cases - Superior Court Processing

In 1975, 10,737 individuals arrested on misdemeanor charges were interviewed by the Bail Agency. As depicted in Figure 1, a

EXHIBIT 11

Flow of 1975 Misdemeanor Cases - Superior Court



^a The total number of cases at any one stage may not equal those of a preceding stage due to missing values.

^b Other action includes persons held without bond, detained on a 5-day hold, held for a preventive detention hearing, and those referred for mental observation or alcoholic treatment.

^c Other includes suspended sentence and fine.

post-arrest decision was made in 19 percent of these cases to no paper the charge(s). In other words, nearly one-fifth of the misdemeanor population was released prior to trial, thereby avoiding prosecution.

Of those defendants held for trial, 80 percent were released on their own recognizance, 17 percent were assigned a financial bond, and 3 percent were held on some other form of court action.⁶³ Examining case outcome by pretrial release status, the data show that those defendants held on financial bond were significantly more likely to be convicted (57 percent) than were those released on non-financial bond (45 percent). The data in Figure 1 further show that upon determination of guilt, defendants originally assigned financial bond received more severe sentences than did other defendants. 43 percent of the defendants who initially had a financial bond set and were later found guilty received a term of incarceration in contrast to only 13 percent of the convicted group released on personal recognizance. Probation was utilized in a greater proportion of the guilty personal recognizance population (62 percent) than for the convicted financial bond offenders (41 percent).

⁶³ Other court action includes turned over to another judge or court in the jurisdiction for further action, referred to St. Elizabeth's Hospital for mental observation, referred to the Rehabilitation Center for Alcoholics, pled guilty at initial hearing, and placed in a work-release setting pending trial.

Overall, study data reveal that nearly two-thirds (63 percent) of all misdemeanor cases in the District do not result in a conviction. Examining the 1975 misdemeanor cases as a whole, the data show that 21 percent eventually result in the offender being placed on probation, 9 percent result in a suspended sentence or fine, and 7 percent result in the offender receiving an incarceration term. Figure 1 reveals that those defendants having a financial bond set were not only more likely to be convicted but also were more likely to be sentenced to prison upon determination of guilt.

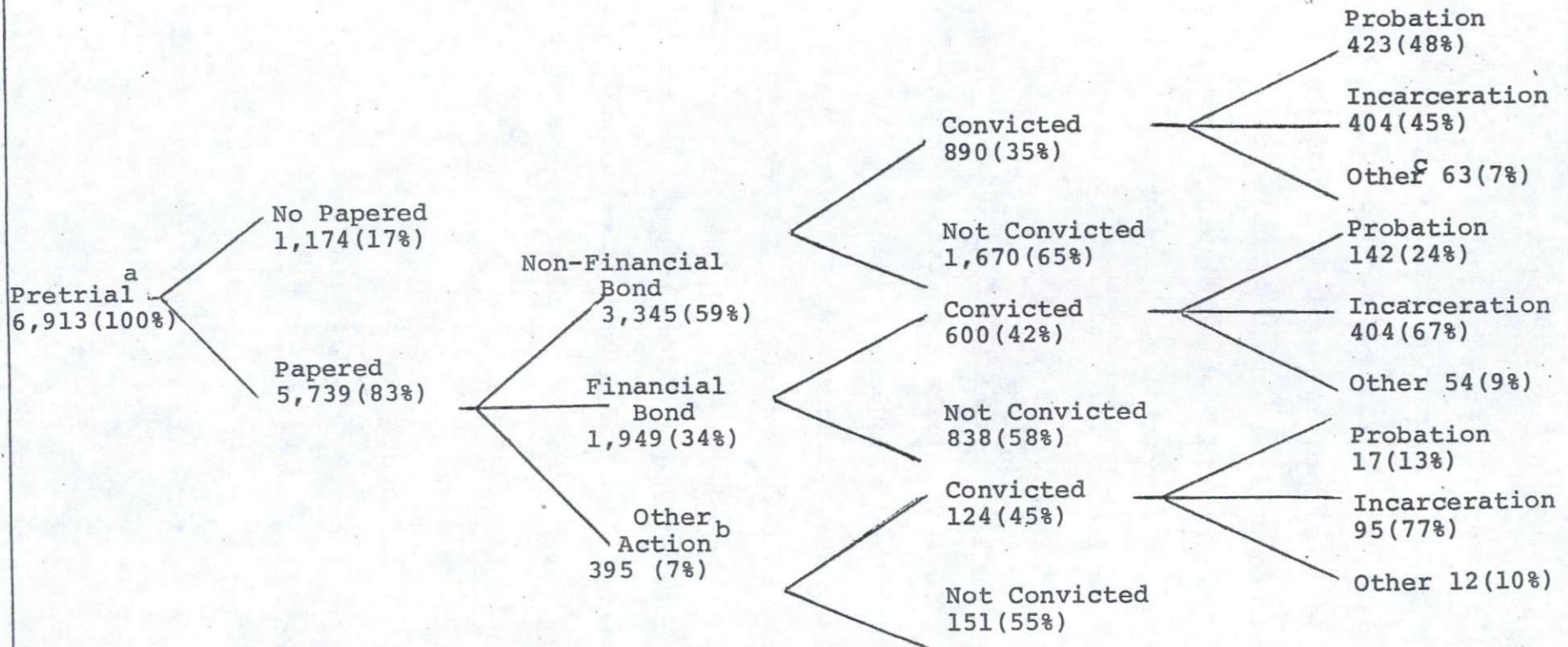
Felony-Cases - Superior Court Processing

Nearly 7,000 individuals arrested on felony charges in 1975 were interviewed by the Bail Agency. In 17 percent of the total felony cases, charges were "no papered" and the defendant was not held for trial. Of the cases which were held for prosecution, 59 percent of the defendants were released on their own recognizance pending trial, 34 percent were assigned a financial bond and 7 percent were held in other action. The data for Figures 1 and 2 reveal that financial bond is resorted to nearly twice as often in felony cases as in misdemeanor cases for Superior Court.

Examining case outcome by pretrial release status, the data reveal that, as with misdemeanor cases, those defendants assigned a financial bond are more likely to be convicted (42 percent) than are those persons released non-financially (35 percent). Those defendants who initially received some other

EXHIBIT 12

Flow of 1975 Felony Cases - Superior Court



^a The total number of cases at any one stage may not equal those of a preceding stage due to missing values.

^b Other action includes persons held without bond, detained on a 5-day hold, held for a preventive detention hearing, and those referred for mental observation and alcoholic treatment.

^c Other includes suspended sentence and fine.

form of court action had the highest proportion eventually convicted, with 45 percent found guilty.

For the convicted felony offender, Figure 2 shows that defendants initially held on other action and financial bond were considerably more likely to be sentenced to prison (77 percent and 67 percent respectively). In contrast, nearly half of those convicted who had initially been released on their own recognizance were placed on probation.

Examining 1975 Superior Court felony cases as a whole, the study data reveal that 7 out of 10 felony arrests do not result in a conviction. Of all the individuals initially arrested on felony charges, 17 percent were eventually sentenced to a period of incarceration, 11 percent were placed on probation, and 2 percent received a suspended sentence or fine.

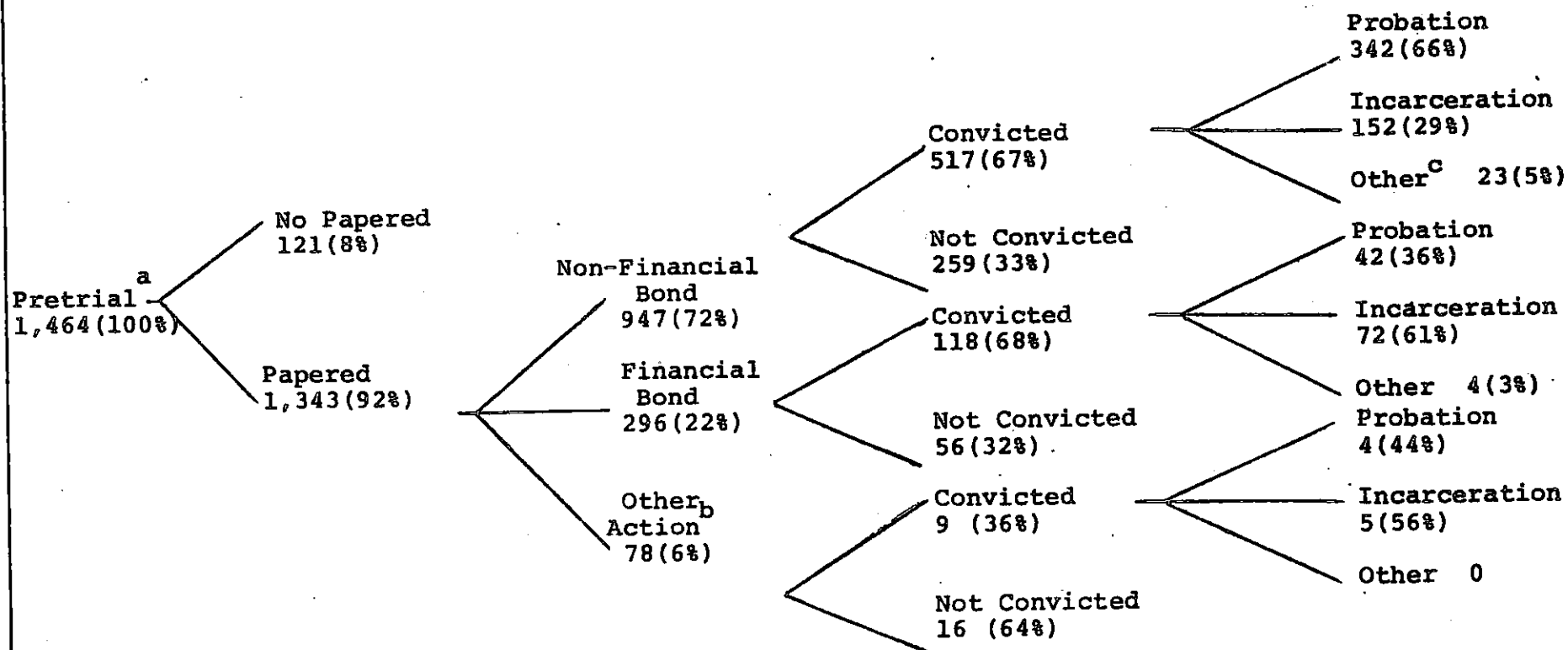
Flow of Cases - United States District Court

Nearly all of the cases adjudicated in District Court in 1975 involved felony charges.⁶⁴ The percentage of cases "no papered" in the federal court (8 percent) is significantly below that for felonies in Superior Court (17 percent). Of the defendants whose cases were held for prosecution, nearly three

⁶⁴ Of the total District Court caseload in 1975 (1,464 cases), 91.7% (1,343) were felonies, 7.5% (110) were classified as other (e.g., fugitive, parole violation) and 8% (11) were misdemeanors.

EXHIBIT 13

Flow of 1975 District Court Cases



^a The total number of cases at any one stage may not equal those of a preceding stage due to missing values.

^b Other action includes persons held without bond, detained on a 5-day hold, held for a preventive detention hearing, and those referred for mental observation or alcoholic treatment.

^c Other includes suspended sentence and fine.

out of four were released on personal recognizance pending trial. Data for Figures 2 and 3 reveal that non-financial release is utilized more often in District Court (72 percent of all cases) than in Superior Court felony cases (59 percent).

Figure 3 shows that case outcome in the federal court did not vary by release status for the two major pretrial groups. 67 percent of those released on personal recognizance were ultimately convicted as were 68 percent of those assigned a financial bond. Analysis of sentence outcome for the convicted population, however, does reveal a significant difference between those released on their own recognizance pending trial and those assigned financial bonds. Among the convicted population, probation was resorted to a far greater proportion of the time for those released non-financially. Only 29 percent of the convicted defendants originally released on personal recognizance were sentenced to an incarceration term in contrast to 61 percent of those assigned cash or surety bonds. This finding is similar to sentence outcome depicted in Figure 2 for Superior Court felony cases.

Approximately four out of ten arrests brought to District Court do not result in a conviction. Of the total 1975 arrests on federal charges, 35 percent resulted in an offender being placed on probation, 21 percent resulted in the offender being sentenced to prison, and 3 percent led to a suspended sentence

or fine. Comparing the processing of felony cases in Superior Court with those in District Court, the data show that probation is utilized in a greater proportion of cases in the federal court as a sentence option.

The summary data presented herein provide a preliminary analysis into the utility of transactional data in examining case processing from arrest through disposition. It is expected that more detailed analyses will follow which will consider variables such as length of sentence, age, race and sex of the offender and criminal history data.

XV

CONCLUSION

Previous studies examining offender groups processed in the District of Columbia have, in general, focused on persons charged with FBI Index crimes or specific felony offenses. Most research has utilized some form of sampling technique, and while the populations selected may have been suitable for the examination of specific problem areas, they did not usually lend themselves to a wide variety of analyses. Further, since the court reorganization of 1970, most research efforts in the pretrial area have focused on persons processed through the D. C. Superior Court. Thus little was known about persons charged with federal crimes and processed in the U. S. District Court.

In the present investigation, we have sought to correct these shortcomings by presenting information on as complete an offender population as possible. By capturing data on nearly all persons processed through both courts in 1975, the study sets forth much information that was not previously available. This initial attempt has provided insight with respect to target populations within the pretrial population that impact on the processing and delivery of services by system components.

This study has been limited to a discussion of four decision-making points in the pretrial process. First, the decision to prosecute and an examination of the proportion of cases papered at the initial hearing. Discussion focuses on the volume and types of charges filed, and an in-depth profile of the demographic and socio-economic characteristics of the pretrial defendant is presented. Secondly, the utilization of citation release within the District is analyzed and discussion focuses on the proportion of the pretrial population able to secure their release in this manner. Thirdly, examination of bail determination at the initial court hearing details the various release options available in this jurisdiction and how they were utilized in the year of study. Finally, case outcome is analyzed, and data is presented on the final disposition and sentence accorded the 1975 pretrial population.

The objectives of this research effort specifically excluded any attempt to evaluate either the procedures used to process the pretrial offender or those components of the criminal justice system charged with this responsibility. Our major goal was the creation of a comprehensive data base to provide better empirical information for policy-determination and planning by criminal justice decision-makers in the District. As the pretrial offender file developed for this research project is expanded to include additional data elements, research on a

greater number of decision-making points may be undertaken. The usefulness of an automated management information system such as that which will result from the implementation of an Offender Based Transaction Statistics system in the District cannot be overstated. Once this system becomes operational, the possibilities for research, planning and evaluation throughout the system become limitless and will be attainable at a cost far below that involved in traditional research endeavors.

In addition to demonstrating the feasibility of offender-based statistics, this project's data base contains a comprehensive file of defendant information susceptible to a wide variety of future analyses. While the findings in this report will expand the existing base of information on crime and offenders in this jurisdiction, analysis of the data is by no means exhaustive. General patterns revealed through examination of the data indicate the need for far more detailed research into selected areas of concern. It is hoped that this initial investigative report will serve as a useful tool in the analysis of current issues and questions by those involved in the administration of justice in the District of Columbia.

THE PRETRIAL OFFENDER
IN THE DISTRICT OF COLUMBIA

APPENDICES

APPENDIX A

DATA COLLECTION INSTRUMENT AND AN OVERVIEW OF THE DATA COLLECTION AND PROCESSING EFFORT

The Data Collection Instrument

The selection of descriptive variables and system identifiers was developed according to the diverse needs of the Office of Criminal Justice Plans and Analysis and the D.C. Bail Agency. The data collection instrument was designed to fulfill these needs, yet by necessity, the information had to be limited due to the manual coding of over 20,000 records. It had to be simple to use, easily understood and able to fit on a standard 80 column computer card. The overriding concern was to use a document that could be completed by a data coder in less than five minutes per case. This form, organized for speed and efficiency and not necessarily by subject area, was the result of considerable pre-testing and revision to minimize inconsistencies and to ensure uniformity with source documentation.

Data Collection and Processing

The actual data collection effort, manual coding of 20,109 defendant records, was carried out by a research team which included principal researchers from the Statistical Analysis Center of the Office of Criminal Justice Plans and Analysis and the Bail Agency and a group of highly qualified graduate and undergraduate students. All personnel were well

acquainted with the study design and the operational setting of both the Bail Agency and the court system in the District. The data collection effort, which extended from September 1975 through July 1976, was divided into four separate phases and the procedures of each sequence are briefly reviewed here.

First, compilation of the pertinent data was made by examining and then extracting from the Bail Agency folder all data to be analyzed in the study. While all members of the research team participated in the coding of the basic demographic and case information, classification of types of employment was carried out solely by the senior researchers after all other data from the folder had been collected. This was done to lessen arbitrary categorization and to minimize inconsistencies in coding.

Upon completion of the initial data collection phase utilizing the Bail Agency records, the project staff then began to collect the PDID number, a data element frequently missing from the folder and considered to be of vital importance both to the present research effort and future analyses. This number, a unique fingerprint-based identification number assigned by the booking facilities of the Metropolitan Police Department is of critical importance since it is retained by the defendant for life and as such is used for all future contacts with the Police Department. In addition, the PDID number serves as the major linkage mechanism to ensure that the data on individuals gathered from the various other criminal justice agencies' records are entered in an accurate manner. Unfortunately, approximately 45 percent of all the

Bail Agency folders examined did not contain this unique identifier. In attempting to retrieve this missing information, several approaches were utilized which included querying the police on-line computer system (WALES), manual collection from the Police Department's central records, and printouts provided by Superior Court. Although this was a very laborious and time-consuming undertaking, at its completion all but approximately 300 defendants (less than 2% of all 1975 cases) were able to be identified by PDID number.

The final data collection effort was directed at obtaining final disposition and sentencing information on all 1975 cases. Since the original data collection phase began in the year of study, the securing of this data, in the majority of cases, had to be undertaken after the coding of folders. Printouts provided by D.C. Superior Court helped immensely in this task and the team was able to obtain disposition and sentencing information on Superior Court cases as of June 31, 1976 through this manner. For District Court cases, the entire process had to be conducted manually and involved on-site visits to their record-keeping facilities. The end product was the collection of case disposition information on 89% of the 1975 cases.

During the time that PDID numbers and final disposition information were being traced, the original data collection sheets were being manually screened for completeness and accuracy by the principal researchers. Upon completion of this screening process, the information was keypunched and verified and printouts were generated containing all defendant case information.

Data entry verification by source document was manually carried out by the project staff, and inconsistent and missing data were investigated and the appropriate records were corrected. Finally, a computer programmer developed several edit routines to ensure that all the data on the cards conformed to the types of information which could legitimately appear in the individual record fields. Invalid, out of range and missing data were identified and corrected; updated information was keypunched and verified; and a computer tape was generated to form a data base for analysis.

BAIL AGENCY QUESTIONNAIRE

CODER: _____

CASE DESCRIPTION

McBEE#:
1 5

CHARGE:
6 9 10 13

DOCKET#:
14 19

(See Charge Sheet)

TYPE OF COURT:
20
(1=Sup Ct; 2=Dist Ct)

MISDEMEANOR OR FELONY:
21
(1=Misd; 2=Fel)

FINAL DISP:
22 23

DISP DATE: - -
24 25 26 27 28
Mo Dy Yr(7)

MPID#: -
29 31 32 34

(See Disposition Sheet)

STOP!! -- IF FINAL DISPOSITION IS CODED "NO PAPER" -- 00

PERSONAL DESCRIPTION

INITIAL DATE: -
35 36 37 38
Mo Dy

ALIAS"?":
39
(0=N; 1=Y)

RACE:
40
(1=N; 2=W; 3=Other)

SEX:
41
(1=M; 2=F)

D.O.B.: - -
42 43 44 45 46 47
Mo Dy Yr

TELEPHONE"?":
48
(0=N; 1=Y)

PHYSICAL DISO"?":
49
(0=N; 1=Y)

MENTAL ECSP"?":
50
(0=N; 1=Y)

NARCOTICS"?":
51

ALCOHOL"?":
52

0=NO
1=Yes WITHOUT Treatment
2=Yes WITH Treatment
3=Yes, prior ONLY

RESIDENCE

PRESENT ADDRESS FOR: MONTHS
53 54

00 = No permanent address
95 = LESS than 1 mo
98 = 8yrs or more

CONCURRENT ADDRESS"?":
56
(0=N; 1=Y)

LIVING WITH:
55

0 = Self 2 = Other family
1 = Immediate family 3 = Other

D.C. AREA RESIDENT FOR: YEARS
57 58

00 = Non-Resident
95 = Less than 1yr
98 = LIFE

EMPLOYMENT-SUPPORT

PRESENT EMPLOYMENT:
59 60
(00=Unemployed)

Write in exact "Type of Work"
and the name of the business.
To be coded later.

PRIOR EMPLOYMENT:
62
(0=N; 1=Y)

PRESENT INCOME:
63

PRESENT
LENGTH OF TIME EMPLOYED
OR UNEMPLOYED:
61

1 = Less than 1 mo
2 = 1 mo to less than 6mos
3 = 6mos to less than 1yr
4 = 1yr to less than 2yrs
5 = 2yrs to less than 5yrs
6 = 5yrs and over

| | /HR | /WK | /YR |
|------------------|--------|-----------|-----|
| 0 = NO INCOME | | | |
| 1 = up to \$2.00 | \$ 80 | \$ 4,160 | |
| 2 = " \$2.50 | \$100 | \$ 5,200 | |
| 3 = " \$3.00 | \$120 | \$ 6,240 | |
| 4 = " \$4.00 | \$160 | \$ 8,320 | |
| 5 = " \$5.50 | \$220 | \$11,440 | |
| 6 = " \$7.50 | \$300 | \$15,600 | |
| 7 = " \$9.00 | \$360 | \$18,220 | |
| 8 = " \$9.00+ | \$360+ | \$18,220+ | |

WHEN NO INFORMATION IS AVAILABLE, WRITE "9" IN ALL AVAILABLE SPACES

EMPLOYMENT (Continued)

HOW SUPPORTED"?": ☐ 64

- 1=Self-supported
- 2=Family
- 3=Friends
- 4=Government Support
- 5=Other _____

EMPLOYMENT STATUS"?": ☐ 65

- 0=UNEMPLOYED
- 1=Employed Full-time
- 2=Employed Part-time
- 3=STUDENT Full-time
- 4=Homemaker
- 5=Non-Member of Work Force (Retired, disabled, etc.)
- 6=Other _____

EMPLOYED OFF&ON"?": ☐ 66
(0=N;1=Y)

EDUCATION: ☐ YRS
67 68

- 17=More than 16yrs
- 95=GED
- 98=HS GRAD

CRIMINAL INVOLVEMENT

NON-APPEARANCE AT COURT PROCEEDINGS: ☐ 69 PRIOR CONVICTIONS: ☐ 70 (Exclude Traffic & d.c. charges)

(0=NONE; Indicate # from 1 to 8; 8 or more=8)

BOND STATUS"?": ☐ 71 (Exclude Traffic & d.c. charges)

- 0=No pending cases
- 1=PR with compliance
- 2=PR with NON-compliance
- 3=SURETY
- 4=CASH
- 5=More than 1 bond
- 6=Other _____

UNDER SENTENCE"?": ☐ 72

- 0=No
- 1=Yes-PROBATION
- 2=Yes-PAROLE
- 3=Yes-Both
- 4=Yes-Work Release
- 5=Yes-Diversion
- 6=Yes-Other _____

RECOMMENDATION: ☐ 73 74

- 00 = Not Applicable
- 01 = CITATION release
- 02 = PR - Personal Recognizance
- 03 = CR - CONDITIONAL RELEASE
- 04 = NR - UNVERIFIED
- 05 = NR - BRA pending or conviction
- 06 = NR - Outstanding BENCH WARRANT
- 07 = NR - Opposed by P.O.
- 08 = NR - UNDETERMINED information
- 10 = NR - VIOLATION of release conditions

- 11 = NR - TRANSIENT
- 12 = NR - NO FIXED Address
- 13 = NR - Prior ESCAPE or ELOPEE
- 14 = NR - Outstanding DETAINER
- 15 = NR - REFUSED Interview
- 16 = NR - NO Returnable Address
- 17 = NR - PREVENTIVE DETENTION HEARING
- 18 = NR - Disturbed MENTAL Condition
- 20 = NR - Other _____

RELEASE ORDER - COURT ACTION

ACTION BY JUDGE: ☐ 75 76

- 01 = CITATION release
- 02 = PR - Personal Recognizance
- 03 = Unsecured Appearance Bond
- 04 = CASH Bond
- 05 = SURETY Bond
- 06 = Mental Observation-St. E's.
- 07 = RCA
- 08 = 5-DAY HOLD

- 10 = RVTDS
- 11 = T.O.T. to
- 12 = HELD without BOND
- 13 = PLED Guilty
- 14 = PREVENTIVE DETENTION HOLD
- 15 = Work Release
- 16 = Other _____

STOP!! -- UNLESS ON PERSONAL RECOGNIZANCE -- "02"

PR WITH CONDITIONS"?": ☐ 77
(0=N;1=Y)

PR - SUPERVISORY CUSTODY"?": ☐ 78

- 1=BONABOND
- 2=Private Person
- 3=BUREAU of Rehab
- 4=NTA/NTC
- 5=CRO (Community Release)
- 6=DISMAS
- 7=CRP (Comm. Reality Proj)
- 8=Other _____

PR - REPORT TO BAIL AGENCY"?": ☐ 79
(0=N;1=Y)

PR - NARCOTICS"?": ☐ 80
(0=N;1=Y)

WHEN NO INFORMATION IS AVAILABLE, WRITE "9" IN ALL AVAILABLE SPACES

APPENDIX B

DATA ELEMENT DICTIONARY

The data element dictionary which follows provides definitions and descriptions of all the data elements which make up the Bail Agency Project data base. The data elements in the dictionary are organized according to where they appear on the data collection form, Bail Agency Questionnaire 1975, and have been assigned a chronological index number according to this scheme. In addition, those variables which were computed and/or added to the original data elements are also described.

DATA ELEMENT NAME

DEFINITION AND DESCRIPTION

1. McBee#

A unique five-digit number assigned to each case by the Bail Agency. The McBee numbers are assigned chronologically for pretrial cases in a given year, i.e., the first case number assigned in 1975 would be 00001. The defendant may have more than one McBee number in a given year as the number represents a particular case involving the defendant. For example, if Jim Jolly is first arrested for assault in January of 1975, then is issued a bench warrant for not appearing at his trial (June, 1975) and the bench warrant is quashed, but he is subsequently rearrested for petit larceny (Sept., 1975); Jim would have a total of three McBee numbers.
2. Original charge
charge

A eight-digit code which represents the prosecutor's two most serious charges involving this case (each charge is four digits). The code which describes this charge is based on a coding scheme developed and used by the Metropolitan Police Department in Washington, D.C.
3. Docket #

The number initially assigned to this case by the courts. The unique eight-digit number is assigned sequentially for each case filed in a given year; the first or last two digits represent the year (depending on whether its a District or Superior Court case respectively) and will not be recorded in this study. Court Case #75-002753 = 002753
4. Type of Court
Court

Indicates the court where the defendant's case is being processed.

Code

- 1 - Superior Court
- 2 - District Court

5. Misdemeanor/
Felony
- A code indicating whether the case is a misdemeanor or felony. If at least one of the original charges is a felony, the case is considered to be a felony.
- 1 - Misdemeanor
2 - Felony
6. Final
Disposition
- A two-digit code representing a generalized summary of the final outcome or disposition of the case.
7. Disposition
Date
- The date on which the final disposition occurred. The following standardized format is used throughout the project to express the date:
- Date: Month, Day, Year*
Disposition Date: 01235 = January 23, 1975
- *Year is only indicated with one digit as all cases in this project will have final dispositions within the 1970's.
8. MPID#
- A unique fingerprint-based identification number is assigned by the Central Identification Branch of the Metropolitan Police Department to each defendant. This unique personal identifier is retained by the defendant for life and used for all future contacts with the police department. In this project it is a six-digit field.
9. Initial
Interview
- The date on which the defendant was interviewed by the Bail Agency to establish his(her) pre-trial release status. Date is represented by four digits indicating the month and day as year is always 1975. The year will be internally generated when project file is automated.
10. Alias
- Indicates whether the defendant has ever used an alias or aliases (nicknames are not considered to be aliases).
- 0 = No
1 = Yes
11. Race
- Indicates the defendant's race.

- 1 - Black
- 2 - White (includes Mexicans and Latins)
- 3 - Other (includes Asians, Eskimos, Koreans, etc.)

12. Sex

Indicates the sex of the defendant.

- 1 - Male
- 2 - Female

13. DOB

A six-digit date which represents the defendant's date of birth.

14. Telephone

Indicates if the defendant has use of a telephone.

- 0 - No
- 1 - Yes

15. Physical Disorder

Indicates if the defendant has a physical disorder is considered to be any physical condition requiring medication or treatment and/or when the defendant is disabled or handicapped in some manner. (Wearing glasses is not a physical disorder).

- 0 - No
- 1 - Yes

16. Mental Hospitalization

Indicates if the defendant has been hospitalized in a "mental" hospital within the last ten years.

- 0 - No
- 1 - Yes

17. Narcotics

A code which indicates whether the defendant has ever used narcotics drugs and/or is presently undergoing treatment for this condition.

- 0 - No
- 1 - Yes without treatment
- 2 - Yes with treatment
- 3 - Yes, prior only

18. Alcohol

A code indicating whether the defendant has ever had an alcohol problem, i.e., is an alcoholic and/or is presently undergoing treatment for this problem.

- 0 - No
- 1 - Yes without treatment
- 2 - Yes with treatment
- 3 - Yes, prior only

19. Present Address

A two-digit code which indicates the number of months the defendant has lived at his present address.

- 00 - No permanent address
- 95 - Less than 1 month
- 98 - 8 years or more

20. Living With

Indicates whom the defendant is living with.

- 0 - Self
- 1 - Immediate family
- 2 - Other family
- 3 - Other

21. Concurrent Address

Indicates whether the defendant considers himself to have more than one permanent address, e.g., lives with his parents sometimes and with his girlfriend at other times.

- 0 - No
- 1 - Yes

22. D.C. Area Resident

Indicates the number of years the defendant has resided in the Washington, D.C. area.

- 00 - Non-resident
- 95 - Less than 1 year
- 98 - Lifetime resident

23. Present Employment Type

A two-digit code representing the defendant's present employment code. The employment type will be coded after the data is collected. the code will be based on the standardized format used by both the Bureau of the Census, Department of Commerce and Department of Labor.

- 00 - Unemployed

24. Length of
Time
Employed/
Unemployed
Presently

Indicates the length of time the defendant has been employed in his present job or the length of time the defendant has been unemployed.

- 1 - Less than 1 mo.
- 2 - 1 mo. to less than 6 mos.
- 3 - 6 mos. to less than 1 yr.
- 4 - 1 yr. to less than 2 yrs.
- 5 - 2 yrs. to less than 5 yrs.
- 6 - 5 yrs. and over

25. Employed
Prior

Indicates if the defendant was employed previously.

- 0 - No (not employed previously)
- 1 - Yes (previously held some sort of job)

26. Income

A code representing the defendant's present legitimate income.

| | <u>/Hr.</u> | <u>/Wk.</u> | <u>/Yr.</u> |
|------------------|-------------|-------------|-------------|
| 0 - no income | | 0 | 0 |
| 1 - up to \$2.00 | | \$80 | \$4,160 |
| 2 - up to \$2.50 | | \$100 | \$5,200 |
| 3 - up to \$3.00 | | \$120 | \$6,240 |
| 4 - up to \$4.00 | | \$160 | \$8,320 |
| 5 - up to \$5.50 | | \$220 | \$11,440 |
| 6 - up to \$7.50 | | \$300 | \$15,600 |
| 7 - up to \$9.00 | | \$360 | \$18,220 |
| 8 - over \$9.00 | | \$360+ | \$18,220+ |

27. How
Supported

Indicates how the defendant is financially supported.

- 1 - Self supported
- 2 - Family
- 3 - Friends
- 4 - Government support (welfare, social security, etc.)
- 5 - Other

28. Employment
Status

Indicates the defendant's employment status.

- 0 - Unemployed
- 1 - Employed full-time
- 2 - Employed part-time
- 3 - Student full-time
- 4 - Homemaker
- 5 - Non-member of work force (retired, disabled, etc.)
- 6 - Other

29. Employed
OFF/ON
- Indicates if the defendant is employed on an irregular basis, i.e., seasonal, catchout type employment.
- 0 - No
1 - Yes
30. Education
- A two-digit code which represents the number of years of school completed by the defendant.
- 95 - GED
98 - High school graduate
17 - 17 years or more of schooling
31. Non-appearances
at Court
Proceedings
- Represents the number of times the defendant has failed to appear for court proceedings (excludes traffic and D.C. Code cases).
- 0 - None
8 - 8 or more times
32. Prior
Convictions
- Represents the number of prior convictions for the defendant (excludes traffic and D.C. Code offenses).
- 0 - None
8 - 8 or more convictions
33. Bond
Status
- A one-digit code representing whether the defendant is presently on any type of pre-trial release for pending charges.
- 0 - No pending cases
1 - PR with compliance
2 - PR with non-compliance
3 - Surety bond
4 - Cash bond
5 - More than 1 bond
6 - Other

34. Under
Sentence

A one-digit code indicating whether the defendant is presently serving a sentence.

- 0 - No
- 1 - Yes, Probation
- 2 - Yes, Parole
- 3 - Yes, Both
- 4 - Yes, Work Release
- 5 - Yes, Diversion
- 6 - Yes, Other

35. Bail
Recommendation

A two-digit code representing a generalized summary of the Bail Agency's recommendation for the defendant's release.

36. Action by
Court

A two-digit code which indicates the final outcome of initial Bail Setting Hearing.

37. PR with
Conditions

PR indicates the defendant is released on the basis of personal recognizance rather than on some form of financial bond. PR with conditions refers to the conditions attached to PR which the defendant must abide by to remain free in the community while awaiting trial.

38. PR -
Supervisory
Custody

A one-digit code indicating the defendant is conditionally released into the custody of some third party, e.g., an organized program, a family member, or friend.

- 0 - No
- 1 - Bonabond
- 2 - Private person
- 3 - Bureau of Rehabilitation
- 4 - NTA/NTC (Narcotic Treatment Administration/Neighborhood Treatment Center)
- 5 - CRO (Community Release Organization)
- 6 - Dismiss
- 7 - CRP (Community Reality project)
- 8 - Other

39. PR - Report
to Bail Agency

Indicates whether as a condition of release on PR, the defendant must report regularly to the Bail Agency. i.e., via telephone or in person.

0 - No
1 - Yes

40. PR- Narcotics

Indicates whether as a condition of release on PR, the defendant must report for testing and/or treatment for drug usage. This defendant will usually be referred to the Narcotic Treatment Administration.

0 - No
1 - Yes

41. Age

Indicates age in years calculated from the defendant's date of birth to the initial bail setting hearing. (Range: 15 through 75).

42. Dayswait

A three digit code indicating the number of days between the initial bail setting hearing and final disposition of the defendant's case. (Range: 001 through 999 days).

43. Rearrest

Represents the number of times each defendant was arrested for a misdemeanor/felony in 1975, including no-papered cases. (Range: 1 through 12).

44. Offense
Category I

A two-digit code which classifies the most serious crime with which the defendant is charged into one or 24 generic categories:

| | |
|-----------------|------------------------|
| Arson | Homicide |
| Assault | Kidnapping |
| Bribery | Larceny |
| Burglary | Obstruction of Justice |
| Commerical Sex | Procedural Violations |
| Dangerous Drugs | Robbery |
| Embezzlement | Sexual Assault |
| Extortion | Sex Offenses |
| Flight-Escape | Stolen Property |
| Forgery | Stolen Vehicles |
| Fraud | Weapons |
| Gambling | Miscellaneous |

45. Offense Type^I

An offense classification scheme to indicate the type of offense charged:

- 1 - Crime against Person
- 2 - Crime against Property
- 3 - Morals and Decency Offense
- 4 - Public Order Offense
- 5 - Neutral

46. Offense Violent^I

A code which indicates whether the offense with which the defendant is charged is defined as "violent" according to the provisions of Sec. 23-1331 (3) of the Bail Reform Act.

- 1-Violent
- 2-Non-Violent
- 3-Neutral/Insufficient Information

47. Offense Dangerous^I

A code which indicates whether the offense with which the defendant is charged is defined as "dangerous" according to the provisions of Sec. 23-1331 (4) of the Bail Reform Act.

- 1-Dangerous
- 2-Non-Dangerous
- 3-Neutral/Insufficient Information

48. Offense Economic^I

A code which indicates whether the offense with which the defendant is charged is one committed for monetary or economic profit.

- 1-Economic
- 2-Non-Economic
- 3-Neutral/Insufficient Information

49. Severity Code^I

A severity code rating the seriousness of the offense charged as reflected in the maximum-minimum sentences prescribed by law.

(Range: 1 through 135, with '1' being most severe).

50 through 54:

Offense Category^I
Offense Type^{II}
Offense Violent^{II}
Offense Dangerous^{II}
Offense Economic^{II}

These categories are identical to those described as data elements #44-48; They are applicable, however, to the second most serious charge brought against the defendant.

APPENDIX C

CHARGE CLASSIFICATION SCHEME

CRIMES AGAINST PERSON

Murder I
Felony Homicide
Murder II
Manslaughter Non-Negligent
Negligent Homicide

Homicide

Armed Kidnapping
Kidnapping

Kidnapping

Armed Rape
Rape
Carnal Knowledge
Assault with Intent to Rape
Indecent Assault on a Minor Child

Assault Sexual

Assault with Intent to Kill/Poison
Armed Assault/Aggravated Assault
Assault with Intent Commit Mayhem
Assault with Dangerous Weapon
Assault on a Police Officer
Assault with Intent to Commit Any Other Offense
Simple Assault

Assault

Armed Robbery
Bank Robbery
Robbery Force and Violence
Robbery Pursesnatch
Robbery Pickpocket
Robbery No Weapon
Assault with Intent to Rob

Robbery

Cruelty to Children

Miscellaneous

CRIME AGAINST PROPERTY

Arson

Armed Burglary
Burglary I
Burglary II
Breaking and Entering Vending Machine
Attempted Burglary I, II
Unlawful Entry

Larceny After Trust
Grand Larceny
Larceny Unspecified Felony
Larceny Interstate Shipment
Larceny DC/US Government
Larceny Mail
Petit Larceny
Larceny Unspecified Misdemeanor
Taking Property Without Right

Extortion
Blackmail
Libel
Threats
Bomb Threat

Using the Mails to Defraud
Wire Fraud
False Pretenses
Unpaid Board Bill
Bad Check Law
Impersonation of Police Officer
Fraud

Embezzlement

Forgery or Uttering

Receive Stolen Property
Bring Stolen Property into D.C.
Transportation Stolen Property
Possession Stolen Mail
Destruction Stolen Property
Destruction of Mail

Interstate Transportation Stolen Motor Veh
Unauthorized Use of a Motor Vehicle

Obstruction of Mail
Depredation of Fixtures
Cruelty to Animals

Arson

Burglary

Larceny

Extortion

Fraud

Embezzlement

Forgery

Stolen Property

Stolen Vehicles

Miscellaneous

MORALS AND DECENCY OFFENSES

Drug CSA
Drugs DDA
Drugs UNA

Gambling
Three Card Monte
Confidence Game
Operating a Lottery
Possession of Numbers Slips

Incest
Sodomy
Bigamy
Adultery
Fornication

Mann Act
Procuring
Pandering
Keeping a Disorderly House
Soliciting Prostitution
Soliciting for Lewd and Immoral Purposes

Dangerous Drugs

Gambling

Sex Offense

Sex Commercial

PUBLIC ORDER OFFENSES

Carry Pistol without License
Unlawful Possession of a Pistol
Carry Deadly Weapon
Possession Prohibited Weapon
National Firearms Act

Weapons

Perjury/Subordination
Intimidation of a Juror/Witness
Obstruction of Justice
Contempt

Obstruct Justice

Bribery

Bribery

Bond Default
Fugitive from Justice
Removal to Another Jurisdiction
Bail Reform Act FTA
Unlawful Flight to Avoid Prosecution
Unlawful Flight to Avoid Conviction
Prison Breach

Flight Escape

Parole/Work Release Violation
Probation Violation

Procedural Violation

Riot/Inciting Riot

Public Peace

Introducing Contraband Penal Institution
Harboring a Fugitive
Possession Implements of Crime

Miscellaneous

NEUTRAL OFFENSES

Accessory Before the Fact
Accessory After the Fact
Aid and Abet a Felony
Conspiracy
Any Other Felony
Any Other Misdemeanor
All D.C. and Traffic Offenses

Miscellaneous

Appendix D

Severity Rating of Offenses in the District of Columbia

Contained in the following pages is a rank ordering of all misdemeanor and felony charges subject to prosecution in the District of Columbia. As described in Chapter II, calculation of severity involved consideration and computation of not only the maximum possible time for each specific offense but also minimum time and any applicable fine. Those offenses with the highest overall penalty were considered most severe, and the severity scale presented here ranges from '1' (most severe) to '135' (least severe). When two or more offenses were determined to be equal in severity, an additive was assigned to the next most serious offense.

The following codes may be helpful in examining the Offense Table:

CT signifies Court Type and
1=Superior Court
2=District Court

M/F indicates the degree of the charge and
1=Misdemeanor
2=Felony

SC represents the Severity Code for each specific offense.

OFFENSE TABLE

| GENERAL-CEF-CATEGORY | GEN-CODE | OFFENSE-SPECIFIC | OFF-CDE | CT | M/F | FINE | MIN-S | MAX-S | DT | V | D | F | SC | CR |
|----------------------|----------|---------------------------------|---------|----|-----|-------|-------|-------|----|---|---|---|--------|----|
| MISC NEUTRAL | 27 | ACCESSORY BEFORE FACT | 7000 | 1 | 2 | 00000 | 0000 | 0000 | 5 | 3 | 3 | 3 | 000 00 | |
| FLIGHT ESCAPE | 09 | BOND DEFAULT | 7300 | 2 | 9 | 00000 | 0000 | 0000 | 6 | 2 | 2 | 2 | 000 00 | |
| FLIGHT ESCAPE | 09 | FUGITIVE FROM JUSTICE | 2743 | 1 | 9 | 00000 | 0300 | 0000 | 4 | 2 | 2 | 2 | 000 00 | |
| PROCEDURAL VIOL | 28 | PAROLE/WORK RELEASE VIOLATION | 2734 | 1 | 9 | 00000 | 0300 | 0000 | 4 | 2 | 2 | 2 | 000 00 | |
| MISC NEUTRAL | 27 | ALL TRAFFIC OFFENSES | 3300 | 4 | 1 | 00000 | 0000 | 0000 | 5 | 2 | 2 | 3 | 000 00 | |
| MISC NEUTRAL | 27 | ACCESSORY AFTER FACT | 7000 | 1 | 2 | 00000 | 0300 | 0000 | 5 | 3 | 3 | 3 | 000 00 | |
| PROCEDURAL VIOL | 28 | PAROLE/WORK RELEASE VIOLATION | 2734 | 2 | 9 | 00000 | 0300 | 0000 | 4 | 2 | 2 | 2 | 000 00 | |
| PROCEDURAL VIOL | 28 | PROBATION VIOLATION FED | 2735 | 2 | 9 | 00000 | 0000 | 0000 | 4 | 2 | 2 | 2 | 000 00 | |
| PROCEDURAL VIOL | 28 | PROBATION VIOLATION | 2735 | 1 | 9 | 00000 | 0000 | 0000 | 4 | 2 | 2 | 2 | 000 00 | |
| MISC NEUTRAL | 27 | ALL DC OFFENSES | 6000 | 4 | 1 | 00000 | 0000 | 0000 | 5 | 2 | 2 | 3 | 000 00 | |
| FLIGHT ESCAPE | 09 | REMOVAL TO ANOTHER JURISDICTION | 6444 | 2 | 9 | 00000 | 0300 | 0000 | 4 | 2 | 2 | 2 | 000 00 | |
| HOMICIDE | 13 | MURDER 1 | 0101 | 1 | 2 | 00000 | 9400 | 9800 | 1 | 1 | 2 | 2 | 001 01 | |
| HOMICIDE | 13 | FELONY HOMICIDE UNSPECIFIED | 0100 | 1 | 2 | 00000 | 2300 | 9800 | 1 | 1 | 2 | 2 | 002 02 | |
| KIDNAPPING | 14 | ARMED KIDNAPPING FED | 0350 | 2 | 2 | 00000 | 0400 | 9800 | 1 | 1 | 2 | 3 | 003 03 | |
| KIDNAPPING | 14 | KIDNAPPING FED LINDBERG LAW | 2622 | 2 | 2 | 00000 | 0000 | 9800 | 1 | 1 | 2 | 3 | 004 04 | |
| HOMICIDE | 13 | MURDER 2 | 0102 | 1 | 2 | 00000 | 2000 | 9400 | 1 | 1 | 2 | 2 | 005 05 | |
| ROBBERY | 18 | ARMED ROBBERY FEDERAL | 0310 | 2 | 2 | 00000 | 0200 | 9400 | 1 | 1 | 1 | 1 | 006 06 | |
| ROBBERY | 18 | ARMED ROBBERY | 0310 | 1 | 2 | 00000 | 0200 | 9400 | 1 | 1 | 1 | 1 | 006 06 | |
| BURGLARY | 05 | ARMED BURGLARY | 0503 | 1 | 2 | 00000 | 0200 | 9400 | 2 | 1 | 1 | 1 | 006 06 | |
| KIDNAPPING | 14 | ARMED KIDNAPPING DC | 0350 | 1 | 2 | 00000 | 0100 | 9400 | 1 | 1 | 2 | 3 | 008 07 | |
| ASSAULT SEXUAL | 03 | ARMED RAPE | 0204 | 1 | 2 | 00000 | 0100 | 9400 | 1 | 1 | 1 | 2 | 008 07 | |
| ASSAULT SEXUAL | 03 | CARNAL KNOWLEDGE | 0201 | 1 | 2 | 00000 | 0000 | 9400 | 1 | 1 | 1 | 2 | 010 08 | |
| ASSAULT SEXUAL | 03 | RAPE | 0200 | 1 | 2 | 00000 | 0000 | 9400 | 1 | 1 | 1 | 2 | 010 08 | |
| KIDNAPPING | 14 | KIDNAPPING DC | 2622 | 1 | 2 | 00000 | 0300 | 9400 | 1 | 1 | 2 | 3 | 010 08 | |
| BURGLARY | 05 | BURGLARY 1 | 0501 | 1 | 2 | 00000 | 0500 | 3000 | 2 | 1 | 1 | 1 | 013 09 | |

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OFFENSE TABLE

PAGE 2

| GENERAL-OFF-CATEGORY | GEN-CODE | OFFENSE-SPECIFIC | OFF-CDE | CT | M/F | FINE | MIN-S | MAX-S | OT | V | D | E | SC | CR |
|----------------------|----------|------------------------------------|---------|----|-----|-------|-------|-------|----|---|---|---|-----|----|
| ROBBERY | 18 | BANK ROBBERY | 0375 | 2 | 2 | 05000 | 3123 | 2000 | 1 | 1 | 1 | 1 | 016 | 10 |
| EXTORTION | 08 | EXTORTION FED | 2616 | 2 | 2 | 05000 | 0000 | 2000 | 2 | 3 | 3 | 1 | 016 | 10 |
| EXTORTION | 08 | EXTORTION | 2616 | 1 | 2 | 05000 | 0000 | 2000 | 2 | 3 | 3 | 1 | 016 | 10 |
| ASSAULT | 02 | ASSAULT INTENT KILL OR POISON | 0601 | 1 | 2 | 00000 | 0230 | 1500 | 1 | 1 | 2 | 2 | 016 | 11 |
| ROBBERY | 18 | ROBBERY FORCE AND VIOLENCE | 0325 | 1 | 2 | 00000 | 0200 | 1500 | 1 | 1 | 1 | 1 | 016 | 11 |
| ROBBERY | 18 | ROBBERY PURSES/NATCH | 0315 | 1 | 2 | 00000 | 0200 | 1500 | 1 | 1 | 1 | 1 | 016 | 11 |
| ROBBERY | 18 | ASSAULT WITH INTENT TO ROB | 0301 | 1 | 2 | 00000 | 0200 | 1500 | 1 | 1 | 1 | 1 | 016 | 11 |
| ROBBERY | 18 | ROBBERY PICKPOCKET | 0312 | 1 | 2 | 00000 | 0200 | 1500 | 1 | 1 | 1 | 1 | 016 | 11 |
| BURGLARY | 05 | BURGLARY 2 | 0502 | 1 | 2 | 00000 | 0280 | 1500 | 2 | 1 | 1 | 1 | 016 | 11 |
| ASSAULT SEXUAL | 03 | ASSAULT INTENT COMMIT RAPE | 0202 | 1 | 2 | 00000 | 0200 | 1500 | 1 | 1 | 1 | 2 | 016 | 11 |
| ROBBERY | 18 | ROBBERY FEDERAL | 0300 | 2 | 2 | 00000 | 0200 | 1500 | 1 | 1 | 1 | 1 | 016 | 11 |
| ROBBERY | 18 | ROBBERY NO WEAPON | 0300 | 1 | 2 | 00000 | 0200 | 1500 | 1 | 1 | 1 | 1 | 016 | 11 |
| ☐ DANGEROUS DRUGS | 06 | DRUGS CSA NARCOTICS DISTRIBUTE | 1800 | 2 | 2 | 25000 | 0000 | 1500 | 3 | 2 | 1 | 1 | 026 | 12 |
| ☐ HOMICIDE | 13 | MANSLAUGHTER NONNEGLIGENT | 0103 | 1 | 2 | 01000 | 0300 | 1500 | 1 | 1 | 2 | 2 | 025 | 13 |
| SEX OFFENSE | 19 | INCEST | 1701 | 1 | 2 | 00000 | 0000 | 1200 | 3 | 2 | 2 | 2 | 026 | 14 |
| OBSTRUCT JUSTICE | 16 | PERJURY SUBORDINATION FED | 2625 | 2 | 2 | 00000 | 0200 | 1000 | 6 | 2 | 2 | 2 | 027 | 15 |
| OBSTRUCT JUSTICE | 16 | PERJURY/SUBORDINATION | 2625 | 1 | 2 | 00000 | 0200 | 1000 | 6 | 2 | 2 | 2 | 027 | 15 |
| LARCENY | 15 | LARCENY AFTER TRUST OVER \$100 | 1210 | 1 | 2 | 01000 | 0100 | 1000 | 2 | 2 | 2 | 1 | 028 | 16 |
| FORGERY | 10 | FORGERY FED | 1001 | 2 | 2 | 00000 | 0100 | 1000 | 2 | 2 | 2 | 1 | 029 | 17 |
| FORGERY | 10 | FORGERY OR UTTERING | 1001 | 1 | 2 | 00000 | 0100 | 1000 | 2 | 2 | 2 | 1 | 029 | 17 |
| ARSON | 01 | ARSON FED | 0900 | 2 | 2 | 00000 | 0100 | 1000 | 2 | 1 | 1 | 2 | 029 | 17 |
| ARSON | 01 | ARSON | 0900 | 1 | 2 | 00000 | 0100 | 1000 | 2 | 1 | 1 | 2 | 029 | 17 |
| STOLEN PROPERTY | 22 | BRING STOLEN PROP TO DC OVER \$100 | 1303 | 1 | 2 | 00000 | 0100 | 1000 | 2 | 2 | 2 | 1 | 029 | 17 |
| LARCENY | 15 | GRAND LARCENY | 0600 | 1 | 2 | 00000 | 0100 | 1000 | 2 | 2 | 2 | 1 | 029 | 17 |
| LARCENY | 15 | LARCENY UNSPECIFIED FELONY FED | 0630 | 2 | 2 | 00000 | 0100 | 1000 | 2 | 2 | 2 | 1 | 029 | 17 |

OFFENSE TABLE

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| GENERAL-CFF-CATEGORY | GEN-CODE | OFFENSE-SPECIFIC | OFF-CDE | CT | M/F | FINE | MIN-S | MAX-S | OT | V | D | E | SC | CR |
|----------------------|----------|------------------------------------|---------|----|-----|-------|-------|-------|----|---|---|---|-----|----|
| LARCENY | 15 | LARCENY UNSPECIFIED FELONY | 0630 | 1 | 2 | 00000 | 0100 | 1000 | 2 | 2 | 2 | 1 | 029 | 17 |
| STOLEN PROPERTY | 22 | RECEIVE STOLEN PROPERTY FEDERAL | 1302 | 2 | 2 | 00000 | 0100 | 1000 | 2 | 2 | 2 | 1 | 029 | 17 |
| STOLEN PROPERTY | 22 | RECEIVE STOLEN PROPERTY OVER \$100 | 1302 | 1 | 2 | 00000 | 0100 | 1000 | 2 | 2 | 2 | 1 | 029 | 17 |
| MISC PUB ORDER | 24 | POSS IMPLEMENTS OF CRIME 2ND OFF | 2623 | 1 | 2 | 00000 | 0100 | 1000 | 4 | 2 | 2 | 3 | 029 | 17 |
| LARCENY | 15 | LARCENY US GOVT PROP OVER \$100 | 0625 | 2 | 2 | 10000 | 0300 | 1000 | 2 | 2 | 2 | 1 | 036 | 18 |
| LARCENY | 15 | LARCENY INTERSTATE SHIPMENT | 0603 | 2 | 2 | 10000 | 0300 | 1000 | 2 | 2 | 2 | 1 | 036 | 18 |
| EMBEZZLEMENT | 07 | EMBEZZLEMENT FED CODE OVER \$100 | 1201 | 2 | 2 | 10000 | 0000 | 1000 | 2 | 2 | 2 | 1 | 036 | 18 |
| STOLEN PROPERTY | 22 | TRANSPORTATION STOLEN PROPERTY | 2624 | 2 | 2 | 10000 | 0900 | 1000 | 2 | 2 | 2 | 1 | 036 | 18 |
| DANGEROUS DRUGS | 06 | DRUGS UNA 2ND OFFENSE | 1850 | 1 | 2 | 05000 | 0000 | 1000 | 3 | 2 | 2 | 2 | 040 | 19 |
| DANGEROUS DRUGS | 06 | DRUGS ODA 2ND OFFENSE | 1864 | 1 | 2 | 05000 | 0300 | 1000 | 3 | 2 | 2 | 2 | 040 | 19 |
| EMBEZZLEMENT | 07 | EMBEZZLEMENT DC CODE | 1201 | 1 | 2 | 01000 | 0300 | 1000 | 2 | 2 | 2 | 1 | 042 | 20 |
| SEX OFFENSE | 19 | SODOMY | 1703 | 1 | 2 | 01000 | 0000 | 1000 | 3 | 2 | 2 | 2 | 042 | 20 |
| WEAPONS | 23 | CARRY PISTOL W/O LICENSE 2ND OFF | 1503 | 1 | 2 | 00000 | 0300 | 1000 | 4 | 2 | 2 | 2 | 044 | 21 |
| WEAPONS | 23 | CARRY DEADLY WEAPON 2ND OFF | 1504 | 1 | 2 | 00000 | 0300 | 1000 | 4 | 2 | 2 | 2 | 044 | 21 |
| WEAPONS | 23 | UNLAWFUL POSS PISTOL 2ND OFF | 1505 | 1 | 2 | 00000 | 0000 | 1000 | 4 | 2 | 2 | 2 | 044 | 21 |
| ASSAULT | 02 | ASSAULT INTENT COMMIT MAYHEM | 0403 | 1 | 2 | 00000 | 0000 | 1000 | 1 | 1 | 2 | 2 | 044 | 21 |
| ASSAULT | 02 | ASSAULT WITH DANGEROUS WEAPON | 0400 | 1 | 2 | 00000 | 0000 | 1000 | 1 | 1 | 2 | 2 | 044 | 21 |
| ASSAULT SEXUAL | 03 | INDECENT ASSAULT ON MINOR CHILD | 1704 | 1 | 2 | 00000 | 3333 | 1000 | 1 | 1 | 2 | 2 | 044 | 21 |
| ASSAULT | 02 | ARMED ASSAULT/ABRAVATED ASSAULT | 0410 | 1 | 2 | 00000 | 0300 | 1000 | 1 | 1 | 2 | 2 | 044 | 21 |
| WEAPONS | 23 | POSS PROHIBITED WEAPON 2ND OFF | 1501 | 1 | 2 | 00000 | 0300 | 1000 | 4 | 2 | 2 | 2 | 044 | 21 |
| MISC NEUTRAL | 27 | ANY OTHER FELONY FED | 8888 | 2 | 2 | 00000 | 0300 | 0000 | 5 | 3 | 3 | 3 | 044 | 21 |
| MISC NEUTRAL | 27 | AID AND ABET A FELONY | 2601 | 1 | 2 | 00000 | 0000 | 0000 | 5 | 3 | 3 | 3 | 044 | 21 |
| MISC NEUTRAL | 27 | ANY OTHER FELONY | 8888 | 1 | 2 | 00000 | 0000 | 0000 | 5 | 3 | 3 | 3 | 044 | 21 |
| MISC NEUTRAL | 27 | AID AND ABET A FELONY FED | 2601 | 2 | 2 | 00000 | 3300 | 0000 | 5 | 3 | 3 | 3 | 044 | 21 |
| MISC PUB ORDER | 24 | INTRO CONTRABAND PSNAL INSTIT | 2629 | 1 | 2 | 00000 | 0300 | 1000 | 4 | 2 | 2 | 3 | 044 | 21 |

OFFENSE TABLE

| GENERAL-OFF-CATEGORY | GEN-CODE | OFFENSE-SPECIFIC | OFF-CDE | CT | M/F | FINE | MIN-S | MAX-S | DT | V | D | E | SC | CR |
|----------------------|----------|----------------------------------|---------|----|-----|-------|-------|-------|----|---|---|---|-----|----|
| SEX OFFENSE | 19 | BIGAMY | 2605 | 1 | 2 | 00000 | 0200 | 0700 | 3 | 2 | 2 | 2 | 055 | 22 |
| FLIGHT ESCAPE | 09 | BAIL REFORM ACT FTA FELONY | 2733 | 1 | 2 | 05000 | 0100 | 0500 | 4 | 2 | 2 | 2 | 056 | 23 |
| FLIGHT ESCAPE | 09 | BAIL REFORM ACT FTA FELONY | 2733 | 2 | 2 | 05000 | 0100 | 0500 | 4 | 2 | 2 | 2 | 056 | 23 |
| PUBLIC PEACE | 17 | RIOT/INCITING RIOT | 2679 | 2 | 2 | 10000 | 0300 | 0500 | 4 | 2 | 2 | 2 | 057 | 24 |
| MISC NEUTRAL | 27 | CONSPIRACY | 2610 | 1 | 2 | 10000 | 0300 | 0500 | 5 | 3 | 3 | 3 | 057 | 24 |
| MISC NEUTRAL | 27 | CONSPIRACY FEDERAL | 2610 | 2 | 2 | 10000 | 0000 | 0500 | 5 | 3 | 3 | 3 | 057 | 24 |
| SEX COMMERCIAL | 20 | MANN ACT | 1635 | 2 | 2 | 05000 | 0100 | 0500 | 3 | 2 | 2 | 1 | 059 | 25 |
| ASSAULT | 02 | ASSAULT ON FED OFFICER | 0822 | 2 | 2 | 05000 | 0300 | 0500 | 1 | 1 | 2 | 2 | 059 | 25 |
| ASSAULT | 02 | ASSAULT ON POLICE OFFICER | 0822 | 1 | 2 | 05000 | 0000 | 0500 | 1 | 1 | 2 | 2 | 059 | 25 |
| LARCENY | 15 | LARCENY DC GOVT PROPERTY | 0625 | 1 | 2 | 05000 | 0000 | 0500 | 2 | 2 | 2 | 1 | 059 | 25 |
| STOLEN VEHICLES | 21 | INTERST TRANSPORT STOLEN VEHICLE | 3350 | 2 | 2 | 05000 | 0300 | 0500 | 2 | 2 | 2 | 1 | 059 | 25 |
| MISC PUB ORDER | 24 | HARBORING A FUGITIVE FELONY | 2659 | 2 | 2 | 05000 | 0000 | 0500 | 4 | 2 | 2 | 2 | 059 | 25 |
| WEAPONS | 23 | NATIONAL FIREARMS ACT | 2627 | 2 | 2 | 05000 | 0000 | 0500 | 4 | 2 | 2 | 2 | 059 | 25 |
| MISC PUB ORDER | 24 | HARBORING A FUGITIVE FELONY | 2659 | 1 | 2 | 05000 | 0300 | 0500 | 4 | 2 | 2 | 2 | 059 | 25 |
| FLIGHT ESCAPE | 09 | UNLAWFUL FLIGHT TO AVOID CONVICT | 7501 | 2 | 2 | 05000 | 0000 | 0500 | 4 | 2 | 2 | 2 | 059 | 25 |
| FLIGHT ESCAPE | 09 | UNLAWFUL FLIGHT TO AVOID PROSEC | 7507 | 2 | 2 | 05000 | 0000 | 0500 | 4 | 2 | 2 | 2 | 059 | 25 |
| STOLEN PROPERTY | 22 | POSSESSION OF STOLEN MAIL | 1334 | 2 | 2 | 02000 | 0000 | 0500 | 2 | 2 | 2 | 1 | 067 | 26 |
| GAMBLING | 12 | GAMBLING FED | 1905 | 2 | 2 | 02000 | 0300 | 0500 | 3 | 2 | 2 | 1 | 067 | 26 |
| LARCENY | 15 | LARCENY MAIL/THEFT MAIL BOX | 2621 | 2 | 2 | 02000 | 0300 | 0500 | 2 | 2 | 2 | 1 | 067 | 26 |
| MISC PROPERTY | 26 | OBSTRUCTION OF MAIL FELONY | 7500 | 2 | 2 | 02000 | 0000 | 0500 | 2 | 2 | 2 | 3 | 067 | 26 |
| GAMBLING | 12 | GAMBLING 2ND DEFENSE | 1905 | 1 | 2 | 02000 | 0300 | 0500 | 3 | 2 | 2 | 1 | 067 | 26 |
| GAMBLING | 12 | CONFIDENCE GAME | 1105 | 1 | 1 | 01000 | 0100 | 0500 | 3 | 2 | 2 | 1 | 071 | 27 |
| FRAUD | 11 | USING MAILS TO DEFRAUD | 1111 | 2 | 2 | 01000 | 0000 | 0500 | 2 | 2 | 2 | 1 | 071 | 27 |
| SEX COMMERCIAL | 20 | PROCURING | 1603 | 1 | 2 | 01000 | 0000 | 0500 | 3 | 2 | 2 | 1 | 071 | 27 |
| SEX COMMERCIAL | 20 | ATTEMPTED PROCURING | 1603 | 1 | 1 | 01000 | 0300 | 0100 | 3 | 2 | 2 | 1 | 071 | 27 |

OFFENSE TABLE

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| GENERAL-CFF-CATEGORY | GEN-CODE | OFFENSE-SPECIFIC | OFF-CDE | CT | M/F | FINE | MIN-S | MAX-S | DT | V | D | E | SC | CR |
|----------------------|----------|------------------------------------|---------|----|-----|-------|-------|-------|----|---|---|---|-----|----|
| STOLEN VEHICLES | 21 | UNAUTHORIZED USE MOTOR VEHICLE | 0700 | 1 | 2 | 01000 | 0000 | 0500 | 2 | 2 | 2 | 1 | 071 | 27 |
| FRAUD | 11 | WIRE FRAUD | 1150 | 2 | 2 | 01000 | 0000 | 0500 | 2 | 2 | 2 | 1 | 071 | 27 |
| SEX COMMERCIAL | 20 | PANDERING | 1601 | 1 | 2 | 01000 | 0300 | 0500 | 3 | 2 | 2 | 1 | 071 | 27 |
| GAMBLING | 12 | THREE CARD MONTE | 1123 | 1 | 1 | 01000 | 0300 | 0500 | 3 | 2 | 2 | 1 | 071 | 27 |
| EXTORTION | 08 | LIBEL | 2624 | 1 | 2 | 01000 | 0300 | 0500 | 2 | 2 | 2 | 2 | 071 | 27 |
| EXTORTION | 08 | LIBEL FED | 2624 | 2 | 2 | 01000 | 0300 | 0500 | 2 | 2 | 2 | 2 | 071 | 27 |
| EXTORTION | 08 | BLACKMAIL | 2606 | 1 | 2 | 01000 | 0300 | 0500 | 2 | 2 | 2 | 1 | 071 | 27 |
| EXTORTION | 08 | BLACKMAIL FED | 2606 | 2 | 2 | 01000 | 0000 | 0500 | 2 | 2 | 2 | 1 | 071 | 27 |
| ASSAULT | 02 | ASSAULT INTENT ANY OTHER OFFENSE | 0415 | 1 | 2 | 00000 | 0000 | 0500 | 1 | 1 | 2 | 3 | 080 | 28 |
| FLIGHT ESCAPE | 09 | PRISON BREACH | 2620 | 1 | 2 | 00000 | 0300 | 0500 | 4 | 2 | 2 | 2 | 080 | 28 |
| FLIGHT ESCAPE | 09 | ESCAPE/PRISON BREACH FEDERAL | 2620 | 2 | 2 | 00000 | 0300 | 0500 | 4 | 2 | 2 | 2 | 080 | 28 |
| STOLEN PROPERTY | 22 | DESTROY STOLEN PROPERTY OVER \$100 | 1301 | 1 | 2 | 00000 | 0100 | 0300 | 2 | 2 | 2 | 3 | 082 | 29 |
| STOLEN PROPERTY | 22 | DESTROY STOLEN PROPERTY FED | 1301 | 2 | 2 | 00000 | 0100 | 0300 | 2 | 2 | 2 | 3 | 082 | 29 |
| FRAUD | 11 | FALSE PRETENSES FED | 1106 | 2 | 2 | 03000 | 0300 | 0300 | 2 | 2 | 2 | 1 | 083 | 30 |
| FRAUD | 11 | FALSE PRETENSES OVER \$100 | 1106 | 1 | 2 | 03000 | 0000 | 0300 | 2 | 2 | 2 | 1 | 083 | 30 |
| FRAUD | 11 | BAD CHECK LAW OVER \$100 | 1411 | 1 | 2 | 03000 | 0000 | 0300 | 2 | 2 | 2 | 1 | 083 | 30 |
| BURGLARY | 05 | BREAKING ENTERING VENDING MACHIN | 2802 | 1 | 2 | 03000 | 0300 | 0300 | 2 | 2 | 2 | 1 | 083 | 30 |
| FRAUD | 11 | UNPAID BCARD BILL OVER \$100 | 2648 | 1 | 2 | 03000 | 0000 | 0300 | 2 | 2 | 2 | 1 | 083 | 30 |
| GAMBLING | 12 | OPERATING A LOTTERY | 1901 | 1 | 2 | 01000 | 0300 | 0300 | 3 | 2 | 2 | 1 | 087 | 31 |
| STOLEN PROPERTY | 22 | DESTRUCTION OF MAIL | 1415 | 2 | 2 | 01000 | 0300 | 0300 | 2 | 2 | 2 | 2 | 087 | 31 |
| OBSTRUCT JUSTICE | 16 | INTIMIDATION OF JUROR/WITNESS | 2618 | 1 | 2 | 01000 | 0000 | 0300 | 4 | 2 | 2 | 2 | 087 | 31 |
| OBSTRUCT JUSTICE | 16 | OBSTRUCTION OF JUSTICE FED | 2738 | 2 | 2 | 01000 | 0000 | 0300 | 4 | 2 | 2 | 2 | 087 | 31 |
| OBSTRUCT JUSTICE | 16 | OBSTRUCTION OF JUSTICE | 2738 | 1 | 2 | 01000 | 0300 | 0300 | 4 | 2 | 2 | 2 | 087 | 31 |
| OBSTRUCT JUSTICE | 16 | INTIMIDATION OF JUROR/WITNESS | 2618 | 2 | 2 | 01000 | 0000 | 0300 | 4 | 2 | 2 | 2 | 087 | 31 |
| BRIBERY | 04 | BRIBERY FED | 2607 | 2 | 2 | 00500 | 0000 | 0300 | 4 | 2 | 2 | 3 | 091 | 32 |

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OFFENSE TABLE

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| GENERAL-OFF-CATEGORY | GEN-CODE | OFFENSE-SPECIFIC | OFF-CODE | CT | N/F | FINE | MIN-S | MAX-S | DT | V | D | E | SC | CR |
|----------------------|----------|-----------------------------------|----------|----|-----|-------|-------|-------|----|---|---|---|-----|----|
| BRIBERY | 04 | BRIBERY | 2607 | 1 | 2 | 00500 | 0000 | 0300 | 4 | 2 | 2 | 3 | 091 | 32 |
| FRAUD | 11 | IMPERSONATION OF POLICE OFFICER | 1109 | 1 | 1 | 00500 | 0000 | 0200 | 2 | 2 | 2 | 2 | 092 | 33 |
| MISC PERSON | 25 | CRUELTY TO CHILDREN | 2000 | 1 | 1 | 00250 | 0100 | 0200 | 1 | 2 | 2 | 2 | 093 | 34 |
| MISC PROPERTY | 26 | DEPREDAION OF FIXTURES | 1413 | 1 | 2 | 00200 | 0100 | 0200 | 2 | 2 | 2 | 3 | 094 | 35 |
| HOMICIDE | 13 | NEGLIGENT HOMICIDE | 0131 | 1 | 1 | 01000 | 0000 | 0500 | 1 | 2 | 2 | 2 | 095 | 36 |
| FRAUD | 11 | BAD CHECK LAW UPTO \$100 | 1411 | 1 | 1 | 01000 | 0000 | 0100 | 2 | 2 | 2 | 1 | 095 | 36 |
| MISC NEUTRAL | 27 | CONSPIRACY | 2610 | 1 | 1 | 01000 | 0100 | 0100 | 5 | 3 | 3 | 3 | 095 | 36 |
| GAMBLING | 12 | GAMBLING 1ST OFFENSE | 1905 | 1 | 1 | 01000 | 0000 | 0100 | 3 | 2 | 2 | 1 | 095 | 36 |
| MISC PUB ORDER | 24 | POSS. IMPLEMENTS OF CRIME 1ST OFF | 2623 | 1 | 1 | 01000 | 0100 | 0100 | 4 | 2 | 2 | 3 | 095 | 36 |
| FRAUD | 11 | FALSE PRETENSES UPTO \$100 | 1106 | 1 | 1 | 01000 | 0200 | 0100 | 2 | 2 | 2 | 1 | 095 | 36 |
| WEAPONS | 23 | POSS. PROHIBITED WEAPON 1ST OFF | 1501 | 1 | 1 | 01000 | 0000 | 0100 | 4 | 2 | 2 | 2 | 095 | 36 |
| WEAPONS | 23 | CARRY PISTOL W/O LICENSE 1ST OFF | 1503 | 1 | 1 | 01000 | 0200 | 0100 | 6 | 2 | 2 | 2 | 095 | 36 |
| DANGEROUS DRUGS | 06 | DRUGS ODA 1ST DEFENSE | 1864 | 1 | 1 | 01000 | 0200 | 0100 | 3 | 2 | 2 | 2 | 095 | 36 |
| DANGEROUS DRUGS | 06 | DRUGS UNA 1ST DEFENSE | 1850 | 1 | 1 | 01000 | 0000 | 0100 | 3 | 2 | 2 | 2 | 095 | 36 |
| WEAPONS | 23 | UNLAWFUL POSS. PISTOL 1ST OFF | 1505 | 1 | 1 | 01000 | 0100 | 0100 | 4 | 2 | 2 | 2 | 095 | 36 |
| GAMBLING | 12 | POSSESSION OF NUMBERS SLIPS | 1931 | 1 | 1 | 01000 | 0000 | 0100 | 3 | 2 | 2 | 1 | 095 | 36 |
| LARCENY | 15 | LARCENY US GOVT PROP UPTO \$100 | 0625 | 2 | 1 | 01000 | 0000 | 0100 | 2 | 2 | 2 | 1 | 095 | 36 |
| BURGLARY | 05 | ATTEMPTED BURGLARY 2 | 0502 | 1 | 1 | 01000 | 0100 | 0100 | 2 | 2 | 1 | 1 | 095 | 36 |
| FRAUD | 11 | UNPAID BOARD BILL UPTO \$100 | 2648 | 1 | 1 | 01000 | 0100 | 0100 | 2 | 2 | 2 | 1 | 095 | 36 |
| WEAPONS | 23 | CARRY DEADLY WEAPON 1ST OFF | 1504 | 1 | 1 | 01000 | 0200 | 0100 | 6 | 2 | 2 | 2 | 095 | 36 |
| MISC PUB ORDER | 24 | HARBORING A FUGITIVE MISDEMEANOR | 2659 | 1 | 1 | 01000 | 0200 | 0100 | 6 | 2 | 2 | 2 | 095 | 36 |
| BURGLARY | 05 | ATTEMPTED BURGLARY 1 | 0501 | 1 | 1 | 01000 | 0100 | 0100 | 2 | 2 | 1 | 1 | 095 | 36 |
| EMBEZZLEMENT | 07 | EMBEZZLEMENT FED CODE UPTO \$100 | 1201 | 2 | 1 | 01000 | 0000 | 0100 | 2 | 2 | 2 | 1 | 095 | 36 |
| FLIGHT ESCAPE | 09 | BAIL REFORM ACT FTA MISDEMEANOR | 2733 | 1 | 1 | 01000 | 0100 | 0100 | 6 | 2 | 2 | 2 | 095 | 36 |
| STOLEN PROPERTY | 22 | RECEIVE STOLEN PROPERTY TO \$100 | 1302 | 1 | 1 | 00500 | 0200 | 0100 | 2 | 2 | 2 | 1 | 115 | 37 |

00-1-D

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11
10
9
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6
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4
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OFFENSE TABLE

| GENERAL-OFF-CATEGORY | GEN-CODE | OFFENSE-SPECIFIC | OFF-CDE | CT | M/F | FINE | MIN-S | MAX-S | OT | V | D | E | SC | CR |
|----------------------|----------|------------------------------------|---------|----|-----|-------|-------|-------|----|---|---|---|-----|----|
| STOLEN PROPERTY | 22 | BRING STOLEN PRCP INTO DC TO \$100 | 1303 | 1 | 1 | 00500 | 0300 | 0100 | 2 | 2 | 2 | 1 | 115 | 37 |
| STOLEN PROPERTY | 22 | DESTROY STOLEN PROPERTY TO \$100 | 1301 | 1 | 1 | 00500 | 0300 | 0100 | 2 | 2 | 2 | 3 | 115 | 37 |
| SEX OFFENSE | 19 | ADULTERY | 1731 | 1 | 1 | 00500 | 0000 | 0100 | 3 | 2 | 2 | 2 | 115 | 37 |
| SEX COMMERCIAL | 20 | KEEPING A DISORDERLY HOUSE | 1632 | 1 | 1 | 00500 | 0300 | 0100 | 3 | 2 | 2 | 3 | 115 | 37 |
| ASSAULT | 02 | SIMPLE ASSAULT | 0831 | 1 | 1 | 00500 | 0000 | 0100 | 1 | 2 | 2 | 2 | 115 | 37 |
| LARCENY | 15 | LARCENY AFTER TRUST UP TO \$100 | 1210 | 1 | 1 | 00500 | 0000 | 0100 | 2 | 2 | 2 | 1 | 115 | 37 |
| MISC NEUTRAL | 27 | ANY OTHER MISDEMEANOR FED | 7777 | 2 | 1 | 00000 | 0300 | 0100 | 5 | 2 | 2 | 3 | 115 | 37 |
| MISC NEUTRAL | 27 | ANY OTHER MISDEMEANOR | 7777 | 1 | 1 | 00000 | 0000 | 0000 | 5 | 2 | 2 | 3 | 115 | 37 |
| MISC PROPERTY | 26 | CRUELTY TO ANIMALS | 2638 | 1 | 1 | 00250 | 0300 | 0100 | 2 | 2 | 2 | 2 | 123 | 38 |
| LARCENY | 15 | LARCENY UNSPECIFIED MISDEMEANOR | 0630 | 1 | 1 | 00200 | 0300 | 0100 | 2 | 2 | 2 | 1 | 124 | 39 |
| LARCENY | 15 | PETIT LARCENY | 0629 | 1 | 1 | 00200 | 0000 | 0100 | 2 | 2 | 2 | 1 | 124 | 39 |
| EMBEZZLEMENT | 07 | EMBEZZLEMENT DC CODE MISDEMEANOR | 1201 | 1 | 1 | 00200 | 0000 | 0100 | 2 | 2 | 2 | 1 | 124 | 39 |
| BURGLARY | 05 | UNLAWFUL ENTRY | 2690 | 1 | 1 | 00100 | 0300 | 0100 | 2 | 2 | 2 | 3 | 126 | 40 |
| STOLEN PROPERTY | 22 | DESTRUCTION OF MAIL | 1415 | 2 | 1 | 00100 | 0300 | 0100 | 2 | 2 | 2 | 2 | 126 | 40 |
| OBSTRUCT JUSTICE | 16 | CONTEMPT FED | 7400 | 2 | 2 | 01000 | 0000 | 0050 | 4 | 2 | 2 | 2 | 128 | 41 |
| OBSTRUCT JUSTICE | 16 | CONTEMPT | 7400 | 1 | 1 | 01000 | 0300 | 0050 | 4 | 2 | 2 | 2 | 128 | 41 |
| FRAUD | 11 | FRAUD | 1149 | 1 | 1 | 00500 | 0300 | 0050 | 2 | 2 | 2 | 1 | 129 | 42 |
| EXTORTION | 08 | BOMB THREAT | 0008 | 1 | 1 | 00500 | 0000 | 0050 | 2 | 2 | 2 | 2 | 129 | 42 |
| SEX OFFENSE | 19 | FORNICATION | 1737 | 1 | 1 | 00300 | 0300 | 0050 | 3 | 2 | 2 | 2 | 132 | 43 |
| LARCENY | 15 | TAKING PROPERTY WITHOUT RIGHT | 2684 | 1 | 1 | 00100 | 0300 | 0050 | 2 | 2 | 2 | 1 | 133 | 44 |
| MISC PROPERTY | 26 | OBSTRUCTION OF MAIL MISDEMEANOR | 7500 | 2 | 1 | 00100 | 0000 | 0050 | 2 | 2 | 2 | 3 | 133 | 44 |
| SEX COMMERCIAL | 20 | SOLICITING LEWD/IMMORAL PURPOSES | 1633 | 1 | 1 | 00250 | 0000 | 0025 | 3 | 2 | 2 | 3 | 135 | 45 |
| SEX COMMERCIAL | 20 | SOLICITING PROSTITUTION | 1631 | 1 | 1 | 00250 | 0300 | 0025 | 3 | 2 | 2 | 3 | 135 | 45 |

APPENDIX E: DEPARTMENT OF LABOR EMPLOYMENT CLASSIFICATIONS

EMPLOYMENT CODE

Revised Dec. 1, 1975

1. PROFESSIONAL, TECHNICAL AND KINDRED WORKERS

(Usually advanced college degree with specialization in particular occupation)

- 01 Doctors; Dentists; Lawyers; Clergy
- 02 Life and Physical Scientists (Agricultural, Atmosphere & Space Scientists, Biologists, Chemists, Geologists, Physicists, Astronomers, etc.); Engineers; Mathematical Specialists (Actuaries, Mathematicians, Statisticians, Accountants); Computer Specialists (Programmers & Systems Analysts); Operations and Systems Researchers and Analysts
- 03 Social Scientists (Economists, Political Scientists, Psychologists, Sociologists, Urban-Regional Planners, Marketing Researchers)
- 04 Teachers
- 05 Social Workers; Counselors (Educational, Employment, etc.); Recreational Workers /Be careful when coding these occupations that individual by education and (usually) salary a professional type and not an aide/
- 06 Health Technologists and Technicians (Clinical Laboratory Technicians/Technologists, Dental Hygienists, Physical & Occupational Therapists); Registered Nurses; Dieticians; Pharmacists
- 07 Librarian; Archivists; Curators; Non-Specified Researchers
- 08 Writers; Entertainers; Artists (Athletes, Dancers; Designers, Editors, Musicians, Photographers, Reporters, Public Relations & Publicity Writers)
- 09 Miscellaneous Professional and Technical Workers (Architects, Airline Pilots & Controllers, Draftsmen, Surveyors, Business Consultants, etc.)

II. MANAGERS AND ADMINISTRATORS

(Major part of job deals with administration covers most self-employed workers who have a number of paid or salaried employees)

- 10 Retail Trade Managers and Administrator - Self-Employed (Hardware, General Merchandise, Food Stores, Motor Vehicles, Gas Station, Apparel, Furniture)
- 11 Retail Trade Managers and Administrators - Salaried
- 12 Construction; Manufacturing; Transportation; Communications; and Other Utilities Managers and Administrators - Self-Employed

- 13 Construction; Manufacturing; Transportation; Communications; and Other Utilities Managers and Administrators - Salaried (Not Foremen - See Craftsmen)
- 14 Public Administration and Service Organization Managers and Administrators (Federal, State, and Local Public Administration, Politicians, Labor Relations Executives, School & Hospital Officials, Community and Non-Profit Administrative Officials)
- 15 Managers and Administrators of Advertising; Insurance; Real Estate; and Finance Agencies (including Banks) - Self-Employed
- 16 Managers and Administrators of Advertising; Insurance; Real Estate; and Finance Agencies - Salaried
- 17 Managers and Administrators of Personal Services (Funeral Directors, Restaurants, Cafeterias, Bar Managers, Managers & Superintendents of Buildings, Stables, Dog Saloons, Beauty Parlors, Cleaners, Pool Rooms)
- 18 Managers and Administrators of Business and Repair Services - Self-Employed
- 19 Managers and Administrators of Business and Repair Services - Salaried
- 96 Purchasing Agents; Buyers; Sales Managers
- 97 Miscellaneous Managers and Administrators

111. SALEWORKERS

- 20 Salesworkers - Retail Trade
- 21 Salesworkers/Representatives - Manufacturing Industries; Wholesale trade; Services; Utilities; and Construction Industries (Not Sales Managers - #96)
- 22 Sales Workers - Insurance; Real Estate; and Finance (Insurance Agents, Brokers, and Underwriters; Real Estate Agents and Brokers; Stock and Bonds Salespersons)
- 23 Auctioneers; Demonstrators; Hucksters; Peddlers; Newsboys; Vendors
- 24 Miscellaneous Salespersons

IV. CLERICAL WORKERS

- 26 Bank Tellers; Cashiers; Billing Clerks; Bookkeepers; Accounting Assistants
- 27 Mail Handlers; Postal Clerks; Mail Carriers; Messengers
- 28 Bill Collectors; Enumerators; Interviewers; Estimators; Investigators; Insurance Adjustors; Examiners (Bank, etc.); Real Estate Appraisers; Meter Readers for Utilities

- 29 Office Workers (Office Clerks, File Clerks, Receptionists, Typists, Office Machine Operators/calculating & duplicating machines, computer and peripheral equipment operators, i.e., keypunchers/ Payroll and Time Clerks, Administrative Assistants in offices)
- 30 Teachers Aids except Monitors; Tutors; Library Attendants and Assistants; Proof Readers; Research Assistants/Aids (clerical, non-degreed such as statistical clerks, coders, etc.) Clerical Assistants in Social Welfare
- 31 Shipping and Receiving Clerks; Stock-Inventory Clerks; Ticket, Station and Express Clerks; Dispatchers and Starters; Telephone and Telegraph Operators
- 32 Clerical Supervisors - All (if main function supervision rather than enumerated clerical task)
- 33 Miscellaneous Clerical Workers
- 34-35 blank

V. CRAFTSMEN

- 36 Retail Craftsmen - Apparel Craftsmen (furriers, tailors, upholsters); Chefs (but not short order cooks, note salary and restaurant to make distinction); Bakers; Decorators; Window Dressers; Carpet Installers; Jewelry and Watchmakers; Shoe Repairmen-Makers; Flower Designers
- 37 Construction Craftsmen - Cabinet Makers; Carpenters (not carpenters assistants - see construction laborers); Painters, Plasters; Paperhangers; Roofers; Slaters; Floor Layers; Tile Setters
- 38 Construction Craftsmen - Electricians; Plumbers; Pipefitters
- 39 Construction Craftsmen - Cement Finishers; Brick and Stone Masons; Cement Mason; Stone Cutters & Carvers
- 40 Construction Craftsmen - Excavating, Grading and Heavy Machine Operators (bull dozer operators, cranesmen, derrickmen, and hoistmen)
- 41 Foreman - All Foremen and Assistant Foremen
- 42 Metal Craftsmen - Job and Die Setters; Machinists; Sheetmetal Workers; Tool and Die Makers; Forgemen, Hammerman; Molders
- 44 Printing Craftsmen - Book Binders; Compositors; Electrotypers; Lithographers; Photo-engravers; Plate Printers; Pressmen; Stereotypers
- 45 Craftsmen - Opticians and Dental Laboratory Technicians

- 46 Mechanics and Repairmen - Vehicular (Repairmen of Aircraft; Auto Body Repairmen and Mechanics; Heavy Equipment Mechanics, including diesel)
- 47 Mechanics and Repairmen of Household and Business Appliances; Mechanics and Repairmen of Air Conditioning, Heating, and Refrigeration; Radio and Television Repairmen; Data Processing Machine Repairmen; All Office Machine Repairmen; Household Appliance & Accessory installers and Mechanics
- 48 Mechanic and Repairmen of Utilities - Linesmen and Servicemen for Telephone and Power; Power Station Operators
- 49 Miscellaneous Craftsmen
- 50 Miscellaneous Mechanics and Repairmen
- 35 General Contractor

VI. OPERATIVES EXCEPT TRANSPORT

(Usually semi-skilled individuals working with tangible products)

- 51 Retail Trade Operatives - Butchers; Meat Cutters; Dressmakers/Seamstresses; Laundry and Dry Cleaning Workers; Clothes Pressers
- 52 Retail Trade Operatives - Gas Station Attendants; Garage Workers
- 53 Construction Operatives - Blasters; Powdermen; Earth Drillers; Welders and Flamecutters, if construction; Miners; Chainmen; Rodmen, Axmen
- 54 Industry, Manufacturing, and Factory Machine Operatives - Precision Machine Operatives (Drill Press Operative, Grinding Machine Operatives, Lathe & Milling Machine Operatives); Punch and Stamping Press Operatives; Solders; Furnacemen; Smeltermen; Pourers; Blast Furnace Workers; Steel and Iron Workers
- 55 Assemblers, Checkers; Examiners and Inspectors of Goods; Graders; Sorters; Packers; Wrappers
- 56 Photographic Process Workers; Mixing Operatives; Paint Makers; Sewage Plant Operatives; Dyers
- 57 Miscellaneous Operatives - Non Transport
- 58 Dry Wallers and Lathers; Insulation and Waterproofers

VII. TRANSPORT OPERATIVES

(Unskilled or semi-skilled - major part of job is driving vehicles)

- 60 Bus Drivers
- 61 Taxi Drivers and Chauffeurs (not private household workers)
- 62 Truck Drivers and Deliverymen/Routemen
- 63 Transport Equipment Drivers - Fork Lift and Tow Motor Operatives (Not excavating, grading and heavy machine operators, i.e., bulldozer operator's cranesmen, derrickmen, and hoistmen - See #40 Construction Craftsmen)
- 64 Parking Lot Attendants
- 65 Miscellaneous Transport Operatives (unspecified drivers; boatmen; railroad brakemen-switchmen, etc.)

VIII. LABORERS - NOT PRIVATE HOUSEHOLD

(Unskilled usually involving major physical tasks)

- 70 Construction Laborers (including carpenter's, electrician's and painter helpers and catchouts)
- 71 Freight and Materials Handlers; Movers; Warehousemen (Porters who not affiliated with hotels or carrying baggage; for Baggage Porters see #85)
- 72 Gardeners and Groundskeepers (except private home and farm)
- 73 Trash and Garbage Collectors
- 74 Laborers - Manufacturing Industries (unskilled factory workers)
- 75 Laborers in Non-Manufacturing Industries - Railroad and Railway Express Service; Transportation; Wholesale and Retail Trade; Communications; and Utilities (jumpers, flymen, helper in cleaners, C&P helpers - etc.)
- 76 Vehicle Washers and Equipment Cleaners
(Car washer, window washers, printing press cleaners)
- 77 Miscellaneous Laborers (day workers, odd job workers, fisherman, etc.)
- 78-78 blank

IX SERVICE WORKERS - EXCEPT PRIVATE HOUSEHOLD
(Unskilled to semi-skilled involving non-tangible products - i.e.
services to public)

- 80 Cleaning Service Workers - Chambermaids; Cleaners; Custodians; Housemen; Janitors, etc.
- 81 Food Service Workers - Bartenders; Busboys; Cooks; Dishwashers; Food Counter Workers; Food Service Helpers; Hostesses at Bars and Restaurants; Waiters/Waiteresses
- 82 Health Service Workers - Dental Assistants; Health Aids and Trainees; Nursing Aids, Orderlies, Practical Nurses
- 84 Personal Service Workers - Child Care Workers; School Monitors; School Bus Attendants; Welfare Service Aids if non-clerical; Community Aides; Counseling Aids (non-professional)
- 85 Personal Service Workers - (Pleasure types) - Airline Stewardesses and Attendants; Stewards; Baggage Porters; Bellhops; Barbers; Hairdressers; Boarding and Lodging Housekeepers; Recreation & Amusement Aids; Ushers; Manicurist; Elevator Operators; Doormen; Masseurs; Recreational Aids
- 85 Protective Service Workers for Public Services - Crossing Guards; Firemen; Policemen; Marshalls; Sheriffs; Bailiffs; Prison Guards; Military Police
- 87 Protective Service Workers - Private - Security Guards; Watchmen; Bridgetenders; Lifeguards; Bouncers
- 88 Miscellaneous Service Workers

X PRIVATE HOUSEHOLD WORKERS

- 90 All Private Household Workers - Babysitters; Cooks; Housekeepers; Laundresses; Maids; Gardeners; Chauffeurs; Handymen; Governesses

XI. FARMWORKERS

- 91 Farm Workers - Self-employed
- 92 Farm Workers - Salaried

XII. MILITARY PERSONNEL

- 93 Military Officers
- 94 Military Enlisted Persons

XIII. TRAINING PROGRAM PERSONNEL

- 98 All individuals in Official Vocational Training Programs (i.e., Pride, Inc., UPO, Project Build, Cedar Program, Mission of Community Concern OIC Training Program, Juvenile Assistance Program, etc.) who receive a Salary or Stipend. (Do not include those with academic scholarships or health trainees, see 82 for later).

XIV. MISCELLANEOUS OCCUPATIONS

- 95 Miscellaneous Occupations - All Occupations which cannot be fit into any of the above specified categories.

APPENDIX F

A Comparison of Employment Status for Selected Offense Categories Examined by Race and Sex

Table 1

Employment Status of the Black Male Population
for the Eight Major Offense Categories that this
Group had papered in the Courts in 1975

| Offense Category | Employment Status | | | |
|----------------------------|-------------------|----------|---------|------------|
| | Unemployed | Employed | Student | Non-Member |
| Drug Offenses (2,181) | 35% | 57% | 6% | 2% |
| Larceny (1,553) | 49% | 43% | 6% | 2% |
| Robbery (1,520) | 50% | 41% | 8% | 1% |
| Burglary (1,207) | 53% | 40% | 6% | 1% |
| Assault (1,013) | 38% | 53% | 3% | 6% |
| Weapons (953) | 33% | 59% | 4% | 4% |
| Flight-Escape (846) | 49% | 46% | 3% | 2% |
| Stolen Property (679) | 44% | 50% | 4% | 2% |
| All Categories (11,758) | 44% | 49% | 5% | 2% |

Number of missing cases=350

Table 2

Employment Status of the Non-Black Male Population
for the Eight Major Offense Categories that this
Group had Papered in the Courts in 1975

| Offense Category | Employment Status | | | |
|---------------------------|-------------------|----------|---------|------------|
| | Unemployed | Employed | Student | Non-Member |
| Drug Offenses (225) | 21% | 67% | 11% | 1% |
| Commercial Sex (187) | 8% | 87% | 4% | 1% |
| Burglary (155) | 33% | 53% | 11% | 3% |
| Larceny (130) | 34% | 54% | 11% | 1% |
| Assault (86) | 43% | 55% | 1% | 1% |
| Weapons (81) | 25% | 72% | 2% | 1% |
| Flight-Escape (75) | 45% | 52% | - | 3% |
| Stolen Property (70) | 26% | 64% | 7% | 3% |
| All Categories (1,212) | 28% | 64% | 6% | 1% |

Number of missing cases=73

Table 3

Employment Status of the Black Female Population
for the Eight Largest Offense Categories that this
Group had Papered in the Courts in 1975

| Offense Category | Employment Status | | | |
|---------------------------|-------------------|----------|---------|------------|
| | Unemployed | Employed | Student | Non-Member |
| Commercial Sex (451) | 83% | 15% | 1% | 1% |
| Larceny (386) | 60% | 26% | 9% | 5% |
| Drug Offenses (256) | 58% | 29% | 8% | 5% |
| Assault (149) | 60% | 26% | 5% | 10% |
| Flight-Escape (130) | 69% | 21% | 4% | 7% |
| Forgery (114) | 63% | 25% | 4% | 8% |
| Robbery (70) | 71% | 20% | 3% | 6% |
| Burglary (57) | 79% | 14% | 5% | 2% |
| All Categories (1,969) | 66% | 24% | 5% | 5% |

Number of missing cases=41

Table 4

Employment Status of the Non-Black Female Population
for the Eight Largest Offense Categories that this
Group had Papered in the Courts in 1975
Group

| Offense Category | Employment Status | | | |
|-------------------------|-------------------|----------|---------|------------|
| | Unemployed | Employed | Student | Non-Member |
| Commerical Sex (142) | 82% | 16% | 2% | - |
| Larceny (84) | 36% | 43% | 14% | 7% |
| Drug Offenses (40) | 38% | 58% | 2% | 2% |
| Burglary (36) | 47% | 25% | 19% | 8% |
| Flight-Escape (35) | 77% | 14% | - | 9% |
| Fraud (13) | 39% | 31% | 15% | 15% |
| Robbery (11) | 82% | 18% | - | - |
| Assault (10) | 70% | 10% | - | 20% |
| All Categories (422) | 61% | 29% | 6% | 4% |

Number of missing cases=19

APPENDIX G

SENTENCING DISPOSITION BY DEGREE OF CHARGE FOR 1975 SUPERIOR AND DISTRICT COURT CASES

| SENTENCE | Superior Court | | | District Court | Total |
|------------------------------------|----------------|--------|-------|----------------|-------|
| | Misdemeanor | Felony | Total | | |
| <u>PROBATION</u> | | | | | |
| ISS | 168 | 15 | 183 | 7 | 190 |
| ESS | 57 | 7 | 64 | 1 | 65 |
| Unsupervised | 162 | 17 | 179 | 6 | 185 |
| 0 through 1 yr. | 1,267 | 251 | 1,521 | 75 | 1,596 |
| Over 1 yr. through 5 yrs. | 101 | 164 | 266 | 282 | 548 |
| Over 5 years | 3 | 11 | 14 | 1 | 15 |
| Work Release/ Probation (split) | 5 | 3 | 8 | 1 | 9 |
| FYCA (A) | 323 | 144 | 468 | 27 | 495 |
| <u>INCARCERATION</u> | | | | | |
| Work Release | 81 | 30 | 112 | 0 | 112 |
| FYCA (B) | 44 | 133 | 177 | 34 | 211 |
| FYCA (C) | 1 | 56 | 57 | 7 | 64 |
| FYCA (D) | 1 | 0 | 1 | 0 | 1 |
| 0 through 1 yr. | 468 | 281 | 753 | 69 | 822 |
| Over 1 yr. through 5 yrs. | 28 | 307 | 335 | 101 | 436 |
| Over 5 yrs. through 10 yr. | 5 | 70 | 75 | 16 | 91 |
| Over 10 yrs. | 0 | 32 | 32 | 2 | 34 |
| NARA | 4 | 3 | 7 | 12 | 19 |