



Bureau of Justice Statistics Bulletin

National Pretrial Reporting Program

Pretrial Release of Felony Defendants, 1988

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An estimated two-thirds of felony defendants in 1988 in the Nation's 75 largest counties were released prior to the disposition of their case. About 18% of the released defendants were known to have been rearrested for a felony while on pretrial release. About two-thirds of the rearrested defendants were released again after their rearrest.

These findings are drawn from a sample of felony case filings in February 1988 representing the 75 most populous counties in the United States. Other findings include the following:

- Among the third of defendants who were not released, 8 out of 9 had a bail amount set but did not post the required bond. The remaining detained felony defendants (4% of all felony defendants) were held without bail.

- Defendants charged with drug offenses (72%) or public-order offenses (70%) were more likely to secure release prior to trial than those charged with violent offenses (59%) or property offenses (62%).

- The lower the amount of bail set, the greater the likelihood that the defendant was released before the disposition of the case. Thirty-two percent of defendants with bail set at \$20,000 or more were released, compared with 78% of those with bail set at less than \$2,500.

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More than half the crimes reported to law enforcement authorities and about half the felony convictions nationwide occur in the 75 most populous counties in the United States. These counties account for 37% of the Nation's population. This report examines the pretrial release practices and case outcomes in these jurisdictions for a sample representing 47,000 defendants who were charged with a felony in February 1988. The Bureau of Justice Statistics' National Pretrial Reporting Program (NPRP) followed each case for 12 months.

This report provides a detailed profile of the characteristics of detained and released felony defendants and considers the factors that underlie the pretrial release decision. The data yield new information related to court appearances and rearrests of released defendants.

BJS expresses appreciation to the court officials and employees in the sampled counties for their cooperation in the collection of NPRP data.

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- Defendants charged with a drug offense were more likely to secure release (47%) when bail was set at \$20,000 or more than were those charged with a public-order offense (32%), a violent offense (26%), or a property offense (24%).

- About three-fourths of the defendants with no prior convictions were released before case disposition, compared with about half of those with five or more prior convictions.

- Among those with prior misdemeanor convictions only, two-thirds were released, compared with about half of those who had at least one prior felony conviction.

- About a fourth of released defendants had at least one prior felony conviction, compared with half of those who were detained.

- About a fourth of defendants who were on parole at the time of arrest and about half of those who were on probation were released. In contrast, 71% of those who had no criminal justice status at the time of arrest were released.

- A bench warrant was issued for about a fourth of the defendants on pretrial release because they had failed to appear for a scheduled court date. Drug defendants (28%) were twice as likely as defendants charged with public-order offenses (14%) to fail to appear.

- Defendants with five or more prior convictions were twice as likely as those with no prior convictions to be rearrested for a felony while on pretrial release (30% versus 15%).

- About a third of felony rearrests occurred within 1 month of the defendant's release, and about two-thirds of them occurred within 3 months of release.

• The median number of days from arrest to case disposition was 122 days for released defendants, compared with 37 days for detained defendants.

• Defendants who were detained until case disposition were twice as likely to be eventually convicted and sentenced to incarceration as those who were released (66% versus 33%).

National Pretrial Reporting Program

The Bureau of Justice Statistics (BJS) initiated the National Pretrial Reporting Program (NPRP) to collect detailed case processing and outcome information from a representative sample of felony defendants. The first collection effort obtained criminal history, pretrial processing, adjudication, and sentencing data representing approximately 47,000 felony cases filed in February 1988. No Federal defendants were included in the study.

The Nation's 75 most populous counties comprised the base for the sample. These counties in 1988 accounted for about 37% of the Nation's population but an estimated 54% of the reported crimes and 47% of the felony convictions in the United States. (See *Felony Sentences in State Courts*,

1988, BJS Bulletin, NCJ-126923, December 1990.) Cases were followed for 1 year after the filing date.

Pretrial release and detention

About two-thirds of felony defendants in the 75 largest counties secured release prior to case disposition (table 1). The defendants charged with murder were less likely to be released than other defendants. Murder defendants were released about half as often as defendants charged with driving-related offenses (39% versus 86%). About half of defendants charged with rape (55%), burglary (53%), or robbery (52%) were released, compared with about two-thirds of those charged with assault (69%), drug sales (69%), or theft (64%). Overall, those accused of a drug offense (72%) or a public-order offense (70%) were more likely to secure release before case disposition than were those charged with a violent offense (59%) or a property offense (62%).

Persons charged with a driving-related felony were the most likely to receive a recognizance or citation release (44%). (See *Methodology* on pages 9 and 10 for definitions of terms relating to pretrial release.) Murder defendants (6%) were the least likely to receive these types of

release, followed by rape defendants (17%) and robbery defendants (21%). Of all defendants released, 44% were released on their own recognizance or on citation release. Another type of nonfinancial release, unsecured bond, accounted for about 9% of all releases.

About 47% of the pretrial releases in these counties were on financial release (release contingent on the payment of a specified amount of money to the court or a designated third party). The most common type was surety bond, representing about half of all financial releases. Almost all of the remaining financial releases involved full cash bond or deposit bond.

About 34% of the felony defendants included in the NPRP study were not released before the court disposed of their case. Most of these detainees (89%) had a bail amount set, but they did not post the money required to secure release. About 1 in 9 detained defendants were ordered held without bail. Those denied bail represented 4% of all defendants. Those charged with murder were the most likely of all defendants to be held without bail (26%). Among defendants charged with offenses other than murder, the percentage who were denied bail ranged from 1% to 7%.

Table 1. Felony defendants released before or detained until case disposition, by type of release and the most serious arrest charge, 1988

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										Total detained	Held on bail	Held without bail
		Total released	Financial release				Nonfinancial release							
All offenses	44,719	66%	31%	16%	8%	6%	1%	35%	29%	6%	34%	31%	4%	
Violent offenses	9,435	59%	32%	13%	10%	8%	2%	27%	24%	3%	41%	34%	6%	
Murder	580	39	32	14	10	7	1	7	6	1	61	35	26	
Rape	755	55	32	12	10	9	2	22	17	5	45	41	5	
Robbery	3,601	52	29	8	12	7	1	23	21	2	48	42	7	
Assault	3,495	69	35	17	7	9	2	34	31	3	31	27	4	
Other	1,004	66	30	15	10	4	1	36	28	8	34	30	4	
Property offenses	16,114	62%	25%	13%	5%	6%	1%	37%	30%	7%	38%	34%	4%	
Burglary	5,107	53	22	10	5	7	--	31	24	7	47	43	4	
Theft	6,355	64	25	13	6	5	1	39	33	6	36	33	4	
Other	4,653	70	29	17	5	5	2	41	32	8	30	27	3	
Drug offenses	15,520	72%	36%	19%	10%	6%	1%	36%	30%	7%	28%	26%	2%	
Sale/trafficking	6,109	69	37	20	13	3	1	32	28	4	31	29	2	
Other	9,411	75	35	19	8	8	--	39	31	9	25	24	1	
Public-order offenses	3,650	70%	31%	17%	9%	4%	1%	39%	34%	5%	30%	24%	5%	
Driving-related	852	86	39	27	9	2	2	47	44	3	14	13	1	
Other	2,798	66	29	14	9	4	1	37	32	5	34	28	7	

Note: Data on detention-release outcome were available for 95% of all cases. Detail may not add to total because of rounding.

*Released on own recognizance.
--Less than 0.5%.

Factors affecting probability of pretrial release

Except for those released on nonfinancial terms without bail being set and those ordered held without bail, felony defendants in the Nation's 75 largest counties had a bail amount set by the court. Courts' decisions about bail are primarily based on the probability that the accused will appear in court for trial. In most States as well as in the Federal courts, the potential danger that a defendant may pose to the community is also considered. In addition, many jurisdictions have established specific 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, prior criminal record, prior court appearance record, the weight of the evidence against the defendant, offense seriousness, and the sentence which may be imposed upon conviction.

Among those defendants who had a bail amount set by the court, the amount was generally higher if the defendant was charged with a violent offense (table 2). Defendants whose most serious arrest charge involved a violent offense were 3 times more likely than other defendants to have bail set at \$20,000 or more (27% versus 9%). About half of defendants charged with property, drug, or public-order offenses had bail set under \$5,000, compared with a third of defendants charged with a violent offense.

Generally, the higher the original amount of bail set, the lower the probability of release. When bail was set at \$20,000 or more, the defendant was eventually released in 32% of the cases (table 3). Among felony cases where the bail amount was set in the \$5,000 to \$9,999 range, 55% of the defendants secured release, and when bail was set under \$2,500, 78% of the defendants obtained release prior to case disposition.

The effect of bail amount on the likelihood of a defendant's being released did vary somewhat according to the type of arrest charge. When the bail amount was set at \$20,000 or more, drug defendants (47%) secured release almost twice as often as defendants charged with a violent offense (26%) or a property offense (24%). Among all defendants who had a bail amount set, defendants charged with a property offense were less likely to secure release than other defendants.

Just as defendants charged with the most serious crimes were less likely than others to be released before disposition of their case, defendants with a prior conviction

record were also less likely to be released. About 56% of defendants with at least one prior conviction were released, compared

Table 2. Original bail amount set, by the most serious arrest charge, 1988

Most serious arrest charge	Number of defendants	Total	Felony defendants in the 75 largest counties with an original bail amount of:				
			Under \$2,500	\$2,500- \$4,999	\$5,000- \$9,999	\$10,000- \$19,999	\$20,000 or more
All offenses	27,567	100%	31%	19%	23%	14%	13%
Violent offenses	5,892	100	21	13	21	19	27
Property offenses	9,679	100	38	18	22	13	9
Drug offenses	10,013	100	28	23	26	14	9
Public-order offenses	1,983	100	42	17	22	9	9

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

Table 3. Felony defendants released before or detained until case disposition, by original bail amount set and the most serious arrest charge, 1988

Original bail amount set and most serious arrest charge	Number of defendants	Total	Percent detained until case disposition	Percent released before case disposition		
				Total released	Financial release	Nonfinancial release
\$20,000 or more						
All offenses	8,415	100%	68%	32%	28%	3%
Violent offenses	1,197	100	74	26	23	3
Property offenses	3,678	100	76	24	22	2
Drug offenses	2,738	100	53	47	42	5
Public-order offenses	802	100	68	32	32	0
\$10,000 to \$19,999						
All offenses	5,057	100%	61%	39%	32%	7%
Violent offenses	767	100	63	37	34	3
Property offenses	1,707	100	73	27	21	6
Drug offenses	2,248	100	50	50	41	9
Public-order offenses	335	100	43	57	53	4
\$5,000 to \$9,999						
All offenses	6,166	100%	45%	55%	43%	12%
Violent offenses	1,175	100	40	60	56	4
Property offenses	2,072	100	53	47	33	14
Drug offenses	2,486	100	41	59	45	14
Public-order offenses	433	100	43	57	49	8
\$2,500 to \$4,999						
All offenses	3,849	100%	28%	72%	54%	18%
Violent offenses	1,069	100	19	81	70	11
Property offenses	1,206	100	40	60	41	19
Drug offenses	1,388	100	23	77	57	20
Public-order offenses	186	100	25	75	54	21
Under \$2,500						
All offenses	3,417	100%	22%	78%	65%	13%
Violent offenses	1,522	100	15	85	77	8
Property offenses	806	100	29	71	58	13
Drug offenses	906	100	15	85	70	15
Public-order offenses	184	100	25	75	67	8

Note: Data on both original bail amount set and detention-release outcome were available for 92% of all cases. Table includes only released defendants for whom a bail amount was originally set. The actual amount required to secure release was usually 10%

of the original bail amount if release was on surety or deposit bond and 100% of the original bail amount if release was on full cash bond. Detail may not add to total because of rounding.

with 78% of defendants without a conviction record (table 4).

Among defendants who had ever been convicted, the probability of release decreased as the number and as the severity of prior convictions increased. Sixty-five percent of those defendants with one prior conviction, 58% of those with two to four convictions, and 47% with five or more were released before disposition of their case.

When the most serious prior conviction was a misdemeanor, 66% of the defendants were released before case disposition (table 5). A lower percentage of defendants were released when the most serious prior conviction was a nonviolent felony (52%) or a violent felony (46%). Defendants who had a prior violent felony conviction were the most likely to be denied bail. They were held without bail in 9% of the cases, a higher percentage than for defendants

whose most serious prior conviction was a nonviolent felony (5%) or a misdemeanor (1%).

Nearly three-fourths of all felony defendants on pretrial release were awaiting trial for either a property offense or a drug offense (table 6). About 1 in 5 defendants who were released faced a charge for a violent offense.

Among detained defendants, about 1 in 4 had been charged with a violent offense. The largest group among detainees was property defendants; they represented 40% of all defendants who were not released prior to case disposition.

Overall, defendants released before trial had fewer prior convictions than detained defendants. Among released defendants, 44% had at least 1 prior conviction, and 3% had 10 or more prior convictions. Among detained defendants, 68% had at least 1 prior conviction, and 9% had 10 or more prior convictions.

Half of detained defendants had a prior felony conviction, compared with about a fourth of felony defendants who received pretrial release (table 7). Fourteen percent of detained defendants had a prior conviction for a violent felony, compared with 6% of released defendants. About 5% of detained defendants were under a current charge for a violent felony and had at least one prior conviction for a violent felony. About 1% of released defendants had these two characteristics.

A defendant's criminal justice status at the time of arrest was another important factor related to the probability of pretrial release. Among felony defendants who had no active criminal justice status at the time of arrest, 71% were released before case disposition, and 3% were held without bail (table 8). In contrast, 23% of defendants on parole at the time of arrest were released, and 18% were held without bail. Defendants on probation (50% released) and those on pretrial release for a prior case that was still pending (62% released) were also less likely to be released than defendants with no criminal justice status at the time of arrest.

Time from arrest to pretrial release

Almost half (46%) of all pretrial releases occurred either on the day of arrest or on the following day (table 9). The quickness of release was related to the type of release

Table 4. Felony defendants released before or detained until case disposition, by number of prior convictions, 1988

Number of prior convictions	Felony defendants in the 75 largest counties							
	Number of defendants	Percent released			Percent detained			
		Total	Total	Financial	Non-financial	Total	Held on bail	Held without bail
5 or more	6,503	100%	47%	28%	19%	53%	47%	6%
2-4	8,487	100	58	31	27	42	38	4
1	5,697	100	65	32	33	35	31	4
None	19,610	100	78	32	45	22	21	2

Note: Data on both number of prior convictions and detention-release outcome were available for 86% of all cases. Detail may not add to total because of rounding.

Table 5. Felony defendants released before or detained until case disposition, by the most serious prior conviction, 1988

Most serious prior conviction	Felony defendants in the 75 largest counties							
	Number of defendants	Percent released			Percent detained			
		Total	Total	Financial	Non-financial	Total	Held on bail	Held without bail
Violent felony	3,660	100%	46%	28%	18%	54%	44%	9%
Nonviolent felony	10,489	100	52	29	23	48	43	5
Misdemeanor	7,541	100	66	32	34	34	32	1
None	19,573	100	77	32	45	23	21	2

Note: Data on both most serious prior conviction and detention-release outcome were available for 88% of all cases. Detail may not add to total because of rounding.

Table 6. Number of prior convictions of felony defendants, by whether released or detained and the most serious current arrest charge, 1988

Detention-release outcome and most serious current arrest charge	Felony defendants in the 75 largest counties						
	Total	Total with no prior convictions	Total with prior convictions	Number of prior convictions			
				10 or more	5-9	2-4	1
Released defendants							
All offenses	100%	56%	44%	3%	8%	18%	14%
Violent offenses	19	11	8	1	1	3	3
Property offenses	34	20	14	1	3	6	4
Drug offenses	38	21	18	1	3	7	6
Public-order offenses	9	4	5	--	1	2	1
Detained defendants							
All offenses	100%	32%	68%	9%	17%	27%	15%
Violent offenses	25	9	16	2	4	6	4
Property offenses	40	12	28	4	7	11	5
Drug offenses	28	9	20	3	5	8	5
Public-order offenses	7	2	5	1	1	2	1

Note: Data on both number of prior convictions and detention-release outcome were available for 86% of all cases. The table reflects estimates for weighted cases of 26,935 released defendants and 13,363

detained defendants. Detail may not add to total because of rounding.
--Less than 0.5%.

and to the type of arrest charge. Nearly three-fourths of defendants released on unsecured bond were discharged on the day

of arrest or on the following day, compared with a fifth of those who were eventually released by posting a full cash bond. Fifty

percent of those released on surety bond, 45% of those on recognizance or citation release, and 38% of those on deposit bond were released within this time. Of those released after an arrest for a violent offense, a third were released within 1 day of arrest, compared with about half of those arrested for a public-order or property offense.

Failure to appear in court

A primary goal of the court in making its pretrial release decisions is to ensure the defendant's appearance in court as scheduled. Among those felony defendants who secured release prior to trial, three-fourths made all scheduled court appearances. A fugitive bench warrant was issued for the arrest of the remaining 24% because they had missed a court date (table 10).

Table 7. Prior convictions of felony defendants, by whether released or detained and the most serious current arrest charge, 1988

Detention-release outcome and most serious current arrest charge	Felony defendants in the 75 largest counties						
	Total	Total with no prior convictions	Total with prior convictions	Most serious prior conviction			
				Total	Felony	Nonviolent	Misdemeanor
Released defendants							
All offenses	100%	56%	44%	26%	6%	20%	18%
Violent offenses	19	11	8	5	1	4	3
Property offenses	34	20	14	8	2	6	6
Drug offenses	38	21	18	10	2	8	7
Public-order offenses	9	4	5	3	1	2	2
Detained defendants							
All offenses	100%	32%	68%	50%	14%	36%	18%
Violent offenses	25	9	16	12	5	6	4
Property offenses	40	12	28	20	5	15	8
Drug offenses	28	9	20	15	3	12	5
Public-order offenses	7	2	5	4	1	3	1

Note: Data on most serious prior conviction and detention-release outcome were available for 88% of all cases. Table reflects estimates for weighted

cases of 27,364 released defendants and 13,900 detained defendants. Detail may not add to total because of rounding.

Table 8. Felony defendants released before or detained until case disposition, by criminal justice status at the time of arrest, 1988

Criminal justice status at time of arrest	Number of defendants	Felony defendants in the 75 largest counties						
		Total	Percent released			Percent detained		
			Total	Finan- cial	Non- financial	Total	Held on bail	Held without bail
On parole	1,200	100%	23%	14%	9%	77%	60%	18%
On probation	3,875	100	50	29	21	50	44	6
On pretrial release	3,362	100	62	38	25	38	34	4
None	21,241	100	71	34	37	29	26	3

Note: Data on both criminal justice status at time of arrest and detention-release outcome were available for 66% 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 9. Time from arrest to release for felony defendants released before case disposition, by type of release and the most serious arrest charge, 1988

Type of release and most serious arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties who were released before case disposition within:						
		Same day	1 day*	2 days	1 week	1 month	6 months	1 year
All released defendants	28,346	22.5%	45.5%	58.7%	78.2%	91.5%	99.4%	100%
Type of release								
Surety bond	6,783	23.1%	50.3%	59.0%	75.5%	91.7%	99.3%	100%
Full cash bond	3,213	7.5	20.5	32.0	67.1	85.2	99.4	100
Deposit bond	2,540	27.2	38.1	49.5	72.3	91.0	99.1	100
Unsecured bond	2,571	52.7	72.0	78.5	86.8	92.9	99.4	100
Recognizance/citation release	12,765	18.7	45.3	63.2	82.4	93.4	99.6	100
Most serious arrest charge								
Violent offenses	5,374	15.6%	33.1%	47.3%	70.2%	86.3%	98.7%	100%
Property offenses	9,659	28.8	53.1	64.1	80.0	93.0	99.8	100
Drug offenses	10,852	20.0	43.6	58.5	80.6	93.5	99.5	100
Public-order offenses	2,461	24.0	50.8	62.7	77.8	88.3	99.1	100

Note: Data on time from arrest to pretrial release were available for 97% 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. *The day of arrest or the following day.

Table 10. Released felony defendants who failed to make a scheduled court appearance, by selected characteristics, 1988

Defendant characteristic	Defendants released in the 75 largest counties	
	Number of defendants	Percent who failed to appear in court*
All released defendants	29,163	24%
Most serious arrest charge		
Violent offenses	5,553	20%
Property offenses	9,995	25
Drug offenses	11,068	28
Public-order offenses	2,547	14
Sex		
Male	24,372	25%
Female	4,739	22
Age		
Under 21	6,470	23%
21-24	5,965	27
25-29	6,288	27
30-34	4,340	23
35 or older	5,718	22
Type of release		
Surety bond	6,895	20%
Full cash bond	3,680	26
Deposit bond	2,652	27
Unsecured bond	2,588	22
Recognizance/citation release	12,884	27
Number of prior convictions		
5 or more	3,036	35%
2-4	4,864	26
1	3,705	23
None	15,109	22
Most serious prior conviction		
Felony	7,003	28%
Misdemeanor	5,005	26
None	15,109	22

Note: Data on court appearance records were available for 99% of cases involving a defendant released prior to case disposition. Detail may not add to total because of rounding. *See *Methodology* for the definition of "failure to appear."

The percentage of defendants who failed to appear varied according to the type of arrest charge and the type of release. Released drug defendants (28%) failed to make a scheduled court appearance twice as often as defendants charged with public-order offenses (14%). Defendants released on a surety bond failed to appear in 20% of the cases, a slightly lower percentage than for deposit bond (27%), recognizance or citation release (27%), or full cash bond (26%).

Defendants with more extensive criminal records failed to meet their court appointments at a higher rate than defendants with shorter conviction histories. Among released defendants with five or more prior convictions, 35% failed to appear, compared with 22% of defendants with no prior convictions.

When defendants failed to make a court appearance, 35% failed within a month of their release, and 70% failed within 3 months. The median time between pretrial release and a missed court appearance was 51 days.

All defendants who failed to make a scheduled court appearance within:	
1 week	6%
1 month	35
3 months	70
6 months	87
1 year	100
Median	51 days

Little variation by type of offense was found in the amount of time between release and missed court appearances.

Return of fugitive defendants to the court

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 were returned within 3 months.

All defendants who failed to appear and who were returned to court within:	
1 week	13%
1 month	32
3 months	51
6 months	61
1 year	66
Not returned	34

By the end of the 1-year study period, two-thirds of these defendants had been returned to the court, with about a third remaining fugitives.

Among those who failed to appear, the percentage of defendants who were still fugitives at the end of the study was higher for those released on full cash bond (43%) than for those released on surety bond (26%) or unsecured bond (27%).

Type of release	Of defendants who failed to appear, those who were still fugitive after 1 year
All types	34%
Deposit bond	35
Full cash bond	43
Surety bond	26
Unsecured bond	27
Recognizance or citation release	36

Overall, about 8% of released felony defendants had failed to appear and were still fugitives at the end of the year long study.

Felony rearrest of defendants on pretrial release

In addition to considering the likelihood that a released defendant may not show up for

scheduled court appearances, the court may also assess the risk to the community if a defendant is granted pretrial release. Felony rearrest data collected during the 1-year study indicated that about 18% of released defendants were rearrested for a felony offense committed while on pretrial release (table 11).*

Defendants in different age groups and those with different criminal backgrounds were rearrested at different rates. Defendants under age 21 had a higher rearrest rate (21%) than defendants age 35 or older (13%). Defendants charged with public-order offenses (who were older on average than other types of defendants) had the lowest rearrest rate (12%). Defendants with five or more prior convictions had a felony rearrest rate of about 30%, twice that of released defendants who had no prior

*Because felony rearrest data were generally limited to the county which granted the initial pretrial release, it is likely that the reported rates of rearrest are slightly lower than the actual rates of rearrest.

Table 11. Whether felony defendants were rearrested for a felony while on pretrial release, by selected defendant characteristics, 1988

Defendant characteristic	Felony defendants released before case disposition in the 75 largest counties							
	Number of defendants	Most serious felony rearrest charge						
		Total	No felony rearrest	Total	Violent offense	Property offense	Drug offense	Public-order offense
All released defendants	28,972	100%	82%	18%	3%	5%	6%	4%
Most serious original arrest charge								
Violent offenses	5,448	100%	84%	16%	7%	4%	3%	3%
Property offenses	9,918	100	82	18	3	9	2	4
Drug offenses	11,201	100	81	19	2	2	11	4
Public-order offenses	2,404	100	88	12	3	1	2	6
Sex								
Male	24,183	100%	82%	18%	4%	5%	6%	4%
Female	4,740	100	87	13	1	4	4	5
Age								
Under 21	6,460	100%	79%	21%	5%	7%	6%	3%
21-24	5,970	100	82	18	4	4	6	5
25-29	6,223	100	81	19	3	6	6	4
30-34	4,299	100	83	17	2	4	6	4
35 or older	5,833	100	87	13	2	4	4	3
Number of prior convictions								
5 or more	3,048	100%	70%	30%	5%	9%	10%	5%
2-4	4,795	100	81	19	3	6	7	3
1	3,682	100	83	17	3	5	5	4
None	15,105	100	85	15	3	4	5	3
Most serious prior conviction								
Felony	6,989	100%	77%	23%	4%	8%	8%	3%
Misdemeanor	4,933	100	80	20	4	5	6	5
None	15,105	100	85	15	3	4	5	3

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 usually not available. If a jurisdiction did not know

whether a defendant had been rearrested, a presumption was made that the defendant had not been rearrested. One jurisdiction that could not provide access to any rearrest data was excluded from the table. Detail may not add to total because of rounding.

convictions. About 52% of all rearrested defendants were rearrested for the same type of felony as the charge already pending against them. Among released drug

defendants who were rearrested for a felony while on pretrial release, 57% were rearrested for a drug offense. Similarly, 52% of rearrested defendants initially

charged with a public-order offense or a property offense were rearrested for the same type of offense. An estimated 42% of rearrested violent crime defendants were charged with a new violent offense.

Table 12. Time from pretrial release to rearrest for a felony, by the most serious original arrest charge, 1988

Most serious original arrest charge	Number of defendants	Median number of days	Released and rearrested felony defendants in the 75 largest counties who were rearrested within:				
			1 week	1 month	3 months	6 months	1 year*
All offenses	4,213	64 days	9%	32%	65%	89%	100%
Violent offenses	767	77	10	31	59	87	100
Property offenses	1,415	61	9	32	67	91	100
Drug offenses	1,825	61	7	32	67	89	100
Public-order offenses	205	47	28	45	67	92	100

Note: Data on time from pretrial release to rearrest for a felony were available for 88% of all cases involving a defendant who was rearrested for a felony while on pretrial release. Information on rearrests in jurisdictions other than the one granting the pretrial release was usually not available. One jurisdiction that could

not provide access to any rearrest data was excluded from the table. Detail may not add to total because of rounding.

*Rearrest data were collected for 1 year. Defendants who were rearrested for a felony after the study period are excluded from the table.

The median amount of time from pretrial release to a rearrest for a felony was 64 days — ranging from 47 days, for those released after a charge for a public-order offense, to 77 days, for those released after a charge for a violent offense (table 12). Among released felony defendants who were rearrested within 1 year, about 9% of the arrests occurred within a week of pretrial release, and 32% occurred within 1 month. Twenty-eight percent of the rearrests of public-order defendants were within a week of their release. This compares with 10% of the rearrests of defendants originally charged with a violent offense, 9% of the rearrests of property defendants, and 7% of the rearrests of drug defendants.

Table 13. Rearrested felony defendants re-released or not re-released, by the most serious felony rearrest charge, 1988

Most serious felony rearrest charge	Number of defendants	Released and rearrested felony defendants in the 75 largest counties						
		Total	Percent re-released			Percent not re-released		
			Total	Financial	Non-financial	Total	Held on bail	Held without bail
All offenses	4,287	100%	65%	48%	17%	35%	32%	3%
Violent offenses	856	100	58	43	14	42	38	4
Property offenses	1,381	100	64	46	18	36	32	4
Drug offenses	1,545	100	64	53	11	36	34	1
Public-order offenses	505	100	81	48	34	19	16	3

Note: Data on detention-release outcome for felony rearrests were available for 90% of all cases involving a defendant who was rearrested for a felony while on

pretrial release. Detail may not add to total because of rounding.

Re-release of rearrested defendants

Once a felony defendant is rearrested, the court must again decide whether to grant bail to the defendant, what bail amount to set, and the terms of release. Almost two-thirds (65%) of the defendants who were released on an initial felony charge and who were subsequently rearrested for a new felony during the 1-year study were re-released (table 13). About three-fourths of these re-released defendants received a financial release. The highest percentage of re-released defendants was for those rearrested for a public-order offense (81%). This was higher than the percentages for those rearrested for a property offense (64%), a drug offense (64%), or a violent offense (58%). About 3% of rearrested felony defendants were denied bail after their rearrest.

Table 14. Time from arrest to adjudication, by whether released or detained and the most serious original arrest charge, 1988

Detention-release outcome and most serious original arrest charge	Number of defendants	Median number of days	Felony defendants in the 75 largest counties					Percent not adjudicated within 1 year
			Number of cases adjudicated within:					
			1 week	1 month	3 months	6 months	1 year	
Released defendants								
All offenses	29,407	122 days	2%	14%	40%	63%	81%	19%
Violent offenses	5,581	135	2	11	36	61	80	20
Property offenses	10,019	113	1	15	42	66	83	17
Drug offenses	11,240	126	3	15	40	62	78	22
Public-order offenses	2,567	104	2	16	46	71	86	14
Detained defendants								
All offenses	15,312	37 days	14%	45%	76%	91%	96%	4%
Violent offenses	3,855	68	9	28	59	79	91	9
Property offenses	6,095	32	14	49	81	95	98	2
Drug offenses	4,279	29	16	50	81	93	98	2
Public-order offenses	1,083	25	18	56	82	94	98	2

Note: Data on time from arrest to adjudication were available for 97% of all 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.

Adjudication and sentencing

The median time from the original felony arrest to adjudication of that charge was greater for released defendants (122 days) than for those who had remained in detention (37 days) (table 14). Almost half (45%) of the cases of detained defendants were adjudicated within 1 month of the arrest. This was about 3 times the percentage of released defendants' cases (14%) that were adjudicated during the same period. 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 (9%) were

the least likely to have their case adjudicated within a year of their arrest. About 2% of detained defendants charged with a property, drug, or public-order offense were still awaiting adjudication of their case after 1 year.

Overall, a higher percentage of detained defendants (79%) than released defendants (66%) were convicted (table 15). Among detained defendants 64% were convicted of a felony, compared with 49% of released defendants. About a sixth of both detained and released defendants were convicted of a misdemeanor. The lowest conviction rate in the cases from the 75 largest counties was for released defendants who were charged with a violent offense (54%).

Upon conviction, 83% of detained defendants were sentenced to incarceration (table 16). About 50% of the released defendants who were convicted were sentenced to incarceration. Defendants who were detained until case disposition were twice as likely to be eventually convicted and sentenced to incarceration as those who were released (66% versus 33%).

An estimated 55% of the detained defendants who were sentenced to incarceration received a State prison term, with the remainder receiving a jail sentence. About 43% of the released defendants receiving a sentence to incarceration were sentenced to State prison. Overall, detained defendants who had been convicted were about twice as likely as released defendants to receive a State prison sentence. Defendants who were charged with a violent offense and detained until trial were the most likely to be eventually convicted and sentenced to State prison (43%).

Table 15. Adjudication outcome for felony defendants, by whether released or detained and the most serious original felony arrest charge, 1988

Detention-release outcome and most serious original felony arrest charge	Defendants arrested for a felony in the 75 largest counties							
	Number of defendants	Percent convicted				Percent not convicted		
		Total	Total convicted	Most serious conviction offense		Total not convicted	Dis-mitted/acquitted	Other nonconviction
			Felony	Misdemeanor				
Released defendants								
All offenses	24,210	100%	66%	49%	17%	34%	25%	8%
Violent offenses	4,517	100	54	37	17	46	37	10
Property offenses	8,502	100	71	50	20	29	23	6
Drug offenses	8,955	100	67	54	12	33	23	10
Public-order offenses	2,237	100	75	52	23	25	20	5
Detained defendants								
All offenses	14,856	100%	79%	64%	16%	21%	17%	4%
Violent offenses	3,593	100	73	61	12	27	22	5
Property offenses	5,996	100	83	64	19	17	14	3
Drug offenses	4,204	100	79	66	13	21	17	3
Public-order offenses	1,063	100	79	57	21	21	17	5

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 99% of all cases that had reached the adjudication stage at the end of 1 year. Detail may not add to total because of rounding.

Table 16. Sentencing outcome for convicted defendants, by whether released or detained and the most serious original felony arrest charge, 1988

Detention-release outcome and most serious original felony arrest charge	Defendants convicted in the 75 largest counties					
	Number of defendants	Total	Percent sentenced to incarceration			Percent not sentenced to incarceration
			Total	Prison	Jail*	
Released defendants						
All offenses	13,703	100%	50%	21%	29%	50%
Violent offenses	1,991	100	61	28	33	39
Property offenses	5,204	100	44	18	26	56
Drug offenses	5,019	100	53	23	29	47
Public-order offenses	1,488	100	47	19	28	53
Detained defendants						
All offenses	10,729	100%	83%	46%	37%	17%
Violent offenses	2,388	100	89	59	30	11
Property offenses	4,550	100	80	44	36	20
Drug offenses	3,031	100	84	40	44	16
Public-order offenses	760	100	84	42	42	16

Note: Information on sentencing outcome was available for 88% of all cases 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.

Methodology

The 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 had to be dropped from the sample at which point no site could be substituted for it) 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 February 1988. The participating jurisdictions included every defendant who had a felony case filed on selected days during that month. The number of days selected depended on the first-stage stratum in which the county had been placed. One week's worth of filings were selected in the first two strata, 2 weeks' filings in the third stratum, and all felony filings for the month were selected from jurisdictions in the fourth stratum.

Data on 11,063 sample felony cases were collected from the 39 sampled jurisdictions. This sample represented more than 47,000 weighted cases filed during the month of February 1988 in the 75 most populous counties. Cases that because of incomplete information could not be classified into one of the four major crime categories (violent, property, drug, public-order) were omitted from the analysis. This reduced the weighted total for this report to 46,921 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 participating counties: 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 (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); Washington (King); and Wisconsin (Milwaukee).

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% 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 property 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, kidnapping, 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 to 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 sale/trafficking — Includes trafficking of controlled substances, sales, distribution, possession with intent to distribute or sell, manufacturing, or smuggling. 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 — 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 — 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 — 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 to him or her. 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. The full amount of the bail is required if the defendant fails to appear in court. The percentage bail is returned after the disposition of the case, but the court often retains 1% for administrative costs.

Surety bond — A third party, usually 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 must pay the court 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.

Bureau of Justice Statistics Bulletins are prepared principally by BJS staff. Brian Reaves wrote this Bulletin. Jacob Perez and John Dawson provided statistical assistance. Thomas Hester edited this Bulletin. The staff of the Pretrial Services Resource Center collected and processed the data. Marilyn Marbrook administered production, assisted by Jayne Pugh, Priscilla Middleton, and Yvonne Boston.

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How to order the data set

Data utilized in this report are available from the National Archive of Criminal Justice Data at the University of Michigan, P.O. Box 1248, Ann Arbor, MI 48106; toll free 1-800-999-0960. The data set is archived as the National Pretrial Reporting Program (ICPSR 9508).