
Domestic Violence Case Processing in New York City

Results at the Pretrial and Dispositional Stages

By Ashmini Kerodal and Michael Rempel

 Center
for
Court
Innovation

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Executive Summary

This study documents how New York City’s domestic violence cases are handled, from pretrial decision-making to disposition and sentencing. An earlier, companion study examined criminal justice outcomes among all New York City criminal cases—without isolating domestic violence specifically (see Rempel, Kerodal, Spadafore, and Mai 2014). Considering the unique legal, social, and personal issues raised when there are allegations of domestic violence, the present analysis fills a critical gap in our understanding.

Research Questions and Methods

This study seeks to answer the following questions:

- 1. Decision to Prosecute:** To what extent do prosecutors decline to prosecute domestic violence cases, both citywide and in each of the five boroughs of New York City?
- 2. Pretrial Release:** To what extent do judges release domestic violence defendants on their own recognizance (ROR) or set bail? What factors are associated with judges’ decisions?
- 3. Case Processing:** How much time is required to resolve domestic violence cases, and how often are these cases decided at trial?
- 4. Dispositions and Sentencing:** What is the distribution of domestic violence case dispositions and sentences? How often do the sentences involve jail or prison?
- 5. Domestic Violence and Non-Domestic Violence Cases:** To what extent do decisions and outcomes vary between domestic violence and non-domestic violence cases?
- 6. Risk Informed Decision-Making:** To what extent is decision-making risk-informed, meaning that bail-setting or the use of jail or prison at sentencing are especially likely among those posing a higher risk of re-offense?
- 7. Role of Gender:** How, if at all, do outcomes differ for males, as compared to females?
- 8. Racial or Ethnic Disparities:** To what extent do decisions and outcomes vary based on race or ethnicity?

To answer these questions, the study relies on data for NYC criminal cases arraigned in 2012, 2013, and 2014, obtained from the New York State Unified Court System and New York State Division of Criminal Justice Services. Domestic violence cases are defined as those that whose alleged behavior involved a victim who is a family or household member (not limited to intimate partners). As a practical matter, domestic violence status relied on a combination of case classification by law enforcement and on whether or not the case was adjourned to a specialized domestic violence courts following arraignment.

In order to analyze the extent to which decisions and outcomes varied by defendant risk, two risk assessment tools were created that, respectively, classify domestic violence defendants based on general risk of re-arrest (for any new charge) and risk of domestic violence re-arrest. Both tools were created and validated using a population sample of defendants arraigned on domestic violence charges in New York City in 2012, for whom at least two years of follow-up tracking time was available. Risk tools were created with two-thirds of the sampled defendants and validated with the remaining third. Following standard best practices in risk assessment, both tools produced a continuous risk score, which was then divided into five categories ranging from “low risk” to “very high risk.” Performance statistics indicate that the general risk assessment tool (for any re-arrest) had good-to-very good predictive accuracy (risk category AUC=.765), and the domestic violence risk assessment had acceptable accuracy (risk category AUC=.674).

Profile of Domestic Violence Defendants

- **Annual Case Volume:** An estimated 33,808 domestic violence cases were arraigned in New York City’s criminal courts in 2013. Of these, 23,398 (84%) were arraigned on a misdemeanor and 5,410 (16%) on a felony. Assault and related charges (e.g., encompassing both assault and menacing) accounted for more than half of the charges (58%). Other common domestic violence charges were criminal contempt (13%), harassment (8%), and strangulation (3%).
- **Demographic Characteristics:** The defendant population was predominantly male (80%); nonwhite (49% black, 35% Hispanic/Latino, 12% non-Hispanic white, and 4% Asian); and skewed towards older ages (73% of domestic violence defendants compared to 64% of non-domestic violence defendants were ages 25 or older).
- **Criminal History:** Close to two-third of the cases involved defendants with a prior arrest (65%). In addition, 16% had a prior domestic violence arrest, 34% had a prior conviction, and 7% had a prior domestic violence conviction.

- **Re-Arrest Rates:** Slightly over one-third of the domestic violence defendants (36%) were re-arrested within two years, and 17% were re-arrested for domestic violence.
- **Predictors of Re-Arrest:** Factors strongly associated with domestic violence re-arrest included prior criminal history (general and domestic violence priors), male, younger age, and a criminal contempt charge (signifying a violation of a prior order of protection).
- **Impact of Gender on Risk of Re-Arrest:** Only 8% of female compared to 39% of male defendants were classified with a high or very high risk of a domestic violence re-arrest.

Pretrial Decision-Making

- **Decline to Prosecute:** Prosecutors in New York City declined to file 14% of domestic violence arrests in 2014—compared to declining 7% of all arrests, regardless of the charge. Decline-to-prosecute rates for domestic violence were significantly higher in the Bronx (27%) than in the three other large boroughs (9% to 13%). (Decline to prosecute rates could not be reliably analyzed in the fifth borough of the City, Staten Island.)
- **Release Decisions:** Among misdemeanor domestic violence cases continued at arraignment in 2013, 78% received release on recognizance (ROR), representing an only slightly lower release rate than non-domestic violence misdemeanors (81%). Among felony domestic violence cases, 40% received ROR, 59% had to make bail, and 1% were remanded directly to jail.
- **Impact of Gender:** Female domestic violence defendants were significantly more likely than males to receive ROR. Among misdemeanors, 92% of females vs. 74% of males received ROR; and among felonies, 71% of females vs. 34% of males received ROR.
- **Impact of Borough and Judge:** Judges in Manhattan and the Bronx were more likely than in other boroughs to set bail in domestic violence cases. Interestingly, judges in the Bronx are the least likely of any borough to set bail in other cases, indicating that the court response to domestic violence in particular is most distinctive in the Bronx. Within boroughs, bail-setting also significantly varied based on the specific identity of the judge.
- **Risk-Informed Decision-Making:** Defendants posing a progressively higher risk of future domestic violence were somewhat more likely to have bail set. However, there were significant deviations from straight risk-informed decision-making. For instance, more than half (55%) of misdemeanor defendants classified with a “very high risk” and 73% with a “high risk” of domestic violence re-arrest received ROR. Conversely, 31% of felony defendants with a “low risk” of domestic violence re-arrest still had to make bail.

- **Impact of Race/Ethnicity:** When controlling for other observable factors, black and Hispanic/Latino defendants were significantly more likely than whites to have bail set.
- **Bail Amounts:** When bail was set, 82% of domestic violence misdemeanors but only 22% of domestic violence felonies faced bail of \$2,000 or less. In general, average bail was more than two times higher for domestic violence than non-domestic violence misdemeanors (\$3,987 vs. \$1,244, respectively). Bail was more comparable between domestic and non-domestic violence felonies (\$21,526 vs. 25,082 respectively).
- **Pretrial Detention:** Of cases that had to make bail in 2013, 89% were unable to post bail at arraignment and were sent to pretrial detention. Most such cases eventually made bail, however. Ultimately, among all domestic violence cases continued at arraignment, only 8% of misdemeanors and 20% of felonies were detained throughout the pretrial period.
- **Pretrial Case Processing Time:** Of cases disposed in 2014, domestic violence misdemeanors averaged 107 days to disposition (compared to 56 days for all other misdemeanors), and felonies averaged 180 days (compared to 198 days for all other felonies). (Times reflect days from initial arraignment to a case disposition, not to sentencing, which could take place later in felony cases.) Only 0.3% of misdemeanors and 0.9% of felonies were disposed by trial verdict.

Dispositions and Sentencing

- **Conviction Rate:** Of an estimated 35,428 domestic violence cases disposed in 2014, one-third of the misdemeanors and 57% of the felonies ended in a guilty plea/conviction. When isolating criminal convictions only (excluding cases pled down to a violation), 8% of misdemeanors and 37% of felonies ended with a criminal conviction.
- **Comparison to Non-Domestic Violence Cases:** Domestic violence cases were significantly less likely than others to end in a guilty plea/conviction among both misdemeanors (33% vs. 55% convicted) and felonies (57% vs. 74% convicted).
- **Use of Adjournments in Contemplation of Dismissal:** Three in ten misdemeanor domestic violence cases in Queens were disposed with an adjournment in contemplation of dismissal (ACD), compared to 5-17% disposed with a ACD in the four other boroughs. Notably, only 24% of misdemeanor cases in Queens received a straight dismissal (vs. 57-71% elsewhere). Queens also had the lowest felony dismissal rate of any borough (10%).
- **Jail and Prison Sentences:** Among convicted cases initially arraigned on misdemeanor charges, 16% were sentenced to jail. Among felonies ending in conviction, 28% were sentenced to jail and 8% to prison. In general, convicted domestic violence cases in the Bronx were the most likely of any borough to be sentenced to a period of incarceration.

- **Predictors of Incarceration:** Overall, among cases pleading guilty/convicted, factors most strongly associated with an incarceration sentence were: male gender; prior arrest or conviction; and borough. (Net of other factors, the Bronx had the highest rate of jail or prison sentences.) Among felonies, those with a criminal contempt top charge were also significantly more likely to receive a jail or prison sentence than cases with an assault top charge. (Many cases charged with contempt had a secondary assault charge as well.)
- **Racial/Ethnic Disparities:** There were no observed racial or ethnic disparities in conviction or sentencing when comparing black, Hispanic/Latino, and white defendants.
- **Risk-Informed Case Dispositions and Sentences:** Domestic violence defendants sentenced to jail or prison tended to cluster towards significantly higher risk levels than those sentenced to non-custodial sentences or receiving case dismissals. For instance, 71% of those sentenced to jail but only 30% of those receiving a conditional discharge were classified as posing a high or very high risk of a domestic violence re-arrest.

Chapter 1

Introduction

This study documents how New York City’s domestic violence cases are handled, from the pretrial stages to disposition and sentencing. An earlier, companion study presented and critically assessed criminal justice decision-making across the case processing continuum for all New York City criminal cases (Rempel, Kerodal, Spadafore, and Mai 2014). While this earlier study also drew careful distinctions among decisions and outcomes for cases that varied in charge severity (e.g., misdemeanor or felony), charge type, defendant demographics (especially age and race/ethnicity), and future risk to public safety, case processing features specific to domestic violence cases went mostly unexamined. The present report fills this important gap in our understanding of criminal case processing in the City.

Legal Context in New York

New York State has a mandatory arrest policy for domestic violence, which shifts the use of discretion from the police to prosecutors, who determine if a case will be prosecuted (see, e.g., Domestic Violence 2012). Prosecutorial decision making may, in turn, be influenced by a wide range of factors, including the defendant’s prior history of perpetrating domestic violence as well as legal and case characteristics of the current matter, such as the strength of the evidence, severity of the charges and victim’s injuries, and whether the victim is perceived as willing to cooperate with the prosecution (see Hartman and Belknap 2003; Hirschel and Hutchison 2001; Ventura and Davis 2005).

In general, based on prior research, both prosecutorial and court policies vary significantly from one jurisdiction to another, even within the same state or local setting. For instance, prior research has amply demonstrated the presence of sizable differences in domestic violence case filing and prosecution policies between the Bronx and Brooklyn (e.g., Davis, O’Sullivan, Farole, and Rempel 2008; Peterson and Dixon 2005) as well as in court policies distinguishing all five boroughs of New York City (e.g., Cissner, Labriola, and Rempel 2013; Gavin and Puffett 2006; Peterson 2002).

What all the five boroughs of the City have in common, however, is the same legal framework, as specified by New York State law. In particular, New York does not have a domestic violence-specific charge in the penal code, meaning that all intimate partner violence or other domestic violence cases must be charged with offenses that are also applied to other, non-domestic violence crimes. In general, this means that the most common charges in domestic violence cases are assault offenses (PL §120.00-120.12), menacing offenses (PL §120.13-120.15), stalking offenses (PL §120.45-120.60), strangulation offenses (PL §121.11-121.14), and child and elder maltreatment offenses (PL §260.00-260.34),¹ as well as criminal contempt offenses (PL §215.50-215.52), the latter of which are commonly applied when a defendant violates an order of protection on a prior domestic violence case. Cases with these or, less frequently, other charges from the state penal law are defined to involve domestic violence if the alleged criminal behavior involved a victim who is a family or household member. Domestic violence cases either as defined in the current study or in New York’s system for flagging such cases is not limited to intimate partner relationships.

Overview of the Current Study

The present study provides a quantitative analysis of domestic violence case processing in New York City, largely drawing on data for calendar years 2012, 2013, and 2014. Although overall domestic violence case volume may have changed between those years and the 2018 publication date of this report, given that case processing policies are unlikely to have dramatically changed in any of the five borough-based prosecutors’ offices or criminal courts, it is likely that the essential patterns remain comparable.

As shown in Table 1.1, an estimated 33,808 domestic violence cases were arraigned in New York City’s criminal courts in 2013. Of these, 23,398 (84%) were arraigned on a misdemeanor and 5,410 (16%) on a felony.² These cases involved 29,283 individual defendants (some defendants accounted for multiple cases).

¹ Child and elder maltreatment can be committed by caregivers (e.g., kindergarten teacher, baby sitter, hospice caregiver, etc.) in addition to family members.

² In New York State, a small number of domestic violence matters were also arraigned on a non-criminal harassment violation, but these non-criminal cases are excluded. However, many cases initially arraigned on a misdemeanor or felony charge are, later in case processing, downgraded to a violation, and these cases are included in the total.

Also shown in Table 1.1., the criminal courts in Brooklyn process the greatest number of domestic violence cases of all five boroughs (31% of the total), closely followed by Queens (27%). Since some domestic violence cases are dropped by the prosecutor’s office between arrest and arraignment, prosecutorial policies influence how many cases ultimately reach the arraignment stage. For instance, the Brooklyn District Attorney’s Office generally seeks to prosecute a higher percentage of domestic violence arrests than the Bronx (Davis et al. 2008; Peterson and Dixon 2005).

Research Questions

In order to map the path of domestic violence cases through the court system, this study seeks to answer research questions in eight distinct areas.

- 1. Decision to Prosecute:** To what extent do prosecutors decline to prosecute domestic violence cases, both citywide and in each of the five boroughs?
- 2. Pretrial Release:** To what extent do judges release domestic violence defendants on their own recognizance (ROR), set bail, or remand directly to jail? Additionally, what defendant and case characteristics, such as the charges, prior criminal or domestic violence history, prior failure to appear history, and defendant demographics, are associated with judges’ release decisions? Finally, when bail is set, how often do the defendants make bail, either at arraignment or later in case processing?

Table 1.1. Domestic Violence Arraignments in 2013

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
Arraignment Total	5,914	10,569	6,960	9,051	1,314	33,808
Percent in each Borough	17%	31%	21%	27%	4%	100%
MISDEMEANORS AND FELONIES						
Misdemeanor arraignments	4,875	8,830	5,588	7,874	1,231	28,398
	82%	84%	80%	87%	94%	84%
Felony arraignments	1,039	1,739	1,372	1,177	83	5,410
	18%	16%	20%	13%	6%	16%

Note: Cases included all misdemeanor and felony domestic violence cases filed in court (source = Unified Court System).

3. **Case Processing:** How much time is required to reach a case disposition, and how does case processing time vary by borough, charge severity or type, or other factors?
4. **Dispositions and Sentencing:** What is the distribution of case dispositions and sentences (overall, and by borough and charge). How often do sentences involve jail or prison?
5. **Domestic Violence and Non-Domestic Violence Cases:** To what extent do decisions and outcomes vary between domestic violence and non-domestic violence cases (after controlling for other case and defendant characteristics)?
6. **Risk Informed Decision-Making:** To what extent is current decision-making—especially at the pretrial and dispositional stages—*risk-informed*, meaning that pretrial detention or use of jail or prison at the sentencing stage are disproportionately used with those statistically shown to pose a greater threat of re-offending in the future?
7. **Role of Gender:** What is the distribution of outcomes and how do they differ at each decision-point in the case processing continuum for males compared to females?
8. **Racial or Ethnic Disproportionalities:** To what extent do decisions and outcomes vary based on race or ethnicity?

Chapter 2

Data Sources and Methods

This chapter reviews the data sources used in the study, specific variables and measures, and the analytic plan for deriving meaningful results from the data.

Data Sources

Case-level data was compiled and, where possible, merged from two sources:

- **New York State Unified Court System:** The Division of Technology of the New York State Unified Court System (UCS) provided data for all cases either arraigned in court or disposed from January 1, 2011 through November 7, 2014. A separate dataset was later obtained on all cases with a final disposition date on any day in 2014. Although most analyses were limited to cases arraigned on felony or misdemeanor charges, the UCS dataset included violations, local offenses, and other non-finger-printable offenses.
- **New York State Division of Criminal Justice Services:** The Division of Criminal Justice Services (DCJS) provided overlapping data for cases arrested or disposed from calendar years 2011 through 2014. DCJS also supplied criminal history and recidivism data for all defendants with at least one arrest within the 2011-2014 instant case period.³

Efforts were undertaken to create a comprehensive merged dataset, but this task proved only partially feasible. Ultimately, it was necessary to create two merged datasets, one whose denominator equaled the totals in the DCJS data and another whose denominator equaled the totals in the UCS data. For both datasets, merging across sources was successfully achieved for more than three-quarters of the total: that is, both datasets integrated measures from all data sources in most cases. Having established two merged datasets, each with a slightly different denominator, analyses were conducted using the dataset with the most complete

³ The DCJS data was limited to arrests on misdemeanor or felony charges—omitting violations or lesser offenses—and was limited to finger-printable offenses, which excludes most vehicle offenses (except Driving While Intoxicated, which is included) and other select misdemeanors. For a list of non-finger-printable offenses put together by the Division of Criminal Justice Services, see http://www.criminaljustice.ny.gov/crimnet/ccman/non_fp_codedlawmanual.pdf.

information for each stage of case processing (e.g., the UCS-based dataset for pretrial decisions and case processing; and the DCJS-based dataset for decline to prosecute decisions, dispositions, and sentences).

Data Elements

Available data yielded the following types of measures, among others:

- **Domestic Violence flag:** Domestic violence cases were identified through three methods, whereby a flag obtained through any of the three methods led the case to be defined as domestic violence in all analyses: (1) domestic violence (DV) flag indicated by the New York Police Department (and reported to the Division of Criminal Justice Services); (2) domestic violence flag recorded by court clerks at the arraignment court appearance; or (3) case was disposed in a specialized domestic violence court, from which we inferred that the case had to have involved domestic violence allegations even if other flags were not checked.⁴
- **Arrest, Arraignment, and Disposition Charges:** Data included the top charge, respectively, at arrest, arraignment, and disposition (if the case ended in a plea or conviction). Charges were generally distinguished by whether they were at the felony or misdemeanor levels. Specific penal law charges were also obtained and grouped into smaller numbers of summary categories for some analytic purposes.
- **Demographics:** Available data included defendant gender, age, and race/ethnicity.
- **Borough:** Data also enabled coding the borough (of the city's five boroughs).
- **Release Status:** Data enabled coding the release status as of arraignment and disposition into four categories: (1) remanded, (2) did not make bail, (3) made bail, and (4) release on recognizance (ROR). For some purposes, these four-category measures were dichotomized into a summary *release decision* measure that grouped together remand and

⁴ All three methods for flagging domestic violence are, in practice, imperfect in the direction of underreporting domestic violence, which explains why this study sought to capture and define any case as involving domestic violence if any of the three methods defined the case as such. In general, the New York Police Department classifies a case as involving domestic violence if the defendant and complainant are family members, household members, or involved in an intimate relationship. The flag that is recorded by court clerks depends on the prosecutor's classification, and the criteria for a case being adjourned to the specialized domestic violence court varies slightly by borough (e.g., see Gavin and Puffett 2006).

both bail categories as opposed to ROR; and a summary *detention status* measure that grouped remand and not made bail into detained and made bail and ROR into released.

- **Case Processing:** Data enabled creating measures for days (sometimes recoded to months) from arraignment to disposition as well as between key interim milestones, including time in Criminal Court; time in Supreme Court (if applicable); and time from indictment to Supreme Court arraignment. Bench warrant time and time involved in fitness-to-stand-trial proceedings were subtracted from total case processing time (utilizing pre-set UCS time measures that engage in this subtraction).
- **Disposition:** Summary measures were created for the case outcome, for most purposes coded into five categories: (1) felony criminal conviction, (2) misdemeanor criminal conviction, (3) violation conviction (a violation is technically not a crime in New York State); (4) adjournment in contemplation of dismissal (ACD);⁵ and (5) straight dismissal. Where applicable, the disposition field was also coded as decline to prosecute, although decline to prosecute decisions were analyzed separately, with declined cases then omitted from later analyses of release decisions, dispositions, and sentences.
- **Sentencing:** Data enabled classifying the sentence as prison, jail, jail/probation split, straight probation, and other sentence (including fine and conditional discharge). Data were also available on the sentence length for prison and jail sentences.
- **Criminal History:** For both prior arrests and convictions, continuous and dichotomous measures were created for any priors as well as for priors of distinct charge types, including prior misdemeanors, felonies, violent felonies, drug cases, child victim cases, weapons or firearm cases, DWI cases, and domestic violence cases.
- **Noncompliance History:** DCJS data enabled computing measures for prior cases in which a warrant was issued for failure to appear (FTA). Measures were also created for prior probation and parole revocations.
- **Current Criminal Justice Status:** Measures were created for whether the defendant had an existing open case and/or was on probation at the time of the current arrest.
- **Recidivism:** A series of continuous (number of re-arrests) and dichotomous (at least one re-arrest) measures were created for any re-arrest, misdemeanor re-arrest, felony re-

⁵ In New York State, an adjournment in contemplation of dismissal, or ACD, represents an agreement to dismiss the case automatically after six months or one year depending on the charges, unless the prosecutor moves to restore the case due to noncompliance with conditions, such as batterer program participation (Isn't it more likely a re-arrest?), which are sometimes imposed in conjunction with an ACD.

arrest, and domestic violence re-arrest. For each charge category, measures were created at the two-year marks and for tracking periods that respectively began on the instant case arrest date and the instant case disposition date and that did and did not adjust for time at risk (i.e., time when the defendant was not held in jail or prison). Additionally, survival time measures were created for the number of days to first re-arrest. Ultimately, reported recidivism analyses utilized a small number of dichotomous re-arrest measures at two years for any re-arrest, including domestic violence re-arrest.

Analytic Plan

In large part, this study involved basic descriptive analyses, reporting trends and patterns at multiple decision-points on the case processing continuum. However, for some analytic purposes, a multivariable framework was employed to isolate the effect of different defendant characteristics (e.g., demographics, criminal history, charges, etc.) on some decision or outcome (e.g., bail set or not; convicted or not), while simultaneously controlling for other characteristics. For the most part, a standard set of predictor variables were utilized. They included: (1) *borough*; (2) *demographics*: sex, age (often with a separate covariate for the 16-17-year-old or 16-24-year-old age ranges), and race/ethnicity (black, Hispanic/Latino, white, Asian, and additional race/ethnicity, with Asian and additional categories typically combined); (3) *prior criminal history*: prior arrest, prior conviction, prior domestic violence arrest or conviction, and priors for different charge severities; (4) *prior noncompliance history*: failure to appear on prior case; prior probation revocation, and prior parole revocation; (5) *charge severity* (misdemeanor, nonviolent felony, or violent felony); and (6) *charge type*: assault and related, criminal contempt, strangulation, harassment, and other. “Other” included property, drug/marijuana, and weapon/firearm offenses.

Risk Analysis

In order to analyze the extent to which decisions and outcomes varied by defendant risk (see research question #6 above), two risk assessment tools were created—one to classify defendants based on their general risk (likelihood of re-arrest) and the other to classify defendants based on their domestic violence risk (operationalized as likelihood of a re-arrest for domestic violence—which is, in turn, defined as such in the data if the re-arrest qualifies as domestic violence based on any of the three flagging methods noted above). The tools were created using two-thirds of all New York City domestic violence cases in 2012 (the development sample). The tools were then validated with the one-third of the 2012 New York City domestic violence sample *not* used for the development sample, for whom at least

two years of follow-up tracking time for re-arrest was available in the project dataset. The unit of analysis was defendant based; one case was randomly selected for defendants with multiple arrests in the same year. The resulting algorithms created and validated to predict *general risk* (any re-arrest) and *domestic violence risk* drew from the following factors:

- **Prior Arrests:** Prior arrest (yes/no); number of prior domestic violence arrests (0, 1, or 2 or more); prior weapon arrest (yes/no); and prior criminal contempt arrest (yes/no).
- **Prior Convictions and Incarceration:** Number of prior misdemeanor convictions in past 3 years (only included in algorithms predicting general re-arrest; 0, 1, 2, or 3 or more); prior drug conviction (yes/no); and prior jail or prison sentence (only included in algorithms predicting general re-arrest, yes/no).
- **Prior Failure to Appear (FTA):** Prior case with FTA for scheduled court appearance (yes/no); and number of prior cases with FTA in past 3 years (0, 1, 2, or 3 or more)
- **Prior Supervision Revocations:** Prior probation revocation (only included in algorithms predicting general re-arrest, yes/no); and prior parole revocation (only included in algorithms predicting general re-arrest, yes/no).
- **Current Criminal Justice Status:** Current open case pending at time of current arrest (only included in algorithms predicting general re-arrest, yes/no).
- **Criminal Contempt Current Top Charge:** Current top charge of criminal contempt—pointing to an alleged violation of a previous order of protection (yes/no).
- **Demographic Risk Factors:** age (younger classified higher risk); and sex (male classified higher risk).

Algorithms weighted each factor based on the strength of its effect on two-year re-arrest or domestic violent re-arrest, respectively. Final weights were created using multivariable models, with unstandardized regression coefficients divided by a constant of 0.2 and then rounded to the nearest whole number. The resulting risk scores were whole numbers ranging from zero to 37; domestic violence risk scores ranged from zero to 21. Appendix A provides the final list of risk factors and the resulting weighting schemes for each algorithm.

Risk Categories: After obtaining raw risk scores, cut points were established based on different re-arrest risk for each raw score and dividing the continuous scores into five categories: low, low-moderate, moderate, high, and very high risk.

Performance: Table 2.1 presents the two-year re-arrest rates for those placed in each risk category for both risk tools (general re-arrest and domestic violence re-arrest). The results illustrate higher re-arrest rates at progressively higher risk categories for both risk tools. Table 1.2 also provides Area under the Curve (AUC) statistics for the original (development) sample used to create the risk classification system and for the validation sample. The AUC is a widely accepted statistic that indicates the capacity of a risk assessment tool to accurately differentiate individuals who are and are not, in fact, re-arrested. An AUC in the range of .600 to .700 is considered acceptable; .700 to .800 is good to very good; and .800 or higher is excellent (but rarely seen in practice). Performance statistics indicate that the general risk assessment tool (any re-arrest) has a good-to-very good predictive accuracy (risk score AUC=.776; risk category AUC=.765) and the domestic violence risk assessment tool has an acceptable level of accuracy (risk score AUC=.682; risk category AUC=.674). Furthermore, the AUC for both tools remained relatively unchanged in the validation sample.

Table 2.1. Performance of the Risk Classification System

Risk Levels and Performance of the Classification Scheme	Two-Year Outcomes	
	Re-Arrest Rate and AUC	Domestic Violence Re-Arrest Rate and AUC
Re-Arrest Rates by Risk Level¹		
Low Risk	11%	7%
Low-Moderate Risk	16%	9%
Moderate Risk	28%	17%
High Risk	49%	27%
Very High Risk	71%	34%
Area Under the Curve (AUC)¹		
Risk Score	0.776	0.682
Risk Categories	0.765	0.674
Validation Sample Performance: Area Under the Curve (AUC)²		
Risk Score	0.793	0.691
Risk Categories	0.779	0.684

¹ The development sample included two-thirds of all domestic violence cases arrested in 2012, where domestic violence status was identified through three (imperfect) methods, whereby a flag obtained through any method leads the case to be defined as domestic violence: (1) domestic violence flag indicated by the New York Police Department (and reported to the New York State Division of Criminal Justice Services); (2) domestic violence flag indicated on the "arraignment type" field recorded by court clerks at the arraignment court appearance; or (3) case disposed in a specialized domestic violence court.

² The sample size for the validation sample was 7,048 and comprised the 2012 domestic violence cases not selected for the development sample.

Chapter 3

Descriptive Profile: Background Characteristics and Risk of Re-Offense

This section presents a general profile of criminal domestic violence cases in New York City. The three respective sections that follow: (1) provide the background characteristics of New York City’s domestic violence defendants; (2) compare the background characteristics of domestic violence and non-domestic violence defendants; and (3) describe the risk profile of the domestic violence population, indicating the percentages of defendants who can be validly classified as low, low-moderate, moderate, high, and very high risk, respectively, of re-arrest and, specifically, of domestic violence re-arrest.

Background Characteristics

As shown in Table 3.1, 33,808 criminal cases were arraigned on misdemeanor or felony charges in 2013, a figure that encompasses 29,283 unique defendants (some defendants were arrested more than once). The defendant population was predominantly male (80%, which is consistent with prior studies using official data, e.g., Melton and Belknap 2003; Ventura and Davis 2005); nonwhite (49% black, 35% Hispanic/Latino, 4% Asian, and 12% non-Hispanic white); and skewed towards older ages (73% ages 25 or older).

Close to two-third of cases involved defendants with a prior arrest (65%), 16% had a prior domestic violence arrest, one-third (34%) had a prior conviction, and 7% had a prior domestic violence conviction. The majority involved misdemeanor charges (84%), with 8% arraigned on a nonviolent felony and 8% on a violent felony. Assault, menacing, and related charges accounted for more than half of the total charges (58%).⁶ Other common domestic violence charges were criminal contempt (13%), harassment (8%), and strangulation (3%).

⁶ Assault, menacing, and stalking charges were grouped together for coding purposes, because they all fall under the same section of the penal law (PL §120) as “assault and related” charges. Nearly all of the charges in this category are either assault or menacing.

Table 3.1 Domestic Violence Arraignments in 2013: Case Characteristics

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
Arraignment Total	5,914	10,569	6,960	9,051	1,314	33,808
MISDEMEANORS & FELONIES						
Misdemeanor arraignments	4,875	8,830	5,588	7,874	1,231	28,398
	82%	84%	80%	87%	94%	84%
Felony arraignments	1,039	1,739	1,372	1,177	83	5,410
	18%	16%	20%	13%	6%	16%
DEMOGRAPHICS						
Age						
Average age	31.5	33.1	32.0	34.2	33.0	32.9
Youth ages 16-24	31%	25%	31%	22%	27%	27%
Ages 16-17 years	6%	2%	4%	3%	4%	3%
Ages 18-24 years	26%	23%	28%	20%	23%	24%
Ages 25-39 years	46%	48%	44%	48%	46%	47%
Ages 40 and older	23%	27%	24%	30%	27%	26%
Sex: Percent male	81%	82%	78%	80%	82%	80%
Race/ethnicity ¹						
Black	44%	63%	45%	40%	36%	49%
Hispanic/Latino	52%	24%	40%	36%	22%	35%
White	3%	11%	12%	14%	41%	12%
Asian	1%	2%	2%	10%	0%	4%
Additional race / ethnic group	0%	0%	0%	1%	0%	0%
CRIMINAL HISTORY²						
Prior arrests						
Prior arrest	72%	65%	67%	59%	74%	65%
Prior domestic violence arrest	21%	15%	15%	14%	14%	16%
Prior misdemeanor arrest	68%	60%	63%	53%	69%	60%
Prior felony arrest	54%	52%	50%	43%	58%	49%
Prior violent felony arrest	39%	38%	34%	28%	37%	34%
Prior drug arrest	48%	44%	45%	32%	51%	42%
Prior weapons arrest	39%	37%	33%	27%	38%	34%
Prior firearms arrest	14%	15%	11%	9%	12%	12%
<i>Average number of prior arrests</i>	<i>7.1</i>	<i>6.6</i>	<i>6.2</i>	<i>4.2</i>	<i>7.3</i>	<i>6.0</i>
Prior convictions						
Prior conviction	40%	35%	37%	28%	43%	34%
Prior domestic violence conv.	9%	6%	9%	6%	10%	7%
Prior misdemeanor conviction	35%	29%	31%	24%	38%	30%
Prior felony conviction	25%	21%	23%	15%	23%	21%
Prior violent felony conviction	10%	11%	10%	7%	10%	9%
Prior drug conviction	29%	19%	27%	13%	28%	21%
Prior weapons conviction	13%	11%	11%	8%	11%	10%
Prior firearms conviction	4%	4%	4%	3%	3%	4%
<i>Average number of prior convs.</i>	<i>2.4</i>	<i>2.1</i>	<i>2.2</i>	<i>1.2</i>	<i>2.3</i>	<i>1.9</i>

Table 3.1 Domestic Violence Arraignments in 2013 (continued)

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
TOP CHARGE SEVERITY						
Misdemeanor	82%	84%	80%	87%	94%	84%
Felony	18%	16%	20%	13%	6%	16%
Nonviolent felony	5%	8%	10%	7%	4%	8%
Violent felony	13%	8%	10%	6%	3%	8%
CHARGE TYPE: ALL CASES						
Assault, menacing, and related	56%	62%	52%	60%	53%	58%
Criminal Contempt	11%	12%	13%	14%	20%	13%
Strangulation	2%	2%	5%	3%	8%	3%
Harassment	9%	7%	10%	7%	5%	8%
Other ¹	22%	16%	22%	16%	15%	18%
MISDEMEANOR						
Assault and related charges	59%	69%	57%	65%	54%	63%
Criminal Contempt	12%	8%	11%	11%	19%	11%
Strangulation	2%	2%	3%	2%	8%	3%
Harassment	11%	8%	12%	8%	5%	9%
Other	16%	12%	18%	13%	14%	14%
FELONY						
Assault and related charges	39%	26%	32%	26%	29%	30%
Criminal Contempt	5%	32%	19%	34%	34%	24%
Strangulation	4%	4%	13%	4%	10%	6%
Harassment	0%	0%	0%	0%	0%	0%
Other	52%	37%	36%	36%	28%	39%

Note: Cases included all misdemeanor and felony domestic violence cases filed in court, as provided by the Unified Court System. Criminal history data was obtained separately from the New York State Division of Criminal Justice Services. Cases with unknown race (N=802) were excluded. Cases included all misdemeanor and felony domestic violence cases filed in 2013 (N=33,808) with borough information, as provided by the New York State Division of Criminal Justice Services.

¹ The majority of domestic violence cases listed as 'Other' only had a domestic violence charge. This category also included less than 1% each: property crimes, drug/marijuana, and weapon/firearm crimes.

² Criminal history results are defendant based (all defendants arraigned in 2013), whereas all other characteristics are case-based.

Domestic Violence vs. Non-Domestic Violence Cases

Table 3.2 compares the background characteristics of domestic violence and non-domestic violence criminal cases arraigned in 2013. The domestic violence defendant population was

significantly older (73% vs. 64% ages 25 or older), with smaller differences across a range of other characteristics displayed in Table 3.2.

Table 3.2 Comparison of Domestic Violence and Non-Domestic Violence Case Characteristics: Arraignments in 2013

	Domestic Violence	Non-Domestic Violence
Arraignment Total	33,808	280,366
MISDEMEANORS AND FELONIES		
Misdemeanor arraignments	28,398	234,396
	84%	84%
Felony arraignments	5,410	45,970
	16%	16%
DEMOGRAPHICS		
Age		
Average age	32.9***	32.0
Youth ages 16-24	27%***	36%
Ages 16-17 years	3%***	7%
Ages 18-24 years	24%	29%
Ages 25-39 years	47%	36%
Ages 40 and older	26%	27%
<i>Ages 25 and Older</i>	73%***	64%
Sex: Percent male	80%***	82%
Race/ethnicity ¹		
Black	49%***	48%
Hispanic/Latino	35%	35%
White	12%	14%
Asian	4%	3%
Other	0%	0%
CRIMINAL HISTORY²		
Prior arrests		
Prior arrest	65%***	71%
Prior misdemeanor arrest	60%***	67%
Prior felony arrest	49%***	54%
Prior violent felony arrest	34%***	36%
Prior drug arrest	42%***	53%
Prior weapons arrest	34%***	35%
Prior firearms arrest	12%***	14%
<i>Average number of prior arrests</i>	5.97***	8.93

Table 3.2 Comparison of Domestic Violence and Non-Domestic Violence Case Characteristics: Arraignments in 2013 (Continued)

	Domestic Violence	Non-Domestic Violence
Prior convictions		
Prior conviction	34% ***	41%
Prior misdemeanor conviction	30% ***	37%
Prior felony conviction	21% ***	26%
Prior violent felony conviction	9% ***	11%
Prior drug conviction	21% ***	30%
Prior weapons conviction	10% ***	12%
Prior firearms conviction	4%+	4%
<i>Average number of prior convs.</i>	1.94***	4.26
TOP CHARGE SEVERITY		
Misdemeanor	84% ***	84%
Felony	16%	16%
Nonviolent felony	8%	11%
Violent felony	8%	6%
CHARGE TYPE		
All Cases		
Assault and related charges	58% ***	10%
Criminal Contempt	13%	1%
Strangulation	3%	0%
Harassment	8%	1%
Property	0%	13%
Drug / Marijuana	0%	25%
Weapon / Firearm	0%	4%
Other	18%	47%
Misdemeanor		
Assault and related charges	63% ***	9%
Criminal Contempt	11%	0%
Strangulation	3%	0%
Harassment	9%	1%
Property	0%	9%
Drug / Marijuana	0%	24%
Weapon / Firearm	0%	3%
Other	14%	53%

Table 3.2 Comparison of Domestic Violence and Non-Domestic Violence Case Characteristics: Arraignments in 2013 (Continued)

	Domestic Violence	Non-Domestic Violence
CHARGE TYPE (Continued)		
Felony		
Assault and related charges	30% ***	11%
Criminal Contempt	24%	1%
Strangulation	6%	0%
Harassment	0%	0%
Property	2%	34%
Drug / Marijuana	0%	30%
Weapon / Firearm	0%	6%
Other ¹	38%	18%

+p<.10 *p<.05 **p<.01 ***p<.001

Note: Cases included all misdemeanor and felony domestic violence and non-domestic violence cases filed in court, as provided by the Unified Court System. Cases with unknown race (N=802) were excluded. Criminal history data were obtained separately from the New York State Division of Criminal Justice Services, resulting in slightly different sample size. Cases included all misdemeanor and felony non-domestic violence cases (N=279,934) and domestic violence cases (N=33,815) filed in 2013, as provided by the New York State Division of Criminal Justice Services.

¹ 89% of domestic violence cases listed as 'Other' only had a domestic violence related charge.

² Criminal history results are defendant based (all defendants arraigned in 2013), whereas all other characteristics are case-based.

Risk of Re-Arrest

Re-Arrest Rates

Shown in Table 3.3, slightly over a third of domestic violence defendants (36%) arraigned on a domestic violence charge in 2012 had any two-year re-arrest, and 17% had a new domestic violence arrest. The general re-arrest rate of 36% is comparable to the general defendant population in New York City, whose two-year re-arrest rate for 2012 cases was previously reported as 41% (see Rempel et al. 2017).

Predictors of Re-Arrest

For domestic violence defendants, the multivariable results in Table 3.4 illustrate which background characteristics were associated with re-arrest. The first column in the table shows predictors of any re-arrest (domestic violence or non-domestic violence); the second

column focuses on domestic violence re-arrest; and the third column is limited only to those defendants with at least one re-arrest and models whether the defendant's re-arrest(s) are exclusively on domestic violence as opposed to non-domestic violence charges).⁷

Major predictors of both re-arrest and domestic violence-specific re-arrest (first two columns of Table 3.4) were prior criminal history—including prior arrest; prior domestic violence, weapons and criminal contempt arrest; prior drug conviction; prior misdemeanor conviction (any re-arrest only); prior incarceration (any re-arrest only); an open case at the time of the current arrest (any re-arrest only)—and prior noncompliance history (e.g., failures to appear in court on prior cases and/or probation or parole revocations). In addition, male sex and younger age were strongly associated with both re-arrest and domestic violence re-arrest. A criminal contempt charge in the current case was associated with domestic violence re-arrest, while a felony charge in the current case reduced the likelihood of re-arrest.⁸

Interestingly, as shown in the third column of Table 3.4, of those re-arrested, a prior domestic violence re-arrest was associated with a future re-arrest for domestic violence specifically. On the other hand, male gender, younger age, and black race *reduced* the likelihood that re-arrests were for domestic violence vs. a non-domestic violence charge.

Overall, the background factors in Table 3.4 explained 29.9% of the variation in two-year re-arrest. However, these factors did a more modest job explaining the variation in domestic violence re-arrests.

⁷ This analysis was conducted at the defendant level, with one case randomly selected for each defendant with multiple arrests in 2012. A total of 21,546 defendants qualified for the analysis, of which only 0.7% were omitted due to missing data on one or more background characteristics. The domestic violence-only re-arrest sample consisted of 7,670 defendants.

⁸ In an analysis with general New York City defendants (not domestic violence-specific), a nonviolent felony charge was associated with an increased and a violent felony charge with a decreased likelihood of re-arrest—although both effects were modest (see Rempel et al. 2017).

Table 3.3. Two Year Re-Arrest Rates: Defendants Arraigned on a Domestic Violence Charge in 2012

Re-Arrest Rates	All Cases
Arraignment Total	21,213
Two-Year Re-Arrest	
Any Re-arrest	36%
Misdemeanor Re-Arrest	30%
Felony Re-Arrest	15%
Violent Felony Re-Arrest	6%
Domestic Violence Re-Arrest	17%

What are Re-Arrest Rates for Low- and High-Risk Defendants?

As described in the previous chapter, scientific algorithms were created and validated to classify defendants based on their general risk (any re-arrest) and domestic violence risk (domestic violence re-arrest). These models drew on the background characteristics of the defendant and relevant predictors of re-arrests. The final risk factors (see Appendix A) included most of those in Table 3.4, except for race/ethnicity, and felony top charge.

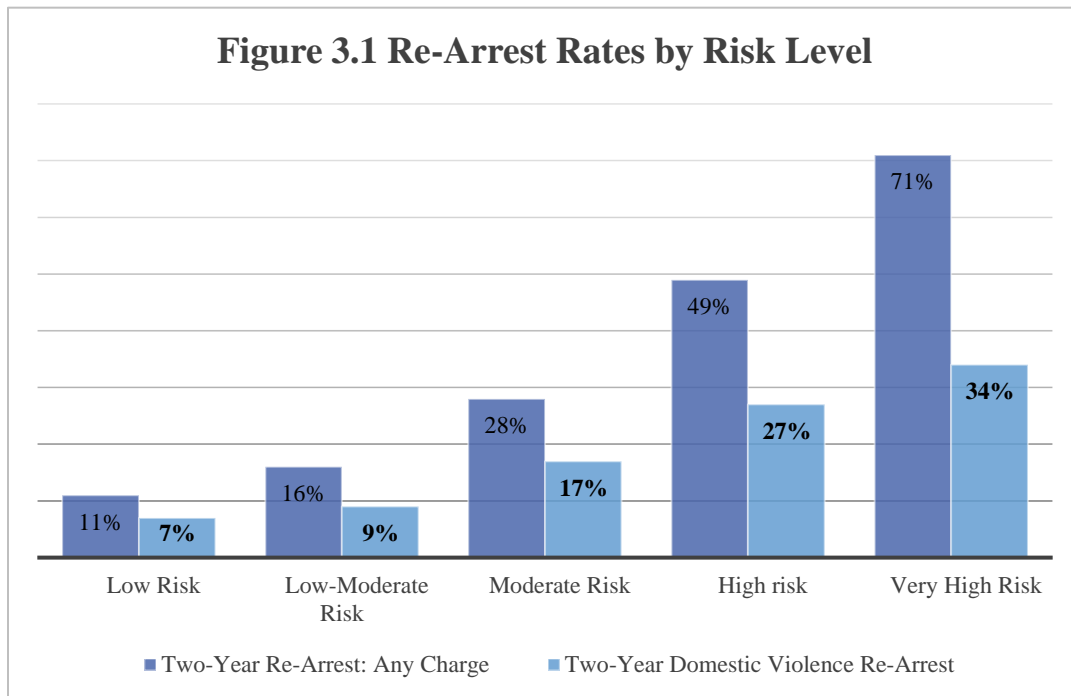
Figure 3.1 displays actual two-year re-arrest and two-year domestic violence re-arrest rates for those in each risk category. The results indicate, for instance, that by the two-year mark, 11% of low risk defendants were re-arrested on any charge, compared, at the other end of the spectrum, to 71% of very high-risk defendants. Two-year domestic violence re-arrest rates ranged from 7% in the low domestic violence risk category to 34% in the very high domestic violence risk category.

Table 3.4. Predictors of Two-Year Re-Arrest: 2012 Arraignment (N = 21,546)

	Any Re-Arrest	Domestic Violence (DV) Re-Arrest	DV-Only Re-Arrest (if re-arrested)
R Squared	0.299	0.123	0.145
Demographics			
Male sex	1.606***	1.479***	.813**
Age	0.966***	0.980***	1.031***
Ages 16 or 17	1.488***	1.208	.525**
Race/ethnicity (Deviation coding; oth=Asian or other)			
Black	1.113***	1.007	.839**
Hispanic/Latino	0.919**	0.934+	.989
White	0.975	1.049	1.008
Prior Criminal History			
Prior arrest (yes/no)	3.008***	1.861***	.554***
Prior domestic violence arrest (yes/no)	1.093*	1.591***	1.699***
Prior weapons arrest (yes/no)	1.322***	1.245***	1.012
Prior Criminal Contempt arrest (yes/no)	1.225**	1.292***	1.063
Prior misdemeanor conv, past 3 years (0, 1, 2, 3+)	1.206***	1.021	.781***
Prior drug conviction (yes/no)	1.258***	1.152*	.824*
Prior jail or prison sentence (yes/no)	1.158**	1.033	.835+
Open case at time of current arrest (yes/no)	1.171***	1.020	.708***
Prior Noncompliance History			
FTA on prior case (yes/no)	1.289***	1.087	.693***
Number of cases with FTA in past 3 years (0, 1, 2, 3+)	1.355***	1.100**	.837**
Prior probation revocation (yes/no)	1.257***	1.143*	.791*
Prior parole revocation (yes/no)	1.313***	0.952	.601***
Current Top Charge			
Felony top charge	.913+	0.973	.880
Criminal Contempt top charge	1.226***	1.421***	1.272**
<i>Constant</i>	0.390***	0.129***	.362**

+p<.10, * p<.05, ** p<.01, ***p<.001

Note: Parameter statistics are odds ratios. Cases include all criminal defendants arrested on a domestic violence charge in 2012 (where same defendant had multiple arrests one arrest was randomly selected). The total N was 21,546, of whom 0.7% (156) were omitted due to missing data on one or more parameters. In the model that predicted domestic violence-only re-arrest, the sample consisted only of the 7,670 defendants with at least one re-arrest over the two-year tracking period, of which 44 (0.6%) were omitted due to missing data on one or more parameters. Separate models with reduced sample size tested the impact of whether the defendant lived alone or with others (not significant), was involved in full-time school, training, or employment (significantly lower likelihood of re-arrest, OR = .751***, and approached significance towards a lower likelihood of domestic violence re-arrest, OR = .839+); and how the defendant was classified on risk of failure to appear (FTA) by the Criminal Justice Agency (not significant). When predicting the third outcome, domestic violence-only re-arrest among those re-arrested at least once, living situation and risk of failure to appear were, again, not significance, while in this case, those involved in full-time employment or school activity were more likely to be in the domestic violence-only category, but only approaching significance (OR = 1.333+).



Risk Profile and Gender

Table 3.5 provides the resulting risk profile (any re-arrest and domestic violence re-arrest) of the New York City domestic violence defendant population by gender. The results indicate that female domestic violence defendants tended to skew significantly lower risk than males and were less likely to be classified as having a high or very high general and domestic violence re-arrest risk. For instance, 39% of male but only 8% of female defendants were found to pose either a high or very high risk of future domestic violence. Lower female general re-arrest risk is consistent with life course theory and well-documented differences in the age-crime curve by gender (Loeber, Farrington and Petechuk 2013).

Table 3.5. Risk of Re-Arrest by Gender: Defendants Arraigned on a Domestic Violence Charge in 2012

	Male Defendants	Female Defendants	Total Defendants
ALL CRIMINAL CASES (N=21,209)	16,470	4,739	21,209
Risk of Re-Arrest (Any Charge)			
Low Risk	12%	30%	16%
Low-Moderate Risk	20%	16%	19%
Moderate Risk	24%	36%	26%
High Risk	19%	12%	18%
Very High Risk	26%	6%	21%
	100%	100%	100%
Risk of Domestic Violence Re-Arrest			
Low Risk	12%	43%	19%
Low-Moderate Risk	20%	29%	22%
Moderate Risk	29%	20%	27%
High Risk	27%	7%	23%
Very High Risk	12%	1%	10%
	100%	100%	100%

Note: Data presented for defendants arraigned on a domestic violence case in 2012, as provided by the UCS and DCJS.

Chapter 4

Pretrial Decision-Making

This chapter explores pretrial decision-making in New York City’s domestic violence cases. The first section concerns the prosecutorial decision of whether to file criminal charges with the court. For cases where charges are filed, the second section concerns the use of bail and pretrial detention.

Decline to Prosecute Outcomes

Generally, national research indicates that prosecutors seek to avoid uncertainty by proceeding when the chances of conviction are most likely—the crime is serious, the victim was severely injured, and/or there is strong evidence that the defendant is culpable. The decision to prosecute may also be influenced by extralegal factors—victim credibility, the racial and/or gender combination of victim and defendant, relationship of the victim and defendant, or limited resources. Prosecutors may also decline cases because the complaining witness did not participate in the prosecution—due to fear or a decision to return to the defendant (Worrall, Ross and McCord 2006). Studies have found that although prosecutors may be influenced by gender norms and extralegal factors, case characteristics are the strongest predictors of domestic violence decline rates for cases that do not involve mutual aggression (Hirschel and Hutchison 2001; Worrall, Ross and McCord 2006).

As shown in Table 4.1, prosecutors in New York City declined to file 14% of all domestic violence arrests in 2014—compared to 7% of all arrests regardless of the charges (Rempel et al 2017). Overall decline rates for domestic violence cases were significantly higher in the Bronx (27%) than the three other large boroughs (9% to 13% in the other boroughs).⁹

⁹ This analysis had to rely on the police-based domestic violence flag. For reasons that were beyond the scope of this research to clarify, this flag appeared to be underutilized (or, at least, was disproportionately unmarked in available data) in Staten Island. Hence, citywide estimates are imprecise and should be interpreted with caution, and Staten Island could not be included.

Table 4.1. Decline to Prosecute Rates for Domestic Violence Cases: Cases Arrested in 2014

	Bronx	Brooklyn	Manhattan	Queens	New York City
Sample size¹	2,623	3,353	2,474	3,599	12,170
DECLINE TO PROSECUTE RATES					
Select Charges					
All Domestic Violence Arrests	27%	10%	13%	9%	14%
Domestic Violence Felony Arrests	30%	15%	19%	12%	20%
<i>Assault and Related Charges</i>	28%	13%	16%	7%	17%
<i>Criminal Contempt</i>	50%	19%	17%	16%	18%
<i>Strangulation</i>	35%	5%	15%	5%	14%
<i>Other</i>	31%	17%	23%	21%	24%
Domestic Violence Misdemeanor Arrests	26%	9%	11%	9%	13%
<i>Assault and Related Charges</i>	25%	8%	10%	7%	12%
<i>Criminal Contempt</i>	34%	11%	13%	33%	27%
<i>Strangulation</i>	17%	18%	18%	10%	15%
<i>Harassment</i>	31%	9%	17%	24%	20%
<i>Other</i>	25%	14%	15%	10%	16%

¹ Sample size in this table significantly underestimates and, therefore, should not be used to signify actual numbers of domestic violence arrests in 2014. For cases that were declined, the lack of court data means that a domestic violence flag based on court data could not be used to determine whether the case, in fact, involved domestic violence. A far less reliable police-based domestic violence flag (present in data provided by the New York State Division of Criminal Justice Services) should be used instead. All estimates in this table are therefore subject to above-average levels of error and should be interpreted merely to signify general trends and patterns rather than precise results for all actual cases.

Pretrial Release Decisions

For cases not resolved at arraignment—comprising 98% of domestic violence cases in New York City, the arraignment judge must make a release decision, i.e., decide how best to

secure the presence of the defendant for future court dates.¹⁰ Possible release decisions include: release on recognizance (ROR), bail, and remand.¹¹

Current Release Decisions

Shown in Table 4.2, among domestic violence cases not resolved at arraignment in 2013,¹² 71% received ROR, 28% had to make bail—with 3% able to post bail at arraignment and 25% unable to post bail—and barely any (0.3%) were remanded without bail. Those who either were unable to post bail at arraignment or who were remanded, or 25% of the total, were sent to pretrial detention.

Subsequent to arraignment, some defendants who were initially sent to pretrial detention were able to post bail (15% of the total or 52% of those for whom bail was set initially). Overall, 10% of domestic violence defendants were detained in jail *throughout* case processing.

Notably, charge severity heavily influences release decisions. Whereas the judge in only 22% of misdemeanor domestic violence cases set bail or remanded the defendant, the judge did so in 60% of felony domestic violence cases. Correspondingly, felony defendants were more likely to be detained after arraignment (55% of felony vs. 20% of misdemeanor domestic violence defendants) and throughout case processing (20% of felony defendants vs. 8% of misdemeanors were detained throughout the case).

Although not as influential as charge severity, borough-based differences were also apparent. In domestic violence misdemeanor cases, judges in Manhattan (29%) and the Bronx (28%)

¹⁰ Article 510 of the New York Criminal Procedure Law establishes that securing the defendant's presence for future court dates must be the legal rationale for the judge's release decision. An exception is that release decisions in domestic violence cases New York State may independently take into account any prior violations of an order of protection by the defendant or access to weapons.

¹¹ See Rempel et al 2017 for a detailed description of these release decisions, including supervised release, which was launched in 2016.

¹² Few domestic violence cases were disposed at arraignment in 2013 (1.3% citywide). Domestic violence cases in Queens were slightly more likely to be disposed at arraignment (3.0% of cases in Queens compared to 1.0% or less in the other four boroughs).

were especially likely to set bail, compared to 17-20% in the three other boroughs. The pattern was different for felony cases, where judges set bail in 81% of felony domestic violence cases in Staten Island but in a tight range of 57-63% in the other four boroughs.

Table 4.2. Release Decisions at Arraignment in 2013: Domestic Violence Cases (Cases Continued at Arraignment)

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
RELEASE STATUS: ALL domestic violence CASES	5,821	10,460	6,814	8,702	1,288	33,085
Return on recognizance (ROR)	67%	74%	64%	76%	77%	71%
Bail set/posted at arraignment	3%	3%	4%	3%	4%	3%
Bail set/not posted on arraignment date	29%	23%	32%	20%	18%	25%
Remanded	0.3%	0.3%	0%	0%	0.3%	0.3%
<i>Remanded or Bail Set</i>	<i>33%</i>	<i>26%</i>	<i>36%</i>	<i>24%</i>	<i>23%</i>	<i>29%</i>
<i>Detained following arraignment</i>	<i>29%</i>	<i>24%</i>	<i>32%</i>	<i>21%</i>	<i>18%</i>	<i>25%</i>
<i>Detained throughout case</i>	<i>15%</i>	<i>8%</i>	<i>12%</i>	<i>7%</i>	<i>7%</i>	<i>10%</i>
Domestic Violence Felonies	1,034	1,723	1,350	1,142	79	5,328
Return on recognizance (ROR)	43%	43%	37%	37%	19%	40%
Bail set/posted at arraignment	3%	4%	6%	8%	15%	5%
Bail set/not posted on arraignment date	53%	52%	55%	54%	61%	54%
Remanded	1%	1%	1%	1%	5%	1%
<i>Remanded or Bail Set</i>	<i>57%</i>	<i>57%</i>	<i>63%</i>	<i>63%</i>	<i>81%</i>	<i>60%</i>
<i>Detained following arraignment</i>	<i>54%</i>	<i>53%</i>	<i>57%</i>	<i>56%</i>	<i>66%</i>	<i>55%</i>
<i>Detained throughout case</i>	<i>23%</i>	<i>15%</i>	<i>22%</i>	<i>20%</i>	<i>27%</i>	<i>20%</i>
Domestic Violence Misdemeanors	4,787	8,737	5,464	7,560	1,209	27,757
Return on recognizance (ROR)	72%	80%	71%	82%	81%	78%
Bail set/posted at arraignment	4%	2%	3%	2%	4%	3%
Bail set/not posted on arraignment date	24%	18%	26%	15%	15%	20%
Remanded	0%	0%	0%	0%	0%	0%
<i>Remanded or Bail Set</i>	<i>28%</i>	<i>20%</i>	<i>29%</i>	<i>18%</i>	<i>19%</i>	<i>22%</i>
<i>Detained following arraignment</i>	<i>24%</i>	<i>18%</i>	<i>26%</i>	<i>15%</i>	<i>15%</i>	<i>20%</i>
<i>Detained throughout case</i>	<i>14%</i>	<i>6%</i>	<i>10%</i>	<i>6%</i>	<i>6%</i>	<i>8%</i>

Note: Cases included all misdemeanor and felony domestic violence cases filed in court in 2013, as provided by the Unified Court System. Cases with unknown release status (N=142) and detention status throughout the case (N=283) were excluded.

Appendix C provides release decisions for common felony and misdemeanor charges (assault, criminal contempt, etc.). Illustrated in Appendix D, release decisions only modestly differed between domestic violence and non-domestic violence cases. Overall, bail-setting was 29% for domestic violence cases and 31% for non-domestic violence cases. In misdemeanor cases, 23% had to make bail if the charges involved domestic violence, whereas 19% of all other misdemeanors had to make bail.

Impact of Gender on Release Decisions

Table 4.3 provides the same information as in the preceding table but combines all boroughs and then compares release decisions for female and male defendants. There were significant gender differences in release decisions for domestic violence cases. Judges set bail or remanded 29% of domestic violence cases with a male defendant but only did so in 11% of domestic violence cases with a female defendant. Conversely, almost 9 in 10 female domestic violence defendants were released on their own recognizance, while two-thirds of male domestic violence defendants received ROR.

As noted previously, the judge was more likely to set bail or remand felony compared to misdemeanor cases—and gender differences were also found when charge severity was considered. Two-thirds of male but only 29% of female felony defendants had to make bail (or were remanded). Male misdemeanor domestic violence defendants were also more likely than their female counterparts to have bail set or be remanded (26% of male misdemeanor defendants vs. 8% of female misdemeanor defendants had to make bail).

Why Do Judges Set Bail?

The multivariable results shown in Table 4.4 provide additional clarity regarding which defendant characteristics are associated with the judges' release decisions for both domestic violence and non-domestic violence cases.

- **Charge Severity:** After controlling for multiple factors, charge severity was the single strongest predictor of both domestic violence (odds ratio = 4.823 if the case was a felony) and non-domestic violence release decisions (odds ratio = 5.856 if the case was a felony).

Table 4.3. Release Decisions by Gender: Domestic Violence Cases Arraigned in 2013 (Cases Continued at Arraignment)

	Females	Males	Total
RELEASE STATUS: ALL DV CASES	6,445	26,639	33,084
Return on recognizance (ROR)	89%	67%	72%
Bail set/posted at arraignment	1%	4%	3%
Bail set/not posted on arraignment date	10%	29%	25%
Remanded	0%	0.3%	0.3%
<i>Remanded or Bail Set</i>	<i>11%</i>	<i>33%</i>	<i>29%</i>
<i>Detained following arraignment</i>	<i>10%</i>	<i>29%</i>	<i>25%</i>
<i>Detained throughout case</i>	<i>4%</i>	<i>11%</i>	<i>10%</i>
Domestic Violence Felonies	917	4,411	5,328
Return on recognizance (ROR)	71%	34%	40%
Bail set/posted at arraignment	4%	5%	5%
Bail set/not posted on arraignment date	25%	60%	54%
Remanded	0%	2%	1%
<i>Remanded or Bail Set</i>	<i>29%</i>	<i>67%</i>	<i>60%</i>
<i>Detained following arraignment</i>	<i>25%</i>	<i>61%</i>	<i>55%</i>
<i>Detained throughout case</i>	<i>7%</i>	<i>22%</i>	<i>20%</i>
Domestic Violence Misdemeanors	5,528	22,228	27,756
Return on recognizance (ROR)	92%	74%	78%
Bail set/posted at arraignment	0%	3%	3%
Bail set/not posted on arraignment date	8%	23%	20%
Remanded	0%	0%	0%
<i>Remanded or Bail Set</i>	<i>8%</i>	<i>26%</i>	<i>23%</i>
<i>Detained following arraignment</i>	<i>8%</i>	<i>23%</i>	<i>20%</i>
<i>Detained throughout case</i>	<i>3%</i>	<i>9%</i>	<i>8%</i>

Note: Cases included all misdemeanor and felony domestic violence cases filed in court in 2013, as provided by the Unified Court System. Cases with unknown release status (N=142) and detention status throughout the case (N=283) were excluded.

- **Sex/Gender:** Net of other factors, male defendants were significantly more likely than female defendants to have bail set (or to be remanded) for domestic violence and non-domestic violence cases. Gender disparities in release decisions was much greater for domestic violence cases (odds ratio = 4.081 for domestic violence vs. odds ratio = 2.305 for non-domestic violence cases), possibly due to the court's desire to protect victims from male domestic violence defendants.
- **Current Top Charge:** Criminal contempt charges increased the likelihood of bail or remand for both domestic violence and non-domestic violence cases, when compared with defendants charged with an assault. (As noted above, judges are statutorily allowed to consider violations of prior orders of protection in making bail decisions.)
- **Age:** Defendants ages 16-24 were less likely to face bail in both domestic violence (odds ratio =0.739) and non-domestic violence cases (odds ratio =0.740).
- **Race/ethnicity:** Black/African American and Hispanic/Latino defendants were more likely than whites to face bail for both domestic violence and non-domestic violence charges, and this discrepancy was stronger in magnitude for Black/African American defendants. Asian or another race defendants were significantly less likely than whites to have to make bail for both domestic violence and non-domestic violence charges.
- **Borough and Judge:** Shown in Model 3, Bronx (odds ratio =1.518) and Manhattan (odds ratio =1.152) judges were more likely to set bail for domestic violence compared to non-domestic violence cases. By comparison, Brooklyn (odds ratio =0.924) and Queens (odds ratio =0.867) judges were less likely to set bail for domestic violence compared to non-domestic violence cases. Within boroughs, statistically significant variations were observed based on the identity of the arraignment judge (see results for individual judges in Table 4.4, which are provided after controlling for borough and all other characteristics in the table).

Table 4.4. Predictors of Bail-Setting (or Remand) in 2013

Logistic Regression Models	Model 1	Model 2	Model 3
	Domestic Violence Cases	Non-Domestic Violence	All Cases
Number of cases in the analysis	32,163	128,733	160,896
Nagelkerke R Squared	0.206	0.236	0.229
	Parameter Estimates (Odds Ratios)		
Borough (Ref=NYC; deviation coding)			
Bronx	1.160***	0.762***	0.764***
Brooklyn	0.832***	0.867***	0.874***
Manhattan	1.397***	1.197***	1.197***
Queens	0.856***	1.005	0.999
Arresting judge (Ref=other; deviation)			
Judge 1	0.752*	0.861*	0.862*
Judge 2	0.585***	0.756***	0.757***
Judge 3	0.991	0.859*	0.855*
Judge 4	2.178***	0.752**	0.755**
Judge 5	1.096	2.038***	2.038***
Judge 6	1.133	1.012	1.014
Judge 7	0.795+	1.028	1.026
Demographics			
Male sex	4.081***	2.305***	2.554***
Age	0.998	1.006***	1.004***
Ages 16-24	0.739***	0.740***	0.739***
Race/ethnicity (Ref=white; indicator coding)			
Black	1.566***	1.802***	1.764***
Hispanic/Latino	1.414***	1.434***	1.438***
Asian or additional race/ethnic group	0.651***	0.439***	0.480***
Charge severity (Ref = misdemeanor)			
Felony	4.823***	5.856***	5.706***
Domestic Violence Charge			1.103+
Current top charge (Ref = assault & related)			
Criminal Contempt	1.998***	1.807***	1.884***
Strangulation	1.135+	0.848	1.052
Harassment	1.082	0.824*	1.013
Other	1.212***	1.019	1.054**
Borough * Domestic Violence Interaction Effect			
Bronx * Domestic Violence Charge			1.518***
Brooklyn * Domestic Violence Charge			0.924**
Manhattan * Domestic Violence Charge			1.152***
Queens * Domestic Violence Charge			0.867***

Table 4.4. Predictors of Bail-Setting in 2013 (Continued)

Logistic Regression Models	Model 1	Model 2	Model 3
	Domestic Violence Cases	Non-Domestic Violence Cases	All Cases
Number of cases in the analysis	32,163	128,733	160,896
Nagelkerke R Squared	0.206	0.236	0.229
	Parameter Estimates (Odds Ratios)		
Arraignment judge * Domestic Violence			
Judge 1 * Domestic Violence			0.858
Judge 2 * Domestic Violence			0.753*
Judge 3 * Domestic Violence			1.181
Judge 4 * Domestic Violence			2.852***
Judge 5 * Domestic Violence			0.551***
Judge 6 * Domestic Violence			1.121
Judge 7 * Domestic Violence			0.781+

+p<.10,* p<.05, ** p<.01, ***p<.001

Note: Cases include all criminal cases filed in court and not disposed at arraignment in 2013, as provided by the Unified Court System or the Criminal Justice Agency (CJA). Constant not shown. Cases with missing data (Model 1: N=922; Model 2: N=9,137; Model 3: N=10,059) were excluded from the analysis.

Clarifying the Impact of Charge Severity and Risk

The data in Figure 4.1 and Figure 4.2 further illustrate the respective impacts of charge severity and risk on domestic violence release decisions at arraignment. The results in Figure 4.1 are based on classifying defendants according to their risk of any re-arrest, and the results in Figure 4.2 are based on classifying defendants according to their risk of a domestic violence re-arrest. For misdemeanors and felonies, Figure 4.1 separately shows the percent in each risk category for whom the arraignment judge set bail. For example, the judge set bail in 5% of cases involving low risk misdemeanor defendants, compared to 32% involving low risk felony defendants. Generally, more risky defendants are more likely to have bail set. However, there are clearly deviations from risk-informed decision making when charge severity moves from the misdemeanor to the felony level, evidenced by far higher rates of bail-setting per risk category in felony as opposed to misdemeanor domestic violence cases.

Deviations from straight risk-informed decision-making were also evident when focusing on each defendant’s risk of engaging in future domestic violence, specifically. As shown in Figure 4.2, although defendants posing a progressively higher risk of domestic violence were more likely to have bail set, charge severity clearly also influenced bail decisions. For example, the arraignment judge set bail in 45% of misdemeanor domestic violence

defendants who posed a very high future risk of domestic violence, compared to 87% of felony domestic violence defendants who posed a very high risk.

The Resulting Risk Profile of Defendants in Pretrial Detention

Table 4.5 illustrates the implications of current decision-making for the risk distribution of the pretrial detention population, among domestic violence defendants. Of those sent to pretrial detention following arraignment, slightly more than half were in the two highest general risk categories: high (23%) or very high risk (31%).

When focusing specifically on risk of domestic violence (bottom section of Table 4.4), of those sent to pretrial detention, 32% posed a high risk and 15% posed a very high risk of future domestic violence. On the other hand, significant fractions of those who are detained on pretrial pose only a low or low-moderate risk of re-arrest or of domestic violence re-arrest specifically. For example, 11% of those detained pose a low and 16% pose a low-moderate risk of a domestic violence re-arrest.

Figure 4.1. Impact of Charge Severity and Risk on Bail-Setting at Arraignment

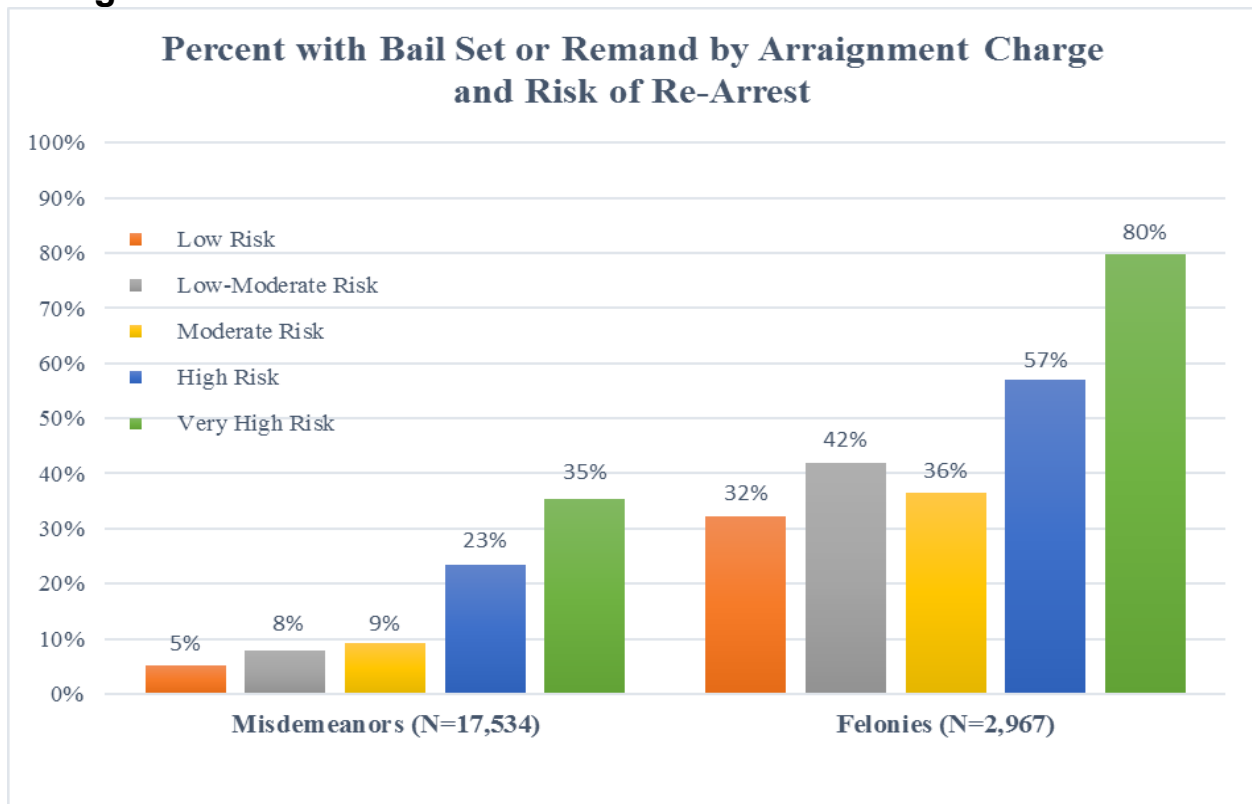
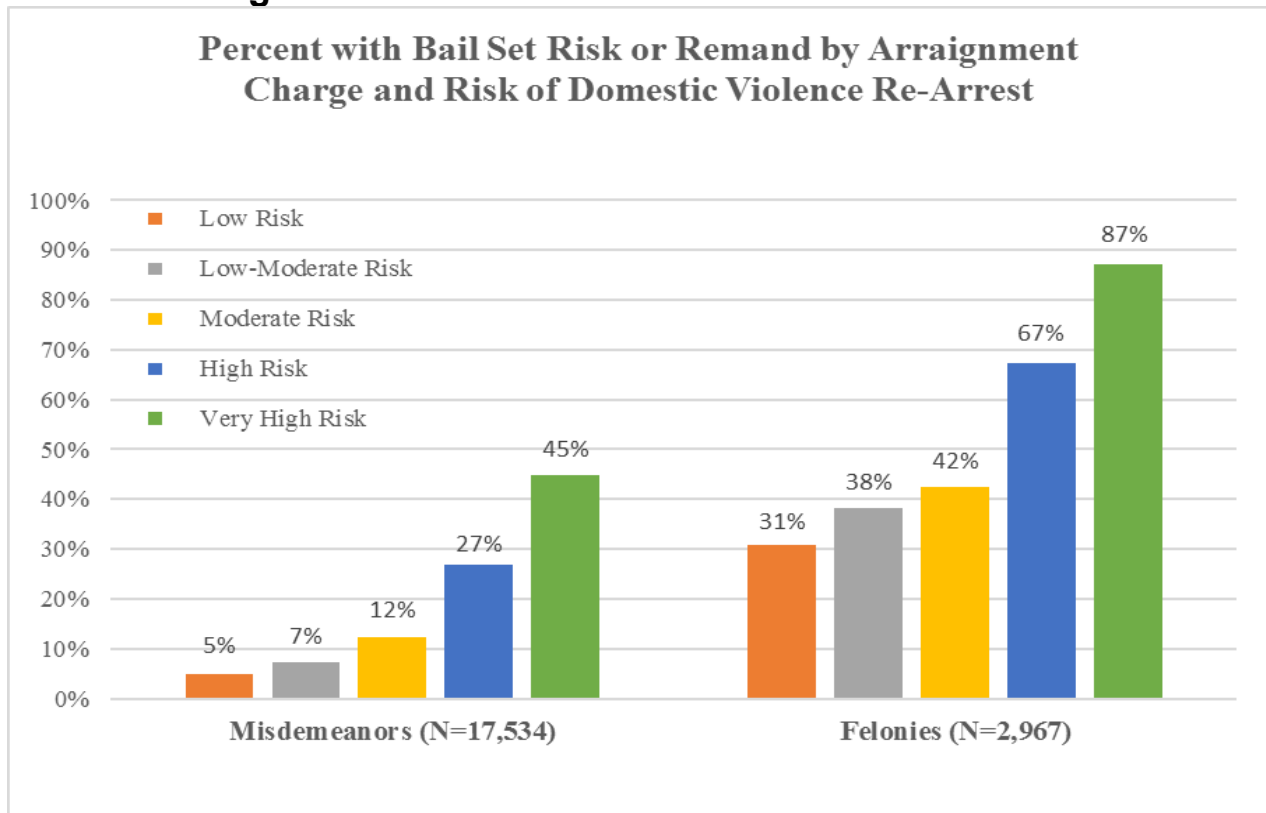


Figure 4.2. Impact of Charge Severity and Risk of Domestic Violence on Bail-Setting



Bail Amounts

Table 4.6 provides the distribution of bail amounts among domestic violence cases disposed in 2014 where bail was set. The results indicate that bail was \$2,000 or less in 62% of domestic violence cases overall, although charge severity heavily influenced the bail amount (82% of domestic violence misdemeanors but only 22% of domestic violence felonies faced bail of \$2,000 or less). A similar pattern is found among non-domestic violence cases, with judges more likely to set higher bail amounts in felony cases. However, judges appear to perceive domestic violence misdemeanors as meriting higher bail than their non-domestic violence misdemeanors counterparts, as average bail was more than two times higher for domestic violence misdemeanors, compared to non-domestic violence misdemeanors (\$3,987 vs. \$1,244, respectively). The reverse is true for felonies, where judges set higher bail on average for non-domestic violence cases, including homicides (\$21,256 for domestic violence felonies, compared to \$25,082 for non-domestic violence felonies).

Table 4.5. Risk Distribution of Defendants with 2012 Domestic Violence Cases Detained at Arraignment

Charge Severity	Misdemeanor Domestic Violence	Felony Domestic Violence	All Domestic Violence Cases
GENERAL RISK (Any Re-Arrest)			
Low Risk	8%	11%	9%
Low-Moderate Risk	16%	15%	16%
Moderate Risk	22%	20%	21%
High Risk	25%	20%	23%
Very High Risk	29%	33%	31%
	100%	100%	100%
<i>Highest Two Risk Categories</i>	54%	53%	54%
		.	
Risk of Domestic Violence Re-Arrest			
Low Risk	9%	13%	11%
Low-Moderate Risk	17%	16%	16%
Moderate Risk	28%	25%	27%
High Risk	33%	30%	32%
Very High Risk	14%	16%	15%
	100%	100%	100%
<i>Highest Two Risk Categories</i>	47%	46%	46%

Note: Data presented for defendants arraigned on a Domestic Violence misdemeanor or felony in 2012, as provided by the UCS and DCJS.

Case Processing Time

The results in Table 4.7 show, of cases resolved in 2014, domestic violence misdemeanors averaged 107 days to disposition, whereas felonies averaged 180 days. Only 0.3% of the misdemeanors and 0.9% of the felonies were disposed by trial verdict.

Domestic Violence Felony Case Processing

Felonies can be resolved in criminal court through a dismissal or plea agreement to a misdemeanor or lesser charge; a felony plea agreement reached through a Superior Court Information (SCI), where the defendant waives the grand jury process; or an indictment, where cases are transferred from the New York City Criminal Court, where they were first arraigned, to the Supreme Court for continued adjudication. Although only 16% of domestic violence felonies were indicted, an indictment almost doubled the case processing time (155 days to disposition for unindicted felonies v. 318 days for indicted felonies). Felony cases required an average of more than 16 months to resolve if the domestic violence defendant opted for a jury trial (506 days) and more than 14 months for a bench trial (432 days).

Case Processing for Domestic Violence vs. Non-Domestic Violence Cases

Table 4.8 compares case processing time for domestic violence and non-domestic violence cases disposed in 2014. Domestic violence misdemeanor cases required almost twice the processing time on average, compared to non-domestic violence cases (107 days vs. 56 days to disposition). For misdemeanor cases, more than half of non-domestic violence cases were disposed at arraignment, while fewer than 2 percent of domestic violence misdemeanors were disposed at arraignment. For felony cases, a dismissal or plea agreement to a misdemeanor or lesser charge in the lower Criminal Court was much more common for domestic violence than non-domestic violence felonies (81% vs. 58%).¹³

¹³ There were borough differences in lower Criminal Court disposition rates of felony cases for both domestic violence (63% in Staten Island as opposed to 74%-85% in the other four boroughs) and non-domestic violence felonies (ranging from a low of 51% in Manhattan and 54% in the Bronx to 60%-65% in the other three boroughs). The rate of cases initially arraigned on felony charges and eventually disposed in the lower Criminal Court was consistently (and significantly) higher for domestic violence than non-domestic violence cases, except for Staten Island, which had slightly higher rates for non-domestic violence (65% vs. 63%) cases.

Table 4.6. Bail Amounts by Charge Severity: Comparison of Domestic Violence and Non-Domestic Violence Cases

Top Arraignment Charge Severity	Domestic Violence Misdemeanors	Non-Domestic Violence Misdemeanors	Domestic Violence Felonies	Non-Domestic Violence Felonies	All Domestic Violence Cases	All Non-Domestic Violence Cases	New York City
Cases in the Analysis	6,635	16,320	3,414	22,122	10,049	38,442	48,491
BAIL AMOUNT							
\$1 through \$500	34%	43%	3%	5%	23%	21%	22%
\$501 through \$1,000	34%	33%	8%	9%	25%	19%	21%
\$1,001 through \$2,000	14%	12%	11%	9%	13%	11%	11%
\$2,001 through \$5,000	16%	10%	40%	37%	24%	25%	25%
\$5,001 through \$10,000	2%	1%	18%	18%	7%	11%	10%
More than \$10,000	1%	0%	20%	22%	7%	13%	11%
<i>\$2,000 or fewer</i>	82%	89%	22%	24%	62%	51%	54%
<i>Average Bail Amount</i>	\$3,987	\$1,244	\$21,526	\$25,082	\$9,946	\$14,961	\$13,922
<i>Median Bail Amount</i>	\$1,000	\$750	\$5,000	\$5,000	\$1,500	\$2,000	\$1,500

+p<.10 *p<.05 **p<.01
 ***p<.001

Note: Cases include misdemeanor and felony cases with bail set of \$1.00 or more that were disposed in 2014 (regardless of filing date), as provided by UCS.

Table 4.7. Case Processing in New York City: Domestic Violence Cases Disposed in 2014

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
Total Number of Arraignments	5,907	11,447	7,618	10,418	1,469	36,859
Percent of Citywide Total	23%	27%	28%	18%	4%	100%
MISDEMEANOR CASE PROCESSING						
Disposed at Arraignment	1%	1%	1%	5%	1%	2%
Days to Disposition						
Mean	135	103	128	81	108	107
Median	113	94	96	57	83	93
Court Appearances						
Mean	4.7	3.8	4.3	3.0	3.5	3.8
Median	4.0	3.0	3.0	2.0	3.0	3.0
Trials						
Number of trials	24	17	24	20	1	86
Percent of cases disposed at trial	0.5%	0.2%	0.4%	0.2%	0.1%	0.3%
Percent of found guilty verdicts	58%	47%	42%	55%	100%	51%
Mean days to disposition for trial cases	312	194	415	413	1,460	354
Mean days to disposition for jury trials	195	365	366	245	-	311
Mean days to disposition for bench trials	342	171	456	432	1460	367
FELONY CASE PROCESSING						
Disposed at Arraignment	1%	0%	1%	0%	3%	1%
Days to Disposition: All Felony Arraigns.						
Mean	222	178	167	164	175	180
Median	173	187	133	134	133	161
Indictment Status						
Indicted	24%	17%	17%	5%	33%	16%
SCI	2%	1%	3%	10%	5%	4%
Resolved in criminal court	74%	82%	81%	85%	63%	81%
Mean days to disposition for unindicted	155	160	151	153	168	155
Mean days to disposition for indicted	437	265	249	363	191	318
Days in Supreme Court (Post-Indictment)						
Mean days in Supreme Court (indicted)	412	238	227	284	168	289
Median days in Supreme Court (indicted)	377	212	191	258	113	232
Disposed within 6 months in Supreme Ct.	26%	44%	49%	37%	79%	40%
Disposed within 1 year in Supreme Ct.	48%	77%	83%	70%	84%	70%
Court Appearances in Supreme Court						
Mean appearances	11.3	9.0	8.7	12.1	8.5	9.9
Median appearances	9.0	8.0	7.0	10.0	6.0	8.0

Table 4.7. Case Processing in New York City: Cases Disposed in 2014 (Continued)

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
FELONY CASE PRODESSING (Cont.)						
Trials						
Number of trials	16	10	18	8	0	52
Percent of cases disposed at trial	1.4%	0.6%	1.2%	0.6%	0.0%	0.9%
Percent of found guilty verdicts	38%	80%	67%	88%	0%	63%
Mean days to verdict	508	445	409	676	-	487
Mean days to verdict for jury trials	569	420	424	676	-	506
Mean days to verdict for bench trials	453	665	285	-	-	432

Note: Cases included all domestic violence criminal cases disposed in 2014, as provided by the Unified Court System.

Table 4.8. Domestic Violence vs. Non-Domestic Violence Case Processing in New York City: Cases Disposed in 2014

	Domestic Violence Cases	Non-Domestic Violence Cases
Number of Arraignments	36,859	271,928
Percent of Citywide Total	12%	88%
MISDEMEANOR CASE PROCESSING		
Disposed at Arraignment	2%	57%
Days to Disposition		
Mean	107	56
Median	93	0
FELONY CASE PROCESSING		
Disposed at Arraignment	1%	2%
Days to Disposition: All Felony Arraignments		
Mean	180	198
Median	161	141
Indictment Status		
Indicted	16%	35%
SCI	4%	8%
Resolved in Criminal Court	81%	58%

Note: Cases included all criminal cases filed disposed in 2014, as provided by the Unified Court System.

Chapter 5

Dispositions and Sentencing

This chapter presents information on the final dispositions and sentences of domestic violence cases in New York City and compares the outcomes to non-domestic violence cases. All results are based on cases resolved in 2014.

Case Dispositions

Shown in Table 5.1, 35,428 domestic violence cases arraigned on misdemeanor or felony charges were resolved in 2014. Slightly over a third (37%) ended in a guilty plea/conviction, with 13% receiving a criminal conviction (i.e., a misdemeanor or felony conviction that creates a permanent criminal record), and 24% pleading to a violation or lesser charge. In addition, 14% of the cases ended in an adjournment in contemplation of dismissal (ACD), and almost half (49%) received a straight dismissal. Guilty/plea conviction outcomes were more prevalent among felony (57%) than misdemeanor (33%) cases; and straight dismissals were primarily seen among misdemeanors (51% for misdemeanors vs. 39% for felonies).

Case dispositions varied by borough. The Bronx, Brooklyn, and Staten Island all resolved more than six in ten domestic violence misdemeanors with a straight dismissal. By contrast, Queens resolved only 22% of domestic violence misdemeanors with a dismissal; instead, Queens convicted 51% of domestic violence misdemeanors (mostly through a plea agreement to a non-criminal violation-level charge) and saw an additional 27% of the cases resolved through an ACD (see Table 5.1).

Among domestic violence felonies, higher conviction rates were found in Queens (82%) and Staten Island (71%), with the other boroughs ranging from 41-55%. When isolating cases that ended in a guilty plea/conviction¹⁴ (i.e., not including ACD, declined by prosecutor, dismissal after assignment or other disposition), Staten Island had the highest conviction rate

¹⁴ Guilty plea/conviction dispositions included cases disposed with a criminal conviction (at the felony or misdemeanor level) or violation, as well as a small number of youthful offender findings.

among cases initially arraigned on a felony (57% compared to 28-44% in the other four boroughs).

Sentencing

Use of Jail in Misdemeanor Cases

Citywide, 6% of all domestic violence cases initially arraigned on misdemeanor charges were sentenced to jail (see Table 5.1). When isolating misdemeanors that ended in a guilty plea/conviction, 16% of convicted cases were sentenced to jail, 2% to probation, and the remaining 80% to fines, conditional discharges, community service, or other non-custodial sentences. The Bronx sentenced 34% to jail, compared to a range of 7-24% in the other boroughs. Close to half (45%) of the jail sentences were 30 days or less. Median length was 45 days, which translated to 30 days served in jail (or two-thirds of the total, given standard “good time” credit).

Use of Jail and Prison in Felony Cases

Citywide, 4% of cases initially arraigned on domestic violence felony charges were sentenced to prison (at least one year) and 16% were sentenced to jail (also in Table 5.1). When isolating cases that ended in a guilty plea/conviction, Staten Island was the heaviest user of prison sentences in relative terms (21% v. 4-11% in the other boroughs), Bronx was the heaviest user of jail sentences (40%), and the other boroughs used jail moderately (18-29%). The citywide median was 90 days, which ranged from a high of nine months in Staten Island to a low of two months in Bronx and Brooklyn.

Sentencing Practices for Domestic Violence vs. Non-domestic violence Cases

As shown in Appendix F, fewer domestic violence cases (37%) ended in a guilty plea/conviction, compared to non-domestic violence cases (58%). This difference occurred for both misdemeanor cases (33% of domestic violence vs. 55% of non-domestic violence cases were convicted) and felonies (57% vs. 74% convicted). Furthermore, almost half of domestic violence cases ended in a straight dismissal, while only 13% of non-domestic violence cases ended in a dismissal.

When focusing on misdemeanors, 51% of domestic violence misdemeanor cases as compared to 11% of non-domestic violence misdemeanor cases ended in a straight dismissal. When isolating cases that ended in a guilty plea/conviction, jail sentences were significantly longer for domestic violence than non-domestic violence misdemeanors (55 days v. 28 days). In short, conviction is far less likely in domestic violence than non-domestic violence misdemeanors, but when convicted, domestic violence cases face more exposure to jail time.

Factors Associated with a Criminal Conviction

Table 5.2 shows factors associated with a criminal conviction (a conviction at the felony or misdemeanor level) among domestic violence cases disposed in 2014. Overall, *male* gender and *older age* significantly increased the likelihood of a criminal conviction. Other significant predictors of a criminal conviction in domestic violence cases were: *charge severity* (felony level); *detained pretrial* and *at time of disposition*; *prior conviction* (domestic violence defendants with any prior conviction or violent felony conviction were more likely receive a criminal conviction); and *borough* (e.g., Manhattan was more likely to convict domestic violence defendants, compared to citywide disposition outcomes).

Factors Associated with a Sentence to Incarceration

Predictors of Incarceration in Felony Cases

In felony domestic violence cases, shown in Table 5.3, first results column, the strongest predictors of an incarceration sentence—prison, jail or jail/probation split sentences—among convicted cases were (in rough order of importance): *prior conviction* (any prior, prior violent felony, and/or prior felony conviction); *male gender*; and *borough* (Bronx cases had higher incarceration sentence rates than other boroughs, whereas cases heard in Manhattan and Queens had lower incarceration sentence rates than other boroughs in felony cases).

Table 5.1. Domestic Violence Case Dispositions and Sentences: Cases Disposed in 2014

	Bronx	Brook- lyn	Man- hattan	Queens	Staten Island	NYC
Number of Dispositions	5,820	10,294	7,782	10,427	1,105	35,428
Percent of Citywide Total	16%	29%	22%	29%	3%	100%
CASE OUTCOMES (ALL DV CASES)						
Pled guilty/convicted	28%	33%	33%	51%	31%	37%
Criminal conviction ¹	17%	11%	19%	8%	13%	13%
Violation or lesser conviction	11%	22%	14%	42%	17%	24%
ACD	4%	6%	14%	27%	5%	14%
Straight dismissal	68%	61%	53%	22%	64%	49%
Sentenced to Corrections: Includes all Cases						
Prison sentence	1%	1%	1%	0%	1%	1%
Jail or jail/probation split sentence	10%	6%	8%	4%	4%	6%
Straight probation sentence	1%	1%	1%	0%	2%	1%
Sentencing: Pled Guilty/Convicted	1,401	3,201	2,400	5,147	316	12,465
Prison sentence	4%	2%	4%	1%	3%	2%
<i>Distribution of prison sentences:</i>						
One year or fewer days	7%	3%	12%	6%	0%	8%
More than one year to three years	38%	69%	57%	56%	43%	55%
More than three years	55%	28%	31%	39%	57%	37%
<i>Average prison sentence length (months)</i>	<i>60</i>	<i>87</i>	<i>61</i>	<i>74</i>	<i>56</i>	<i>69</i>
Jail or jail/probation split sentence	39%	18%	25%	7%	12%	17%
Split sentence	3%	1%	2%	1%	0%	1%
<i>Distribution of jail sentences:</i>						
30 days or fewer	52%	49%	41%	37%	49%	45%
31-90 days	29%	28%	24%	22%	32%	26%
91-182 days	4%	5%	8%	5%	3%	6%
183-364 days	8%	9%	17%	25%	5%	14%
One year (365 days)	7%	11%	10%	12%	11%	10%
<i>Average jail sentence length (days)</i>	<i>71</i>	<i>87</i>	<i>103</i>	<i>124</i>	<i>79</i>	<i>94</i>
<i>Median jail sentence length (days)</i>	<i>30</i>	<i>30</i>	<i>45</i>	<i>60</i>	<i>30</i>	<i>45</i>
Straight probation sentence	5%	2%	2%	1%	5%	2%
Other sentence	52%	78%	68%	91%	79%	79%
FELONY DV ARRAIGNMENT	1,193	1,755	1,658	1,267	62	5,935
Pled guilty/convicted (any charge)	41%	50%	55%	82%	71%	57%
Criminal conviction ¹	34%	28%	44%	44%	57%	37%
Violation or lesser conviction	7%	23%	12%	38%	15%	20%
ACD	3%	3%	6%	8%	2%	5%
Straight dismissal	56%	47%	39%	10%	27%	39%

Table 5.1. Domestic Violence Case Dispositions and Sentences (Continued)

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
FELONY DV ARRAIGNMENT <i>(continued)</i>						
Sentenced to Corrections: Includes all Cases	1,193	1,755	1,658	1,267	62	5,935
Prison sentence	5%	4%	6%	3%	15%	4%
Jail or jail/probation split sentence	17%	13%	16%	18%	14%	16%
Straight probation sentence	4%	2%	2%	3%	9%	3%
Sentencing: Pled Guilty/Convicted	464	833	878	1,016	41	3,232
Prison sentence	12%	7%	10%	4%	22%	8%
<i>Average prison sentence length (months)</i>	<i>61</i>	<i>86</i>	<i>67</i>	<i>74</i>	<i>60</i>	<i>71</i>
Jail or jail/probation split sentence	42%	28%	30%	22%	20%	28%
Split sentence	6%	2%	4%	2%	2%	3%
Distribution of jail sentences:						
30 days or fewer	27%	36%	28%	18%	0%	27%
31-90 days	32%	26%	17%	24%	0%	24%
91-182 days	6%	5%	11%	6%	17%	7%
183-364 days	18%	14%	25%	33%	17%	23%
One year (365 days)	17%	19%	19%	19%	67%	19%
<i>Average jail sentence length (days)</i>	<i>128</i>	<i>129</i>	<i>150</i>	<i>172</i>	<i>221</i>	<i>146</i>
<i>Median jail sentence length (days)</i>	<i>60</i>	<i>60</i>	<i>91</i>	<i>183</i>	<i>274</i>	<i>90</i>
Straight probation sentence	9%	4%	4%	3%	12%	5%
Other sentence	37%	61%	56%	71%	46%	59%
MISDEMEANOR DV ARRAIGNMENT	4,627	8,539	6,124	9,160	1,043	29,493
Pled guilty/convicted (any charge)	24%	29%	26%	46%	28%	33%
Criminal conviction ¹	13%	8%	12%	3%	11%	8%
Violation or lesser conviction	11%	21%	15%	43%	17%	25%
ACD	5%	7%	17%	30%	5%	16%
Straight dismissal	71%	64%	57%	24%	67%	51%
Sentenced to Corrections: Includes all Cases						
Jail or jail/probation split sentence	8%	4%	6%	2%	3%	4%
Probation sentence	1%	0%	0%	0%	1%	0%
Sentencing: Pled Guilty/Convicted	937	2,368	1,522	4,131	275	9,233
Jail or jail/probation split sentence	38%	15%	23%	4%	11%	13%
Split sentence	1.3%	0.2%	1.1%	0.1%	0.0%	0.4%
Distribution of jail sentences:						
30 days or fewer	67%	57%	50%	66%	58%	59%
31-90 days	27%	29%	31%	17%	39%	28%
91-182 days	2%	4%	6%	4%	0%	4%
183-364 days	2%	5%	11%	12%	3%	7%
One year (365 days)	2%	5%	3%	1%	0%	3%

Table 5.1. Domestic Violence Case Dispositions and Sentences (Continued)

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
<i>Average jail sentence length (days)</i>	40	61	66	54	42	55
<i>Median jail sentence length (days)</i>	30	30	30	30	30	30
Straight probation sentence	2%	1%	1%	0%	4%	1%
Other sentence	60%	83%	76%	96%	84%	86%

Note: Cases include misdemeanor and felony cases that were disposed in 2014 (regardless of filing date), as provided by DCJS. Omits disposed cases pending sentencing from pled guilty/convicted sentencing figures.

¹ Criminal Convictions includes Youthful Offender finding (less than 1% of case outcomes).

Predictors of a Jail Sentence in Misdemeanor Cases

For misdemeanor domestic violence cases, shown in Table 5.3, second column, the strongest predictors of a jail (or jail/probation split) sentence were: *borough* (domestic violence defendants in the Bronx were more likely to be sentenced to jail and domestic violence defendants in Queens were less likely to be sentenced to jail); *prior criminal history* (prior arrest, conviction and felony conviction increased defendants' chances of a jail sentence); *male gender*; *race* (Asian defendants convicted of a misdemeanor domestic violence charge were less likely to receive a jail sentence compared to white defendants convicted of a similar charge); and *younger age*.

Similar to the model predicting incarceration sentences for felony domestic violence cases, the predictive power of the model predicting incarceration sentences for misdemeanor domestic violence cases was also weak ($R^2=.146$).

Table 5.2. Predictors of Criminal Conviction for Domestic Violence Cases Disposed in 2014

	Criminal Conviction
Number of cases in the analysis	19,162
Nagelkerke R Squared	0.296***
	Parameter Estimates (Odds Ratios)
Borough (Ref=NYC; deviation coding)	
Bronx	0.796*
Brooklyn	1.006
Manhattan	1.378***
Queens	0.716***
Demographics	
Male sex	1.570***
Age	1.016***
Ages 16-24	0.900
Race/Ethnicity (Ref=white; indicator coding)	
Black	0.879
Hispanic/Latino	0.899
Asian or additional race/ethnic group	0.962
Charge Severity (Ref = misdemeanor)	
Felony	4.677***
Domestic Violence Related Charge	
Current Top Charge (Ref= Assault & Related)	
Criminal Contempt	1.115
Strangulation	0.742+
Harassment	0.929
Other Charge	1.124
Prior Criminal History	
Prior arrest	1.145
Prior conviction	1.709*
Prior felony conviction	0.767*
Prior violent felony conviction	1.327*
Detained at Arraignment	3.278***
Detained at Disposition	2.622***
Prior Conviction * Race Interaction Effect	
Prior conviction * Black	0.972
Prior conviction * Hispanic/Latino	0.887
Prior conviction * Asian or additional race/ethnic group	1.703

+p<.10 *p<.05 **p<.01 ***p<.001

Note: For the outcome variable, criminal conviction disposition is coded as 1; young offender finding, violation conviction, ACD, declined by prosecutor, dismissal after assignment or other disposition are classified as non-criminal convictions and coded as 0. Cases pending disposition are excluded from the analysis. Cases include misdemeanor and felony cases disposed in 2014 (regardless of filing date), as provided by DCJS. Parameter statistics are odds ratios.

Table 5.3. Predictors of Incarceration Sentence: Felony and Misdemeanor Domestic Violence Cases Disposed in 2014 with a Criminal Conviction

Logistic Regression Models	Model 1	Model 2
	Felony Cases	Misdemeanor Cases
Number of cases in the analysis	2,062	2,140
Nagelkerke R Squared	0.153**	0.146***
	Parameter Estimates (Odds Ratios)	
Borough (Ref=NYC; deviation coding)		
Bronx	1.457**	2.585***
Brooklyn	1.104	0.957
Manhattan	0.837+	1.071
Queens	0.752*	0.689**
Demographics		
Male sex	1.932***	1.895**
Age	0.994	0.985**
Ages 16-24	1.005	0.992
Race/Ethnicity (Ref=white; indicator coding)		
Black	1.266	1.295
Hispanic/Latino	1.411+	1.081
Asian or additional race/ethnic group	1.116	0.306*
Domestic Violence Related Charge		
Current Top Charge (Ref= Assault & Related)		
Criminal Contempt	1.514	0.969
Strangulation	1.070	1.468
Harassment		0.741
Other Charge	1.723**	1.081
Prior Criminal History		
Prior arrest	1.241	1.914**
Prior conviction	1.941***	1.787***
Prior felony conviction	1.365*	1.292*
Prior violent felony conviction	1.402*	1.023
Constant	0.183***	0.179***

+p<.10 *p<.05 **p<.01 ***p<.001

Note: Models include cases disposed with a criminal conviction; young offender finding, violation conviction, ACD, declined by prosecutor, dismissal after assignment or other disposition and cases pending disposition are excluded from the analysis. Model 1 includes felony domestic violence cases disposed in 2014 with a criminal conviction and predicts any incarceration sentence (prison, jail or jail/probation split); Model 2 includes misdemeanor domestic violence cases disposed in 2014 with a criminal conviction and predicts jail or jail/probation split sentences (regardless of filing date), as provided by DCJS. Parameter statistics are odds ratios. Constant not shown

Racial/Ethnic Disproportionalities in Sentencing

As shown in Table 5.2, there were no racial and ethnic disproportionalities in criminal conviction chances among domestic violence cases, after controlling for borough, age, gender, charge severity, and criminal history. Shown in Table 5.3, among defendants convicted of a felony domestic violence charge, Hispanic/Latino defendants were modestly, but not significantly, more likely to receive an incarceration sentence, when compared to whites ($p < .10$). Among defendants convicted of a misdemeanor domestic violence charge, Asian or additional race (nonwhite and non-Hispanic) defendants were significantly less likely to receive an incarceration sentence, when compared to whites.

Overall, it is notable that racial/ethnic differences in both case dispositions (convicted or not) and in sentencing (incarceration or not) were not statistically significant at the traditional .05 significance standard when comparing white, black, and Hispanic defendants.

Are Case Dispositions and Sentences Risk Informed?

Shown in Table 5.4, of all cases disposed in 2012, domestic violence defendants sentenced to jail or prison tended to cluster towards higher risk levels for both misdemeanors (e.g., 74% of misdemeanants sentenced to jail were classified as high or very high domestic violence re-arrest risk) and felonies (more than 80% of felony defendants sentenced to prison or jail were classified as moderate to very high domestic violence re-arrest risk).

Table 5.5 provides an alternative means of understanding the relationship between risk and sentencing. The table shows that only 1% of defendants posing a low risk of future domestic violence but 21% posing a very high risk were sentenced to jail or prison. These results demonstrate that while severely punitive sentences are not the norm in domestic violence cases (for myriad legal and other reasons), sentencing significantly varies by risk.

Table 5.4. Risk Distribution of Defendants by Sentence and Disposition Type: Domestic Violence Cases Arraigned and Disposed in 2012

	Convicted					Dismissed/ACD
	Prison	Jail / Jail-Probation Split	Straight Probation	Conditional Discharge	Other Sentence	
Cases in the Analysis	144	1,024	176	5,001	680	12,365
Percent Sentence Type	1%	5%	1%	26%	4%	64%
GENERAL RISK (Any Re-Arrest)						
Low Risk	7%	3%	11%	17%	15%	18%
Low-Moderate Risk	8%	7%	10%	23%	19%	20%
Moderate Risk	20%	11%	27%	25%	22%	29%
High Risk	19%	20%	24%	19%	19%	16%
Very High Risk	45%	59%	28%	17%	25%	17%
	100%	100%	100%	100%	100%	100%
Cases in the Analysis	129	934	171	4,963	677	12,288
Percent Sentence Type	1%	5%	1%	26%	4%	64%
Risk of Domestic Violence Re-Arrest						
Low Risk	9%	3%	12%	19%	16%	22%
Low-Moderate Risk	9%	9%	11%	24%	21%	24%
Moderate Risk	28%	17%	30%	28%	25%	27%
High Risk	31%	35%	29%	22%	25%	20%
Very High Risk	24%	36%	17%	7%	13%	7%
	100%	100%	100%	100%	100%	100%

Table 5.4. Risk Distribution of Defendants by Sentence and Disposition Type (Continued)

Risk of Domestic Violence Re-Arrest	Convicted					Dismissed/ACD
	Prison	Jail / Jail-Probation Split	Straight Probation	Conditional Discharge	Other Sentence	
Misdemeanor Cases	11	623	54	4,297	552	11,043
Percent Sentence Type	0%	4%	0%	2%	3%	67%
Low Risk	9%	3%	9%	18%	16%	22%
Low-Moderate Risk	0%	6%	9%	25%	23%	24%
Moderate Risk	9%	17%	30%	29%	24%	27%
High Risk	45%	37%	28%	21%	24%	19%
Very High Risk	36%	37%	24%	7%	12%	7%
	100%	100%	100%	100%	100%	100%
Felony Cases	118	311	117	666	125	1,245
Percent Sentence Type	5%	12%	5%	3%	5%	48%
Low Risk	8%	5%	14%	20%	14%	18%
Low-Moderate Risk	9%	13%	12%	19%	14%	20%
Moderate Risk	30%	18%	31%	27%	27%	26%
High Risk	30%	31%	30%	25%	29%	24%
Very High Risk	23%	33%	14%	9%	16%	12%
	100%	100%	100%	100%	100%	100%

Note: Data presented for defendants arraigned on a Domestic Violence misdemeanor or felony in 2012, as provided by the UCS and DCJS.

Table 5.5. Case Outcome Distribution of Defendants by Risk Level: Domestic Violence Cases Arraigned and Disposed in 2012

Case Outcome	Low Risk	Low-Moderate Risk	Moderate Risk	High Risk	Very High Risk
GENERAL RISK (Any Re-Arrest)					
Cases in the Analysis	3,202	3,811	5,183	3,354	3,840
Prison	0%	0%	1%	1%	2%
Jail / Jail-Probation Split	1%	2%	2%	6%	16%
Straight Probation	1%	0%	1%	1%	1%
Conditional Discharge	26%	30%	24%	28%	22%
Other Sentence	3%	3%	3%	4%	4%
Dismissed/ACD	69%	64%	69%	60%	55%
	100%	100%	100%	100%	100%
Risk of Domestic Violence Re-Arrest					
Cases in the Analysis	3,800	4,375	5,158	4,116	1,713
Prison	0%	0%	1%	1%	2%
Jail / Jail-Probation Split	1%	2%	3%	8%	19%
Straight Probation	1%	0%	1%	1%	2%
Conditional Discharge	24%	27%	27%	26%	20%
Other Sentence	3%	3%	3%	4%	5%
Dismissed/ACD	71%	67%	65%	59%	52%
	100%	100%	100%	100%	100%

Note: Data presented for defendants arraigned on a Domestic Violence misdemeanor or felony in 2012, as provided by the UCS and DCJS.

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Appendices

Appendix A. Risk Weighting System for Domestic Violence Defendants in New York City

Outcome Measure	Any Re-Arrest	Domestic Violence Re-Arrest
Original Sample (Two-thirds of 2012 Flagged domestic violence Cases) ¹	14,246	14,246
Missing Data for One or More Risk Factors	1	1
Final Sample for Tool Construction	14,245	14,245
Validation Timeframe	Two Years	
Weight	Weight per Unit Increase	
RISK FACTORS		
Prior arrest (0 or 1)	5	3
Number of prior domestic violence arrests (0 to 2+)	1 (Max = 2)	2 (Max = 4)
Prior weapons arrest (0 or 1)	1	1
Prior criminal contempt arrest (0 or 1)	1	1
Number of prior misdemeanor convictions in past 3 years (0 to 3+)	1 (Max = 3)	
Prior drug conviction (0 or 1)	1	1
Prior jail or prison sentence (0 or 1)	1	
Current open case (0 or 1)	1	
Prior case with an FTA (0 or 1)	2	1
Number of cases with prior FTA in past 3 years (0 to 3+)	1 (Max = 3)	1 (Max = 3)
Prior probation revocation (0 or 1)	1	
Prior parole revocation (0 or 1)	1	
Age (up to 19=6; 20-24=5; 25-29=4; 30-39=3; 40-49=2; 50-59=1; 60+=0)	2 (Max = 12)	1 (Max = 6)
Younger than age 25 specifically (0 or 1)	1	
Male sex (male = 1; female = 0)	2	2
Current top charge = criminal contempt (0 or 1)	1	1

Note: The weighting system provided in this Exhibit includes both prior arrest- and prior conviction-based measures.

¹ The development sample included two-thirds of all domestic violence cases arrested in 2012, where domestic violence status was identified through three (imperfect) methods, whereby a flag obtained through any method leads the case to be defined as domestic violence: (1) domestic violence flag indicated by the New York Police Department (and reported to the New York State Division of Criminal Justice Services); (2) domestic violence flag indicated on the "arrest type" field recorded by court clerks at the arraignment court appearance; or (3) case disposed in a specialized domestic violence court.

Appendix B. Overall Re-Arrest Rates and Charges for New York City Domestic Violence Cases: Two-Year Tracking Period

Total Court Cases	21,546
Two-Year Re-Arrest Rates	
Any re-arrest	36%
Zero (0) re-arrests	64%
One (1) re-arrest	17%
Two (2) re-arrests	8%
Three (3) or more re-arrests	11%
Felony re-arrest	15%
Violent felony re-arrest	6%
Domestic violence re-arrest	17%
Misdemeanor re-arrest	30%
Top Charge Type (if re-arrested)	
Assault and related	19%
Strangulation and related	3%
Criminal contempt	18%
Property offenses (robbery, burglary, larceny, criminal mischief, theft, etc.)	22%
Drug-related (not marijuana)	7%
Marijuana	7%
Harassment	3%
Other	21%

Note: Data on domestic violence court cases filed in 2012 was obtained from the New York State Division of Criminal Justice Services and the New York State Unified Court System. Reported charges are based on the top charge on the first re-arrest over a maximum two-year tracking period.

Appendix C. Release Decisions at Arraignment in 2013: Domestic Violence Cases by Arraignment Charge (Cases Continued at Arraignment)

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
Number of domestic violence Arraignments	5,821	10,460	6,814	8,702	1,288	33,085
Percent of Citywide Total	18%	32%	21%	26%	4%	100%
FELONIES						
Assault	407	454	434	301	22	1,618
Return on recognizance (ROR)	55%	54%	53%	57%	41%	54%
Bail set/posted at arraignment	4%	3%	4%	6%	14%	4%
Bail set/not posted on arraignment date	41%	43%	42%	36%	46%	41%
Remanded	1%	1%	1%	1%	0%	1%
<i>Remanded or Bail Set</i>	<i>45%</i>	<i>47%</i>	<i>47%</i>	<i>43%</i>	<i>59%</i>	<i>46%</i>
<i>Detained following arraignment</i>	<i>42%</i>	<i>44%</i>	<i>43%</i>	<i>37%</i>	<i>46%</i>	<i>42%</i>
<i>Detained throughout case</i>	<i>13%</i>	<i>11%</i>	<i>17%</i>	<i>12%</i>	<i>14%</i>	<i>13%</i>
Criminal Contempt	54	549	256	378	28	1,265
Return on recognizance (ROR)	17%	35%	19%	29%	4%	28%
Bail set/posted at arraignment	4%	5%	6%	6%	11%	6%
Bail set/not posted on arraignment date	80%	60%	74%	64%	82%	65%
Remanded	0%	0%	1%	2%	4%	1%
<i>Remanded or Bail Set</i>	<i>83%</i>	<i>65%</i>	<i>81%</i>	<i>71%</i>	<i>96%</i>	<i>72%</i>
<i>Detained following arraignment</i>	<i>80%</i>	<i>60%</i>	<i>75%</i>	<i>65%</i>	<i>86%</i>	<i>66%</i>
<i>Detained throughout case</i>	<i>46%</i>	<i>17%</i>	<i>31%</i>	<i>25%</i>	<i>37%</i>	<i>24%</i>
Strangulation	36	72	167	47	6	328
Return on recognizance (ROR)	28%	44%	35%	40%	33%	37%
Bail set/posted at arraignment	6%	3%	8%	11%	0%	7%
Bail set/not posted on arraignment date	67%	53%	56%	49%	67%	56%
Remanded	0%	0%	1%	0%	0%	0%
<i>Remanded or Bail Set</i>	<i>72%</i>	<i>56%</i>	<i>65%</i>	<i>60%</i>	<i>67%</i>	<i>63%</i>
<i>Detained following arraignment</i>	<i>67%</i>	<i>53%</i>	<i>57%</i>	<i>49%</i>	<i>67%</i>	<i>56%</i>
<i>Detained throughout case</i>	<i>33%</i>	<i>11%</i>	<i>21%</i>	<i>17%</i>	<i>33%</i>	<i>20%</i>
Other	537	647	492	416	23	2,115
Return on recognizance (ROR)	37%	43%	34%	28%	13%	36%
Bail set/posted at arraignment	2%	3%	6%	11%	26%	5%
Bail set/not posted on arraignment date	59%	52%	58%	60%	48%	56%
Remanded	2%	3%	3%	2%	13%	2%
<i>Remanded or Bail Set</i>	<i>63%</i>	<i>57%</i>	<i>66%</i>	<i>72%</i>	<i>87%</i>	<i>64%</i>
<i>Detained following arraignment</i>	<i>61%</i>	<i>54%</i>	<i>60%</i>	<i>61%</i>	<i>61%</i>	<i>59%</i>
<i>Detained throughout case</i>	<i>27%</i>	<i>17%</i>	<i>23%</i>	<i>22%</i>	<i>27%</i>	<i>22%</i>

Appendix C. Release Decisions at Arraignment in 2013: Domestic Violence Cases by Arraignment Charge (Continued)

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
MISDEMEANORS						
Assault	2,847	6,035	3,118	4,880	656	17,536
Return on recognizance (ROR)	74%	81%	74%	84%	82%	80%
Bail set/posted at arraignment	4%	2%	3%	2%	3%	3%
Bail set/not posted on arraignment date	22%	17%	23%	14%	15%	18%
Remanded	0%	0%	0%	0%	0%	0%
<i>Remanded or Bail Set</i>	26%	19%	26%	16%	18%	20%
<i>Detained following arraignment</i>	22%	17%	23%	14%	15%	18%
<i>Detained throughout case</i>	12%	5%	7%	5%	4%	6%
Criminal Contempt	557	725	586	871	232	2,971
Return on recognizance (ROR)	61%	68%	56%	73%	73%	66%
Bail set/posted at arraignment	5%	3%	4%	4%	3%	4%
Bail set/not posted on arraignment date	35%	29%	39%	23%	23%	30%
Remanded	0%	0%	0%	0%	0%	0%
<i>Remanded or Bail Set</i>	40%	32%	44%	27%	27%	34%
<i>Detained following arraignment</i>	35%	29%	40%	23%	23%	30%
<i>Detained throughout case</i>	24%	11%	16%	9%	11%	14%
Strangulation	93	184	139	185	97	698
Return on recognizance (ROR)	70%	79%	61%	80%	79%	75%
Bail set/posted at arraignment	1%	2%	7%	3%	4%	3%
Bail set/not posted on arraignment date	29%	19%	32%	17%	17%	22%
Remanded	-	-	-	-	-	-
<i>Remanded or Bail Set</i>	30%	21%	39%	20%	21%	25%
<i>Detained following arraignment</i>	29%	19%	32%	17%	17%	22%
<i>Detained throughout case</i>	15%	8%	15%	6%	7%	10%
Harassment	547	735	663	638	60	2,643
Return on recognizance (ROR)	76%	81%	71%	81%	82%	77%
Bail set/posted at arraignment	4%	4%	4%	4%	5%	4%
Bail set/not posted on arraignment date	21%	16%	25%	14%	13%	19%
Remanded	0%	0%	0%	0%	0%	0%
<i>Remanded or Bail Set</i>	25%	19%	29%	19%	18%	23%
<i>Detained following arraignment</i>	21%	16%	25%	15%	13%	19%
<i>Detained throughout case</i>	12%	6%	10%	4%	5%	8%

Note: Cases included all misdemeanor and felony domestic violence cases filed in court in 2013, as provided by the Unified Court System. Cases with unknown release status (N=142) and detention status throughout the case (N=283) were excluded. Assault included stalking charges.

Appendix D. Release Decisions at Arraignment in 2013: Comparison of Domestic Violence and Non-Domestic Violence Cases (*Cases Continued at Arraignment*)

	Domestic Violence	Non-Domestic Violence
Number of Arraignments	33,085	137,870
Percent of Citywide Total	19%	81%
RELEASE STATUS: ALL CASES		
Return on recognizance (ROR)	71%***	69%
Bail set/posted at arraignment	3%	3%
Bail set/not posted on arraignment date	25%	27%
Remanded	0.3%	1.1%
<i>Remanded or Bail Set</i>	29%	31%
<i>Detained following arraignment</i>	25%	28%
<i>Detained throughout case</i>	10%***	14%
RELEASE: FELONIES		
Felonies	5,328	42,400
Return on recognizance (ROR)	40%***	43%
Bail set/posted at arraignment	5%	6%
Bail set/not posted on arraignment date	54%	49%
Remanded	1%	3%
<i>Remanded or Bail Set</i>	60%	57%
<i>Detained following arraignment</i>	55%	52%
<i>Detained throughout case</i>	20%***	24%
Felony Assaults	1,618	4,854
Return on recognizance (ROR)	54%***	45%
Bail set/posted at arraignment	4%	6%
Bail set/not posted on arraignment date	41%	47%
Remanded	1%	2%
<i>Remanded or Bail Set</i>	46%	52%
<i>Detained following arraignment</i>	40%	46%
<i>Detained throughout case</i>	13%***	19%
Felony Criminal Contempt	1,265	343
Return on recognizance (ROR)	28%*	36%
Bail set/posted at arraignment	5%	5%
Bail set/not posted on arraignment date	65%	57%
Remanded	1%	2%
<i>Remanded or Bail Set</i>	72%	64%
<i>Detained following arraignment</i>	66%	59%
<i>Detained throughout case</i>	24%	24%

Appendix D. Release Decisions at Arraignment in 2013 (Continued)

	Domestic Violence	Non-Domestic Violence
RELEASE: MISDEMEANORS		
All Misdemeanors	27,757	95,470
Return on recognizance (ROR)	78%***	81%
Bail set/posted at arraignment	3%	2%
Bail set/not posted on arraignment date	20%	17%
Remanded	0%	0%
<i>Remanded or Bail Set</i>	22%	19%
<i>Detained following arraignment</i>	20%	17%
<i>Detained throughout case</i>	8%***	10%
Misdemeanor Assaults	17,536	19,419
Return on recognizance (ROR)	80%***	82%
Bail set/posted at arraignment	3%	2%
Bail set/not posted on arraignment date	18%	15%
Remanded	0%	0%
<i>Remanded or Bail Set</i>	20%	18%
<i>Detained following arraignment</i>	18%	16%
<i>Detained throughout case</i>	6%***	8%
Misdemeanor Criminal Contempt	2,971	915
Return on recognizance (ROR)	66%+	70%
Bail set/posted at arraignment	4%	4%
Bail set/not posted on arraignment date	30%	26%
Remanded	0%	0%
<i>Remanded or Bail Set</i>	34%	30%
<i>Detained following arraignment</i>	30%	26%
<i>Detained throughout case</i>	14%	13%

+p<.10 *p<.05 **p<.01 ***p<.001

Note: Cases included all criminal cases filed in court and not disposed at arraignment in 2013, as provided by the Unified Court System. Cases with missing release status (N=4,628, 2.7%) and missing detained throughout the case information (N=7,063, 4.1%) are excluded from the analysis.

Appendix E. Domestic Violence Case Dispositions and Sentences by Charge: Cases Disposed in 2014

	Bronx	Brooklyn	Manhattan	Queens	State Island	New York City
Number of Dispositions	5,820	10,294	7,782	10,427	1,105	35,428
Percent of Citywide Total	16%	29%	22%	29%	3%	100%
FELONIES	1,193	1,755	1,658	1,267	62	5,935
ASSAULT	315	289	297	223	2	1,126
Sentencing: Pled Guilty/Convicted	84	135	105	170	2	496
Prison sentence	11%	13%	8%	4%	0%	8%
<i>Average prison sentence length (months)</i>	<i>55</i>	<i>30</i>	<i>59</i>	<i>62</i>	<i>0</i>	<i>47</i>
Jail or jail/probation split sentence	23%	11%	15%	10%	0%	14%
Split sentence	10%	3%	5%	1%	0%	4%
<i>Distribution of jail sentences:</i>						
30 days or fewer	6%	27%	8%	13%	0%	13%
31-90 days	22%	13%	15%	13%	0%	16%
91-182 days	0%	0%	0%	0%	0%	0%
183-364 days	44%	27%	39%	47%	0%	39%
One year (365 days)	28%	33%	39%	27%	0%	31%
<i>Average jail sentence length (days)</i>	<i>210</i>	<i>198</i>	<i>196</i>	<i>198</i>	<i>0</i>	<i>201</i>
<i>Median jail sentence length (days)</i>	<i>183</i>	<i>183</i>	<i>183</i>	<i>183</i>	<i>0</i>	<i>183</i>
Straight probation sentence	6%	11%	10%	5%	50%	8%
Other sentence	61%	65%	68%	81%	50%	70%
CRIMINAL CONTEMPT	16	87	78	52	4	237
Sentencing: Pled Guilty/Convicted	3	53	57	36	4	153
Prison sentence	0%	8%	19%	6%	0%	11%
<i>Average prison sentence length (months)</i>	<i>0</i>	<i>21</i>	<i>20</i>	<i>27</i>	<i>0</i>	<i>21</i>
Jail or jail/probation split sentence	67%	26%	42%	11%	25%	29%
Split sentence	0%	3.8%	7.0%	0%	0%	3.9%
<i>Distribution of jail sentences:</i>						
30 days or fewer	0%	7%	0%	25%	0%	5%
31-90 days	0%	14%	22%	0%	0%	15%
91-182 days	0%	0%	6%	0%	0%	3%
183-364 days	100%	14%	39%	25%	0%	31%
One year (365 days)	0%	64%	33%	50%	100%	46%
<i>Average jail sentence length (days)</i>	<i>239</i>	<i>278</i>	<i>167</i>	<i>255</i>	<i>365</i>	<i>217</i>
<i>Median jail sentence length (days)</i>	<i>239</i>	<i>365</i>	<i>183</i>	<i>320</i>	<i>365</i>	<i>243</i>
Straight probation sentence	0%	2%	9%	3%	50%	6%
Other sentence	33%	64%	30%	81%	25%	54%

Appendix E. Domestic Violence Case Dispositions and Sentences by Charge
(Continued)

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
MISDEMEANORS	4,627	8,539	6,124	9,160	1,043	29,493
ASSAULT	1,905	3,786	2,134	3,746	92	11,663
Sentencing: Pled Guilty/Convicted	311	938	446	1,750	20	3,465
Jail or jail/probation split sentence ¹	20%	9%	16%	1%	8%	6%
Split sentence	0%	0%	2%	0%	0%	0%
<i>Distribution of jail sentences:</i>						
30 days or fewer	81%	55%	33%	33%	0%	53%
31-90 days	19%	25%	31%	50%	0%	27%
91-182 days	0%	4%	4%	0%	0%	3%
183-364 days	0%	5%	16%	17%	0%	8%
One year (365 days) ²	0%	11%	16%	0%	100%	9%
<i>Average jail sentence length (days)</i>	24	60	72	63	0	54
<i>Median jail sentence length (days)</i>	15	15	30	60	0	30
Straight probation sentence	2%	1%	1%	0%	0%	1%
Other sentence	78%	90%	83%	99%	92%	93%
CRIMINAL CONTEMPT	152	137	109	171	37	606
Sentencing: Pled Guilty/Convicted	36	46	31	72	17	202
Jail sentence ¹	47%	13%	28%	1%	0%	13%
<i>Distribution of jail sentences:</i>						
30 days or fewer	50%	0%	29%	0%	0%	24%
31-90 days	0%	0%	0%	100%	0%	18%
91-364 days	0%	0%	0%	0%	0%	-
183-364 days	0%	0%	14%	0%	0%	6%
One year (365 days) ²	0%	100%	57%	0%	0%	53%
<i>Average jail sentence length (days)</i>	29	365	77	90	0	95
<i>Median jail sentence length (days)</i>	10	365	17	90	0	30
Straight probation sentence	7%	0%	0%	0%	0%	1%
Other sentence	47%	87%	72%	99%	100%	86%
HARASSMENT	235	302	286	285	6	1,114
Sentencing: Pled Guilty/Convicted	34	96	79	108	2	319
Jail sentence ¹	7%	6%	9%	1%	0%	5%
<i>Distribution of jail sentences:</i>						
30 days or fewer	100%	20%	33%	0%	0%	31%
31-90 days	0%	40%	17%	100%	0%	31%
91-364 days	0%	0%	17%	0%	0%	8%
183-364 days	0%	20%	0%	0%	0%	8%
One year (365 days) ²	0%	20%	33%	0%	0%	23%
<i>Average jail sentence length (days)</i>	15	109	167	45	0	116
<i>Median jail sentence length (days)</i>	15	75	106	45	0	60
Straight probation sentence	0%	0%	0%	0%	50%	0%
Other sentence	93%	94%	91%	99%	50%	95%

Note: Cases include misdemeanor and felony cases that were disposed in 2014 (regardless of filing date), as provided by DCJS.

¹ Includes prison sentences (less than 1%).

² Includes prison sentences for misdemeanors.

Appendix F. Case Dispositions and Sentences: Comparison of Domestic Violence and Non-Domestic Violence Cases Disposed in 2014

	Domestic Violence Cases	Non-Domestic Violence Cases
Number of Dispositions	35,428	279,708
Percent of Citywide Total	11%	89%
CASE OUTCOMES (ALL CASES)		
Pled guilty/convicted	37%	58%
Criminal conviction ¹	13%	33%
Violation or lesser conviction	24%	25%
ACD	14%	28%
Straight dismissal	49%	13%
Sentenced to Corrections: Includes all Cases		
Prison sentence	1%	2%
Jail or jail/probation split sentence	6%	10%
Straight probation sentence	1%	1%
Sentencing: Pled Guilty/Convicted	12,465	156,959
Prison sentence	2%	4%
<i>Distribution of prison sentences:</i>		
One year or fewer days	8%	9%
More than one year to three years	55%	56%
More than three years	37%	36%
<i>Average prison sentence length (months)</i>	69	58
Jail or jail/probation split sentence	17%	17%
Split sentence	1%	1%
<i>Distribution of jail sentences:</i>		
30 days or fewer	45%	65%
31-90 days	26%	14%
91-182 days	6%	4%
183-364 days	14%	9%
One year (365 days)	10%	9%
<i>Average jail sentence length (days)</i>	94***	73
<i>Median jail sentence length (days)</i>	45	20
Straight probation sentence	2%	2%
Other sentence	79%	77%
<i>Percent detained, convicted no jail/prison</i>	11%	7%
MISDEMEANOR ARRAIGNMENT		
Pled guilty/convicted (any charge)	33%	55%
Criminal conviction ¹	8%	28%
Violation or lesser conviction	25%	27%
ACD	16%	34%
Straight dismissal	51%	11%

Appendix F. Case Dispositions and Sentences (Continued)

	Domestic Violence Cases	Non-Domestic Violence Cases
MISDEMEANOR ARRAIGNMENT (continued)	29,493	230,884
Sentenced to Corrections: Includes all Cases		
Jail or jail/probation split sentence	4%	8%
Probation sentence	0%	0%
Sentencing: Pled Guilty/Convicted		
Jail or jail/probation split sentence	13%	15%
Split sentence	0%	0%
<i>Distribution of jail sentences:</i>		
30 days or fewer	59%	82%
31-90 days	28%	12%
91-182 days	4%	2%
183-364 days	7%	2%
One year (365 days)	3%	1%
<i>Average jail sentence length (days)</i>	55***	28
<i>Median jail sentence length (days)</i>	30	15
Straight probation sentence	1%	0%
Other sentence	86%	85%
FELONY ARRAIGNMENT CHARGE	5,935	48,824
Pled guilty/convicted (any charge)	57%	74%
Criminal conviction ¹	37%	59%
Violation or lesser conviction	20%	15%
ACD	5%	4%
Straight dismissal	39%	22%
Sentenced to Corrections: Includes all Cases		
Prison sentence	4%	12%
Jail or jail/probation split sentence	16%	17%
Straight probation sentence	3%	6%
Sentencing: Pled Guilty/Convicted	3,232	34,834
Prison sentence	8%	16%
<i>Average prison sentence length (months)</i>	71	58
Jail or jail/probation split sentence	28%	24%
Split sentence	3%	2%
<i>Distribution of jail sentences:</i>		
30 days or fewer	27%	26%
31-90 days	24%	18%
91-364 days	7%	6%
91-365 days	23%	24%
One year (365 days)	19%	27%
<i>Average jail sentence length (days)</i>	146***	170
<i>Median jail sentence length (days)</i>	90	152
Straight probation sentence	5%	9%
Other sentence	59%	52%

+*p*<.10 **p*<.05 ***p*<.01 ****p*<.001

¹ Criminal Convictions includes Youthful Offender findings (3% of total case outcomes).

Note: Cases include misdemeanor and felony cases that were disposed in 2014 (regardless of filing date), as provided by DCJS. Omits disposed cases pending sentencing from pled guilty/convicted sentencing figures.