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THE FELONY OFFENDER
AND THE CRIMINAL JUSTICE SYSTEM,
CASE PROCESSING

HAWAII CRIMINAL JUSTICE DATA CENTER

MARCH 1989

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THE FELONY OFFENDER
AND THE CRIMINAL JUSTICE SYSTEM,
CASE PROCESSING

NCJRS

APR 17 1989

ACQUISITIONS

Research and Statistics Report (RS03D)

FOREWORD

This report is the fourth and final report in a series of reports on adult felony offenders in the City and County of Honolulu. The reports are from a study that tracked felony offenders as they moved through the criminal justice system from arrest to final disposition. The three previous reports presented information on segments of the system. This fourth report covers the offender's entire trip through the criminal justice system. It presents data on the number of offenders who exited the criminal justice system because of non-convictions (attrition), the number who were convicted, the type of sentence imposed, and the length of elapsed time that it took to process the offenders. In this report, the term attrition is referred to as the number of individuals who were not convicted and exit the criminal justice system.

The Hawaii Criminal Justice Data Center wishes to thank the Honolulu Police Department, the Circuit Court of the First Circuit, the Adult Probation Division, and the Hawaii Paroling Authority for their assistance in this study.

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THE FELONY OFFENDER AND THE CRIMINAL JUSTICE SYSTEM,
CASE PROCESSING
I. EXECUTIVE SUMMARY

The records of 1,012 adults arrested in 1981 for felony crimes in the City and County of Honolulu were examined. The crimes were divided into "serious" and "selected" felony offense categories. The serious felony arrest category contained 560 people, and the selected felony arrest category contained 452 people.

Two case processing flows are presented in this report. One follows the offense that comes the closest to conviction, and the other follows the original arrest offense.

In the first case, higher attrition rates (percent not convicted out of the total arrested) were observed where people had been arrested for selected felony crimes than where people had been arrested for serious felony crimes, 60.2 percent versus 50.9 percent. Of the offenders convicted, the majority changed their plea. In terms of the proportion of conviction types, the selected felony offender's plea changed more frequently than did the serious felony offender's, 83.3 percent versus 60.4 percent. Many of the selected felony offenders negotiated their pleas to include lenient sentencing. Of the offenders who were sentenced, in terms of the proportion of sentence types imposed, the serious felony offenders received stiffer sentences, such as prison, more often than did the selected

felony offenders, 69.1 percent versus 20.0 percent.

In the other case, the most successfully prosecuted arrest group was those arrested for sex abuse. Of the people arrested for sex abuse, the majority, 78.6 percent, were convicted of sex abuse, and an additional 7.1 percent were convicted of non-sex abuse offenses. The prosecution of people arrested for forcible rape, sodomy, weapons, or auto theft was not very successful. The majority of the people arrested for forcible rape, 72.0 percent; sodomy, 66.7 percent; weapons, 72.2 percent; or auto theft, 67.6 percent; exited the criminal justice system without convictions. Of the people who were convicted, many were never convicted by trial. The majority of the convictions were the result of plea changes. The majority of the people arrested and convicted of burglary, theft, auto theft, weapons, or drug abuse changed their pleas. Many negotiated their pleas to include lenient sentencing. People sentenced for drug abuse received relatively light sentences, where 88.0 percent were given non-prison sentences. The length of elapsed or processing time taken to adjudicate people arrested for actual and attempted homicide was critical. The chance that homicide offenders would exit the criminal justice system without conviction increased with the time taken to prosecute them. The shortest average processing time among the selected felony crimes was observed for auto theft. A final disposition was reached in about six months.

II. INTRODUCTION

The Hawaii Criminal Justice Data Center (HCJDC) studied adult felony offenders. These offenders were tracked as they moved through the criminal justice system from arrest to final disposition.

The first report in this series entitled, "The Felony Offender and the Criminal Justice System, Arrests," followed felony offenders up to the arrest disposition.

The second report entitled, "The Felony Offender and the Criminal Justice System, Prosecution and Sentencing," tracked the progress of those offenders who were formally charged from preliminary hearing or grand jury indictment to sentencing.

The third report entitled, "The Felony Offender and the Criminal Justice System, Sentenced Felony Offenders," recorded the post-sentence status of felony offenders who were sentenced. It also presented data from the pre-sentence investigation report.

While previous reports focused on certain segments of the system, this fourth report focuses on the entire system. It points out the various segments of the system in which individuals received non-conviction dispositions, discusses offenders convicted by plea changes or by trial, and the sentencing of convicted offenders.

Study Design and Sample Data

The study sample consisted of adults arrested for felony offenses in the City and County of Honolulu in 1981. The arrest year 1981 was selected to allow the criminal justice system sufficient time to process the arrestee. The sample was obtained from HCJDC's Offender-Based Transaction Statistics/Computerized Criminal History (OBTS/CCH) files.

The study sample is divided into two groups of arrestees. People arrested for homicide, forcible rape, robbery, sodomy, sex abuse, manslaughter, or incest are grouped in the "serious" felony offense category, and people arrested for all other felony offenses are grouped in the "selected" felony offense category. Since serious felony offenses generate public concern and interest, all records of arrests for those offenders were included in the total sample, and the balance of the sample was randomly chosen for the selected group.

The arrest data were gathered from the Honolulu Police Department. The court and sentencing data were gathered from the Legal Documents Office of the Circuit Court of the First Circuit. The pre-sentence investigation data and the felony probation record data were obtained from the Adult Probation Division of the Circuit Court of the First Circuit. The parole records were researched at the Hawaii Paroling Authority.

III. FELONY OFFENDER CASE PROCESSING

This report discusses the processing of the felony offenders. It presents data on the number of offenders who were not convicted and indicates at what point the offenders exited the criminal justice system. The report also presents data on offenders who were convicted and indicates whether the conviction occurred before (plea change) or after trial (guilty verdict), and the type of sentence imposed. The unit of count used in this report is "an arrested individual." Where an individual was arrested for multiple offenses for the same criminal event, the most severe arrest offense was used to start the case processing. Where an individual was arrested on separate occasions for different criminal events, the individual appeared in the sample more than once.

The criminal justice agencies represented in this report are the police, the prosecutor, the court, adult probation, and the paroling authority.

Two processing flows are presented. The first tracked the individuals as they moved through the criminal justice system based on the most severe disposition. Where the individuals were arrested for multiple offenses, the tracking process used the most severe arrest offense unless its disposition was a non-conviction, in which case, the individuals were further tracked on the other offenses of which the disposition came the closest to conviction. In the

event that an individual had multiple dispositions of the same severity, the disposition that led to the most severe sentence was used. Some of the individuals had final offenses that differed from their original arrest offenses because either they were indicted for other offenses, changed their pleas to other offenses, or were convicted in trial of other offenses.

The second processing flow tracked the individual through the criminal justice system based on the original arrest offense. The individual was tracked as he moved through the system until a final disposition was made on the original arrest offense. The tracking process also stopped if the individual was indicted for an offense that differed from the original arrest offense, if the offender changed his plea to an offense that differed from the original arrest offense, or if the offender was found guilty in trial of an offense that differed from the original arrest offense.

The following is a list of definitions and terminologies that are used throughout the report.

Individual: The unit of count. An individual in this report is an arrestee, defendant or an offender.

Attrition: The number of individuals who are not convicted and exit the criminal justice system. Individuals were not-convicted because they were released by police, had

their cases declined by the prosecutor, had their charges nolle prosequied and dismissed by court, and were acquitted in trials.

Attrition Rate: The percent of individuals not convicted. The number of non-convicted individuals divided by the total number arrested.

Convictions: The number of individuals who are found guilty either by changing their plea to guilty or by trial.

Conviction Rate: The percent of individuals convicted. The number of convicted individuals divided by the total number arrested.

Light or Lesser Sentence: Non-Prison sentences such as probation and jail, probation only, DAGP, fine, and restitution.

Treatment of Deferred Acceptance of Guilty Plea (DAGP) and Conditional Discharge (CDS) as Sentences

According to the Hawaii Revised Statutes, neither the deferred acceptance of guilty plea (DAGP) nor conditional discharge (CDS) are considered convictions when they are dismissed.¹ In this report, individuals who were granted DAGP or CDS are "treated" as convicted offenders and are

discussed in the sentencing sections for statistical research purposes. Hereafter, DAGP and CDS will be referred to as the sentence category "DAGP."

A. CASE PROCESSING, MOST SEVERE DISPOSITION

Serious Felony

Individuals Not Convicted

The study sample consisted of 560 individuals arrested for serious felony offenses. (See Figure 1.) According to Table A1, the attrition rate was 50.9 percent; just over one-half were not convicted. The majority of the individuals exited the criminal justice system at arrest, where 37.9 percent were released from custody by the police. The individuals were released from police custody within 48 hours or 2 days. Less than 7.0 percent had their charges dismissed during the pre-trial segment of the criminal justice system. Another 3.2 percent were acquitted in trial or had their charges dismissed during trial. The average elapsed time from arrest to dismissal was 435.9 days, or about 1 year and 2 months. The average elapsed time for those who were acquitted or had their charges dismissed in trial was 461.1 days, or about 1 year and 3 months.

Individuals Convicted

The conviction rate was 49.1 percent, or slightly less than one-half of the individuals. (See Table A1.) Of the convicted individuals, 60.4 percent were convicted by changing their pleas to guilty and 39.6 percent were convicted in trials. The average processing time for

individuals convicted by plea changing was 325.4 days, or almost 11 months. The average elapsed time for conviction by trial was 405.8 days, or about 1 year and 1 month.

Table A1
Most Severe Disposition and Elapsed Time
Serious Felony Arrestees

	Nos. Indiv.	Percent of Total Arrestees	Mean Elapsed Time
Total Not Convicted -	285	50.9	
Released at Arrest -	212	37.9	-
Declined by Prosecutor -	14	2.5	-
Pre-Trial Dismissal -	38	6.8	435.9 Days
Other ^a -	3	0.5	258.0 Days
Acquittal, Trial Dismissal -	18	3.2	461.1 Days
 Total Convicted -	 275	 49.1	
Plea Change -	166	29.6	325.4 Days
Guilty Trial Verdict -	109	19.5	405.8 Days
 Total Arrested -	 560	 100.0	

Note: ^a One rape defendant and one sodomy defendant escaped from pre-trial custody while awaiting trial. Another sodomy defendant, after being formally charged, posted bail and did not appear for arraignment and plea.

Individuals Sentenced

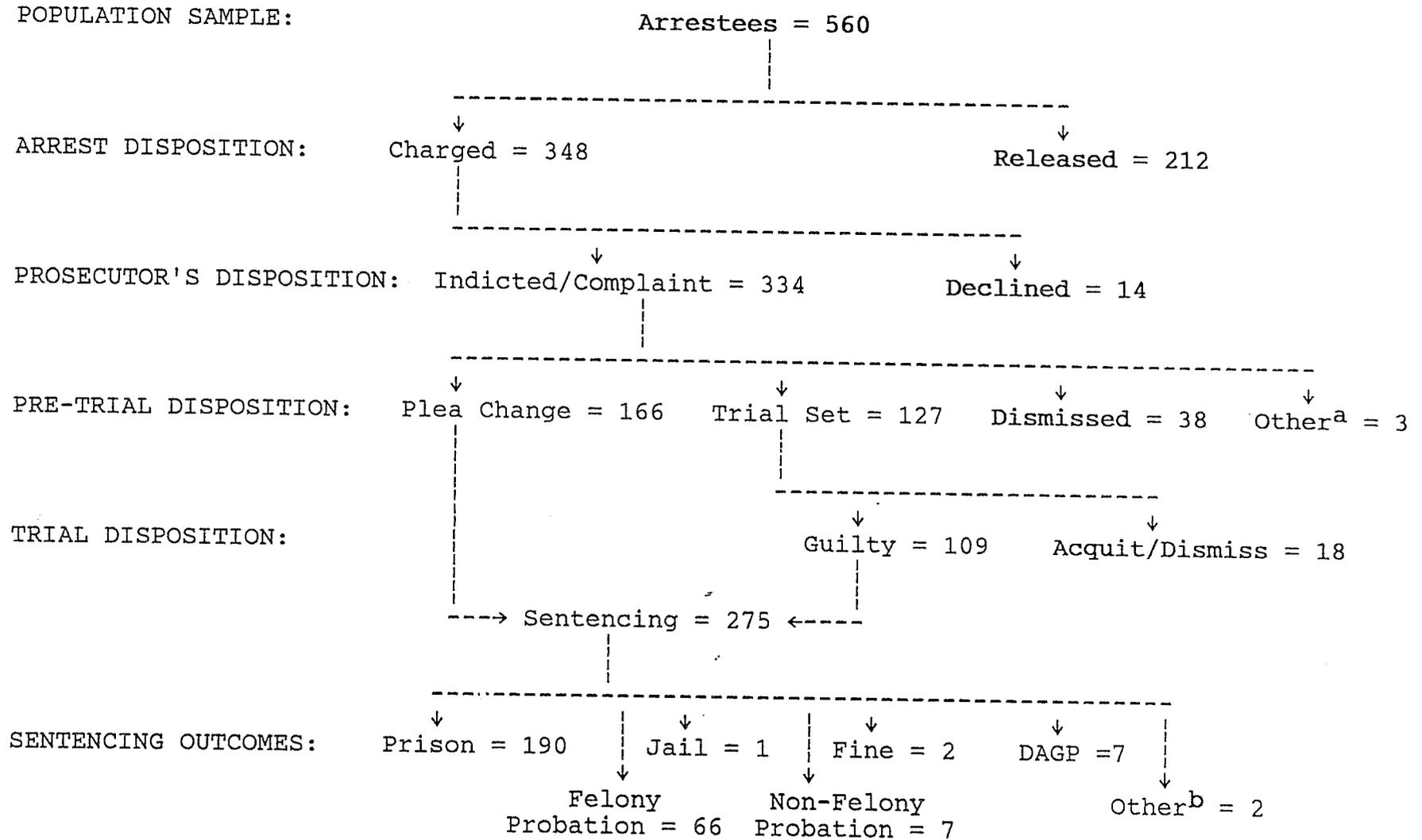
Approximately one of every three individuals arrested for serious felony offenses was sentenced to prison. (See Table A2.) The proportion of arrested individuals who were sentenced either to felony probation and jail or to felony probation only, was 12.0 percent.

Table A2
 Most Severe Sentence
 Serious Felony Arrestees

	<u>Nos.</u> <u>Indiv.</u>	<u>Percent</u> <u>of Total</u> <u>Arrestees</u>
Prison -	190	33.9
Felony Probation -	66	11.8
Non-Felony Probation -	7	1.3
Jail -	1	0.2
DAGP -	7	0.2
Fine -	2	0.4
Other ^a -	2	0.4
 Total Sentenced -	 275	 49.1
 Total Arrested -	 560	 100.0

Note: ^a A robbery defendant who changed his plea died before being sentenced and another robbery defendant did not appear for sentencing after being released from pre-sentence custody (after posting bail).

Figure 1
 Case Flow in the Criminal Justice System
 Arrest Through Sentencing, Serious Felony Arrestees



Notes: Dispositions in boldface represent arrestees (not convicted) who exit the criminal justice system.

- a A rape defendant and a sodomy defendant escaped from pre-trial custody while awaiting trial. Another sodomy defendant, after being formally charged, posted bail but did not appear for arraignment and plea.
- b A robbery defendant who changed his plea died before being sentenced, and another robbery defendant did not appear for sentencing after being released from pre-sentence custody (after posting bail).
- c The probation population includes offenders who were sentenced to felony or non-felony probation, who were granted DAGP or CDS, or offenders who had their prison sentences reconsidered and reduced to probation.

Selected Felony

Individuals Not Convicted

The study sample consisted of 452 individuals arrested for other felony offenses. (See Figure 2.) The attrition rate was 60.2 percent. (See Table A3.) Nearly one-half, or 46.0 percent, were released by the police. Most of the other individuals dropped out of the criminal justice system at the court level. Of all individuals, 8.6 percent had their charges dismissed at pre-trial and 3.3 percent were acquitted in trial or had their charges dismissed during trial. Of the individuals who had their charges dismissed, the average elapsed time spent in the criminal justice system from arrest was 248.7 days, or about 8 months. Of the individuals acquitted in trial or who had their charges dismissed in trial, the average elapsed time was 279.8 days, or about 9 months.

Individuals Convicted

The conviction rate was 39.8 percent. (See Table A3.) Of the convicted individuals, 83.3 percent were convicted after changing their pleas and 16.7 percent were convicted in trials. On the average, the prosecutors took 234.3 days, or about 8 months, to obtain the conviction through change of pleas. The average elapsed time to convict an individual by trial was 368.6 days, or just over 1 year.

Table A3
Most Severe Disposition and Elapsed Time
Selected Felony Arrestees

	Nos. Indiv.	Percent of Total Arrestees	Mean Elapsed Time
Total Not Convicted -	272	60.2	
Released at Arrest -	208	46.0	-
Declined by Prosecutor -	4	0.9	-
Pre-Trial Dismissal -	39	8.6	248.7 Days
Other ^a -	5	1.1	421.2 Days
Acquittal, Trial Dismissal -	16	3.5	279.8 Days
 Total Convicted -	 180	 39.8	
Plea Change -	150	33.2	234.3 Days
Guilty Trial Verdict -	30	6.6	368.6 Days
 Total Arrested -	 452	 100.0	

Note: ^a A terroristic threatening defendant, a burglary defendant and a felony theft defendant were released from pre-trial custody after posting bail but did not appear for trial. A felony theft defendant and a drug abuse defendant requested that the court transfer their trials to other courts.

Individuals Sentenced

The individuals received more non-prison or light sentences than prison sentences. Nearly 32.0 percent of the individuals received non-prison sentences. Two non-prison types of sentences, felony probation and jail and felony probation only, were received by 18.4 percent of the individuals. (See Table A4.) Eight percent (8.0) of the selected felony individuals received prison sentences.

Table A4
Most Severe Sentence
Selected Felony Arrestees

	<u>Nos.</u> <u>Indiv.</u>	<u>Percent</u> <u>of Total</u> <u>Arrestees</u>
Prison -	36	8.0
Felony Probation -	83	18.4
Non-Felony Probation -	14	3.1
Jail -	9	2.0
DAGP -	33	7.3
Fine -	2	0.4
Other ^a -	3	0.7
 Total Sentenced -	 180	 39.8
 Total Arrested -	 452	 100.0

Note: ^a An auto theft defendant is awaiting sentencing after plea changing, a felony theft defendant did not appear for sentencing after being released from pre-sentence custody (after posting bail), and another felony theft defendant died a short time later after plea changing.

Figure 2
Case Flow in the Criminal Justice System
Arrest Through Sentencing, Selected Felony Arrestees

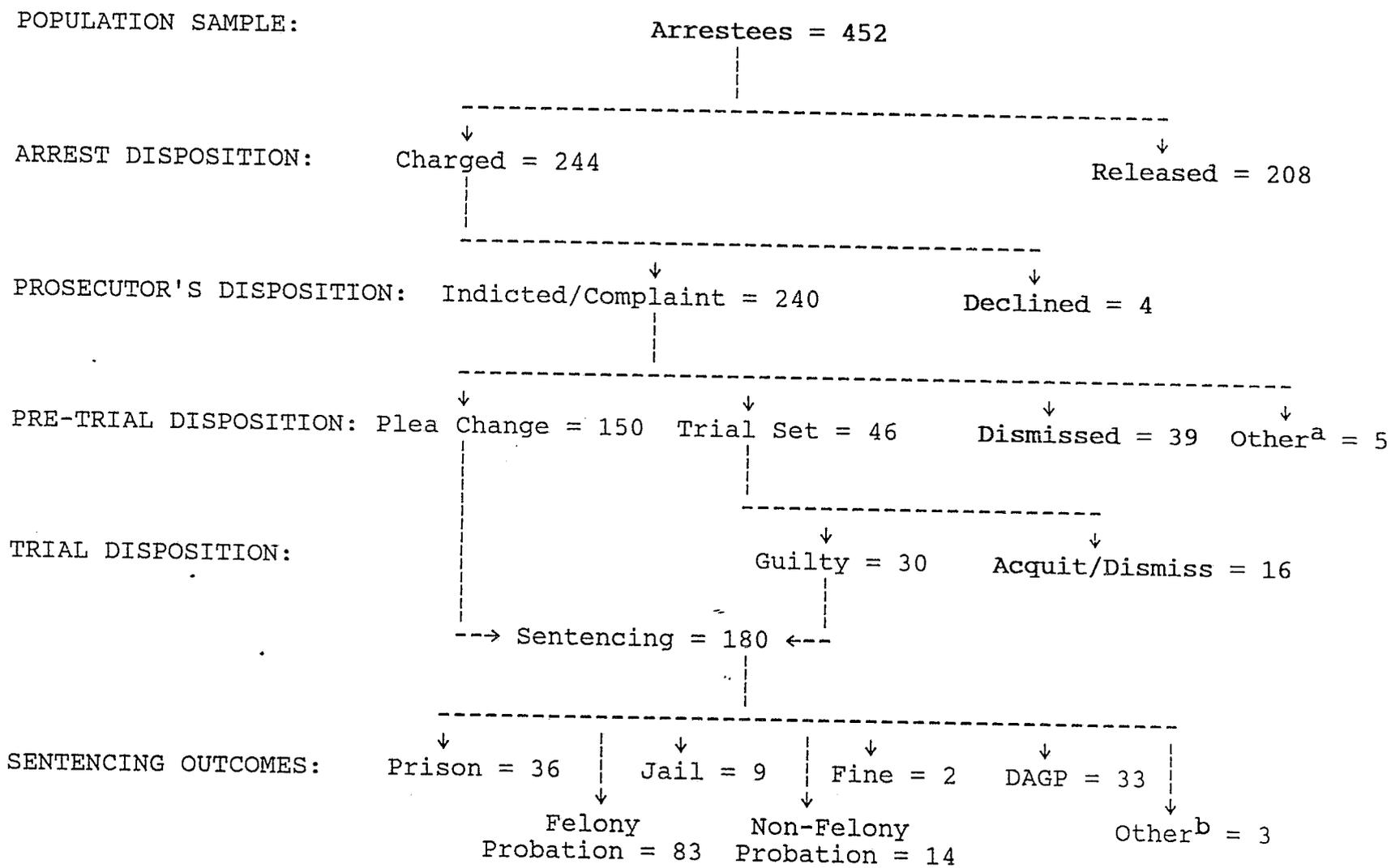
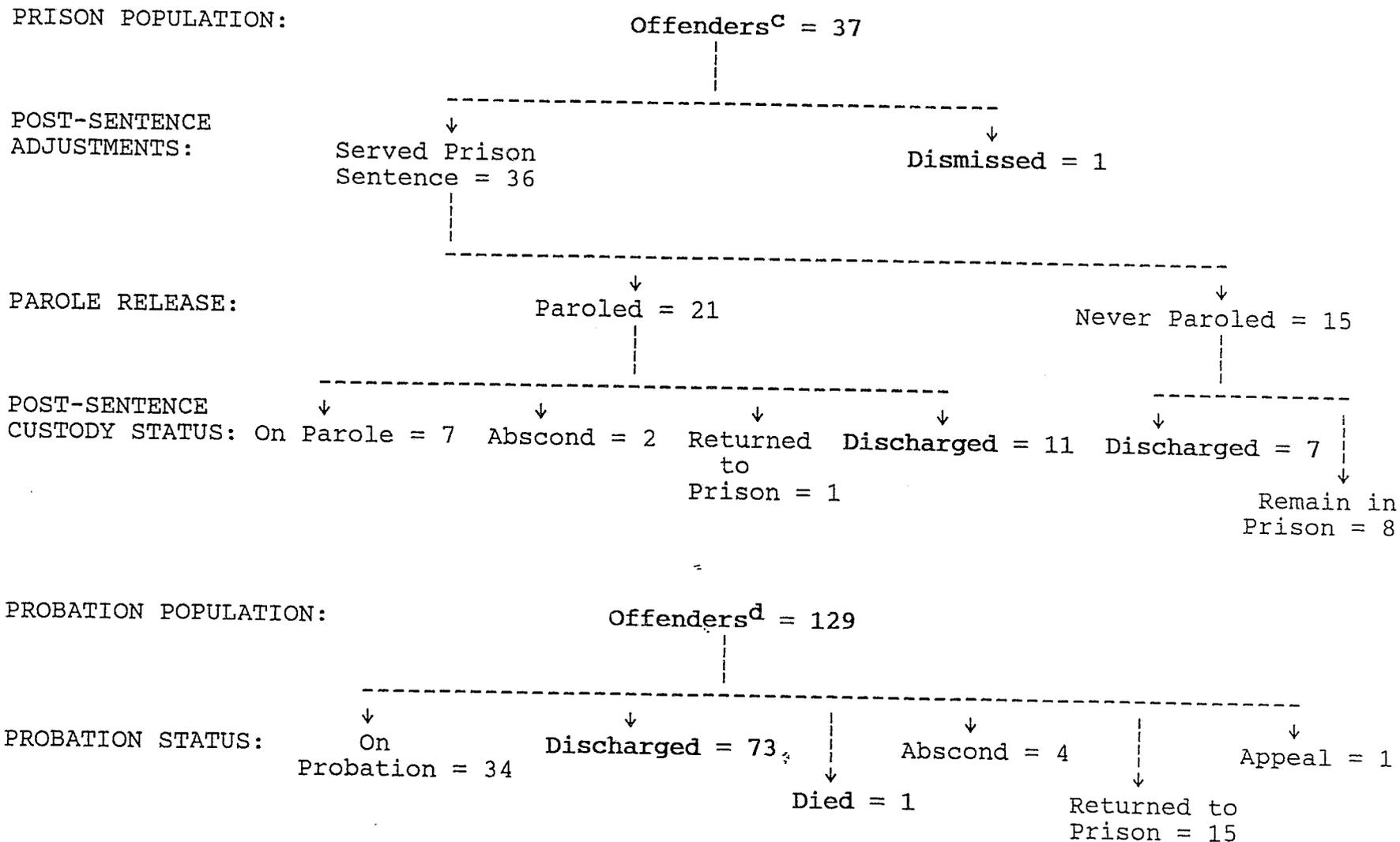


Figure 2 (Cont.)
 Case Attrition Flow in the Criminal Justice System
 Status of Prison and Probation Offenders as of June 1, 1987
 Selected Felony Offenders

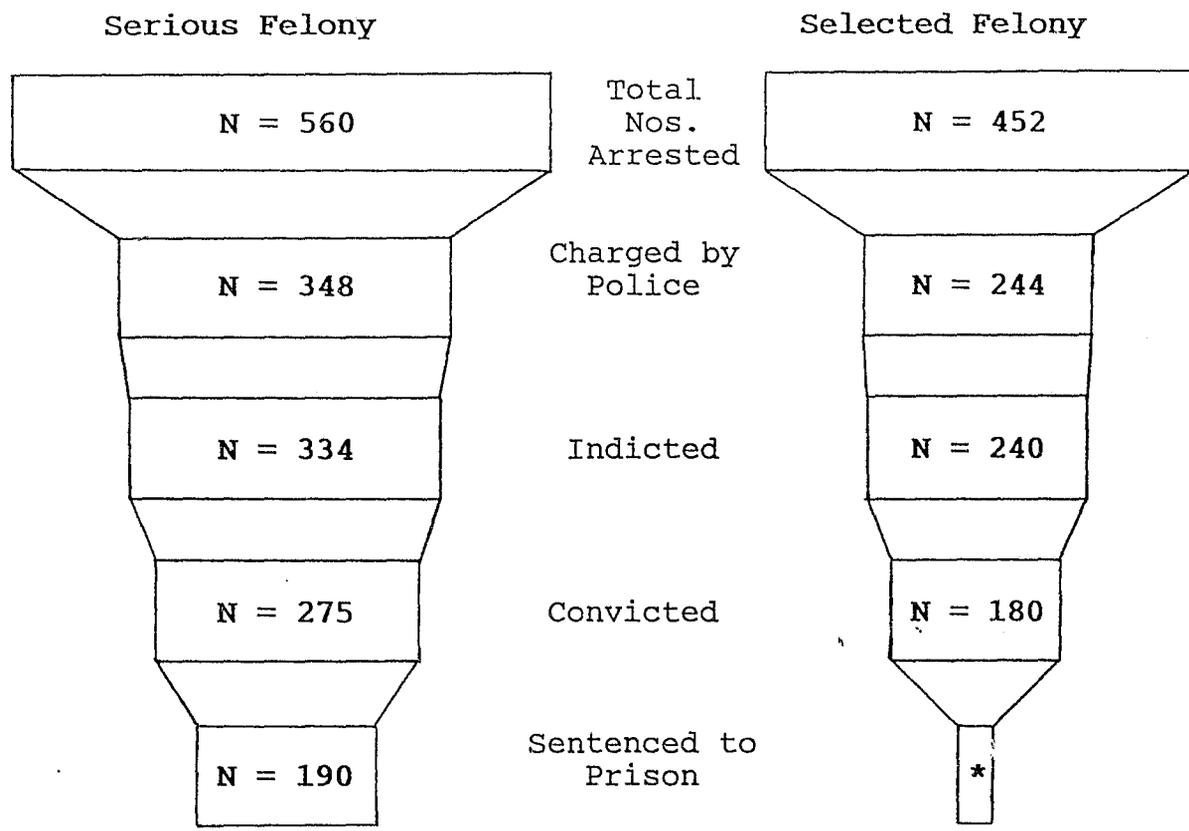
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Notes: Dispositions in boldface represent arrestees (not convicted) who exit the criminal justice system.

- a A terroristic threatening defendant, a burglary defendant and a felony theft defendant were released from pre-trial custody after posting bail but did not appear for trial. A felony theft defendant and a drug abuse defendant requested that the court transfer their trials to other courts.
- b An auto theft defendant is awaiting sentencing after plea changing, a felony theft defendant did not appear for sentencing after being released from pre-sentence custody (after posting bail), and another felony theft defendant died a short time later after plea changing.
- c The prison population includes an offender who had his probation sentence amended to prison.
- d The probation population includes offenders who were sentenced to felony or non-felony probation, or who were granted DAGP or CDS, and it was adjusted for one offender who had his probation sentence amended to prison.

Figure 3
 Funnel Effect of Attrition
 by Most Severe Disposition



Scale: 3" = 600 arrestees.

* N = 36

Funnel Effect of Attrition in the Criminal Justice System

One aspect of this report demonstrates the funnel effect that attrition has on the criminal justice system. The funnel which is shaped like a cone has a wide top and a narrow bottom. The top of the criminal justice "funnel" is represented by the large number of people arrested and the bottom by the small number of people sentenced to prison. A graphical representation of the criminal justice funnel is shown in Figure 3.

Serious and Selected Felony Comparisons

Upon comparing the processing of "serious" versus "selected" felony individuals, the study found several major differences. There were differences in the attrition rate, the proportion of individuals who were convicted by changing their pleas, the proportion of convicted individuals sentenced to prison, and the overall processing or elapsed time that the individuals spent in the criminal justice system.

The funnel effect of attrition shown in Figure 3 helps to illustrate the differences found between serious and selected felony attritions. The shape of the selected felony funnel was more pronounced than that of the serious felony funnel. The neck of the selected felony funnel became constricted more quickly than that of the serious felony funnel because, starting at the top, the selected felony attrition rate was higher than the serious felony rate. At the bottom, lower proportions of convicted individuals were sentenced to prison in the selected felony sample than the serious felony category. Some of these differences could possibly be explained by the fact that the selected felony individuals were being prosecuted for crimes less "serious" in nature as compared to their serious felony counterparts. Therefore, they were more inclined to change their pleas and negotiate for lenient sentencing, rather than risk standing trial and subject themselves to harsher sentences, such as

prison terms, should they be convicted.

In terms of time, the adjudication of serious felony individuals was much longer than that of selected felony individuals. The time was measured from arrest to adjudication. According to Tables A1 and A2, on the average, of the individuals who had their charges dismissed during the pre-trial stage of the criminal justice system, the processing time was 6 months longer for serious felony than for selected felony individuals. The average elapsed time for individuals who were acquitted or who had their charges dismissed during trial was 6 months longer for serious felony than for selected felony individuals. In terms of convictions, it took 3 months longer to obtain plea changes from serious felony than from selected felony individuals and 1 month longer to obtain guilty verdicts from serious felony than from selected felony individuals.

B. CASE PROCESSING, ARREST OFFENSE

This processing section tracked individuals through the criminal justice system who were originally arrested for the serious felony offenses of attempted or actual homicide, forcible rape, robbery, sodomy, or sex abuse, or for the selected felony offenses of aggravated assault, burglary, theft, auto theft, weapons, or drug abuse. The other arrest offenses contained insufficient numbers of individuals needed for processing analysis. Elapsed time from arrest to final disposition was measured only for individuals who were convicted of the original arrest offense either by changing their plea or by trial, had their charges dismissed at pre-trial, had their pre-trial proceedings suspended due to other final dispositions, or were acquitted by trial. The following definitions have been revised for use in this section.

(Original Arrest Offense) Non-Convictions: The number of individuals who exited the criminal justice system because they were not convicted for the original arrest offense.

(Original Arrest Offense) Convictions: The number of individuals who were convicted of the original arrest offense.

(Non-Original Arrest Offense) Convictions: The number of individuals who were convicted for offenses that

differed from the original arrest offense. These individuals had the original arrest offense reduced to a lesser-included offense.

(Non-Original Arrest Offense) Indictments: The number of individuals who were indicted for offenses that differed from the original arrest offense.

Serious Felony Offense: Attempted or Actual Homicide

The homicide arrest category pertained to 88 individuals. (See Table B1.) Less than one-half, or 44.3 percent, of the individuals were not convicted of homicide. (See Graph B1.) Although a little more than one-half of the individuals were convicted, only 22.7 percent were convicted of attempted or actual homicide. The remaining 29.5 percent were convicted of manslaughter, aggravated assault, reckless endangering, robbery, or criminal conspiracy offenses. The latter percentage represents the highest proportion of individuals who were convicted of non-original arrest offenses among the serious felony arrest groups. Of the individuals set for trial, the prosecutor had a high conviction rate. Fifty percent were found guilty as charged and 39.5 percent were convicted of lesser-included offenses. Only 10.5 percent were acquitted, of which 50.0 percent were found not guilty by reason of insanity.

Probably because the penalty for actual homicide convictions carries an indeterminate sentence of life in prison, the majority of the individuals did not want to change their pleas as charged and preferred to stand trial. Only one individual decided to negotiate a plea agreement, changed his plea as charged, and was convicted. (See Graph B2.)

In terms of the average elapsed time between arrest and final disposition, the individuals were less likely to be

convicted, the longer it took to reach adjudication. The average elapsed processing time was 629.8 days to dismiss the individuals at pre-trial, and 527.5 days to acquit the individuals by trials. On the average, the prosecutor was able to obtain plea changes from individuals within 395.0 days and trial convictions within 370.0 days.

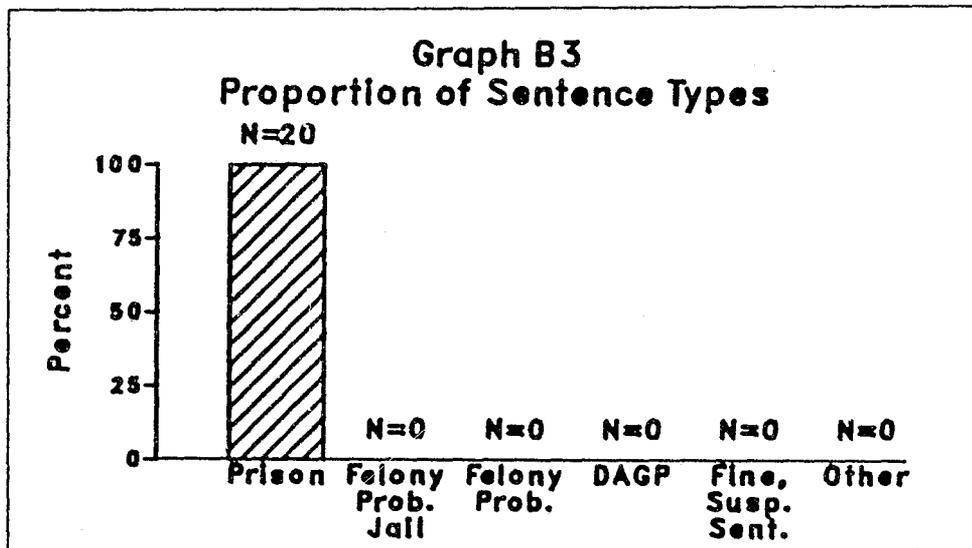
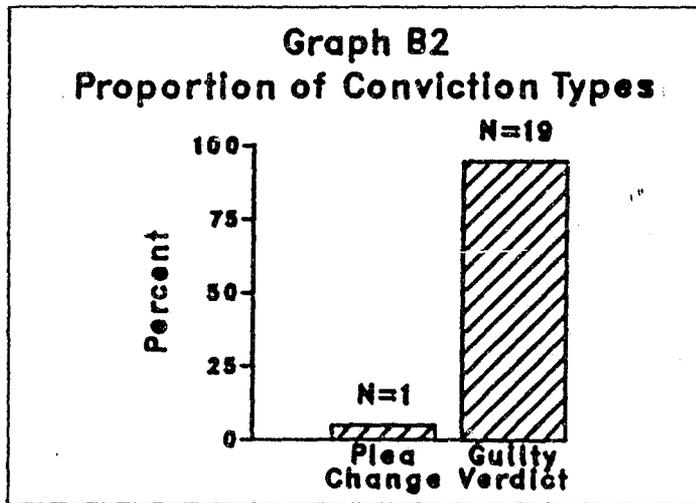
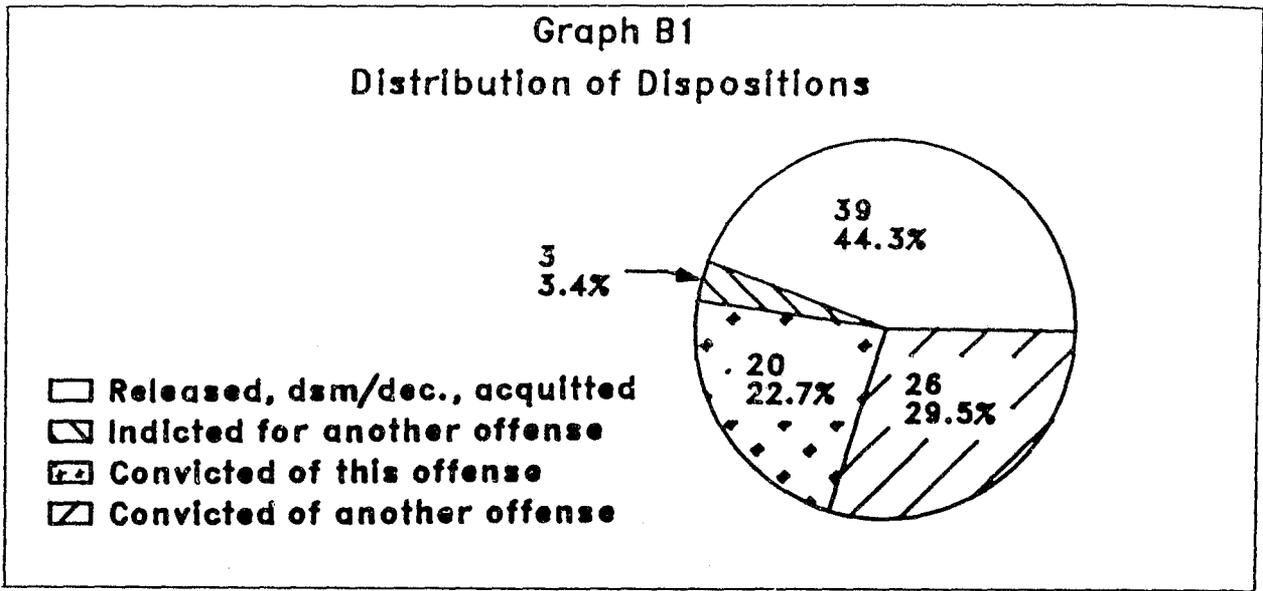
All of the individuals convicted of attempted and actual homicide were sentenced to life terms in prison. (See Graph B3.)

Presently, three individuals are on parole.

Table B1
Individuals Arrested for Attempted or Actual Homicide

	<u>Nos.</u>	<u>Mean Elapsed Time</u>
Number Arrested -	88	
Arrest Disposition:		
Released by Police -	29	
Charged by Police -	59	
Prosecutor Disposition:		
Declined by Prosecutor -	2	
Indicted for Non-Homicide Offense -	3	
Indicted for Homicide -	54	
Court - Pre-Trial Disposition (for those indicted for Homicide):		
Change Plea to Non-Homicide Offense -	11	
Change Plea, Homicide Conviction -	1	395.0 days
Nolle Prosequi and Dismissal -	4	629.8 days
Other -	-	
Trial Set -	38	
Court - Trial Disposition:		
Acquittal and Dismissal -	4	527.5 days
Guilty of Non-Homicide Offense -	15	
Guilty of Homicide -	19	370.2 days
Court - Sentencing (for those convicted of Homicide):		
Life Prison -	17	
20-Year Prison -	1	
8-Year Prison -	2	
Post-Sentence Status as of 6/1/87:		
Serving Prison Term -	17	
On Parole -	3	

Attempted & Actual Homicide Individuals



Serious Felony Offense: Forcible Rape

The forcible rape arrest category contained 107 individuals. (See Table B2.) Of the serious felony arrest groups, forcible rape was one of the most difficult offenses for prosecutors to obtain a conviction. Part of the difficulty can be attributed to the lack of cooperation from the rape victims. Overall, 72.0 percent of the individuals arrested for forcible rape were not convicted. (See Graph B4.) The majority of the individuals, 52.3 percent, were released by the police because, in most cases, the rape victims withdrew their complaints, or were uncooperative and refused to pursue the matter. At the pre-trial stage, 7.5 percent had their charges dismissed because of insufficient evidence, (the rape victims withdrew their complaints and some victims failed to appear in court to testify before trial commenced.) Of the individuals who were set for trial, the stage in the criminal justice system in which conviction is usually highly likely, 23.1 percent were acquitted. One individual had his charge dismissed at trial because the victim withdrew her complaint. Slightly less than one-fifth of the individuals were convicted of forcible rape. In addition, 8.4 percent of the individuals were convicted of either sodomy, sex abuse, kidnap, or terroristic threatening offenses.

Of the individuals convicted of rape, 66.7 percent were found guilty by trials and 33.3 percent changed their pleas.

(See Graph B5.) Of the individuals who changed their pleas, slightly more than 50.0 percent negotiated their pleas.

In terms of the average elapsed time that occurred between arrest and final disposition, it took the prosecutor longer to obtain conviction than non-conviction dispositions. On the average, guilty pleas took 558.4 days, and trial convictions took 847.9 days. Shorter average elapsed times were observed for the non-conviction (attrition) dispositions: pre-trial dismissals, 457.1 days; other final pre-trial disposition, 418.0 days; and trial acquittals, 492.1 days. Overall, on the average, forcible rape individuals spent more time in the criminal justice system than the other serious felony arrest groups.

The sentencing trend of convicted rape individuals followed that of other serious felony arrest groups in that the majority were sentenced to prison. Prison terms were received by 85.7 percent of the convicted rape individuals, 9.5 percent received felony probation and jail, and 4.8 percent were sentenced to felony probation only. (See Graph B6.)

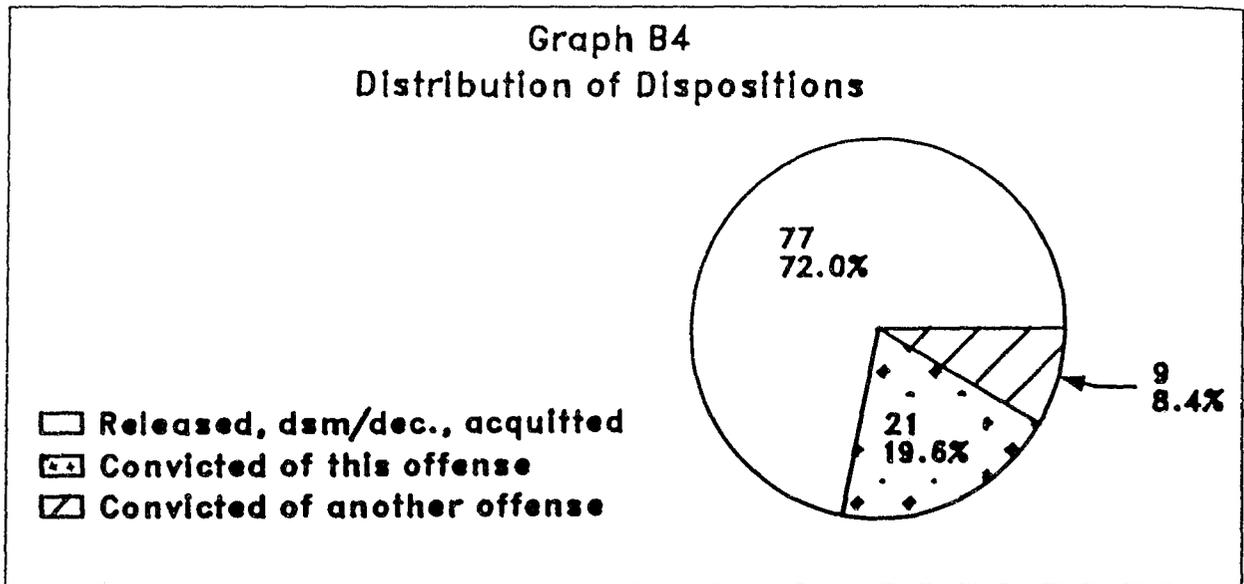
Table B2
Individuals Arrested for Forcible Rape

	<u>Nos.</u>	<u>Mean Elapsed Time</u>
Number Arrested -	107	
Arrest Disposition:		
Released by Police -	56	
Charged by Police -	51	
Prosecutor Disposition:		
Declined by Prosecutor -	5	
Indicted for Non-Forcible Rape Offense -	-	
Indicted for Forcible Rape -	46	
Court - Pre-Trial Disposition (for those indicted for Forcible Rape):		
Change Plea to Non-Forcible Rape Offense -	4	
Change Plea, Forcible Rape Conviction -	7	558.4 days
Nolle Prosequi and Dismissal -	8	451.1 days
Other ^a -	1	418.0 days
Trial Set -	26	
Court - Trial Disposition:		
Acquittal and Dismissal -	7	492.1 days
Guilty of Non-Forcible Rape Offense -	5	
Guilty of Forcible Rape -	14	847.9 days
Court - Sentencing (for those convicted of Forcible Rape):		
Life Prison -	6	
20-Year Prison -	9	
10-Year Prison -	2	
8-Year Prison -	1	
Felony Probation and Jail -	2	
Felony Probation only -	1	
Post-Sentence Status as of 6/1/87:		
Serving Prison Term -	18	
On Parole -	1	
Serving Probation Term -	1	
Discharged, Maximum Sentence Expired -	1	

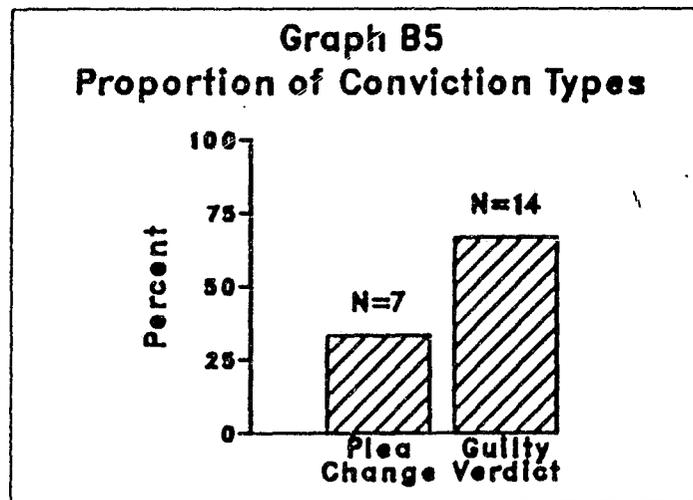
Note: ^a The individual escaped from pre-trial custody while awaiting trial.

Forcible Rape Individuals

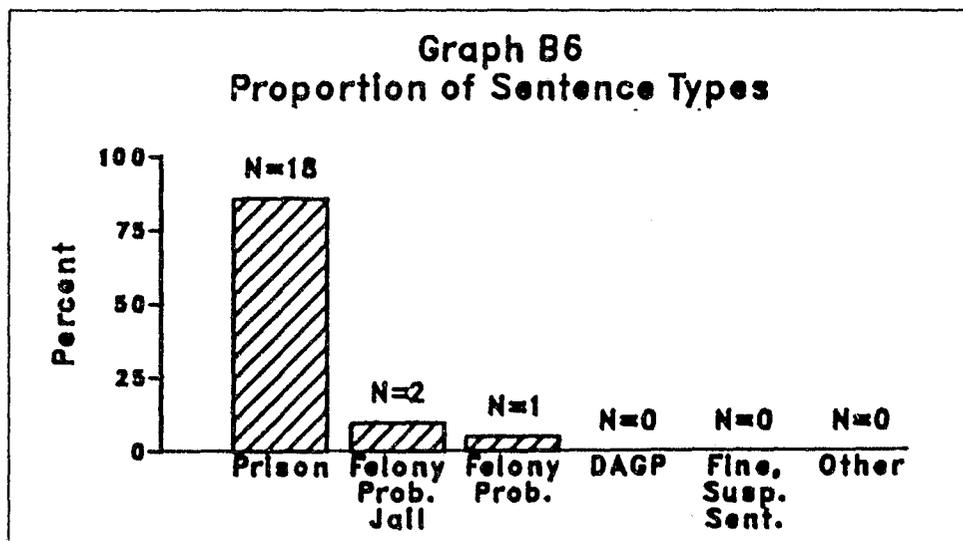
Graph B4 Distribution of Dispositions



Graph B5 Proportion of Conviction Types



Graph B6 Proportion of Sentence Types



Serious Felony Offense: Robbery

The largest serious felony arrest category was robbery, which pertained to 335 individuals. (See Table B3.) Forty-six percent of the individuals were not convicted. (See Graph B7.) Just over 50.0 percent of the individuals were convicted: 43.9 percent were convicted of robbery and 6.9 percent were convicted either of felony theft, non-felony theft, simple assault, aggravated assault, or criminal conspiracy offenses. Of the individuals who were not convicted, 7.5 percent had their charges dismissed at pre-trial. Sixty percent of those individuals had their study charges dismissed because they changed their pleas in other indictments.

Robbery was one of the serious felony groups in which the individuals were heavily engaged in plea changing activities. Of the individuals convicted of robbery, 72.8 percent changed their pleas. (See Graph B8.) Just over 83.0 percent of the plea changes were negotiated. Many of the individuals were able to dismiss other charges, have the robbery charges reduced, and have the prosecutor agree not to motion for aggravated sentences in exchange for the plea changes.

In terms of the average elapsed time between arrest and final disposition, the number of individuals exiting the criminal justice system increased with the time taken to reach adjudication. Convictions by either plea change or

trial, on the average, took about 300.0 days, but longer average elapsed times were observed for individuals not convicted such as those who had charges dismissed at pre-trial, in 418.3 days, and trial acquittals in 354.6 days.

Nearly three-fourths of the individuals convicted of robbery were sentenced to prison. (See Graph B9.) Lesser sentences such as felony probation and jail were imposed on 16.3 percent, and felony probation only was imposed on 6.8 percent of the individuals.

Nearly 20.0 percent of the sentenced individuals who received prison terms are currently on parole.

Table B3
Individuals Arrested for Robbery

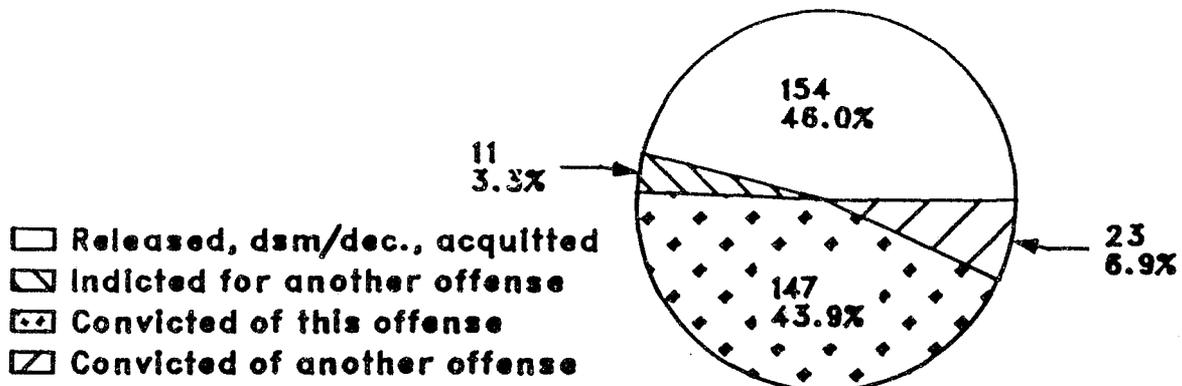
	<u>Nos.</u>	<u>Mean Elapsed Time</u>
Number Arrested -	335	
Arrest Disposition:		
Released by Police -	119	
Charged by Police -	216	
Prosecutor Disposition:		
Declined by Prosecutor -	5	
Indicted for Non-Robbery Offense -	11	
Indicted for Robbery -	200	
Court - Pre-Trial Disposition (for those indicted for Robbery):		
Change Plea to Non-Robbery Offense -	17	
Change Plea, Robbery Conviction -	107	302.9 days
Nolle Prosequi and Dismissal -	25	418.3 days
Other -	-	
Trial Set -	51	
Court - Trial Disposition:		
Acquittal and Dismissal -	5	354.6 days
Guilty of Non-Robbery Offense -	6	
Guilty of Robbery -	40	291.6 days
Court - Sentencing (for those convicted of Robbery):		
Life Prison -	18	
20-Year Prison -	50	
10-Year Prison -	33	
8-Year Prison -	6	
5-Year Prison -	2	
Felony Probation and Jail -	24	
Felony Probation only -	10	
DAGP -	2	
Other ^a -	2	
Post-Sentence Status (for those sentenced to prison, felony probation and jail, felony probation, or DAGP) as of 6/1/87:		
Serving Prison Term -	85	
On Parole -	20	
Serving Probation Term -	21	
Discharged, Maximum Sentence Expired -	15	
Abscond -	2	
Other ^b -	2	

Notes: ^a One individual who changed his plea was released from pre-sentence custody after posting bail and did not appear for sentencing. One individual had his sentence suspended.

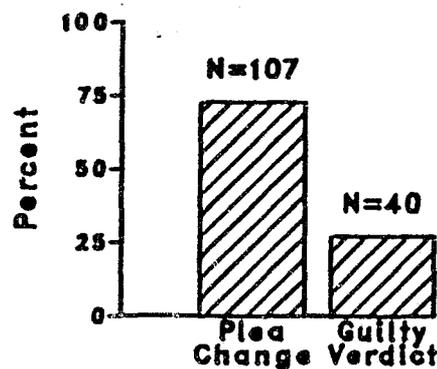
^b One individual died while on probation and one individual had his prison sentence set aside.

Robbery Individuals

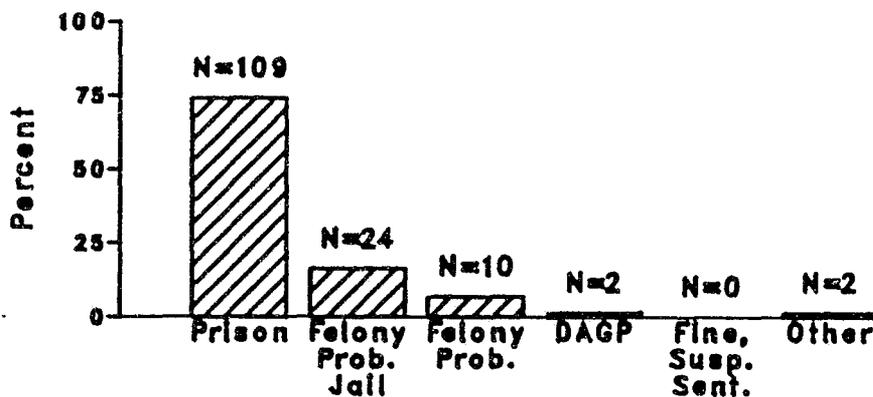
Graph B7
Distribution of Dispositions



Graph B8
Proportion of Conviction Types



Graph B9
Proportion of Sentence Types



Serious Felony Offense: Sodomy

The sodomy arrest category pertained to 12 individuals. (See Table B4.) Of the individuals arrested for sodomy, 66.7 percent, or 9, were not convicted. (See graph B10.) Five of the 9 individuals were released by the police, 2 did not appear for arraignment and plea, and 1 was acquitted in trial. One individual was indicted for a non-sodomy offense. Only two individuals were convicted of sodomy as a result of guilty trial verdicts. (See Graph B11.)

In terms of the average elapsed time between arrest and final disposition, the 507.5 days it took to convict 2 individuals by trial was longer than the 279.0 days it took to acquit 1 individual. The average elapsed time of the two individuals who did not make their arraignment and plea appearance was 178.0 days.

Both of the convicted individuals were sentenced to prison. (See Graph B12.)

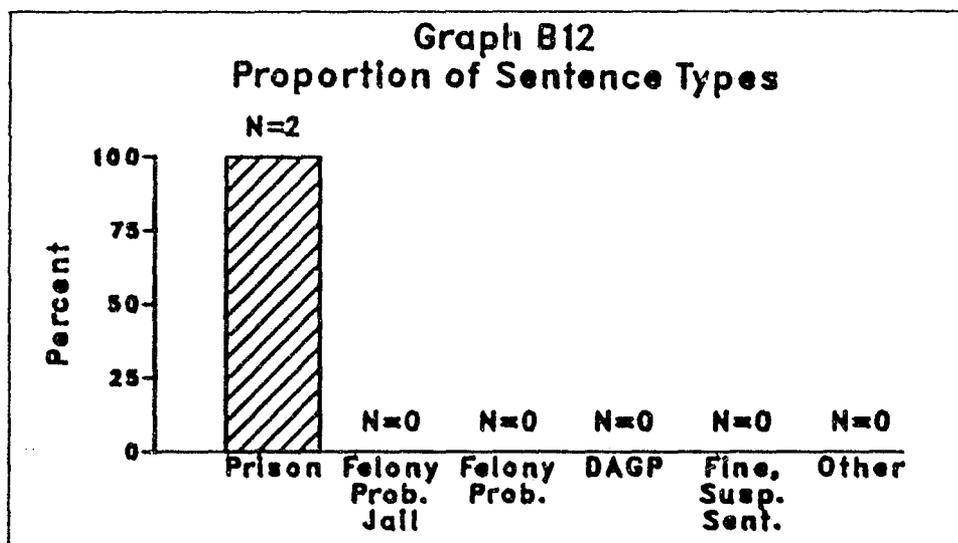
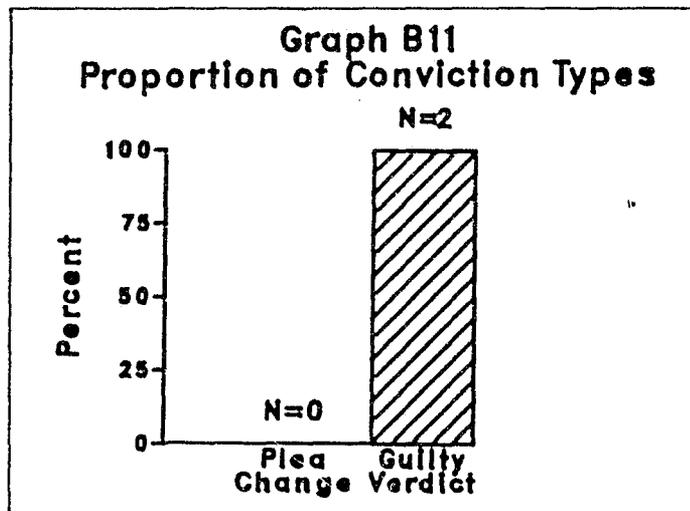
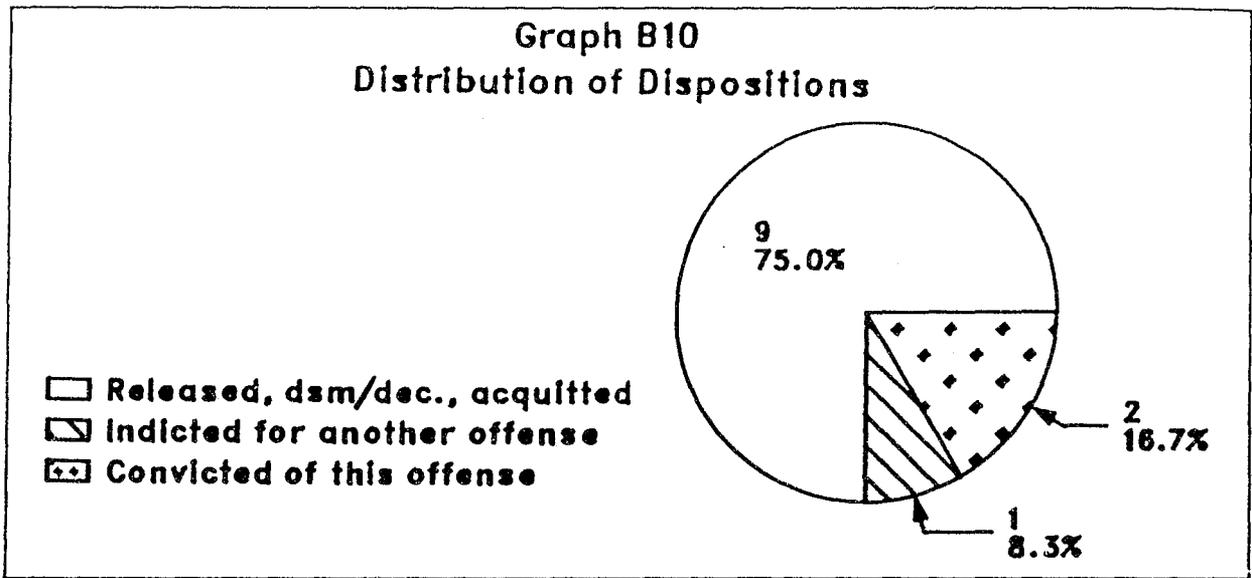
Currently, the 2 convicted individuals are serving their prison terms.

Graph B4
Individuals Arrested for Sodomy

	<u>Nos.</u>	<u>Mean Elapsed Time</u>
Number Arrested -	12	
Arrest Disposition:		
Released by Police -	5	
Charged by Police -	7	
Prosecutor Disposition:		
Declined by Prosecutor -	1	
Indicted for Non-Sodomy Offense -	1	
Indicted for Sodomy -	5	
Court - Pre-Trial Disposition (for those indicted for Sodomy):		
Change Plea to Non-Sodomy Offense -	-	
Change Plea, Sodomy Conviction -	-	
Nolle Prosequi and Dismissal -	-	
Other ^a -	2	178.0 days
Trial Set -	3	
Court - Trial Disposition:		
Acquittal and Dismissal -	1	279.0 days
Guilty of Non-Sodomy Offense -	-	
Guilty of Sodomy -	2	507.5 days
Court - Sentencing (for those convicted of Sodomy):		
Life Prison -	1	
5-Year Prison -	1	
Post-Sentence Status as of 6/1/87:		
Serving Prison Term -	2	

Note: ^a One individual escaped from pre-trial custody while awaiting trial, another individual was released from pre-trial custody after posting bail and did not appear for arraignment and plea.

Sodomy Individuals



Serious Felony: Sex Abuse

The sex abuse arrest category pertained to 14 individuals. (See Table B5.) Prosecutors were very successful in prosecuting individuals arrested for sex abuse. Non-conviction of sex abuse individuals was very low. Only 14.3 percent received non-conviction dispositions. (See Graph B13.) Conversely, the sex abuse conviction rate was high, with 78.6 percent of the individuals convicted of sex abuse. No non-convictions occurred beyond the arrest segment of the criminal justice system. The remaining 7.1 percent were convicted either of kidnap or burglary offenses.

As in the case of robbery, sex abuse individuals were convicted more often by changing their pleas than by trials. Nearly 82.0 percent of the convicted individuals changed their pleas, of which 44.4 percent were negotiated. (See Graph B14.)

In terms of the average elapsed time between arrest and final disposition, convictions took less than one year. On the average, plea changes were obtained within 203.0 days and trial convictions within 300.2 days. Overall, on the average, the sex abuse individuals were adjudicated in less time than the other serious felony arrest groups.

Of the sentenced individuals, 54.5 percent were sentenced to prison. (See Graph B15.) By far, this was the lowest proportion of individuals sentenced to prison among the serious felony arrest groups. Light sentences such as

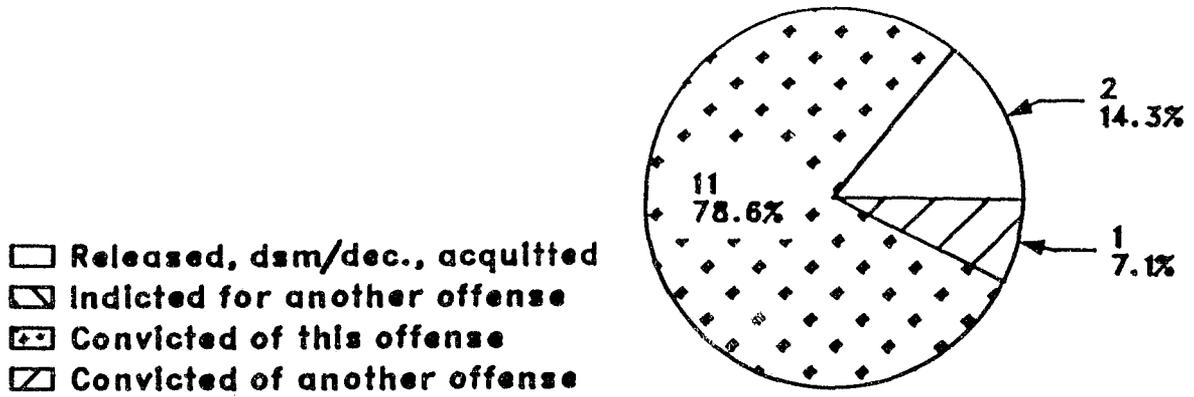
felony probation and jail and felony probation only were imposed on 36.4 percent. Presently, the maximum terms expired for just over one-half of the individuals sentenced either to prison or probation.

Table B5
Individuals Arrested for Sex Abuse

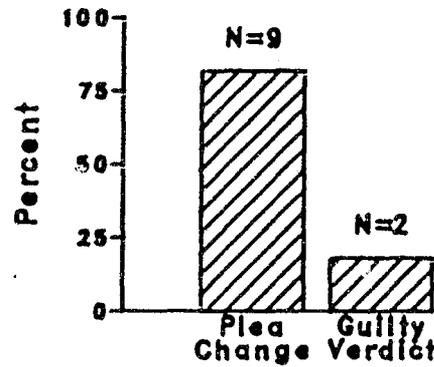
	<u>Nos.</u>	<u>Mean Elapsed Time</u>
Number Arrested -	14	
Arrest Disposition:		
Released by Police -	2	
Charged by Police -	12	
Prosecutor Disposition:		
Declined by Prosecutor -	-	
Indicted for Non-Sex Abuse Offense -	-	
Indicted for Sex Abuse -	12	
Court - Pre-Trial Disposition (for those indicted for Sex Abuse):		
Change Plea to Non-Sex Abuse Offense -	-	
Change Plea, Sex Abuse Conviction -	9	300.2 days
Nolle Prosequi and Dismissal -	-	
Other -	-	
Trial Set -	3	
Court - Trial Disposition:		
Acquittal and Dismissal -	-	
Guilty of Non-Sex Abuse Offense -	1	203.0 days
Guilty of Sex Abuse -	2	
Court - Sentencing (for those convicted of Sex Abuse):		
10-Year Prison -	1	
5-Year Prison -	4	
4-Year Prison -	1	
Felony Probation and Jail -	2	
Felony Probation only -	2	
Fine, Restitution, Suspended Sentences, and Comm. Service -	1	
Post-Sentence Status (for those sentenced to prison, felony probation and jail, or felony probation) as of 6/1/87:		
Serving Prison Term -	1	
On Parole -	1	
Serving Probation Term -	1	
Discharged, Maximum Sentence Expired -	6	
Abscond -	1	

Sex Abuse Individuals

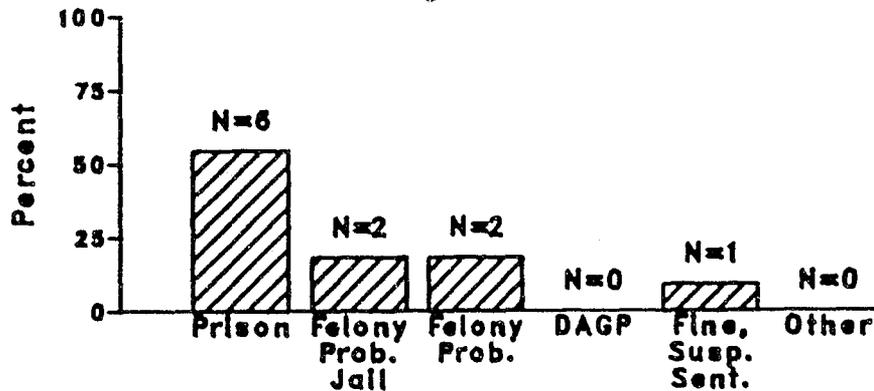
**Graph B13
Distribution of Dispositions**



**Graph B14
Proportion of Conviction Types**



**Graph B15
Proportion of Sentence Types**



Selected Felony Offense: Aggravated Assault

The aggravated assault arrest category pertained to 28 individuals. (See Table B6.) Fifty percent of the individuals arrested for aggravated assault exited the criminal justice system because of non-convictions. (See Graph B16.) Prosecutors managed to convict 28.6 percent of the individuals for aggravated assault and 21.4 percent for either simple assault or harassment. The latter conviction percentage represents the highest proportion of individuals convicted of non-original arrest offenses among the selected felony arrest groups.

Seventy-five percent of the individuals convicted of aggravated assault changed their pleas. (See Graph B17.) Of the individuals who changed their pleas, 66.7 percent negotiated with the prosecutor either to reduce the charge, dismiss pending charges or remain silent at sentencing.

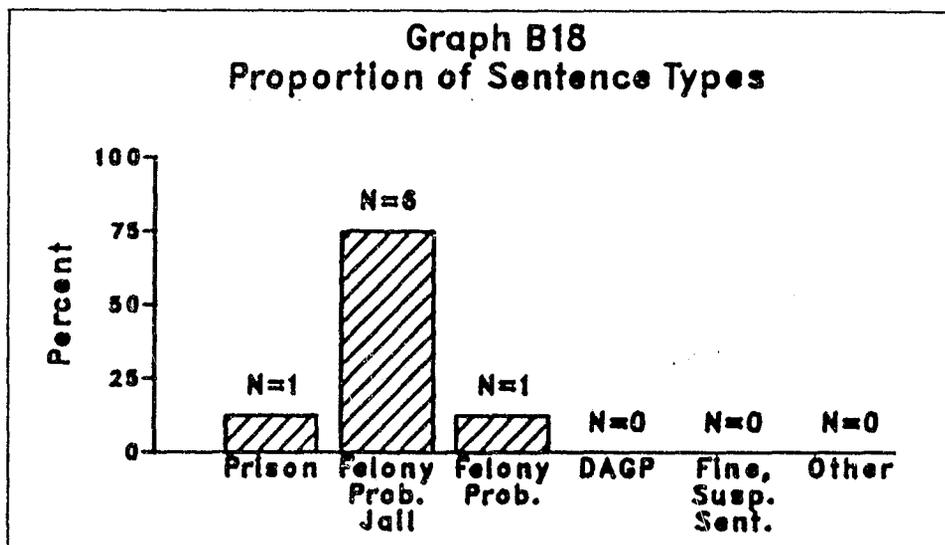
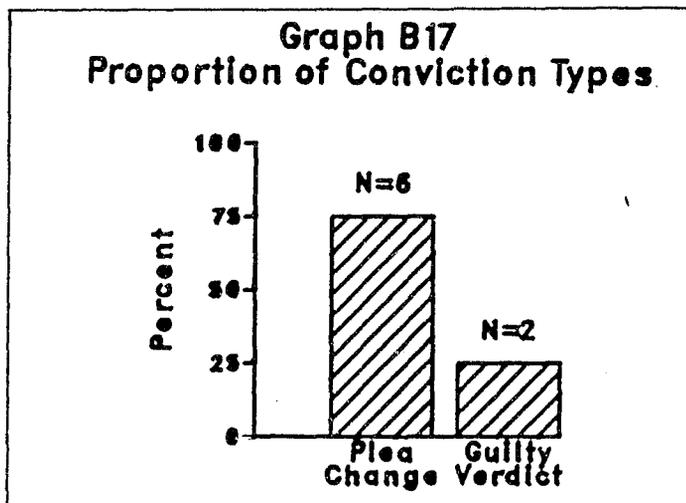
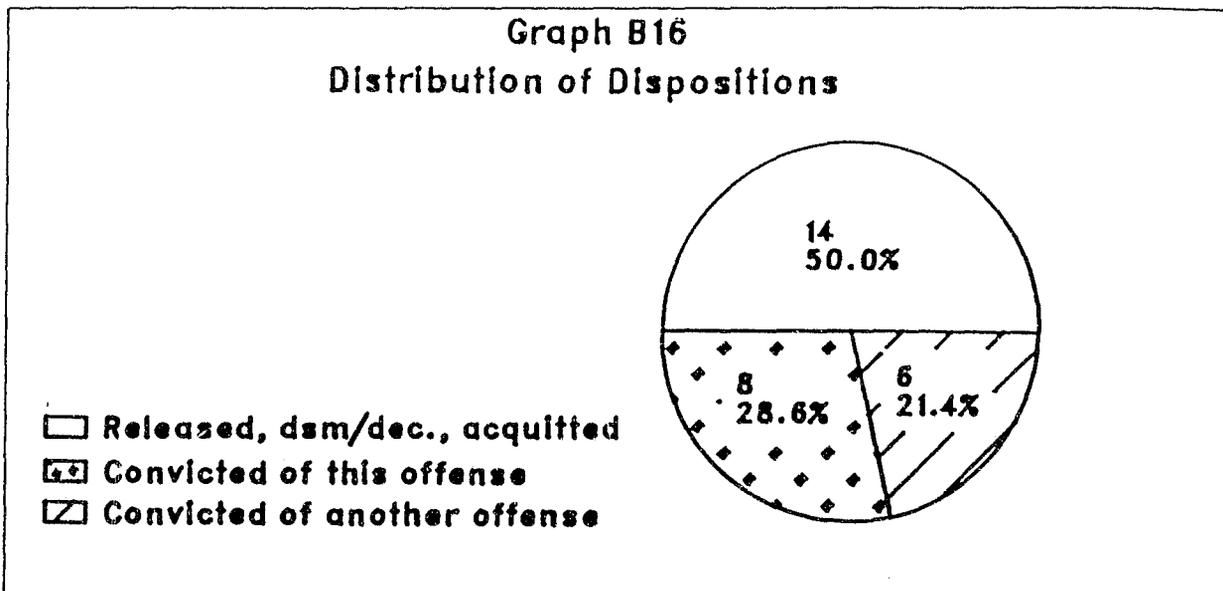
In terms of the average elapsed time between arrest and final disposition, the prosecutors took more time to obtain conviction than non-conviction dispositions. On the average, plea changes were obtained within 342.3 days, trial convictions within 480.5 days, and pre-trial dismissals within 192.0 days.

Of the individuals sentenced for aggravated assault, 75.0 percent received felony probation and jail, 12.5 percent received felony probation only and 12.5 percent were given prison sentences. (See Graph B18.)

Table B6
Individuals Arrested for Aggravated Assault

	<u>Nos.</u>	<u>Mean Elapsed Time</u>
Number Arrested -	28	
Arrest Disposition:		
Released by Police -	12	
Charged by Police -	16	
Prosecutor Disposition:		
Declined by Prosecutor -	-	
Indicted for Aggravated Assault -	16	
Court - Pre-Trial Disposition (for those indicted for Aggravated Assault):		
Change Plea to		
Non-Aggravated Assault Offenses -	5	
Change Plea,		
Aggravated Assault Conviction -	6	342.3 days
Nolle Prosequi and Dismissal -	2	192.0 days
Other -	-	
Trial Set -	3	
Court - Trial Disposition:		
Acquittal and Dismissal -	-	
Guilty of		
Non-Aggravated Assault Offense -	1	
Guilty of Aggravated Assault -	2	480.5 days
Court - Sentencing (for those convicted of Aggravated Assault):		
10-Year Prison -	1	
Felony Probation and Jail -	6	
Felony Probation only -	1	
Post-Sentence Status as of 6/1/87:		
Serving Prison Term -	1	
Serving Probation Term -	5	
Discharged, Maximum Sentence Expired -	2	

Aggravated Assault Individuals



Selected Felony Offense: Burglary

The burglary arrest category pertained to 88 individuals. (See Table B7.) Non-convictions claimed 50.0 percent, 36.4 percent were convicted of burglary and 5.7 percent were convicted either of theft or trespassing. (See Graph B19.) As usual, the police releases accounted for most of the non-convictions, however, 18.2 percent of the individuals had their charges dismissed during pre-trial. Of the individuals who had their charges dismissed, most notably, 25.0 percent changed their pleas in other indictments and 62.5 percent had their charges dismissed either with or without prejudice.

Like other selected felony arrest groups, more individuals were convicted by changing their pleas than by trials. Just over 78.0 percent of the individuals convicted of burglary changed their pleas, of which 40.0 percent were negotiated. (See Graph B20.) The agreement to dismiss other charges was accepted by 50.0 percent of the individuals who negotiated their pleas.

In terms of the average elapsed time between arrest and final disposition, most of the adjudications were reached within 8 to 9 months. On the average, the charges were dismissed at pre-trial within 245.9 days, plea changes were obtained within 274.0 days, and convictions by trial occurred within 259.7 days.

Generally, light sentences were imposed. Three-fourths

of the individuals sentenced for burglary either received felony probation and jail, felony probation only, or were granted DAGP. (See Graph B21.) Prison sentences were imposed on one-fourth of the individuals sentenced for burglary.

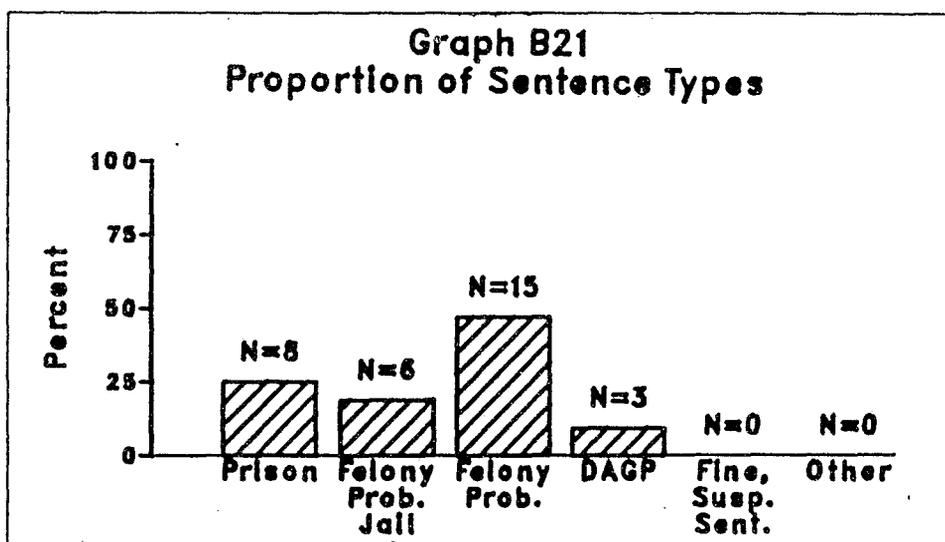
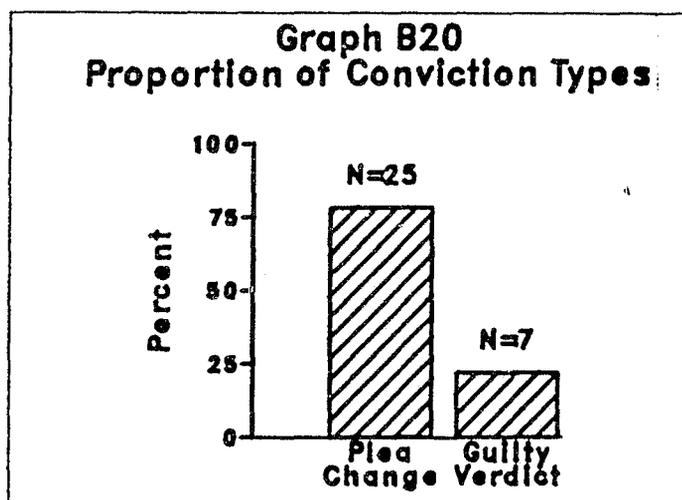
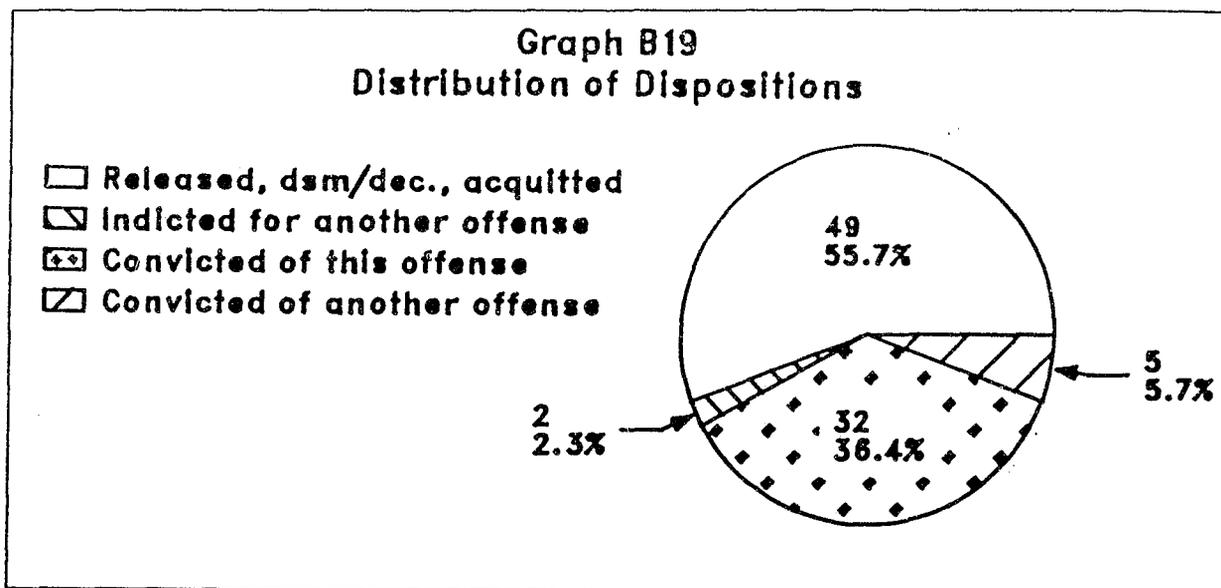
The maximum terms expired for 40.6 percent of the individuals sentenced to prison or probation.

Table B7
Individuals Arrested for Burglary

	<u>Nos.</u>	<u>Mean Elapsed Time</u>
Number Arrested -	88	
Arrest Disposition:		
Released by Police -	29	
Charged by Police -	59	
Prosecutor Disposition:		
Declined by Prosecutor -	-	
Indicted for Non-Burglary Offense -	2	
Indicted for Burglary -	57	
Court - Pre-Trial Disposition (for those indicted for Burglary):		
Change Plea to Non-Burglary Offense -	4	
Change Plea, Burglary Conviction -	25	274.0 days
Nolle Prosequi and Dismissal -	16	245.9 days
Other ^a -	1	411.0 days
Trial Set -	11	
Court - Trial Disposition:		
Acquittal and Dismissal -	3	162.0 days
Guilty of Non-Burglary Offense -	1	
Guilty of Burglary -	7	259.7 days
Court - Sentencing (for those convicted of Burglary):		
20-Year Prison -	1	
10-Year Prison -	3	
5-Year Prison -	3	
4-Year Prison -	1	
Felony Probation and Jail -	6	
Felony Probation only -	15	
DAGP -	3	
Post-Sentence Status as of 6/1/87:		
Serving Prison Term -	9	
On Parole -	2	
Serving Probation Term -	7	
Discharged, Maximum Sentence Expired -	13	
Abscond -	1	

Note: ^a The individual was released from pre-trial custody after posting bail and did not appear for trial.

Burglary Individuals



Selected Felony Offense: Felony Theft

The largest selected felony arrest category was felony theft which pertained to 135 individuals. (See Table B8.) Fifty-seven percent of the individuals arrested for felony theft dropped out of the criminal justice system because of non-convictions. (See Graph B22.) Most of the fallout is attributed to the police segment of the criminal justice system where 45.9 percent of the arrested individuals were released. Almost 6.0 percent had their charges dismissed at the pre-trial segment. The proportion of individuals convicted of felony theft, 38.5 percent, represents the highest proportion of arrested individuals who were convicted of the original arrest offense among the selected felony arrest groups. The remaining 4.4 percent were convicted of non-felony theft offenses.

Plea changing was commonly practiced. The majority, or 84.6 percent, of the individuals convicted of felony theft changed their pleas. (See Graph B23.) Of the individuals who changed their pleas, 40.9 percent negotiated their plea changes. Almost one-half of the plea negotiations involved lenient sentencing.

In terms of the average elapsed time between arrest and final disposition, individuals who changed their pleas were processed within 202.9 days, it was 326.3 days for those who had their charges dismissed at pre-trial, it was 395.0 days for those who had their pre-trial proceedings suspended due

to other final dispositions, and 419.6 days for those convicted by trial.

The sentencing severity of individuals sentenced for felony theft can be summarized as follows: light sentences prevailed over stiff sentences such as prison terms. Almost three-fourths received non-prison sentences: 44.2 percent either received felony probation and jail or felony probation only, 25.0 percent were granted DAGP and 1.9 percent were fined. (See Graph B24.)

Presently, the maximum terms expired for nearly 70.0 percent of the individuals who were sentenced to prison, felony probation and jail, felony probation only, and granted DAGP.

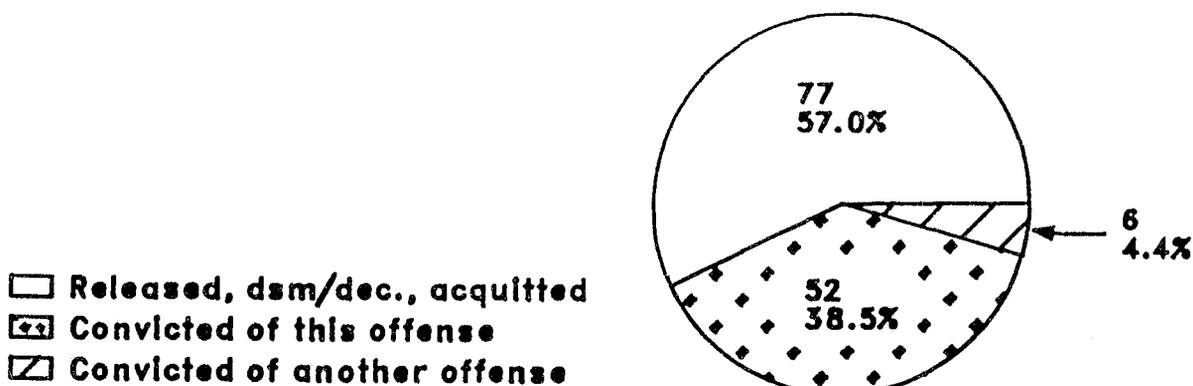
Table B8
Individuals Arrested for Felony Theft

	<u>Nos.</u>	<u>Mean Elapsed Time</u>
Number Arrested -	135	
Arrest Disposition:		
Released by Police -	62	
Charged by Police -	73	
Prosecutor Disposition:		
Declined by Prosecutor -	-	
Indicted for Non-Theft Offense -	-	
Indicted for Theft -	73	
Court - Pre-Trial Disposition (for those indicted for Theft):		
Change Plea to Non-Theft Offense -	6	
Change Plea, Theft Conviction -	44	202.9 days
Nolle Prosequi and Dismissal -	8	326.3 days
Other ^a -	4	395.0 days
Trial Set -	11	
Court - Trial Disposition:		
Acquittal and Dismissal -	3	233.3 days
Guilty of Non-Theft Offense -	-	
Guilty of Theft -	8	419.6 days
Court - Sentencing (for those convicted of Theft):		
10-Year Prison -	2	
5-Year Prison -	11	
Felony Probation and Jail -	4	
Felony Probation only -	19	
DAGP -	13	
Fine, Restitution, Suspended Sentences, and Comm. Service -	1	
Other ^b -	2	
Post-Sentence Status (for those sentenced to prison, felony probation and jail, felony probation, or DAGP) as of 6/1/87:		
Serving Prison Term -	4	
On Parole -	1	
Serving Probation Term -	5	
Discharged, Maximum Sentence Expired -	34	
Abscond -	3	
Other ^c -	2	

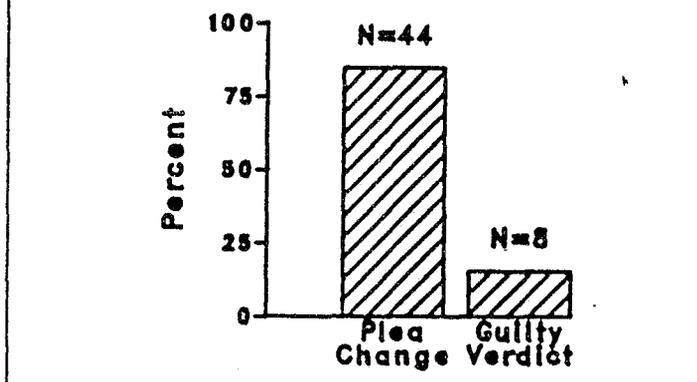
- Notes: ^a Three individuals were released from pre-trial custody after posting bail and did not appear for trial. One individual requested that the court transfer his trial to another court.
- b One individual died a short time later after plea changing and one individual did not appear for sentencing after being released from pre-sentence custody (after posting bail).
- c Two individuals appealed their probation sentences.

Felony Theft Individuals

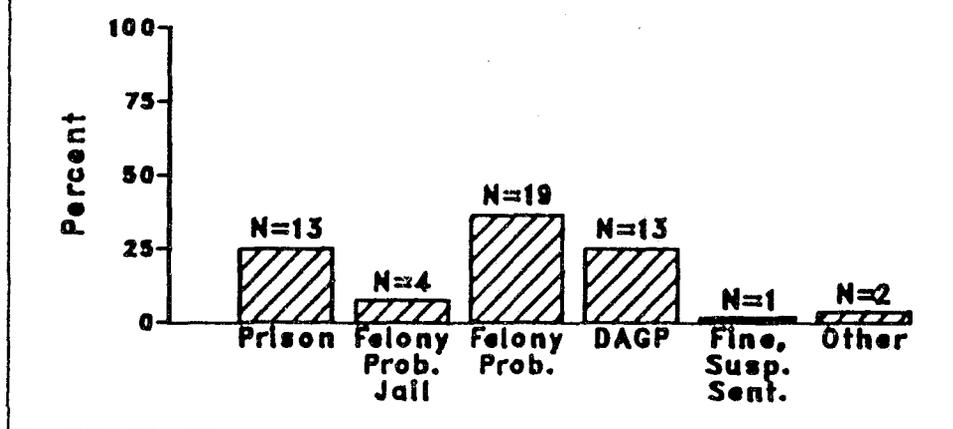
Graph B22
Distribution of Dispositions



Graph B23
Proportion of Conviction Types



Graph B24
Proportion of Sentence Types



Selected Felony Offense: Auto Theft

The auto theft arrest category pertained to 71 individuals. (See Table B9.) Auto theft was the most difficult selected felony offense for the prosecutors to obtain a conviction. About two-thirds, or 67.6 percent, of the individuals arrested for auto theft were not convicted. (See Graph B25.) As with the other selected felony arrest groups, most of the individuals arrested for auto theft, 63.4 percent, were released at arrest. In 53.3 percent of the releases, it was because of insufficient evidence. The prosecutors managed to convict 19.7 percent of the individuals for auto theft and 2.8 percent for non-felony theft. Another 8.5 percent were indicted for non-auto theft offenses. By far, the highest proportion of individuals who were not indicted for the original arrest offense among the selected felony arrest groups.

All of the individuals convicted of auto theft changed their pleas. (See Graph B26.) Only 21.4 percent of the individuals who changed their pleas had it negotiated. Their plea agreements called for lenient sentencing.

In terms of the average elapsed time between arrest and final disposition, the individuals were adjudicated in less than six months. On the average, plea changes took 148.1 days; charges dismissed during pre-trial, 158.0 days; and trial acquittals, 161.0 days. The auto theft individuals spent less time in the criminal justice system than the other

selected felony arrest groups.

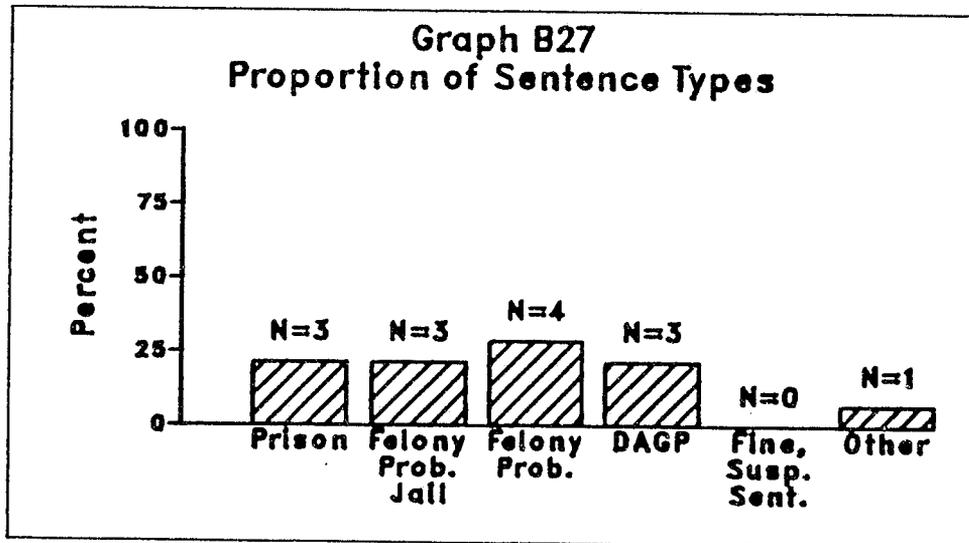
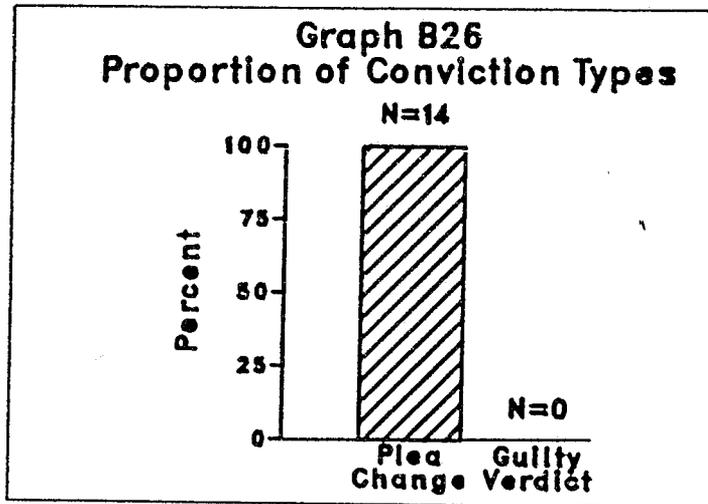
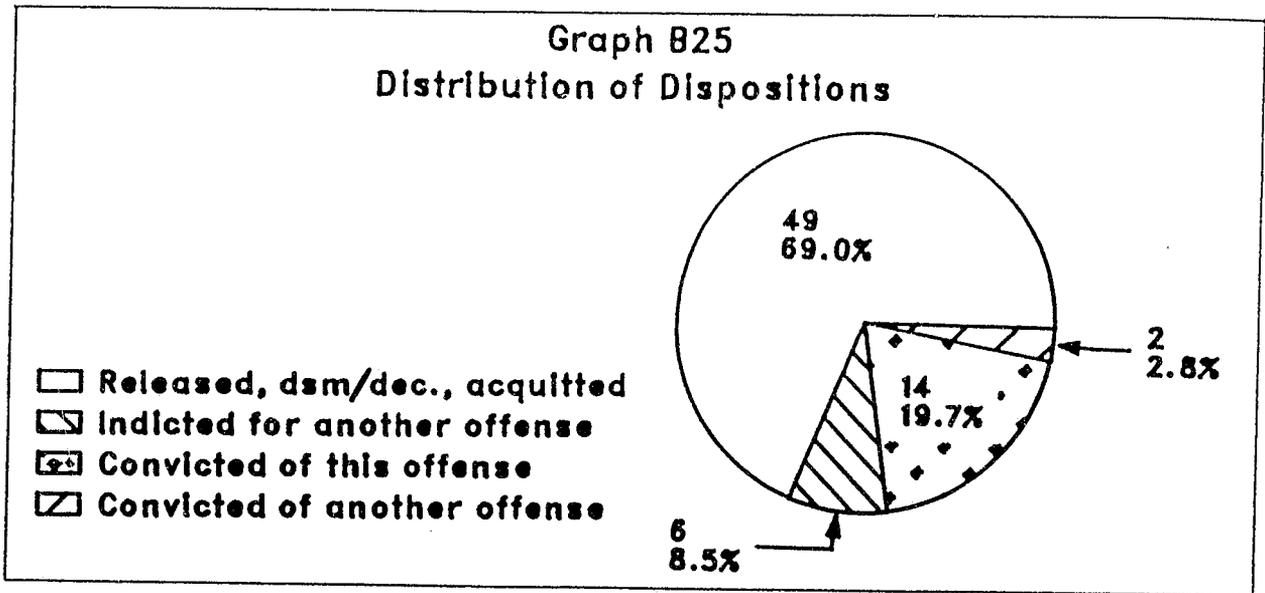
Overall, the sentencing severity of auto theft was light, but the distribution of the types of sentences imposed was nearly proportionate: prison terms were received by 21.4 percent; felony probation and jail were received by 21.4 percent; felony probation only were received by 28.6 percent; and DAGPs were granted to 21.4 percent. (See Graph B27.)

Table B9
Individuals Arrested for Auto Theft

	<u>Nos.</u>	<u>Mean Elapsed Time</u>
Number Arrested -	71	
Arrest Disposition:		
Released by Police -	45	
Charged by Police -	26	
Prosecutor Disposition:		
Declined by Prosecutor -	-	
Indicted for Non-Auto Theft Offense -	6	
Indicted for Auto Theft -	20	
Court - Pre-Trial Disposition (for those indicted for Auto Theft):		
Change Plea to Non-Auto Theft Offense -	2	
Change Plea, Auto Theft Conviction -	14	148.1 days
Nolle Prosequi and Dismissal -	3	158.0 days
Other -	-	
Trial Set -	1	
Court - Trial Disposition:		
Acquittal and Dismissal -	1	161.0 days
Guilty of Non-Auto Theft Offense -	-	
Guilty Auto Theft -	-	
Court - Sentencing (for those convicted of Auto Theft):		
10-Year Prison -	1	
5-Year Prison -	2	
Felony Probation and Jail -	3	
Felony Probation only -	4	
DAGP -	3	
Other ^a -	1	
Post-Sentence Status (for those sentenced to prison, felony probation and jail, felony probation, or DAGP) as of 6/1/87:		
Serving Prison Term -	4	
Serving Probation Term -	2	
Discharged, Maximum Sentence Expired -	5	
Abscond -	2	

Note: ^a One individual changed his plea and is awaiting sentencing.

Auto Theft Individuals



Selected Felony Offense: Weapons

The weapons arrest category pertained to 18 individuals. (See Table B10.) Among the selected felony arrest groups, the weapons individuals had the highest non-conviction rate with 72.2 percent. (See Graph B28.) As with the other selected felony arrest groups, most of the non-conviction occurs at arrest because of insufficient evidence. It is also interesting to point out that 66.7 percent of the trial verdicts resulted in acquittals. The weapons conviction rate was 27.8 percent.

Sixty percent of the individuals convicted of weapons violations changed their pleas. (See Graph B29.) None of the individuals negotiated their pleas.

In terms of the average elapsed time between arrest and final disposition, the prosecutor took 125.7 days to obtain plea changes from the individuals, the court dismissed the charges against the individuals at pre-trial in 211.0 days, acquitted the individuals at trial in 217.3 days, and took 530.0 days to convict the individuals at trial.

At sentencing, 60.0 percent of the individuals convicted of weapons received felony probation only, 20.0 percent received prison terms, and 20.0 percent were granted DAGP. (See Graph B30.)

Only one individual was sentenced to prison and is currently on parole.

Table B10
Individuals Arrested for Weapons

	<u>Nos.</u>	<u>Mean Elapsed Time</u>
Number Arrested -	18	
Arrest Disposition:		
Released by Police -	8	
Charged by Police -	10	
Prosecutor Disposition:		
Declined by Prosecutor -	-	
Indicted for Non-Weapons Offense -	-	
Indicted for Weapons -	10	
Court - Pre-Trial Disposition (for those indicted for Weapons):		
Change Plea to Non-Weapons Offense -	-	
Change Plea, Weapons Conviction -	3	125.7 days
Nolle Prosequi and Dismissal -	1	211.0 days
Other -	-	
Trial Set -	6	
Court - Trial Disposition:		
Acquittal and Dismissal -	4	217.3 days
Guilty of Non-Weapons Offense -	-	
Guilty of Weapons-	2	530.0 days
Court - Sentencing (for those convicted of Weapons):		
5-Year Prison -	1	
Felony Probation only -	3	
DAGP -	1	
Post-Sentence Status as of 6/1/87:		
On Parole -	1	
Serving Probation Term -	1	
Discharged, Maximum Sentence Expired -	2	
Other ^a -	1	

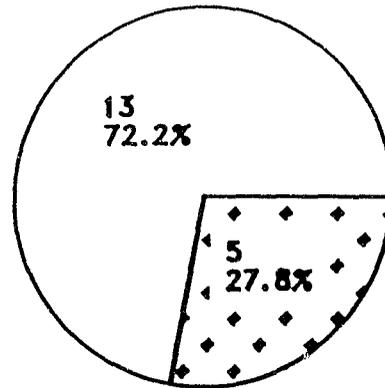
Note: ^a One individual died while on probation.

Weapons Individuals

Graph B28

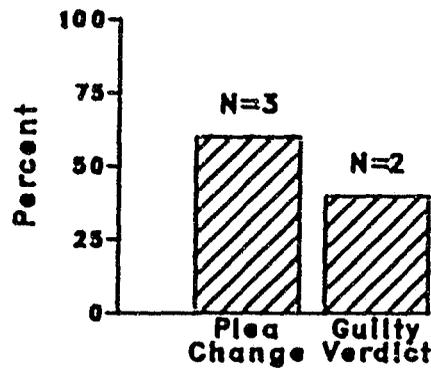
Distribution of Dispositions

- Released, dsm/dec., acquitted
- Convicted of this offense



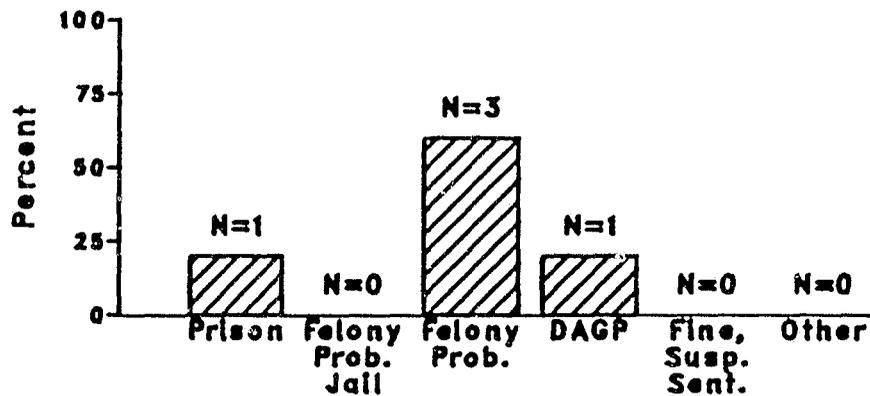
Graph B29

Proportion of Conviction Types



Graph B30

Proportion of Sentence Types



Selected Felony Offense: Drug Abuse

The drug abuse arrest category pertained to 68 individuals. (See Table B11.) Of the individuals arrested for drug abuse, 63.2 percent had non-conviction dispositions and fell out of the criminal justice system. (See Graph B31.) The majority of the individuals who were not convicted were released by the police because of insufficient evidence or improper arrest procedures. The conviction rate of drug abuse individuals was 36.8 percent.

Nearly all of the convictions resulted from plea changes. Ninety-two percent of the individuals convicted of drug abuse changed their pleas, of which 73.9 percent negotiated their plea changes. (See Graph B32.) The plea agreement item in many of these negotiations was lenient sentencing.

In terms of the average elapsed time between arrest and final disposition, it took the prosecutor about 10 months, or 304.7 days to obtain plea changes from the individuals. On the average, the court dismissed the charges against the individuals at pre-trial within 199.0 days. Of the few individuals set for trial, on the average, convictions were obtained within 676.5 days and acquittals within 1,166.0 days.

Generally, the convicted drug abuse individuals received relatively light sentences. DAGP, which is perhaps the lightest form of sentence was granted to 44.0 percent of the

convicted drug abuse individuals, by far, the highest proportion observed among the selected felony arrest groups. (See Graph B33.) Four percent received felony probation and jail, 40.0 percent received felony probation only, and only 12.0 percent were sentenced to prison.

Currently, the maximum terms expired for 60.0 percent of the individuals sentenced either to prison, probation or DAGP.

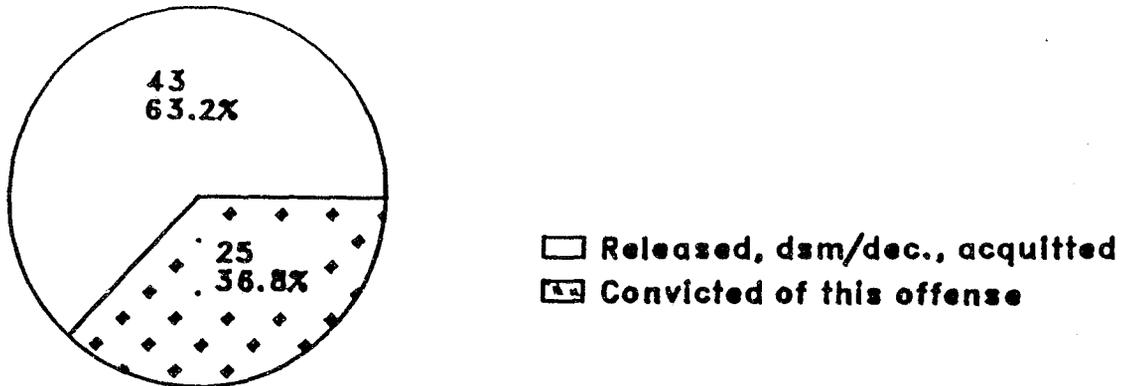
Table B11
Individuals Arrested for Drug Abuse

	<u>Nos.</u>	<u>Mean Elapsed Time</u>
Number Arrested -	68	
Arrest Disposition:		
Released by Police -	37	
Charged by Police -	31	
Prosecutor Disposition:		
Declined by Prosecutor -	-	
Indicted for Non-Drug Abuse Offense -	-	
Indicted Drug Abuse -	31	
Court - Pre-Trial Disposition (for those indicted for Drug Abuse):		
Change Plea to Non-Drug Abuse Offense -	-	
Change Plea, Drug Abuse Conviction -	23	304.7 days
Nolle Prosequi and Dismissal -	4	199.0 days
Other ^a -	1	239.0 days
Trial Set -	3	
Court - Trial Disposition:		
Acquittal and Dismissal -	1	1,166.0 days
Guilty of Non-Drug Abuse Offense -	-	
Guilty of Drug Abuse -	2	676.5 days
Court - Sentencing (for those convicted of Drug Abuse):		
20-Year Prisor -	1	
10-Year Prison -	1	
8-Year Prison -	1	
Felony Probation and Jail -	1	
Felony Probation only -	10	
DAGP -	11	
Post-Sentence Status as of 6/1/87:		
On Parole -	2	
Serving Probation Term -	8	
Discharged, Maximum Sentence Expired -	15	

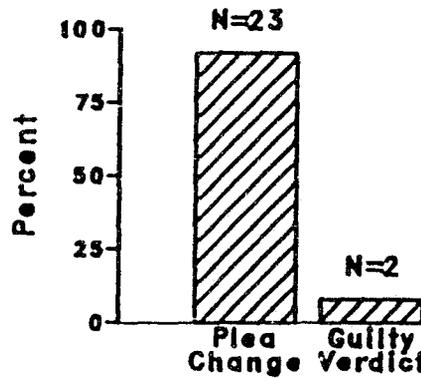
Note: ^a One individual requested that the court transfer his trial to another court.

Drug Abuse Individuals

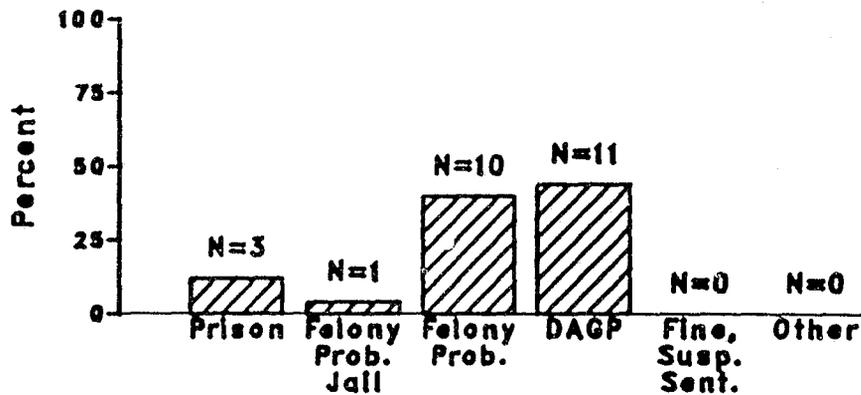
Graph B31
Distribution of Dispositions



Graph B32
Proportion of Conviction Types



Graph B33
Proportion of Sentence Types



IV. NOTES

1. Hawaii Revised Statutes, Hawaii Penal Code, State of Hawaii Revised Statute "853-1 - Deferred Acceptance of Guilty Plea or Nolo Contendere Plea; Discharge and Dismissal, Expungement of Records." Statute "712-1255-Conditional Discharge."

V. BIBLIOGRAPHY

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Hawaii Revised Statutes, Penal Code, State of Hawaii, Volume 12, Title 37.