



PRETRIAL SERVICES AGENCY *for the* DISTRICT OF COLUMBIA
PROMOTING PRETRIAL JUSTICE AND ENHANCING COMMUNITY SAFETY

Release Rates for Pretrial Defendants in the Superior Court, Washington, DC: FY 2022

The Pretrial Services Agency for the District of Columbia (PSA) assists judges in the Superior Court of the District of Columbia and the United States District Court for the District of Columbia by conducting a risk assessment for every arrested person to be charged in court, identifying detention eligibility and formulating appropriate release recommendations. Recommendations are based on several factors, including demographic information, criminal history, and substance use and/or mental health information. For defendants placed on conditional release pending trial, we provide supervision and treatment services to reasonably assure they return to court and do not engage in criminal activity pending their trial and/or sentencing. In Washington, DC, over 90% of defendants normally are released pretrial without using a financial bond.

We track two primary release points which are used to calculate the overall release rate: “initial detention/release” and “subsequent release.” Initial detention/release occurs at an arrestee’s initial appearance before a judge at arraignment or presentment. At this point, the arrestee can be detained pursuant to one or more of DC’s statutory preventive detention provisions, placed on conditional release with PSA supervision, or released on personal recognizance (PR) with no PSA supervision. All releases resulting from this first appearance are referred to collectively as “initial release.” For FY 2022, the initial release rate for all cases (felony and misdemeanor) was 76%¹, which is slightly below FY 2021 (79%).

The remaining 24% of cases result in detention under one or more provisions of the preventive detention statute. We refer to this as “initial detention.” Under DC law, detained defendants are entitled to a hearing within three to five days of initial appearance to determine whether there are conditions of release that will reasonably assure the defendant’s future court appearance and public safety. The result of this hearing can be continued detention, release to PR or PSA supervision, or dismissal of the charge. For FY 2022, of the 24% initially detained, 39% of the cases resulted in “subsequent release,” most at the time of the detention hearing. In some cases, subsequent release can occur later during the pretrial period, but prior to case disposition (e.g., if a felony case is not filed within the statutory timeframe).

When the initial and subsequent release rates are examined collectively, 85% of cases result in defendants being released pretrial. This leaves 15% of cases resulting in detention until disposition of the case.

During FY 2022, a total of 6,652 criminal cases were filed. The table below shows the ultimate release status for each case.

Pretrial Process Points	Felony		Misdemeanor		Total	
	Number	Percent	Number	Percent	Number	Percent
Cases Filed	1,785	100%	4,867	100%	6,652	100%
Initially Released	701	39%	4,354	89%	5,055	76%
Initially Detained	1,084	61%	513	11%	1,597	24%
Subsequently Released²	374	35%	251	49%	625	39%
Total Released Pretrial	1,075	60%	4,605	95%	5,680	85%
Total Held Pretrial	710	40%	262	5%	972	15%

¹ The observed reduction in the initial release rate is due to the COVID-19 pandemic. In FY 2022, initial release rate for felony cases was 39% compared with 56% in FY 2021. Initial release rate for misdemeanor cases in FY 2022 (89%) was, however, similar to that in FY 2021 (87%). The lower initial release rate for felony cases in FY 2022 resulted in a reduction in the overall initial release rate.

² Percentage rates are calculated using the number of papered cases as the denominator, except for the subsequently released rate, which is a subset analysis that uses the number of initially detained cases as the denominator.