

# 2023 Case and Prosecution Report



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## KEY FINDINGS

- The number of arrests increased by 22% from 2022 to 2023.
- The majority of arrests in 2023 were for misdemeanor charges (57%).
- The Bronx DA prosecuted 68% of arrests in 2023. Felony arrests were more likely than misdemeanors to be prosecuted (77% vs. 62%).
- The number of cases arraigned increased by 17% from 2022 to 2023.
- The number of cases disposed increased by 12% from 2022 to 2023.
- The majority of cases disposed in 2023 (64%) resulted in a dismissal or adjournment in contemplation of dismissal.
- Felony cases resulted in a conviction about 43% of the time (VFO 45%, Non-VFO 40%); 27% of misdemeanor cases ended in conviction.
- Among cases convicted and sentenced in 2023, 48.9% were sentenced to conditional discharge. Among VFO cases, 59% were sentenced to incarceration.

## ARRESTS

In 2023, NYPD filed 42,668 arrests to the Bronx District Attorney's Office (BXDA). The number of arrests fell in 2020 but has been rising steadily since then, surpassing 2019 levels in 2023.

Arrests are defined as all criminal complaints submitted by NYPD to BXDA on the same date (within 24 hours) for the same defendant.<sup>1</sup>

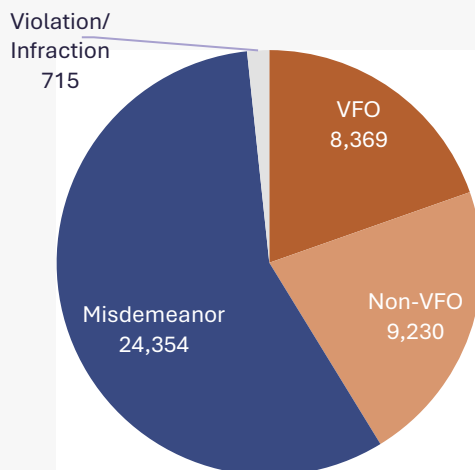
Figure 1: Number of Arrests  
2019-2023



If a defendant is arrested on two separate occasions in the same year, two arrests for that defendant will exist in the given year. Similarly, NYPD might file multiple complaints for the same defendant in a 24-hour time frame, which will count as only one arrest for that defendant.

## Arrest Charge Severity

Figure 2: Number of Arrests by Charge Severity  
2023



Arrests are categorized by the severity of the top charge submitted by NYPD. Felonies are further classified as violent felony offenses (VFOs) or non-violent felony offenses (non-VFOs).<sup>2</sup>

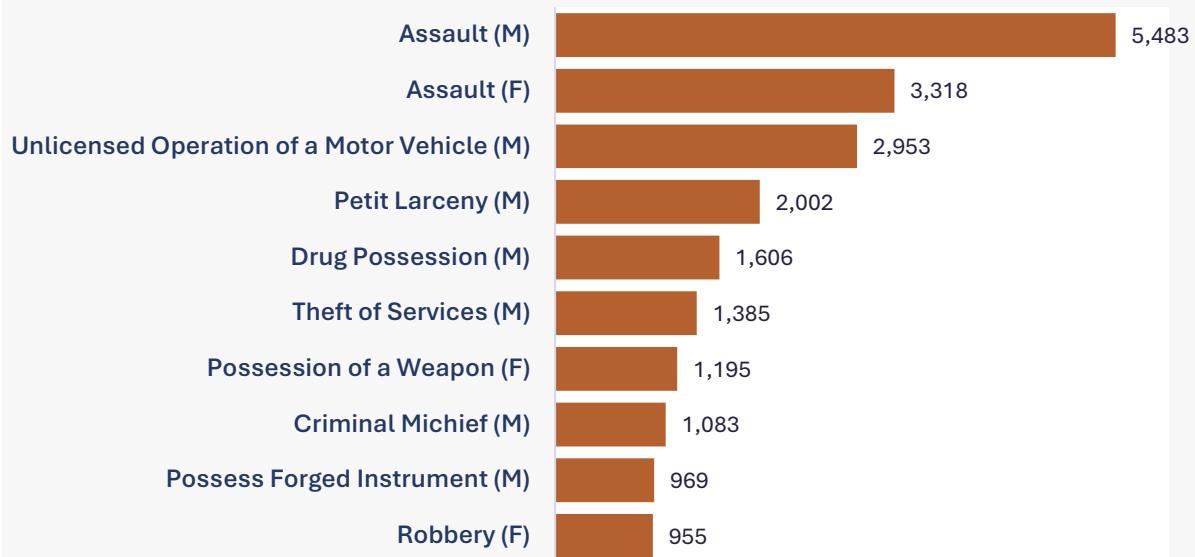
In 2023, misdemeanor charges were the top charge at arrest for 57% of arrests.

Felonies comprised 41% of arrests and were almost evenly split between VFO (20%) and non-VFO charges (22%).

## Arrest Charge

The Bronx DA classifies arrests based on the most serious charge at arrest.<sup>3</sup> The ten most common charges at arrest are presented in Figure 3, below. Misdemeanor charges are identified with an (M) label, whereas (F) signifies a felony charge.

Figure 3: Number of Arrests by Charge  
2023



## Arrestee Demographics

The figures below present the demographic information of arrestees in 2023. This data is based on information reported on the complaint NYPD files with the Bronx DA at the time of arrest.

Figure 4: Arrestee Race/Ethnicity in 2023<sup>4</sup>

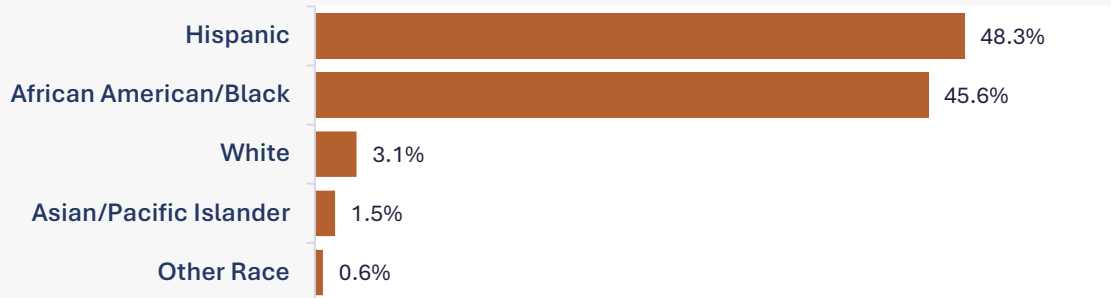


Figure 5: Arrestee Age in 2023<sup>5</sup>

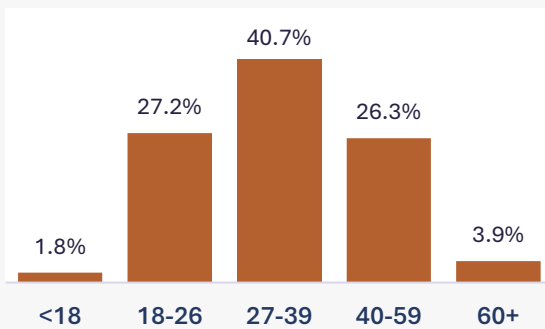
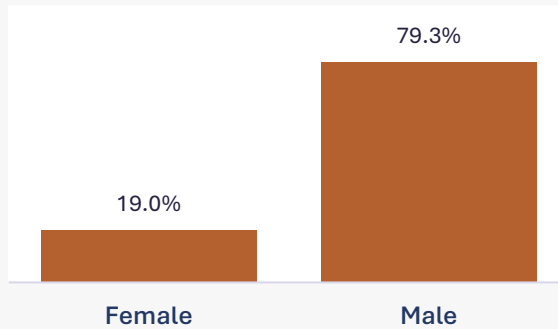


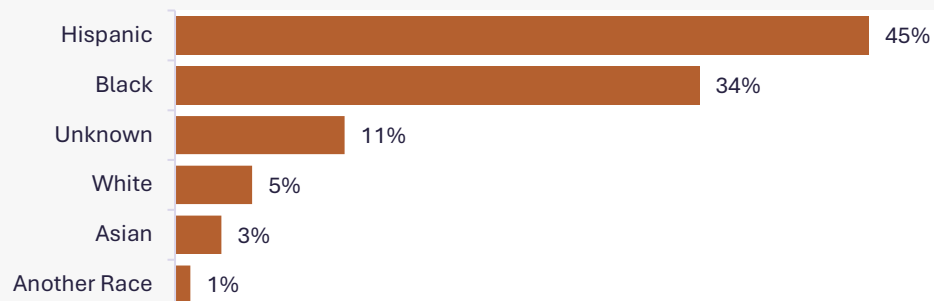
Figure 6: Arrestee Gender in 2023



## Victim Demographics

The Bronx has a population of 1.5 million with about 57% Hispanic, 28% Black, 9% white, 4% Asian and 2% Other. Figure 7 shows the proportion of each race/ethnicity for victims of incidents with an arrest. This demographic information is based on what is listed by NYPD.

Figure 7: Race/Ethnicity of Victims of an Incident with an Arrest



## CHARGING DECISION

When NYPD submits an arrest to the Bronx DA, a prosecutor reviews the circumstances of the arrest, interviews witnesses and/or victims, and decides whether to prosecute the defendant on the arrest—and if so, for what charges.<sup>6</sup> The arrest is considered “charged” even if the prosecutor’s charges differ from those submitted by NYPD at the time of arrest. In this section, arrests are categorized by the top charge submitted by NYPD (for example, an arrest with a top charge that is a felony is categorized as a felony, even if the prosecutor decided to prosecute the arrest for a misdemeanor charge).

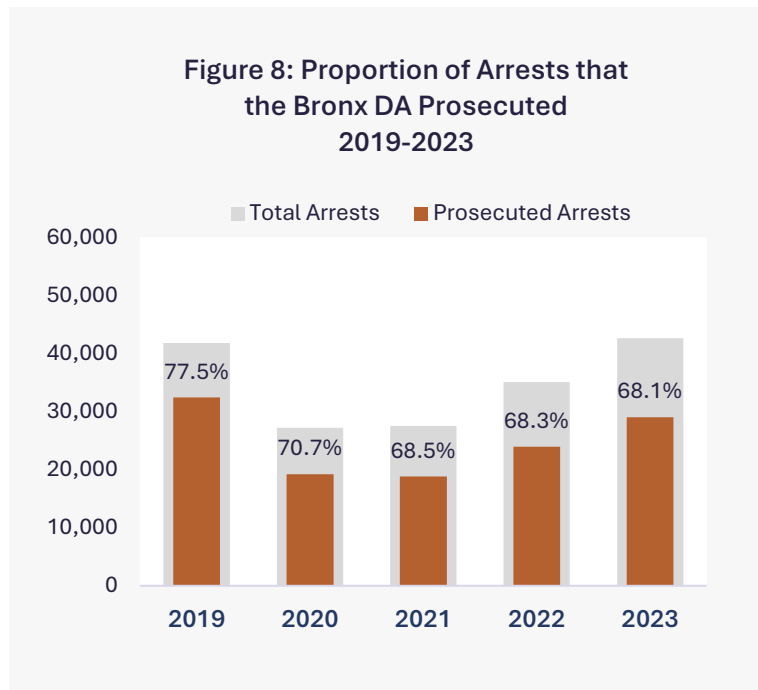


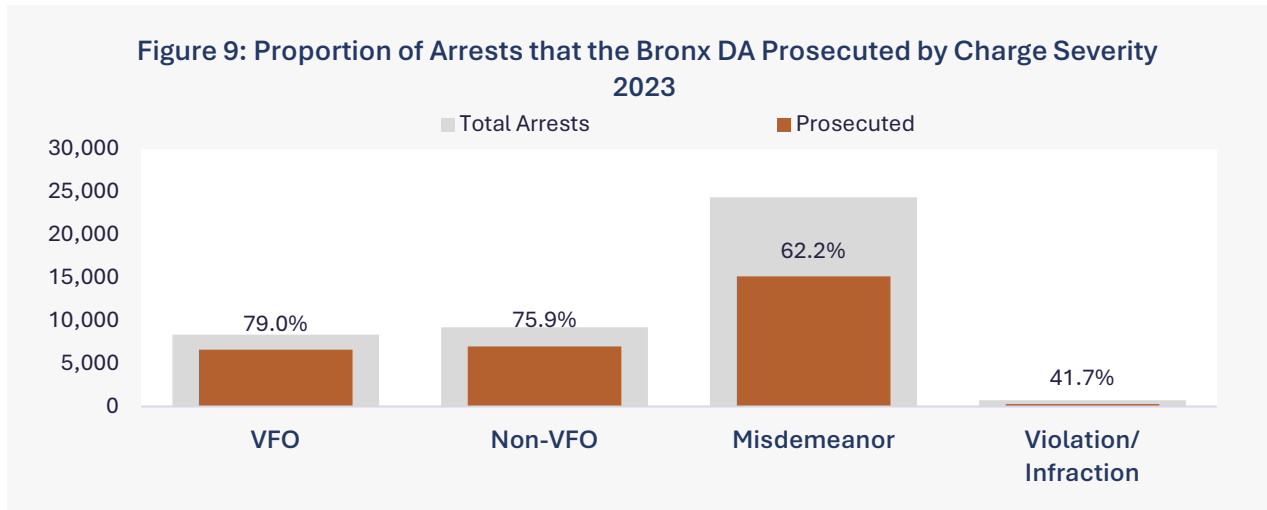
Figure 8 shows the number of arrests submitted by year in gray and the number the Bronx DA prosecuted in orange. The label depicts the proportion of arrests that the Bronx DA prosecuted.

The **proportion** of arrests that the Bronx DA prosecuted has remained steady after an increase in 2020, even as the **number** of arrests submitted to the Bronx DA has increased.



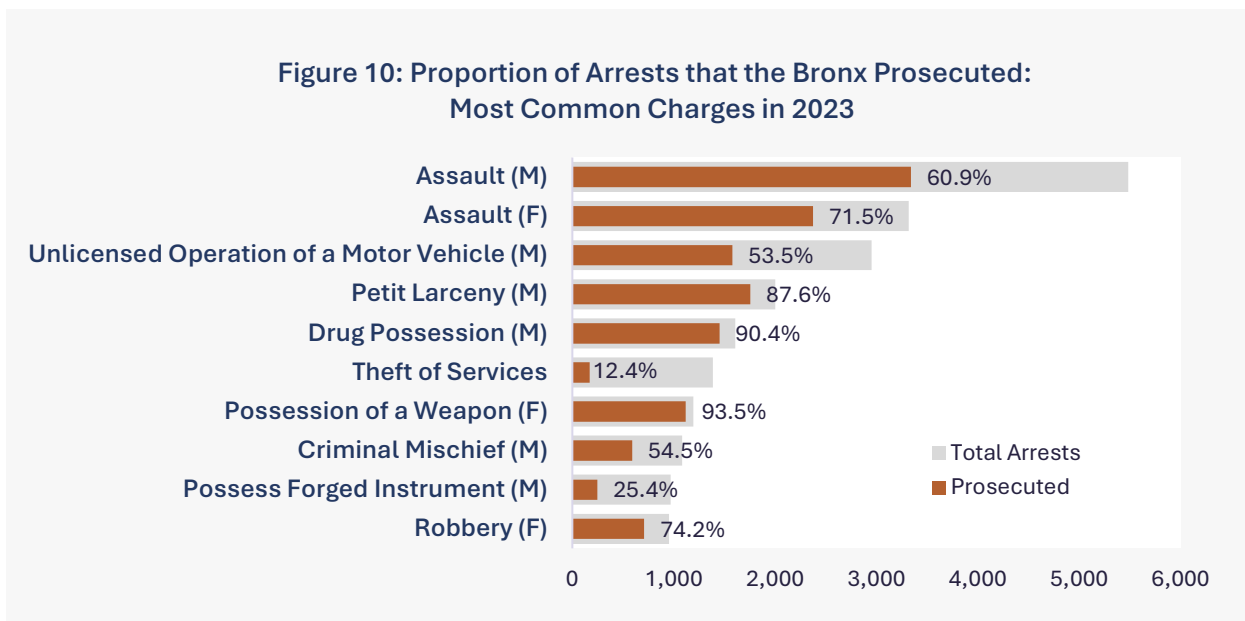
## Charging Decision and Charge Severity

Prosecution charging decisions varied based on the charge severity of the arrest. The Bronx DA prosecute misdemeanor arrests at a lower rate than felony arrests.



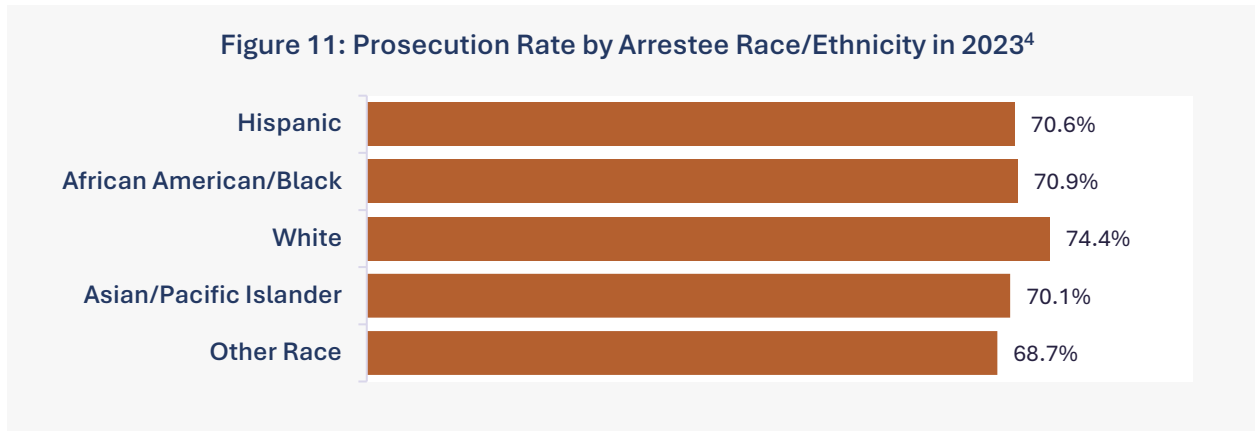
## Charging Decision and Charge

The ten most common charges at arrest are shown in Figure 10, below, along with the proportion of those arrests that the Bronx DA prosecute.



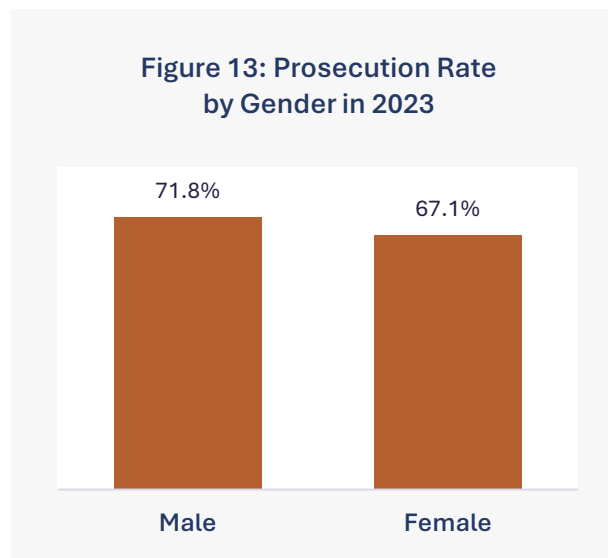
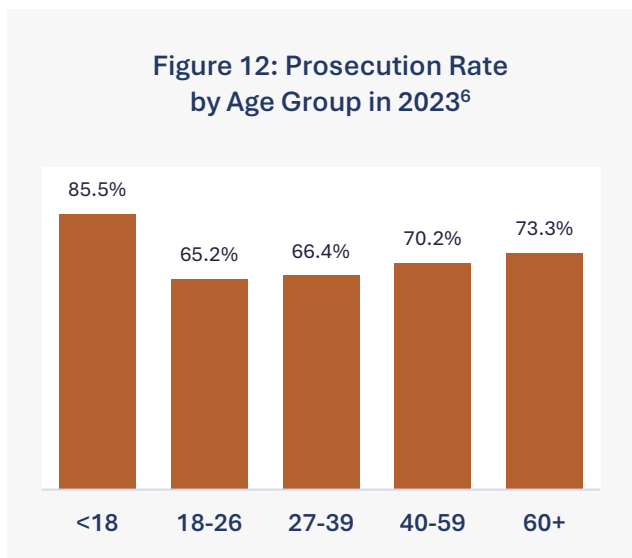
## Charging Decision and Demographics

The proportion of arrests that the Bronx DA prosecuted by the race/ethnicity of the arrestee are shown in Figure 11, below.



Figures 12 and 13 show the proportion of arrests that the Bronx DA prosecuted by age and gender of the arrestee.

Note that most individuals under the age of 18 at arrest are immediately transferred to Family Court. The small number of arrests that are screened for prosecution by the Bronx DA involve serious violent felony charges.



## ARRAIGNED CASES

A criminal court arraignment hearing is the first step in the criminal case process, occurring after an arrest is screened by the prosecutor and a determination is made to prosecute.

The number of cases arraigned by the Bronx DA fell in 2020 and rose steadily in subsequent years.<sup>7</sup>

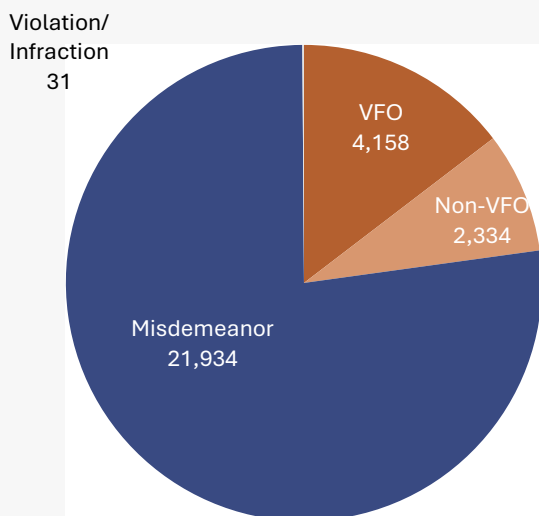
Figure 14: Number of Arraigned Cases 2019-2023



The following sections discuss cases arraigned in 2023. The number of cases arraigned in 2023 does not match the number of arrests in 2023 because some arrests are initiated through a Bronx DA investigation, declined for prosecution, transferred to another court prior to arraignment, or the defendant does not appear for arraignment and is issued a bench warrant. In addition, the length of time between arrest and arraignment can vary. A person arrested in 2023, therefore, may not necessarily be arraigned in 2023.

### Arraigned Cases Charge Severity

Figure 15: Number of Cases Arraigned in 2023 by Charge Severity



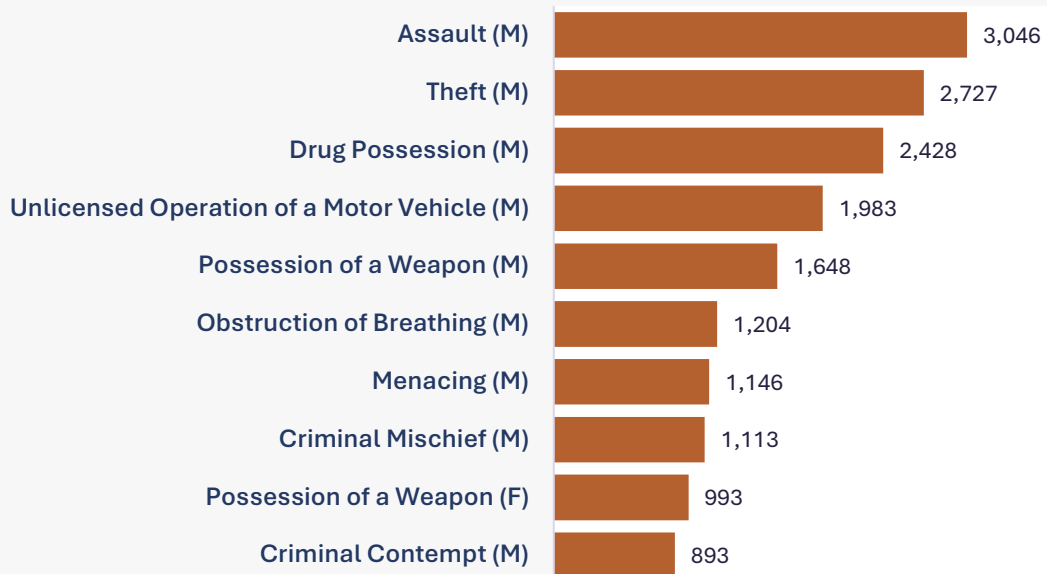
Over 75% of cases arraigned in 2023 had a top charge at arraignment that was a misdemeanor.

Note that the top charge at arraignment may differ from the top charge at arrest. Cases may be prosecuted on different charges than those filed by NYPD at arrest after a prosecutor reviews the case.

## Arraigned Cases Charge

Figure 16, below, shows the top ten most common charges at arraignment. The most common charges are similar to the top ten most common charge types at arrest.

Figure 16: Number of Cases Arraigned in 2023 by Charge



## Arraigned Cases Demographics

The demographic characteristics of defendants in cases arraigned in 2023 were similar to those of arrestees involved in arrests in 2023.

Figure 17: Defendant Race/Ethnicity for Cases Arraigned in 2023<sup>4</sup>

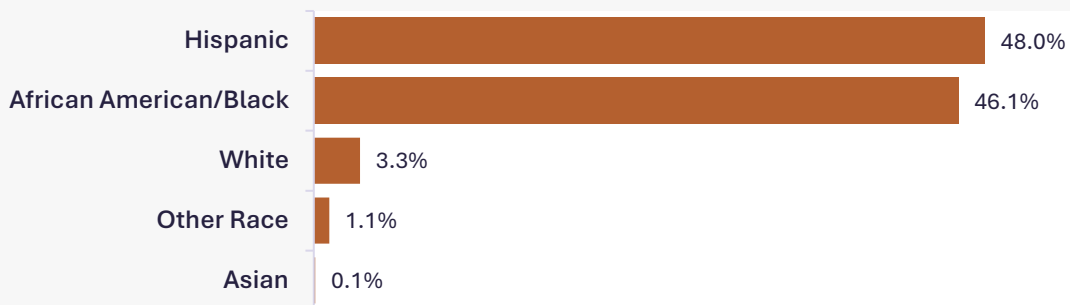


Figure 18: Defendant Age for Cases Arraigned in 2023<sup>5</sup>

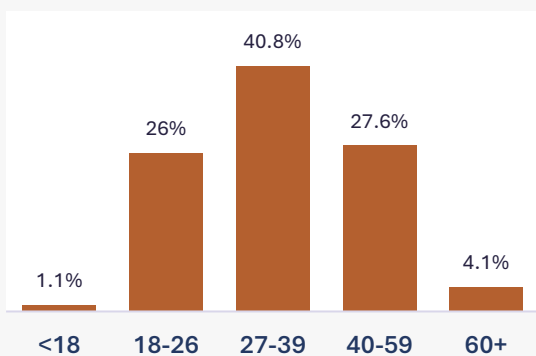
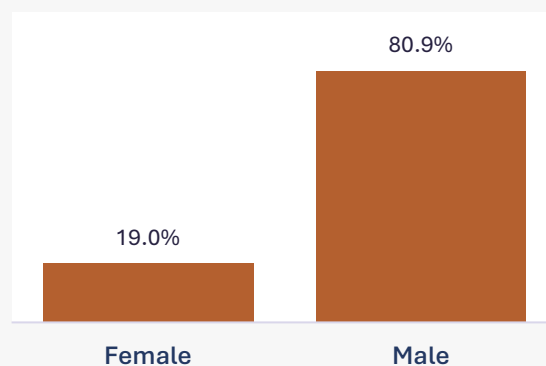


Figure 19: Defendant Gender for Cases Arraigned in 2023

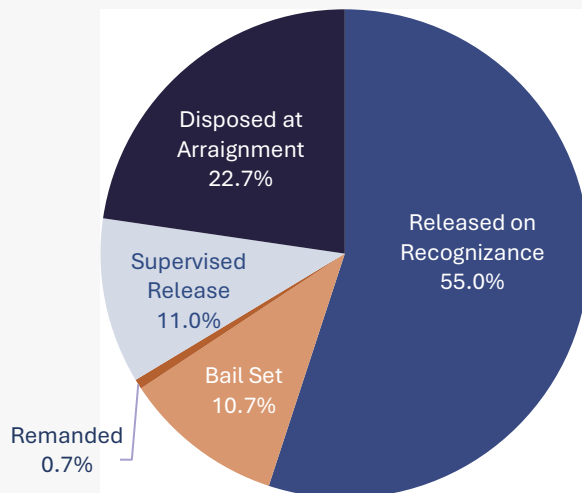


## PRETRIAL RELEASE CONDITIONS

Release conditions are set by judges at the initial criminal court arraignment hearing. These conditions determine parameters for the defendant's release while their case is open.

One condition that may be imposed is release on recognizance. The defendant will be required to return for a future court date but will not need to post bail. Alternatively, the judge may decide to set bail, which requires the defendant to post the amount required.

Figure 20: Pretrial Release Conditions for Cases Arraigned in 2023<sup>8</sup>



If the defendant is unable to post bail, the defendant will be held in custody awaiting trial or until they are able to pay.

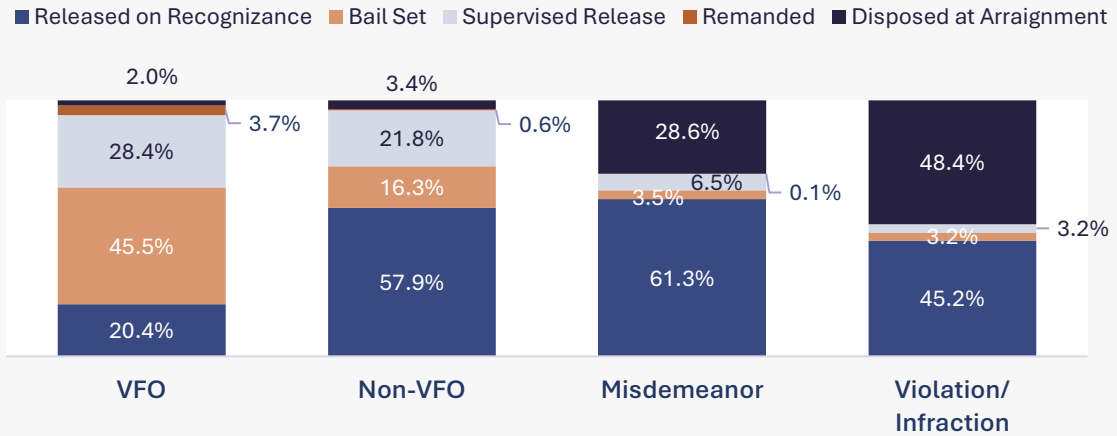
A third potential release condition is remand, in which the defendant is held in custody until the trial. Finally, the judge might impose supervised release, where the defendant is supervised in the community and provided with resources and support.

The majority of defendants in cases arraigned in 2023 were released on recognizance or because the case was disposed at the arraignment hearing (78%).

## Pretrial Release Conditions by Charge Severity

Pretrial release conditions varied by charge severity. Defendants with felony cases, especially VFO, were more likely to have bail set or receive supervised release than defendants in other types of cases. Similarly, defendants with misdemeanor cases were most likely to be released on recognizance or have their case disposed at arraignment.

Figure 21: Pretrial Release Conditions by Charge Severity in 2023



## Pretrial Release Conditions by Charge

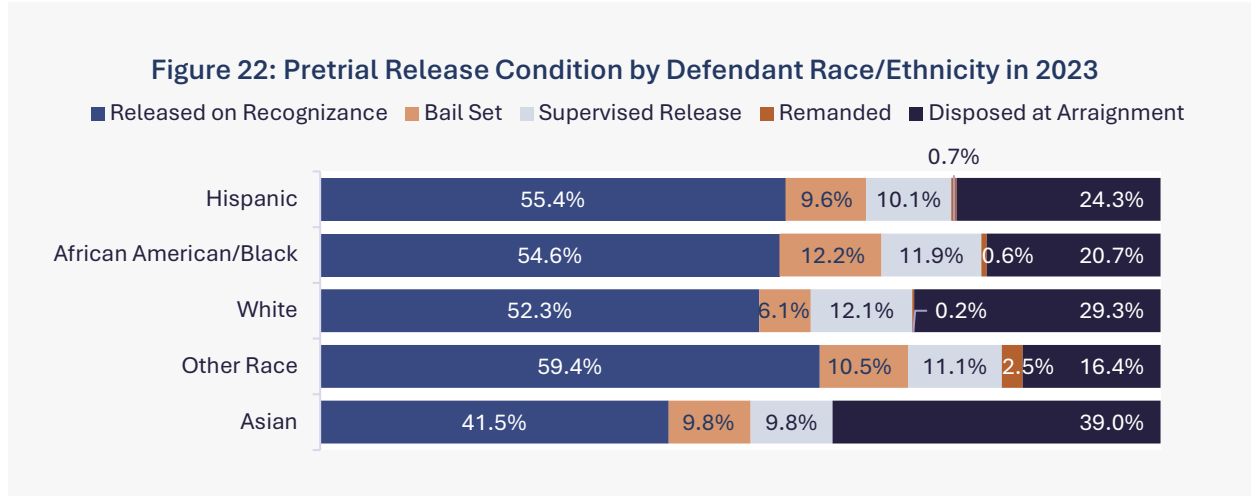
Pretrial release conditions for the top ten most common charges are presented in Table 1 below.

Table 1: Pretrial Release Conditions by Charge in 2023

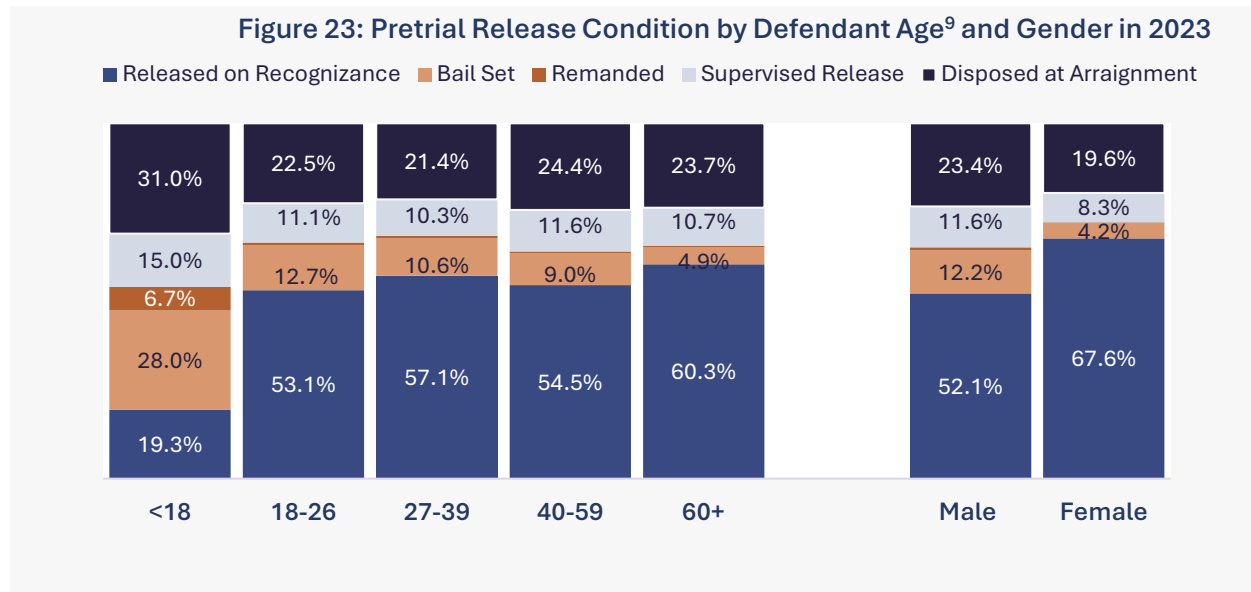
Charge	Released on Recognizance		Bail Set		Supervised Release		Remanded		Disposed at Arraignment	
Assault (M)	2,731	89.7%	51	1.7%	130	4.3%	2	0.1%	132	4.3%
Theft (M)	1,106	40.6%	153	5.6%	256	9.4%	3	0.1%	1,209	44.3%
Drug Possession (M)	742	30.6%	92	3.8%	106	4.4%	1	0.0%	1,487	61.2%
Unlicensed Operation of a Motor Vehicle (M)	788	39.7%	12	0.6%	3	0.2%	5	0.3%	1,175	59.3%
Possession of a Weapon (M)	1,290	78.3%	35	2.1%	64	3.9%	0	0.0%	258	15.7%
Obstruction of Breathing (M)	972	80.7%	52	4.3%	165	13.7%	0	0.0%	15	1.2%
Menacing (M)	988	86.2%	35	3.1%	86	7.5%	0	0.0%	37	3.2%
Criminal Mischief (M)	886	79.6%	31	2.8%	67	6.0%	0	0.0%	129	11.6%
Possession of a Weapon (F)	95	9.6%	572	57.6%	294	29.6%	9	0.9%	23	2.3%
Criminal Contempt (M)	564	63.2%	71	8.0%	249	27.9%	1	0.1%	8	0.9%

## Pretrial Release Conditions and Demographics

Figure 22 shows the proportion of defendants who received each type of pretrial release condition by race/ethnicity group.



Defendants under the age of 18 were released on recognizance at lower rates than defendants in other age groups. As discussed on page 8, the small number of defendants under the age of 18 charged by the Bronx DA were all charged with violent felonies.<sup>6</sup>



Finally, male defendants were less likely to be released on recognizance than were female defendants.



## CASE DISPOSITIONS

This section presents information about criminal cases that reached disposition in 2023.

The number of cases disposed in 2023 is 26,617, representing the highest number of cases disposed in any of the past 5 years.

Figure 24: Number of Cases Disposed in 2019-2023



Importantly, cases that were disposed in 2023 may have been initiated at any time prior to the disposition date. Some cases that were disposed in 2023 may not have reached sentencing in the same year and are not included in the sentencing measures in this report.

### Disposed Cases by Charge Severity

Figure 25: Number of Cases Disposed in 2023 by Charge Severity

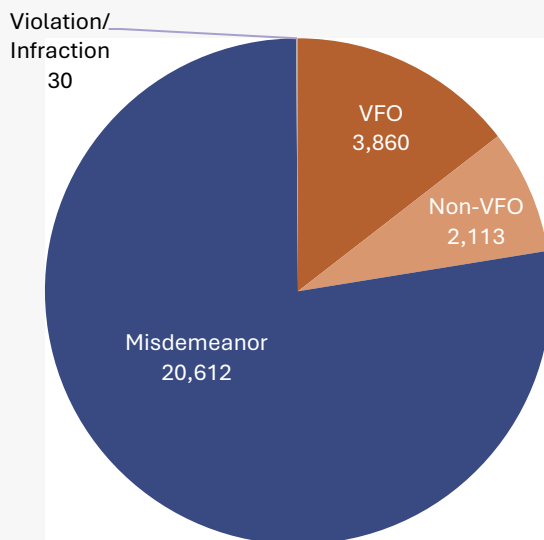


Figure 25 presents the proportion of cases disposed in 2023 for each charge severity category.

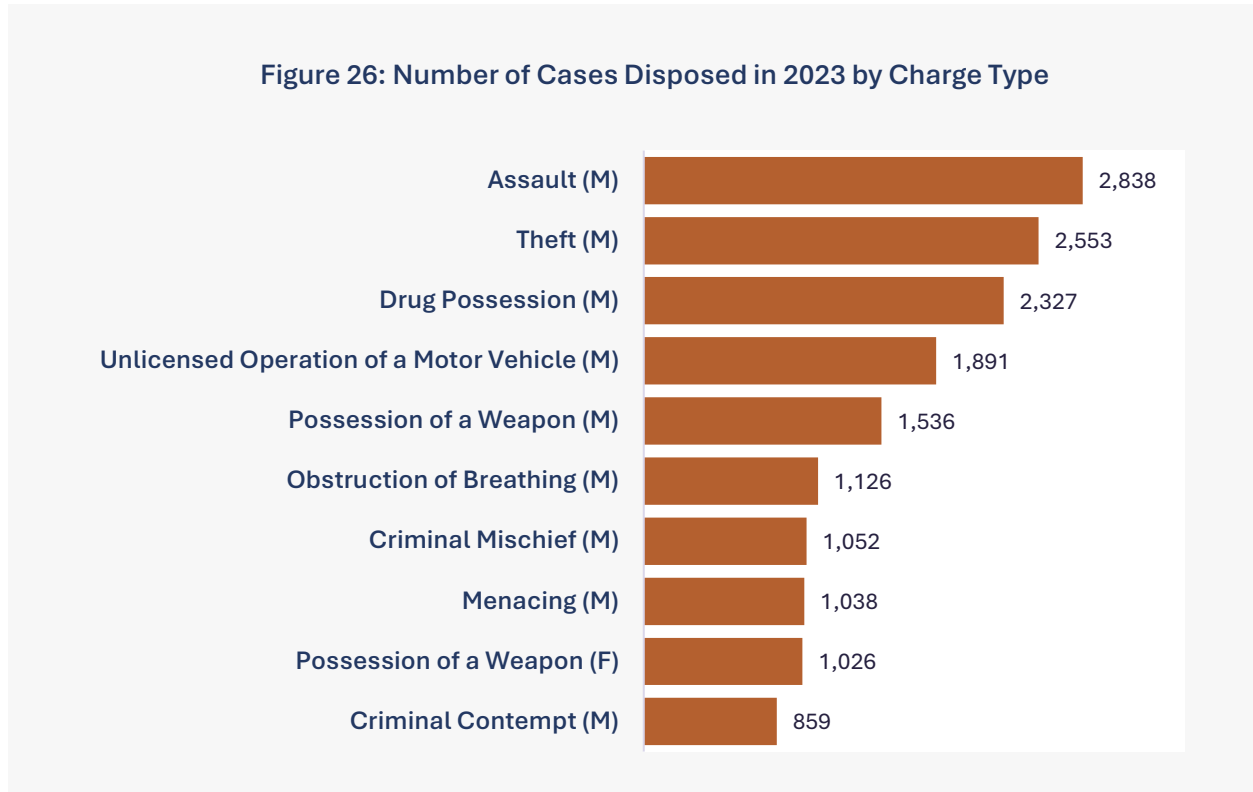
Misdemeanors made up 77.4% of cases disposed in 2023.

Felonies were split between 14.5% violent and 8.0% non-violent.

Violation and/or infraction charges accounted for only 0.1% of disposed cases in 2023.

## Disposed Cases by Charge

Figure 26, below, presents the top ten most common charges for cases disposed in 2023.



## Disposed Cases and Demographics

Figure 27 shows the proportion of defendants in each race/ethnicity category for cases disposed in 2023.

Figure 27: Number of Cases Disposed in 2023 by Defendant Race/Ethnicity

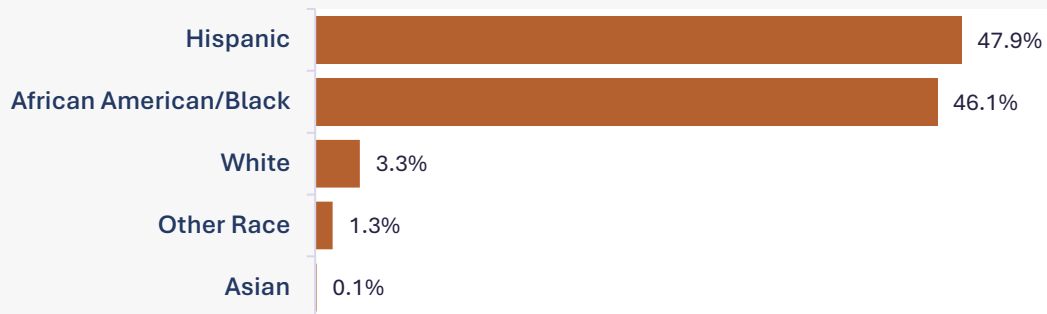


Figure 28: Number of Cases Disposed in 2023 by Defendant Age

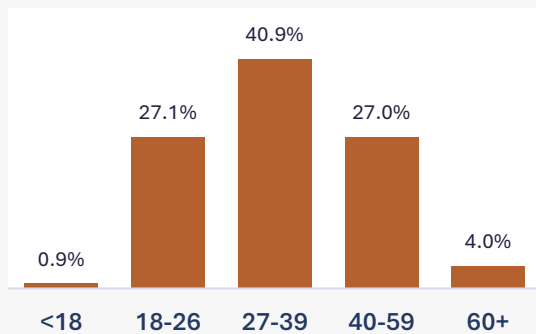
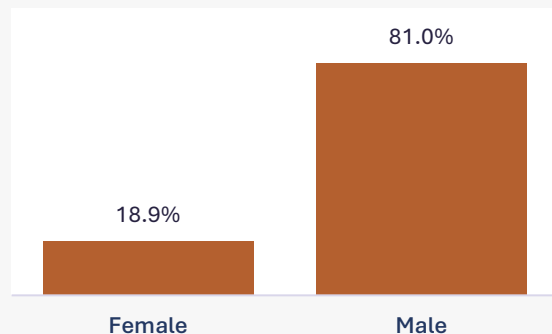


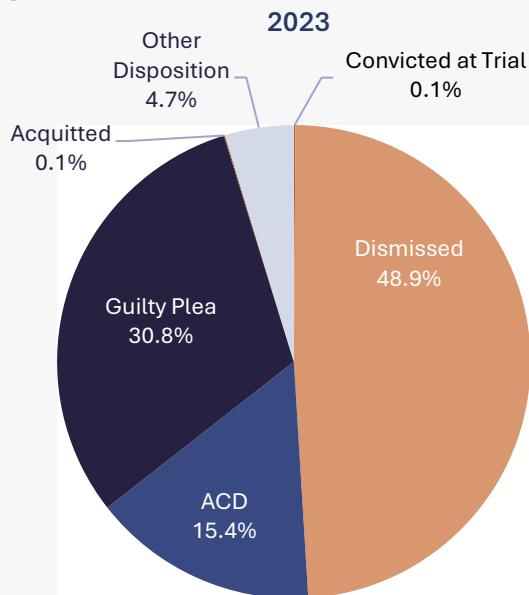
Figure 29: Number of Cases Disposed in 2023 by Defendant Gender



## CASE OUTCOMES

Once a case reaches disposition, there are a number of possible outcomes. These include dismissal or adjournment in contemplation of dismissal, conviction, acquittal, or another disposition (transfer to another court or consolidation with another case).

Figure 30: Case Outcomes for Cases Disposed in



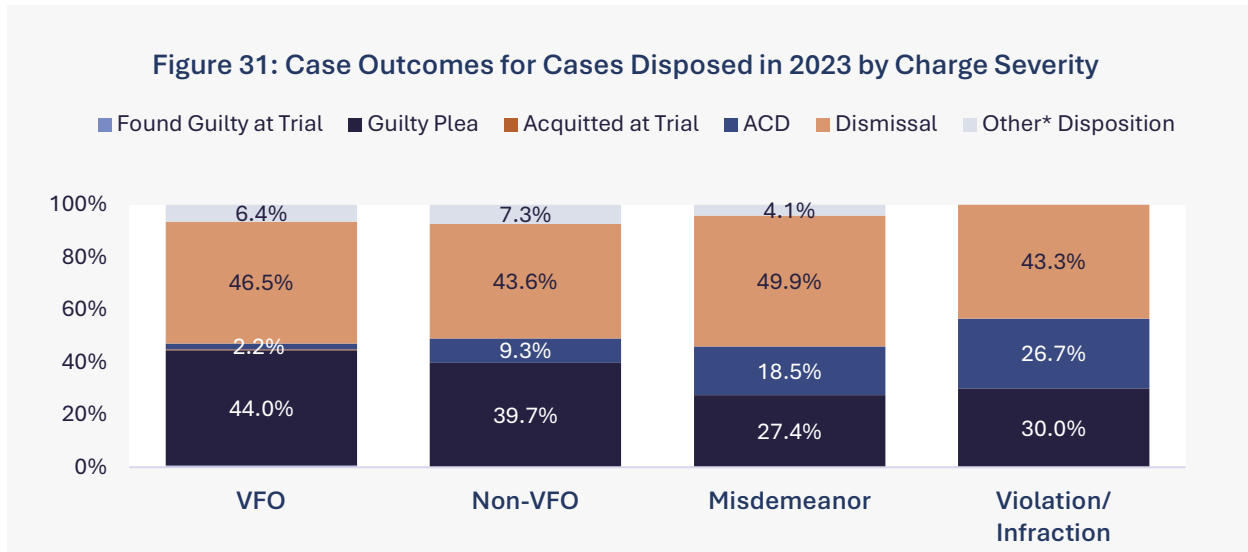
Out of the 26,617 cases disposed in 2023, 64.3% were dismissed or adjourned in contemplation of dismissal.

30.8% ended in a guilty plea. Less than 1% were either convicted at trial or acquitted, respectively.

Of the 4.7% that fell into the “other disposition” category, most were consolidated with another open case.

## Case Outcomes by Charge Severity

The most common outcome for cases disposed in 2023 was dismissal or ACD, although outcomes varied by charge severity. Violent felony cases ended in a conviction more frequently than did cases with non-violent charges and misdemeanors.<sup>10</sup>



\*Other includes transfer to another court or consolidation with another case.

## Case Outcomes by Charge

Table 2, below, presents the proportion of case outcomes for the top ten most common charges at arraignment for cases disposed in 2023.

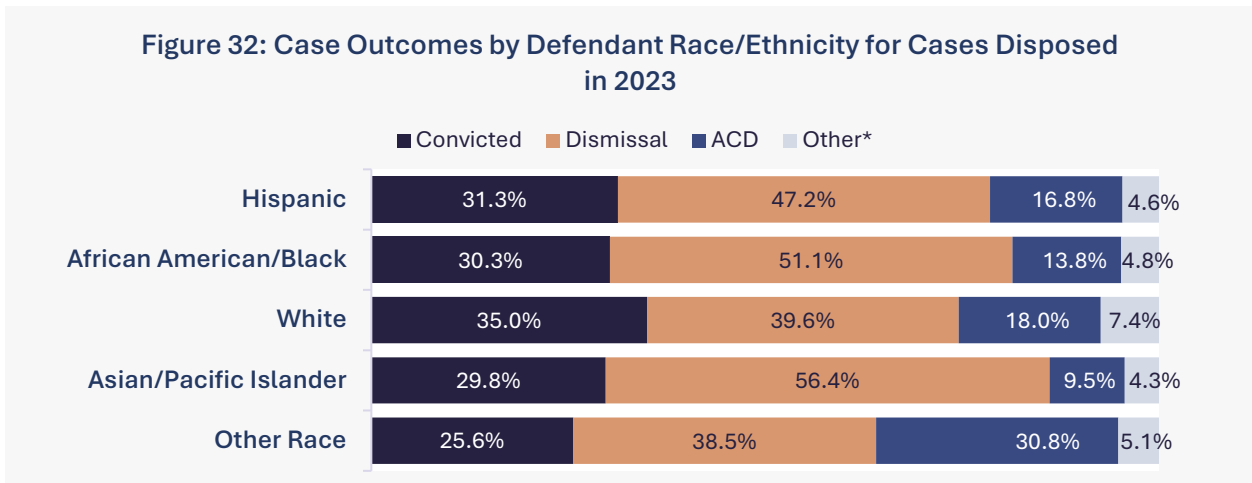
**Table 2: Case Outcomes by Charge in 2023**

Charge	Dismissal		ACD		Found Guilty at Trial		Guilty Plea		Acquitted at Trial		Other* Disposition	
Assault (M)	2,300	82.1%	177	6.3%	0	0.0%	310	11.1%	0	0.0%	16	0.6%
Theft (M)	737	29.1%	595	23.5%	0	0.0%	940	37.1%	0	0.0%	259	10.2%
Drug Possession (M)	439	19.1%	895	38.9%	0	0.0%	803	34.9%	0	0.0%	166	7.2%
Unlicensed Operation of a Motor Vehicle (M)	383	20.9%	150	8.2%	0	0.0%	1,241	67.6%	0	0.0%	61	3.3%
Possession of a Weapon (M)	992	65.3%	239	15.7%	0	0.0%	277	18.2%	0	0.0%	12	0.8%
Obstruction of Breathing (M)	976	87.5%	34	3.0%	0	0.0%	85	7.6%	0	0.0%	20	1.8%
Criminal Mischief (M)	729	70.1%	142	13.7%	0	0.0%	139	13.4%	0	0.0%	30	2.9%
Menacing (M)	778	75.0%	90	8.7%	1	0.1%	142	13.7%	1	0.1%	25	2.4%
Possession of a Weapon (F)	388	38.8%	7	0.7%	2	0.2%	542	54.3%	1	0.1%	59	5.9%
Criminal Contempt (M)	594	69.6%	35	4.1%	0	0.0%	98	11.5%	0	0.0%	126	14.8%

\*Other includes transfer to another court or consolidation with another case.

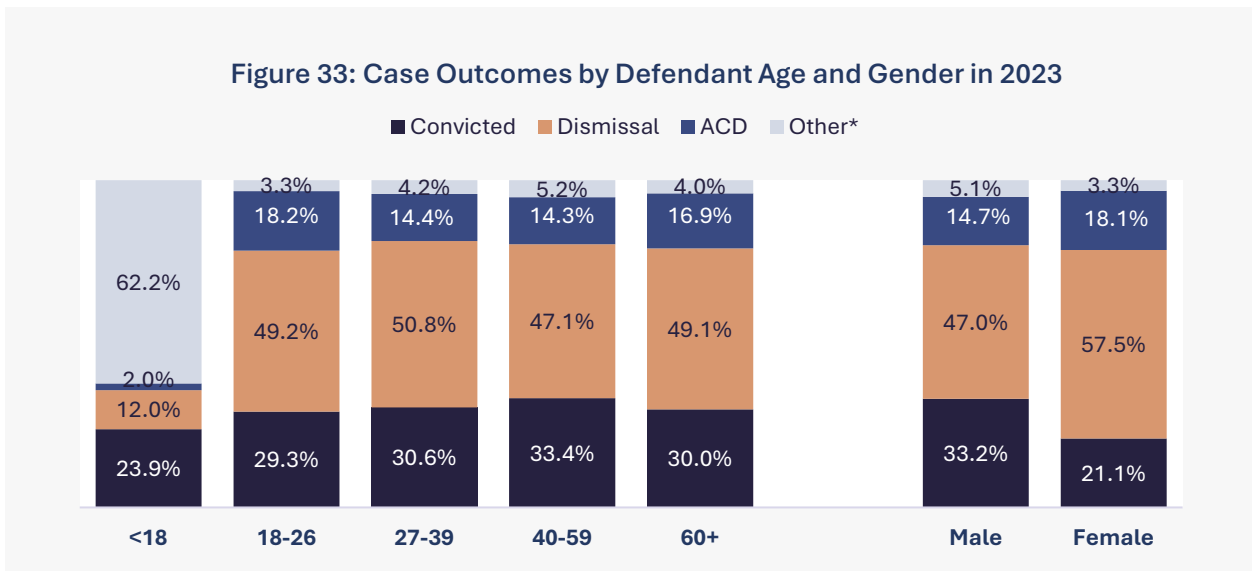
## Case Outcomes and Demographics

Case outcomes varied by the race/ethnicity of the defendant. White defendants were slightly less likely to have their case dismissed or adjourned in contemplation of dismissal and were more likely to be convicted than were defendants in other groups.



\*Other includes transfer to another court or consolidation with another case.

With the exception of defendants under the age of 18, case dispositions were similar across age categories. The majority of defendants under age 18 (61.6%) had their case transferred to family court.



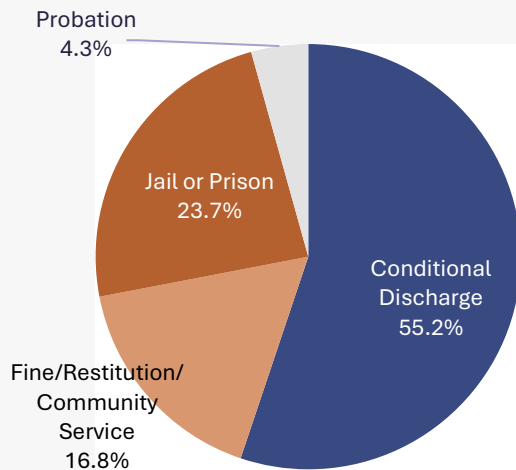
\*Other includes transfer to another court or consolidation with another case.

Male defendants were more likely to be convicted than were female defendants. Among cases disposed in 2023, 15.6% of male defendants had a top charge at arraignment that was a violent felony compared with 10.0% of female defendants.

## SENTENCES

Sentencing hearings are held for all cases that end in conviction. During these hearings, a judge decides the sentence to be served by the defendant. The final sentence can include a range of punishments and is typically determined by factors such as the convicted offense type, characteristics of the incident, and the defendant's prior criminal history.

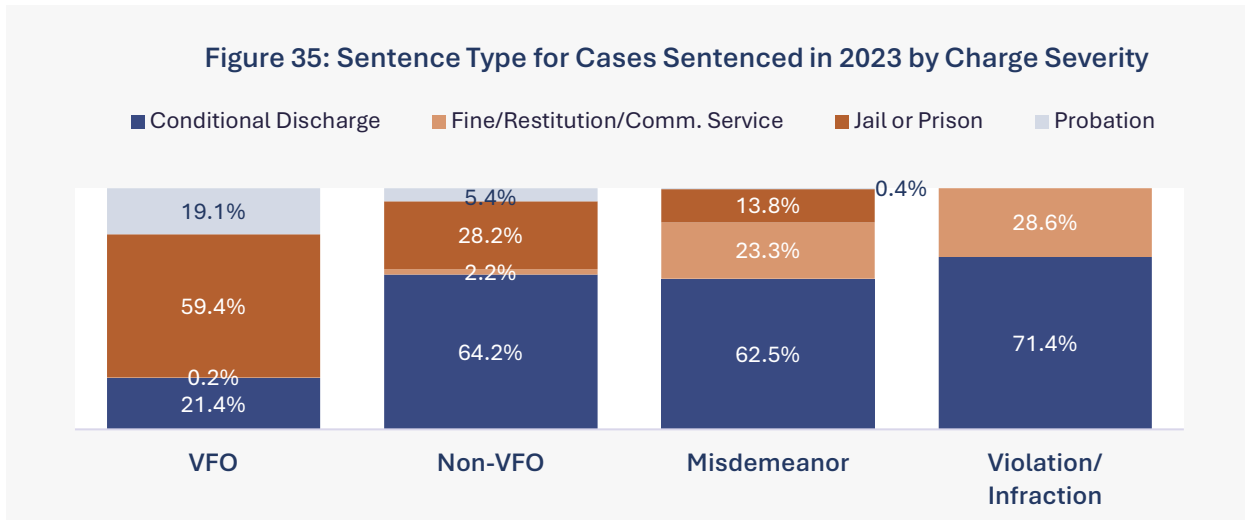
Figure 34: Sentence Type for Cases Sentenced in 2023



Over half of cases disposed in 2023 that reached sentencing resulted in a conditional discharge<sup>9</sup> (55.2%). This is a type of sentence that allows the defendant to be released under certain conditions that do not include supervision. The judge may order a defendant to attend a treatment or substance abuse program, maintain legal employment, or meet other obligations.

## Sentences by Charge Severity

The type of sentence varied by charge severity. Violent felony offenses were more likely to be sentenced to jail or prison than were non-violent and misdemeanor offenses.



## Sentences by Charge

Table 3, below, presents the proportion of sentence types for the top ten most common charges among cases sentenced in 2023. These cases are grouped based on the most serious charge at arraignment, not sentencing.

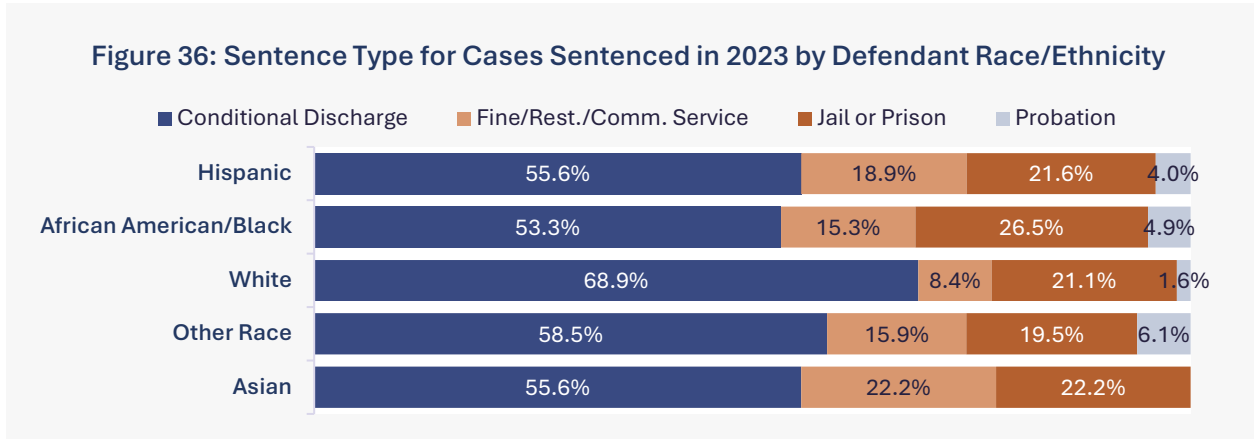
**Table 3: Sentence Type for Cases Sentenced in 2023 by Charge**

Charge	Conditional Discharge		Fine/Restitution/Community Service		Jail or Prison <sup>11</sup>		Probation	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Unlicensed Operation of a Motor Vehicle (M)	152	12.8%	818	68.7%	221	18.6%	0	0.0%
Theft (M)	611	81.0%	10	1.3%	133	17.6%	0	0.0%
Drug Possession (M)	524	80.9%	41	6.3%	83	12.8%	0	0.0%
Possession of a Weapon (F)	28	7.8%	0	0.0%	188	52.4%	143	39.8%
Assault (M)	281	95.9%	0	0.0%	10	3.4%	2	0.7%
Possession of a Weapon (M)	192	77.4%	29	11.7%	25	10.1%	2	0.8%
Assault (M)	110	48.2%	0	0.0%	101	44.3%	17	7.5%
DWI (M)	202	95.3%	6	2.8%	2	0.9%	2	0.9%
Robbery (F)	26	16.3%	1	0.6%	111	69.4%	22	13.8%
Possess a Forged Instrument (M)	41	25.8%	97	61.0%	21	13.2%	0	0.0%

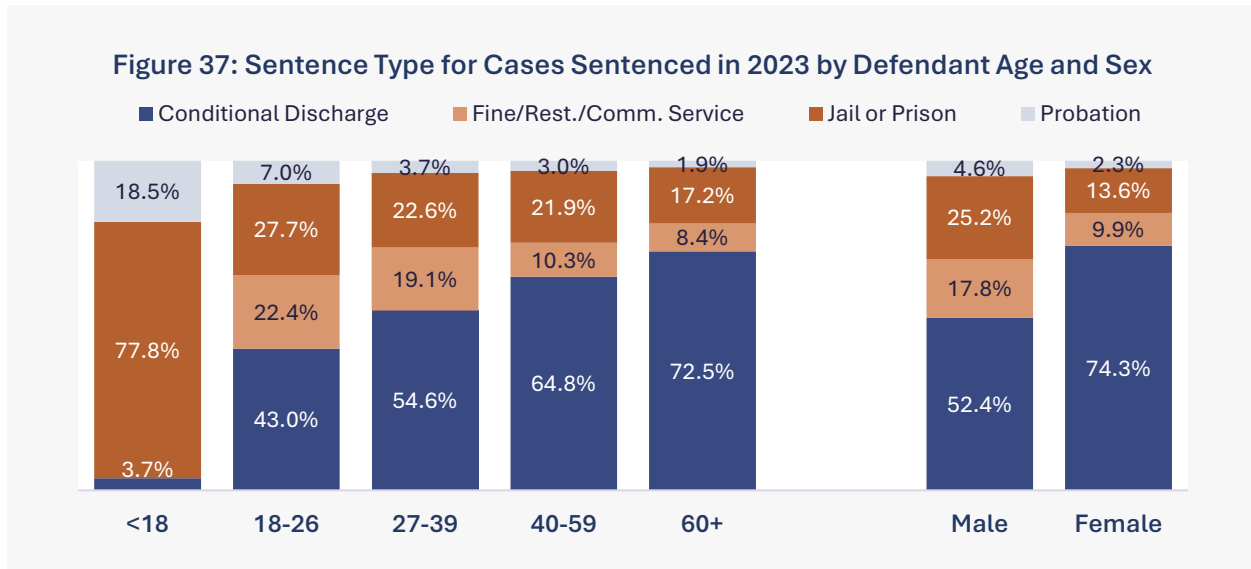


## Sentences and Demographics

Figure 36 shows the proportion of sentence types by the race/ethnicity of the defendant for cases sentenced in 2023.



Among defendants over age 18, younger defendants were more likely to receive a sentence of conditional discharge than older defendants; 4% of those aged 18-24 received a conditional discharge compared with 64.8% of those aged 40-59. Female defendants were also more likely to receive a conditional discharge sentence than were male defendants.



As discussed previously, defendants under age 18 who are accepted and retained for prosecution in criminal court are those charged with a serious VFO crime. Of the 38 defendants under age 18 who were sentenced in 2023, 100% had a top charge at arraignment that was a violent felony, which is consistent with the high rate of incarceration sentences for that age group.

## DATA LIMITATIONS

This report provides an accounting of the number of arrests, arraigned cases, and disposed cases in 2023, as well as additional analysis disaggregated by case and demographic characteristics. It does not analyze whether any differences in case outcomes or demographic characteristics reached statistical significance.

While differences may exist among some demographic groups or across case characteristics, this analysis does not attempt to measure the causes of those differences and no inferences can be made. Therefore, caution should be used when evaluating the meaningfulness of any differences.

## ENDNOTES

- <sup>1</sup> Arrest information is based on data provided in NYPD arrest documents submitted to the Bronx DA through an electronic portal.
- <sup>2</sup> Felonies are crimes punishable by a term of imprisonment greater than one year. Misdemeanors are punishable by probation, a fine, or up to one year in jail. Violations are punishable by a fine or up to 15 days in jail. See the Office of Court Administration (OCA) for [more information](#) on charge severity definitions.  
  
Violent and non-violent felonies are categorized based on the [definition](#) used by the Division of Criminal Justice Services (DCJS). The exact charges can be found in the [Listing of NYS Laws](#). Note that this definition classifies a charge as a VFO if it is defined as such in NYS Penal Law section 70.02 or if it is considered “like” a violent felony. Murder 2, for example, is not listed in section 70.02 but is categorized as a VFO because it is like a violent felony.
- <sup>3</sup> All charges for a particular arrest event and defendant are ranked based on category (felony, misdemeanor, violation, infraction, or unknown) and then by class (‘A’, ‘B’, ‘C’, ‘D’, ‘E’, or ‘U’). If there is a tie, preference is given to (1) murder charges, per Article 125.25, 125.26, and 125.27, and then (2) ‘Violent Felony’ offenses. In situations where charges are still tied, the tie is broken by the lowest Law Article number.  
  
The Law Article refers to a grouping of charges in the New York State Penal law that include different versions of an offense. For example, all charges related to Larceny are grouped into Penal Law Article 155.
- <sup>4</sup> In this analysis, “race/ethnicity” combines race and ethnicity such that any arrestee of Hispanic origin is categorized as Hispanic and arrestees identified as non-Hispanic are categorized as White, African American/Black, Asian, or Another Race
- <sup>5</sup> Data on arrestee age is based on NYPD reports of the arrestee’s date of birth at the time of arrest.
- <sup>6</sup> Information on prosecution charging decisions is based on documentation filed with the court after the Bronx DA reviews the circumstances of the arrest.
- <sup>7</sup> Information on criminal cases and court measures is based on data from the Office of Court Administration transmitted to the Bronx DA.
- <sup>8</sup> This figure and section exclude cases that were disposed at arraignment.
- <sup>9</sup> Remanded represents 0.7% of 18-26, 0.6% of 27-39, 0.5% of 40-59, and 0.3% of 60+. Remanded represents 0.7% of males and 0.3% of females.
- <sup>10</sup> Found guilty at trial represents 0.6% of VFO case outcomes and 0.1% of Non-VFO case outcomes. Acquitted at Trial represents 0.3% of VFO case outcomes.
- <sup>11</sup> Jail or prison column includes a sentence of “time served” as a pretrial detainee.



**Pursuing Justice with Integrity**