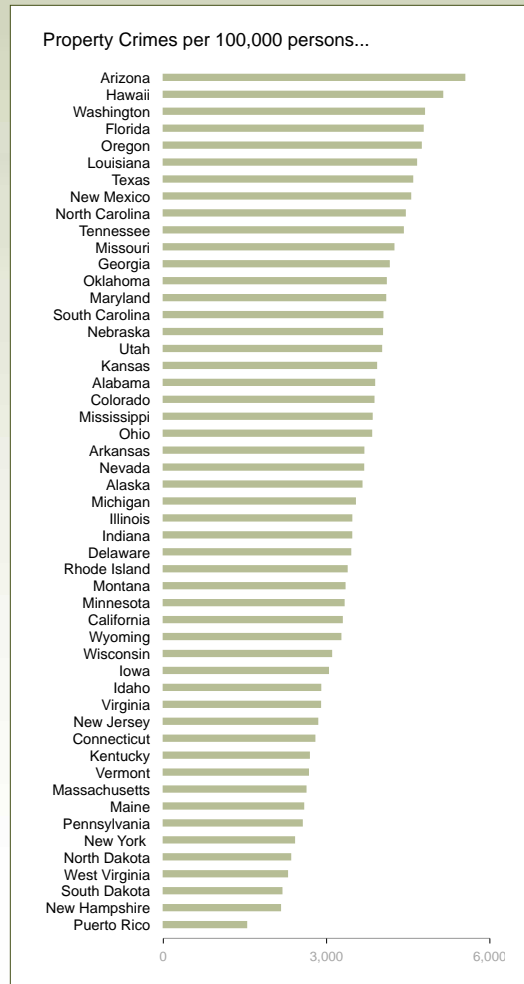
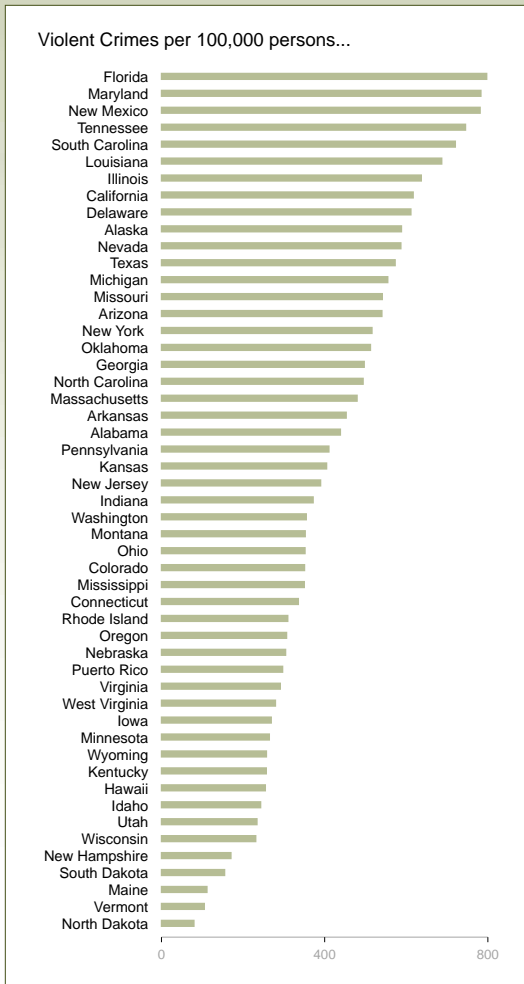


CRIMINAL

State Violent & Property Crime Rate Rankings, 2001

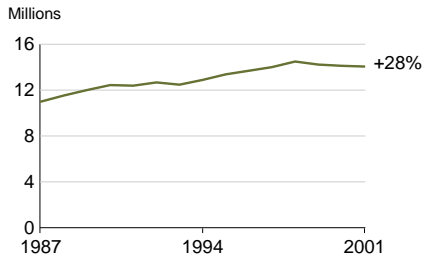


Source: Uniform Crime Report, Federal Bureau of Investigation, 2001.

Criminal Caseloads in State Trial Courts

The number of criminal cases in 2001 was just over 14 million

Criminal Cases Filed in State Courts, 1987-2001



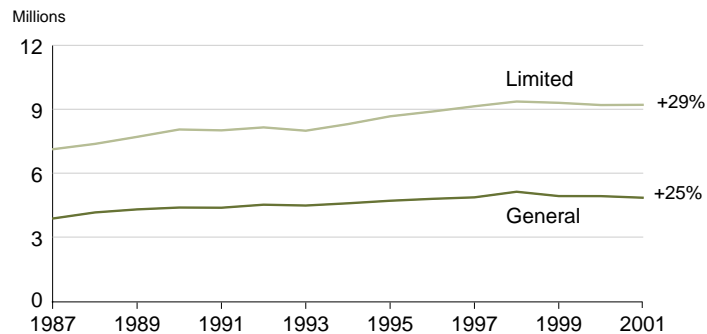
The vast majority of criminal cases are processed in state rather than in federal courts. The most recent trend in criminal filings shows a decline of about 3 percent since 1998. The trend since 1987 is somewhat recurring, with filings increasing then leveling every three to five years. Overall, the data shows that the number of criminal filings rose by about 2 percent per year.

The recent drop in filings could be related to a number of factors, but the most likely explanations take into account the corresponding drop in crime. More directly, arrest rates, which are predictive of criminal case filings, have been declining since the early 1990s. In fact, 2001 marks the first year in which crime rates have flattened or have begun edging up slightly (depending on type of crime).

Courts of limited jurisdiction processed almost twice the amount of cases as general jurisdiction courts

The graph below compares criminal case filings by type of court jurisdiction. There were consistently more criminal filings in limited jurisdiction courts than in general jurisdiction courts. Filings in both courts increased almost every year from 1987 until their peak in 1998. Criminal filings in general jurisdiction courts declined in 2001, continuing the trend that began in 1999. Limited jurisdiction court caseloads in 2001 stayed even at about 9.2 million cases. Overall, criminal caseloads increased 25 percent in general jurisdiction courts and 29 percent in limited jurisdiction courts between 1987 and 2001.

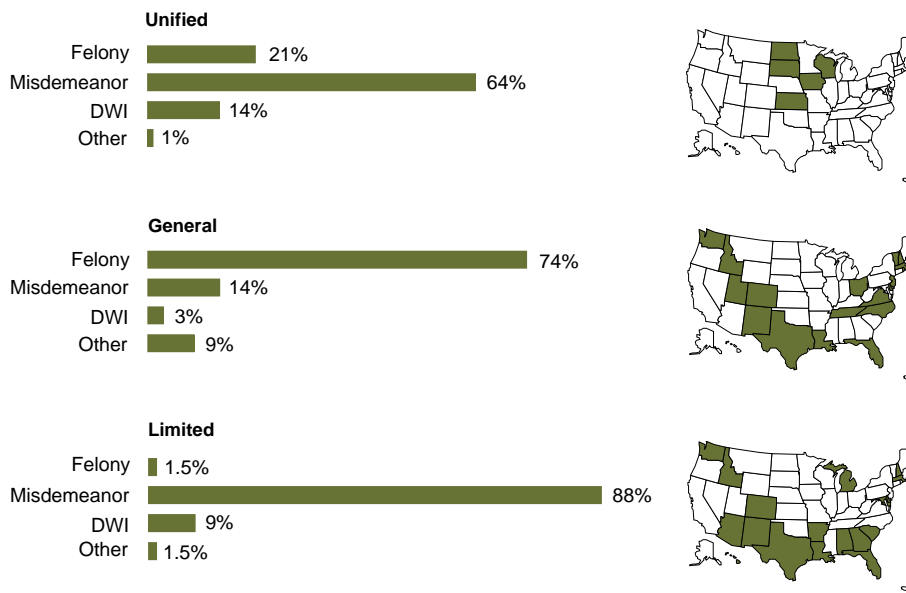
Criminal Cases Filed in State Courts by Court Jurisdiction, 1987-2001



The composition of criminal filings differs significantly between unified, general jurisdiction, and limited jurisdiction courts. In 2001, misdemeanor cases represented 64 percent of the criminal caseload in unified courts, while felony and Driving While Intoxicated (DWI, also referred to as Driving Under the Influence) cases accounted for 35 percent of criminal filings.

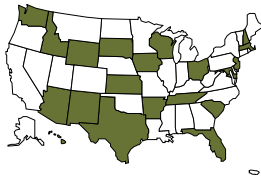
In two-tiered court systems, felonies are typically filed in general jurisdiction courts, while misdemeanors are usually handled in limited jurisdiction courts. In 2001, 74 percent of the criminal cases filed in general jurisdiction courts were felony cases, while 14 percent involved misdemeanors. Of the remaining cases, 3 percent involved DWI offenses. In contrast, misdemeanor and DWI cases together represented 97 percent of the criminal caseload in limited jurisdiction courts, whereas felonies accounted for less than 2 percent of their caseload.

Criminal Caseload Composition by Court Jurisdiction, 2001

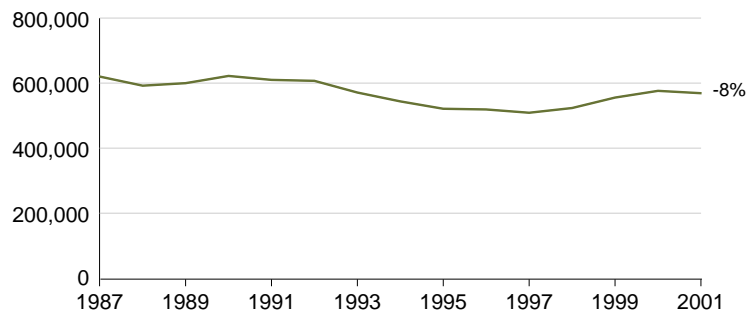


DWI filings are down from 2000

Between 1987 and 1997, DWI filings in state courts decreased almost every year, reaching their lowest levels in 1997. After that year, DWI cases began to rise again, reaching their highest levels since 1992 in 2000. In 2001, DWI filings dropped to a total of 569,000 filings in the 27 reporting courts, down from 576,000 in 2000. The overall decrease in DWI filings in state courts was 8 percent. This trend may reflect the impact of stricter law enforcement, media attention, and alcohol awareness programs on the incidence of drunk driving.



DWI Filings in 27 Courts, 1987-2001



Fifteen states account for nearly three-fourths of the total general jurisdiction criminal caseload

The table on the following page compares criminal filings in unified and general jurisdiction courts during 2001. The range of criminal filings was broad: California reported the largest number of filings (742,582) while Alaska reported the smallest number (3,337 filings). Fifteen states each reported over 100,000 criminal filings, collectively accounting for three-fourths of the total general jurisdiction criminal filings.

Criminal caseloads in a state are closely associated with the size of the state's population and may be expected to rise simply as a result of population growth. The center column shows the number of criminal filings per 100,000 population and the third column shows each state's total population rank. Maryland's filing rate of 1,441 per 100,000 population is the median for the nation. Note that states reporting the largest numbers of criminal case filings are not necessarily states reporting the largest population-adjusted rates of criminal case filings. For example, North Dakota reported the second highest rate of criminal filings (5,845 per 100,000 population) but ranks 31st among the states with regard to number of criminal filings.

Criminal Filing Rates in Unified and General Jurisdiction Courts in 49 States, 2001

State	Criminal Filings	Criminal Filings per 100,000 Population	Population Rank
Unified Courts			
California	742,582	2,152	1
Illinois	559,712	4,484	5
Minnesota	263,199	5,293	21
Missouri	189,950	3,374	17
Wisconsin	148,667	2,752	18
Connecticut	106,770	3,117	30
Puerto Rico	87,387	2,294	27
Iowa	85,466	2,924	31
Kansas	48,506	1,800	33
North Dakota	37,084	5,845	49
District of Columbia	34,341	6,006	51
South Dakota	30,700	4,058	47
General Jurisdiction Courts			
Indiana	209,440	3,425	14
Florida	200,258	1,221	4
Texas	170,845	801	2
Pennsylvania*	167,773	1,365	6
Virginia	161,648	2,249	12
Louisiana	153,725	3,443	22
North Carolina	136,869	1,672	11
South Carolina	108,010	2,658	26
Oregon	100,449	2,892	28
Tennessee	98,521	1,716	16
Georgia	97,688	1,165	10
Maryland	77,472	1,441	19
Ohio	76,830	676	7
Alabama	69,998	1,568	23
Michigan	66,076	661	8
Arkansas	62,623	2,326	34
Utah	60,365	2,659	35
New Jersey	52,824	623	9
New York	52,500	276	3
Arizona	47,380	893	20
Washington	42,390	708	15
Colorado	36,860	834	24
Kentucky	23,283	573	25
New Hampshire	22,003	1,747	42
New Mexico	20,419	1,116	37
Vermont	18,983	3,096	50
Idaho	11,955	905	40
Nevada	11,782	559	36
Nebraska	9,140	533	39
Hawaii	8,937	730	43
Maine	8,639	671	41
Delaware	8,531	1,072	46
West Virginia	8,121	451	38
Montana	7,215	798	45
Rhode Island	6,044	571	44
Massachusetts	5,009	79	13
Alaska	3,337	526	48

*The data for Pennsylvania are preliminary figures provided by the PA AOC.

Note: Mississippi, Oklahoma, and Wyoming are not included because data were not available for 2001.

Factors other than population size also significantly influence the size of criminal caseloads. These factors include the continuing trend in legislatures to criminalize new behaviors, differences in the prosecutorial charging procedures, and differences in the underlying crime rates. Cross-state comparisons of criminal caseloads also require a working knowledge of differences in state court structure, composition of criminal data, and unit of count. States in which the general jurisdiction court handles all or most of the criminal caseload (e.g., the District of Columbia, Illinois, and Minnesota) have the highest numbers of population-adjusted filings, while states that have one or more limited jurisdiction courts with concurrent criminal jurisdiction (e.g., Texas) have much smaller population-adjusted filings.

The composition of the criminal caseload in courts of general jurisdiction tends to be quite similar across states, although some differences exist. For example, criminal filings in Connecticut, Illinois, and Minnesota include ordinance violation cases, which typically are reported in traffic caseloads in other states. Composition also relates to court structure: New York's criminal caseload consists solely of felony and DWI cases, since various limited jurisdiction courts process all misdemeanor cases, some DWI cases, some felony cases, and miscellaneous criminal cases.

Unit of count also affects the size of the caseload. States that count a case at arraignment (e.g., Ohio), rather than at filing of an information/indictment, have smaller criminal caseloads. Most states count each defendant as a case, but some states (e.g., New York, Wyoming, and Montana) count one or more defendants involved in a single incident as one case. This results in smaller numbers of population-adjusted criminal filings in those states. See *State Court Caseload Statistics, 2002* for more information regarding case counting practices.

Clearance rates reflect reductions in a court's pending caseload

The success of states in disposing criminal cases reflects, in part, the adequacy of court resources and has implications for the pace of both criminal and civil litigation. Criminal cases consume a disproportionately large chunk of court resources compared to their overall contribution to the total caseload. Constitutional requirements covering the right to counsel ensure that attorneys, judges, and other court personnel will be involved at all stages in the processing of criminal cases. In addition, criminal cases must be disposed under tighter time standards than other types of cases. Finally, courts are often required by constitution, statute, and court rule, to give priority to criminal cases. This mandatory attention to criminal cases may result in slower processing of other types of cases.

Seventeen states had three-year clearance rates of 100 percent or more

The table on the following page shows that 17 states cleared 100 percent or more of their criminal caseload for the period from 1999 to 2001. Rhode Island and New York topped the list with the highest clearance rates for all three years. At the other end of the scale, Florida reported the lowest clearance rate of 85 percent, indicating that its courts are likely adding to an inventory of pending cases.

Statewide clearance rates not only reflect a range of management initiatives at the trial court level, but also are influenced by factors such as caseload growth, time standards, and the consistency with which filings and dispositions are measured. Of the 17 states that cleared 100 percent or more of their criminal caseload for the 1999-2001 period, nine experienced a decline in the number of cases filed. All of the 17 states with three-year clearance rates of 100 percent or more have adopted time standards for criminal case processing. Three of the states with high clearance rates (New York, Rhode Island, and West Virginia) have adopted the COSCA/ABA-recommended goal of disposing all felony cases within 180 days from the time of arrest. Time standards for West Virginia and Massachusetts are mandatory, while others are advisory. Finally, it is also important to note whether the filings and dispositions within a state are comparable. Only states that use the same methodology to count filings and dispositions are included in the table.

Criminal Caseload Clearance and Growth Rates for Unified and General Jurisdiction Courts in 44 States, 1999-2001

State	Clearance Rates				Caseload Growth 1999-2001
	1999	2000	2001	1999-2001	
Unified Courts					
Kansas	101%	103%	108%	104%	-3%
Iowa	103	111	98	104	- 8
Illinois	105	104	101	103	- 4
Minnesota	98	100	108	102	- 6
District of Columbia	102	103	100	101	5
Wisconsin	100	102	99	100	7
Connecticut	101	97	101	99	- 9
Puerto Rico	97	96	96	96	- 7
North Dakota	98	94	94	96	6
Missouri	96	93	91	93	3
California	92	93	93	93	-13
General Jurisdiction Courts					
Rhode Island	117	101	103	107	7
New York	108	108	105	107	-5
Massachusetts	105	114	98	105	-43
Utah	89	113	115	105	-9
South Carolina	103	102	109	104	-5
Alabama	106	103	99	102	3
New Jersey	105	102	99	102	4
Indiana	100	103	101	102	9
Texas	101	101	100	101	7
Georgia	96	104	100	100	0
Colorado	104	101	95	100	-2
Pennsylvania*	98	99	101	99	8
Tennessee	97	101	100	99	0
Vermont	97	98	103	99	-11
Virginia	99	96	99	98	9
Washington	98	98	98	98	8
Oregon	99	97	98	98	0
Ohio	98	99	96	98	15
West Virginia	100	99	94	98	8
Idaho	97	98	96	97	5
North Carolina	96	98	97	97	-3
Alaska	94	97	100	97	-3
Michigan	101	94	93	96	6
Maryland	98	95	94	96	9
Arkansas	97	93	97	96	14
Delaware	101	94	92	96	11
Arizona	100	91	95	95	16
New Hampshire	93	96	94	94	16
Kentucky	94	96	90	93	5
Montana	103	93	85	93	22
Hawaii	105	92	82	93	2
New Mexico	90	93	93	92	19
Florida	83	82	89	85	1

*The data for Pennsylvania are preliminary figures provided by the PA AOC.

Very few criminal cases are resolved at trial

Approximately 3 percent of criminal cases were resolved by trial in 2001. Trial rates ranged from 0.9 percent in Vermont to 8 percent in New Mexico. Nationally, jury trials account for 46 percent of all trials. Guilty pleas disposed of about 65 percent of criminal cases. About one criminal case in four is resolved when the prosecutor decides not to continue (*nolle prosequi*) or all charges are dropped (dismissal).

Manner of Disposition for Criminal Cases Filed in 17 Unified and General Jurisdiction Courts, 2001

State	Total Disposed	Percentage of Cases Disposed by:						
		Trial			Non-trial			
		Total	Bench	Jury	Total	Pleas	Dism/Nolle	Other
Unified Courts								
Minnesota	282,468	1.0%	0.6%	0.4%	99.0%	74.1%	24.8%	0.0%
Missouri	146,228	1.7	1.2	0.4	98.3	66.8	30.5	3.3
Wisconsin	137,438	1.7	0.3	1.4	98.3	77.4	20.5	0.4
Iowa	83,805	2.0	1.4	0.6	98.0	68.2	29.8	0.0
Puerto Rico	75,792	9.6	9.3	0.3	90.4	44.2	43.5	2.7
Kansas	41,940	3.3	1.8	1.5	96.7	53.9	26.1	16.7
Dist. of Columbia	40,713	2.4	1.5	0.9	97.6	19.9	26.6	51.1
General Jurisdiction Courts								
Florida	179,133	2.4	0.2	2.1	97.6	74.7	10.4	12.6
North Carolina	133,374	2.2	0.0	2.2	97.8	49.5	35.9	12.4
Pennsylvania*	119,623	6.8	4.6	2.2	93.2	81.9	9.5	1.9
South Carolina	117,790	1.0	n/a	n/a	99.0	42.2	42.3	16.2
Michigan	60,917	4.5	1.7	2.7	95.5	62.7	10.2	22.6
Washington	41,690	5.9	1.9	4.0	94.1	75.4	15.2	9.3
Vermont	19,508	0.9	0.2	0.7	99.1	68.4	29.8	0.8
New Mexico	18,593	8.0	5.6	2.5	92.0	36.9	25.1	37.9
Delaware	7,891	2.6	0.3	2.4	97.4	65.3	17.0	15.1
Alaska	3,326	5.8	0.4	5.5	94.2	73.7	20.0	0.4
Total	1,227,761	2.8	1.5	1.3	97.2	64.7	24.8	8.0

*The data for Pennsylvania are preliminary.

n/a = not available

Note: totals may not sum due to rounding.

The plea process is certainly swifter than the formal trial process, and given the growth in criminal caseloads, it has become an integral part of the administration of justice. Those who are in favor of plea bargaining argue that the overwhelming prevalence of guilty pleas provides some evidence that the plea process is more desirable to both sides. Prosecutors benefit by securing high conviction rates without incurring the cost and uncertainty of trial. Defendants presumably prefer the outcome of the negotiation to the exercise of their right to trial or the deal would not be struck. On the other hand, opponents argue that plea bargaining places pressure on defendants to waive their constitutional rights, which results in inconsistent sentencing outcomes and the possibility that innocent people plead guilty rather than risk the chance of a more severe sentence after conviction at trial. Regardless of one's views, it is unlikely that the prevalence of plea bargaining will change in the near future.