Arraigned Cases & Most Common Charges 2022

OFFICE OF THE DISTRICT ATTORNEY · BRONX COUNTY

EXCELSIOR

Overview

This report presents information about the number of criminal court cases initiated through an arraignment in Bronx Criminal Courts, and the most common charges associated with those cases, in 2022. Each case is counted separately, and an individual person may have more than one case counted in the analysis if they were arraigned multiple times in 2022.

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. This initial arraignment, sometimes referred to as first appearance, occurs for all arrests accepted for prosecution. It signifies the start of a criminal case and is the basis for assessing volume and other characteristics of criminal cases in the Bronx. The period from arraignment through disposition is typically referred to as the pre-trial stage of a case, during which a case is considered pending. Because some arrests are declined for prosecution, and thus never arraigned, case counts in this report do not sum up to the number of arrests made in the Bronx in 2022. Additionally, because prosecutors have discretion to upgrade or downgrade arrest charges when screening cases, the charge(s) at arraignment may not match those at arrest.

If the defendant is in custody at the time of arrest, the arraignment hearing must be held within 24 hours. If the defendant was issued a desk appearance ticket by NYPD, they were provided with a date to appear for an arraignment hearing, typically within 30 days of the arrest.

For additional information about the data and methodology of this report, please see the Glossary at the end of this document.

Data Source: Criminal case and court measures are based on data from the Office of Court Administration transmitted to the Bronx DA.

Cases Arraigned in 2022

Table 1 displays the number and proportion of cases that had a criminal court arraignment hearing in 2022. Figure 1 presents the proportion of cases by charge category.

- There were 24,352 cases initiated with a criminal court arraignment hearing.
- More than one-fourth of arraigned cases, 26.1%, were felonies, and 73.6% were misdemeanors.

Table 1: Number of Cases Arraigned in Criminal Court in 2022

Charge Category	Number of Arraigned Cases	Proportion of Arraigned Cases
Felony	6,368	26.1%
Misdemeanor	17,925	73.6%
All Arraigned Cases[a]	24,354	-

[a]The numbers for each Charge Category don't sum up to the total number of arraigned cases because 44 cases involving a violation or infraction were excluded and 17 cases were missing information on Charge Category.

Figure 1: Proportion of Cases Arraigned in Criminal Court in 2022
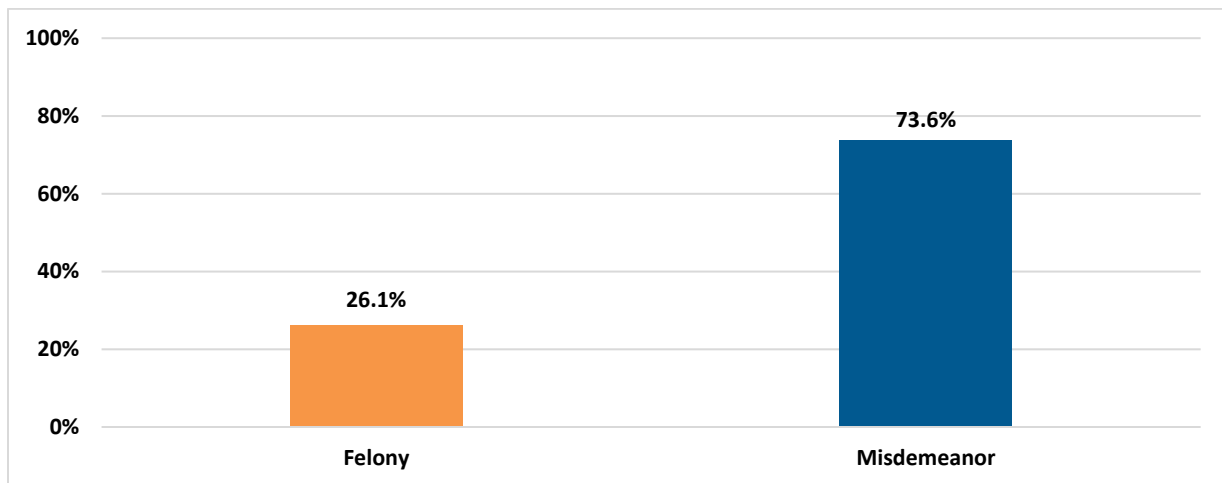
Offenses Arraigned in 2022

Table 2 shows the most common offenses among all cases arraigned in 2022. Offenses are disaggregated by felony and misdemeanor category. For example, Felony Assault and Misdemeanor Assault (both stemming from PL 120) are listed separately. All offenses listed in Table 2 include both attempted and completed versions of the offense.

Table 2: Ten Most Common Offenses at Arraignment

Law Article	Charge Category	Offense	Number of Cases	Percent of Cases
PL 120	Misdemeanor	Assault	3,743	15.4%
PL 165	Misdemeanor	Theft	2,943	12.1%
PL 220	Misdemeanor	Controlled Substances[a]	1,675	6.9%
PL 265	Misdemeanor	Firearms and Other Weapons[b]	1,337	5.5%
PL 265	Felony	Firearms	1,164	4.8%
VTL0511	Misdemeanor	Operation While License is Suspended or Revoked	1,132	4.6%
PL 145	Misdemeanor	Criminal Mischief	1,073	4.4%
PL 121	Misdemeanor	Strangulation and Related Offenses	1,052	4.3%
PL 120	Felony	Assault	1,049	4.3%
PL 220	Felony	Controlled Substances[a]	916	3.8%
All Other Offenses			8,270	34.0%
Total Arraigned Cases			24,354	100%

[a]Misdemeanor controlled substances offenses include criminal possession of a controlled substance in the seventh or eighth degree, and possession of paraphernalia. Felony controlled substances offenses include criminal possession in the fifth degree and up, and all criminal sale of a controlled substance charges.
[b]PL 265 includes offenses related to "Firearms and Other Dangerous Weapons." All Felony offenses within this article involve firearms, however, some misdemeanor charges involve other weapons such as knives.

Felony Offenses Arraigned in 2022

Table 3 shows the most common felony offenses among all cases arraigned in 2022. Each offense includes all felony sections and subsections within a Penal Law Article. With the exception of Homicide (PL 125), which is broken into Attempted and Completed Homicide, all offenses include both attempted and completed versions of the offense. As in Table 2, felony offenses are listed in order from most to least frequent.

- The third column from the right indicates whether the offense category includes a violent felony charge. Seven of the ten most common felony offenses were violent felonies (VFO).

Table 3: Most Common Felony Offenses at Arraignment

Law Article	Charge Category	Offense	Includes VFO Charges	Number of Arraigned Cases	Percent of Cases
PL 265	Felony	Firearms	✓	1,164	18.3%
PL 120	Felony	Assault	✓	1,049	16.5%
PL 220	Felony	Controlled Substances[a]		916	14.4%
PL 160	Felony	Robbery	✓	877	13.8%
PL 140	Felony	Burglary	✓	457	7.2%
PL 125	Felony	Attempted Homicide	✓	349	5.5%
PL 165	Felony	Theft		343	5.4%
PL 155	Felony	Larceny		227	3.6%
PL 130	Felony	Sex Offenses	✓	216	3.4%
PL 125	Felony	Homicide[b]	✓	143	2.2%
All Other Offenses				627	9.8%
Total Felony Arraigned Cases				6,368	100%

[a] Felony controlled substances offenses include criminal possession in the fifth degree and up, and all criminal sale of a controlled substance charges.
[b]Does not include attempts.

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.

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	140.30	All
		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