

TRANSPARENCY THROUGH DATA:

How the Northwestern District Attorney's Office Prosecutes Criminal Offenses

Calls for transparency in criminal prosecution initially led the NWDA to compile data about its prosecution in order to make it available to the public. However, without context, the data provides little useful information to those who are seeking to understand the decision-making of our prosecutors and the resulting outcomes. Therefore, the NWDA presents the data within an explanation about the stages of a criminal case and the factors that we consider as we make determinations throughout the process.

Notably, the Covid-19 pandemic had an enormous impact on the criminal justice system. The data presented reflects the resulting significant decrease in cases charged and prosecuted throughout 2020 and into the following years.

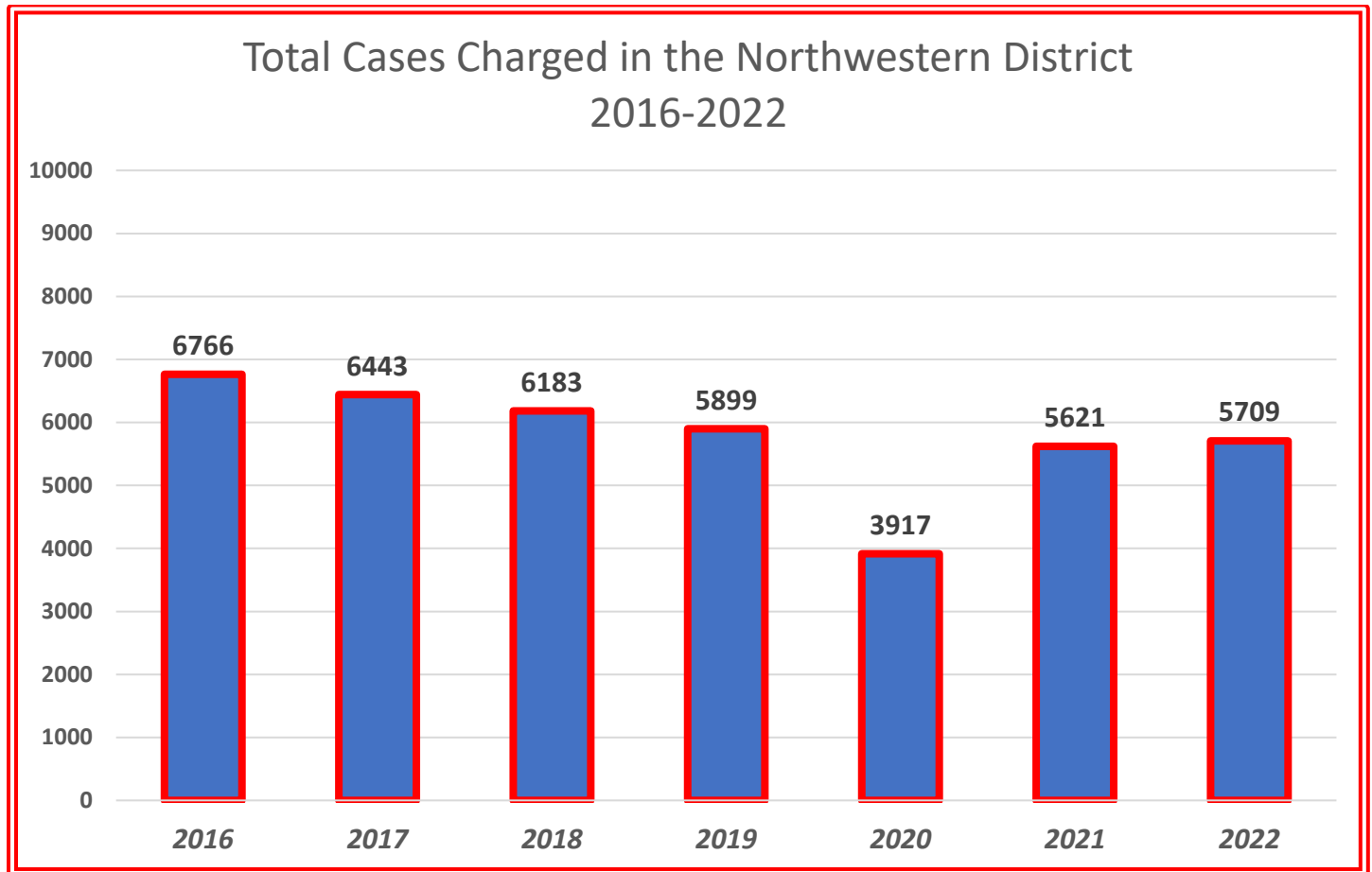
The Northwestern District Attorney's Office thanks the Hampshire County Sheriff's Office and the Franklin County Sheriff's Office for partnering with us to collect and provide this data, with particular gratitude to the IT Departments.

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CASES CHARGED IN THE NORTHWESTERN DISTRICT

Criminal prosecution of adults begins with an arraignment in either District Court or Superior Court. The majority of criminal cases initiate with an arraignment in the District Court. Some of those are then indicted by a Grand Jury and arraigned in Superior Court. Other cases begin with an indictment and are only arraigned in Superior Court. The figures in this chart include all cases scheduled for arraignment in the four District Courts and two Superior Courts in each calendar year.

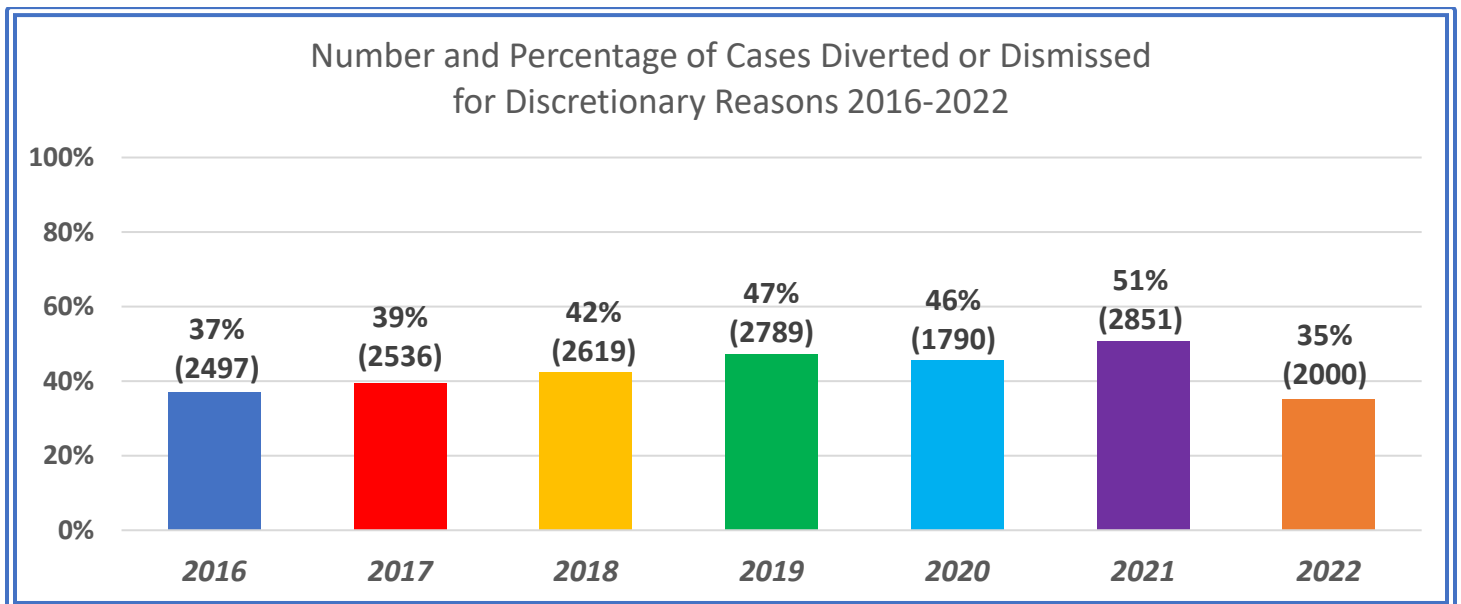


DETERMINING WHETHER TO PROSECUTE A CHARGE

One of the most important duties of a prosecutor is to determine whether a case warrants prosecution. Numerous factors are considered when making the determination, including, but not limited to:

- Victim safety
- Community safety
- The defendant's criminal history
- Input from the victim(s)
- Whether a diversion program is appropriate
- If the offense involves driver's license status, the current status of the license and the defendant's attempts to have it reinstated
- Mental health status of a defendant
- Whether the defendant has a substance use disorder

These figures show the percentage of cases each year in which prosecutors ultimately determined prosecution was unnecessary or unjust and dismissed the charges. These dismissals can occur either prior to or after arraignment. These figures do not include cases in which dismissal was required; for example, where the defendant died or a necessary witness was unavailable.



DECISIONS MADE WHEN A CASE IS ARRAIGNED

An arraignment is a defendant's first appearance in court on the charges. At arraignment, a prosecutor has the opportunity to ask the judge to:

- Release the defendant on their own recognizance
- Impose conditions of release
- Set bail
- Detain the defendant without the right to bail

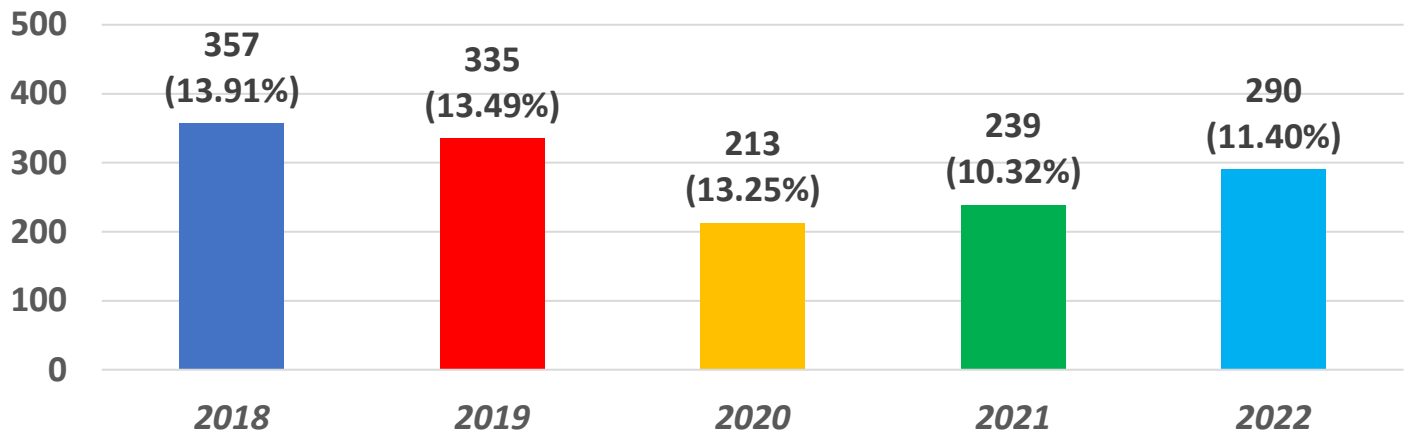
The factors that a prosecutor considers in making these decisions include but are not limited to:

- Nature of the charges
- Safety of the victim
- Safety of the community
- Defendant's history of appearing for court hearings
- Defendant's criminal history
- Mental health status of the defendant
- Whether the defendant has a substance use disorder

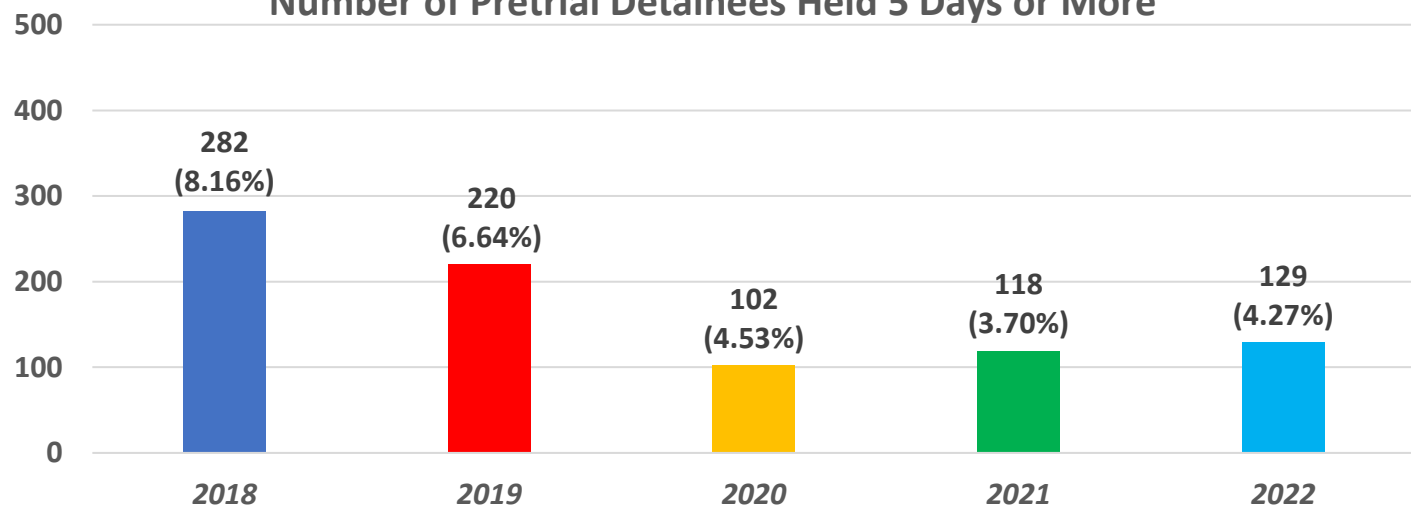
Ultimately, the decision to set bail or to release or detain a defendant is made by the judge.

The figures in the following four charts show the percentage and actual number of defendants who were detained for longer than five days during the pretrial phase of their case, either on a detention motion or bail. (Note: for statistical purposes, we chose five days to eliminate those who were held over a long weekend pending arraignment or who were able to post bail within a short time after their arraignment.)

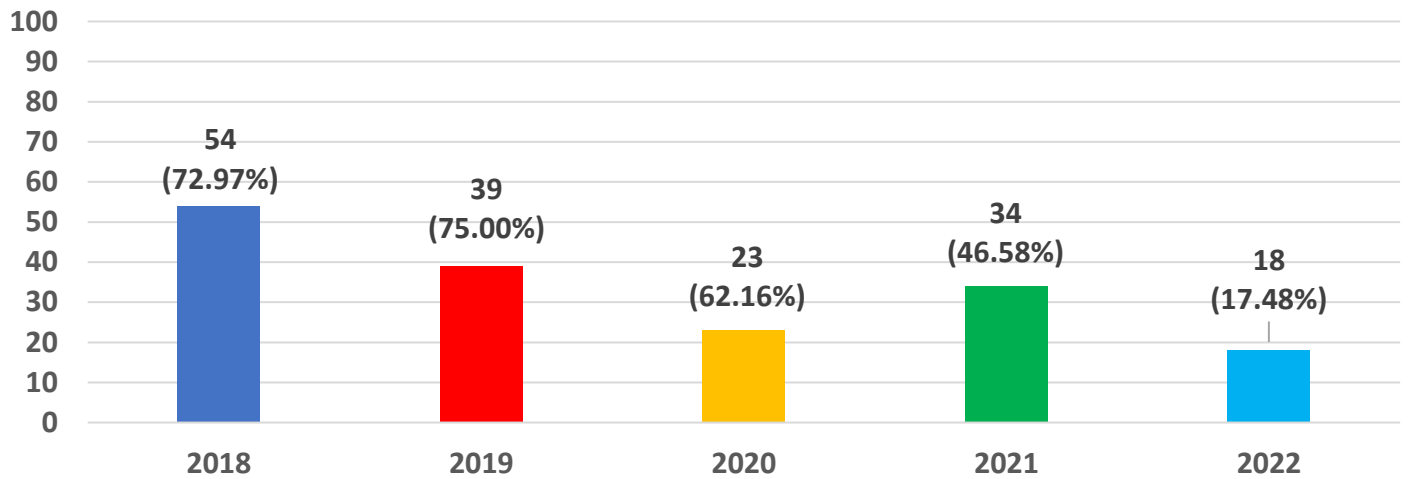
Franklin County District Courts 2018-2022
Number of Pretrial Detainees Held 5 Days or More



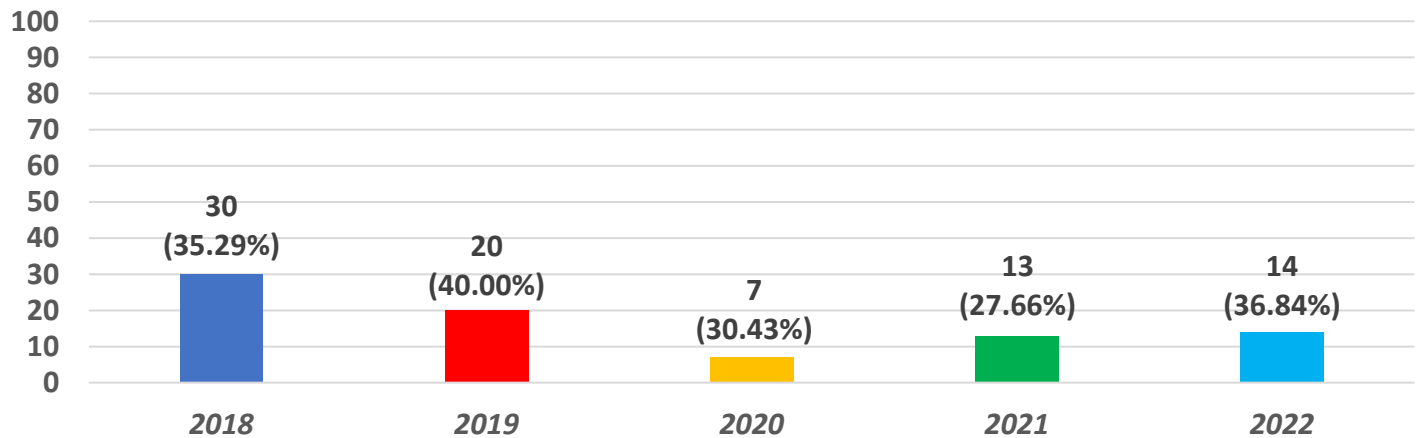
Hampshire County District Courts 2018-2022
Number of Pretrial Detainees Held 5 Days or More



Franklin County Superior Court 2018-2022
Number of Pretrial Detainees Held 5 Days or More



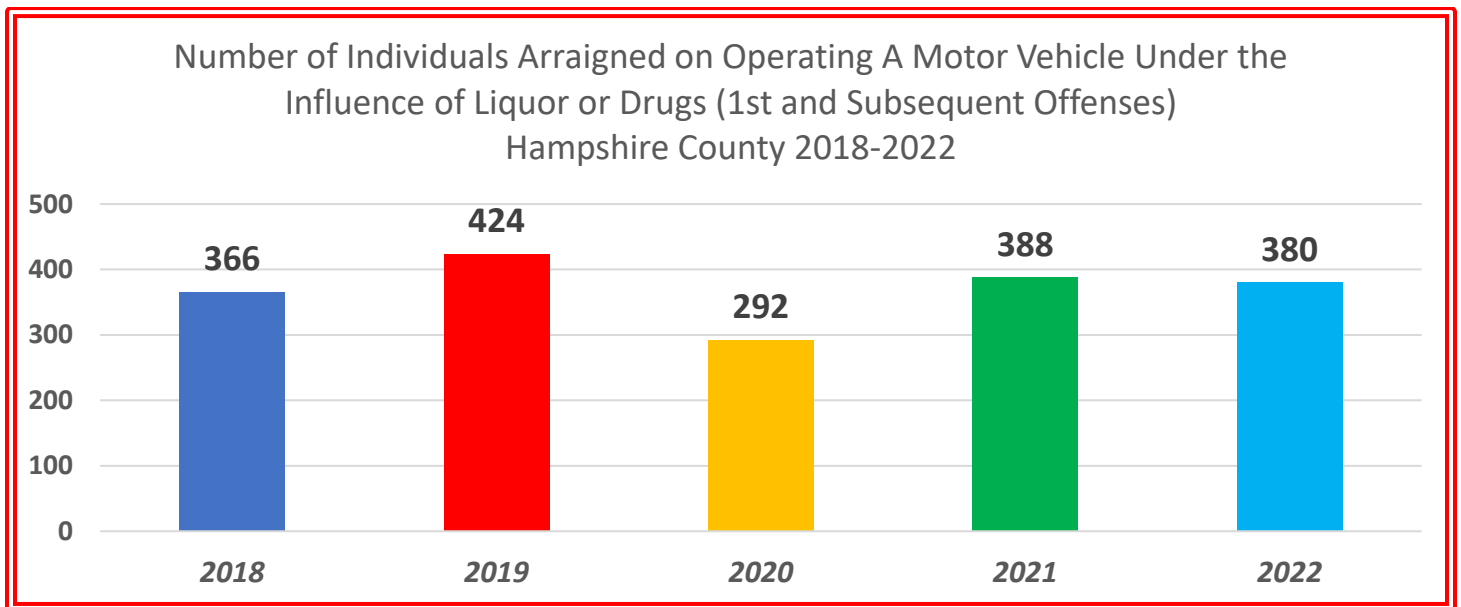
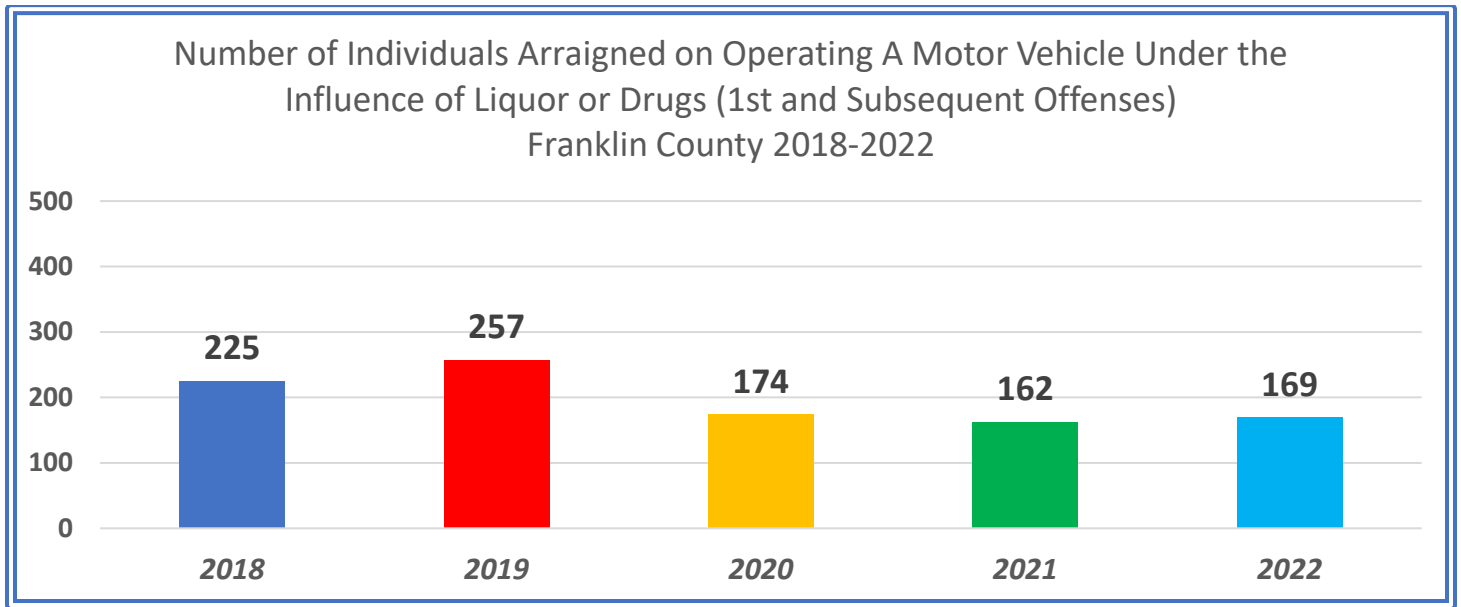
Hampshire County Superior Court 2018-2022
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SPECIFIC CRIMES

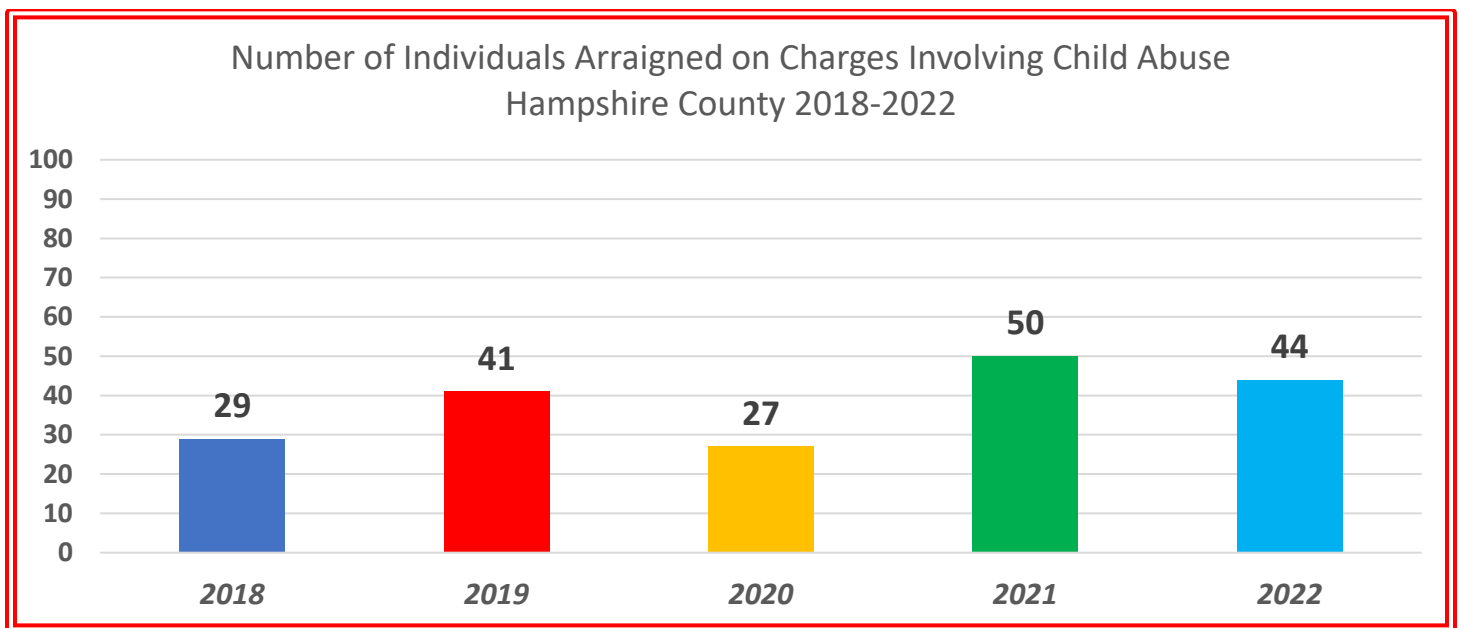
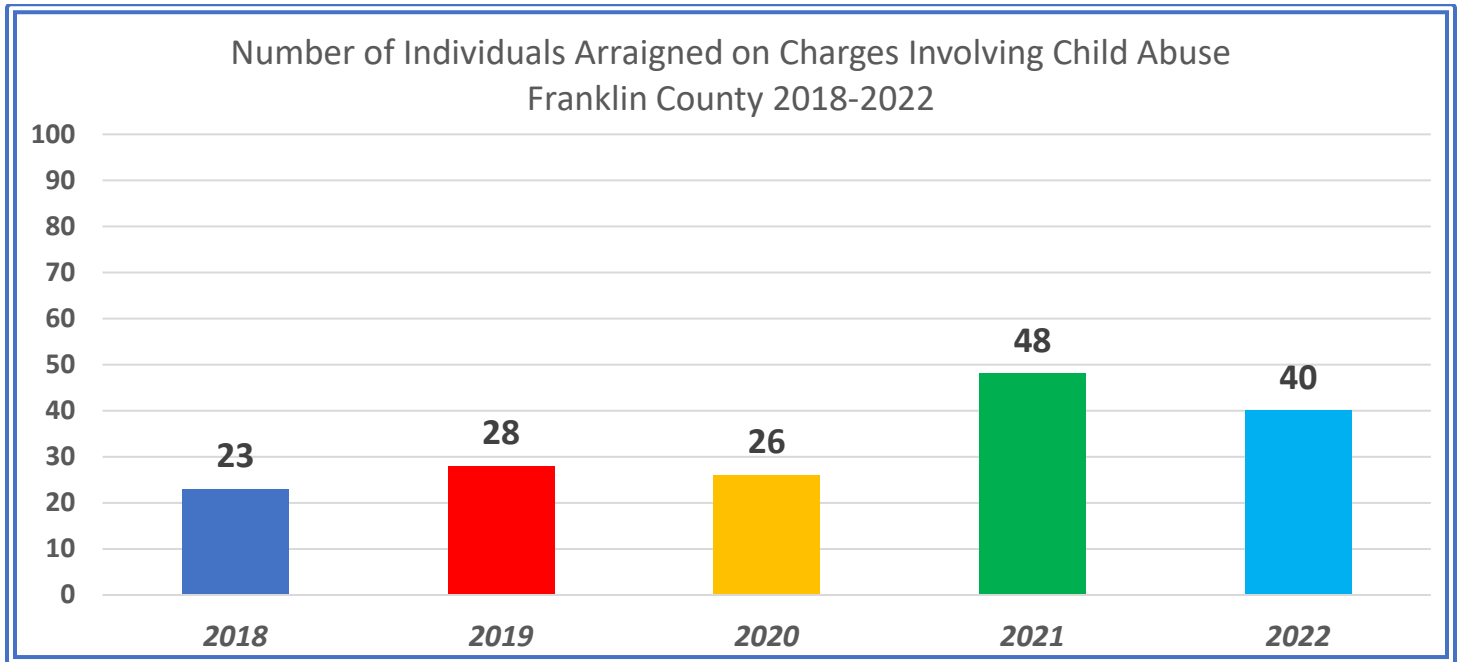
Following is data regarding the number of people arraigned on specific types of crimes in each of the Northwestern Counties.

OPERATING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS



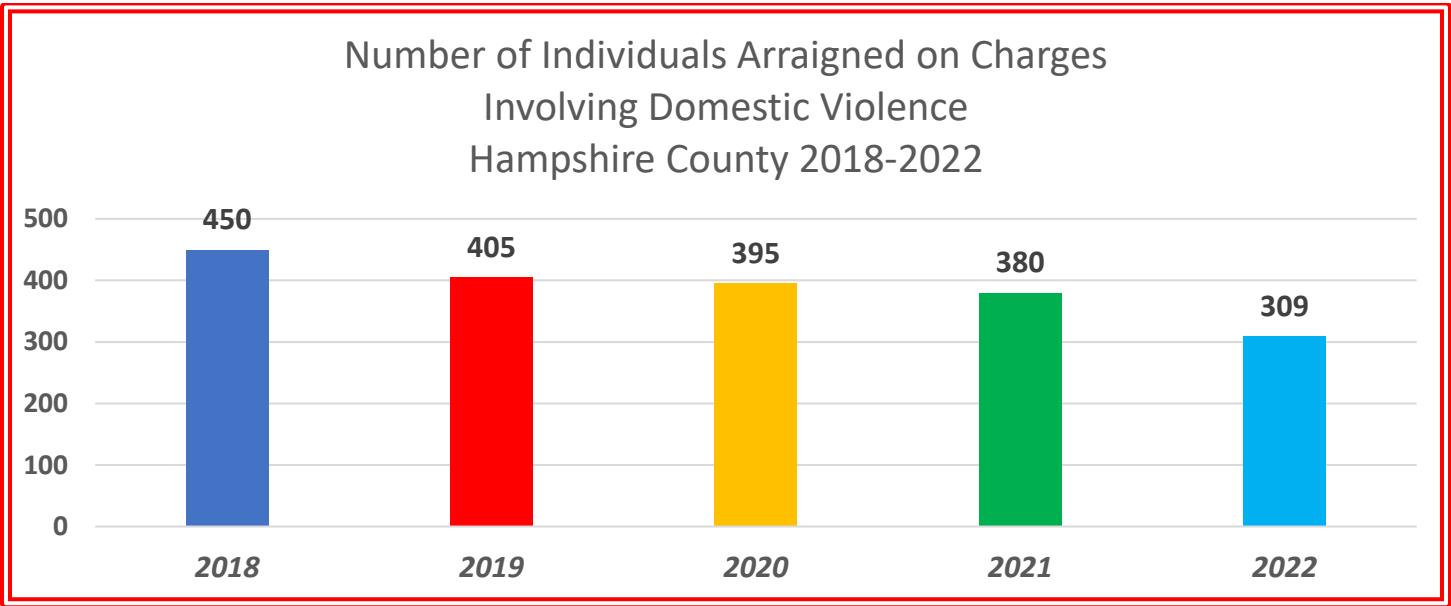
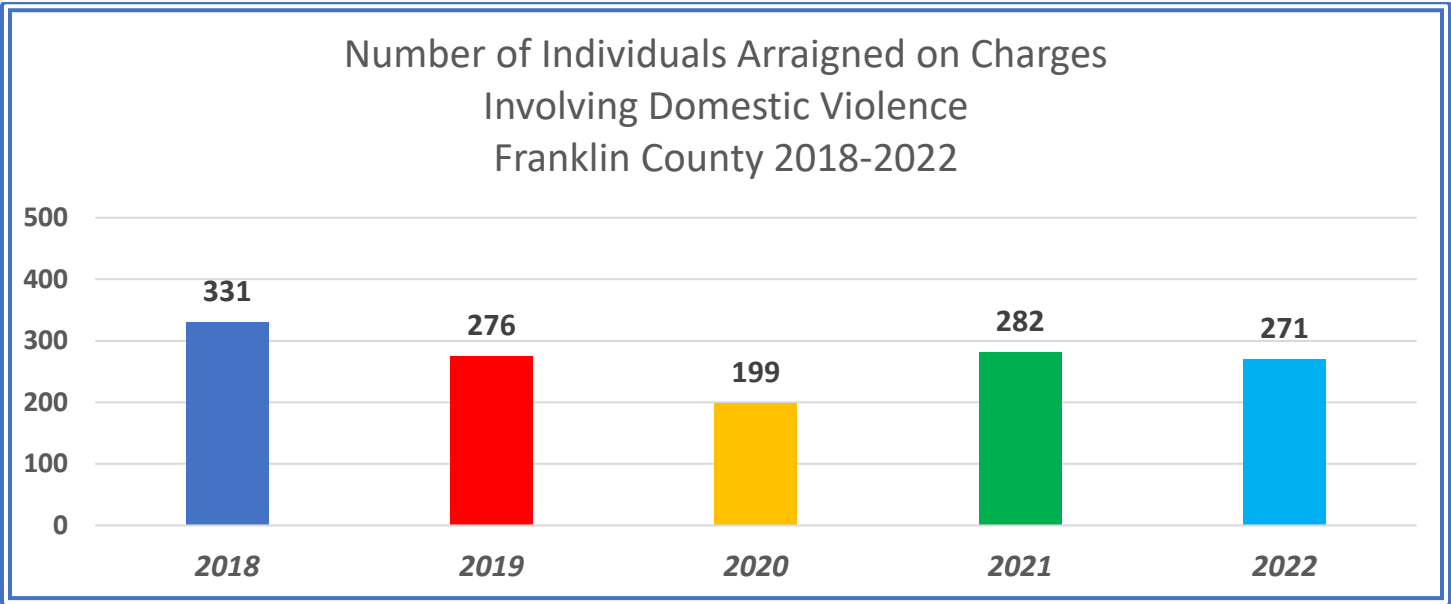
CRIMES AGAINST CHILDREN

Crimes involving child abuse include Assault and Battery, Assault and Battery on a Child Causing Serious Bodily Injury, and sexual assault crimes against children.



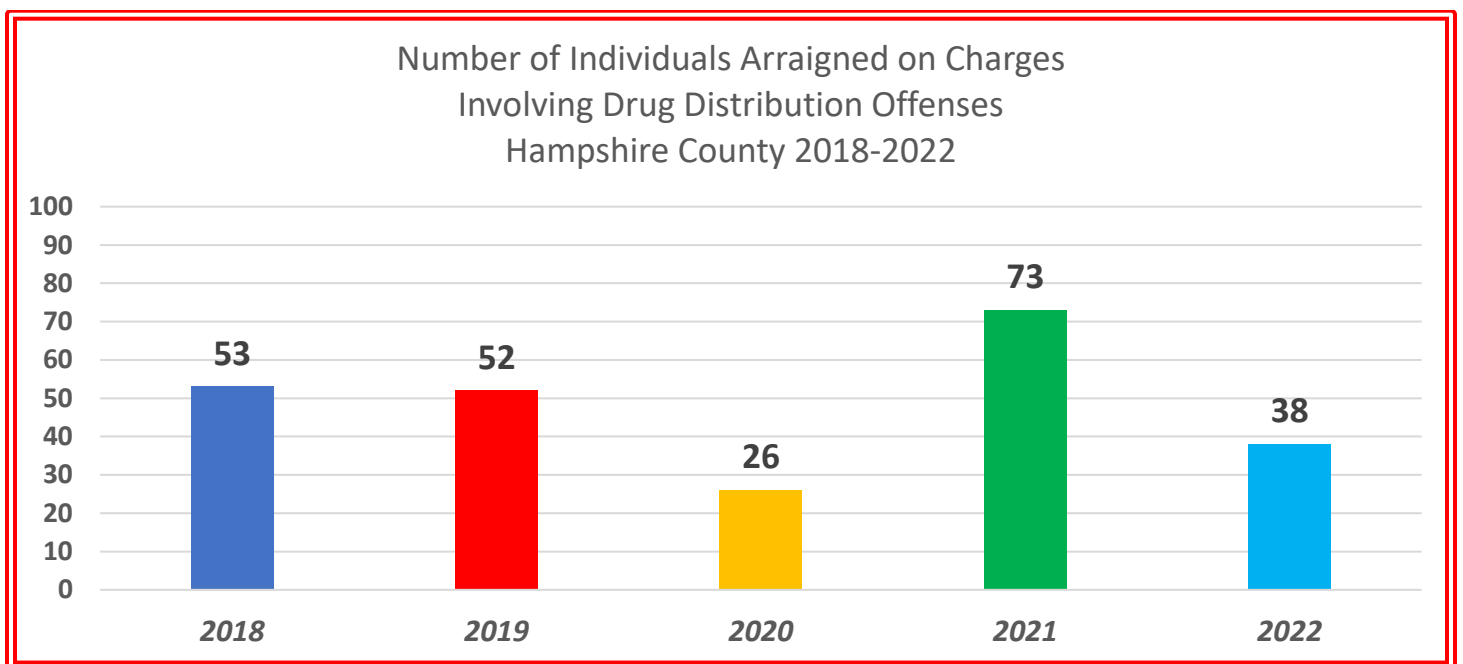
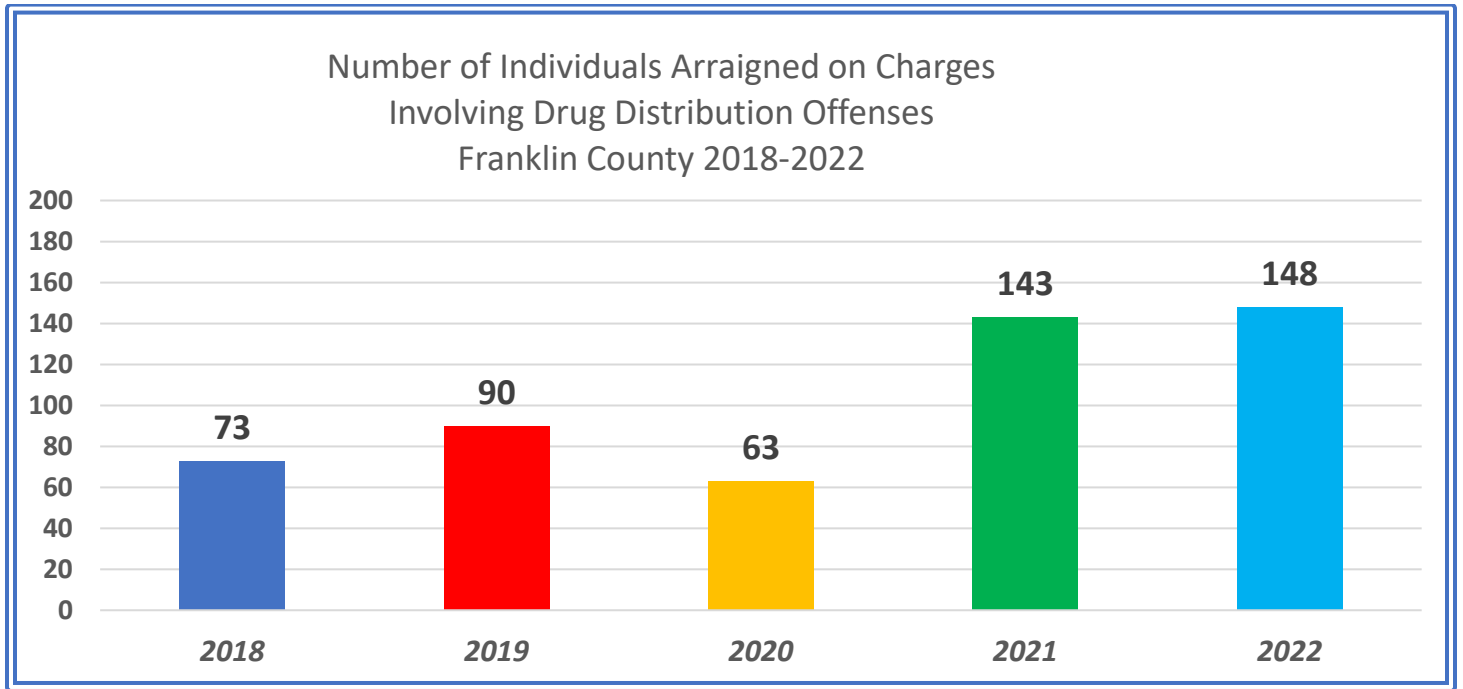
CRIMES INVOLVING DOMESTIC VIOLENCE

Crimes involving domestic violence include Assault & Battery on a Family or Household Member as well as other crimes like Strangulation/Suffocation, Intimidation of a Witness, Threat to Commit a Crime, and Restraining Order violations.



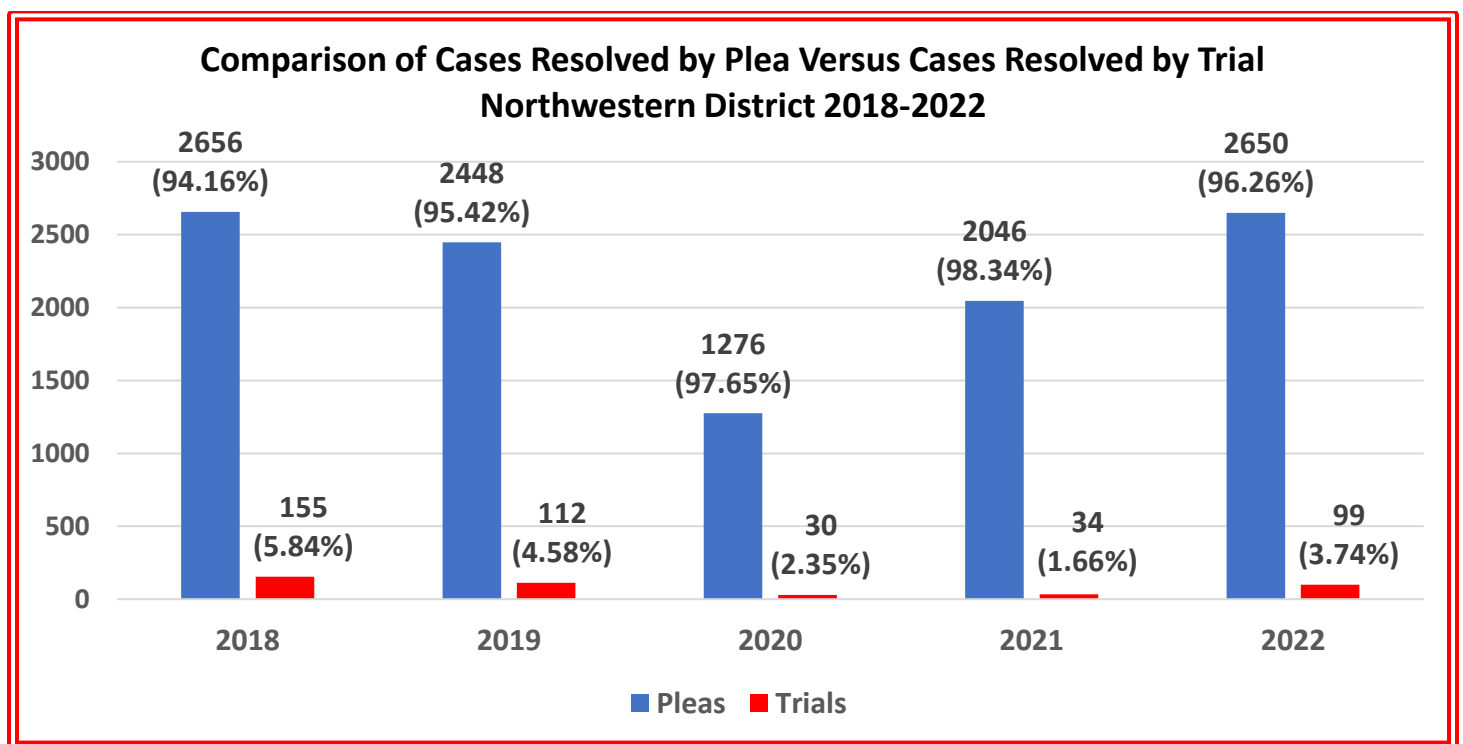
DRUG DISTRIBUTION OFFENSES

Drug Distribution Offenses include Trafficking, Distribution, and Possession with Intent to Distribute drugs of all classes. Class A drugs include heroin, methamphetamine, morphine, and ketamine. Class B drugs include cocaine, LSD, oxycodone, and oxycontin. Class C drugs include narcotics such as Vicodin, Ativan, and Hydrocodone. Class D drugs includes marijuana and hashish. Class E drugs include less powerful prescription medications.



RESOLVING CASES

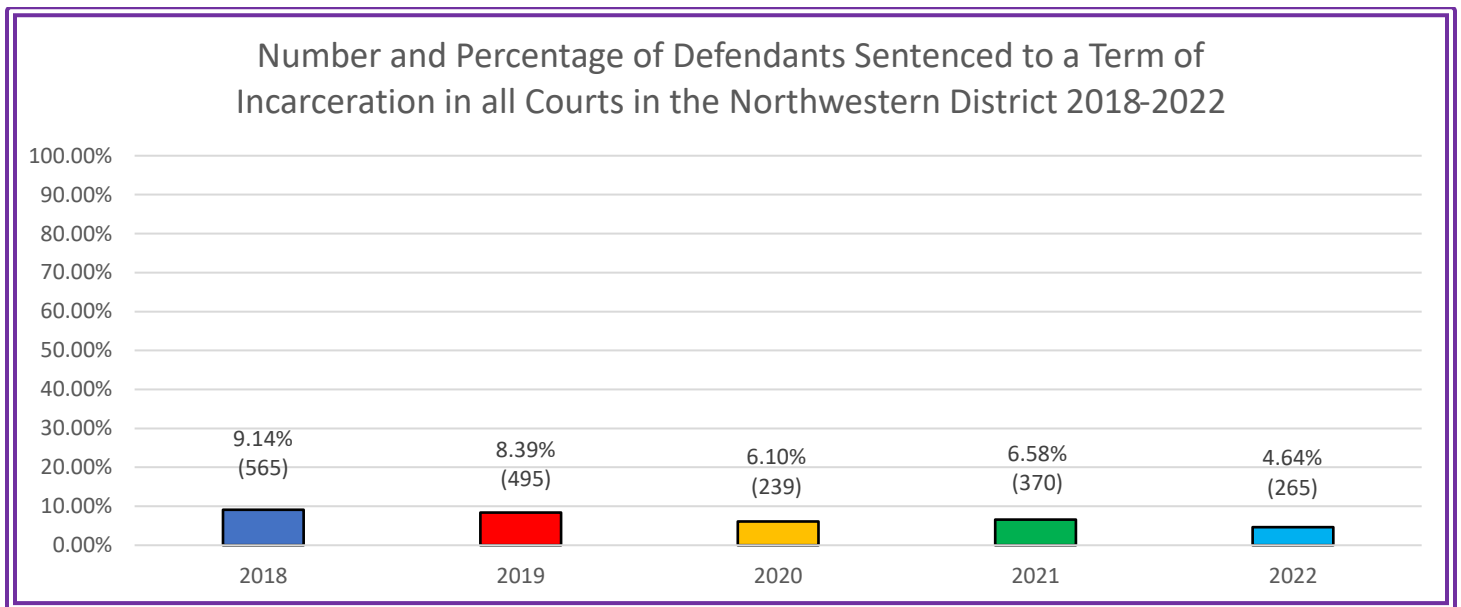
Criminal defendants have two options to consider when determining how to resolve their cases. They can demand a trial or they can offer a plea. At a trial, the Commonwealth, represented by an Assistant District Attorney, must present evidence that persuades the jury (or a judge if the defendant elects to have a bench trial) that the defendant is guilty beyond a reasonable doubt. A plea requires the defendant to admit to the judge that they are guilty or that the Commonwealth could prove them guilty of the crime(s) charged. Following the admission, both the Commonwealth and the defendant have the opportunity to recommend a sentence to the judge. Most defendants opt to offer a plea to the court.



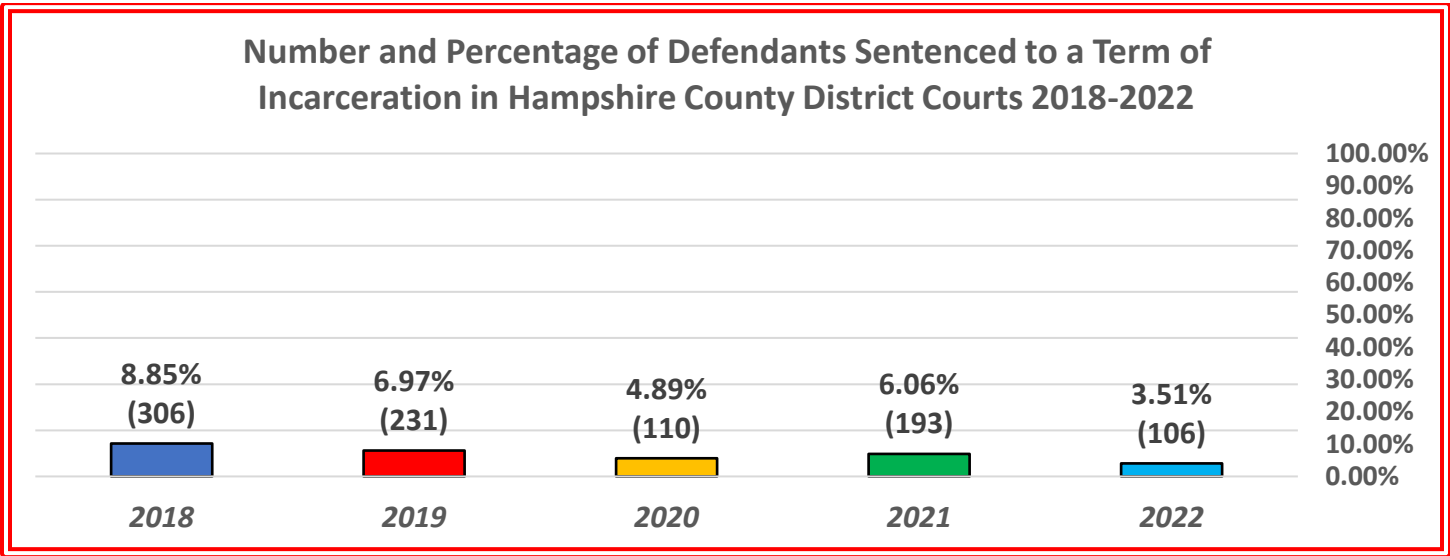
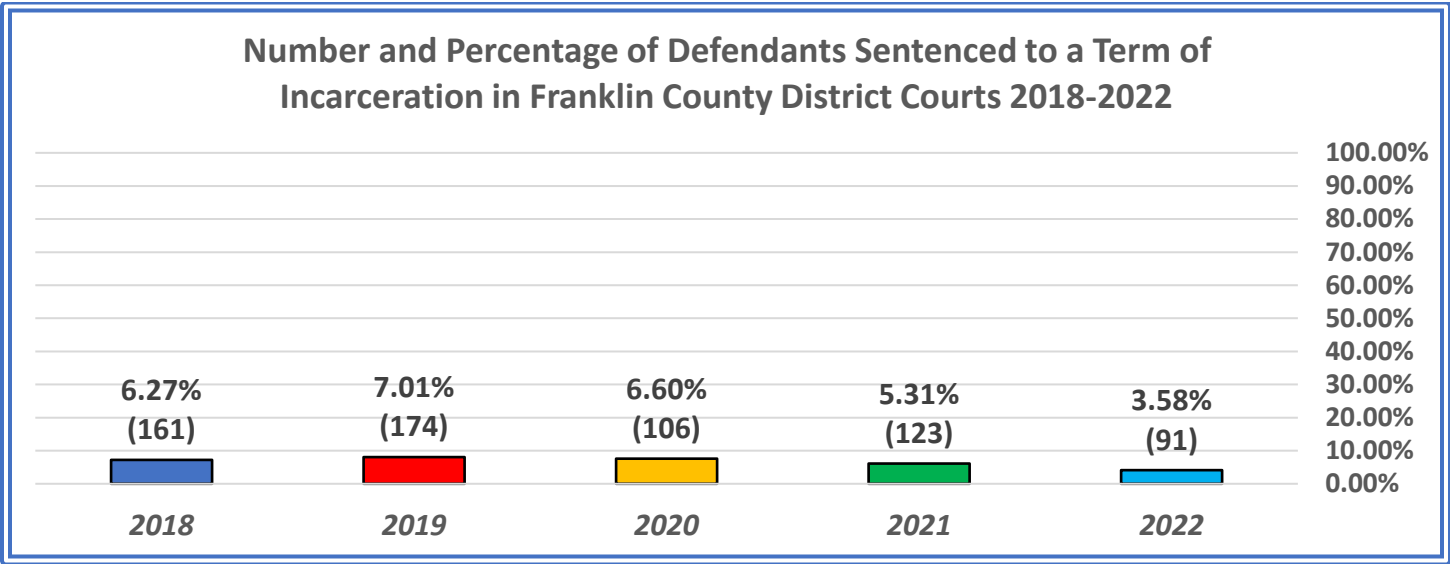
SENTENCING

At the conclusion of a case, whether a defendant offers a plea or is convicted after trial, a sentence is imposed by a judge. Both the defendant and the prosecution have an opportunity to argue for a specific disposition. The following five charts show the number of defendants who were sentenced to a period of incarceration at the close of their criminal case in the District Courts and the Superior Courts. Defendants who are not sentenced to incarceration may be placed on probation, pay fines, or be sentenced to a combination of non-incarceration dispositions.

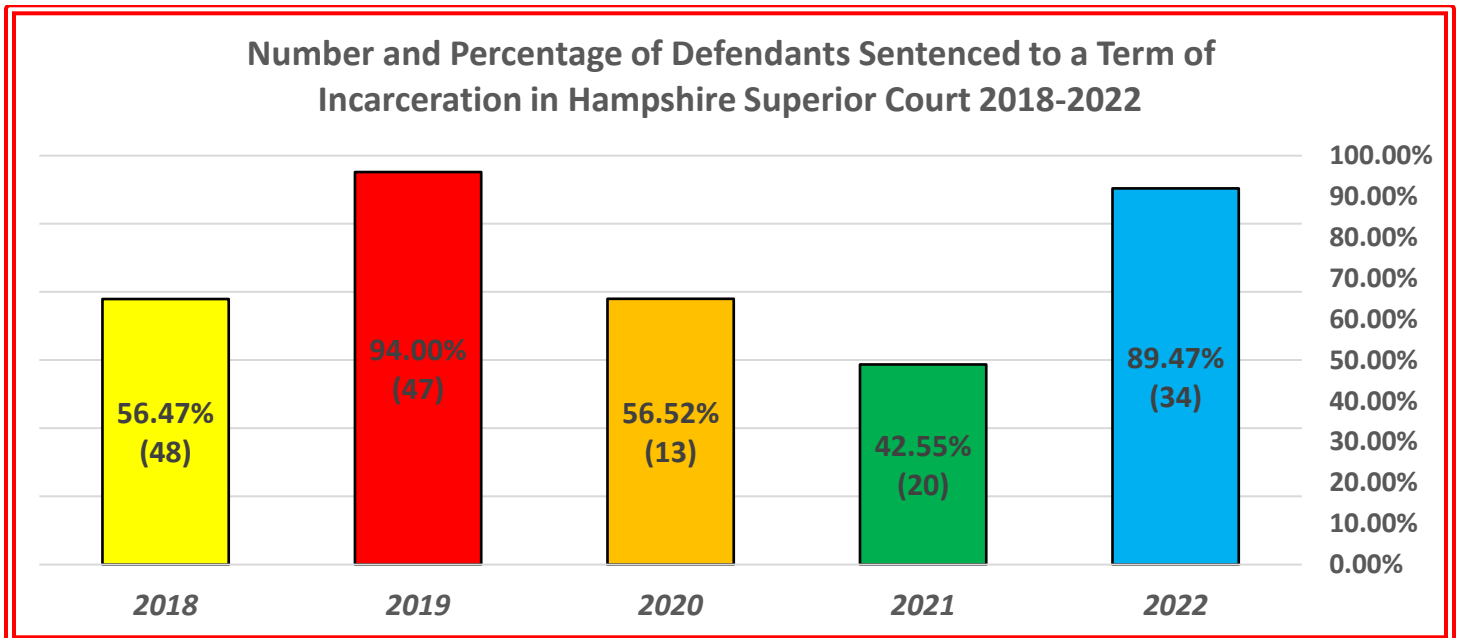
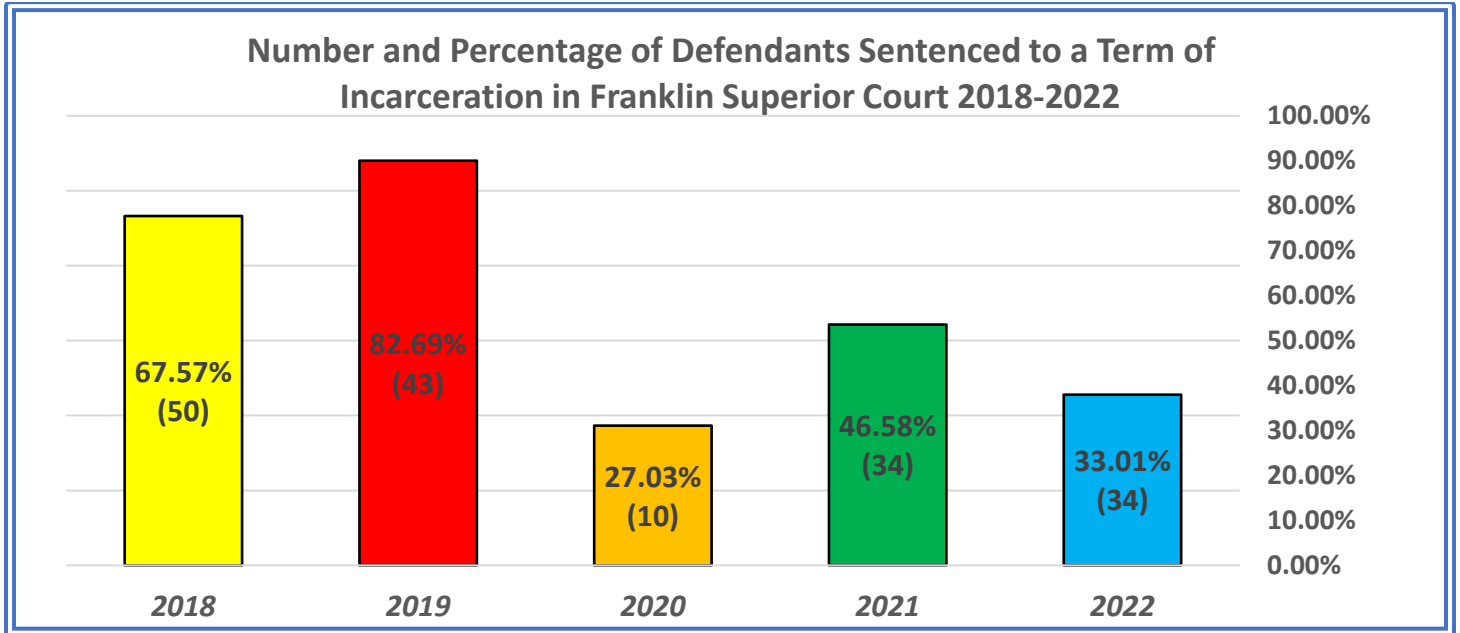
ALL COURTS



DISTRICT COURTS: Maximum sentence is 2.5 years and all sentences are served in a House of Correction.



SUPERIOR COURTS: Sentences can be served in House of Correction or state prison, and there are no minimum or maximum sentences except those set by statute for specific crimes.



INCARCERATION RATES

The following charts reflect the incarceration rates of each county, using 2020 census data.

