RESEARCH BRIEF

ANALYZING VIOLATIONS OF CONDITIONS OF RELEASE

PRESENTED BY:

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Introduction

This research brief contains a preliminary analysis on the use of Conditions of Release in Vermont Criminal Division and charges of Violations of Conditions of Release if a violation of 13 V.S.A. 7559(e). The purpose of this brief is to inform stakeholders on the following questions:

- Who gets conditions of release?
- What are the conditions?
- Who violates conditions of release?

CRG invites inquiries and discussions as we move forward with our research.

Several data sources were used in this analysis. The Adjudication Database maintained by CRG was used to answer questions about county use of conditions versus released on own recognizance. The Judiciary created a data set for CRG that gave information on what conditions were imposed on people from March 2021- March 2022. CRG acquired the criminal histories (rap sheets) of people in the data set the judiciary provided to understand more about violations, criminal pasts, and current cases of the people on conditions.

Table 1: Top Five Criminal Charges Disposed 2021-2023

Charge	2021	2022	2023
Violations of Conditions	1958	2943	3033
DUI #1	843	1414	1617
DLS #1	638	1041	970
Domestic Assault	575	916	917
Misdemeanor Retail Theft	478	648	905

Source: CRG Adjudication Database

Conditions vs. ROR

Table 2 presents the pre-trial release status of all cases that were arraigned in 2021-2023 and disposed of by 2024. The pre-trial release status was missing in 23.3% of cases. Table 3 below highlights the county differences in missing data. Some of the missing data could be probation violations, CRG is still investigating the missing cases.

Table 2: Number and Type of Release

Cases Arraigned 2021-2023 and Disposed by 2024

Type of Release	n	Percent
Released on Conditons	6138	46.20%
Missing	3086	23.23%
Own Recognizance	2604	19.60%
Bail	1110	8.36%
Held Without Bail	347	2.61%

Source: CRG Adjudication Database

Table 3 shows the release type by county. Rutland county had the highest percent of cases held without bail. Bennington county had the highest percent of cases released on own recognizance.

Table 3: County by Type of Pre-Trial Release

Cases Arraigned 2021-2023 and Disposed by 2024

County	Bail	Held Without Bail	Missing	Own Recognizance	Released on Conditons
Addison	2.63%	3.68%	82.89%	5.79%	5.00%
Bennington	10.48%	5.14%	17.57%	33.20%	33.61%
Caledonia	8.76%	1.03%	22.85%	15.98%	51.37%
Chittenden	10.71%	1.77%	7.61%	22.80%	57.11%
Essex	10.75%	1.08%	19.35%	10.75%	58.06%
Franklin	5.25%	1.86%	26.24%	19.54%	47.10%
Grand Isle	5.50%	0.00%	74.31%	7.34%	12.84%
Lamoille	3.67%	1.13%	44.43%	7.76%	43.02%
Orange	4.63%	2.45%	22.34%	20.98%	49.59%
Orleans	16.24%	5.09%	35.23%	1.96%	41.49%
Rutland	4.55%	5.69%	19.71%	23.28%	46.78%
Washington	6.24%	0.81%	22.37%	26.49%	44.08%
Windham	13.34%	3.26%	24.95%	6.81%	51.63%
Windsor	10.36%	3.00%	25.17%	19.46%	42.01%

Source: CRG Adjudication Database

Table 4 shows the breakdown of race and the type of release. In addition to the missing release type, race was missing (not included) or marked as unknown by police. Of the data available, Black defendants were more likely to be held without bail than any other race and more likely to be released on conditions compared to White defendants. However, White defendants were more likely than Black defendants to be released on their own recognizance.

Table 4: Race by Type of Pre-Trial Release

Cases Arraigned 2021-2023 and disposed of by 2024

Race	Bail	Held Without Bail	Missing	Own Recognizance	Released on Conditons
Asian	12.05%	1.20%	12.05%	13.25%	61.45%
Black	17.26%	5.87%	13.35%	15.54%	47.99%
Hispanic	0.00%	0.00%	0.00%	0.00%	100.00%
Indigenous	9.68%	3.23%	16.13%	19.35%	51.61%
Unknown	3.53%	2.47%	27.88%	23.65%	42.47%
White	8.03%	2.35%	23.81%	19.58%	46.23%
NA	6.78%	4.52%	19.21%	24.29%	45.20%

Source: CRG Adjudication Database

Study Data

The study data include all people given conditions of release from March 2021-March 2022, the conditions they were given, and their criminal histories. The first docket with conditions during the study period is the reference case for the analysis. There are 4,011 people in the cohort. The average age of the defendant was 35.75. Table 5 shows the racial make up of the cohort. Black people are over represented for their Vermont population. White people are under represented. Race data was missing (not in the data at all) or unknown (the officer did not know the race) in about 19% of the cases. Men made up 76% of the cohort, women 23%, gender was unknown in 2% of the cohort.

Table 5: Race of Study Cohort

People with Conditions March 2021-March 2022

| Race	n	Percent
Asian	30	0.75%
Black	254	6.33%
Indigenous	11	0.27%
Missing	466	11.62%
Unknown	32	0.80%
White	3218	80.23%

Source: CRG Study Data

Percentage of Cases with Condition

Figure 1 shows the percent of cases that had a particular condition. The category "Case Specific" is a CRG designation. There is a free text field in the data that contains information about additional conditions (or exceptions to conditions) that the court imposed. CRG has started to classify these data into more meaningful fields. For example, the field is often used to order a

defendant to stay away from someone. CRG identified those and created its own category called "Stay Away".

Figure 1: Percent of Cases with a Particular Condition


Source:CRG Study Data
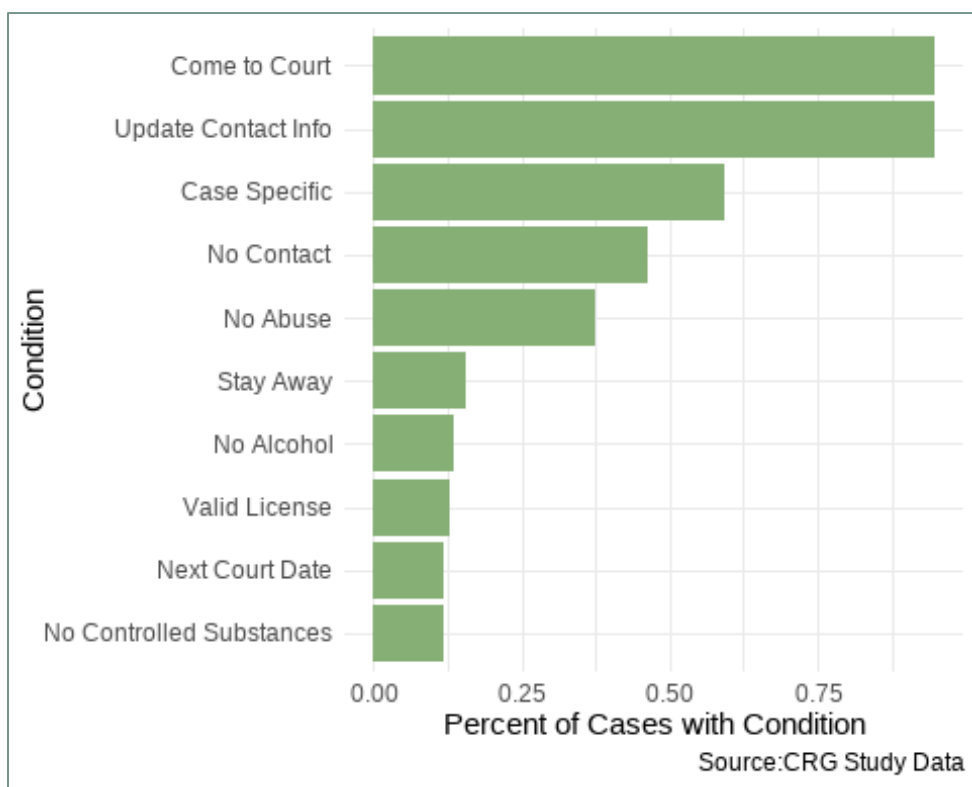
The 4,011 people in the cohort had a total of 7,086 charges on their base dockets. The charges were largely non-violent misdemeanors. Sixty-eight percent of the cohort had only misdemeanors, and 60% of the cohort had no charges of violence. Eight percent of the cohort were charged with Violations of Conditions of Release.

There were 1209 (30%) first time Vermont offenders in the cohort. Thirty-one percent of Black defendants were first time offenders as compared to 21% of White defendants. This is statistically significant. There was also a statistically significant gender disparity in first time Vermont offenders in the cohort. Thirty-four percent of women and 27% of men were first time offenders. As CRG completes the work on this study, these disparities will be explored further.

Failure to Appear Rate

Almost 20% of the cohort failed to appear (FTA) and had a warrant issued on their base case. This rate is substantially higher than the 10.92% rate CRG found analyzing all felony charges arraigned in 2016-2017. The data records the date of the first FTA date in a case. Figure 2 illustrates that most people failed to appear at the initial appearance.

Figure 2: Number of Days to First FTA

Source: CRG Study Data
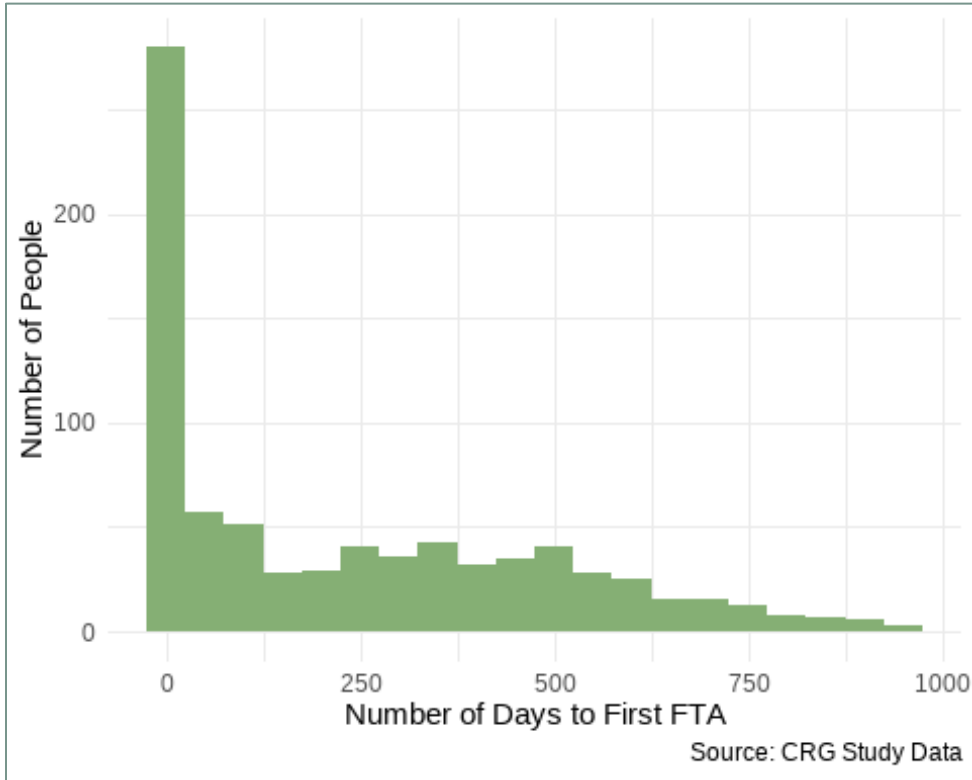
Violations and New Crimes

Thirty percent (1,241) of the cohort was charged with a new crime, with a violation of conditions or with a combination during their base case. Figure 3 shows that 646 (16%) people were charged with only a new substantive crime, 476 (12%) people where charged with a violation and a new substantive crime, and 119 (3%) people were charged with violating conditions of release

Figure 3: Types of Violations

Source: CRG Study Data