

## Criminal Caseloads

Incoming criminal cases comprise the second largest category of trial court caseloads, representing about 21 percent of the 100.6 million incoming cases in state courts in 2005. Two-thirds of the 20.8 million criminal cases that entered the state courts did so through courts of limited jurisdiction, despite 10 states, including California, having no such courts.

The ways in which criminal cases are counted often differ from other types of cases. First, the *State Court Guide to Statistical Reporting* prescribes that defendants, not charges, be counted. This is not the case in all states. Additionally, states with two-tiered systems, i.e., those with both limited and general jurisdiction courts,

may hear parts of the same criminal case at both levels of court and count that case as two distinct cases. For example, a felony—the most serious type of criminal case—can have a preliminary hearing in a limited jurisdiction court, such as a municipal court. If a judicial officer then decides that the evidence against a defendant is sufficient to support the charges alleged by the prosecutor, the case is typically “bound over” to, or re-filed in, the court of general jurisdiction for trial. Thus, the number of criminal cases reported by the states does not necessarily equate to the number of defendants being charged, but more accurately the number of individual “cases” that courts are processing.

### On the Web



Federal Bureau of Investigation  
Local, state, and national  
*Uniform Crime Reports*

**Total Incoming Cases in State Courts, by Jurisdiction, 2005**  
(in millions)

Limited Jurisdiction	14.2
General Jurisdiction	3.2
Unified	3.4



## Incoming Criminal Caseloads and Rates, 2005

State	General Jurisdiction	Limited Jurisdiction	Total	Per 100,000 Population		
				General Jurisdiction	Limited Jurisdiction	Total
<b>Unified Courts</b>						
North Dakota <sup>1</sup>	41,272	23,072	64,344	6,482	3,624	10,106
District of Columbia	38,549		38,549	7,002		7,002
Minnesota	324,745		324,745	6,327		6,327
Connecticut	186,628		186,628	5,317		5,317
California	1,578,176		1,578,176	4,368		4,368
Illinois	545,416		545,416	4,273		4,273
Missouri	235,175		235,175	4,055		4,055
South Dakota <sup>2</sup>	29,126		29,126	3,754		3,754
Iowa	89,858		89,858	3,029		3,029
Wisconsin <sup>1</sup>	155,478	—	155,478	2,808	—	2,808
Puerto Rico	86,187		86,187	2,203		2,203
Kansas <sup>1</sup>	46,570	13,733	60,303	1,697	500	2,197
<b>Median</b>				<b>4,164</b>		<b>4,164</b>
<b>Two-tiered Courts</b>						
North Carolina	144,334	1,569,842	1,714,176	1,662	18,079	19,741
Arkansas	84,186	461,090	545,276	3,029	16,591	19,620
Delaware	8,973	142,328	151,301	1,064	16,873	17,937
Virginia	175,264	922,839	1,098,103	2,316	12,195	14,511
Arizona	56,359	663,739	720,098	949	11,175	12,124
Texas	261,484	2,284,180	2,545,664	1,144	9,992	11,136
Montana	8,752	85,153	93,905	935	9,101	10,036
Idaho	13,164	127,546	140,710	921	8,925	9,846
Hawaii	8,286	116,365	124,651	650	9,125	9,775
Alabama	79,313	354,501	433,814	1,740	7,778	9,518
Michigan	69,122	888,395	957,517	683	8,778	9,461
New Jersey	123,609	626,187	749,796	1,418	7,183	8,601
Louisiana	174,105	213,594	387,699	3,849	4,722	8,571
Massachusetts	5,145	535,925	541,070	80	8,375	8,456
West Virginia	8,612	144,810	153,422	474	7,970	8,444
Nebraska	10,863	133,903	144,766	618	7,613	8,231
Georgia	170,981	556,030	727,011	1,885	6,129	8,013
Ohio	101,775	788,813	890,588	888	6,881	7,769
Florida	355,580	981,537	1,337,117	1,999	5,517	7,516
New Hampshire	25,618	72,526	98,144	1,956	5,537	7,492
South Carolina	117,165	176,943	294,108	2,754	4,158	6,912
Nevada	14,056	139,517	153,573	582	5,778	6,360
Maryland	79,957	272,149	352,106	1,428	4,859	6,287
Kentucky	31,702	223,237	254,939	760	5,349	6,109
Alaska	5,546	31,877	37,423	836	4,803	5,639
Maine	72,545	72,545	145,090	5,490		5,490
New Mexico	25,520	78,822	104,342	1,323	4,087	5,411
Utah	41,532	85,717	127,249	1,682	3,471	5,153
Indiana	248,511	55,166	303,677	3,962	880	4,842
Washington	50,643	249,447	300,090	805	3,967	4,773
Pennsylvania	156,366	387,315	543,681	1,258	3,116	4,374
Rhode Island	5,783	38,715	44,498	537	3,597	4,135
Colorado	45,405	143,038	188,443	973	3,066	4,039
New York	74,412	611,472	685,884	386	3,176	3,562
Oregon	104,214	—	104,214	2,862	—	2,862
Vermont	17,552	0	17,552	2,817	0	2,817
Tennessee	158,044	—	158,044	2,650	—	2,650
<b>Median</b>				<b>1,258</b>	<b>5,953</b>	<b>7,516</b>

<sup>1</sup> Kansas, North Dakota, and Wisconsin each have municipal courts with some criminal jurisdiction.

<sup>2</sup> South Dakota's Magistrate Court has misdemeanor jurisdiction but its caseload is counted with the general jurisdiction court.

Notes: a) Blank cells indicate no limited jurisdiction court or no criminal jurisdiction. b) "—" = data not available. c) Mississippi, Oklahoma, and Wyoming were unable to report criminal data for 2005.

\* Data from Pennsylvania are preliminary figures provided by the PA AOC.


The adjacent table shows the 2005 criminal caseloads for each state's general and limited jurisdiction courts (if applicable), as well as per capita rates. The population-adjusted rates vary substantially from a high of almost 20,000 in North Carolina to slightly fewer than 2,200 in Kansas. The difference in case counting practices between unified and two-tiered court systems is quite apparent as the median rate in the Total column for two-tiered courts is nearly twice that of unified courts.

Data from the 13 states able to report complete *reopened* and/or *reactivated* criminal caseloads indicate that about one in five criminal cases has either reentered the court system after an initial entry of judgment or been reactivated after a period of inactivity. A criminal case may be reopened, for example, when a defendant violates parole. When a court issues a bench warrant, the case should be *placed on inactive status* until

such time as the defendant returns to court. At that time, the case is reactivated and continues toward a disposition. Managing and counting criminal cases in this manner results in more accurate calculations of the age of active pending criminal cases.

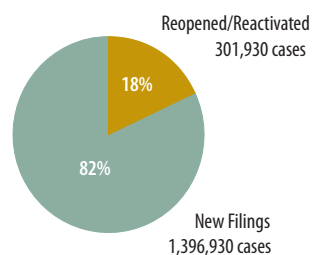
Disaggregating the data from the chart below reveals variations in the percentage of reopened/reactivated caseloads in state courts. Twelve of these 13 states reported only a *reopened* criminal caseload; Ohio alone reported a *reactivated* caseload. This indicates that most of the states collecting data on reopened and reactivated cases cannot yet distinguish one type of case from the other at the state level.

**Courtools**

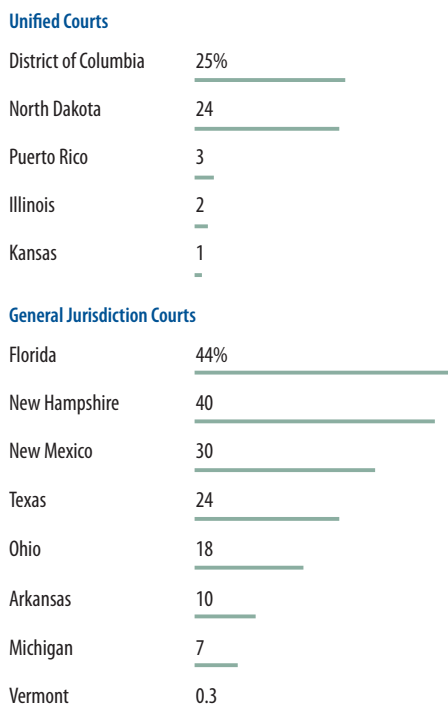
**CourTools** | 

National Center for State Courts  
Measure 4:  
Age of Active Pending Caseload

**Reopened/Reactivated Criminal Caseloads in Unified and General Jurisdiction Courts in 13 States, 2005**



**Reopened/Reactivated Criminal Caseloads as a Percentage of Total Criminal Caseloads in 13 States, 2005**



• **BJS Resource**

**BJS**

Bureau of Justice Statistics  
Criminal Case  
Processing Statistics

Criminal caseloads consist of felonies, misdemeanors, appeals from limited jurisdiction courts, and other non-specific criminal cases. The distinction between felonies and misdemeanors can differ from state to state but, in most instances, misdemeanors are less serious crimes punishable by up to one year in jail. Felonies are more serious crimes with penalties of at least one year in prison. Both types of cases can also result in fines for convicted defendants.

As noted earlier, felonies are subject to double counting in two-tiered courts. An

interstate examination of these cases is therefore improved by limiting the observation to cases filed in courts of general jurisdiction only. In so doing, criminal caseloads and rates in unified court systems (where double counting is not an issue) are made more comparable to the general jurisdiction courts of two-tiered systems. The adjacent chart displays the total number and population-adjusted rates of felony cases for 37 states. Although both of these metrics show wide ranges, the median per capita rates are quite similar at about 1,200 incoming felony cases per 100,000 state residents.

**Criminal Caseload Composition in 31 States, 2005**



Incoming Felony Caseloads and Rates in Unified and General Jurisdiction Courts in 37 States, 2005



	State	Total	Per 100,000 Adults	
Unified Courts	District of Columbia	10,009	2,275	
	Missouri	93,226	2,157	
	North Dakota	7,370	1,543	
	Connecticut	36,135	1,367	
	Puerto Rico	37,437	1,342	
	South Dakota	7,032	1,238	
	Iowa	25,630	1,154	
	California	283,080	1,078	
	Illinois	98,172	1,041	
	Kansas	19,290	956	
	Wisconsin	35,562	862	
	Minnesota	31,727	838	
	<b>Median</b>			<b>1,196</b>
	General Jurisdiction Courts	Arkansas	60,894	2,937
Florida		354,561	2,582	
Virginia		122,051	2,139	
Louisiana		60,165	1,829	
Tennessee		76,308	1,697	
New Mexico		22,659	1,632	
Texas		255,768	1,558	
North Carolina		101,509	1,548	
Indiana		71,775	1,544	
Oregon		39,194	1,430	
Colorado		45,405	1,308	
Utah		21,144	1,263	
Arizona		54,426	1,248	
Alabama		41,462	1,218	
Idaho		12,060	1,180	
Ohio		94,397	1,104	
Washington		45,576	976	
Michigan		67,997	909	
New Jersey		53,762	820	
Vermont		3,853	816	
Rhode Island		5,509	670	
Nevada		11,614	646	
West Virginia		6,187	438	
Hawaii		4,044	419	
Massachusetts		5,145	105	
<b>Median</b>				<b>1,248</b>

CSP Resource



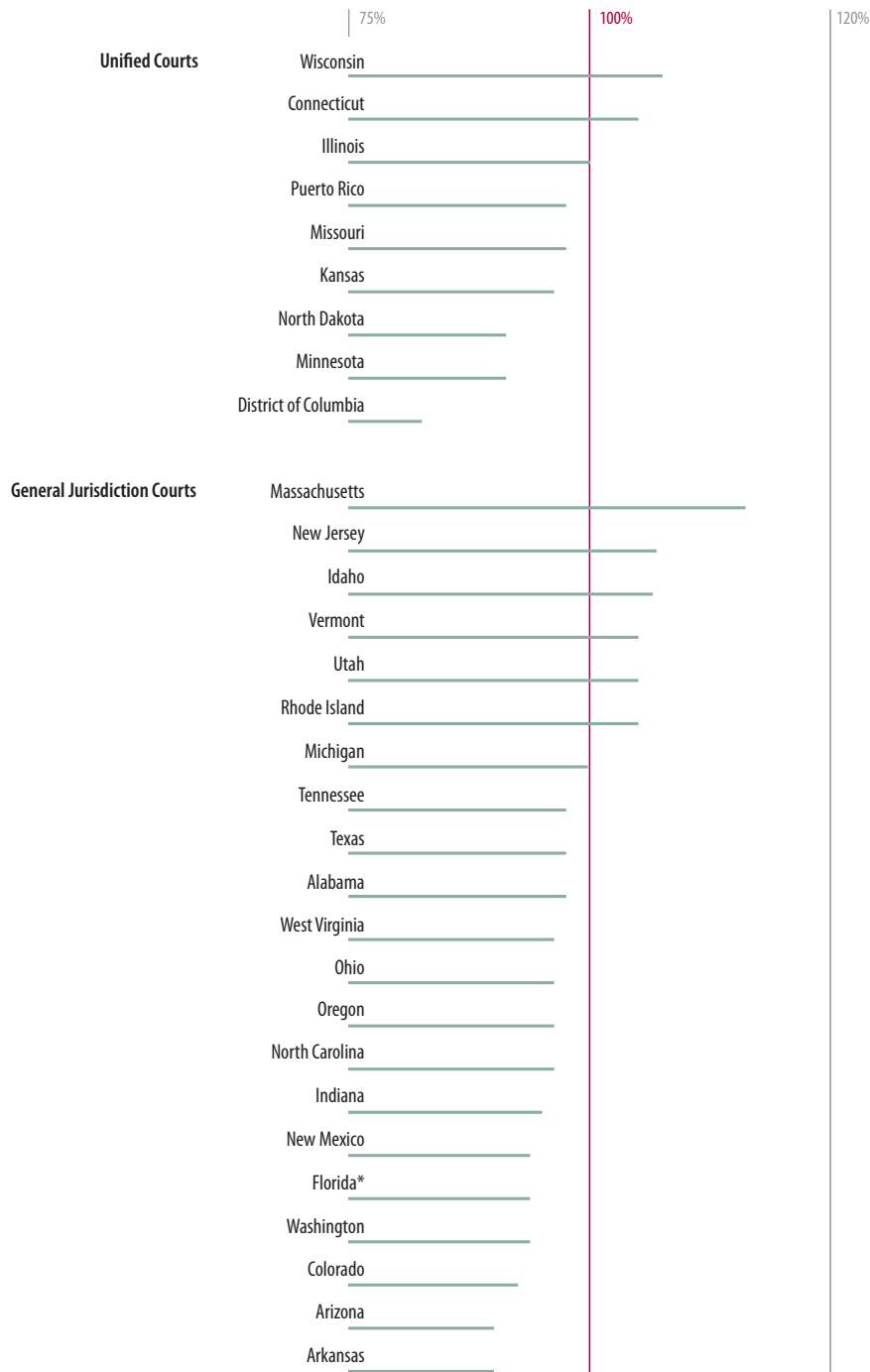
National Center for State Courts  
Felony Caseloads in the NACM Network



One method for determining if a court is processing its caseloads efficiently is by determining a **clearance rate**. An annual clearance rate is calculated by dividing the number of *outgoing* cases during a reporting

period (in this instance, one year) by the number of *incoming* cases during the same period. The resulting percentage indicates whether the court is keeping up with its incoming caseload.

Felony Clearance Rates in Unified and General Jurisdiction Courts in 30 States, 2005



\* Florida's clearance rate is based on new filings and entries of judgment only.

The general jurisdiction courts in 30 states reported incoming and outgoing caseloads from which clearance rates could be calculated for 2005. About one-third of these states reported at least as many outgoing cases as incoming cases, generating clearance rates of 100 percent or more. Massachusetts reported the highest clearance rate at 113 percent. But as shown in the chart on page 49, Massachusetts also had by far the lowest per capita rate of incoming felony cases (105) among the 37 states shown there. Conversely, the District of Columbia reported the third highest per capita rate of incoming felony cases (2,275) and its clearance rate was the lowest at 86 percent.

The *Guide* divides felony caseloads into 10 distinct case types: person, domestic

violence, property, drug, weapon, public order, motor vehicle/DUI, motor vehicle/reckless driving, motor vehicle/other, and other felony. Although many courts are able to distinguish and report some of this detail, the general jurisdiction court of Hawaii and the unified court of Puerto Rico reported felony caseloads for seven of the 10 case types. (*Note:* for this analysis, the three motor vehicle case types are consolidated into one category and public order is included with "other" felony.)

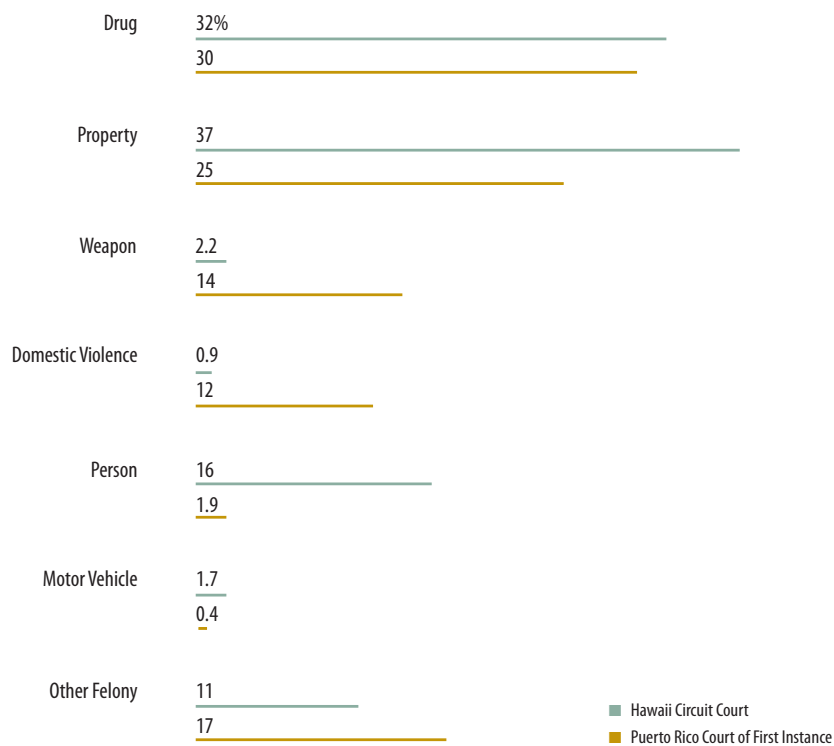
The proportions of drug and motor vehicle cases are quite comparable between the two courts. However, there is little similarity among the remaining case types as exemplified by a 14 percent gap in person cases and differences of more than 10

CSP Resource



National Center for State Courts  
State Court Structure Charts —  
Hawaii and Puerto Rico

Felony Caseload Composition in the General Jurisdiction Courts of Hawaii and Puerto Rico, 2005



percent in property, weapon, and domestic violence cases.

Some differences in criminal caseloads and rates are attributable to such things as

geographic location, local legal culture, charging practices, and justice system resources. Other differences are clearly the result of data that are collected or reported in a manner inconsistent with

**Incoming Misdemeanor Caseloads and Rates in 25 States, 2005**



\*These states have unified court systems.

other jurisdictions. The adjacent chart shows the number of incoming misdemeanor cases and the resulting population-adjusted rates in 25 states for 2005. Three of these states, Arkansas, Arizona, and Texas, report misdemeanor caseloads by the number of *charges* filed against defendants. The national model outlined in the *Guide* recommends that felony and misdemeanor *defendants* be counted, rather than the number of charges against them.

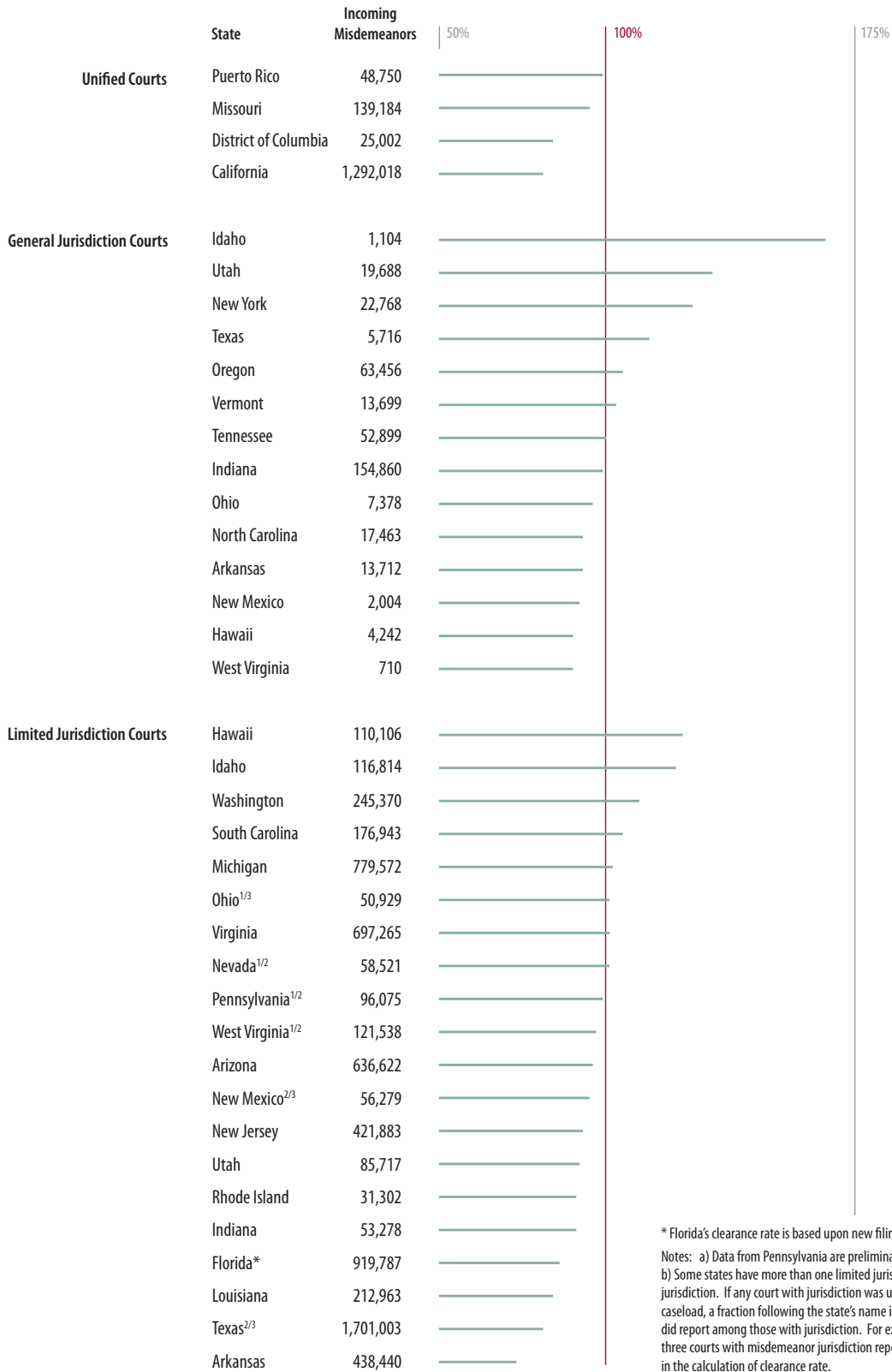
Because of differences in reporting practices, comparisons between some states become difficult. For example, California, the most populous state, counts defendants and reported 1.3 million misdemeanors and a per capita rate of about 3,600. The second most populous state, Texas, reported 2.3 million misdemeanor charges and a rate of nearly 9,900, despite having 13 million fewer residents.

Depending upon a state's court structure, misdemeanor cases may be heard in a general jurisdiction court, in one or more limited jurisdiction courts, or some combination of the two. The chart on the following page shows clearance rates for

misdemeanor cases in various courts of 29 states. Nine of the 25 two-tiered states shown here reported incoming and outgoing misdemeanor caseloads from both general and limited jurisdiction courts.

Among the four unified courts, Puerto Rico achieved the highest rate at 99 percent. Seven of 14 general jurisdiction (50 percent) and 8 of 20 limited jurisdiction courts (40 percent) cleared at least as many cases as were incoming in 2005. Idaho's high general jurisdiction clearance (166 percent) is based on a rather small incoming caseload of just over 1,100 cases. However, the limited jurisdiction court in Idaho also achieved a high rate (121 percent) with an incoming misdemeanor caseload of over 116,000 cases.

Misdemeanor Clearance Rates in 29 States, 2005



\* Florida's clearance rate is based upon new filings and entries of judgment only.  
 Notes: a) Data from Pennsylvania are preliminary figures provided by the PA AOC.  
 b) Some states have more than one limited jurisdiction court with misdemeanor jurisdiction. If any court with jurisdiction was unable to report their misdemeanor caseload, a fraction following the state's name indicates the number of courts that did report among those with jurisdiction. For example, 2/3 means that two of the three courts with misdemeanor jurisdiction reported their caseloads and were used in the calculation of clearance rate.