

**New York City
Criminal Justice Agency, Inc.**



Annual Report
2009

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New York City
Criminal Justice Agency, Inc.

Jerome E. McElroy, Executive Director

ANNUAL REPORT

2009

Data presented in this report are for arrests occurring January 1 through December 31, 2009.
Supreme Court data are presented for arrests occurring January 1 through December 31, 2008.

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Executive Director's Message

This year's Annual Report provides data on prosecuted arrests during 2009, as well as the outcomes of Supreme Court arraignments and FTA rates for 2008 arrests that were prosecuted in Supreme Court. In light of the fact that Supreme Court cases take a good deal longer to reach disposition than those in the Criminal Court, these data will always be lagged by a year.

In addition to interviewing all persons subjected to custodial arrests, and presenting the results of the interview with our release recommendation at the defendant's arraignment in Criminal Court, CJA performs several other functions that are less well known to justice officials. Among them are the Agency's attempts to notify all released defendants of the date and place of all subsequent appearances in Criminal Court in the hope of holding down FTA rates among forgetful defendants. We are now providing similar appearance notifications to defendants in the Supreme Court throughout the city.

To support the notification function, the Agency operates an information system that merges arrest data received electronically from the Police Department, with the information collected during our defendant interviews, and with calendaring information received electronically from the Office of Court Administration (OCA). The computerized system tracks all prosecuted cases in all five boroughs to their disposition in Criminal or Supreme Court.

The database is also used by the Agency's research and planning staff to provide policy makers with data and analyses on the performance of the City's criminal justice system and the problems it addresses. Although much of the work responds to requests from the Office of the Criminal Justice Coordinator, we have provided similar assistance to the Department of Correction, offices of the District Attorneys in some of the boroughs, OCA, and the State Division of Criminal Justice Services (DCJS).

In addition, the research staff undertakes longer term studies of our own operations and on the design, implementation, and effects of special initiatives being carried out by other public and nonprofit

agencies. In recent years, we have conducted extensive research on the handling of domestic violence cases in the City, the processing of misdemeanor cases in the Criminal Court, the factors that influence release and bail decisions in the Criminal Court, and the factors that predict pretrial FTA and pretrial re-arrest among defendants released pending disposition.

We have now produced twenty-four Research Briefs that summarize and graphically present the findings of many of our research studies. We also produce an annual report on the processing of Juvenile Offender cases in the Criminal and Supreme Courts in all boroughs. A listing of CJA's recent publications is presented inside the back cover, and the reports themselves can be reviewed on our website (www.nycja.org/research/research.htm).

The Agency continues to operate the Bail Expediting Program (BEX) in Queens and the Bronx. In 2010, with support from the Federal Stimulus Funds provided to the City, we expanded the BEX program to serve the courts in Manhattan and Brooklyn. Agency staff contact family members and friends of defendants held on relatively low bails immediately after arraignment to assist in the prompt posting of the bail and release of the defendant. The program's benefits are experienced by both the defendant and the Department of Correction, which saves the resources that would otherwise be expended on the commitment and detention of these defendants.

In Queens and Brooklyn, the Agency continues to operate Failure-to-Appear (FTA) Units. Each day FTA Unit staff members identify cases in which bench warrants were issued on the previous day and then attempt to contact the defendant to inform him or her of the warrant, encourage immediate return to court, and facilitate restoring the case to the calendar when the defendant does return. Our experience indicates that when contact is successful, defendants usually return to court soon thereafter. We believe that expanding these units to Manhattan and the Bronx would improve the efficiency of case processing in those boroughs.

from Jerome E. McElroy

In recent years, we have computerized our interviewing through the use of hand-held computers and PCs in each borough. As a result, data on the arrest, the CJA interview, and the arraignment outcome are usually in the Agency's database within 48 hours of the arraignment. This is now an important part of our continuing work with the City's Data Share project to create a fully integrated, real-time information system to service all agencies that participate in the processing of cases.

Our work with DCJS has produced a summary criminal history report that is available to CJA staff at the same time that the full report is forwarded to the police. This not only reduces the time required for our staff to complete the interview and recommendation process, but it also reduces the likelihood of making mistakes in extracting the data we need from the full report.

For years the City has been working to develop a computerized process to handle the paperwork that is required to prepare a case for arraignment in Criminal Court. Instead of preparing, moving, and collating hard copy reports from each of the relevant agencies, the "e-arraignment" system will permit each agency to enter its report into the same computer system so that all the relevant documents can be printed shortly before the arraignment. CJA has been involved in this development, and we share the expectation that the system will greatly improve the efficiency of this complex process. It is expected that the e-arraignment program will be fully operational in one borough before the end of 2010.

This past year, with the urging and support of the Criminal Justice Coordinator's Office, we have been operating a supervised release program in Queens. At Criminal Court arraignment the program staff seek to identify defendants charged with nonviolent felonies, who do not present a very high risk of failing to appear if released under supervision, who have a residence and contacts in the community to facilitate supervision, and who are likely to have bail set and be detained leaving arraignment. Eligible defendants may then be released by the court to the su-

pervision of the program during the pendency of their cases. At the time of this writing over 250 defendants have participated in the program, while only about 3% have had their supervision revoked for failing to make a scheduled court appearance. We shall provide a more detailed description of our experience with the program in our next Annual Report.

Finally, I will note that 2011 should be an important year for pretrial services. Throughout the country, the vast majority of people held in local correctional facilities are not convicted offenders, but defendants who are held awaiting disposition of their cases. Almost all of them are there because they do not have sufficient resources to post the bail imposed by the court, despite the fact that various pretrial alternatives have been available for decades. This situation discriminates against poorer defendants and violates the presumption of release that the American Bar Association Standards asserts at the initial appearance. Moreover, this practice of detaining so many when proven alternatives are available imposes enormous costs on local governments. In 1964, Attorney General Robert Kennedy convened a national conference on bail that provoked federal, state and local governments to re-examine their bail laws and practices and to create and expand alternatives to the use of money bail.

While significant progress was realized after that conference, there is now considerable concern among local officials and jurists that the movement has stalled. With that in mind, it appears likely that the U.S. Attorney General will convene a similar conference in the Spring of 2011 to take stock of current practice and to breathe new life into nationwide efforts to reduce reliance on money bail and greatly expand alternative programs to assure appearance and protect public safety.

As always, I want to thank all those who have contributed to the design and preparation of this report, and to encourage our readers to let us know of ways in which future reports may better serve the needs of policy makers and practitioners in the criminal justice field.

I.

Introduction

The New York City Criminal Justice Agency, Inc. (CJA), is a not-for-profit organization, incorporated in the mid-1970s with the mission of providing pre-trial services to defendants prosecuted in the adult criminal courts in New York City (NYC). Operating under a contract with the City of New York, the Agency has over 200 employees in offices in all five counties (boroughs) of the City.

The Agency is governed by a Board of Directors that includes the Criminal Justice Coordinator for New York City. Its Executive Staff, located in the central office in Manhattan, consists of the Executive Director and six departmental directors. Daily operations are also overseen by two regional directors with offices elsewhere in the City.

CJA's Origins: The Manhattan Bail Project

CJA grew out of a research project of the Vera Institute of Justice, then the Vera Foundation, in the early 1960s. At that time Louis Schweitzer, a New York industrialist, was shocked to learn that large numbers of defendants were being held in jail awaiting trial for no other reason than that they were too poor to post even small amounts of bail. Schweitzer was so disturbed by the plight of the "indigent accused," especially destitute youths, that he established the Vera Foundation to attempt to address this inequity in the bail system.

The Vera Foundation's first initiative was the Manhattan Bail Project, launched in 1961 in conjunction with the New York University School of Law and the Institute of Judicial Administration. Project researchers gathered data on the administration of bail in Manhattan and introduced the use of release on recognizance (ROR) as an alternative to bail. They tested the hypothesis that defendants with strong community ties would return for scheduled court appearances, and that a greater number could be released if the courts had access to this information.

As a result of the Manhattan Bail Project, the Vera Institute developed a recommendation system based on objective community-ties information obtained by interviewing defendants. The system was administered by the NYC Probation Department until 1973, when Vera created the Pretrial Services Agency (PTSA) to take over responsibility for making ROR recommendations. This recommendation system, which has served as a model for pretrial services programs nationwide, was evaluated in 1974 by renowned sociologist Paul Lazarsfeld. He found that judges often followed the recommendations, and that when defendants were released in spite of a negative recommendation, failure-to-appear (FTA) rates were higher in those cases.

In 1977, PTSA became independent from Vera and was incorporated as the New York City Criminal Justice Agency.

Goals and Activities

CJA continues to pursue the following goals:

- decreasing the number of days spent in detention by defendants who could be released to the community while awaiting trial;
- screening defendants for a range of noncustodial services through the community courts;
- reducing the rate of nonappearance in court by defendants who are released pretrial;
- providing information and research to criminal justice policy makers, City officials, and the public.

To achieve these goals, CJA engages in three principal activities, described on the following page:

- **Interview and Recommendation**
- **Notification**
- **Research**

CJA also operates two special programs that further its goals in selected boroughs: the Bail Expediting Program (BEX) and FTA Units. They are described in Section XI.

Interview and Recommendation

CJA personnel interview defendants who, after arrest, are held for arraignment in the lower court (Criminal Court) in New York City. The purpose of the interview is to provide judges, prosecutors, and defense counsel with background information on defendants in order to assist in determining the likelihood that individual defendants, if released, will return for scheduled court dates.

Normally, the interview takes place in one of the Police Department's central booking facilities in the hours between the arrest and the defendant's first appearance before a judge.

During the interview, information is collected on the defendant's occupation, residence, and family status. Attempts are made to verify many of these items through telephone calls made to a relative or someone else named by the defendant. The defendant's history of previous convictions and bench warrants and current open cases is also entered on the interview report. Selected items are then used to calculate an objective score that reflects the estimated risk of nonappearance and is the basis for assigning a recommendation category for each adult defendant. A separate recommendation system is used for youths under 16 years of age who are prosecuted as adults under New York State's Juvenile Offender (JO) Law. Both systems are described in Section V.

In addition to the standard interview, CJA conducts an extended interview at the community courts in Manhattan and Brooklyn to determine suitable community service projects for defendants, and their social service needs, such as drug treatment.

The CJA recommendation is only one of a number of factors judges in New York City consider in making release decisions. The recommendation assesses the defendant's likelihood of returning to court, if released, but does not constitute an unconditional recommendation for release.

Notification

The Agency attempts to notify all released defendants, by mail or telephone, of all scheduled court appearances. Defendants released on desk appearance tickets (DATs) are also notified of their scheduled arraignment. The notification system is described, and data are presented, in Section X.

Notification of juveniles in Queens for scheduled appearances in Family Court was done in 2009 through the first half of 2010, but funding was not renewed for 2011.

The Operations Department is responsible for interview, recommendation, and notification functions, as well as the Bail Expediting Program and FTA Units.

Research

The Research Department maintains an ongoing program of evaluation and research aimed at improving Agency operations, providing summary data relevant to criminal justice policy issues, and investigating special interest topics. The research agenda covers a broad array of criminal justice policy concerns, ranging from juvenile justice, domestic violence, and judicial bail decisions, to the impact of special courts and initiatives to address the problem of persistent misdemeanor offenders.

In 2002 CJA launched its *Research Brief* series, presenting highlights of recently completed research projects. The *Briefs* are posted on the CJA web site along with the full reports upon which they are based. A listing of recent CJA research reports available on our website can be found inside the back cover.

CJA Database

In order to perform its operational and research activities, CJA maintains a sophisticated database that includes background and court-processing information on virtually every adult arrested in New York City. Arrest data are received by CJA through automated electronic transmissions from the New York City Police Department (NYPD), and case-processing data

Introduction

from the Office of Court Administration (OCA). Criminal history, demographic, and community-ties information are recorded by CJA interviewers using handheld computers; the transition from paper interviews, begun in 2003, was completed in 2004. In addition, information about defendants' out-of-court bail making is routinely transmitted to CJA by the New York City Department of Correction (DOC).

The database contains information about each arrest and Criminal Court case-processing data since September 1979, and Supreme Court case-processing data since July 1987. The information about each case includes the outcome of every court appearance through sentencing.

CJA's Information Systems Department is responsible for managing the database and the mainframe computer on which it resides, as well as the Agency's large local area network of personal computers and a wide area network linking borough offices. In addition, Systems staff handle a broad range of computer tasks from programming automated notification procedures to extracting specialized data files for the Research and Operations Departments.

CJA is not itself an official source of arrest or court-processing data, although the Agency receives most of its data from official sources (NYPD, OCA, and DOC). Because of our operational mission, the criteria for inclusion of cases and the timing of collected information lead to differences with official data.

Benefits to the City and State from sharing data with CJA are to be found in the Agency's accomplishments in reducing unnecessary pretrial detention, lowering FTA rates, and providing research and information services—none of which could be done nearly as well or as efficiently, if at all, without the valuable resource of a comprehensive database that combines information from many sources.

In addition, CJA's Planning Department, together with the Central Data Department and the Information Systems Department, are vigilant in monitoring the data entering our database from all sources. When anomalies occur—as can happen, particularly when changes are introduced in the court system—CJA alerts the State or City agency involved and actively helps to devise a remedy.

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II.

Interview Volume

During 2009, CJA conducted interviews in 318,652 cases of defendants held for Criminal Court arraignment.

Exhibit 1 shows that Brooklyn had the largest volume of interviews (28%), followed by Manhattan with 27%, the Bronx with 23%, Queens with 19%, and Staten Island with 3%. The totals for Manhattan and Brooklyn include the community courts that operate in these two boroughs.

The Midtown Community Court in Manhattan began operations in 1993, and Brooklyn's Red Hook Community Justice Center in 2000. The community courts offer a wide variety of services and alternative sanctions not available in the central courts. To assist judges in assessing defendants' needs, CJA staff conduct a more detailed, longer interview in the two community courts.

A defendant may be represented in the data more than once if he or she was re-arrested during the reporting period.

Note about the cases included in this report:

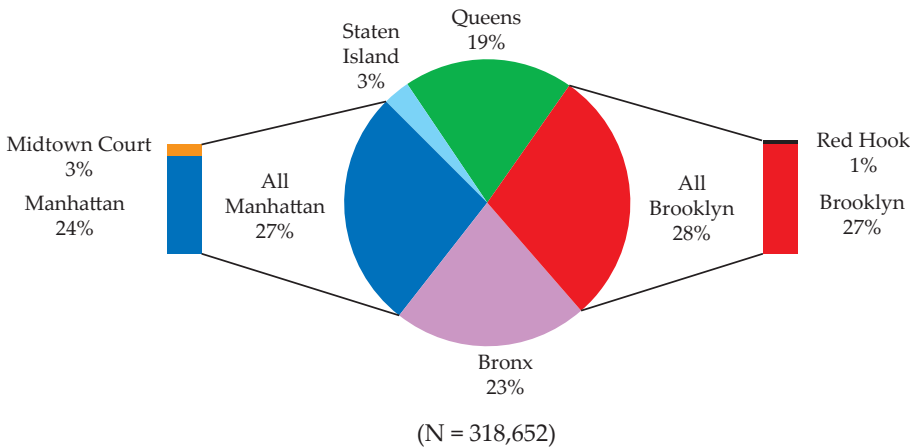
Most defendants are interviewed by CJA, and they are included in Exhibit 1. Cases of defendants who were issued desk appearance tickets (DATs) are not usually interviewed (except in the community courts) and consequently they are not included in Exhibit 1. Those who receive a DAT are released after arrest and scheduled to return for arraignment at a later date; there is no opportunity for a CJA interview prior to arraignment.

Others not interviewed by CJA include those arrested in Manhattan solely on prostitution-related charges who are held for arraignment in the downtown Manhattan Criminal Court; those arrested solely on bench warrants; those arraigned in the hospital without going through a Police Department central booking facility; and those arrested while in the custody of the New York City Department of Correction.

Although cases of defendants who were not interviewed are **not** included in Exhibit 1, they **are** included in all the following exhibits (unless otherwise noted). In addition, DATs are discussed separately in Part IX.

Another difference between the cases in Exhibit 1 and all other exhibits: nonprosecuted cases **are** included in Exhibit 1; they are **not** included elsewhere.

Exhibit 1
Distribution Of Interviewed Cases
By Borough
January – December 2009



III.

Demographics

Sex & Employment

As shown in Exhibit 2, there were 369,440 prosecuted cases during the reporting period (including some for which no interview was conducted). In 84% of cases the defendant was male and in 16% of cases the defendant was female (pie chart on the left).

The relationship between sex and likelihood of employment is shown in the bar chart on the right. "Employment" here refers to school or a training program as well as work. Males were more likely than females to be employed, in school, or in a training program full time. Such full-time activity was reported by 45% of males, as compared to 36% of females.

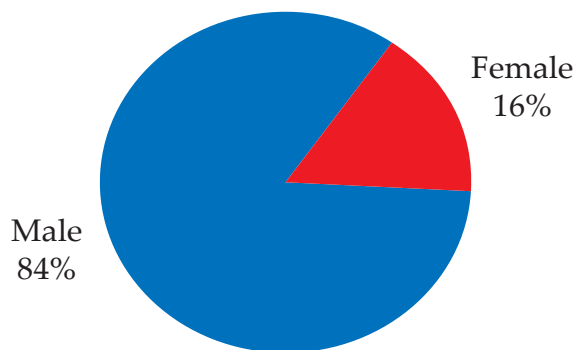
Arrests that were not prosecuted are excluded from the remainder of this report. The exhibits presenting demographic data include all docketed cases.

The number of cases included in the demographic pie charts is larger than the number of interviewed cases reported in Exhibit 1 because of the addition of DAT cases and cases of other defendants who were not interviewed. This more than offsets the decrease in number resulting from the exclusion of nondocketed cases from Exhibit 2 and subsequent exhibits.

Information about the defendant's sex is received from the NYPD in the absence of interview data. Employment data reflect the defendant's interview responses, combining verified and unverified responses. The bar chart excludes cases of defendants for whom sex or employment information was lacking.

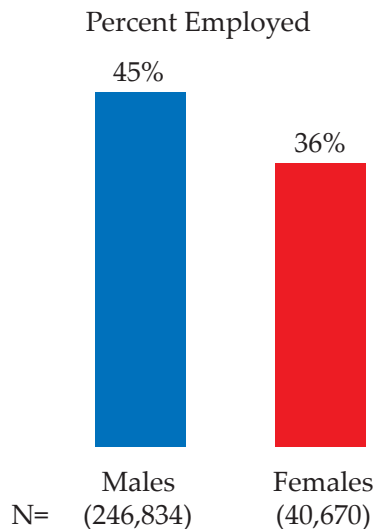
Exhibit 2
Distribution Of Prosecuted Cases
By Sex And Employment Of Defendant
January – December 2009

Distribution By Sex



(N = 369,440)

Full-Time Employment By Sex
(Including School Or Training Program)



Age & Employment

In approximately half of the prosecuted cases, the defendant was under the age of 30, and in only 10% of cases was the defendant as old as 50 (Exhibit 3, pie chart on left). Juvenile offenders (children under the age of 16 who are prosecuted in adult court for specified violent felony offenses) made up less than 1% of the defendant population. Defendants in their twenties accounted for about a third of all cases.

The youngest group was by far the most likely to report a full-time activity (95%) because most were in school (see bar chart). Many aged 16 to 19 were also in school, with 65% reporting a full-time activity. The level of full-time activity dropped within each age group, from 45% for defendants in their twenties to 26% for those 50 years of age or older.

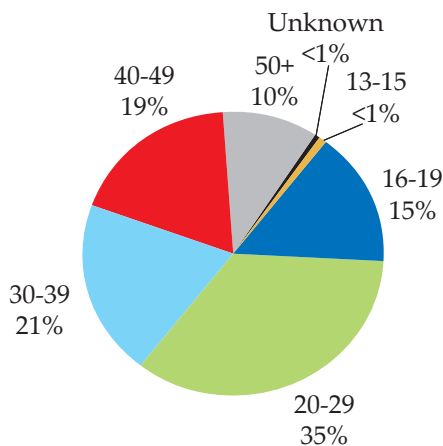
Cases included in the exhibits:

The pie chart includes all docketed cases. Information about the defendant's age is received from the NYPD in the absence of interview data. Employment data reflect the defendant's interview responses, combining verified and unverified responses.

The bar chart excludes cases of defendants for whom age was unknown or for whom employment information was lacking. Most defendants issued a desk appearance ticket are excluded from the bar chart because they were not interviewed; thus no employment information was collected.

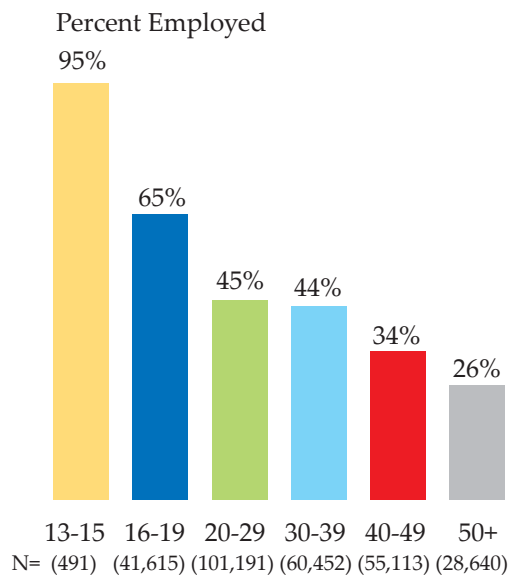
Exhibit 3
Distribution Of Prosecuted Cases
By Age And Employment Of Defendant
January – December 2009

Distribution By Age



(N = 369,440)

Full-Time Employment By Age
(Including School Or Training Program)



Demographics

Ethnicity & Employment

Exhibit 4 (pie chart) shows the ethnic distribution of defendants: black, 50%; Hispanic, 34%; white, 12%; other, 4%; and unknown (less than 1%).

Defendants in the “other” ethnic category, the majority of whom were categorized as Asian, were most likely to be employed, in school, or in a training program full time (56%) (bar chart). Whites had the next highest rate, with 49% reporting a full-time activity. Fewer Hispanics (45%) and blacks (41%) reported a full-time activity.

Cases included in the exhibits:

The pie chart includes all docketed cases.

The bar chart excludes cases of defendants for whom ethnicity was unknown or for whom employment information was lacking. Most defendants issued a desk appearance ticket are excluded from the bar chart because they were not interviewed; thus no employment information was collected.

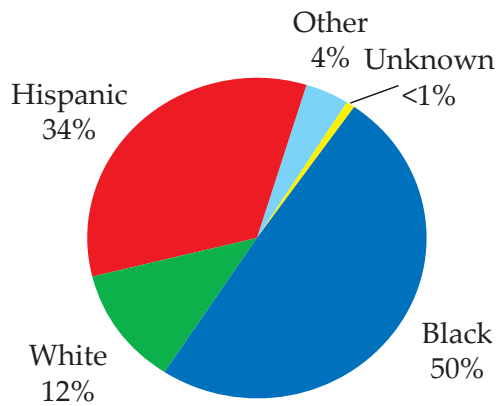
Sources of Ethnicity and Employment Data

Employment data reflect the defendant’s interview responses, combining verified and unverified responses.

Ethnicity data are also collected in the CJA interview: arrestees are first asked if they are Hispanic, and if the answer is negative, ethnicity is recorded from observation. If it is unclear to the interviewer, the arrestee is asked which category provides the best description. Ethnicity is received from the NYPD in the absence of interview data.

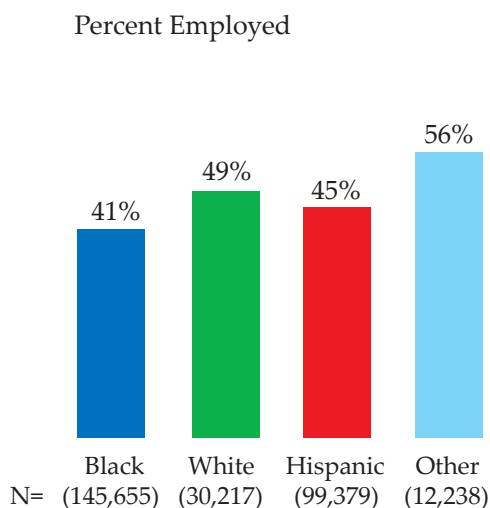
Exhibit 4
Distribution Of Prosecuted Cases
By Ethnicity And Employment Of Defendant
January – December 2009

Distribution by Ethnicity



(N = 369,440)

Full-Time Employment by Ethnicity
(Including School or Training Program)



N= Black (145,655) White (30,217) Hispanic (99,379) Other (12,238)

IV.

Charge Severity and Type

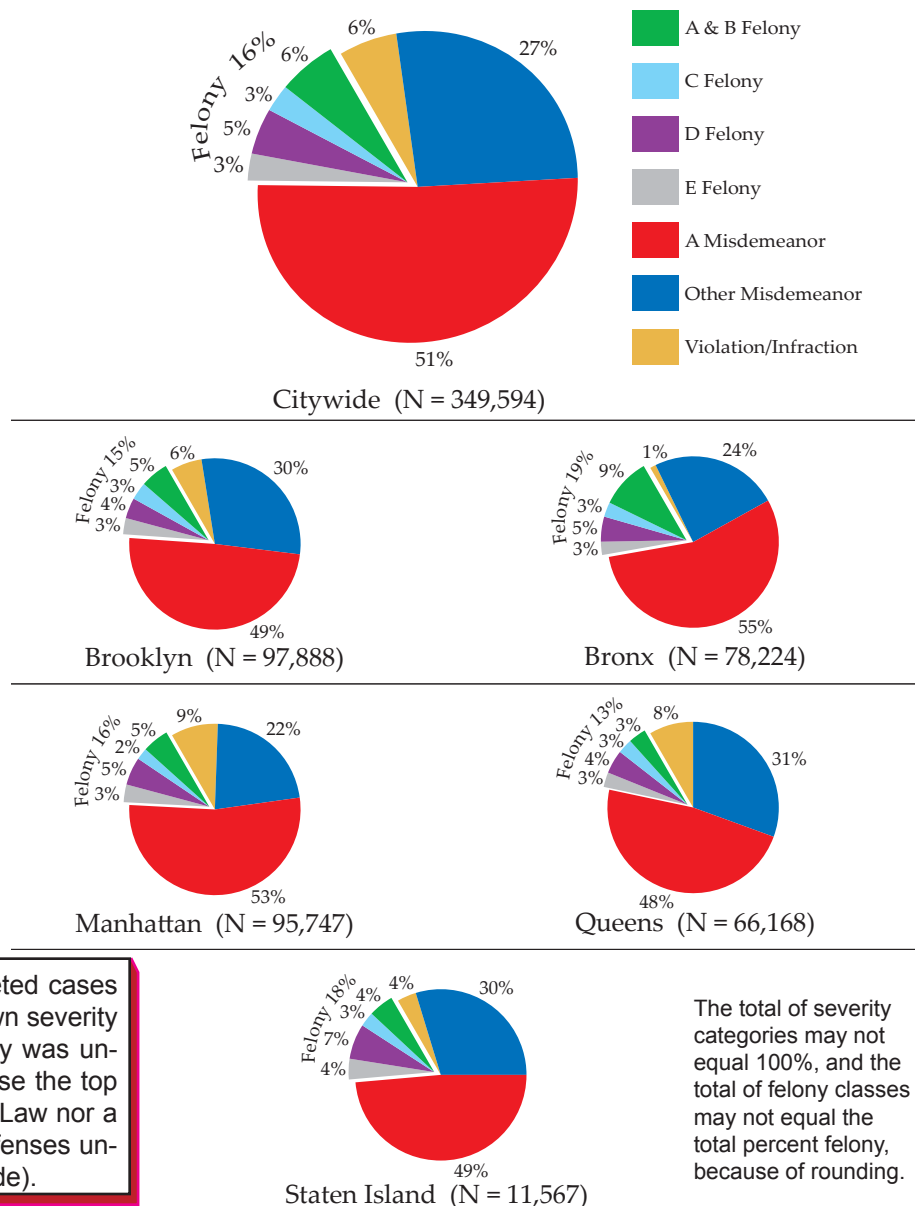
Exhibit 5 shows that approximately half of the cases entering arraignment citywide had a class A misdemeanor as the most severe charge. Another 27% had a class B or unclassified misdemeanor as the most severe charge, and 6% had no charge more severe than a violation or infraction. Fewer than one in six cases (16%) entered arraignment with a felony charge.

The most severe offenses, class A and B felonies, were charged in 6% of cases entering arraignment.

There were noticeable differences in charge severity by borough. For example, charges in the Bronx tended to be more severe than in other boroughs. The Bronx had the highest proportion of cases with a felony charge (19%) and the lowest proportion of cases with no charge more severe than a class B misdemeanor (25%, combining "other misdemeanor" with "violation/infraction").

Queens had the smallest proportion of felony cases (13%), as well as the largest proportion of cases with no charge more severe than a class B misdemeanor (39%).

Exhibit 5
Severity Of The Top Charge Entering Arraignment
Citywide And By Borough
January – December 2009

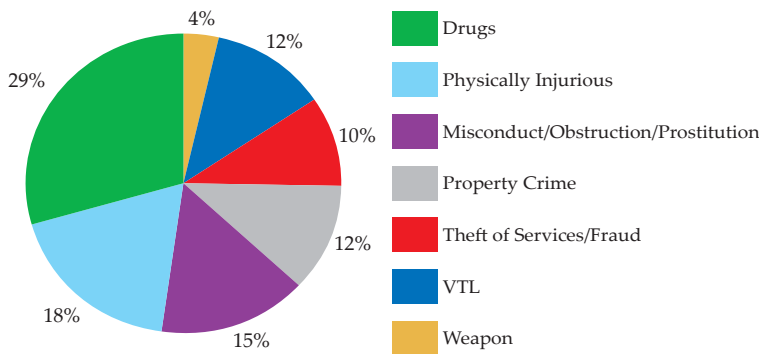


Cases included in Exhibit 5: All docketed cases (including DATs) with a charge of known severity entering arraignment. Charge severity was unknown for 5% of cases, mostly because the top charge was neither a NY State Penal Law nor a Vehicle & Traffic Law offense (e.g., offenses under New York City's Administrative Code).

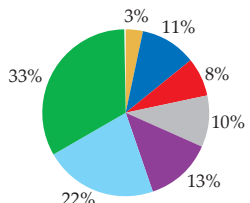
The total of severity categories may not equal 100%, and the total of felony classes may not equal the total percent felony, because of rounding.

Offense Type

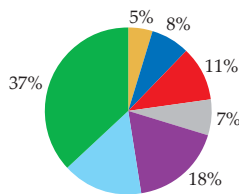
Exhibit 6
Offense Type Of The Top Charge Entering Arraignment
Citywide And By Borough
 January – December 2009



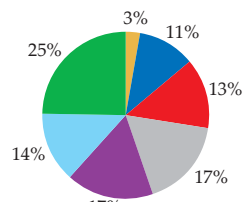
Citywide (N = 338,960)



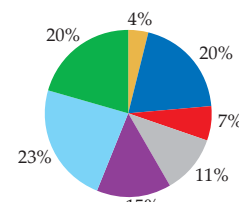
Brooklyn (N = 94,708)



Bronx (N = 77,306)

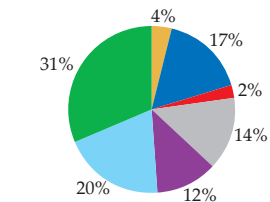


Manhattan (N = 91,914)



Queens (N = 63,593)

Percentages may not total 100% because of rounding.



Staten Island (N = 11,439)

As shown in Exhibit 6, the defendant was arraigned on a drug charge in 29% of cases. This was the most common offense type citywide and in each borough with the exception of Queens.

The next largest category, “physically injurious,” accounted for 18% of cases citywide. This category includes homicide, arson, assault, violent sex offenses, kidnapping, robbery, and other crimes of physical harm (see note p. 42).

Misconduct (criminal trespass, disorderly conduct, etc.), obstruction of justice (criminal contempt, resisting arrest), and prostitution together accounted for an additional 15% of prosecuted cases.

Property crimes accounted for 12%, theft of services and fraud 10%, and offenses under the Vehicle and Traffic Law (VTL) 12% of cases citywide.

A weapon charge was the top charge entering arraignment in a small percentage of cases (4% citywide).

Borough differences were most noticeable regarding the proportion of drug cases: highest in the Bronx (37%) and lowest in Queens (20%). Conversely, the proportion of VTL offenses was highest in Queens (20%), and lowest in the Bronx (8%).

Cases included in Exhibit 6: All docketed cases (including DATs) with a defendant charged under the Penal Law or Vehicle and Traffic Law (VTL). Other cases, primarily with Administrative Code (AC), local law, or Tax Code charges, constituted about 8% of all cases and were excluded from Exhibit 6. More cases were excluded from offense type than from charge severity exhibits because a severity classification could be reported for some Tax and AC offenses.

V.

CJA Release Recommendation

The current system for recommending adult defendants for release on recognizance (ROR) at arraignment was introduced in New York City lower courts (Criminal Court) in June 2003. Formerly, only measures of community ties were used to assess risk of flight. The current system incorporates two criminal-history items as well. All of the items upon which the recommendation is based have been found to have a strong empirical relationship with the likelihood that defendants will appear for scheduled court dates. The new system recommends a larger proportion of defendants for ROR, compared to the old system, without increasing the risk of flight.

An objective score is calculated for each adult defendant using the items shown in the box at right. CJA staff attempt to verify the first three items by calling a contact person named by the defendant. Positive points are awarded for Y (yes) or YV (yes verified) responses, and the defendant is penalized with negative points for N (no) or NV (no verified) responses. For the question about employment, negative points are given if the defendant and the contact person give discrepant responses (UC, or unresolved conflict).

The score is then calculated by tallying the negative and positive points. Based on this score, each defendant's risk of failure to appear is assessed as low (Recommended for ROR), moderate (Moderate Risk for ROR), or high (Not Recommended). Also not recommended are those to whom a policy exclusion applies, such as an outstanding warrant, a bail-jumping charge, or conflicting residence information. The No Recommendation category is assigned when the rap sheet is unavailable, the defendant is charged with murder, or the interview is incomplete.

Because the recommendation does not take into account all factors listed in the New York bail statute (CPL §510.30), it is not an unconditional recommendation. Rather, it is an indication of the defendant's likelihood of returning to court, if released.

CJA Recommendation Point System

	Y	YV	N	NV	UC
1. Does the defendant have a working telephone or cellphone?	1	1	-2	-2	0
2. Does the defendant report a NYC area address?	0	3	-2	-2	0
3. Is the defendant employed / in school / in training program full time?	1	1	-1	-1	-2
4. Does the defendant expect someone at arraignment?	1	X	-1	X	X
5. Does the prior bench warrant count equal zero?	5	X	-5	X	X
6. Does the open case count equal zero?	1	X	-1	X	X
Column totals					
Subtotals A = Y+YV B = N+NV+UC	A		B		
Total Score	A minus B				

RECOMMENDATION CATEGORIES

- Recommended for ROR (low risk) +7 to +12 pts
- Moderate Risk for ROR +3 to +6 pts
- Not Recommended for ROR (high risk) -12 to +2 pts

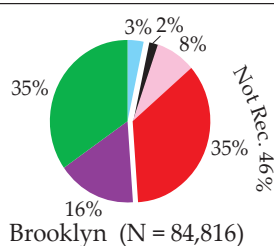
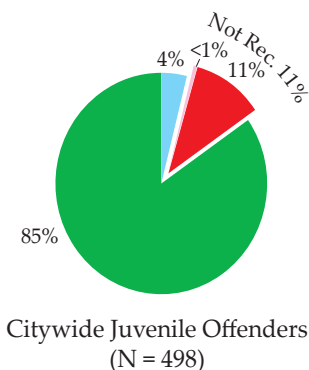
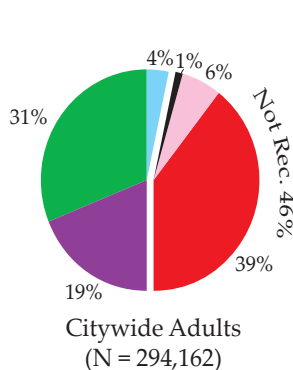
Or a policy exclusion applies:
 Bench warrant attached to rap sheet;
 Defendant is charged with bail jumping; or,
 Conflicting residence information.

No Recommendation
 Rap sheet unavailable;
 Defendant charged with murder; or,
 Incomplete interview.

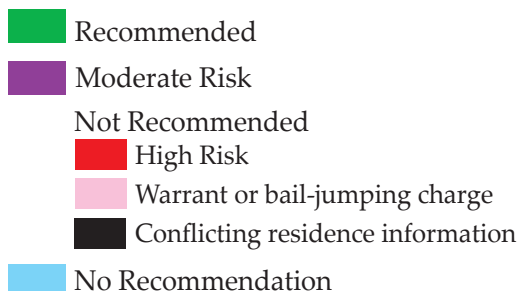
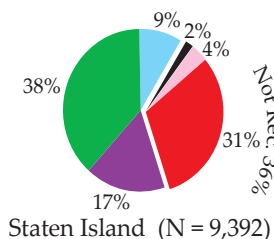
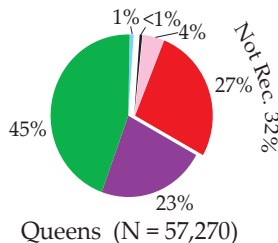
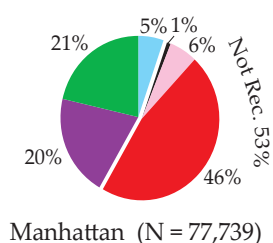
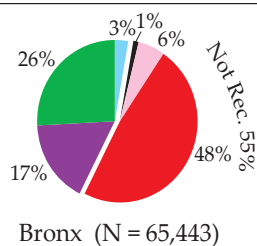
A separate recommendation system is used for juvenile offenders (youths between the ages of 13 and 15 prosecuted in adult court for certain serious offenses). The requirement for a juvenile offender (JO) recommendation is *either* verified school attendance, *or* expecting someone at arraignment. Verified nonattendance at school puts a JO into the Not Recommended category. JOs with an outstanding warrant were also counted as Not Recommended. The No Recommendation category is assigned in JO cases with an unavailable rap sheet, a murder charge, or an incomplete interview.

CJA Release Recommendation

Exhibit 7
CJA Recommendation, Citywide And By Borough
 January – December 2009



Adults and JOs are combined in borough data.



Percentages may not total 100%, and the "Not Recommended" total may not equal the sum of slices, because of rounding.

Exhibit 7 shows that 31% of adult defendants citywide (top left) were recommended for ROR; 19% were categorized as a moderate flight risk; and 46% were not recommended (6% because of an outstanding warrant). The remainder (4%) were categorized as "no recommendation."

For juvenile offenders (top right), the recommendation rate was much higher: 85% were recommended for ROR; 11% were not recommended (less than 1% because of an outstanding warrant); and 4% were categorized as "no recommendation." JOs are reported separately only in citywide data because of the small number of cases (N=498).

Borough differences

Defendants in Queens cases were most likely to be recommended (45%), and least likely to be assigned to a "not recommended" category (32%).

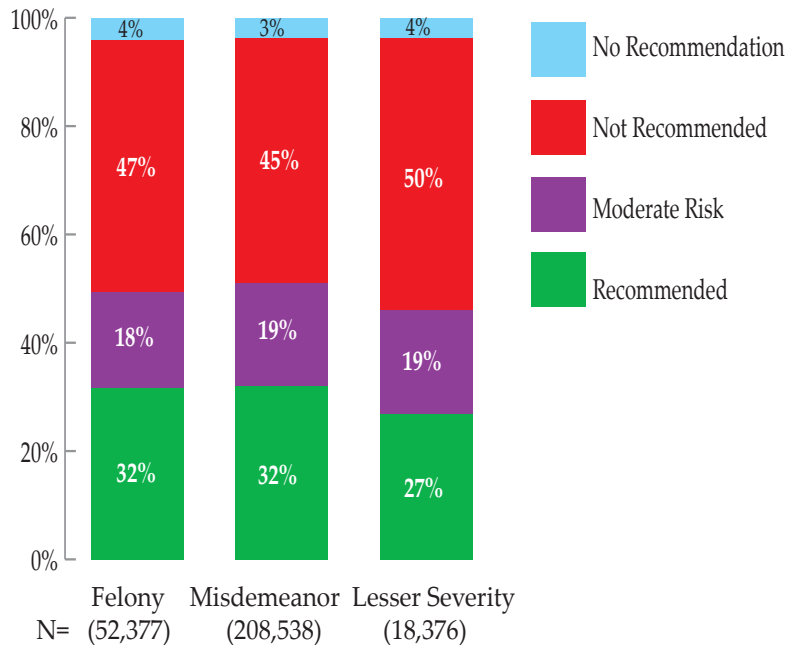
Defendants in Bronx cases were most likely to be classified "not recommended" (55%).

Brooklyn had the highest proportion of cases in which a defendant was not recommended because of an outstanding warrant or bail-jumping charge (8%).

Cases included in Exhibit 7: All docketed cases with a CJA recommendation. This excludes most defendants who were issued a DAT because no recommendation is made for defendants who are not interviewed.

CJA Release Recommendation

Exhibit 8
CJA Recommendation By Charge Severity At Criminal Court Arraignment
January – December 2009



Charge severity refers to the severity class of the top charge entering Criminal Court arraignment.

Cases included in Exhibit 8: All docketed cases with a CJA recommendation and a known charge severity. This excludes most defendants who were issued a DAT because no recommendation is made for defendants who are not interviewed.

Recommendation categories for JOs and adults are combined in this exhibit and in all subsequent exhibits that present CJA recommendation data.

Percentages may not total 100% because of rounding.

The CJA recommendation was substantially unrelated to the severity of the offense. Exhibit 8 shows that approximately half of cases in each severity class had a defendant who was either Recommended or assigned to the Moderate Risk category. The proportion assigned the highest recommendation category was identical for felony and misdemeanor cases (32%), and slightly lower for cases with a lesser offense as the top charge (27%).

“Not Recommended” and “No Recommendation” rates were also generally unrelated to charge severity. The proportion of cases with a defendant who was not recommended by CJA was 47% for defendants charged with a felony offense, 45% for defendants charged with a misdemeanor, and 50% for defendants charged with a lesser offense.

VI.

Criminal Court Arraignment

Exhibit 9 shows disposition and release rates at Criminal Court arraignment, citywide (A, this page) and by borough (B, next page).

New York City has a two-tiered court system in which cases sustained at the felony level must be brought for prosecution into a superior court. At Criminal Court arraignment, a felony case may be continued; or it may be disposed by dismissal, by a transfer to another jurisdiction, or by a plea to a reduced charge less severe than a felony. [See blue box for a note concerning the different court structure in the Bronx.]

Disposition Rates

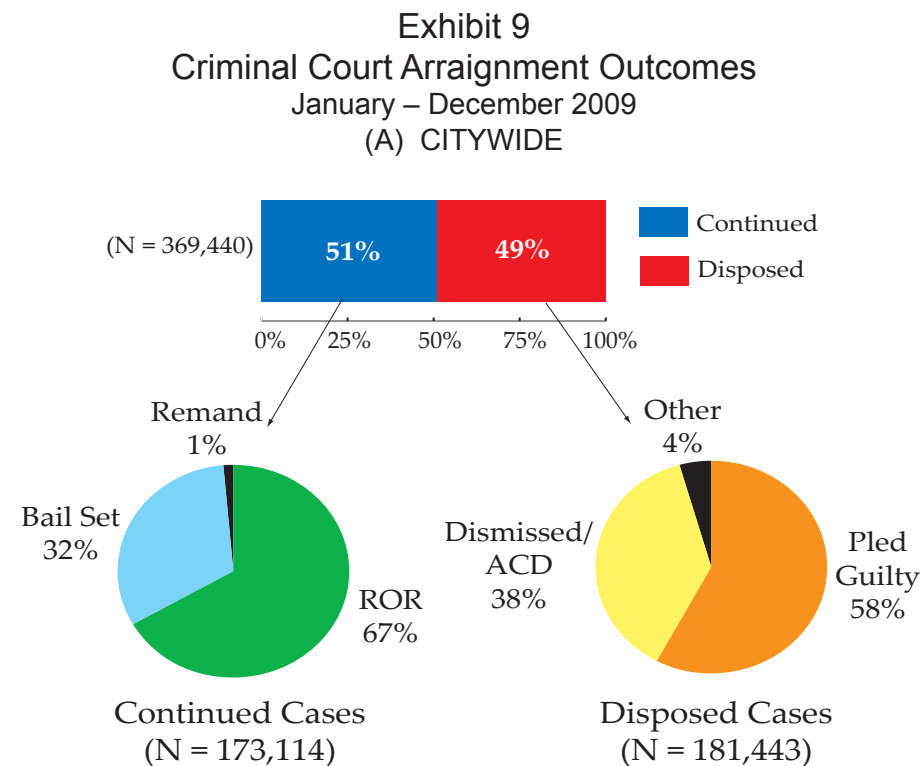
Almost half (49%) of all cases were disposed at arraignment. Borough variations ranged from 33% in Staten Island to 56% in the Bronx.

A case was considered disposed if the defendant pled guilty (58% of disposed cases citywide), if the case was dismissed or adjourned in contemplation of dismissal (ACD) (38%), or if the case was transferred to another court or jurisdiction (Other, 4%).

Of disposed cases, the proportion disposed by a guilty plea was particularly high in Staten Island (75%) and Manhattan (71%).

Release Rates

Of the nondisposed (continued) cases citywide, the defendant in 67% of cases was released on



All docketed cases, including DATs, were included in Exhibit 9. Cases with no release data were excluded from the pie charts of continued cases. The excluded cases were primarily those of defendants who did not appear for a DAT arraignment, along with a smaller number of hospital arraignments.

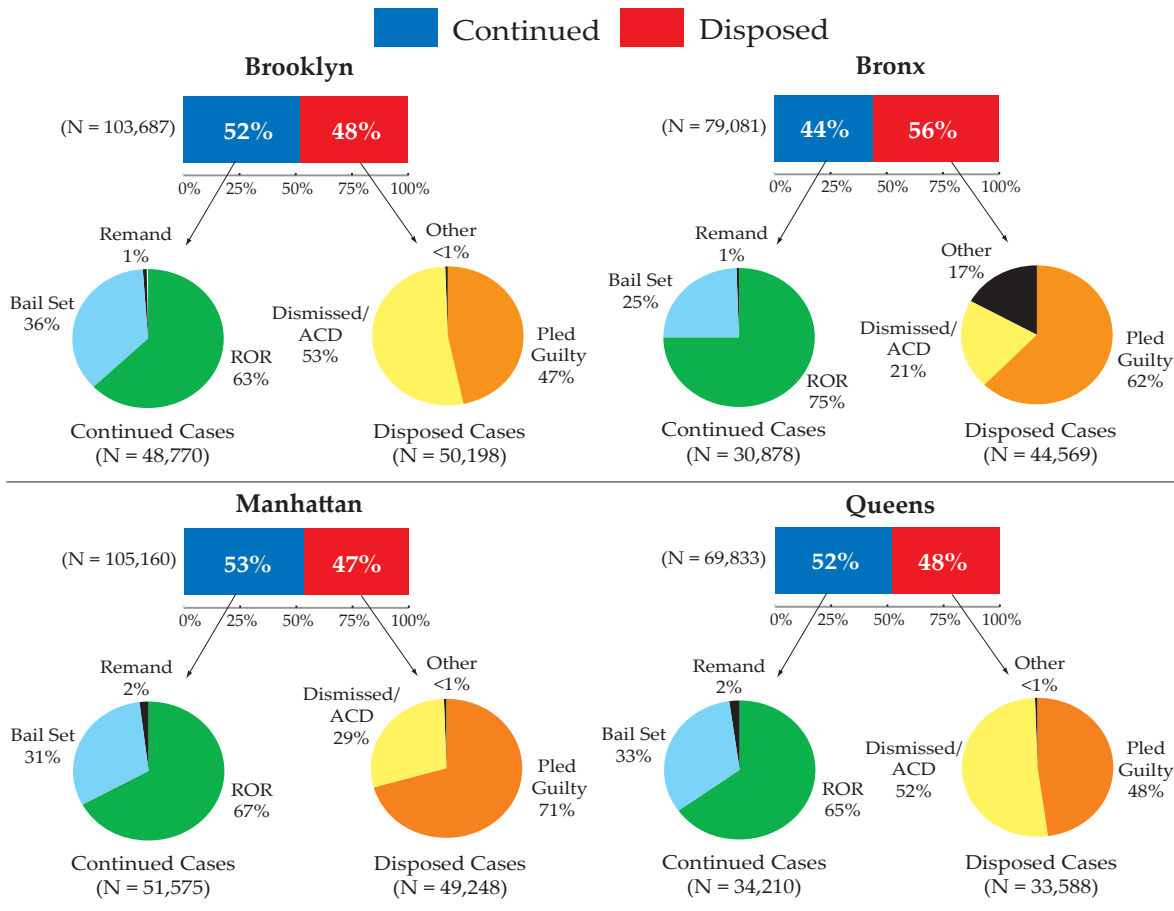
Bronx Court Restructuring
In November 2004 most Criminal Court and Supreme Court functions were consolidated in the Bronx. Under this structure, virtually all continued criminal cases are transferred to Supreme Court at the Criminal Court arraignment. A case transferred to Bronx Supreme Court at arraignment is categorized as disposed if it was judged to be the equivalent of a Supreme Court case in other boroughs; this drove up the disposition rate. A transfer to Supreme Court in the Bronx was categorized as continued if it was judged to be the equivalent of a Criminal Court case. For a description of the way “Criminal Court equivalent” cases were identified, see note on page 42.

recognizance. Bail was set in 32% of continued cases, and the defendant was remanded without bail in the remaining 1% of continued cases.

The ROR rate was highest in the Bronx (75%), compared to 62% to 67% elsewhere.

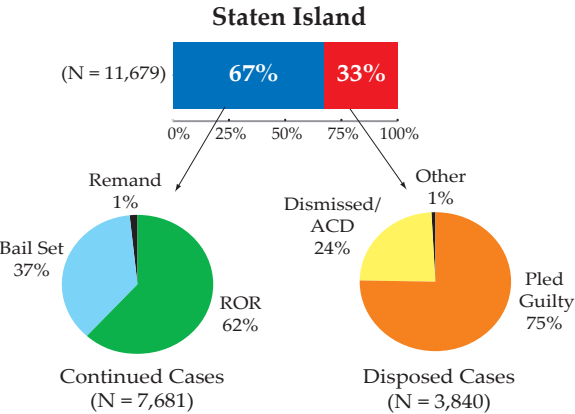
Criminal Court Arraignment

Exhibit 9
Criminal Court Arraignment Outcomes
January – December 2009
(B) BY BOROUGH



The ROR rate is highest in the Bronx partly because continued cases included fewer with a felony top charge at arraignment: 22% with a felony charge in the Bronx, compared to 24% or more in other boroughs (not shown). Defendants charged with a felony are more likely to have bail set than defendants charged with less severe crimes.

The high proportion of "Other" arraignment dispositions in the Bronx (17%, compared to 1% or less elsewhere) is attributable to the practice there of transferring cases to Supreme Court at arraignment, rather than continuing them in Criminal Court until indictment (or waiver of indictment), or until the charge is reduced. This practice also accounts for the smaller proportion of felony charges among the continued cases. [See note, page 42.]



Percentages may not total 100% because of rounding.

Criminal Court Arraignment

Exhibit 10
Disposition Rates At Criminal Court Arraignment
By Charge Severity
January – December 2009

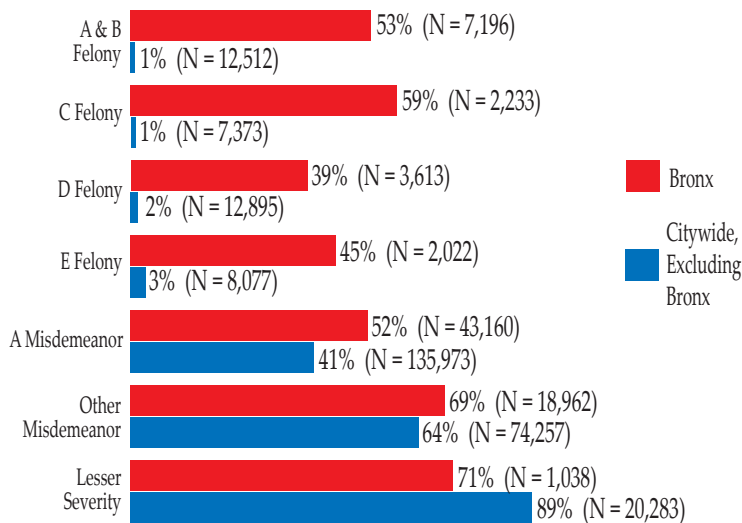


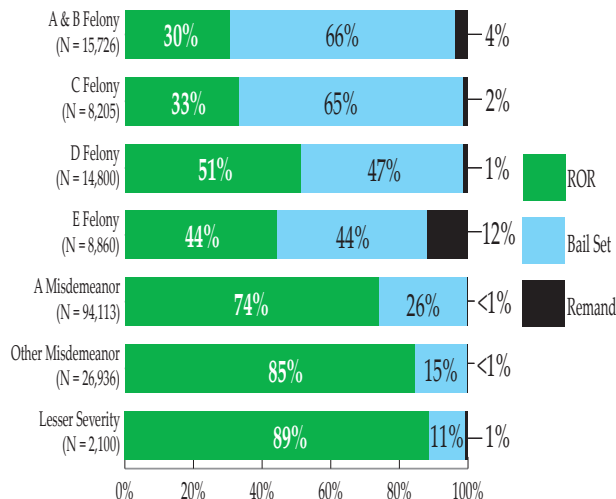
Exhibit 10 displays the relationship between the severity of the charge entering arraignment and the disposition rate.

With Bronx cases excluded from the data (blue bars), only a small fraction of felony cases—3% or less—were disposed at Criminal Court arraignment. (A transfer to Supreme Court is counted as disposed in Criminal Court, but this rarely happens at arraignment except in the Bronx.) By contrast, the disposition rate at arraignment was 41% for cases with a class A misdemeanor as the top charge; 64% for cases with a lower severity misdemeanor as the top charge; and 89% for cases with the least severe charges.

Bronx cases are displayed separately (see blue box, page 16). Although virtually all criminal cases in the Bronx are transferred to Supreme Court at arraignment, cases that are equivalent to Criminal Court cases in other boroughs are categorized as continued rather than disposed.

Exhibit 11 displays the relationship between the severity of the charge entering arraignment and release status, for defendants in continued (nondisposed) cases. The more serious the charge, the less likely was the defendant to be granted ROR. ROR was granted in 30% of cases of defendants charged with a class A or class B felony, compared to 74% of cases of defendants charged with a class A misdemeanor. ROR was granted in 85% or more of cases with a top charge less severe than a class A misdemeanor.

Exhibit 11
Release Status Leaving Criminal Court Arraignment
By Charge Severity
January – December 2009
(Continued Cases Only)



A relatively high proportion of class E felony cases had a defendant who was remanded without bail (12%) because an E felony offense is commonly used to charge defendants who are held for extradition to another jurisdiction.

All docketed cases, including DATs, are included in Exhibits 10 and 11. Cases with missing or unknown charge severity were excluded. Cases disposed at arraignment and cases with no release status were also excluded from Exhibit 11.

Percentages may not total 100% because of rounding.

Relationship Between ROR Rate At Arraignment In Criminal Court & CJA Recommendation

Exhibit 12 shows, citywide and for each borough, the relationship between ROR and the CJA recommendation for cases that were not disposed at arraignment in Criminal Court.

Cases of defendants who were recommended for ROR had higher release rates than cases of defendants who were assessed to be moderate risks for failure to appear, and much higher release rates than cases of defendants who were not recommended. ROR rates were also lower for cases of defendants who were assigned to the No Recommendation category, compared to cases of recommended defendants.

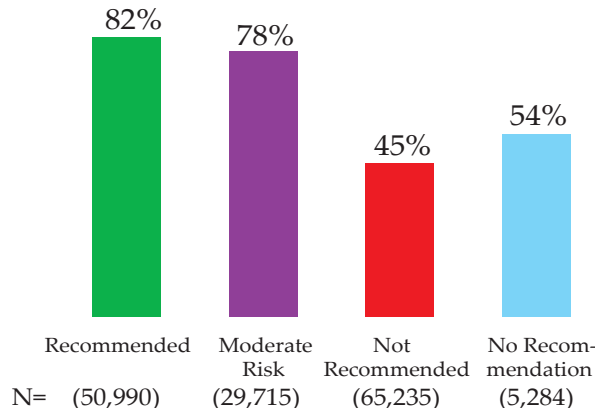
Citywide, ROR was granted in 82% of cases of recommended defendants, compared to 78% of cases of moderate-risk defendants, 45% of cases of defendants who were not recommended, and 54% of cases of defendants in the No Recommendation category.

The same pattern was found in each borough, as shown on the following page. The highest ROR rate for cases of recommended defendants was 90%, found in the Bronx. (As explained in the blue box on page 17, Bronx ROR rates were higher than elsewhere in the City because of the exclusion of many Bronx felony cases from the sample of cases continued at Criminal Court arraignment. See also the blue box below.)

ROR rates for cases of moderate-risk defendants were from 3 to 9 percentage points lower than the rates for cases of recommended defendants in each borough.

ROR was granted least often in cases of defendants who were not recommended in each borough: 35% in Staten Island; 37% in Queens; 42% in Brooklyn; 43% in Manhattan; and 60% in the Bronx.

Exhibit 12
ROR Rates At Criminal Court Arraignment
By CJA Recommendation
January – December 2009
(Continued Cases Only)
(A) CITYWIDE



All docketed cases with a CJA recommendation that were continued at arraignment were included in Exhibit 12. Cases in which the defendant was not interviewed (most DAT cases), as well as cases missing arraignment release data, were excluded.

Bronx cases that were categorized as Criminal Court equivalents and transferred to Supreme Court at arraignment are considered continued and are included in Exhibit 12. Other cases transferred to Supreme Court or another jurisdiction at arraignment are considered disposed in Criminal Court and are excluded. [See blue boxes throughout and note on page 42.]

Criminal Court Arraignment

Exhibit 12
 ROR Rates At Criminal Court Arraignment
 By CJA Recommendation
 January – December 2009
 (Continued Cases Only)
 (B) BY BOROUGH



VII.

Bail Setting and Bail Making

Exhibit 13 shows that in New York City as a whole, 15% of all bail amounts set at arraignment in Criminal Court were \$500 or less; 25% were in amounts from \$501 to \$1,000; 24% were from \$1001 to \$2,500; and 20% were from \$2,501 to \$7,500. In the remainder of cases (16% of all cases with bail set), the bail amount was in excess of \$7,500.

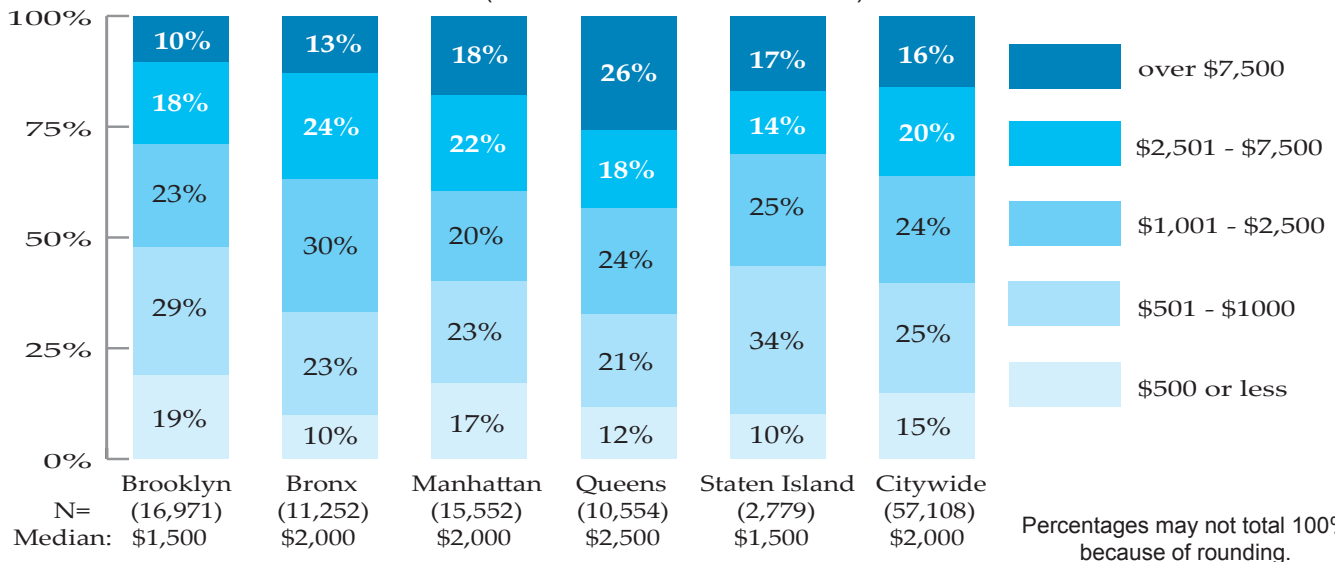
In about 2% of the cases with bail set, the amount was \$100,000 or more (not shown). The few cases with very high bail amounts produce averages that are much higher than the amounts set in the majority of cases, so medians are reported instead of averages. The median is the amount below and above which there is an equal number of cases. Citywide, the median amount of bail set at Criminal Court arraignment was \$2,000.

Bail amounts varied by borough. The highest amounts were set in Queens, as indicated by the high median (\$2,500) and the very large percentage of cases with bail set higher than \$7,500 (26%).

Bail amounts were lowest in Brooklyn and Staten Island, where the medians were \$1,500. Brooklyn also had a smaller proportion of cases with very high bail: only 10% of Brooklyn bail cases had amounts set over \$7,500, compared to 13% to 26% elsewhere.

All docketed cases with bail set higher than \$1 at arraignment, including DATs, were included in Exhibits 13 and 14. Cases disposed at arraignment were excluded, *with the exception of cases transferred to Supreme Court at arraignment, which were included*. Thus the bail amounts reported are for both Criminal Court and Supreme Court cases; and some cases are included here that were not included in the proportion of continued cases with bail set shown in Exhibit 9.

Exhibit 13
Bail Amount Set At Criminal Court Arraignment
Citywide And By Borough
 January – December 2009
 (Cases For Which Bail Was Set)



Bail Making

Exhibit 14 shows the percentage of cases in which the defendant gained release by posting bail at arraignment, for all cases with bail set and within each bail amount range. Citywide (A) rates are on this page and rates by borough (B) are on the following page. (Defendants who did not make bail at arraignment may have done so within a few days; see Exhibit 15 for post-arraignment bail making.)

Of all cases with bail set, defendants in only 10% of cases were able to post the amount necessary to gain release at arraignment in Criminal Court.

The ability to post bail at arraignment was rare even when the amount of bail was very low. For cases with bail amounts of \$500 or less, bail was made at arraignment in 16% of cases. This percentage dropped as the bail amounts rose. In cases with bail set over \$2,500, the defendant posted bail at arraignment only 6% of the time, or less.

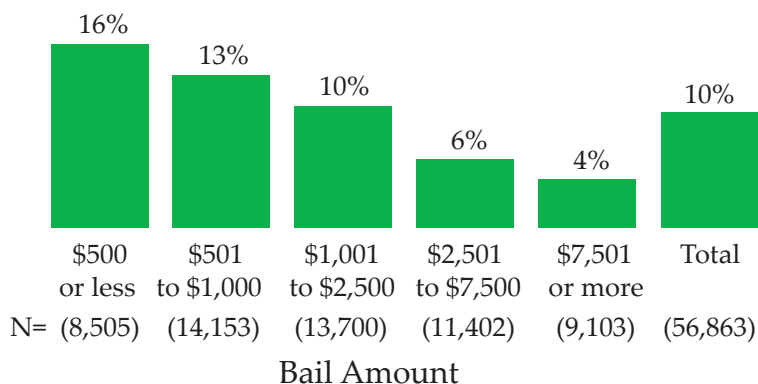
There were wide differences by borough in bail making at arraignment. Defendants in Staten Island cases were much more likely to be able to post bail at arraignment than defendants in other boroughs. Staten Island defendants made bail at arraignment in 24% of cases overall, and that proportion rose to 41% for cases with bail set at \$500 or less.

Bail was least likely to be made at arraignment in Manhattan (7% overall). The proportion making bail in Manhattan was very low even when bail was \$500 or less (11%).

[It appears that Manhattan defendants were more likely to make bail at arraignment in cases with the *highest* bail amounts than in some lower bail ranges, but this is probably not accurate. In recent years a coding error in the data transmitted to CJA for a small subset of high bail cases in Manhattan has resulted in categorizing the defendant as released on bail when in fact the defendant was held on bail. However, Exhibits 14 and 15 reflect the data CJA received. See note, p. 42.]

Exhibit 14
Bail Making At Criminal Court Arraignment
By Bail Amount
 January – December 2009
 (Cases For Which Bail Was Set)
 (A) CITYWIDE

Percent Made Bail



How Bail Amounts Were Calculated

When bond was ordered with a lower cash alternative, the lower amount was reported here, summed across all dockets. Cases with bail set at \$1 were excluded because the defendant would not be able to obtain release by posting that amount, which is an indication of higher bail, or remand, on another case.

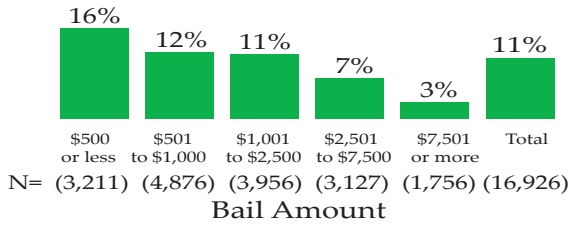
The total number of cases is less than the number of cases reported in Exhibit 13 because of missing bail-making data.

The total number of cases is greater than the number of continued cases for which bail was set reported in Exhibit 9 because cases that were transferred to Supreme Court at arraignment (categorized as disposed for Exhibit 9) were included in Exhibits 13 and 14.

Exhibit 14
Bail Making At Criminal Court Arraignment By Bail Amount
 January – December 2009
 (Cases For Which Bail Was Set)
 (B) BY BOROUGH

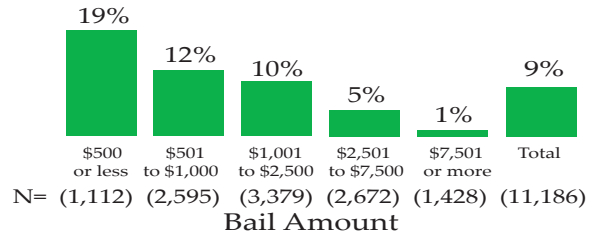
Brooklyn

Percent Made Bail



Bronx

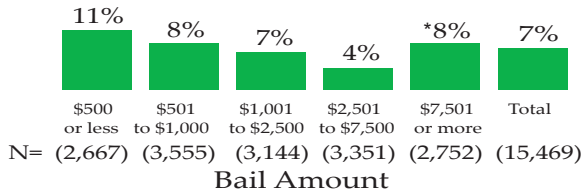
Percent Made Bail



Manhattan

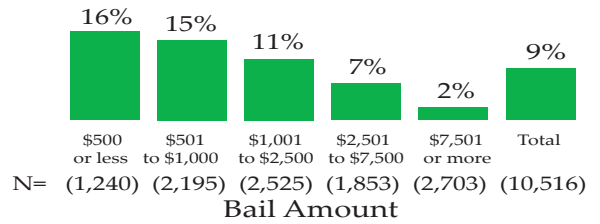
Percent Made Bail

*Data for this category are unreliable. See text, previous page.



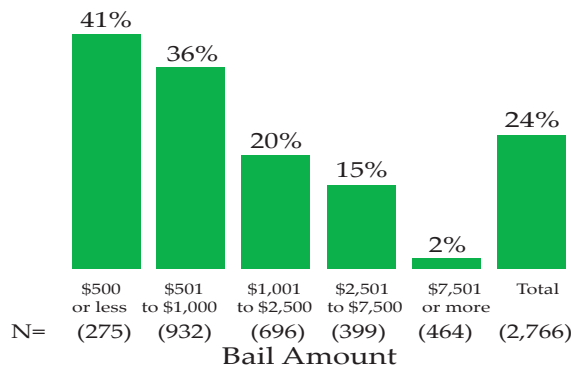
Queens

Percent Made Bail



Staten Island

Percent Made Bail



Bail Making

Exhibit 15 shows, for Criminal Court cases with bail set at arraignment, the percentage in which the defendant gained release before disposition in Criminal Court. Citywide data are shown below (A), and by borough on the following page (B).

Citywide, defendants in 46% of bail cases (excluding cases transferred to Supreme Court) were not released prior to disposition of the case. The defendant's release, either by ROR or by posting bail, was obtained at some point prior to disposition in the remaining cases in which bail was set: 11% made bail at arraignment; 16% were released on recognizance post-arraignment, often because of mandatory release requirements; and 27% made bail post-arraignment.

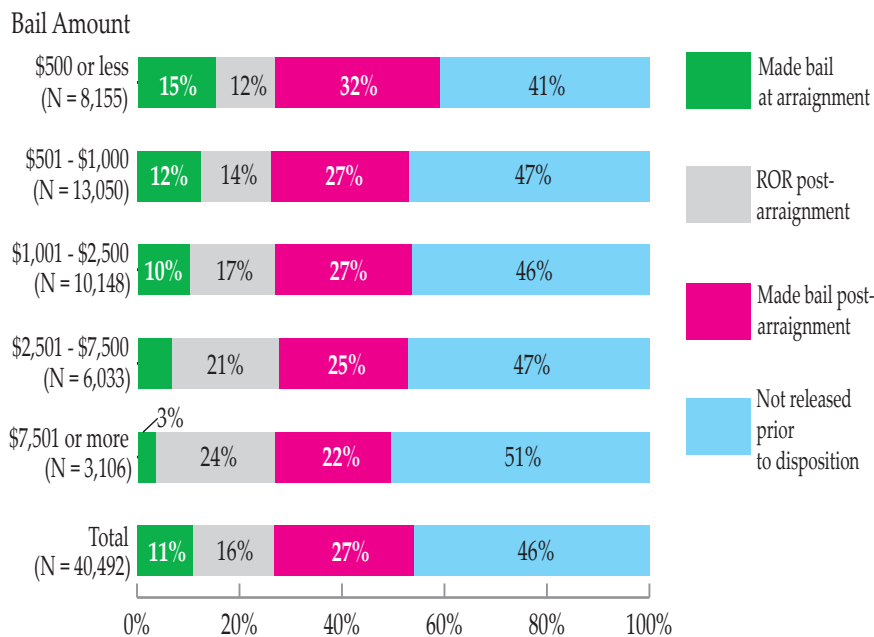
Detention to disposition was more likely to occur for cases with high bail amounts: 41% detained to disposition among cases with bail of \$500 or less, compared to 51% among cases with bail over \$7,500.

Defendants who made bail were much more likely to have done so after the arraignment appearance than at arraignment. In 27% of bail cases the defendant made bail post-arraignment, compared to 11% of cases in which the defendant made bail at arraignment.

Borough differences: Detention-to-disposition rates for cases with bail set were highest in the Bronx (53%) and lowest in Staten Island (34%).

Queens had both the largest proportion of bail cases in which the defendant made bail post-arraignment (38%), and the smallest proportion of bail cases in which the defendant was granted ROR post-arraignment (6%).

Exhibit 15
Bail Making Post-Arraignment In Criminal Court
By Bail Amount
 January – December 2009
 (Criminal Court Cases Continued At Arraignment With Bail Set)
 (A) CITYWIDE



The cases included in Exhibit 15 were limited to those that were either disposed in Criminal Court or were still open in Criminal Court on June 30, 2010. Also included were Bronx "Criminal-Court-equivalent" cases, which were tracked to disposition in Supreme Court. [See notes on Bronx court restructuring, pages 16 and 42.]

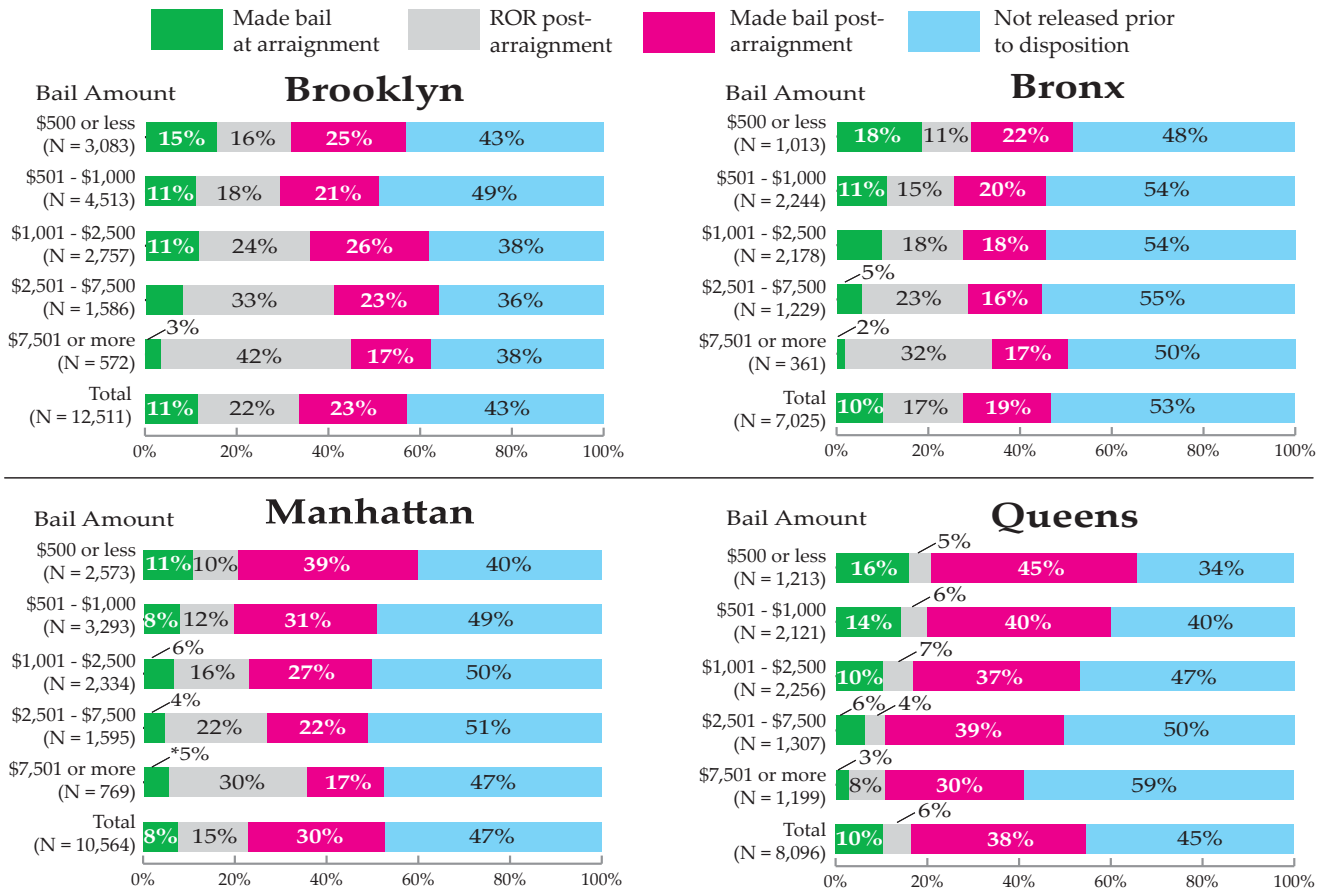
Other cases transferred to Supreme Court were excluded. Thus, the total number of cases in Exhibit 15 is smaller than in Exhibit 14, and the percentages for bail making at arraignment also differ slightly because many felony cases that were included in Exhibit 14 were excluded from Exhibit 15. DAT cases were included in Exhibits 13, 14, and 15.

See box on page 22 for an explanation of how bail amounts were calculated. Cases with bail set at \$1 were excluded from Exhibits 14 and 15.

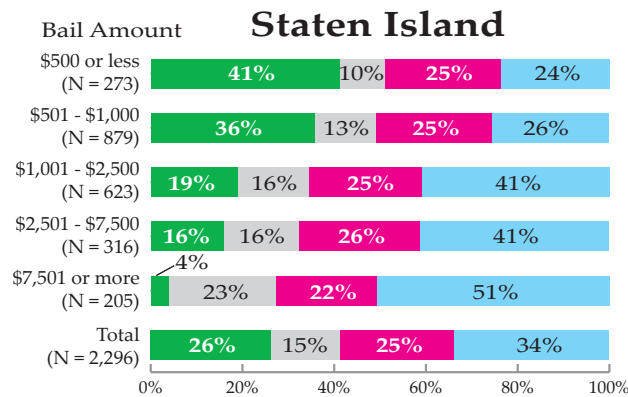
Bail making and release on recognizance were tracked until the disposition of the case in Criminal Court, or until June 30, 2010.

Bail Making

Exhibit 15
Bail Making Post-Arraignment In Criminal Court By Bail Amount
 January – December 2009
 (Criminal Court Cases Continued At Arraignment With Bail Set)
 (B) BY BOROUGH



*Data for making bail at arraignment in Manhattan are unreliable for cases with the highest bail amounts. See page 22.



Percentages may not total 100% because of rounding.

VIII.

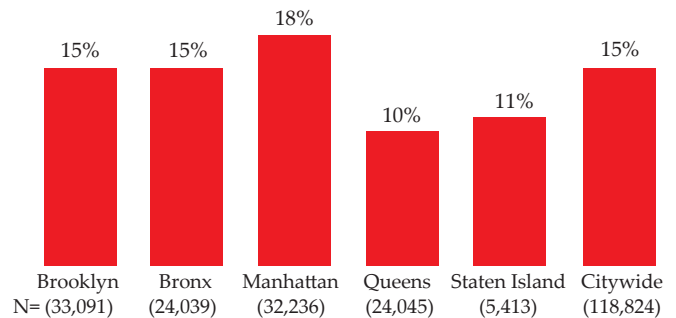
Failure To Appear In Criminal Court

Whenever a released defendant fails to appear voluntarily for a scheduled court proceeding, a bench warrant is issued by the judge. The Criminal Justice Agency works in two ways to minimize the extent of failure to appear (FTA). First, the Agency's recommendation system provides judges with an assessment of the risk of nonappearance associated with release for each defendant. Second, CJA attempts to remind released defendants of each scheduled Criminal Court appearance. Of course, a greater proportion of the favorably assessed defendants may be readily contacted because they have known and often verified telephone numbers and addresses. [See Section X for information about notification procedures and outcomes.]

Exhibit 16 shows that the defendant in 15% of Criminal Court cases in which the defendant was at risk failed to appear at least once for a scheduled court appearance prior to disposition of the case. A defendant is "at risk" if he or she was released, either on recognizance or on bail, at any time prior to disposition in Criminal Court. Cases were tracked until disposition or until June 30, 2010, whichever occurred first.

FTA rates were lowest in Queens (10%) and Staten Island (11%), and highest in Manhattan (18%). The FTA rate was 15% in both Brooklyn and the Bronx.

Exhibit 16
Failure To Appear (FTA) Rates
In Criminal Court
Citywide And By Borough
January – December 2009
(At-Risk Criminal Court Cases)



Bronx Criminal-Court-equivalent cases are included in the FTA data presented in this section. FTA in either Criminal Court or Supreme Court prior to disposition (or until June 30, 2010, whichever occurred earlier) is included in the rates for these cases. [See explanatory notes about Bronx court restructuring, pages 16 and 42.]

Supreme Court cases (defined as any case adjudicated in Supreme Court, with the exception of Bronx Criminal-Court-equivalent cases as noted in separate box) and DAT cases were excluded from all exhibits in this section. FTA rates for DAT arraignments are presented separately in Section IX. FTA rates for Supreme Court cases in the 2009 cohort will be presented in the *2010 Annual Report*, after they have been tracked for a minimum of 18 months to June 30, 2011.

FTA rates presented in this report are case based. They are calculated by dividing the number of cases in which a defendant failed to appear one or more times by the total number of cases with a defendant who was at risk. Appearance-based FTA rates, used in some reporting systems (including CJA's old *Semi-Annual Report* series, last published in 2003), produce lower rates because of the method used to calculate them. For example, if defendants in 10 out of 100 cases failed to appear once while their cases were pending, the case-based FTA rate would be 10%. If it took four court appearances for each case to reach disposition, the appearance-based FTA rate for the same sample would be 2.5% (10 divided by 400 appearances). The FTA rates presented here are comparable to other FTA rates only if they are calculated using the same method.

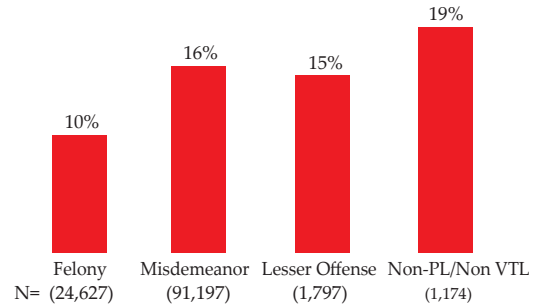
Failure To Appear In Criminal Court

FTA and Charge Severity

As shown in Exhibit 17, the FTA rate was 16% in cases of defendants charged with a misdemeanor and 15% in cases with lesser severity offenses (violation or infraction). The rate was higher (19%) in cases with a charge outside the Penal Law or Vehicle and Traffic Law, for which no severity category is available. The majority of the non-PL, non-VTL charges are offenses under the Administrative Code; they also include Alcohol and Beverage Control Law and Public Health Law offenses.

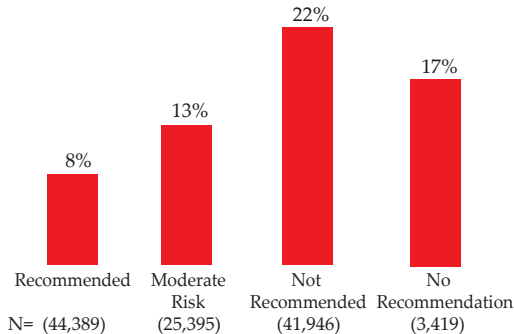
Criminal Court cases with a felony top charge entering arraignment had a low FTA rate of 10%. However, this does not include felony cases that are prosecuted in Supreme Court. The only felonies included in Exhibit 17 are those that were dismissed or disposed on a reduced charge in Criminal Court, plus a few cases with a felony charge that were still open in Criminal Court on June 30, 2010. For this reason, the citywide FTA rate presented in Exhibit 30 for Supreme Court cases (nearly all of which are felony level) provides a better comparison with the nonfelony rates presented in Exhibit 17.

Exhibit 17
Failure To Appear (FTA) Rates
In Criminal Court
By Charge Severity At Arraignment
 January – December 2009
 (At-Risk Criminal Court Cases)



Cases in which the felony charge was sustained (and the case transferred to Supreme Court) were not included in the data presented in this section. The “felony” cases included in Exhibits 15 through 20 are those in which the charge was dismissed or reduced to a nonfelony in Criminal Court, or the case was still open in Criminal Court on June 30, 2010. DAT cases and cases with missing data were also excluded.

Exhibit 18
Failure To Appear (FTA) Rates
In Criminal Court
By CJA Recommendation
 January – December 2009
 (At-Risk Criminal Court Cases)



FTA and the CJA Recommendation

Exhibit 18 shows that FTA rates were lowest in cases of defendants who, because they were assessed to pose a low risk of flight, were recommended for ROR (8%).

Cases of defendants assessed at moderate risk of flight had a higher FTA rate (13%).

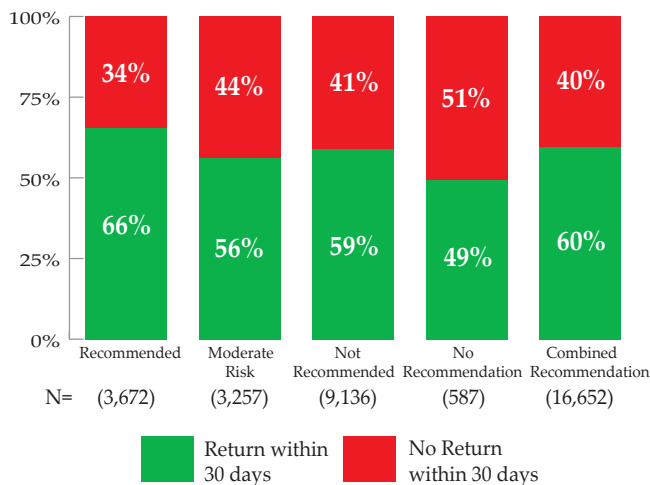
The highest FTA rate was found among cases of defendants who were not recommended for ROR (22%). This was almost triple the FTA rate for cases with recommended defendants.

In cases of defendants assigned to the No Recommendation category, the FTA rate was also relatively high (17%).

Failure To Appear In Criminal Court

Exhibit 19

Return To Criminal Court Following FTA
By CJA Recommendation
January – December 2009
(Criminal Court Cases With FTA)



Return to Court
and the CJA Recommendation

As shown in Exhibit 19, in Criminal Court cases with an FTA prior to disposition, 60% of the defendants returned to court within 30 days after failing to appear.

In cases with a defendant who was recommended by CJA, the rate of return within 30 days was 66%, which is higher than for cases with a defendant who was assigned any other recommendation category: 56% for moderate risk, 59% for cases with a defendant who was not recommended, and 49% for cases with a defendant in the No Recommendation category.

Cases were tracked for at least 30 days after the first FTA in order to collect data on return to court. For cases with a first FTA occurring near the cutoff date (June 30, 2010), return-to-court data were tracked for an additional month, to July 30.

Adjusted FTA Rates
and the CJA Recommendation

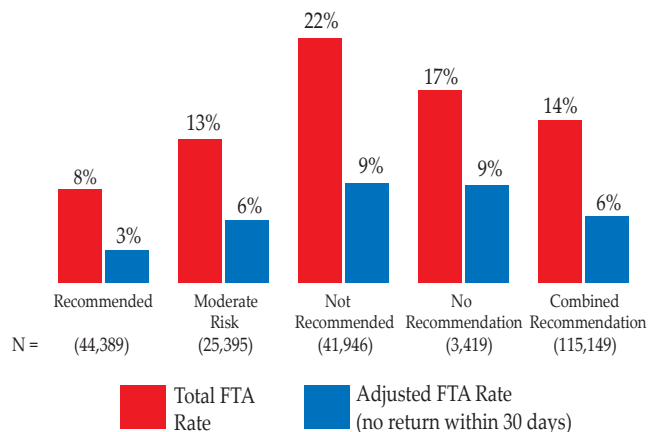
Exhibit 20 compares the total FTA rate (red bars, already presented in Exhibit 18) to an “adjusted FTA rate” (blue bars), obtained by counting only cases in which the defendant did **not** return within 30 days.

The adjusted FTA rate for cases of recommended defendants was 3%, compared to 6% for cases of moderate-risk defendants, and 9% for cases of defendants who were not recommended for ROR or assigned to the No Recommendation category.

Overall, the adjusted FTA rate—FTA with no return within 30 days—was 6%, which is less than half of the total FTA rate of 14%. (*The citywide FTA rate of 15% given in Exhibit 16 includes cases that were excluded from this exhibit because the defendant was not interviewed by CJA.*)

Exhibit 20

Total And Adjusted FTA Rates
By CJA Recommendation
January – December 2009
(At-Risk Criminal Court Cases)



IX.

Desk Appearance Tickets

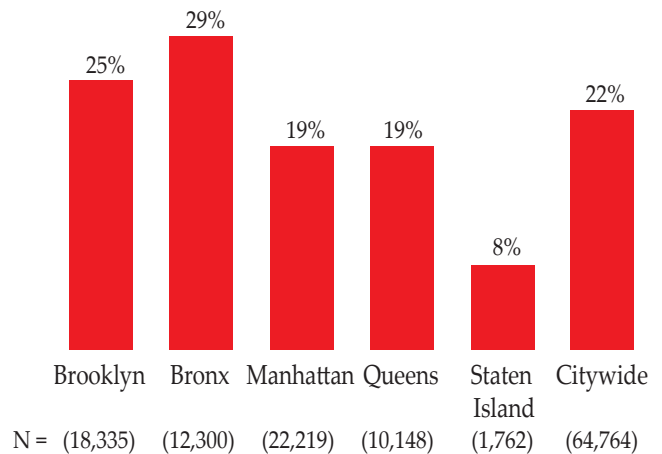
The previous section of this report presented post-arraignment FTA rates for cases of defendants who were detained from arrest to arraignment, and it excluded cases of defendants who were issued desk appearance tickets (DATs). In this section, we report FTA rates for scheduled DAT arraignments.

A desk appearance ticket is a written notice issued by the New York City Police Department (NYPD) or another authority for the defendant to appear in the Criminal Court for arraignment at a future date. Under the New York State Criminal Procedure Law (§150.20), a DAT may be issued for any nonfelony and some nonviolent class E felony arrest charges. The NYPD imposes some additional restrictions; for example, denying DATs to defendants found to have outstanding warrants.

CJA does not usually interview DAT defendants, but the Agency does provide arraignment notification for them by mail and by telephone using contact information supplied by the NYPD. For post-arraignment appearances, DAT defendants are notified using the same procedures as for other defendants. (For more information regarding notification, see Section X.)

Exhibit 21 shows that 64,764 DAT cases were prosecuted citywide during 2009. This represents a 52% increase in the number of DATs citywide compared to 2008 (N=42,540, not shown). The greatest increases were in Brooklyn and Queens, where the volume nearly doubled. Only the Bronx remained at nearly the same level of DAT volume as in 2008.

Exhibit 21
Failure To Appear (FTA) Rates
For A DAT Arraignment
Citywide And By Borough
January – December 2009



In 22% of DAT cases, the defendant failed to appear for the arraignment in Criminal Court.

There were large borough differences in FTA rates for DAT arraignments. The Bronx had the highest rate, at 29%. Next highest was Brooklyn, at 25%, followed by Manhattan and Queens (both 19%), and Staten Island (8%).

Chronically high FTA rates among DAT defendants in the Bronx have been attributed in part to repeated rescheduling of DAT arraignments. To address this problem, in 2009 CJA launched a special notification effort for Bronx DAT defendants whose arraignments were rescheduled (described on page 31).

Unlike FTA rates presented elsewhere in this report, which counted an FTA any time during the pendency of the case, Exhibit 21 counts FTA only at arraignment. The rate is the number of DAT cases in which a defendant failed to appear for the scheduled arraignment divided by the total number of scheduled DAT arraignments.

X.

Notification

The Agency attempts to notify all released defendants of their scheduled court appearances, with the expectation that this will reduce FTA rates. Defendants released on desk appearance tickets are also notified of their scheduled arraignment dates. Notification is attempted for all appearances in Criminal Court, and since 2006, also for Supreme Court appearances in the Bronx and Manhattan. Notification for Supreme Court appearances was expanded to all boroughs in 2009. Notification of juveniles for Family Court appearances in Queens (not shown) began in 2009, but was not funded beyond 2010.

Notification by Telephone

Telephone notification is attempted for defendants who provided a telephone number. Computerized telephone calls are made at two points prior to each defendant's court date: a **reminder call** is made starting three days before a scheduled court date, and a **wake-up call** is made between 6 a.m. and 10 a.m. on the morning of the scheduled appearance. Up to four attempts per day are made for reminder calls, until someone answers and responds by pressing the appropriate keys, or a machine answers. Only one attempt is made for wake-up calls.

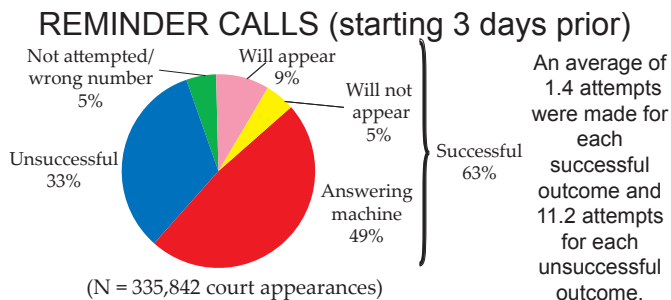
Exhibit 22 shows the number of scheduled court appearances for which telephone notification was attempted, and the outcomes. Included are appearances for which the defendant's telephone number was available but no call was attempted because the computer did not recognize the court part or the system was temporarily down.

Reminder Calls

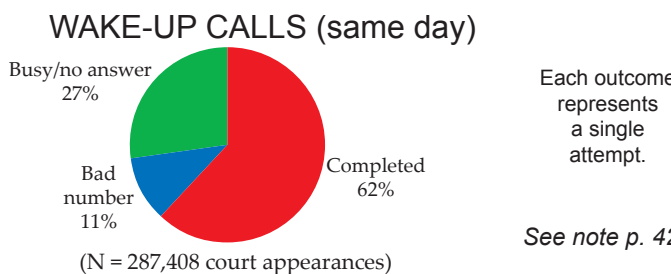
There were 335,842 court appearances in 2009 with a telephone notification outcome presented in Exhibit 22 (see note p. 42). The reminder call was completed successfully for 63% and unsuccessfully for 33% (see box for definitions of "successful" and "unsuccessful"). For the remaining appearances, the call was not attempted or a wrong number was reached. For 9% of appearances someone responded that the defendant would appear in court. If the respondent said that the defendant would not appear (5%), he or she was counseled about the serious consequences of failure to appear.

Exhibit 22

Telephone Notification: Volume & Outcomes January – December 2009



An average of 1.4 attempts were made for each successful outcome and 11.2 attempts for each unsuccessful outcome.



See note p. 42

Telephone Notification Outcomes

Reminder Calls

- "Successful" — someone responded that the defendant will/will not appear; or message left on machine.
- "Unsuccessful" — busy, no answer, nonworking number, or no response to automated menu choices.
- "Not attempted, wrong number" — the menu option for a wrong number was selected; or the call was not attempted.

Wake-Up Calls

- "Completed" — a working number was reached, including a machine or voice mail (a recorded message is left) or a wrong number. (Previously identified wrong numbers are excluded.) No automated menu responses are requested.
- "Busy, no answer" — busy signal or unanswered ring.
- "Bad number" — disconnected or out of service.

Wake-Up Calls

CJA made 287,408 wake-up calls, of which 62% were completed and a recording played about the defendant's required appearance in court that day. There were fewer wake-up calls than reminder calls because previously identified wrong numbers were excluded, the system was occasionally down, or there was insufficient time to complete the calls by 10 a.m.

Notification by Letter

Reminder letters to defendants with upcoming court appearances are sent to those who provided a mailing address but not a telephone number. Most defendants who provided a telephone number are notified only by telephone. However, defendants who were issued a desk appearance ticket (DAT) receive both a telephone call and a letter (if CJA received both an address and a telephone number from the NYPD) reminding them of the scheduled arraignment date, which is usually several weeks after arrest.

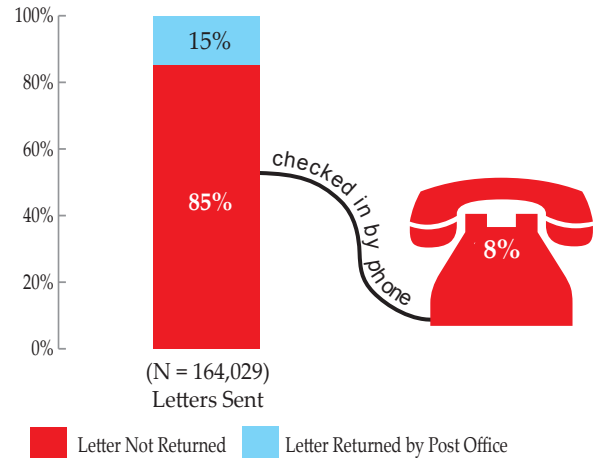
A letter is sent to defendants meeting these criteria if the next appearance is scheduled seven or more days after any given court date. If the next appearance is scheduled to take place in fewer than seven days, there is not enough time to generate a letter.

An additional notification program was inaugurated in January 2009 for DAT defendants in the Bronx whose arraignment was rescheduled because the paperwork was not ready at the initially scheduled arraignment. In the past, defendants may have been required to report multiple times only to be told that the case was still not ready. Under the new program, the District Attorney notifies CJA when the paperwork is ready and CJA sends a letter notifying the defendant of the rescheduled date. (Telephone calls are also made to defendants in this group.)

Exhibit 23 shows that 164,029 letters were sent to defendants reminding them of a scheduled court appearance in Criminal Court or in Supreme Court during the reporting period.

A small proportion of letters (15%) were returned by the Post Office because they were undeliverable. Defendants scheduled for post-arraignment appearances whose letters were returned are presumed not to have been notified (the letter would

Exhibit 23
Letter Notification: Volume & Outcomes
January – December 2009



not have been generated if a telephone number had been available).

The returned letters also included a small number of DAT arraignment notifications, and these defendants may have been reached by telephone.

Most letters (85%) were not returned. Defendants are presumed to have been notified if the letter was not returned.

The notification letter requests that the defendant call to confirm his or her attendance at the scheduled court appearance, using a CJA telephone number provided in the letter. Among recipients of the 138,987 unreturned letters, 8% (11,674) checked in by telephone as requested in the letter. A large number of additional letter recipients—it is not possible to determine exactly how many—tried to check in but did not enter valid responses to the automated menu. The telephone system received 38,761 calls that were not completed.

Agency evaluations of the notification system have shown consistently that notification, when successful, reduces FTA rates. These studies have also shown that, while both telephone and letter notification are effective, it is more effective to contact defendants by telephone.

XI.

Special Programs

Bail Expediting Program (BEX)

The Bail Expediting Program operates in the Bronx and Queens. To reduce unnecessary pretrial detention, CJA expedites bail making for defendants who are held on low bail (\$2,500 or less) in these two boroughs. CJA does not post bail, but re-interviews eligible defendants who were not able to post bail at arraignment. Program staff members obtain information to assist in contacting potential sureties, and then work with them to facilitate bail making.

The number of defendants identified as eligible for BEX in each borough is shown in Exhibit 24, along with the outcomes described in the accompanying box.

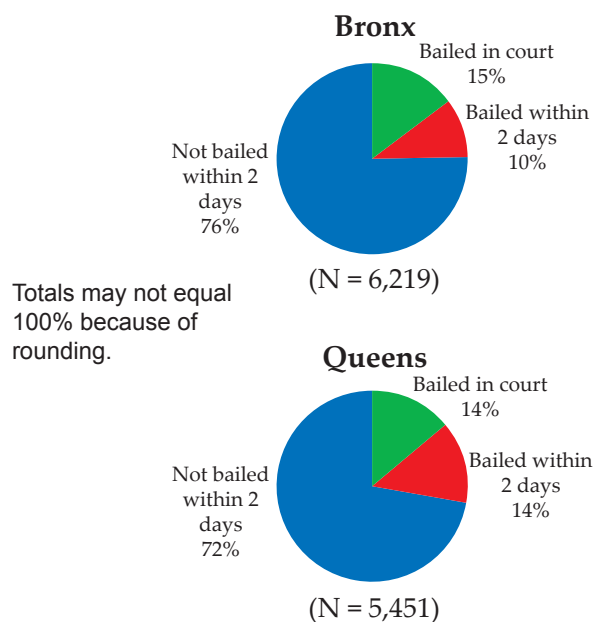
BEX expanded to Brooklyn and Manhattan in 2010; these additional boroughs will be included in next year's report.

In the Bronx 6,219 defendants with bail set at arraignment at \$2,500 or less were identified as eligible for BEX. Of these, 15% were bailed in court and an additional 10% made bail within two days, for a total of 25% of BEX-eligible defendants who gained release with CJA's help in the Bronx.

In Queens 5,451 defendants were identified as eligible for BEX. Of these, 14% were bailed in court and an additional 14% made bail within two days, for a total of 28% of BEX-eligible defendants who gained release with CJA's help in Queens.

An additional program called N(ew)-BEX operates in Queens, in recognition of the higher average bail amounts in this borough. Defendants in Queens with bail set in the range of \$2,501 to \$3,500 are eligible for N-BEX. During 2009, 565 defendants in Queens were eligible for N-BEX (not shown). Making bail was more difficult for them because of their higher bail amounts: only 8% were bailed in court, and an additional 7% were bailed within two days.

Exhibit 24
Bail Expediting Program (BEX):
Volume & Outcomes
January – December 2009



BEX Outcomes

- “Bailed in court” refers to defendants who posted bail while still in the courthouse, either at arraignment or while being held post-arraignment at CJA's request for up to two hours prior to transfer to the Department of Correction (DOC).
- “Bailed within 2 days” refers to defendants who posted bail after transfer to the DOC detention facility, but within two days of arraignment.
- “Not bailed within 2 days” is the designation for the remainder of BEX-eligible defendants. Some may have posted bail (or been released on recognizance) after two days, but the BEX program does not track or take credit for releases after two days.

Failure-To-Appear (FTA) Units

FTA Units operate in Brooklyn and Queens for defendants who fail to appear for a post-arraignment date in Criminal Court, and for defendants issued a desk appearance ticket (DAT) who fail to appear for the scheduled arraignment or for a post-arraignment appearance. CJA attempts to reach these defendants and persuade them to return to court voluntarily. For defendants who do so, or for whom CJA verifies a reason for the missed court date, there are benefits: the warrant is vacated, usually no additional charges result from the FTA, and the majority are again released or the case is immediately disposed.

Attempts are made to contact defendants by telephone and letter. Attempts to reach defendants by phone continue until the defendant returns to court, up to 29 days after the warrant is issued. CJA also may help arrange for the defendant's attorney to accompany him or her to court.

FTA Unit caseloads and outcomes are shown in Exhibit 25 (next page). For on-line arrests (cases in which the defendant was detained from arrest to arraignment) the caseload in Brooklyn was 6,846 and in Queens the caseload was 4,795. For Brooklyn DAT arrests (cases in which a desk appearance ticket was issued), the caseload was 2,589. (The Queens DAT caseload is not displayed because there were only 186 cases in this category during 2009.)

The bar charts in Exhibit 25 show that in on-line arrests in which a post-arraignment warrant was issued, a large minority could not be reached by telephone, although a letter may have reached them (36% in Brooklyn and 38% in Queens). In cases of Brooklyn DATs, 42% were not reached by telephone. In 3% to 7% of cases, efforts continued into January 2010.

For the remainder ("Reached and/or returned"), CJA was almost always successful in persuading the de-

FTA Unit Outcomes

- "No direct telephone contact, no return" refers to defendants who were not reached by telephone (although a letter may have reached them) and did not return to court within 29 days.
- "Continued" refers to defendants who had not yet returned by December 31, 2009, and for whom efforts would continue into the next reporting period.
- The remainder were categorized as "Reached and/or returned." Outcomes for this group were further subdivided:
 - "Returned with CJA's help / warrant vacated" refers to defendants who returned voluntarily as a result of CJA's efforts, as well as a few additional cases in which the warrant was vacated because CJA verified the reason for nonappearance.
 - "Returned by NYPD" refers to those who were brought back to court because they were re-arrested (or, in a few cases, picked up by a warrant squad) while CJA was still attempting to effect their voluntary return.
 - "Reached, no return" refers to defendants whom CJA contacted directly by telephone but who did not return to court within 29 days.

fendant to return to court. The pie charts in Exhibit 25 show that when those who were not reached by telephone (and did not return) were excluded, along with continued cases, the success rate ("Returned with CJA's help / warrant vacated") was 94% for both types of arrest in Brooklyn and 97% for Queens.

Very few defendants were reached by telephone and did not return within 29 days: between 3% and 6% were in this category. Even fewer (1% or less) returned because of a re-arrest. (Percentages are based on the number of cases after excluding defendants not reached by telephone who did not return.)

Special Programs

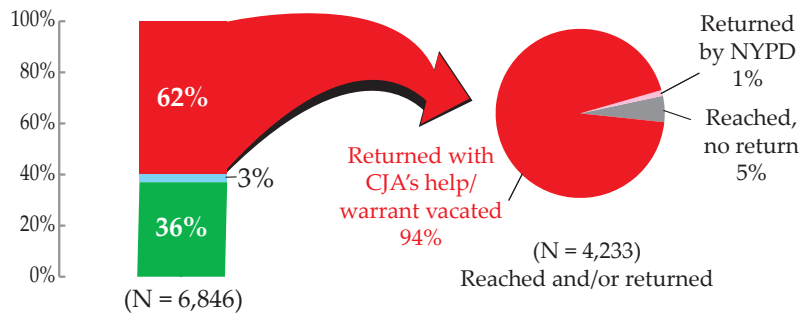
Exhibit 25
FTA Units: Volume & Outcomes
January – December 2009

[See box on previous page for outcome descriptions.]

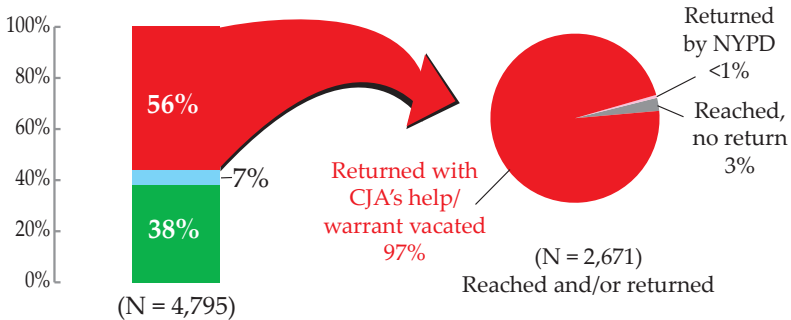
- Reached and/or returned
- Continued
- No direct telephone contact, no return

The FTA Units target both misdemeanor and felony cases with a warrant in Criminal Court. Exhibits 16-20 presenting FTA data excluded cases with a transfer to Supreme Court, which had the effect of excluding a large proportion of the felony cases. This is one reason why the caseloads shown in this exhibit are larger than the numbers of FTAs for Queens and Brooklyn shown in Exhibit 16. Another reason is that these data include outcomes for cases continued from the previous reporting period. Defendants with no address or telephone contact information are not included in the caseload totals.

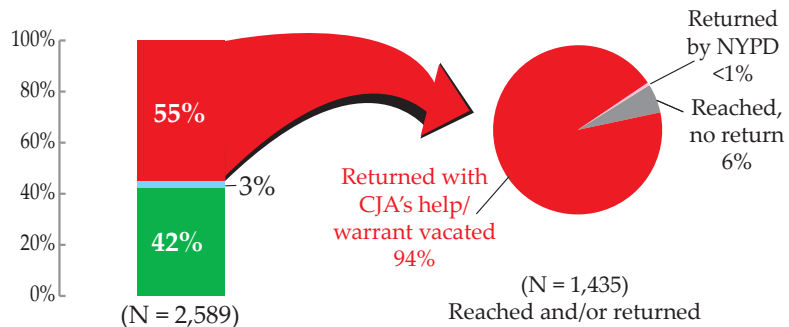
Brooklyn
On-Line Arrests: Post-Arraignment Warrants



Queens
On-Line Arrests: Post-Arraignment Warrants



Brooklyn
DAT Arrests: Arraignment & Post-Arraignment Warrants



Percentages may not total 100% because of rounding.

XII.

Supreme Court (2008 Cohort)

Supreme Court data are presented for arrests occurring in 2008.

In order to allow a minimum of 18 months to follow cases through Supreme Court, this section in each year's report presents Supreme Court data for the *previous* year's cohort. Because of the length of time it takes for cases sustained at the felony level to reach final disposition, many felony cases in the 2009 arrest cohort were still open at the cutoff date for tracking cases for the

current report (June 30, 2010). Supreme Court data for 2009 arrests will be reported in next year's (2010) report.

The data covered in this section include Supreme Court arraignment outcomes and failure to appear during the entire length of the case, covering Criminal Court and Supreme Court appearances. (Demographic data and Criminal Court arraignment outcomes for these cases have already been presented in the *2008 Annual Report*.)

Bronx Court Restructuring: Impact on 2008 Cohort of Supreme Court Cases

Court reorganization in the Bronx was implemented in November 2004. The restructuring consolidated Criminal Court and Supreme Court processing for cases continued at arraignment in Criminal Court. As a result of the consolidation, most Bronx cases that are not immediately disposed are now transferred to Supreme Court at arraignment. Under the two-tiered court system that was replaced, almost all nonfelony cases remained in Criminal Court for disposition, and Supreme Court transfers were restricted to cases sustained at the felony level (along with a handful of indicted misdemeanors). The other four boroughs of New York City continue to use a two-tiered court structure in which only the most severe cases are adjudicated in Supreme Court.

The composition of Supreme Court cases in the Bronx now differs considerably from Supreme Court cases elsewhere in the City because of the inclusion of misdemeanors and other cases that formerly would have been disposed in Criminal Court. We have attempted to adjust for this difference by excluding such cases in the Bronx from the data presented in this section presenting Supreme Court data. Bronx cases that are comparable to Criminal Court cases in the rest of the City were instead grouped with Criminal Court cases for Exhibits 15 through 20. See page 42 for an explanation of the criteria used to identify Criminal-Court-equivalent cases in the Bronx Supreme Court.

Some lack of comparability in reporting data as a result of the Bronx court restructuring unavoidably remains. It is likely that some cases included here with the Supreme Court exhibits would have been disposed in Criminal Court prior to restructuring. For this reason the Supreme Court case load in the Bronx is larger than in other boroughs and includes a larger proportion of less serious cases.

Supreme Court (2008 Cohort)

Disposition Rates at Supreme Court Arraignment

Exhibit 26 presents disposition rates at arraignment in Supreme Court. In the absence of an arraignment, the disposition at the first Supreme Court appearance was taken. In the absence of both an arraignment and any other Supreme Court appearance, the disposition at a grand jury hearing was taken. A case is considered disposed if it was dismissed, transferred to another jurisdiction, or if the defendant pled guilty. (If the indictment was consolidated with or superseded by an indictment on another case, the case was also considered disposed. Only a handful of cases fit this criterion.)

The citywide average disposition rate at Supreme Court arraignment (or at the appearance taken in lieu of arraignment) was 27%. The majority of dispositions were accounted for by guilty pleas (91%, not shown).

Dismissals account for almost all of the remaining dispositions. Cases dismissed by a Grand Jury (n=334, not shown) are included in Exhibit 26 as disposed at arraignment, as are cases that were transferred to Family Court or extradited at the first appearance in Supreme Court (n=27, including 3 transferred to Family Court by the grand jury).

There were wide borough differences in disposition rates at Supreme Court arraignment (or at the appearance taken in lieu of an arraignment). The disposition rate was highest in Queens (59%), followed by Staten Island (36%). The disposition rate was much lower in Brooklyn (27%) and lowest in the Bronx (19%) and Manhattan (17%).

Borough differences in disposition rates at Supreme Court arraignment reflect the much greater use of superior court informations (SCIs) in Queens—and, to a lesser extent, in Staten Island—than in other boroughs. An SCI is an accusatory instrument used to charge defendants in Supreme Court when indictment by a grand jury has been waived by the defendant. A guilty plea at the Supreme Court arraignment is routine for SCI cases.

Exhibit 26
Disposition Rates
At Supreme Court Arraignment
Citywide And By Borough
Arrests January – December 2008

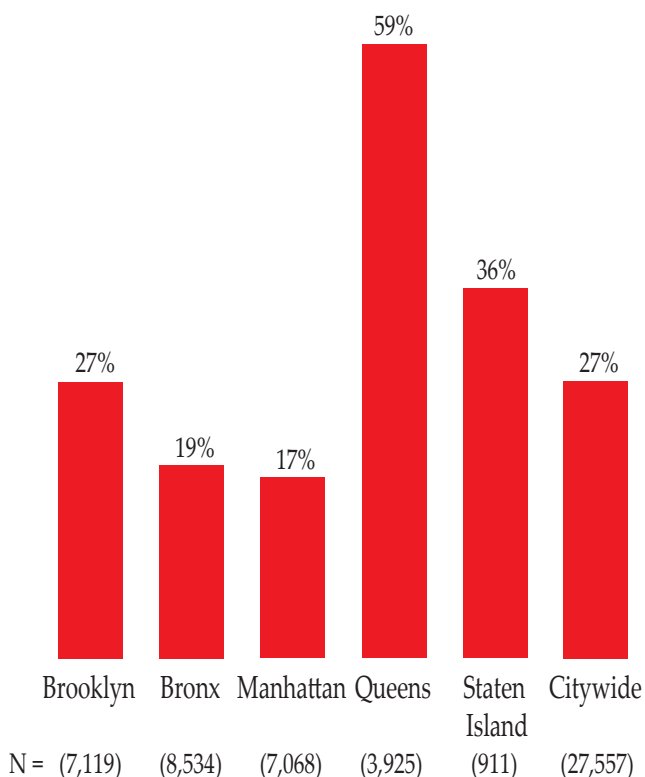


Exhibit 26 includes all cases with an arrest in 2008 in which the case was transferred to Supreme Court for adjudication, including a few that originated as DAT cases. Bronx Criminal-Court-equivalent cases were excluded. (See explanatory notes on the previous page and on page 42 concerning court structure in the Bronx.) Cases returned to Criminal Court for disposition were also excluded.

Supreme Court (2008 Cohort)

Release Status Leaving Supreme Court Arraignment

Exhibit 27

Release Status Leaving Supreme Court Arraignment

Citywide And By Borough
Arrests January – December 2008
(Continued Cases Only)

Percentages may not total 100% because of rounding

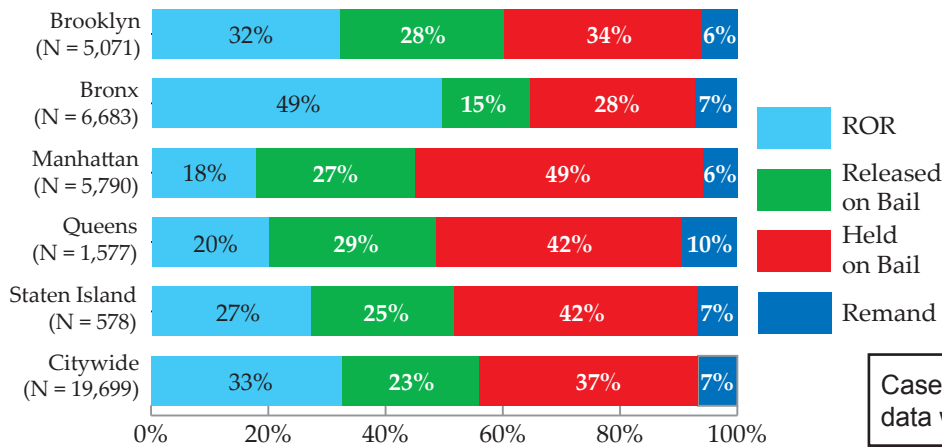


Exhibit 27 shows that 33% of defendants citywide were released on recognizance, 23% were released on bail, 37% were held on bail, and 7% were remanded without bail at Supreme Court arraignment, or—in lieu of an arraignment—at the first Supreme Court appearance (other than a Grand Jury hearing, which is usually held without the defendant present).

The high ROR rate in the Bronx (49%) can be attributed to the inclusion of less severe cases compared to other boroughs (see note page 42).

Cases missing Supreme Court release data were excluded from Exhibit 27.

Release status at arraignment in Supreme Court is closely linked to the release decision at Criminal Court arraignment. Exhibit 28 shows that in cases with a defendant who was released on recognizance at Criminal Court arraignment, 92% were also granted ROR in Supreme Court.

In three quarters of cases with a defendant who was released on bail or remanded without bail at Criminal Court arraignment, the same status continued in Supreme Court (78% in both Criminal Court release categories).

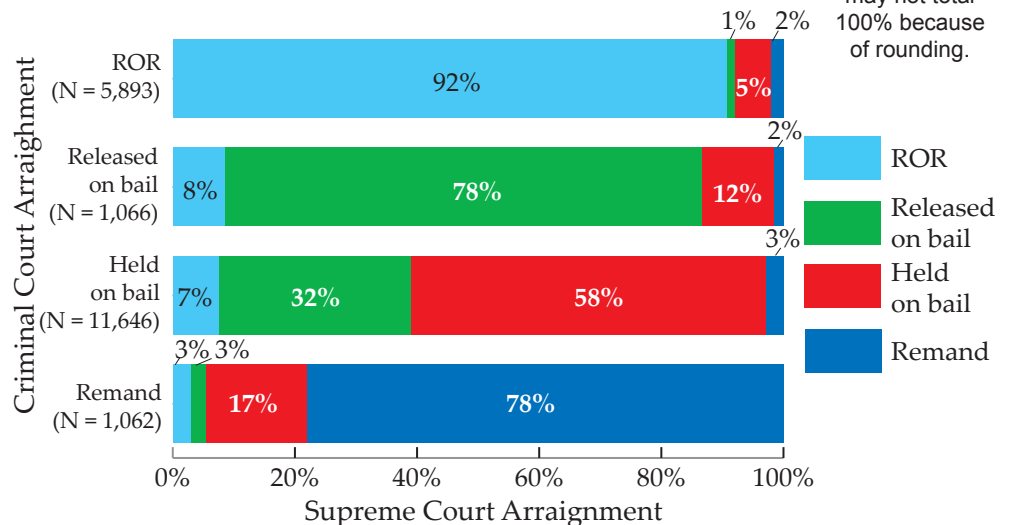
Among cases with a defendant held on bail in Criminal Court, 39% were released at the Supreme Court arraignment: 7% by ROR and 32% by posting bail.

Exhibit 28

Release Status Leaving Supreme Court Arraignment
By Release Status Leaving Criminal Court Arraignment

Arrests January – December 2008
(Continued Cases Only)

Percentages may not total 100% because of rounding.



Cases missing release data in either court were excluded from Exhibit 28.

Supreme Court (2008 Cohort)

Relationship Between ROR Rate at Arraignment in Supreme Court & CJA Recommendation

The CJA recommendation system is based on research that predicts FTA in both Criminal Court and Supreme Court. Exhibit 29 shows, citywide and for each borough, the relationship between the CJA recommendation and ROR at Supreme Court arraignment. Although ROR rates at Supreme Court arraignment are considerably lower than the comparable rates in Criminal Court (Exhibit 12), the same strong relationship between release and the CJA recommendation was found in both courts.

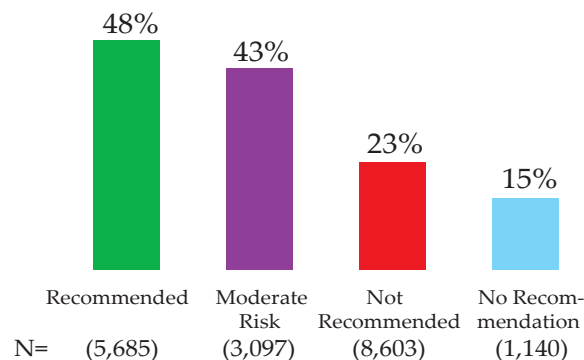
The ROR rate at Supreme Court arraignment was 48% for cases in which the defendant was recommended by CJA and 43% for cases in which the defendant was assessed to pose a moderate risk of flight. The ROR rate was considerably lower for cases in which the defendant was not recommended (23%) and lowest for cases in which the defendant was assigned to the No Recommendation category (15%).

The same strong relationship between ROR at Supreme Court arraignment and the CJA recommendation was also found in each borough. Except in the Bronx, ROR rates for cases with a recommended defendant were at least double the rates for cases in which the defendant was not recommended. The relationship was especially strong in Manhattan and Queens, where a CJA recommendation was associated with an ROR rate that was quadruple the rate for cases with a defendant who was not recommended. Even in the Bronx, where the composition of Supreme Court cases led to high ROR rates in all recommendation categories, ROR was much more likely in cases of recommended defendants (67%) than in cases of defendants who were not recommended (41%).

The ROR rate for recommended defendants was highest in the Bronx (67%), followed by Brooklyn (44%), Staten Island (38%), Manhattan (36%), and Queens (35%).

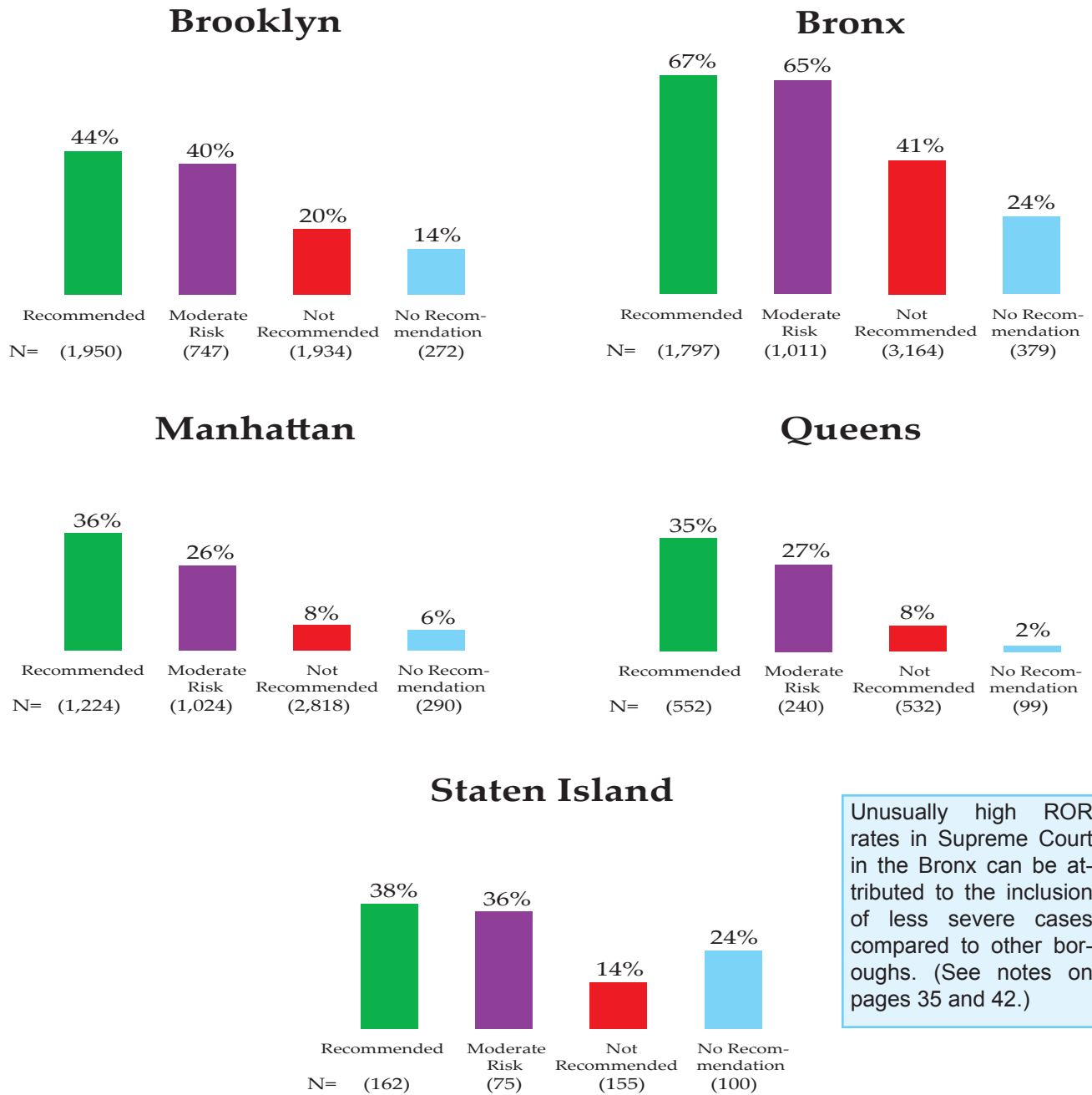
Exhibit 29
**ROR Rates At Supreme Court Arraignment
 By CJA Recommendation**
 Arrests January – December 2008
 (Continued Cases Only)
 (A) CITYWIDE

Cases in which the defendant was not interviewed (including most DAT cases) and cases missing release status at the Supreme Court arraignment (or at the first appearance in lieu of an arraignment) were excluded from Exhibit 29.



Supreme Court (2008 Cohort)

Exhibit 29
 ROR Rates At Supreme Court Arraignment
 By CJA Recommendation
 Arrests January – December 2008
 (Continued Cases Only)
 (B) BY BOROUGH



Unusually high ROR rates in Supreme Court in the Bronx can be attributed to the inclusion of less severe cases compared to other boroughs. (See notes on pages 35 and 42.)

Supreme Court (2008 Cohort)

Failure To Appear To Disposition In Supreme Court

Exhibit 30 shows that the FTA rate in the 2008 arrest cohort for cases that were disposed in Supreme Court was 15% citywide. This includes any FTA that occurred between the time of the Criminal Court arraignment and the disposition of the case in Supreme Court.

FTA rates for Supreme Court cases varied by borough from a low of 7% in Staten Island to a high of 18% in the Bronx.

FTA rates are calculated by dividing the number of at-risk cases in which the defendant failed to appear for any court date in Criminal Court or Supreme Court prior to disposition by the total number of cases with a defendant at risk in either court.

Exhibit 30
Failure To Appear (FTA) Rates To Disposition In Supreme Court Citywide And By Borough Arrests January – December 2008 (Cases At Risk In Criminal Or Supreme Court)

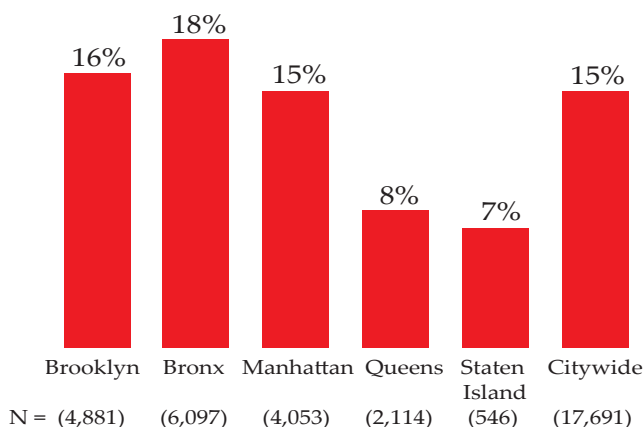
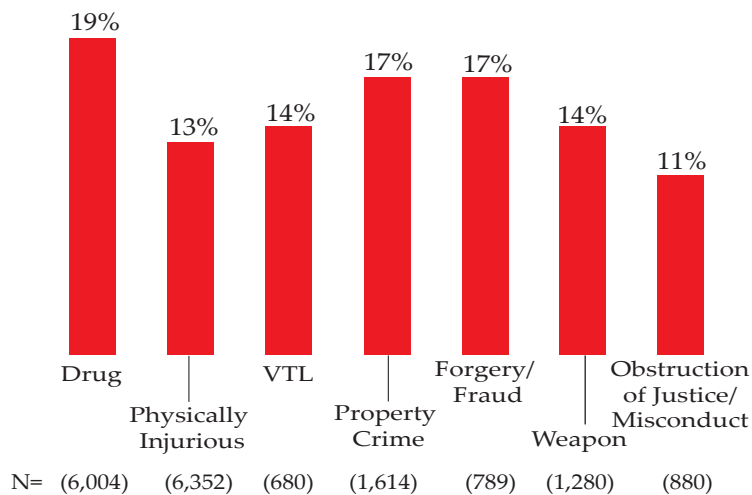


Exhibit 31
Failure To Appear (FTA) Rates To Disposition In Supreme Court By Offense Type At Criminal Court Arraignment Arrests January – December 2008 (Cases At Risk In Criminal Or Supreme Court)



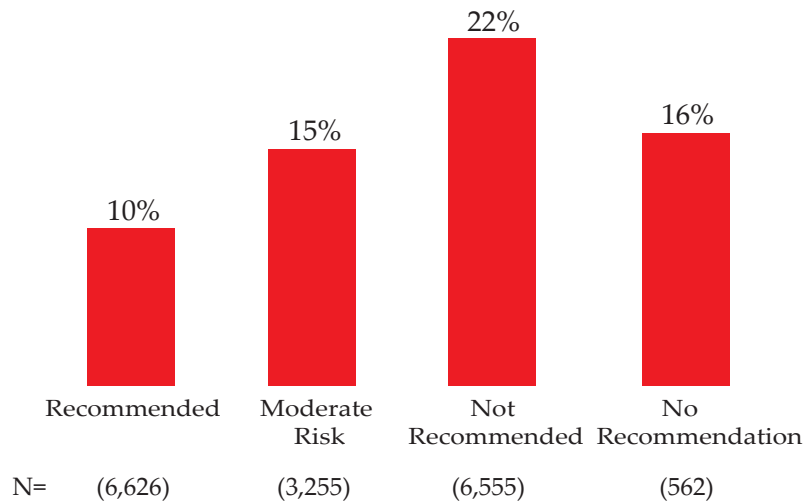
FTA and Offense Type

Exhibit 31 shows that FTA rates for Supreme Court cases were highest among defendants charged with a drug offense (19%) and lowest among defendants charged with a crime categorized as “obstruction of justice/misconduct” (11%).

Offense Types
Drug: all Article 220 and Article 221 drug offenses.
Physically injurious: homicide, arson, assault, violent sex offenses, kidnapping, robbery, other crimes involving physical harm to a victim.
VTL: Vehicle and Traffic Law offenses.
Property Crime: burglary, larceny, possession of stolen property.
Forgery/Fraud: forgery, fraud, bribery, theft, false written statements, money laundering.
Weapon: criminal possession & similar charges.
Obstruction of Justice/Misconduct: criminal contempt, promoting prison contraband, witness tampering, resisting arrest, gambling, obscenity.

FTA and the CJA Recommendation

Exhibit 32
 Failure To Appear (FTA) Rates
 To Disposition In Supreme Court
 By CJA Recommendation
 Arrests January – December 2008
 (Cases At Risk In Criminal Or Supreme Court)



The CJA recommendation predicts likelihood of failure to appear for cases disposed in Supreme Court, just as it does for cases disposed in Criminal Court.

Exhibit 32 shows that the FTA rate was 10% for Supreme Court cases with a defendant who was recommended for ROR; 15% for Supreme Court cases with a defendant who was assessed as a moderate risk; 22% for Supreme Court cases with a defendant who was not recommended; and 16% for Supreme Court cases with a defendant assigned to the No Recommendation category.

Cases included in Exhibits 30 – 32:
 Cases with a defendant who was released prior to disposition (and was thereby at risk for failure to appear).
 DAT cases and cases with missing data were excluded.

NOTES

Bronx Court Restructuring

Boxed notes throughout the text point out some of the implications of the court consolidation that was implemented in the Bronx in November 2004, which resulted in the subsequent transfer to Supreme Court of virtually all cases of misdemeanor or higher severity level that were not disposed at arraignment.

Court-processing data for the Bronx presented for 2009 arrests (Exhibits 9 through 20) are comparable to the four previous years, but not to data presented in the first two volumes of the Annual Report (2003 and 2004) before restructuring.

Supreme Court data presented in this report for arrests during 2008 (Exhibits 26 through 32) are comparable to data presented in the 2006 Annual Report to the present.

For data presented in this report, we attempt to identify cases in Bronx Supreme Court that were equivalent to cases disposed in Criminal Court in other boroughs (and to Criminal Court cases in the Bronx prior to the restructuring). These cases are treated as though they were Criminal Court cases that were continued at arraignment, for the purposes of presenting data in Exhibits 9 through 20. Accordingly, the Bronx cases judged to be Criminal Court equivalents in the previous year's cohort were excluded from the Supreme Court data presented in Exhibits 26 through 32.

The criteria used to identify Criminal Court equivalents include the severity of the charge leaving Criminal Court arraignment, the court part in which a case was disposed, the disposition, and the severity of the disposition charge. Cases with a felony charge that were transferred to Supreme Court at the Criminal Court arraignment were classified as Criminal Court equivalents if there was no indictment or Supreme Court arraignment and the case was dismissed, returned to Criminal Court, or convicted of a misdemeanor in a felony waiver part.

According to these criteria, about 10% of prosecuted Bronx cases with an arrest in 2008 were classified as true Supreme Court cases, and 39% were "Criminal Court equivalents." The remainder were cases disposed at arraignment in Bronx Criminal Court, or noncriminal cases (violation or infraction) that remained in Criminal Court for disposition.

In February 2010 the Bronx court consolidation was invalidated, then reinstated in June. This affected 2009 arrests that were still open in early 2010 and helped to identify Criminal Court equivalents (they were transferred back to Criminal Court during this time), but at present the consolidated court structure continues.

In spite of our efforts, it is impossible to determine precisely which cases would have been prosecuted in Criminal Court under the old court structure, so some incomparability between the Bronx and other boroughs is unavoidable.

Probably as a result of the difficulty in categorizing Bronx cases, proportionately fewer Bronx cases than cases in other boroughs were categorized as Criminal Court cases: 90% of the total volume of arraigned cases in the Bronx, as opposed to 94% or more in every other borough. A correspondingly larger proportion of Bronx cases is included in the Supreme Court analyses, and Bronx Supreme Court cases may include more cases of a less serious nature than Supreme Court cases in other boroughs.

Charge Type Coding

PL 240.20 (disorderly conduct), which in previous years was assigned the charge type category of "physically injurious," is now included with the category "misconduct/obstruction/prostitution." This change recategorized 5,988 cases, resulting in a slightly smaller proportion of "physically injurious" and a slightly larger proportion of "misconduct/obstruction/prostitution" cases than would have resulted from the old coding (Exhibit 6).

Notification

The volume of notification calls and letters presented in Exhibits 22 and 23 is higher for 2009 compared to 2008 because of the inclusion for the first time of citywide Supreme Court notification data, which began in the Bronx and Manhattan in 2006 and expanded to Supreme Court citywide in early 2009.

The outside vendor problems reported last year were still in evidence in 2009. Many telephone numbers of defendants sent to the vendor by CJA for notification were not properly processed. CJA sent telephone notification records to the vendor for 75,770 court appearances in 2009 for which no call was made and no outcome was reported. They are not included in the totals presented in Exhibit 22.

The success rate for reminder calls in 2009 (63%) is much higher than in 2008 (44%), an increase that is almost entirely accounted for by the increased volume of messages left on answering machines. The reason for such a sudden rise in success in reaching answering machines is not clear, but it could be a fluke resulting from a technical change in data processing procedures. CJA's request that the vendor space out the repeat calls more evenly over day and evening hours could also have had an impact.

Bail Making At Arraignment

Last year a coding error was discovered in data received from the Office of Court Administration (OCA) that affected Exhibits 14 and 15. The error caused some cases to be categorized as having a defendant who made bail at arraignment when the defendant was in fact held. The incorrect coding appears to have begun during 2006, affecting only Manhattan cases with extremely high bail amounts. Other boroughs and lower bail amounts were not affected. The error became more pronounced in 2007 and 2008, then declined but did not disappear in 2009.

CJA PUBLICATIONS

Research Reports Available on CJA's Website

www.nycja.org/research/research.htm

All reports published since 2003 are listed here. For earlier reports see CJA's website.

Research Briefs

- No. 24 Predicting Post-Sentencing Re-Arrest (2010)
- No. 23 Making Bail in New York City (2010)
- No. 22 Domestic Violence Among Young Male Offenders (2010)
- No. 21 Juvenile Offenders and Weapons (2009)
- No. 20 The CASES Day Custody Program (2009)
- No. 19 Pretrial Failure Among New York City Defendants (2009)
- No. 18 Bail, Detention, & Felony Case Outcomes (2008)
- No. 17 Pretrial Misconduct Among Domestic Violence Defendants (2008)
- No. 16 Pretrial Re-Arrest for Violent Felony Offenses (2008)
- No. 15 The Risk of Re-Arrest for Serious Juvenile Offenders (2007)
- No. 14 Bail, Detention, & Nonfelony Case Outcomes (2007)
- No. 13 An Evaluation of CJA's New Release-Recommendation System (2007)
- No. 12 Pretrial Outcomes for Domestic Violence Defendants (2006)
- No. 11 New York City's Gun Court Initiative: A Pilot Program Study (2006)
- No. 10 Assessing the Impact of Differing Models of Youth Crime Prosecution (2005)
- No. 9 Prosecutors' Bail Requests and the CJA Release Recommendation: What Do They Tell the Judge? (2005)
- No. 8 Pretrial Re-Arrest Among New York City Defendants (2005)
- No. 7 Manhattan's Specialized Domestic Violence Court (2004)
- No. 6 Release and Bail Decisions in New York City (2004)
- No. 5 CJA's New Release-Recommendation System (2004)
- No. 4 Combating Domestic Violence in New York City, 2001 (2003)
- No. 3 The Impact of Quality-Of-Life Policing (2003)
- No. 2 The Impact of Felony ATI Programs on Recidivism (2003)

Domestic Violence

- Young Male Domestic Violence Offenders in New York City (2010)
- Predicting Pretrial Misconduct Among Domestic Violence Defendants in New York City (2008)
- Pretrial Failure To Appear and Pretrial Re-Arrest Among Domestic Violence Defendants in New York City (2006)
- The Impact of Manhattan's Specialized Domestic Violence Court (2004)
- Combating Domestic Violence in New York City: A Study of DV Cases in the Criminal Courts (2003)
- The Impact of Case Processing on Re-Arrests Among Domestic Violence Offenders in New York City (2003)

Arrests of Juveniles

- Juvenile Offenders with Weapon Charges (2008)
- Recidivism Among Juvenile Offenders in New York City (2007)
- Adult-Court Processing and Re-Arrest of Juvenile Offenders in Manhattan and Queens (2005)
- Annual Report on the Adult Court Case Processing of Juvenile Offenders in New York City, available from 1998 through 2009

Release and Bail

- Making Bail in New York City: Commercial Bonds and Cash Bail (2010)
- Pretrial Detention and Case Outcomes, Part 2: Felony Cases (2008)
- Pretrial Detention and Case Outcomes, Part 1: Nonfelony Cases (2007)
- Factors Influencing Release and Bail Decisions in New York City. Part 1: Manhattan; Part 2: Brooklyn; Part 3: Cross-Borough Analysis (2004)

Case Processing

- Operation Spotlight: Year Four Program Report (2007)
- New York's City's Gun Court Initiative: The Brooklyn Pilot Program (2005)

Annual Report

- CJA Annual Report, available from 2003 through 2009

Pretrial Failure To Appear

- An Evaluation of the New Pretrial Release Recommendation System in New York City: Phase II of the Post-Implementation Research (2005)
- An Evaluation of the New Pretrial Release Recommendation System in New York City: Phase I of the Post-Implementation Research (2004)
- An Examination of the Existing and New Pretrial Release Recommendation Schemes in New York City: A Pre-Implementation Analysis (2003)

Re-Arrest

- Post-Sentencing Re-Arrest Among New York City Released Offenders: An Analysis of the Fourth Quarter of 2003 Dataset (2008, Revised 2010)
- Recidivism Among Defendants Charged with Felony Narcotics, Weapons or Sex Offenses in New York City (2009)
- Predicting the Likelihood of Pretrial Failure to Appear and/or Re-Arrest for a Violent Offense Among New York City Defendants: An Analysis of the 2001 Dataset (2009)
- Predicting the Likelihood of Pretrial Re-Arrest for Violent Felony Offenses and Examining the Risk of Pretrial Failure Among New York City Defendants: An Analysis of the 2001 Dataset (2006, Revised 2008)
- Predicting the Likelihood of Pretrial Re-Arrest Among New York City Defendants: An Analysis of the 2001 Dataset (2003, Revised 2005)
- Predicting the Likelihood of Pretrial Re-Arrest: An Examination of New York City Defendants (2003, Revised 2005)

Alternatives To Incarceration

- The Day Custody Program: Second and First Year Reports (2008) (Executive Summaries also available)
- Alternative-to-Incarceration Information Services: End of Year Report, Fiscal Year 2001-2003 (2001-2003)

Court Outcomes

- Semi-Annual Report, available from First Half 1997 through First Half 2003



Annual Report 2009

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