Case Dispositions/Outcomes and Sentencings 2022

OFFICE OF THE DISTRICT ATTORNEY · BRONX COUNTY

EXCELSIOR

Overview

This analysis presents information about the outcomes of criminal cases that reached disposition in 2022. Each case is counted separately, and an individual person may have more than one case counted in the analysis if they reached disposition multiple times in 2022. Importantly, cases that were disposed in 2022 may have been initiated at any time prior to the disposition date. Some cases that were disposed in 2022 may not have reached sentencing in the same year and are not included in the sentencing measures in this report.

Charge categories and classifications presented are determined based on the top charge at the arraignment hearing for that case. Notably, charges at arrest, arraignment, and case disposition may differ due to prosecutorial decisions during adjudication. Prosecutors may upgrade or downgrade charges at screening if the facts of the case dictate a different charge than what was levied at arrest. Furthermore, prosecutors often have discretion to alter charges in exchange for a guilty plea. For example, a case may have been charged as a felony at arraignment, but the disposition charge may be a misdemeanor. In this analysis, that case would be included as a felony.

For additional information about the data and methodology, 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 Disposed in 2022

Table 1 shows the number of cases that reached disposition in 2022, by charge category at arraignment.

- There were 24,164 cases disposed in 2022. The majority of disposed cases involved misdemeanor charges (72.6%).
- There were 6,584 (27.2%) felony cases disposed in 2022.

Table 1: Number of Cases Disposed in 2022, by Top Charge Category at Arraignment

Charge Category at Arraignment	Number of Cases Disposed in 2022	Proportion of Cases Disposed in 2022
Felony	6,584	27.2%
Misdemeanor	17,533	72.6%
Total[a]	24,164	-

[a]The numbers for each Charge Category don't sum up to the total number of cases disposed in 2022 because 46 cases involving a violation or infraction were excluded and 1 case disposed in 2022 was missing information on charge category.

Case Dispositions in 2022

Figure 1 and Table 2 shows the distribution of case dispositions for all cases disposed in 2022, grouped by the charge category of the top charge at arraignment.[1]

- The conviction rate for felony cases (45%) is significantly higher than the conviction rate for misdemeanor (28%) cases.

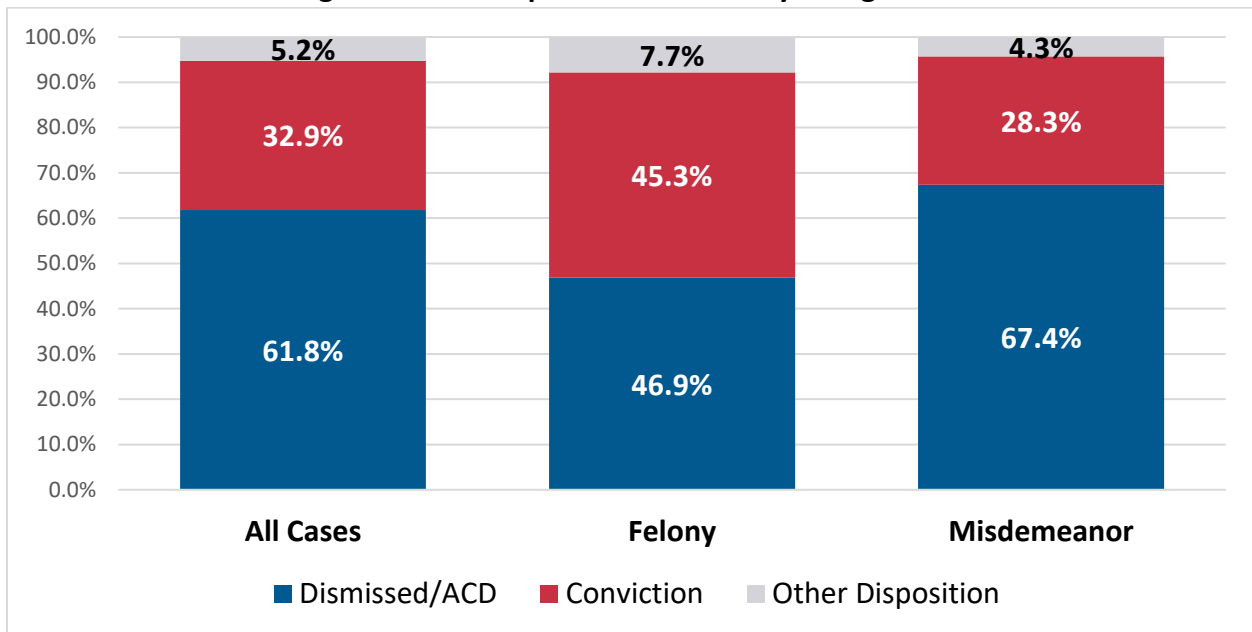**Figure 1: Case Dispositions in 2022 by Charge Class**

Table 2: Case Dispositions in 2022, by Charge Class at Arraignment

Case Outcome	All Cases		Felony		Misdemeanor	
	Cases	%	Cases	%	Cases	%
Dismissed/ACD	14,944	61.8%	3,087	46.9%	11,817	67.4%
Conviction	7,942	32.9%	2,981	45.3%	4,954	28.3%
Acquittal	16	0.1%	11	0.2%	5	0.0%
Other Disposition[1]	1,262	5.2%	505	7.7%	757	4.3%
Total[a]	24,164	-	6,584	-	17,533	-

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[1] Due to infrequency (<1%), Acquittals are omitted from Figure 1, however, they are included in Table 2. The "Other Disposition" category includes 'Arrest Consolidated,' 'Docket Consolidated,' 'Case Consolidated,' and 'Transferred to Another Court.'

Case Length

Table 3 and Figures 2A and 2B present information on case length, measured in days between arrest and conviction, among cases that resulted in a conviction in 2022. Table 3 displays the average number of days to conviction across charge categories. Figures 2A & 2B plot convicted cases across increments of case length for misdemeanor and felony cases. Specifically, for each increment of 100 days, the total number of cases convicted within this increment are tallied.

- In general, more serious cases took longer to convict than less serious cases. Index crime cases took 532 days, on average, to reach conviction. In comparison, and on average, it took 452 days for felony cases and 165 days for misdemeanor cases to reach conviction.
- Figures 2A and 2B show that most misdemeanor convictions were resolved within the first few months after arrest, while felony convictions are more varied in length.

Table 3: Average Case Length, Among Convicted Cases in 2022

Charge Category	Number of Days
Felony	452
Misdemeanor	165
All Cases	273

Figures 2A and 2B: Distribution of Days to Conviction, by Charge Class
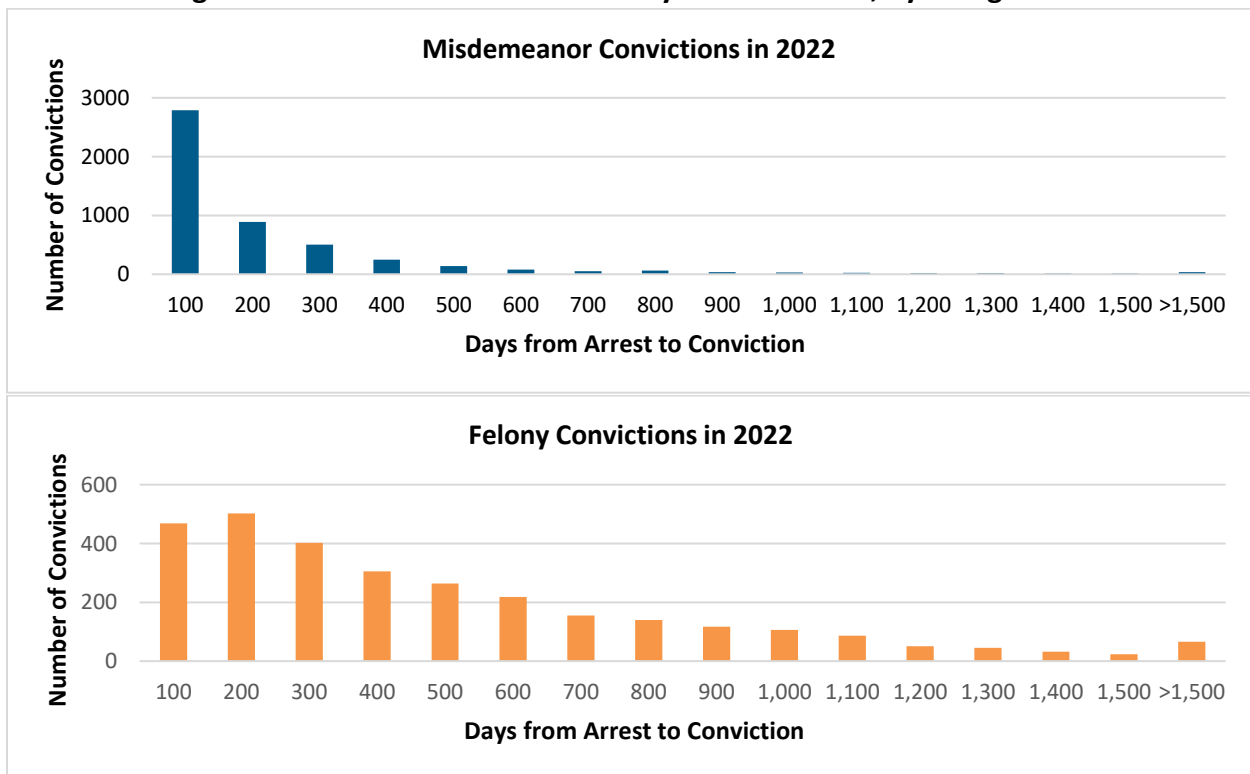
Sentences

Table 4 presents information on the charge category at arraignment and sentence type for all cases that received a criminal sentence in 2022. Cases that did not end in a conviction or were convicted and are still awaiting a sentence are excluded from the table.

- Of all cases sentenced in 2022, 36.5% were felonies and 63.4% were misdemeanors.
- When compared to Table 1, which displays all cases *disposed* in 2022, felony cases comprise a larger portion of the subsample of sentenced cases.
  - Specifically, felony cases represent 27.2% of all cases disposed in 2022, but 36.5% of all cases sentenced. In contrast, Misdemeanors represent 72.6% of all cases disposed in 2022, but 63.4% of those sentenced. This pattern is consistent with findings showing that felony cases are more likely to end in conviction, and less likely to be dismissed, than misdemeanor cases.
- Over half (57.7%) of all cases sentenced in 2022 resulted in a conditional discharge, while 24.8% received a sentence of incarceration.
- Sentences involving incarceration were more than twice as common in felony cases (42.2%) than misdemeanor cases (14.8%).

Table 4: Sentencing Outcomes in 2022, by Charge Class at Arraignment

Measure	Sentenced Cases		Felony		Misdemeanor	
	Cases	%	Cases	%	Cases	%
Charge Category						
Felony	2,804	36.5%	-	-	-	-
Misdemeanor	4,878	63.4%	-	-	-	-
Sentence Type						
Jail/Prison	1,906	24.8%	1,182	42.2%	722	14.8%
Probation	479	6.2%	435	15.5%	44	0.9%
Conditional Discharge	4,434	57.7%	1,055	37.6%	3,375	69.2%
Fine/C.S.[a]/Restitution	688	9.0%	32	1.1%	655	13.4%
Total[b]	**7,690**	**-**	**2,804**	**-**	**4,878**	**-**

[a]Community Service
[b]Totals across both Charge Category and Sentence Type may not add to 100% for three reasons. First, 46 cases involving a violation or infraction were excluded and 1 case disposed in 2022 was missing information on charge category. Second, several cases convicted in 2022 were not yet sentenced. Third, a small number of cases convicted in 2022 are missing sentence type information.

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 <u>or</u> 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 <u>like</u> 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