

# 2023 Serious Crime Prosecution Report





## Overview

This report describes patterns in the arrest and prosecution of felony “index” crimes in the Bronx during 2023. Index crimes refer to seven categories of offenses originally developed by the FBI to standardize reporting and allow for a measure—or index—of crime across jurisdictions and over time. For this report, the analysis focuses only on felony level crimes within each of the seven categories of offenses.

The seven felony index crime categories are split into two broad types: murder, rape, robbery, and aggravated assault are classified as **violent** index crimes; burglary, larceny, and motor vehicle theft are classified as **property** index crimes.

This first section of this report discusses index crime **arrests** submitted by NYPD to the Bronx District Attorney’s Office (Bronx DA) in 2023. Arrests are defined as all charges submitted by NYPD on the same day for the same person. If an individual is arrested on more than one unique date, each of those arrests is counted separately. If multiple charges or arrests are filed on the same day for the same person, that counts as one arrest.

Subsequent sections of this report discuss **cases** disposed in 2023. Cases are defined as arrests that were arraigned in criminal or supreme court. Arrests that were declined for prosecution are not included. An individual person may have more than one case counted in the analysis if they were arrested and arraigned multiple times in the time period.

The timeframe for the arrests and cases analyses varies. The first section of the report discussing arrests includes arrests that occurred in 2023. The subsequent sections include cases that were disposed in 2023. Therefore, the number of arrests in 2023 that were prosecuted by the Bronx DA will not match the number of cases disposed in 2023. This choice was made in an effort to provide the most complete information about cases in 2023. Analyzing the disposition of cases with an arrest date in 2023 would, by design, include only cases that have been disposed of by the current date. Many violent index crimes—especially those that are not dismissed—take over a year to proceed from arrest to disposition. Therefore, many arrests and cases initiated in 2023 are still pending at the time of this report. Furthermore, many cases that were disposed in 2023 were initiated in earlier years and are not the same sample of cases that were initiated in 2023.

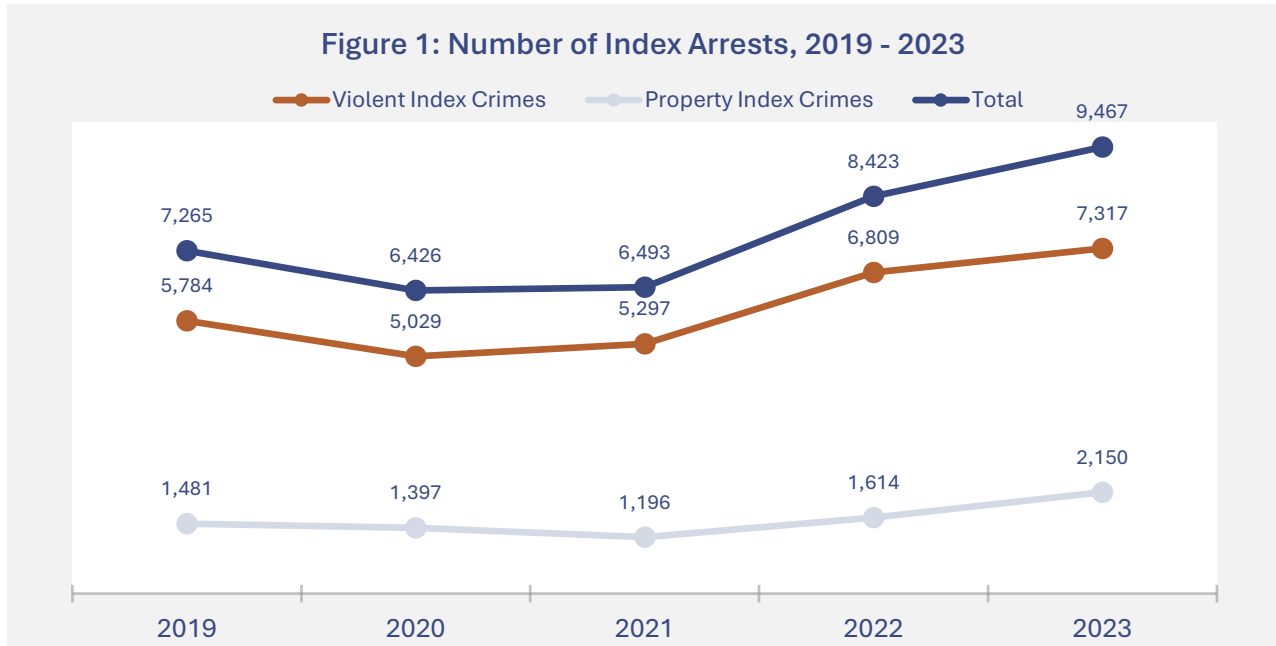
Data sources: Arrest information is based on information provided in NYPD arrest documents submitted to the Bronx DA through an electronic portal. Criminal case and court measures are based on data from the Office of Court Administration transmitted to the Bronx DA.



## Serious Crime Arrests and Charging Decisions

Figure 1 shows the number of index crime arrests that occurred in the Bronx between 2019 and 2023, in total and by index crime type. Table 1 lists the number of arrests and charging rate by index crime type for the year 2023.

- The Bronx DA’s Office charged 75% of index crime arrests in 2023. Nearly all arrests for murder charges submitted by NYPD in 2023 were charged by the Office (97%).



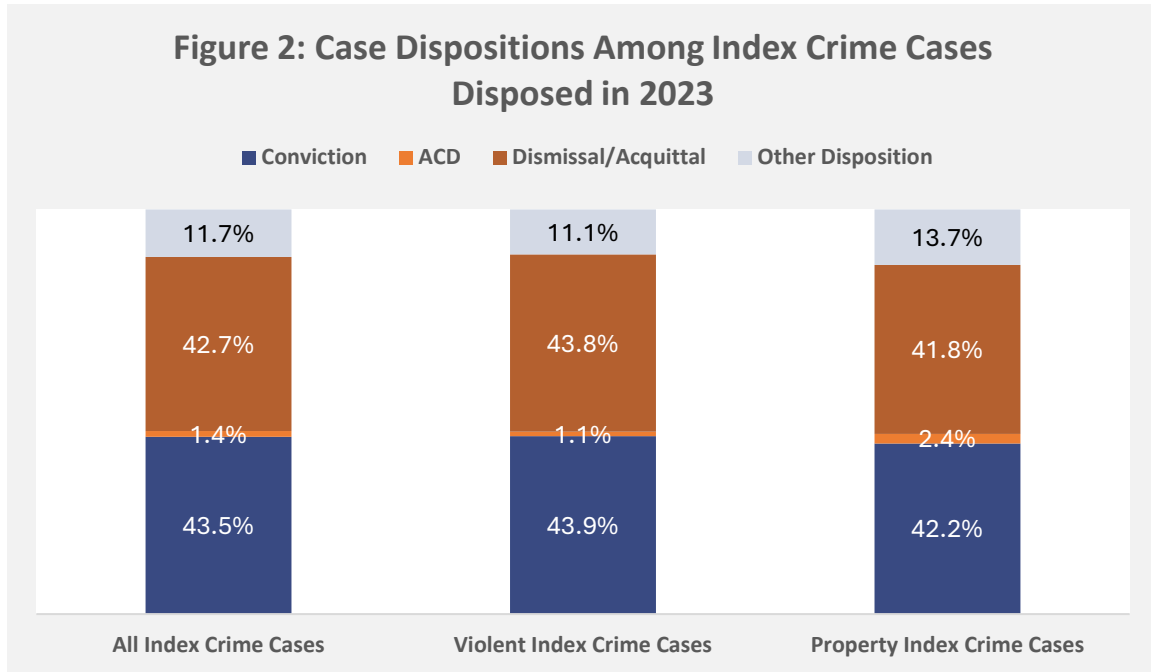
**Table 1. Charging Rates for Index Crime Arrests, 2023**

Index Crime Type	Number of Arrests	Charging Rate
Murder	101	97.0%
Assault	4,829	73.7%
Robbery	2,146	72.4%
Rape	241	78.0%
Burglary	993	83.1%
Grand Larceny	841	69.0%
Motor Vehicle Theft	316	77.2%
<b>All Index Crimes</b>	<b>9,467</b>	<b>74.5%</b>



## Case Dispositions Among Index Crime Cases

Figure 2 displays the distribution of disposition types among all index crime cases disposed in 2023. Table 2 shows the number and rate of disposed cases by category of disposition.



**Table 2: Case Dispositions Among Index Crime Cases Disposed in 2023**

Disposition Type	All Index Crime Cases		Violent Index Crime Cases		Property Index Crime Cases	
	Number	Rate	Number	Rate	Number	Rate
Conviction	1,089	43.5%	842	43.9%	247	42.2%
ACD <sup>1</sup>	36	1.4%	22	1.1%	14	2.4%
Dismissal	1,069	42.7%	840	43.8%	245	41.8%
Other Disposition <sup>1</sup>	292	11.7%	212	11.1%	80	13.7%
<b>Total Cases</b>	2,502	-	1,916	-	586	-

<sup>1</sup> ACD is Adjudged in contemplation of dismissal which typically requires the defendant to stay out of trouble for a set timeframe, and in some circumstances participate in a program or service, in exchange for a dismissal of the case upon successful completion.

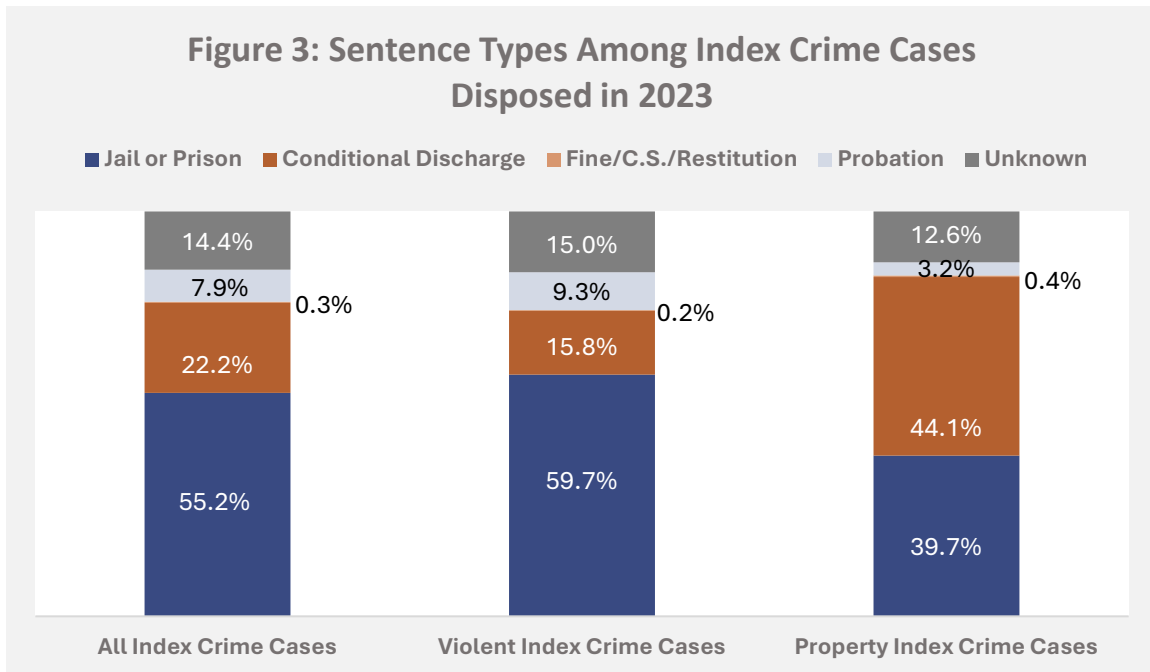
Other disposition includes consolidated with another case or transferred to another court.





## Sentences Among Index Crime Cases

Figure 3 shows the distribution of sentence types among index crime cases that resulted in a conviction in 2023. Table 3 provides the number and rate of disposed cases in each sentence category.



**Table 3: Sentence Types Among Index Crime Cases Disposed in 2023**

Sentence Type	All Index Crime Cases		Violent Index Crime Cases		Property Index Crime Cases	
	Number	Rate	Number	Rate	Number	Rate
Jail or Prison	601	55.2%	503	59.7%	98	39.7%
Conditional Discharge	242	22.2%	133	15.8%	109	44.1%
Fine/Comm. Service/ Restitution	3	0.3%	2	0.2%	1	0.4%
Probation	86	7.9%	78	9.3%	8	3.2%
<b>Total Cases*</b>	<b>1,089</b>	<b>-</b>	<b>842</b>	<b>-</b>	<b>247</b>	<b>-</b>

\* Total does not add to 100% because there were 157 cases with an unknown sentence type.



## Glossary

**Accusatory Instrument:** A written accusation filed with the court by the Bronx DA that charges the defendant with one or more offenses.

**Acquittal:** The defendant is found not guilty at trial.

**Arraignment:** The first time the defendant appears before a judge and hears the charges against them. The defendant will then enter a plea of guilty, not guilty, or no contest.

**Arrestee:** An individual arrested for an offense(s) by NYPD.

**Arrest Event:** An individual is taken into custody by NYPD.

**Bail:** A cash or bond set by the court to ensure the defendant will return for future court appearances. Bail will be forfeited if the defendant does not return.

**Charge Category:** Felony, misdemeanor, or violation/infraction categorization. See the Office of Court Administration (OCA) for [more information](#) on charge severity definitions.

In some instances, felonies are further classified as violent felony offenses (VFOs) or non-violent felony offenses per the [definition](#) used by the Division for 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. Second-degree murder, for example, is not listed in section 70.02 but is categorized as a VFO because it is like a violent felony.

**Charged:** 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. A case is considered “charged” or “prosecuted” if the prosecutor files an affidavit, or accusatory instrument, associated with the arrest.

The prosecution charging rates shown in this document are based on legal documentation filed with the court, such as an accusatory instrument or declined to prosecute forms.

**Conviction:** The defendant is found guilty, either through a guilty plea or at trial.

**Conditional Discharge:** A type of sentence that allows the defendant to be released from prison 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.

**Declined to Prosecute:** If the prosecutor files a decline to prosecute form with the court for all charges on an arrest, the arrest is considered “declined.”

**Defendant:** A person charged with committing a crime.

**Defendant Race:** Race is based on information from the complaint that NYPD files with the Bronx DA at the time of arrest. In this analysis, “race” combines race and ethnicity such that any



defendant of Hispanic origin is categorized as Hispanic, and defendants identified as non-Hispanic are categorized as White, African American/Black, Asian, or Another Race.

**Defendant Age:** Age is based on NYPD reports of the defendant's date of birth at the time of the arrest.

**Defendant Gender:** Gender is based on NYPD reports of the defendant's gender at the time of the arrest.

**Dismissal:** The prosecutor dismisses the charges on the case after the defendant has been charged.

**Disposition:** Resolution of the criminal case. A case can be disposed with an outcome of conviction, dismissal, or acquittal. Other disposition includes cases that were consolidated with another case or transferred to another court.

**Felony:** A crime punishable by a term of imprisonment greater than one year.

**Fine:** A type of sentence that requires a defendant to pay a specific amount of money.

**Index Crimes:** The FBI tracks the incidence of seven main or "index" crime types for the Uniform Crime Reporting Program. These include murder, rape, aggravated assault, robbery, burglary, grand larceny, and motor vehicle theft. See Appendix A for a complete list of the NYS penal law codes included in each index crime category.

**Law Article:** The Law article typically refers to a grouping of charges in the New York State Penal Law that includes different versions of an offense. For example, all charges related to Larceny are grouped into Penal Law Article 155. In these Data Stories, criminal cases are categorized based on the Charge Category and Penal Law Article.

**Misdemeanor:** A crime punishable by probation, a fine, or up to one year in jail.

**Probation:** A type of sentence that releases a defendant into the community under supervision.

**Top Charge:** The most serious charge at a given point in the case flow (for example, there will be a top charge at arrest, a top charge at arraignment, top charge at disposition, top charge at sentencing, etc.). The top charge can change from one point to another for a variety of reasons. For example, the Bronx DA may decide to prosecute for a different charge than the one submitted by NYPD after reviewing the evidence and speaking with witnesses. The charge could change again after arraignment if the defendant agrees to a plea deal.

Charges are ranked based on category (felony, misdemeanor, violation, infraction, unknown), then by class ('A', 'B', 'C', 'D', 'E', '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.

**Violation:** An offense punishable by a fine or up to 15 days in jail.



## Index crime definitions

**Murder:** The willful killing of one human being by another. Excluded from this category are deaths caused by negligence, suicide, or accident, justifiable homicides, and attempts to murder, which are classified as assault.

**Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** The unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm, and also includes attempts to commit murder.

**Burglary:** The unlawful entry of a structure to commit a felony or theft. The use of force to gain entry is not required to classify an offense as burglary.

**Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. It includes crimes such as shoplifting, purse snatching, bicycle thefts, etc., in which no use of force, violence, or fraud occurs. This offense category does not include offenses such as embezzlement, forgery, or bad checks.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle, including automobiles, trucks, buses, motorcycles, and snowmobiles.

**Note:** In this report, only felony charges are included in all of the index crime categories.



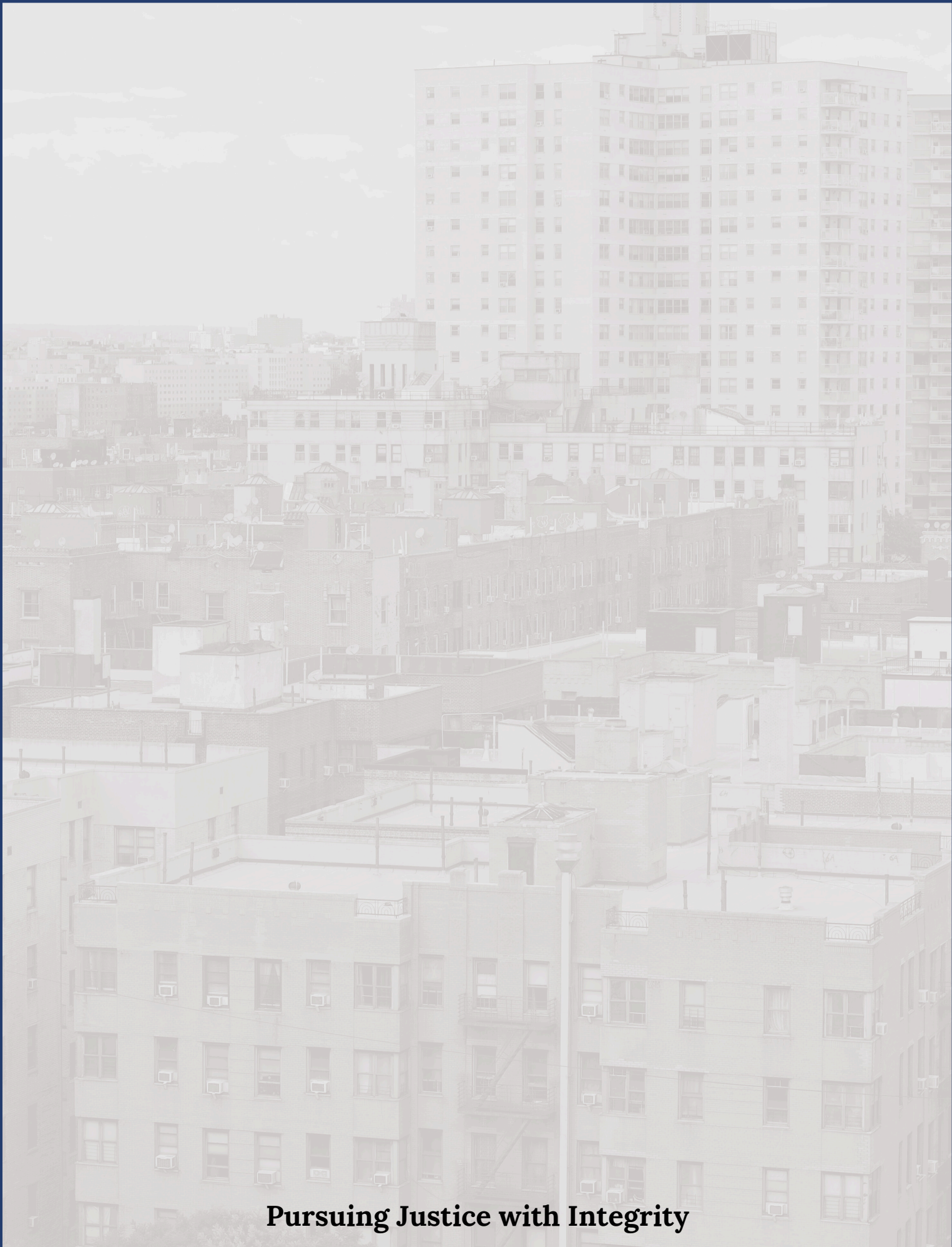


## Index Crime Type Definition by Charge

Category	Index Crime Type	Title	Section	Subsection
Violent	Murder	PL	125.27	All
		PL	125.25	All
		PL	125.26	All
	Rape	PL	130.35	All
		PL	130.30	All
		PL	130.25	All
		PL	130.40	All
		PL	130.45	All
		PL	130.50	All
		PL	130.66	All
		PL	130.67	All
		PL	130.70	All
		PL	130.75	All
		PL	130.80	All
		PL	130.90	All
		PL	130.95	All
		PL	130.96	All
		PL	120.60	02
		PL	255.26	All
		PL	255.27	All
		PL	130.65-A	All
	Robbery	PL	160.15	All
		PL	160.10	All
		PL	160.05	All
	Assault	PL	120.10	All
		PL	120.07	All
		PL	120.05	00, 00X, 00T, 00H, 01, 01X, 01T, 01H, 02, 02X, 02T, 02H, 04, 04X, 04T, 04H, 05, 05X, 05T, 05H, 06, 06X, 06T, 06H, 07, 07X, 07T, 07H, 08, 08X, 08T, 08H, 09, 09X, 09T, 09H, 11, 11T, 11BH, 11BX, 11B, 11H, 11X, 11BT, 3BH, 3BT, 3BX, 4-AH, 4-A, 4-AT, 4-AX
		PL	120.06	All
		PL	120.01	All
		PL	120.02	All
PL		120.08	All	



		PL	120.09	All
		PL	120.11	All
		PL	120.12	All
		PL	120.55	01, 01H
		PL	121.12	All
		PL	121.13	All
		PL	130.85	All
		PL	195.08	All
		PL	215.13	All
		PL	215.17	All
		PL	215.51	B1
		PL	240.73	All
		PL	260.32	03
		PL	260.34	All
		PL	121.13-a	All
		Property	Burglary	PL
PL	140.25			All
PL	140.20			All
Larceny	PL		155.42	All
	PL		155.40	00, 00H, 00Z
				01, 01H
	PL		155.35	All
	PL		155.30	00, 00H, 00Z, 01, 01H, 02, 02H, 03, 03H, 04, 04H, 05, 05H, 07, 07H, 09, 09H, 10, 10H, 11, 11H
	PL		165.10	All
	PL		165.11	All
	PL		155.43	All
Motor Vehicle Theft	PL		155.30	08, 08H
	PL		165.06	All
	PL		165.08	All



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