

# State Court Processing Statistics (SCPS) 2009 – 2010 User Guide

## INTRODUCTION

This *User Guide* for the State Court Processing Statistics (SCPS) program is intended to serve as a training tool and a reference document. It provides users with precise definitions of each SCPS data item, instructions for entering the information, and examples to assist in this effort. The guide also contains descriptions of SCPS procedures.

In 1988, the Bureau of Justice Statistics (BJS), United States Department of Justice established SCPS, then called the National Pretrial Reporting Program (NPRP), as an on-going data collection series conducted every two years in 40 jurisdictions (primarily counties but also independent cities; from this point on referred to as jurisdictions or counties), representing the 75 most populous jurisdictions in the United States. These 75 jurisdictions, in turn, represent approximately half of the nation's reported crime.

SCPS collects defendant and case-based information. SCPS is the only federally sponsored project that collects information covering the pretrial stage, one of the most important in criminal case processing. SCPS is designed to expand our knowledge of criminal case processing by tracking cases for up to one year from arrest through sentencing.

The terms used in SCPS are designed whenever possible, to maximize cross-jurisdictional equivalency. This allows the information to be aggregated, providing a general picture of criminal case processing, particularly the pretrial stage, for the 75 most populous jurisdictions. Specific information includes a profile of defendants and their initial charges, whether or not they secured pretrial release, committed new crimes or failed to appear for court hearings, and how and at what level of a court system their cases were disposed.

The significance of pre-adjudication and pre-sentence policies and outcomes cannot be over-emphasized, as they are the product of reconciling the realities of limited resources, the concern of communities to reduce the level of crime, and statutory mandates and guidelines. To help refine these policies, accurate information about defendants and the criminal justice process must be available to policy makers. By providing a comprehensive description of decisions and outcomes during the criminal case process, the SCPS data series represents one effort of the United States Department of Justice to achieve policies beneficial to all Americans.

# SECTION I

## SELECTION OF SCPS SAMPLE OF CASES

The cases that are selected to be tracked for the 2009-2010 SCPS series must meet certain criteria. The SCPS sample of cases must include **all cases involving a felony charge that had an “initial appearance” on select days in May 2009.**

- SCPS jurisdictions are assigned **certain days in May 2009** – five, ten or twenty days – for which to generate the SCPS sample list of cases.
- In a multi-charge case at least one of the charges **must be a felony**. SCPS excludes cases in which the most serious offense is a misdemeanor, a local ordinance violation, traffic offense (except for felony charged traffic offenses), a fugitive warrant, a probation violation or a parole violation.
- **“Initial Appearance”** refers to the date of the first court event following an arrest; it is also the event at which a defendant first **actually** appears having been summoned to appear or cited in lieu of arrest and ordered to appear. This court event typically occurs in a court of limited jurisdiction or a branch of a unified court. The name for this court event or hearing differs across jurisdictions: it may be called the “initial appearance,” or the “first hearing” or the “arraignment,” or the “bond hearing.” There may be jurisdictions where an alternative “filing date” may be used. Most often it is the date the prosecutor “files” a complaint charging the SCPS defendant with a felony offense.
- There are circumstances when the first hearing or event occurs in the court of general jurisdiction rather than the court of limited jurisdiction. In situations when the arrest follows a grand jury indictment, the case is filed directly in a jurisdiction’s court of general jurisdiction and should be included in the sample list.

## SCPS REPORTING PROCEDURES

The SCPS data form (see **Appendix A**) was designed to capture specific information on each case included in the jurisdiction’s sample. The information is grouped into eight major categories:

- **Case Information**
- **Pretrial Release/Detention Information**
- **Court Appearance Information**
- **New Arrest Record Information**
- **Other Release Status Change Information**
- **Adjudication Information**
- **Sentence Information**
- **Prior Criminal Record Information**

## SCPS CASE DEFINITION

The SCPS project tracks individual cases involving at least one felony charge from arrest to sentence. An individual case is defined as a case involving one defendant. Therefore, a multiple defendant case is treated, for SCPS purposes, as multiple cases, one case for each defendant. Tracking the case selected for the SCPS project may be complicated by the fact that during that case the defendant may become involved in another case (i.e., arrested for a new crime). An additional complication may be that the defendant is already involved with another case or cases at the time he/she is arrested for the SCPS case (i.e., the defendant may be out on probation or has an open case or even both).

For the reasons stated above, it is therefore extremely important to know which case is being tracked on the form. The term “**SCPS Case**” appears throughout the data collection form and the *User Guide*. The SCPS Case is simply the case that corresponds to the pre-entered case, docket, or tracking number that appears on the third line of the gray box at the top of page one of the data form. We label this as the SCPS Case because it is not unusual for a defendant to have multiple active cases, and there may be confusion about which case we are asking you to track in various parts of the data collection form.

For example, in the section, New Arrest Record (During SCPS Case), beginning with Item 16, we ask if the defendant was arrested for a new offense during the period that the SCPS Case was pending. Once you have established that there was a rearrest during that period, the questions in that section ask for details regarding the rearrest case, not the SCPS case. In the Prior Criminal Record (BEFORE SCPS CASE), beginning with Item 36, we ask that you look back at previous cases that may indicate the defendant’s involvement in the criminal justice system at the time of arrest for the SCPS case.

Please note that in the *User Guide* the term “SCPS defendant” changes to “SCPS offender” if he/she is found to be convicted.

## SCPS DATA COLLECTION

It is important that the data be collected in a timely manner. As you are planning your schedule for data collection, please keep in mind any policies, practices and procedures in your jurisdiction for sealing or purging computer files.

## LENGTH OF SCPS CASE TRACKING

The 2009-2010 SCPS reporting period extends through **May 31, 2010**.

Cases that have not been adjudicated as of 05/31/2010 should be checked as “pending” on the SCPS data form whenever appropriate. **Cases may be pending at various points in the process.** For example, a case may be transferred to a special court but not disposed as of 5/31/2010; a case may be adjudicated before 5/31/2010 but not sentenced as of 5/31/2010.

## **GENERAL PROCEDURES FOR COMPLETING SCPS FORMS**

Please follow these procedures in completing the data form:

- The data forms contain some pre-entered information to identify the SCPS case and the correct defendant (some cases have multiple defendants). If the information provided is incorrect, a field is available for corrections. All the other information on the SCPS forms must be completed. Missing information should be indicated as missing by checking the appropriate box, either “unknown” or “don’t know.”
- Where indicated, follow “proceed statements” and other instructions that are shaded. Proceed statements indicate which questions are skipped. Skipped items refer to information that does not apply in certain cases and therefore does not need to be entered.
- Do not complete and submit all the SCPS forms at once. Instead, complete the SCPS forms in groups of 20 to 50 and send them to LMI. By completing the SCPS forms in groups or batches, LMI staff will be able to check the forms and identify issues that require attention or information that requires correction.
- When the first group of 20 – 25 completed forms is submitted to LMI, the submission should include print outs or PDFs of the relevant screens (more than one database may be accessed) used to gather the information necessary to complete the SCPS form. LMI will use these printouts and PDFs to check the accuracy of the forms completed and to improve the advice LMI provides to those entering data.
- Cases that have been transferred to an alternative criminal case proceeding, such as diversion, deferred judgment, or a special treatment court, should be held until the end of the reporting period (5/31/2010) to record any developments or changes through that time period.

## **QUESTIONS ABOUT THE SCPS DATA COLLECTION**

Questions that cannot be resolved by referring to the *User Guide* should initially be taken to an on-site supervisor. If the matter is urgent, call 571-633-7959 and ask for SCPS project staff.

## SECTION II

Once the sample of cases is identified, certain information about each case must be entered on the SCPS data collection form. This section defines each item in the SCPS data collection form (items #1 through #42) and provides instructions on how to enter the information. Examples are provided whenever appropriate.

### PRE-ENTERED INFORMATION

The shaded section of the form is divided into two parts. The first part has the form title and sponsors of the SCPS project. The second part of the form has form identification information.

The next section contains information that identifies the SCPS case and defendant. Information that is not pre-entered in the third part should be filled in, including changes to incorrect information.

#### County Code

Each jurisdiction is assigned a county code. The county codes for all participating counties in the SCPS project are listed in **Appendix B**.

#### Sequence Number

The SCPS sequence number is a unique identifying number assigned by LMI to each form.

#### Sample Date

This refers to the date of the initial hearing. In some counties that date may represent another event, such as a case filing date.

**If the information has not been pre-entered, enter the information in the field provided.**

**If the information that has been pre-entered is incorrect, enter the correct information in the field provided in the “Any changes” item.**

The third part of this section contains information that identifies the SCPS case and defendant. Information that is not pre-entered in the third part should be filled in, including changes to incorrect information.

**Name**

If the defendant's name is not pre-entered on the form, enter the defendant's last name, first name and, if available, the middle name or initial. Please enter the name in the order listed in the sentence above. Enter information in capital letters. Do not enter titles such as Ph.D. or M.D. Do not enter suffixes such as Jr., III, or IV.

**Date of Birth** has not been pre-entered and must be entered.

If the date of birth is not pre-entered on the form, enter the defendant's date of birth. Enter the month (January = 1, February = 2, etc.) day (1, 2...31), and four digits for the year in the appropriate fields. If the date of birth is unknown, enter 99 for the month, day, and year.

**Sex**

This item refers to the sex of the defendant: "male" or "female" or "don't know." The information is pre-entered as "1" to indicate male, "2" to indicate female, or "9" to indicate don't know if available from the sample list. If the sex of the defendant is missing (blank), enter the defendant's sex as 1, 2, or 9 in the field provided. If the pre-entered gender is incorrect, enter the correct sex code in the field provided in the "Any changes" item.

**Race**

This item refers to the SCPS defendant's race as defined below. It does not include Hispanic/Latino as a race category. Whether or not a defendant is Hispanic/Latino is entered in a separate item, "Hispanic/Latino Origin."

**If your jurisdiction includes Hispanic/Latino as a race category, so that a defendant is White or Black or Asian or Hispanic/Latino, follow these instructions for entering the race of the defendant.**

**If the defendant is white, Race = White**

**If the defendant is black, Race = Black or African American**

**If the defendant is Hispanic/Latino, Race = Unknown.**

**(The fact that the defendant is Hispanic/Latino will be entered in the Hispanic/Latino Origin Item.)**

For SCPS purposes the race categories are defined as follows:

- **American Indian or Alaska Native** refers to persons who have origins in any of the original peoples of North, Central, and South America.
- **Asian** refers to persons who have origins in any of the original peoples of the Far East (e.g., China, Japan), Southeast Asia (e.g., Vietnam, Thailand), Indian Subcontinent (e.g., India, Pakistan).
- **Black or African American** refers to persons who have origins in any of the black racial groups of Africa.
- **Native Hawaiian or Other Pacific Islander** refers to persons who have origins in Hawaii, Guam, Samoa, or other Pacific Islands.

- **White** refers to persons who have origins in any of the original peoples of Europe, Middle East (e.g., Syria, Saudi Arabia), or North Africa (e.g., Egypt, Morocco).

The defendant's race is entered as follows:

- "1" for White
- "2" for Black / African-American
- "3" for American Indian or Alaska Native
- "4" for Asian
- "5" for Hawaiian Native / Pacific Islander
- "6" for Other
- "9" for Don't know

If defendant's race is indicated as Hispanic/Latino Origin, enter Race as "9."

If defendant's race is not pre-entered, enter the defendant's race by using the above codes (e.g., "2" for Black, "1" for White) in the field provided. If the pre-entered race is incorrect, enter the correct race code in the field provided in the "Any changes" item.

### **Hispanic/Latino Origin**

This item refers to the Hispanic/Latino origin of the SCPS defendant as defined below.

- **Hispanic/Latino** refers to persons who have origins in Cuba, Mexico, Puerto Rico, South or Central America or any other Spanish culture, regardless of race.
- **Not Hispanic/Latino** refers to persons whose ethnic origins are not Hispanic/Latino.

The defendant's Hispanic/Latino Origin is entered as follows:

- "1" for Hispanic/Latino
- "2" for Not Hispanic/Latino
- "9" for Don't know

If defendant's Hispanic/Latino Origin is not pre-entered, enter the defendant's Hispanic/Latino Origin by using the above codes (i.e., "1" for Hispanic/Latino or "2" for not Hispanic/Latino) in the field provided. If the pre-entered Hispanic/Latino Origin is incorrect, enter the correct Hispanic/Latino Origin code in the field provided in the "Any changes" item.

If Race is known and defendant is not Hispanic/Latino Origin, enter Hispanic/Latino Origin as "2." As instructed above, if your jurisdiction does not separate Hispanic/Latino origin from Race, when you have a defendant who is Hispanic/Latino, please enter "9" for Race and "1" for Hispanic/Latino Origin.

### **Case Numbers: (1 or 2 fields)**

When a case is filed (placed on the court docket), the case receives a number. When a case is bound over or transferred to the trial court a new number may be assigned. These fields will be county specific and will be used to enter general jurisdiction (aka upper case number) and limited jurisdiction (aka lower court) numbers, a unified number or a tracking number. One or both case numbers will be recorded depending on how the courts in a specific county assign case numbers. If a county only has one case number, enter it in the General Case # field.

### **Defendant State ID**

This refers to the unique number – usually referred to as a state identification number - assigned to the defendant, regardless of alias, that is used by the state criminal record repository. If the pre-entered defendant state identification number is incorrect, enter the correct defendant state identification number in the field provided in the “Any changes” item. If the pre-entered defendant id is not the state identification number, enter the state identification number in the field provided in the “Any changes” item.

### **Any Changes**

This allows corrections to be made to any pre-entered items in this section – Name, Sex, Race, Hispanic/Latino Origin, Defendant ID, and Case Number(s). Examples include the following: if the gender of the defendant is listed incorrectly as “1” (male), the correct response “2” (female) should be entered in this field; if the defendant’s Name, “Laurence Diggs”, is misspelled, the correct spelling, “Lawrence Diggs”, should be entered in this field; if the Defendant’s State Identification is missing one digit, 999999, enter the correct State Identification, 9999999. Please use the following format to enter changes: field name, comma, corrected entry, semicolon. For example, to change a defendant’s name and sex, enter “name, Lawrence Diggs; sex, 1.”

## CASE INFORMATION (SCPS CASE ONLY)

Some of the information in this section may be pre-entered. If the information that is pre-entered is

### Item 1. Date of Arrest

**Definition:** This item refers to the date the SCPS defendant is apprehended and taken into custody for the SCPS offense. "Custody" could be the custody of a law enforcement officer, a holding facility, a police station, jail, etc. If the case involved an arrest warrant, the arrest date refers to the date that the warrant was served or executed (it is not the date the warrant was issued). If the case involved a summons the arrest date is the date that the SCPS defendant appeared in court for the summons, not the date the summons was issued. If the case involved a citation, the arrest date is the date the citation was issued.

**Instructions:** ***If not pre-entered***, enter the month (January = 1, February = 2, etc.), day (1, 2...31), and the four digits for the year (2009) in the appropriate field. If the date is unknown, check the corresponding box.

- Examples:**
- a) The SCPS defendant was arrested at the scene and charged with armed robbery on May 22, 2009. Date of Arrest = 5/22/2009.
  - b) The SCPS defendant was arrested on May 22, 2009 and charged with armed robbery. He confessed to two previous armed robberies (committed on February 12, 2009 and March 1, 2009) that were added to the case prior to filing with the court. Date of Arrest = 5/22/2009.
  - c) An arrest warrant was issued on January 20, 2009. The SCPS defendant was not arrested (i.e., the warrant was not served) until May 23, 2009. Date of Arrest = 5/23/2009.
  - d) A summons was issued on January 20, 2009 and the SCPS defendant was told to appear in court on May 23, 2009. The SCPS defendant appeared in court on that date. Date of Arrest = 5/23/2009. Alternatively, the SCPS defendant did not appear in court until a later date, (e.g., 6/20/2009). Date of Arrest = 06/20/2009.
  - e) A citation was issued to a SCPS defendant on 4/30/2009, he was released immediately and scheduled to appear in court on 5/5/2009. The SCPS defendant appeared in court on that date. Date of Arrest = 4/30/2009. Alternatively, the SCPS defendant did not appear in court until a later date, (e.g. 5/20/2009). Date of Arrest = 4/30/2009.

**Item 2. Date of Initial Appearance**

Definition: This item refers to the first time the defendant actually appears in court following the physical arrest. This may be the first scheduled date of initial appearance or a subsequent date if the defendant failed to appear on the scheduled date. Typically, the date of initial appearance is within 24 – 48 hours of the physical arrest. This is the point in the process when bail is set (for defendants who are arrested and held) or bail is reviewed (for the defendants who were arrested and released from the police station or jail or given a citation or summons in lieu of arrest). The name of the initial appearance may differ across jurisdictions and be referred to as: first arraignment, bond hearing, or initial appearance. The initial appearance may be the same or different as the date the defendant was *scheduled* to appear in court.

**It is important that the date of initial appearance is recorded accurately because it is used to calculate the time a defendant is held prior to case disposition.**

Instructions: Enter the month (January = 1, February = 2, etc.), day (1, 2...31), and the four digits for the year (2009) in the appropriate field. If the date was unknown, check the corresponding box.

- Examples:
- a) The SCPS defendant was arrested at the scene and charged with armed robbery on May 22, 2009. His first court appearance is one day later on May 23, 2009. Date of Initial Appearance = 5/23/2009.
  - b) The SCPS defendant was arrested on May 22, 2009 and charged with armed robbery. He confessed to two previous armed robberies (committed on February 12, 2009 and March 1, 2009) that were added to the case prior to filing with the court. The defendant's first court appearance is on May 24, 2009. Date of Initial Appearance = 5/24/2009.
  - c) An arrest warrant was issued on January 20, 2009. The SCPS defendant was not arrested (i.e., the warrant was not served) until May 23, 2009. The defendant is taken directly to court on the same day as the arrest. Date of Initial Appearance = 5/23/2009.
  - d) A summons was issued on January 20, 2009 and the SCPS defendant was told to appear before the court on May 23, 2009. The SCPS defendant appeared in court on that date. Date of Initial Appearance = 5/23/2009. Alternatively, although the Defendant was scheduled to appear on 5/23/2009, the defendant failed to appear and did not return to court until a later date (6/20/2009). Date of Initial Appearance = 6/20/2009.

**Item 3. Total # of Charges at Initial Appearance (Felony and Misdemeanor)**

Definition: This item refers to the total number of offenses **initially charged** in the SCPS case. (For SCPS purposes these refer to the arrest charges that were presented at the initial appearance.) Each count should be considered as a separate charge. Only misdemeanor and felony offenses are to be considered SCPS charges. **Excluded offenses** are as follows: ordinance violations, non-criminal traffic offenses, or sentence enhancements.

Instructions: Enter the total number of charges that were presented or initially filed against the SCPS defendant. Be sure to tabulate counts as separate charges. When tabulating the offense charges, only count the charges presented at the initial appearance. If the prosecutor reviews the case before an initial appearance, the initial appearance charges will be the same as the filed charges. If the prosecutor reviews the case after the initial appearance, the charges at the initial appearance will be the arrest charges. (Do not count charges that the prosecutor added to the complaint at a later date [e.g., when the case was bound over to the trial court]). No matter when prosecutorial review occurs, list the total number of charges at initial appearance. Do not count sentence enhancement charges as separate offenses for this item.

Check the “Unknown” box if the total number of charges at initial appearance cannot be determined.

- Examples:
- a) At the initial appearance, the SCPS defendant was charged with one count of aggravated assault. Total Number of Charges = 1.
  - b) At the initial appearance, the SCPS defendant was charged with 10 counts of burglary and one count of possession of heroin. Total Number of Charges = 11.
  - c) At the initial appearance, the SCPS defendant was charged with 5 counts of felony assault. The prosecutor added 5 felony charges to the 5 original charges before submitting the case to a grand jury. The grand jury issued an indictment for all 10 offenses. Total Number of Charges = 5.
  - d) At the initial appearance, the SCPS defendant was charged with one count of robbery and because the Defendant had two previous convictions for robbery a sentence enhancement charge was added. Total number of Charges = 1.

**Item 4. Most Serious FELONY Charge at Initial Appearance**

Definition: The most serious offense in a SCPS case must be a **felony**. In a multiple-charge case with more than one felony, the seriousness of a felony is determined by the maximum sentence that can be imposed for an offense. Typically, felony and misdemeanor offenses are statutorily categorized into “classifications” for purposes of attaching certain sentences. A class A felony is more serious than a class B or a class C felony. A class one felony is more serious than a class two or a class three felony. Within a family of offenses, a first degree felony is more serious than a second or a third degree felony.

Instructions: Determine the offense seriousness by the maximum possible sentence for a particular offense (i.e., based on offense classification). If two offenses had the same classification/possible maximum sentence, select the one your state would designate as the “controlling” or “driving” or “most serious” offense. When two charges have an identical classification or punishment, the evaluation of offense seriousness should follow the BJS code hierarchy rather than what your state would consider controlling.

- Examples:
- a) The SCPS defendant was charged with three offenses: two felony counts of burglary—one first degree burglary and one second degree burglary, and a misdemeanor charge of possession of burglary tools. The most serious charge = first degree burglary. (The second most serious charge was second degree burglary.)
  - b) The SCPS defendant was charged with three offenses: retail theft—a second class felony, second degree burglary—a third class felony, and a misdemeanor charge of possession of burglary tools. The most serious charge = retail theft. (The second most serious charge was second degree burglary.)
  - c) The SCPS defendant was charged with two class A felony offenses: first degree assault and first degree burglary. The most serious offense = first degree assault. (The second most serious was the first degree burglary).

### **Attempt**

Definition: There are usually two methods of indicating whether an offense is an attempt or not an attempt. First, the name of the offense bears the term “attempt” such as “attempted assault.” Second, an attempt code may be attached to or even replace the state citation for an offense. For example: In California, the code 664 is used alongside the offense statute to indicate that the offense is an attempt, such as 664/211, “attempted robbery.”

Instructions: Check the “Yes” box if the most serious charge was filed as an attempt. If the most serious charge did not involve an attempt, check the “No” box. If there is no way of determining if the offense was an attempt or not, check the “Don’t Know” box.

### **Statute Number**

Definition: This refers to the statutory reference in the State Criminal or Penal Code (i.e., title, chapter, section, paragraph and subparagraph) for each offense. It includes the elements of the offense and often the level of punishment.

The statutory references differ considerably across states. Some state statutes have distinct section references for each classification of offense. Two examples are New York and Arizona statutes. The citation for Burglary in the First Degree in

New York State is 140.30, whereas Burglary in the Second Degree is 140.25, and Burglary in the Third Degree is 140.20. Burglary in the First Degree is a Class B felony, and the other two offenses are Class C and D felonies, respectively. The Arizona citation for Burglary in the first degree is 13-1508, which is a class 2 felony; Burglary in the second degree is 13-1507, a class 3 felony, and Burglary in the third degree is 13-1508, a class 4 felony.

In other states, such as Florida, the section reference does not distinguish among offense classifications. To determine the offense classification requires references to sub-sections and paragraphs therein. For example, 810.02 is the reference for Burglary offenses. If the Burglary offense is one that is a Felony of the First Degree, the complete citation is 810.02 (2) and depending on the circumstances, 810.02 (2) (a) if there was an assault, 810.02 (2) (b) if the person was armed or 810.02 (2) (c) if the place was a dwelling or structure. If the Burglary offense is one that is a Felony of a Second Degree, the complete citation is 810.02 (3) and of a Third Degree 810.02 (4).

Using another Florida example, unless all sub-sections and paragraphs therein are cited, drug possession offenses cannot be distinguished from drug sales or trafficking offenses. All drug offenses are cited under the general section of 893.13. The citation for Possession of a Controlled Substance is 893.13 (6) (a), which is a Felony of the Third Degree. The citation for Possession of Cannabis, which is a Misdemeanor, is 893.13 (6) (b). The citation for Possession with Intent to Sell or Selling Controlled Substance is 893.13 (1) (a) or (b) or (c) or (d), depending on other circumstances. This offense could be a Felony of the First, Degree, Second Degree, or Third Degree depending on the amount of the drug.

Instructions: Enter the **complete** citation, which may be all numbers or a combination of letters, numbers, and symbols (e.g., parentheses, dashes, hyphens, decimal points). The section citation may not be adequate to determine the seriousness of the offense (i.e., level or degree) or even type of offense (drug possession or drug sales) as the above Florida examples demonstrate. Therefore, the citation reference has to be as detailed and offense-specific as possible.

**Record the complete state offense/crime statute, including all sections and paragraphs.**

**Offense Name**

Definition: This refers to the name or description given to the offense in the State Criminal or Penal Code. (Examples: first-degree robbery,

unlawful imprisonment in the first degree, aggravated assault or possession of controlled substance.)

Instructions: Enter the complete name of the offense in the field provided.

### **BJS Felony Offense Code**

Definition: This refers to the 18 codes the Bureau of Justice Statistics (BJS) assigns to felony offenses for statistical analysis purposes. The BJS felony offense code is entered as follows:

- "1" Murder
- "2" Rape
- "3" Robbery
- "4" Assault
- "5" Other Violent
- "6" Burglary
- "7" Larceny/Theft
- "8" Motor Vehicle Theft
- "9" Forgery
- "10" Fraud
- "11" Other Property
- "12" Drug Trafficking
- "13" Other Drug
- "14" Weapons
- "15" Driving Related
- "16" Other Public Order
- "17" Other
- "99" Don't Know

Instructions: Enter the offense code in the field provided. If no code is appropriate, use code "99" "Don't Know." Please use Appendixes C and D for assistance in classifying offenses. **Do not try to classify offenses without first reading Appendixes C and D.**

**If there is only one offense charge, proceed to Item #6**

### **Item 5. Second Most Serious Charge at Initial Appearance**

Definition: This item refers to the second most serious charge filed in the SCPS case. The second most serious offense charge may be either a felony or a misdemeanor.

Instructions: Similar to the "Most Serious Charge," determine offense seriousness by the maximum sentence possible for a particular offense. If the charges have identical maximum sentences, select the one your state would designate as the "controlling" or "most serious" offense. When two charges have an identical classification or punishment, the evaluation of offense seriousness should follow the BJS code hierarchy rather than what your state would consider controlling.

If the charges were two counts of an identical offense, include the second count as the second most serious charge.

- Examples:
- a) The SCPS defendant was charged with three offenses: two felony counts of burglary—one a first degree burglary and the other a second degree burglary, and a misdemeanor charge of possession of burglary tools. The second most serious charge = second degree burglary.
  - b) The SCPS defendant was charged with three offenses: retail theft—a second class felony, second degree burglary—a third class felony, and a misdemeanor charge of possession of burglary tools. The second most serious charge = second degree burglary.
  - c) The SCPS defendant was charged with two Class A felony offenses: one a first degree assault and the other a first degree burglary. The second most serious charge = first degree burglary.
  - d) The SCPS defendant was charged with two counts of first degree burglary—a second class felony, and one misdemeanor charge of possession of burglary tools. Both the “most serious” and the “second most serious charge” will be first degree burglary.

**Type**

Definition: This item refers to whether the second most serious charge is a felony or a misdemeanor. Typically, the court systems use various codes to designate whether the charge is a felony or misdemeanor. For example, “F,” “FA,” or “FB” would indicate that the charge is filed as a felony. On the other hand, an “M,” “MA,” or “MB” would indicate that the second charge is a misdemeanor.

Instructions: If the second most serious charge was a felony, please check the “**felony**” box, and if the second most serious charge was a misdemeanor, please check the “**misdemeanor**” box.

**Attempt**

Definitions and Instructions are the same as for Item #4.

**Statute Number**

Definitions and Instructions are the same as for Item #4.

**Offense Name**

Definitions and Instructions are the same as for Item #4.

**BJS Felony Offense Code**

If the second most serious offense is a felony, then the definitions and instructions are the same as for Item #4. If the offense is a misdemeanor, then select “**00 = Misdemeanor**” from the dropdown list.

**Item 6. Is Either First or Second Most Serious Charge at Initial Appearance an Identity Theft?**

Definition: This item refers to the first and the second most serious charges filed in the SCPS case. Identity thefts are crimes which include: 1) unauthorized use or attempted use of existing credit cards; 2) unauthorized use or attempted use of other existing accounts such as checking accounts; or 3) misuse of personal information to obtain new accounts or loans, or to commit other crimes.

Instructions: Check the “**yes**” box if the SCPS defendant was charged with an identity theft crime as their most serious or second most serious offense.

Check the “**no**” box if the SCPS defendant was not charged with an identity theft crime as their most serious or second most serious offense..

Check the “**don’t know**” box if it could not be determined whether the SCPS defendant was charged with an identity theft crime as their most serious or second most serious offense.

Example: a) The SCPS defendant was charged with Florida statute 817.61 – Fraudulent use of credit cards as their second most serious offense charge. This is identity theft because of the following underlined section of the statute’s definition. This a person who, with intent to defraud the issuer or a person or organization providing money, goods, services, or anything else of value or any other person, uses, for the purpose of obtaining money, goods, services, or anything else of value, a credit card obtained or retained in violation of this part or a credit card which he or she knows is forged, or who obtains money, goods, services, or anything else of value by representing, without the consent of the cardholder, that he or she is the holder of a specified card or by representing that he or she is the holder of a card and such card has not in fact been issued violates this section. Is either first or second most serious charge at initial appearance an identity theft? = Yes. BJS felony offense code = 10.

## PRETRIAL RELEASE / DETENTION INFORMATION SECTION (SCPS CASE ONLY)

The pretrial release/detention information section refers to whether the SCPS defendant secured release before the disposition of the SCPS case (adjudication or sentence), the type of release conditions the court imposed, and if not released, the reason for detention.

### Item 7. Type of Attorney at Initial / First Appearance

Definition: This item refers to the type of legal representation the SCPS defendant had at the time of initial appearance.

Instructions: Enter the type of attorney who represented the SCPS defendant at the initial appearance.

Check the “**none**” box if the SCPS defendant represented him or herself or if there was an explicit indication that the SCPS defendant was not represented at the initial appearance.

Check the “**public defender**” box if the SCPS defendant was represented by a state or county-funded public defender at the initial appearance.

Check the “**court appointed**” box if the SCPS defendant was represented by a private attorney appointed by the court, such as a contract or assigned counsel at the initial appearance.

Check the “**privately retained**” box if the SCPS defendant was represented by a privately retained counsel at the initial appearance.

Check the “**don't know**” box if the type of legal representation cannot be determined at the initial appearance.

Check the “**other**” box if the defendant was represented by an attorney who does not fit any of the above categories and enter specific descriptive information on the attorney at the initial appearance in the field provided.

### Item 8. Was Defendant Released Pending SCPS Case Disposition?

Definition: Release refers to a defendant not being in physical custody prior to case disposition. Case disposition refers to either the date of a non-conviction adjudication (e.g., dismissal) or a sentence date for convicted defendants.) Defendants may be released with no conditions (i.e., released on own recognizance) or on one or more conditions. Conditions of release may be non-monetary or monetary. To secure release on monetary conditions the defendant first must meet some financial obligation, such as leaving a deposit with the court, or hiring a commercial bail bondsman to make requisite arrangements, or signing a property bond, or paying the bond in full. Release from the custody of one agency to that of another does not constitute release. Release to a mental institution or an INS facility, for example, are not to be considered releases but rather continued detention.

Instructions: Check the “yes” box if the SCPS defendant secured release. If the “yes” box is checked, proceed to date of release.

**In this item, “release” does not refer to release from jail to be transferred to another facility. Under these circumstances the defendant is still considered to be detained.**

### **Date of Release**

Provide month (January = 1, February = 2, etc.), day (1, 2...31), and the four digits for the year (2009) that the SCPS defendant was first released. The release date refers to the date the SCPS defendant was released from custody. (DO NOT enter the date the bail/release paperwork was set or processed by the court.) Proceed to item #10.

Check the “no” box if the SCPS defendant was **NOT RELEASED** at any time prior to case disposition. Proceed to item #9.

Check the “**case closed at or before initial appearance**” box if the case was closed at or before initial appearance. At the initial appearance cases may be closed because the charges were nolle prossed or dismissed or a defendant pleaded guilty and was sentenced, indicating that the case was disposed before the SCPS defendant secured pretrial release. Proceed to item #24.

Check the “**don’t know**” box if the SCPS defendant’s release status was unknown. Proceed to item #11.

- Examples:
- a) The SCPS defendant was arrested on May 3, 2009 and booked into jail the same day. The SCPS defendant had an initial appearance hearing the next morning (5/09/2009) when the judge set \$5,000 bail. The SCPS defendant posted the bail on May 18, 2009. Date of Pretrial Release = 5/18/2009.
  - b) The SCPS defendant was arrested on May 5, 2009 and booked into jail the same day. At the initial appearance the next morning the judge ordered the defendant to undergo a mental health evaluation for a competency hearing. The defendant was released from the jail and sent to a state mental health facility on May 8, 2009. The defendant was found competent and returned to court. At a bond review hearing on July 1, 2009, the court released the defendant to supervision by the pretrial services agency. Date of release= 7/1/2009.
  - c) A citation was issued to a SCPS defendant on 4/30/2009, he was released immediately and scheduled to appear in court on 5/5/2009. The SCPS defendant appeared in court on that date. Date of release = 4/30/2009.

### **Item 9. If NOT RELEASED, Why Was Defendant Detained?**

Definition: This item refers to the circumstances that kept the SCPS defendant in detention during the SCPS case. There may be more than one reason as to why the

SCPS defendant was not released. These include the following: the SCPS defendant may not have been able to post the bail amount set; the SCPS defendant may have been held for a parole or probation violation or the SCPS defendant may have been held without bond. If more than one of these circumstances kept the SCPS defendant in pretrial detention then all appropriate responses should be checked.

Instructions: Check the **“didn’t post bail”** box if the SCPS defendant could not post the bail amount imposed and enter the dollar amount of the bail. If the bail amount was reduced at any time during the case, enter the last dollar amount that was not posted. If the bail amount was unknown, check the corresponding “amount unknown” box.

Check the **“held without bail”** box if the SCPS defendant was held without bail. Typically, cases where no bail was set involve defendants charged with very serious offenses or defendants with substantial prior records.

Check the **“held on another charge/probation/parole”** box if the SCPS defendant was held on another charge, which may be a new charge whose case is pending or for a parole or a probation violation.

Check the **“don’t know”** box if the reason for pretrial detention was unknown.

Check the **“other”** box if the SCPS defendant was detained for another reason, and enter a description of the specific reason in the field provided.

- Examples:
- a) The SCPS defendant was arrested on May 5, 2009 and booked into jail the same day. At the initial appearance the next morning the judge ordered the defendant to undergo a mental health evaluation for a competency hearing. The defendant was released from the jail and sent to a state mental health facility. The defendant was found to be incompetent and returned to court. At a competency hearing on July 1, 2009, the court ordered the defendant detained at the mental health facility. The reason for detention = other: “found incompetent.”
  - b) At initial appearance, the judge set bail in the amount of \$5,000, which the SCPS defendant did not post. At a subsequent bail review hearing, the judge lowered the bail to \$2,500, which the SCPS defendant still did not post. The SCPS defendant remained in custody throughout the SCPS case. The reason for detention = didn’t post bail in the amount of \$2,500.
  - c) In addition to the SCPS case, the SCPS defendant was charged with a parole violation. Although bail was set on the SCPS case, the defendant did not post the amount set. The reason for detention = held on another charge AND didn’t post bail.
  - d) At the initial appearance, the judge sets \$50,000 bail, which the SCPS defendant did not post. The reason for detention = didn’t post \$50,000 bail.

**Item 10. If RELEASED, How Was Defendant Released?**

**Definition:** The judge may impose any number of financial or non-financial release conditions on the SCPS defendant. Only the condition[s] that actually secured the SCPS defendant's release, which may or may not be the same as those originally imposed, should be entered.

**Instructions:** Indicate each condition that secured the SCPS defendant's release. If more than one condition secured the SCPS defendant's release, check all appropriate conditions.

**ROR**

Check the **"ROR"** box if the SCPS defendant was released on his/her own recognizance (e.g., "PR" or personal recognizance, "OR" or own recognizance, or "ROR"). This means that no other release conditions (financial or non-financial) were imposed on the SCPS defendant. The only release conditions that can be imposed on defendants with an ROR release is that they return to court and that they remain arrest free during the SCPS case. **Proceed to item #10.**

**If the ROR response was checked, no other pretrial release conditions should be marked in this section.**

**OTHER NON-FINANCIAL Release Types**

The other non-financial release conditions include conditions that do not involve the SCPS defendant having to post money or provide surety to secure release.

Check the **"conditional/supervised release"** box if the court imposed conditions on the SCPS defendant's release or if the court mandated that the SCPS defendant be supervised by a pretrial agency while released. Check the box indicating the specific condition or conditions imposed: **"drug monitoring/treatment"** box, or **"pretrial program"** box. Since more than one release condition can be imposed, check all the boxes that apply. If conditions other than these were imposed, enter these other release conditions in the field provided.

Check the **"other"** box if the SCPS defendant was released with some other non-financial condition(s), and enter a specific description of the condition in the field provided.

Check the **"unsecured"** box if the SCPS defendant was released on personal recognizance with an unsecured bail amount attached. An unsecured bail does not require the SCPS defendant to post money or property to secure release. (However, if the defendant fails to appear and subsequently returned to court, that defendant is liable for the full amount of the bond.) Enter the amount set. If the amount was unknown, check appropriate box.

**FINANCIAL Release Types**

Financial conditions of release include conditions that involve the SCPS defendant having to post money or to provide surety or property to secure release. In all instances of financial release, enter the **FULL BAIL AMOUNT SET**. Do not enter the percentage of bail that the SCPS defendant actually posted.

If the bail amount cannot be determined, check corresponding “amount unknown” box.

Check the “**commercial surety bail only**” box if the SCPS defendant secured release only through a commercial surety (bail bondsman).

Check the “**commercial surety bail plus conditional/supervised release**” box if the SCPS defendant secured release through a combination of commercial surety (bail bondsman) and a conditional/supervised release.

Check the “**deposit bail**” box if the SCPS defendant secured release by posting a percentage of the bail amount directly with the court.

Check the “**full cash bail**” box if the SCPS defendant secured release by posting the full amount of the bail set.

Check the “**property bail**” if the SCPS defendant secured release by posting property as collateral with the court.

Check the “**other financial**” box if the SCPS defendant was released by meeting any other financial condition.

Check the “**unknown financial**” box if the SCPS defendant secured release by meeting a financial condition that was unknown. If the “unknown financial” box was checked, do not check any additional boxes in this section.

- Examples:
- a) If the judge set bail at \$10,000 and the SCPS defendant paid a bail bondsman \$1,000 as a premium for being released, Surety bail = \$10,000.
  - b) If the judge set bail at \$10,000 and the SCPS defendant paid the court \$1,000 as part of its deposit bail program, Full Bail Amount Set = \$10,000.
  - c) If the judge set bail at \$10,000 and the SCPS defendant paid the court the entire amount, Full Cash = \$10,000.
  - d) If the judge set bail of \$10,000 and the SCPS defendant was released pending disposition, but it could not be determined if the bail was paid in cash, property, deposit or through a bail bondsman, Unknown Financial = \$10,000.

Check the “**emergency release**” box if the defendant could not meet the release conditions imposed by a judge or was otherwise detained (i.e., had a hold) but was subsequently released from the jail because of an emergency

order to release inmates once a certain capacity is reached. Because this represents a form of release that is not a result of a judicial decision, no other responses can apply.

Check the “**release conditions unknown**” box if the type of release conditions (whether financial or non-financial) cannot be determined. If this box was checked, no other responses can apply.

Check “**other release conditions**” if there were release conditions not listed above. Use the “**other release conditions field**” to enter what “other” release conditions were imposed.

## **COURT APPEARANCE INFORMATION SECTION (SCPS CASE ONLY)**

Court appearance information refers to whether or not the SCPS defendant appeared for all required court hearings for the SCPS case. For purposes of SCPS, the SCPS defendant is considered to have failed to appear only if the court issues a bench warrant (i.e., the warrant is signed and entered into the official record) as a response to a missed court date. (The bench warrant, also known as a *capias*, does not have to be served or executed for it to constitute an FTA for purposes of SCPS.)

**A failure to appear (FTA) should only be counted if a bench warrant was issued.**

### **Item 11. Did Defendant Fail to Make Any Court Appearance in SCPS Case?**

Definitions: If a bench warrant was issued but subsequently quashed or recalled, that constitutes failure to make a court appearance. If the SCPS defendant failed to appear but no bench warrant was issued, then for SCPS purposes the defendant is considered not to have failed to make a court appearance.

All other warrants, including warrants for noncompliance of pretrial release conditions or summonses for court appearances after a grand jury indictment, are not bench warrants. Defendants who were issued these warrants were not considered to have failed to appear. However, these may constitute other reasons for release status change. **See Section Other Release Status Change.**

Instructions: Check the “**yes**” box if the SCPS defendant failed to appear and a bench warrant was issued for that failure to appear.

Check the “**no**” box if the SCPS defendant appeared at all scheduled court hearings. Check the “no” box if the SCPS defendant failed to appear but a bench warrant was NOT issued. **Proceed to Item #16.**

Check the “**don’t know**” box if court appearance information cannot be determined. **Proceed to Item #16.**

**Item 12. Date of First Failure to Appear in Court in SCPS Case**

Instructions: Enter the month (January = 01, February = 02, etc.), day (01, 2...31), and the four digits for the year of the first missed court appearance for which a bench warrant was issued. If unknown, check the corresponding box.

- Examples:
- a) The SCPS defendant failed to appear in court on the SCPS charges on June 24, 2009 and the court issued a bench warrant that same day. Failure to Appear Date = 09/24/2009.
  - b) The SCPS defendant failed to appear in court on the SCPS charges on June 24, 2009. The court, without issuing a bench warrant, directed the SCPS defendant's custodian to find the SCPS defendant and bring him or her to court. The custodian reported on June 27, 2009 that he could not find the SCPS defendant. The court issued a bench warrant on that date. Failure to Appear Date = 09/27/2009.

**Item 13. Was Defendant Returned to Court in SCPS Case?**

Definition: This item refers to whether the SCPS defendant appeared for a court hearing for which the SCPS defendant re-appeared on the **SCPS charges** following the issuance of the first bench warrant.

Instructions: Check the **"yes"** box if the SCPS defendant was returned to court for the SCPS charges following the initial failure to appear for the SCPS case.

Check the **"no"** box if the SCPS defendant was not returned to court for the SCPS charges following the initial failure to appear for the SCPS case.

Check the **"don't know"** box if it could not be determined whether the SCPS defendant was returned to court.

**Item 14. Did Defendant Fail to Appear More Than Once in SCPS Case?**

Definition: This item refers to whether, after the SCPS defendant returned to court following the first failure to appear, the SCPS defendant was re-released and failed to appear again resulting in the issuance of an additional one or more bench warrants.

Instructions: Check the **"yes"** box if the SCPS defendant failed to appear for which a bench warrant was issued more than once.

Check the **"no"** box if only one bench warrant was issued against the SCPS defendant in the SCPS case.

Check the **"don't know"** box if it could not be determined whether the SCPS defendant failed to appear more than once.

**Item 15. Was Defendant a Fugitive in SCPS Case as of 5/31/2010?**

Definition: If the SCPS defendant had an outstanding bench warrant as of 5/31/2010 then the SCPS defendant is considered to be a fugitive. There are two circumstances under which the SCPS defendant can be considered a fugitive. First, if the SCPS defendant fails to appear and does not return by 5/31/2010, the SCPS defendant is considered a fugitive. Second, if the SCPS defendant returns to court following the first failure to appear, but fails to return before 5/31/2010 for a subsequent failure to appear, then the SCPS defendant is considered a fugitive.

Instructions: Check the **“yes”** box if a bench warrant was pending in the SCPS case as of 5/31/2010.

Check the **“no”** box if no bench warrant was outstanding in the SCPS case as of 5/31/2010.

Check the **“don’t know”** box if it cannot be determined whether there were any outstanding bench warrants in the SCPS case as of 5/31/2010.

## NEW ARREST RECORD (DURING SCPS CASE)

This section refers to any new arrests (excluding traffic or municipal ordinance violations) **for offenses allegedly committed after the SCPS arrest date and before the disposition of the SCPS case.** Even though it may be the case that the SCPS defendant can be arrested for a new offense regardless of pretrial release/detention status (i.e., detained defendants may be arrested for crimes committed while in custody) for SCPS purposes, only arrests for new offenses that were committed while the SCPS defendant was released pretrial are considered new arrests.

**This section does not refer to an arrest or arrests for offenses that occurred prior to the arrest for the SCPS case or after the disposition of the SCPS case.**

**Do not record any information in this section if the offense allegedly occurred prior to the SCPS case.**

**Do not record information in this section if the offense was allegedly committed after the disposition (i.e., sentencing or dismissal, etc.) of the SCPS case.**

### Item 16. Was Defendant Arrested During the SCPS Case for a New Offense?

Definition: This item refers to whether the SCPS defendant was actually taken into custody (i.e., arrested on-view or on arrest warrant).

Instructions: Check the **“yes”** box, if the SCPS defendant was arrested for an offense committed between arrest date and the disposition date for the SCPS case.

Check the **“no”** box, if the SCPS defendant was not arrested for an offense committed between the arrest date and the disposition date for the SCPS case.  
Proceed to #24

Check the **“don’t know”** box, if it could not be determined whether the SCPS defendant was arrested between the arrest date and the disposition date for SCPS case. Proceed to #24

- Examples:
- a) The SCPS defendant committed a burglary on 1/1/2009 for which he/she was not arrested until 6/3/2009. In the meantime, the SCPS defendant was arrested for the SCPS case on 5/5/2009 and subsequently released on 5/6/2009. Because the burglary offense occurred **BEFORE** the SCPS arrest, “Was the SCPS Defendant Arrested for a New Offense?” = No.
  - b) The SCPS defendant was arrested for the SCPS case on 5/10/2009 and released on 5/12/2009. Before the SCPS case was disposed on 10/26/2009, the SCPS defendant was arrested on 6/20/2009 for an offense allegedly committed on 6/20/2009. “Was the SCPS defendant Arrested for a New Offense?” = Yes.

**Item 17. Was New Offense Committed Before or During SCPS Case?**

Definition: The item refers to whether the new arrest a SCPS defendant was arrested after the May 2009 SCPS initial appearance date, was for an offense committed prior to the May 2009 initial appearance date or between the May 2009 initial appearance date and the date of final adjudication for the SCPS case. If date of final adjudication is pending, any new offense occurring after the May 2009 initial appearance date is considered to have occurred during the SCPS case.

Instructions: Check the **“during”** box if the SCPS defendant was arrested between the May 2009 initial appearance date and the date of final adjudication for the SCPS case.

Check the **“before”** box if the SCPS defendant was arrested before the SCPS case. Proceed to item #24.

Check the **“don’t know”** box if the SCPS defendant’s new offense date cannot be determined. Proceed to item #24.

- Examples:
- a) The SCPS defendant was arrested for the SCPS case on 5/10/2009 and date of final adjudication was on 8/12/2009. The SCPS defendant committed a new offense on 6/20/2009. “Was New Offense Committed Before or During SCPS Case?” = during.
  - b) The SCPS defendant was arrested for the SCPS case on 5/15/2009 and date of final adjudication was on 7/22/2009. The SCPS defendant was arrested for a new offense on 6/28/2009. However the 6/28/09 arrest was for an offense committed on 4/20/2009. “Was New Offense Committed Before or During SCPS Case?” = before.

**Item 18. Date of FIRST New Arrest**

Definition: This item refers to the date the SCPS defendant is apprehended and taken into custody for the first (if more than one incident) new offense. “Custody” could be the custody of a law enforcement officer, a holding facility, a police station, jail, etc. If the case involved an arrest warrant, the arrest date refers to the date that the warrant was served or executed (it is not the date the warrant was issued). If the case involved a summons the arrest date is the date that the SCPS defendant appeared in court for the summons, not the date the summons was issued. If the case involved a citation, the arrest date is the date the citation was issued.

Instructions: Enter the month (January = 1, February = 2, etc.), day (1, 2...31), and the four digits for the year (2009) that the SCPS defendant was first arrested for a new offense pending disposition of the SCPS case. If the date was unknown, check the corresponding box.

- Example:
- a) The SCPS defendant was arrested for the SCPS case on 5/10/2009 and released on 5/12/2009. Before the SCPS case was disposed on 10/26/2009, the SCPS defendant was arrested for committing a new offense on 6/20/2009. Date of First New Arrest = 6/20/2009.

**Item 19. Total # of Charges at FIRST New Arrest (Felony and Misdemeanor)**

Instructions: Same as Item #3.

**Item 20. Most Serious First New Arrest Charge**

Instructions: In multiple charge cases, determine offense seriousness by the maximum sentence possible for a particular offense. If charges have identical maximum sentences, select the one your state criminal code designates as the “controlling,” “driving” or “most serious” offense.

<b>Type</b>	Same as Item #5.
<b>Attempt</b>	Same as Items #4 and #5.
<b>Statute Number</b>	Same as Items #4 and #5.
<b>Offense Name</b>	Same as Items #4 and #5.

**BJS Felony Offense Code**

If the second most serious offense is a felony, then the definitions and instructions are the same as for Item #4. If the offense is a misdemeanor, then select “**00 = Misdemeanor**” from the dropdown list.

**Item 21. Is Most Serious First New Arrest Charge an Identity Theft?**

Definition: This item refers to the most serious first new arrest charge filed. Identity thefts are crimes which include: 1) unauthorized use or attempted use of existing credit cards; 2) unauthorized use or attempted use of other existing accounts such as checking accounts; or 3) misuse of personal information to obtain new accounts or loans, or to commit other crimes.

Instructions: Check the “**yes**” box if the SCPS defendant was charged with an identity theft crime as their most serious first new arrest charge.

Check the “**no**” box if the SCPS defendant was not charged with an identity theft crime as their most serious first new arrest charge.

Check the “**don’t know**” box if it could not be determined whether the SCPS defendant was charged with an identity theft crime as their most serious first new arrest charge.

Example: a) The SCPS defendant was charged with Florida statute 817.61 – Fraudulent use of credit cards as their most serious first new arrest charge. This is identity theft because of the following underlined section of the statute’s definition. This a person who, with intent to defraud the issuer or a person or organization providing money, goods, services, or anything else of value or any other person, uses, for the purpose of

obtaining money, goods, services, or anything else of value, a credit card obtained or retained in violation of this part or a credit card which he or she knows is forged, or who obtains money, goods, services, or anything else of value by representing, without the consent of the cardholder, that he or she is the holder of a specified card or by representing that he or she is the holder of a card and such card has not in fact been issued violates this section. Is most serious first new arrest charge an identity theft? = Yes. BJS felony offense code = 10.

**Item 22. How many times was the Defendant arrested during the SCPS case?**

Definition: The item refers the number of new times a SCPS defendant was arrested after the May 2009 SCPS initial appearance date. If date of final adjudication is pending, any new offense occurring after the May 2009 initial appearance date is considered to have occurred during the SCPS case. Only record the number of arrests. Each count should not be considered as a separate arrest.

Instructions: Enter the total number of arrests. Check the “Unknown” box if the total number of arrests cannot be determined.

- Examples:
- a) If the SCPS defendant was arrested with one count of aggravated assault, then Total Number of Arrests = 1.
  - b) If the SCPS defendant was arrested with 10 counts of burglary and one count of possession of heroin, then Total Number of Arrests = 1.
  - c) If the SCPS defendant was arrested once in July 2009 for aggravated assault and arrested March 2010 for possession of heroine, then Total Number of Arrests = 2.

**Item 23. Was Defendant Re-released During SCPS Case?**

Definition: After the SCPS defendant was arrested for a new offense, was the defendant subsequently released on that new arrest prior to the disposition of the SCPS case?

Instructions: Check the “**yes**” box if the SCPS defendant was released again prior to the disposition of the SCPS case.

If the “yes” box is checked, indicate the date when the SCPS defendant was released again. Enter the month (January = 1, February = 2, etc.), day (1, 2...31), and four digits for the year of the date when the defendant was released. If unknown, check the corresponding box.

Instructions: Check the “**no**” box if the SCPS defendant remained detained following the initial release status change.

Check the “**don't know**” box if it is not known whether the SCPS defendant was released again prior to the disposition of the SCPS case.

- Examples:
- a) The SCPS defendant was released on the SCPS case on 5/12/2009 and was subsequently arrested 7/20/2009 for a new offense allegedly committed on 7/21/2009. At the initial appearance for the new arrest, the SCPS defendant was released on ROR on 7/22/2009. The disposition for the SCPS case was 10/10/2009. "Was Defendant Re-Released during SCPS case" = yes.
  - b) The SCPS defendant was released on the SCPS case on 5/12/2009 and was subsequently arrested 7/20/2009 for a new offense allegedly committed on 7/21/2009. At the initial appearance for the new arrest, the judge held the SCPS defendant without bail. The disposition for the SCPS case was 10/10/2009. "Was Defendant Re-Released during SCPS case" = no.

## OTHER RELEASE STATUS CHANGE (SCPS CASE ONLY)

This section is intended to capture information about a SCPS defendant's misconduct other than failure to appear for court or a new arrest. Before the disposition of the SCPS case, the defendant may be returned to custody for any number of other reasons, such as having a higher bail set after the defendant is bound over to the trial court that the defendant is unable to post, or the judge may revoke release upon conviction but before sentencing. Alternatively, the judge may revoke the defendant's release because of a technical violation (i.e., the defendant failed to meet one or more non-financial conditions of pretrial release such as a protective order). Defendants whose release is revoked or changed may be in some instances subsequently released prior to the disposition of the SCPS.

**Defendants who are released exclusively on financial conditions (e.g., full cash or bail bond) are not subject to technical violations. If, for example, a defendant is surrendered by a bail bondsman, check the "Other" box and enter a description of the status change.**

### Item 24. Reason, Other Than FTA or Re-arrest, That Release Status Changed

**Definition:** This item refers to the reason for the change in the SCPS defendant's release status. A change in the release status refers to having the SCPS defendant being taken back into custody, even if for only an overnight stay in the jail.

**Instructions:** Enter the reason for the change in release status by checking the appropriate box.

Check the "**conviction in SCPS case**" box if upon conviction (guilty plea or guilty trial verdict) the judge in the SCPS case revokes the defendant's release or changes the monetary conditions of release so that the defendant is unable to secure release pending sentencing. (If sentencing occurs on the same day as the conviction, do not check this box.)

Check the "**violation of protective order**" box if the judge in the SCPS case revokes the SCPS defendant's release because the defendant violated a protective order, regardless of type – criminal or civil.

Check the "**technical violation in SCPS case**" box if the SCPS defendant's violation of non-monetary pretrial release conditions (e.g., violated the specific conditions imposed by a pretrial program) caused the judge to revoke release, at least temporarily.

Check the "**other**" box if the SCPS defendant's release was revoked for another reason, and enter the details of the specific reason in the field provided.

Check the "**none/The (only reason for Release Status Change was FTA and/or re-arrest)**" box if the SCPS defendant's release status was not changed for any reason other than failure to appear or a new arrest.

Check the “**don’t know**” box if the SCPS defendant’s release status change was not available for any reason other than failure to appear or a new arrest yet some evidence of a change exists.

## ADJUDICATION INFORMATION SECTION (SCPS CASE ONLY)

Adjudication information refers to how, when, and where the SCPS case is disposed.

### Item 25. SCPS Case Adjudication Pending as of 05/31/2010

Definition: This item refers to whether the case is pending (i.e., has not been adjudicated) as of 05/31/2010.

Instructions: If the case was still pending as of 5/31/2010, please check the **“Pending”** box and proceed to item #36. If the case was adjudicated prior to 5/31/2010, check the **“Complete”** box and continue to item #26.

### Item 26. Type of Adjudication

Definition: This item refers to how the SCPS defendant’s case is adjudicated or disposed. In a multiple charge case, charges may be disposed differently. **The most serious type of adjudication for the most serious offense, which may be a misdemeanor offense, should be the one entered on the SCPS form.**

The types of adjudication are categorized into three groups: Non-conviction and conviction and alternative adjudication proceeding. A guilty plea or finding of guilt is more serious than any other type of adjudication. A dismissal is more serious than a nolle prosequi. A case that is assigned to an alternative proceeding is more serious than a non-conviction outcome.

Instructions: Enter the most serious adjudication for the most serious charge by checking the appropriate box.

The outcome of a case is a non-conviction if the type of adjudication in the SCPS case was terminated with a nolle prosequi or no bill, dismissal, or acquittal by judge or jury or if the type of not guilty is unknown.

Check the **“nolle prosequi/no bill”** box if the prosecutor declined to prosecute or dropped **all the charges** or a grand jury found there was insufficient evidence to file felony charges.

Check the **“dismissal”** box if **all the charges were dismissed** on an affirmed motion by the prosecutor, the defense attorney, or the judge.

Check the **“acquittal - judge”** box if the case was tried before a judge (i.e., bench trial) as opposed to a jury, and **the judge found the SCPS defendant not guilty of all the criminal charges.**

Check the **“acquittal - jury”** box if the case was tried before a jury (i.e., jury trial) as opposed to a judge and **the jury found the SCPS defendant not guilty of all the criminal charges.**

Check the **“not guilty - type unknown”** box if it could not be determined whether a judge or jury found the SCPS defendant not guilty.

The outcome of a case is a conviction if the type of adjudication in the SCPS case was terminated with a defendant pleading guilty or no contest, pleading guilty with special conditions, or the defendant was found guilty by a judge or jury or if the type of guilty conviction is unknown.

Check the **“guilty plea/no contest”** box if the SCPS defendant pleaded guilty or no contest to the SCPS charge(s) or lesser included charge(s). This may occur even after a jury is seated and hears evidence as long as it occurs prior to a verdict being issued.

Check the **“guilty judgment - judge”** box if the SCPS defendant was convicted (i.e., there was a verdict of guilty) by a judge (also known as a bench trial) as opposed to a jury.

Check the **“guilty verdict - jury”** box if the SCPS defendant was convicted (i.e., there was a verdict of guilty) by a jury, as opposed to a judge.

Check the **“guilty - type unknown”** box if it cannot be discerned whether the conviction was by a plea or a trial.

A case is an alternative proceeding if the proceeding occurs in a special court or program to which the case is diverted from the trial calendar/court. Special courts or diversion programs usually place certain conditions such as treatment as part of the proceeding. These cases refer only to those proceedings that result in dismissal or expungement of the charges upon successful completion of the conditions imposed as part of the alternative proceeding assignment. An unsuccessful completion of the alternative proceedings results in the reinstatement of the criminal case. There are several alternative proceedings described below.

**Some courts or calendars have names to designate the types of cases that are adjudicated by those courts. Examples include “major felony courts” or “homicide courts.” The type of adjudication does not differ from any other courts and therefore, these are not a type of SCPS alternative proceeding.**

**There are also “special courts” such as drug courts, which impose special conditions as part of a sentence. These are not a type of SCPS alternative proceeding.**

**Under Proposition 36 in California, defendants charged with first offense drug possession may be eligible for diversion programs offering treatment instead of prison. Defendants who enter Proposition 36 diversion must be convicted of a nonviolent drug offense and these types of adjudications should be coded as guilty pleas and NOT Alternative Adjudications.**

Check the **“drug treatment court”** box if the SCPS defendant was removed from the criminal court calendar or docket and was placed into a drug treatment court. To be classified as a drug treatment court for SCPS, the court should process the cases differently than other cases on the trial calendar with an outcome of case dismissal upon successful completion.

Check the **“prosecutorial diversion”** box if the SCPS defendant was diverted by the prosecutor into a prosecutor sponsored or operated diversion program with an outcome of case dismissal upon successful completion.

Check the **“deferred adjudication”** box if the judge decided instead of accepting the SCPS defendant’s guilty plea, to withhold or defer judgment for a pre-set period of time during which the defendant must meet court ordered conditions with an outcome of case dismissal upon successful completion.

Check the **“domestic violence”** box if the case of the SCPS defendant was removed from the criminal court or docket and was placed into a domestic violence court that is classified as an alternative proceeding court. The domestic violence court is one in which cases are processed differently than cases processed in the criminal court (i.e., special conditions are placed on the defendant) so that the outcome is case dismissal upon successful completion of those conditions.

Check the **“don’t know”** box if the SCPS defendant’s adjudication information cannot be determined.

Check the **“other”** box and enter a specific description of the type of adjudication in the field provided.

**“Consolidated with another case” or “reduced to misdemeanor and transferred to another court” are not appropriate responses.**

**If the case is merged or consolidated with another criminal case, the disposition of the merged or consolidated case should be recorded.  
If the SCPS case is downgraded to a misdemeanor and sent to a separate court, the disposition of the misdemeanor cases should be recorded.**

- Examples:
- a) The SCPS defendant was tried by a jury for armed robbery and felony theft. The jury returned verdicts of “guilty” to felony theft and “not guilty” to armed robbery. Check the “guilty - jury” box.
  - b) The SCPS defendant pleaded guilty to one count of burglary; two other burglary counts were dismissed. Check the “guilty plea/no contest” box.
  - c) The SCPS defendant was tried by a jury for armed robbery. During the trial, but before a verdict was reached, the SCPS defendant pleaded guilty. Check the “guilty plea/no contest” box.

- d) The SCPS defendant qualified for drug court. Check the “drug treatment court” box. The SCPS defendant did not complete the program successfully and was found guilty by a judge. Check the “guilty - judge” box.
- e) The SCPS defendant qualified for drug court. Check the “drug treatment court” box. The SCPS defendant the completed the program successfully and had the charges dismissed prior to 05/31/2010. Check the “dismissal” box.
- f) The SCPS defendant was charged with two counts of robbery. Both charges were dismissed. Check the “dismissal” box.

**Item 27. Outcome of Alternative Proceeding**

Definition: Between the assignment to an alternative adjudication proceeding and 5/31/2010, the end of the SCPS tracking period, defendants may successfully complete the conditions imposed in the alternative program. Alternatively, cases may be terminated from the special court or diversion program and referred back to the traditional adjudication process for a number of reasons. Defendants may violate conditions of a treatment court or diversion program by being arrested for a new offense, failing to appear for court events, not adhering to other conditions, or choosing no longer to participate in a treatment court or diversion program.

Instructions: Check the “**alternative conditions completed**” box if the SCPS defendant completed the alternative treatment program and the case was referred back to the adjudication process for disposition, usually dismissal.

Check the “**alternative conditions not completed, criminal proceedings reinstated**” box if the SCPS defendant failed to complete the alternative treatment program and the case was referred back to the criminal court (i.e., traditional adjudication process for prosecution).

Check the “**alternative proceedings pending as of 05/31/2010**” box if the case had not been disposed by the alternative court or diversion program as of 5/31/2010. Proceed to item #32.

Check the “**don’t know**” box if the status of the alternative criminal proceeding was unknown.

**Item 28. Date of Final Adjudication**

Definition: The date of final adjudication refers to when a decision is made about the guilt of the defendant or the status of the case. This section is divided into three parts, non-conviction and conviction outcomes and alternative adjudication proceedings. The government may decide not to proceed with the prosecution of the case (i.e., the date the prosecutor nolle prosequi the case). The court may decide to dismiss the case (i.e., the date the case was dismissed). These are both examples of non-conviction outcomes. It is also the date when the defendant pleads guilty or when the judge or jury pronounces a verdict of guilty

or not guilty (i.e., acquittal). These are examples of conviction outcomes. Rather than proceed with a trial, the defendant may agree to have his or her case be assigned to a drug or other treatment court or agree to a prosecutorial diversion program in lieu of prosecution. These are examples of alternative adjudication proceedings.

**The adjudication date does not refer to the sentence date. However, in many cases the adjudication and the sentence occur on the same date.**

Instructions: Enter the month (January = 1, February = 2, etc.), day (1, 2...31), and the four digits for the year (2009 or 2010) of the SCPS adjudication. If the date was unknown, check the corresponding **“date unknown”** box.

- Examples:
- a) The SCPS defendant was charged with burglary and possession of burglary tools (a misdemeanor). He pleaded guilty to both charges on July 19, 2009. Date of Final Adjudication = 7/19/2009.
  - b) The SCPS defendant was charged with burglary and possession of burglary tools. At the preliminary hearing on May 15, 2009, the court accepted a defense motion to dismiss the possession of burglary tools charge. On July 27, 2009 the SCPS defendant was tried before a jury on the burglary charge and found “guilty” on July 28, 2009. Date of Final Adjudication = 7/28/2009.
  - c) The SCPS defendant was charged with burglary and possession of burglary tools. At the preliminary hearing on May 15, 2009 the court dismissed the burglary charge. The SCPS defendant then pleaded guilty to the possession of burglary tools charge on May 20, 2009. Date of Final Adjudication = 5/20/2009.

**Item 29. Court Level Where Case Was Adjudicated**

Definition: This item refers to the court where the SCPS case is disposed, either a **“lower court”** (i.e., court of limited jurisdiction) or an **“upper court”** (i.e., trial court or court of general jurisdiction). Some jurisdictions have unified court systems. If these courts function as if there was a lower and upper court distinction then the upper and lower court distinction still applies; otherwise it does not and the reference should be to the upper court.

Typically, in cases involving a felony charge, courts of limited jurisdiction are restricted to dismissing the case (or entering a nolle prosequi disposition) or adjudicating the case if the felony charge was down graded to a misdemeanor offense. There are states, however, that allow courts of limited jurisdiction to accept pleas for felony offenses, but felony trials can only take place in the upper court.

Felony charges are typically adjudicated (i.e., have an outcome of dismissal or conviction or acquittal) at the trial court level after having been bound over as a felony case, either by virtue of a grand jury indictment or prosecutor information.

Instructions: Check the **“General Jurisdiction”** box, if the case was adjudicated in the general or lower court. (If your county has only one adjudication court, select the General Jurisdiction response).

Check the **“Limited Jurisdiction”** box if the case was adjudicated in the limited or upper court.

Check the **“don’t know”** box if the court level cannot be determined,

### **Item 30. Most Serious Adjudication Charge**

Definition: This item refers to the charge to which the most serious type of adjudication applied. (A conviction is more serious than a non-conviction.) Note that in a multiple charge case, some charges may be dismissed, while others may result in a conviction. If in a multiple charge case some charges are dismissed, but one resulted in a conviction, enter the conviction for that offense charge. If the SCPS defendant is convicted of two or more offense charges, enter the most serious convicted charge. If two charges have the identical possible maximum sentences, enter the one your state would designate as the “controlling,” “driving,” or “most serious.” When two charges have an identical classification or punishment, the evaluation of offense seriousness should follow the BJS code hierarchy rather than what your state would consider controlling.

Instructions: In multiple charge cases, determine offense seriousness by the maximum sentence possible for a particular offense. If charges have identical maximum sentences, select the one your state criminal code designates as the “controlling,” “driving” or “most serious” offense. When two charges have an identical classification or punishment, the evaluation of offense seriousness should follow the BJS code hierarchy rather than what your state would consider controlling.

<b>Type</b>	Same as Item #5.
<b>Attempt</b>	Same as Items #4 and #5.
<b>Statute Number</b>	Same as Items #4 and #5.
<b>Offense Name</b>	Same as Items #4 and #5.

#### **BJS Felony Offense Code**

If the second most serious offense is a felony, then the definitions and instructions are the same as for Item #4. If the offense is a misdemeanor, then select **“00 = Misdemeanor”** from the dropdown list.

**Item 31. Is Most Serious Adjudication Charge an Identity Theft?**

Definition: This item refers to the most serious adjudication charge. Identity thefts are crimes which include: 1) unauthorized use or attempted use of existing credit cards; 2) unauthorized use or attempted use of other existing accounts such as checking accounts; or 3) misuse of personal information to obtain new accounts or loans, or to commit other crimes.

Instructions: Check the **“yes”** box if the SCPS defendant was adjudicated with an identity theft crime as his or her most serious adjudication charge.

Check the **“no”** box if the SCPS defendant was not adjudicated with an identity theft crime as his or her most serious adjudication charge.

Check the **“don’t know”** box if it could not be determined whether the SCPS defendant was adjudicated with an identity theft crime as his or her most serious adjudication charge.

Example: a) The SCPS defendant was charged with Florida statute 817.61 – Fraudulent use of credit cards as their most serious adjudication charge. This is identity theft because of the following underlined section of the statute’s definition. This a person who, with intent to defraud the issuer or a person or organization providing money, goods, services, or anything else of value or any other person, uses, for the purpose of obtaining money, goods, services, or anything else of value, a credit card obtained or retained in violation of this part or a credit card which he or she knows is forged, or who obtains money, goods, services, or anything else of value by representing, without the consent of the cardholder, that he or she is the holder of a specified card or by representing that he or she is the holder of a card and such card has not in fact been issued violates this section. Is most serious adjudication charge an identity theft? = Yes. BJS felony offense code = 10.

**Item 32. Type of Attorney for Adjudication**

Definition: This item refers to the type of legal representation the SCPS defendant had at the time of case adjudication. This also includes cases that are pending.

Instructions: Enter the type of attorney defendant for conviction, or when the case was otherwise adjudicated.

Check the **“waived counsel”** box if the SCPS defendant was self represented or waived representation for case adjudication.

Check the **“public defender”** box if the SCPS defendant was represented by a state or county-funded public defender for case adjudication.

Check the **“court appointed”** box if the SCPS defendant was represented by a private attorney appointed by the court (e.g., a contract or assigned counsel) for case adjudication.

Check the “**privately retained**” box if the SCPS defendant was represented by a privately retained counsel for case adjudication.

Check the “**other**” box and enter specific details about the type of attorney for time of case adjudication in the field provided.

Check the “**don’t know**” box if the type of legal representation cannot be determined for case adjudication.

## SENTENCE INFORMATION (SCPS CASE ONLY)

This section refers to sentencing information for **all** convicted charges in the SCPS case. When entering sentencing information, please include only the imposed sentence. Do not enter subsequent changes to the initial sentence imposed.

**If response to Item #27 is “drug treatment court,” “prosecutorial diversion,” “deferred adjudication” or some other “type of alternative proceeding” do not record the conditions as “sentence imposed.”**

### Item 33. SCPS Case Sentence Pending as of 05/31/2010

Instructions: If the SCPS defendant was convicted before 05/31/2010, but had not been sentenced as of 05/31/2010, mark the “**sentence pending as of 05/31/2010**” box. Proceed to item #36. If the case sentence was complete prior to 5/31/2010, check the “**Complete**” box and continue to item #34.

### Item 34. Date of Sentence

Definition: This refers to the date the court imposed a sentence for the convicted charge(s).

Instructions: Enter the month (January = 1, February = 2, etc.), day (1, 2...31), and the four digits for the year (2009 or 2010) that the SCPS defendant was sentenced. If the sentencing date was unknown, check the corresponding box.

### Item 35. Sentence Imposed

Definition: This item refers to the sentence **imposed** on the SCPS defendant, who having been convicted will be referred to as the SCPS offender. This does not refer to the sentence the SCPS offender actually served.

Instructions: The sentence should enter all the terms of the sentence for all the convicted charges in a multiple charge case. If there were separate sentences imposed for each individual charge, the sentence should include all of the imposed conditions. For example, the SCPS offender was convicted of two charges and received 6 months jail for the first charge and 12 months probation for the second charge. Sentence imposed = 6 months jail; 12 months probation.

Check all sentences imposed for all convicted charges.

## CONCURRENT AND CONSECUTIVE SENTENCES

When determining how to enter the length of an imposed prison, jail, or probation sentence, it is important to determine whether the sentences imposed were concurrent or consecutive.

Concurrent sentences are defined as sentences that run at the same time as another sentence. Consecutive sentences are defined as sentences that run one after another. The sentence imposed should be entered differently depending on whether the sentence is concurrent or consecutive.

- Examples:
- a) The SCPS offender was convicted of 3 counts of aggravated assault and the judge imposed a 2-year prison sentence for each count of aggravated assault to run concurrently. Sentence = 2 years prison.
  - b) The SCPS offender was convicted of 3 counts of aggravated assault and the judge imposed a 2-year prison sentence for each count of aggravated assault to run consecutively. Sentence = 6 years prison.

Most states place limits to the length of a jail sentence, typically less than one year. In addition, many states restrict jail sentences to those convicted of low level felonies or misdemeanors.

### **Prison:**

State prison refers to any correctional facility operated by or under the authority of the state, which in most states is the department of corrections. Such institutions have a variety of names including, penitentiaries, prison, state-jails, etc.

Check the **“imposed”** box, if the court sentenced the SCPS offender to prison and enter the total number of years, months, and days imposed in the fields provided. Do not enter any changes to the prison term that occurred after the initial prison sentence was imposed. If the amount of prison time was unknown, mark the corresponding “Unknown” box.

In most states, the term of prison sentences is one year or more. There are some exceptions, such as Texas, which allows sentences to its state-jails to be as low as 6 months.

Check the **“suspended”** box if part, or all, of the imposed prison sentence was suspended or stayed and enter the total number of years, months and days of suspended in the field provided. If the amount of suspended prison time was unknown, mark the corresponding “Unknown” box.

When part of a prison sentence was suspended, enter the total term imposed and the total term suspended. Do not subtract the suspended term from the imposed term and enter the result.

- Example:
- a) The SCPS offender was sentenced to 5 years prison, of which 4 years were suspended. Imposed = 5 years. Suspended = 4 years.

### **Time Served:**

Time served refers to a stand alone sentence that acknowledges the time spent in pretrial detention as the only term of incarceration imposed and as such no other or additional term of incarceration is imposed.

Check the **“time served”** box if the court imposed the sentence of time served as the only term of incarceration and enter the total the number of years,

months, and days, if available, in the fields provided. If the amount of time served in jail was unknown, mark the corresponding “Unknown” box.

**Jail:**

Jail refers to a facility operated by a local (i.e., non-state) authority, such as a sheriff or county jail administrator.

Check the “**imposed**” box if the court imposed a jail sentence and enter the total number of years, months, and days imposed in the fields provided. Do not enter any changes to the jail term that occurred after the initial jail sentence was imposed. If the amount of imposed time in jail was unknown, mark the corresponding “Unknown” box.

Check the “**suspended**” box if part, or all, of the imposed jail sentence was suspended and enter the number of years, months, and days suspended in the field provided. If the amount of suspended jail time was unknown, mark the corresponding “Unknown” box.

When part of a jail sentence was suspended, enter the total term imposed and the total term suspended. Do not subtract the suspended term from the imposed term and enter the result.

Examples: a) The SCPS offender was sentenced to 12 months jail, 6 months of which were suspended. Imposed = 12 months. Suspended = 6 months.

Texas facilities known as State Jails are not jails. They are prisons that are operated by the state and intended for offenders convicted of lesser felonies.

**Probation:**

Check the “**probation**” box if the sentence included probation. Enter the term of the probation in years, months, or days in the field provided. If unknown, check the corresponding box.

If the SCPS offender was sentenced to probation, community service conditions of probation may be imposed. Check the “**community service**” box if the court ordered the SCPS offender to perform some form of community service. Mark the number of months, days, or hours of community service imposed. For example, if the court imposed 100 hours of community service enter “community service” and “100 hours” on the form. If the court imposed community service, but the amount of community service time cannot be determined, please check the corresponding “Unknown” box.

**Fine:**

Check the “**fine**” box if a fine was imposed and enter the total fine amount. If a fine was imposed, but the fine amount was unknown mark the corresponding “Unknown” box.

**Do not include court or other costs as part of a fine.**

**Restitution:**

Check the “**victim restitution**” box if the court ordered the SCPS offender to pay restitution to the victim and enter the restitution amount. If the court imposed victim restitution, but the amount of restitution was unknown check the corresponding “Unknown” box.

Check the “**state restitution**” box if the court ordered the SCPS offender to pay state restitution to a state restitution fund and enter the restitution amount. If the court imposed state restitution, but the amount of restitution was unknown mark the corresponding “Unknown” box.

**Treatment/Counseling:**

Check the “**treatment/counseling**” box if the SCPS offender was sentenced to a treatment program that is either part of or separate from a probation sentence. For example, if the SCPS offender was enrolled in or admitted to a specialized drug treatment program then check this box.

**Don't Know Sentence/Other Sentence Type:**

Check the “**don't know sentence**” box if the sentence imposed was unknown or could not be determined.

Check the “**other sentence type**” box and enter the appropriate code or codes for the type sentence imposed on the SCPS offender.

All other responses to the type of sentence should be written out in the field provided.

## PRIOR CRIMINAL RECORD RECORD (BEFORE SCPS CASE)

Prior record information refers to the SCPS defendant's arrests and convictions in the adult criminal justice system that occurred before the arrest for the SCPS case. This includes entering the status of the SCPS defendant with the criminal justice system at the time of the SCPS arrest, such as whether the defendant had an open case or was out on probation or parole.

Every effort should be made to gather the most complete criminal record information available, which should involve local, state (i.e., state criminal record repository) and national sources (i.e., NCIC).

### Item 36. At Arrest in SCPS Case, Was Defendant Involved With Adult Criminal Justice System?

Definition: At the time of arrest on the SCPS case (item #1), the SCPS defendant may have been involved with the adult criminal justice system based on a prior arrest or conviction. For example, the SCPS defendant may have been released on an open case or the SCPS defendant may have been out on probation or parole when arrested for the SCPS case. The SCPS defendant may have been on diversion, in custody, a fugitive, or be in another way related to the criminal justice system. Moreover, the SCPS defendant's relationship with the criminal justice system may be a combination of these factors (e.g., the SCPS defendant may be released on a pending case and be on probation for another case at the time of the SCPS arrest).

If the arrest for the SCPS case is the SCPS defendant's first arrest as an adult, then the SCPS defendant is considered to have no involvement with the adult criminal justice system. If the SCPS defendant's involvement is only with the juvenile criminal justice system, then the SCPS defendant has no prior involvement with the adult criminal justice system.

Instructions: Check the **"yes"** box if the SCPS defendant was involved with the adult criminal justice system at the time of arrest for the SCPS case.

Check the **"no"** box if the SCPS defendant had no involvement with the adult criminal justice system at the time of arrest for the SCPS case. **Proceed to item #38.**

Check the **"don't know"** box if the SCPS defendant's involvement with the adult criminal justice system at the time of arrest for the SCPS case cannot be determined. **Proceed to item #38.**

**Item 37. If Yes, Type of Involvement at Arrest**

Instructions: There may be several ways to determine the type of involvement the SCPS defendant has at the time of the arrest for the SCPS case. The type of involvement may be recorded as part of a pretrial investigation report or otherwise reported at a bail hearing. The information may also be inferred from the SCPS defendant's criminal record, court record or jail booking history by conducting a name check and entering all the criminal cases in which the defendant was involved prior to the SCPS case.

Check the SCPS defendant's type of involvement with the criminal justice system at the time of arrest. More than one response may apply.

Check the "**released on open case**" box if, at the time of arrest for the SCPS case, the SCPS defendant was released on an open case. An "open case," refers to a case that was filed prior to but not disposed at the time of arrest for the SCPS case.

Check the "**open FTA warrant**" box if, at the time of arrest for the SCPS case, the SCPS defendant was released already on another case and had an outstanding bench warrant for that open case.

Check the "**open arrest warrant**" box if, at the time of arrest for the SCPS case, the SCPS defendant was wanted on charges for which he or she had not yet been arrested.

Check the "**in custody**" box if, at the time of arrest for the SCPS case, the SCPS defendant was in custody for another case (i.e., the arrest warrant for the SCPS case was served while the SCPS defendant was in custody awaiting adjudication on an "open case" or serving a sentence for a prior conviction; alternatively, the SCPS defendant may have been arrested for an offense committed while in custody).

Check the "**on parole**" box if, at the time of arrest for the SCPS case, the SCPS defendant was out on parole for another case (i.e., the term of parole had not expired as of the SCPS arrest date).

Check the "**on probation**" box if, at the time of arrest for the SCPS case, the SCPS defendant was out on probation for another case (i.e., the term of probation had not expired as of the SCPS arrest date).

Check the "**on diversion**" box if, at the time of arrest for the SCPS case, the SCPS defendant was a participant or enrolled in a diversion program, including a prosecutor's or court sponsored diversion program (e.g., deferred adjudication) for another case.

Check the "**on drug court condition**" box if, at the time of arrest for the SCPS case, the SCPS defendant was a participant in or enrolled in drug court for another case.

Check the “**other**” box and enter a specific description of the type of involvement in the adult criminal justice system of the SCPS defendant at time of arrest for SCPS case in the field provided.

**Item 38. Does Defendant Have Adult Arrests or Convictions *Prior* to SCPS Case?**

Definition: This item refers to the SCPS defendant’s adult criminal record of felony or misdemeanor arrests that occurred before the arrest (item 1) for the SCPS case.

**Do not include the arrest or conviction for the SCPS case.**

**Do not include arrests or convictions for ordinance or traffic violations or infractions.**

Instructions: Check the “**yes**” box if the SCPS defendant had prior adult felony or misdemeanor arrests.

Check the “**yes**” box if there was an indication in the court or jail records that a prior adult criminal record existed, but the actual number of arrests was unknown.

Check the “**no**” box if there was no record of the SCPS defendant having been arrested as an adult prior to the arrest for the SCPS case.

Check the “**don’t know**” box if it could not be determined if the SCPS defendant had an adult record prior to the arrest for the SCPS case.

**If the “no” or “don’t know” box in Item 38 was checked, the form is completed.**

**Item 39. Prior Misdemeanor Adult Arrests/Convictions**

**Total # Prior Misdemeanor Arrest Charges**

Instructions: Using the available criminal record, enter the total number of previous adult misdemeanor arrests that occurred prior to the SCPS arrest. Remember to treat each count/charge separately. **Enter “0” if the SCPS defendant had no misdemeanor arrests.** If the number of prior misdemeanor arrests cannot be determined, mark the corresponding “Unknown” box.

- Examples:
- a) The SCPS defendant was arrested once in March 1991 and charged with five counts of misdemeanor possession of burglary tools. Total # Prior Misdemeanor Arrest Charges = 5.
  - b) The SCPS defendant was arrested in April 1992 on 5 counts of simple assault and was arrested on May 1998 on 2 counts of theft under \$300. Total # Prior Misdemeanor Arrest Charges = 7.
  - c) The SCPS defendant was alleged to have committed a misdemeanor possession of marijuana in April 2009 but was not arrested until June 2009 (after the arrest for the SCPS charge), and that was the only arrest besides the SCPS arrest. Total # Prior Misdemeanor Arrest Charges = 0.

**Total Number of Prior Misdemeanor Convicted Charges**

Instructions: Using the available criminal record, enter the total number of adult misdemeanor convictions that occurred prior to the SCPS arrest. Remember to treat each count/charge separately. **Enter “0” if the SCPS defendant had no misdemeanor convictions.** If the total number of misdemeanor convictions cannot be determined, mark the corresponding “Unknown” box.

**The number of misdemeanor convictions can exceed the number of misdemeanor arrests because felony arrests can result in misdemeanor convictions.**

- Examples:
- a) The SCPS defendant was convicted of a single misdemeanor charge on five separate dates (e.g., March, 1996; January, 1997; April, 1998; October, 1999; November, 2000). Total # Prior Misdemeanor Convictions = 5.
  - b) The SCPS defendant was arrested on 7/8/01 and charged with five counts of theft under \$100 and convicted of all five counts on 1/1/02. Total # Prior Misdemeanor Convictions = 5.
  - c) The SCPS defendant was arrested on 3/26/04 on a felony burglary charge but convicted of misdemeanor theft on 4/1/04. Total # Prior Misdemeanor Convictions = 1. (Total # Prior Felony Arrest charges = 1.)

**Item 40. Prior Felony Adult Arrests/Convictions**

**Total # Prior Felony Arrest Charges**

Instructions: Using the available criminal record, enter the total number of previous adult felony arrests that occurred prior to the SCPS arrest. Remember to treat each count/charge separately. **Enter “0” if the SCPS defendant had no felony arrests.** If the number of felony arrests cannot be determined, mark the corresponding “Unknown” box.

- Examples:
- a) The SCPS defendant was arrested once in March 1991 and charged with five counts of felony burglary. Total # Prior Felony Arrest Charges = 5.
  - b) The SCPS defendant was arrested in April 1992 on 5 counts of felony assault and was arrested on May 1998 on 2 counts of felony burglary. Total # Prior Felony Arrest Charges = 7.
  - c) The SCPS defendant was alleged to have committed a felony burglary in April 2009 but was not arrested until June 2009 (after the arrest for the SCPS charge), and that was the only arrest besides the SCPS arrest. Total # Prior Felony Arrest Charges = 0.

**Total Number of Prior Felony Convicted Charges**

Instructions: Using the available criminal record, enter the total number of adult felony convictions that occurred prior to the SCPS arrest. Remember to treat each count/charge separately. **If the SCPS defendant was never convicted of any felony charges, enter “0” in the fields provided.** If the number of felony convictions cannot be determined, mark the corresponding “Unknown” box.

- Examples:
- a) The SCPS defendant was convicted of a single felony charges on five separate dates (e.g., March, 1996; January, 1997; April, 1998; October, 1999; November, 2000). Total # Prior Felony Convictions = 5.
  - b) The SCPS defendant was convicted of five felony offense counts on 5/6/04 (the SCPS arrest occurred on 5/8/04). Total # Prior Felony Convictions = 5.
  - c) The SCPS defendant was arrested for two felony assaults, both of which were dismissed on 03/26/04. Total # Prior Felony Convictions = 0.

**Any Prior Adult Felony Convictions for the Violent Offenses?**

Definition: This item refers to the SCPS defendant’s prior felony convictions that involved a violent felony conviction.

Instructions: Of the total number of felony convictions, if any were for violent offenses check the “Violent Offenses” box.

**Item 41. Total # Prior Adult Incarcerations**

**Definition:** This item refers to prison and jail incarcerations that were imposed on the SCPS defendant as a result of convictions for felony or misdemeanor offenses that were imposed prior to the arrest for the SCPS case. This excludes sentences to prison or jail imposed after the arrest for the SCPS case for open cases (i.e., cases that started before the arrest for the SCPS case) and also incarcerations that resulted from probation or parole revocations.

**Instructions:** Using the available criminal record, enter the total number of prison and jail incarcerations imposed prior to the arrest for the SCPS case in the appropriate fields. To determine the number of incarcerations, count only the incarceration sentences that were imposed for the entire case and not individual offenses. (This is the same instruction as the jail and prison responses in Item #34).

- Examples:**
- a) The SCPS defendant was convicted on 6/3/00 of five counts of assault and was sentenced to one year of prison for each of the assault counts, each count to be served consecutively amounting to a five year prison sentence. Total # Prior Adult Incarcerations = 1 prison.
  
  - b) The SCPS defendant was sentenced to the following incarcerations each to be served concurrently:  
  
4/5/97: count 1 burglary – 2 year prison  
4/5/97: count 2 burglary – 2 year prison  
  
8/8/00: count 1 assault – 6 months jail  
8/8/00: count 2 assault – 6 months jail  
  
9/9/02: count 1 robbery – 3 years prison  
9/9/02: count 2 robbery – 3 years prison  
  
Total # Prior Adult Incarcerations = 2 prison.  
Total # Prior Adult Incarcerations = 1 jail.
  
  - c) The SCPS defendant was convicted of two counts of burglary and was sentenced to concurrent 24-month terms of probation on 5/24/02 and had his/her probation revoked and sent to prison on 11/2/02. Total # Prior Adult Incarcerations = 0.
  
  - d) The SCPS defendant was convicted on 3/26/02 of two counts of burglary and was sentenced to six months jail and a 12-month term of probation. Total # Prior Adult Incarcerations = 1 jail.

**Item 42. Has Defendant Failed to Make a Court Appearance *Prior* to SCPS Case?**

**Definition:** This item refers to whether a bench warrant was ever issued for a felony or misdemeanor case that occurred prior to the SCPS arrest. **Refer to Appendix C, BJS code codes 1 through 5.**

Instructions: Check the **“yes”** box if prior to the arrest in the SCPS case the SCPS defendant had ever failed to appear at a required court hearing for which a bench warrant was issued.

Check the **“no”** box if prior to the arrest in the SCPS case a bench warrant had never been issued for failing to appear at a required court hearing.

Check the **“don’t know”** box if it cannot be determined whether the SCPS defendant had ever failed to appear at a required court hearing (not including the SCPS case), for which a bench warrant was issued.