



**FY 2020 Release Rates for Pretrial Defendants In Washington, DC – FY 2020**

The Pretrial Services Agency for the District of Columbia (PSA) assists judicial officers in both 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 who will be charged in court, identifying detention eligibility and formulating the appropriate release recommendation. This recommendation is based upon a number of factors, including the arrestee’s demographic information, criminal history, and substance use and/or mental health information. For defendants who are placed on conditional release pending trial, PSA provides supervision and treatment services that 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 are released pretrial without using a financial bond.

Fundamental to the proper interpretation of the overall release rate is an understanding of the potential "release points" during the life of a case. There are two primary points of release tracked in our data, "initial detention/release" and "subsequent release." Fiscal Year (FY) 2020 data are used to demonstrate release rate calculation procedures. These data are obtained electronically from CourtView, the case management system of the Superior Court of the District of Columbia.

The initial detention/release point occurs at an arrestee’s initial appearance before a judicial officer at arraignment or presentment. At this first appearance, 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 2020, the initial release rate for all cases (felony and misdemeanor) was 82%<sup>1</sup>, which is slightly below FY 2019 (85%).

The remaining 18% 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 2020, of the 18% initially detained, 54% 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, 92% of cases result in defendants being released pretrial. This leaves 8% of cases resulting in detention until disposition of the case.

During FY 2020, a total of 10,163 criminal cases were filed. The table below shows the ultimate release status for each case:

|  | Felony       |            | Misdemeanor |            | Total        |            |
|--|--------------|------------|-------------|------------|--------------|------------|
|  | Number       | Percentage | Number      | Percentage | Number       | Percentage |
| <b>Cases Filed</b>                       | 2,455        | 100%       | 7,708       | 100%       | 10,163       | 100%       |
| <b>Initially Released</b>                | 1,264        | 51%        | 7,084       | 92%        | 8,348        | 82%        |
| <b>Initially Detained</b>                | <b>1,191</b> | <b>49%</b> | <b>624</b>  | <b>8%</b>  | <b>1,815</b> | <b>18%</b> |
| <b>Subsequently Released<sup>2</sup></b> | 614          | 52%        | 359         | 58%        | 973          | 54%        |
| <b>Total Released Pretrial</b>           | 1,878        | 76%        | 7,443       | 97%        | 9,321        | 92%        |
| <b>Total Held Pretrial</b>               | 577          | 24%        | 265         | 3%         | 842          | 8%         |

<sup>1</sup> The observed reduction in the initial release rate is due to the COVID-19 pandemic. In most years, there are more misdemeanor cases filed than felony cases. Misdemeanor filings tend to result in higher rates of initial release. In FY 2020, the total number of felony cases filed was similar to that seen in FY2019; however, there was a 41% decrease in misdemeanor cases filed, resulting in an overall reduction in the initial release rate.

<sup>2</sup> All percentage rates are calculated using the number of papered cases as the denominator, except for the subsequently released rate. The subsequently released rate is a subset analysis that uses the number of initially detained cases as the denominator.