



# PRETRIAL PERFORMANCE MEASURES

The Hawai'i Legislature tasked CJRI with establishing and maintaining a “centralized statewide criminal pretrial justice data reporting and collection system” (HRS § 614-3). Following an appropriation through Act 147 (2023), CJRI has spent the past two years working with information technology partners to establish the pretrial database and reporting system. This new data warehouse centralizes three sources of data: 1) **arrest data** from the Criminal Justice Information System (CJIS), Hawai'i Criminal Justice Data Center (HCJDC), Department of the Attorney General; 2) **criminal pretrial court data** from the Judiciary Information Management System (JIMS), Judiciary, and 3) **jail data** from OffenderTrak, Department of Corrections and Rehabilitation.

The pretrial database was established to centralize data, which creates capacity for CJRI to fulfill pretrial reporting requirements. One important outcome from this project was the creation of a case-level unified dataset that links and merges records across all three data sources. This is the primary data source to answer research questions about the pretrial system and report out on pretrial performance measures. CJRI's 2025 annual report includes eight pretrial metrics developed using this unified dataset. Some metrics will be reported at a later date or cannot be reported unless there are key changes made to data collection. Additional details related to the ongoing work are provided on page 80 of CJRI's 2025 annual report.

Presented in the next section are pretrial metrics outlined under law (HRS § 614-3) for pretrial reporting. The data is



analyzed for cases filed in Fiscal Year 2025 (July 1, 2024 - June 30, 2025) for process metrics and in Fiscal Year 2023 (July 1, 2022 - June 30, 2023) for outcome metrics. The fiscal year timeframe is reported to provide the most recent calculations on process metrics.

It is important to note that this is the first year that CJRI has had the capacity to report out on pretrial metrics, and that the findings shared this year serve as a baseline for the performance of the pretrial system in Hawai'i. In 2026, CJRI staff will continue to analyze these metrics by updating the calculations with data from the more recent year. Additionally, data will be analyzed for prior years in order to establish historical trends in the metrics that will allow readers to understand them in more context. These analyses will be provided in CJRI's 2026 annual report, and will be posted to the [CJRI website](#) as they become available.

For a summary of the findings presented in this section, please see the Research Takeaways section on page 88 of CJRI's 2025 annual report.

Please see [page 64](#) for a list of key terms and acronyms in this section and their definitions.

For more information about Hawai'i's pretrial system, please see <https://cjrihawaii.com/pretrial-database/>.





## PROCESS METRICS

Process metrics measure activities or operations within a pretrial system, often through frequencies and/or percentages [4]. They provide stakeholders with an understanding of what has occurred within their pretrial system, such as the movement of individuals throughout various decision points. Additionally, process metrics can provide insight into why goals for the system are succeeding or failing.

**FY 2025** (July 1, 2024 - June 30, 2025) was used for reporting for all process metrics.

### **Annual arrests**

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### **Annual case filings**

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### **Bail amount - first pretrial hearing**

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### **Change in release status - after three months**

page 52



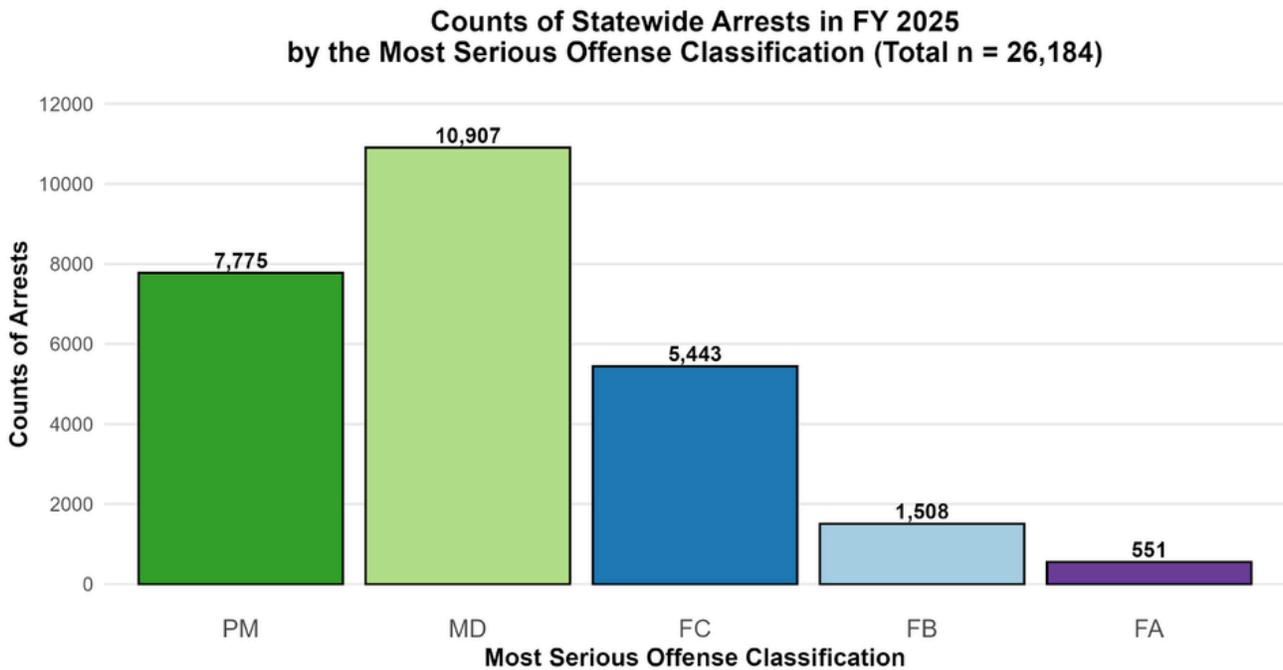
## Annual arrests

This metric calculates the frequency of **arrests**, operationalized as an event where a person is taken into legal custody for at least one charge on a specific date in a fiscal year. While many arrests are made by county police departments, some arrests analyzed include those conducted by the Department of Law Enforcement.

### Statewide

There were 26,184 arrests statewide in FY 2025. There were an average of 2,182 arrests per month. The most serious offense in an arrest was most frequently misdemeanors (42%), followed by petty misdemeanors (30%), class C felonies (21%), class B felonies (5%), and class A felonies (2%).

Figure 1



For notes and limitations regarding how this metric was calculated, please see [page 28](#).

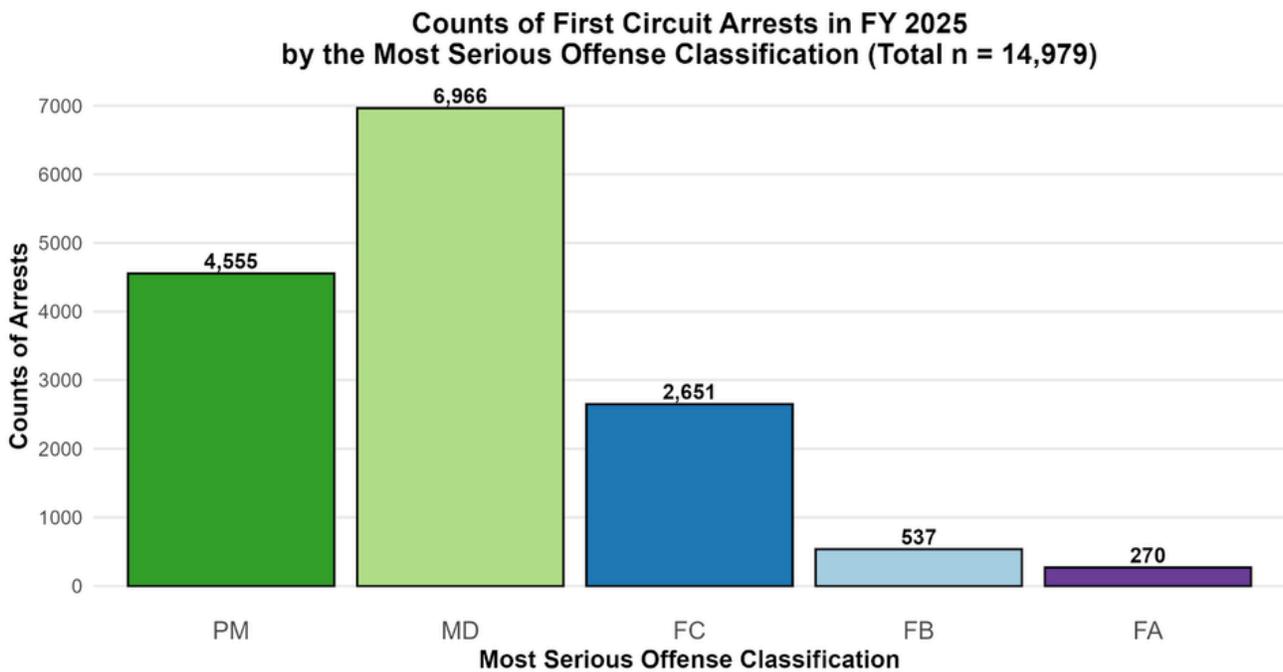


## Annual arrests (cont.)

### First Circuit - City and County of Honolulu

There were 14,979 arrests in the First Circuit in FY 2025. There were an average of 1,248 arrests per month. The most serious offense in an arrest was most frequently misdemeanors (46%), followed by petty misdemeanors (30%), class C felonies (18%), class B felonies (4%), and class A felonies (2%).

Figure 2



For notes and limitations regarding how this metric was calculated, please see [page 28](#).

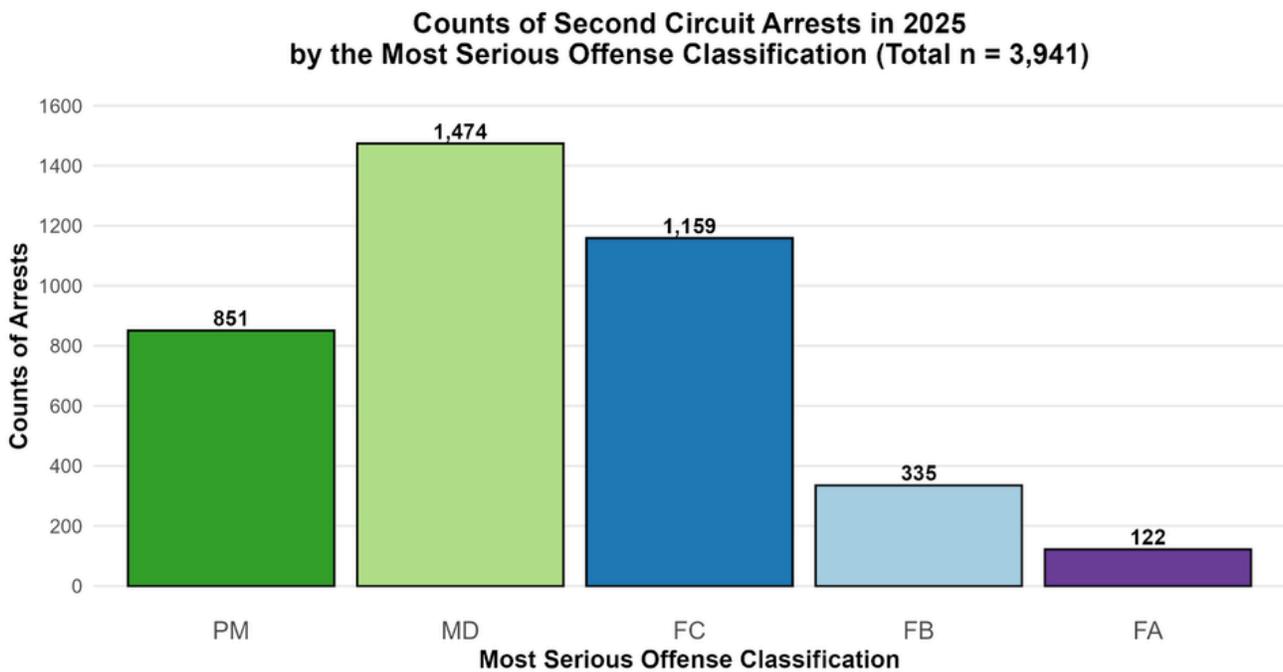


## Annual arrests (cont.)

### Second Circuit - Maui County

There were 3,941 arrests in the Second Circuit in FY 2025. There were an average of 328 arrests per month. The most serious offense in an arrest was most frequently misdemeanors (37%), followed by class C felonies (29%), petty misdemeanors (22%), class B felonies (9%), and class A felonies (3%).

Figure 3



For notes and limitations regarding how this metric was calculated, please see [page 28](#).

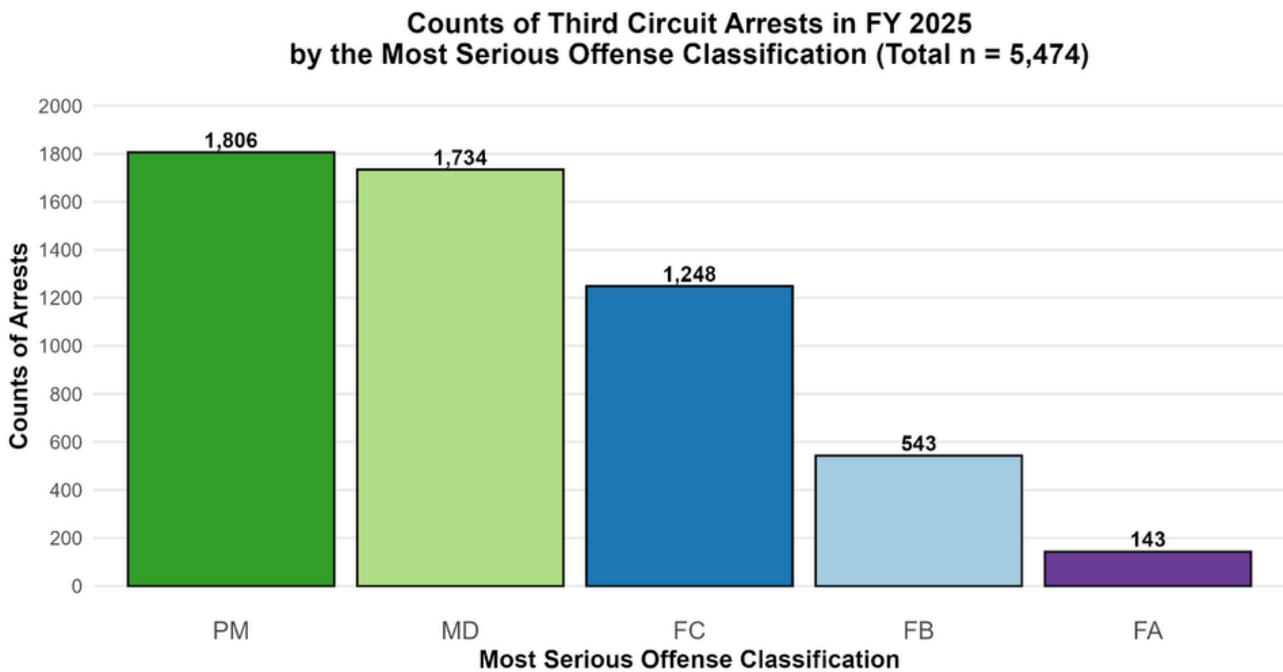


## Annual arrests (cont.)

### Third Circuit - Hawai'i County

There were 5,474 arrests in the Third Circuit in FY 2025. There were an average of 456 arrests per month. The most serious offense in an arrest was most frequently petty misdemeanors (33%), followed by misdemeanors (32%), class C felonies (23%), class B felonies (10%), and class A felonies (2%).

Figure 4



For notes and limitations regarding how this metric was calculated, please see [page 28](#).

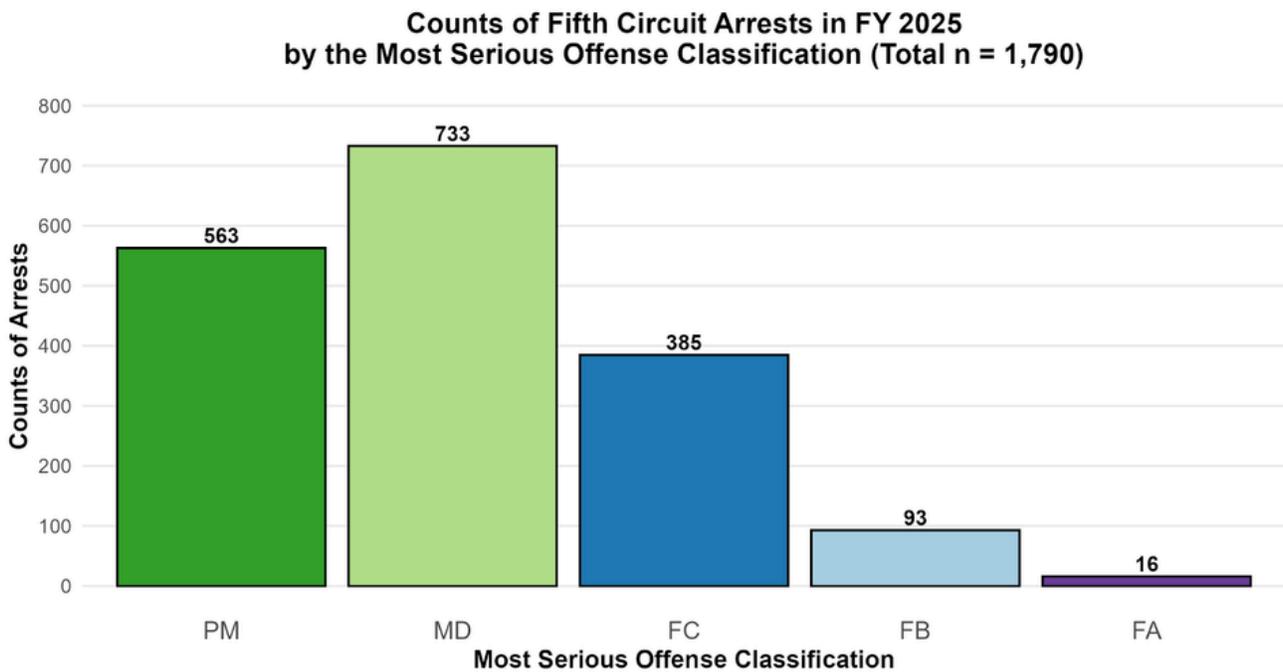


## Annual arrests (cont.)

### Fifth Circuit - Kaua'i County

There were 1,790 arrests in the Fifth Circuit in FY 2025. There were an average of 149 arrests per month. The most serious offense in an arrest was most frequently misdemeanors (41%), followed by petty misdemeanors (32%), class C felonies (21%), class B felonies (5%), and class A felonies (1%).

Figure 5



For notes and limitations regarding how this metric was calculated, please see [page 28](#).



## Annual arrests (cont.)

### Takeaways

- There were 26,184 arrests statewide in FY 2025, averaging 2,182 arrests per month.
- The First Circuit had the highest count of arrests, followed by the Third Circuit, Second Circuit, and Fifth Circuit.
- Most arrests were for both misdemeanor levels and felony C. Statewide and in the First Circuit and Fifth Circuit, the most serious offense charge for the largest portion of arrests were misdemeanors, followed by petty misdemeanors, and class C felonies.
  - In the Second Circuit, the most serious offense charge for the largest portion of arrests were misdemeanors, followed by class C felonies, and petty misdemeanors.
  - In the Third Circuit, the most serious offense charge for the largest portion of arrests were petty misdemeanors, followed by misdemeanors, and class C felonies.

### Notes

- This measure focuses on analyzing arrests by most serious offense. Arrests can include multiple charges, and each charge can be a different offense level (one charge is a class C felony and another charge is a misdemeanor).
- This measure is based on data from CJIS and does not include criminal citations, which are filed directly with the courts.
- Circuit level statistics include the following agencies:
  - First Circuit: Honolulu Police Department, Department of Law Enforcement - O`ahu, Honolulu Prosecutors, Department of the Attorney General
  - Second Circuit: Maui Police Department, Department of Law Enforcement - Maui
  - Third Circuit: Hawai`i Police Department, Department of Law Enforcement - Hawai`i Island
  - Fifth Circuit: Kaua`i Police Department, Department of Law Enforcement - Kaua`i



## Annual arrests (cont.)

### Limitations

- This measure may not be reflective of the actual number of arrests within a calendar year, as it does not account for a person being arrested more than once on any given day, such as someone being arrested and booked in the morning, being released from police custody, and arrested and booked again in the evening on the same day.



## Annual case filings

This metric calculates the frequency of **criminal cases filed** with the Hawai'i Judiciary in a fiscal year. This metric includes Circuit Court Criminal (PC), Family Court Criminal (FC), and District Criminal Complaint Written (CW) cases. These cases include many of the cases filed when someone is charged for felony, misdemeanor, or petty misdemeanor offenses, but does not include all such as traffic and citations. The data is analyzed by the most serious offense level in a case, since many people are charged with more than one offense.

The statistics presented for this metric include Circuit Court Criminal (PC), Family Court Criminal (FC), and District Criminal Complaint Written (CW) cases statewide and by circuit. Statistics do not include District Criminal Citation (CC) and Traffic Crime (TC) cases due to data limitations.

**Note about misdemeanors and petty misdemeanors:** Cases filed in CW cases involve misdemeanor and petty misdemeanor charges that stem from an arrest and booking by law enforcement officers. CW cases encompass many, but not all misdemeanor charges that are filed in court. CC cases also involve misdemeanor and petty misdemeanor charges, and result from the issuance of a criminal citation by a law enforcement officer. The decision to arrest or cite someone for misdemeanor or petty misdemeanor charges is decided by law enforcement. *The frequency of criminal case filings provided here for misdemeanors and petty misdemeanors should not be used to generalize to all misdemeanor cases.*

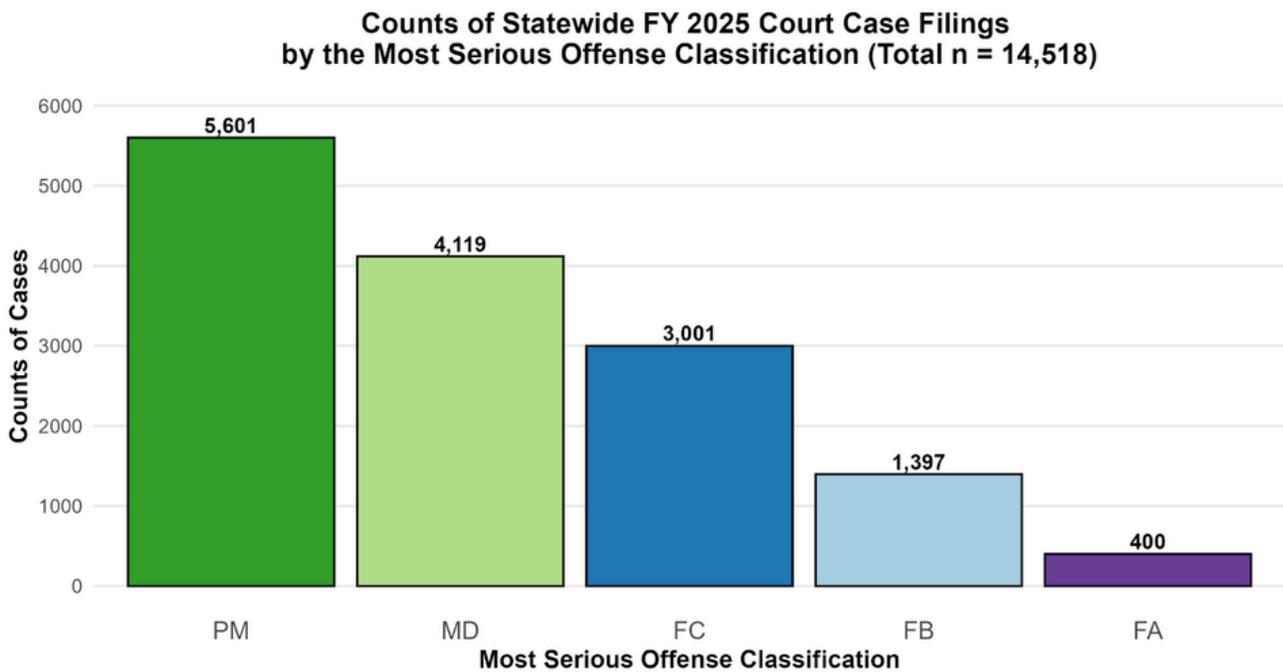


## Annual case filings (cont).

### Statewide

There were 14,518 criminal case filings statewide in FY 2025. There were an average of 1,210 case filings per month. The most serious offense in a case was most frequently petty misdemeanors (39%), followed by misdemeanors (28%), class C felonies (21%), class B felonies (9%), and class A felonies (3%).

Figure 6



For notes regarding how this metric was calculated, please see [page 36](#).

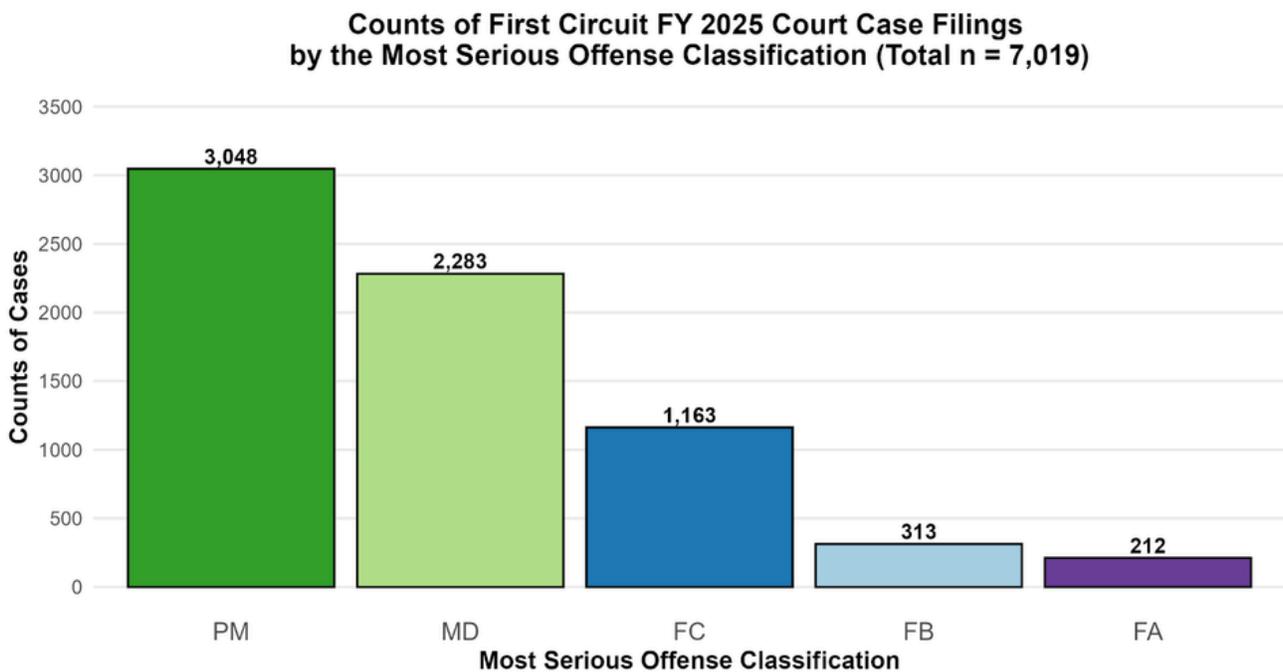


## Annual case filings (cont.)

### First Circuit - City and County of Honolulu

There were 7,019 criminal case filings in the First Circuit in FY 2025. There were an average of 585 case filings per month. The most serious offense in a case was most frequently petty misdemeanors (43%), followed by misdemeanors (33%), class C felonies (17%), class B felonies (4%), and class A felonies (3%).

Figure 7



For notes regarding how this metric was calculated, please see [page 36](#).

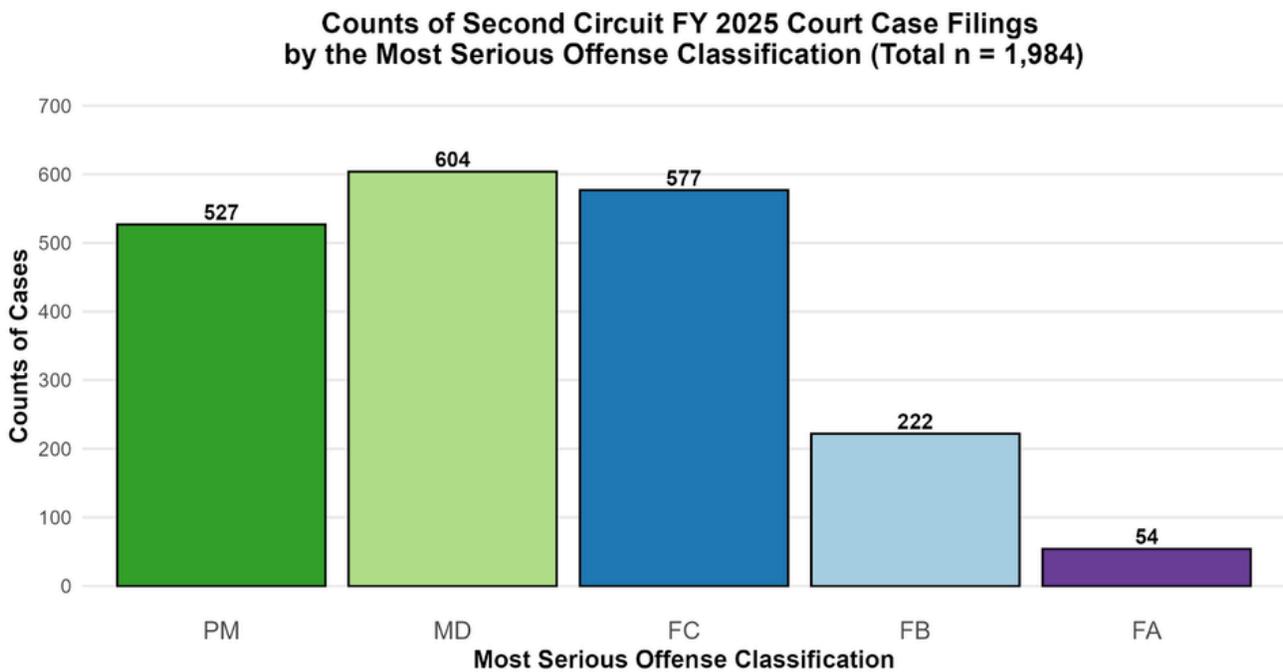


## Annual case filings (cont.)

### Second Circuit - Maui County

There were 1,984 criminal case filings in the Second Circuit in FY 2025. There were an average of 165 case filings per month. The most serious offense in a case was most frequently misdemeanors (30%), followed by class C felonies (29%), petty misdemeanors (27%), class B felonies (11%), and class A felonies (3%).

Figure 8



For notes regarding how this metric was calculated, please see [page 36](#).



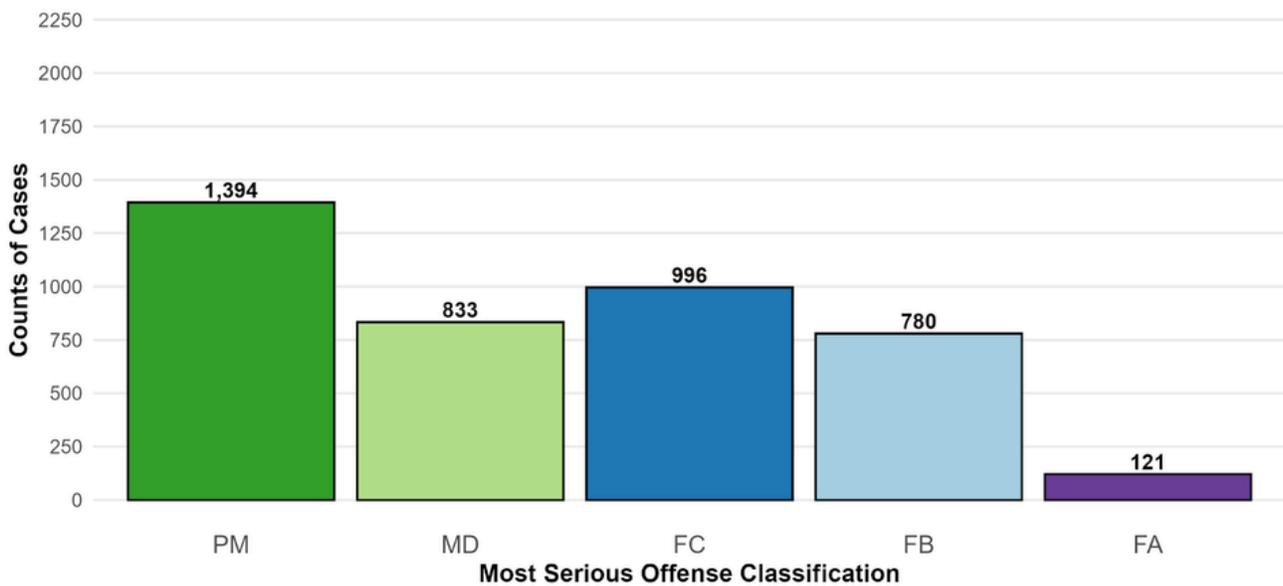
## Annual case filings (cont.)

### Third Circuit - Hawai'i County

There were 4,124 criminal case filings in the Third Circuit in FY 2025. There were an average of 344 case filings per month. The most serious offense in a case was most frequently petty misdemeanors (34%), followed by class C felonies (24%), misdemeanors (20%), class B felonies (19%), and class A felonies (3%).

Figure 9

Counts of Third Circuit FY 2025 Court Case Filings by the Most Serious Offense Classification (Total n = 4,124)



For notes regarding how this metric was calculated, please see [page 36](#).



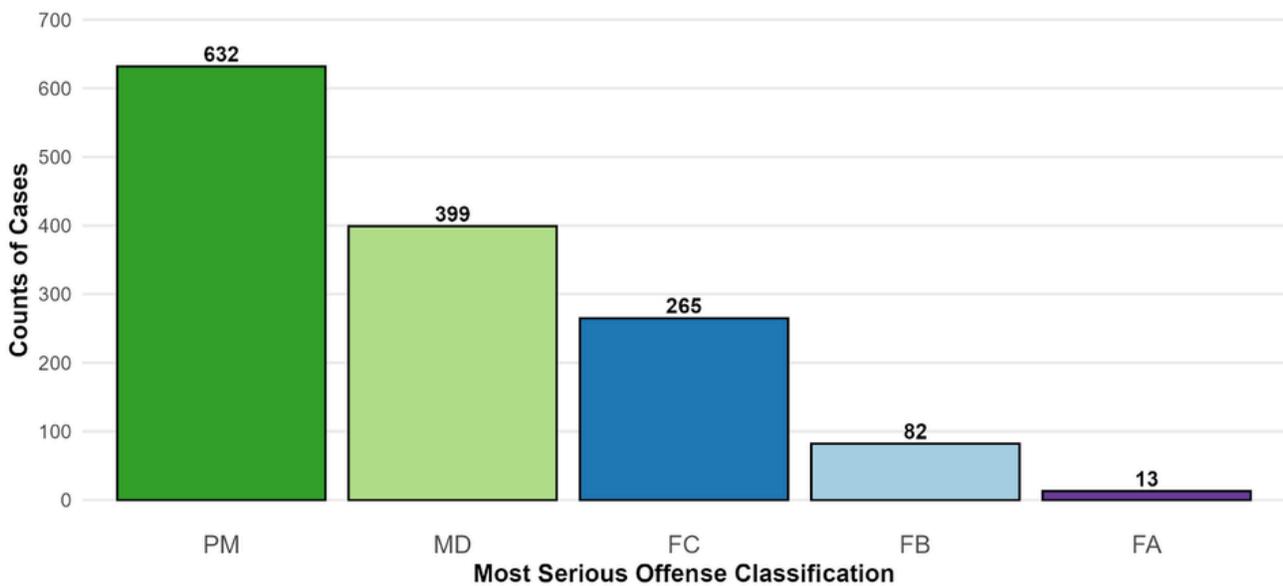
## Annual case filings (cont.)

### Fifth Circuit - Kaua'i County

There were 1,391 criminal case filings in the Fifth Circuit in FY 2025. There were an average of 116 case filings per month. The most serious offense in a case was most frequently petty misdemeanors (45%), followed by misdemeanors (29%), class C felonies (19%), class B felonies (6%), and class A felonies (1%).

Figure 10

Counts of Fifth Circuit FY 2025 Court Case Filings by the Most Serious Offense Classification (Total n = 1,391)



For notes regarding how this metric was calculated, please see [page 36](#).



## Annual case filings (cont.)

### Takeaways

- There were 14,518 case filings statewide in FY 2025, averaging 1,210 case filings a month.
- The First Circuit had the highest count of case filings, followed by the Third Circuit, Second Circuit, and Fifth Circuit. This trend for case volume was similar to the trend in arrest volume by county.
- Felony A was the least frequent most serious offense charge in case filings across all circuits. Statewide and in the First Circuit and Fifth Circuit, the most serious offense charge for the largest portion of cases filed were petty misdemeanors, followed by misdemeanors, and class C felonies.
  - In the Second Circuit, the most serious offense charge for the largest portion of cases filed were misdemeanors, followed class C felonies, and petty misdemeanors.
  - In the Third Circuit, the most serious offense charge for the largest portion of cases filed were petty misdemeanors, followed by class C felonies, and misdemeanors.

### Notes

- This measure focuses on analyzing case filings by most serious offense. Cases can include multiple charges, and each charge can be a different offense level (one charge is a class C felony and another charge is a misdemeanor).
- This metric does not include Criminal Citation (CC) cases because of data limitations. CC cases result from the issuance of a criminal citation, rather than an arrest and booking, for misdemeanor and petty misdemeanor charges.
- This metric does not include Traffic Crime (TC) cases because of data limitations. TC cases involve offenses like operating a vehicle under the influence of an intoxicant (OVUI), driving without a license, and driving without insurance.
- There are many instances in which felony level charges, as indicated by the same arrest number(s), have cases filed in both District and Circuit



## Annual case filings (cont.)

Court, due to the process for establishing probable cause. This metric captures both the District Court and Circuit Court cases.

- There are some instances in which misdemeanor level charges, as indicated by the same arrest or citation number(s), have cases filed in both District and Circuit Court, due to a defendant requesting a jury trial, prompting charges to be committed to Circuit Court. This metric captures both the District and Circuit Court cases.
- Case filings do not equate to people. Individuals may be counted in this measure more than once if they had more than one case filed in FY 2025.
- The difference in frequencies between arrests and case filings is expected due to:
  - Not all arrests result in the filing of a criminal case with the courts due to differing burdens of proof.
  - An arrest and a case filing related to the same charges (same arrest numbers) can occur within different fiscal years.



## Release status - first pretrial hearing

This metric calculates the percentage of defendants who were **released at the conclusion of their first pretrial hearing** by type of release status in Circuit or Family Court. For those released, their status may include release on recognizance, supervised release, or monetary bail. For defendants in custody, this can refer to those who were held with DCR or the Department of Health (DOH). A defendant can be in custody because they were detained without bail or because bail was unpaid at the conclusion of the first hearing. This measure also includes defendants who were out of custody (pending bench warrant, bail forfeiture, or discharge of sureties) at the conclusion of their first pretrial hearing. This measure is one approach to understand how often people are released or detained while they await trial. Another approach to assessing release status is provided with the *change in release status -after three months* metric.

This metric is not presented statewide due to data limitations. Instead, data is presented for only two case types in the Circuit and Family Courts of the First Circuit and Second Circuit. These case types are described below:

**Note about misdemeanors in Circuit Court Criminal (PC) cases:** Cases filed in Circuit Court largely involve felony level charges. When misdemeanor charges are included in PC cases, it is often due to (1) defendants in District Court requesting a jury trial, resulting in their charges being committed to Circuit Court, or (2) felony level charges that are reduced to a misdemeanor as part of a plea agreement. The majority of misdemeanor cases are adjudicated in District Court. *The release statuses provided here for misdemeanors should not be used to generalize to all misdemeanor cases.*

**Note about charges in Family Court Criminal (FC) cases:** Criminal cases filed in Family Court involve abuse of a family or household member charges and felony level charges involving offenses against household members. *The release statuses provided here should not be used to generalize other case types.*



## Release status - first pretrial hearing (cont).

### First Circuit - City and County of Honolulu

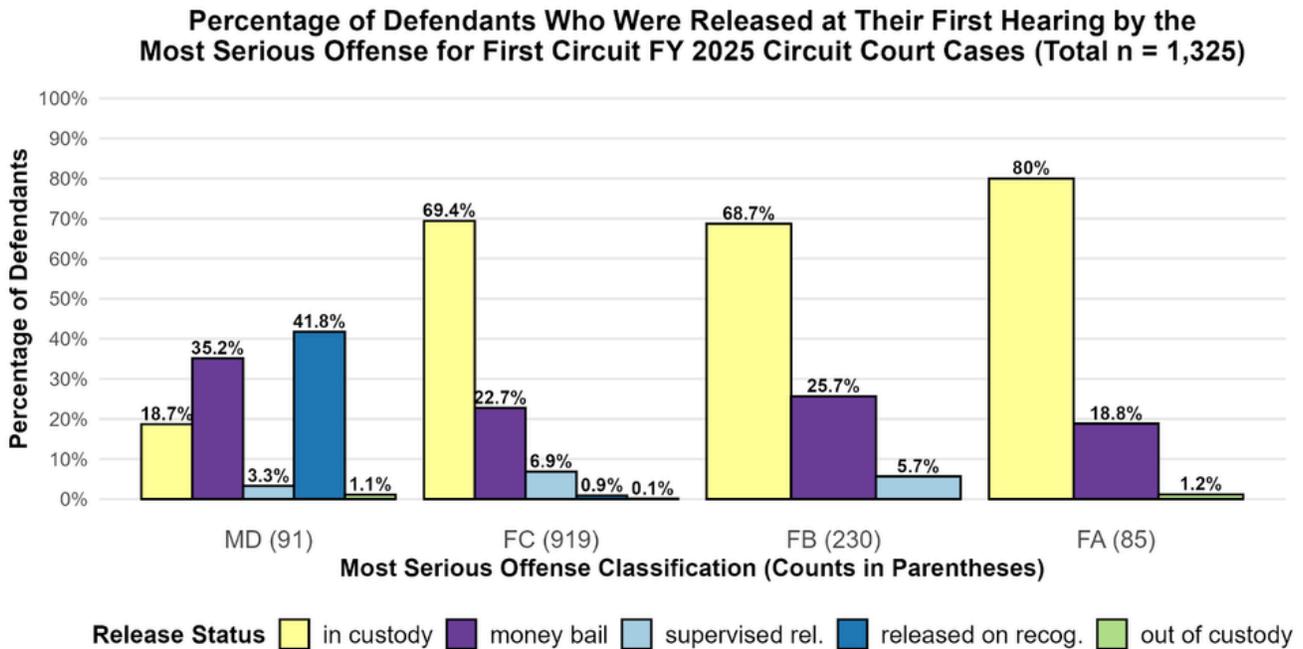
#### Circuit Court Criminal (PC) cases

For cases filed in the Circuit Court of the First Circuit in FY 2025, **33% of defendants were released** at the conclusion of the first pretrial hearing, 66% of defendants were in custody, and 1% were out of custody.

For cases in which the most serious offense was a:

- misdemeanor, 41.8% of defendants were released on recognizance.
- class C felony, 69.4% of defendants were in custody.
- class B felony, 68.7% of defendants were in custody.
- class A felony, 80.0% of defendants were in custody.

Figure 11



For notes and limitations regarding how this metric was calculated, please see [page 43](#).



## Release status - first pretrial hearing (cont.)

### Second Circuit - Maui County

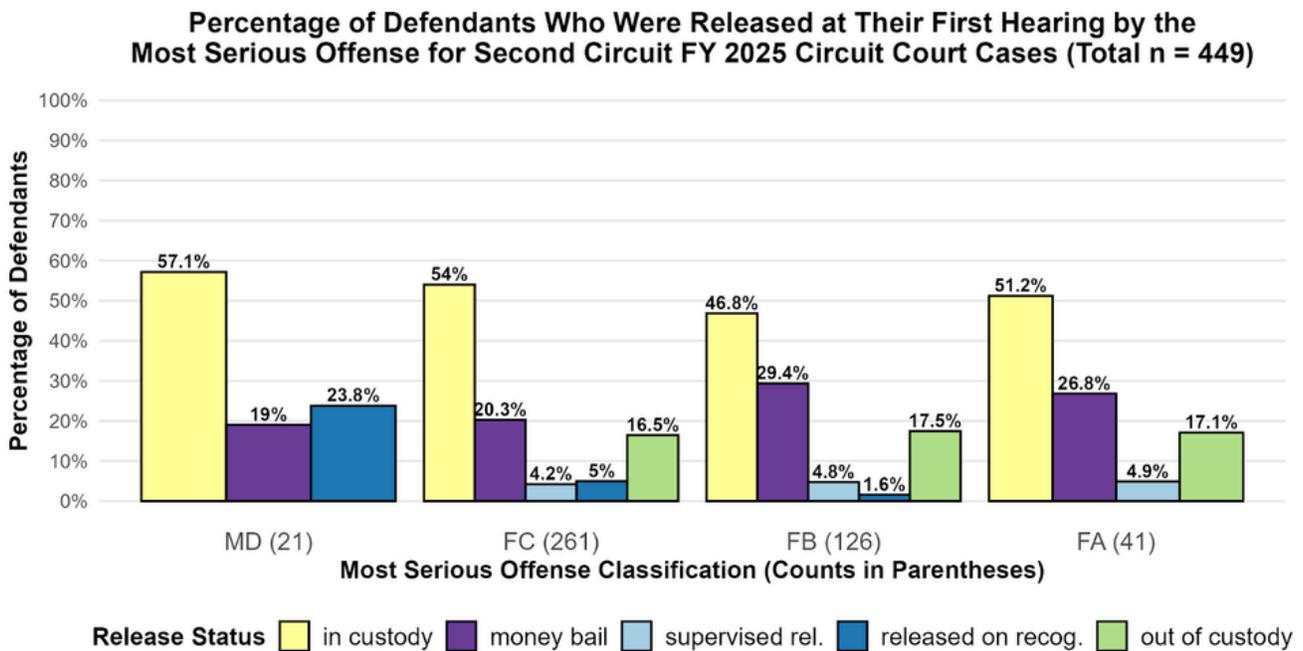
#### Circuit Court Criminal (PC) cases

For cases filed in the Circuit Court of the Second Circuit in FY 2025, **32% of defendants were released** at the conclusion of the first pretrial hearing, 52% were in custody, and 16% were out of custody.

For cases in which the most serious offense was a:

- misdemeanor, 57.1% of defendants were in custody.\*
- class C felony, 54.0% of defendants were in custody.
- class B felony, 46.8% of defendants were in custody.
- class A felony, 51.2% of defendants were in custody.

Figure 12



\*Indicates small sample size (n < 30).

For notes and limitations regarding how this metric was calculated, please see [page 43](#).



## Release status - first pretrial hearing (cont.)

### First Circuit - City and County of Honolulu

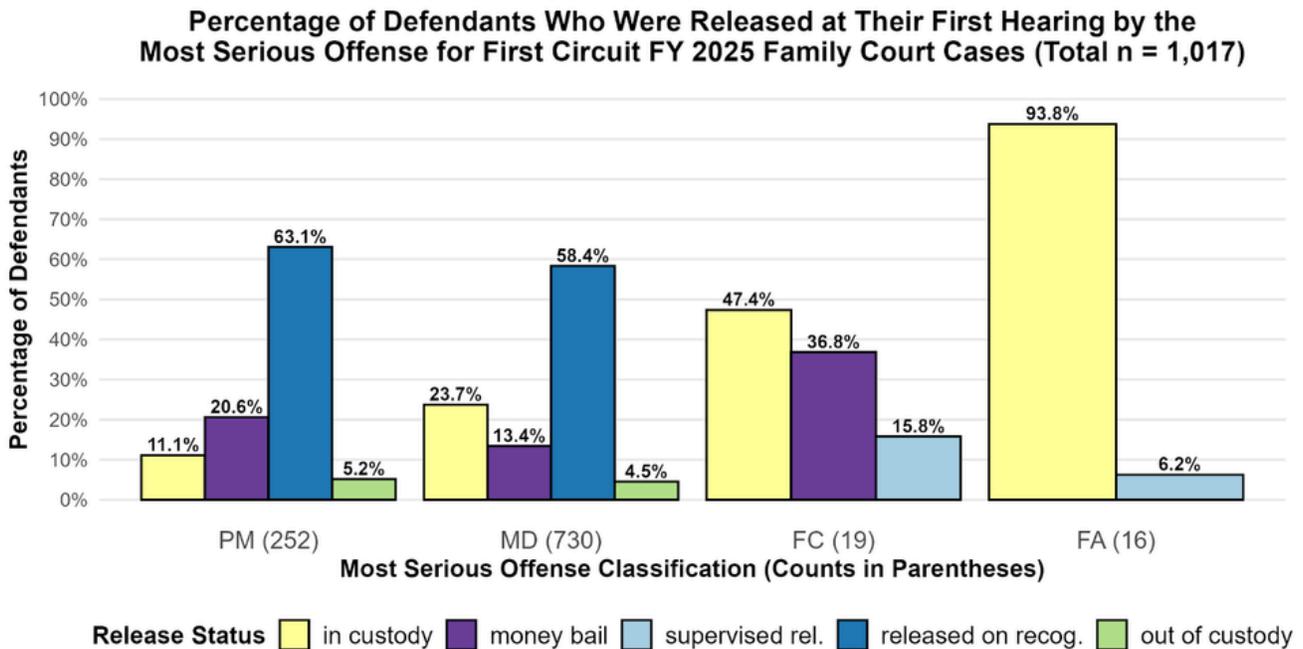
#### Family Court Criminal (FC) cases

For cases filed in the Family Court of the First Circuit in FY 2025, **73% of defendants were released** at the conclusion of the first pretrial hearing, 22% were in custody, and 5% were out of custody.

For cases in which the most serious offense was a:

- petty misdemeanor, 63.1% of defendants were released on recognizance.
- misdemeanor, 58.4% of defendants were released on recognizance.
- class C felony, 47.4% of defendants were in custody.\*
- class A felony, 93.8% of defendants were in custody.\*

Figure 13



\*Indicates small sample size (n < 30).

For notes and limitations regarding how this metric was calculated, please see [page 43](#).



## Release status - first pretrial hearing (cont.)

### Second Circuit - Maui County

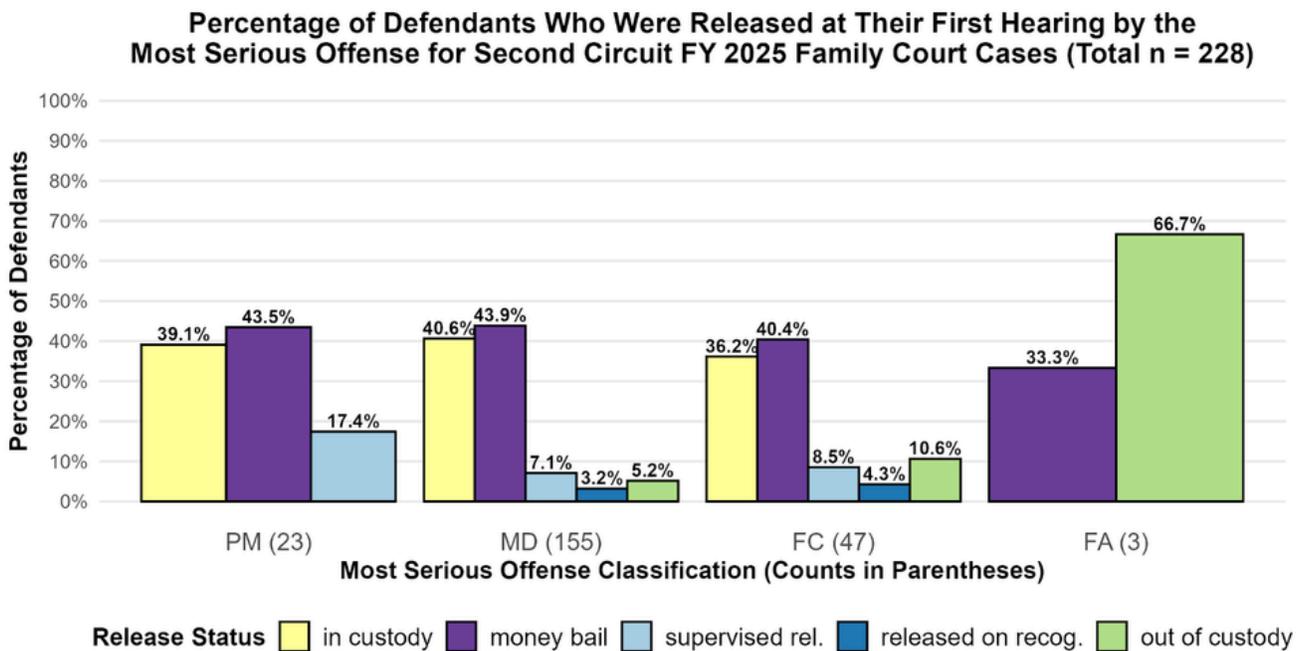
#### Family Court Criminal (FC) cases

For cases filed in the Family Court of the Second Circuit in FY 2025, **54% of defendants were released** at the conclusion of the first pretrial hearing, 39% were in custody, and 7% were out of custody.

For cases in which the most serious offense was a:

- petty misdemeanor, 43.5% of defendants were released on monetary bail.\*
- misdemeanor, 43.9% of defendants were released on monetary bail.
- class C felony, 40.4% of defendants were released on monetary bail.
- class A felony, 66.7% of defendants were out of custody.\*
  - Note the small sample size, two out of the three cases total.

Figure 14



\*Indicates small sample size (n < 30).

For notes and limitations regarding how this metric was calculated, please see [page 43](#).



## Release status - first pretrial hearing (cont.)

### Takeaways

- Overall, *in custody* was the most common release status for cases with a felony offense as their most serious charge. One exception was for felony cases in the Family Court of the Second Circuit.
- About a third of defendants were released into the community at the conclusion of their first pretrial hearing by the Circuit Court of the First Circuit (33%) and the Circuit Court of the Second Circuit (32%).
- Of those released in the Circuit Courts of the First Circuit and Second Circuit, *monetary bail* was the most common release type for cases where a felony offense was the most serious charge, followed by *supervised release*, and *release on recognizance*. The only exception was for Circuit Court felony C cases of the Second Circuit, in which release on recognizance was slightly more frequent than supervised release.
- Family Courts released a greater percentage of defendants than Circuit Courts. A majority of defendants were released at the conclusion of their first pretrial hearing in the Family Court of the First Circuit (73%) and the Family Court of the Second Circuit (54%).
- Most cases with a misdemeanor as the most serious offense are heard in District Court, though some are heard in other courts and therefore analyzed in this data. While *monetary bail* was the most common release type for cases with a felony offense as the most serious charge, a greater percentage of cases were *released on recognizance* for those with a misdemeanor offense as the most serious charge. This applied to both Circuit Courts and the Family Court of the First Circuit, but not for the Family Court of the Second Circuit. There, *monetary bail* was more common.

### Notes

- This measure focuses on analyzing release status at the conclusion of the first pretrial hearing in a case by most serious offense. Cases can include multiple charges, and each charge can be a different offense level (one charge is a class C felony and another charge is a misdemeanor).



## Release status - first pretrial hearing (cont.)

- First pretrial hearing is defined as the defendant's first court hearing in which a judge makes a pretrial release decision - the initial appearance hearing at District Court and the arraignment and plea hearing at Circuit and Family Court. Defendants whose first hearing in a case that were calendared as another hearing type were excluded from this measure.
- This measure includes individuals who were released prior to their first pretrial hearing, such as those who were released on their own recognizance or who posted monetary bail at the police station, and lawfully remained in the community at the conclusion of their first pretrial hearing.
- The out of custody category refers to persons whose release status at the date of their first scheduled pretrial hearing was either bench warrant issued, discharge of sureties, or bail forfeiture. These persons are not in the community on court approved release and are pending return to custody.
- Individuals may be counted in this measure more than once if they had more than one case filed in FY 2025.
- Due to slight rounding errors, some percentage totals do not add up to 100% (+/-0.1%).

### Limitations

- Due to data limitations, this metric is only available for Circuit Court Criminal (PC) and Family Court Criminal (FC) cases in the First and Second Circuits. PC cases encompass criminal felony cases, and misdemeanor cases in which a jury trial was demanded. FC cases encompass abuse of family and household member charges and felony charges involving offenses against household members. Additionally, release status at the conclusion of the first pretrial hearing is unavailable for District Court cases, which encompass the vast majority of the State's misdemeanor and petty misdemeanor level cases, due to data limitations.



## Bail amount - first pretrial hearing

This metric calculates the **monetary bail amounts assigned at the conclusion of the first pretrial hearing** in Circuit or Family Court, by providing the median and the percentage of cases within ranges for bail amounts. If a defendant has monetary bail set, they must pay the amount in order to be released while their case is pending trial. For defendants released on bail, the money they post is meant to ensure court appearance and prevent new crimes. Bail amounts are summarized with the median, which represents the value that is in the middle of a distribution. The average is not provided for bail because the data is skewed, which means the average is not representative.

This metric is not presented statewide due to data limitations. Instead, data is presented for only two case types in the Circuit and Family Courts of the First Circuit and Second Circuit. These case types are described below:

**Note about misdemeanors in Circuit Court Criminal (PC) cases:** Cases filed in Circuit Court largely involve felony level charges. When misdemeanor charges are included in PC cases, it is often due to (1) defendants in District Court requesting a jury trial, resulting in their charges being committed to Circuit Court, or (2) felony level charges that are reduced to a misdemeanor as part of a plea agreement. The majority of misdemeanor cases are adjudicated in District Court. *The bail amounts provided here for misdemeanors should not be used to generalize to all misdemeanor cases.*

**Note about charges in Family Court Criminal (FC) cases:** Criminal cases filed in Family Court involve abuse of a family or household member charges and felony level charges involving offenses against household members. *The bail amounts provided here should not be used to generalize to other case types.*



## Bail amount - first pretrial hearing (cont.)

### First Circuit - City and County of Honolulu

#### Circuit Court Criminal (PC) cases

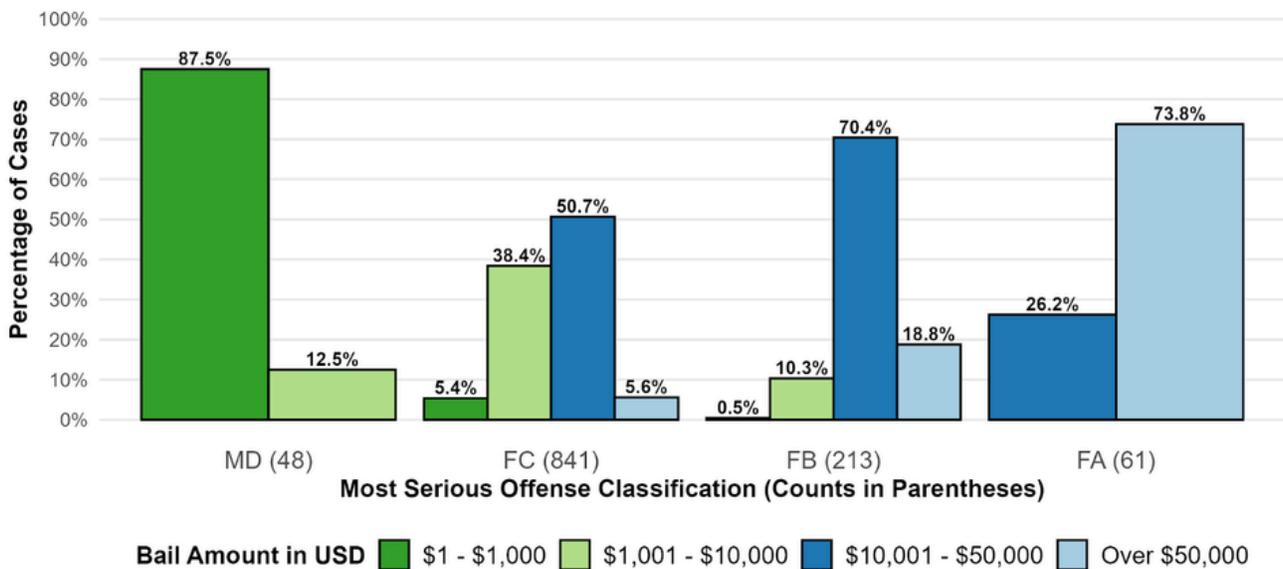
The median bail amount at the conclusion of the first pretrial hearing for cases in the Circuit Court of the First Circuit for cases filed in FY 2025 was \$11,000. Bail amount ranged from \$10 to \$1,000,000. In 51% of cases, bail was between \$10,001 and \$50,000.

For cases in which the most serious offense was a:

- misdemeanor, 87.5% of cases had bail between \$1 and \$1,000.
- class C felony, 50.7% of cases had bail between \$10,001 and \$50,000.
- class B felony, 70.4% of cases had bail between \$10,001 and \$50,000.
- class A felony, 73.8% of cases had bail over \$50,000.

Figure 15

Percentage of First Circuit FY 2025 Circuit Court Cases within a Certain Bail Amount Range by the Most Serious Offense (Total n = 1,163)



For notes and limitations regarding how this metric was calculated, please see [page 50](#).



## Bail amount - first pretrial hearing (cont.)

### Second Circuit - Maui County

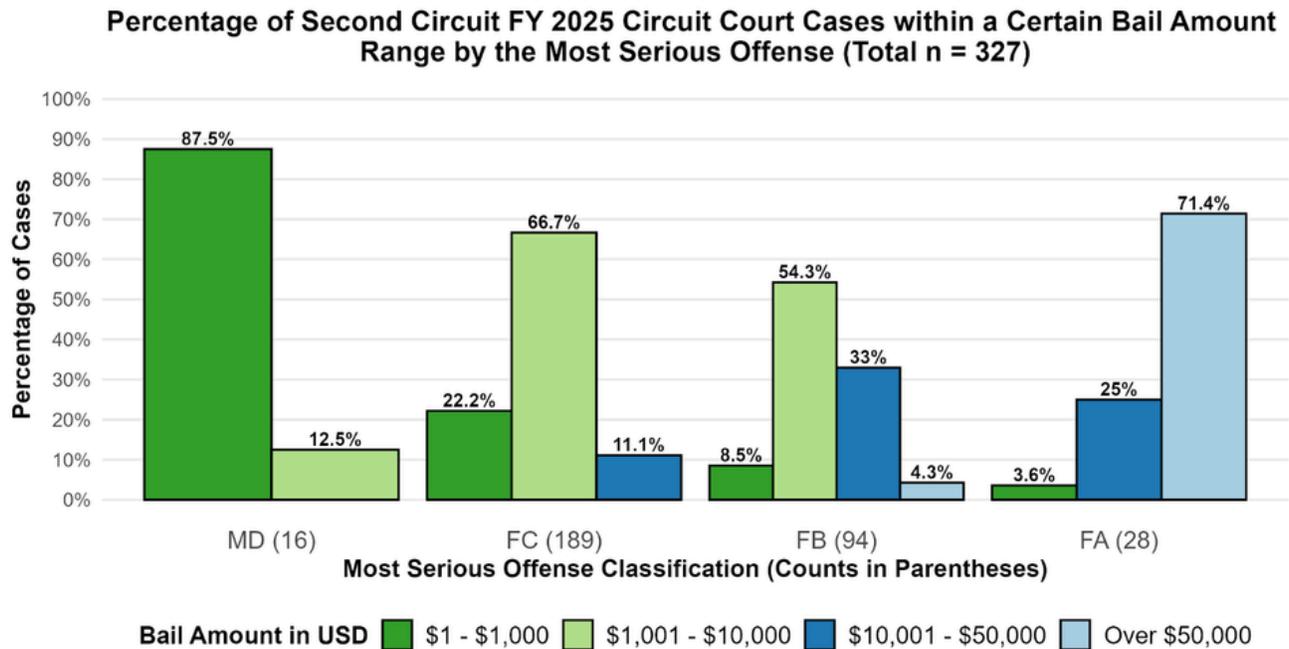
#### Circuit Court Criminal (PC) cases

The median bail amount at the conclusion of the first pretrial hearing for cases in the Circuit Court of the Second Circuit for cases filed in FY 2025 was \$5,000. Bail amount ranged from \$1 to \$1,500,000. In 55% of cases bail was between \$1,001 and \$10,000.

For cases in which the most serious offense was a:

- misdemeanor, 87.5% of cases had bail between \$1 and \$1,000.\*
- class C felony, 66.7% of cases had bail between \$1,001 and \$50,000.
- class B felony, 54.3% of cases had bail between \$1,001 and \$10,000.
- class A felony, 71.4% of cases had bail over \$50,000.\*

Figure 16



\*Indicates small sample size (n < 30).

For notes and limitations regarding how this metric was calculated, please see [page 50](#).



## Bail amount - first pretrial hearing (cont.)

### First Circuit - City and County of Honolulu

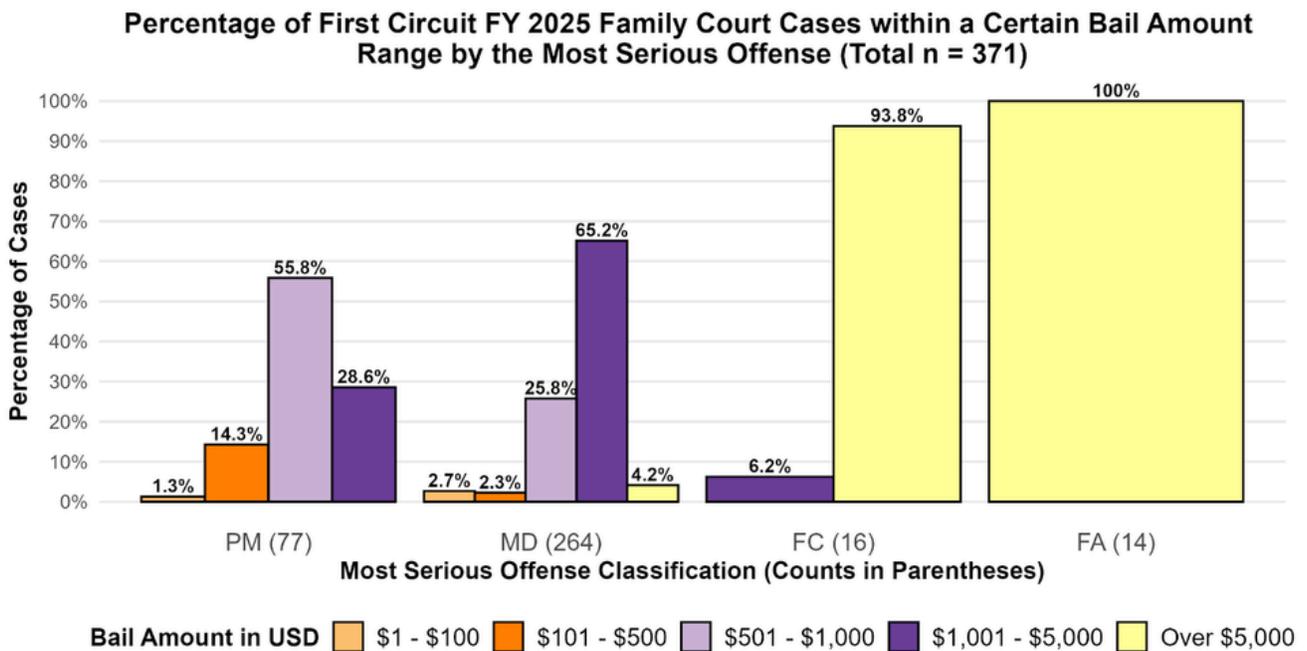
#### Family Court Criminal (FC) cases

The median bail amount at the conclusion of the first pretrial hearing for cases in the Family Court of the First Circuit for cases filed in FY 2025 was \$2,000. Bail amount ranged from \$10 to \$1,000,000. In 53% of cases, bail was between \$1,001 and \$5,000.

For cases in which the most serious offense was a:

- petty misdemeanor, 55.8% of cases had bail between \$501 and \$1,000.
- misdemeanor, 65.2% of cases had bail between \$1,001 and \$5,000.
- class C felony, 93.8% of cases had bail over \$5,000.\*
- class A felony, 100% of cases had bail over \$5,000.\*

Figure 17



\*Indicates small sample size (n < 30).

For notes and limitations regarding how this metric was calculated, please see [page 50](#).



### Bail amount - first pretrial hearing (cont.)

#### Second Circuit - Maui County

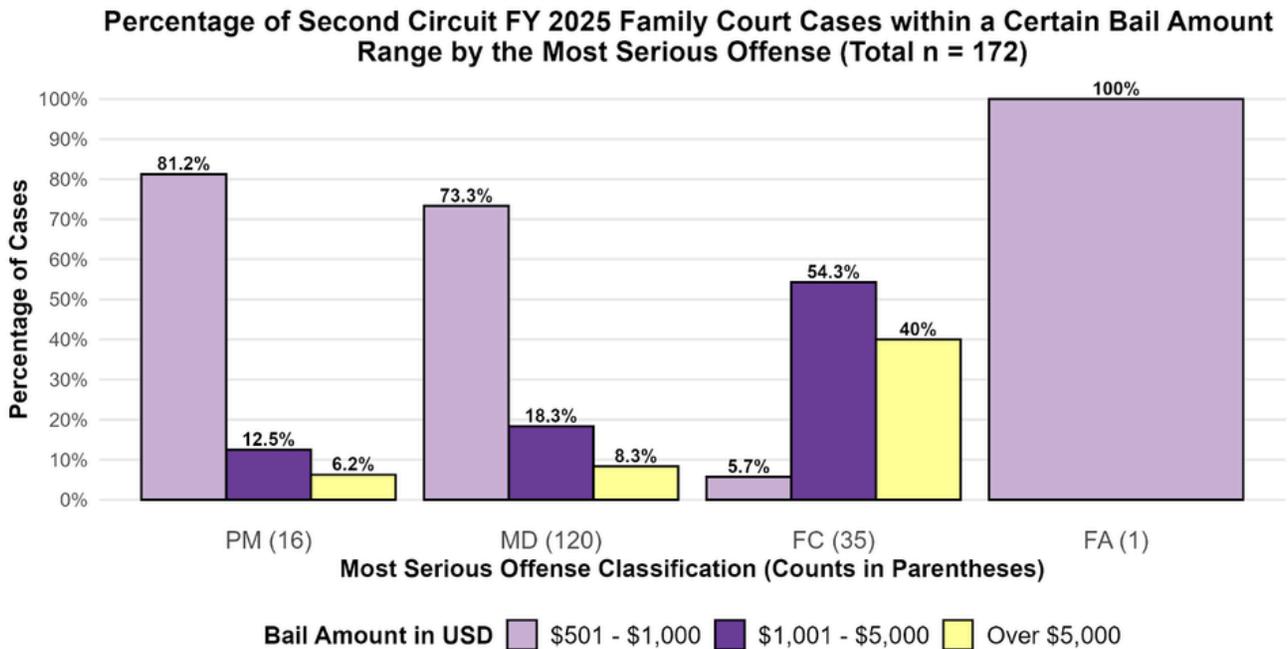
#### Family Court Criminal (PC) cases

The median bail amount at the conclusion of the first pretrial hearing for cases in the Family Court of the Second Circuit for cases filed in FY 2025 was \$1,000. Bail amount ranged from \$1,000 to \$210,000. In 61% of cases, bail was between \$501 and \$1,000.

For cases in which the most serious offense was a:

- petty misdemeanor, 81.2% of cases had bail between \$501 and \$1,000.\*
- misdemeanor, 73.3% of cases had bail between \$501 and \$1,000.
- class C felony, 54.3% of cases had bail between \$1,001 and \$5,000.
- class A felony, 100% of cases had bail between \$501 and \$1,000.\*

Figure 18



\*Indicates small sample size (n < 30).

For notes and limitations regarding how this metric was calculated, please see [page 50](#).



## Bail amount - first pretrial hearing (cont.)

### Takeaways

- The amount of monetary bail assigned to a defendant after the first hearing varied with offense severity, to some degree, in data analyzed in the First Circuit and Second Circuit. For Circuit Court cases, the lowest offense level (misdemeanor) had the greatest percentage of defendants within the lowest bail amount range (\$1-1,000). For the most serious offense level, felony A, the largest percentage of defendants fell within the highest bail amount range (over \$50,000). Within those offense levels, a pattern emerges where bail amount appears to increase with each offense level. This trend occurred within each circuit.
- Though statewide data was not available at this time and circuit trends cannot be established, there were differences in the median bail amounts between the two analyzed. The median bail amounts were higher in the First Circuit: \$11,000 (Circuit Court) and \$2,000 (Family Court). In the Second Circuit, \$5,000 was the median bail amount for Circuit Court and \$1,000 was the median bail amount for Family Court.
- The data on median bail amounts demonstrates that Circuit Court sets higher bail amounts than Family Court. However, this could be expected. Each Circuit Court has a greater number of cases with more serious offense levels as their most serious charge and cases are different between the two different types of courts.

### Notes

- This measure focuses on analyzing bail amount at the conclusion of the first pretrial hearing in a case by most serious offense. Cases can include multiple charges, and each charge can be a different offense level (one charge is a class C felony and another charge is a misdemeanor).
- First pretrial hearing is defined as the defendant's first court hearing in which a judge makes a pretrial release decision - the initial appearance hearing at District Court and the arraignment and plea hearing at Circuit and Family Court. Defendants whose first hearing in a case that



## Bail amount - first pretrial hearing (cont.)

were calendared as another hearing type were excluded from this measure.

- This measure includes bail amounts that were assigned at the police station for misdemeanors or by an on-call judge for felonies prior to the first hearing, in which the defendant paid their bail and was released from custody prior to their first pretrial hearing.
- This measure excludes individuals who were released on recognizance or on supervised release, who were committed without bail, those who were in the custody of DOH, those who were committed without bail, and those who were out of custody at the conclusion of their first pretrial hearing.
- Individuals may be counted in this measure more than once if they had more than one case filed in FY 2025.
  - In some cases, a defendant might receive “nominal bail” for a case if they already have a pending case pretrial. This is often set at a lower amount (e.g., \$10) and ensures the defendant receives credit for time served on their new case.
- Due to slight rounding errors, some percentage totals do not add up to 100% (+/-0.1%).

### Limitations

- Due to data limitations, this metric is only available for Circuit Court Criminal (PC) and Family Court Criminal (FC) cases in the First and Second Circuits. PC cases encompass criminal felony cases, and misdemeanor cases in which a jury trial was demanded. FC cases encompass abuse of family and household member charges and felony charges involving offenses against household members. Additionally, bail amount at the conclusion of the first pretrial hearing is unavailable for District Court cases, which encompass the vast majority of the State’s misdemeanor and petty misdemeanor level cases, due to data limitations.



## Change in release status - after three months

This metric calculates the percentage of defendants who had their **release status change within three months (90 days) of their first pretrial hearing**. This metric captures the first change in release status. This measure helps understand the dynamic nature of pretrial release, where someone's status can change over time while they await trial. For example, some individuals who have monetary bail set at the conclusion of their first hearing may not post bail until a later date.

This metric is not presented statewide due to data limitations. Instead, data is presented for only two case types in the Circuit and Family Courts of the First Circuit and Second Circuit. These case types are described below:

**Note about misdemeanors in Circuit Court Criminal (PC) cases:** Cases filed in Circuit Court largely involve felony level charges. When misdemeanor charges are included in PC cases, it is often due to (1) defendants in District Court requesting a jury trial, resulting in their charges being committed to Circuit Court, or (2) felony level charges that are reduced to a misdemeanor as part of a plea agreement. The majority of misdemeanor cases are adjudicated in District Court. *The change in release status after three months provided here for misdemeanors should not be used to generalize to all misdemeanor cases.*

**Note about charges in Family Court Criminal (FC) cases:** Criminal cases filed in Family Court involve abuse of a family or household member charges and felony level charges involving offenses against household members. *The change in release status after three months provided here should not be used to generalize to other case types.*



## Change in release status - after three months (cont).

### First Circuit - City and County of Honolulu

#### Circuit Court Criminal (PC) cases

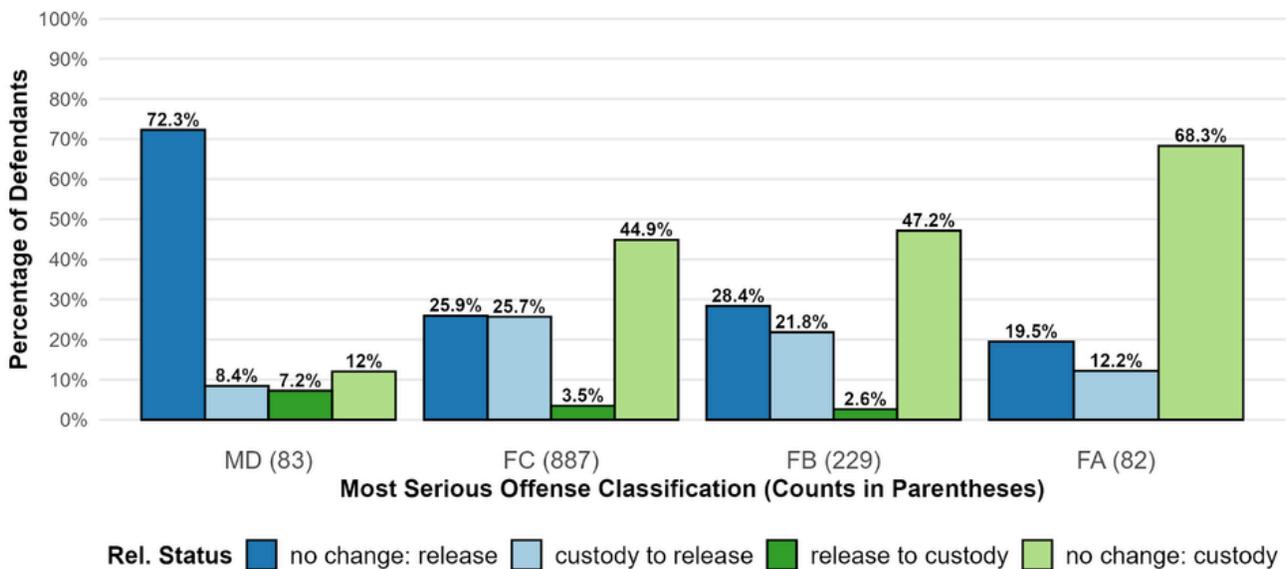
For cases filed in the Circuit Court of the First Circuit in FY 2025, 45% of defendants remained in custody 90 days after their first pretrial hearing, 29% remained on release, 23% went from custody to release, and 3% went from release to custody.

For cases in which the most serious offense was a:

- misdemeanor, 72.3% of defendants remained on release.
- class C felony, 44.9% of defendants remained in custody.
- class B felony, 47.2% of defendants remained in custody.
- class A felony, 68.3% of defendants remained in custody.

Figure 19

Percentage of Defendants Whose Release Status Changed 3 Months after the First Hearing by the Most Serious Offense for First Circuit FY 2025 Circuit Court Cases (Total n = 1,281)



For notes and limitations regarding how this metric was calculated, please see [page 57](#).



## Change in release status - after three months (cont.)

### Second Circuit - Maui County

#### Circuit Court Criminal (PC) cases

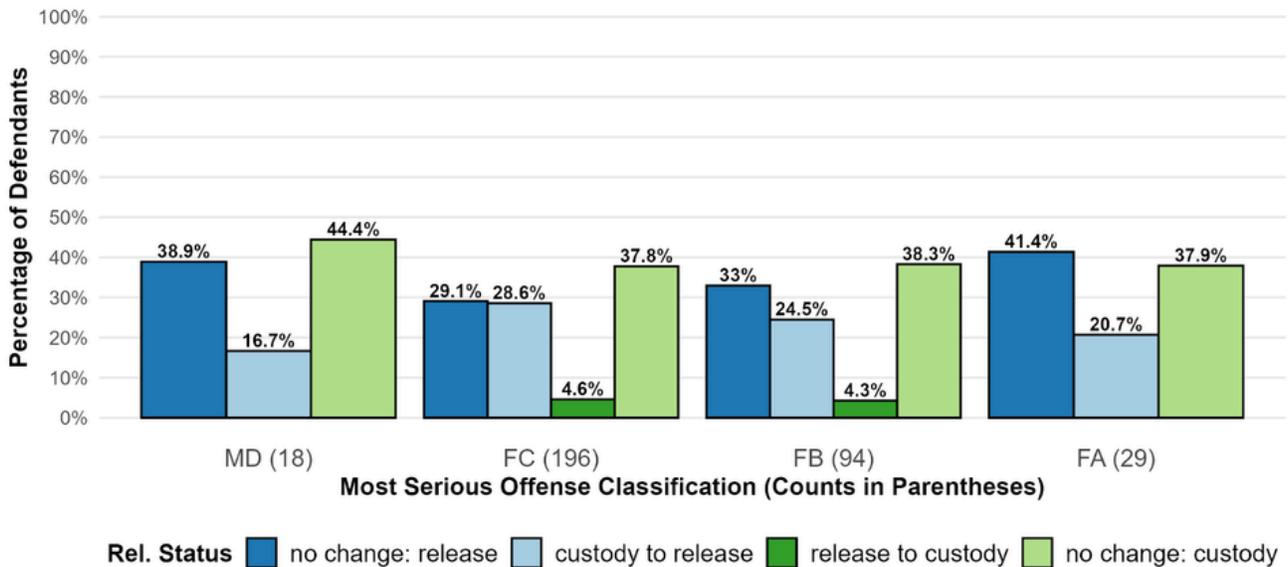
For cases filed in the Circuit Court of the Second Circuit in FY 2025, 38% of defendants remained in custody 90 days after their first pretrial hearing, 32% remained on release, 26% went from custody to release, and 4% went from release to custody.

For cases in which the most serious offense was a:

- misdemeanor, 44.4% of defendants remained in custody.\*
- class C felony, 37.8% of defendants remained in custody.
- class B felony, 38.3% of defendants remained in custody.
- class A felony, 41.4% of defendants remained on release.\*

Figure 20

Percentage of Defendants Whose Release Status Changed 3 Months after the First Hearing by the Most Serious Offense for Second Circuit FY 2025 Circuit Court Cases (Total n = 337)



\*Indicates small sample size (n < 30).

For notes and limitations regarding how this metric was calculated, please see [page 57](#).



## Change in release status - after three months (cont.)

### First Circuit - City and County of Honolulu

#### Family Court Criminal (FC) cases

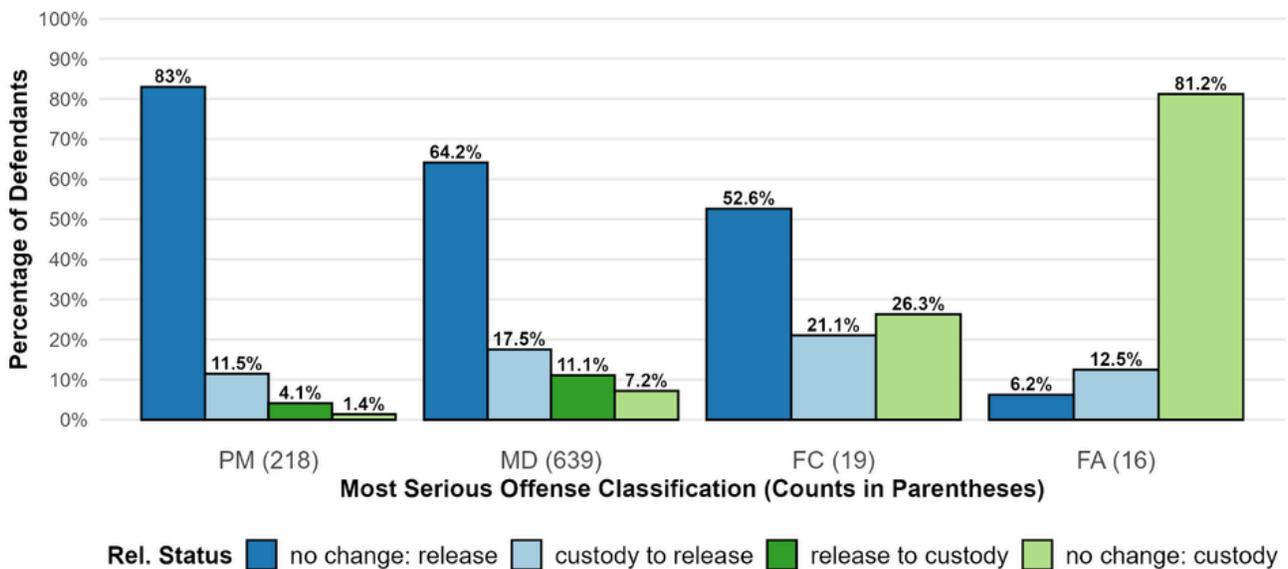
For cases filed in the Family Court of the First Circuit in FY 2025, 67% of defendants remained on release 90 days after their first pretrial hearing, 16% went from custody to release, 9% went from release to custody, and 8% remained in custody.

For cases in which the most serious offense was a:

- petty misdemeanor, 83.0% of defendants remained on release.
- misdemeanor, 64.2% of defendants remained on release.
- class C felony, 52.6% of defendants remained on release.\*
- class A felony, 81.2% of defendants remained in custody.\*

Figure 21

Percentage of Defendants Whose Release Status Changed 3 Months after the First Hearing by the Most Serious Offense for First Circuit FY 2025 Family Court Cases (Total n = 892)



\*Indicates small sample size (n < 30).

For notes and limitations regarding how this metric was calculated, please see [page 57](#).



## Change in release status - after three months (cont.)

### Second Circuit - Maui County

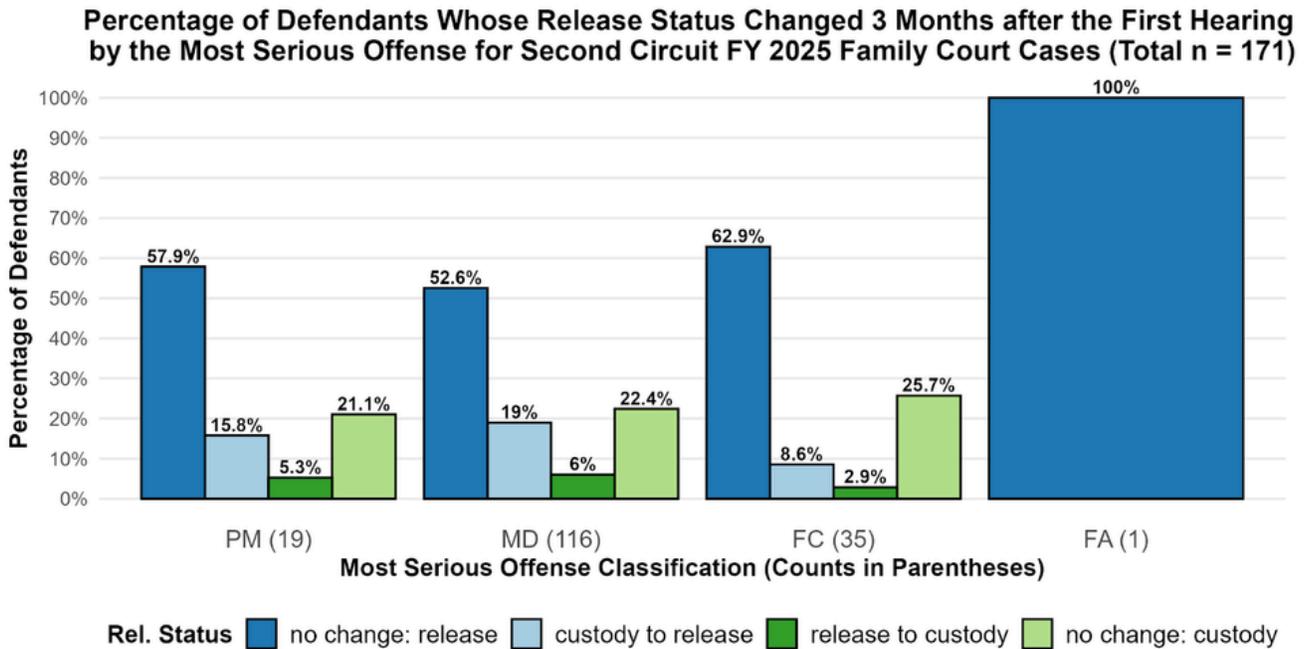
#### Family Court Criminal (FC) cases

For cases filed in the Family Court of the Second Circuit in FY 2025, 56% of defendants remained on release 90 days after their first pretrial hearing, 23% remained in custody, 16% went from custody to release, and 5% went from release to custody.

For cases in which the most serious offense was a:

- petty misdemeanor, 57.9% of defendants remained on release.\*
- misdemeanor, 52.6% of defendants remained on release.
- class C felony, 62.9% of defendants remained on release.
- class A felony, 100% of defendants remained on release.\*

Figure 22



\*Indicates small sample size (n < 30).

For notes and limitations regarding how this metric was calculated, please see [page 57](#).



## Change in release status - after three months (cont.)

### Takeaways

- Many cases in the Circuit Courts did not have a change in release status within three months of their first pretrial hearing. For all cases with a felony offense level as a most serious charge in both First Circuit and Second Circuit, more than half of the cases were *no change* (either remained in custody or remained released).
- For cases with a felony B and felony C as their most serious charge in a case in the Circuit Courts, approximately a fifth to a quarter of defendants had a change in status from *custody to release* within 90 days of their first hearing.
- Regardless of circuit, a majority of cases in the Family Courts maintained a release status. One exception to this trend was for felony A cases in the First Circuit, where more defendants remained in custody (though this sample size was small).
- A large proportion of cases with a misdemeanor or petty misdemeanor offense level as their most serious charge did not have a change in status. However, those heard in Family Court and Circuit Court may not represent the typical case for those lower offense levels.

### Notes

- This measure focuses on change in release status three months after the first pretrial hearing in a case by most serious offense. Cases can include multiple charges, and each charge can be a different offense level (one charge is a class C felony and another charge is a misdemeanor).
- This metric captures the first change in an individual's release status following their first pretrial hearing and within three months (custody → release OR release → custody). This was done in order to demonstrate how frequently persons who were in custody at the conclusion of the first pretrial hearing are able to later secure their release, as well as how frequently persons who were released at the conclusion of their first hearing are returned to custody during pretrial.



## Change in release status - after three months (cont.)

- This metric measures the *change* in status, and does not translate to where an individual is located (in the community on pretrial release or in custody) at the conclusion of the 90 day period following their first pretrial hearing. Rather, it gives an indication of the *first change in status* during the three-month follow up period from the first pretrial hearing. For example, an individual could have been in custody at the conclusion of their first pretrial hearing, be released from custody (which would be captured by this metric), and then return to custody (which would not be captured by this metric) within the 90 days following their first pretrial hearing.
- Individuals may be counted in this measure more than once if they had more than one case filed in FY 2025.
- Due to slight rounding errors, some percentage totals do not add up to 100% (+/-0.1%).

### Limitations

- Due to data limitations, this metric is only available for Circuit Court Criminal (PC) and Family Court Criminal (FC) cases in the First and Second Circuits. PC cases encompass criminal felony cases, and misdemeanor cases in which a jury trial was demanded. FC cases encompass abuse of family and household member charges and felony charges involving offenses against household members. Additionally, change in release status within three months is unavailable for District Court cases, which encompass the vast majority of the State's misdemeanor and petty misdemeanor level cases, due to data limitations.



## OUTCOME METRICS

Outcome metrics measure goals or results within a pretrial system [5]. They provide stakeholders with an understanding of the system's effectiveness at meeting desired objectives.

All outcome metrics reported by CJRI are calculated using adjudicated cases. This was done in order to say for certain whether an outcome occurred or not during the pretrial period of a case. As a result, these metrics are calculated using data from an earlier year than the process metrics to ensure that a large enough percentage of cases are adjudicated. It is important that a large sample of cases be adjudicated to calculate these metrics to ensure that statistics are representative of most cases.

**FY 2023** (July 1, 2022 - June 30, 2023) was used for reporting for all process metrics. Additionally, cases included in outcome metrics were adjudicated by November 30, 2025.

### Length of the pretrial period

page 60

### Release ever

page 68

### New charges

page 75



## Length of the pretrial period

This metric calculates the **length of the pretrial period** by providing the median and the percentage of cases within ranges for days a case was pending adjudication. The length of time is measured from case filing through the date of adjudication (sentencing, acquittal, granting of a deferred prosecution agreement, or dismissal). The length of the pretrial period is important because cases should be adjudicated efficiently to ensure defendant's rights, create resolution for victims and the public, and use system resources efficiently [6].

The statistics presented for this metric include Circuit Court Criminal (PC), Family Court Criminal (FC), and District Criminal Complaint Written (CW) cases statewide and by circuit. Statistics do not include District Criminal Citation (CC) and Traffic Crime (TC) cases due to data limitations.

**Note about misdemeanors and petty misdemeanors:** Cases filed in CW cases involve misdemeanor and petty misdemeanor charges that stem from an arrest and booking by law enforcement officers. CW cases encompass many, but not all misdemeanor charges that are filed in court. CC cases also involve misdemeanor and petty misdemeanor charges, and result from the issuance of a criminal citation by a law enforcement officer. The decision to arrest or cite someone for misdemeanor or petty misdemeanor charges is decided by law enforcement. *The length of the pretrial period provided here for misdemeanors should not be used to generalize to all misdemeanor cases.*



## Length of the pretrial period (cont.)

### Statewide

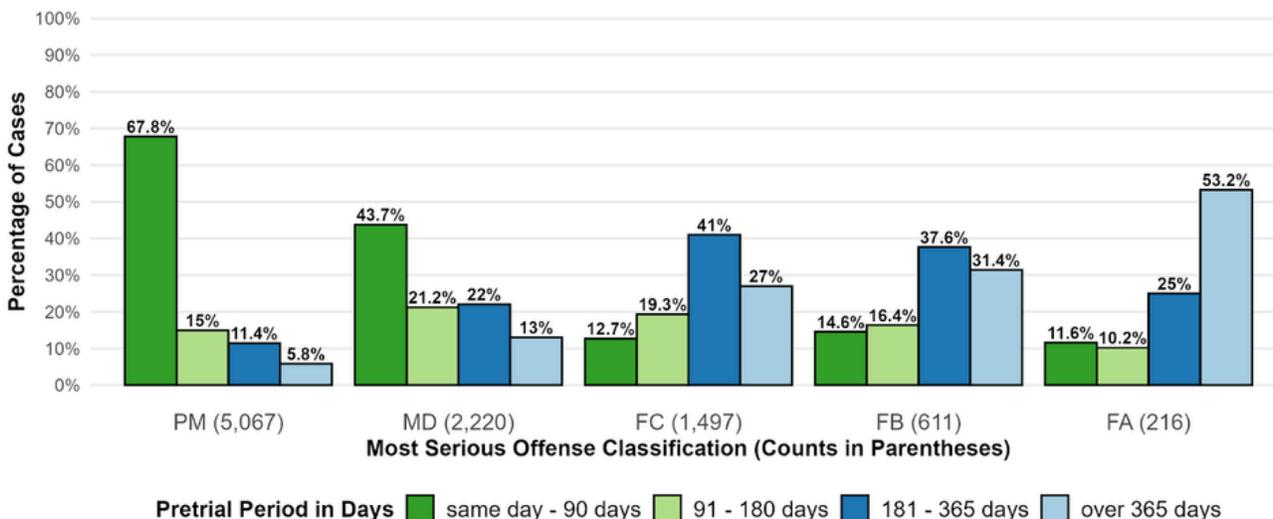
For cases filed statewide in FY 2023 and adjudicated by November 30, 2025, the median length of the pretrial period was 95 days. The pretrial period ranged from the date of case filing to 935 days. The pretrial period for the largest portion of cases was between the date of case filing and 90 days (49%).

For cases in which the most serious offense was a:

- petty misdemeanor, the pretrial period was within 90 days for 67.8% of cases.
- misdemeanor, the pretrial period was between within 90 days for 43.7% of cases.
- class C felony, the pretrial period was between 181 and 365 days for 41.0% of cases.
- class B felony, the pretrial period was between 181 and 365 days for 37.6% of cases.
- class A felony, the pretrial period was over 365 days for 53.2% of cases.

Figure 23

Percentage of Statewide FY 2023 Court Cases within a Certain Pretrial Period Range in Days by the Most Serious Offense (Total n = 9,611)



For notes and limitations regarding how this metric was calculated, please see [page 66](#).



## Length of the pretrial period (cont.)

### First Circuit - City and County of Honolulu

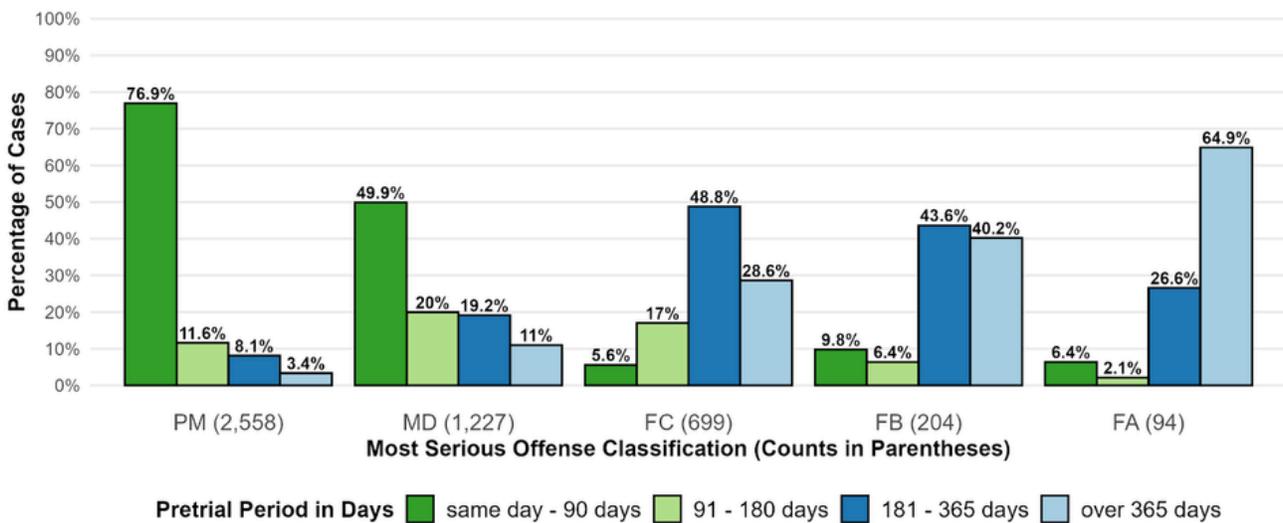
For cases filed in the First Circuit in FY 2023 and adjudicated by November 30, 2025, the median length of the pretrial period was 64 days. The pretrial period ranged from the date of case filing to 895 days. The pretrial period for the majority of cases was between the date of case filing and 90 days (55%).

For cases in which the most serious offense was a:

- petty misdemeanor, the pretrial period was within 90 days for 76.9% of cases.
- misdemeanor, the pretrial period was within 90 days for 49.9% of cases.
- class C felony, the pretrial period was between 181 and 365 days for 48.8% of cases.
- class B felony, the pretrial period was between 181 and 365 days for 43.6% of cases.
- class A felony, the pretrial period was over 365 days for 64.9% of cases.

Figure 24

Percentage of First Circuit FY 2023 Court Cases within a Certain Pretrial Period Range in Days by the Most Serious Offense (Total n = 4,782)



For notes and limitations regarding how this metric was calculated, please see [page 66](#).



## Length of the pretrial period (cont.)

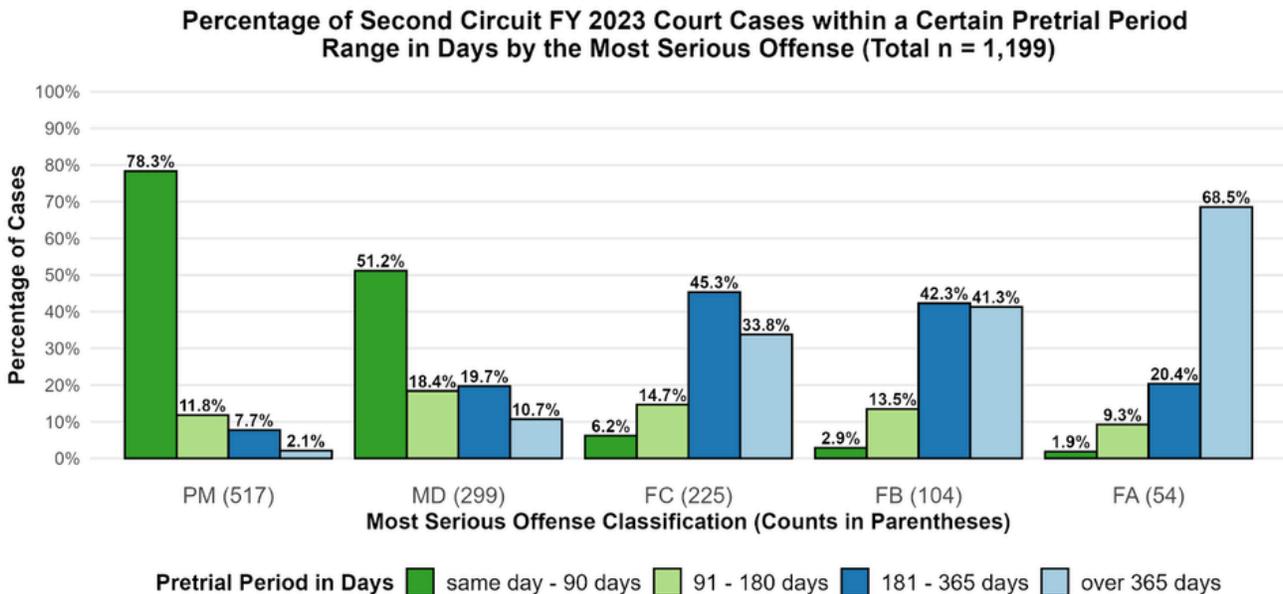
### Second Circuit - Maui County

For cases filed in the Second Circuit in FY 2023 and adjudicated by November 30, 2025, the median length of the pretrial period was 102 days. The pretrial period ranged from the date of case filing to 890 days. The pretrial period for the majority of cases was between the date of case filing and 90 days (48%).

For cases in which the most serious offense was a:

- petty misdemeanor, the pretrial period was within 90 days for 78.3% of cases.
- misdemeanor, the pretrial period was within 90 days for 51.2% of cases.
- class C felony, the pretrial period was between 181 and 365 days for 45.3% of cases.
- class B felony, the pretrial period was between 181 and 365 days for 42.3% of cases.
- class A felony, the pretrial period was over 365 days for 68.5% of cases.

Figure 25



For notes and limitations regarding how this metric was calculated, please see [page 66](#).



## Length of the pretrial period (cont.)

### Third Circuit - Hawai'i County

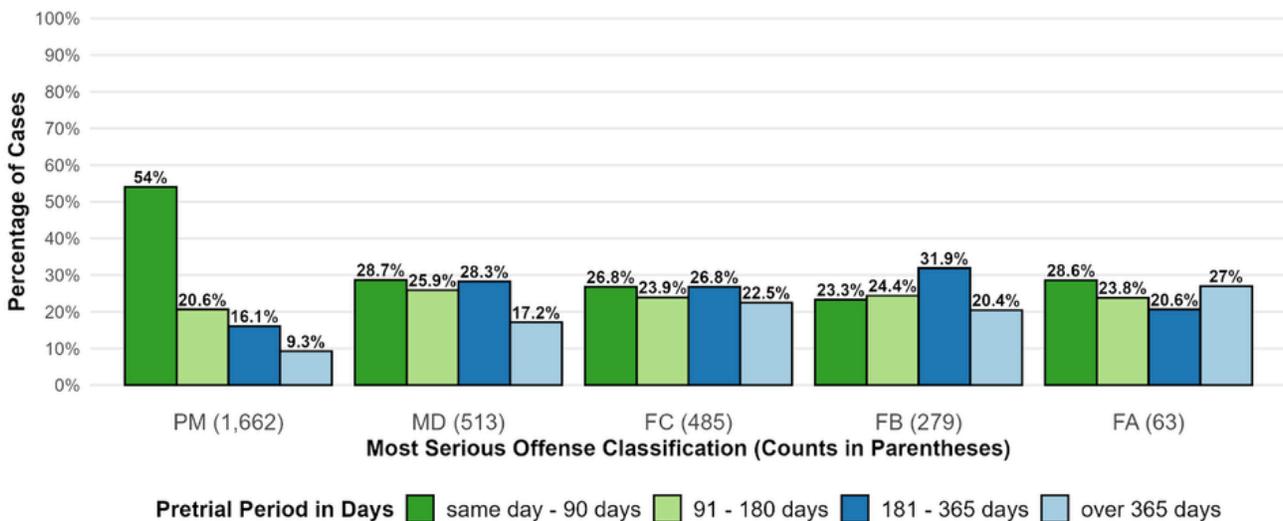
For cases filed in the Third Circuit in FY 2023 and adjudicated by November 30, 2025, the median length of the pretrial period was 115 days. The pretrial period ranged from the date of case filing to 935 days. The pretrial period for the largest portion of cases was between the date of case filing and 90 days (42%).

For cases in which the most serious offense was a:

- petty misdemeanor, the pretrial period was within 90 days for 54.0% of cases.
- misdemeanor, the pretrial period was within 90 days for 28.7% of cases.
- class C felony, the pretrial period was within 90 days for 26.8% of cases and between 181 and 365 days for 26.8% of cases.
- class B felony, the pretrial period was between 91 and 180 days for 31.9% of cases.
- class A felony, the pretrial period was within 90 days for 28.6% of cases.

Figure 26

Percentage of Third Circuit FY 2023 Court Cases within a Certain Pretrial Period Range in Days by the Most Serious Offense (Total n = 3,002)



For notes and limitations regarding how this metric was calculated, please see [page 66](#).



## Length of the pretrial period (cont.)

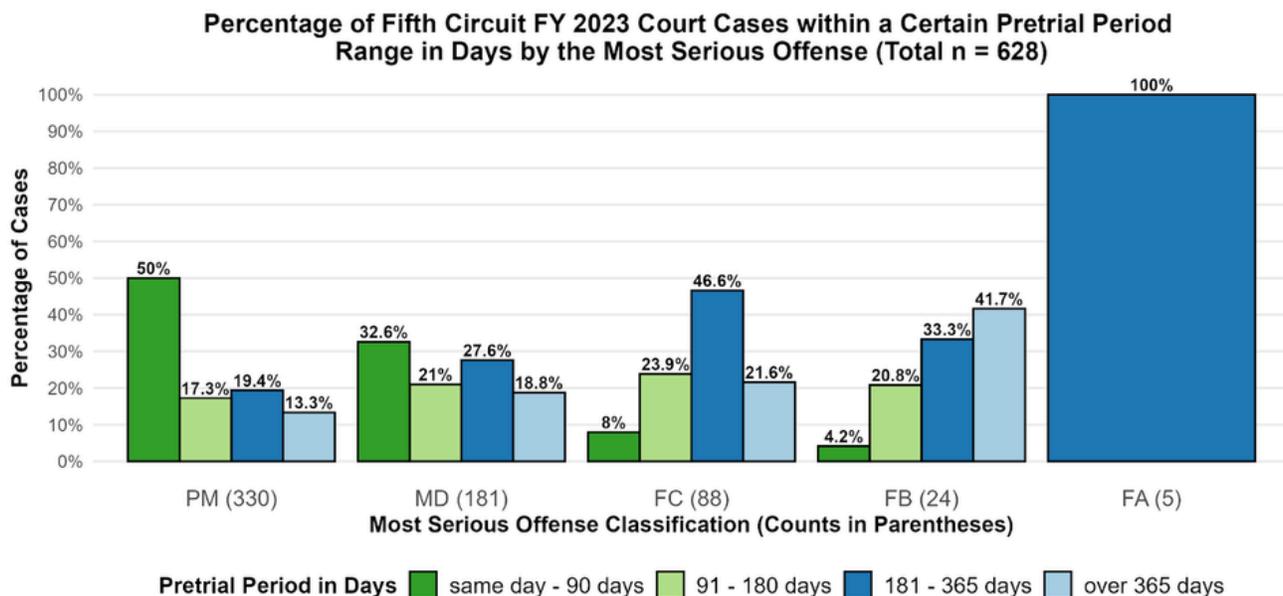
### Fifth Circuit - Kaua'i County

For cases filed in the Fifth Circuit in FY 2023 and adjudicated by November 30, 2025, the median length of the pretrial period was 153 days. The pretrial period ranged from the date of case filing to 881 days. The pretrial period for the largest portion of cases was between the date of case filing and 90 days (37%).

For cases in which the most serious offense was a:

- petty misdemeanor, the pretrial period was within 90 days for 50.0% of cases.
- misdemeanor, the pretrial period was within 90 days for 32.6% of cases.
- class C felony, the pretrial period was between 181 and 365 days for 46.6% of cases.
- class B felony, the pretrial period was over 365 days for 41.7% of cases.\*
- class A felony, the pretrial period was between 181 and 365 days for 100% of cases.\*

Figure 27



\*Indicates small sample size (n < 30).

For notes and limitations regarding how this metric was calculated, please see [page 66](#).



## Length of the pretrial period (cont.)

### Takeaways

- To some extent, the length of the pretrial period appears to vary with offense seriousness. Statewide, cases filed with petty misdemeanor as the most serious offense were adjudicated most quickly. Almost 68% of these cases were pretrial for *90 days or less*, and 94% of cases were adjudicated within a year. Cases where misdemeanor was the most serious offense were adjudicated second most quickly. Close to half (44%) of misdemeanor cases were in pretrial *less than 90 days*, and 13% took *more than a year* to adjudicate.
- Though cases where a felony offense was the most serious charge took longer to adjudicate than petty misdemeanors and misdemeanors, the trends were not as clearly linked within felony offense levels. At the state level, felony C and felony B had a similar distribution of days pretrial for each range.
- While the First Circuit and Second Circuit had similar trends in pretrial length, Third Circuit differed. With the exception of petty misdemeanors, cases had similar proportions by each offense level for the three pretrial lengths of *90 days or less*, *91-180 days*, and *181-365 days* in the Third Circuit. The Fifth Circuit is smaller and therefore more difficult to interpret, though the trends are somewhat similar to the First Circuit and Second Circuit.

### Notes

- This measure focuses on the length of the pretrial period in a case by most serious offense. Cases can include multiple charges, and each charge can be a different offense level (one charge is a class C felony and another charge is a misdemeanor).
- This metric requires cases to be adjudicated in order to analyze the length of the pretrial period.
  - For cases filed in FY 2023, this includes cases filed between July 1, 2022 and June 30, 2023 and adjudicated by November 30, 2025.
- Due to slight rounding errors, some percentage totals do not add up to 100% (+/-0.1%).



## Length of the pretrial period (cont.)

### Limitations

- Due to data limitations, this metric undercounts the number of adjudicated cases in any given year due to cases missing coding markers which are used to indicate adjudication. While this undercounting is expected, it is slight and does not significantly impact the findings and takeaways presented above.



## Release ever during the pretrial period

This metric calculates the percentage of **defendants released to the community** at least once during the pretrial period. Pretrial release must balance due process considerations for those accused of crimes while protecting the public and ensuring court appearance [7]. In other words, pretrial detention is not a punishment, but a tool used by the courts when they determine a defendant is a danger to the community, a threat to witnesses, and/or unlikely to appear at court. Release to the community refers to release on monetary bail, supervised release, or release on recognizance.

This metric is not presented statewide due to data limitations. Instead, data is presented for only two case types in the Circuit and Family Courts of the First Circuit and Second Circuit. These case types are described below:

**Note about misdemeanors in Circuit Court Criminal (PC) cases:** Cases filed in Circuit Court largely involve felony level charges. When misdemeanor charges are included in PC cases, it is often due to (1) defendants in District Court requesting a jury trial, resulting in their charges being committed to Circuit Court, or (2) felony level charges that are reduced to a misdemeanor as part of a plea agreement. The majority of misdemeanor cases are adjudicated in District Court. *The percentage of defendants released ever during the pretrial period provided here for misdemeanors should not be used to generalize all misdemeanor cases.*

**Note about charges in Family Court Criminal (FC) cases:** Criminal cases filed in Family Court involve abuse of a family or household member charges and felony level charges involving offenses against household members. *The percentage of defendants released ever during the pretrial period provided here should not be used to generalize other case types.*



## Release ever during the pretrial period (cont.)

### First Circuit - City and County of Honolulu

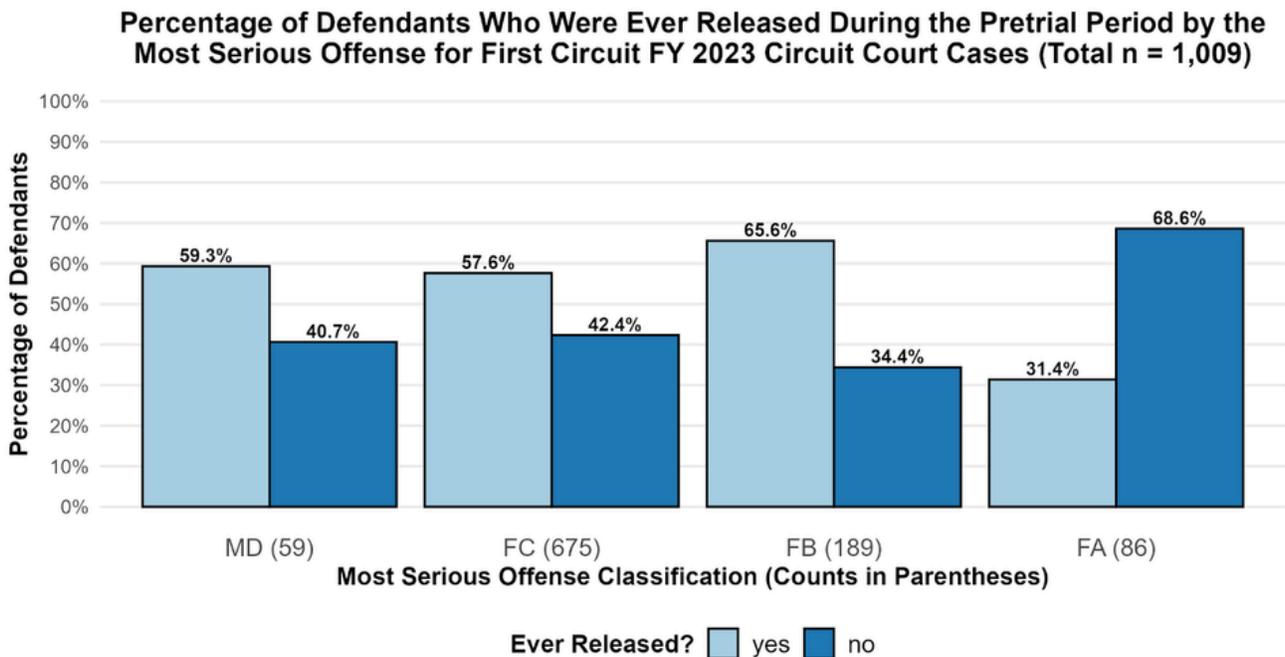
#### Circuit Court Criminal (PC) cases

For cases filed in the Circuit Court of the First Circuit in FY 2023, 57% of defendants were released at least once during the pretrial period of their case and 43% were never released.

For cases in which the most serious offense was a:

- misdemeanor, 59.3% of defendants were released at least once during the pretrial period.
- class C felony, 57.6% of defendants were released at least once during the pretrial period.
- class B felony, 65.6% of defendants were released at least once during the pretrial period.
- class A felony, 68.6% of defendants were never released during the pretrial period.

Figure 28



For notes and limitations regarding how this metric was calculated, please see [page 73](#).



## Release ever during the pretrial period (cont.)

### Second Circuit - Maui County

#### Circuit Court Criminal (PC) cases

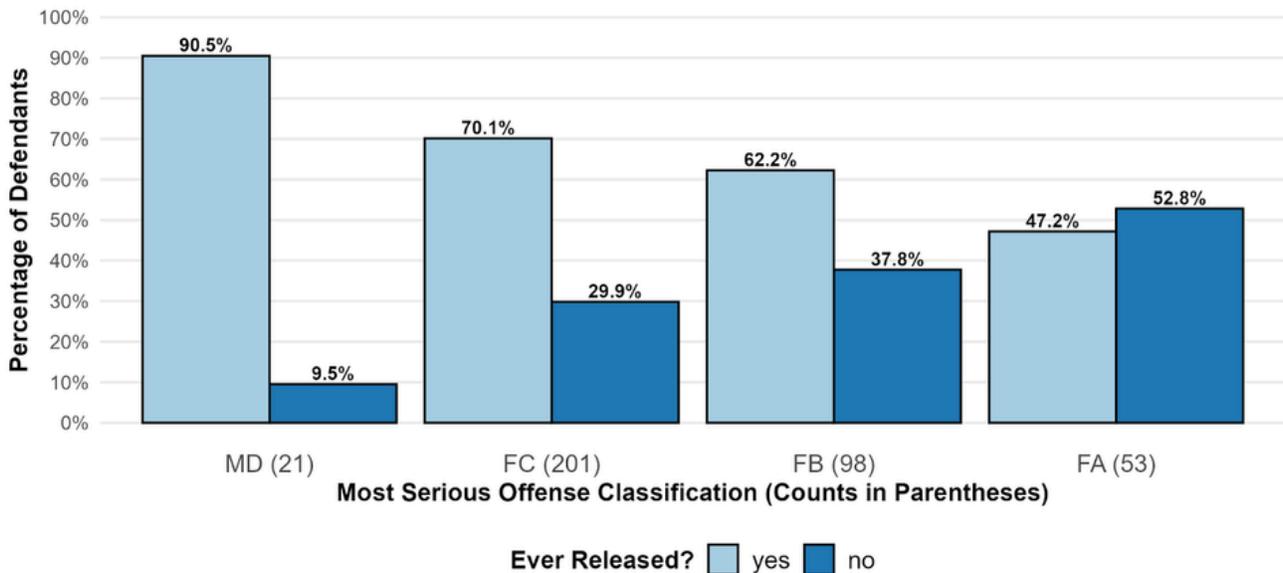
For cases filed in the Circuit Court of the Second Circuit in FY 2023, 66% of defendants were released at least once during the pretrial period of their case and 34% were never released.

For cases in which the most serious offense was a:

- misdemeanor, 90.5% of defendants were released at least once during the pretrial period.\*
- class C felony, 70.1% of defendants were released at least once during the pretrial period.
- class B felony, 62.2% of defendants were released at least once during the pretrial period.
- class A felony, 52.8% of defendants were never released during the pretrial period.

Figure 29

Percentage of Defendants Who Were Ever Released During the Pretrial Period by the Most Serious Offense for Second Circuit FY 2023 Circuit Court Cases (Total n = 373)



\*Indicates small sample size (n < 30).

For notes and limitations regarding how this metric was calculated, please see [page 73](#).



## Release ever during the pretrial period (cont.)

### First Circuit - City and County of Honolulu

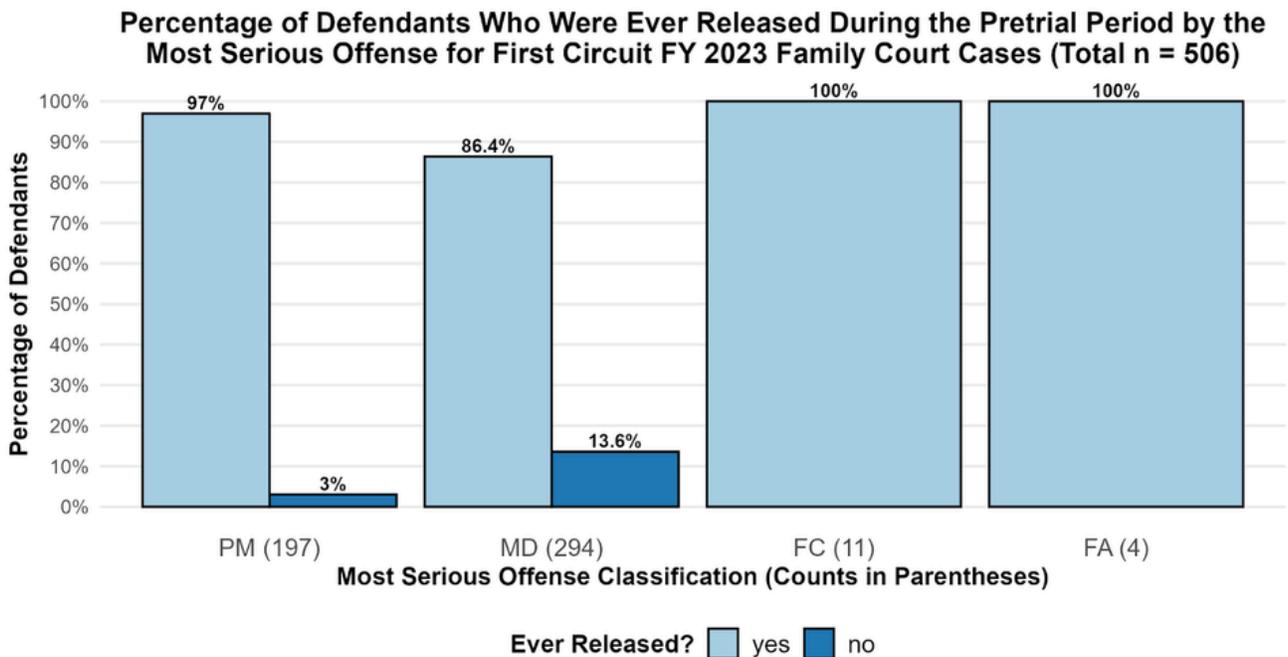
#### Family Court Criminal (FC) cases

For cases filed in the Family Court of the First Circuit in FY 2023, 91% of defendants were released at least once during the pretrial period of their case and 9% were never released.

For cases in which the most serious offense was a:

- petty misdemeanor, 97.0% of defendants were released at least once during the pretrial period.
- misdemeanor, 86.4% of defendants were released at least once during the pretrial period.
- class C felony, 100% of defendants were released at least once during the pretrial period.\*
- class A felony, 100% of defendants were released at least once during the pretrial period.\*

Figure 30



\*Indicates small sample size (n < 30).

For notes and limitations regarding how this metric was calculated, please see [page 73](#).



## Release ever during the pretrial period (cont.)

### Second Circuit - Maui County

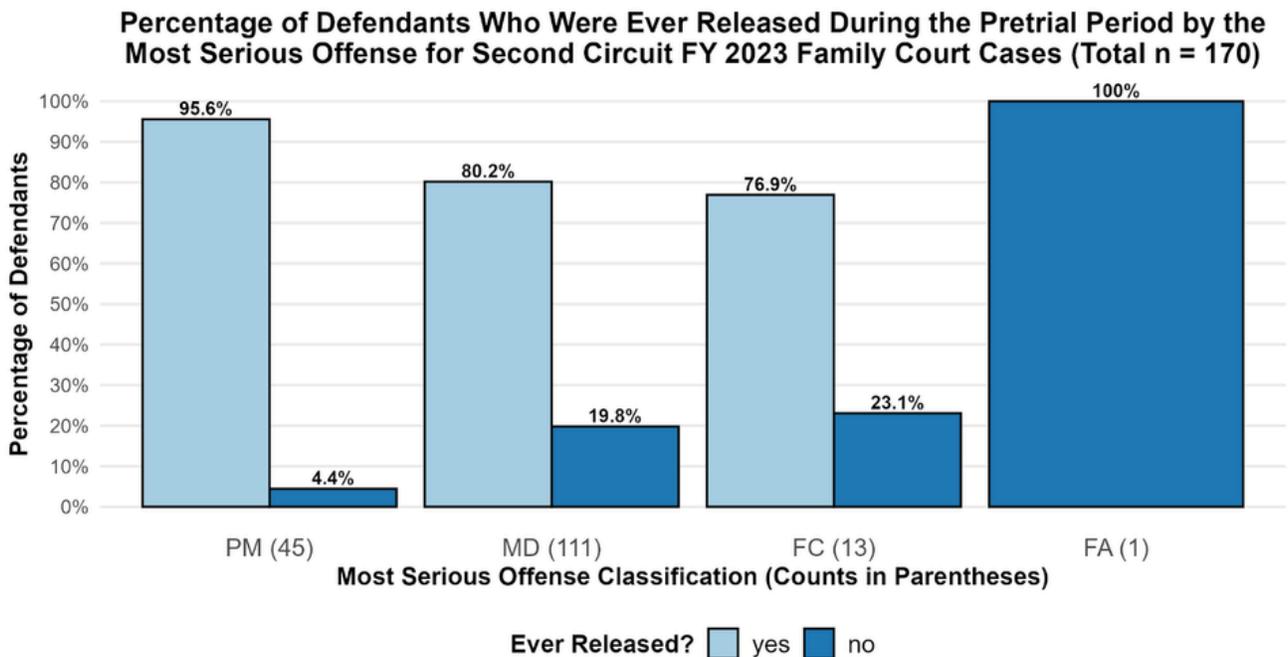
#### Family Court Criminal (FC) cases

For cases filed in the Family Court of the Second Circuit in FY 2023, 83% of defendants were released at least once during the pretrial period of their case and 17% were never released.

For cases in which the most serious offense was a:

- petty misdemeanor, 95.6% of defendants were released at least once during the pretrial period.
- misdemeanor, 80.2% of defendants were released at least once during the pretrial period.
- class C felony, 76.9% of defendants were released at least once during the pretrial period.\*
- class A felony, 100% of defendants were never released during the pretrial period.\*

Figure 31



\*Indicates small sample size (n < 30).

For notes and limitations regarding how this metric was calculated, please see [page 73](#).



## Release ever during the pretrial period (cont.)

### Takeaways

- There was a slight difference between Circuit Court cases in the First Circuit and the Second Circuit for this metric. At the aggregate level, a little over half of the defendants in First Circuit were released at least once during pretrial, while about two thirds of defendants in Second Circuit were released pretrial.
- More defendants were released at some point during the pretrial period in cases from the Family Courts. A majority of defendants (91%) were released at least once in the First Circuit and a majority of defendants (83%) were released at least once in the Second Circuit.
- Since most cases where the most serious charge was petty misdemeanor and misdemeanor offenses were not heard in Family Court or Circuit Court, this data might not reflect their overall trends since it represents a small proportion of them in the state.

### Notes

- This measure focuses on the release ever during the period in a case by most serious offense. Cases can include multiple charges, and each charge can be a different offense level (one charge is a class C felony and another charge is a misdemeanor).
- This metric requires cases to be adjudicated in order to analyze the length of the pretrial period.
  - For cases filed in FY 2023, this includes cases filed between July 1, 2022 and June 30, 2023 and adjudicated by November 30, 2025.
- Due to slight rounding errors, some percentage totals do not add up to 100% (+/-0.1%).

### Limitations

Due to data limitations, this metric is only available for Circuit Court Criminal (PC) and Family Court Criminal (FC) cases in the First and Second Circuits. PC cases encompass criminal felony cases, and misdemeanor cases in which a jury trial was demanded. FC cases encompass abuse of family and household member charges and felony charges involving



## Release ever during the pretrial period (cont.)

offenses against household members. Additionally, release ever during the pretrial period is unavailable for District Court cases, which encompass the vast majority of the State's misdemeanor and petty misdemeanor level cases, due to data limitations.



## New charges

This metric calculates the percentage of defendants **charged with a new offense** during the pretrial period. New charges are operationalized as the filing of a new criminal case with the courts, in which the charges stem from an arrest and booking (rather than a criminal citation). The only charges that are counted are those that have an arrest date and filing date that occurred within the pretrial period of an existing case. The new charges measure is reflective of alleged criminal activity only, not a conviction. This measure helps evaluate new criminal activity among people who are released pretrial, and is used to assess public safety considerations of pretrial decisions.

This metric is not presented statewide due to data limitations. Instead, data is presented for only two case types in the Circuit and Family Courts of the First Circuit and Second Circuit. These case types are described below:

**Note about misdemeanors in Circuit Court Criminal (PC) cases:** Cases filed in Circuit Court largely involve felony level charges. When misdemeanor charges are included in PC cases, it is often due to (1) defendants in District Court requesting a jury trial, resulting in their charges being committed to Circuit Court, or (2) felony level charges that are reduced to a misdemeanor as part of a plea agreement. The majority of misdemeanor cases are adjudicated in District Court. *The percentage of new charges provided here for misdemeanors should not be used to generalize all misdemeanor cases.*

**Note about charges in Family Court Criminal (FC) cases:** Criminal cases filed in Family Court involve abuse of a family or household member charges and felony level charges involving offenses against household members. *The percentage of new charges provided here should not be used to generalize other case types.*



## New charges (cont.)

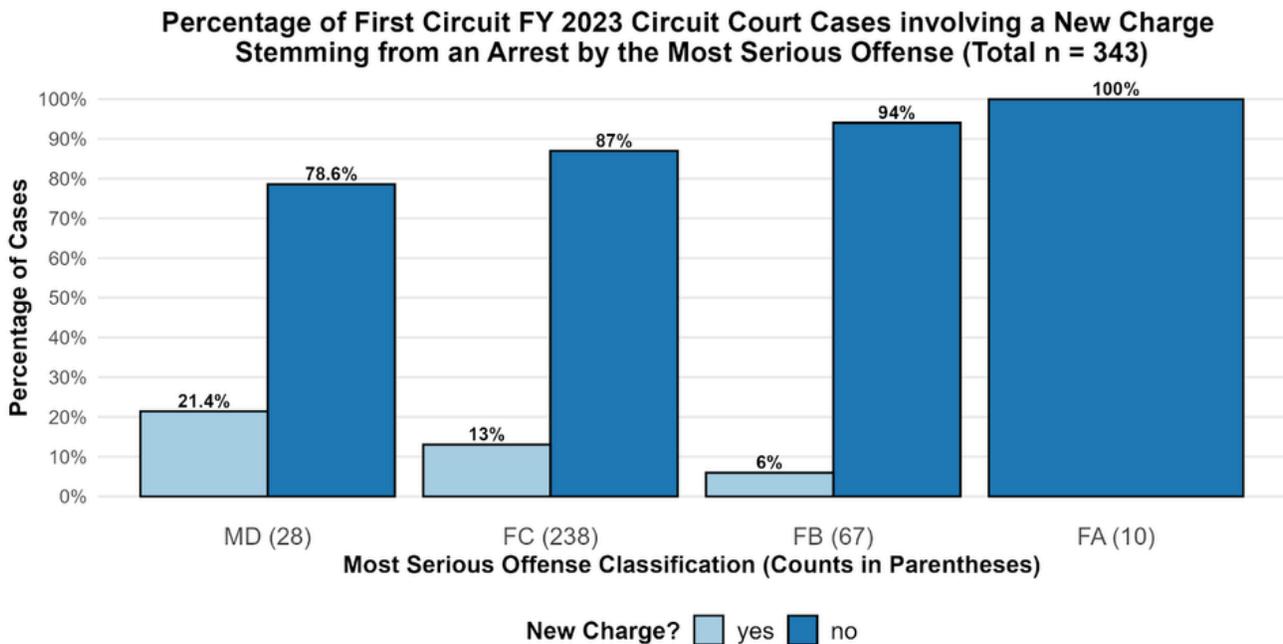
### First Circuit - City and County of Honolulu Circuit Court Criminal (PC) cases

For cases filed in the Circuit Court of the First Circuit in FY 2023, 12% of defendants were charged with a new criminal case stemming from an arrest during the pretrial period and 88% of defendants were not.

For cases in which the most serious offense was a:

- misdemeanor, 21.4% of defendants had new charges filed during the pretrial period.\*
- class C felony, 13.0% of defendants had new charges filed during the pretrial period.
- class B felony, 6.0% of defendants had new charges filed during the pretrial period.
- class A felony, 0% of defendants had new charges filed during the pretrial period.\*

Figure 32



\*Indicates small sample size (n < 30).

For notes and limitations regarding how this metric was calculated, please see [page 80](#).



## New charges (cont.)

### Second Circuit - Maui County

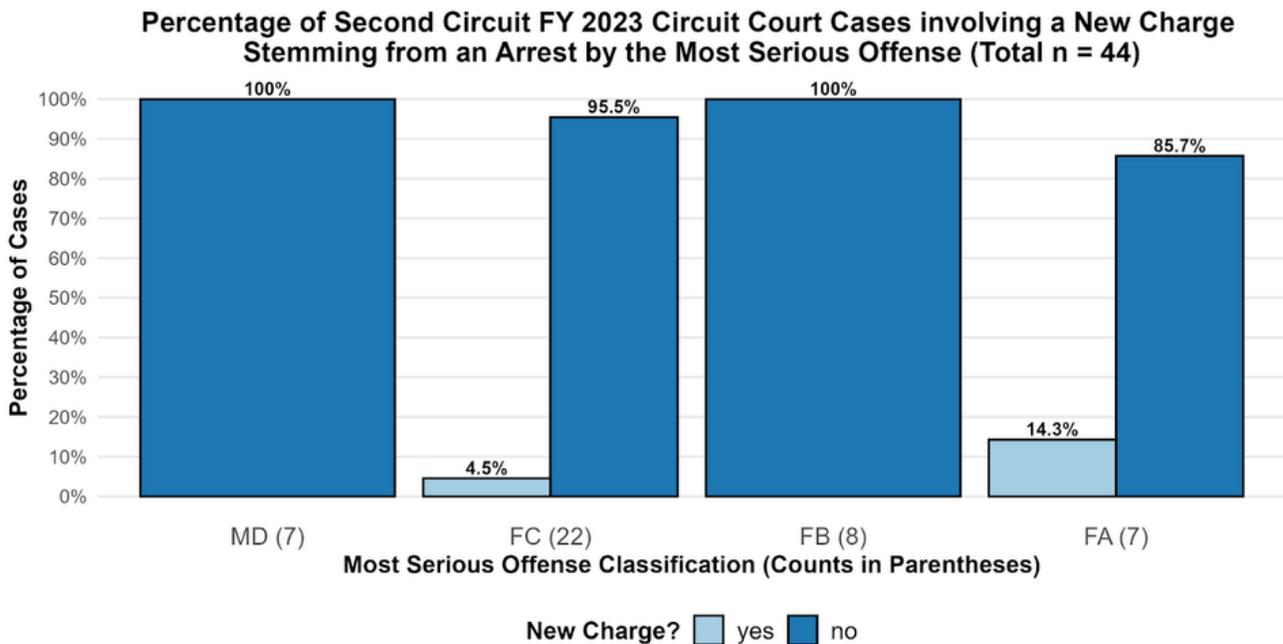
#### Circuit Court Criminal (PC) cases

For cases filed in the Circuit Court of the Second Circuit in FY 2023, 4% of defendants were charged with a new criminal case stemming from an arrest during the pretrial period and 96% of defendants were not.

For cases in which the most serious offense was a:

- misdemeanor, 0% of defendants had new charges filed during the pretrial period.\*
- class C felony, 4.5% of defendants had new charges filed during the pretrial period.\*
- class B felony, 0% of defendants had new charges filed during the pretrial period.\*
- class A felony, 14.3% of defendants had new charges filed during the pretrial period.\*

Figure 33



\*Indicates small sample size (n < 30).

For notes and limitations regarding how this metric was calculated, please see [page 80](#).



## New charges (cont.)

### First Circuit - City and County of Honolulu

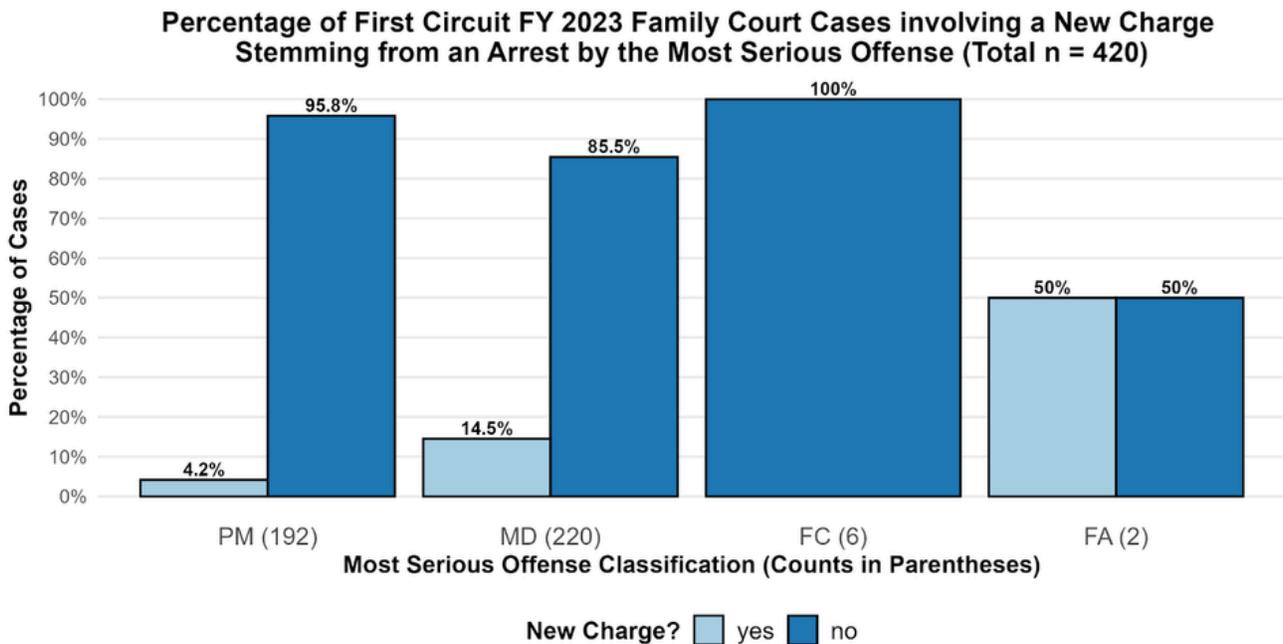
#### Family Court Criminal (FC) cases

For cases filed in the Family Court of the First Circuit in FY 2023, 10% of defendants were charged with a new criminal case stemming from an arrest during the pretrial period and 90% of defendants were not.

For cases in which the most serious offense was a:

- petty misdemeanor, 4.2% of defendants had new charges filed during the pretrial period.
- misdemeanor, 14.5% of defendants had new charges filed during the pretrial period.
- class C felony, 0% of defendants had new charges filed during the pretrial period.\*
- class A felony, 50% of defendants had new charges filed during the pretrial period.\*

Figure 34



\*Indicates small sample size (n < 30).

For notes and limitations regarding how this metric was calculated, please see [page 80](#).



## New charges (cont.)

### Second Circuit - Maui County

#### Family Court Criminal (FC) cases

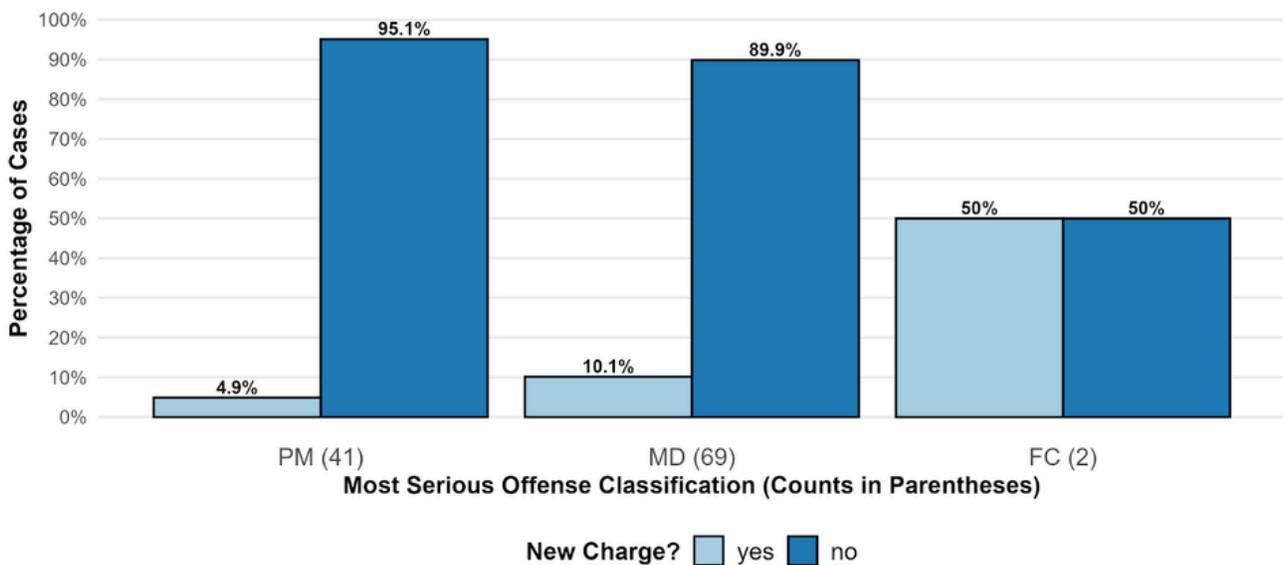
For cases filed in the Circuit Court of the Second Circuit in FY 2023, 9% of defendants were charged with a new criminal case stemming from an arrest during the pretrial period and 91% of defendants were not.

For cases in which the most serious offense was a:

- petty misdemeanor, 4.9% of defendants had new charges filed during the pretrial period.
- misdemeanor, 10.1% of defendants had new charges filed during the pretrial period.
- class C felony, 50% of defendants had new charges filed during the pretrial period.\*

Figure 35

Percentage of Second Circuit FY 2023 Family Court Cases involving a New Charge Stemming from an Arrest by the Most Serious Offense (Total n = 112)



\*Indicates small sample size (n < 30).

For notes and limitations regarding how this metric was calculated, please see [page 80](#).



## New charges (cont.)

### Takeaways

- Most defendants released during pretrial did not get charged for new crimes.
- The sample size was small for most offense levels in this analysis, but the sample size was the largest for people who had a felony B or C as their most serious offense charge in their initial case in the First Circuit. The new charge rate for people initially charged with felony C offenses as their most serious offense was 13% and it was 6% for those charged for a felony B offense.
- In Family Court, sample sizes were small for felonies in both circuits. For defendants charged with a misdemeanor offense as their most serious charge in their initial case, less than 15% of defendants were charged for new crimes during pretrial release in both circuits. However, these misdemeanors may not generalize to all cases since they are specific to ones processed in Family Court or Circuit Court.

### Notes

- Several charges were excluded from analysis when they were the only charge in a case (representing a new charge), as they do not constitute the commission of a new criminal act while on pretrial release. Rather, these charges relate to technical violations for past criminal behaviors, supervision violations for pretrial or post-conviction (probation or parole) supervision, and other violations. These charges include:
  - HRS § 803-6(a)(b) Arrest, how made.
  - HRS § 710-1077(g) Criminal contempt of court.
  - HRS § 804-7.1 Conditions of release on bail, recognizance, or supervised release.
  - HRS § 804-7.2 Violations of conditions of release on bail, recognizance, or supervised release.
  - HRS § 804-7.3 Sanctions for violation of conditions of release on bail, recognizance, or supervised release.
  - HRS § 804-14 Discharge of sureties.
  - HRS § 804-41 Discharge of surety.



## New charges (cont.)

- HRS § 804-51 Procedure (for forfeiture).
- HRS § 710-1024 Bail jumping in the first degree.
- HRS § 710-1025 Bail jumping in the second degree.
- HRS § 704-413 Conditional release; application for modification or discharge; termination of conditional release and commitment.
- HRS § 853-3 Violation of terms and conditions during deferment.
- HRS § 706-624 Conditions of probation.
- HRS § 706-625 Revocation, modification of probation conditions.
- HRS § 706-626 Summons or arrest of defendant on probation.
- HRS § 353-65 Paroles; rules.
- HRS § 353-66 Terms and conditions of parole; suspension and revocation.
- HRS § 844D-111 Refusal or failure to provide specimen for forensic identification.
- This measure focuses on the new charges in a case by most serious offense. Cases can include multiple charges, and each charge can be a different offense level (one charge is a class C felony and another charge is a misdemeanor).
- Persons who are detained for the entirety of the pretrial period for the case of interest were excluded from new charges analysis. This was done in order to avoid the capture of new charges that were filed as the result of misconduct while an individual was in jail. While misconduct in jail that rises to the level of criminal charges being filed is a serious occurrence, this metric intends to focus on new charges while an individual is in the community on pretrial release.
- This metric requires cases to be adjudicated before analyzing whether new charges were filed during the pretrial period.
  - For cases filed in FY 2023, this includes cases filed between July 1, 2022 and June 30, 2023 and adjudicated by November 30, 2025.
- Prior pending cases for the preceding two fiscal years prompted exclusion from the sample. For example, if an individual had a prior case from FY 2021 or 2022 that was pending during the time their case was filed in FY 2023, the FY 2023 case was excluded from the sample. This type of FY 2023 case was excluded from analysis because it would count as a new charge for the prior pending case from FY 2021 or FY



## New charges (cont.)

2022, which would disqualify it from being a reference case for new charges.

- Due to slight rounding errors, some percentage totals do not add up to 100% (+/-0.1%).

### Limitations

- Not all case types are analyzed as cases of interest due to data limitations with District Complaint Written (CW) cases and Circuit Court Criminal (PC) and Family Court Criminal (FC) cases in the Third and Fifth Circuits.
- It is not uncommon for defendants to cycle between detainment and release during the pretrial period. While this metric excludes cases in which the defendant was never released as cases of interest in an effort to avoid the capture of new charges while the defendant was detained, due to data limitations, this metric is unable to exclude new charges that were committed while a defendant was detained after they were released. To illustrate, some defendants might commit serious crimes while they are in jail. However, it is unlikely that many defendants who are both released then brought into custody commit serious crimes in jail (at least to a degree that statistics would be skewed).
- Due to limitations in record matching and linking across different data sources required to produce this metric, the new charges measure is limited to cases (both the case of interest and new charges cases) which stemmed from an arrest. Generally, these case types include Circuit Court Criminal (PC), Family Court Criminal (FC), and District Complaint Written (CW) cases. For the most part, these cases stem from an arrest and booking (rather than a criminal citation), and involve an SID number - a unique individual identifier, which is critical to linking different cases to the same person.
  - Any cases that did not have an SID present, or those which stemmed from a criminal citation, were excluded as reference cases.



## Key Terms

- *Pretrial period*: The period of time between the date of a criminal case filing with the courts and the date of adjudication.
- *Adjudication date*: The date of sentencing, granting of a deferral agreement, acquittal, or dismissal.
- *Adjudicated case*: A case in which all charges have been terminally disposed and the case has resulted in conviction and sentencing, granting of a deferral agreement, acquittal, or dismissal.
- **Case Types**
  - *Circuit Court Criminal cases (PC)*: Cases which involve felony level charges, as well as misdemeanor level charges which have been transferred from District court in which a jury trial was requested.
  - *Family Court Criminal cases (FC)*: Cases which involve abuse of a family or household member charges and felony level charges involving offenses against household members.
  - *District Court Criminal Complaint Written cases (CW)*: Cases which involve misdemeanor level charges and lower, or offenses punishable by up to one year of incarceration, stemming from an arrest and booking.
- **Circuits**
  - *First Circuit*: City and County of Honolulu (O`ahu)
  - *Second Circuit*: Maui County
  - *Third Circuit*: Hawai`i County
  - *Fifth Circuit*: Kaua`i County
- **Offense Severity Levels**
  - *Class A felony (FA)*: Offenses which are punishable by up to 20 years of incarceration (prison), as well as second degree murder, which is punishable by life in prison with the possibility of parole, and first degree murder, which is punishable by life in prison without the possibility of parole.
  - *Class B felony (FB)*: Offenses which are punishable by up to 10 years of incarceration (prison).
  - *Class C felony (FC)*: Offenses which are punishable by up to five years of incarceration (prison).



- *Misdemeanor (MD)*: Offenses which are punishable by up to one year of incarceration (jail).
- *Petty misdemeanor (PM)*: Offenses which are punishable by up to 30 days of incarceration (jail).
- **Release Statuses**
  - *In custody*: Includes persons in DCR custody, covering persons committed without bail, persons with unpaid monetary bail, or persons in DOH custody.
  - *Release on monetary bail*: Includes persons who were assigned monetary bail (financial conditions of pretrial release) and who paid their bail, either through cash or professional surety bond, thereby securing their release from pretrial detention.
  - *Supervised release*: Includes persons who are subject to court ordered supervision by ISC staff and compliance with court ordered conditions of release.
  - *Release on recognizance*: Includes persons who are released on a written promise to appear for all future court hearings and who are not subject to financial conditions of pretrial release.
  - *Out of custody*: Includes persons who have a pending bench warrant or are subject to discharge of sureties or bail forfeiture. These individuals are neither in the custody of DCR or DOH or in the community on a form of court approved release (release on monetary bail, supervised release, release on recognizance).



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