

New York City Criminal Justice Agency



Annual Report 2016

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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.

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Message from the Executive Director

Aubrey Fox

In February 2017, I started as CJA's fifth Executive Director, joining a group of criminal justice leaders that includes Jeremy Travis (the first leader of CJA as an independent agency, after it was spun off from the nonprofit Vera Institute of Justice in 1977), Clay Hiles, Jack Novick, and most recently, Jerry McElroy. Even this list is incomplete, as it fails to mention individuals like Ben Ward, the former DOC and NYPD Commissioner, who led CJA's predecessor agency, the Pretrial Services Agency (PTSA), and perhaps most importantly, Herb Sturz, who launched CJA's foundational initiative, the Manhattan Bail Project.

One of the pleasures of working at CJA is that (paraphrasing Sir Isaac Newton) I get to stand on the shoulders of giants. By that I mean continuing some of the traditions these leaders have fostered at CJA. These traditions have made New York City stand out in two areas: as a national leader in encouraging a more humane and effective pretrial justice system, and also as a source of a wealth of knowledge about pretrial justice outcomes that has informed scholars and practitioners locally and nationally.

Getting Implementation Right

I have a typewritten document from 1974 on my desk entitled "An Evaluation of the Pretrial Services Agency of the Vera Institute of Justice," written by the influential sociologist Paul F. Lazarsfeld. It is one of my favorite texts for understanding CJA's core values. The evaluation was written a year after PTSA launched a pilot project in Brooklyn to make pretrial release recommendations to judges as an independent nonprofit agency. In other boroughs, this function was carried out by the New York City Department of Probation.

PTSA's main input was a new recommendation system that sought to improve predictions about whether a defendant, if offered a release on recognizance, would appear for all their scheduled court hearings. Lazarsfeld reported that the new recommendation system was a success: not only were judges more likely to follow the PTSA recommendations than the ones made by Probation, but when they did, subsequent court appearance rates improved significantly. The new system was so successful that PTSA (and by 1977, the newly created Criminal Justice Agency) was given citywide responsibility to provide pretrial services.

Beyond the new recommendation system itself, what made PTSA effective was its focus on getting the details of implementation right. It was the rule of "twice." PTSA completed twice as many pretrial interviews as did Probation (due to resource constraints, in 50 percent of cases, Probation did not make any recommendation to the court). PTSA veri-

fied key information provided during pretrial interviews twice as often as Probation did. It gave defendants favorable release recommendations twice as frequently as Probation. Defendants recommended for release by Probation were twice as likely to fail to appear in court as defendants recommended for release by PTSA. And in contrast to Probation's "virtually non-existent" court date notification system process, PTSA built an extensive system to remind defendants of their upcoming court obligations.

Put another way, PTSA's most important contribution was plugging away at the small details of implementation. CJA's contribution is deceptively easy to miss: the human touch. In an age of automation, CJA and its 115 pretrial interviewers, 34 shift supervisors, and other key operational staff located in New York City's five borough courthouses (as well as a handful of other locations) retain PTSA's commitment that nearly every arrestee brought into the system be considered for release on recognizance. And their work does not end there. They help arrestees navigate the complicated process of paying bail, remind them when to return to court, and resolve the negative consequences of receiving a warrant for non-appearance.

At the same time, as the Lazarsfeld evaluation highlights, CJA also has a commitment to documenting the impacts of its work. The report, one of many in CJA's extensive library, is full of details about judicial release decisions and court appearance rates as well as detailed breakdowns of whether judges followed the pretrial release recommendations and in what instances they did so.

Reading between the lines, what makes CJA great is evident. Working under the direction of the City of New York through the Mayor's Office of Criminal Justice, CJA has the freedom to try new things and invest in basic knowledge creation while operating the pretrial justice system 24/7 in the City's five boroughs.

Year in Review

My focus at CJA in 2017 has been strengthening our core systems created many decades ago. This starts with a redesign of the City's pretrial release and recommendation system. Each year, CJA Pretrial Associates interview over 200,000 arrestees before they see a judge. The product of the interview is a release recommendation based on CJA's assessment of the likelihood that the defendant will appear for all their required court dates. There are a number of good reasons for CJA to revise the formula by which we make recommendations, not least the fact that we haven't made any revisions since 2003, a very different time in the City's history.

The Mayor's Office of Criminal Justice has led the way, assembling leading national experts on risk assessment from the private and nonprofit sectors as well as academia to work with CJA on this project. Together, the research team is examining a large data set of over one million cases from 2009 to 2015 to improve the empirical basis of CJA's pretrial release recommendations. The research is in full swing and we expect to have a new system out in the field by the end of 2018.

With the financial support of the Mayor's Office and the City Council, we have also recently expanded our Bail Expediting Program, which seeks to help defendants, their families and nonprofit bail funds in paying relatively low amounts of bail before individuals are sent to Riker's Island. CJA is increasing the number of people who receive assistance from our bail expeditors by 50 percent (from roughly 12,000 to 18,000 a year). This includes making the program available to all those defendants with bail of \$5,000 or less in the four boroughs where we operate. Previously, eligibility was restricted to \$3,500 in Manhattan, Brooklyn and Queens, and \$2,500 in the Bronx. Behind the scenes, we are also making a number of important improvements, such as entering BEX data on electronic devices instead of paper forms, which will allow for more timely updates and meaningful data analysis.

Many of these changes were already set in motion by the time I took over as Executive Director. We are also initiating new projects that will help further our mission.

CJA's extensive court date notification service is one reason why New York City's failure to appear rate is so low. Eighty-six percent of defendants released pretrial make all their court dates. While this is a high rate of appearance, we believe it can be higher. Traditionally, CJA has provided a "one size fits all" service: every defendant, regardless of their pre-existing risk level, gets the same mix of robo-calls, texts and court date notification letters. Currently, we are working to develop and test alternative versions of notification. This will inform a more sophisticated notification system in the future.

These operational changes have been paired with a commitment to building a stronger internal culture at CJA which has included everything from improving working conditions to modernizing an outdated staffing structure, all while raising expectations about agency performance.

A Final Note

CJA has been collecting a comprehensive set of data about pretrial outcomes for more than 30 years, dating back to the inauguration of the Semi-Annual Report series in 1987 and the Annual Report series, begun in 2003. The pages that follow provide information about New York City arraignment and CJA interview volume, demographics, charges, arraignment outcomes, bail amounts, and pretrial release outcomes.

Introduction

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.

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. 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. In 1973, Vera created the Pretrial Services Agency (PTSA) to take over responsibility for making ROR recommendations. In 1977, PTSA became independent from Vera and was incorporated as the New York City Criminal Justice Agency.

CJA Operations

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.

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.

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.

Notification

The Agency attempts to notify all released defendants, by mail or telephone, of all scheduled court appearances. Defendants issued desk appearance tickets (DATs) are also notified of their scheduled arraignment.

Supervised Release

Since August 2009, CJA has operated a supervised release program in Queens for nonviolent

felony defendants who meet strict criteria. In 2013 CJA began operating a similar program in Manhattan. In 2016 the City expanded supervised release to all boroughs. CJA continues to operate the program in Queens. Another organization now operates the Manhattan program.

Bail Expediting Program (BEX)

CJA operates the Bail Expediting Program to help individuals who have had bail set contact potential sureties and obtain release sooner than they would if they had to navigate the complicated bail system on their own.

Failure to Appear Unit

CJA operates Failure to Appear (FTA) Units to assist defendants who have missed court to come back as soon as possible and clear their warrants.

CJA Database

To perform its operational and research activities, CJA maintains a database that includes background and court-processing information on virtually every adult arrested in New York City. This database contains case-processing data for Criminal Court since September 1979 and for Supreme Court since July 1987. Demographic information is obtained from CJA's pre-arraignment interview, 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). Information about defendants' out-of-court bail making is transmitted to CJA by the New York City Department of Correction (DOC).

CJA's Information Technology Division is responsible for managing this database, which resides in a hybrid OpenVMS/Win32 platform. CJA is preparing to migrate to a new platform by 2020. The new platform will provide more processing power, application flexibility, and will be combined with a custom application to improve navigation, streamline workflow, automate business processes and reporting, and simplify data analysis. CJA's Information Technology Division also manages the Agency's LAN (local area network) of enterprise servers, desktops and notebook computers, and the Agency's WAN (wide area network) that link CJA's 11 citywide office locations. IT support and services range from developing automated notification procedures, extracting specialized data files, to providing daily operational support to the agency.

Aubrey Fox, Executive Director

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Part I

Arrest & Arraignment

1 Interview Volume

In 2016, CJA conducted 224,773 defendant interviews

In 2016, CJA conducted interviews in 224,773 cases of defendants held for Criminal Court arraignment. The total includes cases in which the defendant declined to be interviewed or refused to answer certain questions. In these cases, CJA approached the defendant, collected criminal history information, and assigned a recommendation category.

Exhibit 1 shows that Brooklyn had the largest volume of interviews (30%), followed by Manhattan with 25%, the Bronx with 21%, Queens with 20%, and Staten Island with 4%. 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 arrested multiple times during the reporting period.

Exhibit 1
Distribution Of Interviewed Cases
2016 Arrests

Borough	%	N
Bronx	21	46,471
All Brooklyn	30	67,103
<i>Brooklyn</i>	29	64,970
<i>Red Hook</i>	1	2,133
All Manhattan	25	57,006
<i>Manhattan</i>	23	51,378
<i>Midtown</i>	3	5,628
Queens	20	45,498
Staten Island	4	8,695
Citywide	100	224,773

Note: most defendants are interviewed by CJA and included in Exhibit 1. Not all defendants are interviewed; for example, most defendants issued desk appearance tickets (DATs), and arrestees who were arraigned in a hospital, among others. Cases of defendants whom CJA did not attempt to interview are not included in Exhibit 1, but they are included in all the following exhibits (unless otherwise noted). Nonprosecuted cases are included in Exhibit 1 but not elsewhere in this report.

Note: Exhibit totals and subtotals throughout the report may not equal 100% because of rounding.

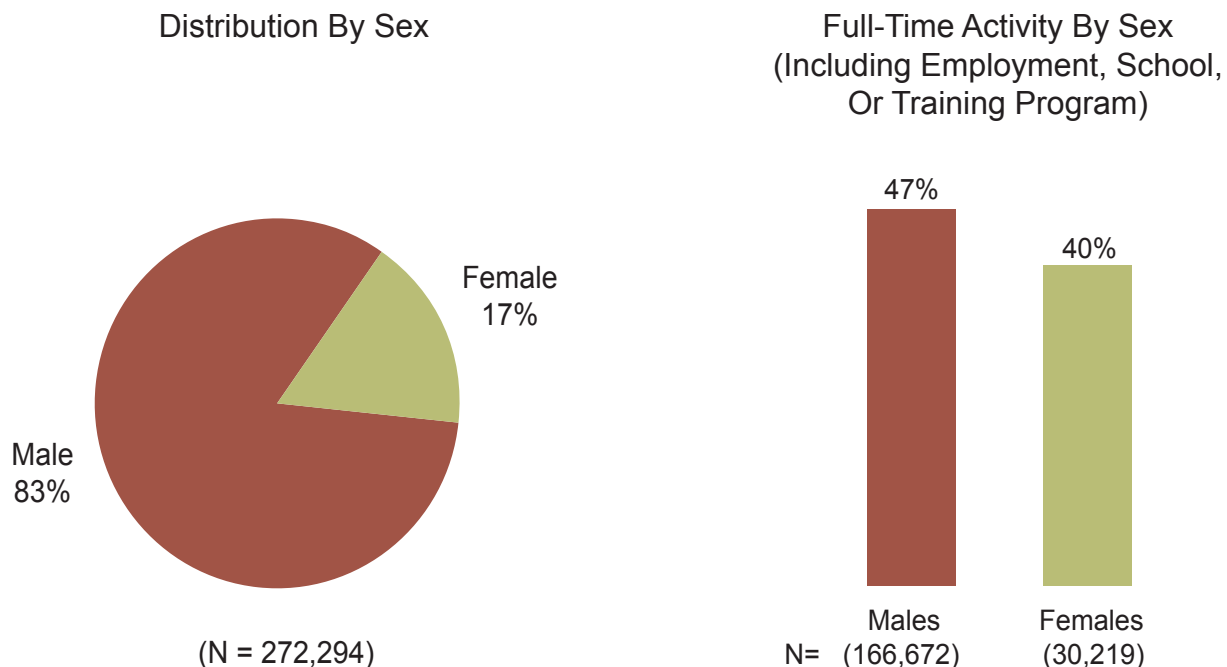
2 Demographics

Sex & Full-Time Activity

As shown in Exhibit 2, there were 272,294 prosecuted cases during the reporting period (including some for which no interview was conducted). In 83% of cases the defendant was male and in 17% of cases the defendant was female.

Full-time activity is one of the items used to determine the defendant's likelihood of failure to appear. The relationship between sex and likelihood of the defendant having a full-time activity is shown in the bar chart on the right. "Full-time activity" here refers to employment, school, or a training program. 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 47% of males, as compared to 40% of females.

Exhibit 2
Distribution Of Prosecuted Cases
By Sex And Full-Time Activity of Defendant
2016 Arrests



Note: information about a defendant's sex is obtained from the CJA pre-arraignment interview. In the absence of interview data, information about the defendant's sex is obtained from the NYPD. Therefore, CJA has data on the defendant's sex for virtually every arrest. Full-time activity data is only obtained from the interview. For arrests in which an interview is not conducted (e.g., most DATs) there is no full-time activity information. This explains the difference in the numbers for the exhibits above.

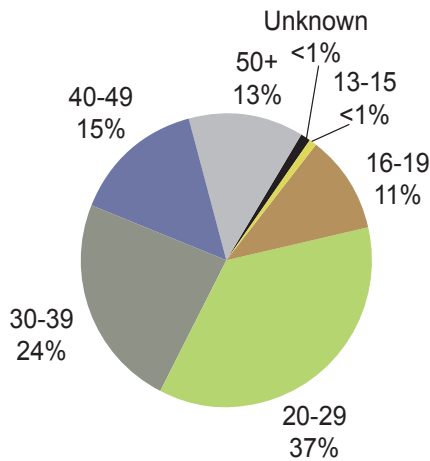
Age & Full-Time Activity

In approximately half of the prosecuted cases, the defendant was under the age of 30, and in only 13% of cases was the defendant 50 or older. 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%). Many aged 16 to 19 were also in school, with 68% reporting a full-time activity. The level of full-time activity dropped in older age groups, from 48% for defendants in their twenties to 28% for those 50 years of age or older.

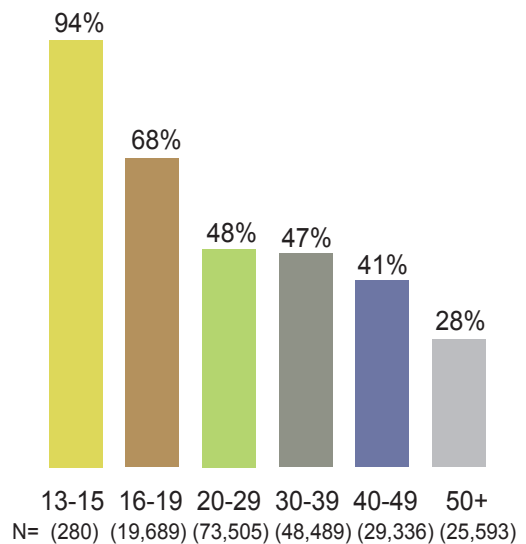
Exhibit 3
Distribution Of Prosecuted Cases
By Age And Full-Time Activity Of Defendant
2016 Arrests

Distribution By Age



(N = 272,294)

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



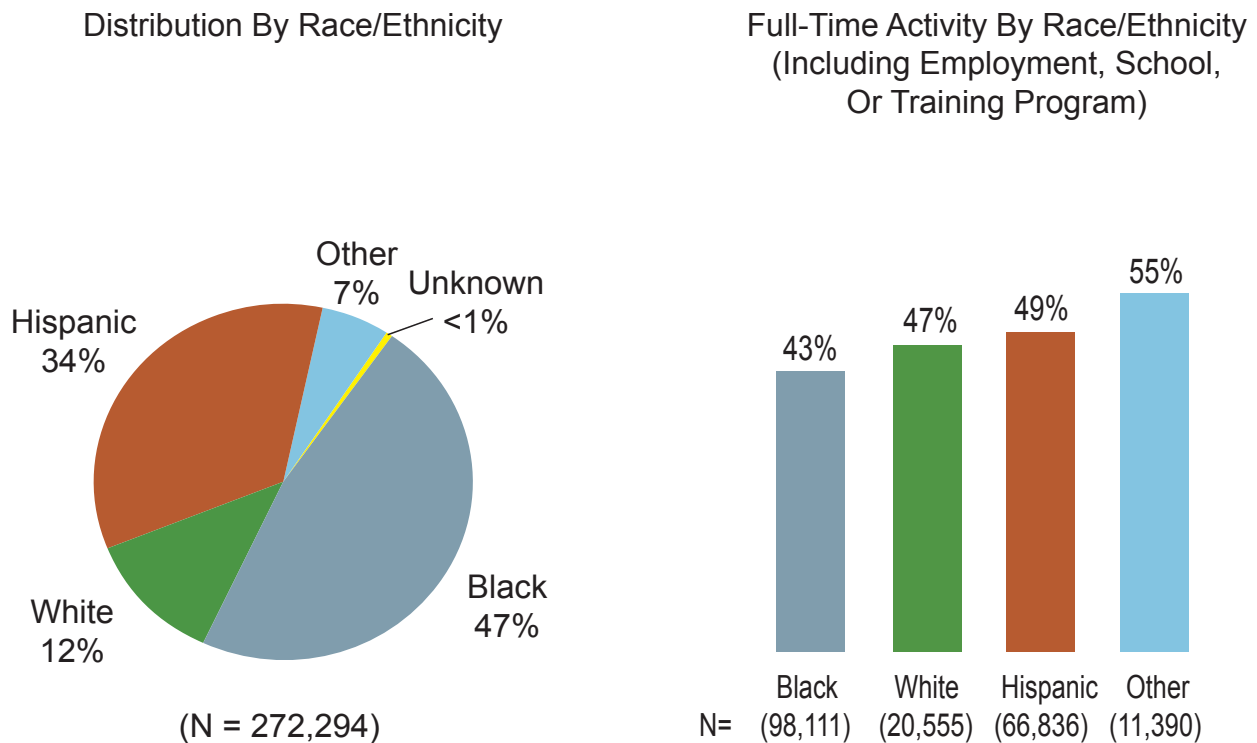
Note: information about a defendant's age is obtained from the CJA pre-arraignment interview. In the absence of interview data, information about the defendant's age is obtained from the NYPD. Therefore, CJA has data on the defendant's age for virtually every arrest. Full-time activity data is only obtained from the interview. For arrests in which an interview is not conducted (e.g., most DATs) there is no full-time activity information. This explains the difference in the numbers for the exhibits above.

Race/Ethnicity & Full-Time Activity

Exhibit 4 shows the racial/ethnic distribution of defendants: black, 47%; Hispanic, 34%; white, 12%; other, 7%; and unknown (<1%).

Defendants in the “other” racial/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 49% respectively reporting a full-time activity. Fewer blacks (43%) reported a full-time activity.

Exhibit 4
Distribution Of Prosecuted Cases
By Race/Ethnicity And Full-Time Activity Of Defendant
2016 Arrests

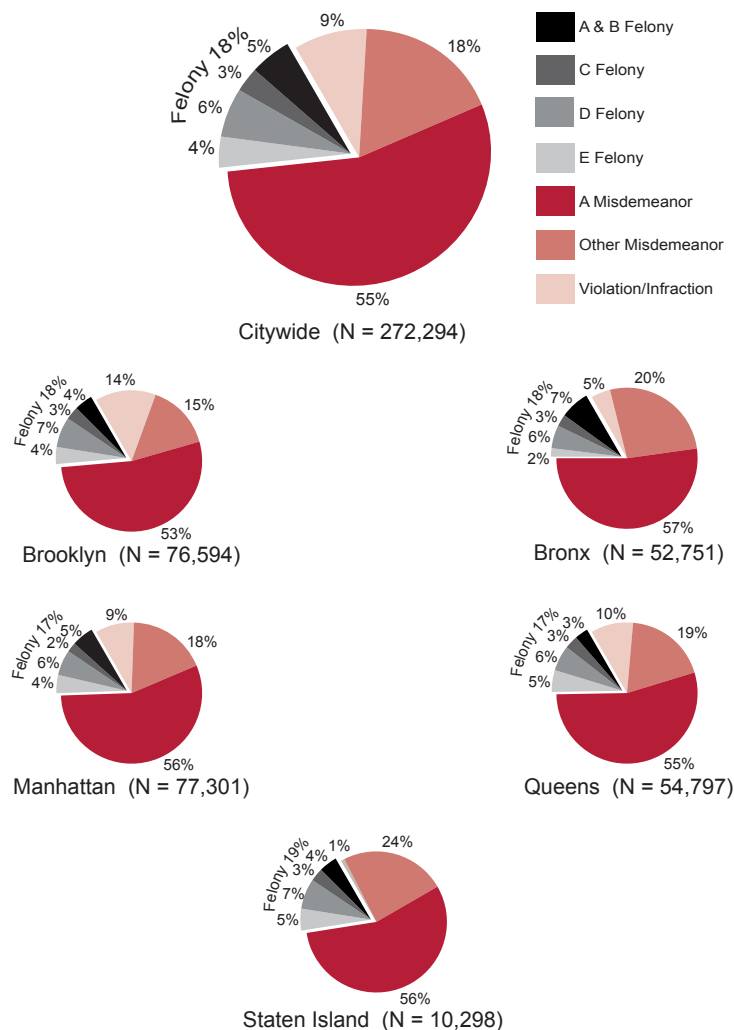


Note: Race/ethnicity data are collected in the CJA pretrial interview: arrestees are first asked if they are Hispanic, and if the answer is negative, ethnicity is coded from observation. If it is unclear to the interviewer, the arrestee is asked which category provides the best description. In the absence of interview data race/ethnicity data is obtained from the NYPD. Full-time activity data is only obtained from the interview. For arrests in which an interview is not conducted (e.g., most DATs) there is no full-time activity information. This explains the disparities in the numbers for the exhibits above.

3 Charge Severity and Type

Of the 272,294 prosecuted cases, 73% had a top charge of a misdemeanor, 18% a felony, and 9% a violation or infraction

Exhibit 5
Severity Of The Top Charge Entering Arraignment
2016 Arrests



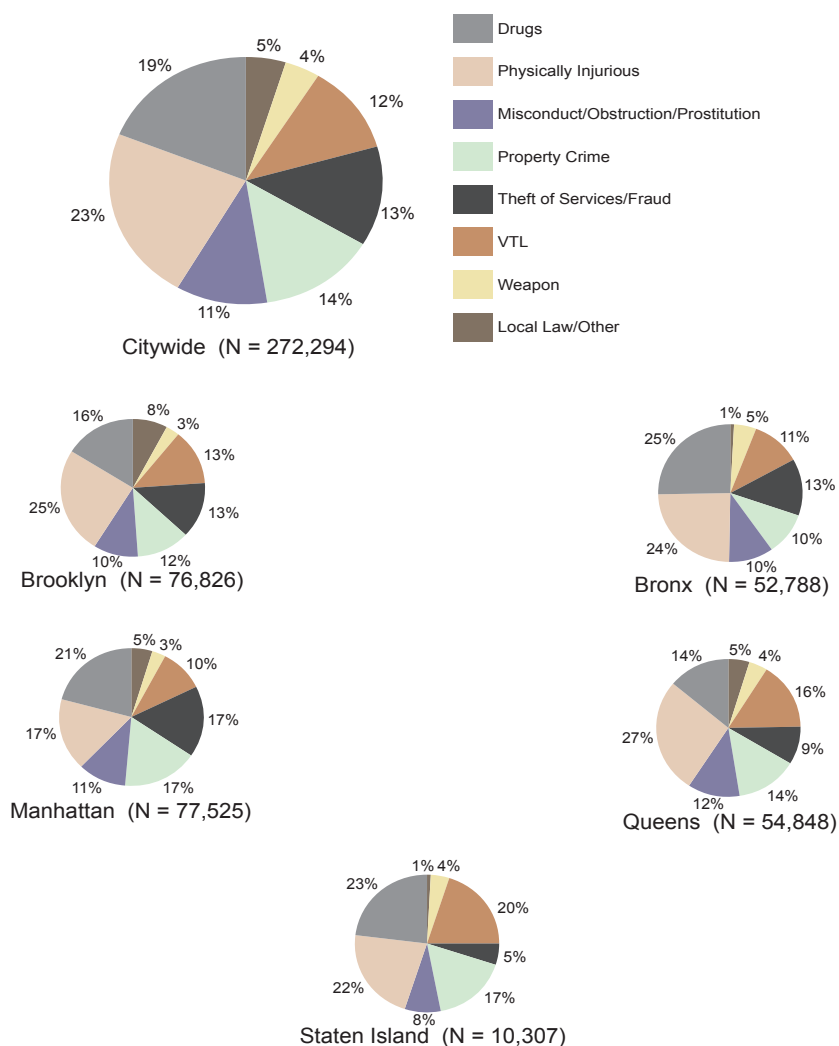
The most severe offenses, class A and B felonies, were charged in 5% of cases entering arraignment.

The felony rate was comparable across all boroughs. Queens and Staten Island had the highest proportion of cases with any felony charge (19%). In the Bronx, 7% had a Class A or B felony charge, more than any other borough.

Note: cases for which charge severity was unknown are excluded. Please see the note on p. 48 under "Charge Type & Severity" before making comparisons with previous years.

The defendant was arraigned on a “physically injurious” charge in 23% of cases. This offense type includes homicide, arson, assault, violent sex offenses, kidnapping, robbery, and other crimes of physical harm. This was the most common offense type Citywide, followed by drug charges (19%). Property crimes were the next most frequent at 14%, followed by theft of services and fraud (13%), and offenses under the Vehicle and Traffic Law (VTL) (12%).

Exhibit 6 Offense Type Of The Top Charge Entering Arraignment 2016 Arrests



Misconduct (criminal trespass, disorderly conduct, etc.), obstruction of justice (criminal contempt, resisting arrest), and prostitution together accounted for 11% of cases Citywide.

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

Offenses against local laws (mostly Administrative Code, Transit Authority rules, Park Rules, and Tax Law) plus a few unspecified or missing charges make up the remaining category. These charges, which accounted for 5% of the total, are primarily non-criminal violations and infractions.

Please see the note on p. 48 under “Charge Type & Severity” before making comparisons with previous years.

4 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. The system incorporates community-ties and criminal-history items that 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 defendants subject to a policy exclusion: 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.

Research is underway to revise this system to improve the accuracy of the current release recommendation by using recent data, more advanced statistical methods, and additional predictors of risk.

A separate recommendation system is used for juvenile offenders (youths between the ages of 13 and 15 prosecuted in adult court for certain serious offenses). The requirement for a juvenile offender (JO) recommendation is *either* verified school attendance, *or* expecting someone at arraignment. JOs with verified nonattendance at school are not recommended. 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.

CJA Recommendation Point System

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

RECOMMENDATION CATEGORIES

Recommended for ROR (low risk)	+7 to +12 pts
Moderate Risk for ROR	+3 to +6 pts
Not Recommended for ROR (high risk)	-13 to +2 pts

Or a policy exclusion applies:

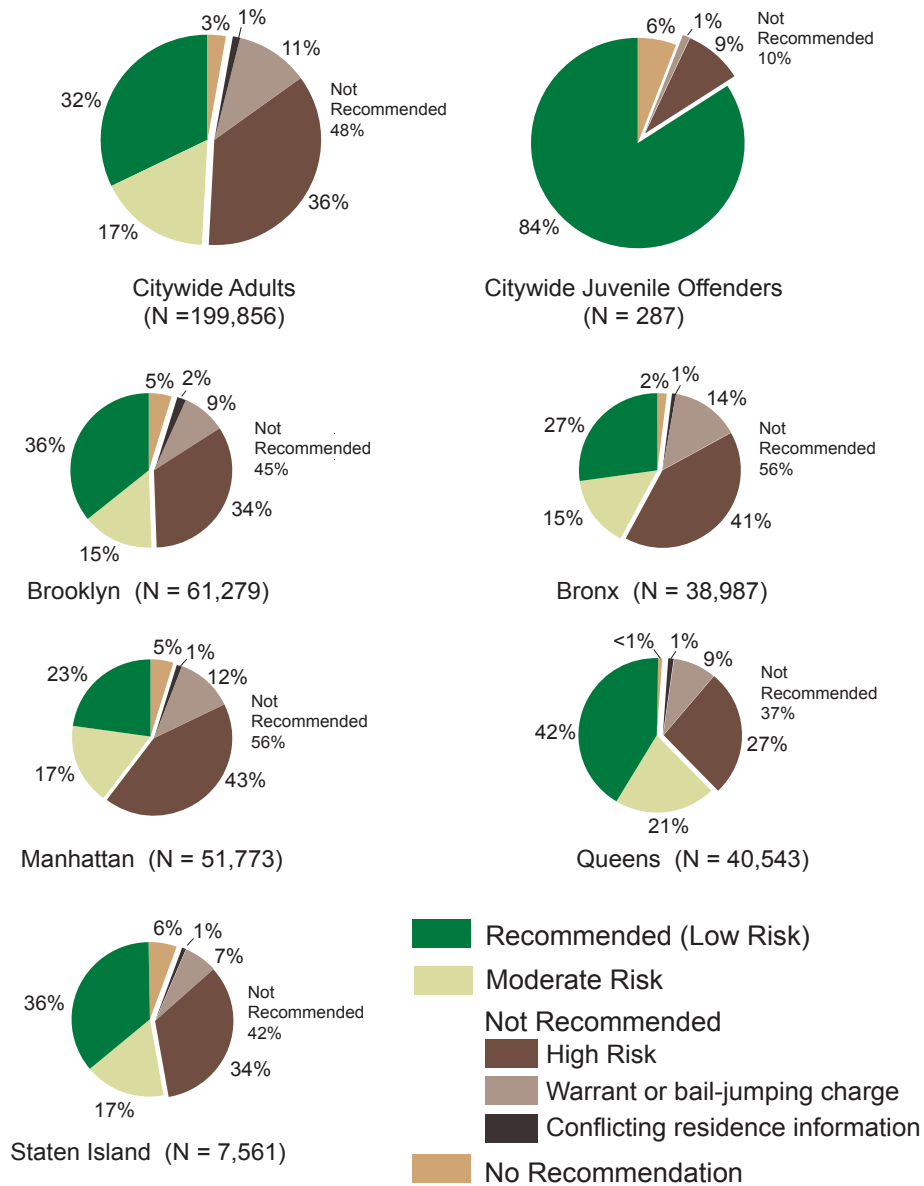
Bench warrant attached to rap sheet;
Defendant is charged with bail jumping; or,
Conflicting residence information.

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.

Exhibit 7 shows that 49% of defendants were either recommended for ROR (32%) or classified as “moderate risk” (17%). Another 48% were not recommended (11% because of an outstanding warrant). The remainder (3%) had no recommendation.

Exhibit 7 CJA Recommendation 2016 Arrests



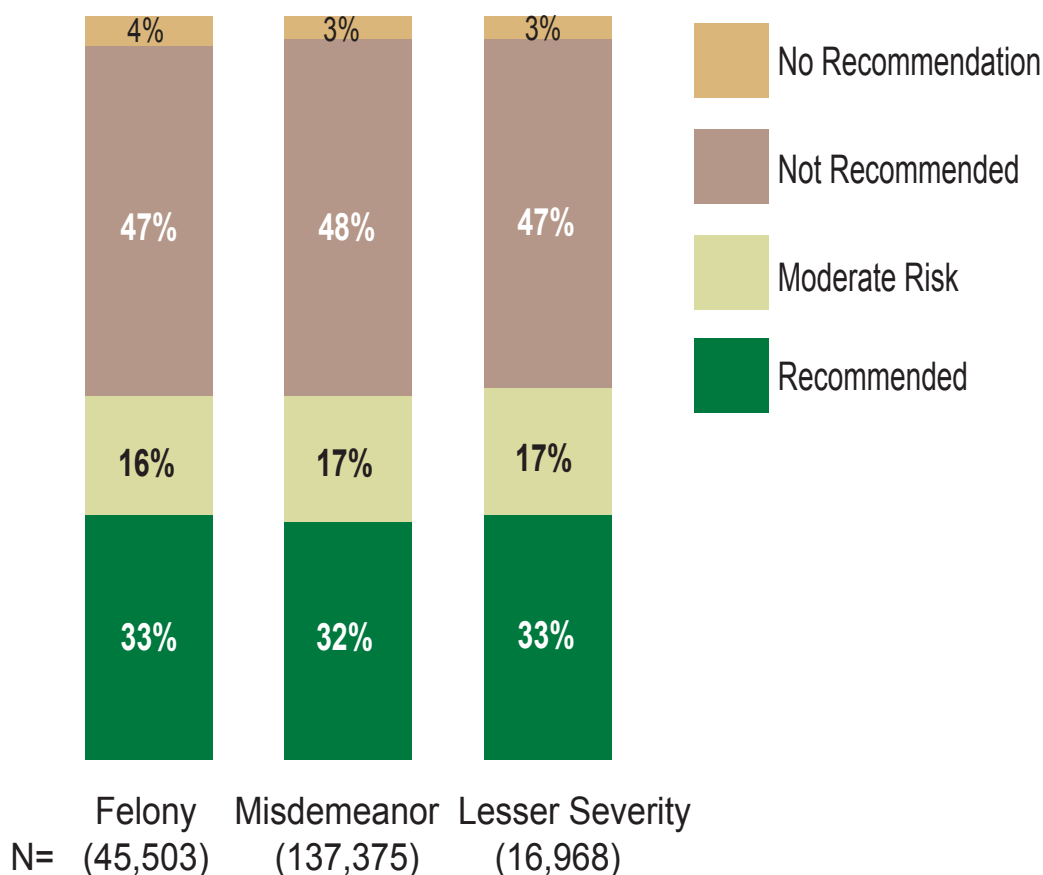
For juvenile offenders (top right), the recommendation rate was much higher: 84% were recommended for ROR; 10% were not recommended (1% because of an outstanding warrant); and 6% had no recommendation.

Defendants in Queens cases were most likely to be recommended (42%). Queens had nearly double the recommended proportion found in Manhattan (23%) and was also much higher than the Bronx (27%).

Defendants charged with a felony are as likely to be recommended for release or classified as a moderate risk of FTA as defendants charged with misdemeanors, violations, or infractions

The CJA recommendation is unrelated to the severity of the offense. Exhibit 8 shows that about half of felony, misdemeanor, and cases with a top charge of lesser severity (violation or infraction) had a defendant who was either recommended or assigned to the moderate risk category. The recommended proportion was nearly the same for felony (33%), misdemeanor (32%) cases, and cases with a top charge of lesser severity (violation or infraction) (33%).

Exhibit 8
CJA Recommendation By Charge Severity At Criminal Court Arraignment
2016 Arrests



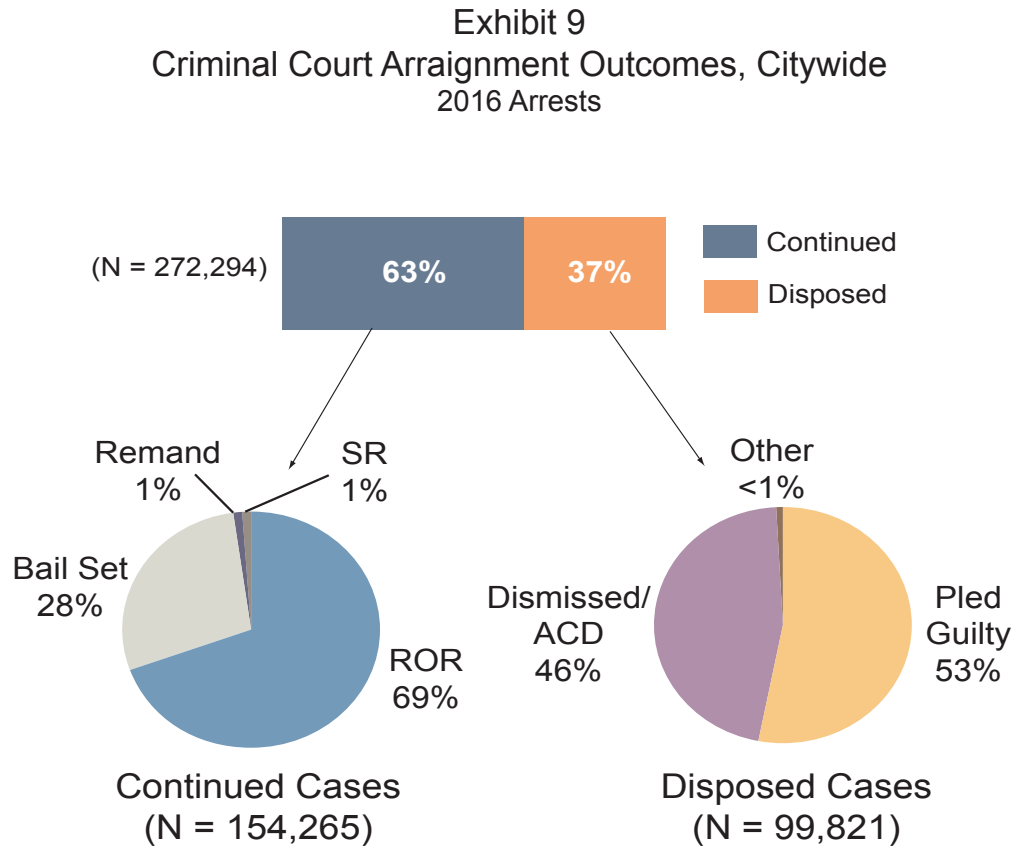
Similarly, there was very little difference between felony, misdemeanor, and lesser severity charges in the proportions of cases with a defendant who was not recommended or had no recommendation. The proportion of cases with a defendant who was not recommended by CJA was 47% for defendants charged with a felony, 48% for defendants charged with a misdemeanor, and 47% for defendants charged with a lesser offense.

Note: charge severity refers to the severity of the most severe charge entering Criminal Court arraignment. Recommendation categories for JOs and adults are combined in this exhibit and in all subsequent exhibits that present CJA recommendation data.

5 Criminal Court Arraignment

Exhibit 9 shows disposition and release rates at Criminal Court arraignment citywide. Exhibit 10 shows disposition and release rates by borough. These figures include summary arrests and DATs.

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.



Disposition Rates

A minority of cases (37%) were disposed at arraignment. A case was considered disposed at arraignment if the defendant pled guilty (53% of disposed cases Citywide), or 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%).

Release Rates

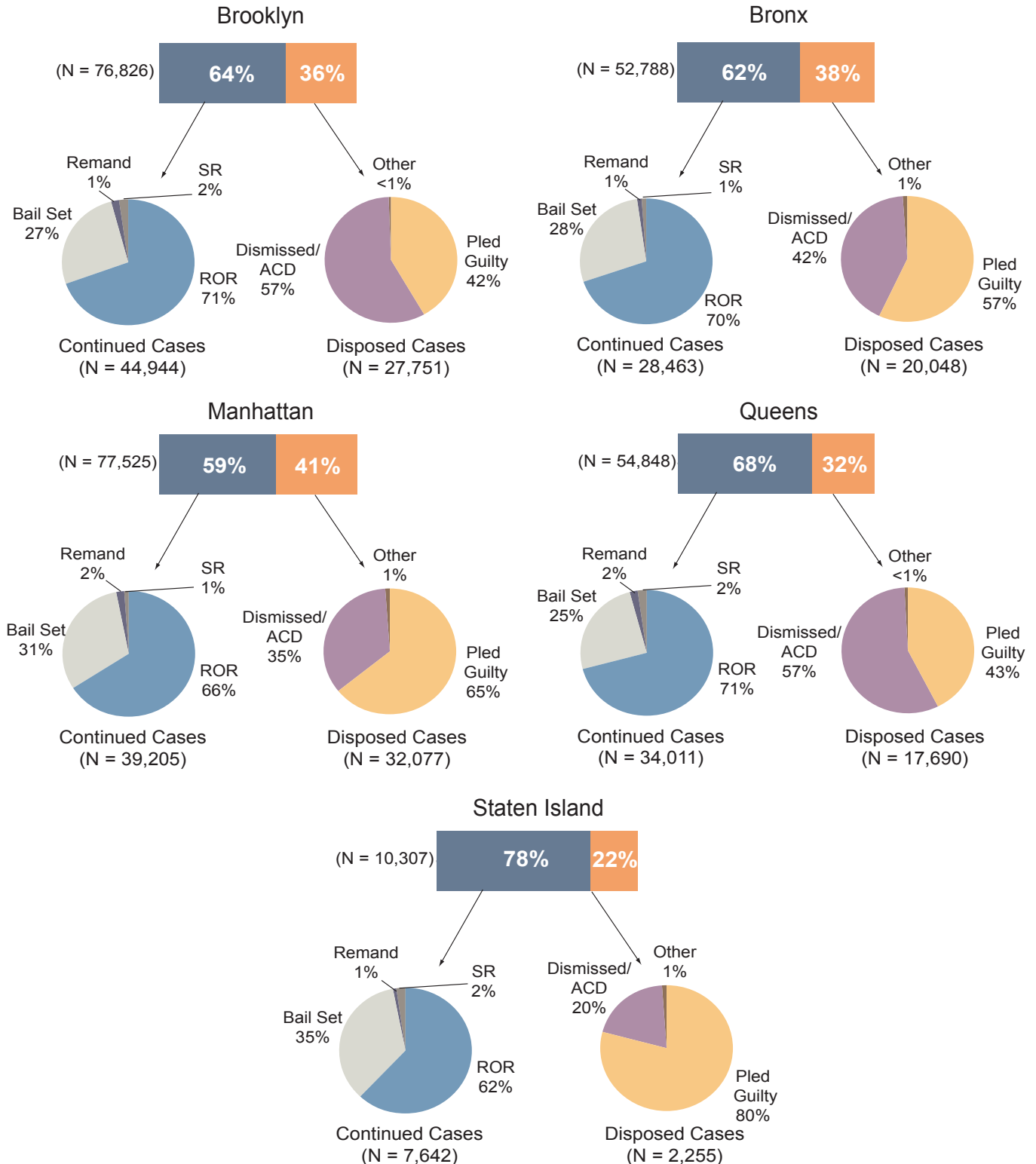
Of the nondisposed (continued) cases Citywide, the defendant in 69% of cases was released on recognizance (ROR). Bail was set in 28% and the defendant was remanded without bail in 1% of continued cases. One percent of defendants were released into a Supervised Release program (SR) at arraignment.

The ROR rate was the highest in Brooklyn and Queens (71%) and was 70% in the Bronx. Manhattan's ROR rate was several points lower (66%) and Staten Island had the lowest of any borough (62%).

Note: cases with no release data are excluded from the pie charts of continued cases. The excluded cases are primarily those of defendants who did not appear for a DAT arraignment. This explains the disparity in the number of prosecuted cases and continued cases.

Exhibit 10 Criminal Court Arraignment Outcomes, By Borough 2016 Arrests

Continued Disposed



One-third of defendants charged with violent felony offenses were granted ROR at arraignment

Ten percent of defendants charged with a violation or infraction had bail set at arraignment

Exhibit 11
Arraignment Release Status By Arraignment Charge Severity
2016 Arrests
(Continued Cases Only)

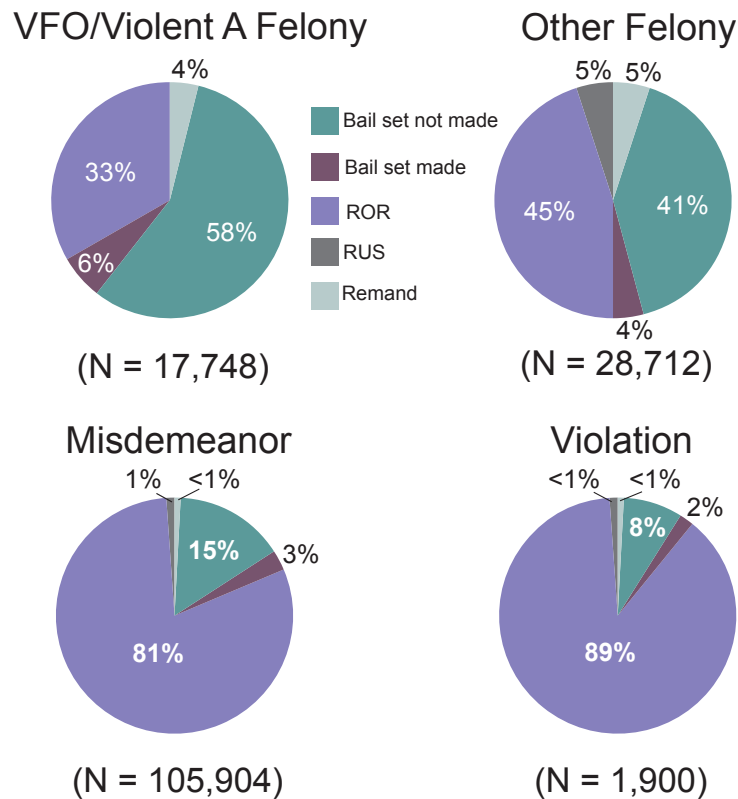


Exhibit 11 illustrates the arraignment release status of defendants by the severity of the top arraignment charge. As one might expect, the more severe the charge, the less likely the judge is to grant release on recognizance.

The rates vary across boroughs but the pattern is the same. Staten Island had the lowest ROR rate for defendants charged with a violent felony offense (23%) while the Bronx and Brooklyn had the highest (36% each). The Bronx had the highest bail set rate for violations/infractions (13%) while Brooklyn had the lowest (8%). (Borough data not shown.)

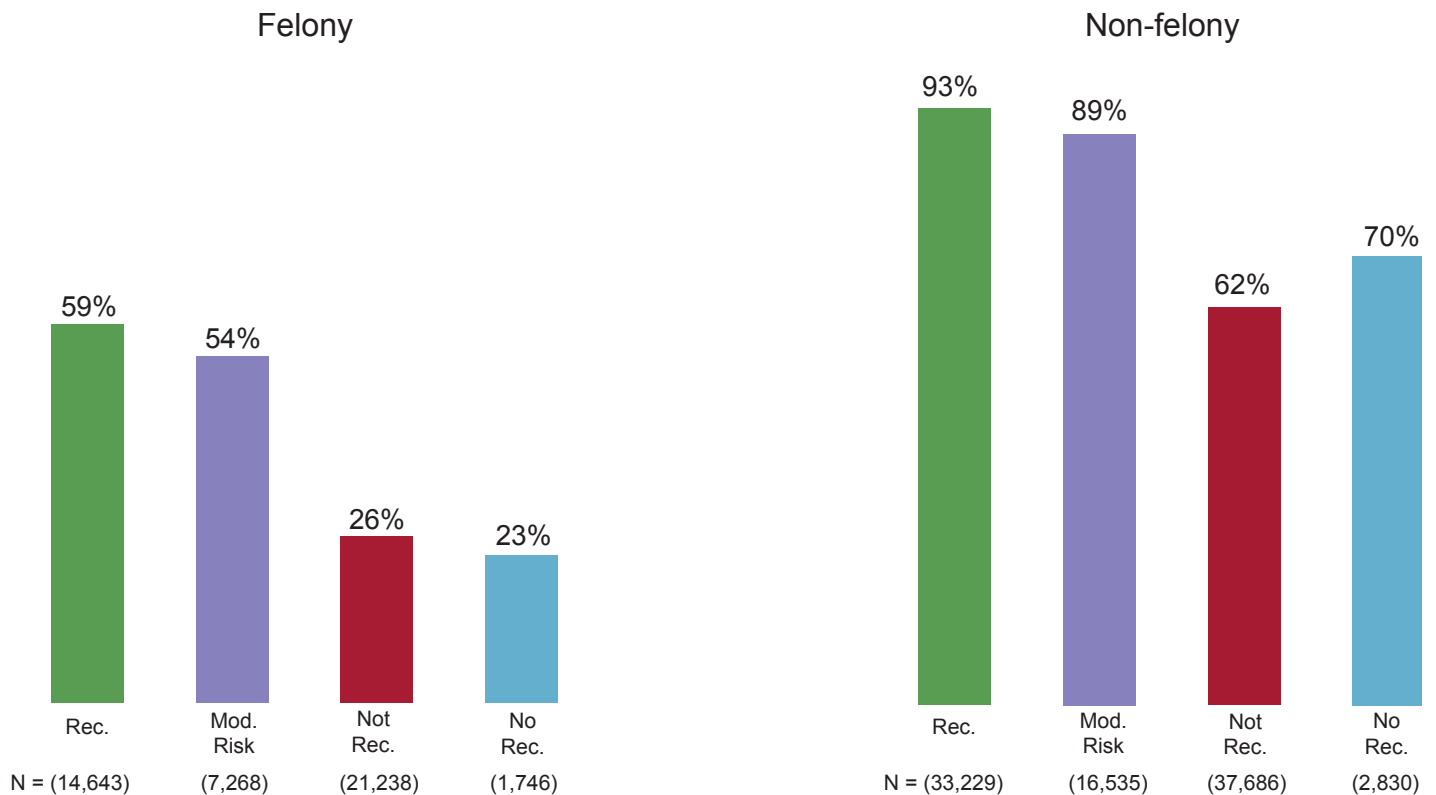
Note: this exhibit includes cases continued at arraignment, for which there is information about the arraignment charge severity and the release status. In some instances the records are missing the release status or charge severity. Those cases are excluded, and may result in this exhibit having different totals than other similar exhibits.

Note: Violent felony offenses (VFOs) are a subset of violent felonies subject to various restrictive sentencing provisions (e.g., manslaughter in the 1st degree, rape in the 1st degree, assault in the 1st degree). We include these charges and other Class A violent felonies (e.g., murder in the 1st degree, murder in the 2nd degree, kidnapping in the 1st degree) in the first figure.

Relationship Between ROR Rate at Arraignment In Criminal Court and CJA Recommendation

Defendants charged with felonies are far less likely to be released on their own recognizance, whether or not they are recommended for release/classified as a moderate risk

Exhibit 12
ROR Rates At Criminal Court Arraignment By CJA Recommendation, Citywide
2016 Arrests
(Continued Cases Only)



Among cases with a defendant who was recommended for release, ROR was granted in 59% of felony cases and 93% of non-felony cases. The ROR rates for moderate-risk defendants were 54% (felony) and 89% (non-felony). Defendants who were not recommended or received no recommendation had much lower ROR rates.

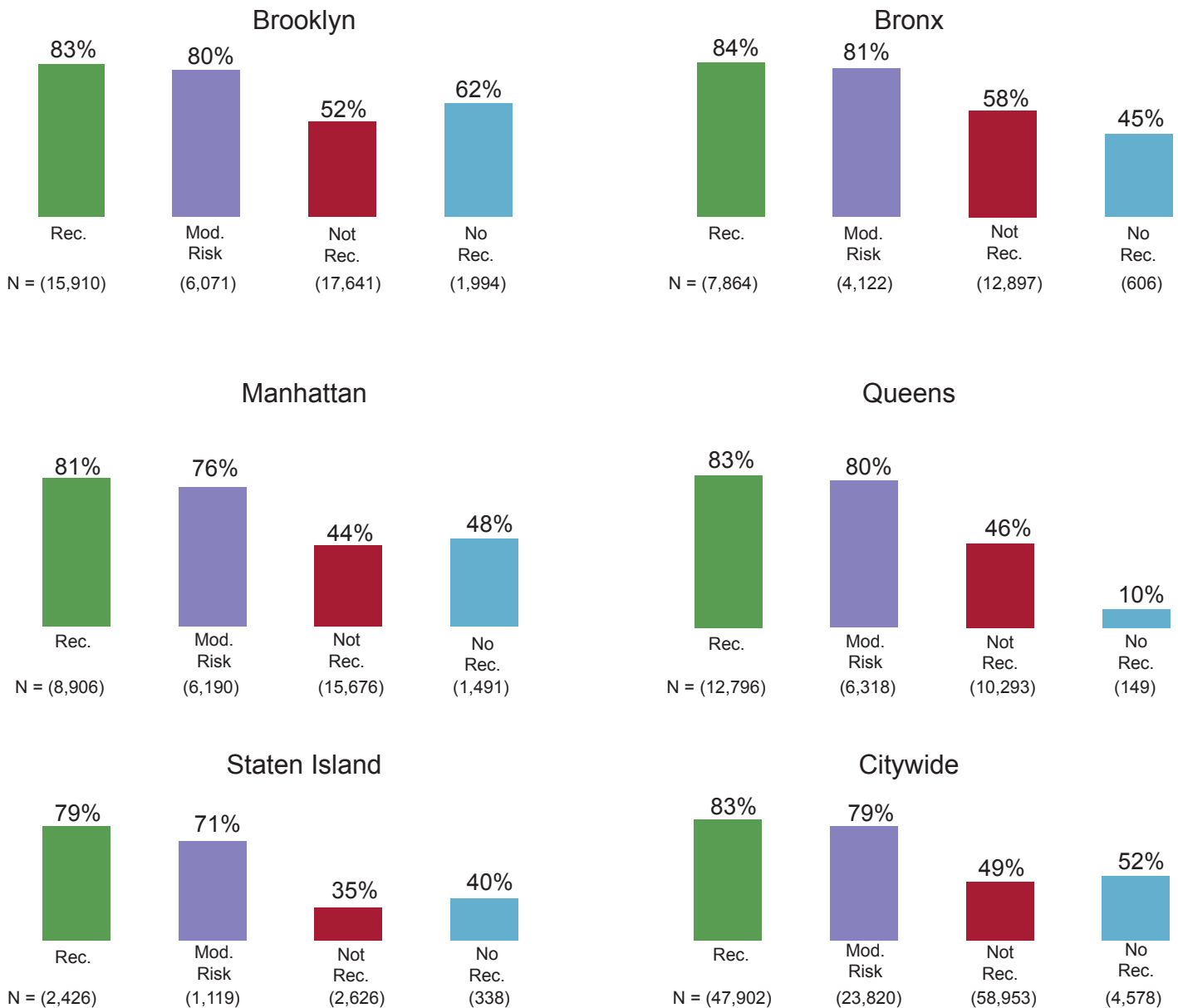
The same pattern was found in nearly every borough. In both felony and non-felony cases, ROR rates for recommended defendants were slightly higher than for moderate-risk defendants, except for felony cases in Queens, where the pattern was reversed. In every borough, ROR rates for both recommendation categories were much higher than for defendants who were not recommended or for whom no recommendation was made (data not shown).

The highest ROR rates were found among non-felony cases with a recommended defendant. In every borough, the defendant was released on recognizance in 89% or more of such cases (data not shown).

ROR rates are similar across boroughs for those recommended for release/classified as a moderate risk

There is considerably more variation for those not recommended for release, and those without a recommendation classification

Exhibit 13
ROR Rates At Criminal Court Arraignment By CJA Recommendation, By Borough
2016 Arrests
(Continued Cases Only)

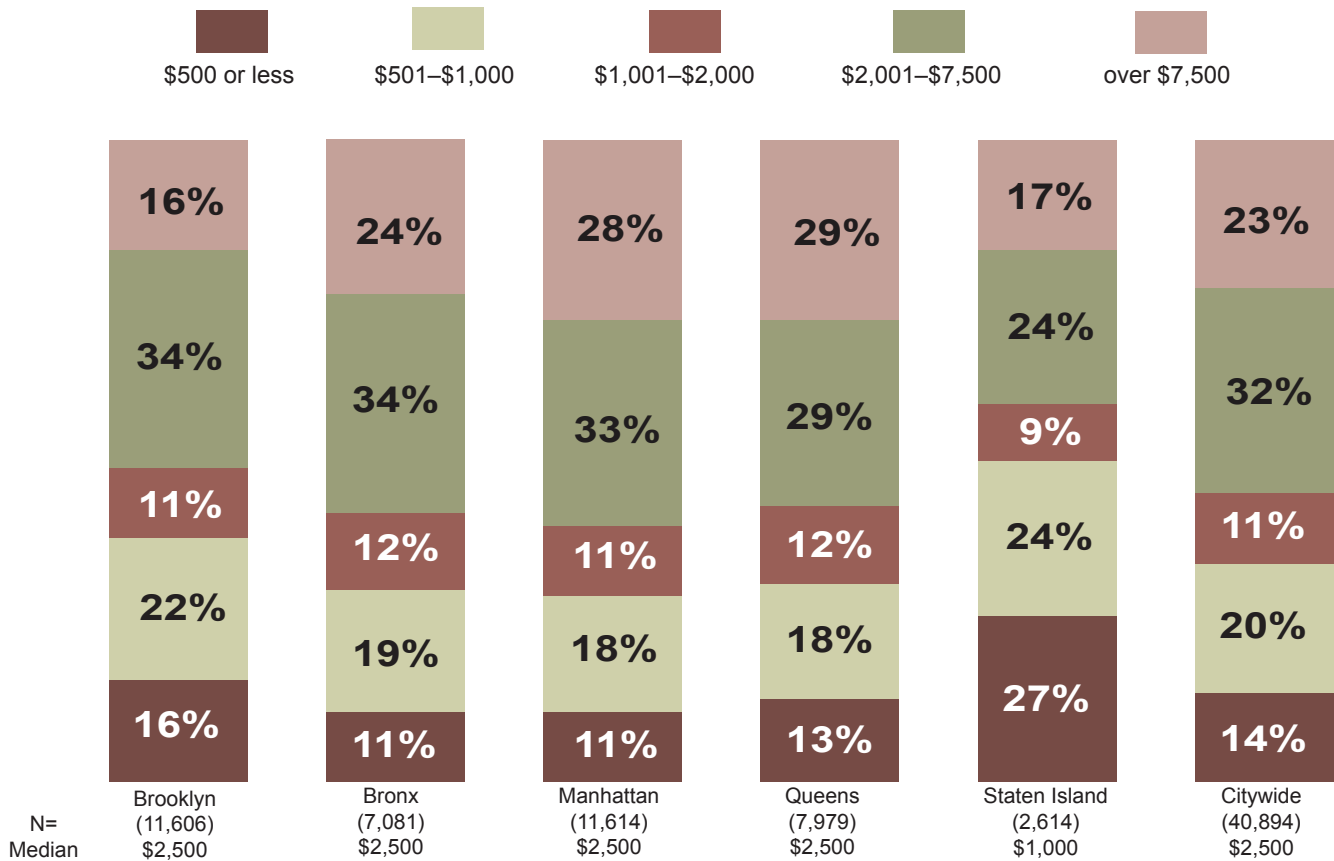


Cases of defendants who were recommended for ROR had higher release rates than cases of defendants who were assessed to be at moderate risk of failure to appear, and much higher release rates than cases of defendants who were not recommended. There is considerable variation across boroughs but the general pattern is consistent throughout.

Bail Set & Made At Arraignment

Exhibit 14 shows that in New York City as a whole, bail was set at \$500 or less in 14% of cases, and at over \$7,500 in 23% of cases. The median amount was \$2,500 in every borough except in Staten Island, where the amount was \$1,000.

Exhibit 14
Bail Amount Set At Criminal Court Arraignment
2016 Arrests
(Cases With Bail Set)



Bail amounts vary based on charge severity, as illustrated in Exhibit 15 (next page). In felony cases in which bail was set a substantial percentage of cases had bail set at \$7,500 or more. In most misdemeanor cases in which bail was set, the amount was \$1,000 or less.

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

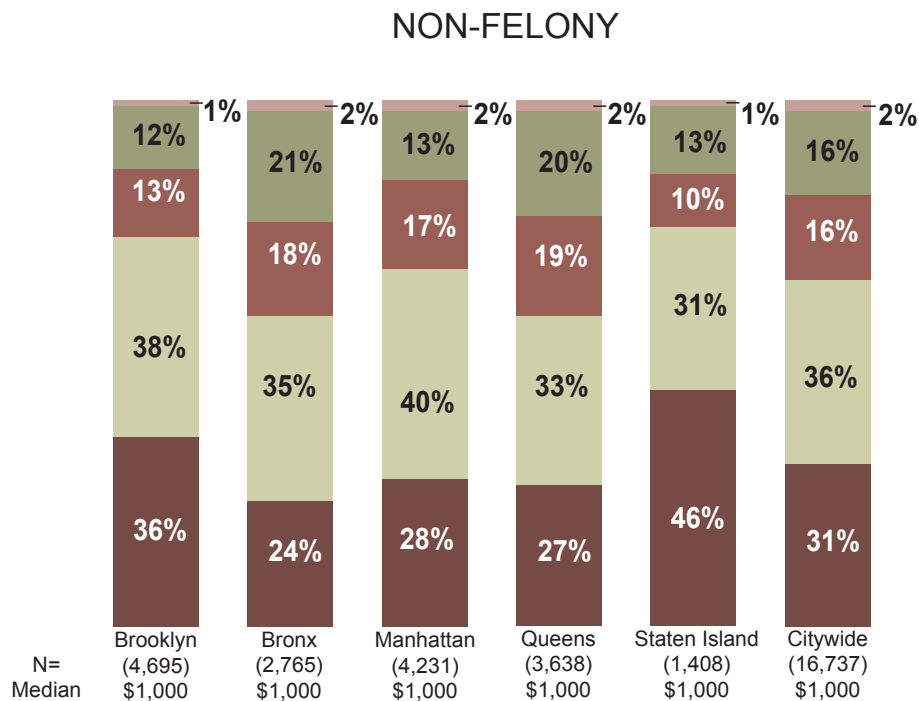
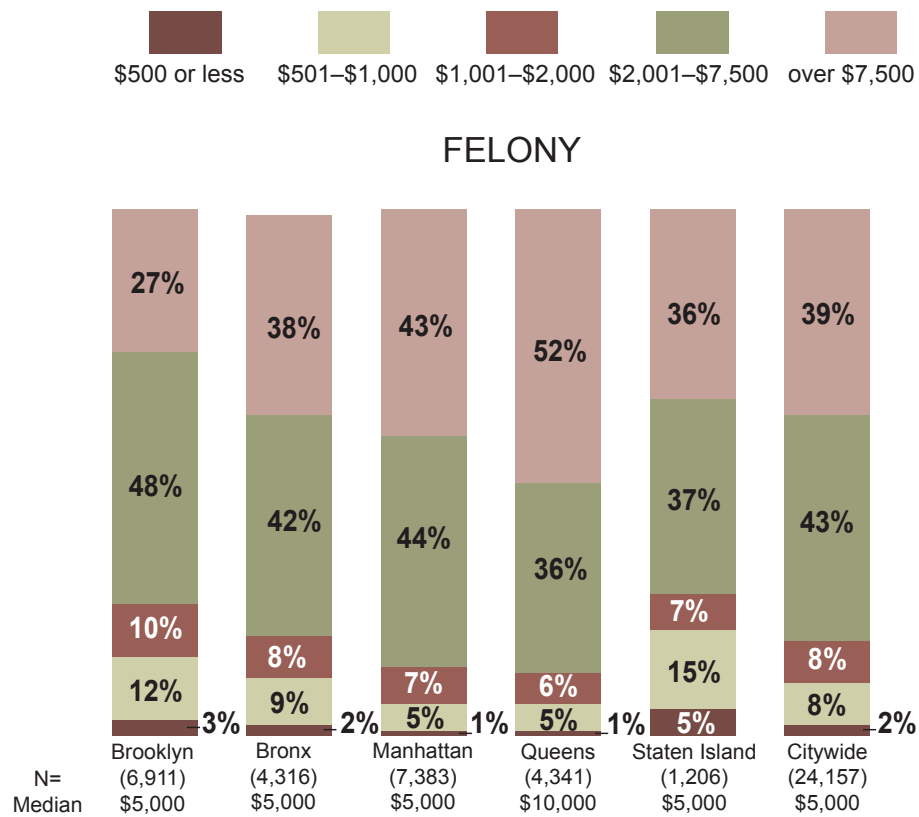
How Bail Amounts Were Calculated

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 in exhibits 16-18 is less than the number of cases reported in exhibits 14-15 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) are included in Exhibits 14-18.

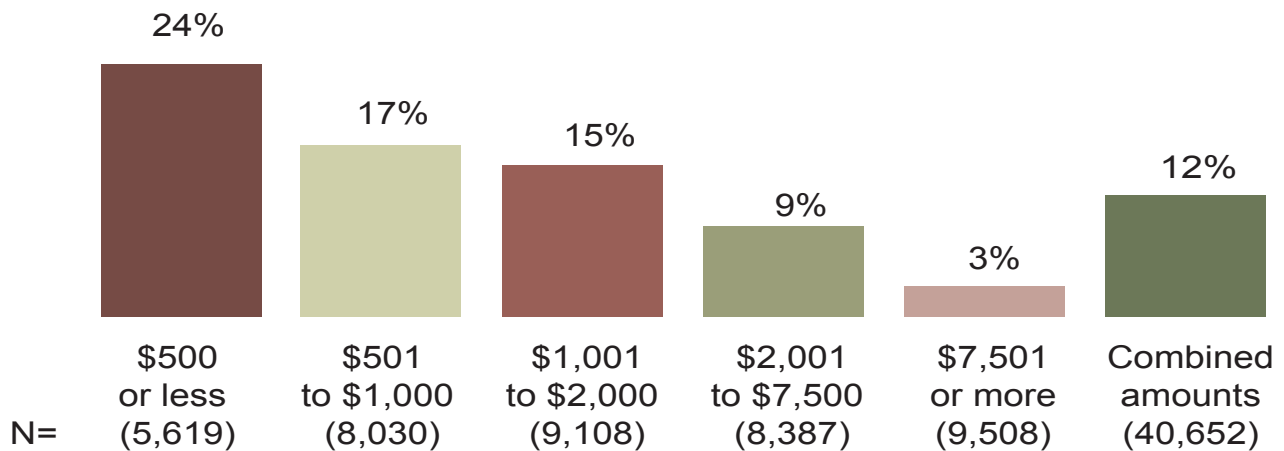
Exhibit 15
Bail Amount Set At Criminal Court Arraignment, By Charge Severity
2016 Arrests
(Cases With Bail Set)



88% of defendants who have bail set are unable to post their bail at arraignment

76% of defendants who have bail set at \$500 or less are unable to post their bail at arraignment

Exhibit 16
Bail Making At Criminal Court Arraignment, Citywide
2016 Arrests
(Cases With Bail Set)



Exhibits 16-18 demonstrate few defendants are able to post bail at arraignment. This is true in all boroughs. Defendants in Staten Island are most likely to post bail at arraignment (25%) while defendants in Manhattan are the least likely to do so (7%).

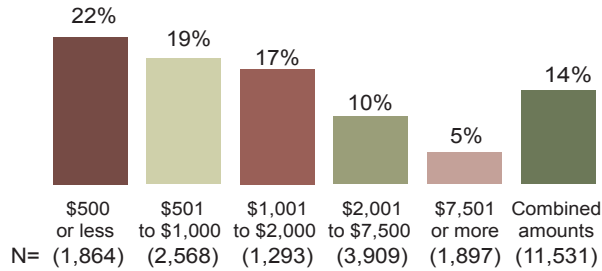
As one might expect, defendants are less likely to post bail as the amount needed increases. Across boroughs, the percentage of defendants who are able to post bail in amounts over \$7,500 at arraignment range from a low of 2% in Staten Island and the Bronx, to a high of 5% in Brooklyn. Citywide only 3% of defendants with bail in this amount are able to post it immediately at their arraignment.

But it is important to note that even when relatively small amounts of bail are set defendants are usually unable to post it at arraignment. Citywide, 15% of defendants with bail set between \$1,001-\$2,000 can post it immediately at arraignment.

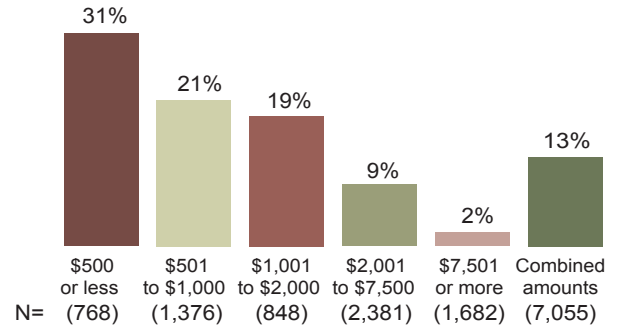
In Manhattan, 83% of defendants with bail set at \$500 or less cannot post their bail at arraignment. In Staten Island, the borough in which defendants most frequently post bail at arraignment, 57% of the defendants who have bail set at \$500 or less are unable to post it.

Exhibit 17
Bail Making At Criminal Court Arraignment, By Borough
2016 Arrests
(Cases With Bail Set)

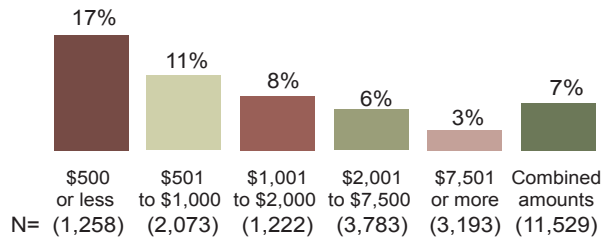
Brooklyn



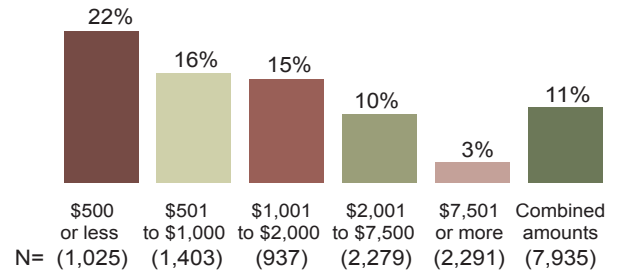
Bronx



Manhattan



Queens



Staten Island

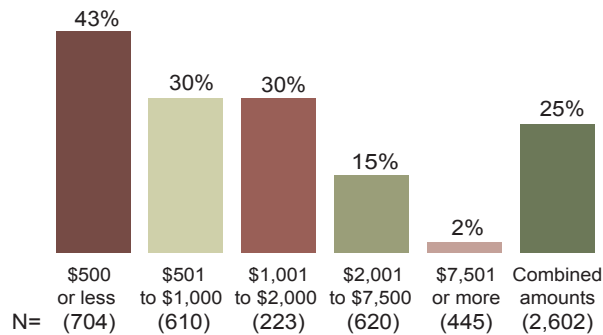
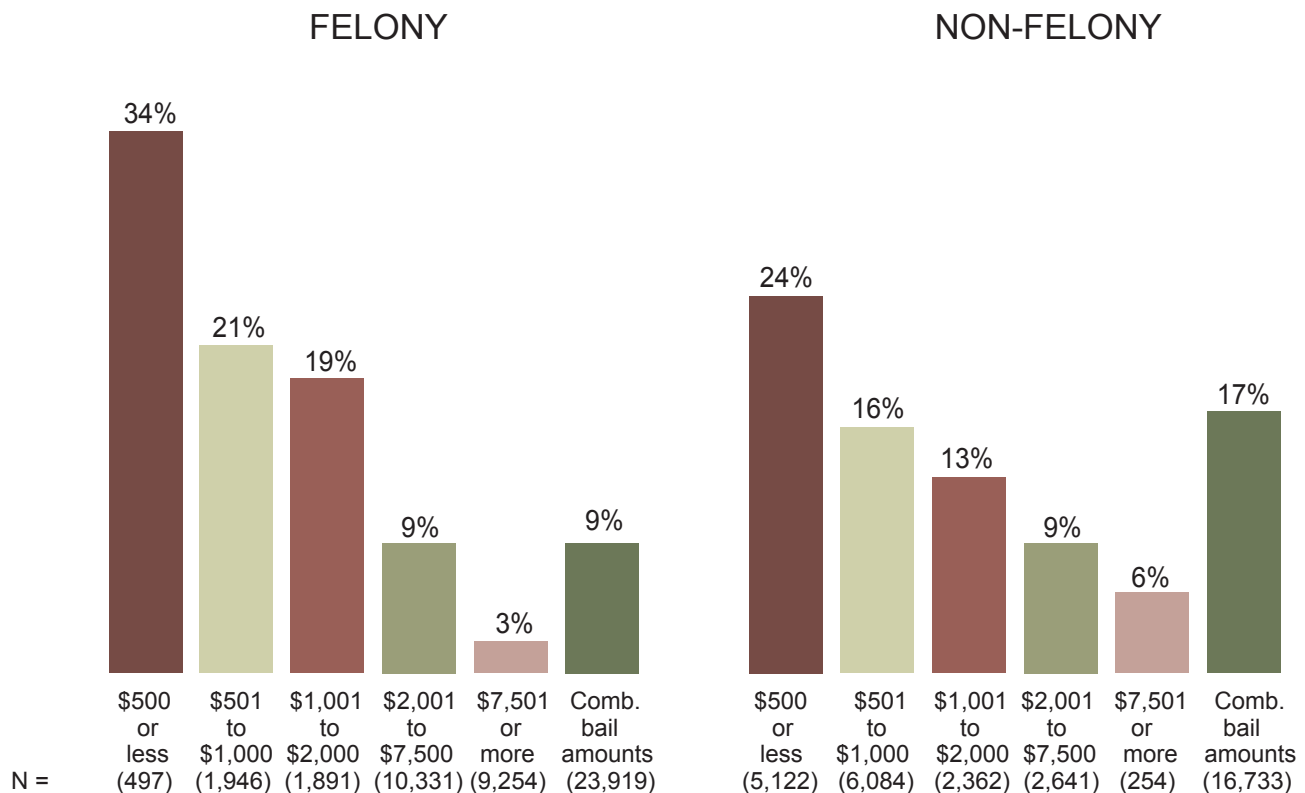


Exhibit 18 illustrates bail making rates by charge severity. Defendants charged with non-felony offenses who have bail set are overall more likely to post bail at arraignment. This is very likely due to the fact such defendants have bail set at substantially lower amounts than defendants charged with felonies. Defendants charged with felonies who have bail set in smaller amounts (\$2,000 and less) are more likely to post bail than defendants charged with misdemeanors who have bail set within the same range.

Exhibit 18
Bail Making At Criminal Court Arraignment, By Charge Severity
 2016 Arrests
 (Cases With Bail Set)



Of all cases with bail set, only 9% of felony defendants and 17% 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, 34% of felony and 24% of non-felony defendants made bail at arraignment. These percentages dropped within each severity level as the bail amounts rose.

With bail set in amounts over \$7,500, 3% of felony and 6% of non-felony defendants were able to make bail at arraignment.

Some defendants who did not make bail at arraignment will do so at some time before the disposition of their case (see exhibits 23-28 for post-arraignment bail making).

6 Desk Appearance Tickets

Defendants wait an average of 56 days to be arraigned on a desk appearance ticket

36% of defendants wait more than 60 days

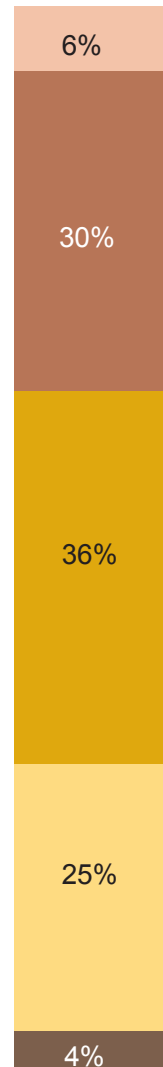
A desk appearance ticket is a written notice issued by the New York City Police Department (NYPD) for the defendant to appear in the Criminal Court for arraignment at a future date. The defendant is not detained prior to arraignment. Under the New York State Criminal Procedure Law (§150.20), a DAT may be issued for any non-felony and some nonviolent class E felony arrest charges. The NYPD imposes some additional restrictions; for example, denying DATs to defendants found to have outstanding warrants.

CJA does not usually interview DAT defendants, but the Agency does provide arraignment notification for them by mail and by telephone using contact information supplied by the NYPD. For post-arraignment appearances, DAT defendants are notified by the same procedures used for other defendants. (For more information regarding notification, see Section 9.)

There were 68,602 DAT arraignments Citywide for arrests during 2016. More than a third of them (24,568) were issued in Manhattan.

Exhibit 19
DAT Volume And Arrest-To-Arraignment Time, Citywide
2016 Arrests

0-30 days 31-45 days 46-60 days 61-90 days 91+ days



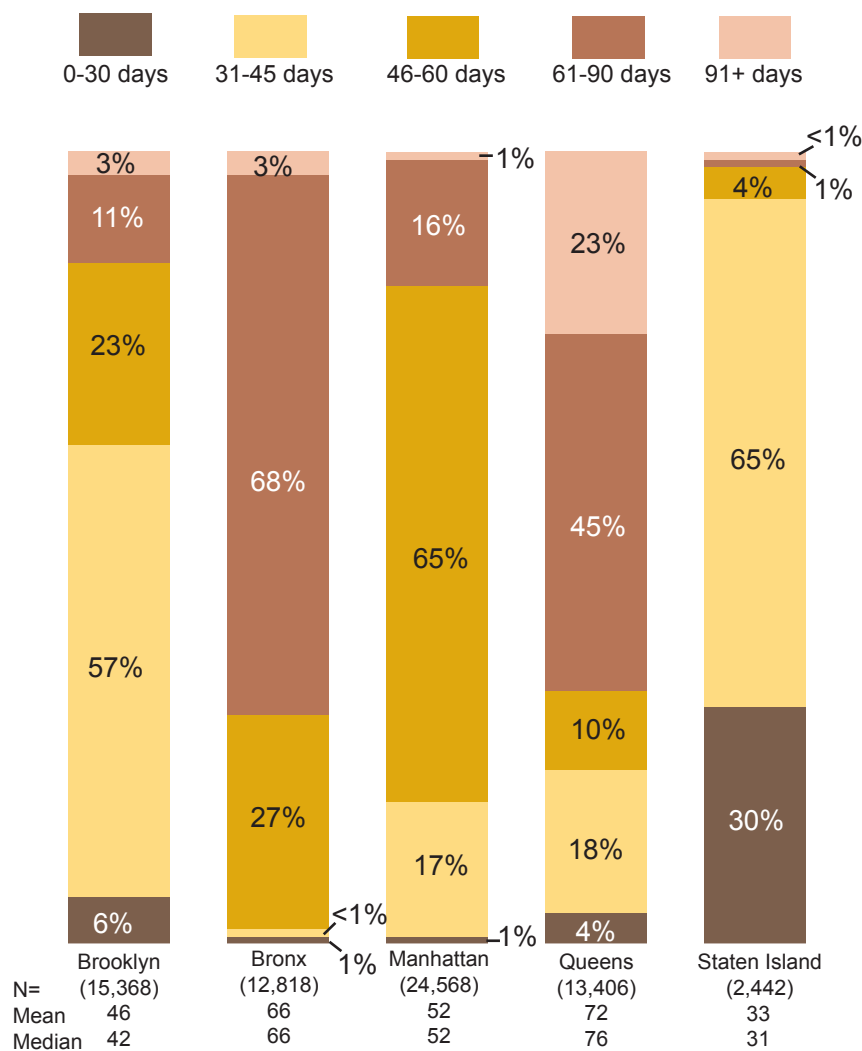
N= (68,602)
Mean 56
Median 55

Defendants in Queens wait an average of 72 days to be arraigned on a DAT, the longest in the City

Defendants in the Bronx wait an average of 66 days

Defendants in Staten Island have the shortest average turnaround time, at a little over one month between arrest and arraignment

Exhibit 20
DAT Volume And Arrest-To-Arraignment Time, By Borough
2016 Arrests



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 56 days; the median was 55. Arrest-to-arraignment time overall was longer than in 2015, when the Citywide mean was 44 days. This increase was largely the result of major shifts in Queens. In Queens, the mean days to arraignment increased from 23 to 72 (data not shown), a more than 3-fold increase. Modest increases were also seen in the Bronx (61 to 66) and Manhattan (45 to 52).

Failure To Appear For A DAT Arraignment

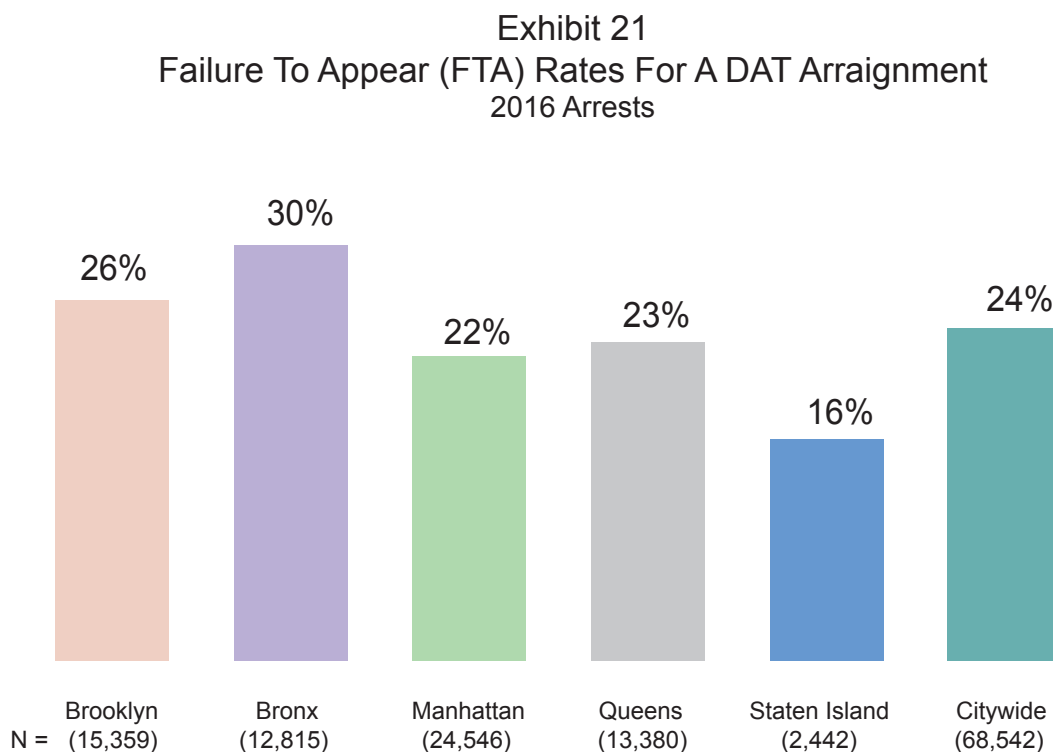
Failure to appear for the scheduled DAT arraignment is reported in Exhibit 21. In 24% of DAT cases, the defendant failed to appear for the arraignment in Criminal Court.

There were large borough differences in FTA rates for DAT arraignments. The Bronx had the highest rate, at 30%, whereas Staten Island had the lowest FTA rate for DAT arraignments at 16%.

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.

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 the second longest arrest-to-arraignment times and the highest FTA rates. Staten Island had the shortest arrest-to-arraignment time and the lowest FTA rates.

Unlike FTA rates presented elsewhere in this report, which counted FTA any time during the pendency of the case, Exhibit 21 counts FTA only at arraignment.



Failure To Appear For A DAT Arraignment By Offense Type

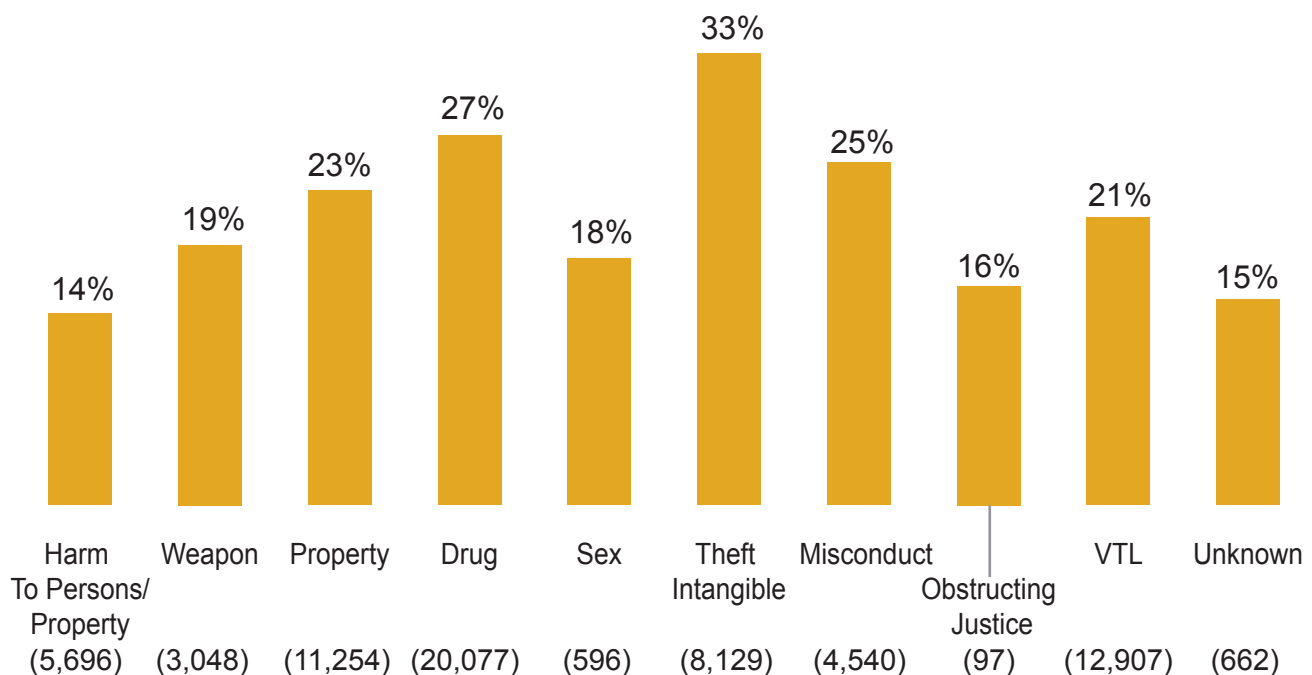
The three largest arrest offense types were drug, Vehicle and Traffic Law (VTL), and property offenses. These three offense types accounted for the majority of DATs.

FTA rates varied considerably according to the offense type of the arrest charge, as shown in Exhibit 22. FTA rates ranged from 14% for the harm to persons/property category to 33% for theft intangible.

Drug cases — comprising nearly a third of DATs — were associated with an FTA rate of 27%, which is slightly higher than the average of 24% for all DATs shown in Exhibit 21.

Exhibit 22

Failure To Appear (FTA) Rates For A DAT Arraignment, By Arrest Charge Offense Type 2016 Arrests



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: Over half of DAT drug arrests were for class B misdemeanor

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 public lewdness (PL 245.00) or patronizing a prostitute (PL 230.04).

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, criminal contempt, or criminal nuisance.

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

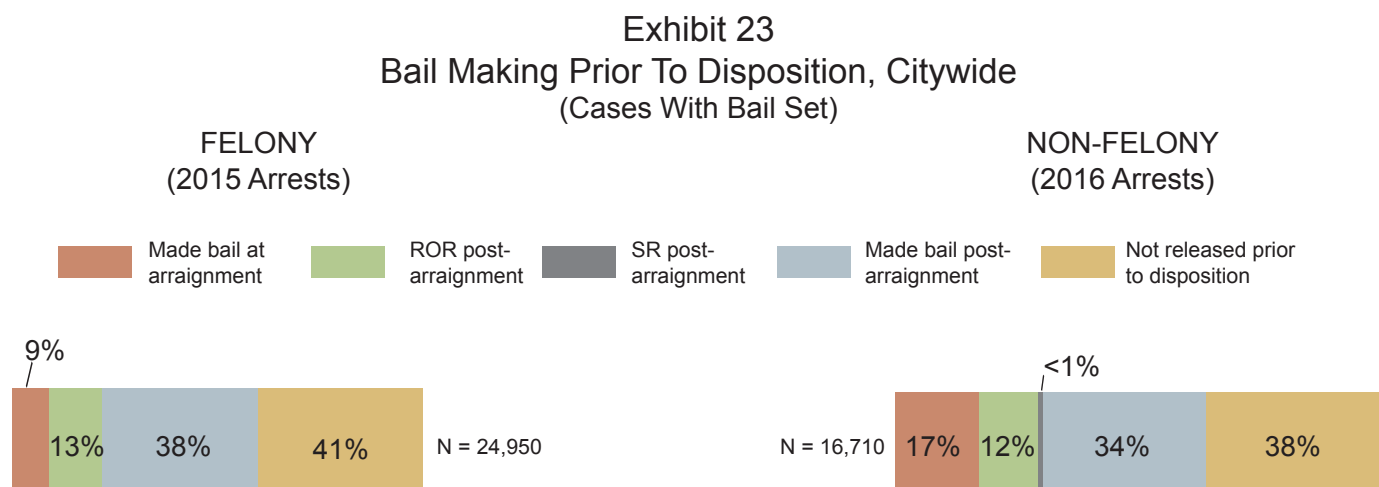
Unknown: DATs issued for unknown offenses consisted primarily of violations of local laws (outside the Penal Law or Vehicle & Traffic Law).

Part II

Post-Arraignment

7 Bail Making Prior to Disposition

Exhibit 23 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 2015, and for non-felony cases with an arrest in 2016. Citywide results are shown below and on page 32. Breakdowns by borough are shown on pages 33-35.



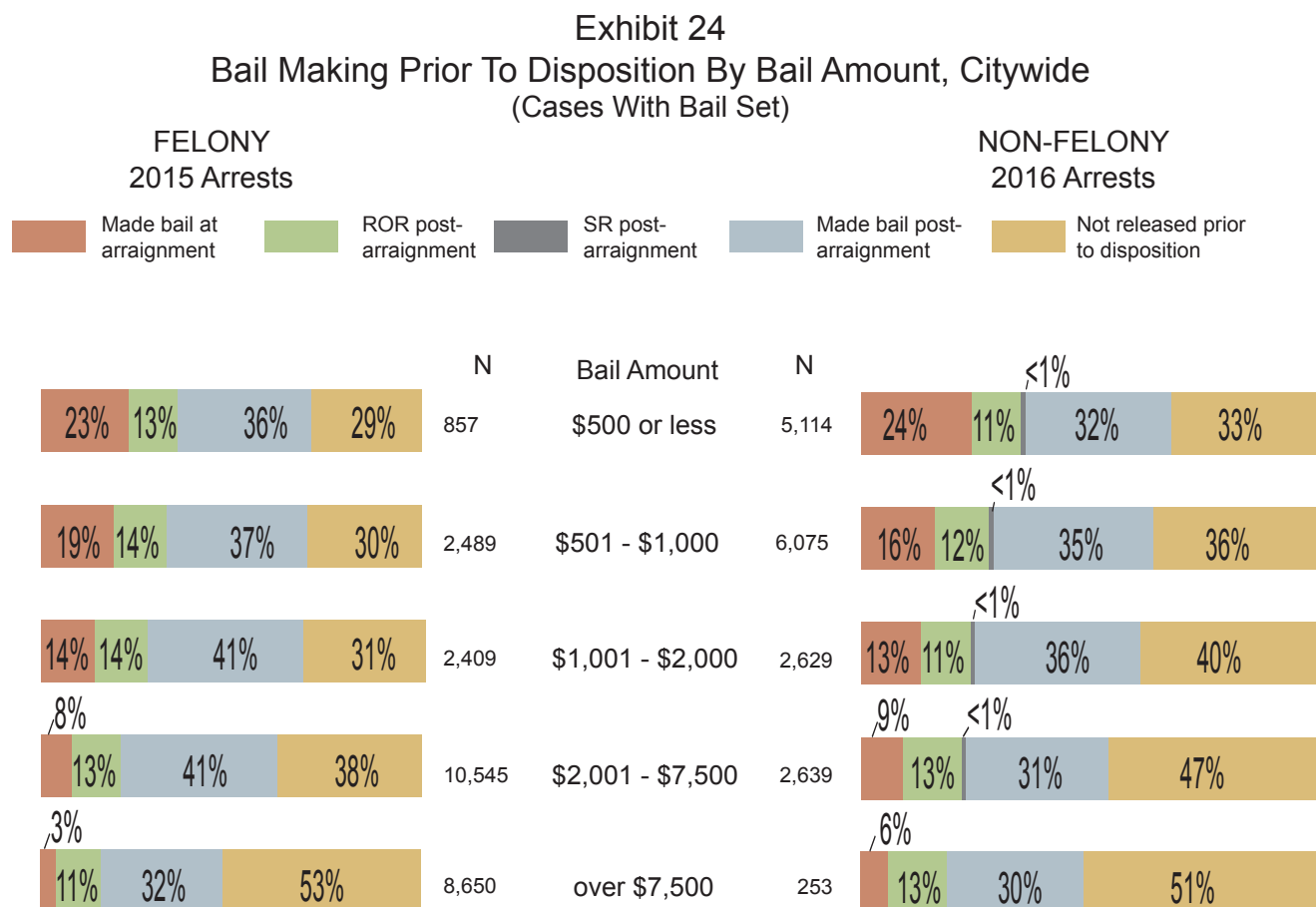
Citywide, defendants in 41% of felony and 38% of non-felony cases were not released prior to disposition of the case. In the remaining cases with bail set, the defendant was released prior to disposition, either by ROR or by posting bail. Among felony cases, 9% made bail at arraignment, 13% were released on recognizance post-arraignment (often because of mandatory release requirements), and 38% made bail post-arraignment. The comparable figures for non-felony cases were 17%, 12%, and 34% respectively.

Bail amounts tend to be higher in cases with more severe charges. More than half of defendants charged with a felony who had bail set, had a bail amount over \$2,000.

Note: DAT cases are included in Exhibit 23. Cases with bail set at \$1 were excluded (see page 21 for an explanation of the bail measure). 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.

In one-third of the cases in which a defendant was charged with a misdemeanor or less and had bail set at \$500 or less at arraignment, the defendant was never released pretrial

In 29% of the cases in which the defendant was charged with a felony and had bail set at \$500 or less at arraignment, the defendant was never released pretrial



A substantial percentage of defendants are unable to post bail throughout the entirety of their case. As one might expect, the percentage of defendants unable to post increases as the bail amount increases. Less than half of defendants with bail amounts over \$7,500 are ever able to obtain release before their case is disposed.

There is substantial variation across boroughs and bail amounts (data shown on pages 33-35). Defendants in Staten Island and the Bronx who are charged with a misdemeanor and have relatively low amounts of bail set (\$2,000 or less) are more likely to have bail posted on their behalf at arraignment. Defendants in Queens and Manhattan who are charged with a misdemeanor or less and have bail set are the least likely to be released pretrial.

Exhibit 25
Bail Making Prior To Disposition By Borough, Felony
2015 Arrests
(Cases With Bail Set)

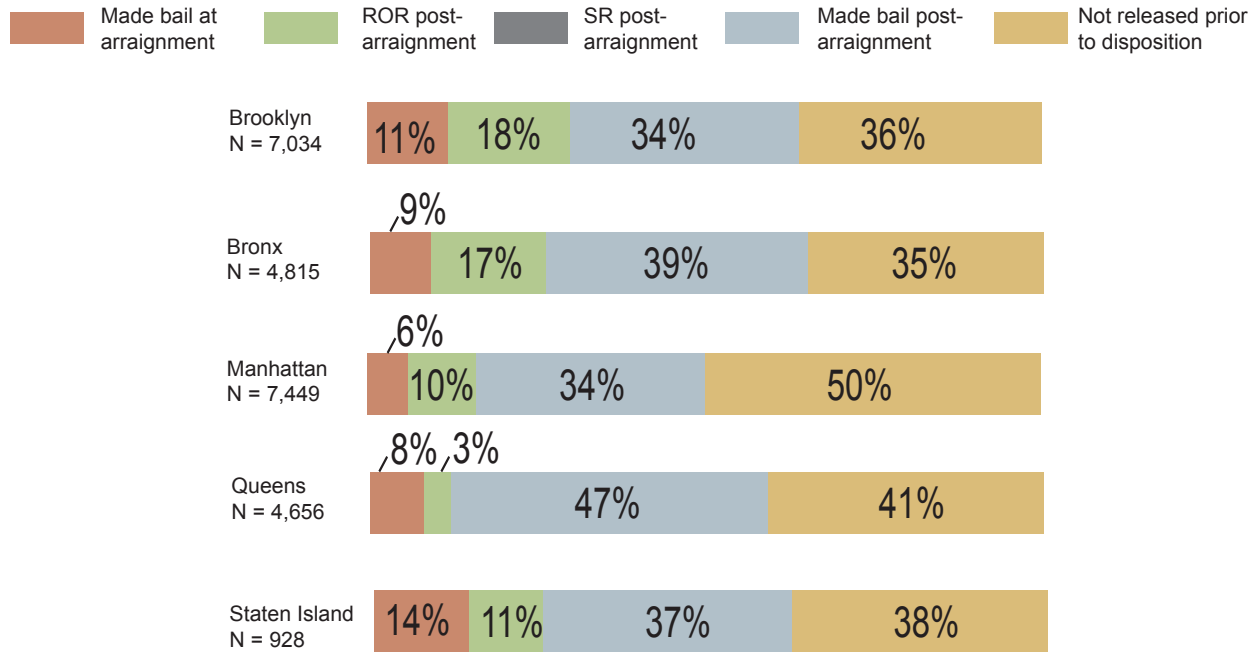


Exhibit 26
Bail Making Prior To Disposition By Borough, Nonfelony
2016 Arrests
(Cases With Bail Set)

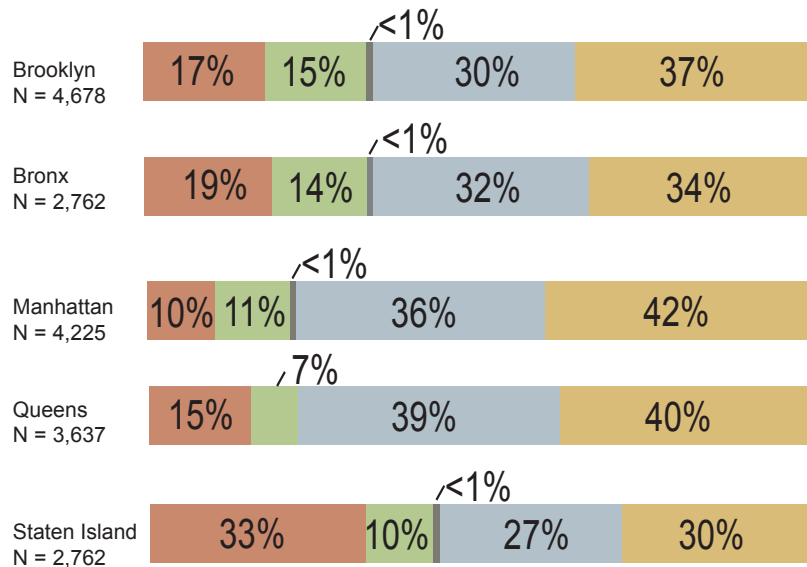


Exhibit 27
Bail Making Prior To Disposition By Bail Amount And Borough, Felony
2015 Arrests
(Cases With Bail Set)

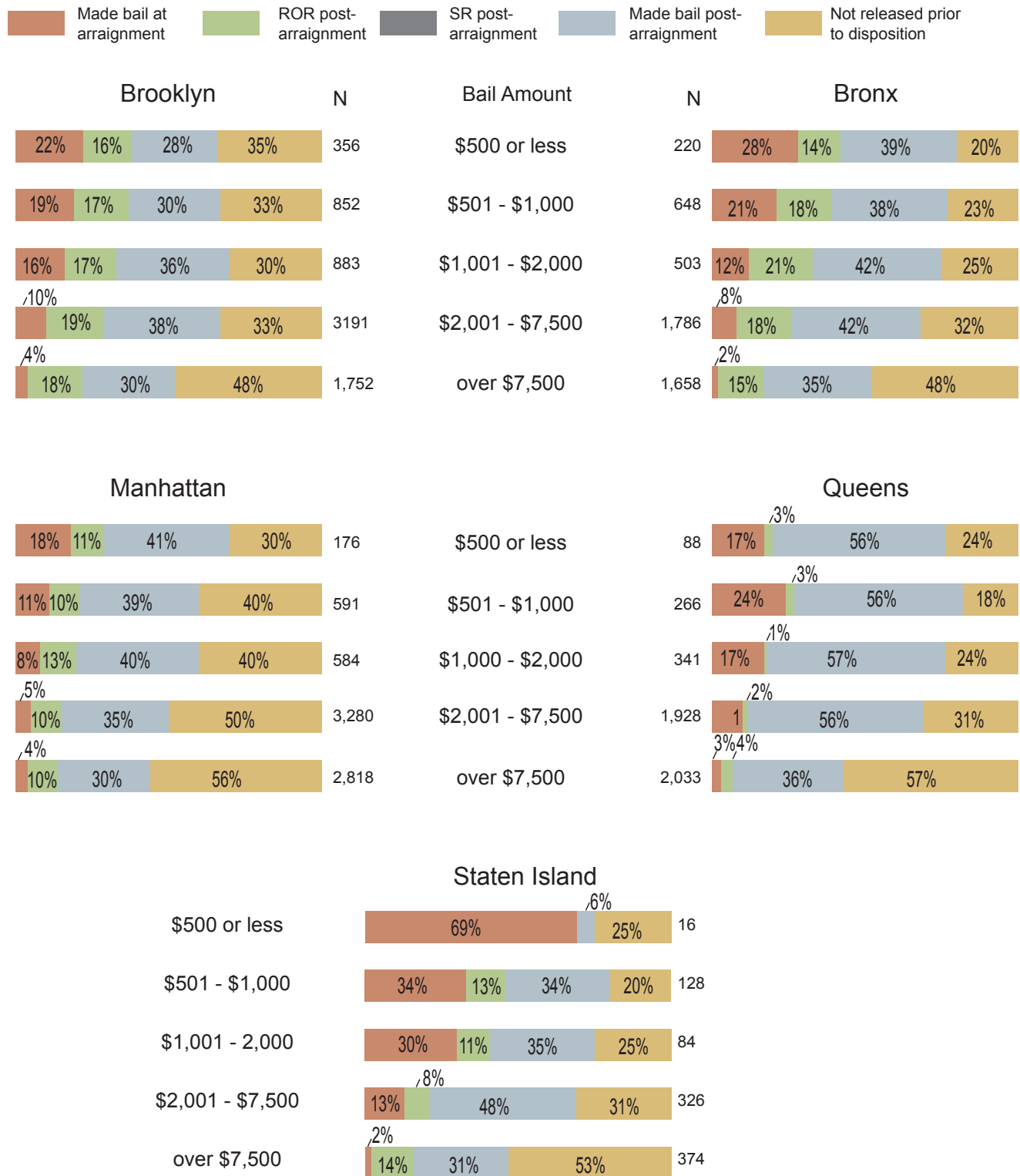
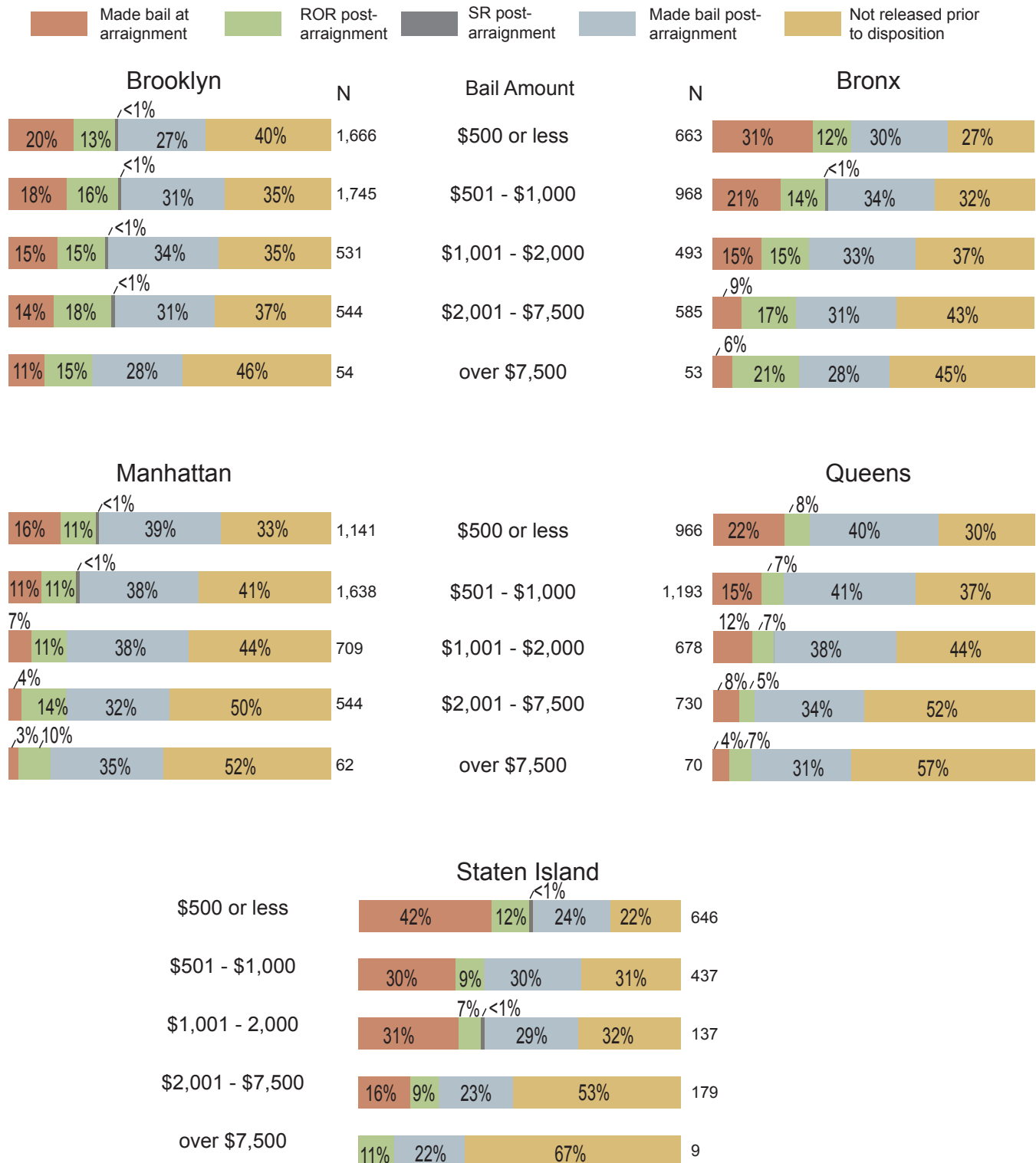


Exhibit 28
Bail Making Prior To Disposition By Bail Amount And Borough, Nonfelony
2016 Arrests
(Cases With Bail Set)

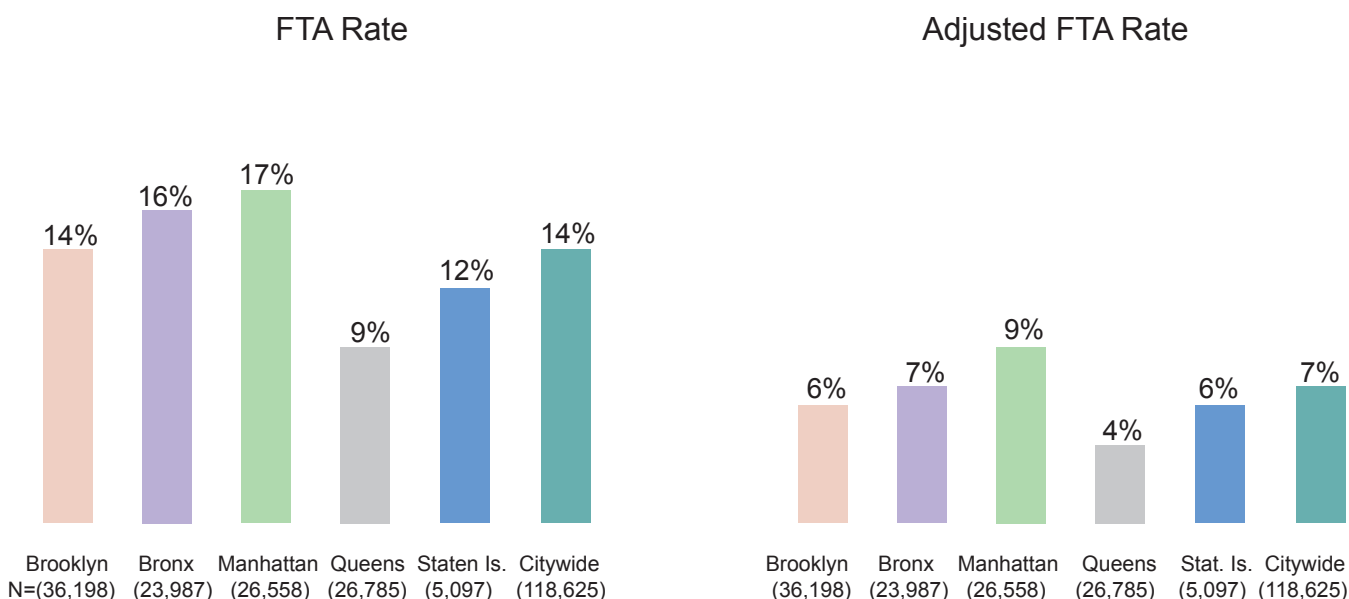


8 Failure to Appear

The citywide FTA rate for 2015 arrests was 14%

Half of defendants who failed to appear returned to court within 30 days

Exhibit 29
Failure To Appear (FTA) And Adjusted FTA Rates
2015 Arrests
(Cases in which the defendant was released prior to disposition)



Felony cases usually take longer to process than misdemeanor cases and thus defendants are at risk of failing to appear for a longer period of time in felony cases. To avoid undercounting failures to appear in felony cases we use 2015 arrests to determine this rate.

Exhibit 29 illustrates failure to appear (FTA) rates and adjusted FTA rates (which only counts an FTA if the defendant did not return within 30 days) by borough and citywide for arrests that occurred in 2015. Manhattan had the highest FTA rate at 17%, followed by the Bronx at 16%. Queens had the lowest at 9%. Citywide the rate was 14%.

Section 8 illustrates FTA rates for summary arrests only. FTA rates for DAT arraignments are presented separately in Section 6.

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, 2017, 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 lowest for those defendants who are Recommended for ROR or classified as Moderate Risk

The New York City 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 9 for information about notification procedures and outcomes.)

Exhibits 30 and 31 illustrate the FTA and adjusted FTA rates for 2015 arrests.

Exhibit 30
FTA Rates By CJA Recommendation Category
2015 Arrests
(Cases in which the defendant was released prior to disposition)

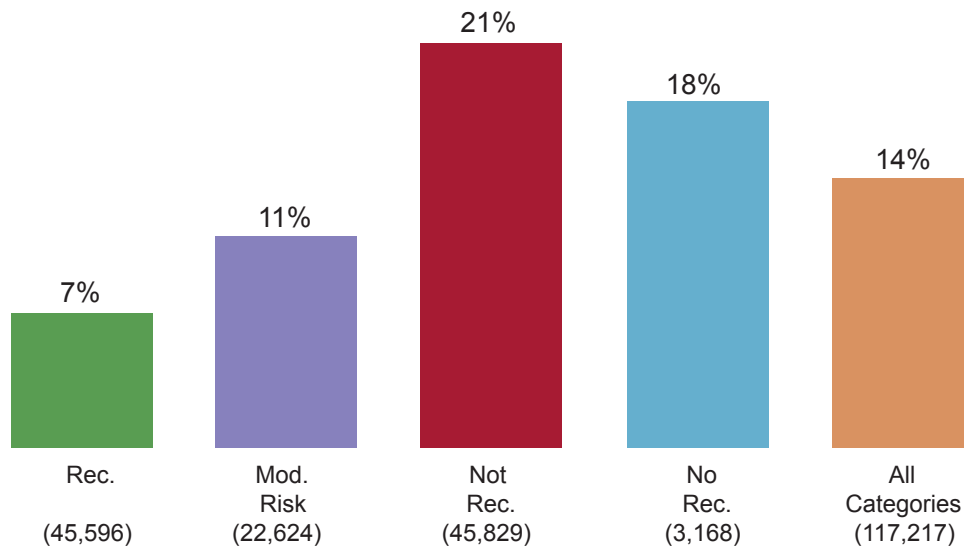
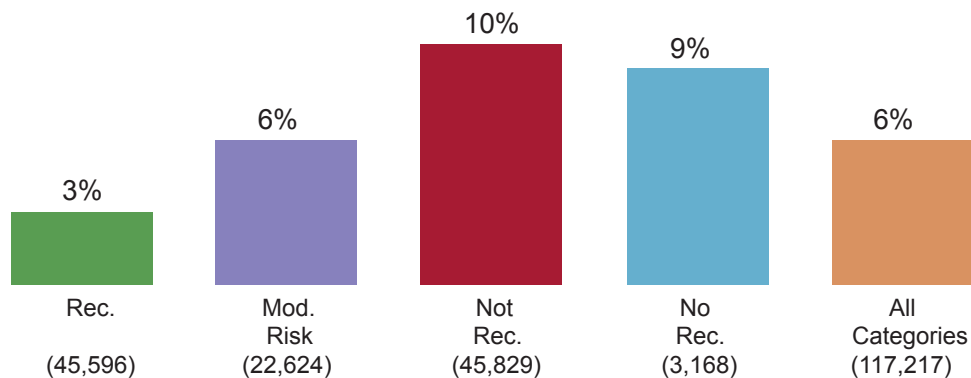


Exhibit 31
Adjusted FTA Rates By CJA Recommendation Category
2015 Arrests
(Cases in which the defendant was released prior to disposition)



Exhibits 32-35 examine FTA rates by charge severity. They provide more recent data on misdemeanor arrests than the early exhibits, analyzing cases in which the defendant was arrested in 2016.

Exhibit 32 shows that the defendant in 12% of felony cases (2015 arrests) and 15% of non-felony cases (2016 arrests) failed to appear at least once for a scheduled court appearance prior to disposition of the case.

FTA rates were lowest in Queens for both felony (9%) and non-felony (10%) cases. The highest rate was in Manhattan for non-felony cases (19%).

FTA rates were generally lower for felony compared to non-felony cases, particularly in Manhattan, where the difference was 7 percentage points (12% for felonies, compared to 19% for non-felonies). Felony post-arraignment outcomes are lagged by one year because of the longer time it takes more severe cases to reach disposition, so the comparison is between different years. However, the non-felony FTA rates reported here are very similar to the rates in 2015.

Exhibit 32
FTA Rates By Charge Severity
(Cases in which the defendant was released prior to disposition)

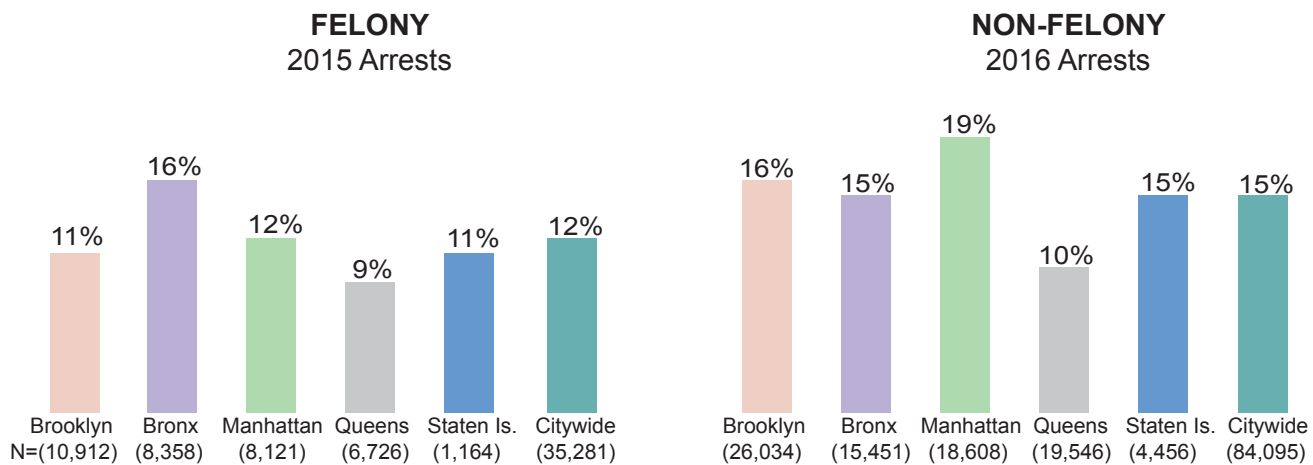
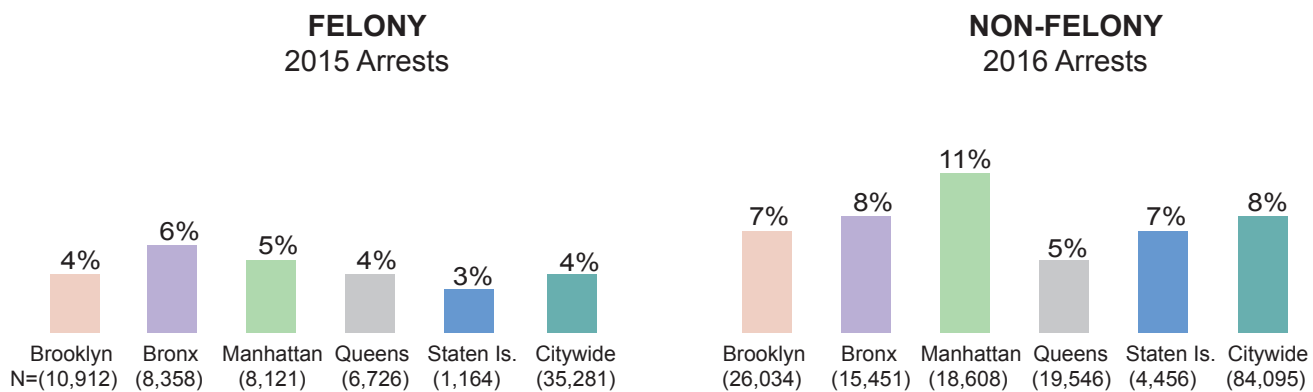


Exhibit 33
Adjusted FTA Rates By Charge Severity
(Cases with a defendant who was released prior to disposition)



FTA And The CJA Recommendation

Exhibit 34

FTA Rates By CJA Recommendation And Charge Severity (Cases in which the defendant was released prior to disposition)

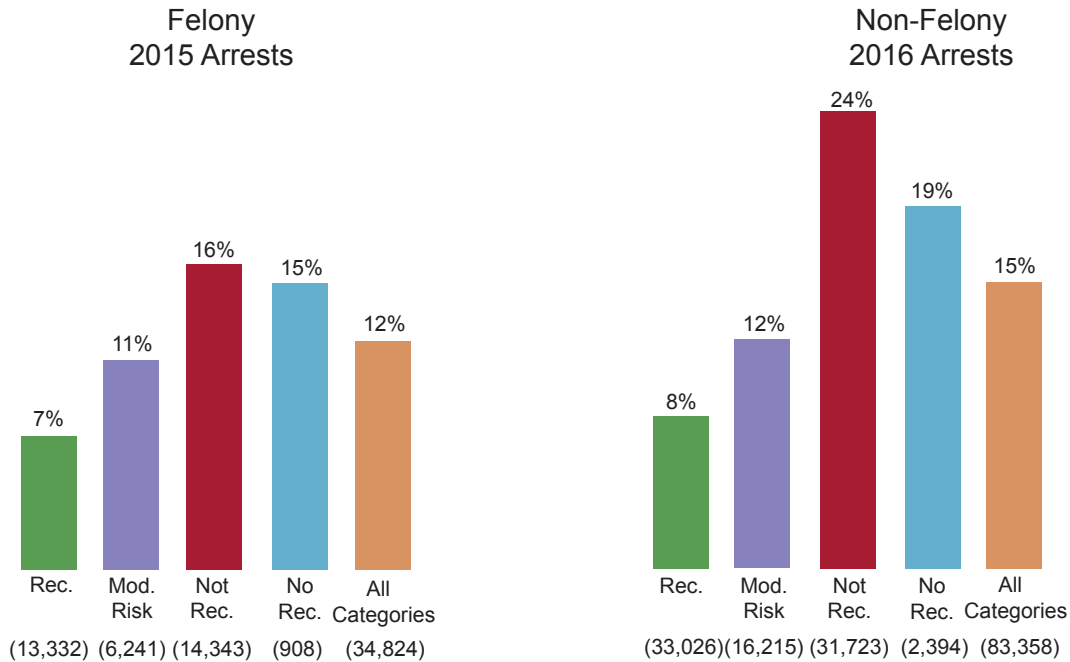
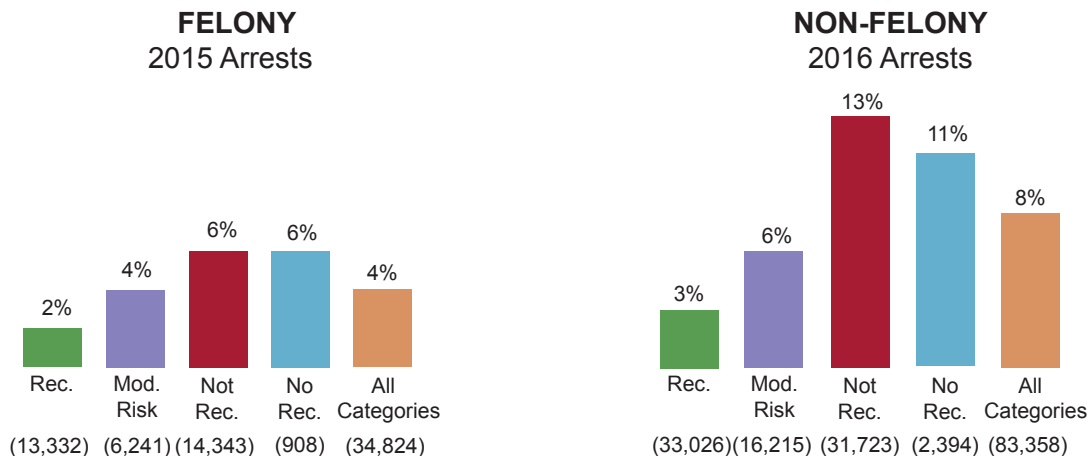


Exhibit 34 shows that FTA rates were lowest in cases of defendants who were recommended for release and highest among cases of defendants who were not recommended. Among cases of defendants who were recommended, the FTA rate was 7% for felony cases and 8% for non-felony cases. Among defendants not recommended, the FTA rate was 16% for felony cases and 24% for non-felony cases.

Exhibit 35 illustrates that many defendants return to court within 30 days of missing an appearance. Only 4% of defendants in felony cases and 8% of defendants in non-felony cases missed a court appearance and failed to return to court within 30 days.

Exhibit 35

Adjusted FTA Rates By CJA Recommendation And Charge Severity (Cases in which the defendant was released prior to disposition)



Part III

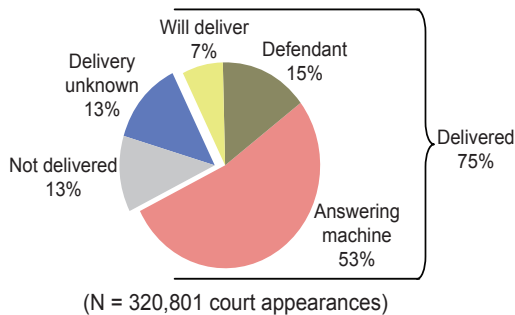
Notification, Special Programs, & Supervised Release

9 Notification

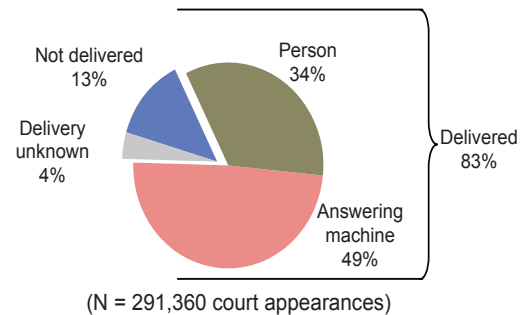
The Agency attempts to notify all adult released defendants of their scheduled court appearances, with the expectation that this will reduce FTA rates. Defendants released on desk appearance tickets are also notified of their scheduled arraignment dates.

Exhibit 36
Telephone Notification: Volume & Outcomes
2016

Reminder calls (starting 3 days prior)



Wake-up calls (same day)



Notification by Telephone

Telephone notification is attempted for defendants who provided a telephone number at arrest. 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.

In August 2013 CJA also began sending text messages to defendants who provide a cellphone number. Text messages are sent out two days before the court appearance. In 2015, CJA sent 259,758 text messages to defendants who had the ability to receive them (data not shown).

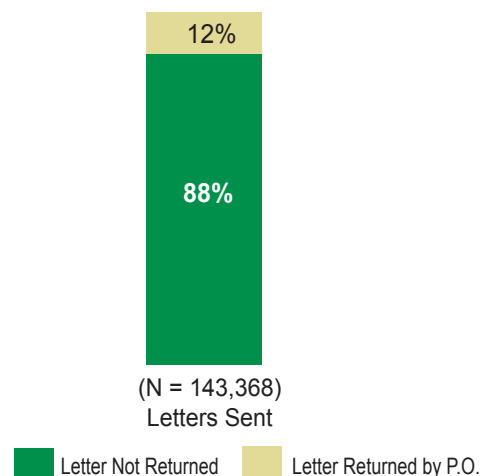
Exhibit 36 shows the number of scheduled court appearances for which voice telephone notification was attempted, and the outcomes, during 2016.

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. 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 typically a month or two 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 send a letter. Exhibit 37 illustrates the number of letters sent and the percentage returned.

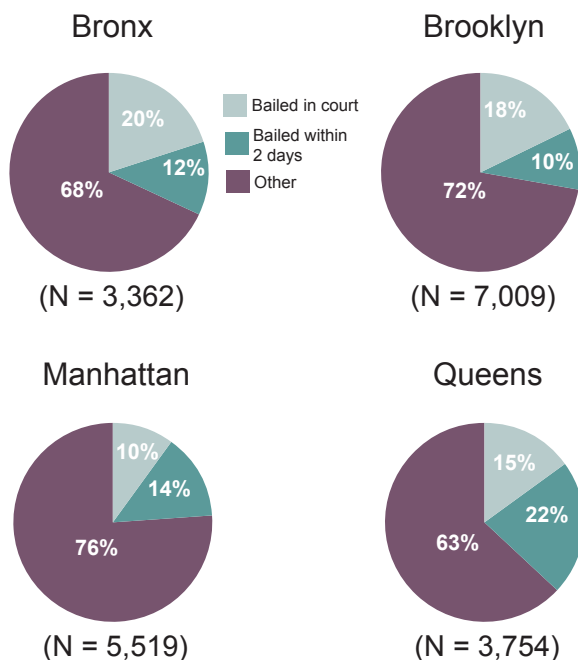
Exhibit 37
Letter Notification: Volume & Outcomes
2016



10 Bail Expediting Program

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.

Exhibit 38
Bail Expediting Program (BEX):
Volume & Outcomes
2016 Arrests



To be eligible for the program, a defendant's bail must have been set at \$2,500 or less in the Bronx and at \$3,500 or less in Brooklyn, Manhattan, and Queens.

In the Bronx, the defendant was eligible for BEX in 3,362 cases. Of these, 20% were bailed in court and an additional 12% made bail within two days, for a total of 32% of BEX-eligible defendants who were released.

In Brooklyn, the defendant was eligible for BEX in 7,009 cases. Of these, 18% were bailed in court and an additional 10% made bail within two days, for a total of 28% of BEX-eligible defendants who were released.

In Manhattan, the defendant was eligible for BEX in 5,519 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.

In Queens, the defendant was eligible for BEX in 3,754 cases. Of these, 15% were bailed in court and an additional 22% made bail within two days, for a total of 37% of BEX-eligible defendants who were released.

11

Failure to Appear Units

Starting in 2015, FTA Units now operate in the four largest boroughs of the City.

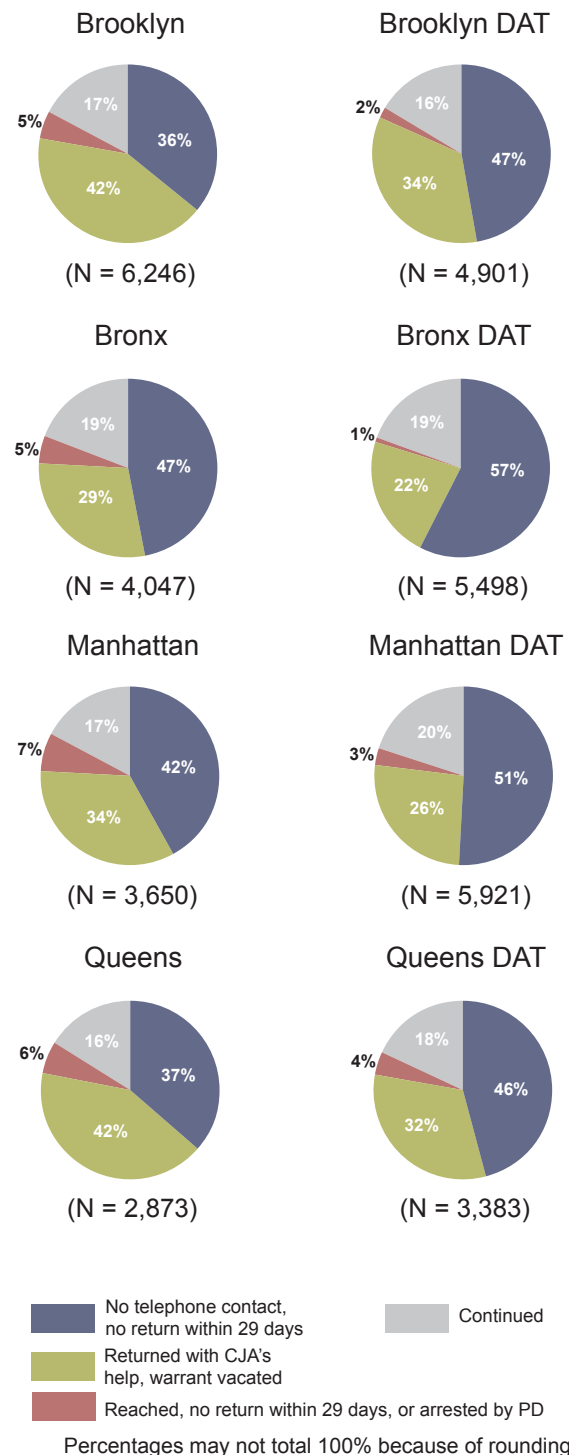
Staff members identify defendants who failed to appear for a post-arraignment date in Criminal Court, as well as defendants who were issued a desk appearance ticket (DAT) and failed to appear for the scheduled arraignment (or for a post-arraignment appearance). FTA Unit staff attempt to reach these defendants 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 (those in which the defendant was held from arrest to arraignment), 42% returned to court with CJA's help in Brooklyn, 29% in the Bronx, 34% in Manhattan, and 42% in Queens. Among DAT cases, 34% returned to court with CJA's help in Brooklyn, 22% in the Bronx, 26% in Manhattan, and 32% in Queens.

CJA was unable to make telephone contact with many defendants. This was a particular issue with DATs: the percentage of defendants issued DATs who failed to appear and whom CJA could not reach ranged from 46% in Queens to 57% in the Bronx. CJA was able to reach defendants in a substantially higher percentage of cases in which the defendant was incarcerated prior to arraignment.

Exhibit 39
Failure-To-Appear (FTA) Units:
Volume & Outcomes
2016



12 Supervised Release

In 2009 CJA launched a Supervised Release program in Queens. From April 2013-February 2016 CJA also operated a Supervised Release program in Manhattan. Both programs were available to persons charged with nonviolent felony offenses who also met a series of criteria. Both programs were 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 did not pose a substantial risk to public safety. The programs sought to minimize the costs of incarceration, both institutional and individual, and to offer clients opportunities for voluntary treatment.

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

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

In 2016 New York City expanded Supervised Release to all five boroughs. The eligibility requirements, screening process, and numerous other aspects of the program were changed. CJA continues to operate this new version of Supervised Release in Queens.

In this section we report on the two Supervised Release programs from January 1, 2015 up to the expansion and revision of the programs in March 2016.

Queens Supervised Release

From January 1, 2015 to February 29, 2016, Queens Supervised Release accepted 392 clients. All but five clients had exited the program by June 30, 2017.

Eight-four percent successfully completed the program, 11% had their supervision revoked (either because of failure to comply with program requirements, another arrest, or a failure to appear in court), and 5% were terminated for other reasons (e.g., the defendant was detained on a case that pre-dated the Supervised Release case).

Completion of the program is at the discretion of the judge. Clients often remain in the program even if they are arrested on another charge if the judge does not deem the arrest serious enough to warrant expulsion. Clients often remain in the program after an FTA, particularly if they return to court voluntarily.

Exhibit 40
QSR Monthly Client Volume
January 1, 2015 to February 29, 2016

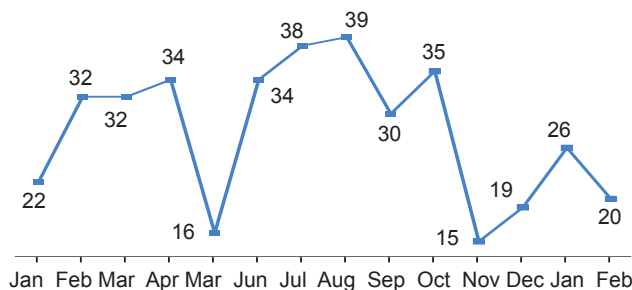


Exhibit 41
QSR Type of Completion
(as of June 30, 2017) N = 387

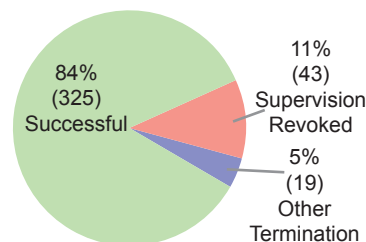
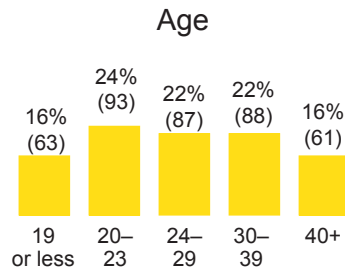


Exhibit 42

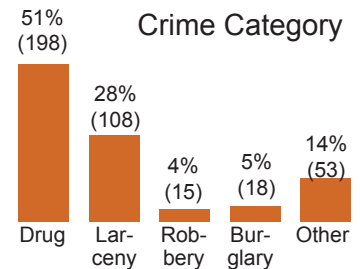
QSR Client & Case Characteristics (Clients Accepted January 2015 - February 2016)

N = 392

Sixteen percent of program clients were under 20 years of age, and 40% were age 23 or younger. Sixteen percent were age 40 or older.



Fifty-one percent of defendants were charged with a drug offense, 28% with larceny or possession of stolen property, 4% with robbery, and 5% with burglary.



Gender

82% of program clients were male, and 18% were female.

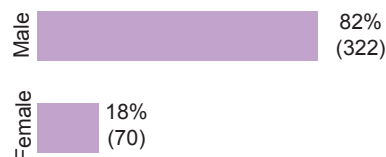
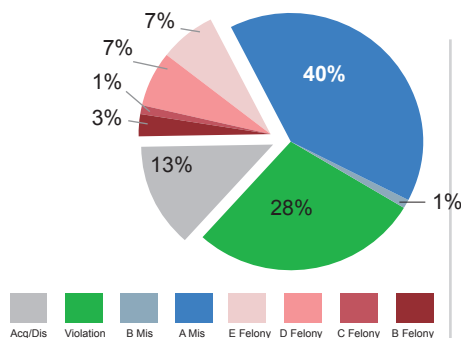


Exhibit 43

QSR Program Outcomes (Clients Accepted in January 2015 - February 2016)

Of the 392 clients enrolled in the program, 372 were convicted and sentenced, or were acquitted or had their case dismissed, by June 30, 2017. The remaining clients had ongoing cases or were awaiting sentence.

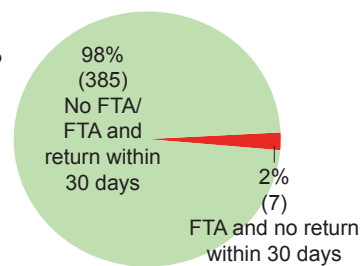
Case Outcome and Charge at Sentence N = 372



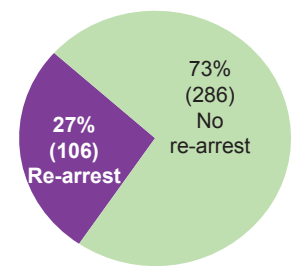
Eighteen percent were sentenced on a felony charge, 40% on a misdemeanor, 28% on a violation, and 13% received an acquittal or dismissal. Virtually all QSR clients were charged with a felony. Often the defendants enter a plea to a certain charge and after demonstrating to the judge efforts to engage in treatment and/or avoid misconduct, the severity is reduced at sentence. These numbers demonstrate the program's ability to help clients receive more favorable outcomes in their case than they may otherwise have received.

In-Program Misconduct N = 392 Completed and Active

Adjusted Failure to Appear



Re-Arrest



Among all program clients (active as well as completed), there were 7 (2%) who had an FTA and did not return within 30 days, and 106 (27%) with a docketed in-program re-arrest. 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.

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. Both programs served persons charged with nonviolent felony offenses, and the programs shared 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 were also the same for the two programs, except that fraud cases, which were not eligible in Queens because of their low likelihood of detention, were eligible in Manhattan. Other restrictions described for Queens Supervised Release applied to the Manhattan program as well. In order to ensure that the program replaced detention because of an inability to make bail, defendants were excluded if they posed a low risk of failure to appear and were 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 served as case managers in both programs, conducting the intake interviews and monitoring client progress through frequent face-to-face meetings and telephone calls.

In 2016 New York City expanded Supervised Release programs to all five boroughs. The eligibility requirements and processes for screening potentially eligible defendants changed substantially. CJA continues to operate the Queens Supervised Release Program. Another organization now runs the Manhattan program.

These exhibits present data for clients enrolled in the program from January 1, 2015 until the transition of the program to another vendor on March 1, 2016. It tracks clients through June 30, 2017.

Exhibit 29 presents the number of intakes in Manhattan by month for 2015. Volume spiked with 64 in August and dipped to a low of 15 in February 2016.

Exhibit 30 shows that all clients who entered the program in 2015-2016 had completed the program by June 30, 2017. Eighty-six percent successfully completed the program, 11% had supervision revoked (because of failure to comply with program requirements, another arrest, or a failure to appear in court), and 3% were terminated for other reasons (e.g., Immigrations and Customs Enforcement (ICE) placed a hold on the defendant).

Clients often remained in the program if they were arrested on another charge or have an FTA. Completion of the program was at the discretion of the judge, and usually occurred when the case was adjudicated. The judge could have decided to revoke supervision prior to adjudication because of a warrant or detention on a re-arrest, or for some other reason.

Exhibit 44
MSR Monthly Client Volume
January 1, 2015 – February 29, 2016

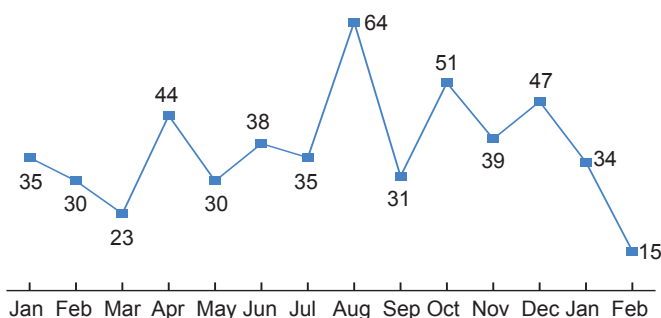


Exhibit 45
MSR Type of Completion
As of June 30, 2017 N = 516

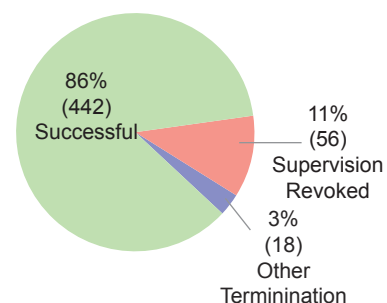
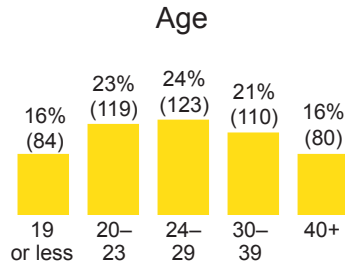


Exhibit 46

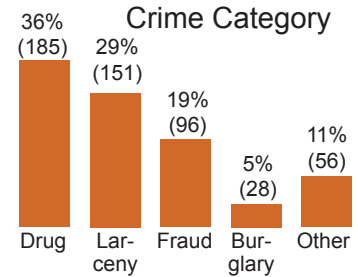
MSR Client & Case Characteristics (Clients Accepted January 2015 - February 2016)

N = 516

Sixteen percent of program clients were under 20 years of age, and 39% were age 23 or younger. Sixteen percent were age 40 or older.



Drug offenses were most common (36%), followed by larceny or possession of stolen property (29%), fraud (19%), and 5% burglary. (A few robbery charges are included in Other.)



Gender

About 78% of program clients were male, and 22% were female.

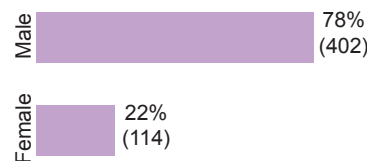
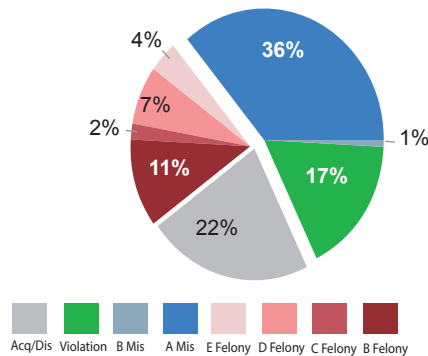


Exhibit 47

MSR Program Outcomes (Clients Accepted in January 2015 - February 2016)

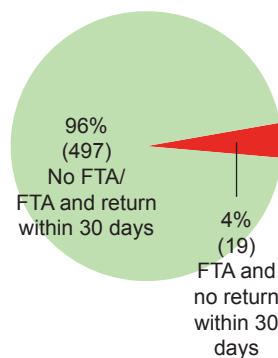
Of the 516 clients enrolled in the program in 2015-2016, 447 were convicted and sentenced, or were acquitted or had their case dismissed, by June 30, 2017. The remaining clients had ongoing cases or were awaiting sentence. Twenty-four percent were sentenced on a felony charge, 37% on a misdemeanor, 17% on a violation, and 22% received an acquittal or dismissal. Virtually all MSR clients were charged with a felony. Often the defendants enter a plea to a certain charge and after demonstrating to the judge efforts to engage in treatment and/or avoid misconduct, the severity is reduced at sentence. These numbers demonstrate the program's ability to help clients receive more favorable outcomes in their case than they may otherwise have received.

Case Outcome and Charge at Sentence N = 447

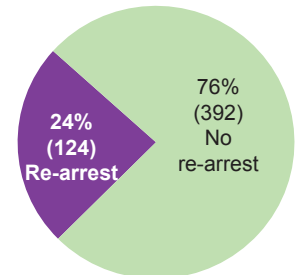


In-Program Misconduct N = 516 Completed

Adjusted Failure to Appear



Re-Arrest



Among all program clients there were 19 (4%) who had a warrant ordered for an FTA and failed to return within 30 days. 124 (24%) had a docketed in-program re-arrest. 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

Notes on this page describe changes in the court system, in data collection procedures, or in the presentation of data that affect the comparability of exhibits from one year to the next.

Charge Type & Severity Of Local Laws & Administrative Codes

Prior to 2014, the severity and crime type of many local law charges (those that are not included in the Penal Law or the Vehicle & Traffic Law) could not be reported because the codes could not be read accurately in the files that CJA processes from the NYPD and the Office of Court Administration (OCA). During 2015, CJA's Planning Department began entering manually the charge type and severity classification for nearly every local law charge, thereby reducing the large number of cases excluded from Exhibits 5, 6, and 11 because of missing data. They also retroactively updated cases from the year 2014.

In this report, less than 1% of all cases were excluded from Exhibit 6 because of missing charge severity, compared to 6% in the 2013 Annual Report. None were excluded from Exhibit 7 (offense type) in 2016, compared to 9% excluded in 2013 because of missing data. A handful were still missing a charge type in 2016, but they were included with the new category "Local Law/Other," which comprised 5% of all top charges at arraignment.

For this reason, comparing Exhibits 5 and 6 to earlier years should be done with caution. For example, the proportion of felony cases Citywide in 2015 is affected by adding a large number of Local Law and Administrative Code charges to the base number, as is the Citywide proportion of cases in each crime category.

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 has been retained permanently.

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 this report are not directly comparable to the rates presented in Annual Reports prior to 2012.

Bail Making At Arraignment

In previous years a coding error in data received from the Office of Court Administration (OCA) affected Exhibits 16-18 (in previous years the relevant exhibit was Exhibit 14). 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.

The incorrect coding began around 2006, affecting only Manhattan cases with very high bail, and it appears to have been restricted to cases in which the defendant was held pending the outcome of a bail source hearing.

The number of affected cases has fluctuated over the years. In 2014, 21% of Manhattan non-felony cases with bail over \$7,500 had a defendant who was supposedly released at arraignment. This proportion is almost certainly too high, as it is much larger than the proportions able to make lower bail at arraignment. For example, only 13% of non-felony cases with bail set at \$500 or less made bail at arraignment in 2014.

The numbers in 2015 and 2016 suggest the error may have been addressed. The rate of defendants in Manhattan making bail in higher amounts is now comparable to the other boroughs, although there is still no drop in bail-making in the highest bail range compared to the next lower range, as would be expected. At the time of the publication of this report, however, CJA had not yet been able to confirm that the coding issue was in fact fixed.

CJA Publications

For a complete list of publications and digital versions, visit www.nycja.org

Research Briefs

No. 42 Reducing Unnecessary Pretrial Detention: CJA's Manhattan Supervised Release Program (2017)

No. 41 Post-Disposition Re-Arrests of Juvenile Offenders (2016)

No. 40 Marijuana Possession Arrests in New York City - How Times Have Changed (2016)

No. 39 Re-Arrests of Homeless Defendants in New York City (2016)

No. 38 Juvenile Offenders: Re-Arrest and Court Outcomes (2015)

No. 37 Arrested and Homeless in NYC (2015)

No. 36 Impact of the Queens Supervised Release Program on Legal Outcomes (2015)

No. 35 Paying Bail By Credit Card (2014)

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)

Arrests of Juveniles

Post-Disposition Re-Arrests of Juvenile Offenders (2016)

Recidivism Among Juvenile Offenders in New York City, 2007-2012: A Comparison by Case Outcome (2015)

Annual Report on the Adult Case Processing of Juvenile Offenders in New York City (available from 1998 through 2015)

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)

Annual Report

CJA Annual Report (available from 2003-2016).

Case Processing

Misdemeanor Marijuana Arrests: New York City 2012-2014 (2015)

The Past, Present, and Possible Future of Desk Appearance Tickets in New York City (2014)

Alternatives to Incarceration

Community Supervision as a Money Bail Alternative: The Impact of CJA's Manhattan Supervised Release Program on Legal Outcomes and Pretrial Misconduct (2016)

Screening and Selecting Cases and Clients for CJA's Supervised Release Programs in Queens and Manhattan (2014)

CJA's Supervised Release Programs and Manhattan Start-Up: Case Screening and Participant Selection Process (2014)



2016 Annual Report

New York City Criminal Justice Agency, Inc.
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