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Bureau of Justice Statistics Bulletin

National Pretrial Reporting Program

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ACQUISITIONS

Pretrial Release of Felony Defendants, 1990

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An estimated 65% of the defendants who had felony charges filed against them in the Nation's 75 most populous counties during May 1990 were released prior to the disposition of their case. Approximately 1 in 4 released defendants had a bench warrant issued for their arrest because they did not appear in court as scheduled. A third of these defendants, representing 8% of all felony defendants, were still fugitives after 1 year.

These findings are drawn from a sample of felony cases filed in State courts during May 1990. The cases were followed for up to one year as part of the National Pretrial Reporting Program (NPRP) of the Bureau of Justice Statistics.

Other findings include the following:

- Among the 35% of defendants who were not released, 5 out of 6 could not post the required bail amount, and 1 in 6 were held without bail. Defendants held without bail comprised 6% of all felony defendants.
- When bail was set, the higher the amount, the less likely that the defendant secured pretrial release. Defendants with bail set at under \$2,500 were released over twice as often as those with bail set at \$20,000 or higher (69% versus 28%).
- Among defendants with a bail set, those charged with a violent offense (26%) were

This Bulletin, reporting on the second survey of the National Pretrial Reporting Program, provides valuable insights into how the criminal justice system responds to the need to preserve public safety while recognizing the rights of accused defendants. In making the decision to release or detain an alleged felon before trial, State courts are clearly taking into account the gravity of the charged offense and the extent of the defendant's criminal record. These data enable analysts to examine the outcomes of these decisions across the course of 12 months.

I extend my sincere appreciation to the 39 counties participating in this statistical program. Without their assistance, this report could not have produced the findings that have import for the whole Nation.

Steven D. Dillingham, Ph.D., LL.M.
Director

twice as likely to have a bail of \$20,000 or more as other defendants. Nearly two-thirds of murder defendants with a bail set had a bail of \$20,000 or more.

- At bail amounts of \$10,000 or more, about 40% of defendants charged with a drug offense secured release, compared to about 30% of other defendants.

- Among defendants who were already on pretrial release when arrested on the current felony charges, about two-thirds were released again. About half of those who were on probation at the time of arrest and a third of those on parole were released.
- About half of the defendants with one or more prior felony convictions were granted pretrial release, compared to two-thirds of those who had only misdemeanor convictions, and four-fifths of those with no prior conviction record.
- Among defendants who were released prior to disposition of their case, 54% were released within 1 day of arrest, 80% within a week of arrest, and 93% within a month of arrest.
- Released property defendants (28%) and drug defendants (26%) failed to appear in court as scheduled about twice as often as public-order defendants (13%). The failure-to-appear rate for released defendants charged with a violent offense was 19%.
- Among released defendants who had failed to appear in court at least once on a previous charge, 39% had a bench warrant issued because they failed to appear during the current case. This was twice the failure-to-appear rate of other released defendants.

Table 1. Felony defendants released before or detained until case disposition, by type of release and the most serious arrest charge, 1990

Most serious arrest charge	Number of defendants	Felony defendants in the 75 largest counties											Percent of defendants detained until case disposition			
		Percent of defendants released before case disposition							Percent of defendants released before case disposition							
		Financial release			Nonfinancial release				Total	Recognizance*	Conditional	Unsecured bond	Emergency release	Total detained	Held on ball	Held without ball
		Total released	Surety bond	Full cash bond	Deposit bond	Other	Total									
All offenses	53,664	65%	25%	15%	7%	3%	1%	39%	26%	8%	5%	1%	35%	28%	6%	
Violent offenses	13,777	63%	25%	13%	8%	3%	1%	38%	28%	7%	3%	--	37%	29%	8%	
Murder	652	37	27	16	8	1	1	10	7	3	0	0	63	29	34	
Rape	771	54	27	11	8	6	3	27	21	5	0	0	46	41	5	
Robbery	4,607	51	15	6	7	2	--	36	29	3	4	0	49	39	10	
Assault	6,232	75	29	17	8	4	1	45	33	10	2	--	25	21	5	
Other violent	1,514	65	33	18	11	3	2	31	19	8	4	--	35	27	9	
Property offenses	17,956	67%	21%	14%	5%	2%	--	45%	28%	11%	6%	1%	33%	27%	6%	
Burglary	5,418	56	15	9	4	2	--	39	24	9	6	2	44	37	8	
Theft	7,577	67	23	16	5	2	1	43	27	12	4	1	33	27	6	
Other property	4,961	78	24	16	5	2	--	53	32	12	9	1	22	18	4	
Drug offenses	17,848	65%	28%	18%	7%	3%	1%	35%	23%	6%	6%	1%	35%	30%	5%	
Sales/trafficking	10,047	61	33	22	7	4	1	27	17	7	3	1	39	33	5	
Other drug	7,801	70	21	12	7	2	--	46	30	6	10	3	30	26	5	
Public-order offenses	4,083	69%	34%	20%	10%	3%	--	34%	23%	8%	3%	1%	31%	24%	6%	
Driving-related	1,255	72	41	32	8	1	1	31	22	7	1	0	28	24	5	
Other public-order	2,829	68	31	15	11	4	--	36	24	8	4	1	32	25	7	

Note: Data on specific detention/release outcomes were available for 95% of all cases. Detail may not add to total because of rounding.
 *Released on own recognizance.
 --Less than 0.5%.

- About 18% of released defendants were rearrested while on pretrial release. Released defendants with at least 1 prior conviction (25%) were about twice as likely to be rearrested as those with no prior convictions (13%).

- The median number of days from arrest to case disposition was 125 days for released defendants, compared to 37 days for defendants detained until case disposition.

- Defendants who were detained until case disposition were nearly 3 times as likely to be eventually convicted and sentenced to State prison as those who were released (39% versus 14%).

National Pretrial Reporting Program

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

The 1990 NPRP collected data for approximately 14,000 felony cases filed in 39 counties during May 1990. These cases were part of a 2-stage sample that was representative of the 57,000 felony cases filed in the Nation's 75 most populous counties during that month.¹ Cases were tracked for up to 1 year.

Types of pretrial release

Nonfinancial release

Among the 65% of felony defendants in the 75 largest counties who were granted release prior to case disposition, about 3 in 5 were released on nonfinancial terms that required no posting of bail (table 1). (In this report, "pretrial release" and "released prior to case disposition" are used interchangeably. See *Methodology* on pages 13 and 14 for definitions.)

About two-thirds of all nonfinancial releases involved the release of a defendant on his or her own recognizance. Generally, the only condition placed on the defendant under this type of release is a

¹In 1990, the 75 largest counties accounted for about 37% of the Nation's population and nearly 50% of all crimes reported to law enforcement agencies.

written agreement to appear in court as scheduled. The recognizance release category used in this report refers to a decision made by the court in nearly all cases; however, about 4% of the releases included under this heading are citation releases made by law enforcement personnel.

Release on recognizance, granted to 26% of all defendants and 40% of all released defendants, was the single most common type of pretrial release; however, 5 of the 39 counties included in the NPRP survey did not use this type of release for any felony defendants, and 9 others used it for less than 10% of all pretrial releases involving felony defendants.

The second most common type of nonfinancial release, conditional release, was used in 8% of the NPRP cases. About 1 in 5 nonfinancial releases (1 in 8 releases overall) involved this type of release. Of the 39 counties included in the 1990 NPRP survey, 30 reported the use of conditional release for felony defendants, and 15 of them used it for more than 10% of all defendants who were granted pretrial release.

About 82% of all conditional releases included an agreement by the defendant to maintain regular contact with a pretrial program through telephone calls or personal visits. The remainder of conditional releases involved regular drug monitoring and/or treatment or a third party custody agreement.

Most defendants placed on conditional release were supervised by a pretrial release program. Such programs, which also interview arrestees and provide information to judicial officers, were operating in 37 of the 39 NPRP counties during 1990.

Approximately 1 in 13 releases (1 in 8 nonfinancial releases) were on unsecured bond. Although this type of release does not require financial payment, it does specify a bail amount to be forfeited if the defendant does not appear in court as scheduled. Eleven of the 39 NPRP counties reported the use of unsecured bond for felony defendants, but 5 of them accounted for nearly all of the releases on unsecured bond that occurred in the NPRP jurisdictions.

Financial release

Overall, about 2 in 5 defendants released prior to case disposition obtained release through financial terms involving the posting of a surety, full cash, or deposit bond. Deposit and full cash bonds require payment directly to the court, while surety bonds involve the services of a bail bondsman.

Release on surety bond, the most common type of financial release for felony defendants, was used in three-fifths of all financial releases, and about a fourth of all pretrial releases. Surety bond was used in 31 of the 39 NPRP counties surveyed, although it was used in less than 10% of all pretrial releases in 7 of these counties.

About 1 in 10 pretrial releases of felony defendants, including 1 in 4 financial releases, were on full cash bond. Full cash bond was used in all but four of the NPRP counties.

Deposit bond was used to secure release for about 1 in 24 released defendants, including 1 in 9 defendants placed on financial release. Deposit bond was used for the release of felony defendants in 13 of the NPRP counties. In seven of these counties, more than 10% of all pretrial releases were on deposit bond.

Emergency release

Overall, about 1% of felony defendants were released as part of an emergency release ordered because of jail crowding. Generally, these emergency releases did not involve the use of any of the financial or nonfinancial release conditions described above. Emergency releases occurred in 4 of the 39 NPRP counties, with 1 county accounting for three-fourths of all emergency releases.

Factors affecting probability of pretrial release

Overall, 35% of the felony defendants included in the NPRP sample were detained until the court disposed of their case. Most of these detainees (82%) had a bail amount set but were unable to post the money required to secure release. The remainder, representing 18% of detained defendants and 6% of all defendants, were ordered held without bail.

While denial of bail offers the court an absolute assurance that a defendant will not be released prior to case disposition, the NPRP data also show that when a bail amount is set, the higher it is, the lower the probability of release. When bail was set at \$20,000 or more, the defendant was eventually released in 28% of the cases (table 2). Among cases where the bail amount was set in the \$10,000 to \$19,999 range, 39% of the defendants secured release, and when bail was set in the \$2,500 to \$9,999 range, 55% of the defendants secured release. When bail was set under \$2,500, 69% of the defendants obtained release prior to case disposition.

The effect of bail amount on the likelihood of a defendant's being released varied according to the type of arrest charge. When the bail amount was set at \$20,000 or more, drug defendants (34%) secured release more often than defendants charged with a violent offense (26%),

Table 2. Felony defendants released before or detained until case disposition, by bail amount set and the most serious arrest charge, 1990

Bail amount set and the most serious arrest charge	Number of defendants	Percent of felony defendants in the 75 counties with a bail amount set		
		Total	Released before case disposition	Detained until case disposition
\$20,000 or more				
All offenses	5,191	100%	28%	72%
Violent offenses	2,005	100	26	74
Property offenses	1,045	100	21	79
Drug offenses	1,751	100	34	66
Public-order offenses	390	100	25	75
\$10,000 to \$19,999				
All offenses	5,015	100%	39%	61%
Violent offenses	1,554	100	34	66
Property offenses	1,400	100	30	70
Drug offenses	1,821	100	50	50
Public-order offenses	240	100	39	61
\$2,500 to \$9,999				
All offenses	10,068	100%	55%	45%
Violent offenses	1,979	100	60	40
Property offenses	3,284	100	49	51
Drug offenses	3,990	100	57	43
Public-order offenses	815	100	61	39
Under \$2,500				
All offenses	11,178	100%	69%	31%
Violent offenses	2,116	100	73	27
Property offenses	4,106	100	69	31
Drug offenses	3,925	100	63	37
Public-order offenses	1,030	100	82	18

Note: Data on both bail amount set and detention/release outcome were available for 92% of all cases. Table includes only defendants for whom a bail amount was set.

public-order offense (25%), or property offense (21%). This pattern was also found among defendants with bail set in the \$10,000 to \$19,999 range. In such cases, half of drug defendants secured release compared to about a third of other defendants. When bail was set at \$2,500 or more, defendants charged with a property offense were less likely to secure release than other defendants.

Courts' decisions about bail are primarily based on the probability that the accused will subsequently appear in court as scheduled. In most States as well as in the Federal courts, the potential danger that a defendant may pose to the community is also considered. Many jurisdictions have established additional criteria that must be considered when setting bail. Examples of such criteria are personal character and mental condition, employment and financial resources, family and community ties, offense seriousness, criminal justice status at the time of arrest, prior court appearance record, prior criminal record, the weight of the evidence against the defendant, and the sentence which may be imposed upon conviction.

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

Seriousness of offense

The NPRP data indicate that defendants charged with murder were the least likely of all felony defendants to be granted pretrial release (table 1). Murder defendants (37%) were released about half as often as defendants charged with driving-related offenses (72%) or aggravated assault (75%). Defendants charged with murder also had a lower release rate than those charged with robbery (51%), rape (54%), burglary (56%), or drug sales (61%).

Murder defendants had the lowest release rate mainly because they were the most likely to be denied bail or to have bail set at a high amount. About 34% of murder

defendants were denied bail, compared to 10% or less for defendants charged with another offense. Murder defendants who were not denied bail were likely to have bail set at a high amount. Nearly two-thirds of murder defendants with a bail amount set had it set at \$20,000 or higher (table 3).

Defendants charged with rape (45%) were the next most likely to have bail set at \$20,000 or more. Overall, defendants whose most serious arrest charge involved a violent offense were about twice as likely as other defendants to have a bail of \$20,000 or more.

Among defendants who were held on bail, the median bail amount that had been set was \$7,500 (table 4). This amount was considerably higher for detained defendants charged with murder (\$50,000) or rape (\$20,000). Released defendants had a median bail amount of \$3,000, with a higher median bail amount (\$10,000) for released defendants charged with murder or rape.

Table 3. Bail amount set, by the most serious arrest charge, 1990

Most serious arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties with a bail amount of:				
		Total	Under \$2,500	\$2,500-\$9,999	\$10,000-\$19,999	\$20,000 or more
All offenses	31,514	100%	36%	32%	16%	16%
Violent offenses	7,654	100%	28%	26%	20%	26%
Murder	351	100	7	12	17	64
Rape	524	100	16	16	23	45
Robbery	2,638	100	24	26	22	28
Assault	3,199	100	35	30	19	17
Other violent	943	100	27	23	20	30
Property offenses	9,865	100%	42%	33%	14%	11%
Burglary	3,137	100	31	34	20	16
Theft	4,168	100	44	34	13	8
Other property	2,559	100	51	30	10	8
Drug offenses	11,515	100%	34%	35%	16%	15%
Sales/trafficking	7,028	100	32	32	19	18
Other drug	4,487	100	38	39	11	11
Public-order offenses	2,480	100%	42%	33%	10%	16%
Driving-related	825	100	39	35	9	16
Other public-order	1,655	100	43	32	10	15

Note: Table includes only defendants for whom a bail amount was set. Detail may not add to total because of rounding.

Table 4. Median bail amount set for felony defendants, by detention/release outcome and the most serious arrest charge, 1990

Most serious arrest charge	Median bail amount for felony defendants	
	Released	Detained
All offenses	\$3,000	\$7,500
Violent offenses	\$5,000	\$10,000
Murder	10,000	50,000
Rape	10,000	20,000
Robbery	5,000	10,000
Assault	3,000	10,000
Other violent	5,000	15,000
Property offenses	\$2,500	\$5,000
Burglary	3,000	7,500
Theft	2,500	5,000
Other property	2,500	5,000
Drug offenses	\$5,000	\$5,000
Sales/trafficking	3,500	8,500
Other drug	5,000	5,000
Public-order offenses	\$2,500	\$7,500
Driving-related	2,500	10,000
Other public-order	2,000	5,500

Note: Table includes only defendants for whom a bail amount was set.

Criminal justice status

The NPRP data indicate that a defendant's criminal justice status at the time of arrest is also related to the probability of pretrial release. Among felony defendants who had no active criminal justice status at the time of arrest, 72% were released before case disposition (table 5). In contrast, 33% of defendants on parole and about 49% of defendants on probation at the time of the current arrest were granted pretrial release. Among defendants who were already on pretrial release for a pending case when arrested, 66% were released pending disposition of the current charge.

Defendants on parole at the time of arrest were the most likely to be denied bail; this occurred in 30% of such cases. This was a much higher percentage than for defendants on probation (9%), on pretrial release for a previous case (5%), or with no criminal justice status at the time of arrest (4%).

Court appearance history

A defendant's court appearance history is also likely to be considered by the court when setting bail and the terms of release for the current felony charge. About two-thirds of the defendants included in the NPRP study had previously been arrested and required to appear in court. Among defendants who made all scheduled court appearances related to prior arrests, 64% were released prior to disposition of the current case (table 6). The probability of release was somewhat lower for defendants who had failed to appear in court once previously (57%), and lowest for defendants who had failed to appear more than once on prior criminal charges (52%).

Prior conviction record

Defendants with a prior conviction record were also less likely to be released. The lowest probability of release was found for defendants with multiple prior convictions or with a felony conviction record; about

50% of such defendants were released prior to case disposition (table 7). Defendants who had a single prior conviction or only misdemeanor convictions were able to obtain release about 66% of the time. The release rate for defendants with no prior convictions was 79%.

Defendants who had a prior felony conviction were the most likely to be denied bail. About 12% of these defendants were held without bail, compared to 3% for other defendants.

Table 5. Felony defendants released before or detained until case disposition, by criminal justice status at the time of arrest, 1990

Criminal justice status at time of arrest	Number of defendants	Percent of felony defendants in the 75 largest counties						
		Released				Detained		
		Total	Total	Financial	Non-financial	Total	Held on bail	Held without bail
On parole	2,596	100%	33%	15%	18%	67%	37%	30%
On probation	6,525	100%	49%	23	26	51	43	9
On pretrial release	4,554	100%	66	30	36	34	29	5
None	25,563	100%	72	32	40	28	24	4

Note: Data on both criminal justice status at time of arrest and specific detention/release outcome were available for 72% of all cases. Defendants who had more than 1 type of criminal justice status at the time of arrest are not included in the table. Detail may not add to total because of rounding.

Table 6. Felony defendants released before or detained until case disposition, by court appearance history, 1990

Court appearance history	Number of defendants	Percent of felony defendants in the 75 largest counties						
		Released				Detained		
		Total	Total	Financial	Non-financial	Total	Held on bail	Held without bail
With prior arrests								
Failed to appear more than once	6,799	100%	52%	18%	34%	48%	38%	10%
Failed to appear once	7,223	100	57	21	36	43	37	6
Made all court appearances	16,012	100	64	27	37	36	29	7
No prior arrests	14,698	100	81	31	50	19	16	3

Note: Data on court appearance history and specific detention/release outcome were available for 79% of all cases.

Table 7. Felony defendants released before or detained until case disposition, by prior conviction record, 1990

Prior conviction record	Number of defendants	Percent of felony defendants in the 75 largest counties						
		Released				Detained		
		Total	Total	Financial	Non-financial	Total	Held on bail	Held without bail
Number of prior convictions*								
5 or more	9,841	100%	46%	18%	28%	54%	43%	11%
2-4	10,354	100	54	24	29	46	37	9
1	6,531	100	66	31	35	34	29	5
None	22,895	100	79	29	50	21	18	3
Most serious prior convictions								
Violent felony	6,416	100%	48%	18%	30%	52%	38%	14%
Nonviolent felony	11,682	100	49	22	26	51	40	11
Misdemeanor	8,739	100	65	30	35	35	32	3
None	22,895	100	79	29	50	21	18	3

Note: Data on both prior convictions and specific detention/release outcome were available for 88% of all cases. Detail may not add to total because of rounding.
*Number of convictions refers to charges.

Time from arrest to pretrial release

A majority (54%) of all pretrial releases occurred either on the day of arrest or on the following day, and 93% occurred

within 1 month of arrest (table 8). The amount of time from arrest to release was related to the type of release conditions imposed, the bail amount set (if any), and to the type of arrest charge.

Table 8. Time from arrest to release for felony defendants released before case disposition, by type of release, bail amount, and the most serious arrest charge, 1990

Type of release, bail amount, and the most serious arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties released before case disposition within:		
		1 day	1 week	1 month
All released defendants	34,663	54%	80%	93%
Type of release				
Recognizance	13,692	52%	82%	94%
Surety bond	8,147	50	76	91
Conditional	4,361	72	82	94
Full cash bond	3,403	34	70	87
Unsecured bond	2,748	76	90	97
Deposit bond	1,487	49	75	94
Emergency	536	42	83	92
Bail amount set*				
\$20,000 or more	995	32%	59%	85%
\$10,000-\$19,999	1,495	41	71	90
Under \$10,000	10,441	48	76	91
Most serious arrest charge				
Violent offenses	8,653	50%	77%	92%
Property offenses	12,048	60	82	94
Drug offenses	11,518	50	79	92
Public-order offenses	2,819	56	81	92

Note: Data on time from arrest to pretrial release were available for 99% of all cases involving a defendant who was released prior to case disposition. Release data were collected for 1 year. Defendants released after the study period are excluded from the table.
*Includes defendants released on surety, full cash, or deposit bond.

About three-fourths of defendants released on unsecured bond or on conditional release were discharged on the day of arrest or on the following day, compared to a third of those who were eventually released by posting a full cash bond. About half of those released on surety bond, deposit bond, or on their own recognizance were released within a day of their arrest.

When bail was involved and the defendant was required to post money to secure release (surety, cash, or deposit bond), the time from arrest to pretrial release increased as the bail amount did. When the bail amount was set at \$20,000 or more, about 1 in 3 defendants secured release within a day. About 1 in 2 did so when the bail amount was under \$10,000.

A slight variation in time from arrest to release was found when examined by most serious arrest charge, with defendants charged with violent or drug offenses somewhat less likely than other defendants to be released on the day of arrest or the following day.

Released versus detained defendants

About twice as many of the released defendants (56%) had no prior conviction record as those who were detained (29%) (table 9). Among released defendants, 31% had more than 1 prior conviction, and 5% had 10 or more. Among detained defendants, 58% had more than 1 prior conviction, and 11% had 10 or more.

Table 9. Number of prior convictions of felony defendants, by whether released or detained and the most serious current arrest charge, 1990

Detention/release outcome and the most serious current arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties						
		Total	Total with		Number of prior convictions*			
			No prior convictions	Prior convictions	10 or more	5-9	2-4	1
Released defendants								
All offenses	33,085	100%	56%	44%	5%	9%	17%	13%
Violent offenses	8,452	26	15	11	1	2	4	4
Property offenses	11,481	35	20	15	2	3	5	4
Drug offenses	10,474	32	17	15	1	3	6	5
Public-order offenses	2,678	8	4	4	--	1	2	1
Detained defendants								
All offenses	18,348	100%	29%	71%	11%	20%	27%	13%
Violent offenses	4,933	27	9	18	2	5	7	4
Property offenses	6,143	33	10	24	4	7	8	4
Drug offenses	6,027	33	9	24	4	6	10	4
Public-order offenses	1,245	7	1	6	1	2	2	1

Note: Data on both number of prior convictions and detention/release outcome were available for 91% of all cases. Detail may not add to total because of rounding.
--Less than 0.5%.
*Number of convictions refers to charges.

About half of detained defendants had at least one prior felony conviction, compared with about a fourth of the defendants who received pretrial release (table 10). About 1 in 5 detained defendants had at least 1 prior conviction for a violent felony,

compared to 1 in 10 released defendants. About 7% of detained defendants were under a current charge for a violent felony and had at least one prior conviction for a violent felony. About 3% of released defendants had these two characteristics.

Table 10. Most serious prior conviction of felony defendants, by whether released or detained and the most serious current arrest charge, 1990

Detention/release outcome and the most serious current arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties						
		Total	Total with		The most serious prior conviction			
			No prior convictions	Prior convictions	Total	Felony		Misdemeanor
					Violent	Nonviolent		
Released defendants								
All offenses	33,155	100%	56%	44%	27%	10%	18%	17%
Violent offenses	8,472	26	15	11	6	3	3	5
Property offenses	11,509	35	20	15	10	3	6	5
Drug offenses	10,496	32	17	15	9	2	7	6
Public-order offenses	2,678	8	4	4	2	1	1	2
Detained defendants								
All offenses	18,980	100%	29%	71%	53%	19%	34%	18%
Violent offenses	4,946	27	9	18	13	7	6	5
Property offenses	6,151	33	10	24	18	5	13	6
Drug offenses	6,048	33	9	24	18	6	12	6
Public-order offenses	1,245	7	1	6	4	2	3	2

Note: Data on most serious prior conviction and detention/release outcome were available for 91% of all cases. Detail may not add to total because of rounding.

Defendant characteristics by type of release

A substantially smaller percentage of defendants released on surety bond were black (42%) than those released on deposit bond (64%), unsecured bond (71%), or emergency release (86%) (table 11). Defendants released on surety bond (18%) were also less likely to be under the age of 21 than were defendants released under other methods (25%).

Half of defendants released on surety bond or full cash bond had a prior conviction for either a misdemeanor or a felony, a slightly higher proportion than for other types of release. However, the percentage of defendants with one or more prior *felony* convictions was higher among those released on deposit bond (35%) than those released on surety bond (27%). Defendants on emergency release were the least likely to have a prior conviction record, with about a third of them having at least one prior conviction.

Defendants released on unsecured bond (34%), full cash bond (32%), or on their own recognizance (30%) were the most likely to have previously had a bench warrant issued for failure to appear in court. About 22% of defendants released on surety or deposit bond had previously failed to make a scheduled court appearance. Defendants on conditional release (12%) or emergency release (10%) were the least likely to have missed a previous court appearance.

Table 11. Characteristics of defendants released before case disposition, by type of release, 1990

Defendant characteristic	Percent of felony defendants who were released before case disposition in the 75 largest counties						
	Financial release			Nonfinancial release			
	Surety bond	Full cash bond	Deposit bond	Recognizance	Conditional	Unsecured bond	Emergency release
Most serious arrest charge							
Violent offenses	22%	30%	29%	28%	22%	14%	1%
Property offenses	30	23	26	36	45	40	44
Drug offenses	38	35	36	29	26	42	48
Public-order offenses	10	12	9	7	8	5	7
Sex							
Male	82%	89%	87%	83%	79%	86%	88%
Female	18	11	13	17	21	14	12
Race							
Black	42%	49%	64%	55%	50%	71%	86%
White	57	46	36	43	47	28	14
Other	2	5	0	1	3	1	0
Age							
Under 21	18%	25%	23%	26%	23%	24%	26%
21-34	56	55	55	55	55	58	57
35 or older	25	19	22	19	22	19	17
Most serious prior conviction							
Felony	27%	32%	35%	25%	25%	29%	22%
Misdemeanor	23	18	10	16	15	13	10
None	50	50	55	58	60	58	68
Court appearance history							
Failed to appear	22%	32%	22%	30%	12%	34%	10%
Made all appearances	36	37	38	32	41	22	31
Had no prior arrests	42	32	40	38	47	44	59

Note: Table is based on the following number of defendants in each release category: surety bond, 8,175; full cash bond, 3,586; deposit bond, 1,491; recognizance, 13,805; conditional, 4,373; unsecured bond, 2,774; and emergency, 544.

Failure to appear in court

One of the primary goals of any pretrial release decision is to ensure the defendant's subsequent appearance in court as scheduled. Among those felony defendants who were released prior to trial, 76% made all scheduled court appearances. A fugitive bench warrant was issued for the arrest of the remaining 24% because they had missed one or more court dates (table 12). Two-thirds of these defendants had been returned to the court by the end of the one-year study period, while a third of them remained fugitives.

The percentage of defendants who failed to appear varied according to the type of arrest charge and the type of release. Bench warrants for failure-to-appear were issued twice as often for released property defendants (26%) and drug defendants (28%) as for defendants charged with public-order offenses (13%). The failure-to-appear rate for defendants charged with a violent offense was 19%.

Male and female defendants had about the same failure-to-appear rate, while defendants age 35 or older had a slightly better court appearance record than younger defendants. About 3 in 10 black defendants had a bench warrant issued for missing a court date, compared with 2 in 10 white defendants.

A defendant's court appearance history was related to the probability of failing to appear on the current charges. For those who had missed 1 or more court dates in the past, the failure-to-appear rate on the current charges was 39%, about twice that of other defendants.

By type of release, defendants on emergency release (49%) were the most likely to have a bench warrant issued because they failed to appear for a court date within the 1-year study period (in 9 out of 10 such cases they were returned to the court). The next highest failure-to-appear rates were for defendants released on unsecured bond (36%) or their own recognizance (29%). Bench warrants for failure-to-appear were less likely to be issued for defendants released on deposit bond (19%), surety bond (14%), or conditional release (14%).

In cases where a defendant missed a court date and it resulted in the issuance of a bench warrant, the failure-to-appear occurred within 1 week of release in 12%

of the cases, within 1 month of release in 38% of the cases, and within 3 months in 71% of the cases. For all defendants who had a bench warrant issued for their arrest because they failed to appear in court, the median time between pretrial release and the initial missed court date was 44 days.

Time from release to failure to appear	Percent of released defendants
1 week	12%
1 month	38
3 months	71
6 months	90
1 year	100
Median	44 days

Return of fugitive defendants to the court

Overall, about 8% of released felony defendants had failed to appear and were still fugitives at the end of the year-long study. The percentage of defendants who were fugitives at the end of the study was higher when the method of release was recognizance (11%) or unsecured bond (10%) than when it was conditional release (4%) or surety bond (3%).

About a third of the defendants for whom a bench warrant was issued were returned to the court within 1 month of their failure to appear, and about half had been returned

Table 12. Released felony defendants who failed to make a scheduled court appearance, by selected defendant characteristics, 1990

Defendant characteristic	Number of defendants	Percent of released felony defendants who failed to appear in court in the 75 largest counties*		
		Total	Returned	Fugitive
All released defendants	34,831	24%	16%	8%
Most serious arrest charge				
Violent offenses	8,606	19	12	6
Property offenses	11,990	28	19	9
Drug offenses	11,466	26	17	8
Public-order offenses	2,769	13	9	4
Sex				
Male	28,672	24%	16%	8%
Female	5,624	23	15	7
Race				
Black	16,399	29%	19%	10%
White	14,119	19	13	6
Other	599	11	6	5
Age				
Under 21	8,136	23%	15%	7%
21-24	6,241	25	17	8
25-29	7,239	26	18	8
30-34	5,612	24	17	8
35 or older	7,017	20	12	8
Court appearance history from prior arrests				
Failed to appear*	7,704	39%	29%	11%
Made all appearances	10,192	20	13	7
Had no prior arrests	11,776	17	10	7
Type of release				
Recognizance	13,543	29%	18%	11%
Surety bond	7,841	14	11	3
Conditional	4,297	14	10	4
Full cash bond	3,520	24	15	9
Unsecured bond	2,738	36	26	10
Deposit bond	1,451	19	10	8
Emergency	520	49	44	5

Note: Data on the court appearance record for the current case were available for 99% of cases involving a defendant released prior to case disposition. Some defendants counted as fugitives may have been returned after the 1-year study period. Detail may not add to total because of rounding.

*See page 14 for the definition of "failure to appear."

after 3 months. At the end of the 1-year study period, two-thirds of all defendants who had failed to appear had been returned to the court.² The remaining third were still fugitives.

Percent of those defendants under a bench warrant returned to court within:

1 week	14%
1 month	32
3 months	52
6 months	62
1 year	67
Not returned	33%

Among those who failed to appear, the percentage of defendants who were still fugitives at the end of the study was highest for those who had been released on deposit bond (44%), recognizance (38%), or full cash bond (36%). Among defendants released on unsecured bond or conditional release, 28% of those who failed to appear were not returned to the court by the end of the study. Defendants for whom a bench warrant had been issued were least likely to remain a fugitive when they had been released on surety bond (18%) or emergency release (11%).

Type of pretrial release	Percent of fugitive defendants not returned within 1 year
All types	33%
Deposit bond	44%
Recognizance	38
Full cash bond	36
Conditional	28
Unsecured bond	28
Surety bond	18
Emergency	11

Rearrest of defendants on pretrial release

In addition to considering the likelihood that a released defendant may not return for scheduled court appearances, courts in most States may also assess the potential risk to the community if a defendant is granted pretrial release. Rearrest data collected during the 1-year study indicated that about 18% of released defendants were rearrested while on pretrial release (table 13).

Defendants in different age groups and those with different criminal backgrounds

²Some defendants returned to the court voluntarily, and the bench warrant for their arrest was withdrawn.

were rearrested at different rates. Defendants under age 21 had a significantly higher rearrest rate (22%) than defendants age 35 or older (14%). Public-order defendants, who were older on average than other types of defendants, had the lowest rearrest rate (9%). This was about half the rearrest rate for released defendants whose most serious original arrest

charge was a property offense (21%), drug offense (20%), or violent offense (16%). Released defendants with five or more prior convictions had a felony rearrest rate (32%) that was more than twice that of defendants who had no prior convictions (13%). Defendants with no prior arrests had a rearrest rate of 8%. Among those arrested for a new felony following pretrial

Table 13. Released felony defendants who were rearrested while on pretrial release, by selected defendant characteristics, 1990

Defendant characteristic	Number of defendants	Felony defendants released before case disposition in the 75 largest counties						
		Percent of defendants by their most serious rearrest charge						
		Total rearrested	Total felony	Violent offense	Property offense	Drug offense	Public-order offense	Misdemeanor
All released defendants	33,363	18%	11%	2%	4%	4%	1%	7%
Most serious original arrest charge								
Violent offenses	8,390	16%	8%	4%	2%	1%	1%	8%
Property offenses	11,525	21	13	3	8	2	1	8
Drug offenses	10,740	20	14	1	2	9	1	6
Public-order offenses	2,707	9	5	1	1	1	2	4
Sex								
Male	27,726	20%	12%	3%	4%	4%	1%	8%
Female	5,461	12	6	1	2	3	--	6
Race								
Black	15,681	23%	15%	4%	5%	5%	1%	6%
White	13,868	14	8	1	3	3	1	6
Other	584	10	2	2	1	0	0	8
Age								
Under 21	7,899	22%	14%	4%	4%	4%	1%	8%
21-24	5,999	20	12	3	4	4	1	8
25-29	7,036	18	12	2	4	4	1	7
30-34	5,443	17	10	2	4	4	--	7
35 or older	6,828	14	8	1	3	3	1	6
Types of release								
Recognizance	13,341	22%	12%	3%	4%	5%	1%	10%
Surety bond	7,608	13	9	2	3	3	1	4
Conditional	4,243	11	7	1	3	2	1	4
Full cash bond	3,509	21	13	3	3	6	1	8
Unsecured bond	2,038	23	18	3	9	5	2	5
Deposit bond	1,342	13	9	3	3	2	1	4
Emergency	408	3	3	0	3	0	0	0
Number of prior convictions								
5 or more	4,464	32%	18%	4%	8%	5%	1%	14%
2-4	5,464	23	15	2	5	6	1	9
1	4,212	21	12	3	3	5	1	9
None	17,758	13	8	2	3	3	1	5
Most serious prior conviction								
Felony	8,640	28%	18%	3%	7%	6%	1%	11%
Misdemeanor	5,561	21	11	3	3	4	1	10
None	17,758	13	8	2	3	3	1	5

Note: Rearrest data were collected for 1 year. Rearrests occurring after the end of this study period are not included in the table. Information on rearrests in jurisdictions other than the one granting the pretrial release was not always available. Rearrest data were available for 94% of released defendants. Detail may not add to total because of rounding.
--Less than 0.5%.

release, about half were rearrested for the same type of offense as the original charge that preceded their release.

For rearrested defendants the median time from pretrial release to the commission of an alleged new offense was 49 days — ranging from 42 days for those released after being charged with a property offense to 58 days for those released after a

charge for a drug offense (table 14). About 13% of the new charged offenses occurred within a week of pretrial release, 39% occurred within 1 month, and 69% occurred within 3 months of the defendants' release.

About 60% of the released defendants who were rearrested were once again granted pretrial release. Re-release was more likely to occur if the rearrest offense was a

misdemeanor (70%) than if it was a felony (54%). Among defendants rearrested for a felony, re-release was less likely if the rearrest was for a violent offense (45%) rather than a property offense (60%).

Rearrest offense	Percent of rearrested defendants who were re-released
Total	60%
Felony	54%
Violent	45
Property	60
Drug	53
Public-order	52
Misdemeanor	70%

Table 14. Time from pretrial release to alleged commission of a new offense, by the most serious original arrest charge, 1990

Most serious original arrest charge	Number of defendants	Median number of days	Percent of released and rearrested felony defendants in the 75 largest counties who committed a new offense within:			
			1 week	1 month	3 months	6 months
All offenses	4,556	49	13%	39%	69%	88%
Violent offenses	1,014	47	14	41	64	90
Property offenses	1,715	42	16	42	74	89
Drug offenses	1,649	58	9	34	67	85
Public-order offenses	179	46	7	37	68	98

Note: Data cover only those defendants rearrested within 1 year of a pretrial release. Data on time from pretrial release to commission of a new offense for which the defendant was rearrested were available for 96% of all cases involving a rearrest. Information on rearrests in jurisdictions other than the one granting the pretrial release was not always available. Detail may not add to total because of rounding.

Adjudication

The median time from the original felony arrest to adjudication of that charge was greater for released defendants (125 days) than for those who had remained in detention (37 days) (table 15). A month after arrest, detained defendants (45%) were 3 times as likely as released defendants (15%) to have been adjudicated on their felony arrest charges.

By the end of 1 year, 96% of the cases of detained defendants and 81% of the cases of released defendants had been adjudicated. Among detained defendants, those charged with a violent offense (91%) were less likely than other detained defendants (98%) to have their case adjudicated within a year of their arrest. This was especially true for detained murder defendants, about a third of whom were still awaiting adjudication of their case at the end of 1 year.

Table 15. Time from arrest to adjudication, by whether released or detained and the most serious original arrest charge, 1990

Detention/release outcome and most serious original arrest charge	Number of defendants	Median number of days	Felonies defendants in the 75 largest counties					Percent not adjudicated within 1 year
			Percent of cases adjudicated within:					
			1 week	1 month	3 months	6 months	1 year	
Released defendants								
All offenses	35,398	125	2%	15%	40%	63%	81%	19%
Violent offenses	8,764	131	2	15	39	61	81	19
Property offenses	12,152	116	2	16	42	66	82	18
Drug offenses	11,639	138	2	12	38	59	80	20
Public-order offenses	2,843	105	1	17	47	71	86	14
Detained defendants								
All offenses	19,628	37	12%	45%	73%	89%	96%	4%
Violent offenses	5,343	66	9	33	59	80	91	9
Property offenses	6,463	30	14	50	79	93	98	2
Drug offenses	6,512	35	14	47	78	91	98	2
Public-order offenses	1,309	30	9	50	79	91	98	2

Note: Data on time from arrest to adjudication were available for 97% of all adjudicated cases. Because of violation of the conditions of release (such as failure to appear in court or rearrest), 12% of the defendants who had been on pretrial release were in custody at the time of adjudication. These defendants are included under "released." The median for time from arrest to adjudication includes cases still pending at the end of the study. Knowing the exact times for these cases would not change the medians reported.

Overall, a higher percentage of detained defendants (77%) than released defendants (56%) were convicted (table 16). The lowest conviction rate was for released defendants who were charged with a violent offense (42%). This was roughly half the conviction rate for detained property defendants (81%) and detained drug defendants (80%).

The felony conviction rate among detained defendants was 64%, compared to 41% of released defendants. Among released defendants, about half of those charged with a drug offense or a public-order offense were convicted of a felony, a higher percentage than for those charged with a property offense (40%) or a violent offense (28%). Across all four offense categories, more than half of the detained defendants were convicted of a felony, with detained drug defendants (69%) having the highest probability of a felony conviction.

Sentencing

Convicted defendants who had been detained until case disposition were twice as likely as released defendants to receive a State prison sentence (table 17). Upon conviction, 89% of detained defendants were sentenced to incarceration, with 50% receiving a prison sentence and 39% a jail term. About 59% of the released defendants who were convicted were sentenced to incarceration, with more receiving a jail sentence (37%) than a prison sentence (25%). In cases where they were convicted but not sentenced to incarceration, about 90% of both released and detained defendants received a probation sentence.

Among released defendants who were subsequently convicted, drug defendants had the highest probability of being sentenced to incarceration (66%), with 30% receiving a prison sentence. Among detained defendants, the probability of being sentenced to incarceration upon conviction did not vary significantly by offense type; however, detained defendants who had been charged with a violent offense and convicted were more likely to receive a prison sentence than other detained defendants (58% versus 48%).

Two-thirds of defendants who were detained until case disposition were

eventually convicted and sentenced to incarceration compared with a third of those who were released. Detained defendants were about 3 times as likely as released defendants to eventually be convicted and sentenced to State prison.

These differences can be attributed mainly to the fact that some of the factors that affect sentencing decisions, such as seriousness of offense and prior criminal record, are the same ones that affect the probability of pretrial release.

Table 16. Adjudication outcome for felony defendants, by whether released or detained and the most serious original felony arrest charge, 1990

Detention/release outcome and most serious original felony arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties						
		Total	Convicted			Not convicted		
			Total convicted	Most serious conviction offense		Total not convicted	Dis-mitted/acquitted	Other nonconviction
			Felony	Misdemeanor				
Released defendants								
All offenses	27,896	100%	56%	41%	15%	44%	37%	7%
Violent offenses	6,927	100	42	28	14	58	54	4
Property offenses	9,644	100	58	40	18	42	33	9
Drug offenses	9,056	100	63	51	12	37	28	9
Public-order offenses	2,359	100	63	48	16	37	31	6
Detained defendants								
All offenses	18,397	100%	77%	64%	13%	23%	21%	2%
Violent offenses	4,714	100	69	58	11	31	29	2
Property offenses	6,198	100	81	64	16	19	18	2
Drug offenses	6,242	100	80	69	11	20	18	3
Public-order offenses	1,244	100	76	60	16	24	23	1

Note: Thirteen percent of all cases were still awaiting adjudication at the conclusion of the 1-year study period. Information on adjudication outcome was available for 67% of all cases that had reached the adjudication stage at the end of 1 year. Cases where the most serious conviction charge was a violation are included under "misdemeanor." Detail may not add to total because of rounding.

Table 17. Sentencing outcome for convicted defendants, by whether released or detained and the most serious original felony arrest charge, 1990

Detention/release outcome and the most serious original felony arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties						
		Total	Sentenced to incarceration			Not sentenced to incarceration		
			Total	Prison	Jail*	Total	Probation	Fine
Released defendants								
All offenses	14,374	100%	59%	25%	34%	41%	37%	4%
Violent offenses	2,543	100	60	24	36	40	36	4
Property offenses	5,199	100	54	21	33	46	43	3
Drug offenses	5,215	100	66	30	36	34	31	3
Public-order offenses	1,417	100	52	19	34	47	39	8
Detained defendants								
All offenses	13,516	100%	89%	50%	39%	11%	10%	1%
Violent offenses	3,077	100	90	58	32	10	9	1
Property offenses	4,702	100	88	48	39	12	11	1
Drug offenses	4,823	100	89	48	42	11	10	1
Public-order offenses	914	100	87	48	39	13	10	4

Note: Information on sentencing outcome was available for 93% of all cases involving a conviction that had been adjudicated at the end of 1 year. Detail may not add to total because of rounding. *Includes sentences that also involved probation.

Pretrial release of felony defendants in the 75 largest counties, 1988 and 1990

	Percent of defendants	
	1988	1990
All defendants		
Released prior to case disposition	66%	65%
Violent	59	63
Property	62	67
Drug	72	65
Public-order	70	69
Released defendants		
Released within 1 day of arrest	68%	54%
Violent	49	50
Property	82	60
Drug	64	50
Public-order	75	56
Failing to appear in court	24%	24%
Violent	20	19
Property	25	28
Drug	28	26
Public-order	14	13
Failing to appear in court and remaining a fugitive	8%	8%
Violent	6	6
Property	8	9
Drug	10	8
Public-order	5	4
Rearrested while on pretrial release	18%	18%
Violent	16	16
Property	18	21
Drug	19	20
Public-order	12	9

The first NPRP data collection was based on cases filed in February 1988. The completion of the latest study, based on cases filed in May 1990, allows for comparisons to be made to assess both consistency and variation in the criminal justice system processing of felony defendants.

Although the overall rate of pretrial release for felony defendants in the 75 largest counties was consistent from 1988 to 1990, some variation within offense category did occur. The percentage of felony drug defendants who were released before case disposition declined from 1988 (72%) to 1990 (65%). This was offset by slight increases in the release rate for violent defendants (from 59% in 1988 to 63% in 1990) and property defendants (from 62% to 67%).

Comparison of the 2 years suggests that defendants who were charged with a nonviolent offense and subsequently granted pretrial release had to wait longer for release in 1990 than in 1988. The percentage of released defendants who were released within 1 day of arrest declined from 82% in 1988 to 60% in 1990 among those charged with property

offenses, from 64% to 50% for drug defendants, and from 75% to 56% for public-order defendants. Among released defendants who were facing a charge for a violent offense, the percentage released within 1 day of arrest was about 50% in both 1988 and 1990.

The percentage of defendants for whom a bench warrant was issued because they failed to appear in court remained stable at 24% from 1988 to 1990. In both years property and drug defendants were the most likely to have a bench warrant for failure to appear, and public-order defendants, the least likely.

Among defendants for whom a failure-to-appear bench warrant was issued, the proportion that were still fugitives after a year was about a third for all four offense categories in 1988 and 1990. In both surveys 8% of all released defendants were fugitives at the end of 1 year.

The rearrest rate for defendants on pretrial release was 18% in 1990, the same as in 1988. Without controlling for other factors, public-order defendants had the lowest rearrest rate in both years.

Methodology

The NPRP sample was designed and selected by the U.S. Bureau of the Census. It is a 2-stage stratified sample with 40 of the 75 most populous counties selected at the first stage (1 county having to be dropped without substitution) and a systematic sample of felony filings (defendants) within each county selected at the second stage.

The 40 counties were divided into 4 first-stage strata based on court filing information obtained through a telephone survey. Fourteen counties were included in the sample with certainty because of their large number of court filings. The remaining 26 counties were allocated to the 3 non-certainty strata based on the variance of felony court dispositions.

The second-stage sampling (filings) was designed to represent all defendants who had felony cases filed with the court during the month of May 1990. The participating jurisdictions included every defendant who had a felony case filed on selected days during that month. The days selected depended on the first-stage stratum in which the county had been placed. Each jurisdiction was provided with 5, 10, 15, or 31 days in May 1990 from which to sample all defendants who had felony charges filed. Jurisdictions that did not select a full month of filings were weighted to represent the full month.

Data on 13,597 sample felony cases were collected from the 39 sampled jurisdictions. This sample represented 56,807 weighted cases filed during the month of May 1990 in the 75 most populous counties. Cases that could not be classified into one of the four major crime categories (violent, property, drug, public-order) because of incomplete information were omitted from the analysis. This reduced the weighted total for this report to 56,613 cases. The data collection effort was supervised by the Pretrial Services Resource Center of Washington, D.C.

This report is based on data collected from the following jurisdictions: Arizona (Maricopa); California (Los Angeles, Orange, Sacramento, San Bernardino, San Diego, Santa Clara); District of Columbia; Florida (Broward, Dade, Duval, Hillsborough, Palm Beach, Pinellas);

Georgia (Fulton); Hawaii (Honolulu); Illinois (Cook); Massachusetts (Essex, Suffolk); Michigan (Wayne); Missouri (St. Louis); New Jersey (Essex); New York (Bronx, Erie, Kings, Monroe, New York, Queens); Ohio (Hamilton); Pennsylvania (Allegheny, Montgomery, Philadelphia); Tennessee (Shelby); Texas (Dallas, Harris, Tarrant); Utah (Salt Lake); Virginia (Fairfax); and Washington (King).

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

Offense categories

Felony offenses were classified into 12 categories for this report. These categories were further divided into the four major crime categories of violent offenses, property offenses, drug offenses, and public-order offenses. The following listings contain a representative summary of most of the crimes contained in each category; however, these lists are not meant to be exhaustive. All offenses, except for murder, include attempts and conspiracies to commit.

Violent offenses

Murder — Includes homicide, nonnegligent manslaughter, and voluntary homicide. Does not include attempted murder (which is classified as felony assault) or negligent homicide, involuntary homicide, and vehicular manslaughter (which are classified as "other violent crime").

Rape — Includes forcible intercourse, sodomy, or penetration with a foreign object. Does not include statutory rape or nonforcible acts with a minor or someone unable to give legal consent, nonviolent sexual offenses, and commercialized sex offenses.

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

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

Other violent offenses — Includes vehicular manslaughter, involuntary manslaughter, negligent or reckless homicide, nonviolent or nonforcible sexual assault, kidnaping, unlawful imprisonment, child or spouse abuse, cruelty to child, reckless endangerment, hit-and-run with bodily injury, intimidation, and extortion.

Property offenses

Burglary — Includes any type of entry into a residence, industry, or business with or without the use of force with the intent to commit a felony or theft, such as forcible entry and breaking and entering. Does not include possession of burglary tools, trespassing, and unlawful entry where the intent is not known.

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

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

Drug offenses

Drug sales/trafficking — Includes trafficking, sales, distribution, possession with intent to distribute or sell, manufacturing, or smuggling of controlled substances. Does not include possession of controlled substances.

Other drug offenses — Includes possession of controlled substances, prescription violations, possession of drug paraphernalia, and other drug law violations.

Public-order offenses

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

Other public-order offenses — Includes flight/escape, parole or probation violations, prison contraband, habitual offender, obstruction of justice, rioting, libel and slander, weapons offenses, treason, perjury, prostitution/pandering, bribery, and tax law violations.

Terms relating to pretrial release

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

Detained defendant — Includes any defendant who remained in custody from the time of arrest until the disposition of his or her case by the court. Includes defendants whose cases were disposed of in such a short time that they had no opportunity for pretrial release. This report also refers to detained defendants as "not released."

Failure to appear — Occurs when a court issues a bench warrant for a defendant's arrest because he or she has missed a scheduled court appearance.

Types of financial release

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

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

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

Types of nonfinancial release

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

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

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

Conditional release — Defendants are released under conditions which are supervised by a pretrial services agency. This type of release is also known as *supervised release*.

Other type of release

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

Bureau of Justice Statistics Bulletins are written primarily by Bureau analysts. Brian Reaves wrote this report. Lawrence A. Greenfeld edited it, assisted by Tom Hester. Pheny Z. Smith provided statistical review. Marilyn Marbrook administered production, assisted by Jayne Pugh.

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The Bureau of Justice Statistics is a component of the Office of Justice Programs which also includes the Bureau of Justice Assistance, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

Data used in this report are available from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The dataset is archived as the National Pretrial Reporting Program, 1990.

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