



## Massachusetts Trial Court



# Pre-Trial Release Decisions Pre and Post *Brangan v. Commonwealth*

Massachusetts Trial Court  
Department of Research and Planning  
May 7, 2019

Prepared for Special Commission on Bail Reform  
Revised May 7, 2019  
Revised December 12, 2019

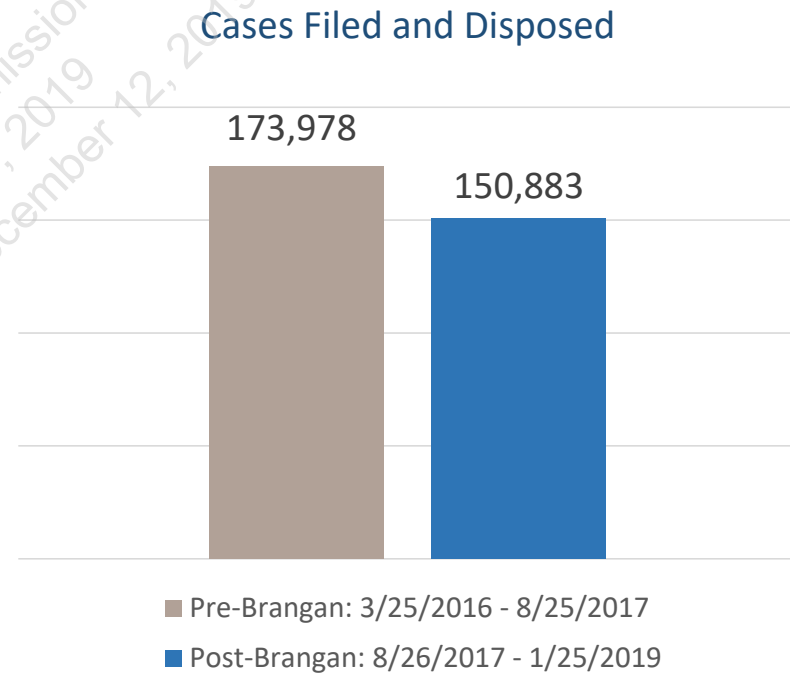


## Massachusetts Trial Court



### District & Boston Municipal Court Pre-Trial Release Events

- *Brangan v. Commonwealth*, decided on 8/25/2017, held that a judge must consider the defendant's financial resources when setting bail.
- Sample includes criminal cases arraigned and disposed in District & Boston Municipal Court, 17 months before and 17 months after *Brangan*.



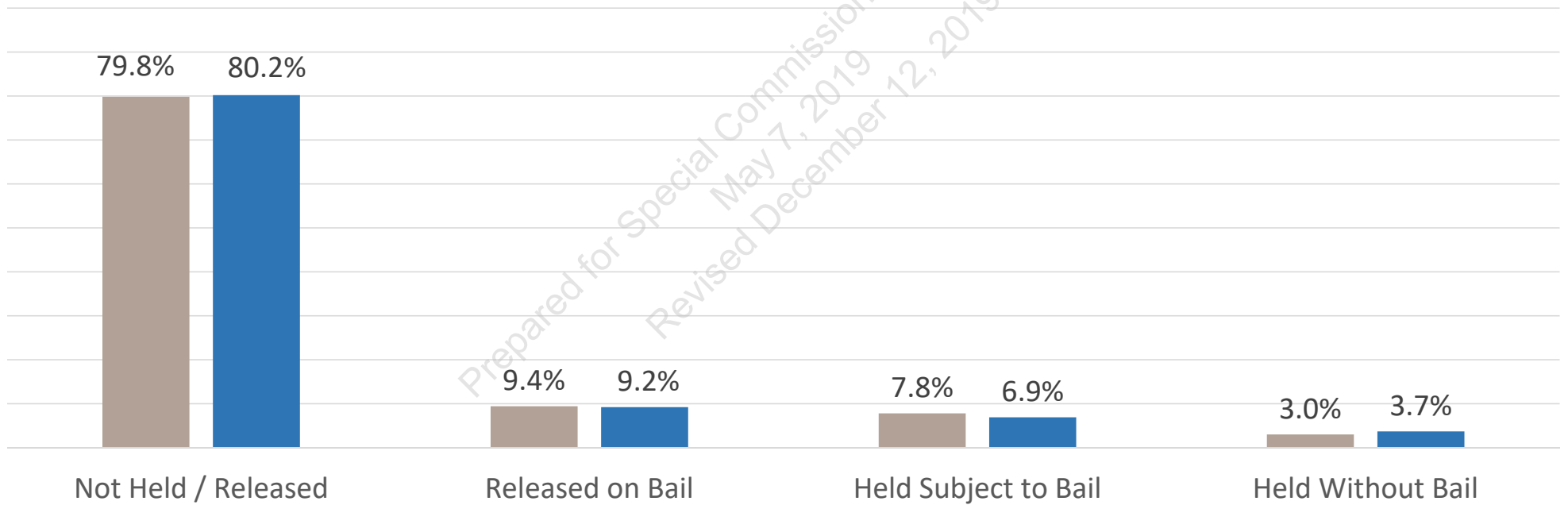


# Massachusetts Trial Court



## Initial Release Decision: Release by Type

■ Pre-Brangan (n=173,978) ■ Post-Brangan (n=150,883)



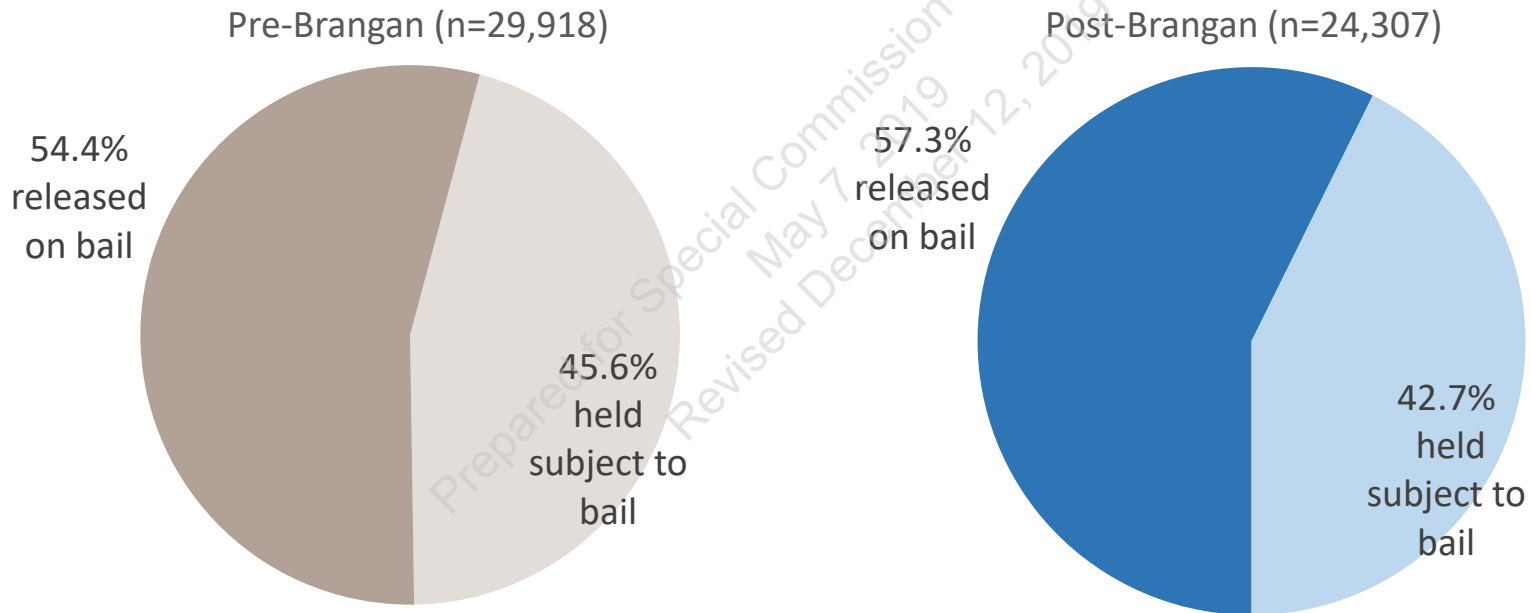
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# Massachusetts Trial Court



## Initial Release Decision: Defendants Subject to Bail



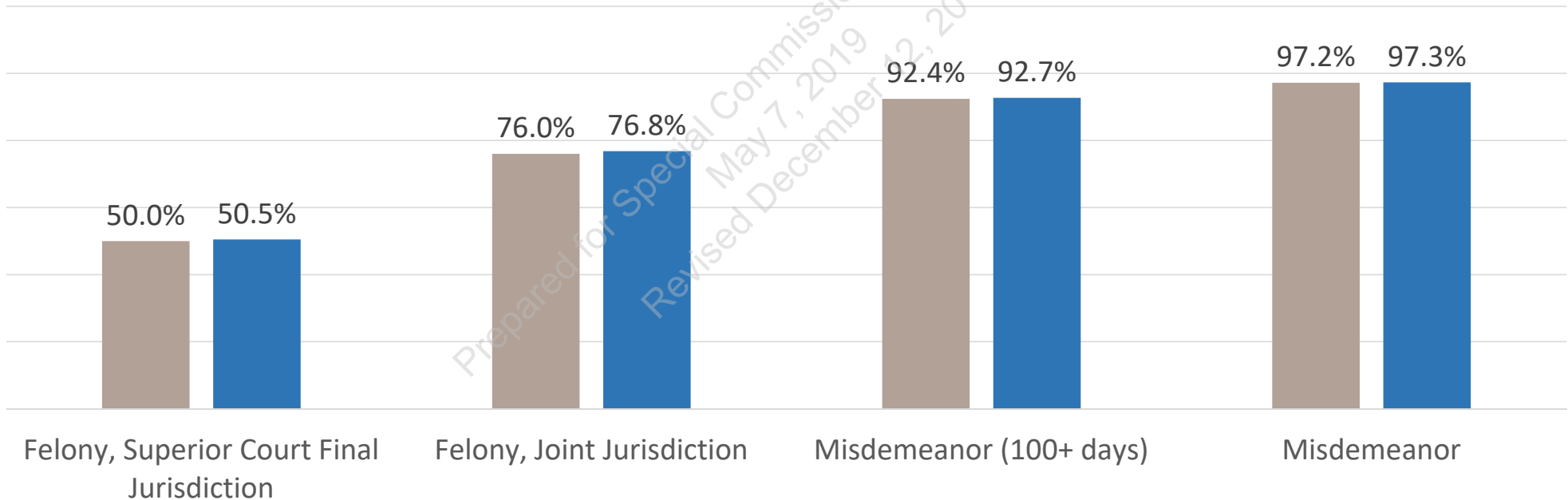


# Massachusetts Trial Court



## % Defendants Not Held or Released on Bail Most Serious Charge

■ Pre-Brangan (n=173,978) ■ Post-Brangan (n=150,883)



Misdemeanor+ = misdemeanor punishable by more than 100 days incarceration. Misdemeanor = punishable by no incarceration or up to 100 days.

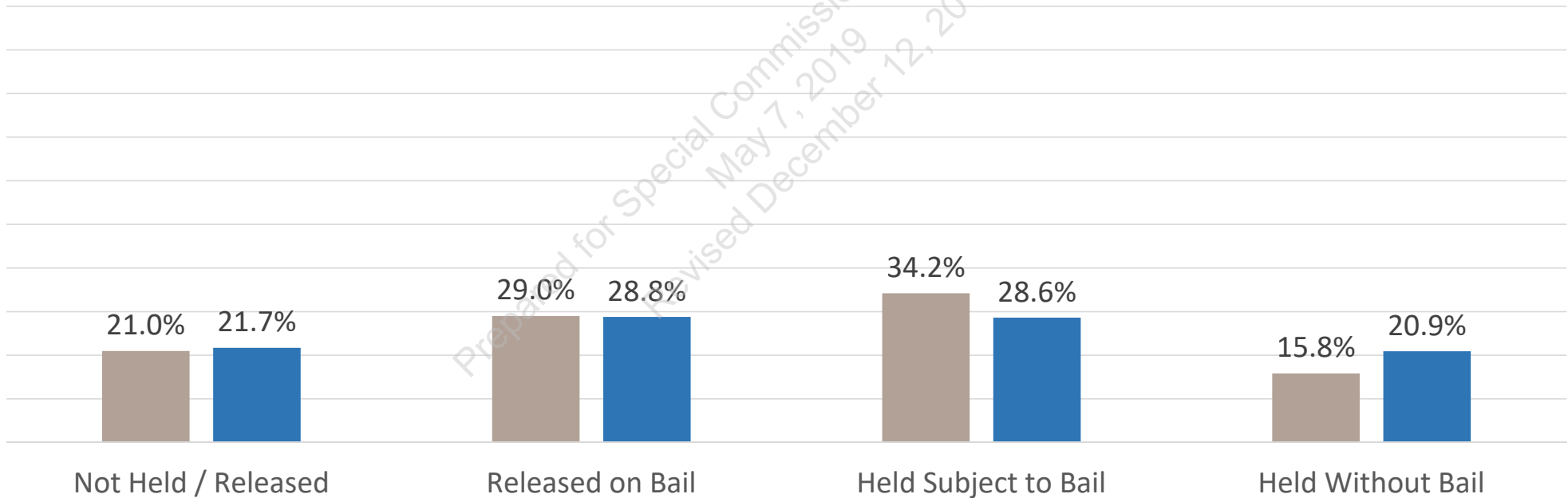


# Massachusetts Trial Court



## Initial Release Decision: Most Serious Charge Felony, Superior Court Final Jurisdiction

■ Pre-Brangan (n=6,893) ■ Post-Brangan (n=6,478)



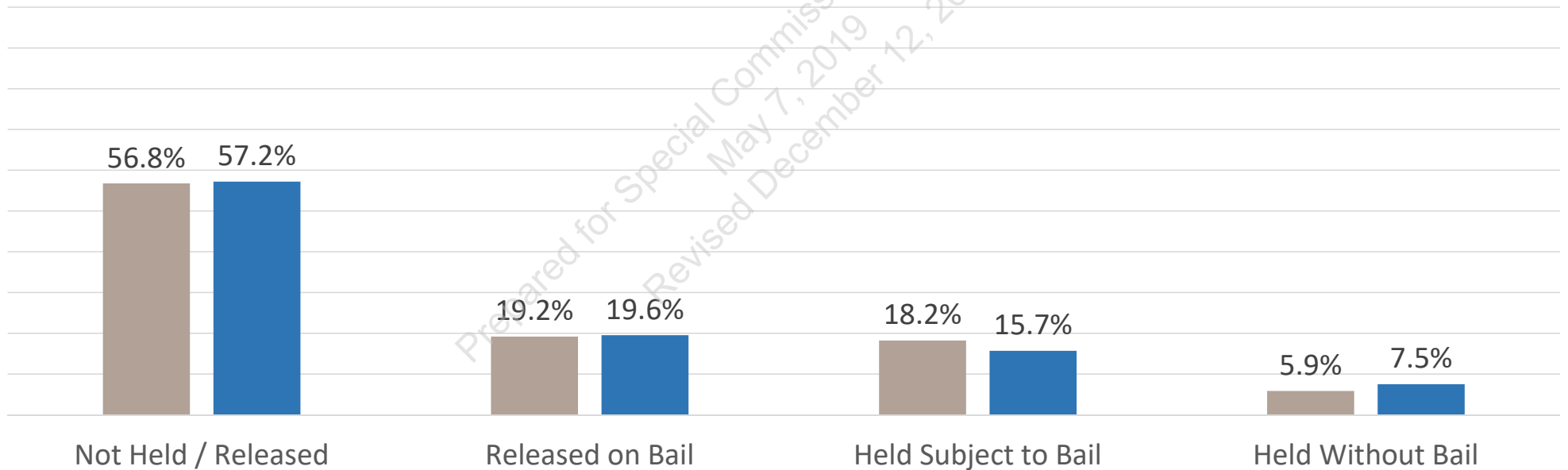


# Massachusetts Trial Court



## Initial Release Decision: Most Serious Charge Felony, Joint Jurisdiction

■ Pre-Brangan (n=34,200) ■ Post-Brangan (n=28,380)



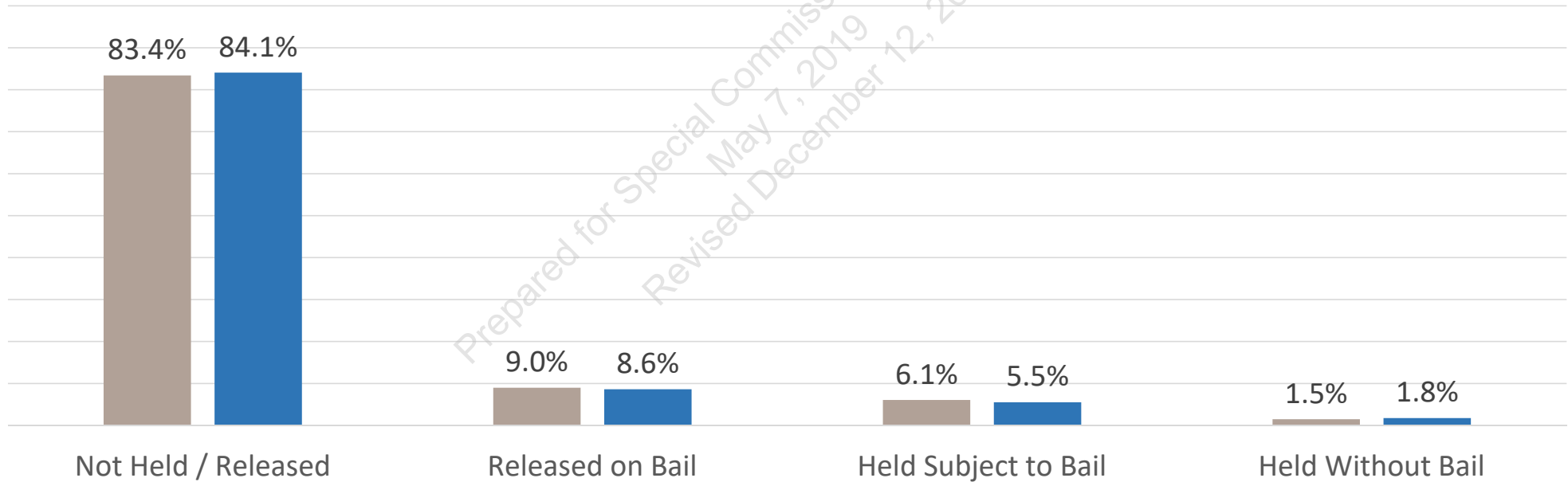


# Massachusetts Trial Court



## Initial Release Decision: Most Serious Charge Misdemeanor (punishable by more than 100 days incarceration)

■ Pre-Brangan (n=73,461) ■ Post-Brangan (n=64,611)



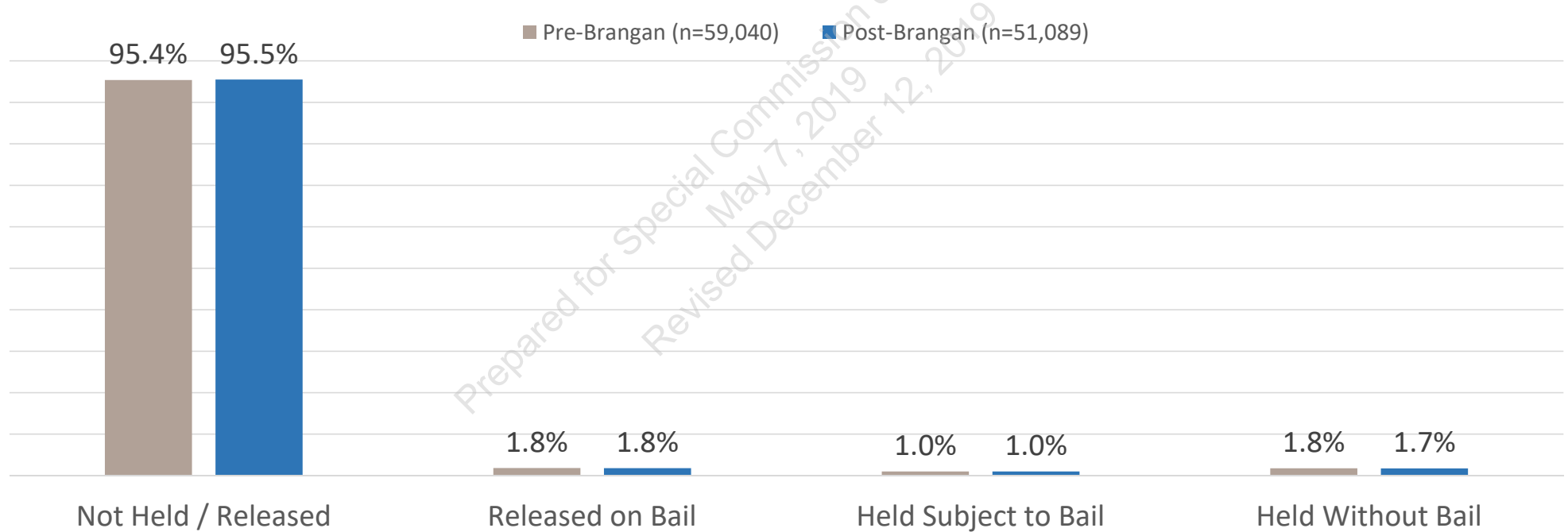




# Massachusetts Trial Court



## Initial Release Decision: Most Serious Charge Misdemeanor (punishable by no incarceration or up to 100 days)



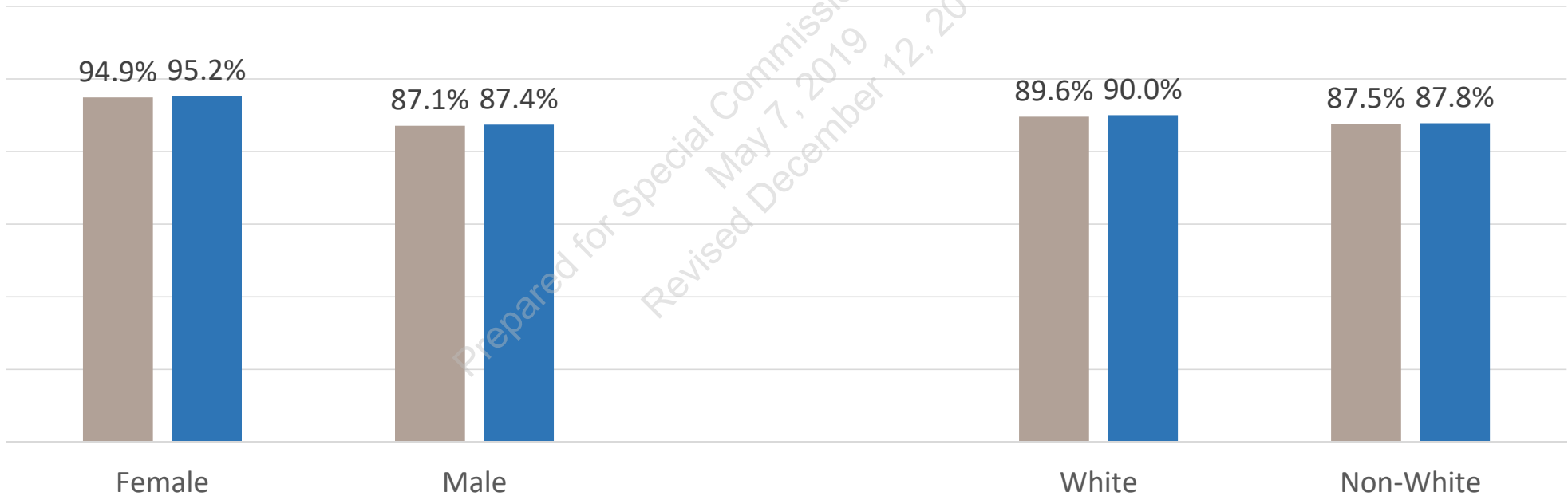


# Massachusetts Trial Court



## % Defendants Not Held or Released on Bail Gender and Race

■ Pre-Brangan (n=173,978) ■ Post-Brangan (n=150,883)



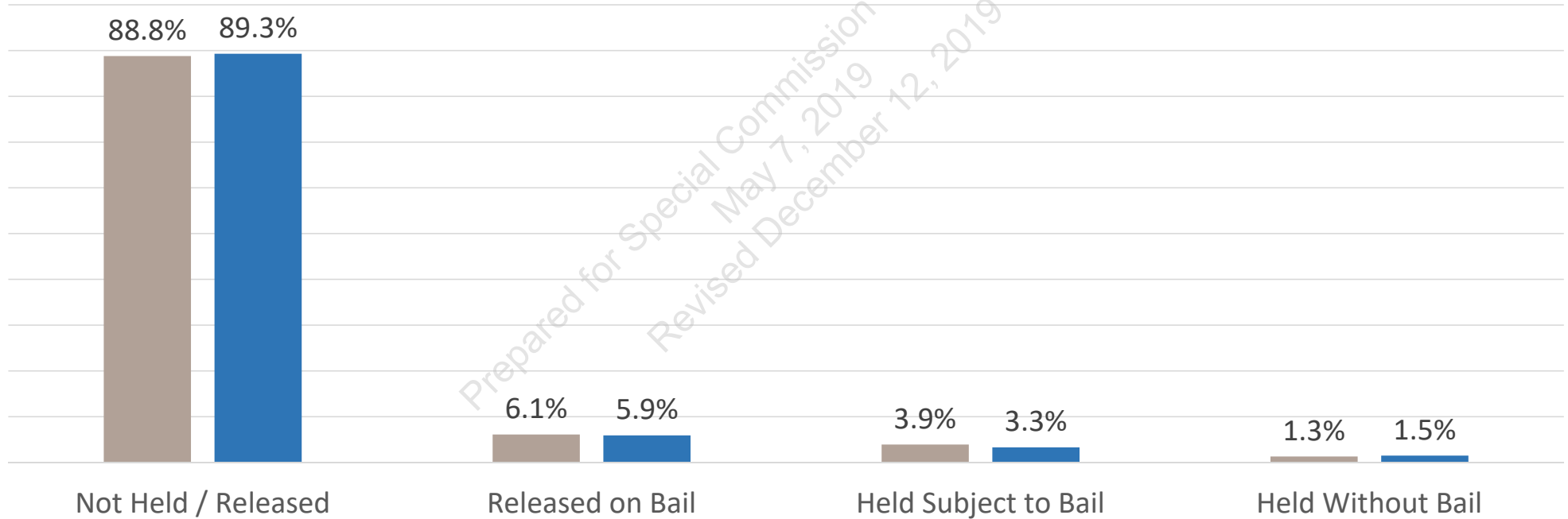


# Massachusetts Trial Court



## Initial Release Decision: Females

■ Pre-Brangan (n=44,196) ■ Post-Brangan (38,386)



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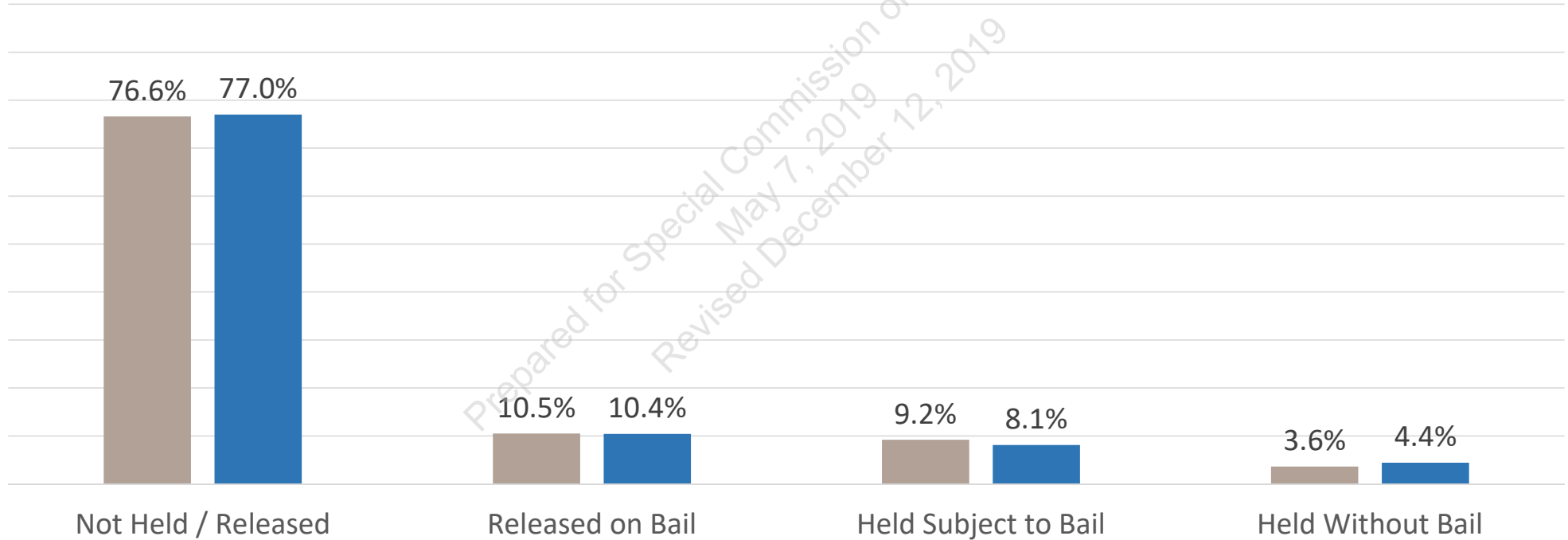


# Massachusetts Trial Court



## Initial Release Decision: Males

■ Pre-Brangan (n=129,038) ■ Post-Brangan (n=111,713)



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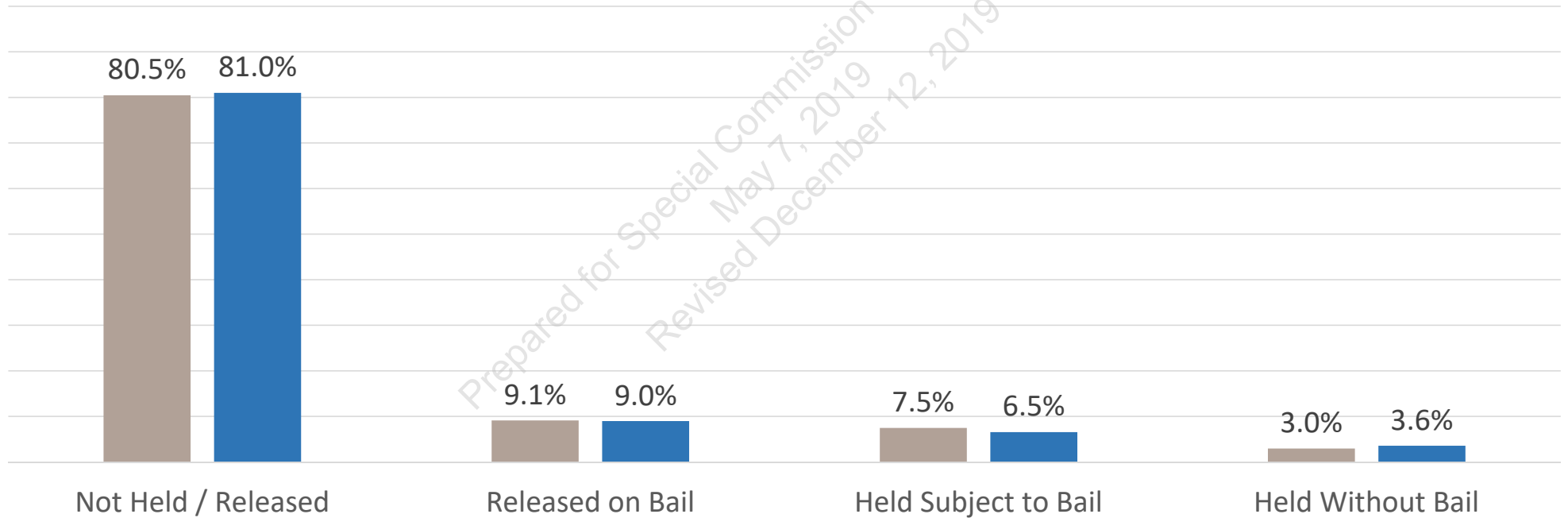


# Massachusetts Trial Court



## Initial Release Decision: Whites

■ Pre-Brangan (n=98,764) ■ Post-Brangan (n=82,657)



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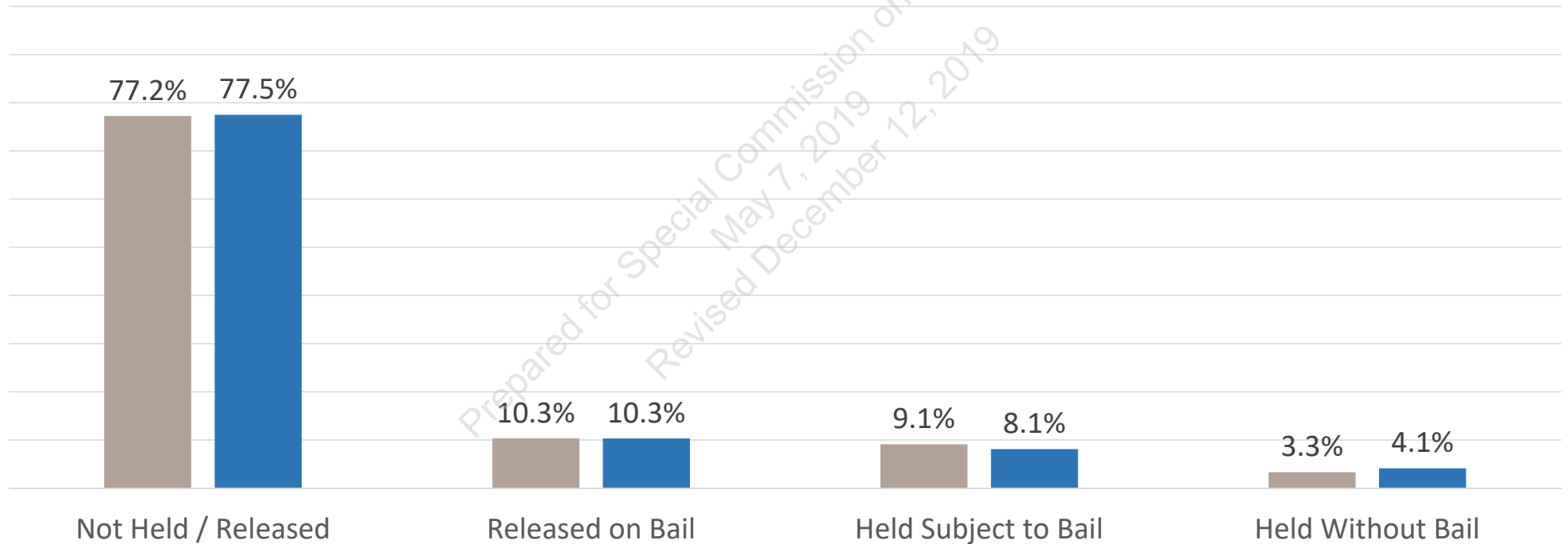


# Massachusetts Trial Court



## Initial Release Decision: Non-Whites

■ Pre-Brangan (n=66,620) ■ Post-Brangan (n=59,505)



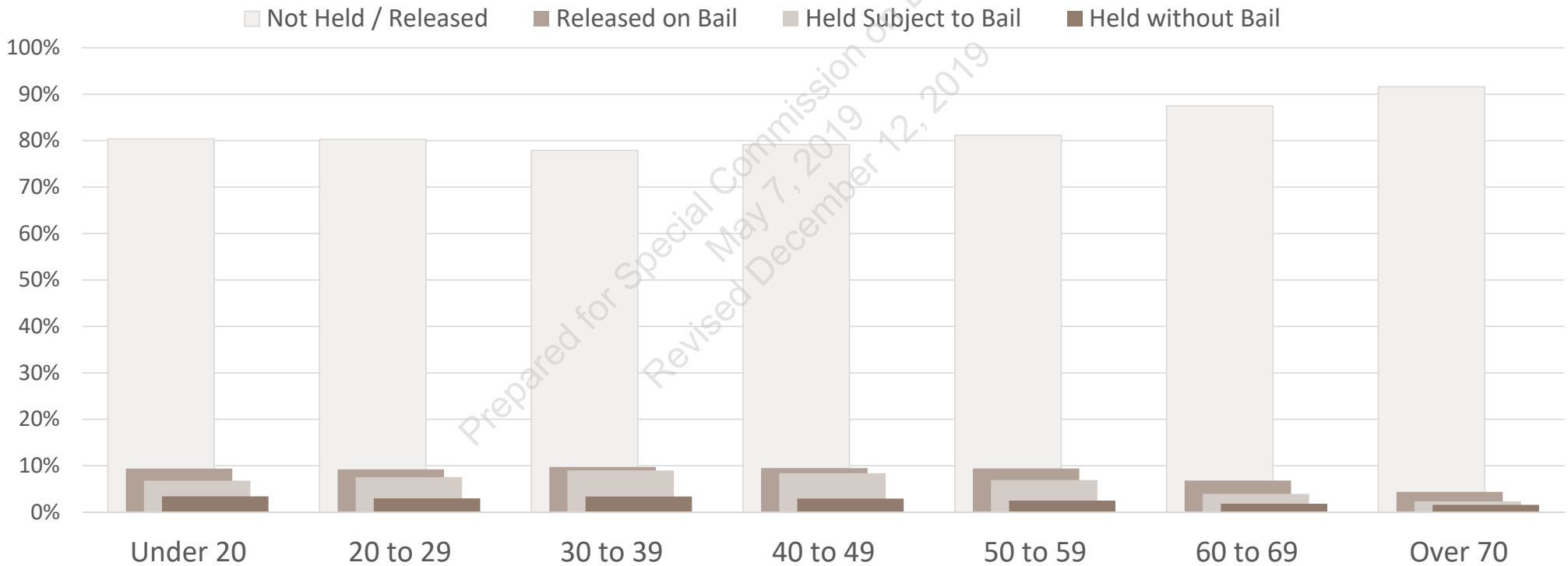
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# Massachusetts Trial Court



## Initial Release Decision: Age, pre-Brangan (n=173,811)

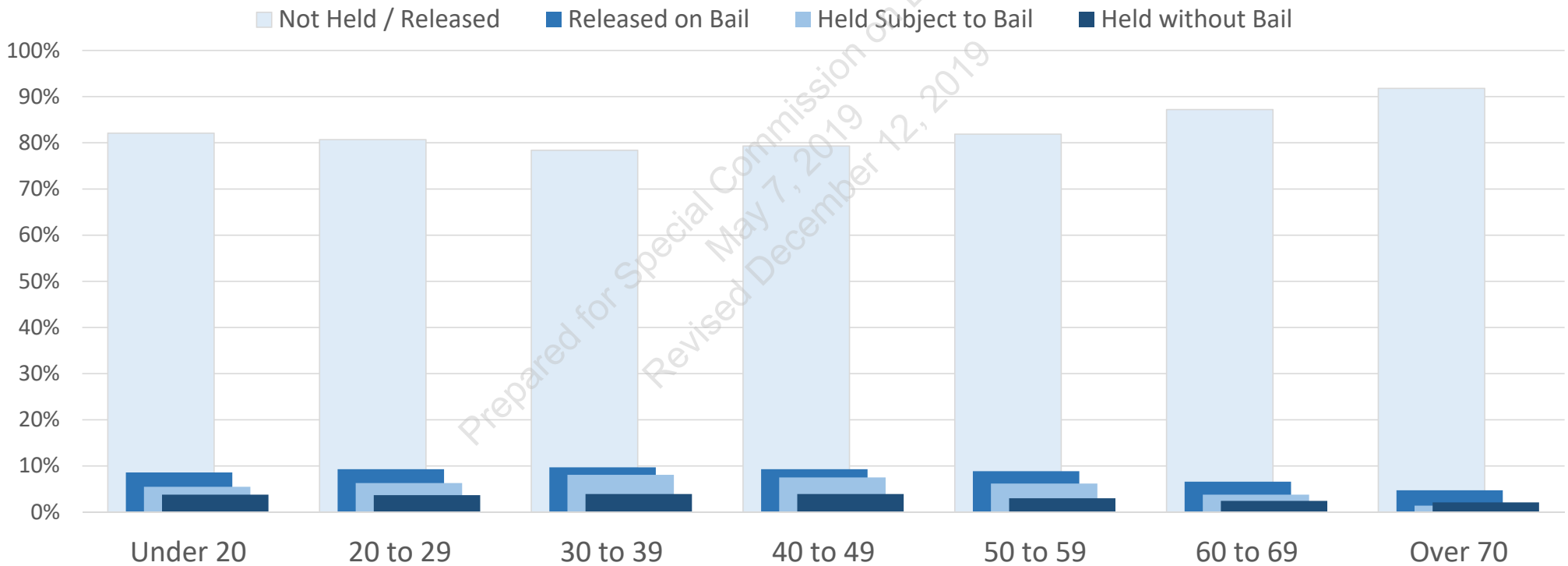




# Massachusetts Trial Court



## Initial Release Decision: Age, post-Brangan (n=150,758)



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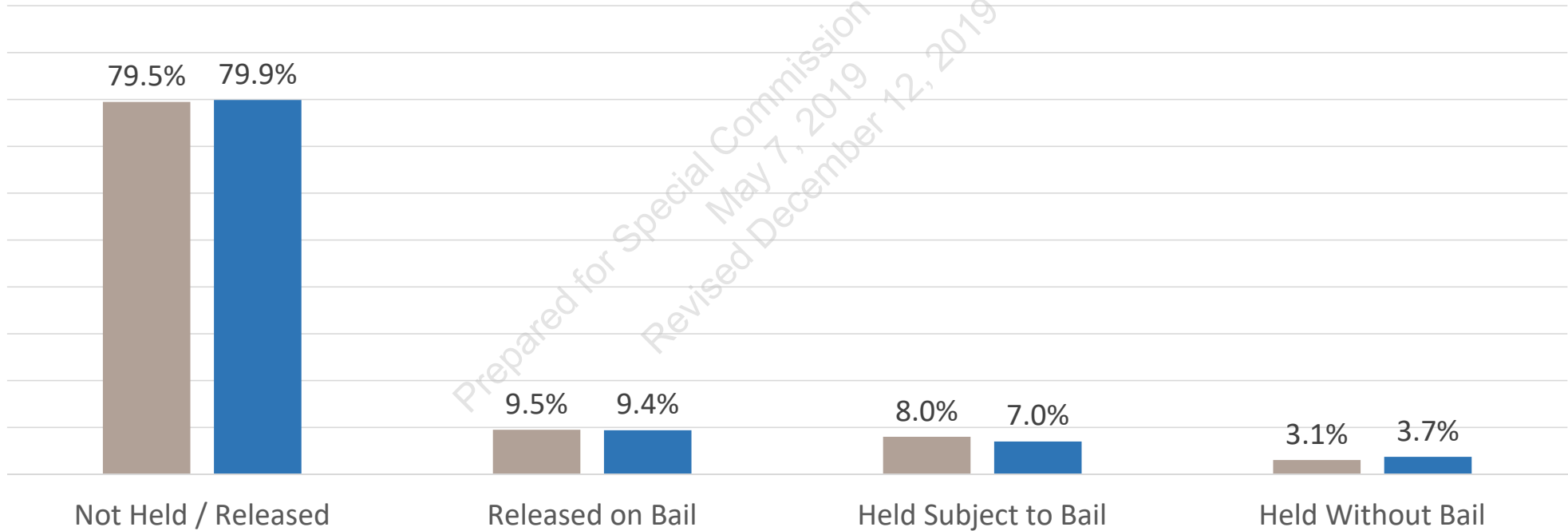


# Massachusetts Trial Court



## Initial Release Decision: Defendants Under 60

■ Pre-Brangan (n=168,150) ■ Post-Brangan (n=145,136)



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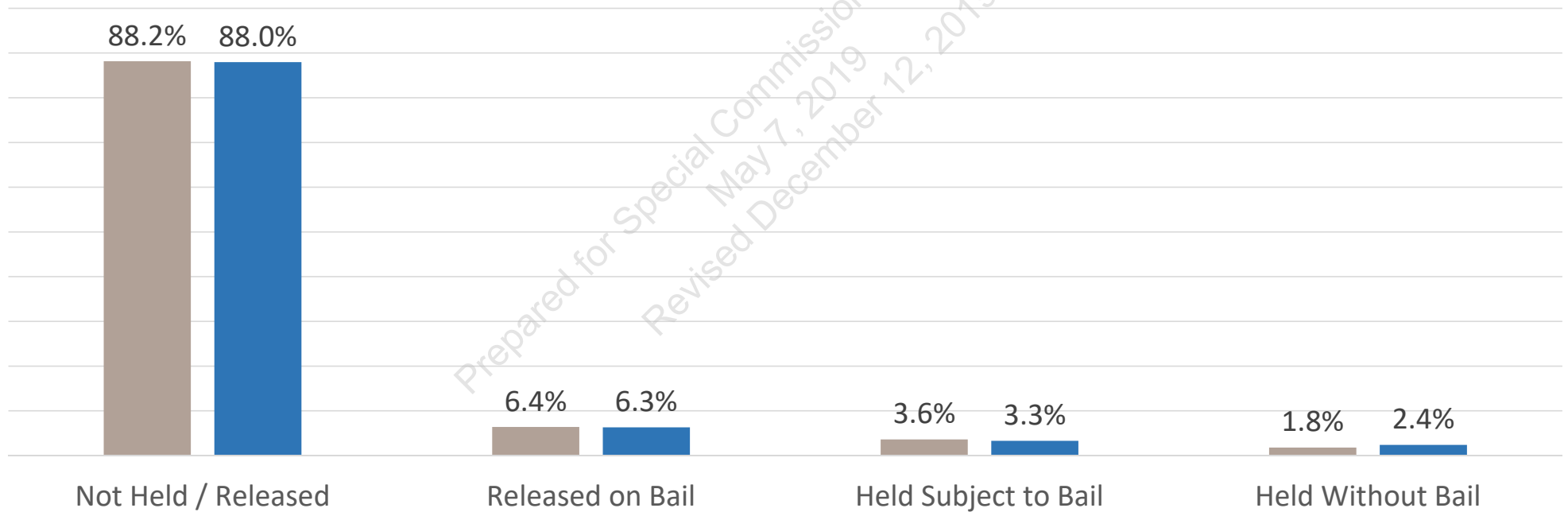


# Massachusetts Trial Court



## Initial Release Decision: Defendants 60 and Over

■ Pre-Brangan (n=5,661) ■ Post-Brangan (n=5,622)



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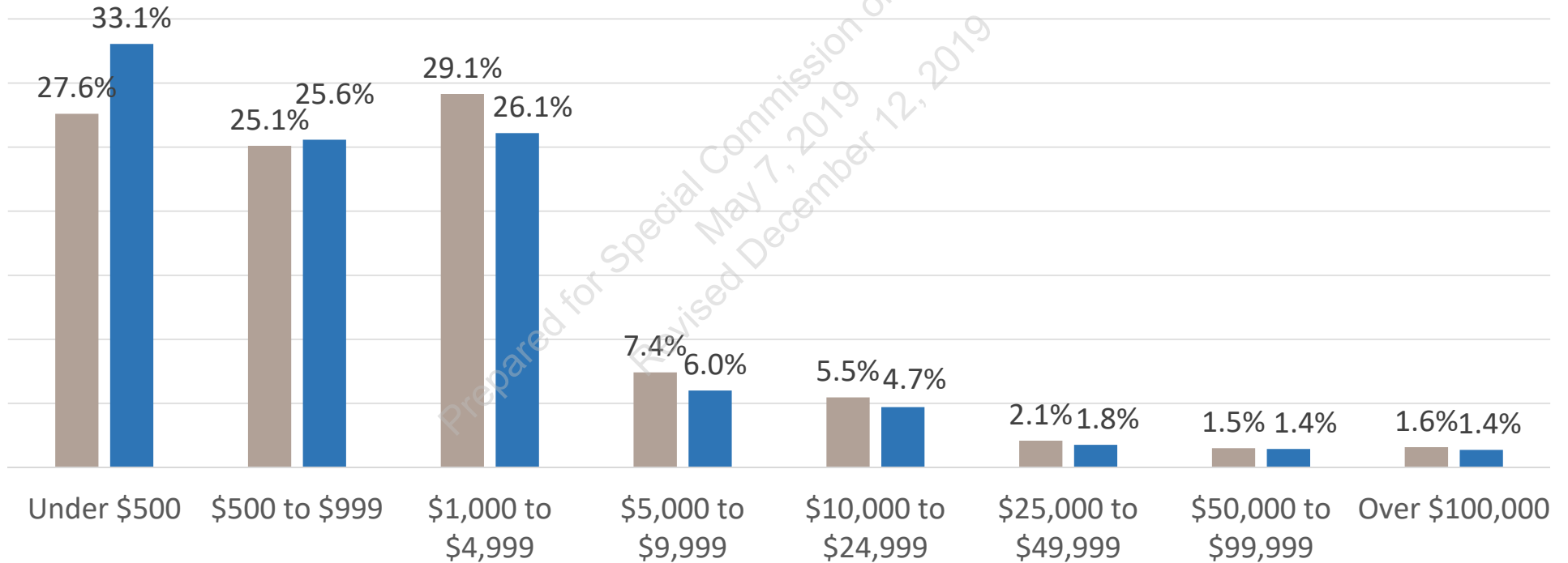


# Massachusetts Trial Court



## Initial Release Decision: Distribution of Set Bail Amounts

■ Pre-Brangan (n=29,852) ■ Post-Brangan (n=24,279)



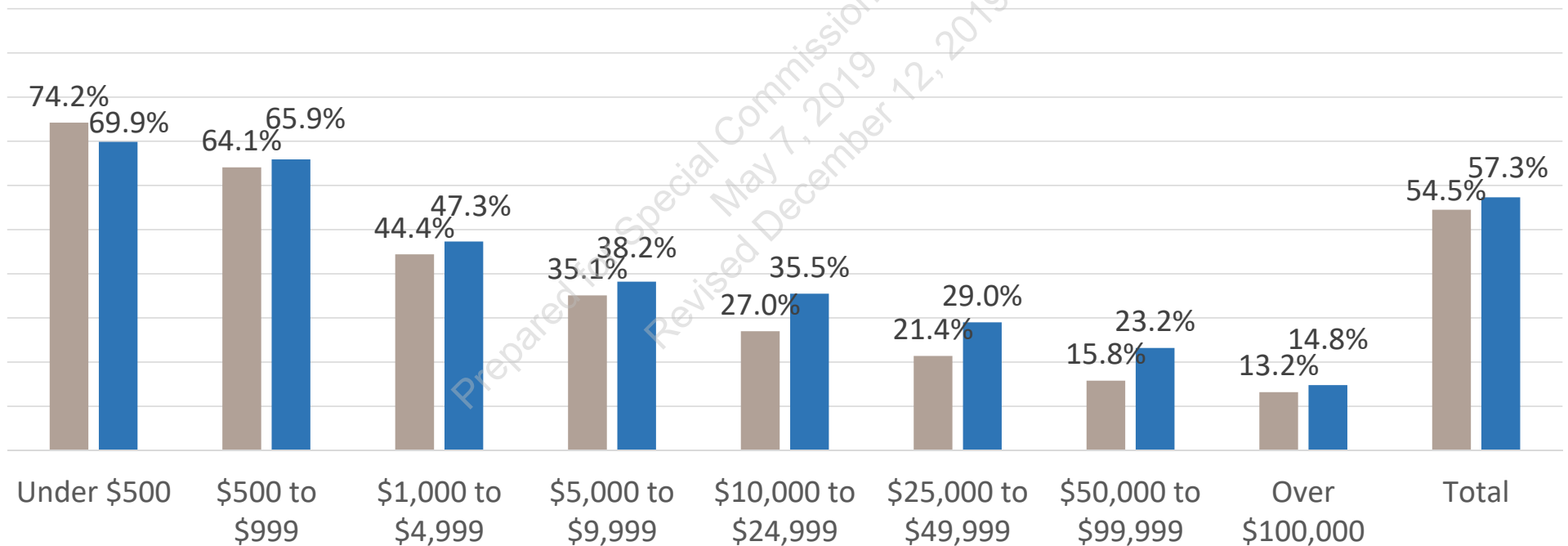


# Massachusetts Trial Court



## Initial Release Decision: % Making Bail by Original Bail Amount

■ Pre-Brangan (n=29,852) ■ Post-Brangan (n=24,279)





# Massachusetts Trial Court



## Initial Release Decision: % Making Bail at Arraignment by Original Bail Amount

