

# Case Dispositions for Arraigned and Continued Cases in New York City in 2019

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## Introduction

After an arrest, a person's first appearance in court ("arraignment") can have significant consequences for the trajectory of their criminal case. For example, a judge may decide to dismiss the case, a prosecutor may decide to drop charges, or the individual charged with a crime may decide to enter a guilty plea and move to sentencing. If the case is not resolved at arraignment ("continued cases"), the judge will make a pretrial release decision, including whether to "release on recognizance" (i.e., on an individual's promise to return to court), impose conditions of release (i.e., requiring pretrial supervision, setting bail), or remand the person to jail (an option that is only available under limited circumstances).<sup>1</sup> For cases that are continued, the person will be required to appear in court on future dates. The prosecutor may work with the defense to negotiate a plea bargain or the case could go to trial. In this brief, the Data Collaborative for Justice (DCJ) examines dispositions for cases resolved at arraignment compared to cases that were continued in New York City criminal courts in 2019. Additionally, the brief examines how case dispositions vary by borough, charge severity and charge category, and by race/ethnicity, age, and sex.

## KEY FINDINGS

### Overall:

- In New York City, 25% of the 167,219 criminal court arraignments in 2019 were resolved at arraignment, ranging from 13% in Staten Island to 32% in the Bronx.
- Violations (71%) and Marijuana charges (55%) were most likely to be resolved at arraignment while felonies (1%) and Person charges<sup>2</sup> (3%) were least likely.
- White people (29%), 55-64-year-olds (32%), and men (27%) had the largest proportions of cases resolved at arraignment.
- Black people (26%), 25-34-year-olds (24%), and women (26%) had the smallest proportions of cases resolved at arraignment.

<sup>1</sup> As of January 2020, the court's ability to set bail, which frequently results in people being detained in jail due to an inability to pay, has been eliminated for most misdemeanors and non-violent felony charges. For more information on recent changes to legislation around bail setting and pretrial release decisions in New York State, see Lu, O., Bond, E., Chauhan, P. (2021). *Assessing the potential impact of 2020 Bail Reforms on 2019 New York City criminal court cases*. New York, NY: Data Collaborative for Justice.

<sup>2</sup> Person charges are defined as offenses that typically result in direct harm to a known victim or victims. These include offenses such as murder, rape, robbery, and assault and related offenses.

### Variation in Guilty Pleas:

- 63% of cases resulted in a guilty plea at arraignment, ranging from 55% in Brooklyn to 84% in Staten Island; compared to 34% among continued cases<sup>3</sup>, ranging from 24% in Brooklyn to 47% in Staten Island.
- Felonies (70%) and Vehicle and Driving charges (87%) were most likely to result in a guilty plea at arraignment.
- Violations and misdemeanors (35%), and Vehicle and Driving charges (76%) were most likely to result in a guilty plea post-arraignment .
- Black people (65%), 45-54-year-olds (75%), and men (66%) had the largest proportions of guilty pleas at arraignment.
- White people (39%), 55-64-year-olds (38%), and men (36%) had the largest proportions of guilty pleas post-arraignment.

### Variation in Adjournment in Contemplation of Dismissal or “ACD”:

- 32% of cases resulted in an Adjournment in Contemplation of Dismissal or “ACD”<sup>4</sup> at arraignment, ranging from 8% in Staten Island to 38% in Brooklyn; compared to 13% among continued cases, ranging from 9% in Staten Island to 16% in Queens.
- Violations and Marijuana charges were most likely to be resolved as ACD at arraignment (64% and 59%, respectively) and post arraignment (32% and 30%, respectively).
- White people (31%), 18-20-year-olds (51%), and women (43%) had the largest proportions of ACDs at arraignment.
- White people (16%), 18-20-year-olds and people over 65 (17%), and women (20%) had the largest proportions of ACDs post-arraignment.

### Variation in Dismissals:

- 5% of cases were dismissed at arraignment, ranging from 2% in Manhattan to 7% in the Bronx; compared to 38% among continued cases, ranging from 25% in Staten Island to 48% in Brooklyn.
- Felonies (10%) and Person charges (52%) were most likely to be dismissed at arraignment, while misdemeanors (44%) and Person charges (52%) were most likely to be dismissed post-arraignment.
- Black people, 18-20-year-olds, and women had the largest proportions of dismissals at arraignment (5%, 8%, and 8%, respectively) and post-arraignment (41%, 40%, and 45%, respectively).

<sup>3</sup> As a point of comparison, only 110 arraignments were resolved by trial in 2019, accounting for less than 1% of continued cases.

<sup>4</sup> When a case results in Adjournment in Contemplation of Dismissal, the individual is released on their own recognizance with the expectation that they must satisfy the conditions of the disposition within six months of the judgment, after which the case will be resolved.

## Factors Impacting Case Disposition

How criminal court arraignments are resolved can depend on a variety of factors including borough of arraignment, charge severity, and extralegal factors such as race, age, and sex. However, case dispositions are unlikely to rest on any single factor but rather a combination of factors, many of which are not examined in this brief. Therefore, the findings presented here do not assume any causal relationships between case characteristics and case disposition. Other case-specific factors such as case complexity, strength of evidence, criminal history, and whether individuals are detained pretrial can significantly impact the likelihood of guilty pleas and convictions.<sup>5</sup> In New York City, pretrial detention has been found to increase the likelihood of a guilty plea by 7-10%.<sup>6</sup> Furthermore, case dispositions can be influenced by judge, prosecutor, and defense attorney characteristics as well as the characteristics of the courtroom workgroup. For example, greater similarity in experience between courtroom actors can increase the likelihood that cases are resolved by plea.<sup>7</sup>

## Analysis

This brief examines dispositions of cases arraigned in New York City criminal courts in 2019.<sup>8</sup> DCJ used data from the New York State Office of Court Administration (OCA) to analyze 2019 arraignments that were either resolved at arraignment or resolved post-arraignment in 2019 or 2020. A detailed methodology is provided in the appendix, which includes more information on the data and sample, as well as definitions of terms and coding criteria.

## Case Dispositions in New York City Criminal Courts in 2019

In 2019, a quarter of the 167,219 felonies, misdemeanors, and violations arraigned in New York City criminal courts were resolved at arraignment (41,724 cases). Of the 75% of cases that continued beyond arraignment (125,495 cases), 59% were released without bail (99,203 cases), 15% had bail set (24,536 cases), and 1% were remanded to jail (1,756 cases).

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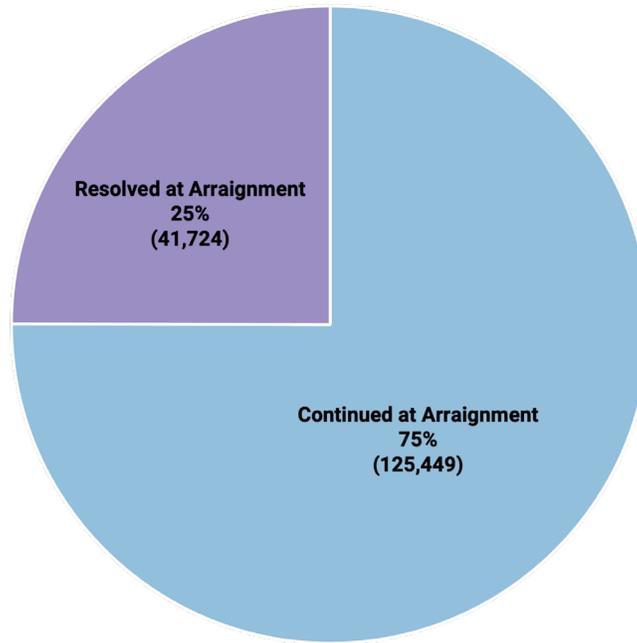
<sup>5</sup> For felony and non-felony cases, charge, borough, demographic, and criminal history variables all had significant effects on the likelihood of conviction. However, the effect of pretrial detention alone was significant over and above all other factors. See Phillips, M. T. (2007). *Pretrial detention and case outcomes, part 1: Nonfelony cases*. New York, NY: New York City Criminal Justice Agency, Inc.

<sup>6</sup> Individuals detained pretrial on felony charges were 10% more likely to plead guilty and 14% more likely to be convicted. Individuals detained on misdemeanor charges were 7% more likely to plead guilty. See Leslie, E., & Pope, N. G. (2017). The unintended impact of pretrial detention on case outcomes: Evidence from New York City arraignments. *Journal of Law and Economics*, 60, 529-557.

<sup>7</sup> Greater difference in experience between judges, prosecutors, and defense attorneys decreased the odds of a guilty plea by 3%. Additionally, cases handled by a same-sex courtroom workgroup were 72% more likely to be resolved by plea. See Metcalfe, C. (2016). The role of courtroom workgroups in felony case dispositions: Workgroup familiarity and similarity. *Law and Society Review*, 50(3), 637-673.

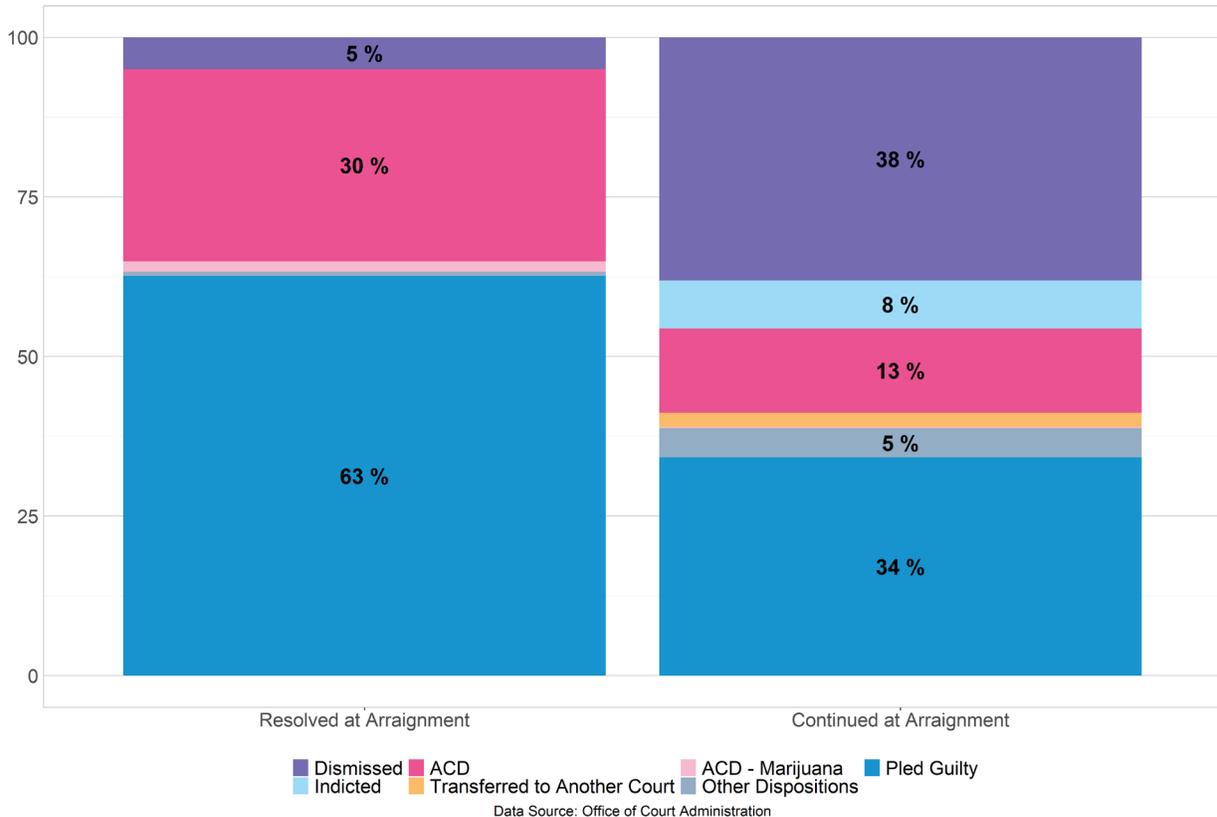
<sup>8</sup> The data does not reflect the full universe of felony, misdemeanor, and violation arrests that were made in New York City in 2019. In many cases, an arrest never reaches arraignment because the DA declines to prosecute, for various reasons. In recent years, New York City DAs have increasingly declined to prosecute non-violent, low-level offenses. In Manhattan for example, the proportion of arrests that are not prosecuted has increased from 4% in 2017 to 9% in 2019. See *Arrests*. (2021, June 29). Manhattan District Attorney's Office Data Dashboard. Retrieved from <https://data.manhattanda.org/#!/arrests>

**Figure 1. Cases Resolved and Continued at Arraignment in New York City in 2019**



Among cases resolved at arraignment, 63% resulted in a guilty plea compared to 34% among continued cases. Meanwhile, 30% of cases resolved at arraignment resulted in ACD compared to 13% of continued cases. In contrast, only 5% of cases resolved at arraignment were dismissed compared to 38% of continued cases. Additionally, 8% of cases continued at arraignment were indicted while 5% were Other Dispositions, primarily extradition of a fugitive.

**Figure 2. 2019 Case Dispositions in New York City**



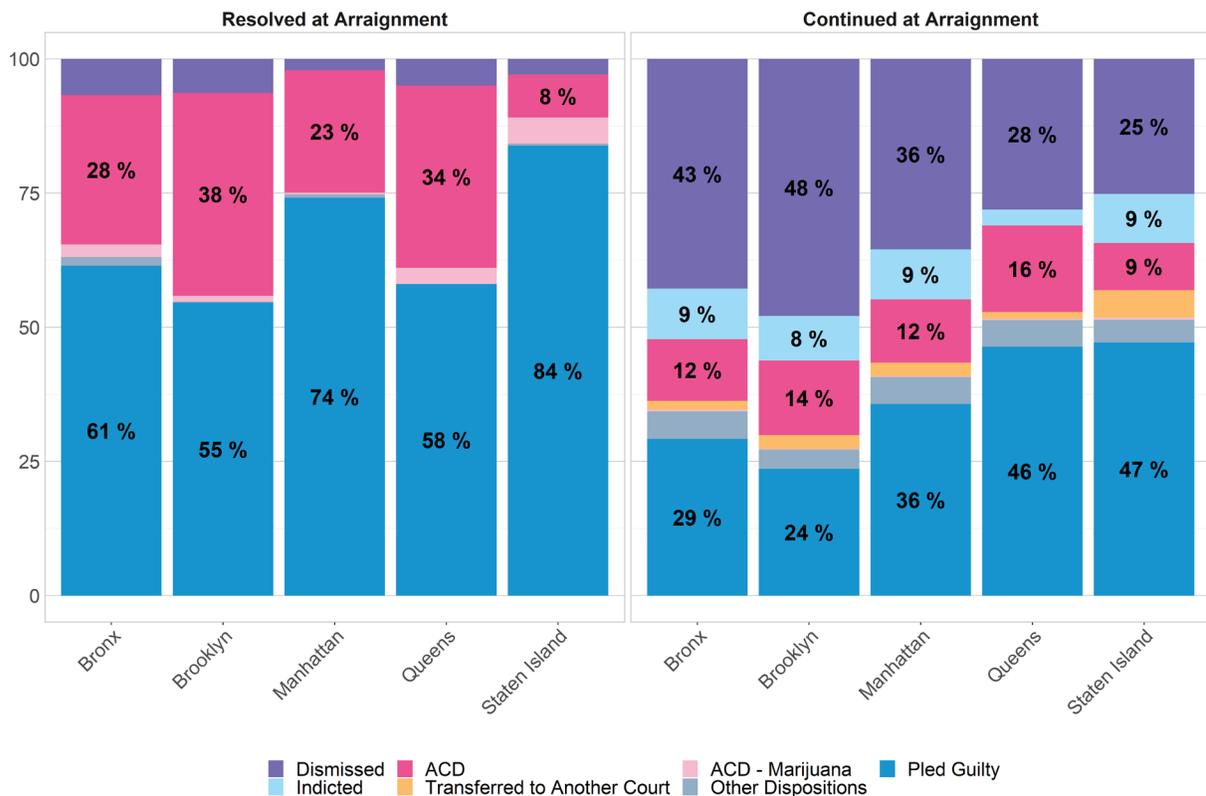
## Case Dispositions by Borough

The following section presents 2019 arraignments and case resolutions by borough. While Brooklyn had the largest number of arraignments in 2019 overall (43,938 cases), cases were most likely to be resolved at arraignment in the Bronx (36%) and least likely in Staten Island (13%).

Table 1. 2019 Cases Resolved and Continued at Arraignment by Borough				
	Resolved at Arraignment		Continued at Arraignment	
	Freq	%	Freq	%
Bronx	10,048	32%	21,009	68%
Brooklyn	11,430	26%	32,508	74%
Manhattan	10,845	28%	28,562	72%
Queens	8,500	24%	26,999	76%
Staten Island	901	13%	6,011	87%

Across the five boroughs, Staten Island had the largest proportion of guilty pleas among cases resolved at arraignment (84%, 753 cases) and post-arraignment (47%, 2,833 cases). In contrast, Brooklyn had the smallest proportion of guilty pleas among cases resolved at arraignment (55%, 6,228 cases) and post-arraignment (24%, 7,681 cases). However, Brooklyn had the largest proportion of ACDs at arraignment (38%, 4,317 cases), while Queens had the largest proportion of ACDs post-arraignment (16%, 4,358 cases). Meanwhile, the Bronx had the largest proportion of dismissals at arraignment (7%) but Brooklyn had the largest proportion among continued cases (48%). Among continued cases, 9% of arraignments in the Bronx, Brooklyn, and Staten Island were indicted compared to just 3% in Queens.

Figure 3. 2019 Case Dispositions by Borough



Data Source: Office of Court Administration

## Case Dispositions by Charge Severity and Charge Category

The following section examines case resolutions for 2019 arraignments by charge severity and charge category. DCJ groups top arraignment charge codes into seven charge categories, and each category includes felonies, misdemeanors, and violations. See appendix for details on how charges are defined. Table 2 shows the number and proportion of cases resolved and continued at arraignment by charge severity and charge category. Violations were most likely to be resolved at arraignment (71%, 2,776 cases) compared to 31% of misdemeanors (37,490 cases) and only 1% of felonies (267 cases). Meanwhile, over half (55%, 1,848 cases) of Marijuana charges were resolved at arraignment compared to just 3% of Person charges (1,495 cases).

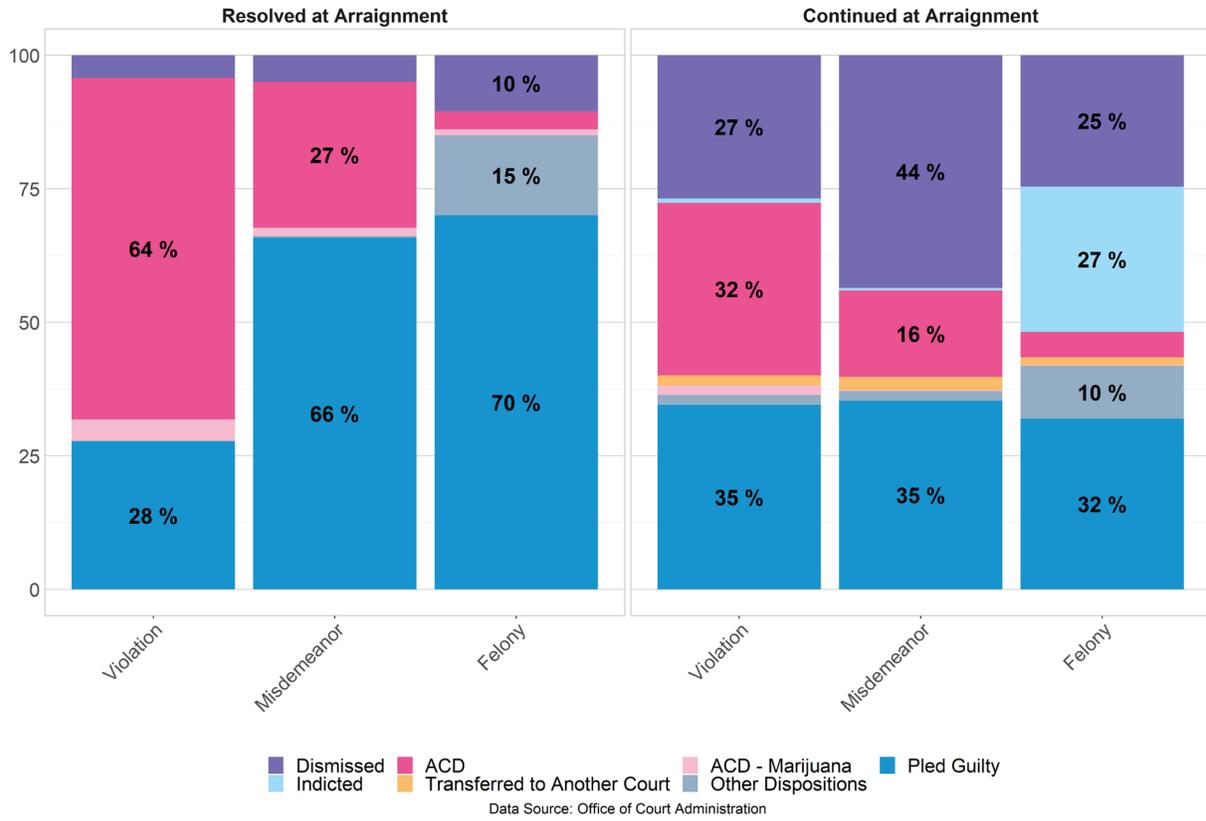
**Table 2. 2019 Cases Resolved and Continued at Arraignment by Charge**

	Resolved at Arraignment		Continued at Arraignment	
	Freq	%	Freq	%
<b>Charge Severity</b>				
Violation	2,776	71%	1,123	29%
Misdemeanor	37,490	31%	82,091	69%
Felony	267	1%	30,335	99%
<b>Charge Category</b>				
Person	1,495	3%	43,902	97%
Property	10,517	38%	16,873	62%
Weapons	1,166	25%	3,583	75%
Other Drugs	4,934	34%	9,649	66%
Marijuana	1,848	55%	1,483	45%
Vehicle and Driving	10,022	46%	11,747	54%
Other	11,584	29%	27,831	71%

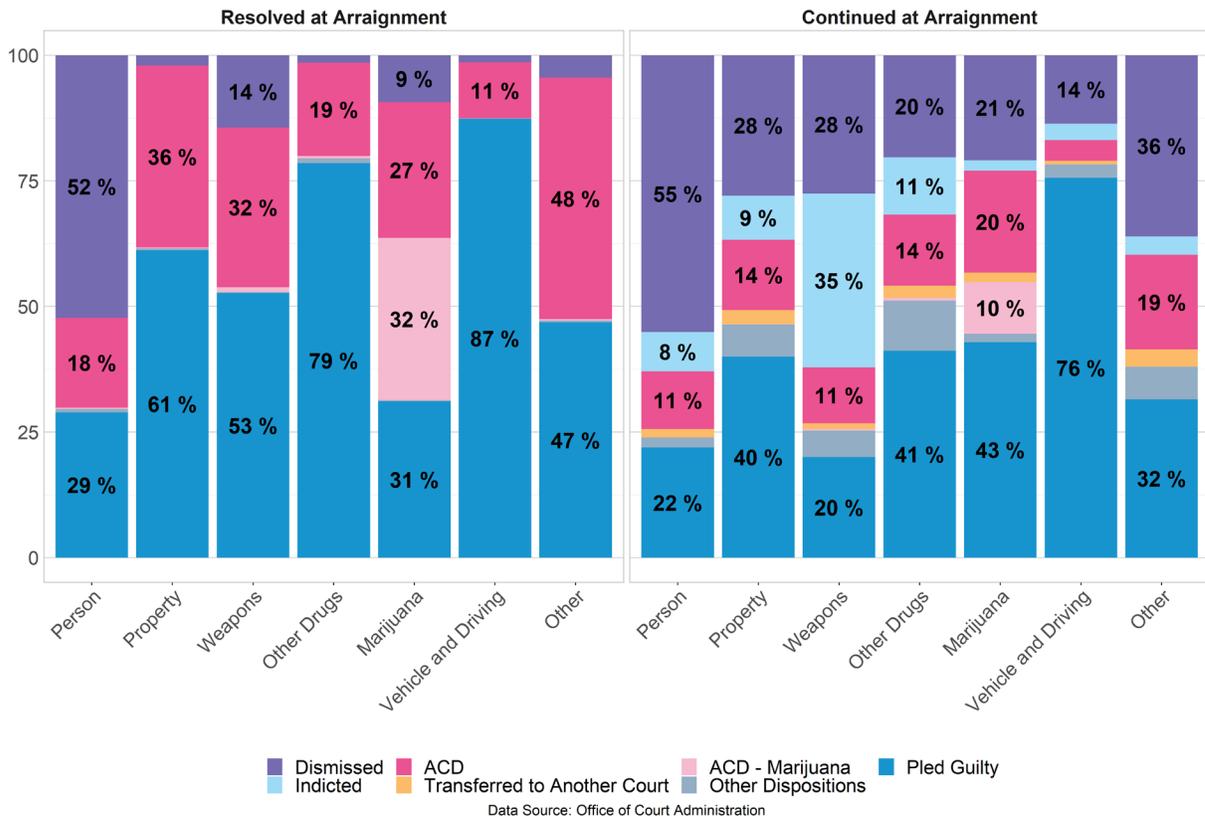
Felonies were most likely to result in a guilty plea at arraignment (70%, 187 cases), while around a third of violations, misdemeanors, and felonies that continued at arraignment resulted in a guilty plea. In contrast, violations were most likely to result in an ACD at arraignment (64%, 1,774 cases) and post-arraignment (32%, 363 cases). At arraignment, 10% of felonies (28 cases) were dismissed compared to 5% of misdemeanors (1,871 cases) and 4% of violations (118 cases), while misdemeanors were most likely to be dismissed post-arraignment (44%, 35,749 cases).

Vehicle and Driving charges were most likely to result in a guilty plea at arraignment (87%, 8,752 cases) and post-arraignment (76%, 8,880 cases). In contrast, Person charges were most likely to be dismissed at arraignment (52%, 781 cases) and post-arraignment (55%, 24,195 cases). Meanwhile, Marijuana charges were most likely to be resolved as ACD at arraignment (59%, 1,097 cases) and post-arraignment (30%, 453 cases). Weapons charges that continued at arraignment were most likely to be indicted (35%, 1,240 cases), while only 2% of Marijuana charges continued at arraignment were indicted (31 cases).

**Figure 4. 2019 Case Dispositions by Charge Severity**



**Figure 5. 2019 Case Dispositions by Charge Category**



## Case Dispositions by Race/Ethnicity, Age, and Sex

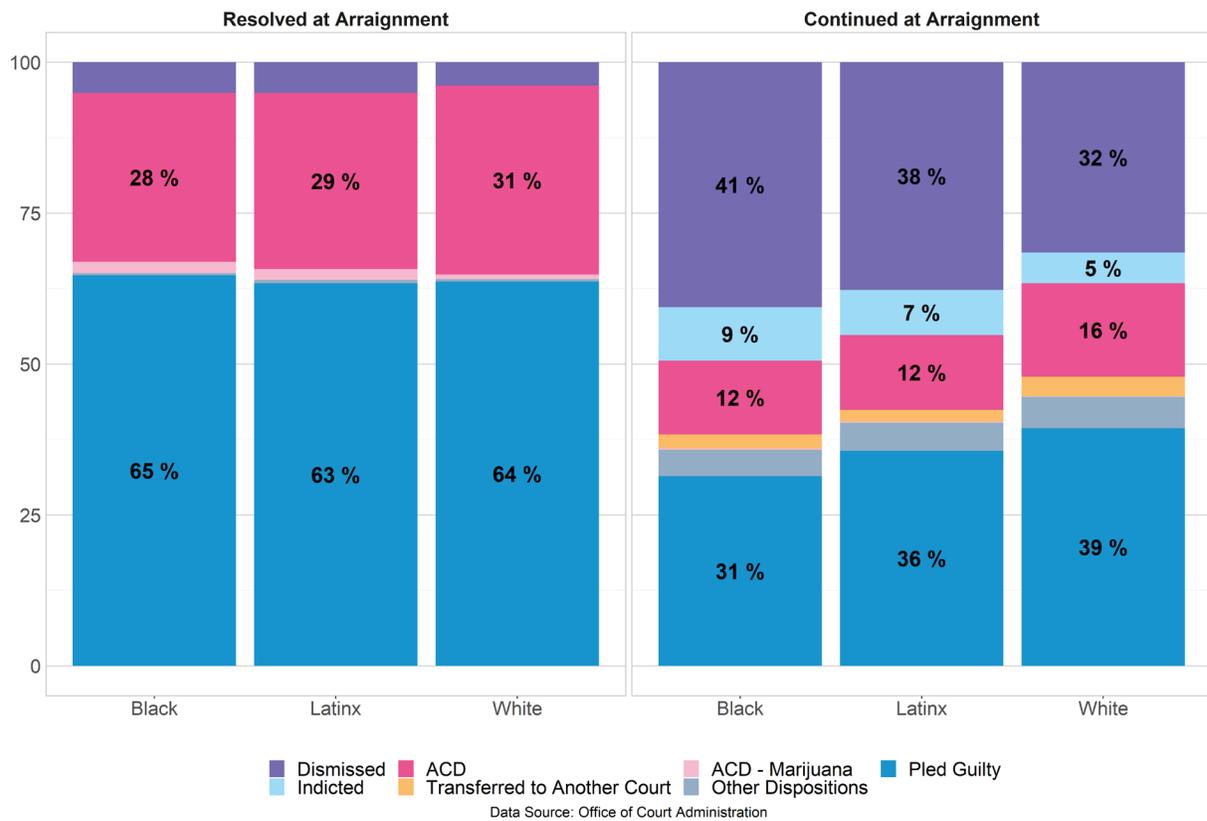
In 2019, over a quarter of cases for all demographic groups were resolved at arraignment, but White people (29%), 55-64-year-olds (32%), and men (27%) had the largest proportions of cases resolved at arraignment. Although the proportion of cases resolved or continued at arraignment was consistent across demographic groups, there was greater demographic variation in case resolutions, particularly by race/ethnicity.

**Table 3. 2019 Cases Resolved and Continued at Arraignment by Demographics**

	Resolved at Arraignment		Continued at Arraignment	
	Freq	%	Freq	%
<b>Race/Ethnicity</b>				
Black	18,790	26%	54,509	74%
Latinx	14,056	27%	38,241	73%
White	5,524	29%	13,630	71%
<b>Age</b>				
18-20	3,074	26%	8,602	74%
21-24	5,384	26%	15,233	74%
25-34	12,761	24%	39,990	76%
35-44	8,624	26%	24,472	74%
45-54	6,440	30%	15,200	70%
55-64	3,668	32%	7,867	68%
Over 65	688	29%	1,662	71%
<b>Sex</b>				
Female	7,448	26%	21,399	74%
Male	34,224	27%	93,678	73%

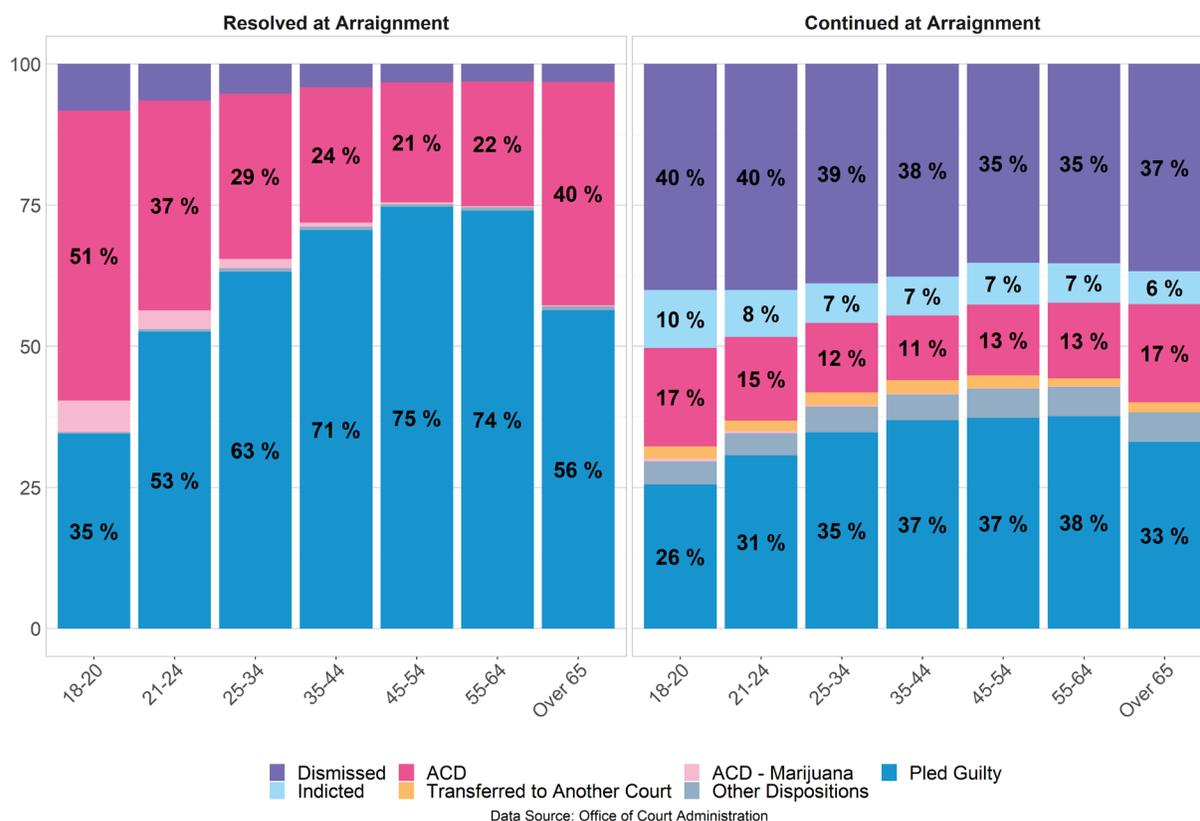
Black people had the largest proportion of guilty pleas at arraignment (65%, 12,151 cases) but the smallest proportion post-arraignment (31%, 17,145 cases). In contrast, Latinx people had the smallest proportion of guilty pleas at arraignment (63%, 8,909 cases) while White people had the largest proportion post-arraignment (39%, 5,364 cases). White people also had the largest proportion of ACDs at arraignment (31%, 1,728 cases) and post-arraignment (16%, 2,113 cases), while Black people had the smallest proportions (28% and 12%, respectively). Meanwhile, Black people had the largest proportion of dismissals at arraignment (5%, 960 cases) and post-arraignment (41%, 22,122 cases) while White people had the smallest proportions (4% and 32%). Black people also had the largest proportion of indictments post-arraignment (9%, 4,824 cases), followed by Latinx people (7%, 2,852 cases) and White people (5%, 691 cases).

**Figure 6. 2019 Case Dispositions by Race/Ethnicity**



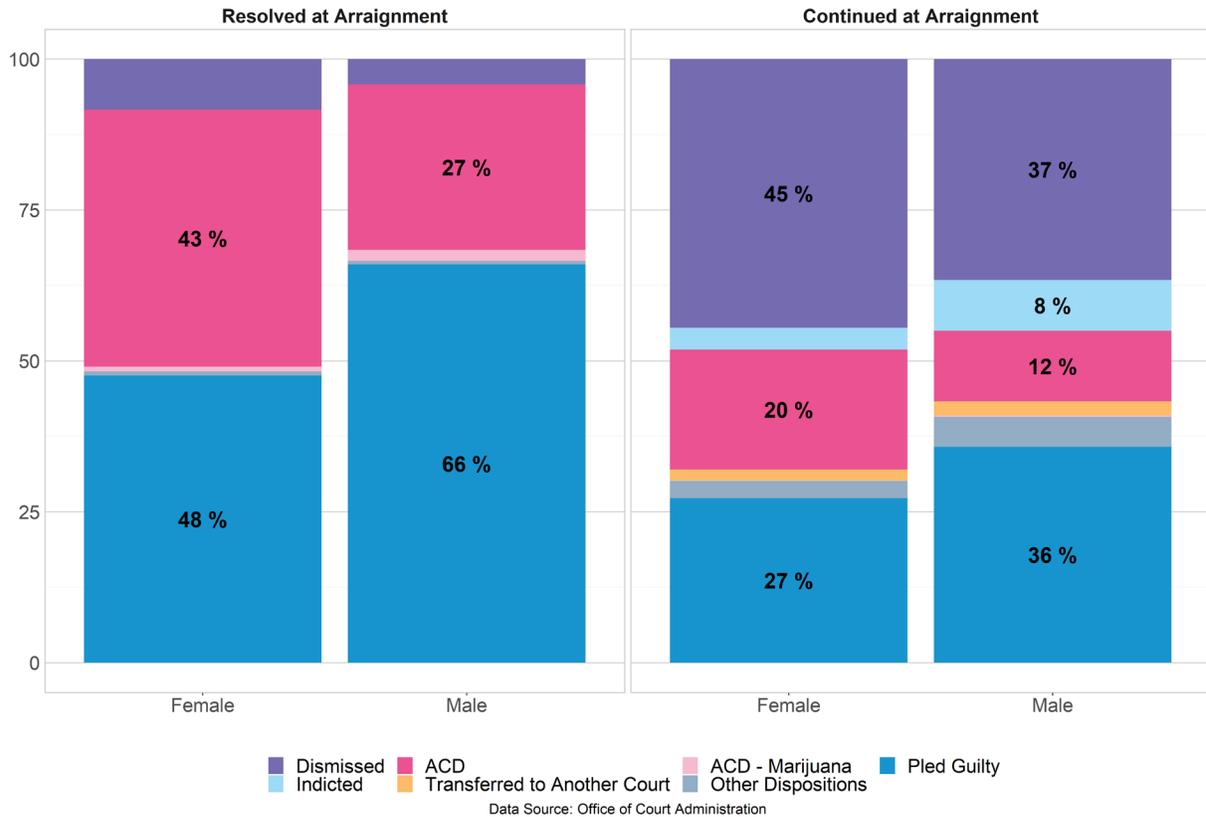
Generally, among both cases resolved and continued at arraignment, the proportion of guilty pleas increased with age while the proportion of ACDs and dismissals decreased as age increased. Specifically, 18-20-year-olds had the smallest proportion of guilty pleas at arraignment (35%, 1,062 cases) while 45-54-year-olds had the largest proportion (75%, 4,809 cases). The youngest age group also had the smallest proportion of guilty pleas post-arraignment (26%, 2,195 cases) while 55-64-year-olds had the largest proportion (38%, 2,958 cases). Conversely, 18-20-year-olds had the largest proportion of ACDs at arraignment (51%, 1,579 cases) while 45-54-year-olds had the smallest proportion (21%, 1,367 cases). Similarly, 18-20-year-olds had the largest proportion of dismissals at arraignment (8%, 254 cases) and post-arraignment (40%, 3,444 cases), while people over 45 had the smallest proportions (3%). Finally, 18-20-year-olds had the largest proportion of indictments post-arraignment (10%, 883 cases) while people over 65 had the smallest proportion (6%, 97 cases).

**Figure 7. 2019 Case Dispositions by Age**



Men had a larger proportion of guilty pleas at arraignment (66%, 22,561 cases) and post-arraignment (36%, 33,515 cases) compared to women, but women had a larger proportion of ACDs at arraignment (43%, 3,166 cases) and post-arraignment (20%, 4,256 cases). Women also had a larger proportion of dismissals at arraignment (8%, 623 cases) and post-arraignment (45%, 9,523 cases). Finally, 8% of continued cases among men were indicted (7,900 cases) compared to 4% among women (773 cases).

**Figure 8. 2019 Case Dispositions by Sex**



## Conclusion

This brief shows that case dispositions of 2019 New York City criminal court arraignments varied by borough, charge severity and charge category, and by race/ethnicity, age, and sex. These findings can supplement previous research on arraignment outcomes in New York City to provide a more comprehensive overview of criminal court processing in New York City. In particular, the data presented here may be used by practitioners and policymakers to identify ways to reduce criminal court caseloads, as well as areas where pretrial diversion efforts can be directed. Future research from DCJ will examine case processing time among cases continued at arraignment, the impact of the 2020 Criminal Justice Reforms on dispositions post-implementation, and the impact of Covid-19 on case dispositions.

## Questions for Future Research

1. How do dispositions for different charges vary by borough?
2. What is the average case processing time from arraignment to disposition, and how does this vary by disposition outcome?
3. How will the new requirements for discovery and speedy trials impact case dispositions?
4. What is the impact of Covid-19 on disposition outcomes and average time from arraignment to disposition?

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# Appendix - Data and Definitions

## Data and Sample

Data from the New York State Office of Court Administration (OCA) includes all cases arraigned in New York City criminal courts in 2019. These do not include the small percentage of cases that originated in Superior Court (which only adjudicates felony cases) rather than Criminal Court (where all misdemeanors and most felonies are arraigned). Additionally, only arraignments with a valid disposition date falling either on the same date as arraignment or later are included. The final sample used in the analysis includes cases arraigned between January 1 and December 31, 2019, that were resolved between January 1, 2019, and December 31, 2020.

## Dispositions

The OCA data provides specific disposition outcomes which we group into broader categories: Dismissed, Adjourned in Contemplation of Dismissal (ACD), ACD-Marijuana, Pled Guilty, Indicted, Transferred to Another Court, and Other Dispositions. Cases can be dismissed by speedy trial provisions (e.g., by lack of jurisdiction, by motion of District Attorney, or due to “mental disease or defect” [CPL § 730]) amongst others. Other Dispositions include cases with Superior Court Information (SCI), cases that are consolidated with another, extradition of a fugitive, narcotics indictments, and cases that are “abated by death of defendant”. An indictment is a grand jury decision to formally proceed a case (usually a felony) to trial based on evidence presented by the District Attorney.

## Charge Categories

Consistent with past DCJ work, arraignment charge penal codes are grouped into seven broad categories: Person, Property, Weapons, Other Drugs, Marijuana, Vehicle and Driving, and Other. For this report, each category includes both felonies and misdemeanors related to that category. For example, grand larceny in the 4th degree (an E felony) and petit larceny (an A misdemeanor) are both categorized as Property charges. The most common Weapons charge in 2019 was criminal possession of a weapon in the 4th degree (PL § 265.01). The most common Other Drug charge in 2019 was criminal possession of a controlled substance in the 7th degree (PL § 220.03). The most common Vehicle and Driving charge in 2019 was aggravated unlicensed operation (VTL § 511).

Property charges are defined as offenses that typically involve a complainant or victim and result in the unlawful possession or destruction of property. These include offenses such as burglary, larceny, and motor vehicle theft. The most common Property charge in 2019 was petit larceny (PL § 155.25).

Person charges are defined as offenses that typically result in direct harm to a known victim or victims. These include offenses such as murder, rape, robbery, and assault and related offenses. The most common Person charge in 2019 was assault in the 3rd degree (PL § 120.00).

We categorize charges as “Other” when the charge descriptions are ambiguous or lack sufficient detail to easily place them in another category (e.g., placing a false bomb or hazardous substance in the 2nd degree [PL § 240.61]). The most common charge in this category in 2019 was criminal contempt in the 2nd degree (PL § 215.50).

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