UNDERSTANDING MULTI-CHARGE CASES IN VERMONT: A DESCRIPTIVE ANALYSIS

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Descriptive Analysis of Multiple Charge Cases

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Introduction

Prosecutors are vested with broad discretionary authority in deciding how to charge criminal conduct. They determine which offenses to pursue, how many counts are supported by the facts, and the level of severity those facts justify. Scholars have long examined how these charging decisions influence case outcomes and sentencing patterns. This body of research has identified a practice known as "charge stacking," in which a prosecutor lawfully brings multiple charges against a defendant to increase leverage and encourage a plea bargain. Because charging decisions involve both significant discretion and substantial consequences, they can profoundly shape not only the trajectory of a case but also the defendant's ultimate exposure to punishment.

Stacking charges can increase both the potential penalties a person faces and the seriousness of the offenses. For example, the crime of burglary, a felony, also includes the crime of trespassing which often charges as misdemeanor. A prosecutor may charge both offenses, even though the person cannot be convicted of both for the same conduct. Nevertheless, the risk of a felony conviction and its accompanying penalties can pressure a defendant to accept a plea deal that results in a harsher sentence on the trespassing charge than they might have faced if only the misdemeanor had been charged.

Scholars have long recognized anecdotal evidence of this practice, and several have attempted to study it empirically. These efforts, however, are not without significant challenges. Most notably, there is no clear or consistent way to operationalize a definition of "charge stacking."

For instance, CRG reviewed a recent Vermont case that was dismissed after more than 100 charges of violations of conditions of release were filed. The incident dates on each count spanned a month and a half period. Would Vermont stakeholders consider this excessive charging? Or, is it a product of the person evading arrest for a period of time, with all the charges accumulating and filed after an arrest? The answer may also depend on the nature of the alleged violations. For example, they could have involved repeated acts of harassment against a former partner, or more technical noncompliance, such as failing to update the court with a change of address. This single example illustrates the difficulty of defining what constitutes "stacked charges."

Because of these definitional challenges, scholars often rely on simplified proxies, most commonly, counting the number of charges and treating any case with more than one charge as an instance of "charge stacking." For example, a Harvard Law Review Note[1], examined the frequency of multiple charges in federal and in select states courts. They were not able to account for the type of charge, alternative dispositions, or other important factors in case resolution. In a forthcoming article[2], Prof. Thomas Clark examined multiple charge felony cases in Cook County, Illinois. Using data provided by the Cook County State's Attorney's Office, which included the prosecutor's designations of a "primary" charge, Clark treats all secondary charges as discretionary and, therefore, indicative of potential charge stacking.

CRG undertook this exploration to better understand the prevalence and implications of multi-charge cases in Vermont. Given the lack of a clear, shared definition of "charge stacking" in the literature, the goal is not simply to count charges, but to examine how multiple charges function in practice and how they shape case outcomes.

More specifically, this effort seeks to identify where greater clarity and consensus are needed among Vermont stakeholders such as prosecutors, defense counsel, and policymakers regarding how to define, measure, and interpret multi-charge cases. This includes questions about which charges are truly discretionary, how to account for varying offense types and case contexts, and how multiple charges influence plea negotiations, case disposition, and sentencing. By developing a more consistent framework, CRG aims to support more meaningful analysis of prosecutorial decision-making and its downstream effects on the justice system.

Description of Cohort

This descriptive analysis examines 33,898 criminal cases involving multiple charges. For the purposes of this study, multi-charge cases are defined as those in which charges were arraigned on the same day, in the same county, against the same individual. The cohort is limited to offenses arraigned after 2018 and resolved between 2022 and 2024.

The dataset includes both misdemeanor and felony cases and spans a broad range of offense categories, including property, drug, violent, and public order offenses. Cases were drawn from disposition-level extracts provided to CRG by the Vermont Judiciary. Where available, the analysis also incorporates demographic information to better contextualize case patterns and outcomes.

[1] https://harvardlawreview.org/print/vol-136/stacked-where-criminal-charge-stacking-happens-and-where-it-doesnt/

[2] https://static1.squarespace.com/static/58d3d264893fc0bdd12db507/t/6998b3c097c88b7b2b1c3409/1771615168982/chargeStacking.pdf

The number of charges filed against an individual on the same day in the same county ranged from 1 to 109. Just over half of all cases (approximately 52%) involved a single charge.Across the full sample, cases averaged 2.15 charges, with a median of 1, indicating that while most cases were relatively simple, a notable portion involved multiple charges.

Demographics

Demographic patterns point to potential differences in charging practices across groups. Approximately half of the men in the cohort faced multiple charges, compared to about 43% of women, suggesting that men may be more likely to be charged in multi-count cases.

Table 1

Total Filed Group	Female	Male	Non-binary	Not Reported	Unkown
1	56.56%	50.52%	50.00%	50.51%	53.43%
2	24.16%	25.55%	33.33%	27.27%	28.96%
3 to 5	15.63%	18.40%	16.67%	18.18%	15.22%
Six or More	3.64%	5.53%	0.00%	4.04%	2.39%

A higher percentage of Black (52%) and Indigenous (56%) defendants had more than one charge compared to White defendants (52%).

Table 2

Total Filed	Asian	Black	Indigenous	Not Reported	Unknown	White
1	54.25%	47.82%	37.14%	51.61%	54.44%	52.25%
2	25.47%	24.66%	17.14%	27.02%	28.50%	25.01%
3 to 5	16.51%	21.07%	40.00%	16.33%	14.37%	17.66%
Six or More	3.77%	6.46%	5.71%	5.04%	2.69%	5.08%

Younger defendants were more likely than older individuals to face multiple charges, with those under 18 at arraignment having the highest likelihood of being charged with more than one offense. The dataset includes 43 cases involving defendants under the age of 18.

Table 3

Age Group	1	2	3 to 5	Six or More
Under 18	44.19%	27.91%	27.91%	0.00%
18-20	50.24%	24.93%	20.39%	4.44%
21-25	51.98%	26.06%	17.03%	4.93%
26-29	50.91%	25.77%	18.05%	5.27%
30-39	50.37%	24.79%	19.10%	5.73%
40-49	53.90%	24.75%	16.89%	4.47%
50-59	54.11%	26.26%	15.75%	3.87%
60-69	57.84%	24.47%	13.82%	3.87%
70 and Older	54.81%	26.68%	12.02%	6.49%

Geographic variation was also apparent. Windham County had the lowest share of single-charge cases (39.6%), while Franklin County had the highest (64%), indicating notable differences in charging patterns across counties.

Table 4

County	1	2	3 to 5	Six or More
Addison	58.00%	21.00%	16.11%	4.89%
Bennington	46.49%	27.15%	20.61%	5.75%
Caledonia	45.68%	28.61%	19.31%	6.40%
Chittenden	59.44%	22.47%	14.22%	3.87%
Essex	46.19%	23.73%	20.76%	9.32%
Franklin	64.16%	19.39%	14.05%	2.39%
Grand Isle	58.54%	19.92%	17.48%	4.07%
Lamoille	59.56%	21.39%	14.05%	5.00%
Orange	55.61%	25.60%	14.48%	4.30%
Orleans	42.02%	27.79%	21.97%	8.22%
Rutland	52.23%	26.46%	17.05%	4.27%
Washington	44.24%	28.84%	21.21%	5.71%
Windham	39.58%	28.98%	23.90%	7.54%
Windsor	50.97%	27.37%	16.95%	4.70%

Why Counting Charges Alone is not Sufficient

As the data were explored, it became clear that simply counting the number of charges would risk mischaracterizing the results. A clear example arises with first-offense driving under the influence (DUI). Under 23 V.S.A. § 1201, a DUI can be charged either as operating with a blood alcohol concentration over .08 or as impaired driving. Although a defendant cannot be convicted of both, charging practices vary by county: Windham County frequently charges both offenses, while Chittenden County often charges only one. Conversations with stakeholders indicated that, from the defense perspective, this practice does not appear to increase workload or meaningfully affect case outcomes.

A similar issue arises with assault offenses. Individuals may be charged separately for each act of violence against a victim, whether in domestic or non-domestic contexts. Some stakeholders might view this as "charge stacking," but CRG found no clear consensus on that interpretation. The complexity increases further in cases involving multiple victims, where each act of violence against each victim constitutes a separate charge—information that is not captured in the available data.

Retail theft presents another example. Charges may be filed for each individual item stolen, meaning that a single incident involving multiple items can result in multiple counts. For instance, stealing diapers, baby formula, and baby wipes could lead to three separate charges. Consistent with this, CRG has found that the average retail theft case involves approximately 2.1 charges.

Given that Vermont's most common offenses—such as simple assault, misdemeanor domestic violence, and misdemeanor retail theft—frequently involve these kinds of charge structures, CRG determined that applying existing research approaches based solely on charge counts would not be appropriate in this context.

A Plan for Future Research

Concerns about charge stacking are closely tied to its potential influence on plea bargaining and negotiation. The Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel (RDAP) has identified these areas as critical to understanding and addressing inequities within the criminal legal system.

Developing a fuller understanding of charging decisions and plea negotiations will require a mixed-methods approach. For example,the Urban Institute[3], in partnership with the Philadelphia District Attorney's Office and local courts, documented prosecutorial plea bargaining policies and practices. Their study combined multiple data sources: interviews and surveys with prosecutors and defense attorneys to understand their motivations, interviews with defendants regarding their decision-making, and analyses of administrative records alongside detailed case file reviews. This integrated approach provided a more comprehensive picture of how discretion operates in practice.

[3] https://www.urban.org/sites/default/files/2022-12/An%20Exploration%20of%20Prosecutorial%20Discretion%20in%20Plea%20Bargaining%20in%20Philadelphia_0.pdf

At present, Vermont's data systems are not yet equipped to support this level of analysis. However, there are promising developments. The Vermont Department of Sheriffs and State's Attorneys is implementing a new data system that may capture information on plea offers and outcomes. In addition, further evaluation of Vermont Judiciary data is needed to determine whether it can distinguish between negotiated and contested sentencing decisions. Together, these improvements could lay the groundwork for more robust, data-informed analyses in the future.

Disclaimer

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