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## A Guide to Sources of Texas Criminal Justice Statistics

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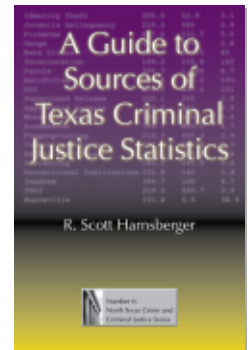
Published by University of North Texas Press

Harnsberger, R. Scott.

A Guide to Sources of Texas Criminal Justice Statistics.

University of North Texas Press, 2011.

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## **Chapter 4**

# **Courts and Sentencing**

## Adult Felony System

**183** *Felony Defendants in Large Urban Counties* [Bulletin]. Washington, D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice [biennial, 1988–date].

<<http://purl.access.gpo.gov/GPO/LPS1754>>

Reports representative sample data gathered through the State Court Processing Statistics (SCPS) program, which focuses on the processing of felony defendants in the state courts of the seventy-five most populated counties in the United States (including Dallas, El Paso, Harris, and Tarrant). These counties account for approximately one-half of the felony crimes committed nationwide. The Appendix Tables provide SCPS jurisdiction-level data as follows: population, sampling weights, and number of cases; most serious arrest charge of felony defendants; sex and age of felony defendants; race and Hispanic/Latino origin; felony defendants released before or detained until case disposition; failure-to-appear and re-arrest rates of defendants released prior to case disposition; adjudication outcome for felony defendants; and most severe type of sentence received by defendants convicted of a felony.

**Research Note:** The program was called the National Pretrial Reporting Program prior to 1994. Researchers should review the BJS data advisory, *State Court Processing Statistics Data Limitations* (March 2010), before using this report. <[http://bjs.ojp.usdoj.gov/content/pub/pdf/scpsdl\\_da.pdf](http://bjs.ojp.usdoj.gov/content/pub/pdf/scpsdl_da.pdf)> Datasets are available through the Inter-university Consortium for Political and Social Research (ICPSR), Institute for Social Research, University of Michigan. <<http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/00079>>

## Aliens

**184** Salant, Tanis J. *Undocumented Immigrants in U.S.–Mexico Border Counties: The Costs of Law Enforcement and Criminal Justice Services*. Tucson: Eller College of Management, School of Public Administration and Policy, University of Arizona, 2008. NCJ 223285

<<http://www.bordercounties.org/>>

Provides a breakdown of the costs of undocumented immigrants to law enforcement and criminal justice services in the U.S. counties bordering Mexico, which includes fifteen in Texas. County-level statistics are presented for county and district clerks, district courts, district attorneys, county district courts, county courts at law, county attorneys, justices of the peace and constables, county law magistrates, and indigent defense.

**Research Note:** This report was sponsored by the U.S./Mexico Border Counties Coalition. For earlier data, see Tanis J. Salant, *Illegal Immigrants in U.S.-Mexico Border Counties: Costs of Law Enforcement, Criminal Justice and Emergency Medical Services*. Tucson: Eller College of Business and Public Administration, School of Public Administration and Policy, University of Arizona, 2001. NCJ 201492

**184A** *Statistical Year Book*. Falls Church, Va.: Executive Office for Immigration Review, U.S. Department of Justice [annual, 2000–date].

<<http://purl.access.gpo.gov/GPO/LPS31215>>

An alien charged by the Department of Homeland Security (DHS) with an immigration law violation is issued a charging document, usually a Notice to Appear (NTA) or a Notice of Referral to an immigration judge. When the charging document is filed by DHS with the immigration court, jurisdiction over the case transfers from DHS to the Executive Office for Immigration Review (EOIR), which has oversight over the fifty-seven U.S. immigration courts (including eight in Texas). Once an alien has been ordered removed by the EOIR, the removal is the responsibility of DHS. This report provides fiscal year data for each immigration court as follows: total immigration court matters received; total immigration court receipts by type of matter (proceedings, bonds, motions, and total); total immigration court matters completed; total immigration court completions by type of matter; asylum receipts and completions; asylum grant rate; convention against torture completions; immigration court completions (proceedings) with applications for relief; and immigration court completions (proceedings) for detained cases.

## Caseloads

•**185** *Federal Court Management Statistics: U.S. District Courts—Judicial Caseload Profiles*. Washington, D.C.: Statistics Division, Office of Judges Programs, Administrative Office of the United States Courts [annual, online only, 1997–date].

<<http://purl.access.gpo.gov/GPO/LPS37887>>

Provides summary statistics for the reporting year and five previous years for the following: overall caseload statistics, number of judgeships, vacant judgeship months, actions per judgeship, median times (months), and other. Data on criminal felony filings by nature of suit and offense is provided for the reporting year.

**Research Note:** Data is reported by fiscal year. Texas is in the U.S. Court of Appeals Fifth Circuit and has four districts: Eastern, Northern, Southern, and Western. Datasets for some categories are available through the Inter-university Consortium for Political and Social Research (ICPSR), Institute for Social Research, University of Michigan. <<http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/00072>>

•**186** *Federal Judicial Caseload Statistics*. Washington, D.C.: Office of Human Resources and Statistics, Statistics Division, Administrative Office of the United States Courts [annual, 1994-date].

<<http://purl.access.gpo.gov/GPO/LPS29106>>

Statistics are reported by circuit for the U.S. Courts of Appeals as follows: appeals commenced, terminated, and pending (Tables B-1, B-5); and nature of suit or offense in cases arising from the U.S. District Courts (Table B-7). Statistics are reported by judicial circuit and district for criminal cases in U.S. District Courts as follows: cases commenced, terminated, and pending (Tables D, D-1); defendants commenced, terminated, and pending (Tables D, D-1); cases commenced, by offense and district (Table D-3); and defendants commenced, by offense and district (Table D-3). Statistics are reported by circuit and district for the federal probation system as follows: persons received for and removed from post-conviction supervision (Table E-1) and persons under post-conviction supervision (Table E-2). Statistics are reported by circuit and district for pretrial services in U.S. District Courts as follows: cases activated (Table H-1); interviews and types of pretrial reports (Table H-2); and pretrial services defendants received for and under supervision (Table H-7). Statistics are reported by circuit and district for grand and petit jurors in U.S. District Courts as follows: grand juror service (Table J-1) and petit juror service on days jurors were selected for trial (Table J-2).

**Research Note:** Reporting year ends March 31. Reports are available online back to 2001. Previously published under the title *Federal Judicial Workload Statistics* (1977–1993). Texas is in the U.S. Court of Appeals Fifth Circuit and has four districts: Eastern, Northern, Southern, and Western. This data is also reported biannually in *Statistical Tables of the Federal Judiciary* (2001–date). <<http://purl.access.gpo.gov/GPO/LPS21918>> Datasets for some categories are available through the Inter-university Consortium for Political and Social Research (ICPSR), Institute for Social Research, University of Michigan. <<http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/00072>>

•**187** *State Court Caseload Statistics: An Analysis of [year] State Court Caseloads*. Williamsburg, Va.: Courts Statistics Project, National Center for State Courts [annual, 1975-date].

<[http://www.ncsconline.org/D\\_Research/csp/CSP\\_Main\\_Page.html](http://www.ncsconline.org/D_Research/csp/CSP_Main_Page.html)>

Provides state-level statistics for the following categories: reported grand total state trial court caseloads (Table 2); reported total state trial court criminal caseloads (Table 6); felony caseloads in state trial courts of general jurisdiction (Table 7); reported total state trial court juvenile caseloads (Table 8); reported grand total state appellate court caseloads (Table 11); reported total state appellate court appeal by right caseloads (Table 12); reported total state appellate court appeal by permission caseloads (Table 13); reported total state appellate court death penalty caseloads (Table 14); reported total state appel-

late court original proceeding/other appellate matter caseloads (Table 15); and opinions reported by state appellate courts (Table 16).

**Research Note:** This compilation is a joint project of the Conference of State Court Administrators, the Bureau of Justice Statistics, and the Court Statistics Project of the National Center for State Courts. Datasets are available through the Inter-university Consortium for Political and Social Research (ICPSR), Institute for Social Research, University of Michigan. <<http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/00080>>

## Court Personnel

•**188** *Census of Governments: Government Employment and Payroll*. Washington, D.C.: Governments Division, U.S. Census Bureau, U.S. Department of Commerce [quinquennial, 1957–date].

<<http://purl.access.gpo.gov/GPO/LPS33151>>

The Census of Governments is conducted in years ending in “2” and “7” as mandated by 13 U.S.C. § 161 (2009). The Annual Survey of Government Employment is conducted in the intervening years under the provisions of 13 U.S.C. § 182 (2009). The latter includes a sample of state and local governments, with a new sample being selected every five years (years ending in “4” and “9”). The Census Bureau website provides a Build-a-Table function, which allows users to access data at the level of state government, local government (aggregated county, municipality, township, school district, and special district), or combined state and local government. Data is presented for the government function “judicial and legal” as follows: full-time employees and pay, part-time employees and pay, total employees, total pay, and full-time equivalent.

**Research Note:** Editions are available online back to 1992. The government function “judicial and legal” encompasses “all court and court related activities (except probation and parole activities that are included at the ‘Correction’ [sic] function), court activities of sheriff’s offices, prosecuting attorneys’ and public defenders’ offices, legal departments, and attorneys providing government-wide legal service.” Datasets are available through the Inter-university Consortium for Political and Social Research (ICPSR), Institute for Social Research, University of Michigan. <<http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/00012>>

•**189** *Justice Expenditure and Employment*. Washington, D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice [annual, 1982–date].

<<http://bjs.ojp.usdoj.gov/index.cfm?ty=daa>>

Presents data extracted from the Census Bureau’s Annual Survey of Government Finances and Annual Survey of Government Employment, which provide estimates of full-time only and full-time equivalent employment for the government function “judicial/legal.” Data is reported at the level of states,

large counties (with populations of 500,000 or more), and large cities (with populations of 300,000 or more). Annual March payrolls are also reported.

**Research Note:** Definitions are provided for the judicial/legal categories covered in the report. Prior data is reported in various publications series of the U.S. Department of Justice's Law Enforcement Assistance Administration and the Census Bureau's Governments Division. Datasets are available through the Inter-university Consortium for Political and Social Research (ICPSR), Institute for Social Research, University of Michigan. <<http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/00087>>

•**190** *Occupational Employment Statistics: Occupational Employment and Wage Estimates*. Washington, D.C.: Bureau of Labor Statistics, U.S. Department of Labor [annual, online only, 1999–date].

<<http://purl.access.gpo.gov/GPO/LPS68663>>

Provides employment and wage estimates for states, metropolitan areas, and nonmetropolitan areas, and includes the following occupations (Standard Occupational Classification codes noted): lawyers (23-1011); administrative law judges, adjudicators, and hearing officers (23-1021); judges, magistrate judges, and magistrates (23-1023); court reporters (23-2091); and bailiffs (33-3031).

## Court Structure

**191** *State Court Organization, 2004*. Washington, D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 2006. NCJ 212351

<<http://purl.access.gpo.gov/GPO/LPS22184>>

While not providing statistics per se, this handbook contains 428 items of information arranged in forty-seven tables as follows: Courts and Judges (Tables 1–3); Judicial Selection and Service (Tables 4–11); The Judicial Branch: Governance, Funding, and Administration (Tables 12–21); Appellate Courts: Jurisdiction and Procedures (Tables 22–27); Trial Courts: Administration, Specialized Jurisdiction, and Procedures (Tables 28–37); The Jury (Tables 38–42); and The Sentencing Context (Tables 43–47).

**Research Note:** The handbook represents a collaboration between the Conference of State Court Administrators and the National Center for State Courts. Earlier editions are available.

## Drug Courts

•**192** *Summary of Drug Court Activity by State and County*. Washington D.C.: Drug Court Clearinghouse, Justice Programs Office, School of Public Affairs, American University [online only].

<<http://www1.spa.american.edu/justice/project.php?ID=1>>

The Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, has operated the Drug Court Clearinghouse at American University since 1994. An interactive United States map allows users to access individual state reports, which provide county-level statistics for drug court activity, juvenile/family drug court activity, and tribal drug court activity.

**Research Note:** The clearinghouse compiles statistics on a continuing basis and updates the online summary reports as needed. An indication of OJP/BJA funding source for each court is provided. The reports also include a notation for each county that has a mental health court, based on information provided in *Survey of Mental Health Courts* (Criminal Justice/Mental Health Consensus Project, August 2004).

**193** *Initial Process and Outcome Evaluation of Drug Courts in Texas*. Austin: Criminal Justice Policy Council, 2003.

<[http://www.lbb.state.tx.us/PubSafety\\_CrimJustice/6\\_Links/Documents\\_Alpha\\_Links.htm](http://www.lbb.state.tx.us/PubSafety_CrimJustice/6_Links/Documents_Alpha_Links.htm)>

Drug courts are legislatively mandated in Texas for counties with populations over 550,000 (Tex. Health & Safety Code Ann. §§ 469.001–.009 (Vernon 2010)). This report covers process and outcome evaluations of drug courts in Dallas, Jefferson, and Travis counties, which were selected on the basis of the size of their programs, years in operation, and availability of computerized data. This data includes program funding and costs; characteristics of the participating offenders; completion rates; drug testing; and recidivism rates.

**Research Note:** See also the council's earlier report, *Overview of Drug Courts in Texas* (2002).

**194** *Problem Solving Courts*. Austin: Texas Courts Online, Office of Court Administration [online only].

<<http://www.courts.state.tx.us/courts/pscourts.asp>>

Provides a directory of current and planned drug courts reporting to the governor's office (county, drug court name, court name, presiding judge, population served, drug court start date, drug court coordinator/title, and contact information).

## Executive Clemency

**195** *Texas Secretary of State, Statutory Documents Section: An Inventory of Secretary of State Executive Clemency Records at the Texas State Archives, 1840, 1845–2006*. Austin: Texas State Library and Archives Commission.

<<http://www.lib.utexas.edu/taro/tslac/30056/tsl-30056.html>>

The records of executive clemency, created by the governors of the State of Texas and maintained by the Texas Secretary of State, include executive



record books; clemency proclamations; indexes to clemency proclamations; applications for pardons and other forms of executive clemency; and registers of applications for pardons.

**Research Note:** Researchers must obtain preapproval from the archivist before accessing these documents.

## Juries

•**196** *Annual Statistical Report for the Texas Judiciary*. Austin: Office of Court Administration [2005–date].

<<http://www.courts.state.tx.us/pubs/annual-reports.asp>>

Presents annual fiscal year data on the State of Texas court system for jury activity in district and county-level courts.

•**197** *Judicial Business of the United States Courts: Annual Report of the Director*. Washington, D.C.: Statistics Division, Office of Judges Programs, Administrative Office of the United States Courts [annual, 1994–date].

<<http://purl.access.gpo.gov/GPO/LPS2715>>

The Appendix (Detailed Statistical Tables) provides the following statistics for U.S. District Courts: grand juror service (Table J-1), and petit juror service on days jurors were selected for trial (Table J-2);

**Research Note:** Reports are available online back to 1997. Texas is in the U.S. Court of Appeals Fifth Circuit and has four districts: Eastern, Northern, Southern, and Western. This data is also reported biannually in *Statistical Tables of the Federal Judiciary* <<http://purl.access.gpo.gov/GPO/LPS21918>> and annually in *Federal Judicial Caseload Statistics* (see entry 186).

## Juvenile Courts

•**198** *Juvenile Court Statistics* [Report]. Pittsburgh, Pa: National Center for Juvenile Justice, National Council of Juvenile and Family Court Judges [biennial, 1927–date].

<<http://purl.access.gpo.gov/GPO/LPS16327>>

Provides county-level statistics on juvenile courts' petitioned and nonpetitioned delinquency, status, and dependency caseloads (Appendix C).

**Research Note:** Published annually (by varying agencies) prior to the 2001/2002 edition. The 1984 edition was the first to contain detailed, case-level descriptions of the delinquency and status offense cases handled by U.S. juvenile courts. More detailed presentations of this data can be accessed through the *National Juvenile Court Data Archive* (see entry 199). Datasets are available through the Inter-university Consortium for Political and Social Research (ICPSR), Institute for Social Research, University of Michigan.

<<http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/00074>>

•**199** *National Juvenile Court Data Archive*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice [online].

<<http://ojjdp.ncjrs.org/ojstatbb/njcda/>>

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) established the National Juvenile Court Data Archive with the goal of providing the most detailed information available on the activities of juvenile courts in the United States. It currently contains over fifteen million automated case records, with the majority of data consisting of delinquency and status offense records, although some state-level data contains traffic and dependency cases. The records provide demographic information on the juvenile offender (e.g., age at referral, gender, race, county of residence); the offense(s) charged; the date of referral; the processing characteristics of the case (e.g., detention and manner of handling); and the case disposition.

**Research Note:** The archive has been maintained for the OJJDP since 1975 by the National Center for Juvenile Justice (NCJJ), which is the research division of the National Council of Juvenile and Family Court Judges. Files that contain information identifiable to a private person are made available only to qualified individuals or organizations involved in research and statistical activities. Summary county-level data for delinquency, status, and dependency cases can be obtained through *Easy Access to State and County Juvenile Court Case Counts* (1997–date). <<http://www.ojjdp.ncjrs.gov/ojstatbb/ezaco/>> Datasets are available through the Inter-university Consortium for Political and Social Research (ICPSR), Institute for Social Research, University of Michigan. <<http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/00074>>

**200** Sickmund, Melissa. *Juveniles in Court* [Juvenile Offenders and Victims National Report Series Bulletin]. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, 2003. NCJ 195420

<<http://purl.access.gpo.gov/GPO/LPS33410>>

Provides state-level information for 1999 on the ways in which adult sanctions can be imposed on juveniles; the minimum age for judicial waiver to criminal court and judicial waiver offense and minimum age criteria; and the minimum age for statutory exclusion and statutory exclusion offense and minimum age criteria.

•**201** Snyder, Howard N., and Melissa Sickmund. *Juvenile Offenders and Victims: 2006 National Report*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, 2006. NCJ 212906

<<http://www.ojjdp.ncjrs.gov/ojstatbb/nr2006/index.html>>

Chapter 4 provides data on the juvenile justice system structure and processes as follows: history and overview of the juvenile justice system; U.S. Supreme Court cases and the juvenile justice system; state definitions of juve-

nile court jurisdiction; juvenile justice system case processing; public access to juvenile proceedings; state provisions for trying juveniles as adults; judicial waiver, concurrent jurisdiction, and statutory exclusion; blended sentencing; and juveniles in the federal justice system. Chapter 6 provides data on juvenile offenders in court as follows: delinquency caseload, trends in delinquency cases, gender variations in delinquency cases, offense profiles by gender, racial variations in delinquency cases, age variations in delinquency cases, detention, detention variations by demographics, formal vs. informal case processing, adjudication, disposition, delinquency case processing, delinquency case processing by offense and demographics, judicial waiver, and monitoring racial disparity.

**Research Note:** Earlier editions are available. Not all subsections contain state-level data. This report incorporates data from some earlier specialized OJJDP reports individually authored by Sickmund and Snyder that are not otherwise included in this book.

•**202** *Statistical Briefing Book*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice [online only, 1993–date].

<<http://purl.access.gpo.gov/GPO/LPS73143>>

This website provides access to a wide array of publications, data analysis tools, and national datasets, covering the following topics: juvenile population characteristics, juveniles as victims, juveniles as offenders, juvenile justice system structure and process, law enforcement and juvenile crime, juveniles in court, juveniles on probation, juveniles in corrections, and juvenile reentry and aftercare.

## Juvenile Designated Felonies

**203** Rainville, Gerard A. *Juvenile Felony Defendants in Criminal Courts: Survey of 40 Counties, 1998* [Special Report]. Washington, D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 2003. NCJ 197961

<<http://purl.access.gpo.gov/GPO/LPS75618>>

Presents data on juvenile defendants (number and percentage) who were charged with felonies during 1998 in the adult criminal courts of the nation's forty largest urban counties (Appendix 2).

## Life Sentences

**204** Nellis, Ashley, and Ryan S. King. *No Exit: The Expanding Use of Life Sentences in America*. Washington, D.C.: The Sentencing Project, 2009.

<[http://www.sentencingproject.org/doc/publications/publications/inc\\_noexitseptember2009.pdf](http://www.sentencingproject.org/doc/publications/publications/inc_noexitseptember2009.pdf)>

Presents state-level data on life sentences and life sentences without parole (LWOP) as follows: life sentencing policy (Table 1); life population and life without parole population (Table 2); racial and ethnic distribution of life sentenced population (Table 3); racial and ethnic distribution of LWOP population (Table 5); juvenile life and LWOP population (Table 6); juveniles as percentage of life sentenced population (Table 7); racial and ethnic distribution of juvenile life population (Table 8); and racial and ethnic distribution of juvenile LWOP population (Table 9).

## Pretrial Procedures

•**205** *Judicial Business of the United States Courts: Annual Report of the Director*. Washington, D.C.: Statistics Division, Office of Judges Programs, Administrative Office of the United States Courts [1994-date].

<<http://purl.access.gpo.gov/GPO/LPS2715>>

The Appendix (Detailed Statistical Tables) reports the following statistics for U.S. District Courts by circuit and district: pretrial services cases activated (Table H-1); pretrial services interviews and types of pretrial services reports (Table H-2); pretrial services recommendations made for initial pretrial release (Table H-3); pretrial services recommendations made for initial pretrial release, excluding immigration cases (Table H-3A); pretrial services defendants released on bond (Table H-6); pretrial services defendants received for and under supervision (Table H-7); pretrial service defendants with conditions of release (Table H-8); pretrial services cases closed, by type of disposition (Table H-13); pretrial services release and detention (Table H-14); pretrial services release and detention, excluding immigration cases (Table H-14A).

**Research Note:** Reports are available online back to 1997. Texas is in the U.S. Court of Appeals Fifth Circuit and has four districts: Eastern, Northern, Southern, and Western. Some of this data is reported biannually in *Statistical Tables of the Federal Judiciary* (2001–date). <<http://purl.access.gpo.gov/GPO/LPS21918>> Datasets for some categories are available through the Inter-university Consortium for Political and Social Research (ICPSR), Institute for Social Research, University of Michigan.

<<http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/00072>>

## Prosecuting Attorneys

•**206** *Federal Justice Statistics—Statistical Tables*. Washington, D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice [annual, online only, 2005–date].

<<http://purl.access.gpo.gov/GPO/LPS113898>>

Reports fiscal year data from the Federal Justice Statistics Program (FJSP) and includes a United States map (along with an accompanying spreadsheet) that provides data on suspects referred to U.S. attorneys, by federal judicial district (Map 2.1).

**Research Note:** This publication series supersedes *Compendium of Federal Justice Statistics* (1984–2004). Texas is in the U.S. Court of Appeals Fifth Circuit and has four districts: Eastern, Northern, Southern, and Western. Datasets are available through the Inter-university Consortium for Political and Social Research (ICPSR), Institute for Social Research, University of Michigan.

<<http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/00073>>

**207** *Prosecutors in State Courts, 2005* [Bulletin]. Washington, D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 2006. NCJ 213799

<<http://purl.access.gpo.gov/GPO/LPS36819>>

Reports findings from the 2005 National Survey of State Court Prosecutors (see entry 208), which are based on a nationally representative sample of 310 prosecutors' offices that try felony cases. The Appendix provides state-level statistics on the number of chief prosecutors who handle felony cases in state courts of general jurisdiction.

**Research Note:** Earlier editions are available.

•**208** *Prosecutors' Offices Statistics*. Washington, D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice [2001, online only].

<<http://bjsdata.ojp.usdoj.gov/dataonline/Search/Prosecutors/index.cfm>>

The National Survey of Prosecutors is a biennial series that began in 1990. It collects data on resources, policies, and practices of local prosecutors from a nationally representative sample of chief litigating prosecutors in state court systems (the 2001 survey is a census as opposed to a sample of all state court prosecutors). Judicial district profiles are available for searching by single districts or by multiple districts (within one state or by population size across one or more states). Variables include chief prosecutor (full-time or part-time, and chief prosecutor salary); number of employees (prosecutors and other staff); budget; and caseload (felony jury verdicts, felony cases closed, felony cases convicted, misdemeanor cases closed, and misdemeanor cases convicted).

**Research Note:** Datasets are available through the Inter-university Consortium for Political and Social Research (ICPSR), Institute for Social Research, University of Michigan. <<http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/00084>>

## Public Defenders

•**209** *Annual and Expenditure Report*. Austin: Texas Task Force on Indigent Defense, Office of Court Administration [2002–date].

<[http://www.courts.state.tx.us/tfid/Annual\\_Reports\\_Archives.asp](http://www.courts.state.tx.us/tfid/Annual_Reports_Archives.asp)>

The Texas Fair Defense Act provides that “An indigent defendant is entitled to have an attorney appointed to represent him in any adversary judicial proceeding that may result in punishment by confinement and in any other criminal proceeding if the court concludes that the interests of justice require representation” (Tex. Code Crim. Proc. Ann. art. 1.051 (Vernon 2005 & Supp. 2010)). The Texas Task Force on Indigent Defense was established by the 77th Texas Legislature to improve the delivery of indigent defense services through fiscal assistance, accountability and professional support to state, local judicial, county, and municipal officials, with the goal of promoting justice and fairness to all indigent persons accused of criminal conduct, including juvenile respondents, as provided by the laws and constitutions of the United States and Texas. It is a permanent standing committee of the Texas Judicial Council and staffed as a component of the Office of Court Administration by eight *ex officio* members and five members appointed by the governor. The annual report provides fiscal-year data on felony appointments statewide, misdemeanor appointments statewide, indigent defense expenses statewide, operating budget, and grants awarded (formula, direct disbursement, extraordinary disbursement, equalization disbursement, technical assistance, and discretionary).

**210** Carmichael, Dottie, and Michael Voloudakis. *Study to Assess the Impacts of the Fair Defense Act on Texas Counties: Final Report*. College Station: Public Policy Research Institute, Texas A&M University, 2005.

<<http://www.courts.state.tx.us/tfid/Resources.asp>>

This report was prepared for the Task Force on Indigent Defense, Texas Office of Court Administration, and contains data on the impact of the Texas Fair Defense Act on four Texas counties (Cameron, Collin, Dallas, and Webb).

**211** *The Fair Defense Report—Analysis of Indigent Defense Practices in Texas*. Austin: Texas Appleseed, 2000.

<[http://www.texasappleseed.net/pdf/projects\\_fairDefense\\_fairref.pdf](http://www.texasappleseed.net/pdf/projects_fairDefense_fairref.pdf)>

Presents data on indigent defense prior to the enactment of the Texas Fair Defense Act. Indigent defense representation was studied in a representative sample of twenty-three Texas counties in the following categories of criminal cases: non-capital adult felony and Class A and Class B misdemeanors, capital felony, cases involving mentally ill defendants, and juvenile delinquency.

**212** Farole, Jr. Donald, and Lynn Langton. *County-based and Local Public Defender Offices, 2007* [Special Report]. Washington, D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 2010. NCJ 231175

<<http://bjs.ojp.usdoj.gov/index.cfm?ty=dcdetail&iid=401>>

Presents aggregate data, derived from the 2007 Census of Public Defender Offices, on the public defender services in the District of Columbia and the twenty-seven states (including Texas) in which indigent defense services were funded and administered by counties or local jurisdictions.

**•213** *Judicial Business of the United States Courts: Annual Report of the Director*. Washington, D.C.: Statistics Division, Office of Judges Programs, Administrative Office of the United States Courts [1994–date].

<<http://purl.access.gpo.gov/GPO/LPS2715>>

The Appendix (Detailed Statistical Tables) reports a summary of representations by federal defender organizations for U.S. District Courts (Table K-1).

**Research Note:** Reports are available online back to 1997. Texas is in the U.S. Court of Appeals Fifth Circuit and has four districts: Eastern, Northern, Southern, and Western.

## Sentencing

**•214** *Federal Sentencing Statistics by State, District, and Circuit*. Washington, D.C.: United States Sentencing Commission [online only, 1995–date].

<<http://purl.access.gpo.gov/GPO/LPS79751>>

Provides fiscal year federal sentencing statistics by state, judicial circuit, and judicial district as follows: distribution of guideline defendants sentenced by select primary offense category (Figure A); distribution of guideline defendants sentenced by primary offense category (Table 1); mode of conviction by circuit and district (Table 2); mode of conviction by primary offense category (Table 3); type of sentence imposed by primary offense category—national (Table 4); type of sentence imposed by primary offense category—district (Table 5); incarceration rate of defendants eligible for non-prison sentences by primary offense category (Table 6); average length of imprisonment by primary offense category (Table 7); comparison of sentence imposed and position relative to the guideline range (Table 8); guideline departure rate by circuit and district (Table 9); and guideline departure rate by primary offense category (Table 10).

**Research Note:** Published quarterly with annual cumulations. Texas is in the U.S. Court of Appeals Fifth Circuit and has four districts: Eastern, Northern, Southern, and Western. Datasets are available through the Inter-university Consortium for Political and Social Research (ICPSR), Institute for Social Research, University of Michigan.



<<http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/00083>>

**215** *National Judicial Reporting Program*. Ann Arbor: Inter-university Consortium for Political and Social Research, Institute for Social Research, University of Michigan [biennial, online only, 1986–date].

<<http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/00077>>

This survey of felony sentences in state courts and the demographic characteristics of convicted felons is conducted biennially by the Census Bureau, U.S. Department of Commerce, for the Bureau of Justice Statistics, National Institute of Justice, U.S. Department of Justice. Data is collected from a nationally stratified cluster sample of state courts in 300 counties deemed to be representative (state courts are the source of data for approximately one-half of the sampled counties, with the remaining balance supplied by prosecutors' offices, sentencing commissions, and statistical agencies). The offenses covered are violent (murder, sexual assault, robbery, aggravated assault, and other); property (burglary, larceny, and fraud); drug (possession and trafficking); weapons; and other (which includes nonviolent offenses such as receiving stolen property and vandalism).

**216** Stemen, Don, Andres Rengifo, and James Wilson. *Of Fragmentation and Ferment: The Impact of State Sentencing Policies on Incarceration Rates, 1975–2002*. New York: Vera Institute of Justice, 2005. NCJ 213003

<<http://www.ncjrs.gov/pdffiles1/nij/grants/213003.pdf>>

Reports data from a comprehensive survey of state-level sentencing and corrections policies implemented between 1975 and 2002, which assessed the impact of those policies on state incarceration rates. Tabular data includes state incarceration rates, 1970 and 2002, and percentage change (Table 1-1); percentage change in state incarceration rates, 1970–1985 and 1985–2002 (Table 1-2); and statutory minimum sentences for sale of 28g of powder cocaine, 1975 and 2002 (Table 1-8).

•**217** *Sourcebook of Federal Sentencing Statistics*. Washington, D.C.: United States Sentencing Commission [online only, 1995–date].

<<http://purl.access.gpo.gov/GPO/LPS56837>>

Provides fiscal year federal sentencing statistics as follows: document submission by each circuit and district (Table 1); guideline offenders in each circuit and district (Table 2); guilty pleas and trials in each circuit and district (Table 10); comparison of sentence imposed and position relative to the guideline range by circuit (Fifth Circuit) (Table N-5); sentences relative to the guideline range by circuit and district (Table 26); types of appeal in each circuit and district (Table 55); disposition of defendant sentencing appeals



in each circuit and district (Table 56); disposition of government sentencing appeals in each circuit and district (Table 56a); and type of resentencing or other modification of sentence by each circuit and district (Table 62). Appendix B provides fiscal year summaries by judicial district for federal guideline sentences, which includes demographics (average age, gender, race, ethnicity, mode of conviction, and departure status); and sentencing information by primary offense for cases involving prison (total receiving prison and prison sentence ordered); cases involving probation (total receiving probation, probation only, and probation and confinement); and cases involving fines and restitution (total cases and median dollar amount).

**Research Note:** Texas is in the U.S. Court of Appeals Fifth Circuit and has four districts: Eastern, Northern, Southern, and Western. Datasets are available through the Inter-university Consortium for Political and Social Research (ICPSR), Institute for Social Research, University of Michigan.

<<http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/00083>> [Monitoring of Federal Criminal Sentences Series]

<<http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/00075>> [Monitoring of Federal Criminal Convictions and Sentences: Appeals Data Series]

## Sentencing Disparity

**218** *U.S. Sentencing Commission Preliminary Crack Cocaine Retroactivity Data Report*. Washington, D.C.: U.S. Sentencing Commission [quarterly, 2008–date].

<<http://www.ussc.gov/linktojp.htm>>

Provides information on all cases reported to the U.S. Sentencing Commission in which the court considered a motion to reduce a sentence under 18 U.S.C. § 3582(c)(2) (2007) for an offender convicted of an offense involving crack cocaine as follows: geographical distribution of application of retroactive crack cocaine amendment by judicial district (Table 1); geographical distribution of application of retroactive crack cocaine amendment by judicial circuit (Table 2); origin of granted motion for sentence reduction due to retroactive application of crack cocaine amendment by judicial circuit (Table 4); and degree of decrease in sentence due to retroactive application of crack cocaine amendment by judicial circuit and district (Table 8).

**Research Note:** Texas is in the U.S. Court of Appeals Fifth Circuit and has four districts: Eastern, Northern, Southern, and Western. This sentencing disparity was addressed in the Fair Sentencing Act of 2010 (P.L. 111-220, 124 Stat. 2372). For further background, see *Unfairness in Federal Cocaine Sentencing: Is it Time to Crack the 100 to 1 Disparity?: Hearing before the Subcommittee on Crime, Terrorism, and Homeland Security of the Committee on the Judiciary, House of Representatives, One Hundred Eleventh Congress, First Session, on H.R. 1459, H.R. 1466, H.R. 265, H.R. 2178, and H.R. 18, May 21, 2009* (Washington, D.C.: G.P.O., 2009), and *Restoring Fairness to Federal Sentencing: Addressing the Crack-Powder Disparity: Hearing*

before the Subcommittee on Crime and Drugs of the Committee on the Judiciary, United States Senate, One Hundred Eleventh Congress, First Session, April 29, 2009 (Washington, D.C.: G.P.O., 2010).

<<http://purl.access.gpo.gov/GPO/FDLP1873>> [House]

<<http://purl.access.gpo.gov/GPO/LPS126571>> [Senate]

## Sentencing Guideline Compliance

**219** *Final Report on the Impact of United States v. Booker on Federal Sentencing*. Washington, D.C.: United States Sentencing Commission, 2006.

<<http://purl.access.gpo.gov/GPO/LPS71967>>

In *United States v. Booker*, 543 U.S. 220 (2005), the Supreme Court held that the U.S. Sentencing Guidelines, where they allow judges to impose enhanced sentences beyond the statutory maximum using a determination of facts—other than a prior conviction—that were not found by the jury beyond a reasonable doubt or admitted by the defendant, violated the Sixth Amendment. It further held that although a sentencing court is required to consult and take into account guideline ranges, the court is permitted to tailor the sentence in light of other statutory concerns as well, effectively rendering the guidelines discretionary by invalidating the provisions that made them mandatory. This report provides data on the impact of *Booker* on federal sentencing as follows: position of sentences relative to the guideline range post-*Booker* for each federal circuit (Figure 9); rates of within-range sentences for each federal judicial circuit (Table 10); sentences relative to the guideline range for each judicial district ordered by decreasing rates of within-range sentences post-*Booker* (Table 11); sentences relative to the guideline range for each judicial district ordered by decreasing rates of overall below-range sentences post-*Booker* (Table 12); and sentences relative to the guideline range for each judicial district ordered by decreasing rates of guideline conformance post-*Booker* (Table 13).

**Research Note:** Texas is in the U.S. Court of Appeals Fifth Circuit and has four districts: Eastern, Northern, Southern, and Western. See also the related publication, *Post-Kimbrough/Gall Data Report*, which analyses federal sentencing data for cases decided during the period beginning on the date of the U.S. Supreme Court decisions in *Kimbrough v. United States*, 552 U.S. 85 (2007), *Gall v. United States*, 552 U.S. 35 (2007), and afterward. <[http://www.ussc.gov/USSC\\_Kimbrough\\_Gall\\_Report\\_Final\\_FY2008.pdf](http://www.ussc.gov/USSC_Kimbrough_Gall_Report_Final_FY2008.pdf)> For further background, see *United States v. Booker: One Year Later, Chaos or Status Quo? : Hearing before the Subcommittee on Crime, Terrorism, and Homeland Security of the Committee on the Judiciary, House of Representatives, One Hundred Ninth Congress, Second Session, March 16, 2006* (Washington, D.C.: G.P.O., 2006). <<http://purl.access.gpo.gov/GPO/LPS74966>>

## Texas State Courts

•**220** *Annual Statistical Report for the Texas Judiciary*. Austin: Office of Court Administration [2005–date].

<<http://www.courts.state.tx.us/pubs/annual-reports.asp>>

Presents annual fiscal-year data on the State of Texas court system as follows: structure and operation (including subject matter jurisdiction, appropriations, judicial qualifications, and judicial salaries); summary of court activity for appellate, district, and county-level courts; detailed activity for the Supreme Court, Court of Criminal Appeals, and Courts of Appeals; trends in district and county-level courts (caseload trends by case type and by court type); district courts (overall activity, summary of activity by case type, summary by county, clearance rate and backlog index, ages of cases disposed, summary of jury activity, summary of death sentences and life sentences imposed, and reported criminal activity by county); county-level courts (overall activity, summary of activity by case type, summary by county, clearance rate and backlog index, ages of cases disposed, summary of jury activity, and reported civil and criminal activity by county); district and county-level juvenile activity; justice court activity; municipal court activity; and alternative dispute resolution centers.

**Research Note:** Statistics on court activity were previously reported, with varying levels of detail, in the following series: *Annual Report of the Texas Civil Judicial Council to the Governor and Supreme Court* (1929–1964); *Annual Report [Texas Civil Judicial Council]* (1965–1973); *Texas Judicial Council Annual Report* (1974–1978), *Texas Judicial System Annual Report of Statistical and Other Data for Calendar Year [year]* (1979–1983), and *Texas Judicial System Annual Report Fiscal Year [year]* (1984–2004). Reports are available online back to 1965. Data on juvenile courts was previously published by the Texas Youth Council in *Texas Juvenile Court Statistics for [year]: An Analysis of Juvenile Court Cases* (1952–1974).

**221** Smith, Erica L., and Donald J. Farole, Jr. *Profile of Intimate Partner Violence Cases in Large Urban Counties: State Court Processing Statistics* [Special Report]. Washington, D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 2009. NCJ 228193

<<http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2024>>

Reports the number of defendants in intimate partner violence cases in sixteen large counties (including El Paso, Tarrant, and Travis), by county, state, and charge type, May 2002 (Appendix Table 2). A case was defined as intimate partner violence if it involved an allegation of intentional physical violence committed, attempted, or threatened between spouses, ex-spouses, common-law spouses, boyfriends, or girlfriends, present or past.

•**222** *Trial Court Judicial Data Management System*. Austin: Office of Court Administration [online only, 1992–date].

<<http://www.courts.state.tx.us/pubs/annual-reports.asp>>

This website allows users to generate the following types of county-level reports: county court data, court data, district court data, justice court data, juvenile court data, management (i.e., cases received), and municipal court data. Depending on the individual type selected, reports are restricted to the following parameters: ages of case disposed, case activity by city, case activity by county, caseload trends, cases received, county activity summary by case type, court-ordered mental health services, death and life sentences, district activity summary by case type, judge profile, jury activity, monthly activity report, other proceedings, performance measures, probate and mental health activity, reported activity by county, reported activity summary, and reported criminal activity by county.

**Research Note:** Reports can be viewed in HTML, or exported to Acrobat, MS Excel, or MS Word.

## Tribal Justice

**223** Perry, Steven W. *Census of Tribal Justice Agencies in Indian Country, 2002*. Washington, D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 2005. NCJ 205332

<<http://www.ojp.usdoj.gov/bjs/pub/pdf/ctjaic02.pdf>>

The Census of Tribal Justice Agencies, conducted in 2002, received responses from 314 federally recognized American Indian tribes in the lower forty-eight states, including the three Texas tribes (Kickapoo Traditional Tribe of Texas, Alabama-Coushatta Tribes of Texas, and Ysleta del Sur Pueblo). Information is presented in the following categories: law enforcement (Tables 3–4); federal, state, and tribal court systems (Tables 2, 5–7); corrections (Tables 8–9); and criminal history records (Tables 10–13).

**Research Note:** Datasets are available through the National Archive of Criminal Justice Data, Inter-university Consortium for Political and Social Research (ICPSR), Institute for Social Research, University of Michigan.

<<http://dx.doi.org/10.3886/ICPSR04439>>

## U.S. Federal Courts

•**224** *Federal Justice Statistics Resource Center*. Washington, D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice [annual, online only, 1998–date].

<<http://fjsrc.urban.org/index.cfm>>

The Prosecution/Courts subsection of this website provides access to statistics on defendants charged in criminal cases, defendants in criminal cases closed, and offenders sentenced, by federal judicial circuit and district. Users can generate reports utilizing a range of variables for each category.

**Research Note:** Reports can be viewed in HTML, or exported to Acrobat, MS Excel, or MS Word. The database is maintained by the Urban Institute through a cooperative agreement with the Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Data is derived from the Federal Justice Statistics Program (FJSP) database and reported by fiscal year. Texas is in the U.S. Court of Appeals Fifth Circuit and has four districts: Eastern, Northern, Southern, and Western. Archived datasets (1994–date) are available for downloading (preregistration is required). Datasets from earlier years are available through the National Archive of Criminal Justice Data, Inter-university Consortium for Political and Social Research (ICPSR), Institute for Social Research, University of Michigan.

<<http://dx.doi.org/10.3886/ICPSR09296>>

•**225** *Judicial Business of the United States Courts: Annual Report of the Director*. Washington, D.C.: Statistics Division, Office of Judges Programs, Administrative Office of the United States Courts [annual, 1994–date].

<<http://purl.access.gpo.gov/GPO/LPS2715>>

The Appendix (Detailed Statistical Tables) contains the following statistics for U.S. Courts of Appeals by circuit and district: appeals commenced, terminated, and pending (Table B-1); sources of appeals and original proceedings commenced (Table B-3); sources of appeals in civil and criminal cases (Table B-3A); median time intervals in cases terminated after hearing or submission (Table B-4); median time intervals for merit terminations of appeals (Table B-4A); appeals terminated on the merits (Table B-5); appeals terminated by procedural judgments (Table B-5); appeals filed, terminated, and pending (Table B-6); and pro se appeals commenced and terminated (Table B-9). Also reported are the following statistics for U.S. District Courts—Criminal by circuit and district: criminal cases commenced, terminated, and pending (including transfers) for the current and previous reporting periods (Table D. Cases); criminal defendants commenced, terminated, and pending (including transfers) for the current and previous reporting periods (Table D. Defendants); criminal cases commenced, terminated, and pending (including transfers) for the current reporting period (Table D-1. Cases); criminal defendants commenced, terminated, and pending (including transfers) for the current reporting period (Table D-1. Defendants); criminal cases commenced, by major offense (Table D-3. Cases); criminal defendants commenced, by major offense (Table D-3. Defendants); median time intervals from filing to disposition for criminal defendants disposed of (Table D-6); criminal defendants disposed of, by type of disposition (Table D-7); all criminal defendants pending, by major offense (Table D-8); criminal defendants terminated, by major offense (Table D-9); median time from conviction to sentencing for criminal

defendants convicted (Table D-12); felony preliminary proceedings handled by U.S. Magistrate Judges under 28 U.S.C. 636(a) (2006) (Table M-3); miscellaneous matters handled by U.S. Magistrate Judges (Table M-3A); criminal pretrial matters handled by U.S. Magistrate Judges under 28 U.S.C. 636(b) (Table M-4); reports and recommendations issued by U.S. Magistrate Judges under 28 U.S.C. 636(b) (2006) (Table M-4B); evidentiary proceedings conducted by U.S. Magistrate Judges under 28 U.S.C. 636(b) (Table M-4C); civil and criminal trials (Table T-1); lengths of civil and criminal trials resulting in verdicts or judgments (Table T-2); services provided to and received from other District Courts (Table V-1); services provided by visiting judges in appeals terminated (Table V-2); and weighted and unweighted filings per authorized judgeship (Table X-1A).

**Research Note:** Reports are available online back to 1997. Texas is in the U.S. Court of Appeals Fifth Circuit and has four districts: Eastern, Northern, Southern, and Western. Some of this data is reported biannually in *Statistical Tables of the Federal Judiciary* (2001–date). <<http://publ.access.gpo.gov/GPO/LPS21918>> Datasets for some categories are available through the Inter-university Consortium for Political and Social Research (ICPSR), Institute for Social Research, University of Michigan.

<<http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/00072>>