

2023 Analysis of Prosecutor Data:

Report Pursuant to Public Act 19-59

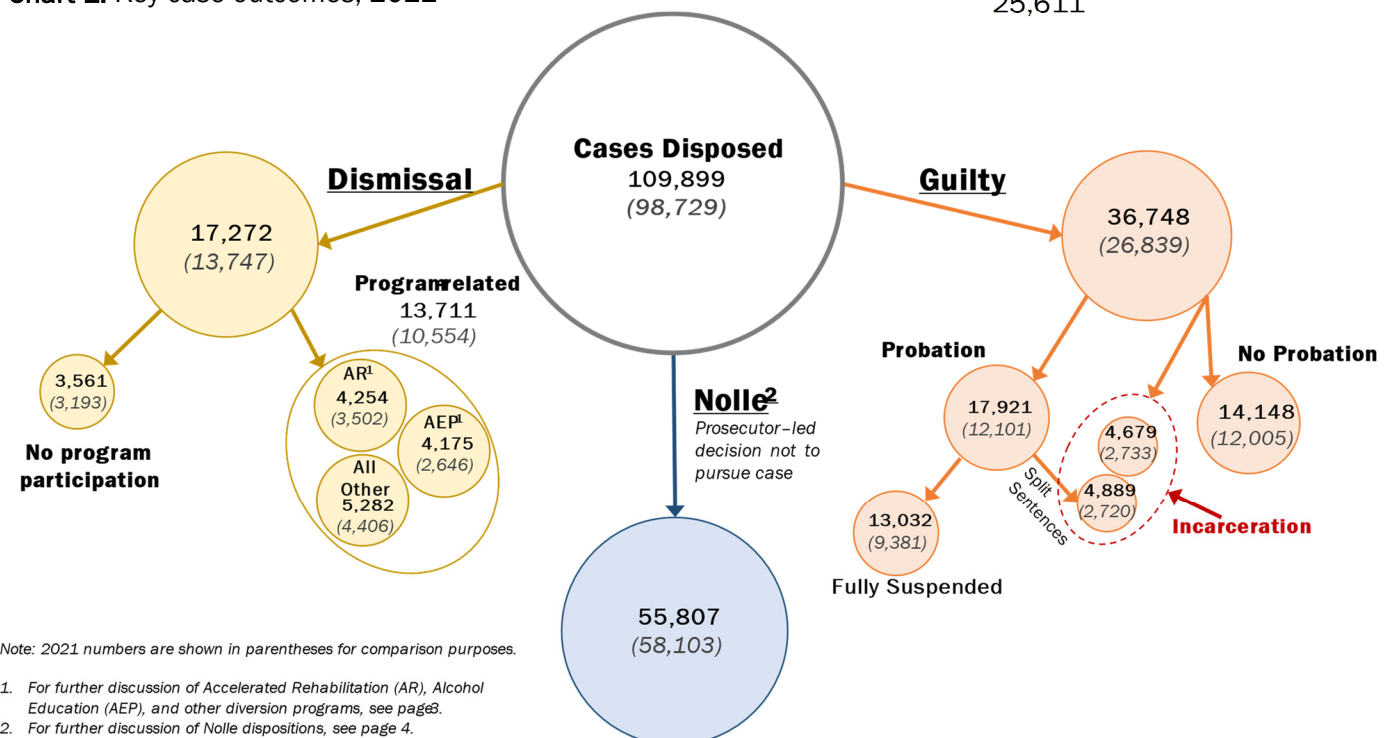
Introduction

In July 2019, *An Act Increasing Fairness and Transparency in the Criminal Justice System (PA 19-59)* was enacted. Section 4-68ff of the Connecticut General Statutes, created by the public act, requires the Office of Policy and Management (OPM) to submit an annual report to the Criminal Justice Commission (CJC) beginning in July 2020. This report marks the fourth year in which OPM’s Criminal Justice Policy & Planning Division (OPM CJPPD) has both analyzed the charges and cases disposed of within a calendar year across the state and reported on system metrics capturing a portion of prosecutorial involvement over the duration of these cases. Using the Connecticut Judicial Branch’s 2022 charge disposition and case data made available to OPM CJPPD in May, staff prepared this year’s report after analyzing a dataset containing over 273,000 records from that year. The analysis aims to provide a foundation for considering case flows over time and furthering understanding of the contributions of prosecutors to justice activities and outcomes.

Overview of 2022 Case Flows

In 2022, prosecutors were involved in **109,899 cases** with **273,174 total associated charges** disposed of by the court. **Chart 1** below depicts the outcomes of the disposed cases.

Chart 1: Key case outcomes, 2022



Note: 2021 numbers are shown in parentheses for comparison purposes.

1. For further discussion of Accelerated Rehabilitation (AR), Alcohol Education (AEP), and other diversion programs, see page 3.
 2. For further discussion of Nolle dispositions, see page 4.

2022 Outcomes

(Percent Change from 2021 Outcomes)

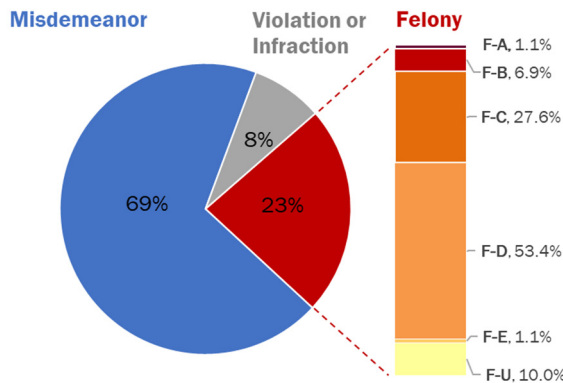
- Total cases disposed:**
109,899 ↑ (1.1%)
- Cases with guilty disposition:
36,748
- Diversion-linked cases:
18,145
- Total associated charges:**
273,134 ↑ (18.8%)
- Charges resulting in guilty disposition:
46,456
- Number of individuals with disposed case:**
70,026 ↑ (4.1%)
- Number with at least 1 guilty case disposition:
25,611



Charges Among Cases Disposed in 2022

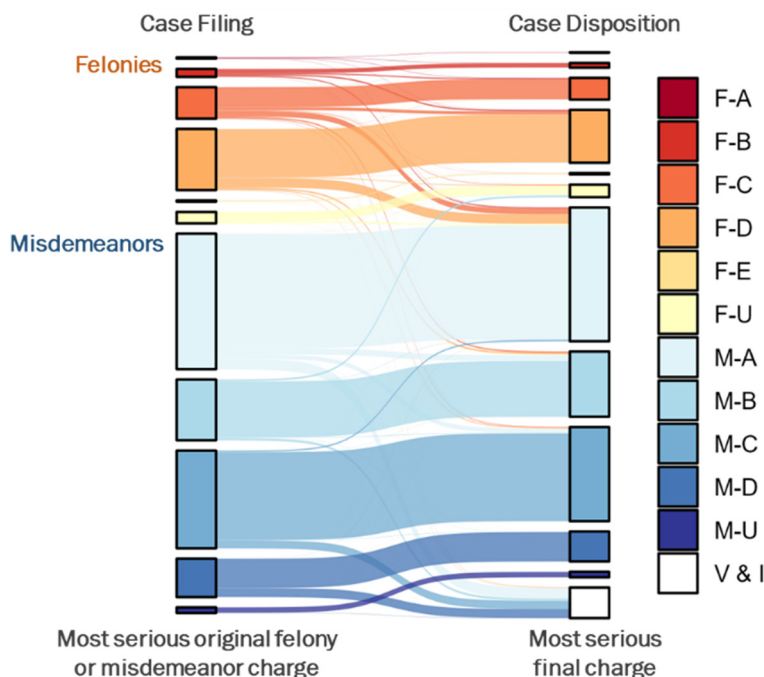
As in prior years, misdemeanors account for the most serious charge in most cases disposed of by courts (69%). Felonies comprise another 23 percent of disposed cases, of which half (53 percent) were Class D, and violations and infractions account for the remaining 8 percent (see Chart 2).

Chart 2: Disposed cases' most serious charge by type & class, 2022



This year's analysis depicts the change, if any, in the type and class of the most serious felony or misdemeanor charge at the beginning of the case compared to the most serious charge at disposition (see Chart 3). As illustrated below, while the type and class of these charges remain largely consistent across most cases, in some instances the initial charge may be reduced by the conclusion of the case (e.g., Felony D charge to Misdemeanor A charge at disposition). In a few 2022 cases, charges also escalated (e.g., Misdemeanor C to Misdemeanor A).

Chart 3: Changes between most serious original and disposition charges by type and class, 2022



Ten most frequent charges among cases disposed in 2022

14-213b *Illegal Operation of a Motor Vehicle without Minimum Insurance*

53a-182 *Disorderly Conduct*

53a-181 *Breach of Peace 2nd degree*

14-12(a)* *Operating an Unregistered Motor Vehicle*

14-147(c) *Improper Use of a Marker/License/Registration*

14-215 *Illegal Operation of a Motor Vehicle Under Suspension*

53a-61 *Assault 3rd degree*

53a-223* *Violation of a Protective Order*

53a-125b *Larceny 6th degree*

14-227a *Illegal Operation of a Motor Vehicle Under the Influence of Alcohol or Drugs*

Cases and the Courts

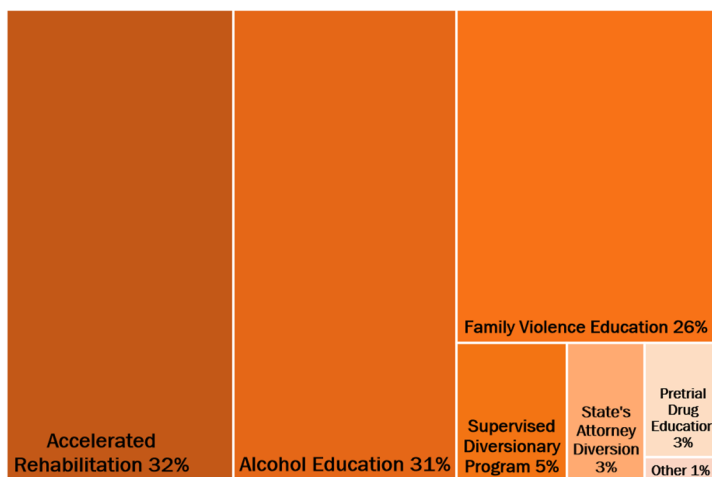
As in previous years, Geographical Area (GA) courts handle over **98 percent** of the disposed-case volume. Another **2 percent** of cases, approximately, were handled through Judicial District (JD) courts, which typically handle more serious cases (see **Chart 4**). JD court cases took a median of **19 months** to close, considerably longer than the median of **7 months** in GA courts.

In 2022, **132 cases** — or **0.1 percent** of all cases disposed of — involved a trial.¹ Of these, 15 were disposed of following jury selection but prior to the commencement of the trial. 28 commenced the jury trial but were disposed of prior to the issuance of a verdict. 52 cases reached a verdict with at least one conviction in the jury trial, while 19 cases resulted in an acquittal for the defendant. Finally, 18 cases were disposed via court or magistrate trials. Jury trials with at least one conviction were disposed of after a median of **35 months**, while jury trials resulting in acquittal lasted a median of **45 months**. Because of these began prior to March 2020, the COVID-19 pandemic’s impact on court operations, especially trials, likely contributed to the amount of time taken to dispose of these cases. Future reports, capturing years with less pandemic-related impacts will attempt to capture changes over time.

In 2022, the proportion of disposed cases receiving a referral to a state diversion program (**16 percent**) is unchanged from the prior year. Three-quarters of these referrals were ultimately dismissed in 2022, likely indicating compliance with program and other diversionary conditions (see **Chart 6**). Only **2 percent** of referred cases ended with a guilty finding, suggesting only a small proportion of referred cases were not successfully diverted.

Chart 5 displays the types of diversionary programs receiving most referrals in 2022. As in previous years, six programs accounted for most referrals, three of which — Accelerated Rehabilitation as well as Alcohol Education and Family Violence Education — comprised **89 percent** of referrals among disposed cases that year.

Chart 5: Most frequent diversion program referrals, 2022



*Note: Due to rounding, percentages will not add to 100%

Chart 4: Cases disposed by court type and location

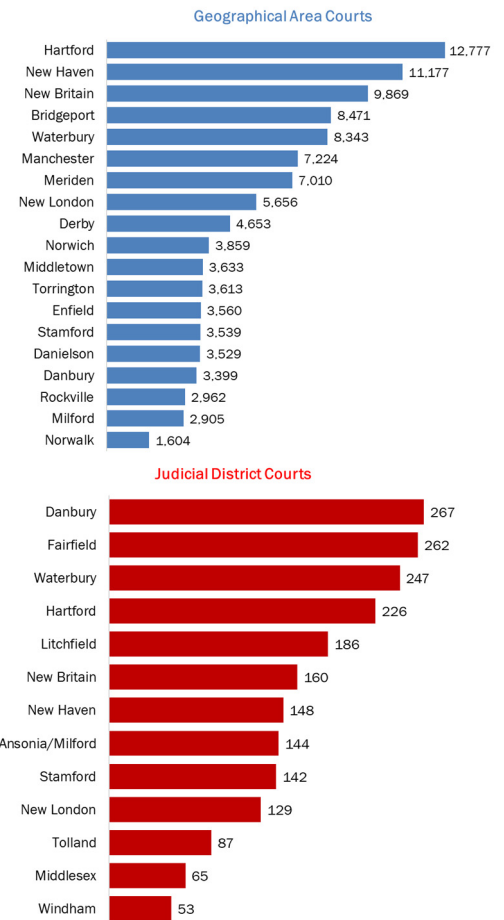
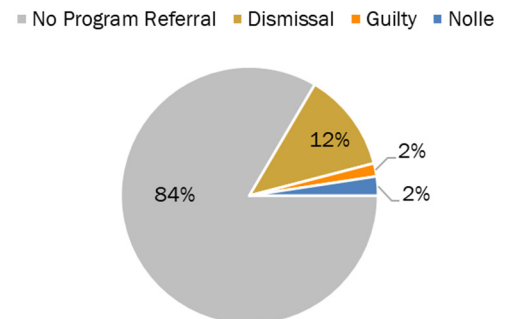


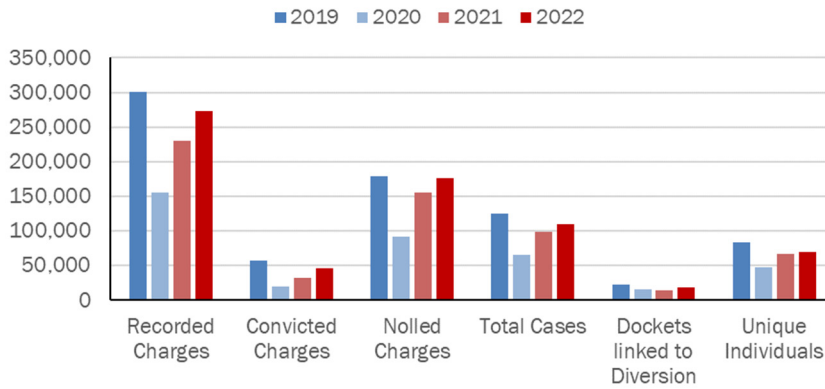
Chart 6: Diversion program referrals among cases disposed, 2022



Changes in Case Flows over Time

After declining sharply in 2020, following the pandemic’s onset, disposed case flows increased in 2021 and 2022. **Chart 7** compares key data metrics between 2019 to 2022, capturing case flows pre- and post- pandemic.

Chart 7: Changes in case flow data, 2019 to 2022



In 2022, the proportion of cases receiving a *nolle* (i.e., the prosecutor has decided not to prosecute charges or the case) remains higher than the proportion receiving a dismissal or guilty although the difference is less than in 2021 (see **Chart 8**). In 2022, **51 percent** of cases were nolle, compared to 59 percent the prior year, and took a median of **5 months** to close (compared to 8 months the prior year). Between 2021 and 2022, the percentage of cases receiving a guilty disposition increased six points, from 27 to 33 percent, while dismissals increased two points, from 14 to 16 percent. Prosecutors describe the nolle as a powerful discretionary tool used to resolve cases after spending time working with defendants. Such work may include monitoring a defendant’s program or treatment participation, or compliance with a driver’s license, motor vehicle registration, or auto insurance, or their participation in a victim/defendant mediation or payment of restitution.²

Individual-level metrics in 2022

OPM CJPPD estimates that there were **70,026** unique individuals associated with the 109,899 cases disposed of in 2022. Consistent with previous years, the majority (**73%**) of individuals had only a single case close in 2022, slightly less than the two prior years (see **Chart 9**). Another **24 percent** had between 2 and 5 disposed cases last year. Moreover, another **3 percent (1,752 people)** had greater than five cases disposed within the year, a population that, while small, presents greater complexity than people with a single case.

Chart 10 (see right) displays the overall outcome of individuals’ cases, derived using a disposition hierarchy of charges within cases. **16 percent** of individuals received multiple verdicts across 2 or more of their cases. As in other years, nolle remains individuals’ most common case outcome, but nearly **37 percent** of individuals in 2022 had at least 1 guilty disposition across cases.

Chart 8: Key case disposition types by year, 2019 to 2022

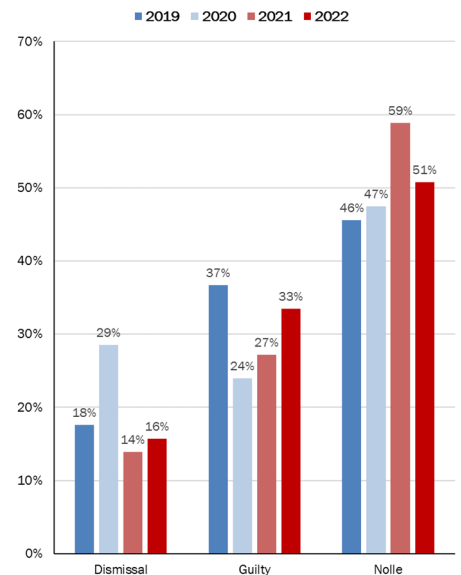


Chart 9: Number of cases per person, 2020 to 2022

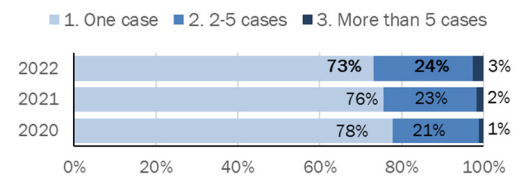
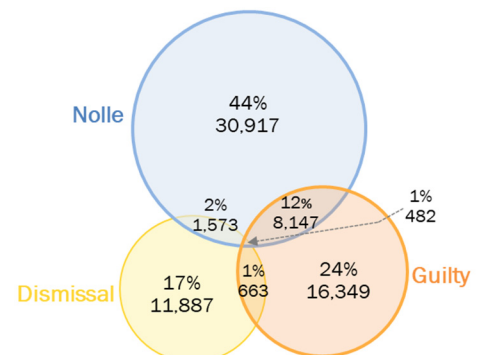


Chart 10: Individuals’ case dispositions, 2022



Note: Will not sum to 70,026. A few individuals had cases disposed in other ways.



Race, Ethnicity & 2022 Case Outcomes

For this report and prior ones, OPM CJPPD performed descriptive statistical analysis of, as noted in the introduction, cases Connecticut courts disposed of in the most recent calendar year. While large, this dataset does not enable analysis of prosecutors’ impacts on case outcomes with the necessary detail and precision. The electronic case management system (“eProsecutor”) the Division of Criminal Justice (DCJ) is implementing will generate data over time that is expected to support such analysis.

As discussed in last year’s report, the data currently utilized for OPM CJPPD’s analysis cannot answer questions regarding the role of race and ethnicity in differences regarding prosecutorial decision-making.³ The descriptive statistics in this report enable comparisons of the proportionality or disproportionality of demographic compositions within the dataset. As presented in prior analyses, Black or Hispanic defendants are over-represented in the overall court system’s case dispositions relative to their composition within the state resident population. As this disproportionality exists in the criminal justice system both prior and subsequent to the disposition of criminal cases, underlying causes cannot be sufficiently determined within this report using descriptive methods or the administrative case data currently analyzed. Meanwhile, white defendants, along with those comprising the other demographic category, are under-represented in case dispositions relative to their state resident population composition (see **Chart 11**).⁴

The extent to which any observed differences in cases are due to race and ethnicity specifically cannot be sufficiently answered without further data and additional methods beyond the scope of this year’s report. To begin with, more detailed data on the case, the defendant characteristics, and most importantly, on prosecutor actions in handling the case would enable quantifying several factors that also contribute to disposition outcomes. A quasi-experimental or other research design, along with multivariate analysis, pursuing this question could then control for a number of these factors and provide more precise answers regarding the specific role of race and ethnicity, if any, in case outcomes.

Chart 11: Defendant race & ethnicity among cases disposed in Connecticut Courts, 2022

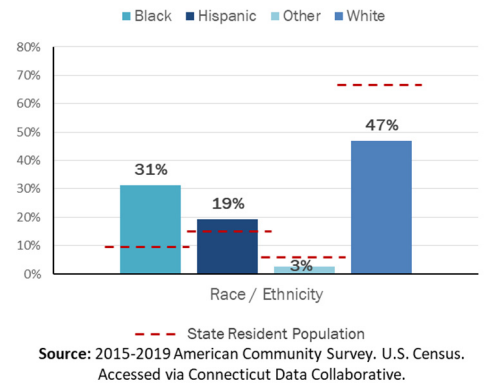
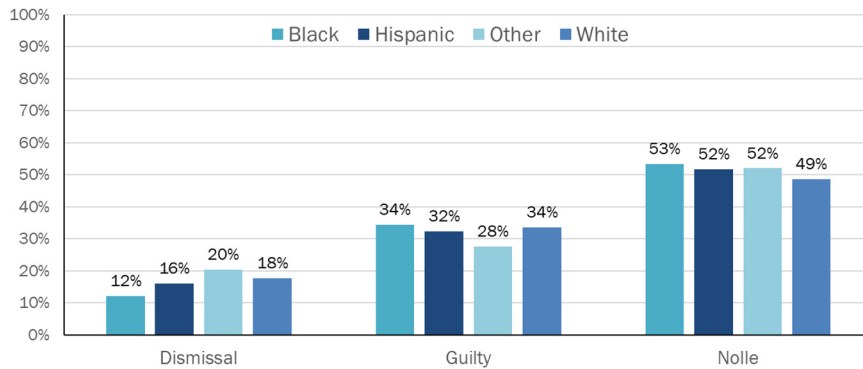


Chart 12: Proportions of key case dispositions by race/ethnicity, 2022



Descriptive statistics developed from 2022 case data analyzed for this report indicate that nollees differed less across racial and ethnic categories than dismissals or guilty dispositions (see **Chart 12**). Mostly equal percentages (52%) of Black, Hispanic, or people in the other demographic category with a disposition in 2022 received a nolle. A slightly smaller percentage (49%) of white people with a case disposition received a nolle. There is comparatively wider variation demographically among the other two disposition categories. For example, among people with a case disposition in 2022, the following percentages received dismissals: 12 percent of Black defendants, 16 percent of Hispanic defendants, 20 percent of people comprising the other demographic category, and 18 percent of white defendants. Without the additional data and evaluative methods described above, the extent to which these observed differences in case dispositions specifically result from prosecutorial dissimilarity by race and ethnicity cannot be determined.

Conclusion

This report represents a fourth year of Connecticut’s ongoing intensive analysis of prosecutor operations and caseflows. The focus of this analysis continues to be toward enhancing state-level understanding in the near-term and providing expanded analysis over time as data anticipated from eProsecutor and other sources become available. As feasible, these additional data can be incorporated into analyses to provide a more detailed picture of the work of prosecutors and other criminal justice professionals toward key system outcomes across Connecticut.

This report was produced by the Criminal Justice Policy & Planning Division Research Unit at

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¹ A plea agreement is a common, but not the only, circumstance resulting in the disposition of a trial case prior to a verdict. Data on plea agreements is not contained in the Judicial Branch data provided for OPM’s analysis.

² OPM CJPPD, *Second Analysis of Prosecutor Data*, <https://portal.ct.gov/-/media/OPM/CJPPD/CjResearch/Prosecutor-Data-Analysis/Second-Analysis-of-Prosecutor-Data-PA-1959-2021-Report.pdf>

³ See [2022 Analysis of Prosecutor Data Report](#).

⁴ Note: The *other* category comprises Asian, Native American, and Not Identified individuals as reflected in Judicial Branch case data utilized for analysis.