

WHAT HAPPENS AFTER ARREST IN OREGON?

**A PILOT STUDY OF FELONY
ARRESTS IN 11 OREGON COUNTIES**

**Prepared By The
Oregon Law Enforcement Council**

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ACQUISITIONS

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IN 11 OREGON COUNTIES

Prepared by the
OREGON LAW ENFORCEMENT COUNCIL

November, 1978

Keith A. Stubblefield
Administrator

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The district planners who contributed in this survey were: Jack Bails, Columbia Region Association of Governments; Billy Wasson and William Deist, Mid-Willamette Council of Governments; Martin Loring, District Four; and Barbara McGuire, District Fourteen. There were also many persons employed with the circuit courts, county clerks, and district attorneys offices who were all very valuable and continually helpful.

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This study was conducted by the OLEC Planning and Data Analysis Unit. Richard A. Jones had primary responsibility for writing the report. Robert Willstadter, a private consultant, wrote portions of the Executive Summary. Pamela Erickson Gervais supervised much of the data collection effort. Other agency staff who directly assisted in the production of this report were William Hickok who ran the programs to compile the data and LeeAnn Pugh, Secretary.

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EXECUTIVE SUMMARY

Introduction and Methodology

The objective of this survey was to compile statistics on the judicial system response to arrests for each of the more serious Part I offenses of the Uniform Crime Reports: Murder, Negligent Manslaughter, Forcible Rape, Robbery, Burglary, Aggravated Assault, Larceny, and Motor Vehicle Theft.¹ Except for Negligent Manslaughter, these offenses have been designated by the International Association of Chiefs of Police as Index Crimes because of their seriousness, frequency of occurrence, and likelihood of being reported to the police (Kelly, 1977).

Approximately 1000 Part I felony arrests in Administrative Districts 2, 3, 4, and 14 were analyzed. Together, these districts comprised about 68 percent of the Part I crimes during 1976. Basic data on arrestees and their arrest charge, along with other pertinent information, were extracted from the automated criminal history records. All arrests for Criminal Homicide were surveyed and a random sample of the arrests for the other crime categories was selected.

Overview of Prosecution and Disposition of Arrests

Figure 1 presents an overview of the judicial system response to Part I felony arrests in Districts 2, 3, 4, and 14. Part A of Figure 1 presents results averaged over all of the Part I felony arrests; Part B presents results for the violent felony offenses; and Part C presents results for the felony offenses involving property crimes.

As might be expected, because there is a body to explain and because of its serious nature, a police charge of Homicide has the most severe implications in terms of judicial system response: 89.8 percent of police charges of Homicide are filed in circuit court; 70.5 percent result in circuit court conviction; 53.4 percent result in some incarceration; and 40.1 percent result in incarceration over one year.

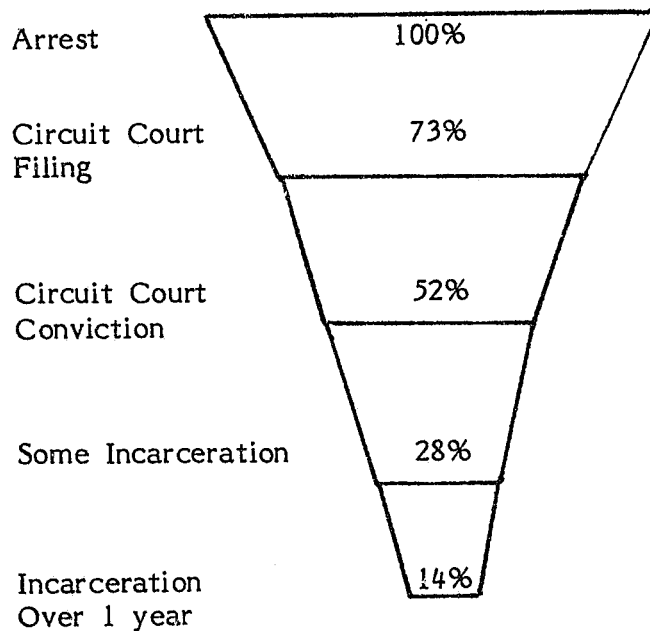
Of the violent crimes, a police charge of Aggravated Assault has the least severe consequences on an overall statistical basis. An apparent reason for this is that many of the Aggravated Assaults involve "family beefs", in which the victim ultimately does not wish to pursue prosecution. A police charge of Aggravated Assault has the least chance of being filed in circuit court (60.1 percent). This is lower not only than the other violent crimes, but also lower than the Part I property crimes: Burglary, Larceny and Motor Vehicle Theft. Similarly, the likelihood that a police charge of Aggravated Assault will result in incarceration is significantly less than for charges of the other violent Part I crimes. The chances that it will result in incarceration are roughly the same as for police charges of Larceny and Motor Vehicle Theft. It should be noted, however, that convictions for Aggravated Assault are more likely to result in incarceration than convictions for property crimes.

¹The statistics were to include at a minimum the number and percentages of adult felony arrests for each Part I crime leading to a filing at the felony trial court level, and the resultant dispositions, convictions, and sentences in accordance with an agreement with the former Regional Office X of LEAA.

FIGURE 1

CRIMINAL JUSTICE FUNNELING EFFECTS

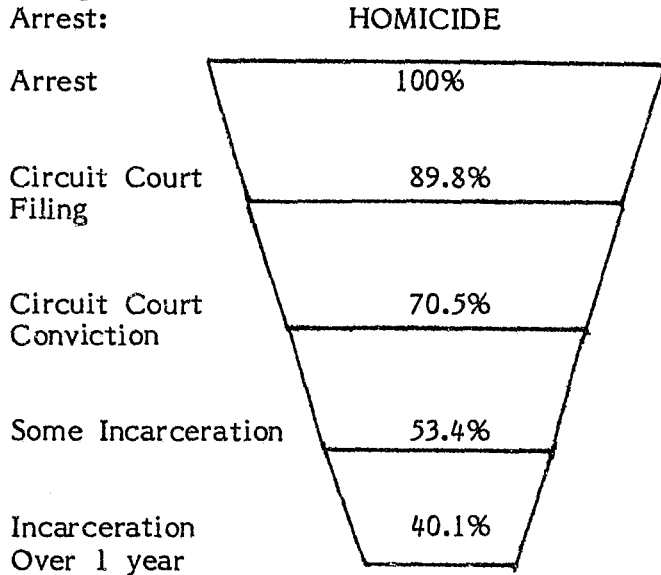
A. Overall Results for part I Felony Arrests
In Districts 2, 3, 4 & 14



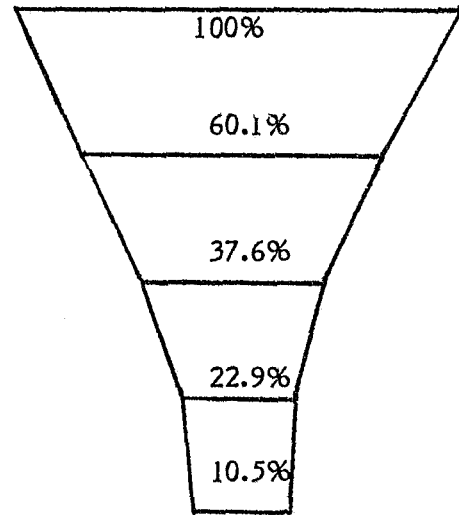
CRIMINAL JUSTICE FUNNELING EFFECTS

B. Violent Crimes

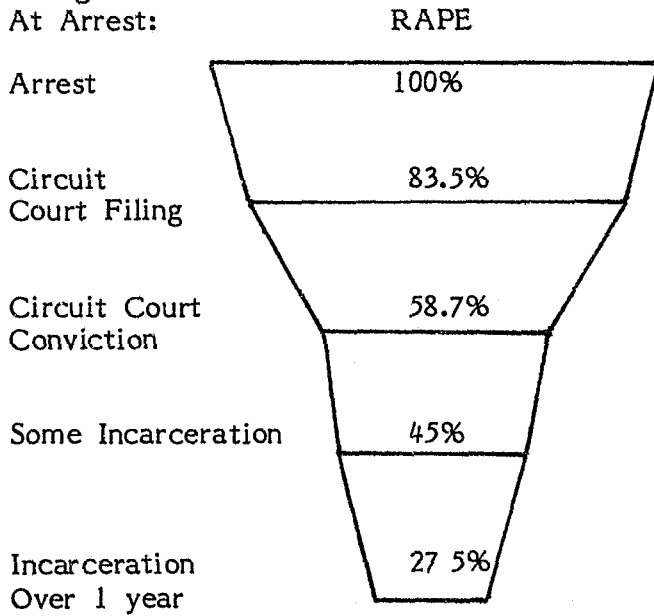
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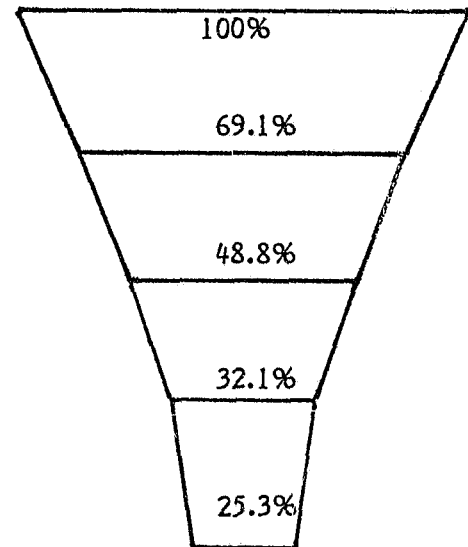
AGGRAVATED ASSAULT



Charge At Arrest:



ROBBERY



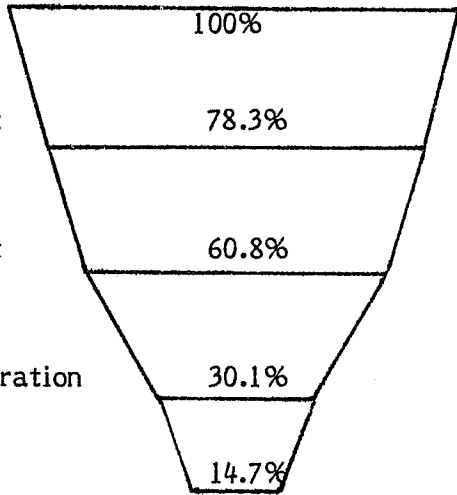
CRIMINAL JUSTICE FUNNELING EFFECTS

C. Property Crimes

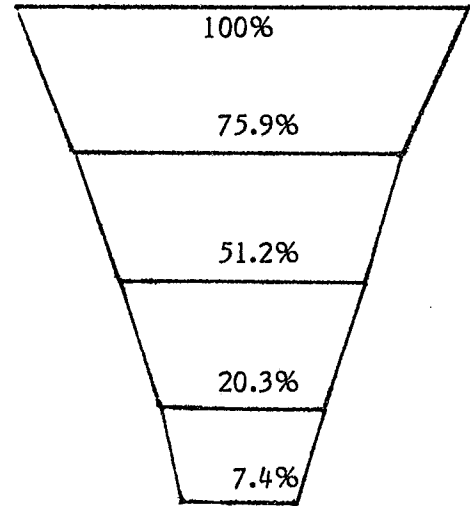
Charge At Arrest:

BURGLARY

Arrest
Circuit Court Filing
Circuit Court Conviction
Some Incarceration
Incarceration Over 1 year



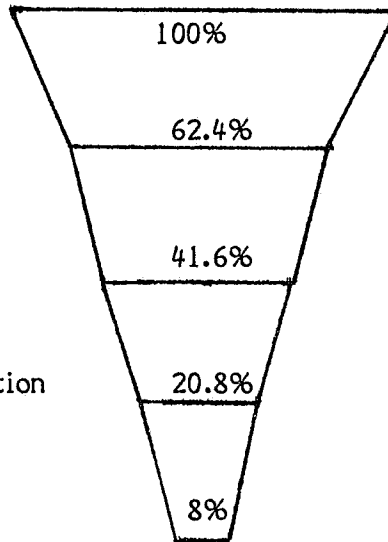
LARCENY



Charge At Arrest:

MOTOR VEHICLE THEFT

Arrest
Circuit Court Filing
Circuit Court Conviction
Some Incarceration
Incarceration Over 1 year



Overview From Various Perspectives

In presenting the likelihood of circuit court filing, conviction and incarceration, Figure 1 is basically from the perspective of risk to the offender. There are, however, other perspectives, some of which are essentially the same as that presented, and some of which are somewhat different.

Figure 2 presents criminal justice performance from the varying perspectives of the police, the prosecutor, the victim, as well as from an economic perspective.

Having made a felony arrest, the police will generally be interested in the likelihood that it will result in a circuit court conviction, or perhaps more importantly, in a conviction on the arrest charge. The percent of Criminal Homicide arrests resulting in circuit court conviction is, as previously indicated, 70.5 percent higher than the circuit court conviction rates corresponding to arrest charges for any other crime. However, more than 60 percent of circuit court convictions corresponding to the police charges of Criminal Homicide are for charges other than Criminal Homicide.

For those concerned with conviction on the arrest charge, Motor Vehicle Theft ranks the highest (31.2 percent of the arrest charges). Motor Vehicle Theft is the only arrest charge for which the majority of circuit court convictions are not for another crime. Approximately 75 percent of circuit court convictions corresponding to arrest charges of Motor Vehicle Theft result in convictions on the same charge.

Because the arrest criterion involves probable cause rather than proof beyond a reasonable doubt and because there may be some additional related problems such as lack of witness cooperation, the prosecutor assesses criminal justice performance in relation to the charges filed by his office. More specifically, the prosecutor frequently assesses performance in terms of the percent of circuit court filings resulting in conviction. This tends not to vary so greatly from crime to crime as some of the other measures. It ranges from a high of 78.5 percent in the case of Criminal Homicide to a low of 62.5 percent in the case of Aggravated Assault.

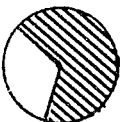
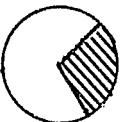
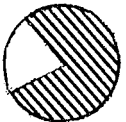

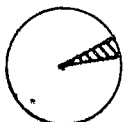

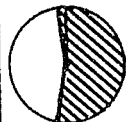
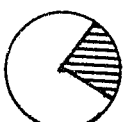
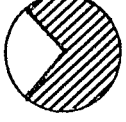
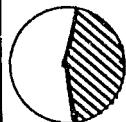
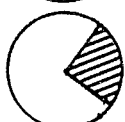
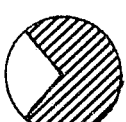
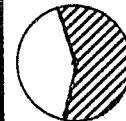
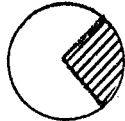
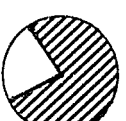

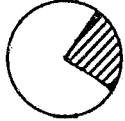


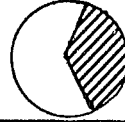

Another performance measure from the prosecutor's perspective is the proportion of completed prosecutions resulting in conviction. This measure excludes dismissals and other terminations of prosecution. While it is not depicted in Figure 2, it should be noted that this performance measure generally is well over 90 percent.

Typically, the victim's perspective is highly related to the risk to the offender. Depending on the crime, the criminal and the circumstances, the victim will tend to be most interested in either the likelihood that the offender receives some incarceration, that the offender is incarcerated for more than one year or that restitution is ordered. For violent crimes other than "family beefs" resulting in Aggravated Assault, the victim will generally be interested in incarceration over one year or restitution ordered. For property crimes, he may, depending on specifics, be interested in seeing that the felony arrest results in some incarceration, not necessarily in incarceration over one year, or that restitution is ordered. Results are summarized in Figure 2B.

FIGURE 2

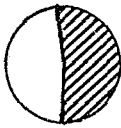
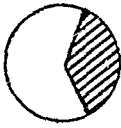
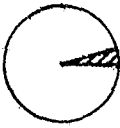


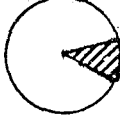
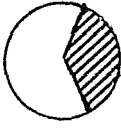
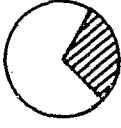
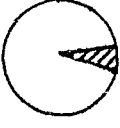
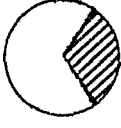
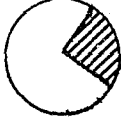
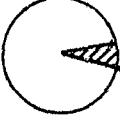
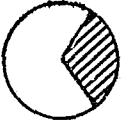

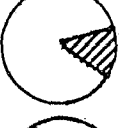
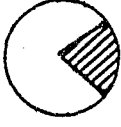

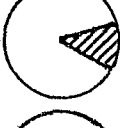
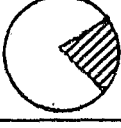


CRIMINAL JUSTICE PERFORMANCE
FROM VARIOUS PERSPECTIVES

A. Police/Prosecutor Perspective

	Police Perspective		Prosecutor Perspective
	% Felony Arrests Resulting In:		% Circuit Court Filings
	Circuit Court Conviction	Conviction On Arrest Charge	Resulting in Conviction
<u>Violent Crimes</u>			
Criminal Homicide	 70.5%	 26.1%	 78.5%
Agg. Assault	 37.6%	 7.1%	 62.5%
Forcible Rape	 58.7%	 23.9%	 70.3%
Robbery	 48.8%	 23.5%	 70.5%
<u>Property Crimes</u>			
Burglary	 60.8%	 28.7%	 77.7%
Larceny	 51.2%	 23.5%	 67.5%
M.V. Theft	 41.6%	 31.2%	 66.7%

**CRIMINAL JUSTICE PERFORMANCE
FROM VARIOUS PERSPECTIVES**

B. Victim Perspective

	% Felony Arrests Resulting In:		Restitution Ordered
	Some Incarceration	Incarceration Over 1 Year	
<u>Violent Crimes</u>			
Criminal Homicide	 53.4%	 40.1%	 4.5%
Agg. Assault	 22.9%	 10.5%	 11.2%
Forcible Rape	 45.0%	 27.5%	 6.4%
Robbery	 32.1%	 25.3%	 5.5%
<u>Property Crimes</u>			
Burglary	 30.1%	 14.7%	 17.5%
Larceny	 20.5%	 7.4%	 16.7%
M.V. Theft	 20.2%	 8.0%	 11.2%

CRIMINAL JUSTICE PERFORMANCE
FROM VARIOUS PERSPECTIVES

C. Economic Perspective

% Felony Arrests Resulting In:
Use of Probation

Violent Crimes

Criminal Homicide  21.6%

Agg. Assault  23.3%

Forcible Rape  25.7%

Robbery  18.5%

Property Crimes

Burglary  38.5%

Larceny  35.2%

M.V. Theft  25.6%

Out of context of economic considerations, the average citizen would probably view the system in a manner very similar to that of the victim. However, recognizing that jails and prisons are quite expensive, this view will be tempered by an economic perspective. From this perspective, one might be concerned with the percent of felony arrests involving some use of probation in lieu of incarceration (not necessarily to the extent of eliminating the incarceration).

Figure 2C presents the view of criminal justice performance from an economic perspective. As one might expect, the more economical sanctions (probation in lieu of incarceration) are used more frequently for property crimes, which tend to be of a less serious nature than violent crimes.

Days to Disposition

The median days from date of arrest to the date of final circuit court disposition were 66 days. Two-thirds of the arrests leading to prosecution in the circuit court were disposed within three months and nine out of ten were disposed within six months. It took longer to convict someone by trial as opposed to by plea (17 days difference) and the median days for dismissal were 58 as opposed to 91 days for acquittals. The average days to disposition were shorter for crimes involving property than for crimes of violence.

Age at Arrest

The mean and median ages of the persons associated with the Part I felony arrests surveyed were to the nearest whole year, 28 years and 25 years, respectively. The average age of the arrestees associated with acquittals and dismissals was approximately two years older than those convicted.

Conclusions

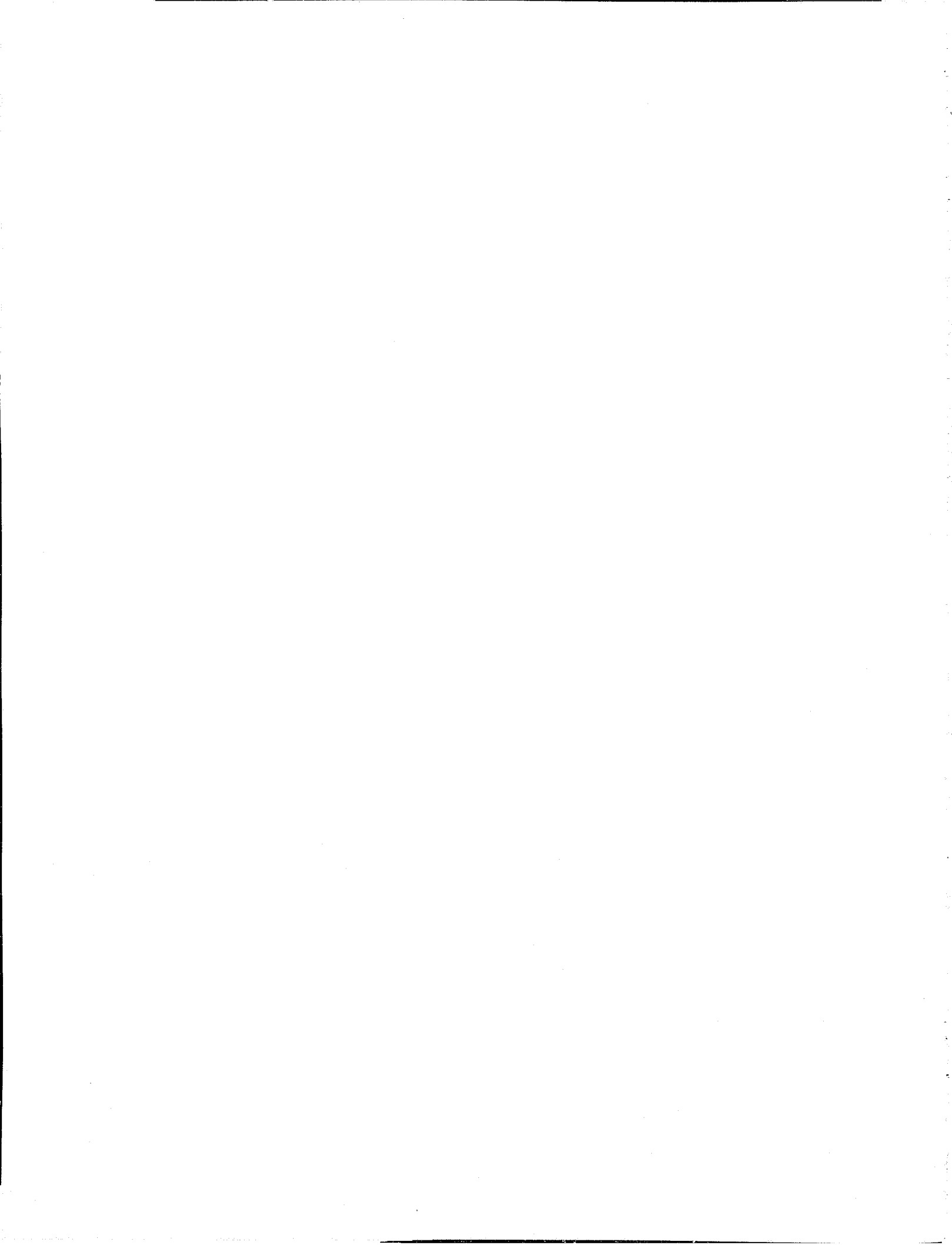
This study shows that while Oregon's judicial system appears to compare somewhat favorably with others in the nation, there is a need to find out why a significant portion of arrestees do not get convicted, to develop record systems that permit tracking offenders and to establish standards for statistics.

The preceding discussion constitutes an overview of the salient study findings. More detailed discussions relating to procedures employed and results in terms of the charging decision, plea negotiation, convictions, sentencing practices, court processing and offender characteristics are presented in the pages which follow.



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INTRODUCTION

Criminal justice planning is characterized by a wealth of statistical information on crime and arrests but little on what typically happens after arrest. Although the data does exist, it has been fragmented to the point it requires a substantial effort to organize the data coherently. As a result, it has been most difficult to view criminal justice as an integrated system. This situation has severely hampered centralized criminal justice planning by precluding a statistical overview of the system and its performance.

Absence of a statistical overview may be obscuring some of the success of our efforts to curb crime and improve the system. For example, the Oregon Law Enforcement Council has awarded many grants (Goff, 1978) within its Crime Prevention Program. Such projects often involve efforts that include marking property for identification and increasing the investigation of burglaries. These projects, as well as many others, should be resulting in more apprehended offenders being convicted. Unfortunately, statistics on the normal numbers and rates of conviction are not generally available.

System statistics have assisted others in the identification of exceptional problems. For instance, in an experimental study a criminal justice planning agency in Joliet, Illinois, tracked its major criminal offenders through their criminal justice system. Researchers discovered that more than half of the persons arrested either had the original police charge reduced or were not prosecuted at all (Fitzgerald, 1976). Persons arrested for felonies who were later prosecuted on misdemeanors were able to significantly delay adjudication by simply requesting a jury trial. Chances of not being convicted were improved. The misdemeanor backlog was so great that it was taking approximately two years for a trial by jury and one fourth of the persons tracked were awaiting adjudication on another crime at the time of their arrest.

Availability of a statistical overview of Oregon's criminal justice system should also assist long-range planning by pointing out areas for future study. In the District of Columbia, the Institute for Law and Social Research (Forst, 1977) discovered that more than 70 percent of 17,534 arrests for felonies and serious misdemeanors in 1974 did not lead to a conviction. Furthermore, only 32 percent of those convicted were incarcerated. The Institute considered such findings to be worthy of further study and set out to analyze and document why so many arrests failed in the court system.

Compiling such statistics, however, is a formidable undertaking because it requires tracking the alleged offender, the charges, and the various events and decisions from arrest to final disposition. To compile and analyze such statistics on an ongoing basis involves altering the ways that data are recorded, organized, and processed.

The concept of an information system to collect and compile system statistics based upon tracking individual offenders became popularized as a result of the multi-state project SEARCH. From this effort evolved a basic conceptual design for state operated systems which would collect and analyze the data. Such systems were envisioned to provide basic knowledge on the distribution of various events linked to the tracking of offenders: criminal cases not prosecuted, the utilization of grand juries, cases that went to trial, numbers detained while awaiting trial, numbers who served short-term sentences in local jails, numbers fined and placed on probation; and broader measures of recidivism (SEARCH, 1970).

These systems (Pope, 1975) were also to provide the capacity to address such pertinent issues as: assuring rights to a speedy trial, reducing sentence disparity for those exercising their constitutional right to trial, reducing sentence disparity between types of trials (by judge and juries) and analyzing other decisions at each stage as they affect later outcomes.

This pilot study was designed to provide statistics on some of the judicial system responses made subsequent to arrests for certain serious crimes. Since Oregon is without a set of expectations for what these statistics should be, this effort provides a baseline effort from which to proceed. Additionally, the study should assist in determining what kinds of data need to be collected on an on-going basis.

METHODOLOGY

For purpose of this study, Part I offenses were defined operationally by alleged felony violators of specific Oregon statutes. Table I summarizes the specific statute violations selected, together with the corresponding maximum term and related UCR Part I offense.

Table I. Statute Violations Surveyed.

<u>Selected Oregon Felonies</u>	<u>Ordinary Maximum Imprisonment</u>	<u>Related Part I Offense</u>
Murder	Life	Murder
Manslaughter I	20 years	Negligent Manslaughter
Manslaughter II	10 years	Negligent Manslaughter
Crim. Neg. Homicide	5 years	Negligent Manslaughter
Rape I	20 years	Forcible Rape
Robbery I	20 years	Robbery
Robbery II	10 years	Robbery
Robbery III	5 years	Robbery
Assault I	20 years	Aggravated Assault
Assault II	10 years	Aggravated Assault
Burglary I	20 years	Burglary
Burglary II	5 years	Burglary
Theft I	5 years	Larceny
Unauthorized Use of Motor Vehicle	5 years	Motor Vehicle Theft

The principal consideration in establishing the size of the survey was the objective of providing system statistics within the limited resources. An initial estimate of the time to collect the data and transform it into a form amenable to compilation was 500 arrests and their associated records per month. Other time considerations, principally the availability of staff, set the total sample size at being on the order of one thousand and not more than two thousand.

Since there are many more arrests for property crimes than for violent crimes, a sample which was a fixed percentage of the total Part I arrests would have resulted in unreasonably small samples for the less frequent violent crimes. Based upon these two considerations, it was initially decided that the optimum sampling design would be on the order of 125 arrests per crime category.

Each of the fourteen Administrative Districts was invited to participate in the survey. The criminal justice planners representing Districts 2, 3, 4, and 14 responded, volunteering their assistance and cooperation. These four districts together comprised about 62 percent of the state's population and accounted for about 68 percent of the Part I crime during 1976. The counties which make up these districts are: Clackamas, Multnomah, Washington in District 2; Marion, Polk, Yamhill in District 3; Benton, Lincoln, Linn in District 4; and Harney, Malheur in District 14.*

*Columbia County which is a part of District 2 was not included in the survey.

An initial data base of charges at arrest was constructed from criminal history records collected by the Oregon State Police Bureau of Identification. This data base compiled the crimes cited at arrest for the Fiscal Year 1976 (July 1975 through June 1976) for the whole of the four districts. The counts of the arrests for the selected felonies and the random samples selected per crime category are shown on Table 2. Some categories of felony arrests did not reach the 125 objective and some were over sampled and not subsequently reduced as anticipated.² Due to their small numbers, the charges of Murder, Manslaughter, and Criminal Negligent Homicide were grouped into a category of Criminal Homicide.

Table 2. Arrests for Part I Felonies in Administrative Districts 2, 3, 4, and 14 During Fiscal Year 1976 and the Number of Arrests Surveyed.

	Criminal Homicide	Aggravated Assault	Forcible Rape	Robbery	Burglary	Larceny	Motor Vehicle Theft
Total	88	380	115	440	1,176	711	394
Surveyed	88	258	109	162	143	162	125

The Oregon Revised Statute citation number at arrest, the defendant's state identification number, date of birth, date of arrest, and the police agency responsible for the arrest were extracted from the data base. The extracted information was used to create and print a data collection form for each charge and which was designed to record the initial prosecution charge in circuit court, the ultimate disposition or decision, the date of disposition, the sentence and the charge at final disposition.³

It had been anticipated that not all of the persons arrested would be prosecuted at the felony trial court level. Provisions were also made to record: (1) that there was no record of prosecution in circuit court, (2) that prosecution had been declined; and added later, (3) that the case was known to have been filed in a lower court.

²Supplementary data was also collected for certain districts for individual district and county analysis. That analysis will be the subject of a separate report.

³A representation of the data collection form is included in Appendix A.

The Bureau of Identification supplied a list of names that matched the identification numbers and dates of birth. Names were not recorded on the forms to assist ensuring the confidentiality of the defendants. Precautions were also taken to ensure the security of the name lists. Further, the persons collecting the data were required to sign a statement of compliance with the privacy and security provisions.

There were 966 persons associated with the 1,047 charges which corresponds to about 108 charges for every 100 persons arrested. Sixty-five of the 966 persons (7 percent) were arrested on more than one of the selected charges. Some of these persons had been arrested more than once on what appeared to be separate unrelated charges having been arrested on different dates in different counties. However, some of these persons with more than one charge had been arrested for more than one crime in the same county on the same date. For purposes of simplicity each charge was treated as a separate arrest.

Data were collected by county in a staggered fashion over a five month period which began in June 1977 and was completed in November 1977. Only the records of the circuit courts and the district attorneys of the county which contained the law enforcement agency claiming responsibility for the arrest were queried. To have fully accounted for all arrests, it would have been necessary to search the records of the agencies making the arrests, the agencies responsible for the arrests, and the records of the lower courts.

Data were coded and transformed on punch cards which were processed at the Data Systems Division, Executive Department computer center. In order to prepare the data for analysis, several files and subfiles were created with a special purpose program written in COBOL. The statistics were compiled using a commercial report generator package and with some routine statistical programs written in FORTRAN. The data were analyzed during the months of December 1977, and March and April, 1978.

WHAT HAPPENS TO 100 TYPICAL ADULT FELONY ARRESTS?

The 1,047 arrests surveyed for this study were used to construct a model of what happens to 100 typical arrests. Adjustments were made to accommodate the fact that there are larger percentages of arrests in some crime categories than in others.

According to this model, 73 of the 100 arrests resulted in the filing of charges in a circuit court, the felony trial court, having territorial jurisdiction over the county where the arrest was made. For 54 of the 73 arrests, the charge filed would have been the same as the arrest charge. For the remaining 19, it would have been a different charge.

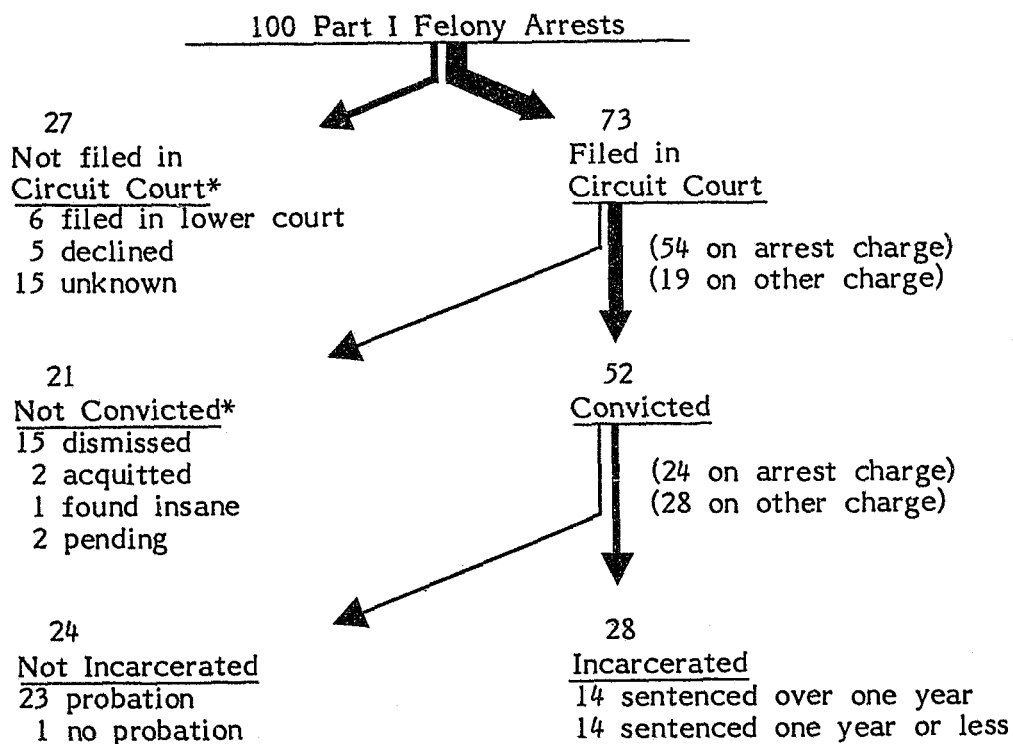


Figure 3. The Estimated Outcomes of 100 Typical Arrests for Part I Felony Offenses.

*Subtotals do not agree due to rounding.

Twenty-seven arrests would not have been reflected on any records of the respective circuit court. The district attorneys, in each county for these four districts, would have accounted for 11 of these arrests having declined prosecution on five arrests and filing six arrests in a lower court. The outcomes of fifteen arrests could not have been determined without further tracking.

Fifty-two arrests would have resulted in a conviction (guilty by plea or trial) in circuit court. In 24 of the convictions the arrestees would have been convicted on the arrest charge and the other 28 convictions would have been on some other charge or charges.

Twenty-one of the arrests leading to a circuit court record would not have resulted in a conviction with the majority of these (15) being dismissed. Two of the arrests would have resulted in the defendant being acquitted and one arrest would result in the arrestee being found not guilty by reason of insanity or mental defect. After two years, the outcomes of two arrests would remain pending.

Ultimately 28 of the arrests would have resulted in the offender being sentenced, on one or more charges, to some incarceration. Fourteen of the sentences would have specified a period of incarceration that was to be greater than one year.

In examining this model, the reader should be aware, that it is not necessarily reflective of the judicial system as a whole because adult felony arrests represent only a small part of arrests for all crimes. In 1976, approximately 21 percent of the total Part I arrests were for felonies. In addition, in that year, 52 percent of the Part I arrests were of juveniles who are primarily handled by the juvenile justice system. Consequently, the processing of adult felony arrests constitutes a relatively small portion of the criminal justice system's workload. Nevertheless, felonies are the most serious offenses in this society; and therefore, warrant special attention. In the following pages, the different stages of processing will be examined with attention to how outcomes vary by crime category.

PROSECUTION

The prosecutor is the pivotal actor in the processing of offenders. Once an arrests is made, it is the prosecutor who must decide whether or not to file charges and for what specific charge. At this point, the standard of assessing the offense changes. To make an arrest, an officer needs to have "probable cause." That is, he must have some reason to believe a particular person has committed a particular crime. The prosecutor has quite a different standard. To obtain a conviction on a felony charge, he must have evidence which will prove "beyond a reasonable doubt" that a particular person committed a particular crime. Using this standard, the prosecutor must screen cases and determine if sufficient evidence exists for a conviction or if such evidence might be obtained through follow-up investigation. Because of the difference between the two standards, a difference between the number of arrests and the number of charges filed must be expected.

The magnitude of that difference will depend on such things as the quality of case preparation, the resources available to police and prosecutors, and the degree of cooperation obtained from witnesses and victims.

Arrests Prosecuted. In this study, most of the persons arrested for felonies were formally accused on one or more charges in the circuit court. These persons accounted for 750 of the 1,047 arrests surveyed. The percentage of the arrests for each Part I crime category that resulted in a circuit court record varied considerably. As shown in Table 3., the percentages filed ranged from a low of 60 percent for Aggravated Assault to a high of 90 percent for Criminal Homicide. Arrests for Forcible Rape had the second highest rate filed and Motor Vehicle Thefts (MVT) had the second lowest at 62 percent.

Table 3. Part I Felony Charges at Arrest Resulting in Some Circuit Court Record.

Arrests for Part I Felonies							
	Criminal Homicide	Ag. Assault	Forc. Rape	Rob.	Burg.	Larc.	M.V. Theft
Arrests	88	258	109	162	143	162	125
Circuit Court Record	79	155	91	112	112	123	78
Percentage of Arrests	89.8%	60.1%	83.5%	69.1%	78.3%	75.9%	62.4%
No Circuit Court Record	9	103	18	50	31	39	47
Percentage of Arrests	10.2%	39.9%	16.5%	30.9%	21.7%	24.1%	37.6%

It is not necessarily valid to assume that the absence of a circuit court record meant that the arrestee was not prosecuted. Criminal proceedings may have been initiated in some other judicial district of the circuit court or some other court.

Arrests Not Prosecuted In Circuit Court. In order to get some perspective on the arrests not evident in circuit court, district attorneys in the respective counties were asked for access to their records. The district attorneys accounted for approximately half of the arrests not evident in the circuit court. Sixty-two of the 297 arrests not filed in circuit court were reportedly filed in some lower court and sixty-nine were rejected or declined by the district attorney. Therefore, about 16 percent of the 1,047 arrests surveyed could not be accounted for in this study without further tracking.

The numbers of arrests not prosecuted and those filed in a lower court are shown on Table 4. grouped by their Part 1 offense category. Also shown are those filed in circuit court and the total for each category. The arrests which could not be located are labeled not known.

Most of the charges that were known to have been declined originated in Multnomah County. The office of the Multnomah County District Attorney was the only such office among these counties known to routinely record those arrest charges that are brought to their attention and rejected or declined. However, other offices also indicated that they had declined to prosecute a few of the arrests in their counties. Therefore, it might reasonably be concluded that some of the arrests not known to the respective district attorneys were declined and not necessarily recorded.

Table 4. Charges Filed in Circuit Court, Lower Court and Prosecution Declined.

	Arrest for Part I Felonies						
	Criminal Homicide	Ag. Assault	Forc. Rape	Rob.	Burg.	Larc.	M.V. Theft
Declined	0	26	6	18	4	2	13
Filed in Lower Court	2	22	2	9	10	10	7
Filed in Circuit Court	79	155	91	112	112	123	78
Total	81	203	99	129	126	135	98
Percentage of Arrests	92.0%	78.7%	90.8%	85.8%	88.1%	83.3%	78.4%
Not Known	7	55	10	23	17	27	27
Percentage of Arrests	8.0%	21.3%	9.2%	14.2%	11.9%	16.7%	21.6%

Except for Multnomah County, it is not possible to determine the major reasons for declining to prosecute cases in Oregon because that information is not recorded. However, information from other studies sheds some light on the problems prosecutors encounter at screening. A study of felony and serious misdemeanor arrests in the District of Columbia (Forst, et. al., 1977), showed two major reasons for initial rejection of the case by the prosecutor. Of the cases rejected, 25 percent were due to "witness problems" such as failure to appear, refusal or reluctance to testify or lack of credibility. The second major reason, accounting for 34 percent of the rejections, was "insufficiency of evidence" such as unavailable or insufficient scientific or physical evidence. Only 5 percent were "due process problems," i.e. an indication that police failed to protect the arrestee's right to due process.

Initial Circuit Court Prosecution. The arrests that resulted in a circuit court record were for purposes of this study considered to have been prosecuted. This interpretation does not exclude the possibility that the charges filed against the defendant were immediately dismissed.

Table 5. presents the numbers and percentages of arrests per crime category that resulted in an initial prosecution on the charge cited at arrest (the arrest charge). Also shown are the arrests that were not prosecuted on the arrest charge but were prosecuted on some other charge or charges.

Table 5. Initial Circuit Court Prosecution on Arrest Charges and Arrests Prosecuted on Other Charge.

Arrests for Part I Felonies							
	Criminal Homicide	Ag. Assault	Forc. Rape	Rob.	Burg.	Larc.	M.V. Theft
Arrests	88	258	109	162	143	162	125
Initial Prosecution on Arrest Charge	50	90	71	76	84	93	71
Percentage of Arrests	56.8%	34.9%	65.1%	46.9%	58.7%	57.4%	56.8%
Initial Prose- cution on Other Charge	29	65	20	36	28	30	7
Percentage of Arrests	33.0%	25.2%	18.3%	22.2%	19.6%	18.5%	5.6%

About 51 percent of the arrests in this survey resulted in the defendant being initially prosecuted on the charge cited at arrest. About 35 percent of the arrests for Aggravated Assault were prosecuted on the original arrest charge. The arrests for Forcible Rape had the highest percentage prosecuted on the arrest charge at 65 percent. Arrests for Robbery had the second lowest rate at 47 percent. The other categories all had around 57 percent prosecuted on the arrest charge.

Out of the seven Part I felonies, the arrests for Motor Vehicle Theft were least often prosecuted on some other charge. As a percentage of the arrests for each Part I crime, the arrests for Criminal Homicide had the highest rate (33 percent) of prosecution on some other charge and the remaining ranged from 18 percent to 25 percent.

Looking at this data from the perspective of the arrests filed in circuit court, about 71 percent of the filings were on the original charge cited at arrest. This perspective shown on Table 6. by crime category generally parallels the variations as expressed in terms of the percentage of arrests with one major exception. Aggravated Assault, of the seven categories of arrests which resulted in prosecution, had the greatest share filed on some other charge.

Table 6. Percentage of Circuit Court Filing on Arrest Charge and Percentage Filed on Other Charge.

	Part I Felonies at Arrest						
	Criminal Homicide	Ag. Assault	Forc. Rape	Rob.	Burg.	Larc.	M.V. Theft
Arrests filed in Circuit Court	79	155	91	112	112	123	78
Percentage filed on arrest charge	63.3%	58.1%	78.0%	67.9%	75.0%	75.6%	91.0%
Percentage filed on other charge	36.7%	41.9%	22.0%	32.1%	25.0%	24.4%	9.0%

DISPOSITIONS

Convictions. Half of the arrests surveyed resulted in the arrestee being found guilty by plea or trial in circuit court. The numbers and percentage of arrests that led to a conviction are presented on Table 7. by the crime category at arrest. The conviction rate, expressed as a percentage of arrests varied considerably by the crime categories (71 percent - 38 percent). Criminal Homicide had the highest proportion of arrests that resulted in a conviction and the Aggravated Assault had the lowest.

Table 7. Part I Felony Arrests Resulting in Conviction in Circuit Court.

	Part I Felonies at Arrest						
	Criminal Homicide	Ag. Assault	Forc. Rape	Rob.	Burg.	Larc.	M.V. Theft
Arrests	88	258	109	162	143	162	125
Convictions on Some Charge	62	97	64	79	87	83	52
Percentages of Arrests	70.5%	37.6%	58.7%	48.8%	60.8%	51.2%	41.6%

The United States Attorney in the District of Columbia and the California Department of Justice have collected similar data on the outcomes of similar kinds of arrests. The Institute for Law and Social Research (Forst, et. al., 1977) analyzed the Washington D.C. data on over 17,000 arrests for felonies and serious misdemeanors made in 1974 by the Metropolitan Police Department. The California data was based upon over 83,000 felony arrests in 56 counties during 1976.

Conviction rates, expressed as a percentage of the arrests, are presented in Table 8. for Washington D.C., California, and Oregon. The arrests for Forcible Rape were not separated from all sexual assaults in the California and Washington studies. Relative to Oregon, a large percentage of the arrests for felonies in California are disposed by their lower court; therefore, the conviction rates for California included the lower court convictions as well as felony court. The study of the arrests in the District of Columbia did not separate Motor Vehicle Theft from other property crimes (not included here) and the distinction between felonies and serious misdemeanors was not clearly delineated.

Generally, the conviction rates for Washington D.C. were lower overall than those for California and Oregon. The most striking dissimilarity is the relatively high conviction rates in Oregon for the arrests for Criminal Homicide.

Table 8. Conviction Rates as a Percentage of Arrests in Washington D.C., California, and Oregon.

	Crime Categories At Arrest						
	Criminal Homicide	Ag. Assault	Sexual Assault*	Rob.	Burg.	Larc.	M.V. Theft
Conviction Rates:							
Washington D.C. (1974 Arrests)	44%	24%	25%	32%	41%	31%	--
California (1975 Arrests)	58%	54%	43%	51%	62%	55%	42%
Oregon (FY 1976)	71%	38%	(59%)*	49%	61%	51%	42%

*Oregon data on Forcible Rape only.

Convictions as a Percentage of Arrests Filed in Circuit Court. About seven out of every ten arrests that were prosecuted in circuit court resulted in a conviction. The percentages of those filed that were disposed with a conviction are shown on Table 9. for the Part I felonies at arrest. Relative to convictions as a percentage of the arrests, convictions as a percentage of arrests prosecuted, some filing on some charge or charges, varied little between categories.

Table 9. Convictions as a Percentage of Arrests Filed in Circuit Court.

	Part I Felonies at Arrest						
	Criminal Homicide	Ag. Assault	Forc. Rape	Rob.	Burg.	Larc.	M.V. Theft
Arrests Filed in Circuit Court	79	155	91	112	112	123	78
Convictions Percentage of Arrests Filed	62	97	64	79	87	83	52
	78.5%	62.5%	70.3%	70.5%	77.7%	67.5%	66.7%

Similar kinds of statistics have been gathered on felony arrests reaching judicial disposition by crimes at arrest in New York City. The statistics (Vera Institute, 1977) on the proportions disposed with a conviction were Criminal Homicide: 72 percent; Felonious Assaults: 41 percent; Rape and other Sex Felonies: 25 percent; Robbery: 58 percent; and Burglary: 64 percent. Grand Larceny and criminal possession of stolen property which included motor vehicle thefts had a proportion of 50 percent disposed with a conviction. These percentages are similar to most in this study except for the category of rape for which Oregon's conviction rate is considerably higher.

Convictions on Arrest Charge. As expected, few of the arrestees were convicted on the charge cited by the police. The number of convictions and the rates of conviction, as a percentage of the number of arrests in each category, are shown in Table 10. by the crime categories at arrest. About 7 percent of the arrests for Aggravated Assault resulted in a conviction on the charge cited at arrest. Arrests for Motor Vehicle Thefts had the highest rate of convictions on the arrest charge at 30 percent of the arrests. Around one-fourth of the arrests for the other categories of Part I felonies resulted with a conviction on the arrest charge.

Also shown on Table 10. are the proportions of the convictions that were made on the arrest charge, expressed as a percentage of the number of convictions, for each crime category at arrest. In all categories except Motor Vehicle Theft, the majority of convictions were made on some charge other than that cited at arrest.

Table 10. Convictions on Arrest Charge.

Part I Felonies at Arrest							
	Criminal Homicide	Ag. Assault	Forc. Rape	Rob.	Burg.	Larc.	M.V. Theft
Convictions on Arrest Charge	23	19	26	38	41	38	39
Percentage of Arrests	26.1%	7.4%	23.9%	23.5%	28.7%	23.5%	31.2%
Percentage of Convictions	37.1%	19.6%	40.6%	48.1%	47.1%	45.8%	75.0%

Convictions on Initial Prosecution Charge. The charge upon conviction was the same as that initially filed in circuit court in about 60 to 75 percent of the convictions for all but two of the crime categories. As shown in Table 11. the crimes at arrest of Criminal Homicide and Aggravated Assault had somewhat less than half of their convictions (45 percent and 41 percent) on the same charge as that filed.

Table 11. Proportion of Convictions on Initial Charge Filed In Circuit Court.

	Part I Felonies at Arrest						
	Criminal Homicide	Ag. Assault	Forc. Rape	Rob.	Burg.	Larc.	M.V. Theft
Convictions	62	97	64	79	87	83	52
Convictions on Initial Prosecution Charge	28	40	38	49	52	54	39
Percentage of Convictions	45.2%	41.2%	59.4%	62.0%	59.8%	65.1%	75.0%

Convictions by Trial and Plea. The numbers and percentages of convictions resulting from the defendants having pled guilty and the defendants being found guilty by trial are shown on Table 12. Most convictions are the result of the defendant pleading guilty. Ninety percent or better of the convictions for the crimes involving property were obtained by the defendant pleading guilty. Criminal Homicide had the lowest rate at 60 percent of convictions by plea.

Table 12. Convictions by Trial and Plea.

	Part I Felonies at Arrest						
	Criminal Homicide	Ag. Assault	Forc. Rape	Rob.	Burg.	Larc.	M.V. Theft
Pled Guilty	37	78	47	71	80	77	47
Percentage of Convictions	59.7%	80.4%	73.4%	89.9%	92.0%	92.8%	90.4%
Found Guilty by Trial	25	19	17	8	7	6	5
Percentage of Convictions	40.3%	19.6%	26.6%	10.1%	8.0%	7.2%	9.6%

Guilty Pleas. In Table 13, the convictions obtained by plea are broken down by crime category into guilty pleas to the initial prosecution charge and guilty pleas to some other charge. There is considerable variation in the percentage of pleas to the charge at initial prosecution by crime category. The defendant pled guilty to the charge at initial prosecution in 53 to 65 percent of the convictions by plea involving Forcible Rape, Robbery, Burglary, and Larceny. However, the percentage of guilty pleas to the filing charge for Criminal Homicide, Aggravated Assault, and Motor Vehicle Theft were respectively: 30 percent, 35 percent and 72 percent.

Table 13. Convictions by Pleas to Initial Prosecution Charge.

Part I Felonies at Arrest							
	Criminal Homicide	Ag. Assault	Forc. Rape	Rob.	Burg.	Larc.	M.V. Theft
Pled to Initial Prosecution Charge	11	27	25	42	47	50	34
Percentage of Guilty Pleas	29.7%	34.6%	53.2%	59.2%	58.8%	64.9%	72.3%
Pled to Other Than Initial Prosecution	26	51	22	29	33	27	13
Percentage of Guilty Pleas	70.3%	65.4%	46.8%	40.8%	41.2%	35.1%	27.7%

This study did not examine the reasons for changes between the initial and conviction charges. Some of that data is simply not recorded because it is done at screening and most prosecutors do not keep a record of why charges were changed at this point. Some of the change undoubtedly results from plea bargaining, either from "charge or count bargaining." Charge bargaining is when the defendant agrees to change his or her plea to guilty if the charge or charges are reduced. Count bargaining is when the defendant agrees to plead guilty to one charge, if the remaining charges are dropped. Another reason for change in charges frequently relates to instances where the initial arrest charge was inaccurate, e.g. the evidence would not support the arrest charge, but would support a lower charge.

Charges At Arrest Not Resulting in a Circuit Court Conviction. Table 14. depicts the arrests with charges filed in circuit court that did not result in the arrestee being convicted. Most of these not leading to conviction were dismissed. By crime at arrest, Criminal Homicide had the lowest share dismissed at less than 8 percent. Burglary had the second lowest share dismissed at 15 percent and the remaining categories had dismissal rates between 21 and 28 percent. The filings in which the arrestee was acquitted, found insane or mentally incompetent, or the status of the case remained pending two years after the arrest are too few in number for comparing by crime.

Table 14. Charges Filed Not Resulting in Circuit Court Conviction.

	Part I Felonies at Arrest						
	Criminal Homicide	Ag. Assault	Forc. Rape	Rob.	Burg.	Larc.	M.V. Theft
Filed in Circuit Court	79	155	91	112	112	123	78
Dismissed	6	44	19	26	17	30	21
Percentage of Filed	7.6%	28.4%	20.9%	23.2%	15.2%	24.4%	26.9%
Acquitted	5	8	6	2	3	3	1
Found Insane Status	5	1	2	1	3	0	1
Pending	1	5	0	4	2	7	3
Total Not Resulting in Conviction	17	58	27	33	26	40	26
Percentage of Filed	21.5%	37.4%	29.6%	29.5%	23.2%	32.5%	33.3%

This study did not record the reasons for dismissal. However, from other studies, it appears that reasons are more likely to relate to witness problems, particularly in violent crime cases, than evidence problems. In the District of Columbia study cited earlier (Forst, et. al., 1977), most of the reasons listed for the dismissals were due to witness problems and only a small percentage to evidence or due process problems. Another reason for dismissal is "civil compromise." This is a situation where an out-of-court settlement is reached. This usually occurs in property crimes.

Sentences With Some Incarceration. Persons may be sentenced to incarceration in an Oregon prison only if convicted of a felony. While all of those convicted on the charge at arrest were guilty of committing at least one felony, somewhat less than half of all convictions were on the arrest charge. Some of the convicted arrestees were sentenced to local correctional facilities. Part or all of the stipulated incarceration may have been suspended. A common condition of a suspended sentence was that the convicted offender be placed on probation.

The numbers of arrests which ultimately resulted in the defendant being convicted and sentenced to some incarceration are shown on Table 15, grouped by their crime categories at arrest. Convictions resulting in a sentence that included some period of incarceration are also shown in two groups: (1)incarceration without probation and (2)incarceration with probation. It can be assumed that those placed on probation had some of their sentence suspended; however, some of those not placed on probation may also have had some of their sentences suspended.

A little over three-fourths of the convictions for Criminal Homicide and Forcible Rape crimes at arrest resulted in the convicted offender being incarcerated. The percentage of the convictions that led to incarceration for the remaining categories ranged from 40 percent to 66 percent. The proportion of arrests, by crime at arrest category, that resulted in the arrestee being incarcerated, ranged from 20 percent for Larceny to 53 percent for Criminal Homicide.

Table 15. Sentences With Incarceration.

Part I Felonies at Arrest							
	Criminal Homicide	Ag. Assault	Forc. Rape	Rob.	Burg.	Larc.	M.V. Theft
Some Incarceration	47	59	49	52	43	33	26
Percentage of Convictions	75.8%	60.8%	76.6%	65.8%	49.4%	39.8%	50.0%
Percentage of Arrests	53.4%	22.9%	45.0%	32.1%	30.1%	20.3%	20.8%
Incarceration No Probation	42	34	34	47	31	21	18
Percentage of Convictions	67.7%	35.1%	53.1%	59.5%	35.6%	25.3%	34.6%
Incarceration with Probation	5	25	15	5	12	12	8
Percentage of Convictions	8.1%	25.8%	23.4%	6.3%	13.8%	14.5%	15.4%

Sentences of a combination of incarceration and probation were, for each respective category, fewer than sentences of incarceration without probation. This combination was used most frequently in the arrest categories of Assault and Forcible Rape, 26 and 23 percent of the convictions respectively. The combination was used in about 15 percent or less of the convictions for the remaining arrest categories. Persons arrested for Robbery and convicted on some charge least often received this combination sentence.

Sentences With Periods of Incarceration Greater Than One Year. The numbers of sentences that ultimately stipulated a period of incarceration greater than one year are shown in Table 16. by the crime categories at arrest. As a percentage of arrests, the periods of incarceration greater than one year ranged from 7 percent to 40 percent. Expressed as a percentage of the convictions the incarceration periods greater than one year ranged from a low of 15 percent for Larceny to 58 percent for Criminal Homicide.

Table 16. Sentences of Incarceration Greater than One Year.

Part I Felonies at Arrest							
	Criminal Homicide	Ag. Assault	Forc. Rape	Rob.	Burg.	Larc.	M.V. Theft
Arrests	88	258	109	162	143	162	125
Convictions	62	97	64	79	87	83	52
Incarceration greater than one year	36	27	30	41	21	12	10
Percentage of Arrests	40.1%	10.5%	27.5%	25.3%	14.7%	07.4%	08.0%
Percentage of Convictions	58.1%	27.8%	46.9%	51.9%	24.1%	14.5%	19.2%

Sentences of Probation. The percentage of convictions in which the offender was placed on probation with no incarceration ranged from 20 percent to 54 percent as shown on Table 17. The arrest categories of Criminal Homicide and Forcible Rape had the lowest percentages of convictions with sentences of probation with no incarceration and the nonviolent property crimes had the highest rates. Sixty-two percent of the convictions from the arrests for assaults resulted in the offender receiving some probation.

Table 17. also shows the few arrests in which the convicted offender apparently did not receive a sentence that included either incarceration or probation. Such small frequencies of occurrence do not lend themselves easily to group comparisons.

Sentences That Include Restitution, Fines, and Payments. The sentences that included some indicated financial restitution are shown on Table 18. Also shown are the sentences where any form of financial payment was directed. The latter included restitution to the victim, payment of court costs, fines, attorney fees or other ordered payments.

Table 17. Convictions with Sentences of Probation.

	Part I Felonies at Arrest						
	Criminal Homicide	Ag. Assault	Forc. Rape	Rob.	Burg.	Larc.	M.V. Theft
Probation only (No Incarceration) 14		35	13	25	43	45	24
Percentage of Convictions	22.6%	36.1%	20.3%	31.6%	49.4%	54.2%	46.2%
Total with Some Probation 19		60	28	30	55	57	32
Percentage of Convictions	30.6%	61.9%	43.8%	38.0%	63.2%	68.7%	61.5%
No Probation and No Incarceration 1	1	3	2	2	1	5	2

Table 18. Sentences That Included Restitution and Other Court Ordered Payments.

	Part I Felonies at Arrest						
	Criminal Homicide	Ag. Assault	Forc. Rape	Rob.	Burg.	Larc.	M.V. Theft
Restitution 4	4	29	7	9	25	27	14
Percentage of Convictions	6.5%	29.9%	10.9%	11.4%	28.7%	32.5%	26.9%
All Payments 10	10	27	13	12	35	38	17
Percentage of Convictions	16.1%	38.1%	20.3%	15.2%	40.2%	45.8%	32.7%

Restitution was least prevalent among the arrests for Criminal Homicide at about 7 percent. The Forcible Rape and Robbery arrests both had restitution evident in about 11 percent of the convictions. Restitution was most prevalent for the convicted offenders arrested for Larceny (32 percent) and this category had some payment indicated more often than any other category.

ELAPSED TIME: ARREST TO DISPOSITION

The elapsed time in days from the date of arrest to the date of disposition was compiled for 714 of the arrests disposed by the circuit court. Twenty-two cases remained pending at two years (730 days) and were not included and fourteen disposition dates were missing. The cases in the "pending" category usually involved situations where the defendant had absconded and a warrant for his/her arrest had been issued, but he/she was still at large.

These elapsed times are illustrated in Figure 2 as collapsed into 30-day months. As shown, the distribution was highly skewed to the right. The second month (30-60 days) was the most frequent month of disposal. There were 15 dispositions that occurred between one and two years after the arrest. The mean and median days to disposition were to the nearest whole day 86 and 66 days respectively.⁴ Two-thirds (66.7 percent) of the arrests were disposed within three months of the arrest and nine out of ten (91.5 percent) were disposed by six months.

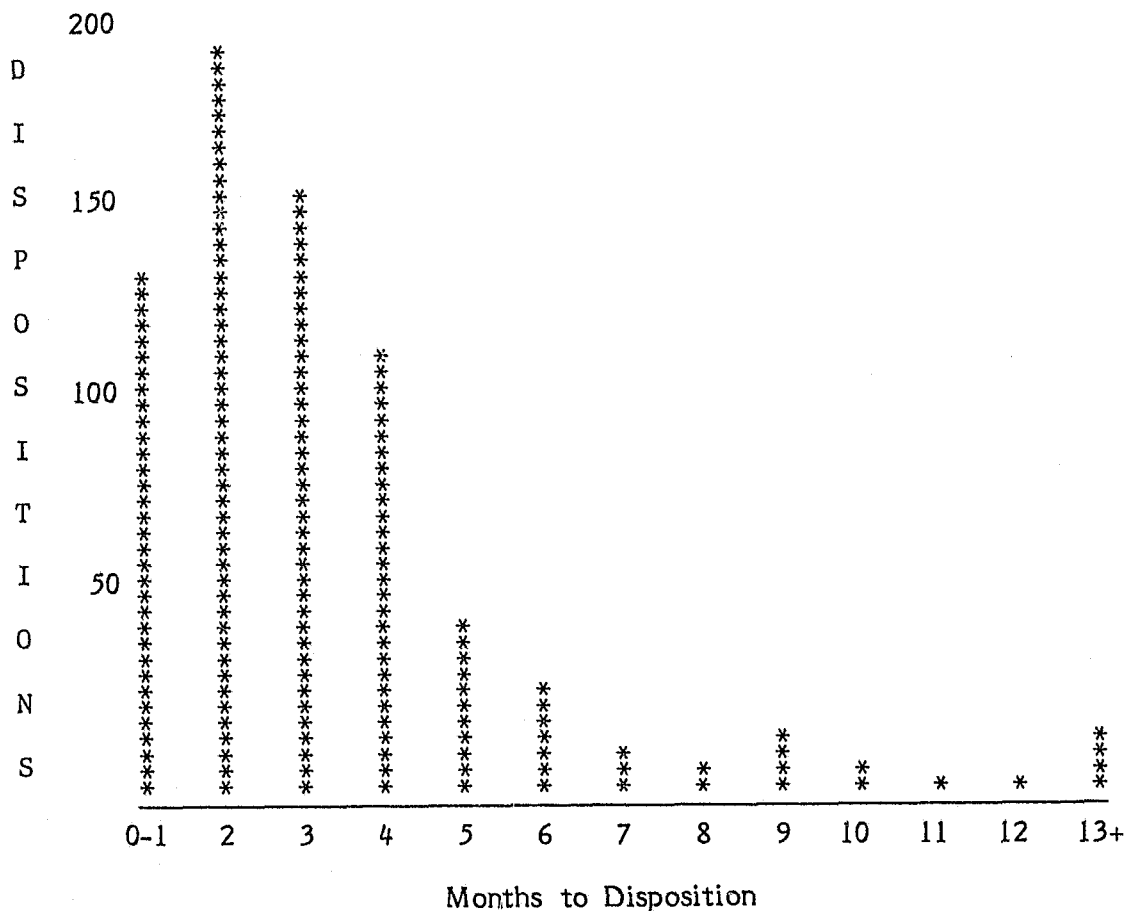


Figure 2. Elapsed time in 30 day Months from Arrest to Final Disposition

⁴Mean = 85.9 days, n = 714, standard deviation = 81.5 days

The property crimes, out of necessity, were unduly under represented in this survey relative to the frequency of the occurrence of all arrests for Part I property crimes. Therefore, the average days to disposition for all dispositions in the survey has limited utility unless it can be assumed that the days to disposition is unrelated to the crime. Likewise, the average days to disposition for a particular kind of disposition is not representative of that for the total arrests for Part I felonies.

Days to Disposition for Major Outcomes. The days to disposition were calculated for each of the major kinds of outcomes and are shown on Table 19. While there was little difference in the elapsed time between arrests resulting in a conviction and arrests not resulting in a conviction, there were marked differences between those who pled guilty and those found guilty by trial. The median days to disposition for convictions by trial were seventeen days longer than those in which the defendant pled guilty.⁵

Table 19. Days to Disposition for Major Outcomes.

	Median Elapsed Days	Number of Dispositions	Percentage Disposed 3 Months	Percentage Disposed 6 Months
Convicted	65 days	517	68.1%	92.6%
Not Convicted	63 days	185	65.4%	87.6%
Convicted:				
Pled Guilty	62 days	431	69.4%	91.9%
Found Guilty By Trial	79 days	86	61.6%	96.5%
Not Convicted:				
Dismissed	58 days	158	68.4%	88.0%
Acquitted (Trial)	91 days	27	48.2%	88.9%
Disposed By Trial	79 days	113	58.4%	93.8%
Found Not Guilty by Reason of Insanity	105 days	12	25.0%	100.0%

⁵It is commonly accepted statistical practice to use the median rather than the mean as the preferred descriptive measure of central tendency (average) with such highly skewed distributions.

Not surprisingly, it took longer, on the average, to find the defendants not guilty by trial than to dismiss the charges. The difference of approximately one month (33 days) may be somewhat conservative inasmuch as some of the dismissals may have occurred during trial. It is also interesting to note that acquittals took 12 days longer on the average than dispositions of guilty by trial.

Days to Disposition for Arrest Categories. The median days to disposition for each arrest charge category are depicted in Table 20. This average elapsed time between arrest to final disposition was found to be shorter for the crimes involving property than for the violent crimes.

Table 20. Days to Disposition by Arrest Charge Outcomes.

	Median Elapsed Days	Number of Dispositions	Percentage Disposed 3 Months	Percentage Disposed 6 Months
Criminal Homicide	77 days	75	60.0%	96.0%
Aggravated Assault	80 days	180	57.3%	86.0%
Forcible Rape	70 days	87	69.0%	97.7%
Robbery	65 days	107	70.1%	89.7%
Burglary	60 days	108	68.5%	95.4%
Larceny	57 days	114	68.4%	91.2%
Motor Vehicle Theft	44 days	73	79.5%	90.4%

AGE AT ARREST

The mean and median ages of the persons associated with these Part I felony arrests were rounded to the nearest whole year, 28 years and 25 years of age respectively. The average ages of the arrestees who were not prosecuted in circuit court were found essentially the same as those prosecuted. The average ages of the arrestee for the major outcomes in circuit court were calculated and are shown on Table 32. The average age of the arrestees associated with non-convictions (acquitted and dismissed) was approximately two years older than those associated with convictions.⁶ The mean age corresponding to the guilty pleas was, in whole years, 27 years whereas the dismissed and disposed by trial were 29 and 30 years of age.

Table 21. Average Age of Offenders Associated With Major Outcomes.

<u>Major Outcomes</u>	<u>Age at Arrest</u>		<u>Arrests Number</u>
	<u>Mean</u>	<u>Median</u>	
Convictions	27.2 years	24 years	524
Non-Convictions	29.0 years	26 years	191
Convictions:			
Pled Guilty	26.7 years	24 years	437
Found Guilty by Trial	30.2 years	27 years	87
Non-Convictions:			
Dismissed	28.8 years	26 years	163
Acquitted (Trial)	30.3 years	26 years	28
Disposed by Trial	30.2 years	27 years	115
Found Not Guilty by Reason of Insanity	34.7 years	32 years	13

⁶This difference was tested and found to be statistically significant. Mean₁ = 27.24, mean₂ = 29.01; n₁ = 524, n₂ = 191; s.d.₁ = 9.21, s.d.₂ = 10.31; P = .05.

Age and Part I Crime Categories at Arrest. The average age and Part I crime categories at arrest are presented in Table 22. The ages corresponding to the arrests resulting in conviction, and ages for arrests not resulting in a conviction (acquitted and dismissed) are also shown. The ages of the persons arrested for the violent crimes were older than those associated with property crimes. The mean ages corresponding to arrests resulting in a conviction were about three years younger than those not leading to conviction for Aggravated Assault, Robbery, and Motor Vehicle Theft.

Table 22. Age and Part I Crime Categories At Arrest.

Part I Felonies At Arrest	Age at Arrest		Arrests Number
	Mean	Median	
Criminal Homicide			
Convictions	31.5 years	28 years	62
Non-Convictions	30.9 years	28 years	11
All Arrests	31.4 years	28 years	88
Aggravated Assault			
Convictions	30.2 years	28 years	97
Non-Convictions	33.1 years	30 years	52
All Arrests	31.3 years	28 years	257
Forcible Rape			
Convictions	29.2 years	26 years	64
Non-Convictions	28.8 years	25 years	25
All Arrests	29.1 years	26 years	109
Robbery			
Convictions	26.1 years	25 years	79
Non-Convictions	29.3 years	28 years	28
All Arrests	27.3 years	25 years	162
Burglary			
Convictions	23.3 years	21 years	87
Non-Convictions	25.5 years	21 years	20
All Arrests	24.0 years	21 years	143
Larceny			
Convictions	26.9 years	24 years	83
Non-Convictions	25.7 years	24 years	33
All Arrests	26.3 years	24 years	162
Motor Vehicle Theft			
Convictions	22.9 years	21 years	52
Non-Convictions	26.6 years	24 years	22
All Arrests	24.5 years	22 years	125

CONCLUSIONS

1. Although a bare majority of persons arrested for felonies in this study were convicted on some charge, a large percentage were not. This suggests some type of system dysfunction. Unfortunately, at this point in time, the reasons for this situation cannot be determined. During the research effort, it was discovered that only one district attorney in the 11 counties maintained a regular record of why arrests received from police were not filed. In instances where a case is dismissed after filing, there are records, but frequently the stated reason is "further prosecution is not in the best interests of justice." Without specific information about why arrests are not filed or why cases are dismissed, one cannot determine whether insufficient resources exist for prosecutors to prosecute more cases, whether police have used improper procedures, whether handling of witnesses is at fault or what.

Other jurisdictions in other states which have better records have been able to use them to identify specific problems and to develop programs to alleviate them. Oregon needs the capability to do the same.

2. Through the process of conducting this study, a need for improvements in criminal justice record systems became apparent. In several counties, both the district attorney and the circuit court records were examined. The process was time consuming and very difficult primarily because there was no simple way to tie the arrest record to the district attorney and court records. Each part of the system maintains its own record system for its own purposes. The district attorney's record is filed by case number as is the circuit court record. However, the two agencies invariably use different case numbers. Thus, one has to use the defendant's name to find the case number to find the appropriate file.

Unfortunately, the record may be hard to find if the name has been misspelled, if it is a very common name, if the defendant uses one or more aliases, or if the person has been arrested several different times. As the study has indicated, a significant number of records could not be found in the D.A.'s files or in the circuit court records. Some of these were undoubtedly due to the difficulty of tying arrest records to D.A. and circuit court records. Others were due to the fact that often no record of case rejections were kept by the prosecutor.

This experience suggests the need for better record keeping, more uniformity in the record systems and a method of tying the various records together such as a single identifying number. In addition, the fact that each component keeps its own records suggests that possibilities for sharing or cutting down on duplication should be explored.

3. Another problem encountered during the research was the different methods of doing things in different counties. For example, a person arrested for three burglaries in one county might be handled by consolidating the three arrests into one case. In another county, it might be handled as three separate cases. It became very clear that one's statistics on judicial outcomes could be quite different depending on the unit of analysis. Using the previous example, assume the defendant pled guilty to one burglary and the other two were dismissed. These are resultant conviction rates depending on how one counts:

By charge: 3 arrest charges; 2 charges dismissed, convicted on one charge, conviction rate = 33 1/3%

By case: 1 arrest (3 charges) = 1 case; conviction on one case, conviction rate = 100%
(County 1)

By case: 1 arrest (3 charges) = 3 cases; 2 cases dismissed, 1 conviction on one case, conviction rate = 33 1/3%
(County 2)

By individual: 1 person arrested, 1 person convicted, conviction rate = 100%

Different statistics can also be produced by using different starting points or viewing the system from a particular perspective as seen in the Executive Summary. The lack of a standard for counting and an accepted starting point causes a great deal of confusion in trying to evaluate system performance.

4. Oregon's judicial system compares somewhat favorably with others in the nation. While the percentage of persons not convicted in Oregon was high (48 percent), it is not as high as some places where it has been as high as 2/3 of all arrests. Most convictions in Oregon were obtained without going through the cost of a trial. Trial rates averaged about 10 percent. Finally, time to disposition seemed reasonable. Two thirds of all arrests were disposed of within three months and 92 percent by the end of six months. Only a few were pending after any period of time after that and those were frequent situations where the defendant was at large. Oregon does not seem to have the large backlogs that have been reported in other parts of the country.

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APPENDIX A: A REPRESENTATION OF THE
DATA COLLECTION FORM.

SID: XXXXXXXX DOB: XX/XX/XXXX
OFFENSE: AON: XXXX ORI: XXXXXXXXXX DOA: XX/XX/XXXX
CIT: ORS XXX.XXX

CASE NUMBER:

A. PROSECUTION:

- 1...NO RECORD OF PROSECUTION
- 2...PROSECUTION DECLINED
- 3...PROSECUTION UNDER GENERAL OFFENSE CATEGORY
SPECIFIC CHARGE:
- 4...PROSECUTION UNDER OTHER OFFENSE CATEGORY
SPECIFIC CHARGE:
- 5...LOWER COURT

B. COURT DISPOSITION:

- 1...GUILTY PLEA TO A.3
- 2...GUILTY PLEA to A.4
- 3...GUILTY PLEA TO OTHER
SPECIFIC CHARGE
- 4...ACQUITTED
- 5...DISMISSED
- 6...NOT GUILTY BY REASON OF INSANITY/MENTAL DEFECT
- 7...CONVICTED BY JUDGE/JURY
- 8...OTHER
SPECIFY:
- 9...STATUS PENDING AS OF / /197

DATE OF DISPOSITION: / /197

C. SENTENCE:

SPECIFIC CHARGE:

INCARCERATION:

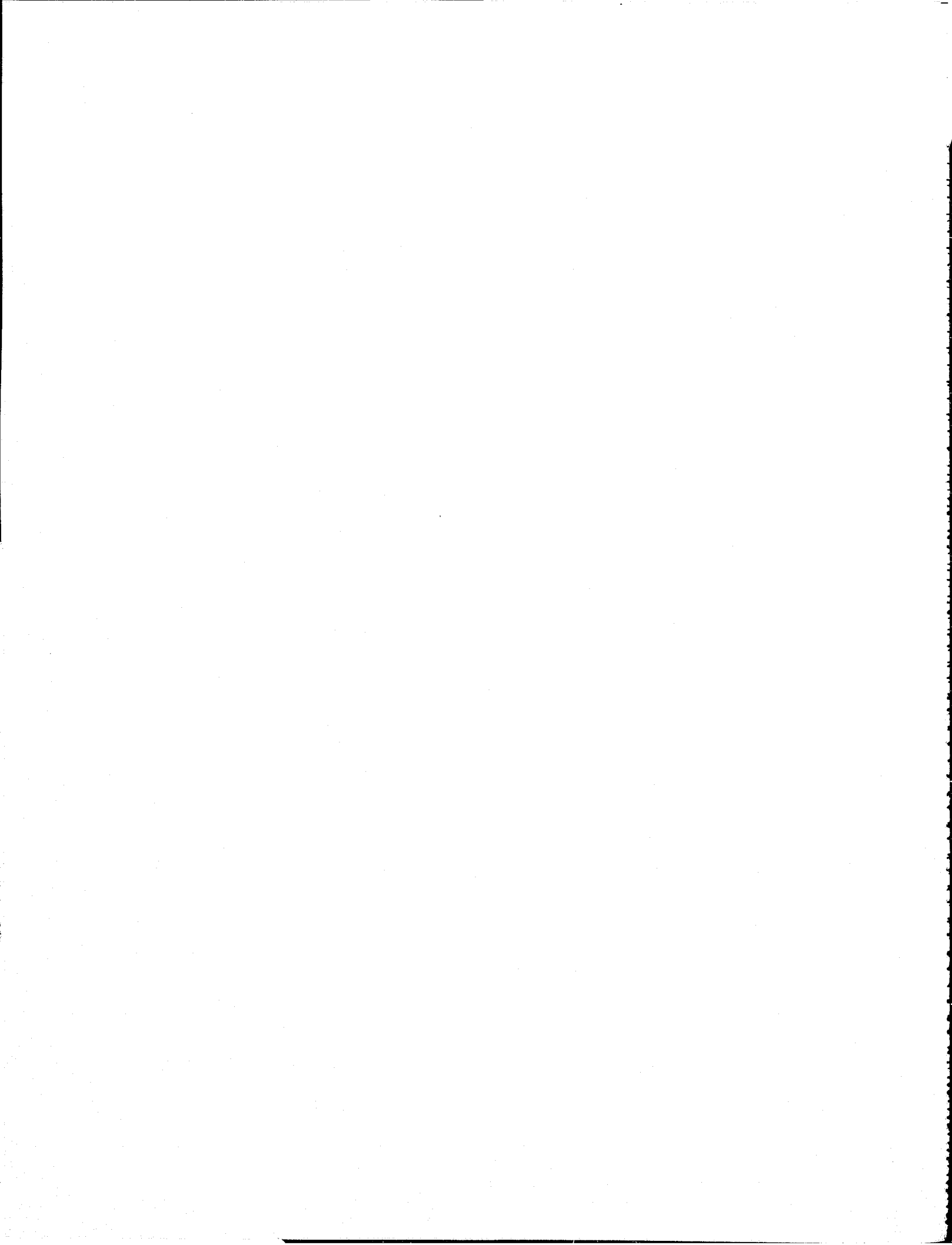
NUMBER OF YEARS:
NUMBER OF MONTHS:
NUMBER OF DAYS:
FINE IN DOLLARS:
RESTITUTION IN DOLLARS:

PROBATION:

NUMBER OF YEARS:
NUMBER OF MONTHS:
NUMBER OF DAYS:
FINE IN DOLLARS:
RESTITUTION IN DOLLARS:

OTHER:

SPECIFY:

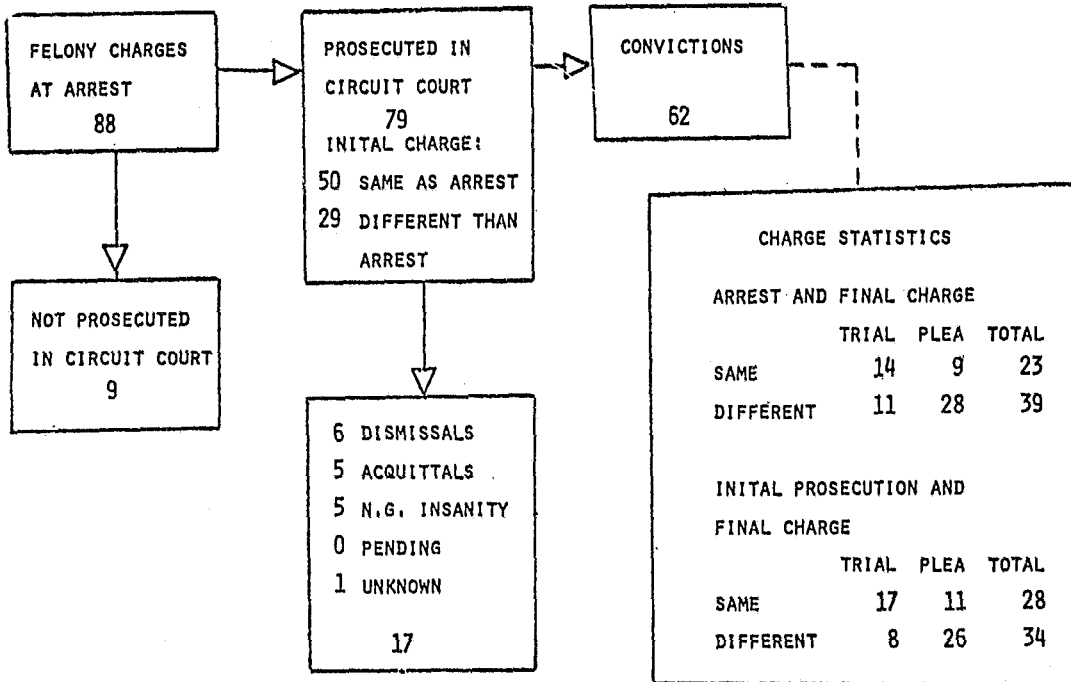


APPENDIX B: ARRESTS SURVEYED BY PART I CRIME CATEGORY AND COUNTY

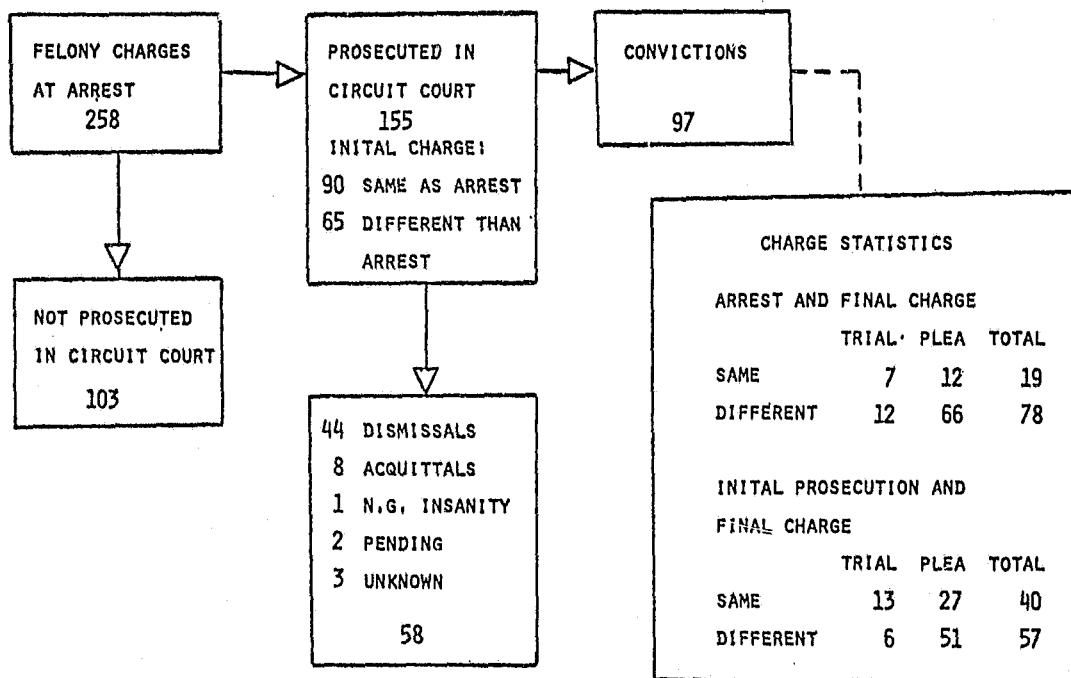
Felony Arrests Surveyed								Percentage of Survey	
Counties	Criminal Homicide	Ag. Assault	Forc. Rape	Rob.	Burg.	Larc.	M.V. Theft		Total
Benton	0	4	2	0	1	3	2	12	01.1%
Clackamas	6	14	11	3	19	13	10	76	07.3%
Harney	0	1	0	0	0	2	0	3	00.3%
Lincoln	0	6	3	3	3	7	6	28	02.7%
Linn	2	16	5	11	16	21	14	85	08.1%
Malheur	1	3	0	1	2	4	3	14	01.3%
Marion	11	40	4	11	19	15	13	113	10.8%
Multnomah	62	138	73	121	53	67	64	578	55.2%
Polk	0	20	3	1	4	5	1	34	03.2%
Washington	5	12	6	9	19	21	9	81	07.7%
Yamhill	<u>1</u>	<u>4</u>	<u>2</u>	<u>2</u>	<u>7</u>	<u>4</u>	<u>3</u>	<u>23</u>	<u>02.2%</u>
Total	88	258	109	162	143	162	125	1047	99.9%



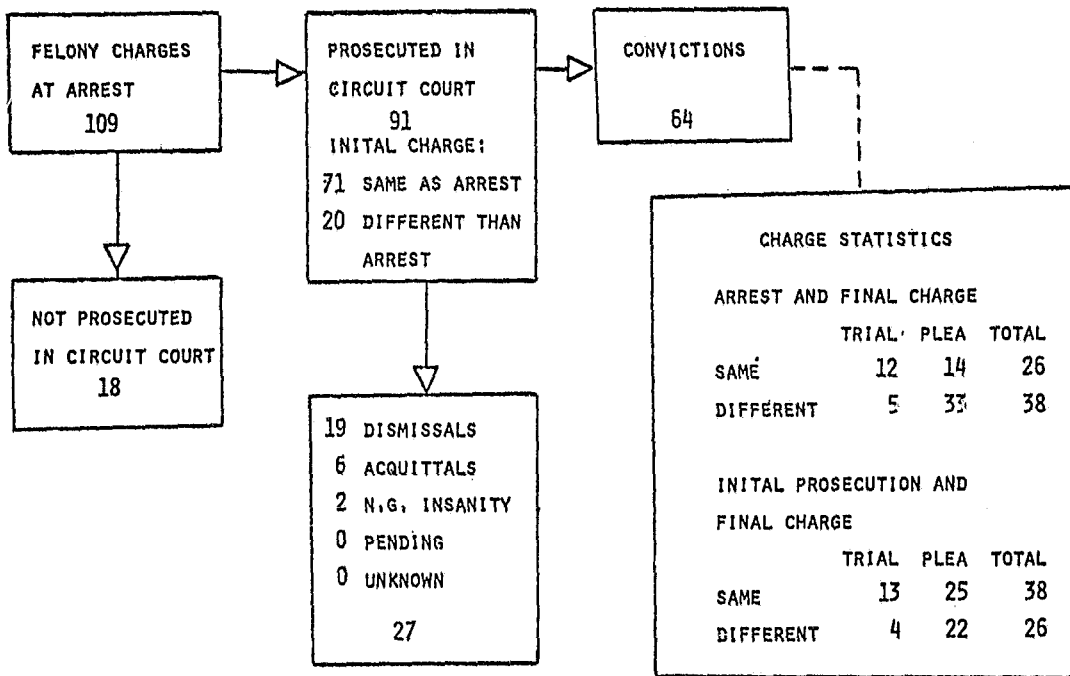
APPENDIX C: FLOW CHARTS OF THE CIRCUIT COURT OUTCOMES
OF PART I FELONY CHARGES AT ARREST.



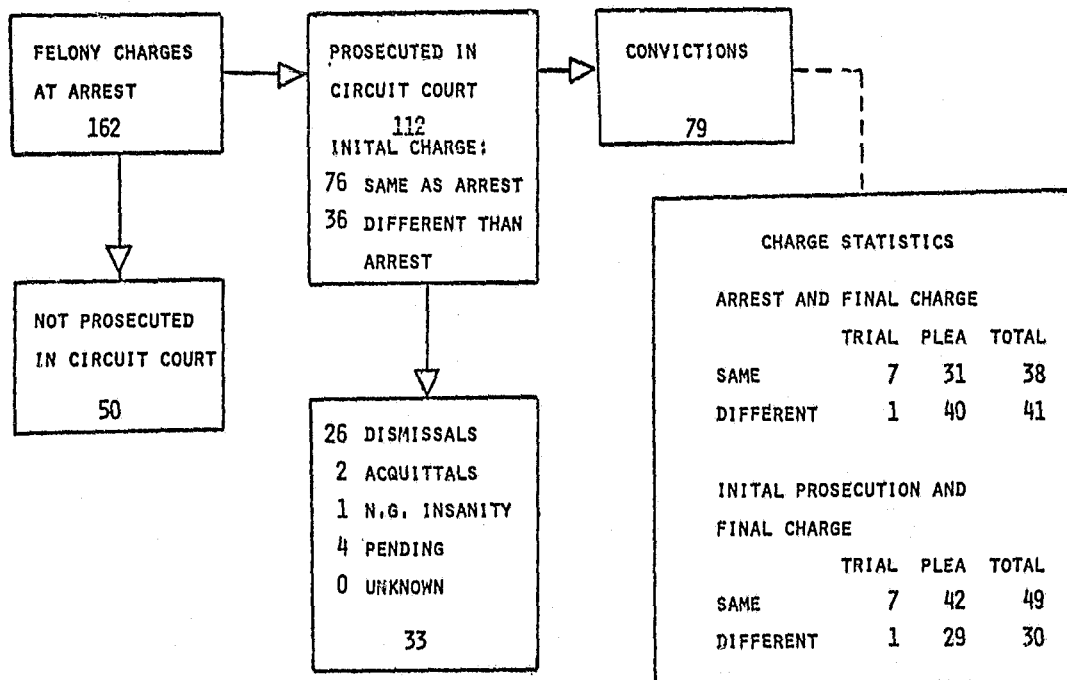
CRIMINAL HOMICIDE --- CIRCUIT COURT OUTCOMES OF FELONY CHARGES AT ARREST



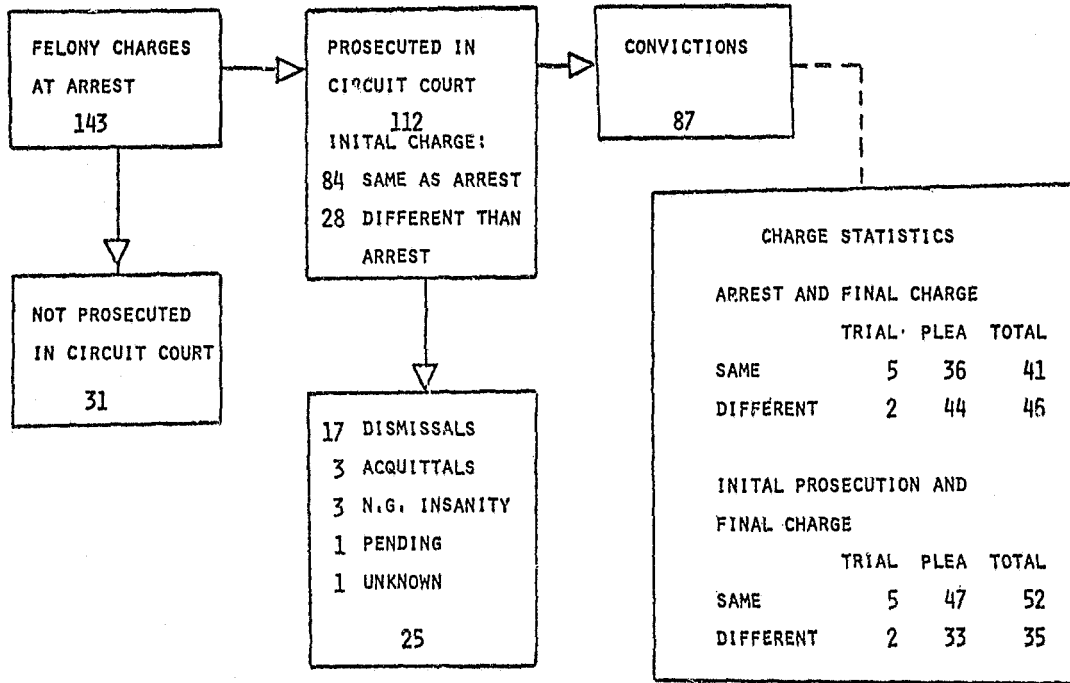
AGGRAVATED ASSAULT --- CIRCUIT COURT OUTCOMES OF FELONY CHARGES AT ARREST.



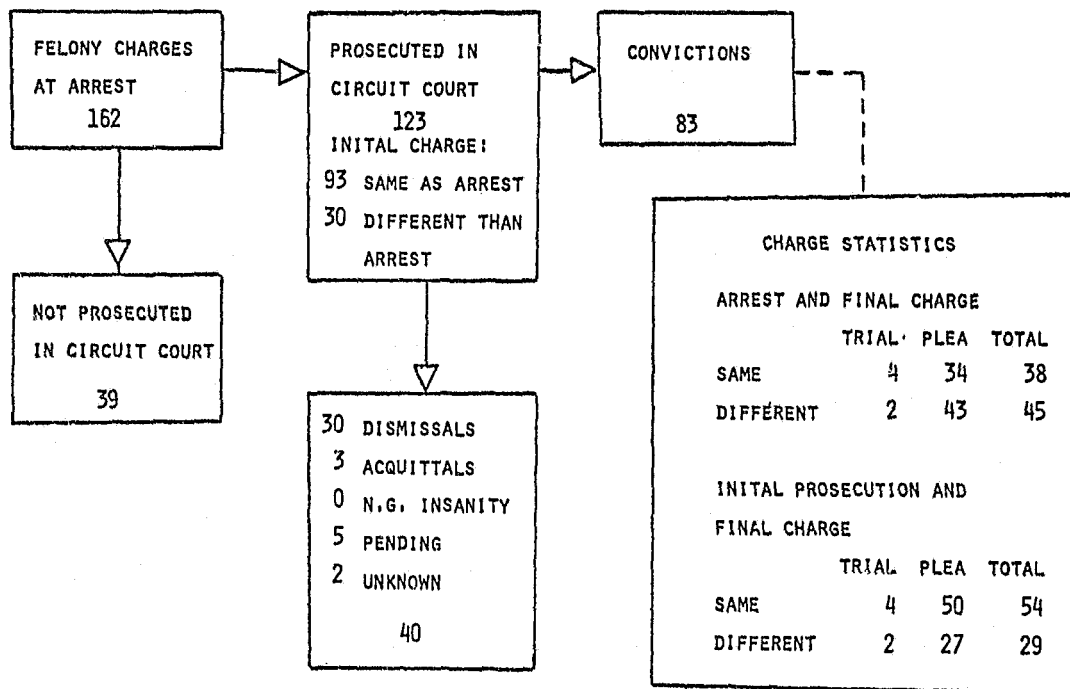
FORCIBLE RAPE --- CIRCUIT COURT OUTCOMES OF FELONY CHARGES AT ARREST.



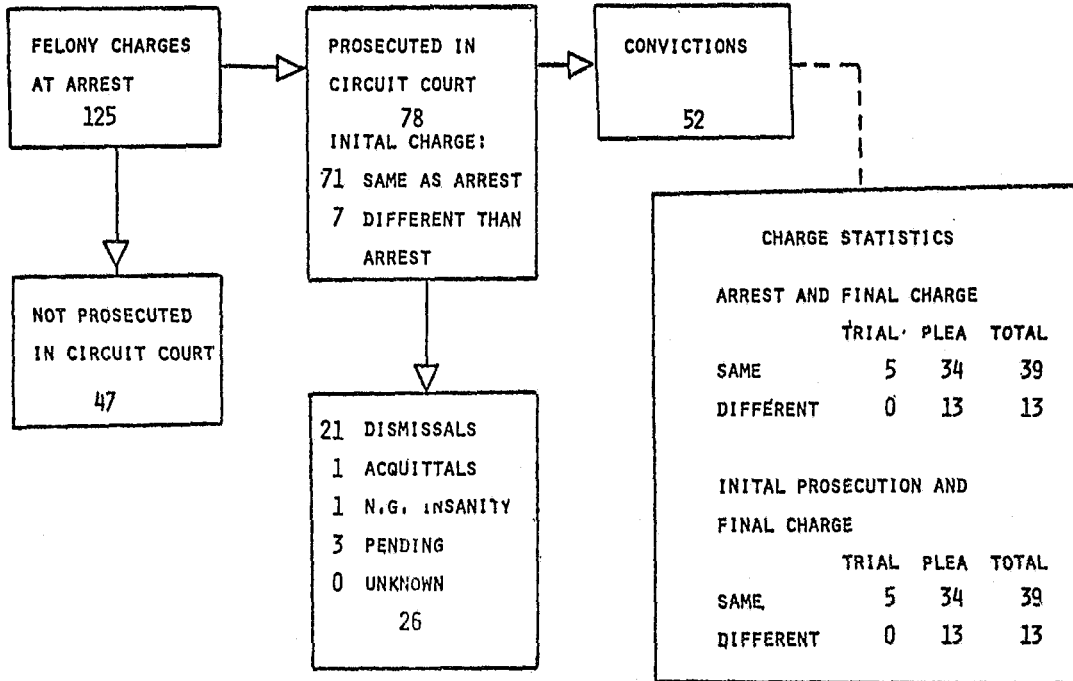
ROBBERY --- CIRCUIT COURT OUTCOMES OF FELONY CHARGES AT ARREST.



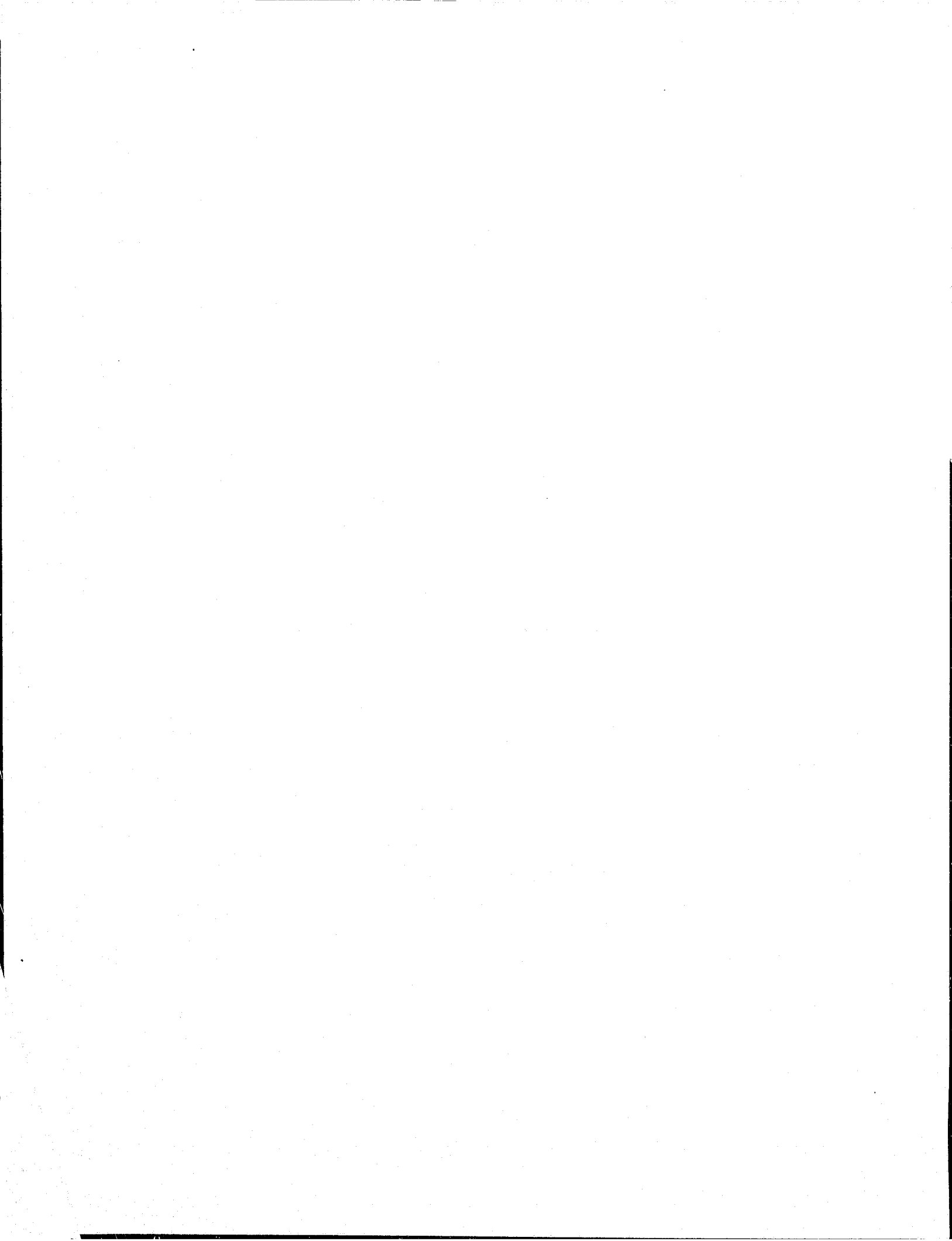
BURGLARY --- CIRCUIT COURT OUTCOMES OF FELONY CHARGES AT ARREST.



LARCENY --- CIRCUIT COURT OUTCOMES OF FELONY CHARGES AT ARREST.



MOTOR VEHICLE THEFT --- CIRCUIT COURT OUTCOMES OF FELONY CHARGES AT ARREST.



END