

# Adult Criminal Justice Case Processing in Washington, DC



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## Introduction

The District of Columbia Crime Policy Institute (DCPI) was funded by the Executive Office of the Mayor to generate research to inform criminal justice decision making in the District. A critical element of DCPI's mission is to forecast how effective innovative programs can be if brought to the District, and to estimate how cost-effective those programs would be if operated locally. These reports use data from multiple research studies, combined with Washington, DC-specific costs and Washington, DC-specific case processing statistics, to forecast the effectiveness and cost implications of those programs if implemented in the District of Columbia.

The impact of a program is typically measured as the change in offending resulting from participation in that program. Unfortunately, there is no direct measure of crimes prevented since the perpetrator of most crimes is unknown. To approximate the number of prevented crimes, our approach estimates the number of arrests that are prevented. In order to estimate the benefits from a prevented arrest, it is critical to understand what would have happened if that arrest had occurred (i.e., if the arrest had not been prevented). For instance, if an arrest would have led to costly prison sentences or jail stays, preventing a crime and the subsequent arrest yields considerable benefits beyond those accrued to the police. And, since an offender generally commits multiple crimes per arrest, for each prevented arrest multiple crimes are prevented and multiple citizens receive benefits from not being victimized. Understanding the likelihood of these events, given an arrest, is essential to valuing the benefits of preventing an arrest. We refer to these as “conditional probabilities,” which are the likelihood of subsequent case processing events taking place once an arrest has occurred.

This report describes criminal case processing in Washington, DC, including the probability that an arrest for a particular crime leads to a conviction, and if there is a conviction, the type of sentence that results. To provide context for these statistics, this paper compares the results for Washington, DC, to State Court Processing Statistics (SCPS), which report data on about 40 of the 75 largest urban courts in the United States. In general, we find that the District follows national patterns with respect to most indicators of criminal justice case processing. Defendants in the District are slightly more likely to be charged with serious person crimes (homicide, sexual assault, felony assaults, and weapons violations) than are cases nationally, and slightly less likely to be charged with property crimes (burglary, theft, motor vehicle theft). Similarly, clearance rates are slightly higher for the most serious crimes (murder, rape) and lower for less serious crimes (motor vehicle theft, burglary). Washington, DC, statutes allow pretrial detention only in a few circumstances, and that is reflected in the low likelihood of pretrial detention. Defendants in the District are slightly more likely than those in other large urban counties to receive probation, and slightly less likely to be sentenced to jail, prison, or long prison sentences.

**Exhibit 1. Conditional probabilities of case processing in the District of Columbia**

Arrest charge	Overall Probabilities			Conditional on being arrested			Conditional on being convicted			
	Percent of all arrests	Prob. of having a public defender	Prob. held for entire pretrial period	Prob. of being acquitted in trial	Prob. of being convicted in trial	Prob. of pleading guilty	Prob. of being sentenced to prison	Prob. of being sentenced to jail	Prob. of being sentenced to probation	Prob. of being fined
Arson	0.1%	51.6%	0.0%	4.5%	5.5%	49.1%	58.3%	25.0%	16.7%	83.3%
Assault (Felony)	7.7%	56.0%	1.7%	4.8%	3.5%	31.2%	28.5%	33.1%	39.1%	85.7%
Assault (Misdemeanor)	27.7%	56.0%	0.9%	4.4%	2.3%	21.1%	0.7%	49.0%	53.7%	88.0%
Burglary	0.8%	62.0%	0.9%	3.0%	5.8%	52.1%	43.3%	29.9%	31.2%	87.9%
Disorderly Conduct	2.7%	52.7%	5.7%	0.3%	0.9%	8.3%	0.0%	29.3%	70.7%	96.6%
Drug (Felony)	11.6%	56.3%	1.9%	1.4%	5.0%	45.3%	25.4%	32.7%	53.9%	91.6%
Drug (Misdemeanor)	22.4%	61.0%	2.5%	1.2%	3.5%	31.9%	1.3%	47.6%	47.7%	86.3%
Family	1.1%	0.0%	1.1%	6.5%	3.6%	32.0%	0.8%	53.7%	57.9%	85.1%
Fraud/Forgery	0.4%	55.6%	0.0%	3.9%	2.5%	22.9%	19.2%	23.1%	57.7%	57.7%
MVT*	2.8%	67.5%	0.9%	0.7%	1.7%	15.1%	4.2%	45.4%	42.9%	79.0%
Murder	0.4%	36.0%	2.1%	8.9%	4.6%	41.8%	82.2%	2.7%	6.8%	90.4%
Property	5.9%	60.6%	2.5%	1.5%	2.6%	23.7%	1.2%	46.2%	37.4%	75.1%
Prostitution	4.8%	0.0%	3.9%	0.5%	3.2%	29.2%	1.1%	59.5%	21.9%	77.4%
Rape/Sexual Abuse	0.2%	46.0%	4.0%	8.3%	4.7%	42.0%	57.1%	35.7%	25.0%	78.6%
Robbery	1.8%	55.1%	1.2%	1.6%	4.6%	41.3%	42.1%	24.6%	36.4%	83.9%
Theft	5.3%	62.8%	3.4%	0.9%	4.1%	37.2%	2.2%	54.4%	42.4%	86.3%
Weapon	4.5%	58.4%	0.9%	4.0%	3.7%	33.0%	18.7%	26.4%	51.6%	81.1%
*MVT: Motor Vehicle Theft										



## Adult Case Processing

The data used in this analysis were provided by the Pretrial Services Agency (PSA).<sup>1</sup> Criminal cases filed in the U.S. District Court for the District of Columbia or the District's Superior Court are referred to PSA for initial processing. PSA conducts a risk assessment for the majority of these cases, felony or misdemeanor, and tracks them through processing. Thus, PSA has information about case processing on the vast majority of arrestees in the District. **Exhibit 1** describes arrests in the District, and the probability of convictions and sentences, conditional on arrest. Crimes are listed alphabetically, and the second column describes what proportion of all arrests in the District are for each crime type. More than one-quarter of all arrests in the District are for misdemeanor assault; an additional one-third are for felony (11.6 percent) and misdemeanor (22.4 percent) drug charges. No other charges account for more than 10 percent of arrests.

Next, **Exhibit 1** describes the likelihood that defendants charged with each type of crime will plead guilty, be convicted at trial, or be acquitted. The omitted category is cases that were dismissed pretrial, including instances where the prosecutor declined to prosecute the case after arrest or dropped the charge later in the case's processing. The likelihood that a case is dropped also varies according to the severity of the charge: Almost all disorderly conduct cases are eventually dismissed, while fewer than half of murder and rape charges are dismissed.

Finally, **Exhibit 1** describes the likelihood of different types of sentences, conditional on a guilty finding. Not surprisingly, most defendants found guilty of murder (82 percent) and rape/sexual assault (56 percent) are sentenced to prison (where sentences longer than one year are served). Jail sentences (less than one year of confinement) are most common for those convicted of theft (54 percent), prostitution (60 percent), and misdemeanor assault (49 percent). Less serious crimes, such as disorderly conduct, are most likely to result in probation (71 percent). The totals for the four possible sentences sum to greater than 100 percent as split sentences (a period of confinement followed by a period of supervision in the community) are relatively common in the District. Overall, 7.4 percent of prison sentences and 27 percent of jail sentences carry some community supervision sentence as well. Finally, almost all cases, regardless of conviction charge, result in a fine payable either to the court or as restitution to the victim.<sup>2</sup>

## Comparing the District to Other Large Urban Counties

The statistics above are difficult to evaluate without a point of comparison. To provide perspective, we turned to the SCPS series collected by the Bureau of Justice Statistics. The SCPS series collects felony case flow information from 40 state courts, each located in one of the 75 largest counties in the United

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<sup>1</sup> Most of these data originate with police and the courts, and are obtained by PSA during the course of routine operations. PSA functions include interviewing arrestees, providing release and supervision recommendations to the court, and providing supervision and treatment for pretrial defendants.

<sup>2</sup> The District operates a Crime Victims Compensation Fund. Even in victimless crimes, payments are often mandated to this fund, and therefore most crimes lead to some payment to victims.

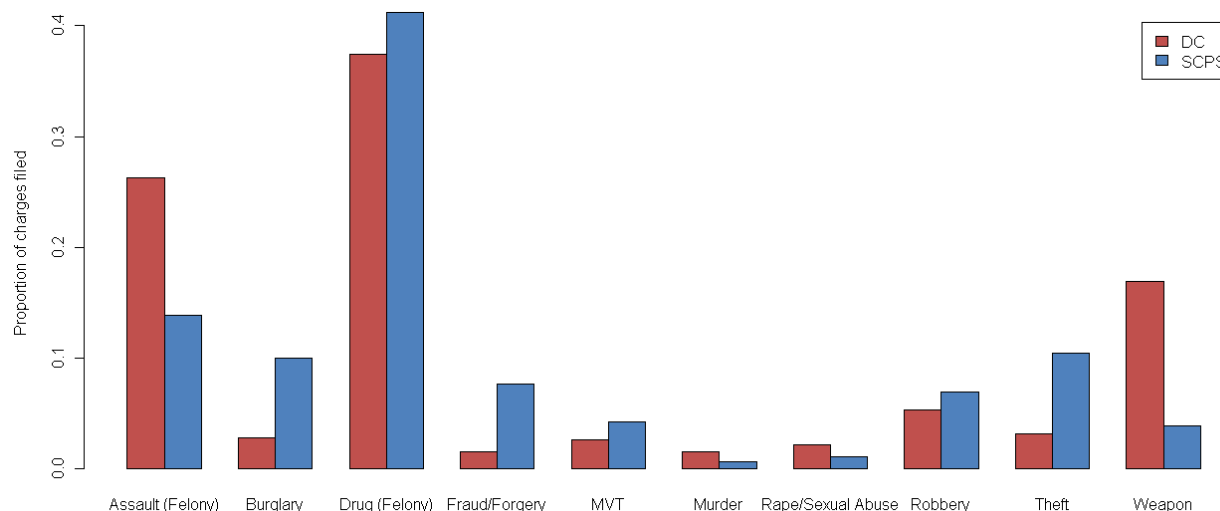
States. Thus, the SCPS data represent court processing in large urban courts. To form a series with which to compare the PSA data, we combined the SCPS data from 2004 and 2006 (the most recent two years available).

To preserve comparability, we restricted the data to those that are consistent in the two data sets. Thus, the analysis that follows is only of felony cases, which include felony assault, burglary, felony drugs, fraud/forgery, motor vehicle theft (MVT), murder, rape and sexual abuse, robbery, theft, and felony weapons offenses. Because the SCPS series includes data only on cases in which charges were filed, we are unable to compare statistics such as the percentage of arrests that led to charges being filed. Thus, while the SCPS data do not make for an ideal comparison, they do provide an important point of reference.

## Comparing Clearance Rates and Charging Practices

**Exhibit 2** presents the distribution of charges filed across different crime types for both the District of Columbia and large urban counties included in the SCPS data. Data are from 2009, which includes the most recent SCPS data currently available. Overall, the District is relatively similar to other large urban areas, but there are a few notable differences. Two felony charges (assault and weapons charges) are far more common in the District than elsewhere, while three crimes are slightly less common (theft, fraud/forgery, and burglary).

**Exhibit 2. Distribution of felony charges filed in the District and large urban counties**



The proportion (prevalence) of each crime type in **Exhibit 2** is determined by three factors: how frequently that crime occurs, the likelihood of an arrest for that type of crime (the clearance rate), and the likelihood that charges are filed after an arrest. Thus, while in 2011 there were only 108 murders in the District and thousands of burglaries, murder charges make up almost the same proportion because murders have a very high clearance rate (and burglaries a very low clearance rate) and charges are much more likely to be filed after arrests for murder.

**Exhibit 3** presents clearance rates and crime rates for Part I crimes<sup>3</sup> in the District of Columbia and U.S. metropolitan counties, as compiled by the Federal Bureau of Investigation. The exhibit explains several of the District’s departures from other large urban counties in **Exhibit 2**. For instance, aggravated assaults in the District are more than double the rate in other metropolitan counties. The low prevalence of theft charges seems to be partially explained by the low clearance rate in the District, which is less than half the clearance rate in metropolitan counties, even though theft rates in the District are considerably higher.

**Exhibit 3. Clearance rates and crime rates for the District of Columbia and U.S. metropolitan counties (2009)**

	Clearance Rate (percentage of crimes resulting in arrest)		Crime Rate (crimes per 100,000 population)	
	Washington, DC	Metropolitan Counties	Washington, DC	Metropolitan Counties
Murder	76%	68%	24	4
Rape	77%	45%	25	22
Robbery	16%	31%	732	70
Aggravated Assault	55%	61%	565	211
Burglary	11%	14%	616	617
Theft	9%	24%	3,207	1,454
MVT	3%	15%	923	193
Source: Crime rates in Washington, DC, are Uniform Crime Report (UCR) data accessed through <a href="http://ucrdatatool.org">ucrdatatool.org</a> . The metropolitan counties data are UCR data from the annual Crime in U.S. report. Washington, DC, clearance rates are taken from Metropolitan Police Department’s budget (2009).				

Some of the departures from the national data in **Exhibit 2** and **Exhibit 3** warrant further exploration. For instance, crimes such as weapons violations are not included in SCPS; therefore, similar data are unavailable. The high prevalence of weapons charges in the District, however, is likely explained by the aggressive approach that the District has taken to identifying, arresting, and prosecuting weapons offenders.

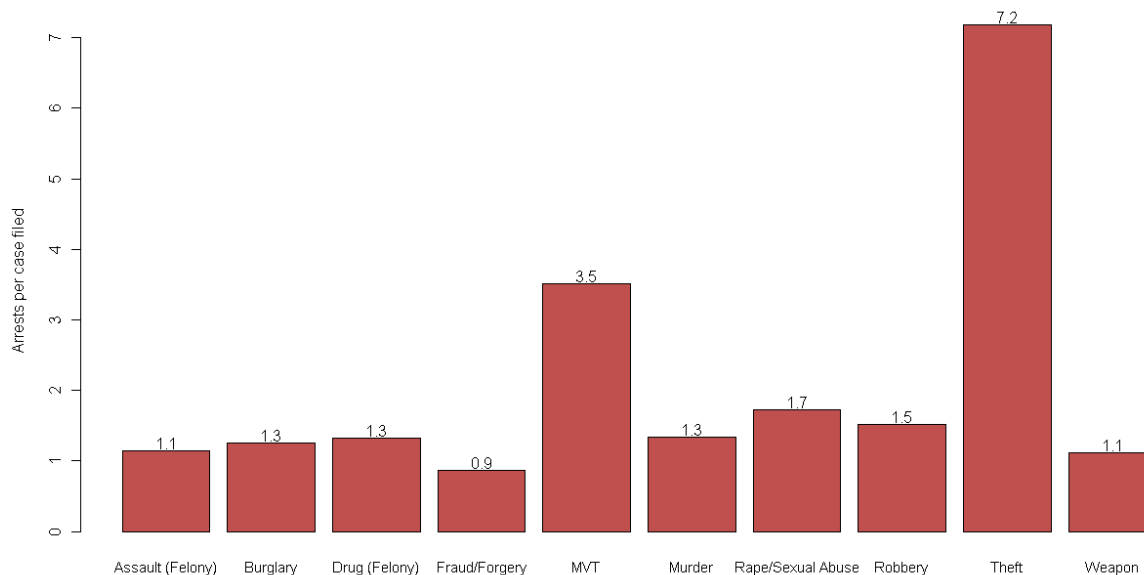
**Exhibit 4** presents the number of arrests per charge filed, separately by crime type.<sup>4</sup> The plot is critical to consider in conjunction with **Exhibit 2** to explain differences in the distribution of charges filed. For instance, although it is true that fewer than half as many thefts result in arrests in the District compared to other metropolitan counties, it is also true that only one in seven arrests is accepted for prosecution. Similarly, only 1 in every 3.5 MVT arrests results in charges filed. Notably, more than 90 percent of

<sup>3</sup> The FBI has historically divided crimes into ‘Part I’ crimes and other crimes. Part I crimes include homicide, rape, aggravated assault, robbery, burglary and motor vehicle theft.

<sup>4</sup> Unfortunately, these data are not generally available from other sources, as they require combining police data with court data. Thus, we are not able to contextualize Exhibit 4 by comparing it to other jurisdictions.

weapons and assault arrests are accepted for prosecution, partly explaining why charges for these crimes are so high.

#### Exhibit 4. Number of arrests for each case filed in the District of Columbia



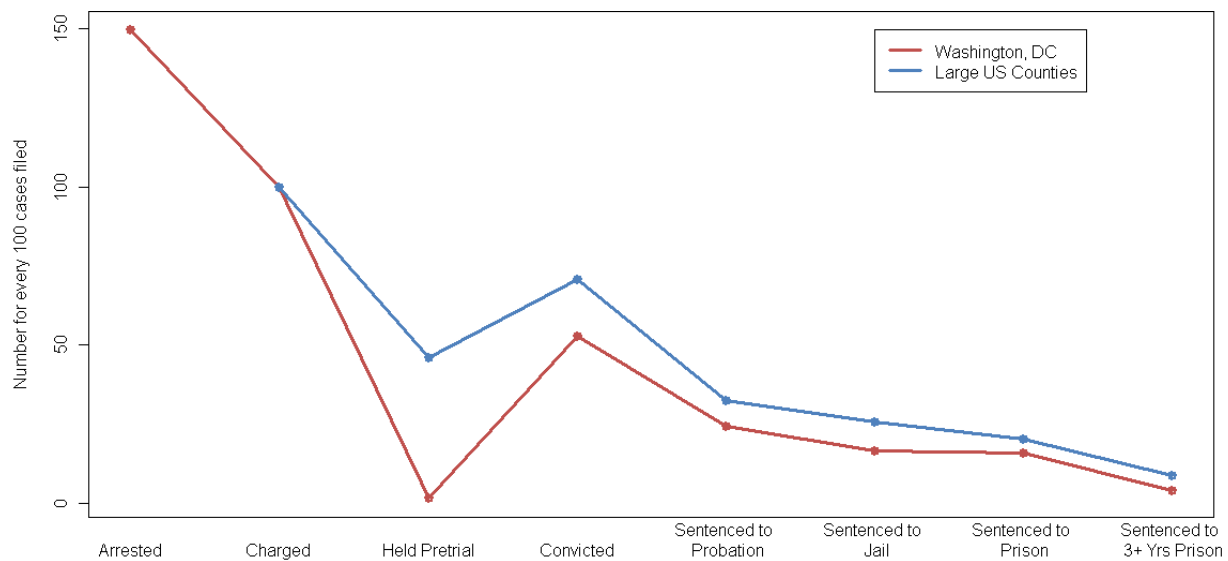
### Comparing Case flow across All Stages of Case Processing

**Exhibit 5** describes the overall flow of adult criminal cases in the District and large urban counties included in the SCPS data, after adjusting the data for differences in the prevalence of different crime types. **Exhibit 5** compares data from the District of Columbia with SCPS data that have been weighted as though the distribution of crime types were identical to the District. The SCPS data are weighted to resemble the District’s charging pattern so that the comparison isolates differences in case processing that are not affected by differences that would result from the District having more serious person crimes and fewer property crimes, for instance.

In **Exhibit 5**, for every 150 arrests for a felony in the District, 100 have formal charges filed, 53 result in a conviction, 16 result in prison, and 4 result in a “long” prison sentence (defined here as three or more years). Most of these figures are similar in other large urban counties. In the District, the percentage of charges filed that result in conviction is considerably lower (53 percent compared to 71 percent) than in other large urban counties, but despite this, the sentencing pattern is similar. Given this case flow, it is unsurprising that the benefits of preventing a single arrest are relatively small (for more on the costs and benefits that are forecast to result from changes in case processing from new interventions, please see our companion paper, “The Costs and Benefits of Community-Based Substance Abuse Treatment in The District of Columbia”).



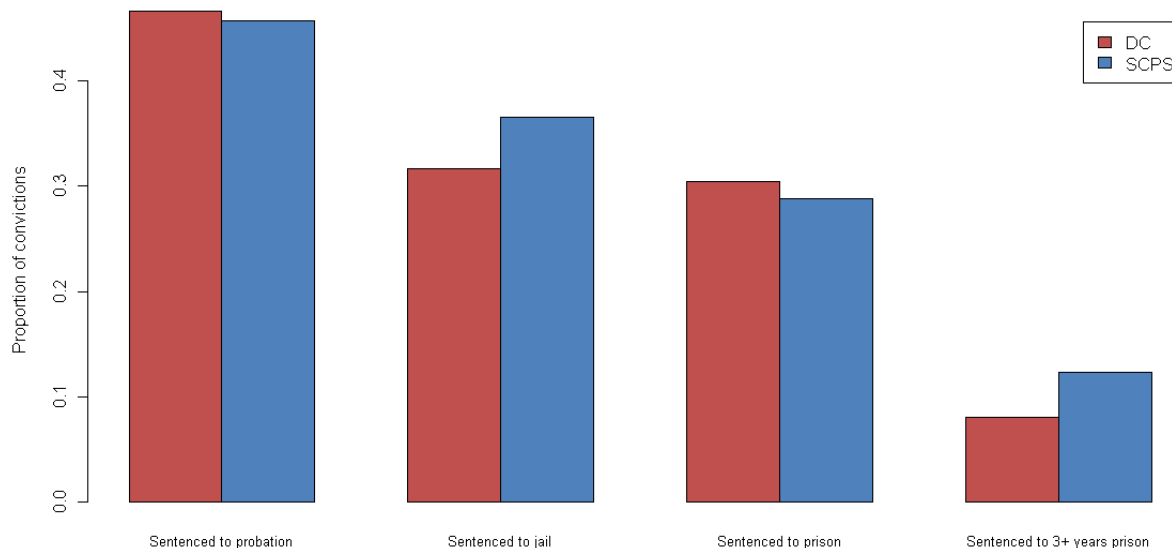
## Exhibit 5. Flow of cases in the District of Columbia and other large urban counties



## Comparing Sentencing

**Exhibit 6** describes the likelihood of four types of sentences (probation, jail, prison, long prison sentence) again, after controlling for differences in the distribution of crime types. Overall, sentencing in the District tends to be similar to that in other large urban counties, although generally more punitive. Jail sentences are used slightly less often (32 percent compared to 38 percent), and although prison sentences are slightly more likely (32 percent compared to 26 percent), long sentences are more rare (6 percent compared to 11 percent). Probation sentences are equally likely in the District (47 percent compared to 47 percent). Although the District often uses split sentencing (27 percent of jail sentences and 7.4 percent of prison sentences carry some probation as well), this practice is actually more common in other jurisdictions (where 51 percent of jail sentences and 7.2 percent of prison sentences carry some probation).

## Exhibit 6. Sentencing in the District of Columbia and other large urban counties



**Exhibit 7** describes sentencing patterns for 10 crimes. For most crimes, the case processing statistics closely follow the patterns described in **Exhibit 7**. For all crime types, charges in the District are less likely to lead to conviction, ranging from 11 percentage points less likely (aggravated assault charges) to 41 percentage points less likely (theft charges). **Exhibit 7** also demonstrates that sentencing in the District tends to be at least as punitive as in other large urban counties. For the most serious crimes, the District tends to sentence offenders to prison more often and to longer prison sentences for murder, rape, and robbery than other urban counties. The District sentences those with weapons charges to prison less often when compared to the SCPS sample. However, as shown in **Exhibit 2**, weapons charges are far more common in the District, likely due to aggressive policing, which may yield a less serious weapon offender on average. Overall, for serious violent crimes, the District's sentencing tends to be more severe, while for property crimes it tends to be less so.

**Exhibit 7. Convictions and sentencing for the District of Columbia and large urban counties, separately by crime type**

		Percentage of charges filed resulting in conviction	Percentage of convictions resulting in sentence to			
			Probation <sup>5</sup>	Jail	Prison	3+ Years of Prison
Aggravated Assault	Washington, DC	47%	37%	39%	24%	12%
	Large urban counties	58	49	40	27	13
Burglary	Washington, DC	60	26	25	58	11
	Large urban counties	81	48	41	34	13
Felony Drug	Washington, DC	63	55	31	28	2
	Large urban counties	77	49	39	21	7
Fraud/Forgery	Washington, DC	43	64	24	18	4
	Large urban counties	75	52	33	17	6
MVT	Washington, DC	41	53	60	8	1
	Large urban counties	77	52	49	32	10
Murder	Washington, DC	48	7	2	87	82
	Large urban counties	78	7	3	80	75
Rape/Sex Abuse	Washington, DC	49	26	20	72	50
	Large urban counties	67	36	21	44	33
Robbery	Washington, DC	49	36	25	77	21
	Large urban counties	74	33	25	49	32
Theft	Washington, DC	34	41	42	10	0
	Large urban counties	75	48	42	18	4
Weapon	Washington, DC	45	50	25	21	4
	Large urban counties	71	42	31	39	11

<sup>5</sup> Note that sentencing is not mutually exclusive. Thus, it is possible for a single individual to be sentenced to both probation and jail, for instance, on a single charge.

## The Cost Implications of the Data

The data presented here are essential to the cost-benefit methods used by DCPI. Combining the conditional probability data with estimates of the harms experienced by victims of crimes<sup>6</sup> the social costs associated with an arrest (which are the social benefits of a program preventing that arrest and its associated outcomes) can be simulated. The total social costs associated with an arrest average more than \$75,000. Of that, 83 percent (\$63,000) are costs to victims, 14 percent (\$10,000) are costs to federal agencies (primarily the Federal Bureau of Prisons [BOP], Court Services and Offender Supervision Agency for the District of Columbia [CSOSA], and PSA), and 3 percent (\$2,500) are costs to city agencies (primarily the Department of Corrections [DOC] and the Metropolitan Police Department [MPD]). However, these figures mask considerable variation. The advantage of DCPI's Bayesian simulation methods is that it generates a full range of estimated costs and benefits, rather than providing a single point estimate.

### Exhibit 8. Percentiles of benefits of an arrest averted, by beneficiary

Beneficiary	Percentile of benefits								
	10 <sup>th</sup>	20 <sup>th</sup>	30 <sup>th</sup>	40 <sup>th</sup>	50 <sup>th</sup>	60 <sup>th</sup>	70 <sup>th</sup>	80 <sup>th</sup>	90 <sup>th</sup>
All society	\$1,100	\$1,900	\$3,300	\$6,300	\$11,500	\$24,900	\$54,000	\$80,700	\$204,900
Federal agencies*	800	1,400	2,000	3,400	4,500	6,400	7,300	10,200	16,200
BOP	0	0	0	0	0	0	0	0	0
CSOSA	0	0	0	0	0	0	0	0	9,300
PSA	200	400	600	800	1,000	1,300	1,600	2,200	3,200
City agencies	30	30	30	120	570	570	570	1,200	6,400
DOC	0	0	0	0	0	0	0	0	5,900
MPD	30	30	30	30	120	570	570	570	570
Potential victims	0	0	0	0	200	1,000	38,700	68,000	188,000
*Includes court, public defender, and prosecutor. Data do not sum within columns because they are regression parameters and thus the totals are slightly different from the sum of individual rows.									

Each column in **Exhibit 8** represents a percentile. For instance, the 50<sup>th</sup> percentile of the first row suggests that for 50 percent of arrests, benefits accrued to all of society will be \$11,500 or less. Each row in the exhibit describes the beneficiary of that percentile's benefits of an averted arrest. **Exhibit 8** shows that agencies that deal with most arrestees (courts, MPD, PSA) receive some benefits from an averted arrest, while agencies that see only a small portion of arrestees are not likely to benefit from each averted arrest. For instance, in more than 90 percent of arrests, no benefits will accrue to the BOP; and in more than 80 percent of arrests, no benefits will accrue to the DOC. This follows earlier data (**Exhibit 5**) that show that most arrests do not result in confinement; out of 150 arrests for serious felonies, only 17 result in prison and another 17 result in jail.<sup>7</sup> However, when considering all the crime types included in **Exhibit 1**, which include misdemeanor offenses and many less serious crimes such as possession of stolen property, incarceration is even rarer. Only 3 percent of all arrests result in prison time and only 15

<sup>6</sup> Roman, J. 2011. "How do we Measure the Severity of Crime? New Estimates of the Cost of Criminal Victimization." In, J. MacDonald Ed., *Measuring Crime and Criminality: Advances in Criminological Theory*, Vol. 17. Piscataway, NJ: Rutgers University Press. 37-70.

<sup>7</sup> Even in the absence of a jail sentence, benefits may accrue to the DOC if the arrestee is detained in jail pretrial.

percent result in jail time. This is partly because, overall, 65 percent of arrests result in charges dismissed or never being filed, and partly because only 4 percent and 20 percent of convictions result in prison or jail sentences, respectively.<sup>8</sup>

Since most crimes in the District are nonviolent, costs to victims are usually relatively low (60 percent of arrests carry \$1,000 or less in associated victimization costs) but rise rapidly. Violent crime, although relatively rare, is extremely costly. In fact, it is these rare, but costly, violent crimes that drive much of the social cost of crime. One implication is that efforts to prevent violent crime are extremely important from a cost-benefit standpoint.

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<sup>8</sup> Note that these figures are not comparable to the figures presented in Exhibits 5, 6, and 7 because these figures are based on all crimes included in Exhibit 1, whereas Exhibits 5, 6, and 7 are only based on serious felonies.



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DCPI is a nonpartisan, public policy research organization focused on crime and justice policy in Washington, D.C. DCPI connects a diverse team of prominent scholars and policy experts. With funding from the Justice Grants Administration (JGA) in the Executive Office of the District of Columbia Mayor (EOM), DCPI was established at the Urban Institute in 2009.

Administered by the Justice Policy Center at the Urban Institute, DCPI's mission involves three tasks: conduct analyses of the costs and benefits of justice policies and programs for the District of Columbia; create a publicly accessible research library of crime and justice research in the District of Columbia; and conduct research and evaluation projects concerning District of Columbia crime and public safety, crime prevention, and crime policy.



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