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KENTUCKY
CRIMINAL
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STATISTICAL
ANALYSIS
CENTER

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TRACKING THE OFFENDER

During the fall of 1985, the Kentucky Criminal Justice Statistical Analysis Center completed a unique study regarding the feasibility of establishing an offender-based tracking system (OBTS) in the Commonwealth of Kentucky.

What is OBTS?

An offender-based tracking system is a method for following offenders as they move through the criminal justice system and across agencies. For example, an operating OBTS could track an offender from arrest (by local law enforcement personnel) to trial (district and/or circuit court systems) to sentencing and incarceration (corrections agencies).

Why do we need an OBTS?

There are multiple advantages of having an offender-based tracking system in place:

- It can clearly demonstrate the rate of "system fallout" for cases; that is, an OBTS will show the number of individuals who leave the system at various points (including probation & parole).
- OBTS can provide information on the length of time it takes to process offenders at different stages of the criminal justice process.
- OBTS can provide data to look at the possibility of sentencing disparity and bias.
- It can collect systemwide data which could serve as the basis for projecting the number of offenders likely to be in the system at a given time (i.e., to anticipate prison crowding).

- OBTS data can be a valuable source in producing specialized reports on a specific crime (i.e., examination of burglary offender characteristics or the "average" prison sentence for assault).
- OBTS can provide a systemwide perspective on criminal justice processing — identifying problem areas which may require a system level approach and solution.
- Finally, and perhaps most importantly, an OBTS can provide some measure of continuity of information across criminal justice agencies (i.e., percentage of robbery arrests that are sentenced to prison).

The major disadvantage of **not** having an OBTS is that offenders may "slip through cracks in the system". For example, Kentucky has in place a Persistent Felony Offender law (see SAC Bulletin, **PFO Characteristics Studied**, February 1986); however, enforcing such a law is difficult without an OBTS in place to give prosecutors and law enforcement agencies across the Commonwealth the information they need on an offender's past criminal activity.

How did SAC conduct this pilot OBTS study?

The SAC's 1985 feasibility study of an offender-based tracking system focused on three judicial districts — the 30th (large urban), the 6th (midsize) and the 14th (rural). These districts, while not statistically representative, were chosen to roughly approximate the criminal justice system in the Commonwealth.

Starting with district court records for 1982 in

each of the above-mentioned districts, data were collected on all offenders arraigned for an index crime. ("Index crimes" are those which the FBI has identified as the most serious: murder, rape, robbery, assault, burglary, theft, and arson.) Offenders were then tracked as far as they progressed through the criminal justice system. If the offender was sent on to circuit court (as is the case for all felonies in Kentucky), data were collected from circuit court files. In other words, all information on court processing was obtained from hardcopy files, **records which were already maintained in the respective counties.** The OBTS study did not require the creation of new variables. Every variable contained in this study was (and is) currently collected in different agencies.

Using 1982 as our base year enabled us to track offenders who were either sentenced to probation or released from prison on parole or shock probation. Our goal was to develop an OBTS which would not stop at sentencing but follow the offender in the community and provide different measures of recidivism. (This bulletin, however, will focus on conviction and dismissal rates as well as length of time spent within the court system only. A later bulletin will examine

recidivism and parole/probation issues.)

Data for a total of 5,506 offenders were collected. The bulk of the index offenders (93%) came from the 30th judicial district, Jefferson County. Being the largest urban area in the state, it is natural that it contains the greatest number of offenders for 1982. (Please note that any conclusions drawn from these data must be interpreted with extreme caution since the data do not technically represent felony case processing for the entire Commonwealth in 1982.)

What did the OBTS study show?

The specific results of our analysis follow:

Systemwide Dismissal Rates

Naturally, these rates vary according to the type of crime (see Table 1). As you can see, the dismissal rate ranges from a low of 17% for murder cases to a high of 50% for assault cases. Overall, the systemwide dismissal rate was 37%. This finding indicates that OBTS is capable of highlighting systemwide problem areas. It is interesting to note that two crimes of violence, assault, and rape, had the highest rate of dismissal while the most serious crime, murder, had the lowest dismissal rate.

Table 1
Outcome for Index Crime Offenders in
Three Kentucky Judicial Districts, 1982

Disposition	Total	Murder	Rape	Robbery	Assault	Burglary	Theft	Arson
for 100 District Court Arraignments:								
Dismissed	37	17	46	40	50	35	42	23
Acquitted	3	7	5	2	1	1	1	5
Other Disposition	3	7	0	1	1	3	4	8
Convicted	57	69	49	57	48	61	53	64
of Those Convicted:								
Probated	33	27	21	27	40	41	40	33
Imprisoned	24	42	28	30	8	20	13	31
of Those Imprisoned:								
A year or less	6	3	5	5	4	6	5	12
More than a year	18	39	23	25	4	14	8	19

Systemwide Conviction Rate

Overall, the conviction rate for index crime cases was 57 percent, ranging from a high of 69 percent for murder to a low of 48 percent for assault. The systemwide rate includes both lower (district) court and higher (circuit) court convictions and thus represents the combined conviction rates of both the county and commonwealth attorneys.

Systemwide Incarceration Rate

The highest rates of probation (40%) (both misdemeanor and felony cases) were registered for assault, burglary and larceny/theft cases. The highest rate of jail imprisonment (misdemeanor conviction) was for the crime of arson (12%) while murder cases (39%) had the highest prison incarceration rate. Overall, the lowest rate of incarceration (both jail and prison) was recorded among assault offenders. Only eight percent of assault offenders were sentenced to jail or prison.

District Court Disposition Rate

Of all cases in the study, nearly 75 percent were disposed in district court. It should be noted that for felony charges to be disposed in the lower court they would have to be plea bargained to misdemeanors or dismissed. Assaults had the highest rate of 84 percent. The disposition rate for murder was just over 20 percent and rape 40 percent. Most of these latter crimes are waived to the grand jury and therefore prosecuted in circuit court.

Days from District Court Arraignment to District Court Disposition

Fifty percent of the cases in district court were disposed within 21 days. The average case, however, took slightly over a month. Rape and robbery cases had the quickest disposition period with an average of 27 days. Paradoxically, these two categories took the longest to settle (with the exception of murder) once they reached circuit court.

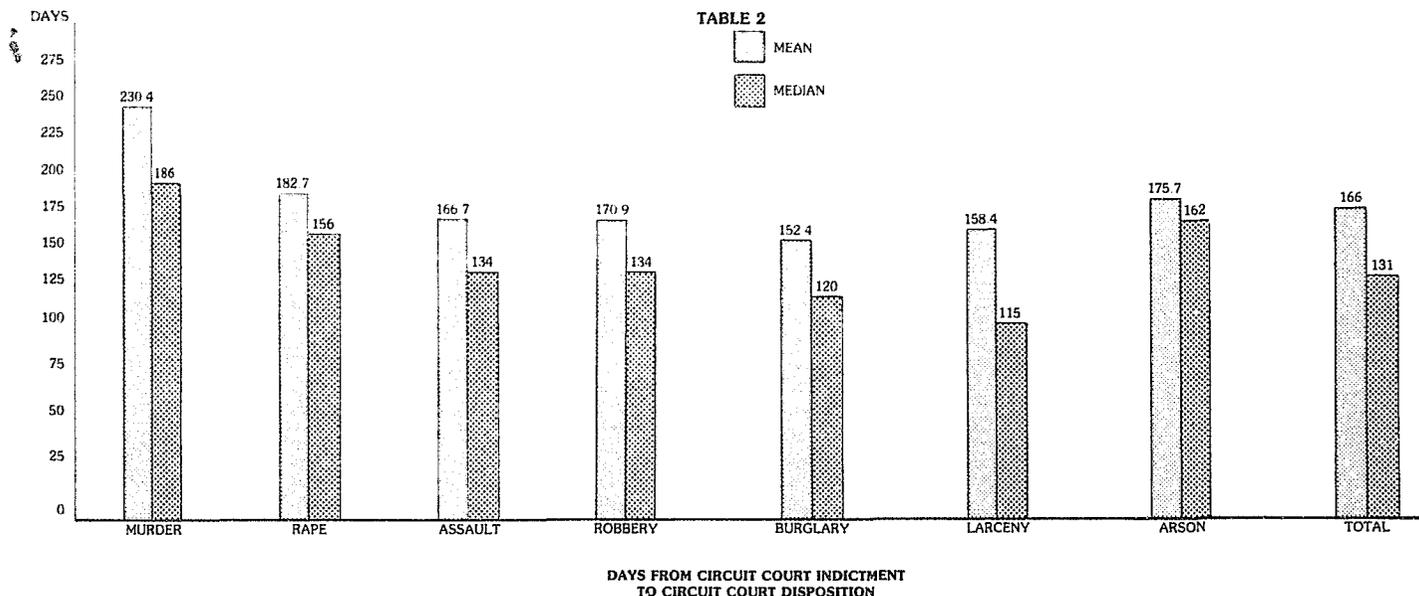
Days from District Court Arraignment to Circuit Court Indictment

From district court arraignment to indictment, the average case took 42 days, while the mean was 51.4 days. Violent crimes (murder, rape and robbery) tended to average the shortest amount of time before indictment by the grand jury.

Days from Circuit Court Indictment to Circuit Court Disposition

Cases in this section include those that not only began as felony cases in district court, but also were indicted as felonies by the grand jury. Half of the cases indicted were settled within six months of indictment (see Table 2).

Property crimes, burglary and theft, took the shortest amount of time to disposition. Fifty percent of these cases took four months or less to settle. Most of the defendants pled to all or most of the charges in the indictment and therefore, did not go to trial. This process allows each case to spend much less time in the court system. Murder had the largest mean (230.4 days) and 50 percent of the cases took over 185 days.



Circuit Court Conviction Rates and Sentences

Table 3 presents information on the circuit court conviction rate for each type of index crime. The analysis revealed that circuit court conviction rates ranged from a high of 87.8 percent for murder to a low of approximately 75 percent for rape and arson. Table 4 contains data on the length of sentence given to offenders sentenced to prison.

Table 3
Circuit Court Conviction Rate

Type of Crime	Conviction Rate
Murder	87.8%
Rape	75.8
Robbery	85.5
Assault	82.2
Burglary	87.4
Larceny-Theft	85.5
Arson	75.0

Table 4
Circuit Court Sentences in Months*

Type of Crime	Mean	Median	Mode
Murder**	156	120	60
Rape	160	114	60
Robbery**	145	120	120
Assault	61	60	60
Burglary	77	60	60
Larceny-Theft	2	24	12
Arson	95	66	120

* Excludes cases granted probation

** Excludes life sentences

Summary

In short, this study demonstrated that an offender-based tracking system could be constructed using records which currently exist across the Kentucky criminal justice system. The system would provide the Kentucky State Police with up-to-date disposition information which will then be included on the FBI rap sheet. This information would be available to pretrial services, prosecutors, district and circuit court judges and other interested criminal justice agencies throughout the Commonwealth.

