



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

FY 2021 Release Rates for Pretrial Defendants in Washington, DC: FY 2021

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 2021, the initial release rate for all cases (felony and misdemeanor) was 79%¹, which is slightly below FY 2020 (82%).

The remaining 21% 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 2021, of the 21% initially detained, 27% 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 2021, a total of 6,645 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	1,835	100%	4,810	100%	6,645	100%
Initially Released	1,034	56%	4,200	87%	5,234	79%
Initially Detained	801	44%	610	13%	1,411	21%
Subsequently Released²	177	22%	208	34%	385	27%
Total Released Pretrial	1211	66%	4,408	92%	5,619	85%
Total Held Pretrial	624	34%	402	8%	1,026	15%

¹ The observed reduction in the initial release rate is due to the COVID-19 pandemic. In most years, more misdemeanor cases are filed than felony. Misdemeanor filings tend to result in higher rates of initial release. In FY 2021, the total number of felony cases filed was 25% lower than in FY 2020; however, there was a 38% decrease in misdemeanor cases filed, resulting in an overall reduction in the 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.