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CJA is a not-for-profit corporation that provides a variety of criminal justice services under a contract with the City of New York. CJA staff interview defendants arrested in New York City, make recommendations for pretrial release, and notify released defendants of upcoming court dates. Within the Agency, the Research Department conducts studies covering a broad array of criminal justice policy concerns. The Research Brief series summarizes the results of some of these studies.

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An Evaluation of CJA's New Release-Recommendation System

By Qudisia Siddiqi, Ph.D.

In June 2003, based on several years of research at CJA, a new release-on-recognizance recommendation system for adult defendants was implemented in New York City's lower courts (Criminal Courts). Unlike the old system, which was based solely on a defendant's ties to the community, the new recommendation system takes into consideration criminal history as well as community ties.

The new system was expected to improve prediction over the old recommendation system by classifying a substantially higher proportion of defendants as low risk while maintaining their failure to appear (FTA) rate at the same level. This report summarizes recent research done to evaluate the success of the new recommendation system in achieving these goals.

The evaluation was carried out by making two sets of comparisons: (1)

pre-implementation *projected* distributions and FTA rates for the new system were compared with the *actual* data obtained after implementation; and (2) distributions and FTA rates for the *old* system (pre-implementation) were compared to comparable data for the *new* system (post-implementation).

Research Questions

Four research questions pertaining to the performance of the new recommendation system are addressed:

- Is it consistent over time?
- Does it recommend more defendants for release than the previous system, without raising the FTA rate?
- Does it better distinguish defendants on the basis of risk of flight?
- Was its implementation followed by any shift in existing judicial release practices?

This Research Brief is adapted from *An Evaluation Of The New Pretrial Release Recommendation System In New York City: Phase II Of The Post-Implementation Research (2005)*

by Senior Research Analyst Qudisia Siddiqi, Ph.D.

The full report is available on the CJA web site:

www.nycja.org/research/research.htm

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Please cite as follows, adapted to your citation style:

Siddiqi, Qudisia. 2007. "An Evaluation Of CJA's New Release-Recommendation System." *Research Brief* series, no. 13. New York: New York City Criminal Justice Agency, Inc.

Description of the new recommendation system

CJA's new adult recommendation system is based on the following six items of information collected in the pre-arraignment interview and from rap sheets. Positive points are assigned for "yes" responses and negative points for "no" responses (and for conflicting answers to #3).

1. Does the defendant report a NYC area address? (+3, -2)
2. Does the defendant have a working telephone in his or her residence, or a cellphone? (+1, -2)
3. Is defendant employed, in school, or in a training program (or a combination) full time? (+1, -1, -2)
4. Does defendant expect someone at arraignment? (+1, -1)
5. Does the prior bench warrant count equal zero? (+5, -5)
6. Does the open case count equal zero? (+1, -1)

The total score, which can range from -12 to +12 points, is used to determine CJA's release recommendation.

The new system classifies defendants into one of the following four risk categories:

- A. Recommended for ROR (low risk: +7 to +12 points)
- B. Moderate risk for ROR (+3 to +6 points)
- C. Not recommended for ROR
 1. Bench Warrant Attached to NYSID
 2. Bail-Jumping Charge
 3. Conflicting Residence Information
 4. High Risk for FTA (-12 to +2 points)
- D. No recommendation
 1. No NYSID Available
 2. For Information Only
 3. Interview Incomplete

For a fuller description, see *Research Brief* series, no. 5, April 2004.

In the following discussions, "C" and "D" were combined into one category, which was labeled "not recommended for ROR."

Data For The Study

Three research samples—all restricted to cases that were adjourned at arraignment—were used in the analyses. The samples were similar in terms of demographic characteristics, criminal history of defendants, and arrest charges.

- The **post-implementation sample** was drawn from a cohort of defendants arrested between November 1, 2003, and January 31, 2004.
- The **2001 pre-implementation sample** was drawn from a 3-month cohort of arrests made from January through March, 2001.
- The **2002 pre-implementation sample** was drawn from a cohort of defendants who were arrested in the third quarter of 2002.

Is the new ROR recommendation system consistent over time?

To measure the consistency of the new recommendation system over time, we compared the projections made from the 2001 and 2002 pre-implementation samples with the actual, post-implementation results. These analyses were restricted to defendants who had been released prior to disposition and were thereby at risk for FTA.

First, using the 2001 sample, we compared the projected distributions of defendants by recommendation scores, and their corresponding FTA rates, with the post-implementation scores and FTA rates. The results are shown in Figures 1 and 2.

Figure 1 shows that the projected (gray bars) and actual (blue bars) distributions of scores were quite similar. (A few scores were combined because of the small number of defendants in these groups).

Figure 2 shows that the same was generally true for their corresponding FTA rates. Only the group

scoring -5 points had a projected FTA rate that was different enough from the actual rate to be statistically significant (29% projected versus 21% actual).

Second, using the 2002 sample of at-risk defendants, we compared the projected classification of defendants and FTA rates with the actual, post-implementation distributions and FTA rates. That analysis also found very little difference between the projections and the actual results. (This comparison is not shown, although the post-implementation distributions of classifications and FTA rates are shown in Figures 3 and 4.)

These findings suggest that the new recommendation system was stable across samples drawn from three different time frames. Consistency over time was found in the distributions of scores, the classification of defendants into risk categories, and the FTA rates associated with each group.

Measuring Pretrial FTA

The measure of pretrial FTA was the issuance of a bench warrant at any appearance prior to the disposition of a case in Criminal or Supreme Court. The FTA rate was calculated by dividing the number of defendants with a pretrial FTA by the number of defendants who were released at any point prior to disposition.

Comparing Projected (Pre-Implementation) And Actual (Post-Implementation) Results For The New Recommendation System (At-Risk Defendants)

Figure 1

Distributions Of Recommendation Scores

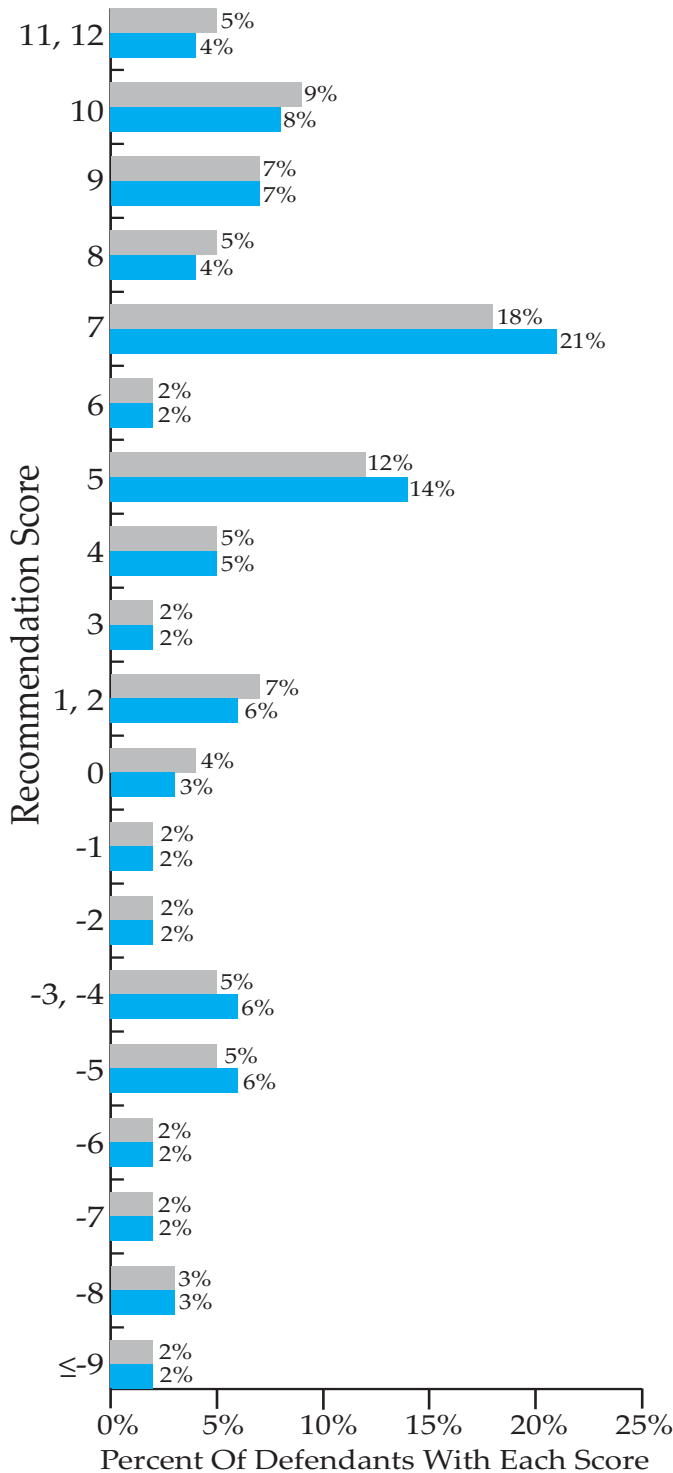
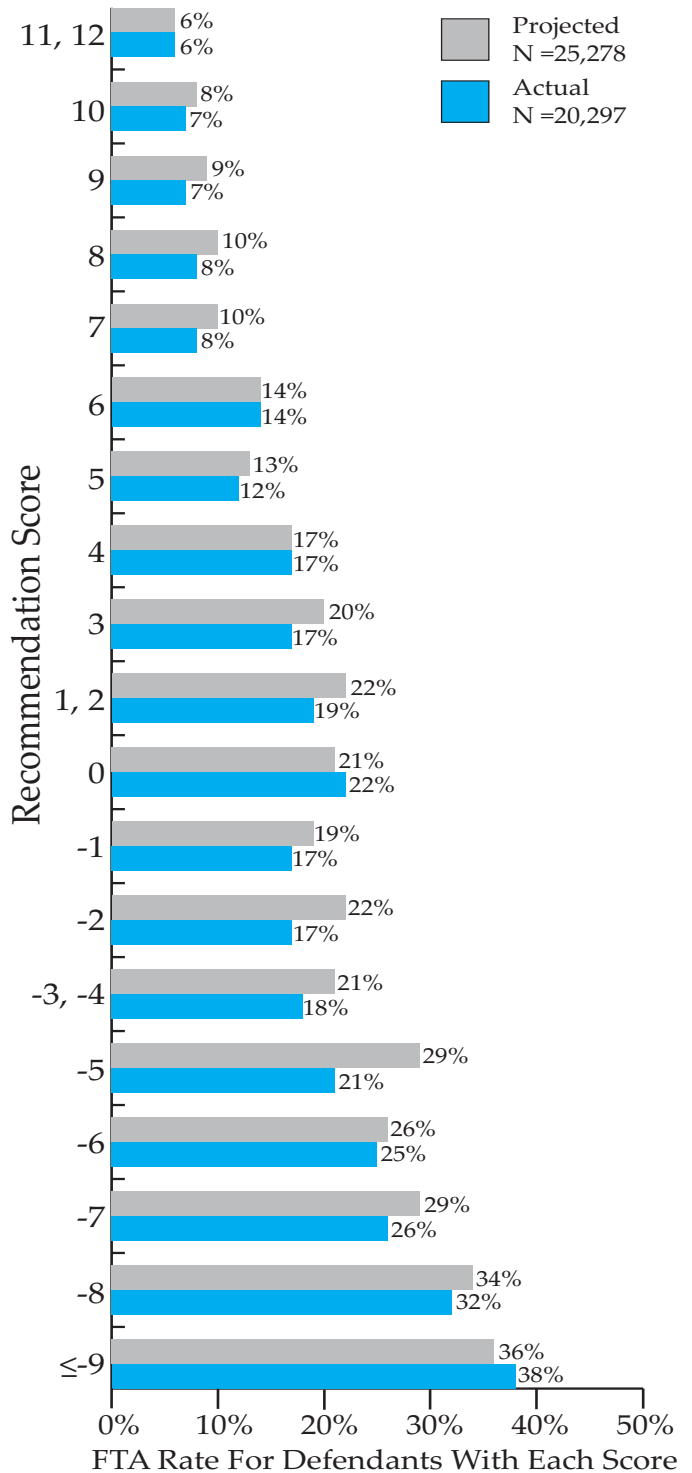


Figure 2

FTA Rates By Recommendation Scores



Does the new ROR recommendation system recommend more defendants for release . . .

To address whether the new ROR recommendation system improved over the previous system, we compared results under the old system (using the 2002 pre-implementation sample) to the new system (using the post-implementation sample). Distributions of recommendations and FTA rates were compared for at-risk defendants in both groups. Both citywide and borough distributions were examined.

The recommendation categories used in the old and new systems are comparable, although different criteria were used in assigning them, and the “moderate risk” category in the new system corresponds to the “qualified recommendation” category of the old system. (For a description of the old recommendation system, see *Research Brief* series, no. 5, April 2004.)

Figure 3 shows that under the old system, 27% of sample defendants citywide were recommended for ROR. In comparison, the new system classified 42% as “recommended for ROR.”

Similar findings were observed for each borough. The largest increase in the proportion of defendants receiving an ROR recommendation was observed for Staten Island, where under the new system 44% of the

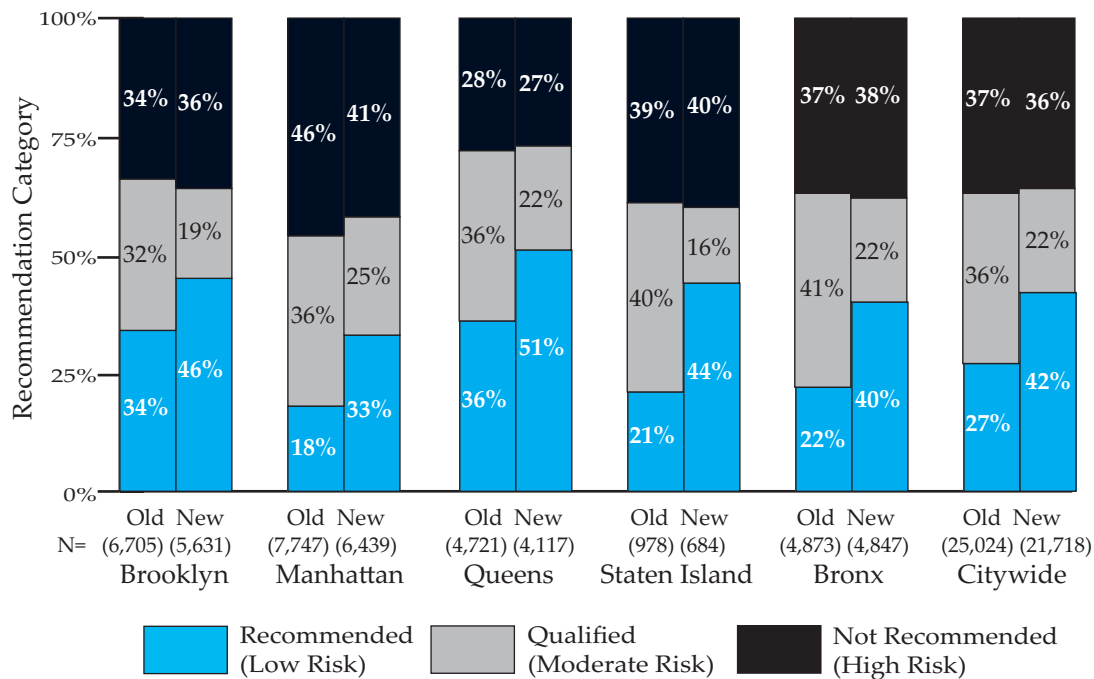
defendants were recommended for ROR versus 21% under the old system. The smallest increase was found for Brooklyn, where under the new system 46% received an ROR recommendation versus 34% under the old system. The increases for the Bronx, Manhattan and Queens were 18 percentage points (40% versus 22%), 15 percentage points (33% versus 18%), and 15 percentage points (51% versus 36%), respectively.

Figure 3 further shows that the increase in positive recommendations produced a reduction in the proportion classified as moderate risk (qualified), with almost no effect on the proportion classified as “not recommended.” The citywide decrease in the moderate-risk (qualified) classification was 14 percentage points (22% versus 36%). The borough differences ranged from 24 percentage points for Staten Island (16% versus 40%) to 11 percentage points for Manhattan (25% versus 36%).

Finally, citywide the old and new recommendation systems were virtually identical with respect to the proportion of the defendants considered high risk (37% and 36% respectively). Similarly small differences in the size of the “not recommended” category were observed for each borough.

Comparing Old (Pre-Implementation) And New (Post-Implementation) Recommendation Systems

Figure 3
Distributions Of Recommendation Categories
Citywide And By Borough (At-Risk Defendants)



Percentages may not sum to 100% because of rounding.

... without raising the FTA rate?

The other half of the question was whether recommending more defendants would have the undesired effect of raising FTA rates. Figure 4 shows that this did not happen.

The citywide FTA rate for recommended defendants (blue bars) under the old system was 10%; this decreased to 7% under the new system. The same pattern was found in every borough, with FTA rates for recommended defendants dropping between 1 and 4 percentage points after implementation of the new system.

By contrast, the FTA rate for moderate-risk defendants under the new system (14% citywide) was slightly higher than for defendants given a “qualified recommendation” under the old system (12%). However, borough results varied.

For high-risk defendants, the citywide FTA rate under the old system was 22%, which decreased to 21% under the new system. Again, borough results varied.

To summarize: when compared with the previous recommendation system, the new system recommended more defendants for ROR, while decreasing their FTA rate slightly; decreased the proportion of defendants in the moderate-risk category with a slight increase in their FTA; and categorized the same proportion as high risk, while slightly decreasing their FTA rate.

Does the new system better distinguish defendants on the basis of risk of flight?

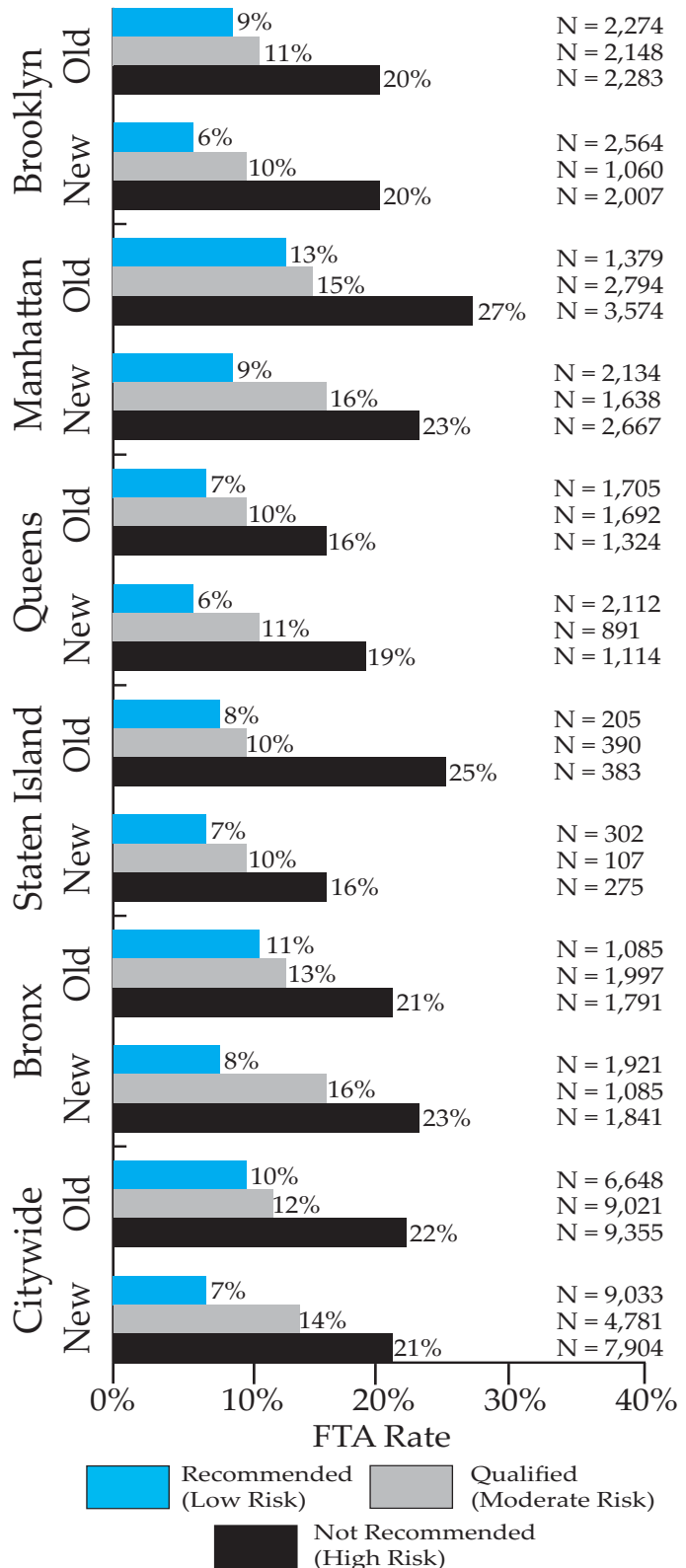
To address this question, we examined the data in Figure 4 again, this time looking at differences in FTA rates among the three recommendation categories.

Under the old system, citywide FTA rates were 10% (for the low-risk group), 12% (moderate risk), and 22% (high risk). The difference between low- and moderate-risk defendants was only two percentage points, which suggests that in the study sample the old recommendation system did not distinguish well between these two groups with respect to their risk of flight.

Under the new system, the comparable FTA rates were 7%, 14%, and 21%—a difference of 7 percentage points between low- and moderate-risk groups. While both systems effectively differentiated low- from high-risk defendants, the new system was better able to differentiate low- from moderate-risk defendants.

Comparing Old And New Recommendation Systems

Figure 4
FTA Rate By Recommendation Category
Citywide And By Borough (At-Risk Defendants)



Has there been a shift in judicial release/detention decisions at arraignment?

To address the last research question, the old and new recommendation systems were compared with respect to judicial release and bail decisions at arraignment. These analyses included both detained and released defendants whose cases were continued at arraignment.

As shown by the overall results presented in Figure 5, the two systems differed slightly with respect to the proportion of defendants released on recognizance and the proportion for whom bail was set. Under the old recommendation system, 54% of the defendants were granted ROR, whereas following the implementation of the new recommendation system that proportion rose to 56% (for all categories combined, shown at far right). The slight increase in the ROR rate could be attributed to random variations in judicial behavior. However, changes in ROR decisions were much larger when examined by the recommendation category assigned under the old versus the new system.

Of those recommended under the old system, 61% were released on recognizance at arraignment. Under the new system, the proportion of recommended defen-

dants who were released on recognizance rose to 77%, indicating an increase of 16 percentage points over the old system.

Of those who received a qualified recommendation under the old system, 59% were released on recognizance. In comparison, the ROR rate for the moderate-risk group under the new system was 70%, an increase of 11 percentage points.

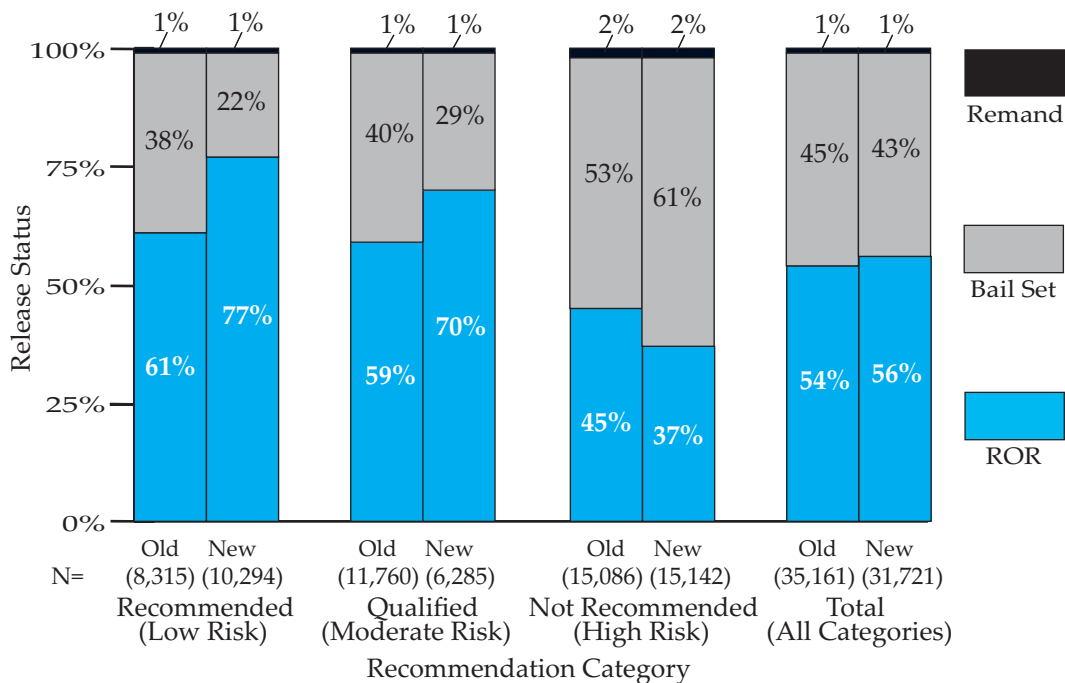
In contrast to these increases, the ROR rate for cases with a defendant in the “not recommended” category declined from 45% to 37%.

In summary, although the overall ROR rate was similar before and after implementation of the new recommendation system, post-implementation ROR rates showed somewhat greater consistency with judicial release decisions. Further, whereas little distinction between the low- and moderate-risk groups was found in judicial decisions under the old system (ROR rates were 61% and 59% respectively), under the new system there was a greater difference between low- and moderate-risk defendants (ROR rates were 77% and 70% respectively).

Comparing Old And New Recommendation Systems

Figure 5

Release Status By Recommendation Category



CONCLUSIONS AND IMPLICATIONS

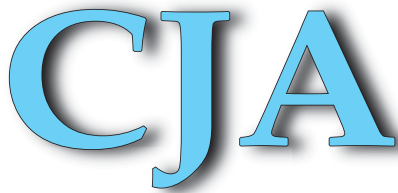
Our research shows that the new CJA recommendation system, implemented citywide in June of 2003, performed as well as projected during the year after its implementation. This allows us to draw a few conclusions about its potential utility for the courts.

- First, the pre- and post-implementation data samples showed similarities with respect to the distribution of defendants by recommendation scores and corresponding FTA rates, suggesting that the new recommendation system was valid across different time periods. Based on this finding, we expect the new system to continue to perform reliably over time. Although changes in release/detention policies may lead to changes in the defendant population, we expect that minor variations would not affect the performance of the new recommendation system as the range of scores used to aggregate defendants into various risk groups is quite broad. However, we suggest that the new recommendation system should be re-evaluated periodically.

- Second, the new system improved prediction over the previous system by recommending a considerably higher proportion of defendants for ROR without increasing their FTA rate. Consequently, if the CJA recommendation is followed by judges at arraignment, it has the potential of reducing the pretrial jail population.

- Third, the new system also improved prediction, by distinguishing defendants on the basis of risk of failure. Defendants categorized as low risk were observed to have the lowest FTA rate, whereas defendants classified as high risk had the highest FTA rate. The FTA rate for the moderate-risk defendants fell midway between the low- and high-risk groups. In comparison, the old CJA recommendation system did not accurately distinguish low-risk defendants from moderate-risk defendants, at least for defendant populations arrested from 1998 onwards. For this reason, the new system should be of more assistance to judges in determining the risk associated with release. We did find that judicial behavior was more consistent with the new CJA risk assessment system than it had been under the old system, but our analyses cannot draw any conclusions as to the causal direction of this shift. Judges may rely more on the new CJA recommendation system, or the system may be better aligned with the decisions the judges would make anyway.

- The more accurate identification of defendants in the moderate risk category allows for the consideration of other release options, such as supervised or conditional release, aimed at reducing their risk of FTA. In several jurisdictions, including Washington, DC, pretrial release agencies recommend release with conditions for moderate-risk defendants. However, supervised or conditional release is not currently an option in New York City.



Research Brief from

No. 13 (January 2007)

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