



# Annual Report 2013



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The mission of the New York City Criminal Justice Agency, Inc.,  
is to assist the courts and the City in reducing unnecessary pretrial detention.

# ANNUAL REPORT

## 2013

Data are presented in this report for arrests occurring January 1 through December 31, 2013.

Post-arraignment outcomes for felony cases  
are presented for arrests occurring January 1 through December 31, 2012.

Published December 2014

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When citing this publication, please include author, date, title, and publisher, as adapted  
to your citation style:

New York City Criminal Justice Agency, Inc. 2014. *Annual Report 2013*.  
New York: New York City Criminal Justice Agency, Inc.

This report can be downloaded from [www.nycja.org/library.php](http://www.nycja.org/library.php)

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# Executive Director's Message

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This is the second *Annual Report* in which we call your attention to our new website. Launched in January 2014, the new site's interactive design and powerful search engine make it easy to find information, and you can click on specific topics to receive publication notices tailored to your interests. Visit us at [www.nycja.org](http://www.nycja.org)!

We also call your attention to a new section in this year's report: "XI. Supervised Release Programs" on pages 42–45. For the first time this year, we present data from the supervised release programs operated by CJA in Queens and Manhattan.

The Queens program has been operating since August 2009, with the urging and support of the Mayor's Office of Criminal Justice. 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 supervision of the program pending the disposition of their cases.

As of this writing, over 1,600 defendants have been admitted to the program, 86% of whom completed it successfully, while 3.6% had their supervision revoked for failing to appear and 5.4% for a detention following a new arrest. A more detailed description of the program was provided in *Research Brief #32* (May 2013), and an analysis of legal outcomes for program participants will be presented in *Research Brief #36* (January 2015). Exhibits 27–30 of this report present data through December 31, 2013.

A similar program has been operating in Manhattan since April of 2013. As of this writing, over 600 people have been placed in the program. About 80% of them completed the program successfully and about 6% had their participation revoked because of detention on a new arrest. Exhibits 31–34 present data through December 31, 2013, for Manhattan Supervised Release.

Once again, post-arraignment exhibits present data separately for felony and non-felony cases, replacing the breakdown by court of disposition used in *Annual*

*Reports* prior to 2012. Because of the longer time it takes for felony cases to reach disposition, post-arraignment data for felony cases are presented for the previous year's arrests.

This report also continues to present the additional data on Desk Appearance Tickets (DATs) introduced last year in Exhibits 15–17.

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 court appearances in the hope of holding down failure-to-appear (FTA) rates among forgetful defendants.

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 Mayor's Office of Criminal Justice, 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, and the factors that influence release and bail decisions in the Criminal Court.

*from Jerome E. McElroy*

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Since it has been over ten years since we completed the risk assessment research on which CJA's current release recommendation is based, we initiated a new research study that seeks to improve the accuracy of the current system using more recent data, additional predictors, and advanced statistical methods. The research will develop models that predict failure to appear, as well as models that predict pretrial re-arrest and pretrial re-arrest on a felony charge. We hope to propose the new recommendation system in FY 2015.

We produce a series of Research Briefs that summarize the findings of many of our research studies, as well as an annual report on the processing of Juvenile Offender cases. A listing of CJA's recent publications is presented inside the back cover, and all reports can be viewed on our website.

The Agency continues to operate the Bail Expediting Program (BEX) in Queens and the Bronx. In 2010, with the support of Federal stimulus funds provided to the City, we expanded the BEX program to serve the courts in Manhattan and Brooklyn. This expansion is now supported with City funds. 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 have now implemented a similar unit in the Bronx and hope to do so in Manhattan in the near future.

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 the 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.

The "e-arraignment" system, now operational in all five boroughs, permits each agency involved in preparing a case for arraignment in the Criminal Court to enter its report into the same computer system so that all the relevant documents can be printed shortly before the arraignment. CJA participated in this development, and we share the expectation that the system will greatly improve the efficiency of this complex process.

In 1964, then Attorney General Robert Kennedy convened a national conference in Washington to encourage federal, state and local governments to re-examine the bail laws and practices and to expand and create alternatives to the discriminatory effects of money bail. On May 31, 2011, Attorney General Holder convened a similar conference to take stock of current practice and to breathe new life into the nationwide efforts to reduce reliance on money bail and greatly expand alternative programs to assure appearance and protect public safety. Since then, several pretrial justice working groups have made significant progress in encouraging a wide range of stakeholder groups to promulgate policy statements calling for reform of pretrial justice practices, and encouraging legislatures on the state and county levels to make their policies and practices consistent with the American Bar Association standards on release. All these efforts inspire genuine optimism that we shall see a more just and rational system of pretrial decision-making in the near future.



# Introduction

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The New York City Criminal Justice Agency, Inc. (CJA), is a not-for-profit organization incorporated in the mid-1970s to provide pretrial 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 Director of the Mayor's Office of Criminal Justice. Its Executive Staff, located in the central office in Manhattan, consists of the Executive Director and seven 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 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.

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 four principal activities, described on the following page:

### ***Interview and Recommendation Notification Research Release Supervision***

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 X.



**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, 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 IV.

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 IX.

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. In 2002 CJA launched its *Research Brief* series, presenting highlights of recently completed research projects. The *Briefs* are posted on the CJA website 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.

**Release Supervision**

Since August 2009, CJA has operated a supervised release program for nonviolent felony defendants in Queens who meet strict criteria. Supervised release was expanded to Manhattan in April 2013. Both programs serve to release eligible defendants who would otherwise be held in jail on bail, while offering them a range of substance abuse and mental health services. The supervised release programs are described in Section XI.

**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.

## *Introduction*

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Arrest data are received by CJA through automated electronic transmissions from the New York City Police Department (NYPD), and case-processing data from the Office of Court Administration (OCA). Criminal history, demographic, and community-ties information are recorded by CJA interviewers using handheld computers. Information about defendants' out-of-court bail making is transmitted to CJA by the New York City Department of Correction (DOC).

The database contains case-processing data for Criminal Court since September 1979 and for Supreme Court 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, which until recently resided on an aging mainframe computer. In November 2010 CJA replaced it with a new backend system (mainframe), with three nodes clustered together for redundancy. The cluster provides greater and faster processing power, more data storage, and promises less, if any, downtime to users.

The Systems Department also manages 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.

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 Information Systems Department, monitors 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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# Part A

## Arrest & Arraignment Data

2013 Arrests

# I. Interview Volume

During 2013, CJA conducted interviews in 286,158 cases of defendants held for Criminal Court arraignment.

Exhibit 1 shows that Brooklyn had the largest volume of interviews (29%), followed by Manhattan with 28%, the Bronx and Queens (both 20%), 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:*

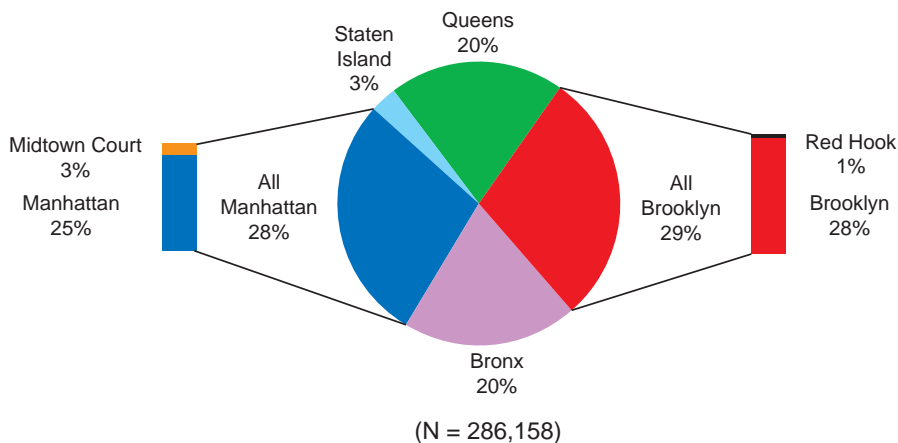
Most defendants are interviewed by CJA, and they are included in Exhibit 1. Cases of defendants who were issued desk appearance tickets (DATs) are not usually interviewed (except in the Midtown Community Court) and consequently they are not included in Exhibit 1. Those who receive a DAT are released 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 solely on a bench warrant or while in the custody of the New York City Department of Correction, and arrestees who were arraigned in a hospital without going through a Police Department central booking facility. Previously those arrested in Manhattan solely on prostitution-related charges and held for arraignment in the downtown Manhattan Criminal Court were also not interviewed; as of October 2013, however, nearly everyone charged with prostitution is interviewed.

Cases of defendants who were not interviewed are **not** included in Exhibit 1, but they **are** included in all the following exhibits (unless otherwise noted).

Another difference between the cases in Exhibit 1 and all other exhibits is that nonprosecuted cases **are** included in Exhibit 1, whereas they are **not** included elsewhere.

Exhibit 1  
Volume Of Interviewed Cases  
By Borough  
(Arrests January – December 2013)



# II. Demographics

## Sex & Employment

As shown in Exhibit 2, there were 347,476 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 37% of females.

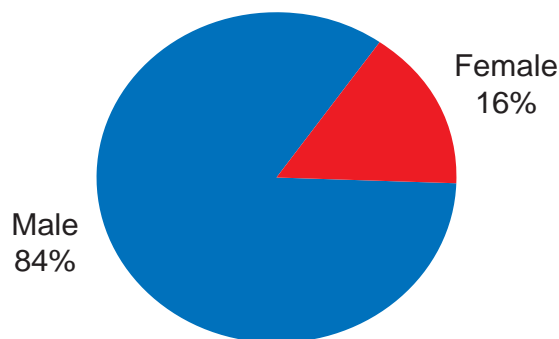
Arrests that were not prosecuted are excluded from the remainder of this report. The exhibits presenting demographic data include all docketed cases.

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 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.

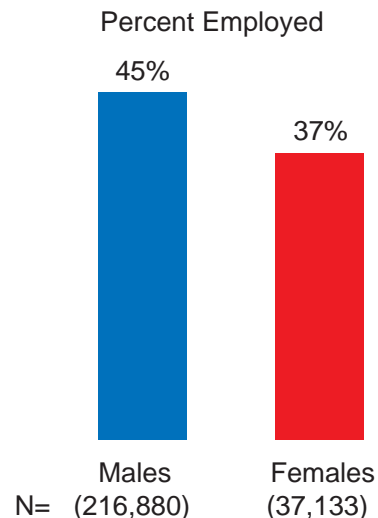
Exhibit 2  
Distribution Of Prosecuted Cases  
By Sex And Employment Of Defendant  
(Arrests January – December 2013)

Distribution By Sex



(N = 347,476)

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



## Demographics

### Age & Employment

In approximately half of the prosecuted cases, the defendant was under the age of 30, and in only 13% of cases was the defendant as old as 50 (Exhibit 3, pie chart on left). Juvenile offenders (youths 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 more than a third of all cases. The youngest group was by far the most likely to report a full-time activity because most were in school (94%, bar chart). Many aged 16 to 19 were also in school, with 68% reporting a full-time activity. The level of full-time activity dropped within each age group, from 45% for defendants in their twenties to 25% for those 50 years of age or older.

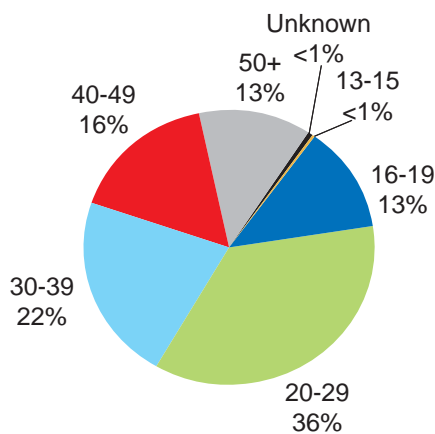
Cases included in the exhibits:

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.

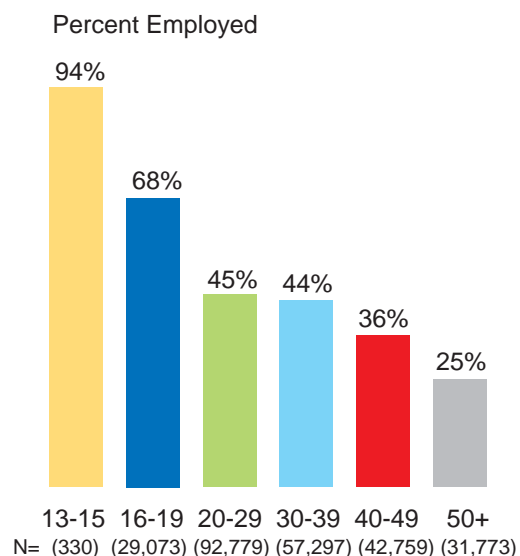
**Exhibit 3**  
**Distribution Of Prosecuted Cases**  
**By Age And Employment Of Defendant**  
 (Arrests January – December 2013)

**Distribution By Age**



(N = 347,476)

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





## Ethnicity & Employment

Exhibit 4 (pie chart) shows the ethnic distribution of defendants: black, 48%; Hispanic, 33%; white, 12%; other, 6%; and unknown (<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 (55%, bar chart). Whites and Hispanics had the next highest rates, with 47% and 46% respectively reporting a full-time activity. Fewer blacks (40%) reported a full-time activity.

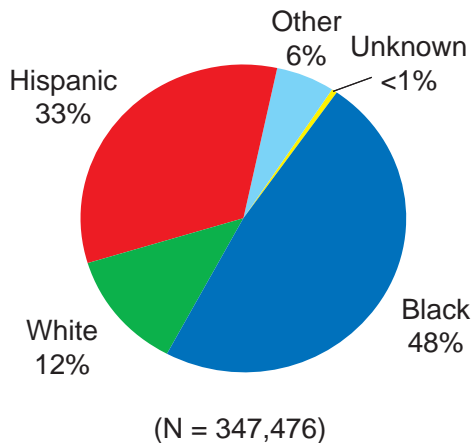
Cases included in the exhibits:

The pie chart includes all docketed cases.

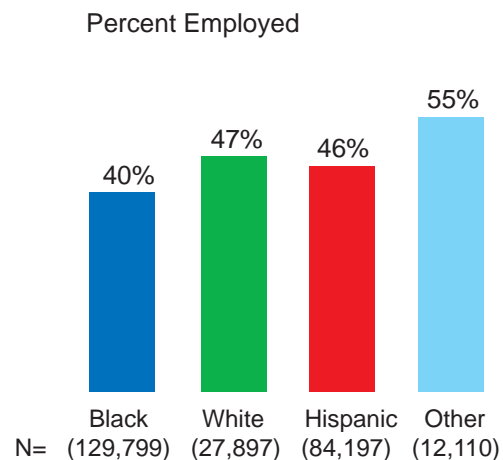
The bar chart excludes cases of defendants for whom ethnicity was unknown or for whom employment information was lacking. Most defendants issued a desk appearance ticket are excluded from the bar chart because they were not interviewed; thus no employment information was collected.

Exhibit 4  
Distribution Of Prosecuted Cases  
By Ethnicity And Employment Of Defendant  
(Arrests January – December 2013)

Distribution By Ethnicity



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



Percentages may not total 100% because of rounding.

### 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.

# III. Charge Severity And Type

Exhibit 5 shows that over half of the cases entering arraignment citywide had a class A misdemeanor as the most severe charge (54%). Another 24% had a class B or unclassified misdemeanor as the most severe charge, and 7% had no charge more severe than a non-criminal violation or infraction. Fewer than one in six cases (16%) entered arraignment with a felony charge.

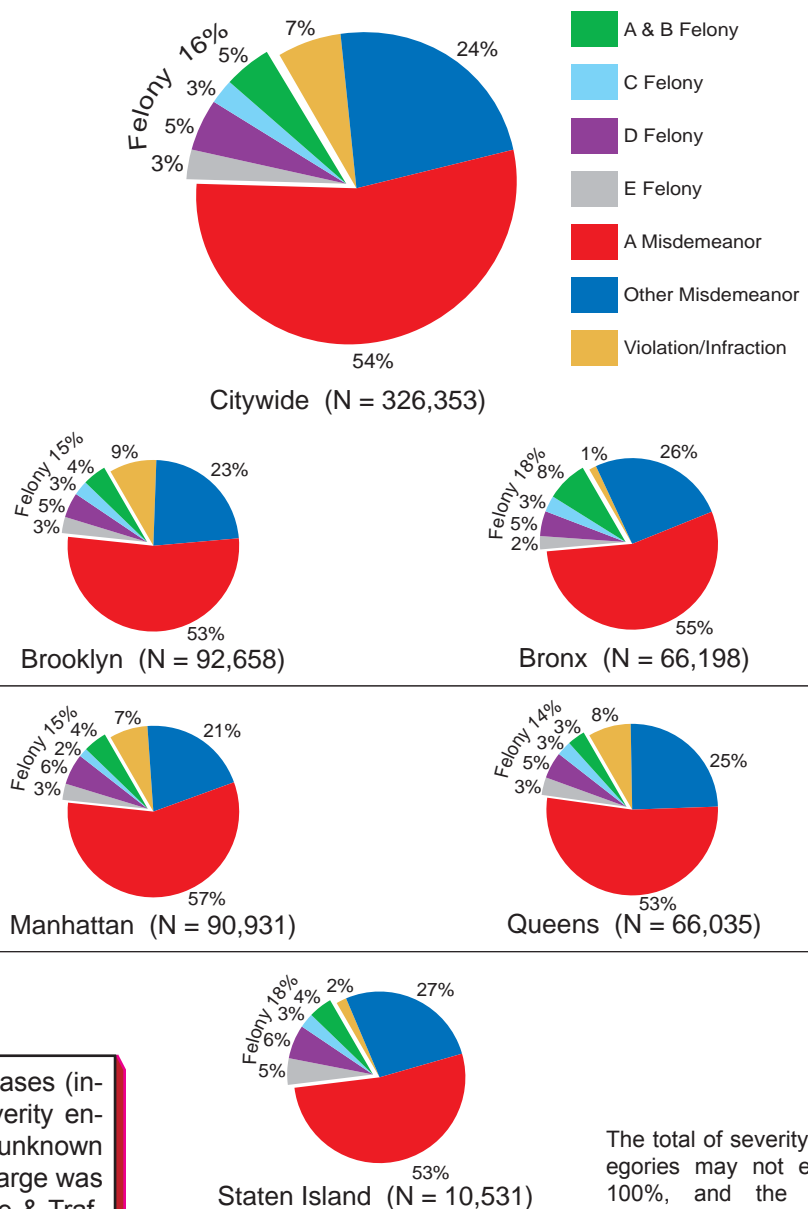
The most severe offenses, class A and B felonies, were charged in 5% of cases entering arraignment.

There were differences in charge severity by borough. For example, charges in the Bronx tended to be more severe than in other boroughs. In the Bronx, 8% had a Class A or B felony charge, at least double the percent in any other borough. The Bronx and Staten Island had the highest proportion of cases with any felony charge (18% in both boroughs).

Charges in Queens and Brooklyn tended to be less severe than elsewhere. In Queens, 33% had a top charge less severe than a Class A misdemeanor (including unclassified and Class B misdemeanors, violations, and infractions). The proportion for Brooklyn was 32%. Such low-level charges accounted for fewer than 30% of cases in the other three boroughs.

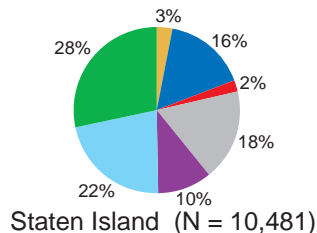
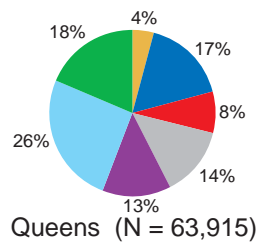
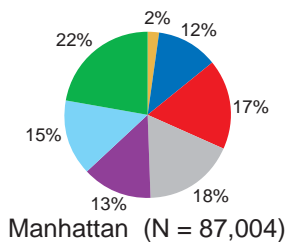
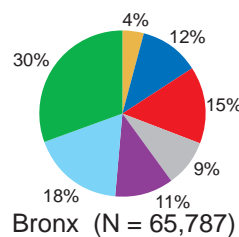
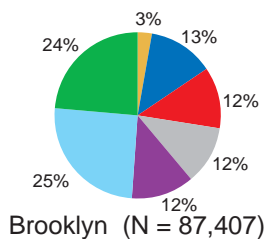
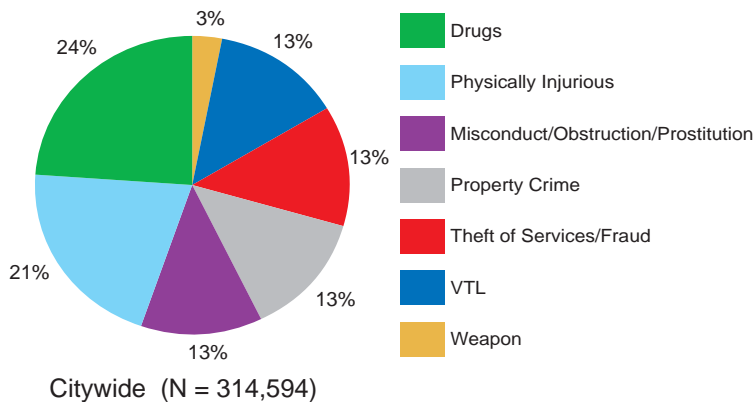
Cases included in Exhibit 5: All docketed cases (including DATs) with a charge of known severity entering arraignment. Charge severity was unknown for 6% of cases, mostly because the top charge was neither a NY State Penal Law nor a Vehicle & Traffic Law offense (e.g., offenses under New York City's Administrative Code).

Exhibit 5  
Severity Of The Top Charge Entering Arraignment  
Citywide And By Borough  
(Arrests January – December 2013)



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.

**Exhibit 6**  
**Offense Type Of The Top Charge Entering Arraignment**  
**Citywide And By Borough**  
 (Arrests January – December 2013)



As shown in Exhibit 6, the defendant was arraigned on a drug charge in 24% 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 21% of cases citywide. This category includes homicide, arson, assault, violent sex offenses, kidnapping, robbery, and other crimes of physical harm.

Misconduct (criminal trespass, disorderly conduct, etc.), obstruction of justice (criminal contempt, resisting arrest), and prostitution together accounted for an additional 13% of prosecuted cases.

Property crimes, theft of services/fraud, and offenses under the Vehicle and Traffic Law (VTL) each accounted for 13% of cases citywide.

A weapon charge was the top charge entering arraignment in a small percentage of cases (3% citywide).

Borough differences were most notable regarding the proportion of drug cases: highest in the Bronx (30%) and lowest in Queens (18%). In addition, physically injurious charges were most frequent in Queens (26%) and least frequent in Manhattan (15%).

[See Notes, p. 46: Charge Type Coding]

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) or Tax Code charges, constituted about 9% 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.

# IV. **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, which is the only criterion for release authorized by New York bail law.

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 because of 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.

A separate recommendation system is used for juvenile offenders (youths between the ages of 13 and 15 prosecuted in adult court for certain serious

**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

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

Or a policy exclusion applies:

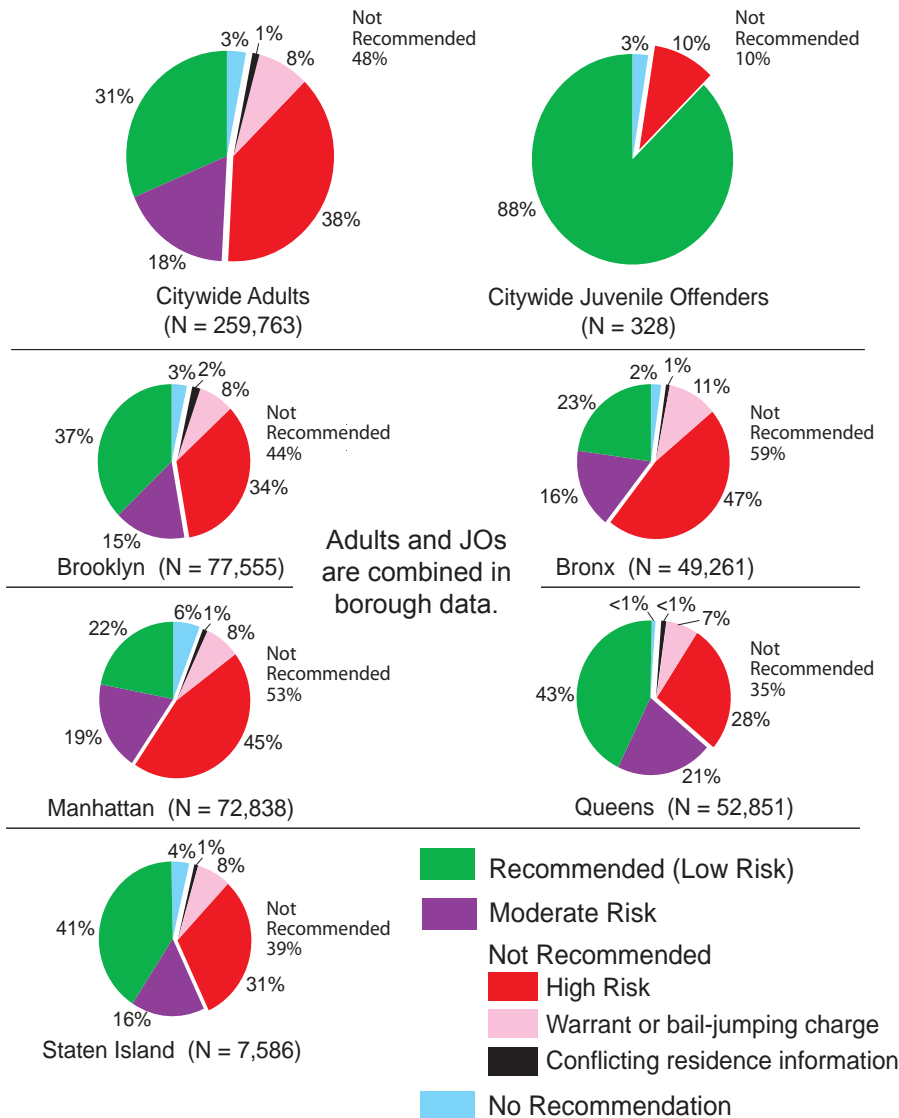
Bench warrant attached to rap sheet;  
Defendant is charged with bail jumping; or,  
Conflicting residence information.

## No Recommendation

Rap sheet unavailable;  
Defendant charged with murder (or attempted),  
escape or absconding, or incarcerated at time  
of arrest; or,  
Declined or Incomplete interview.

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. No recommendation is assigned in JO cases with an unavailable rap sheet, a murder charge, or an incomplete interview.

**Exhibit 7**  
**CJA Recommendation, Citywide And By Borough**  
 (Arrests January – December 2013)



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; 18% were categorized as a moderate flight risk; and 48% were not recommended (8% because of an outstanding warrant). The remainder (3%) had no recommendation.

For juvenile offenders (top right), the recommendation rate was much higher: 88% were recommended for ROR; 10% were not recommended; and 3% had no recommendation. JOs are reported separately only in citywide data because of the small number of cases (N=328).

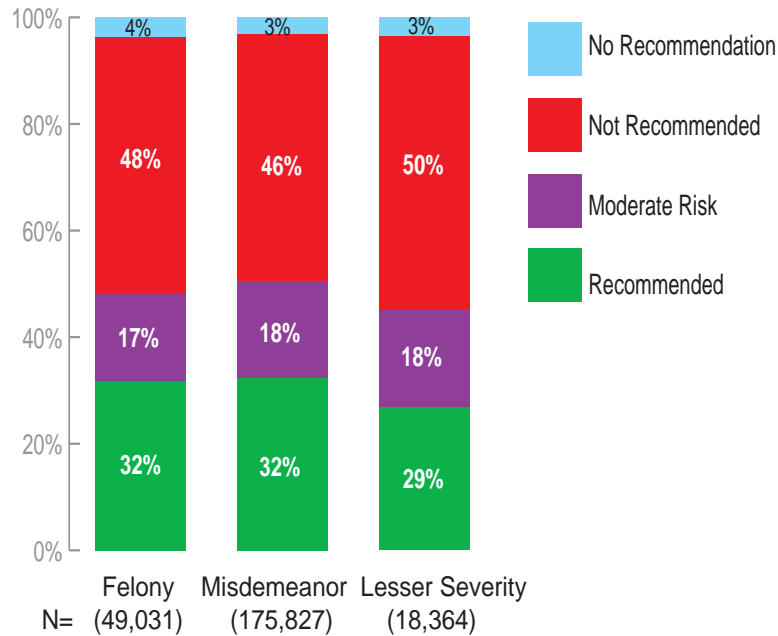
### Borough differences

Defendants in Queens cases were most likely to be recommended (43%). Queens had nearly double the recommended proportion found in Manhattan (22%) and the Bronx (23%).

Queens defendants were also least likely to be assigned to a not recommended category (35%). This compares to much higher not recommended rates in the Bronx (59%) and Manhattan (53%).

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.

Exhibit 8  
CJA Recommendation By Charge Severity At Criminal Court Arraignment  
(Arrests January – December 2013)



Percentages may not total 100% because of rounding.

The CJA recommendation was substantially unrelated to the severity of the offense. Exhibit 8 shows that about half of both felony and misdemeanor cases had a defendant who was either recommended or assigned to the moderate risk category. The recommended proportion was identical for felony and misdemeanor cases (32%).

Among cases with a top charge of lesser severity (violation or infraction), the proportion of recommended defendants was slightly smaller (29%).

In addition, there was very little relationship between charge severity and the proportions of cases with a defendant who was not recommended or had no recommendation. The proportion of cases with a defendant who was not recommended by CJA was 48% for defendants charged with a felony, 46% for defendants charged with a misdemeanor, and 50% for defendants charged with a lesser offense.

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.



# V. Criminal Court Arraignment

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

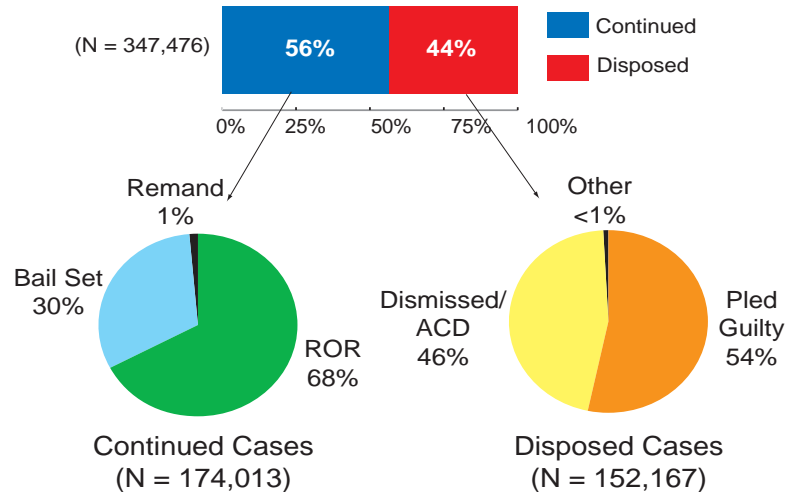
New York City has a two-tiered court system in which virtually all cases begin in Criminal Court. Cases sustained at the felony level must be brought for prosecution into a superior court. At Criminal Court arraignment, a felony case may be continued awaiting an indictment or Grand Jury waiver; or it may be disposed by dismissal, by a transfer to another jurisdiction, or by a plea to a reduced charge less severe than a felony.

## Disposition Rates

Almost half (44%) of all cases were disposed at arraignment. Borough variations ranged from only 30% disposed at arraignment in Staten Island to 49% in Manhattan.

A case was considered disposed at arraignment if the defendant pled guilty (54% of disposed cases citywide), if the case was adjourned in contemplation of dismissal (ACD) or dismissed (46%), or transferred to another court, including a transfer to Supreme Court (Other, <1%). Of disposed cases, the proportion in which the defendant pled guilty was particularly high in the Bronx (72%) and Staten Island (71%).

Exhibit 9  
Criminal Court Arraignment Outcomes  
(Arrests January – December 2013)  
(A) CITYWIDE



Percentages may not total 100% because of rounding.

## Release Rates

Of the nondisposed (continued) cases citywide, the defendant in 68% of cases was released on recognizance (ROR). Bail was set in 30% and the defendant was remanded without bail in 1% of continued cases.

The ROR rate was highest in Brooklyn (71%), and lowest in Manhattan (64%). Manhattan had the largest proportion of continued cases in which bail was set (34%).

All docketed cases, including DATs, were included in Exhibit 9.

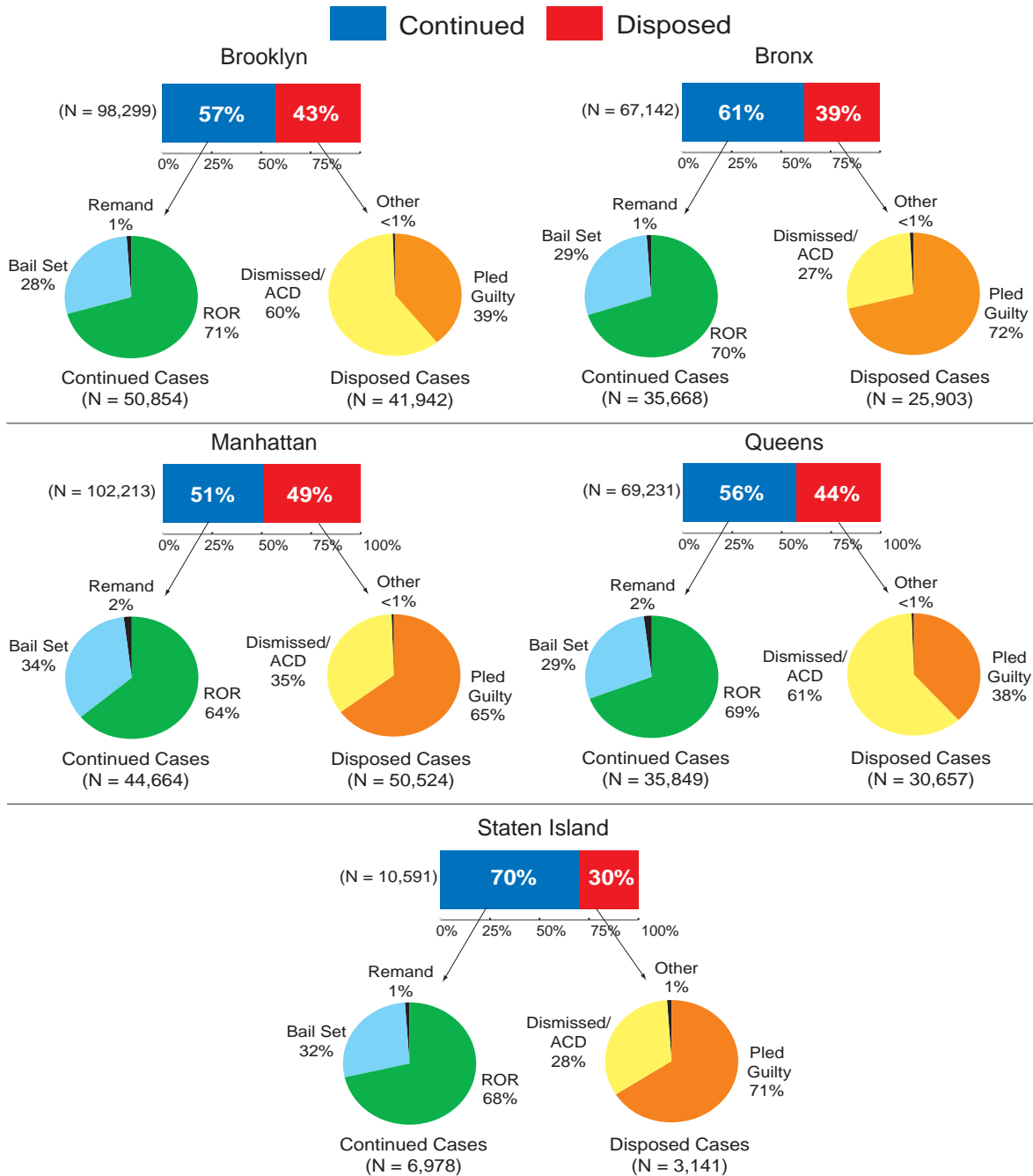
Cases with no release data were excluded from the pie charts of continued cases. The excluded cases were primarily those of defendants who did not appear for a DAT arraignment, along with a smaller number of hospital arraignments.

## Bronx Court Structure

In October 2012, the Bronx ended an experiment that had consolidated most Criminal Court and Supreme Court functions since November 2004. The Bronx now uses the same two-tier structure used elsewhere in the City. The 2013 Annual Report is the first since 2003 in which the same court structure was in effect throughout the City for the entire reporting period. As a result, Criminal Court arraignment outcomes in the Bronx look very different for 2013 compared to previous years, when most Bronx cases were transferred to Supreme Court at arraignment (included in the "Other" disposition category). From 2013 forward, arraignment outcomes are more directly comparable from borough to borough.

Criminal Court Arraignment

Exhibit 9  
Criminal Court Arraignment Outcomes  
(Arrests January – December 2013)  
(B) BY BOROUGH



Percentages may not total 100% because of rounding.

## Criminal Court Arraignment

**Exhibit 10**  
**Disposition Rates**  
**At Criminal Court Arraignment**  
**By Charge Severity**  
 (Arrests January – December 2013)

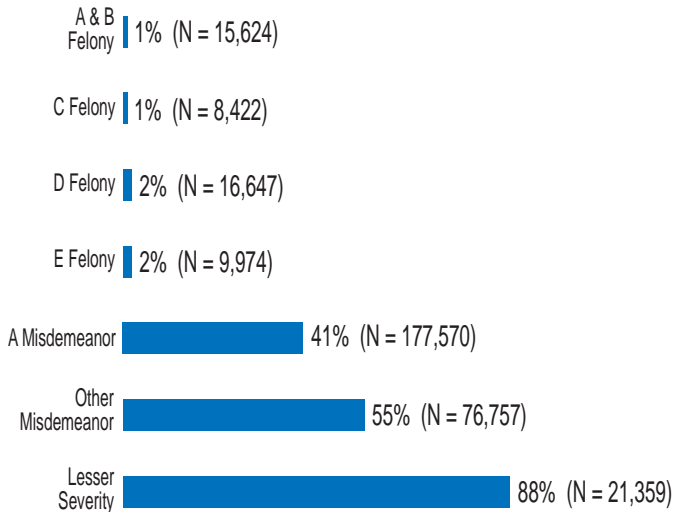


Exhibit 10 displays the relationship between the severity of the charge entering arraignment and the disposition rate.

Guilty pleas cannot be entered in Criminal Court on felony charges, so only a small fraction of felony cases — 2% or less — were disposed at Criminal Court arraignment. In these cases, the charges were dismissed, or the case was transferred to another jurisdiction (including Supreme Court), or the charge was reduced to a non-felony before a guilty plea was entered.

For non-felony cases, disposition rates at arraignment ranged from 41% for class A misdemeanors to 55% for lower level misdemeanors and 88% for cases with noncriminal charges (violations and infractions).

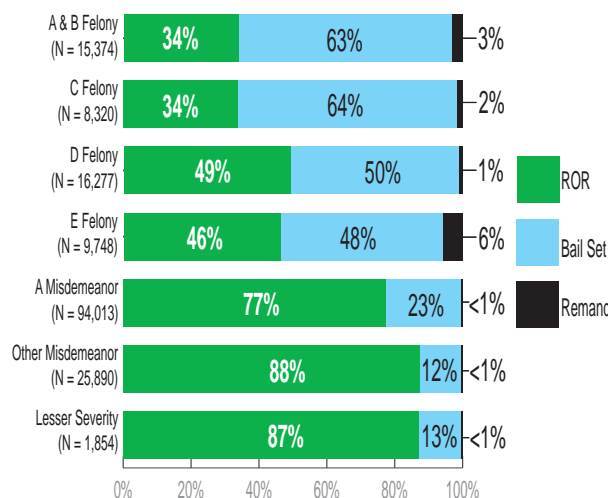
**Bronx Court Structure**

Formerly this exhibit presented data for the Bronx separately because arraignment disposition rates there were not comparable to the rest of the City. In October 2012 the Bronx reverted to the same two-tiered court structure used in the other four boroughs, which allows us to include the Bronx in citywide rates for 2013.

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 34% of cases of defendants charged with a class A, B, or C felony, compared to 77% of cases of defendants charged with a class A misdemeanor. ROR was granted in 87% or more of cases with a top charge less severe than a class A misdemeanor.

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.

**Exhibit 11**  
**Release Status Leaving Criminal Court Arraignment**  
**By Charge Severity**  
 (Arrests January – December 2013)  
 (Continued Cases Only)



A relatively high proportion of class E felony cases had a defendant who was remanded without bail (6%) because an E felony offense is used to charge defendants who are held for extradition to another jurisdiction.

## Criminal Court Arraignment

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

Exhibit 12 shows, separately for felony and non-felony cases, 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. This relationship was found among felony and non-felony cases alike.

Among cases with a defendant who was recommended for release, ROR was granted in 61% of felony cases and 92% of non-felony cases. The ROR rates for moderate-risk defendants were 55% (felony) and 88% (non-felony). Defendants who were

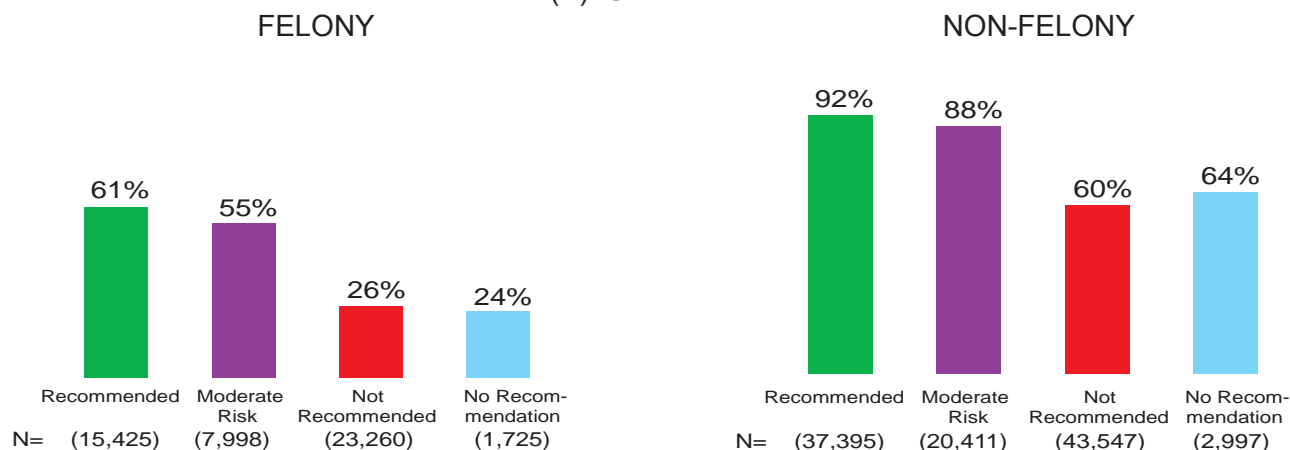
not recommended or received no recommendation had much lower ROR rates.

The same pattern was found in each borough, as shown on the following page. Within each borough and level of charge severity, ROR rates for recommended defendants were a little higher than for moderate-risk defendants, and rates for both recommendation categories were much higher than for defendants who were not recommended or for whom no recommendation was made.

The highest ROR rates were found among non-felony cases with a recommended defendant. In every borough, the defendant was released on recognizance in 90% or more of such cases.

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.

Exhibit 12  
ROR Rates At Criminal Court Arraignment  
By CJA Recommendation, Separately For Felony And Non-Felony Cases  
(Arrests January – December 2013)  
(Continued Cases Only)  
(A) CITYWIDE



Note: All data are for 2013 arrests. In the post-arraignment section starting on page 29, outcomes for felony cases are reported for 2012 arrests.

## Criminal Court Arraignment

**Exhibit 12**  
**ROR Rates At Criminal Court Arraignment**  
**By CJA Recommendation, Separately For Felony And Non-Felony Cases**  
**(Arrests January – December 2013)**  
**(Continued Cases Only)**  
**(B) BY BOROUGH**



## Criminal Court Arraignment

### Bail Set & Made At Arraignment

Exhibit 13 shows that in New York City as a whole, bail was set at \$500 or less in 3% of felony cases, and in 33% of non-felony cases. The proportions were very nearly reversed at the other end of the scale: bail was set above \$7,500 in 33% of felony cases and in 1% of non-felony cases.

Bail amounts reached \$100,000 or more in 4% of felony cases (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 bail amount was \$5,000 among felony and \$1,000 among non-felony cases.

Identical medians were found in each borough, with one exception. The median for felony bail in the Bronx was \$3,500, compared to \$5,000 elsewhere. The Bronx also had the smallest percent of felony bail above \$7,500 (24%). Non-felony bail in the Bronx did not differ much from the rest of the City.

Queens had the highest percentage of felony bail in excess of \$7,500 (44%), but also the highest percentage of non-felony bail in the lowest range (36%).

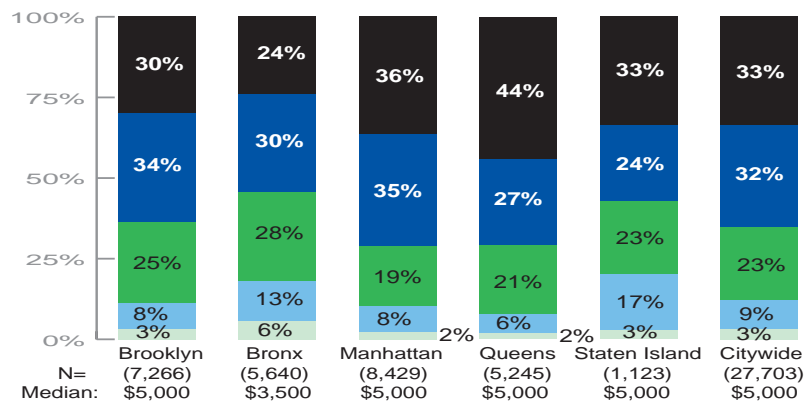
All docketed cases with bail set higher than \$1 at arraignment, including DATs, were included in Exhibits 13 and 14. Cases disposed at arraignment were excluded, with the exception of cases transferred to Supreme Court at arraignment, which were included.

Exhibit 13  
Bail Amount Set At Criminal Court Arraignment  
Citywide And By Borough  
(Arrests January – December 2013)  
(Cases For Which Bail Was Set)

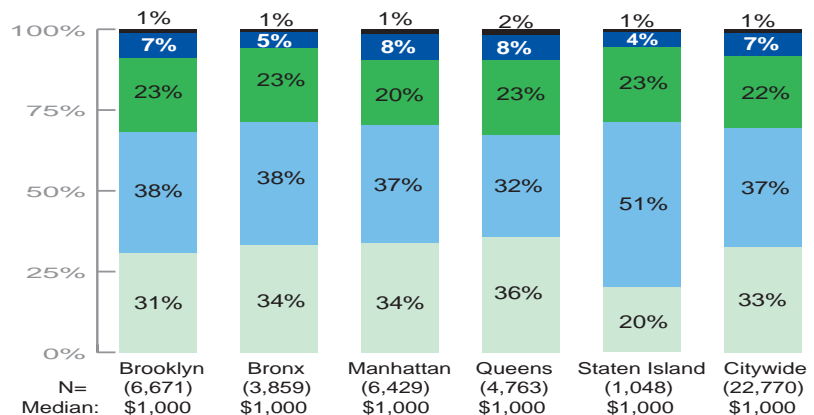
Note: All data are for 2013 arrests. In the post-arraignment section starting on page 29, outcomes for felony cases are reported for 2012 arrests.



#### FELONY



#### NON-FELONY



Percentages may not total 100% because of rounding.



## Criminal Court Arraignment

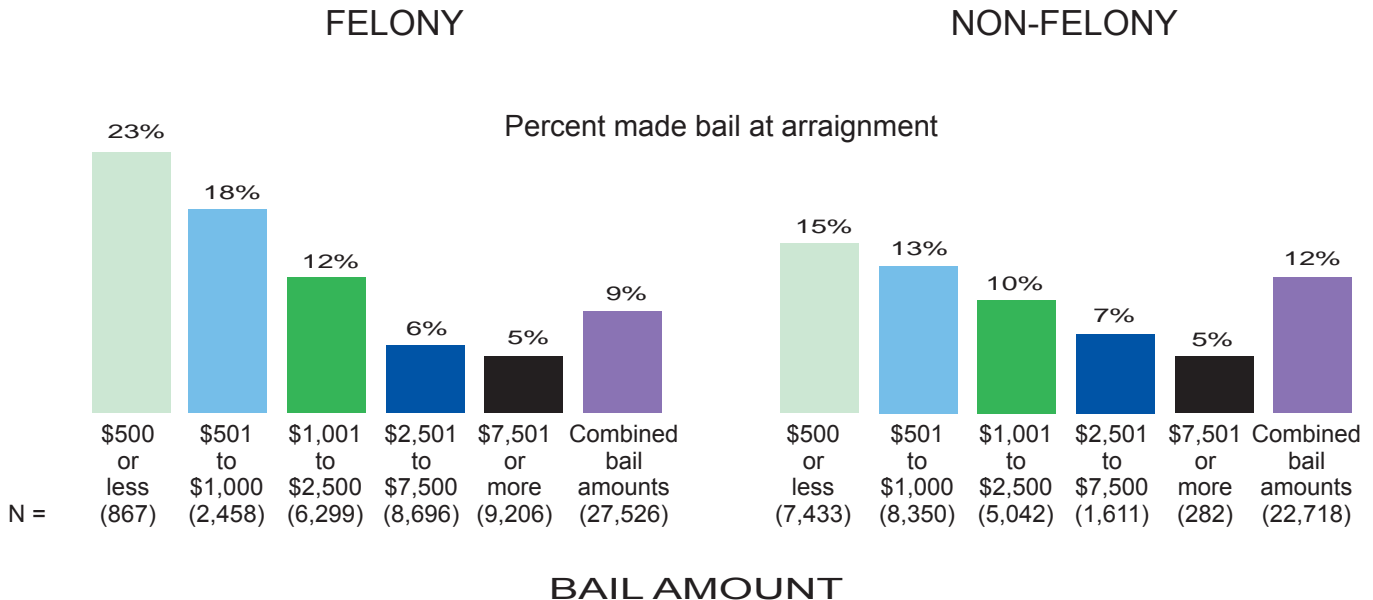
Exhibit 14 shows the percentage of cases in which the defendant gained release by posting bail at arraignment, for all cases with bail set and within each bail amount category. Results are presented separately for felony and non-felony cases. Citywide (A) rates are on this page and rates by borough (B) are on the following page.

Defendants who did not make bail at arraignment may have done so within a few days (see Exhibit 18 for post-arraignment bail making).

Of all cases with bail set, only 9% of felony defendants and 12% of non-felony defendants were able to post the amount necessary to gain release at arraignment.

Among cases with bail set at \$500 or less, 23% of felony and 15% of non-felony defendants made bail at arraignment. These percentages dropped within each severity level as the bail amounts rose. Among all cases with bail set over \$7,500, bail was posted at arraignment only 5% of the time, regardless of charge severity.

**Exhibit 14**  
**Bail Making At Criminal Court Arraignment By Bail Amount**  
 (Arrests January – December 2013)  
 Separately For Felony and Non-Felony Cases  
 (A) CITYWIDE



#### 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 usually not be able to obtain release by posting that amount, which is an indication of higher bail, or remand, on another case.

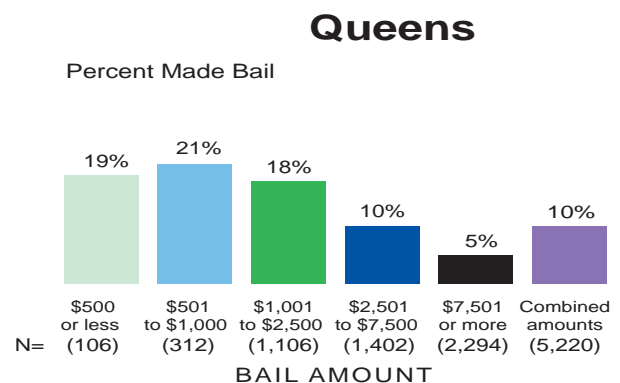
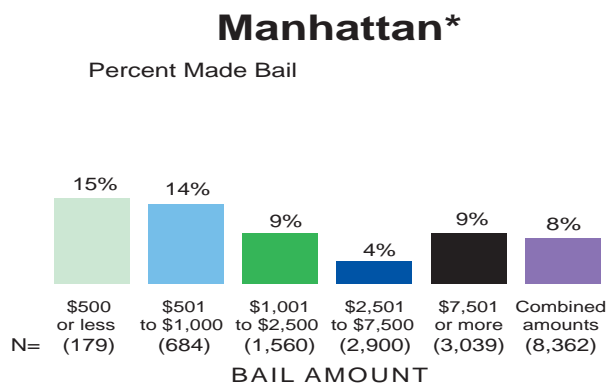
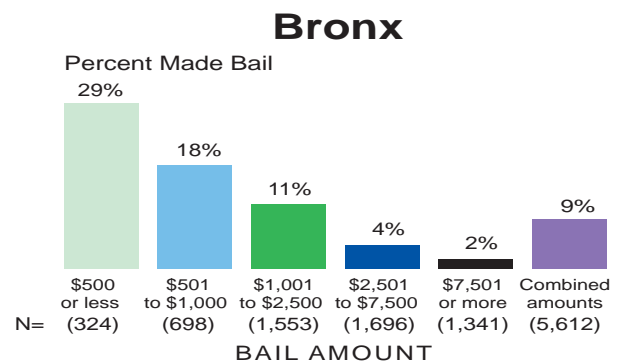
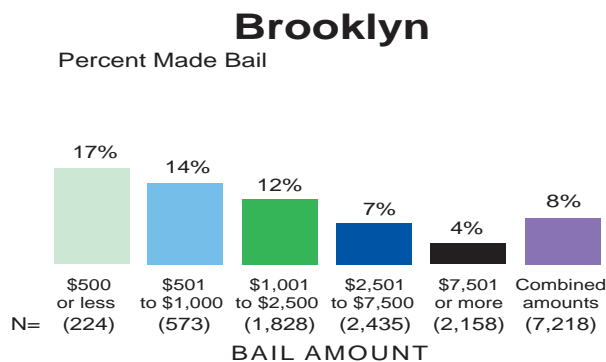
The total number of cases is less than the number of cases reported in Exhibit 13 because of missing bail-making data.

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.

## Criminal Court Arraignment

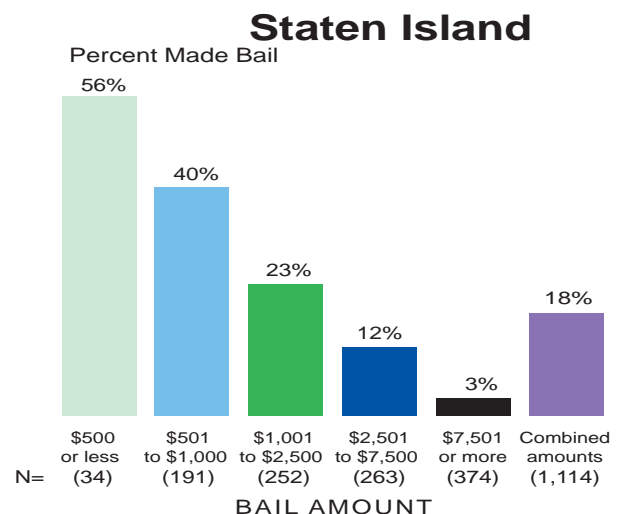
Exhibit 14  
Bail Making At Criminal Court Arraignment By Bail Amount  
(Arrests January – December 2013)  
(Cases For Which Bail Was Set)  
(B) BY BOROUGH  
**FELONY**

*Note:* All data are for 2013 arrests. In the *post-arraignment* section starting on page 29, outcomes for felony cases are reported for 2012 arrests.



There were wide differences by borough in bail making at arraignment. Defendants in Staten Island were much more likely to post bail at arraignment than defendants in other boroughs. Staten Island defendants made bail at arraignment in 18% of felony and 26% of non-felony cases overall. When bail was set at \$500 or less, over half of Staten Island felony defendants made bail at arraignment, and more than a third of the non-felony defendants did so.

Bail was least likely to be made at arraignment in Brooklyn and Manhattan, where 8% of felony and 11% of non-felony defendants posted bail in each borough.

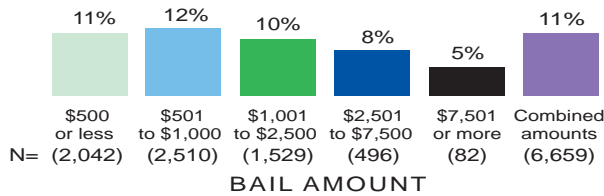


## Criminal Court Arraignment

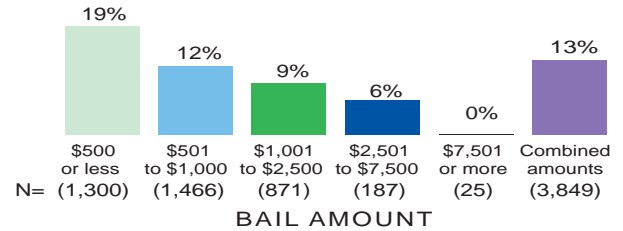
**Exhibit 14**  
**Bail Making At Criminal Court Arraignment By Bail Amount**  
 (Arrests January – December 2013)  
 (Cases For Which Bail Was Set)  
 (B) BY BOROUGH (continued)

**NON-FELONY****Brooklyn**

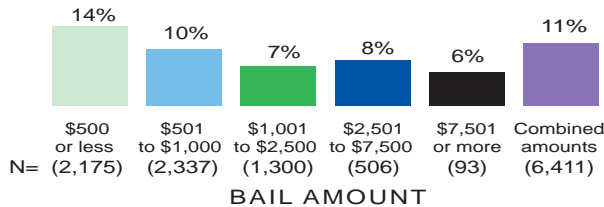
Percent Made Bail

**Bronx**

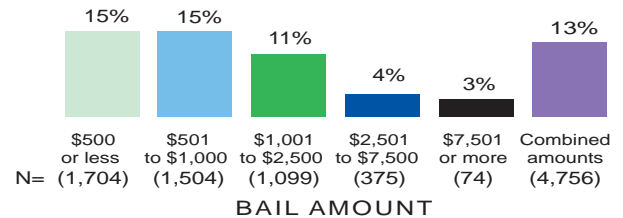
Percent Made Bail

**Manhattan\***

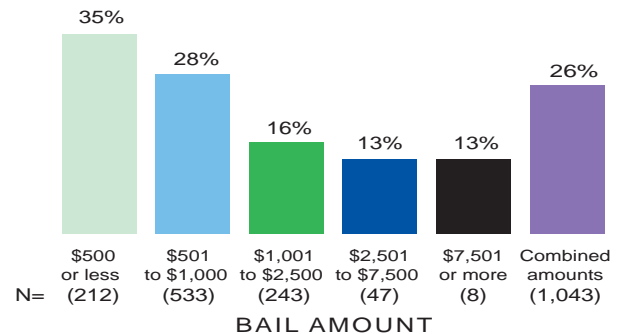
Percent Made Bail

**Queens**

Percent Made Bail

**Staten Island**

Percent Made Bail



\* Data for Manhattan are unreliable in the highest bail amount category, particularly among felony cases. Bail-making rates for amounts of \$7,501 or more are inflated by a coding error in the data transmitted to CJA by the Office of Court Administration that categorizes some defendants as released at arraignment when they were actually held in jail pending a bail source hearing. This ongoing error apparently affects only defendants in Manhattan with very high bail. [See Notes, p. 46.]

# VI. Desk Appearance Tickets

A desk appearance ticket is a written notice issued by the New York City Police Department (NYPD) 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 non-felony and some non-violent class E felony arrest charges. The NYPD imposes some additional restrictions; for example, denying DATs to defendants found to have outstanding warrants.

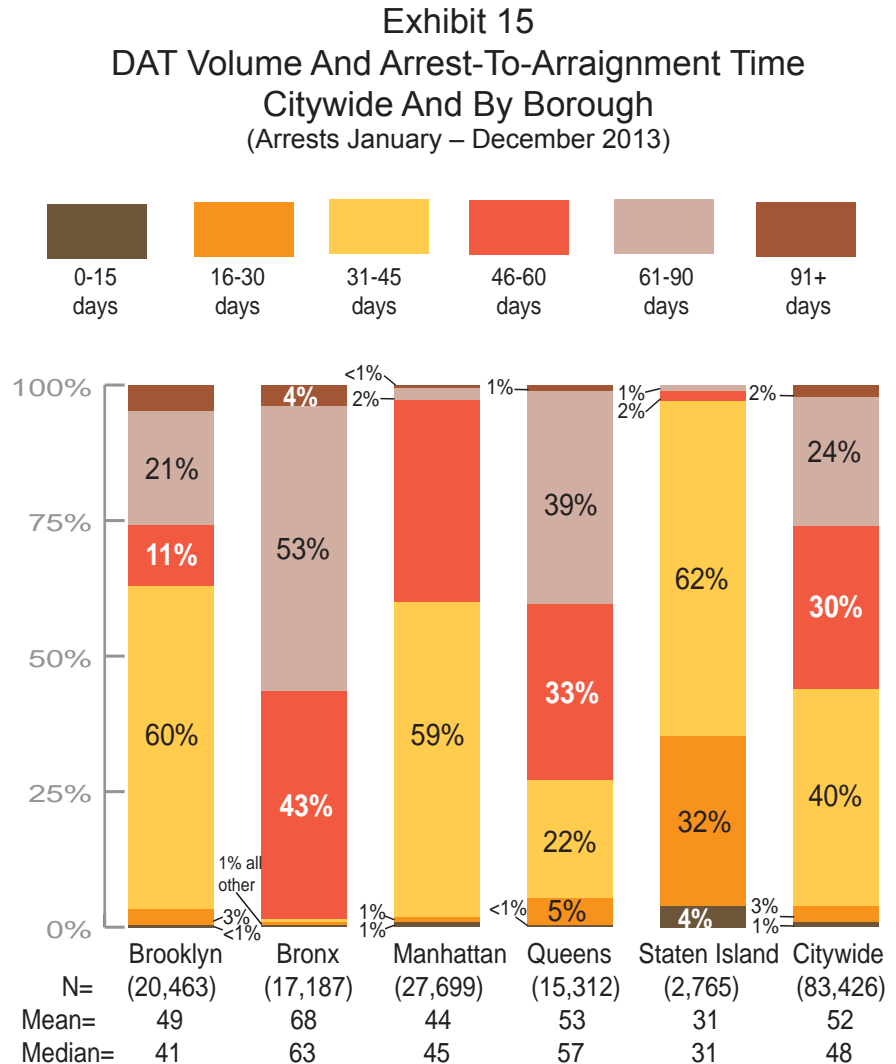
CJA does not usually interview DAT defendants, but the Agency does provide arraignment notification for them by mail and by telephone using contact information supplied by the NYPD. For post-arraignment appearances, DAT defendants are notified by the same procedures used for other defendants. (For more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

## Volume

There were 83,426 DAT arraignments citywide for arrests during 2013. A third of them were concentrated in Manhattan, with 27,699 scheduled DAT arraignments.

## Arrest-To-Arraignment Time

The NYPD sets arraignment dates for DAT defendants anywhere from a few days to many months following the arrest. The average (mean) number of days from arrest to arraignment in DAT cases citywide was 52 days; the median was 48. A large majority (70%) fell between 31 and 60 days.



Borough differences were striking. Arrest-to-arraignment time was especially short in Staten Island (median 31 days) and long in the Bronx (median 63 days).

Despite having the longest arrest-to-arraignment time in the City, the Bronx actually reduced the time sharply from the year before when the median was 119 days. This is in contrast to Brooklyn,

Manhattan, and Queens, where arrest-to-arraignment time rose compared to the previous year.

Staten Island was the only borough with a substantial proportion of arraignments scheduled within 30 days. More than a third (36%) of Staten Island DATs were scheduled for arraignment within a month, compared to only 1% in both Manhattan and the Bronx.

### Failure To Appear For A DAT Arraignment

Failure to appear for the scheduled DAT arraignment is reported in Exhibit 16. (In Part B we will present post-arraignment FTA rates for cases of defendants who were detained from arrest to arraignment, excluding cases of defendants who were issued desk appearance tickets.)

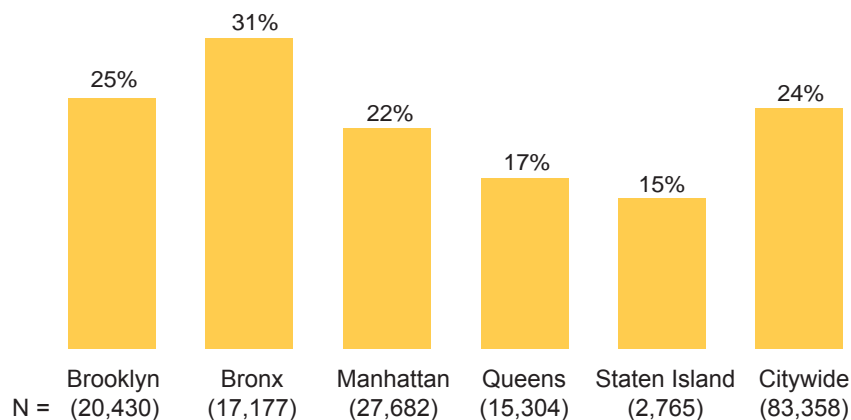
In 24% of DAT cases, the defendant failed to appear for the arraignment in Criminal Court.

There were large borough differences in FTA rates for DAT arraignments. The Bronx had the highest rate, at 31%. Staten Island, at 15%, had the lowest FTA rate for DAT arraignments.

Chronically high FTA rates among DAT defendants in the Bronx have been attributed in part to repeated rescheduling of arraignments. To address this problem, in 2009 CJA launched a special notification effort for Bronx DAT defendants whose arraignments were rescheduled (described on page 39).

Research has shown that FTA is strongly related to arrest-to-arraignment times, since a defendant may forget a scheduled court date far in the future, and disruptive life events may intervene. The Bronx had both the longest arrest-to-arraignment time and the highest FTA rate. Staten Island had the shortest arrest-to-arraignment time and the lowest FTA rate.

Exhibit 16  
Failure To Appear (FTA) Rates  
For A DAT Arraignment  
Citywide And By Borough  
(Arrests January – December 2013)



Unlike FTA rates presented elsewhere in this report, which counted FTA any time during the pendency of the case, Exhibit 16 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. If the defendant was not present for the scheduled arraignment but no warrant was issued (or a warrant was stayed), the outcome at the second court date was taken. A few cases were excluded because the defendant was recorded as absent at the first two court appearances but no warrant was recorded for either date.

## Desk Appearance Tickets

### Failure To Appear For A DAT Arraignment By Offense Type

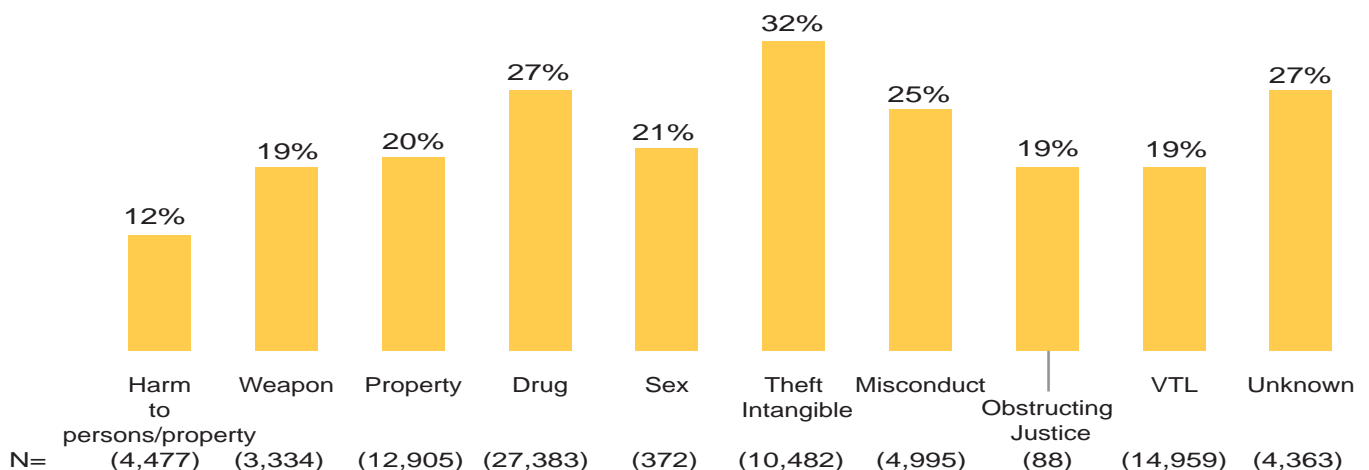
The three largest arrest offense types were drug, Vehicle and Traffic Law (VTL), and property offenses. These three offense types accounted for the majority of DATs.

FTA rates varied considerably according to the offense type of the arrest charge, as shown in Exhibit

17. FTA rates ranged from 12% for the “harm” category to 32% for theft intangible.

Drug cases — comprising about a third of DATs — were associated with an FTA rate of 27%, which is a little higher than the average of 24% for all DATs (Exhibit 16).

Exhibit 17  
Failure To Appear (FTA) Rates For A DAT Arraignment  
By Arrest Charge Offense Type  
(Arrests January – December 2013)  
(534 cases with missing arrest charge data were excluded.)



### DAT OFFENSE TYPES

**Harm** (combines CJA offense type categories of harm to persons and harm to persons & property): Most DAT defendants in this category were charged with assault and related offenses (PL Article 120).

**Weapon:** Nearly all DAT charges in this category were for fourth-degree weapon possession (PL 265.01).

**Property:** Most DAT defendants charged with a property offense were arrested for petit larceny, along with some arrested for criminal mischief or possession of stolen property.

**Drug:** Nearly three quarters of DAT drug arrests were for class B misde-

meanor marijuana possession (PL 221.10). Nearly all the rest were for class A misdemeanor drug possession (PL 220.03).

**Sex:** The few DAT arrests for sex crimes were mostly for patronizing a prostitute (PL 230.04) or public lewdness (PL 245.00).

**Theft intangible:** Theft of services (turnstile jumping) was the most common DAT offense in this category, along with smaller numbers of forgery and fraud charges.

**Misconduct:** Criminal trespass constituted nearly two thirds of DAT offenses in this category, along with

some harassment and disorderly conduct charges.

**Obstructing Justice:** DATs were rarely issued for obstruction of justice, but when they were, the charge was typically making a false written statement, evidence tampering, or a criminal nuisance offense.

**VTL** (offenses under the Vehicle and Traffic Law): Most DATs issued for a VTL offense were for driving with a suspended or revoked license.

**Unknown:** DATs issued for unknown offenses consisted primarily of violations of local laws (outside the Penal Law or Vehicle & Traffic Law).



# Part B

## Post-Arraignment Data

Felony (2012 Arrests)  
Non-Felony (2013 Arrests)

# VII. Bail Making Prior To Disposition

Exhibit 18 shows, for cases with bail set at arraignment, the percentage in which the defendant gained release before disposition. Data are presented for felony cases with an arrest in 2012, and for non-felony cases with an arrest in 2013. Citywide results (A) are shown below, and breakdowns by borough (B) are shown on the following two pages.

Citywide, defendants in 45% of felony and 48% of non-felony cases were not released prior to disposition of the case. In the remaining cases with bail set, the defendant was released prior to disposition, either by ROR or by posting bail. Among felony cases, 11% made bail at arraignment, 13% were released on recognizance post-arraignment (often because of mandatory release requirements), and 31% made bail post-arraignment. The comparable figures for non-felony cases were 12%, 12%, and 28% respectively.

[Data in Exhibit 18 are not comparable to bail-making data presented in the 2011 and earlier Annual Reports. See Notes, p. 46.]

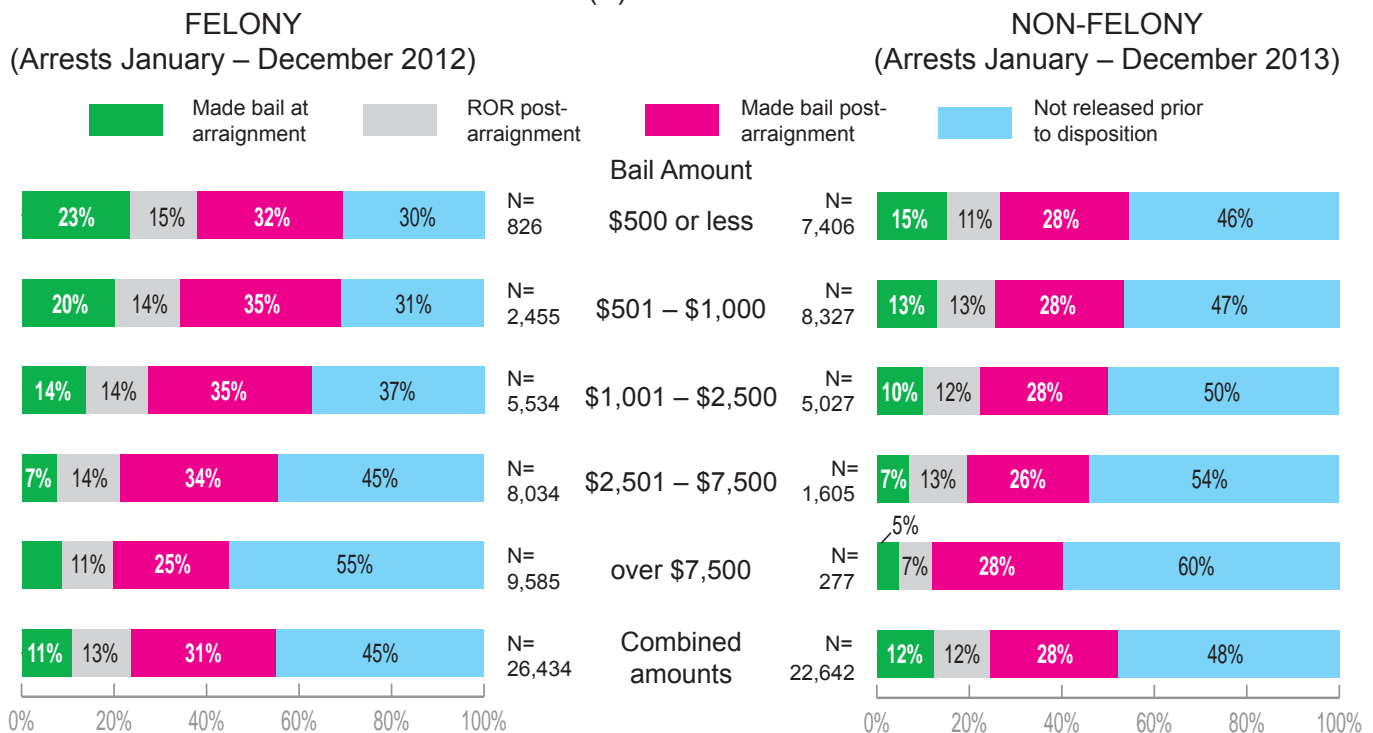
Defendants with the lowest bail were more likely to be released, especially among felony cases. Even with bail of \$500 or less, however, the defendant was detained to disposition in 30% of felony and 46% of non-felony cases.

**Borough differences:** Among felony cases, detention-to-disposition rates were highest in Manhattan and Queens (50% and 49% respectively) and lowest in Staten Island (38%). The pattern was similar among non-felony cases, with the highest detention rates in Brooklyn, the Bronx, and Manhattan (all 49%) and the lowest in Staten Island (35%).

*Note: To compare the felony data presented here with non-felony data for the same year's arrests, see Exhibit 18 in last year's Annual Report.*

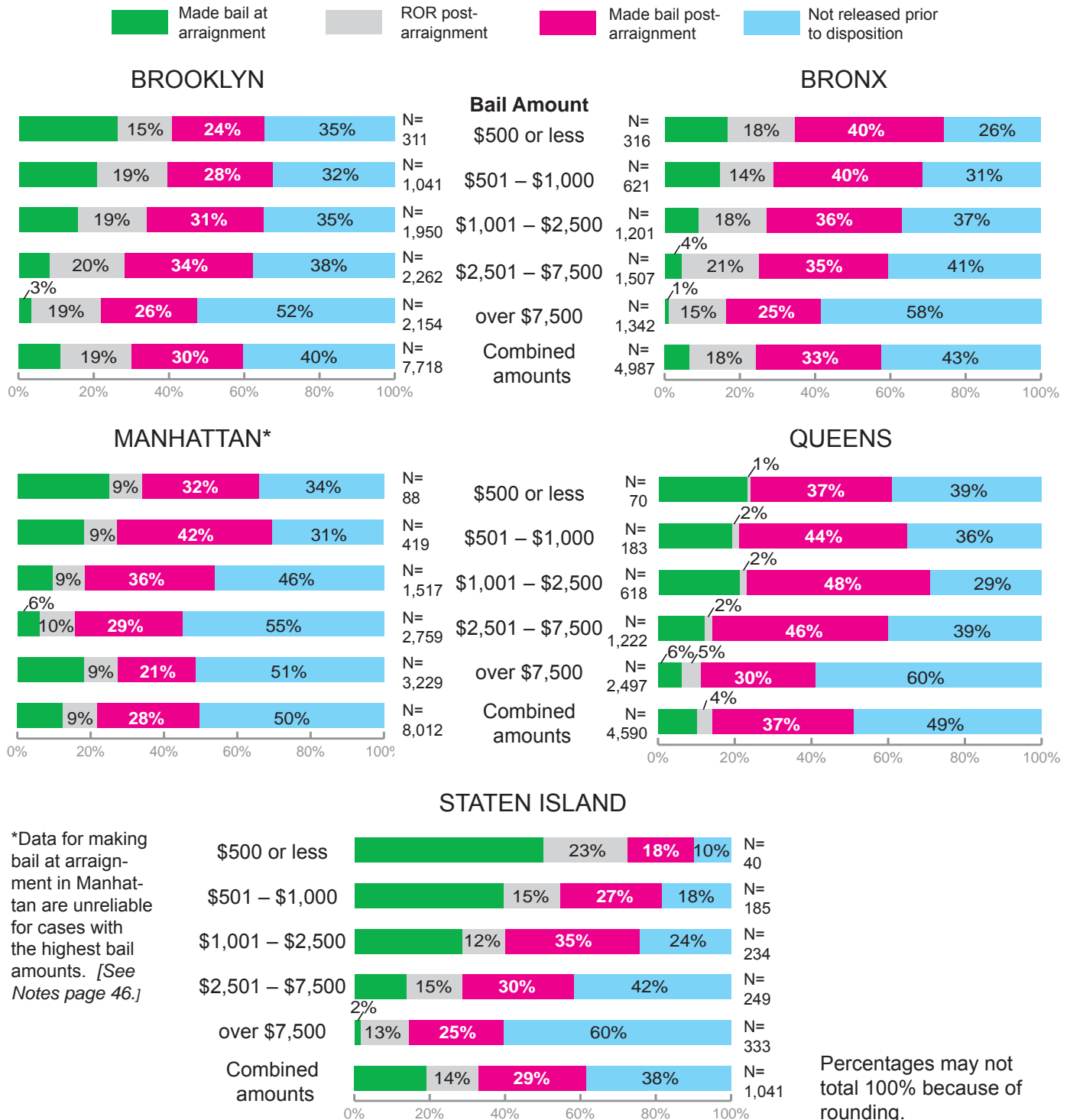
DAT cases were included in Exhibit 18. Cases with bail set at \$1 were excluded (see box page 23 for bail measure). Bail making and release on recognizance were tracked until the disposition of the case or until June 30, 2014, allowing a minimum of 18 months for felony and 6 months for non-felony cases.

Exhibit 18  
Bail Making By Bail Amount (Cases With Bail Set)  
(A) CITYWIDE



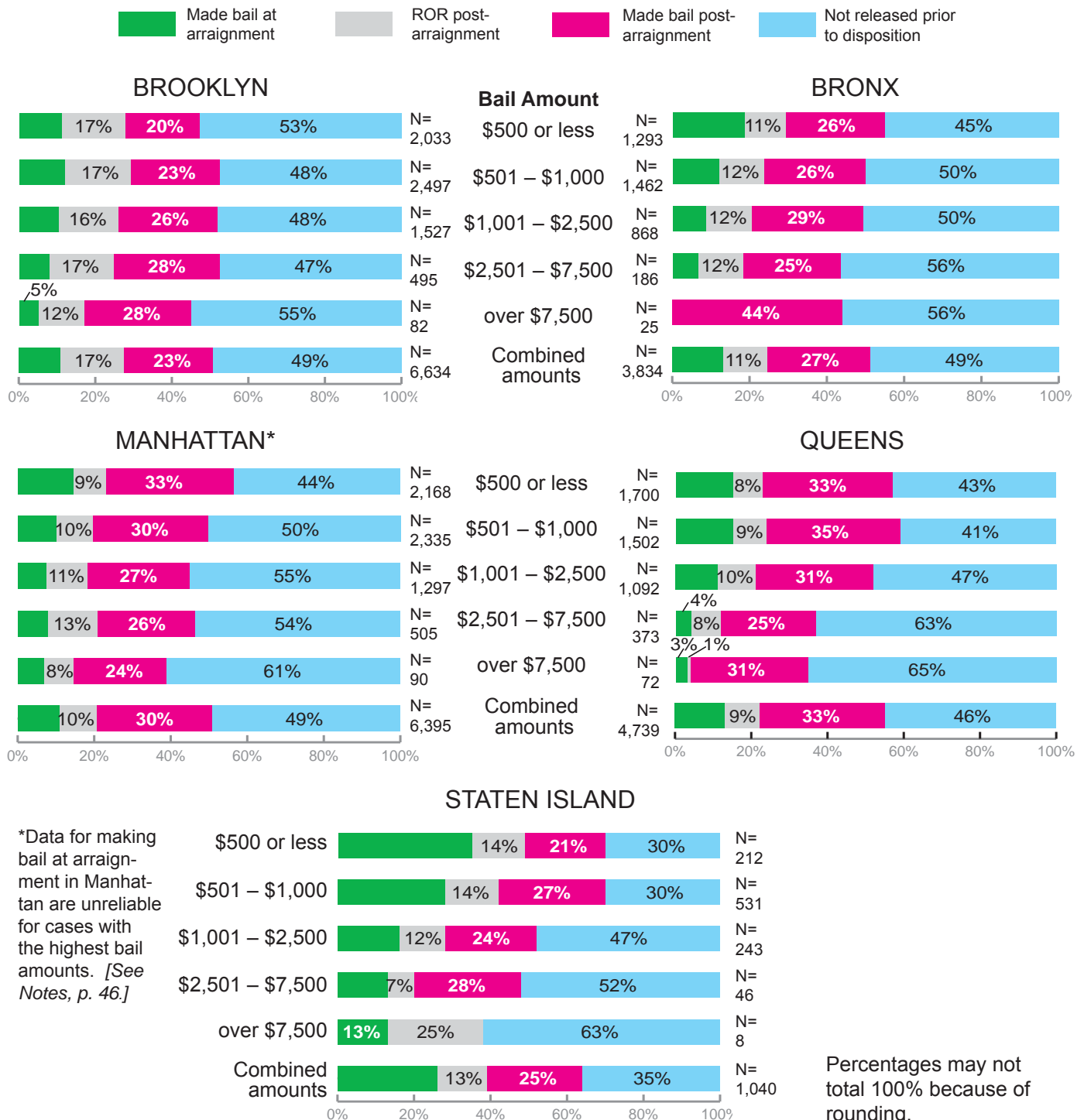
## Bail Making Prior To Disposition

**Exhibit 18**  
**Bail Making By Bail Amount**  
**(B) BY BOROUGH**  
**FELONY**  
**(Arrests January – December 2012)**



## Bail Making Prior To Disposition

Exhibit 18  
Bail Making By Bail Amount  
(B) BY BOROUGH (continued)  
**NON-FELONY**  
(Arrests January – December 2013)



# VIII. Failure To Appear

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 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 IX for information about notification procedures and outcomes.]

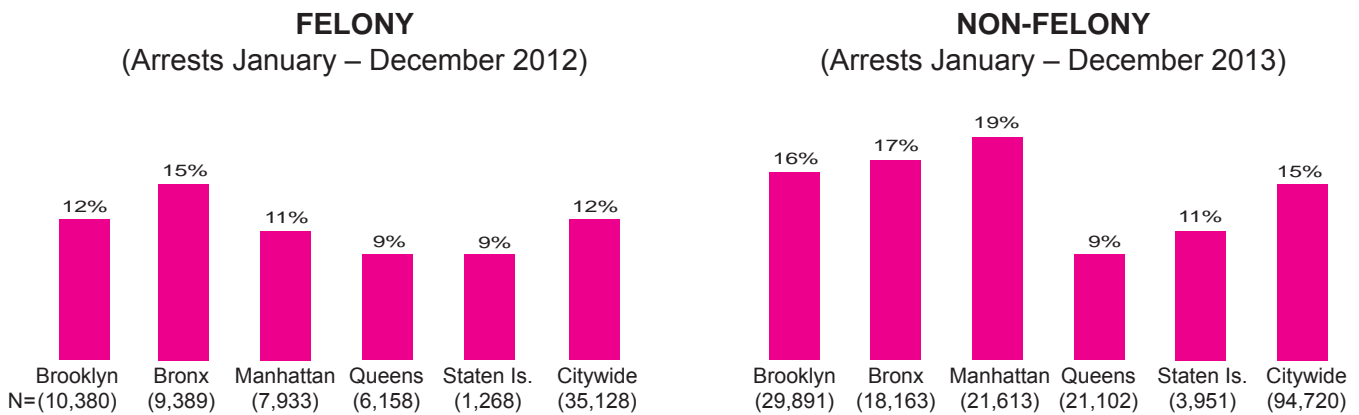
Exhibit 19 shows that the defendant in 12% of felony cases (2012 arrests) and 15% of non-felony cases (2013

arrests) failed to appear at least once for a scheduled court appearance prior to disposition of the case.

FTA rates were lowest at 9% in Queens for both felony and non-felony cases, and the same low rate was found in Staten Island among felony cases. The highest rates were in the Bronx for felony cases (15%) and in Manhattan for non-felony cases (19%).

FTA rates were lower for felony compared to non-felony cases, particularly in Manhattan, where the difference was 8 percentage points (11% for felonies, compared to 19% for non-felonies). Felony post-arraignment outcomes are lagged by one year because of the longer time it takes felony cases to reach disposition, so the comparison is between different years. However, the non-felony FTA rates for Brooklyn, the Bronx, and Manhattan reported here are unchanged from 2012, with only small changes in the other two boroughs.

Exhibit 19  
Failure To Appear (FTA) Rates Citywide And By Borough  
(Cases with a defendant who was released prior to disposition)



FTA rates for DAT arraignments are presented separately in Section VI.

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. Cases were tracked until disposition or until June 30, 2014, whichever occurred first.

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. Appearance-based rates are calculated by dividing the number of total court appearances by the number of times the defendant failed to appear. The FTA rates presented here are comparable to other FTA rates only if they are calculated using the same method.

FTA rates are not comparable to rates in the 2011 and earlier *Annual Reports* [see Notes, p. 46].

## Failure To Appear

### FTA And The CJA Recommendation

Exhibit 20 shows that FTA rates were lowest in cases of defendants who were recommended for release and highest among cases of defendants who were not recommended. This difference was found among both felony and non-felony cases.

Among cases of defendants who were recommended, the FTA rate was 7% among felony and 8% among non-felony cases.

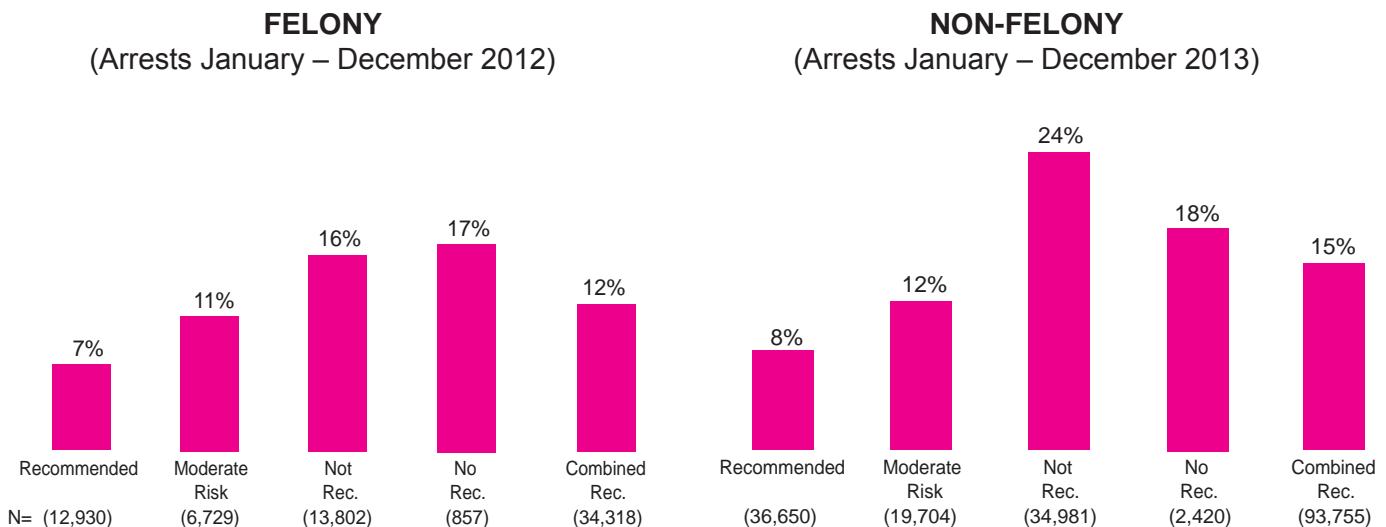
FTA rates were higher among cases of defendants assigned to the moderate-risk recommendation category: 11% among felony and 12% among non-felony cases.

The highest FTA rates were found among cases of defendants who were not recommended for ROR. Among felony cases, the FTA rate was 16% among cases with a defendant assigned to a not recommended category. The comparable rate among non-felony cases was 24%.

No recommendation is issued under certain circumstances, including inability to obtain the defendant's criminal record or an incomplete interview. For defendants with no recommendation, FTA rates were also high: 17% among felony and 18% among non-felony cases.

#### Exhibit 20 Failure To Appear (FTA) Rates By CJA Recommendation

(Cases with a defendant who was released prior to disposition)



*Note: To compare felony and non-felony cases with an arrest in the same year, compare the non-felony data for 2012 presented in Exhibit 20 of the 2012 Annual Report with the felony data for 2012 presented here. Results were very similar.*

Cases of defendants who were not interviewed (including most DAT arrests) were excluded from Exhibits 20, 21, and 22.



### Adjusted FTA (no return within 30 days)

Exhibit 21 presents “adjusted FTA rates” obtained by counting an *FTA only when the defendant did not return within 30 days*.

For non-felony cases, the adjusted FTA rate for combined recommendation categories (7%) was about half the total FTA rate (15%, shown in Exhibit 20). For felony cases, the adjusted FTA rate (4%) was one third the total rate (12%).

Among recommended defendants, only 2% of felony cases and 3% of non-felony cases had

a defendant who failed to appear with no return in 30 days.

The adjusted FTA rates for moderate-risk defendants were 4% (felony) and 6% (non-felony).

Even among cases of defendants who were not recommended for ROR, adjusted FTA rates were low: 6% (felony) and 12% (non-felony).

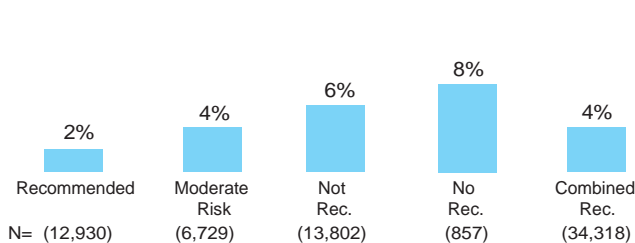
This indicates that when defendants missed a court date, a great many returned within 30 days. Return rates are shown on the next page in Exhibit 22.

### Exhibit 21 Adjusted Failure-To-Appear (FTA) Rates (No Return Within 30 Days) By CJA Recommendation

(Cases with a defendant who was released prior to disposition)

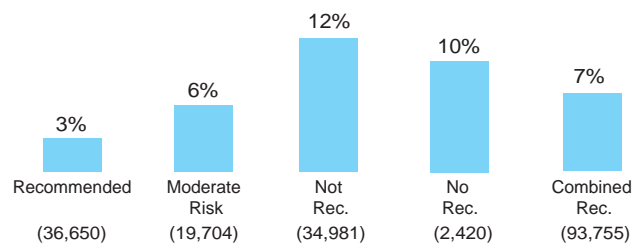
#### FELONY

(Arrests January – December 2012)



#### NON-FELONY

(Arrests January – December 2013)



*Note: To compare felony and non-felony cases with an arrest in the same year, compare the non-felony data for 2012 presented in Exhibit 21 of the 2012 Annual Report with the felony data for 2012 presented here. Results were very similar.*

## Failure To Appear

### Return To Court And The CJA Recommendation

The adjusted FTA rates shown on the previous page (Exhibit 21) indicate that of the defendants who fail to appear for a court appearance, a great many return to court within 30 days. Exhibit 22 shows that more than half did so in this reporting period, among felony and non-felony cases alike.

Not only were recommended defendants more likely to make all their court appearances (as shown in Exhibit 20), but — when they did fail to appear — they were also more likely to return to court within 30 days.

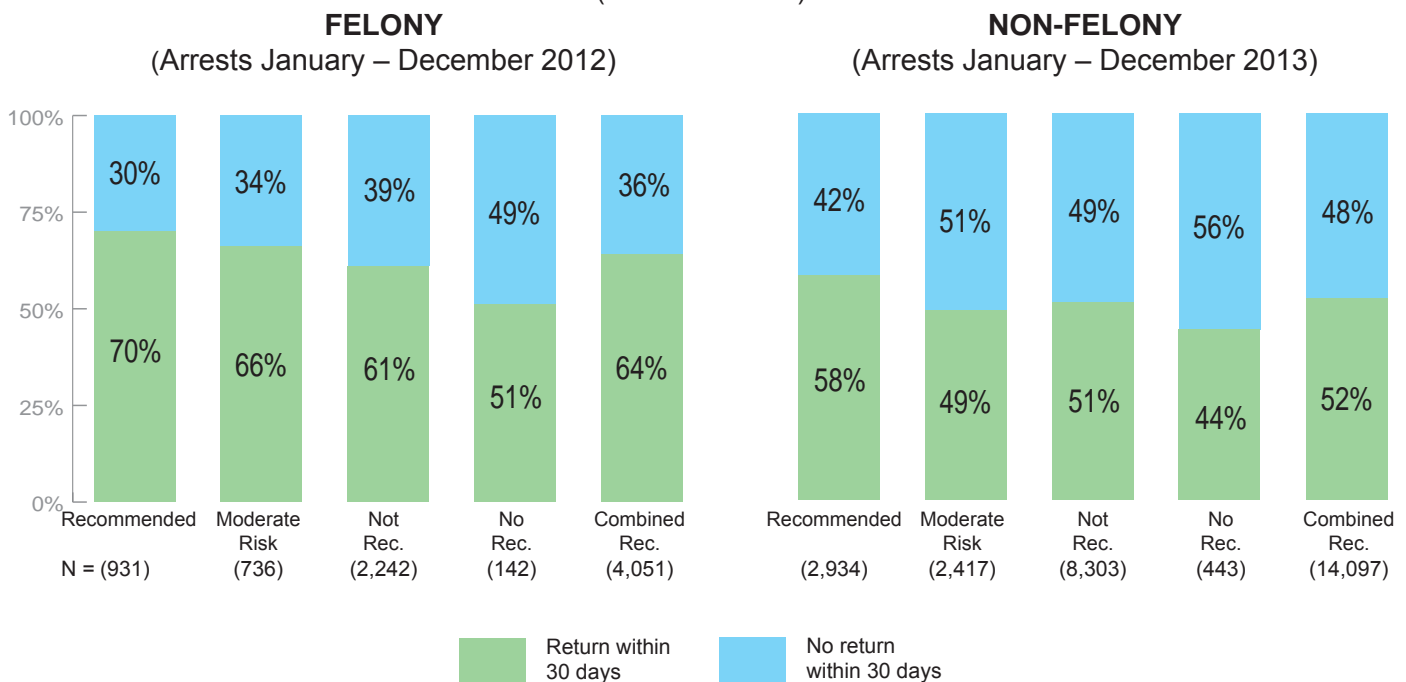
Among felony cases with an FTA prior to disposition, 64% of the defendants returned to court within 30 days. This percentage rose to 70% among cases with a defendant who had been recommended by CJA.

Among non-felony cases with a pretrial FTA, 52% returned within 30 days. This percentage rose to 58% among cases with a defendant who had been recommended.

Defendants in felony cases were more likely than non-felony defendants to return within 30 days regardless of recommendation category.

*Note: To compare felony and non-felony cases with an arrest in the same year, compare the non-felony data for 2012 presented in Exhibit 22 of the 2012 Annual Report with the felony data for 2012 presented here. Results were very similar.*

Exhibit 22  
Return To Court Following Failure To Appear (FTA)  
By CJA Recommendation  
(Cases With FTA)



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, 2014), return-to-court data were tracked for an additional month, to July 30.

# Part C Notification, Special Programs, & Supervised Release

2013 Arrests

# IX. Notification

The Agency attempts to notify all adult 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 Supreme Court. (Supreme Court notification started in the Bronx and Manhattan in 2006, and expanded to all boroughs in 2009.)

## Notification by Telephone

Telephone notification is attempted for defendants who provided a telephone number at arrest. 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. Attempts are made for reminder calls on two successive days, until someone answers and responds by pressing the appropriate keys, or a machine answers. Only one attempt is made for wake-up calls.

At the end of August 2013, CJA also began sending text messages to defendants who provide a cellphone number. Text messages are sent out two days prior to a court appearance, and again on the day of the appearance. These supplement the three-day and same-day calls that are made for all defendants who provide phone numbers.

Exhibit 23 shows the number of scheduled court appearances for which telephone notification was attempted, and the outcomes, during 2013. (See *Notes, page 46.*)

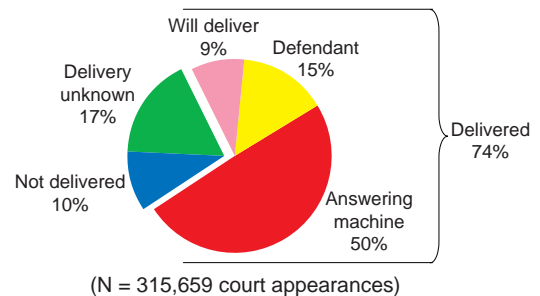
### Telephone Notification Outcomes

- “Delivered” — the call was answered by the defendant or someone else who agreed to deliver the message; or a message was left on a machine. For wake-up calls, the only automated menu response requested is choice of language so it is not possible to distinguish between the defendant and another person answering the call.
- “Not delivered” — unable to connect (busy or unanswered), nonworking number, or wrong number.
- “Delivery unknown” — someone answered the call but did not respond to menu choices.

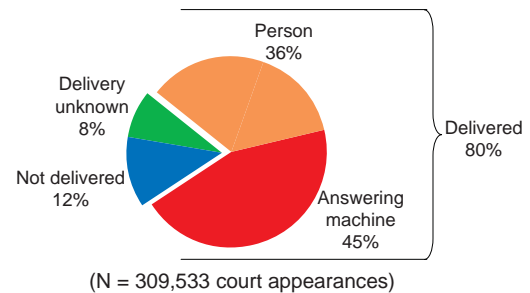
## Exhibit 23

### Telephone Notification: Volume & Outcomes January – December 2013

#### REMINDER CALLS (starting 3 days prior)



#### WAKE-UP CALLS (same day)



Percentages may not total 100% because of rounding.

#### Reminder Calls

There were 315,659 court appearances during 2013 with a telephone notification outcome presented in Exhibit 23. The reminder call was successfully delivered 74% of the time, and it was not delivered 10% of the time. (See box for definitions of “delivered” and “not delivered”). The rest of the time (17%) someone answered the telephone call but did not respond to menu choices, so it was unknown whether or not the message was delivered.

#### Wake-Up Calls

During the reporting period, CJA made 309,533 wake-up calls, of which 80% were completed with delivery of the message either to a person or to an answering machine.

### 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.

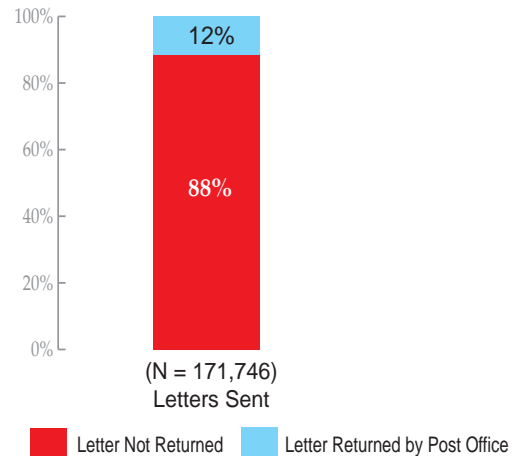
A letter is sent to defendants meeting these criteria if the next appearance is scheduled seven or more days after any given court date. If the next appearance is scheduled to take place in fewer than seven days, there is not enough time to generate a letter.

An additional notification program was inaugurated in January 2009 for DAT defendants in the Bronx whose arraignments were rescheduled because the paperwork was not ready on the initially scheduled arraignment date. 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 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 24 shows that 171,746 letters were sent to defendants reminding them of a scheduled court appearance in Criminal Court or in Supreme Court during the reporting period.

Some letters were returned by the Post Office because they were undeliverable: 19,943 letters were returned (12% of those sent). Defendants scheduled for post-arraignment appearances whose

**Exhibit 24**  
**Letter Notification: Volume & Outcomes**  
January – December 2013



letters were returned are presumed not to have been notified (the letter would 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 (88%) were not returned. Defendants are presumed to have been notified if the letter was not returned.

In previous years the notification letter requested that the defendant call to confirm his or her attendance at the scheduled court appearance, using a CJA telephone number provided in the letter. However, the number of defendants who checked in was so small (fewer than 15% of letter recipients) that this requirement has been dropped.

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.

# X. Special Programs

## Bail Expediting Program (BEX)

To reduce unnecessary pretrial detention, CJA expedites bail making for defendants who are held on low bail. The Bail Expediting Program in the Bronx and Queens was expanded in 2010 to include Brooklyn and Manhattan as well, so it now operates in all four of New York City's largest 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.

To be eligible for the program, a defendant's bail must be set at \$2,500 or less in the Bronx and at \$3,500 or less in Brooklyn, Manhattan, and Queens. The number of defendants identified as eligible for BEX in each borough is shown in Exhibit 25, along with the outcomes described in the accompanying box.

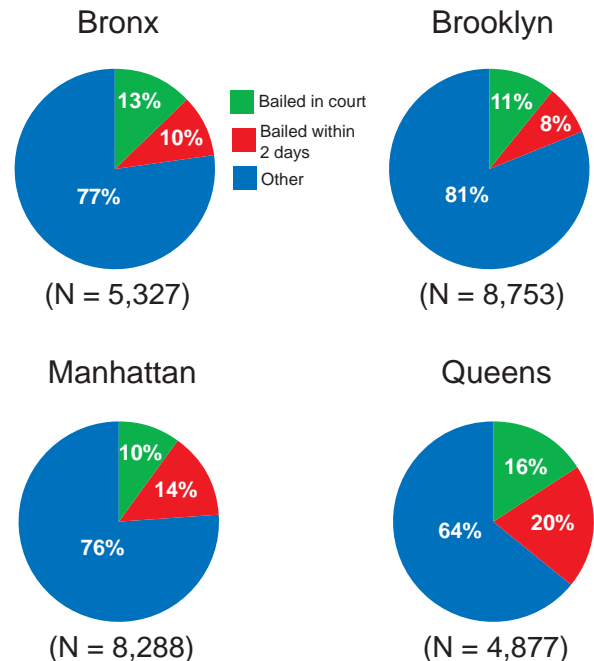
In the Bronx, the defendant was eligible for BEX in 5,327 cases. Of these, 13% were bailed in court and an additional 10% made bail within two days, for a total of 23% of BEX-eligible defendants who were released with CJA's help.

In Brooklyn, the defendant was eligible for BEX in 8,753 cases. Of these, 11% were bailed in court and an additional 8% made bail within two days, for a total of 19% of BEX-eligible defendants who were released with CJA's help.

In Manhattan, the defendant was eligible for BEX in 8,288 cases. Of these, 10% were bailed in court and an additional 14% made bail within two days, for a total of 24% of BEX-eligible defendants who were released with CJA's help.

In Queens, the defendant was eligible for BEX in 4,877 cases. Of these, 16% were bailed in court and an additional 20% made bail within two days, for a total of 36% of BEX-eligible defendants who were released with CJA's help.

Exhibit 25  
Bail Expediting Program (BEX):  
Volume & Outcomes  
January – December 2013



### 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.
- “Other” 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.

*Note: CJA began receiving bail receipts from Rikers Island in 2013, which allowed for a more accurate count of “bailed within 2 days.” This, and not more defendants posting bail, accounts for the large increase in this category compared to 2012.*



## Failure-To-Appear (FTA) Units

FTA Units operate in Brooklyn, Queens, and the Bronx. The Bronx FTA Unit is not included here because it started operating at the end of October 2013, but it will be included in next year's report.

Staff members identify defendants who failed to appear for a post-arraignment date in Criminal Court, as well as defendants who were issued a desk appearance ticket (DAT) and failed to appear for the scheduled arraignment (or for a post-arraignment appearance). FTA Unit staff attempt 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.

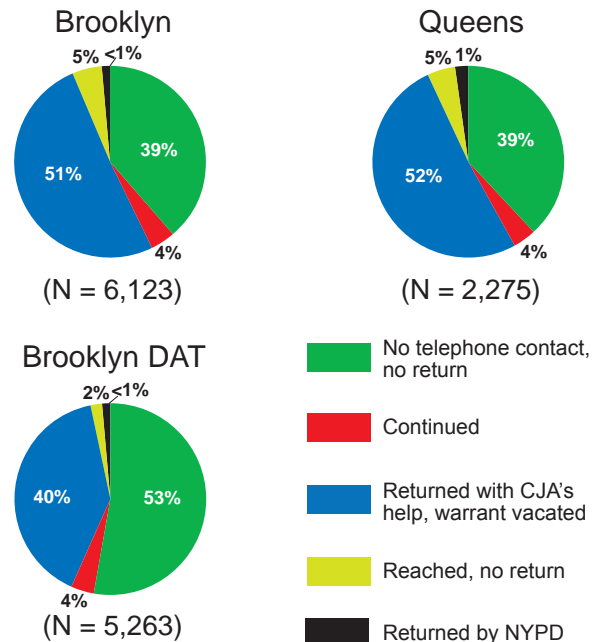
Attempts are made to contact defendants by telephone and letter. Attempts to reach defendants by phone continue until the defendant returns to court, up to 29 days after the warrant is issued. CJA also may help arrange for the defendant's attorney to accompany him or her to court.

Among on-line cases (in which the defendant was held from arrest to arraignment), 51% returned to court with CJA's help in Brooklyn and 52% in Queens. Among Brooklyn DAT cases, 40% returned to court. Data for Queens DAT cases are not included because of the small number (only 200 in 2013).

CJA could not make telephone contact and the defendant did not return within 29 days in 39% of on-line cases in Brooklyn and Queens and in 53% of Brooklyn DAT cases.

Only rarely did a defendant fail to return to court after having received a telephone call from CJA. The percentage of defendants who were reached but did not return to court was between 2% and 5%. Return to court on a re-arrest was even rarer, at 1% or less in each borough.

Exhibit 26  
FTA Units:  
Volume & Outcomes  
January – December 2013



Percentages may not total 100% because of rounding.

### 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, 2012, and for whom efforts would continue into the next reporting period.
- "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.
- "Reached, no return" refers to defendants whom CJA contacted directly by telephone but who did not return to court within 29 days.
- "Returned by NYPD" refers to defendants who were brought back to court on a re-arrest.

# XI. Supervised Release Programs

CJA operates two supervised release programs for persons charged with nonviolent felony offenses. Queens Supervised Release has been operating since August 3, 2009; Manhattan Supervised Release since April 8, 2013. Both programs are funded by the City through the Mayor's Office of Criminal Justice with the objectives of reducing reliance on money bail and lowering pretrial detention for a population that does not pose a substantial risk to public safety. The programs address the fact that most people in New York City jails are held there because they are too poor to post bail. The programs seek to minimize the costs of incarceration, both institutional and individual, and to offer clients opportunities for voluntary treatment where appropriate.

The programs are intended to provide an alternative to money bail, not to replace release on recognizance (ROR). In order to ensure that supervised release is restricted to persons who would otherwise be held on bail, the programs seek to avoid taking persons who are recommended for release by CJA

and who do not appear to have been previously arrested. Additionally, certain charges with a low probability of bail being set are excluded in Queens. To further address concerns about "net-widening," defense attorneys act as gatekeepers and their consent is required for screening and acceptance.

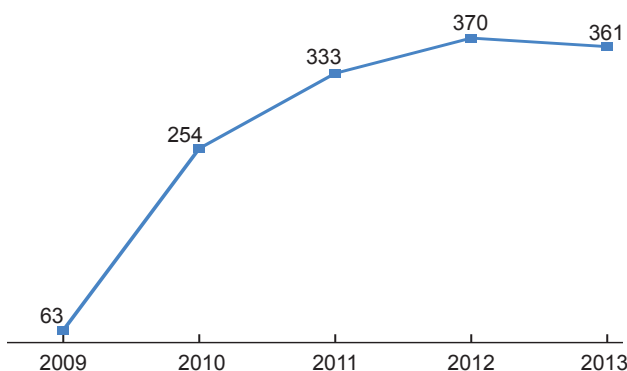
To address public safety concerns, the programs exclude those with extensive criminal records and unverifiable community ties. As with all bail determinations, the final decision to release the person into the program is made by the Court.

Once a client has been placed in a program, validated screening tests and clinical assessments are used to evaluate service needs and supervision requirements. Case managers, who are social workers, conduct the assessment, encourage acceptance of referrals for treatment and other services as needed, and monitor clients through frequent face-to-face meetings and telephone calls. Progress reports detailing clients' record of compliance are submitted at every court date.

## Queens Supervised Release

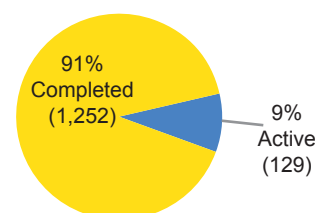
Queens Supervised Release accepted 1,381 clients during its first four and a half years of operation. Annual volume rose from 254 during the first full year (2010) to 370 in 2012. Volume leveled off at 361 for 2013.

Exhibit 27  
QSR Annual Client Volume  
August 3, 2009 – December 31, 2013



Most of these clients had completed the program by December 31, 2013. On that date, the program had 129 active participants, constituting 9% of all clients accepted into the program since its beginning. Completion of the program is at the discretion of the judge, and usually occurs when the case is adjudicated. The judge may decide to revoke supervision prior to adjudication because of a warrant or detention on a re-arrest, or for some other reason.

Exhibit 28  
QSR Completion Status  
As of December 31, 2013  
N = 1,381

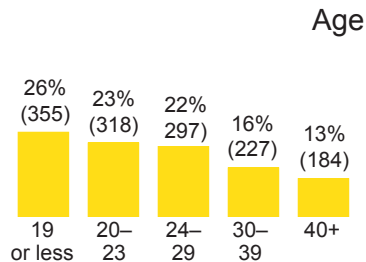


## Queens Supervised Release

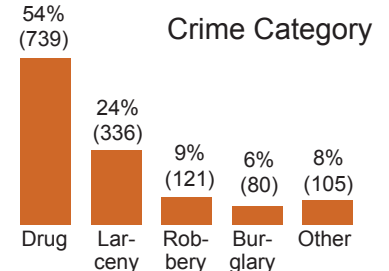
Exhibit 29

QSR Client &amp; Case Characteristics (2009 – 2013), N = 1,381

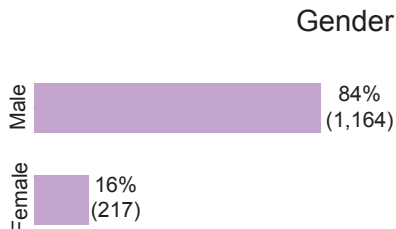
More than a quarter of program clients were under 20 years of age, and nearly half were age 23 or younger. Only 13% were age 40 or older.



Over half were charged with a drug offense, 24% with larceny or possession of stolen property, 9% with robbery, and 6% with burglary.



About 84% of program clients were male, and 16% were female.



Half were assessed to be in need of treatment, about equally divided among substance abuse (18%), mental health (16%), and both treatment needs (17%).

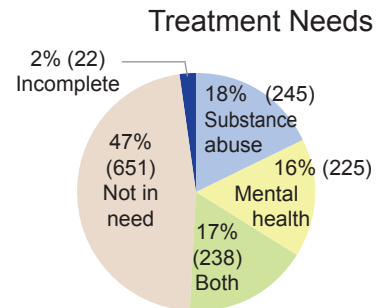
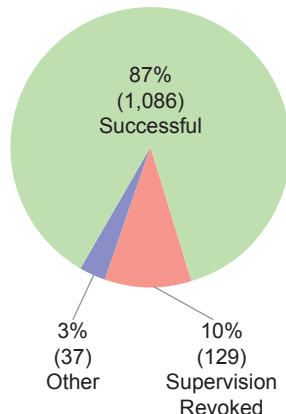


Exhibit 30

QSR Program Outcomes (2009 – 2013)

Of the 1,252 QSR clients who had completed the program by the end of the reporting period, 87% completed successfully, 10% had their supervision revoked, and 3% were terminated for reasons other than client misconduct.

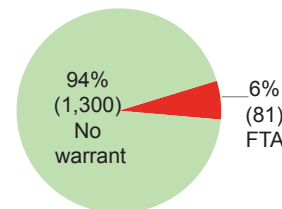
**Type of Completion**  
N = 1,252 Completed



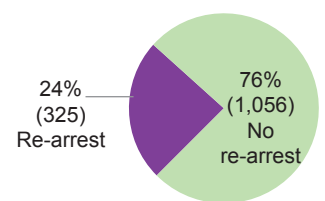
The most common reason for revocation of supervision was detention on a re-arrest (6%, not shown). Most of the remaining revocations were for failure to appear in court (4%).

**In-Program Misconduct**  
N = 1,381

**Failure to Appear**



**Re-Arrest**



Among all program clients (active as well as completed), there were 81 clients who had a warrant ordered for failure to appear (6%) and 325 with a docketed in-program re-arrest (24%). At the Court's discretion, not all misconduct resulted in revocation of supervision, with the result that many clients were able to complete the program successfully despite a re-arrest or FTA.

## Supervised Release Programs

### Manhattan Supervised Release

Building on nearly four years of experience in Queens, CJA began operating a supervised release program in Manhattan on April 8, 2013. Data presented in this report must be considered preliminary, as they include less than a full year of operations. The program accepted 303 clients during its first nine months.

Although defendant populations and cases differ in the two boroughs, both programs serve persons charged with nonviolent felony offenses, and the programs share the same objectives: reducing reliance on money bail and lowering pretrial detention for a population that does not pose a substantial risk to public safety.

Eligibility criteria are also the same for the two programs, except that fraud cases, which are not eligible in Queens because of their low likelihood of detention, are eligible in Manhattan. This difference arises from research showing that fraud charges in Manhattan (but not in Queens) were associated with a higher likelihood of detention.

Other restrictions described for Queens Supervised Release apply to the Manhattan program as well. In order to ensure that the program replaces detention because of an inability to make bail, clients are ex-

cluded if they pose a low risk of failure to appear and are unlikely to have bail set.

The screening tests developed for Queens Supervised Release were adapted for the Manhattan defendant population. Procedures for evaluating client service needs and supervision requirements were also adapted from procedures that had already been tested and shown to work well in Queens. Social workers serve as case managers in both programs, conducting the intake interviews and monitoring client progress through frequent face-to-face meetings and telephone calls.

Exhibit 31 presents the number of intakes in Manhattan by month during the program's first partial year of operation. Volume spiked with 44 clients accepted during the first full month of operation (May) and nearly as many in August (41). Volume in other full months ranged from 28 (July) to 37 (September).

Exhibit 32 shows that nearly half of these clients had completed the program by December 31, 2013. On that date, the program had 157 active participants, constituting 52% of all clients accepted into the program since April 8.

Exhibit 31  
MSR Monthly Client Volume  
April 8, 2013 – December 31, 2013

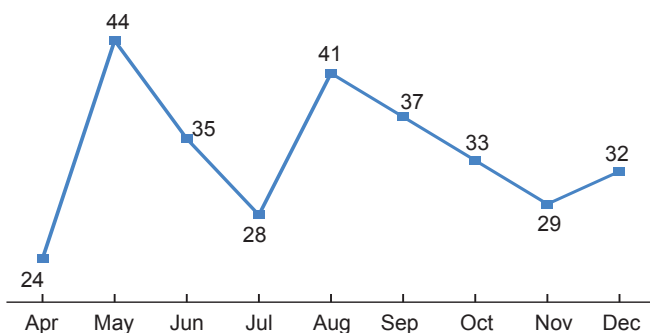
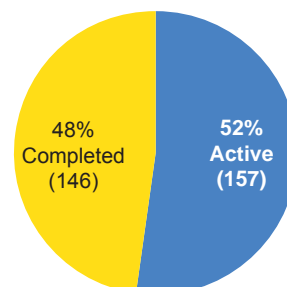


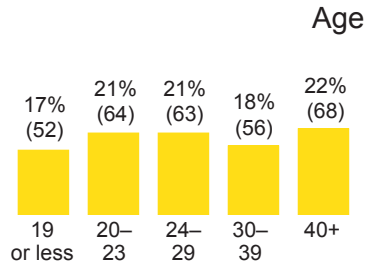
Exhibit 32  
MSR Completion Status  
As of December 31, 2013  
N = 303



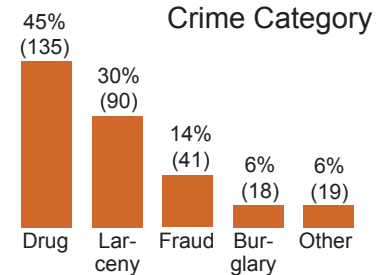
## Manhattan Supervised Release

Exhibit 33  
MSR Client & Case Characteristics (2013), N = 303

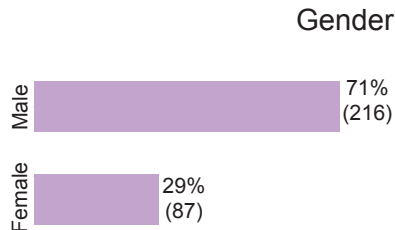
Seventeen percent of program clients were under 20 years of age, and 38% were age 23 or younger. More than a fifth were age 40 or older.



Nearly half were charged with a drug offense, 30% with larceny or possession of stolen property, 14% with fraud, and 6% with burglary. (A few robbery charges are included with Other.)



About 71% of program clients were male, and 29% were female.



A large minority (43%) were assessed to be in need of treatment, mostly for mental health problems, either alone (14%) or in combination with substance abuse (20%). Another 9% were in need of substance abuse treatment alone.

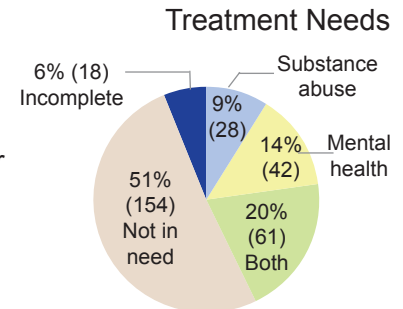
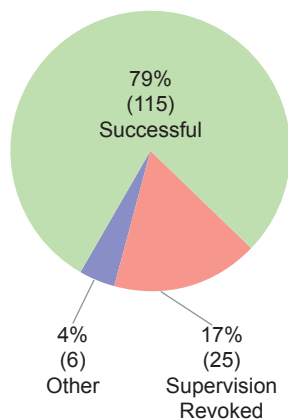


Exhibit 34  
MSR Program Outcomes (2013)

Of the 146 MSR clients who had completed the program by the end of the reporting period, 79% completed successfully, 17% had their supervision revoked, and 4% were terminated for reasons other than client misconduct.

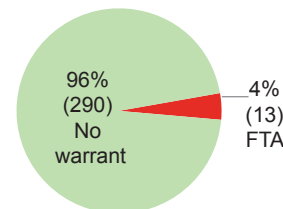
Type of Completion  
N = 146 Completed



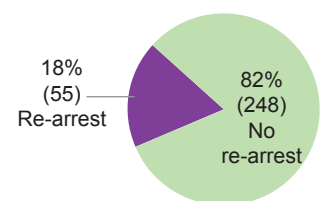
The most common reason for revocation of supervision was detention on a re-arrest (8%, not shown). Most of the remaining revocations were for failure to appear in court (7%).

In-Program Misconduct  
N = 303

Failure to Appear



Re-Arrest



Among all program clients (active as well as completed), there were 13 clients who had a warrant ordered for failure to appear (4%) and 55 with a docketed in-program re-arrest (18%). At the Court's discretion, not all misconduct resulted in revocation of supervision, with the result that many clients were able to complete the program successfully despite a re-arrest or FTA.



## NOTES

### Pretrial Release And Failure To Appear

In a departure from previous years, the 2012 Annual Report for the first time presented pretrial release and FTA rates separately for felony and non-felony cases, regardless of the court of disposition. This structure is retained for 2013, and will be permanent.

In earlier Annual Reports post-arraignment release and FTA rates were presented for cases disposed in Criminal Court and — in a separate section — for cases disposed in Supreme Court. We did not distinguish between felony and non-felony cases. There is much overlap between charge severity and the court of disposition, but the correspondence is not exact. Many felony charges entering arraignment are reduced and disposed in Criminal Court; misdemeanors can be upgraded and transferred to Supreme Court. We believe that it is more useful to our readers to provide data separately for felony and non-felony cases, so we will continue to break down case outcomes by charge severity rather than court of disposition. For this reason, post-arraignment release and FTA rates presented in 2012 and 2013 are not directly comparable to earlier Annual Reports.

### The End Of Bronx Court Consolidation

Since 2004, boxed notes throughout the text have been used in every issue to point out some of the implications of the court consolidation that was in effect in the Bronx from November 2004 until October 2012 (except for a four-month period from February to June 2010). The Bronx has now returned to the two-tiered court structure used in the other four boroughs of the City. This is the first Annual Report since 2003 in which the Bronx had the same court structure as the rest of the City for the entire reporting period.

The end of court consolidation in the Bronx means that the Bronx Criminal Court once again has jurisdiction over non-felony cases, removing this difference between the Bronx and other boroughs.

Because this is the first year with no need to explain differences between the Bronx and the rest of the City in terms of court structure, there are fewer blue boxes scattered throughout these pages. Some remain, however, to explain differences in outcomes compared to previous years. Disposition rates at Criminal Court arraignment (Exhibits 9 and 10) were particularly affected.

### Charge Type Coding

Prior to 2009, Penal Law 240.20 (disorderly conduct), was assigned to the charge type category “physically injurious.” In 2009, disorderly conduct was re-assigned to the category “misconduct/obstruction/prostitution.” This has resulted in the re-classification of several thousand cases annually.

### Notification

Notification for Supreme Court appearances began in the Bronx and Manhattan in 2006 and expanded to Supreme Court citywide in early 2009.

The contractor who handles CJA’s automated telephone notification services was replaced in mid-2012. As a result, last year we reported telephone notification data only for the seven-month period since the new system was implemented in June. (Letter notification was not affected.) The new system was in effect for all of 2013, so this year we present a full year’s data in Exhibit 23. Volume for 2013 cannot be compared to 2012 because of the difference in the length of time included in the reporting period.

### Bail Making At Arraignment

A coding error in data received from the Office of Court Administration (OCA) affects Exhibits 14 and 18. A non-standard code entered on court calendars caused a few cases to be categorized by OCA as having a defendant who made bail at arraignment when he or she was in fact held, often when a bail source hearing was ordered.

The incorrect coding began around 2006, affecting only Manhattan cases with very high bail. The number of affected cases has fluctuated over the years, reaching a high point in 2012 when 18% of Manhattan non-felony cases with bail over \$7,500 had a defendant who was supposedly released at arraignment — while only 15% of those with bail of \$500 or less made bail at arraignment.

In 2013, bail-making rates among Manhattan cases with amounts of \$7,500 or higher were not as high as in previous years. This may indicate that the error has been corrected. However, comparisons with other boroughs suggest that some Manhattan cases with arrests in 2013 were still being miscoded.



# CJA PUBLICATIONS

Research Reports Available on CJA's Website

[www.nycja.org](http://www.nycja.org)

Most reports published since 2005 are listed here. For earlier reports see CJA's website.

## Research Briefs

- No. 35 Paying Bail by Credit Card (2014)
- No. 34 Desk Appearance Tickets: *Their Past, Present, & Possible Future* (2014)
- No. 33 Case Processing in Brooklyn's Integrated DV Court (2014)
- No. 32 Queens Supervised Release: A Brief Program Description (2013)
- No. 31 The EVE Project (2013)
- No. 30 New York City's Bail System — A World Apart (2012)
- No. 29 Evaluation of Brooklyn's Video Statement Program for DV Cases (2012)
- No. 28 Implementing Brooklyn's Video Statement Program for DV Cases (2012)
- No. 27 How Release Type Affects Failure To Appear (2011)
- No. 26 Commercial Bail Bonds in New York City (2011)
- No. 25 Adolescent Male Domestic Violence Offenders (2011)
- 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)

## Domestic Violence

- The Impact of the Kings County Integrated Domestic Violence Court on Case Processing (2014)
- Early Victim Engagement in Domestic Violence Cases (2013)
- The Kings County District Attorney's Video Statement Program for Domestic Violence Cases (2012)
- Arrest Histories of Adolescent Male Domestic Violence Offenders in New York City (2011)
- 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)

## Arrests of Juveniles

- Annual Report on the Adult Court Case Processing of Juvenile Offenders in New York City, available from 1998 through 2013
- 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)

## Release and Bail

- New York's Credit Card Bail Experiment (2014)
- A Decade of Bail Research in New York City (2012)
- Effect of Release Type on Failure To Appear (2011)
- Commercial Bonds in New York City: Characteristics and Implications (2011)
- 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)

## Annual Report

- CJA Annual Report, available from 2003 through 2013

## 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)

## 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)

## Case Processing

- *The Past, Present, and Possible Future of Desk Appearance Tickets in New York City* (2014)
- The Influence of Codis DNA Testing on the Arrest and Prosecution of Burglary and Sexual Assault Cases in New York City: An Exploratory Study (2011)
- Operation Spotlight: Year Four Program Report (2007)
- New York's City's Gun Court Initiative: The Brooklyn Pilot Program (2005)

## Alternatives To

## Incarceration/Detention

- CJA's Supervised Release Programs and Manhattan Program Start-Up: Case Screening and Participant Selection Process (2014)
- CJA's Queens County Supervised Release Program: Impact on Court Processing and Outcomes (2013)
- The Center for Alternative Sentences and Employment Services' (Cases) Day Custody and Transitional Case Management Programs (2010)
- The Day Custody Program: Second and First Year Reports (2008) (Executive Summaries also available)



## 2013 Annual Report

New York City Criminal Justice Agency, Inc.  
52 Duane Street  
New York, NY 10007

Jerome E. McElroy  
Executive Director