

Survey of Pretrial Statistics in Criminal Cases FY2019

Massachusetts Trial Court
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Questions?

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EXECUTIVE SUMMARY

The purpose of this report is to provide internal and external stakeholders with an overview of defendants and the charges against them, as well as a statistical overview of the pretrial process as it relates to adult criminal cases initiated in the Boston Municipal and District Courts. Using an arraignment and disposition cohort, several stages of the criminal case process, including outcomes, are examined: case initiation, arraignment, initial release decision, bail settings and postings, dangerousness hearings, and bail petitions. Data on defaults and new criminal activity is also included. Findings are presented by general case and defendant demographic characteristics.

Defendant Profile

- Defendants arraigned in FY2019 were predominately male (75.6%) and between the ages of 20 to 39 years (63.7%). White defendants accounted for slightly more than one-half of arraignments (54.1%).
- Higher proportions of non-White defendants were male. Non-White defendants were also younger than White defendants. White defendants accounted for 67.1% of defendants 50 years of age and older.

Defendant Charge-Profile

- Motor vehicle offenses represented the most common lead charge across all race/ethnicity and gender groups (40.3% of all lead charges).
- Black/African-American defendants, both male and female, were charged with a lead person offense almost as often as a lead motor vehicle offense. Among other race/ethnicity groups, the rate of lead person charges was generally one-half that of motor vehicle lead charges.
- Black/African-American females had the highest rate of lead property charges (22.3% versus 14.6% overall).
- Though drug and weapon charges accounted for a small share of lead charges, higher proportions of non-White male defendants were charged with these offenses. White female defendants were also more likely than other female defendants to be facing a lead drug charge.
- The severity of lead charges varied by race/ethnicity cohort and age. In general,
 - a greater proportion of Black/African-American defendants were charged with a lead felony charge (29.2% compared to 21.1% overall);
 - a greater proportion of Hispanic defendants were charged with a minor misdemeanor (40.2% versus 32.9% overall); and
 - a greater proportion of White defendants were charged with a serious misdemeanor (50.7% versus 46.0% overall).
- Approximately 5% of defendants were charged with one or more mandatory offenses.
 - Cases with a lead weapon charge and associated mandatory offense were most common among Black/African-American defendants.
 - Cases with a lead drug charge and associated mandatory offense were most common among male, non-White defendants.
 - Cases with a lead motor vehicle charge and associated mandatory offense were most common among older and White defendants.

Case Initiation

In FY2019, 151,911 criminal cases proceeded to an arraignment event (the “arraignment” cohort).

- Cases were split equally in how they were initiated, with 77,585 (51.1%) initiated through summons and 74,326 initiated through arrests.
- Cases initiated through summons had a much higher default rate (29.7%) at arraignment than cases initiated through arrests (3.7%). The overall default rate for initial arraignment events was 17.0 percent.
- Cases with lead motor vehicle charges were most likely to be initiated through summons (68.4%), whereas cases with lead drug and person charges were most likely to be initiated through arrests (74.0% and 72.8% respectively).
- 85.0% of cases with one or more mandatory charges were initiated through arrest.
- Case initiation methods (arrest/summons) and outcome (default/no default) were similar across age groups.
- Male defendants were more likely to have their cases initiated through arrest (51.3%) than female defendants (42.3%). Female defendants were slightly more likely to fail to appear at arraignment.
- Case initiation methods were similar by race/ethnic group. Black/African-American defendants had the highest rates of default.

Arraignments

Of the arraignment cohort, 126,089 cases (83.0%) had a held arraignment event (i.e., defendant did not default). These cases accounted for 231,388 criminal charges.

- Most criminal cases (97.6%) consisted of five or fewer charges, with 56.0% consisting of a single charge and 81.5% consisting of two or fewer charges.
- Motor vehicle offenses accounted for the greatest number of charges (79,545 or 34.4%), and weapon offenses the fewest number (7,102 or 3.1%).
- The most common type of mandatory charge was motor vehicle (45.4%), followed by drug (30.1%) and weapon (18.6%). Two out of ten arraigned weapon charges and one out of ten arraigned drug charges were subject to a mandatory sentencing provision.
- With respect to the lead charge on a case, 98.4% of motor vehicle lead charges were misdemeanors. In contrast, 62.0% of weapon lead charges and 40% or more of drug (40.9%) and property (41.7%) lead charges were classified as felonies.
- Younger defendants averaged more charges per case and tended to face more severe lead charges than older defendants. A similar pattern was observed for male defendants compared to female defendants. Male defendants were more likely to face mandatory charges, especially when faced with lead weapons and drug charges.
- On average, Black/African-American defendants faced the most charges per case, faced more severe lead charges, and were most likely to face lead person, property, and weapon charges, and least likely to face lead motor vehicle charges.

Initial Release Decision

Defendants associated with 133,006 criminal cases were arraigned after *Brangan v. Commonwealth*¹ and their cases disposed of in the Boston Municipal and District Courts in FY2019 (the “disposition” cohort).

- 79.4% of defendants were released on personal recognizance, bail was set in 17.6% of cases, and defendants were held without bail in 3.1% of cases.
- Defendants were most likely to be released on personal recognizance in cases with lead motor vehicle charges (93.7%) and least likely to be released on personal recognizance in cases with lead weapon charges (36.9%).
- Cases with lead weapon and drug charges were most likely to result in the defendant having bail set (45.8% and 37.8% respectively).
- Defendants facing lead misdemeanor charges were substantially more likely to be released on personal recognizance (85.8%) than defendants facing felony lead charges (52.2%).
- 29.7% of cases were associated with defendants with one or more other open criminal cases at the time of the initial release decision. Twice the proportion of defendants with an open case were subject to bail or held without bail than defendants with no other open criminal cases (33.6% compared with 15.2%).
- Male defendants were subject to bail and held without bail at higher rates than female defendants (23.9% compared to 11.2%).
- Initial release decisions varied by race, with a greater proportion of Black/African-American and Hispanic defendants subject to bail (22.6% and 18.9%) than White defendants and defendants of other races (16.5% and 15.1%).

Bail Settings

At arraignment, bail was set in 23,374 cases. Set bail amounts ranged from \$1 to \$2.5M.

- One-third of bail settings were for amounts less than \$500, 52.2% were between \$500 and \$4,999, and 13.7% were set above \$5,000.
- Cases with a lead person charge (M.G.L., Chapter 265) accounted for the greatest number of bail settings (34.9%), while cases with lead weapons (M.G.L., Chapter 269) and drug charges (M.G.L., Chapter 94C) were associated with the highest bail amounts.
- Set bail amounts increased with the severity of the lead charge, and were higher, on average, in cases with one or more associated mandatory charges.
- Younger defendants were subject to higher bail amounts than older defendants.
- Male defendants accounted for most cases in which bail was set (85.5%) and were subject to higher bail amounts than females.
- White defendants had lower bail amounts imposed than defendants of other races. For example, White defendants had the fewest bails set at/above \$5,000 (10.7%) and the highest number of bails set below \$500 (36.3%).

¹ 477 Mass. 691 (2017). Ruled judges must consider a defendant’s financial ability before setting a bail amount.

Bail Postings

In 15,088 out of 23,374 (64.6%) cases where bail was set, defendants posted bail prior to the initial disposition of the case.

- A majority of defendants who posted bail, posted bail on the same day as the initial release decision (64.5%).
- Defendants were more likely and quicker to post bail for lower bail amounts.
- A greater proportion of female defendants posted bail than male defendants (71.7% vs. 64.0%).
- Rates of posting bail did not vary significantly by age or race/ethnicity.

Dangerousness Hearings

Nearly 3% of defendants in the disposition cohort (3,509 out of 133,006) were subject to one or more dangerousness hearings under G.L. c.276, §58A during the pendency of their criminal case.

- Defendants facing a lead weapon (17.9%) or person (8.9%) charge were most likely to face dangerousness hearings.
- Lead charge severity and the presence of one or more mandatory charges were both positively correlated with dangerousness hearings.
- Rates of dangerousness hearings did not vary substantially by demographic characteristics.

Petitions for Bail Review

Among the disposition cohort, 13,735 defendants were unable to post bail at arraignment. Of these defendants, 2,511 (18.3%) petitioned the superior court for relief under G.L. c.276, §58.

- Nearly 4 out of 10 bail petitions (39.6%) resulted in a reduction in set bail amount.
- Almost one-half of defendants facing a weapon or drug (48.5%) lead charge, a felony lead charge with Superior Court final jurisdiction (47.7%), or one or more mandatory charges (51.1%) had their bail reduced.
- Defendants filed petitions for bail review at similar rates across demographic characteristics. Younger defendants, elderly defendants, female defendants, and Black/African-American defendants were more likely to have their bail reduced than the overall rate.

Failure to Appear Rates for Released Defendants

Defendants in 9 out of 10 cases in the disposition cohort (120,646 out of 133,006) were released prior to the initial disposition on their case.

- Among defendants who were released, either through personal recognizance or by posting bail, 13.1% failed to appear at least once before case disposition. Defendants released on bail had a higher failure to appear rate (15.4% vs 12.7%).
- Defendants with lead drug and property charges had the highest rates of default (22%).
- Defendants with felony lead charges were more likely to default than those facing misdemeanors.
- Younger defendants, in general, had higher failure to appear rates than older defendants.

- Female defendants failed to appear at a slightly higher rate (14.3%) than male defendants (12.6%).
- Failure to appear rates by race/ethnicity ranged from a high of 15.3% among Black/African-American defendants to a low of 11.1% among defendants of "other" races.

New Criminal Activity

In one out of five cases (19.7%) in which defendants from the disposition cohort were released pretrial, the defendant was the subject of a new criminal case before the initial disposition in the instant case.

- A greater proportion of defendants released on bail incurred a new criminal filing (35.8%) than those released on personal recognizance (17.4%).
- Nearly one-third or more of defendants facing lead drug (36.2%), weapons (34.7%), and property (32.8%) charges were found to have incurred a new criminal case.
- Defendants with a lead felony charge had higher rates of new criminal activity than defendants with a less severe lead charge.
- Higher rates of new criminal activity were also found among younger (under 20 year; 23.6%), male (21.0%), and Black/African-American (25.2%) defendants.

SURVEY OF PRETRIAL STATISTICS IN CRIMINAL CASES

I. INTRODUCTION

In 2017, the Massachusetts Supreme Judicial Court ruled that judges, in criminal cases, must consider a defendant's financial ability before setting a bail amount.² Several months later, Chapter 69 of the Acts of 2018, ("An Act Relative to Criminal Justice Reform") created the *Special Commission on Bail Reform* to evaluate policies and procedures related to the current bail system and recommend improvements or changes. The Commission, in its final report recommended expanding the analysis to include other pretrial decision points.³ To support the work of the Special Commission, the Trial Court compiled data on pretrial release decisions and failure to appear rates.⁴ Previously, the Trial Court had modeled pretrial release decisions for both criminal and juvenile delinquency matters.⁵

The purpose of this report is to provide internal and external stakeholders with an overview of defendants and the charges against them, as well as a statistical overview of the pretrial process as it relates to adult criminal cases initiated in the Boston Municipal and District Courts. Using an arraignment and disposition cohort, several stages of the criminal case process, including outcomes, are examined: case initiation, arraignment, initial release decision, bail settings and postings, dangerousness hearings, and bail petitions. Data on defaults and new criminal activity is also included. Findings are presented by general case and defendant demographic characteristics.

² *Brangan v. Commonwealth*, 477 Mass. 691 (2017).

³ *Final Report of the Special Commission to Evaluate Policies and Procedures Related to the Current Bail System*. (2019).

⁴ MA Trial Court, *Pre-Trial Release Decisions Pre and Post Brangan v. Commonwealth*, May 2019, Boston, MA., <https://www.mass.gov/doc/pretrial-release-decisions>. See also: MA Trial Court, *FY2018 Disposed Cases: Post-Arraignment Defaults – "Failure to Appear"*, May 2019, Boston, MA., <https://www.mass.gov/doc/post-arraignment-defaults-failure-to-appear>.

⁵ MA Trial Court, *Initial Analysis of MassCourts District & Boston Municipal Court Pre-Trial Release Events*, April 2016, Boston, MA. See also: MA Trial Court, *Commonwealth of Massachusetts Disproportionate Minority Contact Statewide Assessment Report*, October 2018, Boston, MA. <https://www.mass.gov/doc/disproportionate-minority-contact/download>.

II. METHODOLOGY

This report was produced by analyzing administrative data contained in Masscourts, the Trial Court's case management system. Two cohorts were compiled for the analyses. The first cohort consists of 151,911 cases scheduled for arraignment on one or more criminal charges⁶ in FY2019 (the "arraignment" cohort). The arraignment cohort is analyzed in Sections IV (Case Initiation) and V (Arraignment). The second cohort consists of 133,006 cases disposed of in FY2019 and arraigned after *Commonwealth v. Brangan* (the "disposition" cohort). The disposition cohort is analyzed in the remaining sections.

For purposes of the analyses, the following classifications/definitions were used:

Arraignment: An arraignment is the first formal step in a criminal proceeding. Defendants are brought in front of the court to hear the charges against them and enter a plea.

Arrest/summons: The distinction between cases originating from arrests and cases originating from summons was made using docket entries on the Masscourts record of each case. Where there was no docket entry, cases in which the first scheduled arraignment was more than three days after the case was filed were classified as summons.

Bail petition: Under G.L. c.276, §58, "A person aggrieved by the denial of a district court justice to admit him to bail on his personal recognizance without surety may petition the superior court for a review of the order of the recognizance."

Dangerousness hearing: M.G.L. c.276, §58A provides that a defendant may be detained pretrial without bail for up to 90 days if a judge finds that the Commonwealth has established by clear and convincing evidence that "no conditions of release will reasonably assure the safety of any other person or the community." A 58A hearing can have one of three outcomes: the defendant may be (1) released on personal recognizance, (2) released with conditions, or (3) detained without bail. Dangerousness hearings are requested by the prosecutor.

Failure to appear: Failure to appear at arraignment was identified by an arraignment event on the Masscourts record with a result of "defendant failed to appear." Failure to appear post-arraignment was identified through the presence of a default warrant issued after arraignment and before the first charge disposition.

Felony charge, other (Felony): A felony charge subject to the final jurisdiction of the district/municipal or superior court.

Felony charge, serious (Felony +): A felony charge subject to the final jurisdiction of the superior court.

Initial release status: The initial release status of the defendant was determined by examining records of case activity within three days of the first held arraignment. Defendants were classified as held with/without bail if a mittimus on the Masscourts record of the case so indicated. Cases in which there was no indication the defendant was held with/without bail, and which had no indication of bail being paid in the initial release period, were classified as released on recognizance.

⁶ Cases with a charge under G.L. c.276, §19 (fugitive from justice), were excluded from this sample.

Lead charge: The first criminal charge listed on the application for complaint was designated the lead charge. Charging decisions are within the sole discretion of the District Attorney. In only 8.0% of cases was the lead charge not equal to the most severe charge associated with the case.

Mandatory charge: A charge, which upon conviction, requires a sentence to incarceration.

Misdemeanor, minor (Misdemeanor -): A misdemeanor punishable by no incarceration, or incarceration of 100 days or less.

Misdemeanor, serious (Misdemeanor +): A misdemeanor punishable by more than 100 days incarceration

Offense severity: Refers to how a charge is categorized (i.e., misdemeanor versus felony). In Masscourts, criminal charges are assigned to one of four levels of severity: felony + (felony subject to the final jurisdiction of the Superior Court only); felony (all other felonies); misdemeanor + (misdemeanor punishable by more than 100 days incarceration); and misdemeanor - (misdemeanor punishable by no incarceration, or incarceration of 100 days or less).

Offense type: Offense type refers to the Massachusetts General Law Chapter associated with the lead charge: person (chapter 265), weapon (chapter 269), drug (chapter 94C), property (chapter 266), motor vehicle (chapter 90), and other (all other chapters). The most common “other” charges are violation of a restraining order and disorderly conduct.

Race/Ethnicity: Race and ethnicity information was combined to create one variable with the following values – Black/African-American, Hispanic, Other (Race), White, and Unknown. When necessary, the category “Black/African-American” is abbreviated in tables and figures as: Black. Race/Ethnicity data was gathered from police reports or self-reported by defendants.

III. DEFENDANT AND CHARGE PROFILES

In this section, profiles of defendants and lead charge characteristics are presented. Both profiles are based on the arraignment cohort. The defendant profile describes the demographic make-up of defendants by race/ethnicity, gender, and age. The profile of lead charge characteristics displays the nature and seriousness of lead charges brought against defendants by race/ethnicity, gender, and age.

DEFENDANT PROFILE

Figure 1 presents the demographic profile of individuals charged with a criminal offense and arraigned in FY2019. Overall, three out of four defendants were male. More than one-half (54.1%) of defendants were identified as White, followed by Hispanic (21.3%), Black/African-American (17.1%), and other races (2.5%). A greater proportion of White defendants were female (27.8%) compared to Black/African-American (19.1%) and Hispanic (18.3%) defendants. White defendants were also older than defendants of other races/ethnicities.

FIGURE 1
DEFENDANT PROFILE

Percentage of All Defendants (Total %)						
Gender	Age	Black/ African- American	Hispanic	White	Other	Total
Female	<20	0.1%	0.1%	0.3%	0.0%	0.5%
	20-29	1.5%	1.7%	4.4%	0.2%	7.7%
	30-39	1.0%	1.4%	5.3%	0.2%	7.9%
	40-49	0.5%	0.7%	3.0%	0.1%	4.2%
	50=>	0.3%	0.3%	2.9%	0.1%	3.6%
	Total Female	3.4%	4.1%	15.9%	0.5%	24.0%
Male	<20	0.5%	0.6%	0.8%	0.1%	2.0%
	20-29	5.6%	7.2%	11.7%	0.7%	25.1%
	30-39	4.3%	5.9%	12.4%	0.7%	23.3%
	40-49	2.2%	3.0%	7.6%	0.3%	13.2%
	50=>	2.1%	1.6%	8.6%	0.2%	12.6%
	Total Male	14.6%	18.4%	41.2%	2.0%	76.0%
Total	<20	0.6%	0.7%	1.1%	0.1%	2.5%
	20-29	7.1%	8.8%	16.1%	0.9%	32.8%
	30-39	5.3%	7.3%	17.7%	0.8%	31.2%
	40-49	2.7%	3.7%	10.6%	0.4%	17.4%
	50=>	2.4%	1.9%	11.5%	0.3%	16.2%
	Total	18.0%	22.5%	57.0%	2.5%	100.0%

How to read table:

Ex. 5.3% of defendants were White woman between the age of 30 to 39 years.

Ex. 18.4% of defendants were Hispanic males.

Ex. 18.0% of defendants were Black/African-American.

Percentage of Racial/Ethnicity Group (Column %) (Read Percentages Down)					
Black/ African- American	Hispanic	White	Other	Total	
0.6%	0.6%	0.5%	0.6%	0.5%	
8.2%	7.4%	7.7%	7.7%	7.7%	
5.8%	6.1%	9.3%	7.3%	7.9%	
2.6%	2.9%	5.3%	3.7%	4.2%	
1.9%	1.4%	5.1%	2.4%	3.6%	
19.1%	18.3%	27.8%	21.7%	24.0%	
2.6%	2.7%	1.5%	2.5%	2.0%	
31.0%	31.9%	20.4%	26.4%	25.1%	
23.8%	26.3%	21.8%	26.1%	23.3%	
12.2%	13.5%	13.3%	13.7%	13.2%	
11.4%	7.3%	15.2%	9.6%	12.6%	
80.9%	81.7%	72.2%	78.3%	76.0%	
3.2%	3.3%	1.9%	3.1%	2.5%	
39.2%	39.3%	28.2%	34.1%	32.8%	
29.6%	32.4%	31.1%	33.4%	31.2%	
14.8%	16.4%	18.6%	17.4%	17.4%	
13.3%	8.6%	20.2%	12.0%	16.2%	
100.0%	100.0%	100.0%	100.0%	100.0%	

How to read table:

Ex. 5.8% of Black/African-American defendants were females aged 30 to 30 years.

Ex. 72.2% of White defendants were male.

Ex. 17.4% of Other defendants were aged 40 to 49 years.

Percentage of Gender/Age Group (Row %) (Read Percentages Across)					
Black/ African- American	Hispanic	White	Other	Total	
19.5%	26.5%	51.1%	2.9%	100.0%	
19.1%	21.5%	56.9%	2.5%	100.0%	
13.2%	17.3%	67.2%	2.3%	100.0%	
11.3%	15.4%	71.1%	2.2%	100.0%	
9.4%	8.4%	80.5%	1.7%	100.0%	
14.3%	17.2%	66.2%	2.3%	100.0%	
24.1%	30.3%	42.4%	3.1%	100.0%	
22.2%	28.6%	46.5%	2.6%	100.0%	
18.4%	25.4%	53.4%	2.8%	100.0%	
16.6%	23.0%	57.7%	2.6%	100.0%	
16.3%	13.0%	68.8%	1.9%	100.0%	
19.2%	24.1%	54.1%	2.6%	100.0%	
23.1%	29.5%	44.3%	3.1%	100.0%	
21.5%	26.9%	49.0%	2.6%	100.0%	
17.1%	23.3%	56.9%	2.7%	100.0%	
15.3%	21.2%	61.0%	2.5%	100.0%	
14.8%	12.0%	71.4%	1.9%	100.0%	

How to read table:

Ex. 21.5% of female defendants aged 20 to 29 years were Hispanic.

Ex. 19.2% of male defendants were Black/African-American.

Ex. 21.2% of defendants aged 40 to 49 years were Hispanic.

CHARGE PROFILE

The defendant charge profile presents defendant demographic data along with selected case characteristics: lead charge, lead charge severity, and presence of a mandatory charge. The data is displayed in Figures 2, 3, and 4.

Lead Charge

Figure 2 displays the distribution of lead charges by defendant race/ethnicity, gender, and age. Darker cell shades indicate a greater concentration of arraigned defendants. Across a majority of race/ethnicity, gender, and age groups, the most common lead charge was a motor vehicle offense, followed by person, property, other, drug, and weapon offenses.

Some deviations from this pattern, however, are worth noting. Black/African-American defendants were charged with a lead person offense almost as often as a lead motor vehicle offense (27.3% versus 31.3%). This was true for males and females. Among other race/ethnicity cohorts, the ratio of motor vehicle to person lead charges was closer to 2:1. A greater proportion of Black/African-American females were also charged with a lead property offense (22.3% compared to 14.6% of all defendants).

Non-White, male defendants were consistently charged with more drug and weapon lead charges. Though these offense types represent a small percentage of lead charges, overall, they may carry a mandatory term of imprisonment. White females were also more likely than other females to be arraigned on a lead drug offense.

FIGURE 2
DEFENDANT-CHARGE PROFILE: LEAD CHARGE TYPE

			Person	Weapon	Drug	Property	Motor Vehicle	Other	Total
Black/ African-American	Female	<20	40.5%	3.3%	4.1%	22.3%	16.5%	13.2%	100.0%
		20-29	28.9%	1.2%	3.6%	23.5%	29.4%	13.4%	100.0%
		30-39	25.3%	0.5%	4.5%	20.8%	36.7%	12.2%	100.0%
		40-49	27.0%	0.7%	5.8%	22.1%	31.8%	12.6%	100.0%
		50=>	30.2%	0.5%	5.9%	21.8%	31.7%	9.9%	100.0%
		Total	28.0%	0.9%	4.4%	22.3%	31.8%	12.6%	100.0%
	Male	<20	29.3%	8.8%	8.1%	20.5%	17.6%	15.7%	100.0%
		20-29	26.0%	4.8%	9.6%	14.3%	31.9%	13.3%	100.0%
		30-39	28.2%	1.8%	9.3%	13.0%	32.9%	14.8%	100.0%
		40-49	27.1%	1.4%	10.9%	14.6%	31.0%	15.0%	100.0%
		50=>	27.4%	1.1%	9.3%	18.9%	28.8%	14.6%	100.0%
		Total	27.1%	3.0%	9.6%	14.8%	31.2%	14.3%	100.0%
	Total		27.3%	2.6%	8.6%	16.2%	31.3%	13.9%	100.0%
Hispanic	Female	<20	34.8%	2.4%	1.8%	15.9%	33.5%	11.6%	100.0%
		20-29	23.2%	1.1%	4.6%	13.5%	46.6%	11.0%	100.0%
		30-39	21.5%	0.5%	5.8%	15.9%	47.6%	8.7%	100.0%
		40-49	20.6%	0.6%	9.6%	13.3%	48.2%	7.6%	100.0%
		50=>	18.2%	0.3%	8.3%	17.4%	46.0%	9.9%	100.0%
		Total	22.2%	0.8%	6.0%	14.6%	46.7%	9.6%	100.0%
	Male	<20	26.5%	5.3%	9.2%	16.4%	30.3%	12.3%	100.0%
		20-29	20.9%	2.3%	10.0%	10.7%	44.9%	11.1%	100.0%
		30-39	20.8%	1.3%	9.7%	12.2%	45.4%	10.7%	100.0%
		40-49	19.0%	0.7%	10.6%	12.8%	46.0%	10.9%	100.0%
		50=>	20.1%	0.5%	12.2%	11.2%	43.4%	12.7%	100.0%
		Total	20.7%	1.6%	10.2%	11.8%	44.6%	11.1%	100.0%
	Total		20.9%	1.5%	9.4%	12.3%	45.0%	10.9%	100.0%
Other	Female	<20	22.2%			22.2%	44.4%	11.1%	100.0%
		20-29	27.8%	0.4%	4.3%	14.8%	45.7%	7.0%	100.0%
		30-39	24.8%	0.5%	3.2%	12.4%	45.9%	13.3%	100.0%
		40-49	23.4%	0.9%	1.8%	14.4%	44.1%	15.3%	100.0%
		50=>	19.4%			18.1%	44.4%	18.1%	100.0%
		Total	25.0%	0.5%	2.9%	14.5%	45.3%	11.9%	100.0%
	Male	<20	29.7%	6.8%	6.8%	21.6%	28.4%	6.8%	100.0%
		20-29	22.3%	2.2%	7.4%	9.3%	49.8%	9.1%	100.0%
		30-39	24.0%	1.2%	9.0%	10.8%	45.5%	9.6%	100.0%
		40-49	24.9%	0.5%	6.8%	16.3%	41.2%	10.2%	100.0%
		50=>	24.5%	0.7%	5.6%	10.8%	43.4%	15.0%	100.0%
		Total	23.8%	1.5%	7.6%	11.6%	45.4%	10.1%	100.0%
	Total		24.1%	1.3%	6.6%	12.2%	45.4%	10.5%	100.0%
White	Female	<20	30.9%	1.6%	4.4%	18.3%	34.4%	10.4%	100.0%
		20-29	20.5%	0.4%	9.2%	15.7%	43.9%	10.3%	100.0%
		30-39	19.0%	0.4%	10.4%	20.0%	39.8%	10.3%	100.0%
		40-49	20.9%	0.5%	6.3%	18.9%	41.3%	12.1%	100.0%
		50=>	21.0%	0.4%	4.2%	16.6%	46.7%	11.1%	100.0%
		Total	20.4%	0.4%	8.1%	17.9%	42.4%	10.8%	100.0%
	Male	<20	27.1%	2.2%	6.4%	13.8%	34.1%	16.3%	100.0%
		20-29	21.2%	1.1%	8.2%	13.4%	44.0%	12.1%	100.0%
		30-39	21.0%	0.9%	9.3%	15.9%	38.5%	14.4%	100.0%
		40-49	24.1%	0.7%	7.0%	14.0%	38.0%	16.3%	100.0%
		50=>	23.2%	0.9%	4.2%	12.1%	41.2%	18.4%	100.0%
		Total	22.2%	0.9%	7.5%	14.0%	40.5%	15.0%	100.0%
	Total		21.7%	0.8%	7.6%	15.1%	41.0%	13.8%	100.0%
Total			22.6%	1.3%	8.2%	14.6%	40.3%	13.1%	100.0%

Lead Charge Severity

Figure 3 displays the distribution of lead charge severity by defendant race/ethnicity, gender, and age. Darker cell shades indicate a greater concentration of arraigned defendants.

The distribution of lead charges by severity varied by race/ethnicity cohort and age. A greater proportion of Black/African-American defendants were charged with a lead felony charge (29.2%) than Hispanic (21.9%), other (20.4%), and White (18.6%) defendants. In contrast, Hispanic (40.2%) and other defendants (35.8%) were more likely to be facing a minor misdemeanor charge, whereas one-half of White defendants (50.7%) were charged with a serious misdemeanor. The data also suggests that the youngest defendants were charged with more serious offenses. These trends were similar by gender.

FIGURE 3
DEFENDANT-CHARGE PROFILE: LEAD CHARGE SEVERITY

			Felony (SC Final Jurisdic..	Felony	Misdemeanor+	Misdemeanor-	Total
Black/ African-American	Female	<20	3.3%	24.0%	41.3%	31.4%	100.0%
		20-29	3.5%	22.7%	41.6%	32.2%	100.0%
		30-39	2.9%	20.4%	42.2%	34.5%	100.0%
		40-49	3.0%	20.2%	44.2%	32.6%	100.0%
		50=>	2.7%	23.0%	42.3%	31.9%	100.0%
		Total	3.2%	21.7%	42.2%	32.9%	100.0%
	Male	<20	7.6%	36.3%	31.0%	25.0%	100.0%
		20-29	6.4%	23.5%	38.4%	31.7%	100.0%
		30-39	5.4%	21.8%	43.5%	29.3%	100.0%
		40-49	6.0%	21.6%	45.2%	27.2%	100.0%
		50=>	4.6%	24.0%	43.2%	28.3%	100.0%
		Total	5.8%	23.2%	41.4%	29.6%	100.0%
	Total		5.3%	22.9%	41.5%	30.2%	100.0%
Hispanic	Female	<20	2.4%	20.1%	36.6%	40.9%	100.0%
		20-29	2.2%	15.2%	38.3%	44.3%	100.0%
		30-39	2.4%	13.7%	40.0%	43.9%	100.0%
		40-49	3.7%	15.0%	39.2%	42.1%	100.0%
		50=>	1.7%	17.1%	44.1%	37.2%	100.0%
		Total	2.5%	15.0%	39.4%	43.2%	100.0%
	Male	<20	8.8%	27.6%	31.9%	31.7%	100.0%
		20-29	5.0%	18.6%	35.5%	40.9%	100.0%
		30-39	4.6%	17.1%	38.7%	39.6%	100.0%
		40-49	4.7%	16.3%	39.8%	39.3%	100.0%
		50=>	3.6%	19.1%	40.7%	36.7%	100.0%
		Total	4.8%	18.0%	37.6%	39.5%	100.0%
	Total		4.4%	17.5%	37.9%	40.2%	100.0%
Other	Female	<20		11.1%	44.4%	44.4%	100.0%
		20-29	3.0%	17.0%	44.8%	35.2%	100.0%
		30-39	1.4%	12.8%	44.5%	41.3%	100.0%
		40-49	4.5%	19.8%	44.1%	31.5%	100.0%
		50=>	1.4%	12.5%	56.9%	29.2%	100.0%
		Total	2.5%	15.4%	45.9%	36.2%	100.0%
	Male	<20	5.4%	32.4%	33.8%	28.4%	100.0%
		20-29	4.8%	16.7%	38.5%	39.9%	100.0%
		30-39	4.6%	14.7%	47.6%	33.1%	100.0%
		40-49	4.9%	16.1%	43.7%	35.4%	100.0%
		50=>	2.4%	18.2%	45.5%	33.9%	100.0%
		Total	4.5%	16.6%	43.1%	35.7%	100.0%
	Total		4.0%	16.4%	43.7%	35.8%	100.0%
White	Female	<20	1.9%	17.0%	44.8%	36.3%	100.0%
		20-29	1.9%	12.2%	52.1%	33.9%	100.0%
		30-39	2.0%	13.8%	49.8%	34.5%	100.0%
		40-49	1.9%	14.2%	49.9%	33.9%	100.0%
		50=>	1.3%	13.7%	56.3%	28.7%	100.0%
		Total	1.8%	13.4%	51.6%	33.2%	100.0%
	Male	<20	6.1%	19.8%	44.7%	29.3%	100.0%
		20-29	2.9%	15.3%	49.2%	32.6%	100.0%
		30-39	2.6%	17.0%	50.0%	30.3%	100.0%
		40-49	2.5%	18.4%	51.5%	27.6%	100.0%
		50=>	1.9%	18.9%	51.7%	27.6%	100.0%
		Total	2.6%	17.2%	50.3%	29.9%	100.0%
	Total		2.4%	16.2%	50.7%	30.8%	100.0%
Total			3.4%	17.7%	46.0%	32.9%	100.0%

Mandatory Charge

Figure 4 displays the distribution of cases with an associated mandatory charge by lead charge type, defendant race/ethnicity, gender, and age. Darker cell shades indicate a greater concentration of arraigned defendants.⁷

Black/African-American males had the highest rate of mandatory charges (7.4%), followed by Hispanic males (5.9%), males of other races (5.5%), and White males (5.4%). Among female defendants, White females and females of other races were charged most often with a mandatory charge (4.0%), followed by Hispanic (2.6%) and Black/African-American females (2.2%).

The proportion of defendants facing both a lead weapon charge and a mandatory term was highest among Black/African-American males under 20 years of age (4.1%), followed by similarly aged males of other races (4.1%) and Hispanic males (2.7%). Overall, less than 1% of defendants (0.6%) faced both a lead weapon charged and a mandatory term.

Male, non-White defendants were also more likely to face a lead drug offense and mandatory term. Black/African-American males, age 40 to 49 years, were associated with the highest proportion of such cases (4.6%).

Finally, a greater proportion of older and White defendants faced a motor vehicle charge and associated mandatory term, including White males (7.1%) and White females (6.6%) aged 50 years and older.

⁷ In over 90% of cases where the lead charge was a weapon, drug, or motor vehicle offense, the associated mandatory charge, if any, was also the lead charge or a charge of the same offense type.

FIGURE 4
DEFENDANT-CHARGE PROFILE: % OF CASES WITH MANDATORY CHARGE

			No Mandatory	Weapon Lead Charge	Drug Lead Charge	MV Lead Charge	Other Lead Charge	Total
Black/ African-American	Female	<20	98.3%	0.8%			0.8%	100.0%
		20-29	97.9%	0.4%	0.7%	0.7%	0.3%	100.0%
		30-39	97.5%	0.1%	1.0%	1.1%	0.3%	100.0%
		40-49	98.2%	0.2%	0.4%	1.1%	0.2%	100.0%
		50=>	97.3%		1.7%	1.0%		100.0%
		Total	97.8%	0.2%	0.8%	0.9%	0.3%	100.0%
	Male	<20	91.2%	6.2%	1.1%	0.4%	1.2%	100.0%
		20-29	92.7%	3.1%	1.7%	1.0%	1.5%	100.0%
		30-39	92.7%	1.3%	3.2%	1.7%	1.1%	100.0%
		40-49	91.4%	0.8%	4.6%	2.3%	0.9%	100.0%
		50=>	93.6%	0.4%	2.8%	2.4%	0.8%	100.0%
		Total	92.6%	2.0%	2.7%	1.6%	1.2%	100.0%
	Total		93.6%	1.6%	2.3%	1.4%	1.0%	100.0%
Hispanic	Female	<20	98.8%		1.2%			100.0%
		20-29	98.0%	0.6%	1.0%	0.4%		100.0%
		30-39	97.4%	0.1%	1.4%	0.9%	0.2%	100.0%
		40-49	96.0%	0.1%	2.4%	1.0%	0.4%	100.0%
		50=>	96.7%		1.9%	1.1%	0.3%	100.0%
		Total	97.4%	0.3%	1.4%	0.7%	0.2%	100.0%
	Male	<20	93.3%	2.7%	1.5%	0.3%	2.2%	100.0%
		20-29	94.4%	1.4%	2.2%	0.8%	1.2%	100.0%
		30-39	94.2%	0.5%	2.7%	1.9%	0.7%	100.0%
		40-49	93.8%	0.4%	2.8%	2.2%	0.9%	100.0%
		50=>	93.7%	0.1%	2.5%	3.6%	0.2%	100.0%
		Total	94.1%	0.9%	2.5%	1.6%	0.9%	100.0%
	Total		94.8%	0.7%	2.3%	1.4%	0.8%	100.0%
Other	Female	<20	100.0%					100.0%
		20-29	96.5%		1.7%	1.3%	0.4%	100.0%
		30-39	96.8%		0.5%	2.3%	0.5%	100.0%
		40-49	95.5%	0.9%		0.9%	2.7%	100.0%
		50=>	91.7%			4.2%	4.2%	100.0%
		Total	96.0%	0.2%	0.8%	1.8%	1.2%	100.0%
	Male	<20	94.6%	4.1%	1.4%			100.0%
		20-29	95.6%	1.4%	1.3%	1.3%	0.5%	100.0%
		30-39	93.5%	0.6%	1.9%	3.1%	0.9%	100.0%
		40-49	93.9%	0.2%	1.2%	3.2%	1.5%	100.0%
		50=>	95.1%		0.7%	2.4%	1.7%	100.0%
		Total	94.5%	0.9%	1.4%	2.3%	0.9%	100.0%
	Total		94.8%	0.7%	1.3%	2.2%	1.0%	100.0%
White	Female	<20	98.4%	0.9%		0.3%	0.3%	100.0%
		20-29	97.7%	0.1%	0.4%	1.6%	0.3%	100.0%
		30-39	96.5%	0.0%	0.9%	2.4%	0.3%	100.0%
		40-49	95.5%	0.1%	0.5%	3.6%	0.3%	100.0%
		50=>	92.9%		0.3%	6.6%	0.1%	100.0%
		Total	96.0%	0.1%	0.5%	3.1%	0.3%	100.0%
	Male	<20	97.5%	1.0%	0.2%	0.3%	1.0%	100.0%
		20-29	96.3%	0.4%	0.8%	2.0%	0.5%	100.0%
		30-39	95.0%	0.3%	0.8%	3.5%	0.4%	100.0%
		40-49	94.2%	0.1%	0.6%	4.6%	0.5%	100.0%
		50=>	92.0%	0.1%	0.5%	7.1%	0.3%	100.0%
		Total	94.6%	0.3%	0.7%	4.0%	0.4%	100.0%
	Total		95.0%	0.2%	0.6%	3.7%	0.4%	100.0%
Total			94.7%	0.6%	1.3%	2.8%	0.6%	100.0%

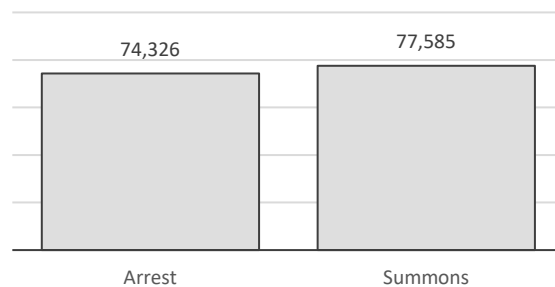
III. CASE INITIATION

The analyses begin with an examination of the method of case initiation by general case characteristics and defendant demographics. A criminal case may be initiated by arrest or summons. When initiated by arrest, a defendant is either brought to court by police for arraignment, or if no longer in custody, required to attend his/her arraignment as a condition of release. When initiated by summons, a defendant receives a written order from the court requiring him/her to appear for arraignment. The rate at which defendants fail to appear for arraignment, or default, is also reviewed. The FY2019 arraignment cohort was used for this analysis.

METHOD OF INITIATION

In FY2019, a total of 170,225 cases were scheduled for arraignment. 18,314 arraignments were cancelled or resolved prior to the scheduled date. Of the remaining 151,911 cases, 77,585, or just over one-half (51.1%), were initiated by an arrest. Eight out of 10 (83.0%) or 126,089 arraignments were held as scheduled. Defendants failed to appear, or defaulted, at a rate of 17.0 percent. Cases initiated by summons had the highest default rate (29.7% vs. 3.7%).

FIGURE 1
CASE INITIATION



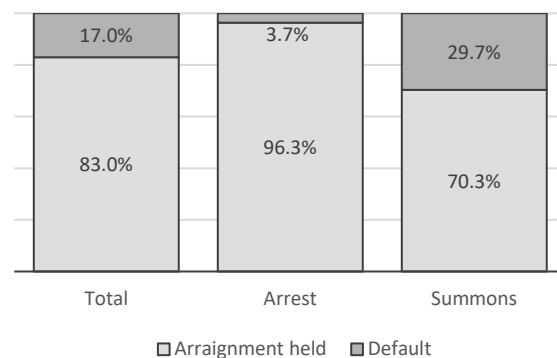
CASE CHARACTERISTICS

Lead Charge Type

The first criminal charge listed on each case was designated the “lead” charge and assigned to one of six general offense categories: person, weapon, drug, property, motor vehicle, and other. Motor vehicle was the most common lead charge type (44.0%) and weapon the least common (1.1%).

Figure 3 presents method of case initiation and lead charge type. As indicated, cases led by a motor vehicle or property charge were more likely to be initiated through a summons (68.4% and 55.0%, respectively) than cases led by a drug (26.0%), person (27.2%), weapon (30.6%), or other (40.3%) charge.

FIGURE 2
ARRAIGNMENT OUTCOME BY CASE INITIATION



Default rate also varied slightly by lead charge type. As the data shows in Figures 4 and 5, cases led by a person or weapon charge had lower than average default rates compared to others, regardless of case initiation method. Though the differences were small, the patterns were consistent.

FIGURE 3
CASE INITIATION BY LEAD CHARGE TYPE

	Number of Cases			% of Lead Charge Type			% of Initiation Type		
	Arrest	Summons	Total	Arrest	Summons	Total	Arrest	Summons	Total
Total	74,326	77,585	151,911	48.9%	51.1%	100.0%	100.0%	100.0%	100.0%
Person	21,847	8,150	29,997	72.8%	27.2%	100.0%	29.4%	10.5%	19.7%
Weapon	1,189	524	1,713	69.4%	30.6%	100.0%	1.6%	0.7%	1.1%
Drug	8,593	3,013	11,606	74.0%	26.0%	100.0%	11.6%	3.9%	7.6%
Property	10,286	12,581	22,867	45.0%	55.0%	100.0%	13.8%	16.2%	15.1%
Motor Vehicle	21,150	45,702	66,852	31.6%	68.4%	100.0%	28.5%	58.9%	44.0%
Other	11,261	7,615	18,876	59.7%	40.3%	100.0%	15.2%	9.8%	12.4%

FIGURE 4
DEFAULT RATE BY LEAD CHARGE TYPE, ARRESTS

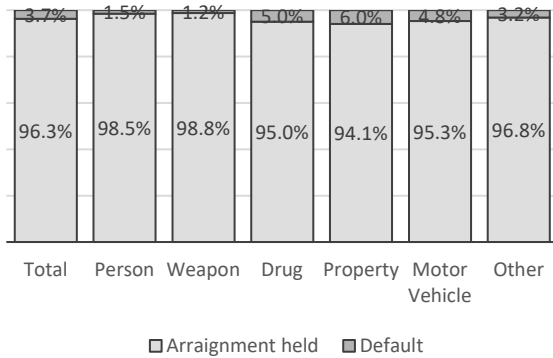
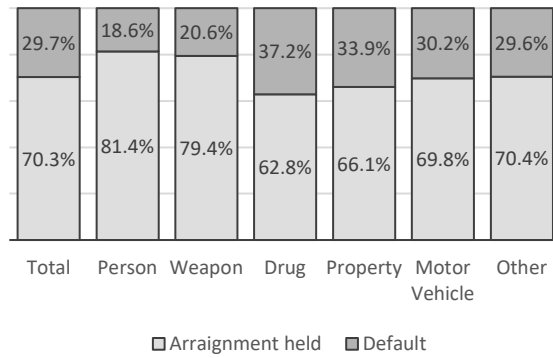


FIGURE 5
DEFAULT RATE BY LEAD CHARGE TYPE, SUMMONS



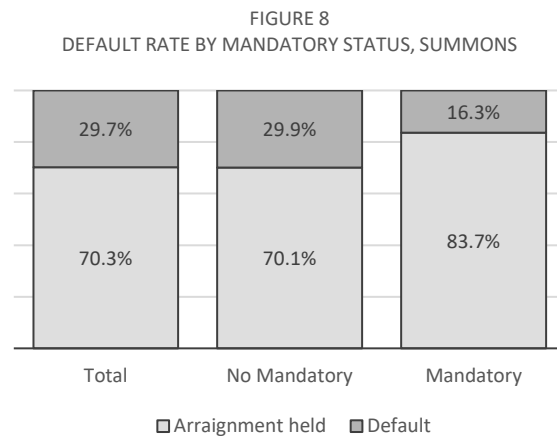
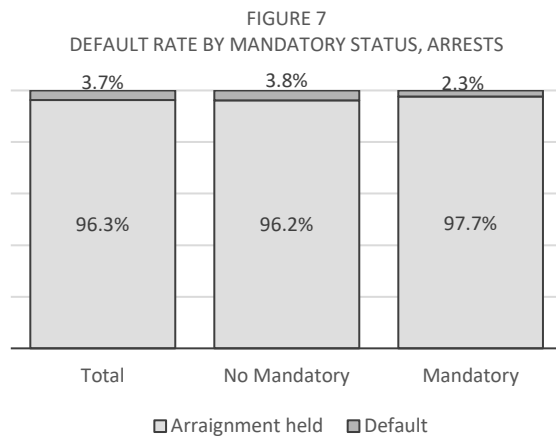
Lead Charge Type

Charges requiring a sentence to incarceration for a minimum term upon conviction are referred to as “mandatory” charges. Cases with one or more mandatory charges accounted for 4.5% of scheduled arraignments, including 7.8% of cases initiated by arrest and 1.3% of cases initiated by summons. Most cases with a mandatory charge were initiated by arrest as opposed to summons (85.0%).

Defendants associated with one or more mandatory charges had lower default rates than defendants with no associated mandatory charges.

FIGURE 6
CASE INITIATION BY LEAD CHARGE TYPE

	Number of Cases			% of Mandatory Status			% of Initiation Type		
	Arrest	Summons	Total	Arrest	Summons	Total	Arrest	Summons	Total
Total	74,326	77,585	151,911	48.9%	51.1%	100.0%	100.0%	100.0%	100.0%
Mandatory	5,818	1,023	6,841	85.0%	15.0%	100.0%	7.8%	1.3%	4.5%
No Mandatory	68,508	76,562	145,070	47.2%	52.8%	100.0%	92.2%	98.7%	95.5%



Lead Charge Severity

Lead charge “severity” refers to the penalty structure associated with the lead charge. For criminal matters, there are four levels of severity (most to least severe): felony “+”, felony, misdemeanor “+”, and misdemeanor “-“. The lead charge in eight out of 10 (80.8%) scheduled arraignments was a misdemeanor. Felonies subject only to the final jurisdiction of the Superior Court represented 2.9% of lead charges.

Cases led by a minor misdemeanor accounted for 48.2% of all arraignments initiated by summons. Only 15.0% of cases led by a felony were initiated in this way. With respect to cases initiated by arrest, 51.8% were led by a misdemeanor “+” charge and 23.6% by a felony charge.

Lead charge severity was negatively associated with default rate: rates at which defendants defaulted at arraignment increased as the severity of the lead charge decreased.

FIGURE 9
CASE INITIATION BY LEAD CHARGE SEVERITY

	Number of Cases			% of Lead Charge Severity			% of Initiation Type		
	Arrest	Summons	Total	Arrest	Summons	Total	Arrest	Summons	Total
Total	74,326	77,585	151,911	48.9%	51.1%	100.0%	100.0%	100.0%	100.0%
Felony +	3,087	1,390	4,477	69.0%	31.0%	100.0%	4.2%	1.8%	2.9%
Felony	14,413	10,251	24,664	58.4%	41.6%	100.0%	19.4%	13.2%	16.2%
Misd +	38,488	28,569	67,057	57.4%	42.6%	100.0%	51.8%	36.8%	44.1%
Misd -	18,338	37,375	55,713	32.9%	67.1%	100.0%	24.7%	48.2%	36.7%

FIGURE 10
DEFAULT RATE BY CHARGE SEVERITY, ARRESTS

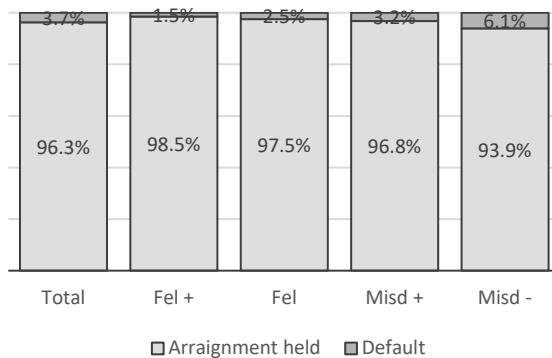
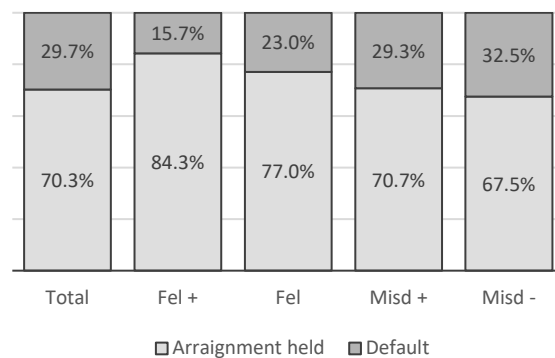


FIGURE 11
DEFAULT RATE BY CHARGE SEVERITY, SUMMONS



DEFENDANT DEMOGRAPHICS

Age

Age at arraignment was computed for each defendant and grouped by decade. Defendants aged 20 to 29 years accounted for 33.0% of scheduled arraignments followed by defendants aged 30 to 39 years (31.3%). Defendants under 20 years of age and aged 70 years and older comprised the two smallest cohorts (2.4% and 0.8%, respectively). The distribution of defendants by age group did not vary by method of case initiation.

The percentage of cases initiated by arrest ranged across age cohorts from a low of 41.5% (aged 70 years and older) to a high of 55.2% (under 20 years of age). The ratio of arrest to summons was similar across the remaining cohorts.

Default rates at arraignment were similar across age cohorts. Rates of default for the youngest and oldest cohorts were among the lowest (2.8% and 2.3%, arrests; 22.5% and 24.6%, summons).

FIGURE 12
CASE INITIATION BY AGE OF DEFENDANT

	Number of Cases			% of Age Group			% of Initiation Type		
	Arrest	Summons	Total	Arrest	Summons	Total	Arrest	Summons	Total
Total	74,326	77,585	151,911	48.9%	51.1%	100.0%	100.0%	100.0%	100.0%
Under 20 yrs	2,016	1,636	3,652	55.2%	44.8%	100.0%	2.7%	2.1%	2.4%
20-29 yrs	24,230	25,895	50,125	48.3%	51.7%	100.0%	32.6%	33.4%	33.0%
30-39 yrs	23,113	24,431	47,544	48.6%	51.4%	100.0%	31.1%	31.5%	31.3%
40-49 yrs	12,896	13,273	26,169	49.3%	50.7%	100.0%	17.4%	17.1%	17.2%
50-59 yrs	8,628	8,670	17,298	49.9%	50.1%	100.0%	11.6%	11.2%	11.4%
60-69 yrs	2,897	2,856	5,753	50.4%	49.6%	100.0%	3.9%	3.7%	3.8%
70 yrs and over	516	727	1,243	41.5%	58.5%	100.0%	0.7%	0.9%	0.8%
Unknown	30	97	127	23.6%	76.4%	100.0%	0.0%	0.1%	0.1%

FIGURE 13
DEFAULT RATE BY AGE, ARRESTS

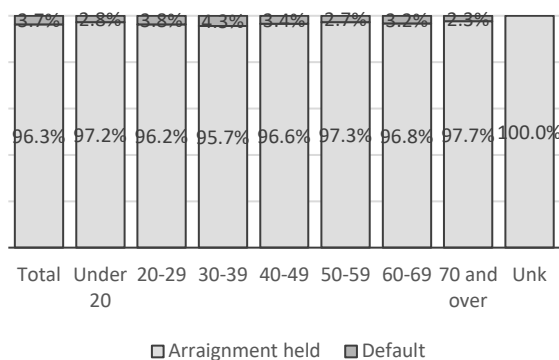
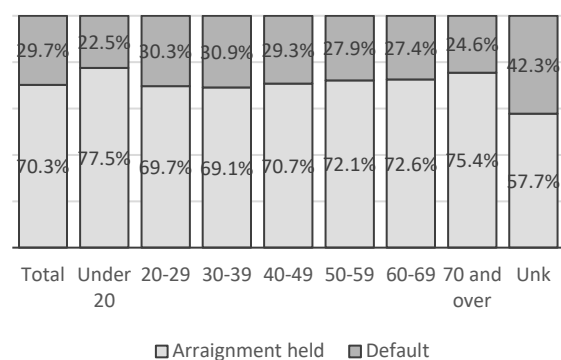


FIGURE 14
DEFAULT RATE BY AGE, SUMMONS



Gender

Nearly three out of four (74.6%) scheduled arraignments were associated with a male defendant. Male defendants accounted for 78.3% of cases initiated by arrest and 71.1% of cases initiated by summons. Overall, a higher proportion of males than females were arraigned following an arrest (51.3% vs. 42.3%). Conversely, females were more likely to have cases initiated through summons (57.7%) than arrest (42.3%).

Female defendants had slightly higher rates of default at arraignment.

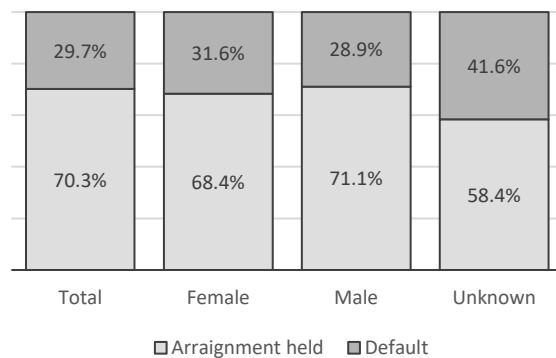
FIGURE 15
CASE INITIATION BY GENDER OF DEFENDANT

	Number of Cases			% of Gender Group			% of Initiation Type		
	Arrest	Summons	Total	Arrest	Summons	Total	Arrest	Summons	Total
Total	74,326	77,585	151,911	48.9%	51.1%	100.0%	100.0%	100.0%	100.0%
Female	16,084	21,929	38,013	42.3%	57.7%	100.0%	21.6%	28.3%	25.0%
Male	58,172	55,158	113,330	51.3%	48.7%	100.0%	78.3%	71.1%	74.6%
Unknown	70	498	568	12.3%	87.7%	100.0%	0.1%	0.6%	0.4%

FIGURE 16
DEFAULT RATE BY GENDER, ARRESTS



FIGURE 17
DEFAULT RATE BY GENDER, SUMMONS



Race/Ethnicity

Just over one-half (53.4%) of scheduled arraignments were associated with White defendants, followed by defendants identified as Hispanic/Latinx (21.5%), Black/African-American (17.3%), and other or multiple races (2.4%). Race/ethnicity was unknown for 5.4% of defendants.

The distribution of defendants by race/ethnicity was similar across methods of case initiation. The proportion of defendants arraigned following arrest ranged from a low of 47.1% (Hispanic/Latinx) to a high of 51.5% (Black/African-American).

Rates of default at arraignment varied slightly by race. For cases initiated by arrest, the rate of default among defendants ranged from a low of 3.3% (Black/African-American) to a high of 4.0% (Hispanic/Latinx). Conversely, Black/African-American defendants had the highest rate of default following summons (34.1%). Whites had the lowest rate, 28.2 percent.

FIGURE 18
CASE INITIATION BY RACE/ETHNICITY OF DEFENDANT

	Number of Cases			% of Race/Ethnicity Group			% of Initiation Type		
	Arrest	Summons	Total	Arrest	Summons	Total	Arrest	Summons	Total
Total	74,326	77,585	151,911	48.9%	51.1%	100.0%	100.0%	100.0%	100.0%
Black	13,559	12,794	26,353	51.5%	48.5%	100.0%	18.2%	16.5%	17.3%
Hispanic	15,371	17,250	32,621	47.1%	52.9%	100.0%	20.7%	22.2%	21.5%
Other	1,762	1,887	3,649	48.3%	51.7%	100.0%	2.4%	2.4%	2.4%
White	41,037	40,034	81,071	50.6%	49.4%	100.0%	55.2%	51.6%	53.4%
Unknown	2,598	5,620	8,218	31.6%	68.4%	100.0%	3.5%	7.2%	5.4%

FIGURE 19
DEFAULT RATE BY RACE/ETHNICITY, ARRESTS

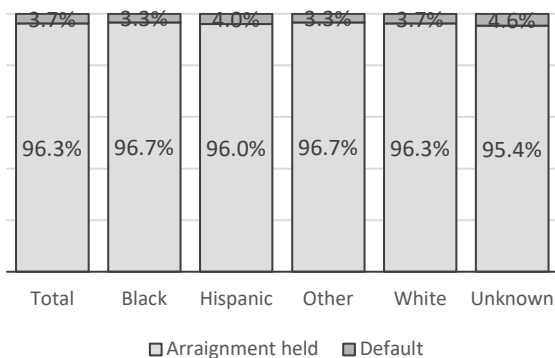
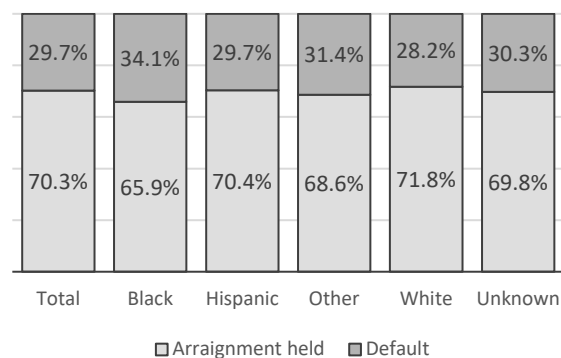


FIGURE 20
DEFAULT RATE BY RACE/ETHNICITY, SUMMONS



V. ARRAIGNMENTS

An arraignment is the first formal step in a criminal proceeding. In this section, held arraignments are examined. Charges are summarized and lead charges, representing a single case, are analyzed in detail. The arraignment cohort was used for this analysis.

CHARGES

In FY2019, 231,388 charges were arraigned. Motor vehicle offenses accounted for the greatest number of charges (79,545 or 34.4%), and weapon offenses the fewest number (7,102 or 3.1%).

Arraigned charges represented 126,089 cases. Total charges per case averaged 1.84 and ranged from 1 to 111. Most cases (97.6%) consisted of five or fewer charges, with 56.0% consisting of a single charge and 81.5% consisting of two or fewer charges.

MANDATORY CHARGES

Mandatory offenses accounted for 3.4% of arraigned charges. The most common type of mandatory charge was motor vehicle (45.3%), followed by drug (30.6%) and weapon (18.6%). Two out of 10 arraigned weapon charges, and one out of 10 arraigned drug charges were subject to a mandatory sentencing provision.

FIGURE 25
TOTAL CHARGES ARRAIGNED BY OFFENSE TYPE

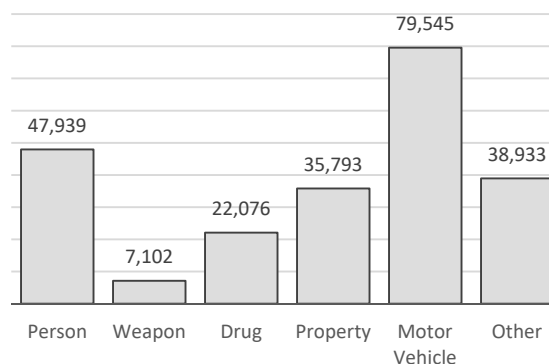


FIGURE 26
CHARGES PER CASE

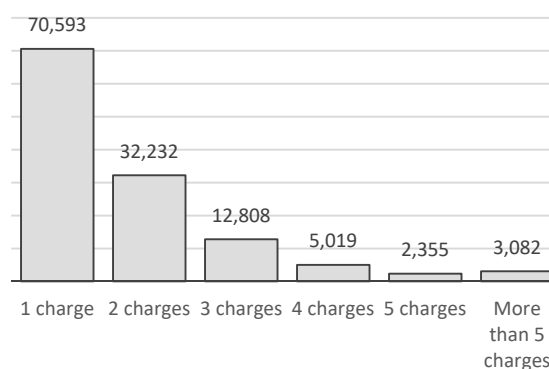


FIGURE 27
MANDATORY CHARGES BY OFFENSE TYPE

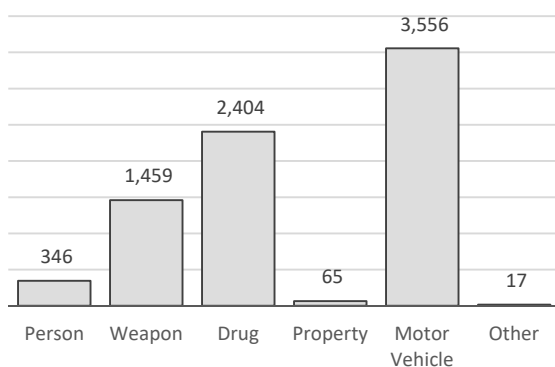
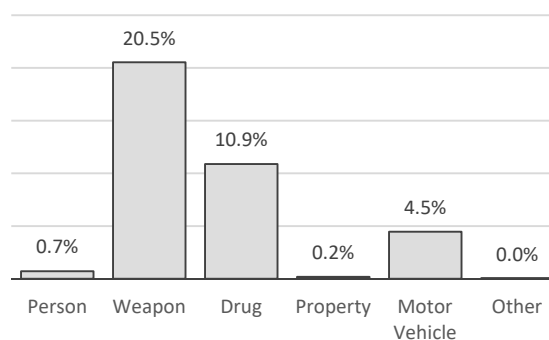


FIGURE 28
% OF CHARGES SUBJECT TO A MANDATORY TERM BY OFFENSE TYPE



LEAD CHARGE (CASES)

Motor vehicle offenses accounted for the greatest proportion of lead charges (41.3%), followed by person (22.3%), property (14.3%), other (12.9%), drug (8.0%), and weapon (1.3%) offenses.

Lead charge will be the unit of measure for the remainder of this analysis section.

Lead Charge Severity

A majority of lead charges were misdemeanors (79.2%), including most motor vehicle charges (98.4%). In contrast, the majority of weapon lead charges (62.0%), and more than 40% of drug (40.9%) and property (41.7%) lead charges, were classified as felonies.

FIGURE 29
LEAD CHARGE BY OFFENSE TYPE

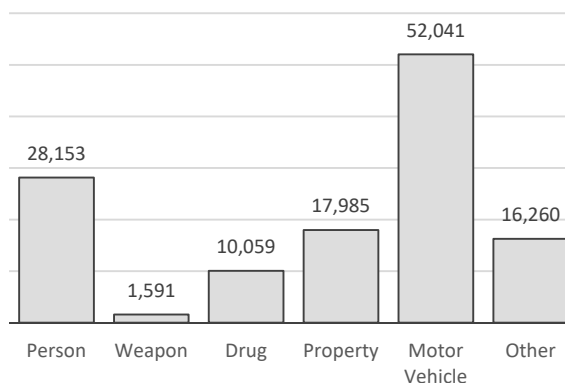
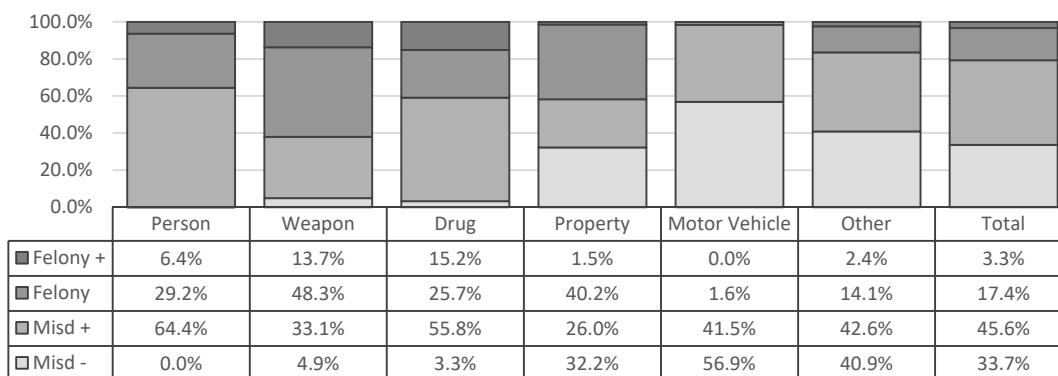


FIGURE 30
LEAD CHARGE TYPE BY CHARGE SEVERITY



Mandatory Charge

Overall, mandatory charges were few (5.2%) and concentrated among cases with a lead weapon (45.7%), drug (16.4%), or motor vehicle (6.6%) charge.

FIGURE 31
PERCENTAGE OF CASES WITH ONE OR MORE MANDATORY CHARGE BY
OFFENSE TYPE OF LEAD CHARGE

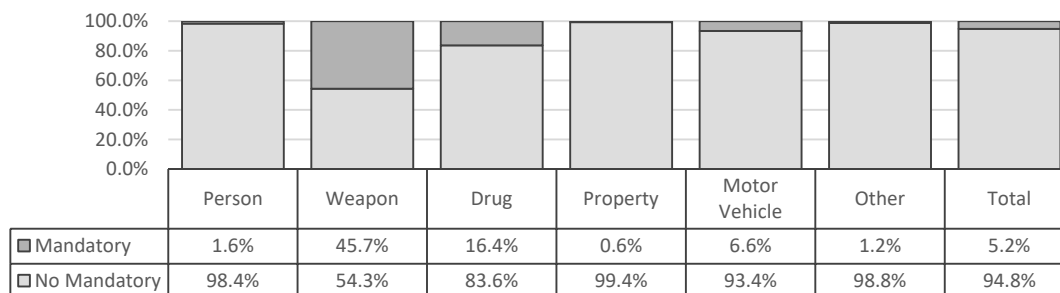


Figure 32 presents the relationship between lead charge type and the nature of associated mandatory charges (if any). For example, in 45.9% of cases led by a person charge and associated with a mandatory charge, the lead and mandatory charge types were the same. However, in more than one-half (54.1%) of such cases, the mandatory charge was of a different case type, including weapon (45.4%), drug (8.7%), motor vehicle (5.6%), and other (2.2%), than the lead charge.

Weapon (93.4%), drug (96.0%), and motor vehicle (95.5%) lead charges, when associated with a mandatory charge, were more likely to be the mandatory charge or of the same nature of the mandatory charge.

FIGURE 32
ASSOCIATED MANDATORY CHARGES:
TYPE OF MANDATORY CHARGE BY TYPE OF LEAD CHARGE

Lead Charge Type	Mandatory Charge Type					
	Person	Weapon	Drug	Property	M.V.	Other
Person lead charge	45.9%	45.4%	8.7%	0.0%	5.6%	2.2%
Weapon lead charge	0.0%	93.4%	9.5%	0.1%	1.0%	0.0%
Drug lead charge	0.1%	5.2%	96.0%	0.0%	1.3%	0.1%
Property lead charge	0.9%	27.2%	17.5%	42.1%	12.3%	0.0%
Motor Vehicle lead charge	0.0%	1.7%	3.0%	0.2%	95.5%	0.0%
Other lead charge	9.9%	48.4%	25.0%	1.6%	15.1%	2.6%

*Cases may have more than one mandatory charge type; row totals may exceed 100%.

Age

Defendants were 36 years old, on average, at time of arraignment. Defendants aged 20 to 29 years comprised the largest age cohort (32.8%), followed by defendants aged 30 to 39 years (30.9%). Less than 3% of defendants were under the age of 20 (2.6%) or over the age of 69 (0.8%).

Younger defendants averaged more charges at arraignment than older defendants. Defendants under the age of 20 averaged 2.1 charges per arraignment compared to 1.57 for defendants over 69 years of age.

FIGURE 33
AGE AT ARRAIGNMENT

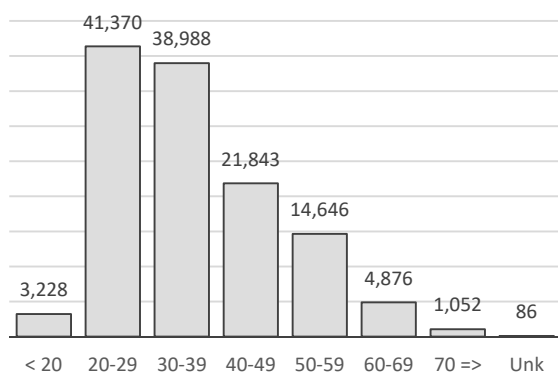
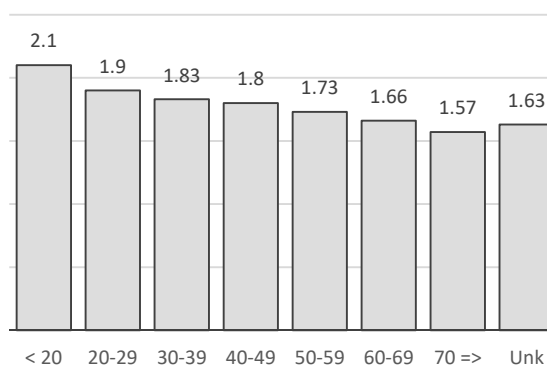


FIGURE 34
AVERAGE CHARGES PER CASE BY AGE



Gender

Three out of four arraigned defendants were male (75.6%). Male defendants averaged 1.87 charges at arraignment, and women, 1.72 charges. Type of lead charge was similar for male and female defendants. More male defendants were arraigned on a felony lead charge than female defendants (22.0% vs. 16.9%).

Race/Ethnicity

Just over one-half (54.1%) of defendants arraigned were identified as White, followed by Hispanic (21.3%), Black/African-American (17.1%), and other race (2.4%). Race/Ethnicity was not available for 5.1% of defendants.

The average number of charges per case was slightly higher for Black/African-American defendants (2.00) when compared to defendants of other race/ethnicity.

FIGURE 35
RACE/ETHNICITY OF ARRAIGNED DEFENDANTS

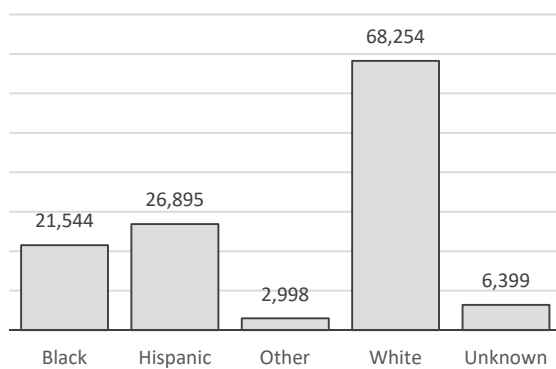
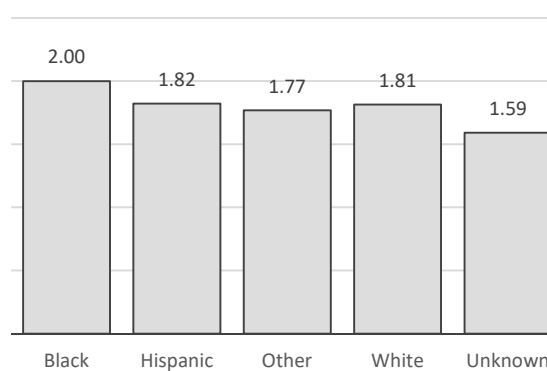


FIGURE 36
AVERAGE NUMBER OF CHARGES BY RACE/ETHNICITY



VI. INITIAL RELEASE DECISION

At arraignment, a defendant may be released on their own recognizance, released subject to bail, or held without bail pursuant to G.L. c. 276, § 58A. In this section of the report, the initial release decision is examined by general case characteristics and defendant demographics. The disposition cohort of 133,006 cases was used for this analysis.

Most defendants (79.4%) with an initial release decision in FY2019 were released on their own recognizance. Bail was set in 17.6% of cases, and in 3.1% of cases, defendants were held without bail.

CASE CHARACTERISTICS

The initial release decision varied by lead charge type, charge severity, mandatory charge status, and the presence of another open criminal case at the time of arraignment.

Lead Charge

Cases with a lead motor vehicle charge made up the largest share of initial release decisions (45.3%). Cases with a lead weapon charge accounted for the smallest share (1.1%).

The initial release decision varied by lead charge type. Cases with a motor vehicle charge had the highest rate of recognizance (93.7%) and those with a weapon charge the lowest rate (36.9%).

FIGURE 37
INITIAL RELEASE DECISION

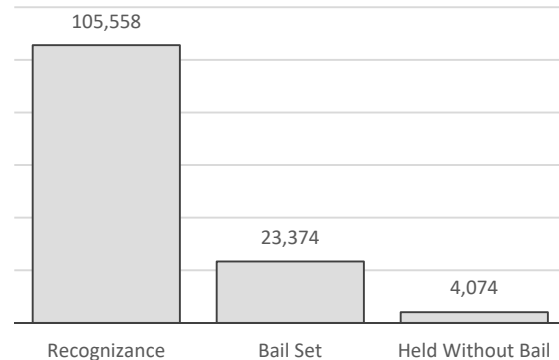


FIGURE 38
LEAD CHARGE TYPE AT INITIAL RELEASE DECISION

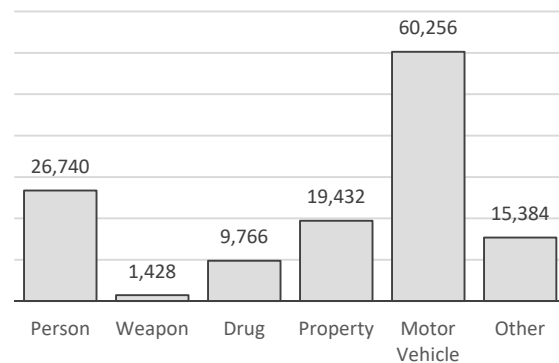
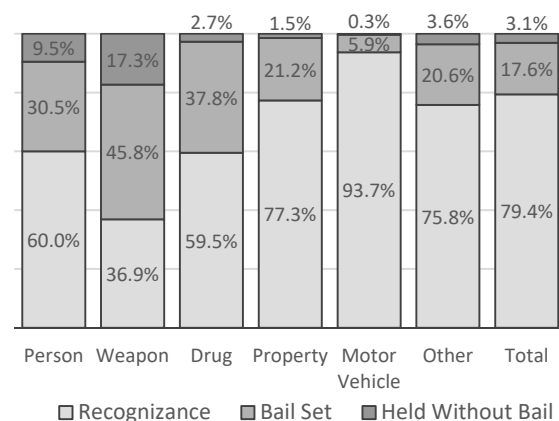


FIGURE 39
INITIAL RELEASE DECISION BY LEAD CHARGE TYPE



Lead Charge Severity

A majority of initial release decisions (80.8%) were associated with a lead misdemeanor charge.

Lead charge severity was associated with initial release decision. Over one-half of cases (57.2%) associated with a serious felony charge resulted in bail being imposed. Cases led by a serious felony charge were also most likely to be held without bail (22.1%). In contrast, most serious misdemeanor (78.1%) and minor misdemeanor (94.9%) cases resulted in recognizance.

FIGURES 40
LEAD CHARGE SEVERITY AT INITIAL RELEASE DECISION

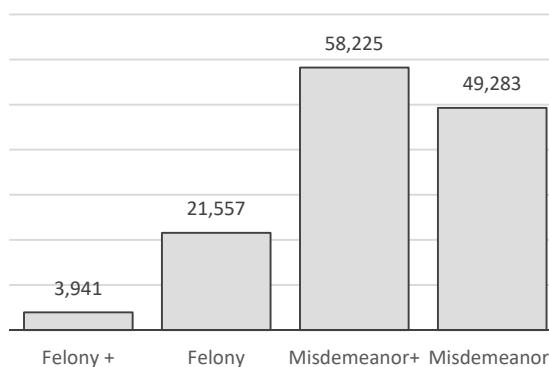
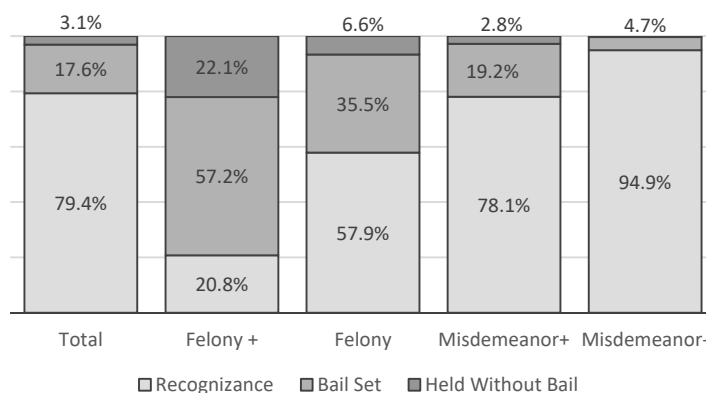


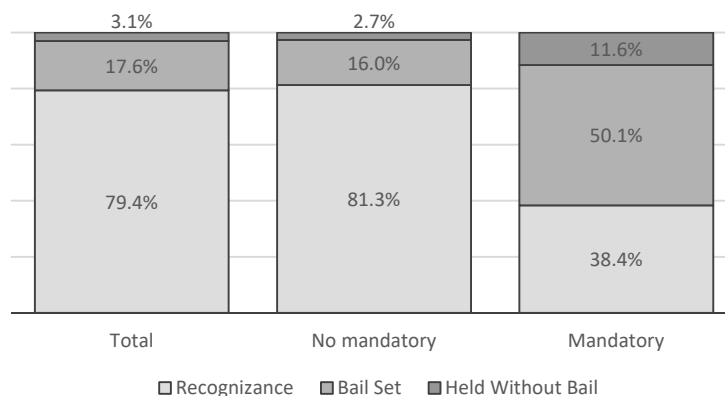
FIGURE 41
INITIAL RELEASE DECISION BY LEAD CHARGE SEVERITY



Mandatory Charge

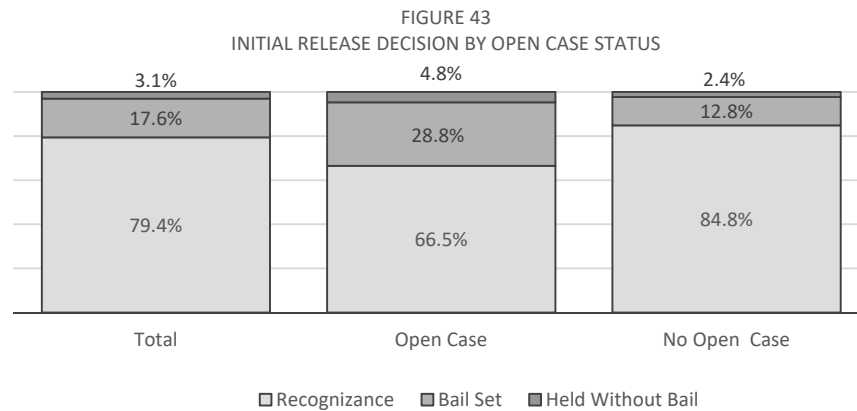
Cases with a mandatory charge were more likely to result in a decision to impose bail or hold without bail (61.7% versus 18.7%).

FIGURE 42
INITIAL RELEASE DECISION BY MANDATORY CHARGE STATUS



Open Case

At the time of the initial release decision, 39,505 cases (29.7%) were associated with defendants with one or more other open criminal cases. Twice the proportion of defendants with an open case were subject to bail or no bail than defendants with no other open criminal cases (33.6% vs 15.2%).



DEFENDANT DEMOGRAPHICS

The initial release decision was also analyzed by defendant demographic characteristics. Though there were some variation in outcomes by defendant age, gender, and race, the association was not as strong as with case characteristics.

Age

Nearly two-thirds (64.6%) of initial release decisions were associated with defendants between the ages of 20 and 39 years. The proportion of defendants subject to bail or held without bail was similar across age groups until age 59 years, when it began to drop off. See Figure 45.

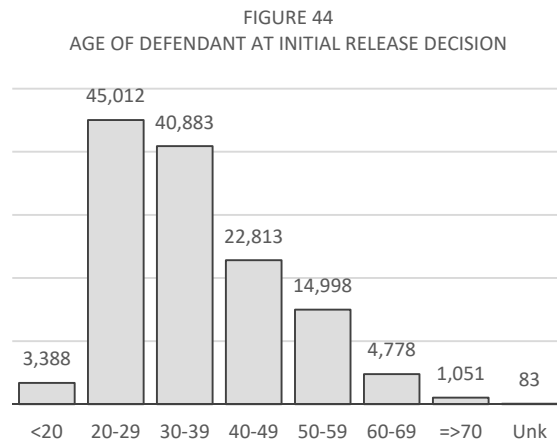
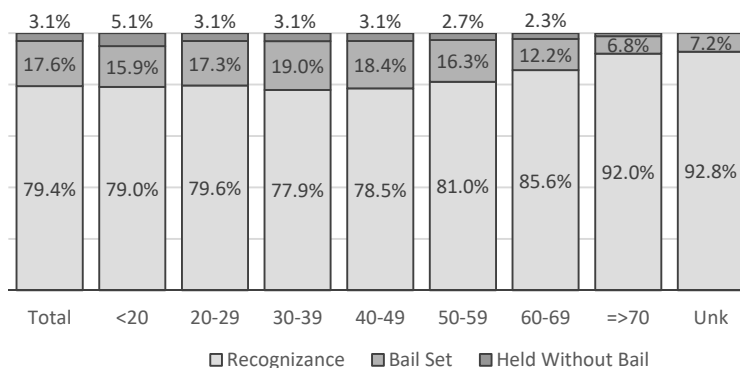


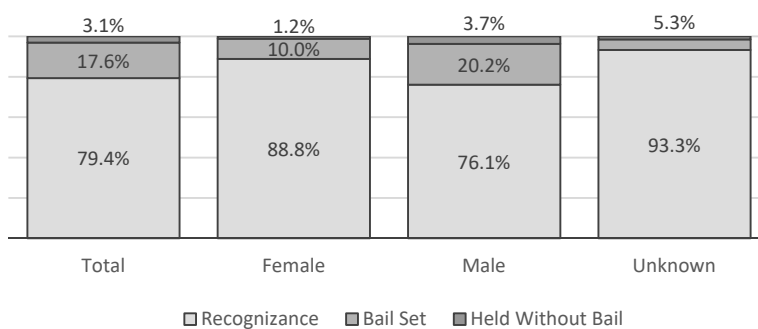
FIGURE 45
INITIAL RELEASE DECISION BY AGE AT ARRAIGNMENT



Gender

Male defendants were associated with most (74.4%) initial release decisions. Male defendants were subject to bail (20.2%) and held without bail (3.7%) at higher rates than female defendants (10.0% and 1.2%, respectively).

FIGURE 46
INITIAL RELEASE DECISION BY GENDER



Race/Ethnicity

Just over one-half (54.6%) of initial release decisions were associated with a White defendant. Race/ethnicity was unknown in 5.3% of cases.

A slightly higher percentage of Black/African-American (22.6%) and Hispanic (18.9%) defendants were subject to bail than defendants of other races.

FIGURE 47
RACE/ETHNICITY OF DEFENDANT

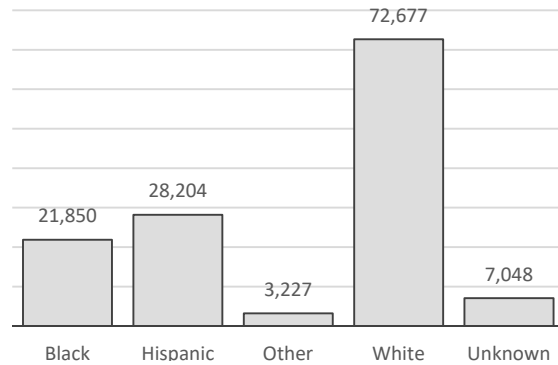
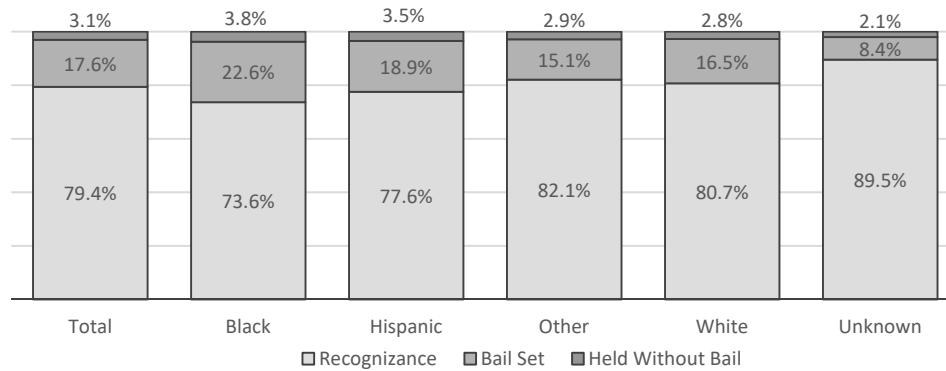


FIGURE 48
INITIAL RELEASE DECISION BY RACE/ETHNICITY



VII. BAIL SETTINGS

Of the 133,006 initial release decisions made at first arraignment, 23,374 (17.6%) resulted in the setting of bail. Set bail amounts ranged from \$1 to \$2.5M. In this section, bail amount is examined by general case characteristics and defendant demographics. The disposition cohort was used for this analysis.

Most bail settings were between \$500 and \$4,999 (52.2%), followed by settings of less than \$500 (33.4%), and high bail settings greater than \$5,000 (13.8%).

CASE CHARACTERISTICS

Set bail amount varied by lead charge type, charge severity, and mandatory charge status. Bail amount did not vary by the presence of another open criminal case at the time of arraignment.

Lead Charge

Cases with a lead person charge accounted for the greatest number of bail settings (34.9%). Cases with a lead weapon charge accounted for the fewest (2.8%).

Lead weapon and drug charges were associated with the highest set bail amounts. Nearly one-half of cases (48.8%) with a lead weapon charge were subject to bail over \$5,000, as were 28.3% cases with a drug lead charge. In contrast, less than 10% of cases associated with a property, motor vehicle, or “other” lead charge were subject to bail over \$5,000.

FIGURE 49
BAIL SETTINGS BY AMOUNT

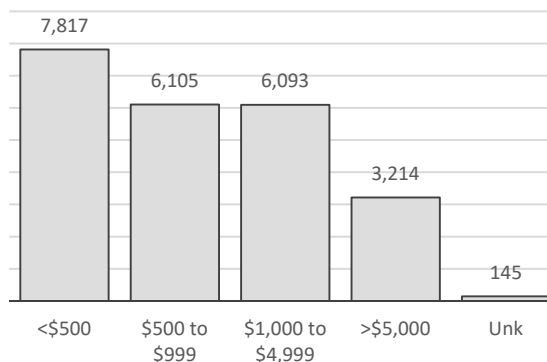


FIGURE 50
CASES SUBJECT TO BAIL BY LEAD CHARGE TYPE

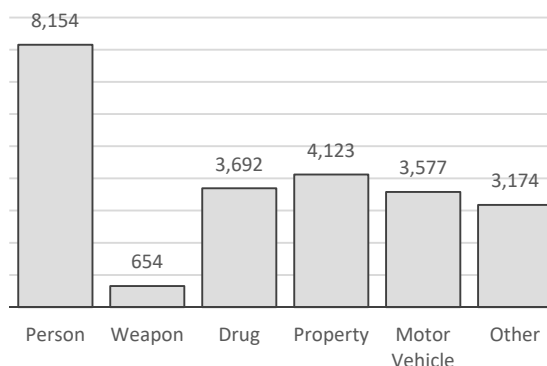
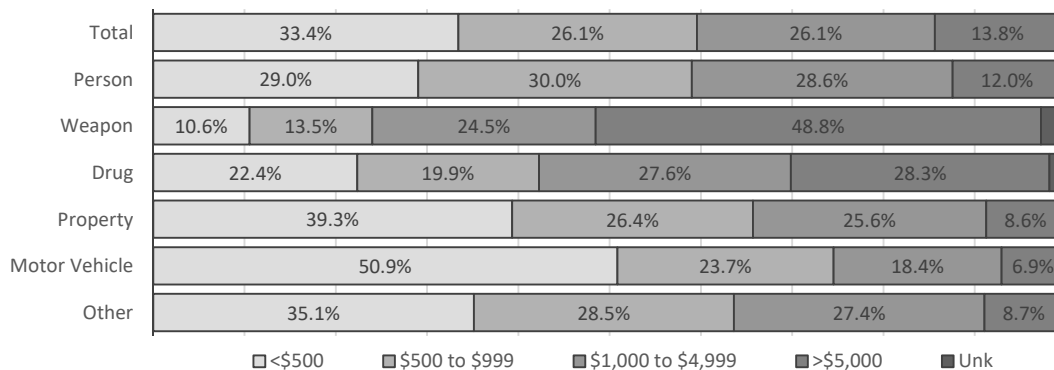


FIGURE 51
DISTRIBUTION OF BAIL AMOUNTS BY LEAD CHARGE TYPE



Lead Charge Severity

Cases with a felony lead charge accounted for less than one-half (42.4%) of all bail settings.

Set bail amounts increased with the severity of the lead charge. Cases with a lead serious felony charge had the highest proportion (51.1%) of bails set at \$5,000 or more, whereas cases with a lead minor misdemeanor charge had the lowest (under 10%).

FIGURE 52
CASES SUBJECT TO BAIL BY LEAD CHARGE SEVERITY

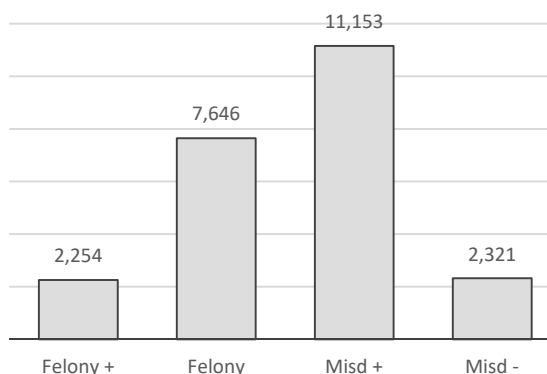
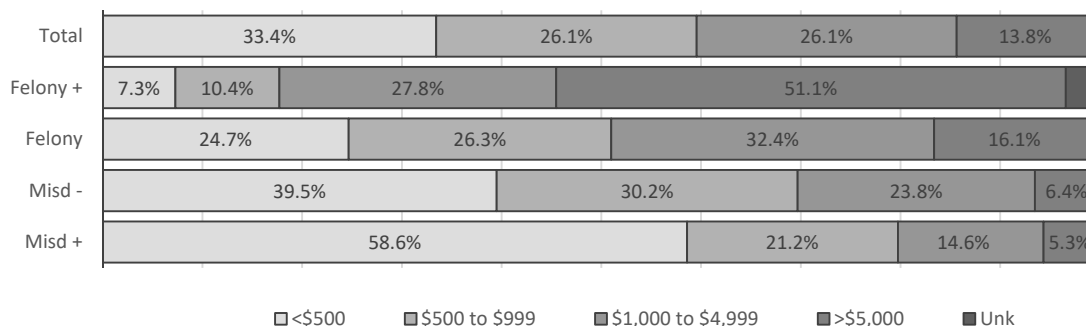


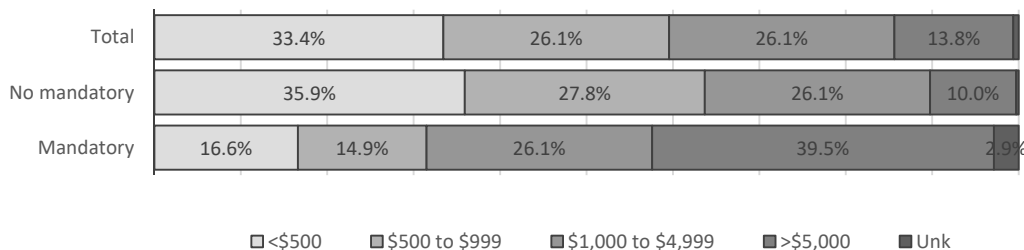
FIGURE 53
SET BAIL AMOUNT BY LEAD CHARGE SEVERITY



Mandatory Charge

Of all cases in which bail was set, 2,998 (12.8%) consisted of one or more charges punishable by a mandatory term of incarceration. Cases with a mandatory charge were more likely to have bail set at \$5,000 or above than cases with no mandatory charge (39.5% versus 10.0%, respectively). At the same time, cases with no mandatory charge were likely to have bail set below \$500, 35.9% versus 16.6%.

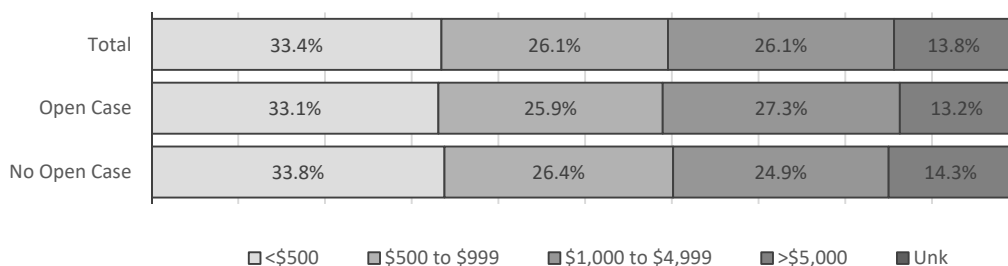
FIGURE 54
SET BAIL AMOUNT BY MANDATORY CHARGE STATUS



Open Case

At the time of the initial release decision, 11,366 (48.6%) out of 23,374 cases with bail set were associated with defendants with one or more other open criminal cases. Bail amount did not vary by open case status.

FIGURE 55
SET BAIL AMOUNT BY OPEN CASE STATUS



DEFENDANT DEMOGRAPHICS

The amount of bail ordered was also analyzed by defendant demographic characteristics. Though the distribution of bail amounts varied somewhat by defendant demographics (age, gender, and race), the associations were not as strong as with case characteristics.

Age

In two-thirds (66.5%) of cases with a bail setting, the defendant was between the ages of 20 and 39 years.

Age of defendant was correlated with imposed bail amount. Defendants under 20 years of age, for example, had the highest percentage of bails set at/over \$5,000 (16.3%) and the lowest percentage of bails set under \$500 (29.1%). In contrast, defendants 70 years of age and older had the lowest percentage of bails set at/over \$5,000 (9.9%) and the second highest percentage of bails set under \$500 (35.2%). See Figure 57.

FIGURE 56
CASES SUBJECT TO BAIL BY AGE

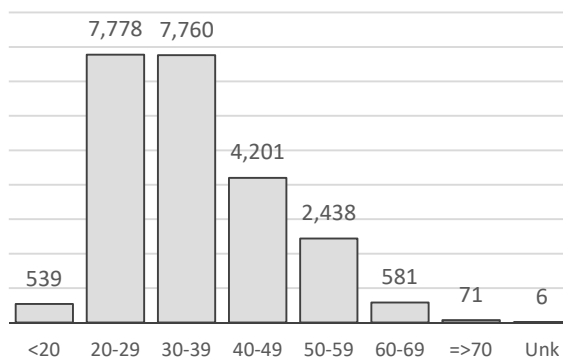
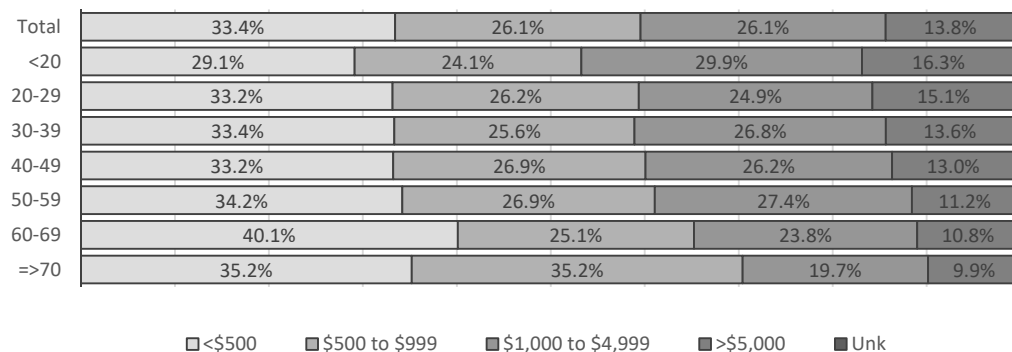


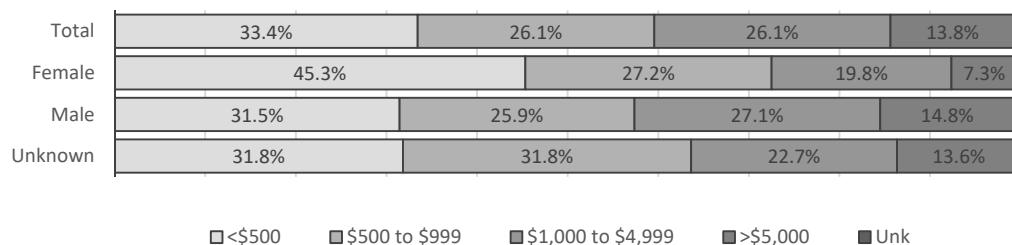
FIGURE 57
SET BAIL AMOUNT BY AGE



Gender

Male defendants were associated with 19,990 (85.5%) of cases in which bail was set. Males were subject to higher bail amounts than females. The gender of the defendant in 22 cases was “unknown”.

FIGURE 58
SET BAIL AMOUNT BY GENDER



Race/Ethnicity

Cases associated with White defendants accounted for one-half of bail settings (51.4%).

White defendants had lower bail amounts imposed than defendants of other races. For example, White defendants had the fewest bails set at/above \$5,000 (10.7%) and the highest number of bail settings below \$500 (36.3%).

FIGURE 59
CASES SUBJECT TO BAIL BY RACE/ETHNICITY

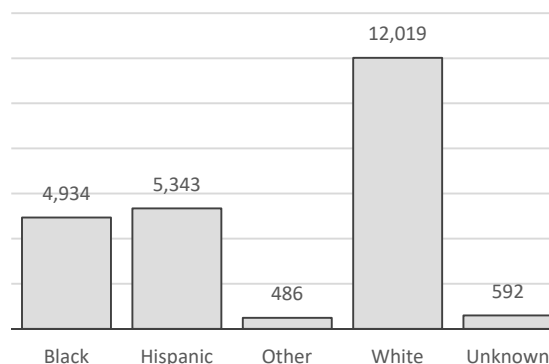
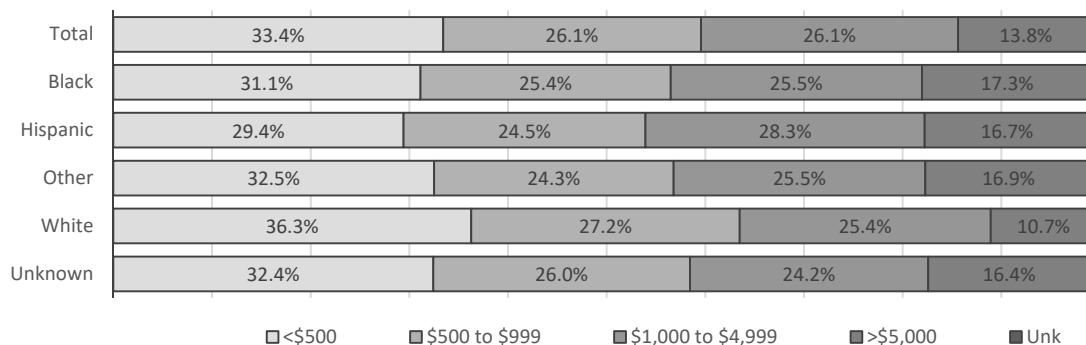


FIGURE 60
SET BAIL AMOUNT BY RACE/ETHNICITY



VIII. BAIL POSTED

In two-thirds of cases where bail was set (15,088 out of 23,374), the defendant posted bail prior to the initial disposition of the case. In this section, bail postings are examined by general case characteristics and defendant demographics. The disposition cohort was used for this analysis.

The rate of making bail was associated with bail amount. A majority (76.9%) of defendants subject to bail of less than \$500 posted bail, compared to 38.0% of defendants subject to bail of over \$5,000. The number of days required to post bail averaged 12, and ranged from 0 (same day) to 519. Overall, 64.6% of defendants posted bail, and of those who posted bail, 64.5% posted it at arraignment.

CASE CHARACTERISTICS

Ability to make bail prior to initial disposition was analyzed by case characteristics: lead charge type, charge severity, mandatory charge status, and open case status.

Lead Charge

The rate of making bail varied by type of lead charge. Most defendants with a lead motor vehicle charge (81.4%) made bail compared to 50.8% of defendants associated with a lead property charge. Average number of days to post bail ranged from a low of five days (motor vehicle lead charge) to a high of 19 days (weapon lead charge). See Figure 64.

FIGURE 61
% POSTED BAIL BY AMOUNT

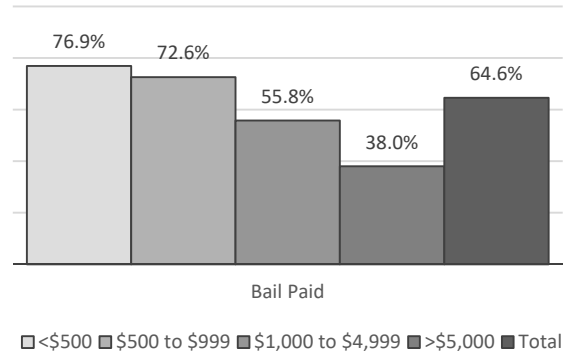


FIGURE 62
AVERAGE DAYS TO POST BAIL

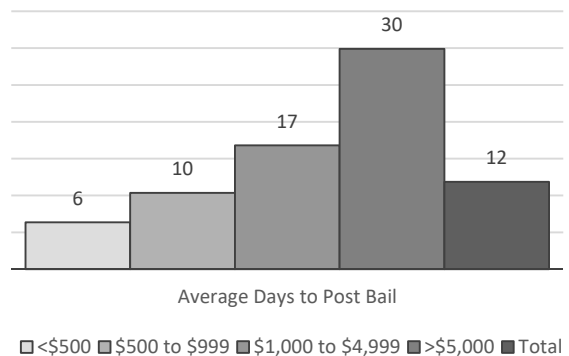


FIGURE 63
% POSTED BAIL BY LEAD CHARGE TYPE AND AMOUNT

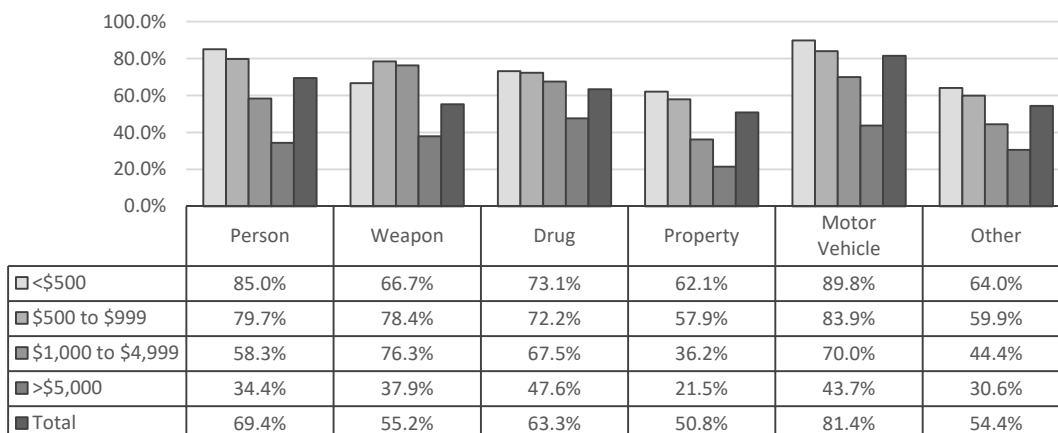
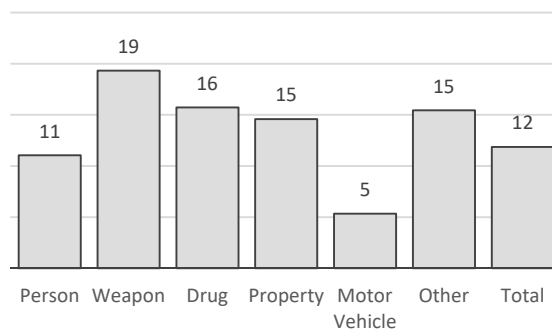


FIGURE 64
AVERAGE DAYS TO POST BAIL BY LEAD CHARGE TYPE



Lead Charge Severity

Defendants facing less severe charges posted bail at an overall higher rate. As suggested in Figure 65, the difference in rates is associated with the proportion of defendants with bail amounts set below \$500. Misdemeanor lead charges were also associated with lower average time to post bail.

FIGURE 65
% POSTED BAIL BY LEAD CHARGE SEVERITY

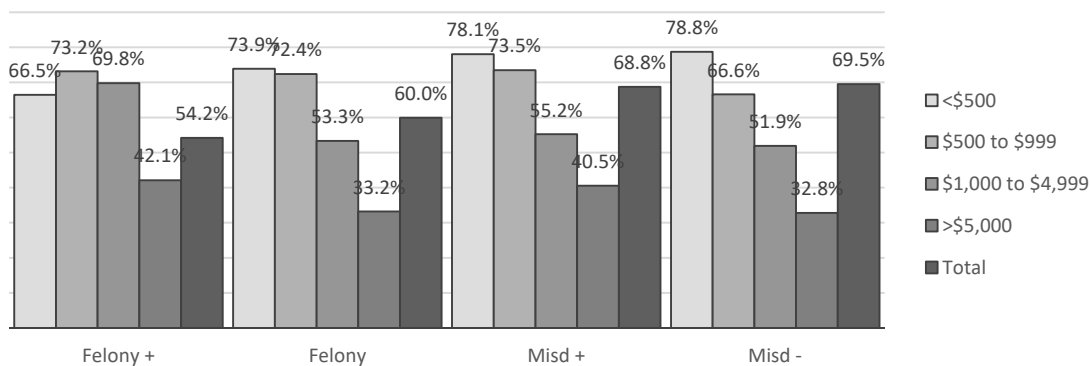
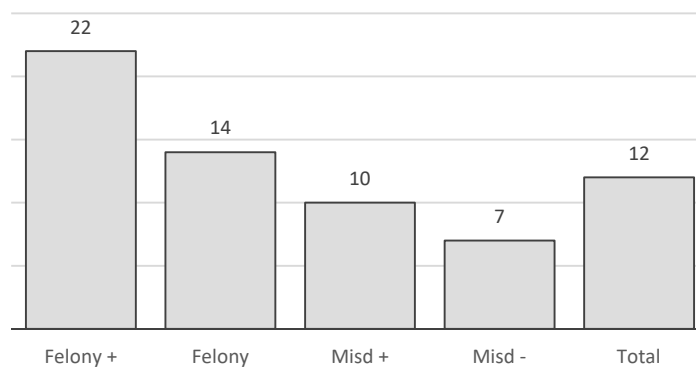


FIGURE 66
AVERAGE DAYS TO POST BAIL BY LEAD CHARGE SEVERITY



Mandatory Charge

Defendants facing a mandatory charge posted bail at a higher rate regardless of bail amount. Still, overall, defendants facing a mandatory sentence made bail at approximately the same rate as those not facing a mandatory term (67.2% versus 64.2%). As shown in the previous section, defendants facing a mandatory charge were subject to higher set bail amounts than other defendants.

In cases where there were no mandatory charges, defendants posted bail in 12 days, on average. Defendants charged with a mandatory posted bail in 14 days, on average.

Open Case

Defendants with one or more other open cases were less likely to post bail prior to initial disposition than defendants with no other open cases (50.8% versus 77.6%). A defendant's release status with respect to other open cases was not determined.

On average, defendants with no open cases posted bail in 7 days compared to 20 days for defendants with an open case.

FIGURE 67
% POSTED BAIL BY MANDATORY CHARGE STATUS

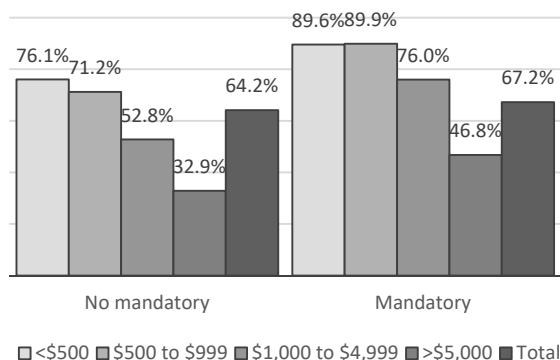
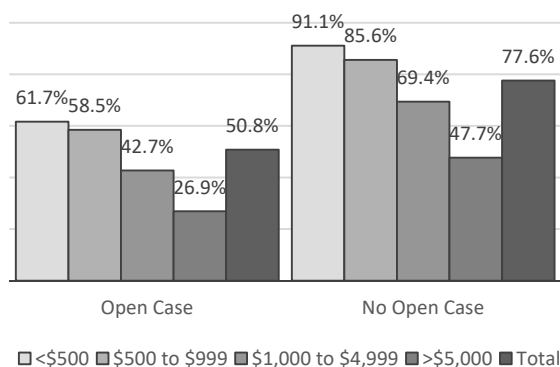


FIGURE 68
% POSTED BAIL BY OPEN CASE STATUS



DEFENDANT DEMOGRAPHICS

Ability to post bail was also analyzed by defendant characteristics: age, gender, and race/ethnicity.

Age

The youngest and oldest defendants made bail at the highest rates, including defendants under 20 years of age (49.9%) and defendants age 70 and over (62.0%). Approximately 40% of defendants aged 20 to 59 years also made bail.

Average days to post bail was similar across all age groups, ranging from a low of 9 days (ages 60 to 69 years) to a high of 13 days (ages 20 to 29 years). More than one-half of all defendants in each age cohort who posted bail, posted it at arraignment.

FIGURE 69
% POSTED BAIL BY AGE

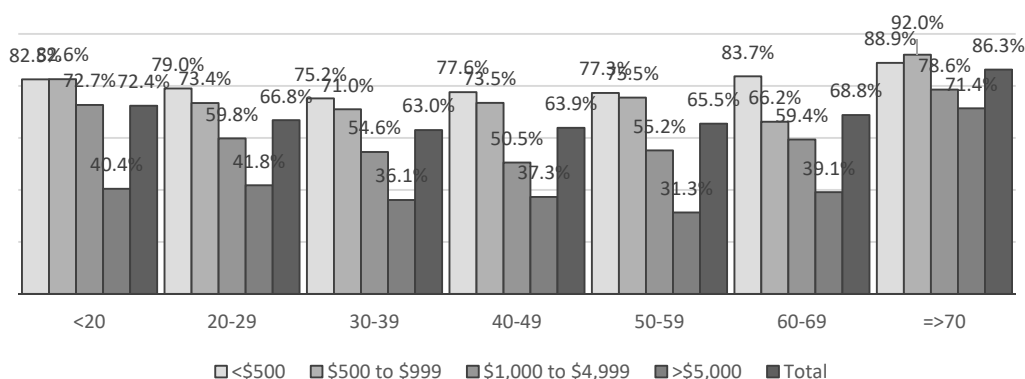
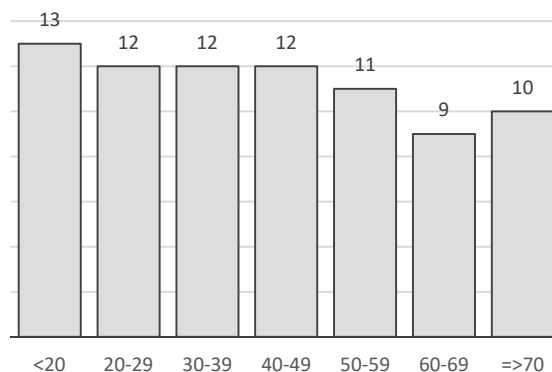
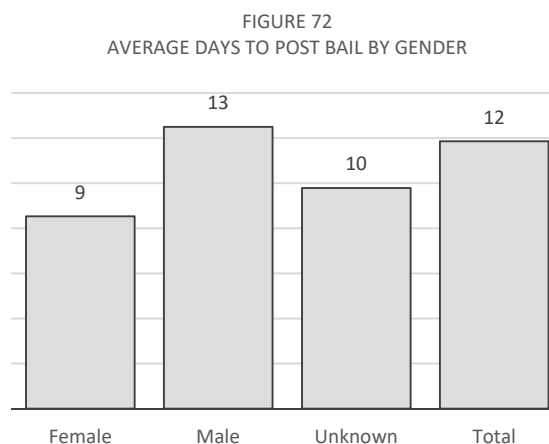
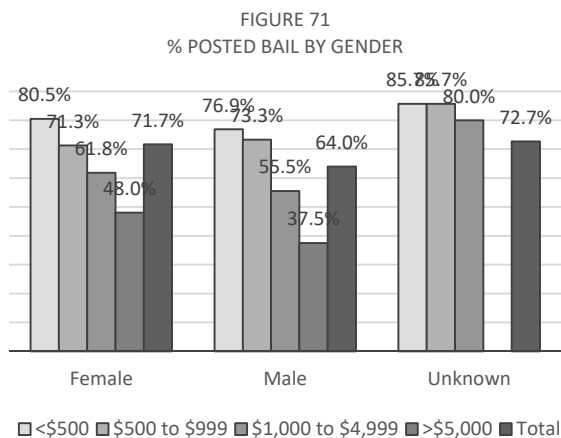


FIGURE 70
AVERAGE DAYS TO POST BAIL BY AGE



Gender

A greater proportion of female defendants posted bail than male defendants (71.7% vs. 64.0%). On average, female defendants made bail in 9 days compared to 13 days for male defendants. More than one-half of all defendants in each gender cohort who posted bail, posted it at arraignment.



Race/Ethnicity

Rates of posting bail varied slightly by race/ethnicity. Average number of days to post bail was also similar, ranging from a low of 11 days (White and other) to a high of 14 days (Black/African-American). More than one-half of all defendants in each race/ethnicity cohort who posted bail, posted it at arraignment.

FIGURE 73
% POSTED BAIL BY RACE/ETHNICITY

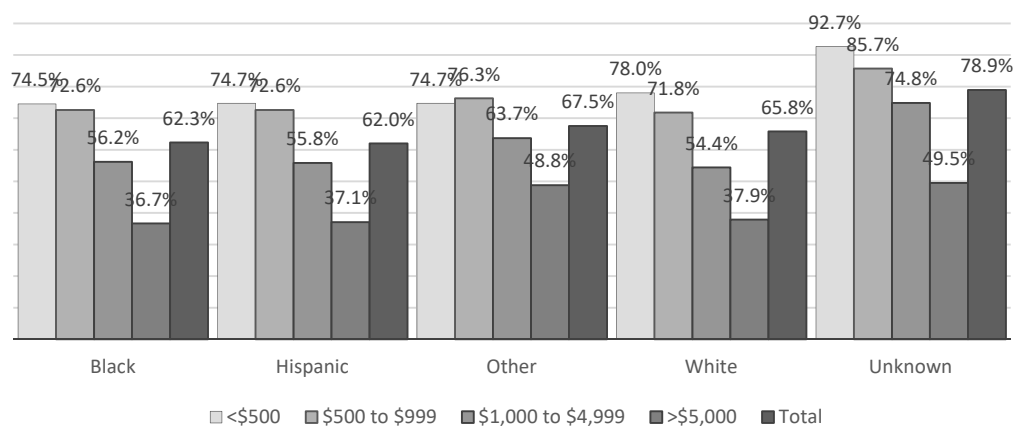
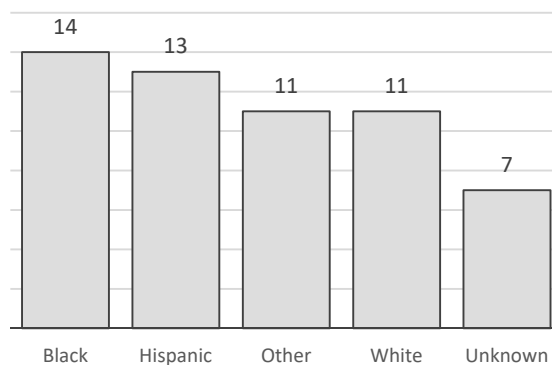


FIGURE 74
AVERAGE DAYS TO POST BAIL BY RACE/ETHNICITY



IX. DANGEROUSNESS HEARINGS

This section of the report examines the rate at which cases had one or more dangerousness hearings under G.L. c.276, §58A by general case characteristics and defendant demographics. Under Massachusetts General Laws Chapter 276, Section 58A, “The commonwealth may move, based on dangerousness, for an order of pretrial detention or release on conditions for a felony offense that has as an element of the offense the use, attempted use or threatened use of physical force against the person of another or any other felony that, by its nature, involves a substantial risk that physical force against the person of another may result...” The disposition cohort was used for this analysis.

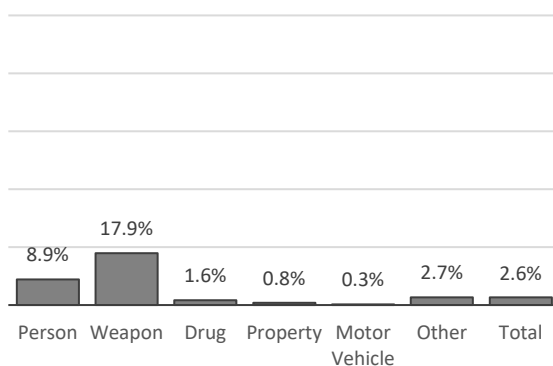
CASE CHARACTERISTICS

Certain case characteristics associated with more serious offending, such as lead charge type, charge severity, and mandatory status, were associated with higher rates of dangerousness hearings.

Lead Charge

Of the 133,006 defendants subject to an initial release decision in FY2019, 3,509 (2.6%) were subject to one or more dangerousness hearings during the pendency of their criminal case. Defendants facing a lead weapon (17.9%) or person (8.9%) charge had the highest rates of dangerousness hearings. Defendants facing a lead motor vehicle (0.3%) or property (0.8%) charge had the lowest rates.

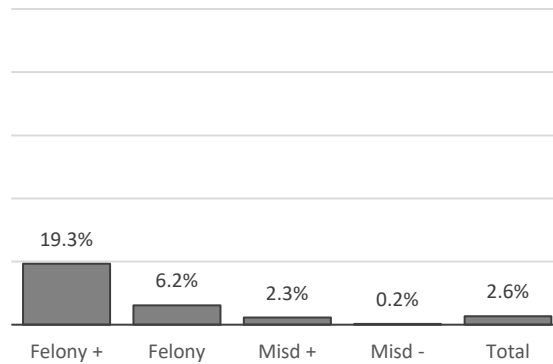
FIGURE 75
HEARING RATE BY LEAD CHARGE COHORT



Lead Charge Severity

Lead charge severity was associated with the rate at which defendants had one or more dangerousness hearings. Defendants with a lead serious felony charge had the highest rate of dangerousness hearings (19.3%) while those with a lead minor misdemeanor charge had the lowest rate (0.2%).

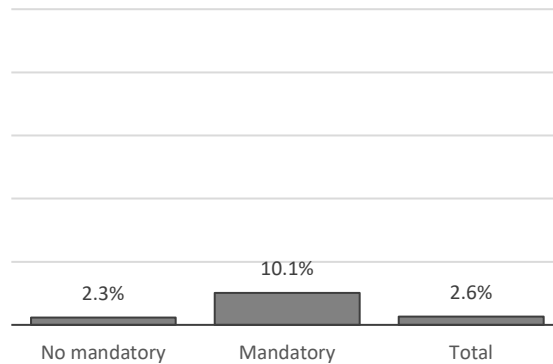
FIGURE 76
HEARING RATE BY CHARGE SEVERITY COHORT



Mandatory Charge

Ten-percent of defendants facing a mandatory charge was the subject of a dangerousness hearing. The rate was lower for other defendants (2.3%).

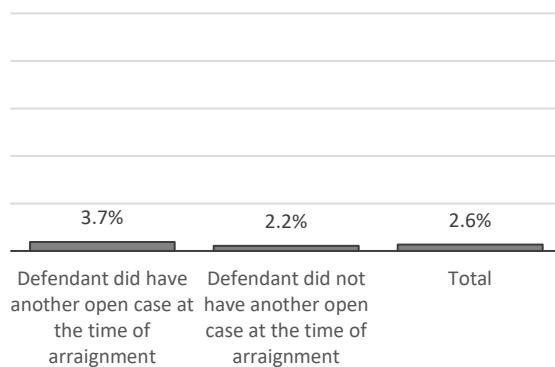
FIGURE 77
HEARING RATE BY MANDATORY STATUS



Open Case

A slightly greater proportion of defendants with an open case at arraignment were subject to a dangerousness hearing (3.7% vs. 2.2% of defendants with no open case).

FIGURE 78
HEARING RATE BY OPEN CASE STATUS



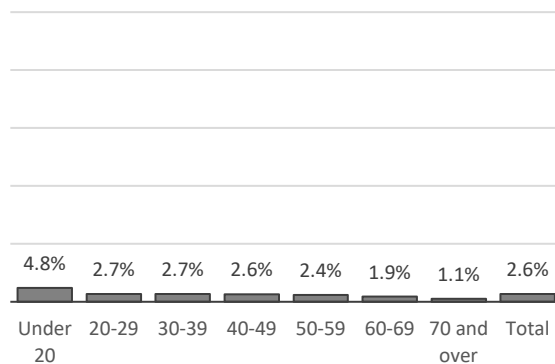
DEFENDANT DEMOGRAPHICS

Rates of dangerousness hearings did not vary significantly by defendant demographic characteristics.

Age

The rate of dangerousness hearings was highest among younger defendants: ranging from a high of 4.8% of defendants under age 20, and decreasing steadily to a low of 1.1% of defendants age 70 and over.

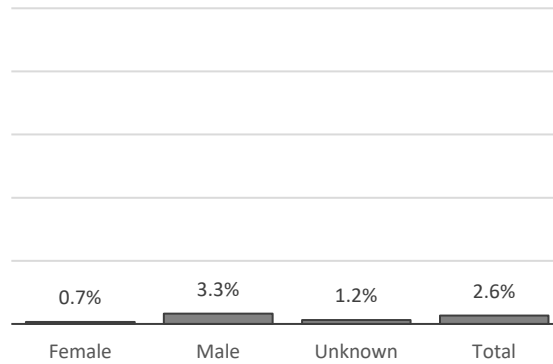
FIGURE 79
HEARING RATE BY AGE



Gender

Male defendants had the highest rate of dangerousness hearings (3.3%).

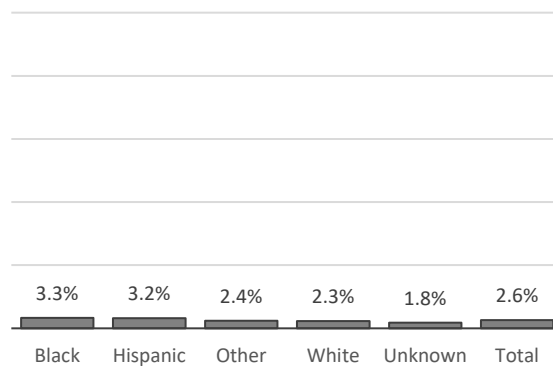
FIGURE 80
HEARING RATE BY GENDER



Race/Ethnicity

The rate of dangerousness hearings varied slightly by race/ethnicity. White defendants had the lowest rate of dangerousness hearings (2.3%) and Black/African-American defendants had the highest rate (3.3%).

FIGURE 81
HEARING RATE BY RACE/ETHNICITY



X. PETITIONS FOR BAIL REVIEW

Under G.L. c.276, §58, “A person aggrieved by the denial of a district court justice to admit him to bail on his personal recognizance without surety may petition the superior court for a review of the order of the recognizance.” In this section, the rate at which defendants petitioned for bail review and the outcome of reviews that were held are examined by general case characteristics and defendant demographics. Using the disposition cohort, the analysis was restricted to cases in which (1) the initial release decision included an order of bail, and (2) the defendant did not post bail within three days of arraignment (n = 13,735).

BAIL PETITIONS

Among the FY2019 disposition cohort unable to post bail at arraignment, 2,511 or 18.3% petitioned the superior court requesting to be released or to have the bail amount, to which their release was subject, reduced.

Eventually, 995 out of 2,303 defendants, or 39.6% of those who filed a bail petition, received a reduction in bail amount, and 678, or 27.0%, gained release.

Bail Amount

As expected, the data showed a clear association between the rate of filing a bail petition and set bail amount. Defendants subject to higher bail amounts petitioned for bail relief at a higher rate than those subject to lesser bail amounts.

Defendants with the highest bail amounts also had the greatest rate of bail reduction (47.1%), followed by defendants with the second highest bail amounts (34.9%). Defendants with the highest bail amounts also had the highest rate of subsequent release (29.2%).

FIGURE 82
BAIL PETITIONS BY SET AMOUNT

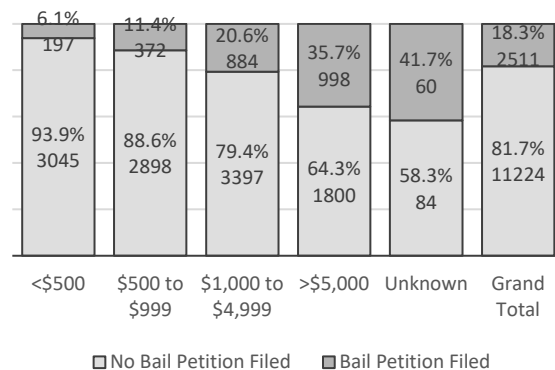


FIGURE 83
BAIL PETITION OUTCOMES BY BAIL AMOUNT



CASE CHARACTERISTICS

Figure 84 presents the rate at which defendants petitioned for bail reduction by general case characteristics: lead charge type, lead charge severity, mandatory status, and open case status. In general, case characteristics associated with higher bail amounts, e.g., drug or weapon lead charge, were associated with higher bail petition rates.

FIGURE 84
BAIL PETITIONS BY CASE CHARACTERISTICS

	Number of Cases			Row Percent		
	Bail Petition	No Bail Petition	Total	Bail Petition	No Bail Petition	Total
Total	2,511	11,224	13,735	18.3%	81.7%	100.0%
Lead Charge Type						
Person	851	3,699	4,550	18.7%	81.3%	100.0%
Weapon	136	315	451	30.2%	69.8%	100.0%
Drug	586	1,733	2,319	25.3%	74.7%	100.0%
Property	471	2,520	2,991	15.7%	84.3%	100.0%
Motor Vehicle	155	1,034	1,189	13.0%	87.0%	100.0%
Other	312	1,923	2,235	14.0%	86.0%	100.0%
Lead Charge Severity						
Felony +	796	1,762	2,558	31.1%	68.9%	100.0%
Felony	1,128	4,950	6,078	18.6%	81.4%	100.0%
Misd +	568	4,180	4,748	12.0%	88.0%	100.0%
Misd -	19	332	351	5.4%	94.6%	100.0%
Mandatory Status						
No mandatory charges	1,975	9,997	11,972	16.5%	83.5%	100.0%
One or more mandatory charges	536	1,227	1,763	30.4%	69.6%	100.0%
Open Case Status						
Open Case	1,317	4,004	5,321	24.8%	75.2%	100.0%
No Open Case	1,194	7,220	8,414	14.2%	85.8%	100.0%

Defendants facing a drug or weapon charge, mandatory charge, or serious felony charge, also accounted for a slightly higher proportion of bail reductions than expected based on petitions alone. For example, cases with a lead drug charge accounted for 23.3% of bail petitions but 26.1% of petitions resulting in a reduction in bail amount. Figure 92 presents bail petition outcomes by general case characteristics.

Overall, 39.6% defendants who petitioned the superior court for relief had their bail amount reduced, including nearly one-half of defendants facing a weapon (48.5%) or drug (48.5%) charge, a serious felony charge (47.7%), or a mandatory charge (51.1%). Nearly one-third of the same defendants were able to post the reduced amount.

FIGURE 85
BAIL PETITION OUTCOMES BY CASE CHARACTERISTICS

Lead Charge Type	Cases	Bail Reduced & Posted	Bail Reduced-Not Posted	(All Reductions)	Other
Total	2,511	27.0%	12.6%	39.6%	60.4%
Lead Charge Type					
Person	789	26.3%	11.4%	37.7%	62.3%
Weapon	132	31.6%	16.9%	48.5%	51.5%
Drug	535	32.4%	16.0%	48.5%	51.5%
Property	436	23.4%	9.6%	32.9%	67.1%
Motor Vehicle	141	23.2%	15.5%	38.7%	61.3%
Other	270	24.0%	10.9%	34.9%	65.1%
Lead Charge Severity					
Felony +	796	28.9%	18.8%	47.7%	52.3%
Felony	1,128	18.5%	17.8%	36.3%	63.7%
Misd +	568	16.9%	17.4%	34.3%	65.7%
Misd -	19	21.1%	31.6%	52.6%	47.4%
Mandatory Status					
No mandatory charges	1,975	25.2%	11.3%	36.5%	63.5%
One or more mandatory charges	536	33.6%	17.5%	51.1%	48.9%
Open Case Status					
Open Case	1,194	23.6%	12.1%	35.7%	64.3%
No Open Case	1,317	30.1%	13.1%	43.2%	56.8%

DEFENDANT DEMOGRAPHICS

Bail petition rates were also examined by defendant demographic characteristics: age, gender, and race/ethnicity. Younger defendants had both the highest and lowest rates of petitioning for bail review (under 20, 21.9%; 20 to 29, 17.2%). When examined by race/ethnicity, Hispanic and White defendants had the lowest rate of bail petitions (17.8% and 17.6% respectively). As to gender, male and female defendants petitioned for bail relief at the same rate.

FIGURE 86
BAIL PETITIONS BY DEFENDANT DEMOGRAPHICS

	Number of Cases			Row Percent		
	Bail Petition	No Bail Petition	Total	Bail Petition	No Bail Petition	Total
Total	2,303	10,412	13,735	16.8%	75.8%	100.0%
Age						
Under 20	59	211	270	21.9%	78.1%	100.0%
20-29	761	3,672	4,433	17.2%	82.8%	100.0%
30-39	866	3,889	4,755	18.2%	81.8%	100.0%
40-49	465	2,075	2,540	18.3%	81.7%	100.0%
50-59	304	1,107	1,411	21.5%	78.5%	100.0%
60-69	53	244	297	17.8%	82.2%	100.0%
70 and over	3	24	27	11.1%	88.9%	100.0%
Gender						
Female	310	1,362	1,672	18.5%	81.5%	100.0%
Male	2,197	9,854	12,051	18.2%	81.8%	100.0%
Unknown	4	8	12	33.3%	66.7%	100.0%
Race/Ethnicity						
Black/African-American	604	2,492	3,096	19.5%	80.5%	100.0%
Hispanic/Latinx	583	2,701	3,284	17.8%	82.2%	100.0%
Other	53	218	271	19.6%	80.4%	100.0%
White	1,206	5,639	6,845	17.6%	82.4%	100.0%
Unknown	65	174	239	27.2%	72.8%	100.0%

Bail petition outcomes by defendant demographic characteristics were also examined. The proportion of each age group receiving a reduction in bail ranged from a low of 34.0% (60 to 69) to a high of 59.3% (under 20). Over 40% of female and Black/African-American defendants also had their bail reduced.

Among younger defendants, a greater proportion were able to post the reduced bail. Slightly more female (30.0%) than male (26.5%) defendants were able to make the new, lower bail amount as well.

FIGURE 87
BAIL PETITION OUTCOMES BY DEFENDANT DEMOGRAPHICS

Lead Charge Type	Cases	Bail Reduced & Posted	Bail Reduced-Not Posted	(All Reductions)	Other
Total	2,511	27.0%	12.6%	39.6%	60.4%
Age					
Under 20	59	35.6%	23.7%	59.3%	40.7%
20-29	761	31.0%	13.8%	44.8%	55.2%
30-39	866	24.5%	12.4%	36.8%	63.2%
40-49	465	24.3%	10.8%	35.1%	64.9%
50-59	304	27.3%	11.2%	38.5%	61.5%
60-69	53	22.6%	11.3%	34.0%	66.0%
70 and over	3	33.3%	33.3%	66.7%	33.3%
Gender					
Female	310	30.0%	12.9%	42.9%	57.1%
Male	2,197	26.5%	12.6%	39.1%	60.9%
Unknown	4	50.0%	0.0%	50.0%	50.0%
Race/Ethnicity					
Black/African-American	604	30.1%	14.7%	44.9%	55.1%
Hispanic/Latinx	583	25.2%	13.7%	38.9%	61.1%
Other	53	20.8%	9.4%	30.2%	69.8%
White	1,206	26.5%	11.3%	37.7%	62.3%
Unknown	65	29.2%	10.8%	40.0%	60.0%

XI. FAILURE TO APPEAR RATES FOR RELEASED DEFENDANTS

This section of the report explores the percentage of cases in which a defendant failed to appear in court one or more times after arraignment but before an initial disposition on the case. The disposition cohort was used for this analysis. Cases are limited to the 120,646 cases in which defendants were released pretrial.

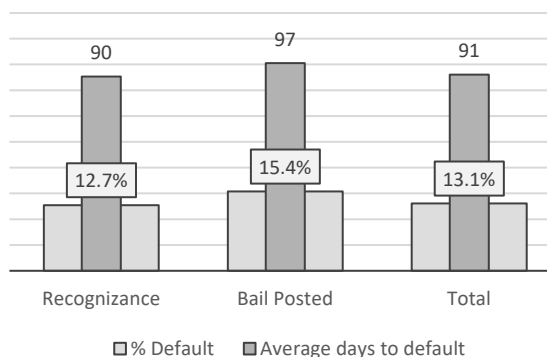
CASE CHARACTERISTICS

The data show an elevated default rate for defendants facing a weapon or drug felony.

Type of Release

Defendants who were released on personal recognizance had a lower default rate (12.7%) at pretrial events than defendants released on bail (15.4%). Average time in days to default varied slightly: 90 days for defendants released on recognizance vs. 97 days for defendants released on bail.

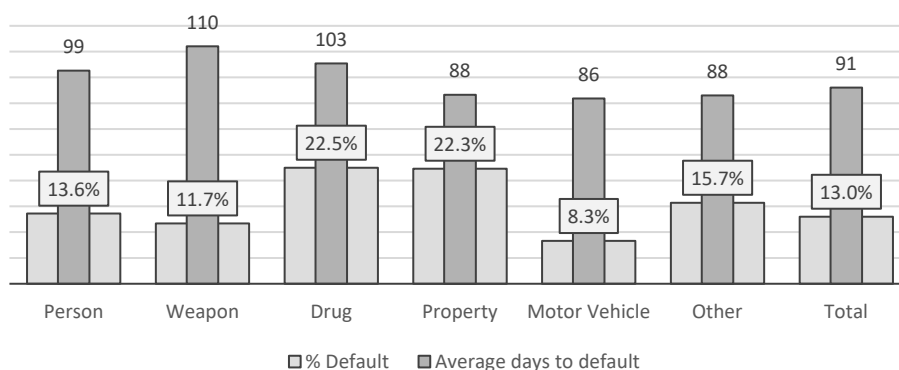
FIGURE 88
DEFAULT STATUS BY INITIAL RELEASE TYPE



Lead Charge

Defendants with lead drug and property charges had the highest rates of default (22%). Defendants with a lead motor vehicle charges had the lowest rate of default (8.3%). Average time in days to default by lead charge ranged from a low of 86 days (motor vehicle) to a high of 110 days (weapon).

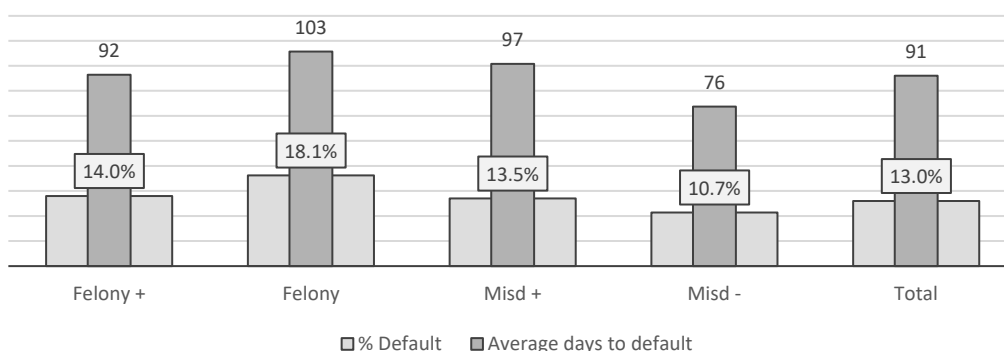
FIGURE 89
DEFAULT STATUS BY LEAD CHARGE TYPE



Lead Charge Severity

Defendants facing felony lead charges had higher rates of default (14.0%, serious felony; 17.9%, other felony) than defendants facing misdemeanor lead charges. Average days to default ranged from a low of 76 days for defendants with a lead minor misdemeanor charge to a high of 103 days for defendants with a lead felony charge.

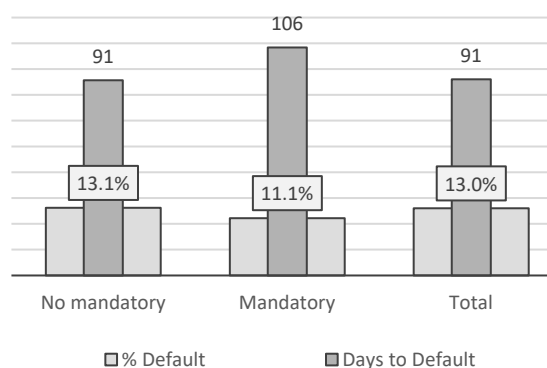
FIGURE 90
DEFAULT STATUS BY LEAD CHARGE SEVERITY



Mandatory Charge

Defendants with one or more mandatory charges failed to appear at a slightly lower rate (11.2%) than defendants with no mandatory charges (13.2%). Defendants with no mandatory charge defaulted sooner.

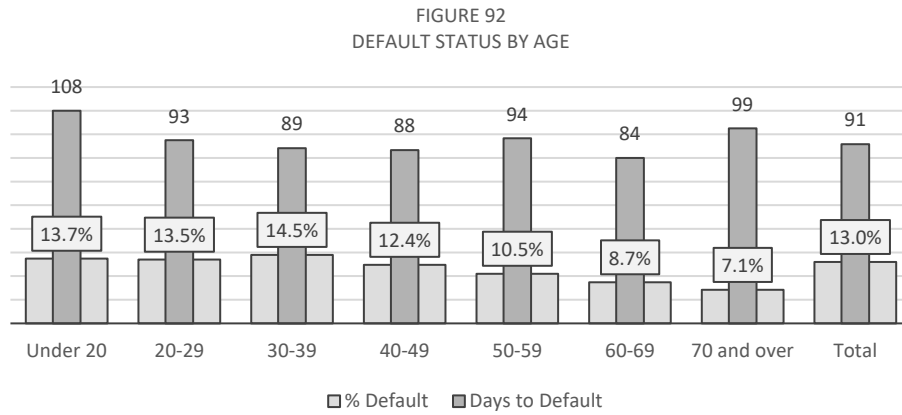
FIGURE 91
DEFAULT STATUS BY MANDATORY CHARGE



DEFENDANT DEMOGRAPHICS

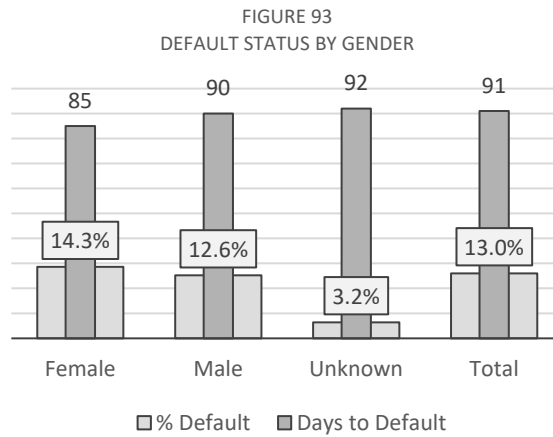
Age

Older defendants, in general, had a lower failure to appear rate. In terms of time until default, the youngest defendants averaged the highest number of days (108) and defendants aged 60 to 69 years averaged the lowest (84 days).



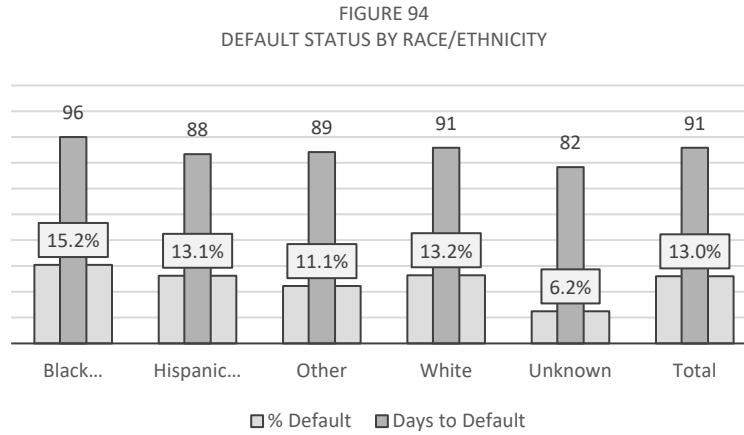
Gender

Female defendants (14.3%) failed to appear at a slightly higher rate than male defendants (12.6%). The amount of time elapsed prior to default did not vary significantly by gender.



Race/Ethnicity

Black/African-American defendants had the highest rate of default (15.3%) and other race defendants had the lowest rate (11.1%). Average days until default also varied slightly by race/ethnicity.



XII. NEW CRIMINAL CASES

In this section of the report, we explore the rate at which defendants incurred a new criminal case filing during the period between pretrial release and initial disposition on the instant case. The disposition cohort was used for this analysis. Cases are limited to the 120,646 cases in which defendants were released pretrial. Rate of new case filing is examined by general case characteristics, including type of pretrial release (personal recognizance or bail), and defendant demographics.

CASE CHARACTERISTICS

Type of Pretrial Release

In FY2019, two out of ten defendants (19.7%) released pretrial were the subject of a new criminal case before the initial disposition in the instant case. A greater proportion of defendants released on bail incurred a new criminal filing (35.8%) than those released on personal recognizance (17.4%).

Default Status

There was a strong association between default status and new crime case filings. Nearly one-half (48.0%) of defendants who defaulted during the instant case were the subject of a new criminal case filing prior to disposition of the instant case, compared to only 15.4% of defendants with no defaults. To what extent the new case filing may have contributed to defaults on the instant case is unknown and will require additional research.

FIGURE 95
NEW CRIMINAL CASE BY RELEASE TYPE

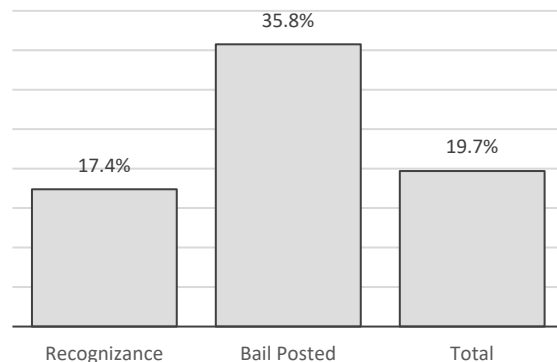
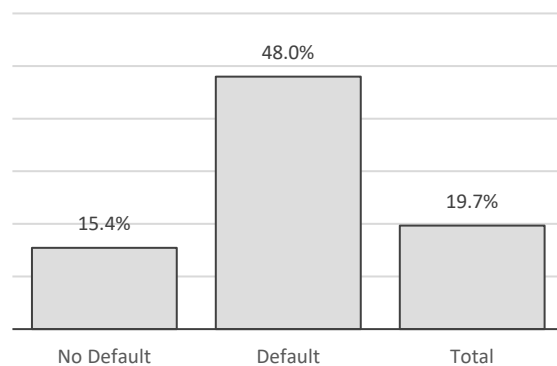


FIGURE 96
NEW CRIMINAL CASE BY DEFAULT STATUS



Lead Charge

Defendants facing lead motor vehicle charges had the lowest rate of new criminal case filings (10.5%) before disposition of their instant case. Nearly one-third or more of defendants facing lead drug (36.2%), weapons (34.7%), and property (32.8%) charges were found to have incurred a new criminal case.

Lead Charge Severity

The rate of new criminal case filings was associated with charge severity, increasing with the seriousness of the lead charge. Defendants with a lead serious felony charge had the highest rate of incurring a new criminal case filings (47.2%) compared to 12.8% of defendants with a lead minor misdemeanor charge.

Mandatory Charge

Defendants released while facing mandatory charges incurred a new criminal filing at a higher rate than those not facing mandatory charges (27.5% vs. 19.4%).

FIGURE 97
NEW CRIMINAL CASE BY LEAD CHARGE TYPE

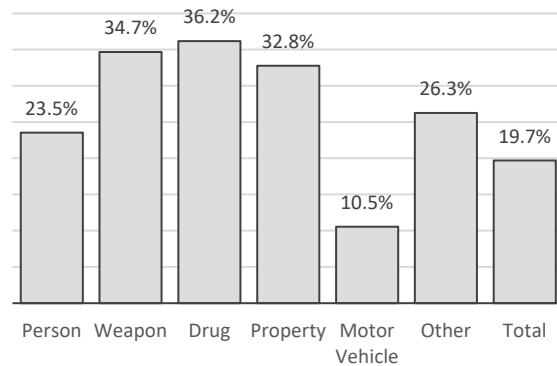


FIGURE 98
NEW CRIMINAL CASE BY LEAD CHARGE SEVERITY

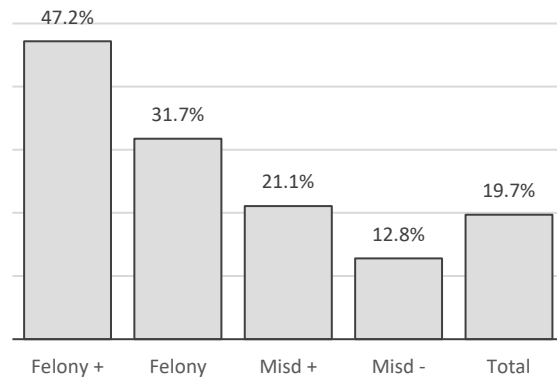
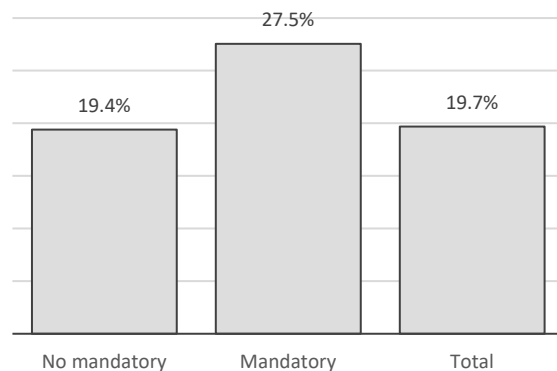


FIGURE 99
NEW CRIMINAL CASE BY MANDATORY STATUS



DEFENDANT DEMOGRAPHICS

Age

Youth was associated with the rate of incurring new criminal cases. On the high end, nearly one-fourth (23.6%) of defendants under the age of 20 years incurred a new criminal case filing following pretrial release and prior to case disposition. In contrast, 10.4% of defendants aged 70 years or older incurred a new case.

Gender

A greater proportion of male defendants (21.0%) incurred a new criminal case filing than female defendants (16.4%).

Race/Ethnicity

The rate at which defendants incurred a new criminal case filing following pretrial release and before initial disposition on the instant case, varied slightly by race/ethnicity and ranged from a high of 25.2% among Black/African-American defendants to a low of 15.3% among “other” defendants.

FIGURE 100
NEW CRIMINAL CASE BY AGE

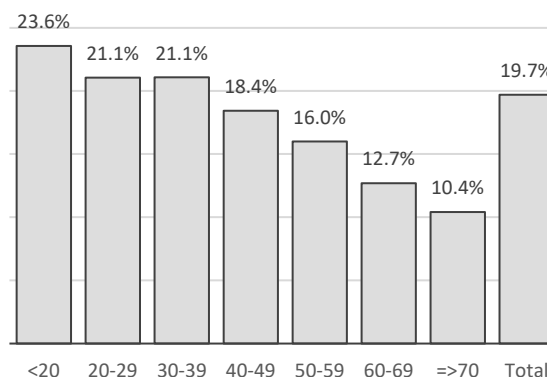


FIGURE 101
NEW CRIMINAL CASE BY GENDER

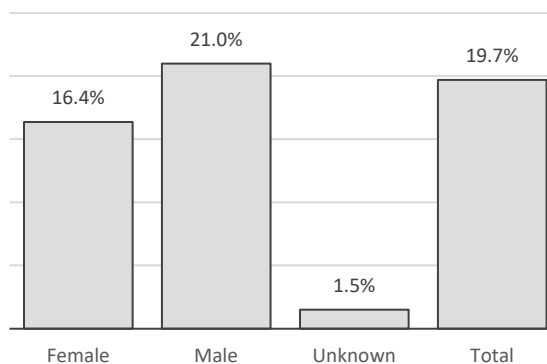


FIGURE 102
NEW CRIMINAL CASE BY RACE/ETHNICITY

